



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

August 14, 2019

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-02286(SP-SLR)

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: Jorge Martin
12977 Equestrian Trail
Davie, Florida 33330

WATERWAY AND LOCATION: The project would affect waters of the United States associated with freshwater herbaceous wetlands. The project site is located at 13400 Mustang Trail, Southwest Ranches (Section 2, Township 51 south, Range 40 east), Broward County, Florida.

Directions to the site are as follows: Take I-95 to 595-W. Take 595-W to Flamingo Road. Head south on Flamingo Road to Stirling Road. Head west onto Stirling Road to SW 130th Avenue. Take SW 130th Avenue south to Mustang Trail. Head west on Mustang Trail. The property is approximately 1.2 miles down on the left hand side.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.032254°
Longitude -80.326811°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is single-family residential development in Southwest Ranches.

EXISTING CONDITIONS: The ±2.35-acre parcel consist of a 2.35-acre of freshwater herbaceous wetland. Observed vegetation on-site consisted of mostly grasses and shrubs. Wetland species were observed at lower elevations throughout the site. The dominant species present onsite included *Urochloa mutica*, *Ludwigia octovalvis*, *Centella sp.*, *Hydrocotyle sp.*, *Rynchospora colorata*, *Galium tinctorium*, and *Wedelia sp.* The site is routinely maintained and mowed. The surrounding area consists of similar single-family residential lots.

PROPOSED WORK: The applicant seeks authorization to place approximately 2,560 cubic yards of fill within 0.71 acres of herbaceous wetlands in order to construct a single family residence and associated guest house. The project potentially will result in cumulative impacts to the remaining 1.64 acres of wetlands onsite.

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:

There are approximately 2.35 acres of wetlands onsite and the applicant has proposed the home on the central portion of the property (adhering to the city setbacks) and will only place fill within 0.71 acres of the wetlands.

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

The applicant has proposed to offset project impacts through the purchase of federal mitigation bank credits from FPL Everglades 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. 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 U.S. Army Corps of Engineers (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 couperi*). The determinations are described below:

- The project site is located in an area where the eastern indigo snake may occur. The project site contains approximately 2.35-acres of potential eastern indigo snake habitat. By use of the FWS revised Eastern Indigo Snake Key dated August 1, 2017, the following key sequence A>B>C<D<E would result in a “Not Likely to Adversely Affect” determination. A determination of “not likely to adversely affect” was made for the Indigo snake provided the permit includes the special conditions for the Eastern Indigo Snake Protection Measures during construction and the permit will be conditioned such that all gopher tortoise burrows, active or inactive, shall be evacuated via methods pursuant to FWC excavation guidance prior to site manipulation in the vicinity of the burrows. Additionally, holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area with work stopping if an indigo snake is discovered. With an outcome of “not likely to adversely affect (NLAA)” as outlined in the key, the requirements of Section 7 of the Endangered Species Act are fulfilled for the

eastern indigo snake and no further action is required.

- The project is located in an area where the wood stork may occur. The applicant has proposed compensation for wetland impacts through the use of off-site, in-kind wetland mitigation. By use of the FWS Wood Stork Key dated January 25, 2010 and the May 18, 2010 addendum, the following key sequence A>B>C>E would result in a “Not Likely to Adversely Affect” (NLAA) determination. Any loss of wood stork foraging biomass resulting from the proposed activity will be compensated for through the purchase of mitigation credits from a federally approved mitigation bank within the area. With an outcome of “not likely to adversely affect (NLAA)” as outlined in the key, the requirements of Section 7 of the Endangered Species Act are fulfilled for the wood stork and no further action is required.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered 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. The proposal would impact approximately 2.35 acres of freshwater herbaceous wetlands. Our initial determination is that the proposed action would not effect 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/has not] 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 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, Samantha L. Rice, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Samantha.L.Rice@usace.army.mil; by facsimile transmission at (561)626-6971; or, by telephone at (561)472-3536.

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.

