



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
COCOA PERMITS SECTION
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

April 1, 2020

CESAJ-RD-NC
SAJ-2019-01279 (SP-BJC)

PUBLIC NOTICE

Permit Application No. SAJ-2019-01279 (SP-BJC)

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:

B. Braun Medical, Inc.
Attn: Mr. Bruce Heugel
1845 Mason Avenue
Daytona Beach, Florida 32117

WATERWAY AND LOCATION: The B. Braun Daytona Beach project site would affect waters of the United States associated with the Tomoka River (Hydrologic Unit Code 0308020102). The project site is located at the southwest corner of the Mason Avenue and Bill France Boulevard intersection, in Section 14, Township 15 South and Range 32 East, Daytona Beach, Volusia County, Florida.

Directions to the site are as follows: From the Cocoa Permits Section get on 528 W for 4 miles to I-95N toward Daytona Beach. After 60 miles take exit 265 toward Holly Hill/Daytona Beach. Turn right onto LPGA Boulevard then turn right onto N. Williamson Boulevard. Turn left on to Mason Avenue until reaching the intersection with Bill France Boulevard. The project site will be on the right at the SW corner of the intersection.

APPROXIMATE CENTRAL COORDINATES: Latitude: 29.207659°
Longitude: -81.076230°

PROJECT PURPOSE:

Basic: Commercial development

Overall: Expand manufacturing and distribution capabilities in eastern Volusia County.

EXISTING CONDITIONS: The property is located at the southwest corner of the intersection of Bill France Boulevard and Mason Avenue, in Section 14 Township 15 South, Range 32 East, within Volusia County, Florida. A project location map is attached as Figure 1 – Project Location Map. Portions of the U.S. Geological Service (USGS) 7.5-Minute Daytona Beach, Florida quadrangle map depicting the location of

the subject site are attached as Figure 2 – USGS Topographic Map. Site elevation is relatively flat, approximately 28 feet, and currently consists of hardwood and coniferous forest. Based on the NRCS Soil Survey of Volusia County, Florida (1980), the site is composed of a mix of hydric soils and non-hydric soils, as shown on Figure 3 – NRCS Soils Map.

An informal wetland determination was conducted with Kris Hebert of the St. Johns River Water Management District (SJRWMD) on October 15th, 2018; a U.S. Army Corps of Engineers (USACE) jurisdictional determination was conducted on April 22nd, 2019. Following these determinations, it was determined that 15.51 acres of wetlands occur on site, with 0.09 acres of surface waters.

A Florida Land Use, Cover, and Forms Classification System (FLUCFCS) map is included as Figure 4 – FLUCFCS Map. The following summarizes existing land uses and cover types within the project study area:

FLUCFCS 410– Upland Coniferous Forests (± 16.70 Ac.) - This land cover is located in most of the northern portion of the property. The canopy was dominated by slash pine (*Pinus elliotii*) with scattered laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), juniper (*Juniper spp.*), and dahoon holly (*Ilex cassine*) throughout. Understory vegetation was dense and consisted primarily of yaupon holly (*Ilex vomitoria*) and saw palmetto (*Serenoa repens*) but also included wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), sword fern (*Nephrolepis cordifolia*), and blackberry (*Rubus pensilvanicus*); sporadic patches of muscadine (*Vitis rotundifolia*) and air potato (*Dioscorea bulbifera*) were also observed within the area. Air potato is an exotic/invasive vine.

FLUCFCS 510– Streams and Waterways (± 0.09 Ac.) - Two upland cut ditches run through the northeastern portion of the property. These ditches had 3-4 inches of standing water with an averaged width of 5 feet across.

FLUCFCS 617– Mixed Wetland Hardwoods (± 9.63 Ac.) (Wetland A) - This 9.63-acre jurisdictional wetland is located toward the southwestern extent of the property. The canopy and subcanopy is dominated by cypress (*Taxodium spp.*) and slash pine, but also includes laurel oak, cabbage palm, and dahoon holly. The understory includes a variety of herbaceous species including red root (*Lachnanthes caroliana*), cinnamon fern (*Osmundastrum cinnamomeum*), royal fern (*Osmunda regalis*), and saw palmetto. Evidence of fire suppression is apparent, with overgrowth of muscadine and greenbriar (*Smilax spp.*) present throughout the wetland. The surrounding environment is characterized by upland coniferous forests to the north, a cleared powerline easement to the south, and a cypress swamp to the east. This wetland appears to be functioning as expected except for the nuisance/exotic species and upland encroachment which results in reduced habitat value for wildlife utilization. Vegetative recruitment is low due to the surrounding development.

