



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

June 23, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-03975(SP-RPR)

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: Mr. Arthur Fratesi
14501 Aqua Vista Court
Jacksonville, Florida 32224

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Pablo Creek. The project site is located at 14501 Aqua Vista Court, in Section 31, Township 2 South, Range 29 East, Jacksonville, Duval County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.292821°
Longitude -81.435063°

PROJECT PURPOSE:

Basic: The basic project purpose is residential construction.

Overall: The overall project purpose is the relocation of a seawall to establish a pool/patio and garage associated with the single-family residence.

EXISTING CONDITIONS: The project site encompasses several communities identified by the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) developed by the Florida Department of Transportation.

Uplands – 0.31 acre residential, medium density (FLUCFCS code 120)

This area includes a single-family residential home structure with associated infrastructure. The dominant vegetation in the area is St. Augustine grass and ornamental vegetation, and a few large live oaks (*Quercus virginiana*) are present in the southeast corner of the property.

Wetlands and Surface Waters – 0.35 acre streams and waterways (FLUCFCS code 510)

The onsite aquatic resource is comprised of a tidal canal constructed to serve the residential neighborhood with open water connection access to the Intracoastal Waterway. Vegetation is limited to saltmarsh cordgrass (*Spartina alterniflora*) along the edge of the canal at the northern end of the property. The benthic habitat is comprised of soft mud and is largely denuded, with the exception of a few small clusters of oysters (*Crassostrea virginica*) within a narrow intertidal band along the edge of the canal.

PROPOSED WORK: The applicant seeks authorization to discharge 2,300 cubic yards of fill material over 0.07 acre of waters of the United States to facilitate the re-location of a seawall to establish additional buildable area to accommodate the construction of a pool, a pool deck, an enclosed patio area, and an oversized garage for the storage of a recreational vehicle and boat trailer.

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:

Avoidance and minimization have been accomplished by locating the proposed structures in such a way as to utilize the existing uplands to the greatest extent practicable and through incorporation design elements which permit the incorporation of minimal setback distances between the proposed engineered structures and the proposed relocation of the seawall.

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

Compensatory mitigation would be accomplished through the purchase of 0.01 estuarine credit from the *North Florida Saltwater Marsh Mitigation Bank* (SAJ-2010-03461).

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 Wood Stork (*Mycteria americana*), or the Manatee (*Trichechus manatus*), and their respective designated critical habitat. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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 (NMFS) 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 an adverse impact on EFH or federally managed fisheries in Pablo Creek. 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 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 21 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, Renee Riker, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232; by electronic mail at renee.p.riker@usace.army.mil; by facsimile transmission at (904)232-1904; or, by telephone at (904)232-1497.

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.

