



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-2020-01533(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. Daniel Blanchard  
SAPP AFC, LLC  
5711 Richard Street, Suite 4  
Jacksonville, Florida 32216

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Caney Branch. The project site is located at 12324 Sapp Road, in Sections 3, 34, 37, Township 1 North, Range 27 East, Jacksonville, Duval County, Florida.

Directions to the site are as follows: Traveling from downtown Jacksonville take Interstate 95 (I-95) traveling north to Interstate 295 (I-295). Take I-295 traveling east to Pulaski Road and turn north onto Pulaski Road. Then turn east onto Howard Road and turn north onto Dunn Creek Road. Follow Dunn Creek Road to New Berlin Road and turn east onto New Berlin Road. Follow New Berlin Road to Sapp Road and turn south onto Sapp Road. Follow Sapp Road traveling south to the project site located at 12324 Sapp Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.457391°  
Longitude -81.586346°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is residential development.

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

EXISTING CONDITIONS: The 25.26-acre project site is bordered by Caney Branch and contains the following Florida Land Use Cover and Forms Classification System (FLUCCS) community types: Pine-Mesic Oak, Streams and Waterways, Wetland Forested Mixed, Vegetated Non-Forested Wetlands, Saltwater Marsh, Vegetated

Borrow Area, and Electrical Power Transmission Lines. The 14-acre Pine-Mesic Oak community consists of live oak, slash pine, southern magnolia, saw palmetto, and bracken fern. The 0.03-acre Streams and Waterways community is a ditch that conveys water from the borrow area to Caney Branch. The 1.89-acre Wetland Forested Mixed community consists of red maple, bald cypress, laurel oak, dwarf palmetto, and royal fern. The 0.27-acre Vegetated Non-Forested Wetlands is located in the Power Transmission Lines area and the environmental consultant did not provide the vegetation that is in this area. The 2.44-acre Saltwater Marsh consists of marsh grass and is located along Caney Branch. The 5.58-acre Borrow Area consists of open water, scrub areas, and forested areas along the edges. The area consists of Carolina willow, wax myrtle, royal fern, red maple, swamp bay, and Virginia chainfern. The 1.05-acre Power Transmission Lines area is over the Vegetated Non-Forested Wetlands and the environmental consultant did not provide any other details about this area. The project site is bordered to the east by Caney Branch, the north by Sapp Road, and to the west and south by residential development. The northern most portion of the project site that is located north of Sapp Road is bordered to the east by a residential parcel, to the west by a borrow area, to the north by vacant land and to the south by Sapp Road.

**PROPOSED WORK:** The applicant seeks authorization to place fill material in 0.69 acres of waters of the United States (Palustrine forested wetlands) in association with the construction of a residential development. Since the residential subdivision is located adjacent to Caney Branch there is potential for the construction of several private single-family docks along the waterway. The applicant does not propose to construct docks at this time.

**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:

Considering the location, hydrology, and extreme amounts of trash dumping in the on-site wetlands the value and function that the wetland provides is low. The higher quality wetlands would be avoided.

**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 0.31 Palustrine forested federal mitigation bank credits from Greens Creek Mitigation Bank (SAJ-2008-04255).

**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 Wood Stork (*Mycteria americana*) and the Red Cockaded Woodpecker (*Picoides borealis*). The Corps determined that the proposed work is not likely to adversely affect the Eastern Indigo Snake. Since the proposed work is located within the Core foraging area for the Wood Stork, the Corps evaluated the potential impacts to the Wood Stork using *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* (Wood Stork Key). Use of the Wood Stork Key resulted in the following sequence: A > B > No effect to the Wood Stork, with no further consultation with the U.S. Fish and Wildlife required. The project site is approximately 17 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. The Corps determined that the proposed work would have no effect on the Red Cockaded Woodpecker. 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 guanhumi*) 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. The proposal would impact approximately 0.69 acres of Palustrine forested wetlands utilized by various species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Caney Branch. 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](mailto: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.



















