



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-2002-06646(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: Dream Finders Homes, LLC
14701 Philips Highway, Suite 300
Jacksonville, Florida 32256

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands), stormwater ponds, and stormwater conveyance ditches associated with Pottsbury Creek Swamp. The project site is located near the terminus of Craven Road in Section 33, Township 3 South, Range 27 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.197763°, Longitude -81.601883°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is residential development serving the *Sunbeam* area of the City of Jacksonville.

EXISTING CONDITIONS:

General: The project site is approximately 105 acres in overall size. The project site encompasses land previously associated with a landfill and a residential – golf course community. Previous owners conducted earth-work at the site, which altered the overall natural communities previously present. Site specific elevations for the project area show elevations between 30-70 feet NGVD, with the highest elevations located along the south western edge of the property. Hydrology on-site generally flows from the west to the east, across the site where it then flows off-site through a series of ditches to an unnamed wetland to the east.

Soils: The project site encompasses four soil types identified in the *Soil Survey of City of Jacksonville, Florida*.

a. *Pamlico muck, depressional, 0 to 1 percent slopes* (map unit 49): This soil type is a nearly level, very poorly drained, organic soil found in depressions. Generally, the high-water table is at or above the surface for very long periods from January through October. The surface layer is spongy, partially decomposed and undecomposed moss, roots, leaves, and twigs about two inches thick. The underlying layers consist of black muck extending from two to six inches and very dusky red muck extending from 6 to 30 inches.

b. *Pits* (map unit 55): This soil type is a miscellaneous category consisting of excavations from which the soil and geologic material have been removed, primarily for use in road construction, fill for low areas, and building foundations. Pits, locally called borrow pits, range in size from less than 1 acre to about 30 acres. They are usually very poorly drained to poorly drained.

c. *Urban land- Leon- Boulogne complex 0 to 2 percent slopes* (map unit 71): This soil type consists of nearly level, poorly drained, Boulogne and Leon soils found in the flatwoods and urban land. Generally, Leon soil has a high-water table at a depth of 6 to 18 inches from January to October. The surface layer is very dark gray fine sand about five inches thick. The underlying layers consist of dark gray fine sand extending from five to eight inches, and gray fine sand extending from 8 to 18 inches. Boulogne soil generally has a high-water table at a depth of 6 to 18 inches from January through October. Typically, the surface layer is very dark gray fine sand about six inches thick. The underlying layer consists of dark brown fine sand extending from 6 to 16 inches.

d. *Water* (map unit 99): Water is described as open water system(s).

Vegetative Communities: The project site encompasses six generalized community types characterized by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS).

a. *Pine Flatwoods* (FLUCFCS code 411): This community is found in the southern and central portions of the property. These upland pine flatwoods are dominated by a canopy of slash pine (*Pinus elliottii*) with scattered loblolly pine (*Pinus taeda*). Subcanopy species include, sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). Understory and shrub species include bitter gallberry (*Ilex glabra*), saw palmetto (*Serenoa repens*), staggerbush (*Lyonia ferruginea*), and wax myrtle (*Myrica cerifera*). The herbaceous layer, where present, is dominated by wiregrass (*Aristida stricta*), huckleberry (*Gaylussacia* sp.), and bracken fern (*Pteridium aquilinum*).

b. *Ditches* (FLUCFCS code 510): Subcanopy and groundcover, where present, include bald cypress (*Taxodium distichum*), slash pine, black gum (*Nyssa sylvatica* var. *biflora*), wax myrtle, torpedo grass (*Panicum repens*), water hyssop (*Bacopa* sp.) and beakrush (*Rhynchospora* sp.)

c. *Stormwater pond* (FLUCFCS code 530): Species along the littoral edge of these stormwater ponds, include slash pine, loblolly pine, red maple, eastern baccharis (*Baccharis halimifolia* L.) and wax myrtle. Within the ponds, cattail (*Typha* sp.) and water lily (*Nymphaea* sp.) are scattered along the edges of the open water area.

