



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

February 20, 2020

PUBLIC NOTICE

Permit Application Number SAJ-2019-02844 (SP-JCP)

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: Matthew Development LLC
Mr. Mike Renfro
7331 Office Park Place, Suite 200
Viera, FL 32940

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Lake Washington-St. Johns Hydrologic Basin (10-digit Hydrologic Unit Code (0308010106)). The project is located on west of I-95, south of the St. Johns Heritage Parkway, and north of Columbia Lane in West Melbourne, Brevard County, Florida. The project is further located in Section 27; Township 36 South; Range 34 East.

Directions to the site are as follows: From Interstate 95 take US 192 west to Columbia Lane, travel north to the site.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 28.09533°
Longitude: -80.70976°

PROJECT PURPOSE:

Basic: Multimodal Development (single family residential, multi-family residential, and commercial).

Overall: Construct a multimodal development with direct access to I-95 in central Brevard County, Florida.

EXISTING CONDITIONS: The 45 acre site is located between I-95 and the St Johns Heritage Parkway, just south of the interchange. The area has been disturbed by utility work, historic clearing and agricultural utilization; and is currently in a disturbed state dominated by noxious and invader species. The dominant species on site is Brazilian Pepper.

PROPOSED WORK: The applicant seeks authorization to fill 38.24 acres of waters of the U.S. (WOTUS) (34.89 acres of wetlands and 3.35 acres of surface waters) for the construction of the proposed multimodal development. The proposed development includes infrastructure (roadways and stormwater management facilities), residential, and commercial (office, retail) development.

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 project site is located between Interstate 95, the St. Johns Heritage Parkway, and a proposed residential development to the south. The adjacent roadways and development, in addition to the historic agricultural usage has caused the on-site wetlands to be degraded hydrologically and vegetatively. Due to the location of the project site, minimal benefit of the on-site wetlands, and low quality of the on-site wetlands as determined by USACE, the applicant is not avoiding or minimizing impacts. The mitigation to off-set impacts will provide greater long-term ecological value than the wetlands on-site currently provide.”

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

“The impacts to water of the United States will be compensated for through the purchase of herbaceous wetland mitigation credits at the Lake Washington Mitigation Bank. A total of 10.38 credits will be purchased.”

CULTURAL RESOURCES: The US Army Corps of Engineers (Corps) is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect, the Eastern indigo snake (*Drymarchon corais couperi*), and the wood stork (*Mycteria americana*).

Wood stork

The proposed activity is within the Core Foraging Area (CFA) of a wood stork rookery; the project supports marginally Suitable Foraging Habitat (SFH) for wood stork. Based on the Effect Determination Key for the Wood Stork in Central and North Peninsular Florida (dated September 2008), the Corps’ determination sequence was A>B>C>D>E = “may affect but is not likely to adversely affect”. The determination is supported by SFH compensation provided within the service area of a mitigation bank, and provides

an amount of habitat and foraging function equivalent to that of impacted SFH; and is not contrary to the Service's "Habitat Management Guidelines for the Wood Stork in the Southeast Region". No further consultation is required.

Eastern Indigo Snake

Based on the Eastern Indigo Snake Effect Determination Key (dated January 25, 2010; August 13, 2013 Addendum), the Corps determination sequence resulted in A>B>C = "may affect but is not likely to adversely affect". This determination is based on the project not being located in open water, the applicant adhering to the "Standard Protection Measures for the Eastern Indigo Snake" (dated August 12, 2013) and the absence of gopher tortoise, holes, and refugia within the work area where a snake could be buried or trapped and injured during project activities. No further consultation is required.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered 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. Our initial determination is that the proposed action would have no impact on EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926 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, John Palmer, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600,

Cocoa, Florida, 32926, by electronic mail at John.Palmer@usace.army.mil, by fax at (321) 504-3803, or by telephone at (321) 504-3771 extension 10.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

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 of 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.

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 decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, in the Virgin Islands, the Department of Planning and

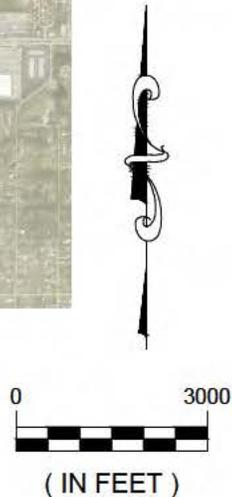
Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

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.



