



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
701 SAN MARCO BOULEVARD  
JACKSONVILLE, FLORIDA 32207

August 11, 2020

Regulatory Division  
West Branch  
Tampa Permits Section  
Gainesville Field Office

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-01080(SP-JED)

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: Pacific Ace Corporation, LLC  
C/o Alexandre M. Mestdagh, Esq.  
9291 Point Cypress Drive  
Orlando, FL 32836

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Kissimmee River Hydrologic Unit (Hydrologic Unit Code 03090101) / Reedy Creek. The project site is approximately 380 acres located east of U.S. Highway 27, north of Citrus Parkway, and south of Sawgrass Bay Boulevard across parcel numbers 13-24-26-0003-000-00300, 14-24-26-0001-000-00400, 14-24-26-0003-000-00200, 23-24-26-0001-000-00400, 23-24-26-0002-000-00401, 23-24-26-0002-000-00800, and 23-24-26-0002-000-01500, in Sections 13, 14, and 23, Township 24 South, Range 26 East, Clermont, Lake County, Florida.

Directions to the site are as follows: The project is accessible directly along the east side of U.S. 27 approximately 2.75 miles north of the intersection of U.S. Highway 27 and U.S. Highway 192 in Clermont/Four Corners, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.390736°  
Longitude -81.682220°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the construction of a residential subdivision within the U.S. Highway 192, U.S. Highway 27, and the Avalon Road corridors in Southern Lake County.

EXISTING CONDITIONS: The wetlands on the proposed project site consists of a 176 acre freshwater system. 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:

#### **427 – Live Oak**

The native upland communities contain a canopy dominated by live oak (*Quercus virginiana*) are most consistent with the Live Oak (427) FLUCFCS classification. Vegetative species identified within this community type includes sand live oak (*Quercus geminata*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), scrub oak (*Quercus inopina*), longleaf pine (*Pinus palustris*), slash pine (*Pinus elliottii*), wiregrass (*Aristida stricta*), bahiagrass (*Paspalum notatum*), broomsedge (*Andropogon virginicus*), blueberry (*Vaccinium darrowii*), reindeer lichen (*Cladonia rangiferina*), dogfennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), prickly-pear cactus (*Opuntia humifusa*), beggarticks (*Bidens alba*), Virginia creeper (*Parthenocissus quinquefolia*), bracken fern (*Pteridium aquilinum* var. *pseudocaudatum*), blackberry (*Rubus cuneifolius*), gallberry (*Ilex glabra*), muscadine (*Vitis rotundifolia*), and saw palmetto (*Serenoa repens*).

#### **434 – Hardwood – Conifer Mixed**

Natural areas within the subject site that have the higher frequency of pine trees are most consistent with the Hardwood – Conifer Mixed (434) FLUCFCS classification. Common vegetation occurring in these areas includes saw palmetto (*Serenoa repens*), loblolly pine (*Pinus taeda*), longleaf pine (*Pinus lustris*), slash pine (*Pinus elliotti*), oaks (*Quercus virginiana*, *Q. laurifolia*), bahiagrass (*Paspalum notatum*), cabbage palm (*Sabal palmetto*), common ragweed (*Ambrosia artemisiifolia*), prickly pear cactus (*Opuntia phaeacantha*), caesarweed (*Urena lobata*), Virginia creeper (*Parthenocissus quinquefolia*), bracken fern (*Pteridium aquilinum* var. *pseudocaudatum*), blackberry (*Rubus cuneifolius*), gallberry (*Ilex glabra*), muscadine (*Vitis rotundifolia*), saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*) and dog fennel (*Eupatorium capillifolium*).

#### **441 – Coniferous Plantation**

Areas within the project site that are planted with pine trees are most consistent with the Coniferous Plantations (441) FLUCFCS classification. This upland area appears to be maintained with management practices still occurring. The planted pines consist of slash pine (*Pinus elliottii*). Other vegetative species identified within this area consist of elderberry (*Sambucus nigra*), cogon grass (*Imperata cylindrica*), guineagrass (*Panicum maximum*), hairy indigo (*Indigofera hirsuta*), rose natalgrass (*Melinis repens*), common ragweed (*Ambrosia artemisiifolia*), Spanish needles (*Bidens alba*), lantana (*Lantana camara*), dogfennel (*Eupatorium capillifolium*) and Johnsongrass (*Sorghum halepense*).

### **510 – Streams and Waterways (Ditches)**

Several man-made surface waters run through the site and are most consistent with the Streams and Waterways (Ditch) (510) FLUCFCS classification. Vegetative species identified within this community include primrose willow (*Ludwigia peruviana*), spatterdock (*Nuphar advena*), duckweed (*Lemna minor*), pennywort (*Hydrocotyle umbellata*), wax myrtle (*Myrica cerifera*), blackberry (*Rubus cuneifolius*), sphagnum moss (*Sphagnum andersonianum*), and soft rush (*Juncus effesus*).

### **530 – Reservoirs**

Two (2) separate man-made surface waters exist within the western and southwestern portions of the property and are most consistent with the Reservoirs (530) FLUCFCS classification. Vegetative species identified within this community include pennywort (*Hydrocotyle umbellata*), spatterdock (*Nuphar advena*), torpedo grass (*Panicum repens*), soft rush (*Juncus effusus*), sedges (*Carex* sp. and *Cyperus* sp.), primrose willow (*Ludwigia octovalvis*), cattail (*Typha* sp.), pickerelweed (*Pontedaria cordata*) and duck potato (*Sagittaria lancifolia*).

