

Mason, Heather

From: Jeff Pardue
Sent: Tuesday, September 15, 2020 10:22 AM
To: Cordwell, Jessica L CIV USARMY CESAJ (USA)
Cc: Tarah Parish; Jennifer Rosinski
Subject: FW: SAJ-2017-00767-RSIP JD Request--information request (UNCLASSIFIED)
Attachments: APT_06252020.pdf; Aerial_Update_Stormwater Ponds.pdf; Photostations_Rev1.c.pdf

Jessica – I have responded to your comments below. Please let me know if you need anything else.

W. Jeffrey Pardue CEP, M.S., M.B.A.
Senior Vice President
Breedlove Dennis & Associates, Inc.
30 East Liberty Street
Brooksville, FL 34601
352-799-9488 (Office)
407-252-1831 (Mobile)
352-799-9588 (FAX)
jpardue@bda-inc.com

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From: Cordwell, Jessica L CIV USARMY CESAJ (USA) <Jessica.L.Cordwell@usace.army.mil>
Sent: Friday, September 11, 2020 2:22 PM
To: Jennifer Rosinski <jrosinski@bda-inc.com>
Cc: Jeff Pardue <jpardue@bda-inc.com>
Subject: SAJ-2017-00767-RSIP JD Request--information request (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jenn,

I am looking over the Rick Scott AJD request to see if I catch anything that needs to be submitted/clarified before I go in deep with the review. Right now I have the following questions/request the following info:

1. Regarding W1:

- a. Is there a tributary through W1? If so, please show it on the map and label it and provide information pertaining to the flow, etc. It doesn't seem like there is, but I am not positive so I wanted to ask right away. **There is not a tributary through W1; specifically there is not a river, stream, or similar naturally occurring surface water channel. Please see photostations PS1-PS5 and PS10-PS14 in Exhibit 9 of the June 25, 2020 submittal.**
- b. If the request is saying that W1 is part of the wetlands abutting Lake Panasofkee and it has been separated from the larger part of the wetlands to the west only by a man-made barrier, we have to examine whether the barrier allows for a direct hydrologic surface connection through or over the structure at least once in a typical year. So please provide documentation supporting whether this occurs. Please refer to the Typical Year training webinar at the site provided at the bottom of the email. **Please see PS6-7 of the June 25, 2020 submittal. W1 connects under Interstate 75 via culverts thus maintaining a hydrological connection through the man made structure. Note the water mark on the concrete box culverts. Attached to this response is the Antecedent Precipitation Tool calculated for 06/25/2020 indicating that normal conditions existed in the three previous months.**

2. The request states that several ditches are (a)(2) waters because they were excavated in historical (a)(4) wetlands. A ditch may be considered an (a)(2) water when the ditch meets the flow conditions of an (a)(2) water - has perennial or intermittent surface water flow in a typical year AND contributes surface water flow to a jurisdictional water in a typical year, AND either relocates a tributary, is constructed in a tributary, or is constructed in an adjacent wetland.

For these ditches, we need to examine whether they meet all of the criteria. Please provide information supporting your conclusion that they are (a)(2)s. We need to determine whether the ditch was excavated in a wetland that would have been considered adjacent at the time of excavation. **Historic aerals were provided in the June 25, 2020 submittal. The wetlands in which the ditches were constructed were historically an extension of what we now refer to as W1. The connection and the ditch construction are best illustrated by the 1969 aerial and the 1983 aerial. Exhibit 7 in the June 25, 2020 submittal identifies hydric soil underlying the majority of these wetlands. Please see also photostations PS8, PS9, PS17, PS21, PS22, PS23 from the June 25, 2020 submittal. There was flow observed in each of these ditches hydrologically directly connected into W1 which provides intermittent flow to Lake Panasoffkee in a typical year and as indicated above, per the Antecedent Precipitation Tool, conditions were normal .**

Needs to meet these criteria:

A ditch originating in or constructed entirely within an adjacent wetland.

A ditch constructed in an adjacent wetland that contributes less than perennial or intermittent flow to a paragraph (a)(1) water in a typical year and meets the definition of both "wetlands" under paragraph (c)(16) and "adjacent wetlands" under paragraph (c)(1).

