



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

APRIL 15, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2019-00589(SP-MRE)

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:

APPLICANT: Lennar Homes, LLC
Attn: Mr. Scott Keiling
9440 Philips Highway, Suite 7
Jacksonville, Florida 32256

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Strawberry Creek, a tributary to the Arlington River. The project site is within the southern section of the overall property located at 8300 Merrill Road (Duval County Property Appraiser Real Estate Number 120735-0015), in Section 12, Township 2 South, Range 27 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.346057
Longitude -81.558202

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the expansion of an existing subdivision onto contiguous property acquired by the applicant.

EXISTING CONDITIONS:

Topography: The project site has elevations between 55-60 feet NGVD, with the highest elevations located in the northern portion of the property. Hydrology onsite generally flows from north to south through an altered portion of Strawberry Creek, ultimately discharging to the St. Johns River.

Soils: The *Soil Survey of City of Jacksonville, Florida* identifies three different soil types on the subject project site. The soils map appears to be generally accurate based upon field observations by the applicant's ecological agent.

1. *Evergreen-Wesconnett complex, depressional, 0 to 2 percent slopes* (map unit 22): Evergreen-Wesconnett complex consists of nearly level, very poorly drained Evergreen soil found in depressions, and nearly level, very poorly drained, sandy Wesconnett soil found in depressions. Generally, Evergreen soil has a high water table at or above the surface for very long periods during normal years. Typically, the surface layer is black muck 11 inches thick. The underlying layer consists of black loamy fine sand extending from 11 to 14 inches.

Generally, Wesconnett soil also has a high water table at or above the surface during normal years. The normal surface layer is black fine sand two inches thick. The underlying layer consists of black fine sand extending from 2 to 10 inches, and dark reddish-brown fine sand extending from 10 to 26 inches.

2. *Ortega fine sand, 0 to 5 percent slopes* (map unit 46): Ortega fine sand is a nearly level to gently sloping, moderately well drained, sandy soil found on rises and knolls. Generally, the high water table is at a depth of 42 to 72 inches from January through October. The surface layer is grayish brown fine sand about five inches thick. The underlying layer consists of very pale brown fine sand extending from 5 to 48 inches.

3. *Pamlico muck, depressional, 0 to 1 percent slopes* (map unit 49): Pamlico muck, depressional, is a nearly level, very poorly drained, organic soil found in depressions. Generally, the high water table is at or above the surface for very long periods from January through October. The surface layer is spongy, partially decomposed and undecomposed moss, roots, leaves, and twigs about two inches thick. The underlying layers consist of black muck extending from two to six inches and very dusky red muck extending from 6 to 30 inches.

Vegetative Communities: The *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS) handbook identifies two generalized community types at the project site.

1. Temperate Hardwoods (FLUCFCS code 425): This community occurs in the southeast portion of the property and as pockets near the western boundary. The community ranges hydrologically from near xeric to mesic. Dominant species include water oak (*Quercus nigra*), laurel oak (*Quercus hemisphaerica*), live oak (*Quercus virginiana*), slash pine (*Pinus elliotii*), loblolly pine (*Pinus taeda*), pignut hickory (*Carya glabra*), southern magnolia (*Magnolia grandiflora*), American beautyberry (*Callicarpa americana*), and saw palmetto (*Serenoa repens*).

2. Inland Ponds and Sloughs (FLUCFCS code 616): This community dominates the western portion of the property, extending north, west, and south offsite of the property, and occurs at two other locations on the property. This community exhibits deep, organic soils and is seasonally or frequently flooded. Dominant species include blackgum (*Nyssa sylvatica* var. *biflora*), red maple (*Acer rubrum*), sweet bay (*Magnolia virginiana*), cypress (*Taxodium ascendens*), diamond-leaf oak (*Quercus laurifolia*), loblolly bay (*Gordonia lasianthus*), slash pine, wax myrtle (*Myrica cerifera*) and cinnamon fern (*Osmunda cinnamomea*).

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over a total of 2.53 acres of wetlands to facilitate the establishment of a residential subdivision.

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 work proposed expands an existing subdivision. The applicant conveyed an opinion that the development of the property could not proceed without work affecting wetlands due to the location, size, and orientation of the wetlands encompassed by the property. Further, the work proposed is the minimum necessary to “double-load” the infrastructure/roadway (i.e., the minimum area necessary to establish residential parcels to each side of the roadway). The applicant expressed the opinion that the work proposed is necessary to render the overall project economically practical, as a “single-load” roadway would not generate sufficient developable space to financially support the project.

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

The applicant's ecological agent submitted a *Uniform Mitigation Assessment Method* (UMAM) quantifying and qualifying the loss of wetland functions and services associated with the work proposed. The UMAM calculates the wetland functional loss as 1.41 units. Therefore, as compensatory mitigation, the applicant would purchase 1.41 credits from the *Highlands Ranch Mitigation Bank* (SAJ-2008-04782).

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

Wood Stork (*Mycteria americana*): The project site is within the core foraging areas of four Wood Stork colonies. Therefore, this species could forage at or use the project site. However, the work proposed would not affect suitable foraging habitat. In consideration of this information, the Corps utilized *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida, September 2008*, to determine potential effects upon this species. Use of this key resulted in the sequence A-B-*no effect*.

