



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Pensacola Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502-5794

June 3, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2018-03663 (SP-HMM)

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: Albert Conner
ANC Capital, LLC
551 Woodfern Court
Tallahassee, FL 32312

WATERWAY AND LOCATION: The project would affect waters of the United States associated with unnamed wetlands adjacent to Tarkiln Bayou. The project site is located at 13009 Island Spirit Drive (Lot 8, Block L), in Section 07, Township 3 South, Range 32 West, Escambia County, Florida.

Directions to the site are as follows: From downtown Pensacola, take Garden Street west to Barrancas Avenue. Veer southwest on Barrancas Avenue and continue straight onto Gulf Beach Highway and then straight onto Sorrento Road. Turn north on Bauer Road, then west on Seratine Drive. Turn north on Seratine Court, then southeast on Island Spirit Drive. Follow the road to the north. The subject property is located on the west side of the road.

APPROXIMATE CENTRAL COORDINATES:
Latitude 30.356720°, Longitude -87.416334°

PROJECT PURPOSE:

Basic: Residential Development

Overall: Construct a single-family residence on the applicant's existing property in Escambia County, FL

EXISTING CONDITIONS: The 0.22 acre project area consists of 0.17 acres of palustrine freshwater forested wetlands and 0.05 acre of mixed hardwood uplands. The applicant has described the existing conditions as a hydric pine flatwood community consisting of slash pine (*Pinus elliottii*), gallberry (*Ilex glabra*), large gallberry (*Ilex coriacea*), wax myrtle (*Morella cerifera*), wiregrass (*Aristida stricta*), and various

grasses, sedges and forbs. Previous mowing and burning have reduced overstory and increased understory species.

The site is bordered to the north and west by forested wetlands and to the east and south by residential development and associated infrastructure.

PROPOSED WORK: The applicant seeks authorization to discharge fill over 0.17 acres of forested wetlands for the construction of a single-family residence.

PERMIT HISTORY: The project was originally permitted on December 20, 2000, but expired on December 20, 2005. That permit authorized 7.84 acres of fill for the construction of a residential subdivision. Fill of each of the entire lots was authorized. To offset impacts, the permit required onsite permittee responsible mitigation consisting of the preservation and monitoring of 84.04 acres that included prescribed burning over 50.75 acres. The permit was modified on December 18, 2006 by reducing the fill impacts to 7.64 acres, increasing the mitigation area to 86.67 acres, increasing the prescribed burning area to 53.33 acres and extending the expiration date to 20 December 2010. On February 10, 2016, the mitigation was deemed to be in compliance by the Corps.

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: Retaining walls would be placed along the property line between the limits of fill and the adjacent wetlands. Best Management Practices would be utilized.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The compensatory mitigation required to offset the previously permitted 7.64 acres of wetland fill impacts for the subdivision was completed, however, not all of the fill impacts were accomplished. It is estimated that approximately 5.13 acres were filled and 2.51 acres were not filled. The original authorization permitted fill within all wetlands contained on each lot. Wetland changes over time have resulted in slight shifts in wetland jurisdictional boundaries on the remaining lots that were not filled (some lots have slightly more onsite wetlands and some lots have slightly less onsite wetlands). However, the total net wetland acreages on the unfilled lots did not increase from that originally permitted. No significant changes in wetland quality have been noted.

The Corps considered the work authorized by the original authorization for the subdivision and the compensatory mitigation completed to offset those impacts. The location and extent of the mitigation sites and the requirement of a retaining wall at the limit of fill (at the rear of each lot), was also taken into consideration. Fill of the entire lot will be allowed for the remaining lots, as previously authorized. The Corps has determined that the compensatory mitigation completed for the originally authorized wetland fill (to include the filled and unfilled lots) has been deemed sufficient to offset

remaining wetland impacts. Therefore, the Corps is not requiring additional mitigation to offset proposed impacts for this permit application.

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 Eastern indigo snake (*Drymarchon corais couperi*) as determined using the 2013 U.S. Fish and Wildlife Service (FWS) Eastern Indigo Snake Programmatic Effect Determination Key, following couplets A> B> C> D> E.

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. 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 Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida, 32502 within 15 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, Holly Millsap, in writing at the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, FL 32502, by electronic mail at Holly.M.Millsap@usace.army.mil, by fax at (850) 433-8160, or by telephone at (850) 470-9823.