Only the portion or portions of the ditch that meets the definition of "adjacent wetland" are jurisdictional.

Downstream portion could also be jurisdictional as a tributary as long as it contributes flow to another downstream WOTUS in a typical year and meets the flow conditions of paragraph (c)(12).

Could also include ditches that are constructed through adjacent wetlands, but jurisdiction over those ditches only includes those portions in adjacent wetlands and downstream to other jurisdictional waters, as long as those portions satisfy the flow conditions of paragraph (c)(12).

Jurisdiction does not extend to upland portions of the ditch before it enters the adjacent wetland.

Historical aerals, historical topo maps and historical soil maps should help with this effort. The more you can provide, the less time it will take me to research all of this on my own. We really do have to go through a thorough examination of the resources for these calls, which takes a very long time. So I appreciate any supporting documentation you can provide. As noted above, there are flow criteria and typical year assessments that may need to be done for many of these to determine if they are (a)(2)s. Please provide information supporting intermittent or perennial flow in a typical year.

3. There are lines through W1 in a few places and I'm not sure why. If W1 is all one wetland, please remove the lines. Lines are present near PS 1, PS 12, PS 14. **Please see revised Figure 9 (attached)**

4. Several waters in your draft JD form are labeled (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. For these ponds we need to evaluate whether they meet the (b)(8) or (b)(9) exclusion. (FYI, we always need to check the (b)(2)-(b)(12) exclusions before assigning a (b)(1) exclusion.) Please provide information as to whether these ponds meet the (b)(8) or (b)(9) exclusion. **SW1, SW4-1, SW4-2, SW4-3, SW5, SW30, SW30/31, and SW31/32 were all constructed in wetlands that are non-jurisdictional waters. Please refer to historical aerals provided in the June 25, 2020 submittal.**

5. The maps/aerals provided show many other surface waters present on the site as it is in construction. Please label these surface waters on the site and provide information as to whether they meet any of the (b)(2)-(b)(12) exclusions. If they are temporary construction ponds, check (b)(9). **The surface waters that you are referring to are part of the stormwater management system for Phase 2 of the project. All were constructed in uplands or non-jurisdictional waters**

per SAJ-2017-00767 (JD-LEO). Please see the attached Aerial_Update_Stormwater Ponds. All stormwater ponds are numbered.

The Antecedent Precipitation Tool (APT) is available for public download here: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/techbio/> (under Climate and Precipitation Data and Tools) Training webinars are available here: <https://www.epa.gov/nwpr/training-and-implementation-materials>

I finished the AJD I had been working on and am now moving on to Sprayfield. I will look over the information you submitted and will contact you as needed once I have looked everything over.

Thank you and have a nice weekend,

Jessica Cordwell
U.S. Army Corps of Engineers
Tampa Permits Section
10117 Princess Palm Ave, Suite 120
Tampa, Florida 33610
813-769-7067 (office)
813-233-6877 (cell)
Jessica.L.Cordwell@usace.army.mil

*Teleworking until further notice

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*All applications must be made via the ENG 4345 form and submitted to tampareg@usace.army.mil. *Send any compliance-related documents to SAJ-RD-Enforcement@usace.army.mil.

*Download the ENG 4345 application form

here: https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2019Feb.pdf?ver=2019-03-08-083618-337

*Download the application checklist

here: http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_ENG4345fillable.pdf

-----Original Message-----

From: Cordwell, Jessica L CIV USARMY CESAJ (USA)

Sent: Thursday, September 3, 2020 5:45 PM

To: Jeff Pardue <jpardue@bda-inc.com>

Cc: Tarah Parish <tparish@bda-inc.com>; Martin L. (Marty) Dzuro (marty.dzuro@thevillages.com) <marty.dzuro@thevillages.com>

Subject: RE: SAJ-2017-00767 (JD-LEO) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jeff,

I will try to look over the JD request by next week so I can let you and Jenn know if any information is needed. That way you can be working on putting that together while I make my way down my pending list. Currently, the Rick Scott JD request is number 4 in priority. The Sprayfield JD is number 2. I am about a third of the way through number 1 on the

list. I will also try to touch base with Jenn next week on the additional info sent for the Sprayfield JD. Thank you for your patience as we work through the large influx of JDs under this new rule.