AERIAL PHOTO PROVIDED BY BREVARD COUNTY PROPERTY APPRAISER 2019

HERITAGE LAKES LOCATION MAP



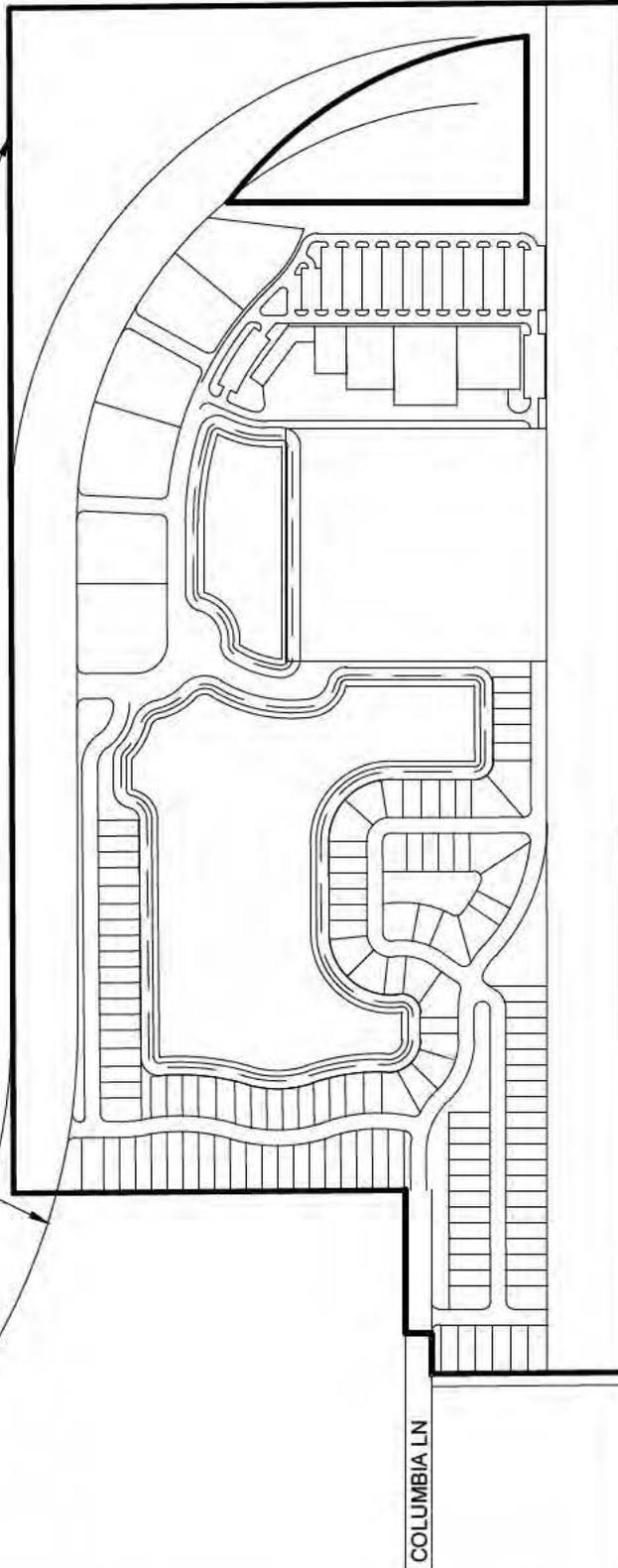
B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
 PHONE: (321) 725-3674 FAX: (321) 723-1159
 CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 07/18/19
 DESIGN/DRAWN: SMG/AH
 DRAWING# 8710806_201_001
 PROJECT# 87108.06
 SHEET 1 OF 1

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PROJECT
BOUNDARY

FUTURE ST JOHNS
HERITAGE PARKWAY



INTERSTATE 95

COLUMBIA LN



(IN FEET)

