

June 7, 2022

Jim Ford Watson Commercial Real Estate 335 S Plumosa Street, Suite J Merritt Island, FL 32952

> RE: **Environmental Assessment** For Three Parcels of Property totally 10.8 acres Located near Grissom Parkway in Cocoa, Brevard County, Florida With Tax and Parcel Identification Numbers: 1. 2400719 & 24-35-01-25-13-10: 7.31-Acres (Northern Tract Only)

- 2. 2400700 & 24-35-01-25-12-16: 2.30-Acres
- 2400694 & 24-35-01-25-12-10: 1.15-Acres 3.

Dear Mr. Ford:

The following is a summary of Toland Environmental Consulting's (TEC) environmental assessment for three lots located adjacent to Grissom Parkway in Cocoa, Florida whose tax and parcel identification numbers are listed above. The lots are bounded to the north, east and west by undeveloped single family residential lots, and to the south by an access driveway to an existing church (Figure 1).

The purpose of the site inspection was to identify environmental resources on the site and to evaluate whether consideration needs to be made during the acquisition or conceptual design process to address environmental restrictions on the property's development. To prepare this ecological assessment, TEC reviewed natural resource maps including GIS database coverages of the Brevard County Soil Survey as maintained by the National Resources Conservation Service (NRCS), the National Wetland Inventory (NWI) as maintained by the US Fish and Wildlife Service (USFWS), Brevard Natural Communities Cover maps maintained by the St. Johns River Water Management District (SJRWMD) using the Florida Department of Transportation's (FDOT) Florida

Land Use, Cover and Forms Classification System (FLUCCS) as last amended in 1999, the United States Geological Survey's (USGS) Topographic Quadrangle Maps, the 2008 Brevard County Florida Scrub- Jay Occupancy Polygon Maps as maintained by USFWS, the Florida Fish and Wildlife Conservation Commission's (FWC) Bald Eagle Nest Site Locator Map, USFWS Wood Stork (Mycteria americana) Nesting Colonies and Core Foraging Areas Maps, and the USFWS Audubon's Crested Caracara (Polyborus plancus audubonii) Consultation Area Map, and other listed species databases, as appropriate.

In addition, on March 07, 2022, TEC ground-truthed, delineated and described the natural communities present within the study area with reference to Florida's Cooperative Land Cover (CLC) classification system as maintained by FWC as well as by FDOT FLUCCS codes. The property would be classified by CLC as having 9.86 acres of CLC 1312 Scrubby Pine Flatwoods (FLUCCS 4110 - Pine Flatwoods)(Photograph 1), and 0.942 acres of CLC 21211 -Depression Marsh (FLUCCS 6410 – Freshwater Marsh)(Figure 2).



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 1 of 8

Figure 1: Regional Location Map



# Legend

Properties

Individual Lot Lines

Property Excluded by USFWS for Scrub-Jays



# Figure Prepared by Toland Environmental Consulting Using FDOT 2018 Aerial Imagery

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 2 of 8

Figure 2: Natural Communities Cover Map



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4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 3 of 8 The depression marsh extends offsite, and the onsite portion of the system is split between the northern reaches of parcel #2400719 with 0.484 acres and the southwest corner of lot #2400700 with 0.458 acres. (Figure 2).

Fire suppression has resulted in the canopy of the scrubby pine flatwoods to become dominated by sand pines (*Pinus clausa*), with lesser amounts of longleaf pines (*Pinus palustris*) and occasional Live oak (Quercus virginiana). The lack of fire has also resulted in a dense and overgrown mid-story and understory with rank saw palmetto (*Serenoa repens*), tall, dense sand live oak (*Quercus geminata*), intermittent dwarf live oak (*Quercus minima*), runner oak (*Quercus pumila*), and rusty lyonia (*Lyonia ferruginea*). The depression marsh shows damage from wild hogs with groundcover including chalky bluestem (*Andropogon capillipes*), redroot (*Lachnanthes caroliniana*), soft rush (*Juncus effusus*), and wax myrtle (*Myrica cerifera*) around the perimeter.

