



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Sponsor:
Osceola Mitigation Development
Company, LLC

Published: April 4, 2025
Expires: May 4, 2025

**Jacksonville District
Permit Application No. SAJ-2024-03983**

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) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). 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 Jerilyn.Ashworth@usace.army.mil.

SPONSOR: Osceola Mitigation Development Company, LLC
Attention: Avery C. Roberts
P.O. Box 238
Lake Butler, Florida 32054

AGENT: Barge Design Solutions, Inc.
Attention: Carl Salafrio
4703 NW 53rd Avenue, Ste. B-2
Gainesville, Florida 32606

WATERWAY AND LOCATION: The proposed project identified as Osceola Mitigation Bank (OMB) is a proposed 286.5-acre wetland mitigation bank. The project site is southwest of United State (US) Highway 192, northwest of Holopaw Groves Road, and adjacent to the southwest portion of the Big Bend Swamp, in sections 24 and 19, Township 27 South, Range 31 and 32 East, Latitude: 28.125942°, Longitude - 81.162521°, South of St. Cloud, Osceola County, Florida.

PROSPECTUS SUMMARY: Pursuant to 33 CFR 332.8(d)(4), the Corps has posted a full copy of the OMB prospectus online so that it is available for review by the public. The prospectus may be downloaded from the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at web address: <https://ribits.ops.usace.army.mil/ords/f?p=107:2>.

Once on the RIBITS homepage, select "Jacksonville" from the "ALL DISTRICTS" drop down menu located in the lower left corner of the screen. Once the district filter has

been selected, click on the “Banks & ILF Sites” link located in the Navigation box (upper left corner). This will generate a list of projects, scroll down the list and click on the “Osceola Mitigation Bank” link. On this page, click on the "Cyber Repository" link located on the menu bar above the General Information box, then click on the Prospectus Documents folder to access the prospectus associated with the OMB project.

If you are unable to access the web address, a copy of the prospectus is available upon request to the project manager listed at the end of this public notice.

PROJECT GOALS AND OBJECTIVES: The sponsor seeks authorization to preserve, enhance, establish, and restore wetland and upland communities on the 286.5-acre property. The primary ecological goal of the OMB is to restore the vegetative and hydrologic conditions within the forested and herbaceous communities through enhancement, rehabilitation and re-establishment mitigation activities, which include backfilling existing on-site ditches, mechanical vegetation removal, invasive and nuisance species control, prescribed burns, seeding and planting native plant species, removal of water control structures and installation of low water crossing to restore hydrologic flows. Specific objectives include:

- Enhance 51 acres of wet flatwoods.
- Enhance 20.7 acres of cypress dome swamp
- Enhance 23.2 acres of basin swamp
- Re-establish 65.7 acres of basin marsh habitat
- Enhance 22.9 acres of mesic flatwood
- Enhance 36.1 acres of scrubby flatwoods
- Re-establish 65.6 acres of upland pine

ECOLOGICAL SUITABILITY: A review of available information indicates that the property likely historically consisted of forested cypress swamp habitat, with herbaceous marshes and scrubby pine uplands. Hydrologic alterations include the installation of ditches and roads to drain the wetlands, for agricultural activities including pasture, citrus groves, and sod farming. The historical aerial imagery provided demonstrates that the wetlands on-site were impacted and drained over time via excavated ditches, installation of roads, and by agricultural practices. The site is currently utilized for sod production and consists of primarily improved pasture across the site with Cypress dome and stand swamps. The OMB site will provide additional hydrologic connectivity based on its location as well as ecological connectivity for wildlife. It is located near several Florida Conservation Areas, including Holopaw Conservation Area, Lonesome Camp Ranch Conservation Area, and the Kissimmee Chain of Lakes Conservation Area. Additionally, the eastern portion of the bank lies within the footprint of the Florida Forever’s Big Bend Swamp.

ESTABLISHMENT AND OPERATION OF THE BANK: The proposed OMB would be established and operated by Osceola Mitigation Development Company, LLC as the Sponsor with the assistance of Barge Design Solutions, Inc, as the Agent. The property

that comprises the OMB is owned by Osceola Mitigation Development Company, LLC. A conservation easement in favor of South Florida Water Management District would be applied to the entirety of the 286.5 acres of OMB upon approval. Following OMB successful implementation and attainment of final success criteria, long-term management activities will be implemented to ensure the sustainability of OMB. In addition, the Sponsor will provide sufficient financial assurances to ensure construction and long-term management of the proposed OMB.