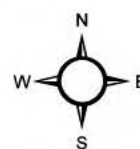
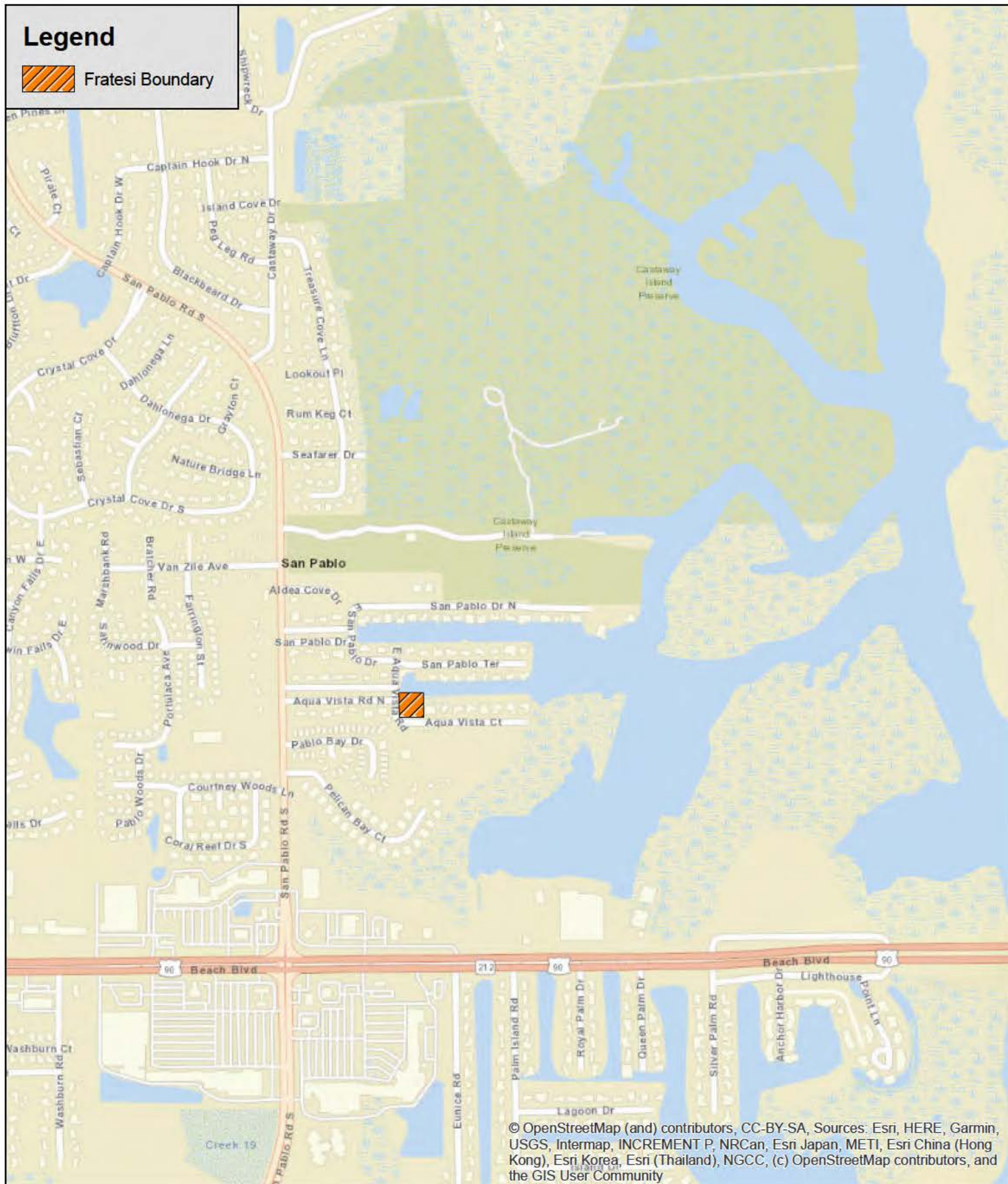
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

