



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

August 6, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2017-02145(SP-PRJ)

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. John Vito
12477 Master Ridge Drive
Jacksonville, Florida 32225

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Arlington River. The project site is located at 5536 Clifton Road, in Section 41, Township 2 South, Range 27 East, Jacksonville, Duval County, Florida.

Directions to the site are as follows: Traveling from downtown Jacksonville take the Matthews Bridge to the Arlington Expressway. Follow the Arlington Expressway traveling east to University Boulevard and turn south onto University Boulevard. Follow University Boulevard to Sandra Road. Follow Sandra Road to Clifton Road and turn west onto Clifton Road. The project site is located on the south side of Clifton Road at 5536 Clifton Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.319021°
Longitude -81.606497°

PROJECT PURPOSE:

Basic: The basic project purpose is residential fill.

Overall: The overall project purpose is fill material for landscaping at the waterward edge of the parcel.

EXISTING CONDITIONS: The project site is a 1.0-acre residential parcel located along the Arlington River. The parcel includes 0.85 acre of upland and 0.15 acre of marsh that is located along the waterward side of the parcel. The upland portion of the parcel includes an upland retaining wall at the edge of the upland. The marsh is composed of *Spartina alterniflora* and is mowed regularly. Currently the parcel contains unauthorized broken concrete located in a portion of the marsh and the Arlington River.

PROPOSED WORK: The applicant seeks authorization to place fill material in 0.044 acre of salt marsh and the Arlington River (waters of the United States) in association with the removal of the existing rubble at the waterward edge of the parcel and replacing that with rock. Of the 0.044 acre of impact 0.004 acre would be temporary impacts associated with an access path through the marsh to be used to access the construction area at the waterward edge of the parcel. The applicant would remove the existing unauthorized broken concrete and replace it with rocks. The project site currently contains an upland retaining wall at the waterward side of the parcel, which is why the Corps determined that the proposed rip rap is for cosmetic reasons. The existing marsh and upland retaining wall are the shoreline stabilization for the parcel.

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 proposes the minimum amount of fill required to restore the shoreline to the bottom of the old bulkhead.

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

The area in question will be allowed to develop as a natural shoreline while the proposed rip rap will provide for shoreline stabilization for a dynamic area.

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 West Indian Manatee (*Trichechus manatus*), Loggerhead sea turtle (*Caretta caretta*), Green sea turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), Hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's Ridley sea turtle (*Lepidochelys kempi*), Smalltooth sawfish (*Pristis pectinata*), Shortnose sturgeon (*Acipenser brevirostrum*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Wood Stork (*Mycteria americana*), and Red Cockaded Woodpecker (*Picoides borealis*).

Since the proposal is for in-water work, the Corps evaluated the potential impacts to the West Indian Manatee using *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida – April 2013 (Key)*. Use of the Key resulted in the sequence A > B > C > G > N > O > P > *May affect, not likely to adversely affect*, with no further consultation with the FWS required.

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 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 Critical Habitat (CH). For this verification, the Corps conducted a project specific review and determined that all of the PDCs were met resulting in an effect determination of *May affect, not likely to adversely affect*, the listed 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 were emailed to nmfs.ser.statewideprogrammatic@noaa.gov and jaxbo@usace.army.mil on 5 August 2020. 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.

Since the proposed work is located within the Core foraging area for the Wood Stork, the Corps evaluated the potential impacts to the Wood Stork using *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* (Wood Stork Key). Use of the Wood Stork Key resulted in the following sequence: A > B > C > *Not Likely to Adversely Affect* the Wood Stork, with no further consultation with the U.S. Fish and Wildlife required.

The project site is approximately 8.39 miles from the nearest identified nest or cluster location for Red Cockaded Woodpecker; and, within the consultation area identified by the U.S. Fish and Wildlife Service (FWS) and the Corps for this species. Therefore, Red Cockaded Woodpecker may utilize the project site.

Habitat for Red Cockaded Woodpecker typically incorporates mature pine woodlands (not wetlands); 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. To the contrary, the project site is located in open water, therefore the Corps determined that the proposed work would have no effect on the Red Cockaded Woodpecker.

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 proposal would impact approximately 0.044 acres of marsh habitat and tidal waters of the Arlington River utilized by various life stages of shrimp, snapper, and grouper. Our initial determination is that the proposed action would possibly have a substantial adverse impact on EFH or Federally managed fisheries in the Arlington 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 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, P.O. 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, Paula R. Johnson, in writing at the Jacksonville Permits Section, P.O. Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at paula.r.johnson@usace.army.mil or by telephone at (904)232-2503.

