



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 8, 2023

STATE 404 PROGRAM PUBLIC NOTICE

Permit Application No. 45-0421600-001-SFI

TO WHOM IT MAY CONCERN: The Department of Environmental Protection has received an application for a State 404 Program permit pursuant to 62-331, Florida Administrative Code, as described below:

APPLICANT: New Leaf Communities, LLC
Attn: Lee Arsenault
4348 Southpoint Boulevard, Suite 210
Jacksonville, Florida 32216

LOCATION: The project is located at Parcel ID 19-2N-25-0000-0006-0000, Callahan, Florida 32011, in Nassau County, at Section 19, Township 2 North, Range 25 East.

APPROXIMATE CENTRAL COORDINATES:
Latitude 30.579414° North, Longitude -81.837581° West

PROJECT PURPOSE: To construct a residential development in Callahan, Florida.

PROPOSED WORK: The applicant seeks authorization to construct a residential development and associated features to accommodate the growing workforce in Callahan, Florida. The project as proposed currently encompasses approximately 73 acres of Nassau County. The project will include 3.42 acres of direct wetland impacts which include bottomland forest and wet flatwoods. Additionally, the project will include 4.23 acres of secondary wetland impacts to bottomland forest and wet flatwoods and 0.17 acres of secondary impacts from drawdown.

All wetlands and surface waters delineated using Chapter 62-340, F.A.C. and regulated under Part IV of Chapter 373, F.S. were accepted as waters of the United States.

EXISTING CONDITIONS: The existing vegetative communities have been characterized pursuant to the Florida Natural Areas Inventory (FNAI) Guide to Natural Communities of Florida.

Uplands:

Pine Plantation (48.40 acres) – This vegetative community consisted primarily of planted slash pine (*Pinus elliottii*), red maple (*Acer rubrum*), wax myrtle (*Myrica cerifera*), saw palmetto (*Serenoa*

repens), gallberry (*Ilex glabra*), sweetgum (*Liquidambar styraciflua*), bracken fern (*Pteridium aquilinum*), muscadine (*Vitis rotundifolia*), blackberry (*Rubus* spp.), and cinnamon fern (*Osmundastrum cinnamomeum*).

Developed (0.49 acres) – Structures within low-intensity urban areas.

Wetlands:

Bottomland Forest (24.59 acres) – This vegetative community consisted primarily of slash pine, pond cypress (*Taxodium ascendens*), myrtle leaf holly (*Ilex myrtifolia*), fetterbush (*Pieris* sp.), Virginia chain fern (*Woodwardia virginica*), loblolly bay (*Gordonia lasianthus*), clubmoss (*Lycopodia* spp.), red maple (*Acer rubrum*), gallberry, peelbark St. John’s wort (*Hypericum fasciculatum*), and beakrush (*Rhynchospora alba*).

Wet Flatwoods (0.51 acres) – This vegetative community consisted primarily of slash pine, maidencane (*Panicum hemitomon*), fetterbush, and peelbark St. John’s wort.

AVOIDANCE AND MINIMIZATION INFORMATION: Based on information provided by the applicant, several design elements and considerations were utilized to avoid and minimize wetland impacts to the greatest extent practicable. The site is designed to provide the necessary infrastructure (roadway, utilities, stormwater management system) for a residential development to accommodate the growing need for housing in Callahan, Florida. The proposed project has the minimum amount of lots for the project to be viable. The project is bound to the east by existing development, to the west by the railroad tracks, and to the south by high-quality wetlands containing Little Mills Creek. The Applicant has avoided the high-quality wetlands leaving 85% (20.03 acres) of the on-site wetlands.

The wetlands proposed for impact as part of the Callahan Acres project are of lower quality due to the surrounding silviculture practices. The wetlands to remain are of higher quality and were purposely avoided when planning the development. Water quality in any on-site wetlands that are adjacent to work will be protected from construction via silt fences along the development area. Upland buffers are provided where wetland impacts are not proposed. The Applicant is proposing mitigation to offset these impacts, direct and secondary, in the form of mitigation bank credits.

COMPENSATORY MITIGATION: The wetland impacts were evaluated using the Uniform Mitigation Assessment Method. The application proposes impacts to 3.42 acres of direct wetland impacts and 4.23 acres of secondary wetland impacts. The Applicant will reserve 2.36 Federal UMAM forested freshwater credits from Pigeon Creek Mitigation Bank (Permit #: SAJ-2019-00294).

CULTURAL RESOURCES: The Department has requested review from the State Historic Preservation Officer (SHPO) and those federally recognized Tribes with concerns in Florida and the permit area. No comments have been received.

DEP is not aware of any known historic or cultural resources within the permit area. A review of the Florida Master Site File indicates the area has not been subjected to a cultural resource assessment survey (CRAS) to locate any archaeological and/or historical sites and to assess their potential eligibility for inclusion in the National Register of Historic Places (NRHP). Our final determination relative to historic and cultural resource impacts is subject to review by and coordination with the State Historic

Preservation Officer (SHPO) and those federally recognized tribes with concerns in Florida and the Permit Area.

FEDERALLY AND STATE-LISTED SPECIES: The Department has requested review from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS), and the below comments have been received.

