



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

February 24, 2025

Regulatory Division
North Branch
Cocoa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2006-04105 (SP-JMB)

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 john.m.baehre@usace.army.mil.

APPLICANT: The Collier Companies
c/o Jennifer Cline
220 North Main Street
Gainesville, FL 32601

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the St. Sebastian River-Indian River Basin (HUC 030802030307). The project site is located in Section 36, Township 032 South, Range 039 East, Vero Beach Indian River County, Florida.

Directions to the site are as follows: From I-95, take exit 156 east. Turn south on 90th Avenue. Turn east on 85th Street. Turn south onto US-1 S. Turn east on 45th Street. Turn south on Indian River Boulevard. Continue to the intersection of Indian River Boulevard and 37th Street.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 27.657931° North

Longitude: 80.386752° West

PROJECT PURPOSE:

Basic: Multi-family housing

Overall: Development of multi-family housing within the Vero Beach area that will cater to the employees of the Cleveland Clinic Indian River Hospital and nearby medical practices located in close proximity to the subject project.

EXISTING CONDITIONS: The ±26.11-acre Collier Companies-Vero Multi-Family project contains four (4) vegetative communities as classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). The following section provides a general description of all vegetative communities found on site.

Mixed Hardwoods (438): Approximately ±3.16 acres of the property contain this forested upland land use classification. It appears portions of this area were used in the past as citrus groves or for other agricultural use. Vegetation within these areas is dominated by live oak, laurel oak, cabbage palm, Brazilian pepper, shoebutton ardisia, shiny coffee, and catbriar.

Mangrove Swamps (612): Portion of the eastern property and southern extent consist of ±7.35 acres of mangrove swamp which appears to connect, via ditches, to the Indian River to the east. The vegetation within this area is dominated by white mangroves, black mangroves, red mangroves, cabbage palm, giant leather fern, and Brazilian pepper.

Exotic Wetland Hardwoods (619): Approximately ±13.44 acres of the property contain this forested wetland land use classification. It appears portions of this community had been used for agricultural purposes in the past but have reverted to wetlands since the land was left fallow. This area is lower in quality overall than the mangrove swamp community. Vegetation is dominated by Brazilian pepper, cabbage palm, Carolina willow, wax myrtle, giant leather fern, and swamp fern.

Saltwater Marshes (642): A ±2.16 acres area of salt marsh is present within the central eastern extent of the Property. The vegetation within this area is dominated by saltgrass, glasswort, and sea-oxeye daisy along with scattered juvenile mangroves.

The existing area surrounding the project area consists of a golf course to the south and a medical center to the west.

PROPOSED WORK: The applicant seeks authorization to impact 11.57-acres of waters of the United States to construct a multi-family residential housing complex with associated infrastructure. The impacts proposed include filling 9.49-acres to exotic wetland hardwoods, 1.62-acres to mangrove swamp, 0.42-acres of saltwater marsh, and 0.04-acres of roadside ditch shall be filled. An additional 0.19-acres of impact to offsite mangrove swamp are also proposed to accommodate the entryway apron.

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:

“Impacts were minimized by developing all available uplands first and keeping a majority of the impacts to low quality Brazilian pepper dominated wetland systems.”

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

“Compensation will include the purchase of 4.24 forested mitigation credits at basin 22 mitigation bank and 2.13 [estuarine] credits at CGW 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. Prior coordination with the Division of Historical Resources (SHPO/DHR Project File No.:2007-7521) yielded a determination that dredge/fill within the previously proposed Area of Potential Effect (APE) would have No Potential to Cause Effects on cultural resources listed, or eligible for listing in the NRHP, or otherwise of archaeological, historical, or architectural significance. 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: The proposed project has the potential to affect the eastern indigo snake, wood stork, and eastern black rail due to the presence of suitable habitat located within the project limits.

The proposed project has no potential to affect the Florida panther, southeastern beach mouse, West Indian manatee, Audubon’s crested caracara, Everglade snail kite, Florida scrub-jay, nesting green sea turtle and hawksbill sea turtle, and American crocodile based on site location and existing habitat within the project limits.

The proposed project has no potential to affect the green sea turtle, Kemp’s Ridley sea turtle, loggerhead sea turtle, and smalltooth sawfish based on site location restricted aquatic access to the project limits.

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. The proposal would impact approximately 1.62-acres to mangrove swamp and 0.42-acres of saltwater marsh utilized by various life stages of summer flounder, snapper/grouper complex, and adult bluefish. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Indian River. The applicant has minimized impacts to the above habitat types to the maximum extent practicable and has proposed to purchase mitigation credits from the appropriate estuarine mitigation bank in this area. 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.

