



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
POST OFFICE BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

January 29, 2019

Regulatory Division  
North Permits Branch  
Jacksonville Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-00159 (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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: AdventHealth Palm Coast  
Attn: Mr. Wally De Aquino  
60 Memorial Medical Parkway  
Palm Coast, FL 32164

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Pellicer Creek. The project site is located at 2377 Matanzas Woods Parkway, in Section 26, Township 10 South, Range 30 East, Palm Coast, Flagler County, Florida.

Directions to the site are as follows: From Interstate-95 to Exit 293 exiting at Matanzas Woods Parkway and turn east. Proceed for 1,600 feet and the project site is on the left-side of Matanzas Woods Parkway.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.602172°  
Longitude -81.243931°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is institutional development.

Overall: The overall project purpose is medical facility development in Northern Flagler County with ample access to Interstate-95.

### **EXISTING CONDITIONS:**

a. Pine Plantation (FLUCFCS 441) – The uplands on the subject property (approximately 3.13 acres) are categorized as pine plantation. The canopy is defined by row planted slash pine (*Pinus elliottii*). The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent,

include gallberry (*Ilex glabra*), yaupon holly (*Ilex vomitoria*), and bracken fern (*Pteridium aquilinum*).

b. Ditches (FLUCFCS 513) – A roadside surface water ditches is found along the existing access road, totaling approximately 0.08 acres onsite.

c. Hydric Pine Flatwoods (FLUCFCS 625) – A hydric flatwoods depressional wetland (pine plantation wetland) is found throughout the center of the project area connecting to larger cypress systems found offsite to the east and west of the subject property. This wetland habitat comprises approximately 3.22 acres in total area on the subject property. The habitat is consistent with the upland pine plantation (FLUCCS 441) habitat, though with less saw palmetto and the inclusion of wetland canopy species such as red maple (*Acer rubrum*) and loblolly bay (*Gordonia lasianthus*). The understory includes species such as dahoon holly (*Ilex cassine*) and Carolina willow (*Salix caroliniana*), and herbaceous species such as sawgrass (*Cladium jamaicense*), Virginia chain fern (*Woodwardia virginica*), primrose willow (*Ludwigia peruviana*), shiny lyonia (*Lyonia lucida*), beakrush (*Rhynchospora* spp.), and yellow-eyed grass (*Xyris* spp.).

PROPOSED WORK: The applicant seeks authorization to discharge fill material into 3.22 acres of waters of the United States, including wetlands, and 0.08-acre of relatively permanent waterways to facilitate the construction of an Emergency Department health care facility.

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 proposed project is to create a new Emergency Department facility to serve the growing northern population of the City of Palm Coast and Flagler County. The proposed Matanzas Hospital Base Emergency Department will also provide relief to the sister hospital found at SR 100 and I-95 approximately 10 miles to the south. AdventHealth (formerly Florida Hospital), along with the City of Palm Coast and Flagler County, have identified the northern county area as in need for additional emergency department service. The specific project area was chosen due to its close proximity to I-95 (Matanzas Woods Parkway on/off ramps) and proximity to schools, major internal City arterial roadways, and a growing residential zone of the City. The project has been minimized to limit the size of the required project area to reduce wetland impacts to the greatest extent possible.”

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

“Compensatory mitigation for the proposed 3.22 acres of wetland impacts will be accomplished through the purchase of credits from a federally permitted wetland mitigation bank.”

#### 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 has determined the proposed project may affect, but is not likely to adversely affect the Wood Stork (*Mycteria americana*) and Eastern Indigo Snake (*Drymarchon couperi*) or its designated critical habitat. The Corps has determined the proposed project would have no effect on the Florida Scrub Jay (*Aphelocoma coerulescens*) or its designated critical habitat. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

a. Wood Stork: May Affect Not Likely to Adversely Affect; Programmatic Consultation - The project is within the *Core Foraging Area* of a wood stork colony; however, the 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*.

b. Eastern Indigo Snake: May Affect Not Likely to Adversely Affect; Programmatic Consultation – 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 guanhum*) provide shelter in wetter habitats. A survey of the project site did not identify 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.

