



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

June 26, 2020

Regulatory Division  
West Branch  
Tampa Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2006-02828(SP-CMW)

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: LCP Owner, LLC  
800 N. Magnolia Ave.  
Suite 1625  
Orlando, FL 32803

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Alafia River watershed. The project site is located south of Old Tampa Road and southeast of the intersection of I-4 and Polk Parkway, in Sections 20, 28, 29, 32, and 33, Township 28 South, Range 23 East, Polk County, Florida.

Directions to the site are as follows: Take I-4 to County Line Road, travel south on County Line Road to Old Tampa Hwy/Allen K Breed Hwy, travel east on Old Tampa Hwy/Allen K Breed Hwy to the site just past Polk Parkway.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.0212°  
Longitude -82.0296°

### **PROJECT PURPOSE:**

Basic: Industrial and Commercial Development

Overall: Construct a commercial development in the Lakeland area of Polk County.

EXISTING CONDITIONS: The 724.47 acre project site consists of 531.24 acres of uplands, including low density residential (3.21 acres), improved pasture (279.16 acres), unimproved pasture (6.47 acres), herbaceous/dry prairie (68.41 acres), shrub and brushland (21.13 acres), palmetto prairie (65.54 acres), other shrub and brush (2.89 acres), mixed pine and oak (1.99 acres), live oak (6.69 acres), hardwood-conifer mixed (48.42 acres), and mixed hardwood (27.33 acres). Wetlands include mixed hardwood wetlands (51.19 acres), cypress (46.87 acres), forested mixed wetlands (3.15 acres), wetland shrub (0.17 acres), freshwater marshes (45.88 acres), and wet prairies (29.50 acres).

acres). Surface waters include including man-made ditches/swales (15.35 acres), reservoirs (0.66 acres), and cattle ponds (0.53 acres).

**PROJECT HISTORY:** The Corps issued a permit to the applicant on 8 October 2008 with the following project description, “Authorization to discharge fill material into 12.92 acres of Corps jurisdictional wetlands and 7.04 acres of Corps jurisdictional waters for the construction of a commercial development known as “Lakeland Central Park”. In addition, the project will require the discharge of fill material into 18.08 acres of non-jurisdictional wetlands and waters. As compensatory mitigation for the 12.92 acres of wetland impacts, 12.25 requires mitigation consisting of preserving 121.51 acres of wetlands, creating 18.31 acres of wetlands, preserving and enhancing 32.87 acres of wetlands, and preserving 62.80 acres of uplands. A conservation easement will be placed over 172.69 acres of wetlands and 62.80 acres of uplands which will be granted to the Southwest Florida Water Management District.” In 2015, the Corps revised the permit to a phased approach and extended the permit for 5 years.

**PROPOSED WORK:** The applicant seeks authorization to construct the originally proposed project in 5 separate phases (Phase 1, 2, 3a and 3b, 4 and 5), beginning with Phase 1 and proceeding with the mitigation per phase and commensurate with the wetland impacts. The applicant is also asking for a 10-year permit.

**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 minimized to the maximum extent practicable. Commercial/Industrial building components are often less flexible in design due to larger buildings and lot sizes. The site layout was designed to avoid wetlands as much as possible. Wetland road crossings were also designed for minimal wetland impact.

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

The applicant proposes to create 18.31 acres of forested wetlands, preserve 121.51 acres of forested and herbaceous wetlands, preserve and enhance 32.87 acres of forested and herbaceous wetlands, and preserve 62.80 acres of uplands. The total acreage of mitigation is 235.49 acres and will be placed in a conservation easement granted to the Southwest Florida Water Management District. Mitigation will be implemented in a phased approach to correspond with the construction 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 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. This determination was made using the 2008 Effect Determination Key for the Wood Stork in Central and Northern Peninsular Florida. Pursuant to the key, no further consultation with the U.S. Fish and Wildlife Service is necessary.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern Indigo Snake. This determination was made using the 2013 Effect Determination Key for the Eastern Indigo Snake. Pursuant to the key, no further consultation with the U.S. Fish and Wildlife Service is necessary.

The Corps has determined the proposal would have no effect on the Sand Skink as the site does not contain the appropriate soils.

**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 EFH as the project is inland and far removed from EFH resources. 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 not 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 Tampa Permits Section, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610; or by electronic mail at [Candice.M.Wheelahan@usace.army.mil](mailto:Candice.M.Wheelahan@usace.army.mil) 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, Candice Wheelahan, in writing at the Tampa Permits Section, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610; by electronic mail at Candice.M.Wheelahan@usace.army.mil; by facsimile transmission at (813)769-7061; or, by telephone at (813)769-7064.

