



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

October 1, 2019

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2004-00954(SP-RHF)

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:

BACKGROUND: A DA Permit was issued November 17, 2004 for the placement of 6,518 cubic yards of fill within 2.02 acres of wetlands and the excavation of 0.25 acres of wetland to construct a single-family residence. Subsequently, the proposed work was reauthorized on September 8, 2014. The applicant has been unable to complete the work and is requesting a 5 year extension.

APPLICANT: Henry and Katarina Stoddard
3519 Pine Island Road
Fort Lauderdale, Florida 33351

WATERWAY AND LOCATION: The project would affect waters of the United States associated with a 5.04 acre lot within the C-16 Drainage Basin on Lot 158 in the Homeland Subdivision. The project site is located on Homeland Road, within Section 35, Township 44 south, Range 41 east, Wellington, Palm Beach County, Florida.

Directions to the site are as follows: From West Palm Beach proceed west on Lake Worth Road west to State Road 7. Turn left onto State Road 7 and proceed south to 50th Road South. Turn right onto 50th Road South. Take 50th Road South to Homeland Road and turn left. The site is located approximately 0.8 miles down on the east side of Homeland Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.594642° North
Longitude -80.223532° West

PROJECT PURPOSE:

Basic: The basic project purpose is to construct a single-family residence and private use equestrian facility.

Overall: The overall project purpose is to construct a single-family residence, barn, paddocks and dry grazing pasture for private use in an equestrian oriented community to serve the growing residential/equestrian needs in Palm Beach County.

EXISTING CONDITIONS: The 5.04 acre property consists of a 1.71 acre melaleuca dominated wetland with sparse ground cover of blechnum fern, royal fern, and climbing fern. The site also contains a 0.56-acre cypress dominated wetland with encroaching melaleuca and climbing ferns. Other features on the property include drainage easements (0.86 acres), FP&L easement (1.86 acres), and utility easement (0.06 acres).

PROPOSED WORK: The applicant seeks to extend permit issued on August 22, 2014 by 5 years. This permit authorized the placement 6,518 cubic yards of fill over 2.02 acres and excavate 0.25 acres of freshwater herbaceous and forested wetlands to construct a single-family residence, pond, and related equestrian infrastructure. No activity is proposed within the onsite easement areas.

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 proposed work was designed to impact the minimum amount of aquatic resources necessary and is avoiding impacts to approximately 2.78 acres of herbaceous and forested wetlands.

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

The applicant has purchased 0.62 freshwater herbaceous credits and 0.44 forested wetland credits from Loxahatchee Mitigation Bank as required under the previous authorization. However, no work has commenced.

CULTURAL RESOURCES:

The Corps has determined the permit area the activity is of such limited scope there is little likelihood of impact upon a historic property; therefore, the proposed project would have “No Potential to Cause Effect”.

ENDANGERED SPECIES:

The project is within the range and/or consultation area of the Everglades snail kite (*Rostrhamus sociabilis*), eastern indigo snake (*Drymarchon corais couperi*), Florida scrub jay (*Aphelocoma coerulescens*), and wood stork (*Mycteria americana*).

- The project site is located in an area where the eastern indigo snake may occur. The Corps has determined the proposal may affect the eastern indigo snake. The project site contains approximately 3.5-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. The applicant will agree to conditions requiring that all gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the vicinity of the burrow. If an eastern indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Any permit will also be conditioned such that 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 eastern indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.

- The project is located within the species consultation area for the Everglades snail kite. The species regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes, and Grassy Waters Preserve. Kite foraging habitat consists of relatively shallow wetland vegetation, either within extensive marsh systems, or in lake littoral zones. Snail kite nesting substrate is typically located over open water at a distance of approximately 150 meters from the edge of water to provide protection to the nest. The project area contains a melaleuca dominated wetland a small cypress dominated wetland. The site does not contain areas of open water 150 meters or more from upland areas. Since project is not located in any of the types of habitats necessary to support the snail kite, the Corps has determined that the project will have no effect on the species.
- The project is located within the species consultation area for the Florida scrub jay. Suitable habitats for the scrub-jay are not only the more “classic” xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, and sand pine scrub, but also include: improved, unimproved, and woodland pastures, citrus groves, rangeland, pine flatwoods, longleaf pine xeric oak, sand pine, sand pine plantations, forest regeneration areas, sand other than beaches, disturbed rural land in transition without positive indicators of intended activity, and disturbed burned areas. The entire site consists primarily of melaleuca and cypress wetland and non-native dominated uplands. No scrub habitat is located on site. Therefore, the project areas does not contain suitable habitat for the Florida Scrub Jay and based on this information the Corps has determined the proposed work would have no-effect on the Florida Scrub Jay.
- Not Likely to Adversely Affect the wood stork. 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.