Red Cockaded Woodpecker (*Picoides borealis*): The project site is within the consultation area identified by the U.S. Fish and Wildlife Service (FWS) and the Corps for this species. Therefore, Red Cockaded Woodpecker may utilize the project site. Habitat for Red Cockaded Woodpecker typically incorporates mature pine woodlands (not wetlands); and, optimal habitat is characterized as a broad savanna with a scattered overstory of large pines and a dense groundcover containing a diversity of grass and shrub species. Nesting and roosting occur in cavity trees that are almost exclusively old, living, flat-topped pine trees. The project site does not encompass typical or optimum habitat; or, trees capable of supporting cavities. Further, as significant forested habitat is located near the project site, it is likely that this species would only opportunistically forage at the site, which the development of the site would not preclude. Therefore, the Corps concludes that the project would have *no effect* on this species.

The Corps executed a *Resources At Risk* (RAR) report. The RAR did not indicate that the site is utilized by, or contains habitat critical to, any other federally listed threatened or endangered species. The Corps also reviewed geospatial data and other available information. The Corps has not received or discovered any information that the project site is utilized by, or contains habitat critical to, any other federally listed threatened or endangered species.

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 project would not affect marine or estuarine habitat. Therefore, the Corps' initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries in the St. Johns River. 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.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

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, Post Office Box 4970, Jacksonville, Florida 32232 within 21 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, Mark R. Evans, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232; by electronic mail at mark.r.evans@usace.army.mil; by facsimile transmission at (904)232-1940; or, by telephone at (904)232-2028.

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.

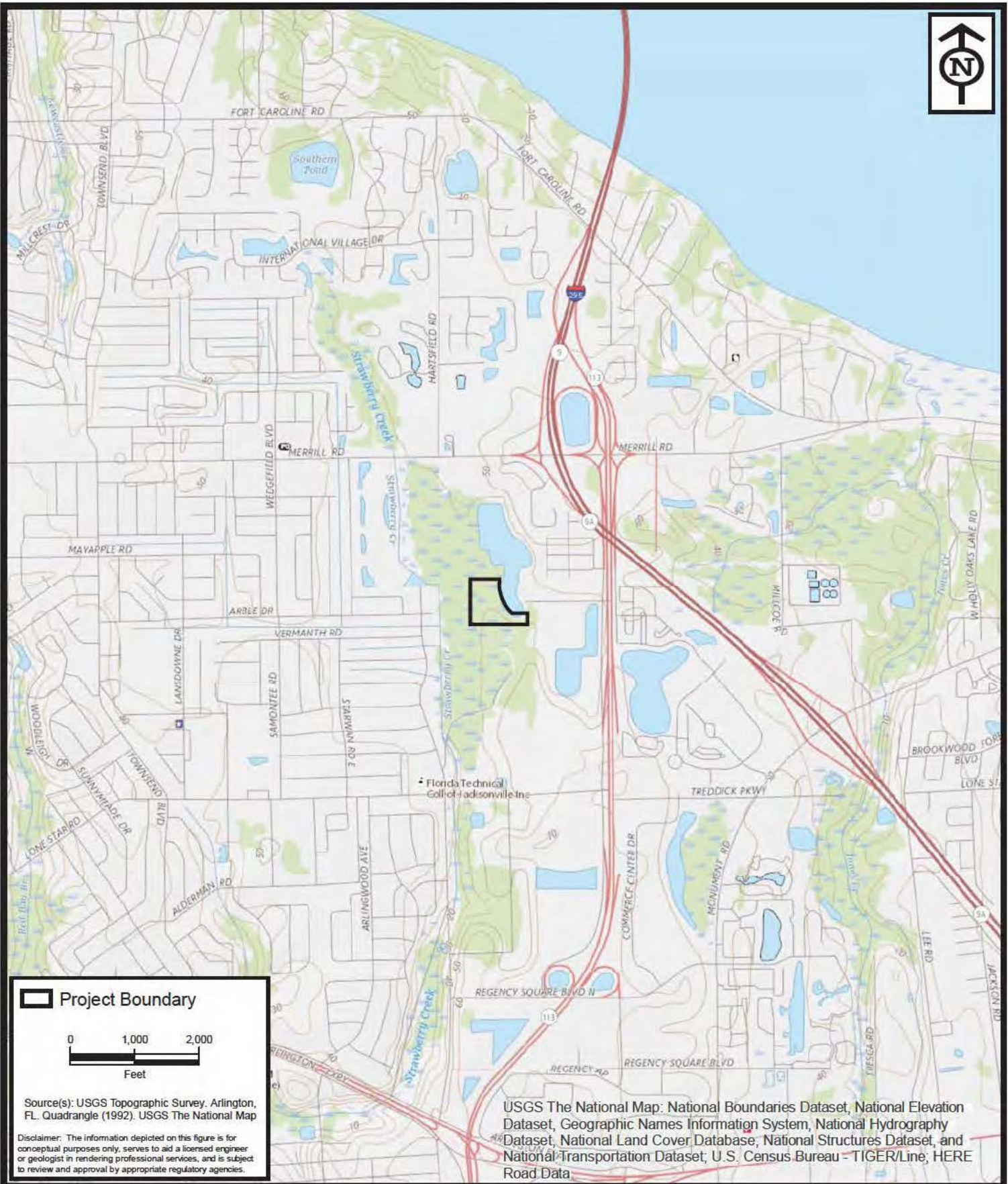
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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. 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 or 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 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.