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. The jurisdictional line has been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, FL 32926, within 30 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, John Baehre, in writing at the Cocoa Permits Section, Suite 600, Cocoa, FL 32926; by electronic mail at john.m.baehre@usace.army.mil; or by telephone at 321-504-3771, extension 0013.

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.

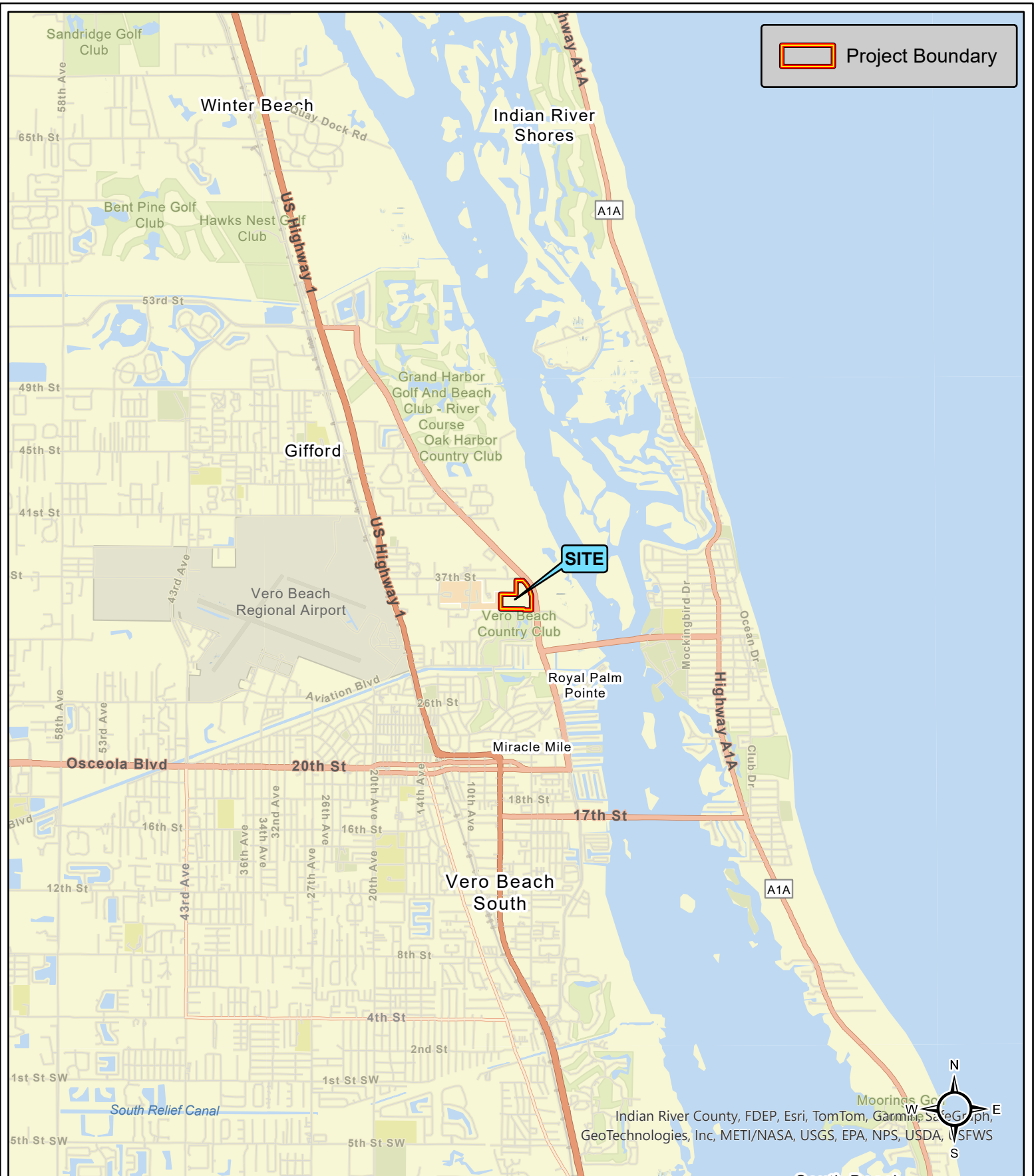
Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972.

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.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the St. Johns River Water Management District (SJRWMD). The project is being reviewed under FDEP application no. 105275.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the SJRWMD. In Florida, the State approval constitutes compliance with the 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.



