



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

March 5, 2020

Regulatory Division
North Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2017-03030(SP-RPR)

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: KB Home-Jacksonville, LLC
Attn: Mr. Chris Hill
10475 Fortune Parkway, Suite 100
Jacksonville, Florida 32256

WATERWAY AND LOCATION: The project would affect palustrine waters of the United States (wetlands) associated with Dunn Creek. The project site is located at 2059 New Berlin Road, in Section 34, Township 1 North, Range 27 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.469524°
Longitude -81.594929°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the establishment of a residential development in eastern Duval County.

EXISTING CONDITIONS: The project site encompasses several communities identified by the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) developed by the Florida Department of Transportation:

1. Uplands 27.08 acres

a. *Improved Pasture/Other Open Land* (FLUCFCS codes 211/260) 15.09 acres - Much of the central portion of the property comprises open fields vegetated with bahia grass (*Paspalum notatum*) and various early successional weed species such as Vasey grass (*Paspalum urvillei*), dogfennel (*Eupatorium*), Spanish needles (*Bidens pilosa*),

goldenrod (*Solidago*), broomsedge (*Andropogon*), ragweed (*Ambrosia artemisiifolia*), and other grasses.

b. *Pine Plantation* (FLUCFCS code 441) 7.02 acres - Areas of field have been converted to pine plantation and now contain rows of even-aged slash pine (*Pinus elliottii*). The ground cover vegetation in these areas is very similar to the vegetation in the adjacent fields.

c. *Pine Flatwoods* (FLUCFCS code 411) 2.92 acres - The property contains areas of upland pine flatwoods in the southeast corner and elsewhere onsite. The pine flatwood area in the southeast corner of the property was part of a developed single-family lot. The house was demolished a number of years ago. The canopy in the pine flatwood areas is dominated by slash pine and loblolly pine (*Pinus taeda*). The understory and ground cover vegetation are dominated by such species as saw palmetto (*Serenoa repens*), bracken fern (*Pteridium aquilinum*) and bitter gallberry (*Ilex glabra*).

d. *Single Family Residential* (FLUCFCS code 110) 1.34 acres - The project site includes an existing single-family residence and adjacent yard next to the eastern boundary.

e. *Unpaved Road* (FLUCFCS code 814) 0.71 acre - The property contains sections of unpaved road, some of which have a surface layer of limerock.

2. *Wetlands and Other Surface Waters* 17.35 acres

a. *Inland Ponds and Sloughs* (FLUCFCS code 616) 7.89 acres - The majority of the onsite wetlands may be characterized as inland ponds and sloughs. The canopy in these areas is dominated by such species as blackgum (*Nyssa sylvatica* var. *biflora*), sweet bay (*Magnolia virginiana*), loblolly bay (*Gordonia lasianthus*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), pond cypress (*Taxodium ascendens*), and slash pine. The understory and ground cover vegetation are dominated by such species as royal fern (*Osmunda regalis*), cinnamon fern (*O. cinnamomea*), Virginia chain fern (*Woodwardia virginica*), fetterbush (*Lyonia lucida*), and sphagnum moss (*Sphagnum*). These areas regularly hold shallow standing water during the rainy season.

b. *Hydric Pine Flatwoods/Slash Pine Swamp* (FLUCFCS codes 625/627) 3.82 acres - Bordering the deeper areas of forested slough are areas of hydric pine flatwoods (FLUCFCS code 625) and slash pine swamp (FLUCFCS code 627). The canopy in these areas is dominated by slash pine and pond pine (*Pinus serotina*) along with lesser amounts of loblolly bay. The lower areas also contain scattered pond cypress. The understory and ground cover vegetation include such species as cinnamon fern, fetterbush, and netted chain fern (*Woodwardia areolata*). These areas are higher in elevation than the deeper slough wetlands and tend to be saturated at the ground surface during the rainy season.

