



REPLY TO
ATTENTION OF

Regulatory Division
North Branch
Pensacola Permits Section

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

February 6, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2005-03504 (SP-SWA)

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) as described below:

APPLICANT: Howard Dolgoff
Point Washington Estates, LLC.
28 Tranquility Lane
Destin, Florida 32541

WATERWAY AND LOCATION: The project would affect freshwater palustrine wetlands contiguous with Choctawhatchee Bay. The project site is located on the east side of East Point Washington Road, within Section 35, Township 02 South, Range 19 West, Walton County, Florida.

Directions to the site are as follows: From the intersection of U.S. Highway 98 and U.S. Highway 331, travel east on U.S. Highway 98 approximately 3 miles to County Road 395. Travel north on County Road 395 for approximately 0.40 mile to East Point Washington Road. Travel west on East Point Washington Road for approximately 0.50 mile. The project site is on the east side of the road.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.366009°
Longitude -86.128378°

PROJECT PURPOSE:

Basic: Residential Development.

Overall: Reauthorization of a previously permitted residential development in south Walton County.

EXISTING CONDITIONS: The project site is approximately 6.38 acres, consisting of three parcels; 35-2S-19-24000-008-0010, 35-2S-19-24000-008-0040, and 35-2S-19-24000-008-0041 in Walton County Florida. The site consists of 1.33 acres of uplands and 4.95 acres of wetlands. The on-site wetlands consist of wet pine flatwoods typical of south Walton County. The wetland vegetation consists of: slash pine (*Pinus elliottii*), sweetbay (*Magnolia virginiana*), bitter gallberry (*Ilex glabra*), red titi (*Cyrilla racemiflora*),

sweet gallberry (*Ilex coriacea*), wiregrass (*Aristida spp.*), pipeworts (*Eriocaulon spp.*), yelloweyed grass (*Xyris spp.*) and St. John's Wort (*Hypericum fasciculatum*). The upland vegetation consists of: southern magnolia (*Magnolia grandiflora*), saw palmetto (*Serenoa repens*), blueberry (*Vaccinium spp.*) and running oak (*Quercus pumila*). Evidence of past silviculture practices, including remnant, unimproved jeep trails, tree stumps, a park bench, and fencing debris, occur onsite. Suppression of a natural fire regime has resulted in successional changes to the vegetative community. The surrounding area consists of Point Washington State Forest to the west and undeveloped land to the north and east. The area directly to the south consists low density residential development.

PROJECT HISTORY: A Department of the Army (DA) permit was originally issued for this project on January 22, 2007. Upon issuance of the DA permit, the remaining wetlands and uplands were placed into a conservation easement and recorded in Book 2740, Page 1866 in the Walton County records. Additionally, the enhancement activities required as part of the compensatory mitigation plan commenced, which included prescribed burning. However, the permittee did not initiate the authorized impacts, and on August 16, 2011, the Corps received a request to modify the expiration date of the permit. On October 25, 2011, the Corps approved the modification request and extended the expiration date of the permit for an additional 5 years from the date of the letter. Once again, the authorized impacts were not initiated and the permit expired on October 25, 2016.

PROPOSED WORK: The applicant seeks reauthorization to fill 0.88-acre of wetlands for the construction of a six (6) lot residential development with associated infrastructure and stormwater management.

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:

Of the 4.95 acres of onsite jurisdictional wetlands, 0.88-acre is being proposed for impact and the remaining 4.07 acres of onsite wetlands have been placed into a perpetual conservation easement. Other minimization measures include limiting the proposed development to the road frontage along East Point Washington Road and the use of retaining walls to contain the fill material.

