**DEPARTMENT OF THE ARMY**
**CORPS OF ENGINEERS, JACKSONVILLE DISTRICT**
**POST OFFICE BOX 4970**
**JACKSONVILLE, FLORIDA 32232-0019**

REPLY

May 14, 2019

Regulatory Division
North Permits Branch
Mitigation Bank Team

# *PUBLIC NOTICE*

Application No. SAJ-2010-01178

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received a complete prospectus proposing the establishment of a mitigation bank pursuant to the 2008 *Compensatory Mitigation for Losses of Aquatic Resources* regulations (33 CFR Part 332) as described below:

APPLICANT: Bryan W. Paul FLLP
5701 Fort Denaud Road
LaBelle, FL 33935

LOCATION: The proposed project, identified as the Jacks Branch Mitigation Bank (JBMB), is located west of Kirby Thompson Road, north of N. River Road (Route 78), and the northeast corner is bound by the intersection of Southland Road and Krisdale Avenue. More specifically, the proposed JBMB project is located in Sections 5 and 6, Township 43 South, Range 28 East; in Hendry County, near LaBelle, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.768208°
Longitude -81.553181°

PROSPECTUS SUMMARY**:** Pursuant to 33 CFR 332.8(d)(4), the Corps has posted a full copy of the JBMB prospectus online so that it is available for review by the public. The prospectus may be downloaded from the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at web address: https://ribits.usace.army.mil.

Once on the RIBITS homepage, select "Jacksonville" from the "ALL DISTRICTS" drop down menu located in the lower left corner of the screen. Once the district filter has been selected, click on the “Banks & ILF Sites” link located in the Navigation box (upper left corner). This will generate a list of projects, scroll down the list and click on the “Jacks Branch MB” link. On this page, click on the "Cyber Repository" link located on the menu bar above the General Information box, then click on the Prospectus Documents folder to access the prospectus associated with the JBMB project.

If you are unable to access the web address, a copy of the prospectus is available upon request to the project manager listed at the end of this public notice.

PROJECT GOALS AND OBJECTIVES: The applicant seeks authorization for the preservation, restoration, and enhancement of approximately 208.5 acres of land in Hendry County, Florida that provide critical connection to other publicly owned conservation lands that extend west, ultimately to the Gulf of Mexico. This is proposed to be accomplished by meeting the following goals:

1. The preservation of approximately 70.5 acres of high-quality wetlands containing <2% invasive and <5% nuisance vegetation.

2. The enhancement of approximately 47.3 acres of degraded wetlands through hydrologic and vegetative improvements.

3. The enhancement of approximately 58.8 acres of upland buffers to support enhanced and preserved wetlands.

4. The enhancement of approximately 24.3 acres of upland habitats through vegetation management.

5. Maintenance of 7.6 acres of access roads, allowing for successful management of monitoring within the bank during its operation.

6. The long-term management of all bank habitats to maintain ecological values in perpetuity.

Attainment of these goals will be guided by objectives that will be outlined in the Mitigation Plan as part of the proposed bank's MBI. The objectives outlined in the Mitigation Plan will include methods similar to and containing the following:

1. Enhance vegetative communities through the control of invasive and nuisance vegetative species, preventing further encroachment throughout all assessment areas. Invasive exotic species will be managed at <2% and <5% for nuisance species.

2. Enhance hydrologic function, hydroperiods, and flood attenuation through the construction of a series of low water crossings (LWCs) along bermed roads. In addition to benefits to hydrologic function, stabilization of hydoperiods will also assist in wetland restoration and reestablishment of habitats.

3. Enhance wetlands and uplands through the establishment of upland buffers to wetlands. Buffers will be established by removing the currently operational citrus groves to create upland pine flatwoods composed of planted pine and suitable groundcover. All vegetative strata will be as detailed in Objective 1 of this list to prohibit invasive and nuisance plant encroachment.

4. Long-term assurance that target habitats will be maintained through implementation of a conservation easement. Additionally, a perpetual management plan and accompanying financial assurances will control invasive and nuisance vegetation,

manage structures proposed for hydrologic enhancement, and maintain accessibility to the mitigation areas.

ECOLOGICAL SUITABILITY OF THE SITE: This project was selected in part because of its location within the Caloosahatchee River Watershed and its proximity to nearby conservation lands. The northern boundary of the proposed bank boasts one of the largest areas of protected land in southwest Florida and includes the Babcock Ranch, Babcock-Webb Wildlife Area, and Fisheating Creek Conservation Area. The addition of JBMB to this contiguous landscape will provide enhancements for native flora and fauna, as well as hydrologic enhancements to the watershed. Additionally, the site is fit for mitigation banking because of the potential for modifications that can be achieved with minimal risks. The eastern boundary was delineated based on current hydrology associated with Jack's Branch and include areas with a high potential for restoration. Furthermore, the bank can easily be modified to restore hydrology with minimal intrusion or land disturbance by using existing access roads as hydrologic enhancement structures.

ESTABLISHMENT AND OPERATION OF THE BANK: The work to enhance and preserve JBMB will establish conditions which are anticipated to be self-sufficient during bank operation and in perpetuity. On-site monitoring will continue as necessary until the success criteria established within MBI and ERP permits are achieved, and site inspections and maintenance will continue in perpetuity. Continued management activities within the JBMB include monitoring and treatment of nuisance and exotic plant species, monitoring and treatment of exotic and invasive wildlife species, regular inspection and repair of perimeter fencing and LWCs, execution of the prescribed burn plan, and monitoring conditions of the conservation easement, including illegal access, dumping, poaching, etc., with implementation of corrective actions as necessary. Financial assurances will be established with attention to the "usable life" of structures (LWCs) and will account for their maintenance to provide full functionality at all times, including full replacement when needed. All invasive encountered during any site inspection will be removed or treated by a licensed herbicide applicator or according to FWC guidelines for invasive/nuisance wildlife removal. A long-term management trust fund will be established to ensure adequate funding of anticipated land management work in perpetuity. Long-term management cost estimates will be provided in the MBI. Specific details for the long-term management of the JBMB will be provided in the MBI as part of the Perpetual Management Plan.

PROPOSED SERVICE AREA: The proposed service area is in the Caloosahatchee Watershed (HUC-8 No. 03090205). The basin encompasses sizable parts of Charlotte, Glades, Lee, and Hendry Counties, and a small portion of Collier County. Headwaters within the watershed originate from the north and east, typically flowing south and west to the Caloosahatchee River which drains into the Gulf of Mexico. As a result, the proposed bank has direct hydrologic connectivity with the service area and would provide comparable community types to offset any unavoidable wetland impacts that result from local urbanization or agricultural development.

CULTURAL RESOURCES: The proposed bank is not expected to have any direct or indirect impact to cultural resources. Project review will, however, include review of the proposal for any potential impact to cultural resources.