d. *Wetland Forested Mixed* (FLUCFCS code 630): This land type exists in several separate locations throughout the property. Canopy species include slash pine, blackgum, red maple, bald cypress, and water oak (*Quercus nigra*). Understory and groundcover includes Chinese tallow (*Sapium sebiferum*), button bush (*Cephalanthus occidentalis*), swamp titi (*Cyrilla racemiflora*), black gum, and Virginia chain fern (*Woodwardia virginica*.)

e. *Vegetated Non- Forested Wetlands* (FLUCFCS code 640): This land type exists in one area of the property. This area was historically an upland. In 2005- 2006 it was converted to a wetland creation area to be used for mitigation as permitted by Florida Department of Environmental Protection (DEP) and the Corps to offset impacts for the residential development located within the northwest corner of the parcel. The creation area was not deemed successful by either agency. Subcanopy species include immature red maple, bald cypress, and Chinese tallow. Groundcover includes bracken fern, subcanopy and groundcover include wax myrtle

(*Myrica cerifera*), eastern baccharis, false fennel (*Eupatorium leptophyllum*), common rush (*Juncus effusus*), bushy bluestem (*Andropogon glomeratus*) maiden cane (*Panicum hemitomom*) and redroot (*Lachnanthes caroliniana*).

f. *Disturbed land* (FLUCFCS code 740): This area is located within the northern and central portions of the parcel. It has been disturbed by previously permitted activities associated with the adjacent landfill and with converting the parcel to a golf course. After the golf course plan was abandoned in around 2010 portions of the area began to naturally re-vegetate. A majority of the area is still barren; however, in areas where it naturally re-vegetated the subcanopy includes slash pine, Chinese tallow, and red maple. Understory and groundcover, where present, for this land type include eastern baccharis, blackberry, false fennel, gallberry, and wax myrtle.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over a total of 2.75 acres of wetlands and 11.00 acres of other aquatic resources (e.g., stormwater ponds and/or ditches) to facilitate the establishment of a residential community and its associated infrastructure (e.g., roads and stormwater treatment systems) identified as *Sunbeam Townhomes*.

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 compiled an alternatives analysis for the current project that focused on developing a feasible, financially viable site plan that avoided and minimized wetland impacts to the greatest extent practicable. The applicant, project engineer, and environmental consultant reviewed numerous preliminary site plans to develop a feasible plan than minimized wetland impacts. The currently proposed plan delivers 206 lots with 2.75 acres of wetland impact. In the currently proposed plan, stormwater pond placement and associated wetland impacts were directed towards areas of lower quality, geographically isolated wetlands while avoiding impacts to high-quality, contiguous systems located along the western boundary of the property. Additionally, previously approved mitigation areas that have not met success criteria would be replaced with mitigation bank credits.

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

The proposed mitigation plan includes two parts. The first part is associated with replacing the mitigation value utilized to off-set the wetland impacts within the original phase of the completed previous development *Sunbeam Hill*. The second part is associated with off-setting the impacts within the current proposed project area for *Sunbeam Townhomes*.

Sunbeam Hill is a residential development located northwest of the proposed project. The current project area was included within the overall permitted project area for *Sunbeam Hill* in 2003. At that time, the applicant had utilized wetlands within the current proposed project area as a portion of the mitigation for the *Sunbeam Hill* impacts. That mitigation included wetland preservation, wetland enhancement, and wetland creation. The activities associated with the wetland enhancement and creation were completed and one monitoring report was completed in 2007. However, the conservation easement for the mitigation was not recorded. Therefore, the mitigation requirements were not satisfied. The original permittee associated with the *Sunbeam Hill* parcel is no longer involved with the project and the current property owner would like to replace the mitigation value associated with the on-site mitigation with mitigation bank

credits. In the original permit, based on a Wetland Rapid Assessment Procedure (WRAP), the Corps determined that the authorized work (the discharge of fill material over a total of 7.60 acres of wetlands) resulted in the loss of 4.18 units of wetland functions and services. As compensatory mitigation, the original permittee offset 0.42 WRAP units of loss through the purchase of credits from the *Northeast Florida Wetland Mitigation Bank*. The permittee offset the remaining 3.76 WRAP units of loss with the on-site mitigation. In consideration of that information, the current applicant proposes the purchase of 3.76 WRAP credits to replace the failed previous onsite mitigation efforts.

