



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

September 9, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-03419(SP-RPR)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: CDP Investments One, LLC
ATTN: Mr. Paul Rohan
405 South Roscoe Boulevard
Ponte Vedra, Florida 32082

WATERWAY AND LOCATION: The project would affect waters of the United States (wetlands) associated with Dunn Creek. The project site is located at Heckscher Drive, in Section 14, Township 1 South, Range 27 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.412863°
Longitude -81.573722°

PROJECT PURPOSE:

Basic: The basic project purpose is commercial development.

Overall: The overall project purpose is the establishment of commercial development/services to meet the demands on the North Side of Jacksonville, Duval County.

EXISTING CONDITIONS: The approximately 3.06 acre project site encompasses several communities identified by the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) developed by the Florida Department of Transportation:

1. Uplands (0.83 acre):

Pine-Oak (FLUCFCS code 414) This community is dominated by live oak (*Quercus virginiana*), slash pine (*Pinus elliotii*), yaupon holly (*Ilex vomitoria*), and bracken fern (*Pteridium aquilinum*).

2. Wetlands (2.23 acres):

a. *Wetland Forested Mixed* (FLUCFCS code 630) This community is a transitional freshwater wetland between the uplands and saltmarsh dominated by slash pine, yaupon holly, saltbush (*Baccharis halimifolia*), and soft rush (*Juncus effuses*).

b. *Saltmarsh* (FLUCFCS code 642) This community is dominated by black needle rush (*Juncus roemerianus*).

PROPOSED WORK: The applicant seeks authorization to discharge clean fill material over 0.63 acre of wetlands to facilitate the construction of a commercial development and its associated infrastructure.

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 were avoided as much as possible while still accomplishing the overall project purpose. The applicant has avoided 1.60 acres of wetlands. Proposed impacts are subject to the lower quality wetland forested mix transitional areas within the site.

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

The applicant's ecological agent submitted a *Uniform Mitigation Assessment Method* (UMAM) quantifying and qualifying the potential loss of wetland functions and services associated with the proposed work. The UMAM calculated the functional loss as 0.378 unit. Therefore, the applicant proposed the purchase of 0.38 palustrine forested federal credit from the *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:

a. *Red Cockaded Woodpecker* (*Picoides borealis*): 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. 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; therefore, the Corps has determined no effect to the woodpecker.

b. Wood Stork (*Mycteria americana*): The project site is approximately 4 miles from the Jacksonville Zoo wood stork colony; and, within the Core Foraging Area of this colony; therefore, the wood stork could utilize the area encompassed by the project Endangered Species Act scope of analysis. The proposed project would affect less than 0.5 acre of suitable foraging habitat for wood storks. 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-C-*may affect, but is not likely to adversely affect*, and no further consultation with the FWS is necessary, per the programmatic agreement.

c. Manatee (*Trichechus manatus*): The Corps reviewed the project utilizing The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013. Use of this key resulted in the sequence A-B-C-G-N-O-P- *may affect, but is not likely to adversely affect*, and no further consultation is necessary with the FWS, per the programmatic agreement.

d. 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, other than what is listed above. 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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Dunn 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 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, Post Office 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, Renee Riker, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at renee.p.riker@usace.army.mil; by facsimile transmission at (904)232-1904; or, by telephone at (904)232-1497.

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.

