

DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT

> 701 SAN MARCO BOULEVARD JACKSONVILLE, FLORIDA 32207

> > January 31, 2025

Regulatory Division North Branch Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-04775 (SP-TMM)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) 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.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at <u>Terri.M.Mashour@usace.army.mil</u>.

APPLICANT: England-Thims & Miller, Inc. Attention: Lyndsay Keller 14775 Old St. Augustine Road Jacksonville, Florida 32258

WATERWAY AND LOCATION: The project would affect aquatic resources associated with the St. Johns River. The project site is located north of the intersection of Greenbriar Road and Longleaf Pine Parkway, located in the Francis P. Fatio Land Grant and Section 16, Township 5 South, Range 27 East, St. Johns, St. Johns County, Florida.

Directions to the site are as follows: From downtown Jacksonville, travel south on Interstate (I) 95. Exit onto County Road 210 and travel west. Turn north onto Longleaf Pine Parkway. At the intersection of Longleaf Pine Parkway and Roberts Road, the entrance will be on the right.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.059218° Longitude -81.607749°

PROJECT PURPOSE:

Basic: The basic project purpose is housing.

Overall: The overall project purpose is construction of a residential subdivision in northwest St. Johns County, Florida.

EXISTING CONDITIONS: The wetland system consists of a freshwater system. The existing area surrounding the project area consists of undeveloped planted pine flatwoods to the west and forested wetlands to the south, high density residential development to the north and southeast, and undeveloped planted pine flatwoods and wetlands to the east. The onsite vegetation consists of the following natural communities as described by the Florida Department of Transportation's Florida Land Use, Cover and Forms Classification System (FLUCFCS, 1999):

i. Pine Plantation (441) 50.29 acres: The majority of the subject site is utilized for silvicultural activities and is dominated by a canopy of slash pine (*Pinus elliottii*). Therefore, this community is best classified as Pine Plantation per the FLUCFCS classification system. The subcanopy is comprised of sparse red maple (*Acer rubrum*), and myrtle-leaf holly (*Ilex myrtifolia*). The groundcover vegetation includes gallberry (*Ilex glabra*), broomsedge bluestem (*Andropogon virginicus*), blackberry (*Rubus* sp.), saw palmetto (*Serenoa repens*), and sedges (*Carex* sp.).

ii. Wet Pine Plantation (441W) 7.61 acres: Mature slash pines are the dominant species in this community. Other species observed in this area included loblolly bay (*Gordonia lasianthus*), red maple, sweet gum (*Liquidambar styraciflua*), swamp bay (*Persea palustris*), laurel oak (*Quercus laurifolia*), bald cypress (*Taxodium distichum*), and wax myrtle (*Morella cerifera*). Groundcover species include Virginia chain fern (*Woodwardia virginica*), broomsedge bluestem, fetterbush (*Lyonia lucida*), gallberry, yellow-eyed grass (*Xyris* sp.), beaksedge (*Rhynchospora* sp.), cinnamon fern (*Osmundastrum cinnamomeum*), Carolina redroot (*Lachnanthes caroliana*), sphagnum moss (*Sphagnum* sp.), and other similar wetland herbaceous species.

iii. Streams and Waterways (510) 1.39-acres: The vegetation on the periphery and within the ditch included smartweed (*Polygonum* sp.), soft rush (*Juncus effusus*), maidencane (*Panicum hemitomon*), rattlebox (*Crotalaria* sp.), dog fennel (*Eupatorium capillifolium*), marsh pennywort (*Hydrocotyle* sp.), lemon bacopa (*Bacopa caroliniana*), old world climbing fern (*Lygodium microhpyllum*), and wax myrtle.

PROPOSED WORK: The applicant seeks authorization to place 38,600-cubic-yards of clean fill into 6.47-acre of aquatic resources (palustrine forested wetlands) and 1.02-acres of logging roadside ditches for the construction of a 108-lot residential subdivision and associated infrastructure. A total of 1.14-acre of wetlands and 0.12-acre of ditches would remain. The applicant has submitted a request for an Approved Jurisdictional Determination (AJD) for a portion of the wetlands on site; this would be submitted to the Environmental Protection Agency for review.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

"The subject property has been selected and designed in such a way as to avoid highquality, ecologically significant wetlands and to minimize those impacts necessary to result in a feasible project. Avoidance and minimization were accomplished by the designing the project to avoid the largest and highest ecologically valuable wetlands. Isolated wetlands were impacted, wetland edges, and wetland crossings were impacts, and upland buffers were provided for remaining wetlands."

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

"Compensatory mitigation for the proposed wetland impacts will be provided in the form of wetland mitigation credits of greater long term ecological value. As such, this project will result in no net loss of wetland functional value. All proposed mitigation has previously been determined to provide regionally significant ecological value and should be considered of greater long-term ecological value than the wetlands proposed for impact."

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the eastern indigo snake (*Drymarchon couperi*) based on programmatic key. Therefore, no additional consultation is required.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Wood Stork (*Mycteria americana*) based on programmatic key. Therefore, no additional consultation is required.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the tricolored bat (*Perimyotis subflavus*), which is a species that is a candidate for federal listing. In the event that the trees on site cannot be cleared prior to species listing, the Corps will request U.S. Fish and Wildlife Service (USFWS) concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal would have no effect on the Eastern Black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), Whooping Crane (*Grus americana*), green sea turtle (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*) or any other listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposed project is located in freshwater wetlands, which are inland and upstream of tidal waters and EFH. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant would not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Jacksonville Permits Section, address at the letterhead above within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Terri M. Mashour, in writing at the Jacksonville Permits Section, address at the letterhead above; by electronic mail at <u>Terri.M.Mashour@usace.army.mil</u>; or by telephone at (904) 251-9179.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. 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.

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.

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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the St. Johns River Water Management District.

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 the 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.



BTI Greenbriar Pod G (± 59.29 ac.)
Remaining Wetland (± 1.14 ac.)
Remaining Surface Water (± 0.12 ac.)
Wetland Impact (± 6.47 ac.)
Surface Water Impact (± 1.02 ac.)



BTI Greenbriar Pod G St. Johns County, Florida Figure 8A Wetland Impacts



570 Feet Project #: 1288-02 Produced By: JDH Date: 10/21/2024









