



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
Special Project Section
Jacksonville Regulatory Office

JAN 05 2009

PUBLIC NOTICE

Permit Application No. SAJ-2006-2586-MLH

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANT: Tomoka Holdings, LLC
One Corporate Drive, Suite 3A
Palm Coast, Florida 32137

WATERWAY & LOCATION: The 1,890.6-acre project is located in the Halifax River Basin. The location is further described as west of N. Tymber Creek Road, north of State Road 40 and south of U.S. 1 in Sections 3, 4, 9 and 10, Township 14 South, Range 31 East, in Volusia and Flagler Counties.

LATITUDE & LONGITUDE: Latitude.....29.309109
(near center of site) Longitude.....-81.171260

PROJECT PURPOSE:

BASIC: To create a wetland mitigation bank that will provide compensatory mitigation required for authorized project impacts to waters of the U.S.

OVERALL: The restoration/enhancement of aquatic resources within an appropriate service area based on a watershed approach that would provide off-site compensatory mitigation for Federally jurisdictional aquatic resource impacts.

PROPOSED WORK: The proposed work consists of activities associated with the establishment of the Ormond Crossings Mitigation Bank (OCMB), which includes placement of fill material over approximately 4.37 acres of waters of the United States (wetlands) for construction of low-water crossings and road removal. The proposed work would primarily impact intermittent ditches. Approximately 15.78 acres of existing fill road will be removed entirely. The applicant seeks authorization to enhance,

restore, preserve and protect wetlands and uplands, to create conditions similar to those that historically existed on the property. A review of available information indicates that the property once supported extensive mixed forested wetlands and pine flatwoods. Several intact mixed forested hardwood sloughs, drainageways and depressions remain onsite. These natural and relatively untouched areas will be the template for restoration of the damaged areas. The applicant seeks to remove specific vegetation, implement hydrologic improvements, plant historically appropriate vegetation, eliminate ranching activities, remove cattle and implement other conservation measures. The applicant has quantified the ecological value of the work planned and proposes to establish a wetland mitigation bank. The ecological lift or value (mitigation credits) generated by the proposed work has the potential to generate approximately 220 credits. The credits would be used to compensate ecological impacts upon freshwater forested and herbaceous wetlands within the intended service area of the mitigation bank. This includes, as defined by the St. Johns River Water Management District (Dec 2002), Drainage Basin Number 17 (Halifax River Basin). Tomoka Holdings, LLC, would retain management and financial responsibility to assure that the mitigation plan is fully and properly implemented if it is determined that the issuance of a permit is appropriate.

The proposed mitigation bank site totals approximately 1890.73 acres. The site consists primarily of silviculture land and pasture and is currently owned and managed by Tomoka Holdings, LLC. A large portion of the silviculture land is shallowly bedded pine plantation. An onsite electrical power line easement consists of 12.93 acres. The surrounding area is surrounded by undeveloped areas, silviculture and agricultural activities and sparse rural development along the southwest corner. Land development is approaching westward from Ormond Beach in the region of the OCMB. Currently, most of the lands adjacent to the bank are undeveloped and the potential for future development is present. The Hunters Ridge conservation area, required by a DRI (Developmental Regional Impact) plan is adjacent to the southerly boundary. South of and adjacent to the Hunters Ridge conservation area lies the Tiger Bay State Forest.

A Federal, inter-agency review team (IRT), is currently reviewing the restoration and enhancement activities along with the proposed ecological lift. The IRT, for this project, consists of representatives from the U.S. Environmental Protection Agency,

U.S. Fish and Wildlife Service, NOAA Fisheries (National Marine Fisheries Service) and the U.S. Army Corps of Engineers.

Specific restoration objectives include: placing and recording Conservation Easements to prevent future development; re-establishment of surface water flows and wetland hydroperiods; elimination of pine plantations; facilitation of the regeneration of converted and previously harvested wetlands and uplands; introduction of prescribed burns within a preserved landscape; and preservation of ecosystems to improve the quality of habitat. The hydrologic enhancement activities will allow a closer approximation of natural hydroperiods. These minor onsite hydrological improvements are not expected to impact offsite surrounding properties. The vegetative improvement program will allow the regeneration of diverse forest ecosystems, which will in turn provide a substantial increase in wildlife food sources. This combined with strictly imposed limitations or bans on hunting, whichever is deemed appropriate, would improve habitat value of both game and non-game species.

