



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

March 7, 2019

CESAJ-RD
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-00524 (SP-JNP)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Florida Renewable Partners
Mr. Matthew Handel
700 Universe Boulevard
Juno Beach, Florida 33408

WATERWAY AND LOCATION: The project would affect waters of the United States, including wetlands, associated with unnamed tributaries to Taylor Creek. The project site is located on an undeveloped parcel, on the east side of County Road 532 (Nova Road), approximately 2.5-miles south of its intersection with State Road 520 (W. King Street), in Sections 3, 4, 9, and 10, Township 25 South, Range 24 East, in unincorporated Osceola County, Florida.

Directions to the site are as follows: From the Palm Beach Gardens field office, take Interstate 95 north to Exit 201 for FL-520 (122-miles), turn left onto FL-520 W/W King Street (8-miles), turn left on County Road 532/Nova Road (2.5-miles), the site is on the left.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.340675°N
Longitude -80.914108°W

PROJECT PURPOSE:

Basic: The basic project purpose is the generation of power.

Overall: The overall project purpose is to provide 74.5-megawatts of solar photovoltaic power generation within Osceola County.

EXISTING CONDITIONS: The project site consists of approximately 778-acres of an active cattle operation. On-site waters of the U.S, including wetlands, consist of mixed wetland hardwoods, agricultural ditches (linear wetlands), man-made cattle ponds, mixed wetland forest, wetland shrub, freshwater marsh, and wet prairie. The site is

bordered by County Road 532 (Nova Road) to the west and undeveloped forested lands to the north, south, and east; FPLs Martin-Poinsett 500-kilovolt (kV) and Midway-Poinsett 500-kV transmission lines run north-south through the western portion of the site, while the Brevard-Poinsett #1 230-kV and Poinsett-Holopaw 230-kV transmission lines run east-west along the northern property boundary.

Upland communities comprise the majority of the project site at 569.54-acres and consists of improved pasture lands and mixed hardwood-coniferous forest. Improved pastures consist of 473.29-acres located throughout the site and are actively used for cattle grazing operations. Vegetation in these areas consists of bahia grass (*Paspalum notatum*), broomsedge (*Andropogon spp.*), and carpetgrass (*Axonopus compressus*). Other vegetation in the pastures includes wax myrtle (*Morella cerifera*), groundsel tree (*Baccharis halimifolia*), and Brazilian pepper (*Schinus terebinthifolia*). Mixed hardwood-coniferous forested uplands occur in the western portion of the project site, between two pasture land areas, and in a narrow east-west trending area in the eastern portion of the site. These upland forested areas comprise approximately 96.25-acres, consisting of laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), slash pine (*Pinus elliotii*), sweetgum (*Liquidambar styraciflua*), and cabbage palm (*Sabal palmetto*), with a mid-story of wax myrtle, groundsel tree, Brazilian pepper, saw palmetto (*Serenoa repens*), and beautyberry (*Callicarpa americana*), and an understory of bahia grass, blackberry (*Rubus cuneifolius*), Bermuda grass (*Cynodon dactylon*), and broomsedge.

The remainder of the 208.46-acres of the project site consists of waters of the U.S., including wetlands. Man-made agricultural ditches (linear wetlands) and cattle ponds are located throughout the site and comprise approximately 6-acres and 0.7-acres, respectively. Both habitats support herbaceous vegetation consisting of soft rush (*Juncus effusus*), smartweed (*Persicaria punctata*), marsh pennywort (*Hydrocotyle umbellata*), curly dock (*Rumex crispus*), marsh bedstraw (*Galium triflorum*), and Bermuda grass. Mixed hardwood wetlands are located in the northeastern portion of the site and comprise 13.78-acres. Vegetation communities in these areas consists of laurel oak, sweetbay (*Magnolia virginiana*), red maple (*Acer rubrum*), American elm (*Ulmus americana*), sweetgum, and cabbage palm, with a mid-story and understory of Virginia chain fern (*Woodwardia virginica*), wax myrtle, sawgrass (*Cladium jamaicense*), sand cordgrass (*Spartina bakeri*), pickerelweed (*Pontederia cordata*), and royal fern (*Osmunda regalis*). Mixed forested wetlands comprise the largest amount of wetlands on site at approximately 96.47-acres and are located throughout the site and break up the cattle grazing lands. Vegetation in these areas consists of slash pine, laurel oak, American elm, red maple, cabbage palm, pond cypress (*Taxodium ascendens*), sweetgum, and red bay (*Persea borbonia*), with a mid-story of dwarf palmetto (*Sabal minor*), Brazilian pepper, saw palmetto, and wax myrtle, and a groundcover of bushy bluestem (*Andropogon glomeratus*), blue flag iris (*Iris virginicus*), Virginia chain fern, soft rush, swamp fern (*Blechnum serrulatum*), poison ivy (*Toxicodendron radicans*), and Bermuda grass. Wetland shrub areas comprise approximately 7.66-acres and are located sporadically within the site. Vegetation in these areas consists of wax myrtle, Brazilian pepper, cabbage palm, groundsel tree, soft rush, curly dock, pickerelweed, bushy bluestem, alligator weed (*Alternanthera philoxeroides*), and redroot (*Lachnanthes caroliniana*). Freshwater marshes make up approximately 32.17-acres of the site and