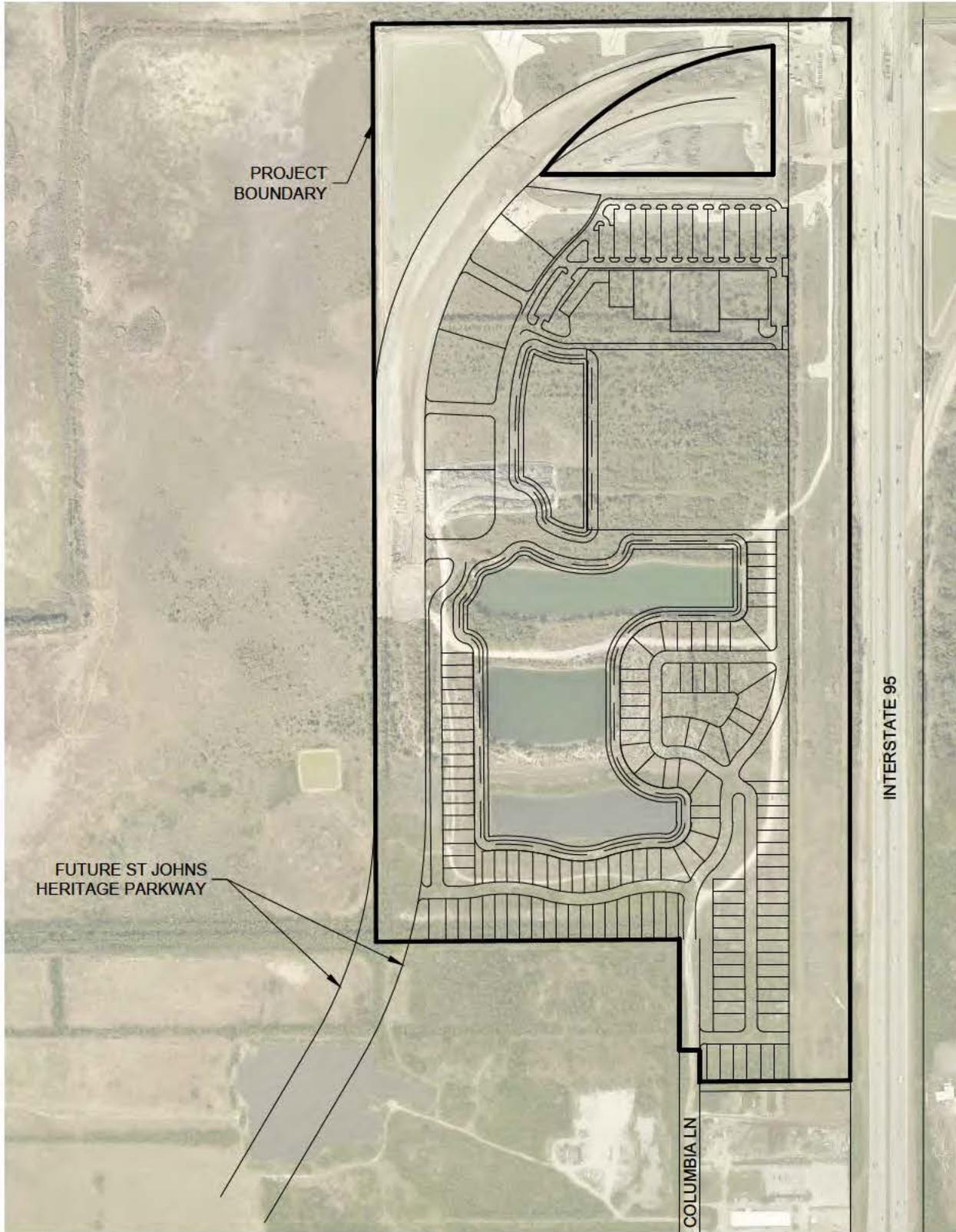
HERITAGE LAKES PLAN DEVELOPMENT



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