



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

July 16, 2019

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-03236 (SP-BJC)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Richmond American Homes
Attn: Mr. Clint Shea
11707 Fitchwood Circle
Jacksonville, Florida 32258

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Dunn Creek. The project site is located near 12274 Yellow Bluff Road, in Sections 34 and 35, Township 1 North, Range 27 East, Jacksonville, Duval County, Florida.

Directions to the site are as follows: From Interstate-95 take Exit 362A and head east on Interstate-295. Proceed until Exit 40 and head north on Alta Drive. Proceed until Burkit Lane and turn left. The project site is on the left-side of Burkit Lane.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.457473°
Longitude -81.5811588°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is single-family residential development in Northeast Jacksonville.

EXISTING CONDITIONS:

Upland Communities

Pine Mesic Oak - The onsite uplands on the majority of the property are dominated by long leaf pine (*Pinus palustris*), southern magnolia (*Magnolia grandiflora*), live oak

(*Quercus virginiana*), water oak (*Q. nigra*), saw palmetto (*Serenoa repens*), and bracken fern (*Pteridium aquilinum*).

Low-Density Residential - A single-family residence exists in the northeast portion of the property.

Wetland Communities

Wetland Forested Mixed - These wetlands are dominated by slash pine, sweetgum (*Liquidambar styraciflua*), sweet bay (*Magnolia virginiana*), and red maple (*Acer rubrum*). The understory species include fetterbush (*Pieris phillyreifolia*), myrtle leaf holly (*Ilex myrtifolia*), and Virginia chainfern (*Woodwardia virginica*).

Vegetated Non-Forested - The wetland within the power line easement is a mowed and maintained herbaceous community dominated by Virginia chainfern and various rushes and sedges.

PROPOSED WORK: The applicant seeks authorization to discharge clean-fill material into 0.87-acre of freshwater-forested wetlands to facilitate a single-family residential development with 60 lots.

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:

“Wetlands impacts are proposed to be +/-0.87 acre and will occur to the wetland forested mixed community. Considering the wetlands location, hydrology, and wildlife function, it is our opinion the value and function the on-site wetlands provide to the surrounding area should be considered average at best. The vast majority of the proposed impacts (+/-0.61 acre) will result from road crossings to reach developable uplands. The remaining wetland impacts (+/-0.26 acre) will be minor edge impacts associated with residential lot construction. During the initial planning phases of the project, the project started out with 95 residential lots and would have resulted in wetland impacts that would have been more expansive at about 2.8 acres. The lot count was then reduced to 67 lots with wetland impact totaling about 2.3 acres. Another three lots were removed to the current count of 64 lots and the site was re-configured to reduce the wetland impacts to the current plan of 0.87 acres. Through avoidance and minimization exercises, 31 lots were removed and the wetland impacts were reduced by 1.93 acres. Due to the narrow margin now associated with this project due to the lot reduction, the loss of even one more lot would render the project unfeasible.”

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

“The loss of wetland functions associated with eliminating the wetlands is 0.55 functional loss units. As mitigation for the proposed wetland impacts, the Applicant will purchase 0.55 credits from Greens Creek Mitigation Bank.”

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:

a. Wood Stork (*Mycteria americana*) - The project is within the *Core Foraging Area* of a wood stork colony; however, the project would affect less than 0.5 acre of suitable foraging habitat for wood storks. 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-C-*may affect, but is not likely to adversely affect*.

b. Red-cockaded Woodpecker (*Picoides borealis*) - 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.

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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Dunn Creek. 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 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 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, Brad Carey, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at brad.j.carey@usace.army.mil; or, by telephone at (904)-232-2405.

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.