Project: Collier Companies Vero Multi-Family

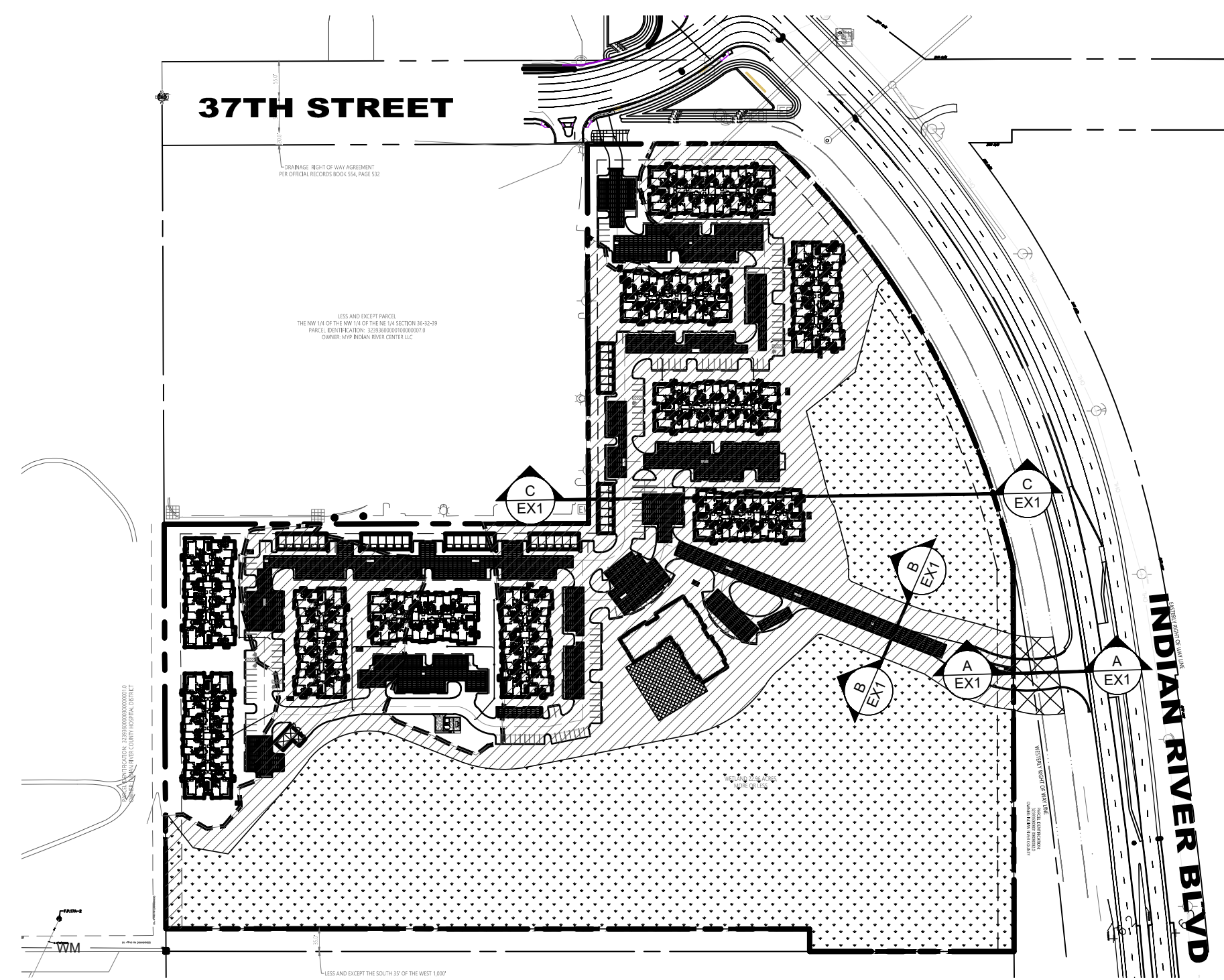
Figure 1: Location Map

0 0.5 1 2 Miles

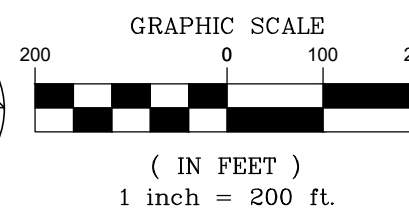
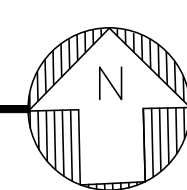
Indian River County, Florida