A functional analysis has not yet been finalized on the proposed OCMB by the Federal MBRT. The Uniform Mitigation Assessment Method (UMAM) will be used to quantify the wetland functions and values and determine the number of potential wetland mitigation credits (ecological lift) the proposed wetland mitigation bank could possibly generate. The analysis will include applying a Risk Factor and a Temporal Lag Factor (a correction factor of time) to appropriate assessment areas.

Credits are proposed to be released through a combination of implementation of specific tasks or programs and meeting specific success criteria. The amount of credits available in the OCMB will be the product of a multiplier (based on tasks completed or success criteria met) and the acreage of each mitigation category type. No credits are derived from upland assessment areas (non-wetlands), which are excluded from Federal UMAM calculations.

If it is determined that the issuance of a permit for the proposed mitigation bank is appropriate, and as credits are approved and released by the Corps to the OCMB, Tomoka Holdings, LLC, would be permitted to withdraw and sell those credits. These credits would be used to offset wetland impacts from private and public sector clients, for the purpose of providing required compensatory mitigation for their project(s). These credits could be used only if the Corps has determined the use of

OCMB to be appropriate and the proposed impact site is generally located within the approved geographic service area of the OCMB. The credits necessary to offset specific wetland impacts would be based upon the type and quality of wetlands being impacted by the project(s) and would require approval by the Corps. The official credit ledger would be maintained by the Corps. Each Corps permit application that proposes to use the OCMB would contain an up-to-date account of the credits available, credits used, and the number of credits proposed to offset the project impacts. With the issuance of a Department of the Army Permit authorizing wetland fill or impacts and the use of the OCMB for mitigation credits, the Corps would verify all changes to the credit balance.

The OCMB site is expected to have significant mitigation value not only on a local scale, but also on a regional level because of its connection to the Hunters Ridge and Tiger Bay conservation lands. These systems provide a major wildlife corridor between the Tomoka River and a portion of the St. Johns River within Drainage Basin 18 as defined by the St. Johns River Water Management District (Dec 2002). Restoration, enhancement and preservation of this land would allow proliferation of a variety of flora and fauna, including endangered and threatened species.

With establishment of the proposed bank, areas with ecological value would not be subject to residential, commercial or agricultural development, and would be protected under the recorded Conservation Easement. Sufficient legal interest and financial responsibility exist to ensure perpetual protection.

THREATENED & ENDANGERED SPECIES: The Corps has information indicating the potential for the endangered Eastern Indigo snake (*Drymarchon corais couperi*) to be present in the project area. The Corps has made a determination that the proposed work "may affect, but is not likely to adversely affect" this species, with the inclusion of the Eastern Indigo Snake Protection measures, and is requesting consultation as defined under Section 7 of the Endangered Species Act, with the U.S. Fish and Wildlife Service. The project site is located within the known range of the red-cockaded woodpecker, southern bald eagle, and wood stork. There is a great egret rookery in the northeast corner of the site in which other wading birds, including wood stork (*Mycteria americana*), may also roost. The Corps has made a determination of "no effect" concerning this species and expects the proposed

work to improve their long-term survival on the project site and in north Florida.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Manguson-Stevens Fishery Conservation and Management Act. The proposed work would impact primarily intermittent ditches that have been constructed through hydric pine flatwoods and mixed forested wetlands. Low water crossings would include the excavation/removal of existing fill roads and replacing those roads with crushed rock to maintain access to the site for bank maintenance. The ditch areas may periodically be used by various life stages of fish and amphibians. However, there are no federally listed species expected to occur within the footprint of the fill areas, or be affected by the proposed project. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed species at this location. The Corps' final determination related to the project impacts is subject to review and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. Not all of the information has been verified. The proposed project is shown on the attached drawings.

AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit is required for this project. The St. Johns River Water Management District (SJRWMD) issued permit number 4-035-104433-1, on November 11, 2008.

