

Agency Comments
CPA 21-09 BECKER B14
Future Land Use Map
Amendment



Florida Fish and Wildlife Conservation Commission

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April 1, 2022

Paul Schilling
Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL. 34996
pschilli@martin.fl.us

Re: Martin County 22-01ESR (CPA 21-08 and CPA 21-09), Comprehensive Plan Amendment

Dear Mr. Schilling:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for your consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist the Department of Economic Opportunity, the County, and any applicants during the amendment review and future project planning.

Project Description

The applicants, Becker B-14 Grove, LTD and Hobe Sound Equestrian LLC, are requesting one text amendment (CPA 21-08) creating a new future land use designation, Rural Lifestyle, and one related Future Land Use Map (FLUM) amendment (CPA 21-09). The following comments and recommendations are associated with amendment CPA 21-09. The applicants are requesting to change the FLUM designation from Agriculture to Rural Lifestyle on approximately 1493.9 acres. This change will accommodate a proposed development, Discovery PUD, consisting of a maximum of 317 residential units surrounded by common open space including a golf course and practice facilities, approximately 175 acres of lakes, and more than 125 acres of native wetland and upland habitat to be restored adjacent to the Atlantic Ridge Preserve State Park. The project site is located on the north side of Southeast Bridge Road, approximately 0.6 miles east of the interchange with Interstate 95. The dominant land covers on the project site consist of 1,117.6 acres of abandoned groves, 196.7 acres of improved pasture, 168 acres of recreational use, and 17.6 acres of manmade ponds. Open space preservation is proposed on 811 acres offsite through a perpetual agricultural easement to permit continued agricultural use but remove the potential for residential units allowed through the current Agriculture FLUM designation. This proposed agricultural easement is located on the east side of Interstate 95, approximately 1.9 miles south of Southeast Bridge Road.

Potentially Affected Resources

EW Consultants, Inc. provided an Environmental Assessment (May 2021) in support of the amendment. The report indicates wildlife assessments were conducted throughout the

period from 2012 through May 2021, focusing on listed and managed species with the potential to occur within the project area including:

- Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE]),
- Florida bonneted bat (*Eumops floridanus*, FE),
- Red-cockaded woodpecker (*Picoides borealis*, FE),
- Eastern indigo snake (*Drymarchon corais couperi*, Federally Threatened [FT]),
- Audubon's crested caracara (*Polyborus plancus audubonii*, FT),
- Wood stork (*Mycteria americana*, FT),
- Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST]),
- Florida sandhill crane (*Antigone canadensis pratensis*, ST),
- Florida burrowing owl (*Athene cunicularia floridana*, ST),
- Southeastern American kestrel (*Falco sparverius paulus*, ST), and
- State-listed wading birds

Of the species listed above, only little blue herons (*Egretta caerulea*, ST), wood storks, and Florida sandhill cranes were observed foraging onsite. Though gopher tortoises were not observed onsite, the consultant indicated a 100 percent gopher tortoise burrow survey, and any necessary permitting or relocations will be conducted prior to the construction of each phase. Additionally, the applicant has committed to implementing the U.S. Fish and Wildlife Service's *Standard Protection Measures for the Eastern Indigo Snake*.

FWC staff conducted a geographic information system (GIS) analysis of the project area which confirmed the information from the Environmental Assessment and found that the project site is located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following:
 - Florida scrub-jay (*Aphelocoma coerulescens*, FT),
 - Florida grasshopper sparrow (*Ammodramus savannarum floridanus*, FT)
- Potential habitat state-listed species:
 - Least tern (*Sternula antillarum*, ST),
 - Florida pine snake (*Pituophis melanoleucus mugitus*, ST)
- Existing conservation areas:
 - Jonathan Dickinson State Park (managed by the Florida Department of Environmental Protection),
 - Palmar Complex (managed by the South Florida Water Management District)

Comments and Recommendations

Florida Sandhill Crane

Florida sandhill cranes were observed foraging onsite and the littoral zone of the manmade ponds and other herbaceous shallow wetlands onsite may provide potential nesting habitat for this species. FWC staff recommends that surveys for nesting Florida sandhill cranes be conducted prior to construction activities and during the December through August breeding season. If construction occurs over several years, it may be necessary to conduct surveys each year as Florida sandhill cranes do not nest in the same location every year. If active nests are identified onsite, the *Species Conservation Measures and Permitting Guidelines for the Florida Sandhill Crane* recommend that the nest site be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the applicant can contact FWC staff identified below to discuss potential permitting needs. Additional information and guidance for conducting Florida sandhill crane surveys can be found in the guidelines (<https://myfwc.com/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf>).

