

**MARCH 23, 2020**

***PUBLIC NOTICE***

Permit Application Number SAJ-2006-01493(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 404 of the Clean Water Act (33 U.S.C. §1344) of 1972 and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Nut Island Properties LLC  
822 A1A Suite 102  
Ponte Vedra, Florida 32082

**WATERWAY AND LOCATION:** The project would affect waters of the United States (wetlands) within a roadside swale associated with the Intracoastal Waterway (IWW) and navigable waters of the United States associated the IWW. The project site is located at 405 South Roscoe Boulevard (St. Johns County Property Appraiser Parcel Identification Numbers 067970-0000, 068020-0000, and 069626-0000), in Section 28, Township 4 South, Range 29 East, Ponte Vedra, St. Johns County, Florida.

**APPROXIMATE CENTRAL COORDINATES:**      Latitude 30.132720°  
Longitude -81.384141°

PROJECT PURPOSE:

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

Overall: The overall project purpose is the establishment of a launching area for boats stored at a proposed 75-vessel dry-stack (upland) facility at the project site; and, the relocation of seven previously authorized piers that form an in-water docking facility.

EXISTING CONDITIONS:

The project site previously encompassed an abandoned 2-story residence, several concrete pads, and a septic drain field. On September 24, 2001, the Corps authorized the placement of clean fill material over 0.18 acre of freshwater wetlands within a ditch that traversed the property, the excavation of 0.04 acre of freshwater wetlands within that ditch, the excavation of 0.27 acre of submerged land within the Intracoastal Waterway (IWW), the installation of 415 linear feet of bulkhead with a riprap toe, the placement of clean fill over 0.03 acre of shoreline habitat, and the construction of a 3,310 square-foot 14-slip docking facility formed by eight piers.

On February 4, 2016, the Corps authorized the installation of a 14-slip docking facility formed by seven piers and an observation platform. Each of the authorized piers measured 4 feet in width and varied in length from 24.8 feet to 28.5 feet. The authorized observation platform measured 25 feet in width by 24 feet in length.

Currently, the property is a cleared, vacant parcel. A stormwater pond occupies the east corner of the site; and, the previously authorized bulkhead forms the southwest edge of the property.

**PROPOSED WORK:** The applicant seeks authorization to discharge clean fill material over 0.02 acre of a vegetated roadside swale to install a culvert and establish an access/egress driveway. The applicant also seeks authorization to construct a 6-foot by 170-foot floating dock with six floating piers, which would establish a multi-slip docking facility; and, construct a floating pier to facilitate the loading/unloading of vessels contiguous to a section of the bulkhead where vessels would be launched/retrieved by forklift. The location of the multi-slip docking facility is slightly south-southeast of the previously approved location. The revised location of the multi-slip dock accommodates the proposed launch/retrieval area in the northwest corner of the property. The applicant intends to operate the facility as a commercial marina (75 dry-storage slips, 11 wet slips). Additional upland structures accommodating other amenities, but not additional dry-storage space, are incorporated into the overall project plan.

**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 applicant indicated that work associated with the establishment of the access/egress driveway is unavoidable but would affect the smallest possible area and generate negligible adverse effects to the overall aquatic resources (including wetlands) associated with the site. In consideration of the basic project purpose, the applicant indicated that work affecting navigable waters was unavoidable.

**COMPENSATORY MITIGATION –** The applicant has provided the following explanation why compensatory mitigation should not be required: The work proposed would alter 0.02 acre of a maintained (mowed and excavated) roadside ditch. The work proposed also would affect open water associated with the Intracoastal Waterway through the installation of pilings and floating docks. The roadside swale is maintained and supports nominal aquatic functions; and, the work within the IWW affects an un-vegetated open-water area devoid of submerged or emergent vegetation. In consideration of the areas affected, the applicant expressed an opinion that the project would not generate any measurable loss of aquatic functions or services; and, that compensatory mitigation for the work proposed should not be required.

