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1107 Key Plaza
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Lantana
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Suite 5
Lantana, FL 33462

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2560-1 Barrington Circle
Tallahassee, FL 32308

Tampa
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Suite 101-B
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Lakewood, CO 80215

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Suite 11
Durham, NC 27705

Bismarck
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Suite 103
Bismarck, ND 58503

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3801 N Capital of TX Highway
Suite E-240
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5114 West County Road 12
Midland, TX 79706

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Bio-Tech Consulting
Environmental and Permitting

September 5, 2024

Internal Use Only

Rick Rudometkin
City of Belle Isle
1600 Nela Avenue
Belle Isle, Florida 32809

Proj: 6810 Conway Road – Orlando, Orange County, Florida
Section 29, Township 23 South, Range 30 East
(BTC File #1535-45)
Re: Environmental Assessment Report

Dear Rick:

In August of 2024, Bio-Tech Consulting (BTC) conducted an environmental assessment of the approximately ±20-acre 6810 Conway Road site. This site is located in the City of Orlando, southwest of the intersection of Conway Road and Judge Road, within Section 29, Township 23 South, Range 30 East, Orange County, Florida (**Figures 1 and 2**). This environmental assessment includes the following elements:

- general review of site topography;
- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- delineation of any on-site wetland/surface water communities;
- field review for occurrence of protected flora and fauna; and,
- an overview of potential development constraints.

TOPOGRAPHY

Based upon a review of the USGS Topographic Map present in **Figure 3** (Pine Castle, Florida Quadrangle), elevations on the subject property range from +95 and +90 feet above the National Geodetic Vertical Datum of 1929 (NGVD). In general, it would appear that the subject parcel slopes from the north to the central portion of the property towards the on-site wetlands.

SOILS

According to the Soil Survey Geographic Database (SSURGO) for Orange County, Florida, created by the U.S. Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS), four (4) soil types occur within the subject property boundaries (**Figure 4**). These soil types include the following:

- **Basinger fine sand, frequently ponded, 0 to 1 percent slopes (#3)**
- **Ona fine sand, 0 to 2 percent slopes (#26)**
- **Pomello fine sand, 0 to 5 percent slopes (#34)**
- **Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44)**

The following presents a brief description of each of the soil types mapped for the subject site:

Basinger fine sand, frequently ponded, 0 to 1 percent slopes (#3) is a nearly level, very poorly drained soil found in shallow depressions and sloughs and along edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The water table for this soil type is above the surface for 6 to 9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout.

Ona fine sand, 0 to 2 percent slopes (#26) is a nearly level, poorly drained soil found in broad areas on the flatwoods. The surface layer of this soil type generally consists of black fine sand about 6 inches thick. In most years the seasonal high-water table for this soil type is within 10 inches of the surface for 1 to 2 months. It recedes to a depth of 10 to 40 inches for periods of 6 months or more. Permeability of this soil type is rapid in the surface and subsurface layers and is moderate in the subsoil.

Pomello fine sand, 0 to 5 percent slopes (#34) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of gray fine sand about 3 inches thick. In most years, the seasonal high-water table for this soil type is at a depth of 24 to 40 inches for 1 to 4 months and recedes to a depth of 40 to 60 inches during dry periods. Permeability of this soil type is very rapid in the surface and subsurface layers, moderately rapid in the subsoil, and rapid in the substratum.

Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 4 inches thick. The seasonal high-water table for this soil type is within 10 inches of the surface for 1 to 4 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate to moderately rapid in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components within Basinger fine sand, frequently ponded, 0 to 1 percent slopes (#3) and the Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) soil types associated with the site to be hydric. The FAESS also considers inclusions present in the Ona fine sand, 0 to 2 percent slopes (#26) and the Pomello fine sand, 0 to 5 percent slopes (#34) soil types associated with the site to be hydric. This information can be found in the Hydric Soils of Florida Handbook, Fourth Edition (March 2007).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The subject site currently supports five (5) land use types/vegetative communities within its boundaries. These areas were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999) (**Figure 5**). The upland land use type/vegetative community on the site is classified as Open Land (190) and Upland Hardwood Forests (420). The wetland/surface water land use types/vegetative communities on the site are classified as Reservoirs less than 10 acres (534), Wetland Forested Mixed (630), and Freshwater Marshes (641). The following provides a brief description of the land use types/vegetative communities identified on the site.

Uplands:

190 Open Land

The southern portion of the site surrounding the retention pond is consistent with the Open Land (190) FLUCFCS classification. Vegetative species observed include scattered live oak (*Quercus virginiana*), bahiagrass (*Paspalum notatum*), beggarticks (*Bidens alba*), guineagrass (*Urochloa maxima*), caesarweed (*Urena lobata*), showy rattlebox (*Crotalaria spectabilis*), tassel flower (*Emilia coccinea*), muscadine grape (*Vitis rotundifolia*), American beauty-berry (*Callicarpa americana*), common ragweed (*Ambrosia artemisiifolia*), crabgrass (*Digitaria serotina*), turkey tangle fogfruit (*Phyla nodiflora*), Mexican clover (*Richardia scabra*), Baldwin's flatsedge (*Cyperus croceus*), and Canadian horseweed (*Erigeron canadensis*).

420 Upland Hardwood Forests

The forested uplands on the site are consistent with the Upland Hardwood Forests (420) FLUCFCS classification. The community type contains trash throughout the site and two occupied squatter camps located in the southeast forested area and the northeast forested area. Vegetative species identified within this land use/community type include laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), John Charles (*Hyptis verticillata*), common pokeweed (*Phytolacca americana*), dogfennel (*Eupatorium capillifolium*), showy rattlebox (*Crotalaria spectabilis*), caesarweed (*Urena lobata*), beggarticks (*Bidens alba*), greenbrier vine (*Smilax* spp.), sword fern (*Nephrolepis* spp.), winged sumac (*Rhus copallinum*), tassel flower (*Emilia coccinea*), bracken fern (*Pteridium aquilinum*), saw palmetto (*Serenoa repens*), muscadine grape (*Vitis rotundifolia*), shiny blueberry (*Vaccinium myrsinites*), American beauty-berry (*Callicarpa americana*), common ragweed (*Ambrosia artemisiifolia*), old world climbing fern (*Lygodium microphyllum*), camphor tree (*Cinnamomum camphora*), and earpod tree (*Enterolobium contortisiliquum*).

Wetland/Surface Water:

534 Reservoirs less than 10 acres

The southern portion of the property contains a retention pond that is consistent with the Reservoirs less than 10 acres (534) FLUCFCS classification. Vegetative species identified within this community type consist of marsh pennywort (*Hydrocotyle umbellata*), cattail (*Typha* spp.), American white waterlily (*Nymphaea odorata*), torpedograss (*Panicum repens*), alligatorweed (*Alternanthera philoxeroides*), duckweed (*Landoltia* spp.), and jointed spikerush (*Eleocharis equisetoides*).

630 Wetland Forested Mixed

A forested wetland system is most consistent with the Wetland Forested Mixed (630) FLUCFCS classification. The presence of squatter camps on-site has led to significant trash dumping within the wetland boundaries. Vegetative species identified within this wetland include Chinese tallow (*Triadica sebifera*), laurel oak (*Quercus laurifolia*), sweetbay (*Magnolia virginiana*), loblolly bay (*Gordonia lasianthus*), dahoon holly (*Ilex cassine*), water oak (*Quercus nigra*), red maple (*Acer rubrum*), cypress (*Taxodium* spp.), earpod tree (*Enterolobium cyclocarpum*), wax myrtle (*Morella cerifera*), buttonbush (*Cephalanthus occidentalis*), swamp fern (*Blechnum serrulatum*), saw palmetto (*Serenoa repens*), muscadine grape (*Vitis rotundifolia*), greenbrier vine (*Smilax* spp.), sword fern (*Nephrolepis* spp.), bracken fern (*Pteridium aquilinum*), caesarweed (*Urena lobata*), punktree (*Melaleuca quinquenervia*), royal fern (*Osmunda regalis*), and Virginia chain fern (*Woodwardia virginica*).