The project is located within the U.S. Fish and Wildlife Service (USFWS) Consultation Area for the red cockaded woodpecker (*Picoides borealis*, Federally Endangered). The project site may also provide habitat for the eastern indigo snake (*Drymarchon corais couperi*, FT), the wood stork (*Mycteria americana*, Federally Threatened [FT]), gopher tortoise (*Gopherus polyphemus*, State Threatened [ST]) and Florida pine snake (*Pituophis melanoleucus mugitus*, ST).

Florida Fish and Wildlife Conservation Commission (FWC) staff determined the proposed project will have no effect on the red cockaded woodpecker and may affect but is not likely to adversely affect the eastern indigo snake and wood stork.

Red-Cockaded Woodpecker: The red-cockaded woodpecker lives and forages in mature pine forests, specifically those with longleaf pines averaging 80 to 120 years old and loblolly pines averaging 70 to 100 years old. Red-cockaded woodpeckers live in groups with a breeding pair and as many as four helpers, usually male offspring from the previous year. Each group needs about 200 acres of old pine forest to support its foraging and nesting needs. The project site does not contain suitable foraging or nesting habitat for the species. Based on this information, FWC staff has determined that the proposed project would have “no effect” on the red-cockaded woodpecker and no State 404 permit conditions are necessary for this species.

Eastern Indigo Snake: Over most of its range, the eastern indigo snake inhabits pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes, and human-altered habitats. Eastern indigo snakes appear to need a mosaic of habitats to complete their life cycle. Wherever the eastern indigo snake occurs in xeric habitat, it is closely associated with the gopher tortoise. According to environmental assessment provided by Oneida LG2 Environmental Solutions., the project site was surveyed for listed species in January 2022, and no gopher tortoises or suitable potential habitat was observed. The potential impacts to the eastern indigo snake were evaluated using the USFWS Eastern Indigo Snake Programmatic Effect Determination Key. Use of the key resulted in the following sequential determination: A > B > C > D > E, “not likely to adversely affect” provided the permit is conditioned upon the applicant following the Standard Protection Measures for the Eastern Indigo Snake during the clearing and construction phases of the project.

Wood Stork: The project lies outside of the 13-mile buffer of the Pumpkin Hill and the Jacksonville Zoo wood stork nesting colonies. Wood storks have not been observed on the project site but based on application materials provided, there are potentially suitable foraging areas located onsite which include marshes and mixed wetland hardwoods. Use of the USFWS Jacksonville Ecological Services Office Effect Determination Key, September 2008 resulted in the following sequential determination: A > B > C > D > E, “not likely to adversely affect.” FWC staff will work with USFWS staff, Florida Department of Environmental Protection (FDEP) staff, and the applicant to create any necessary permit conditions.

Gopher Tortoise: Gopher tortoises are found in dry, sandy soils in habitats such as sandhills, xeric oak, and dry pine flatwoods. According to application materials provided by Oneida LG2 Environmental Solutions, the project site was surveyed in January 2022, and no gopher tortoise burrows were identified. Additionally, the environmental report states that while suitable potential habitat is not located on site, pre-construction surveys are recommended if any gopher tortoises or their burrows are later found within the subject property. FWC staff will work with FDEP staff and the applicant to establish appropriate avoidance measures prior to issuance of the state 404 permit that will be included as permit conditions.

Florida Pine Snake: Florida pine snakes have historically occurred in this area, and suitable habitat may be present in the upland habitat located within and adjacent to the development areas historically managed as silviculture. Florida pine snakes are naturally secretive in nature and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinetis*); however, they can persist and thrive in areas without this species. FWC staff will work with the FDEP staff and the applicant to determine any necessary permit conditions for the State 404 permit based on this information.

OTHER INFORMATION: The St. Johns River Water Management District is reviewing a State Environmental Resource Program permit for the wetland impacts and construction of a stormwater system under permit number 185737-1.

COMMENTS regarding the potential authorization of the work proposed may be submitted through the business portal ([Public Comment | DEP Business Portal \(fldepportal.com\)](#)) or in writing to Taylor Hohmann at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, or by electronic mail at taylor.hohmann@floridadep.gov, within 30 days from the date of this notice. Written comments will be made part of the record and should reference the above permit application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Any comments received will be considered by the Department to determine whether to issue, modify, condition, or deny a permit for this proposal. Unless a written request is filed with the Department within the 30-day public comment period, the Department may decide on the application without a public meeting.

EVALUATION: The determination as to whether a permit will be issued, or a public meeting held, will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public interest, including, but not limited to, fish, wildlife, historical resources, and pollution. The specific permit decision criteria can be found in Chapter 62-331, Florida Administrative Code.

The Department 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. To make this consideration, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are also used to determine the need for a public meeting and to determine the overall public interest of the proposed activity.

FOR FURTHER INFORMATION regarding this application, contact the project manager, Taylor Hohmann, in writing at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256; by electronic mail at taylor.hohmann@floridadep.gov; or by telephone at 904-256-1640. Please include the permit application number referenced at the top of this page in any correspondence.

REQUEST FOR PUBLIC MEETING: Any person may request a public meeting. The request must be submitted to Taylor Hohmann within the designated comment period of the notice and must state the specific reasons for requesting the public meeting.