Legend

 Fratesi Boundary



950

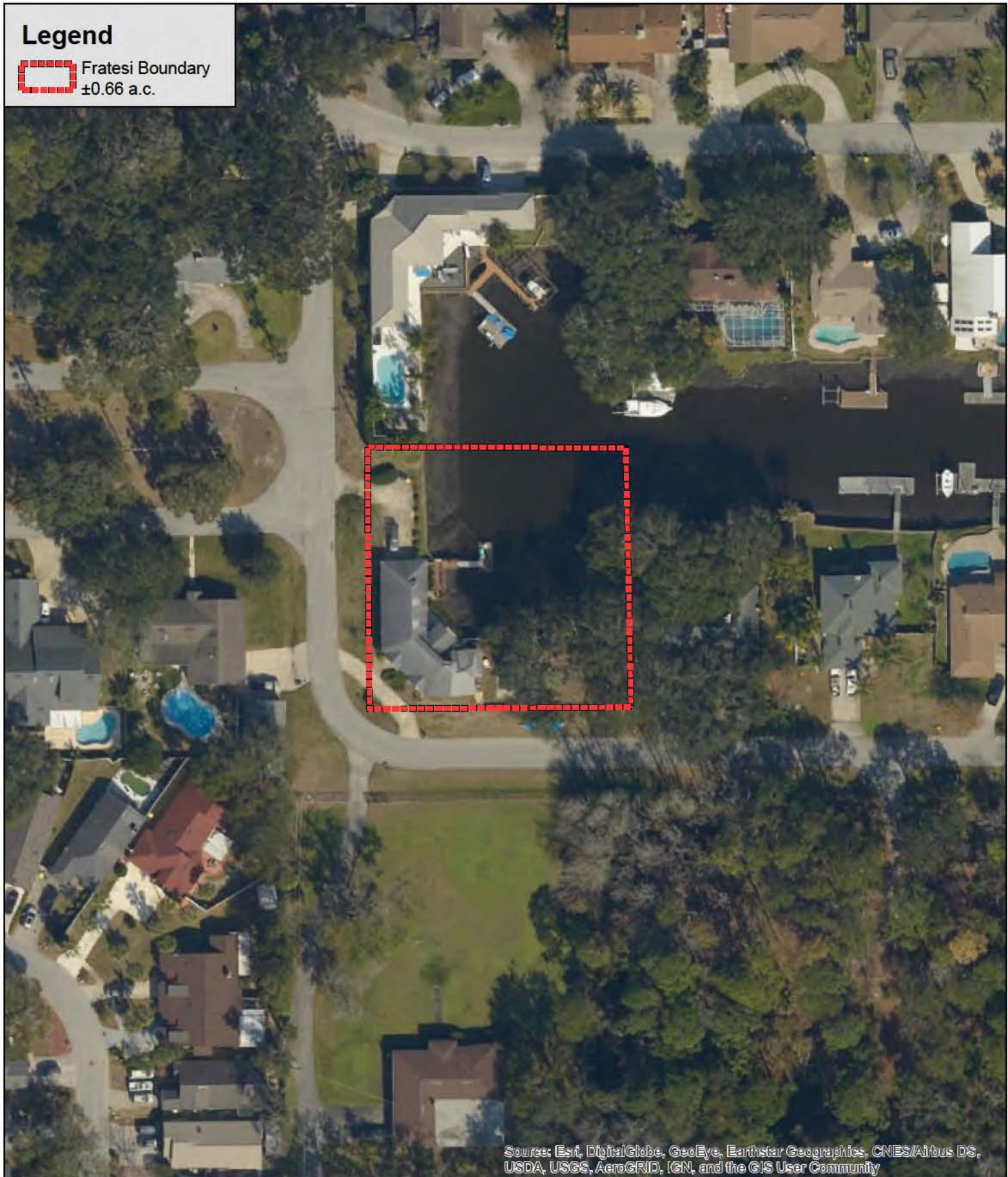
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Project #: 1215-101
Produced By: DWL
Date: 12/12/2019