In order of relative abundance, the onsite soils are classified by NRCS as Immokalee sand, Pomello sand, Myakka sand and St. Lucie fine sand (Figure 3). As would be expected in scrubby pine flatwoods, all onsite soils are classified as upland soils within the "Hydric Soils of Florida Handbook, fourth edition" prepared by Florida Association of Environmental Soil Scientist. Immokalee sand may be a hydric soil or an aquifer recharge soil depending upon its position in the landscape. Hydric soils form under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Hydric soils are usually associated with wetlands while non-hydric soils are generally associated with upland habitats. Two of the soils, Pomello sand and St. Lucie fine sand are also classified as aquifer recharge soils which have very high vertical conductivity (Ksat) values that reflect the rapid vertical movement of water through the groundwater table. Brevard County classifies recharge soils as any soil with a Ksat value of more than 20 inches per hour.

Within the scrubby flatwoods, TEC reviewed representative samples of the onsite soils and found they lacked the required features to be classified as hydric or indicative of having been formed under aerobic conditions by exhibiting signs of stripping, redox concentrations, or substantial organic accumulations within the first six inches of the soil profile. Soils within the depression marshes showed organic accumulations within the first six inches of the soil profile including mucky minerals (A7 indicator) and muck (A9 indicator) that demonstrated the soils formed under anaerobic conditions and would meet the criteria found within the Handbook and Florida's wetland delineation rules to be classifies as hydric.

TEC observed signs of hydrology within the depression marsh that would indicate that the property flooded or had water ponding on it. Signs of hydrology included algal matting, standing water, and vegetative adaptations.

The depression marsh is mapped by both the NWI and the SJRWMD as wetlands. Within the depression marsh, TEC's onsite field review found the property displayed the proper combinations of hydric soils, wetland vegetation and signs of hydrology to meet the criteria for classification as wetlands according to the delineation criteria found within Chapter 62-340, Florida Administrative Code or Section 404 of the Clean Water Act (33U.S.C. 1344) (Figure 2).

Figure 3: NRCS Soils Map



Figure Prepared by Toland Environmental Consulting Using FDOT 2018 Aerial Imagery

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 5 of 8 Impacts to wetlands are regulated by the federal, state and local governments through the Clean Water Act, Chapter 62-340, Florida Administrative Code (FAC) and local land development regulations. Recently, the State of Florida assumed part of the federal 404 Wetland Permitting Program (404 Permit) allowing Florida to issue both the state's Environmental Resource Permit (ERP) and the federal 404 Permit within areas that are not retained for jurisdiction by the US Army Corps of Engineers (ACOE) or federal retained waters. The Applicant's site does not lie within 300-feet of a retained water. Therefore, commercial development for the two lots containing the depression marsh would be subject to the jurisdiction of the SJRWMD issuing the permit for the State of Florida and the Florida Department of Environmental Protect (FDEP) permits for ACOE. Both agencies, will require mitigation for primary and secondary impacts that cause a loss of functional wetland systems that are isolated and bigger than one-half acre and do not provide habitat for listed species or are wetlands connected to the St. Johns River or Indian River Lagoon System and larger than 0.1-acres. Primary impacts are direct impacts to wetland areas within an approved jurisdictional line, and secondary impacts are alterations within an average of 25-feet of a wetland jurisdictional line where the 25-feet may be reduced to 15-feet in some areas so long as larger buffers are provided elsewhere adjacent to the jurisdictional line that net in an average 25-foot buffer.

The study contains approximately 0.942 acres of isolated wetlands. To issue the permit, FDEP will require that any impacts to wetlands be avoided by directing development into uplands, whenever possible, and minimized as much as is reasonably practical. If development does not occur within 25-feet of the jurisdictional boundary of the freshwater marsh, no mitigation would be required. However, if impacts can't be avoided an ERP and 404 Permit from FDEP for any primary or secondary impacts will be required.

Brevard County will be the local regulating agency for wetland impacts. The Conservation Element and its implementing Land Development Regulations require that the County avoid duplication of wetland regulation. Chapter 5.3 of the Conservation Element states: "Where the wetland degradation or destruction has been permitted by FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation, the County shall apply the land use and density requirements of Policy 5.2 and the avoidance, minimization of impacts, and mitigation priorities established by Objective 5. Any permitted wetland degradation or destruction shall provide for mitigation as designated in the Conservation Element." Since FDEP does an avoidance and minimization analysis as part of their standard permit review, any development impacts to wetlands on this site that are permitted under an ERP permit obtained from FDEP which requires mitigation for the loss of those wetland impact, will not be duplicated for regulation by Brevard County. The County can only apply the County's land use and density restrictions on development proposals for wetlands permitted by the State that result in a no net loss of wetlands. In situations where the state issues an ERP but does not require mitigation for the loss of wetlands, the County can require mitigation consistent with the standards found within Florida's Unified Mitigation Assessment Method, Chapter 62-345 FAC.

