



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FL 33410

August 1, 2019

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2010-02055(SP-CHF)

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: Avocado Northlake, LLC
2101 South Congress Avenue
Delray Beach, FL 33445

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the M-canal and the Loxahatchee Slough. The project site is located in Section 16, Township 42 South, Range 41 East, Palm Beach County, Florida.

Directions to the site are as follows: From Interstate 95, take Exit 77, onto Northlake Boulevard, and head west. In approximately ten miles, turn left on 140th Avenue. The project is located at the southeast corner of the intersection of 140th Avenue and Northlake Boulevard.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.810969°
Longitude -80.256351°

PROJECT PURPOSE:

Basic: Development for institutional use

Overall: Development of a private school and associated structures including recreational fields and facilities and a parking lot in western Palm Beach County.

EXISTING CONDITIONS: The project area is a total of 46.40 acres and contains 16.02 acres of wetlands. There are 14.46 acres largely characterized as freshwater marshes containing herbaceous wetland grasses and shrubs. The on-site vegetation consists of jointed spikerush (*Eleocharis interstincta*) and beakrush (*Rhynchospora tracyi*) which dominate the existing freshwater marsh habitats. In addition, there is a 1.56-acre hydric pine flatwood wetland community that consists of a slash pine (*Pinus elliotii*) canopy heavily infested with melaleuca (*Melaleuca quinquenervia*).

The existing area surrounding the project area consists of single-family residential areas and a large-scale multi-phase residential development project that is currently under construction.

PROPOSED WORK: The applicant seeks authorization to place 15,500 cubic yards of fill within 3.08 acres of freshwater marsh wetlands and 0.07 acres of hydric pine flatwood forested wetlands to develop a private school and associated facilities and infrastructure.

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 has proposed that development will be concentrated on the western third of the property as the majority of the wetlands are located on the eastern half of the property allowing for the avoidance of 12.87 acres of wetlands (80% of all wetlands).

The preserved wetlands will be part of a 20.22-acre preserved natural area that includes 7.35 acres of upland preserve.

The proposed development will result in 3.15 acres of direct wetland impacts, representing less than 20% of the on-site wetlands. The project design limits these unavoidable direct wetland impacts to lower-quality wetland systems suffering from disturbances while preserving the higher quality systems.

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

The compensatory mitigation for the impacts to freshwater marshes will be through the purchase of herbaceous credits at the Loxahatchee Mitigation Bank.

On-site enhancement will be provided to offset minor impacts from the installation of a perimeter stormwater berm to a hydric pine flatwood system as mitigation credits are not available for this type of habitat. The impacts to 0.07 acres of the hydric pine flatwood are proposed to be mitigated through the enhancement of 1.49 acres of on-site hydric pine flatwoods.

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 Corps has determined the proposed project may affect, but is not likely to adversely affect the threatened Eastern indigo snake (*Drymarchon corais couperi*), Everglades Snail Kite (*Rostrhamus sociabilis*), Florida scrub jay (*Aphelocoma coerulescens*), red-cockaded woodpecker (*Picoides borealis*), Audubon's crested caracara (*Polyborus plancus audubonii*), and wood stork (*Mycteria americana*). The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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 will be required from the South Florida Water Management District.

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, FL 33410 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, Carolyn Farmer, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410; by electronic mail at Carolyn.h.farmer@usace.army.mil or by telephone at (561)472-3527.

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.

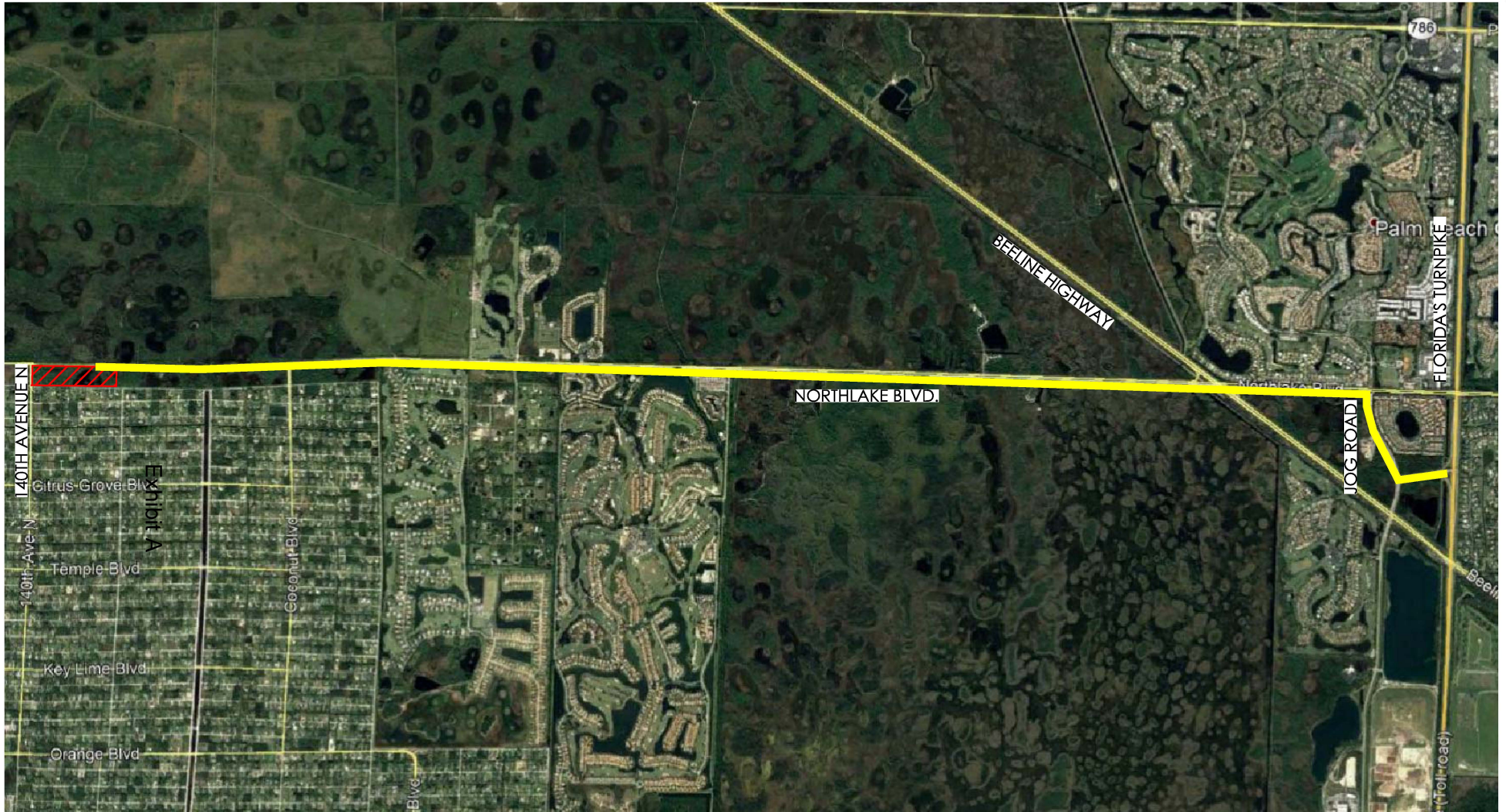
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

