Carter Environmental Services

Environmental Narrative
Kolter – Eagle Lake
Existing and Proposed Site Conditions
August 2021

1.0 INTRODUCTION

The applicant is requesting an Individual Environmental Resource Permit (ERP) for the construction of a single-family residential neighborhood, related infrastructure and stormwater management system. The proposed project is located in Sections 22, 26, 27, 34, & 35, Township 12 South, Range 31 East Flagler County, Florida (Figure 1). More specifically, the +/- 611.71-acre project is comprised of the following twelve (12) Flagler County parcels: 22-12-31-0000-01010-0011, 26-12-31-0000-01010-0010, 27-12-31-0000-01010-0000, 27-12-31-0000-01010-0030, 27-12-31-0000-01020-0000, 27-12-31-0000-01020-0010, 27-12-31-0000-01020-0020, 27-12-31-0000-01020-0030, 34-12-31-0650-000D0-0071, 34-12-31-0650-000D0-0072, 34-12-31-0650-000D0-0080 and 35-12-31-0000-02010-0040. In 2005, the southern portion of this site was permitted (Permit No. 97789-1) by the St. Johns River Water Management District (SJRWMD). Permit modifications were also issued and have since expired. No construction took place.

As currently depicted by our GPS locations, the proposed project entails +/- 0.70 acre of wetland fill (Figure 5). Additionally, the applicant is proposing impact to +/- 0.55 acres of three (3) cumulative wetlands which are all isolated and less than 0.50 acres in size. The isolated wetlands meet the criteria of section 10.2.2.1, Applicant's Handbook Volume I. Where applicable, the applicant proposes upland buffers consistent with section 10.2.7, Applicant Handbook Volume I. In lieu of a conservation easement, the upland buffers will be protected via signage. The signage detail/locations will be depicted on the engineering plans. Where upland buffers with a minimum of 15 ft and average of 25 ft can not be provided, the applicant proposes +/- 6.15 acres secondary wetland impacts.

The applicant proposes to mitigate for the adverse impacts by purchasing UMAM mitigation bank credits. Once the wetland lines have been reviewed, approved, surveyed and UMAM scores have been agreed upon for primary and presumed secondary wetland impacts, the applicant will provide a reservation of credit letter from a mitigation bank which serves the project area for which a permit is sought.

Lastly, rather than the standard 5-year expiration, the applicant requests a 10-year expiration date for the proposed permit. The request is due to the large property size and scope of proposed construction.

2.0 EXISTING SITE CONDITIONS

The site includes wetlands regulated by the St. Johns River Water Management District (SJRWMD) and potentially federally by the Florida Department of Environmental Protection (DEP). The wetland jurisdiction lines were flagged by Carter Environmental Services, Inc. (CES) in August of 2021. The site appears to have historically been managed for silviculture on the northern two-thirds and pasture on the southern third. More recently, the site has been used primarily for pastureland.

2.1 Elevations and Hydrology

The site topography is undulating and is composed predominantly of improved pasture uplands, with numerous wooded, depressional wetlands of various sizes throughout the site (Figure 6). The largest of these depressional features are located in the north-central portion of the property. Interconnected man-made ditches and swales also are present. The largest being a northward-flowing feature spanning almost continuously from the southwest property corner to the northeast corner. Other ditch and swale features throughout the site are less distinct. The elevations of the property range from approximately +32 feet to +14 feet NGVD. The highest elevations are located on the east-central ridge portion of the property, with the lowest elevations in the north-central and far southern portions.

2.2 Soils

The *Soil Survey of Flagler County, Florida* indicates the following thirteen (13) soil types within the property (Figure 2):

Samsula and Hontoon Soils, Depressional (3) - These very deep, nearly level, very poorly drained soils are in depressions on the flatwoods. Individual areas are circular to irregular in shape. They range from 3 to 6,000 acres in size. Slopes are smooth to concave They are less than 2 percent, although they are mainly less than 1 percent.

Hicoria, Riviera, and Gator Soils (8) - These very deep, nearly level, very poorly drained soils are in depressions on the flatwoods. Individual areas are circular to irregular in shape. They range from 3 to 1,500 acres in size. Undrained areas are ponded for 6 to 9 months or more each year. Slopes are concave and range from 0 to 1 percent. The seasonal high-water table is at a depth of 6 to 18 inches for 2 to 4 months. It is within a depth of 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low. Permeability is slow to moderate.

Winder Fine Sand (10) - This very deep, nearly level, poorly drained soil is on low flatwoods. Individual areas are irregular in shape. They range from 5 to 2,000 acres in size. Slopes are smooth to concave and are less than 2 percent. A seasonal high-water

table is within a depth of 6 inches for 2 to 6 months. Permeability is slow or very slow. Available water capacity is low to moderate.

Myakka Fine Sand (11) - This very deep, nearly level, poorly drained soil is in broad flatwood areas. Individual areas are irregular in shape. They range from 5 to 600 acres in size. Slopes are smooth to convex and range from 0 to 2 percent. A seasonal high-water table is at a depth of 6 to 19 inches for 1 to 4 months during the wet season in most years. It is at a depth of 10 to 40 inches for more than 6 months. Permeability is moderately slow to moderately rapid. Available water capacity is very low or low.

Placid, Basinger, and St Johns Soils, depressional (12) - These very deep, nearly level, very poorly drained soils are in depressions on the flatwoods. Undrained areas are ponded for long periods. Individual areas of this map unit are irregular in shape. They range from 3 to more than 400 acres in size. Slopes are concave and are less than 1 percent.

Immokalee Fine Sand (13) - This very deep, nearly level, poorly drained soil is on broad flats and low knolls on the flatwoods. Individual areas are irregular in shape. They range from 5 to 600 acres in size. Slopes are smooth to convex and range from 0 to 2 percent.