Scrubby pine flatwoods can potentially support federal, or state species listed as endangered, threatened, or species of special concern including gopher tortoises (*Gopherus polyphemus*), Florida scrub-jays (*Aphelocoma coerulescens*), eastern indigo snakes (*Drymarchon corais couperi*), and bald eagles (*Haliaeetus leucocephalus*). The property is mapped as having a scrub-jay occupancy polygon present. TEC prepared a request for a Letter of Clearance from the USFWS and was granted clearance on May 9, 2022 (Attachment A). TEC's review of FWC's eagle nest maps found that this agency did not map the three properties as having eagles present on the property or within the protection limits required for this species. In addition, TEC did not observe eagles on the site or any of their sign that indicated occupation was possible on the property.

The property lies within the consultation area for crested caracaras; however, no crested caracaras were observed, and the site lacks the open, suitable habitat for this species. Accordingly, no further action should be required with respect to crested caracaras.

The property lies within a core foraging area for wood stork and is approximately 4 miles to the nearest active wood stork nesting colony site. According to the ACOE and USFWS' Effect Determination Key for Wood Storks In Central and North Peninsular Florida as last updated in September 2008, the property does not provide 4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com

suitable foraging habitat (SFH) for wood storks and therefore would keyed to "no effect" determination and would not require additional consultation or coordination with these agencies. SFH is described within the Determination Key as "any area containing patches of relatively open (< 25% aquatic vegetation), calm water, and having a permanent or seasonal water depth between 2 and 15 inches (5 to 38 cm). SFH supports and concentrates, or is capable of supporting and concentrating small fish, frogs, and other aquatic prey".

As an authorized gopher tortoise agent for FWC to survey for gopher tortoises, TEC surveyed 15 percent of all suitable gopher tortoise habitats on the property using the surveying protocols outlined in FWC's Gopher Tortoise Permitting Guidelines as last updated in July 2019. During the site visit, TEC did not observe any potentially occupied gopher tortoises' burrows or their sign on the property. This lack of utilization on the property by gopher tortoises is attributed to fire suppression and the overgrown nature of the properties that has allowed dense saw palmetto to crowd out the traditional understory plants that tortoises normally forage upon including wiregrass (*Aristida stricta*), dwarf wild blueberry (*Vaccinium myrsinites*), prickly pear cactus (*opuntia humifusa*), blackberries (*Rubus spp.*), paw-paws (*Asimina obovata*) and other seasonal fruits which support gopher tortoise populations.

If you have any questions or require additional information regarding this initial site inspection, please contact me on my office phone at 321-242-7173 or by e-mail <u>at teclisa@cfl.rr.com.</u>

Sincerely,

Lisa J. Toland

Lisa Toland, President

### ATTACHMENT A

FWS Letter of Clearance for Florida Scrub-Jays

Hi Lisa,

You are all good to go! The Service accepts the results of your surveys. Florida scrub-jays are not currently occupying these properties:

Tax and Parcel Identification Numbers:

1. 2400719 & 24-35-01-25-13-10: 7.31-Acres (Northern Tract Only)

2. 2400700 & 24-35-01-25-12-16: 2.30-Acres

3. 2400694 & 24-35-01-25-12-10: 1.15-Acres

No further coordination with the Service is needed at this time and development of these properties will not impact scrub-jays. Should you discover scrub-jays in the future, please come back to us for re-evaluation.

