

May 18, 2025

Plata Engineering Inc  
Mr. Frank Plata  
P.O.Box 361003  
Melbourne, FL 32935



Dave Mitchell's Holding Company  
Mr. Dave Mitchell

RE: Environmental Site Inspection  
2.19-acre property located at  
4640 Calle Corto, Titusville, FL 32780  
Tax ID: 2216905, Parcel ID: 22-35-29-25-1-1

Dear Mr. Plata:

The following is a summary of Toland Environmental Consulting's (TEC) environmental site inspection of a 2.19-acre study area located at 4640 Calle Corto in Titusville, Florida, whose tax and parcel identification numbers are 2216905 and 22-35-29-25-1-1, respectively. The property is bounded to the north by Foley Street, to the east by commercial development and Calle Corto, to the south by commercial and medical services buildings and to the west by a large drainage ditch and South Street (Figure 1).

The preliminary site inspection aimed to identify the site's environmental resources and evaluate whether consideration needs to be made during the acquisition or conceptual design process to address environmental restrictions on the property's development. To prepare this ecological assessment, TEC reviewed natural resource maps including GIS database coverages of the Brevard County Soil Survey as maintained by the National Resources Conservation Service (NRCS), the National Wetland Inventory (NWI) as maintained by the US Fish and Wildlife Service (USFWS), Brevard Natural Communities Cover maps maintained by the St. Johns River Water Management District (SJRWMD) using the Florida Department of Transportation's (FDOT) Florida Land Use, Cover and Forms Classification System (FLUCCS) as last amended in 1999, the United States Geological Survey's (USGS) Topographic Quadrangle Maps, the 2008 Brevard County Florida Scrub- Jay Occupancy Polygon Maps as maintained by USFWS, the Florida Fish and Wildlife Conservation Commission's (FWC) Bald Eagle Nest Site Locator Map, USFWS Wood Stork (*Mycteria americana*) Nesting Colonies and Core Foraging Areas Maps, and the USFWS Audubon's Crested Caracara (*Polyborus plancus audubonii*) Consultation Area Map, and other listed species databases, as appropriate.

The property's elevation drops from the high along Calle Corto to the low along SR 405's drainage ditches. A review of property appraiser records, historical aerial imagery produced by FDOT, and permit records maintained by the SJRWMD indicate that the property was developed as early as 1972. (Photograph 1). The structures were cleared by late 2012 and the area was left to go fallow. A remnant edge of a larger wetland system persists in the southwest corner of the site (Figure 2). This wetland system was taken as part of the development of the Cumberland Farms convenience store and gas station, Pep Boys Tire, and Aspen



