



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
P. O. BOX 4970  
JACKSONVILLE, Florida 32232-0019

CESAJ-RD  
Cocoa Permits Section

January 13, 2025

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2005-00100 (SP-BAW)

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.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at:

[brian.a.west@usace.army.mil](mailto:brian.a.west@usace.army.mil)

APPLICANT: Matt Stolz  
DR Horton, Inc.  
10192 Dowden Rd.  
Orlando, FL 32832

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Turnbull Creek watershed (12-digit Hydrologic Unit Code 030802020400). The project location is: 1153 Old Mission Rd., New Smyrna Beach, FL 32168, within Section 44, Township 17 South, Range 33 East, Volusia County, Florida.

Directions to the site: From I-95 northbound, exit at Indian River Blvd. (442), head eastbound to Old Mission Road. Turn left and travel northbound approx. 3 miles, the subject property will be on the east side of the road.

### APPROXIMATE CENTRAL COORDINATES:

Project Site: Latitude: 28.99528°  
Longitude: -80.94002°

### PROJECT PURPOSE:

Basic: Construction of a single-family residential development

Overall: To construct a single-family residential neighborhood in Volusia County, Florida.

**EXISTING CONDITIONS:** The subject property contains predominantly forested uplands with a ditch running from the north connecting to a large, forested wetland in the eastern portion of the property. The total project area is 110.66 acres, with wetlands totaling 49.341 acres. Six wetlands are present onsite and are located throughout the entire property.

**PROPOSED WORK:** The applicant is proposing to fill 0.485 acres of forested wetlands and 0.564 acres of ditches to construct a single-family residential 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:

*“Avoidance and minimization (reduction of wetland impacts) to the onsite wetlands has been achieved by the design of the site plan. Proposed wetland impacts have been limited to less than 0.5 acres of wetlands. The impacts are to an isolated wetland (E) and a finger of wetland C. The applicant has preserved 48.856 of 49.341 acres or avoided 98% of the wetland habitats on site while limiting impacts overall to under 0.5 acres of wetlands.*

**COMPENSATORY MITIGATION –** The applicant has provided the following information in support of efforts to mitigate impacts to the aquatic environment:

*“The applicant is proposing to purchase 0.56 freshwater forested credits at the Lake Louisa Mitigation Bank.”*

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

**ENDANGERED SPECIES:** Based on a Regulatory Screening Tool (RST) report from 22 October 2024, the following species may occur in the vicinity of the project area: Green Sea Turtle (*Chelonia mydas*), Leatherback Sea Turtle (*Dermochelys coriacea*), Hawksbill Sea Turtle (*Eretmochelys imbricata*), Eastern Black Rail (*Laterallus jamaicensis* ssp. *jamaicensis*), Eastern Indigo Snake (*Drymarchon couperi*), Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*), Florida Scrub Jay (*Aphelocoma coerulescens*), and Atlantic salt marsh snake (*Nerodia clarkii taeniata*).

The U.S. Army Corps of Engineers (Corps) has determined the project will “Not likely adversely affect” the Eastern Indigo Snake due to the following sequence from the 2010 USFWS Key: A - B- C – “There are no gopher tortoise burrows, holes, cavities, or other

refugia where a snake could be buried or trapped and injured during project activities ..... "NLAA". Therefore, a "may affect, not likely to adversely affect" determination was reached.

In addition, the project is expected to have "No Effect" on the remainder of species listed above due to lack of suitable habitat.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification is pending on the issuance of a permit modification by the St. Johns River Water Management District.

COMMENTS regarding the potential authorization of the work proposed should be submitted via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments 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 and/or waters of the US. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed (if applicable).

QUESTIONS concerning this application should be directed to the project manager, Brian West, via US Mail at: Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at: [brian.a.west@usace.army.mil](mailto:brian.a.west@usace.army.mil); or, by telephone at (321) 504-3771 x0014.

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 regarding 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.

**WATER QUALITY CERTIFICATION:** Water Quality Certification is required from the St. Johns River Water Management District. The project is being reviewed under SJRWMD application no. 96539-5.

