



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

August 19, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-01125(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: Bill Greene
Ken Greene Contractor, LLC
53072 Clear Lake Drive
Callahan, Florida 32011

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Cushing Creek. The southern end of the parcel is located at 55255 Tamar Lane and 55333 Tamara Lane and the northern portion of the parcel extends to Lem Turner Road. The project site is located in Section 33, Township 2 North, Range 25 East, Callahan, Nassau County, Florida.

Directions to the site are as follows: Traveling from downtown Jacksonville take Interstate 95 (I-95) north to Interstate 295 (I-295). Take I-295 traveling west to the Lem Turner Road exit. Turn north onto Lem Turner Road. Follow Lem Turner Road to the northern extent of the project site which is located on the south side of Lem Turner Road across from Gator Lane.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.547604°
Longitude -81.804673°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the construction of a residential development in southern Nassau County.

EXISTING CONDITIONS: The 97.63-acre parcel includes the following Florida Land Use Cover and Forms Classification System (FLUCFCS) communities: Pine Plantation, Pine Flatwoods, Improved Pasture, Hardwood-Conifer Mixed, Wet Pine Plantation, Hydric Pine Flatwoods, Exotic Wetland Hardwoods, Inland Ponds and Sloughs, Vegetated Non-Forested Wetland, Ponds, and Ditches. The 33.09-acre Pine Plantation

community is located throughout the parcel and consists of rows of planted loblolly pine, blackberry, yellow jessamine, and greenbriar vine. The 33.11-acre Pine Flatwoods community is located in the southern portion of the parcel and consists of loblolly pine, slash pine, saw palmetto, bitter gallberry, and bracken fern. The 2.66-acre Improved Pasture community is located in the northern portion of the parcel and consists of bahia grass, broomsedge, and vasey grass. The 2.62-acre Hardwood-Conifer Mixed community is located in the northeastern corner of the parcel and consists of laurel oak, water oak, live oak, southern magnolia, loblolly pine, saw palmetto, bitter gallberry, and bracken fern. The 10.56-acre Wet Pine Plantation is located throughout the parcel and consists of loblolly pine, red maple, Chinese tallow, Asian coinwort, and sedge. The 7.92-acre Hydric Pine Flatwoods community is located in the southern portion of the parcel and consists of loblolly pine, slash pine, red maple, sweetgum, sedges, and various wet grasses. The 2.99-acre Exotic Wetland Hardwoods community is located in the northern portion of the parcel and consists of Chinese tallow, red maple, Asian coinwort, and waxmyrtle. The 2.43-acre Inland Ponds and Sloughs community is located along the northern property boundary and forms part of an unnamed tributary of Cushing Creek. This area consists of laurel oak, American elm, red maple, blackgum, bald cypress, sedges, and various wet grasses. The 0.28-acre Vegetated Non-Forested Wetland community is located in the northeast portion of the parcel and consists of torpedo grass, Asian coinwort, dollarweed, and various wet grasses. There are two ponds that make up the 1.50-acre Pond community, one is located in the northeastern corner of the property and the other pond is located in the southern portion of the property. The 0.47-acre of Ditches include four ditches located in the northern half of the property and one ditch located in the southern half of the property. Two of the ditches on the northern end were dug to help drain the area of wet pine plantation in the south. The other two ditches on the northern end include a small swale located along the edge of the adjacent wet pasture and a roadside ditch located along the northern edge of a dirt road. The ditch located on the southern half of the property is located in between 2 wetlands. The project site is primarily bordered by timberland and pastureland with a few residential parcels located in between.

PROPOSED WORK: The applicant seeks authorization to place fill material in 5.25 acres of waters of the United States (Palustrine forested wetlands) in association with the construction of a residential development.

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 project has been designed to avoid and minimize wetland impacts as much as possible while still achieving the overall project purpose. No impacts have been proposed to the higher quality wetlands onsite.

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 in-kind Federal mitigation bank credits from the Longleaf Mitigation Bank as compensatory mitigation for impacts to waters of the United States.