The second part of the mitigation plan is to off-set the proposed project impacts. A portion of the wetland creation that was required as mitigation for the *Sunbeam Hill* project was completed but a conservation easement over that area was not recorded. Therefore, the current project replaces the value of that mitigation through the purchase of the 3.76 WRAP units noted above; however, additional mitigation to compensate the elimination of that wetland creation area in conjunction with the current *Sunbeam Townhomes* project is not required since this area was created as a wetland (from uplands) for mitigation but is no longer being used as mitigation. Separately, the current proposal would eliminate an additional 2.75 acres of wetlands. In consideration of the additional work, the applicant's ecological consultant compiled a *Uniform Mitigation Assessment Method* (UMAM) quantifying and qualifying the loss of wetland functions and services associated with the new work proposed. In consideration of that UMAM, the applicant would purchase 1.25 federal palustrine forested wetland credits from the *Greens Creek Mitigation Bank*, which is a federally authorized 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. The Corps notes, however, that there are no documented cultural resources within or near the site. Further, the site was previously utilized as a landfill; and, portions of the site have been excavated for stormwater ponds and ditches in conjunction with a previously authorized residential development.

ENDANGERED SPECIES:

Red Cockaded Woodpecker (*Picoides borealis*): The project site is within the consultation area identified by the U.S. Fish and Wildlife Service (FWS) and the Corps for this species. Therefore, Red Cockaded Woodpecker may utilize the project site. 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. Therefore, the Corps concludes that the project would have *no effect* on this species.

Wood Stork (*Mycteria americana*): The project site is within the *Core Foraging Area* of the Dee Dot Ranch (594004) Wood Stork colony. Therefore, this species may utilize (forage at) the site. The stormwater conveyance ditches and the onsite wetlands have a dense canopy; and, as such, do not provide suitable foraging habitat (SFH) for Wood Storks. However, the work

proposed would affect a nominal area of stormwater pond littoral zones that could provide SFH. The project, though, compensates that loss of SFH through the establishment of other (and additional) littoral habitat within the new stormwater treatment systems. 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-D-E-*may affect but not likely to adversely affect*. The FWS previously indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for Wood Storks; and, that no additional consultation is necessary.

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 have no 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 Corps has not conducted a field verification of the proposed extent of wetlands and other aquatic resources.

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.

