



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

November 3, 2020

CESAJ-RD  
SAJ-2008-02694 (SP-JDP)

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2008-02694(SP-JDP)

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):

APPLICANT: Central Florida Expressway Authority  
4974 ORL Tower Road  
Orlando, FL 32807

PERMIT HISTORY: The Corps previously approved Department of the Army (DA) permit SAJ-2008-02694 (SP-TSB) with subsequent modifications (three total modifications) for approval of a limited access, six-lane high speed toll roadway from the Osceola-Polk County line south to County Road 580 (a.k.a. Cypress Parkway). These previous permit authorizations were issued to the Osceola County Expressway Authority and consisted of roadway segments known as Segment 3 (an ultimate six-lane, 6,175-foot long bridge crossing Reedy Creek Mitigation Bank and additional 2 miles of roadway) and Segment 4 (an ultimate six-lane, approximately 4-mile roadway). The Segment 4 permit (SP-AWP, activated February 25, 2015) required purchase of 26.77 compensatory Federal Wetland Rapid Assessment Procedure (WRAP) wetland mitigation credits from the Reedy Creek Mitigation Bank (SAJ-1995-07852) to offset unavoidable impacts to waters of the United States (WOTUS) which would occur as result of the authorized project. The Segment 3 permit (Permit Modification-3, issued November 5, 2015) required purchase of 67.68 compensatory Federal WRAP wetland mitigation credits from the Reedy Creek Mitigation Bank (SAJ-1995-07852) to offset unavoidable impacts to WOTUS which would occur as result of the authorized project. Records indicate the required compensatory wetland mitigation, totaling 94.45 WRAP credits for all permit modifications to SAJ-2008-02694, has been successfully provided. Construction completed to date includes four of the ultimate six-lane build-out which was previously permitted. However, the construction window for permit SAJ-2008-02694 (and subsequent modifications) concluded on February 23, 2020. Accordingly, this permit application subject to USACE review entails re-authorization of the incomplete project impacts (approximately 17.26 acres of direct impacts to WOTUS) to finish the ultimate six-lane build-out, as well as issuance to the current operating entity, the Central Florida Expressway Authority. No new impacts to WOTUS (other than those previously authorized and mitigated impacts to WOTUS) are proposed, nor additional compensatory mitigation.

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Reedy Creek Swamp (HUC 0309010106). The project site is immediately west of the intersection of East Bourne Road and Marigold Avenue and extends north to the Osceola-Polk County line and south to Cypress Parkway, Sections 16, 17, 21, 22, 27, 28, 34, Township 26 South, Range 28 East and Section 03, Township 27 South, Range 28 East, Osceola County, Florida.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 28.188945°  
Longitude -81.504700°

**PROJECT PURPOSE:**

Basic: Transportation

Overall: To widen from four-lanes to six-lanes, an existing 6-mile, ultimate six-lane, high-speed, limited access expressway from the Osceola-Polk County line south to Cypress Parkway in order to improve traffic flow on Osceola Parkway in Osceola County.

**EXISTING CONDITIONS:** The project corridor is comprised of previously constructed roadway and associated supporting infrastructure, as well as previously disturbed/alterd wetland areas within the roadway right-of-way which were previously cleared but not completely filled/converted into upland development. Land use types located within the proposed project were identified through color aerial photograph interpretation and information provided by the applicant. Each on-site land use form was classified using the Florida Department of Transportation (FDOT) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) as defined in the FDOT handbook, 1999. The project corridor is comprised of the following land uses: Transportation (FLUCFCS 814) and Vegetated Non-Forested Wetlands (FLUCFCS 640). The Transportation land uses consist of existing high-speed roadways, maintained right-of-way, stormwater control facilities, and other associated infrastructure. The Vegetated Non-Forested Wetlands land uses are comprised of wetland areas located within the previously permitted right-of-way, which were cleared/alterd but not completely filled or developed during construction of the first four-lanes of the proposed and previously authorized six-lane ultimate build-out. The previously altered, non-forested wetland remnants are of low ecological function.

**PROPOSED WORK:** The applicant seeks re-authorization to discharge clean fill material into approximately 17.26 acres of waters of the U.S. (WOTUS) to widen the existing four-lane portions of Segments 3 and 4 of Poinciana Parkway to the previously authorized six-lane ultimate build-out, between the Osceola-Polk County line to the north and Cypress Parkway to the south.

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:

*“All dredge and fill activities within jurisdictional waters were authorized and mitigated under Department of the Army permit SAJ-2008-02694. No additional impacts are proposed...”*

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

*“All dredge and fill activities within jurisdictional waters were authorized and mitigated under Department of the Army permit SAJ-2008-02694. No additional impacts are proposed...”*

#### 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:

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) *South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Wood Stork* (January 2010). Use of the Key for Wood Stork resulted in the following sequential determination: A > B > C > E (Project provides SFH compensation in accordance with the CWA section 404(b)(1) guidelines and is not contrary to the HMO; habitat compensation is within the appropriate CFA or within the service area of a Service-approved mitigation bank; and habitat compensation replaces foraging value, consisting of wetland enhancement or restoration matching the hydroperiods of the wetlands affected, and provides foraging value similar to, or higher than, that of impacted wetlands.) = “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. The Corps completed an evaluation of the project based upon review of the FWS *South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Eastern Indigo Snake* (August 2017). Use of the Key for the Eastern Indigo Snake resulted in the following sequential determination: A > B > C > D > E (Any 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 burrows. 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 also 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 Eastern Indigo Snake. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

Florida Bonneted Bat: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Florida Bonneted Bat and its designated critical habitat. The Corps completed an evaluation of the project based upon review of the FWS *Florida Bonneted Bat Consultation Key* (October 2019) provided by the FWS South Florida Ecological Services Field Office on October 22, 2019. Use of the Key for the Florida Bonneted Bat resulted in the following sequential determination: 1a > 2b > 13a > 14b = “may affect, not likely to adversely affect – programmatic (MANLAA-P), if Best Management Practices” are implemented. The Applicant must implement any two (2) Best Management Practices (BMPs) out of BMPs 3 through 13 for development, construction, or other general activities. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

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. The RAR Report did not identify EFH within the project area. 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 Cocoa Permits

Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926, within 15 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, Jason D. Perryman, in writing at Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at [jason.d.perryman@usace.army.mil](mailto:jason.d.perryman@usace.army.mil); by facsimile transmission at (321) 504-3803; or, by telephone at (321) 504-3771 x10.

