



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
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-2007-02235(SP-VEK)

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: LTC Midway, LLC.
c/o Joseph Boff
7995 Mahogany Run LN
Naples, FL 34113

WATERWAY AND LOCATION: The project would affect waters of the United States associated with onsite palustrine emergent wetlands and surface waters. The project site is located south of Midway Road, west of I-95 and Glades Cut Off Road, and east of McCarty Ranch Road, in Port St Lucie (Section 2, Township 36 South, Range 39 East) on Parcel # 3302-702-0001-000-8 in St Lucie County, Florida.

Directions to the site are as follows: From I-95N, take exit 126 (Midway Road). Turn left and proceed west on Midway Road for 1.5 miles and the project area will be on the left.

APPROXIMATE CENTRAL COORDINATES: Latitude 27.363000°
Longitude -80.436000°

PROJECT PURPOSE:

Basic: Mixed use development.

Overall: Construct a development to provide residential housing and commercial facilities in central St. Lucie County.

EXISTING CONDITIONS: The approximately 629 acre project site proposed for the LTC Village 1 project is a component of a previous larger plan of development (LTC Ranch DRI) for the 2550 acre parcel that was submitted to the Corps in 2007 (SAJ-2007-2235). While a wetland delineation was reviewed by the USACE in previous permitting efforts, the project was withdrawn in 2008 due to the economic downturn. The property is actively utilized as a row crop farm, but contains a variety of land uses including row crop fields, disturbed undeveloped uplands, pine flatwoods, pastures and wetlands. An extensive canal, ditch, and swale system exists on the site and is

associated with the irrigation and water management system for onsite agricultural activities. The site exhibits five wetland features (identified as W-14, W-17, W-41, W-49 and W-16) totaling 11.4 acres and 49.9 acres of non-wetland waters (see Attachment 1). The lands surrounding the project area consist of similar abandoned row crop fields, undeveloped lands, and pasture land. Some rural residential properties exist to the north and southwest of the property.

PROPOSED WORK: The applicant seeks authorization to impact 4.4 acres of palustrine emergent wetlands and 49.9 acres of non-wetland waters for the construction of a mixed use development.

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:

Several alternative sites and site plans were considered for this project. The highest quality wetland (W-14; approximately 7 acres) is proposed to be avoided. The other wetland areas present within the project area are low quality remnant mosaic wetlands impacted by row crop fields and other man-made barriers, and are not in close proximity to one another. If avoided, the wetlands would be further sequestered by the proposed development upon completion of the project. The ecological value for fish and wildlife would be further reduced by secondary impacts due to the adjacency of these features to surrounding development. These secondary impacts would be ecologically similar to direct impacts in terms of loss of wetland function and services.

Non-wetland waters are exclusively comprised of man-made agricultural ditches and canals in a geometric pattern across the entire upland portion of the site. Due to their linear and continuous nature, avoidance of non-wetland waters is not practicable. In addition, the elimination of these non-wetland waters which function as drainage features will contribute to the enhancement and protection of the 7 acre wetland to be preserved on site.

Best management practices will be utilized onsite during construction activities to avoid and minimize additional impacts associated with the proposed work.

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

The applicant proposes to offset unavoidable impacts to 4.4 acres of emergent palustrine wetlands by purchasing freshwater herbaceous mitigation credits from Bluefield Ranch Mitigation Bank.

The non-wetland waters of the U.S. will be replaced in kind by the creation of lakes that will be a part of the surface water management system associated with the proposed development.

CULTURAL RESOURCES: The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected. The reconnaissance and onsite assessment conducted by SEARCH in September 2007, in combination with the environmental conditions and the extreme disturbed nature of the soils within the permit area specifically, indicate little likelihood of intact archaeological resources.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect Audubon's crested caracara (*Polyborus plancus audubonii*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), and the Wood stork (*Mycteria americana*). The Corps has determined the proposed project may affect the Eastern Indigo Snake (*Drymarchon corais couperi*).

Audubon's crested caracara: As the proposed project is located within the designated Consultation Area for the caracara, potential effects were assessed using the USFWS SFESO Species Conservation Guidelines for Audubon's crested caracara (2004). While the project site offers limited areas of suitable foraging and nesting habitat for the caracara, approximately 19 acres of open prairie area with scattered cabbage palms (*Sabal palmetto*) are present in the northeastern portion of the property. Furthermore, surrounding properties to the north and south of this area appear to have similar habitat utilized by this species. Although no formal caracara survey was conducted onsite for the 2017-2018 nesting season, surveys for previous permitting efforts yielded no onsite caracara nests. Therefore, the Corps has determined the proposed project May Affect, but is Not Likely to Adversely Affect the caracara. The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