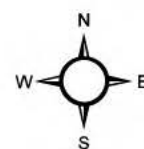
Legend



Fratesi Boundary
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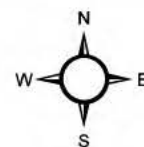
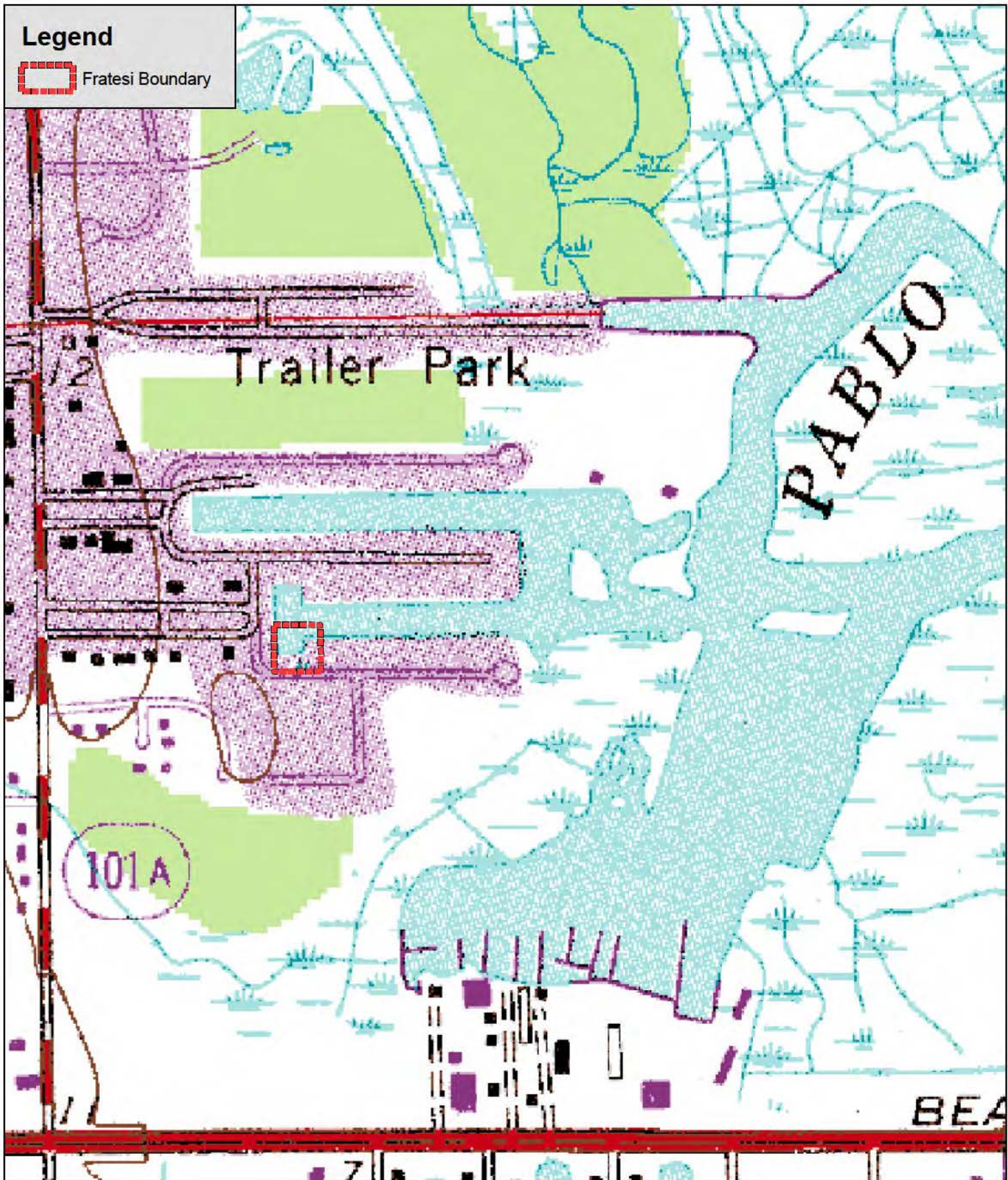


