

PUBLIC NOTICE

US Army Corps of Engineers®

Applicant: Michael Miller Flint Development Published: April 18, 2025 Expires: May 9, 2025

Jacksonville District Permit Application No. SAJ-2024-01779 (NDF)

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). The purpose of this public notice is to solicit comments from the public regarding the work 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>Nicole.D.Fresard@usace.army.mil.</u>

APPLICANT: Michael Miller Flint Development 3515 West 75th Street Suite 103 Prairie Village, Kansas 66208

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Seaton Creek. The project/review area is located on the south side of the intersection of Arnold Road and Pecan Park Road in Section 39 Township 1 north, Range 26 East at Latitude 30.511936 and Longitude -81.676848; in Jacksonville, Duval County, Florida.

EXISTING CONDITIONS: The property is currently undeveloped timberland that is bordered to the south mostly by the clear zone for an airport runway and along most other boundaries by undeveloped timberland. The far eastern end of the property borders Pecan Park Road North. The northwestern boundary borders a commercial solar farm. The Jacksonville Aviation Authority (JAA) owns a strip of land that extends through the western half of the property along either side of Seaton Creek. This JAA parcel splits the project site up into two parcels that will become connected by an interior paved road.

The wetland system consists of a palustrine forested system. The existing vegetative communities and land uses have been characterized pursuant to the Florida Department of Transportation publication *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) as depicted on Figure 6 and described below.

1. Pine Plantation (FLUCFCS 441) 183.16 acres uncut, 3.39 acres cut-over - Almost all of the uplands comprise commercial pine plantation. The canopy in these areas consists of rows of even-aged planted loblolly pine (*Pinus taeda*). Mixed with the pines are scattered hardwoods such as water oak (*Quercus nigra*) and laurel oak (*Q. laurifolia*) that have naturally recruited. The shrub layer and ground cover vegetation is dominated by varying amounts of saw palmetto (*Serenoa repens*) and bitter gallberry (*Ilex glabra*) along with bracken fern (*Pteridium aquilinum*) and various vines.

2. Temperate Hardwood Hammock (FLUCFCS 425) 5.21 acres - The western half of the property contains two areas of upland hardwood hammock along the southern boundary. The canopy in this area is dominated by such species as live oak (*Quercus virginiana*), water oak, laurel oak, southern magnolia (*Magnolia grandiflora*), pignut hickory (*Carya glabra*), sugar berry (*Celtis laevigata*), sweetgum (*Liquidambar styraciflua*), and swamp chestnut oak (*Quercus michauxii*). The shrub layer and ground cover vegetation include such species as wild olive (*Osmanthus americanus*), saw palmetto, staggerbush (*Lyonia ferruginea*), bracken fern, and beauty berry (*Callicarpa americana*).

3. Hardwood - Conifer Mixed (FLUCFCS 434) 0.76 acre - The upland at the far eastern end of the property contains a relatively small area of mixed hardwoods and pines. The canopy in this area is comprised of a mixture of such hardwoods as sweetgum, laurel oak and water oak with slash pine.

4. Trail Roads (FLUCFCS 814) - The property is crisscrossed with a network of atgrade timber roads. The acreage of these roads is incorporated into the adjacent community types.

5. Offsite Spoil Berms (FLUCFCS 743) - A section of Seaton Creek extends through the western half of the property and is located within a separate strip of land owned by the Jacksonville Aviation Authority (JAA). This section of Seaton Creek was channelized many years ago. As a result there are upland spoil berms along either side of the channelized creek. The spoil berms have reforested over the years with such species as sweetgum and live oak. The spoil berms are not depicted on the project plans as they are located within the parcel owned by JAA.

6. Wet Pine Plantation (FLUCFCS 441W) 49.58 acres - Some of the wetlands onsite may be characterized as wet pine plantation. The canopy in these areas consists of rows of even-aged planted loblolly pine. Mixed with the pines are scattered hardwoods such as red maple (*Acer rubrum*), sweetgum, loblolly bay (*Gordonia lasianthus*), sweet bay (*Magnolia virginiana*), myrtle leaf holly (*Ilex myrtifolia*), and blackgum (*Nyssa sylvatica* var. *biflora*). The shrub layer and ground cover vegetation include such species as fetterbush (*Lyonia lucida*), sweet gallberry (*Ilex coriacea*), St. Johns wort (*Hypericum* spp.), titi (*Cyrilla racemiflora*), Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), yellow-eyed grass (*Xyris* spp.), bog buttons (*Lachnocaulon* sp.), and various wet grasses. These areas are either saturated to the ground surface or hold shallow puddled water during the rainy season.