### **630 – Wetland Forested Mixed**

There are numerous large wetland areas within the subject site that are most consistent with the Wetland Forested Mixed (630) FLCUFCS classification. The vegetative community contains various tree species along with numerous understory and herbaceous species. The vegetation within these forested systems include bald cypress (*Taxodium distichum*), red maple (*Acer rubrum*), pond pine (*Pinus serotina*), sweetbay (*Magnolia Virginia*), laurel oak (*Quercus laurifolia*), loblolly bay (*Gordonia lasianthus*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*), swamp tupelo (*Nyssa sylvatica*), royal fern (*Osmunda regalis*), poison ivy (*Toxicodendron radicans*), wild azalea (*Rhododendron viscosum*), coinwort (*Centella asiatica*), pennywort (*Hydrocotyle umbellata*), maidencane (*Panicum hemitomon*), spike rush (*Eleocharis baldwinii*), soft rush (*Juncus effusus*), sedges (*Carex* sp. and *Cyperus* sp.), broomsedge (*Andropogon virginicus*), beakrush (*Rhynchospora* sp.), primrose willow (*Ludwigia octovalvis*), cattail (*Typha* sp.), pickerelweed (*Pontedaria cordata*), duck potato (*Sagittaria lancifolia*) and umbrella grass (*Fuirena squarrosa*), and wild elderberry (*Sambucus canadensis*).

### **641 – Freshwater Marshes**

There are numerous herbaceous areas throughout the subject site that are most consistent with the Freshwater Marshes (641) FLUCFCS classification. These communities are functionally integrated with the forested wetland systems that they are hydrologically contiguous with. Vegetative species that are present in these systems include maidencane (*Panicum hemitomon*), spike rush (*Eleocharis baldwinii*), sedges (*Carex* sp. and *Cyperus* sp.), lemon bacopa (*Bacopa caroliniana*), St. Johns wort

(*Hypericum* sp.), broomsedge (*Andropogon virginicus*), meadow-beauty (*Rhexia* sp.), beakrush (*Rhynchospora* sp.), cattail (*Typha* sp.), pickerelweed (*Pontedaria cordata*), fire flag (*Thalia geniculata*), duck potato (*Sagittaria lancifolia*), umbrella grass (*Fuirena squarrosa*), soft rush (*Juncus effusus*), primrose willow (*Ludwigia peruviana*), pennywort (*Hydrocotyle umbellata*), and wax myrtle (*Myrica cerifera*), with scattered red maple (*Acer rubrum*), pond pine (*Pinus serotina*), sweetbay (*Magnolia Virginia*), bald cypress (*Taxodium distichum*), loblolly bay (*Gordonia lasianthus*), water oak (*Quercus nigra*).

**PROPOSED WORK:** The applicant seeks authorization to discharge fill material into 7.25 acre of wetlands in order to construct a residential subdivision, necessary access roads, and stormwater management infrastructure.

**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 order to avoid and minimize impacts to waters of the United States, the applicant eliminated permanent access roads that were not necessary to realize the project purpose in favor of temporary access roads to facilitate the proposed construction. Furthermore, the applicant proposes to utilize the least impacting route for the necessary access roads. In addition, the applicant elected to eliminate residential lots along the access road at wetland crossings to further minimize wetland impacts associated with the proposed project. In order to minimize impacts to waters of the United States,

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

The applicant proposes to purchase mitigation bank credits in order to offset the wetland impacts associated with the proposed project.

**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** 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

gopher tortoise burrows or other refugia.)\_> D (Project will impact more than 25 active and inactive burrows). However, the applicant elects to ensure that all gopher tortoise burrows, active or inactive, will be evacuated prior to site manipulation in the burrow vicinity. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission Authorized Gopher Tortoise Agent permit. The excavation method selected would also minimize the potential for injury of an indigo snake. 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. Lastly, the applicant agrees to use the Standard Protection Measures for the Eastern Indigo Snake (dated August 12, 2013). The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps determined that the proposed project **may affect** the **Sand Skink and Blue Tailed Mole Skink**. The Corps based this determination on the following facts: the proposed project site is located in the Skink consultation area; the proposed project site exhibits the appropriate elevation and soil type to support these species; the applicant provided a skink survey of the project site which revealed that skinks are present across approximately 20 acres of the project site. In light of these facts, the Corps determined that the proposed project may affect these species. The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal is **not likely to adversely affect** the **Wood stork** (*Mycteria americana*). Since the applicant's proposal involves work within suitable foraging habitat for wood storks, the Corps utilized *The Corps of Engineers, U.S. Fish and Wildlife Service (FWS), Jacksonville Ecological Services Field Office, and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida, September 2008* (wood stork key) to evaluate the proposed project's potential impact on wood storks. Use of the wood stork key produced the following sequence indicating that the project is not likely to adversely affect the wood stork: A→B→C→D(1)→**not likely to adversely affect**. The nearest documented nesting colony is 24.4 miles southeast of the project site. The project would impact more than 0.50 acre of suitable foraging habitat. However, the project site is not located within a core foraging area for any wood stork colony. Therefore, the proposed project is not likely to adversely affect the wood stork. In correspondence that accompanied the wood stork key, the FWS stated that for proposed activities analyzed with the September 2008 version of the wood stork key in which the Corps reaches a not likely to adversely affect determination with respect to the wood stork and/or its designated critical habitat, the FWS concurs with the Corps determination in accordance with 50 CFR 402.14(b)1 and no further consultation with the FWS is required.

**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 freshwater wetlands which do not support any anadromous fisheries. Our initial determination is that the proposed action would not have a substantial adverse impact on 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.

**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, Gainesville Field Office, 2833 NW 41<sup>st</sup> Street, Unit 130, Gainesville, FL 32606, 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, James Davidson, in writing at the Tampa Permits Section, Gainesville Field Office, 2833 NW 41<sup>st</sup> Street, Unit 130, Gainesville, FL 32606; by electronic mail at james.e.davidson2@usace.army.mil; by facsimile transmission at (352)264-7733; or, by telephone at (352)264-7672.