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.

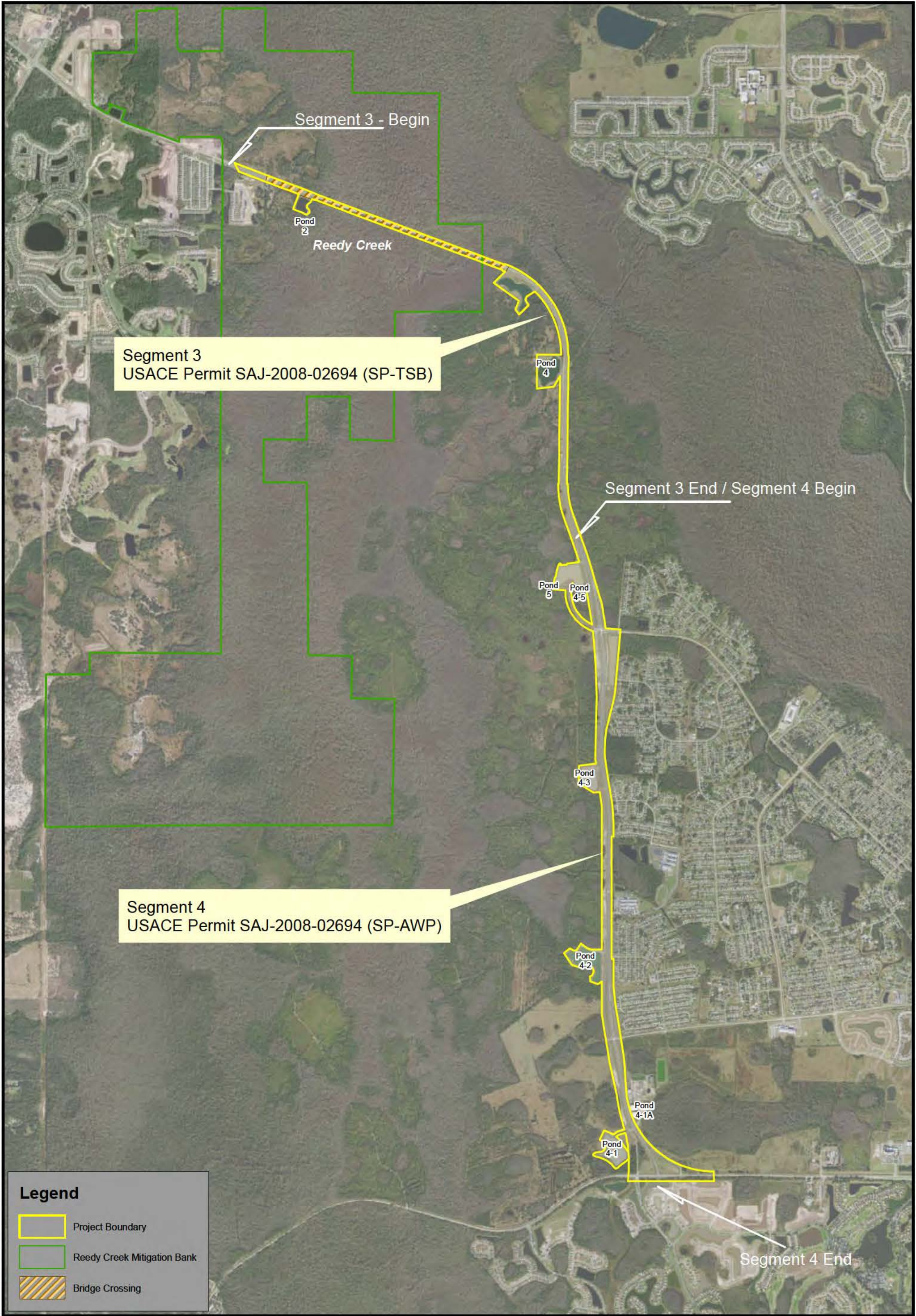
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.