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 determined that the proposed work would have no effect on the Red Cockaded Woodpecker (*Picoides borealis*). The Corps determined that the proposed work is not likely to adversely affect the Eastern Indigo Snake. The project site is approximately 12 miles from the nearest identified nest or cluster location for Red Cockaded Woodpecker; and, within the consultation area identified by the U.S. Fish and Wildlife Service (FWS) and the Corps for this species. Therefore, Red Cockaded Woodpecker may utilize the project site. Habitat for Red Cockaded Woodpecker typically incorporates mature pine woodlands (not wetlands); and, optimal habitat is characterized as a broad savanna with a scattered overstory of large pines and a dense groundcover containing a diversity of grass and shrub species. Nesting and roosting occur in cavity trees that are almost exclusively old, living, flat-topped pine trees. The project site does not encompass typical or optimum habitat; or, trees capable of supporting cavities. Consultation with FWS is not required for no effect determinations. 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 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 guanhum*) provide shelter in wetter habitats. 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* 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 *not likely to adversely affect*.

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 the Cushing 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.

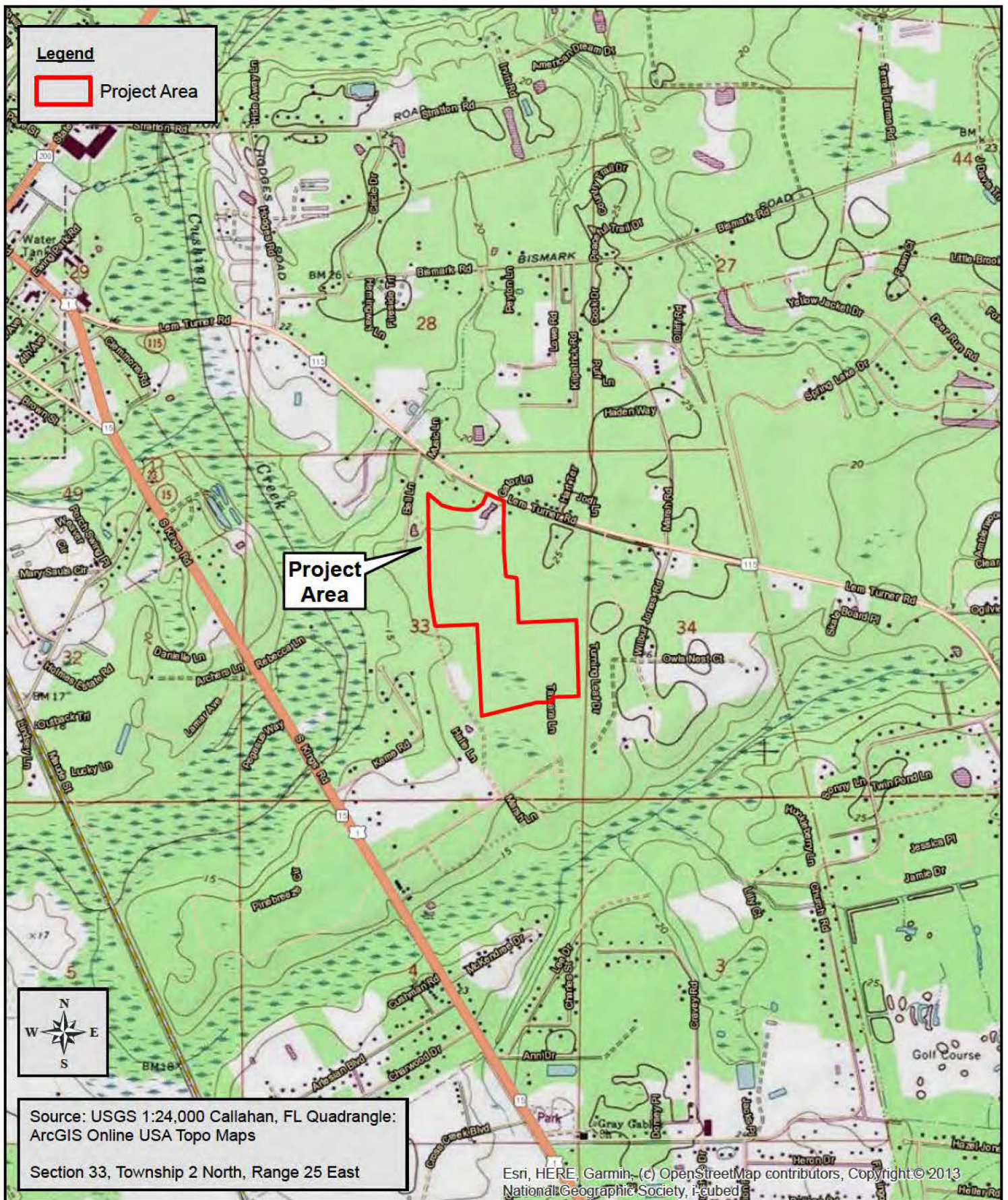
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



