



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
COCOA PERMITS SECTION
400 HIGH POINT DRIVE
COCOA, FLORIDA 32936

July 25, 2019

CESAJ-RD
SAJ-2008-04387 (SP-BJC)

PUBLIC NOTICE

Permit Application No. SAJ-2008-04387 (SP-BJC)

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):

APPLICANT: Mr. Robert Hattaway
601 Hillview Drive
Altamonte Springs, Florida 32741

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Lake Monroe. The project site is located on the southwest corner of SR 46 and International Parkway, Sanford, in Section 30, Township 19 South, Range 30 East, Seminole County, Florida.

Directions to the site are as follows: I-95 South; exit onto I-4 and head west; exit onto SR 46 and head west; turn south onto International Parkway; the project is located on the south side of SR 46, on the west side of International Parkway and on the north side of Wayside Drive, in Sanford, Seminole County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.80975°
Longitude -81.34972°

PROJECT PURPOSE:

Basic: Office and commercial development.

Overall: To construct an office and retail center with associated infrastructure in Sanford, Seminole County, Florida.

EXISTING CONDITIONS: In accordance with the previous authorization the applicant cleared but did not fill the following: The 16.97 acre project area bordered on the east by International Parkway, to the north with SR 46, and to the south by Wayside Drive.

A mixed forested wetland is found on the northern two-thirds of the parcel. The canopy is dominated with loblolly bay (*Gordonia lasianthus*), sweet gum (*Liquidambar styraciflua*), black gum (*Nyssa sylvatica*), sweet bay (*Magnolia virginiana*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*) and red maple (*Acer rubrum*). Swamp fern (*Blechnum serrulatum*), chain fern (*Woodwardia areolata*), cinnamon fern

(*Osmunda cinnamomea*), and swamp azalea (*Rhododendron viscosum*) are also found within the wetlands. South of the forested wetland area is a pine mesic oak upland area dominated with slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), southern magnolia (*Magnolia grandiflora*), longleaf pine (*Pinus palustris*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), Boston fern (*Nephrolepis exaltata*), air potato (*Discorea bulbifera*), beauty berry (*Callicarpa dichotoma*), bracken fern (*Pteridium aquilium*) and muscadine (*Vitis rotundifolia*).

PROPOSED WORK: The applicant seeks re-authorization to fill 10.88 acres of wetlands and excavate 0.69 acres of wetlands for an office and retail center, with a stormwater pond and parking areas.

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 impacts are unavoidable in order to provide an economically feasible project and meet certain design criteria. The applicant has owned the parcel for 36 years and the surrounding contiguous wetland areas have been filled over time. The applicant stated that avoiding and minimizing the impacts to the wetland is not feasible due to the size, configuration and location of the wetland within the parcel.”

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

“All mitigation as previously approved via 7.3 federal credits from Wekiva River Mitigation Bank (WRMB), have been purchased and removed from WRMB's federal ledger.

CULTURAL RESOURCES:

The Corps reviewed the project consistent with REGULATORY DIVISION STANDARD OPERATING PROCEDURES FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE FOR THE STATE OF FLORIDA (21 NOV 2016). The Corps evaluated cultural resources in the original permit application based on results from the Resources At Risk report, which includes Florida Master Site File data. This report indicated there were no known cultural resource sites located within the permit area and the activity is of such limited scope there is little likelihood of impact upon a historic property; therefore, the proposed project would have “No Potential to Cause Effect”.

ENDANGERED SPECIES:

Wood Stork: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Wood Stork and its designated critical habitat. The Corps completed an evaluation of the project based upon the US Fish and Wildlife Service (FWS) *North Florida Ecological Services Field Offices Programmatic Concurrence for use with the Wood Stork* (September 2008). Use of the Key for Wood Stork resulted in the following sequential determination: A (The project is more than 2,500 feet from a colony site.) > B (Project impacts SFH) >C (Impacts to SFH > 0.5 acres) >D (Project impacts to SFH within a Core Foraging Area of a colony site) >E (Project provides SFH compensation within the Service Area of a Service-approved wetland mitigation bank or wood stork conservation bank preferably within the CFA, or consists of SFH compensation within the CFA consisting of enhancement, restoration or creation in a project phased approach that provides an amount of habitat and foraging function equivalent to that of impacted SFH) = “not likely to adversely affect” for wood storks. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

Eastern Indigo Snake: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern Indigo Snake and its designated critical habitat. Based upon review of the Corps and Service’s *Eastern Indigo Snake Programmatic Effect Determination Key* (dated August 13, 2013), the proposed project 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 supporting less than 25 active and inactive gopher tortoise burrows) >E (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 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” for the Eastern indigo snake. The permit will be conditioned with the Standard Construction Guidelines for the Eastern Indigo Snake. No further consultation was required.

Based on existing habitat types, the Corps preliminarily determined the project will have no effect on Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*), and Florida scrub jay (*Aphelocoma coerulescens*).

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 11.57 acres of wetlands that ultimately connect to Lake Monroe and the St. Johns River.

Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in Lake Monroe or the 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 **15** 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, Brandon J. Conroy, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at brandon.j.conroy@usace.army.mil; by facsimile transmission at (321) 504-3803; or, by telephone at (504) 321-3771 x11.

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.

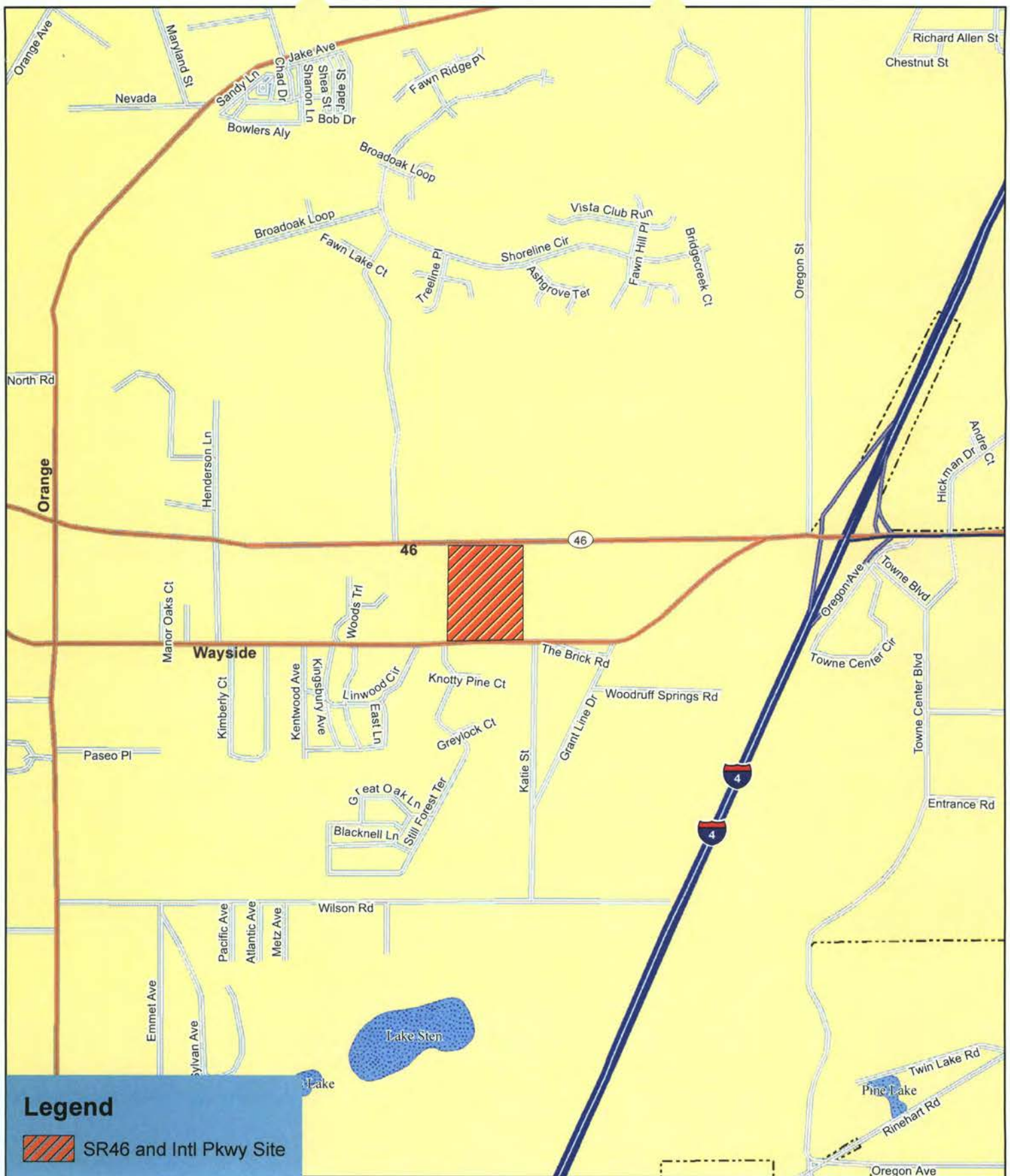
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

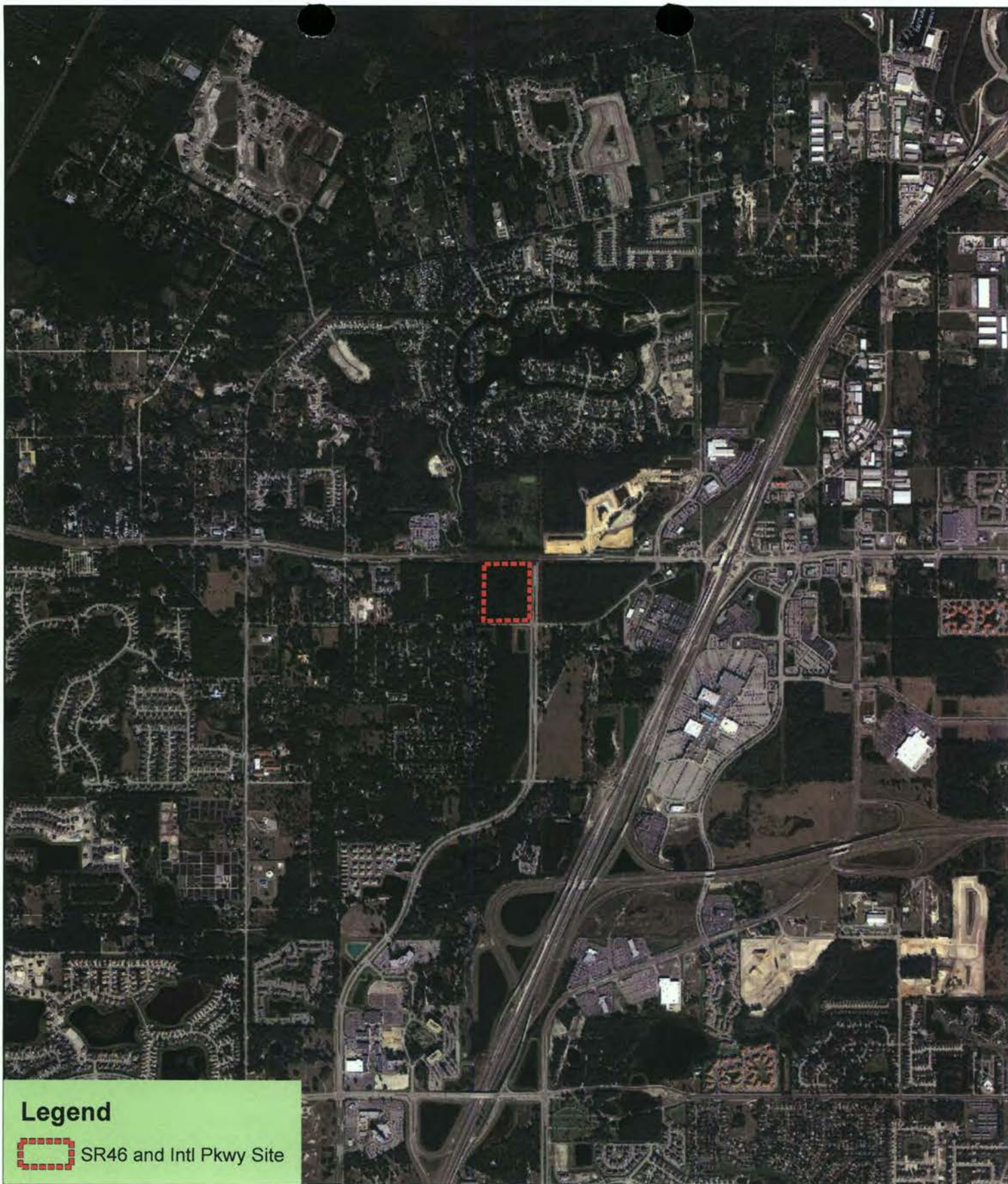
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



SR 46 and International Pkwy Site
Seminole County, Florida
Figure 1
Location Map

0 380 760 Feet





Legend



SR46 and Intl Pkwy Site

SR 46 and International Pkwy Site
Seminole County, Florida
Figure 2B
Aerial Map

U.S. Army Corps of Engineers
Application # SAJ-2008-04387 (SP-TSD)
Date: 07/07/2009
Drawing 2 of 4



0.625 Feet

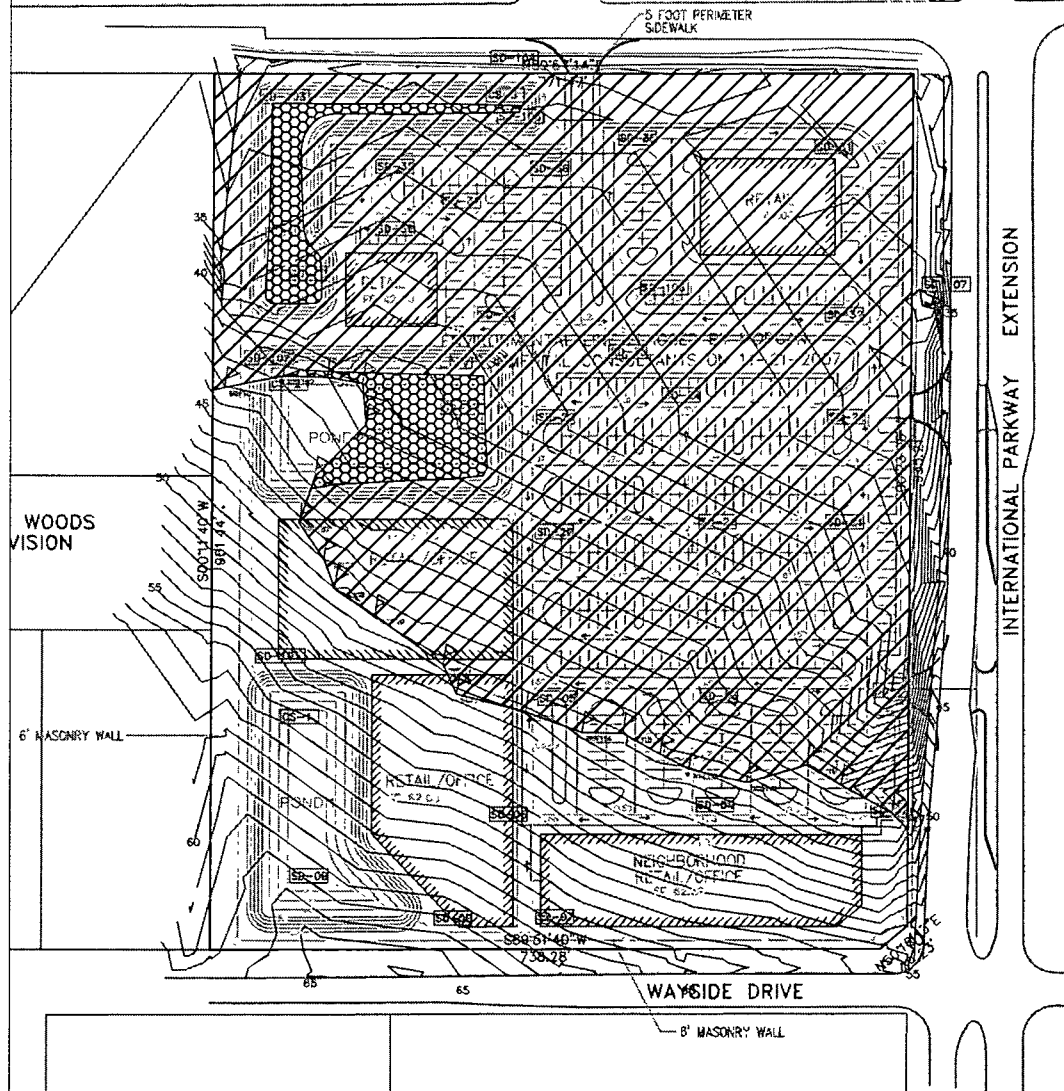


Project #:523-01
Produced By: SEB
Date: 09-15-08

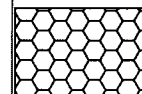


STATE ROAD 46

5 FOOT PERIMETER SIDEWALK

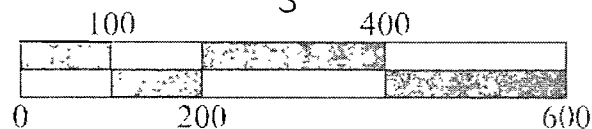
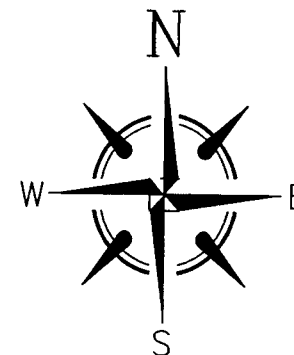


REPRESENTS AREA OF WETLAND FILL
 (+/- 10.88 ACRES; +/- 144,500 CUBIC YARDS)

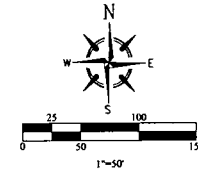
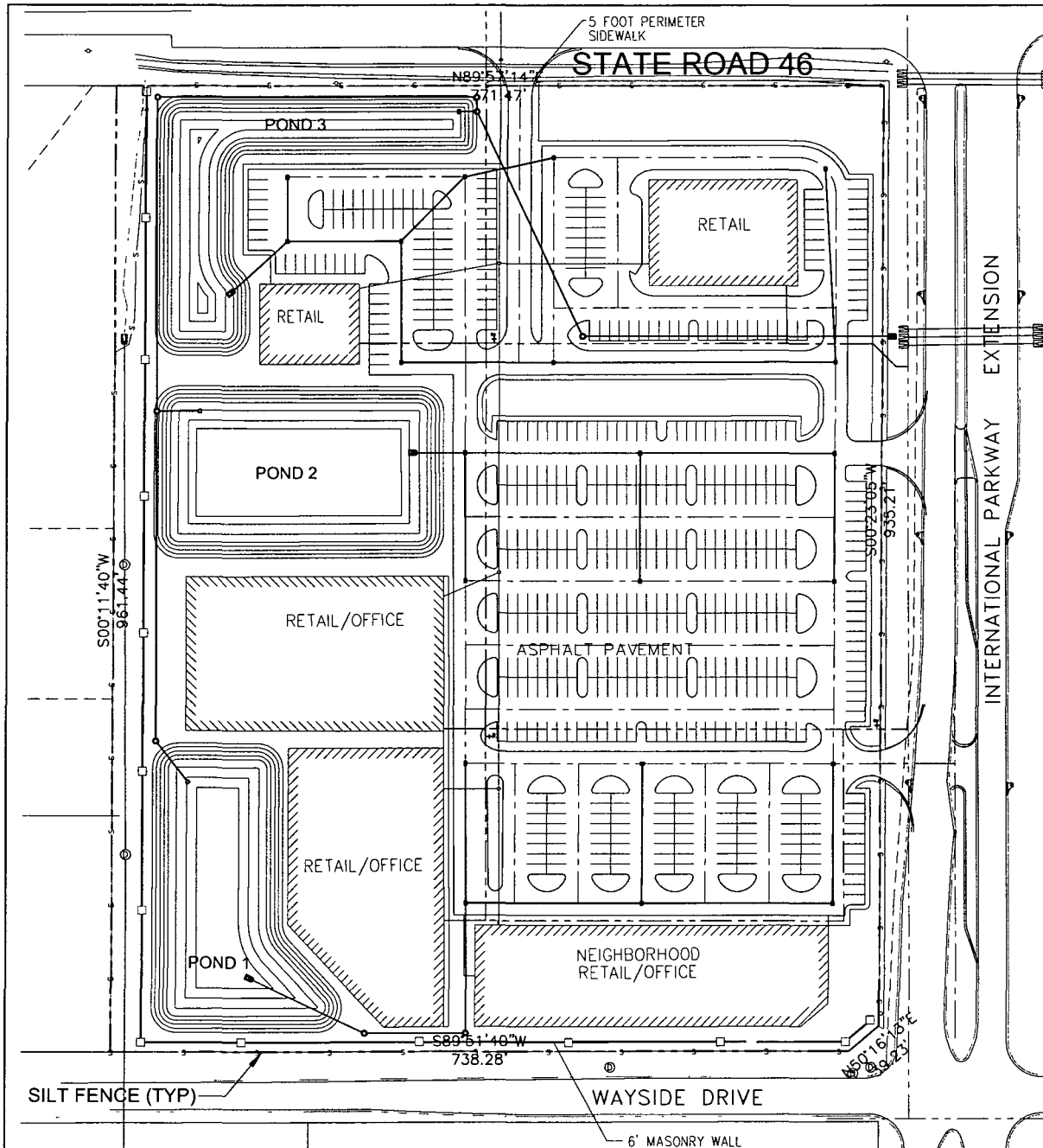


REPRESENTS AREA OF WETLAND EXCAVATION
 (+/- 0.69 ACRES; +/- 8,260 CUBIC YARDS)

TOTAL ACREAGE OF WETLAND AND/OR OTHER SURFACE WATER IMPACTS
 EQUALS +/- 11.57 ACRES



1"=200'



SETBACKS

BUILDING SETBACKS.

WEST (RESIDENTIAL) - 100'

NORTH (SR 46) - 50'

EAST (INTERNATIONAL PARKWAY) - 50'

SOUTH (WAYSIDE DRIVE) - 25'

LANDSCAPE BUFFER WIDTH:

WEST - 100'

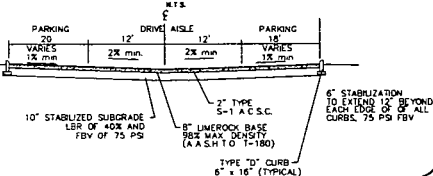
NORTH - 10'

EAST - 15'

SOUTH - 25'

MAXIMUM BLDG HEIGHT - 30' (ONE-STORY)

TYPICAL ROADWAY PARKING & PAYEMENT SECTION



U.S. Army Corps of Engineers
Application # SAJ-2008-04387 (SP-TSD)
Date: 07/07/2009
Drawing 4 of 4

Site Plan
Southridge Meadow
Minole County, Florida

Drawn by: [blank]
Designed by: [blank]
Reviewed by: [blank]

Job Number: 9931
Scale: 1"=50'
Date: September, 2008

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