

EXISTING CONDITIONS: The project site includes portions of Flagler County Property Appraiser Parcel Identification Numbers 12-12-31-0000-04020-0020 and 13-12-31-0000-01010-0000. The project site is approximately 353.32 acres in size and encompasses a coastal hammock (wetland and upland) ecosystem and areas managed as a pine silviculture operation. Approximately 87.68 acres of wetlands and 3.93 acres of surface waters are located within the project area. The site supports nine communities characterized by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS).

1. *Herbaceous* (FLUCCS code 310): Approximately 20.96 acres of the site supports herbaceous non-forested uplands. These areas were cleared circa 2007, during the implementation of previously authorized work. Clearing and grading occurred; however, the previous Permittee did not establish any of the site infrastructure. The area currently supports bahia grass (*Paspalum notatum*) and a mix of ruderal weeds.
2. *Upland Mixed Conifer/Hardwood* (FLUCCS code 432): Approximately 347.13 acres of the uplands on the site are considered coastal hammock habitat. The hammock has been impacted by hurricane damage. Areas closer to the IWW were impacted by saltwater intrusion during and after Hurricane Matthew. The areas further west near John Anderson Highway were less affected and are in better condition. A large number of the live oak (*Quercus virginiana*) and sand live oak (*Quercus geminata*) canopy trees are dead, though still standing. Prior to Hurricane Matthew, the canopy consisted of a closed system of large live oaks and sand live oaks. Many of those trees are no longer living. Some red cedar (*Juniperus virginiana*) and hackberry (*Celtis occidentalis*) trees are found within the areas closer to the IWW that were heavily impacted by the hurricane. The un-impacted areas further west also support southern magnolia (*Magnolia grandiflora*), pignut hickory (*Carya glabra*), laurel oak (*Quercus laurifolia*), and sweetgum (*Liquidambar styraciflua*). The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent, include red bay (*Persea borbonia*), wax myrtle (*Myrica cerifera*), yaupon holly (*Ilex vomitoria*), greenbrier (*Smilax* spp.), and bracken fern (*Pteridium aquilinum*).
3. *Pine Plantation* (FLUCCS code 441): Multiple areas on the property support a monoculture canopy of slash pine (*Pinus elliottii*). The understory is dominated primarily by saw palmetto, but also includes wax myrtle, fetterbush (*Lyonia ferruginea*), and gallberry (*Ilex glabra*).
4. *Ditches* (FLUCCS code 513): Multiple man-made surface water ditches (totaling approximately 2.89 acres) are located on the site. Each surface water was originally cut through upland habitats.
5. *Reservoirs* (FLUCCS code 530): One small surface water pond (approximately 0.78 acres) is located on the site. This pond was constructed in uplands 2007 when the previous Permittee implemented work associated with the development of the site.
6. *Mixed Wetland Hardwoods* (FLUCCS code 617): Approximately 86.80 acres of the site supports a mixed hardwood wetland. The canopy species include laurel oak, hackberry, live oak, American elm (*Ulmus americana*), red maple (*Acer rubrum*), and cabbage palm (*Sabal palmetto*). The understory is dominated by saw palmetto, shiny lyonia (*Lyonia lucida*), dahoon holly (*Ilex cassine*), wax myrtle, buttonbush (*Cephalanthus occidentalis*), sawgrass (*Cladium jamaicense*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), Virginia chain fern (*Woodwardia virginica*), and cinnamon fern (*Osmunda cinnamomea*).

7. *Wetland Scrub* (FLUCCS code 631): Approximately 1.02 acres of the site supports a wetland scrub habitat. The dominant species include Carolina willow (*Salix caroliniana*), slash pine, laurel oak, cabbage palm, sand cordgrass (*Spartina bakeri*), royal fern, swamp fern, and leather fern (*Acrostichum danaeifolium*).

8. *Saltwater Marsh* (FLUCCS code 642): Approximately 36.91 acres of the site supports a tidal saltmarsh habitat. The dominant species include needle rush (*Juncus roemerianus*), black mangrove (*Avicennia germinans*), sand cordgrass, marsh elder (*Iva frutescens*), sawgrass, saltwort (*Batis maritima*), and glasswort (*Salicornia* spp.).