**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.

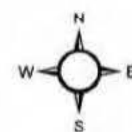
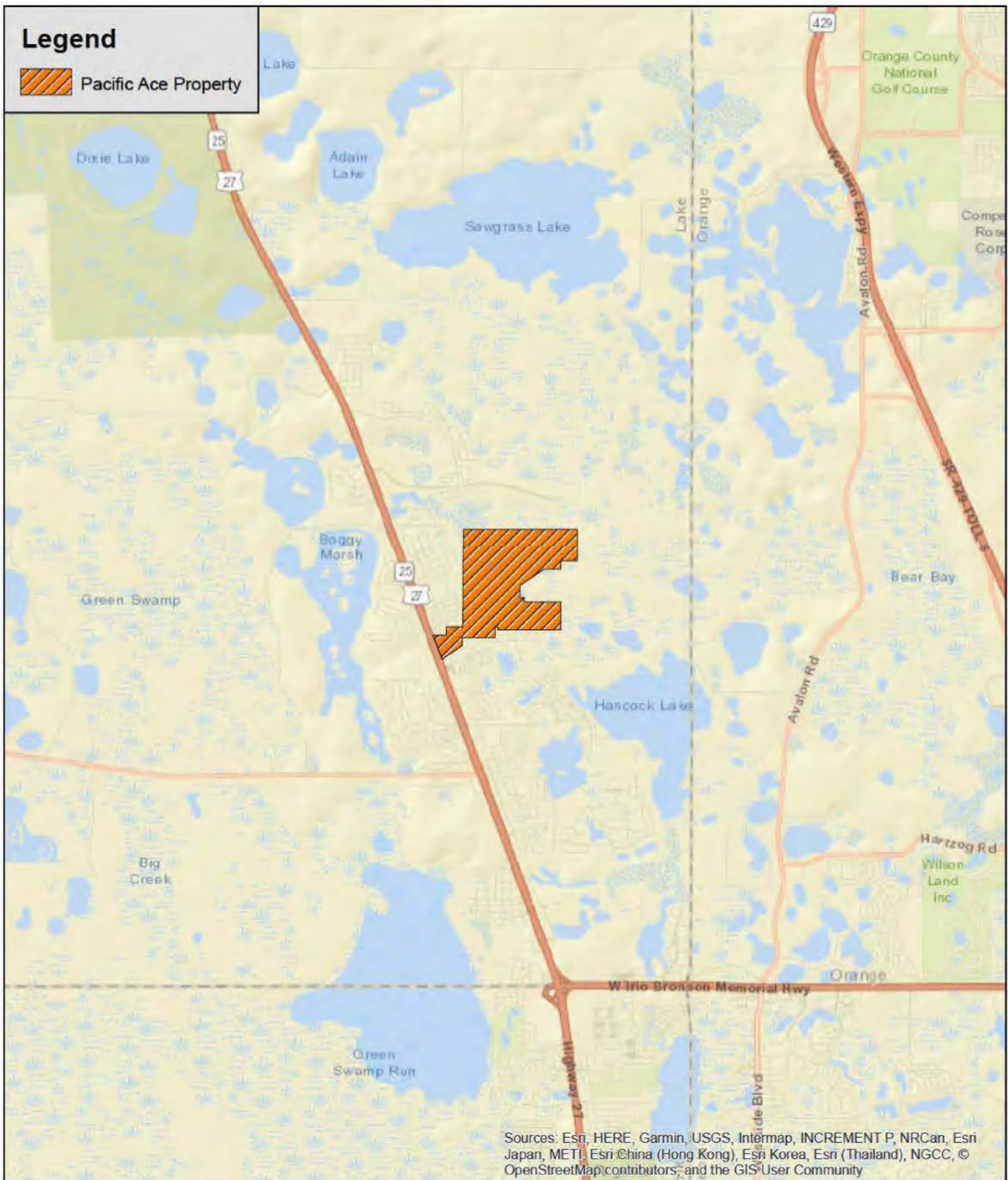
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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

