



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
COCOA PERMIT SECTION
400 HIGH POINT DRIVE
COCOA, FLORIDA 32926

August 28, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2017-01532 (SP-JCP)

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: Shingle Creek Co-Owners, LLC
William S. Moore, Esq.
Moore, Bowman & Rix, P.A.
3277 Fruitville Rd. Unit E
Sarasota, FL 34237

WATERWAY AND LOCATION: The ±226 acre Shingle Creek Planned Development project El Maximo Ranch Northern Everglades Public Private Partnership project would affect waters of the United States associated with the Shingle Creek Hydrologic Unit (Hydrologic Unit Code 030901010302). The project is located on the southern end of International Drive south of the Westwood Boulevard intersection and north of the 417 Expressway in Sections 24 and 25; Township 24 South, Range 28 East. Orange County, Florida.

Directions to the site are as follows: Take 528 West to SR417 South towards Disney. Take exit 6 (SR 536 World Center Drive) then take a right onto International Drive. Stay on International Drive then take a right onto Westwood Boulevard. Stay on Westwood Boulevard until Powerline Road. Take a right onto existing Powerline Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.37378°
Longitude -81.46634°

PROJECT PURPOSE:

Basic: residential construction.

Overall: The overall project purpose is the construction of a residential planned-development in southwestern Orange County, Florida.

EXISTING CONDITIONS:

The Shingle Creek Project currently supports seven (7) land use types/vegetative communities within its boundaries. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 2004) (Figure 5). The upland land use types/vegetative communities on the site are classified as Pine Flatwoods (411), Upland Hardwood Forest (420) and Utilities (830). The wetland/surface water land use types/vegetative communities on the site are classified as Reservoirs (534), Cypress (621), Hydric Pine Flatwoods (625), and Mixed Forested Wetland (630). These systems are part of the Shingle Creek wetland system. The following provides a brief description of the on-site land use types/vegetative communities identified on the site: Overall, the property contains:

Uplands:

411 Pine Flatwoods

All of the upland areas on the subject site are comprised mainly of slash pine (*Pinus elliotii*) and longleaf pine (*Pinus palustris*) forested systems with varying amounts of saw palmetto (*Serenoa repens*) understory. This community comprises the bulk of the Shingle Creek site. Within these natural pine areas, the canopy coverage is predominately open with pockets of more dense canopy abutting the forested wetlands. Vegetation observed within this land use type includes slash pine, saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), greenbriar (*Smilax* spp.), blackberry (*Rubus pensilvanicus*), cinnamon fern (*Osmunda cinnamomea*), rusty staggerbush (*Lyonia ferruginea*), fetterbush (*Lyonia lucida*), saltbush (*Baccharis halimifolia*), muscadine grapevine (*Vitis rotundifolia*), and brackenfern (*Pteridium aquilinum*).

420 Upland Hardwood Forest

The subject site contains a small upland hardwood forest that consists mostly of laurel oak (*Quercus laurifolia*). Vegetation observed in this community type includes laurel oak, sweetbay (*Magnolia virginiana*), wax myrtle oak (*Quercus myrtifolia*), slash pine (*Pinus elliotii*) and saw palmetto, gallberry, greenbriar (*Smilax* spp.), blackberry, muscadine grapevine, and brackenfern.

Wetlands/Surface Waters:

534 Reservoirs

One small stormwater pond is located within the project limits along the existing powerline easement. The pond embankment is vegetated with Brazilian pepper (*Schinus terebinthifolius*) and saltbush (*Baccharis halimifolia*). The interior of the pond is vegetated with Carolina willow (*Salix caroliniana*), cattails (*Typha latifolia*) and torpedograss (*Panicum repens*).

621 Cypress

Cypress wetlands are found scattered along the southern leg boundary of Shingle Creek PD. Vegetation observed within this community type includes bald cypress (*Taxodium distichum*), pond cypress (*Taxodium ascendens*), dahoon holly (*Ilex cassine*), blackgum (*Nyssa sylvatica*), red maple (*Acer rubrum*), slash pine, pond pine (*Pinus serotina*), fetterbush (*Lyonia lucida*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), St. John's-Wort (*Hypericum fasciculatum*), sawgrass (*Cladium jamaicense*), Carolina redroot (*Lachnanthes caroliana*), yellow-eyed grass (*Xyris* spp.) and marsh pennywort (*Hydrocotyle umbellata*).

625 Hydric Pine Flatwoods

Hydric Pine Flatwoods are located along the northern boundary of the project site. This area appears to be part of a seepage slope from the northern upland areas. Vegetation observed within this community type includes slash pine, pond pine, dahoon holly (*Ilex cassine*), swamp bay (*Persea palustris*), saw palmetto, fetterbush, greenbriar, spider orchid flower (*Habenaria repens*), swamp fern, cinnamon fern, gallberry and blackberry. The entire extent of this system also contains scattered patches of Old World climbing fern (*Lygodium microphyllum*).

630 Mixed Forested Wetland

Scattered along the northern and western edge of the subject site are Mixed Forested Wetlands. These mixed forested areas also comprise a few large areas where neither hardwoods nor conifers achieve more than a 66 percent dominance of the crown canopy composition. These areas are best classified as Mixed Forested Wetland (630), per the FLUCFCS. Vegetation observed within this community type include bald cypress, dahoon holly, blackgum, swamp bay, red maple, slash pine (*Pinus elliottii*), pond pine, fetterbush, greenbriar, cinnamon fern, gallberry and blackberry.

PROPOSED WORK: The applicant seeks authorization to permanently fill 37.75 acres of waters of the United States (forested wetlands) for construction of an entrance road and development of a residential community.

