



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MERRITT ISLAND REGULATORY OFFICE
2460 NORTH COURTENAY PARKWAY, SUITE 204
MERRITT ISLAND, FLORIDA 32953**

Regulatory Division
North Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2000-4057(IP-AWP) **SEP 30 2004**

TO WHOM IT MAY CONCERN: This district 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: George Goodbread
12575 Highway 70 East
Okeechobee, Florida 34972

WATERWAY & LOCATION: The project is located adjacent to drainage canal which discharges to Limpkin Creek and eventually to Lake Okeechobee. The proposed project is located on Ferrel Road (SW 16th Avenue) in Section 5, Township 38 South, Range 35 East, Okeechobee, Okeechobee County, Florida.

Directions to the site are as follows: From the intersection of US 441 and SR 78 proceed west on SR 78 to the intersection of SW 16th Ave. Turn north on SW 16th Ave. The project site is located on the east side of the road approximately ½ mile north of the intersection.

LATITUDE & LONGITUDE: Latitude 27°11'90" North
Longitude 80°51'06" West

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is residential development in Okeechobee County.

PROPOSED WORK: The applicant proposes to develop an undeveloped 93.7-acre site into a single-family residential development of 165 lots. The proposed project consists of the filling +5.51 acres of poor quality on-site wetlands. This action will require approximately 29,000 cubic yards of fill. This property was the subject of an earlier public notice dated February 24, 2003. The

currently proposed project has been modified to eliminate previously proposed navigational access to Lake Okeechobee.

EXISTING CONDITIONS: The total project area is 93.7 acres. The project area consists of semi-improved pasture. There are three freshwater wetlands onsite: wetland 1 (6.98 acres), wetland 2 (4.55 acres), and wetland 3 (4.18 acres). The wetland vegetation consists of obligate and facultative wet vegetative species which include: carpetgrass (Axonopus furcatus), starrush whitetop (Rhynchospora colorata), seashore paspalum (Paspalum vainatum), coinwort (Centella asiatica). Lower elevation areas contain primarily obligate vegetation, which includes pickerelweed (Pontederia cordata), spikerush (Eleocharis cellulosa), and bull tongue arrowhead (Ludwigia peruviana). There are also three manmade borrow pits onsite. A number of drainage ditches, berms, and roads are located around the perimeter of the site. The borrow pits are not considered waters of the United States. A large canal (County Canal) runs north-south along the western property line and another along the north project boundary. The site is located north of Lake Okeechobee and has a hydrologic connection via County Canal to the Lemkin Creek/Popash Slough system (located immediately west and south of the site), across Eagle Bay to the Rim Canal and then into Lake Okeechobee through the Taylor Creek Navigational Lock (structure #S-133).

MITIGATION: To compensate for wetland impacts, the applicant proposes on-site wetland preservation and enhancement. See attached mitigation proposal.