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 2.02 acres of forested and non-native dominated freshwater wetlands. Our initial determination is that the proposed action would not have a substantial adverse 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. 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 15 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, Trey Fraley, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at robert.h.fraley@usace.army.mil, or, by telephone at (561) 472-3526.

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.

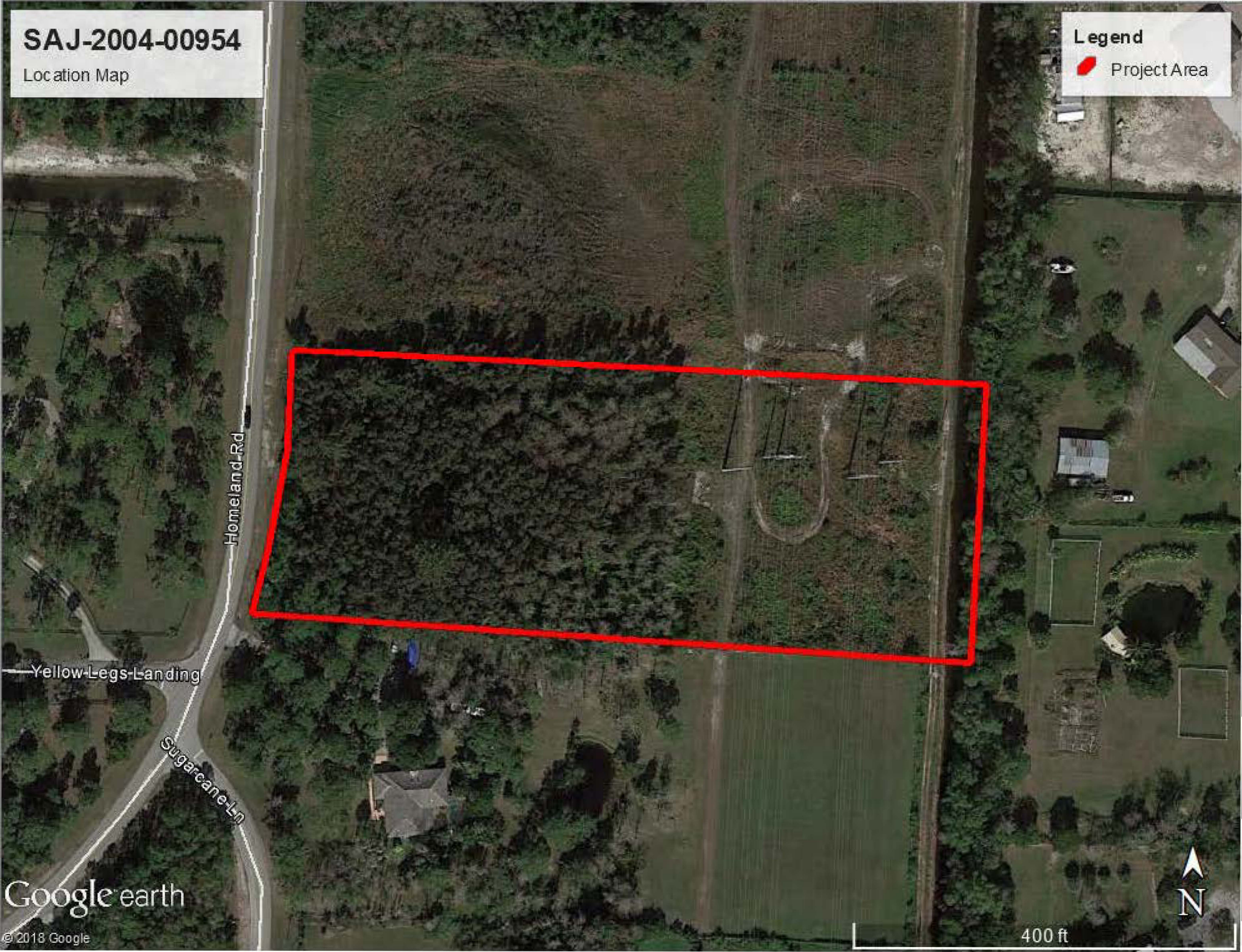
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