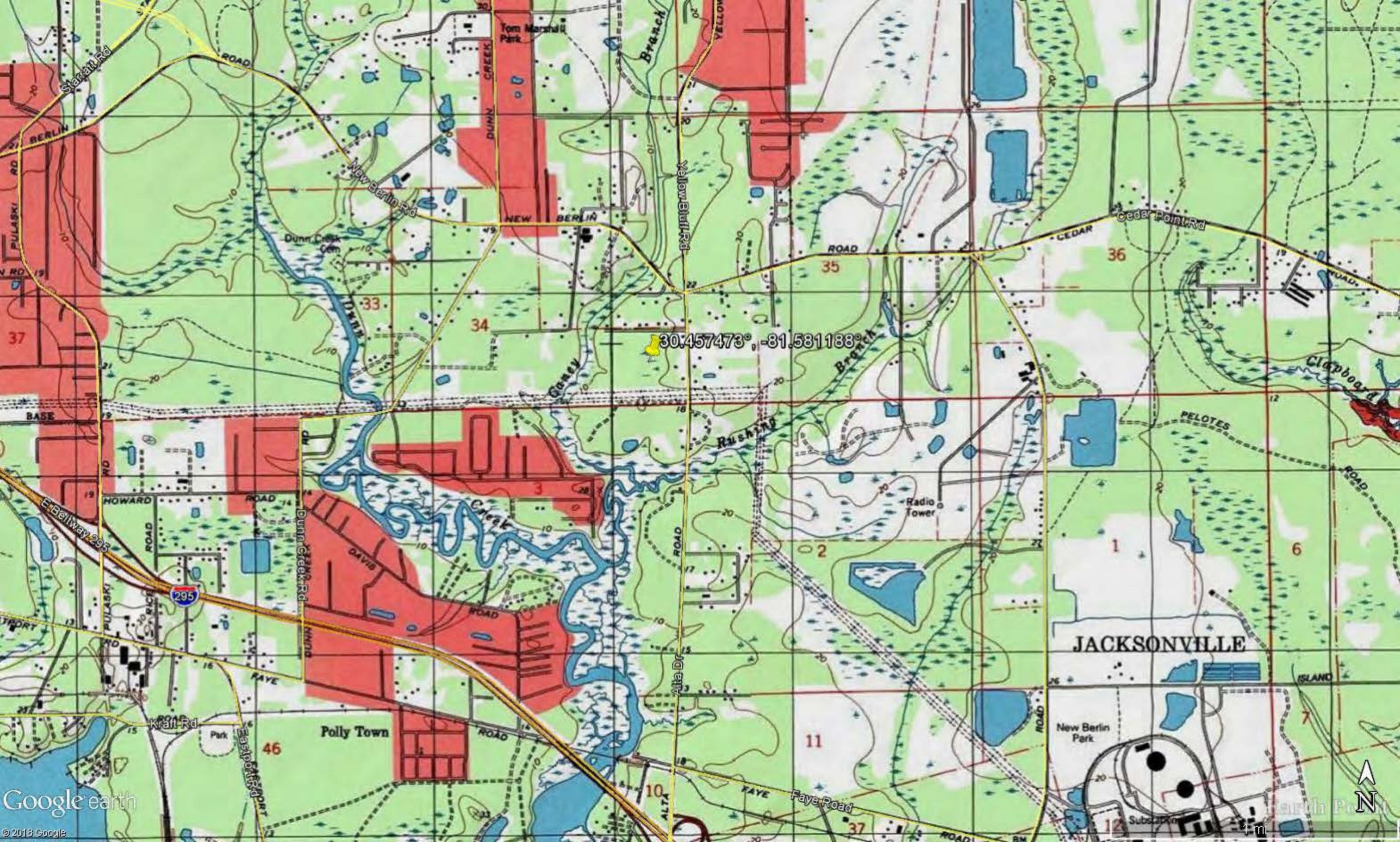
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

