



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 2, 2015

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director

RE: Item IV.F., Public Hearing for Authorization for Wetland Impacts for Commercial Activity for the Pence Land Materials II LLC, Micco Borrow Pit Expansion to be in the Public Interest

The Board of County Commissioners, in regular session on September 1, 2015, in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b, considered wetland impacts for the Pence Land Materials II LLC, Micco Borrow Pit Expansion to be in the Public Interest

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

✓ Tammy Etheridge, Deputy Clerk

/af

ATTACHMENT A



BOARD OF COUNTY COMMISSIONERS

Natural Resources Management Department

2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

Staff Report

SUBJECT: Pence Land Materials II LLC, Micco Borrow Pit Expansion – Authorization for Wetland Impacts for Commercial Activity (D-3)

DATE: September 1, 2015

AUTHORS: Natural Resources Management Department (NRM)

The Pence Materials Micco borrow pit is located at the northeast corner of Babcock Street and Micco Road (Tax Account No. 3000727). The proposed project includes the expansion of an existing permitted sand mine. There are wetlands on the northern portion of the 74.86-acre parcel that are not proposed for impact. The applicant proposes to impact Wetland 1, a 1.40-acre wetland immediately adjacent to the existing borrow pit (Figure 1 in Attachment B). The fill that will be excavated from this expansion will be used for projects in the immediate area of the existing pit, including the next phase of the St. Johns Heritage Parkway and I-95 interchange.

On May 7, 2015, the Board approved a Future Land Use designation of Community Commercial (15PZ00016) for the wetland portion of the parcel. Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b allows wetland impacts for commercial development along mitigation qualified roadways (MQRs):

On properties with frontage on mitigation qualified roadways, commercial, or industrial land development activities may be permitted in wetlands if the property is designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map 8 of the Comprehensive Plan Conservation Element. An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to Map 8 and the associated table.

Conservation Element Map 8 specifies Micco Road in this vicinity as an MQR. Section 62-3694(c)(3)b further states:

Wetlands proposed for impact shall be assessed using methodologies established in the Countywide Wetlands Study, prepared BKI, Inc. Consulting Ecologists (September 30, 2013), to determine if they meet the criteria of High Functioning Wetlands or Landscape Level Wetlands. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or of overriding public benefit.

A high functioning wetland is defined in Section 62-3691 as a wetland that scores 0.66 or above as determined by the Brevard County Wetlands Assessment Method. Atlantic Environmental Solutions (AES) assessed the wetland using the Brevard County Wetlands Assessment Method (Attachment B). Wetland 1 scored 0.857; thus, it is a High Function wetland as defined by Brevard County.

A landscape level wetland is defined in Section 62-3691 as a wetland that is EITHER 1) five (5) acres or larger; OR 2) located within the Landscape Level Polygon depicted on Map 9 of the Brevard County Comprehensive Plan Conservation Element, AND the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System. Wetland 1 is located within the Landscape Level Polygon. However, it is isolated from Waters of the U.S. and is not claimed as jurisdictional by the ACOE. Thus, Wetland 1 is not a landscape level wetland as defined by Brevard County

Since Wetland 1 is determined to be a High Function wetland, impact is prohibited unless the proposed impacts are found to be in the public interest, or of overriding public benefit. Public interest is defined as “*demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action...*”

The applicant provided the following information regarding public interest for the Board’s consideration:

The fill that will be excavated from this expansion will be used for projects in the immediate area of the existing pit, including the next leg of the St. Johns Heritage Parkway and I-95 interchange, a project that is undoubtedly in the public interest. Large amounts of fill will be needed for public projects, including the Parkway expansion, and this location is ideal due to its proximity to the proposed construction area. Also, the removal and transport of the fill for these projects will provide jobs within Brevard County.

Lastly, the applicant will obtain all required permits from the St. Johns River Water Management District and U.S. Army Corps of Engineers (ACOE); and provide off-site wetlands mitigation to meet the no-net-loss criteria of Sections 62-3694(e) and 62-3696.

It is therefore requested that the Board consider wetland impacts for the Pence Materials Micco borrow pit expansion to be in the public interest. This action only addresses the wetland components of the development and does not convey any approvals or assurances with regard to zoning, site plan approval, or building permits. The applicant will be required to modify existing Brevard County Land Alteration permit No. LA98-11-002.

ATTACHMENT B



657 Montreal Avenue • Melbourne, FL 32935

ph 321.676.1505 • fax 321.676.1730

July 30, 2015

Ms. Darcie McGee
Brevard County Natural Resources Management Department
2725 Judge Fran Jamieson Way
Building A
Viera, FL 32940

Re: Wetland Toolbox Submittal
Micco Borrow Pit Expansion
Babcock Street & Micco Road, Palm Bay, Florida
AES File No. 1585

Dear Ms. McGee:

Atlantic Environmental Solutions, Inc. (AES) has completed a Brevard County Wetland Assessment Method on the above-referenced project which is seeking to impact one on-site wetland. Below you will find information regarding the wetlands proposed for impact, assessment matrix calculations, and a discussion on the project's benefits to the public.

