



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**MERRITT ISLAND REGULATORY OFFICE**  
**2460 NORTH COURTENAY PARKWAY, SUITE 204**  
**MERRITT ISLAND, FL 32953**

***PUBLIC NOTICE***

Permit Application No. SAJ-2004-42-(IP-TSD) **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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Mr. Ben Sims  
250 Bonita Drive  
Merritt Island, FL 32952

WATERWAY & LOCATION: The project is located within wetlands, which ultimately connect to the St. Johns River. The project is located at 202 Tranquility Lane, Cocoa, in Section 31, Township 24 South, Range 36 East in Brevard County.

DIRECTIONS TO SITE: I-95 South, exit and head east onto SR 520, turn north onto Range Road, turn east onto Lake Drive, project is located on the south side of Lake Drive, east of Seldon Road.

LATITUDE & LONGITUDE: Latitude 28°21'35" North  
Longitude 80°45'43" West

PROJECT PURPOSE:

Basic: To construct a private single-family home site with driveway.

Overall: To construct a private single-family home site with driveway in Cocoa, Brevard County.

PROPOSED WORK: The applicant proposes to fill 0.84 acres of wetlands on a 5.76-acre flag parcel for an access driveway (0.2 acres) and home site (0.64 acres). The submittal includes after the fact authorization for the placement of concrete rubble along the entire driveway (0.2 acres) and two small piles of fill in wetlands (0.13 acre and 0.17-acre areas) depicted, as

"uplands", but are considered as jurisdictional wetlands by the U.S. Army Corps of Engineers.

EXISTING CONDITIONS: The wetland system consists of a freshwater-forested canopy. The on-site vegetation consists of red maple swamp, open water areas and an abundance of Brazilian pepper. The site has been disturbed over the years and portions of the parcel have 100 percent canopy of Brazilian pepper. The existing area surrounding the project area consists to the west: single family residences; to the north: a nursery; to the east vacant/undeveloped land; and to the south: abandoned Flowers Bakery site.

PROPOSED MITIGATION: The applicant has offered to purchase mitigation bank credits from an approved mitigation bank.