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 project has been designed to avoid the large contiguous wetland system that surrounds the Project Site. Wetlands that are more disturbed and contain a higher percentage of nuisance exotic species are located in the northern extent of the project site within the Westwood Boulevard right-of-way. Wetland impacts are proposed in the

southern Residential area of the project site to allow for access to the project limits and development of lots, roadways and the stormwater management system. This portion of the project has been sited within an upland area. This design proposes to meander the project through the uplands, leaving much of the higher quality wetlands undisturbed and intact and concentrating residential development within the uplands of the project area. Originally, the project included two commercial development phases. These phases have since been eliminated from the application. Ultimately, the least invasive site design was chosen which would allow the development's needs to be met as well as balancing the ecological aspects of the property. In support of the proposed site plan the residential development meanders within the uplands proposing fringe wetland impacts, while leaving the large forested wetland system intact and utilized as a significant wildlife corridor."

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

"To offset the loss of function provided by the proposed wetland impacts, the Applicant proposes to purchase credits from a federally approved mitigation bank whose service area includes the project site. Though not part of the overall USACOE permitting plan, it is anticipated that approximately 300 acres of mature pine flatwoods, forested wetlands and herbaceous marshes will be donated to South Florida Water Management District as part of the mitigation plan to this state agency. These lands will remain intact on-site providing a forested wetlands and uplands that run continuously around the project site to Shingle Creek for an expanse of resting, foraging, denning and nesting habitat, as well as providing a covered wildlife corridor for wetland dependent, aquatic and upland species."

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area, which is defined by the project boundaries. 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 determined the project may affect but is not likely to adversely affect (NLAA) wood stork and eastern indigo snake. Based on the Eastern Indigo Snake Effect Determination Key (dated January 25, 2010; August 13, 2013 Addendum), the Corps' determination sequence is as follows: 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 construction) > C (There are gopher tortoise burrows or other refugia.) > D (Project will impact less than 25 active and inactive 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. Permit is conditioned with the standard protection measure for the Indigo Snake) = NLAA. All gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the burrow vicinity. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization from the Florida Fish and Wildlife Conservation Commission. The excavation method selected should also minimize the potential for injury of an indigo snake. 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; the permittee agrees to use the Standard Protection Measures for the Eastern Indigo Snake (dated August 12, 2013). The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through use of the aforementioned determination key.

The proposed activity is within the Core Foraging Area (CFA) of a wood stork rookery; the project supports marginally Suitable Foraging Habitat (SFH) for wood stork. Based on the Effect Determination Key for the Wood Stork in Central and North Peninsular Florida (dated September 2008), the Corps determination sequence was A>B>C>E = NLAA. The determination is supported by SFH compensation provided within the service area of a mitigation bank which covers the CFA, and provides an amount of habitat and foraging function equivalent to that of impacted SFH; is not contrary to the Service's Habitat Management Guidelines For The Wood Stork In The Southeast Region and in accordance with the CWA Section 404(b)(1) guidelines. The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through the use of the aforementioned determination key.

Based on existing habitat types and/or provided survey information, the Corps preliminarily determined the project would have no effect on Bluetail mole skink (*Eumeces egregius lividus*) and Sand skink (*Neoseps reynoldsi*), red-cockaded woodpecker (*Leuconotopicus borealis*), Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*), Audubon's crested caracara (*Polyborus plancus audubonii*), or 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 37.75 acres of palustrine forested wetlands located in the Shingle Creek watershed. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the downstream Kissimmee 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 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, John Palmer, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida, 32926; by electronic mail at *John.Palmer@usace.army.mil*; by fax at (321) 504-3803, or by telephone at (321) 504-3771 extension 10.

IMPACT ON NATURAL RESOURCES: Coordination with USFWS, 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.

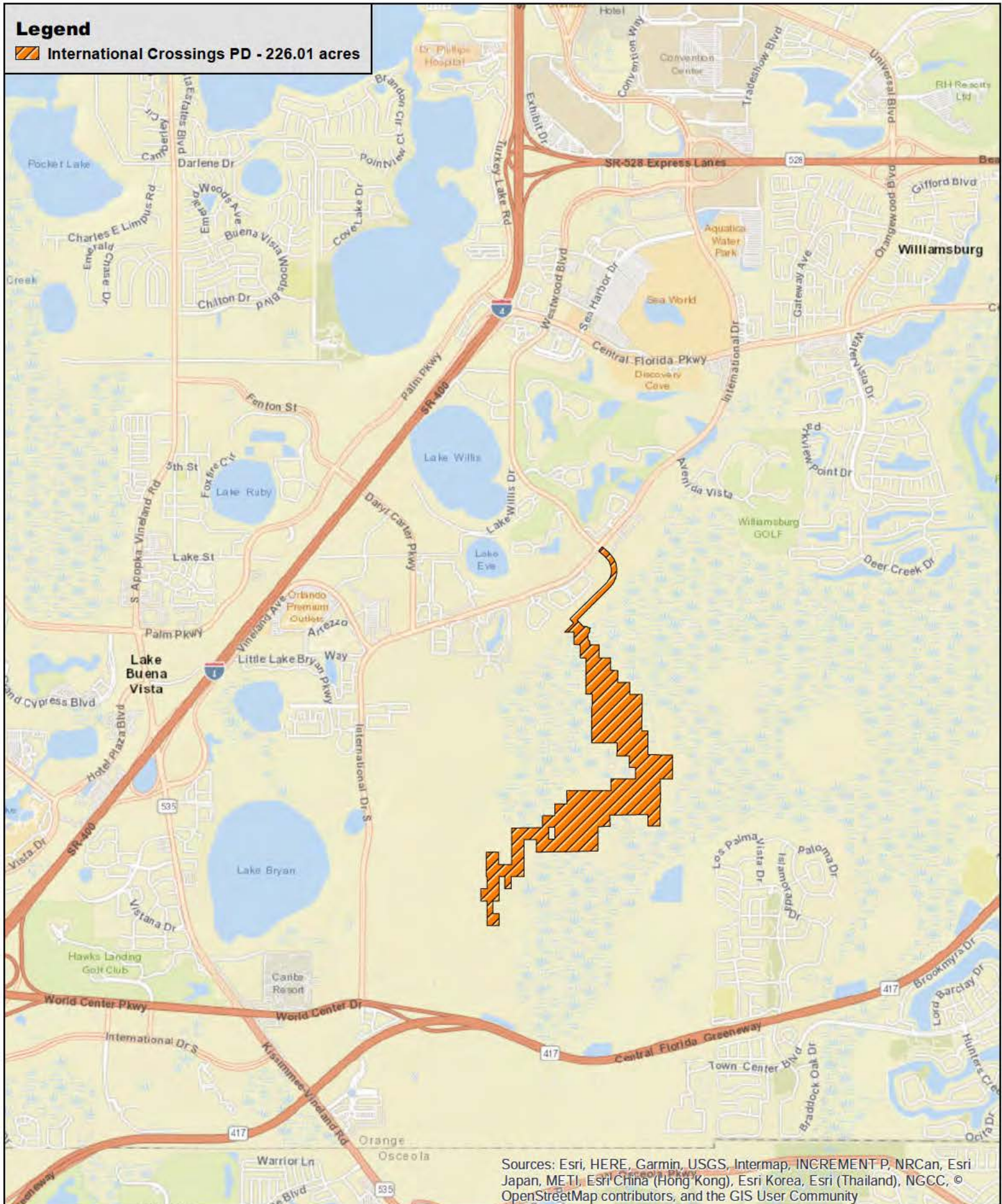
The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, 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.