641 Freshwater Marshes

The non-forested wetlands on the site are consistent with the Freshwater Marshes (641) FLUCFCS classification. Vegetative species identified within this community type include wax myrtle (*Morella cerifera*), soft rush (*Juncus effusus*), beakrush (*Rhynchospora* spp.), Virginia chain fern (*Woodwardia virginica*), spikerush (*Eleocharis* spp.), Chinese tallow (*Triadica sebifera*), sweetbay (*Magnolia virginiana*), loblolly bay (*Gordonia lasianthus*), dahoon holly (*Ilex cassine*), punktree (*Melaleuca quinquenervia*), buttonbush (*Cephalanthus occidentalis*), pipewort (*Eriocaulon compressum*), sedges (*Carex* spp. and *Cyperus* spp.), yellow-eyed grass (*Xyris* spp.), *Hypericum* spp., royal fern (*Osmunda regalis*) and Virginia chain fern (*Woodwardia virginica*).

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FWC's) Gopher Tortoise Permitting Guidelines (April 2023); an assessment for listed floral and faunal species was conducted at the site on August 29, 2024 (**Figure 6A**). This cursory assessment included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations which indicated the presence of species observed. The assessment focused on species that are listed by the FWC's Official Lists - Florida's Endangered and Threatened Species (December 2022) and listed species that have the potential to occur in Orange County (**see attached Table 1**).

No plant species listed as "Threatened" or "Endangered" by either The Florida Department of Agriculture and Consumer Services (FDACS) or U.S. Fish and Wildlife Service (USFWS) were identified on the site during the assessments conducted. One (1) species identified on the site are listed as commercially exploited by the FDACS. The harvesting of saw palmetto (*Serenoa repens*) for commercial gain is prohibited. The FDACS protection of listed plant species centers on preventing the illegal collection, transport and sale of the listed plants. The FDACS will issue permits for collection purposes. There are no regulations that prohibits the destruction of state-listed flora species as a result of proposed development activities.

The following is a list of those wildlife species identified on the site during the evaluation of the property:

Reptiles and Amphibians
black racer (*Coluber constrictor*)
brown anole (*Anolis sagrei*)
coachwhip (*Masticophis flagellum*)
common cooter (*Pseudemys floridana*)

six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*)
southern leopard frog (*Lithobates sphenocephalus*)

Birds
American Crow (*Corvus brachyrhynchos*)
Great Egret (*Ardea alba*)
Northern Cardinal (*Cardinalis cardinalis*)
Northern Mockingbird (*Mimus polyglottos*)
Red-shouldered Hawk (*Buteo lineatus*)

Mammals
eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
nine-banded armadillo (*Dasypus novemcinctus*)
North American raccoon (*Procyon lotor*)
opossum (*Didelphis virginiana*)

None of the above wildlife species are identified in the FWC's Official Lists - Florida's Endangered and Threatened Species (December 2022).

Potential Wildlife

The wildlife surveys conducted within the subject site boundaries do not preclude the potential for any listed species, currently or in the future. The following listed species were not observed on-site, but have the potential to occur: Bald Eagle (*Haliaeetus leucocephalus*), Florida Sandhill Crane (*Antigone canadensis pratensis*), and Wood Stork (*Mycteria americana*).

Bald Eagle (*Haliaeetus leucocephalus*)
State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FWC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FWC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (Haliaeetus leucocephalus).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FWC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FWC issued "A Species Action Plan for the Bald Eagle" in response to the sunset of the 2008 Bald Eagle Management Plan. Under the USFWS's management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. As provided within the above referenced Species Action Plan, the USFWS is the regulating body responsible for issuing permits for Bald Eagles. In 2017, the need to obtain a State permit (FWC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to F.A.C. 68A-16.002. A USFWS Bald Eagle "Non-Purposeful Take Permit" is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest without a USFWS permit.

In addition to the on-site evaluation for listed species, BTC conducted a review of FWC's database (2015-2016 Nesting Season) and Audubon's Eagle Watch program database (2023 Nesting Season) for recorded Bald Eagle nests within the surrounding 660 feet of the subject site (Figure 6B). This review revealed that there are no recorded Bald Eagle nests within 660 feet of the project site boundaries. Thus, no developmental constraints are expected with respect to Bald Eagle nests unless a new nest is found

Florida Sandhill Crane (*Antigone canadensis pratensis*)
State Listed as "Threatened" by FWC

The Florida Sandhill Crane is a subspecies of Sandhill Crane that occurs exclusively and is resident to Florida (Stys 1997). Of the six (6) subspecies of Sandhill Crane, the Greater Sandhill Crane (*Antigone canadensis*) is the only other subspecies of Sandhill Crane that occurs regularly in Florida (Stys 1997). The Greater Sandhill crane is a winter migrant, arriving in Florida during late fall (October/November) and leaving in late February (Stys 1997). Since the two subspecies cannot be distinguished easily from one another in the field, Stys (1997) recommends conducting surveys between May and September to validate the presence of the protected subspecies. With regard to nesting activity, which may begin any time between January and June, the FWC requires a 400-foot set back buffer of land clearing and development activities; this set-back distance is intended to prevent nest disturbance and potential nest abandonment. Since cranes do not re-use the same nest year after year, this 400-foot buffer is only temporary during the nesting season.

No Floridda Sandhill Cranes were observed foraging in the area and no nests were identified within or in close proximity to the subject site. Due to the surrounding area and the timing of this survey (August), it is unlikely that the Sandhill Crane is using the marsh for nesting, however, to accurately determine the presence of the Florida Sandhill Crane, BTC recommends continuing nesting surveys in any areas scheduled for development activity within 400 feet of an herbaceous wetland during the nesting season (January-July).

Wood Stork (*Mycteria americana*) – Core Foraging Area
State & Federally listed as "Threatened" by FWC & USFWS

The subject site is located within a Wood Stork Nesting Colony Core Foraging Area (Figure 6B). Wood Storks typically nest colonially in medium to tall trees that occur in stands located either in swamps or on islands surrounded by relatively broad expanses of open water (Ogden 1991; Rodgers et al. 1996). The Wood Stork (Mycteria americana) is listed as "Threatened" by the USFWS. Wood storks are large, long-legged wading birds, about 45 inches tall, with a wingspan of 60 to 65 inches. Their plumage is white except for black primaries and secondaries and a short black tail. The head and neck are largely un-feathered and dark gray in color. The bill is black, thick at the base, and slightly decurved. Wood Storks are birds of freshwater and estuarine wetlands, primarily nesting in cypress or mangrove swamps.

Successful breeding sites are those that have limited human disturbance and low exposure to land-based predators. Because of their specialized feeding behavior, Wood Storks forage most effectively in shallow-water areas with highly concentrated prey. Typical foraging sites for the Wood Stork include freshwater marshes, depressions in cypress heads, swamp sloughs, managed impoundments, stock ponds, shallow-seasonally flooded roadside or agricultural ditches and narrow tidal creeks or shallow tidal pools. Good foraging conditions are characterized by water that is relatively calm, open, and having water depths between 5 and 15 inches (5 and 38 cm). The U.S. Fish and Wildlife Service (Service) has identified core foraging area (CFA) around all known Wood Stork nesting colonies that is important for reproductive success. In Central Florida, CFAs include suitable foraging habitat (SFH) within a 15-mile radius of the nest colony; CFAs in North Florida include SFH within a 13-mile radius of a colony. The Service believes loss of suitable foraging wetlands within these CFAs may reduce foraging opportunities for the Wood Stork.

Based on our review of available databases, the site is located within the CFA, but there is no record of a Wood Stork rookery on the site or within close proximity. The permitting agencies require that any impacts to on-site ditches and/or wetlands, which would eliminate a portion of the Wood Stork foraging habitat, be either mitigated through the purchase of mitigation credits or recreated elsewhere on-site so that there would be no net loss of Wood Stork foraging habitat.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service (USFWS) has established "Consultation Areas" for certain listed species (**Figure 7**). Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers (USACOE). The user of this report should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS. The following presents further information pertaining to species in which their USFWS consultation areas covers the subject property.

Red Cockaded Woodpecker (*Picoides boreali*)
Federally Listed as "Endangered" by USFWS

The Red-cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red-cockaded Woodpecker is a federally and state protected endangered species that is protected and should not be injured, harmed, molested or killed.

No Red-Cockaded Woodpeckers were observed within the subject site during the environmental assessment conducted by BTC. As there is no suitable habitat and no nesting trees were found within the limits of the subject site, it is not anticipated that a formal survey would be required by the USFWS or another agency.

