



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

July 17, 2019

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-00728 (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: City of Jacksonville
Attn: Mr. Robert Scott
214 North Hogan Street, 4th Floor, Room 439
Jacksonville, Florida 32202

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Edwards Creek. The project site is located within Betz-Tiger Point City Park near 3523 Pumpkin Hill Road, in Sections 16, 21, and 22, Township 1 North, Range 28 East, Jacksonville, Duval County, Florida..

Directions to the site are as follows: From Interstate-95 take Exit 363A and head east on Airport Center Drive. Proceed and the roadway becomes New Berlin Road. Proceed until the intersection of Pumpkin hill Road and turn left. The project site is located at the end of the roadway.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.500267°
Longitude -81.497603°

PROJECT PURPOSE:

Basic: The basic project purpose is recreational development.

Overall: The overall project purpose is recreational development within Betz-Tiger Point Recreational Area.

EXISTING CONDITIONS: The project site's existing condition is categorized by the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). Edwards Creek is categorized as Streams and Waterways (FLUCFCS code 510) and is subject to the ebb and flow of the tide. The shoreline is classified as Saltwater Marsh (FLUCFCS code 642) and is vegetated with cordgrass (*Spartina* sp.). The adjacent upland is

classified as Recreational (FLUCFCS code 180) and Pine – Mesic Oak (FLUCFCS code 414) and is vegetated with slash pine (*Pinus elliottii*), saw palm (*Sabal repens*), and gallberry (*Ilex glabra*).

PROPOSED WORK: The applicant seeks authorization to discharge clean-fill material into 0.0072-acre to facilitate a roadway to access uplands in a recreational park known as Betz-Tiger Point. In addition, the applicant seeks authorization to install a minor-structure (fishing pier) at least 5 feet above the mean high water line with the following dimensions: 56-foot-long by 6-foot-wide access pier and an 8-foot-long by 27-foot-wide observation platform. Furthermore, a kayak launch would be constructed on uplands and above the mean high water line and a boardwalk would transverse a wetland on pilings.

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:

Due to the location and orientation of waters of the United States within the project site, complete avoidance was not practicable. The applicant would transverse the wetlands at the narrowest location and use piles when practicable. The applicant would use best management practices to minimize secondary impacts.

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

The applicant has provided the following explanation why compensatory mitigation should not be required:

No mitigation would be required because the loss of waters associated with the activity is less than 0.10 acre. Furthermore, the impact is considered nominal because of the small area of impact and amount of functions and services provided by the eliminated wetlands.

CULTURAL RESOURCES:

No Effect - On 14 March 2019, the Corps initiated consultation with the Corps archaeologist for an effects determination. On 19 April 2019, the archaeologist requested a Cultural Resource Assessment Survey (CRAS) be conducted and submitted. On 24 April 2019, the CRAS was submitted. On 8 May 2019, the archaeologist requested additional information. On 24 May 2019, the applicant submitted an updated CRAS. On 30 May 2019, the archaeologist made the determination of no effect and the determination was subsequently sent to the State Historic Preservation Office (SHPO) and the Seminole Tribe of Florida for comments. On 21 June 2019, SHPO responded with concurrence to the determination of no effect. On 1 July 2019, STOF requested the site be monitored by a Secretary of Interior

qualified archaeologist during construction activity. The request is a result of the possibility of undiscovered human remains on the site. The Corps would grant the request as part of special conditions of the permit verification.

ENDANGERED SPECIES:

a. West Indian Manatee: May Affect, Not Likely to Adversely Affect; Programmatic Consultation - 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*. The Corps partially based this determination on the implementation of the *Standard Manatee Conditions for In-Water Work, 2011*.

b. 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*.

c. Green Sea Turtle, Loggerhead Sea Turtle, Hawksbill Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Atlantic Sturgeon, Smalltooth Sawfish, and Shortnose Sturgeon; May Affect, Not Likely to Adversely Affect: May Affect, Not Likely to Adversely Affect; Programmatic Consultation - On 21 March 2019, the Corps initiated informal consultation with the National Marine Fisheries Service for concurrence on the Corps determination of May Affect, Not Likely to Adversely Affect. On 12 April 2019, the National Marine Fisheries Service outlined two options: 1) withdrawing the consultation and make a no effect determination, or 2) use the JAXBO Supersede process for programmatic consultation. On 1 July 2019, the Corps evaluated the proposed work utilizing NMFS's Jacksonville District's Programmatic Biological Opinion (JAXBO), dated 20 November 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Nassau grouper; scalloped hammerhead shark, Johnson's seagrass; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); whales (North Atlantic right whale, sei, blue, fin, and sperm); and designated critical habitat for Johnson's seagrass; smalltooth sawfish; sturgeon (Gulf and Atlantic); sea turtles (green, hawksbill, leatherback, loggerhead); North Atlantic right whale; and elkhorn and staghorn corals in accordance with Section 7 of the Endangered Species Act. Based on past permitting practices of the Corps and review of consultations with similar in-water construction activities, Project Design Criteria (PDCs) were identified in the JAXBO that typically have been applied to permitted in-water