Legend

 International Crossings PD - 226.01 acres




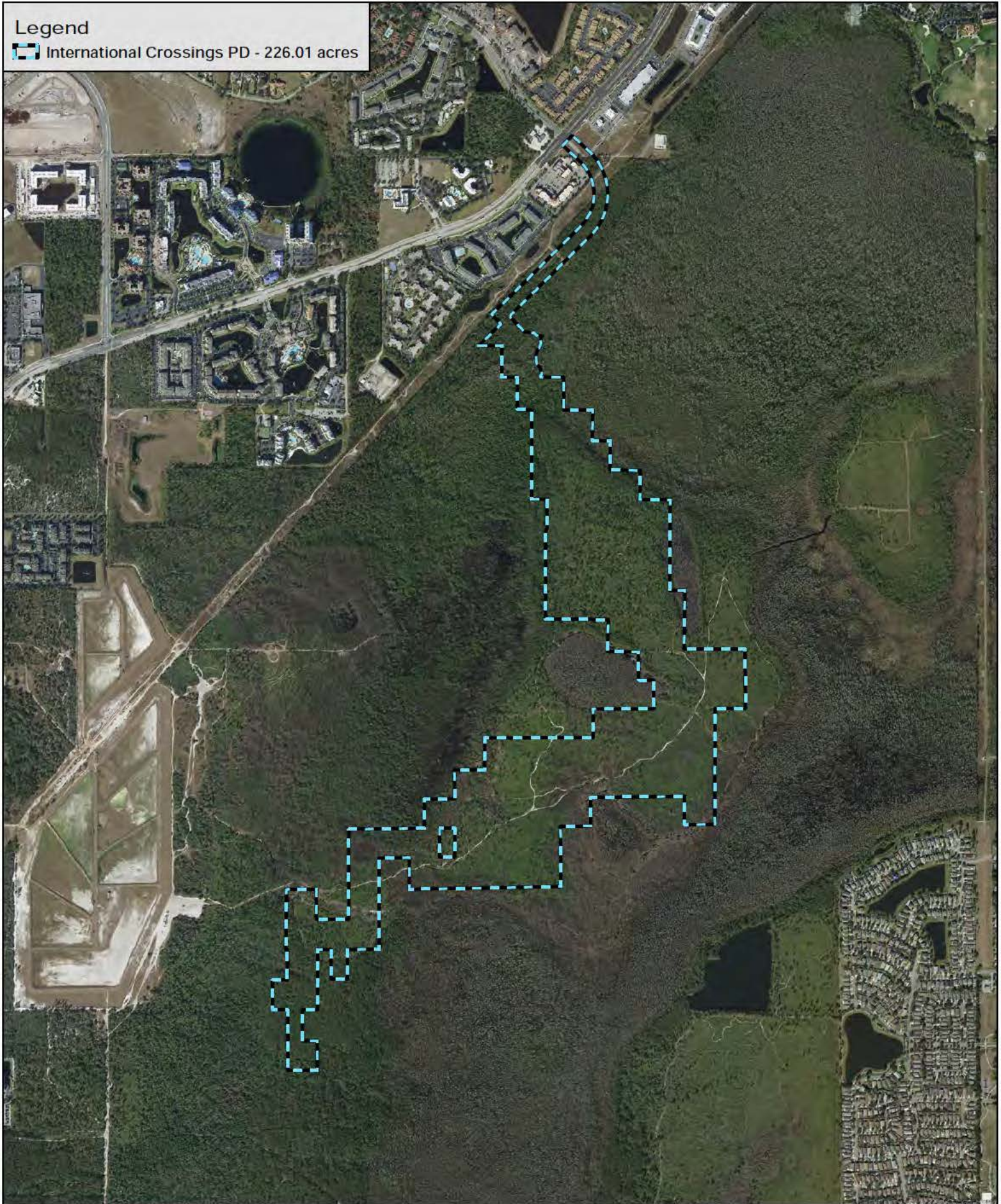
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