7. Hydric Pine Flatwoods (FLUCFCS 625) 13.26 acres - In certain areas (W14 and western portion of W9C) the planted pines died, probably because these areas were too wet for the seedlings to survive after the initial planting due to the presence of loamy material close to the ground surface. As a result the canopy is sparse. The ground cover vegetation includes many herbaceous species such as plume grass (*Erianthus* spp.), broomsedge (*Andropogon* sp.) and panic grasses (*Dichanthelium* spp. and *Panicum* spp.).

8. Slash Pine Swamp (FLUCFCS 627) 14.71 acres - Wetland W7 and the eastern portion of wetland W9A is lower in topography than the adjacent areas of wet pine plantation. This area may be more accurately described as slash pine swamp. The canopy comprises a mixture of slash pine, pond cypress (*Taxodium ascendens*), and various wetland hardwoods. The ground cover is dominated by various wetland ferns. This area regularly holds shallow standing water during the rainy season.

9. Stream and Lake Swamps (FLUCFCS 615) 23.87 acres - The western half of the property contains a section of the headwaters of Seaton Creek (portions of wetlands W9A and W9C). Historically this wetland was the upper end of a flood plain swamp. The canopy in these areas includes such species as blackgum, pond cypress, sweet bay, American elm (*Ulmus americana*), Carolina ash (*Fraxinus caroliniana*), and red maple. The shrub layer includes such species as buttonbush (*Cephalanthus occidentalis*), fetterbush, and waxmyrtle. The ground cover vegetation includes such species as Virginia chain fern, royal fern (*Osmunda regalis*) and sphagnum moss (*Sphagnum* sp.). The original channel of Seaton Creek was ditched many years ago, and a spoil berm was deposited on either side of the ditch channel. The ditch and spoil berms have altered the original hydrology of the adjacent wetlands. Portions of the wetland are now regularly impounded with standing water for long periods of time. Other areas are no longer regularly inundated.

10. Inland Ponds and Sloughs (FLUCFCS 616) 10.26 acres - The other deeper wetlands comprise areas of inland ponds, which are distinct, deeper pockets of forested wetlands not directly associated with Seaton Creek. These areas include all or portions of wetlands W4, W6, W8, W9B, W12, W13, and W16. The canopy in these areas includes such species as blackgum, pond cypress, sweet bay, and red maple. The shrub layer includes such species as buttonbush, fetterbush, and waxmyrtle. The ground cover vegetation includes such species as Virginia chain fern, royal fern and sphagnum moss. These deeper wetlands regularly hold standing water for long periods of time.

11. Ditch (FLUCFCS 510) 0.30 acre - The property contains sections of man-made ditches associated with timber roads and pine plantations (D2, D3, D4, D5, D6, and D7) The western half of the property contains a portion of the Seaton Creek wetland system which flows to the north into Thomas Creek. This section of Seaton Creek onsite was ditched many years ago and now is essentially a large drainage ditch (D1). This channelized creek is located entirely within the out parcel that is owned by JAA.

PROJECT PURPOSE:

Basic: The basic project purpose is commercial development and associated infrastructure.

Overall: The overall project purpose is to construct a commercial development and associated infrastructure on the north side of Jacksonville, Duval County, Florida.

PROPOSED WORK: The applicant requests authorization to discharge 125,000-cubicyards of fill material into 37.46 acres of waters of the United States (36.91 acres wetlands and 0.55 acres of surface waters) for construction of an industrial park with associated infrastructure. The project would be constructed in three phases.