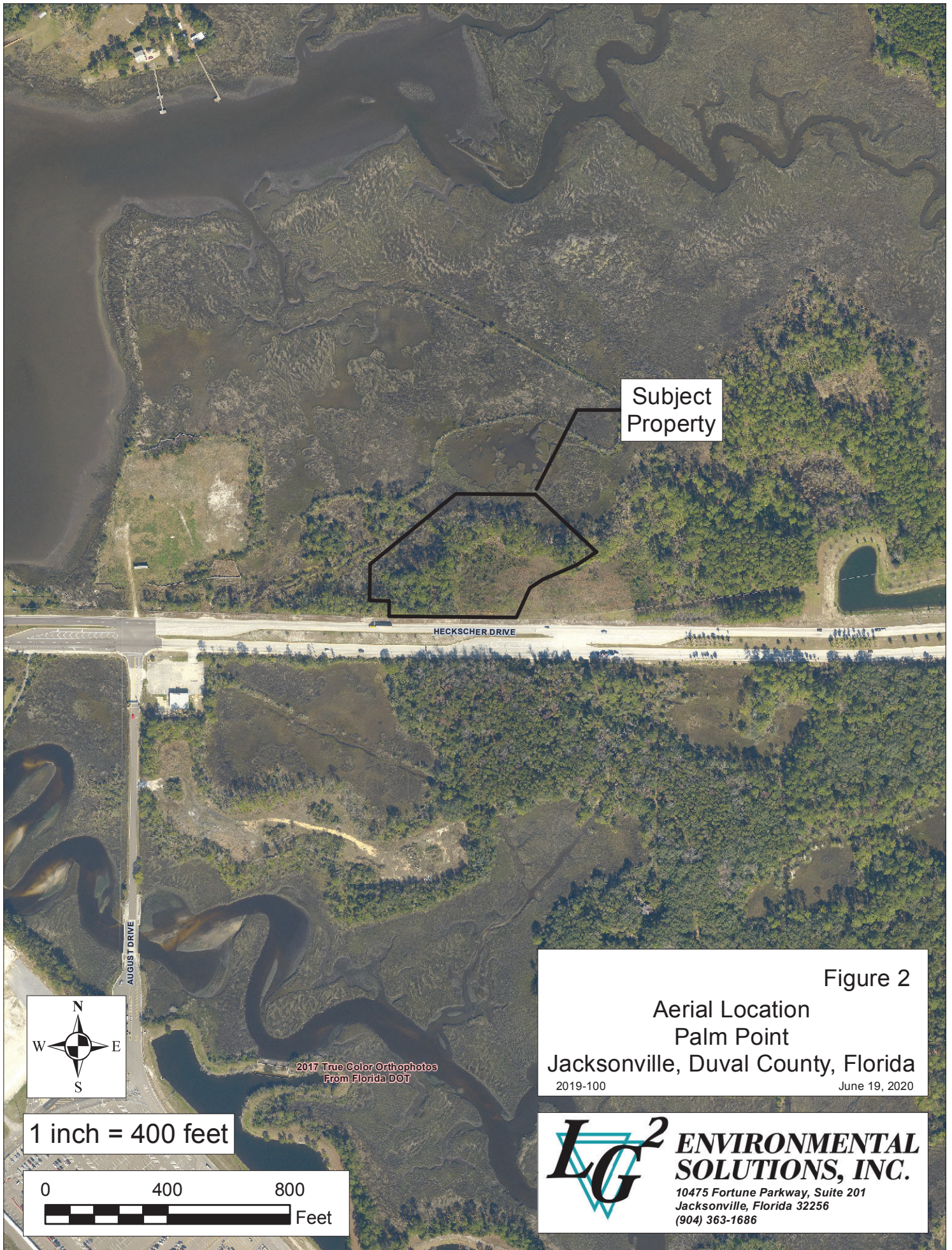
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.





Subject
Property

HECKSCHER DRIVE

AUGUST DRIVE



1 inch = 400 feet

0 400 800
Feet

2017 True Color Orthophotos
From Florida DOT

Figure 2

Aerial Location
Palm Point
Jacksonville, Duval County, Florida
2019-100 June 19, 2020