ENDANGERED SPECIES: The site will be reviewed for potential critical habitat and presence of endangered species. The findings will be coordinated with the U.S. Fish and Wildlife service.

ESSENTIAL FISH HABITAT (EFH): It is unlikely that essential fish habitat is present onsite, however, the project proposal will be coordinated with the pertinent federal agencies to minimize the risk for any potential impact to EFH.

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.

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.

COMMENTS: Comments regarding the proposed mitigation bank should be submitted in writing to the District Engineer at the address below within 30 days from the date of this notice.

The initial evaluation pertaining to whether or not this mitigation bank proposal has the potential for providing compensatory mitigation for activities authorized by issued Department of the Army permits will be based on the information contained in the prospectus, received from this public notice and obtained during an inspection of the project site.

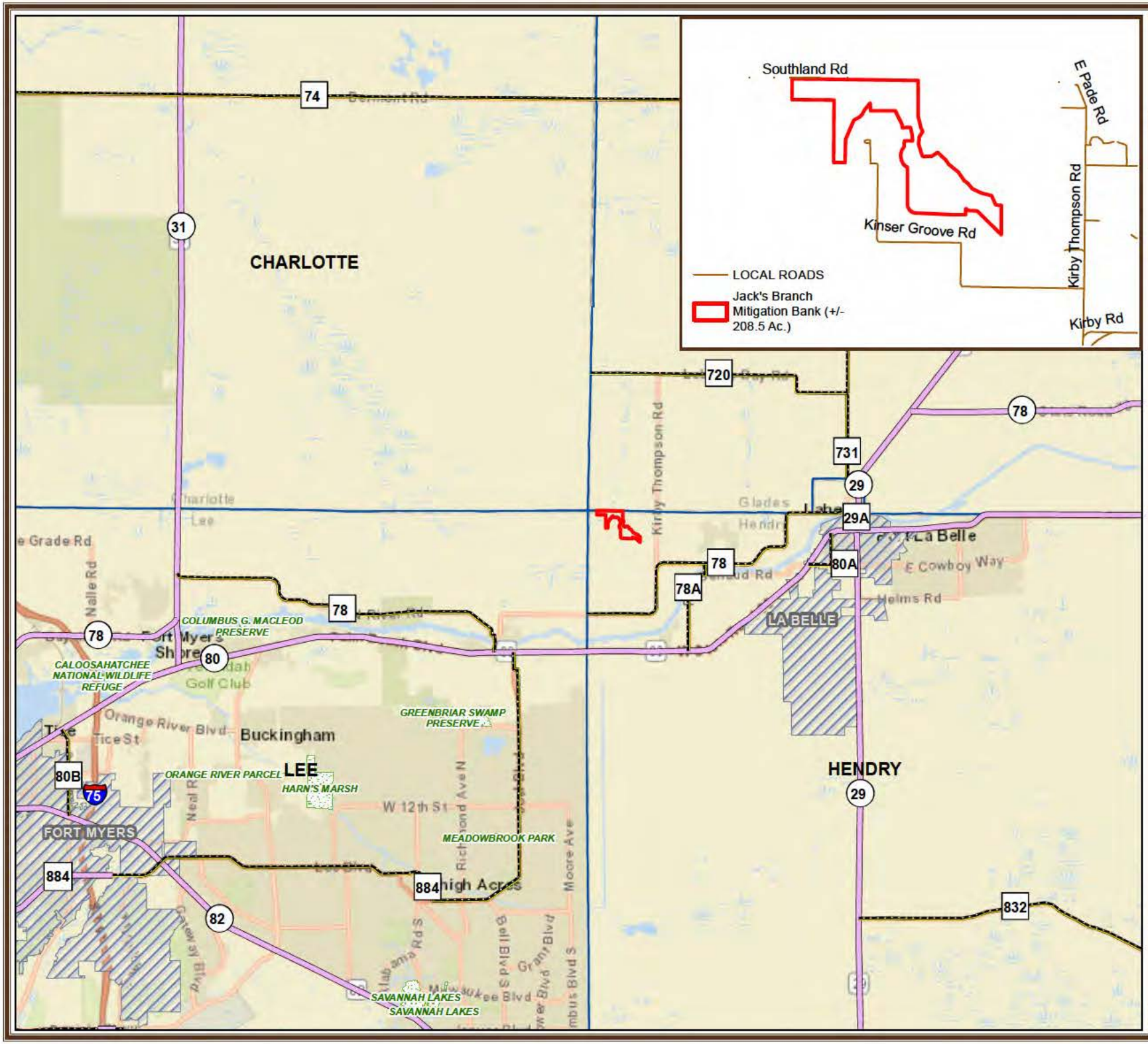
If you have any questions concerning this proposed project, you may contact Mr. Steven Currie by electronic mail at steven.j.currie@usace.army.mil, by fax at 904-232-1904, or by telephone at 904-232-3701 or at the following address:

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

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by Department of the Army permits. That determination 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. Factors relevant to the proposal will be considered including 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 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 proposed activity. All comments received will be considered by the Corps during the formulation of the initial determination of potential for the proposed activity.




# FIGURE 1
# VICINITY MAP
# JACK'S BRANCH
## HENDRY COUNTY, FLORIDA

## LEGEND

- Jack's Branch Mitigation Bank (+/- 208.5 Ac.)
- Conservation Lands
- City Limit
- State Roads
- County Roads
- FL Counties

1 inch = 4 miles

Miles

0 1 2 4

EC&D

environmental consulting & design, inc.

DATA SOURCES: COUNTY, WMD, USDA/NRCS, FFWCC, FWS/NWI, EMA, USGS/ MIDAMEO, FDOT, FDOR FNAI, FDEP, US CENSUS (TIGER 2008), FGDL & ECAD. NOTE: DATA PROVIDED 'AS IS.' ACREAGES ARE APPROXIMATE & G S DERIVED. PROJECTION: NAD 1983 HARN STATEPLANE FLOR DA WEST FIPS 0902 FEET

