



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Linette Matheny
Osceola County

Published: March 6, 2025
Expires: April 7, 2025

**Jacksonville District
Permit Application No. SAJ-2024-04019 (SP-JRP)**

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). The purpose of this public notice is to solicit comments from the public regarding the work 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 Josh.R.Pelletier@usace.army.mil.

APPLICANT: Linette Matheny
Osceola County
1 Courthouse Square
Kissimmee, Florida 34741

AGENT: David Melton
Austin Ecological Consultants
805 Verona Street
Kissimmee, Florida 34741

WATERWAY AND LOCATION: The project would affect waters of the United States associated with East Lake Tohopekaliga. The project area is located on the East side of Simpson Road, .52 miles north of the Buenaventura Blvd in **Section 8 & 9, Township 25, Range 30**; at Latitude 28.32786 and Longitude -81.32587; in Kissimmee, Osceola County, Florida.

EXISTING CONDITIONS: The project site totals 14.4 acres and is currently undeveloped, consisting of three (3) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The upland land use type/vegetative community on the site is classified as Improved Pasture (211) and Upland Forest (400). The on-site wetland/surface water land use types/vegetative communities on the site are classified as Vegetated Non-forested Wetland (640). The property contains approximately 2.20 acres of wetlands/surface waters.

PROJECT PURPOSE:

Basic: Stormwater Outfall

Overall: The applicant's stated purpose is to alleviate flooding within the Bueanaventura Lakes (BVL) community by routing stormwater to a shallow ditch connecting to a spreader canal that will discharge to East Lake Tohopekaliga.

PROPOSED WORK: The applicant requests authorization to impact 2.20 acres waters associated with the construction of shallow waterway and spreader canal.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: "The project area is limited to a mostly linear easement obtained by the Applicant. Considering the linear nature of the project, and that the proposed impacts follow the easement, avoidance and minimization of impacts to the jurisdictional features are not practicable."

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The Applicant has agreed to purchase 0.62 federal forested mitigation credit and 2.98 federal herbaceous mitigation credits from the Crosby Island Marsh 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, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application and used the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

By letter dated January 22, 2024, Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service staff determined the proposed project will have “no effect” on the Audubon’s crested caracara, Everglade snail kite, Florida grasshopper sparrow, Florida scrub-jay, red-cockaded woodpecker, sand skink, or eastern indigo snake.

Wood Stork (*Mycteria americana*): The project lies within the 18.6-mile buffer of the Gatorland, Lake Mary Jane, Lake Conlin, Lake Russell, Eagle Nest Park, and Lawne Lake wood stork nesting colonies. Wood storks occur in a wide variety of wetland habitats. Typical foraging sites for the wood stork include freshwater marshes, stock ponds, shallow, seasonally flooded roadside and agricultural ditches, narrow tidal creeks and shallow tidal pools, managed impoundments, and depressions in cypress heads and swamp sloughs. According to application material provided by Austin Environmental Consultants, no wood storks have been observed during site inspections. The applicant is proposing to provide mitigation at an approved mitigation bank which is within the appropriate CFA and of matching hydroperiod of the proposed impacts, and the project is not contrary to the Habitat Management Guidelines for the Wood Stork in the Southeast Region. Use of the USFWS South Florida Ecological Services Office Effect Determination Key, May 2010 resulted in the following sequential determination: A > B > C > E, “may affect but is not likely to adversely affect.” USFWS and FWC staff have provided conditions for this species for inclusion in the State 404 permit.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH) within East Lake Tohopekaliga basin. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

NAVIGATION: The proposed structure or 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 of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The impacts associated with the proposed project were authorized by the South Florida Water Management District by Individual Resource Permit No. 49-108182-P. The authorization constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from South Florida Water Management District. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

