



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

JULY 26, 2019

PUBLIC NOTICE

Permit Application Number SAJ-1998-02650(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: Macie Creek, LTD
3030 Hartley Road, Suite 310
Jacksonville, Florida 32257

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with Little Black Creek. The project site is located at 1695 Blanding Boulevard (Clay County Property Appraiser Parcel Identification Number 0081105-001-00), in Section 32, Township 4 South, Range 25 East, Middleburg, Clay County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.108068°
Longitude -81.820507°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the establishment of a multi-family residential complex serving northern Middleburg – southern Orange Park, Florida.

EXISTING CONDITIONS:

General: The project site is approximately 7.3 acres in size. Site specific elevations for the project area are between 21-27 feet NGVD, with the highest elevations located along the frontage of Blanding Boulevard and lower elevations associated with the wetlands in the southern reach of the property. Hydrology on-site generally flows off-site to the south via off-site wetlands and ditches. A mobile home sales facility occupies the property.

Soils: The soil type encompassed by the site is *Pelham fine sand* (map unit 22). Pelham fine sand is nearly level and poorly drained with slopes that are nearly smooth and range from 0 to 2 percent. This soil is found in small and large areas on the flatwoods. Typically, this soil has a surface layer of very dark grayish brown fine sand about 4 inches thick. The upper part of the subsurface layer, to a depth of about 20 inches, is dark grayish brown fine sand. The lower part, to a depth of 26 inches, is light gray fine sand. The water table is high and can be found at a depth of less than 12 inches for 1 to 4 months during most years and during droughty periods, at a depth of more than 40 inches. Pelham is the likely original soil type on the subject property, but historic development has disturbed the underlying soil type. Fill material can be found in at least the upper six inches of the uplands of the property. Further, hydric soil conditions can be found in the wetland within the southern portion of the property.

Vegetative Communities: The site encompasses four generalized community types or land uses identified by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS) handbook, created by the Florida Department of Transportation Surveying and Mapping Office Thematic Mapping Section.

1. *Commercial and Services* (FLUCFC code 414): This area encompasses the mobile home units placed for sale and a mobile home office for the business. The vegetation has been completely cleared in this area with the exception of various opportunistic grass species.

2. *Streams and Waterways* (FLUCFCS code 510): This community is located within the southern ditch on the property. The banks of the ditch contained shrub strata species including eastern red cedar (*Juniperus virginiana*), wax myrtle (*Morella cerifera*), and herbaceous species in the ditch such as chalky bluestem (*Andropogon capillipes*), coinwort (*Centella asiatica*), and dollar weed (*Hydrocotyle spp.*).

3. *Wetland Forested Mixed* (FLUCFCS 630): The wetland is made up entirely of canopy species including blackgum (*Nyssa sylvatica* var. *biflora*), red maple (*Acer rubrum*), slash pine (*Pinus elliotii*), Chinese tallow (*Triadica sebifera*), and sweetgum (*Liquidambar styraciflua*). The understory is barren with little plant mass due to the inundation of this wetland.

4. *Vegetated Non-Forested Wetlands* (FLUCFCS 640): This area is within the northern ditch on property. This wetland is comprised of typical wetland herbaceous species including pickerel weed (*Pontederia cordata*), various beakrush species (*Rhynchospora spp.*), yellow eyed grass (*Xyris sp.*), and water hyssop (*Bacopa sp.*).

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over a total of 0.99 acre of wetlands to facilitate the development of a multi-family residential facility at the site.

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 project has been designed in consideration of the presence of jurisdictional wetlands, and the design team has attempted to avoid and minimize proposed wetland impacts to the extent practicable to achieve the project goals.” “During the alternative analysis, several design elements and considerations were utilized to avoid and minimize wetland impacts to greatest extent practical in the currently proposed project design. Alternatives at this site are limited due to the locations of the wetland communities on-site. To minimize wetland impacts, ±2.45 of on-site wetlands have been avoided completely and will be allowed to remain in their natural state. These wetlands will continue to provide typical wetland functions including nutrient uptake, flood storage, and wildlife utilization.”

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 compiled a Uniform Mitigation Assessment Method (UMAM) to quantify and qualify the loss of wetland functions and services associated with the project. The UMAM calculated the functional loss as 0.46 units. Therefore, the applicant proposes the purchase of 0.46 credits from *Greens Creek Mitigation Bank*.

CULTURAL RESOURCES: The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected. However, 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: The Corps has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

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 nor EFH. Our initial determination is that the proposed action would not have an adverse impact on 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.