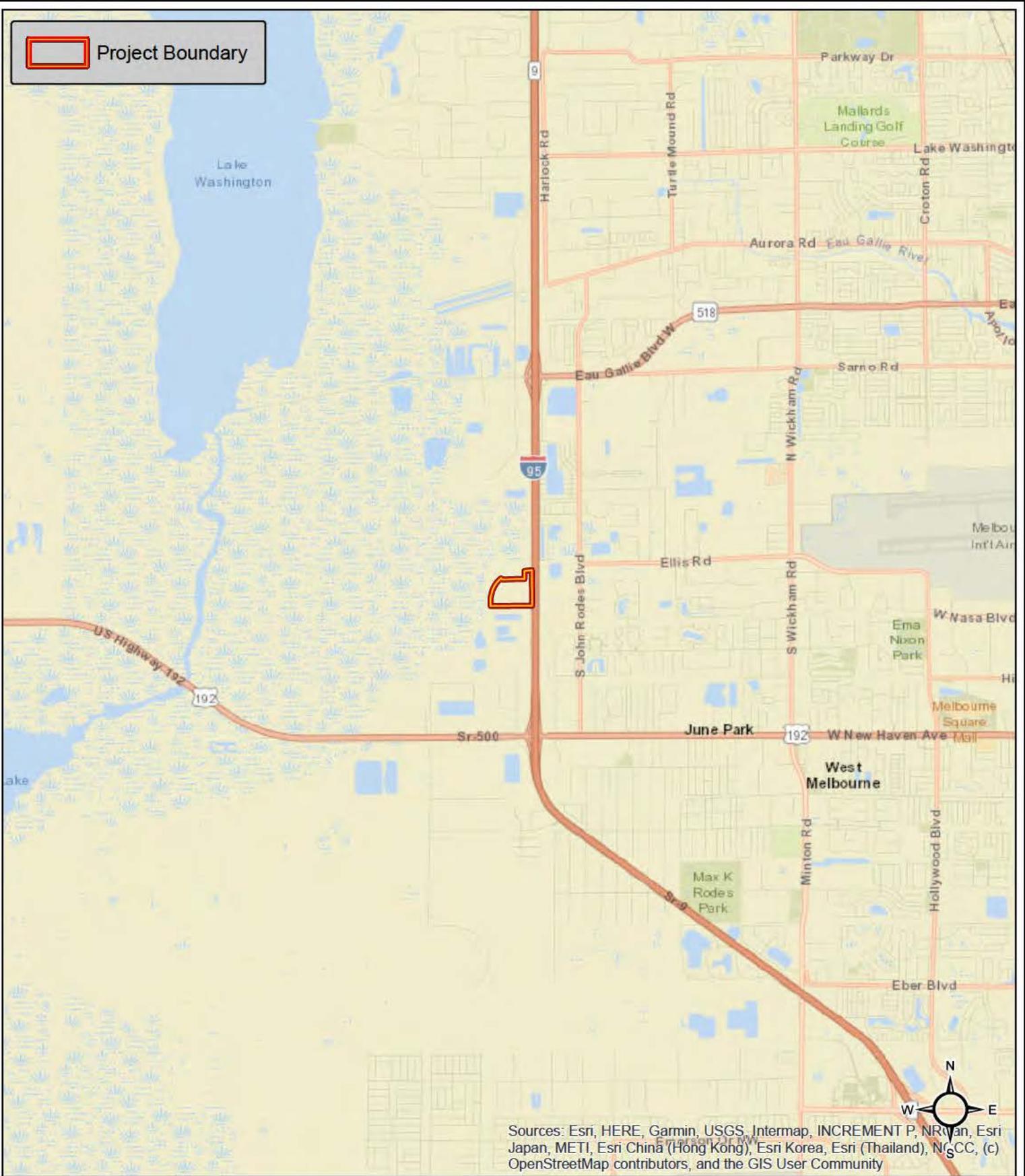
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HERITAGE LAKES SITE CONDITIONS OVERLAY