c. Florida Scrub Jay: No Effect - Information from the U.S. Fish and Wildlife Service indicates that the Florida Scrub Jay has extremely specific habitat requirements. It is endemic to peninsular Florida's ancient dune ecosystem or scrubs, which occur on well drained to excessively well drained sandy soils. Relict oak-dominated scrub, or xeric oak scrub, is essential habitat to the Florida Scrub Jay. Optimal habitat incorporates four species of stunted, low growing oaks [sand live oak (*Quercus geminata*), Chapman oak (*Quercus chapmanii*), myrtle oak (*Quercus myrtifolia*), and scrub oak (*Quercus inopina*)] that are 1-3 meters high, interspersed with 10 to 50 percent non-vegetated sandy openings, with a sand pine (*Pinus clausa*) canopy of less than 20 percent. Therefore, Florida Scrub Jay habitat is absent from the project site. It is likely that this species only opportunistically forages within forested areas in the vicinity of the project site, which the project would not preclude. In consideration of the lack of appropriate habitat at the site, and the local abundance of foraging habitat, the Corps determined that the project would have no effect upon this 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 the Pellicer Creek drainage basin. 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, 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, Brad Carey, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at [brad.j.carey@usace.army.mil](mailto:brad.j.carey@usace.army.mil); or, by telephone at (904) 232-2405.

**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.

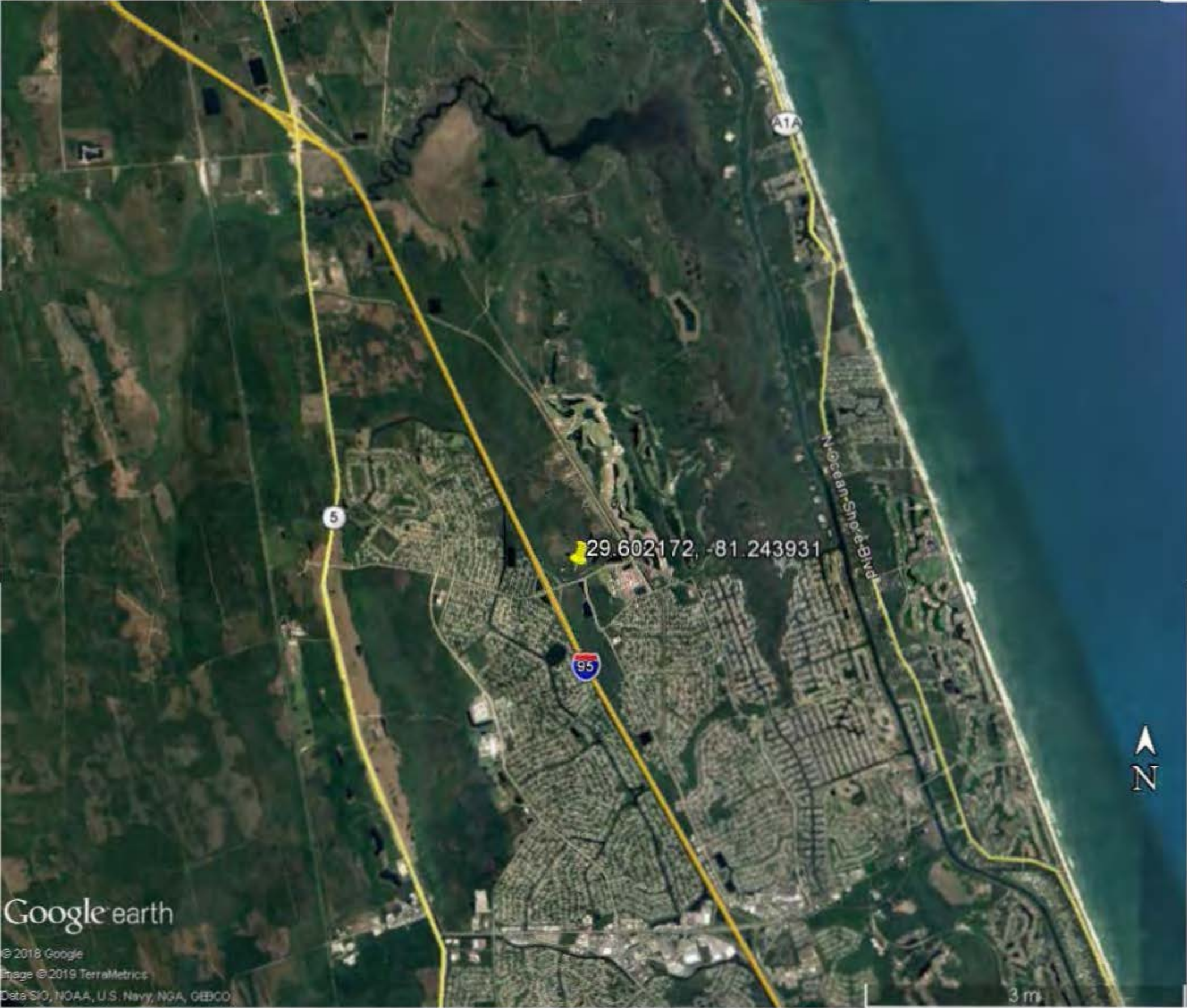
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