Thank you so much,

Erin

Log #2022-0028513 Grissom Road\_Toland\_Brevard

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Erin M. Gawera, Fish and Wildlife Biologist US Fish and Wildlife Service Email: erin\_gawera@fws.gov https://www.fws.gov/office/florida-ecological-services Florida Ecological Services Field Office 7915 Baymeadows Way, Suite 200 Jacksonville, FL 32256-7517 904/731-3121 (direct) 904/731-3336 (main) Fax: 904/731-3045 or 3048

From: Toland Environmental Consulting <teclisa@cfl.rr.com>
Sent: Monday, May 9, 2022 7:16 AM
To: Gawera, Erin <erin\_gawera@fws.gov>
Subject: RE: [EXTERNAL] Revised request for letter of clearance

May 05, 2022



Ms. Erin Gawera Fish and Wildlife Biologist US Fish and Wildlife Service Florida Ecological Services Field Office 7915 Baymeadows Way, Suite 200 Jacksonville, FL 32256-7517 Sent Via Email: <u>erin gawera@fws.gov</u>

- RE: Request for a Letter of Clearance for Florida Scrub-Jays (*Aphelocoma coerulescens*) For Three Parcels of Property totally 10.8 acres Located near Grissom Parkway in Cocoa, Brevard County, Florida With Tax and Parcel Identification Numbers:
  - 1. 2400719 & 24-35-01-25-13-10: 7.31-Acres (Northern Tract Only)
  - 2. 2400700 & 24-35-01-25-12-16: 2.30-Acres
  - 3. 2400694 & 24-35-01-25-12-10: 1.15-Acres

#### Dear Ms. Gawera:

I am writing to request a Letter of Clearance for Florida Scrub-jays (*Aphelocoma coerulescens*) for three lots located adjacent to Grissom Parkway in Cocoa, Florida whose tax and parcel identification numbers are listed above. The parcels lie between Canaveral Groves Boulevard and State Road 528 in Brevard County (Figure 1). The lots are bounded to the north, east and west by undeveloped single family residential lots, and to the south by an access driveway to an existing church (Figure 1). In addition, the properties are adjacent to a 2.3-acre tract of land recently cleared for scrub jays by U.S. Fish and Wildlife Service's (USFWS) Jacksonville Field Office (Log #04EF1000-2022-TA-0391) (Figure 1).

The subject properties lie within the southwest edge of a larger USFWS Florida Scrub-Jay Occupancy Polygon along the Grissom Parkway corridor as last established for Brevard County in 2008 (Figure 2). Fire exclusion has created an unnaturally rare to absent fire regime within the onsite scrub habitats that has resulted in the succession of the oak scrub into scrubby sand pine flatwoods that lack optimal habitat features to sustain scrub-jay populations.

Optimal habitat criteria have been compiled by Florida's Fish and Wildlife Conservation Commission (FWC) gathered from a compendium of studies produced by numerous scrub-jay researchers under FWC's Scrub Management Guidelines. Florida scrub-jay territories ideally occupy twenty-five acres of optimal scrub habitat with a vegetative structure made up of a patchy mosaic of treeless expanses of low shrubs that provide cover, nest sites and acorns interspersed with open, bare sandy patches needed for caching acorns. Typically, in optimal habitat, oaks and other shrubs have an average height of 4 to 5.5 feet. When the tree densities exceed one tree per acre or vegetation exceeds 5.5 feet, scrub-jay numbers decline, and sandy openings disappear.

On March 7, 2022, Toland Environmental Consulting (TEC) conducted an onsite review of existing habitat within the three parcels. TEC ground-truthed, delineated and described the natural communities present within the study area with reference to Florida's Cooperative Land Cover (CLC) classification system as maintained by FWC and last updated in September 2018 as well as classifications established by the Florida Department of Transportation's FLUCCS codes. In its present state, the property would be classified by CLC as having 9.38

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 1 of 14 Figure 1: Regional Location Map



# Legend Properties Individual Lot Lines Individual Lot Lines Property Excluded by USFWS for Scrub-Jays 0 110 220 440 660 880 Figure Prepared by Toland Environmental Consulting Using FDOT 2018 Aerial Imagery

Page 2 of 14



# Figure 2: Florida Scrub-Jay Occupancy Polygon

# Legend

Properties						w A a
2008 Elorida Scrub, Jay Occupancy Polygon						XXX
	0	245	490	980	1,470	1,960
						⊢eet

Figure Prepared by Toland Environmental Consulting Using FDOT 2018 Aerial Imagery

Page 3 of 14

acres of 1213 - Sand Pine Scrub (FLUCCS 4130 Sand Pine), 0.6 acres of isolated patches of overgrown 1210-Scrub (FLUCCS 3200 - Shrub and Brushlands) and 0.82 acres of Depression Marsh (FLUCCS - 6410 Freshwater Marsh) (Figure 3). Outside of the depression marsh, canopy coverage exceeds 15 trees per acre, a density that significantly surpasses one tree per acre for optimal habitat and two trees per acre for habitat that would be sufficiently suitable to allow scrub-jays to persist in the short-run (Photograph 7. Appendix 1). Canopy coverage is dominated by sand pines (Pinus clausa) that transition into slash pine (Pinus elliottii) along the edges of the depression marsh as well as occasional cabbage palms (Sabal palmetto) (Figure 4, Appendix 1). The oak scrub is limited to very small patches that are surrounded by curtains of tall pine making predation of jays by hawks easier in these areas. The scrub also exceeds the optimal height standard of 4 to 5.5 feet. Within the scrub, oaks consist of sand live oak (Quercus geminata) that are sparse within the landscape and often exceed ten feet in height, well above the maximum suitable height standard of eight feet. In addition, fire suppression has allowed the saw palmetto (Serenoa repens) to become rank, exceed recommended heights for suitable scrub and to fill in open sandy areas (Appendix 1). Finally, as a forested area, the properties lack the non-forested buffer of less than two tree per acre between optimal or suitable scrub-jay habitat and forested areas (Photograph 7, Appendix 1).

Although scrub habitats were not suitable or optimal for scrub-jays, to ensure no jays were lingering in unsuitable habitat, TEC conducted a five-day presence/absence survey for scrub-jays beginning on April 11, 2022 and continuing through April 18, 2022. These surveys were performed within all scrub habitats whether optimal, suitable, or unsuitable. TEC's methodology followed the USFWS's "Scrub-Jay Survey Guidelines, as last updated on 08/24/2007" which employed the systematic broadcast of high-quality taped vocalizations of Florida scrub-jays in territorial scolding's from twelve established playback stations designed to elicit responses from scrub-jays in territorial defense of their occupied habitat areas (Figure 5). The density of saw palmetto restricted movement into the interior of the northern parcel. Here an offsite playback station #12 was established to potentially capture jays moving from suitable habitat to the northeast into the inaccessible areas withing the study site (Figures 2 and 5). The survey was conducted during the spring activity period of scrub-jays when territorial displays are more frequent. No jays were observed within the proposed development site for which this letter of clearance is being sought (Attachment 2). This lack of utilization by scrub-jays is attributed to the continued decline of the scrub habitat because of ongoing fire suppression.

Given the existing site conditions and lack of responses during the presence/absence survey, TEC is requesting that the USFWS clear the three lots for Florida scrub-jays.

If you have any questions or require additional information regarding this request for clearance, please contact me on my office phone at 321-242-7173 or by e-mail <u>at teclisa@cfl.rr.com</u>.

Sincerely,

# Lisa J. Toland

Lisa Toland, President

References

Florida Fish and Wildlife Conservation Commission, 2019. Scrub Management Guidelines. FWC - Tallahassee, Florida.

Lacy, R.C., and Breininger D.R. (2021). Population Viability Analysis (PVA) as a platform for predicting outcomes of management options for the Florida Scrub-Jay in Brevard County. The Nature Conservancy contract: FL Scrub-Jay MOU/Research Period of work covered: 1 January 2019 – 31 January 2021. Chicago Zoological Society, Herndon Solutions Group LLC, and University of Central Florida.



Figure 3: Natural Communities Cover Map

# Legend

	Properties						N
	CLC 1210-Scrub (FLUCCS 3200 Shrub and Brushland)						W XXX E
1	CLC 1213-Sand Pine Scrub (FLUCCS 4130-Sand Pine)						s
	CLC 21211-Depression Marsh (FLUCCS 6410 Freshwater Marsh)	0	50	100	200	300	400

## Figure Prepared by Toland Environmental Consulting Using FDOT 2018 Aerial Imagery

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 5 of 14



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 6 of 14



Figure 5: FSJ Playback Locations and Station Coverage Map for Presence/Absence Survey

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4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 7 of 14

#### APPENDIX 1 PHOTOSTATION LOG



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 8 of 14





4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 9 of 14



#### **APPENDIX 2: FIELD SHEETS**



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 11 of 14



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 12 of 14

B



4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.rr.com Page 13 of 14

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4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.tr.com Page 14 of 14

7-18-22

L. Tolano

Date

Surveyors\_