



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

March 11, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2018-02465(SP-AWP)

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: Orange County Capital Projects
Attn: Scott Reekie
400 E. South Street, 5th Floor
Orlando, Florida 32801

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Lake Hart. The project site is located at an unassigned address on Moss Park Road, east of Fire Station 77, in Section 15, Township 24 South, Range 31 East, Orange County, Florida.

Directions to the site are as follows: SR 417 to Moss Park Road, Heading East on Moss Park Road, Approximately 2 miles, the parcel is located adjacent to Fire Station 77, on north side of Moss Park Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.4003°
Longitude -81.2047°

PROJECT PURPOSE:

Basic: Recreational Fields

Overall: Construct a park and recreation facility including patron parking, playground, open play area, concession building, multi-purpose sport courts servicing the Moss Park planned development / Development of Regional Impact.

EXISTING CONDITIONS: The 16.85 acre project area currently supports six land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCCS, FDOT, January 1999). The jurisdictional wetland communities consist of Hydric Pine Flatwoods – 625, Mixed Wetland Forest – 630, and Freshwater Marshes – 641A. The on-site upland land use type/vegetative communities consists of Pine

Flatwoods – 411, Live Oak – 427, and Rural Land in Transition without Positive Indicators of Intended Activity – 741.

Vegetative descriptions will be provided upon request.

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material into 0.97 acre of waters of the United States (wetlands) to recreational multi-purpose sport fields and associated drainage features.

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: Sports fields have been moved as far south as possible on the design while the stormwater pond provides a buffer to off-site wetlands to the south. Parking has been placed along Moss Park Road to minimize associated light and noise impacts to the wetlands approximately 180 feet to the east. The project will be designed to minimize light impacts to adjacent wetlands.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Purchase of federally approved credits from a federally approved mitigation bank who services the project site.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The property is located within the United States Fish and Wildlife Service's (FWS) Consultation Area for the eastern indigo snake, wood stork, Florida scrub-jay, Audubon's crested caracara, Everglades snail kite, sand skink, and Florida scrub jay. The proposed project site does not contain habitat suitable for Audubon's crested caracara, Everglades snail kite, sand skink, or Florida scrub jay. None of these species were observed within the proposed project area. The Corps has determined the proposed work would have no effect to Audubon's crested caracara, Everglades snail kite, sand skink, or Florida scrub jay.

The Corps completed an evaluation of the project based upon the August 13, 2013 updated addendum to the January 2010 North and South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Eastern Indigo Snake. Use of the Key for the Eastern Indigo Snake resulted in the following sequential determination: A (The project is not located in open water or salt marsh.) >B (The permit will be conditioned for use of the Service's Standard Protection Measures for the Eastern Indigo Snake during site preparation and protection construction.) >C (There are gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities.) >D (The project will impact less than 25

acres of xeric habitat (scrub, sandhill, or scrubby flatwoods) and less than 25 active and inactive gopher tortoise burrows.) >E (Any permit will be conditioned such that all gopher tortoise burrows, active or inactive, will be evacuated prior to site manipulation in the vicinity of the burrow. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Any permit will also be conditioned such that holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and, if occupied by an indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.) = Not Likely to Adversely Affect (NLAA) with the applicant adherence to the standard protection measures for the Eastern Indigo Snake. Based upon the NLAA determination for the Eastern Indigo Snake no further coordination is required.

Based upon review of the Wood Stork Key for Central and North Peninsular Florida dated September 2008, the proposed project resulted in the following sequential determination: A > B > C > D > E = "Not likely to adversely affect" the wood stork. This determination is based on the project not being located within 2,500 feet of an active colony site; impacts to suitable foraging habitat (SFH), project impacts to SFH are greater than 0.5 acre, project impacts to SFH are within the CFA of a colony site, or wood storks have been documented foraging on a project site outside the CFA, project provides SFH compensation in accordance with the Clean Water Act section 404(b)(1) guidelines and is not contrary to the Habitat Management Guidelines; habitat compensation is within the appropriate CFA or within the service area of a Service-approved mitigation bank.

ESSENTIAL FISH HABITAT (EFH): The proposed work would have no effect to EFH.

