



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

February 17, 2010

Regulatory Division
Jacksonville Permits Section
SAJ-2001-02226 (IP-DBH)
Modification #2

Ms. Joy Giddens
Florida Department of Transportation
Post Office Box 607
Chipley, Florida 32428

Dear Ms. Giddens:

The U.S. Army Corps of Engineers has completed the review and evaluation of your modification request received December 7, 2009. The project known as the U.S. 98 at Thomas Drive Interchange project is located in Section 32, Township 3 South, Range 15 West, Bay County, Florida.

The proposed modification is to change the mitigation condition. The condition is modified to change the required mitigation from Robinson Bayou to the debit of 2.72 credits from Ward Creek West.

The impact of your proposal on navigation and the environment have been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Randy Turner at the letterhead address, by telephone at 904-232-1670.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service

Survey: <http://per2.nwp.usace.army.mil/survey.html>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A. Pantano, Jr.', written in black ink.

Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

Copy Furnished:
CESAJ-RD-E

17 February 2010

MEMORANDUM FOR RECORD

SUBJECT: Supplement to the Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

1. Applicant: Florida Department of Transportation - District 3
Attn: Joy Giddens
1074 Highway 90
Chipley, Florida 32428

2. Reason for Supplement: The permittee requests to modify the mitigation condition that required mitigation to be accomplished as outlined with the Northwest Florida Water Management Regional Mitigation Plan with the project site located within the Robinson Bayou. The mitigation was to consist of acquisition, enhancement, and/or restoration on an unspecified number of wetland acres. Due to extreme land values and the highly urbanized nature of Robinson Bayou, mitigation within this area has not proved feasible. The request is to shift the mitigation from Robinson Bayou to Ward Creek West. Credits are available at Ward Creek West and was approved by the Interagency Review Team (IRT) on 18 & 19 November 2009 and includes 2.72 credits from the Ward Creek West ledger. The mitigation would be in-kind, i.e. palustrine wetlands, and is within the same watershed as the impacts,

3. Original Authorized Project: The placement of fill in approximately 2.13 acres of waters of the United States (wetlands) associated with the construction of an elevated flyover of U.S. Highway 98, associated exit ramps, access roads and sidewalks. The project is located at the intersection of Highway 98, Alternate Highway 98, Thomas Drive and Wildwood Drive, in Section 32, Township 3 South, Range 15 West, Bay County, Florida.

4. Endangered Species: The Corps of Engineers determined the proposed modification will have "no effect" on any federally listed species. Issuance of permit number SAJ-2001-02226 (IP-DBH) addressed any potential impacts to federally listed species.

CESAJ-RD-NJ (1145b)

SUBJECT: Supplement to the Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

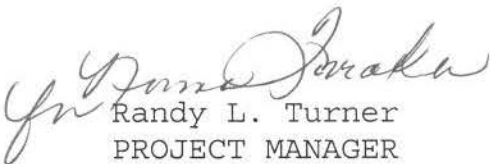
5. Essential Fish Habitat (EFH): The Corps of Engineers determined the proposed modification will have "no effect" on EFH as the project is not located within EFH.

6. Mitigation: No additional mitigation is required for the proposed modification.


7. Special Conditions: No special conditions are required for the proposed modification.

8. Determination: I have reviewed all the pertinent information and have concluded that the determinations of the permit evaluation are still valid and there have been no significant changes in the circumstances surrounding this permit since the final determination was made. Therefore, the conclusion that the permit is not contrary to the public interest, that it complies with the 404(b)(1) Guidelines, and that an Environmental Impact Statement is not required is still valid.

PREPARED BY:


Randy L. Turner
PROJECT MANAGER

REVIEWED BY:


Jeffrey S. Collins
Acting Chief, Jacksonville
Permits Section