c. *Borrow Pit* (FLUCFCS code 524) 4.91 acres - The property contains three man-made borrow pits. These pits are relatively deep and steep-sided. The pits have a relatively narrow fringe of littoral vegetation dominated by such species as torpedo grass (*Panicum repens*), dollarweed (*Hydrocotyle*) and cattail (*Typha*).

d. *Ditches* (FLUCFCS code 510) 0.28 acre Upland-cut, 0.16 acre Wetland-cut - The property contains 0.28 acre of upland-cut drainage ditch and 0.16 acre of wetland-cut drainage ditch.

e. *Wetland Forested Mixed* (FLUCFCS code 630) 0.29 acre - The property contains two relatively small areas of forested wetland that may be characterized as wetland forested mixed. These areas have a canopy that includes such species as coastal plain willow (*Salix caroliniana*), Chinese tallow (*Triadica sebifera*) and red maple with a shrub layer including such species as waxmyrtle (*Morella cerifera*).

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over 0.74 acre of wetlands to facilitate the establishment of a single-family residential subdivision and its infrastructure. In addition, the applicant seeks authorization for after-the-fact discharge of fill material over 0.76 acre of wetlands.

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 is designed to avoid impacting approximately 95% of the onsite wetlands while still accomplishing the overall project purpose. Impacts are necessary along the rear edges of specific lots to allow for drainage of stormwater runoff into the proposed treatment ponds.

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 submitted a Wetland Rapid Assessment Procedure (WRAP) quantifying and qualifying the potential loss of wetland functions and services associated with the proposed work. The WRAP calculated the functional loss as 0.95 unit. Therefore, the applicant proposed the purchase of 0.95 palustrine forested federal credit from the *Loblolly Mitigation Bank* (SAJ-2002-07493).

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area; however, a Cultural Resource Assessment Survey has been submitted and will be reviewed and coordinated with the appropriate agencies. 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:

Red Cockaded Woodpecker (*Picoides borealis*): The project site is approximately 16 miles from the nearest identified nest or cluster location for red-cockaded woodpecker; and, within the consultation area identified by the U.S. Fish and Wildlife Service (FWS) and the Corps for this species. 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; therefore, the Corps has determined *no effect* to the woodpecker.

The project site is approximately 5 miles from the Pumpkin Hill (594105) wood stork colony; and, within the *Core Foraging Area* of this colony; therefore, the wood stork could opportunistically utilize the area encompassed by the project Endangered Species Act scope of analysis. The proposed 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*, and no further consultation with the U.S. Fish and Wildlife is necessary, per the programmatic agreement.

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, other than what is listed above. 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 (NMFS) on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996; however, the project site does not encompass an area designated as EFH by the NMFS. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries in Pablo 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 32232-0019 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, Renee Riker, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at renee.p.riker@usace.army.mil; by facsimile transmission at (904)232-1904; or, by telephone at (904)232-1497.

ADDITIONAL INFORMATION: After reviewing all available information pertaining to the completed work, the Department of the Army has not recommended legal action at this time. Final determination regarding legal action will be made after review of the project through the permit procedure.

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.