FLUCFCS 621 - Cypress (± 5.88 Ac.) (Wetland B) - This 5.88-acre jurisdictional wetland is located toward the southeastern extent of the property. The canopy and subcanopy is dominated by cypress. The understory includes a variety of herbaceous species including cinnamon fern, royal fern and saw palmetto. Evidence of fire suppression is apparent, with overgrowth of muscadine and greenbriar present throughout the wetland. The surrounding environment is characterized by upland coniferous forests to the north, a cleared powerline easement to the south, and a cypress swamp to the east. This wetland appears to be functioning as expected except for the nuisance/exotic species and upland encroachment which results in reduced habitat value for wildlife utilization. Vegetative recruitment is low due to the surrounding development.

PROPOSED WORK: The applicant seeks authorization to fill 15.60 acres of waters of the United States consisting of 15.51 acres of freshwater wetlands and 0.09 acres of surface waters for the construction/expansion of a manufacturing and distribution center.

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:

“Practicable design modifications are not available for this site to avoid and minimize impacts to onsite wetlands. In order to satisfy the project Purpose and Need, the building must be a single-story building, with enough space to house the required number of production lines in order to meet market demand. Therefore, the proposed project will impact all wetlands and surface waters located onsite. There will 15.51 acres of forested wetlands directly impacted and 0.09 acres of surface waters directly impacted. Additionally, as there are wetlands located adjacent to the site, to the west, there will also be 0.21 acres of secondary wetland impacts to forested wetlands.”

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

“The applicant is proposing compensatory mitigation for wetland impacts by purchasing 9.4 freshwater forested credits at the Farnton Mitigation Bank North. The proposed mitigation includes both direct and secondary wetland impacts associated with project construction. The project is within the service area of the Farnton Mitigation Bank. A wetland assessment was conducted to determine required mitigation via the Wetland Rapid Assessment Procedure (WRAP), in compliance with the Farnton Mitigation Bank permit.”

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area, which is defined by the project boundaries, and no information was provided by the Applicant. The Florida Master Site File database does not indicate a cultural resource assessment survey would be required 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:

Wood Stork: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Wood Stork and its designated critical habitat. The Corps completed an evaluation of the project based upon the US Fish and Wildlife Service (FWS) *North Florida Ecological Services Field Offices Programmatic Concurrence for use with the Wood Stork* (September 2008). Use of the Key for Wood Stork resulted in the following sequential determination: A (The project is more than 2,500 feet from a colony site.) > B (Project impacts SFH) >C (Impacts to SFH > 0.5 acres) >D (Project impacts to SFH not within the Core Foraging Area of a colony site, and no wood storks have been documented foraging on site = “not likely to adversely affect” for wood storks. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

Eastern Indigo Snake: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern Indigo Snake and its designated critical habitat. Based upon review of the Corps and Service’s *Eastern Indigo Snake Programmatic Effect Determination Key* (dated August 13, 2013), the proposed project resulted in the following sequential determination: 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 protection construction.) >C (There are gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities) >D (The project will impact less than 25 acres of xeric habitat supporting less than 25 active and inactive gopher tortoise 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. Any permit will 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 indigo snake, no work will commence until the snake has vacated the vicinity of proposed work) = “not likely to adversely affect” for the Eastern indigo snake. The permit will be conditioned with the Standard Construction Guidelines for the Eastern Indigo Snake. No further consultation was required.

Based on existing habitat types, the Corps preliminarily determined the project will have no effect on 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 15.6 acres of freshwater wetlands and surface waters which ultimately discharge to the Tomoka River. Our initial determination is that the proposed action would not have a substantial adverse impact on downstream EFH or federally managed fisheries. 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 (NMFS).