Comments regarding the application should be submitted in writing to the District Engineer, as shown on the above letterhead address, within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Marie L. Huber by letter using the letterhead address, by e-mail: marie.l.huber@usace.army.mil, by telephone 904-232-1683 or by fax 904-232-1904.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

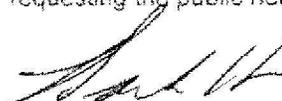
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


David S. Hobbie
Regulatory Division

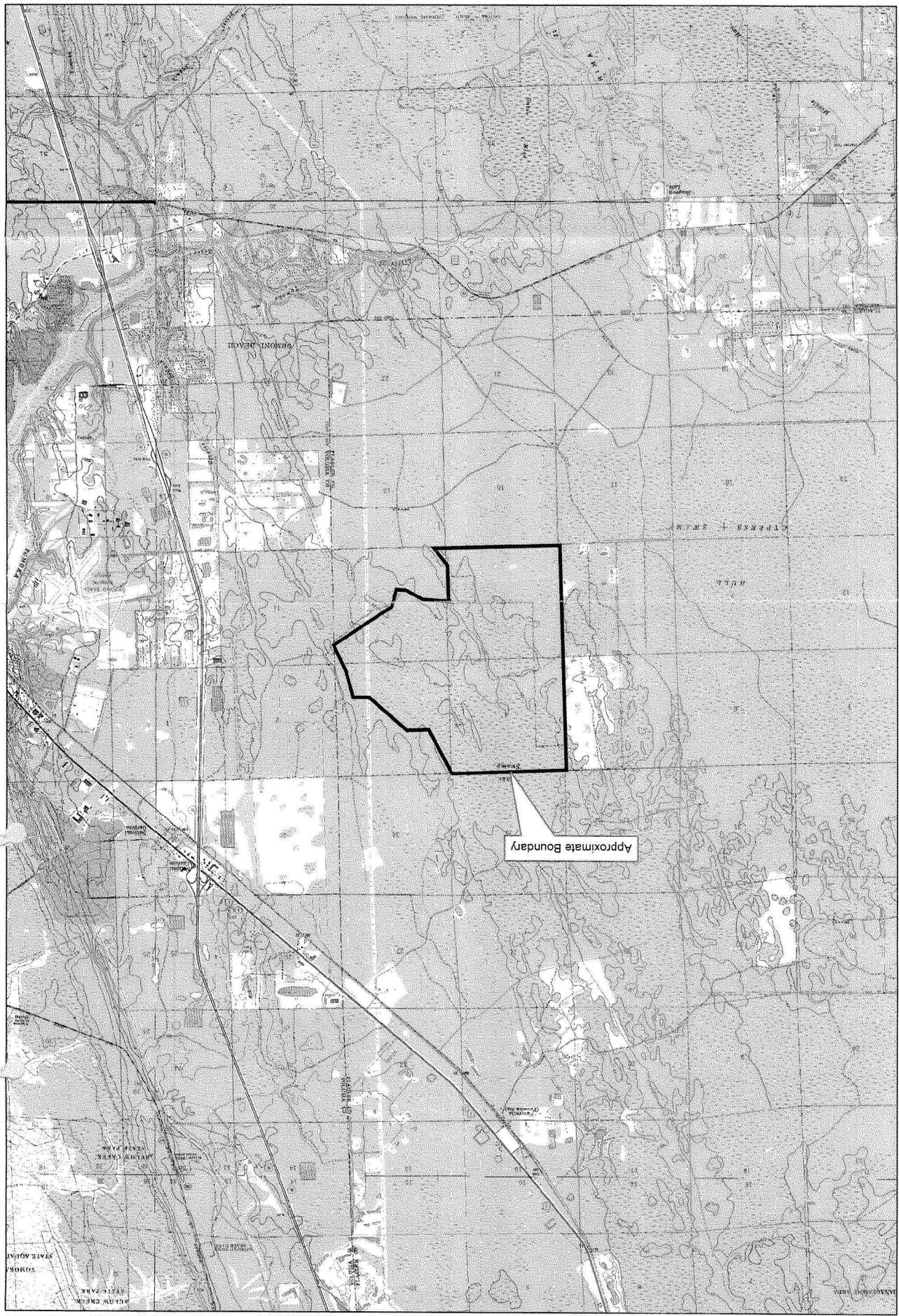
Range: 31 E
Township: 14 S
Sections: 3, 4, 9 & 10
Lat: 29° 18' 29.9" N
Long: 81° 9' 58.1" W