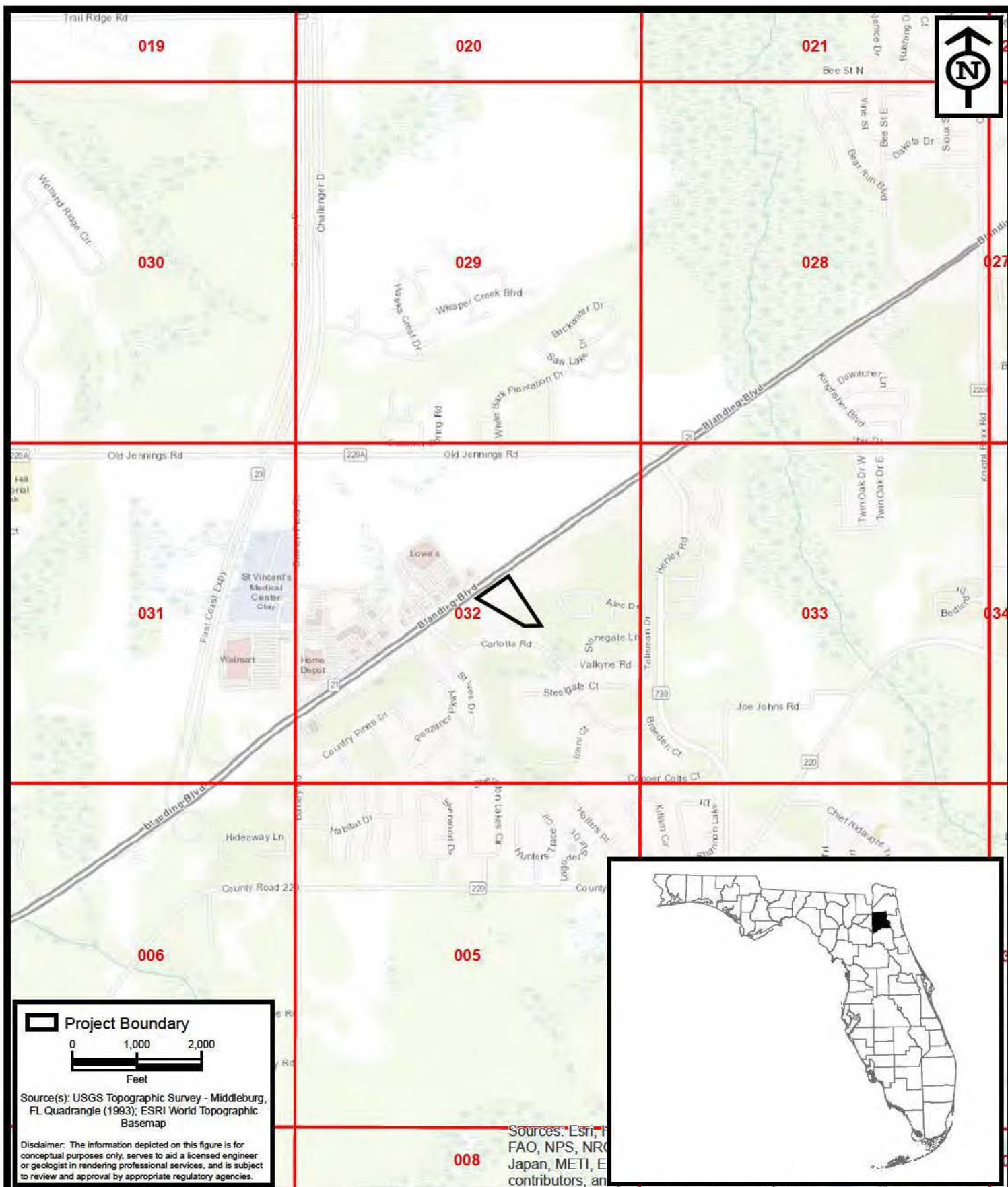
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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
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7220 Financial Way, Suite 100
Jacksonville, Florida 32256
(904) 470-2200
(904) 470-2112 Fax

www.environmentalservicesinc.com


Project Location
Macie Creek
Clay County, Florida

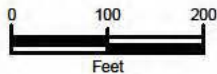
Project:	EJ19003.01
Date:	Jun 2019
Drawn By:	JRN
Checked By:	BAA
Approved By:	BAA
Figure:	1



 Project Boundary

Soils

 22 - Pelham fine sand, 0 to 2 percent slopes



Source(s): USDA Soil Survey - Middleburg, FL.; 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

