

Formal Public Comment and Statement for the Record

November 6, 2025

Re: FDOT Suncoast Parkway 2 Segment 3A (FPID 442764-2) – State Environmental Impact Report (SEIR) Re-Evaluation
Approved August 2, 2024, NPR May 10, 2023

Submitted to: U.S Army Corps of Engineers, Florida Department of Transportation and Florida Department of Environmental Protection

Submitted by: Stop the Sand Mine Committee (Citrus County, Florida)

I. Executive Summary – A Permit That Never Existed

The Florida Department of Transportation (FDOT) appears to have advanced Suncoast Parkway Segment 3A to construction using a permit that never existed.

FDOT’s official State Environmental Impact Report (SEIR) Re-Evaluation—approved and electronically signed August 2, 2024 by Environmental Manager Annemarie Hammond—lists:

“State 404 Permit – Obtained 05/10/2023.”

However, the only agency action on that date was the Florida Department of Environmental Protection (FDEP) “**No Permit Required**” (NPR) determination for the same segment. An

NPR is not a permit; it is a formal statement that no §404 authorization would be issued.

By recording it as a “permit obtained,” FDOT misrepresented its regulatory status, allowing the project to move forward without the protections required under §404 of the Clean Water Act and Chapter 62-331, F.A.C.

This single entry in FDOT’s own official document is self-proving evidence of non-compliance.

II. Core Evidence of False Representation and Inadequate Jurisdictional Basis

1) Documentary Proof

- **SEIR Re-Evaluation (Aug 2, 2024):** Lists “**State 404 Permit – Obtained 05/10/2023.**”
- **FDEP NPR Letter (May 10, 2023):** States “**No Permit Required under the State 404 Program.**”
“Based on a review of the information submitted and the site inspection conducted by staff, the department has verified that the activity, as proposed, does not involve discharge of dredged or fill material into the waters of the United States and therefore does not require a permit or other form of authorization under the State 404 Program as described in Chapter 62-331, F.A.C.”
- **FDEP WOTUS Verification (DEP Nexus):** Field reviews **2/23/23** and **4/14/23**; **CWE approval 4/19/23**; concludes wetlands and surface waters are “**isolated and non-WOTUS.**”

Bottom line: An NPR is not a permit. Recording it as “permit obtained” is a material misstatement of FDOT’s §404 status and undermines the SEIR’s “Finding of No Significant Impact.”

2) Legal Distinction and Violation

Under **Clean Water Act §404(a)** and **F.A.C. 62-331**, a **permit** is a formal authorization after environmental review. An **NPR** confirms that **no authorization was issued**.

FDOT’s entry therefore misrepresents a regulatory **exemption** as a **permit issuance**, conflicting with:

- **Clean Water Act §§404 and 401**,
- **NEPA §102(2)(C)** (failure to evaluate significant impacts), and
- **F.A.C. 62-330 & 62-345** (accurate wetland and floodplain impact accounting).

3) Why the 2023 WOTUS Verification Is Inadequate

- Relies on a **2009 USACE AJD**, despite new/altered wetlands and changed hydrology.
- **Segmented** reviews for 3A and 3B obscure cumulative impacts within the **Crystal River–Kings Bay Priority Focus Area (PFA)**.
- Addresses only **surface-water jurisdiction**—no assessment of **groundwater, spring seepage, or floodplain storage**.
- A WOTUS verification **cannot convert** an NPR into a **§404 permit** or **§401 water-quality certification**.

4) Conflicts with Physical Evidence

- **2025 borings:** groundwater ~**2.3–4 ft NAVD**; near-surface limestone → evidence of **aquifer interaction**.
- **Field photos:** excavators/haul trucks **submerged to cab height** → behavior consistent with **groundwater inflow**.
- **Mapped floodplain:** location within **FEMA SFHA** (BFE approx. **8.6–12.8 ft NAVD**), conditions unsuitable for deep excavation/borrow-pit operations.

5) Systemic Implications

The false SEIR entry allowed FDOT to:

- close environmental review for Segment 3A without appropriate **§404(q)** oversight,
- advance construction and funding as if wetland authorization existed, and
- create a public record of “compliance” where no §404 permit was issued.

FDOT’s false record is enabling destructive work to advance:

- **over 70 acres of wetlands** cleared, filled, or destroyed within this short corridor,
- loss of floodplain storage and aquifer recharge capacity, and

- FDOT’s own consultant warned in March 2025 that the borrow-pit site is underlain by limestone bedrock “susceptible to dissolution and the subsequent development of karst features such as voids and sinkholes,” concluding that “the Owner must understand and accept this risk.”

Despite that warning, FDOT is proceeding with the purchase and taxpayer-funded site preparation for a new borrow pit located inside a **Priority Focus Area** and **Outstanding Florida Water** basin.

This is not a clerical error but a pattern of advancement without valid federal permits or consultation under **33 U.S.C. §1344(q)**.