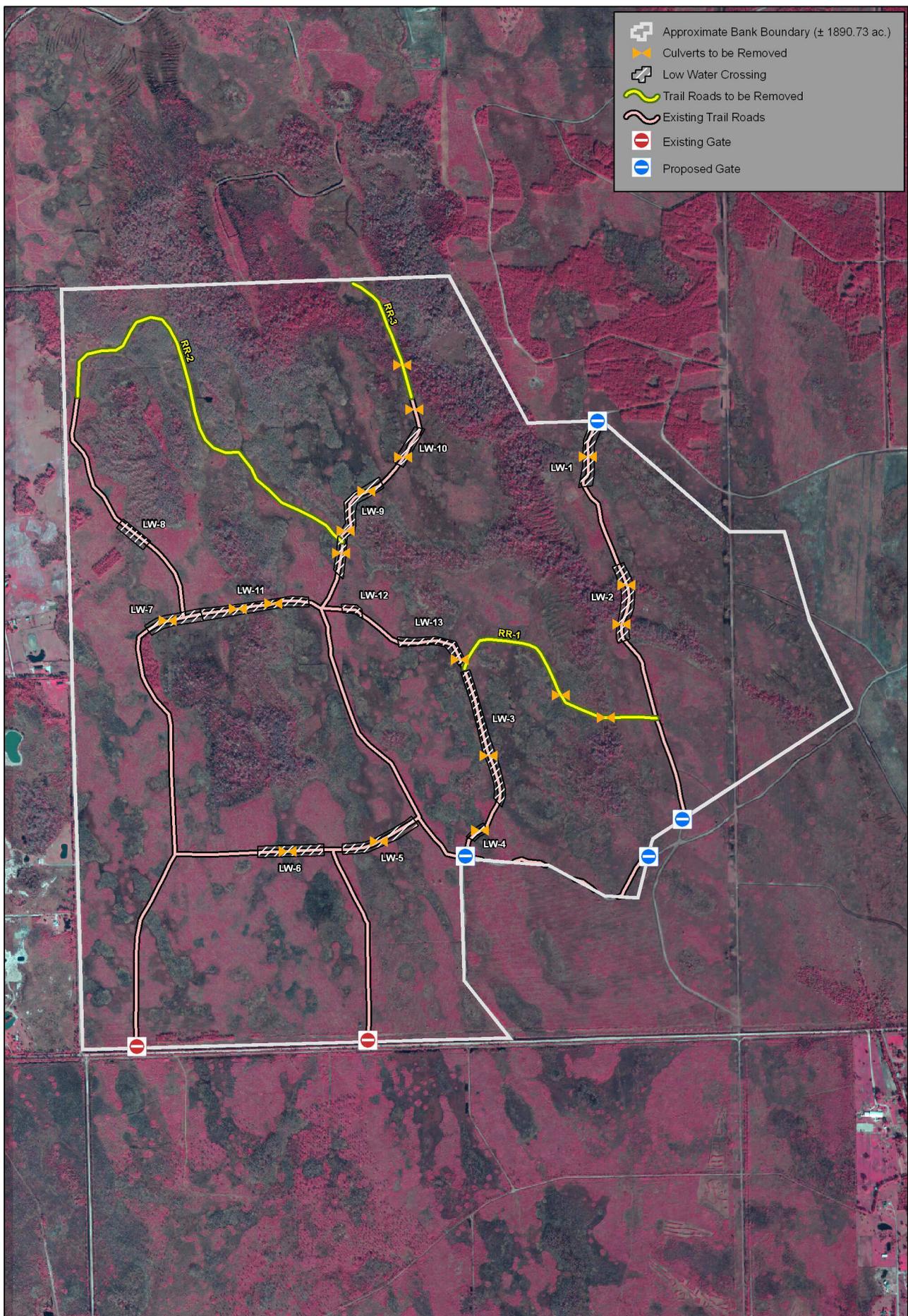
Environmental
Resource
Solutions Inc.
1507 The Greens Way
Jacksonville Beach, FL 32250