**CULTURAL RESOURCES:** The Corps is not aware of any known historic properties within the permit area. The Corps, though, has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected. 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*):** To reduce/eliminate adverse impacts to manatee that may otherwise result from the proposed marina, the applicant would implement a manatee safety educational program for all marina patrons. Slip and dry stack renters would receive information on safe boating practices that occur within waters inhabited by manatee. Additionally, a 30-inch by 36-inch *Florida Friendly Boating* education sign and a 8½-inch by 11-inch *Caution Boaters* sign would be placed at the landward entrance to the main gangway to the 10-foot by 40-foot floating dock and the entrance of the gangway to the slips. The signs would provide information on the characteristics of manatees and the potential threat to this endangered species from boat

operations. The signs would be maintained and replaced as necessary in the event the signs fade or become damaged. The applicant also would implement the *Standard Manatee Conditions for In-Water Work*, 2011 during construction operations. Additionally, the project does not incorporate clamshell dredging or the installation of metal pilings. 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-C-G-H-I-J-L-N-O-P-*may affect, but is not likely to adversely affect*. The U.S. Fish and Wildlife Service (FWS) previously indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for manatee; and, that no additional consultation is necessary.

Wood Stork (*Mycteria americana*): The project site 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. 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*. The FWS previously indicated that they concur with determinations of *may affect, not likely to adversely affect* based on the key for Wood Storks; and, that no additional consultation is necessary.

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): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The project would not affect a marine environment; however, would result in the installation of a structure within an estuarine environment. The project site, however, is not designated as EFH. In consideration of the information evaluated, the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in Pablo Creek (to the north) or the Tolomato River (to the south). 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 previously established and verified the extent of Federal jurisdiction (navigable waters and wetlands) at the site.

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.

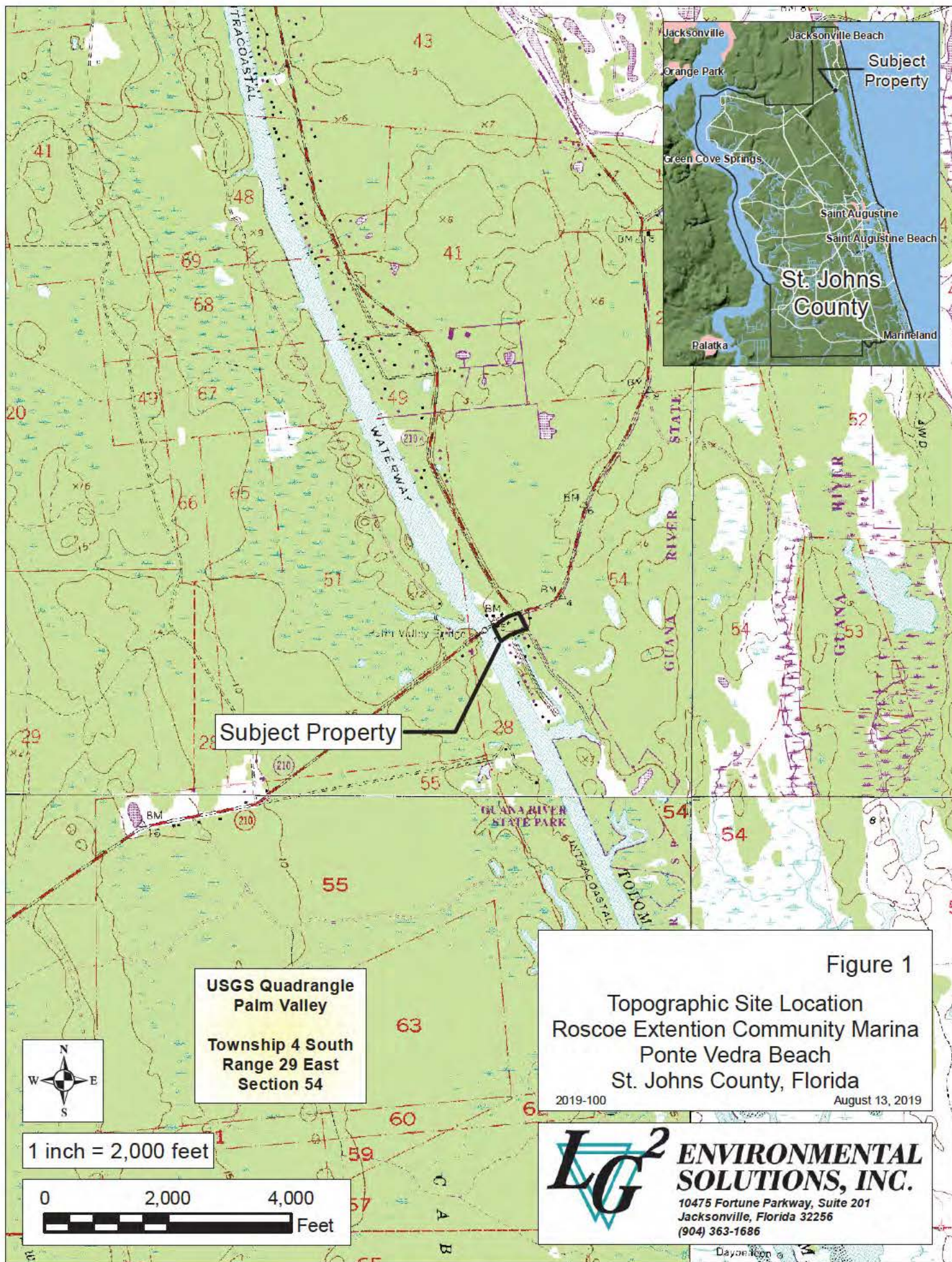
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

