



REPLY TO
ATTENTION OF

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

March 12, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2016-02726 (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: BFG Investment Fund, LLC
Attention: Samuel Crozier
161 Hampton Point Drive, Suite 1
St. Augustine, FL 32092

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with North Prong, and Double Branch, which flow into Little Black Creek, Black Creek, and into the St. Johns River. The project site is located at 560 Cheswick Oak Avenue (portions of Clay County Property Appraiser Parcel Identification Numbers 08-04-25-007873-000-00 and 09-04-25-007878-000-00), in Sections 8 and 9, Township 4 South, Range 25 East, Orange Park, Clay County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.166670°
Longitude -81.815857°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is single-family residential development for northern Clay County, Florida.

EXISTING CONDITIONS:

a. General: The project site is approximately 47.27 acres in size. The project site is undeveloped and is bordered on the west by North Prong and the southern border of the property is a wetland strand associated with Double Branch Creek. An underground utility line runs across the northern border of the property. The line is mowed and is drivable. A trail road bisects the western side of the property from north to south. Elevations range from 79 feet in the uplands to 33 feet in the wetlands.

b. Vegetative Communities: The project site encompasses many community types characterized by the *Florida Land Use, Cover and Forms Classification System, Level III* (FLUCCS, FDOT, 1999).

(1) Inland Ponds and Sloughs (FLUCFCS 616) 3.75 acres: The deeper wetlands onsite comprise shallow depressions that hold shallow standing water periodically during the rainy season. The canopy in these areas is dominated with such species as pond cypress (*Taxodium ascendens*), blackgum (*Nyssa sylvatica*), red maple (*Acer rubrum*), sweetbay (*Magnolia virginiana*), loblolly bay (*Gordonia lasianthus*), myrtle leaf holly (*Ilex myrtifolia*), and slash pine. The understory and ground cover are dominated by such species as fetterbush (*Lyonia lucida*), Virginia chain fern (*Woodwardia virginica*), bamboo vine (*Smilax laurifolia*), and sphagnum moss (*Sphagnum* sp.).

(2) Hydric Pine Flatwoods (FLUCFCS 625) 1.73 acres: The deeper wetlands are bordered in places by areas of hydric pine flatwoods. These areas have a seasonal high water table at or near the ground surface but typically do not contain standing water. The canopy is dominated by slash pine mixed with lesser amounts of hardwoods such as loblolly bay, myrtle leaf holly, sweetgum (*Liquidambar styraciflua*), and red maple. The understory and ground cover are dominated by such species as bitter gallberry, St. Johns wort (*Hypericum* sp.), beak rush (*Rhynchospora* spp.), yellow-eyed grass (*Xyris* sp.), red root (*Lachnanthes caroliniana*), cinnamon fern (*Osmundastrum cinnamomeum*), and various wet grasses.

(3) Wet Pine Plantation (FLUCFCS 441W) 6.11 acres: Many of the onsite wetlands may be characterized as wet pine plantation. These areas historically had comprised hydric pine flatwoods that were converted into pine plantation. The canopy is dominated by rows of even-aged planted slash pine. The understory and ground cover vegetation are very similar to that of the hydric pine flatwoods.

(4) Drainage Ditch (FLUCFCS 510) 0.62 acre onsite: The property contains a number of man-made drainage ditches. Some of the ditches are located along the edges of timber roads. Other ditches extend through the property away from the roads. These ditches often hold shallow water during the rainy season and are vegetated with such species as wax myrtle (*Morella cerifera*), St. Johns wort, and beak rush.

(5) Pine Plantation (FLUCFCS 441) 17.50 acres: The majority of the uplands comprise pine plantation. The canopy in these areas consists of rows of even-aged planted slash pine (*Pinus elliottii*). The canopy also includes scattered hardwoods that have naturally become established, such as water oak (*Quercus nigra*) and laurel oak (*Quercus laurifolia*). The understory and ground cover are dominated by such species as bitter gallberry (*Ilex glabra*), saw palmetto (*Serenoa repens*) and bracken fern (*Pteridium aquilinum*).

(6) Pine Flatwoods (FLUCFCS 411) 11.26 acres: Portions of the property comprise upland pine flatwoods. The canopy in these areas is dominated by slash pine but also

includes such species as loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), southern magnolia (*Magnolia grandiflora*), and scattered loblolly bay (*Gordonia lasianthus*). The understory and ground cover vegetation is dominated by such species as saw palmetto (*Serenoa repens*), bitter gallberry and bracken fern as well as staggerbush (*Lyonia ferruginea*) and tar flower (*Befaria racemosa*).

(7) Temperate Hardwoods (FLUCFCS 425) 0.63 acre: The south central part of the property contains an area of upland hardwood forest. The canopy in this area is dominated by mature laurel oak and live oak. The understory and ground cover are relatively open and include such species as saw palmetto and bracken fern.

(8) Trail Roads (FLUCFCS 814) 2.39 acres: The property is traversed by a network of timber roads.

(9) Utility Easement (FLUCFCS 817) 2.84 acres: An underground utility line runs along the northern boundary and a portion of the western boundary and across the far southwest corner of the property. The area above the underground utility is periodically mown and is vegetated by a variety of early successional herbaceous species such as broomsedge (*Andropogon* sp.) and dog fennel (*Eupatorium* sp.).

(10) Open Land (FLUCFCS 190) 0.44 acre: The north central part of the property contains an area of open land that appears to have been used as a staging area during timber operations. This area is mostly vegetated with such species as sand blackberry (*Rubus cuneifolius*), broomsedge and dog fennel.

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over a total of 1.09-acres within Federal jurisdictional wetlands to facilitate the establishment of the site infrastructure and residential parcels. Another 1.12 acres of wetlands and 0.06 acre would be excavated for stormwater ponds. 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:

Impacts to the higher quality wetlands were avoided. Impacts to other wetlands were minimized as much as possible while still accomplishing the project purpose. Mitigation will be accomplished through the purchase of credits from Loblolly Mitigation Bank.

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 loss of wetland functions and services associated with the work proposed. The WRAP calculated the loss at 0.56 units. Therefore, the applicant has proposed the purchase of 0.56 credits from the WRAP-based federally approved mitigation bank, Longleaf Mitigation Bank, with a service area encompassing the project site.

CULTURAL RESOURCES: The Corps executed a Resources at Risk (RAR) report. The RAR indicated that a Cultural Resource Assessment Survey (CRAS) may be required. 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 project area.

ENDANGERED SPECIES: Eastern Indigo Snake (*Drymarchon corais couperi*): Eastern indigo snake 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 project site. In consideration of the potential presence of eastern indigo snake habitat, 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 *not likely to adversely affect*, as the permit authorization would be conditioned with the *Standard Protection Measures for the Eastern Indigo Snake*, dated August 12, 2013. The U.S. Fish and Wildlife Service (FWS) previously indicated that they concur with determinations of *not likely to adversely affect* based on the key for eastern indigo snakes; and, that no additional consultation is necessary.

The Corps executed a Resources At Risk (RAR) report on January 14, 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 project does not affect marine or estuarine habitat nor an area designated as EFH. Our initial determination is that the proposed action would not have an impact 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.

