



REPLY TO
ATTENTION OF

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

February 12, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2019-02166 (SP-TMM)

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: Rockwell at Amelia Passage, LLC.
Attention: Peter Vo
13123 Graystone Avenue
Norwalk, California 90650

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) hydrologically connected to Lofton Creek, a tidal creek that flows into the Nassau River and the Atlantic Ocean. The project site is located west of Old Nassauville Road in Sections 31 and 32, Township 2 South, Range 28 East, Yulee, Nassau County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.587617°
Longitude -81.536561°

PROJECT PURPOSE:

Basic: The basic project purpose is housing.

Overall: The overall project purpose is to construct a residential subdivision and associated infrastructure in eastern Nassau County, Florida.

EXISTING CONDITIONS: The 275 acre site consists of approximately 42.3 acres of jurisdictional wetlands. The area is undeveloped. The wetlands on the west side of the property flow south west into Lofton Creek. The wetlands on the east side of the property flow south into Nassau River. The property is a mosaic of wetland strands and cypress domes consisting of wetland hardwood forest, wetland coniferous forest, and vegetated non-forested areas. The property is interspersed with higher elevation sandhills and upland scrub filled with wiregrass (*Aristida stricta*), longleaf pine (*Pinus palustris*), saw palmetto (*Serenoa repens*), gopher tortoise (*Gopherus polyphemus*) and other fire dependent species. On the east side of the property are three created wetland

areas that were utilized as mitigation for a separate project. East of the ponds is another wetland strand and east of that are uplands, some of which have been cleared. In the center of the property is a pond created prior to 1994. On-site land use types/vegetative communities were identified utilizing the *Florida Land Use, Cover and Forms Classification System, Level III* (FLUCCS, FDOT, 1999). The on-site land use types/vegetative communities include:

Wetlands:

610 Wetland Hardwood Forest: These wetlands are dominated by bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), sweetgum (*Liquidambar styraciflua*), sweet bay (*Magnolia virginiana*), slash pine, and red maple (*Acer rubrum*). The understory species include gallberry (*Ilex glabra*), saw palmetto, cinnamon fern (*Osmunda cinnamomeum*), and Virginia chainfern (*Woodwardia virginica*).

620 Wetland Coniferous Forest: The wetland coniferous forest is comprised of a canopy of slash and loblolly pine and a sparse understory of red root, gallberry and Virginia fern.

640 Vegetated Non-Forested: There are two vegetated non-forested wetlands identified within the project boundaries. These two small wetland areas consist of red root (*Lachnanthes caroliniana*), cinnamon fern, fetterbush (*Lyonia lucida*) and a scattered black gum seed trees.

Uplands:

436 Upland Scrub, Pine and Hardwoods: About half of the onsite uplands of the property are dominated by long leaf pine (*Pinus palustris*), loblolly pine (*P. taeda*), live oak (*Quercus virginiana*), water oak (*Q. nigra*), saw palmetto (*Serenoa repens*), and bracken fern (*Pteridium aquilinum*). The Southwestern portion of this upland habitat consists of land previously occupied by residential homes. Those homes have been torn down or removed.

440 Tree Plantation: Slash pine (*P. elliottii*) is planted through the property. This pine tree dominates the canopy, however, there are some sweetgum (*Liquidambar styraciflua*), and water oak that were identified in the mid story. Understory vegetation consists of saw palmetto, blueberry (*Vaccinium spp.*), bracken fern, and blackberry (*Rubus spp.*).

520 Pond: A pond is located in the center of the project site. This man-made pond was created prior to 1994.

PROJECT HISTORY: The applicant has worked with Nassau County to potentially exchange ownership of county owned land (labeled as Phase 8) for the parcel labeled as School/County Park Site all of which is depicted on the site plan included with the permit drawings. This area would be the proposed location of a county school and county park. The applicant has stated that Amelia Passage Boulevard needs to be in the currently proposed location due to the county needing a safe location of the road in

respect to the location of the proposed school. Any additional proposed impacts to the wetlands due to the construction of the school would be evaluated at the time the county applies for a Corps permit.

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over a total of 4.69-acres of waters of the United States for residential development on the 275 acre property. Best management practices would be required in project construction.