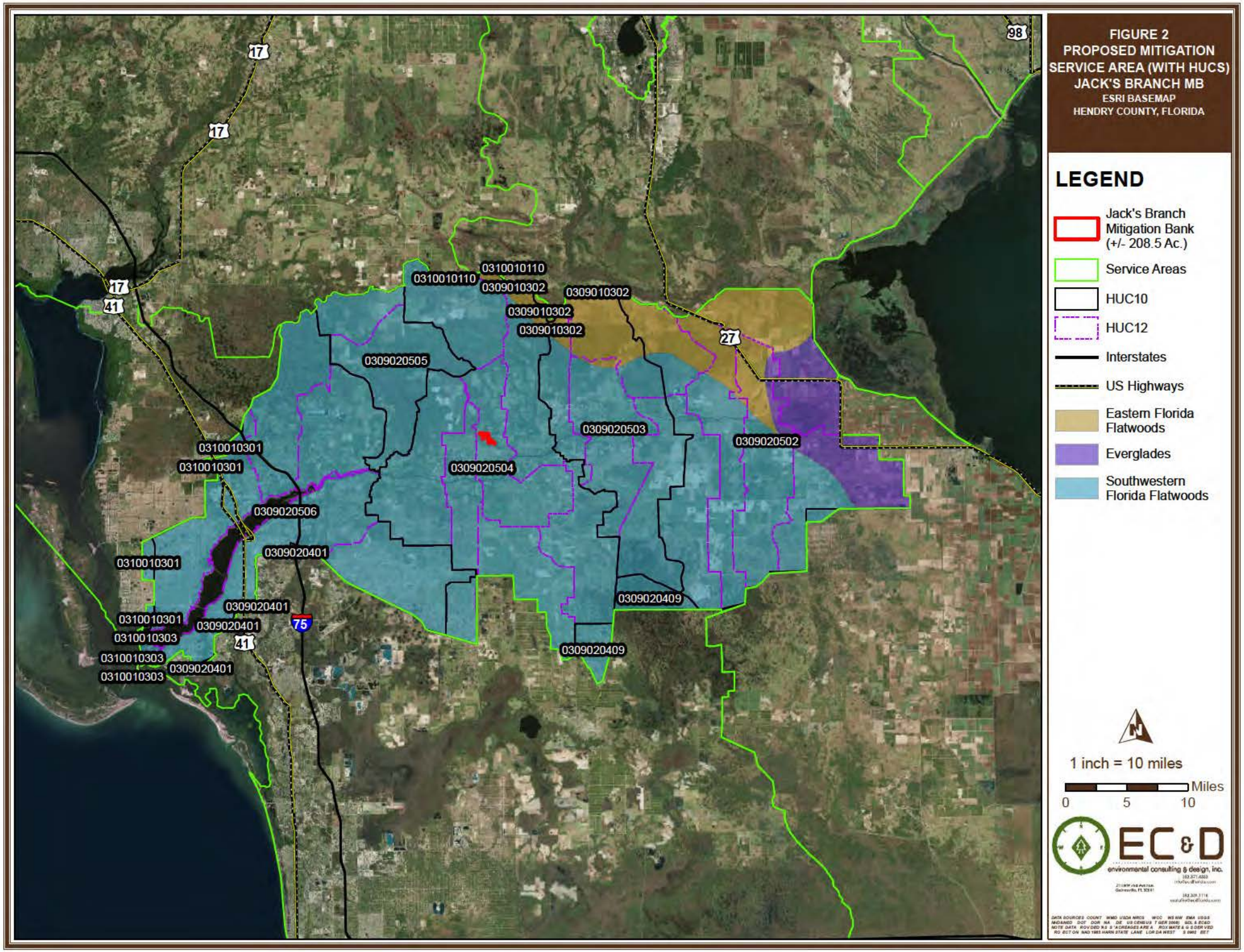


FIGURE 2
PROPOSED MITIGATION SERVICE AREA (WITH HUCS)
JACK'S BRANCH MB
ESRI BASEMAP
HENDRY COUNTY, FLORIDA
LEGEND
Jack's Branch Mitigation Bank (+/- 208.5 Ac.)
Service Areas
HUC10
HUC12
Interstates
US Highways
Eastern Florida Flatwoods
Everglades
Southwestern Florida Flatwoods
1 inch = 10 miles
Miles
0
5
10
EC&D
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0310010110
0310010110
0309010302
0309010302
0309010302
0309010302
0309020505
0309020503
0309020502
0309020504
0310010301
0310010301
0309020506
0309020401
0310010301
0309020409
0309020401
0310010301
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17
17
17
41
41
27
98
75

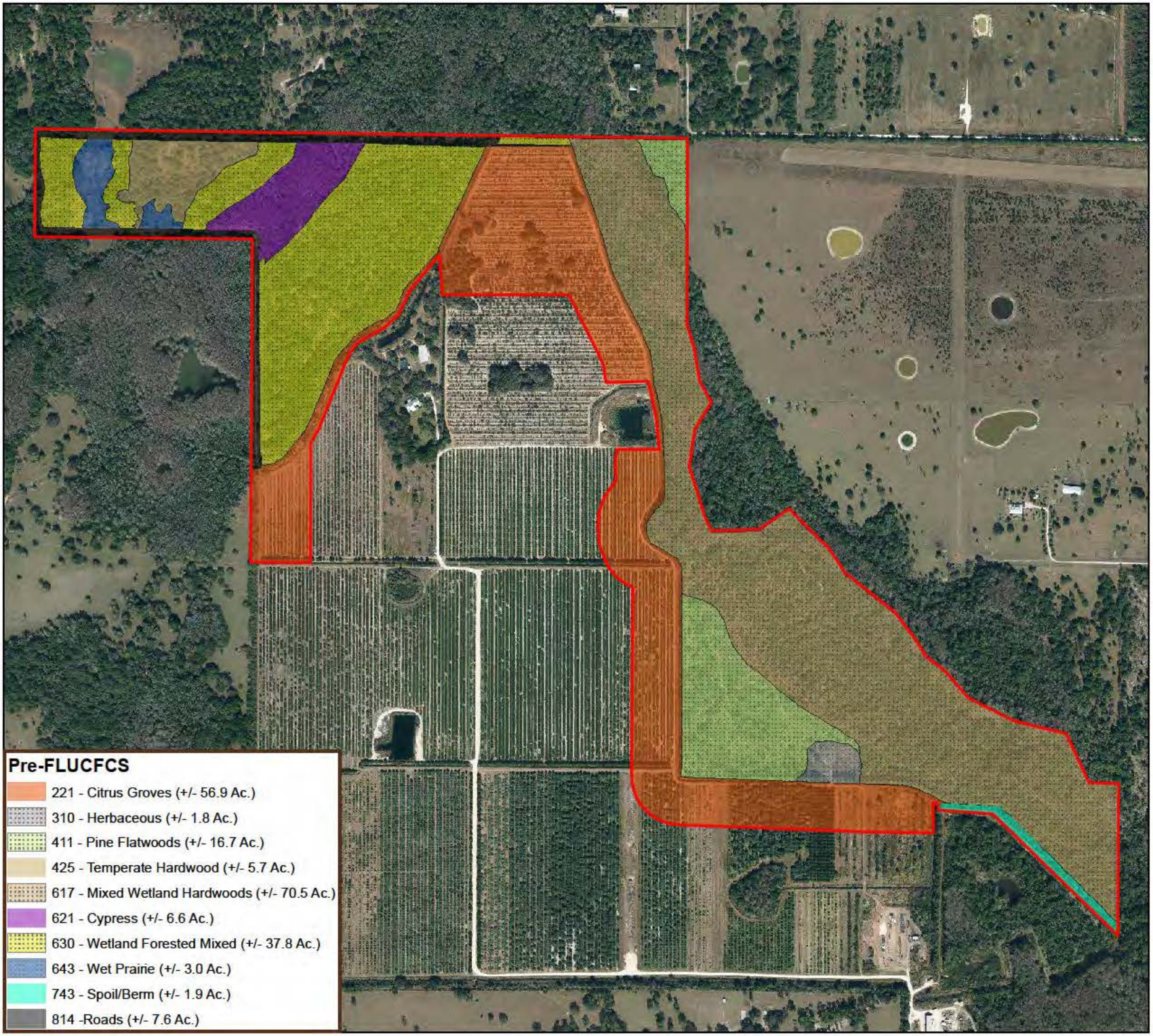


**FIGURE 3**
**PRE-MITIGATION FLUCCS**
**JACK'S BRANCH MB**
**2017 TRUE COLOR AERIAL**
**HENDRY COUNTY, FLORIDA**

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

1 inch = 800 feet

Feet
0 200 400 800

EC&D
environmental consulting & design, inc.

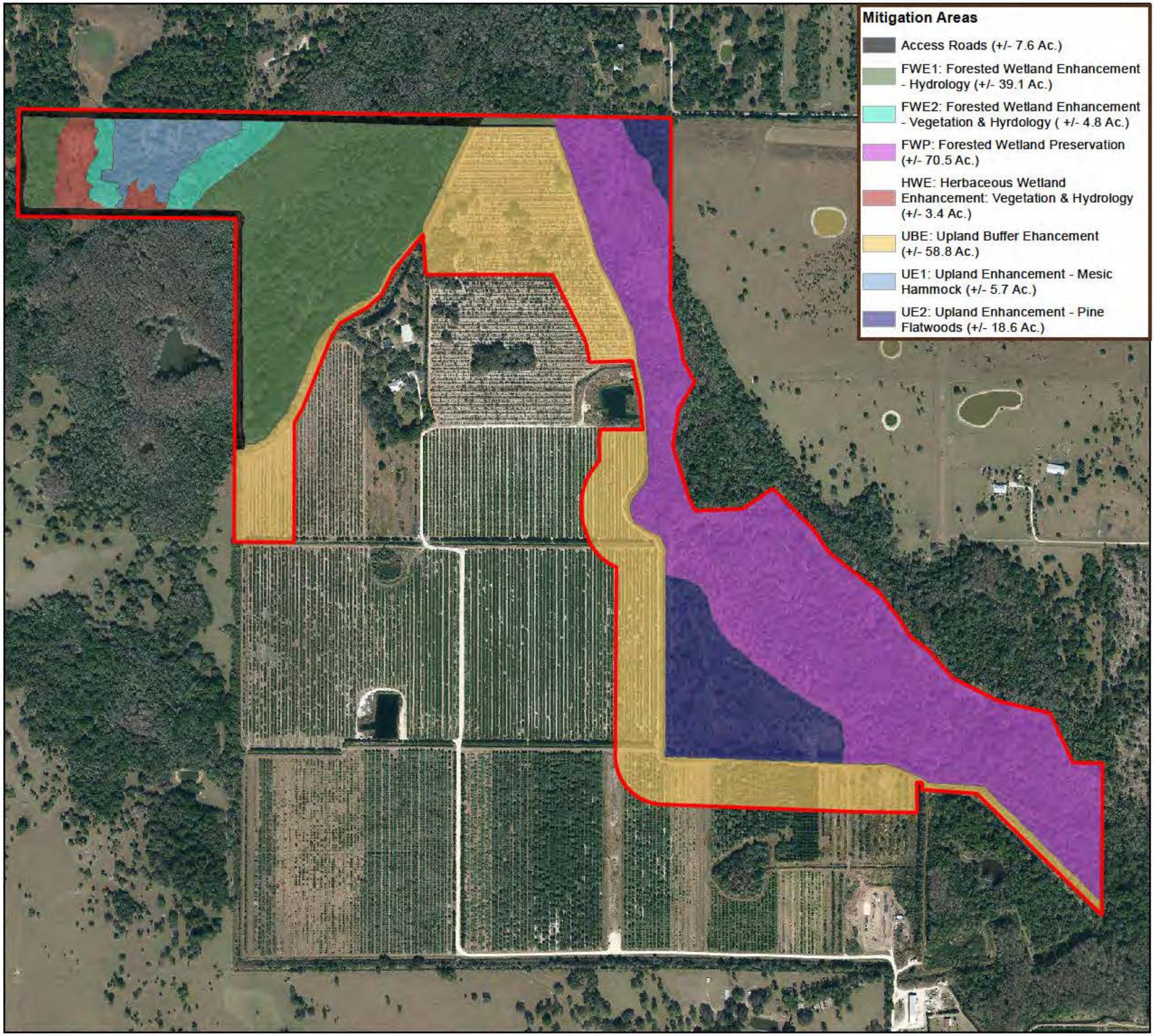


**FIGURE 4**
**PROPOSED MITIGATION PLAN**
**JACK'S BRANCH MB**
2017 TRUE COLOR AERIAL
HENDRY COUNTY, FLORIDA

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

1 inch = 800 feet

Feet
0 200 400 800

EC&D
environmental consulting & design, inc.

