



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

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch

PUBLIC NOTICE

Permit Application No. SAJ-2004-3592 (IP-TSB) SEP 28 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: Anthem Park (Partin East)
DR Horton, Inc.
5850 T.G. Lee Boulevard, Suite 600
Orlando, Florida 32822

WATERWAY & LOCATION: The proposed project is located between the Florida Turnpike and Kissimmee Park Road, in Sections 8 and 9, Township 26 South, Range 30 East, St Cloud, Osceola County, Florida.

DIRECTIONS TO SITE: The site is located on the west side of Kissimmee Park Road, approximately 0.20 miles south of Neptune Road, in St. Cloud, Osceola County, Florida.

LATITUDE & LONGITUDE: Latitude.....28°14'30" North
Longitude.....81°19'18" West

PROJECT PURPOSE:

Basic: The basic project purpose is the development of a residential subdivision.

Overall: The overall project purpose is the development of a residential subdivision in the St. Cloud area of Florida.

PROPOSED WORK: The applicant proposes to impact 0.72 acres of waters of the United States within the 13.53 acre project site. The project contains two areas of wetlands that will be impacted. Wetland One is a bay swamp system that extends offsite. Wetland Two is a depressional area within an existing pastureland. Both areas are considered waters of the United States with connections via large drainage ditches. The remainder of the site is pastureland with two large borrow ponds (surface waters).

As compensatory mitigation for the 0.72 acre of wetland impacts the applicant has offered the preservation of 2.65 acres of on-site bay swamp and 0.5 acres of upland buffer. This preservation area is located in the southern area of the site.

ENDANGERED SPECIES: The project site contains bald eagle nest OS-84 that has been active for several years. The applicant will maintain a 300 foot primary buffer around the nest, as indicated in the enclosed project drawings. An eagle nest management plan is being developed. With the completion of a satisfactory management plan the U.S. Army Corps of Engineers will be able to make a determination that the proposed work may effect but is not likely to adversely affect the bald eagle. Once the plan is provided the Corp will request consultation as defined under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

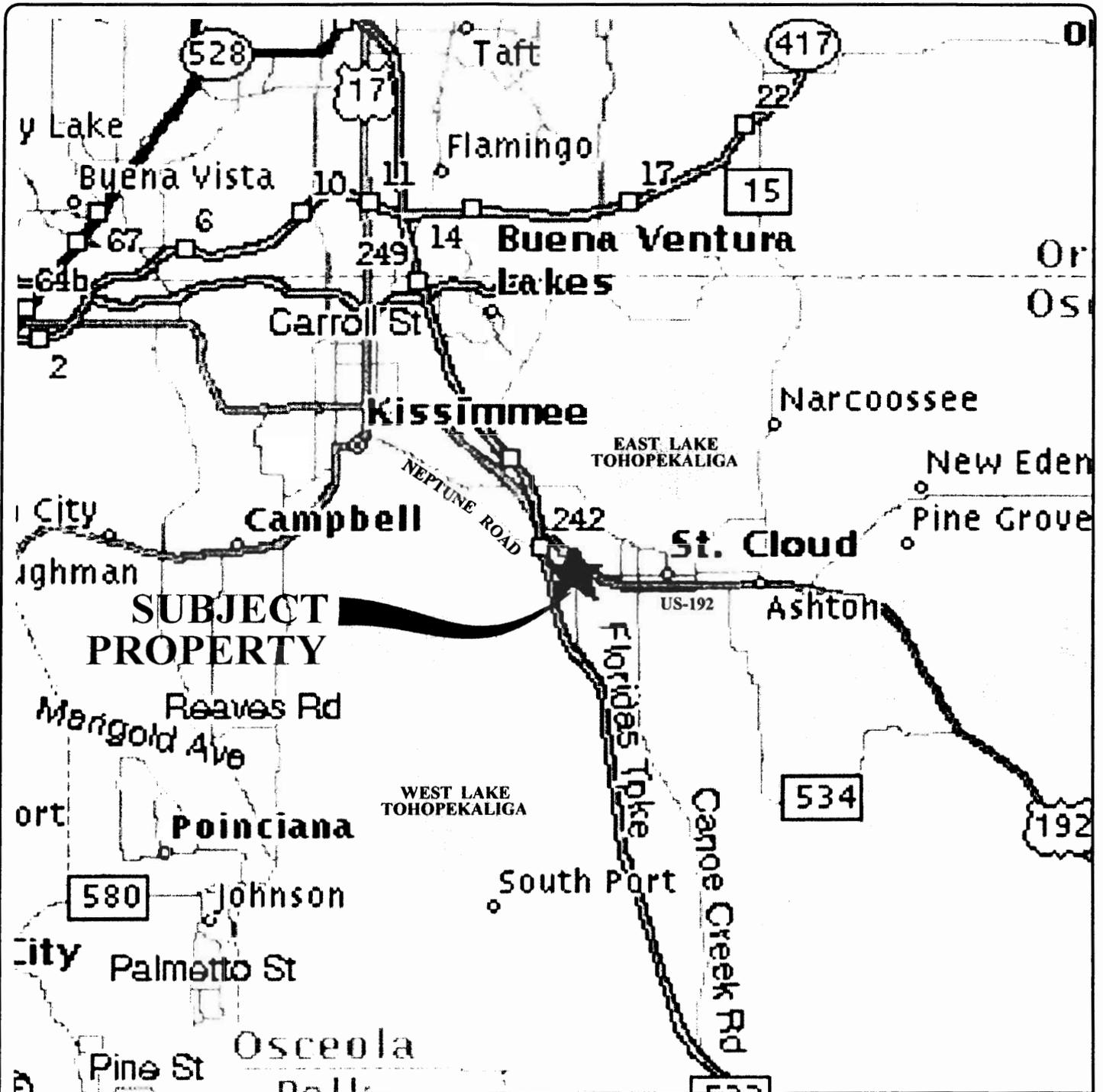
ESSENTIAL FISH HABITAT: Due to the upstream location of the project site the Corps does not consider Essential Fish Habitat (EFH) consultation required.

