



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section

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

July 8, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2017-02936 (SP-JSC)

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: Princeton Oaks Industrial Investors II, LLC
c/o Moses Salcido
420 South Orange Avenue, Suite 950
Orlando, Florida 32801

WATERWAY AND LOCATION: The 63.1 ± acre Princeton Oaks North project would affect waters of the United States associated with the Wekiva River Basin, which is part of the Middle St. Johns River Watershed (HUC 030801011404). The project site is located in the City of Orlando, west of John Young Parkway and bounded to the south by WD Judge Drive, within Section 21, Township 22 South, Range 29 East in Orange County, Florida.

Directions to the site are as follows: From the intersection of Interstate 4 and State Road 50 (SR 50), head west on SR 50 (West Colonial Drive) approximately 1.9 miles to its intersection with North John Young Parkway (JYP). Take a right (i.e., head north) onto JYP for approximately 0.5 mile to its intersection with WD Judge Drive. Take a left (i.e., head west) onto WD Judge Drive for approximately 0.6 mile and the site's southernmost extent can be accessed from the north side of WD Judge Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.56409°
Longitude -81.42303°

PROJECT PURPOSE:

Basic: Industrial construction.

Overall: The overall project purpose is the development of a distribution facility with access to major roadway networks in western Orlando, Orange County, Florida.

EXISTING CONDITIONS: The project site currently supports four 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, 1999). The on-site upland land use types/vegetative communities are classified as Improved Pasture (FLUCCS 211) and Hardwood-Conifer Mixed (FLUCCS 434), which together cover the majority (approximately 40.95 acres) of the project site. The federally-jurisdictional wetland vegetative communities (i.e. waters of the United States (WoUS)) include three distinct areas classified as Wetland Forested Mixed (FLUCCS 630) measuring 16.76 acres, 0.19 acre, and 1.56 acres (totaling 18.51 acres). One other area designated as a WoUS is a portion of the Fairvilla Canal that passes along the northern property boundary. This vegetative community/land use is classified as Streams and Waterways (FLUCCS 510) and measures 0.36 acres. The following provides a brief description of the on-site land use types/vegetative communities:

Improved Pasture (FLUCCS 211) – This vegetative community represents approximately 16.36 acres of the property. It is either devoid of tree cover or has sporadic canopy or subcanopy components, typically live, laurel, or hybridized oaks. The dominant herbaceous vegetation is bahiagrass, with a mixture of other native pasture grasses. This area was primarily utilized as improved pasture.

Hardwood-Conifer Mixed (FLUCCS 434) – This vegetative community represented approximately 24.59 acres of the property. The canopy is a mixture of slash and longleaf pine; laurel, live, and diamond-leaf oaks; cabbage palm, cedar, and various hardwood species. The herbaceous layer, when not shaded out, is similar in composition to that of the improved pasture area and surrounding uplands.

Streams and Waterways (FLUCCS 510) – This vegetative community represented approximately 2.76 acres of the property. It is composed of an excavated drainage canal (Fairvilla Canal) with steep banks and occasional emergent hydrophytic vegetation, as well as an excavated drainage ditch internal to the property.

Wetland Forested Mixed (FLUCCS 630) – This vegetative community represented approximately 19.34 acres of the property. These wetland areas are typically historical cypress sloughs and/or domes that through logging and/or hydrologic changes (e.g., draining from ditches onsite and the nearby Fairvilla Canal) have transitioned into a mix of hardwood species with occasional cypress. Typical species include mesic oaks, bays, red maple, black gum, and dahoon holly. Many snags and dead/dying trees were observed along the margins of these communities due to the altered hydrologic regime on the property.

PROPOSED WORK: The applicant seeks authorization to fill and/or convert 4.32 acres of waters of the United States (WoUS) to non-jurisdictional features for construction of the Princeton Oaks North distribution facility.

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:

“The applicant identified this area specifically as a target location. They chose this due to its regional location within the warehousing/industrial complex of western Orlando and the Silver Star submarket with proximity to existing industrial properties (e.g., the Princeton Oaks Commerce Center to the north, the Princeton Oaks Industrial facility to the south, and the Frito-Lay facility south of WD Judge Drive). No alternative sites had a spatial configuration that allowed for the proposed development that allowed for less impact to waters of the US.” Proposed fills in WoUS have been reduced 13.6 acres, from 17.94 acres in the November 1, 2017 public notice to 4.32 acres in the current site plan.