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Google earth

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO

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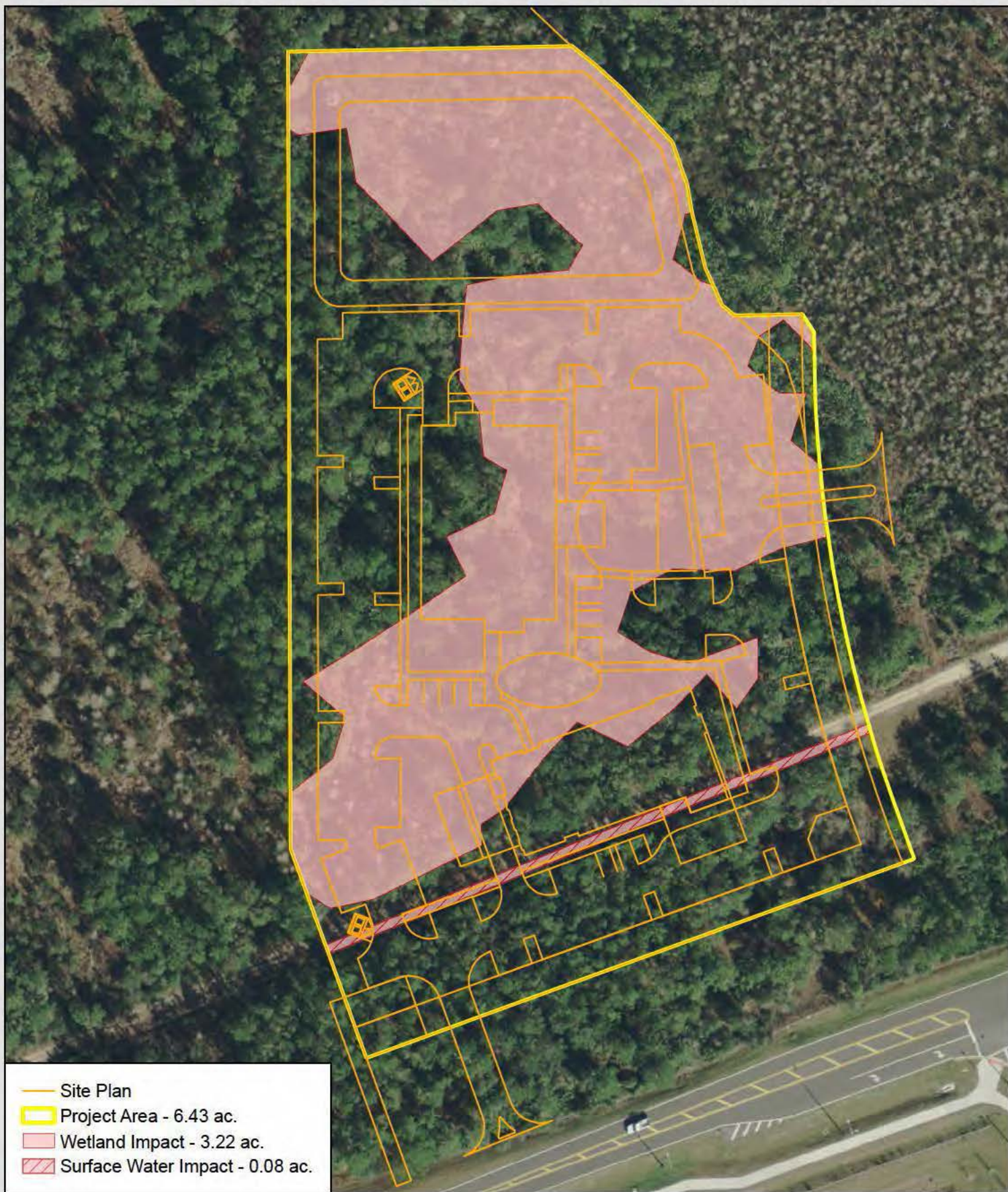


Image Source: ESRI 2017  
Date: 12-1-18

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Wetland Impact Map  
Matanzas Hospital Base Emergency Department  
Flagler County, Florida



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