



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Tim Weber
Left Lane Melbourne LLC

Published: May 16, 2025
Expires: June 6, 2025

**Jacksonville District
Permit Application No. SAJ-2025-00351**

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:

brian.a.west@usace.army.mil

APPLICANT: Tim Weber
Left Lane Melbourne LLC
5554 Main St.
Williamsville, NY 14221

AGENT: Andrew Conklin
Andrew Conklin Environmental Services LLC
2125 Howell Ln.
Malabar, FL 32950

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the St. Johns River. The project/review area is located over several parcels located north of US 192 and just east of Ellis Rd. in Section 34, Township 27S, Range 36E; at Latitude 28.08362° and Longitude -80.71158°; in West Melbourne, Brevard County, Florida.

EXISTING CONDITIONS: The subject property is comprised of several parcels and contains predominantly vacant pastureland and includes the following plant species: Bahia grass (*Paspalum notatum*), Cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), Carolina willow (*Salix caroliniana*), red maple (*Acer rubrum*), and cattails (*Typha spp.*) There are ten wetlands scattered throughout the property, two ditches running from north to the south across the southerly half of the property, and three ditches running east to west along the northerly half of the property. The total project area is 117.9 acres, with wetlands totaling 12.27 acres and surface waters (ditches) totaling 0.75 acres.

PROJECT PURPOSE:

Basic: Commercial development

Overall: Construction of a commercial warehouse at a strategic interstate/highway crossroad location to serve Brevard County and the greater east central Florida area.

PROPOSED WORK: The applicant requests authorization to fill 5.42 acres of Waters of the US (4.68 acres of forested wetlands and 0.74 acres of surface waters (ditches)) to construct a multi-story warehouse building with associated parking, stormwater management system, and infrastructure.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

“Proposed impacts to wetlands and other waters have been limited to only what is necessary for the footprint of the building, parking areas, stormwater management, and infrastructure. Two non-WOTUS wetlands have been avoided entirely. Impacts to WOTUS will occur only in historically degraded wetlands and waters that have been previously impacted by agricultural land uses and invasive species degradation. No impacts to pristine or natural wetlands are proposed.”

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

“The total Functional Loss (FL) associated with mitigable direct and secondary wetland impacts on this project are calculated at 5.914 units. To compensate for the FL, 5.92 credits will be purchased at Lake Washington Mitigation Bank (LWMB, Army Corps Permit No. SAJ-2012-02069).”

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.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, through the use of the US Fish and Wildlife (USFWS) Information for Planning and Consultation (IPaC), and completed a Regulatory Screening Tool (RST) report with the following species listed as possibly occurring in the vicinity of the project area:

| Species Name (common (scientific)) | Federal Status |
|---|--|
| Carter's mustard (Warea carteri) | Endangered |
| Crested caracara (Audubon""s) [FL DPS] (Caracara plancus audubonii) | Threatened |
| Eastern Black rail (Laterallus jamaicensis ssp. jamaicensis) | Threatened |
| Eastern indigo snake (Drymarchon couperi) | Threatened |
| Everglade snail kite (Rostrhamus sociabilis plumbeus) | Endangered |
| Green sea turtle (Chelonia mydas) | Threatened |
| Hawksbill sea turtle (Eretmochelys imbricata) | Endangered |
| Lewton's polygala (Polygala lewtonii) | Endangered |
| Monarch butterfly (Danaus plexippus) | Proposed Threatened |
| Red-cockaded woodpecker (Dryobates borealis) | Threatened |
| Tricolored bat (Perimyotis subflavus) | Proposed Endangered |
| Whooping crane (Grus americana) | Experimental Population, Non-Essential |
| Wood stork (Mycteria americana) | Threatened |

The Corps has determined the project is “not likely to adversely affect” (NLAA) the Eastern Indigo Snake due to the following sequence from the 2013 USFWS Effect Determination Key: A-B-C-“NLAA”. The permit will be conditioned with the “Standard Protection Measures for the Eastern Indigo Snake”. Through use of the key and special conditions, the requirements of Section 7 of the ESA have been fulfilled and no further action is required.

The Corps has determined the project is “not likely to adversely affect” (NLAA) the Crested Caracara based on the results of an on-site species survey provided to the Corps on 9 May 2025 by the applicant’s agent. The Corps will request concurrence from the USFWS on the determination.

The Corps has determined that the project site is within Wood Stork Core Foraging Areas (CFA) and contains Suitable Foraging Habitat (SFH). The Corps has determined the project is “not likely to adversely affect” the Wood Stork due to the following sequence from the 2008 USFWS North Key: A-B-C-D-E= Not likely to adversely affect (NLAA). SFH compensation (mitigation credits) will be provided within the Service Area of a federal approved mitigation bank.

The Corps has made the determination of “No Effect” on the remainder of the species listed above due to the lack of suitable habitat on site.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

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.

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 will be required from the St. Johns River Water Management District (SJRWMD). The project is being reviewed under SJRWMD application no. 228475-2.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from SJRWMD, and 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 yet been officially 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.

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 June 6, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brian West at brian.a.west@usace.army.mil. Alternatively, you may submit comments in writing to: U.S. Army Corps of Engineers, Attention: Brian West, 400 High Point Dr., Ste. 600, Cocoa, FL 32926. 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.



Source: Brevard County Property Appraiser

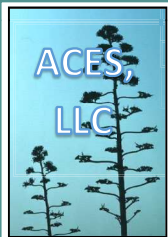


Figure 2 – Aerial Site Photograph

ACES File No. 24547 – Project Zeppelin



-Property Boundary (Area of
Jurisdiction Determination)

PO Box 500407, Malabar, FL 32950 - (321) 848-1143 - acesllc7@gmail.com



Source: Brevard County Property Appraiser



Figure 4 – Wetland and Surface Water ID Map
ACES File No. 24702 – Project Zeppelin

-AJD Review Boundary

-Non-WOTUS Wetlands

-WOTUS Wetlands, 4.68 Acres Total

-Non-WOTUS Surface Waters

-WOTUS Surface Waters, 0.74 Acres Total

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