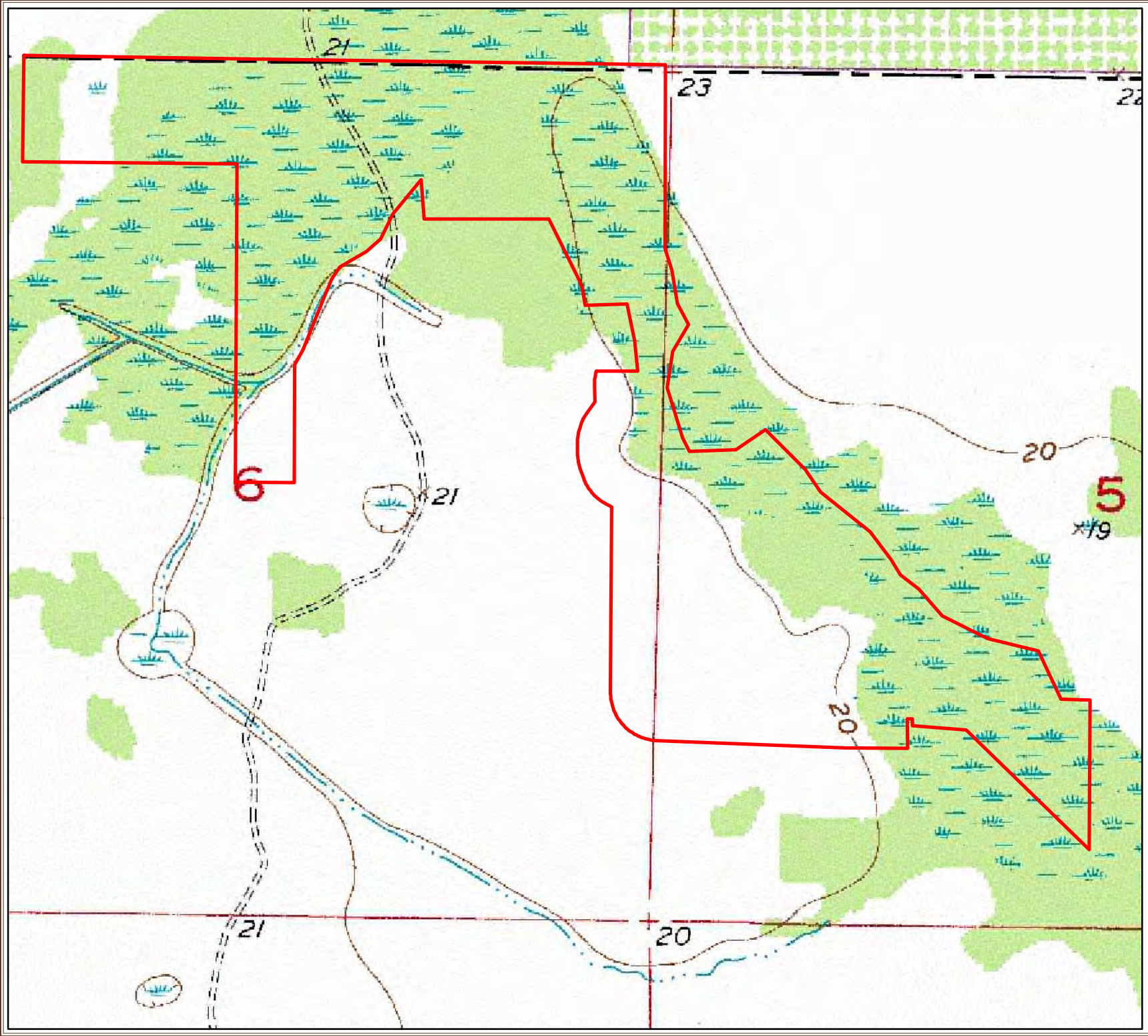


**FIGURE 5**
**USGS QUADRANGLE**
**JACK'S BRANCH MB**
**HENDRY COUNTY, FLORIDA**

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

1 inch = 800 feet

Feet

0 200 400 800

EC&D

environmental consulting & design, inc.

DATA SOURCES COUNT WMD USDA NRCS WCC WSNW EMA USGS NHD&NED DOT DOR NA DE US CENSUS T GER 2008) GDL & ECAD NOTE DATA ROV DED 'AS' S 'ACREAGES ARE A ROX MATE & G S DER VED RO ECT ON NAD 1983 HARN STATE LANE LOR DA WEST S 0902 EET

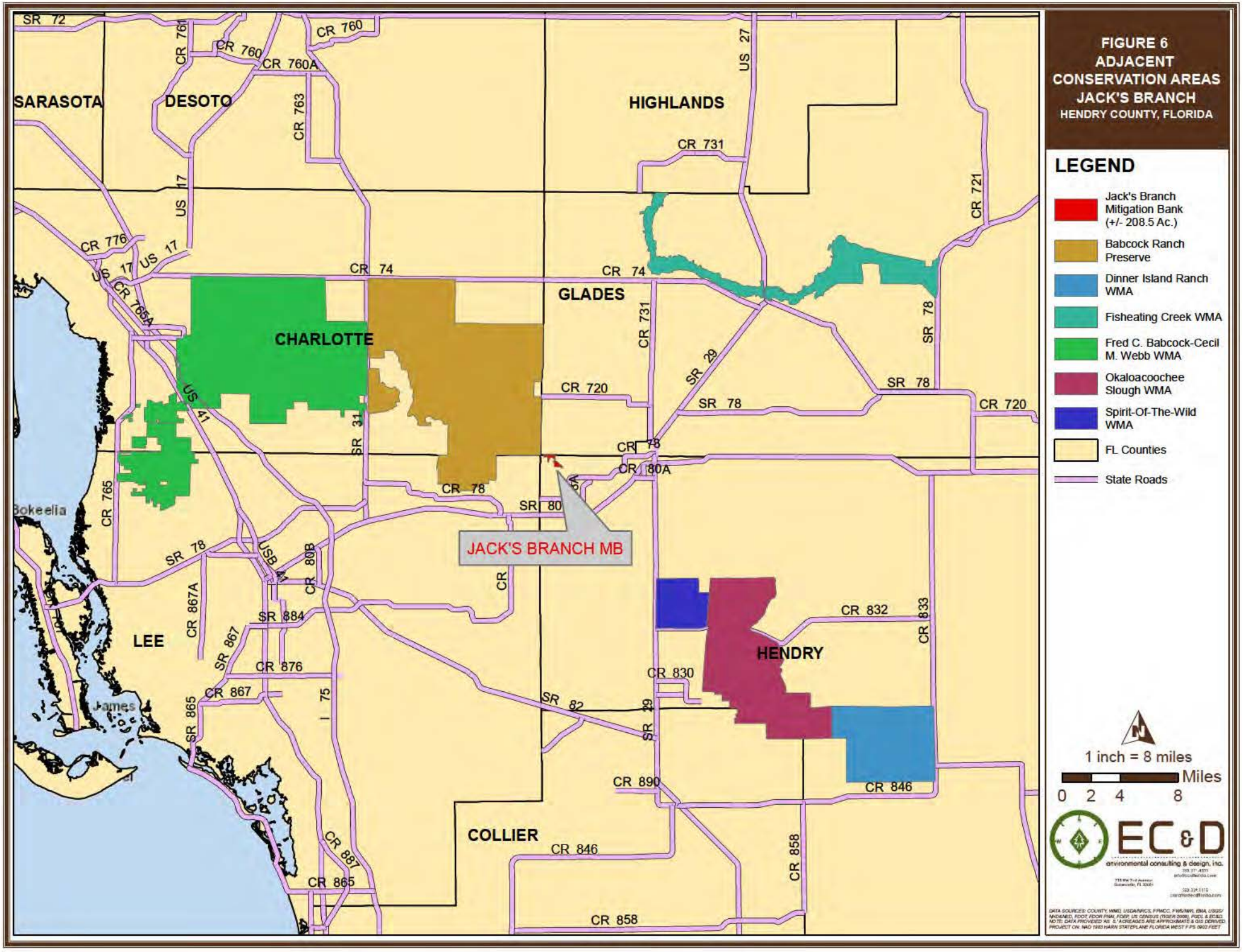
FIGURE 6
ADJACENT
CONSERVATION AREAS
JACK'S BRANCH
HENDRY COUNTY, FLORIDA
LEGEND
Jack's Branch Mitigation Bank (+/- 208.5 Ac.)
Babcock Ranch Preserve
Dinner Island Ranch WMA
Fisheating Creek WMA
Fred C. Babcock-Cecil M. Webb WMA
Okaloacoochee Slough WMA
Spirit-Of-The-Wild WMA
FL Counties
State Roads
1 inch = 8 miles
Miles
0 2 4 8
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SARASOTA
DESOTO
HIGHLANDS
CHARLOTTE
GLADES
LEE
HENDRY
COLLIER
JACK'S BRANCH MB
Bokeelia
James
SR 72
CR 760
CR 760A
CR 761
CR 763
US 27
CR 731
CR 721
US 17
CR 776
CR 765A
CR 74
CR 720
SR 78
SR 29
SR 31
US 41
CR 765
CR 78
SR 80
CR 80A
CR 80B
USB 41
CR 867A
SR 884
SR 867
CR 876
CR 867
SR 865
I 75
CR 832
CR 833
CR 830
SR 82
CR 890
CR 846
CR 887
CR 865
CR 858
DATA SOURCES: COUNTY, WMD, USDA/NRCS, FFMCC, FWS/NWI, EMA, USGS/NHD/NED, FDOT, FDOR FNM, FDEP, US CENSUS (TIGER 2008), FUDL & EC&D.
NOTE: DATA PROVIDED AS IS. ACREAGES ARE APPROXIMATE & GIS DERIVED.
PROJECT ON: NAD 1983 HARN STATEPLANE FLORIDA WEST FPS 0902 FEET