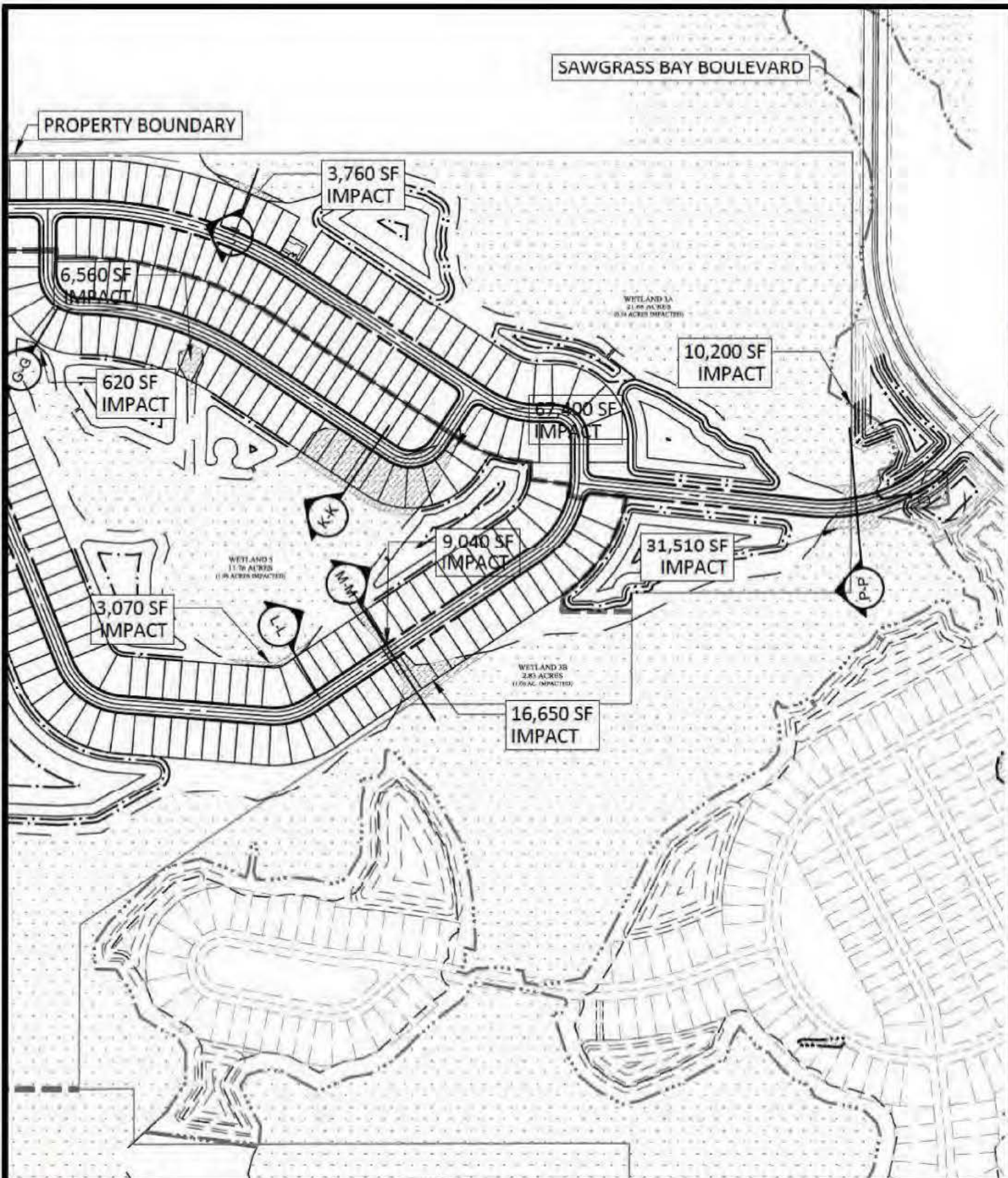


## Legend

 Pacific Ace Property







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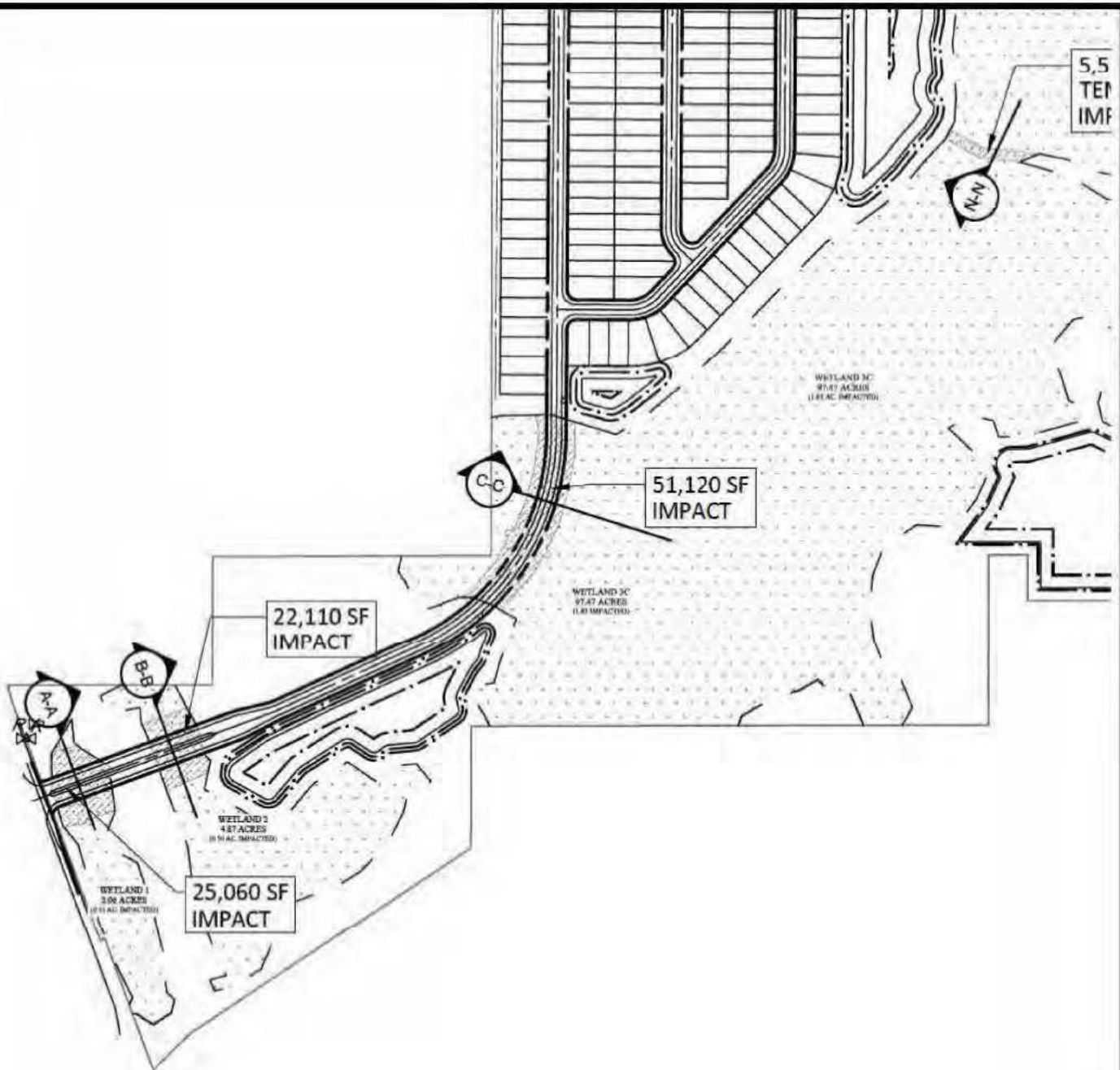
**WETLAND ENCROACHMENT**