**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.

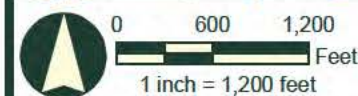
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



## Legend

PHASE 1 (348.75 ac)	PHASE 3b (97.59 ac)
PHASE 2 (29.01 ac)	PHASE 4 (62.02 ac)
PHASE 3a (137.10 ac)	PHASE 5 (55.33 ac)

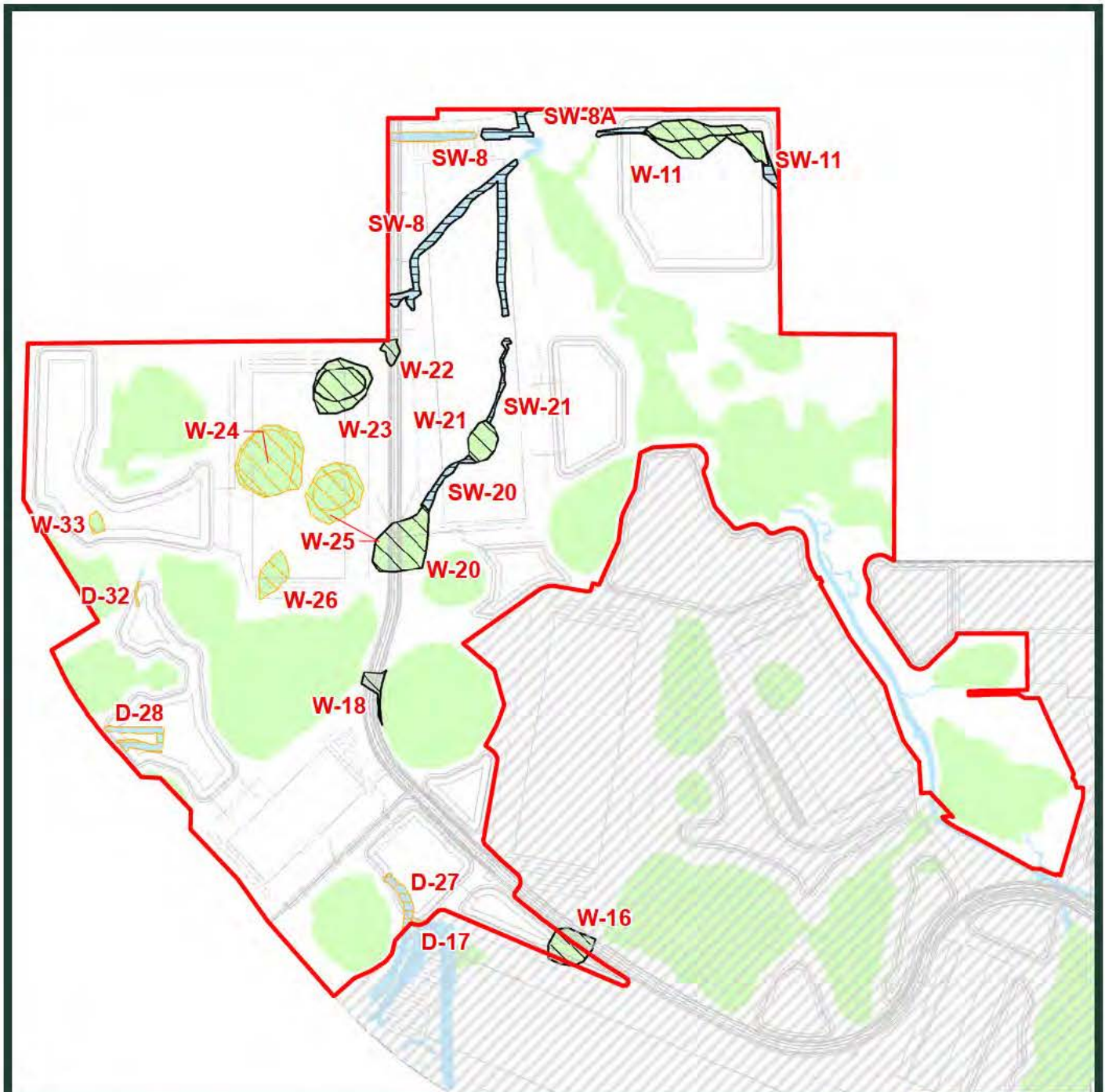
Source: Phase boundaries provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.



### EXHIBIT 1. PHASED PLAN FOR THE LAKELAND CENTRAL PARK PROJECT SITE, POLK COUNTY, FLORIDA.

**BDA** BREEDLOVE, DENNIS  
& ASSOCIATES, INC.  
Environmental Consultants  
330 W. Canton Ave., Winter Park, FL 32789 • 407-677-1882





## Legend

  PHASE 1 (348.75 ac)

### Jurisdictional Impacts

  Ditch (3.59 ac)

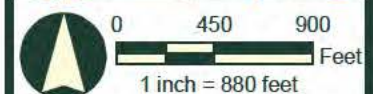
  Wetland (8.47 ac)

### Non-Jurisdictional Impacts

  Ditch (1.73 ac)

  Wetland (6.00 ac)