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 +/-4.66 acres and will occur to the wetland hardwood forest, wetland coniferous forest, and vegetated non-forested wetland 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. The vast majority of the proposed impacts will result from road crossings to reach developable uplands. The road crossing associated with Wetland 8 was initially planned for the least amount of wetland impacts but was later amended as required by Nassau County in order to keep vehicular traffic from bisecting through the school and park parcel to the east of Wetland 7. For the safety of the children and families using this parcel, Nassau County requires that pedestrian traffic access the parcel without having to cross a major road. The remaining wetland impacts will be minor edge impacts associated with residential lot/unit construction.

During the initial planning phases of the project, the project started out with 49 more residential lots/units and would have resulted in wetland impacts that would have consisted of +/- 2.5 acres. The current lot/unit count is 992 with wetland impacts totaling +/- 4.69 acres. Through avoidance and minimization exercises, 49 lots were removed and the wetland impacts were reduced by +/- 2.5 acres. Further reductions in lot numbers 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 2.25 functional loss units. As mitigation for the proposed wetland impacts, the Applicant will purchase credits from a Basin 3 USACE-approved mitigation bank.

CULTURAL RESOURCES: The Corps has not made an effect determination, but the applicant has provided two Cultural Resource Assessment Surveys (CRAS), covering the original site and two additional parcels added to the project area, that have been completed for this project. After a review of the two CRAS reports, the Corps will make an effect determination. 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 project area.

ENDANGERED SPECIES:

Wood Stork (*Mycteria americana*): The project site is within the 13 mile Wood Stork Nesting Colonies Buffer for the Cedar Pont Road and Pumpkin Hill nesting colonies; therefore, this species may be present at the project site. 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 $A > B > C > \text{not likely to adversely affect}$. In consideration of the key sequence, additional coordination with the FWS is not required.

Florida Scrub Jay (*Aphelocoma coerulescens*): The property is within the Florida Scrub Jay United States Fish and Wildlife (USFWS) consultation area; therefore, Florida Scrub Jays could be found on site. The property does not host short, scrub oak species with open sandy areas and the project area is fully forested, providing perches for predator birds. Additionally, there were no Florida Scrub Jays found on site. Therefore, the Corps has determined that there would be no effect on this species.

Eastern Indigo Snake (*Drymarchon corais couperi*): Eastern indigo snake frequents Upland Scrub, Pine and Hardwoods, and Tree Plantation areas found on site. Additionally, there are more than 25 acres of xeric habitat and 29 known gopher tortoise burrows found on site, in which the eastern indigo snake can inhabit. Therefore, the species could be found on site. In consideration of this information, the Corps utilized the *Eastern Indigo Snake Effect Determination Key, August 2013*, to determine potential effects upon this species. Use of this key resulted in the sequence $A > B > C > D > \text{may affect}$. In consideration of the key sequence, formal consultation will be conducted with USFWS.

The Corps executed a Resources At Risk (RAR) report on 14 January 2020. 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 public notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The property does not host EFH and the Corps has determined there to be no effect on EFH. Our final determination relative to project impacts is subject to review 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 verified the extent of 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, Terri M. Mashour, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232; by electronic mail at terri.m.mashour@usace.army.mil; by facsimile transmission at (904) 232-1940; or, by telephone at (904) 570-4512.

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.