Pomello Fine Sand (15) - This very deep, nearly level to gently sloping, moderately well drained soil is on low ridges and knolls on the flatwoods and coastal ridge. Individual areas are irregular in shape. They range from 5 to 400 acres or more in size. Slopes are smooth to convex and range from 0 to 5 percent. A seasonal high-water table is at a depth of 24 to 42 inches for 1 to 4 months. Permeability is moderately rapid. Available water capacity is low.

Valkaria Fine Sand (19) - This very deep, nearly level, poorly drained soil is on low broad flats and in sloughs connecting depressions. Individual areas are irregular in shape. They range from 5 to 100 acres in size. Slopes are smooth to concave. They are mainly less than 1 percent but range to 2 percent. A seasonal high-water table is at a depth of 0 to 6 inches for 2 to 6 months. It is at the surface for a few days to several weeks, and it is at a depth of 10 to 40 inches during dry periods. Permeability is rapid. The available water capacity is low.

Smyrna Fine Sand (21) - This very deep, nearly level, poorly drained soil is on the flatwoods. Individual areas are broad to narrow and irregular in shape. They range from 4-400 acres in size. Slopes are smooth and range from 0 to 2 percent. A seasonal high-water table is at a depth of 6 to 18 inches for 1 to 4 months during wet seasons in most years. It is at a depth of 10 to 40 inches for more than 6 months. Permeability is moderate or moderately rapid. Available water capacity is low.

Astatula fine sand (22) - This very deep, nearly level to sloping, excessively drained soil is on ridges and knolls on the flatwoods and coastal ridges near the Atlantic Ocean. Individual areas are oval to irregular in shape. They range from 5 to 100 acres in size. Slopes are convex and range from 0 to 8 percent. A seasonal high-water table is at a depth of more than 72 inches most years. Permeability is very rapid. The available water capacity is very low.

Cassia fine sand (27) - This very deep, nearly level, somewhat poorly drained soil is on low ridges and knolls on the flatwoods. Individual areas range from 4 to 150 acres in size. Slopes are convex and range from 0 to 2 percent. In most years, the seasonal high-water table is at a depth of 18 to 42 inches for about 6 months. It can recede to a depth of more than 42 inches during prolonged dry periods. Permeability is moderate or moderately rapid. Available water capacity is low.

Pits (30) - This map unit consists of excavated areas from which soil and geologic material was removed for use mainly in road construction and as fill material. These areas are commonly called borrow pits. Most of the areas have been excavated to a depth of 6 feet or more.

Paola fine sand (38) - This nearly level to sloping, excessively drained soil is on dunelike high knolls and ridges on the flatwoods and coastal ridges. Individual areas are irregular in shape. They range from 5 to 200 acres in size. Slopes are convex and range from 0 to 8 percent. In most years, a seasonal high-water table is below a depth of 72 inches. Permeability is very rapid. Available water capacity is very low.

2.3 Vegetative Community Types

The proposed project area (+/- 611.71 acres) is characterized by six (6) generalized vegetative communities/land use classifications per Florida Land Use, Cover, and Forms Classification System [(FLUCFCS) Florida Department of Transportation (FDOT), State Topographic Bureau, Thematic Mapping Section, 1999)].

Upland Communities

Improved Pasture (FLUCFCS 211) – This community dominates the property. Many portions were previously pine plantation and more recently (circa 2015) converted to pasture for cattle grazing. Vegetation is dominated by bahia grass (*Paspalum notatum*). Sporadic cabbage palms (S*abal palmetto*) and various oaks (*Quercus* spp.) are also present, primarily located near upland-cut ditches.

Hardwood-Conifer Mix (FLUCFCS 434) – This community has a dominant canopy of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), cabbage palm, and sand pine (*Pinus clausa*). Ground cover consists of bitter gallberry (*Ilex glabra*), saw palmetto (*Serenoa repens),* bahiagrass (*Taxodium distichum*) and other grass species.

Wetland Communities

Wetland Forested Mixed (FLUCFCS 630) – This community has a mixed canopy of slash pine, pond cypress (*Taxodium ascendens*), blackgum (*Nyssa sylvatica* var. *biflora*), cabbage palm, dahoon holly (*Ilex cassine*), and red maple (*Acer rubrum*). The understory and groundcover are vegetated with fetterbush (*Lyonia lucida*), cinnamon fern (*Osmunda cinnamomea*), and Virginia chain fern (*Woodwardia virginica*).

Freshwater Marshes (FLUCFCS 641) – This community is predominantly comprised of dense pickerelweed (*Pontederia cordata*), with areas of invasive torpedograss (*Panicum repens*). Sparse cabbage palms and Chinese tallow (*Triadica sebifera*) trees are located in several ditch and fringe areas.

Surface Waters/Other Surface waters

Wetland- and Upland-Cut Ditches (FLUCFCS 510) – Interconnected, manmade ditches and narrow swales are present throughout the site, with the largest being a northward-flowing feature spanning almost continuously from the near the southwest property corner to the northeast corner.

Ponds/Borrow Areas (FLUCFCS 742) – These features are manmade pits comprising +/- 81.47 acres on the property.

2.4 Wildlife

Indicators such as scat, tracks, calls, etc. were used to determine if a species is found on-site. The species observed during the survey were typical for the habitat on pasturelands and forested wetlands in northeast Florida. Some of the observations included white-tailed deer (*Odocoileus virginianus*), Osceola wild turkeys (*Meleagris gallopavo osceola*), turkey vultures *(Cathartes aura),* and gopher tortoises *(Gopherus polyphemus)*.

A review of the current FWC database of wading bird rookeries (FWC Wading Bird Locator 2021) revealed no known rookery within a one-mile radius of the property.