are scattered throughout the improved pasture lands. Herbaceous vegetation in these areas consists of soft rush, pickerelweed, marsh pennywort, smartweed, sawgrass, water hyssop (*Bacopa monnieri*), sand cordgrass, blue flag iris, bushy broomsedge, St. Johns wort (*Hypericum fasciculatum*), creeping primrose willow (*Ludwigia repens*), and coastal plain willow (*Salix caroliniana*). Wet prairies are also scattered throughout the project site and comprise approximately 52.01-acres. Vegetation in these areas consists of soft rush, bushy bluestem, smartweed, sand cordgrass, marsh pennywort, St. Johns wort, curly dock, marsh bedstraw, alligator weed, pickerelweed, torpedo grass (*Panicum repens*), wax myrtle, groundsel tree, live oak, and Brazilian pepper.

PROPOSED WORK: The proposed project is the construction of a 74.5-megawatt solar photovoltaic energy center, including solar arrays mounted on a racking system with inverters, transformers, substation, aerial and/or underground collection and distribution lines, unpaved access roads, stormwater management facilities, and a perimeter security fence. The proposed solar center will connect to FPLs existing Poinsett-Holopaw 230-kV transmission line. The proposed project will have permanent fill impacts to a total of 28.06-acres of wetlands, including 3.99-acres of man-made agricultural ditches, 0.46-acres of cattle ponds, 18.36-acres of freshwater marsh, and 5.25-acres of wet prairies, and an additional 37.09-acres of secondary impacts to wetlands, including for structures within 25-feet of wetlands (7.18-acres) and for constructing solar arrays within wetlands without the placement of fill (29.91-acres).

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

“Efforts to avoid and minimize wetland impacts initially focused on selection of a site that maximized acreage of uplands in proximity to the Duke/FPL transmission systems. Within the selected Site, further avoidance and minimization efforts focused upon locating the construction area so as to maximize utilization of previously-disturbed agricultural uplands and avoiding any impacts to higher-quality forested wetlands. Further minimization is proposed through installation without fill where feasible. Unavoidable wetland impacts will be compensated through purchase of 23.5 credits from the Lake Washington Mitigation Bank.”

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

“Unavoidable wetland impacts will be compensated through purchase of 23.5 credits from the Lake Washington Mitigation Bank.”

CULTURAL RESOURCES: The Corps is not aware of historic property/properties within, or in close proximity to, the permit area. The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic

Preservation, as applicable, pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

ENDANGERED SPECIES: The Corps assessed the project site for Federally listed species using the FWS' Information for Planning and Consultation (IPaC) web site, information provided by the applicant, and all available GIS data within the Corps' Resources at Risk (RAR) system, for purposes of complying with Section 7 of the ESA of 1973 (as amended).

