



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

August 20, 2020

Regulatory Division
North Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2009-00991(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: Northpoint Realty, LLC
8823 San Jose Boulevard, Suite 101
Jacksonville, Florida 32217

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with Caney Branch, which is a tidally influenced waterway. The project site is located in the northeast quadrant of the intersection of Yellow Bluff Road and New Berlin Road (Duval County Property Appraiser – Parcel Identification Number 106554-0010), in Section 35, Township 1 North, Range 27 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 30.462506°, Longitude: -81.577668°

PROJECT PURPOSE:

Basic: The basic project purpose is commercial development.

Overall: The overall project purpose is the establishment of a commercial complex serving residential neighborhoods associated with The Cape, Jamestown, and Oceanway regions of north Jacksonville.

EXISTING CONDITIONS:

General: The project site encompasses approximately 16.86 acres. Based on historic aerial photography and the location/type of soils encompassed by the property, a 1.45-acre wetland encompassed by the property may be a remnant of a wetland system that extended east from Caney Branch, which was altered by the construction of Yellow Bluff Road. Soils present at the site, as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service, are *Leon fine sand, 0 to 2 percent slopes* (map unit 32), *Boulogne fine sand, 0 to 2 percent slopes* (map unit 14), and *Evergreen-Wesconnett complex, depressional, 0 to 2 percent slopes* (map unit 22).

Vegetative Communities: The project site encompasses two vegetative communities characterized by the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS). These communities are *Coniferous Plantation* (FLUCFCS code 441) and *Wetland Forested Mixed* (FLUCFCS code 630).

a. *Coniferous Plantation*: The majority of the property supports this community. Loblolly pine (*Pinus taeda*) and slash pine (*Pinus elliottii*) dominate the canopy in this community. Additional canopy species include scattered Southern magnolia (*Magnolia grandiflora*), Water oak (*Quercus nigra*), Sweetgum (*Liquidambar styraciflua*), and red maple (*Acer rubrum*). Sub-canopy species include American holly (*Ilex opaca*).

b. *Wetland Forested Mixed*: This 1.45-acre community is located near the southwest corner of the site. This wetland receives flow from direct precipitation and flow from adjacent uplands; and, may also receive groundwater input. Flow from this system travels west through a culvert under Yellow Bluff Road to Caney Branch, which is approximately 300 feet west of the roadway. Canopy vegetation within this community includes loblolly bay (*Gordonia lasianthus*), sweet bay (*Magnolia virginica*), red bay (*Persea borbonia*), and loblolly pine. Sub-canopy species include wax myrtle (*Morella cerifera*), gallberry (*Ilex glabra*), fetterbush (*Lyonia lucida*), and American holly. Groundcover includes Virginia chain fern (*Woodwardia virginica*), netted chain fern (*Woodwardia areolata*), and cinnamon fern (*Osmunda cinnamomea*).

c. The adjacent properties include forested land and residential development to the north; and, residential development to the east. Yellow Bluff Road borders the site to the west and New Berlin Road borders the site to the south.

PROJECT HISTORY:

On February 24, 2010, the Corps authorized the discharge of clean fill material over a 0.96-acre wetland encompassed by the project site. As compensatory mitigation for the loss of that 0.96-acre wetland, the permit required the preservation of 11.2 acres of forested wetlands; and, the enhancement and preservation of 4.0 acres of wetlands at an off-site property identified as the *Snowden Bay Mitigation Area*. The Corps previously determined that the loss of wetland functions and services associated with the elimination of the 0.96-acre wetland at the project site was adequately compensated by the actions implemented at the *Snowden Bay Mitigation Area*. Modifications of the permit extended the authorization period to February 22, 2020. The Permittee, though, did not implement the work authorized at the project site prior to the expiration of the permit; however, the Permittee did implement the associated off-site compensatory mitigation at the *Snowden Bay Mitigation Area*.

Subsequent to the expiration of the previous authorization, the Corps received information that the onsite wetland area (previously identified as 0.96 acre) had naturally enlarged; and, now incorporated 1.45 acres.

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over 1.45 acres of wetlands to facilitate the commercial development of the property.

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 applicant indicates that the location, orientation, and size of the wetland encompassed by the property renders the total avoidance of work affecting that wetland unfeasible, as such an action would render the development of the site economically impractical. Further, the applicant expressed an opinion that any reduction to the area of work affecting the onsite wetland unacceptably would decrease the economic viability of the project and any remnant wetland area would have negligible ecological value due to the surrounding development and proximity to two major roadways.

