



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

MARCH 23, 2020

PUBLIC NOTICE

Permit Application Number SAJ-2007-04840(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: Ancient City Land Management
1740 Tree Boulevard, Suite 117
St. Augustine, Florida 32084

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with Black Creek. The project site is located at 4500 Trefoil Trail, on property associated with a Girl Scout camp (Clay County Property Appraiser Parcel Identification Numbers 03-05-24-005928-000-00, 02-05-24-005926-000-00, 10-05-24-005955-760-00, 11-05-24-005987-001-00), in portions of Sections 2, 3, 10, and 11, Township 5 South, Range 24 East, Middleburg, Clay County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.0862°
Longitude -81.8897

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is residential development serving the community of Middleburg.

EXISTING CONDITIONS:

Soils: The project site encompasses 12 soil types identified by the *Soil Survey of Clay County, Florida*.

a. *Albany* (map unit 1): This soil is nearly level to gently sloping and is somewhat poorly drained. It is typically located along the slower slopes of broad, low ridges and on slight knolls between small streams. This soil has a high water table at a depth of 12 to 30 inches for 1 to 4 months during most years. The available water capacity is low. The permeability is moderate.

b. *Blanton* (map unit 2): This soil is nearly level to gently sloping and is moderately well drained. It is typically located on slight knolls and ridges on uplands. This soil has a water table at a depth of 60 to 72 inches during most years. The available water capacity is low. The permeability is moderate.

c. *Ocilla* (map unit 4): This soil is nearly level to gently sloping and is somewhat poorly drained. It is typically located in relatively small, slightly convex areas on the flatwoods and along the lower slopes of the gently rolling uplands. The soil has a high water table at a depth of about 12 to 30 inches for 2 to 6 months during most years. The available capacity is low. The permeability is moderate.

d. *Sapelo* (map unit 8): This soil is nearly level and poorly drained. It is typically located in small and large areas on flatwoods. The mapped areas are irregular in shape and range from 10-350 acres. The slopes are smooth and range from 0-2 percent. This soil has a high water table within 12 inches of the surface for 1 to 4 months during most years. During very dry periods, the water table recedes to a depth of more than 40 inches. The available water capacity is low. The permeability is low.

e. *Ortega* (map unit 10): This soil is nearly level to gently sloping and is moderately well drained. It is typically located on slightly convex slopes on broad flatwoods and along gently slopes in deep, sandy areas on rolling uplands. This soil has a high water table at a depth of 40 to 60 inches for cumulative periods of 6 to 8 months during most years. The available water capacity is very low. The permeability is rapid.

f. *Meggett* (map unit 13): This soil is nearly level and poorly drained. It is typically located on broad low-lying flats that generally are adjacent to drainageways. The mapped areas are irregular in shape and range from 15 to 100 acres. The slopes are nearly smooth and range from 0 to 2 percent. This soil has a high water table at a depth of less than 12 inches for 2 to 5 months during most years. The available water capacity is moderate. The permeability is slow.

g. *Ridgewood* (map unit 18): This soil is nearly level to gently sloping and is somewhat poorly drained. It is typically located in relatively small areas on the broad flatwoods and along transitional areas on the uplands that are between small creeks and streams. The slopes are generally convex. This soil has a high water table at a depth of 24 to 40 inches for brief periods of less than 3 weeks. During dry periods, it is at a depth of more than 40 inches. The available water capacity is low. The permeability is rapid.

h. *Pelham* (map unit 22): This soil is nearly level and poorly drained. It is typically located in small and large areas on flatwoods. The slopes are nearly smooth and range from 0 to 2 percent. This soil has a high water table at a depth of less than 12 inches for 1 to 4 months during most years. During droughty periods, it is at a depth of more than 40 inches. The available water capacity is low. The permeability is moderate.