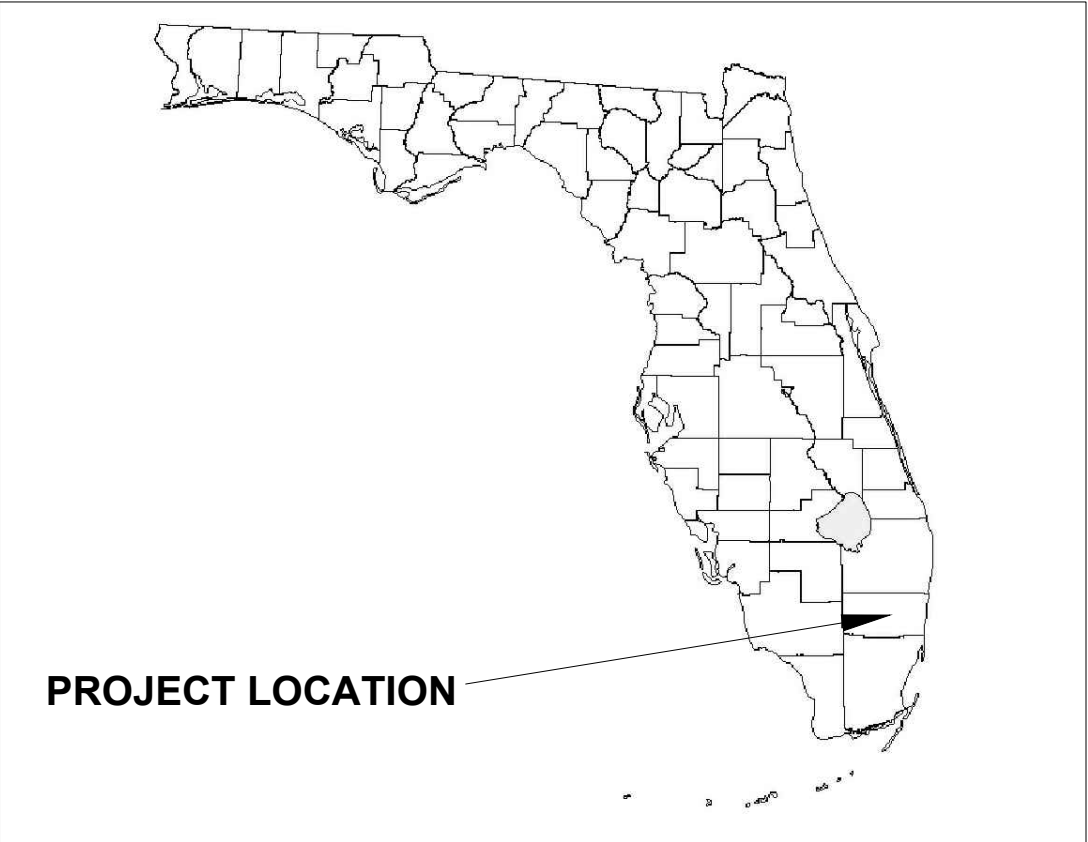
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

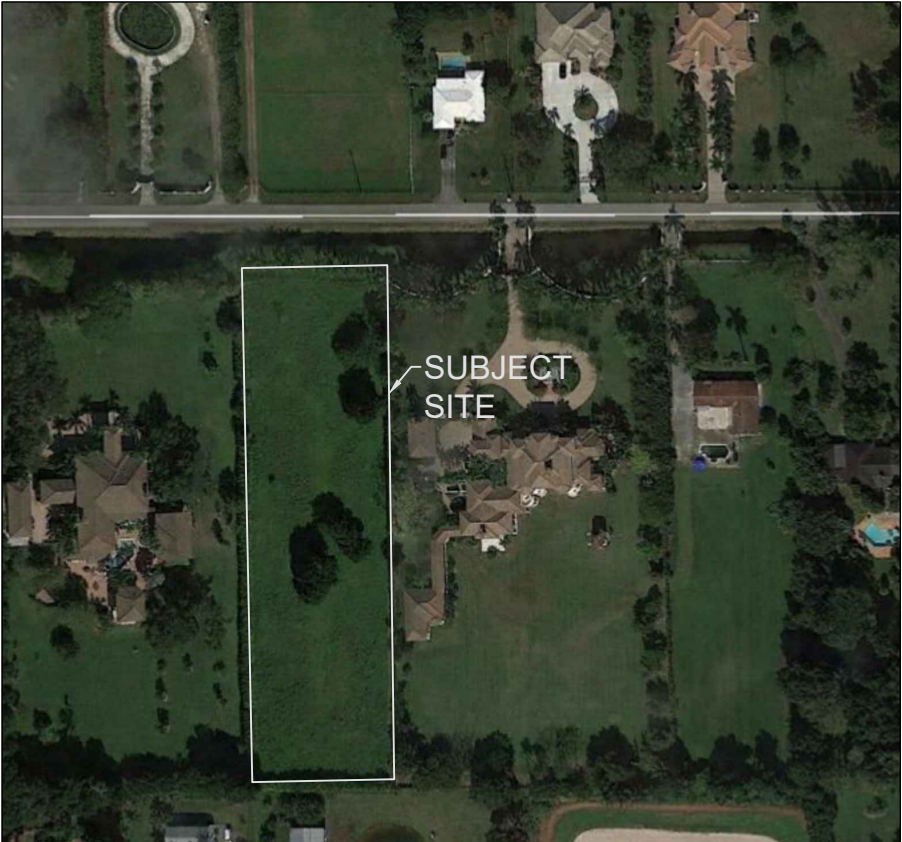
13400 MUSTANG TRAIL



LOCATION MAP (n.t.s.)

DRAWING INDEX

- SHEET 1-COVER
- SHEET 2-EXISTING CONDITIONS
- SHEET 3-PROPOSED CONDITIONS
- SHEET 4-SECTIONS



VICINITY AERIAL (n.t.s.)

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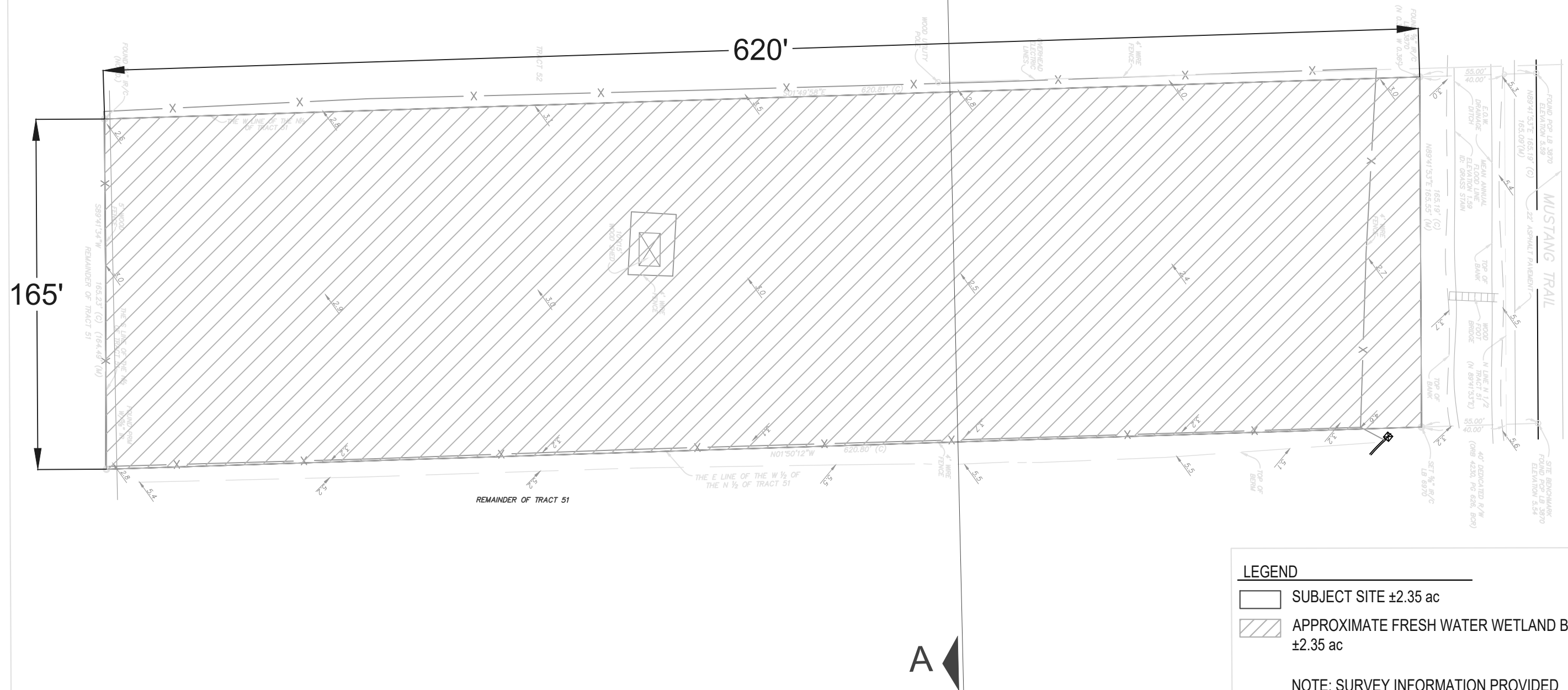
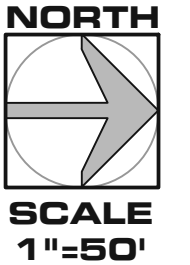
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

13400 MUSTANG TRAIL

PREPARED FOR:
JORGE MARTIN

COVER		
Date: 7/26/2019	Sheet : 1	of : 4
Proj No.: 19-0022		



LEGEND

- SUBJECT SITE ± 2.35 ac
- APPROXIMATE FRESH WATER WETLAND BOUNDARY ± 2.35 ac

NOTE: SURVEY INFORMATION PROVIDED BY BNB SERVICES INC.

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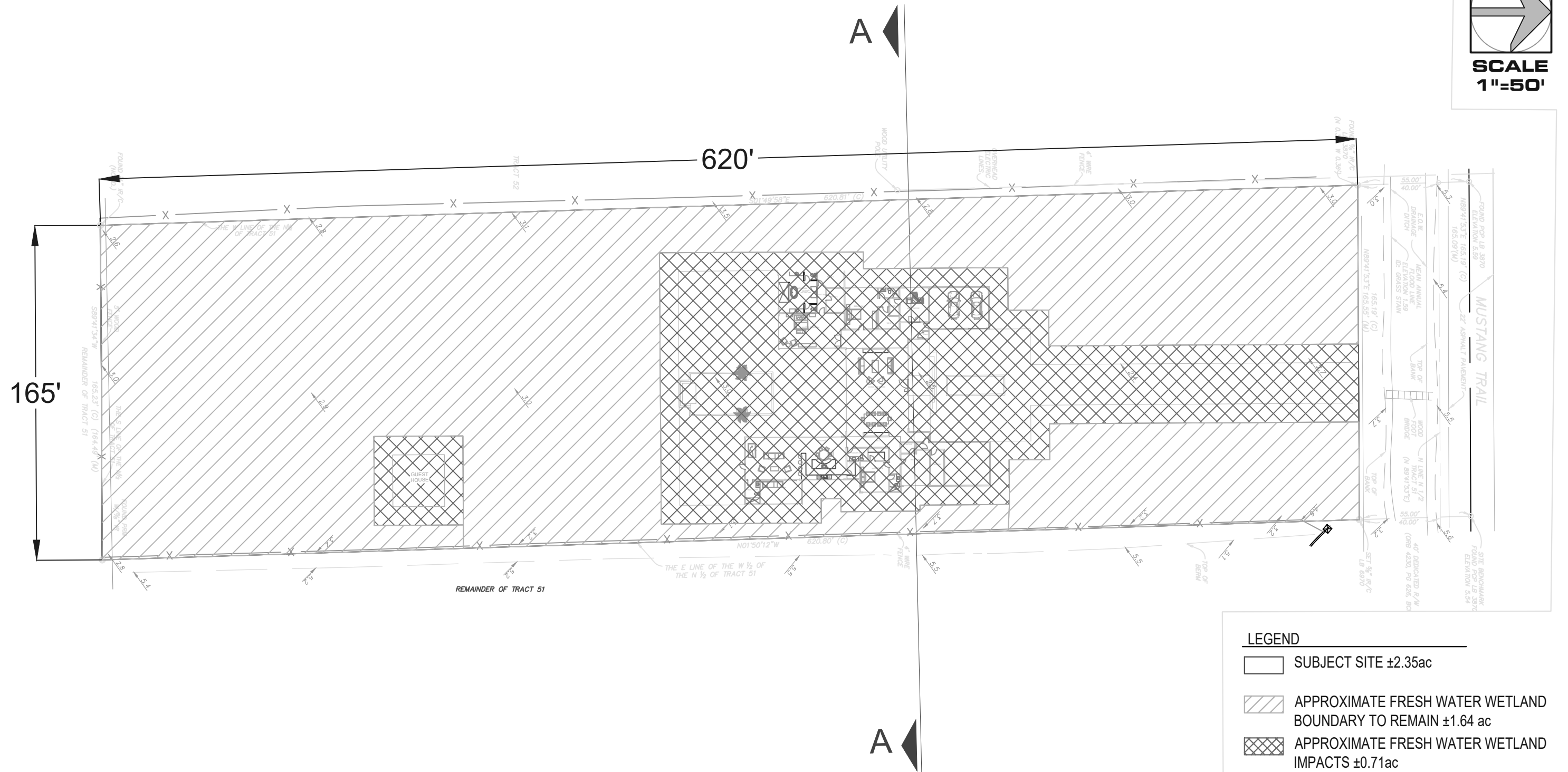
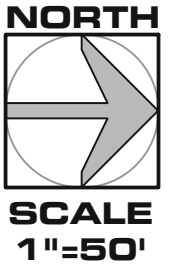
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PREPARED FOR:
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EXISTING CONDITIONS

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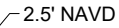
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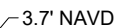
PROPOSED CONDITIONS

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N.T.S.



N.T.S.



4:1 SLOPE

6.0' NAVD

2.5' NAVD

±9.2'

 $\pm 34'$

2.5' NAVD

4:1 Slope

6.0' NAVD

2.5' NAVD

EXISTING ELEVATIONS

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