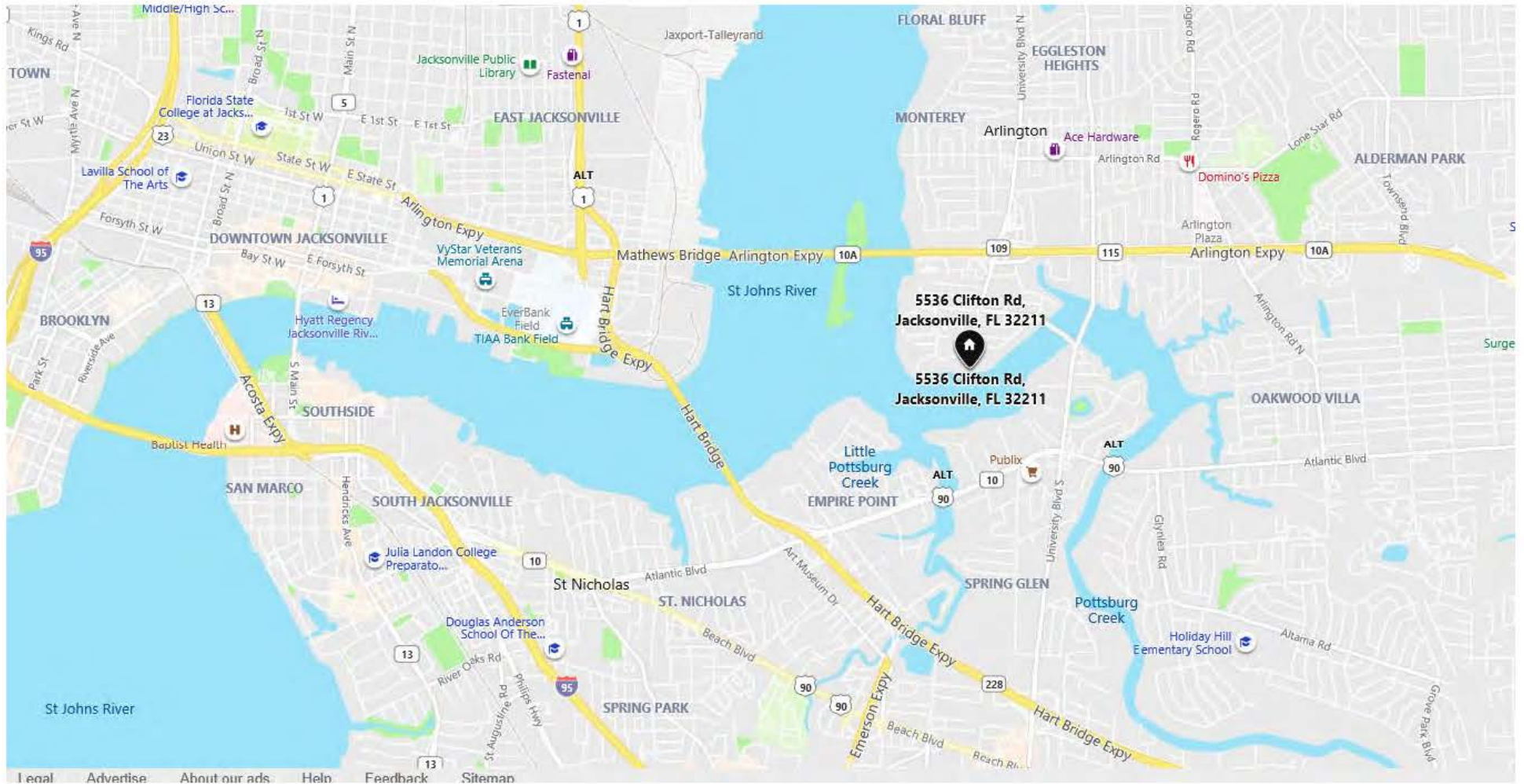
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information 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.



