



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

January 14, 2025

Regulatory Division
North Branch
Cocoa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2013-02737(SP-JMB)

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:

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 john.m.baehre@usace.army.mil.

APPLICANT: Lennar Homes
Mark McDonald
6675 Westwood Blvd.
Orlando, FL 32821

WATERWAY AND LOCATION: The project would affect waters of the United States associated with East Lake Tohopekaliga (HUC 030901010104). The project site is located in Section 33, Township 024 South, Range 031 East, Orange County, Florida.

Directions to the site are as follows: From SR 417, exit south onto Narcoossee Road. Turn east onto Clapp Simms Duda Road and continue to site.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.349587° North
Longitude -81.216577° West

PROJECT PURPOSE:

Basic: Residential Subdivision

Overall: Development of a single-family residential community with associated roads and stormwater management in Orlando within close proximity to major roadways/highways and schools.

Specifically, the Applicant seek approval to complete construction, with modifications, to the previously authorized development.

EXISTING CONDITIONS: The 42.15-acre Springhead Lake North project is located north of Springhead Lake residential community (construction pending), south of Clapp Simms Duda Road, east of the C&SF Lake Hart-Ajay Canal, and west of Split Oak Forest. The project falls within the overall site limits of the activities authorized in SAJ-2013-02767 (SP-TSD).

The Project Site contains five (5) vegetative communities as classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). The following section provides a general description of all vegetative communities found on site.

Improved Pasture (211) - The majority of the uplands on the Project Site consists of this land use. Vegetation consists predominately of bahiagrass (*Paspalum notatum*) with scattered live oak (*Quercus virginiana*).

Live Oak (427) - The southwestern corner of the Project Site consists of this this land use type. Vegetation consists predominately of live oak with scattered beautyberry (*Callicarpa americana*).

Streams and Waterways (510) - There are two historic ditches in the southern portion of the Project Site, which flow into Lake Ajay. Vegetation within the ditches, when present, consists of pickerelweed (*Pontederia cordata*), dotted smartweed (*Persicaria punctata*), meadowbeauty (*Rhexia* spp.), maidencane (*Panicum hemitomon*), soft rush (*Juncus effusus*), and mermaidweed (*Proserpinaca* spp.).

Wet Prairies (643) - The majority of onsite wetland consists of this land use type. Vegetation consists of bahia grass, carpet grass (*Axonopus* spp.), beak rush (*Rhynchospora* spp.) spadeleaf (*Centella asiatica*), road grass (*Eleocharis* spp.), and soft rush (*Juncus effusus*).

Wetland Forested Mixed (630) - This land use type occurs in the southeastern corner of the project site. Vegetation consists of Brazilian pepper (*Schinus terebinthifolius*), sweet bay (*Magnolia virginiana*), red maple (*Acer rubrum*), live oak, laurel oak (*Quercus laurifolia*), Virginia chain fern (*Woodwardia virginica*), and swamp fern (*Blechnum serrulatum*).

PROPOSED WORK: The Applicant seeks authorization to modify the previously authorized activities. The modification proposes to fill ±20.70-acres of jurisdictional wetlands and ±0.03-acres of jurisdictional tributary waters (ditch) for the development of a residential subdivision.

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:

“In determining whether to grant or deny a permit, the ACOE shall consider whether practicable design modifications have been implemented to avoid and minimize wetland impacts and to balance the need for design modifications as compared to the environmental benefit those design modifications achieve. Due to the location, extent, and size of the wetlands onsite there was no feasible way to avoid impacts.

The Springhead Lake North Project was previously permitted by ACOE under permit SAJ-2013-02767 (SP-TSD). This project was known as Southern Oaks and included the project site as well as the pending Springhead Lake and Bridgework residential developments to the south. The permit authorized 72.03 acres of wetland/tributary impacts.