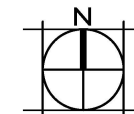


Source: Google Earth

AVOCADO AND NORHLAKE

PREPARED FOR AVACADO NORHLAKE LLC

LOCATION MAP



SCALE: NTS

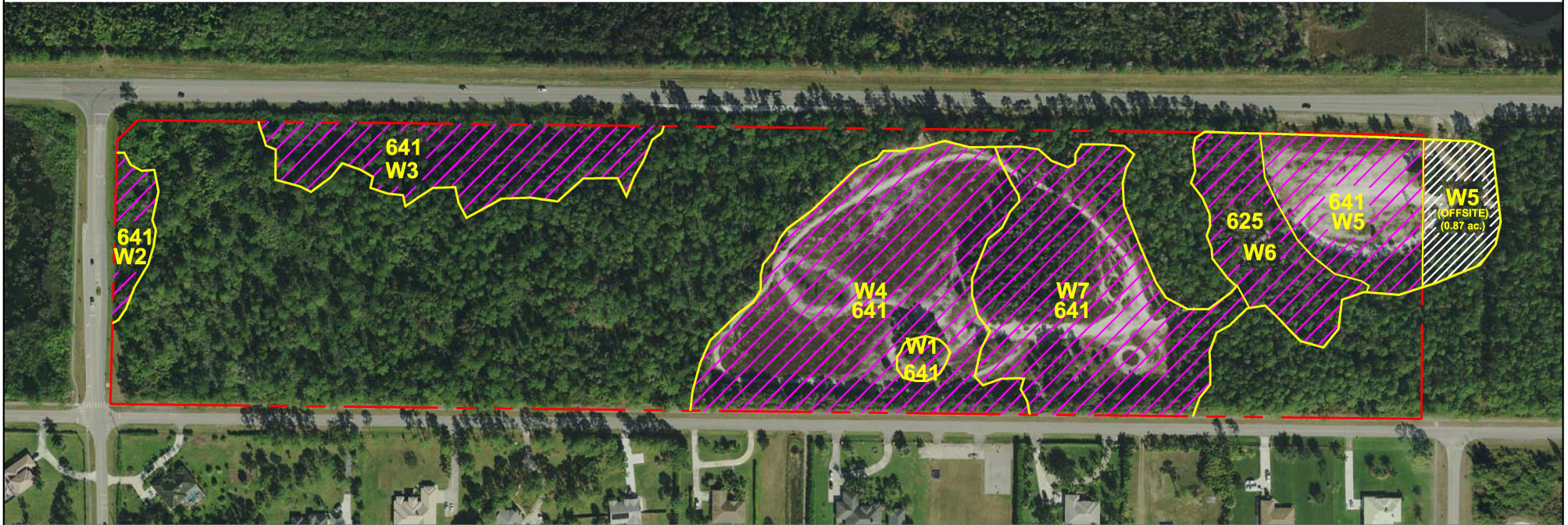


DRAWN BY: RMH

DRAWING #: 3505.00_EV-MAPS.dwg

FILE #: 3505.00

DATE: 10/02/2018



= Onsite Wetlands = 16.02 ac.

- W1 = 0.16 ac.
- W2 = 0.46 ac.
- W3 = 2.27 ac.
- W4 = 5.41 ac.
- W5 = 1.87 ac.
- W6 = 1.56 ac.
- W7 = 4.29 ac.



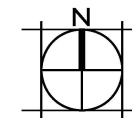
= Offsite Wetlands = 0.87 ac.

- W1 = 0.00 ac.
- W2 = 0.00 ac.
- W3 = 0.00 ac.
- W4 = 0.00 ac.
- W5 = 0.87 ac.
- W6 = 0.00 ac.
- W7 = 0.00 ac.

AVOCADO AND NORTHLAKE

PREPARED FOR AVACADO NORTHLAKE LLC

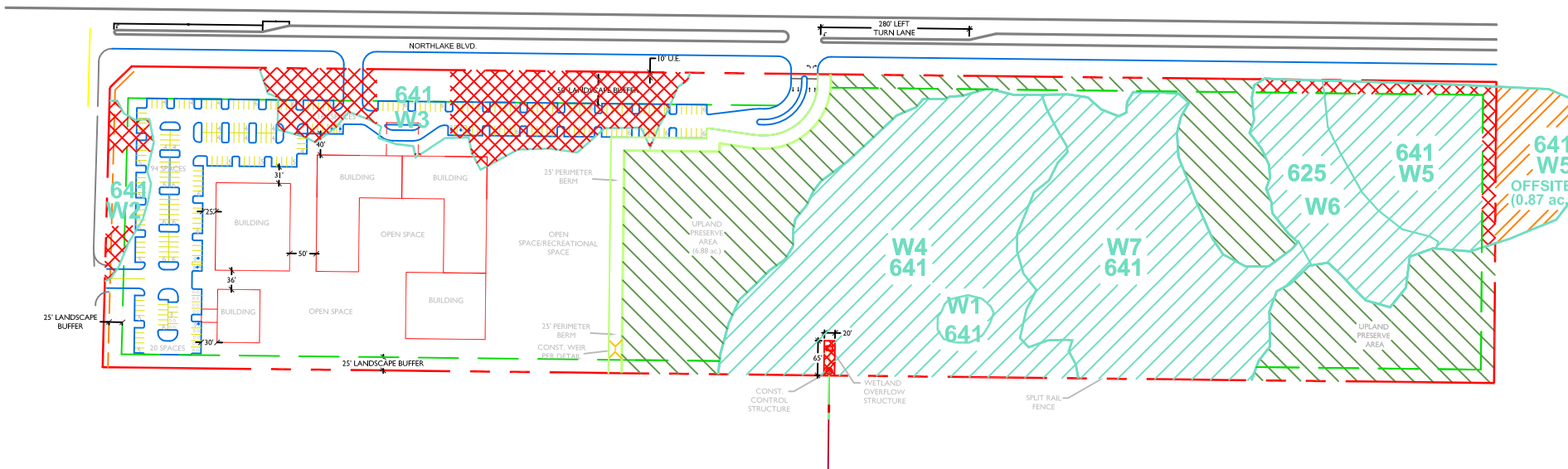
WETLAND BOUNDARY MAP



SCALE: 1"= 300'