SAJ-2004-00954

Location Map

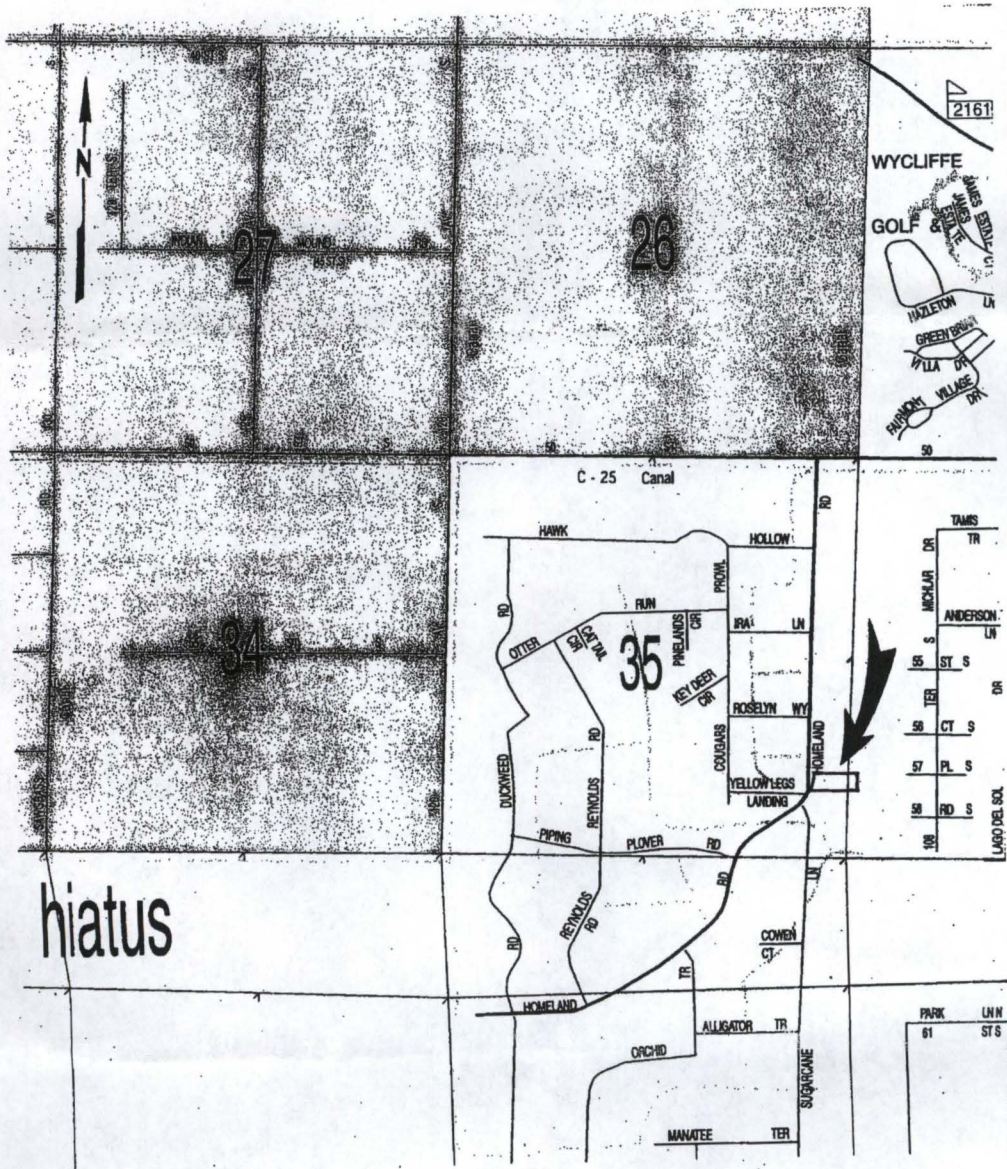
Legend

 Project Area



Google earth

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DETAILED SITE LOCATION MAP

