



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

REPLY TO
ATTENTION OF

March 16, 2020

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2018-03504(SP-JKA)

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: Pulte Home Company, LLC
Aimee Carlson
4400 PGA Boulevard, Suite 700
Palm Beach Gardens, Florida 33410

WATERWAY AND LOCATION: The project would affect waters of the United States associated with 0.59 acres of non-wetland waters. The project site is located 5024 S. State Road 7, Section 27, Township 43 South, Range 42 East, Lake Worth, Palm Beach County Florida.

Directions to the site are as follows: Take Interstate 95 to Exit 61 for Florida 812/ Lantana Road (west). Travel west approximately 8.4 miles and turn right onto U.S. Highway 441. Travel 0.5 miles and destination will be on the right.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.601026°
Longitude: -80.201282°

PROJECT PURPOSE:

Basic: residential development

Overall: Provide single family residential housing for working middle class families within Palm Beach County, Florida.

EXISTING CONDITIONS: The 31.1-acre project area was a former potted tree nursery on the west side, a fish farm in the center (this is where there are large concrete foundations that still exist), and an ornamental nursery on the east side. The existing conditions on site are indicative of the historical agricultural activities, and wetlands that may have previously existed have been extremely impacted and degraded by the historical activities. The Corps verified the boundaries of the waters on site during the January 10, 2019 site visit, and documented that there were two non-wetland waters, totaling 0.59 acre on site.

PROPOSED WORK: The applicant seeks authorization to fill to place 4,000 cubic yards of fill within 0.59 acres of non-wetland waters to construct 100 residential units within a 31.1 acre area.

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:

Due to the degraded condition of the identified non-wetland waters located on site, avoidance of these areas was not feasible. However, impacts will be offset by the creation of 2.94 acres of non-wetland waters through the creation of stormwater detention ponds.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

“No compensatory mitigation is required for impacts to surface waters, these same waters are most likely to be considered SFH for the Wood Stork by the United States Fish and Wildlife Service (USFWS). The applicant will offset unavoidable impacts to wood stork suitable foraging habitat (SFH) through the creation of additional SFH in the form of the proposed stormwater detention ponds. Created SFH areas will consist of all proposed littoral areas (6” above and 2’ below the SHGW) of wet retention ponds. All 0.59 acres of SFH will be replaced in kind, acre for acre, as much as is technically possible factoring in design parameters and constraints. The project will provide 0.66 acres of created SFH within the project limits leaving a surplus of 0.07 acres of created SFH and completely offsetting all SFH 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 if applicable, 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*). The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal may affect the Eastern indigo snake (*Drymarchon couperi*). The Corps will request initiation of formal consultation with the Fish and Wildlife Service/National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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. No EFH is located within or areas affected by the project.

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 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, Jerilyn Ashworth, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Jerilyn.Ashworth@usace.army.mil; by facsimile transmission at (561)626-6971; or, by telephone at (561)472-3516.

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.