III. Independent Evidence of Environmental Change and Omission

1) FDOT’s Own 2025 Borings Contradict the SEIR

Between February and March 2025, FDOT’s consultant TestLab, Inc. performed 36 geotechnical borings across the Southworth parcel and Segment 3A right-of-way. Those borings recorded groundwater at **2.3–4 ft NAVD** and limestone at or near surface —evidence of hydraulic connectivity and spring seepage consistent with the Floridan aquifer.

Despite this, the August 2024 SEIR claimed: “**No changes in impacts to Floodplains or Water Resources.**” This omission renders the SEIR scientifically obsolete and legally inaccurate.

2) Clark Hull Environmental Technical Evaluation (10/22/24)

The Clark Hull Environmental Technical Evaluation (Form 62-345.900(2), F.A.C.) identified **cold-water seep features** and **aquifer discharge** consistent with spring activity on site, contradicting FDOT's assertion that the project area is not within an OFS or spring-influenced zone.

3) Spring Verification Letter (9/21/25)

An independent field observation on **September 21, 2025** documented clear, cold-water flow and aquatic vegetation typical of a spring-fed system, corroborating both the Clark Hull analysis and the boring data showing direct aquifer interaction.

Together these records show that FDOT's **1998 environmental baseline** no longer represents the site's actual conditions.

IV. Pattern of Segmentation and Wetland Misclassification

1) Artificial Division of Segments 3A and 3B

FDOT segmented the review into 3A and 3B, avoiding comprehensive evaluation of connected wetlands and aquifer systems. This segmentation conflicts with **Clean Water Act §404(b)(1) Guidelines** (cumulative effects) and the duty to evaluate connected actions.

2) Wetland Exclusions Without Basis

FDOT's **WOTUS form (11/29/23)** classified Wetlands **23–46** as “isolated non-jurisdictional depressional wetlands” (40 C.F.R. §120.2). Yet, **FDEP field reviews in 2024** verified multiple systems (e.g., **WL-24, WL-25, WL-39**) with standing water, hydric soils, and groundwater discharge in the **PFA**. These wetlands were nevertheless excluded via the NPR mechanism subsequently misrepresented as a permit in the SEIR.

V. New Incident Near Southworth Site: Excavator Submersion and Aquifer Exposure

A) Background and Photographic Record

Residents and nearby observers reported that a large excavator became submerged during excavation activity near the planned FDOT right-of-way and the proposed Southworth Borrow Pit. Photographs and accounts show the equipment resting in a flooded pit, the operator swimming out, and a large crane brought in to remove the machine days later.

An elected official relayed that FDOT, the Turnpike Authority, and SWFWMD described the work as “**stormwater pond construction**” and claimed there was “**no breach of the aquifer,**” asserting the excavator simply “**slid in.**” Based on physical evidence and known site hydrogeology, that explanation does not align with what is shown.

B) Observed Conditions and Technical Interpretation

- Steep vertical sand walls, not the **3:1 or 4:1** slopes required for stormwater ponds.
- No visible inlet/outlet structures, erosion controls, or stabilization materials.
- Flooding from below, submerging heavy equipment to its cab—behavior typical of **groundwater inflow**, not surface runoff.

In contrast, stormwater ponds are constructed gradually, under strict depth limits to avoid intersecting the water table. Here, the fact that the hole filled with water and the excavator was submerged up to its cab indicates the crew most likely encountered a high water-table/pressurized zone—**not** something expected or permitted for a retention pond.

Additionally, **off-road articulated dump trucks** (haul trucks) lined up near the pit are typical of **sand mining/borrow pits/major fills**, not small stormwater pond work—supporting that large-volume material removal was occurring.

C) “Slide-In” Possibility and Groundwater Persistence

A partial “slide-in” could occur if saturated sand collapsed beneath the equipment, but that does not explain the **depth of submersion** or the **persistent flooding**. In sandy, high-water-table terrain, slide-ins typically follow prior **breach of the**

surficial aquifer. Once breached, groundwater rises and persists, which appears consistent with what is shown.

D) Hydrological and Environmental Risk

- Conditions are consistent with a **very shallow water table (~2–4 ft)** and minimal confining material—mirroring the 2025 borings.
- Excavation in such areas creates direct pathways for **fuel, hydraulic fluid, and sediment** to enter groundwater feeding **Crystal River and Kings Bay (OFS)**.
- Heavy equipment is not designed for immersion; even small leaks can contaminate significant volumes of groundwater.

Conclusion: This incident further indicates that the aquifer is extremely close to the surface and the area is unsuitable for deep excavation or borrow-pit mining. It underscores the need to publicly release all agency inspection notes, photos, authorizations, and any groundwater testing conducted in response.

VI. Accountability and Required Administrative Action

The cumulative record shows that FDOT and associated agencies materially misrepresented the environmental authorization status for Segment 3A, failed to disclose new hydrogeologic data, and advanced construction contrary to state

and federal requirements. Formal corrective enforcement and federal review are required.