The Corps has determined that the proposed project may affect the Eastern indigo snake (*Drymarchon corais couperi*) and American wood stork (*Mycteria americana*), and may affect, but is not likely to adversely affect, the Audubon's crested caracara (*Polyborus plancus audubonii*). The Corps will initiate formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has also determined that the proposed project would have no effect on the Florida panther (*Puma concolor coryi*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub-jay (*Aphelocoma coerulescens*), ivory-billed woodpecker (*Campephilus principalis*), red-cockaded woodpecker (*Picoides borealis*), blue-tail mole skink (*Eumeces egregius lividus*), sand skink (*Neoseps reynoldsi*), Britton's beargrass (*Nolina brittoniana*), Florida bonamia (*Bonamia grandiflora*), Lewton's polygala (*Polygala lewtonii*), papery whitlow-wort (*Paronychia chartacea*), pigeon wings (*Clitoria fragrans*), pygmy fringe-tree (*Chionanthus pygmaeus*), sandlace (*Polygonella myriophylla*), scrub buckwheat (*Eriogonum longifolium* var. *gnaphalifolium*), scrub lupine (*Lupinus aridorum*), scrub plum (*Prunus geniculata*), and wide-leaf warea (*Warea amplexifolia*), or their designated, or proposed for designation, critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The site does not contain EFH and the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Palm Beach

Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 or to the email address of the Project Manager noted below, within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Mr. John Policarpo, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, by electronic mail at John.N.Policarpo@usace.army.mil, by facsimile transmission at (561) 626-6970, or by telephone at (561) 472-3518.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

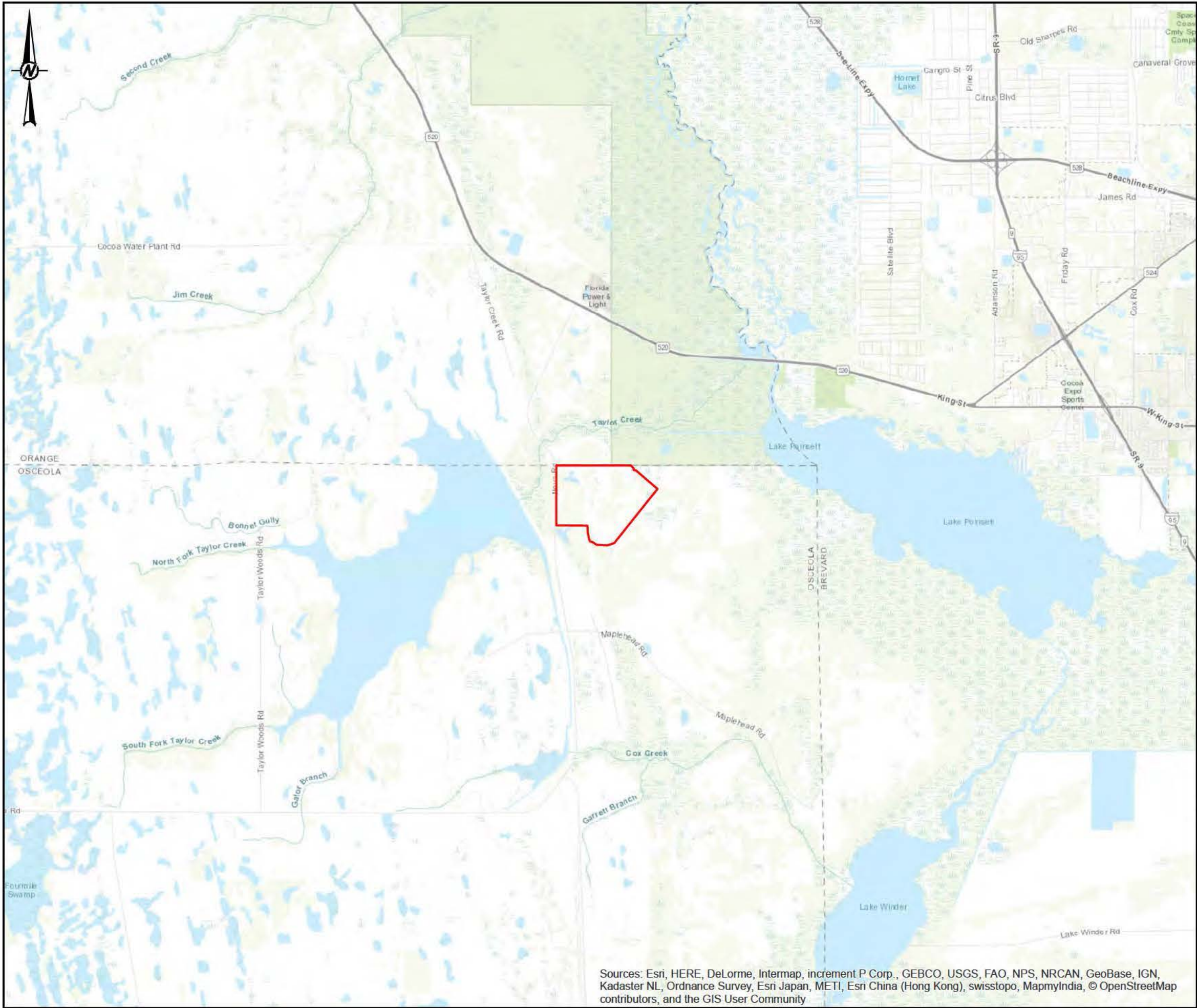
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including cumulative impacts thereof, among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