Everglade snail kite: As the proposed project is located within the designated Consultation Area for the snail kite, potential effects were assessed using the USFWS SFESO Species Conservation Guidelines for the Everglade snail kite (2004). While the proposed project is located within the designated Consultation Area, the project site does not contain designated critical habitat and is not within a Priority Management Zone for the species. The project site contains approximately 11.4 acres of palustrine emergent wetlands that historically composed a mosaic wetland ecosystem. However, these areas have been sequestered by active onsite row crop activities and other manmade features. Furthermore, many of these wetland areas (W-17, W-41, W-49 & W-16) have been invaded by Carolina willow (*Salix caroliniana*) and Brazilian pepper (*Schinus terebinthifolius*) trees, reducing the function of their fringe habitat and creating areas of contiguous woody vegetation unsuitable for snail kite nesting and foraging. W-

14 is the only wetland area identified to potentially provide suitable habitat, and the applicant has proposed to avoid this wetland to reduce and minimize impacts associated with the project. Therefore, the Corps has determined the project May Affect, but is Not Likely to Adversely Affect the snail kite. The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

Wood stork: Potential effects to the threatened Wood stork were assessed using the Programmatic Concurrence Key dated May 18, 2010. Use of this key produced the sequential determination of A-B-C-E-MANLAA. The project site is within four Wood stork core foraging areas and supports marginally Suitable Foraging Habitat (SFH) for the Wood stork in the forms of irrigation ditches and canals. The ditches are all interconnected to the canal system that are considered permanently inundated waters. The proposed impacts to 49.9 +/- acres of ditches will be replaced in kind by the lakes of the surface water management system associated with the proposed development. W-16, W-17, W-41, and W-49 were historically palustrine emergent wetland systems that have been impacted by altered hydrologic regimes due to the adjacent agricultural activities and are dominated by a canopy of Carolina willow and Brazilian pepper trees, and are therefore not SFH for wood storks. W-14 is a herbaceous wetland system but is currently significantly encroached by Peruvian primrose willow and does not exhibit any notable areas of open water, but is nonetheless considered SFH. As this wetland will be preserved and the exotic vegetation will be restored, this SFH will remain available to Wood storks post-project. As the project, overall, proposes to impact less than 5 acres of wetlands (none of which are SFH), no individual foraging prey base analysis is provided. Therefore, the Corps has determined the project May Affect, but is Not Likely to Adversely Affect the Wood stork. The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

Eastern indigo snake: As the project site is located in an area where the Eastern indigo snake may occur, potential effects to the species were assessed using the Programmatic Effect Determination Key provided by the USFWS South Florida Ecological Services Office (Revised July 2017). Use of this key produced a sequential determination of A-B-C-May Affect. This determination is based on proposed impacts to over 25 acres of agricultural lands, and will require that the applicant utilizes Standard Protection Measures for the Eastern Indigo Snake (2013) during all construction activities. Therefore, the Corps has determined the project May Affect the Eastern indigo snake. The Corps will request initiation of formal consultation with the Fish and Wildlife Service/National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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. Due to the project's location in freshwater emergent palustrine wetlands and surface waters, the proposed action would not have

an impact on EFH or Federally managed fisheries in the South Atlantic Region. 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 Virginia King, Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 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, Virginia King, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410; by electronic mail at Virginia.E.King@usace.army.mil ; or, by telephone at (561) 472-3515.

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.