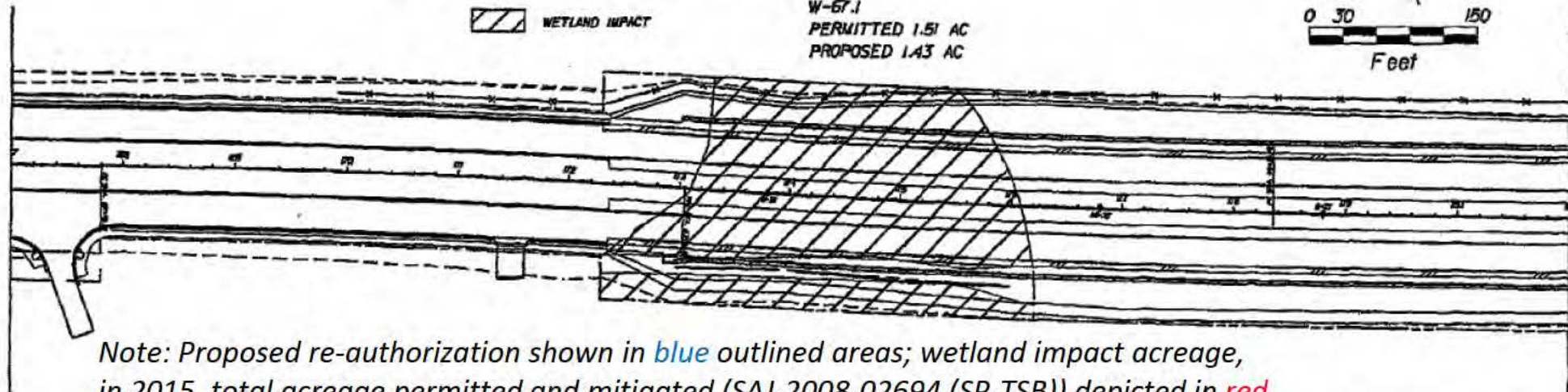


WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
67.1	1.51	1.43

 WETLAND IMPACT

W-67.1  
PERMITTED 1.51 AC  
PROPOSED 1.43 AC

0 30 150  
Feet



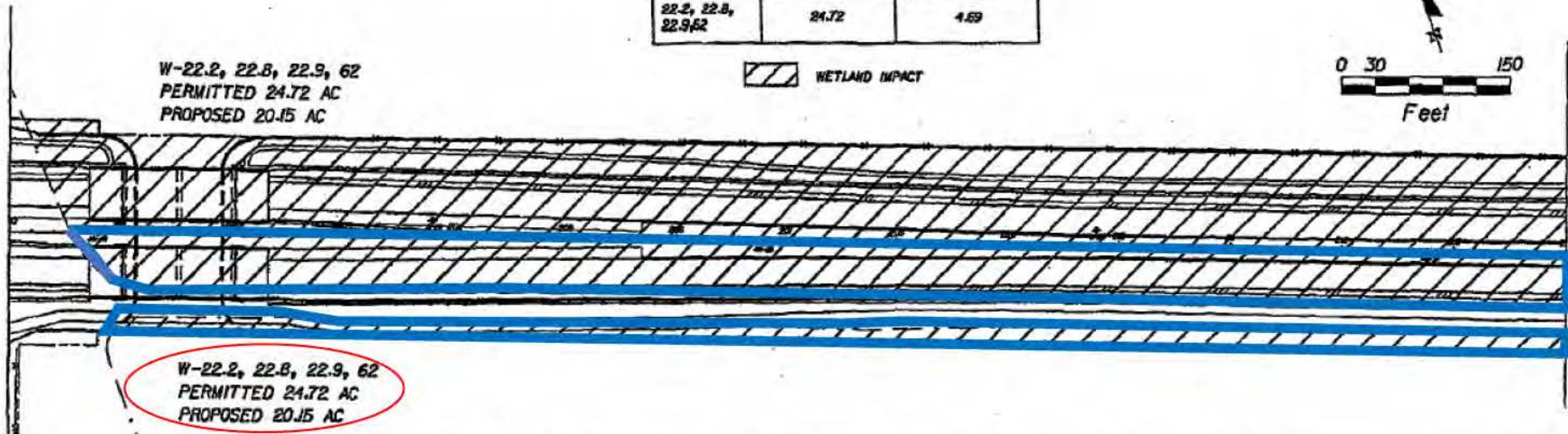
Note: Proposed re-authorization shown in blue outlined areas; wetland impact acreage, in 2015, total acreage permitted and mitigated (SAJ-2008-02694 (SP-TSB)) depicted in red circle

WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
W-22.2, 22.8, 22.9, 62	24.72	4.69

 WETLAND IMPACT

0 30 150  
Feet

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC



W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

MATCHLINE  
SEE SHEET 10



Vannote Hanger Bristol, Inc.  
Transport of Air, Area Development,  
Construction Services  
200 West Central Blvd., Suite 200  
Orlando, FL 32801 (407) 829-4000  
Fax: (407) 829-4001  
E-mail: info@vannotehanger.com

PROJECT: PONCICANA PARKWAY  
PURPOSE: OVERALL PLAN VIEW  
DATUM:  
LOCATION:  
APPLICATION BY:

U.S. ARMY CORPS OF ENGINEERS  
PERMIT NO: 159300302 (IP-GS)  
DATE: 10/30/2006

ACOE WETLAND  
EXHIBITS

SHEET  
NO.  
7



WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
22.2, 22.8, 22.9, 62	24.72	4.84

 WETLAND IMPACT

0 30 150  
Feet


W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

MATCHLINE SEE SHEET 7

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

Note: Proposed re-authorization shown in blue outlined areas; total acreage permitted and mitigated (SAJ-2008-02694 (SP-TSB)) depicted in red circle

WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
22.2, 22.8, 22.9, 62	24.72	4.83

 WETLAND IMPACT

0 30 150  
Feet

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

MATCHLINE SEE SHEET 9

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC



Yonkers Hengen Brundin, Inc.  
Transportation & Land Development  
Environmental Services  
175 West Central Ave., Suite 800  
Olathe, KS 66061 (913) 427-0001  
Hazardous Waste: 913-427-0001  
Cost of Service of Author: \$100 + \$250

Reginald L. Thiede, P.E.  
SEP 15 2006

PROJECT: POINCIANA PARKWAY  
PURPOSE: OVERALL PLAN VIEW  
DATUM:  
LOCATION:  
APPLICATION BY:


U.S. ARMY CORPS OF ENGINEERS  
PERMIT NO: 199300302 (1P-GS)  
DATE: 10/30/2006

ACOE WETLAND  
EXHIBITS

SHEET  
NO.  
8



WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
22.2, 22.8, 22.9, 62	24.72	4.91

 WETLAND IMPACT

0 30 150  
Feet

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

MATCHLINE SEE SHEET 8

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

Note: Proposed re-authorization shown in blue outlined areas; total acreage permitted and mitigated (SAJ-2008-02694 (SP-TSB)) depicted in red circle