Since original permitting in 2014, the Central Florida Expressway (CFX) has acquired 40.08 acres of the Project Site through eminent domain, for the proposed roadway extension. Considering this take, the overall acreage of the Project Site was reduced from 82.23 acres to 42.15 acres, greatly reducing the size of the overall project. The proposed development plan has undergone several design modifications in order to maintain a financially viable project, with less developable acreage. Due to the extent and central location of the onsite wetlands, there was no possible way to design a site plan that avoids wetland impacts.

The wetlands proposed for impact are highly degraded by ditching and the invasion of bahia grass and carpet grass. The ecological value of the wetlands proposed for impact are very low. The proposed site plan will result in the discharge of fill into ±20.70-acres of jurisdictional wetlands and ±0.03-acres of jurisdictional tributary waters (ditch).

The challenges in developing a feasible site design included site access continuity with the Springhead Lake subdivision to the south, floodplain considerations, required fill to meet necessary finished floor elevations for lot grading, and access to developable upland areas.

Access from the south is pre-determined based on the existing roadway network from the adjacent Springhead Lake subdivision. An existing access point lies along the southern boundary where the Project Site abuts the pending Springhead Lake community. Because the wetlands are so extensive and extend almost the entirety of the southern project, there is no way to provide reasonable access without wetland impacts.

The site design also had to consider pond placement and sizing for flood compensation. The ponds have been placed along the eastern and western limits, clustering development within the central portion of the site.

Lastly, the amount of fill required to elevate the site to meet design standards would result in any remaining wetlands within the body of the project site being topographically lower in the landscape, further isolating them and reducing their function and landscape connectivity in the post-development condition. A site plan that creates fragmented,

isolated and remnant portions of low-quality wetlands is not the most ecologically feasible development plan. The most ecologically sound solution is to provide mitigation for complete impact low quality wetlands which would otherwise be surrounded by development.

The applicant will implement and maintain erosion and sediment control measures both prior to and during project development. This practice will ensure that no adverse water quality impacts to receiving waters and adjacent lands will occur during the proposed work. Control measures will retain sediment on-site and will help prevent violations of state and federal standards. Practices incorporated will be in accordance with Chapter 6 of the Florida Land Development Manual: A guide to Sound Land and Water Management.”

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

“In order to determine the amount of mitigation required for the direct wetland impacts, the Wetland Rapid Assessment Method (WRAP) was applied. Based on the WRAP analysis, the require mitigation for the fill of ±20.70-acres of jurisdictional wetlands and ±0.03-acres of jurisdictional tributary waters (ditch) were collectively assessed to have a functional loss equivalent to 6.65 acres/units. 6.65 credits will be purchased from the Crosby Island Mitigation Bank, upon approval of the mitigation plan.”

CULTURAL RESOURCES: The Corps has evaluated the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act and has followed the guidelines of 33 CFR Part 325, Appendix C. A Cultural Resource Assessment Survey was completed by Archaeological Consultants, Inc. over the Area of Potential Effect (APE) and determined the proposed project will have no effect on cultural resources listed, or eligible for listing in the NRHP, or otherwise of archaeological, historical, or architectural significance. The Division of Historical Resources provided concurrence with the determination, DHR Project File No.: 2014-38, on September 2, 2014. Based on this review and concurrence, the Corps has determined that the project would have No Potential to Cause Effects to Historic Properties.

ENDANGERED SPECIES: A Biological Opinion (BO) was issued by the U.S. Fish & Wildlife Service (USFWS) on September 9, 2015, for the Southern Oaks Subdivision (Service CPA Code: 04EF2000-2014-CPA-0178, Service Consultation Code: 04EF2000-2015-F-0307). The Southern Oaks Subdivision was a proposed 413± acre residential development, to be developed in phases. The BO was part of the permit issued by the U.S. Army Corps of Engineers (“ACOE”; Permit No. SAJ-2013-02767) and covered the entire 413± acre Southern Oaks Subdivision. Since the time of ACOE permit issuance, the original permittee, Standard Pacific of Florida, was acquired by Lennar Homes. The project has been redesigned, and consists of three distinct project areas: Bridgewalk, Springhead Lake, and Springhead Lake North.

