



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

**AUGUST 23, 2019**

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2017-01954(SP-MRE)

**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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) and Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

**APPLICANT:** The City of Jacksonville  
Attn: Mr. Robert Scott  
214 North Hogan Street, Room 439  
Jacksonville, Florida 32202

**WATERWAY AND LOCATION:** The project would affect non-vegetated navigable waters of the United States associated with the St. Johns River. The project site is located at the City of Jacksonville River Road Park, which parallels River Road between Laverne Street and Landon Avenue, in Section 46, Township 2 South, Range 26 East, Jacksonville, Duval County, Florida.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 30.305525°, Longitude -81.660620°

**PROJECT PURPOSE:**

**Basic:** The basic project purpose is access to navigable waters.

**Overall:** The overall project purpose is the augmentation of public access and use of navigable waters at the City of Jacksonville River Road Park.

**EXISTING CONDITIONS:** River Road Park is located parallel to River Road between Laverne Street and Landon Avenue. The narrow, linear park includes a slender vegetated (grass and planted palm trees) upland area contiguous to a bulkhead with a 6-foot-wide concrete cap and riprap at the toe of the bulkhead. The park provides access to non-vegetated, open waters of the St. Johns River.

**PROPOSED WORK:** The applicant seeks authorization to construct two pile-supported structures. One structure would accommodate one slip for a water taxi serving the downtown area of the City of Jacksonville and five mooring slips for short-term public use. The second structure would provide access to waters of the St. Johns River for public fishing and viewing.

**Main Dock:** This structure includes a 6-foot by 40-foot, aluminum or steel access gangway, connected to an L-shaped floating concrete dock measuring 12-foot by 105-foot with a 12-foot by 28-foot connector to the gangway ramp. The structure would establish a 65-foot slip for a 55-foot water taxi; and five 30-foot general mooring slips. The general mooring slips would be limited to day-use only (no overnight or long-term mooring). The pilings associated with this structure consist of 10 24-inch pre-stressed concrete piles installed by impact hammer.

Fishing Pier: This structure includes a 10-foot by 26-foot concrete access pier connecting to a 12.5-foot by 40-foot concrete fishing platform. This structure would not add additional space for fishing, as once the pier is completed, fishing from the seawall would be prohibited. In addition, this structure would not accommodate vessels, as mooring at the structure would be prohibited. The pilings associated with this structure consist of 12 24-inch pre-stressed concrete piles installed by impact hammer.

The installation of the structures would require the temporary removal of riprap contiguous to the base of the existing bulkhead to accommodate the installation of pilings. The riprap would be replaced at the same locations after the installation of the pilings.

**AVOIDANCE AND MINIMIZATION INFORMATION** – The applicant indicates that the work is the minimum necessary to accommodate a station for the downtown Jacksonville water taxi; expected temporary mooring of vessels; and, the relocation of fishing from the park bulkhead.

**COMPENSATORY MITIGATION** – The applicant noted that the work proposed would not affect wetlands resources nor result in the loss of aquatic functions or services. Therefore, the applicant expressed an opinion that compensatory mitigation is not warranted.

**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:**

Manatee (*Trichechus manatus*): Manatee frequent waters of the St. Johns River. Therefore, this species may be present at the project site. In consideration of this information, 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-may affect, as the project would accommodate docking for a repeat-use vessel (the water taxi). In consideration of that determination, the Corps will initiate formal consultation with the U.S. Fish and Wildlife Service (FWS) in accordance with Section 7 of the Endangered Species Act through separate correspondence.

Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and/or shortnose sturgeon (*Acipenser brevirostrum*): These species frequent waters of the St. Johns River. Therefore, these species may be present at the project site. The Corps evaluated the proposed work utilizing the National Marine Fisheries Service (NMFS) *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 ESA. 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 critical habitat. For this verification, the Corps conducted a project specific review to ensure that all of the PDCs were met. In consideration of the JAXBO, the Corps concludes that the project *may affect but is not likely to adversely affect* sturgeon (either species). 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 will be provided to the NMFS. In consideration of that action, the Jacksonville District will satisfy the project-specific review requirements stipulated in the JAXBO and satisfy its obligation under the ESA.