Source: USGS 7.5' Fovortia, Ormond Beach/Finger Beach West
Daytona Beach NM & Daytona, FL Topographic Quadrangle
By: ML

Project No.: 05385	Exhibit No.: 1	Date: 04-24-07	Rev. Date:
--------------------	----------------	----------------	------------



Approximate Boundary



- Approximate Bank Boundary (± 1890.73 ac.)
- Culverts to be Removed
- Low Water Crossing
- Trail Roads to be Removed
- Existing Trail Roads
- Existing Gate
- Proposed Gate

0 1,200'



Environmental Resource Solutions Inc.
 1587 The Greens Way,
 Suite 200
 Jacksonville Beach, FL 32250

**Ormond Crossings Mitigation Bank
 Proposed Hydrologic Improvements**

Source: SJRWMD (2004)

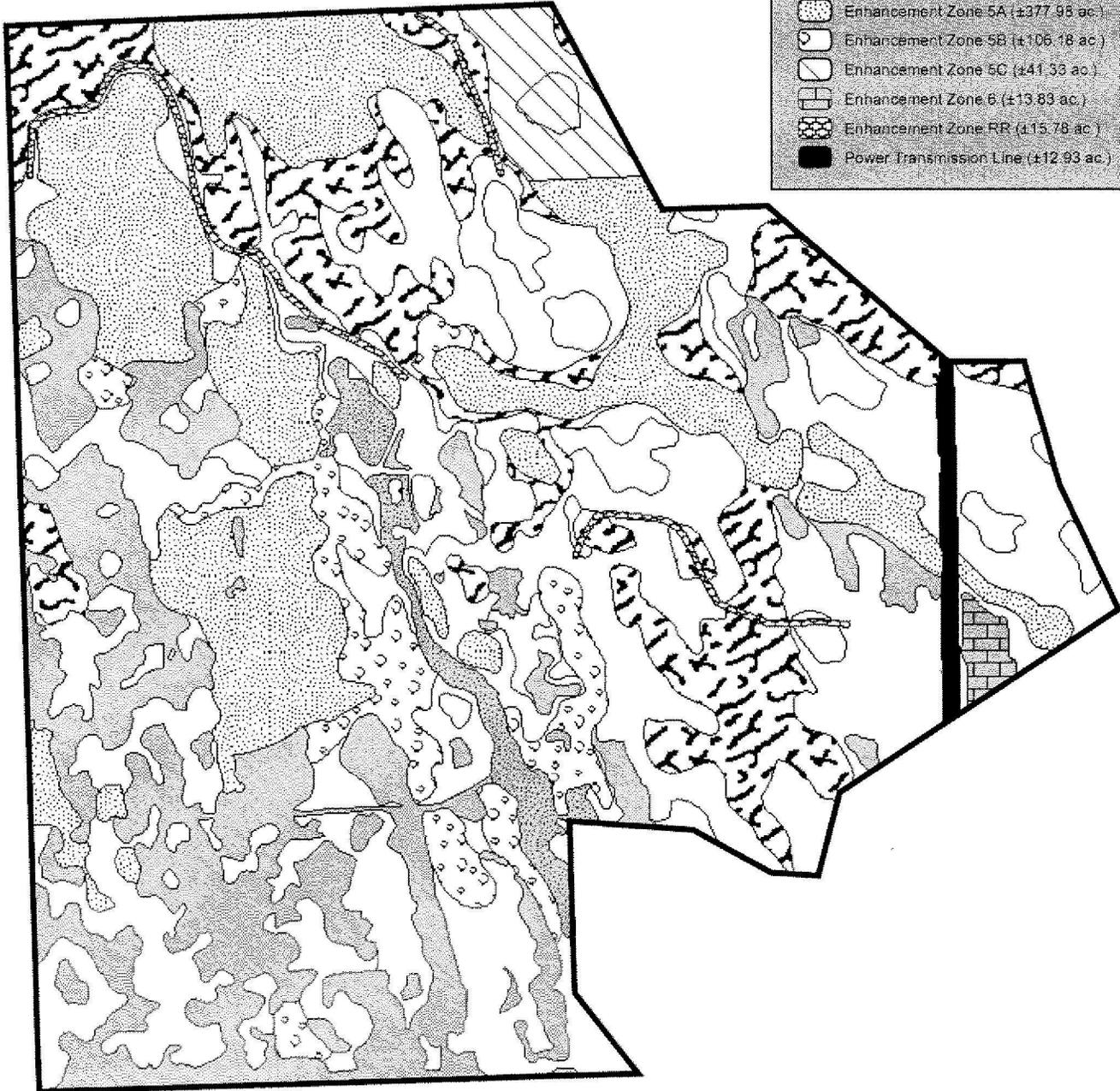
By: ML

Project No.:	05385
Exhibit No.:	7
Date:	04-17-07
Rev. Date:	09-11-08



LEGEND

-  Approximate Bank Boundary (± 1890.73 ac.)
-  Enhancement Zone 1 (±37.14 ac.)
-  Enhancement Zone 2 (±327.30 ac.)
-  Enhancement Zone 3 (±259.04 ac.)
-  Enhancement Zone 4 (±475.05 ac.)
-  Enhancement Zone 5A (±377.95 ac.)
-  Enhancement Zone 5B (±106.18 ac.)
-  Enhancement Zone 5C (±41.53 ac.)
-  Enhancement Zone 6 (±13.83 ac.)
-  Enhancement Zone RR (±15.78 ac.)
-  Power Transmission Line (±12.93 ac.)



**Environmental
Resource
Solutions Inc.**
1897 The Greens Way,
Suite 200
Jacksonville Beach, FL 32250

**Ormond Crossings Mitigation Bank
UMAM Assessment Area
(Enhancement Zone) Map**

Source: By: JK

Project No.:	05385
Exhibit No.:	18
Date:	12-12-08
Rev. Date:	