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

W-61  
PERMITTED 1.12 AC  
PROPOSED 2.76 AC

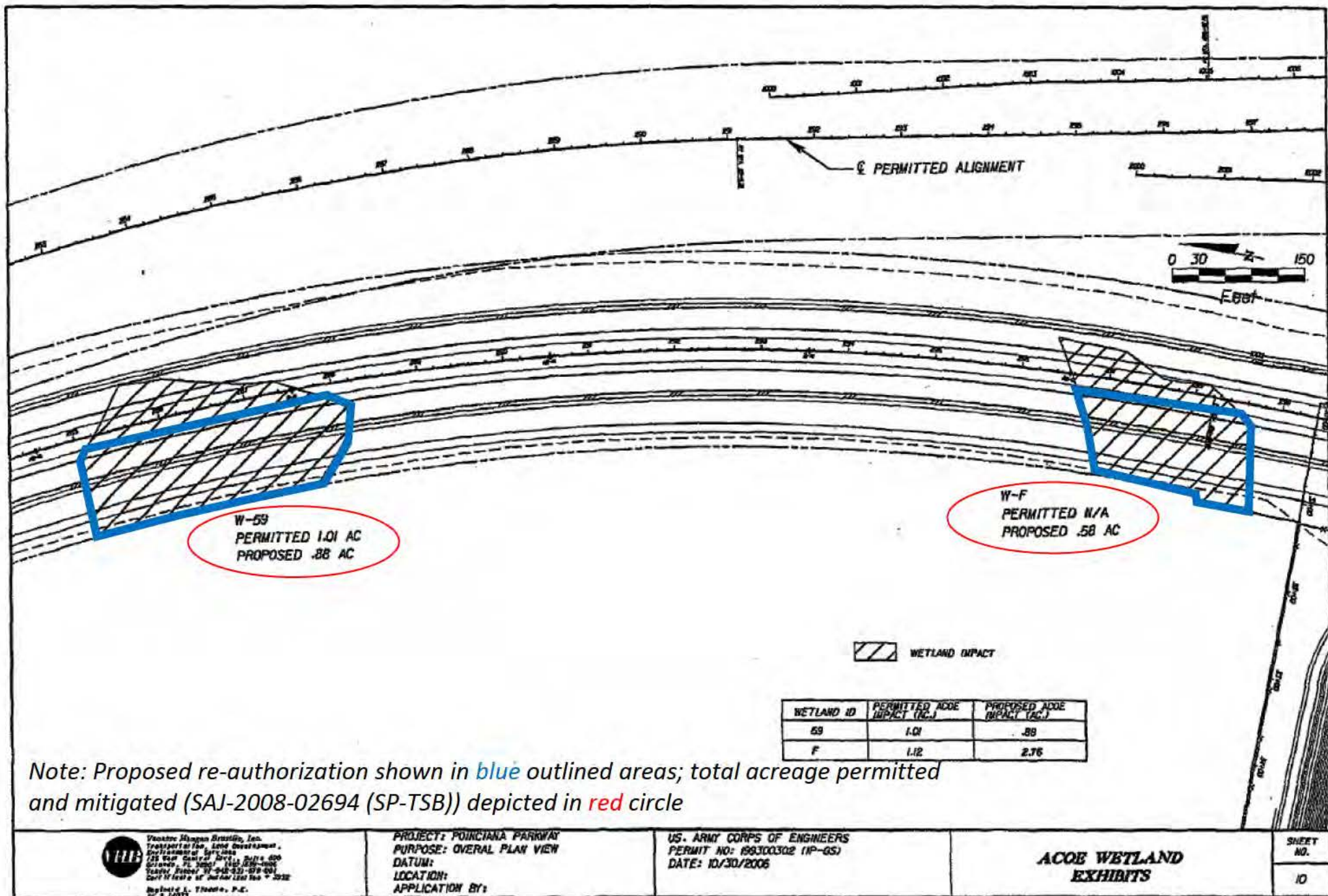
0 30 150  
Feet

W-22.2, 22.8, 22.9, 62  
PERMITTED 24.72 AC  
PROPOSED 20.15 AC

 WETLAND IMPACT

WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
22.2, 22.8, 22.9, 62	24.72	2.32
61	1.12	2.76





VHB  
Vincenzo Giangrande, Inc.  
Transportation, Land Development,  
Environmental Services  
725 West Central Ave., Suite 400  
Orlando, FL 32807 (407) 836-0000  
Toll-free: 800-368-5323  
Certified by the State of Florida as a Professional Engineer  
No. 10000

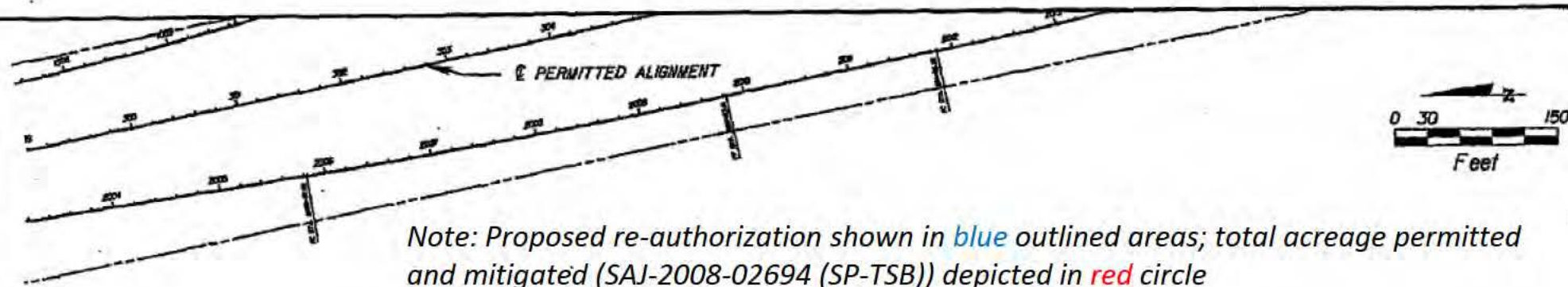
PROJECT: POINCIANA PARKWAY  
PURPOSE: OVERALL PLAN VIEW  
DATUM:  
LOCATION:  
APPLICATION BY:

U.S. ARMY CORPS OF ENGINEERS  
PERMIT NO: 199300302 (1P-GS)  
DATE: 10/30/2006

ACOE WETLAND  
EXHIBITS

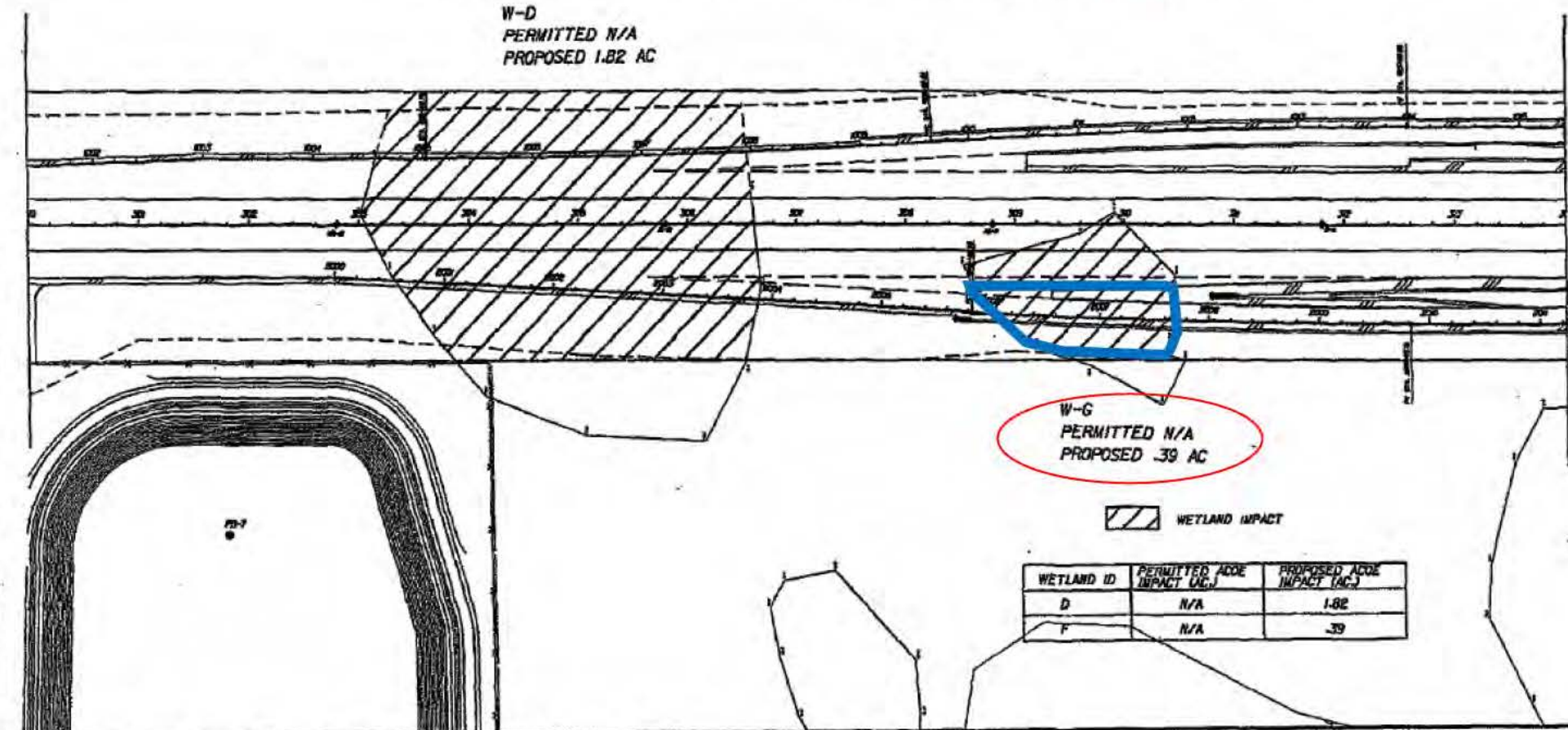
SHEET  
NO.  
10





Note: Proposed re-authorization shown in **blue** outlined areas; total acreage permitted and mitigated (SAJ-2008-02694 (SP-TSB)) depicted in **red** circle

W-D  
PERMITTED N/A  
PROPOSED 1.82 AC



**VHID**  
Vanacore-Burton-Brentlin, Inc.  
Transportation, Land Development,  
Civil Engineering Services  
231 West Street, Suite 200  
Orlando, FL 32801 407-927-1000  
Mobile: 407-942-8211 FAX: 407-927-1001  
City of Jacksonville, FL 32202  
Raymond J. Tiscione, P.E.  
P.E. 10003

PROJECT: POINCIANA PARKWAY  
PURPOSE: OVERALL PLAN VIEW  
DATUM:  
LOCATION:  
APPLICATION BY:

US. ARMY CORPS OF ENGINEERS  
PERMIT NO: 199300302 (1P-GS)  
DATE: 12/30/2006

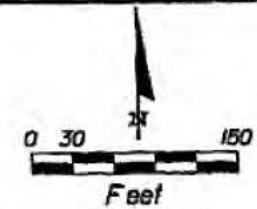
**ACOE WETLAND  
EXHIBITS**

SHEET  
NO.  
11

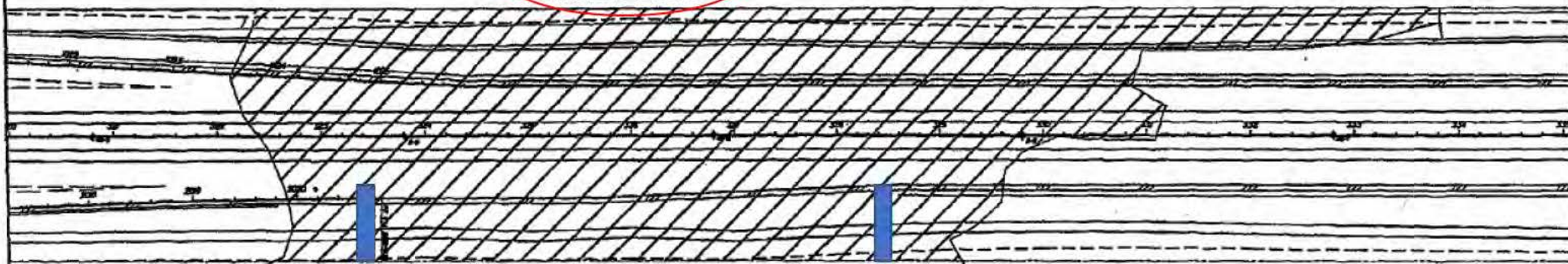


WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
B	N/A	4.65

 WETLAND IMPACT



W-B  
PERMITTED N/A  
PROPOSED 4.5504 AC

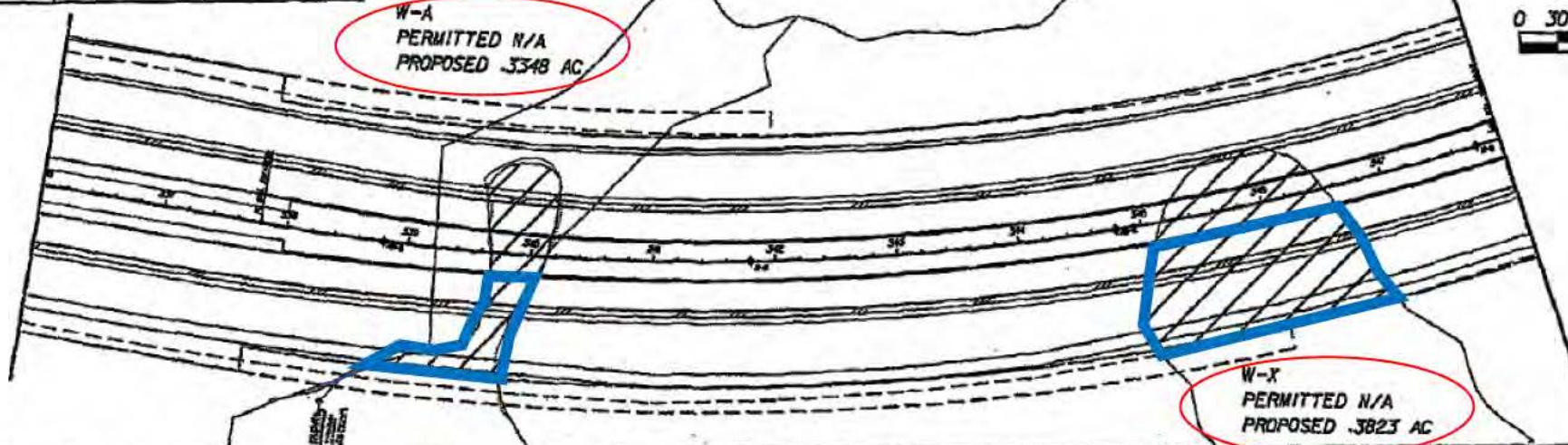
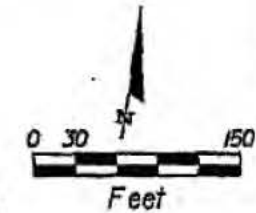


Note: Proposed re-authorization shown in blue outlined areas; total acreage permitted and mitigated (SAJ-2008-02694 (SP-TSB)) depicted in red circle

WETLAND ID	PERMITTED ACOE IMPACT (AC)	PROPOSED ACOE IMPACT (AC)
A	N/A	.19
X	N/A	.38

 WETLAND IMPACT

W-A  
PERMITTED N/A  
PROPOSED .3348 AC



W-X  
PERMITTED N/A  
PROPOSED .3823 AC



Yonkers Hargrove Brantley, Inc.  
Transportation, Land Development,  
Environmental Services  
120 West Central Blvd., Suite 200  
Glenview, IL 60025 (847) 439-0001  
Mobile: (847) 439-0001  
Fax: (847) 439-0001

PROJECT: POINCIANA PARKWAY  
PURPOSE: OVERALL PLAN VIEW  
DATUM:  
LOCATION:  
APPLICATION BY:

U.S. ARMY CORPS OF ENGINEERS  
PERMIT NO: 198300.302 (1P-GS)  
DATE: 10/30/2006

ACOE WETLAND  
EXHIBITS

SHEET  
NO.  
12





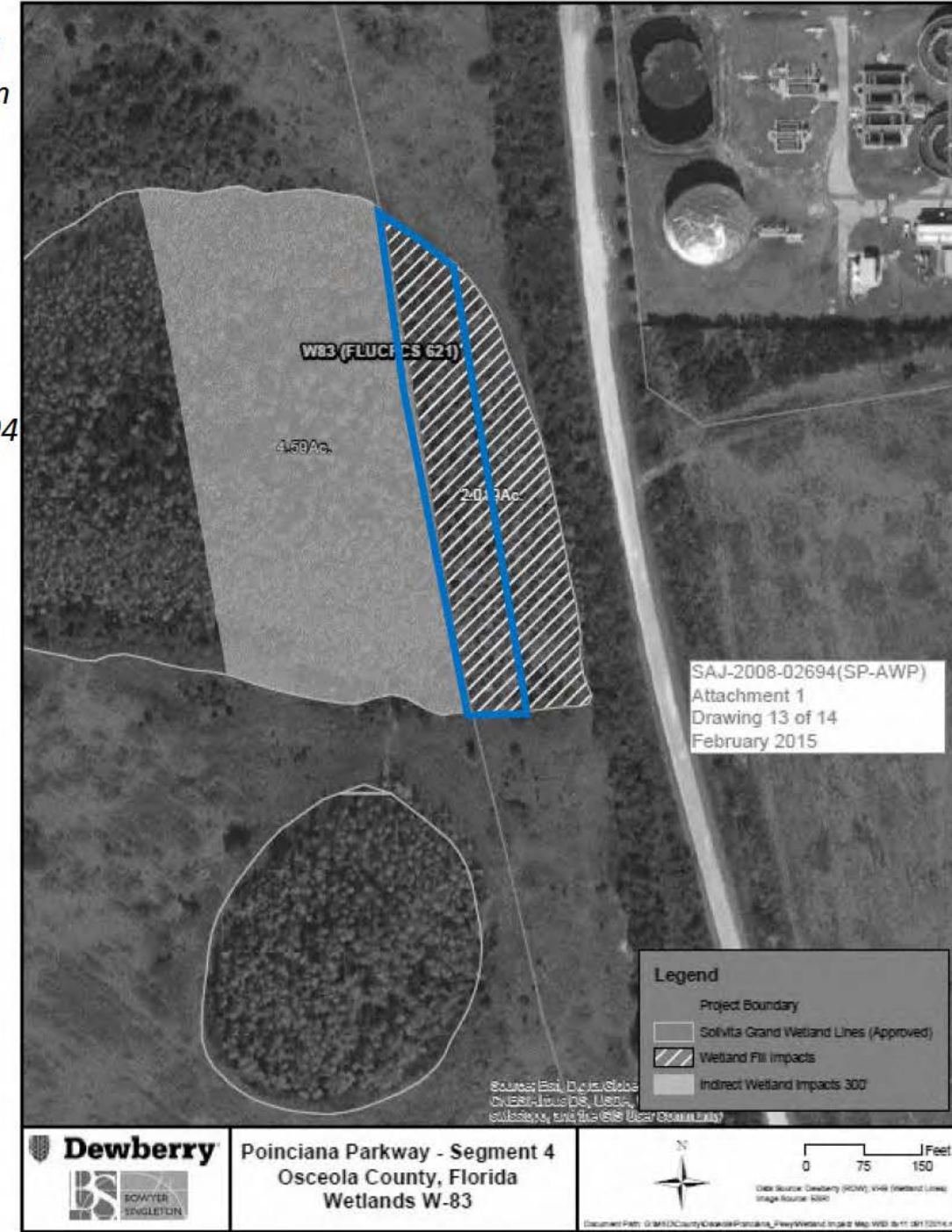
*Note: Proposed re-authorization shown in blue outlined area; total area in white polygons permitted and mitigated in 2015 (SAJ-2008-02694 (SP-AWP)); wetland W17 was fully impacted during construction in 2015.*







