



July 31, 2017

c/o Ms. Susan Logan
Logan Development LLC
4021 East Lemans Court
New Smyrna Beach, FL 32168

Re: 791 S. SR 415, New Smyrna Beach, FL 32168
Environmental Services
SEI No. 726.01.17

Dear Ms. Logan:

Per your request, on July 28, 2017 biologists from Stillwater Environmental, Inc. conducted an environmental site assessment of the undeveloped parcel of land located at 791 S. SR 415, New Smyrna Beach, FL 32168, just north of the intersection of SR 415 and Budd Road.

Review of historical and current aerial photography dating back to 1958, the Natural Resources Conservation Service/National Cooperative Soil Report for Volusia County, National Wetland Inventory maps, and examination of existing site conditions reveal that the site has remained undeveloped. The subject property has land use classifications by the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) of FLUCFCS No. 4380-Mixed Hardwoods and FLUCFCS no. 6100-Wetland Hardwood Forests.

The project site was reviewed to determine the geological features of the landscape (e.g. soils and topography), to identify the vegetative communities that occur within the project boundary, and to determine the occurrence of threatened and endangered flora and fauna within the project boundary.

Wetlands are required to be delineated in the field to aid in determining acreage of uplands versus wetlands and areas requiring permits for alterations. Two government agencies may have jurisdiction over any wetlands that exist on the subject property. This includes:

U.S. Army Corps of Engineers (ACOE)
St. Johns River Water Management District (SJRWMD).

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The ACOE regulates wetlands under 33 CFR, Parts 320-330. Identification of wetlands is conducted utilizing the Corps of Engineers Wetland Delineation Manual which takes into account multiple parameters including vegetation indicator species, hydric soils, and hydrology.

A statewide wetland determination methodology was established in Chapter 373, Florida Statutes, in 1994 and provided a unified method to delineate wetlands within the state of Florida. This methodology is utilized by the SJRWMD.

The methodology utilized by both agencies that could have jurisdiction over wetlands on the subject property was employed by SEI biologist during this investigation. The results were positive for the presence of wetlands per the definition outlined in the wetland delineation manuals.

Please refer to Figure 1 which shows the approximate location of the wetland jurisdictional line. Approximately 0.46 acres of Wetland Hardwood Forests and 0.34 acres of uplands are present on the subject property. This line should be reviewed by biologists from the SJRWMD prior to having a licensed professional surveyor locate the line on the property boundary survey.

Pedestrian transects were established throughout the site to assess the occurrence, or potential for occurrence of flora and fauna listed as a species of special concern (SSC), threatened, or endangered by the Florida Fish and Wildlife Conservation Commission (FWC), the United State Fish and Wildlife Service (USFWS) and the Florida Department of Agriculture (FDA). The results of these surveys are presented in the following sections.

Regulatory Review

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is the federal agency responsible for protecting the nation's fish and wildlife resources through implementation of the Endangered Species Act of 1973, as amended ("ESA"), 16 U.S.G. 1531-1543. The USFWS has the responsibility for terrestrial and freshwater species. The Department of Commerce, National Marine Fisheries Service has the responsibility for marine and estuarine species. In Florida, 60 species of animals and 65 species of plants are federally listed by the USFWS as threatened or endangered.

Florida Fish and Wildlife Conservation Commission

Article IV, Section 9 of the Florida Constitution authorizes the FWC to "exercise the regulatory and executive powers in the state with regard to wild animal life and fresh water aquatic life." The FWC regulates the taking of species listed as endangered, threatened, or of special concern and their nests. The FWC also provides technical assistance to other agencies that have regulatory authority over activities, which may affect fish and wildlife, and their habitat. The

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FWC's direct regulatory role is currently restricted to protecting animals, not their habitats. However, current FWC policies allow for habitat protection as compensation for the "taking" of individuals of the species. The FWC Office of Environmental Services (OES) provides technical assistance to other agencies that regulate development activities. These agencies include the Department of Community Affairs, The Department of Environmental Protection, the U.S. Army Corps of Engineers, the state of Florida Water Management Districts, regional planning councils and local governments.

