



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

August 20, 2019

Regulatory Division  
South Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-00805 (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: Concert Fountains Properties, LLC  
c/o Peter Nanula  
1 Coast Oak  
Newport Coast, CA 92657

WATERWAY AND LOCATION: The project would affect waters of the United States associated with open surface waters. The project site is located at parcel 00-42-44-27-04-000-0020, Lake Worth (Section 27, Township 44 south, Range 42 east), Palm Beach County, Florida.

Directions to the site are as follows: Take the Florida Turnpike south to Lake Worth Road. Head east on Lake Worth Road to Fountains Drive. Turn right onto Fountains Drive. The northwest portion of the parcel will be on the left just past Tivoli Court.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.61286944°  
Longitude -80.14944444°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is multi-family residential development in western Palm Beach County.

EXISTING CONDITIONS: The site currently is a 62.60-acre abandoned golf course. The site consists of approximately 52.95 acres of golf course and 9.65 acres of surface waters with associated herbaceous littoral shelves. The neighboring parcels consist of similar recreational activities with mixed residential development.

PROPOSED WORK: The applicant seeks authorization to place approximately 9,000 cubic yards of fill within 3.67 acres of open surface waters and 0.83 acres of

herbaceous littoral wetlands in order to redevelop an abandoned golf course into a multi-family residential development.

**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:

Impacts to surface waters were avoided to the greatest extent possible. Due to site planning, stormwater management criteria for land development, and required setbacks, approximately 3.67 acres of surface waters will be filled. The applicant has avoided impacting approximately 5.98 acres of surface waters that will remain onsite.

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

The applicant proposes to create 25.49 acres of open surface waters and 1.44 acres of herbaceous wetlands onsite to offset the unavoidable impacts.

**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 wood stork (*Mycteria americana*) and the eastern indigo snake (*Drymarchon couperi*). The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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 0.83 acres of freshwater herbaceous wetlands and 3.67 acres of open freshwater surface waters. 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 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](mailto: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.



## WETLAND & SW ACREAGE

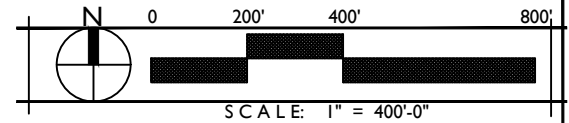
Wetland 1 - 0.00 ac.

SW 1 - 4.00 ac.

SW 2 - 5.65 ac.

Total Wetland Acreage = 0.00

Total SW Acreage = 9.65



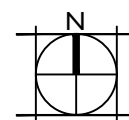
○1a = Data Points

Source: FDOT GIS Aerials

## Fountains Country Club

PREPARED FOR Concert Fountains

## WETLAND BOUNDARY MAP



SCALE: 1" = 400'0"



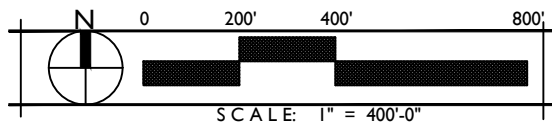
DRAWN BY: CNC

DRAWING # 3158.05

FILE #: 02/12/2019

DATE: 02/12/2019





### SFH IMPACTS/OFFSETS

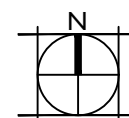
**Total SFH Impacts = 0.83 ac.**

**Total SFH Offset = 1.44 ac.**

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PREPARED FOR Concert Fountains

### WOODSTORK SUITABLE FORAGING HABITAT IMPACT/OFFSET MAP



SCALE: 1" = 400'-0"

**WGI**

**DRAWN BY:** KC

**DRAWING #:** Parcel B Wetland Boundary Map.dwg

**FILE #:** 3158.05

**DATE:** 07/10/2019









# Location Map

Fountains B  
PCN: 00-42-44-27-04-000-0020  
Palm Beach County

## Figure No. 1

Date:  
July 2, 2019


Project No.:  
3158.05


Drawn by:  
Katy Collins



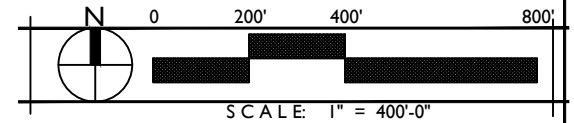


### SW ACREAGE

 SW 1 - 4.00 ac.

 SW 2 - 5.65 ac.

**Total SW Acreage = 9.65**



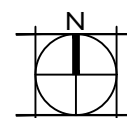
 = Data Points

Source: FDOT GIS Aerials

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# SURFACE WATER BOUNDARY MAP

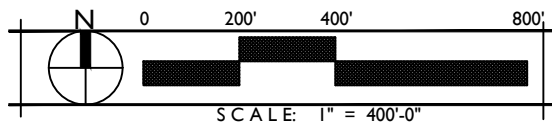
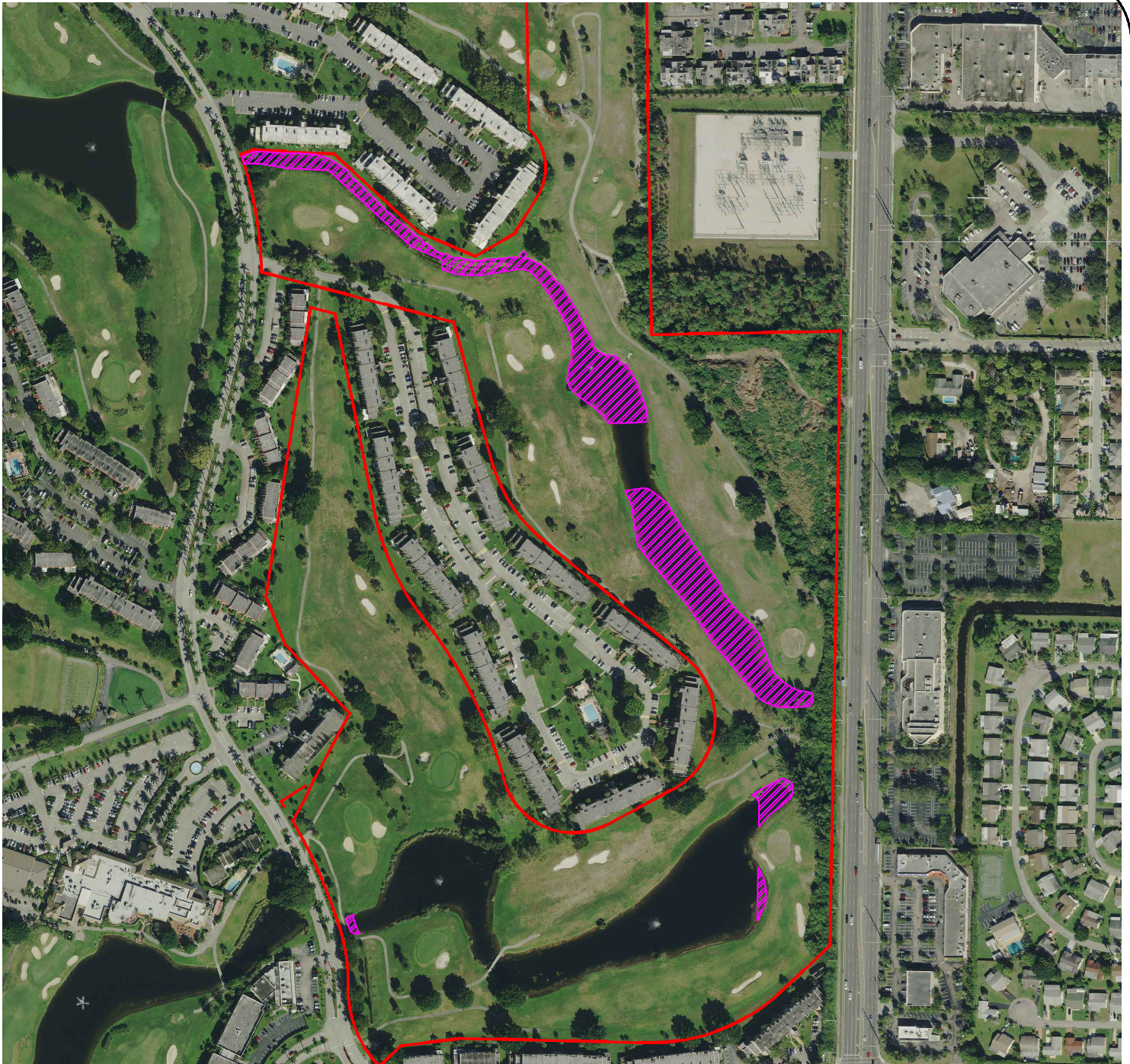


SCALE: 1" = 400'-0"

**WGI**

DRAWN BY:	KC
DRAWING #:	3158.05
FILE #:	07/10/2019
DATE:	



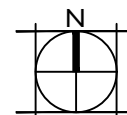


**OSW IMPACTS**  
 Total OSW Impacts = 3.67 ac.

# Fountains Country Club

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## SURFACE WATER IMPACT MAP



SCALE: 1" = 400'0"

**WGI**

DRAWN BY: KC  
 DRAWING #: Parcel B Wetland Impact Map.dwg  
 FILE #: 3158.05  
 DATE: 07/10/2019