Macie Creek

Clay County, Florida

Project: EJ19003.01

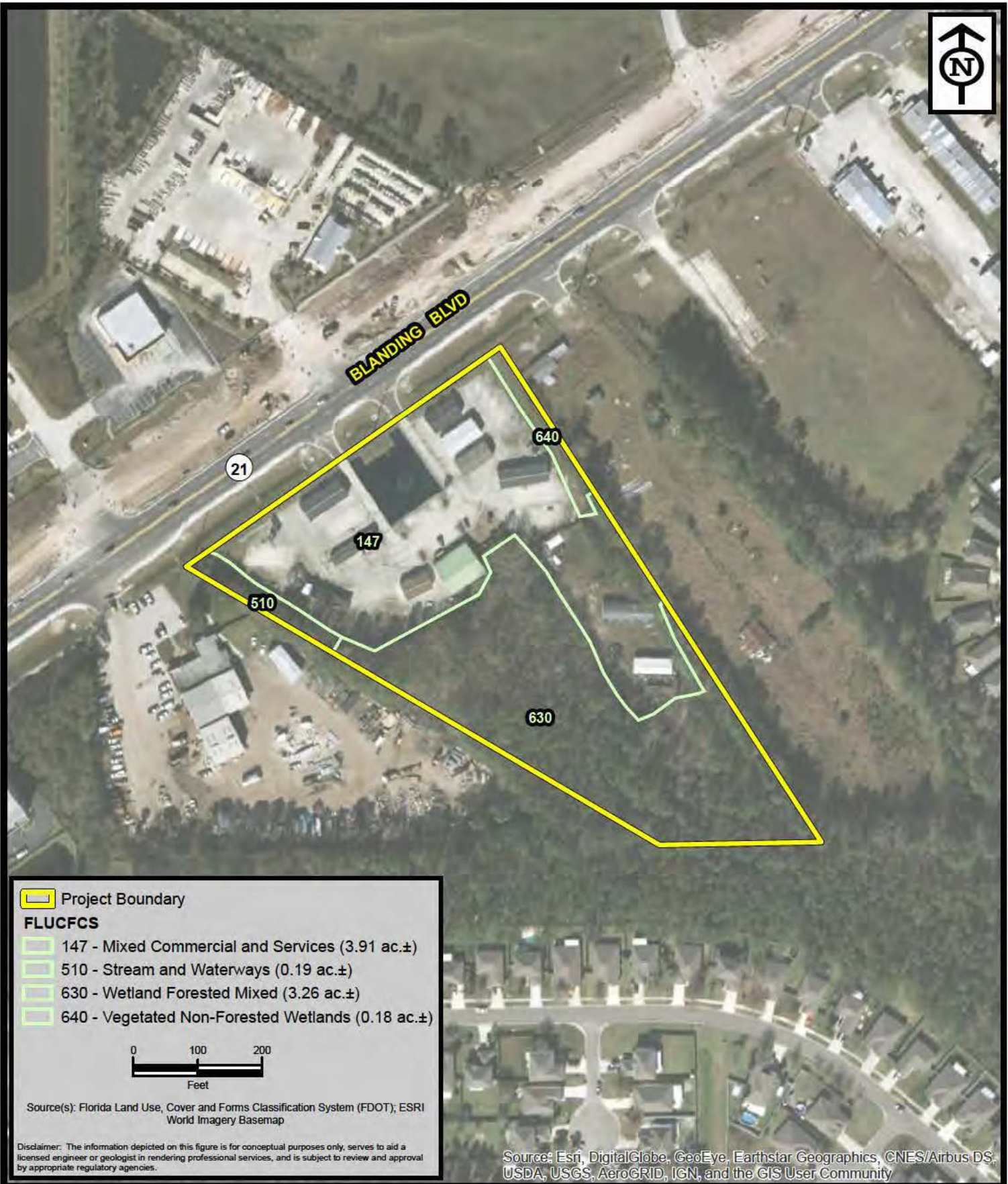
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Drawn By: JRN

Checked By: BAA





Approved By: BAA

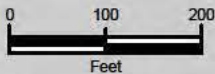
Figure: 2



 Project Boundary

FLUCFCS

-  147 - Mixed Commercial and Services (3.91 ac.±)
-  510 - Stream and Waterways (0.19 ac.±)
-  630 - Wetland Forested Mixed (3.26 ac.±)
-  640 - Vegetated Non-Forested Wetlands (0.18 ac.±)