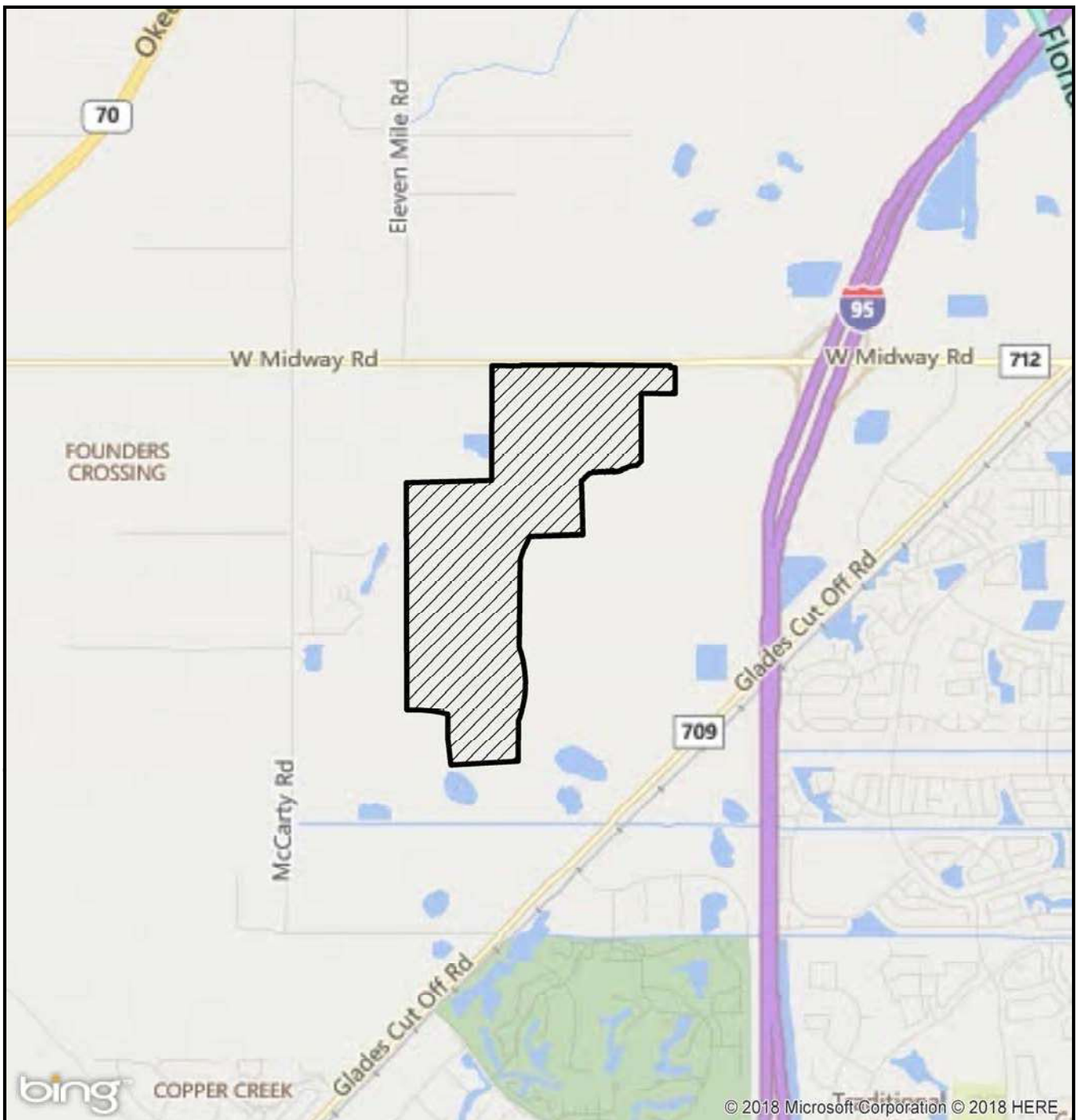
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

 - SITE (629+/-AC)

0 4,000 Feet

LTC RANCH - VILLAGE 1 LOCATION MAP

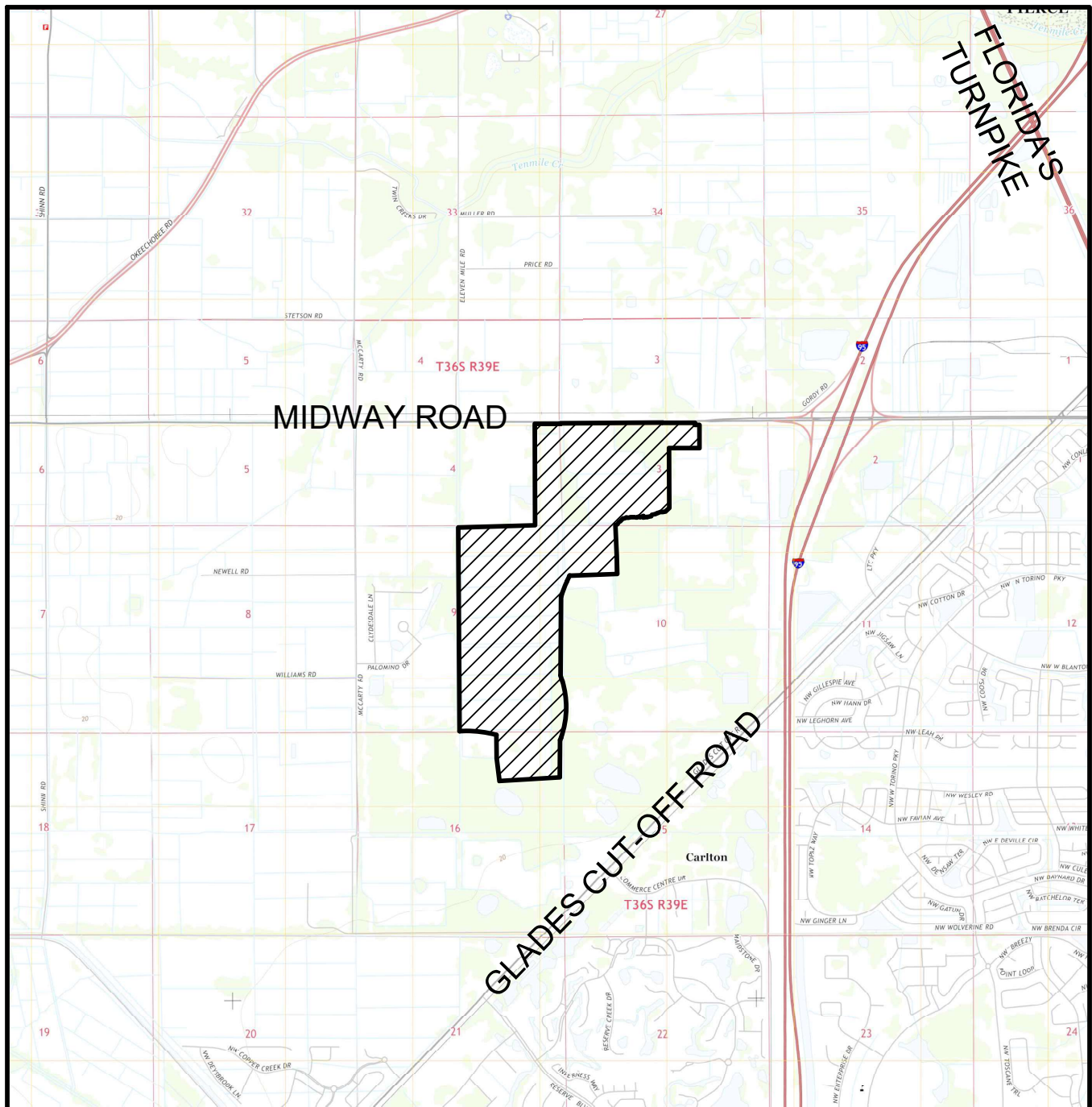


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FIGURE

1



USGS QUAD MAP "FORT PIERCE SW", SECTIONS 3, 4, 9, 10, 15, & 16, TOWNSHIP 36 SOUTH, RANGE 39 EAST, CITY OF PORT ST LUCIE, ST. LUCIE COUNTY, FLORIDA, LATITUDE 27°21'52" LONGITUDE -80°26'03"

LEGEND

 - SITE (629± AC)

0 4000
SCALE IN FEET

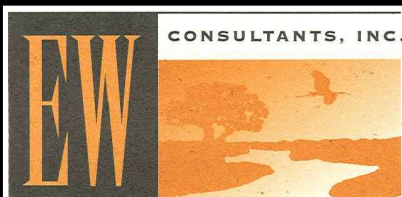


LTC RANCH - VILLAGE 1 QUAD MAP

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FIGURE

2



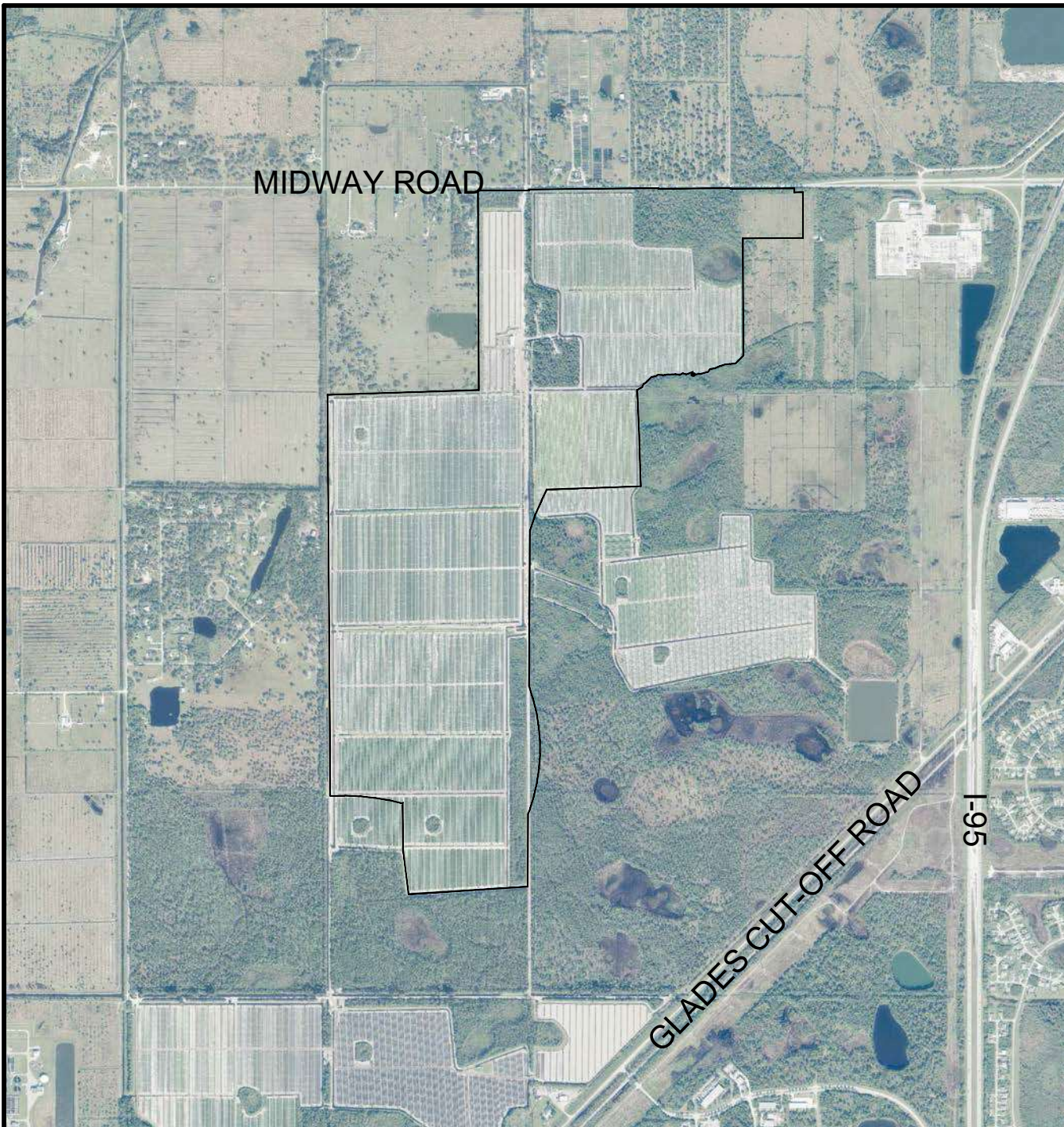
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ST LUCIE COUNTY AERIALS DATED 2011

0 2000
SCALE IN FEET



LTC RANCH - VILLAGE 1 AERIAL

LTC-IMC VILLAGE 1.dwg AERIAL

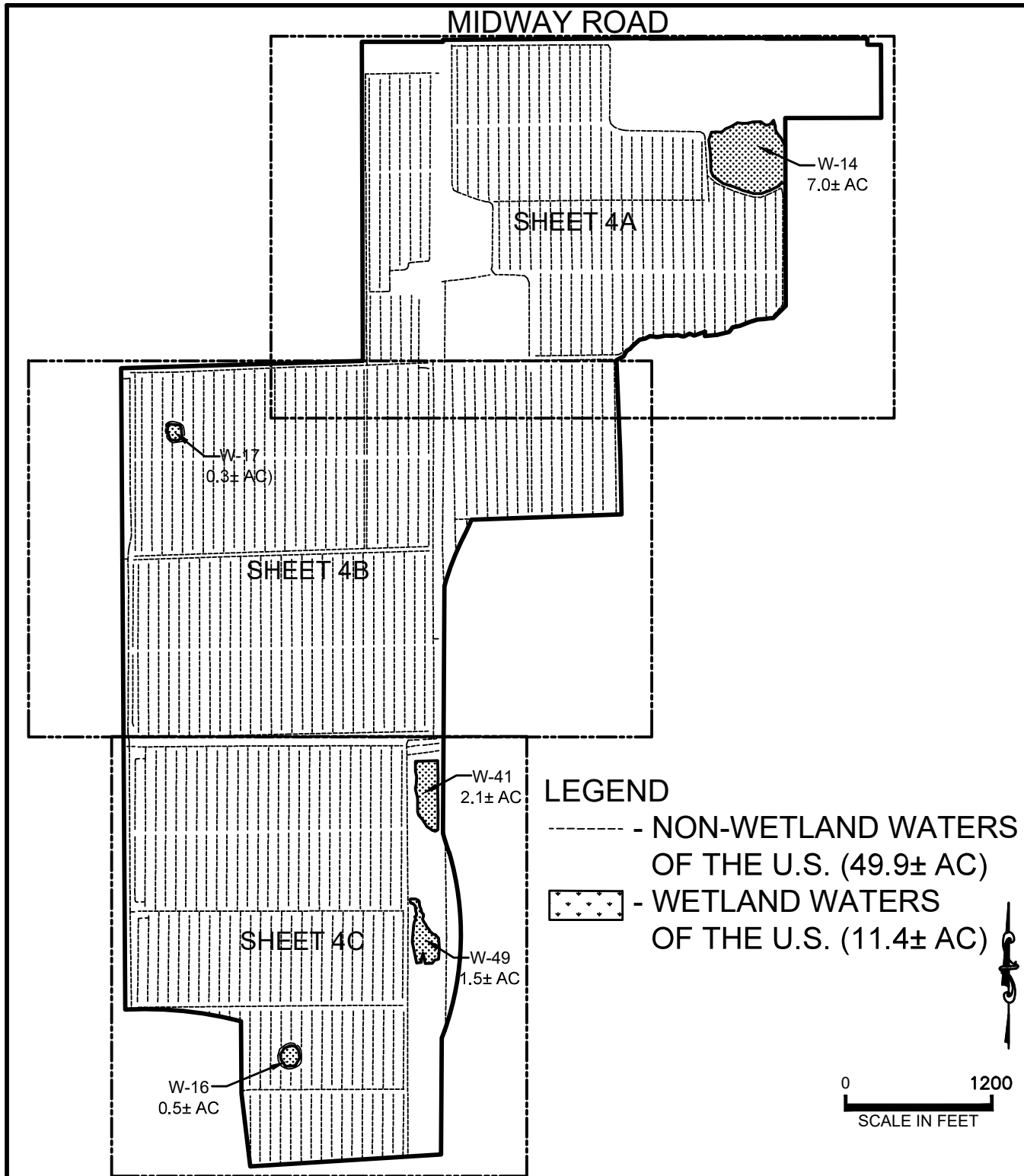


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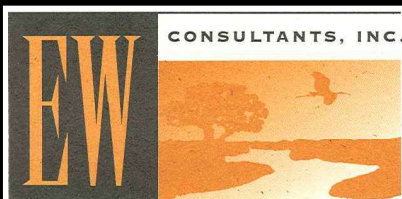
FIGURE

3



LTC RANCH - VILLAGE 1 WATERS OF THE U.S.

LTC-IMC VILLAGE 1.dwg WATERS KEY



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
FIGURE

4

MIDWAY RD

W-14
7.0± AC

LEGEND

- - NON-WETLAND WATERS OF THE U.S.
-  - WETLAND WATERS OF THE U.S.

0 500
SCALE IN FEET

LTC RANCH - VILLAGE 1
WATERS OF THE U.S.

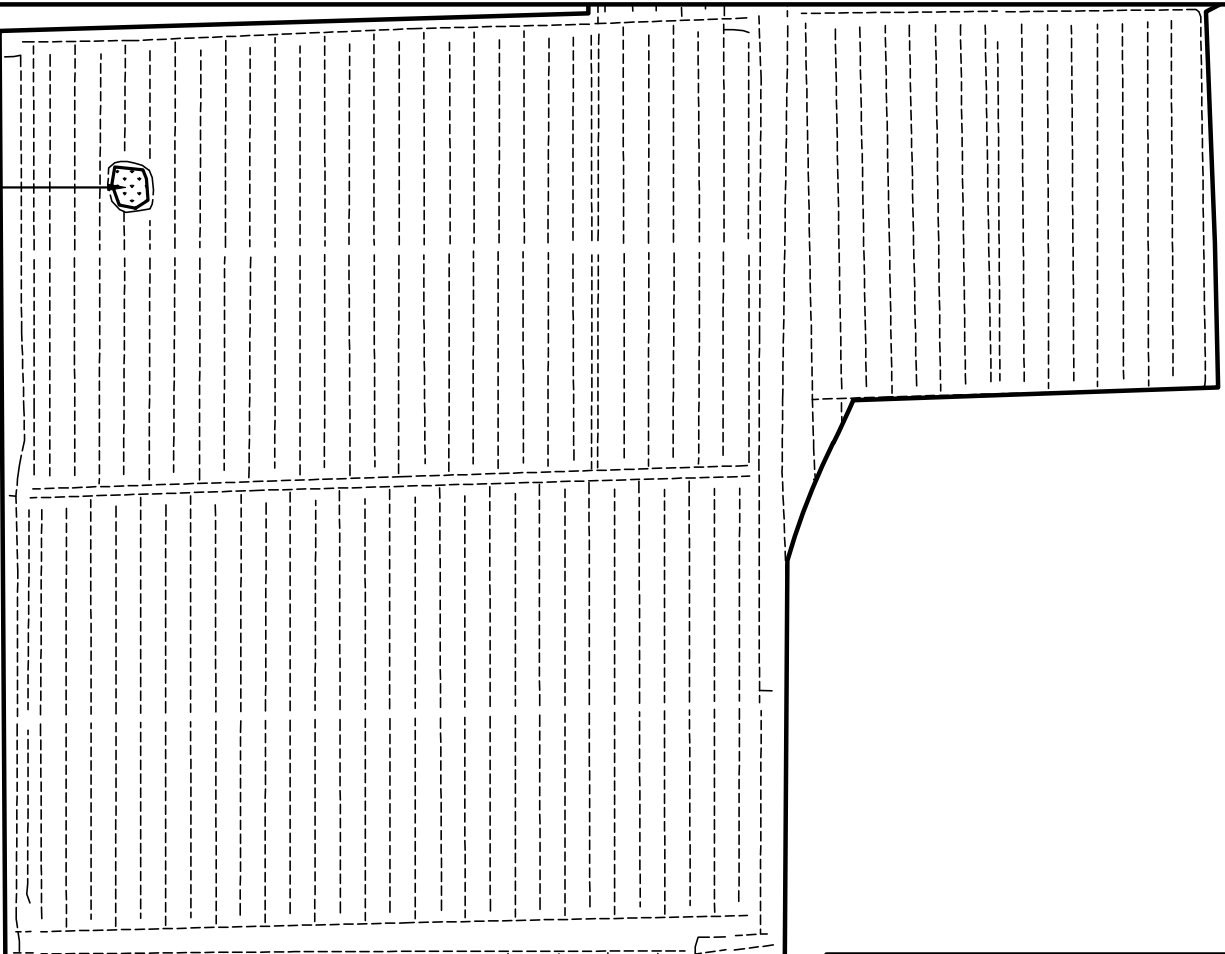


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FIGURE
4A

MIDWAY RD

W-17
0.3± AC



LEGEND

- - NON-WETLAND WATERS OF THE U.S.
-  - WETLAND WATERS OF THE U.S.

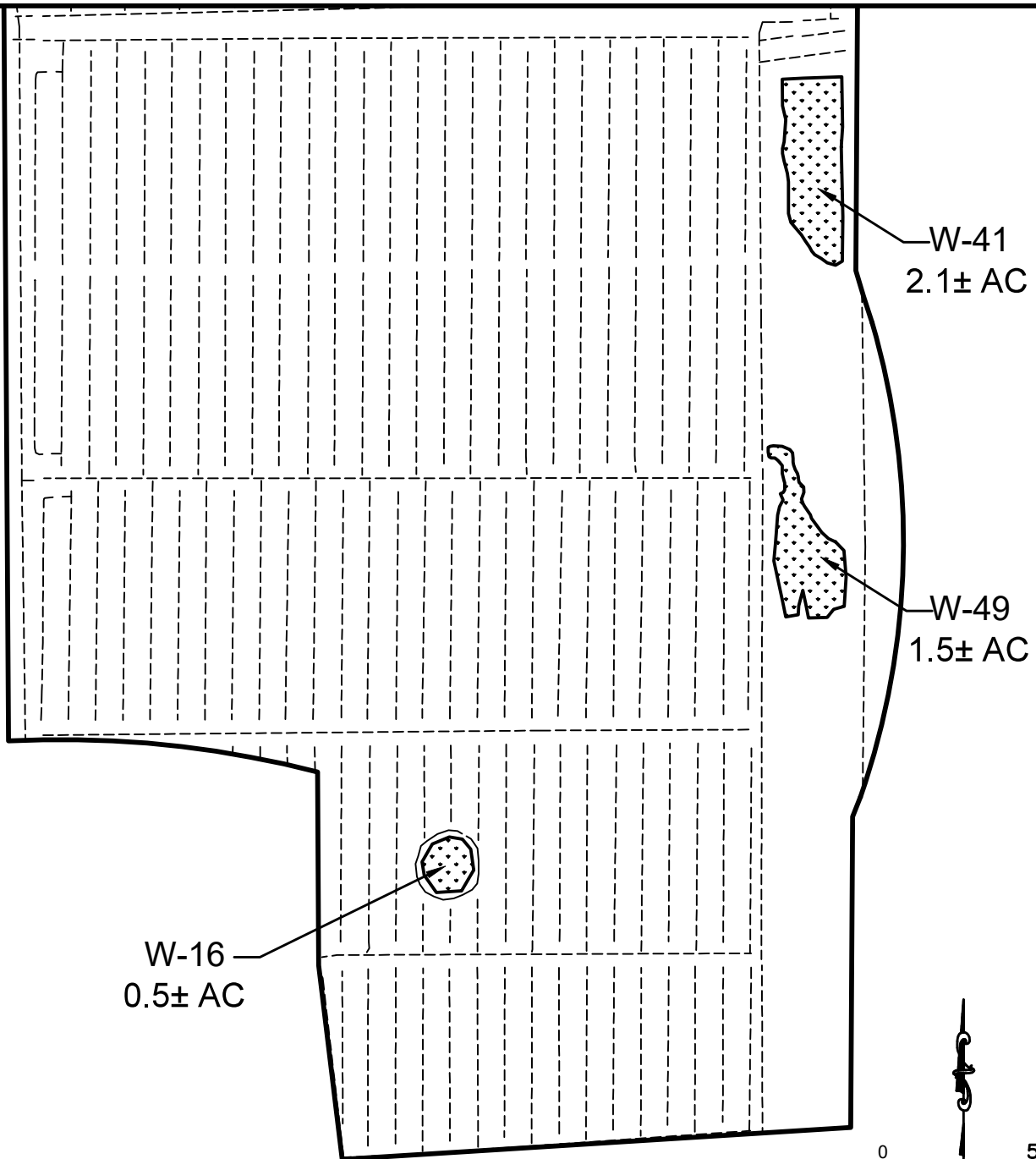
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SCALE IN FEET

LTC RANCH - VILLAGE 1
WATERS OF THE U.S.



