



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FLORIDA 33410

February 1, 2019

Regulatory Division  
South Permits Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2018-01857(SP-PWB)

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: % Exchange Strategies Corp.  
Attention: Stan Freeman  
900 E. Hamilton Ave. # 100  
Campbell, CA 95008

WATERWAY AND LOCATION: The project would affect waters of the United States within non-tidal wetlands adjacent to 4030 State Road 7, in Section 25, Township 50 South, Range 41 East, Dania Beach, Broward County, Florida.

Directions to the site are as follows: From I-95 Southbound take the 595 West Exit. Take the 441/SR7 South Exit. Turn left at the first street into the landfill. The site is straight ahead at the Broward County Southern Resource Recovery Center.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.07132°  
Longitude -80.20418°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is to construct an industrial development.

Overall: The overall project purpose is to construct an industrial development in Broward County.

EXISTING CONDITIONS: The project site is located at a former sludge processing plant at the Broward County Southern Resource Recovery Center. The 28.9 acre site consist of approximately 7.08 acres of fresh water wetlands and 2.56 acres of mangrove wetlands and approximately 19.26 acres of uplands. The site contains the processing buildings, parking lot and drainage ditches required for the operation of the sludge processing plant. The east side of the property borders the South Fork of the New River and contains 2.56 acres of mangrove wetlands. The Florida Power & Light Company has easement rights across the northern side of the property.

**PROPOSED WORK:** The applicant seeks authorization to fill approximately 3.21 acres of fresh water wetlands on the 28.9 acre site in order to modify an existing surface water management system and construct industrial warehouses and associated parking. The work would include removing an existing sludge processing plant, all associated structures and parking lots.

**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 applicant considered another plan option that would have required clearing 1.89 acres of mangrove wetlands and 8.44 acres of freshwater wetlands to allow for a larger building and parking area. The proposed plan avoids impacts to 6.81 acres of mangrove and freshwater wetlands. The proposed plan would not impact any mangrove wetlands and avoids impacts to 4.25 acres of freshwater wetlands. The applicant will adhere to the manatee, swimming sea turtles and Smalltooth sawfish construction guidelines. Erosion control and turbidity curtains will be used during work and remain in place after work is completed until sediments settle.

**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 federal credits from a federally approved compensatory mitigation bank.

**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 Eastern indigo snake (*Drymarchon couperi*), Wood stork (*Mycteria americana*) and Everglade snail kite: (*Rostrhamus sociabilis plumbeus*). The determinations are described below:

The proposed project site is located in the uplands and wetlands. There are forested areas that may contain eastern indigo snake habitat. By use of the Eastern Indigo Snake key dated August 1, 2017, the project results in a may affect but is not likely to adversely affect (path A-B-C-D-E) and the eastern indigo snake provided the permit is conditioned such that all gopher tortoise burrows, active or inactive, be evacuated prior to site manipulation. Also, if a snake is encountered, the snake must be allowed to vacate the area prior to site manipulation. All holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning and if occupied by an indigo snake, no work can commence until the snake has vacated. No further consultation with the FWS is required provided the applicant adheres to the Standard

Protection Measures for the Eastern Indigo Snake (2013), and inspects all gopher tortoise burrows and snake refugia areas as described.

The site contains suitable foraging habitat and is within 10.67 miles of two wood stork nesting colonies. The Corps utilized the South Florida Programmatic Concurrence Key for the Wood Stork dated May 18, 2010, and determined that the project is not likely to adversely affect the wood stork (pathway A-B). No further consultation with FWS is required for the wood stork pursuant to Section 7 of the Endangered Species Act.

The project is located within the species consultation area for the Everglades snail kite. The species regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes, and Grassy Waters Preserve. Kite foraging habitat consists of relatively shallow wetland vegetation, either within extensive marsh systems, or in lake littoral zones. The project is not located in any of these types of habitats; therefore the Corps has determined that the project will have no effect on the species

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): 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 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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 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, Paula Bratschi, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at

[paula.w.bratschi@usace.army.mil](mailto:paula.w.bratschi@usace.army.mil) ; by facsimile transmission at (561)626-6971; or by telephone at (561)472-3532.