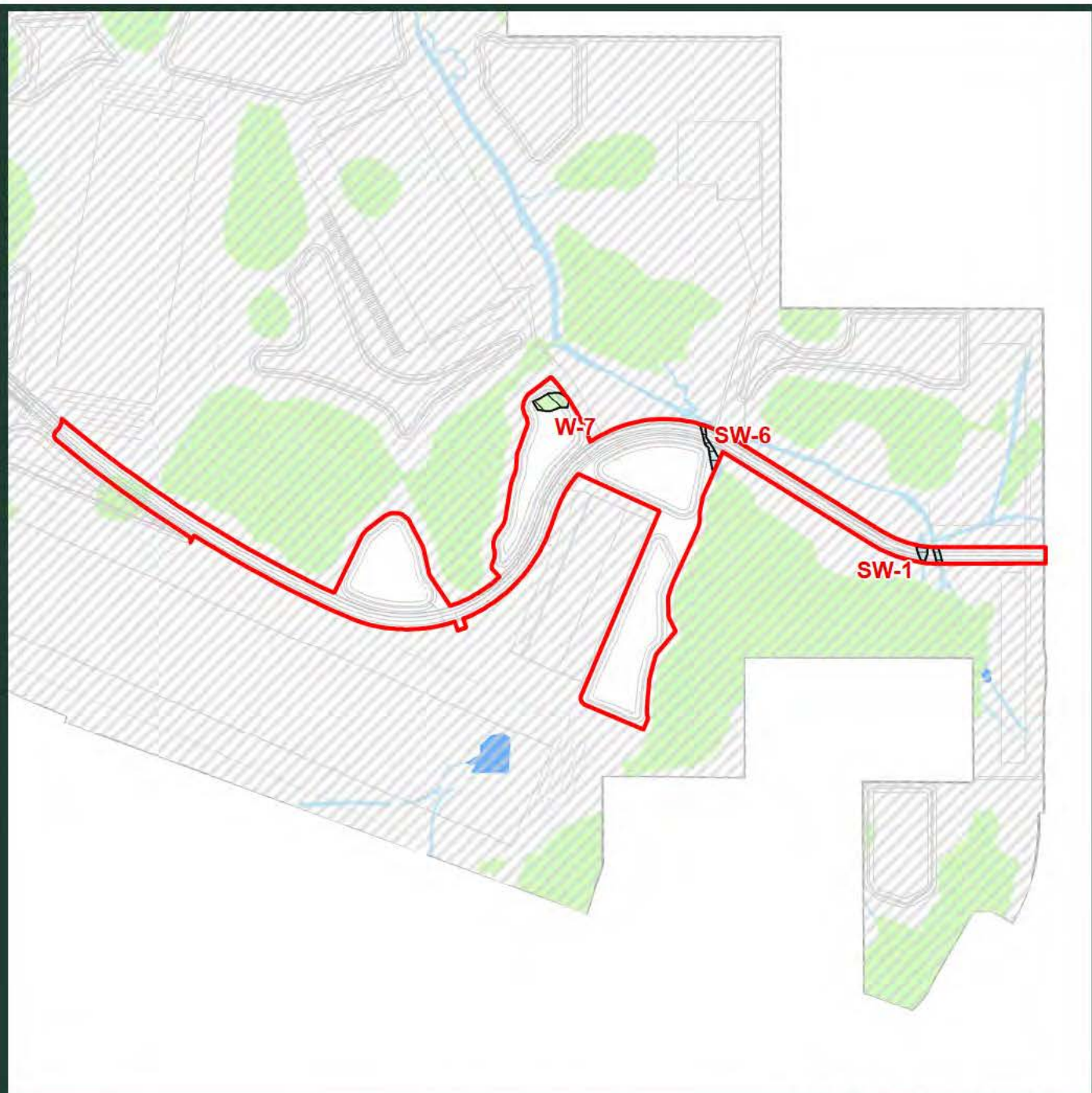
Source: Development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.



**EXHIBIT 2.**  
**DEPARTMENT OF ARMY, CORPS OF ENGINEERS BY PHASE WETLAND IMPACTS**  
**ON THE LAKELAND CENTRAL PARK PROJECT SITE, POLK COUNTY, FLORIDA.**

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## Legend

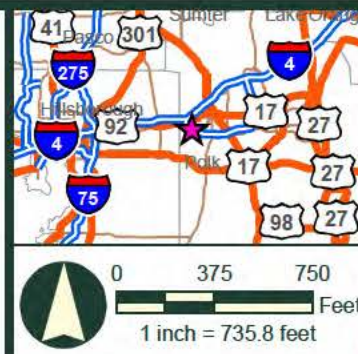
PHASE 2 (29.01 ac)

## Jurisdictional Impacts

Ditch (0.25 ac)

Wetland (0.27 ac)