International Crossings PD
Orange County, Florida
Figure 1
Location Map



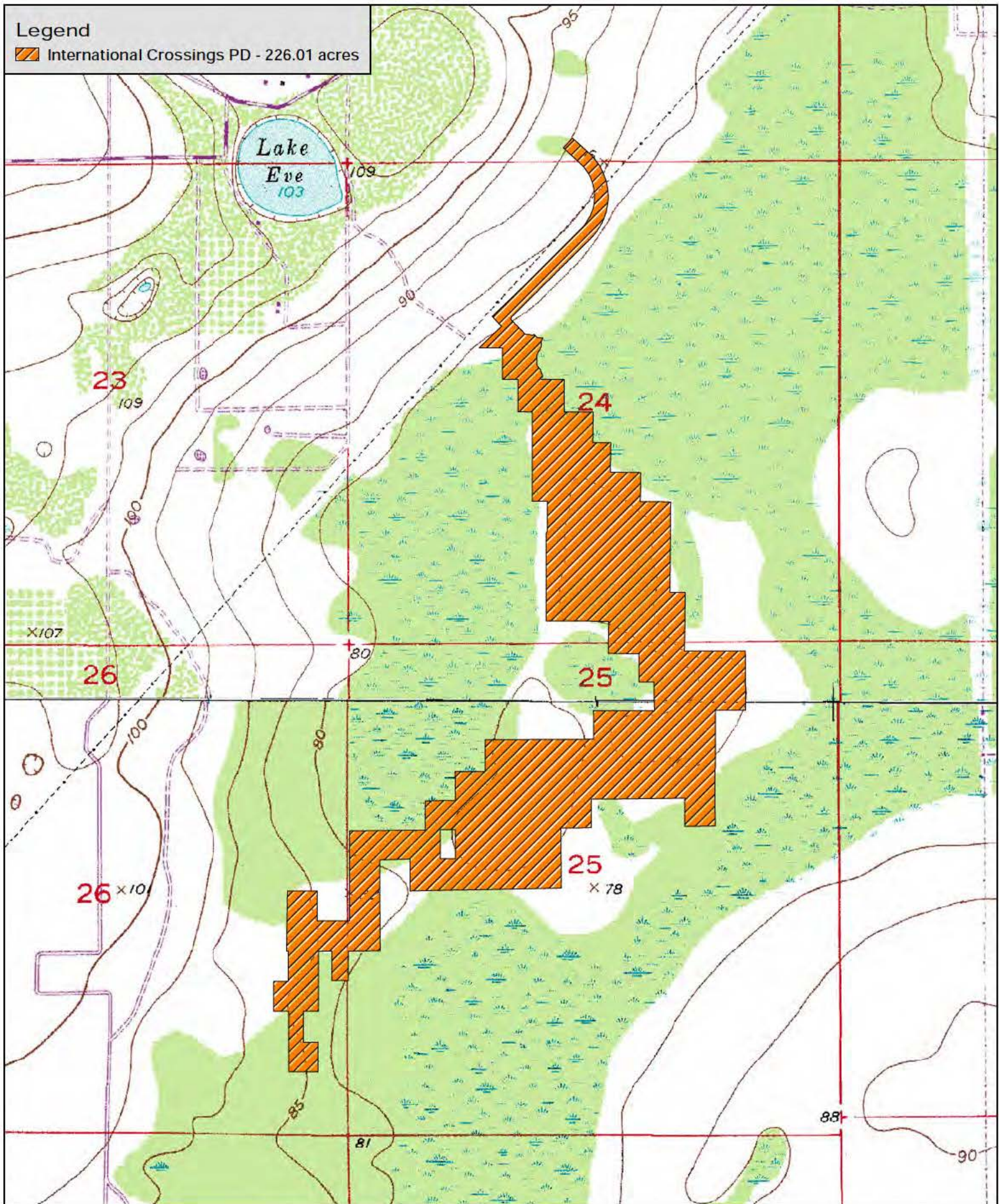
Legend

 International Crossings PD - 226.01 acres



Legend








 International Crossings PD - 226.01 acres

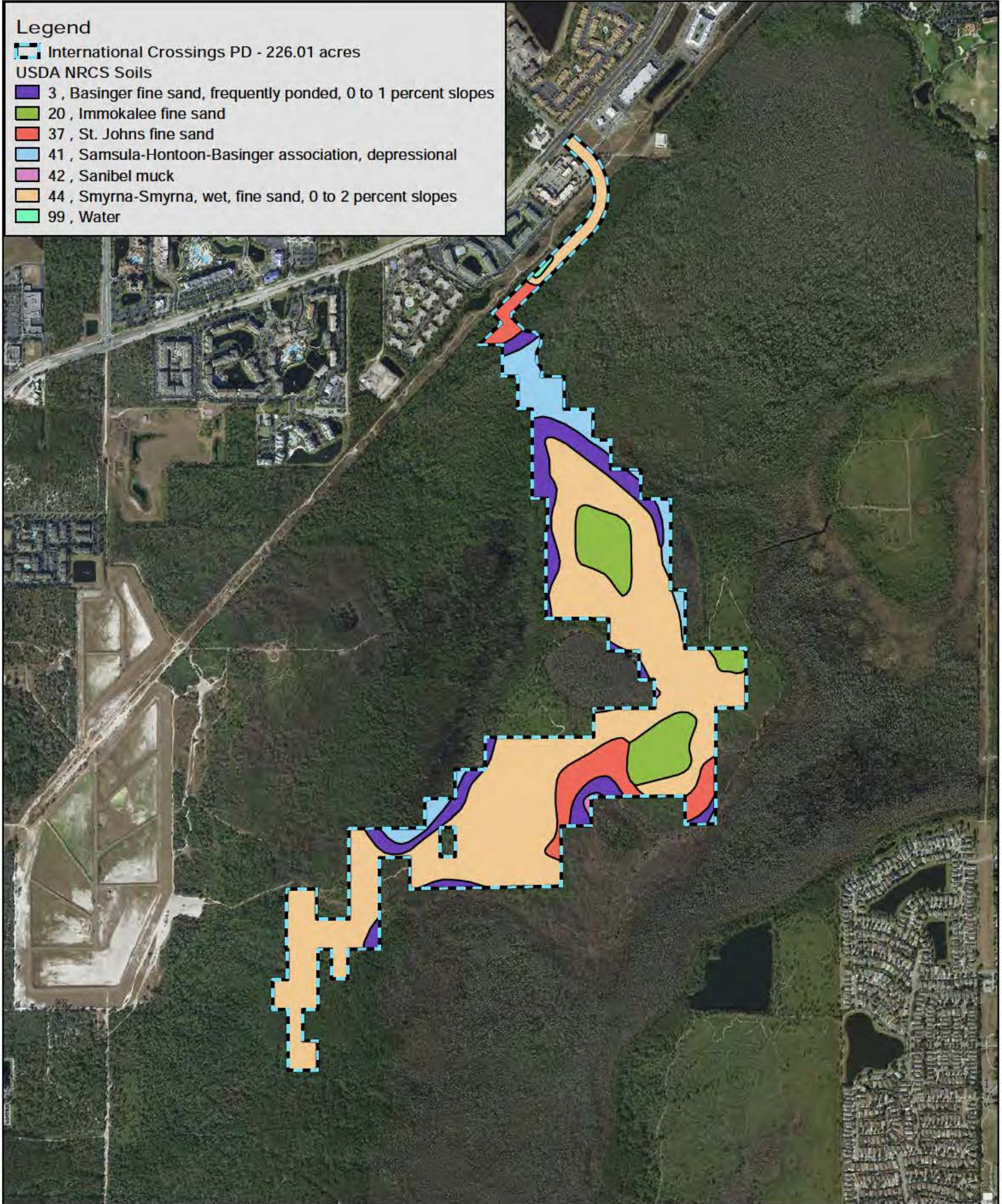


Legend


 International Crossings PD - 226.01 acres

USDA NRCS Soils


-  3 , Basinger fine sand, frequently ponded, 0 to 1 percent slopes
-  20 , Immokalee fine sand
-  37 , St. Johns fine sand
-  41 , Samsula-Hontoon-Basinger association, depressional
-  42 , Sanibel muck
-  44 , Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes
-  99 , Water





