



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

January 16, 2019

Regulatory Division
North Branch
Cocoa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2016-01696(SP-AWP)

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: Lennar Homes, LLC
6740 Forum Drive, Suite 310
Orlando, FL 32821

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Lake Tohopekaliga. The project site is generally located south of South Orange Blossom Trail (U.S. Highway 17/92) and east of Ham Brown Road. The site is located in Sections 6 and 7, Township 26 South, Range 28 East and Sections 1 and 12, Township 26 South, Range 29 East, Osceola County, Florida. The application has been assigned the file number SAJ-2016-01696.

Directions to the site are as follows: From the intersection of US Highway 17/92 and Ham Brown Road proceed south on Ham Brown Road to Enterprise Drive. The project site is located east of Horizon Middle School.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.2456°
Longitude -81.4506°

PROJECT PURPOSE:

Basic: Residential

Overall: Construct a single-family residential subdivision, south of US Highway 17/92 near the proposed SunRail Station in un-incorporated Osceola County, Florida.

EXISTING CONDITIONS: The project site consists of mix of agricultural lands, several freshwater forested wetlands, vegetated non-forested wetlands, man-made agricultural ditches, and a surface water. The communities were classified per the Florida Land Use, Cover and Forms Classification System (FLUCFCS) and include Improved Pastures; Shrub, Brushland; Surface Waters; Wetland Forested Mixed; Non-forested wetland.

The wetland forested mixed community land use consists of overstory species such as red maple (*Acer rubrum*), cypress (*Taxodium spp.*), sweetgum (*Liquidambar styraciflua*), loblolly bay (*Gordonia lasianthus*) sweet bay (*Magnolia virginiana*), and black gum (*Nyssa sylvatica*) with Chinese tallow (*Triadica sebifera*) and laurel oak (*Quercus laurifolia*) around the perimeter. The understory is comprised of Virginia chain fern (*Woodwardia virginiana*), cinnamon fern (*Osmunda cinnamomea*), swamp fern (*Blechnum serrulatum*), and primrose willow (*Ludwigia peruviana*).

The non-forested wetland community land use vegetative composition varies between the herbaceous wetlands, the following species are generally present in each of the systems: maidencane (*Panicum hemitomon*), soft rush (*Juncus effusus*), torpedo grass (*Panicum repens*), smartweed (*Polygonum sp.*), pickerel weed (*Pontederia cordata*), coinwort (*Centella asiatica*), beaked sedges (*Rhynchospora spp.*), roadgrass (*Eleocharis baldwinii*), pennywort (*Centella asiatica*), and primrose willow.

Additional vegetation descriptions are available upon request.

PROPOSED WORK: The applicant seeks a 10-year authorization to dredge and fill 10.7 acres of waters of the United States (4.1 acre of wetland and 6.6 acre of non-wetland waters) for the construction of a single-family residential subdivision.

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: Deliberation was given to possible site layouts that provided for the development of the residential community; however, as the wetlands and surface waters are spread across the site, there was no feasible way to avoid all impacts. The current site plan was determined to be the least impactful alternative.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Mitigation for direct wetland and non-wetland water impacts and secondary wetland impacts would be provided through the purchase of palustrine federal credits from the Florida Mitigation Bank.

CULTURAL RESOURCES: The Corps is aware of historic property/properties within or in close proximity of the permit area. The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

ENDANGERED SPECIES: The action area includes the entire 335± acre project site. 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 one rookery; the project supports marginally Suitable Foraging Habitat (SFH) for wood stork. Based on the *Effect Determination Key*

for the Wood Stork in South Peninsular Florida (dated May 2010), the Corps determination sequence is as follows: A (Project impacts SFH at a location greater than 0.47 miles from a colony site) > B (Project impact to SFH is greater in scope than 0.5 acres) > C (Project impacts to SFH within the CFA of a colony site) > E (Project provides SFH compensation) = NLAA. The project provides SFH compensation within the CFA consisting of enhancement, restoration or creation (and federal mitigation bank credits) that provides an amount of habitat and foraging function equivalent to that of the impacted SFH; in accordance with the Clean Water Act section 404(b)(1) guidelines, and is not contrary to the habitat management guidelines. The Corps has U.S. Fish and Wildlife Service (USFWS) concurrence for the proposed activities through use of the aforementioned determination key.

The Corps has determined the proposed project “may affect” the Eastern Indigo Snake (*Drymarchon couperi*). Based on the *Eastern Indigo Snake Programmatic Effect Determination Key* (dated August 1, 2017), 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 (The project will impact more than 25 acres of eastern indigo snake habitat.) = may affect. The Corps will initiate formal consultation with USFWS pursuant to 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*), red-cockaded woodpecker (*Leuconotopicus borealis*), Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*), Audubon’s crested caracara (*Polyborus plancus audubonii*), and Florida scrub-jay (*Aphelocoma coerulescens*).

ESSENTIAL FISH HABITAT (EFH): The proposed work would have no effect to EFH.

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, Andrew Phillips, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida, 32926; by electronic mail at andrew.w.phillips@usace.army.mil; by fax at (321) 504-3803, or by telephone at (321) 504-3771 extension 14.

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.

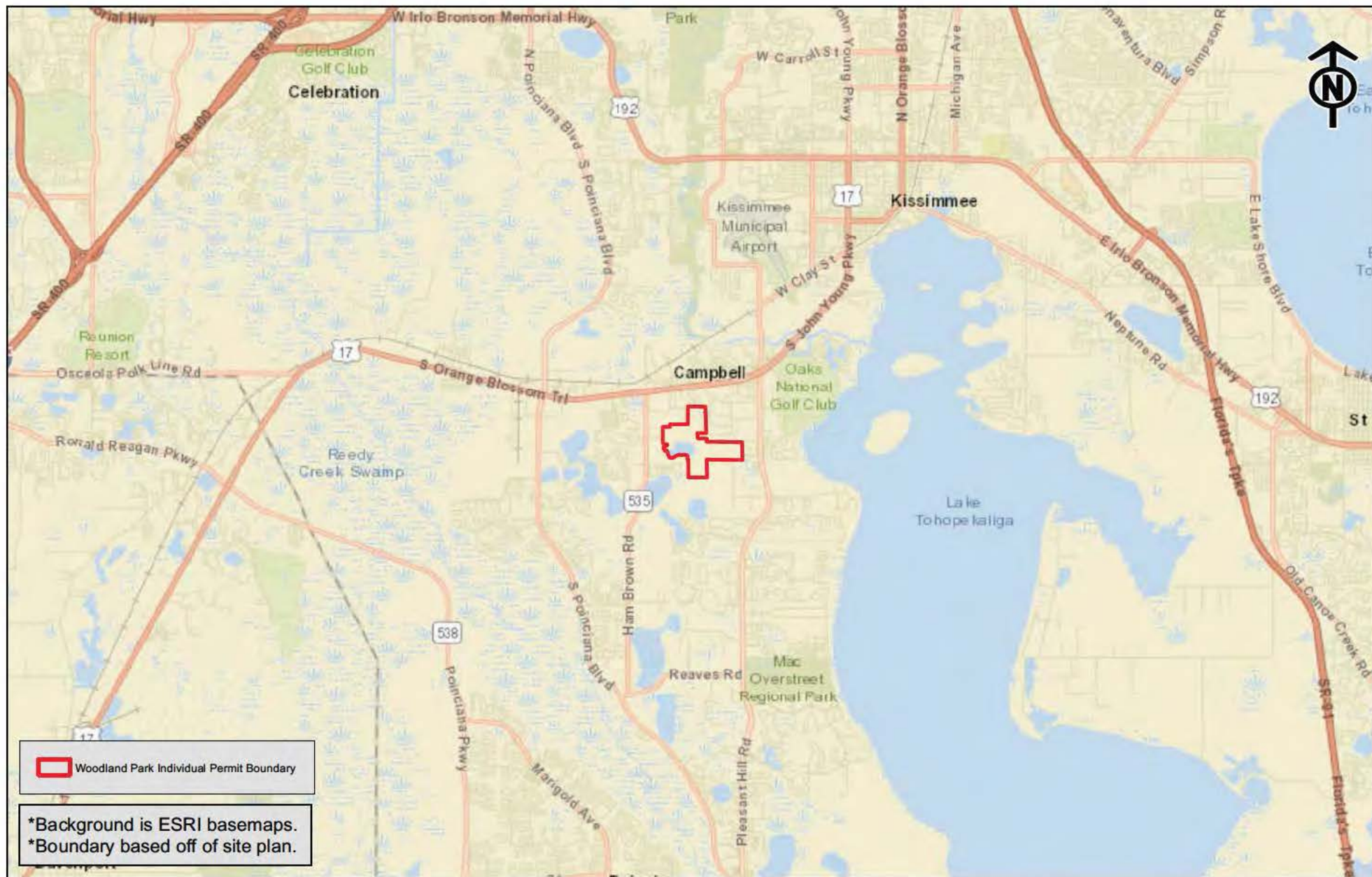
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



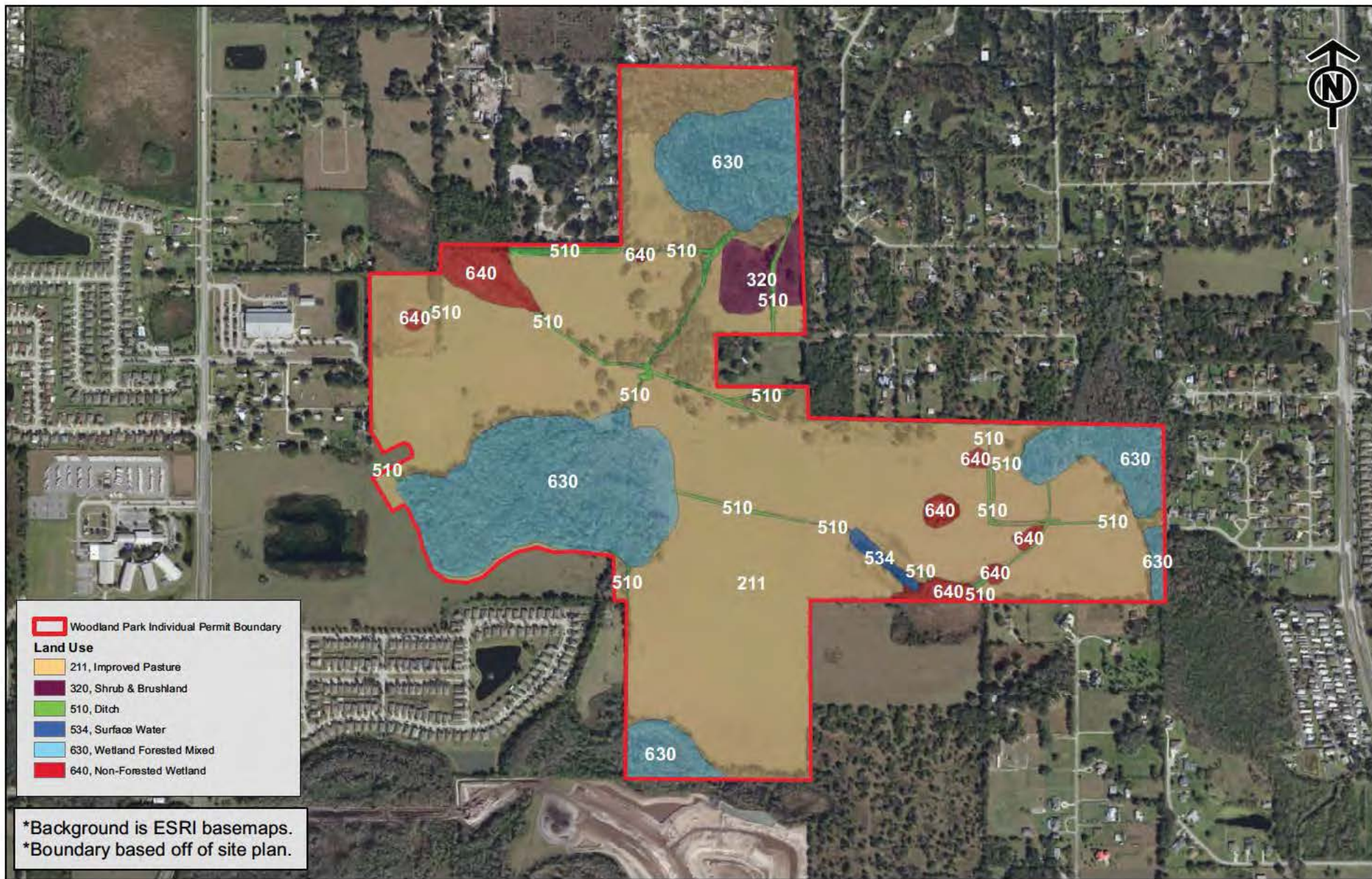
Woodland Park

Figure 1- Location Map
Sections 6 & 7, T26S, R29E and Sections 1 & 12, T26S, R28E
Osceola County, FL

10,000 5,000 0 10,000 Feet



MODICA & ASSOCIATES
302 Mohawk Road
Clermont, Florida 34715
Phone: (352) 394-2000
Fax: (352) 394-1159
Email: Environmental@Modica.cc
www.ModicaAndAssociates.com