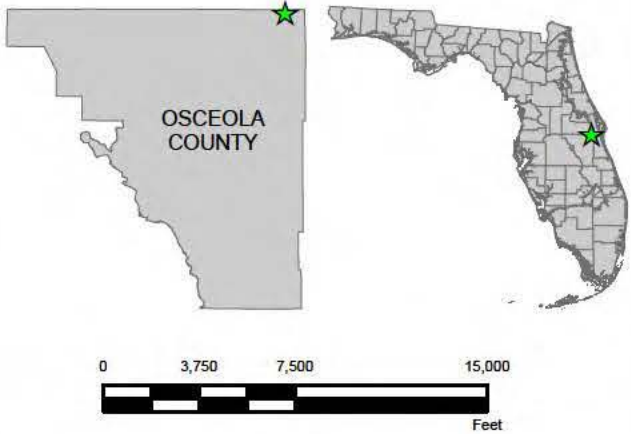
Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



- LEGEND
- ★ Project Location
 - ▭ Project Boundary



REFERENCE(S)
1. PROJECT BOUNDARY: POINSETT SOLAR, LLC 2018
2. COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET
PROJECTION: TRANSVERSE MERCATOR
DATUM: NORTH AMERICAN 1983

CLIENT
POINSETT SOLAR, LLC

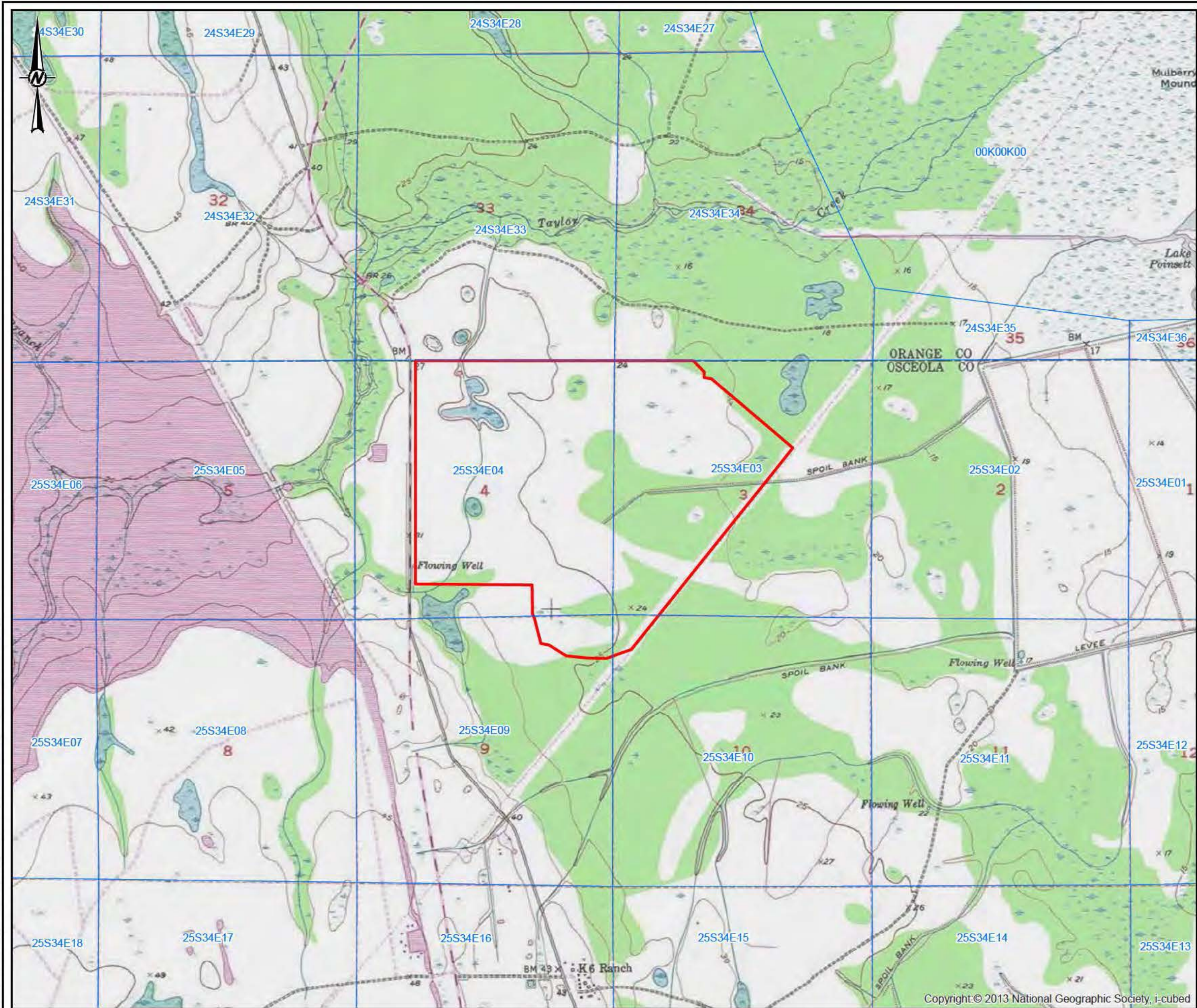
PROJECT
POINSETT SOLAR ENERGY CENTER
ENVIRONMENTAL RESOURCE PERMIT

TITLE
SITE LOCATION MAP

CONSULTANT:	YYYY-MM-DD	2018-07-05
	DESIGNED	JGW
	PREPARED	JGW
	REVIEWED	KAB
	APPROVED	KAB



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



LEGEND

- ▬ Project Boundary
- ▬ Florida Public Land Survey System (Township/Range/Section)



REFERENCE(S)
1. PROJECT BOUNDARY; POINSETT SOLAR, LLC 2018
2. PLSS: FDEP 2018
3. COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET
PROJECTION: TRANSVERSE MERCATOR
DATUM: NORTH AMERICAN 1983

CLIENT
POINSETT SOLAR, LLC

PROJECT
POINSETT SOLAR ENERGY CENTER
ENVIRONMENTAL RESOURCE PERMIT