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

The applicant is proposing the same compensatory mitigation that was authorized in the original permit. This includes enhancement of the remaining onsite wetlands and uplands with an initial prescribed burn and continued maintenance with bush hog mowing. Additionally, control or eradication of exotic/invasive plant species so that the mitigation site contains < 1% invasive and < 5% exotic species including, but not limited

to: non-native pasture grasses, Chinese privet (*Ligustrum sinense*), Chinese tallow (*Sapium sebiferum*) Japanese climbing-fern (*Lygodium japonicum*), kudzu (*Pueraria montana*), primrose willow (*Ludwigia spp.*) and cogon grass (*Imperata cylindrica*). The remaining wetlands and uplands have been placed into a conservation easement and recorded in Book 2740, Page 1866 in the Walton County records.

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 Eastern Indigo Snake (*Drymarchon corais couperi*). The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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 0.88 acres of palustrine wetlands adjacent to and contiguous with tidal waters utilized by various life stages of black grouper, gray snapper, red drum, and penaid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico. 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 not 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 Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502, 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, Steve Andrews Jr., in writing at the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502, by electronic mail at stephen.w.andrews@usace.army.mil, by fax at (850) 433-8160, or by telephone at (850) 439-0707.

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.

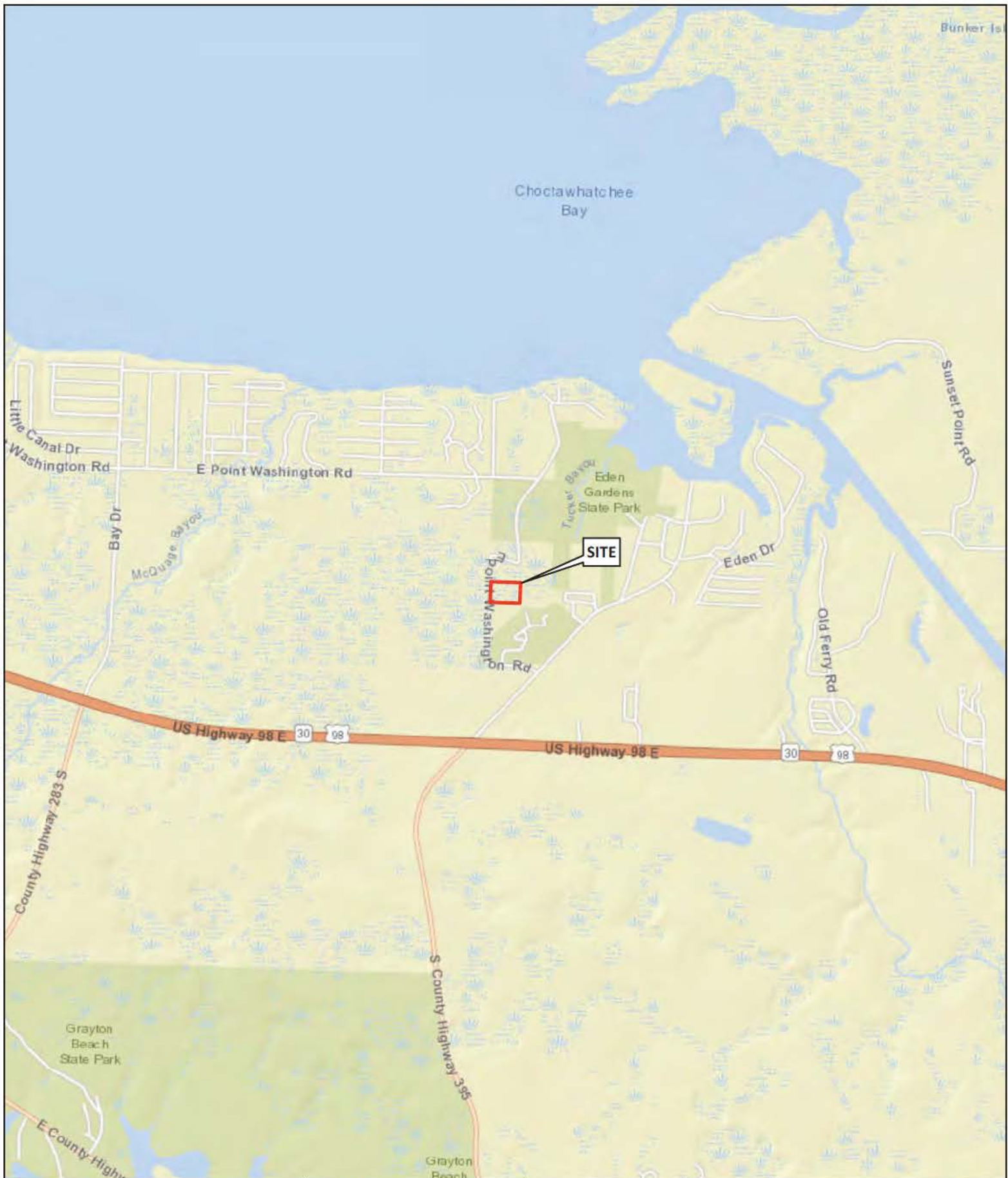
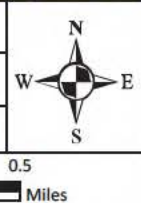


