



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Jacksonville Permits Section

December 12, 2008

PUBLIC NOTICE

Permit Application SAJ-2007-1775 (SP-MRE)

TO WHOM IT MAY CONCERN: This district 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: Selva Preserve, LLC
Attn: Mrs. Laura Ferrante
248-3 Levy Road
Atlantic Beach, Florida 32233

WATERWAY & LOCATION: The project would affect waters of the United States (wetlands) associated with Puckett Creek. The project site is located north of 11th street, east of Linkside drive, and west of Sherman creek in Section 16, Township 2 South, Range 29 East, Atlantic Beach, Duval County, Florida.

APPROXIMATE CENTRAL LATITUDE & LONGITUDE: Latitude 30.3367°
Longitude -81.4043°

PROJECT PURPOSE:

Basic: The basic purpose of this project is residential development.

Overall: The overall purpose of this project is the establishment of a single-family residential subdivision in northeast Duval County.

EXISTING CONDITIONS: The overall site is approximately 7.21 acres in size. The project site supports 5 habitat communities identified by the Florida Land Use, Cover and Forms Classification System (FLUCFCS). These communities are pine flatwoods (FLUCFCS 441), upland spoil berm (FLUCFCS 743), upland-wetland ditch (FLUCFCS 510d), canal (FLUCFCS 510), and mixed hardwood wetland (FLUCFCS 617). The mixed hardwood wetland, which would be adversely affected by the work proposed, has a canopy of red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), and blackgum (*Nyssa sylvatica* var. *biflora*). The understory and groundcover of this wetland includes Chinese privet (*Ligustrum sinense*), Chinese tallow (*Sapium sebiferum*), fetterbush (*Lyonia lucida*), lizard's-tail (*Saururus cernuus*), cinnamon fern (*Osmunda cinnamomea*) and Virginia chain fern (*Woodwardia virginica*).

PROPOSED WORK: The applicant seeks authorization to eliminate 1.02 acres of wetlands to facilitate the establishment of 12 residential single-family parcels.

AVOIDANCE AND MINIMIZATION INFORMATION: The original project design would have eliminated 2.13 acres of wetlands to establish 23 residential parcels. In response to concerns expressed by the U.S. Army Corps of Engineers (Corps) during a pre-application meeting, the applicant revised the project design and reduced the size of the project to the proposed 12 parcels to minimize wetland impacts. The applicant has expressed the opinion that the impacts have been reduced to the maximum extent practicable.

Compensatory Mitigation: As compensatory mitigation for the work proposed, the applicant proposes a combination of wetland creation, enhancement and restoration. Within the southeastern section of the site, the applicant proposes the creation of 1.03 acres of wetlands. In addition, the applicant proposes the removal of fallen trees and other debris to promote new vegetative growth within 2 acres of onsite wetlands (wetland enhancement). In addition, the applicant proposes the removal of ditches and spoil berms within the north-central section of the property to restore 0.68 acre of wetlands.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has not received or discovered any information that the project site is utilized by, or contains habitat critical to, any federally listed threatened or endangered species. Therefore, the Corps has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

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 affect marine or estuarine habitat. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries. 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 has not verified the extent of Federal jurisdiction.

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 application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact Mark R. Evans at the letterhead address, by electronic mail at mark.r.evans@usace.army.mil, by facsimile transmission at 904-232-1904, or by telephone at 904-232-2028.

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.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