This project includes the expansion of an existing permitted sand mine. The fill that will be excavated from this expansion will be used for projects in the immediate area of the existing pit, including the next leg of the St. Johns Heritage Parkway and I-95 interchange, a project that is undoubtedly in the public interest. Large amounts of fill will be needed for public projects, including the Parkway expansion, and this location is ideal due to its proximity to the proposed construction area. Also, the removal and transport of the fill for these projects will provide jobs within Brevard County.

Proposed Wetland Impacts

The site currently houses a permitted sand mine operation. There are wetlands on the northern portion of the site that are not proposed for impact. There is one wetland, Wetland 1, which is immediately adjacent to the existing borrow pit (Figure 1). This 1.40 acre wetland is hydrologically impacted from the existing borrow pit due to its close proximity. As a result, the size of this wetland has reduced in size by 0.5 acres since the borrow pit was created. The wetland is dominated by scattered slash pine and cabbage palm over maidencane, blue maidencane, buttonbush, chalky bluestem, wax myrtle, and American cupscale.

In order to expand the sand mine, Wetland 1 will need to be impacted. All required permits and mitigation will be obtained from the US Army Corps of Engineers and St. Johns River Water Management District. Portions of the adjacent roads (Babcock Street and Micco Road) are Brevard County listed Mitigation Qualified Roadways (MQR). Below are additional details regarding the results of the Brevard County Wetland Assessment Method for Wetland 1.

Wetland 1 (Figures 1 and 2)

A majority of the site falls within the Brevard County Landscape Level Polygon making Wetland 1 a Landscape Level Wetland (Figure 1). The Brevard County Wetland Assessment Method calculated the assessment score of this wetland at a **0.857**. Even though Wetland 1 is considered a high functioning wetland as defined by Brevard County, the hydrology of the wetland is being impacted by the adjacent borrow pond. This reduction in hydrology has led to the decrease in size and increase in upland vegetation present (i.e. slash pine). This has lowered the value of the wetland and will continue to do so over time.

This wetland was not claimed as jurisdictional by the US Army Corps of Engineers when the sand mine was originally permitted. The wetland is isolated from Waters of the US and is not directly connected to any other wetland or surface water. At project completion, the area where this wetland is located will be part of the lake which will provide habitat and water storage for the area.

The location and hydrologic degradation of this wetland, along with the added public benefit, should allow for wetland impacts to occur. The mitigation that will be required by the regulatory agencies will ensure no net loss of wetlands occurs.

Should you require additional information or have any questions, please do not hesitate to contact our office.

