



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

REPLY TO
ATTENTION OF

PUBLIC NOTICE

Permit Application No. SAJ-1999-3833 (IP-SLS) SEP 24 2004

TO WHOM IT MAY CONCERN: This district 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: Hossein Ariannejag
9106 Rodeo Drive
Lake Worth, Florida 33467

WATERWAY & LOCATION: The proposed project area is a 5.00-acre lot (subject to easements, restrictions and right of way of record), located in waters of the United States, within the C-51 drainage basin at Lot #122, Homeland Subdivision, according to the plat thereof, as recorded in Plat Book 33, pages 111-117 at Reynolds Road, Section 41, Township 44 south, Range 35 east, Lake3 Worth, Palm Beach County, Florida.

DIRECTIONS TO SITE: From the Florida Turnpike, proceed west on Lake Worth Road 2.9 miles to State Rd 7/US 441, turn left 0.7 miles to Windsor Lakes Rd./50th St. turn right 1.1 miles to Homeland Rd, turn left 1.1 miles to Piping Plover Rd. and turn right 0.3 miles to Reynolds Rd. Lot 122 is the third lot on the left.

LATITUDE & LONGITUDE: Latitude 26° 35' 55.61" North
Longitude 80° 13' 55.44" West

PROJECT PURPOSE:

Basic: The basic purpose of this project is to construct a single family home.

Overall: The overall purpose is to construct a single family home with the required septic system, driveway, yard and out building in the subdivision of Homeland, Lake Worth, Palm Beach County, Florida.

PROPOSED WORK: The applicant requests to fill 4.43 acres of freshwater melaleuca-infested wetlands to construct a single family home. The impact area can be characterized as low quality wetlands dominated by melaleuca (*Melaleuca quinquenervia*), blechnum fern (*Blechnum serrulatum*), royal fern (*Osmunda*

regalis), climbing fern (*Lygodium microphyllum*), paragrass (*Brachiaria mutica*), castor bean (*Ricinus communis*), and guinea grass (*Panicum maximum*). As mitigation for impacts to 4.43 acres of freshwater wetlands, the applicant proposes the purchase of 1.52 freshwater marsh credits from Loxahatchee Mitigation Bank. Final mitigation must comply with the Corps policy of 'no net loss' of wetland function and value.

PERMIT HISTORY: There is no prior permit history pertaining to this project application.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has determined that the proposed work **may affect, but is not likely to adversely affect** the Endangered Wood Stork (*Mycteria americana*). This information is based on the applicant's information, project design, project location, and the location of critical habitat for any listed species that may inhabit the area. In a separate letter, the Corps is requesting concurrence on this determination from the United States Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 4.38 acres of low quality, exotic infested wetlands, which are not utilized by various life stages of anadromous, catadromous, estuarine, and/or marine species. Since, the project will not impact estuarine or marine habitat, our initial determination is that the proposed action **will not** have a substantial adverse impact on EFH or Federally managed fisheries in the Lake Worth lagoon. 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.