Wood Stork (*Mycteria americana*): The project site is within the core foraging area of the Jacksonville Zoo Wood Stork colony. Therefore, this species may be present at the project site. However, the work proposed would not affect suitable foraging habitat. 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-*no effect*.

Red Cockaded Woodpecker (*Picoides borealis*): The project site is within the consultation area identified by the FWS and the Corps for this species. Therefore, this species may be present at the project site. Habitat for this species typically incorporates mature pine woodlands; 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. It is likely that this species only opportunistically forages at the site, which the project would not preclude. Therefore, the Corps concludes that the project would have *no effect* on this species.

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. 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):

Shrimp: The RAR report indicates that the project site is within an area identified as a “coastal inlet”; and, the NMFS has indicated that coastal inlet areas support EFH for shrimp (*Farfantepenaeus* spp., *Penaeus* sp., and/or *Litopenaeus* spp.). Areas that meet the criteria for essential fish habitat-habitat areas of particular concern (EFH-HAPCs) for penaeid shrimp include all coastal inlets, all state-designated nursery habitats of particular importance to shrimp, and state-identified overwintering areas. The NMFS has identified waters of the St. Johns River as EFH-HAPC for shrimp.

Snapper/Grouper: The NMFS also has indicated that coastal inlet areas support snapper (*Lutjanus* spp.) and grouper (*Mycteroperca* spp. and/or *Epinephelus* spp.). Areas that meet the criteria for EFH-HAPCs for species in the snapper-grouper management unit include medium to high profile offshore hard bottoms where spawning normally occurs; localities of known or likely

periodic spawning aggregations; nearshore hard bottom areas; mangrove habitat; seagrass habitat; oyster/shell habitat; all coastal inlets; all state-designated nursery habitats of particular importance to snapper grouper; and Council-designated Artificial Reef Special Management Zones. The NMFS has identified waters of the St. Johns River as EFH-HAPC for snapper/grouper.

In consideration of the information noted above, this public notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The work proposed would temporarily disturb less than 44 square feet of open-water, non-vegetated river bed and sections of shoreline riprap. Shrimp and/or Snapper/Grouper within the area could/would vacate the area (mobility) due to the presence of workers/work. However, these species could/would repopulate/utilize the work area immediately upon the cessation of work activities. In addition, the pilings associated with the proposed structures could/would provide new habitat for marine invertebrates. In consideration of this information, the Corps determined that any affect upon these species would not only be temporary, but negligible. Therefore, the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the St. Johns River. 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 Corps has verified the extent of Federal jurisdiction.

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 within 30 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, Mark R. Evans, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232; by electronic mail at [mark.r.evans@usace.army.mil](mailto:mark.r.evans@usace.army.mil); by facsimile transmission at (904)232-1940; or, by telephone at (904)232-2028.

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.

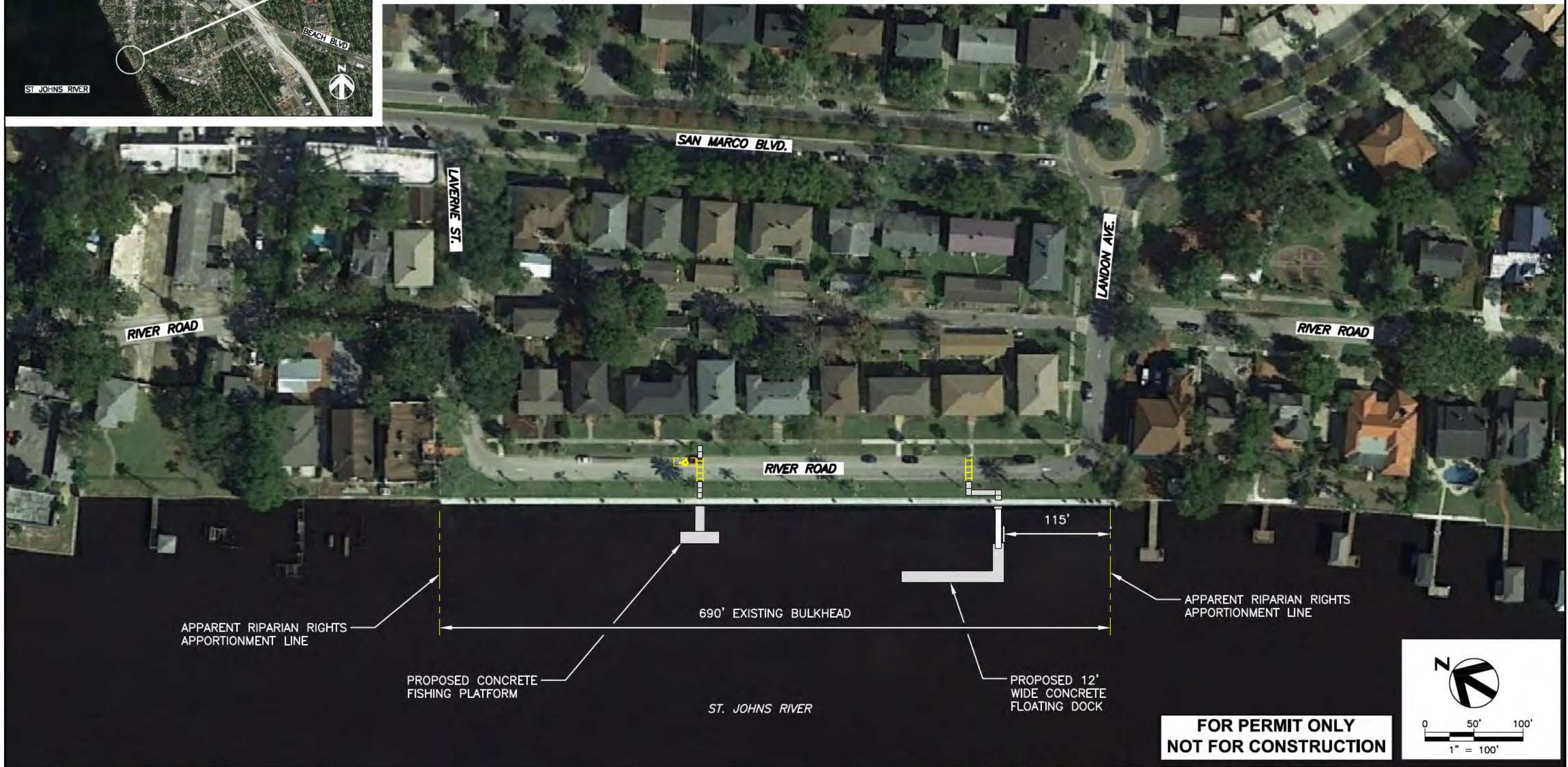
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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



**OVERALL SITE PLAN  
RIVERFRONT PARK - FISHING PIER AND  
WATER TAXI DOCK**

CITY OF JACKSONVILLE PUBLIC WORKS



DATE  
APRIL 2019

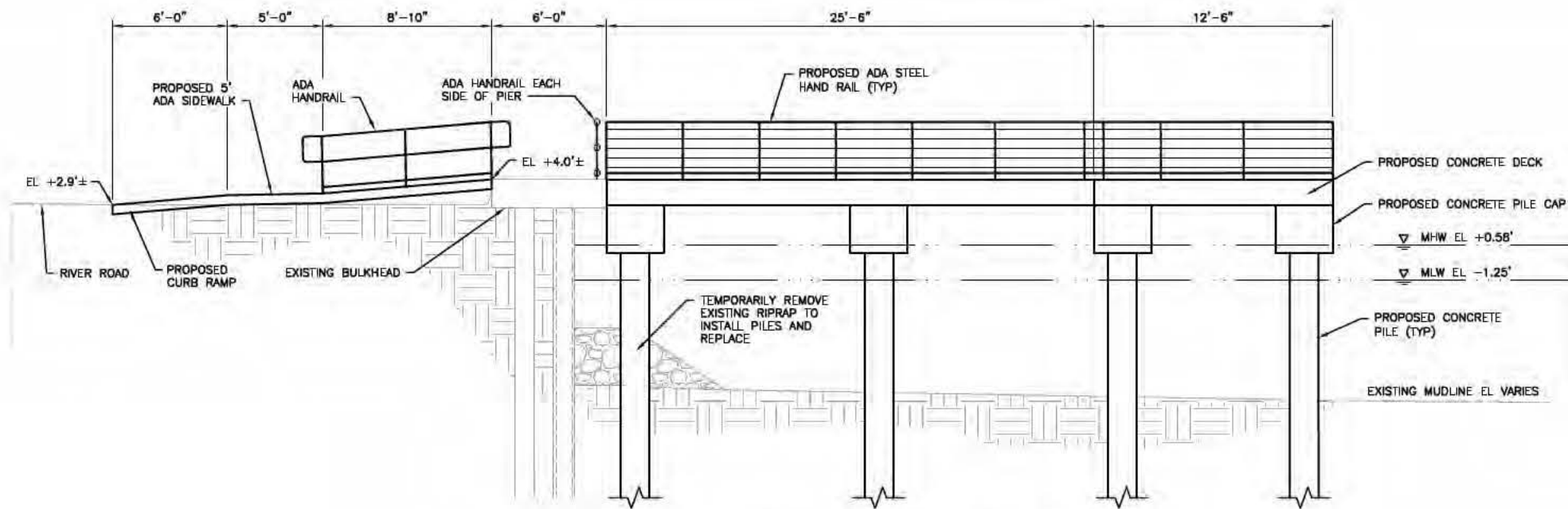
FIGURE

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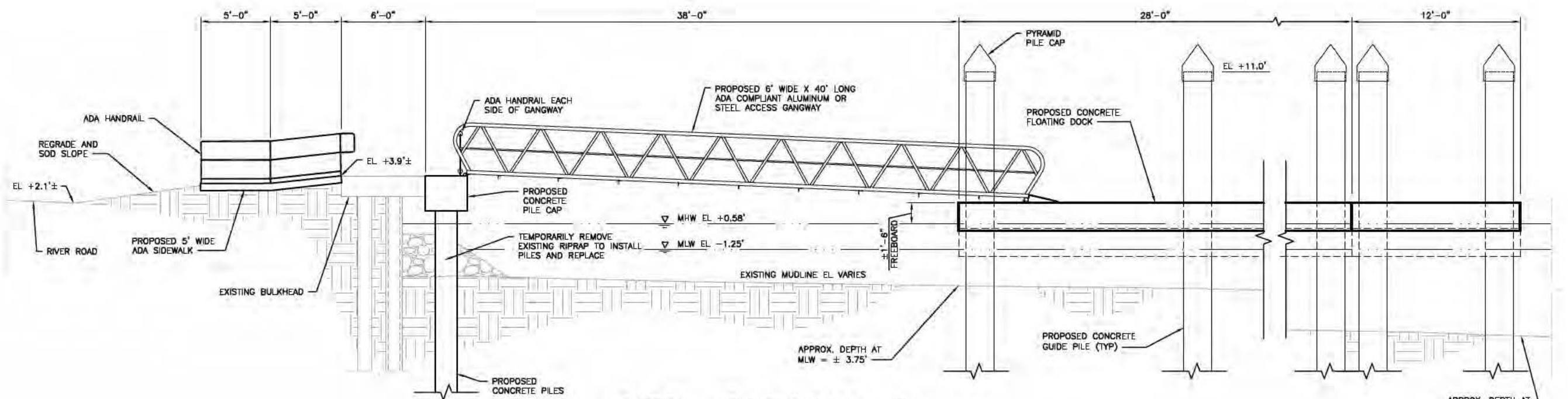






**SECTION - FISHING PIER**

1/8" = 1'-0"

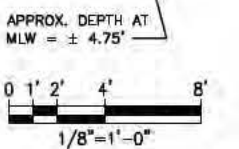


**SECTION - FLOATING DOCK**

1/8" = 1'-0"



**FOR PERMIT ONLY  
NOT FOR CONSTRUCTION**



**SECTION VIEWS  
RIVERFRONT PARK - FISHING PIER AND  
WATER TAXI DOCK**

CITY OF JACKSONVILLE PUBLIC WORKS



DATE  
APRIL 2019

FIGURE

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