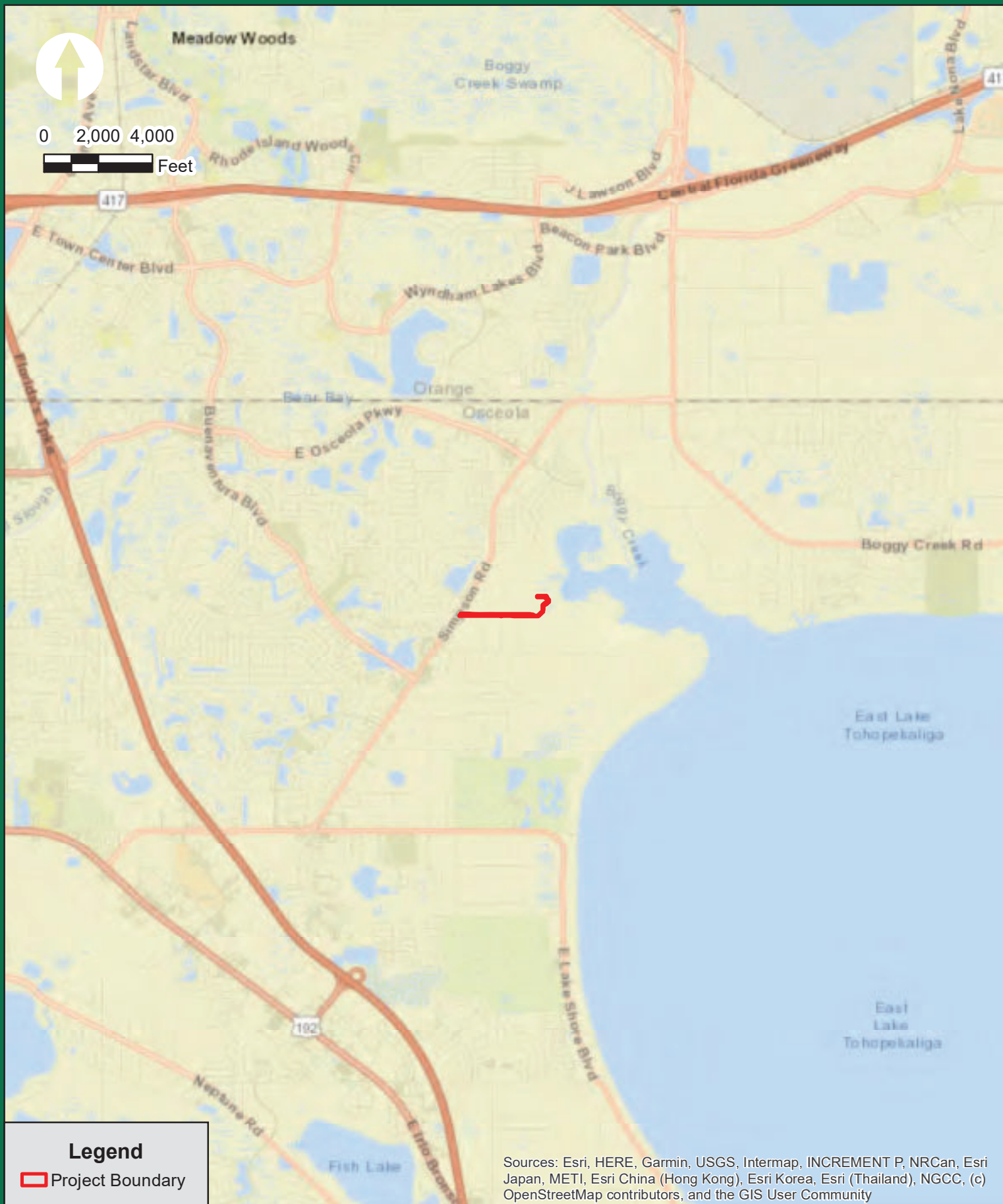
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

COMMENTS: 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact

Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Josh Pelletier at josh.r.pelletier@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Josh Pelletier, 2407 W. 5th Street Washington, North Carolina , 27889. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



Austin Ecological Consultants, Inc.
805 Verona Street
Kissimmee, Florida 34741
407.935.0535