i. *Ridgewood* (map unit 37): This soil is moderately sloping and somewhat poorly drained. It is typically located in small, narrow areas adjacent to creeks and other drainageways. The slopes are typically concave. This soil has a high water table at a depth of 24 to 40 inches for 2 to 4 months during most years. During extreme wet periods, the high water table rises to a depth of 15 to 24 inches for brief periods of less than 3 weeks. During dry periods, it is at a depth of more than 40 inches. The available water capacity is low. The permeability is rapid.

j. *Surrency* (map unit 38): This soil is nearly level and very poorly drained. It is typically located in narrow to broad drainageways and on river flood plains. The slopes are nearly smooth and range from 0 to 2 percent. This soil is flooded for very long periods during rainy seasons. When this soil is not flooded, it has a high water table within 12 inches of the surface for about 6 months or more during most years. Ponding occurs in the concave parts of the map unit. The available water capacity is low. The permeability is moderate.

k. *Meadowbrook* (map unit 39): This soil is nearly level and poorly drained. It is typically located in drainageways. The slopes are nearly smooth and range from 0 to 2 percent. This soil is frequently flooded for periods of long duration. The floodwater may be as much as 2 feet deep. The high water table is within 12 inches of the surface for most of the year except during long, extended periods. The available water capacity is low. The permeability is moderately low.

l. *Ousley* (map unit 40): This soil is nearly level and somewhat poorly drained. It is typically located on high and low terraces along streams on the flood plains. The slopes are typically convex and range from 0 to 2 percent. This soil has a high water table at a depth 18 to 36 inches for 2 to 4 months during most years. Occasionally, rainfall over the watershed causes flooding, and if this occurs, the soil is covered with fast moving water for brief periods for 2 to 7 days. At all other times, the streams provide drainage for the soil. The available water capacity is very low. The permeability is rapid.

m. *Newnan* (map unit 47): This soil is nearly level and somewhat poorly drained. It is typically located in small to relatively large areas on low ridges on flatwoods. The slopes are nearly smooth to slightly convex and range from 0 to 2 percent. This soil has a high water table at a depth of 18 to 30 inches for 1 to 2 months during most years, and it is at a depth of 30 to 60 inches for 2 to 5 months. During dry periods, it is at a depth of more than 60 inches. The available water capacity is low. The permeability is slow to moderately slow.

Vegetative Communities: The property encompasses eight generalized land use/cover types characterized by the *Florida Land Use, Cover, and Forms Classification System*.

a. *Other Recreational* - Girl Scout Camp (FLUCFCS code 189): An existing Girl Scout Camp exists within the overall project boundary.

b. *Improved Pasture* (FLUCFCS code 211): This community is associated with an area previously used and maintained as pasture. Vegetation consists of Bahia grass (*Paspalum notatum*), wax myrtle (*Myrica cerifera*), saltbush (*Baccharis halimifolia*), winged sumac (*Rhus copallina*), goldenrod (*Solidago* sp.), slash pine, and southern red cedar (*Juniperus silicicola*).

c. *Pine Flatwoods* (FLUCFCS code 411): This community has a canopy of slash pine (*Pinus elliottii*). Generally, the understory and groundcover are densely vegetated with bitter gallberry (*Ilex glabra*) and saw palmetto (*Serenoa repens*). Bracken fern (*Pteridium aquilinum*), American holly (*Ilex opaca*), and red maple (*Acer rubrum*) are also present. In lower areas of the project site, fetterbush (*Lyonia lucida*) becomes a small component of the understory.

d. *Hardwood-Conifer Mixed* (code 434): Dominant vegetation includes of slash pine, loblolly pine (*Pinus taeda*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), sweetgum (*Liquidambar styraciflua*), saw palmetto, gallberry, broom sedge (*Andropogon virginicus*), and bracken fern.

e. *Upland Cut Ditch* (FLUCFCS code 510): There are a series of upland cut ditches which were cut to drain onsite wetlands toward Black Creek.

f. *Reservoirs* (FLUCFCS code 534): There are several ponds located onsite.