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

“Mitigation to offset the functional losses from the unavoidable impacts to 4.32 acres of jurisdictional wetlands will consist of the purchase of federal mitigation bank credits from the Wekiva River Mitigation Bank.”

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. In August 2016, a Cultural Resource Assessment Survey was prepared for the property by Archaeological Consultants, Inc., and submitted to Florida’s Division of Historical Resources and State Historic Preservation Officer. Based on the report, the Corps determined the proposed project will have no effect on cultural resources and that no further investigation is required (DHR No. 2017-5186). 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 proposed activity is within the Core Foraging Area (CFA) of a wood stork rookery; the project supports marginally Suitable Foraging Habitat (SFH) for wood stork. Based on the *Effect Determination Key for the Wood Stork in Central and North Peninsular Florida* (dated September 2008), the Corps determination sequence was A>B>C>E = “may affect, not likely to adversely affect”. The determination is supported by SFH compensation provided within the service area of a mitigation bank which covers the CFA, and provides an amount of habitat and foraging function equivalent to that of impacted SFH; is not contrary to the Service’s *Habitat Management Guidelines For The Wood Stork In The Southeast Region* and in accordance with the CWA Section 404(b)(1) guidelines. The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through the use of the aforementioned determination key.

The Corps has determined the proposed project “may affect, but is not likely to adversely affect” the Eastern Indigo Snake. Based on the Eastern Indigo Snake Effect Determination Key (dated January 25, 2010; August 13, 2013 Addendum), the Corps determination sequence is as follows: 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 supporting 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) = NLAA. The permittee agrees to use the Standard Protection Measures for the Eastern Indigo Snake (dated August 12, 2013). 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. The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through the use of the aforementioned determination key.

The project is within the Consultation Area for Florida scrub jay, sand skink/blue-tail mole skink, and Everglades Snail Kite. Based on existing habitat types, the Corps preliminarily determined the project will have no effect on these species.

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 proposal would impact approximately 4.32 acres of wetland forested mixed community located in the headwaters of the Wekiva River. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in either the Wekiva or upper St. Johns River. 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 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, Jeffrey Collins, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida, 32926; by electronic mail at Jeffrey.S.Collins@usace.army.mil; by fax at (321) 504-3803, or by telephone at (321) 504-3771 extension 13.

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.

