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

REPLY TO ATTENTION OF

April 9, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2020-00998 (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: St. Johns County
Attention: Mr. Duane Kent
2750 Industry Center Road
St. Augustine, Florida 32084

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with the tidal McCullough Creek, which flows into the St. Johns River. The project site is located 1.55-miles northwest of the intersection of State Road (SR) 13 and County Road (CR) 13A, in Sections 13, 17, 24, Township 8 south, Range 27 East and Sections 18, 19, 20 Township 8 South, Range 28 East, Riverdale, St. Johns County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.904369°
Longitude -81.511625°

PROJECT PURPOSE:

Basic: The basic project purpose is the establishment of advance ecological mitigation to compensate for future work that would adversely impact waters of the United States, including wetlands.

Overall: The overall project purpose is the establishment of advance ecological mitigation to compensate for specific future roadway improvement projects planned in St. Johns County, which would adversely impact waters of the United States, including wetlands.

EXISTING CONDITIONS:

a. General: The project site is approximately 1,393 acres of which preliminary acreages provided by the applicant are approximately 860 acres characterized as wetlands and

499 acres characterized as uplands. Once the Jacksonville Regulatory District travel ban due to COVID-19 is lifted, the Corps will conduct a site visit to confirm wetland delineations and acreages. The property is divided into two tracts – east and west, with the outparcels between the two encompassing the creek bed and floodplains of McCollough Creek bisecting the tracts on the western side. The project site is undeveloped, fully forested land densely planted in slash pine with a mosaic of dome swamps and wetland strands interspersed throughout. Rayonier originally owned the land, intensely managing the site for silviculture with bedded rows of pine for many years before it was purchased by Jacksonville Port Authority (JAXPORT). JAXPORT later sold the parcels to St. Johns County. Silvicultural activities and a lack of fire have adversely impacted the vegetative communities and hydrology of the site. A small network of logging roads traverse the tract and a Florida Power and Light electrical transmission line easement traverses the east tract north to south on the west side. Elevations range from 20-feet on the north and northeast corners of the eastern tract and 8-feet on the western tract down to 1-foot in the outparcels of McCollough Creek, with each parcel sloping down into the creek. The outparcels between the east and west tract are made up of three tracts – the majority being owned by JAXPORT currently as conservation parcels, and two owned by private landowners. North and southeast of the tract are large farm fields. The South west corner runs along SR 13 with a small portion of the road directly adjacent to the St. Johns River.

b. Conservation Corridor: The McCullough Creek Advance Mitigation Project builds on an existing conservation corridor that runs from these parcels south to CR 207 at Hastings. The McCullough Creek Advance Mitigation Project is adjacent to what is currently the JAXPORT conservation parcels to the south and west, which encompass a total of 550 acres. The Saturiwa Swamp Conservation Area is adjacent to the south of the project site, on the south side of CR 13, and encompasses 94.4 acres of private conservation lands. South of the JAXPORT conservation properties is the St. Johns River Water Management District (SJRWMD) Deep Creek Conservation Area consisting of 6,083 acres of conservation lands. The project builds on these other conservation areas for a total of 8,120 acres of land, protecting and providing high-quality refugia and foraging habitat for a diversity of wildlife species and large wide-ranging terrestrial mammals, including the Florida black bear (*Ursus americanus floridana*).

c. Vegetative Communities: The McCullough Creek ROMA contains approximately 861 acres of wetlands and 499 acres of uplands as classified by the 2010 Florida Natural Areas Inventory (FNAI) classification system, which includes the following:

1. Pine Plantation – 472.5 acres: The pine plantation community comprises approximately 472.5 acres of the subject property. This area is a monoculture of densely planted and bedded slash pine (*Pinus elliottii*) that occurs in blocks of even-aged stands. Numerous varying age stands of this community are found on-site (Figure 4-3) and little to no mid-story or competing canopy species exist. Ground cover is sparse in most areas and includes saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), wax myrtle (*Myrica cerifera*), greenbriar (*Smilax* sp.), grapevine (*Vitis rotundifolia*), and bracken fern (*Pteridium aquilinum*). This community has been

subjected to decades of intensive silvicultural management that includes herbicide treatments to eliminate competition for the planted pines and fire suppression, all of which have resulted in a significantly altered community.

2. Mesic Hammock – 11.9 acres: This area of habitat occurs along the east side of the McCullough Creek ROMA on the east side of an unnamed creek system. This community varies in quality and composition when moving from east to west as considerable topography change exists. The community is dominated by mature slash and loblolly pines (*Pinus taeda*) interspersed with various hardwood species such as laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra)*, and sweetgum (*Liquidambar styraciflua*) with and an understory of saw palmetto, gallberry, wax myrtle, highbush blueberry (*Vaccinium corymbosum*), wiregrass (*Aristida stricta*), and bracken fern.

3. Xeric Hammock – 14.6 acres: This area of habitat occurs in the southeast corner of the site on the east side of an unnamed creek system. The community was likely a Xeric Pine community but has been encroached upon by oaks such as sand live oak (*Quercus geminata*), live oak (*Quercus virginiana*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), and sweetgum (*Liquidambar styraciflua*) with and an open patchy understory dominated by saw palmetto, bracken fern, and wiregrass.

4. Bottomland Forest – 71.4 acres: This community represents an unnamed stream in the east side of the site that drains a large wetland to the north. Bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), buttonbush (*Cephalanthus occidentalis*), highbush blueberry, lizardstail (*Saururus cernuus*), sedges (*Cyperus* spp.), cattail (*Typha* sp.), and pickerelweed (*Pontedaria cordata*) dominate. The trees in this community appear stressed and the canopy has opened up in many locations. This community receives drainage from hundreds of acres of row-crops, which may be altering the hydrology of this wetland.

5. Basin Swamp – 167.8 acres: This community comprises approximately 167.8 acres of the subject property. The canopy in this habitat is comprised of primarily bald cypress, black gum, and red maple (*Acer rubrum*). Dominant understory species include cinnamon fern (*Osmunda cinnamomea*), Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), netted chain fern (*Woodwardia areolata*), sedges, and rushes (*Juncus* spp.). The historical silvicultural management practices that occur along the perimeter of these pockets has allowed the encroachment of slash pine into the wetland area.

6. Pine Plantation – WET – 621.1 acres: The wetland pine plantation habitat occurs on approximately 621.1 acres of the project site. This community is a monoculture of planted slash pine canopy. These areas are heavily bedded due to the high water-table and occur in blocks of even-aged stands. Numerous varying age stands of this community are found on-site and little to no midstory or competing canopy species exist. Ground cover varies from sparse to dense and is dominated by Carolina redroot (*Lachnanthes caroliana*), Virginia chain fern, cinnamon fern, bog buttons (*Lachnocaulon* sp.), sedges, rushes, and Indian coinwort (*Centella asiatica*).

7. Trail roads, two parking lots, and a Florida Power and Light electrical transmission line easement comprise the remaining 33.5 acres.

PROPOSED WORK: The applicant seeks authorization to conduct land management practices to enhance wetland and upland habitat, including hydrologically restoring basin swamp and wet flatwoods habitats through the breaching of pine bedding rows that would result in approximately 6.9 acres of fill dirt moved into wetland rows. Proposed work would also consist of ceasing all pine production practices and ceasing harvesting of cypress hardwoods, ceasing the application of pre and post emergent herbicides and fertilizers, and ceasing mechanical harvesting for purposes of pine production. Initially, pine plantation communities would be restored to their natural communities through pine thinning or complete pine removal in appropriate areas, as well as planting longleaf pine (*Pinus palustris*) and desirable groundcover species in the appropriate areas. Prescribed burning would be reintroduced, exotic/invasive plants would be removed, and wildlife hunting would be limited to methods used for wildlife management purposes only, such as regulated public hunts managed by a public agency. Additionally, the site would be placed under a conservation easement to establish preservation in perpetuity. The applicant expressed an opinion that the proposed work would generate a total of approximately 218.9 functional gain units (Table 1). These are preliminary values proposed by the applicant; and, the Corps is working to evaluate the validity of those scores. Additionally, the land management proposed by the applicant is preliminary; and, the Corps is working with the applicant to validate the land management planned as well as the goals and objectives for the site.

	Assessment Area	Existing Habitat Type (FNAI 2010)	Proposed Habitat Type (FNAI 2010)	Location and Landscape Support		Water Environment		Community Structure		Delta	Time Lag	Risk	PAF	RFG	Acres	Functional Gain
				Current or W/O Mit	W/Mit	W/O Mit	W/Mit	W/O Mit	W/Mit							
1	WEA1 (Thin Pine, Bedding Row Disruption, and Burn)	Pine Plantation – Wet	Wet Flatwoods	6	8	7	9	4	9	0.30	1.26	1.25	1.0	0.2976	604.1	179.8
2	WEA2 (Pine Removal and Bedding Row Disruption)	Pine Plantation – Wet	Basin Swamp	6	8	7	9	4	9	0.30	1.26	1.25	1.0	0.2976	17.0	5.1
3	Wetland Preservation Area 1	Basin Swamp	Basin Swamp	6	8	7	9	4	9	0.30	1.0	1.0	0.6	0.18	167.8	30.2
4	Wetland Preservation Area 2	Bottomland Forest	Bottomland Forest	7	8	7	7	7	8	0.07	1.0	1.0	0.8	0.0533	71.4	3.8
5	WBEA1 (Thin and Burn)	Pine Plantation	Mesic Flatwoods	-	-	-	-	-	-	-	-	-	-	-	375.9	-
6	WBEA2 (Thin, Plant LL Pine, and Burn)	Pine Plantation	Sandhill	-	-	-	-	-	-	-	-	-	-	-	96.6	-
7	WBEA3 (Thin and Burn)	Mesic Hammock	Sandhill	-	-	-	-	-	-	-	-	-	-	-	14.6	-
8	Wetland Buffer Preservation	Mesic Hammock	Mesic Hammock	-	-	-	-	-	-	-	-	-	-	-	11.9	-
–	Trail Roads, FPL Easement, and Parking Lots	-	-	-	-	-	-	-	-	-	-	-	-	-	33.5	-
														TOTAL=	1,392.8	218.9

Table 1. Proposed Functional Gain of Advanced Mitigation

USE OF FUNCTIONAL GAIN: Any functional gain units generated by the project would be used as mitigation for specific future St. Johns County projects within an area to be determined upon further Corps evaluation. The projects proposed would require approximately 135.7 functional gain units to mitigate for their proposed wetland impacts.

