



REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Cocoa Permits Section

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

**April 16, 2020**

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2018-02833 (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: Wesley Bevin  
Colonial Imports LTD  
9951 S. Orange Blossom Trail  
Orlando, FL 32837

WATERWAY AND LOCATION: The 71.5-acre *JYP & Princeton District West* project would affect waters of the United States associated with the Wekiva River Nested Hydrologic Unit (10-digit Hydrologic Unit Code (0308010114)). The project is located west of North John Young Parkway, north of WD Judge Drive, and south of Princeton Street, within Sections 16 and 21; Township 22 South; Range 29 East, Orange County, Florida.

Directions to the site are as follows: The project accessible by public road west of North John Young Parkway, north of WD Judge Drive, and south of Princeton Street.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 28.567370°

Longitude: -81.416820°

PROJECT PURPOSE:

Basic: Multimodal Development (commercial, industrial, and conservation).

Overall: Construct a multimodal development to include commercial, industrial, and conservation lands, within the John Young Parkway / Princeton Street Urban Commercial/Industrial Development Zone in Orange County, Florida.

PROJECT DESCRIPTION: The proposed *JYP & Princeton District West* project (approximately 71.5 acres total) is a mixed-use development (commercial and industrial uses) located within an overall mixed-use redevelopment of District West along North John Young Parkway. The JYP & Princeton Development is proposed to include large commercial tracts proposed for 39,500 sq. ft. Subaru Car Dealership with service bays

and car wash, multiple industrial tracts for future development, and conservation tracts consisting of wetland preservation.

EXISTING CONDITIONS: On-site land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCCS, FDOT, 1999). The on-site upland land use types/vegetative communities include:

411 Pine Flatwoods: The northeast and southwest portions of the subject site are most consistent with the Pine Flatwoods (411) classification. These areas consist of longleaf pine (*Pinus palustris*), saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), beauty berry (*Callicarpa americana*), muscadine grapevine (*Vitis rotundifolia*), tarflower (*Befaria racemosa*), shiny blueberry (*Vaccinium myrsinites*), air potato vine (*Dioscorea bulbifera*), greenbriar (*Smilax* sp.), Virginia creeper (*Parthenocissus quinquefolia*), bracken fern (*Pteridium aquilinum*), blackberry (*Rubus cuneifolius*) and live oak (*Quercus virginiana*).

740 Disturbed Lands: The central portion of the subject site is most consistent with the Disturbed Lands (740) classification. This area consists of disturbed vegetative species that include ear-pod tree (*Enterolobium contortisliquum*), muscadine grapevine (*Vitis rotundifolia*), air potato vine (*Dioscorea bulbifera*), blackberry (*Rubus* sp.), camphor (*Cinnamomum camphora*), saw palmetto (*Serenoa repens*), slash pine (*Pinus elliottii*) and greenbriar (*Smilax* sp.). These areas appear to have been disturbed by past activities associated with the excavation of the canal that runs through the site, as well as dumping of debris over the years. The understory contains little vegetation and contains depressions and mounds of disturbed soils and debris.

The site contains approximately 44.56 acres of jurisdictional wetlands, and approximately 1.7 acres of man-made surface waters.

Wetlands/Surface Waters:

510 Streams and Waterways (Ditch): One large ditch system exists in the south-central portion of the subject site and is most consistent with the Streams and Water (510) classification. Vegetation observed within this ditch includes water hyacinth (*Eichhornia crassipes*), primrose willow (*Ludwigia peruviana*), southern cattail (*Typha latifolia*), nutsedge (*Cyperus rivularis*), smartweed (*Polygonum punctatum*), pennywort (*Hydrocotyle umbellata*), and torpedograss (*Panicum repens*). This large man-made ditch system is commonly referred to as Fairvilla Canal and has significantly altered the hydrology throughout the subject site.

530 Reservoirs: There is an excavated area that acts as a stormwater retention pond within the southeast corner of the subject property. This pond is most consistent with the Reservoir (530) classification. The vegetative composition within this pond consists of Carolina willow (*Salix caroliniana*), elderberry (*Sambucus canadensis*), dogfennel (*Eupatorium capillifolium*), buttonbush (*Cephalanthus occidentalis*), torpedo grass (*Panicum repens*), redroot (*Lachnanthes caroliniana*), primrose willow (*Ludwigia*

peruviana), caesar weed (*Urena lobata*), pepper vine (*Ampelopsis arborea*), wax myrtle (*Myrica cerifera*) and Virginia chain fern (*Woodwardia virginica*). There is a culvert under W.D. Judge Drive to the retention pond from the adjacent site to the south.