Requested Administrative Actions

1. **Regulatory Correction and Enforcement:** FDOT/FDEP must not merely amend the SEIR record; they must void any determinations and funding decisions that relied on the false entry “**State 404 Permit – Obtained 05/10/2023.**” Agencies should issue a public correction notice clarifying that the May 10, 2023 document was an **NPR**, and must:
 - Suspend all construction and project activities relying on that misclassification until a valid **§404/§401** review is completed;
 - Initiate a full State 404 permit application for Segment 3A with inter-agency/public review (**33 C.F.R. §325.2(a)(2)**); and
 - Notify **USACE (Jacksonville District)** and **EPA Region 4** that corrective compliance is underway under **33 U.S.C. §1344(q)**.
2. **Independent Audit:** Direct FDEP and EPA Region 4 to audit NPR letters issued since Florida assumed §404 authority in 2020 to identify projects advanced without proper federal review.
3. **EPA/USACE Re-assertion:** Request EPA Region 4 and USACE to exercise **§404(q)** oversight and re-take jurisdiction for Segments 3A and 3B due to procedural/scientific deficiencies.
4. **Public Disclosure and Record Integrity:** Require publication of all boring logs, hydrologic and aquifer

evaluations, inspection records, and inter-agency communications used to justify the NPR and SEIR approvals.

5. **Acknowledgment of Record:** Pursuant to **§§119.07 and 373.026, F.S.**, provide written confirmation of receipt and recording of this public comment within **30 days**.

Public-Interest Statement

Florida's transportation agencies cannot claim a "higher standard" while advancing projects through false permit entries and ignored aquifer breaches. Treating an NPR as authorization undermines the Clean Water Act and Florida's springs-protection mandates, placing the Crystal River–Kings Bay Outstanding Florida Spring system at risk.

VII. Federal Statutory Conflicts and Violations

FDOT's wetland misclassification, segmentation, and reliance on a non-existent permit conflict with multiple federal requirements.

1. **Clean Water Act §§404 and 401**

Under **33 U.S.C. §§1344 and 1341**, any discharge of dredged or fill material into waters of the United States requires a valid **§404 permit** and **§401 certification**.

Substituting an **NPR** for a permit eliminated:

- Coordination with **EPA Region 4** and **USACE**;
- The **LEDPA** analysis (**40 C.F.R. §230.10**); and
- Public notice/comment (**33 C.F.R. §325.2(a)(2)**).

Proceeding under an NPR rather than a permit is a procedural violation of the Clean Water Act process and invalidates any claim of federal compliance.

2. **NEPA / CEQ Regulations**

By splitting Segments 3A and 3B, FDOT avoided a cumulative-impact analysis, contrary to **40 C.F.R. §1501.9** and **§1508.25**, and failed to take the “hard look” required by **42 U.S.C. §4332(2)(C)**.

3. **OFS Priority Focus Area and Floodplain Standards**

The corridor lies within the **Crystal River–Kings Bay OFS PFA** and a **FEMA SFHA**. Excavation/borrow-pit activity here conflicts with:

- **Executive Order 11988 (Floodplain Management)**;
- **44 C.F.R. §60.3 (NFIP minimum standards)**; and
- **Florida land-development requirements** for compensatory storage below BFE.

The recent excavator submersion indicates aquifer exposure and ignored floodplain protections.

4. **Duty of Accuracy and Transparency**

Under **23 U.S.C. §139** and **40 C.F.R. §1500.1(b)**, environmental documents must be accurate and objective. Recording an NPR as a permit is a material false statement when used to justify advancement or funding.

Requested Federal Actions

1. **EPA/USACE Re-assertion:** Invoke **§404(q)** to review the NPR finding and assume jurisdiction as warranted.
2. **Investigation:** EPA OIG should examine whether NPR letters are being used to bypass federal permitting.
3. **FEMA Coordination:** FEMA should evaluate excavation/floodplain activity in Segments 3A and 3B for compliance with **44 C.F.R. Part 60** and **EO 11988**.
4. **Notice of Filing:** FDOT, FDEP, EPA Region 4, and USACE must record this comment and provide written acknowledgment within **30 days**.

Conclusion

The record shows FDOT advanced Segment 3A through a false permit entry, ignored new hydrogeologic data, and proceeded with excavation that breached the aquifer within an Outstanding Florida Spring Priority Focus Area. This is not a paperwork error—it reflects a breakdown of lawful environmental governance.

The Stop the Sand Mine Committee requests that **EPA Region 4, USACE, and FEMA** initiate joint review and corrective enforcement under the **Clean Water Act, NEPA, and floodplain standards**. Until that review is complete, all activities relying on the **May 10, 2023 NPR** must be suspended.

When Florida state agencies misclassify wetlands and ignore aquifer warnings, federal law requires intervention. We respectfully request that this comment be entered into the administrative record and that written confirmation of receipt be provided to our Committee pursuant to §404(q) and §119.07, F.S.

Submitted by:

Colleen Farmer, Chair

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Stop the Sand Mine Committee

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