



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 Branch  
Merritt Island Regulatory Office

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2004-7325 (IP-JSC) **SEP 24 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 Viele  
301 Carolyn Drive  
Oviedo, Florida 32765

WATERWAY & LOCATION: The *Brio Commerce Center* project site is located in Sanford, in Seminole County (Section 2, Township 20 South, Range 30 East), Florida. The project area is within the St. Johns River Water Management District (SJRWMD) St. Johns River Regulatory Basin (Class III Surface Waters).

Directions to the site are as follows: From CR 46a in Sanford, proceed south on Old Lake Mary Road. The project site is just before SR 417 on the south side of the road.

LATITUDE & LONGITUDE: Latitude ... 28° 46' 42" North  
Longitude... 81° 17' 47" West

PROJECT PURPOSE:

Basic: The basic project purpose is commercial construction.

Overall: The overall purpose of this project is commercial construction in Seminole County.

PROPOSED WORK: The applicant proposes to construct a commercial/business center consisting of four buildings with parking and stormwater management facilities. The project, as

designed, proposes to impact (fill) ±0.68-acre of waters of the United States (wetlands and canal).

EXISTING CONDITIONS: The project site is situated between railroad tracks, SR 417 and West Airport Blvd. On-site wetlands were historically connected to a larger system that was bisected by the construction of SR 417. The remnant wetland forested mixed (FLUCCS 630) system is dominated by red maple, loblolly bay, sweet bay magnolia and slash pine with an understory of wax myrtle, Virginia chain fern and royal fern.

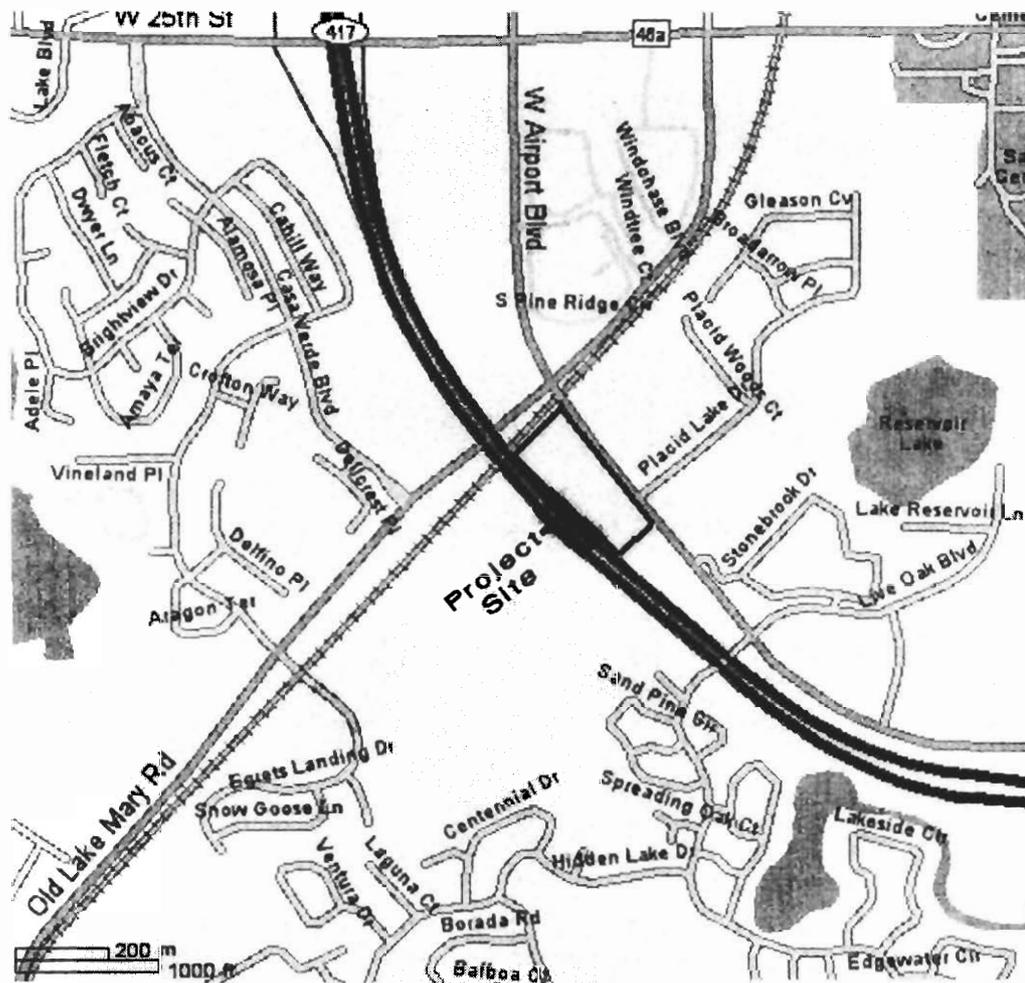
ENDANGERED SPECIES: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

NOTE: *This public notice is being issued based on information furnished by the applicant. This information has not been verified.*

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification will be required from the Department of Environmental Protection and/or the SJRWMD.