Least Tern

While the existing conditions onsite likely do not support least tern nesting activity, clearing associated with construction may create conditions conducive for beach-nesting bird nesting. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites. Least terns deposit their eggs in shallow depressions or scrapes in the substrate, possibly lined with pebbles, grasses, or coquina shells. Egg-laying usually begins in late April or early May and colonies may range in size from a few breeding pairs to many hundreds. FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct construction activities outside of the breeding season (generally April through August) if feasible, or,
- If the site is cleared during the breeding season, clear the site only when ready to build, and
- Avoid leaving cleared areas with little to no activity for an extended amount of time.

If nesting is observed, FWC staff are available to discuss necessary nest buffers and potential permitting alternatives. For additional information, please refer to FWC's *Breeding Bird Protocol for Florida's Seabirds and Shorebirds* located at the following web address (<https://public.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocol.pdf>).

Florida Pine Snake

Florida pine snakes have historically occurred in this area, and suitable habitat may also occur onsite. Florida pine snakes are naturally secretive in nature and can spend up to 80

percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinetis*); however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Florida pine snakes are sensitive to habitat fragmentation and often negatively impacted by roadways. Additional information can be found in the *Species Conservation Measures and Permitting Guidelines for the Florida Pine Snake* (<https://myfwc.com/media/25003/floridapinesnakegl.pdf>). If a Florida pine snake is observed during construction, FWC staff recommends that work activities cease and the snake be allowed to leave on its own accord. It would also contribute to FWC's research efforts if sightings could be reported to the staff member at the close of this letter, preferably with a photograph and GPS coordinates.

Lake Construction

According to the amendment documentation, the applicants will create approximately 175 acres of lakes onsite. The creation of these waterbodies could provide potential wildlife habitat as well as a recreational area for fishing and wildlife viewing. Lakes can be managed for both fish production and wildlife habitat, including wading birds and waterfowl. The addition of native wetland plants could provide a vegetated littoral fringe which could increase the habitat value of the site and possibly provide foraging or nesting areas for several wading bird species. Wading birds were observed onsite and the proposed creation of lakes and restoration of native wetlands may create appropriate habitat for wading birds onsite and the following guidelines may be used to help enhance this habitat within the development:

- Maintain vegetated visual buffers around nesting colonies and feeding areas to protect birds from human disturbance.
- Include islands with suitable nesting habitat when constructing new ponds.
- Leave shrubs around the edges of ponds to provide nesting and foraging habitat and for bank stabilization.
- Minimize fertilizer, herbicide, and pesticide runoff into wetlands

Additionally, littoral fringe habitat may also provide spawning habitat for fish which would enhance future recreational fishing opportunities for the community. FWC staff recommends a commitment to long-term maintenance and development of a plan for managing exotic invasive plant species that can significantly degrade habitat values and impact ponds, wetlands, and nearby natural areas. The Florida Wildlife Conservation Guide provides more information on this topic with suggested guidelines for construction and management of stormwater ponds (<http://myfwc.com/conservation/you-protect/pond-management/>).

Smoke Shed

The residential development is proposed within a smoke shed (periodically smoke-filled corridor) that originates from use of prescribed fire as a management tool at the Atlantic Ridge Preserve State Park and other nearby conservation lands. Prescribed fire is required to maintain many of the natural upland communities that exist on these

conservation areas. Natural resource management staff and land managers on these conservation lands will continue to use prescribed burning to sustain existing communities and reduce fuel loads that may otherwise lead to catastrophic wildfires that not only affect wildlife but threaten human life and property. FWC staff recommends that the applicants include provisions in any homeowners' association or covenant documents that inform future residents that prescribed burning is an acceptable practice for natural resource management and that the area is within a smoke corridor or smoke shed. Developers of lands within two miles of native habitat managed by fire may wish to consider Florida Forest Service recommendations at (<https://www.fdacs.gov/Forest-Wildfire/For-Communities/Firewise-USA>) to create Fire-Wise communities.

Federal Species

This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with USFWS South Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS South Florida ESO can be contacted at (772) 562-3909.

FWC staff appreciates the opportunity to provide input on this project. For specific technical questions regarding the content of this letter, please contact Cori Calyniuk at (850) 556-5948 or by email at Cori.Calyniuk@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,



Jason Hight, Director
Office of Conservation Planning Services

jh/cc

Martin County 22-01ESR_47139_04012022

cc: Morris Crady, Lucido & Associates, mcrady@lucidodesign.com
Thomas Hurley and Rick Melchiori, Becker B-14 Grove, LTD and Hobe Sound Equestrian, LLC, rmelchiori@beckerholding.com
Clyde Dulin, Martin County Growth Management Department, cdulin@martin.fl.us
Ed Weinberg, EW Consultants, Inc., eweinberg@ewconsultants.com

Clyde Dulin

From: Paul Schilling
Sent: Wednesday, March 30, 2022 4:32 PM
To: Clyde Dulin
Subject: FW: Martin County 22-01ESR Proposed

Paul Schilling
Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, March 30, 2022 4:06 PM
To: Paul Schilling <pschilli@martin.fl.us>; dcpeexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Martin County 22-01ESR Proposed

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To: Paul Schilling, Growth Management Department Director

Re: Martin County 22-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department offers the following technical assistance:

Please note that the Atlantic Ridge Preserve State Park is adjacent to the site of the proposed Future Land Use Map amendment. Any future development must be done in compliance with all applicable environmental regulatory requirements to ensure that there are no adverse impacts to the Park.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

Lindly Ann



Clyde Dulin

From: Manning, Terese <tmanning@sfwmd.gov>
Sent: Thursday, March 31, 2022 5:16 PM
To: Don Donaldson
Cc: Paul Schilling; Clyde Dulin; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); 'kelly.corvin@deo.myflorida.com'; Stephanie Heidt (sheidt@tcrpc.org); tlanahan@tcrpc.org
Subject: Martin County, DEO #22-1ESR, Comments on Proposed Comprehensive Plan Amendment

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Dear Mr. Donaldson:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Martin County (County). The amendment package includes two amendments to the County's Comprehensive Plan: Text Amendments to the Future Land Use, Sanitary Sewer, and Potable Water Elements (County Amendment CPA 21-08) and a Future Land Use Map Amendment (County Amendment CPA 21-09). No comments are being raised on the Text Amendments.

The District provides the following comments for the Future Land Use Map Amendment under Section 163.3184(3)(g), Florida Statutes, (F.S.). The important state resource impacted by this amendment is regional water supply. These comments need to be addressed before final adoption of this amendment. If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment.

- The proposed development will be north of existing developed areas and outside the Primary and Secondary Urban Districts. An analysis of storm water management needs and potential flooding issues has not been included in the proposed amendment. The amendment should be revised to include the following information:
 - An analysis of storm water management needs for the proposed land uses, including an identification of the appropriate stormwater management infrastructure needed.
 - A demonstration that there will be no adverse offsite impacts, including impacts to adjacent rivers and District Surface Water Projects.
 - A demonstration that the development proposal minimizes and mitigates negative impacts on existing flood control facilities.
 - Acknowledgement that a Stormwater Management Permit may be required from the District. Pre-application meetings with District staff are strongly encouraged to identify issues early in the process.
- Revise the amendment to include an analysis of how non-potable water and landscape irrigation needs of the proposed land uses will be provided. The analysis should include the following:
 - If alternative water sources to the use of potable water could be utilized to support the non-potable water needs of the proposed land uses.
 - The proposed source of water for landscape irrigation. If existing on-site wells are proposed for irrigation, a water use permit may be required and wetland, pollution and resource impacts will need to be assessed.
 - Use of alternative water supply sources such as reclaimed water to meet future water needs and incorporation of water conservation projects, consistent with the District's UEC Water Supply Plan Update and the County's Water Supply Facilities Work Plan.
 - There is an existing Hobe St Lucie Conservancy District Water Use Permit (WUP #43-00057-W) partially covering land area proposed to be converted to the "rural lifestyle lands". Clarify how WUP #43-00057-W is proposed to be modified to provide water for landscape irrigation.

- o The amendment should be revised to demonstrate how the County will conserve, appropriately use, and protect existing or proposed water sources as required by Section 163. 3177(6)(d), F.S.
- The proposed amendment area does not currently have any central water, sewer, or storm water management facilities or services to serve the amendment area and potential proposed development. The proposed amendment should be revised to include amendments to the Capital Improvements Element (CIE) and the Five-Year Capital Improvements Schedule (CIS) for the needed facilities. This includes both publicly and privately funded projects necessary to achieve and maintain adopted level of service standards, including projects needed to serve all adopted or anticipated large-scale developments, even if the County is not responsible for the improvements. The following issues should be addressed, as applicable:
 - o Amendments to the CIE and CIS to include the list of projects (alternative and traditional) to be undertaken to be consistent with the revised data and analysis for the plan amendment.
 - o Indicate if the projects are funded or unfunded. If a project is unfunded, provide a level of priority for funding.
 - o Identify projects beyond the Five-Year CIS and how they will be implemented and funded.
- Revise all maps, figures, charts, and tables to include a title, date or edition, and source of information.
- The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Upper East Coast (UEC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the UEC Water Supply Plan Update on November 10, 2021. Therefore, the County's Work Plan needs to be updated and adopted by May 2023. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/doing-business-with-us/work-plans>.

District staff are available to meet by teleconference or in person to go over the comments above and to discuss possible solutions and options to resolve the comments. Please contact me if you have any questions, need additional information, or would like to arrange a meeting. The District requests that the County forward a copy of the adopted amendments to the District at the following email mailbox address: SFLOCALGOVPLAN@sfwmd.gov.

Sincerely,

Ms. Terry Manning, Senior Policy and Planning Analyst
 South Florida Water Management District
 Water Supply Implementation Unit
 3301 Gun Club Road
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