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, Brandon J. Conroy, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at brandon.j.conroy@usace.army.mil; by facsimile transmission at (321) 504-3803; or, by telephone at (504) 321-3771 x11.

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.

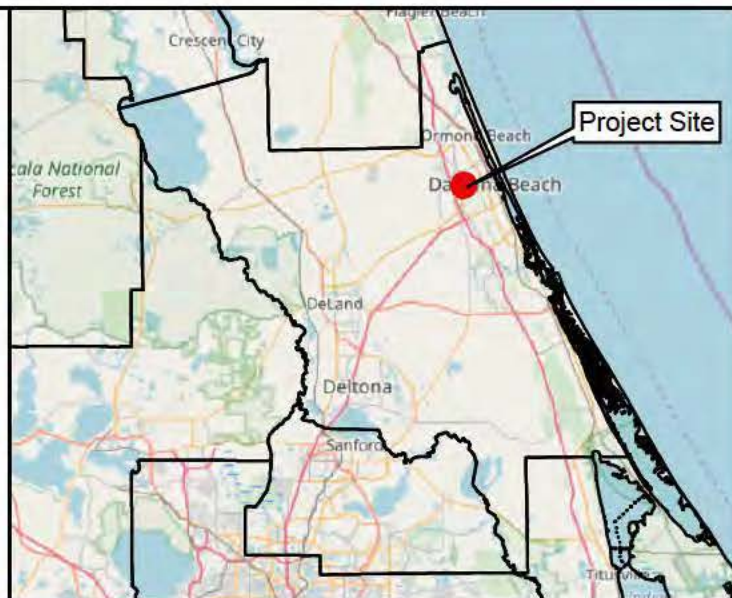
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

Project Site

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445 25th Street, Suite 200
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Phone: 772-794-4100
www.kimley-horn.com

Project Location Map

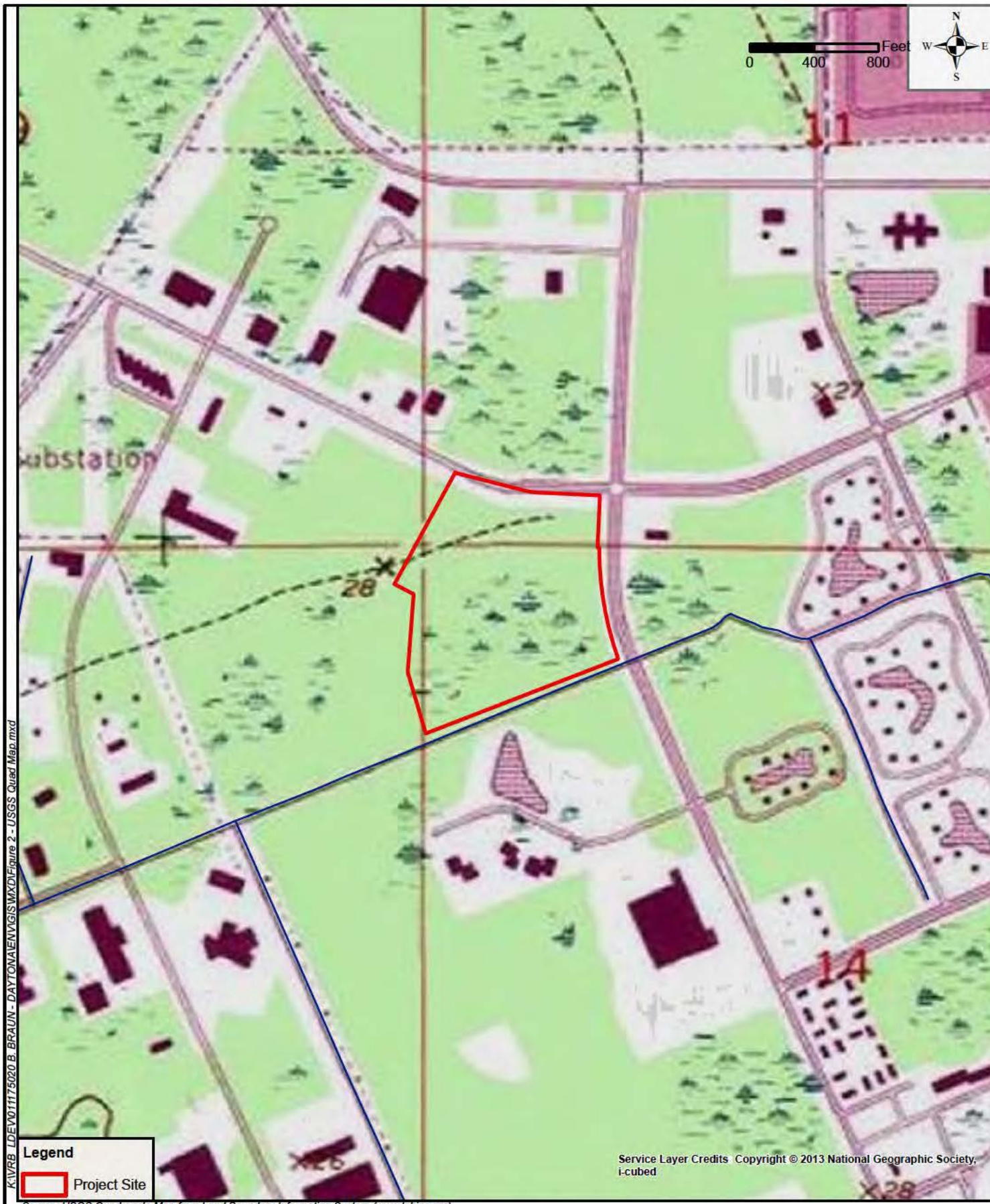
**B. Braun - Daytona
Volusia County, Florida**