DRAWN BY:	RMH
DRAWING #:	2010 01 18 Monitoring Plan 362.28.dwg
FILE #:	331.8
DATE:	Revised 09/25/2018

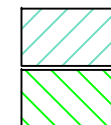


= Wetland Impacts = 3.15 ac.

- W1 = 0.00 ac.
- W2 = 0.46 ac.
- W3 = 2.27 ac.
- W4 = 0.03 ac. (temporary impacts)
- W5 = 0.32 ac.
- W6 = 0.07 ac.
- W7 = 0.00 ac.



= Secondary Wetland Impacts = 0.87 ac.



= Enhanced Wetlands = 12.87 ac.

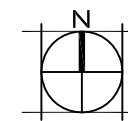


= Preserved Uplands = 6.88 ac.

AVOCADO AND NORTHLAKE

PREPARED FOR AVOCADO NORTHLAKE LLC

WETLAND IMPACT MAP



SCALE: 1"= 300'



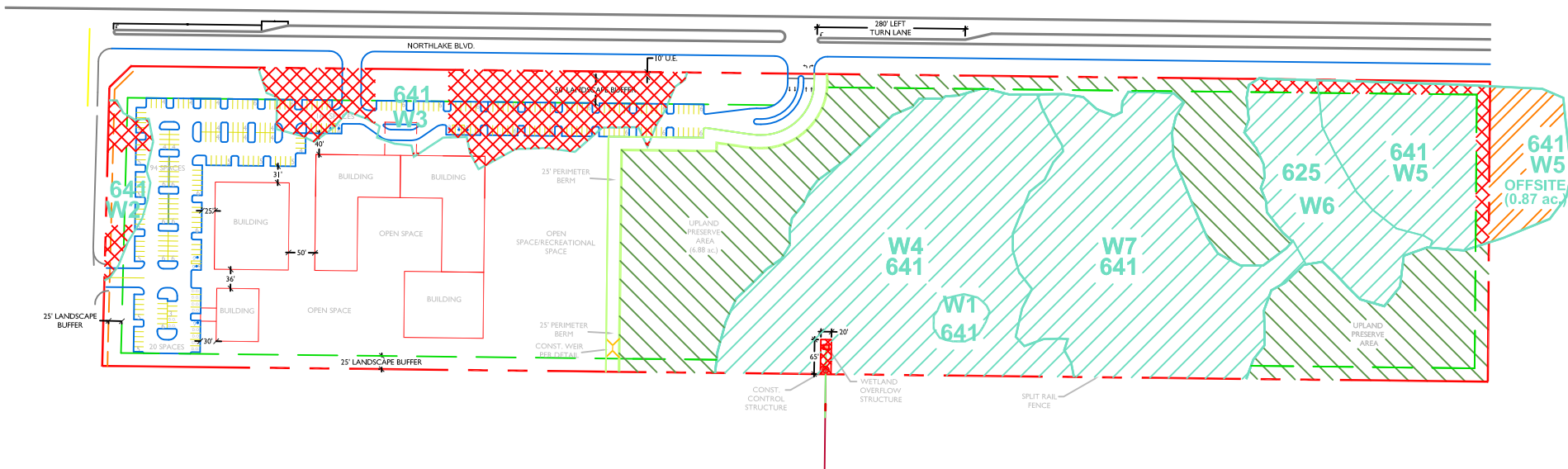
Planning | Landscape Architecture
Environmental Services | Transportation

DRAWN BY: RMH

DRAWING #: 2010 01 18 Monitoring Plan 362.28.dwg

FILE #: 331.8

DATE: Revised 06/18/2014

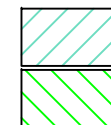


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- W6 = 0.07 ac.
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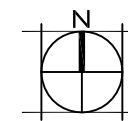
= Enhanced Wetlands = 12.87 ac.

= Preserved Uplands = 6.88 ac.

AVOCADO AND NORTHLAKE

PREPARED FOR AVOCADO NORTHLAKE LLC

WETLAND IMPACT MAP



SCALE: 1"= 300'



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