Sincerely,



David G. Purkerson, MS, PWS
Senior Ecologist

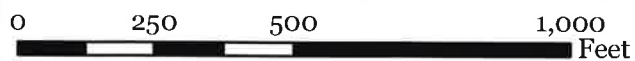


Jon H. Shepherd, MS, PWS
President/Ecologist



Project: Micco Borrow Pit

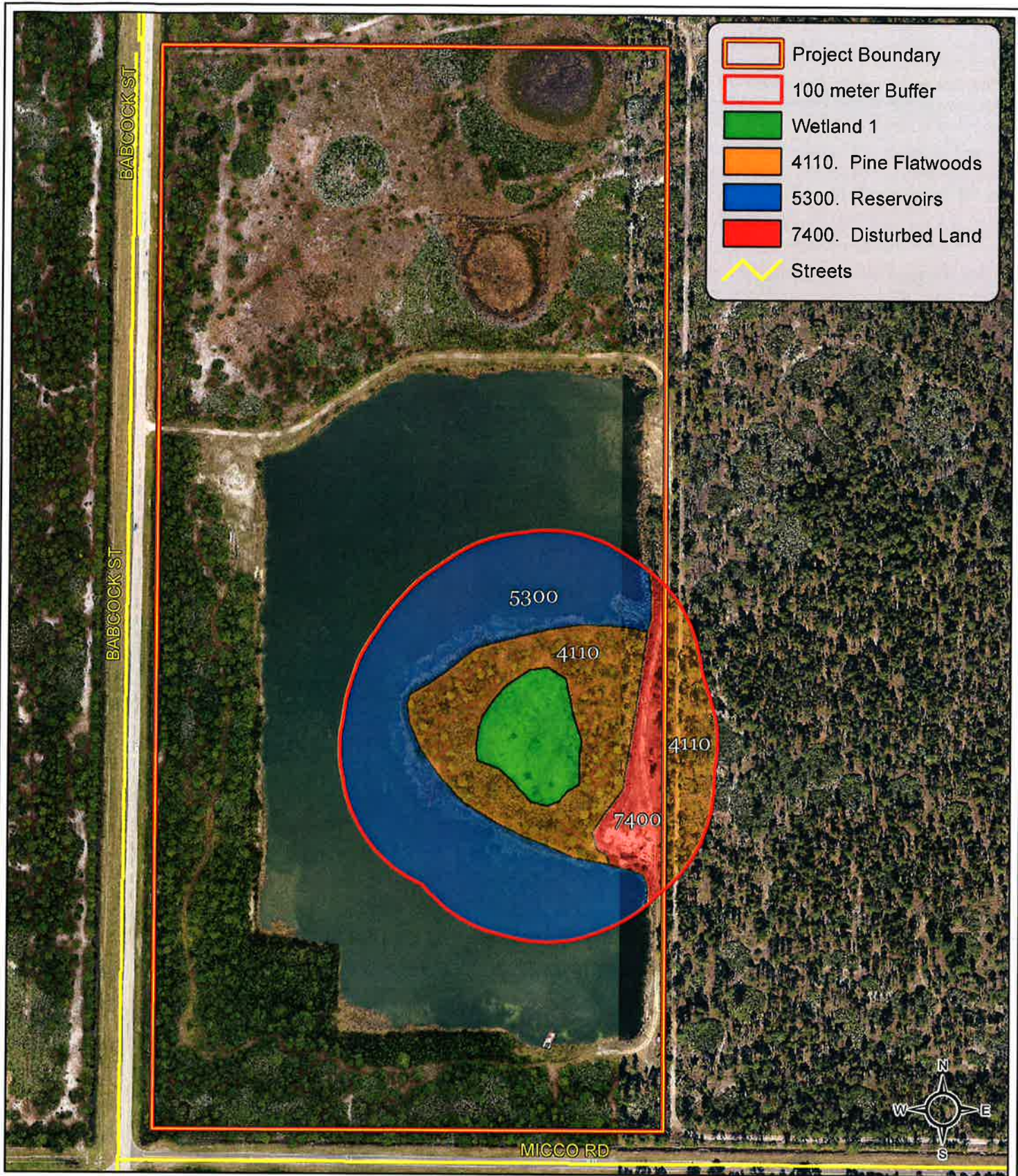
Figure 1: Landscape Level Map



2014 Aerial, Brevard County, Florida

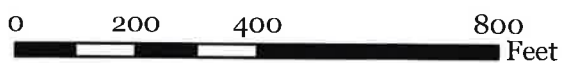


AES Proj #: 1585



Project: Micco Borrow Pit

Figure 2: Wetland Assessment Map



2014 Aerial, Brevard County, Florida



AES Proj #: 1585

Landscape Location Score

<i>Enter FLUCFCS_legend</i>	<i>Enter Sum of Acres</i>	<i>LSI_Value</i>	<i>Landcover Percent</i>	<i>Landscape Location Score (=LSI_Value* Landcover Percent)</i>
1100-Low Density Urban		2.22	0.000	0.000
1100-Residential, Low Density		3.57	0.000	0.000
1200-Residential, Medium Density		2.81	0.000	0.000
1300-High Density Urban		0.91	0.000	0.000
1300-Residential, High Density		2.72	0.000	0.000
1400-Commercial and Services		0.91	0.000	0.000
1500-Industrial		1.87	0.000	0.000
1660-Holding Ponds	54	9.08	0.540	4.903
1700-Institutional		2.14	0.000	0.000
1820-Golf courses		3.42	0.000	0.000
1850-Parks and Zoos		3.42	0.000	0.000
1900-Open Land		3.42	0.000	0.000
2110-Improved Pasture		6.96	0.000	0.000
2120-Unimproved/Woodland Pasture		8.03	0.000	0.000
2130-Woodland Pastures		8.87	0.000	0.000
2210-Citrus		7.02	0.000	0.000
2240-Abandoned Groves & Orchards		8.87	0.000	0.000
2500-Specialty Farms		3.33	0.000	0.000
3290-Other Shrubs and Brush		10	0.000	0.000
4110-Pine Flatwoods	36	10	0.360	3.600
4120-Longleaf Pine - Xeric Oak		10	0.000	0.000
4200-Upland Hardwood Forest		10	0.000	0.000
4280-Cabbage Palm		10	0.000	0.000
4320-Sand Live Oak		10	0.000	0.000
4340-Hardwood - Coniferous Mixed		10	0.000	0.000
4360-Upland Scrub, Pine and Hardwoods		10	0.000	0.000
4370-Australian Pine		8.87	0.000	0.000
4410-Coniferous Plantations		9.36	0.000	0.000
5100-Streams and Waterways		10	0.000	0.000
5200-Natural Lakes & Ponds		10	0.000	0.000
5300-Reservoirs		10	0.000	0.000
5420-Estuarine		10	0.000	0.000
5700-Major Bodies of Water		10	0.000	0.000
6110-Bay Swamps		10	0.000	0.000
6120-Mangrove Swamp		10	0.000	0.000
6150-Streams and Lake Swamps (Bottomland)		10	0.000	0.000
6170-Mixed Wetland Hardwoods		10	0.000	0.000
6210-Cypress		10	0.000	0.000
6240-Cypress - Pine - Cabbage Palm		10	0.000	0.000
6250-Hydric Pine Flatwoods		10	0.000	0.000
6270-Slash Pine Swamp Forest		10	0.000	0.000
6280-Wet Coniferous Plantations		10	0.000	0.000
6300-Wetland Forested Mixed		10	0.000	0.000