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

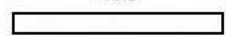


Legend

 Fratesi Boundary



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 Feet

Project #: 1215-101

Produced By: DWL

Date: 12/12/2019

Legend



Fratesi Boundary

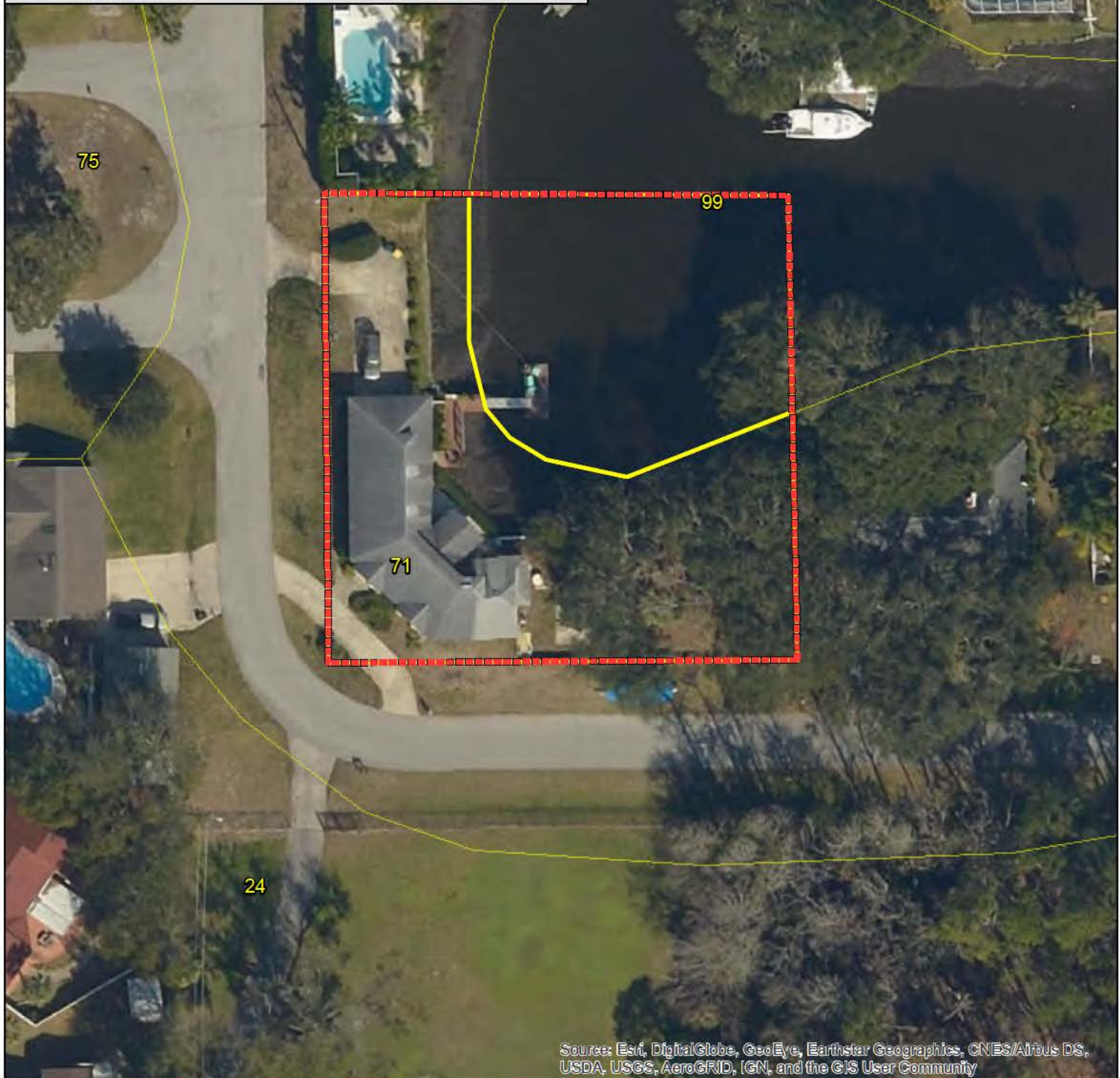
Soils



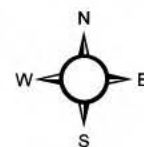
71: Urban land-Leon-Boulogne complex, 0 to 2 percent slopes



99: Water



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Legend



Fratesi Boundary

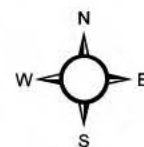
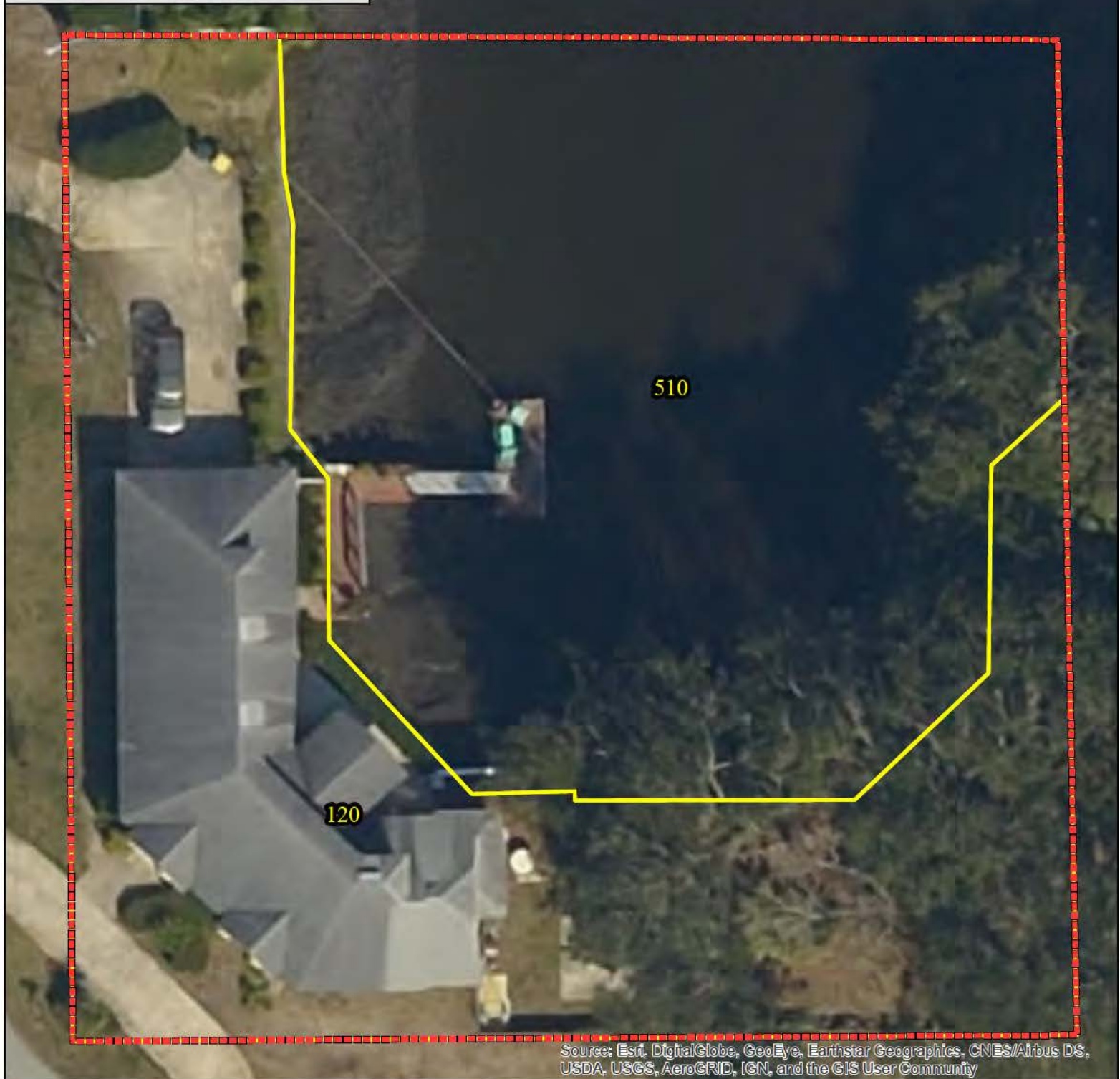
FLUCFCS



120: Residential, Medium Density



510: Streams and Waterways



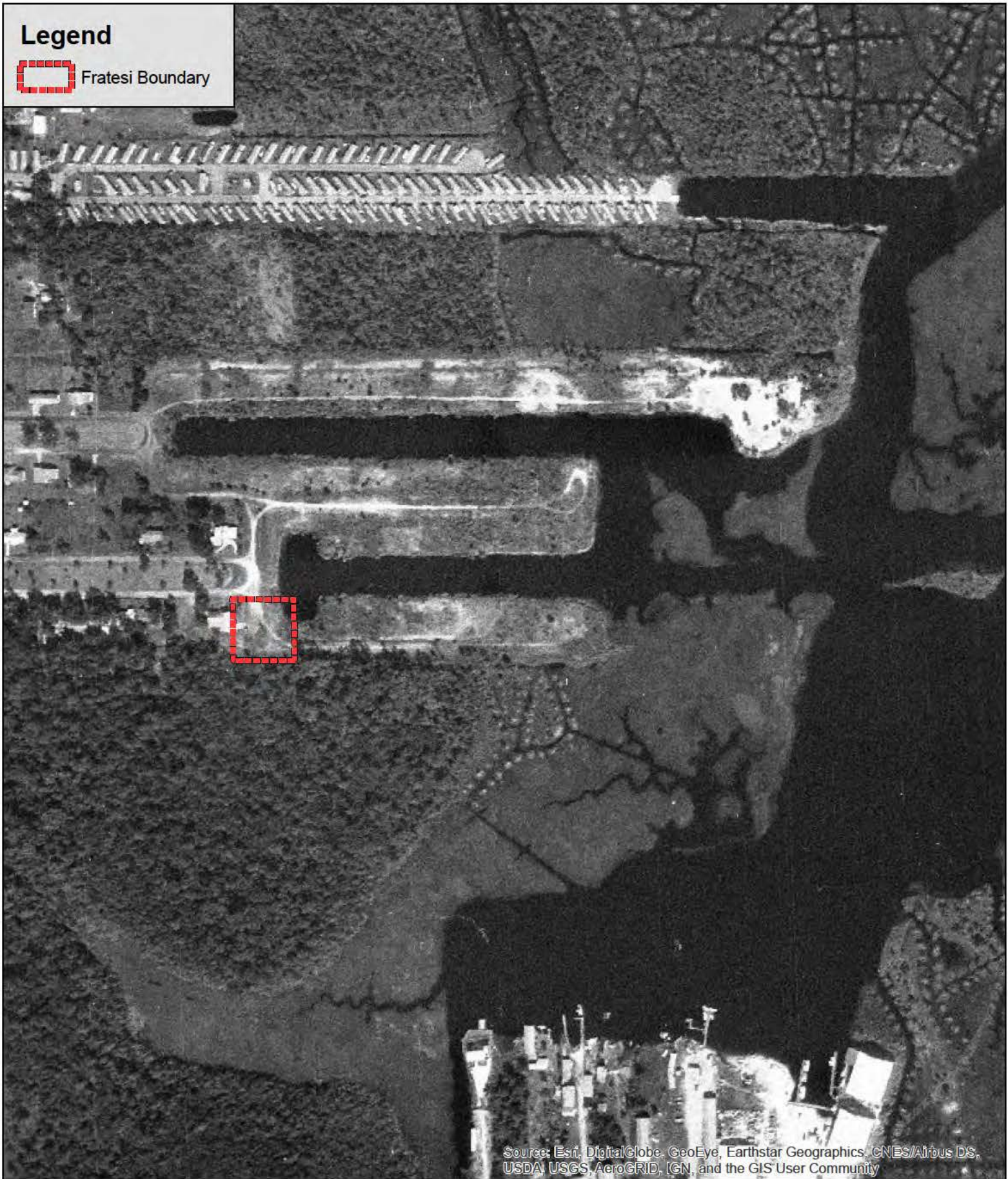
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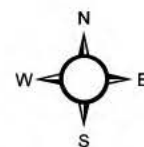
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Fratesi Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Feet

Project #: 1215-101
Produced By: DWL
Date: 12/12/2019

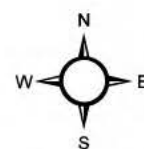
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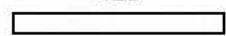
Fratesi Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



420

 Feet

Project #: 1215-101

Produced By: CRM

Date: 3/6/2020

Legend



± 0.66 a.c.



Fratesi Construction Plan

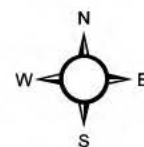
Bulkhead

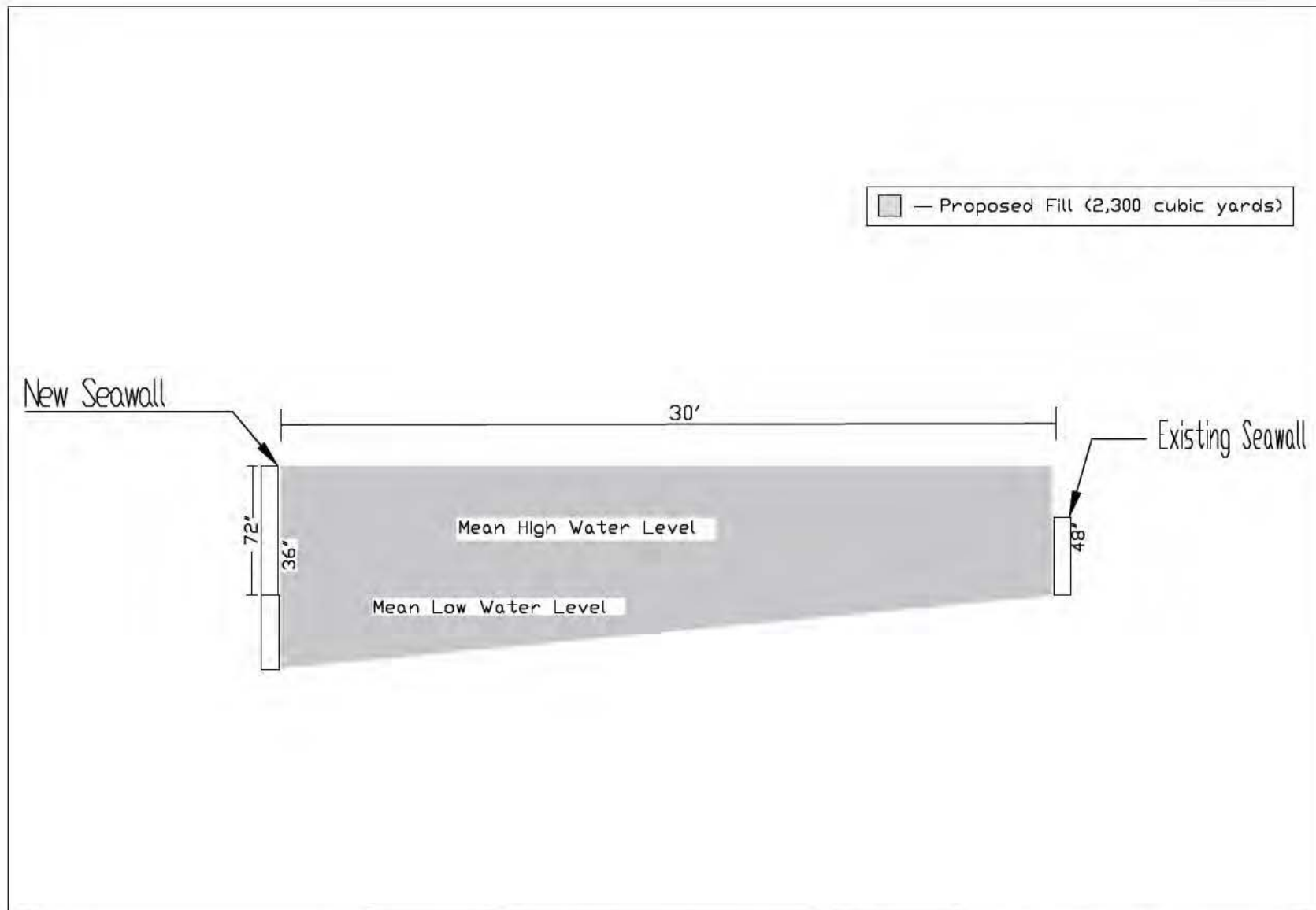


Existing Bulkhead (±0.31 ac.)



Proposed Bulkhead (±0.07 ac.)





Legend



Fratesi Boundary

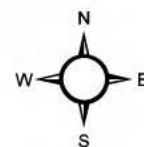
USFWS Consultation Area



RED COCKADED WOODPECKER CONSULTATION AREA

**RED COCKADED
WOODPECKER
CONSULTATION AREA**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,
USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Fratesi Boundary



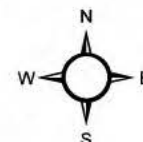
Wood Stork Nesting Colonies





Wood Stork Nesting Colony Core Foraging Areas



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Legend

-  Fratesi Boundary
-  Adjacent Neighbors

San Pablo
Park

San Pablo Terrace

Aqua Vista Road East

177222 0100

177277 0000

177262 0000

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