The BO issued by the USFWS considered the entire 413± acre Southern Oaks project area to be suitable habitat for the eastern indigo snake. No eastern indigo snakes were observed on within the project area; however, the Applicant committed to implementing the *Standard Protection Measures for the Eastern Indigo Snake* and contributed \$10,000 to the Service's Eastern Indigo Snake Conservation Fund. The BO confirms funds were received on March 23, 2015. The *Standard Protection Measures for the Eastern Indigo Snake* will continue to be implemented during development of Springhead Lake and the voluntary \$10,000 contribution to the Service's Eastern Indigo Snake Conservation Fund has been completed. As stated in the original BO, the Service "determined this level of anticipated take is not likely to result in jeopardy to listed species or the destruction or adverse modification of critical habitat for the eastern indigo snake."

The BO determined that the wood stork would not likely be adversely affected by the proposed development. The applicant proposes to comply with terms of the September 9, 2015, BO.

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 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 Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, FL 32926, within 30 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 Baehre, in writing at the Cocoa Permits Section, Suite 600, Cocoa, FL 32926; by electronic mail at john.m.baehre@usace.army.mil; or by telephone at 321-504-3771, extension 0013.

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.

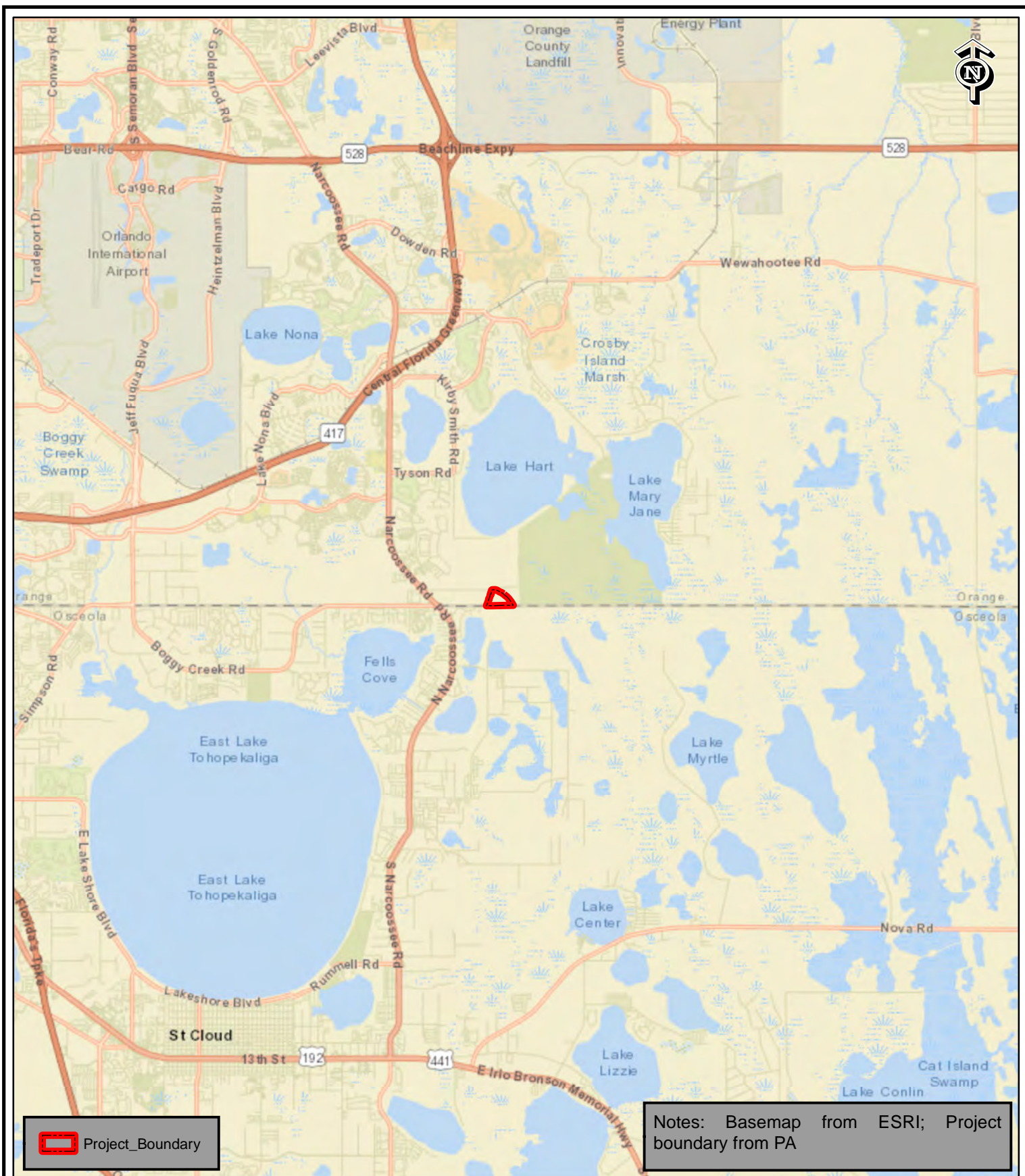
Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research 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: Water Quality Certification was required from the South Florida Water Management District (SFWMD). The project was reviewed under application no. 230912-40328 and authorized June 7, 2024.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence was required from the South Florida Water Management District (SFWMD). The project was reviewed under application no. 230912-40328 and authorized June 7, 2024.