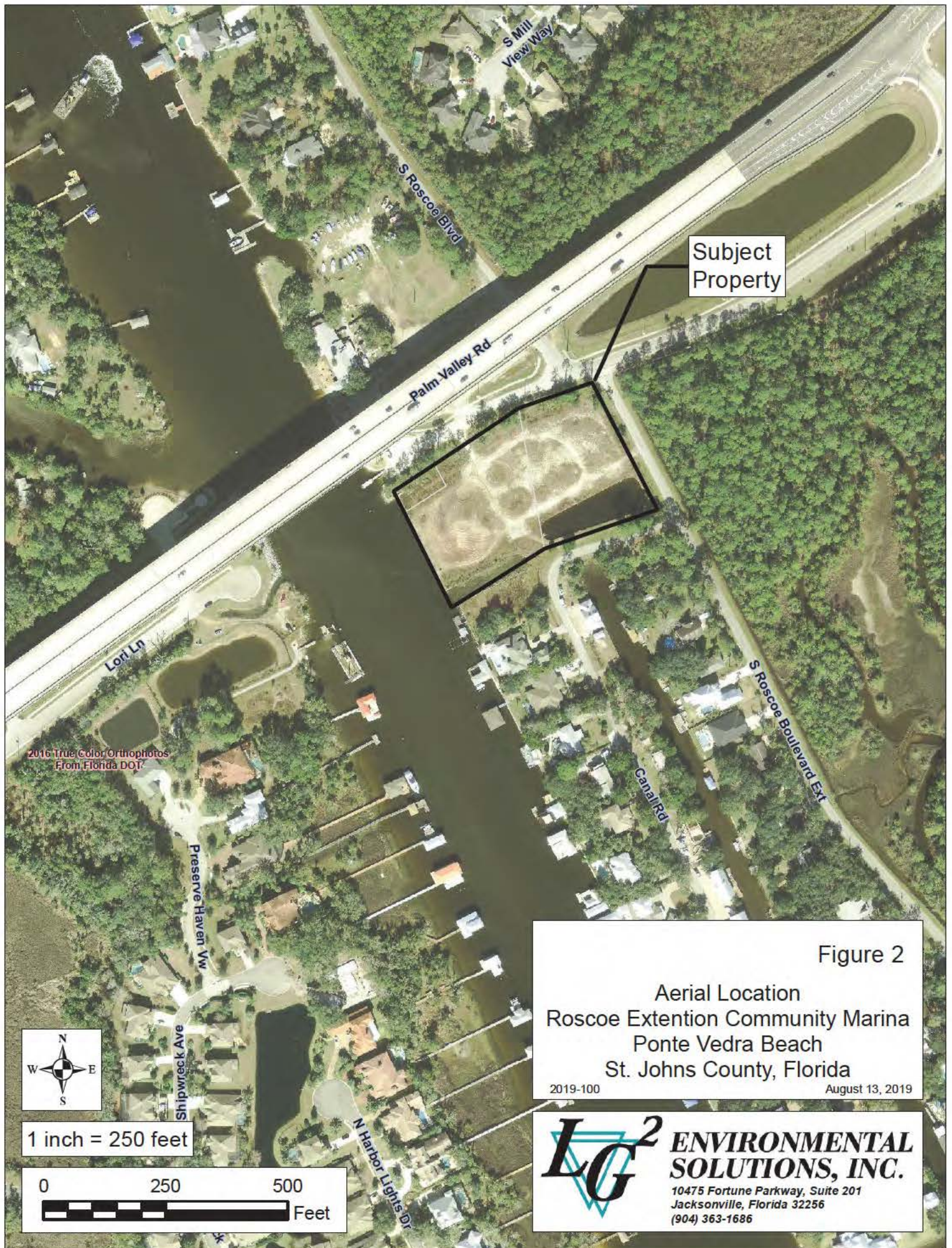
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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

















