



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32232

March 14, 2019

REPLY TO
ATTENTION OF

Regulatory Division
West Permits Branch
Tampa Permits Section
SAJ-2018-03668 (NPR-PTR)

Mr. Roberto Bonilla
Lake County Office of Parks and Trails
2401 Woodlea Road
Tavares, Florida 32778
Via Email: RBonilla@lakecountyfl.gov

Dear Mr. Bonilla:

Reference is made to the application received on December 20, 2018, for a Department of the Army (DA) for a Nationwide Permit (NWP). This request is associated with construction of a recreational park. As part of the park facilities, it is proposed to construct/install a floating canoe and kayak launch in Lake Douglas and a boardwalk/overlook in Sumner Lake as part of a multi-use trail system. The proposed project site is located at 13989 Max Hooks Road within Section 21 & 28; Township 22 South; Range 25 East; Lake County, Florida. The application has been assigned the file number SAJ-2018-01571.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States.

Corps Regulations CFR 323.2(c): Definition - Pilings - describes the definition in the regulation;

Pilings

(1) Placement of pilings in waters of the United States constitutes a discharge of fill material and requires a Section 404 permit when such placement has or would have the effect of a discharge of fill material. Examples of such activities that have the effect of a discharge of fill material include, but are not limited to, the following: Projects where the pilings are so closely spaced that sedimentation rates would be increased; projects in which the pilings themselves effectively

would replace the bottom of a water-body; projects involving the placement of pilings that would reduce the reach or impair the flow or circulation of waters of the United States; and projects involving the placement of pilings which would result in the adverse alteration or elimination of aquatic functions.

(2) Placement of pilings in waters of the United States that does not have or would not have the effect of a discharge of fill material shall not require a Section 404 permit. Placement of pilings for linear projects, such as bridges, **elevated walkways**, and power line structures, generally does not have the effect of a discharge of fill material. Furthermore, placement of pilings in waters of the United States for piers, wharves, and an individual house on stilts generally does not have the effect of a discharge of fill material. All pilings, however, placed in the *navigable waters of the United States*, as that term is defined in part 329 of this chapter, require authorization under section 10 of the Rivers and Harbors Act of 1899.

After reviewing the project information the project as proposed will not need a permit from the Corps of Engineers. It has been concluded that the pilings for the boardwalk in Lake Sumner and Lake Douglas will not have the effect of a discharge or fill because; pilings are not so closely spaced that sediment rates would increase, will not reduce the reach or impair flow or circulation, and the placement of pilings does not result in the adverse alteration or elimination of aquatic functions.

The Department of the Army recognizes that there may be waters of U.S. on site, of which are not being impacted. However, this letter is not addressing geographical jurisdiction. Should impacts to potential waters of the U.S. be proposed, please contact our office for an Approved Jurisdictional Determination (AJD) and for permitting requirements.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if federally listed species or their habitat are present on your project site. If it is determined that federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-769-0552, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Peter Romano at the letterhead address, by email at peter.t.romano@usace.army.mil, or by telephone at 813-769-7072.

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;

<http://per2.nwp.usace.army.mil/survey.html>

and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

Peter T. Romano
Project Manager

cc:

1. Mr. D.J. Silverberg, GAI Consultants, Inc. - D.Silverberg@gaiconsultants