According to the FWC Eagle Nest Locator Database (2021), one bald eagle (*Haliaeetus leucocephalus*) nest is on record on the property, approximately 550 feet north of the large borrow pond located on the far southern end of the project area. Records indicate the nest was deemed active by FWC until 2016. Upon multiple site visits/inspections, CES did not locate any eagle nests within the proposed project area nor were any eagles observed. Based on historical aerial imagery, it appears the previous nest tree (and others in the same stand) may have been downed via Hurricane Matthew in 2016 or Irma in 2017. CES located one other bald eagle nest on

record within a one-mile radius of the property which was approximately 830 feet east of the southern portion of the property. However, this nest was last listed active in 1998.

Lastly, CES identified gopher tortoise (*Gopherus polyphemus*) burrows near the eastern and western boundaries. Prior to the initiation of any construction onsite, CES will obtain a relocation permit from FWC and relocate all tortoises to an FWC-permitted recipient site.

3.0 PROPOSED SITE CONDITIONS

As currently depicted by our GPS locations, the proposed project entails +/- 0.70 acre of wetland fill (Figure 5). Additionally, the applicant is proposing impact to +/- 0.55 acres of three (3) cumulative wetlands which are isolated and less than 0.50 acres in size. The isolated wetlands meet the criteria of section 10.2.2.1, Applicant's Handbook Volume I. Where applicable, the applicant proposes upland buffers consistent with section 10.2.7, Applicant Handbook Volume I. In lieu of a conservation easement, the upland buffers will be protected via signage. The signage detail/locations will be depicted on the engineering plans. Where upland buffers with a minimum of 15 ft and average of 25 ft can not be provided, the applicant proposes +/- 6.15 acres secondary wetland impacts.

Also of note, there are five (5) existing borrow pits located onsite. CES believes all five were wholly excavated within uplands. Once the survey is complete and final engineering plans are created, we can assess which impacts meet the exemption criteria as outlined in 62-330.051 (16) Florida Administrative Code and/or section 10.2.2.2, Applicant's Handbook Volume I and which ponds may require wetland mitigation.

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, synthetic hay bales, and floating turbidity screens as necessary. All newly exposed surfaces will be seeded or sodded as soon as practicable.

4.0 ELIMINATION AND REDUCTION

The applicant proposes to offset all adverse impacts by purchasing mitigation bank credits from an approved mitigation bank which serves the basin for which a permit sought. The mitigation bank utilized will be both regionally significant and provide greater long-term ecological value than the proposed impacts. The proposed mitigation will meet the criteria of section 10.2.1.2 (b), Applicant's Handbook Volume I which states the Agency will not require design modifications to reduce or eliminate impacts when

the applicant proposes mitigation which is both regionally significant and provides greater long-term ecological value than the affected wetlands.

5.0 MITIGATION PLAN

To offset freshwater forested wetland impacts and presumed secondary impacts, the applicant proposes to purchase mitigation bank credits from an approved mitigation bank. Once the wetland lines have been reviewed, surveyed, and incorporated into the site plan, we will be able to accurately quantify wetland impacts and propose adequate mitigation to offset the proposed adverse wetland impacts. Upon agreement of the mitigation plan, the applicant will provide a reservation of credit letter.

6.0 SECTION 404 JURISDICTION

Please see the attached *Information Required for a WOTUS Determination*. In addition, please see the attached figures which help depict the severance from downstream waters of the US as revised by the Navigable Waters Protection Rule 2020.

Based on the revised 2020 WOTUS definition, CES believes all wetland features on the site to be federally non-jurisdictional (See Figure 7). CES asserts all of the features are both geographically and hydrologically isolated from downstream waters of the US and do not maintain a perennial and/or intermittent connection to downstream waters. CES asserts all onsite ditching/swales did not occur within a naturally occurring surface water channel and thus per the Navigable Waters Protection Rule, should be deemed non-jurisdictional.

The remainder of the features include five (5) borrow ponds excavated wholly within uplands and do not maintain an intermittent nor perennial connection to downstream waters.

7.0 CONCLUSION

Once the wetland lines are reviewed and approved, the applicant will have a registered land surveyor locate the flags. The surveyed line will then be incorporated into the site plan and CES/civil engineer will be able to provide a more complete permit application.

Information Required for a WOTUS Determination in State-assumed Waters

Date: August 19, 2021

Review Area Location:

Site Name: **Kolter – Eagle Lake**

State/Territory: **FL**

City: **Flagler Beach**

County: **Flagler**

Center Coordinates of Review Area: **Latitude 29.430214, Longitude -81.160082**

II. Findings

A. Summary

Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area).

  Rationale: (N/A or describe rationale)

- There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.B).

- ✓ **There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.C)**

B. Clean Water Act Section 404 Jurisdiction (40 C.F.R. 120)

Traditional Navigable Waters ((a)(1) waters)

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A			

Tributaries ((a)(2) waters)

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A			

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters)

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A			

Adjacent wetlands ((a)(4) waters)

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination

C. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))