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.




 Project_Boundary

Notes: Basemap from ESRI; Project boundary from PA

Springhead Lake North

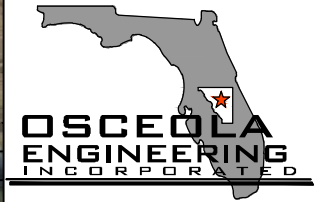
Figure 1 - Location Map
 Section 33, Township 24S, Range 31E
 Orange County, Florida

 Feet
 5,000 2,500 0 2,500 5,000



MODICA & ASSOCIATES
 302 Mohawk Road
 Clermont, Florida 34715
 P: (352) 394-2000
 F: (352) 394-1159
 Email: Environmental@Modica.cc
 www.ModicaAndAssociates.com

M:\2023\23-017 SPRINGHEAD LAKES NORTH-ORLANDO\CADD\EXHIBITS\23-017 WETLAND IMPACT.DWG



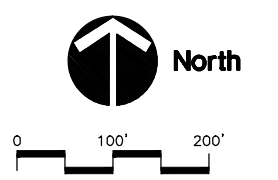
Civil Engineers
Environmental Engineers
Landscape Architects
Land Planners &
Transportation Engineers

address:
Osceola Engineering Incorporated
Certificate of Authorization
number# 00028285
1003 Florida Avenue
City of Saint Cloud
Florida 34769
telephone: (407) 891-0452
facsimile: (407) 891-9173