**LG² ENVIRONMENTAL
SOLUTIONS, INC.**
10475 Fortune Parkway, Suite 201
Jacksonville, Florida 32256
(904) 363-1686

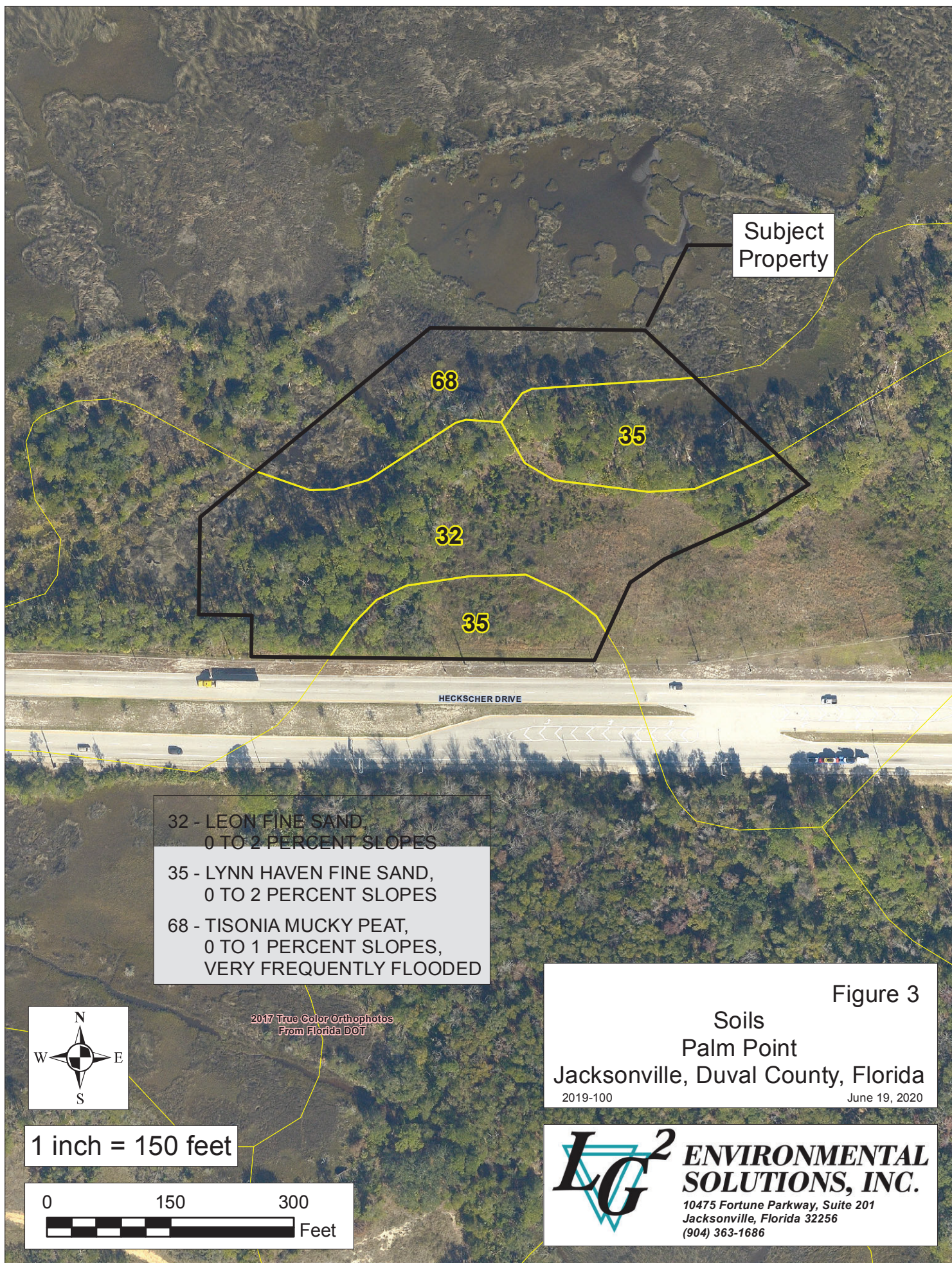


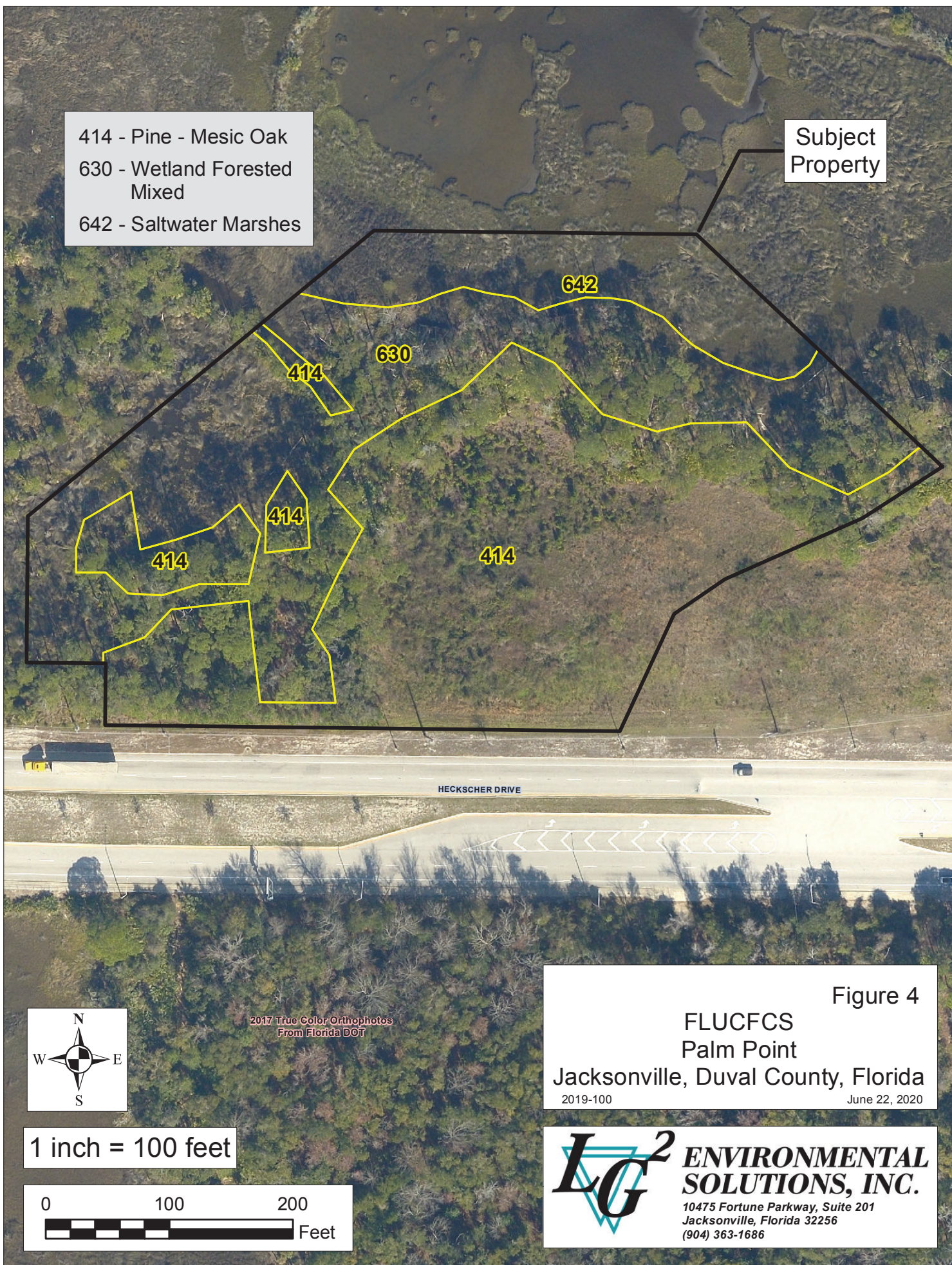
Figure 3

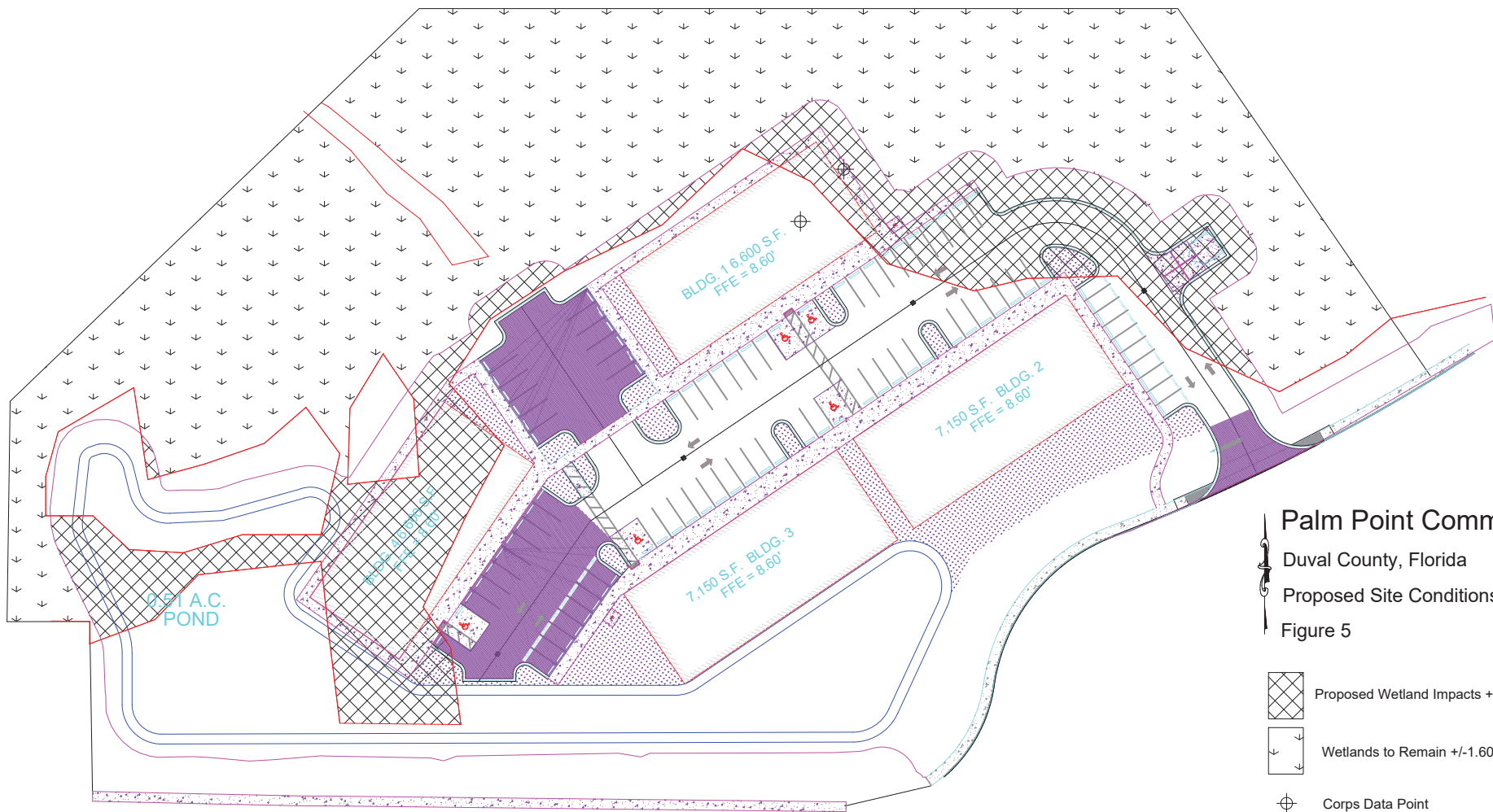
Soils
Palm Point
Jacksonville, Duval County, Florida
2019-100 June 19, 2020

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414 - Pine - Mesic Oak
630 - Wetland Forested
Mixed
642 - Saltwater Marshes

Subject
Property





Palm Point Commercial

Duval County, Florida

Proposed Site Conditions

Figure 5