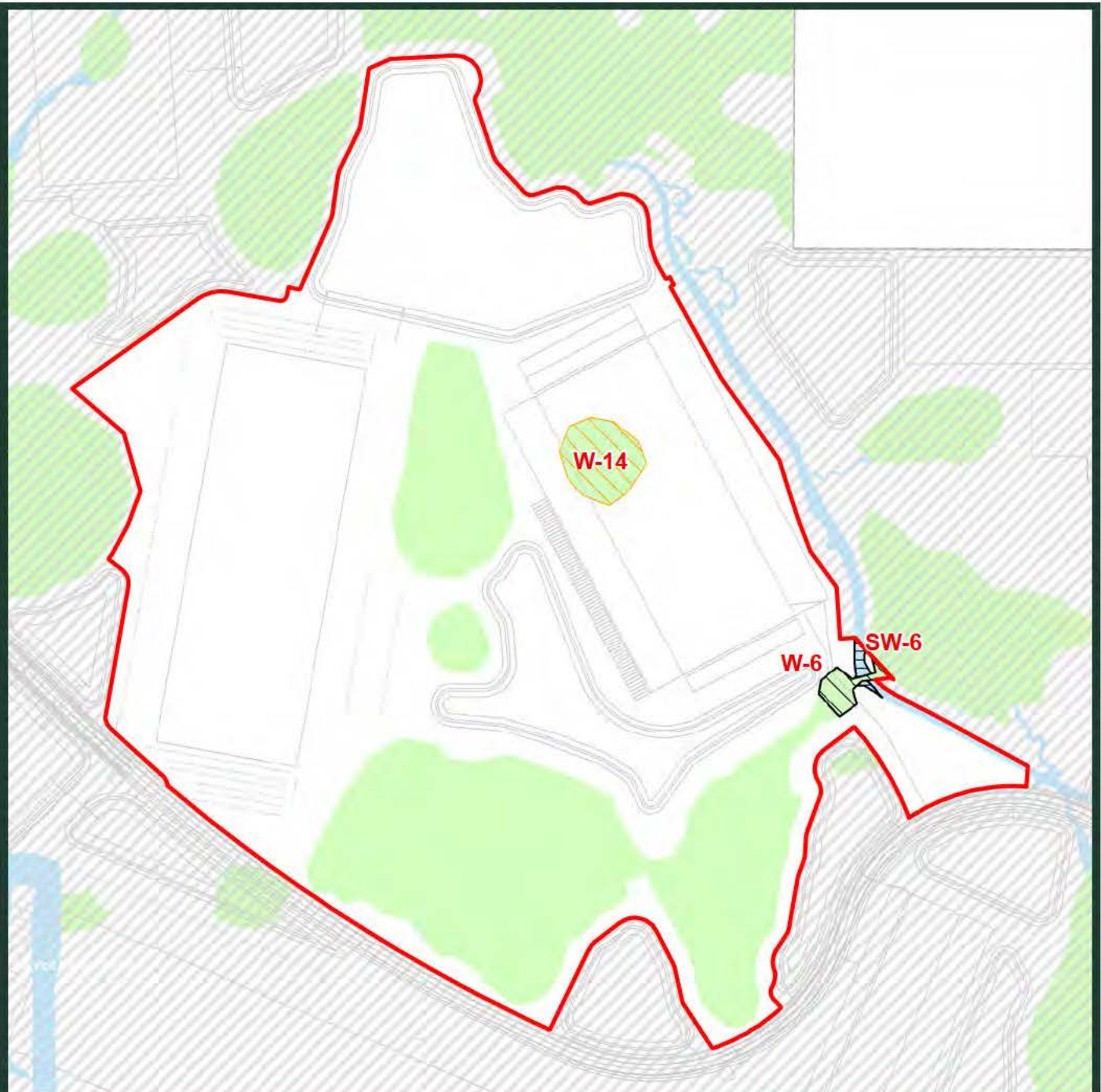
Source: Development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.



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## Legend

Source: Development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.

PHASE 3a (137.10 ac)

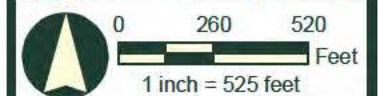
### Jurisdictional Impacts

Ditch (0.12 ac)

Wetland (0.42 ac)

### Non-Jurisdictional Impacts

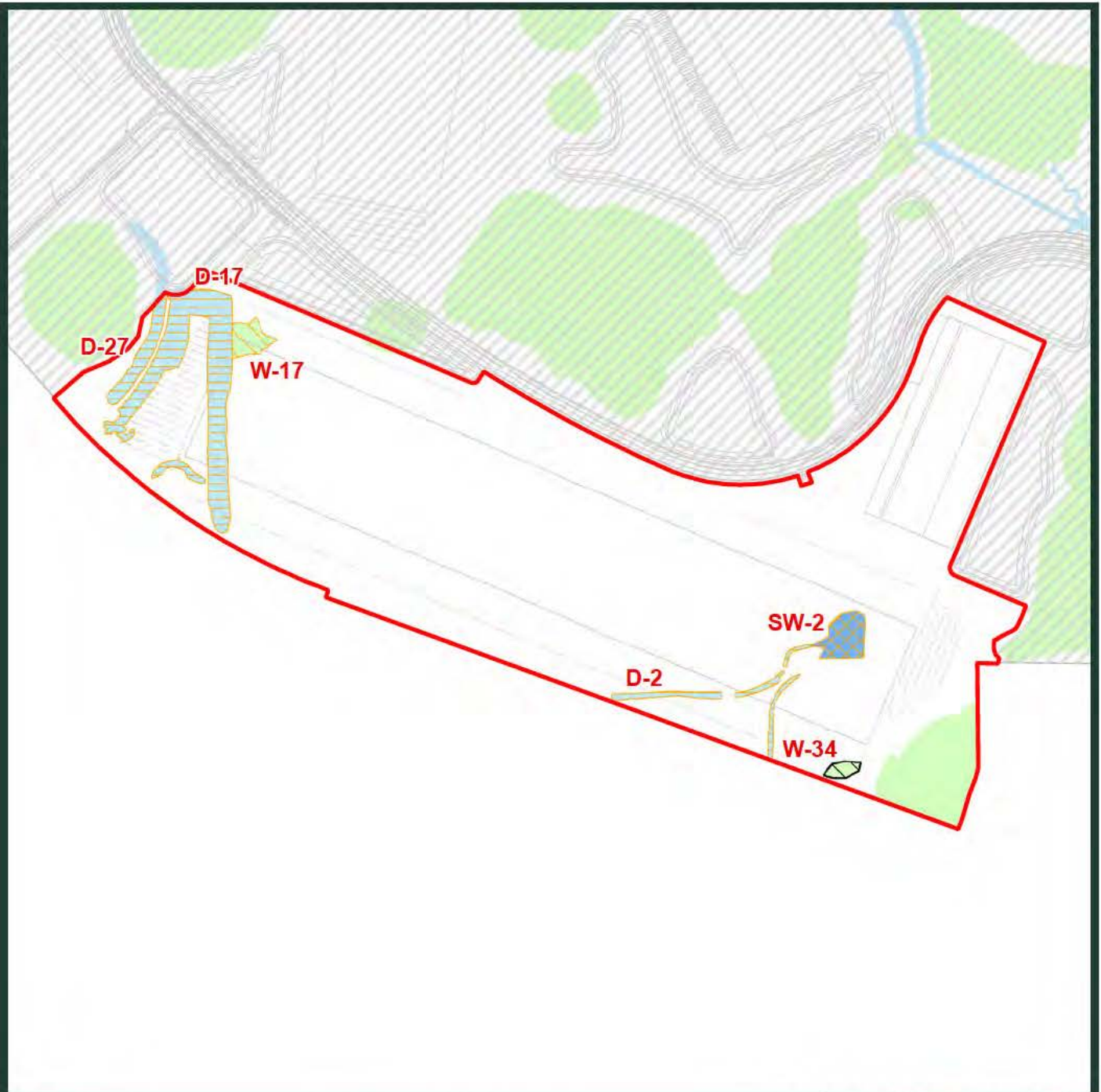
Wetland (1.48 ac)