project:
**Springhead Lakes
North Orlando**

drawing:
**WETLAND
IMPACTS**

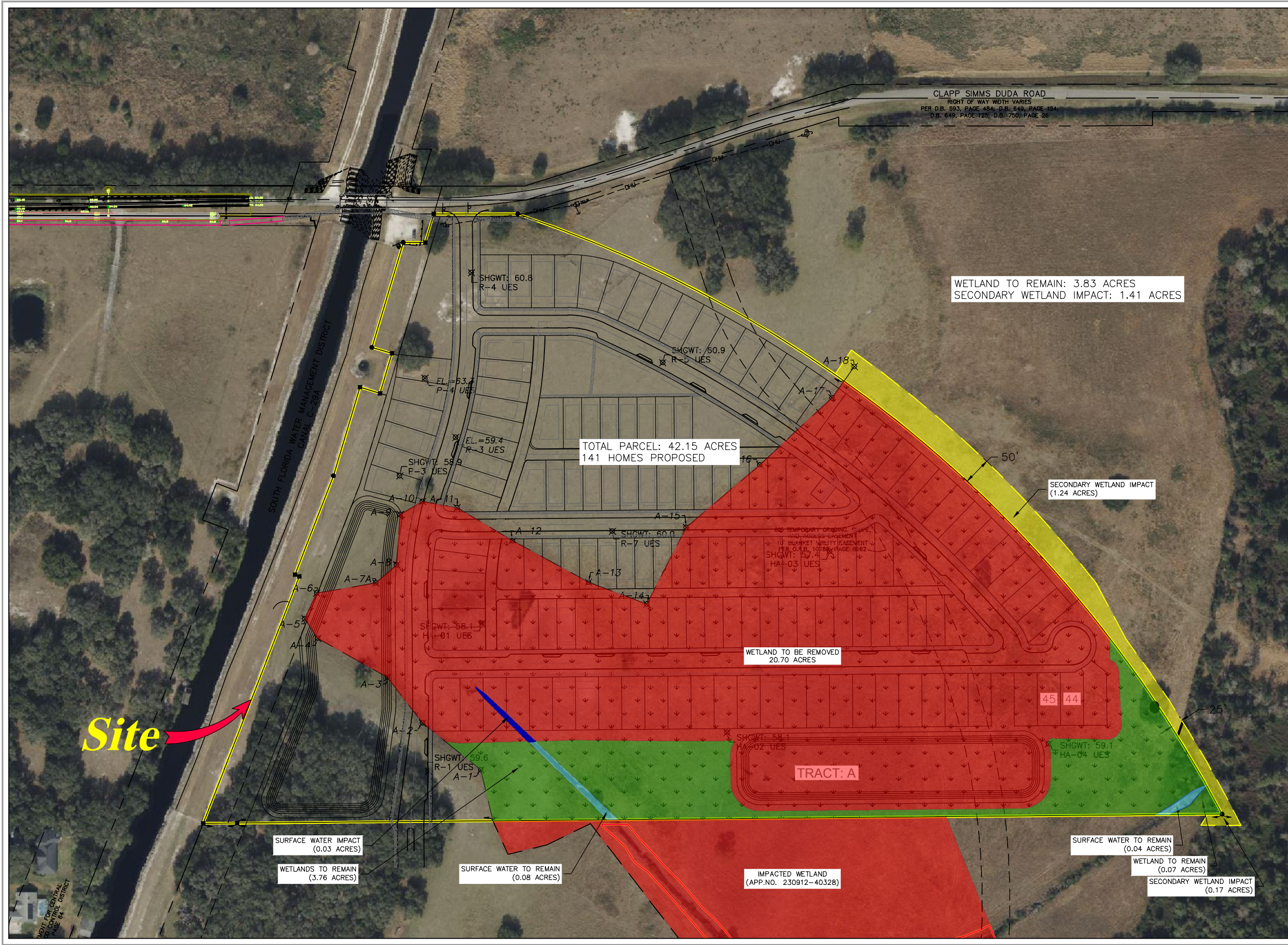
location:
Sec 33, Twp 24 S, Rng 31 E.
Orlando, Florida