**PACIFIC ACE**

**SCALE : 1" = 400'**

**SHEET 2**





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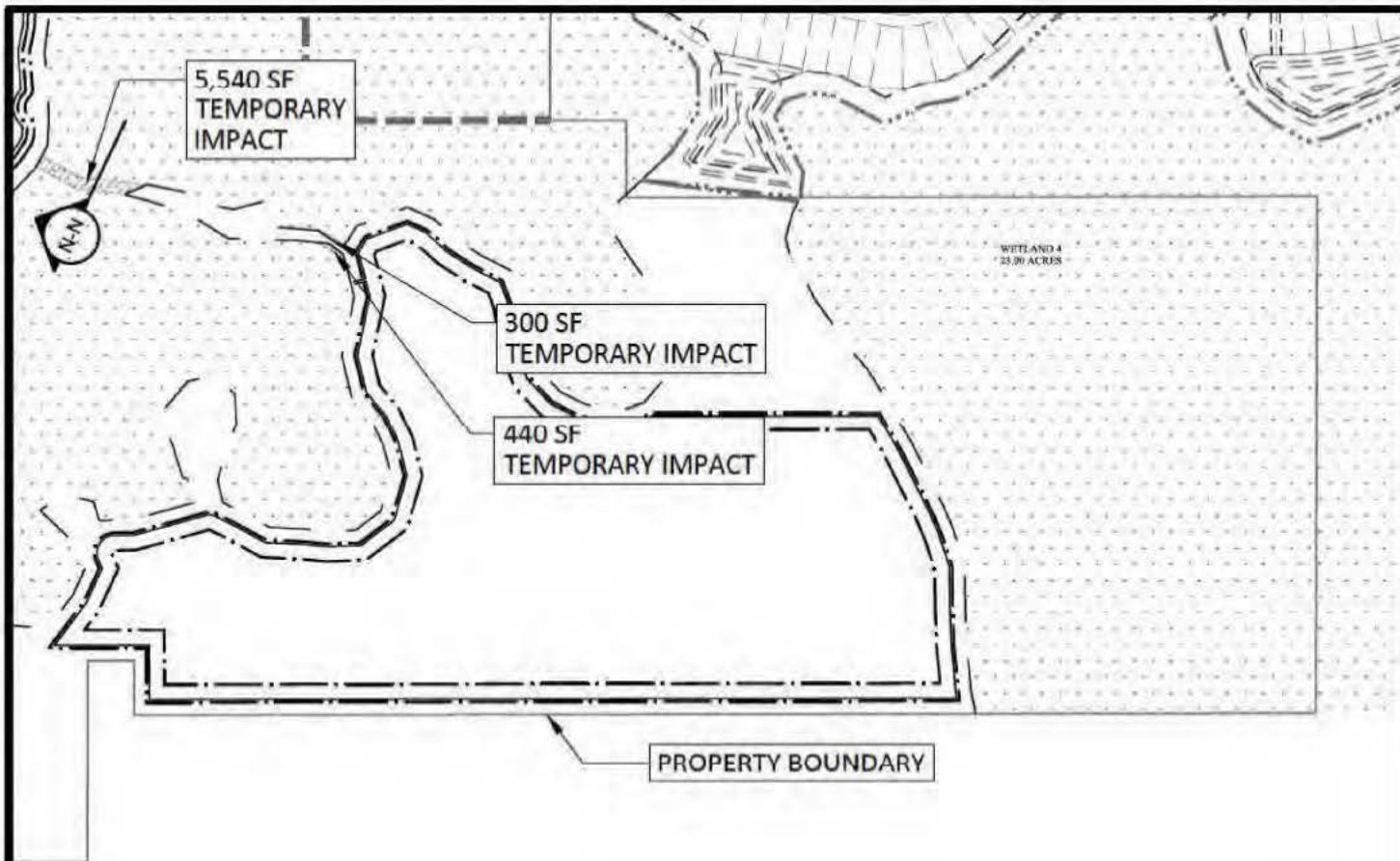
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**SHEET 3**



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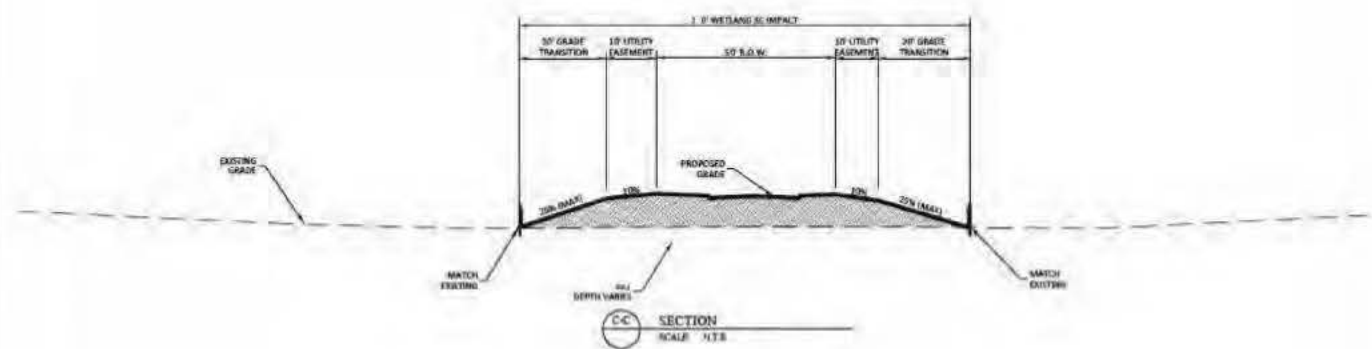
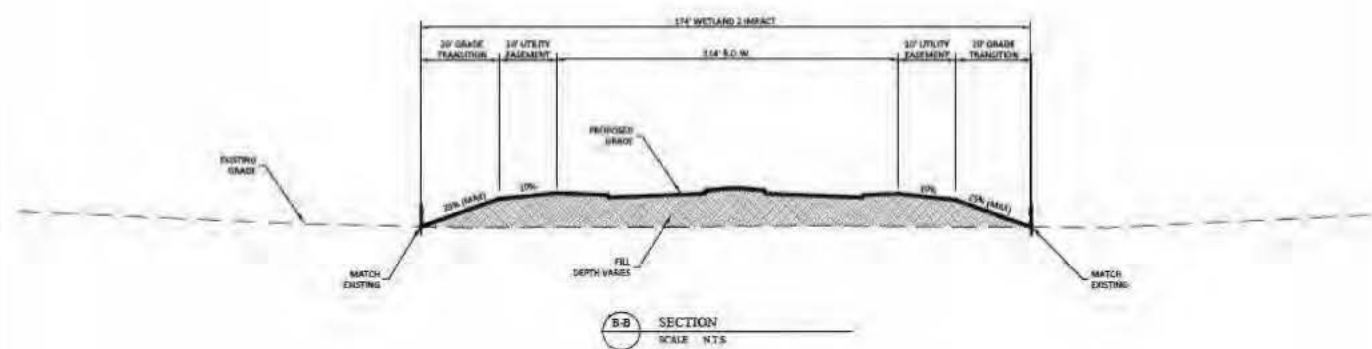
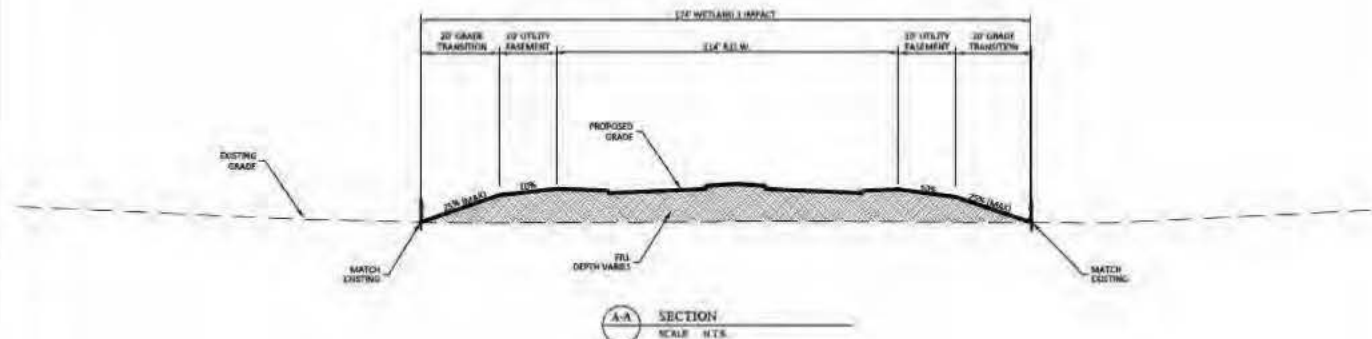
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**SHEET 4**