- Phase 1 would result in the loss of 24.41 acres of wetlands and 0.21 acres of surface waters. 11.1 acres of wetlands will remain on-site.
- Phase 2 would result in the loss of 2.26 acres of wetlands and 0.05 acres of surface waters. 23.47 acres of wetlands will remain on-site.
- Phase 3 would result in the loss of 10.51 acres of wetlands and 0.29 acres of surface waters. 40.73 acres of wetlands will remain on-site.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: "*Given the nature of the proposed development with large distribution warehouses, it is impractical to develop this site without impacting certain wetlands. The site plan has been modified a number of times in an effort to avoid and minimize wetland impacts as much as possible, particularly to the higher quality wetlands, while still accomplishing the project purpose. The amount of impacts to WOTUS areas was reduced from 86.91 acres to 57.73 acres and finally to 23.97 acres which is a total reduction of 72.4%. The number of warehouses was reduced from 13 to 10 to 8. The square footage of warehouses was reduced from 4,258,750 square feet to 3,769,740 square feet to 2,941,920 which is a net reduction of 30.9%. If the square footage of warehouse space is further reduced, it would create a significant financial hardship for the permit applicant and could put the project at risk."*

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: "*The proposed impacts have been evaluated with both the Wetland Rapid Assessment Procedure (WRAP) and the Uniform Mitigation Assessment Methodology (UMAM). Data forms for the proposed impacts will be provided under separate cover following both WRAP and UMAM. Mitigation for the proposed impacts to WOTUS will be provided through the purchase of federal credits from a mitigation bank that serves this area. Once the WRAP and UMAM scores have been finalized for Phase 1, a reservation letter from the selected mitigation bank for that amount will be provided."*

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, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

| Species Common Name and/or Critical Habitat | | |
|--|--|----------------|
| Name | Scientific Name | Federal Status |
| Eastern Indigo Snake | Drymarchon couperi | Threatened |
| Wood Stork | Mycteria americana | Threatened |
| Tricolored Bat | Perimyotis subflavus | Threatened |
| Eastern Black rail | Laterallus jamaicensis ssp. jamaicensis | Threatened |
| Green sea turtle | Chelonia mydas | Endangered |
| Hawksbill sea turtle | Eretmochelys imbricata | Endangered |
| Leatherback sea turtle | Dermochelys coriacea | Endangered |

 Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

| Loggerhead sea turtle | Caretta caretta | Endangered |
|----------------------------|-------------------|---|
| Red-cockaded woodpecker | Picoides borealis | Endangered |
| Whooping crane | Grus americana | Endangered Non- essential Experimental Population in Florida (FXN) |

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. Choose an item.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The proposed project is located in freshwater wetlands, which are located inland and upstream of tidal waters and EFH. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

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 structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from St. Johns River Water Management District. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. **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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until May 9, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <u>https://rrs.usace.army.mil/rrs</u> or to Nicole Fresard at Nicole.D.Fresard@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Nicole Fresard, 701 San Marco Boulevard, Jacksonville, Florida 32207-8175. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.













Subemba

Jacksonville, Florida

Upland / Wetland Map

| Upland | | 192.52 ac.+/- |
|--------|----|---------------|
| | | 192.52 |
| Ditch | | 0.30 ac.+/- |
| | D1 | 0.07 |
| | D2 | 0.02 |
| | D3 | 0.09 |
| | D4 | 0.06 |
| | D5 | 0.03 |
| | D6 | 0.01 |
| | D7 | 0.02 |

| Wetla | nd 1′ | 11.66 ac.+/- |
|-------|-------|--------------|
| | W1 | 0.01 |
| | W2 | 0.42 |
| | W3 | 3.00 |
| | W4 | 0.98 |
| | W5 | 0.33 |
| | W6 | 11.46 |
| | W7 | 0.36 |
| | W8 | 0.77 |
| | W9A | 42.43 |
| | W9B | 0.98 |
| | W9C | 45.26 |
| | W10 | 0.02 |
| | W11-A | 0.45 |
| | W11-B | 0.22 |
| | W12 | 1.38 |
| | W13 | 0.79 |
| | W14 | 0.74 |
| | W15 | 0.22 |
| | W16 | 1.84 |
| | | |
| FIGU | JRE 5 | |
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Scale: 1 in = 500 ft