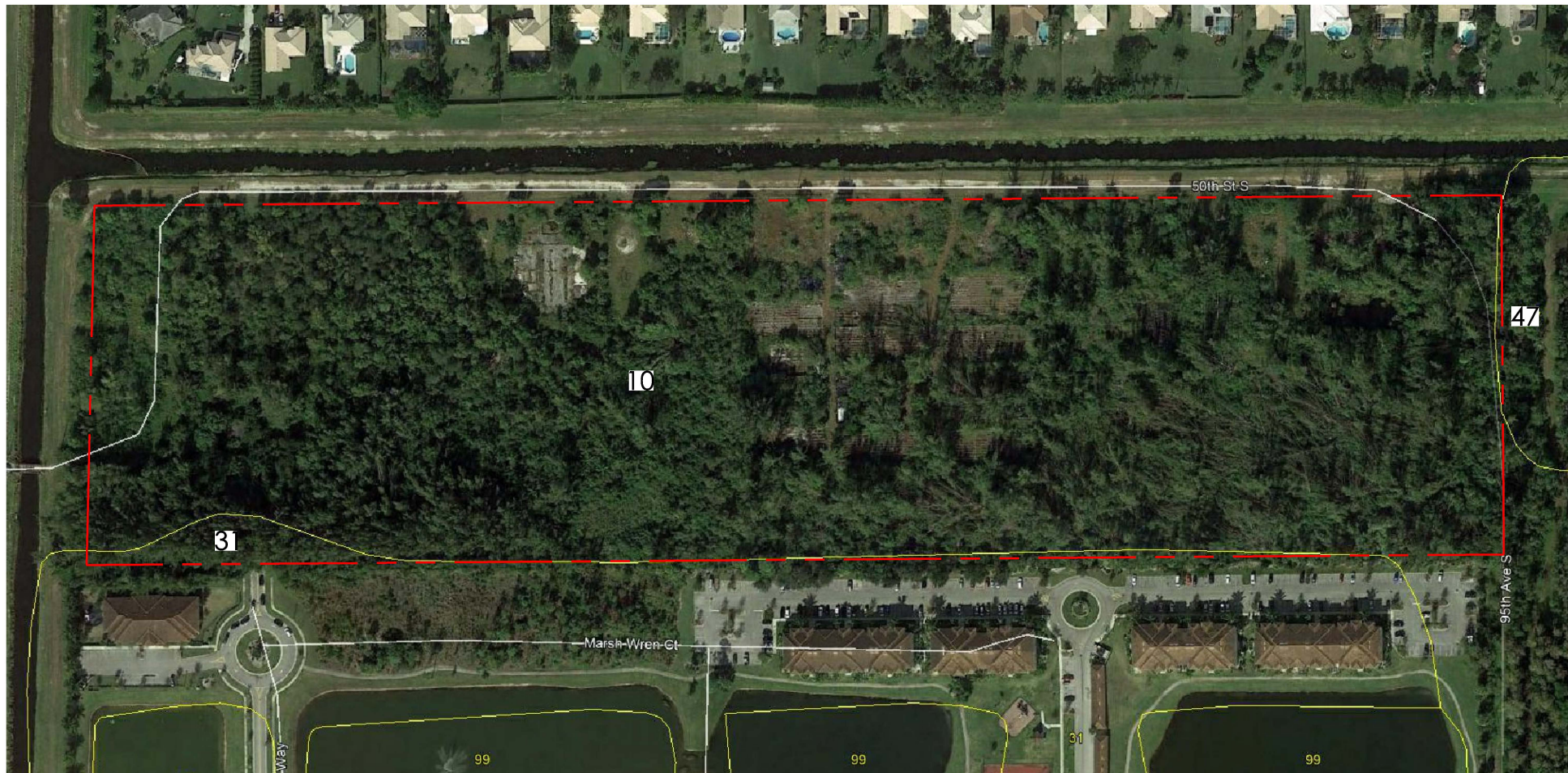
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