Endangered Species: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

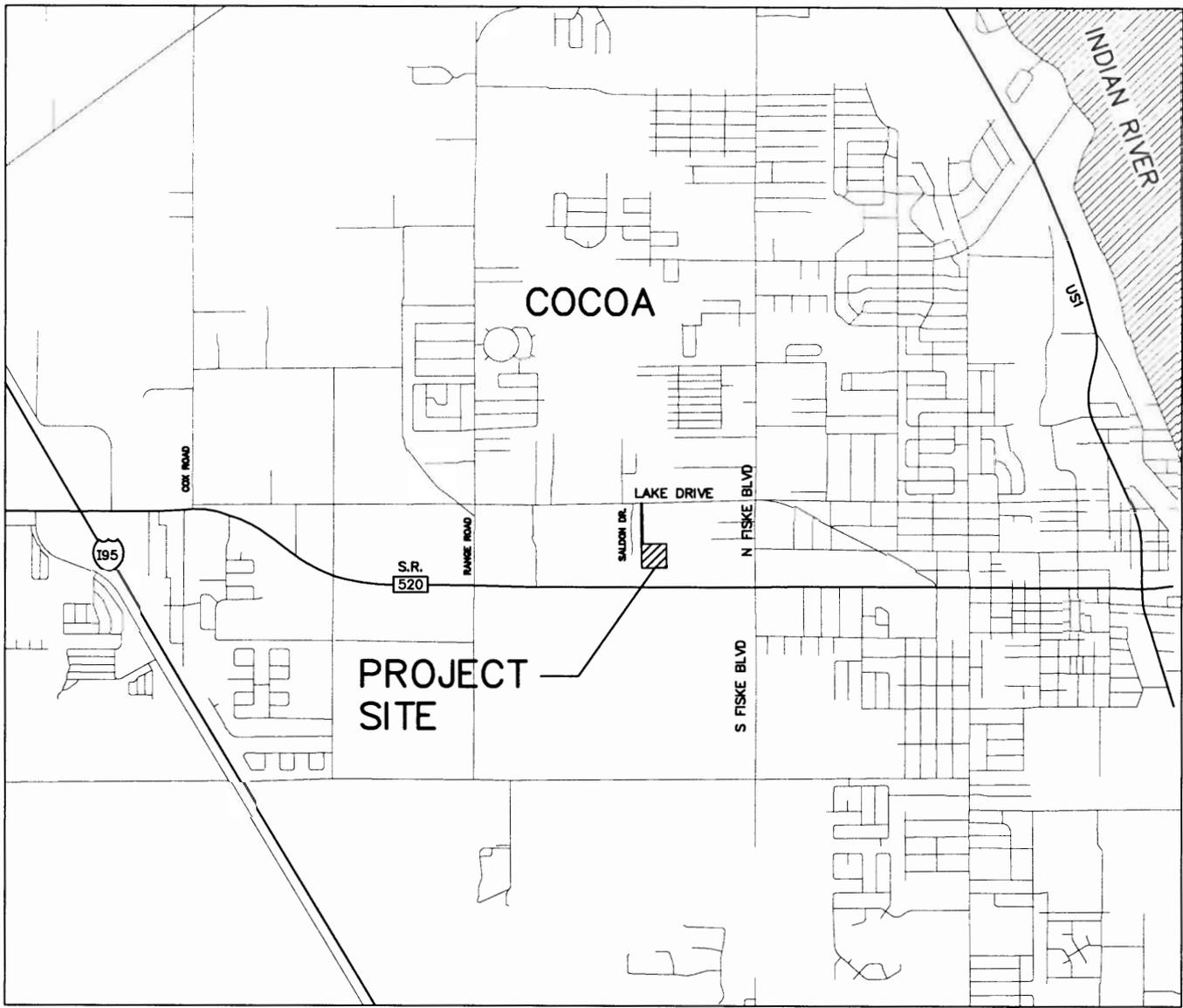
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. Corps personnel have not verified the jurisdictional line.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP). The pending FDEP file number is OGC-03-1526.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Tamy Dabu at the letterhead address, by electronic mail at [tamy.s.dabu@saj02.usace.army.mil](mailto:tamy.s.dabu@saj02.usace.army.mil), by fax at 321-453-5220, or by telephone at 321-453-7655 extension 11.

ADDITIONAL INFORMATION: **After reviewing all available information pertaining to the completed work, the Department of the Army has not recommended legal action at this time. Final determination regarding legal action will be made after review of the project through the permit procedure.** 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.



U.S. Army Corps of Engineers  
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 Date: 9/8/2004  
 Sheet 1 of 4



Joseph W. Mayer  
 PROFESSIONAL ENGINEER NO.:  
 BUSSEN-MAYER ENGINEERING CERT. NO.:  
 P.E. 36836  
 3535

Sec.: 31  
 Twp.: 24 South  
 Rng.: 36 East  
 Dsn. by :LO  
 Drn. by :RH  
 Chk. by :JWM

Sims Parcel  
 Brevard County Location Map

Date : Aug. 2003  
 Scale : N.T.S.  
 P. N. : 285501  
 Sheet No.

