



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

August 7, 2019

Regulatory Division
South Branch
Palm Beach Gardens Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-1762(SP-VEK)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Robert Hall
Alliance Residential
Boca Center
1800 N Military Trail
Suite 250
Miami, FL 33431

WATERWAY AND LOCATION: The project would affect waters of the United States associated with onsite lacustrine emergent wetlands and non-wetland surface waters. The project site is located on Parcel # 74-43-43-06-00-000-3080 at 3600 Village Boulevard in Section 06, Township 43 South, Range 43 East, West Palm Beach, Palm Beach County, Florida.

Directions to the site are as follows: From I-95, take Exit 74 (45th Street). Go west approximately 1 mile and turn south on Village Boulevard. After approximately 1 mile, the site is located on the north side of Village Boulevard behind the First Baptist Church of West Palm Beach.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.753837°
Longitude: -80.092759°

PROJECT PURPOSE:

Basic: Residential development

Overall: Construct a residential development to provide housing in eastern Palm Beach County.

EXISTING CONDITIONS: The approximately 30.25 acre project site consists of 11.6 acres of surface waters, 1.5 acres of freshwater lacustrine emergent wetlands, and 17.15 acres of uplands. The onsite uplands consist of mowed dry prairie, a church and

a parking lot. The existing area surrounding the project consists of I-95 to the east, a stormwater pond and residential development to the north and west, and Village Boulevard and residential development to the south. Onsite Waters of the United States discharge to Clear Lake, the C-51 Canal, and the Intracoastal Waterway. Historic aerials indicate that the site has been extensively modified and artificially drained since the 1960's to install stormwater infrastructure and support modern development.

PROPOSED WORK: The applicant seeks authorization to impact 1.42 acres of Waters of the United States for the construction of a residential development. The proposed work includes the following:

- Placement of 500 yd³ of fill within 0.15 acres of wetlands
- Placement of 125 yd³ of fill within 0.03 acres of surface waters
- Excavation of 0.29 acres of wetlands
- Excavation of 0.95 acres of surface waters

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 filling of all wetlands on the site has been avoided but the location of a portion of the wetland requires fill and excavation. Site plan design changes would not result in increased wetland preservation due to storm water management requirements, safe traffic design standards and engineering design constraints. Other available lands in the project area are too small or result in greater environmental impacts.

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

Project mitigation will be onsite and include the restoration and enhancement of the existing wetland area according to the following:

- *0.9 acres of enhancement by scraping, re-application of wetland soils and replanting with a mixture of wetland vegetation according to the planting plan*
- *0.44 acres of deep marsh by grading with wetland soils and replanting with a mixture of wetland vegetation*
- *0.19 acres of submerged islands by grading with wetland soils and replanting with a mixture of wetland vegetation*

The mitigation area will be protected by a conservation easement, monitored and maintained in perpetuity. An adaptive management plan will be utilized in the monitoring phase of the project to ensure the wetland mitigation area remains intact in perpetuity.

CULTURAL RESOURCES: The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected. 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 Wood stork (*Mycteria Americana*) and the Eastern indigo snake (*Drymarchon corais couperi*).

Wood stork: Potential effects to the threatened Wood stork were assessed using the Programmatic Concurrence Key dated May 18, 2010. Use of this key produced the sequential determination of A-B-C-E-MANLAA. The project site is within two Wood stork core foraging areas and supports Suitable Foraging Habitat (SFH) in the form of the 11.6 acres of surface waters and 1.5 acres of freshwater lacustrine emergent wetlands. Onsite waters consist of a 9.8 acre stormwater management lake with a mowed, maintained fringe to promote flows and water management activities and a 1.8 acre pond with 1.5 acres of fringe lacustrine emergent wetlands. The project will result in impacts to 1.42 acres of SFH, and the applicant has chosen to complete onsite mitigation activities to provide SFH compensation in accordance with the CWA Section 404(b)(1) guidelines. As the project proposes less than 5 acres of impact to SFH, an individual foraging prey base analysis has not been requested. Therefore, the Corps has determined the project May Affect, but is Not Likely to Adversely Affect the Wood stork. By letter dated 18 May 2010, the USFWS stated that for proposed activities analyzed with the May 2010 version of The Wood Stork Effect Determination Key that reach a no effect or MANLAA determination, the FWS concurs with the Corps determination and requirements of Section 7 of ESA are fulfilled. Therefore, no further consultation with USFWS is required.