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Project: Heritage Lakes

Figure 1: Location Map



Brevard County, Florida



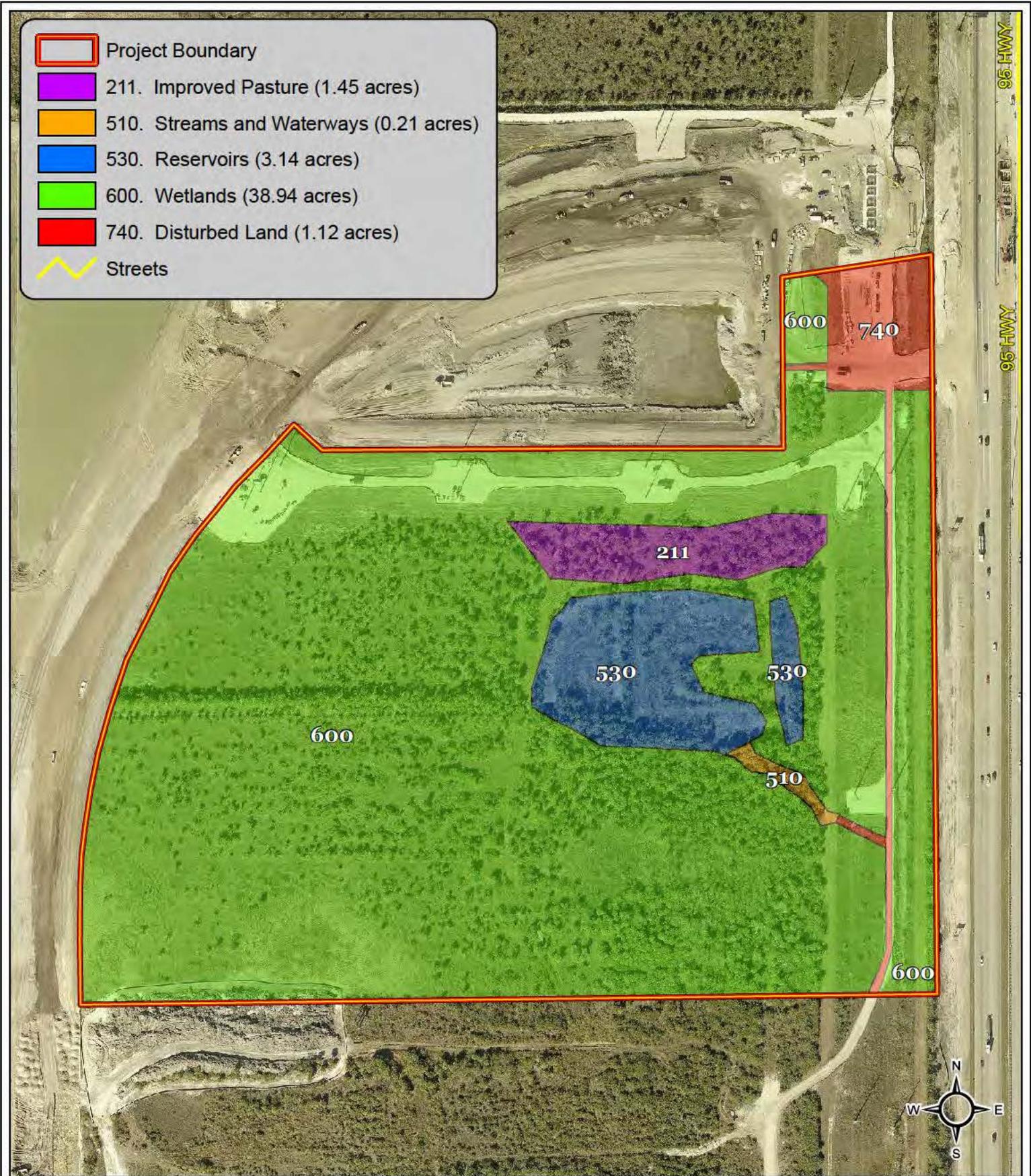
AE Proj #: 1828



Project: Heritage Lakes

Figure 2: Aerial Map





Project: Heritage Lakes

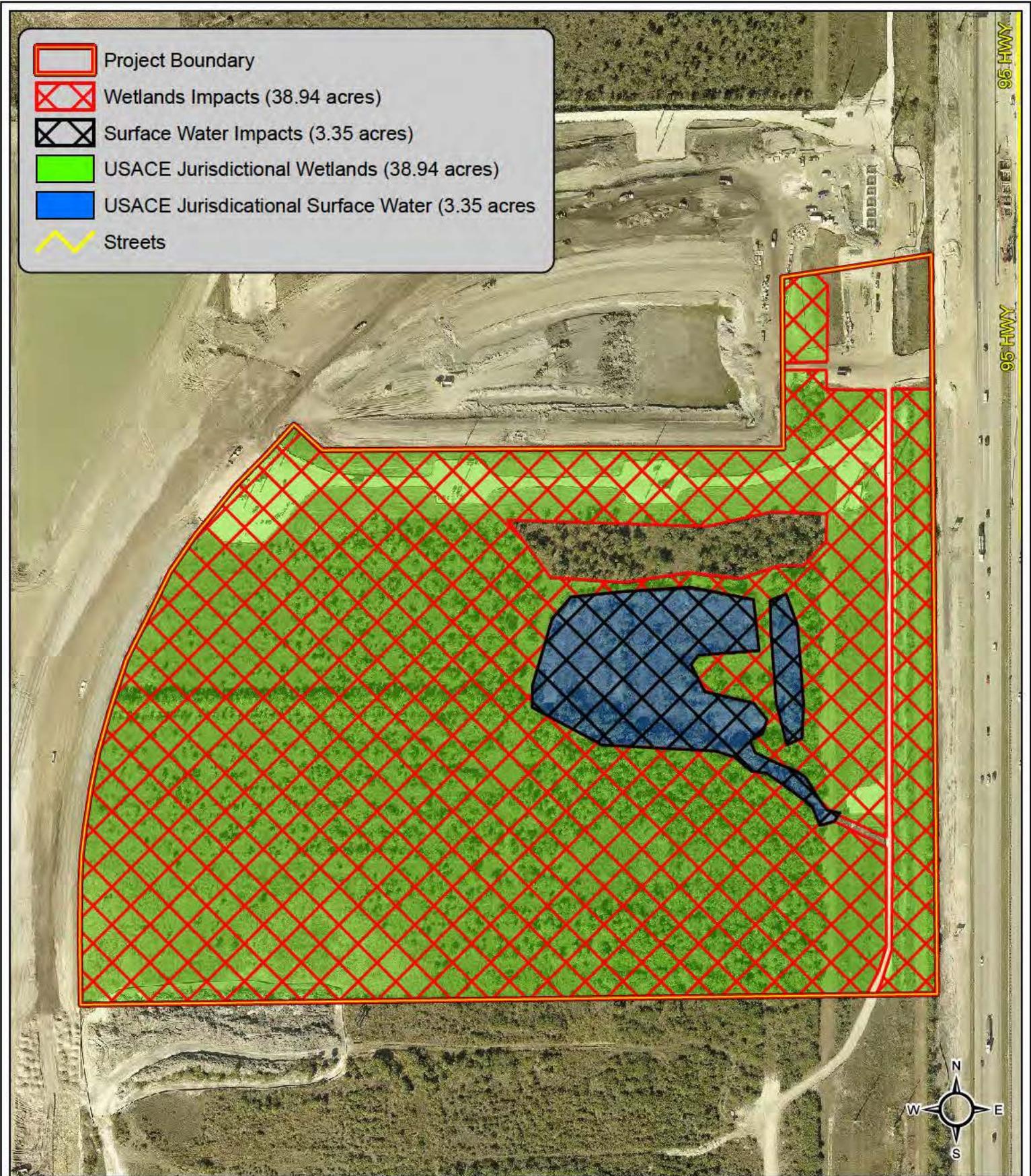
Figure 3: Land Use (FLUCFCS) Map

0 250 500 1,000 Feet

2019 Aerial, Brevard County, Florida

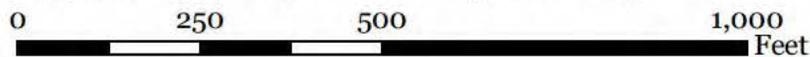


AE Proj #: 1828



Project: Heritage Lakes

Figure 4: Proposed Impact Map



2019 Aerial, Brevard County, Florida



AE Proj #: 1828

HERITAGE LAKES WETLANDS/SURFACE WATERS AND FLUCCS MAP

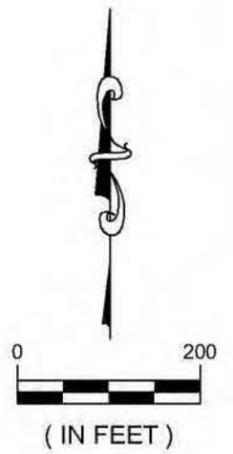
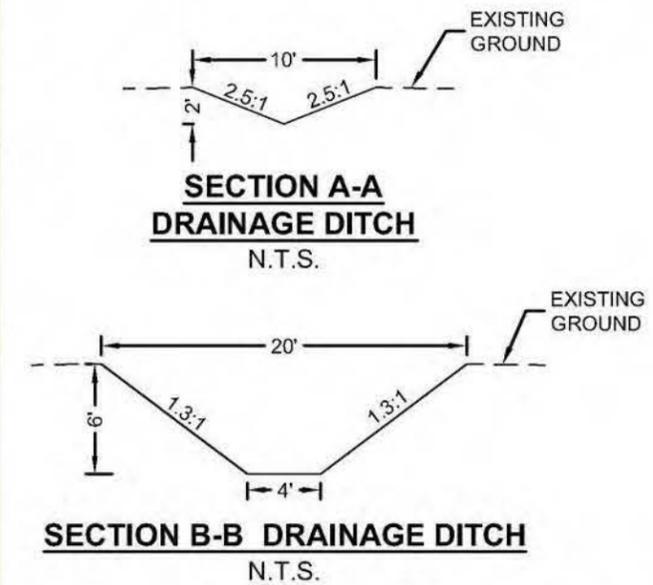
FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM CODES:

- 211: IMPROVED PASTURE: BAHIA GRASS, ROLLER CHOPPED
- 510: STREAMS AND WATERWAYS: PREVIOUSLY OPEN CUT DITCH. REFER TO FLUCCS CODE DESCRIPTIONS 530
- 530: RESERVOIRS: THIS AREA WAS PREVIOUSLY EXCAVATED TO ±5.5' DEEP. NOTE THAT DURING OUR MARCH 12, 2019 FIELD MEETING. THIS AREA WAS COMPLETELY DRY TO ±1"-2" OF WATER ABOVE THE BOTTOM.
- 600: WETLANDS: THIS AREA WAS PREVIOUSLY FORMED WITH AGRICULTURAL DITCHING STILL PRESENT. IT CONTAINS ±3.38 ACRES OF PREVIOUS AGRICULTURAL LINEAR DITCHING, POOR QUALITY WET PRAIRIE WITH HEAVY INFILTRATION OF BRAZILIAN PEPPER, FP&L PATROL ROADS, FP&L TRANSMISSION POLE LINES AND POLE PADS, GAS TRANSMISSION PATROL ROADS, ST. JOHNS HERITAGE PARKWAY AND INTERCHANGE CONSTRUCTION. THIS AREA NOW LIES BETWEEN TWO ARTERIAL ROADWAYS. REFER TO PHOTOS, SHEET 3 OF 3.
- 641: FRESHWATER MARSH: A SMALLER AREA WITHIN THE GENERAL 600 FLUCCS CODE CLASSIFICATION CONTAINING CATTAIL, ARROWHEAD AND MISCELLANEOUS SPECIES.
- 740: DISTURBED LAND; PATROL ROADS FOR ELECTRICAL AND GAS TRANSMISSION LINES
- 832: ELECTRICAL POWER TRANSMISSION LINES
- 839: UTILITIES UNDER CONSTRUCTION

LEGEND

- 211 : IMPROVED PASTURE (1.45 AC)
- 510 : STREAMS AND WATERWAYS (0.21 AC)
- 530 : RESERVOIRS (3.14 AC)
- 600 : WETLANDS (33.82 AC)
- 641 : FRESHWATER MARSH (1.07 AC)
- 740 : DISTURBED LAND (1.16 AC)
- 832/839 : DISTURBED LAND (4.01 AC TOTAL)
- : (TO BE REMOVED AT COMPLETION)