g. *Mixed Wetland Hardwoods* (FLUCFCS code 617): Dominant vegetation includes cypress (*Taxodium* spp.) tupelo (*Nyssa sylvatica* var. *biflora*), sweetgum, loblolly pine, slash pine, red maple, swamp bay (*Persea palustris*), silver bay (*Magnolia virginiana*), wax myrtle, cinnamon fern (*Osmunda cinnamomea*), and Virginia chain fern (*Woodwardia virginica*).

h. *Wetland Forested Mixed* (FLUCFCS code 630): This community has a canopy of red maple (*Acer rubrum*), pond cypress (*Taxodium ascendens*), sweetgum (*Liquidambar styraciflua*), slash pine, and swamp tupelo (*Nyssa sylvatica* var. *biflora*). The understory and groundcover are vegetated with Chinese tallow (*Triadica sebifera*), fetterbush, royal fern (*Osmunda regalis*), and Virginia chain fern (*Woodwardia virginica*).

PROPOSED WORK: The majority of the project area currently is utilized as a Girl Scout camp. The applicant is proposing to utilize the northern and western portions of the property for both low-density residential development and a large borrow pond. Clay County zoning requires the establishment of large style residential lots at this site; and, therefore, the number of residential units are limited (the applicant proposed the highest density possible under current Clay County zoning). The applicant also proposes to excavate a large borrow area, which would form a water feature for some of the residential units and the remaining camp area. The applicant intends to sell the material from the borrow area to the Florida Department of Transportation (FDOT) as roadway fill material for the proposed outer beltway project. In consideration of that information, the applicant seeks authorization to fill 0.3 acre of wetlands, excavate 4.1 acres of wetlands, and eliminate 0.66 acre of upland ditches.

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 and ditches supporting wetlands, which also connect wetland systems to downstream waters, are scattered throughout the overall property. In consideration of the site conditions, the applicant expressed an opinion that the total avoidance of work affecting wetlands was not economically practical.

With respect to the proposed residential development, the applicant initially incorporated the placement of fill material over 2.69 acres of wetlands at the site identified as “Impact #3”; however, in order to minimize work affecting wetlands, the applicant eliminated that work from the project proposal. The applicant expressed an opinion that the remaining work is the minimum necessary to establish the proposed residential properties; and, affects only a single small wetland area (0.3 acre) and ditch systems with nominal ecological functions or support for downstream systems.

Separately, the project site contains suitable road base for the First Coast Expressway (FCE). Instead of constructing multiple smaller borrow areas, the applicant expressed an opinion that one larger borrow area would be more cost-effective to establish. Further, since the road base material would be solely utilized for the FCE, the applicant expressed an opinion that the excavation of one large pond would create a public benefit by providing suitable material for the FCE at a lower cost (appropriate material from other borrow areas further away from the FCE corridor would have a higher cost, which is ultimately paid for by the taxpayers of Florida). The work associated with the establishment of the proposed pond only would incorporate excavation activities.

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 that loss as 3.23 units. In consideration of that WRAP, the applicant proposed the purchase of 3.23 WRAP credits from the *Longleaf Mitigation Bank* (LWMB) as compensatory mitigation. The *Longleaf Mitigation Bank* is an approved mitigation bank with a service area that encompasses the project site.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. However, the applicant has contracted a professional archeologist to implement a Cultural Resource Assessment Survey of the property. 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: The Corps executed a Resources At Risk (RAR) report for the project. The RAR did not indicate that the site is utilized by, or contains habitat critical to, any 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 federally listed threatened or endangered species. In consideration of the information evaluated, the Corps concludes that the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

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 project would not affect marine or estuarine habitat nor EFH. Our initial determination is that the proposed action would not adversely affect 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 previously evaluated and verified the jurisdictional line.

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.

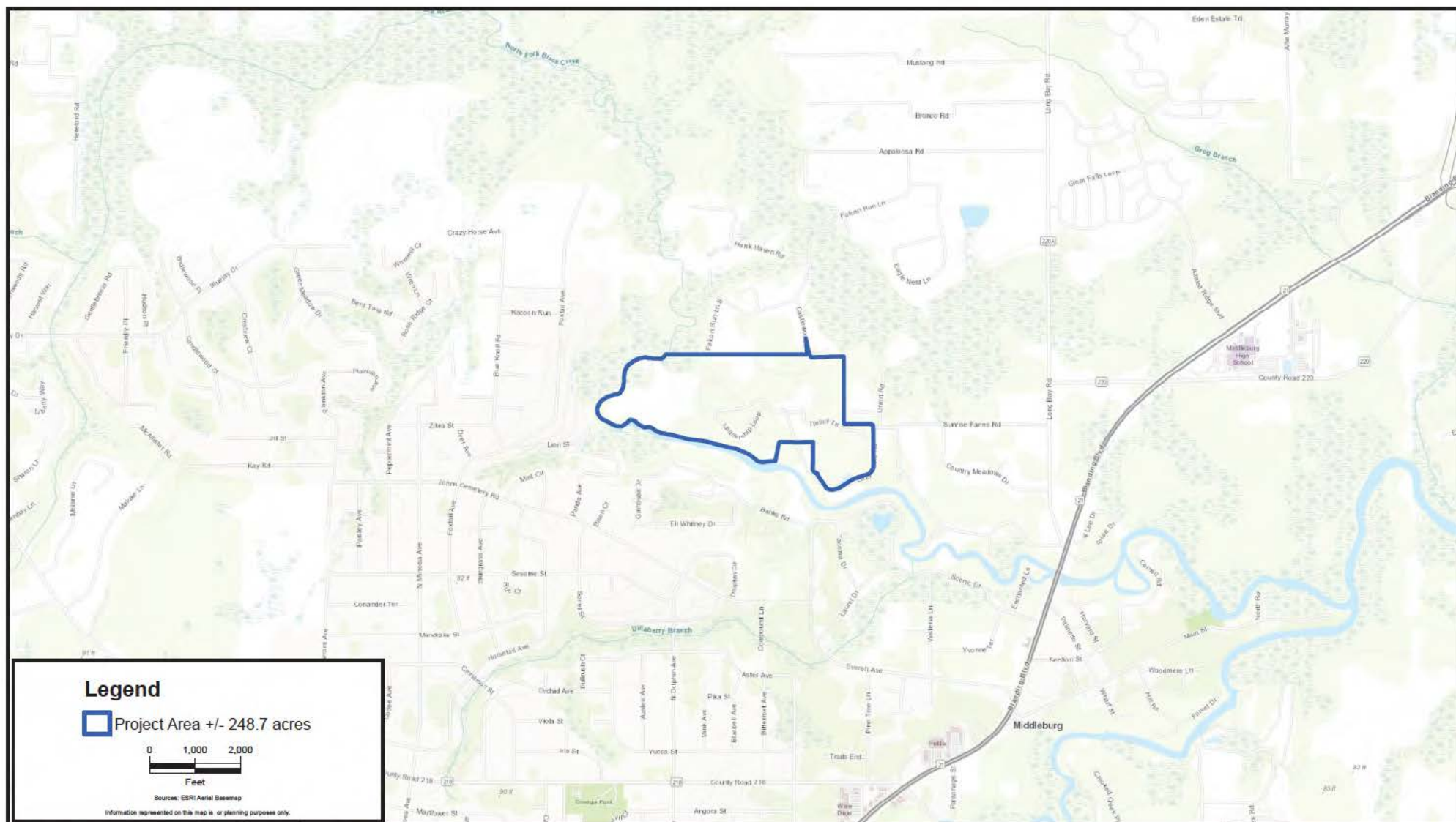
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information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

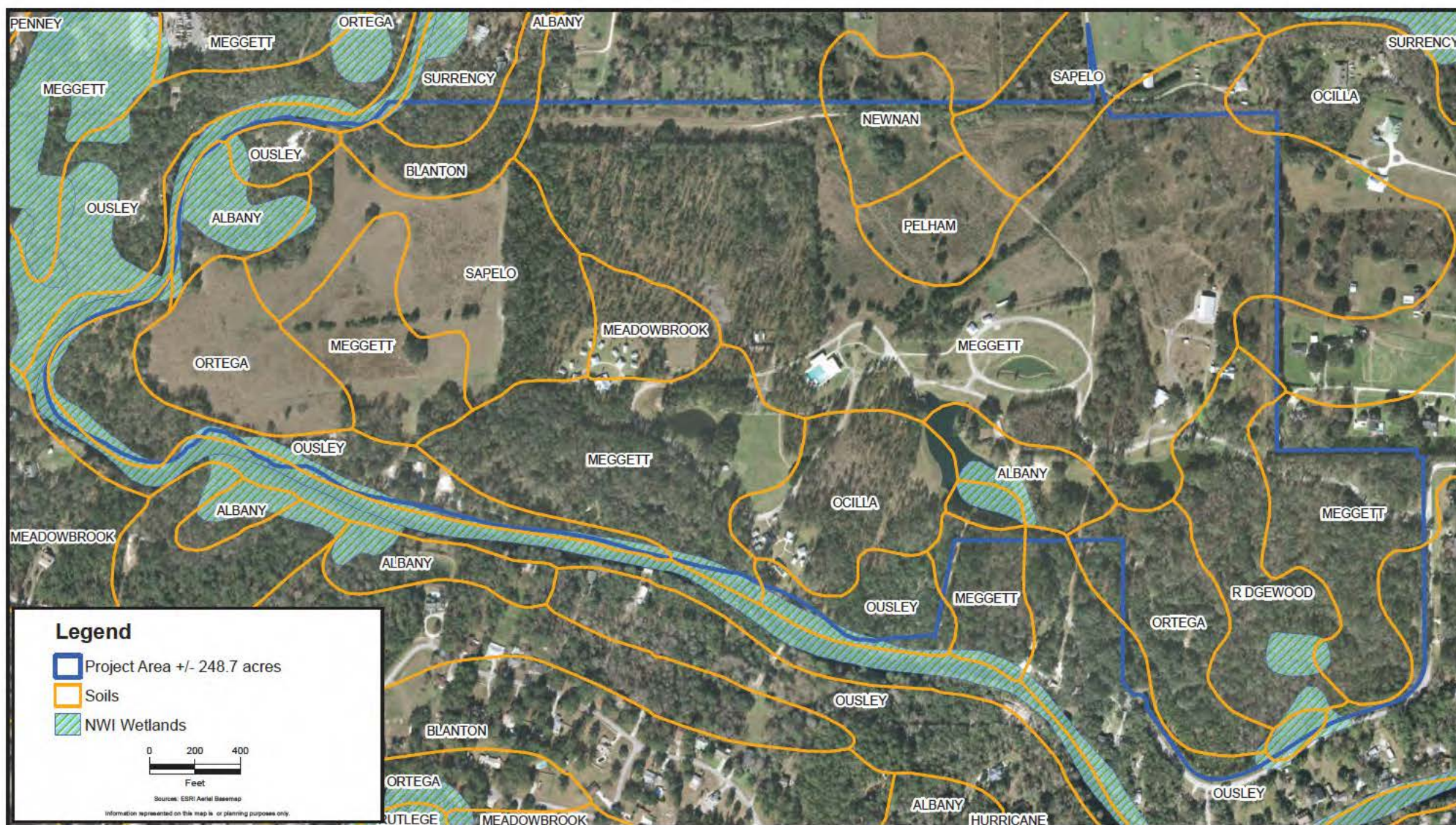


CARTER ENVIRONMENTAL
SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1796
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Location Map
Girl Scout Property
Clay County, Florida

Project:	5.19318
Date:	Nov 18 2019
Figure:	1



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Soils/NWI Map
Girl Scout Property
Clay County, Florida

Project:	5.19318
Date:	Nov 18 2019
Figure:	2



