



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 31, 2016

Mr. Donald W. Kinard
Chief, Regulatory Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Subject: Florida Department of Transportation and Palm Beach County; 2015-01094 (SP-RLT)

Dear Mr. Kinard:

Thank you for your March 7, 2016, letter to Heather McTeer Toney, Region 4 Administrator of the U.S. Environmental Protection Agency concerning the above referenced project. The EPA had sent the U.S. Army Corps of Engineers (COE) Clean Water Act (CWA) Section 404(q) comment letters concerning this project respectively dated September 22, 2015, and October 16, 2015, in accordance with the procedures outlined in the 1992 Memorandum of Agreement between the EPA and the COE. In your letter to the EPA dated March 7, 2016, you request that we reconsider the objections the EPA raised under the CWA Section 404(b)(1) Guidelines based on the Florida Department of Transportation (FDOT) responses to our concerns that were sent to the COE on January 25, 2016. It is also noted in the letter dated March 7, 2016, that based on this new information the COE believes the project is in compliance with the CWA Section 404(b)(1) Guidelines. In the letter dated March 7, 2016, you requested that the EPA notify you within 15 days whether the EPA will continue to object or not object to the issuance of the Section 404 permit.

As indicated in the EPA's CWA Section 404(q) comment letter referenced above, the EPA Region 4 had completed its review of the project based on the Public Notice, 2015-01094 (SP-RLT), and numerous site inspections conducted over the past several years. As stated in these letters, the EPA has concerns that the project as proposed is not in compliance with the CWA Section 404(b)(1) Guidelines. Your letter of March 7, 2016, included supplemental information provided by FDOT, which we are currently reviewing.

The EPA is appreciative of the information provided by the COE and looks forward to working together towards resolution of the outstanding issues. If you have any questions, please feel free to contact me, or

have someone from your staff contact Mr. Ron Miedema of my staff at 400 North Congress Avenue, Suite 120, West Palm Beach, Florida 33401 or by telephone at (561) 616-8741.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas McGill", written in a cursive style.

Thomas McGill
Chief
Ocean, Wetlands and Streams Protection Branch

cc: Ms. Victoria Foster, FWS, Vero Beach, Florida
Ms. Barbara Conmy, SFWMD, West Palm Beach, Florida
Ms. Jocelyn Karazsia, NMFS, West Palm Beach, Florida