**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

— Project Boundary  
(± 110.66 Acres)



## OAKWOOD COVE VOLUSIA COUNTY, FLORIDA LOCATION MAP

PROJECT #: 562.100.21 DATE: 12/16/21 FIGURE #: 1

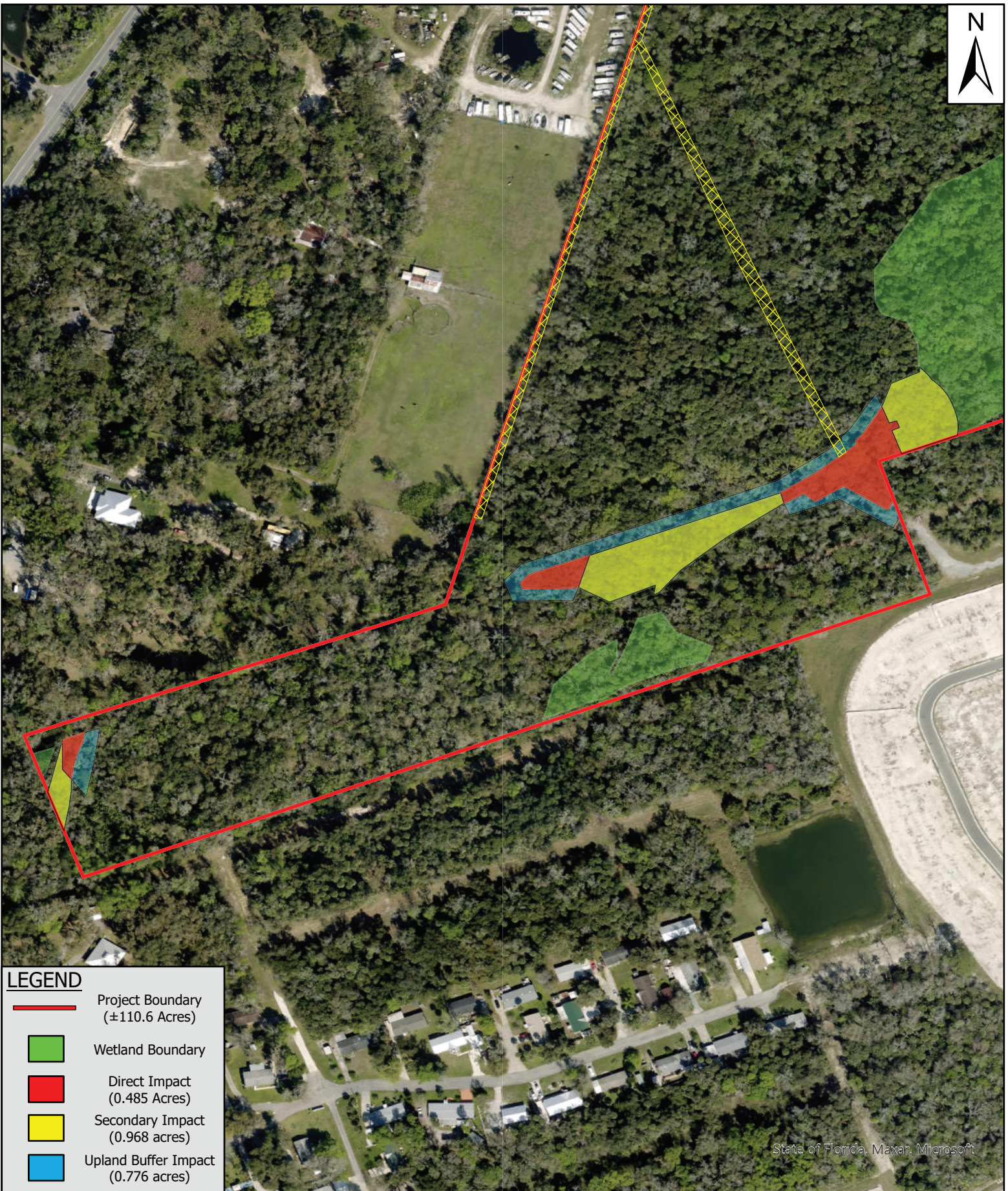
0 1,000 2,000 4,000 6,000 8,000 Feet



235 N. Hunt Club Blvd. Suite 202  
Longwood, Florida 32779  
Office: (407) 869-9434 Fax: (407) 869-9436  
CKrack@ecsfll.com







**LEGEND**

- Project Boundary (±110.6 Acres)
- Wetland Boundary
- Direct Impact (0.485 Acres)
- Secondary Impact (0.968 acres)
- Upland Buffer Impact (0.776 acres)

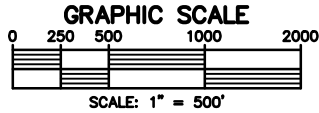
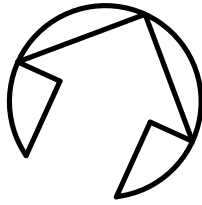
State of Florida, Maxar, Microsoft