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 Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926 within 21 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, Andrew Phillips, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at andrew.w.phillips@usace.army.mil; by facsimile transmission at (321)504-3803; or, by telephone at (321)504-3771 extension 14.

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.

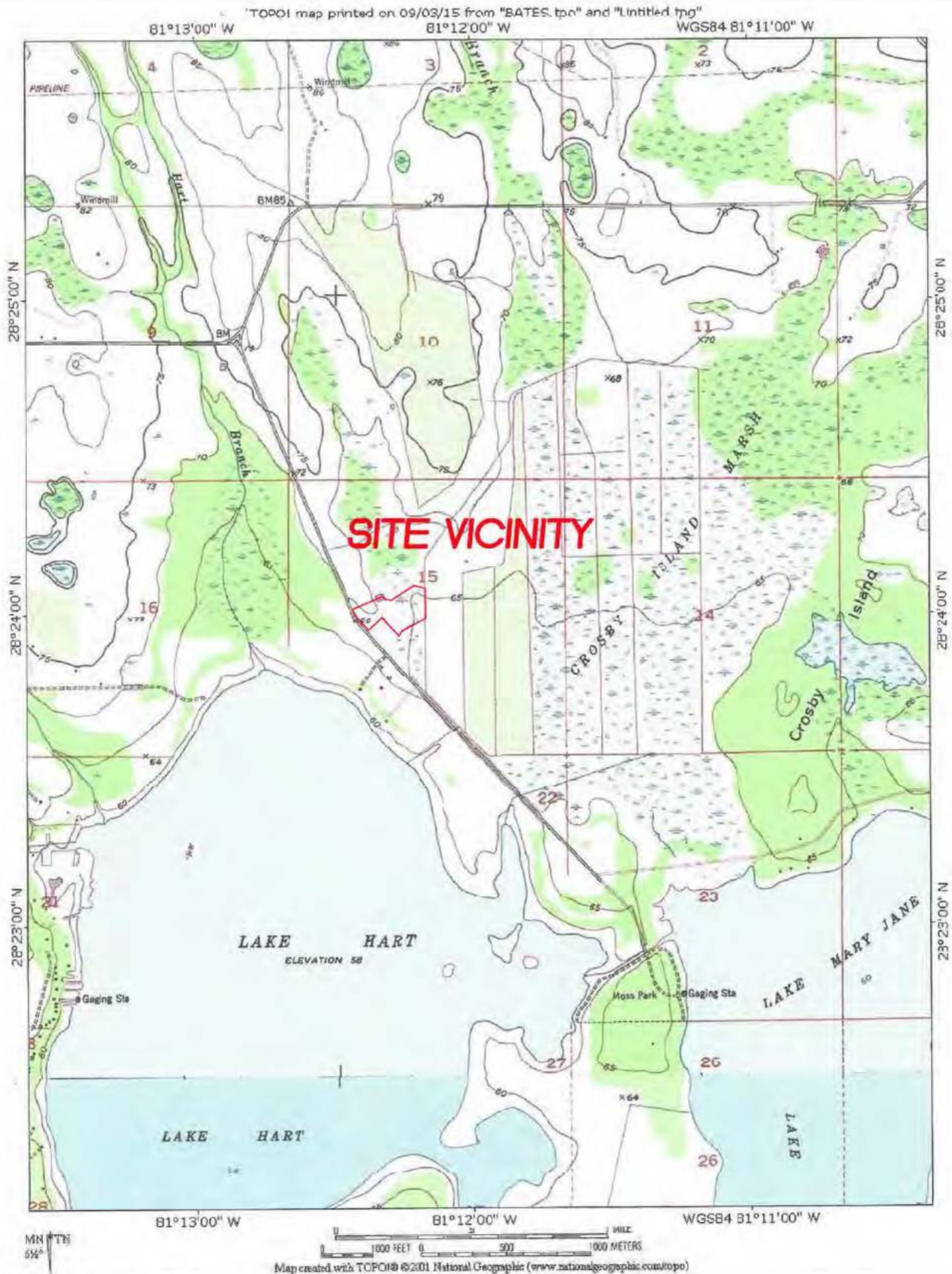
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which 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.