construction activities. These PDCs ensure effects of in-water construction activities are minimal in nature and do not result in adverse effects to listed species or to essential features of designated CH. For this verification, the Corps conducted a project specific review to ensure that all of the PDCs were met. In accordance with the project-specific review process established in the JAXBO, a PDC checklist, certification that the activity meets the applicable PDCs, and supporting documentation for the proposed activity were emailed to nmfs.ser.statewideprogrammatic@noaa.gov and jaxbo@usace.army.mil on 1 July 2019. Therefore, the Jacksonville District satisfied the project-specific review requirements stipulated in the JAXBO and satisfied its obligation under the ESA for the above-listed species and critical habitats within the NMFS purview.

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 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, 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; 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.

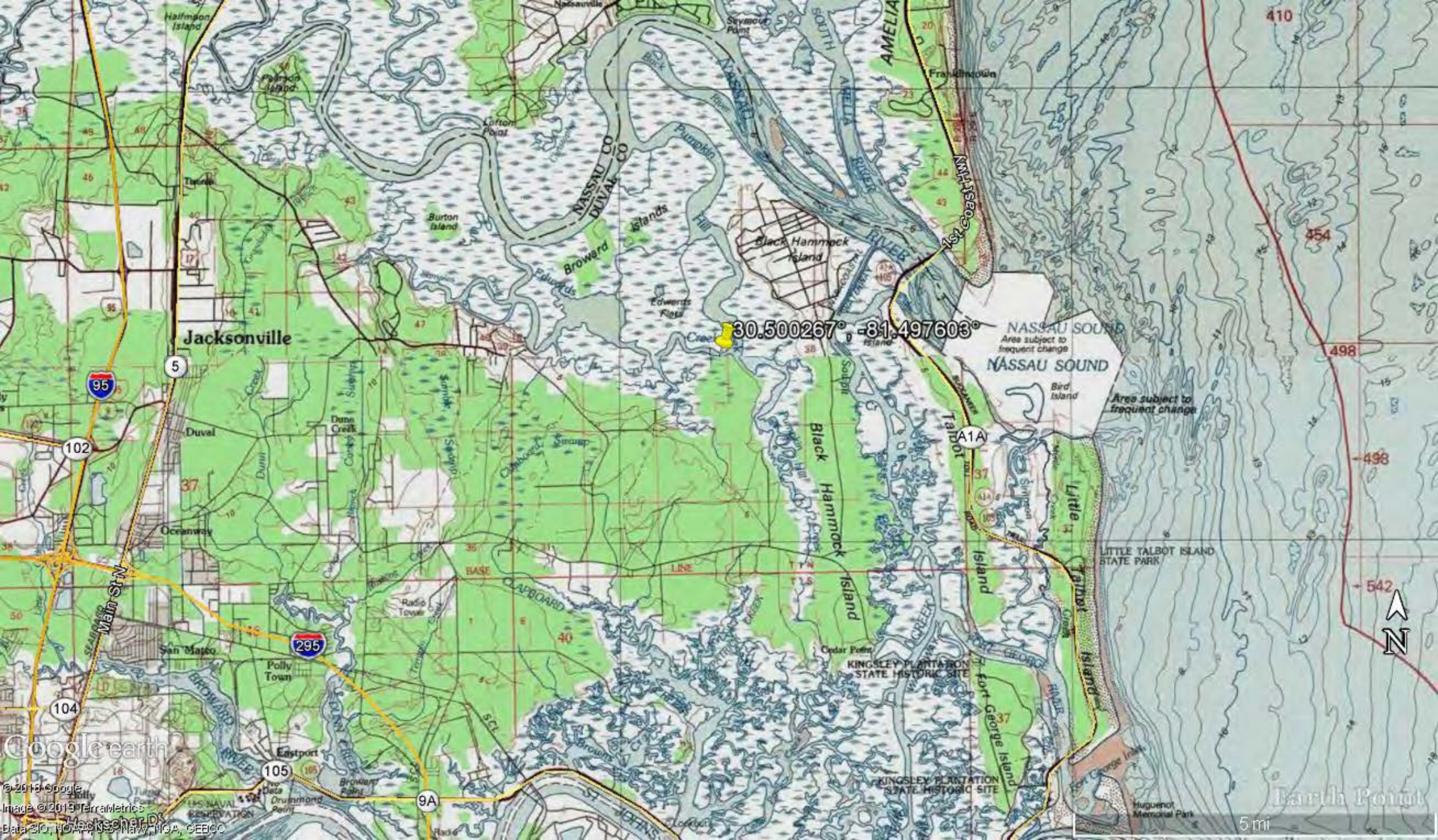
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

