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

January 16, 2025

Regulatory Division
North Branch
Cocoa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-04635 (SP-ZJF)

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:

APPLICANT: Pulte Group
Attention: Christopher Wrenn
4901 Vineland Road, Suite 460
Orlando, Florida 32811

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Lake Pickett and Econ River. The project site is located at 16499 Colonial Drive, Orlando, Florida 32820, in Sections 7, 8, 17, 18, 19, and 20, Township 22 South, Range 32 East, Orange County, Florida.

Directions to the site are as follows: From I-4 in Orlando, exit east on Highway 17 (aka E. Colonial Drive), continue for approximately 15 miles. Property located on north side of road at 16499 E. Colonial Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude: 28.576734°
Longitude: -81.142833°

PROJECT PURPOSE:

Basic: The basic project purpose is to provide housing.

Overall: The overall project purpose is to construct a residential subdivision to serve the growing population in the surrounding University of Central Florida and Waterford Trails communities within East Orange County, Florida.

EXISTING CONDITIONS: The subject site currently supports eleven (11) land use types/vegetative communities within its boundaries. These areas were identified utilizing the Florida Land Use, Cover Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The upland land use types/vegetative communities on the site are classified as Improved Pastures (211) (574.19 acres); Shrubs and Brushland (320) (9.17 acres); Pine Flatwoods (411) (93.46 acres); and Xeric Oak (421) (125.63 acres).

The onsite aquatic resources constitute a freshwater palustrine forested and non-forested system. The boundaries of the aquatic resources have not yet been verified by the Corps. The wetland/surface water land use types/vegetative communities on the site are classified as Streams and Waterways (510) (0.72 acre); Lakes (520) (101.01 acres); Reservoirs (530) (1.13 acres); Forested Mixed Wetland (630) (271.32 acres); Non-Forested Vegetated Wetlands (640) (1.02 acres); Freshwater Marsh (641) (10.94 acres); and Wet Prairie (643) (0.40 acre).

The Corps has identified the following land cover types adjacent to the project area: Crop- and Pastureland; Disturbed Land; Low- and High-Density Residential; Mixed Forested Wetland; Non-Forested Vegetated Wetlands; Coniferous Forested Wetland; Lakes; Reservoirs; Roads and Highways; and Electrical Power Facilities. The project area is bounded roughly by Lake Pickett Road to the north, Tanner Road South to the west, East Colonial Drive to the south, and the Corner Lake community to the east.

PROPOSED WORK: The applicant seeks authorization to impact a total of 61.50 acres of aquatic resources on an approximately 1,189.39-acre parcel for the construction of a residential subdivision known as The Grow. The impacts can be broken down to approximately 45.19 acres of direct impacts and 16.31 acres of secondary impacts across forty-three (43) aquatic resources. The project would be comprised of approximately 224 acres of residential development, 35 acres of public/institutional development (school, utilities, recreation), and 547.38 acres of infrastructure (roads, stormwater ponds, etc.). The applicant has also proposed to preserve approximately 229.34 acres of onsite forested wetlands under a conservation easement.

The project would be constructed in several phases as follows:

1) The Grow Mass Grading: Mass grading and construction of the master stormwater management system over +/- 575 acres to support the development. The stormwater management system constructed in this phase would include 23 wet detention ponds, wetland culverts, and wetland control structures.

2) The Grow Master Infrastructure Phases 1, 3A, 3B, & 3C: Construction of a portion of the main loop road (Street A), internal roadways, pedestrian facilities, utilities, and other associated infrastructure internal to the development to support the initial residential development phases. The stormwater management system constructed with this phase would include 4 wet detention ponds, environmental swales, wetland culverts, and wetland control structures.

3) The Grow Phase 4A: Construction of 146 single-family and townhome residential units, open space/neighborhood park areas, and community gardens, along with a portion of the main loop road (Street A), internal roads, utilities, and other associated infrastructure. The stormwater management system constructed with this phase would include 1 wet detention pond and environmental swales.

4) The Grow Phase 8A and Master Infrastructure Phases 2A & 2B: Construction of 295 single-family and townhome residential units, open space/neighborhood park areas, and community gardens, along with internal roads, utilities, and other associated infrastructure. The stormwater management system constructed with this phase would include 5 wet detention ponds and environmental swales.