TOTAL ACREAGE = 44.86 ACRES



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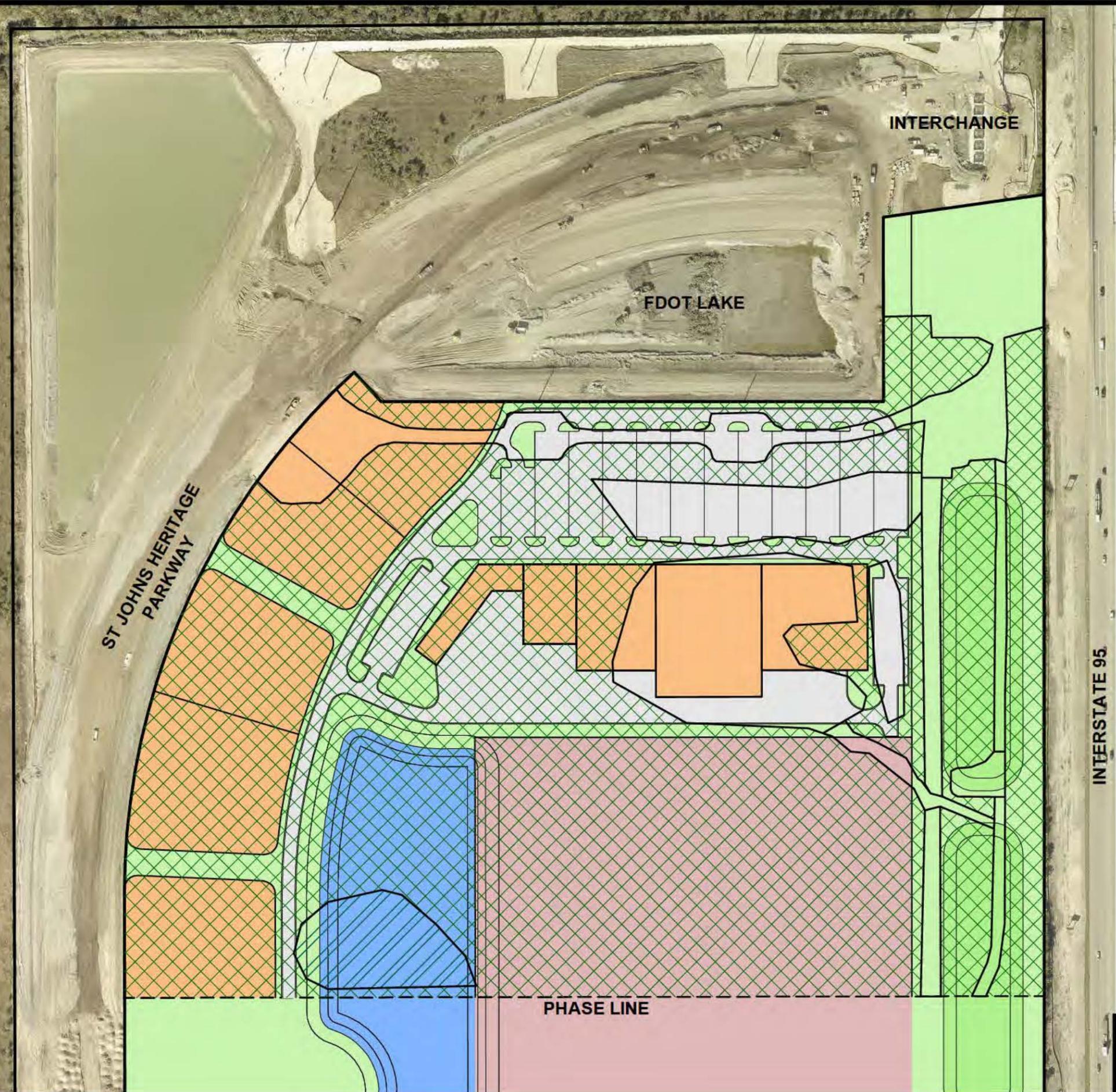


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HERITAGE LAKES IMPACTS MAP

LOCATIONS OF IMPACTS SHOWN, AMOUNT OF IMPACTS SHOWN,
INDIVIDUAL IMPACTS CALLED OUT, SITE PLAN OVERLAYED



LEGEND

SITE PLAN

-  OPEN SPACE
-  STORM WATER DETENTION
-  STORM WATER LAKE
-  PARKING/DRIVE AISLE
-  COMMERCIAL BUILDING/DEVELOPMENT
-  APARTMENT/MULTI-FAMILY DEVELOPMENT

IMPACTS

-  WETLAND IMPACTS (33.82 AC)
-  FRESHWATER MARSH IMPACTS (1.07 AC)

TOTAL IMPACT ACREAGE = 34.89 ACRES



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