621 Cypress: There are four (4) forested areas, which are located in the southeastern, central and northwestern portions of the project site. These systems are most consistent with the Cypress (621) classification. The canopy of these systems is dominated by bald cypress (*Taxodium distichum*). Other vegetative species within this cover type include wax myrtle (*Myrica cerifera*), laurel oak (*Quercus laurifolia*), red maple (*Acer rubrum*), Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), swamp fern (*Blechnum serrulatum*) and netted chain fern (*Woodwardia areolata*). Other minor associates include dahoon holly (*Ilex cassine*) and black gum (*Nyssa sylvatica*). These cypress swamps contain the vegetation and soils necessary for a wetland system; however, the soil subsidence and significant drainage have significantly altered the function of these wetland systems.

PROPOSED WORK: The applicant seeks the authorization to fill 14.57 acres of waters of the U.S. (WOTUS) and dredge 3.76 acres of WOTUS, for a total impact of 18.33 acres for the commercial and industrial development. The 3.76 acres of dredging of Wetland 4 are to deepen the wetland for compensating storage for flood protection.

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:

*"In considering alternative site designs, the current site plan addresses the avoidance and minimization of wetland impacts to the greatest practicable extent. The proposed project design will include certain unavoidable impacts to wetland systems. These impacts are required to facilitate basic design requirements, including roadway accessibility, roadway alignments with existing and previously approved roadways, compensating storage size requirements, and other design characteristics necessary to meet local, regional and other agency requirements.*

*The unavoidable impact areas include the discharge of fill into Wetlands 1, 2, 3, and the southern portion of Wetland 4 totaling 14.57 acres. The northern 3.76 acres of Wetland 4 will be dredged but not filled. The vegetation and earth will be removed and used as compensating storage pond. This area will be maintained for nuisance and exotic vegetation and allowed to regrow with natural seed source from the surrounding wetlands. As such, Wetland 4 will include a 3.76-acre temporary dredge impact. All impacts, direct and secondary, will be mitigated for regardless of permanent or temporary status.*

*The on-site wetlands consist of remnant cypress systems with greatly reduced hydrology and years of soils subsidence. The low-quality systems are trending towards complete loss of hydrology and losing sustainable wetland function. The proposed impacts are due to the site infrastructure requirements including roadway rights-of-way, commercial lots including a planned car dealership and car display parking lot, stormwater management*

ponds, and proposed borrow pit. The plan will contain a neighborhood of parcels for commercial and industrial future land uses.

The site plan depicts a total of 18.33 acres of wetland impacts. This includes the temporary impacts to 3.76 acres within Wetland 4. The plan also includes the on-site preservation of  $\pm 30$  acres wetlands and upland buffer areas.

The impact areas are located along the northern and eastern extent of the wetlands within close proximity to Princeton Street and John Young Parkway respectively. Impacts to wetlands were minimized to the greatest extent practicable but could not be further reduced as the plan depicts Don Mealy Way running along the western side of the development. This road is aligned for large transporter carriers and will offer backside accessibility to the commercial tracts between Princeton and John Young. The impact area located within Tract G is a proposed cul-de-sac for truck turn-around. This area is required as it is uncertain whether FDOT will provide the intersection for Don Mealy Way to connect into John Young Parkway.

Further problems in reducing the proposed impacts are due to the required compensating storage from floodplain impacts. A large portion of the site exists within the FEMA floodplain and impacts will be offset with compensating storage. This required flood storage amount will result in the northern portion of Wetland 4 being scrapped down to remove all vegetation and dredge down to an engineered bottom. This will be considered a 3.76-acre temporary impact as no fill will be placed and the comp storage area will be allowed to regrow with wetland vegetation. This area will be monitored and maintained to prevent the establishment of nuisance and exotic vegetation within the wetland reestablishment.

The onsite wetlands are low-quality systems that have been significantly altered and isolated due to the historical ditching within the property and severance from any surrounding wetland habitat support. The low-quality systems provide little functional value to the surrounding uplands, and will eventually suffer a complete loss of function due to their isolation from hydrologic inputs, wildlife corridors, and viable seed sources. As such these systems can be impacted and replaced off-site with higher-quality forested systems and the perpetual preservation of beneficial wetlands within the residing hydrologic drainage basin. The site is located within the Wekiva River Nested basin."

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

"The unavoidable on-site wetland impacts will be offset with the purchase of credits from a federally approved mitigation bank servicing the Wekiva River Nested drainage basin. The on-site Conservation Areas will be dedicated to the SJRWMD but will not contribute to the federal mitigation plan. Based on the attached UMAM worksheet, the calculated amount of 4.725 functional losses will be fully offset with the purchase of 4.73 federal mitigation bank credits from the Wekiva River Mitigation Bank."