EXHIBIT 1
SITE LOCATION MAP
POINT WASHINGTON ESTATES
HOWARD DOLGOFF
MULTI-PARCEL

LEGEND
 **INSPECTION BOUNDARY**

03/26/2018
 AUTHOR: JLH
 THIS IS NOT A SURVEY
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EXHIBIT 5
WETLAND JURISDICTION MAP
POINT WASHINGTON ESTATES
HOWARD DOLGOFF
MULTI-PARCEL

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- INSPECTION BOUNDARY
- WETLANDS
- UPLANDS

03/26/2018

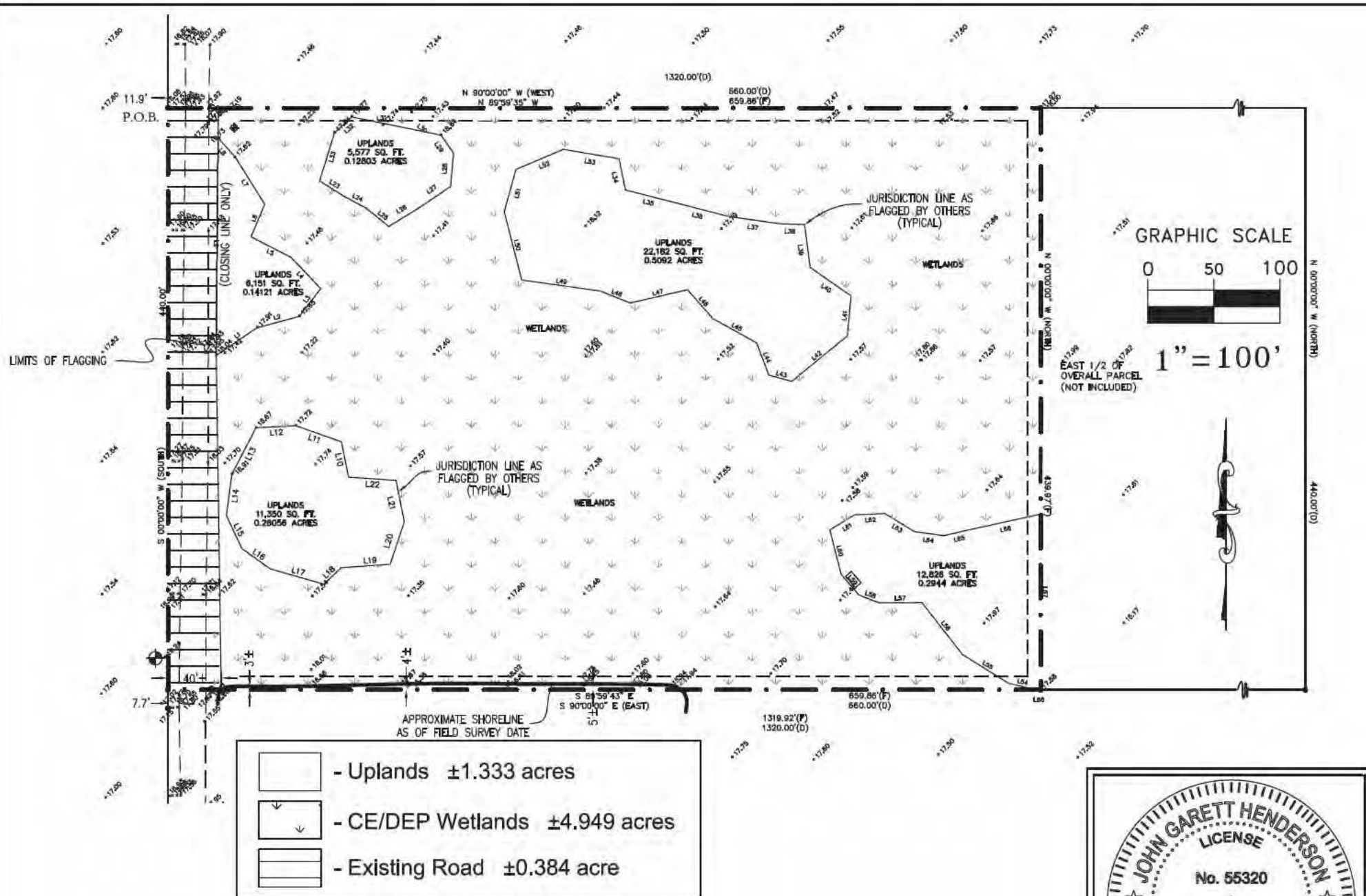
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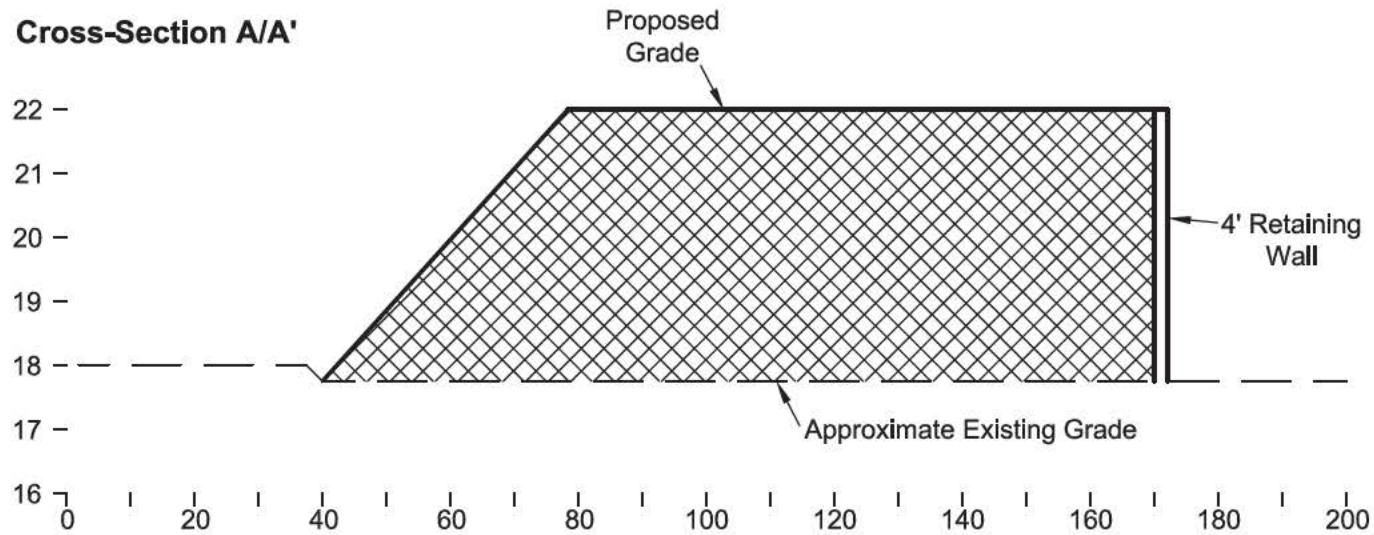


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