Name	Size	(2) Exclusion	Rationale for Exclusion Determination
0.40	**0.40 ac.**	**(b)(1) non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
6.07	**6.07 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule. The feature only connects via a manmade, ephemeral swale which was not constructed in or relocated a naturally occurring surface water channel.**
3.47	**3.47 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
9.35	**9.35 acres**	**(b)(9) Water-filled depression constructed/excavated**	**This feature was excavated wholly within uplands to serve as a borrow pit and does not**

		in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	**contribute flow to downstream waters via any intermittent nor perennial source.**
1.2	**1.20 acres**	**(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.**	**This feature was excavated wholly within uplands to serve as a borrow pit and does not contribute flow to downstream waters via any intermittent nor perennial source.**
0.14	**0.14 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression which does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
0.58	**0.58 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
3.08	**3.08 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
4.45	**4.45 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or**

			intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.
1.16	**1.16 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
10.52	**10.52 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
47.98	**47.98 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
5.94	**5.94 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
1.35	**1.35 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
4.33	**4.33 acres**	**(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-**	**This feature was excavated wholly within uplands as a borrow pit and does not contribute surface flow to downstream waters via any intermittent nor perennial source.**

		jurisdictional water to obtain fill/sand/gravel.	
1.11	**1.11 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
6.42	**6.42 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
10.83	**10.83 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters.**
14.25	**14.25 acres**	**(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.**	**This feature was excavated wholly within uplands as a borrow pit and doesn't not contribute flow to downstream waters via an intermittent nor perennial source.**
1.48	**1.48 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.**
0.58	**0.58 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is both geographically and hydrologically isolated from downstream waters of the US. The feature is a wooded depression that does not maintain a perennial and/or**

			intermittent connection to downstream waters as defined in the revised 2020 WOTUS rule.
0.13	**0.13 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
0.29	**0.29 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
1.18	**1.18 acre**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
10.02	**10.02 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not constructed in or relocated a naturally occurring surface water channel.**
52.35	**52.35 acres**	**(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.**	**This feature was excavated wholly within uplands as a borrow pit/pond and does not contribute surface flow to downstream waters via an intermittent nor perennial source.**
1.27	**1.27 acres**	**(b)(1) Non-adjacent wetland.**	**This feature is geographically isolated from downstream waters of the US. The feature only connects hydrologically via a manmade upland cut ditch to downstream waters which was not**

			constructed in or relocated a naturally occurring surface water channel.

III. Supporting Information

A. Resources Used

- Information submitted by, or on behalf of, the applicant/consultant (Title(s) and date(s)):
- Current 62-340, F.A.C. delineation: **See Figure 3**
- Aerial photograph: **Current aerial (Figures 2 & 3)**
- Other photographs: **Existing Conditions/FLUCFCS Map (Figure 4), Site Plan/Proposed Conditions Map (Figure 5), LIDAR/DEM Map (Figure 6), and Relevant Features Map (Figure 7)**
- Previous WOTUS jurisdictional determinations (Corps PJD or AJD/Department WOTUS determination): **N/A**
- Previous or current 62-340, F.A.C. formal jurisdictional determination: **N/A**
- Antecedent Precipitation Tool (provide detailed discussion in Section III.B.): **N/A**
- USDA NRCS Soil Survey: **Figure 2**
- USFWS NWI Map: **Figure 2**
- USGS topographic map: **Figure 1**

Other data sources used to aid in this determination:

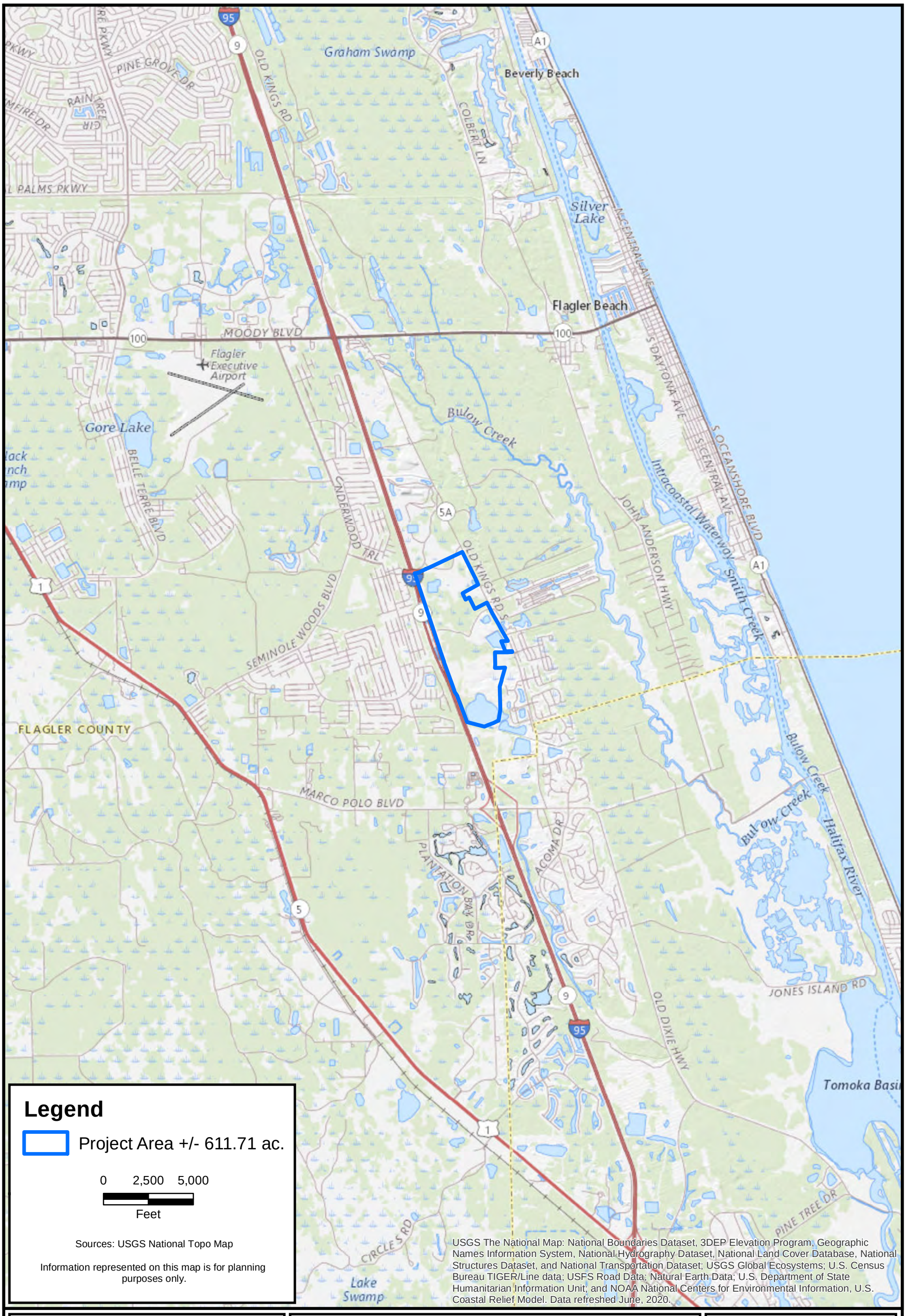
Data source	Name and/or date and other relevant information
USGS Sources	**N/A**
USDA Sources	**N/A**
NOAA Sources	**N/A**
USACE Sources	**N/A**
State/Local/Tribal Sources	**N/A**
Other Sources	**N/A**