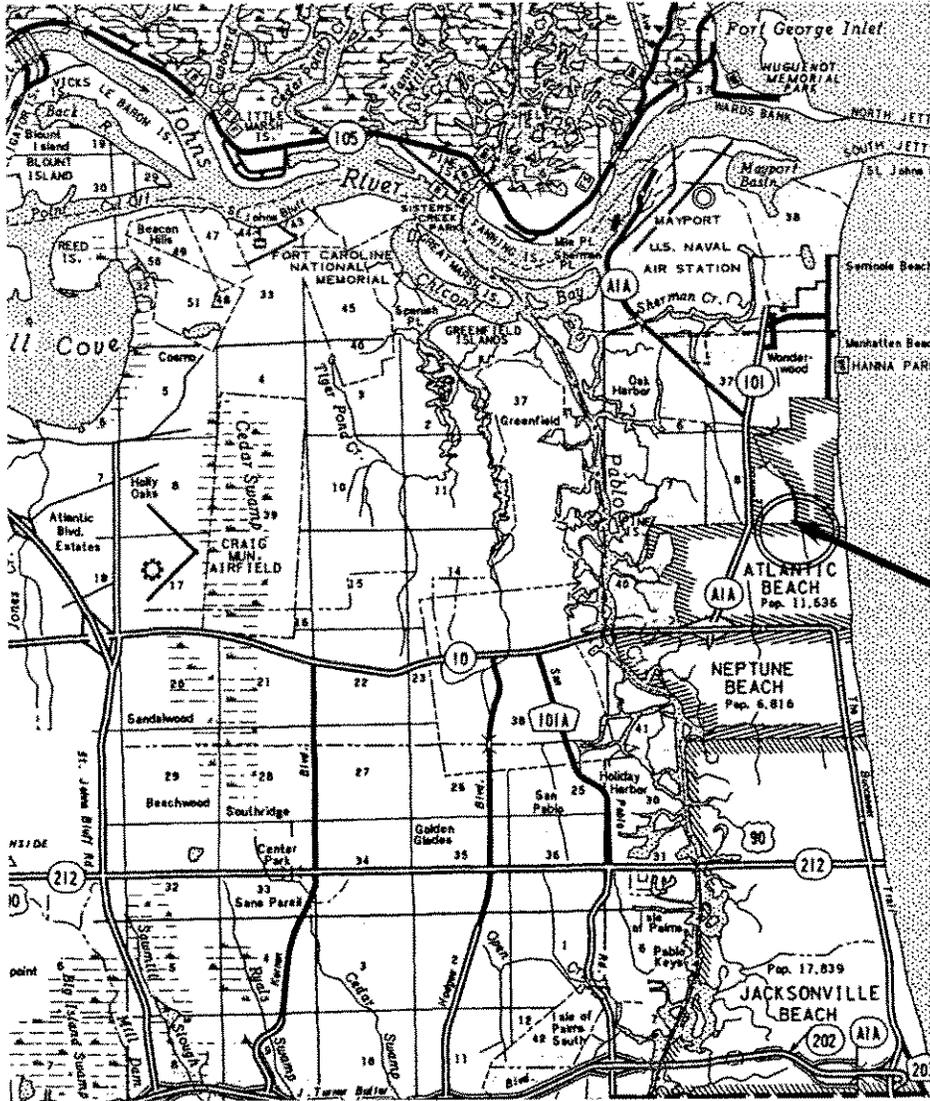
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 of 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 of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 approved 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.


David S. Hobbie
Regulatory Division

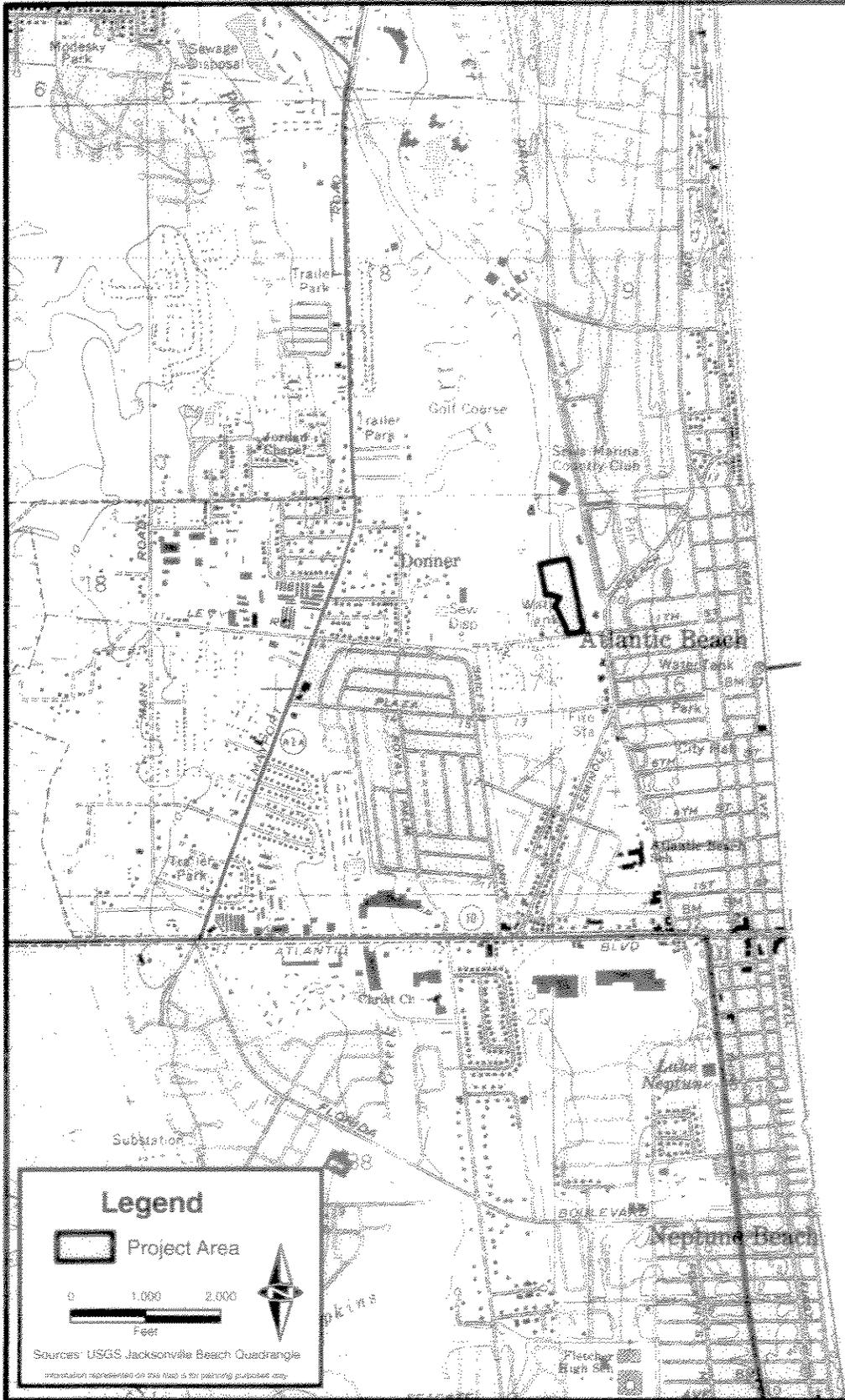


General Project Site

U.S. ARMY CORPS OF ENGINEERS
 SAJ-2007-1775(SP-MRE)
 SELVA PRESERVE
 PAGE 1 OF 7 DECEMBER 12, 2008

A
T
L
A
N
T
I
C

O
C



Legend

 Project Area

0 1,000 2,000
Feet

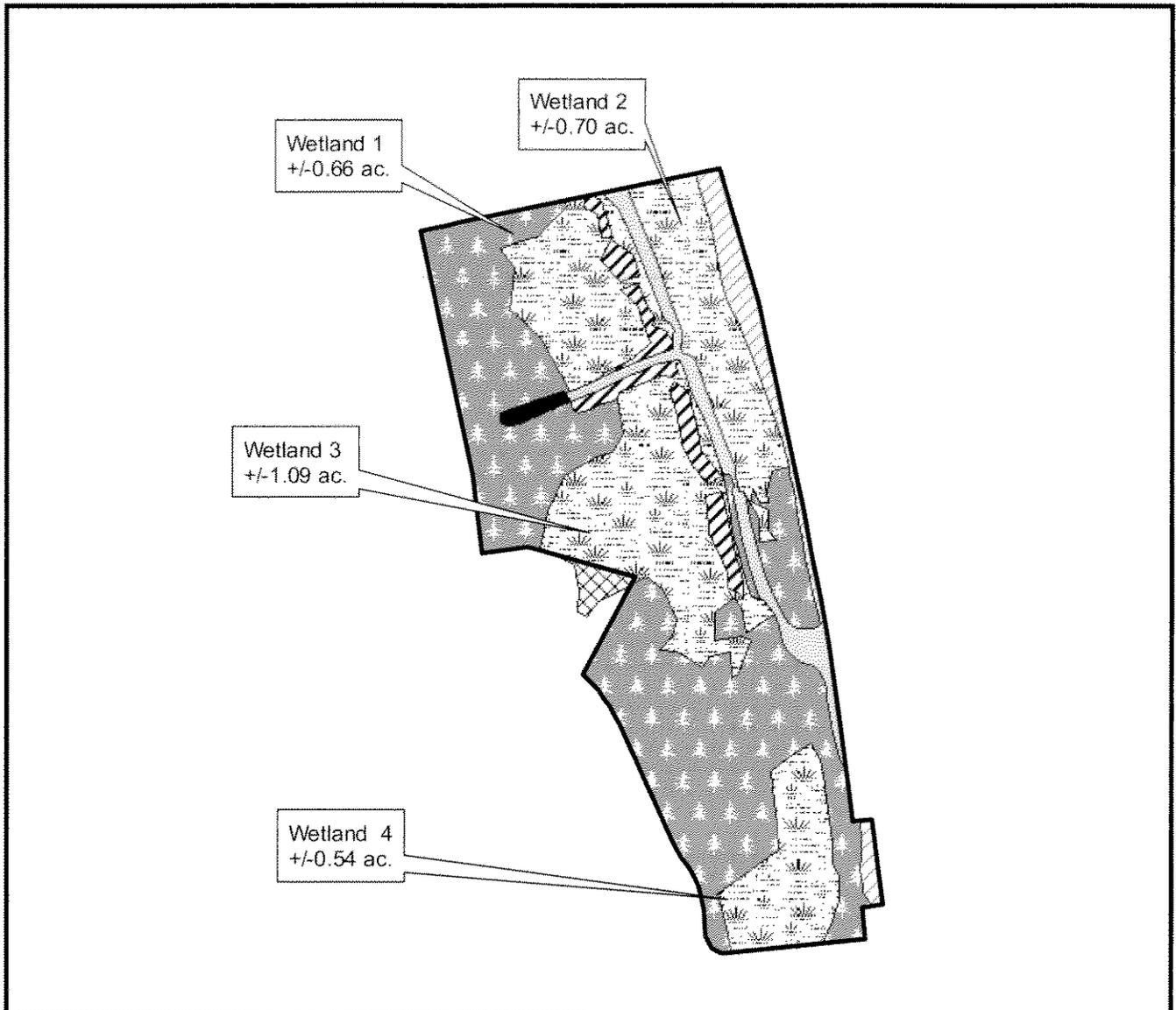


Sources: USGS Jacksonville Beach Quadrangle
Information represented on this map is the planning product only.

U.S. ARMY CORPS OF ENGINEERS
SAJ-2007-1775(SP-MRE)
SELVA PRESERVE
PAGE 2 OF 7 DECEMBER 12, 2008

Location Map
Selva Preserve
Duval County, Florida

Project:	5.08007
Date:	Nov. 2008
Figure:	1



Legend

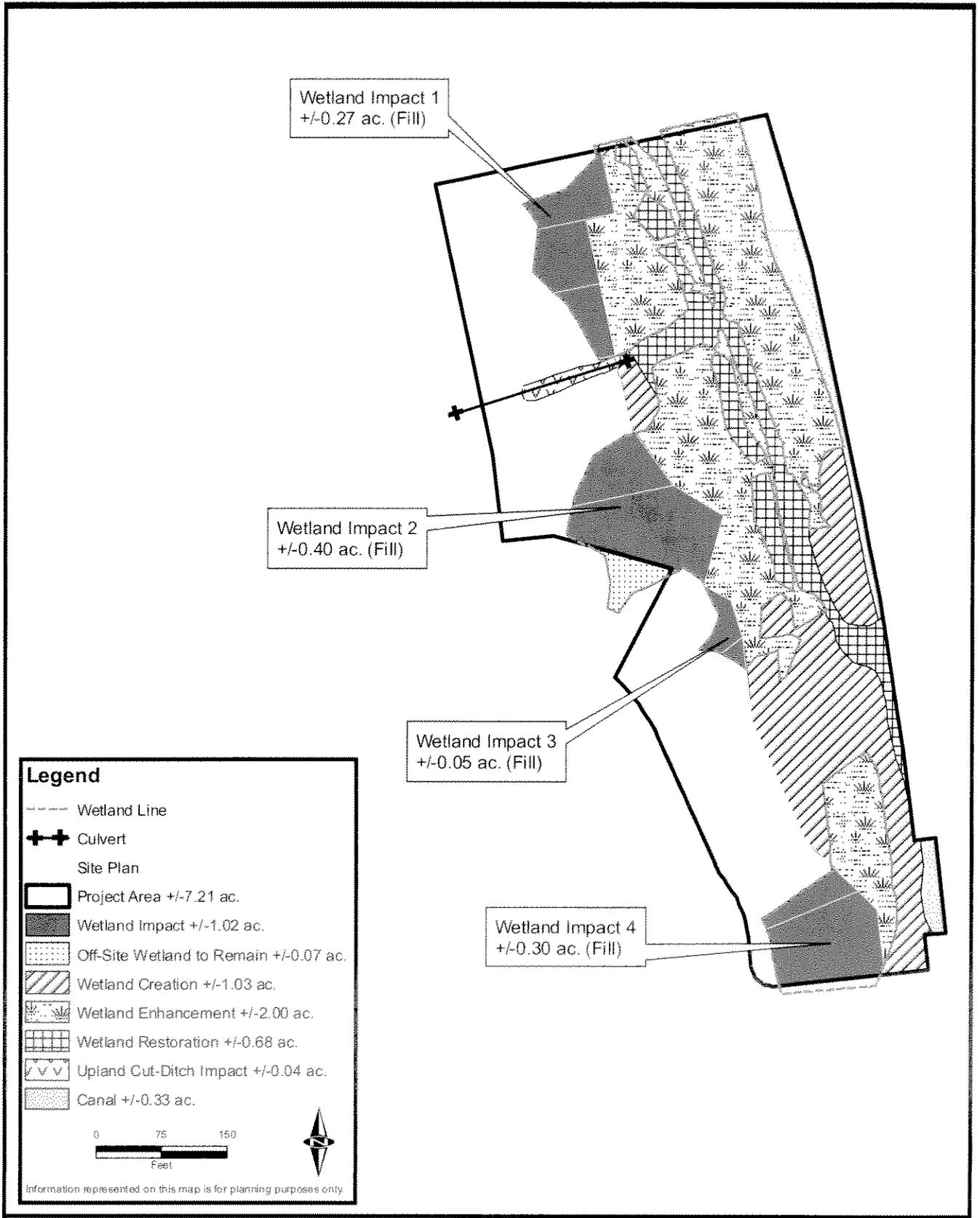
- Project Area +/-7.21 ac.
- Pine Flatwoods (FLUCFCS 411) +/-3.21 ac.
- Upland Spoil Berms (FLUCFCS 743) +/-0.29 ac.
- Upland-Cut Ditch (FLUCFCS 510) +/-0.04 ac.
- Wetland-Cut Ditch (FLUCFCS 510W) +/-0.35 ac.
- Mixed Wetland Hardwoods (FLUCFCS 617) +/-2.99 ac.
- Canal (FLUCFCS 510) +/-0.33 ac.
- Off-Site Wetlands to Remain +/-0.06 ac.

0 100 200
Feet

Information represented on this map is for planning purposes only.

Z:\0316_SAJ07_N_FL_Properties\GIS\WFD\JAC\JCE\selva\sp_08.mxd

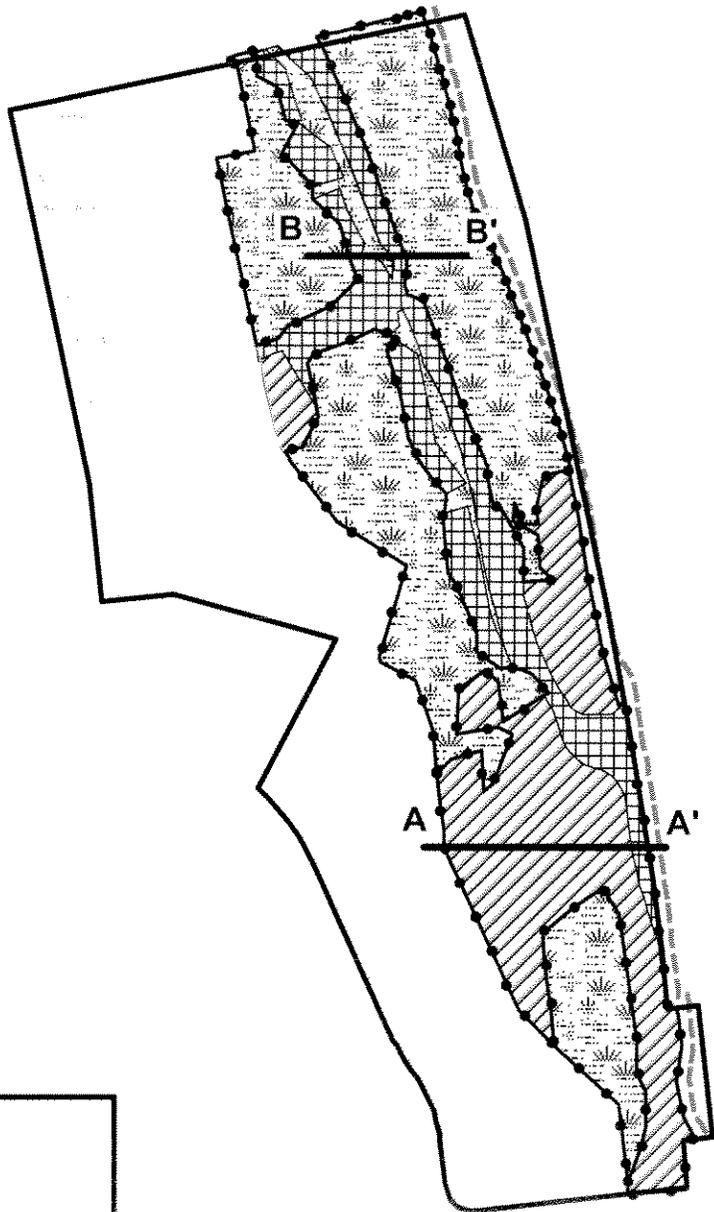
Project:	5.08007
Date:	Nov. 2008
Figure:	4



02/08/08 10:50:07 N:\FL\Projects\5.08007\5.08007\Site\SitePlan_10996.mxd

Project:	5.08007
Date:	Nov. 2008
Figure:	6

200805_06067 in F:\Projects\GIS\MapDocs\CD\img\mitgator.mxd



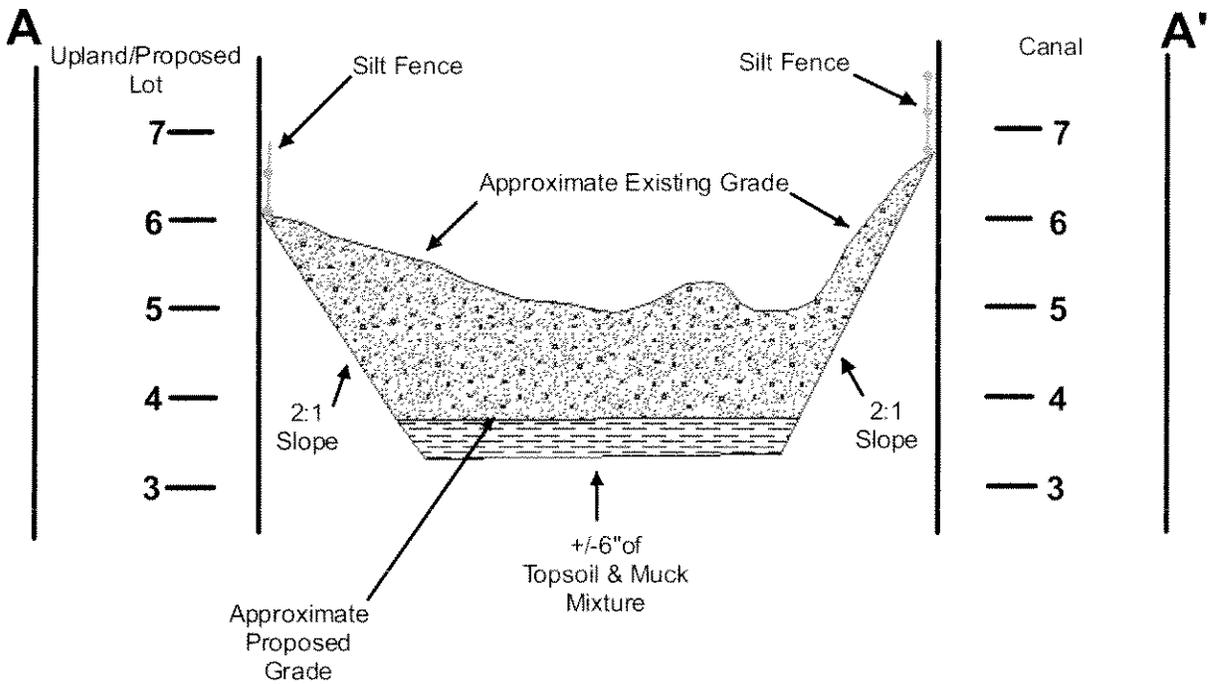
Legend

- Site Plan
- Silt Fence
- Floating Turbidity Curtain
- Project Area +/-7.21 ac.
- Wetland Creation +/-1.03 ac.
- Wetland Enhancement +/-2.00 ac.
- Wetland Restoration +/-0.68 ac.



Information represented on this map is for planning purposes only.

Project:	5.08007
Date:	Nov. 2008
Figure:	7



N.T.S

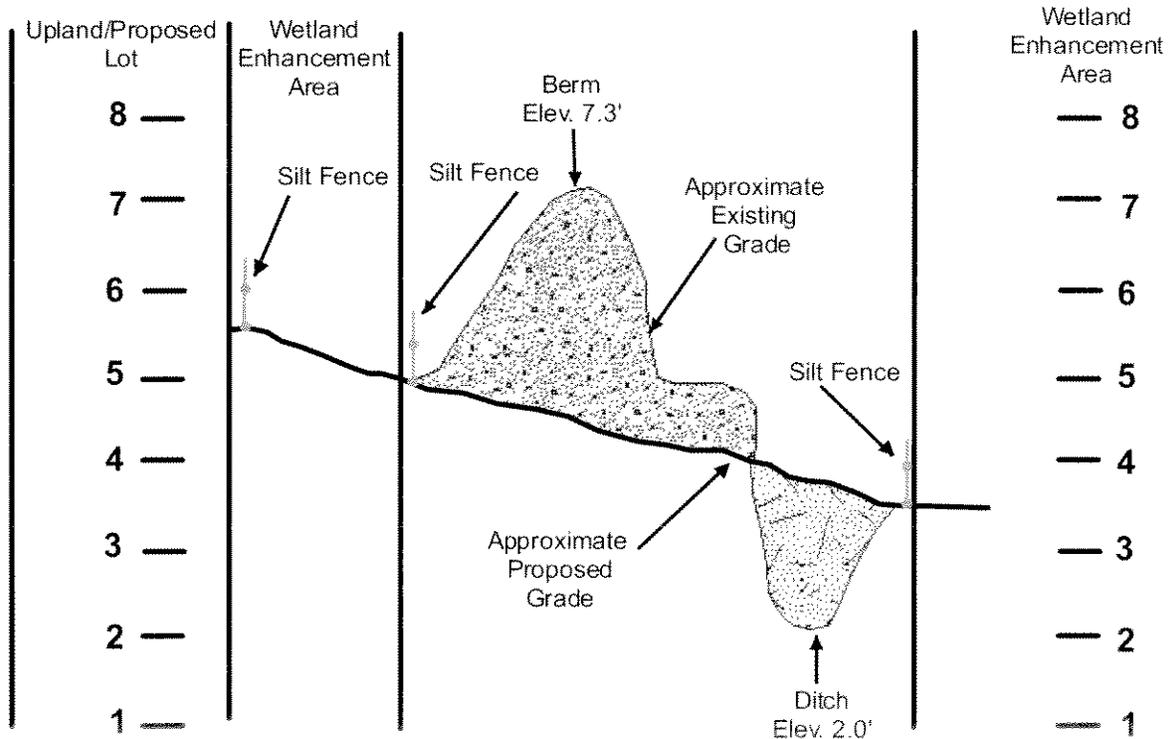
Information represented on this map is for planning purposes only.

Project:	5.08007
Date:	Nov. 2008
Figure:	8

G:\2008\04587 N.P.L. Projects\GIS\BAC\VA\CD\Draws\A_section_8.mxd

B

B'



N.T.S

Information represented on this map is for planning purposes only.

Project:	5.08007
Date:	Nov. 2008
Figure:	9

200810 09:07:07 N:FL:Prjenvs:GIS:GIS:DUVAL:CCDE:envs_gis_section_B.mxd