

December 2, 2024

Investments Alliance LLC
c/o Rommel Fontana
7512 Dr. Phillips Blvd., Ste. 50746
Orlando, FL 32819

Proj: 2518 Haas Road Site – Orange County, Florida
Parcel ID: 07-20-28-0000-00-025
Section 07, Township 20 South, Range 28 East
(SBE File #23-012)
Re: Environmental Assessment Report

Dear Mr. Fontana:

On November 29, 2024, Sandy Bottom Environmental (SBE) conducted an environmental assessment of the approximately 4.17-acre Terovolvas Parcels Site. This site is located at the 2518 Haas Road; within Section 7, Township 20 South, Range 28 East; within Orange County, Florida. This environmental assessment included the following elements:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present;
- Field review for occurrence of protected flora and fauna; and,
- Wetland permitting overview.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), two (2) soil types exist within the site boundary (**Figure 4**). These soil types include the following:

- **Candler fine sand, 0 to 5 percent slopes (#4)**
- **Candler fine sand, 5 to 12 percent slopes (#5)**

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

Candler fine sand, 0 to 5 percent slopes (#4) is a nearly level to gently sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of very dark grayish brown fine sand about 5 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

Candler fine sand, 5 to 12 percent slopes (#5) is a sloping to strongly sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of dark grayish brown fine sand about 4 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

The Hydric Soils of Florida Handbook, Fourth Edition (March 2007), the Florida Association of Environmental Soil Scientists (FAESS) does not consider Candler fine sand soil types to be hydric.

LAND USE TYPES/VEGETATIVE COMMUNITIES

The site currently supports two (2) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999) (**Figure 5**). There were no on-site wetland land use types/vegetative communities identified within the subject site's boundaries. The on-site uplands land use type/vegetative community are classified as Open Rural Land (260) and Temperate Hardwoods (425). The following provides a brief description of these on-site land use types/vegetative communities.

Uplands:

260 – Open Rural Lands

The site was an abandoned plant nursery. The areas that were previously actively used as a plant nursery are now most consistent with the Open Rural Land (260) FLUCFCS classification. These areas primarily lack tree cover. A few trees are found within the northern portion of the site near Haas Road. Observed trees include live oak (*Quercus virginiana*), southern magnolia (*Magnolia grandiflora*), camphor tree (*Cinnamomum camphora*), southern red cedar (*Juniperus virginiana*) and laurel oak (*Quercus laurifolia*). Most of these areas are open grassland. Observed vegetation include bahia grass (*Paspalum notatum*), Spanish needles (*Bidens alba*), rattlebox (*Crotalaria* sp.), hairy indigo (*Indigofera hirsuta*), American beautyberry (*Callicarpa americana*), and Virginia creeper (*Parthenocissus quinquefolia*).

425 – Temperate Hardwoods

The forested portion of the site is classified as Temperate Hardwoods (425). Vegetative species identified include live oak (*Quercus virginiana*), southern magnolia (*Magnolia grandiflora*), camphor tree (*Cinnamomum camphora*), southern red cedar (*Juniperus virginiana*) and laurel oak (*Quercus laurifolia*), Carolina laurel cherry (*Prunus caroliniana*), cabbage palm (*Sabal palmetto*) Other species observed include Boston fern (*Nephrolepis exaltata*), muscadine grape (*Vitis rotundifolia*) and air potato (*Dioscorea bulbifera*).

PROTECTED SPECIES

Utilizing 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 (FWWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised April 2023), an assessment for “listed” floral and faunal species occurring within the site boundary was conducted on November 29, 2024. The survey included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are “listed” by the FWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (December 2022) that have the potential to occur in Orange County (**Table 1**).

Reptiles and Amphibians

Brown Anole (*Norops sagrei*)
Green Anole (*Anolis carolinensis*)
Black Racer

Birds

American Crow (*Corvus caurinus*)
Tufted Titmouse (*Baeolophus bicolor*)

Mammals

Virginia Opossum (*Didelphis virginiana*)
northern Raccoon (*Procyon lotor*)

None of the above wildlife species are listed in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species, and Species of Special Concern (December 2022). The following provides a brief description of all relevant species as they relate to development of the site.

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 USFWS removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC'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 FFWCC'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 FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FFWCC 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 (FFWCC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to Rule 68A-16.002, F.A.C. 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, SBE conducted a review of FFWCC's database and Audubon's Eagle Watch program database for recorded Bald Eagle nests within the surrounding 660 feet of the subject site. This review revealed that there are no Bald Eagle nests through the 2021-2022 nesting season, within 660 feet of the project site boundaries. Thus, no developmental constraints are expected with respect to Bald Eagle nests.

USFWS CONSULTATION AREAS

The USFWS has established “consultation areas” for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the USACE. It should be noted that a listed 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 very 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 provides a brief description of the respective species, its habitat, and the potential for additional review.

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 Snail Kite is listed as “Endangered” by the USFWS. Snail Kites are similar in size to Red-shouldered Hawks. All 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 snail kites were observed during the site evaluation. However, foraging habitat exists within the site. If impacts are proposed to the marsh, consultation with the USFWS may be required.

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 in November 2024 show no evidence (i.e. sinusoidal tracks) that indicate the presence of the sand skink. However, the site is within the USFWS Sand Skink Consultation Area. Because of this, it may be necessary to conduct a formal sand skink survey if requested by Federal or State agencies. The survey will need to be conducted between March 1 and May 15, in which 2' x 2' boards will be placed in the open sandy areas at a density of approximately 40 boards per acre and checked once per week for four (4) consecutive weeks. The main objective of the survey is to determine whether sand skinks inhabit the subject site. However, based on survey results, it is not estimated that they are present.

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).

No Scrub-jays were observed on the subject site during the site review. No scrub habitat exists on-site. It is anticipated no further action regarding the Scrub Jay will be required.

DEVELOPMENT CONSTRAINTS AND PERMITTING

Orange County Environmental Protection Division

A Conservation Area Determination (CAD) was obtained from the Orange County Environmental Protection Division (OCEPD) on May 12, 2023. The document shows no wetlands occur within the property boundaries.

St Johns River Water Management District

Permitting will be required through the St Johns River Water Management District (SJRWMD) for stormwater retention requirements associated with the proposed development plan. Since no wetlands occur on-site, no wetlands permit will be required.

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.

Sincerely,

A handwritten signature in blue ink that reads "Francisco Torregrosa". The signature is written in a cursive style and is centered on the page.

Francisco Torregrosa
Project Manager

Attachments