**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.

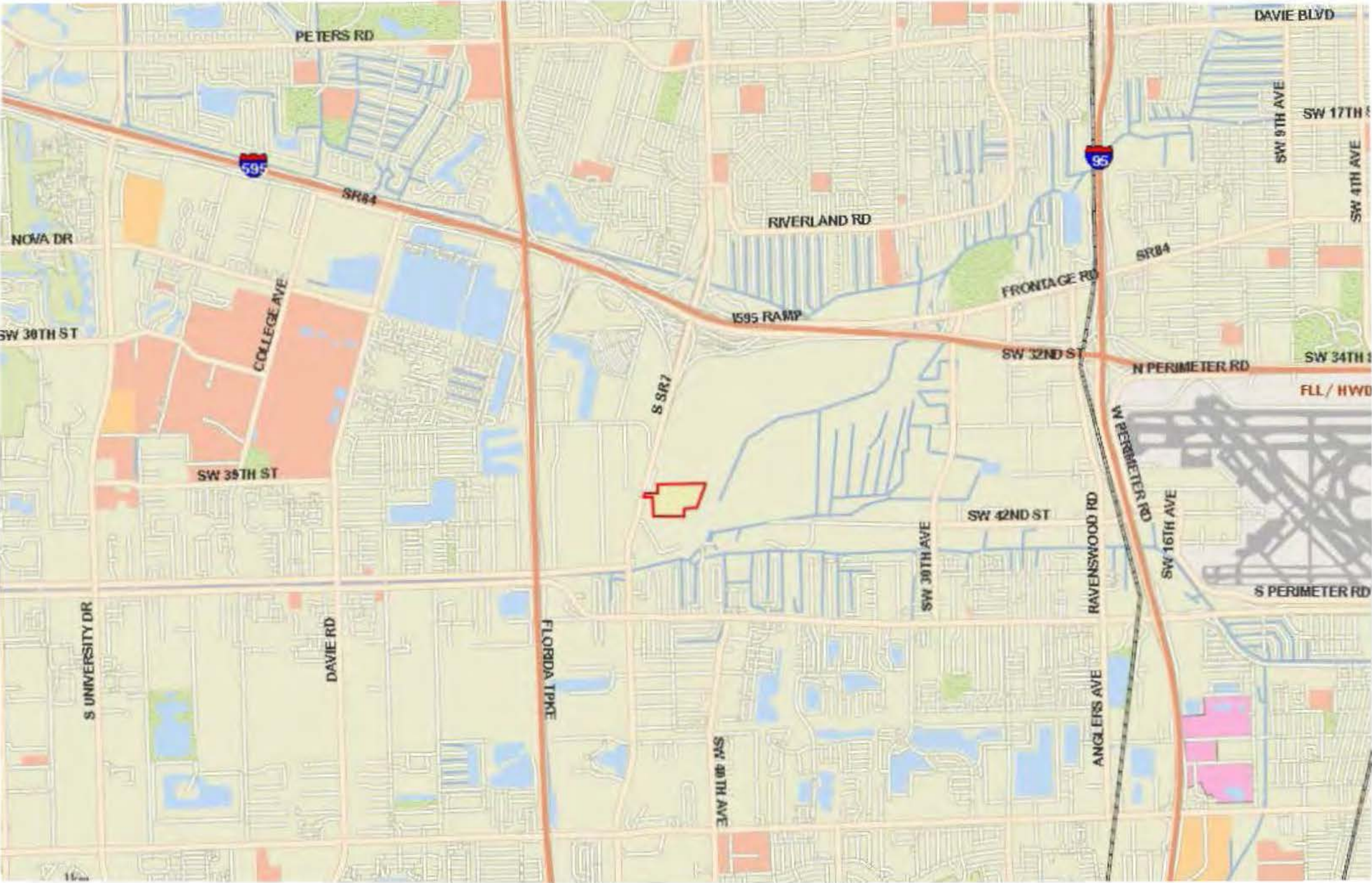
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to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