Legend


 International Crossings PD - 226.01 acres


FLUCFCS


 140, Commercial, 1.01 acres


 411, Pine Flatwoods, 170.63 acres

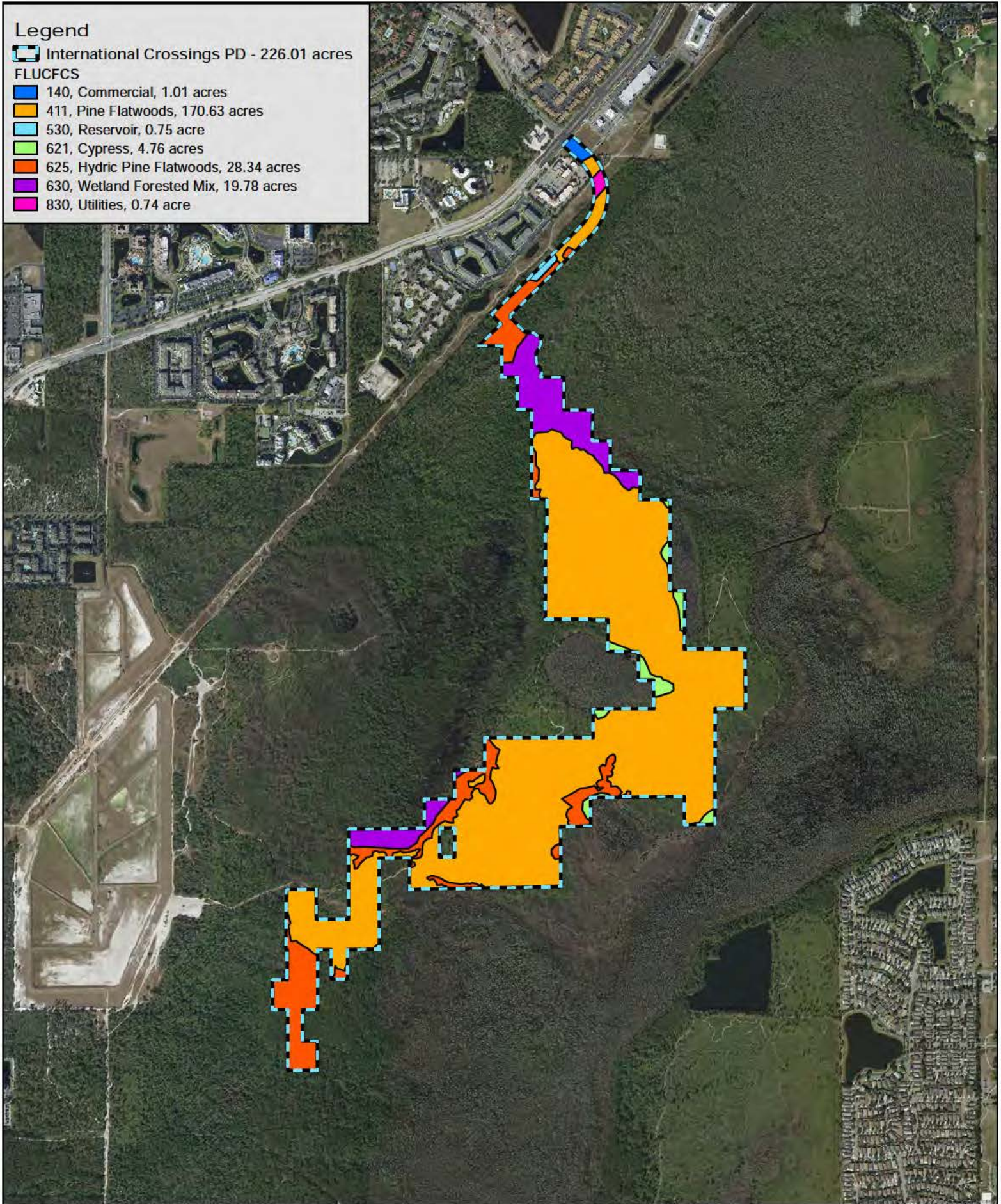
 530, Reservoir, 0.75 acre

 621, Cypress, 4.76 acres






 625, Hydric Pine Flatwoods, 28.34 acres

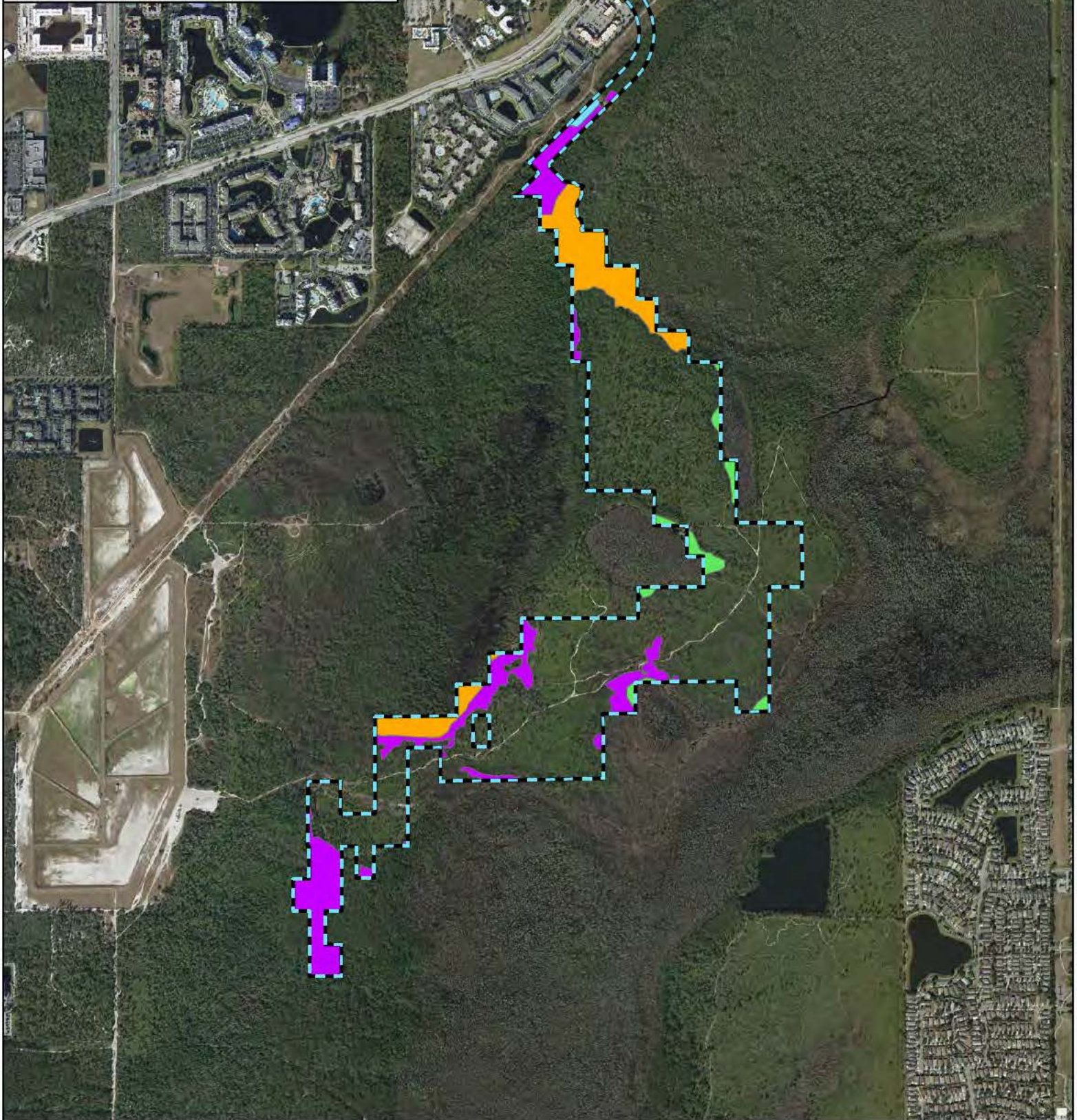
 630, Wetland Forested Mix, 19.78 acres

 830, Utilities, 0.74 acre



Legend

-  International Crossings PD - 226.01 acres
- ACOE Wetlands - 53.63 acres
 -  530, Reservoir, 0.75 acre
 -  621, Cypress, 4.76 acres
 -  625, Hydric Pine Flatwoods, 28.34 acres
 -  630, Wetland Forested Mix, 19.78 acres