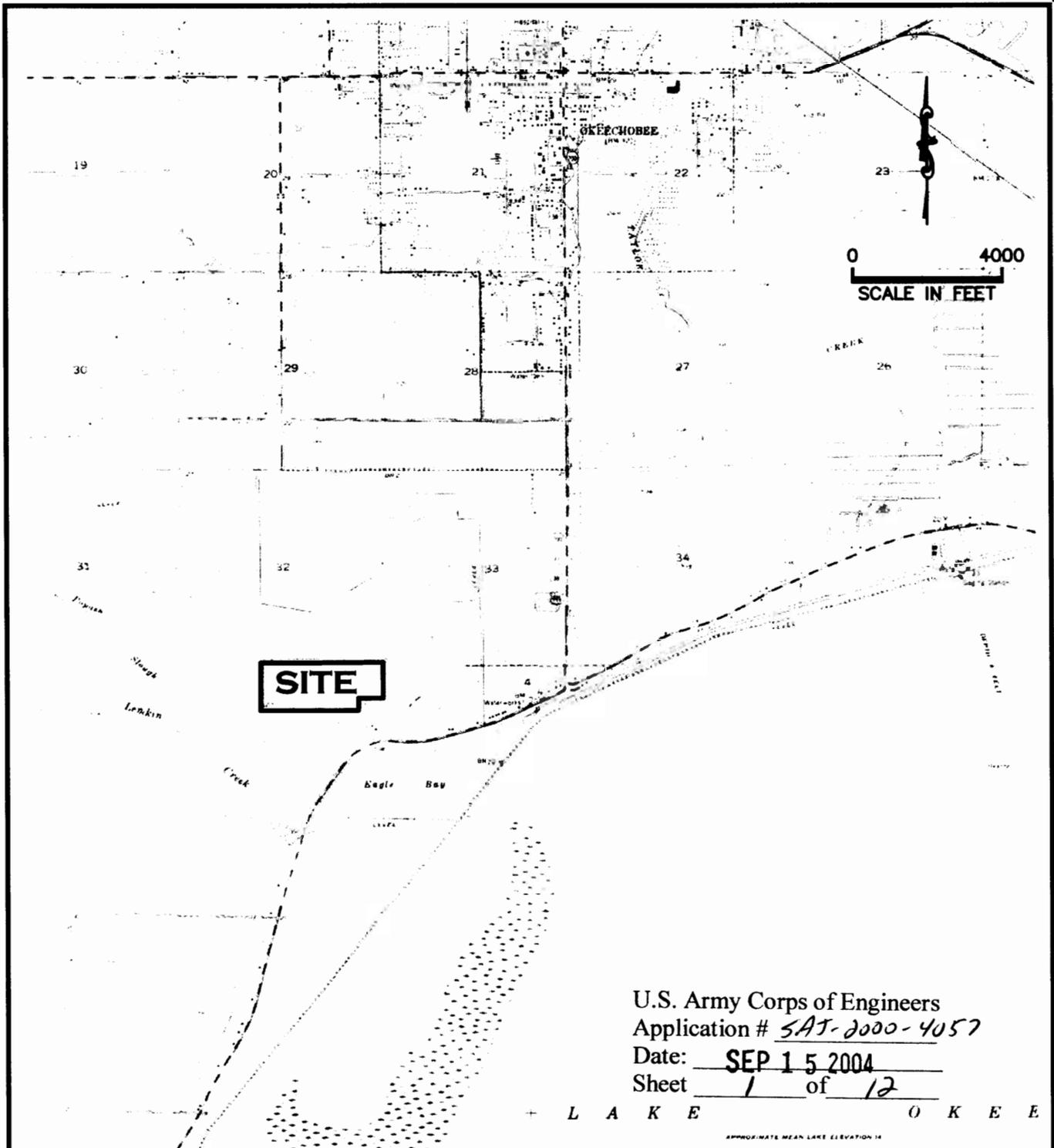
Endangered Species: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has been verified. The jurisdictional line has 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 application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Andrew Phillips at the letterhead address, by electronic mail at Andrew.W.Phillips@saj02.usace.army.mil, by fax at 321-453-5220, or by telephone at 321-453-7655.



USGS QUAD MAP "LAKE OKEECHOBEE", SECTION 5, TOWNSHIP 38 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA

EAGLE BAY RESERVE LOCATION / QUAD MAP



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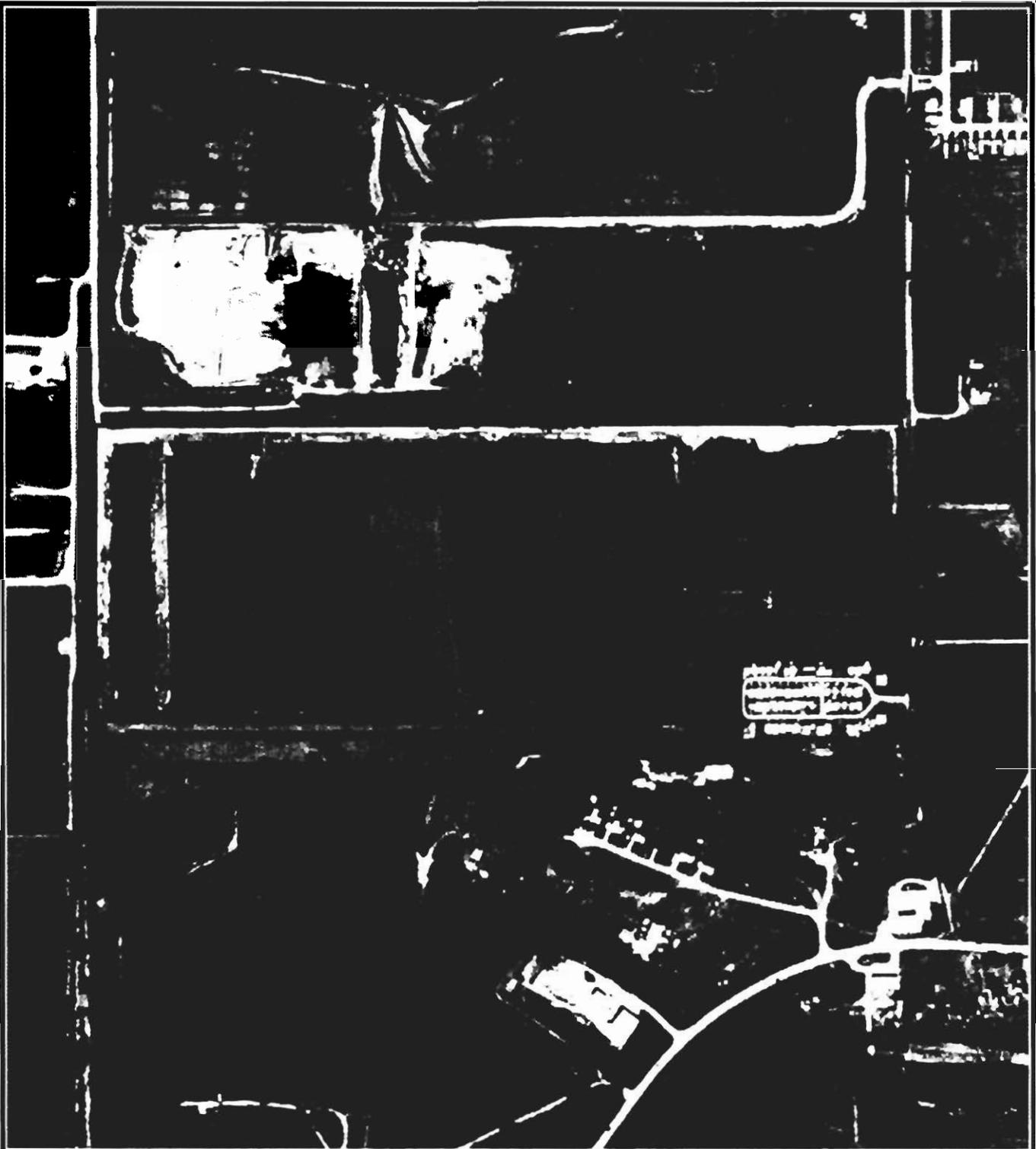
EW CONSULTANTS, INC.