PROPOSED SERVICE AREA: The proposed service area is the Kissimmee River Basin, Hydrologic Unit Code: 03090101.

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 is proposed for the establishment of a third-party wetland mitigation bank and the sponsor indicates no permanent impacts to wetlands. Restoration techniques include backfilling ditches, constructing two low water crossings, regrading trails and maintenance roads, sod removal, and planting.

COMPENSATORY MITIGATION: The proposed project is to establish a third-party compensatory mitigation bank, where the Sponsor is proposing to restore wetlands and uplands, and therefore compensatory mitigation for proposed restoration activities is not proposed.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The Corps will be requesting that a cultural resources assessment survey (CRAS) be conducted by an archeologist that meets the Secretary of the Interior's Qualification Standards to identify and evaluate cultural resources within the project area. A report documenting the CRAS field work and results, in accordance with 36 CFR § 800.4(b)(1) and with Chapter 1A-46 Florida Administrative Code, must be submitted to the Corps project manager for this application, in the form of one electronic copy. A bound copy must be sent to the Florida SHPO. The Secretary of the Interior's Standards and Guidelines on Archeological Documentation can provide technical guidance pertinent to the development of the Report. Upon receipt of the Report, the Corps will initiate consultation with the appropriate entities which may include the Florida State Historic Preservation Office, federally recognized tribes, and concerned non-governmental organizations for cultural resource issues.

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, the use the Corps National Regulatory Viewer, Regulatory Screen Tool and 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.

The Corps has determined that the proposed OMB may affect the Eastern indigo snake (*Drymarchon couperi*), the wood stork (*Mycteria americana*), and the Florida Bonneted Bat (*Eumops floridanus*). The Corps will request initiation consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

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 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). The proposed bank is located inland, within a palustrine wetland/upland system. Existing habitats on site include: 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: Water Quality Certification may be required from the South Florida Water Management District.

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 not been verified by Corps personnel.