B. Typical Year Assessments

N/A

C. Additional comments to support the WOTUS jurisdictional determination

Based on the revised 2020 WOTUS definition, CES believes all wetland features on the site to be federally non-jurisdictional. Most features are both geographically and hydrologically isolated from downstream waters of the US and do not maintain a perennial and/or intermittent connection to downstream waters. The remainder of the features include five (5) borrow ponds wholly excavated within uplands which do not connect to downstream waters. Lastly, CES believes the onsite ditches/swales were not constructed in naturally occurring surface water channels nor did they divert naturally occurring surface water channels.



Legend

Project Area +/- 611.71 ac.

0 2,500 5,000

Feet

Sources: USGS National Topo Map

Information represented on this map is for planning purposes only.

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

CARTER ENVIRONMENTAL SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 12 2021
Figure:	**1**

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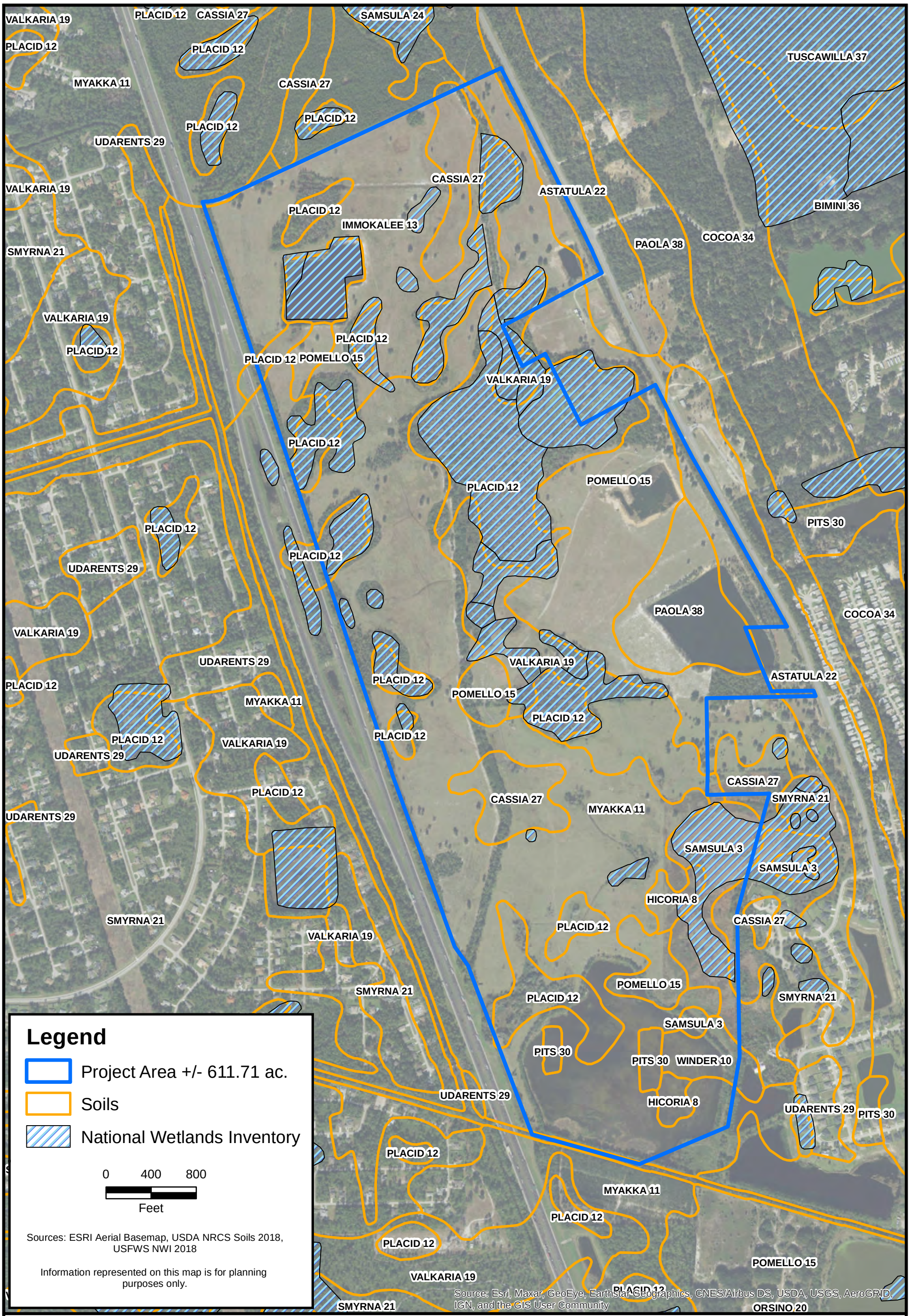

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CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Soils/NWI Map