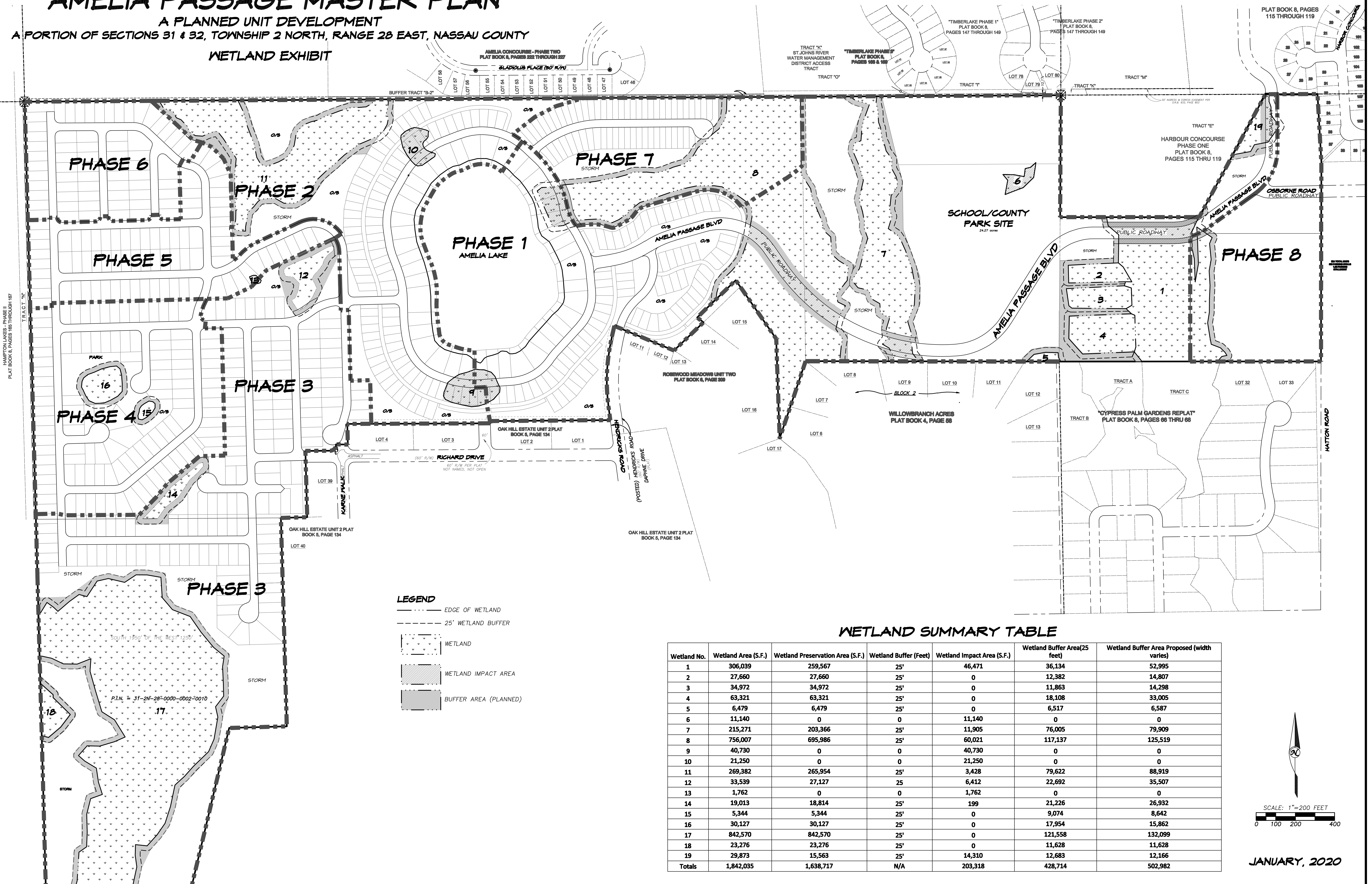
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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.