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## Legend

  PHASE 3b (97.59 ac)

### Jurisdictional Impacts

Wetland (0.17 ac)

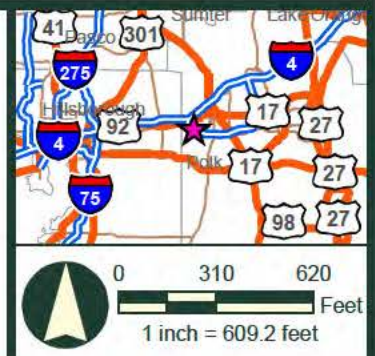
### Non-Jurisdictional Impacts

Ditch (4.47 ac)

Surface Water (0.67 ac)

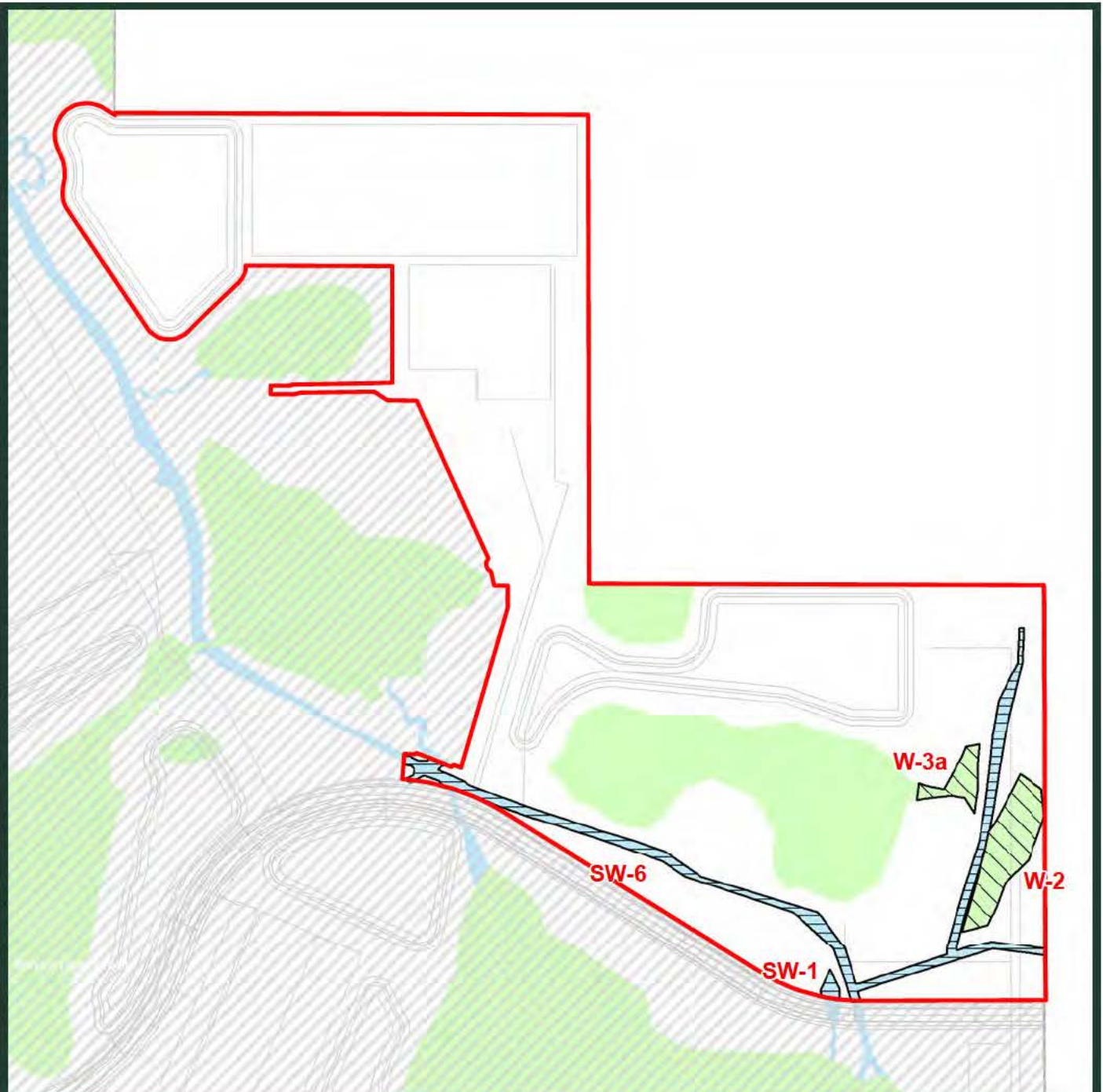
Wetland (0.43 ac)

Source: Development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.



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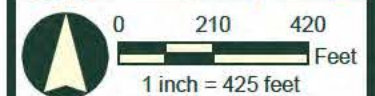
PHASE 4 (62.02 ac)

## Jurisdictional Impacts

Ditch (1.82 ac)

Wetland (1.29 ac)

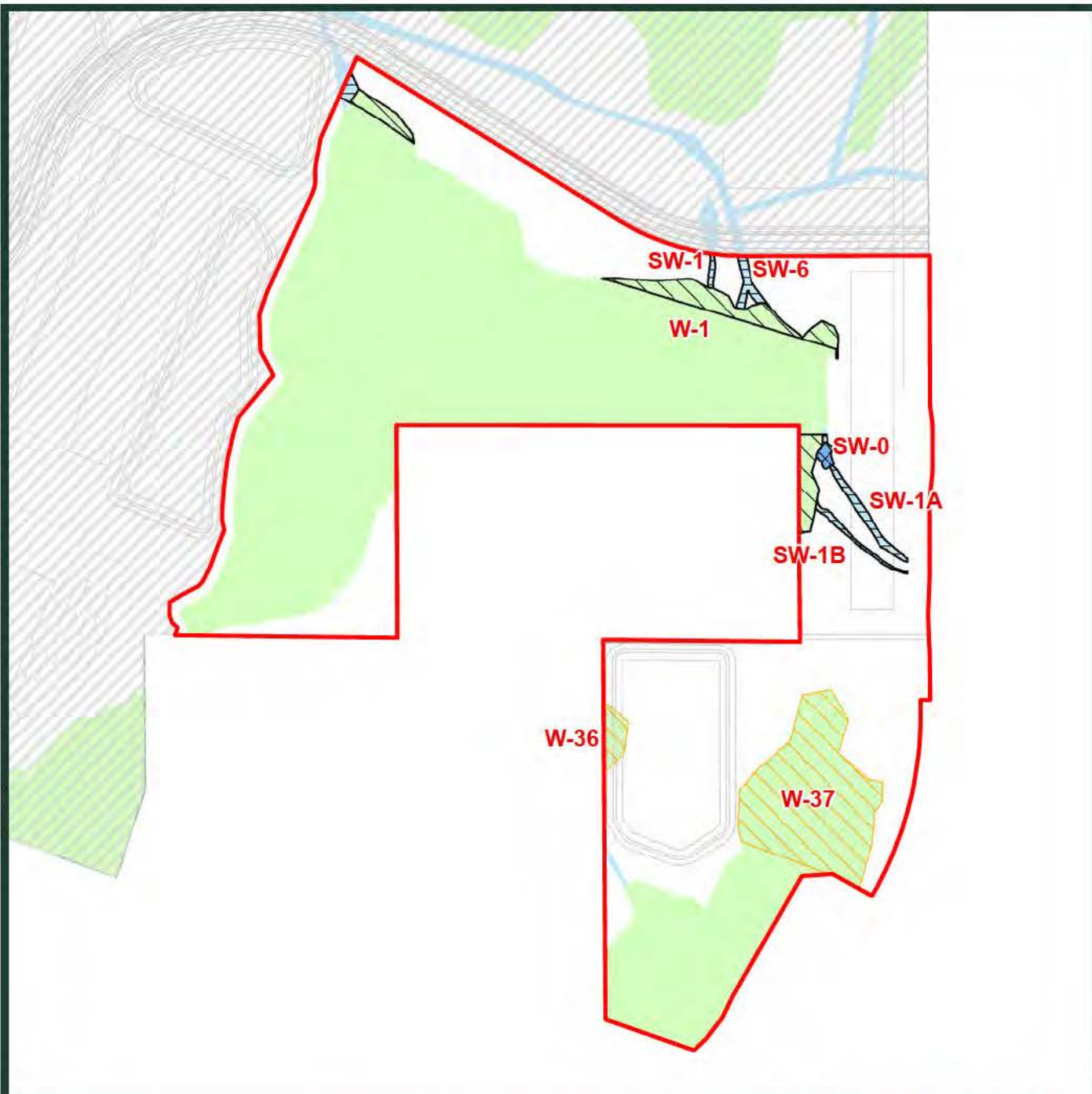
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## Legend

  PHASE 5 (55.33 ac)

### Jurisdictional Impacts

  Ditch (0.39 ac)

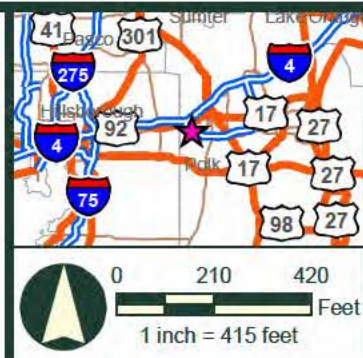
  Surface Water (0.05 ac)

  Wetland (1.08 ac)

### Non-Jurisdictional Impacts

  Wetland (3.13 ac)

Source: Development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.



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### Legend

Source: Project boundary and development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.