Everglade Snail Kite (*Rostrhamus sociabilis*)
Federally Listed as "Endangered" by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as "Endangered" by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida.

They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

No Everglade Snail Kites were observed on the site during the environmental assessment conducted by BTC. Since there is no suitable habitat for this species within the site boundary, a formal survey is not anticipated to be required by the USFWS or another agency.

Florida Scrub-Jay (*Aphelocoma coerulescens*)
Federally Listed as "Threatened" by USFWS

Currently the Florida Scrub-Jay is listed as "Threatened" by the USFWS. Florida Scrub-Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

Florida Scrub-Jays are most abundant in open, oak-dominated scrub communities of the interior and Atlantic coast sand ridges of the Peninsula. Florida Scrub-Jay habitat is broken down into three (3) types. These habitat types are the following:

- TYPE I HABITAT. Any upland plant community in which the percent cover of the substrate by scrub oak species is 15% or more.

- TYPE II HABITAT. Any plant community not meeting the definition of Type I habitat, in which one or more scrub oak species is represented.

- TYPE III HABITAT. Any upland or seasonally dry wetland within ¼ mile of any designated as Type I or Type II habitat.

In most cases, the Type I habitat is recognized as xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, or sand pine scrub. Usual classification schemes are not as useful in identifying or predicting habitat type; the presence of scrub oaks is the key indicator. The third habitat type includes many different plant communities where scrub oak species are not represented, but that are nearby or adjacent to Type I or Type II habitat. The subject site does not have any Types I-III Habitats.

No Florida Scrub-Jays were observed on the subject site during the environmental assessment conducted by BTC. Additionally, the subject site does not contain any scrub habitat. Since there is no suitable habitat for this species within the site boundary, a formal survey is not anticipated to be required by the USFWS or another agency.

Sand Skink (*Neoseps reynoldsi*)
Federally Listed as "Threatened" by USFWS

The subject site falls within the Sand Skink Consultation Area for the United States Fish and Wildlife Service (USFWS). The sand skink is listed as "Threatened" by the USFWS. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained) soils are believed by USFWS to be areas of potential sand skink habitat.

The results of the pedestrian survey during the environmental assessment in August 2024 showed no evidence (i.e., sinusoidal tracks) that indicate the presence of the sand skinks on-site. While the site is within the USFWS Sand Skink Consultation Area and is above the 80-foot requirement, only 2.02 acres of the site have the suitable soil type for the sand skink, specifically Pomello fine sand, 0 to 5 percent slopes. Within this area, much of it is located in the retention pond, and the southern portion is covered with thick grass, making the soils not visible. Since there is no suitable habitat for this species within the site boundary, a formal survey is not anticipated to be required by the USFWS or another agency. However, USFWS and/or another agency make the final determination if a species-specific survey is required.

DEVELOPMENT CONSTRAINTS AND PERMITTING

All wetlands and surface waters on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink "Bio-Tech Consulting" flagging tape (**Figure 8**). All wetland/surface water flag locations will need to be approved by the appropriate regulatory agencies during the permitting process. The on-site wetlands/surface waters are located within the St. Johns River (Canaveral Marshes to Wekiva) basin (**Figure 9**).

City of Orlando EA Requirements

The Environmental Assessment shall consist of three levels. Applicants may choose which level of information to submit in initial applications to the City, but the City shall determine if the submittal is appropriate on a case-by-case basis. The three levels of Environmental Assessment are as follows:

Level A: Where the site for a proposed development consists of legally cleared lands, with vegetation either sparse or absent, an environmental description consisting of the following may be sufficient: Conservation Policy Document Page C-6

1. a location map;
2. a copy of an aerial photograph;
3. ground-level panoramic photographs of the site.

Level B: Where the site is not cleared of vegetation and/or may contain wetlands, but has a low probability of supporting Endangered or Threatened Species, or Species of Special Concern, a site inspection and brief environmental assessment from a qualified environmental professional may be required. In addition, the Level B assessment shall also contain the following information:

1. a map showing the jurisdictional boundaries and acreage of all wetlands on the site:
2. a general description of the location and types of ecosystems on the site;
3. a statement which justifies the opinion of the biologist/consultant that the site does not harbor or support Endangered or Threatened Species, or Species of Special Concern, if such is the case; and
4. an environmental impacts map showing any proposed impacts or alterations to wetland.

Level C: Where the site contains native vegetation and/or wetlands which can be expected to harbor or support (or are known to harbor or support) Endangered or Threatened Species, or Species of Special Concern, the following additions to the Level C assessment shall be required:

1. a vegetational map with ecosystems identified to Class III FLUCCS codes;
2. a delineation of any wetlands which are within the landward extent of Waters of the State;
3. an Endangered or Threatened Species survey map;
4. an environmental impacts map;
5. a written report to include an ecological description of the upland and wetland habitats on site;
6. for Developments of Regional Impact, the application for development approval may be substituted in lieu of the above.
7.

Construction of single family and duplex homes which are part of subdivisions recorded prior to the effective date of this amendment; projects for which final local development orders have been issued prior to the effective date of this amendment; along with projects which have approved master plans; Developments of Regional Impact, except Conservation Policy Document Page C-7 substantial deviations thereto, and Planned Developments, subject to conditions contained therein; and lands lying within urbanized disturbed areas are exempt from the requirements of this policy.

The City shall consider the findings of the Environmental Assessment in the development review process, and shall apply the appropriate policies found in this Conservation Element. After review of the Environmental Assessment, the Department's recommendations may include, but are not limited to:

1. Protection of the Environmentally Sensitive Lands consistent with the
2. applicable environmental regulatory agencies, and require that the applicant submit signed copies of all environmental permits prior to issuance of engineering permits or final plat by the City;
3. For Protected Wetlands, and wetlands under 0.5 acres, require site design to minimize impact of development on environmentally sensitive features;
4. Require creation of buffers and conservation easements;
5. Request other permitting agencies to protect wetlands of special value to the City which may otherwise be exempted from their permitting process; and/or
6. Require a contribution to the Environmental Trust Fund. Such conditions shall become part of the development approval.

(Amended December 12, 2005, Effective February 28, 2006, Doc. No. 051212903)

St. Johns River Water Management District (SJRWMD)

An Environmental Resource Permit (ERP) will be required through the St. Johns River Water Management District (SJRWMD) to authorize construction and operation of a stormwater management system for the site in association with a proposed project. This includes new activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters. Impacts to the site's wetland and other surface water communities would be permittable by SJRWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts. Coordination with the Division of Historical Resources (DHR) and the FFWCC will be necessary as part of the ERP process.

U.S. Army Corps of Engineers (USACE)

On February 15, 2024, the U.S. District Court in Washington DC issued a "Memorandum Opinion" regarding the case of Center for Biological Diversity v. United States Environmental Protection Agency (EPA), State of Florida, et al. This ruling immediately returned the Federal Review of Section 404 of the Clean Water Act back to the USACE completely within the State of Florida, dismantling the Florida State 404 program.

Section 404 of the Clean Water Act (CWA) requires that federal authorization be obtained for all activities that propose the placement of dredged or fill material in "Waters of the United States" (WOTUS). The regulatory program established by CWA Section 404 is jointly implemented by the US Environmental Protection Agency (USEPA) and the USACE. Criteria for permit review and issuance are described in CWA Section 404(b)(1) Guidelines. Included in those guidelines, but not limited to, is the requirement to (a) justify jurisdictional wetland impacts with an alternative sites analysis that demonstrates the subject site is the most viable site in the vicinity for the project and will result in the least damaging environmental impacts compared to alternative site locations, and (b) demonstrate on-site avoidance and minimization of impacts have been limited to the maximum practicable extent while allowing for the project purpose. The USACE rarely accepts on-site preservation as mitigation for wetland impacts. All USACE impacts will be required to be off-set by purchase of credits from an approved mitigation bank. The USACE will coordinate with the Division of Historical Resources (DHR) regarding potential impacts to archaeological and cultural resources, as well as the USFWS regarding impacts to species listed under the Endangered Species Act. The permitting process with the USACE is a much longer process than the State ERP program with potential permitting timeframes of 12-18 months depending on the complexity of the wetland impacts and mitigation.