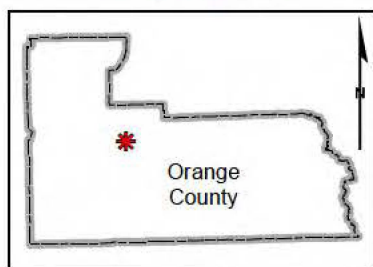
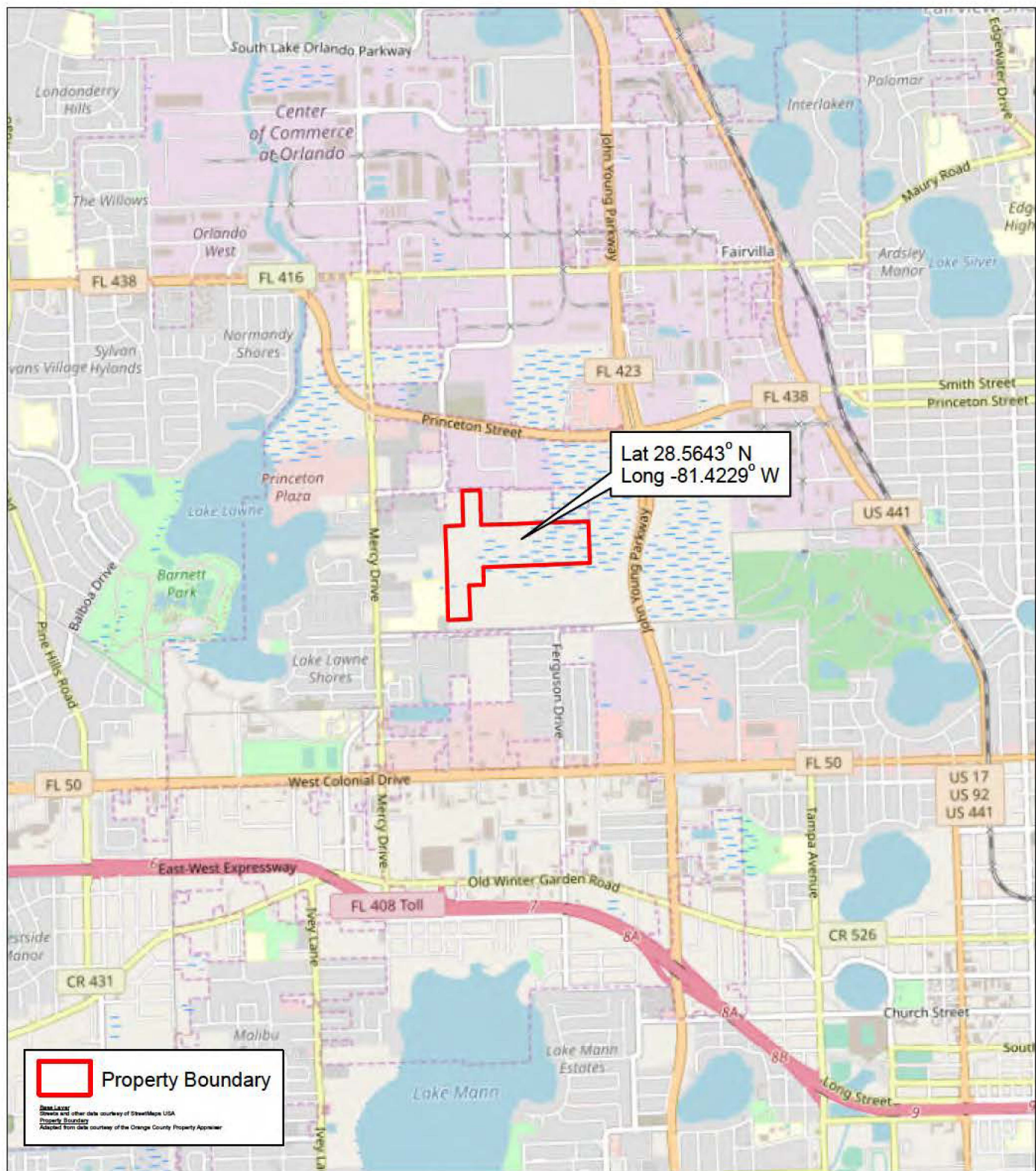
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 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.