Buenvventura Lakes Master System Alternate Outfall Location Map

Osceola County



0 250 500
Feet



Legend

- Project Boundary = 8.62 acres
- Site Plan
- W1 = 2.20 acres

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

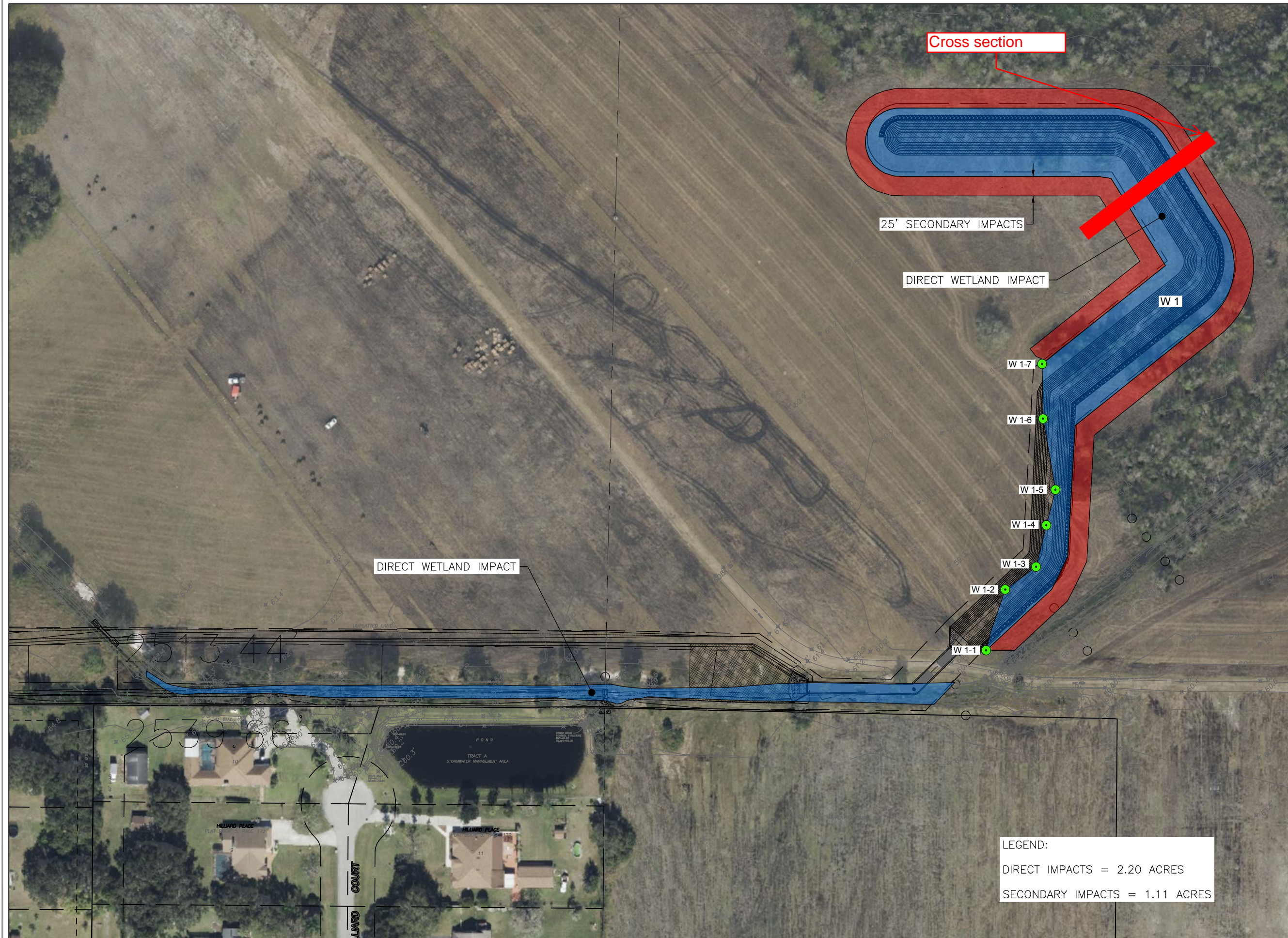


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Buenvventura Lakes Master System Alternate Outfall Wetland Impact Map

Osceola County

M:\2016\16-030-4 BVL ALTERNATE OUTFALL\CADD\EXHIBITS\16-030-4 WETLAND IMPACTS.DWG



Civil Engineers
Environmental Engineers
Landscape Architects
Land Planners &
Transportation Engineers

address:

Osceola Engineering Incorporated
Certificate of Authorization
number# 00026265
1003 Florida Avenue
City of Saint Cloud
Florida 34769
telephone: (407) 891-0452
facsimile: (407) 891-9173

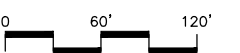
project:

BVL Alternate Outfall

drawing:

Wetland Impact Map

location:



Scale: 1" = 120'

Date: February 19, 2025

FIGURE 1

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