Eastern indigo snake: As the project site is located within the range of the Eastern indigo snake, potential effects to the species were assessed using the Programmatic Effect Determination Key provided by the USFWS South Florida Ecological Services Office (Revised July 2017). Use of this key produced a sequential determination of A-B-C-D-E-MANLAA. This determination is based on impacts to less than 25 acres of Eastern indigo snake habitat and the applicant utilizing Standard Protection Measures for the Eastern Indigo Snake (2013) during all construction activities. Therefore, the Corps has determined the project May Affect, but is Not Likely to Adversely Affect the Eastern indigo snake. By letter dated 1 August 2017, the USFWS stated that for proposed activities analyzed with the July 2017 version of the Eastern Indigo Snake Programmatic Effect Determination Key that reach a MANLAA, the USFWS concurs with this determination and no further consultation is necessary for the effects of the proposed action.

The Corps has determined that the project as proposed will have no effect on any other listed species or designated 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. Due to the project's location in freshwater artificial surface waters and lacustrine emergent wetlands, the proposed action would not have an 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 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, Virginia King, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Virginia.E.King@usace.army.mil or by telephone at (561) 472-3515.

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, aesthetics, 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.

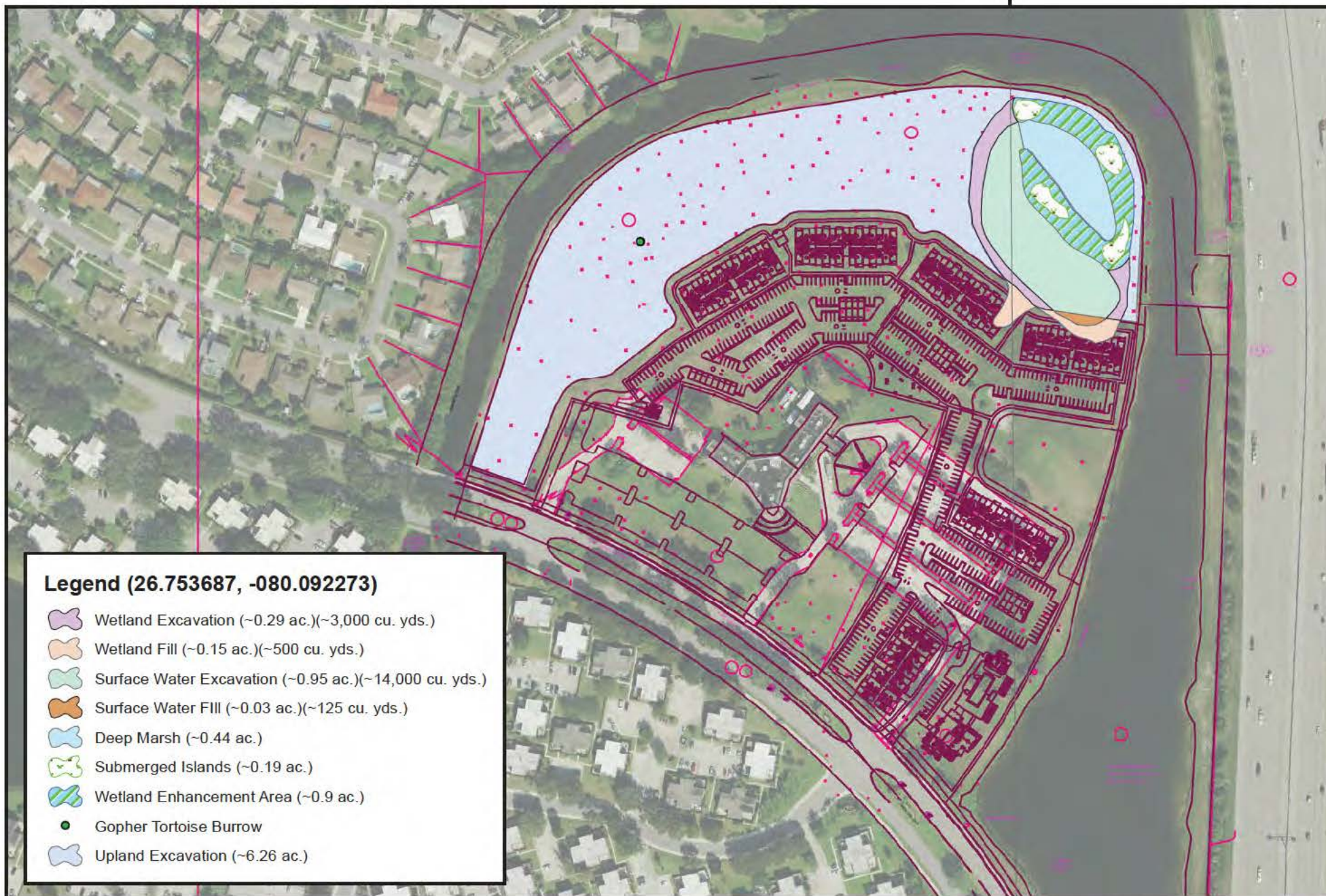
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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



04/26/2019		Revised: 06/05/2019		J. J. Goldasich and Associates, Incorporated		Alliance Residential		Overall Site 	#1	Revise Wetland
				(561) 883-9555 jjg@jjgoldasich.com Seagrass to Sawgrass		Wetland Areas and Isolated Pond Area Map West Palm Beach, Palm Beach County, Florida			#2	
Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN									#3	
1:3,800									#4	

80°5'30"W



80°5'30"W

www.GoldasichEnvironmental.com

04/26/2019

Revised: 06/12/2019

J. J. Goldasich and Associates, Incorporated

Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN

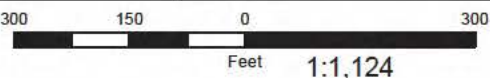
(561) 883-9555
jjg@jjgoldasich.com
Seagrass to Sawgrass

Alliance Residential

Proposed Site Plan with
Wetlands and Onsite Enhancement
West Palm Beach, Palm Beach County, Florida

**Wetland
Area**

#1	Revise Wetland
#2	Add Site Plan (KHA)
#3	Add Wetland Enhance
#4	ACOE D&F App.



Document Name: Aerial_v3_Enhancement with Site Plan

26°45'0"N

80°5'30"W

80°5'30"W

26°45'0"N

Legend

-  Wetland Excavation (~0.29 ac.)
-  Wetland Fill (~0.15 ac.)
-  Surface Water Excavation (~0.95 ac.)
-  Surface Water Fill (~0.03 ac.)
-  Wetland Enhancement Area (~0.9 ac.)
-  Deep Marsh (~0.44 ac.)
-  Submerged Islands (~0.19 ac.)
-  Wetland Characteristics (~1.5 ac.)
-  Upland Excavation (~6.26 ac.)
-  Gopher Tortoise Burrow

Total Project Area = 30.25 acres
~ 7.3 acres surface waters to remain,
~1.5 acres wetlands, (see impact and mitigation plan),
~0.95 acres pond (to be excavated and remain),
~20.5 acres uplands (to remain with development)

www.GoldasichEnvironmental.com

04/26/2019 Revised: 07/26/2019

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Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN



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jjg@jjgoldasich.com
Seagrass to Sawgrass

Alliance Residential

Proposed Site Plan with
Onsite Enhancement and Mitigation
West Palm Beach, Palm Beach County, Florida

**Overall
Project**



#1	Revise Wetland
#2	Add Site Plan (KHA)
#3	Add Wetland Enhance
#4	Add Upland Area