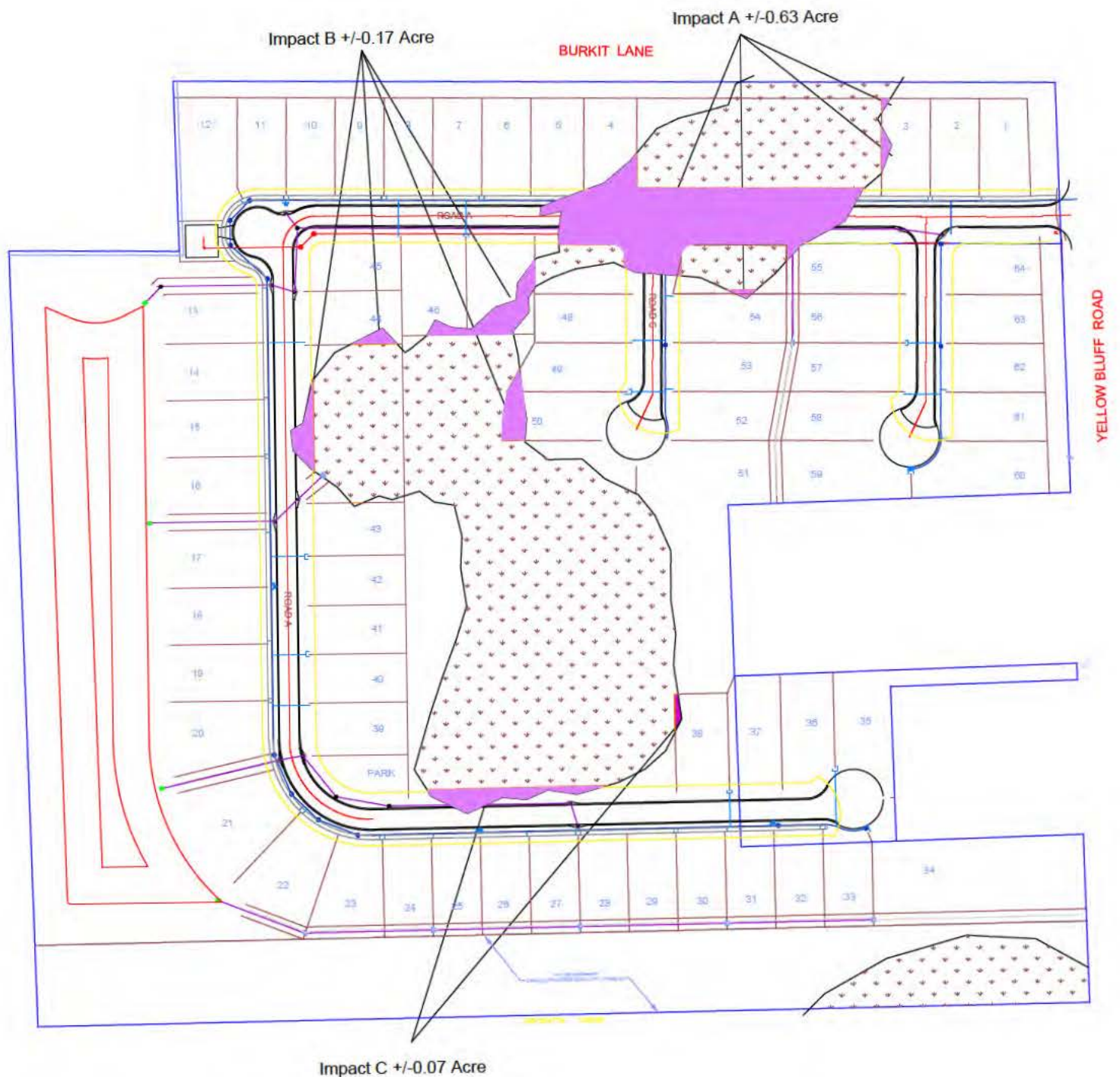
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested

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.





Yellow Bluff Deckle Subdivision

Duval County, Florida

Proposed Site Conditions

Figure 5



Proposed Wetland Impacts +/-0.87 Acre



Wetland to Remain +/-4.87 Acres