1 inch = 500 feet

PROJECT NUMBER: 011175020

JANUARY 2020

FIGURE 1



K:\VRB_LDEV011175020 B. BRAUN - DAYTONA\ENVG\GIS\MXD\Figure 2 - USGS Quad Map.mxd

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 Vero Beach, FL 32960
 Phone: 772-794-4100
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USGS 7.5-minute Quadrangle Map

**B. Braun - Daytona
 Volusia County, Florida**

1 inch = 800 feet

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FIGURE 2



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NRCS Soils Map

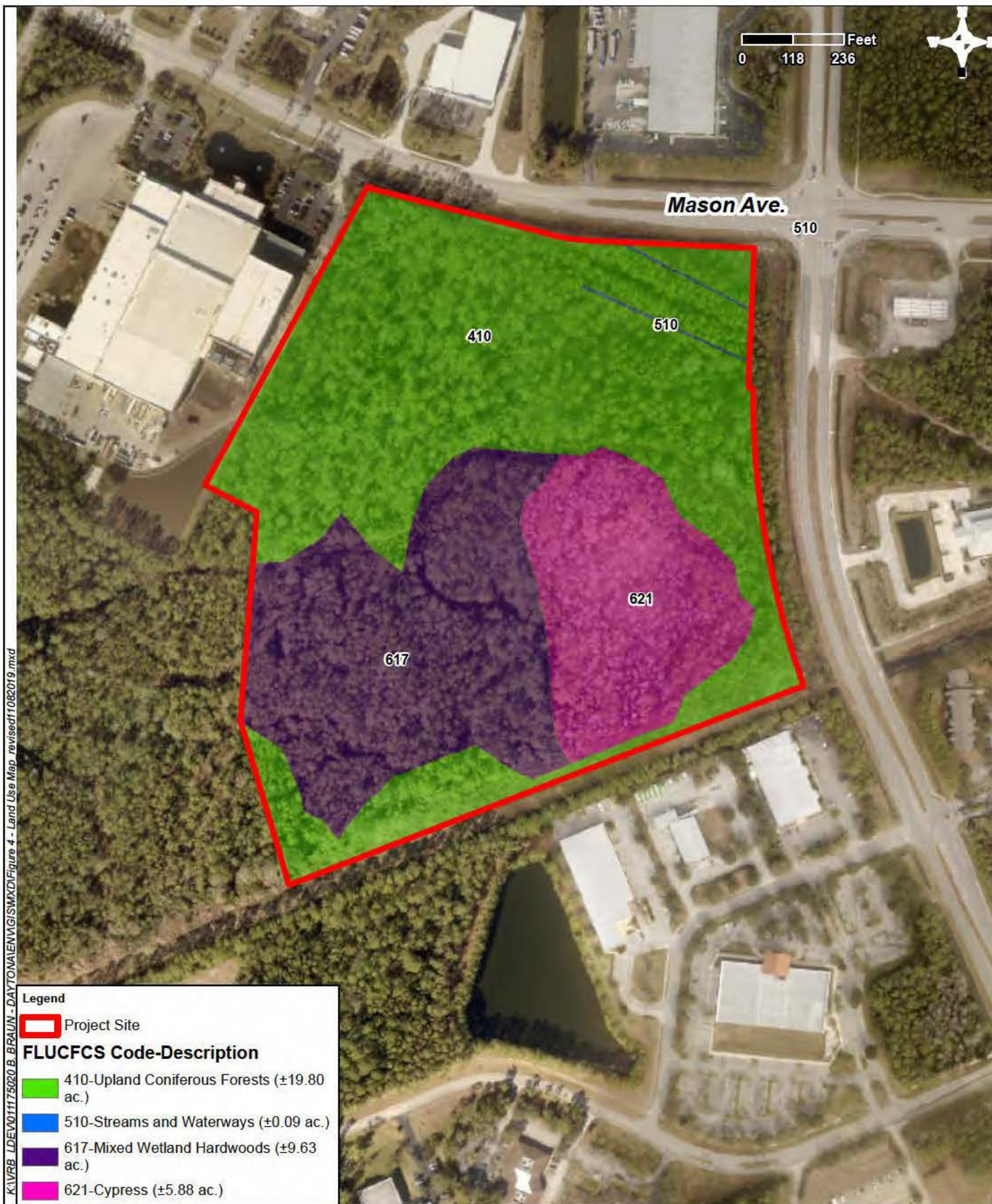
**B. Braun - Daytona
Volusia County, Florida**

1 inch = 300 feet

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FIGURE 3



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Florida Land Use, Cover, and Forms Classification System Map