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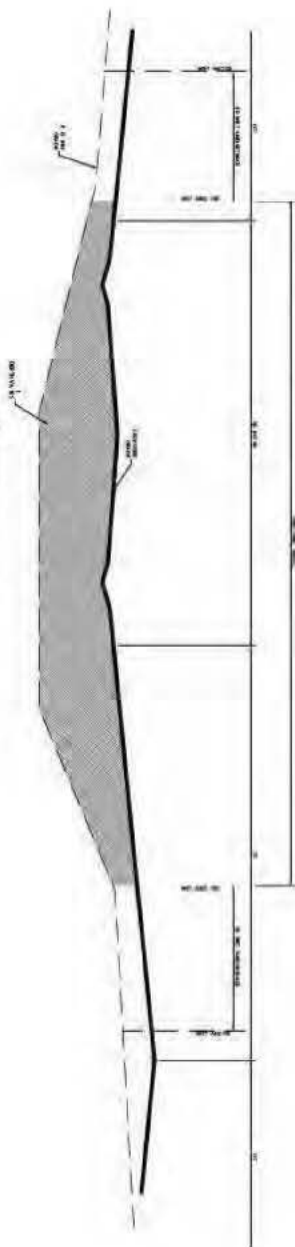
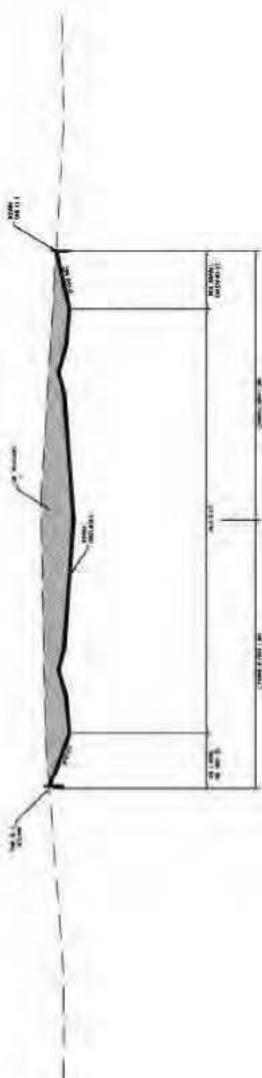
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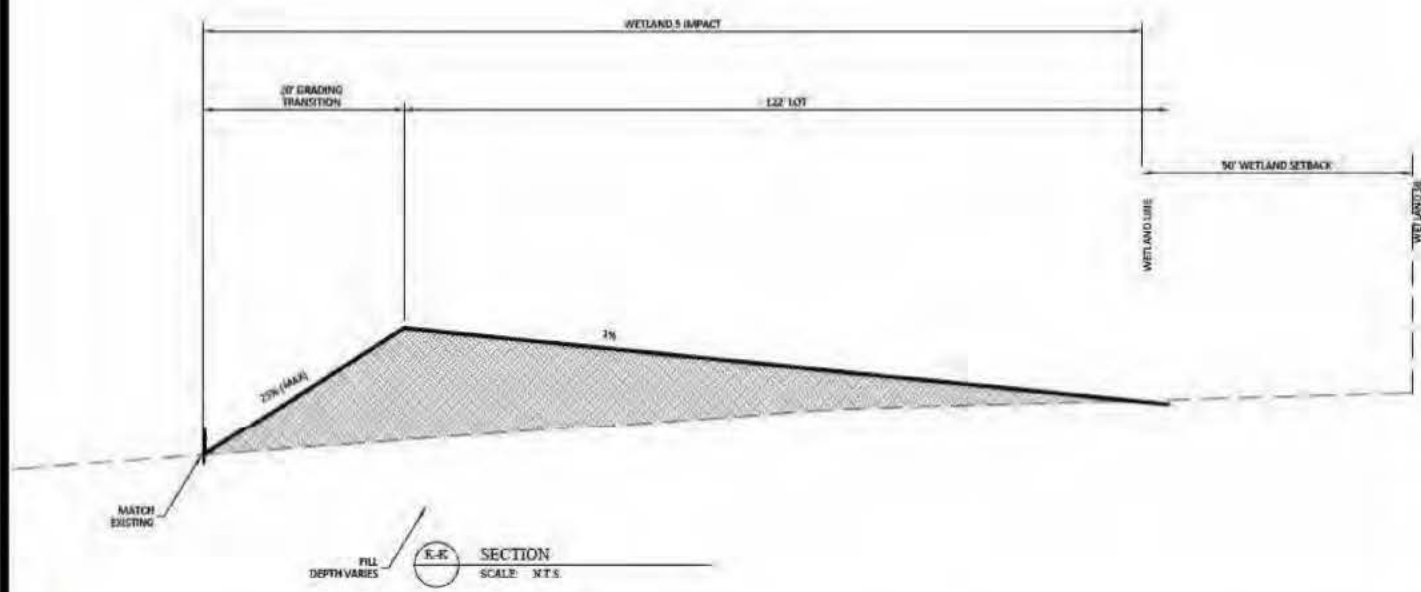
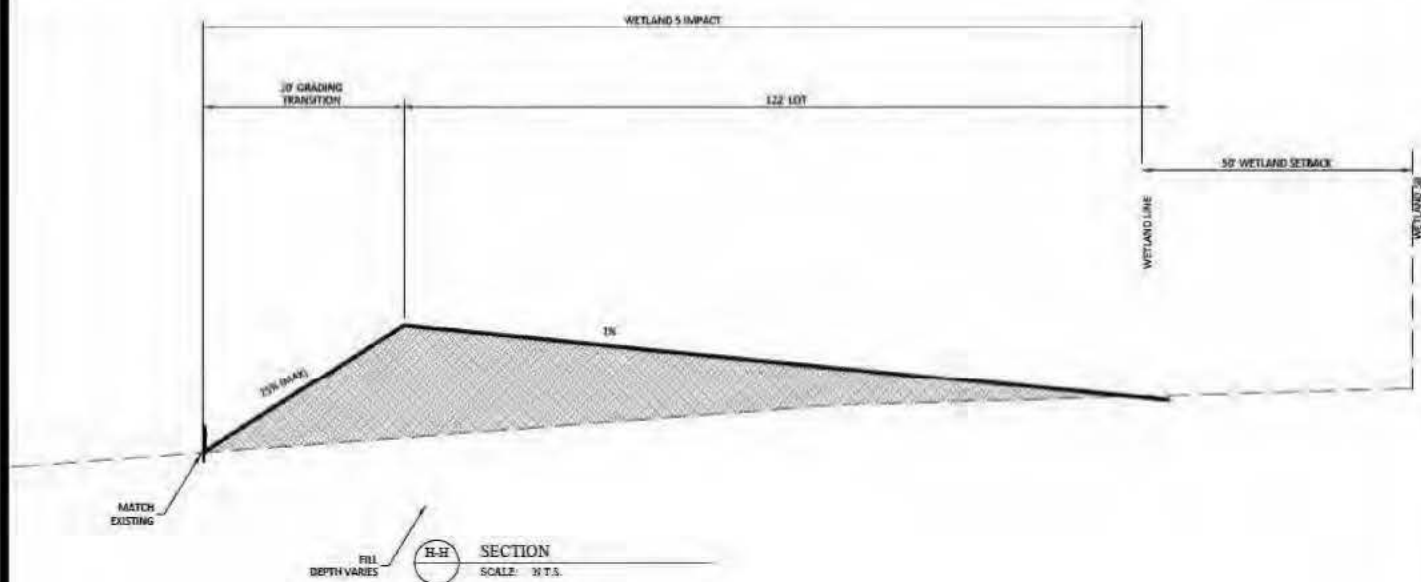
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**SHEET 6**