  PHASE 1 (348.75 ac)

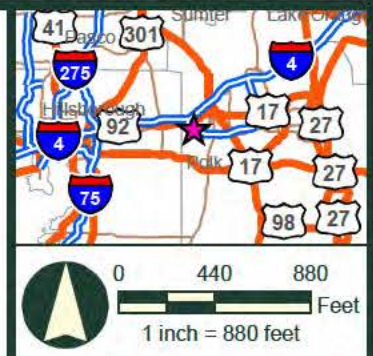
### Mitigation

  Wetland Creation /  
Compensatory Storage (18.27  
ac)

  Preserved Wetlands (72.69 ac)

  Enhanced Wetlands / Surface  
Waters (18.54 ac)

  Upland Buffers / Preservation  
(48.62 ac)



### EXHIBIT 3. PROPOSED MITIGATION PLAN BY PHASE ON THE LAKELAND CENTRAL PARK PROJECT SITE, POLK COUNTY, FLORIDA.

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  PHASE 3a (137.10 ac)

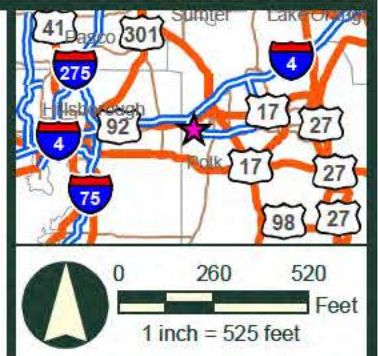
### Mitigation

  Wetland Creation /  
Compensatory Storage (1.26  
ac)

  Preserved Wetlands (22.43 ac)

  Enhanced Wetlands / Surface  
Waters (6.66 ac)

  Upland Buffers / Preservation  
(11.79 ac)



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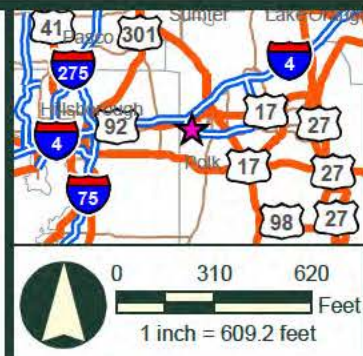
Source: Project boundary and development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.

  PHASE 3b (97.59 ac)

### Mitigation

  Preserved Wetlands (3.09 ac)

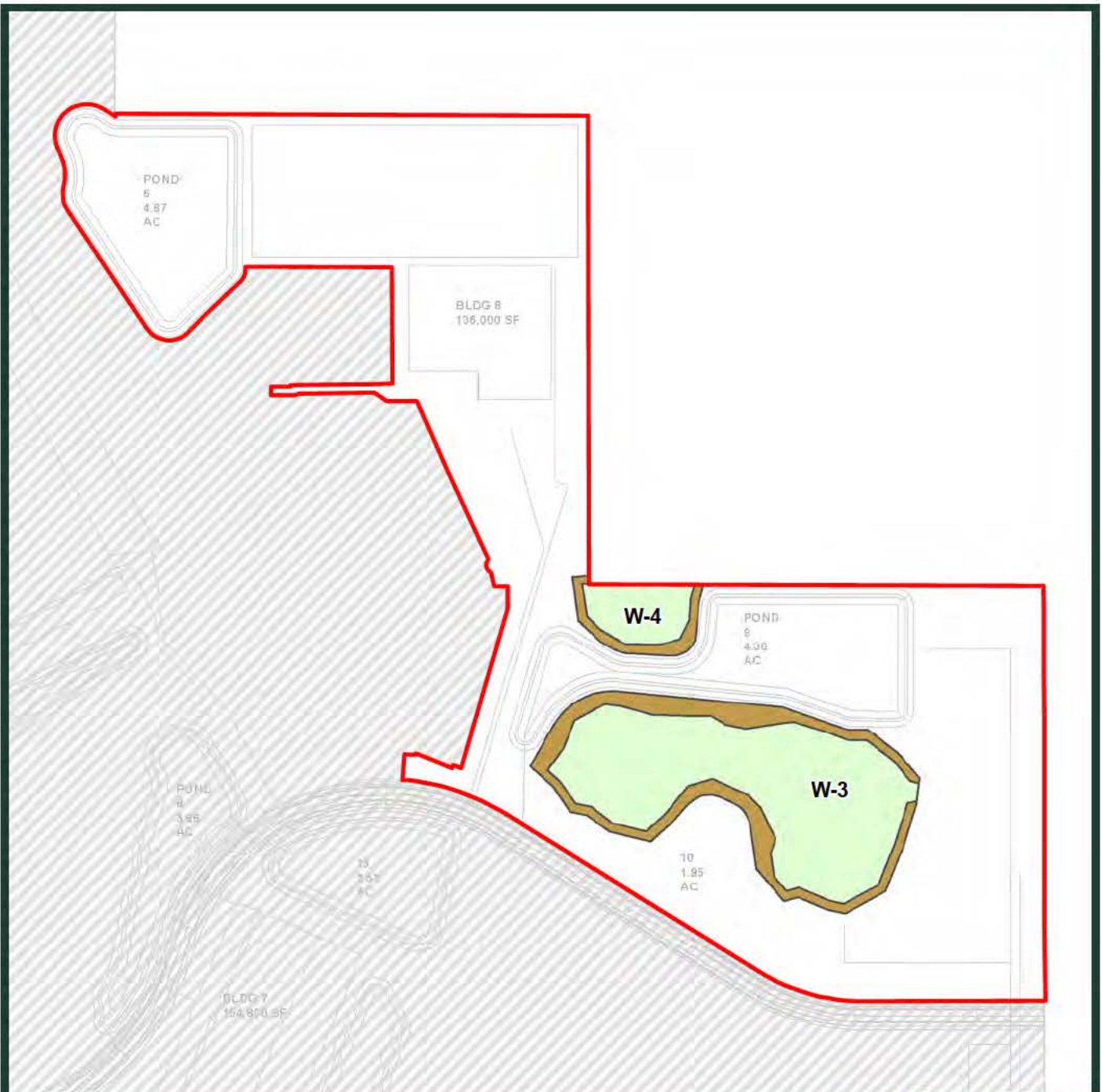
  Upland Buffers / Preservation (0.67 ac)