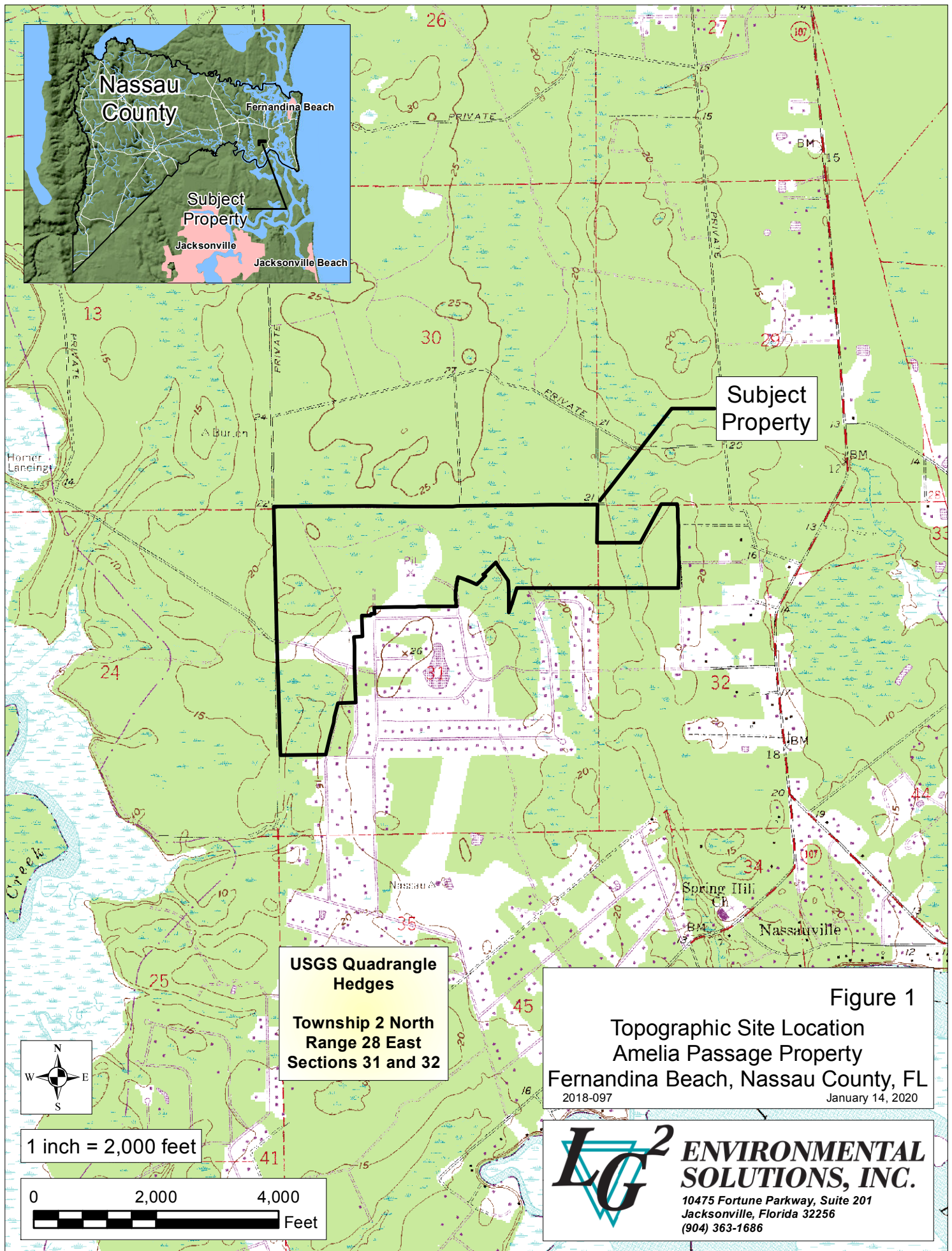
AMELIA PASSAGE MASTER PLAN

A PLANNED UNIT DEVELOPMENT
A PORTION OF SECTIONS 31 & 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY
WETLAND EXHIBIT