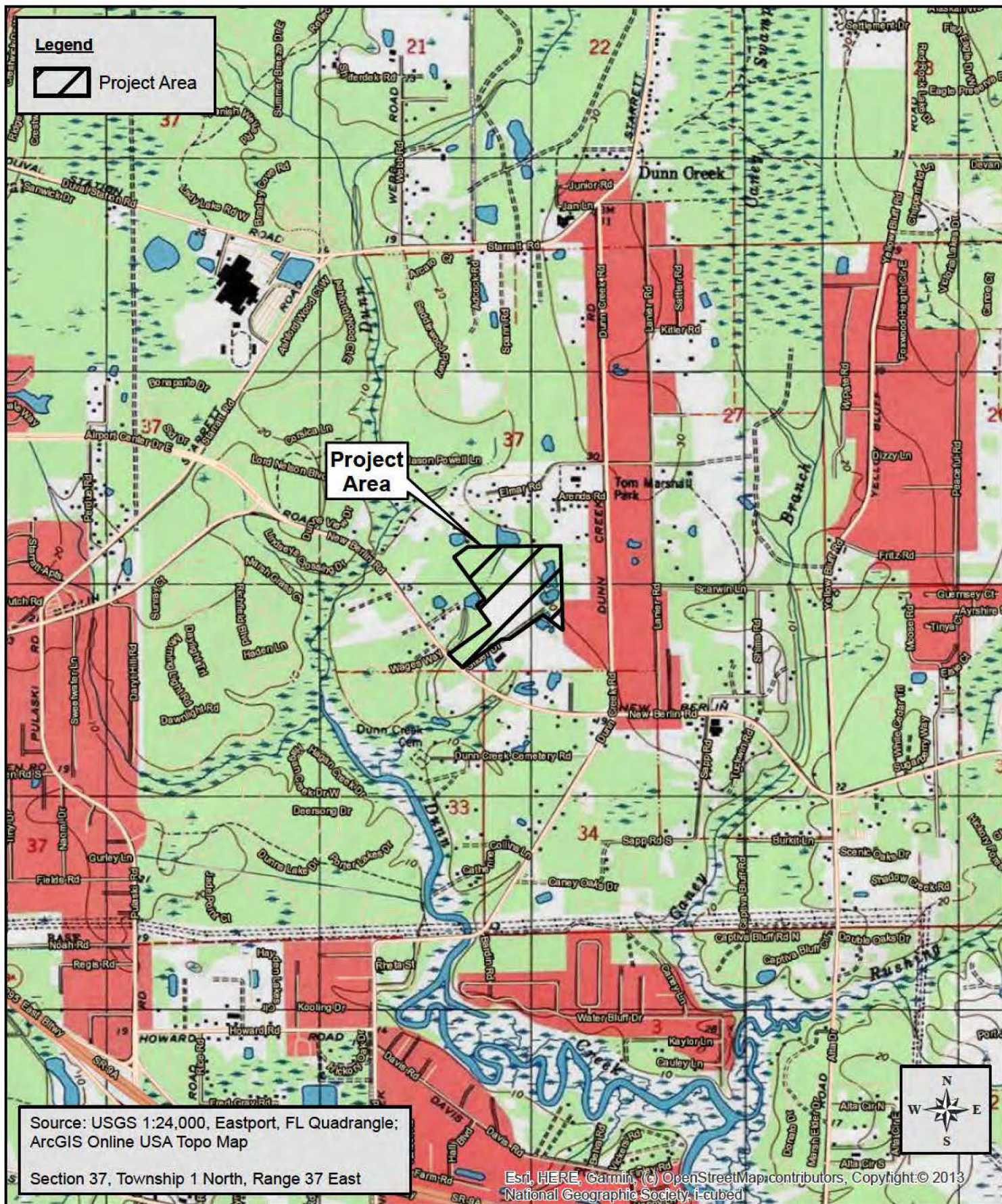
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