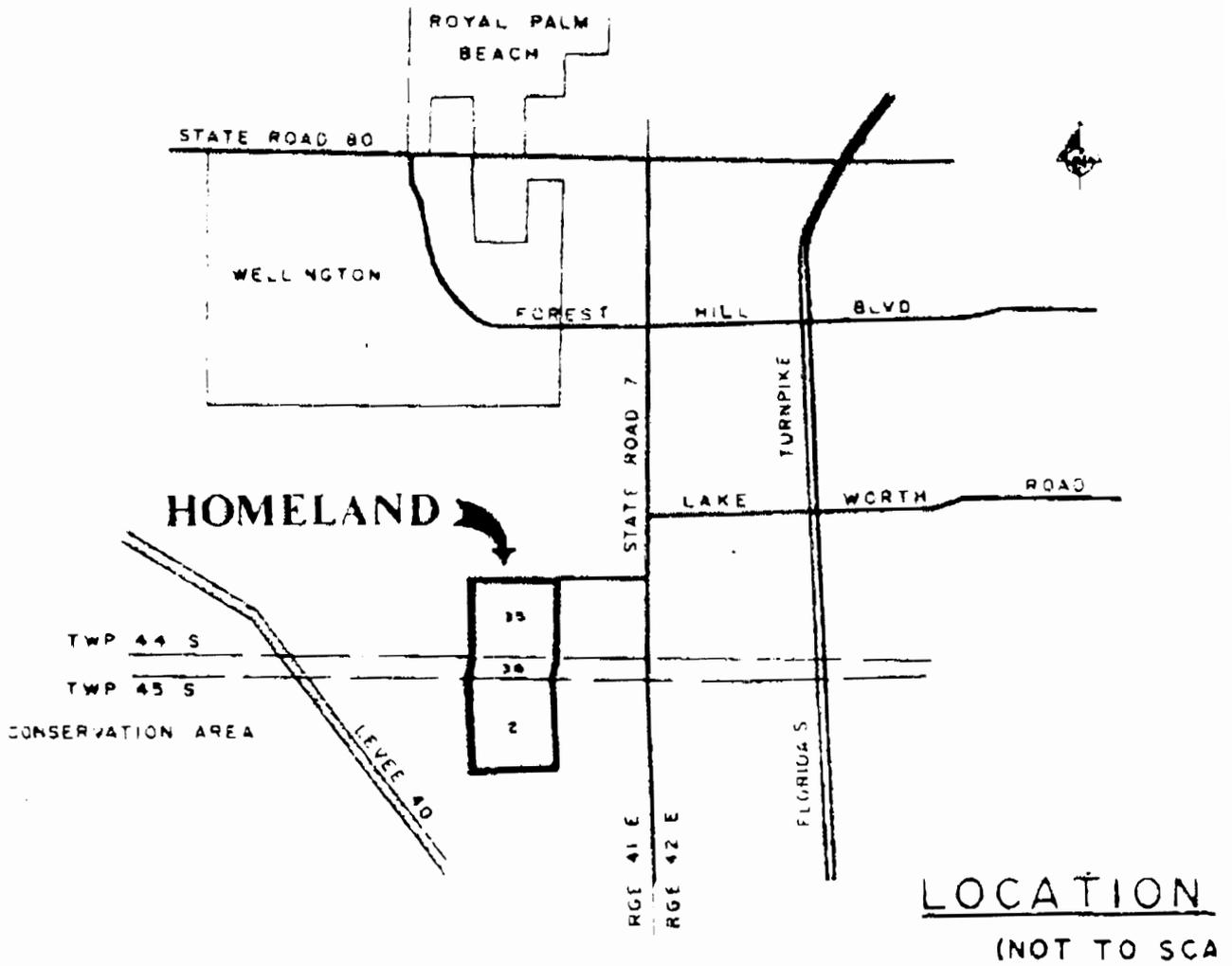
NOTE: This public notice is being issued based on information furnished by the applicant.

AUTHORIZATION FROM OTHER AGENCIES: The Homeland Subdivision has previously been permitted in 1978 by South Florida Water Management District.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within **15** days from the date of this notice.

If you have any questions concerning this application, you may contact Samantha L. Rice of this office either by letter at the letterhead address, by telephone at 561-472-3516, by e-mail at Samantha.L.Shaw@saj02.usace.army.mil or by fax at 561-626-6971.

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CONSENT

HOLDERS OF A
 HEREBY JOIN IN
 ED IN THE DEDICATION
 ORTGAGE WHICH IS
 THE PUBLIC RECORDS
 ED TO THE DEDICATION

[Signature]
 T. MILLS



US Army Corps
 of Engineers
 SAJ-1999-3833 (IP-SLS)
 Ariannejag, Hossein
 August 27, 2004 Attachment # 2 of 4

APPROVAL

PALM BEACH

BOARD OF COUNTY COMMISSIONERS
 OF PALM BEACH COUNTY, FLORIDA

THIS PLAN IS HEREBY APPROVED FOR REC
 THIS 20th DAY OF September, A.D.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

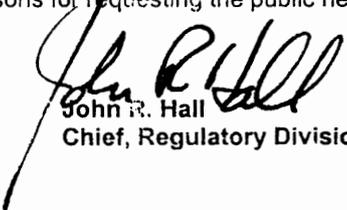
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

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, historic 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 of 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 U.S. 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 approved 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.


John R. Hall
Chief, Regulatory Division