6310-Wetland Shrub		10	0.000	0.000
6410-Freshwater Marshes		10	0.000	0.000
6420-Saltwater Marsh		10	0.000	0.000
6430-Wet Prairie		10	0.000	0.000
6440-Freshwater Marshes		10	0.000	0.000
6500-Non-Vegetated		10	0.000	0.000
6510-Tidal Flats		10	0.000	0.000
6520-Shorelines		10	0.000	0.000
7400-Disturbed Land	10	9.08	0.100	0.908
7430-Spoil Area		9.08	0.000	0.000
8120-Rails		2.43	0.000	0.000
8140-Roads		1.91	0.000	0.000
8300-Utilities		2.43	0.000	0.000
TOTAL	100	0.91	1.000	9.411

Water Quality Treatment

Enter Percentage of surrounding landcover that contributes to the Water Quality Treatment	Category	Coefficient	Water Quality Treatment Score
100	Natural	5	5
	Only rainfall - no contributing basin	4.6	0
	Wet detention with swales	4.2	0
	Wet detention with dry detention	4.2	0
	Combination grass swales with dry detention	3.3	0
	Grass swales only / vegetative buffer strip	1.7	0
	Dry Detention only	1.7	0
	No treatment	0	0
100	Correct		5

Enter Hydrologic Indicator Score
3.3

Water Environment	Score		Thresholds
Water Quality Treatment	5		a perfect water environment would have a maximum score of 10
Hydrologic Indicator	3.3		
Sum	8.3	Water Environment Score	

Vegetative Score	Percentages (from other tabs)	Score		Thresholds
Wetland Vegetation	60	8		a perfect wetland would have a maximum score of 10
Exotic Vegetation	5	8		
Total Percentage	65	8.0	Vegetative Community Score	The Vegetative Community Score is calculated as the average of the wetland vegetation score and the exotic vegetation score unless; 1) the wetland vegetation is < 30% or 2) if the percent of exotic vegetation is > the percent of wetland vegetation. If either of these two conditions exist the Community Vegetative Score will = 0.

8.0 Average

Wetland Criteria	Score		Thresholds
Landscape	9.41		a perfect landscape would have a maximum score of 10
Water Environment	8.3		a perfect water environment would have a maximum score of 10
Vegetative Community	8		a perfect vegetative community would have a maximum score of 10
Assessment Score	0.857		a perfect wetland would have a score of 1.0



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: BREV. CO. OFFICE OF NATURAL
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0000665074
Pymt Method Invoice
Net Amt: \$96.54

Run Times: 1

No. of Affidavits: 1

Run Dates: 08/19/15

Text of Ad:

AD#665074 8/19/2015
PUBLIC NOTICE

THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING ON TUESDAY, SEPTEMBER 1, 9:00 AM, AT THE BREVARD CO. GOVT. CENTER COMMISSION CHAMBERS, 2725 JUDGE FRAN JAMIESON WAY, BLDG. C VIERA, FL 32940 TO CONSIDER A REQUEST BY ATLANTIC ENVIRONMENTAL SOLUTIONS, ON BEHALF OF PENCE LAND MATERIALS II, LLC, TO ALLOW WETLAND IMPACTS IN ACCORDANCE WITH SEC. 62-3694(c)(3)b FOR THE EXPANSION OF A BORROW PIT AT THE NORTHEAST CORNER OF BABCOCK STREET AND MICCO ROAD (TAX ACCT. NO. 3000727). FOR MORE INFORMATION PLEASE CONTACT THE NATURAL RESOURCES MANAGEMENT DEPT AT 321-633-2016. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COUNTY MANAGER'S OFFICE NO LATER THAN 48 HOURS PRIOR TO MEETING AT 321-633-2001 FOR ASSISTANCE.