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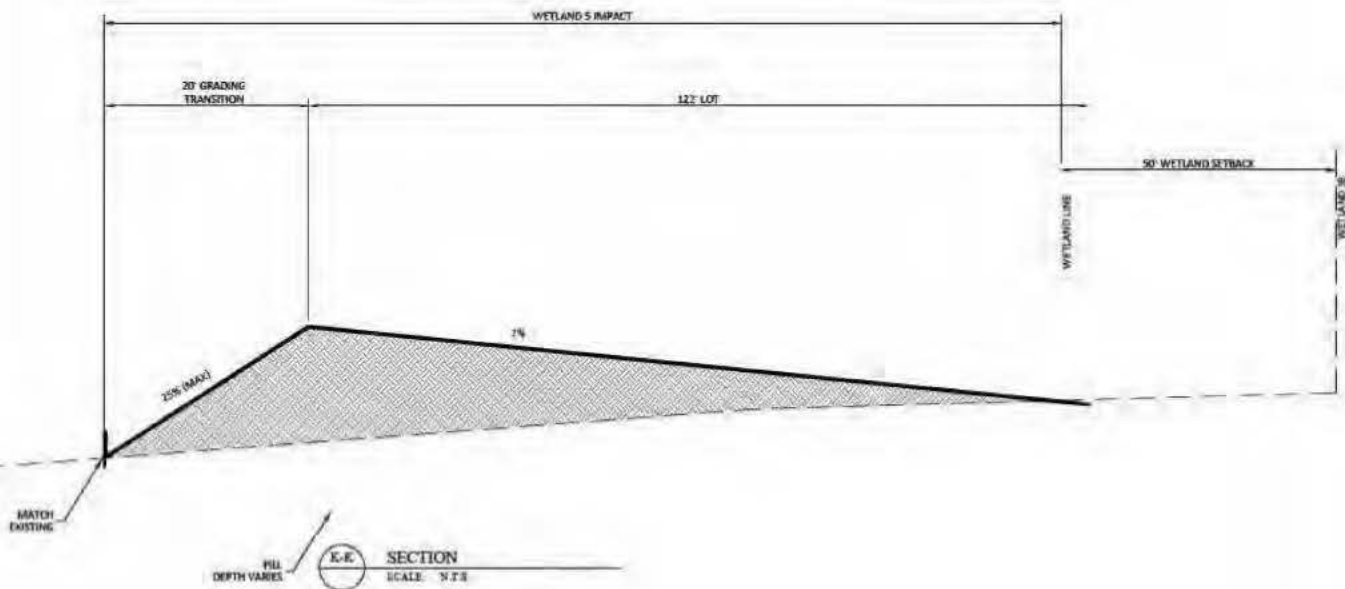