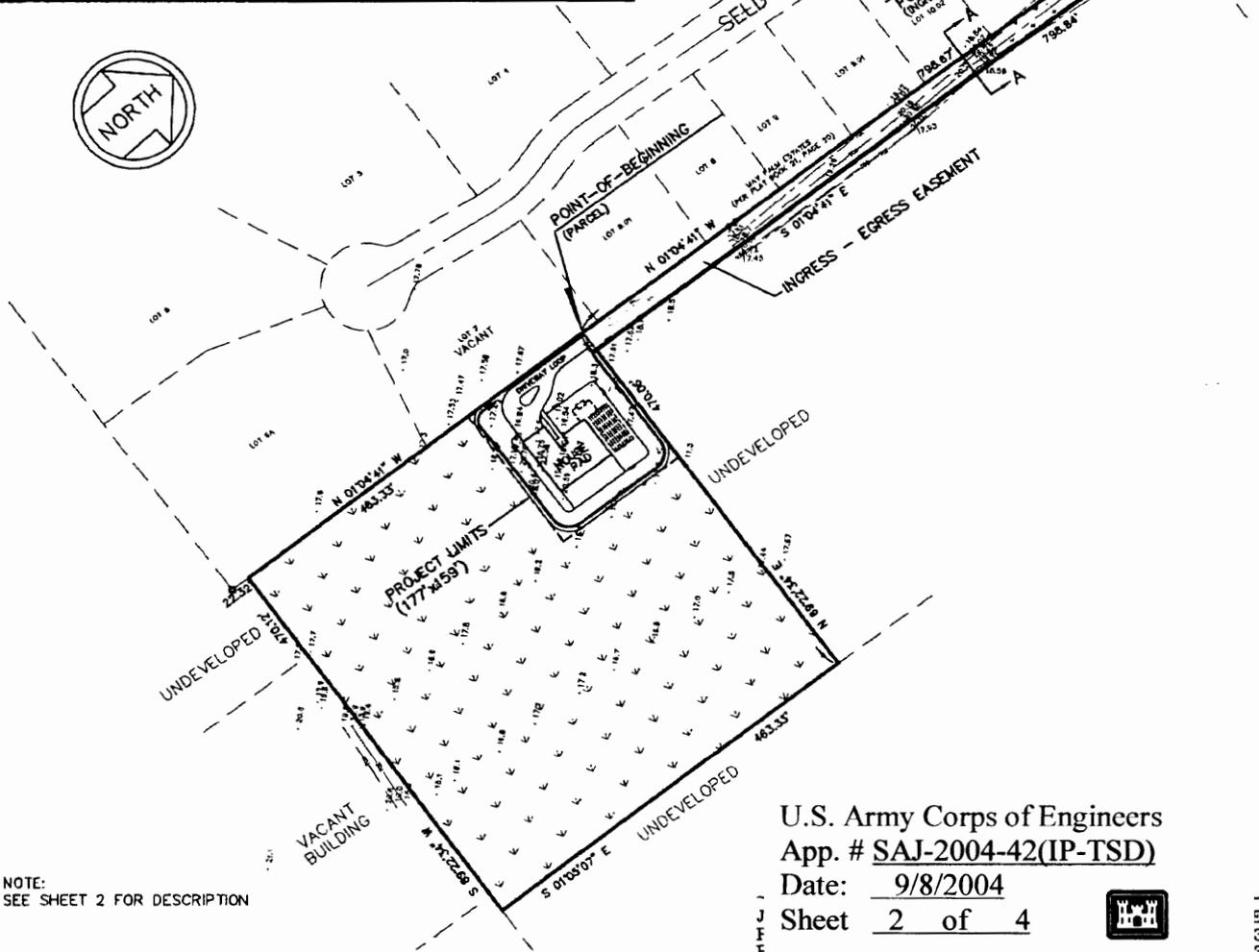
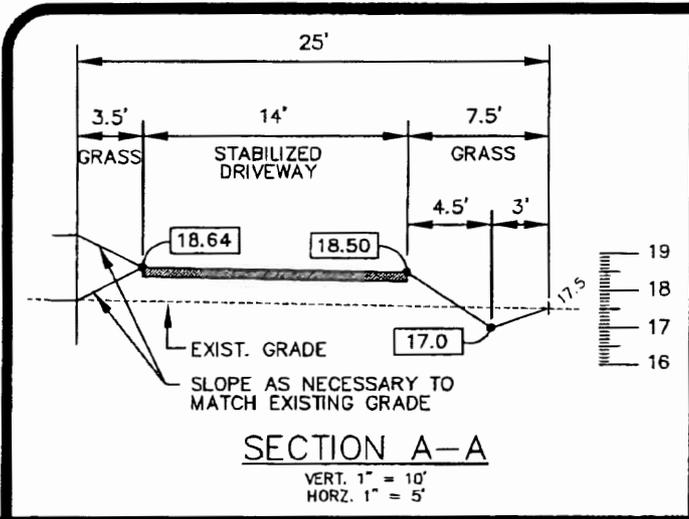