Legend

International Crossings PD - 226.01 acres

Wetland Impacts - 37.75 acres

Impact 1, 0.75 acre

Impact 2, 14.71 acres

Impact 3, 0.08 acres

Impact 4, 2.27 acres

Impact 5, 3.05 acres

Impact 6, 2.54 acres

Impact 7, 10.96 acres

Impact 8, 0.12 acre

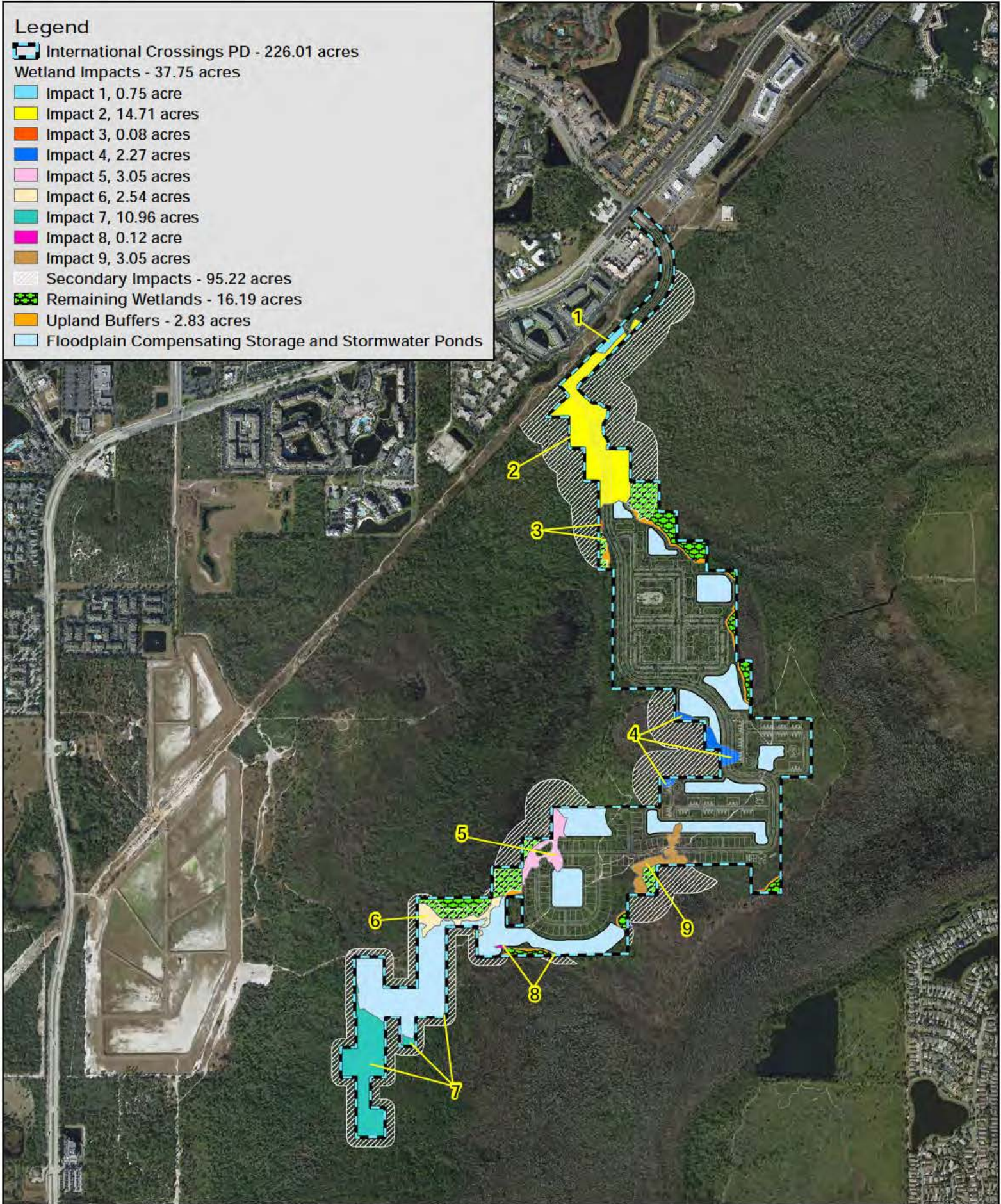
Impact 9, 3.05 acres

Secondary Impacts - 95.22 acres

Remaining Wetlands - 16.19 acres