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

AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit may be required for this project. The South Florida Water Management District (SFWMD) is processing an application for this project. The State application number is 040323-11.

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 Stephen Brooker of this office either by letter at the letterhead address, by telephone at 321-453-7655 x17, by e-mail at stephen.brooker@saj02.usace.army.mil, or by fax at 321-453-5220.



REGIONAL LOCATION MAP

SECTION 8 & 9, TWP. 26s, RGE. 30e



COE APPL # 2004-3592
 DER APPL # _____
 DATE 9 SEPT 04
 DRAWING PAGE 1 OF 2

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Kissimmee, Florida 34741

ANTHEM PARK
 CITY OF ST.CLOUD, FLORIDA
 PREPARED FOR: D.R. HORTON

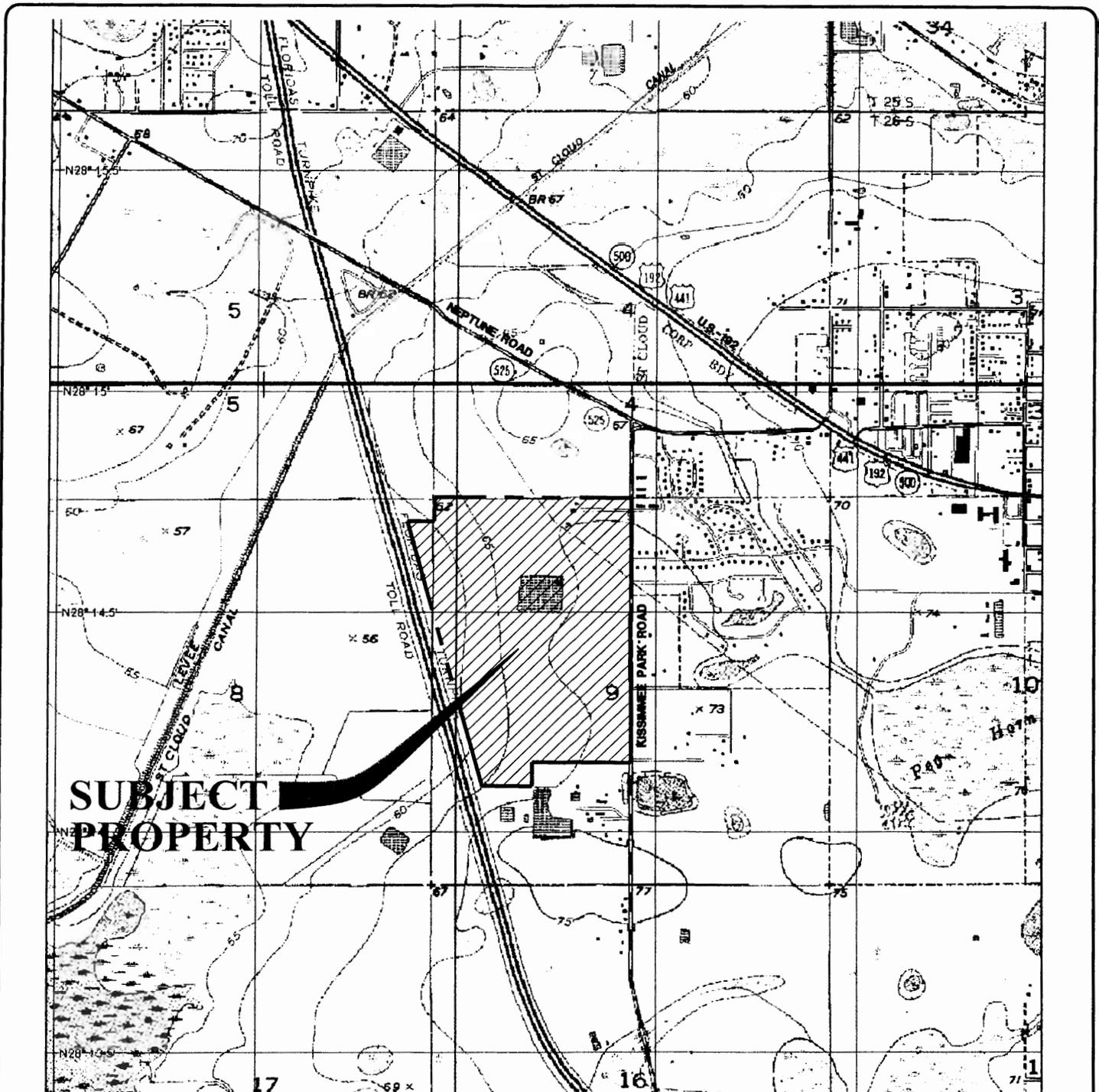
DATE:
March, 2004

SCALE:
NONE

PROJECT NO.:
130.111

EXHIBIT

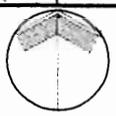
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**SUBJECT
PROPERTY**



U.S.G.S. MAP
SECTION 8 & 9, TWP. 26s, RGE. 30e



COE APPL # 341-2004-2592
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ANTHEM PARK
 CITY OF ST.CLOUD, FLORIDA
 PREPARED FOR: D.R. HORTON