SHEET 3 OF 4



JANUARY, 2020



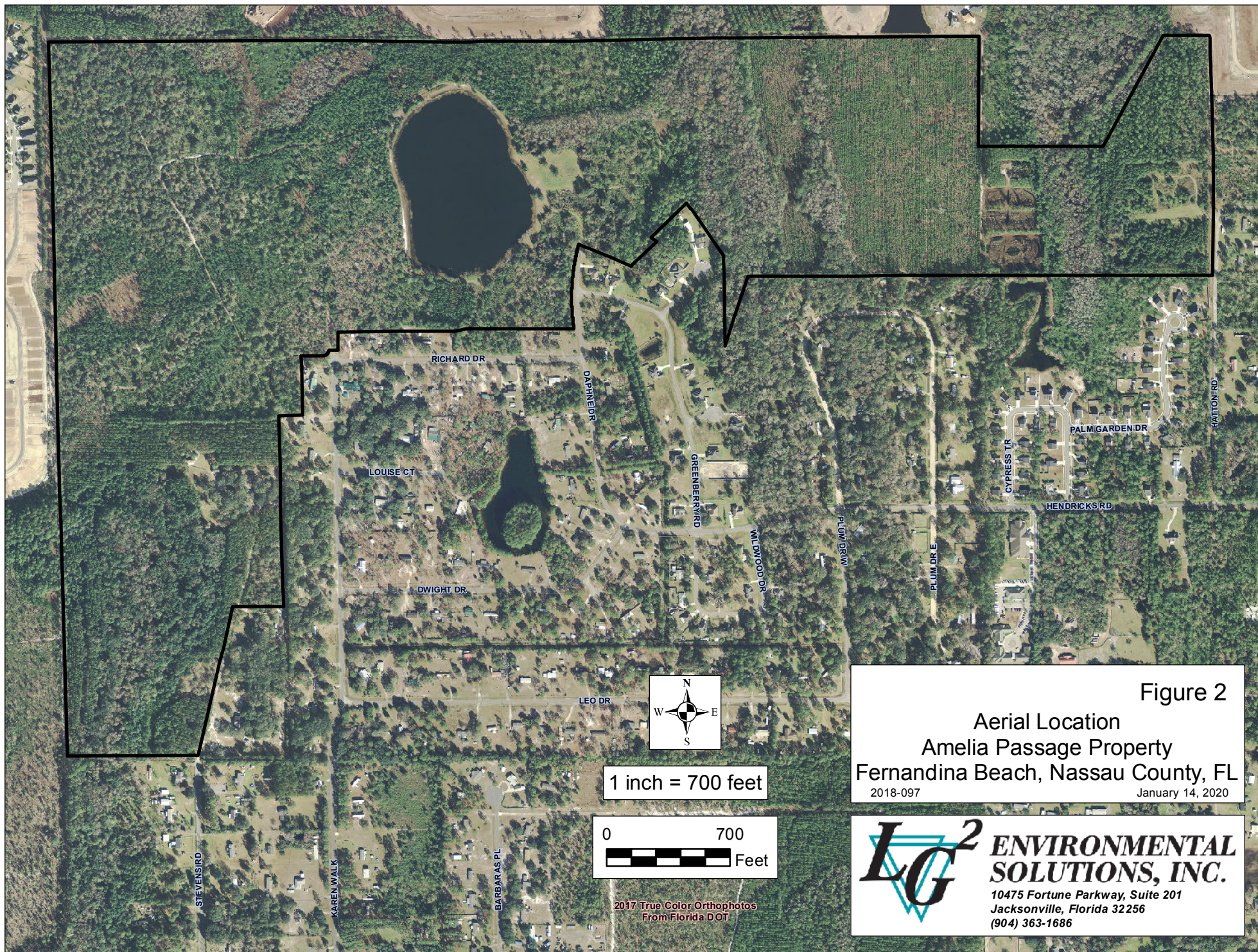


Figure 2
Aerial Location
Amelia Passage Property
Fernandina Beach, Nassau County, FL
2018-097 January 14, 2020

LG² ENVIRONMENTAL SOLUTIONS, INC.
10475 Fortune Parkway, Suite 201
Jacksonville, Florida 32256
(904) 363-1686

- 06 - HURRICANE-POTTSBURG FINE SANDS, 0 TO 5 PERCENT SLOPES
- 09 - LEON FINE SAND, 0 TO 2 PERCENT SLOPES
- 10 - MANDARIN FINE SAND, 0 TO 2 PERCENT SLOPES
- 14 - RUTLEGE MUCKY FINE SAND, FREQUENTLY FLOODED
- 18 - LYNN HAVEN-WESCONNETT-LEON COMPLEX, DEPRESSIONAL
- 20 - ORTEGA FINE SAND, 0 TO 5 PERCENT SLOPES
- 24 - KINGSFERRY FINE SAND
- 27 - RIDGEWOOD FINE SAND, 0 TO 5 PERCENT SLOPES
- 39 - EVERGREEN-LEON MUCKS, DEPRESSIONAL

2017 True Color Orthophotos
From Florida DOT

1 inch = 700 feet

0 700
Feet



Figure 3
Soils
Amelia Passage Property
Fernandina Beach, Nassau County, FL
2018-097 January 14, 2020

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