PETERS RD

DAVIE BLVD

595

96

SR84

SW 9TH AVE

SW 17TH ST

SW 4TH AVE

NOVA DR

RIVERLAND RD

SR84

FRONTAGE RD

I595 RAMP

SW 32ND ST

N PERIMETER RD

SW 34TH ST

FLI/ HWY

COLLEGE AVE

SW 35TH ST

S SR7

N PERIMETER RD

SW 16TH AVE

SW 42ND ST

SW 30TH AVE

RAVENSWOOD RD

S PERIMETER RD

S UNIVERSITY DR

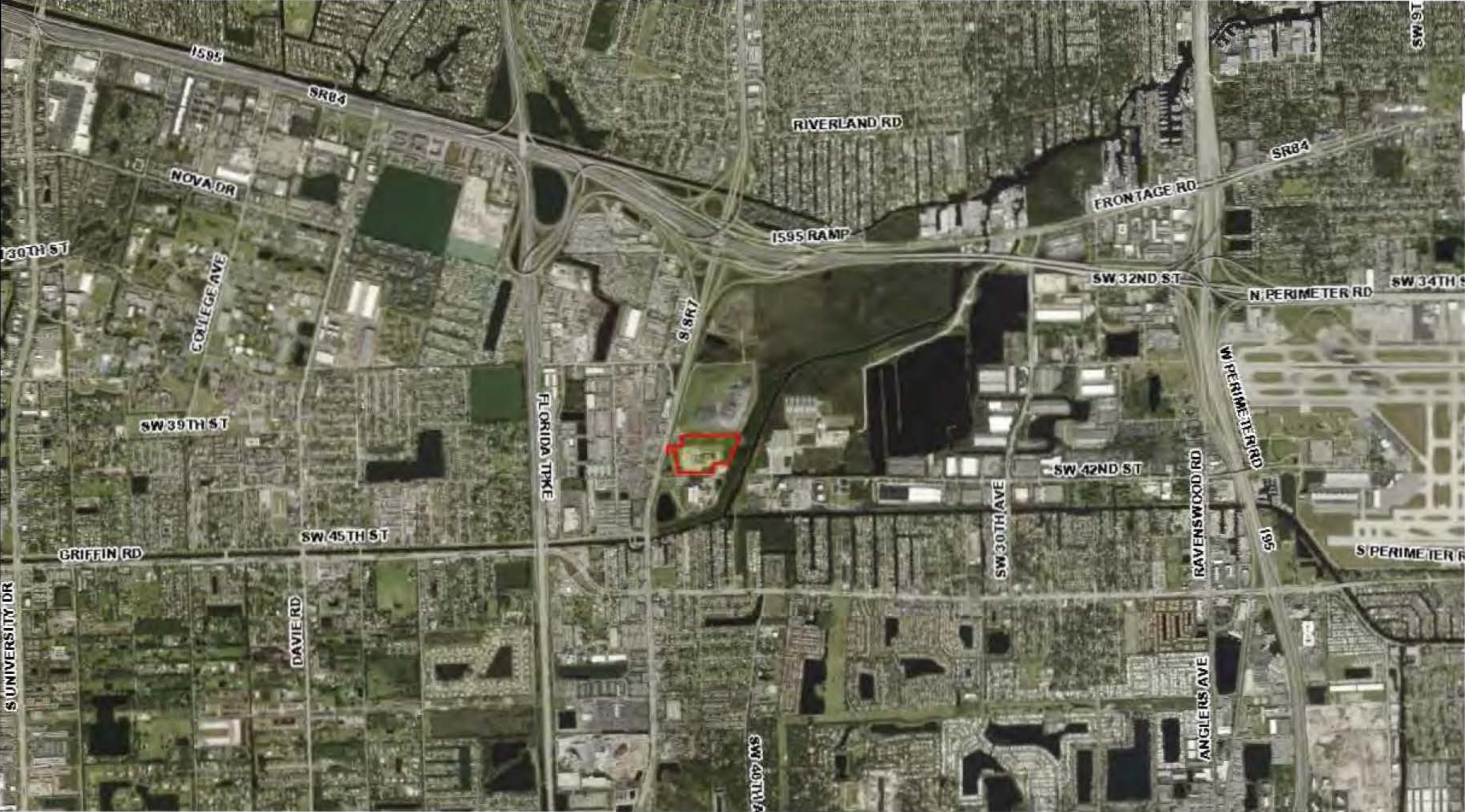
DAVIE RD

FLORIDA TPCE

SW 40TH AVE

ANGLERS AVE





1595

SR84

NOVA DR

COLLEGE AVE

SW 39TH ST

GRIFFIN RD

DAVIE RD

SW 45TH ST

FLORIDA TPKE

8 SR7

RIVERLAND RD

1595 RAMP

FRONTAGE RD

SR84

SW 32ND ST

N PERIMETER RD

SW 34TH ST

W PERIMETER RD

SW 42ND ST

SW 30TH AVE

RAVENSWOOD RD

195

S PERIMETER RD

ANGLERS AVE

SW 40TH AVE

16 SW



# LIBERTY 595

## PROJECT PLAN SET



LOCATION MAP (n.t.s.)

DRAWING INDEX	
S1:	COVER SHEET
S2:	EXISTING CONDITIONS
S3:	PROPOSED CONDITIONS
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S5:	SECTION
S6:	SECTION



VICINITY AERIAL (n.t.s.)

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COVER

Date:  
1/2/2019  
Proj No.:  
18-0013

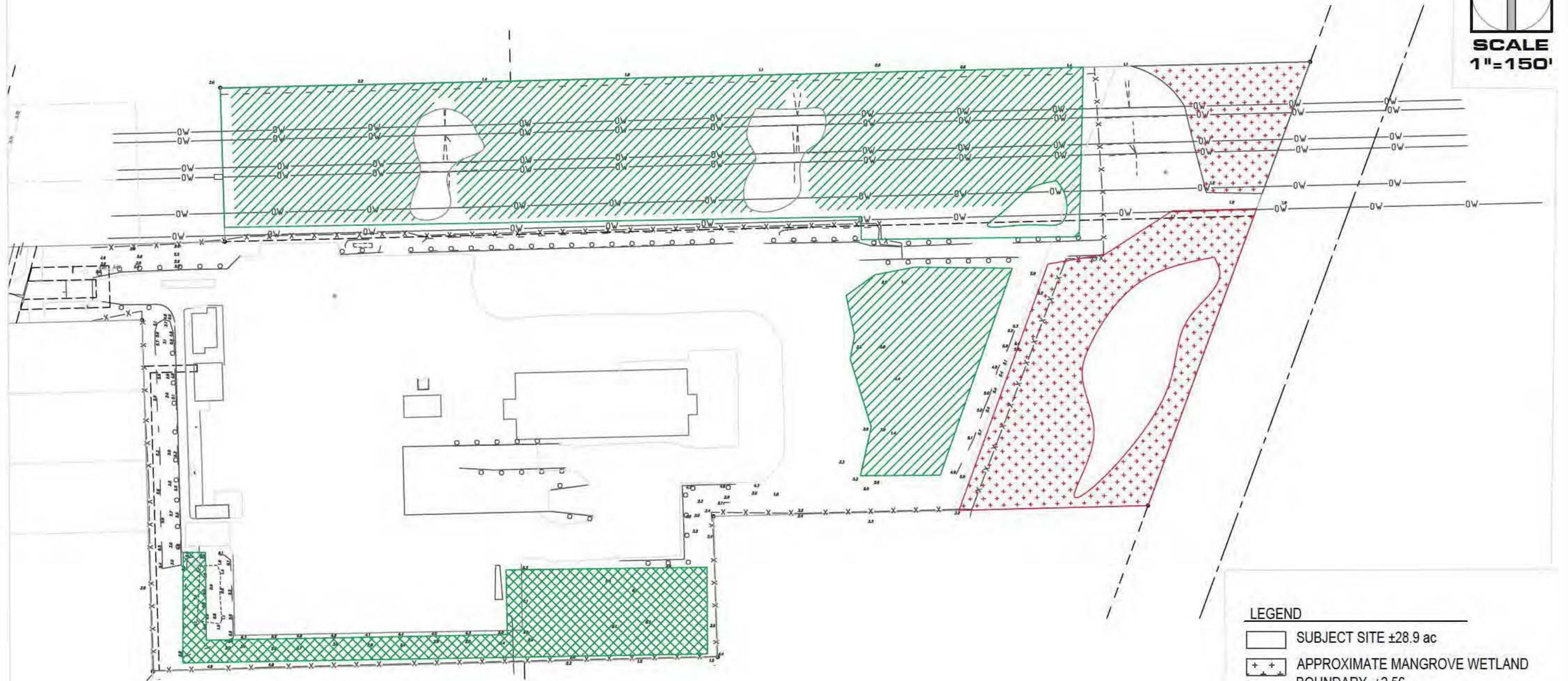
Sheet :  
1

of :  
6





SCALE  
1"=150'



LEGEND

- SUBJECT SITE ±28.9 ac
- APPROXIMATE MANGROVE WETLAND BOUNDARY ±2.56
- APPROXIMATE FRESH WATER WETLAND BOUNDARY ±7.08 ac
- PREVIOUSLY PERMITTED DRAINAGE DITCH ±1.36 ac

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EXISTING CONDITIONS

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SCALE  
1"=150'



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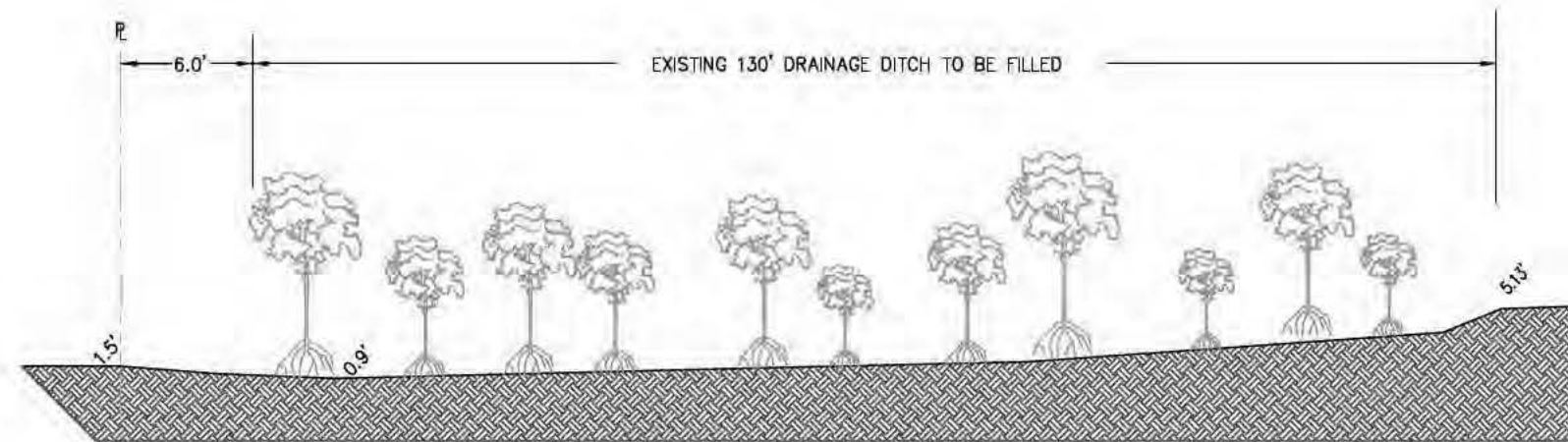
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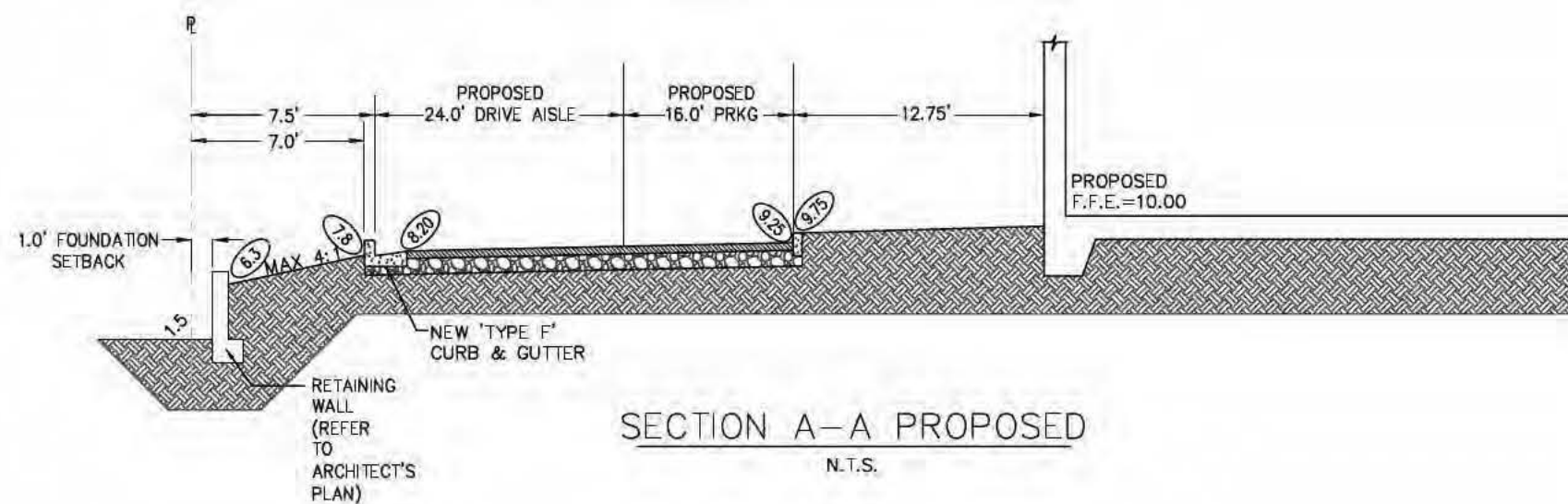
### PROPOSED CONDITIONS

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SECTION A-A EXISTING  
N.T.S.



SECTION A-A PROPOSED  
N.T.S.

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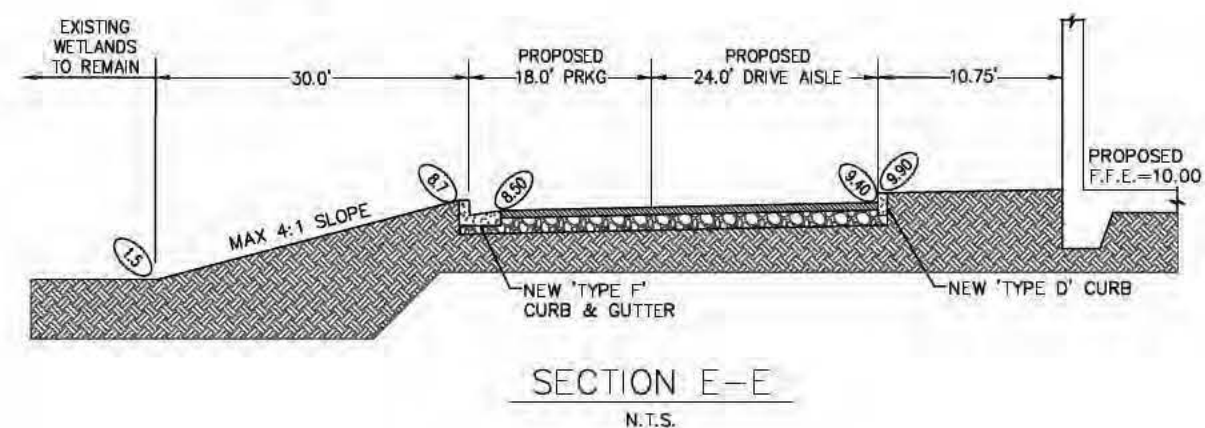
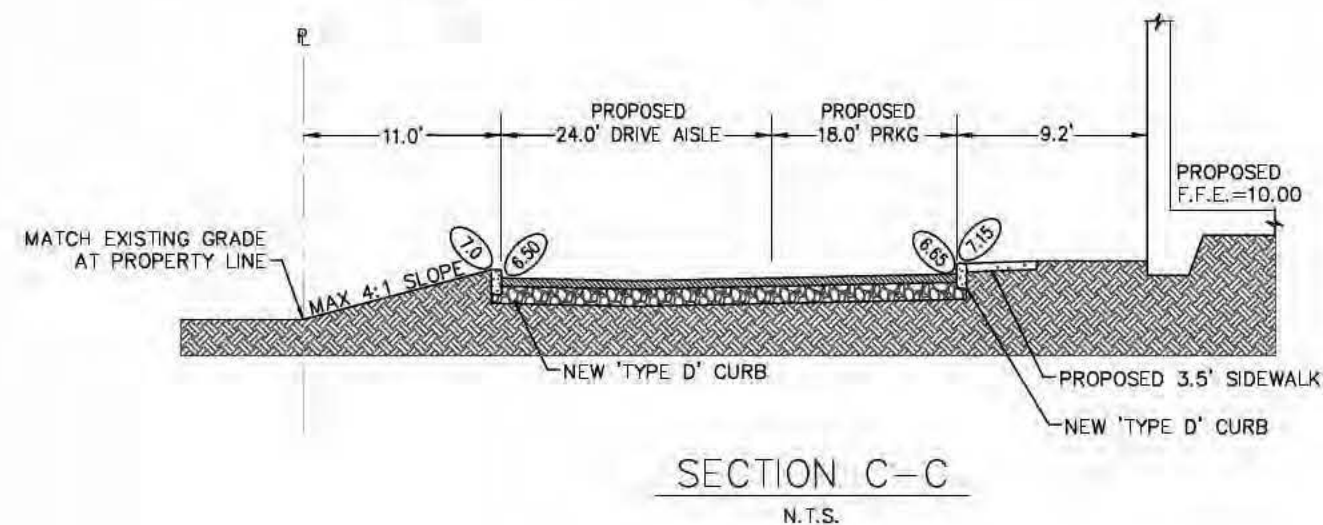
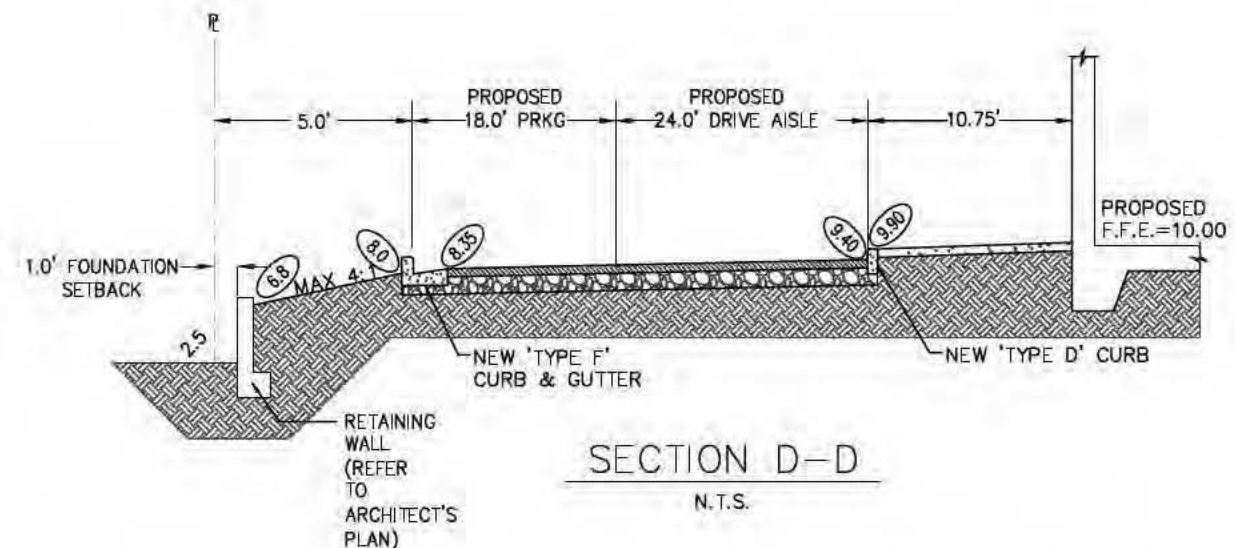
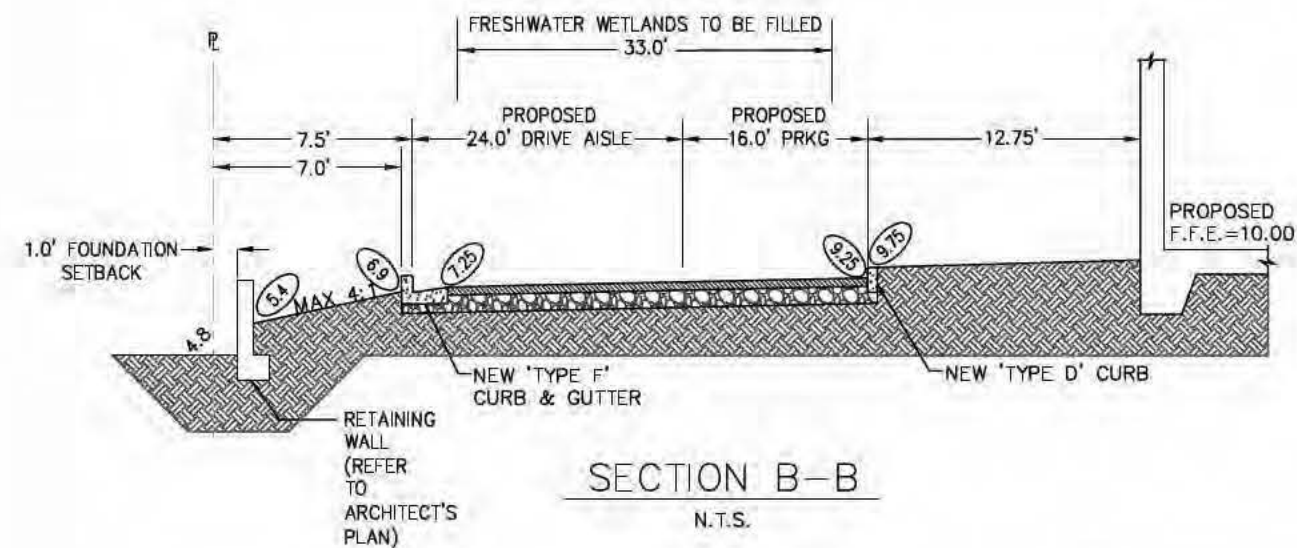
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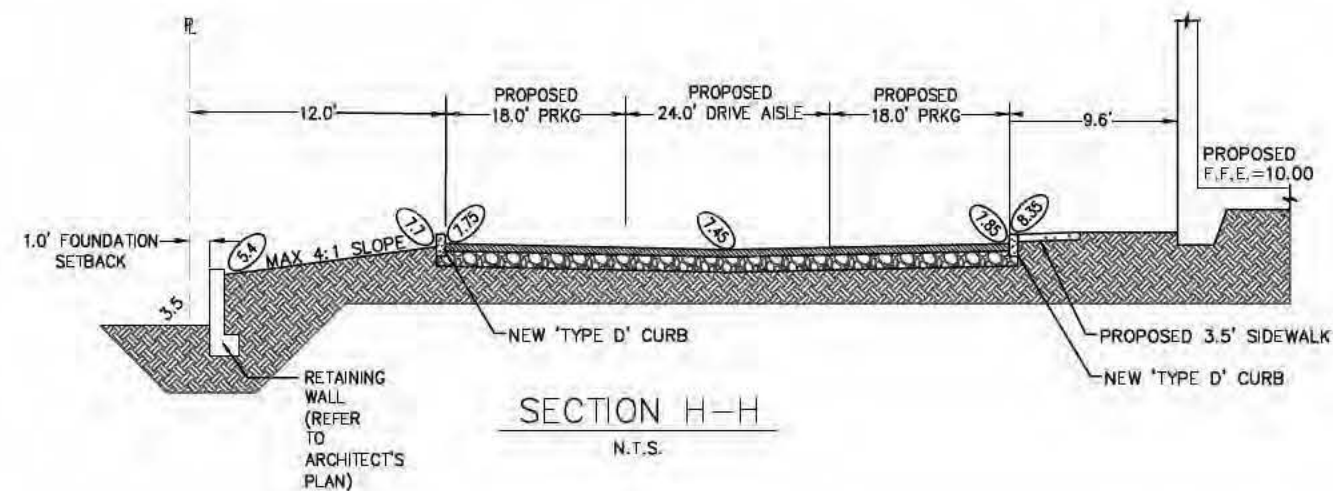