The proposed site plan provides a contiguous “block” of approximately 35 developable acres centrally located within the development. This “block” is reserved for the Adequate Public Facilities (APF) Agreement. The agreement between the applicant and Orange County is to provide this land for an elementary school, park, and utility site. According to the agreement, the tract shall be free and clear of all encumbrances including wetlands or existing wetlands mitigated for. The location of the block was determined by Orange County in the regulating plan. The block abuts the proposed main entrance roadway, providing major roadway ingress/egress from the site rather than access being solely through interior residential streets of the adjacent development. The rectangular block configuration would provide adequate length and width to comply with local design standards and safety requirements in for construction of buildings, parking, interior roads, and loop roads to accommodate student/faculty/general traffic (school buses and private vehicles). The final APF layout and design would be determined by Orange County. The final plan does not necessarily guarantee that all wetlands within the “block” would be impacted. However, the applicant was required to provide the land free of all encumbrances and to mitigate for the potential impacts.

The project would involve 45.185 acres of direct impacts comprised of the following: 1.056 acres of Alluvial Streams; 1.13 acres of Ponds; 0.04 acres of Floodplain Forest; 7.416 acres of Wet Flatwoods; 0.9 acres of Ditches/Wet Swales; 11.35 acres of Depressional Marsh; 10.843 acres of Wet Prairie; and 12.45 acres of Mixed Wet Flatwoods/Wet Prairie. The project would involve 16.31 acres of secondary/indirect impacts comprised of the following: 1.05 acres of Alluvial Streams; 5.91 acres of Wet Flatwoods; 0.29 acres of Ditches/Wet Swales; 1.29 acres of Depressional Marsh; 6.55 acres of Wet Prairie; and 1.22 acres of Mixed Wet Flatwoods/Wet Prairie.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has stated that the current proposed site plan is the result of several plan iterations and evaluation of alternatives with input from the U.S Fish and Wildlife Service, the Florida Fish and Wildlife Commission, and the Saint Johns River Water Management District which has already issued an associated Individual Environmental Resource Permit (ID: 179943-1, dated 01 NOV 2024). The project has been designed to avoid impacts to the larger and higher quality forested wetland systems throughout the site. Road crossings are proposed at the narrowest portion of the wetlands to minimize impacts. Several road crossings would include wildlife corridors with large box culverts and would include upland culverts for upland species to cross under the roadways. Speed limits and wildlife crossing signage would be utilized in these areas. The overall project plan has been designed to meander around the larger wetland systems that are connected to the Econ River, Lake Tanner, and Corner Lake to the greatest extent possible. In order to accomplish this, impacts are proposed to the smaller isolated interior wetlands and pasture wetlands. Many of the

proposed wetland impacts would be to lower quality wetland pasture areas adjacent to higher quality forested systems. The location, overall number, and spread-out nature of the site's interior wetlands present a design challenge with regards to avoidance. The applicant has attempted to reduce wetland impacts to the greatest extent practicable given the geographic constraints of the aquatic resources on the site. The applicant has stated the project would avoid approximately 385.62 acres of aquatic resources, approximately 229.34 acres of which would be preserved under a conservation easement. The project would also include approximately 52.55 acres of upland buffers, to further protect the avoided aquatic resources.

Several site design configurations were evaluated during the planning of The Grow development. The County-approved Regulating Plan for The Grow included an additional 14.67 acres of higher-quality wetland impacts which the applicant has been able to avoid through site plan changes. The design changes from the approved Regulating Plan have moved development towards the interior of the site. The proposed impacted interior wetland systems are generally hydrologically isolated and of lower quality due to lack of any natural buffers, cattle grazing/waste, and land management activities.

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

The project would result in direct impacts to 45.185 acres of wetlands and surface waters and 16.31 acres of secondary impacts across forty-three (43) wetland systems. These impacts would result in a functional loss of 22.65 units (Wetland Rapid Assessment Procedure (WRAP) methodology). The applicant has proposed to purchase 22.65 Federal Palustrine wetland mitigation credits (WRAP) from the TM Econ Mitigation Bank to offset this functional loss.

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.

THREATENED AND ENDANGERED SPECIES:

Audubon's crested caracara (*Polyborus plancus audubonii*):
Utilizing methodologies outlined in *Recommended Management Practices and Survey Protocols for Audubon's Crested Caracara (Polyborus plancus audubonii) in Florida, Technical Report 18*, Joan L. Morrison (September 2001), *Survey Protocol for Finding Caracara Nests*, and *South Florida Ecological Services Draft* (April 20, 2004) a formal survey (2020-2021) for the caracara was conducted by the applicant's consultant to determine whether on-site areas were suitable caracara habitat types, to map the limits,

if any, of on-site habitat and to locate and record any active nest tree(s). No Audubon's crested caracaras were observed during the survey efforts. The project site does contain large pasture areas. However, there are very few scattered cabbage palms that would provide suitable nesting habitat for this species. Based on the results of the 2020-2021 formal survey, it appears the Audubon's crested caracara does not utilize any portion of the project site. Therefore, the Corps has determined the proposed activity will have *No Effect* on the caracara.

Eastern black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), Red-cockaded woodpecker (*Dryobates borealis*). Everglade snail kite (*Rostrhamus sociabilis plumbeus*), and Florida scrub-jay (*Aphelocoma coerulescens*):
Based on lack of suitable habitat on the project site, the Corps has determined the proposed project would have *No Effect* on the Eastern black rail, red-cockaded woodpecker, Everglade snail kite, and Florida scrub-jay. Surveys by the applicant's consultant also did not identify any of these species on-site. No further consultation on these species is necessary.

Beautiful pawpaw *(Deeringothamnus pulchellus),* Papery whitlow-wort *(Paronychia chartacea),* Pigeon wings *(Clitoria fragrans),* and Sandlace *(Polygonella myriophylla)*:
Surveys by the applicant's consultant did not identify any of these federally-listed plant species on the project site. Therefore, the Corps has determined the proposed activity will have *No Effect* on the beautiful pawpaw, papery whitlow-wort, pigeon wings, and sandlace. No further consultation on these species is necessary.

Wood Stork (*Mycteria americana*):
The project lies within the 15-mile Core Foraging Area (CFA) buffer of the Lake Mary Jane and Orlando Wetlands Park colony sites. Onsite shallow surface waters provide suitable foraging habitat (SFH) for the stork, and the applicant has indicated that wood storks have been observed foraging onsite. The applicant has proposed to replace impacted SFH with SFH of slightly greater area after construction that will result in no net loss of this function. The Corps has determined the proposed project is *not likely to adversely affect* the wood stork*,* based on programmatic key. Therefore, no additional consultation is required.

Eastern Indigo Snake (*Drymarchon couperi*):
Wherever the eastern indigo snake occurs in xeric habitat, it is closely associated with the gopher tortoise. The applicant has indicated that over 400 gopher tortoise burrows were identified during surveys of the project site conducted from March to May 2020, but no eastern indigo snakes were observed. The applicant has committed to conducting additional surveys for indigo snakes in conjunction with updated gopher tortoise burrow surveys, obtaining a permit from the Florida Fish and Wildlife Conservation Commission for the relocation of gopher tortoises, and completing burrow excavations prior to any site manipulation activities. The applicant would follow the USFWS Standard Protection Measures for the Eastern Indigo Snake during site preparation and project construction. The Corps has determined the proposed project *may affect* the Eastern indigo snake*,* based on programmatic key, and will initiate informal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

Tricolored bat (*Perimyotis subflavus*):
The Corps has determined the proposed project may affect but is not likely to adversely affect the tricolored bat. This species is not currently listed but is proposed federally endangered. The Corps will work with the applicant to determine whether the project would be complete prior to any listing, and if not, that the applicant understands they must comply with the requirement to halt work until which time the Corps can complete Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service for potential effects to the bat.

ESSENTIAL FISH HABITAT (EFH): Our initial determination is that the proposed action would not have an adverse impact on EFH. Our final determination relative to project impacts and the need for mitigation measures may be 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 Sacramento District Regulatory Division, 1325 J Street, Room 860, Sacramento, California 95814-2922, 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, Zachary Fancher, in writing at the Sacramento District Regulatory Division, 1325 J Street, Room 860, Sacramento, California 95814-2922; by electronic mail at *Zachary.J.Fancher@usace.army.mil*; or by telephone at (916) 537-6924.

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.

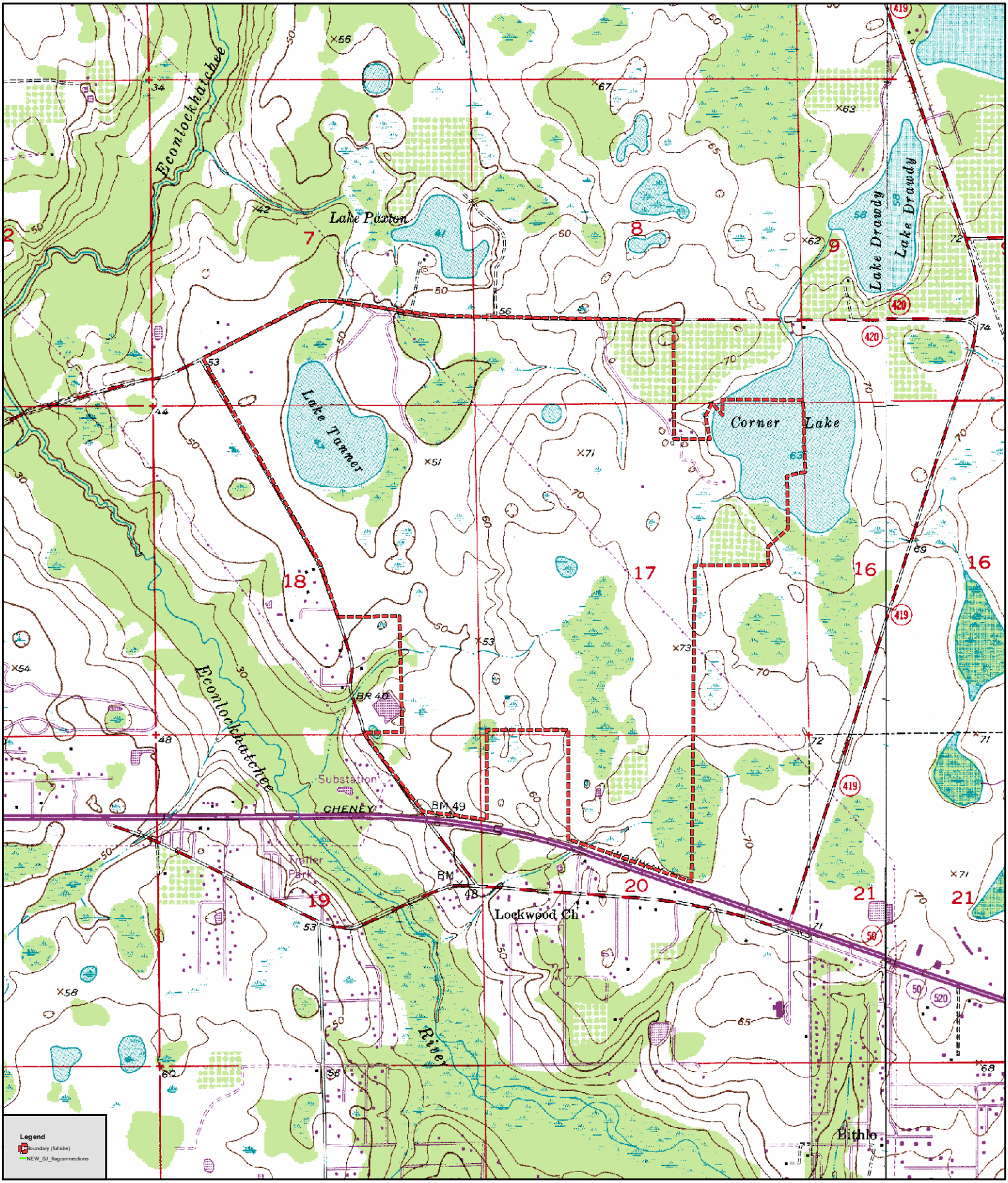
Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research 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: An individual Water Quality Certification is required and has been issued by the St. Johns River Water Management District (SJRWMD) (Individual Environmental Resource Permit Number 179943-1, dated 01 NOV 2024).

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.



Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

The Grow Property
Orange County, Florida
Figure 3
USGS Topographic Map

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2,200 Feet

Project #: 672-28
Produced By: JDH
Date: 11/17/2022

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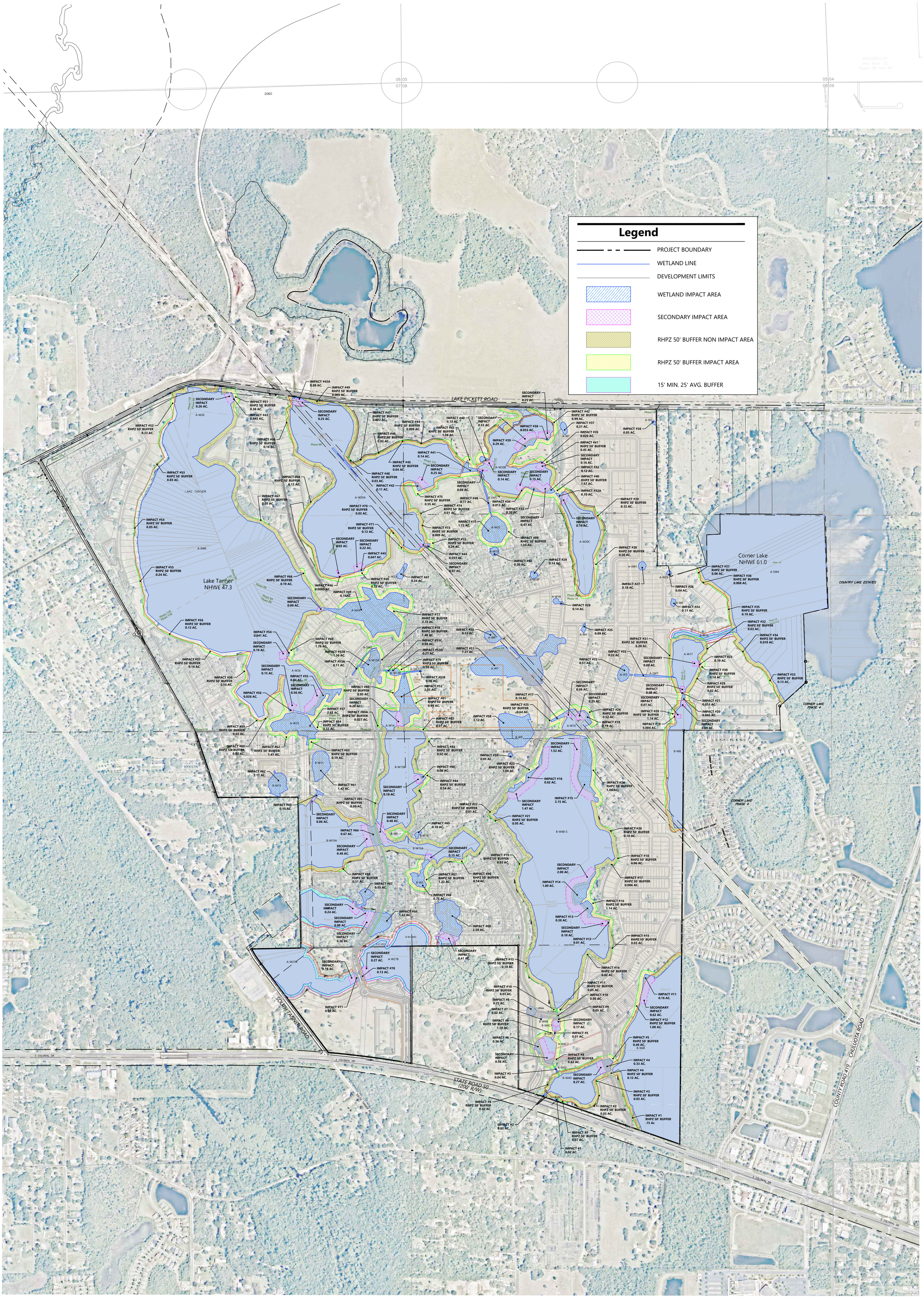

Nearmap.com Aerial - Flown Date: April 2020

SJRWMD Wetland Impact Map

The Grow

Orange County, Florida

Date: October 26, 2023

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