TITLE
USGS TOPOGRAPHIC

CONSULTANT:	YYYY-MM-DD	2018-07-05
	DESIGNED	JGW
	PREPARED	JGW
	REVIEWED	KAB
	APPROVED	KAB



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PROJECT NO. 1791119 CONTROL B002 REV. 0

FIGURE 2



LEGEND

Project Location

Land Use

211: Improved Pastures

434: Hardwood-Coniferous Mixed

511: Ditches

534: Reservoirs Less Than 10 Acres (4 Hectares) Which Are Dominant Features

630: Wetland Forested Mixed

631: Wetland Shrub

641: Freshwater Marshes

643: Wet Prairies

03507001400

Feet

REFERENCE(S)

1. PROJECT BOUNDARY; POINSETT SOLAR, LLC 2018

2. LAND USE; GOLDER ASSOCIATES, NC. 2018

3. COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET

PROJECTION: TRANSVERSE MERCATOR

DATUM: NORTH AMERICAN 1983

CLIENT

POINSETT SOLAR, LLC

PROJECT

POINSETT SOLAR ENERGY CENTER

ENVIRONMENTAL RESOURCE PERMIT

TITLE

LAND USE MAP

CONSULTANT

GOLDER

YYYY-MM-DD

2018-07-02

DESIGNED

JGW

PREPARED

JGW

REVIEWED

KAB

APPROVED

KAB

PROJECT NO.

1791119

CONTROL

B004

REV.