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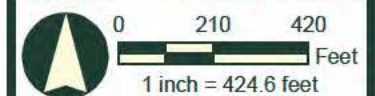
Source: Project boundary and development plan provided by: Dave Schmitt Engineering, Inc.; 2020-02-25.

  PHASE 4 (62.02 ac)

### Mitigation

Enhanced Wetlands / Surface Waters (8.00 ac)

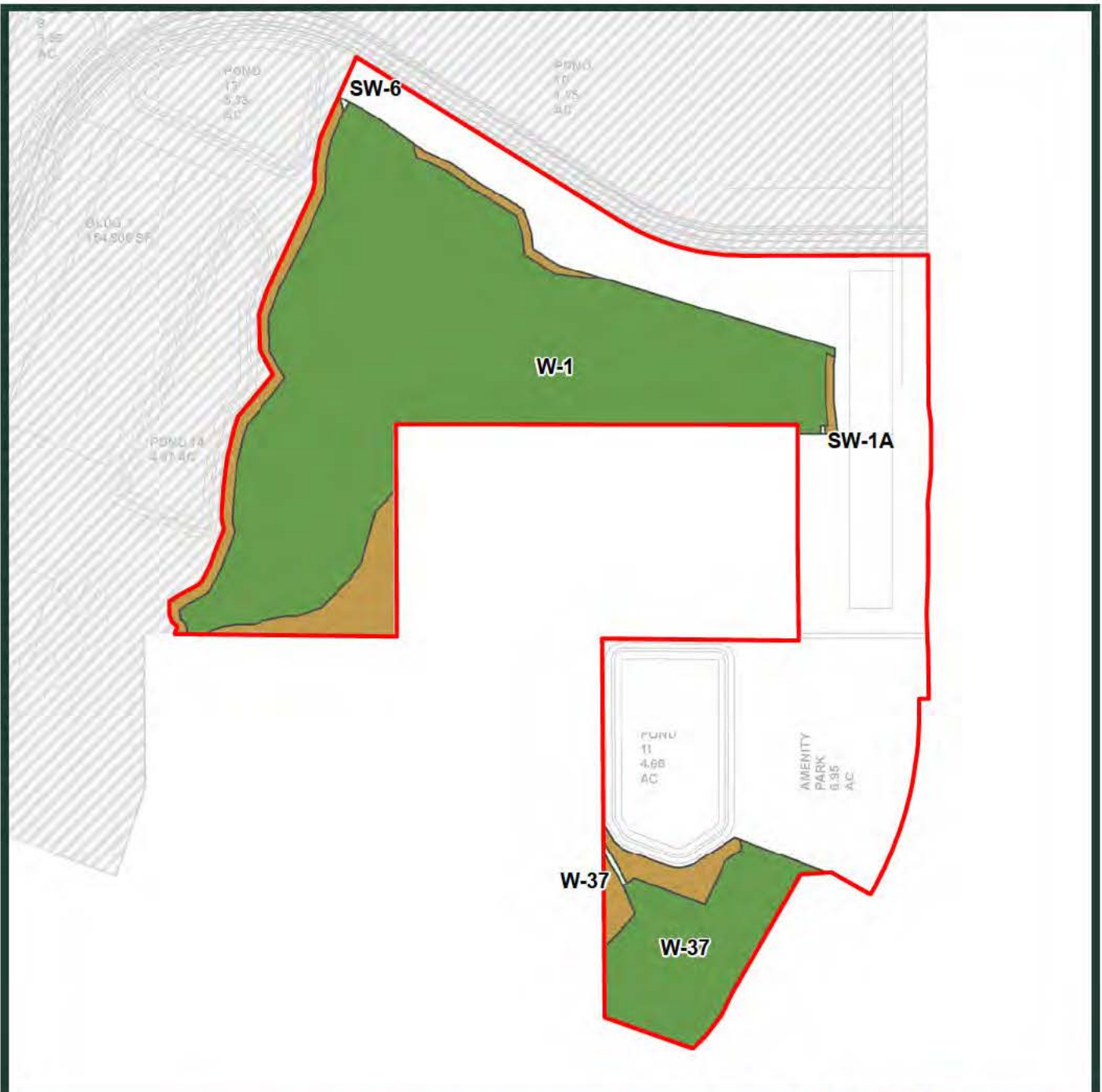
Upland Buffers / Preservation (2.70 ac)



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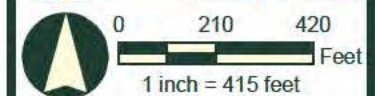
  PHASE 5 (55.33 ac)

### Mitigation

Preserved Wetlands (26.50 ac)

Enhanced Wetlands / Surface Waters (0.06 ac)

Upland Buffers / Preservation (3.93 ac)



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