1" = 2000 feet

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LOT #158 - HOMELAN

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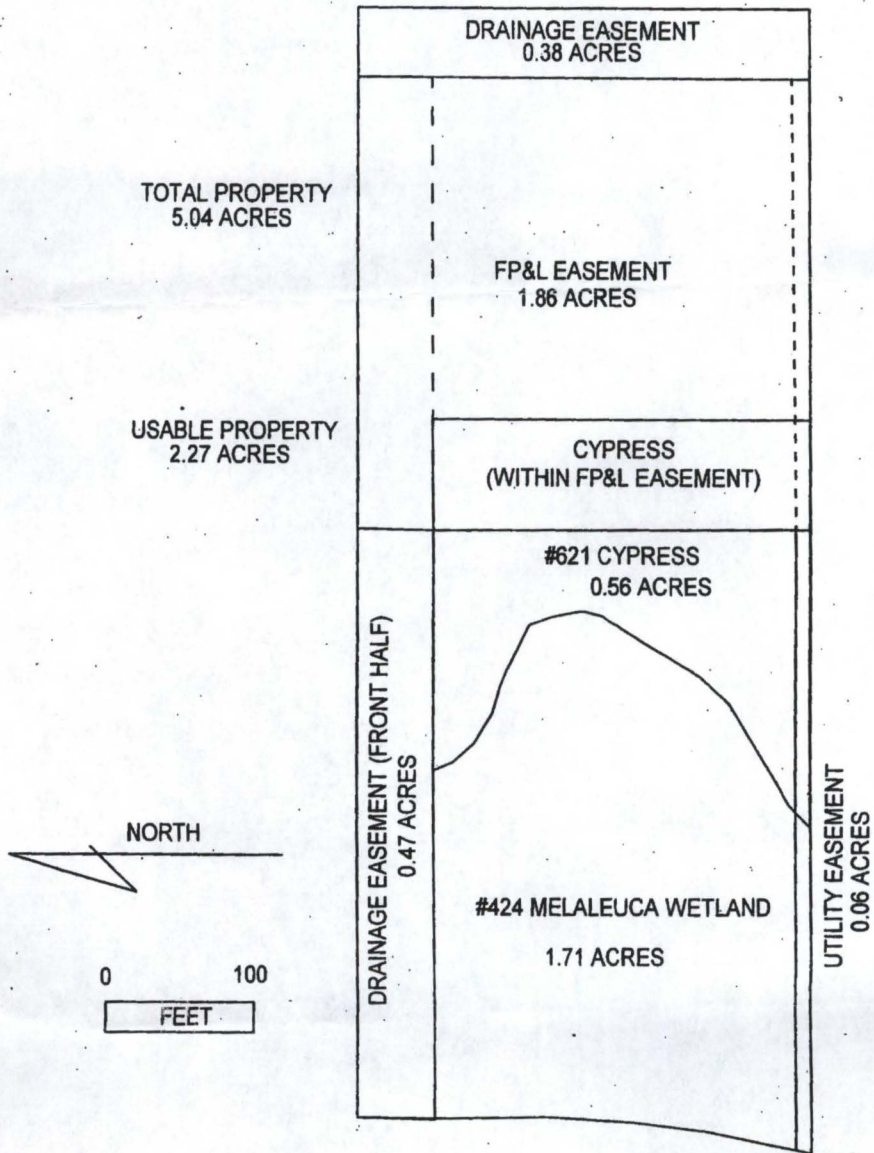