Scale: 1" = 200'
April 3, 2024

FIGURE 2

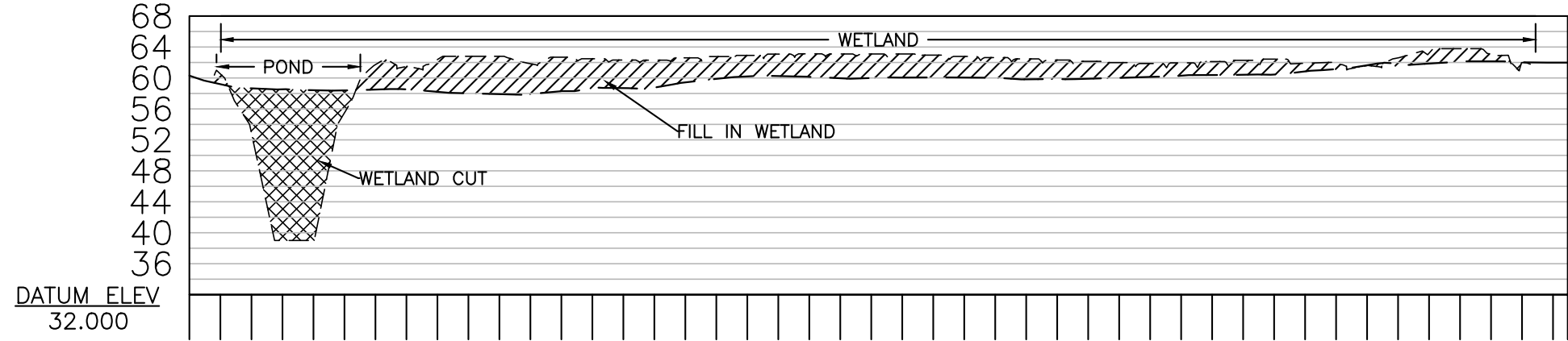
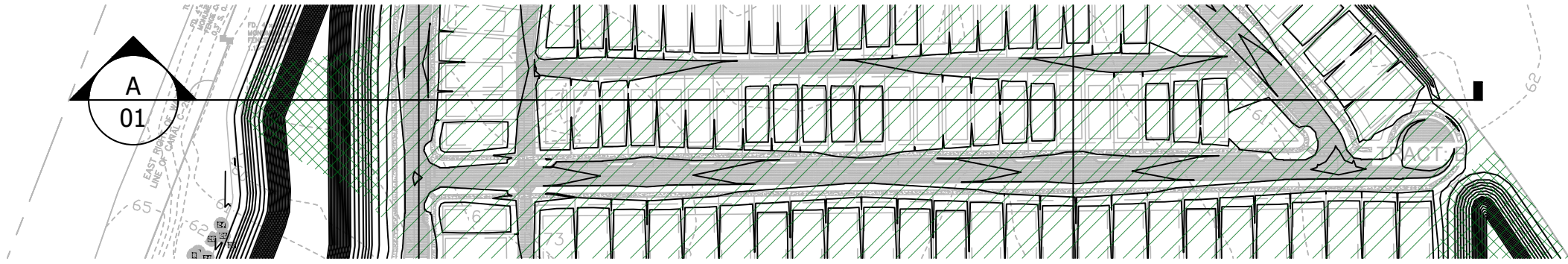
© COPYRIGHT 2020 BY OSCEOLA ENGINEERING, INCORPORATED
THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF
OSCEOLA ENGINEERING, INCORPORATED. ANY REPRODUCTIONS,
REVISIONS, MODIFICATIONS OR USE OF THESE DOCUMENTS WITHOUT
THE EXPRESSED WRITTEN CONSENT OF OSCEOLA ENGINEERING,
INCORPORATED IS PROHIBITED BY LAW.