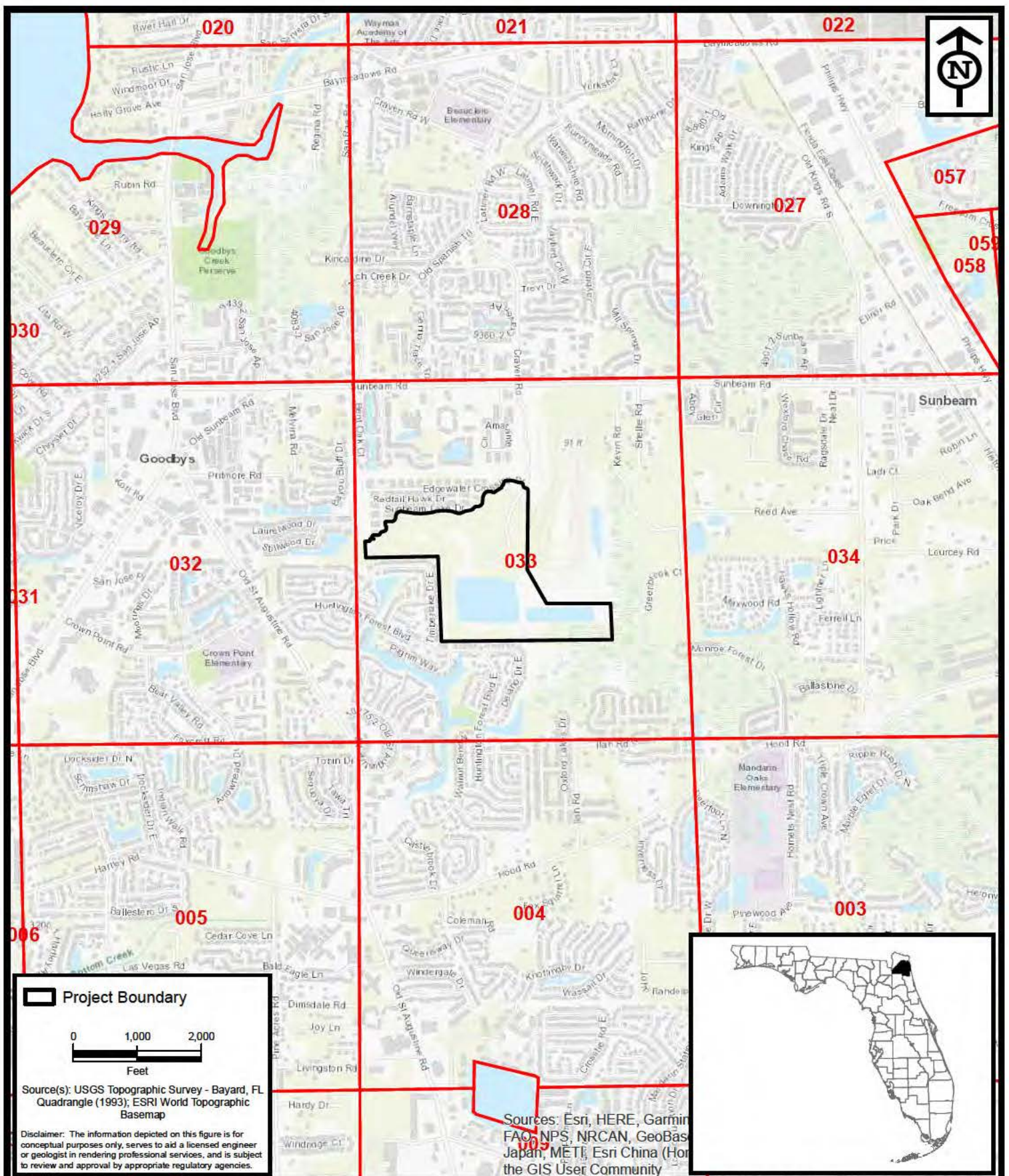
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important

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.



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7220 Financial Way, Suite 100
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Project Location

Sunbeam Road Townhomes

Duval County, Florida

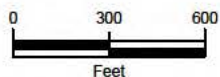
Project:	EJ19152.00
Date:	Jul 2019
Drawn By:	JRN
Checked By:	NDF
Approved By:	NDF
Figure:	1



Craven Road



 Project Boundary



Source(s): 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/GS, AeroGRID, IGN, and the GIS User Community



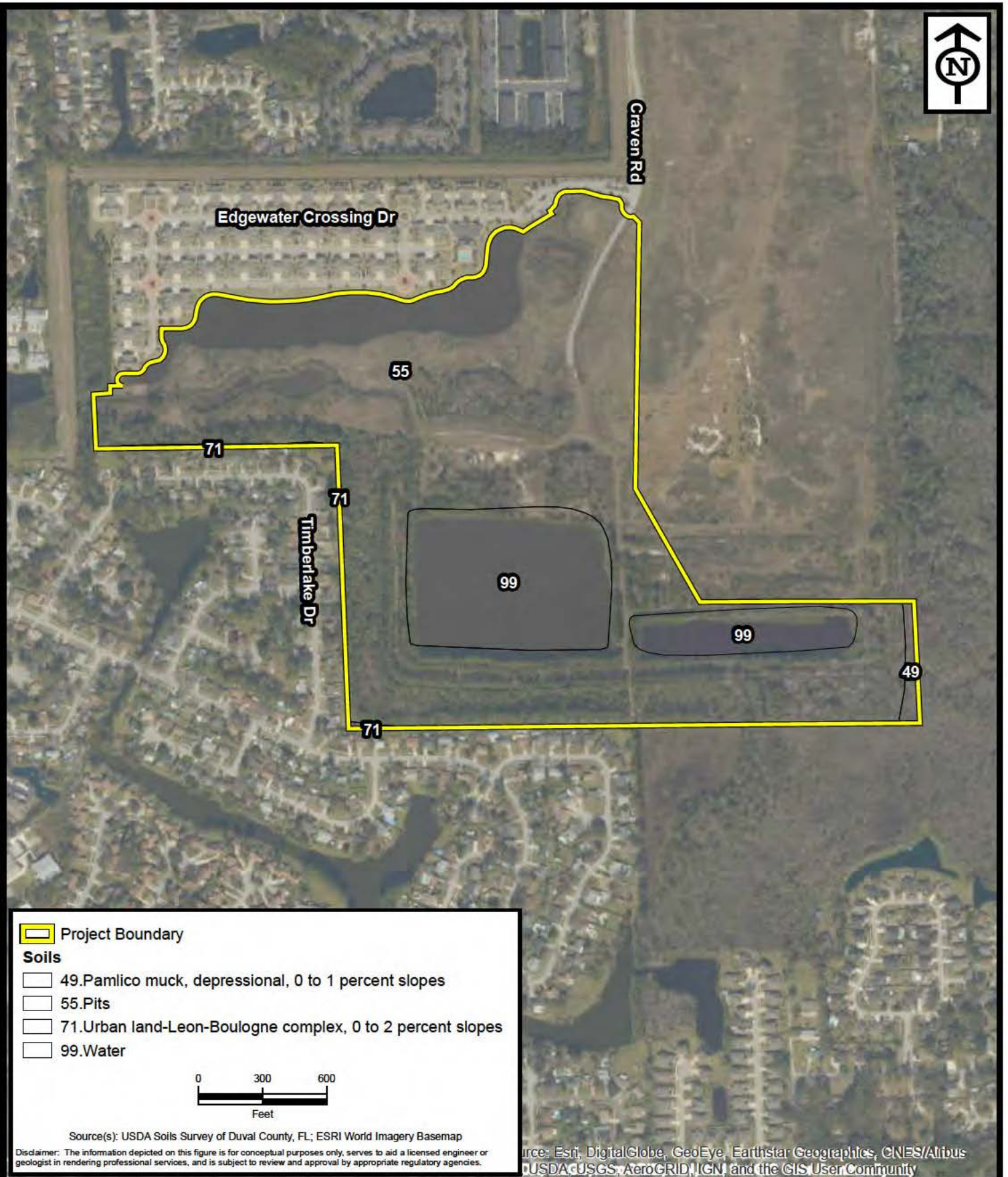
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

Aerial Photograph
Sunbeam Townhomes
Duval County, Florida

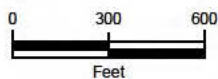
Project:	EJ19152.00
Date:	Jul 2019
Drawn By:	CM
Checked By:	JP
Approved By:	NDF
Figure:	2



 Project Boundary

Soils

-  49.Pamlico muck, depressional, 0 to 1 percent slopes
-  55.Pits
-  71.Urban land-Leon-Boulogne complex, 0 to 2 percent slopes
-  99.Water