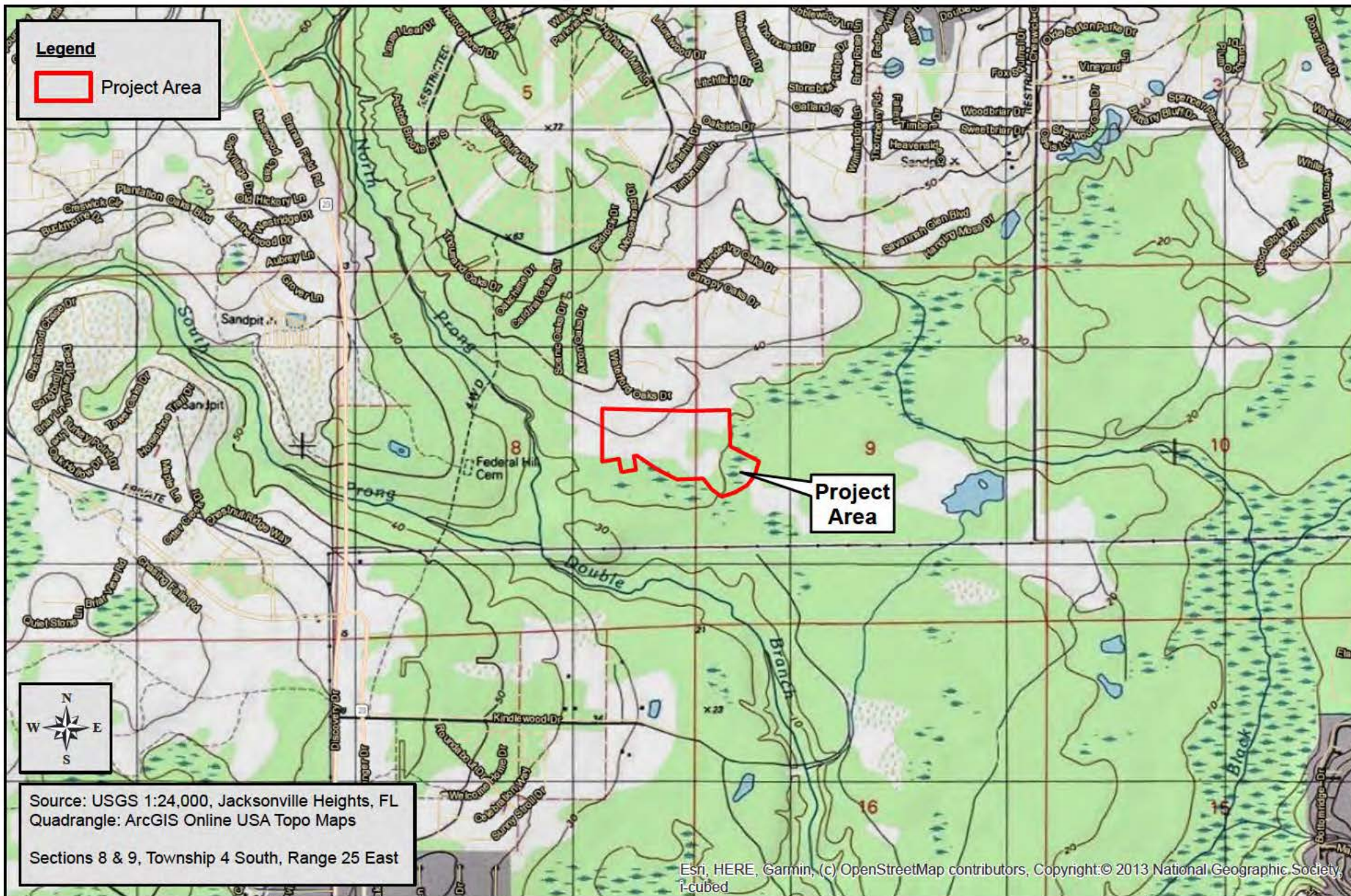
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information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



PEACOCK CONSULTING GROUP, LLC



12058 San Jose Boulevard, Suite 504, Jacksonville, Florida 32223
 (904) 268-1766 phone (904) 268-1729 fax

Sugar Leaf Farms

Clay County, Florida

Location/Topographic Map

Figure: 1

Date: 2-10-20

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Sugar Leaf Farms

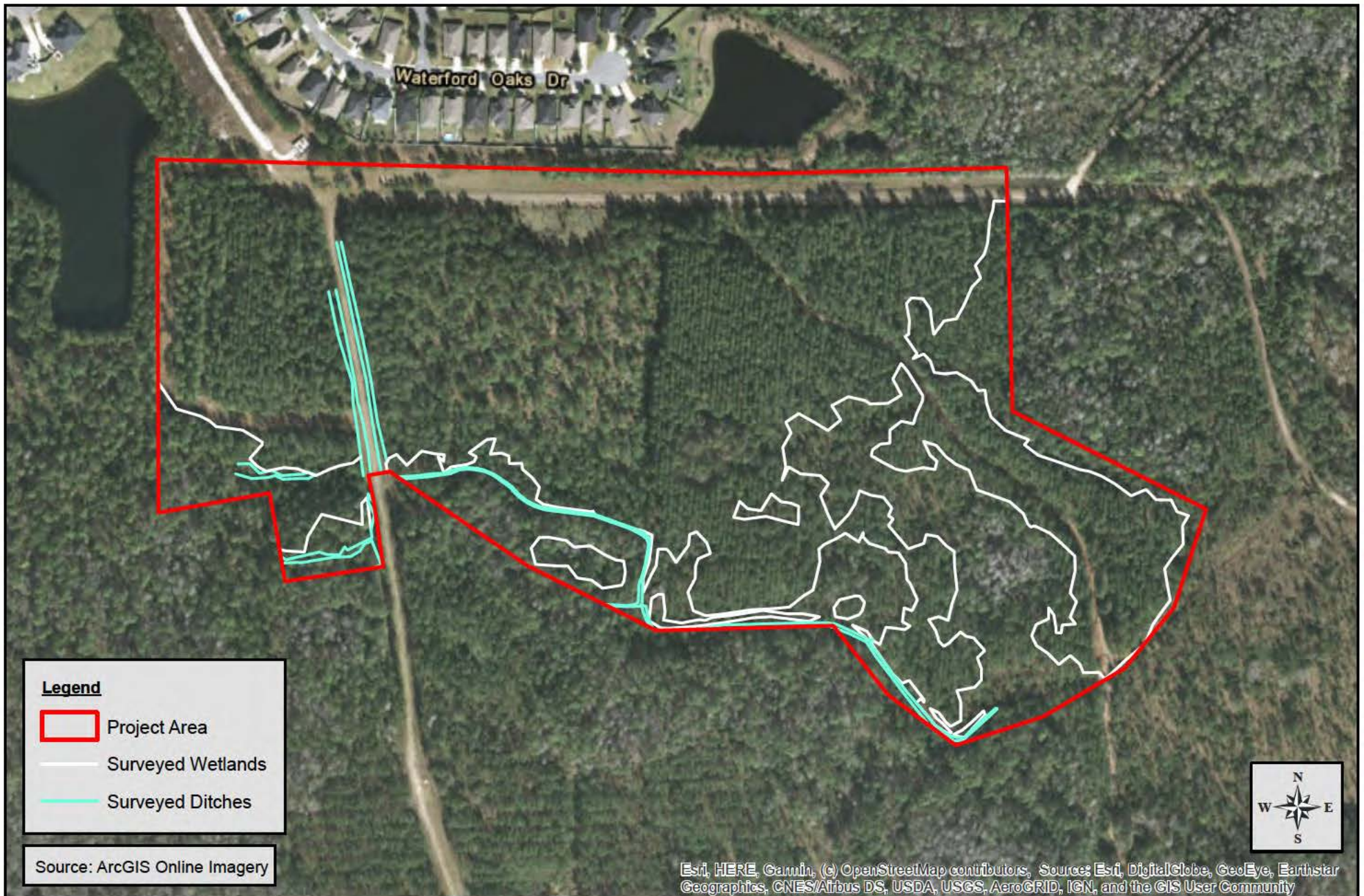
Clay County, Florida

Vicinity Map

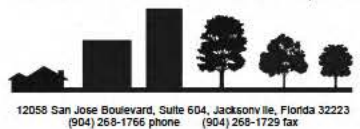
Figure: 2

Date: 2-10-20





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Sugar Leaf Farms

Clay County, Florida

Current Aerial Photograph

Figure: 3

Date: 2-10-20