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.



SITE

EXHIBIT 1 - LOCATION MAP
ESCAMBIA COUNTY
WINDWARD COVE LOT 8
07-35-32-3100-080-012
AL CONNER

LEGEND

 INSPECTION BOUNDARY

12/4/2018

AUTHOR: SFH

THIS IS NOT A SURVEY

0 1,000 2,000
 Feet



biome
 Consulting Group
 1300 West Government St. Pensacola, FL 32502
 850.435.9167 www.biome.co



APPROXIMATE ACREAGES
UPLANDS : 0.04 ACRES
WETLANDS : 0.17 ACRES

EXHIBIT 5
WETLAND JURISDICTION
WINDWARD COVE LOT 8
07-35-32-3100-080-012
AL CONNER

LEGEND
[Red Outline] INSPECTION BOUNDARY
[Gray Box] UPLANDS
[Blue Hatched Box] WETLANDS

12/4/2018

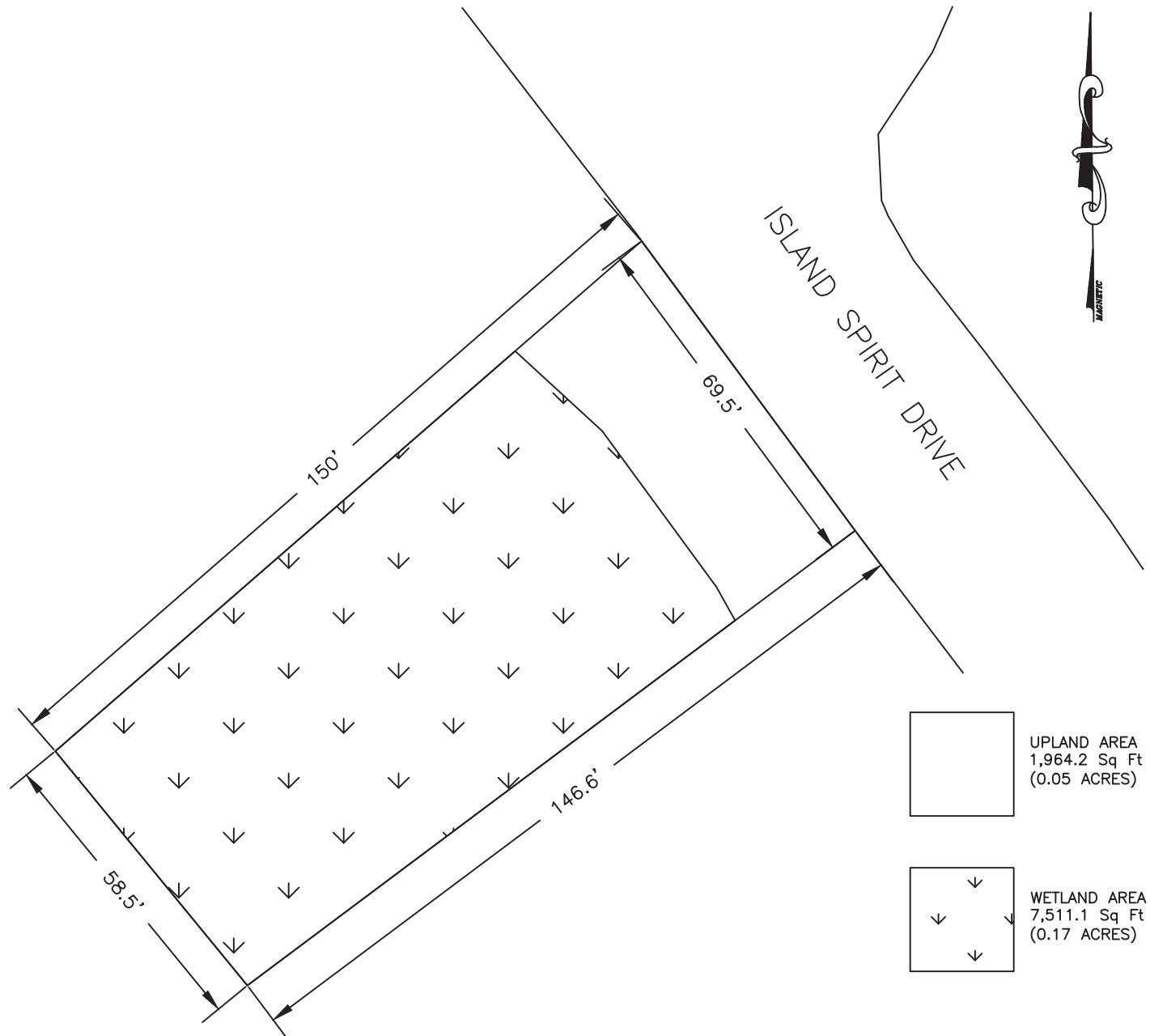
AUTHOR: SFH

THIS IS NOT A SURVEY

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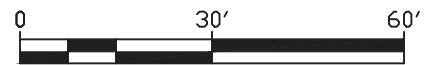
biome
Consulting Group
1300 West Government St. Pensacola, FL 32502
850.435.9167 www.biome.co



UPLAND AREA
1,964.2 Sq Ft
(0.05 ACRES)

WETLAND AREA
7,511.1 Sq Ft
(0.17 ACRES)

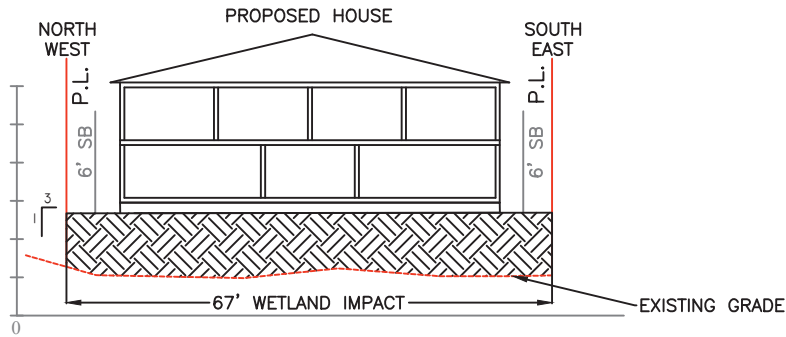
- 13009 ISLAND SPIRIT DRIVE LOT 8 BLOCK L
9,475.3 Sq Ft (0.22 ACRES)



Applicant: ANC CAPITAL LLC
Project No: 2415.003
County: Escambia
Parcel ID No: 07-3S-32-3100-080-012

Purpose: Existing
Date: 12/14/2018
Sheet No: 1 of 3

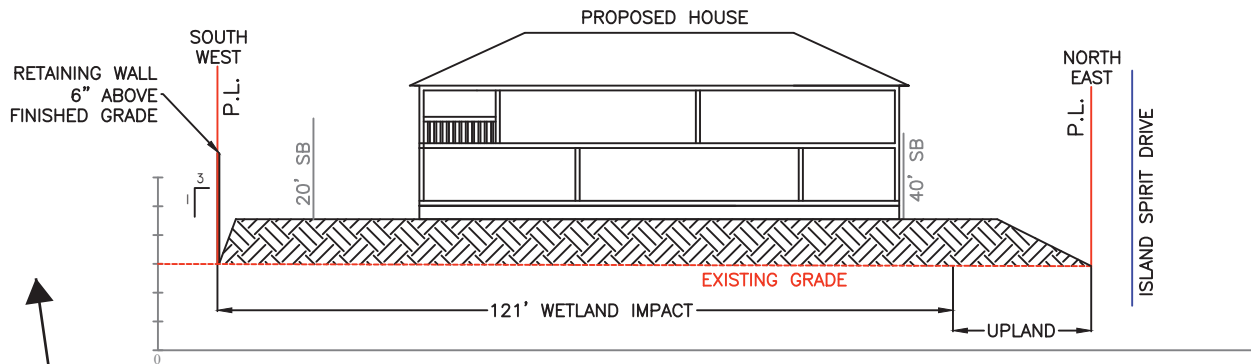




SECTION A-A
NOT TO SCALE



NOTE: 3:1 SLOPES AND /OR
RETAINING WALL 6" ABOVE
FINISHED GRADE



SECTION B-B
NOT TO SCALE

Applicant: ANC CAPITAL LLC
Project No: 2415.003
County: Escambia
Parcel ID No: 07-3S-32-3100-080-012

Purpose: Cross-Sections
Date: 12/14/2018
Sheet No: 3 of 3