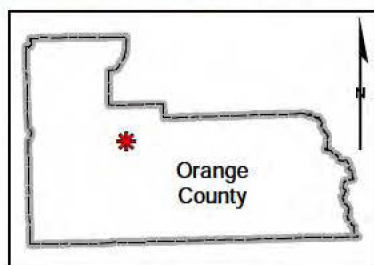
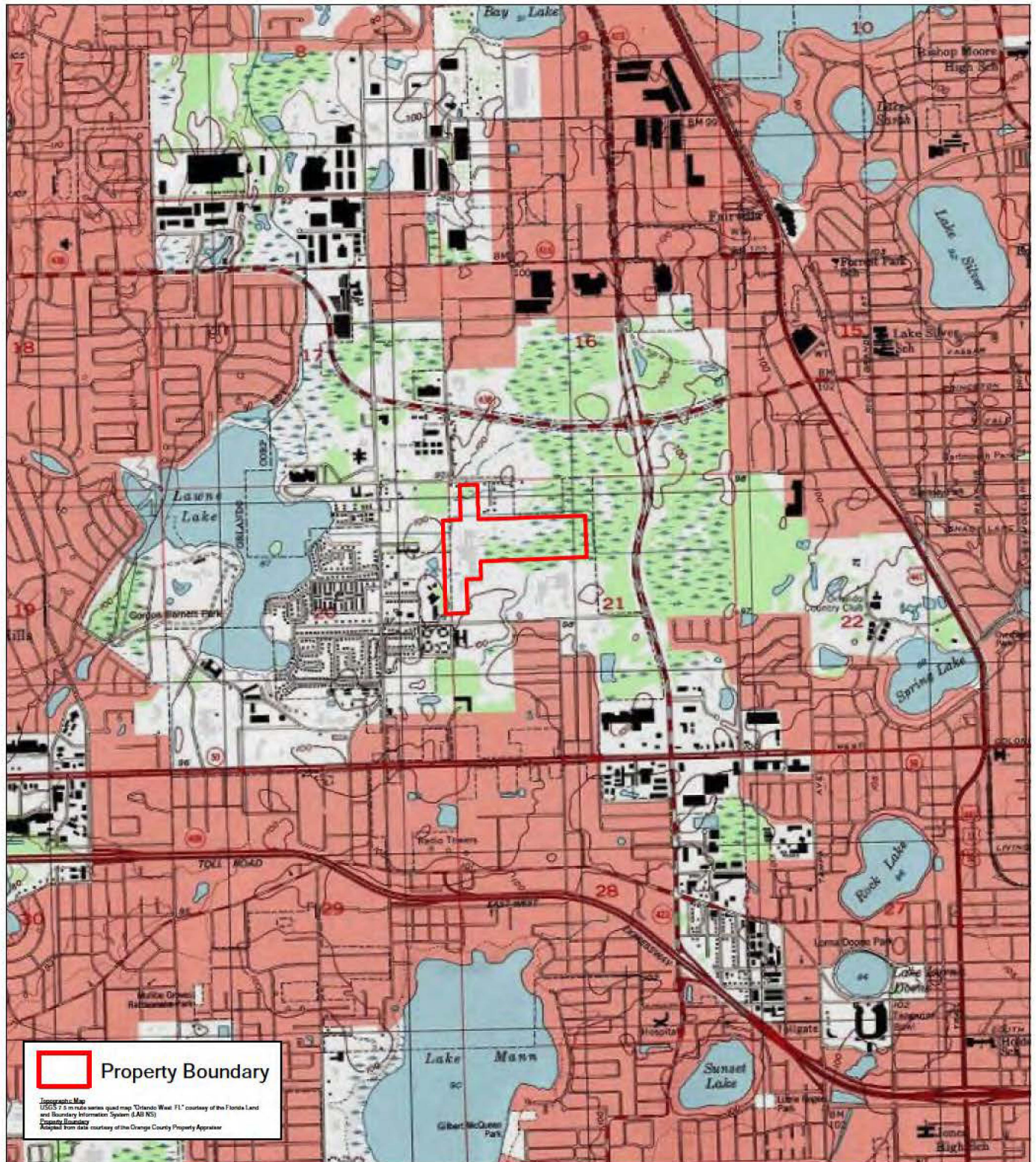
General Location

0 0.25 0.5
1" = 0.5 Mile



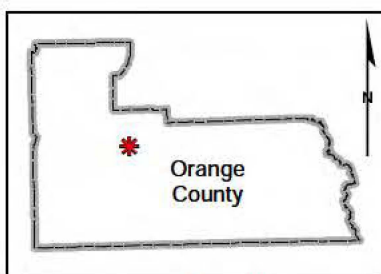
2324 LEU ROAD ORLANDO, FLORIDA 32803
TEL 407.374.3681 CELL 407.405.8725
WWW.THOMSONENV.COM

Figure 1
Location Map
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E



General Location

Figure 4
Topographic Map
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E

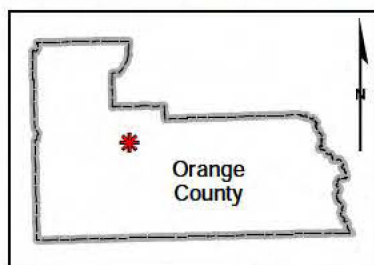
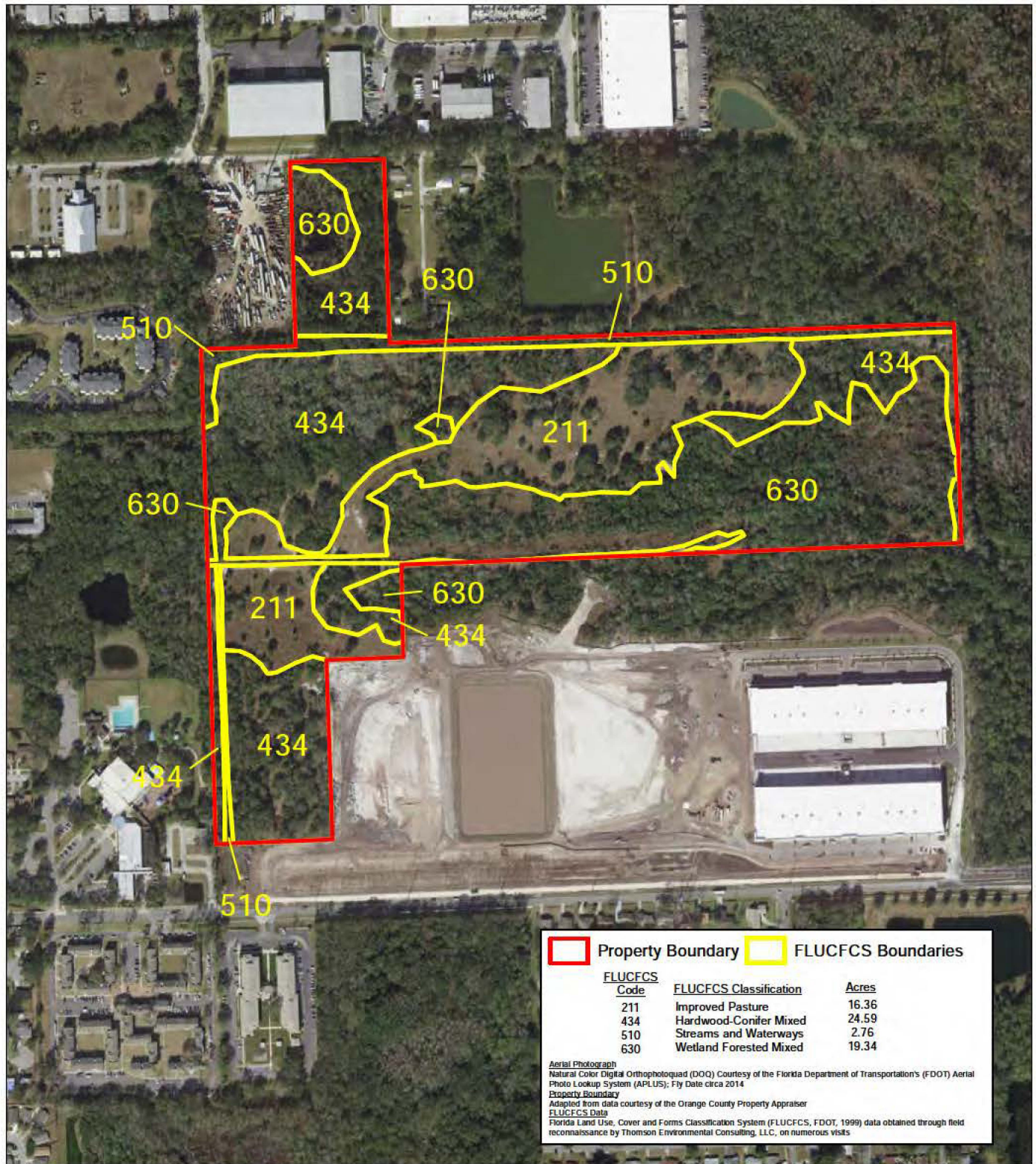


General Location

0 250 500
1" = 500'

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ENVIRONMENTAL CONSULTING
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Figure 2
Soils Map
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E



General Location

0 250 500
1" = 500'

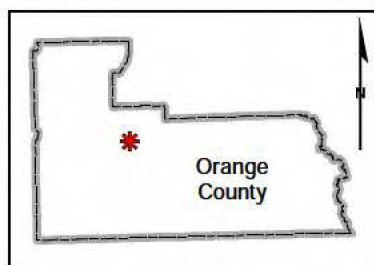


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Figure 3
Pre-Development Land Use Map
Princeton Oaks
Orlando, Orange County, Florida

Section 21, Township 22 S, Range 29 E

thomson project no. 19-263-G



General Location

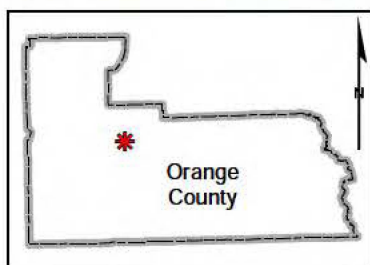
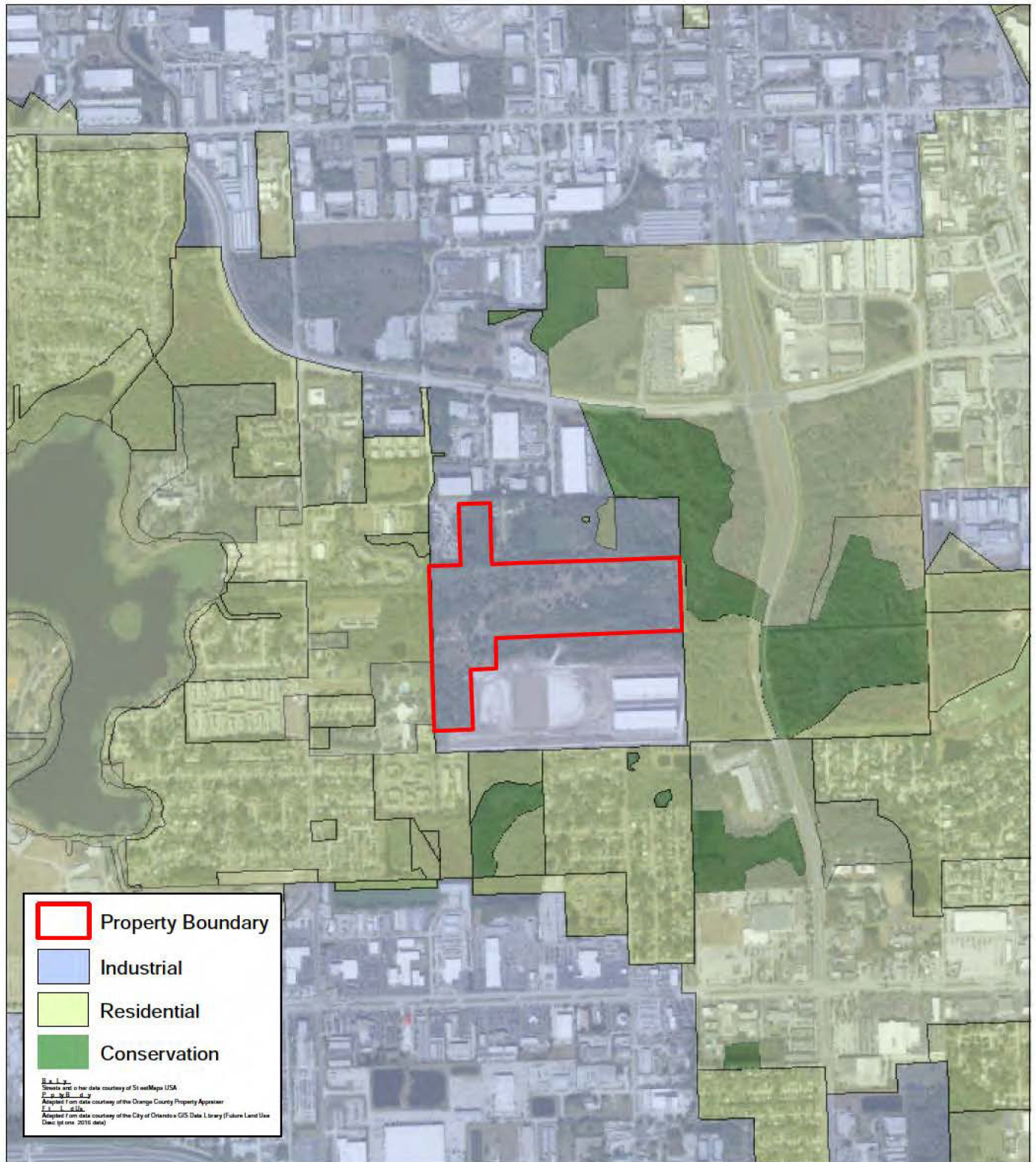
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1" = 500'



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Figure 6
Wetlands Map
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E

