

## QUESTION 13

### WETLANDS

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (LETTER DATED JANUARY 17, 2008)

- 17. Buffers around major wetlands systems must comport with the 100 foot average and a 75 foot minimum.**

The revised development plan will comply with the 75-foot minimum buffer around major wetland systems. The revised development plan will also conform to the 100-foot average buffer requirement, facilitated by the 2,518 acres of wetlands that will not be impacted by development proposed in this application.

- 18. It appears that 526 acres of the 2002 acres being developed will be stormwater ponds. This comprises over 26% of the “developed” area. This is a very high percentage, and suggests unsuitability of the land for development. Please verify this ratio.**

The revised development program for the Restoration plan (Map H) shows that of the approximately 1,700 acres of development. Approximately 255 acres will be used for stormwater management facilities including retention, detention and compensating storage, representing approximately 15% of the development area. This ratio of stormwater to development area is typical and expected for this type and size of development.

- 19. The golf course denudes and impacts an area that appears to be significant wildlife habitat. Furthermore, it is located along I-95, where high density development should be placed. We suggest eliminating the golf course and replacing it with natural open space greenways or, at a minimum, moving it to the west to transition from lower densities to conservation areas along the west side of the tract. Audubon design uses the wetlands as hazards to make the course more challenging. Please comment.**

The golf course has been removed from the proposed development plan.

- 20. It seems that the avoidance and minimization tests will not be readily met. Please discuss the strategy for meeting these tests.**

The revised plan included with this response demonstrates a significant change in the development footprint. Large wetland systems, including Spruce Creek Swamp, major cypress domes and systems, and wetland strands that extend off-site north and south of the project site have been avoided. The conservation hamlet area located in the east-central portion of the property has been almost totally confined to upland areas. The eastern development tract affects 585 acres of fragmented wetlands of lower functional value, leaving the higher quality and higher functional valued wetlands in the central and western portions of the property untouched by the development footprint. As seen in Appendix 12-1, Site Management and Mitigation Plan (SMMP) Executive Summary and the attached CD, restoration and management actions will lift the functional value of remaining wetlands to a more optimal state over time. Such actions will provide for no net loss of wetland function on the project site, and provide perpetual benefits for wetlands and associated wildlife resources.

**EMS SCIENTISTS, ENGINEERS, PLANNERS, INC. (LETTER DATED JANUARY 14, 2008)**

**Response to EMS “13. A.3, Page 13-2” on page 13-3**

**The application is insufficient until such time the SMMP is submitted.**

Please see Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD for the complete SMMP.

**Response to “DEP Comment Regarding Map F-3, Page 13-1” on Page 1-3**

**This application is insufficient until such time Map F-3 is revised.**

We believe that the commenter is referring to Map F4, Wetland Impact Analysis, which has been revised to reflect the latest reviews by SJRWMD in the wetland jurisdictional determination. Map F4 identifies the current location and extent of wetlands that will be impacted by the western and eastern development footprints. Map F4, Wetland Impact Analysis will be revised as may be necessary following the final wetland jurisdiction determination; however, all the wetlands within the eastern development tract have been inspected. Additional review work is required on the project site, and Map F4, Wetland Impact Analysis will be updated to show the results of the final wetland jurisdictional determination.

**Response to EMS “Item 3, Page 13-7” on page 13-3**

**The application is insufficient until such time the SMMP is submitted. The SMMP should include hydrologic data that demonstrates how wetlands in the preservation area will be restored; and that impacts to wetlands on-site and the restoration of wetlands on -site will not result in adverse impacts off-site.**

Please see Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD for the complete SMMP.

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (LETTER DATED JANUARY 14, 2008)**

**The District concurs with the applicant’s statements that a formal wetland jurisdictional determination is in process. Based on the outcome of the formal determination, the applicant has committed to prepare a Site Mitigation and Management Plan (SMMP) and revise its master development plan (page 10-13). The applicant should not proceed to the development order stage until the SMMP and the master development plan are finalized.**

Please see Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD for the complete SMMP. The master development plan for Restoration has been revised pursuant to review agency recommendations.