Photograph 1: FDOT 1972 Aerial

Figure 1: Regional Location Map



 Property



Figure Prepared by TEC Using 2024 FDOT Aerial Imagery

Figure 2: FDOT 1986 Aerial Image with SJRWMD 1986 Wetlands Map





-  Property
-  SJRWMD 1986 Wetland Maps

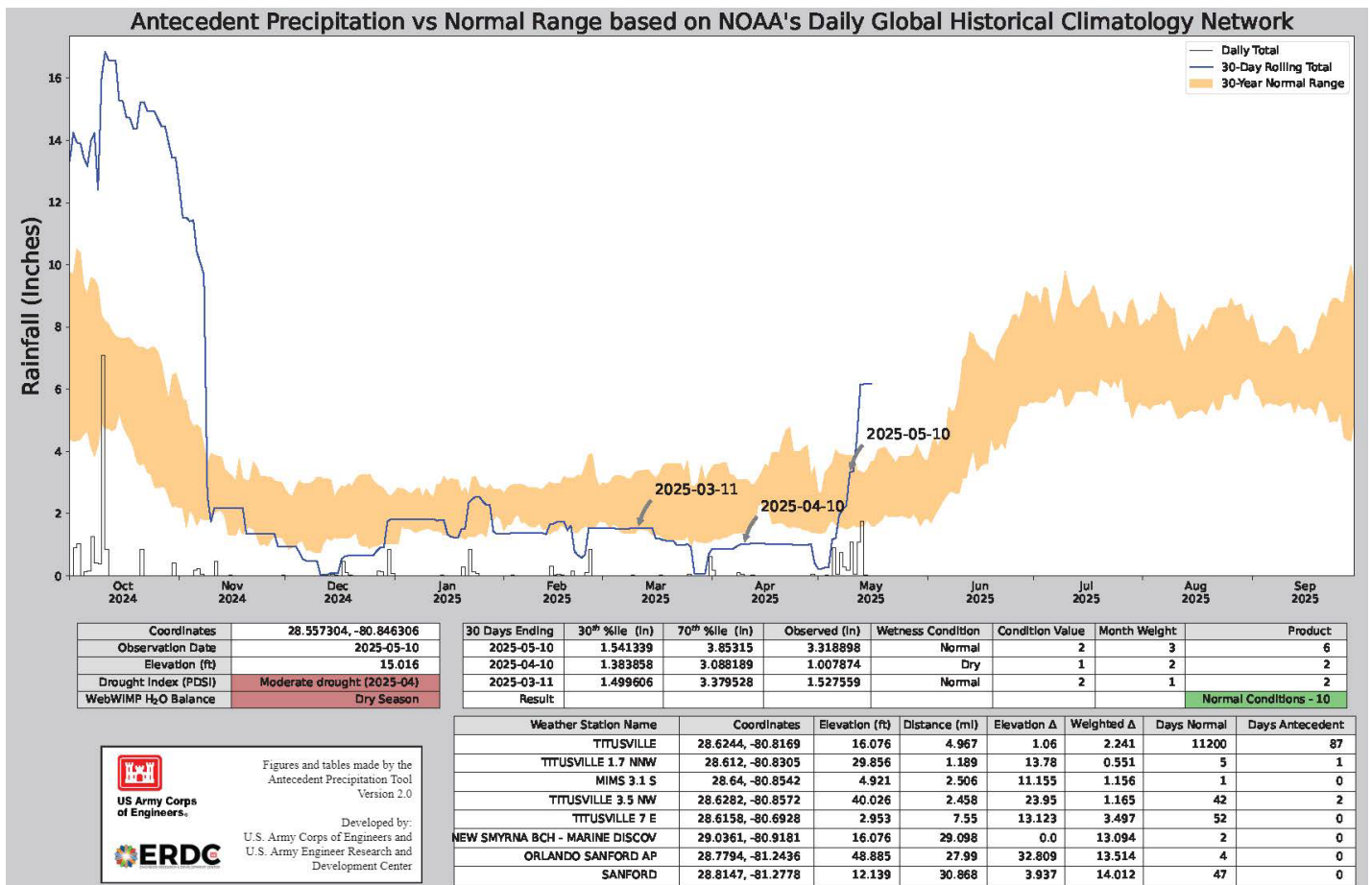


Figure Prepared by TEC Using 1986 FDOT Aerial Imagery

Dental Practice (SJRWMD Permit #148738 1-3). The Technical Staff Report (TSR) associated with these permits found that “There are no remaining wetlands within the property and no adjacent wetlands that might sustain secondary impacts”, and no secondary impacts were assessed as part of the District’s permitting process. Over time, the low-lying area in the southwest corner of the property has evolved into a jurisdictional wetland that was likely formed by blocking predevelopment sheet flow to historical drainage ways and sloughs to the south and west with large-scale development and major roadway improvements, thereby allowing more water to stage in this area.