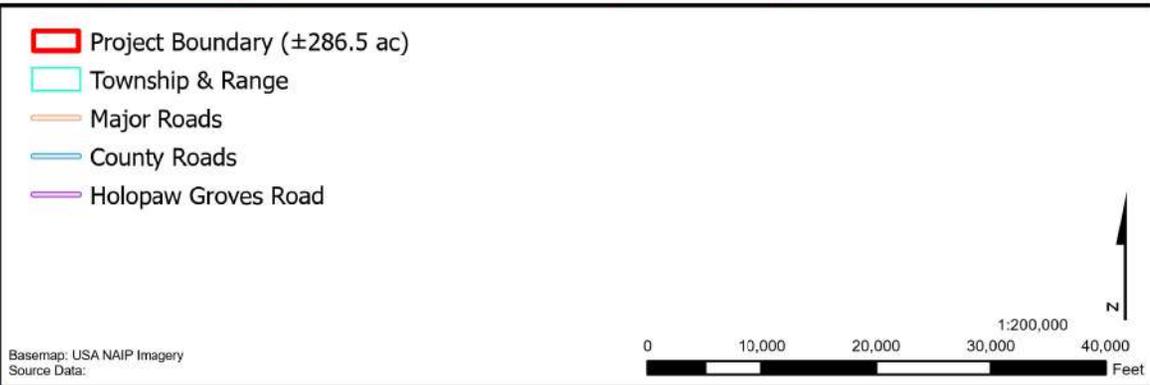
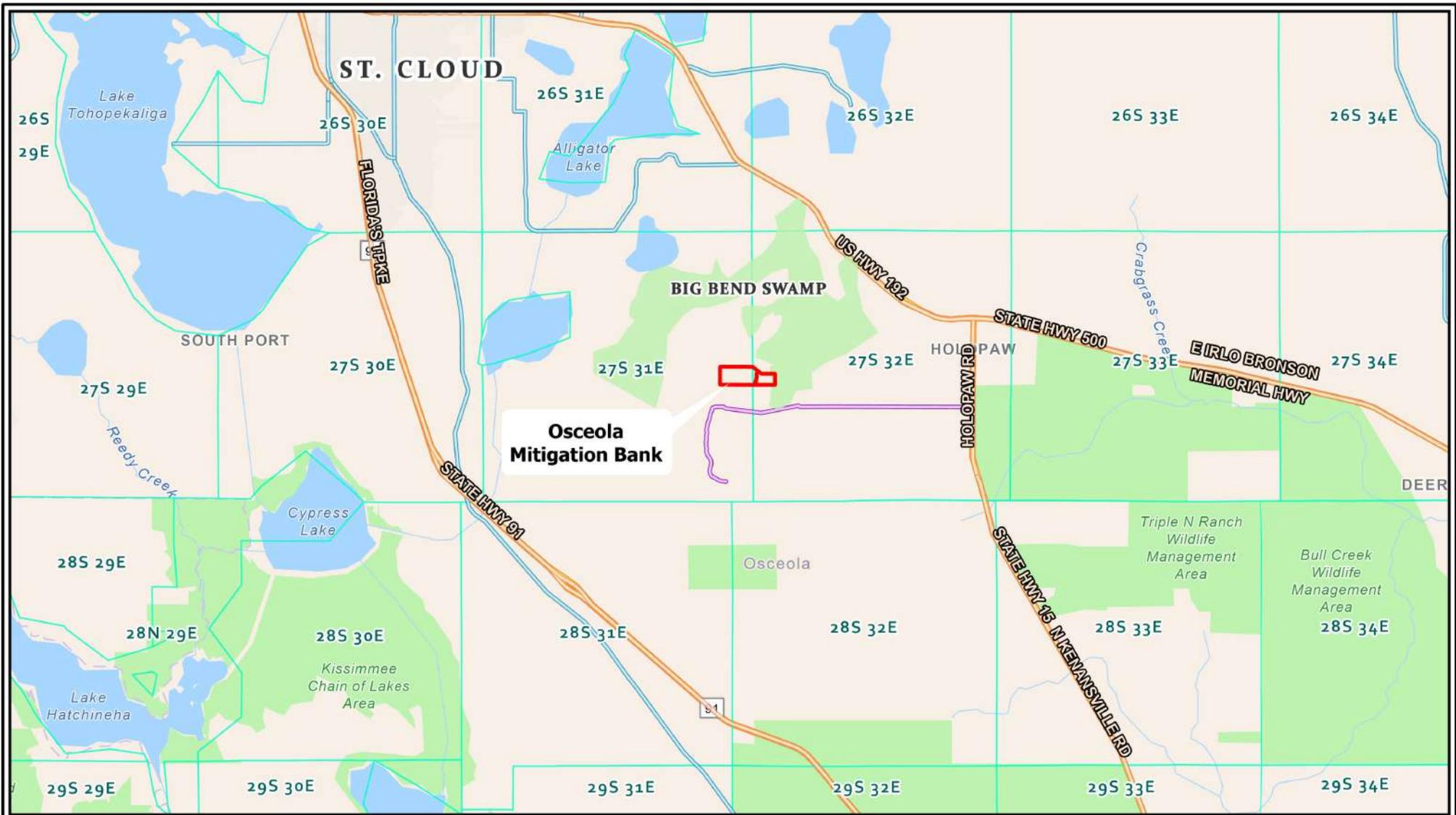
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