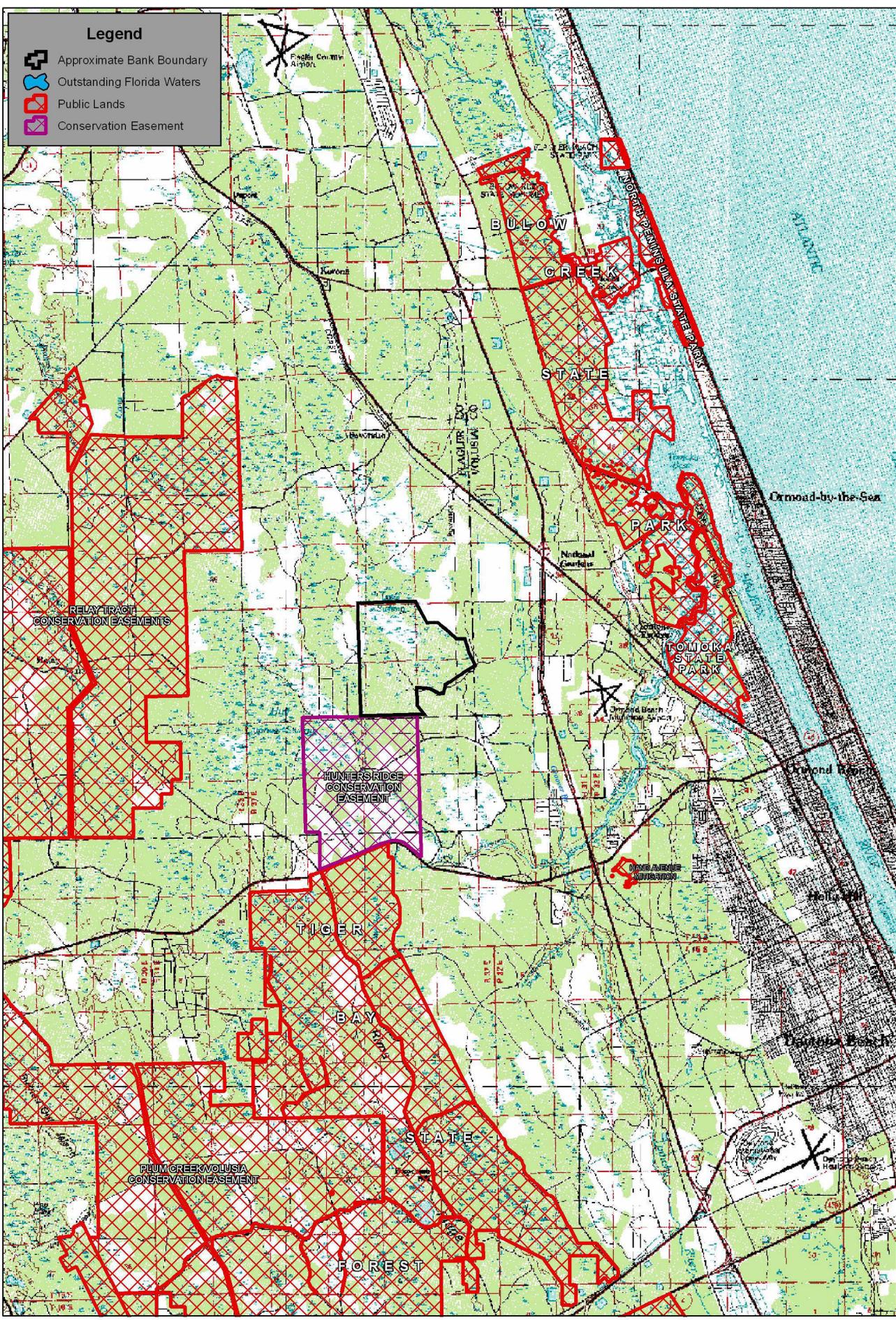


Table 1: UMAM Assessment Areas

UMAM Assessment Area	Acreage	Existing Community	Target Community	Proposed Activities
Enhancement Zone 1	37.14	U1: Pine Plantation	U2: Hardwood-Coniferous Mix	Pine thinning, Planting
Enhancement Zone 2	327.3	U1: Pine Plantation	U1: Pine Flatwoods	Pine thinning
Enhancement Zone 3	259.04	W3: Wetland Forested Mixed-Disturbed	W1: Wetland Forested Mixed	Pine thinning, Planting, Cross-cutting beds*
Enhancement Zone 4	699.22	W4: Forest Regeneration-Wet	W1: Wetland Forested Mixed	Pine thinning, Planting, Cross-cutting beds*
Enhancement Zone 5A	377.98	W1: Wetland Forested Mixed W2: Freshwater Marsh W5: Streams and Lake Swamps	W1: Wetland Forested Mixed W2: Freshwater Marsh W5: Streams and Lake Swamps	Hydrologic and Buffer improvements
Enhancement Zone 5B	106.18	W1: Wetland Forested Mixed W5: Streams and Lake Swamps	W1: Wetland Forested Mixed W5: Streams and Lake Swamps	Removal of recruited pines, Understory management