Soil Series
10 - Boca Fine Sand
31 - Pits
47 - Udorthents

Source: USDA Soil Survey of Palm Beach County, 1978

WINDSONG ESTATES

PREPARED FOR PULTE HOMES

SOIL SURVEY

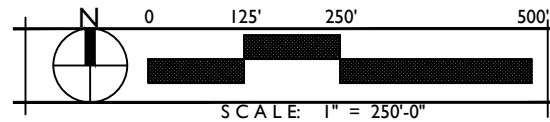
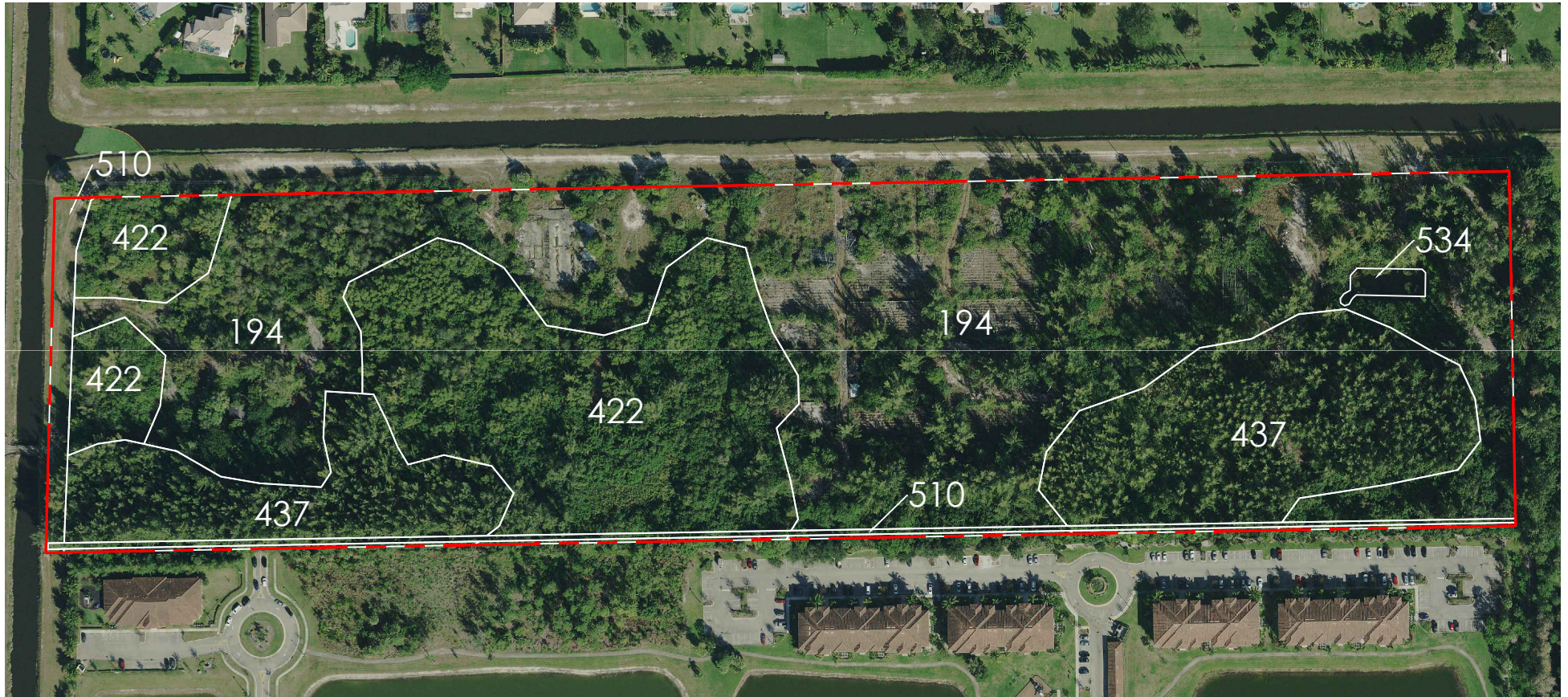
EXHIBIT B



SCALE: NTS



DRAWN BY:	RMH
DRAWING #:	356000_EV-MAPS.dwg
FILE #:	3560.00
DATE:	REVISED 01/20/2020



Source: FDOT GIS Aerials

FLUCCS CODE

194 - Other Open Land - 16.66 ac.

422 - Brazilian Pepper - 7.28

437 - Australian Pine - 6.31

510 - Canal - 0.92 ac.

534 - Reservoirs < 10 ac. - 0.13 ac.

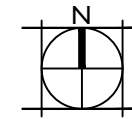
Total Acreage = 31.30

WINDSONG ESTATES

PREPARED FOR PULTE HOMES

EXISTING LAND USE MAP

EXHIBIT C



SCALE: 1" = 250'0"