0

FIGURE

4

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM AND IS

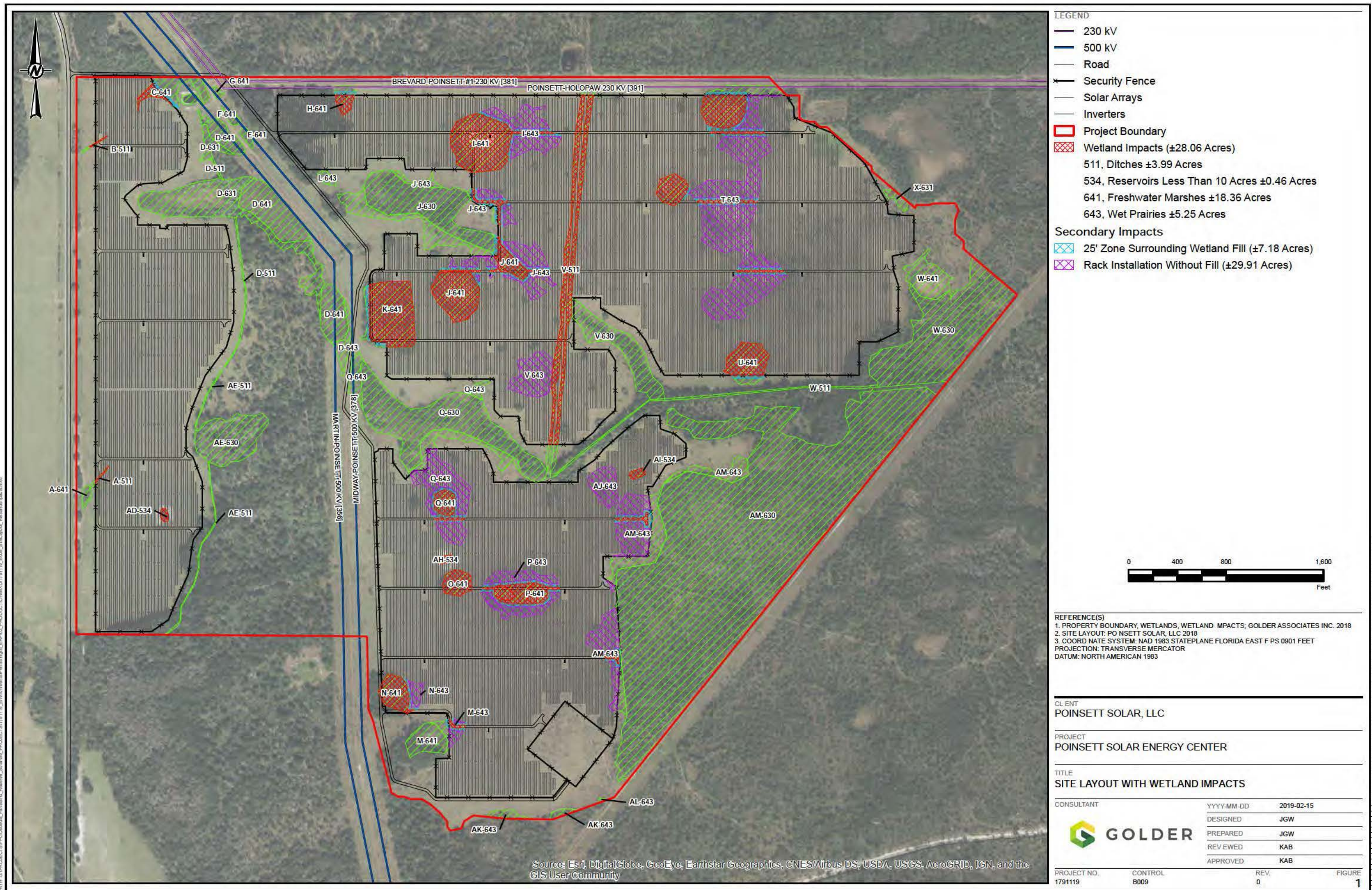


Table 1 - Project Wetland (WL) and Other Surface Water (SW) and Impact Summary

WL & SW ID	WL & SW TYPE (FLUCFCS)	WL & SW SIZE (ac.) ON SITE	WL & SW ACRES NOT IMPACTED	PERMANENT IMPACTS TO WL & SW		SECONDARY IMPACTS TO WL & SW		MITIGATION CREDITS*
				IMPACT SIZE (acres)	IMPACT CODE	IMPACT SIZE (acres)	IMPACT CODE	
A	511	0.07	0.03	0.04	Fill			0.017
A	641	0.22	0.22					
B	511	0.06	0.02	0.04	Fill			0.017
C	641	1.58	1.10	0.32	Fill	0.16	H	0.202 (F) 0.025 (H)
D	511	0.36	0.36					
D	631	7.33	7.33					
D	641	6.47	6.47					
D	643	0.76	0.76					
E	641	0.21	0.21					
F	641	0.19	0.19					
G	641	0.13	0.13					
H	641	0.67	0.18	0.40	Fill	0.09	H	0.252(F); 0.014(H)
I	641	4.38	0	4.38	Fill			2.759
I	643	3.06	0	0.12	Fill	0.69	H	0.072(F); 0.104(H); 0.45(R)
						2.25	R	
J	630	6.43	6.43					
J	641	3.67	0.00	3.58	Fill	0.09	H	2.2554 (F) 0.014 (H)
J	643	7.53	3.07	0.49	Fill	1.38	H	0.3 (F) 0.207 (H) 0.518(R)
						2.59	R	
K	641	4.62	0.14	4.22	Fill	0.26	H	2.6649(F) 0.04095 (H)
L	643	0.28	0.28					
M	641	1.48	1.48					
M	643	0.77	0.25	0.08	Fill	0.19	H	0.048 (F) 0.0285 (H) 0.05 (R)
						0.25	R	
N	641	1.28	0.00	1.28	Fill			0.8064 (F)
N	643	0.58	0.00	0.02	Fill	0.18	H	0.012 (F) 0.027 (H) 0.076 (R)
						0.38	R	
O	641	0.92	0	0.92	Fill			0.580
P	641	0.84	0	0.84	Fill			0.529
P	643	3.55	0	0.71	Fill	0.81	H	0.426 (F); 0.122 (H); 0.406 (R)
						2.03	R	

WL & SW ID	WL & SW TYPE (FLUCFCS)	WL & SW SIZE (ac.) ON SITE	WL & SW ACRES NOT IMPACTED	PERMANENT IMPACTS TO WL & SW		SECONDARY IMPACTS TO WL & SW		MITIGATION CREDITS*
				IMPACT SIZE (acres)	IMPACT CODE	IMPACT SIZE (acres)	IMPACT CODE	
Q	630	10.36	10.36					