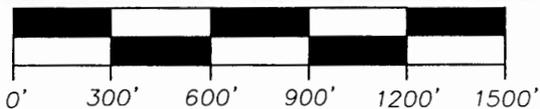
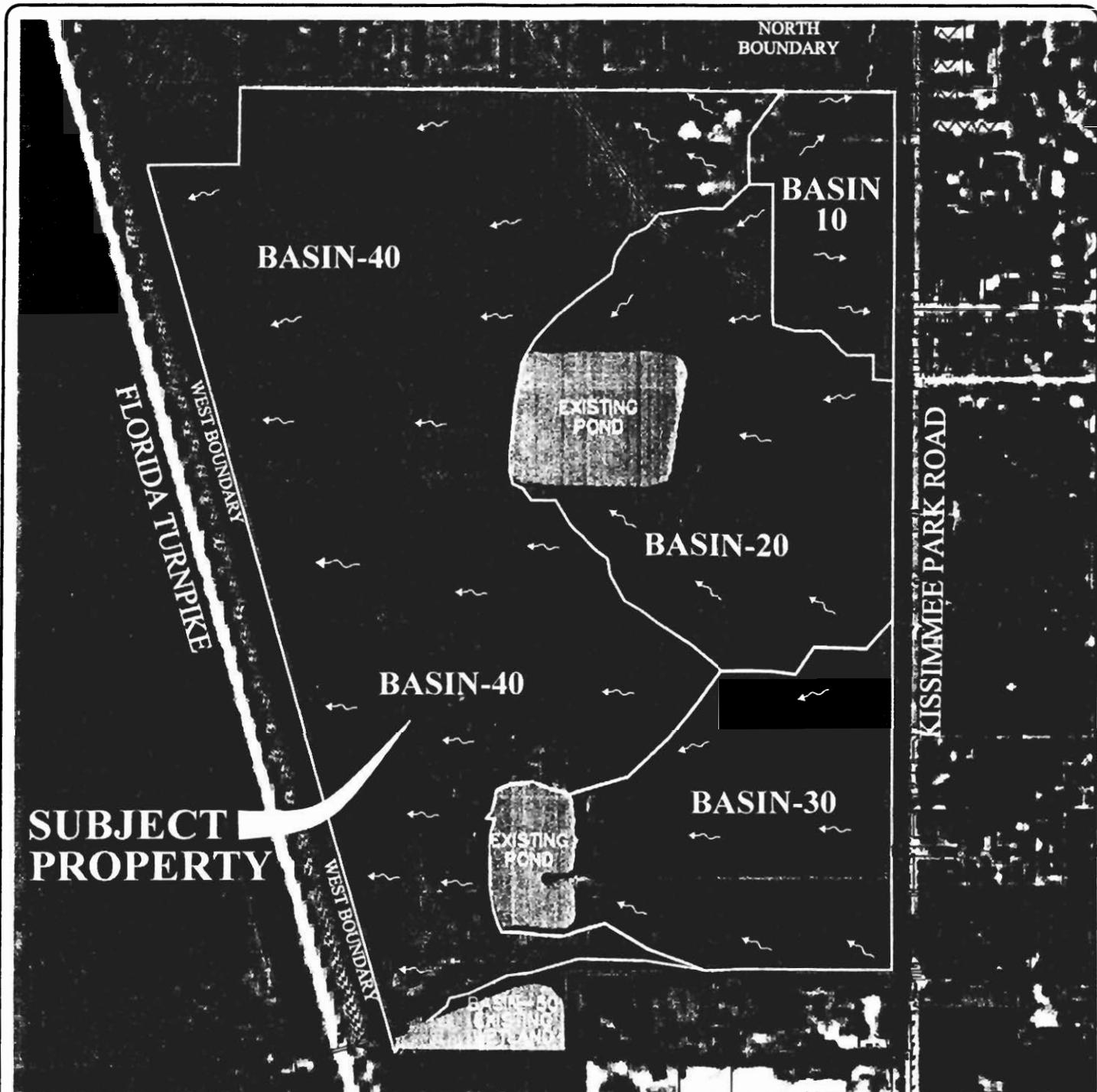
DATE:
March, 2004

SCALE:
1" = 2000'

PROJECT NO.:
130.111

EXHIBIT

D



**EXISTING CONDITIONS
DRAINAGE PATTERNS**

SECTION 8 & 9, TWP. 26s, RGE. 30e



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230 East Monument Ave., Suite B
 Kissimmee, Florida 34741

Fax: (407) 343-1994
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ANTHEM PARK
 CITY OF ST.CLOUD, FLORIDA
 PREPARED FOR: D.R. HORTON