851 JOHNSON AVENUE, SUITE 220
STUART, FLORIDA 34994
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

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FIGURE

1



USGS DOQQ Q2607NW DATED 1999

EAGLE BAY RES AERIAL MA

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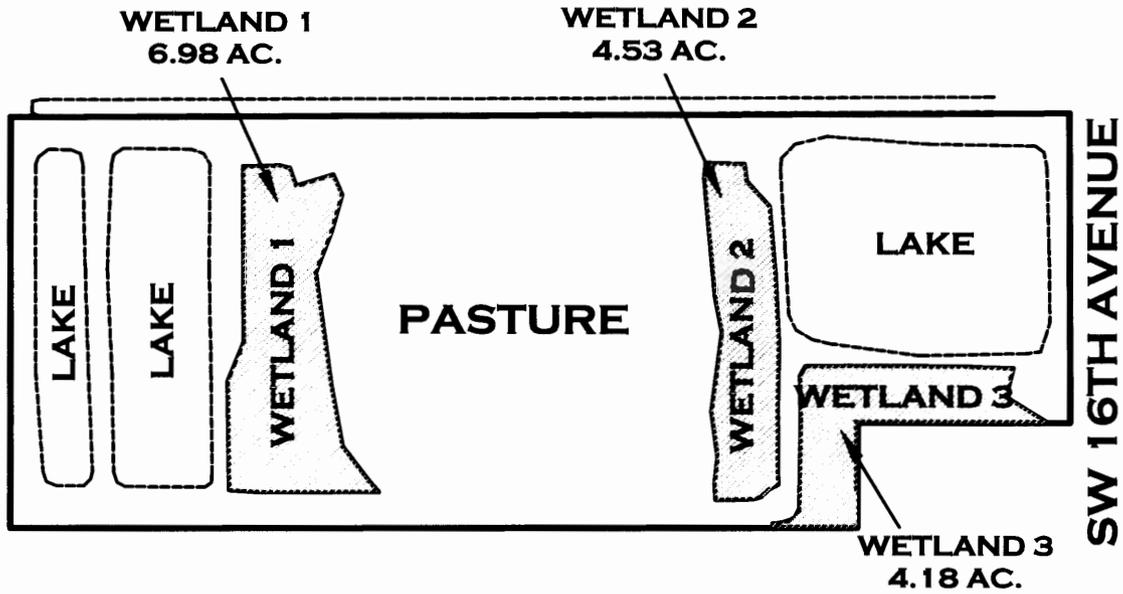
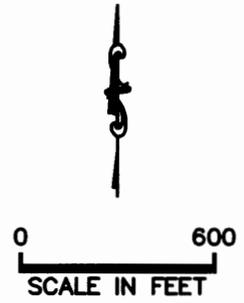
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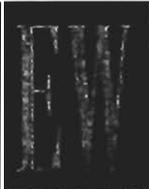
FIGURE

2



WETLAND
TOTAL
15.69 AC.

EAGLE BAY RESERVE WETLAND MAP

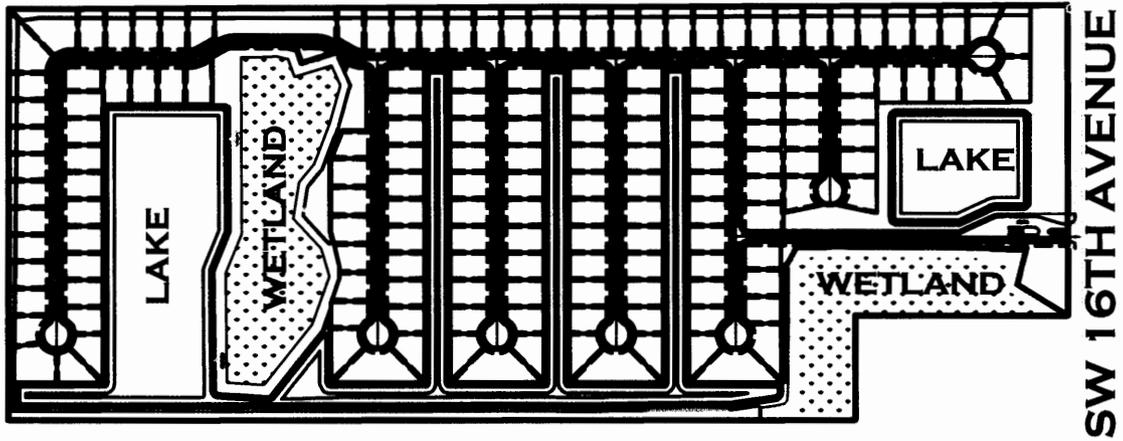
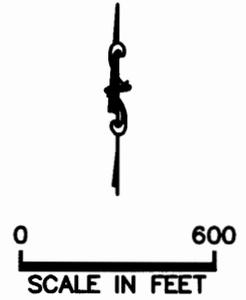