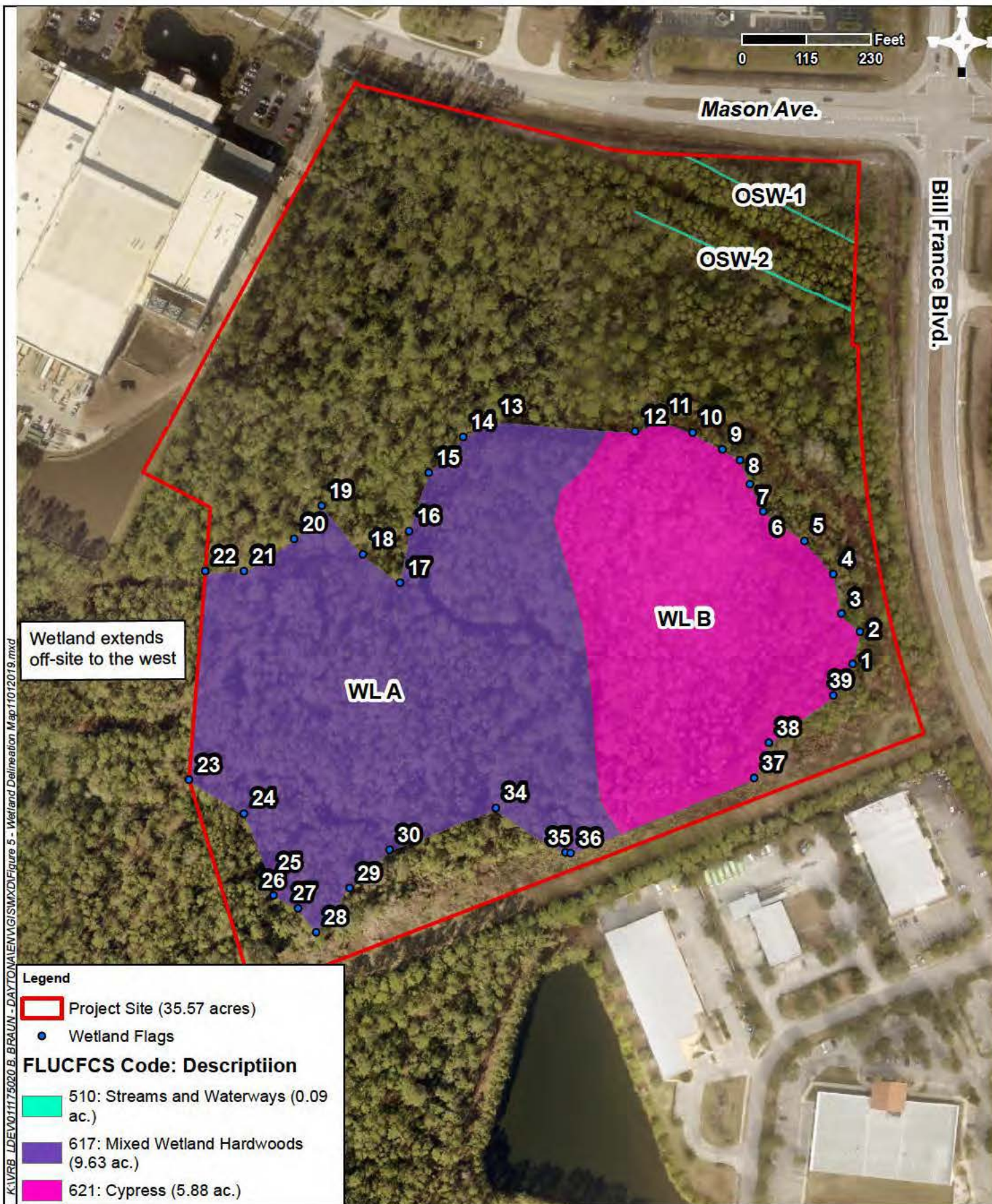
**B. Braun - Daytona
Volusia County, Florida**