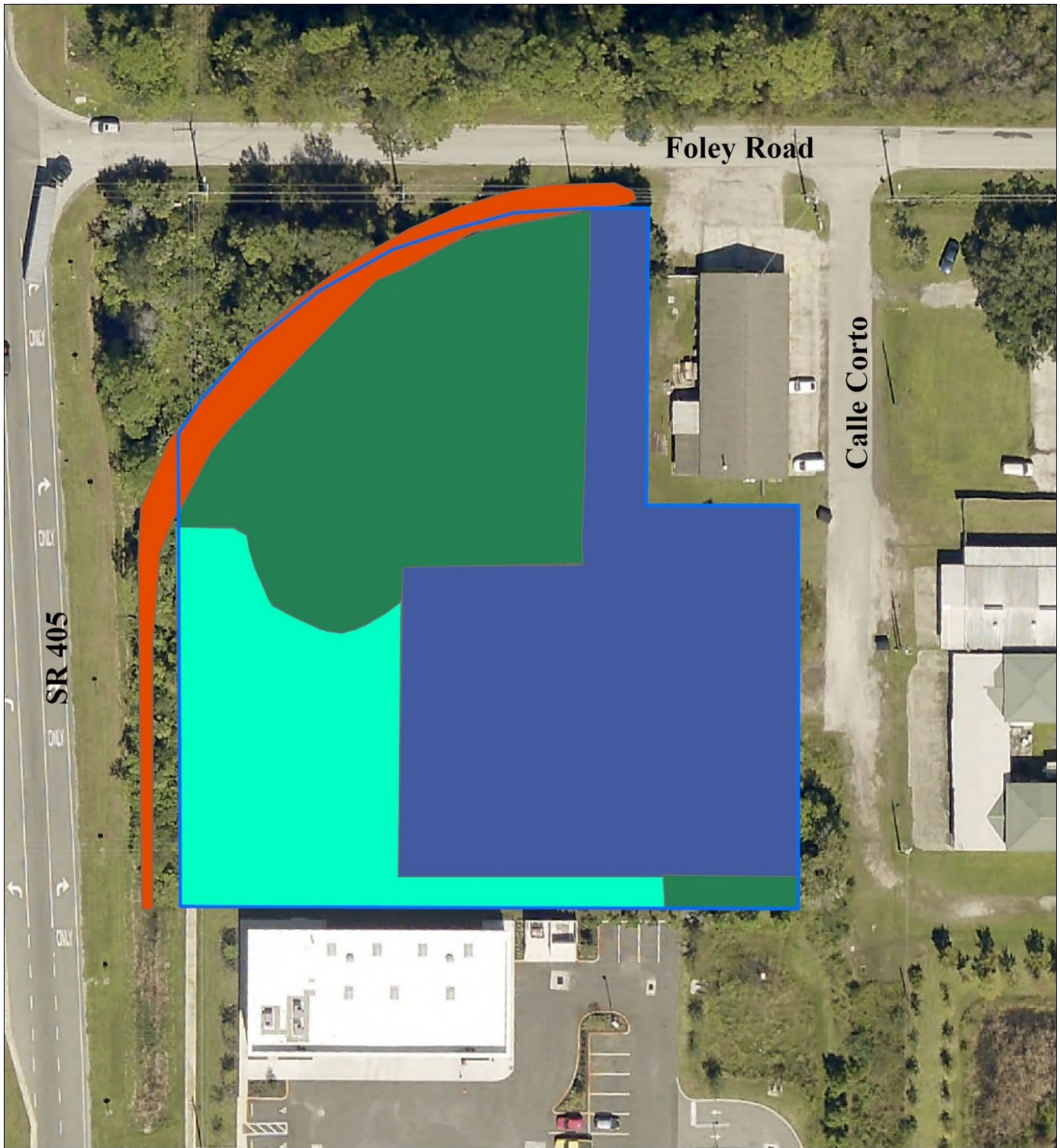
On May 10, 2025, TEC ground-truthed, delineated, and described the natural communities with reference to both the FLUCCS system and Florida’s Cooperative Land Cover (CLC) classification system as maintained and last updated in September 2018 by the Florida Fish and Wildlife Conservation Commission (FWC). Weather conditions during TEC’s field review, as determined by the US Army Corps of Engineers (ACOE) Antecedent Precipitation Tool, were within the thirty-year normal range for dry season conditions (Figure 3).

Figure 3: ACOE Antecedent Precipitation Tool



In its current condition, the property would be classified by CLC as being 0.88 acres of CLC 18224 Industrial (FLUCCS 1500 – Light Industrial), 0.64 acres of CLC 1311 Mesic Flatwoods (FLUCCS 4110 Pine Flatwoods), 0.46 acres of Freshwater Forested Wetlands (FLUCCS =6300 Wetland Forested Mixed), and 0.21 acres of CLC 4420 Artificial Ditch/Stream (FLUCCS 740 Disturbed Uplands) (Figure 4)