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EAGLE BAY RESERVE SITE PLAN

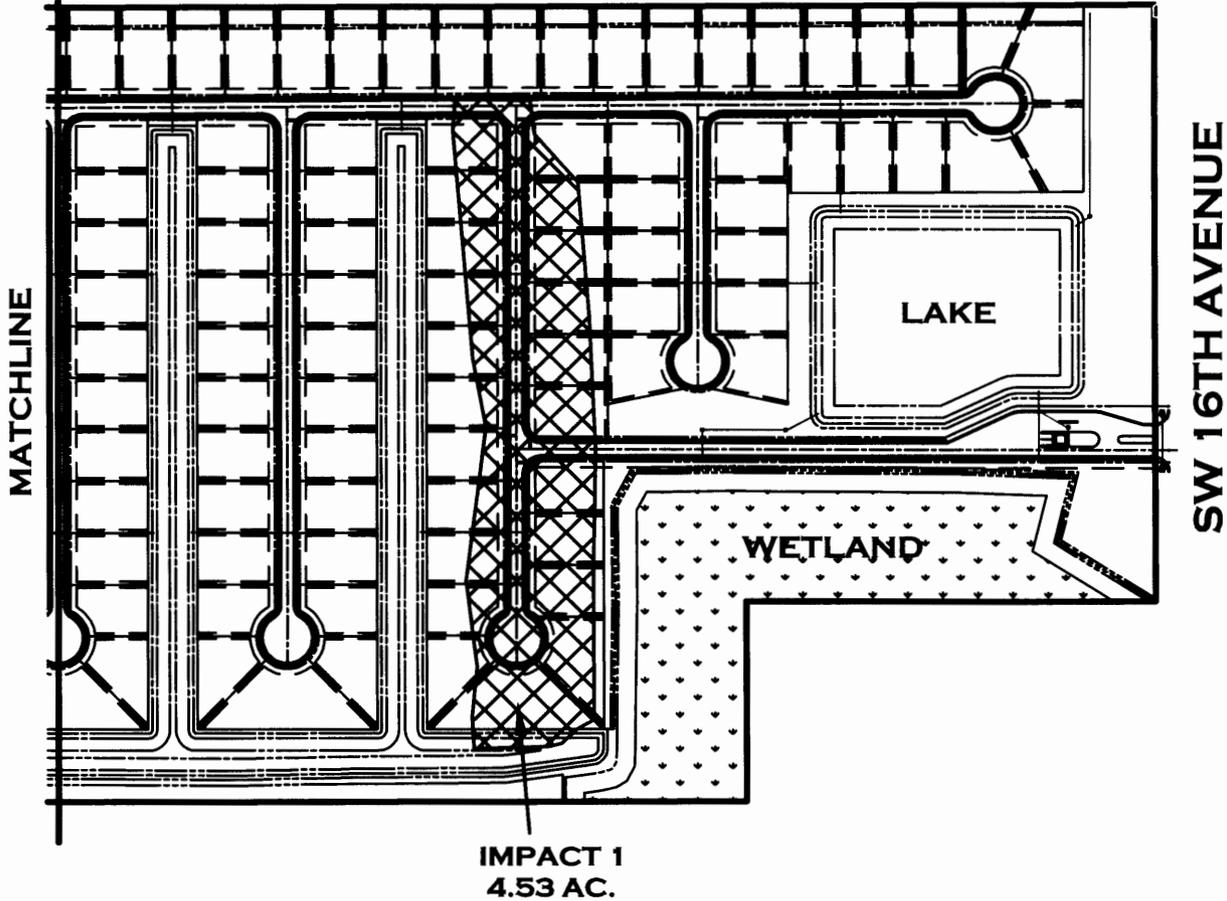


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0 300
SCALE IN FEET



EAGLE BAY RESERVE WETLAND IMPACTS



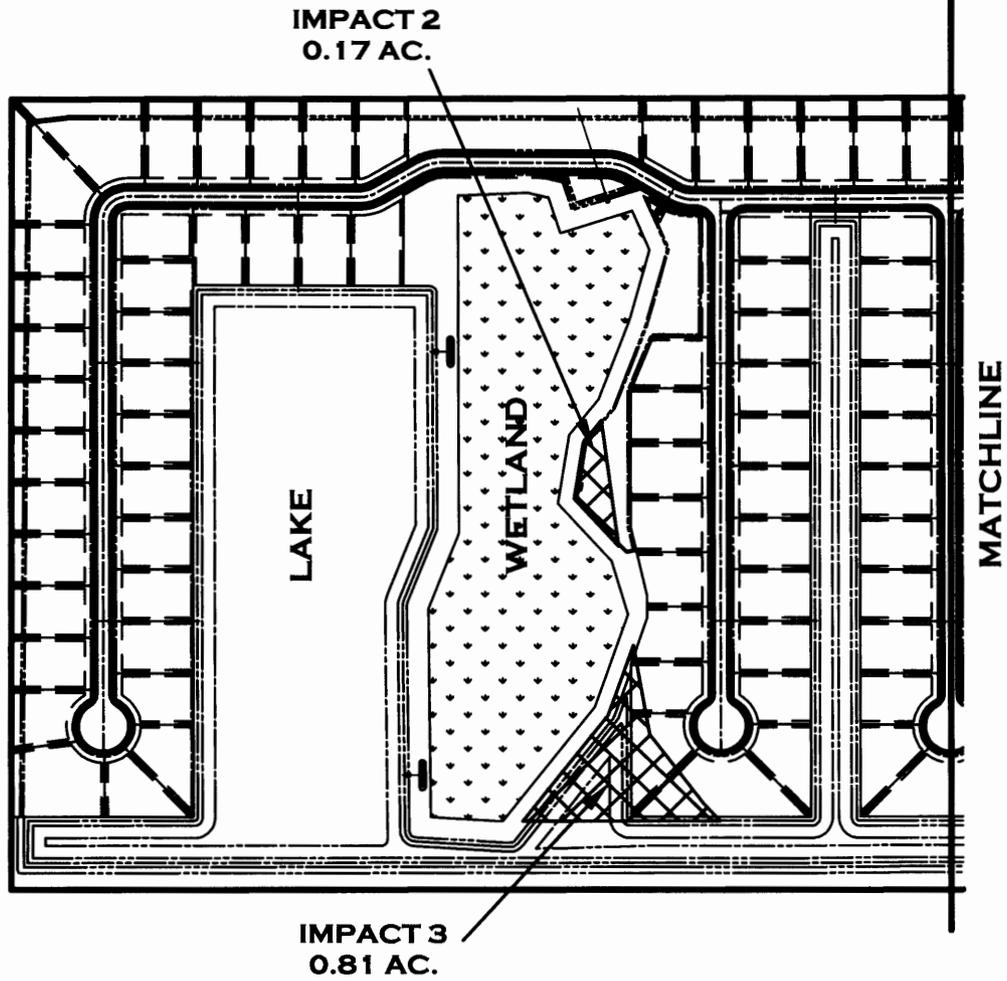
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SCALE IN FEET



TOTAL IMPACT
5.51 AC.

EAGLE BAY RESERVE WETLAND IMPACTS



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INTRODUCTION

The Eagle Bay Reserve project includes on-site mitigation areas that entail wetland enhancement and preservation. Exotic vegetation eradication, replanting with native vegetation and preservation are the major components of the mitigation activity. The enhancement areas are in the southeast and west-central portions of the proposed development area and are fully encompassed within the project area. The vegetative success criteria for the mitigation area include the requirement for 80 percent coverage of desirable vegetation by the end of the second year, and areal coverage of exotic vegetation at zero percent and nuisance vegetation limited to five percent or less. The mitigation area must be free from nuisance and exotic vegetation following any maintenance activity.