AE Proj #: 24771

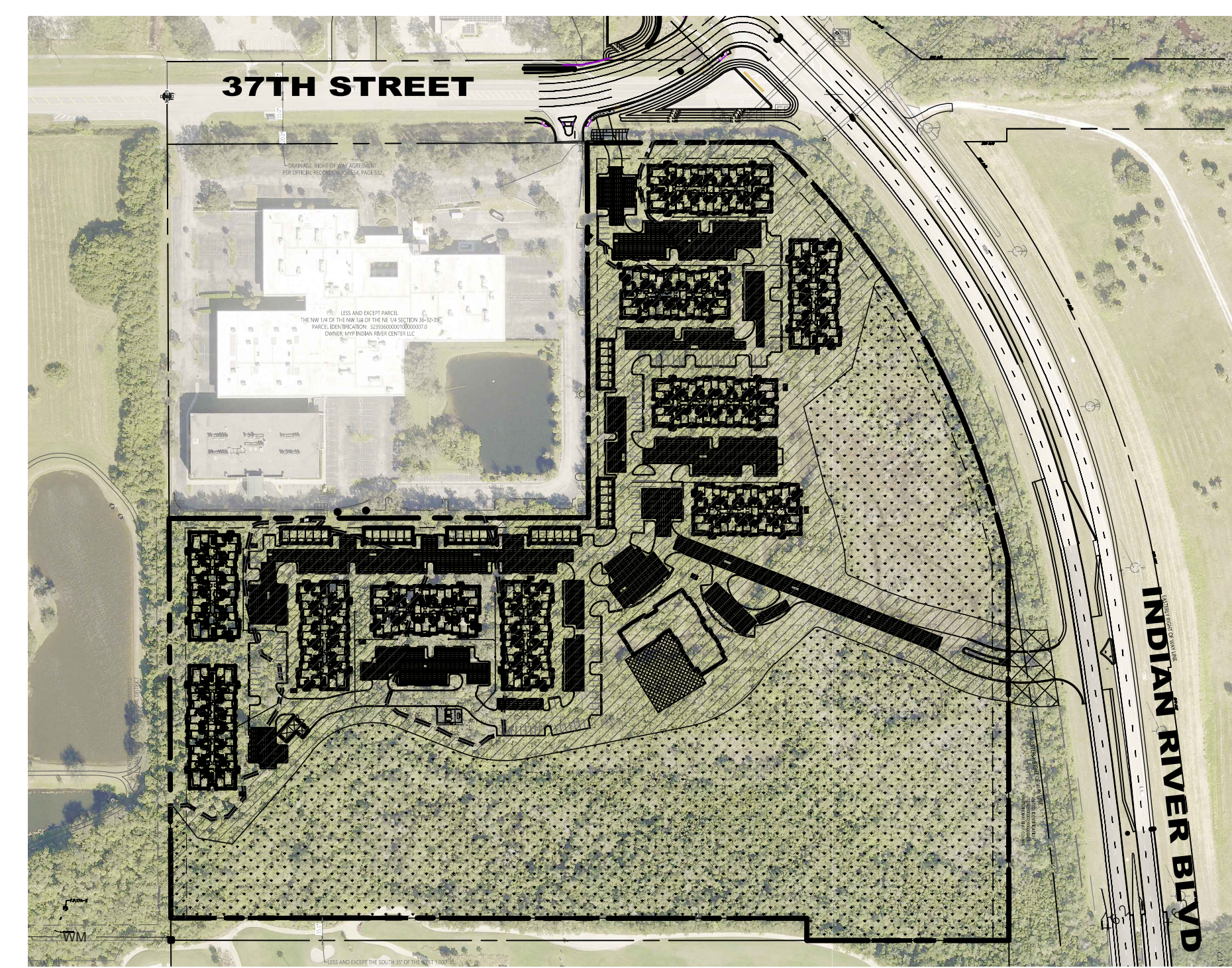


SECTION KEY MAP

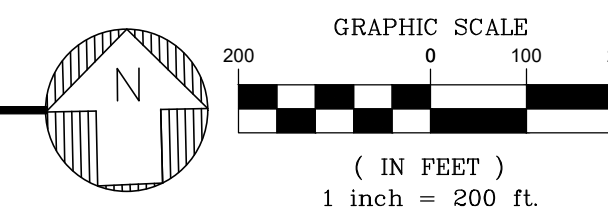


72 HOURS BEFORE DIGGING
CALL TOLL FREE
811
Know what's below.
Call before you dig

Call before you dig.



AERIAL MAP



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WETLAND IMPACT PLAN AND SECTIONS

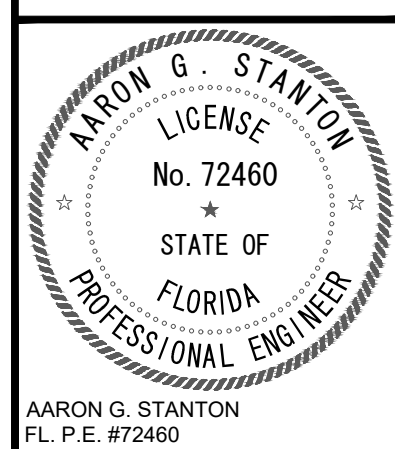
THE COLLIER COMPANIES
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EX1