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

SEPTEMBER 17, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2018-02253(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: ICI Homes
Attn: Mr. David Haas
2379 Beville Road
Daytona Beach, Florida 32111

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with Cunningham Creek and Sampson Creek. The project site is located southwest, northwest, and northeast of the intersection of Longleaf Pine Parkway and Veterans Parkway, in Sections 1, 2, 10, and 11, Township 5 South, Range 27 East, St. Johns County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.084373°
Longitude -81.567824°

PROJECT PURPOSE:

Basic: The basic project purpose is mixed-use (residential-commercial) development.

Overall: The overall project purpose is the establishment of a mixed-use (residential-commercial) development serving northwest St. Johns County.

EXISTING CONDITIONS:

General: The Corps previously finalized an Approved Jurisdictional Determination (AJD) for the property. The Corps determined that one wetland encompassed by the project site (identified on the project drawings as *W4, Non-JD Wetland*) is not within Federal jurisdiction under the Clean Water Act of 1972, as amended. The remaining wetlands encompassed by the overall project site are within Federal jurisdiction; and, authorization from the Corps is needed prior to work within those systems.

Soils: According to the *Soil Survey of St. Johns County, Florida* (U.S. Department of Agriculture-Natural Resource Conservation Service) the project site encompasses *St. Johns fine sand, depressional* (map unit 5); *Zolfo fine sand* (map unit 8); *Pomona fine sand* (map unit 9); *Smyrna-Smyrna, wet, fine sand* (map unit 11); *Ona-Ona, wet, fine sand* (map unit 12); *St. Johns fine sand* (map unit 13); *Floridana fine sand, frequently flooded* (map unit 18); *Manatee fine sandy loam, frequently flooded* (map unit 22); *Holopaw fine sand* (map unit 46); *Holopaw fine sand, frequently flooded* (map unit 47); and *Ellzey fine sand* (map unit 64).

Vegetative Communities: The project site encompasses five vegetative communities characterized by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS).

a. Coniferous Plantation (FLUCFCS code 441): The site has historically been used for pine silviculture. The dominant canopy species is slash pine (*Pinus elliottii*). Other species include live oak (*Quercus virginiana*), black cherry (*Prunus serotina*), laurel oak (*Quercus laurifolia*), gallberry (*Ilex glabra*), bracken fern (*Pteridium aquilinum*), saw palmetto (*Serenoa repens*), shiny blueberry (*Vaccinium myrsinites*), and wax myrtle (*Myrica cerifera*).

b. Hydric Coniferous Plantation (FLUCFCS 441H): Portions of the on-going silviculture operation have encroached into on-site wetlands. Canopy species within these areas include slash pine, sweetgum (*Liquidambar styraciflua*), and red maple (*Acer rubrum*). Groundcover is dominated by bitter gallberry and cinnamon fern (*Osmunda cinnamomea*).

c. Wetland Forested Mixed (FLUCFCS code 630): Dominant vegetation includes bald cypress (*Taxodium distichum*), laurel oak, water oak (*Quercus nigra*), tupelo (*Nyssa biflora*), red maple, and sweetbay (*Magnolia virginiana*). Ground cover consists of Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), and cinnamon fern.

d. Roads and Highways (FLUCFCS code 814): The project includes improvements to the existing Veterans Parkway and Longleaf Pine Parkway. The right-of-way of both roads was filled pursuant to previous permitting efforts.

e. Electrical Power Transmission Lines (FLUCFCS code 832): An electric power line transverses the southern edge of the property.

PROPOSED WORK:

a. The applicant seeks a 10-year authorization to discharge clean fill material over a total of 7.17 acres of wetlands to facilitate work associated with *Phase I* and *Phase II* of the overall site development. *Phase I* and *Phase II* of the overall project would establish a residential subdivision southwest of the intersection of Longleaf Pine Parkway and Veterans Parkway.

b. The applicant also identified conceptual future work affecting wetlands (total plan of development), which is associated with of the remainder of the property. The conceptual future work would eliminate a maximum of 20.86 acres of wetlands to facilitate commercial development and additional residential development. The applicant indicated that the proposed design, especially for the commercial areas, is only conceptual; and, measures to avoid and/or minimize work affecting wetlands would be incorporated into the final design proposal(s) and submitted to the Corps for evaluation as a request to modify any permit issued for *Phase I* and *Phase II*.

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:

"Several design elements and considerations were utilized to avoid and minimize wetland impacts to the fullest practicable extent in the currently proposed project design. Careful consideration was given to the extent and location of the site plan components to minimize wetland impacts while maintaining necessary requirements to meet project objectives. Where possible, existing trail roads and wetland crossings were incorporated in the design plans to reduce wetland impact footprints.

Wetland quality was also taken into consideration when avoidance and minimization was evaluated for this project. The lot density was increased in the southeastern portion of the site with the fewest wetlands in order to avoid impacts to higher quality wetlands to the west. The wetland impacts associated with the project have been minimized to the fullest extent possible that would allow the applicant to achieve the basic project purpose. The project site consists of uplands and wetlands that have been consistently disturbed over the last 30 years by silvicultural practices. The majority of the on-site wetlands have been significantly degraded by these activities.

Potential future phases have been conceptually designed to avoid and minimize wetland impacts to the greatest extent practicable. Potential future residential phases have limited wetland impacts to road crossings and minimal lot fill. Potential future commercial parcels were configured to maximize the use of uplands adjacent to the intersection of Longleaf Pine Parkway and Veterans Parkway. At this time the impacts within the commercial phases are conceptual because an end-user has not been identified. Upon finalization of site plans for these areas, the applicant will submit permit modifications to USACE [Corps] *demonstrating that each future phase has avoided or minimized impacts to wetlands to the greatest extent practicable."*

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

a. The applicant's ecological agent compiled a *Uniform Mitigation Assessment Method* (UMAM) quantifying and qualifying the work associated with *Phase I* and *Phase II* of the project (the initial residential development). That UMAM calculated the loss of wetland functions and services as 5.02 units (0.34 for *Phase I* and 4.68 for *Phase II*). In consideration of the UMAM, the applicant would purchase UMAM mitigation bank credits from a federally approved mitigation bank with a service area encompassing the project site.

b. Similarly, the applicant's ecological agent compiled a UMAM for the conceptual future work; and, calculated that the work (20.86 acres) would result in a loss of 14.30 units of wetland functions and services. In consideration of that UMAM (or any recalculations that evaluate any final design proposal), the applicant would purchase UMAM mitigation bank credits from a federally approved mitigation bank with a service area encompassing the project site.

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 would not affect suitable foraging habitat for Wood Stork. 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*. The U.S. Fish and Wildlife Service (FWS) previously indicated that they concur with determinations of *no effect* based on the key for Wood Storks; and, that no additional consultation is necessary.

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 utilize the area encompassed by the ESA scope of analysis for this project. 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. The applicant has not conducted a recent survey of the project site to identify active/inactive gopher tortoise burrows; however, the applicant acknowledges that the site has a large area of xeric habitat and likely supports a high density of gopher tortoise burrows. The applicant has agreed to implement the *Standard Protection Measures for the Eastern Indigo Snake, August 12, 2013.* 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*. Through separate correspondence, the Corps will initiate coordination with the FWS under Section 7 of the Endangered Species Act.