**CULTURAL RESOURCES:** The US Army Corps of Engineers (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 completed preliminary federally listed species affect determinations which include the following:

The Corps has determined the proposed project “may affect, but is not likely to adversely affect” (NLAA) wood stork (*Mycteria americana*). The proposed activity is within the Core Foraging Area (CFA) of four rookeries; the project supports Suitable Foraging Habitat (SFH) for wood stork. The Corps completed an evaluation of the project based upon the U.S. 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 (Project impacts to SFH greater than or equal to 0.5 acres.) > D (Project impacts to SFH are within the Core Foraging Area of a colony site) > E (The determination is supported by SFH compensation provided within the service area of a mitigation bank which covers the CFA and/or 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) = NLAA. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

The Corps has determined the proposed project is “Not Likely to Adversely Affect” the Eastern Indigo Snake (*Drymarchon corais couperi*). 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 no gopher tortoise burrows or other refugia.) > “Not Likely to Adversely Affect”. The Corps has USFWS concurrence for the proposed activities through use of the aforementioned determination key.

Based on existing habitat types and/or provided survey information, the Corps preliminarily determined the project will have no effect on Bluetail mole skink (*Eumeces egregius lividus*) and Sand skink (*Neoseps reynoldsi*), Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*), and 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. 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 not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification will be required from 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 Cocoa Section Chief, Mr. 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 12.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

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 of 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 decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

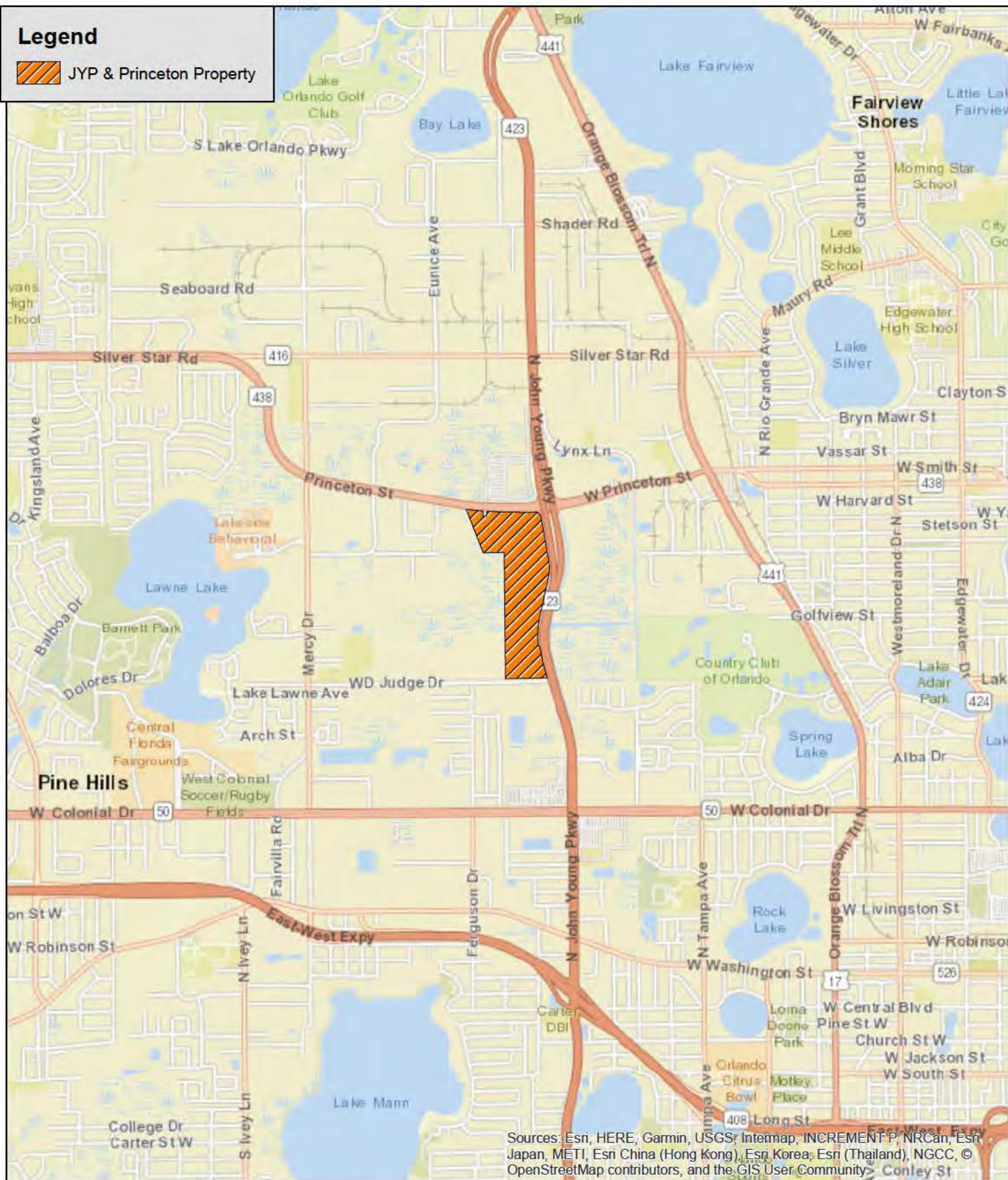
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, in the Virgin Islands, the Department of Planning 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.