Comments regarding this application should be submitted in writing to the District Engineer, c/o Jeffrey S. Collins, within 30 days from the date of this notice:

Merritt Island Regulatory Field Office  
2460 North Courtenay Parkway  
Suite 204  
Merritt Island, Florida 32953  
email: Jeffrey.S.Collins@saj02.usace.army.mil  
Phone: 321-453-7655, ext. 13

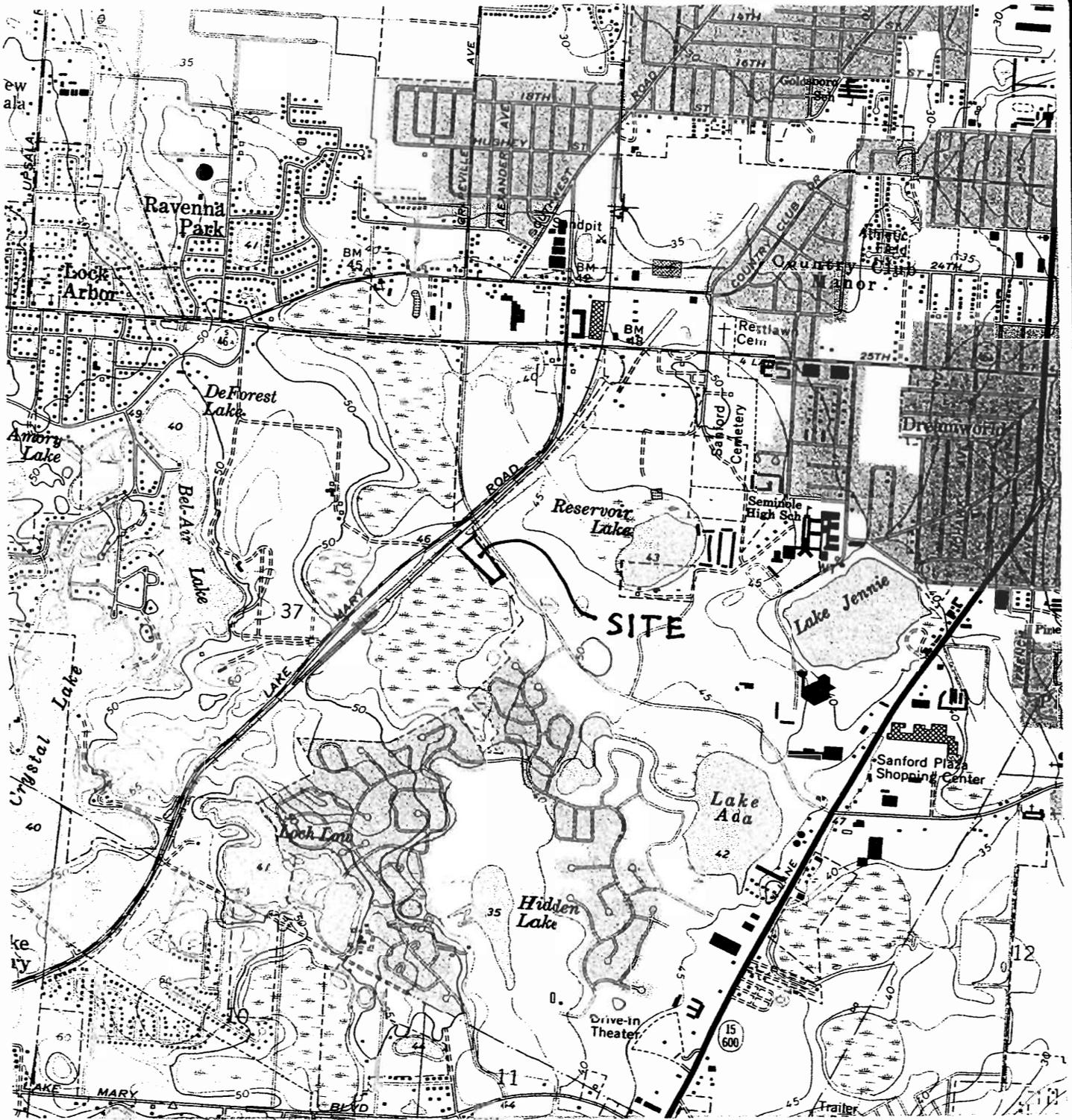


**Bio-Tech Consulting, Inc.**  
 315 N. Ferncreek Ave.  
 Orlando, FL 32803  
 (407) 894-5969  
 email: [info@bio-techconsulting.com](mailto:info@bio-techconsulting.com)

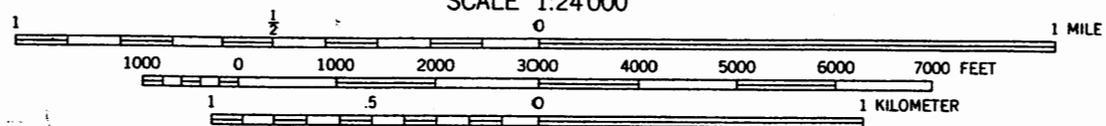
**Brio Commerce Center**  
**Seminole County, FL**  
**Figure 1**  
**General Location**