**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



Fig. 1



NOTE:  
SEE SHEET 2 FOR DESCRIPTION

U.S. Army Corps of Engineers  
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Date: 9/8/2004  
Sheet 2 of 4



36  
35

Sec.: 31  
Twp.: 24 South  
Rng.: 36 East  
Dsn. by : J.B.C.  
Drn. by : L.M.S  
Chk. by : J.W.M.

**SIMS PARCEL**

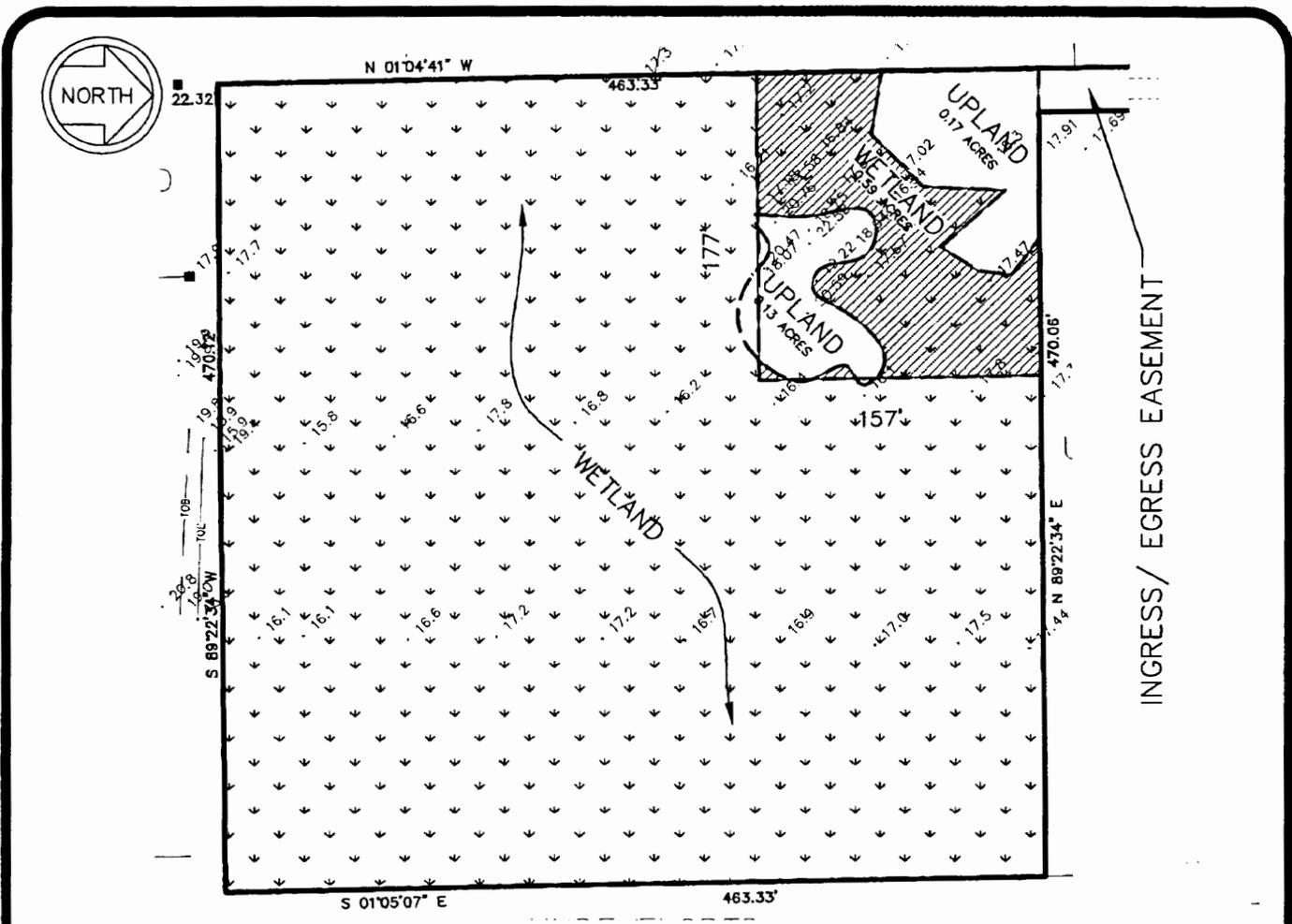
BREVARD COUNTY FLORIDA

**Bussen-Mayer Engineering Group**

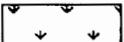