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 12 2021
Figure:	**2**

Legend

- Project Area +/- 611.71 ac.
- Approximate Wetlands +/- 118.45 ac.
- Ditches/Swales
- Wetland/GPS Points - July-August 2021

0 175 350

Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

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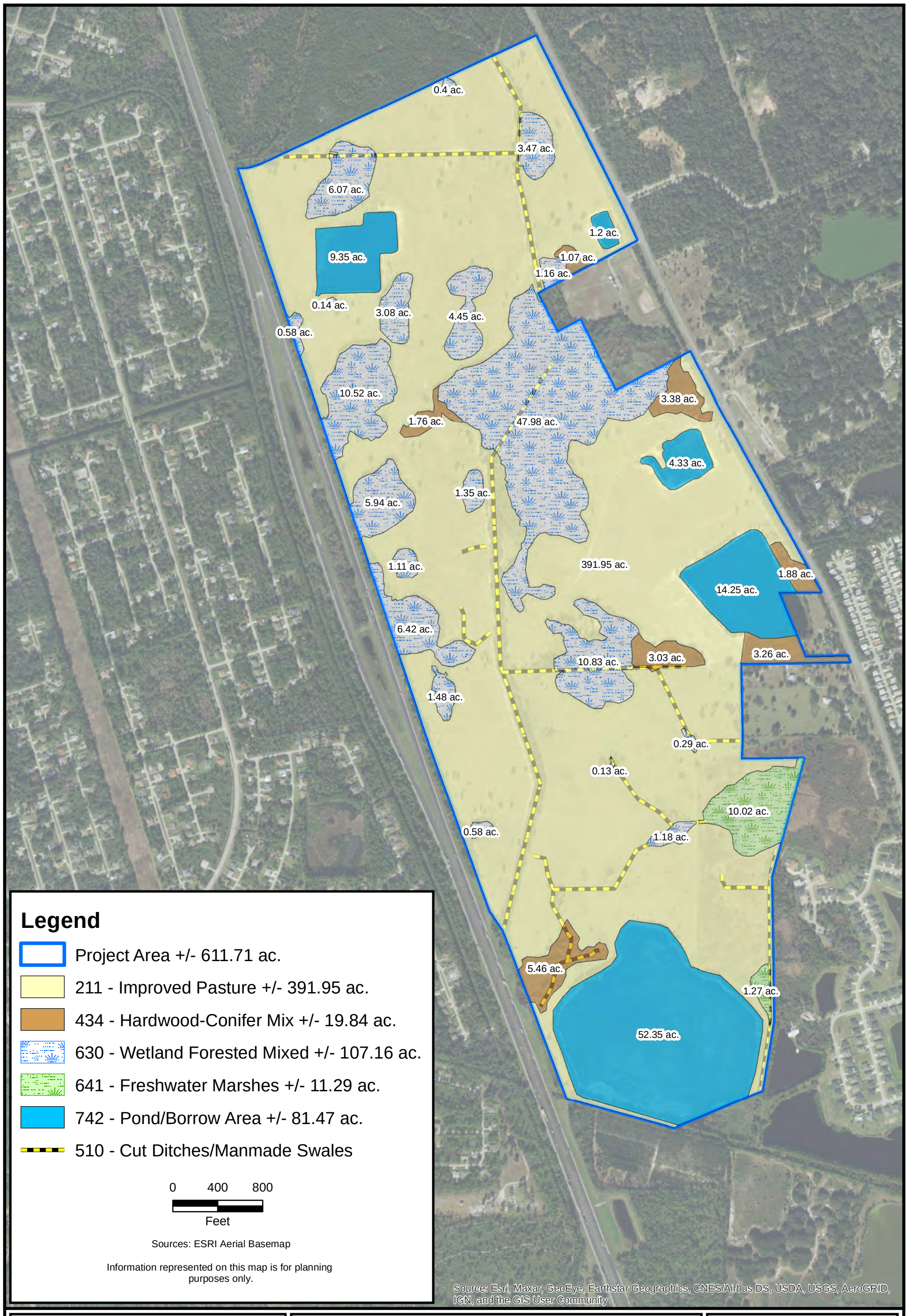
Wetland Delineation w/Flagging Key Map

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 16 2021
Figure:	**3**



Legend

- Project Area +/- 611.71 ac.
- 211 - Improved Pasture +/- 391.95 ac.
- 434 - Hardwood-Conifer Mix +/- 19.84 ac.
- 630 - Wetland Forested Mixed +/- 107.16 ac.
- 641 - Freshwater Marshes +/- 11.29 ac.
- 742 - Pond/Borrow Area +/- 81.47 ac.
- 510 - Cut Ditches/Manmade Swales

0 400 800

Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

F:\CES Projects\Project Files\Active\Projects\Project Files\20215.21237 Morrisette - Eagle Lake\GIS\MXD\04-Kolter Eagle Lake-FLUCFCS 8-16-21.mxd