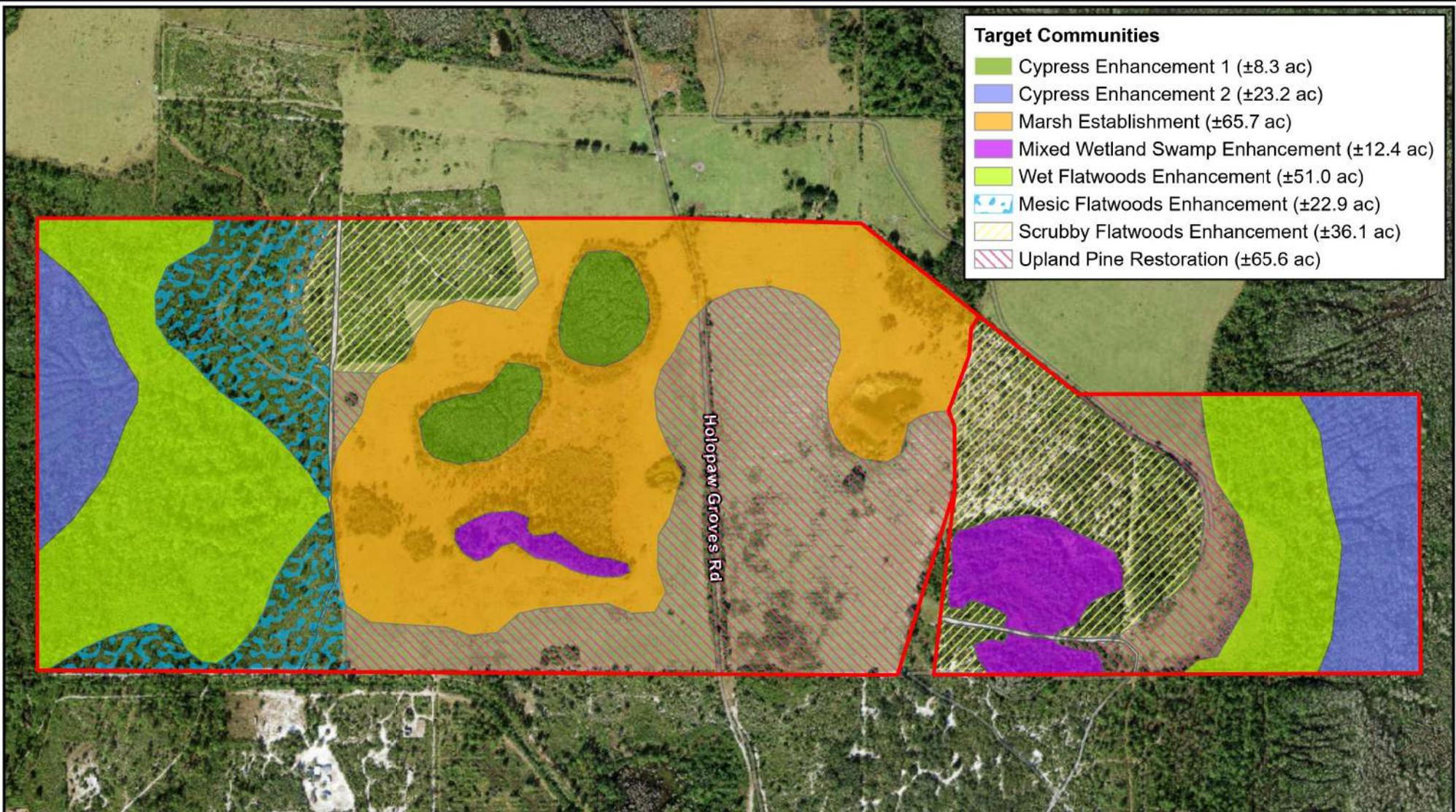
The Jacksonville District will receive written comments on the proposed work, as outlined above, until May 4, 2025. Comments should be submitted electronically via the

Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jerilyn Ashworth at Jerilyn.Ashworth@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Jerilyn Ashworth, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410. 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.



PROJECT: Osceola Mitigation Development Company, LLC Osceola Mitigation Bank Osceola County, Florida	
TITLE: VICINITY MAP	
PROJ NO: 3849956	FIGURE 1
DATE: March 2025	
 4703 NW 53rd Avenue, Suite B-2 Gainesville, FL 32653	

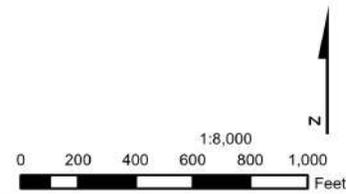


Target Communities	
	Cypress Enhancement 1 (±8.3 ac)
	Cypress Enhancement 2 (±23.2 ac)
	Marsh Establishment (±65.7 ac)
	Mixed Wetland Swamp Enhancement (±12.4 ac)
	Wet Flatwoods Enhancement (±51.0 ac)
	Mesic Flatwoods Enhancement (±22.9 ac)
	Scrubby Flatwoods Enhancement (±36.1 ac)
	Upland Pine Restoration (±65.6 ac)