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 proposal 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 applicant has requested a 10-year authorization period to implement the work for the overall project. The Corps, however, previously verified the extent of wetlands within Federal jurisdiction.

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 **30 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.

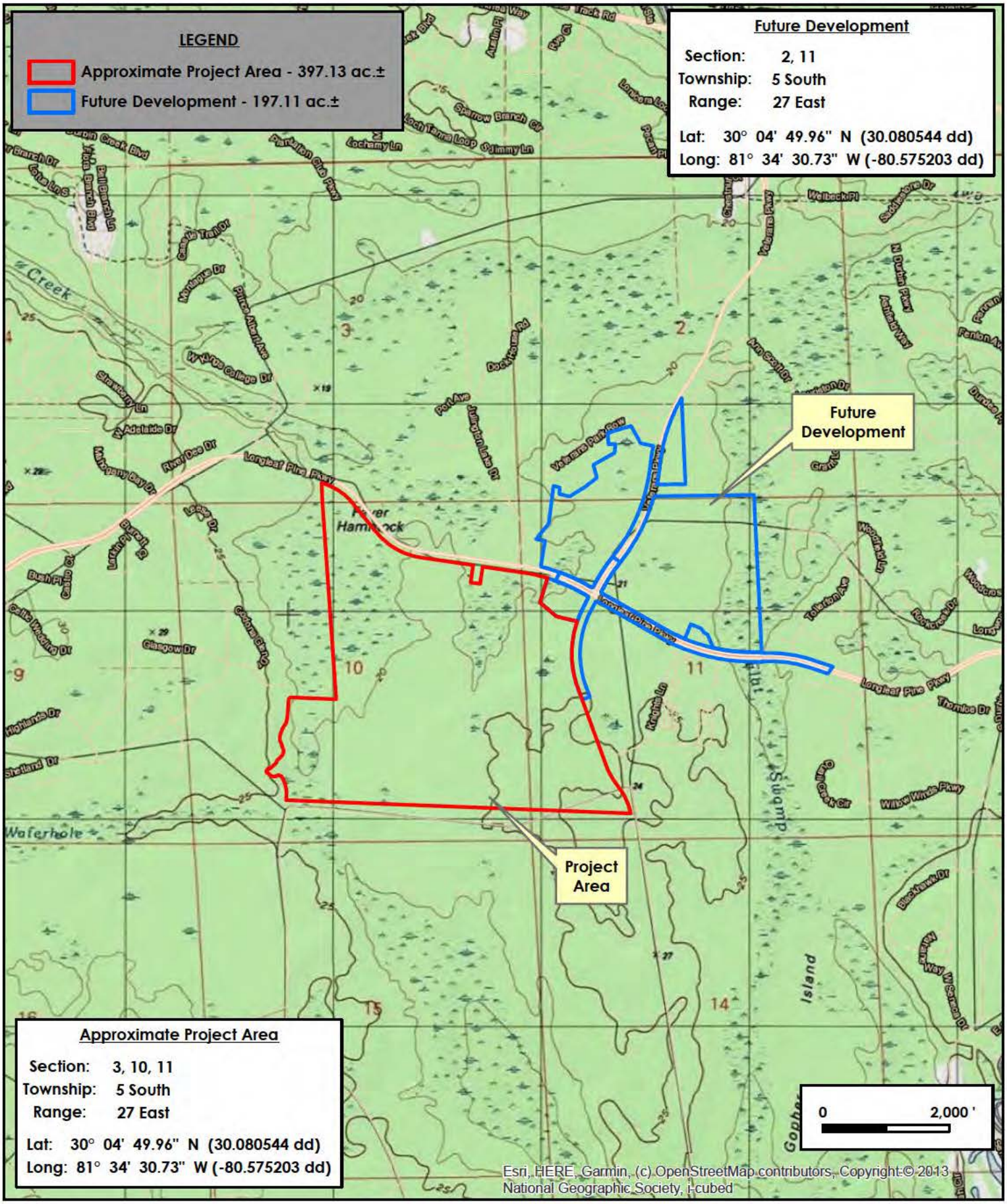
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information 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.



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Middlebourne
USGS Topographic Quadrangle Map

St. Johns County, Florida | By: NEE

Project No.:	18078
Exhibit No.:	1
Date:	8-21-19
Rev. Date:	

N W E S

Source: 7.5' USGS Orangedale, FL Topographic Quadrangle; ArcGIS Online (USA Topo Maps)

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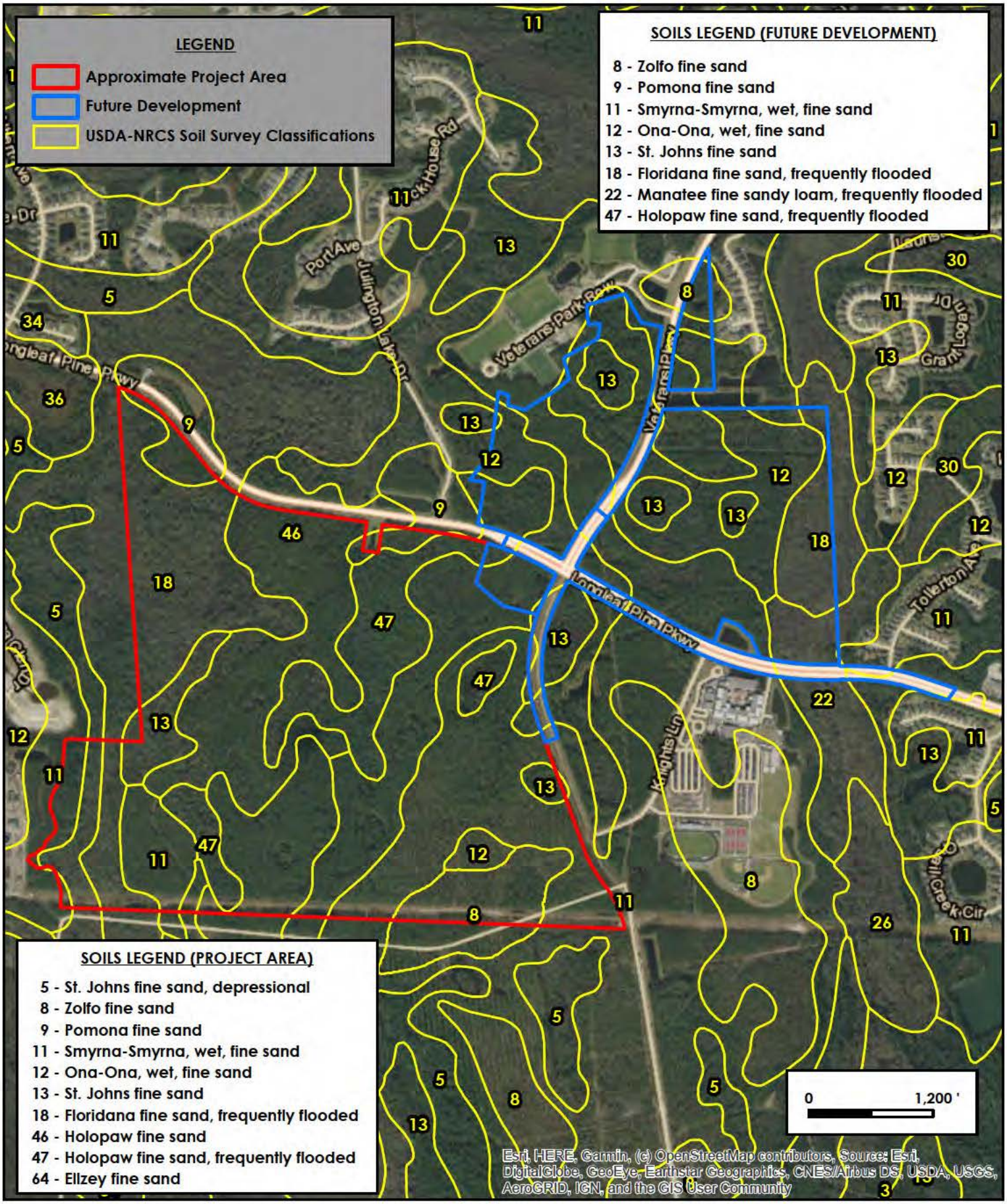