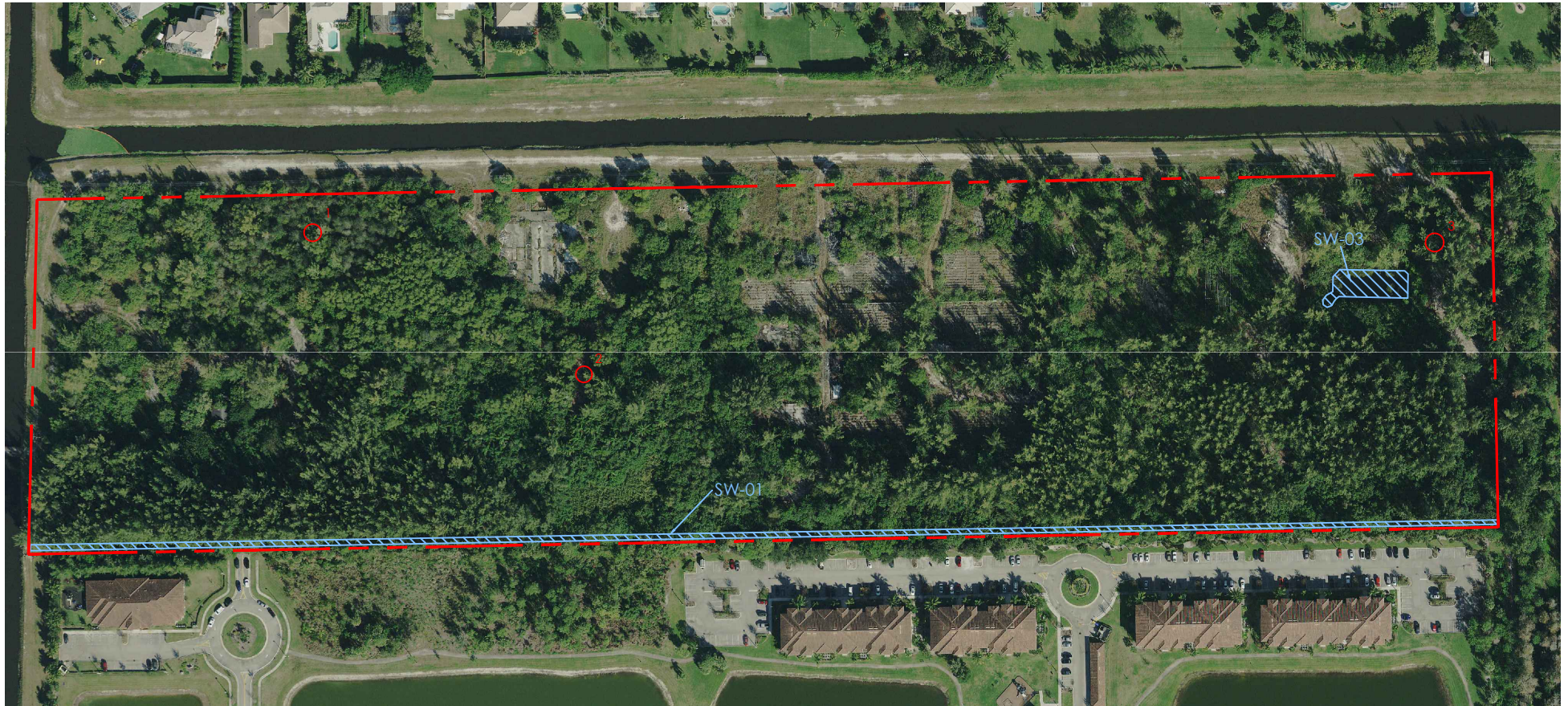


DRAWN BY: RMH

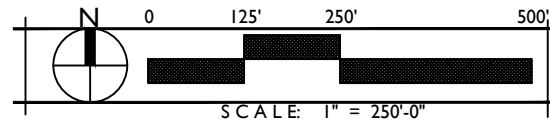
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○1a = Data Points



Source: FDOT GIS Aerials

WETLAND & OSW ACREAGE

SW-01 = 0.46 ac.

SW-03 = 0.13 ac.

 Total Wetland Acreage = 0.00

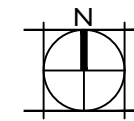
 Total OSW Acreage = 0.59

WINDSONG ESTATES

PREPARED FOR PULTE HOMES

WETLAND BOUNDARY MAP

EXHIBIT D



SCALE: 1" = 250'0"



DRAWN BY: RMH

DRAWING #: 356000_EV-MAPS.dwg

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