**CITY OF EDGEWATER (LETTER DATED JANUARY 11, 2008)**

**Provide field-based wetland line delineation when available.**

Please see revised Map F4, Wetland Impact Analysis for current wetland delineation efforts on the project

site. The vast majority of the project site's wetlands been delineated and inspected by the SJRWMD, and we anticipate completing the formal Jurisdictional Determination Study in consultation with the SJRWMD staff. All wetlands to be impacted have been verified. We will continue to coordinate wetland jurisdictional surveys with the SJRWMD, and will provide the City with the field –based wetland line delineation when completed.

**CITY OF NEW SMYRNA BEACH (LETTER DATED JANUARY 17, 2008)**

As a result of the ADA responses from the agencies, notably the City of New Smyrna Beach, the Applicant has chosen to delete the 1,515± acres located in the City of New Smyrna Beach from the Restoration DRI, and no detailed response will be provided at this time.

**Comment 9:** Please provide a Wetland Management Plan explaining how the proposed development will meet the requirements of the "Sites Containing Wetlands" in accordance with LDR Section 701.

Please see Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD for the complete SMMP.

**Comment 10:** The wetland impact is 63.27 acres, or more than 16%, of the total 383.21 acres wetlands included in the New Smyrna Beach portion of the project. Quantify and qualify the negative environmental impacts of the proposed 1,131 proposed dwelling units over the presently allowed 51 dwelling units and the housing developments proposed to be constructed in wetlands. Address this impact to aquifer recharge areas and areas known to be habitat for threatened or endangered species.

The Applicant has withdrawn all development plans from the land, therefore, no wetlands or habitat impacts are anticipated.

**Comment 11:** Most of the wetlands are located within currently designated "Zone A" floodplains. This is not consistent with the *New Smyrna Beach Comprehensive Plan*.

Please see the response above from the Applicant on wetlands and floodplains.

**VOLUSIA COUNTY GROWTH AND RESOURCE MANAGEMENT (LETTER DATED JANUARY 15, 2008)**

*Pre-application Conference Items 1 - 5, Volusia County Comment Letter Dated October 4, 2006:* The applicant has previously been made aware that agreement on the assumptions and methodologies had not been reached, pursuant to State Statute (Section 380.06(7)(a)), prior to preparing the Application for Development Approval (ADA) for the following items. These issues were previously raised by County staff during the pre-application conference charrette and the response by the County in writing to the Pre-application Conference Summary.

1. The need for a field-based delineation of wetlands utilizing the formal wetlands delineation process;

**Update:** The field-based delineation of wetlands has yet to be achieved and the ADA should be considered insufficient until the delineation is completed. The applicant has included County staff in the formal wetlands determination process as requested.

Please see revised Map F4, Wetland Impact Analysis for current wetland delineation efforts on the project site. The vast majority of the project site's wetlands been delineated and inspected by the SJRWMD, and we anticipate completing the formal Jurisdictional Determination Study in consultation with the SJRWMD staff. All wetlands to be impacted have been verified. We will continue to coordinate wetland jurisdictional surveys with the SJRWMD, and will provide the Volusia County Growth and Resource Management with the field-based wetland line delineation when completed.

**Pre-application Conference, Volusia County Comment Letter Dated October 4, 2006, Item No. 1, D. 13-4, Repeat comment:** The ADA should be considered insufficient until such time as the formal delineation process for the wetlands is completed and utilized in the ADA to properly address impact avoidance and minimization.

The Applicant desires to move forward now that the formal wetland delineation process is all but completed with the SJRWMD.

**Pre-application Conference Volusia County Comment Letter Dated October 4, 2006, Item No. 2, p. 13-4, Repeat Comment:** County staff looks forward to continued participation in the formal wetland determination process given our environmental review responsibility on behalf of the City of Edgewater.