Figure 4: Natural Communities Cover Map








-  Property
-  CLC 1311 Mesic Flatwoods (FLUCCS 4110 Pine Flatwoods)
-  CLC 18224 Industrial (FLUCCS 1550 Light Industrial)
-  CLC 2200 Freshwater Forested Wetlands (FLUCCS 6300 Wetland Forested Mix)
-  CLC 4420 Ditch/Artificial Stream (FLUCCS 740 Disturbed Lands)



Figure Prepared by TEC Using 2024 FDOT Aerial Imagery

4092 Sparrow Hawk Road, Melbourne, Florida 32934 321-242-7173, 3217514070(fax) teclisa@cfl.r.com

Within areas identified by TEC as uplands the canopy is relatively closed dominated by upland species including slash pine (*Pinus elliotii*) with lesser amounts of cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), camphor tree (*Cinnamomum camphora*), and Brazilian pepper trees (*Schinus terebinthifolius*). As the uplands transition into the wetland areas the canopy opens up as slash pine drops out and red maple (*Acer rubrum*) picks up. As the elevation continues to drop, the red maple drops out of the canopy and the canopy becomes open to absent. Within the upland areas, the understory is comprised of invasive tuberous sword fern (*Nephrolepis cordifolia*) with American beautyberry (*Callicarpa americana*) and Caesar's weed (*Urena lobata*) (Photograph 1). The historically developed area of the property is a mixture of remnant asphalt surrounded by a secondary growth of old field species including bushy broomsedge (*Andropogon glomeratus*), beggarticks (*Bidens alba*), sand spurs (*Cenchrus incertus*), common ragweed (*Ambrosia artemisiifolia*), and cogon grass (*Imperata cylindrica*) (Photograph 1). The wetland is rimmed by red maple and has a center composed of a mixture of shrubs and ferns including water primrose (*Ludwigia peruviana*), wax myrtle (*Myrica cerifera*), Brazilian pepper trees, Virginia sawgrass (*Cladium jamaicense*), chain fern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), and poison ivy (*Toxicodendron radicans*). Withing the drainage swale, water tolerant plant species including water pennywort (*Hydrocotyle* spp.) and smartweed (*Polygonum panctatum*) are found.



In order of relative abundance, the onsite soils are classified by NRCS as 1.61 acres of Pompano sand, 0 to 2 percent slopes and 0.58 acres of Tomoka muck, drained, frequently ponded (Figure 5). Pompano sand are classified as upland soils while Tomoka muck is classified as hydric soils in the "Hydric Soils of Florida Handbook, fourth edition" prepared by Florida Association of Environmental Soil Scientist. Hydric soils form under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Hydric soils are usually associated with wetlands while non-hydric soils are generally associated with upland habitats.

Pompano sand is an almost level, poorly drained sandy soil that may either be an aquifer recharge soil when located at higher elevations on marine terraces or can be hydric soil when found in shallow depressions and within sloughs (SCS 1974). In most years, the water table is within 12 inches of the land surface. When associated with depressions, the water table can lie within the first six inches of the soil surface to be within the range to potentially qualify the soils as meeting the saturation and inundation criteria found with the wetland delineation rules. By contrast, Pompano sands that are found at higher elevations may transmit water vertically into the groundwater table at rates high enough to classify these soils as aquifer recharge soils, or upland soils. Native vegetation normally associated with this soil classification are usually native grasses, scattered pines, and cabbage palms. Tomoka muck soils are subdivided as either drained or undrained by the Natural Resource Conservation Service (NRCS). Both soil classifications are associated with marshes on marine terraces that are composed of mucky soils underlain by organic sandy and loamy marine deposits. Both subgroups of Tomoka muck are classified as hydric soils in the "Hydric Soils of Florida Handbook, fourth edition" prepared by Florida Association of Environmental Soil Scientist. The seasonal high-water table is at the land surface. These soils are classified by as having no frequency of flooding under normal weather conditions while being frequently ponded which is defined as having standing water in a closed depression on the average more than once every two years or with a greater than fifty percent chance during any given year. The Tomoka muck soils appear to have been mapped in association with the historic wetland marsh system that predominately occupied the property to the south of the study site.

Figure 5: NRCS Soils Map

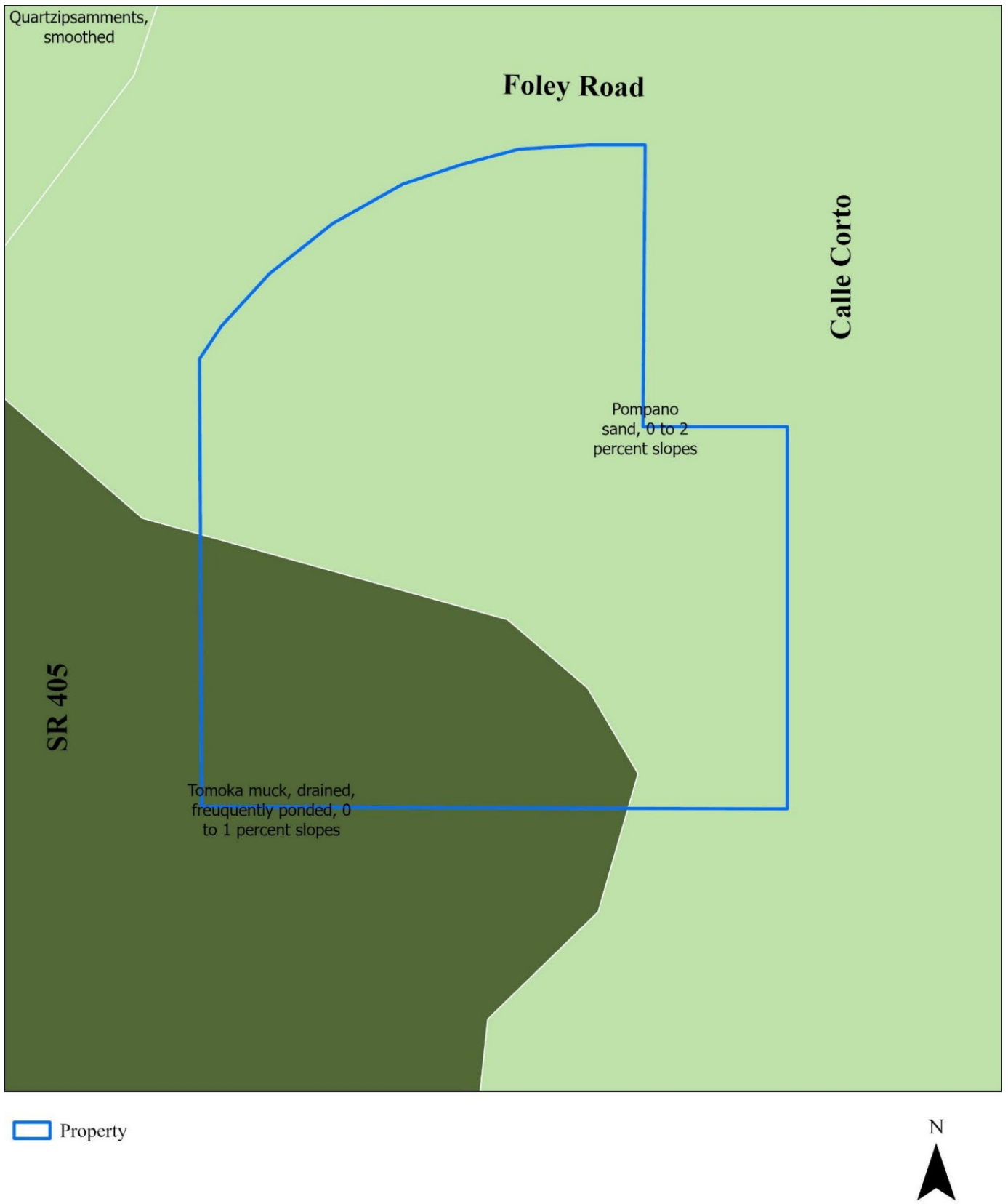


Figure Prepared by TEC Using 2024 FDOT Aerial Imagery

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Within the upland areas, TEC reviewed representative samples of the onsite soils and found they lacked the required features to be classified as hydric or indicative of having been formed under aerobic conditions by exhibiting signs of stripping, redox concentrations, or substantial organic accumulations within the first six inches of the soil profile. By contrast, the wetland areas exhibited signs of a fluctuating water table with stripping (S6 Indicator), organic accumulations beyond seventy percent coating with dark surfaces (S7 Indicator), and at the lowest elevations, mucky minerals (A7 Indicator).

Within the upland areas, the property lacked signs of hydrology, such as drift lines, algal matting, moss collared trees, water marks, elevated lichen lines, or morphological plant adaptations like adventitious rooting, while in the wetlands signs of hydrology included dark stained leaves, buttressing of trees, and vegetated tussocks or hummocks.

The property is mapped at a state level by the SJRWMD as having forested wetlands present on the southern border of site that transition into upland pine flatwoods. However, at the federal level, the NWI maps the state's upland pine flatwoods as a broad-leaved evergreen and deciduous hydric hammock. When evaluating whether the property met the delineation criteria of Chapter 62-340, Florida Administrative Code or Section 404 of the Clean Water Act (33U.S.C. 1344), TEC considered the presence of facultative wet and obligate wetland plants that tend to grow in wetland areas, the presence of hydric soils that develop under flooded conditions and signs of hydrology that would indicate that the property flooded or had water ponding on it. TEC's field review found that approximately 0.46 acres of the property displayed the proper combination of hydrophytic vegetation, hydric soils, and signs of hydrology to be delineated as jurisdictional wetlands under state and federal rules.

Impacts to wetlands are regulated by the federal, state, and local governments through the Clean Water Act, Chapter 62-340, FAC, and local land development regulations. The federal government regulates wetland systems connected to Waters of the United States (WOTUS) while state and local governments regulate isolated wetlands as well as federally connected wetlands. In August of 2023, in response to court actions, the federal government revised the definition of WOTUS wetlands, or areas regulated by the federal government. This revised definition included ditches, and impoundments that ultimately flow into traditional navigable waters, the territorial seas, interstate waters, or impoundments of jurisdictional waters as WOTUS wetlands. Tributaries to Waters of the United States are jurisdictional if they meet the relatively permanent and continuous surface water connection standard in the revised definitions. TEC believes the isolated nature of the study property would not meet the relatively permanent and continuous standards to be regulated by the US Army Corps of Engineers (ACOE) and would not require a federal 404 Wetland. Industrial and commercial development of an isolated wetland system is regulated by the SJRWMD at the state level and the City of Titusville at the local level.

The SJRWMD permits wetland impacts through the state's Environmental Resource Permit (ERP) program. The SJRWMD will not require mitigation for less than 0.1 acres of impacts to connected wetland systems, nor will the district require mitigation for impacts to isolated wetland systems that are less than 0.5 acres in size and do not provide habitat for a listed species. Primary impacts are direct impacts to wetland areas within an approved jurisdictional line, and secondary impacts are alterations within an average of 25 feet of a wetland jurisdictional line. This 25-foot wetland buffer may be reduced to 15 feet in some areas, so long as larger buffers are provided elsewhere along the jurisdictional line that nets an average 25-foot buffer. TEC estimates the acreage of the onsite wetlands is below the 0.5-acre threshold and has found that the wetlands do not support listed species, so impacts to this wetland should not require mitigation. However, if the state connects the wetland line to the drainage ditches that run along SR 405 through surface water flow and determines that these ditches were historically wetland cut, then the wetland systems could exceed the 0.5-acre threshold. TEC's onsite inspection and review of historical records found that the ditches were likely upland cut and were not connected to the onsite system.

Titusville will serve as the local regulatory agency for wetland impacts. The city will not require additional wetland permits beyond those required by the state and federal agencies. However, the city may impose zoning restrictions beyond federal or state wetland protections.

All federal, state, and local agencies will require that any impacts to wetlands be avoided by directing development into uplands, whenever possible, and minimized as is reasonably practical. No mitigation is required if development does not occur within 25 feet of the jurisdictional boundary of a wetland jurisdictional line. Should the state determine that the wetland acreage exceeds the 0.5-acre threshold for isolated systems, then mitigation may be obtained through a mitigation bank located within the same basin as the property. The site lies within Basin 18. Mitigation banks are available in this basin, with a service area covering the study property that is currently charging \$120,000 per state credit. A credit roughly equates to one acre of impacts to an average wetland system. In their current condition, onsite wetlands would likely be scored as average to below average based upon historical clearing and drainage alterations.

Historically disturbed uplands adjacent to wetlands could potentially support federal, or state species listed as endangered, threatened, or species of special concern including gopher tortoises (*Gopherus polyphemus*), Florida scrub-jays (*Aphelocoma coerulescens*), eastern indigo snakes (*Drymarchon corais couperi*), and bald eagles (*Haliaeetus leucocephalus*). TEC's review of USFWS's scrub-jay maps and FWC's eagle nest maps found that neither agency mapped the property as having scrub-jays or eagles present on the property or within the protection limits required for these species. In addition, TEC did not document suitable habitat for these species on the study site. Nor did TEC observe scrub-jays or eagles on the site or any sign that indicated occupation was possible on the property.

The property lies within the consultation area for Audubon's Crested Caracara (*Polyborus plancus audubonii*), however, no crested caracaras were observed, and the site lacks the open, suitable habitat for this species. Accordingly, no further action should be required with respect to crested caracaras.

The property also lies approximately 9.0 miles to nearest active wood stork (*Mycteria americana*) nesting colony site but lies with wood stork core foraging area. According to the ACOE and USFWS' Effect Determination Key for Wood Storks In Central and North Peninsular Florida as last updated in September 2008, the relic irrigation ditches do not provide suitable foraging habitat (SFH) for wood storks and therefore would be keyed to "no effect" determination and would not require additional consultation or coordination with these agencies. SFH is described within the Determination Key as "any area containing patches of relatively open (< 25% aquatic vegetation), calm water, and having a permanent or seasonal water depth between 2 and 15 inches (5 to 38 cm). SFH supports and concentrates, or is capable of supporting and concentrating small fish, frogs, and other aquatic prey". Based upon field observations, the ditches abutting the site had a vegetative density of more than twenty five percent. In addition, at the time of inspection, the standing water in the ditches exceeded 15 inches.

As an authorized gopher tortoise agent for FWC to survey gopher tortoises, TEC surveyed 100 percent of all suitable gopher tortoise habitats on the property using the surveying protocols outlined in FWC's Gopher Tortoise Permitting Guidelines as last updated in April 2023. During the site visit, TEC did not observe any abandoned or potentially occupied gopher tortoise burrows. Potentially occupied burrows are classified as burrows that are either active or inactive, including burrows with apparent signs of use and those with minimal or no sign of use. Potentially occupied burrows exclude abandoned burrows or burrows that are dilapidated, not in good repair and unused for some time. This lack of utilization on the property by gopher tortoises is attributed to the developed nature of the area and location adjacent to a major roadway as well as the dense coverage of tuberous sworn fern in the understory crowding out the understory plants that tortoises traditionally forage upon including wiregrass (*Aristida stricta*), dwarf wild blueberry (*Vaccinium myrsinites*), prickly pear cactus (*Opuntia humifusa*), blackberries (*Rubus spp.*), paw-paws (*Asimina obovata*) and other seasonal fruits which support gopher tortoise populations.

The proposed project area also provides potential habitat for eastern indigo snakes, a federally threatened species. Indigo snakes occur in a wide variety of terrestrial habitats. They prefer uplands but will also utilize wetlands and agricultural areas, often moving seasonally between upland and lowland habitats. Eastern indigo snakes will usually seek shelter inside gopher tortoise burrows and other below- and aboveground refugia, such as different animal burrows, stumps, roots, and debris piles. TEC did not observe indigo snakes onsite during field reviews. The USFWS assesses the effect of development on this species based on several factors, including the acreage of the preferred habitat to be impacted and the number of tortoise burrows to be affected.

Since the proposed property is less than 25 acres of xeric habitats and less than 25 gopher tortoise burrows, this project would have a “not likely to adversely affect” determination, and no further consultation is required. During permitting, the owner will be required to stipulate that USFW’s Standard Protection Measures for the Eastern Indigo Snake will be adhered to during construction activities.

If you have any questions or require additional information regarding this initial site inspection, please contact me on my office phone at 321-242-7173 or by e-mail [at teclisa@cfl.rr.com](mailto:teclisa@cfl.rr.com).

Sincerely,

*Lisa J. Toland*

Lisa Toland, President