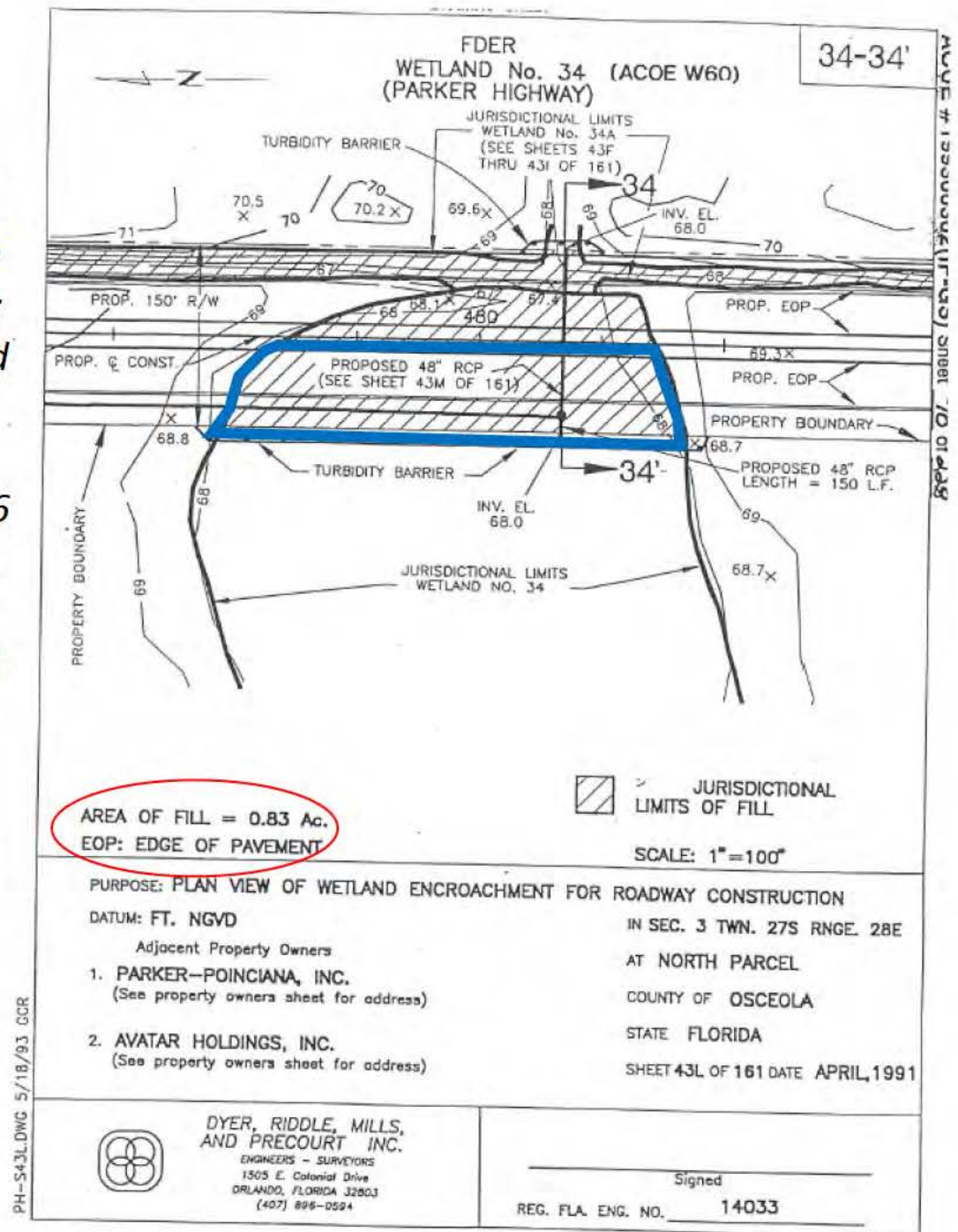
Note: Proposed re-authorization shown in blue outlined area; total areas in white polygons permitted and mitigated in 2015 (SAJ-2008-02694 (SP-AWP))