100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885

Date : 07/31/03  
Scale : 1"=100'  
P. N. : 285501  
Sheet No.  
1 of 10

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**NOTES:**

-  TOTAL WETLAND AREA = 5.16 ±
  -  WETLAND IMPACT AREA = 0.75 ±
  -  UPLAND IMPACT AREA = 0.60 AC±
- TOTAL PROPOSED IMPACT AREA = 1.35 AC±

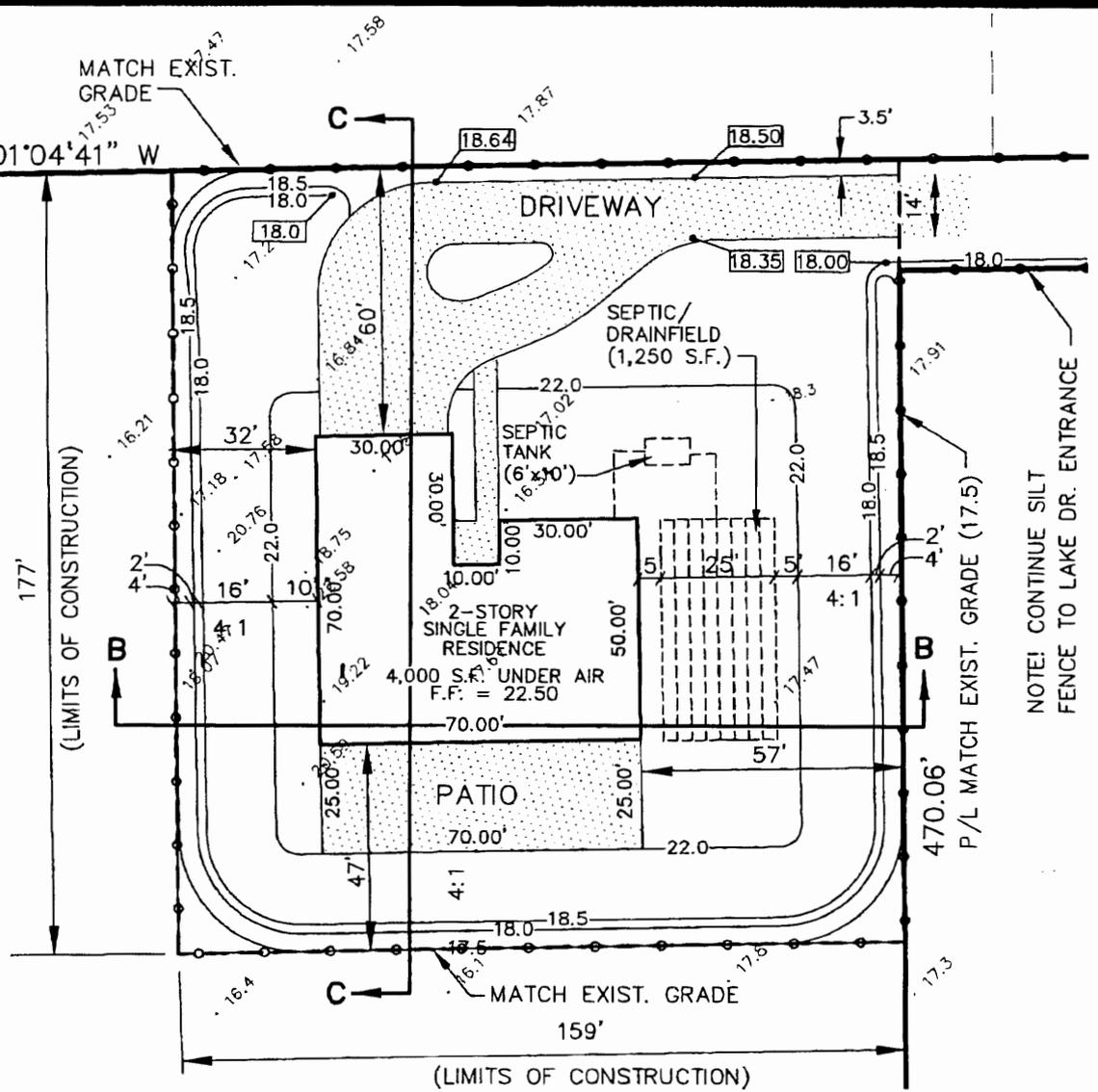
U.S. Army Corps of Engineers  
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 Date: 9/8/2004  
 Sheet 3 of 4