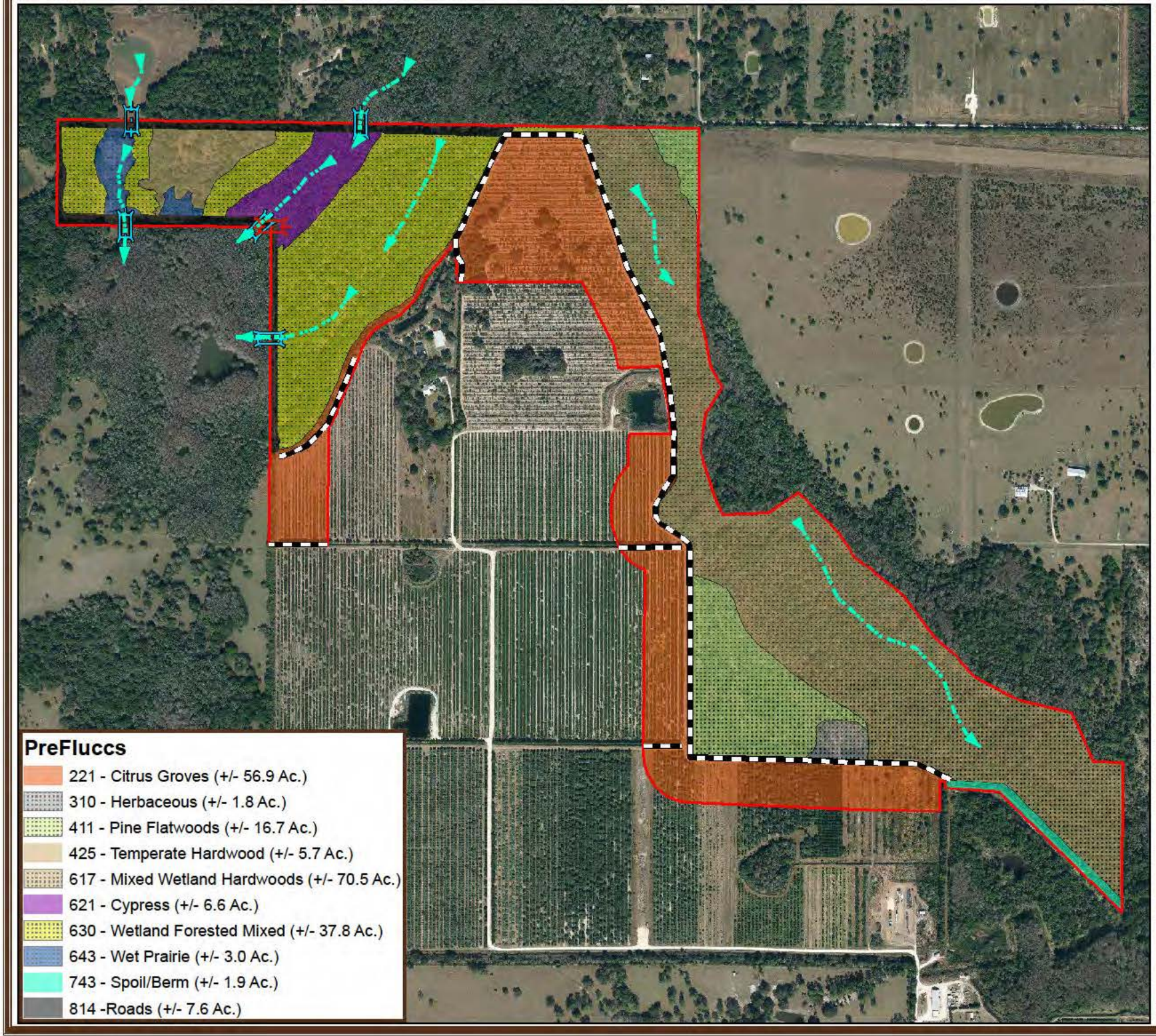


**FIGURE 7**
**PROPOSED HYDROLOGIC ENHANCEMENT LOCATIONS AND DETAILS**
**JACK'S BRANCH MB**
2017 TRUE COLOR AERIAL
HENDRY COUNTY, FLORIDA

## Legend

- Jack's Branch Mitigation Bank (+/- 208.5 Ac.)
- Hydrologic Flow
- LWC
- Culvert Removal
- Regrade Ditches

1 inch = 800 feet

0 200 400 800 Feet

EC&D
environmental consulting & design, inc.