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Middlebourne Soils Map

St. Johns County, Florida | By: NEE

Project No.:	18078
Exhibit No.:	2
Date:	8-21-19
Rev. Date:	

N W E S

Source: ArcGIS Online Imagery, USDA-NRCS soil survey classifications (data obtained from NRCS)

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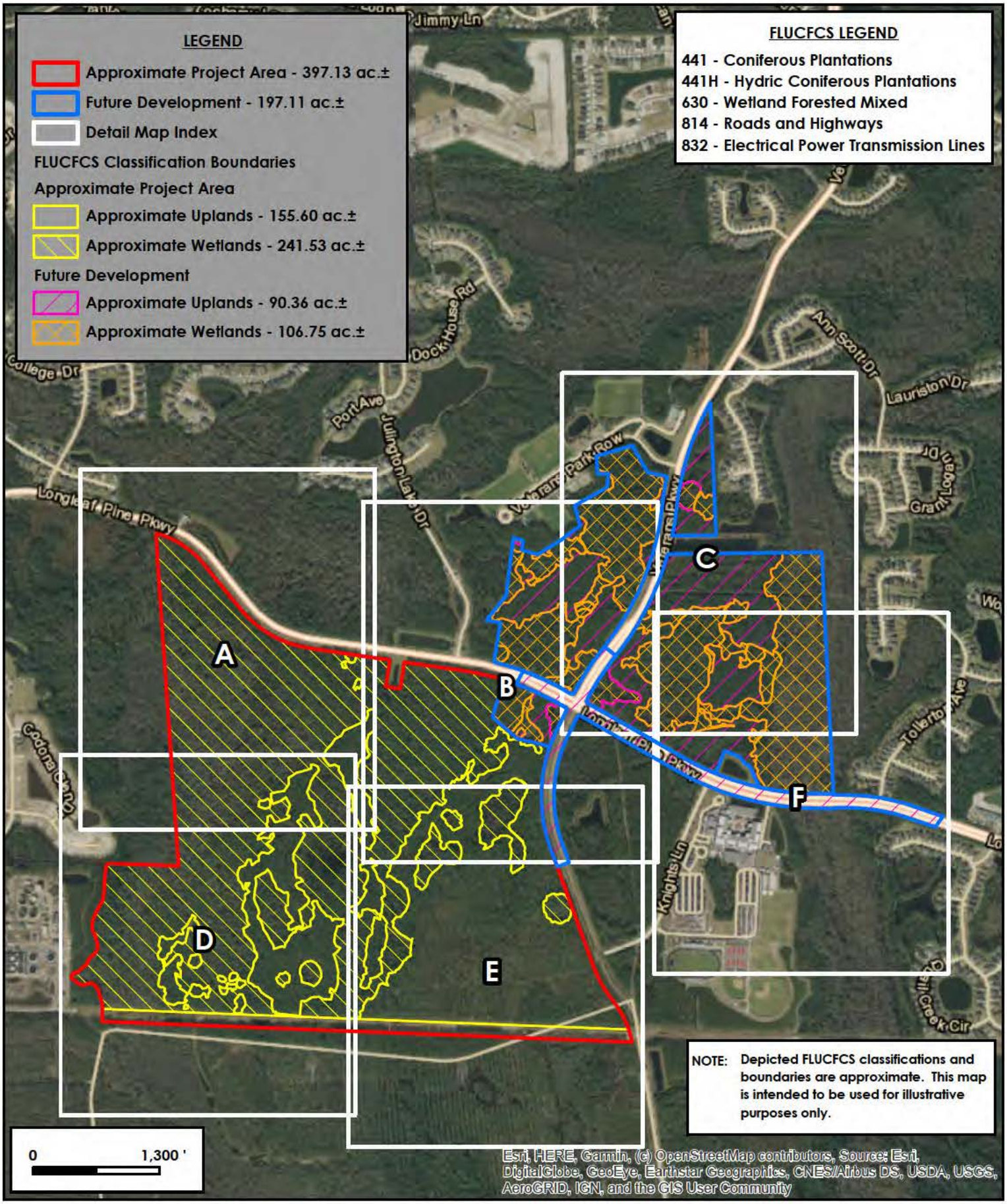

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Middlebourne FLUCFCS Map Key

Project No.:	18078
Exhibit No.:	3-Key
Date:	8-21-19
By: NEE	Rev. Date:

N W E S

Source: ArcGIS Online Imagery

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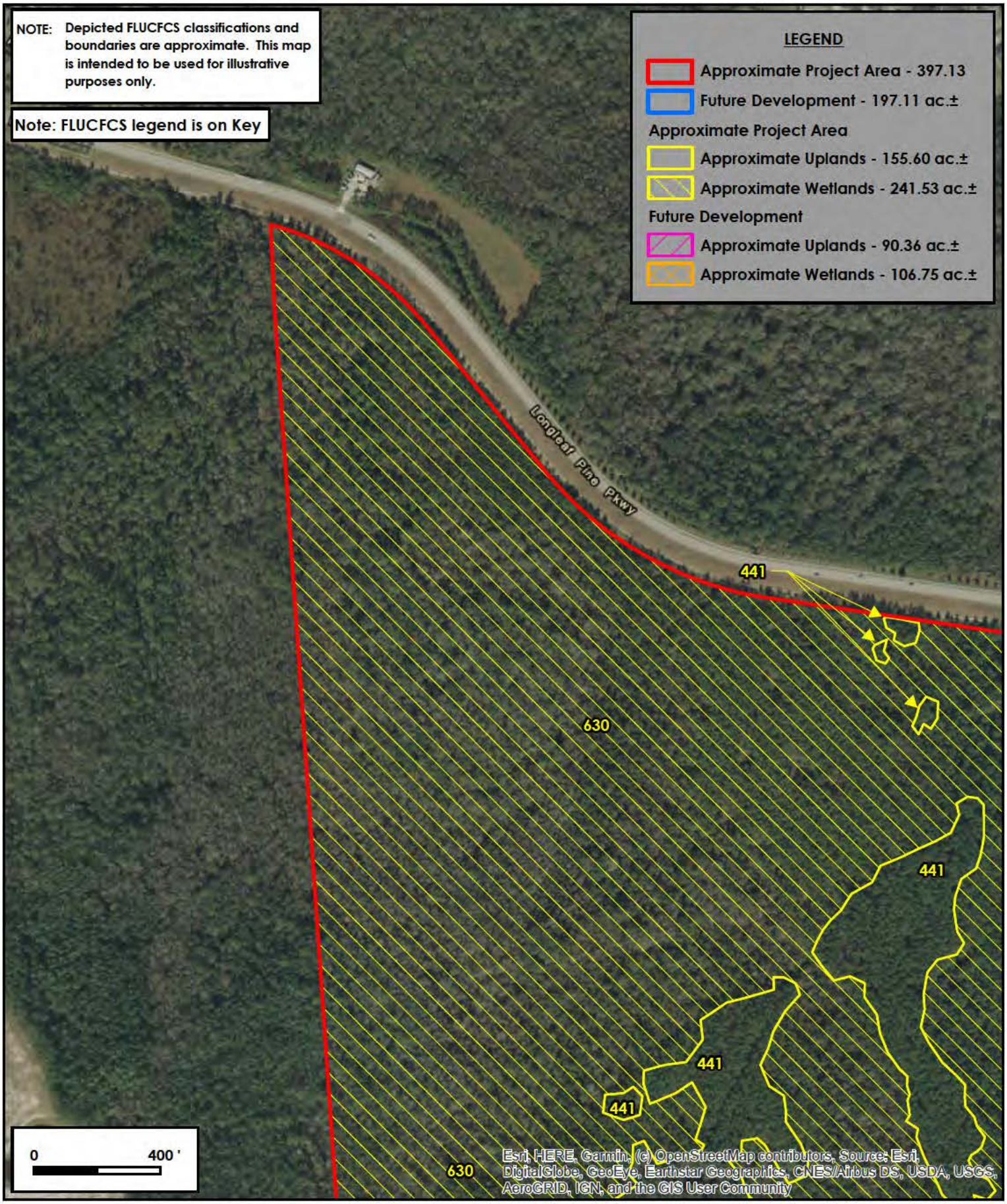

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Middlebourne
FLUCFCS Map A

Project No.:	18078
Exhibit No.:	3- A
Date:	8-21-19
By: NEE	Rev. Date:

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Source: ArcGIS Online Imagery

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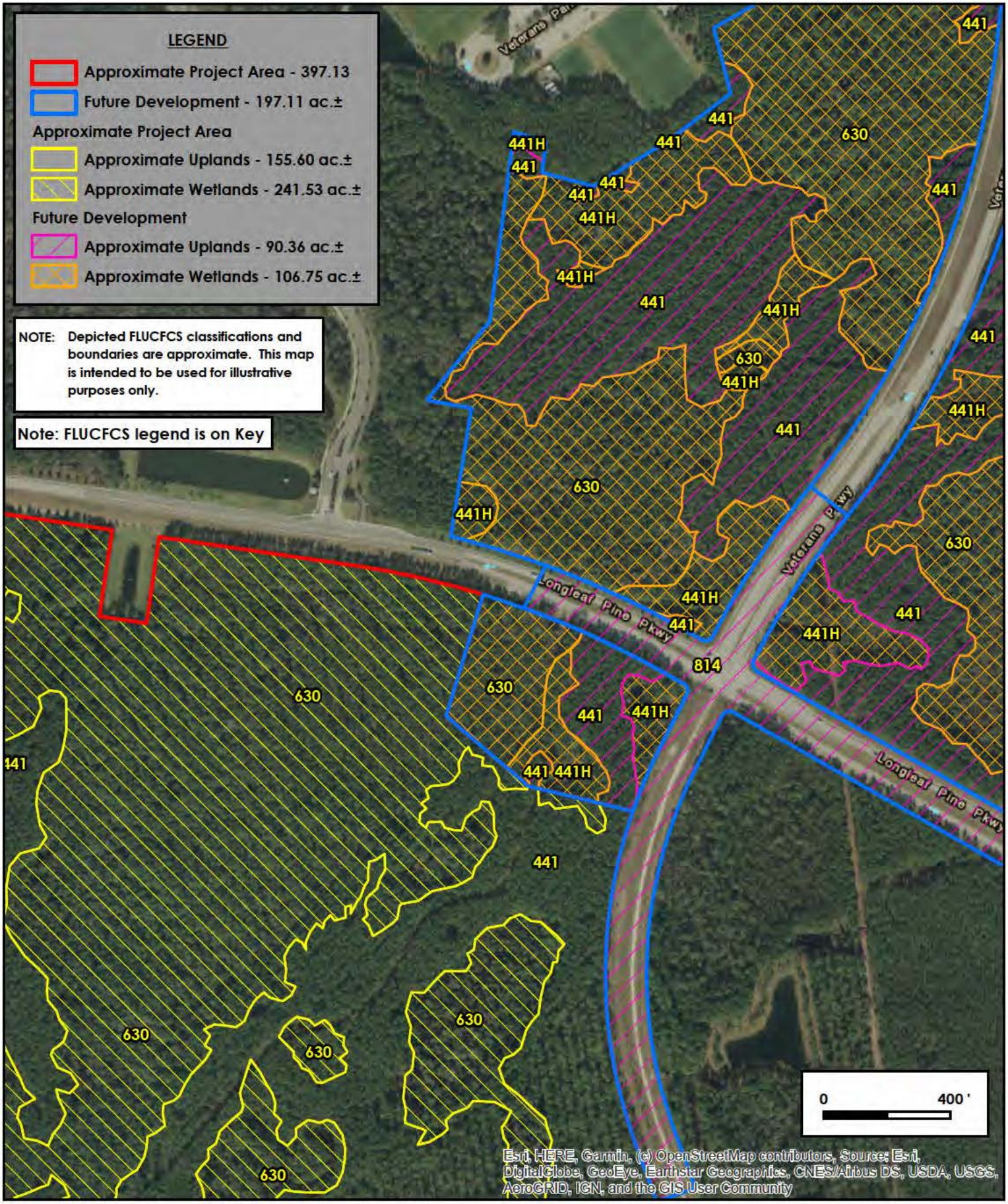

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Middlebourne
FLUCFCS Map B

Project No.:	18078
Exhibit No.:	3- B
Date:	8-21-19
By: NEE	Rev. Date:

Source: ArcGIS Online Imagery

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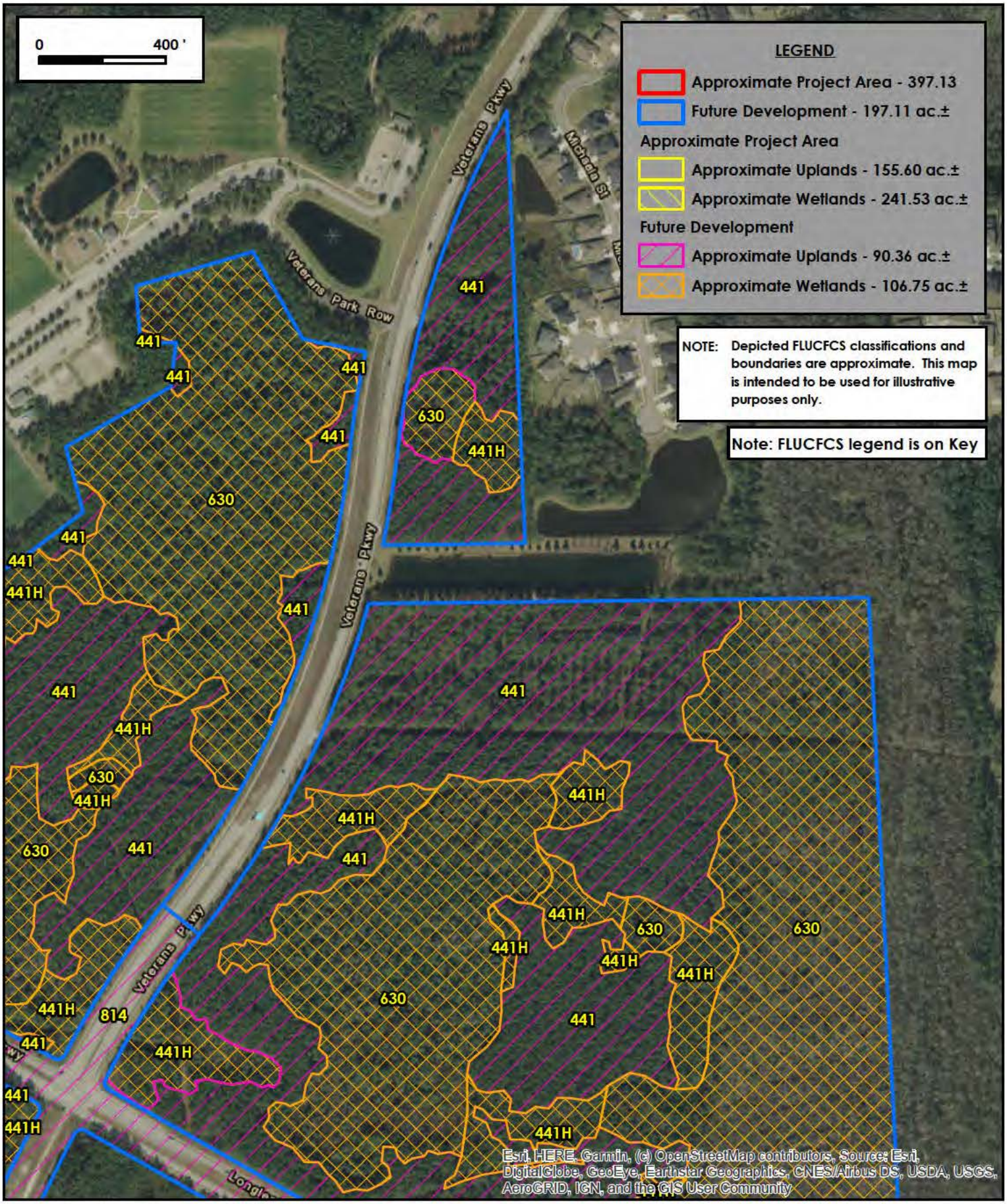

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Middlebourne FLUCFCS Map C

Project No.:	18078
Exhibit No.:	3- C
Date:	8-21-19
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Source: ArcGIS Online Imagery

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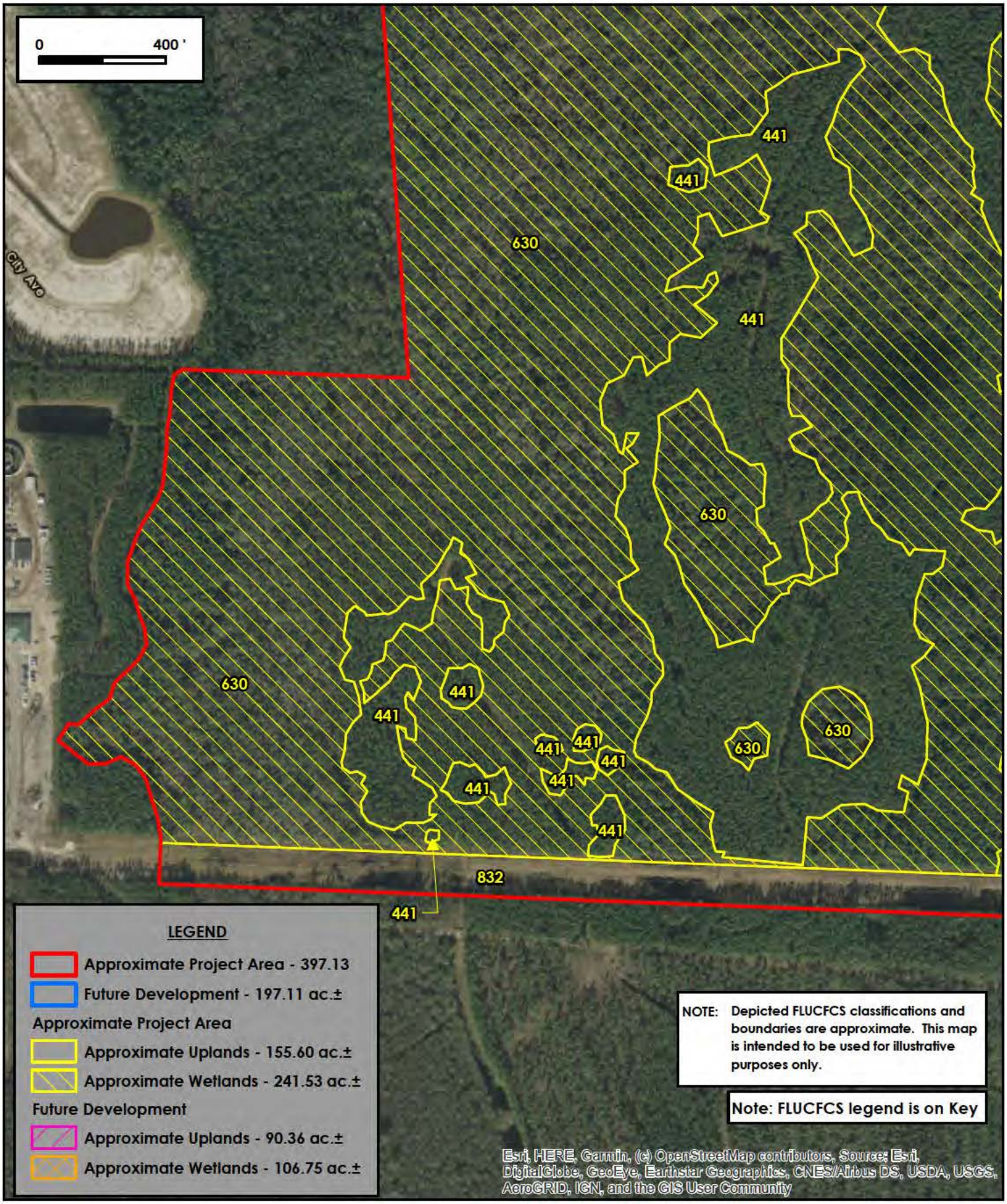