Upland Buffers - 2.83 acres

Floodplain Compensating Storage and Stormwater Ponds



Legend

International Crossings PD - 226.01 acres

Wetland Impacts - 37.75 acres

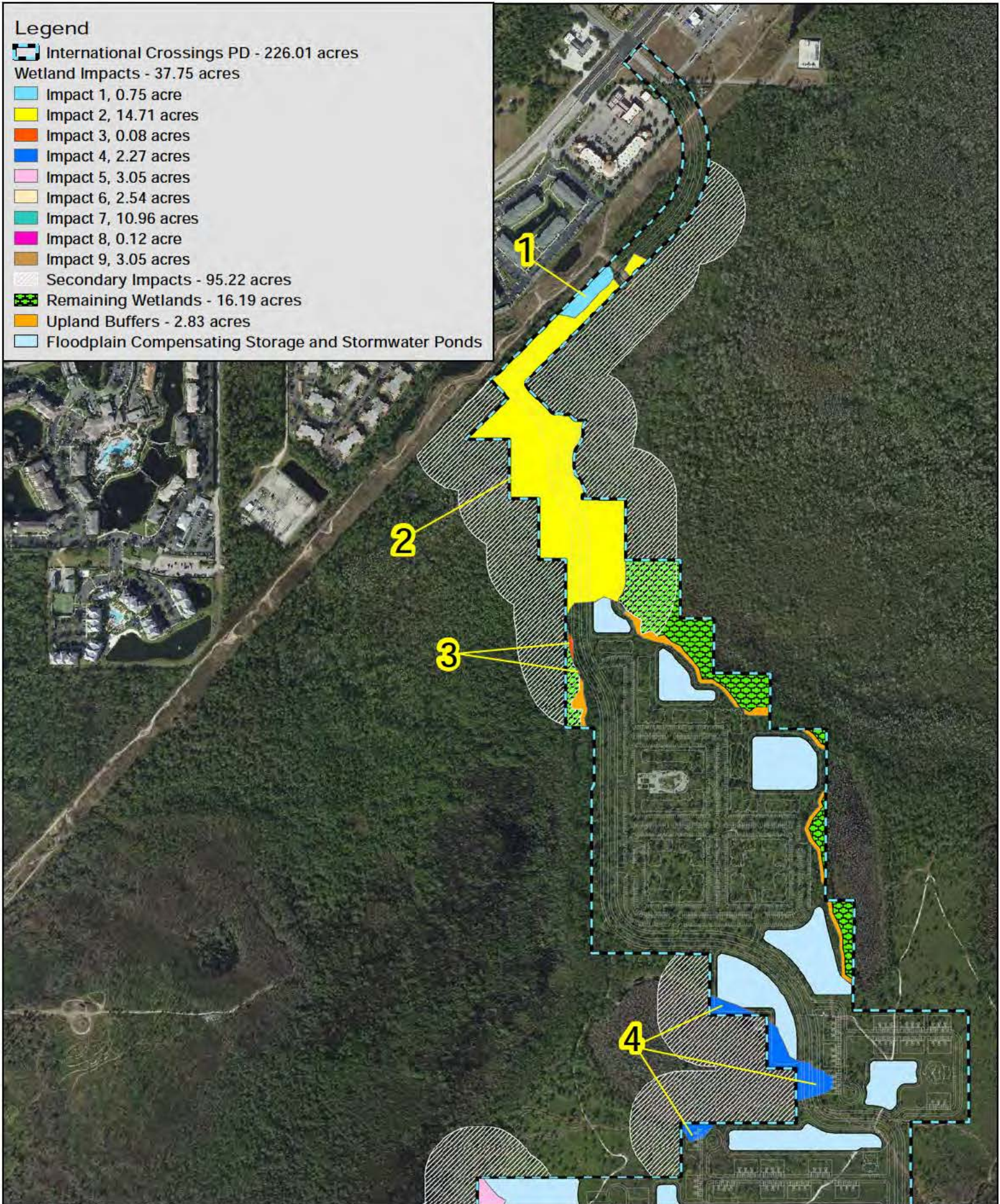
- Impact 1, 0.75 acre
- Impact 2, 14.71 acres
- Impact 3, 0.08 acres
- Impact 4, 2.27 acres
- Impact 5, 3.05 acres
- Impact 6, 2.54 acres
- Impact 7, 10.96 acres
- Impact 8, 0.12 acre
- Impact 9, 3.05 acres