We also look forward to the County's participation in any upcoming wetland reviews with the SJRWMD.

**Question 13 A. 4., Wetland Delineation Methodology, p. 13-4:** The ADA should be considered insufficient until the wetland extents are determined utilizing proper wetland identification methodology and used to properly address impact avoidance and minimization. A survey of the wetland flags must be conducted to accurately delineate the boundaries as established by SJRWMD. It is particularly important to complete the formal delineation process, as the results to date indicate that the initial submittals significantly underestimated the wetland acreage. The total wetland acres have increased from 2707 acres to 3047 acres across the site. The extent of the wetlands is likely to continue to increase once the limits of all wetlands have been field verified.

Please see revised Map F4, Wetland Impact Analysis for current wetland delineation efforts on the project site. The vast majority of the project site's wetlands been delineated and inspected by the SJRWMD, and we anticipate completing the formal Jurisdictional Determination Study in consultation with the SJRWMD staff. All wetlands to be impacted have been verified. We will continue to coordinate wetland jurisdictional surveys with the SJRWMD, and will provide the Volusia County Growth and Resource Management with the field-based wetland line delineation when completed.

**Question 13 A. 6 and 7, Wetland Impact Avoidance, D. 13-5:** (Note: The applicant's response is broken into 4 parts)

1. **Repeat comment:** The applicant is advised that the ADA should be considered insufficient until such time as the formal delineation process for the wetlands is completed and utilized in the ADA to properly address impact avoidance and minimization.

The Applicant desires to move forward now that the formal wetland delineation process is all but completed with the SJRWMD.

2. **Repeat comment:** The response is insufficient. County staff must rely on the letter from the former City Manager of the City of Edgewater as it regards the preservation of wetlands. Unless further direction is provided, the literal meaning of the referenced bulleted phrase in the letter indicates that the wetlands will be preserved through conservation easements. There is no mention in the letter or the minutes for allowing impacts to wetlands.

It was previously explained in the 2<sup>nd</sup> sufficiency response that the presentation to the joint meeting of Volusia County and the City of Edgewater was based on a plan that reflected protection of both wetland *and* upland areas, as well as wetland impacts. The percent of site developed in that plan was more than shown in the revised plan herein and the wetland impacts are comparable. The current plan preserves 3,472 acres of wetlands and uplands, which is in excess of the preserved areas noted in the referenced letter.

3. **Repeat comment:** Because the information regarding the extent of the wetlands on the site is incomplete or outdated, it is premature to accurately assess the proposed wetland impact avoidance. The information provided with the ADA is not consistent with Volusia County minimum standards for wetland protection. There are still many opportunities to save larger wetland areas within the future development pockets. The applicant has not yet demonstrated that these larger areas within the development pockets (for example on the high school site) must be impacted to facilitate this development. Adequate minimization of wetland impacts may reduce the total number of units that this environmentally sensitive property can support.

This comment should also be taken in light of the fact the proposed development is currently inconsistent with the existing Future Land Use Map designations of Forestry Resource and Environmental Systems Corridor (ESC). The DRI is located entirely within the Natural Resource Management Area (NRMA). As noted above, the DRI proposes a significant increase in residential and non-residential development than is currently allowed by the two FLUM designations. The areas in the DRI proposed for development contain wetland systems that are designated (ESC) on the County's Future Land Use Map. The ESC areas represent interconnected natural features that are part of a larger network of ecologically sensitive land that extends throughout the County. Therefore, wetland areas that are designated as ESC should not be earmarked for development as proposed by the ADA.

**New comment:** Please clarify whether the development plan contemplates excavating the site (particularly wetlands) to generate fill in addition the area/volume needed to address stormwater management requirements. Impacts to wetlands for this purpose do not meet the avoidance and minimization criteria of the County's minimum standards.

The development plan proposed for Restoration has been revised significantly in response to agency recommendations. The majority of the development is now located on the eastern side of the project site adjacent to I-95 and clustered around a revised alignment for Williamson Boulevard that was determined after meetings with the County's traffic engineer and staff. Spruce Creek Swamp, major cypress domes and systems, and wetland strands that extend off-site to the north and south of the property have been excluded from the development footprint as shown on the revised Map F4 included with this response. The revised development plan

protects environmentally sensitive areas designated on the VCOG Map A that occur on the project site.

Approximately 585 acres of wetlands will be impacted by the revised development plan, which represents a 6% decrease from the 623 acres in the development plan submitted with the 2<sup>nd</sup> sufficiency response. Development impacts will occur within wetlands of lower functional value on the eastern side of the project site, while wetlands of higher functional value occurring within the central and western portions of the project site will be avoided and restored over time to a more optimal functional value. As seen in Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD, a goal of the SMMP is to establish on the project site, over time, a wetland ecosystem that possesses a higher functional value than currently exists. Restoration and management strategies used to accomplish this goal would result in no net loss of wetland function within site's ecosystem, fully mitigate for wetland impacts caused by the proposed development, and provide protection and improve beneficial uses of the remaining wetlands.

4. **Repeat comment:** The submittal does not adequately address avoidance of buffer impacts or acknowledge that mitigation for buffer impacts will be required. Page 13-6 indicates that large systems will be preserved. This still does not address the fact that by statute a minimum 25 foot buffer exists around all jurisdictional wetlands. In accordance with the Volusia County Minimum Environmental Standards, any impact to these areas will require a local government wetland alteration permit and appropriate mitigation.

The County's minimum 25-foot buffer will be maintained around all jurisdictional wetlands.

**Question 13 B., Restoration and Habitat Management Plan, D. 13-6, Repeat Comments:**

1. **Staff recommends that the additional information indicated by the applicant to be provided in the future as it becomes available is relevant at this stage of the ADA process and that the ADA is insufficient until that information is provided.**

Please see Appendix 12-1, Site Mitigation and Management Plan (SMMP) Executive Summary and the attached CD for the complete SMMP.

2. **Again, as noted above, until further direction is provided, staff must rely on the letter from the City Manager of Edgewater which indicates that the wetlands will be preserved through conservation easements with no mention of allowing impacts.**

As the review process continues, we suspect the City of Edgewater will reevaluate its policy position on wetland impacts to be well in line with the direction the SJRWMD pursues.

**THE NATURE CONSERVANCY (LETTER DATED JANUARY 15, 2008)**

Willamson Blvd Extension is proposed as a major road passing north-south through the center of the property, severing habitat that is otherwise contiguous. We recommend that this road be located within the footprint of land to be developed rather than outside of that footprint. Because of its proposed location, the road itself creates a major additional impact. A single wildlife crossing structure is depicted; however, this alone does not establish a contiguous habitat block. (It should also be noted that such wildlife structures can not be effective in preventing roadkills unless

**significant barrier fencing is installed along the rest of the roadway to guide wildlife to safe crossing areas.) TNC strongly recommends that Williamson Blvd be located farther east within the footprint of lands to be developed, with consideration given to using the corridor created by the large utility easement which runs parallel to I-95.**

Please see the revised development plan, which shows an easterly shift in the proposed alignment of Williamson Boulevard and clustering of development on either side of the alignment within the area of development. Currently, no wildlife crossing is proposed within that portion of the northerly alignment of Williamson Boulevard extending through the city limits of New Smyrna Beach. A wildlife crossing is not planned in this area due to the limited amount of habitat east of the alignment and the proximity of I-95 and the inherent problems with wildlife and vehicles traveling at high rates of speed. A substantial wildlife crossing will be constructed within the east-west road accessing the western conservation hamlet area to provide for wildlife movement north and south of the roadway. Wildlife movement off the south end of the property will be through an approximate 1.5-mile unimproved portion of CR 442, which has been used historically for wildlife movement.