



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
40 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926

January 16, 2025

Regulatory Division  
North Permits Branch  
Cocoa Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2024-01400

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 [kerri.l.zdimal@usace.army.mil](mailto:kerri.l.zdimal@usace.army.mil).

APPLICANT: Lockheed Martin Corporation  
5600 West Sand Lake Road, MP 121  
Orlando, FL 32819

WATERWAY AND LOCATION: The project would affect aquatic resources associated with the Econlockhatchee River watershed of the Upper St. Johns River Drainage Basin. The project site is located at 19040 Cocoa Water Plant Road in southeastern Orange County, Florida within Section 14, Township 24 South, Range 32 East.

Directions to the site are as follows: From the intersection of State Road 528 (Beach Line) and Dallas Boulevard, head south on Dallas Boulevard for approximately 3.5 miles; the proposed project is located on the east side of the roadway.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.39951°  
Longitude - 81.09341°

### **PROJECT PURPOSE:**

Basic: Military Development.

Overall: The overall project purpose is to implement a new laser testing range to facilitate national security efforts of the United States.

EXISTING CONDITIONS: The test range, building and access path (Project) encompasses approximately 55.5 acres within the parent parcel under the single ownership and management of Lockheed Martin Corporation. The wetland system

within the Project area consists of freshwater wetlands that are contiguous with Little Creek. The onsite vegetation consists of mixed forested and cypress wetlands. The existing area surrounding the project area consists of agricultural zoned lands with wetland and upland natural communities and rangelands used in cattle operation.

**PROPOSED WORK:** The applicant seeks authorization to construct a laser testing range facility within its Electronic Testing Site (ETS). The proposed laser test range is approximately one mile in length and located within the northeast portion of the parent ETS facility. The proposed test range will be created by clearing and grubbing native vegetation with a 44-foot-wide access pathway along the southern boundary. The access path, required for unimpeded access to the terminus berm will be stabilized with rock or crushed concrete and run along the southern limits of the test range. The work would require clearing and grubbing of 12.26 acres of wetlands and filling 1.68 acres of wetlands. A 18,250 square-foot pre-engineered metal building with functional areas to include a testing area, labs, offices, and breakroom areas to support the test range is proposed to be constructed within uplands.

**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:

“The location of the new building and associated stormwater management system are located entirely within uplands. Siting of the laser testing range involved several shifts in the horizontal geometry of the range relative to project constraints. Project constraints included but were not limited to the need for a new building to be near existing infrastructure, a new range not in conflict with the existing range on the west side of the property, and the range maintaining a one-mile linear sightline. The initial layout had a southeast alignment, which resulted in greater wetland involvement (approximately 40 acres). The final layout meets the Project needs while eliminating and reducing wetland impacts to the greatest extent possible.”

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

“To offset adverse wetland impacts, the applicant proposes the purchase of mitigation credits based on the Wetland Rapid Assessment Procedure (WRAP) from the TM-Econ Mitigation Bank.”

The Project is located within the primary service area of the TM-Econ Mitigation Bank and the applicant provided a credit reservation letter from the bank. The Corps has not yet determined the adequacy of the Applicant’s proposed compensatory mitigation.

## 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 proposal may affect the Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*), Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*), Red-cockaded Woodpecker (*Dryobates borealis*), and the Beautiful Pawpaw (*Deeringothamnus pulchellus*), or its designated critical habitat. The Corps will request initiation of consultation, informal or formal (as appropriate), with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

Wood Stork (*Mycteria americana*): The project proposes impacts to greater than 0.5 acre of Suitable Foraging Habitat within the Core Foraging Area of at least one (1) Wood Stork Nesting Colony. Use of the September 2008 effect determination key for wood stork for central and north peninsular Florida resulted in an effect determination of 'may affect, not likely to adversely affect, no further consultation required' (A-B-C-D-E) and gave programmatic concurrence for the wood stork.

Eastern Indigo Snake (*Drymarchon corais couperi*): The project impacts approximately 13.94 acres of potential eastern indigo snake habitat (Pine Flatwoods and Freshwater Marsh). The Corps permit, if issued, will include standard protection measures for the eastern indigo snake. The Corps is not aware of any sightings of eastern indigo snake within the project area. Use of the August 12, 2013, effect determination key for eastern indigo snake in north Florida resulted in an effect determination of 'may affect, not likely to adversely affect, no further consultation required' (A-B-C-D) and gave programmatic concurrence for the indigo snake.

Other Species: Based on the project location, existing site conditions, the areas of proposed impacts, and the types of activities proposed, the Corps has determined that the project would have no effect on the Audubon's crested caracara (*Caracara plancus audubonii*), Papery Whitlow-wort (*Paronychia chartacea*), Pigeon Wings (*Clitoria fragrans*), Sandlace (*Polygonella myriophylla*), or any other federally listed species or designated critical habitat.

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.

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 Albuquerque District Permits Section, 1970 East Third Avenue, Suite 109, Durango, Colorado 81301. Comments may also be provided digitally at <https://rrs.usace.army.mil/rrs/public-notice> or to the main mail box at [SPA-RD-CO@usace.army.mil](mailto:SPA-RD-CO@usace.army.mil), 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. 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, Kerriane Zdimal, in writing at the Albuquerque District Permits Section, 1970 East Third Avenue, Durango, Colorado 81301; by electronic mail at [kerri.l.zdimal@usace.army.mil](mailto:kerri.l.zdimal@usace.army.mil); or by telephone at (970) 259-1764 x1.

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.

The 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 is required. The project is being reviewed by the St. Johns River Water Management District (SJRWMD) Environmental Resource Permitting (ERP) program application no. 19944-6.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** 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.