Source(s): USDA Soils Survey of Duval County, FL; ESRI World Imagery Basemap

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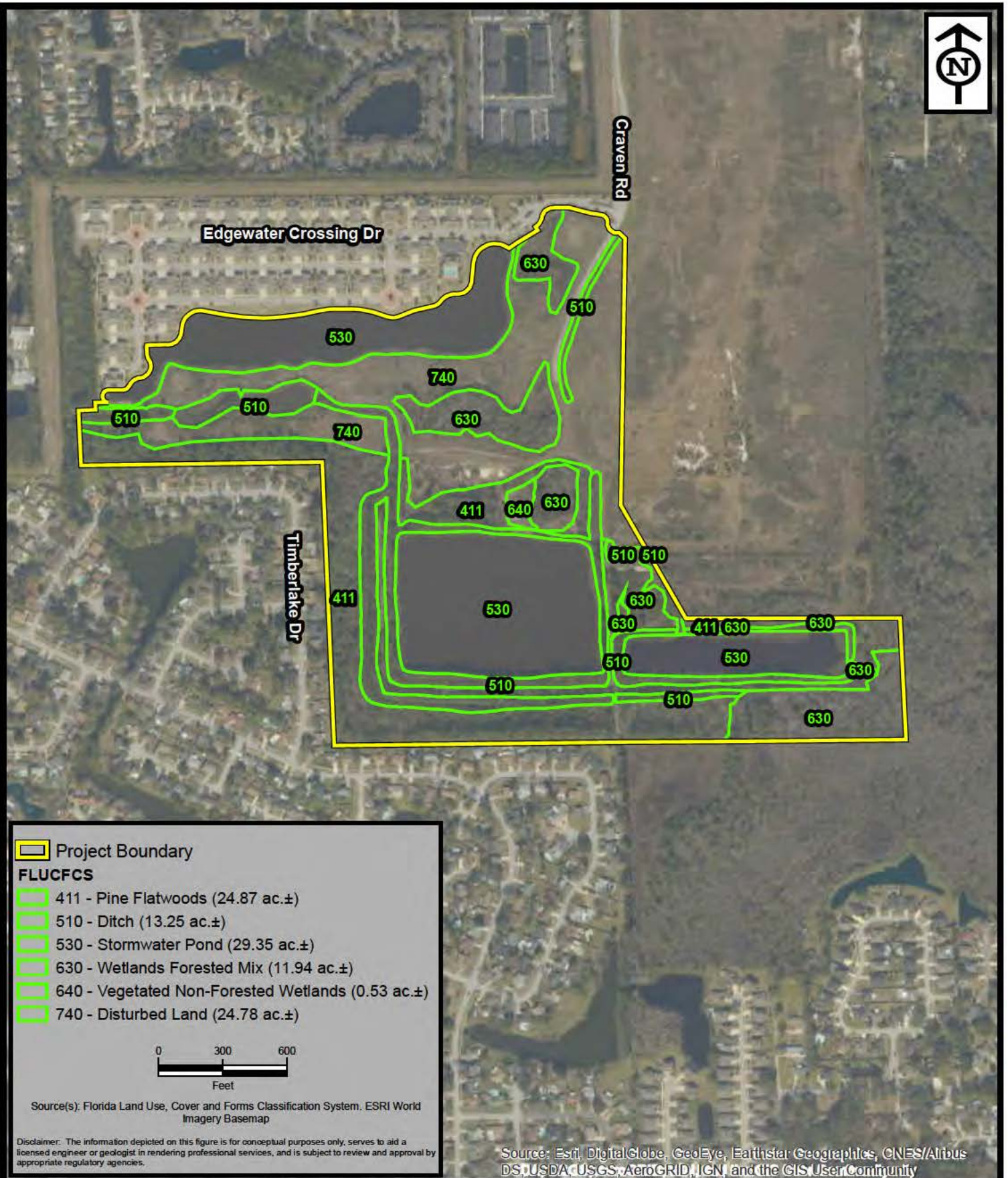
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NRCS Soils

Sunbeam Townhomes

Duval County, Florida

Project:	EJ19152.00
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Figure:	3