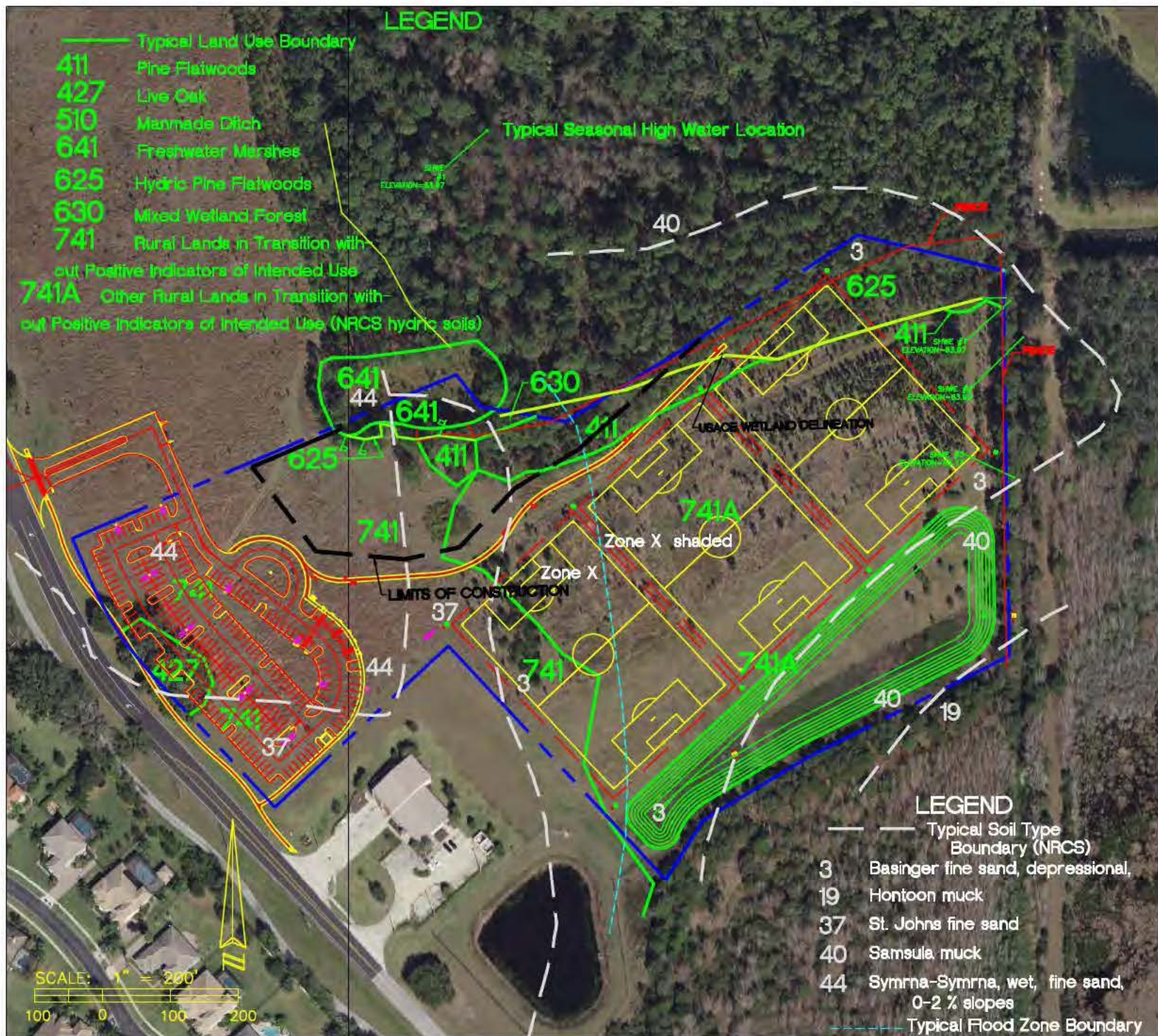
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.