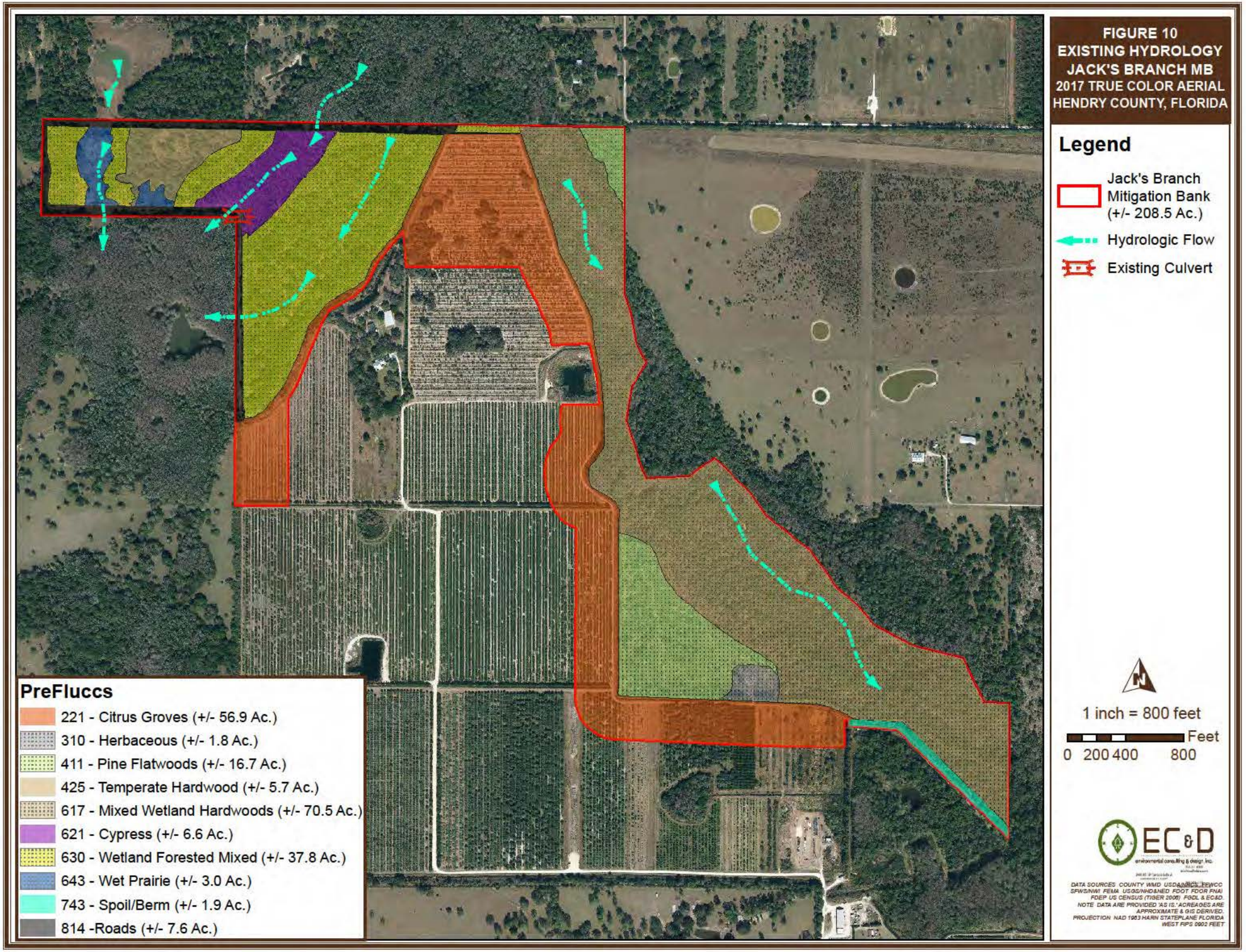
FIGURE 10
EXISTING HYDROLOGY
JACK'S BRANCH MB
2017 TRUE COLOR AERIAL
HENDRY COUNTY, FLORIDA
Legend
Jack's Branch Mitigation Bank (+/- 208.5 Ac.)
Hydrologic Flow
Existing Culvert
PreFluccs
221 - Citrus Groves (+/- 56.9 Ac.)
310 - Herbaceous (+/- 1.8 Ac.)
411 - Pine Flatwoods (+/- 16.7 Ac.)
425 - Temperate Hardwood (+/- 5.7 Ac.)
617 - Mixed Wetland Hardwoods (+/- 70.5 Ac.)
621 - Cypress (+/- 6.6 Ac.)
630 - Wetland Forested Mixed (+/- 37.8 Ac.)
643 - Wet Prairie (+/- 3.0 Ac.)
743 - Spoil/Berm (+/- 1.9 Ac.)
814 -Roads (+/- 7.6 Ac.)
1 inch = 800 feet
Feet
0 200 400 800
EC&D
environmental consulting & design, inc.
DATA SOURCES COUNTY WMD USDA NRCS FEWCC SFWS/NWI FEMA USGS/NHD&NED FDOT FDOR FNAI FDEP US CENSUS (TIGER 2006) FDOL & ECAD.
NOTE DATA ARE PROVIDED 'AS IS.' ACREAGES ARE APPROXIMATE & GIS DERIVED.
PROJECTION NAD 1983 HARN STATEPLANE FLORIDA WEST FIPS 0902 FEET

# FIGURE 9
# 1948 HISTORIC AERIAL
# JACK'S BRANCH MB
## HENDRY COUNTY, FLORIDA

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

1 inch = 800 feet

Feet

0 200 400 800

EC&D

environmental consulting & design, inc.

DATA SOURCES: COUNTY WMD, USDA NRCS, WCC, WSNW, EMA, USGS, NHD&NED, DOT, DOR, NA, DE, US CENSUS, TIGER 2008), GDL & ECAD
NOTE: DATA PROVIDED 'AS IS' ACREAGES ARE APPROXIMATE & GIS DERIVED
PROJECTION: NAD 1983 HARN STATE PLANE FLORIDA WEST FIPS 0902 FEET