Source(s): Florida Land Use, Cover and Forms Classification System (FDOT); ESRI World Imagery Basemap

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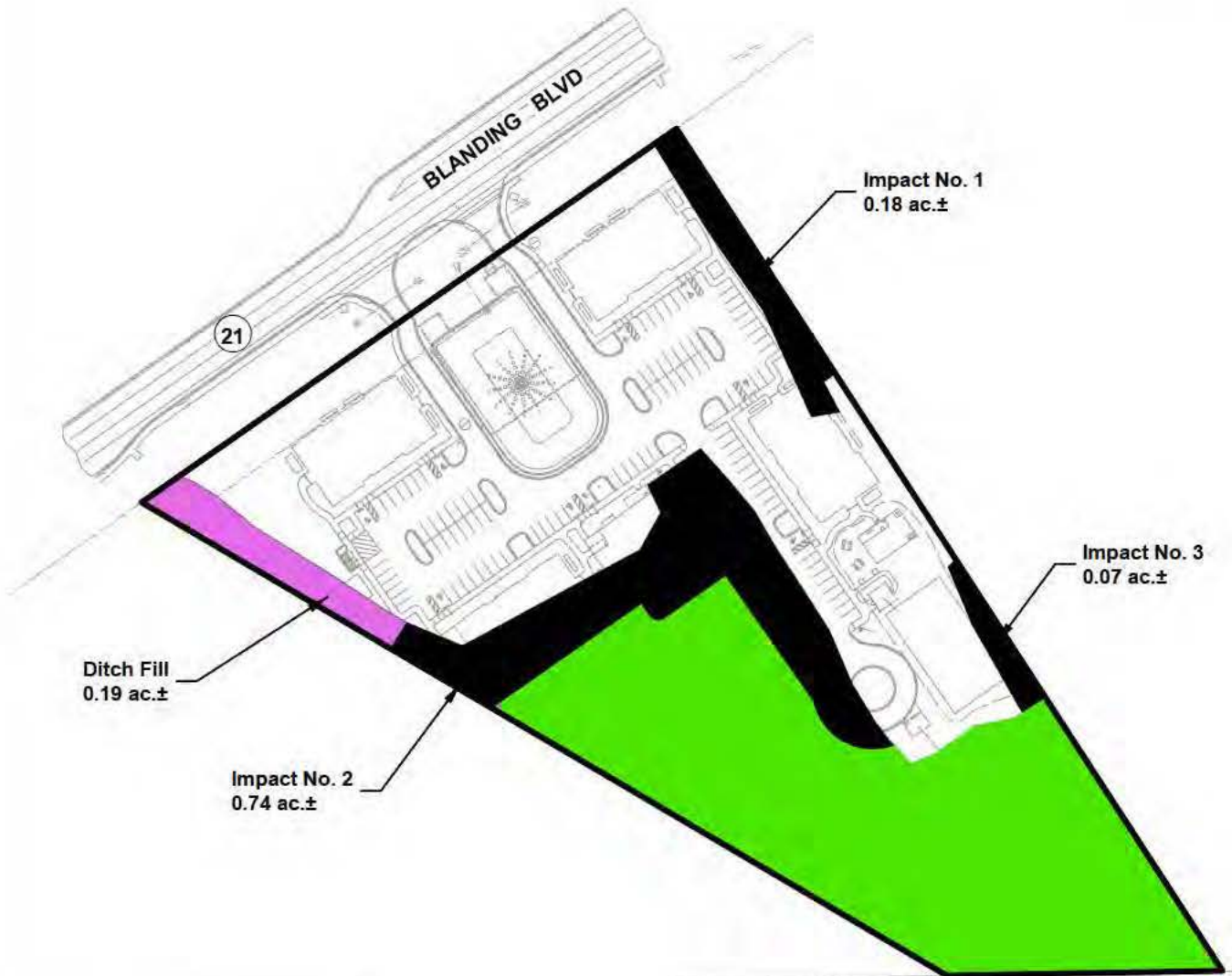
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Existing Site Conditions

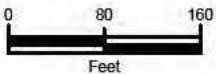
Macie Creek

Clay County, Florida

Project:	EJ19003.01
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Figure:	3



- Project Boundary
- Jurisdictional Impact (0.99 ac.±)
- Ditch Fill (0.19 ac.±)
- Wetland To Remain (2.45 ac.±)



Source(s): Eisman & Russo, Inc.

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Proposed Site Conditions

Macie Creek

Clay County, Florida

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Figure:	4