1 inch = 300 feet

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FIGURE 4



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Wetland Delineation Map

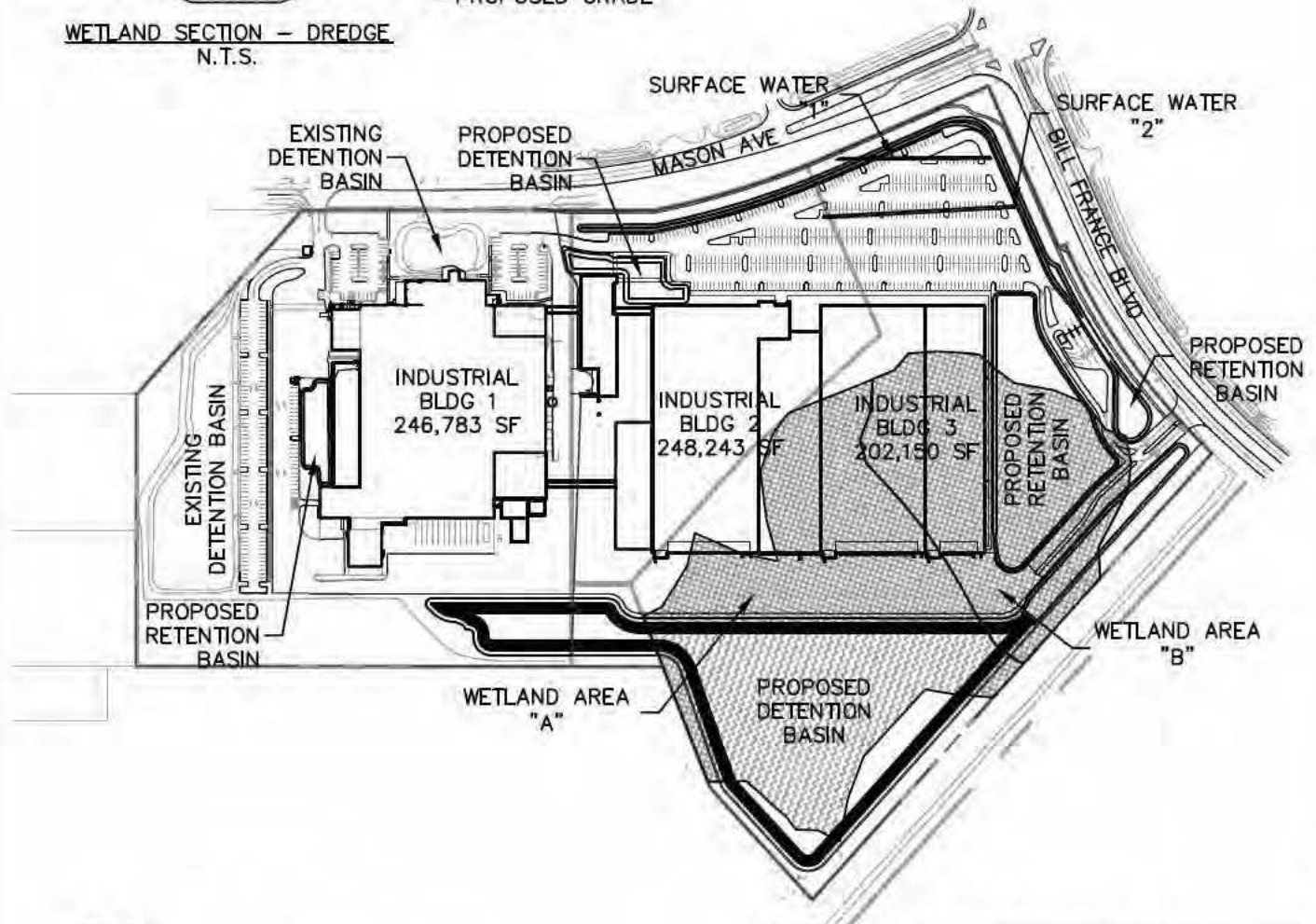
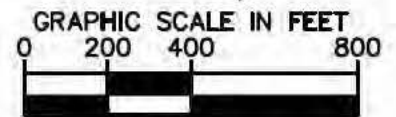
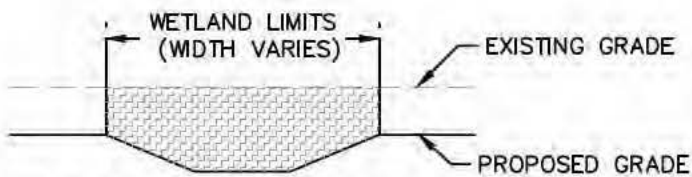
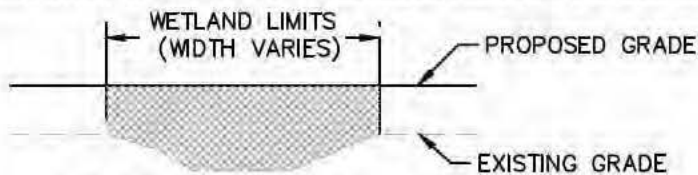
**B. Braun - Daytona
Volusia County, Florida**

1 inch = 230 feet





PROJECT NUMBER: 011175020

JANUARY 2020

FIGURE 5



LEGEND:

-  WETLAND FILL
-  WETLAND DREDGE
-  SURFACE WATER FILL
-  PROPERTY BOUNDARY
- WL WETLAND
- SW SURFACE WATER

WETLANDS SUMMARY TABLE

ID	FILL (A.C.)	DREDGE (A.C.)
WL-A	5.01	4.62
WL-B	5.79	0.09
SW-1	0.04	—
SW-2	0.05	—

SCALE
AS NOTED
DESIGNED BY
JWK
DRAWN BY
JWK
CHECKED BY
JBL

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445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: 772-794-4100 FAX: 772-794-4130
WWW.KIMLEY-HORN.COM

DATE
1/7/2020
PROJECT NO.
011175020

**B BRAUN
WETLAND IMPACT MAP**

DESIGN ENGINEER:
JACOB B. LAWSON, P.E.
FLORIDA P.E. LICENSE NUMBER:
83357
DATE:

SHEET NUMBER
1