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500 _____ Ft





Airport Commerce Center

Jacksonville, Florida

Proposed Site Conditions - PHASE 1

| | Wetland Impacts Summary | | | |
|--------------------|-------------------------|---------|---------|--|
| | Impact ID | FLUCFCS | Acreage | |
| | DI-1 | 510 | 0.01 | |
| | DI-2 | 510 | 0.01 | |
| | DI-3 | 510 | 0.02 | |
| | DI-4 | 510 | 0.09 | |
| | DI-5 | 510 | 0.08 | |
| | VVI-1 | 616 | 0.01 | |
| | WI-2 | 441W | 0.31 | |
| | WI-3 | 441W | 1.51 | |
| | \\/I_4 | 441W | 0.18 | |
| | VVI- 4 | 616 | 0.80 | |
| | W/I-5 | 441W | 0.25 | |
| | WI-5 | 616 | 0.08 | |
| | WI-6 | 441W | 4.36 | |
| | | 616 | 5.29 | |
| undary | WI-7 | 441W | 0.05 | |
| es | \\/I-8 | 441W | 5.14 | |
| ted Wetland | | 627 | 2.35 | |
| IMPACTS | WI-9 | 616 | 1.04 | |
| npacts24.14 ac.+/- | WI-10 | 441W | 1.76 | |
| | WI-11 | 615 | 0.30 | |
| paulo | WI-12 | 615 | 0.53 | |
| | WI-13 | 615 | 0.18 | |
| 111.10 a0.+/- | Total | | 24.35 | |

| FIGURE |
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12/23/2024

Scale: 1 in = 400 ft

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400 _____Ft



Proposed Site Conditions - PHASE 2

Helping developers and landowners solve environmental issues

| Wetland Impacts Summary | | | | |
|-------------------------|---------|---------|--|--|
| Impact ID | FLUCFCS | Acreage | | |
| DI-1 | 510 | 0.02 | | |
| DI-2 | 510W | 0.02 | | |
| DI-3 | 510 | 0.01 | | |
| WI-1 | 627 | 0.36 | | |
| WI-2 | 441W | 0.02 | | |
| WI-3 | 627 | 0.18 | | |
| WI-4 | 441W | 0.39 | | |
| WI-5 | 441W | 0.11 | | |
| WI-6 | 441W | 0.01 | | |
| WI-7 | 616 | 0.77 | | |
| WI-8 | 441W | 0.21 | | |
| Total 2.10 | | | | |

| 2.05 ac.+/- 0.05 ac.+/- |
|--------------------------------|
| 23.68 ac.+/- |

Scale: 1 in = 400 ft

400 _____Ft



Helping developers and landowners solve environmental issues

Airport Commerce Center

Jacksonville, Florida

Proposed Site Conditions - PHASE 3



WI-10

WI-11

Total

Scale: 1 in = 400 ft

| FIGURE 12 |
|------------|
| 12/23/2024 |

| 1 | 2 | 12: | 3/: | 20 | 2 | 4 |
|---|---|-----|-----|----|---|---|

| 1 | 21 | 23 | 12 | 02 | 4 |
|---|----|----|----|----|---|

441W

625

441W

615

1.38

3.48

0.09

0.16

10.80

400 _____Ft

| 40.73 ac.+/- |
|------------------|

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| 10.51 | ac.+/ |
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| | Wetland Impacts Summary | | | | | | | | | |
|--|-------------------------|---------|---------|--|--|--|--|--|--|--|
| | Impact ID | FLUCFCS | Acreage | | | | | | | |
| | DI-1 | 510 | 0.03 | | | | | | | |
| | DI-2 | 510 | 0.06 | | | | | | | |
| | DI-3 | 510W | 0.20 | | | | | | | |
| | \ \/ /_1 | 441W | 0.36 | | | | | | | |
| | VVI- I | 616 | 1.02 | | | | | | | |
| | WI-2 | 441W | 0.22 | | | | | | | |
| | WI-3 | 441W | 0.45 | | | | | | | |
| | \\/ _/ | 441W | 0.18 | | | | | | | |
| | VVI- 4 | 616 | 0.96 | | | | | | | |
| | WI-5 | 625 | 0.74 | | | | | | | |
| | WI-6 | 441W | 0.22 | | | | | | | |
| | \\//_7 | 441W | 0.87 | | | | | | | |
| | v v I-7 | 616 | 0.30 | | | | | | | |
| | WI-8 | 441W | 0.06 | | | | | | | |
| | WI-9 | 616 | 0.02 | | | | | | | |





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