Secondary Impacts - 95.22 acres

Remaining Wetlands - 16.19 acres

Upland Buffers - 2.83 acres

Floodplain Compensating Storage and Stormwater Ponds



Legend

International Crossings PD - 226.01 acres

Wetland Impacts - 37.75 acres

Impact 1, 0.75 acre

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Impact 3, 0.08 acres

Impact 4, 2.27 acres

Impact 5, 3.05 acres

Impact 6, 2.54 acres

Impact 7, 10.96 acres

Impact 8, 0.12 acre

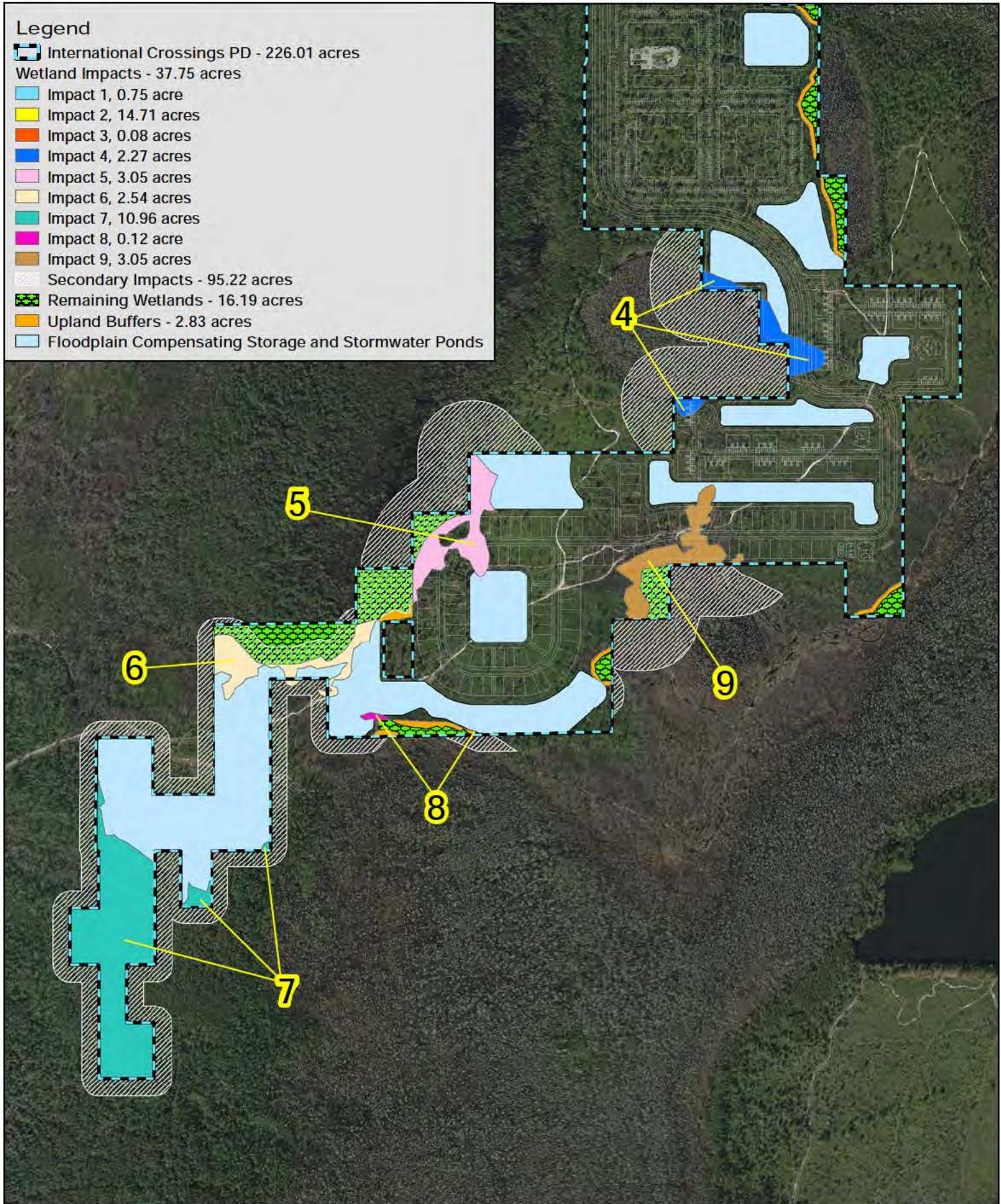
Impact 9, 3.05 acres

Secondary Impacts - 95.22 acres

Remaining Wetlands - 16.19 acres

Upland Buffers - 2.83 acres








Floodplain Compensating Storage and Stormwater Ponds



International Crossings PD
Orange County, Florida
Figure 8c
Wetland Impact Map



Legend

-  International Crossings PD - 226.01 acres
-  Remaining Wetlands - 16.19 acres
-  Upland Buffers - 2.66 acres
-  Floodplain Compensating Storage and Stormwater Ponds
-  2017 Eagle Nest OR014
-  330 ft Eagle Nest Buffer
-  660 ft Eagle Nest Buffer