Project	Primary Impacts (Acres)	Primary Functional Loss (FL)	200-Foot Secondary Impacts (Acres)	Secondary FL	Minimum FGUs Required
CR 2209	61.6	49.3	84.3	8.4	57.7
CR 13A and CR 208 Shoulders and Drainage	4.0	3.2	12.0	1.2	4.4
CR 13A Shoulders and Drainage	1.9	1.5	12.3	1.2	2.8
CR 13 Mocassin Branch Bridge Replacement	0.4	0.4	3.7	0.4	0.7
CR 210 Four-Lane Section (16A to Greenbriar)	6.5	5.2	18.4	1.8	7.0
CR 305 Shoulders and Drainage	3.0	2.4	38.0	3.8	6.2
CR 214 Drainage Improvements	1.5	1.2	2.0	0.2	1.4
Miscellaneous Drainage Improvements	20.0	16.0	60.0	6.0	22.0
CR 305 Extension	28.1	22.5	28.9	4.9	27.4
Big Sooey and East St. Johns Drainage Improvements	2.0	1.6	8.0	0.8	2.4
Oyster Creek Drainage Improvements	4.0	3.2	6.0	0.6	3.8
TOTAL=	**132.9**	**106.3**	**293.6**	**29.4**	**135.7**

Table 2. St. Johns County Preliminary Proposed Projects and Proposed Functional Gain Units

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 indicates that the work to breach bedded rows that would result in moving approximately 6.9 acres of soil from the pine beds to wetland rows throughout the pine plantation wetlands is the minimum necessary to restore wetland hydrology in areas heavily modified for silviculture practices.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required:

Due to the movement of soil from bedded rows to wetland swales proposed for the enhancement and restoration of wetland hydrology, as well as the proposed project goals aimed to restore and enhance wetlands and other natural communities on the site, the Corps has determined that no compensatory mitigation is warranted.

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 Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposal would have the following effects these listed threatened or endangered species or designated critical habitat:

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. According to the applicant, gopher tortoise burrows are found within the project site. Therefore, with the xeric habitat found on site and presence of gopher tortoise burrows, eastern indigo snake could utilize the project site. In consideration of the potential presence of eastern indigo snake habitat and presence of gopher tortoise burrows, 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 > E > *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 March 25, 2020. 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.

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. There is no EFH present on the property and the proposal would enhance water quality within McCollough Creek, a tributary of the St. Johns River. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries within McCollough Creek or 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 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.

Figure 1-1 Location Map

Figure 1-2 Location Map USGS Squad

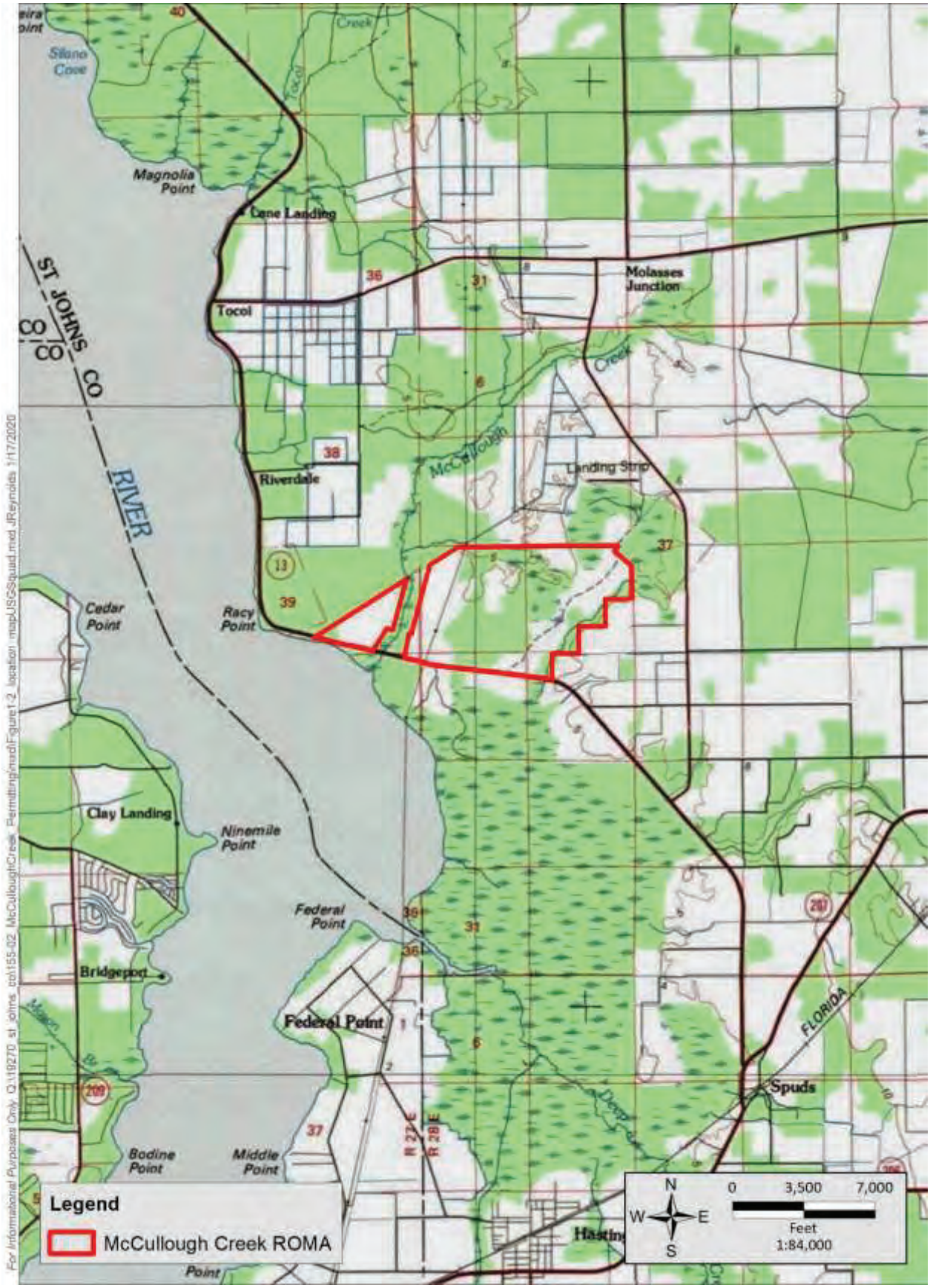

Figure 1-3 Section, Township, and Range Map

Figure 3-1 Conservation Lands Map

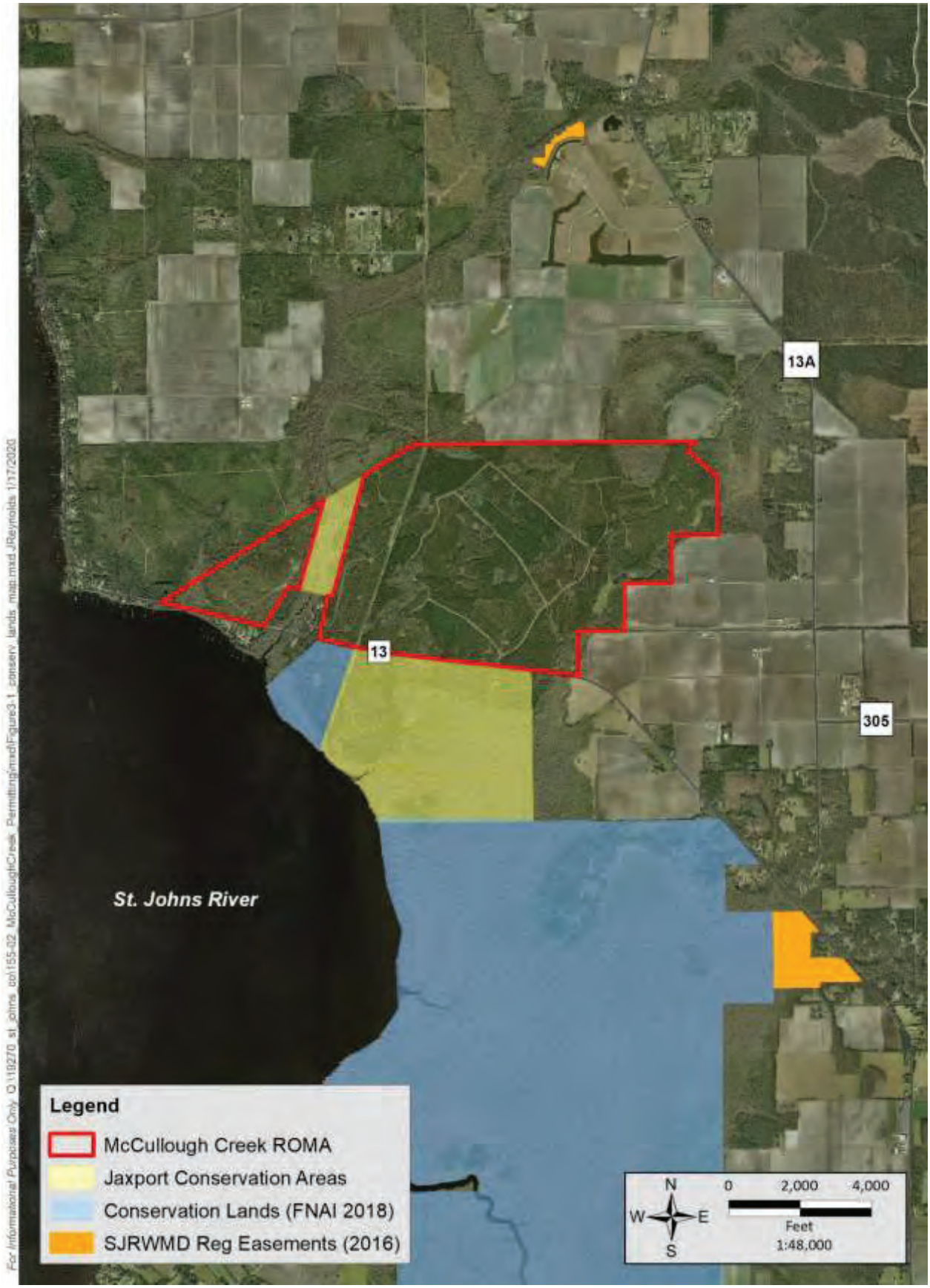

Figure 4-1 Wetland and Uplands Map

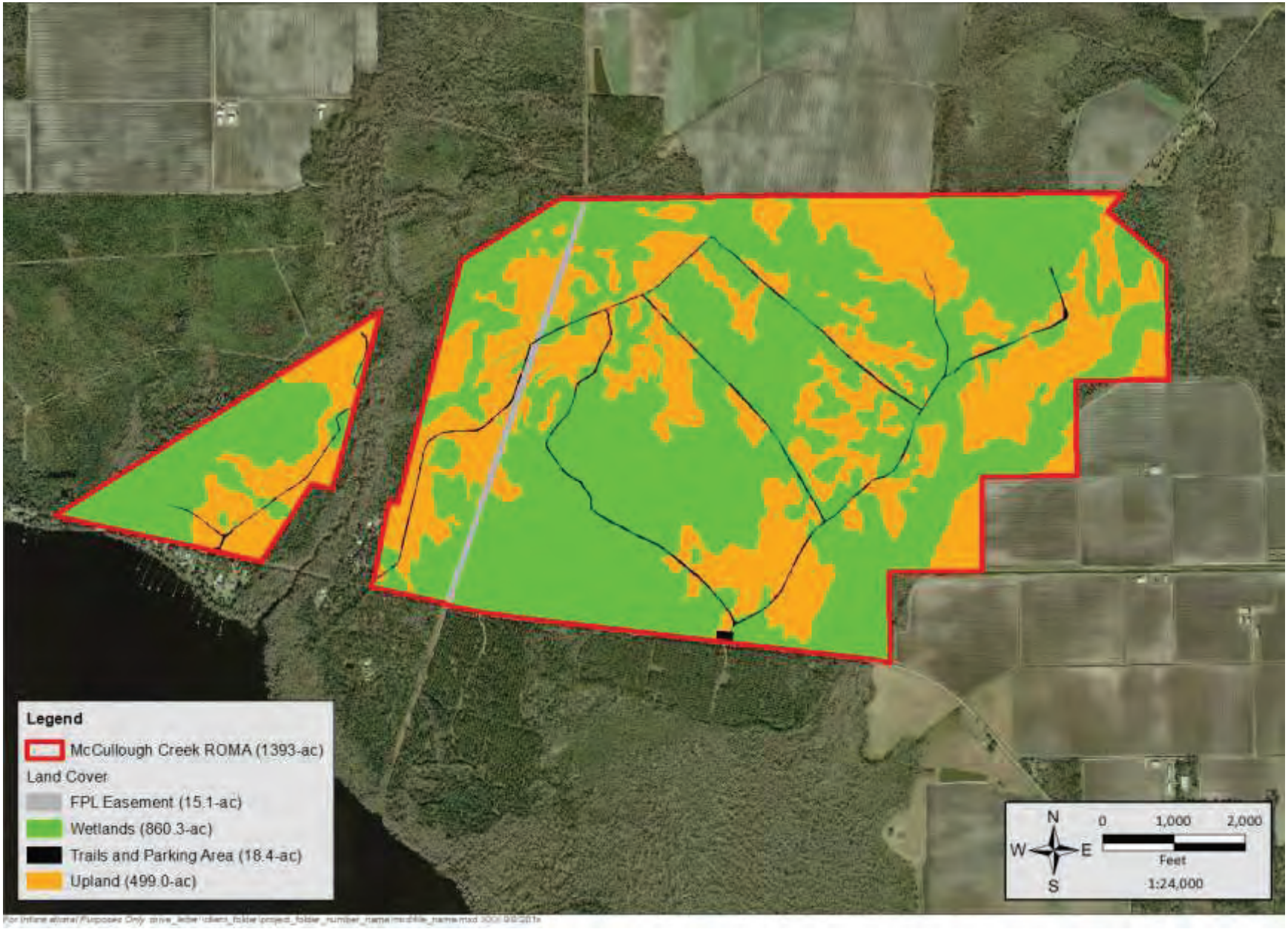

Figure 4-2 Existing Land Cover Map

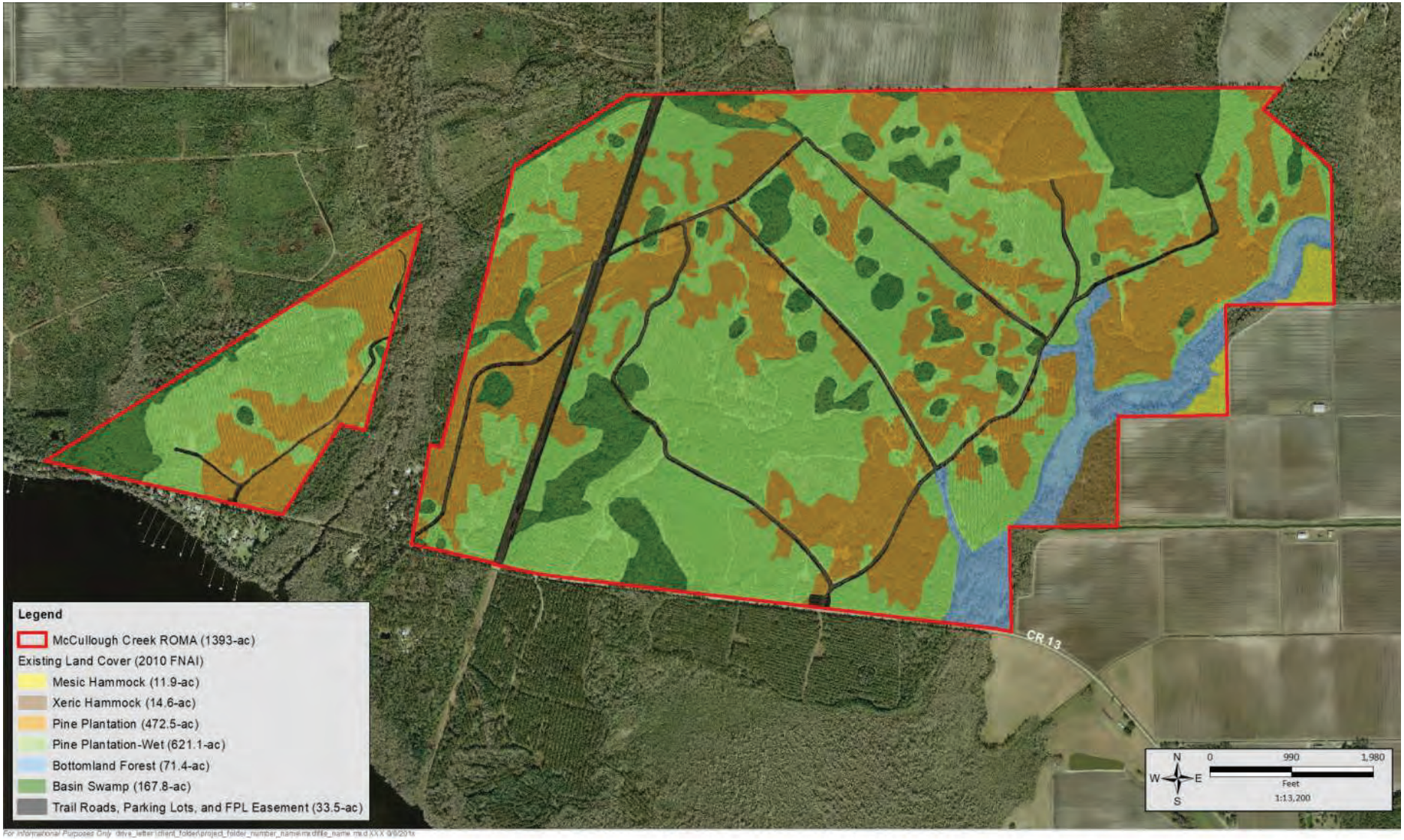

Figure 4-3 Timber Stand Map

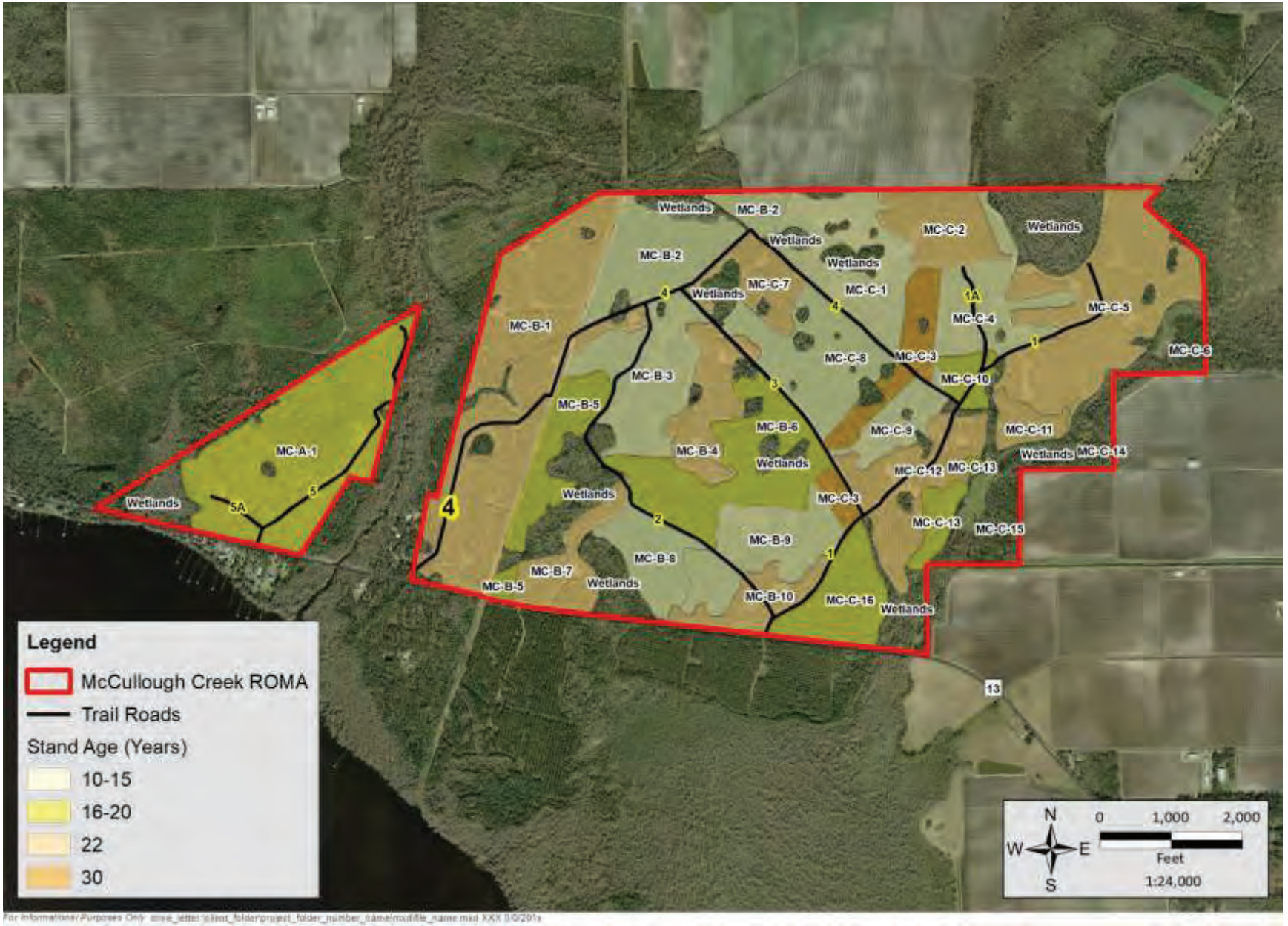

Figure 5-1 Burn Units Map

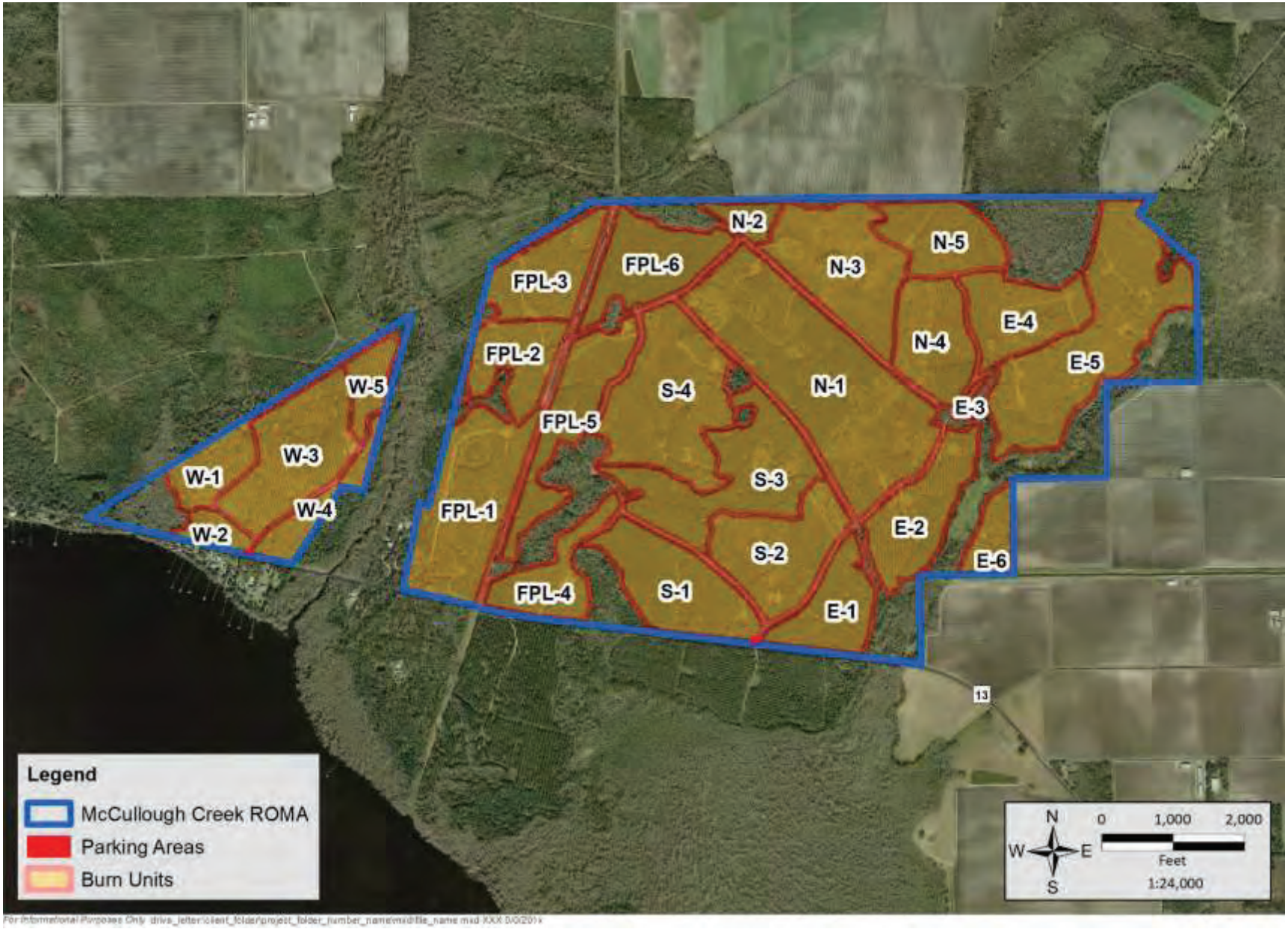

Figure 5-2 Mitigation Activities Map

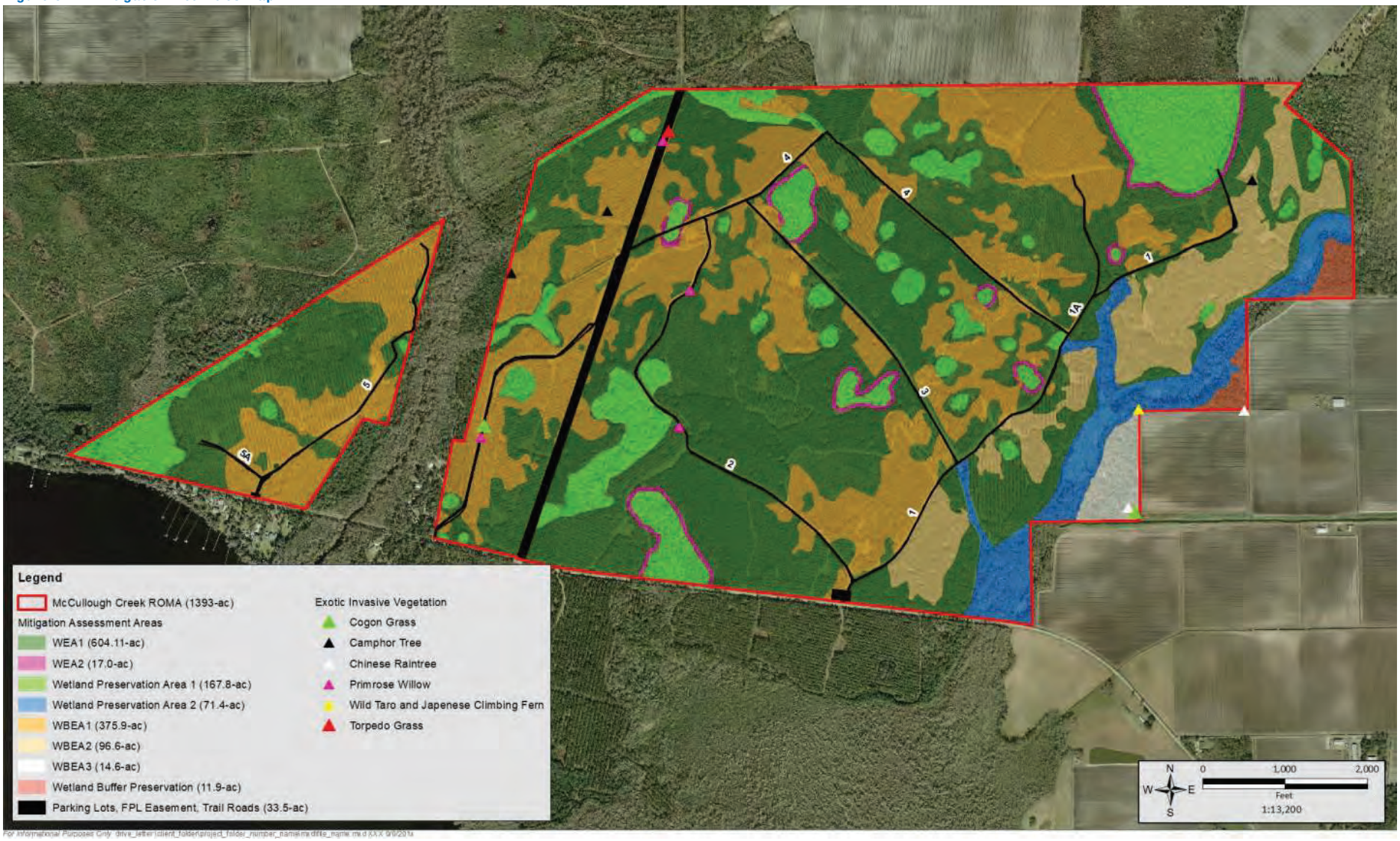

Figure 5-3 Gopher Tortoise Burrow Location Map

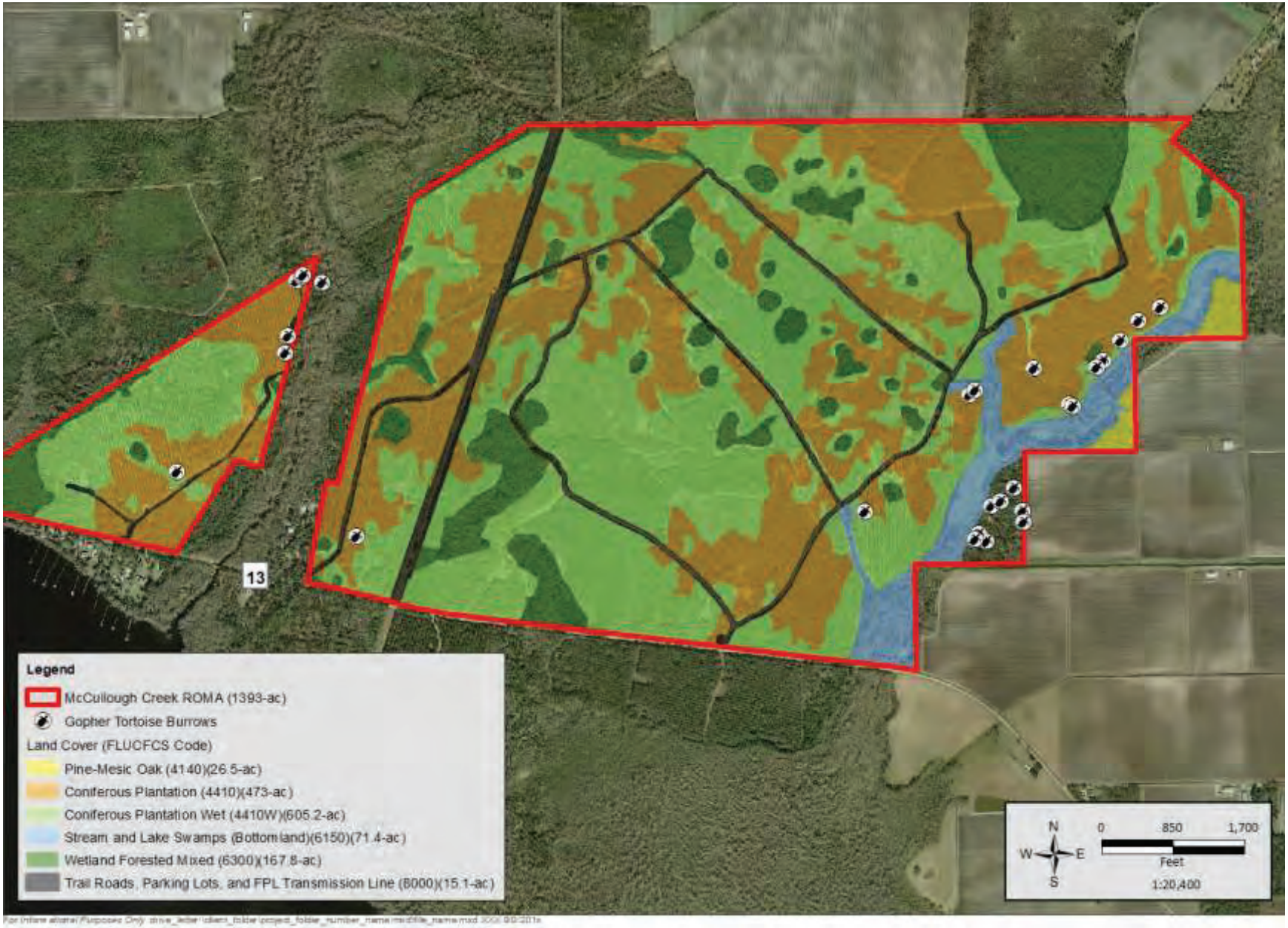

Figure 7-1 Proposed Land Cover Map