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

The applicant requested use of the compensatory mitigation previously accepted by the Corps and implemented by the applicant (previous Permittee) at the *Snowden Bay Mitigation Area* as compensatory mitigation for 0.96 acre of the work affecting wetlands currently proposed. The applicant's ecological agent submitted a *Uniform Mitigation Assessment Method* (UMAM) quantifying and qualifying the wetland functions and services associated with the work that would eliminate the additional 0.49 acre of the onsite wetland. That UMAM calculated the functional loss of that work as 0.26 units. Therefore, as compensatory mitigation for the 0.49 acre of additional work affecting wetlands currently proposed, the applicant would purchase 0.26 mitigation bank credits from a federally authorized mitigation bank with a service area encompassing the project site.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area; and, the Corps previously determined that work at the property had no potential to cause effect to any site listed, or eligible for listing, in the *National Register of Historic Places*. However, 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 ACT (ESA):

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 Jacksonville Zoo, Cedar Point Road (594003), and Pumpkin Hill (594105) Wood Stork colonies. Therefore, this species could forage at the project site. The work proposed 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 U.S. Fish and Wildlife Service (FWS) previously indicated that they concur with determinations of *no effect* based on the key for Wood Storks; and, that no additional consultation is necessary.

Eastern Indigo Snake (*Drymarchon corais couperi*): This species 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 be present at the project site. 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 project site does not support gopher tortoise burrows nor xeric habitat. However, 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.

The Corps executed a *Resources At Risk* (RAR) report. 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 nor estuarine habitat. Our initial determination is that the proposed action would not adversely affect EFH or Federally managed fisheries potentially present in Caney Branch, Dunns Creek, or downstream waterways. 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 Federal jurisdictional.

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, 701 San Marco Boulevard, Jacksonville, Florida, 32207 or by electronic mail to the project manager, Mark Evans, at mark.r.evans@usace.army.mil within 30 days from the date of this notice.

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

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 R. 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.



FIGURE 1.
SITE LOCATION MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: ESRI, 2018; ECT, 2020.

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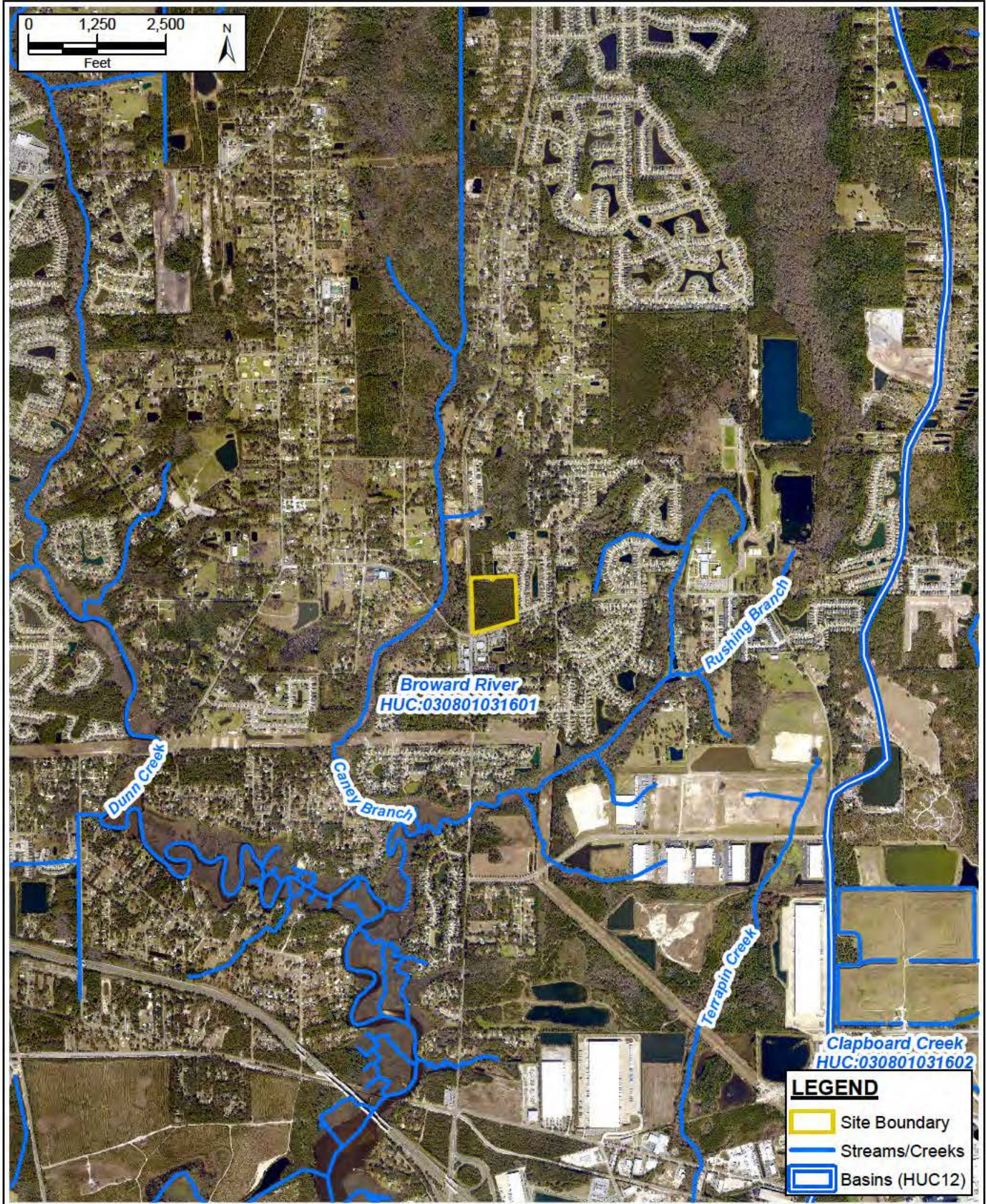


FIGURE 7.
NATIONAL HYDROGRAPHY DATASET MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: USGS, 2019; FDOT, 2017; ECT, 2020.

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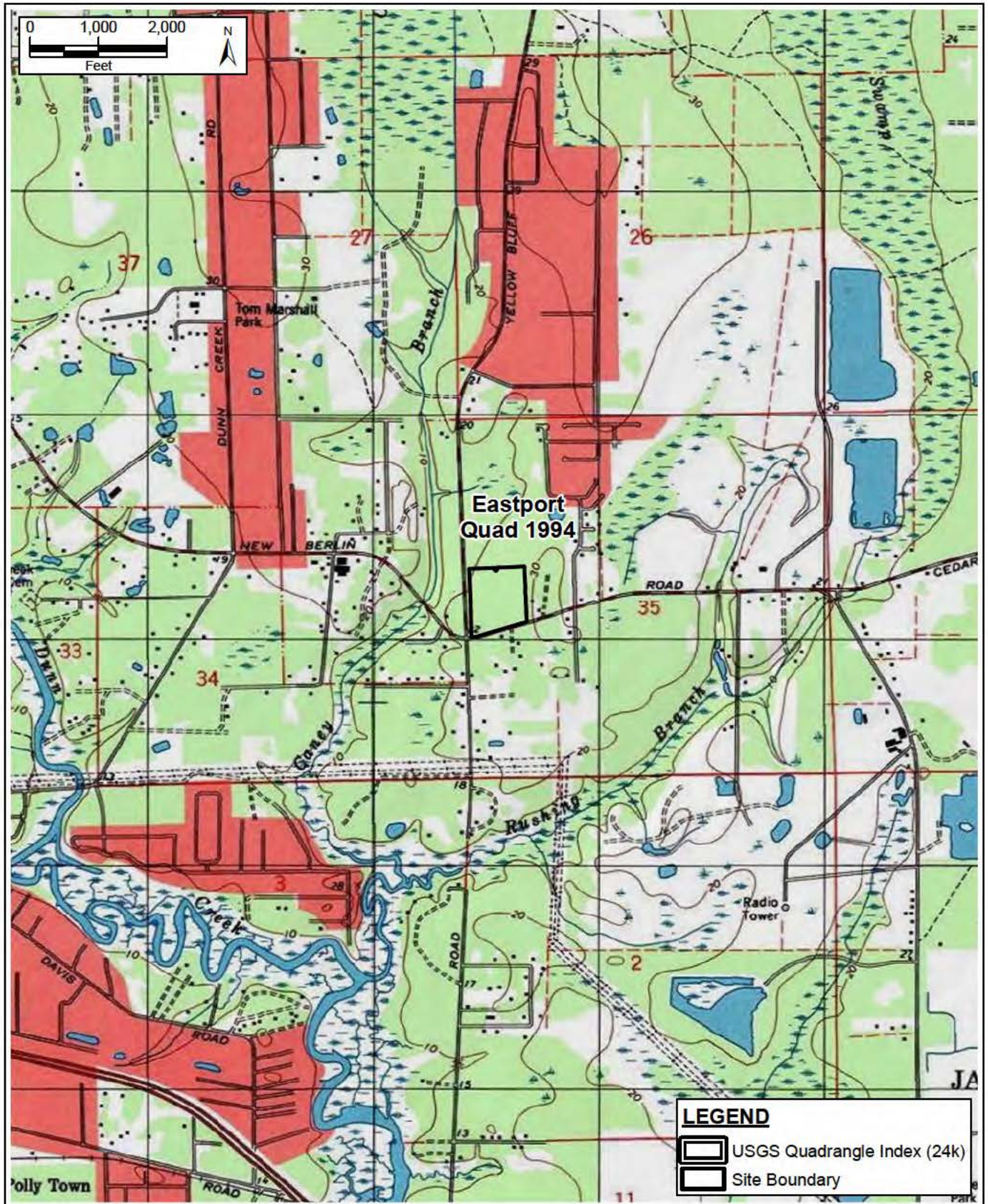


FIGURE 11.
TOPOGRAPHIC MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: USGS, 1994; ECT, 2020.

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Technology, Inc.

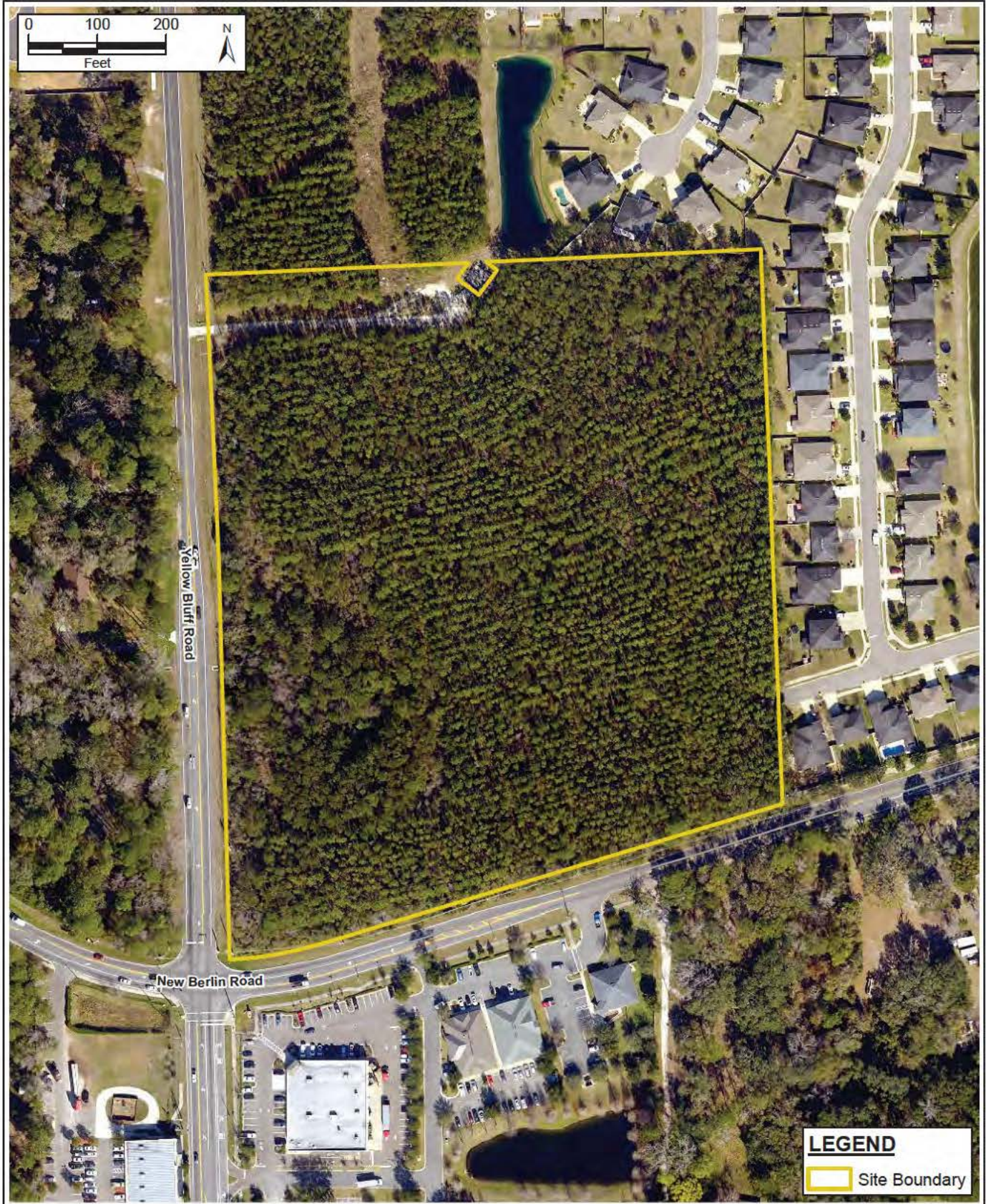


FIGURE 2.
SITE MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: FDOT, 2017; ECT, 2020.

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FIGURE 4.
SOILS MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: USDA, 2019; FDOT, 2017; ECT, 2020.

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FIGURE 5.
LAND USE / LAND COVER MAP
NORTHPOINT VILLAGE SHOPPING CENTER
DUVAL COUNTY, FLORIDA

Sources: FDOT, 2017; ECT, 2020.

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