In regards to the subject site, the on-site wetlands and surface waters are isolated and would not considered U.S. Army Corps of Engineers (USACE) jurisdictional.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future.

Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

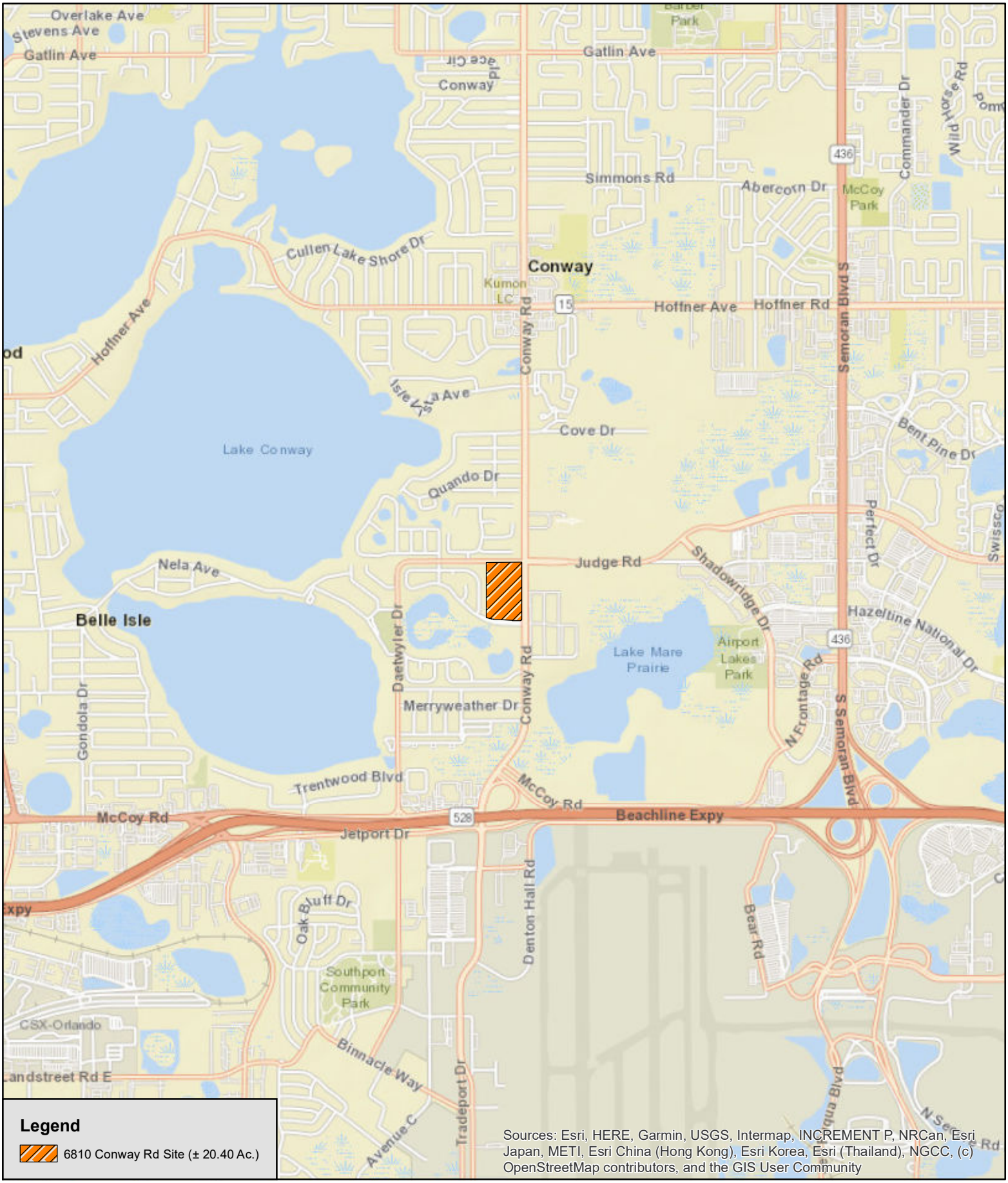
Regards,

Olivia Hecimovich
Environmental Scientist

Larry Medlin
Project Manager

Attachments:

Figure 1 – Location Map
Figure 2 – 2021 Aerial Photograph
Figure 3 – USGS Topographic Map
Figure 4 – USDA-NRCS Soils Map
Figure 5 – FLUCFCS Map
Figure 6A – Wildlife Survey Map
Figure 6B – Wildlife Proximity Map
Figure 7 – USFWS Consultation Areas Map
Figure 8 – Wetland and Surface Waters Map
Figure 9 – SJRWMD Mitigation Basins Map
Audubon Florida EagleWatch Nest Map
Wildlife Table 1



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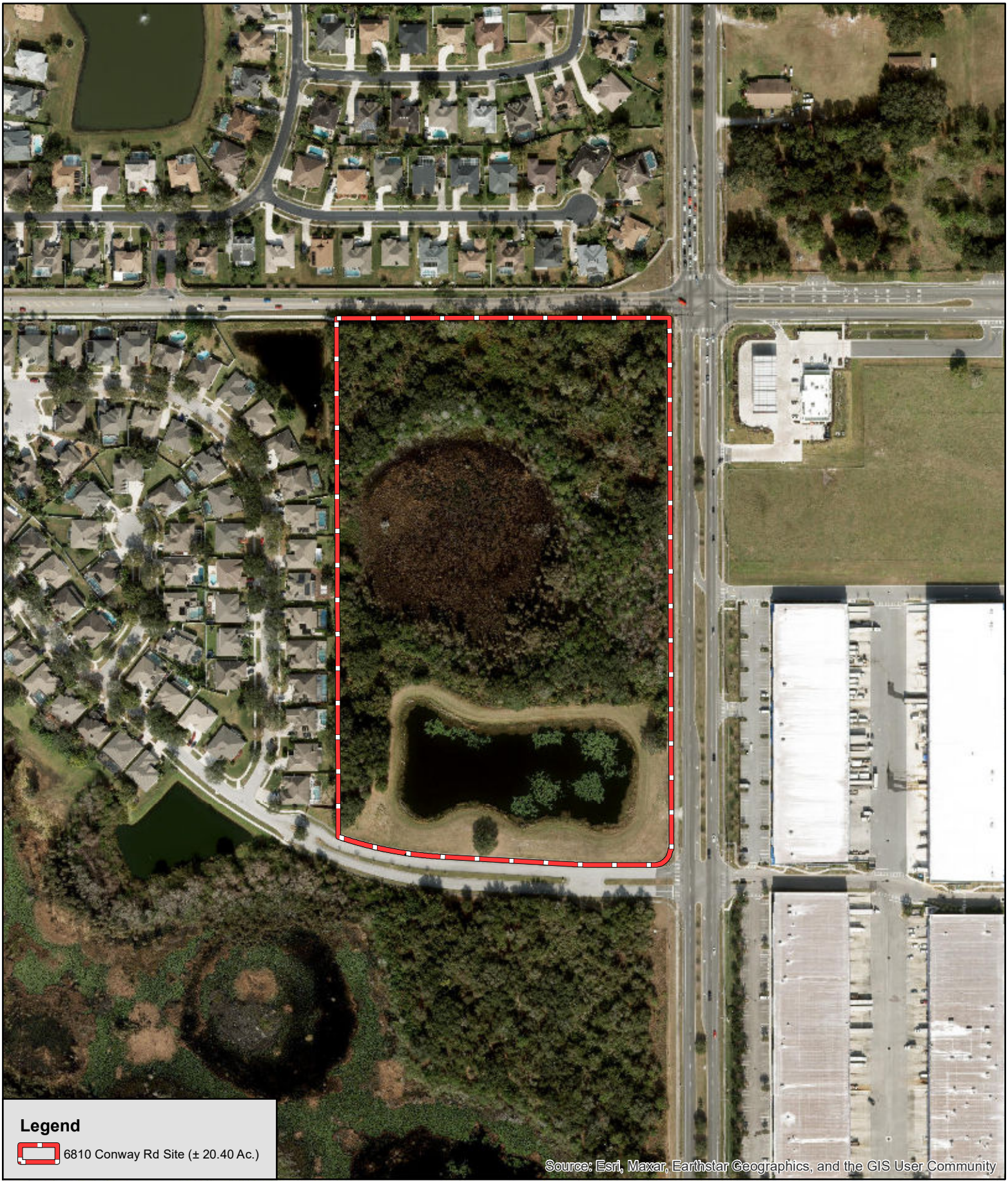
6810 Conway Rd Site
Orange County, Florida
Figure 1
Location Map

N
W E
S

0.5
Miles

Project #: 1535-45
Produced By: EM
Date: 7/12/2024



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6810 Conway Rd Site
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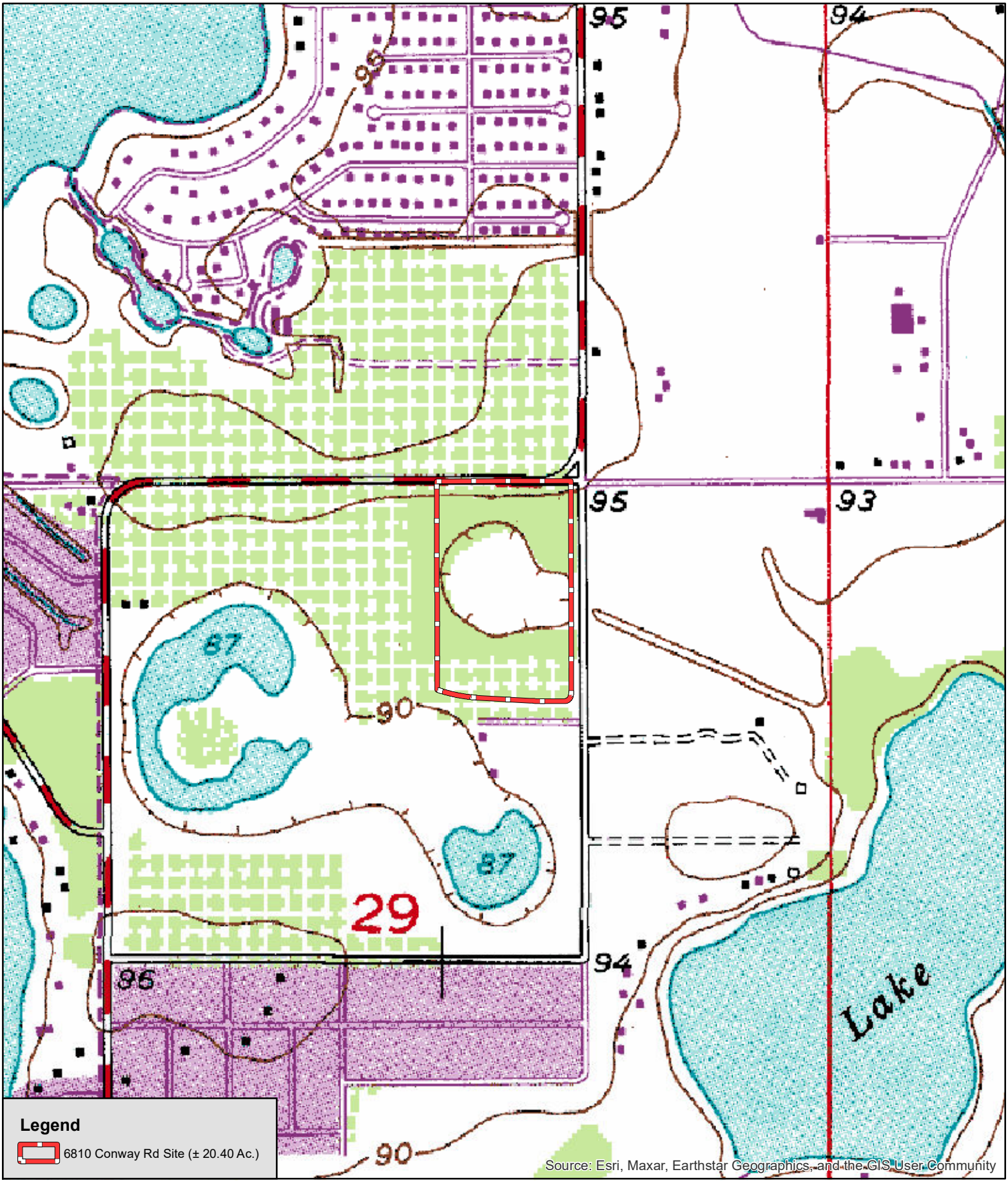
Figure 2
2021 Aerial Photograph

N
W E
S

300
Feet

Project #: 1535-45
Produced By: EM
Date: 7/12/2024



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6810 Conway Rd Site
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Figure 3
USGS Topographic Map

N
W E
S

750
Feet

Project #: 1535-45
Produced By: EM
Date: 7/12/2024

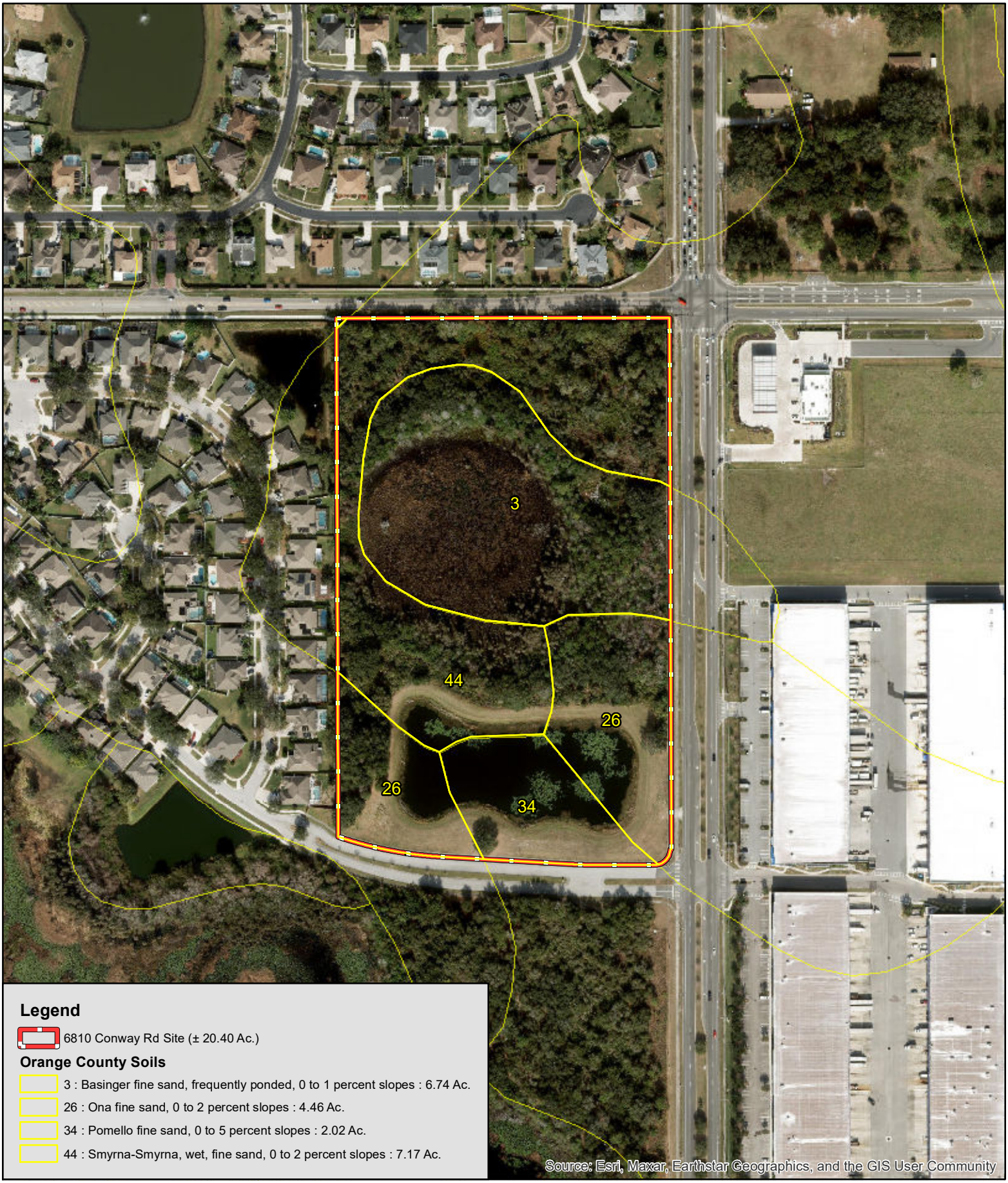

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Figure 4
USDA-NRCS Soils Map

N
W E
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300
Feet

Project #: 1535-45
Produced By: EM
Date: 7/12/2024

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6810 Conway Road Site
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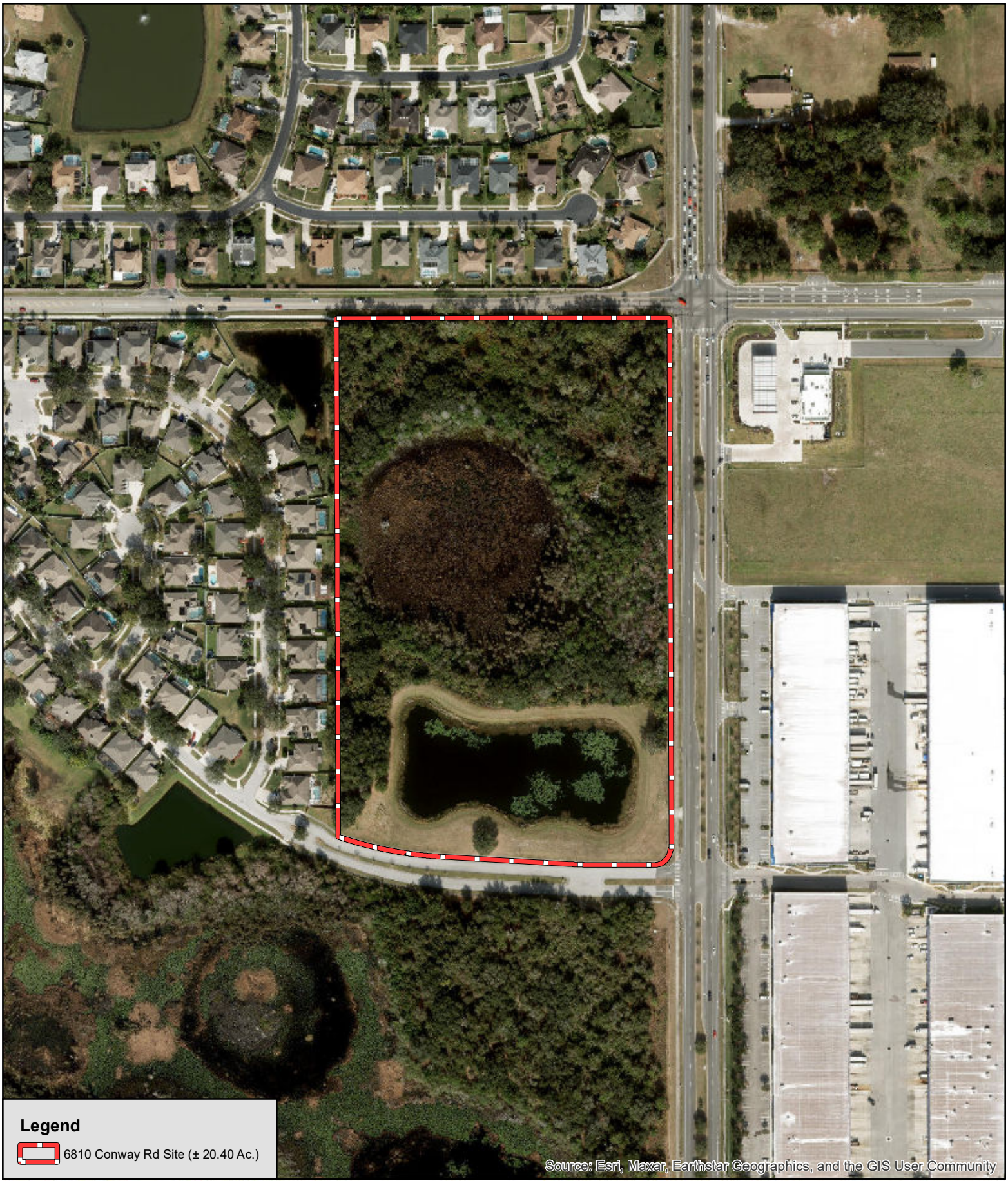
Figure 5
FLUCFCS Map

N
W E
S

180
Feet

Project #: 1535-45
Produced By: ODH
Date: 9/10/2024



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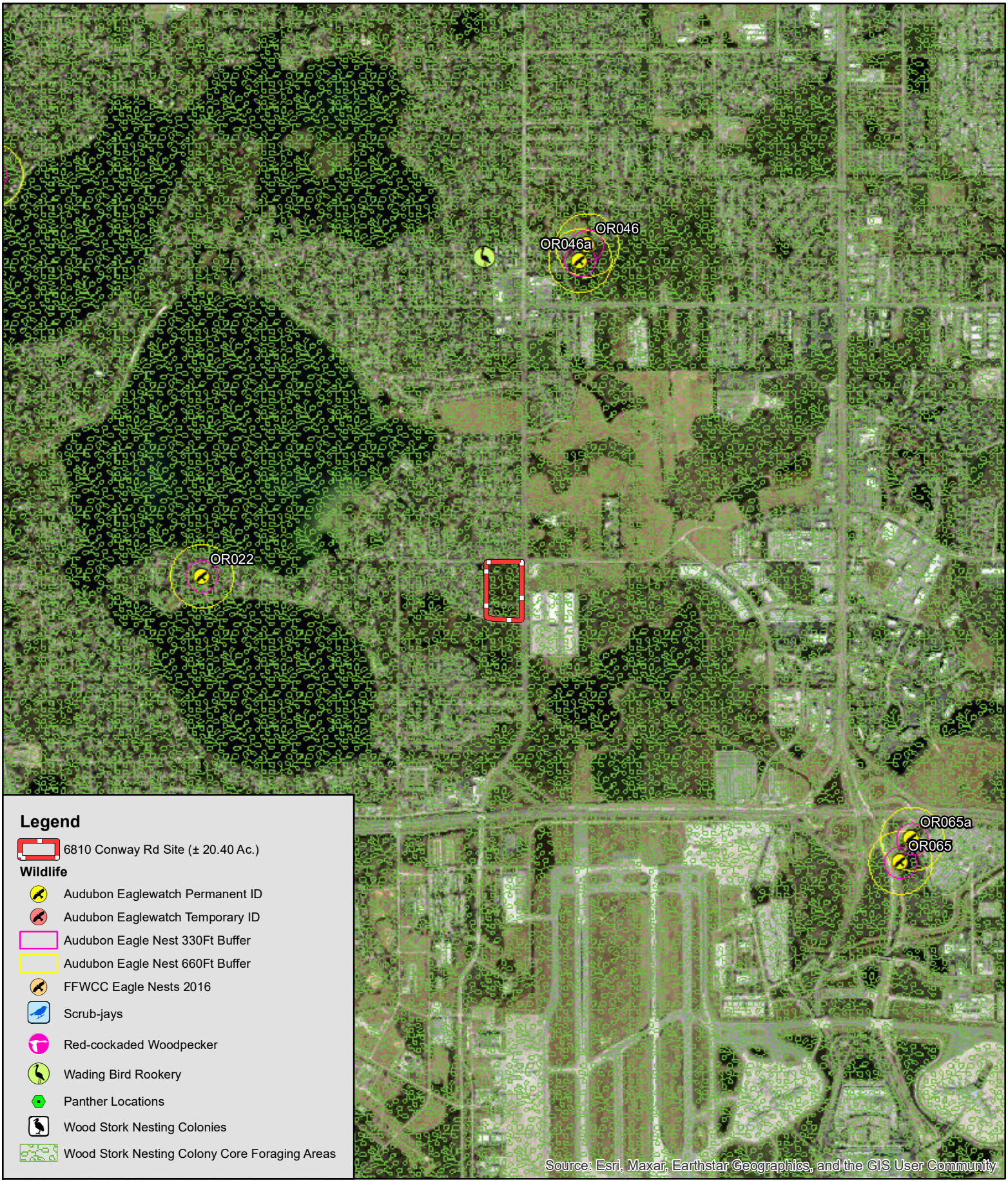
6810 Conway Rd Site
Orange County, Florida
Figure 6A
Wildlife Survey Map

N
W E
S

300
Feet

Project #: 1535-45
Produced By: ODH
Date: 8/29/2024



Legend

- 6810 Conway Rd Site (± 20.40 Ac.)

Wildlife

- Audubon Eaglewatch Permanent ID
- Audubon Eaglewatch Temporary ID
- Audubon Eagle Nest 330Ft Buffer
- Audubon Eagle Nest 660Ft Buffer
- FFWCC Eagle Nests 2016
- Scrub-jays
- Red-cockaded Woodpecker
- Wading Bird Rookery
- Panther Locations
- Wood Stork Nesting Colonies
- Wood Stork Nesting Colony Core Foraging Areas

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6810 Conway Rd Site
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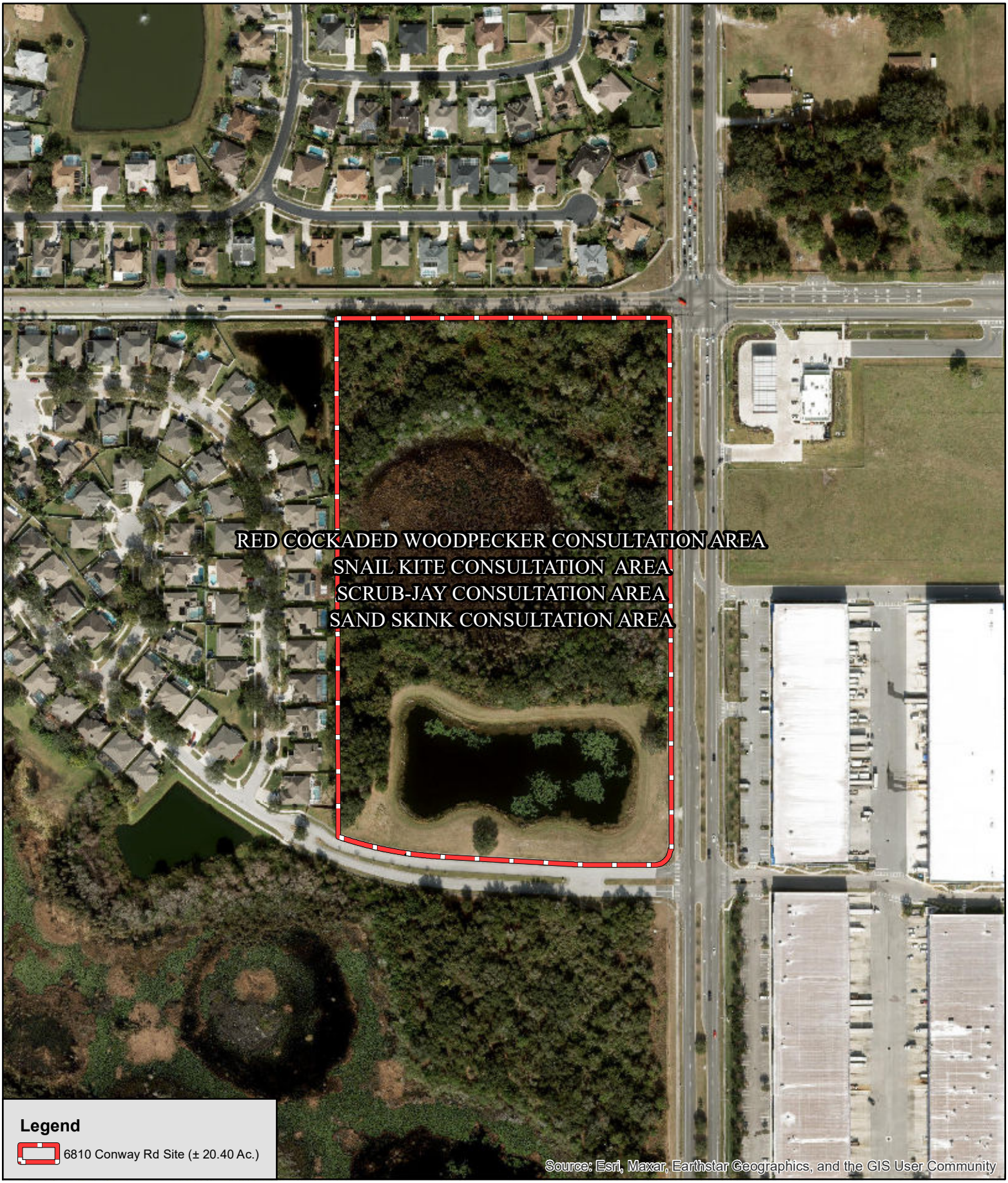
Figure 6B
Wildlife Proximity Map

N W E S

0.5 Miles

Project #: 1535-45
Produced By: EM
Date: 7/12/2024



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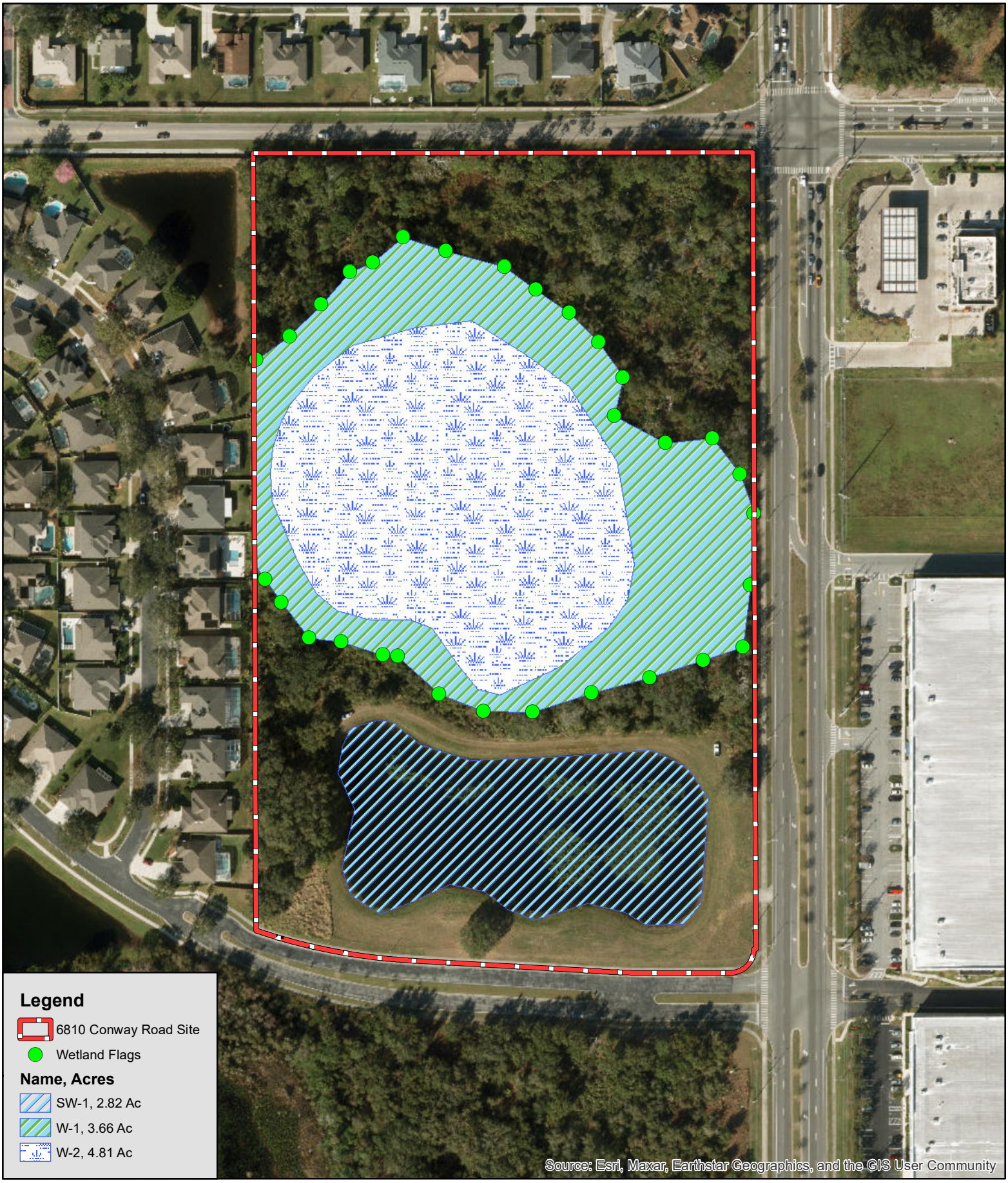
6810 Conway Rd Site
Orange County, Florida
Figure 7
USFWS Consultation Areas Map

N
W E
S

300
Feet

Project #: 1535-45
Produced By: EM
Date: 7/12/2024



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6810 Conway Road Site
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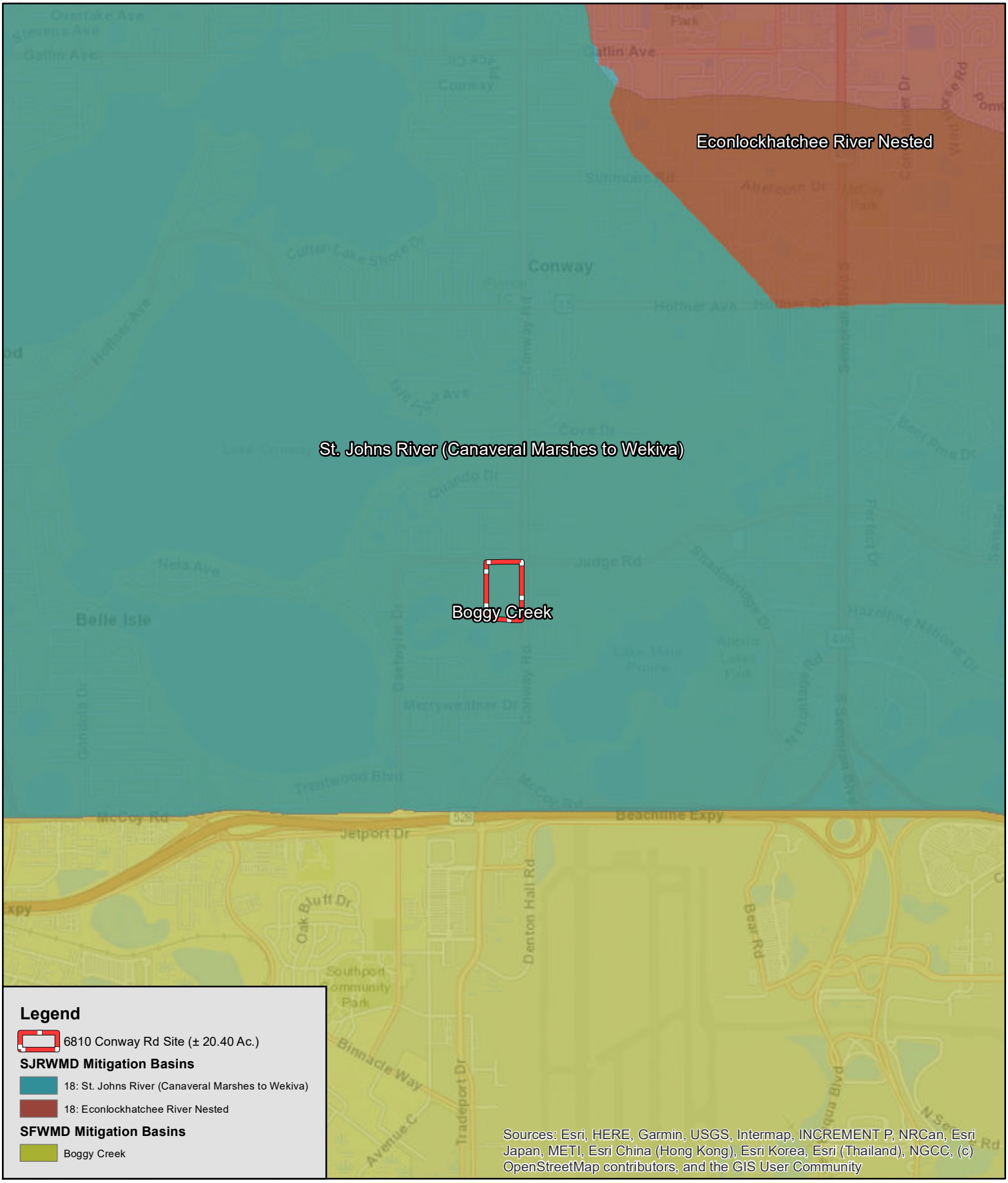
Figure 8
Wetland Delineation Map

N
W E
S

200
Feet

Project #: 1535-45
Produced By: ODH
Date: 8/29/2024



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6810 Conway Rd Site
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Figure 9
SJRWMD/SFWMD Basins Map

N W E S

0.5 Miles

Project #:1535-45
Produced By: EM
Date: 7/12/2024

EagleWatch Map

8/29/2024, 1:58:53 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

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Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida		
Scientific Name	**Common Name**	**Federal Status**	**State Status**
REPTILES			
Alligator mississippiensis	American alligator	SAT	FT(S/A)
Drymarchon corais couperi	eastern indigo snake	LT	FT
Gopherus polyphemus	gopher tortoise	C	ST
Lampropeltis extenuata	short-tailed snake	N	ST
Pituophis melanoleucus mugitus	Florida pine snake	N	ST
Plestiodon reynoldsi	sand skink	LT	FT
BIRDS			
Antigone canadensis pratensis	Florida sandhill crane	N	ST
Aphelocoma coerulescens	Florida scrub-jay	LT	FT
Athene cunicularia floridana	Florida burrowing owl	N	ST
Polyborus plancus audubonii	Crested Caracara	LT	N
Egretta caerulea	little blue heron	N	ST
Egretta tricolor	tricolored heron	N	ST
Falco sparverius paulus	southeastern American kestrel	N	ST
Mycteria americana	wood stork	LT	FT
Picoides borealis	red-cockaded woodpecker	LE	FE
Platalea ajaja	roseate spoonbill	N	ST
Sterna antillarum	least tern	N	ST
MAMMALS			
N/A			
VASCULAR PLANTS			
Bonamia grandiflora	Florida bonamia	LT	E
Calopogon multiflorus	Many-flowered Grass-pink	N	T
Centrosema arenicola	Sand Butterfly Pea	N	E
Chionanthus pygmaeus	Pygmy Fringe Tree	LE	E
Clitoria fragrans	Scrub Pigeon-Wing	LT	E
Coelorachis tuberculosa	piedmont jointgrass	N	LT
Deeringothamnus pulchellus	beautiful pawpaw	LE	E
Eriogonum longifolium var *gnaphalifolium*	scrub buckwheat	LT	E
Glandularia tampensis	Tampa Vervain	N	E
Illicium parviflorum	star anise	N	E
Lechea cernua	nodding pinweed	N	T
Lechea divaricata	Pine Pinweed	N	E
Lupinus aridorum	scrub lupine	LE	E
Matelea floridana	Florida spiny-pod	N	E
Monotropa hypopithys	pinesap	N	E
Najas filifolia	Narrowleaf Naiad	N	T
Nemastylis floridana	Celestial Lily	N	E
Nolina atopocarpa	Florida beargrass	N	T
Nolina brittoniana	Britton's beargrass	LE	E
Ophioglossum palmatum	hand fern	N	E
Paronychia chartacea ssp *chartacea*	paper-like nailwort	LT	E
Pecluma plumula	Plume Polypody	N	E
Pecluma ptilota var. bourgeauana	Comb Polypody	N	E
Platanthera integra	Yellow Fringeless Orchid	N	E
Polygonella myriophylla	Small's jointweed	LE	E
Prunus geniculata	scrub plum	LE	E
Pteroglossaspis ecristata	Giant Orchid	N	T
Stylisma abdita	scrub stylisma	N	E
Warea amplexifolia	clasping warea	LE	E
Zephyranthes simpsonii	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.
LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
XN-Non-essential experimental population.
N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service
FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service
FXN- Federal listed as an experimental population in Florida
FT(S/A)- Federal Threatened due to similarity of appearance
ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.
SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for Pandion haliaetus (Osprey) indicates that this status applies in Monroe county only.)
N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.
T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.
N-Not currently listed, nor currently being considered for listing.