9. *Disturbed Land* (FLUCCS code 740): Approximately 44.51 acres of the subject property supports disturbed uplands associated with prior earthwork on the site. This area differs from the herbaceous areas previously described as FLUCCS code 310 in that this area includes heavy grading and road frontage land work. The elevations in this area are not natural and as such have re-vegetated in a non-native form. Large areas of open sand are found in this habitat. The vegetation includes dogfennel (*Eupatorium capillifolium*), saltbush (*Baccharis halimifolia*), slash pine, bahia grass, St. Augustine grass (*Stenotaphrum secundatum*), and other weeds.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over a total of 2.86 acres of wetlands and 0.47 acres of surface waters to facilitate the establishment of a single-family and multi-family residential community; and, establish parcels for future commercial development.

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 applicant limited work affecting wetlands to roadway crossings, areas where lots could not fit geometrically without slight linear impacts, and areas where nutrient/stormwater treatment is required. The applicant expressed an opinion that the proposed wetland impacts are the minimum necessary to construct 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 consultant 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 loss as 2.1 units. Therefore, compensatory mitigation for the project would be accomplished through the purchase of 2.1 UMAM freshwater forested credits from the *Lake Swamp Wetland Mitigation Bank*, which is a federally authorized mitigation bank with a service area encompassing the project site.

CULTURAL RESOURCES: During the previous evaluation of work at the site, the Corps examined potential effects to cultural/historical resources. Southeastern Archaeological Research Incorporated (SEARCH) conducted a cultural resource assessment survey (CRAS) of the project area in 2005 and evaluated sites 8FL216 – 8FL219 as potentially eligible for inclusion in the *National Register of Historic Places* (NRHP). SEARCH conducted Phase II investigations of the four referenced sites and determined that no further investigations were warranted for sites 8FL217 – 8FL219. SEARCH recommended preservation or Phase III mitigation for site 8FL216, a midden site dating to the Orange Period. In 2006, Environmental Services Incorporated (ESI) implemented a Phase III cultural resource mitigation excavation

and compiled a report conveying the findings of that action, which included the identification of a very minimal amount of human remains. After consultations with the State Historic Preservation Office, the Tribes of Florida, and the State Archeologist, a reinternment plan was finalized and carried out by ESI on December 13, 2006.

The Florida Department of State, Division of Historical Resources file numbers associated with the information above are 2006-0164, 2006-2584, 2006-08120, and 2006-08120B.

In consideration of the information available, the Corps concludes that the work proposed will have no effect on cultural or historical resources listed, or eligible for listing, in the NRHP. 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:

Florida Scrub Jay (*Aphelocoma coerulescens*): The project site is within a consultation area identified by the Corps and the U.S. Fish and Wildlife Service (FWS) for this species; and, a Florida Scrub Jay nest/colony is located approximately 3 miles north of the project site. Therefore, this species may forage at the project site. There is no designated critical habitat for the Florida Scrub Jay listed in the federal register (52 FR 20715-20719). However, information from the FWS indicates that the Florida Scrub Jay has extremely specific habitat requirements. It is endemic to peninsular Florida's ancient dune ecosystem or scrubs, which occur on well drained to excessively well drained sandy soils. Relict oak-dominated scrub, or xeric oak scrub, is essential habitat to the Florida Scrub Jay. Optimal habitat incorporates four species of stunted, low growing oaks [sand live oak (*Quercus geminata*), Chapman oak (*Quercus chapmanii*), myrtle oak (*Quercus myrtifolia*), and scrub oak (*Quercus inopina*)] that are 1-3 meters high, interspersed with 10 to 50 percent non-vegetated sandy openings, with a sand pine (*Pinus clausa*) canopy of less than 20 percent. Therefore, Florida Scrub Jay habitat is absent from the project site. It is likely that this species only opportunistically forages within forested areas within and near the project site, which the project would diminish but not preclude. Considerable natural foraging habitat also occurs around the noted colony, other colonies in the area, and between those colonies and the project site. In consideration of the lack of appropriate habitat at the site, the local abundance of foraging habitat, and the distance to the nearest colony/colonies, the Corps has determined that the project would have *no effect* upon this species.