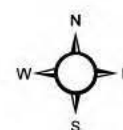


## Legend

 JYP & Princeton Property



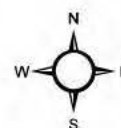
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## Legend

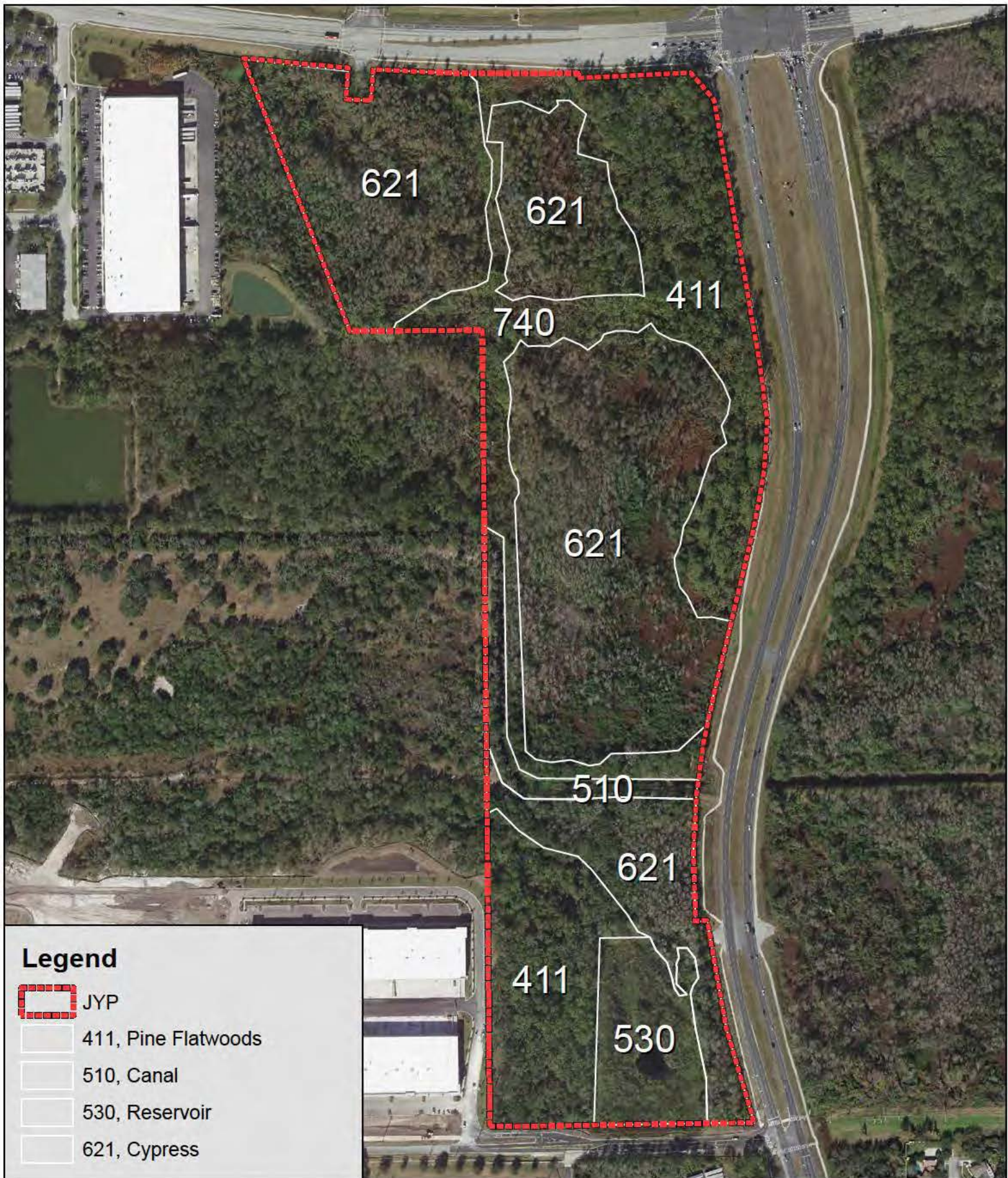
 JYP & Princeton Property (≈71.5 acres)



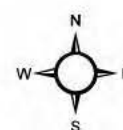








JYP & Princeton Property  
Orange County, Florida  
Figure 5  
FLUCFCS Map



500  
Feet  
Project #: 834-03  
Produced By: STC  
Date: 5/17/2019