thomson project no. 17-263-D



General Location

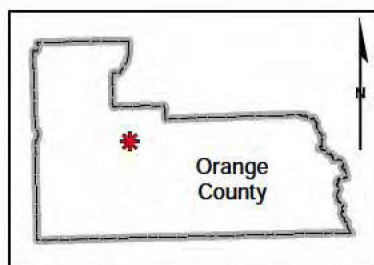
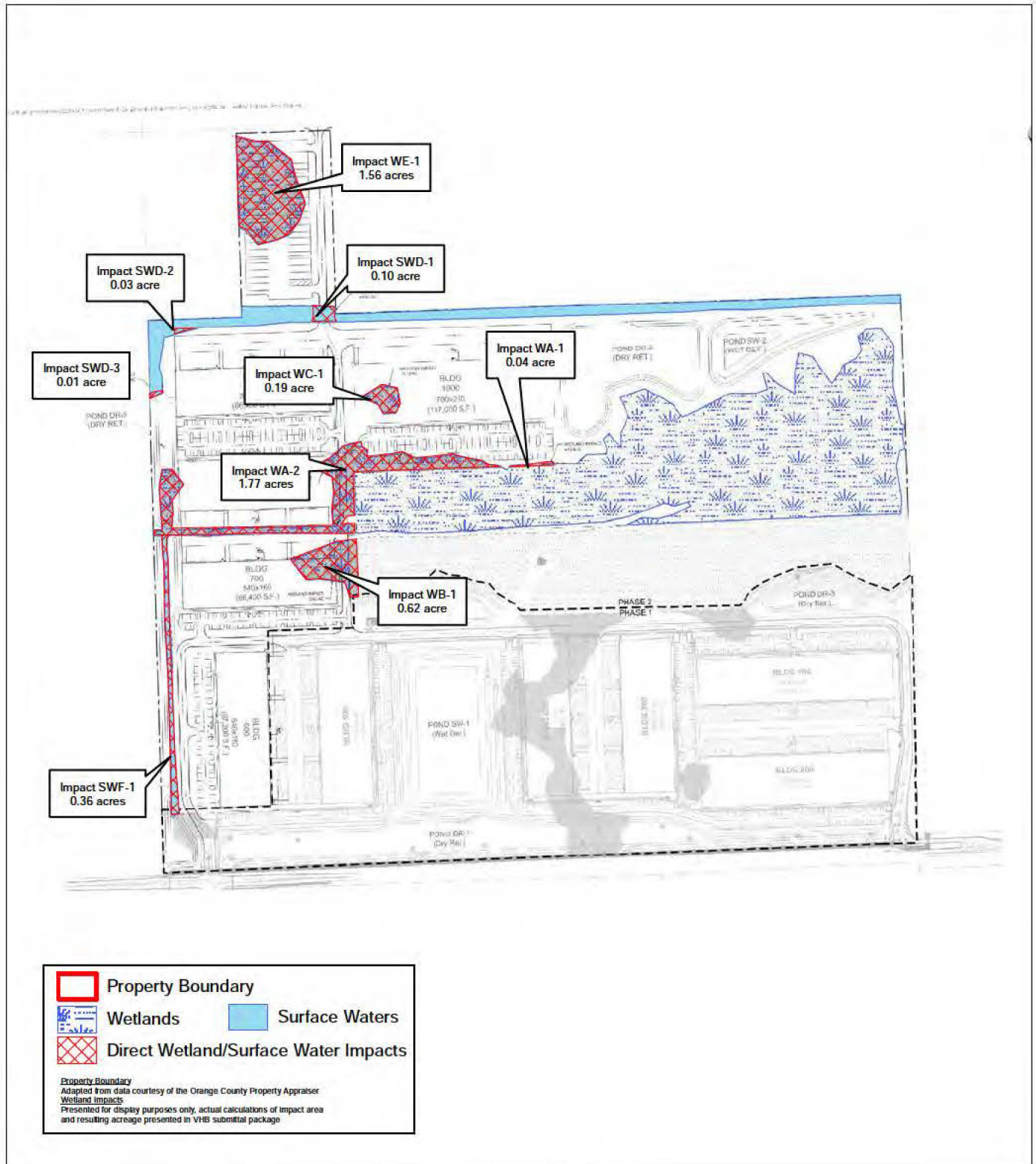
0 750 1,500
Feet



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Figure 9
Orlando Future Land Use
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E

thomson project no. 19-263-G



General Location

0 250 500
1" = 500'