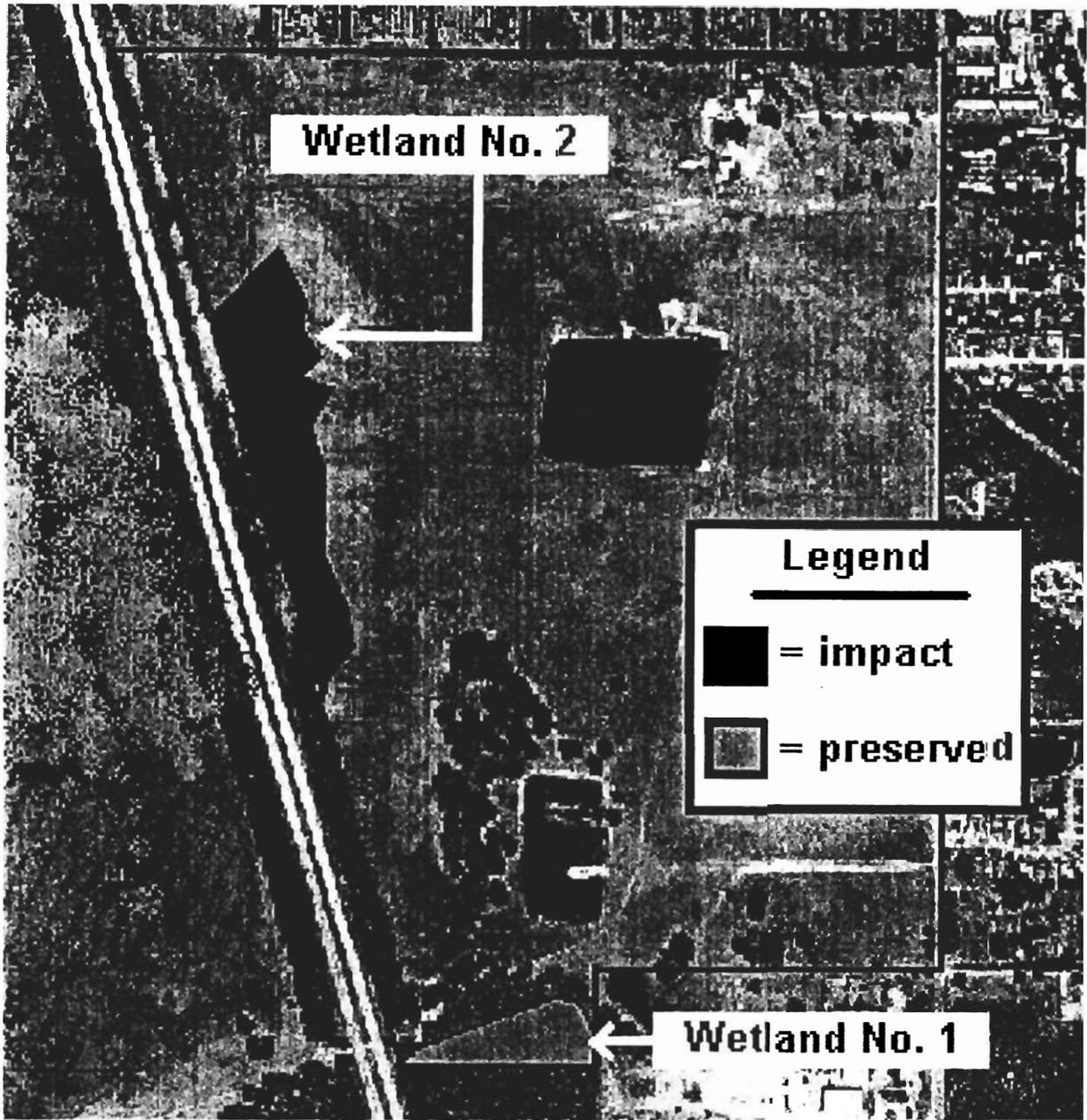
DATE:
 March, 2004

SCALE:
 1"=600'