PEACOCK CONSULTING GROUP, LLC



12058 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

Hudson Grove

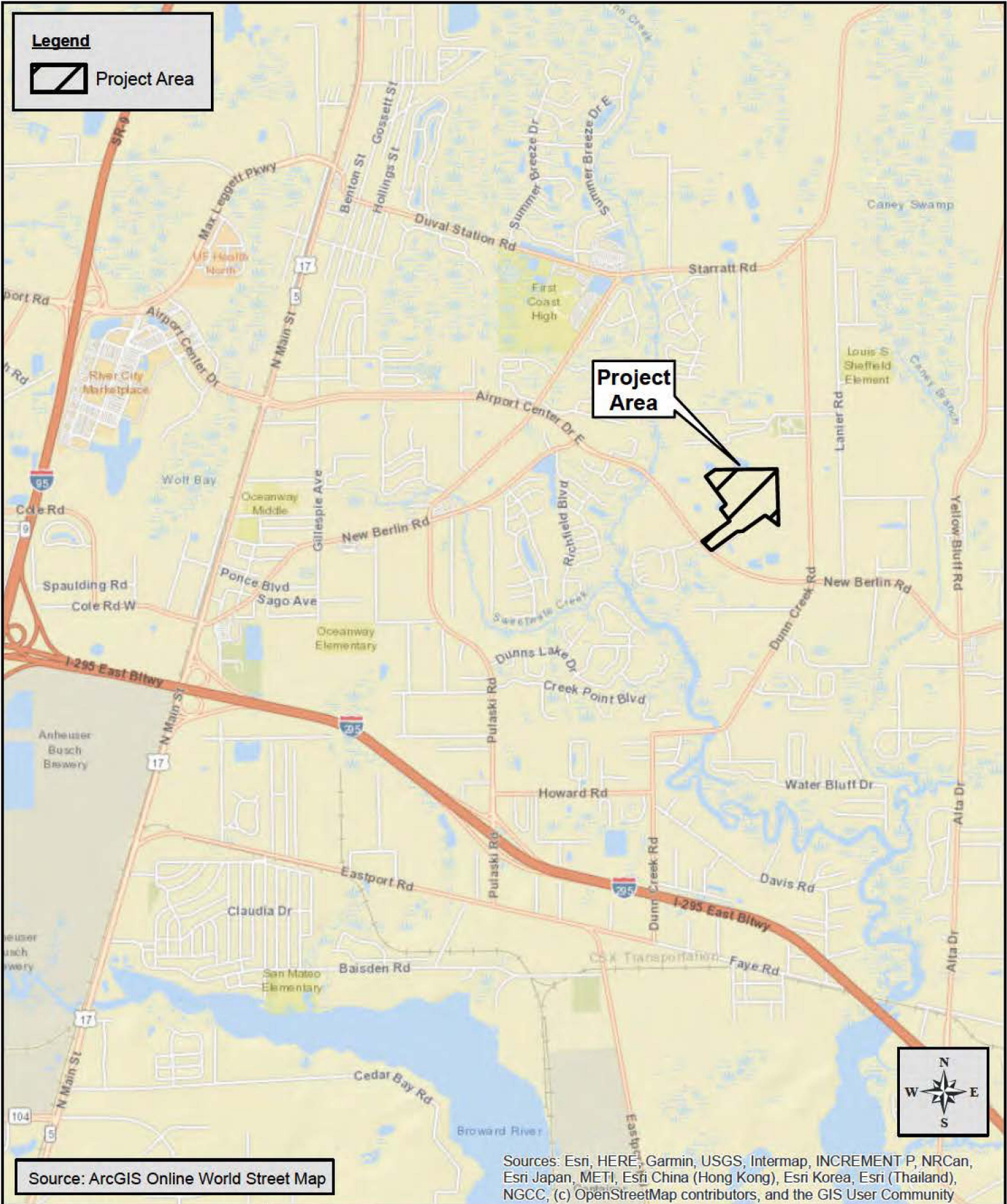
Duval County, Florida

Location/Topographic Map

Figure: 1

Date: 1-4-20





Legend

 Project Area

Project Area

Source: ArcGIS Online World Street Map

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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12058 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
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Hudson Grove
Duval County, Florida
Vicinity Map