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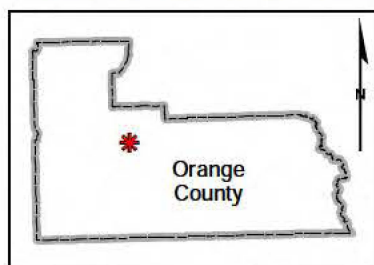
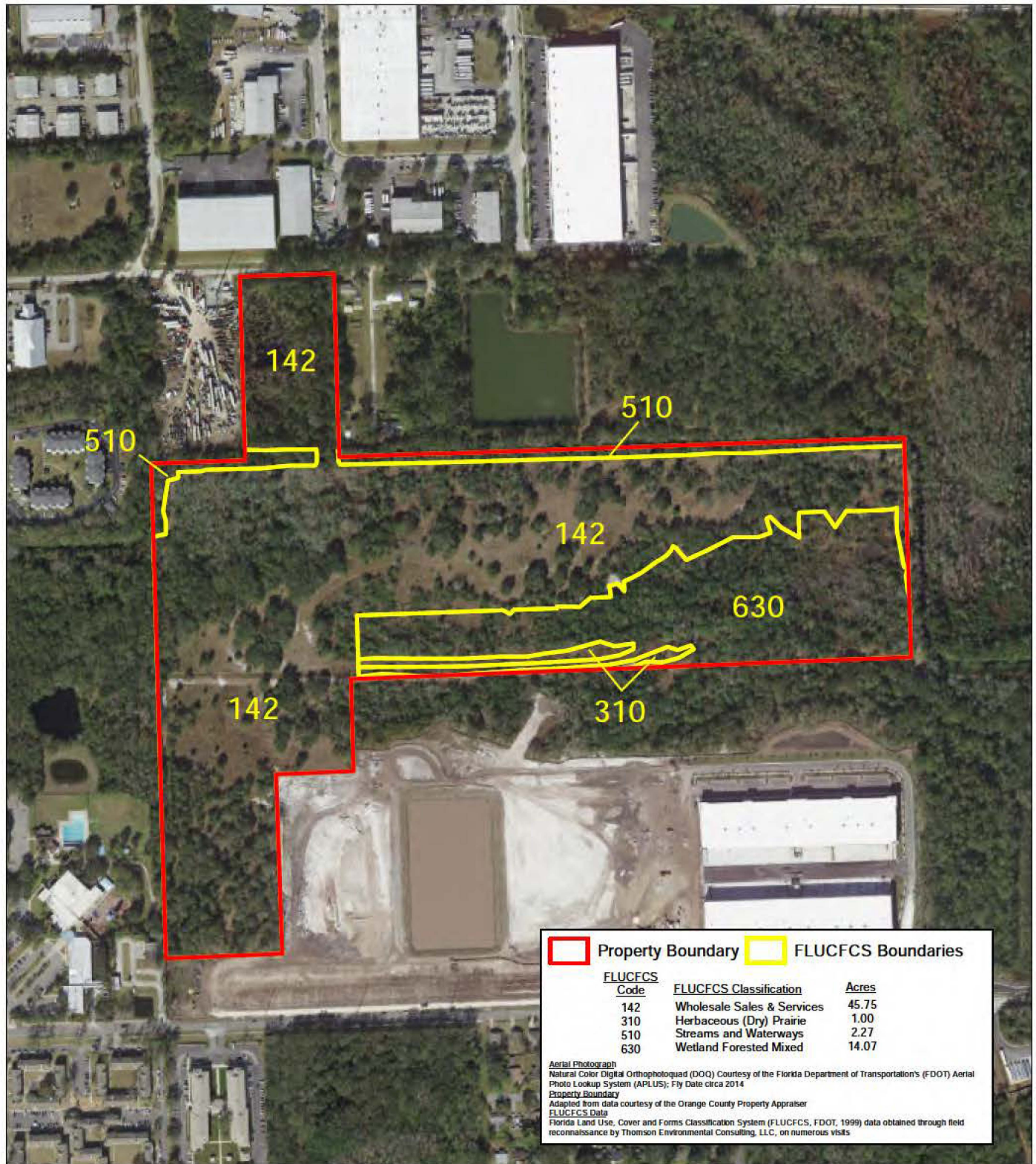
Figure 7
Proposed Wetland/Surface Water Impacts
Princeton Oaks North
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E

[illegible]

Army Corp
Wetland Line/Impacts

1

John E. Igo, P.E.
P.E. # 00884
DATE: Jun. 27, 2013
62000.04 - RETLAND IMPACTS-ARMY CORP/DO



General Location

0 250 500
1" = 500'



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Figure 10
Post-Development Land Use Map
Princeton Oaks
Orlando, Orange County, Florida
Section 21, Township 22 S, Range 29 E