Department of Agriculture and Consumer Services

In Section 581.185, F.S. the Florida Legislature delegated to the Department of Agriculture and Consumer Service (DACS) authority to designate and regulate plants listed as "endangered", "commercially exploited", and "threatened". There is no statutory prohibition against a property owner from harvesting an endangered or threatened plant from his or her own property. It is unlawful for an individual to harvest from the private land of another or any public land without first obtaining written permission of the landowner and a permit from DACS. Harvesting three or more commercially exploited plants will require a DACS permit.

Avian Species

No suitable habitat for red-cockaded woodpeckers (*Picoides borealis*) (RCW's) was identified on the project site during the field surveys. The property is considered to be unsuitable for RCW's because of the lack of old growth pine trees necessary for nest cavity construction. The general onsite conditions preclude the establishment of RCW's.

Florida scrub jays (*Aphelocoma c. coerulescens*) were not observed on the project site. This species is listed as Threatened at the state and federal levels. Habitat of any kind suitable for scrub jay nesting, foraging, and burying activities is not available anywhere on the subject property. As a result, surveys were not conducted for this species per the guidelines outlined in the Ecology and Development – Related Habitat Requirements of the Florida Scrub Jay, Nongame Wildlife Program, Technical Report No. 8.

A survey to indicate the presence of listed wading birds such as limpkin (*Aramus guarauna*), little blue heron (*Egretta caerulea*), wood stork (*Mycteria americana*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), white ibis (*Eudocimus albus*), and Florida sandhill crane (*Grus Canadensis pratensis*) was performed on the project site. During the field surveys no listed wading bird species were observed. There is little habitat for foraging and no nesting habitat.

No listed birds of prey, such as the bald eagle (*Haliaeetus leucocephalus*), Southeastern American kestrel (*Falco sparverius paulus*) and peregrine falcon (*Falco peregrines tundrius*) were observed on the project site. An online search was conducted on the FWC Eagle Nest

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Locator site to confirm that no nests are present on the subject site or adjacent properties. The closest nest located to the subject property was nest No: VO013 located approximately 3.37 miles to the south at latitude 28 54.87 North and longitude 81 05.89 West. It was last surveyed in 2012, the last date that it was recorded as being active.

Amphibians, Reptiles, and Mammals

About thirty (30) species of Florida's amphibians and reptiles are protected. Only a few could occur on this site. A 100% survey was conducted for the presence of these species throughout the habitat of their known distribution. This included all of the FLUCFCS Code 4380-Mixed Hardwoods and FLUCFCS Code 6100-Wetland Hardwood Forests. On July 28, 2017, SEI biologists surveyed (100%) linear transects throughout the entire subject site. The project site was surveyed in accordance with the guidelines set forth by the FWC and the USFWS. No gopher tortoise burrows were located anywhere within the project boundaries. The lack of gopher tortoise burrows reduces the potential for the commensal species, the Florida mouse (*Podomys floridanus*), the gopher frog (*Rana areolata*), and the Eastern indigo snake (*Drymarchon corais couperi*) from occurring on the property. Mammal species such as the Sherman's fox squirrel (*Sciurus niger shermani*) and the Florida black bear (*Ursus americanus floridanus*) were also searched for but not observed. There were no cored pine cones and/or leaf nests to indicate the presence of Sherman's fox squirrels. There is potential habitat on the surrounding properties for the Florida black bear but no signs were observed.

Flora

There were no protected plant species found on the project site. Currently, there are no technical reports available by the state or federal agencies mentioned in this report for the survey of protected plant species. None of the agencies require relocation or mitigation for protected plant species.

Stillwater Environmental, Inc. appreciates the opportunity to provide you with our services. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

STILLWATER ENVIRONMENTAL, INC.



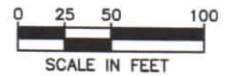
Timothy J. Talbot
Environmental Professional



SOURCE: Google Maps

LEGEND

- --- --- APPROX. LOCATION OF JURISDICTIONAL WETLAND LINE
- WETLANDS = 0.46 ac
- UPLANDS = 0.34 ac



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 WETLAND DELINEATION
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FIGURE
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