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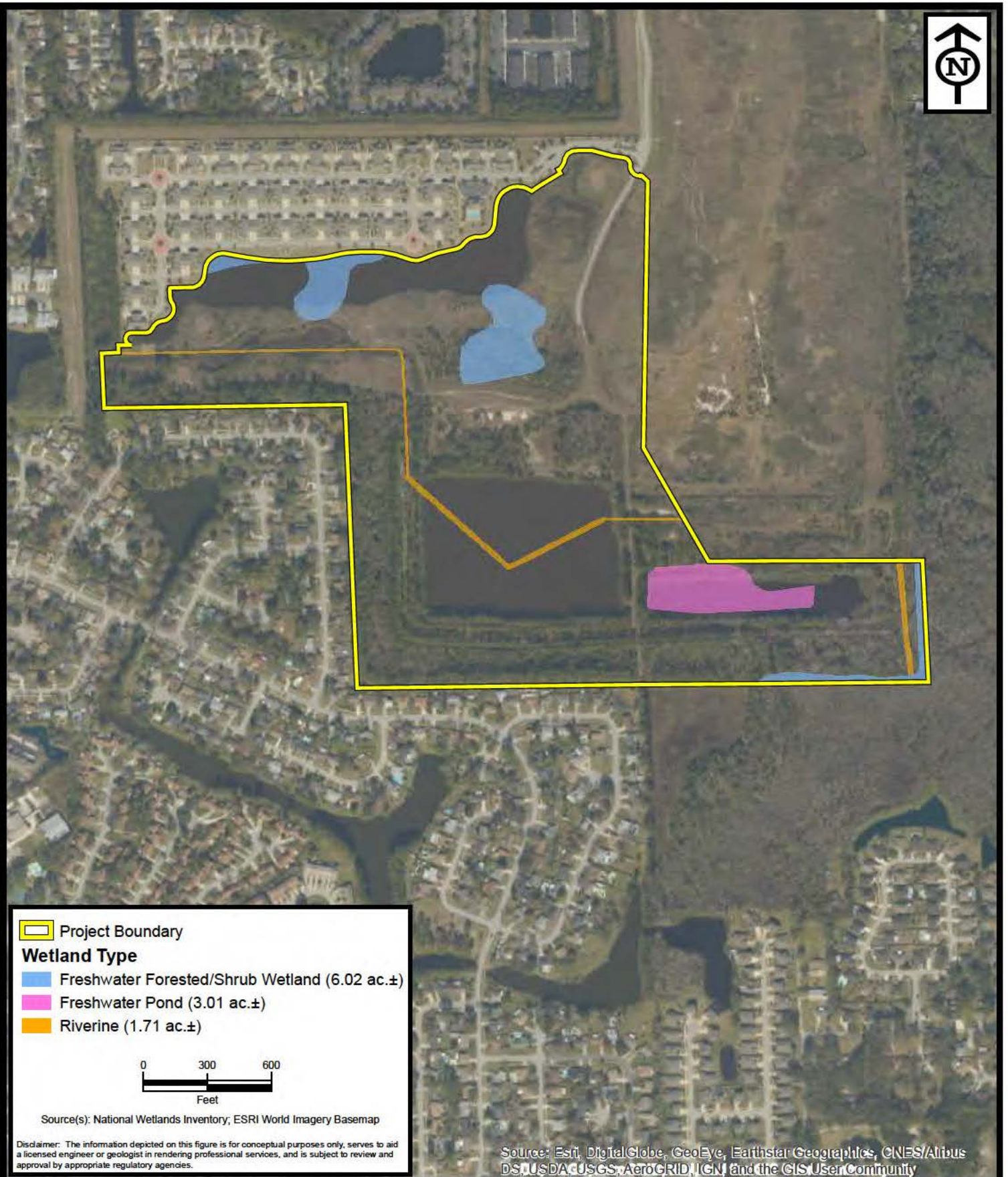
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
Existing Site Conditions

Sunbeam Townhomes


Duval County, Florida

Project:	EJ19152.00
Date:	Jul 2019
Drawn By:	CM
Checked By:	JP
Approved By:	NDF
Figure:	4




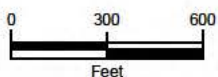
 Project Boundary

Wetland Type

 Freshwater Forested/Shrub Wetland (6.02 ac.±)

 Freshwater Pond (3.01 ac.±)

 Riverine (1.71 ac.±)