Figure: 2
Date: 1-4-20





Source: ArcGIS Online Imagery

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Hudson Grove

Duval County, Florida

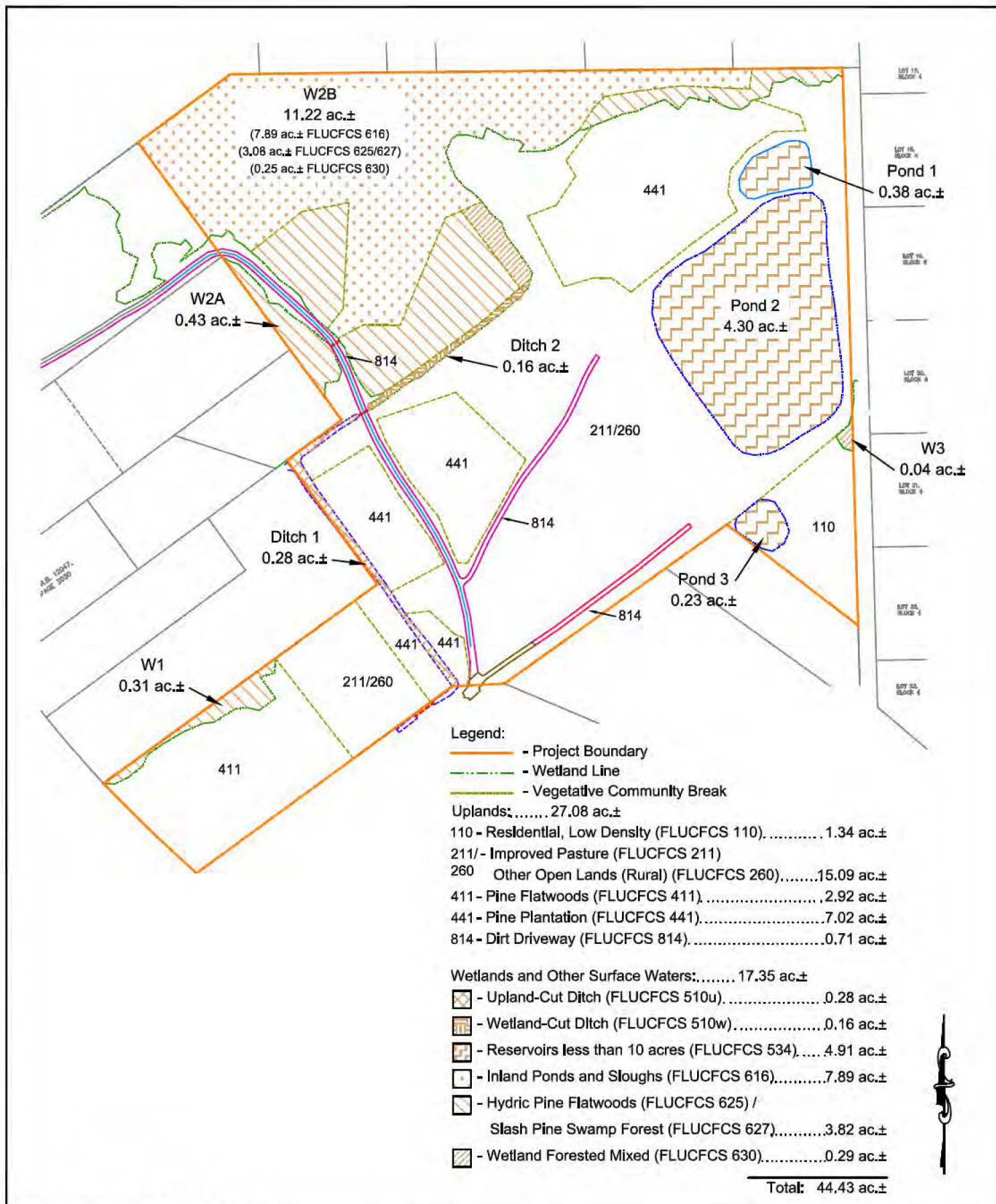
Current Aerial Photograph

Figure: 3

Date: 1-4-20



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PEACOCK CONSULTING GROUP, LLC  12058 San Jose Boulevard, Suite 604 Jacksonville, Florida 32223 (904) 268-1766 phone (904) 268-1728 fax	Hudson Grove Duval County, Florida <i>Existing Site Conditions</i>	Figure: 4
		Scale: 1" = 300'
		Date: 1-4-20

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