VITO
RESIDENCE

Rip-Rap



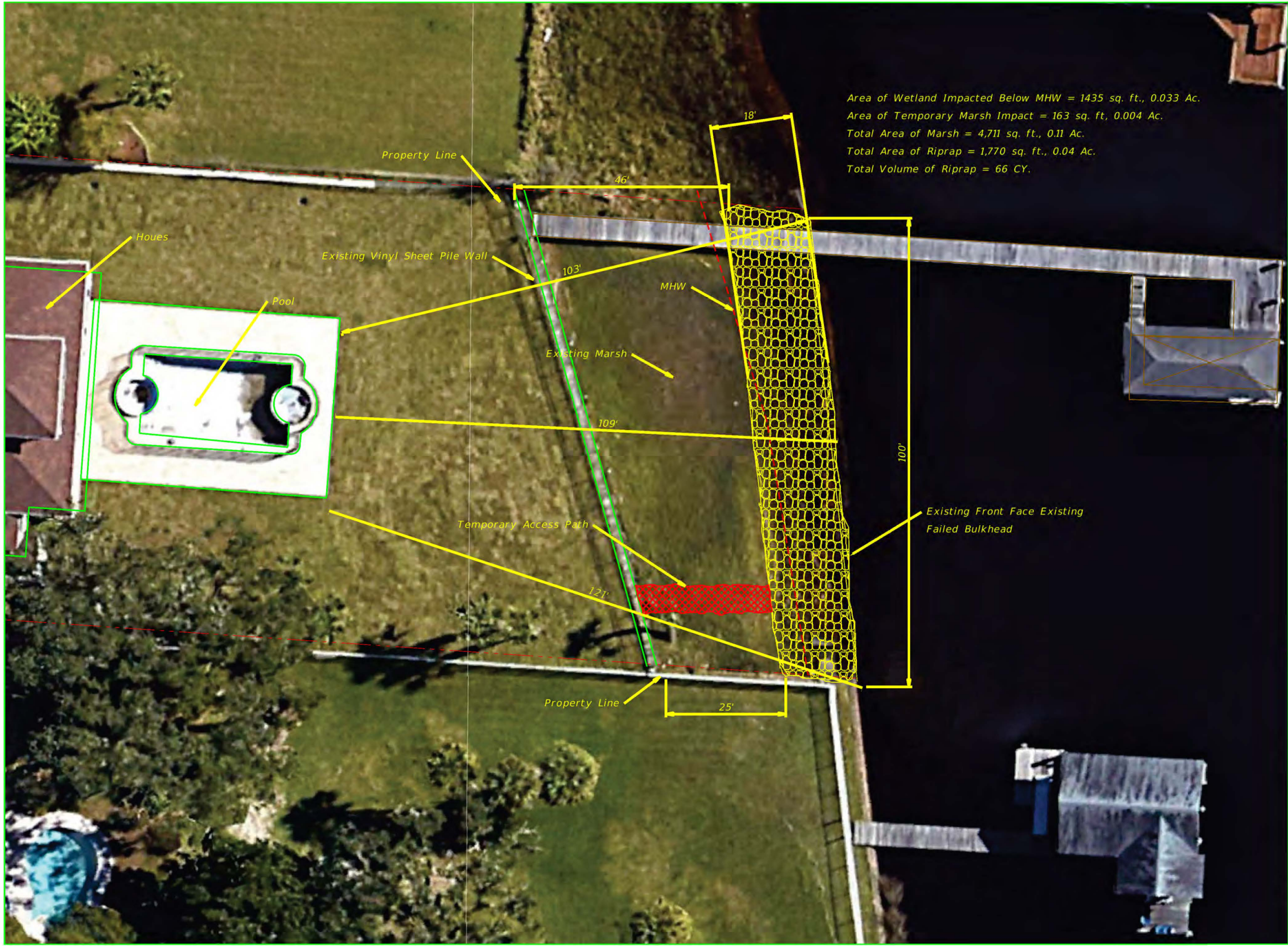
3832-010 Baymeadows Rd,
Suite 132
Jacksonville, Florida 32217
office: 904.434-4366
www.morales-ce.com
Certificate of Authorization No. 30712

REVISIONS				
NO.	DATE	DESCRIPTION	REV.	CK'D

SITE

Project Manager:
ED MORALES JR., P.E.
Designed by:
ED MORALES JR., P.E.
Drawn by:
EDUARDO MORALES, P.E.
Checked by:
ED MORALES JR., P.E.
Date Issued:
FEBRUARY 2020
Scale:

Project Number: File Name:
Drawing Number:



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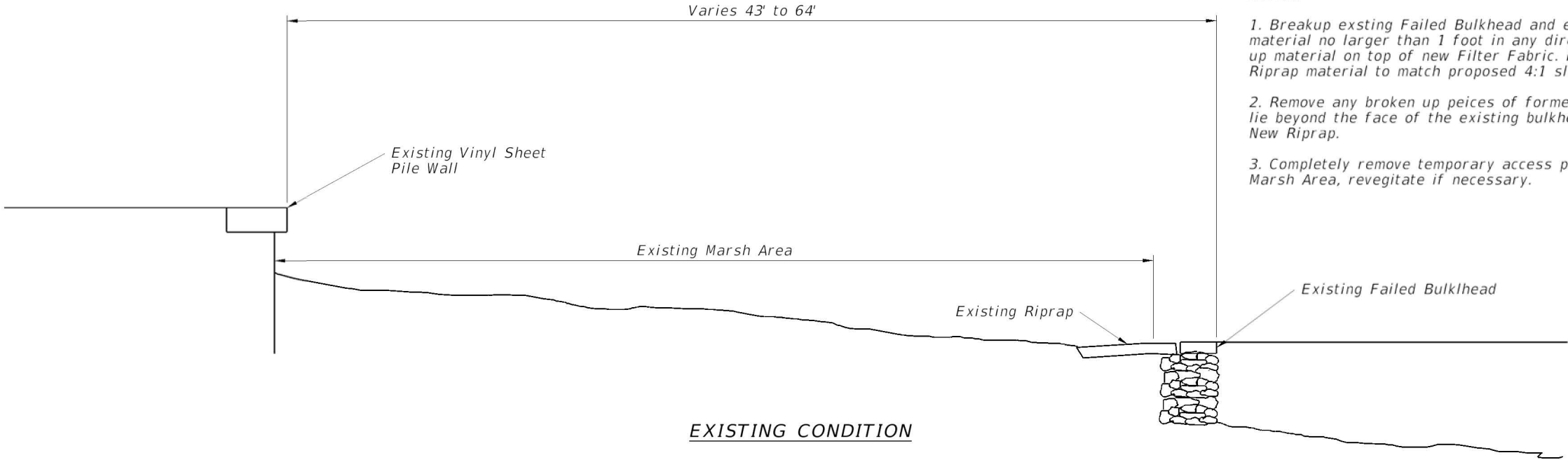
REVISIONS				
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SECTION

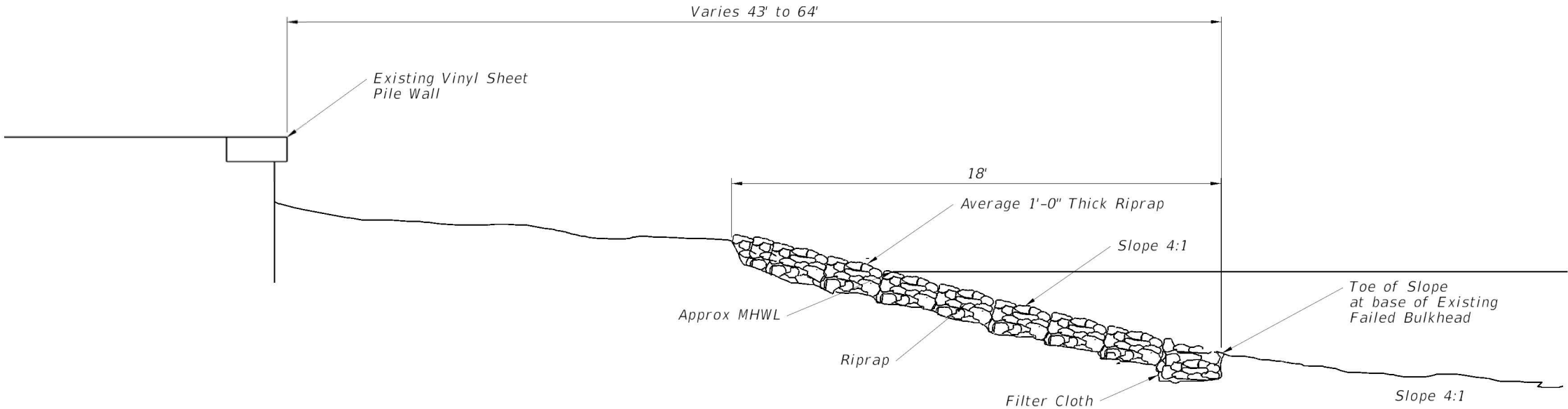
Project Manager:
ED MORALES JR., P.E.
Designed by:
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Drawn by:
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Checked by:
ED MORALES JR., P.E.
Date Issued:
FEBRUARY 2020
Scale:

Date: _____
Project Number: _____ File Name: _____
Drawing Number: _____

- NOTES:
1. Breakup exsting Failed Bulkhead and existing Riprap material into material no larger than 1 foot in any direction. Then place broken up material on top of new Filter Fabric. Finally fill in with new Riprap material to match proposed 4:1 slope and Riprap limits.
 2. Remove any broken up peices of former Bulkhead from River that lie beyond the face of the existing bulkhead and include in proposed New Riprap.
 3. Completely remove temporary access path and restore distrubed Marsh Area, revegetate if necessary.



EXISTING CONDITION



PROPOSED RIPRAP REPLACEMENT FOR FAILED BULKHEAD