Source(s): National Wetlands Inventory; 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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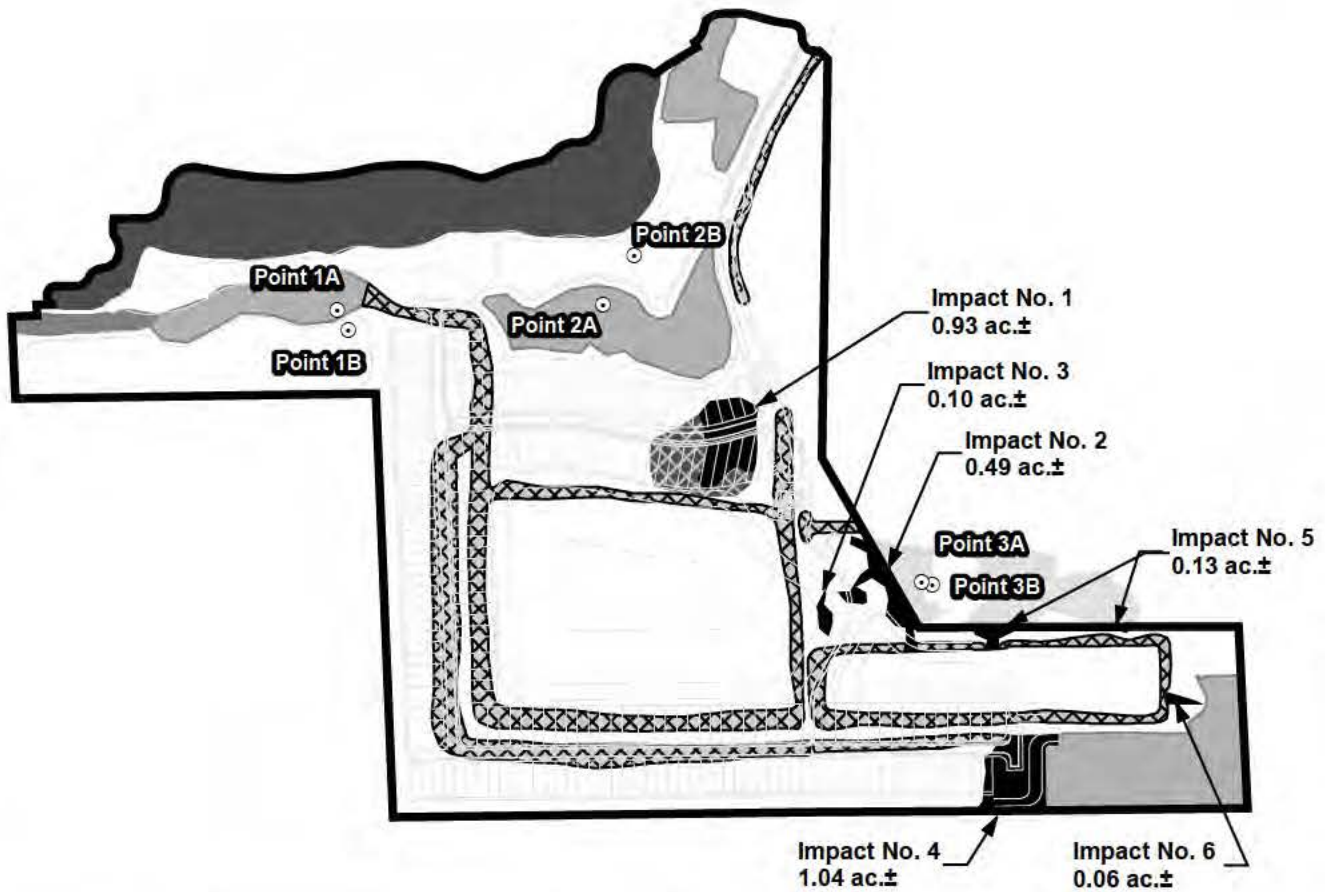
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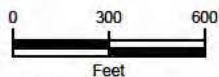
National Wetlands Inventory Sunbeam Townhomes

Duval County, Florida

Project:	EJ19152.00
Date:	Jul 2019
Drawn By:	CM
Checked By:	JP
Approved By:	NDF
Figure:	5



- Project Boundary**
- Impact**
- Jurisdictional Impact (2.75 ac.±)
 - Stormwater Ditch Impact (11.00 ac.±)
- Other**
- Wetlands
 - Wetland Creation Impact - No Mitigation Required (0.92 ac.±)
 - Other Surface Waters
 - Wetlands to Remain (10.43 ac.±)
 - Stormwater Ditch to Remain (0.63 ac.±)
 - Data Points



Source(s): England-Thims & Miller, Inc. (ETM)

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Proposed Site Conditions

Sunbeam Townhomes

Duval County, Florida

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Figure:	4