



REPLY TO
ATTENTION OF

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

August 14, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2017-00784 (SP-BJC)

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: Pulte Home Company, LLC
Attn: Justin Dudley
124 Del Webb Parkway
Ponte Vedra, FL 32081

WATERWAY AND LOCATION: The project would affect waters of the United States (including wetlands) associated with the Matanzas River and McCullough Branch. The project site is located at 3225 State Route 207 in Sections 8 and 16, Township 8 South, Range 29 East in St. Johns County, Florida.

Directions to the site are as follows: From Interstate-95 take Exit 311 and turn southwest towards Elkton. Proceed on State Route 207 until the intersection of Coquina Crossing Drive. The project site is to the north of State Route 207.

APPROXIMATE CENTRAL COORDINATES:

Latitude 29.818636°
Longitude -81.397581°

PROJECT PURPOSE:

Basic: The basic project purpose is the development of a residential subdivision.

Overall: The overall project purpose is the development of a residential subdivision in St. Johns County between the town of Elkton and Interstate-95, along with access to County Road 207.

EXISTING CONDITIONS:

- a. The existing conditions within and adjacent to the project corridor are classified by the *Florida Land Use, Cover and Forms Classification System (FLUCFCS)* as follows:

- b. Pine Flatwoods (FLUCFCS 411) – Approximately 62.67 acres of the subject property is classified as pine flatwoods. The areas were formerly utilized for pine silviculture operation. These areas were harvested for pine approximately 10 years ago, but were not bedded or re-planted after harvest. These habitats are extremely impacted by the former harvest combined with wildfire suppression and no management. The canopy is low height due to the harvest and is dominated by slash pine (*Pinus elliottii*) and loblolly bay (*Gordonia lasianthus*). The understory is a very thick cover of saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), fetterbush (*Lyonia lucida*), rusty lyonia (*Lyonia ferruginea*), highbush blueberry (*Vaccinium corymbosum*), and bracken fern (*Pteridium aquilinum*).
- c. Pine/Mesic Oak (FLUCFCS 414) – This community (approximately 10.52 acres) consists of a mixed canopy of slash pine, sand pine (*Pinus clausa*), laurel oak (*Quercus laurifolia*), sweet gum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), live oak (*Quercus virginiana*), and southern magnolia (*Magnolia grandiflora*). The understory is dominated by saw palmetto, gallberry, wax myrtle (*Myrica cerifera*) and bracken fern. This community is found on the sloping part of the upland ridge on the subject property. It is closely related to the live oak hammock described below. The canopy and subcanopy exhibit a more mesic strata due to lower elevation, higher water table, and higher organic soil content.
- d. Live Oak (FLUCFCS 427) – This community (approximately 9.94 acres) consists of mature live oak canopy hammock. The canopy composition is greater than 66% live oak. The canopy is closed and the ground cover is limited due to shading. Many of the live oaks are considered specimen trees and have a Diameter at Breast Height (DBH) of greater than 40 inches. The soils in this area have low organics and the ground cover does not include mesic species such as gallberry, wax myrtle, and beautyberry.
- e. Upland Scrub, Pine, Hardwood (FLUCFCS 436) – This community (approximately 18.02 acres) consists of scrubby flatwoods. The canopy is open in some areas and more closed in others. The canopy is a mix of slash pine, sand pine, live oak, sand live oak (*Quercus geminata*), and laurel oak. The understory is composed of a thick layer of saw palmetto and gallberry. The habitat is fire suppressed and generally impacted by humans.
- f. Disturbed Lands (FLUCFCS 740) – Approximately 5.59 acres of the subject property is classified as disturbed lands. This consists of two areas which have been impacted by humans to the point that no FLUCCS habitat fits. One area is an open field of primarily unimproved bahia (*Paspalum notatum*) grass pasture, and the other is an open area within the live oak habitat that is used for hunting and other human use. The pasture area was utilized for farming purposes, documented as early as the 1942 aerial.

- g. Roads (FLUCFCS 814) – Approximately 6.86 acres of the subject property is classified as trail roads. The trail roads on the subject property have been in there existing locations since prior to 1952.
- h. Inland Pond (FLUCFCS 616) - This wetland community consists of a small depressional (approximately 0.32 acre) cypress (*Taxodium* spp.) and swamp tupelo (*Nyssa salvatica* var. *biflora*) pond. Other canopy and subcanopy trees, found at a lesser extent, include slash pine, dahoon holly (*Ilex cassine*), and Chinese tallow (*Sapium sebiferum*). The ground cover consists primarily of wax myrtle, buttonbush (*Cephalanthus occidentalis*), beakrushes (*Rhynchospora* spp.), spikerush (*Eleocharis* spp.), maidencane (*Panicum hemitomon*), Virginia chain fern (*Woodwardia virginica*), and lizard's tail (*Saururus cernuus*).
- i. Hydric Pine Flatwoods (FLUCFCS 625) – Approximately 40.12 acres of hydric pine flatwoods is found on the project site. This area includes areas which were historically used as slash pine silviculture which contain rows and furrows. The pine was harvested and not re-planted, consistent with the upland pine flatwoods described in Section 2.1. The canopy is dominated by slash pine and loblolly bay, though affected by the seasonal high water levels. The understory includes saw palmetto, shiny lyonia, gallberry, high-bush blueberry, Virginia chain fern, cinnamon fern, and bracken fern.
- j. Wetland Forested Mixed (FLUCFCS 630) – The large wetland slough communities (totaling approximately 64.09 acres) found in the eastern portion of the subject property are classified as mixed canopy systems containing both conifers and hardwoods. The canopy is closed and is comprised primarily of a mix of cypress, swamp tupelo, slash pine, red maple (*Acer rubrum*), cabbage palm (*Sabal palmetto*), American elm (*Ulmus americana*), laurel oak, sweetbay magnolia (*Magnolia virginiana*), Chinese tallow, and dahoon holly. The ground cover is limited due to the closed canopy but does have areas of buttonbush, swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), Virginia chain fern, lizard's tail, beakrush, bogbutton (*Lachnocaulon* spp.), and yellow-eyed grass (*Xyris* spp.).
- k. Freshwater Marsh (FLUCFCS 641) – Two small, isolated freshwater marshes (totaling approximately 0.55 acre) are located on the subject property. Both of these marshes are isolated from other waterways, and have an open canopy. The groundcover is dominated primarily by bushy broom grass (*Andropogon glomeratus*), Virginia chain fern, royal fern, lizard's tail, and beakrush. The soil found within this habitat contains a mucky surface and seasonal high water marks were identified slightly above natural ground elevation.

The table below indicates the acreage for each vegetative and land use cover types classified on the project site:

FLUCCS CODE	NAME	% of the Project Area	Total Acres
411	Pine Flatwoods	28.65%	62.67
414	Mesic Pine/Oak	4.81%	10.52
427	Live Oak	4.55%	9.94
436	Scrub/Pine/Hardwood	8.24%	18.02
616	Inland Pond	0.15%	0.32
625	Hydric Pine Flatwoods	18.35%	40.12
630	Mixed Wetland Forest	29.31%	64.09
641	Freshwater Marsh	0.25%	0.55
740	Disturbed Land	2.56%	5.59
814	Roads	3.13%	6.86
Total		100%	218.68 acres

The property is specifically located north of State Road 207 and the Vermont Heights neighborhood, west of a large wetland slough system and the Deer Park Industrial center, south of the St. Johns County River to Sea Loop Trail, and east of Vermont Boulevard.

BACKGROUND AND DISCUSSION: On April 5, 2017, the project was published as a public notice; however, before the applicant received authorization, the proposal was withdrawn.

PROPOSED WORK: The applicant seeks a 10-year authorization (phased construction) to discharge clean fill material into 2.84 acres of forested-freshwater wetlands to would facilitate the establishment of a residential subdivision with the associated infrastructure and stormwater management 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:

“Wetland impacts are required for the construction of road access to uplands on the site, and fill associated with partial lot grading. The proposed roads will be built in conformance with the St. Johns County Land Development Code for the required roadway cross-section for a subdivision. This is a minimum roadway requirement as set forth by St. Johns County for residential subdivisions. The site plan has been designed to avoid wetland impacts to the greatest extent practical and the design represents a 97% avoidance of jurisdictional wetlands within the property. Approximately, 101.1 acres of wetlands would remain post-development.”

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

“Mitigation for federally jurisdictional wetland impacts will be provided through a combination of onsite preservation mitigation and the purchase of wetland mitigation bank credits. A total of 2.84 acres of direct and 2.98 acres of secondary wetland impacts are proposed. The proposed onsite mitigation will generate approximately 1.69 credits. The development of the proposed project is anticipated to incur a functional loss of 2.12. Therefore, approximately 0.43 UMAM freshwater forested credits will be required from a permitted wetland mitigation bank.”

CULTURAL RESOURCES:

The Corps is aware of historic properties within or in proximity of the permit area. On July 21, 2017, the Corps made the determination that the proposed project would have no effect to historic properties and initiated consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act. On August 22, 2017, the consultation period ended without any comments received.

ENDANGERED SPECIES:

Wood Stork (*Mycteria americana*): The project site is approximately 7.5 miles southwest of the St. Augustine Alligator Farm and 9 miles northwest of the Matanzas Marsh Wood Stork nesting colonies; and, within the Core Foraging Area of those colonies. Wood Storks prefer to forage on small fish, crayfish, and frogs in ponds and marshes with little or no canopy but have been observed foraging in open areas within forested wetlands. In consideration of the information submitted and available to the Corps, 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-C-D-E-Not Likely to Adversely Affect. The U.S. Fish and Wildlife Service (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 couperi*): The 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 Endangered Species Act 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. A survey of the project site identified a total of 22 active and inactive gopher tortoise burrows on the overall property. 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-D-E-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 has indicated that they concur with determinations of may affect, not likely to adversely affect based on the key for eastern indigo snakes; and, that no additional consultation is necessary.

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. 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. Corps personnel have not verified the jurisdictional line. The applicant's ecological agent expressed an opinion that three separate wetlands (totaling 0.86-acre) near the southwest corner of the site is not within Federal jurisdiction in consideration of the *National Waters Protection Rule*. The Corps is currently evaluating the extent of Federal jurisdiction at the site.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification will be required through the St. Johns River Water Management District.

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 or COMMENTS concerning this application should be directed to the project manager, Mr. Brad Carey, in writing by electronic mail at brad.j.carey@usace.army.mil; or, by telephone at (904) 232-2405.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

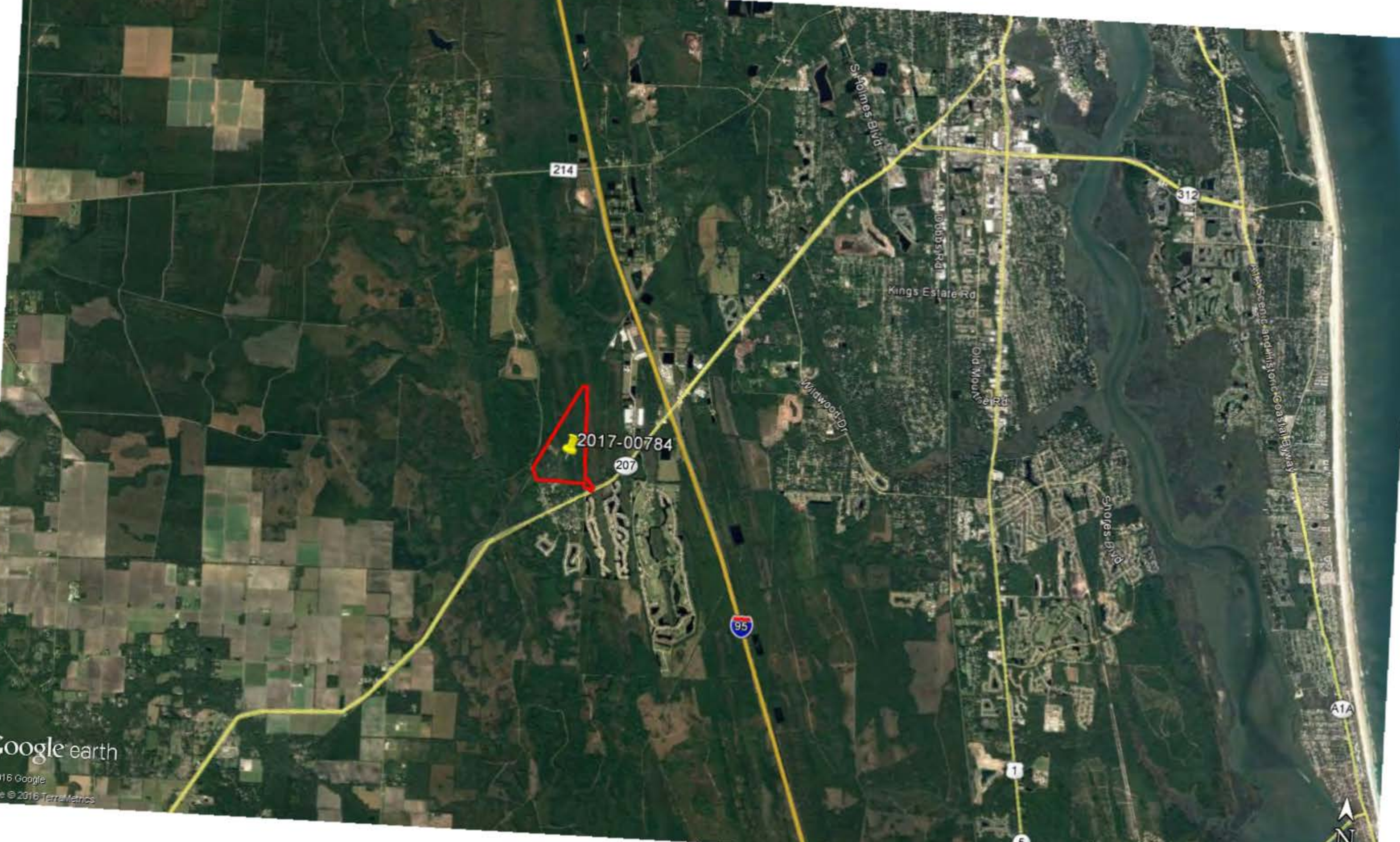
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 of 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 decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

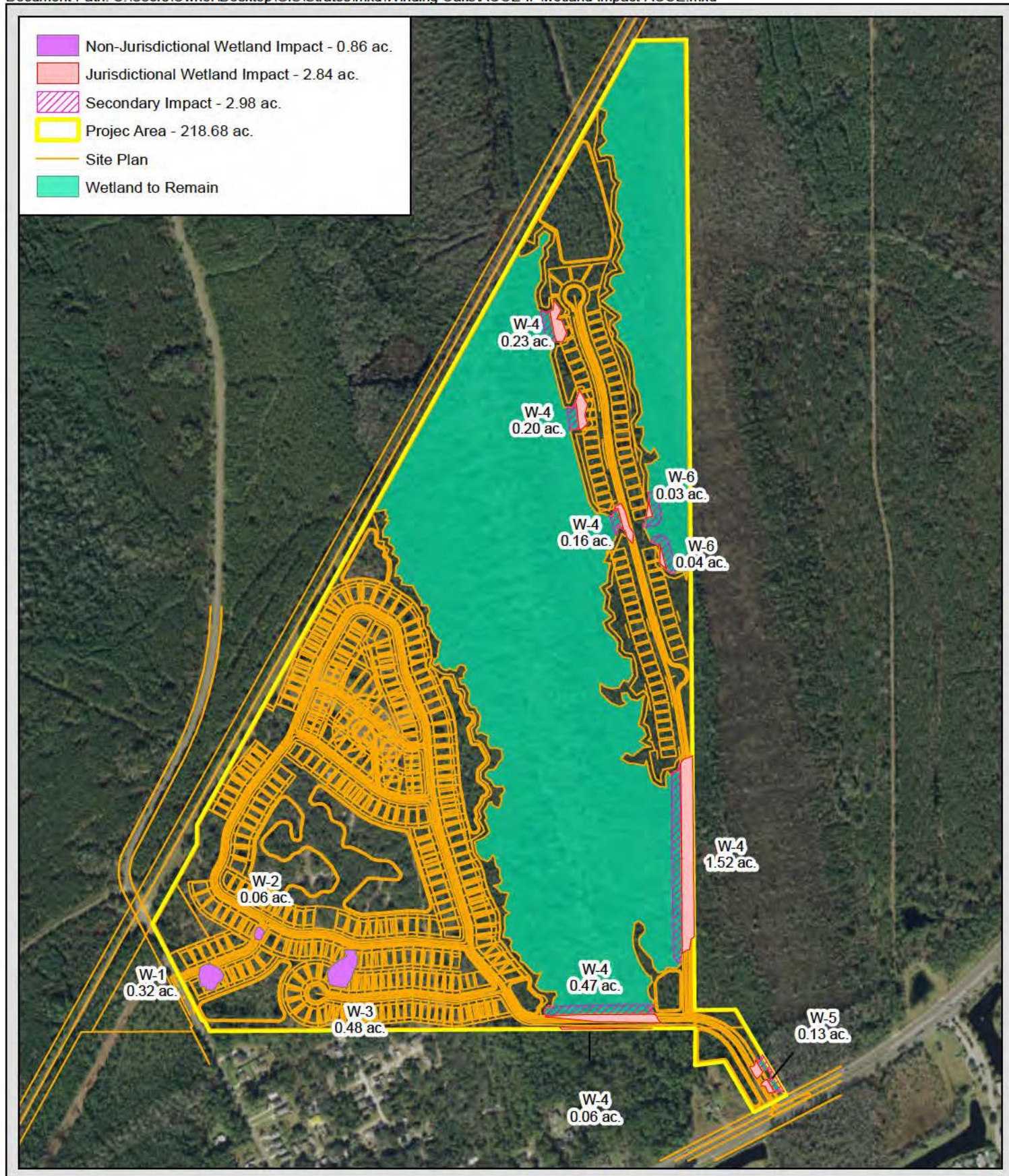
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, in the Virgin Islands, the Department of Planning 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.



Google earth

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Source: Image - ESRI 2019
Date: 5-4-20

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Wetland Map Winding Oaks St. Johns County, Florida



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