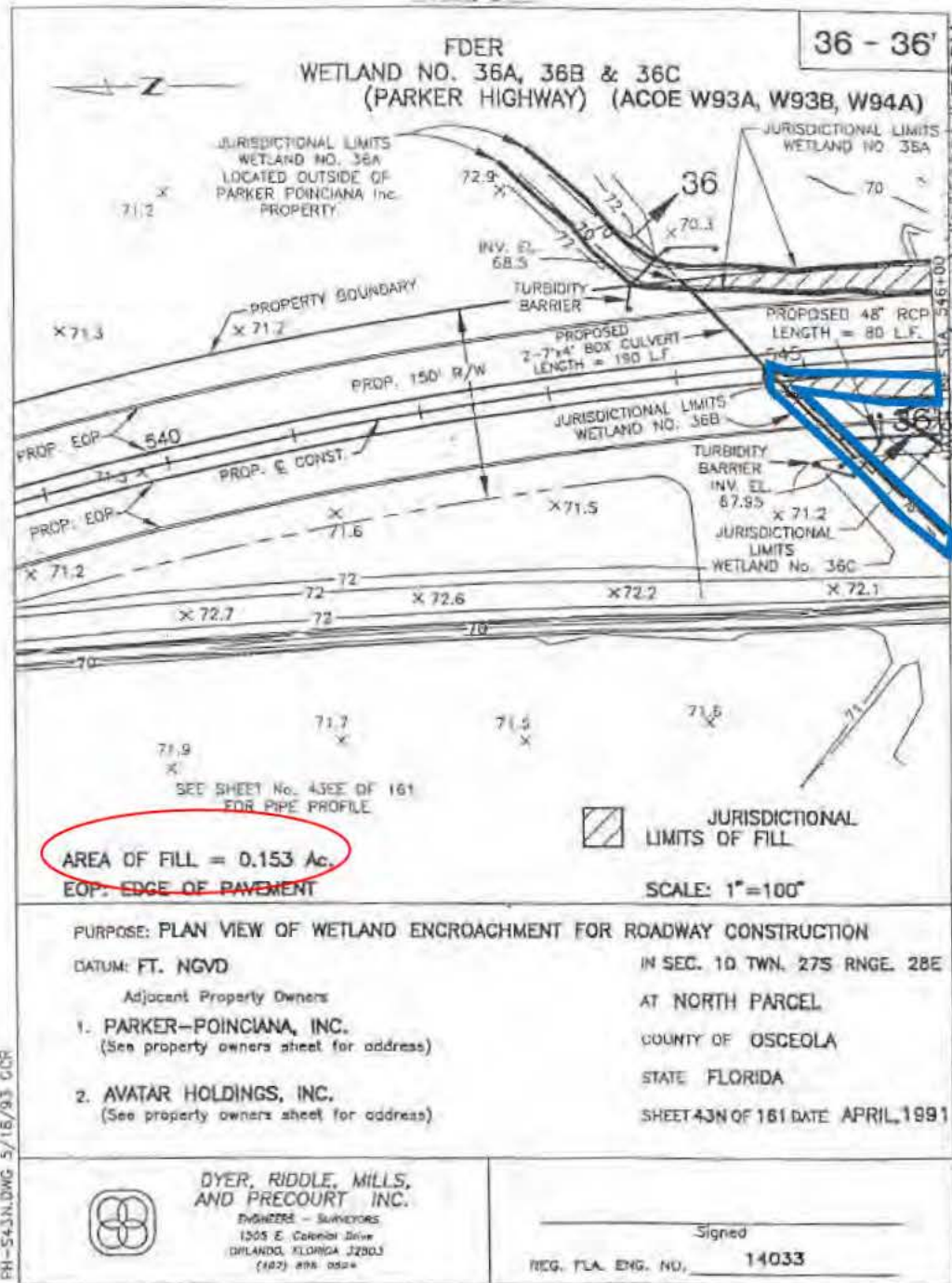




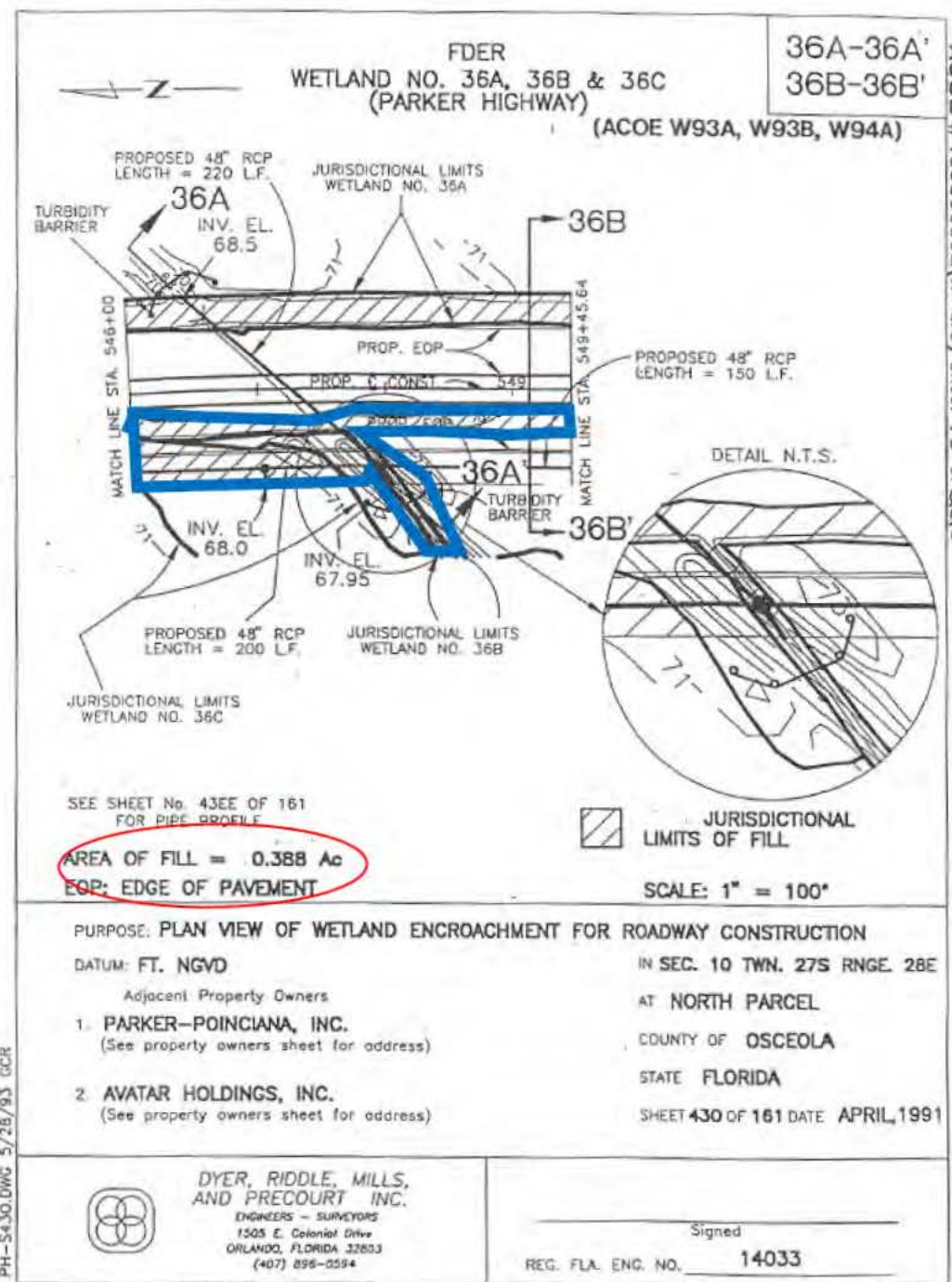
**Note:**  
Proposed re-authorization shown in **blue** outlined area; permitted and mitigated in 2015 (SAJ-2008-026 94 (SP-AWP); ditch shown near Wetland W23 fully impacted in Phase 1 of construction.







Note: Proposed re-authorization shown in blue outlined area; total wetland acreage permitted and mitigated in 2015 (SAJ-2008-02694 (SP-AWP)) in red circle.





Note: Proposed re-authorization shown in blue outlined area; total acreage permitted and mitigated in 2015 (SAJ-2008-02694 (SP-AWP)); in red circle.

