



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

June 26, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2016-00606(SP-PRJ)

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: Mr. Greg Spiro
Protea Senior Living Palm Coast, LLC
17 San Simeon
Laguna Niguel, California 92677

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Long Creek. The project site is located at 2125 Palm Harbor Parkway, in Section 7, Township 10 South, Range 31 East, Palm Coast, Flagler County, Florida.

Directions to the site are as follows: Traveling from Jacksonville take Interstate 95(I-95) to the Matanzas Woods Parkway and turn east onto Matanzas Woods Parkway. Follow Matanzas Woods Parkway to Old Kings Road North and turn south onto Old Kings Road North. Then turn east onto Forest Grove Drive. The project site is located at the corner of Forest Grove Drive and Palm Harbor Parkway at 2125 Palm Harbor Parkway.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.5988°
Longitude -81.2268°

PROJECT PURPOSE:

Basic: The basic project purpose is institutional development.

Overall: The overall project purpose is the expansion of the existing institutional development.

EXISTING CONDITIONS: The 18.68-acre project site includes the following 3 vegetative community types as classified by the Florida Land Use, Cover and Forms Classification System: Institutional, Mixed Pine, and Wetland Forest Mixed. The Institutional portion of the project site contains an existing assisted living facility. The Mixed Pine community consists of a mixed canopy of sand pine and slash pine. The understory in this community is vegetated includes myrtle oak, sand live oak, saw palmetto, bitter gallberry, rusty lyonia, and winged sumac. The ground cover in this

area is composed of bracken fern. The Wetland Forested Mixed community has a canopy consisting of slash pine, dahoon holly, loblolly bay, red maple, live oak, and sweetgum. The understory and ground cover in this community consists of fetterbush, highbush blueberry, Virginia chain fern, and pipewort. The project site is bordered to the north and east by roadway and to the south and west by residential development.

PROPOSED WORK: The applicant seeks authorization to place fill material in 5.53 acres of Palustrine forested wetlands, waters of the United States, in association with the expansion of an existing assisted living facility. The expansion would include the construction of an adjoining independent living facility with the associated infrastructure and the stormwater management system.

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 independent living facility will share facilities with the assisted living facility and the memory care facility. Due to the relationship between the independent living facility and the memory care sections it is critical that all three be contained on the same campus. When all three are located on a single campus the expansion will incur less wetland impacts.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to purchase 3.13 Federal mitigation bank credits from the Fish Tail Swamp Mitigation Bank (SAJ-2007-05851) as compensatory mitigation for the proposed impacts to 5.53 acres of Palustrine forested wetlands.

CULTURAL RESOURCES:

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:

The Corps evaluated the potential of the proposed work to effect the Florida Scrub-Jay (*Aphelocoma coerulescens*) since the project site is located approximately 2.5 miles west of the nearest identified nest or cluster location for Florida Scrub-Jay; and, within the consultation area identified by the Corps and the U.S. Fish and Wildlife Service (FWS) for this species. 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. It is likely that this species only opportunistically forages within forested areas in the vicinity of the project site, which the project would not preclude. The nearest identified Florida Scrub-Jay colony is 2.5 miles east of the project site; and, considerable natural foraging habitat occurs around that colony, and north and south of the colony. In consideration of 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.

The Corps evaluated the potential of the proposed work to effect the Eastern Indigo Snake (*Drymarchon corais couperi*). The 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 Programmatic Effect Determination Key, August 2013*. Use of this key resulted in the following sequence: A > B > C > *Not likely to adversely affect* (NLAA) the Eastern Indigo Snake since the *Standard Protection Measures for the Eastern Indigo Snake, August 12, 2013*, would be included in any permit issued for the proposed work. No further consultation with FWS is required for determinations of NLAA.

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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Long 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 not 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, P.O. 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, Paula R. Johnson, in writing at the Jacksonville Permits Section, P.O. Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at paula.r.johnson@usace.army.mil or by telephone at (904)232-2503.

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.

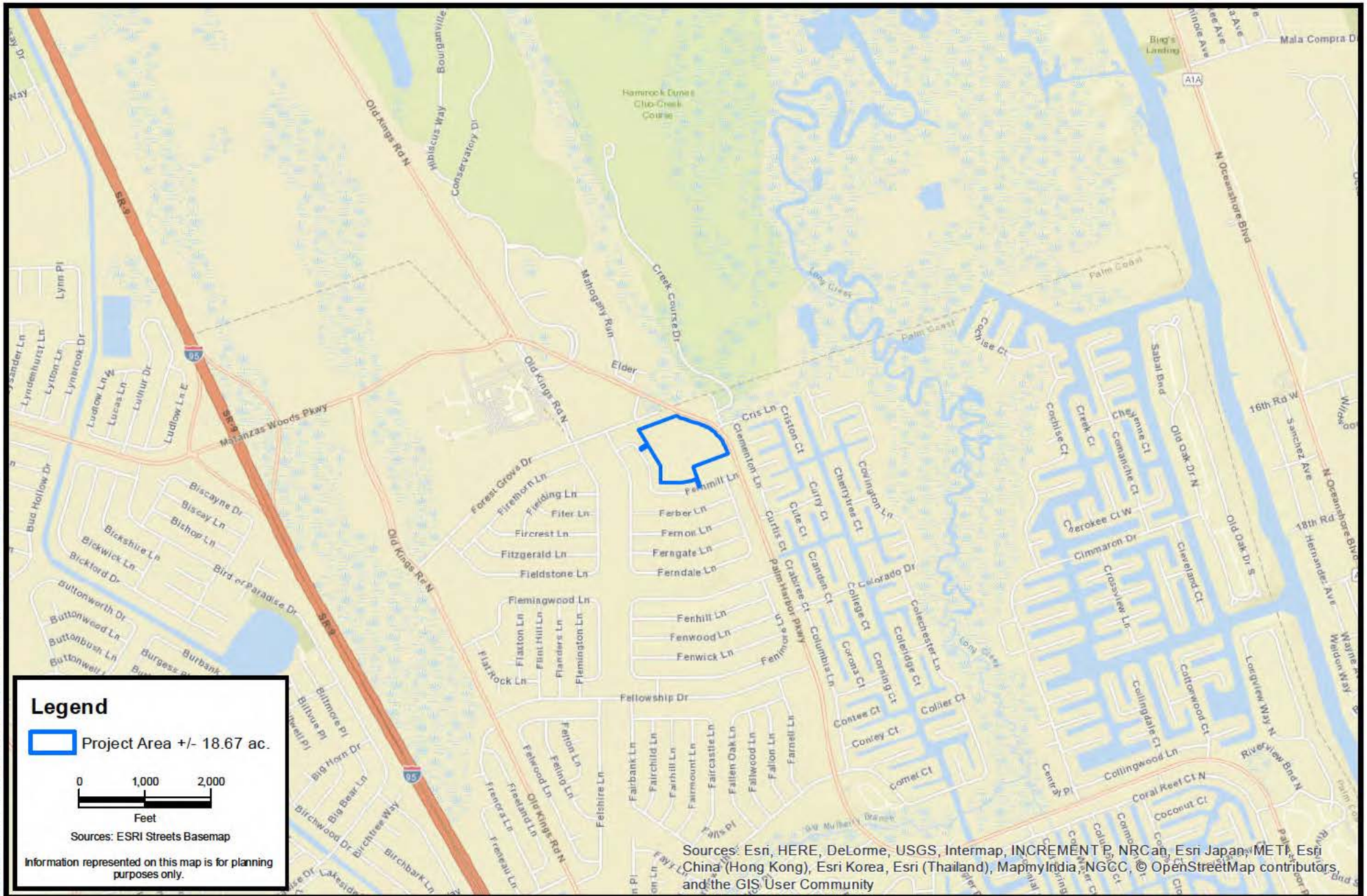
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



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

www.carterenv.com

Location Map

Sabal Palms ILF

Project: 5.15160

Palm Coast, FL

Date: Apr 22 2020

Figure:

1

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Existing Site Conditions
Sabal Palms ILF

Project: 5.15160

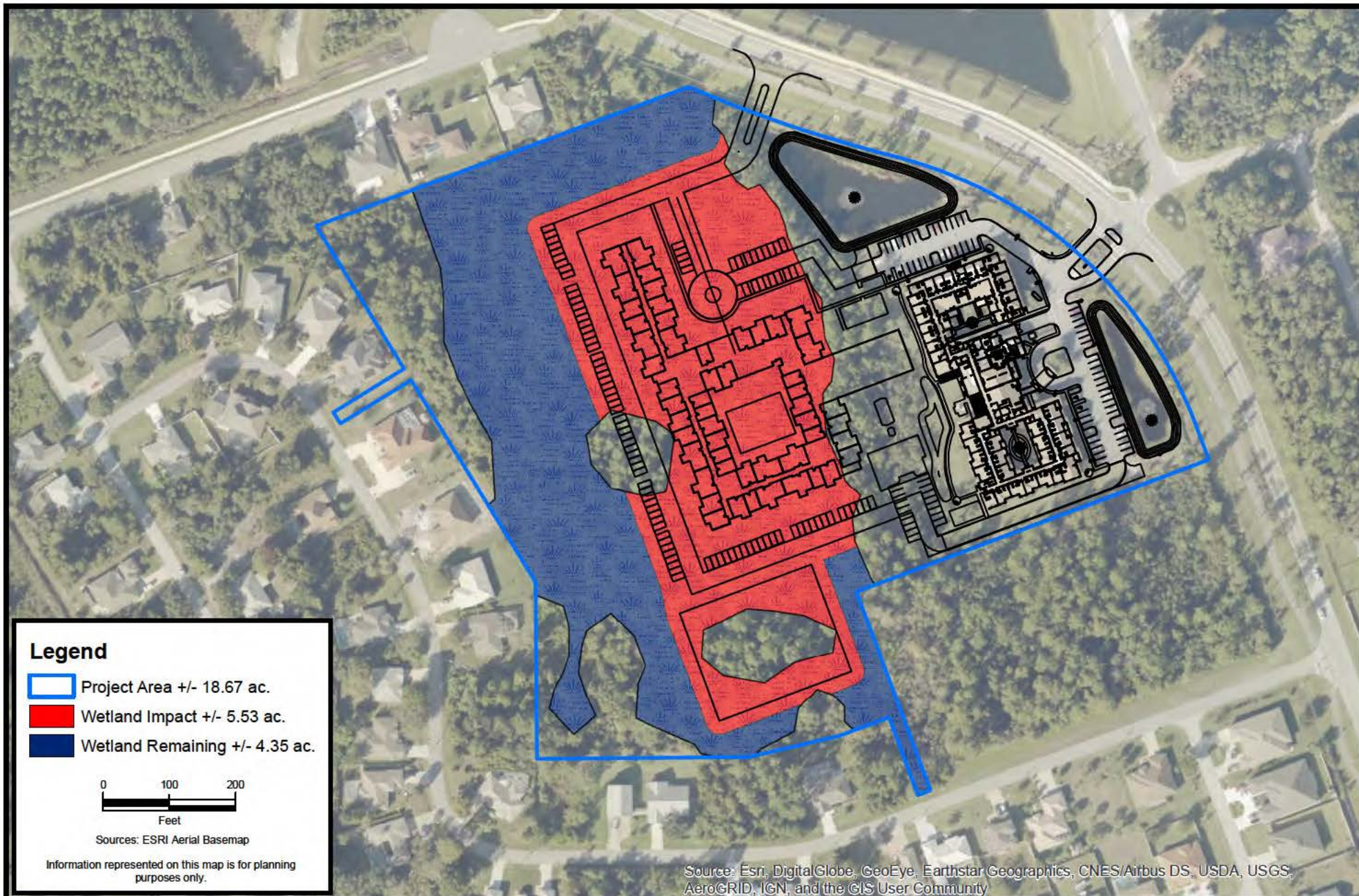
Palm Coast, FL

Date: Apr 24 2020

Figure:

3





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Proposed Site Conditions

Sabal Palms ILF

Project: 5.15160

Palm Coast, FL

Date: Apr 24 2020

Figure:

4