Q	641	0.69	0.00	0.69	Fill			0.4347 (F)
Q	643	6.43	2.54	0.09	Fill	0.62	H	0.054 (F) 0.093 (H) 0.636 (R)
						3.18	R	
T	643	17.74	0.79	3.50	Fill	1.94	H	2.1 (F) 0.291 (H) 2.302 (R)
						11.51	R	
U	641	2.07	0.19	1.74	Fill	0.14	H	1.0962 (F) 0.02205 (H)
V	511	4.28	0.37	3.91	Fill			1.68
V	630	3.59	3.59					
V	643	2.20	0.00			2.20	R	0.44
W	511	0.86	0.86					
W	617	13.78	13.78					
W	641	1.42	1.42					
X	631	0.34	0.34					
AD	534	0.13	0	0.13	Fill			N/A
AE	511	0.37	0.37					
AE	630	4.15	4.15					
AF	534	0.24	0.24					
AH	534	0.15	0	0.15	Fill			N/A
AI	534	0.18	0	0.18	Fill			N/A
AJ	643	1.33	0			1.33	R	0.266
AK	643	0.62	0.62					
AL	643	0.03	0.03					
AM	630	71.88	71.88					
AM	643	8.53	3.48	0.23	Fill	0.63	H	0.138 (F) 0.0945 (H) 0.84 (R)
						4.19	R	
Totals		208.81	143.66	28.06		37.09		23.50

* See summary table below for UMAM scores and mitigation credit calculations

H = potential secondary impacts to hydrology resulting from placement of fill material within 25' of wetland

R = secondary wetland impacts due to installation of solar rack supports within wetland without fill

WETLAND IMPACT SUMMARY

Wetland Type (FLUCFCS)	UMAM	Impact Acreage (Fill)	Secondary Impact		Functional Loss (UMAM Credits)
			Installation of Solar Rack Supports ^a	25' Zone from Wetland Fill ^b	
Ditches (511)	0.43	3.99			1.72
Cattle Ponds (534)	0.43	0.46			N/A
Freshwater Marsh (641)	0.63	18.36		0.75	11.68
Wet Prairie (643)	0.6	5.25	29.91	6.43	10.10
TOTAL		28.06	29.91	7.18	23.50

^a Rack supports installed without fill - functional loss of 0.2 per acre (post-construction UMAM of 0.4)

^b Functional loss for potential secondary impacts adjacent to areas of fill calculated as acreage x UMAM score x 0.25

Lake Washington Mitigation Bank: 23.50 credits