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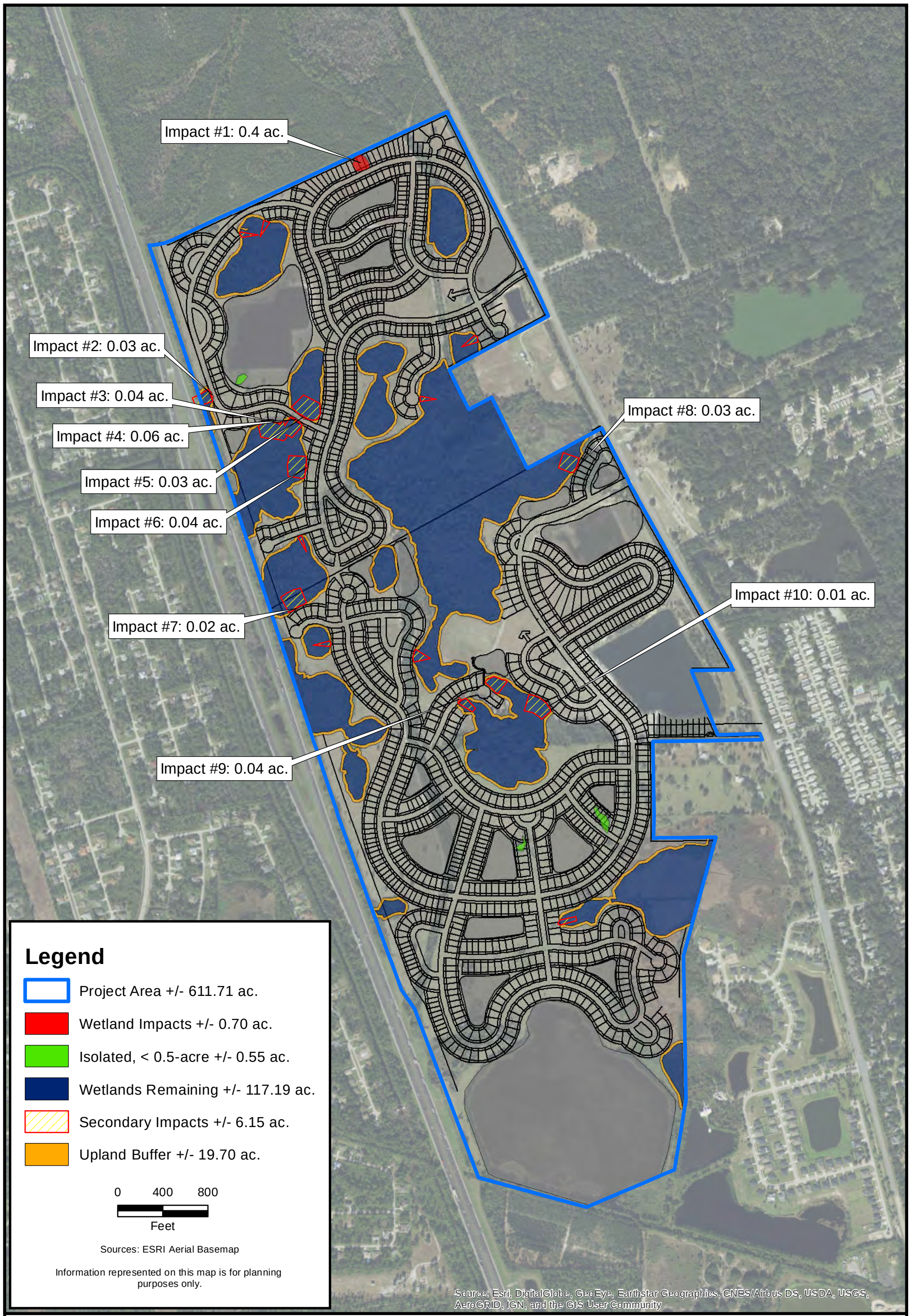
FLUCFCS Map

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 17 2021
Figure:	**4**



F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21237 Morrisette - Eagle Lake\GIS\MXD\05-Kolter Eagle Lake-Proposed 8-17-21.mxd

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Proposed Site Conditions

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 17 2021
Figure:	**5**

Legend

Project Area +/- 611.71 ac.

0 400 800

Feet

Sources: Flagler County 1 ft. LIDAR Contours, Palm Coast & Flagler County DEMs

Information represented on this map is for planning purposes only.

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Digital Elevation Model w/ 1 ft. LIDAR Contours

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 12 2021
Figure:	**6**

F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21237 Morrisette - Eagle Lake\GIS\MXD\06-Kolter Eagle Lake-DEM 8-12-21.mxd

0.4 ac.
3.47 ac.
6.07 ac.
1.2 ac.
9.35 ac.
1.16 ac.
0.14 ac.
3.08 ac.
4.45 ac.
0.58 ac.
10.52 ac.
47.98 ac.
4.33 ac.
1.35 ac.
5.94 ac.
1.11 ac.
14.25 ac.
6.42 ac.
10.83 ac.
1.48 ac.
0.29 ac.
0.13 ac.
10.02 ac.
0.58 ac.
1.18 ac.
1.27 ac.
52.35 ac.

Legend

- Project Area +/- 611.71 ac.
- 404 Excluded Features +/- 118.44 ac.
- 404 Excluded Ponds +/- 81.47 ac.
- Manmade Ditches/Swales

0 400 800
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Relevant Features Map

Kolter - Eagle Lake

Flagler County, Florida

Project:	5.21237
Date:	Aug 20 2021
Figure:	**7**

PURCHASE AND SALE AGREEMENT
(Eagle Lake, Flagler County, Florida)

THIS PURCHASE AND SALE AGREEMENT ("**Agreement**") is made as of May 7, 2021 ("**Effective Date**") by and between **VENTURE 8, LLC**, a Florida limited liability company ("**Seller**"), and **KOLTER GROUP ACQUISITIONS LLC**, a Florida limited liability company ("**Purchaser**").

PRELIMINARY STATEMENT

A. Seller owns that certain real property containing approximately 611 acres located along the west side of Old Kings Rd. S. across form the entrance to Plantation Oaks subdivision in unincorporated Flagler County (the "**County**"), Florida, which is defined herein as the "**Real Property**" and is legally described on **Exhibit "A"** attached hereto. The Real Property, together with (i) all easements, privileges, rights-of-way, riparian and other water rights, oil, gas, and mineral rights, air rights, lands underlying any adjacent streets or roads, and appurtenances pertaining to or accruing to the benefit of the Real Property, (ii) all deposits, licenses, permits, authorizations, approvals, contract rights and entitlements pertaining to ownership and/or operation of the Real Property, (iii) all general intangible rights pertaining to the ownership and/or operation of the Real Property, including but not limited to warranties, guaranties, water and sewer hook-ups and connection fees, lines, capacities, and agreements, all impact fee credits, development agreements and approvals, and (iv) all buildings, improvements, structures and fixtures located upon the Real Property (collectively, the "**Improvements**"), **Error! Bookmark not defined.**shall hereafter be known as the "**Property**".