PROJECT NO.:
 130.111

EXHIBIT

E



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 DATE 9 SEPT 04
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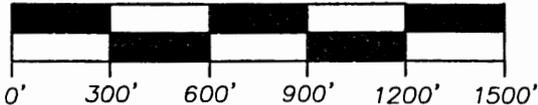
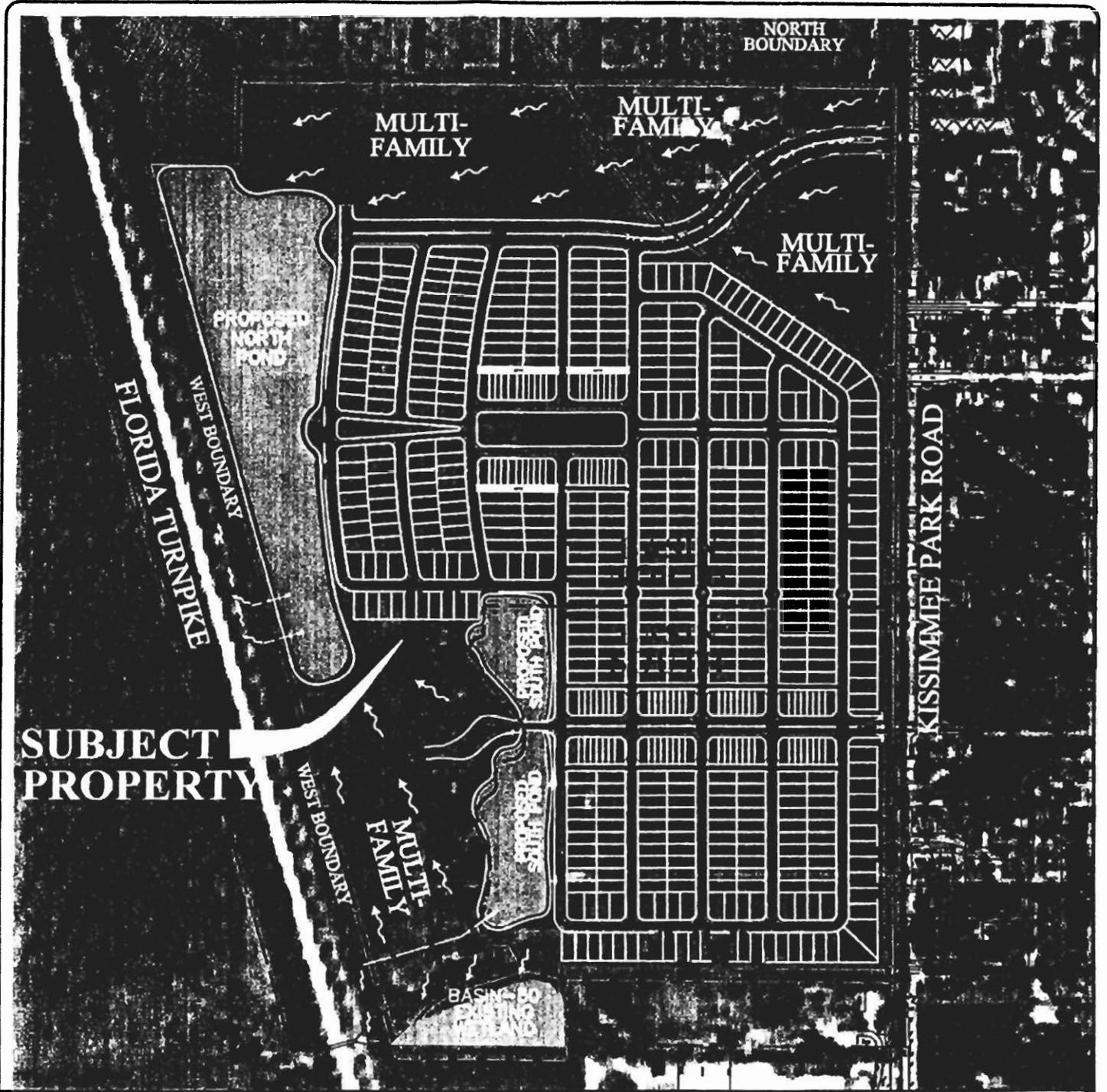
nsulting.com
Inc.
 ervices

Anthem Park
 Osceola County
 ACOE Wetland Impacts
 Figure 3

Drawn By: JGL

Date: July 23, 2004

Scale: NTS



**PROPOSED CONDITIONS
DRAINAGE PATTERNS**

SECTION 8 & 9, TWP. 26s, RGE. 30e



COE APPL # SAT - 2004-0352
 DER APPL # _____
 DATE 7 SEPT 04
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ANTHEM PARK
 CITY OF ST.CLOUD, FLORIDA
 PREPARED FOR: DR. HORTON

DATE:
 March, 2004

SCALE:
 1"=600'

PROJECT NO.:
 130.111

EXHIBIT

F

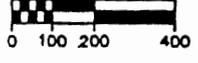


COE APPL # 545-2004-3552
 DER APPL # _____
 DATE 9 SEPT 04
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 email: info@bio-techconsulting.com