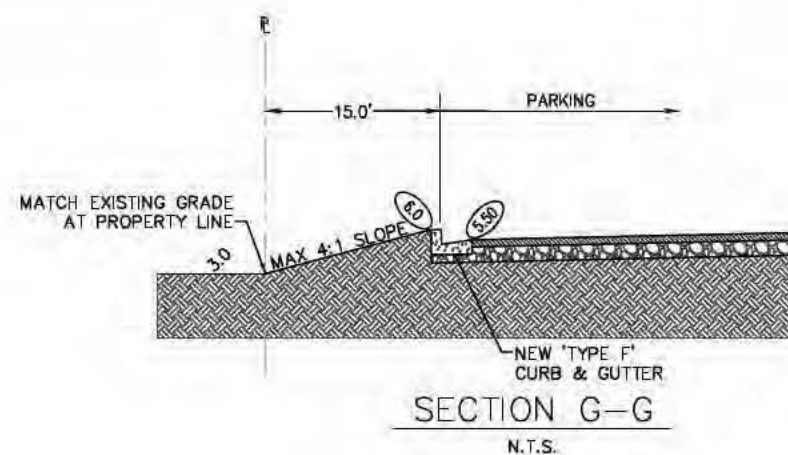
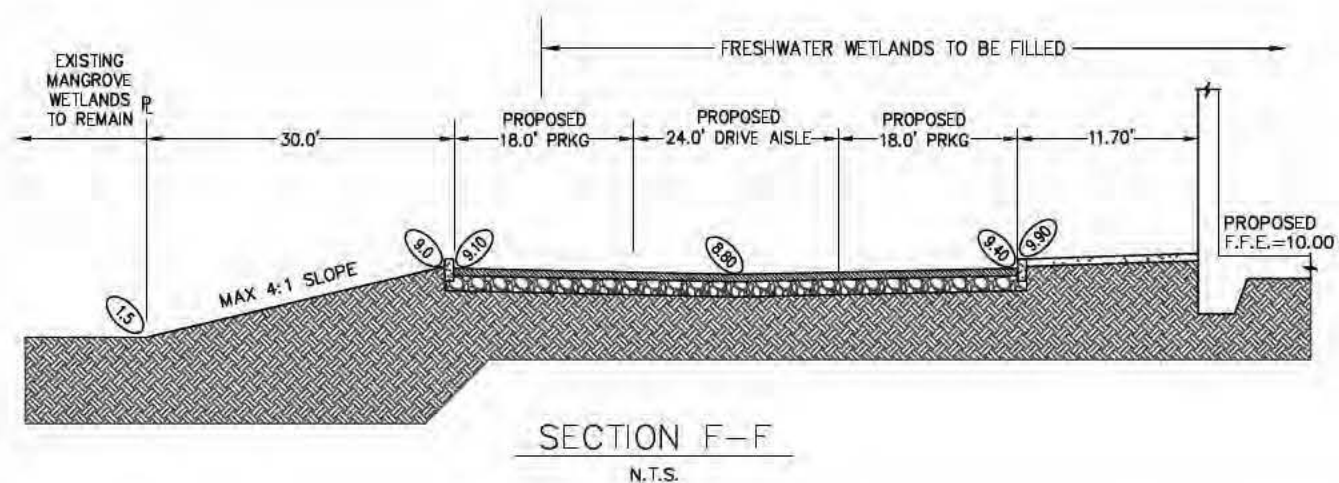
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