PEACOCK CONSULTING GROUP, LLC



12058 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

Greene Magnolia

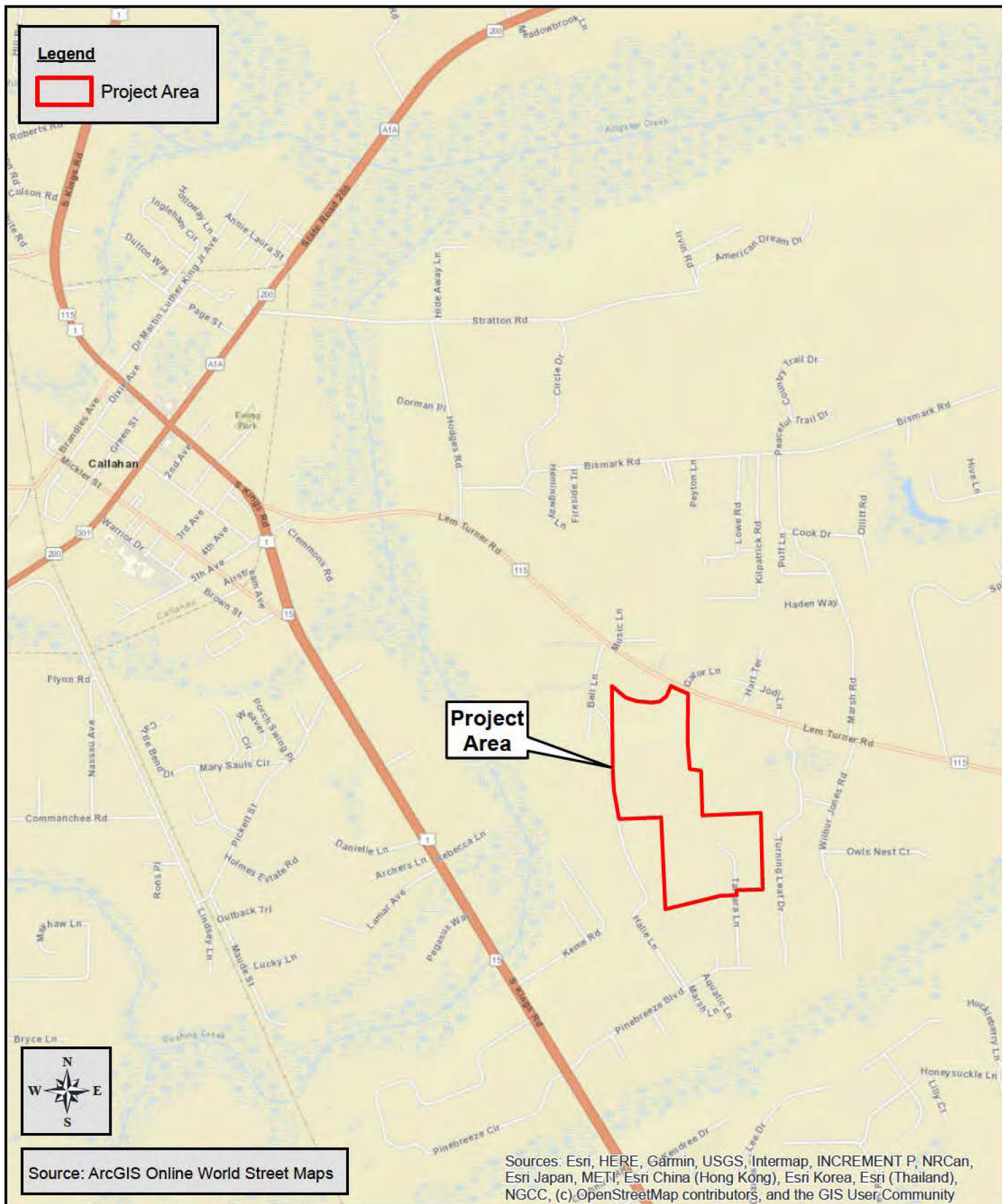
Nassau County, Florida

Location/Topographic Map

Figure: 1

Date: 4-2-20

0 2,000'



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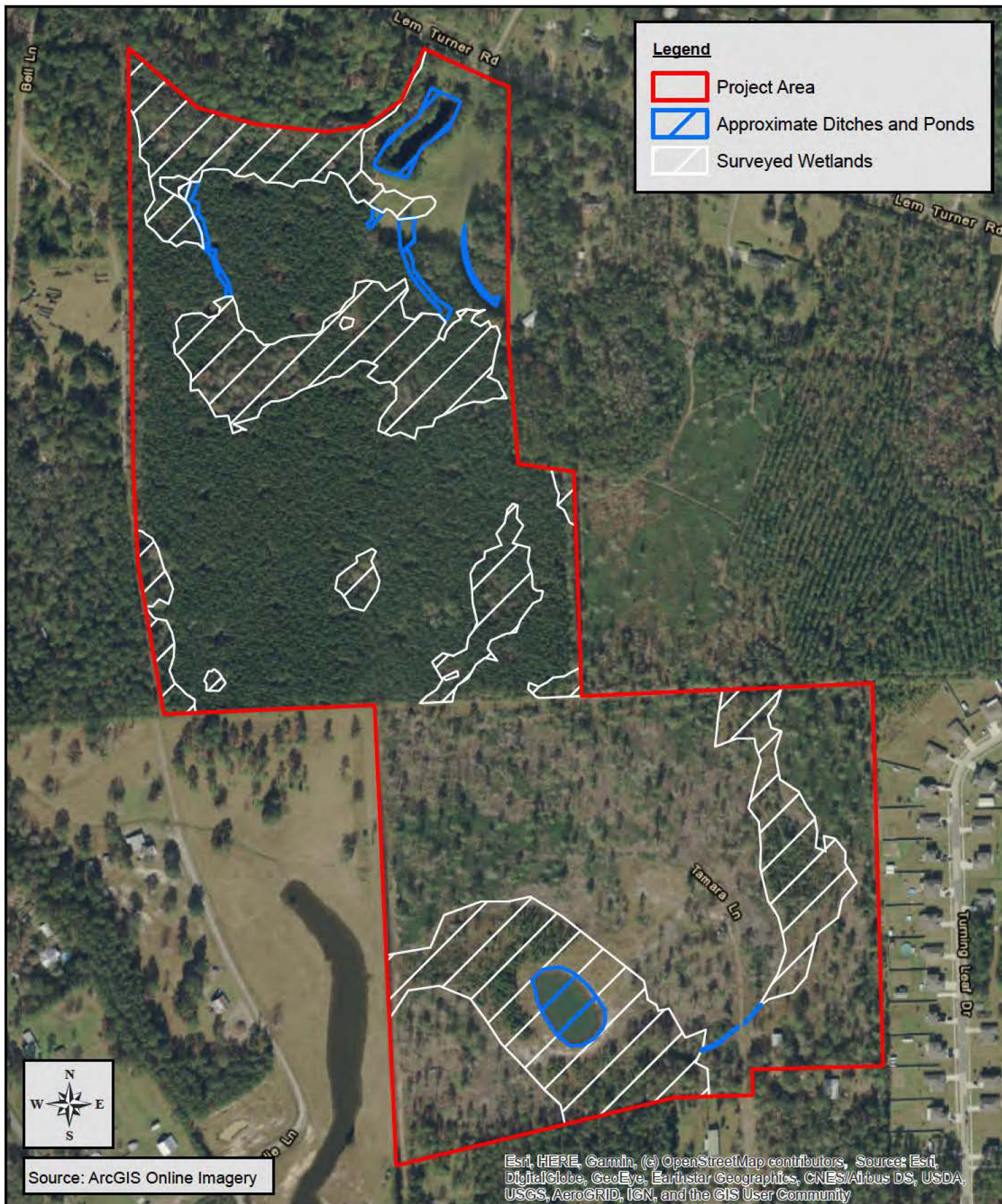
Nassau County, Florida

Vicinity Map

Figure: 2

Date: 4-2-20





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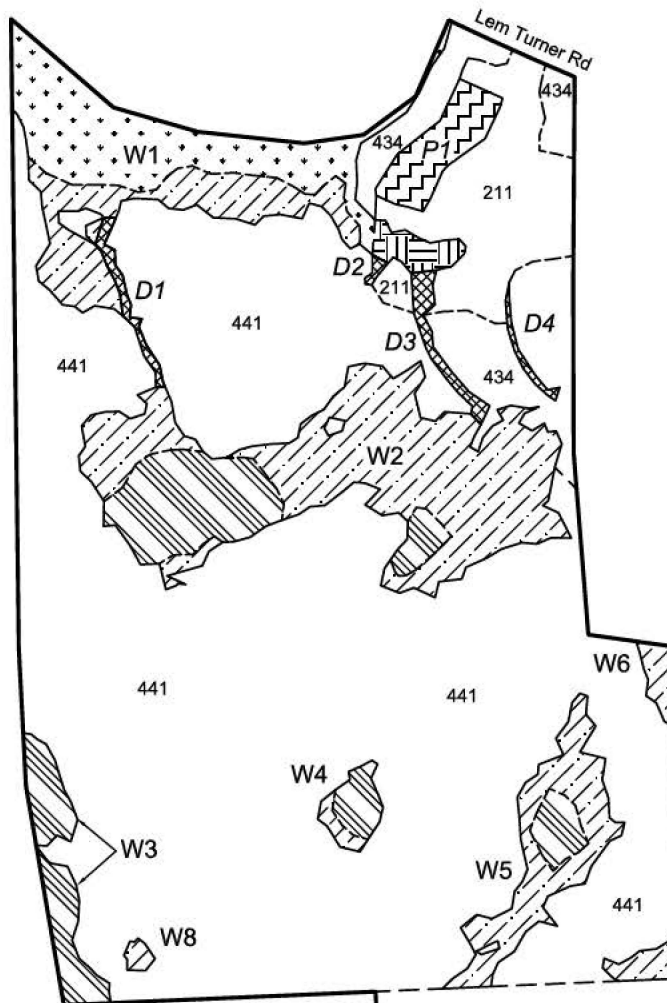
Nassau County, Florida

Current Aerial Photograph

Figure: 3

Date: 4-2-20





Legend:

- Project Boundary
- Wetland Line
- Vegetative Community Break

Uplands: ... 71.68 ac.±

211 - Improved Pasture (FLUCFCS 211) 2.66 ac.±
 411 - Pine Flatwoods (FLUCFCS 411) 33.11 ac.±
 434 - Hardwood-Conifer Mixed (FLUCFCS 434) 2.62 ac.±
 441 - Pine Plantation (FLUCFCS 441) 33.09 ac.±

Wetlands and Other Surface Waters: ... 26.15 ac.±

- Ditches (FLUCFCS 510) 0.47 ac.±
- Ponds (FLUCFCS 534) 1.50 ac.±
- Wet Pine Plantation (FLUCFCS 441w) 10.56 ac.±
- Inland Ponds and Sloughs (FLUCFCS 616) 2.43 ac.±
- Exotic Wetland Hardwoods (FLUCFCS 619) 2.99 ac.±
- Hydric Pine Flatwoods (FLUCFCS 625) 7.92 ac.±
- Vegetated, Non-Forested (FLUCFCS 640) 0.28 ac.±

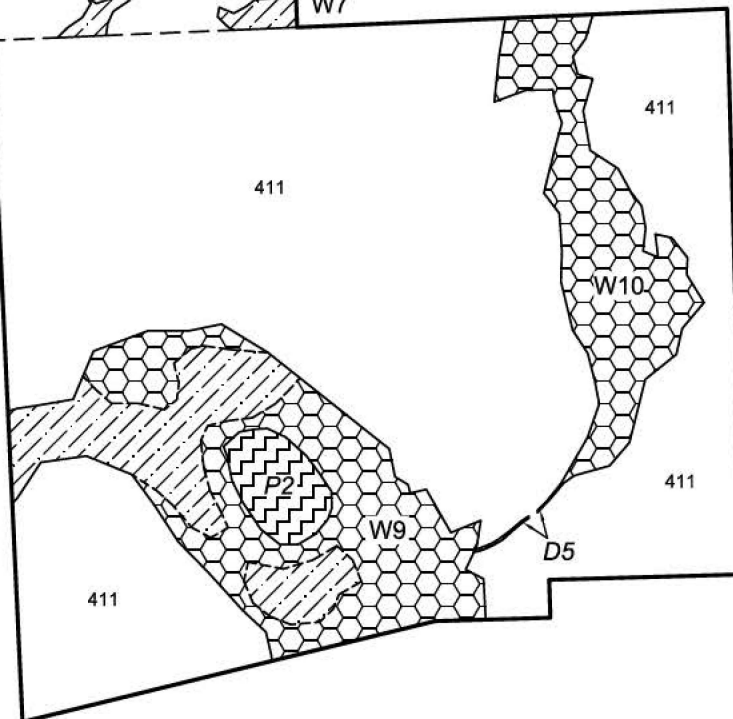
Total: 97.63 ac.±

Wetland Acreages

ID	FLUCFCS	Total Acreage
W1	441w	1.54
	616	2.43
	640	0.28
W2	441w	4.29
	619	1.63
W3	619	0.83
W4	441w	0.10
	619	0.25
W5	441w	1.32
	619	0.28
W6	441w	0.18
W7	441w	0.21
W8	441w	0.07
W9	441w	2.85
	625	4.50
W10	625	3.42

Surface Water Acreages

ID	FLUCFCS	Total Acreage
D1	510	0.15
D2	510	0.03
D3	510	0.21
D4	510	0.06
D5	510	0.02
P1	534	0.67
P2	534	0.83



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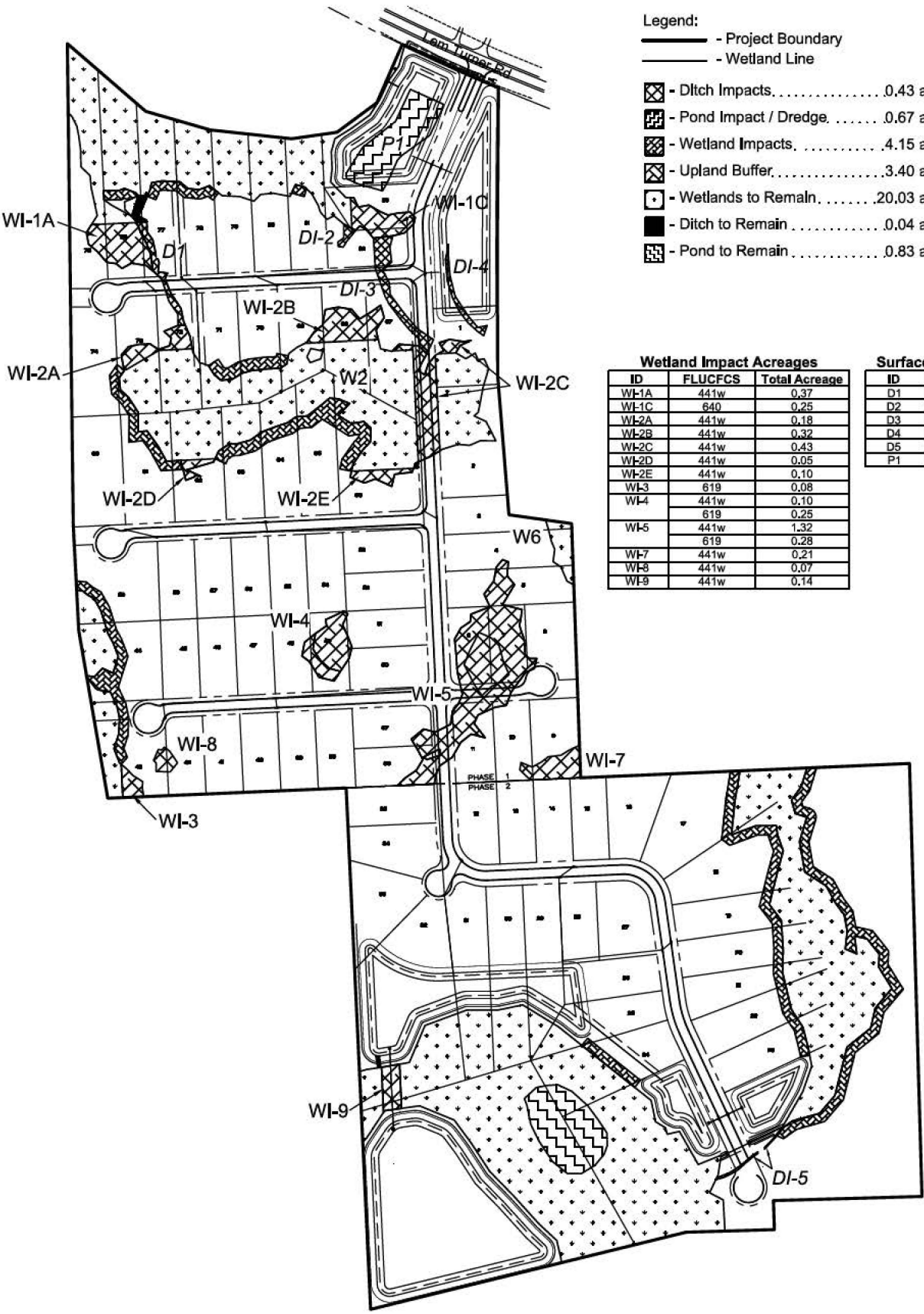
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Greene Magnolla
 Nassau County, Florida
Existing Site Conditions

Figure: 5

Scale: 1" = 400'

Date: 4-2-20



- Legend:**
- Project Boundary
 - Wetland Line

- ☒ - Ditch Impacts, 0.43 ac±
- ☒ - Pond Impact / Dredge, 0.67 ac±
- ☒ - Wetland Impacts, 4.15 ac±
- ☒ - Upland Buffer, 3.40 ac±
- ◉ - Wetlands to Remain, 20.03 ac±
- - Ditch to Remain 0.04 ac±
- ☒ - Pond to Remain 0.83 ac±

Wetland Impact Acreages

ID	FLUCFCS	Total Acreage
WI-1A	441w	0.37
WI-1C	640	0.25
WI-2A	441w	0.18
WI-2B	441w	0.32
WI-2C	441w	0.43
WI-2D	441w	0.05
WI-2E	441w	0.10
WI-3	619	0.08
WI-4	441w	0.10
	619	0.25
WI-5	441w	1.32
	619	0.28
WI-7	441w	0.21
WI-8	441w	0.07
WI-9	441w	0.14

Surface Water Impact Acreages

ID	FLUCFCS	Total Acreage
D1	510	0.11
D2	510	0.03
D3	510	0.21
D4	510	0.06
D5	510	0.02
P1	534	0.67

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Greene Magnolla
Nassau County, Florida
Proposed Site Conditions

Figure: 5

Scale: 1" = 400'

Date: 4-2-20

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