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FLUCFCS Map D

Project No.:	18078
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Date:	8-21-19
By: NEE	Rev. Date:

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Source: ArcGIS Online Imagery

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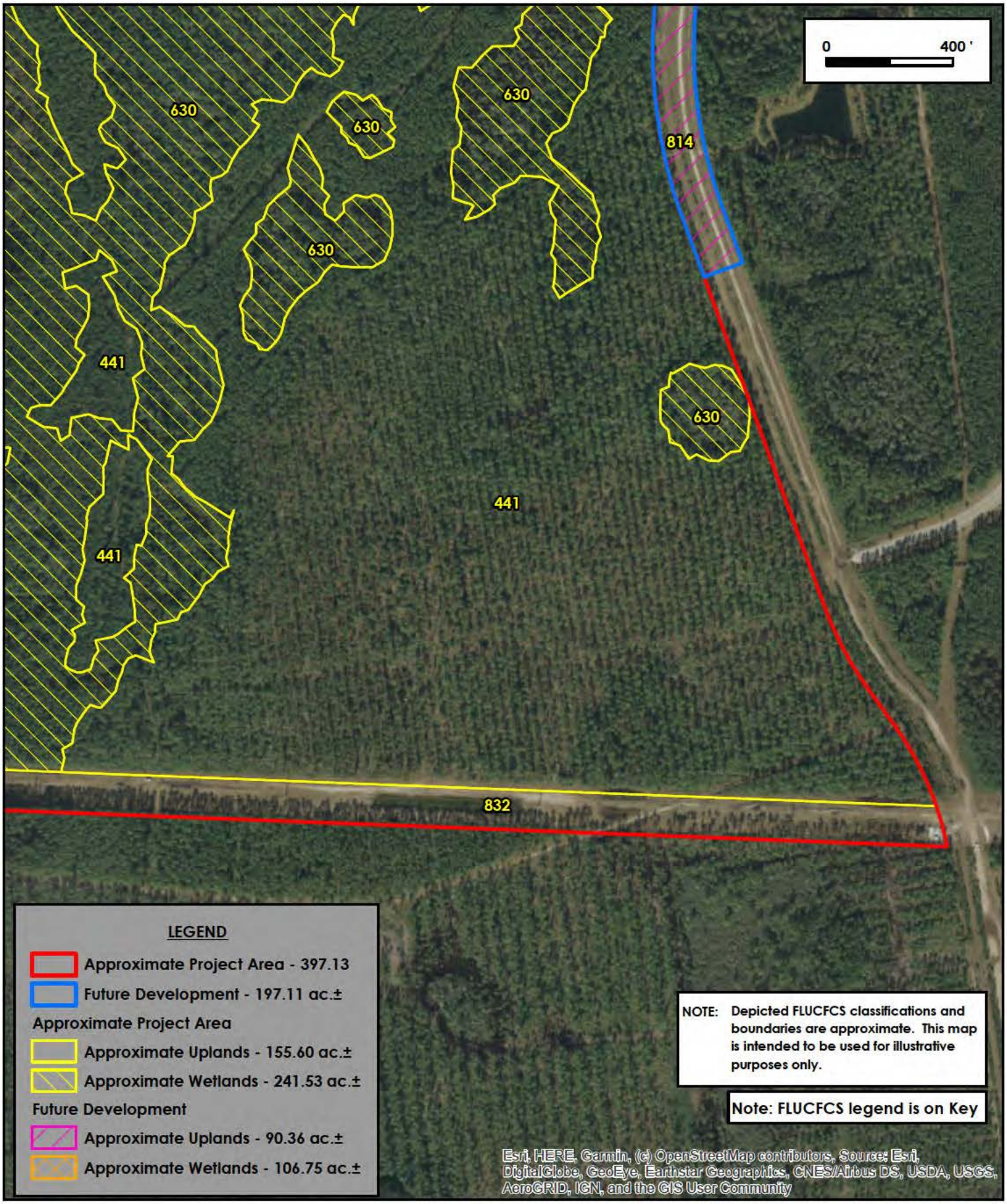

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Middlebourne FLUCFCS Map E

Project No.:	18078
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Date:	8-21-19
By: NEE	Rev. Date:

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Source: ArcGIS Online Imagery

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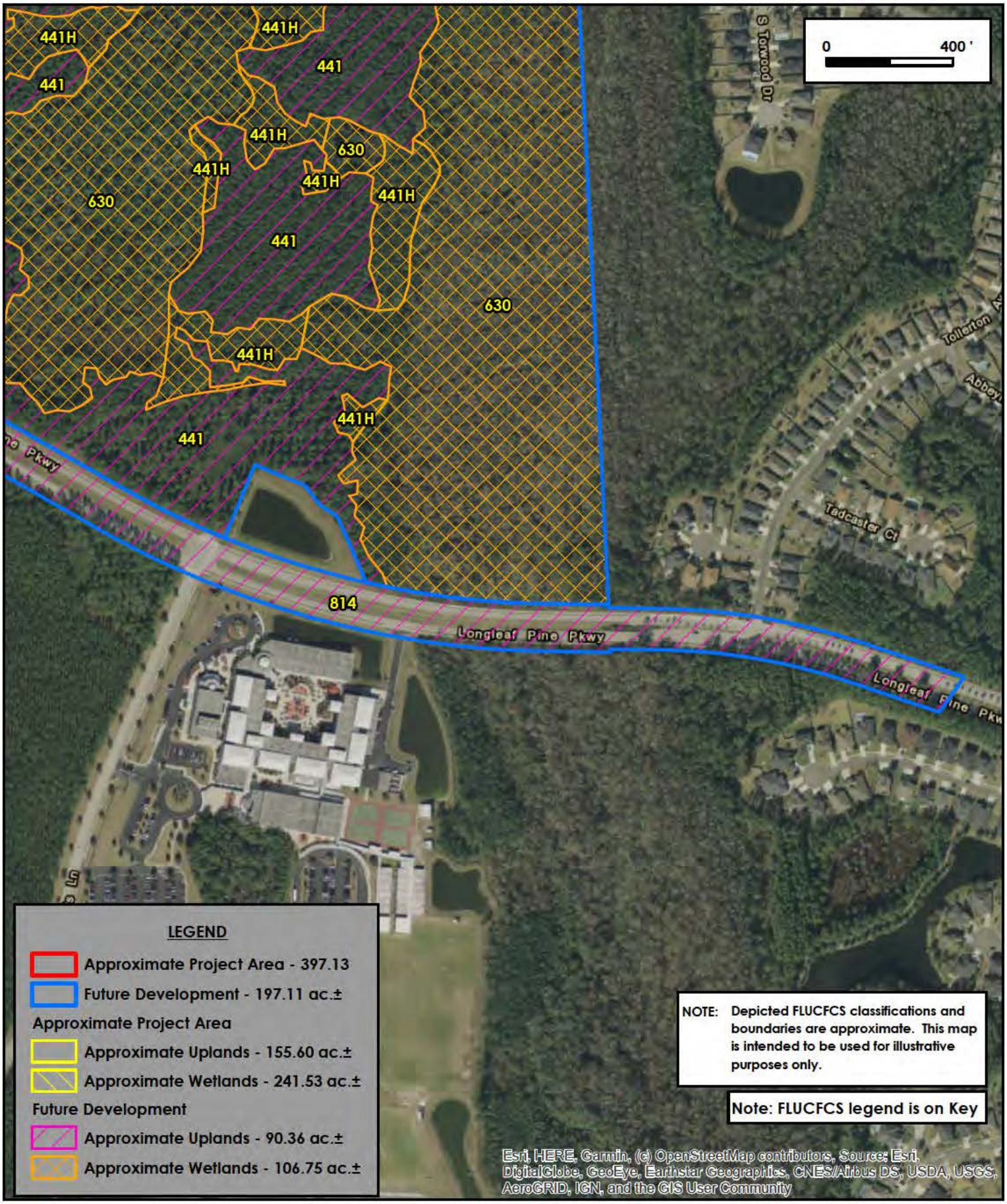