Enhancement Zone 5C**	41.33	W1: Wetland Forested Mixed W2: Freshwater Marsh W5: Streams and Lake Swamps	W1: Wetland Forested Mixed W2: Freshwater Marsh W5: Streams and Lake Swamps	Hydrologic and Buffer improvements, Rookery**
Enhancement Zone 6	13.83	U2: Pasture	U1: Pine Flatwoods	Planting, Understory maintenance
Enhancement Zone RR	15.78	RR: Trail Road	W:5 Streams and Lake Swamps	Removal of trail roads and swales, Planting.

*Cross-cutting of beds will occur where necessary.

**The wading bird rookery is located in this assessment area.



Legend

- Approximate Bank Boundary
- Outstanding Florida Waters
- Public Lands
- Conservation Easement



Environmental Resource Solutions Inc.
 1897 The Greens Way,
 Suite 200
 Jacksonville Beach, FL 32250

Ormond Crossings Mitigation Bank
 Regional Watershed and Public
 Lands Map

Source: USGS 15' Daytona Beach, FL Topographic
 Quadangle, FDEP, DCA

Project No.:	05385
Exhibit No.:	14
Date:	10-03-07
By: ML	Rev. Date: 01-30-08



Project No.: 05385	Exhibit No.: 2	Date: 04-11-07	Rev. Date:
--------------------	----------------	----------------	------------