B. The Property is comprised of a northern section (the "**North Property**") and a southern section which contains Eagle Lake (the "**South Property**"), all as depicted on **Exhibit "A"**.

C. Purchaser desires to purchase the Property from Seller, and Seller desires to sell the Property to Purchaser, upon the terms and conditions hereinafter set forth. Purchaser desires to purchase the Property in order to develop the Property as a residential development to be determined by Purchaser (the "**Intended Use**").

NOW THEREFORE, in consideration of the mutual promises herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1 - DEFINITIONS AND MATTERS OF CONSTRUCTION

1.1 Recitals. The above recitals are true and correct and are incorporated herein by this reference.

1.2 Certain Matters of Construction. Whenever applicable in this Agreement (unless the context clearly requires a different meaning): (a) the terms "herein", "hereof" and "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular section, paragraph or subdivision; (b) any pronoun used shall be deemed to cover all genders; (c) the section titles, table of contents and list of exhibits appear as a matter of convenience only and

IN WITNESS WHEREOF, this Agreement has been executed by the parties as of the date first above set forth.

Seller:

Venture 8, LLC, a Florida limited liability company

By: _____
Print Name: John Schnebly Sr
Title: Manager

Purchaser:

KOLTER GROUP ACQUISITIONS LLC, a Florida limited liability company

By: _____
Print Name: JAMES P. HARVEY
Title: AUTHORIZED SIGNATORY

ACCEPTED AND AGREED SOLELY FOR THE PURPOSES OF ACTING AS ESCROW AGENT HEREUNDER:

Shuffield, Lowman & Wilson, P.A.

By: _____
Print Name: Scott A. Cookson
Title: Partner

EXHIBIT "A"

DEPICTION/LEGAL DESCRIPTION OF REAL PROPERTY

Parcel IDs:

- 22-12-31-0000-01010-0011
- 27-12-31-0000-01010-0030
- 27-12-31-0000-01020-0010
- 26-12-31-0000-01010-0010
- 27-12-31-0000-01010-0000
- 34-12-31-0650-000D0-0080
- 35-12-31-0000-02010-0040
- 34-12-31-0650-000D0-0072
- 27-12-31-0000-01020-0020
- 27-12-31-0000-01020-0030

Division of Corporations

Detail by Entity Name

Florida Limited Liability Company
KOLTER GROUP ACQUISITIONS LLC

Filing Information

Document Number	L18000281370
FEI/EIN Number	83-2764771
Date Filed	12/07/2018
State	FL
Status	ACTIVE

Principal Address

105 NE 1ST ST
Delray Beach, FL 33444

Changed: 06/18/2020

Mailing Address

105 NE 1ST ST
Delray Beach, FL 33444

Changed: 06/18/2020

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Authorized Person(s) Detail

Name & Address

Title MGR

THE KOLTER GROUP LLC
105 NE 1ST ST
Delray Beach, FL 33444

Annual Reports

Report Year	Filed Date
2019	04/24/2019
2020	06/18/2020
2021	04/08/2021

Document Images

04/08/2021 -- ANNUAL REPORT	View image in PDF format
06/18/2020 -- ANNUAL REPORT	View image in PDF format
04/24/2019 -- ANNUAL REPORT	View image in PDF format
12/07/2018 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Limited Liability Company
THE KOLTER GROUP LLC

Filing Information

Document Number	L09000122320
FEI/EIN Number	27-1556391
Date Filed	12/28/2009
State	FL
Status	ACTIVE
Last Event	LC NAME CHANGE
Event Date Filed	12/17/2010
Event Effective Date	01/01/2011

Principal Address

105 NE 1ST STREET
DELRAY BEACH, FL 33444

Changed: 07/16/2019

Mailing Address

105 NE 1st ST
Delray Beach, FL 33444

Changed: 01/29/2020

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

Authorized Person(s) Detail

Name & Address

Title MGR

MOSHER, RYAN
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Title MGR

ERBSTEIN, HOWARD
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Title MGR

JOHNSON, WILLIAM
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Title MGR

JULIEN, ROBERT
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Annual Reports

Report Year	Filed Date
2020	01/29/2020
2020	02/19/2020
2021	01/13/2021

Document Images

01/13/2021 -- ANNUAL REPORT	View image in PDF format
02/19/2020 -- AMENDED ANNUAL REPORT	View image in PDF format
01/29/2020 -- ANNUAL REPORT	View image in PDF format
03/01/2019 -- ANNUAL REPORT	View image in PDF format
04/22/2018 -- ANNUAL REPORT	View image in PDF format
03/23/2017 -- ANNUAL REPORT	View image in PDF format
04/28/2016 -- ANNUAL REPORT	View image in PDF format
04/13/2015 -- ANNUAL REPORT	View image in PDF format
04/21/2014 -- ANNUAL REPORT	View image in PDF format
04/19/2013 -- ANNUAL REPORT	View image in PDF format
04/18/2012 -- ANNUAL REPORT	View image in PDF format
04/18/2011 -- ANNUAL REPORT	View image in PDF format

12/17/2010 -- LC Name Change	View image in PDF format
03/25/2010 -- ANNUAL REPORT	View image in PDF format
03/17/2010 -- Merger	View image in PDF format
12/28/2009 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations