



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

February 15, 2019

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-02640(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) as described below:

APPLICANT: The Fort Caroline Development Corporation
161 Hampton Point Drive, Suite 1
St. Augustine, Florida 32092

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Mount Pleasant Creek. The project site is a 14.63-acre vacant parcel located south of Mount Pleasant Road along Mount Pleasant Creek. The parcel is bordered to the south by developed single-family lots in the Gately Oaks Subdivision, to the west by developed single-family lots on Quinlan Road East, to the north by developed single-family lots on Boyer Oaks Lane and Galvanized Trail, and to the east by salt marsh and tidal creek. The property is located in Section 11, Township 2 South, Range 28 East, Jacksonville, Duval County, Florida.

Directions to the site are as follows: Traveling from downtown Jacksonville take the Arlington Expressway east. Then turn north onto State Road 113. Follow SR-113 to Merrill Road/ SR-116 and turn east onto SR-116. Continue to follow SR-116 which changes street names to Fort Caroline Road, McCormick Road, and then Mount Pleasant Road. From Mount Pleasant Road turn south onto Gately Road. Follow Gately Road to Gately Oaks Lane East. Then turn onto Gately Oaks Lane East. The project site is a vacant parcel located just north of Gately Oaks Lane East.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.351711°
Longitude -81.469201°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is the establishment of a residential development in northeast Duval County.

EXISTING CONDITIONS: The project site contains the following 5 vegetative communities and land uses as characterized by the Florida Department of Transportation publication *Florida Land Use, Cover and Forms Classification System* (FLUCFCS): Hardwood-Conifer Mixed, Pine Flatwoods, Medium Density Residential, Wetland Forested Mixed, and Salt Marsh. The Hardwood-Conifer Mixed community is located in the western half of the property and has a canopy of longleaf pine, Darling oak, live oak, and turkey oak. The understory and ground cover in this area includes bracken fern, muscadine grape, greenbriar, and saplings and seedlings of the canopy species. The Pine Flatwoods community is located in the eastern half of the property and has a canopy of slash pine, water oak, southern magnolia, and live oak. The understory and ground cover in this area is dominated by saw palmetto, bitter gallberry, staggerbush, bracken fern, yaupon holly, and southern red cedar. The Medium Density Residential area consists of homes. The Wetland Forested Mixed community is located in the eastern half of the property and has a canopy of loblolly bay, sweetbay, blackgum, sweetgum, and slash pine. The understory and ground cover in this area is dominated by fetterbush, waxmyrtle, cinnamon fern, Virginia chain fern, and sphagnum moss. The Salt Marsh community is located on the eastern edge of the property and consists of smooth cordgrass and black needle rush. The upper edge of this community consists of salt bush, sea oxeye daisy, and sea elder. The property is bordered by residential development on the north, south, and west; and by salt marsh and Mount Pleasant Creek on the east.

PROPOSED WORK: The applicant seeks authorization to place fill material in 0.59 acre of waters of the United States in association with the construction of a residential development. The applicant also proposes to excavate 0.37 acre of waters of the United States to create a stormwater pond for the development.

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 project was designed to avoid wetland impacts as much as possible while still maintaining the economic viability of the development. The applicant reduced impacts to waters of the United States by removing one of the originally designed lots that would have resulted in an additional 0.25 acre of impact. The applicant further reduced impacts by proposing only minor impacts located along the edge of the wetlands and impacts associated with a road crossing.

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

The applicant proposed to purchase mitigation bank credits as compensatory mitigation for impacts to waters of the United States.

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: Since the proposed work is located within Core Foraging Areas for the Wood Stork (*Mycteria Americana*), the Corps evaluated the potential effects of the proposed work on the Wood Stork through the use of *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). Through use of the Wood Stork Key, the Corps determined that the proposed work would have no effect on the Wood Stork.

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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Mount Pleasant 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 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 Jacksonville Permits Section, P.O. Box 4970, Jacksonville, Florida 32232-0019, within 15 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 telephone at (904)232-2503 or by electronic mail at paula.r.johnson@usace.army.mil.

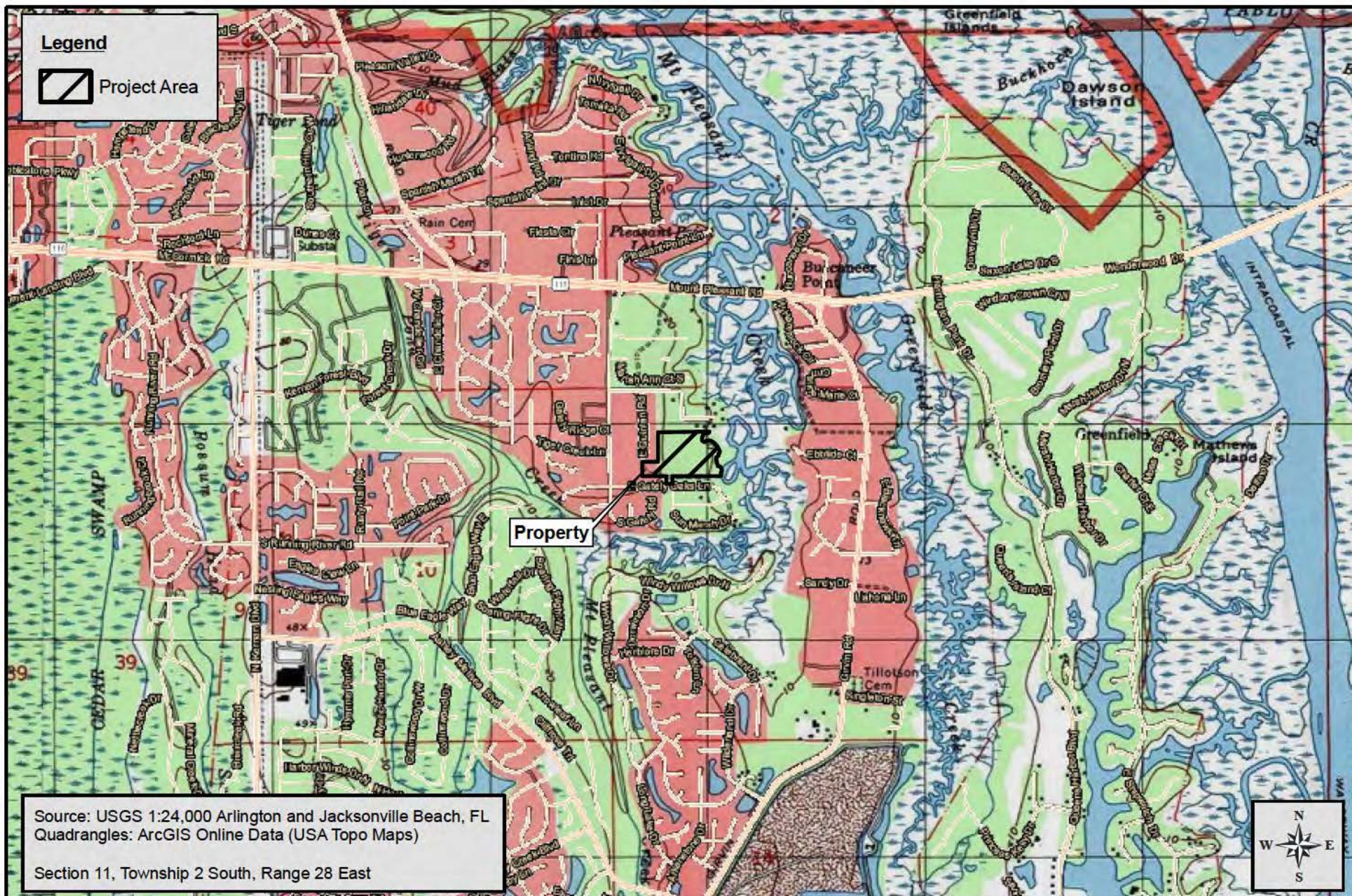
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information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

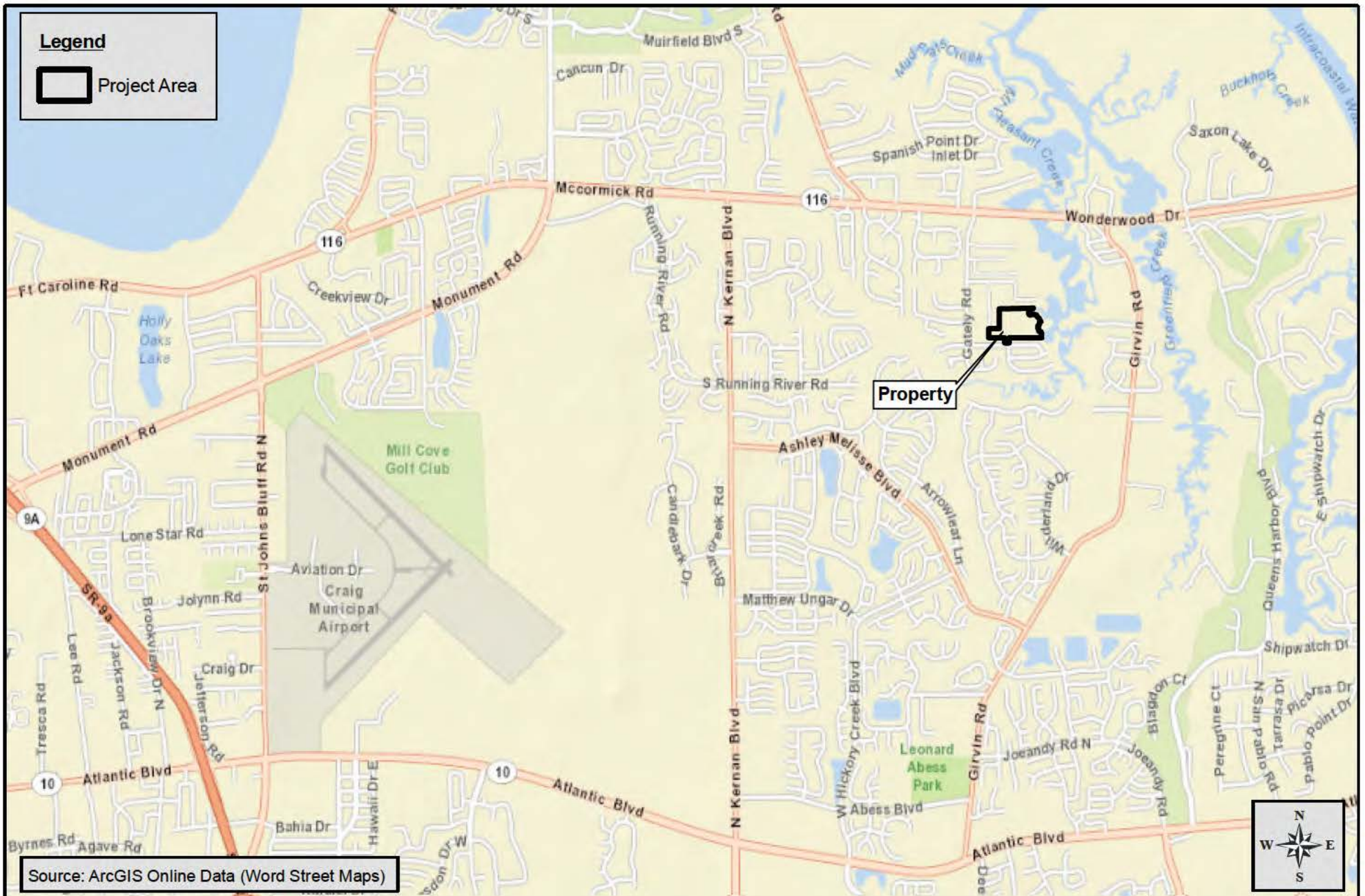
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



PEACOCK CONSULTING GROUP, LLC



12098 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
 (904) 268-1766 phone (904) 268-1729 fax



PEACOCK CONSULTING GROUP, LLC



12098 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

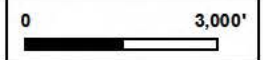
Gately Oaks

Duval County, Florida

Vicinity Map

Figure: 2

Date: 2-3-19



Legend



Project Area



Surveyed Wetland Lines

Source: FDOT 2017 Aerial

PEACOCK CONSULTING GROUP, LLC



12098 San Jose Boulevard, Suite 604, Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

Gately Oaks

Duval County, Florida

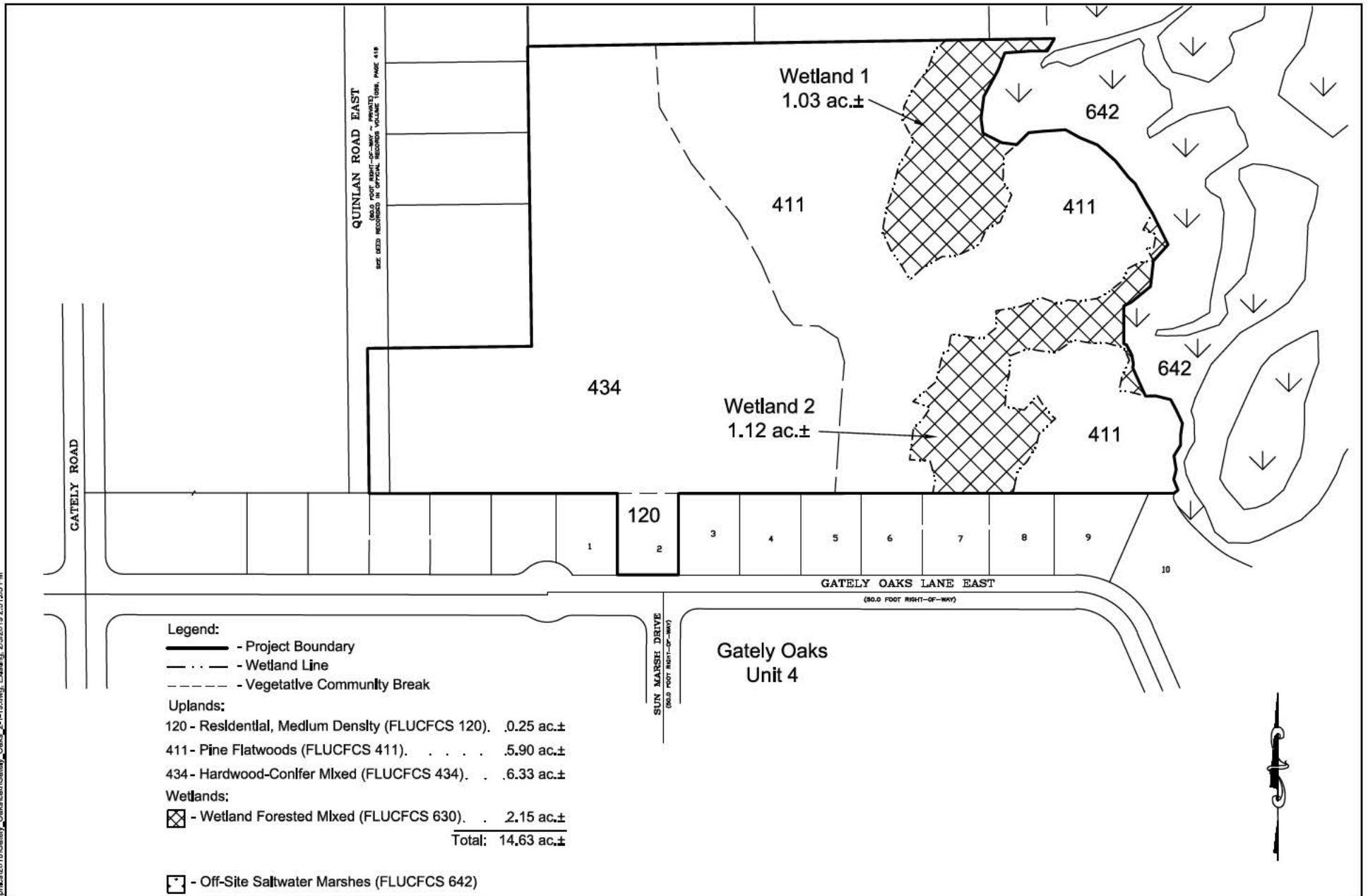
Current Aerial Photograph with Surveyed Wetlands

Figure: 3

Date: 2-3-19



C:\BDF\GRAPHICS\Byron_Graphics\2018\Gately_Oaks\cad\Gately_Oaks_2-19.dwg, Existing, 2/2/2019 2:31:20 PM



PEACOCK CONSULTING GROUP, LLC



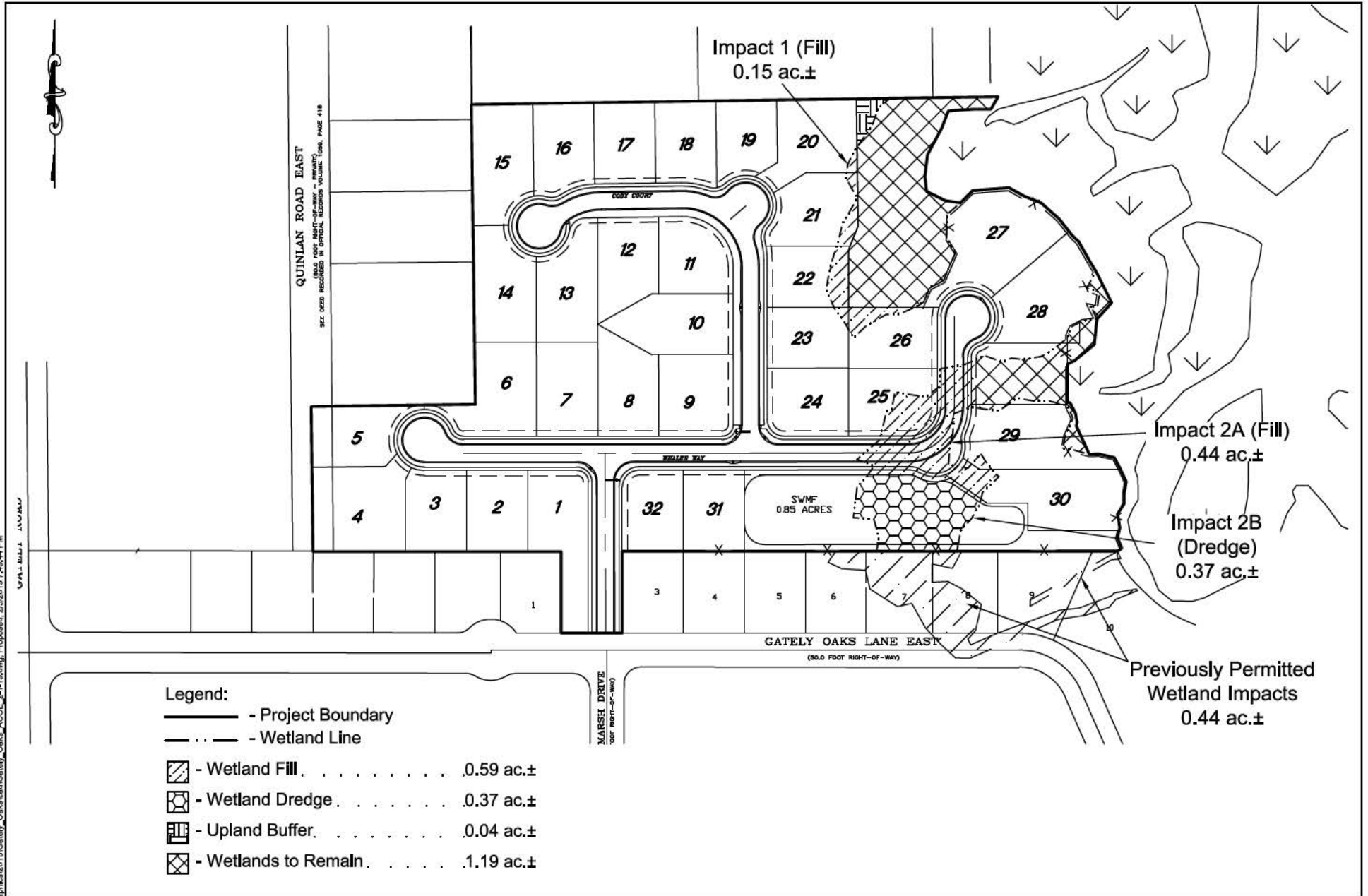
12056 San Jose Boulevard, Suite 604
Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

Gately Oaks

Duval County, Florida
Existing Site Conditions

Figure: 4
Scale: 1"=200'
Date: February 2019

C:\BDF\GRAPHICS\Byron_Graphics\2018\Gately_Oaks\cad\Gately_Oaks_ACOE_2-1-19.dwg, Proposed, 2/2/2019 7:48:44 PM



PEACOCK CONSULTING GROUP, LLC



12056 San Jose Boulevard, Suite 604
Jacksonville, Florida 32223
(904) 268-1766 phone (904) 268-1729 fax

Gately Oaks

Duval County, Florida
Proposed Site Conditions

Figure: 5

Scale: 1"=200'

Date: February 2019