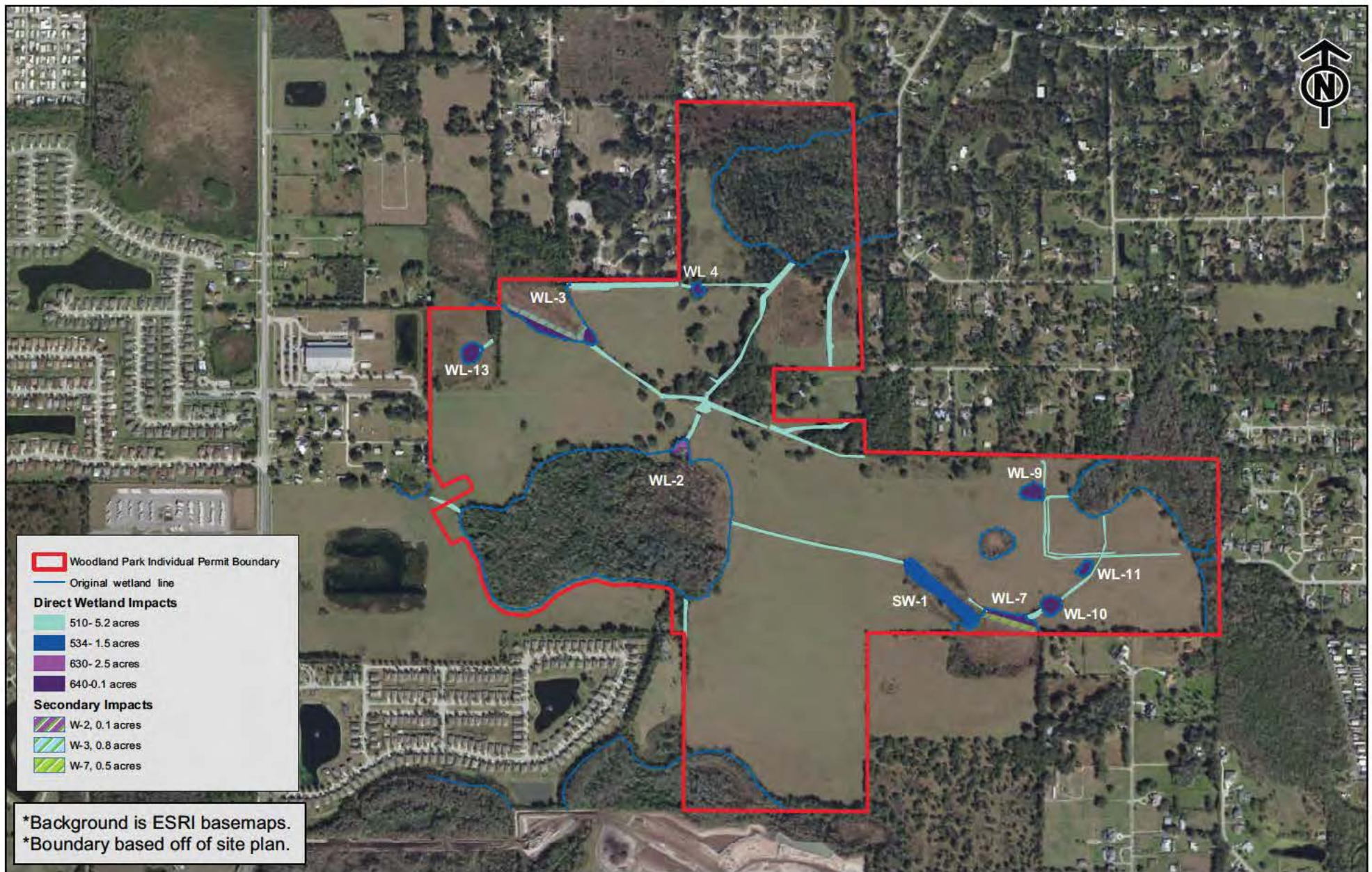
Woodland Park

Figure 6- Land Use Map
Sections 6 & 7, T26S, R29E and Sections 1 & 12, T26S, R28E
Osceola County, FL

1,000 500 0 1,000 Feet



MODICA & ASSOCIATES
302 Mohawk Road
Clermont, Florida 34715
Phone: (352) 394-2000
Fax: (352) 394-1159
Email: Environmental@Modica.cc
www.ModicaAndAssociates.com



Woodland Park

Figure 8- Wetland Impact Map
Sections 6 & 7, T26S, R29E and Sections 1 & 12, T26S, R28E
Osceola County, FL

1,000 500 0 1,000 Feet



MODICA & ASSOCIATES
302 Mohawk Road
Clermont, Florida 34715
Phone: (352) 394-2000
Fax: (352) 394-1159
Email: Environmental@Modica.cc
www.ModicaAndAssociates.com

