

**DEPARTMENT OF THE ARMY**

**U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT**

**701 san marco boulevard**

**Jacksonville, florida 32207-8175**

**November 25, 2024**

Regulatory Division

North Branch

Jacksonville Permits Section

***PUBLIC NOTICE***

 Permit Application No. SAJ-2024-00679 (SP-SWG)

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 Zechariah.J.Turk@usace.army.mil.

APPLICANT: James Dix - Roan Bridge Properties, LLC

 103 Commerce Street #104

 Lake Mary, Florida 32746

WATERWAY AND LOCATION: The project would affect aquatic resources associated with wetlands within the Saint Andrews Bay watershed. The project site is located in Section 12 and 13, Township 26 South, Range 30 and 31 East, Osceola County, Florida

Directions to the site are as follows: From Interstate 4 head south on US HWY 441 at Old Hickory Tree Road in Saint Cloud turn right and head south. The property is across Old Hickory Tree Road from Hickory Tree Elementary School.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.232953°

 Longitude -81.261442°

PROJECT PURPOSE: The applicant seeks authorization to develop a residential community with a school, fire station, open space, stormwater management facilities, and infrastructure.

Basic: Residential development.

Overall: The construction of a residential community to address the need for homes within Saint Cloud, Osceola County, Florida.

EXISTING CONDITIONS: The wetland system consists of a 58.05-acre freshwater system. The onsite vegetation consists of mixed wetland hardwoods (FLUCFCS No. 617), exotic wetland hardwoods (FLUCFCS No. 619) , Cypress (FLUCFCS No. 621), vegetated non-forested wetlands (FLUCFCS No. 640), and freshwater marshes (FLUCFCS No. 641) consisting of soft rush, spike rush, beak sedge, swamp fern, dollar weed, smart weed, spadeleaf, carpet grass, spatterdock, witch grass, arrowhead, water lily, dog fennel, Idaho blue eyed grass, red maple, dahoon holly, and Chinese tallow. The existing area surrounding the project area consists of upland portions of improved pastures for cattle grazing. The project area is bordered by Old Hickory Tree Road to the east, East 19th Street to the north, Eastern Avenue to the west and agricultural areas to the south.

PROPOSED WORK: The applicant seeks authorization to impact 30.14 acres of wetlands for the construction of a residential community. Impacts include the discharge of fill material into 15.79 acres of wetlands and 2.04 acres of open waters with the excavation of 14.62 acres of wetlands and 0.01-acre of open water.

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: Prior to placing the aforementioned property under contract, a thorough search of the surrounding area was conducted to determine the best possible location for the proposed development. The project has been designed to avoid impacts to 25.59 acres of wetlands. A complete Alternatives Analysis was completed for the project which documents the limited availability of a location in this area which would be suitable for the proposed project. The majority of the wetland impact would occur within hydrologically degraded wetlands which consisted historically of a man-made drain which has naturalized and developed wetland characteristics over time.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has proposed for the purchase of 8.86 Freshwater Federal Forested and 1.11 Freshwater Federal Herbaceous credits from the Florida Mitigation Bank, the purchase of 0.27 Freshwater State Forested and 2.8 Freshwater State Herbaceous credits from the Lake X Mitigation Bank, and the purchase of 8.59 Freshwater State Forested, and 1.93 Freshwater Federal Herbaceous credits from the Southport Ranch Mitigation Bank. These mitigation credit requirements were determined using a UMAM scoring system. An onsite mitigation program will consist of a 7.66-acre herbaceous wetland preservation area. A Conservation Easement (CE) will be granted to SFWMD for perpetual protection of on-site Mitigation Area (7.66-acre Wetland A and 0.93-acre upland buffer) The Deed of CE will be granted in association with issuance of the construction permit for the Roan Bridge development.

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: The Corps has determined the proposed project may affect but is not likely to adversely affect the Crested caracara, Eastern black rail, Eastern Indigo Snake, Everglade Snail Kite, Red-cockaded woodpecker, Tricolored bat, Wood stork, or their designated critical habitat. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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. [INCLUDE IF APPROPRIATE] The proposal would impact approximately 30.41 acres of non-tidal wetlands. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Florida. 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 not 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 Jacksonville Permits Section, 701 San Marcos Boulevard, Jacksonville, Florida, 32207 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, Zechariah Turk, in writing at the Galveston District Permits Section, 2000 Fort Point Road, Galveston, Texas 77550; by electronic mail at Zechariah.J.Turk@USACE.Army.Mil@usace.army.mil; or by telephone at (409)-766-3974.

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 South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP) and is currently being reviewed.

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.