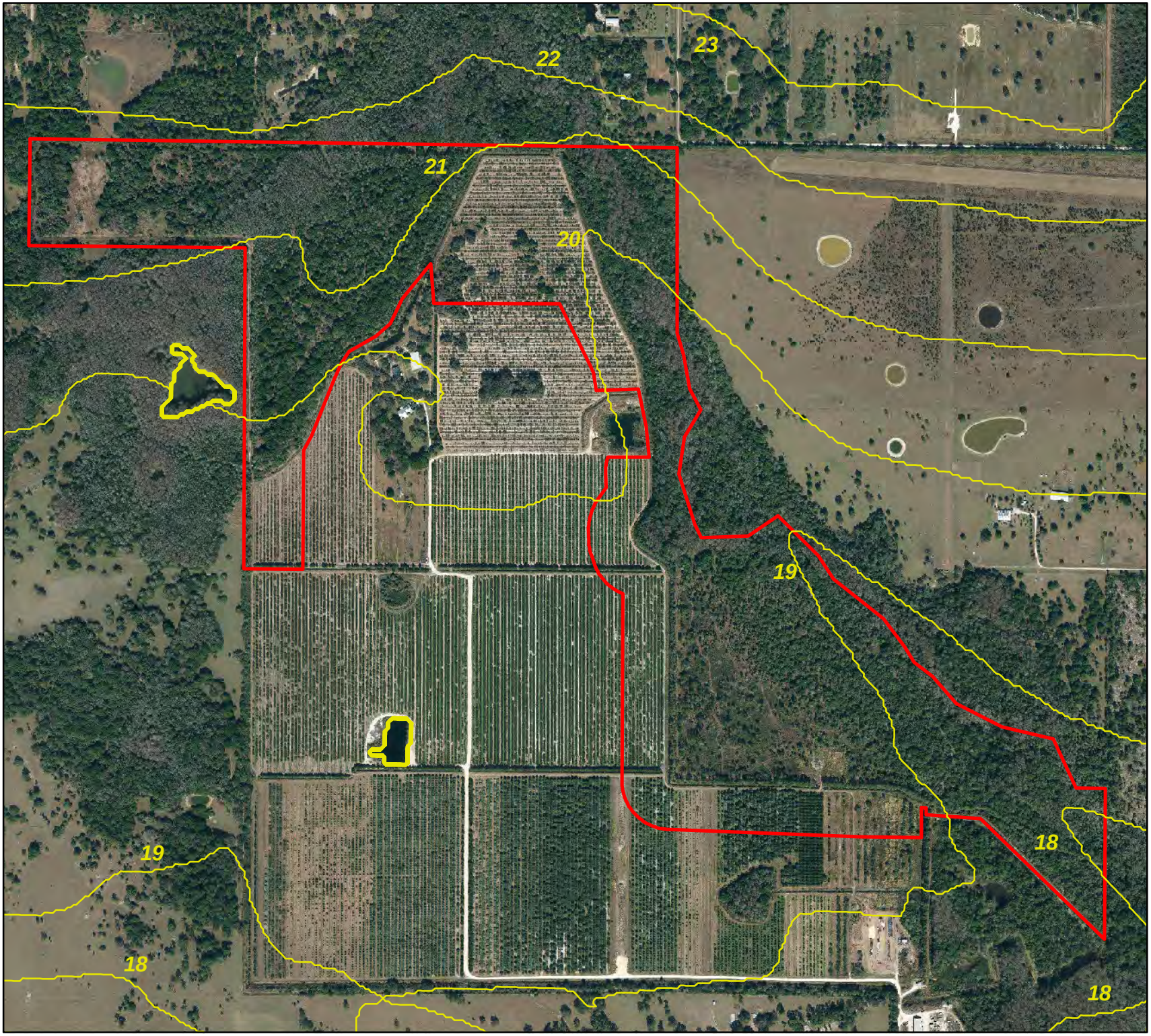


**FIGURE 10**
**TOPOGRAPHIC MAP**
**JACK'S BRANCH MB**
**2017 TRUE COLOR AERIAL**
**HENDRY COUNTY, FLORIDA**

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

Elevations

1 inch = 800 feet

Feet
0 200 400 800

EC&D
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DATA SOURCES COUNTY WMD USDA NRCS WCC WSNW EMA USGS NHDMMED DOT DOR NA DE US CENSUS T GER 2008) GDL & ECAD NOTE DATA PROVIDED AS S ACREAGES ARE A ROXIMATE & G S DER VED RO ECT ON NAD 1983 HARN STATE LANE LORIDA WEST S 0902 EET

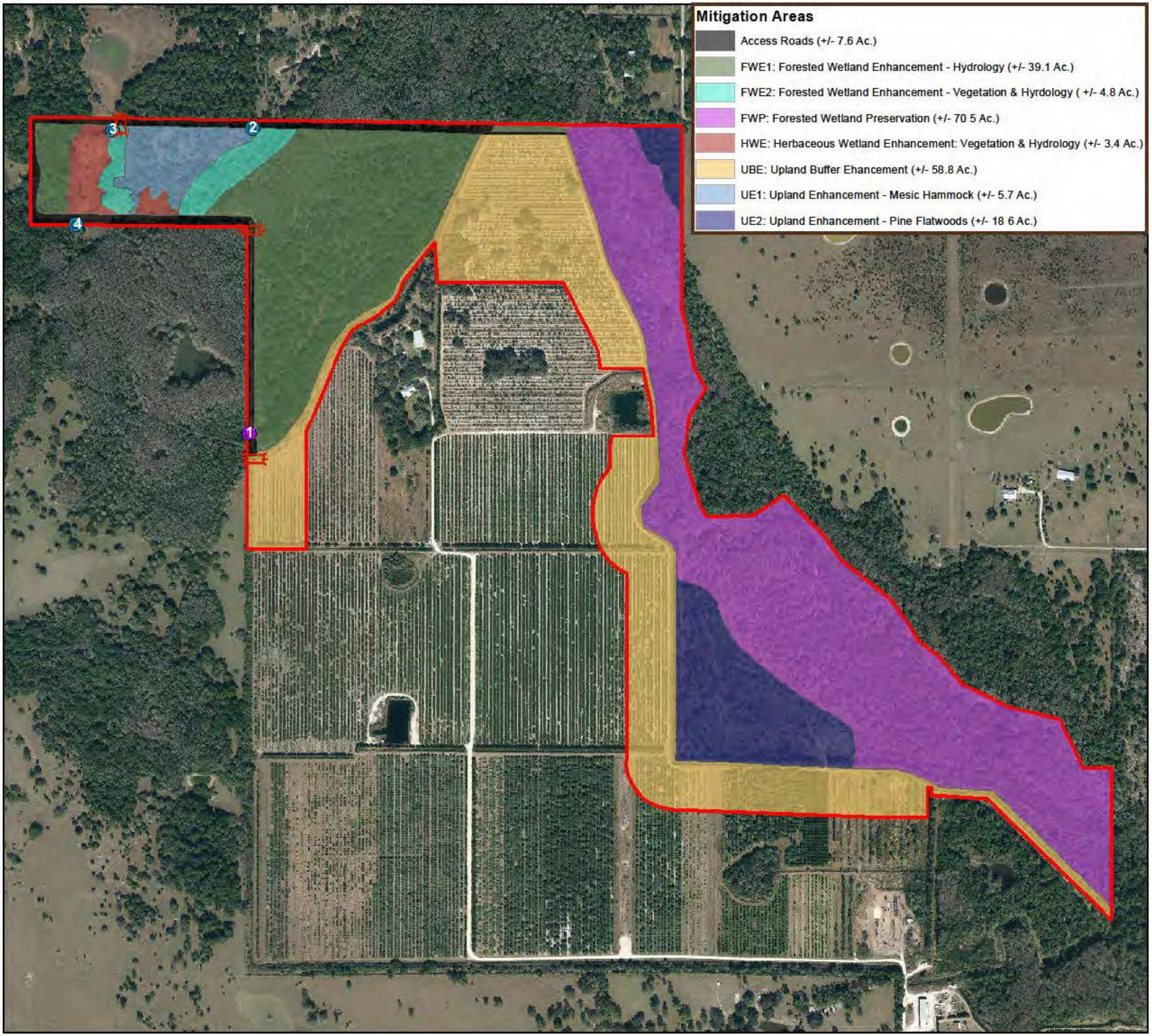


**FIGURE 11**
**MONITORING WELL LOCATIONS**
**JACK'S BRANCH MB**
**2017 TRUE COLOR AERIAL**
**HENDRY COUNTY, FLORIDA**

## Legend

Jack's Branch Mitigation Bank (+/- 208.5 Ac.)

Existing Culverts

### Monitoring Wells

Monitoring Well

Monitoring Well/Baro

1 inch = 800 feet

Feet

0 200 400 800

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