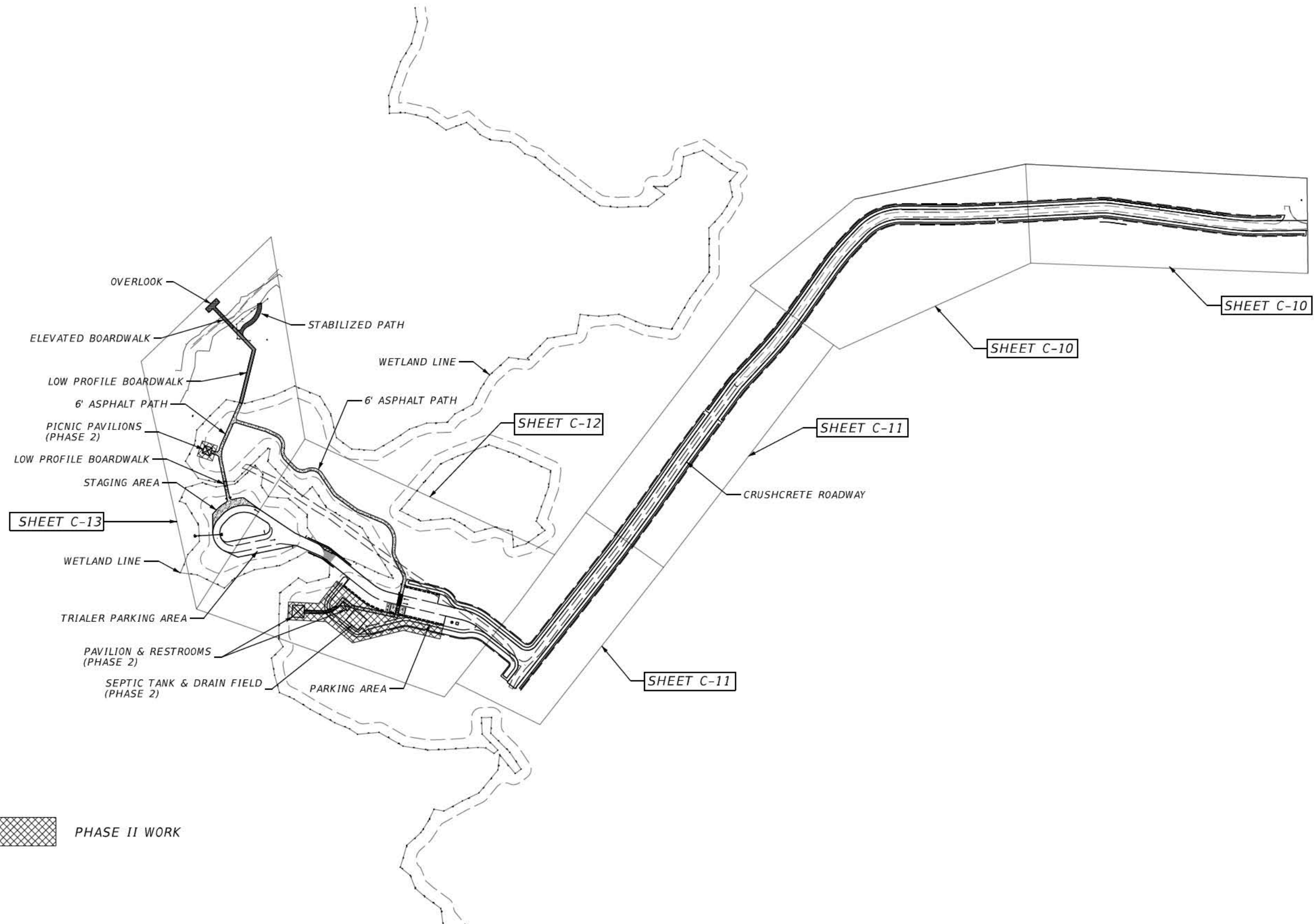
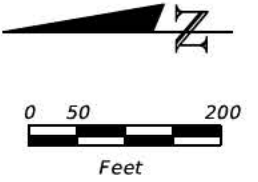
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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.



Google earth

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Data SIO, NOAA, US Navy, NGA, GEBCO



 PHASE II WORK

NO.	BY	DATE	SYMBOL	REVISIONS
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1.				