WETLAND MITIGATION

The wetland mitigation activity proposed is enhancement of approximately 11 acres of wetland area that is partially invaded by exotic vegetation and has been impacted by anthropogenic activities. The on-site mitigation area will be preserved and maintained in perpetuity. The proposed mitigation approach is as follows:

- The exotic vegetation present in the on-site mitigation area is dominated by non-woody species.
 - All eradication of non-woody exotic vegetation will be through application of appropriately labeled herbicide. Any debris removed will be handled in accordance with the disposal specifications.
 - The criterion for acceptance of eradication for all non-woody exotic vegetation will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow treatment will be conducted.
- Herbicides are required for eradication of non-woody exotic and nuisance vegetation.
 - All herbicide application activities will be conducted under the supervision of a Florida Department of Agriculture licensed applicator who is licensed for application of aquatic herbicides.
 - All herbicides applied within wetland areas must be properly labeled for application in wetlands.
 - All herbicides applied must include a visible tracer dye in the mix to facilitate observation of treated vegetation.
- Enhancement of the wetlands will involve treating the pasture grass with herbicide with disking as necessary to break up the rhizomes.
- The mitigation work will be conducted in a fashion that minimizes damage to existing native vegetation. All equipment operations, herbicide application, and other site activities will be conducted such that no more than 20 percent of the existing native vegetation coverage is lost. If more than 20 percent of the native wetland vegetation is lost in any given area, the area will be replanted with native vegetation consistent with the vegetation lost in excess of 20 percent.

- Based on site reconnaissance, there is a considerable seed source available within the mitigation areas. The treated pasture grass areas will be disked and left to natural recruitment supplemented with native planting to reestablish vegetative coverage during the first two years of the mitigation activities. The time frame for initiation of mitigation activities follows latter in this document.
- The proposed mitigation activities will result in certain portions of the mitigation areas that are devoid of vegetation or have had substantial reduction in vegetative cover. A viable seed source is available within the mitigation areas, so areas disturbed by mitigation activities will be allowed to reseed via natural recruitment for the first two years following the completion of work.
- Wetland 1, which occurs in the west-central portion of the property, will be initially treated for non-woody species. Following this eradication, the wetland will be maintained to minimize the regrowth of non-native species. Ground cover will initially be allowed to naturally recruit, but planting may occur if deemed necessary. Trees will be planted in a clustered manner to mimic nearby ecosystems. The planting specifications are outlined in the table below. The wetland is surrounded by an upland buffer that will be preserved in perpetuity via a conservation easement.

| Common Name | Scientific Name | Wetland To Be Planted | On-center Spacing | Estimated Quantity |
|----------------|--------------------------------|-----------------------|-------------------|--------------------|
| Sand cordgrass | <i>Spartina bakeri</i> | 3 | 4' | 2200 |
| Muhly grass | <i>Muhlenbergia capillaris</i> | 3 | 3' | 2900 |
| Duck potato | <i>Sagittaria lanceolata</i> | 3 | 2.5' | 6900 |
| Pickerelweed | <i>Pontederia spp.</i> | 3 | 2.5' | 6900 |
| Maidencane | <i>Panicum hemitomon</i> | 3 | 3' | 2900 |
| Cypress | <i>Taxodium spp.</i> | 1 | 25' | 120 |
| Red maple | <i>Acer rubrum</i> | 1 | 25' | 120 |
| Pond apple | <i>Annona glabra</i> | 1 | 25' | 120 |

- Located in the property's southeastern corner, enhancement of wetland 3 will consist primarily of exotic vegetation removal and replanting of native ground cover. The wetland will be maintained to minimize regrowth of non-native plants. Native ground cover will be planted and also maintained as needed. An upland buffer will occur on the wetland's northern and western borders. This buffer will be preserved in perpetuity via a conservation easement.
- Any areas within this mitigation area that does not achieve at least 80 percent native vegetation cover by natural recruitment within two years will be replanted with appropriate native vegetation, as well. The planting elevation will not differ from the surrounding areas.

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.

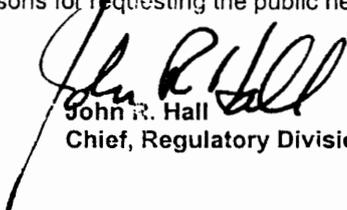
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

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, historic 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 U.S. 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny 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 approved 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.


John R. Hall
Chief, Regulatory Division