OAKWOOD COVE  
VOLUSIA COUNTY, FLORIDA  
IMPACT MAP

Project #:562.100.21		DATE: 05/06/24	FIGURE: 6
0		335	670 Feet
Created by: CSK	410 North Street, Suite 130 Longwood, FL 32750 Phone: (407) 869-9434 www.ecologicalconsulting.com		





**WETLAND IMPACTS**

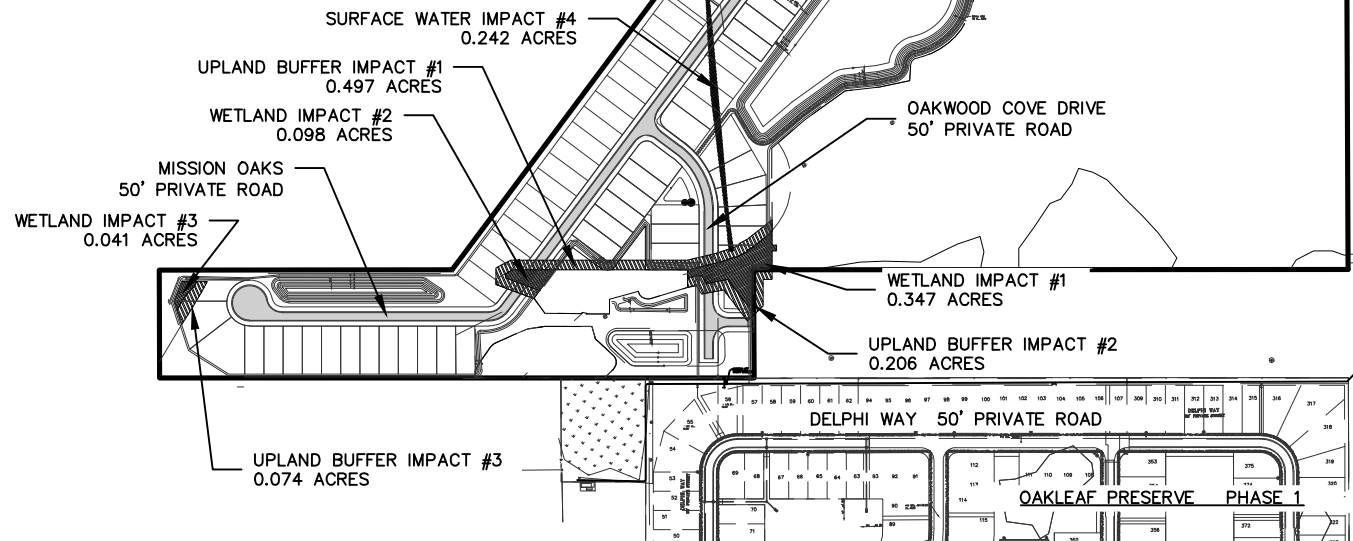
WETLAND IMPACT #1	=	0.347 ACRES
WETLAND IMPACT #2	=	0.098 ACRES
WETLAND IMPACT #3	=	0.041 ACRES
TOTAL WETLAND IMPACTS	=	0.485 ACRES

**UPLAND BUFFER IMPACTS**

UPLAND BUFFER IMPACT #1	=	0.497 ACRES
UPLAND BUFFER IMPACT #2	=	0.206 ACRES
UPLAND BUFFER IMPACT #3	=	0.074 ACRES
UPLAND BUFFER IMPACT #4	=	0.016 ACRES
TOTAL UPLAND BUFFER IMPACTS	=	0.792 ACRES

**SURFACE WATER IMPACTS**

SURFACE WATER IMPACT #1	=	0.092 ACRES
SURFACE WATER IMPACT #2	=	0.028 ACRES
SURFACE WATER IMPACT #3	=	0.003 ACRES
SURFACE WATER IMPACT #4	=	0.242 ACRES
SURFACE WATER IMPACT #5	=	0.199 ACRES
TOTAL SURFACE WATER IMPACTS	=	0.564 ACRES



## OVERALL IMPACT AREAS OAKWOOD COVE

SITE AREA = 110 AC  
PROPOSED LOTS = 112

### PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS \* LANDSCAPE ARCHITECTS  
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117  
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com  
CERTIFICATE OF AUTHORIZATION NUMBER 00003910