U.S. Army Corps of Engineers  
 App. # SAJ-2004-7325(IP-JSC)  
 Date: 9/13/2004  
 Sheet 1 of 5





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BRIO COMMERCE CENTER  
 LOCATION MAP - SEMINOLE COUNTY  
 SEC 02 TWP: 20S RING: 30E

**RECEIVED**

JUN 01 2004

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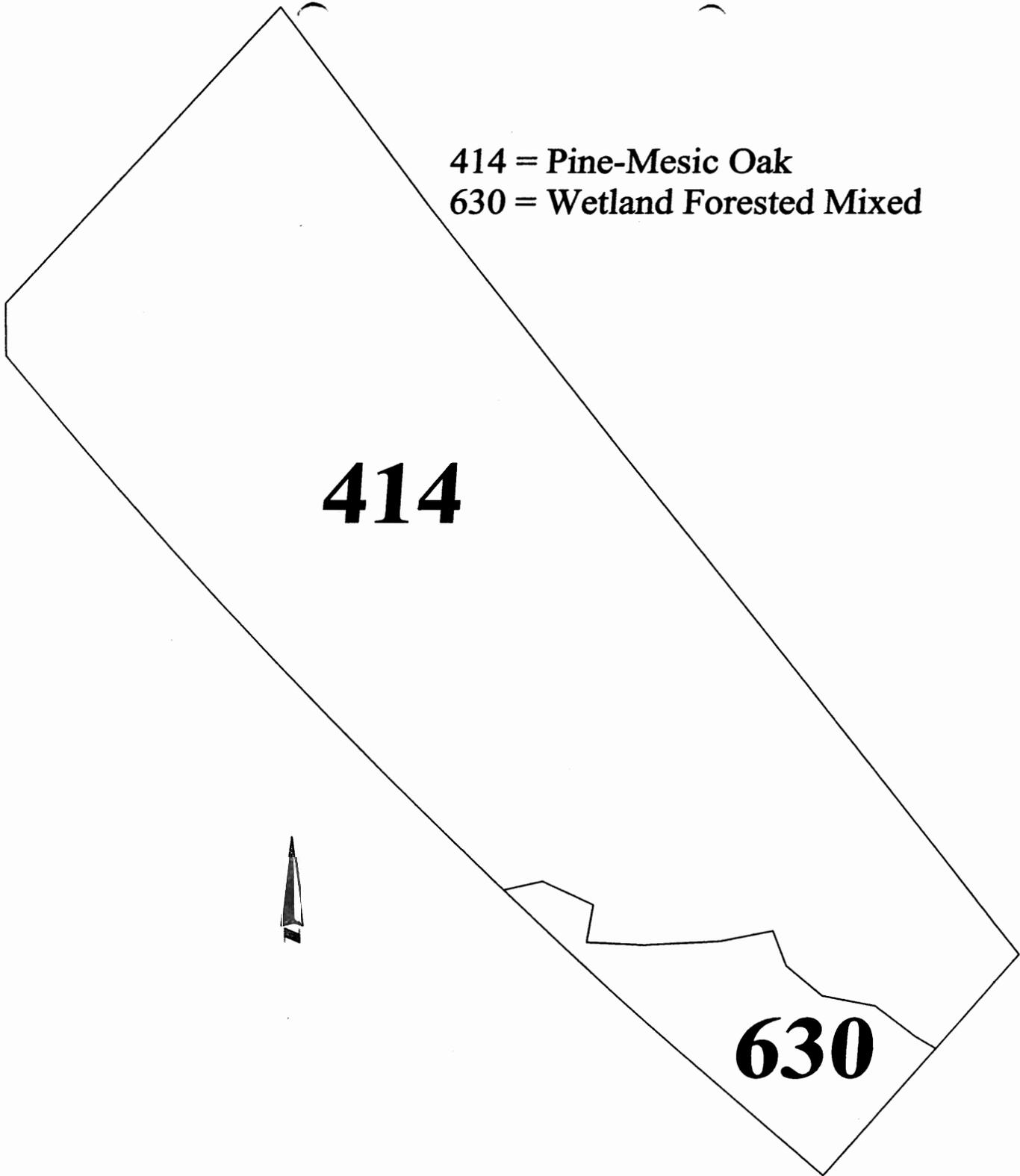
ALTA MON DATE: 5/26/04



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414 = Pine-Mesic Oak  
630 = Wetland Forested Mixed



**Brio Commerce Center Site  
Seminole County FL**

**Figure 3  
FLUCFCS Map**

U.S. Army Corps of Engineers  
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**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.

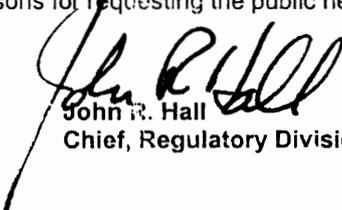
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, 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