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.








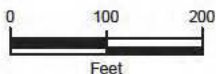
ENVIRONMENTAL SERVICES, INC.
 7220 Financial Way, Suite 100
 Jacksonville, Florida 32256
 (904) 470-2200
 (904) 470-2112 Fax
www.environmentalservicesinc.com

Project Location
Lennar Mill Creek West
 Duval County, Florida

Project:	EJ18019.00
Date:	Jan 2018
Drawn By:	AA
Checked By:	JRN
Approved By:	TAH
Figure:	1



-  Project Boundary
-  22. Evergreen-Wesconnett complex, depressional, 0 to 2 percent slopes
-  46. Ortega fine sand, 0 to 5 percent slopes
-  49. Pamlico muck, depressional, 0 to 1 percent slopes
-  99. Water



Source(s): USDA Soils Survey of Duval County, ESRI World Imagery Basemap

Disclaimer: The information depicted on this figure is for conceptual purposes only, serves to aid a licensed engineer or geologist in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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NRCS Soils


Lennar Mill Creek West

Duval County, Florida


Project:	EJ18019.00
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Figure:	2




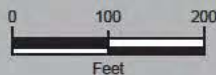
 Project Boundary

 Data Points

FLUCFCS

 425, Temperate Hardwoods (4.96 ac.)

 616, Inland Ponds and Sloughs (4.83 ac.)



Source(s): Florida Land Use, Cover And Forms Classification System.
ESRI World Imagery Basemap

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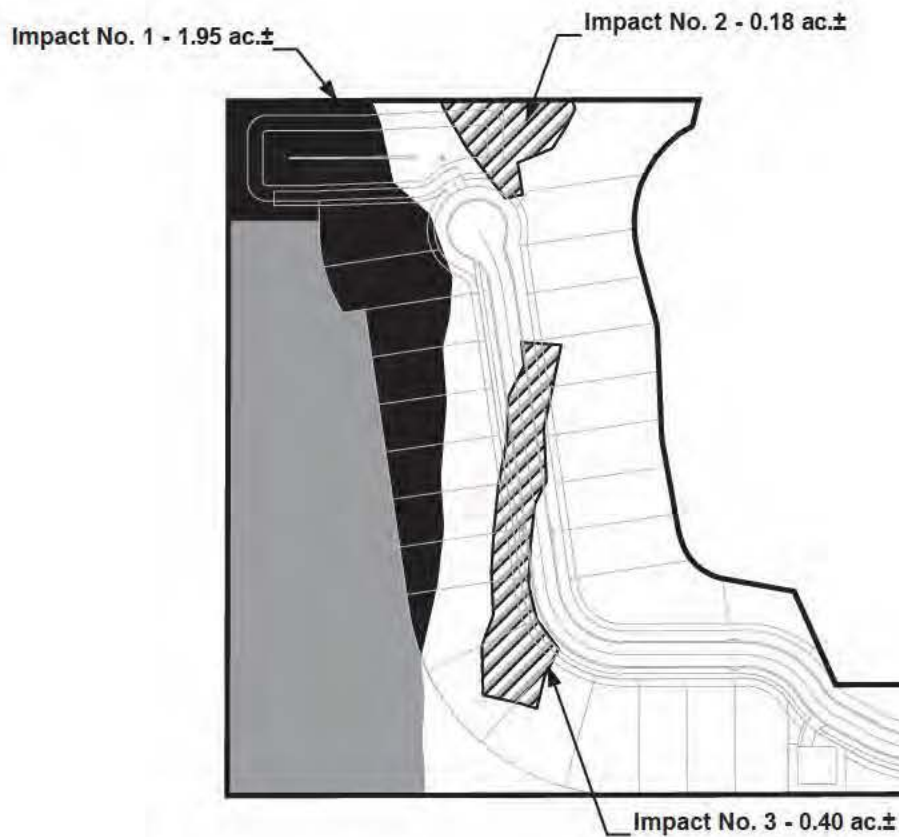
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Existing Site Conditions

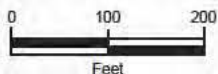
Lennar Mill Creek West

Duval County, Florida

Project:	EJ18019.00
Date:	Feb 2019
Drawn By:	AA
Checked By:	JRN
Approved By:	TAH
Figure:	3



- Project Boundary
- Impact (1.95 ac.±)
- Impact (0.58 ac.±)
- Wetlands To Remain (2.30 ac.±)



Source(s): World Topographic Map

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Proposed Site Conditions
Lennar Mill Creek West
Duval County, Florida

Project:	EJ18019.00
Date:	Feb 2019
Drawn By:	AA
Checked By:	JRN
Approved By:	TAH
Figure:	4