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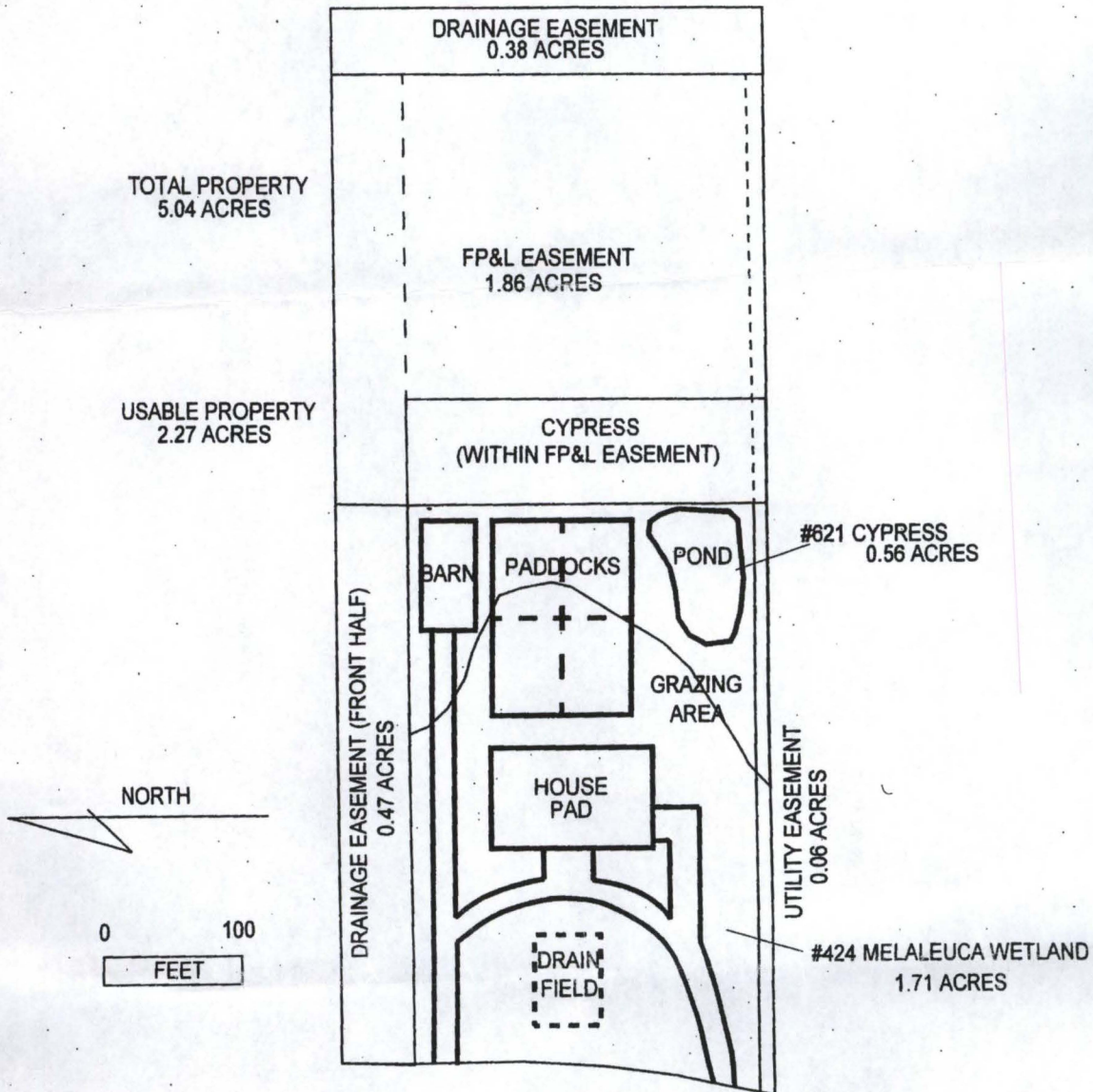
SAJ-2004-954(IP-DEB)

Lot 158, Homeland/ Stoddard

April 15, 2004 Attachment # 2



LAND USE AND LAND COVER MAP	
1" = 100 feet	Palm Beach Count
LOT #158 - HOMELAND	
MILLESON ENVIRONMENTAL CONSI	 SAJ-2004-954(IP-DEB) Lot 158, Homeland/ Stoddard April 15, 2004 Attachment # <u>3</u>



PROPOSED SITE DEVELOPMENT PLAN

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LOT #158 - HOMELAND

SAJ-2004-954(IP-DEB)

Lot 158, Homeland/ Stoddard

April 15, 2004 Attachment # 4

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Project Name: Lot #158 Homeland Subdivision, Corps Project #2004-954										
Wetland Name	Type/Classification	Pre-Impact Area (Acres)	Dredge Area (Acres)	Fill/Impact Area (Acres)	M-WRAP Fill/Impact Delta	M-WRAP Functional Capacity Unit-Debits	Preserved/Enhanced/Restored and/or Created Area (Acres)	Mitigation Description	WRAP Lift (for Preserved/Enhanced Wetlands) or Delta (for Created Wetlands)	WRAP Functional Capacity Unit-Credits (with temporal lag)
W1	FML	1.71	0.00	1.71	0.36	0.62	0.00	Purchase Freshwater Mitigation Credits at Loxahatchee Mitigation Bank	0.00	0.62
W2	CD	0.56	0.25	0.56	0.54	0.44	0.00	Purchase Forested Wetland Mitigation Credits at Loxahatchee Mitigation Bank	0.00	0.44
		2.27	0.25	2.27	0.90	1.05	0.00		0.00	1.05
							Overall WRAP credits/debits >>>>			0.00
HW=herbaceous wetland DP=Depressional Wetland CD=Cypress Dome/Wetlands WP=Wet Prairie FW=forested wetland FML=Marine Wetland created by Data Services/USACE/not an official document										



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SAJ-2004-954(IP-DEB)

Lot 158, Homeland/ Stoddard

April 15, 2004 Attachment # 5