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

JUNE 9, 2020

PUBLIC NOTICE

Permit Application Number SAJ-1997-08280(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: Douglas Property and Development Incorporated
145 City Place, Suite 300
Palm Coast, Florida 32164

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands), associated with the St. Joe Canal, a tributary to Graham Swamp. The project site is located west of the intersection of State Route 5 (U.S. Highway 1) and Palm Coast Parkway Southwest on Flagler County Property Appraiser – Parcel Identification Number 15-11-30-0000-01011-0040, in Section 15, Township 11 South, Range 30 East, Palm Coast, Flagler County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.550625°, Longitude -81.266692°

PROJECT PURPOSE:

Basic: The basic project purpose is institutional development.

Overall: The overall project purpose is the establishment of a hospital campus (buildings, stormwater ponds, infrastructure, and parking) serving the community of Palm Coast, Florida.

EXISTING CONDITIONS:

General:

The site mainly drains from east to west and south to north into the St. Joe Canal. The St. Joe Canal flows east and eventually flows into Graham Swamp. The site has been managed for silviculture and periodically harvested. Onsite areas adjacent to the St. Joe Canal have experienced hydrologic drawdown, which extends several hundred feet into the site. The hydrologic drawdown is evidenced by a loss of soil hydric indicators/characteristics, subsidence of soils, and cypress trees (and knees) falling over.

The proposed site is located at the intersection of State Road 5 and Palm Coast Parkway Southwest, which logistically is ideal for a hospital serving the local community. The nearest hospitals to the proposed site are Flagler Hospital in St Augustine (near the intersection of State Road 5 and State Road 312, approximately 22 miles distant) or Advent Health in Palm Coast (near the intersection of Interstate 95 and State Road 100, approximately 10 miles distant). The proposed hospital would be located between these two hospital sites. In coming years, the City of Palm Coast is expected to have increased growth in this north/central portion of the city, in

the vicinity of State Road 5. Permitted developments (and planned developments) include, but are not limited to, *Neoga Lakes, Spring Lake, Sawmill Branch*, *Grand Woods*, and *Palm Coast Park*.

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

Samsula and Hontoon Soils, Depressional (map unit 3): These very deep, nearly level, very poorly drained soils typically are located in depressions in flatwoods. Individual areas are circular to irregular in shape and typically range from 3 to 6,000 acres in size. Slopes are smooth to concave and less than 2 percent, although they are mainly less than 1 percent.

Hicoria Soils (map unit 8): These very deep, nearly level, very poorly drained soils typically are located in depressions in flatwoods. Individual areas are circular to irregular in shape and range from 3 to 1,500 acres in size. Undrained areas are ponded for 6 to 9 months or more each year. Slopes are concave and range from 0 to 1 percent. The seasonal high water table is at a depth of 6 to 18 inches for 2 to 4 months. It is within a depth of 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low. Permeability is slow to moderate.

EauGallie fine sand (map unit 9): This very deep, nearly level, poorly drained soil is located in broad flatwood areas. Individual areas of this soil are irregular in shape and range from 3 to more than 500 acres in size. Slopes are smooth and range from 0 to 2 percent. The seasonal high water table is at a depth of 6 to 18 inches for 2 to 4 months. It is within a depth of 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low. Permeability is slow to moderate.

Myakka fine sand (map unit 11): This very deep, nearly level, poorly drained soil typically is located in broad flatwood areas. Individual areas are irregular in shape and range from 5 to 600 acres in size. Slopes are smooth to convex and range from 0 to 2 percent. A seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months during the wet season in most years. It is at a depth of 10 to 40 inches for more than 6 months. Permeability is moderately slow to moderately rapid. Available water capacity is very low to low.

Placid depressional (map unit 12): These very deep, nearly level, very poorly drained soils are located in depressions in flatwoods. Undrained areas are ponded for long periods. Individual areas of this map unit are irregular in shape. They range from 3 to more than 400 acres in size. Slopes are concave and are less than 1 percent. In most years, undrained areas of this map unit are ponded for more than 6 months, and the seasonal high water table is as much as 2 feet above the surface. Permeability is rapid. Available water capacity is low to moderate in the soil.

Valkaria-Smyrna Complex (map unit 18): These very deep, nearly level, poorly drained soils typically are located in flatwoods. The *Valkaria* typically soil is located in low, grassy sloughs. The *Smyrna* soil typically is located in broad areas and slightly higher landscape positions. Individual areas of this map unit are irregular in shape and range from 40 to 300 acres in size. Slopes range from 0 to 2 percent but are generally less than 1 percent. A seasonal high water table is at a depth of 0 to 6 inches for 1 to 6 months in the *Valkaria* soil and is at a depth of 6 to 18 inches for 1 to 4 months in the *Smyrna* soil. It is at a depth of 10 to 40 inches for more than 6 months in most years in both soils. Permeability is rapid in the *Valkaria* soil and moderate or moderately rapid in the *Smyrna* soil. The available water capacity is low in both soils.

Smyrna Fine Sane (map unit 21): This very deep, nearly level, poorly drained soil typically is located in flatwoods. Individual areas are broad to narrow and irregular in shape and range from 4 to 400 acres in size. Slopes are smooth and range from 0 to 2 percent. A seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months during wet seasons in most years. It is at a depth of 10 to 40 inches for more than 6 months. Permeability is moderate or moderately rapid. Available water capacity is low.

Udarents (map unit 29): This map unit consists of heterogeneous soil material that was removed from other soils and used in land-leveling operations, as fill material, or as a cover for sanitary landfills. The material is a mixture of fine sand or of sand fragments of loamy subsoil material. Individual areas are located throughout the county, but most areas are west of Interstate Highway 95. The mapped areas are square or rectangular or are irregular in shape. They range from 3 to 200 acres in size. Slopes are smooth and range from 0 to 2 percent. The seasonal high water table is at a depth of 18 to 36 inches for 2 to 6 months. In sanitary landfill areas, the high water table is controlled by using perimeter drainage ditches or other water-control measures. The available water capacity is very low to low. The permeability is rapid.

Vegetative Communities: The project site encompasses four vegetative communities characterized by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS).

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*), saw palmetto (*Serenoa repens*), and bracken fern (*Pteridium aquilinum*). In lower areas of the site, fetterbush (*Lyonia lucida*) becomes a small component of the understory.

Hydric Pine Flatwoods (FLUCFCS code 625): This community has a canopy of slash pine. The understory and groundcover are vegetated with scattered dahoon holly (*Ilex cassine*), loblolly bay (*Gordonia lasianthus*), fetterbush, highbush blueberry (*Vaccinium corymbosum*), Virginia chain fern (*Woodwardia virginica*), and pipewort (*Eriocaulon* sp.).

Wetland Forested Mixed (FLUCFCS code 630): This community has a mixed canopy that includes slash pine, dahoon holly, blackgum (*Nyssa* spp.) loblolly bay, cypress (*Taxodium* spp.) red maple (*Acer rubrum*), and sweetgum (*Liquidambar styraciflua*). The understory and groundcover is vegetated with fetterbush, highbush blueberry, Virginia chain fern, and pipewort.

Timbered Wetland Forested Mixed (FLUCFCS code 640): This community was formerly wetland forested mixed. It has been timbered and is now dominated by a thick cover of grape vine (*Vitus rotundifolia*), blackberry (*Rubus* spp.), and Carolina willow (*Salix caroliniana*). There also is regrowth of slash pine, blackgum, red maple, sweetgum, and cypress.

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over a total of 33.15 acres of wetlands to facilitate the establishment of a hospital campus and the associated infrastructure and stormwater treatment ponds.

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 overall property is approximately 88.38 acres in size. The applicant evaluated the entire parcel and determined the east/central portions contained the greatest amount of usable uplands. Therefore, an approximate 75.94-acre portion of the parent parcel would be utilized as the “project area” because it contains the greatest amount of usable uplands. Prior to site

design, the applicant's ecological agent performed a full wetland delineation and found that the proposed project area contains approximately 55.97 acres of wetlands. The proposed hospital layout requires approximately 52 acres of "usable area". In consideration of the information evaluated, the applicant expressed the opinion that the total avoidance of work affecting wetlands encompassed by the property is not practical; and, that the work proposed is the minimum necessary to establish sufficient area to accommodate the proposed facility.

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 compiled and submitted a *Uniform Mitigation Assessment Method* (UMAM) that quantified and qualified the potential loss of wetland functions and services associated with the work proposed. The UMAM calculated the loss as 19.89 units. In consideration of the UMAM, the applicant proposed the purchase of 19.89 credits from the *Fish Tail Swamp Mitigation Bank* (SAJ-2007-05851), which is a federally authorized mitigation bank with a service area that encompasses the project site.

CULTURAL RESOURCES: The Corps compiled a *Resource at Risk* (RAR) report, which indicated that a *Cultural Resource Assessment Survey* (CRAS) may be required. In consideration of the RAR, the Corps is investigating the need to obtain a CRAS. However, the Corps is not aware of any known historic properties within the permit area. 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:

Florida Scrub Jay (*Aphelocoma coerulescens*): The project site is approximately 6 miles from the nearest identified nest or cluster location for Florida Scrub Jay; however, within the consultation area identified by the Corps and the U.S. Fish and Wildlife Service (FWS) for this species. Therefore, this species may utilize the project site. There is no designated critical habitat for the Florida Scrub Jay listed in the federal register (52 FR 20715-20719). However, information from the FWS indicates that the Florida Scrub Jay has extremely specific habitat requirements. It is endemic to peninsular Florida's ancient dune ecosystem or scrubs, which occur on well drained to excessively well drained sandy soils. Relict oak-dominated scrub, or xeric oak scrub, is essential habitat to the Florida Scrub Jay. Optimal habitat incorporates four species of stunted, low growing oaks [sand live oak (Quercus geminata), Chapman oak (Quercus chapmanii), myrtle oak (Quercus myrtifolia), and scrub oak (Quercus inopina)] that are 1-3 meters high, interspersed with 10 to 50 percent non-vegetated sandy openings, with a sand pine (Pinus clausa) canopy of less than 20 percent. Therefore, Florida Scrub Jay habitat is absent from the project site. In consideration of the lack of appropriate habitat at the site, the local abundance of foraging habitat, and the distance to the nearest colony, the Corps determined that the project would have *no effect* upon this species.

Wood Stork (*Mycteria americana*): Wood Storks nest in colonies (rookeries); and, roost and feed in flocks. Stork breeding populations in Florida trend in the central and southern counties with a few scattered northeastern Florida counties. The stork uses freshwater and estuarine wetlands as feeding, nesting, and roosting sites. Storks feed primarily on small fish in calm, uncluttered water depths between 2- to 15-inches deep. Often a dropping water level is needed to concentrate fish in an area to feed; conversely, a rise in water reduces the value of a site as

feeding habitat. Generally, drying marshes, stock ponds, shallow roadside or agricultural ditches, narrow tidal creeks or shallow tidal pools, depressions in cypress swamps or sloughs provide the ideal feeding habitat. Most nesting colonies in the southeastern U.S. are located in woody vegetation over standing water or on islands surrounded by broad expanses of open water, including areas that have been impounded by man-made structures, although this is only for a short period of time. The project is within the *Core Foraging Area* of the Matanzas Marsh (606109) Wood Stork colony; however, the project would not affect suitable foraging habitat (SFH). 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-*no effect*. The FWS previously indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for Wood Storks; and, that no additional consultation is necessary.

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 area encompassed by the ESA scope of analysis for this project. Gopher tortoise (*Gopherus polyphemus*) burrows are commonly utilized as refuge from winter cold and/or desiccating conditions in xeric habitats; and, hollowed root channels, hollow logs, or burrows of rodents, armadillo (*Dasypus novemcinctus*), or land crabs (*Cardisoma guanhumi*) provide shelter in wetter habitats. The site does not support gopher tortoise burrows nor xeric habitat. In consideration of the potential presence of eastern indigo snake habitat, the Corps utilized *The Eastern Indigo Snake Programmatic Effect Determination Key, August 2013*. Use of this key resulted in the sequence A-B-C-*may affect, but is not likely to adversely affect*, as the applicant has agreed to implement the *Standard Protection Measures for the Eastern Indigo Snake, August 12, 2013*. The FWS previously indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for Eastern Indigo Snake; and, that no additional consultation is necessary.

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 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 have an adverse impact on EFH or federally managed fisheries in Bulow Creek or the Halifax 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 not verified the proposed extent of wetlands encompassed by the project site.

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 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. **Please note, due to office staffing precautions associated with CoVid-19, electronic mail correspondence is preferred**.

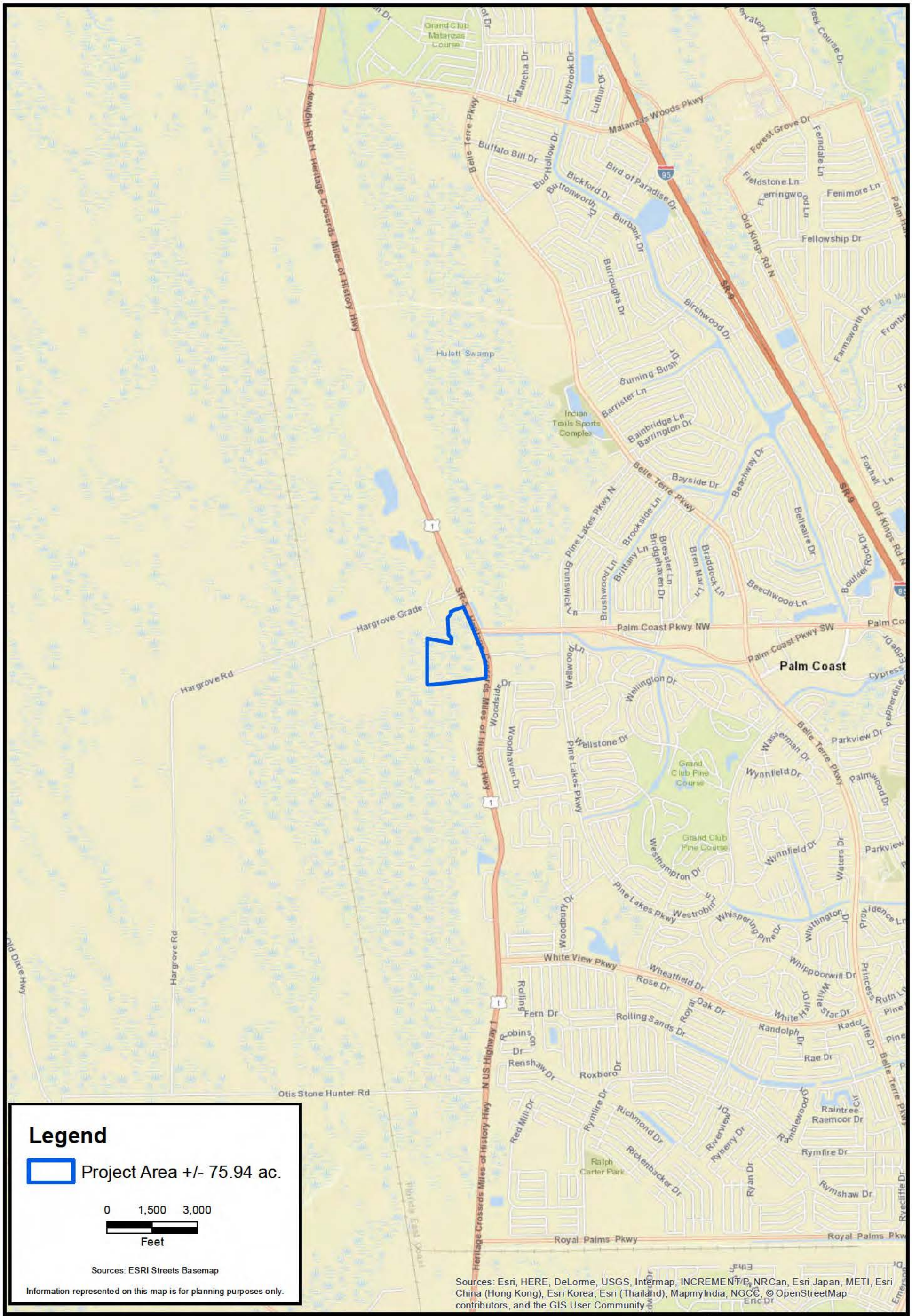
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information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



Legend

Project Area +/- 75.94 ac.

0 1,500 3,000

Feet

Sources: ESRI Streets Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

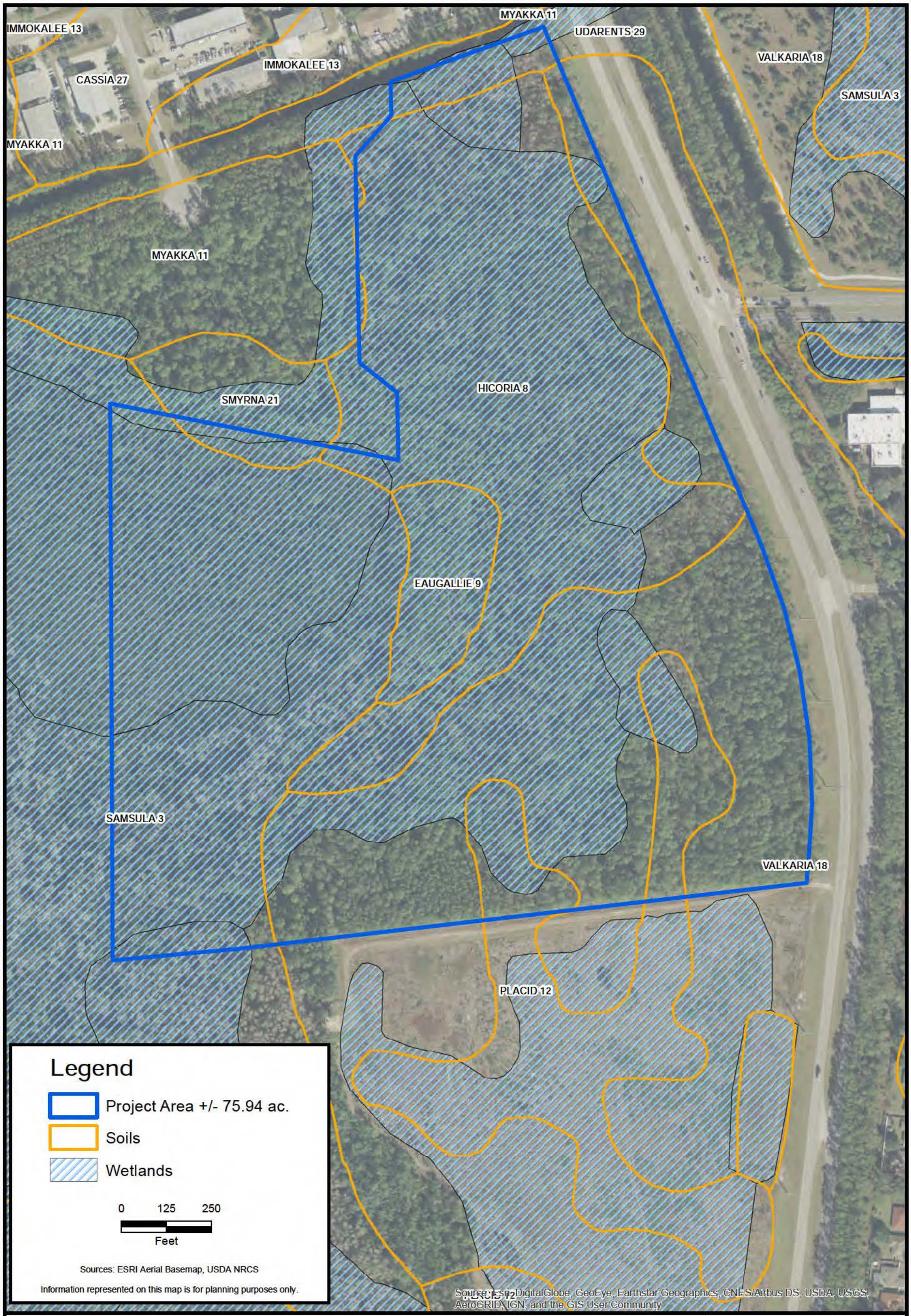
www.carterenv.com

Location Map

Douglas Palm Coast Parkway

Flagler County, Florida

Project:	5.19072
Date:	Feb 17 2020
Figure:	1



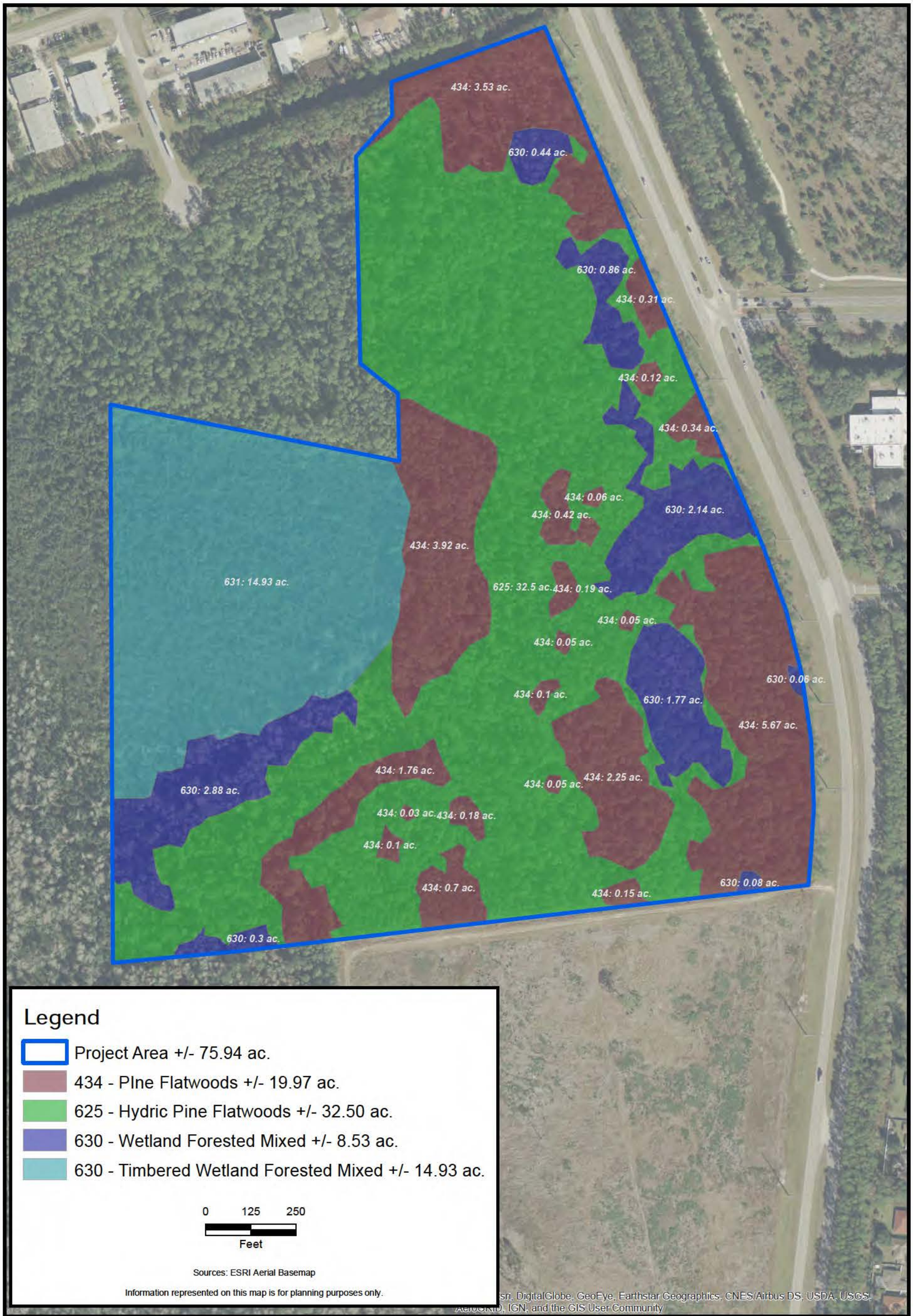
CARTER ENVIRONMENTAL SERVICES, INC.
CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Soils Map

Douglas Palm Coast Parkway

Flagler County, Florida

Project:	5.19072
Date:	Mar 13 2020
Figure:	2



CARTER ENVIRONMENTAL SERVICES, INC.
CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Existing Site Conditions

Douglas Palm Coast Parkway

Flagler County, Florida

Project:	5.19072
Date:	Mar 06 2020
Figure:	3

Legend

- Wetland Delineation Area +/- 75.94 ac.
- Total Parcel Area +/- 88.38 ac.
- Approximate ACOE Wetlands +/- 55.97 ac.
- ACOE Wetland/GPS Points

0 125 250

Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Wetland Delineation Assessment Map

Dougals Palm Coast Parkway

Flagler County, Florida

Project:	5.19072
Date:	Mar 06 2020
Figure:	3b

Legend

- Project Area +/- 75.94 ac.
- Wetland Impacts +/- 33.15 ac.
- Wetland Remaining +/- 22.74 ac.

0 125 250

Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Site Conditions

Douglas Palm Coast Parkway

Flagler County, Florida

Project:	5.19072
Date:	Feb 17 2020
Figure:	4