Eastern indigo snake (*Drymarchon corais couperi*): This species frequents several habitat types, including pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes, and human-altered habitats. Therefore, this species could be present at the project site. Gopher tortoise (*Gopherus polyphemus*) burrows are commonly utilized as refuge from winter cold and/or desiccating conditions in xeric habitats; and, hollowed root channels, hollow logs, or burrows of rodents, armadillo (*Dasypus novemcinctus*), or land crabs (*Cardisoma guanhumi*) provide shelter in wetter habitats. A recent survey of the project site identified 18 potentially active gopher tortoise burrows on the property. In consideration of the potential presence of eastern indigo snake habitat, the Corps utilized *The Eastern Indigo Snake Programmatic Effect Determination Key, August 2013*. Use of this key resulted in the sequence A-B-C-D-E-*may affect, but is not likely to adversely affect*, as the applicant has agreed to implement the *Standard Protection Measures for the Eastern Indigo Snake, August 12, 2013*, the site

encompasses less than 25 acres of xeric habitat, and fewer than 25 active/inactive gopher tortoise burrows are present on the project site. The FWS has indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for eastern indigo snakes; and, that no additional consultation is necessary.

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 work proposed would not affect marine or estuarine habitat nor EFH. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries in the Halifax 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.

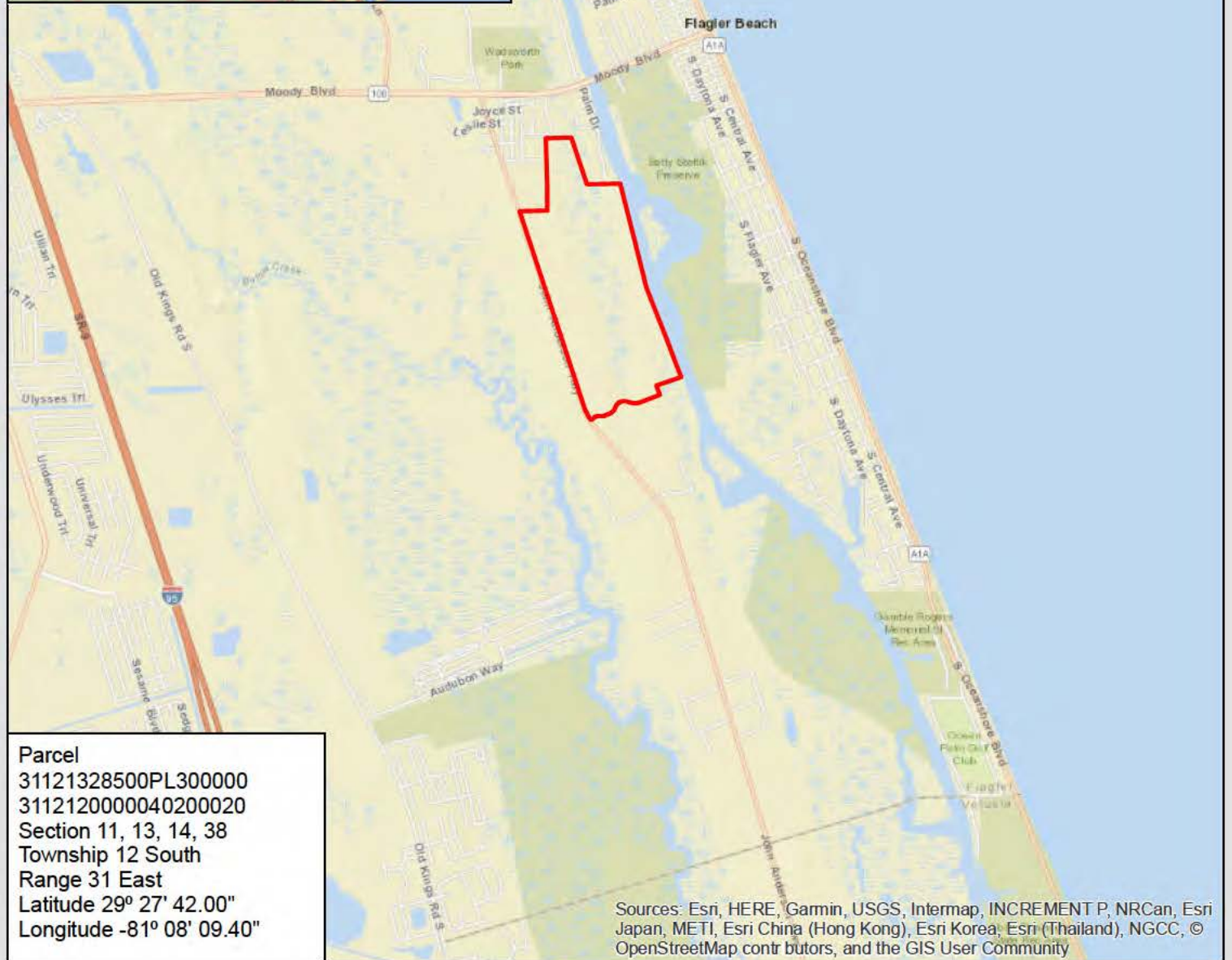
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important

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.