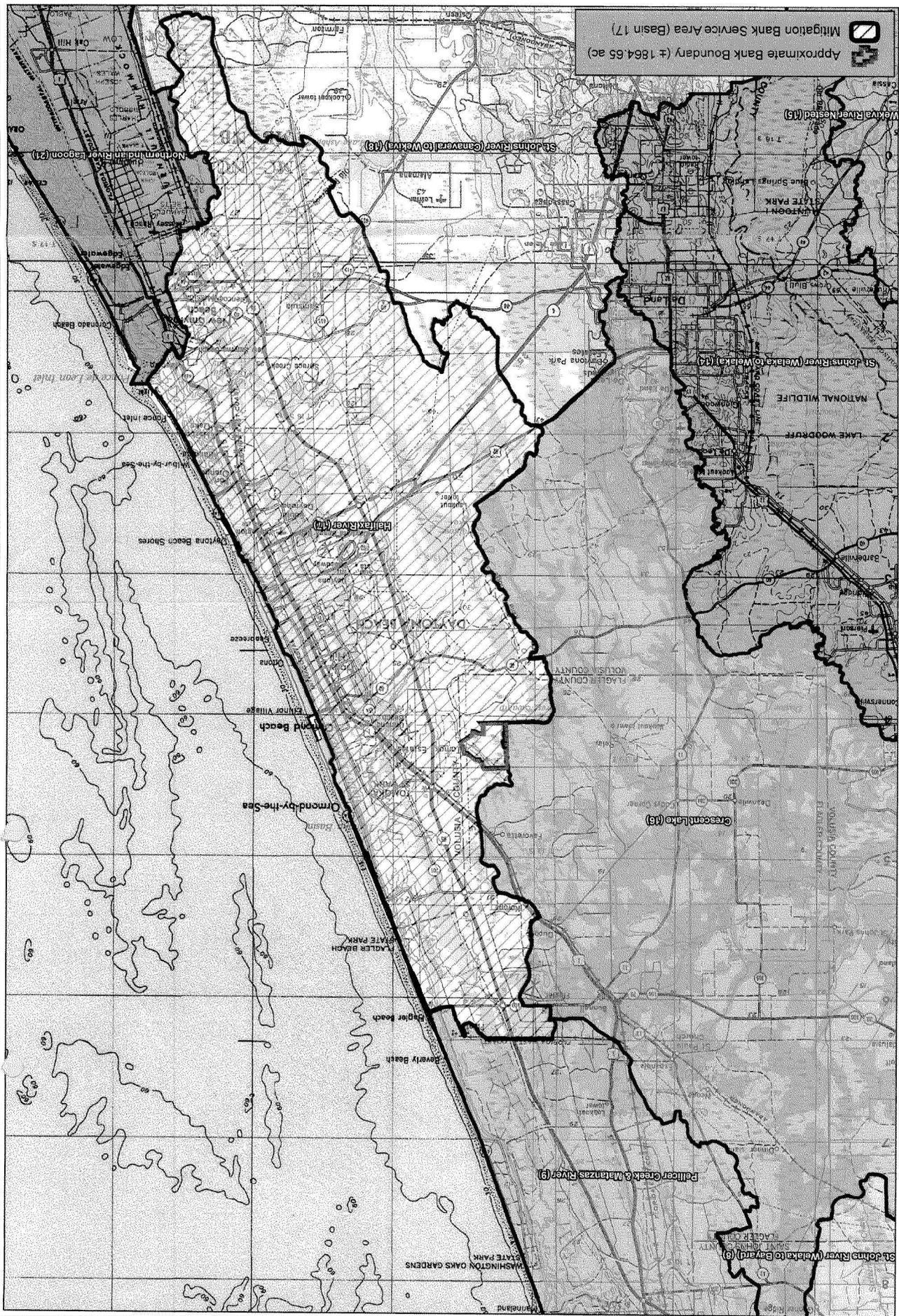


**Ormond Crossings
Mitigation Bank
Service Area/Mitigation Basin Map**

By: ML

Source: SWFWMD, USGS

Environmental
Resource
Solutions Inc.
1897 The Greens Way,
Jacksonville Beach, FL 32250



Approximate Bank Service Area Boundary (± 1864.65 ac)