# Roscoe Marina

St. Johns County, Florida

Proposed Site Conditions

Figure 5



Proposed Ditch/Surface Water Impact +/-0.02 Acre



Wetlands to Remain +/-0.12 Acre

Dock Coverage +/-1,780 Square Feet

30" x 36" Florida Friendly Educational Sign

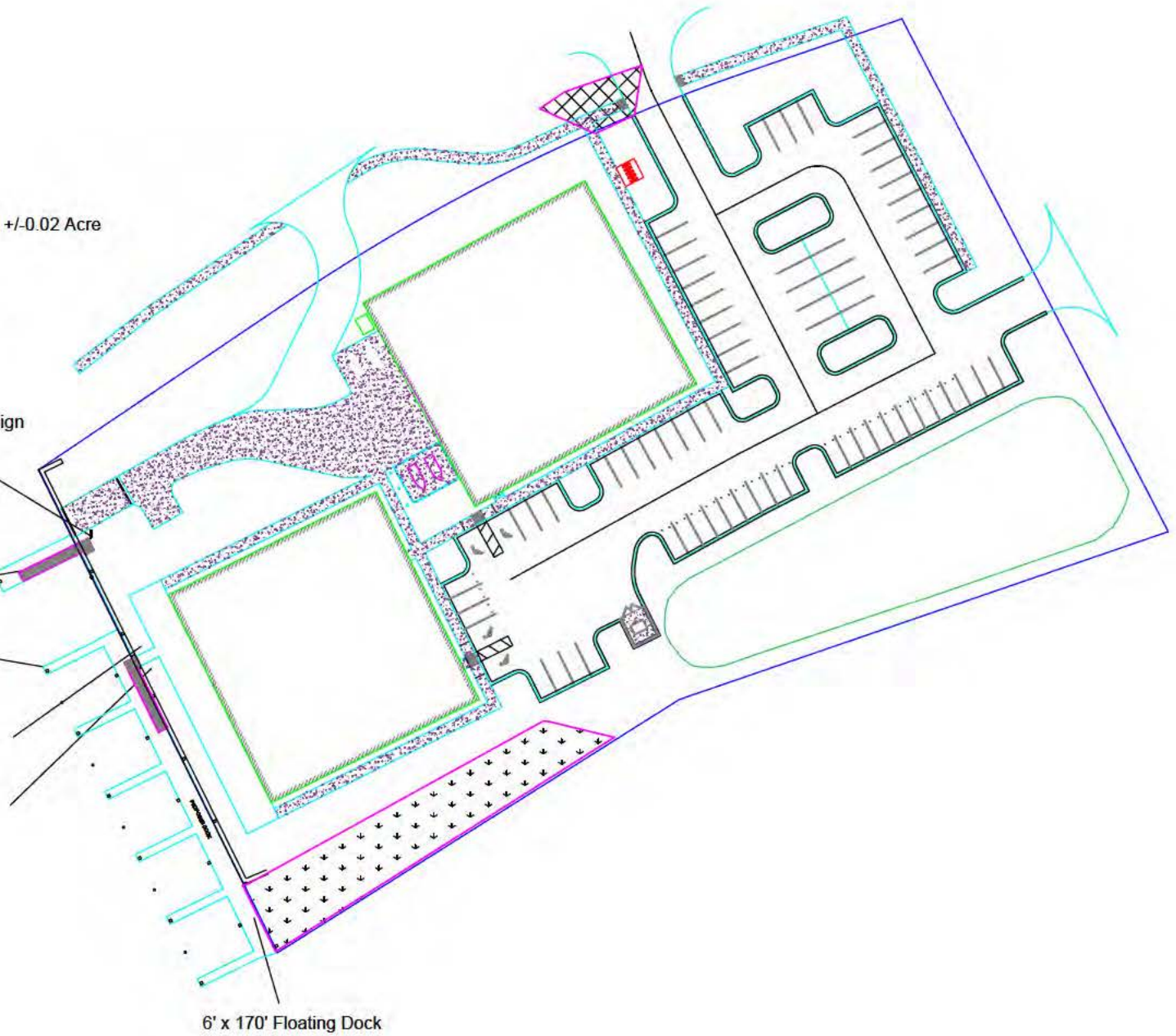
10' x 28' Floating Dock

4' x 20' Floating Finger Piers  
(6 Total)

30" x 36" Florida Friendly Educational Sign

8 1/2" x 11" Caution Boaters Manatee Sign

6' x 170' Floating Dock





# MAP SHOWING SURVEY OF:

TO SHOW STATE PLANE COORDINATES  
FOR PROPOSED DOCK A PART OF  
SECTIONS 28 AND 54, TOWNSHIP 4  
SOUTH, RANGE 29 EAST, ST. JOHNS  
COUNTY, FLORIDA.  
405 ROSCOE EXTENSION BLVD. SOUTH

**PALM VALLEY ROAD**  
(COUNTY ROAD NO. 210) 100' RIGHT-OF-WAY

N55°34'25"E 147.51'

**INTRACOASTAL WATERWAY**  
(MAP BOOK 4, PAGE 73) 500' RIGHT-OF-WAY  
CENTERLINE OF CHANNEL

RIPARIAN LINE 95.1'

**PROPOSED DOCK**

NORTHING = 2,108,184.5  
EASTING = 378,241.2

TOP EL. 5.68

OFFICIAL RECORDS VOLUME 490,  
PAGE 674

CONCRETE BULKHEAD

U.S. ARMY CORPS OF ENGINEERS RIGHT OF WAY LINE

OFFICIAL RECORDS VOLUME 569, PAGE 120

405 ROSCOE EXTENSION BLVD. SOUTH

MEAN HIGH WATER LINE ALONG  
FACE OF BULKHEAD

EXISTING WOOD FLOATING DOCK

WOOD FLOATING DOCK

SOUTHWEST CORNER OF  
BULKHEAD  
NORTHING = 2,108,022.0  
EASTING = 378,353.6

CONCRETE FOOTER

WOOD BULKHEAD

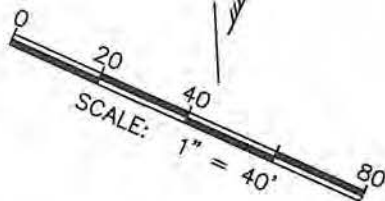
S57°41'10"W

LOT 1  
BLOCK "A"  
PALM VALLEY SHORES  
MAP BOOK 10, PAGES 37 & 38

NORTHING = 2,107,978.9  
EASTING = 378,344.4

12" PILING

RIPARIAN LINE



## NOTES:

1. COORDINATES ARE BASED ON CORPS OF ENGINEERS DATUM FOR THE INTRACOASTAL WATERWAY AND ARE TO AN ACCURACY OF 1.0'±.
2. COORDINATES OBTAINED BY SPECTRA PRECISION EPOCH 50 USING TRIMBLE VRS SOFTWARE.
3. THIS SURVEY WAS MADE TO SHOW THE COORDINATES FOR A EXISTING DOCK.

**DONN W. BOATWRIGHT, P.S.M.**

FLA. LIC. SURVEYOR AND MAPPER No. L.S.3295

FLA. LIC. SURVEYING AND MAPPING BUS. No. L.B.3672

DATE SIGNED: FEBRUARY 10, 2020

FIELD SURVEY DATE: JANUARY 24, 2020

PREPARED BY:

**BOATWRIGHT LAND SURVEYORS, INC.**

1500 ROBERTS DRIVE

JACKSONVILLE BEACH, FLORIDA

(904) 241-8550 TEL.

(904) 241-3346 FAX

"NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER"

DRAWN BY: DWB

FILE: 2020-124

SHEET 1 OF 1