Document Path: C:\Users\jbaeh\Dropbox (YBE)\GIS\Projects\AES\Hammock Beach (Gardens, Flagler)\MXD\EAST location (usage).mxd
Date: 3/20/2019

Location Map
Gardens Property
Flagler County, Florida



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904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080



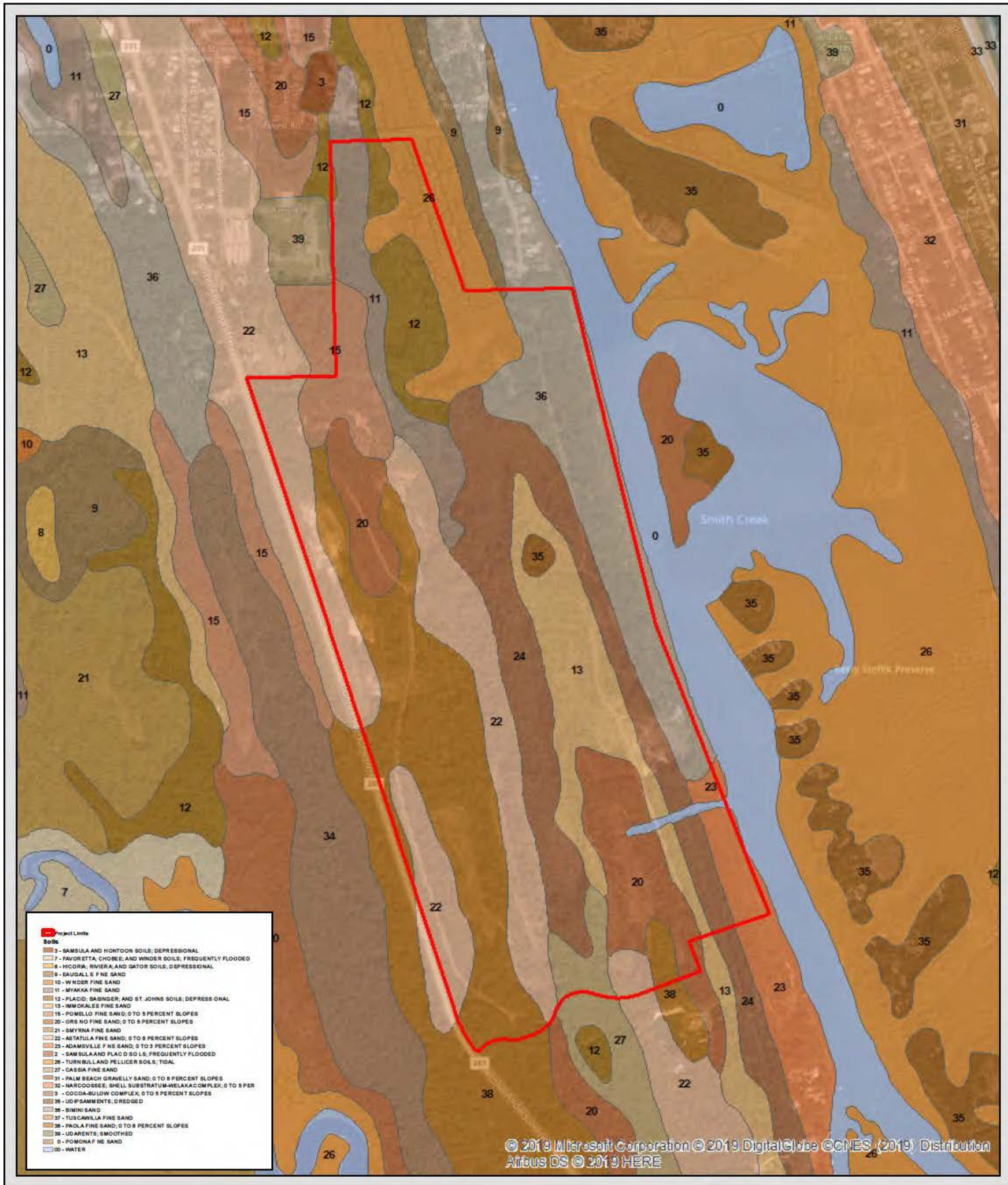
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Date: 3/20/2019