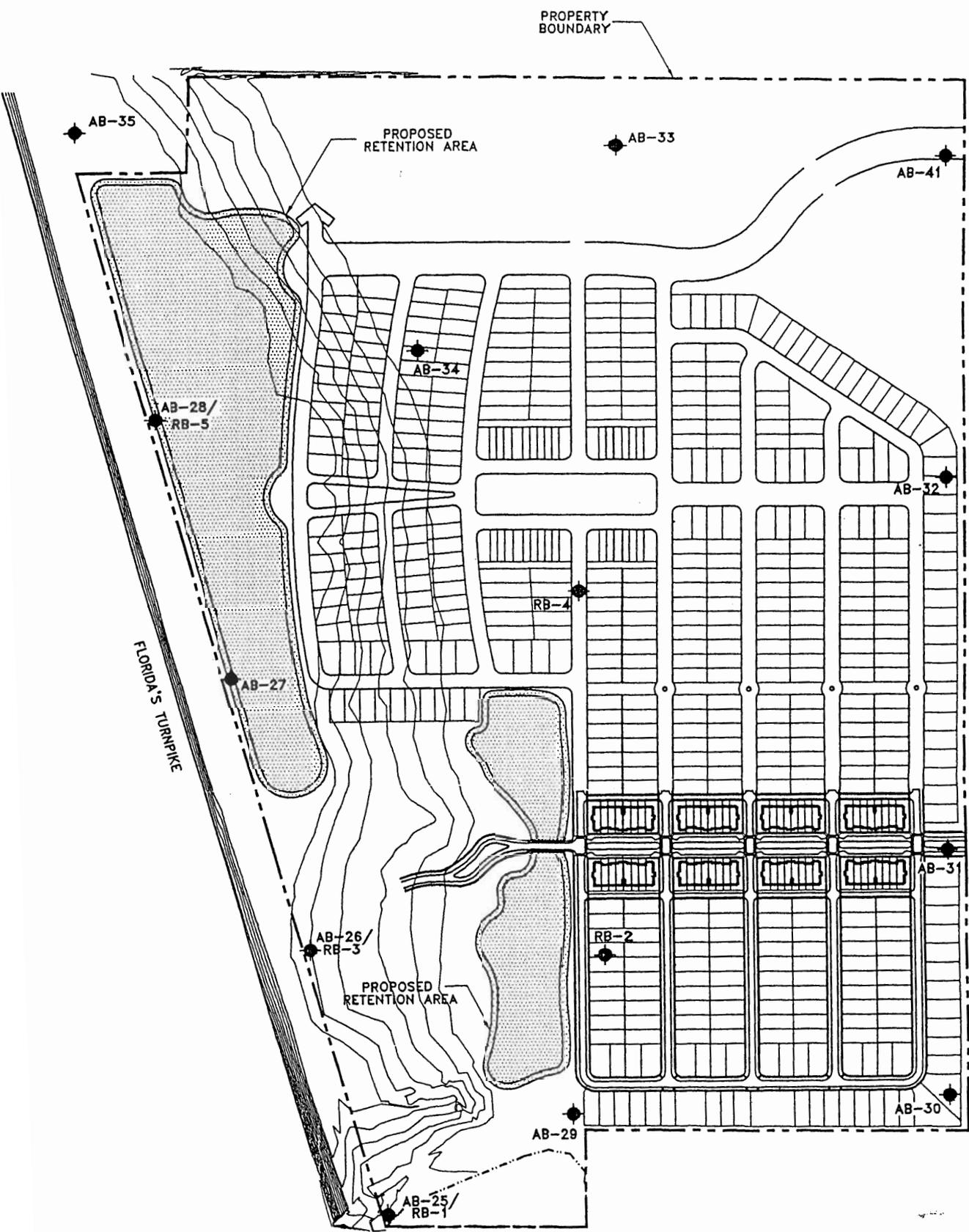
Anthem Park Project Site
 Osceola County, Florida
 Figure 4
 ACOE Jurisdictional Wetlands

Drawn By: **JEB**
 Date: 8/19/2004
 Scale: 1:500
 DWG#: 4
 Revised:

PROPERTY BOUNDARY

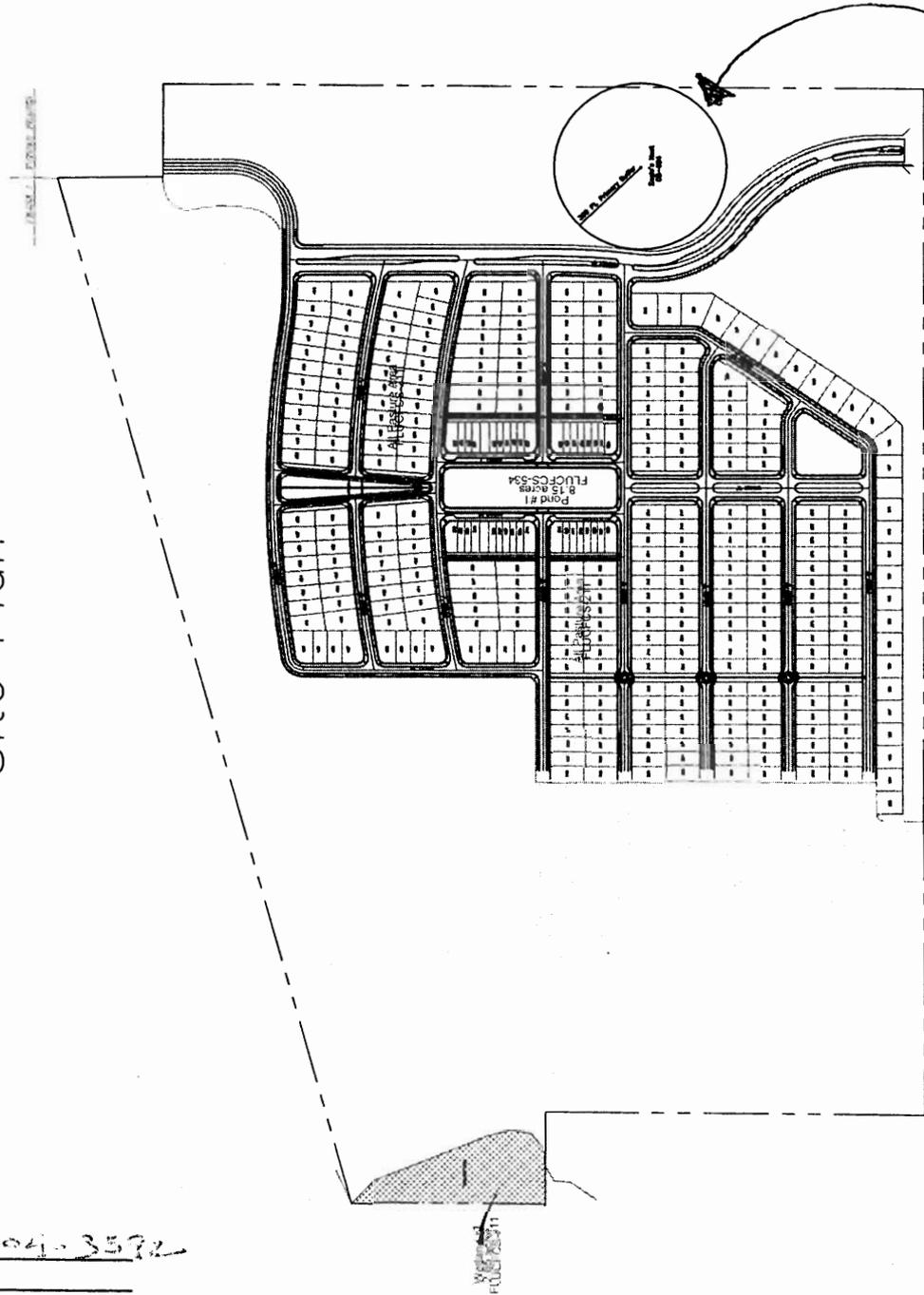


Scale in Feet



COE APPL # 517-2004-3592
DER APPL # _____
DATE 9 SEPT 04
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Exhibit 7 Site Plan



SUMMARY OF WETLAND & SURFACE WATER IMPACTS

- Pond #1 = 8.15 acres
- Pond #2 = 4.66 acres
- Wetland #2 = 0.60 acres
- Wetland #3 = 0.12 acres
- Existing Ditches = 7.19 acres

NOTE:
1) Ditch areas are from top of bank to top of bank.

LEGEND:

- SURFACE WATER IMPACTS
- DITCH IMPACTS
- EXISTING WETLANDS TO BE IMPACTED
- EXISTING WETLANDS TO BE LEFT UNDISTURBED



SHEET NO. 1.0

- Landscape Architecture
- Civil Engineering
- Project Management
- Sustainability Planning



NO.	DATE	DESCRIPTION

ANTHEM PARK - PHASE I
CITY OF ST. CLOUD, FLORIDA
PREPARED FOR: D.R. HORTON

DATE: 5/20/04
SCALE: 1" = 200'
PROJECT: 130.111
DRAWN BY: HMT
DESIGNED BY: JWW
CHECKED BY: JWW

MASTER SITE PLAN

COE APPL # SAT-2004-3572
 DER APPL # _____
 DATE 9 SEPT 04
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Bald Eagle Nest 05-84

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.

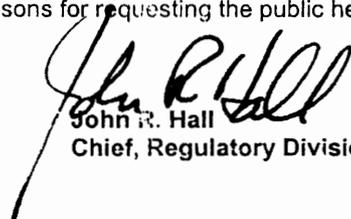
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific,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