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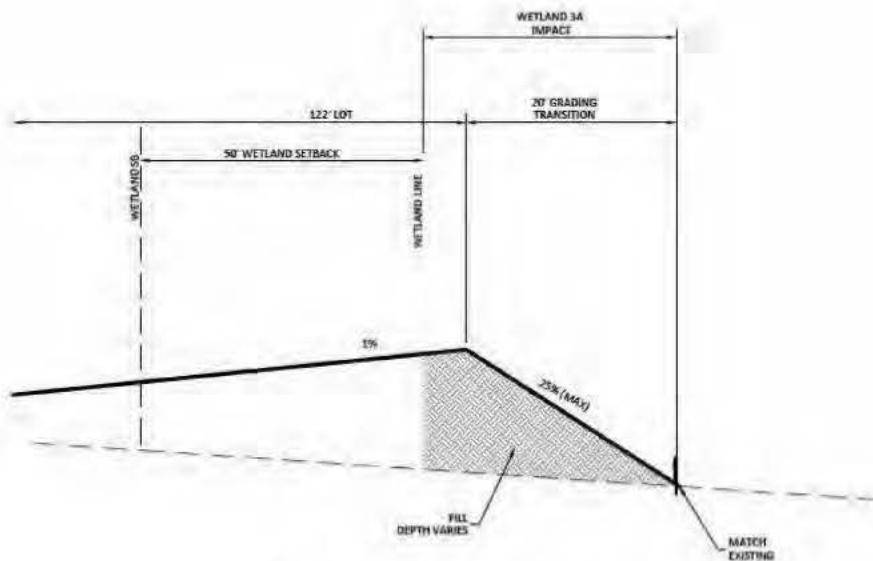
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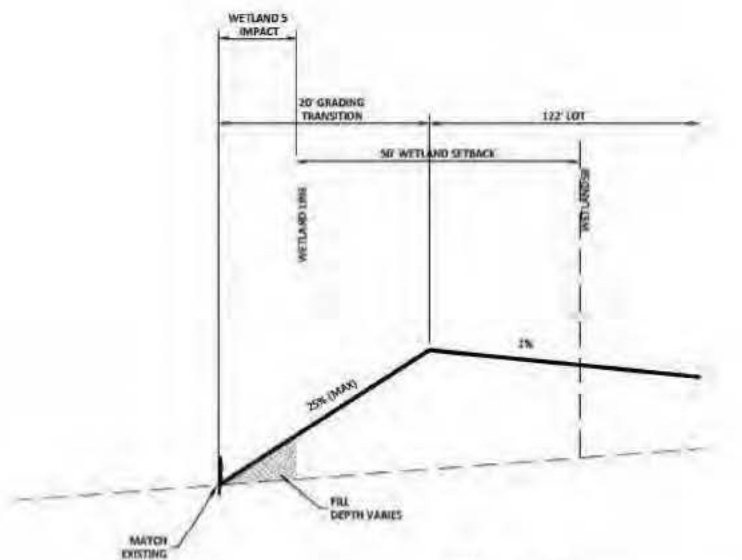
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**SHEET 8**



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L-L SECTION  
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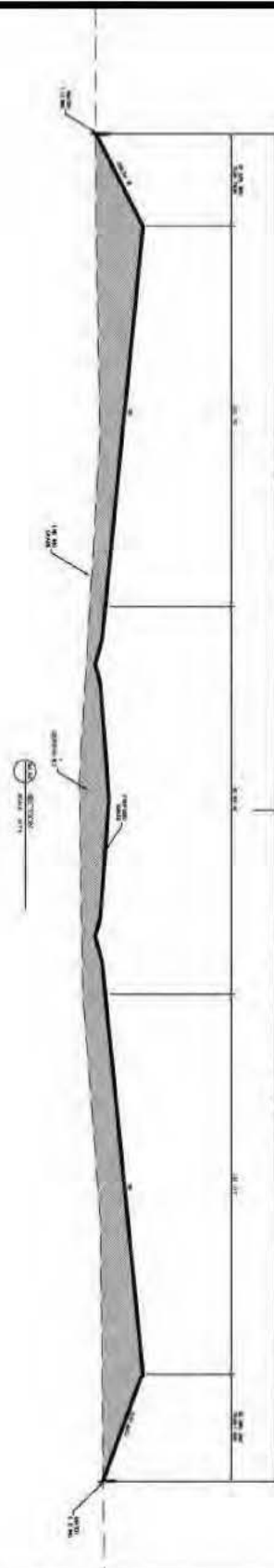
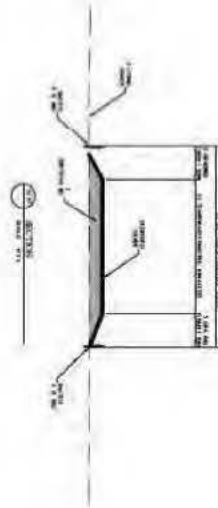
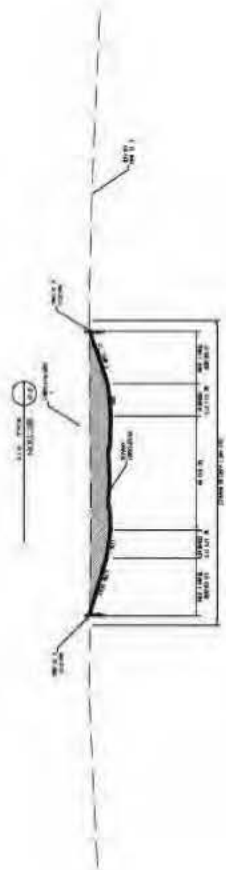
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**SHEET 9**



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