Site

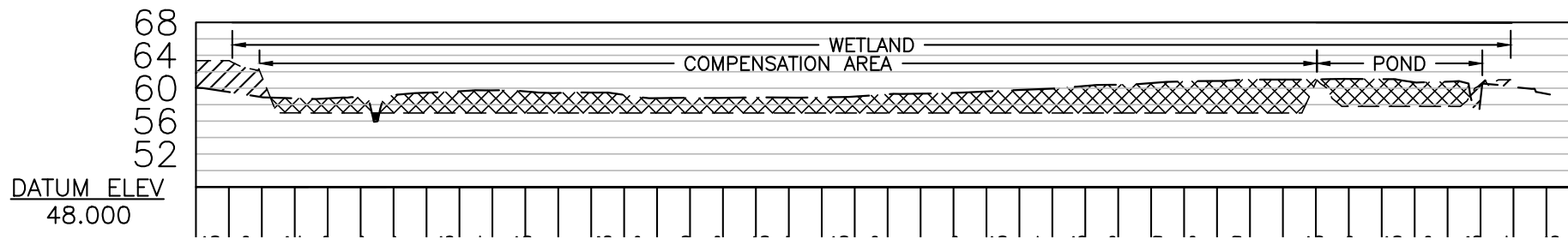
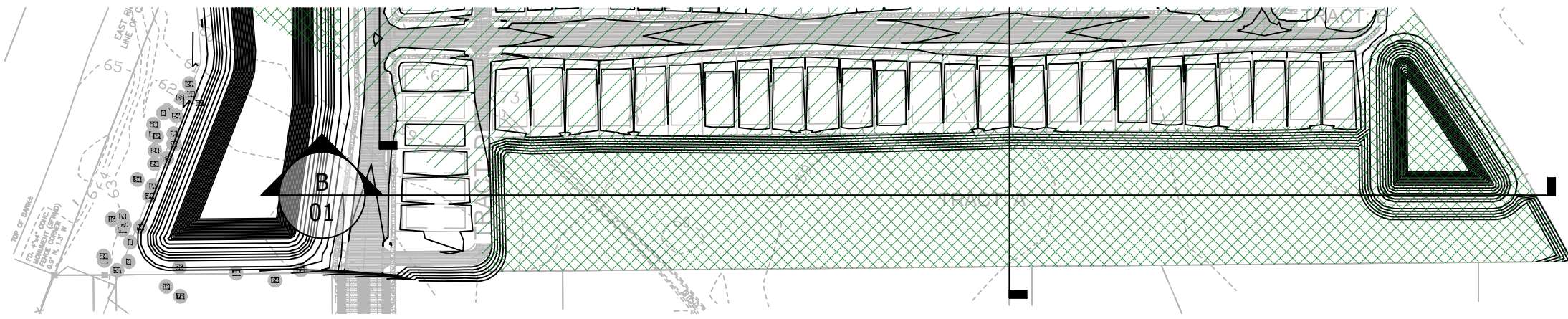
M:\2023\23-017 SPRINGHEAD LAKES NORTH-ORLANDO\CADD\EXHIBITS\23-017 WETLAND SECTION.DWG

A
01

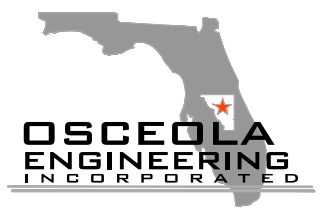


DATUM ELEV
32.000

B
01



DATUM ELEV
48.000



- Civil Engineers
- Environmental Engineers
- Landscape Architects
- Land Planners &
- Transportation Engineers

address:
Osceola Engineering Incorporated
 Certificate of Authorization
 number# 00028285
 1003 Florida Avenue
 City of Saint Cloud
 Florida 34769
 telephone: (407) 891-0462
 facsimile: (407) 891-9173

project:

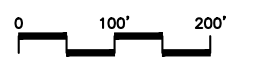
Springhead Lakes North Orlando

drawing:

WETLAND SECTIONS

location:

Sec 33, Twp 24 S, Rng 31 E
Orlando, Florida



Scale: 1" = 200'

April 3, 2024

01

© COPYRIGHT 2020 BY OSCEOLA ENGINEERING, INCORPORATED. THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF OSCEOLA ENGINEERING, INCORPORATED. ANY REPRODUCTIONS, REVISIONS, MODIFICATIONS OR USE OF THESE DOCUMENTS WITHOUT THE EXPRESSED WRITTEN CONSENT OF OSCEOLA ENGINEERING, INCORPORATED IS PROHIBITED BY LAW.