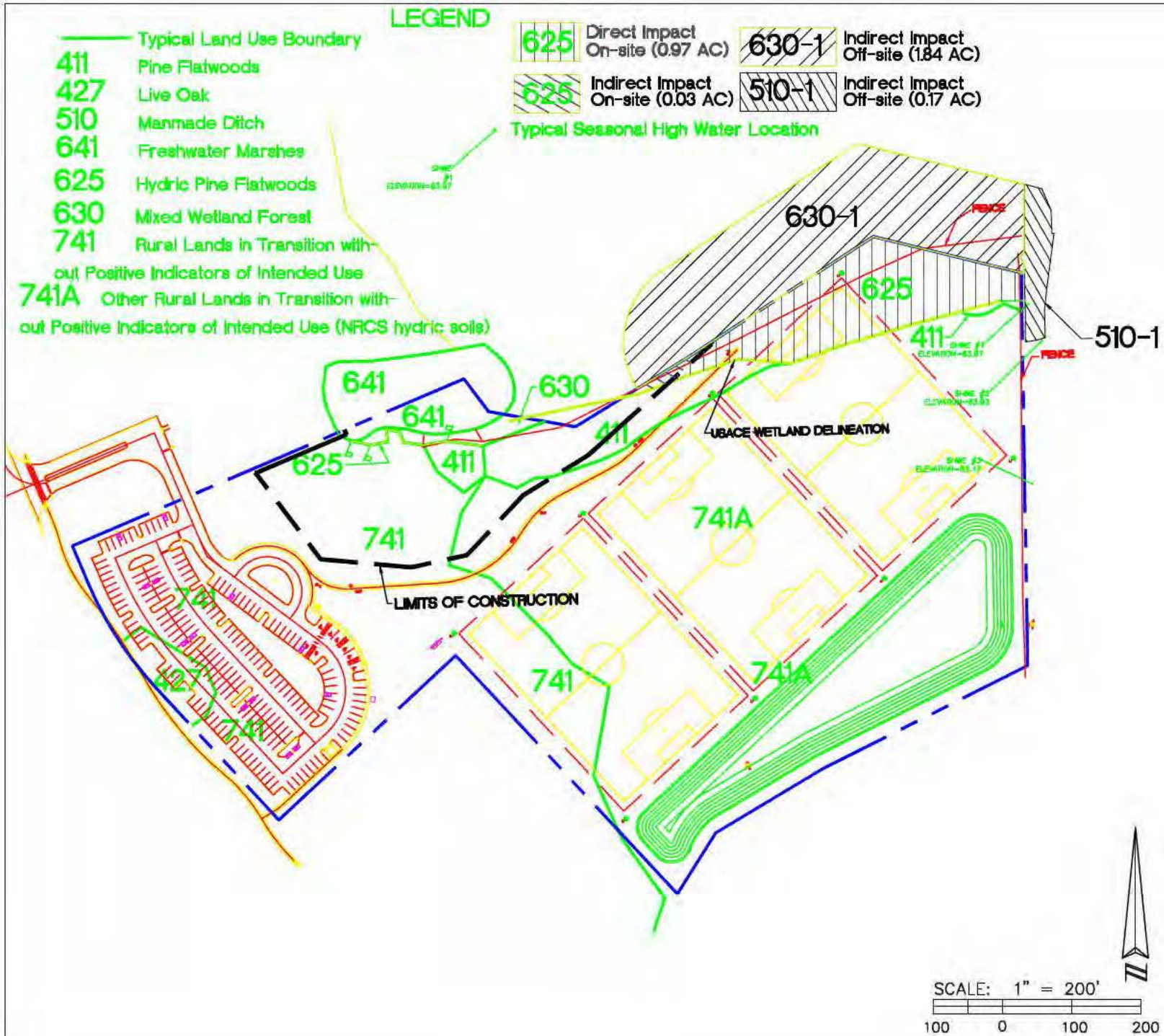


Base Map Source: 2017 FDOT APLUS AERIAL

PARCEL J COMMUNITY PARK
ORANGE COUNTY, FLORIDA

**FIGURE 2: NATURAL FEATURES MAP
FOR USAGE**

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Site Plan Source: SK Consortium, Inc.

PARCEL J COMMUNITY PARK
ORANGE COUNTY, FLORIDA

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EXHIBIT 1: SITE PLAN WITH WETLAND IMPACTS FOR USAGE