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FLUCFCS Map F

Project No.:	18078
Exhibit No.:	3- F
Date:	8-21-19
By: NEE	Rev. Date:

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Source: ArcGIS Online Imagery

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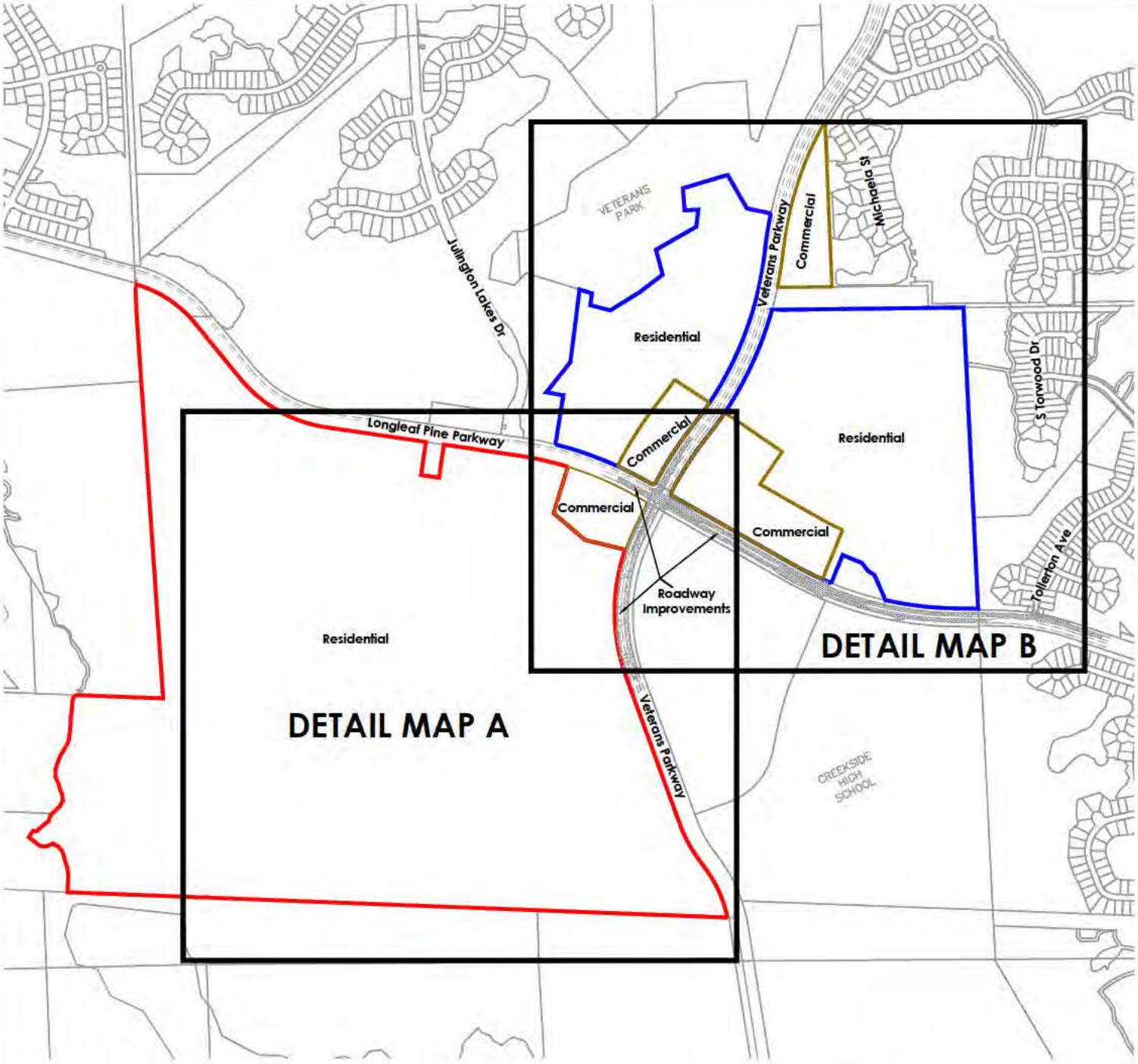

LEGEND

- Approximate Project Area
- Wetland Fill Impacts - 7.17 ac.±
- Non-JD Wetland - 1.57 ac.±
- Wetland Preservation - 221.32 ac.±
- Upland Preservation - 7.78 ac.±
- Upland Buffer - 9.09 ac.±
- Wetlands to Remain - 11.47 ac.±

TOTAL SCOPE OF DEVELOPMENT LEGEND

- Approximate Future Residential
- Approximate Future Commercial
- Potential Future Wetland Fill Impacts - 20.86 ac.±
- Wetlands to Remain - 86.49 ac.±

Scale: 1"=1200'

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Middlebourne USACE Total Scope of Development Map Key

Project No.:	18078
Exhibit No.:	4-Key
Date:	8-21-19
By: DF	Rev. Date:

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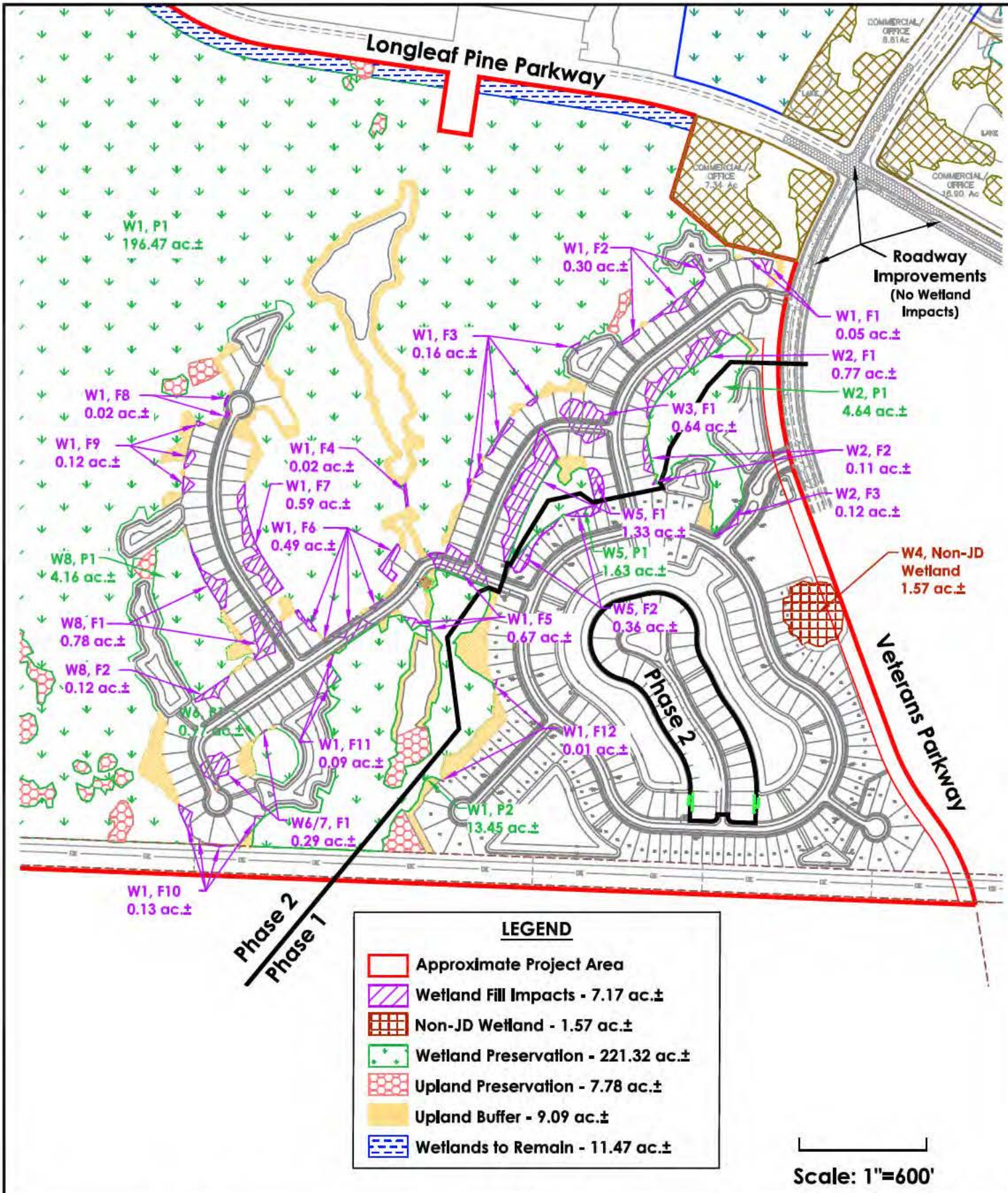

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Middlebourne USACE Total Scope of Development Map A

Project No.:	18078
Exhibit No.:	4-A
Date:	8-21-19
By: DF	Rev. Date:

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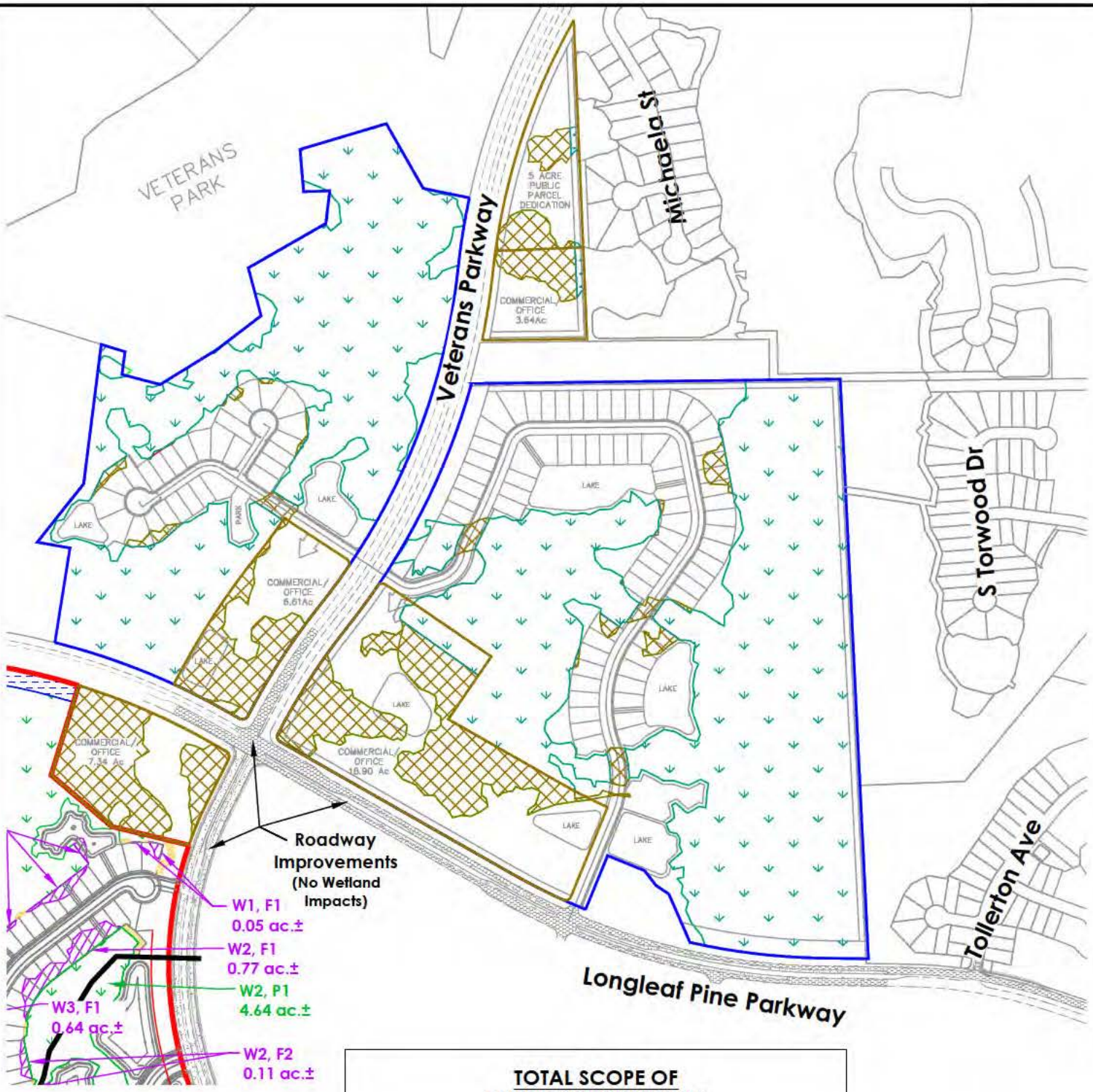

TOTAL SCOPE OF DEVELOPMENT LEGEND

- Approximate Future Residential
- Approximate Future Commercial
- Potential Future Wetland Fill Impacts - 20.86 ac.±
- Wetlands to Remain - 86.49 ac.±

Scale: 1"=600'

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Middlebourne USACE Total Scope of Development Map B

Project No.:	18078
Exhibit No.:	4-B
Date:	8-21-19
By: DF	Rev. Date:

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