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DESIGNER: JD
DRAWN BY: JN
DATE: AUGUST 2018
CHECKED BY: CB / GRD
DATE: AUGUST 2018

DESIGN ENGINEER
Justin B. Dewey, P.E.
FLORIDA REGISTRATION NO.
63074

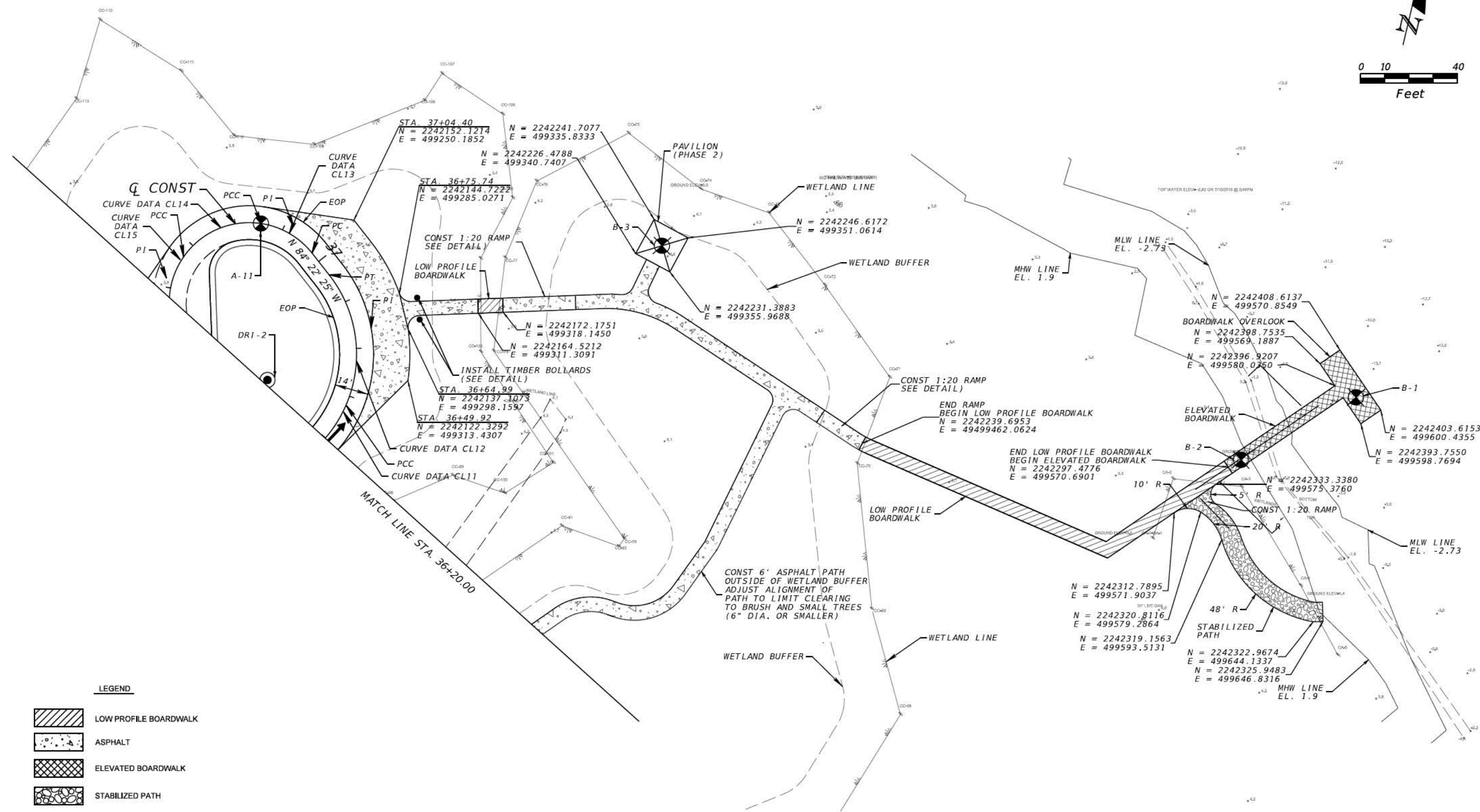
CITY OF JACKSONVILLE

PROJECT NO. 15L0105
DATE: DECEMBER, 2018
SCALE: AS NOTED

BETZ-TIGER POINT PRESERVE
MASTER SITE PLAN

NO. SHEETS
SHEET NO.
C-07
DRAWING NO.

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



LEGEND

- LOW PROFILE BOARDWALK
- ASPHALT
- ELEVATED BOARDWALK
- STABILIZED PATH

NO.	BY	DATE	SYMBOL	REVISIONS
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DESIGNER: JD
DRAWN BY: JN
DATE: AUGUST 2018
CHECKED BY: CB / GRD
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Justin B. Dewey, P.E.
FLORIDA REGISTRATION NO.
63074

CITY OF JACKSONVILLE

PROJECT NO. 15L0105
DATE: DECEMBER, 2018
SCALE: AS NOTED

BETZ-TIGER POINT PRESERVE
GEOMETRY PLAN

NO. SHEETS
SHEET NO.
C-12
DRAWING NO.

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