Aerial Map
Gardens Property
Flagler County, Florida

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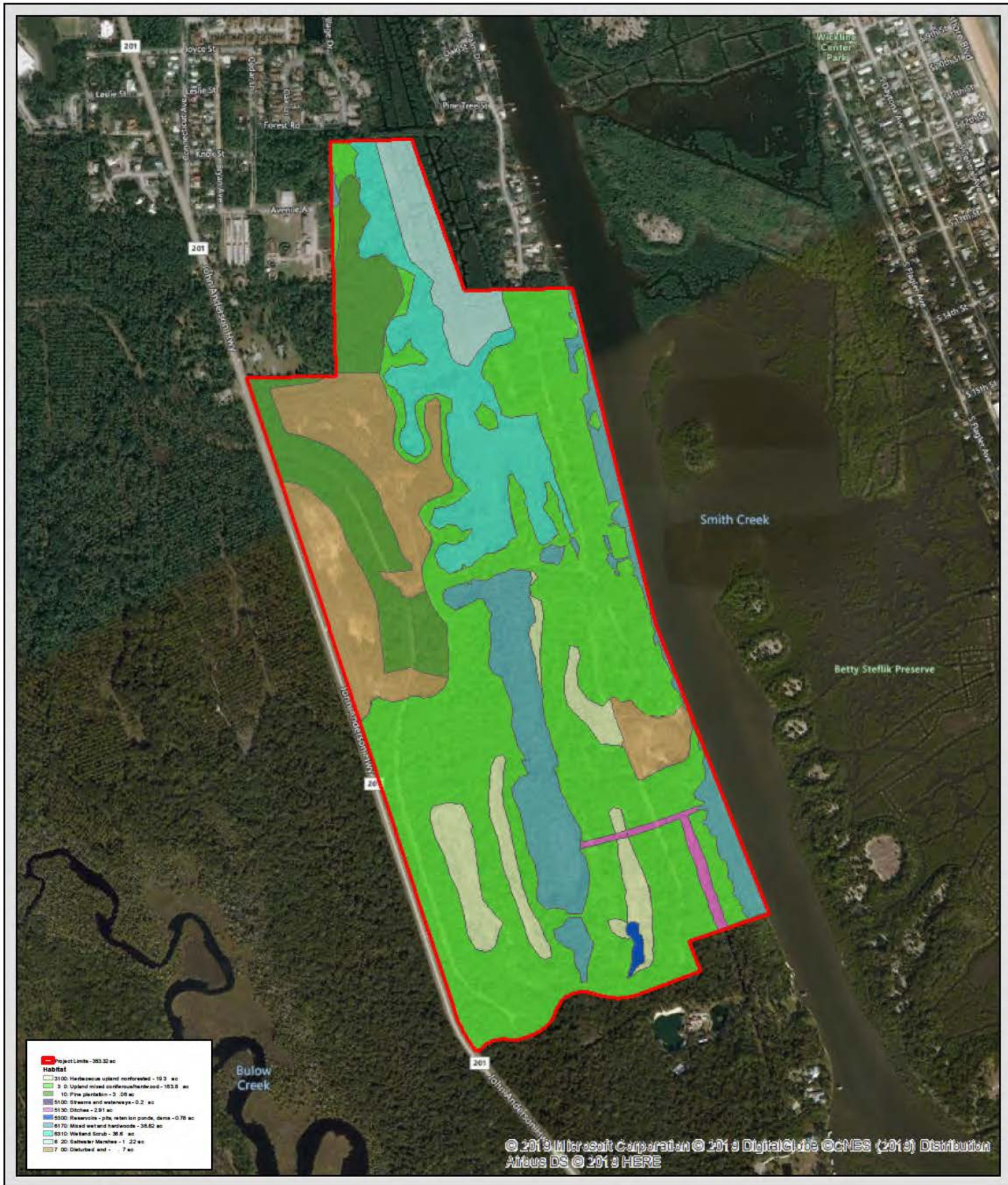
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Soils Map Gardens Property Flagler County, Florida

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Habitat Map Gardens Property Flagler County, Florida