1"=100'  
 836  
 535

C:\Dwg\Eng\285501 Ben Sims SD\285501env-02-04-07.dwg, 8/1/2003 10:52:46 AM, Cad-3

Sec.: 31	UPLAND & WETLAND IMPACT AREA PREPARED FOR: <b>SIMS PARCEL</b>	Date : 07/31/03
Twp.: 24 South		Scale : 1"=100'
Rng.: 36 East	BREVARD COUNTY	FLORIDA
Dsn. by : J.B.C.	 <b>Bussen-Mayer Engineering Group</b> 100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885	P. N. : 285501
Drn. by : L.M.S.		Sheet No.
Chk. by : J.W.M.		4 of 10



NOTE: CONTINUE SILT FENCE TO LAKE DR. ENTRANCE

**NOTES:**

- SEPTIC/ DRAINFIELD UNOBSTRUCTED AREA REQUIRED = 1,520 S.F.
- UNOBSTRUCTED AREA WHICH MUST MEET SETBACKS = 1,140 S.F.
- HOUSE SITE AREA = 28,143 S.F. (0.65± Ac.)
- DRIVEWAYS SITE AREA = 19,971 S.F. (0.46± Ac.)
- TOTAL DEVELOPED SITE AREA = 48,114 S.F. (1.11± Ac.)
- IMPERVIOUS AREA: 9,518 S.F. (0.22 Ac.)
- TOTAL PROPOSED FILL: 2,775 C.Y.

**LEGEND**

- 16.<sup>A</sup> EXIST. GROUND ELEVATION
- + 18.0— PROPOSED CONTOUR
- LIMITS OF CONSTRUCTION
- ○ SILT FENCE LOCATION

U.S. Army Corps of Engineers  
 App. # SAJ-2004-42(IP-TSD)  
 Date: 9/8/2004  
 Sheet 4 of 4



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Sec.: 31	PLAN VIEW PREPARED FOR: <b>SIMS PARCEL</b>	Date : 07/31/03
Twp.: 24 South	<b>Bussen-Mayer Engineering Group</b>	Scale : 1"=40'
Rng.: 36 East	100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885	P. N. : 285501
Dsn. by : J.B.C.		Sheet No.
Drn. by : L.M.S.		3 of 10
Chk. by : J.W.M.		

**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.

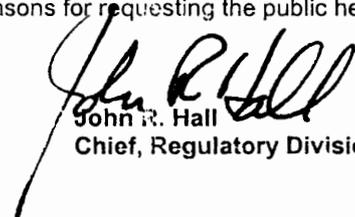
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, 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