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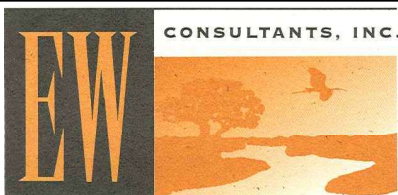
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FIGURE
4B



LEGEND

- - NON-WETLAND WATERS OF THE U.S.
- WETLAND WATERS OF THE U.S.

LTC RANCH - VILLAGE 1 WATERS OF THE U.S.



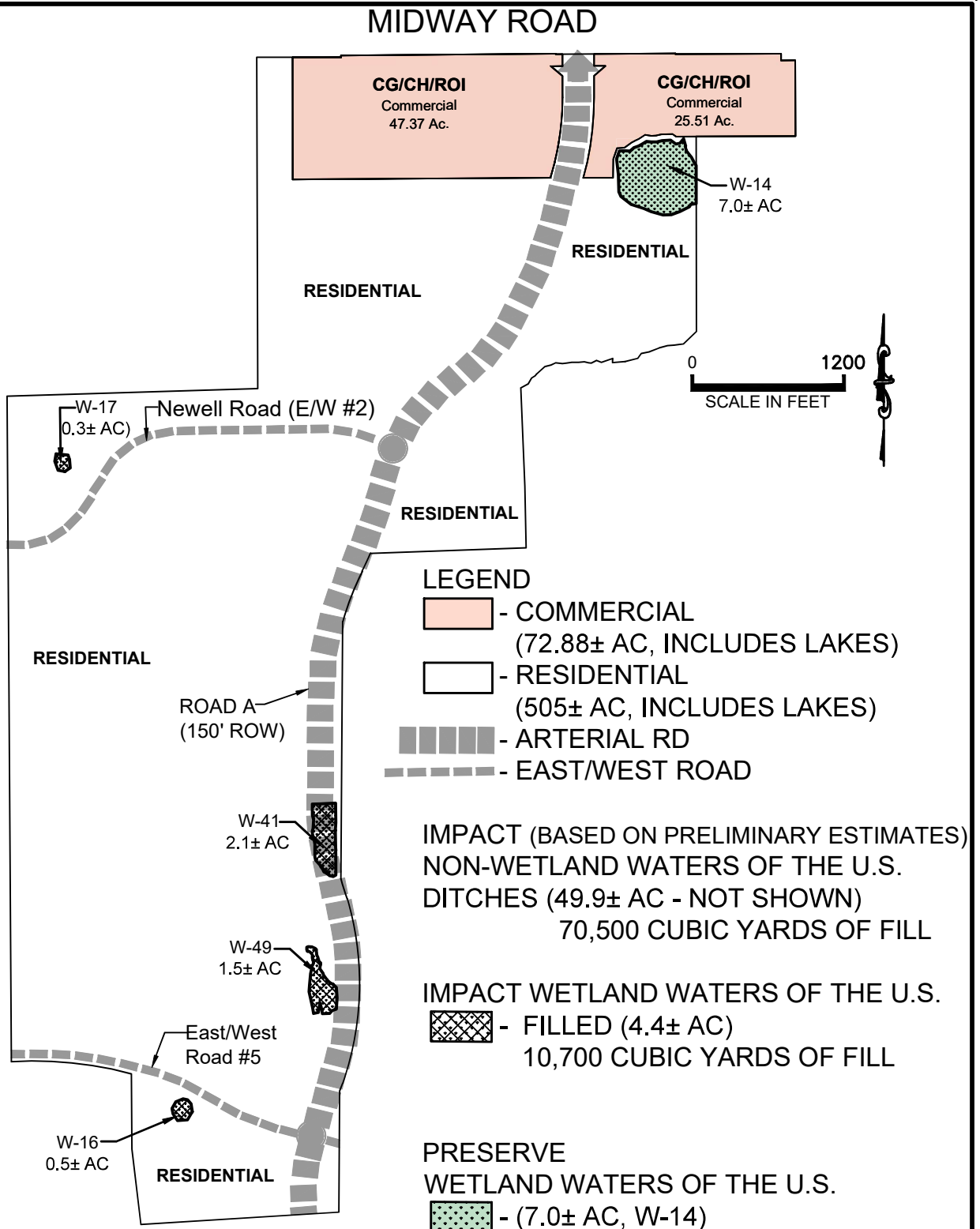
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FIGURE

4C

LTC-IMC VILLAGE 1.dwg PROPOSED ACTIVITY



LTC RANCH - VILLAGE 1

PROPOSED ACTIVITY



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FIGURE

5