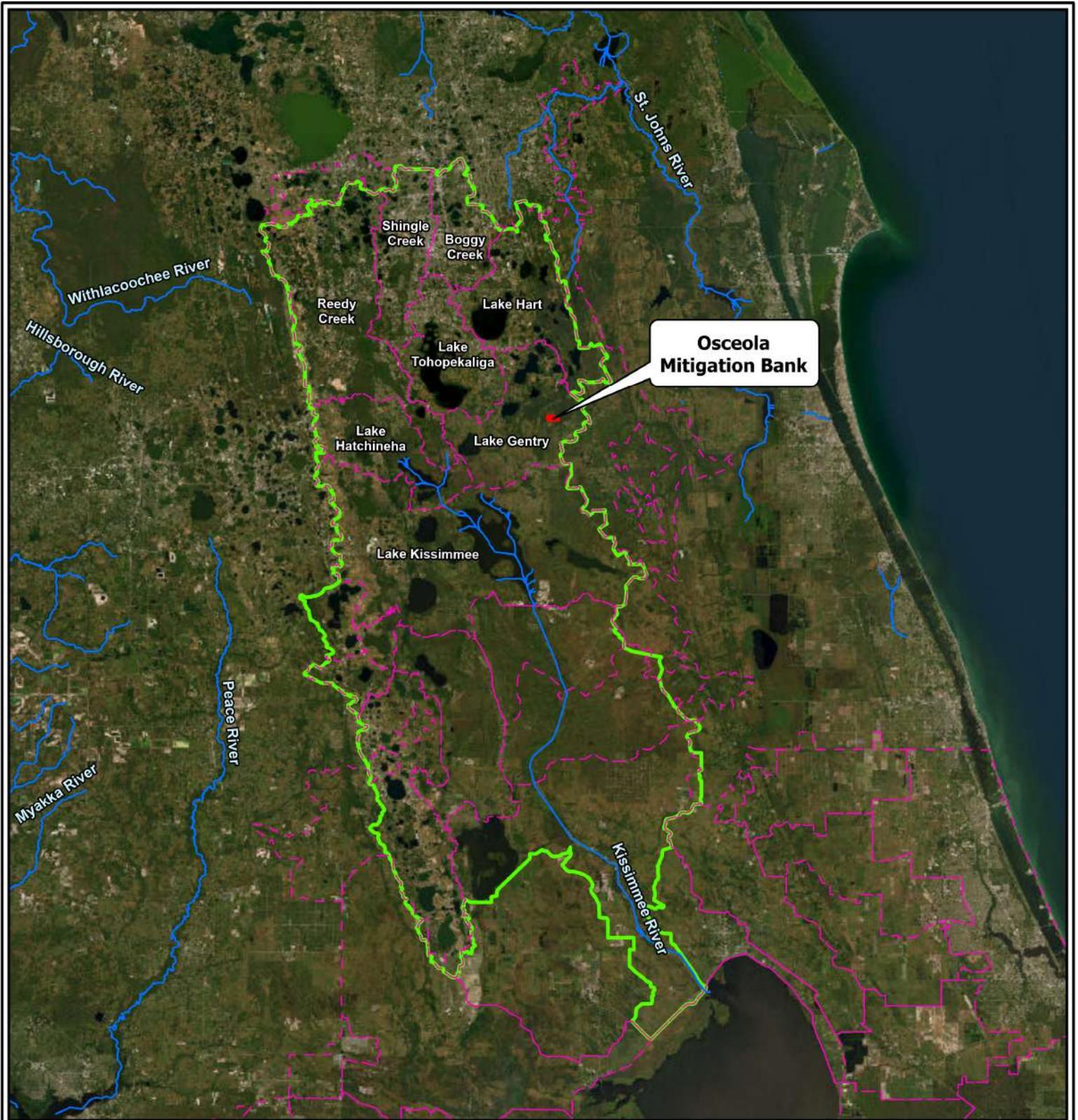


- Project Boundary (±286.5 ac)
- Trail Roads - NCG (±1.3 ac)

Basemap: USA NAIP Imagery
Source Data:

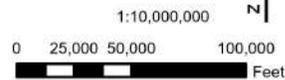


PROJECT:	
Osceola Mitigation Development Company, LLC Osceola Mitigation Bank Osceola County, Florida	
TITLE:	
PROPOSED MITIGATION ASSESSMENT AREAS	
PROJ NO: 3849956	FIGURE 6
DATE: March 2025	
4703 NW 53rd Avenue, Suite B-2 Gainesville, FL 32653	



- Project Boundary (±286.5 ac)
- Major Rivers
- USACE Service Area (HUC-8 No. 03090101)
- SFWMD Service Area

Basemap: ESRI NAIP Imagery
Source Data:



PROJECT:
Osceola Mitigation Development Company, LLC
Osceola Mitigation Bank
Osceola County, Florida

TITLE:
**MITIGATION SERVICE AREA
& HUC-8 BASIN**

PROJ NO: 3849956

FIGURE 3

DATE: March 2025

BARGE
DESIGN SOLUTIONS
615 3rd Avenue South, Suite 700
Nashville, TN 37210