Jessica Cordwell
U.S. Army Corps of Engineers
Tampa Permits Section
10117 Princess Palm Ave, Suite 120
Tampa, Florida 33610
813-769-7067 (office)
813-233-6877 (cell)
Jessica.L.Cordwell@usace.army.mil

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here: https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2019Feb.pdf?ver=2019-03-08-083618-337

*Download the application checklist

here: http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_E_NG4345fillable.pdf

-----Original Message-----

From: Jeff Pardue [<mailto:jpardue@bda-inc.com>]

Sent: Tuesday, September 1, 2020 3:34 PM

To: Cordwell, Jessica L CIV USARMY CESAJ (USA) <Jessica.L.Cordwell@usace.army.mil>

Cc: Tarah Parish <tparish@bda-inc.com>; Martin L. (Marty) Dzuro (marty.dzuro@thevillages.com) <marty.dzuro@thevillages.com>

Subject: [Non-DoD Source] RE: SAJ-2017-00767 (JD-LEO) (UNCLASSIFIED)

Hi Jessica, I am checking in again on the PCN and Revised AJD. PCN submitted 7/17/2020; Updated AJD form 8/4/2020. I assume you have a lot on your plate however, we are getting close on time to begin the work proposed under the PCN. We recently had to submit an additional payment to maintain our mitigation credit reservation.

W. Jeffrey Pardue CEP, M.S., M.B.A.
Senior Vice President
Breedlove Dennis & Associates, Inc.
30 East Liberty Street
Brooksville, FL 34601
352-799-9488 (Office)
407-252-1831 (Mobile)
352-799-9588 (FAX)
jpardue@bda-inc.com

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-----Original Message-----

From: Cordwell, Jessica L CIV USARMY CESAJ (USA) <Jessica.L.Cordwell@usace.army.mil>
Sent: Tuesday, August 4, 2020 4:26 PM
To: Jeff Pardue <jpardue@bda-inc.com>
Cc: Tarah Parish <tparish@bda-inc.com>
Subject: RE: SAJ-2017-00767 (JD-LEO) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hello Jeff,

Sorry for the late reply. As you can imagine, since the NWPR came out, we are inundated with AJD requests. I am currently working on the oldest JDs and applications and working my way down the list, so I have not been able to dedicate time to this one yet. The Sprayfield JD and application are among those that I am focusing on now. Please let me know if the RSIP is a greater priority than the Sprayfield request and I will switch gears. I appreciate your patience.

Thank you,

Jessica Cordwell
U.S. Army Corps of Engineers
Tampa Permits Section
10117 Princess Palm Ave, Suite 120
Tampa, Florida 33610
813-769-7067 (office)
813-233-6877 (cell)
Jessica.L.Cordwell@usace.army.mil

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*Download the application checklist

here: Blockedhttp://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Checklists/Checklist_ENG4345fillable.pdf

-----Original Message-----

From: Jeff Pardue [<mailto:jpardue@bda-inc.com>]
Sent: Friday, July 31, 2020 10:29 AM
To: Cordwell, Jessica L CIV USARMY CESAJ (USA) <Jessica.L.Cordwell@usace.army.mil>

Cc: Tarah Parish <tparish@bda-inc.com>

Subject: [Non-DoD Source] SAJ-2017-00767 (JD-LEO)

Good Morning Jessica - just checking the status of this NWP 39/Revised JD; 30 days since ACOE receipt of PCN. Please advise if you need any additional information or want to make a site review.

W. Jeffrey Pardue CEP, M.S., M.B.A.

Senior Vice President

Breedlove Dennis & Associates, Inc.

30 East Liberty Street

Brooksville, FL 34601

352-799-9488 (Office)

407-252-1831 (Mobile)

352-799-9588 (FAX)

jpardue@bda-inc.com

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