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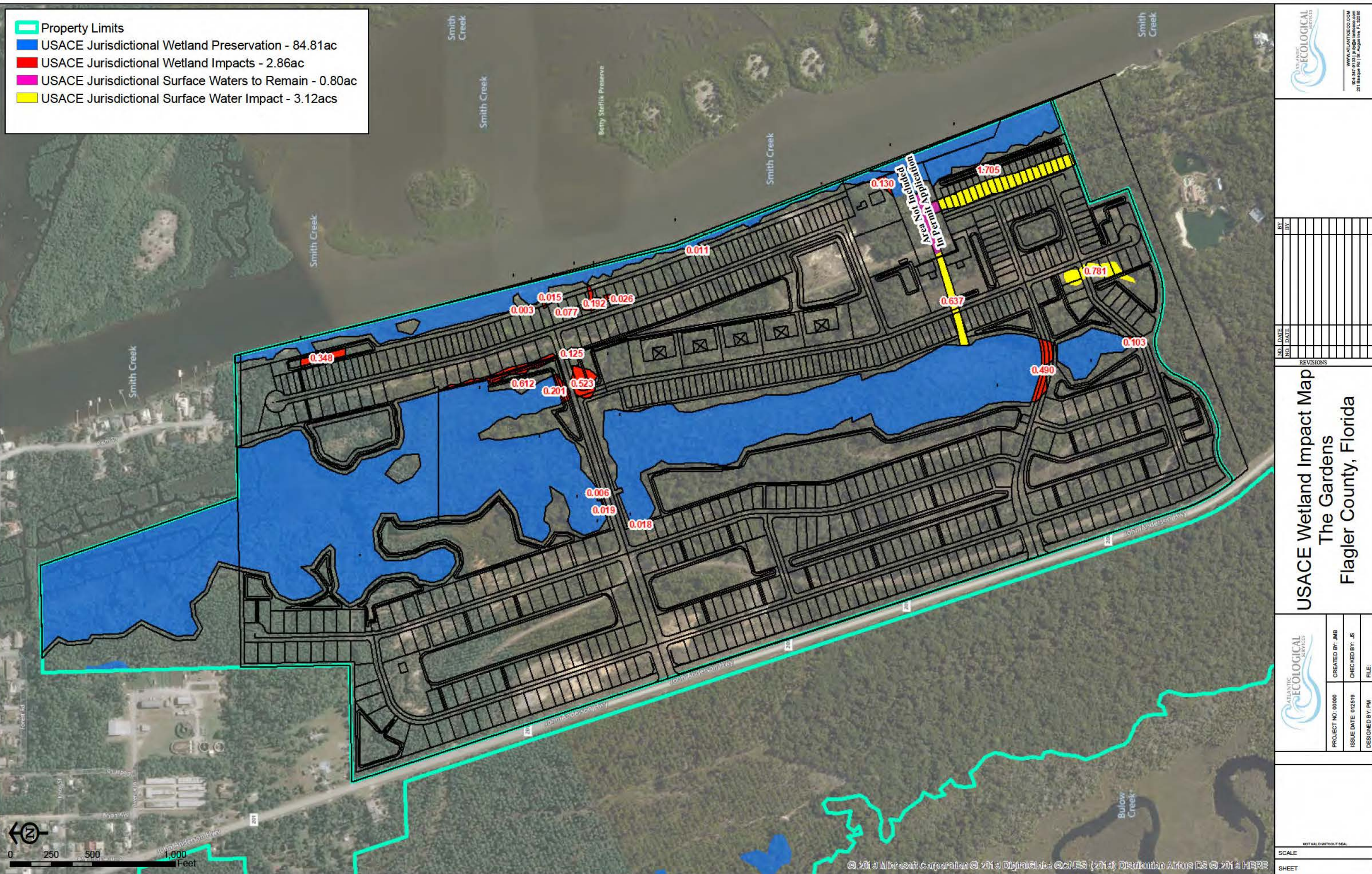
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Date: 3/21/2019

Wetland Map Gardens Property Flagler County, Florida

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USACE Wetland Impact Map The Gardens Flagler County, Florida

	PROJECT NO: 00000	CREATED BY: MB
	ISSUE DATE: 012519	CHECKED BY: JS
	DESIGNED BY: PM	FILE:

[illegible]USACE Wetland Map
The Gardens
Flagler County, Florida

 ATLANTIC ECOLOGICAL SERVICES	PROJECT NO: 00000	CREATED BY: JMB
	ISSUE DATE: 01/25/19	CHECKED BY: JS
	DESIGNED BY: PM	FILE: