DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PANAMA CITY FIELD OFFICE
1002 WEST 23RD STREET. SUITE 350
PANAMA CITY, FLORIDA 32405

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch

PUBLIC NOTICE

Permit Application No. SAJ-2003-10924 (IP-DHB) SEP 24 2004

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: Millirons Construction, c/o Jeremy Millirons
1515 DeGama Avenue
Panama City, Florida 32401

WATERWAY & LOCATION: The proposed project is east of East Avenue (CR 389) and the eastern end of 39th Street, in Section 22, Township 3 South, Range 14 West, Lynn Haven, Bay County, Florida.

DIRECTIONS TO SITE: Take Highway 98 east to CR 389 (East Avenue), north to 39th Street, then turn right to the end of the road. The project is located on the south side of 39th Street.

LATITUDE & LONGITUDE: Latitude.....30°13'04" North
Longitude.....85°37'39 " West

PROJECT PURPOSE:

Basic: residential development

Overall: Construction of a 49 lot single family residential development to service the Lynn Haven and the north Panama City area.

PROPOSED WORK: The applicant proposes to place fill over 0.896 acres of wetlands in order to construct a 49 lot single-family residential development. The wetlands are contiguous with Mill Bayou. The project area is 12.712 acres in size of which there are 9.154 acres of uplands and 2.965 acres of wetlands. The wetlands are classified as forested flatwoods, with a predominance of slash pine (*Pinus elliotii*), sweet bay (*Magnolia virginiana*), black titi (*Cliftonia monophylla*), sweet gall berry (*Ilex coriacea),* gall berry *(Ilex glabra*) and Virginia chain fern (*Woodwardia virginica*). Long leaf pine

(Pinus palustrus), palmetto (*Serenoa repens*), and Lyonia ferruginea grow in the uplands. The area has been under silviculture activities but has not been timbered recently. The applicant also proposes to culvert a large drainage ditch along 39th Street for access into the property. The impacts to the ditch are 0.092 acre. Water and sewer services will be provided by the City of Lynn Haven.

As mitigation for the proposed 0.896 acre of impacts to wetlands, the applicant proposes to create 0.77 acres of forested wetland habitat and restore 2.069 acres of wetland planted pine habitat. Restoration will include prescribed clearing regime (vegetative and hydrological restoration, exotic plant species removal and long-term management plan for maintenance. The site will be cleared mechanically to avoid hazards associated with fire. Exotic plant removal will primarily be *Sapium sebiferum*. All created and restored wetlands will be placed into a conservation easement with the State of Florida.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers is not aware of any threatened or endangered species on the project site.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would not directly impact any habitat utilized by various life stages of commercial fish species of the Gulf of Mexico. 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.

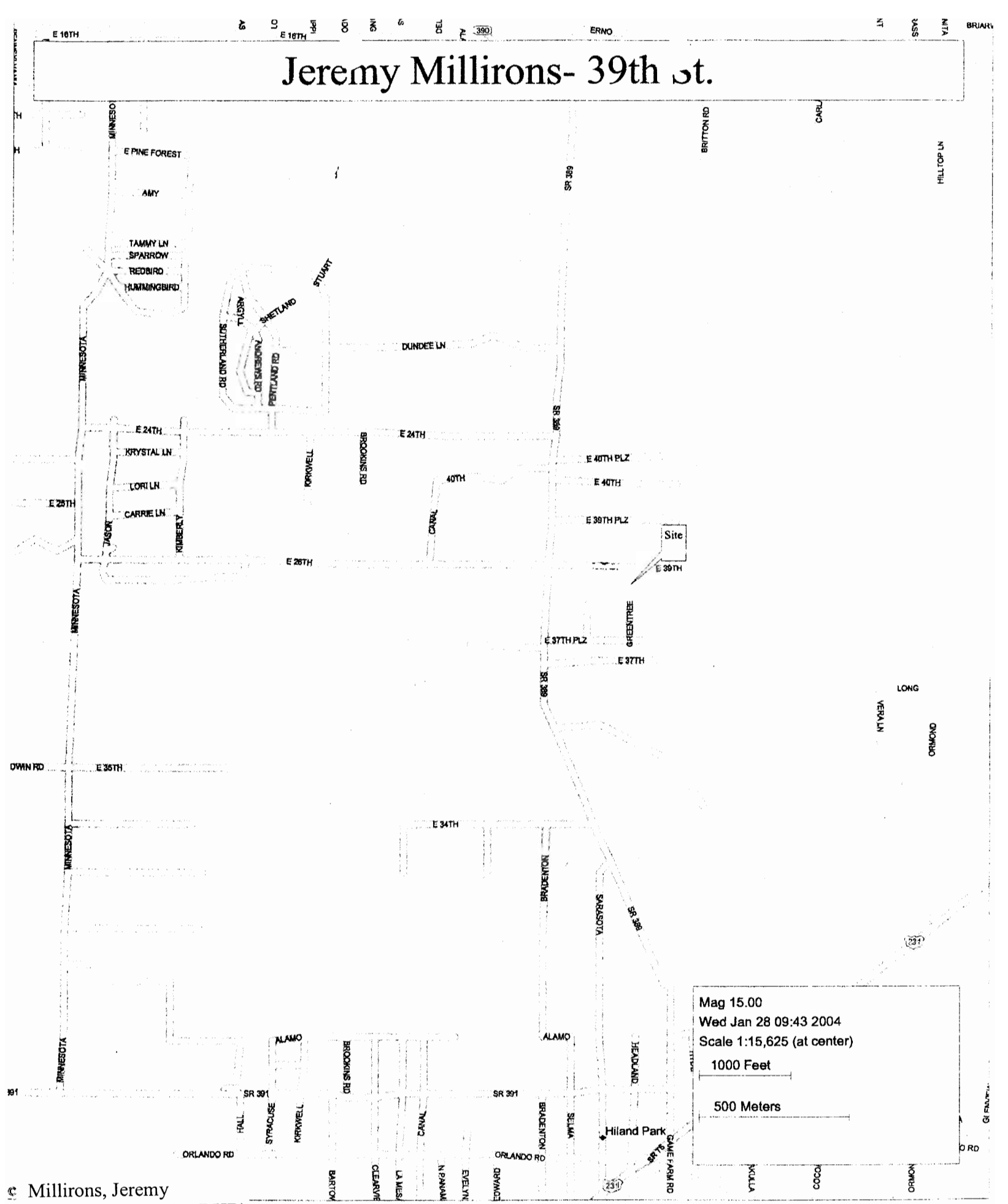
NOTE: *This public notice is being issued based on information furnished by the applicant. This information has not been verified.*

AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit may be required for this project. The Florida Department of Environmental Protection (DEP) is processing an application for this project. The State application number is 03-0227116-001-DF.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within **30** days from the date of this notice.

If you have any questions concerning this application, you may contact Diane Bateman of this office either by letter at the letterhead address, by telephone at 850-763-0717 x 23, by e-mail at *diane.h.bateman@saj02.usace.army.mil*, or by fax at 850-872-0231.

Jeremy Millirons- 39th St.



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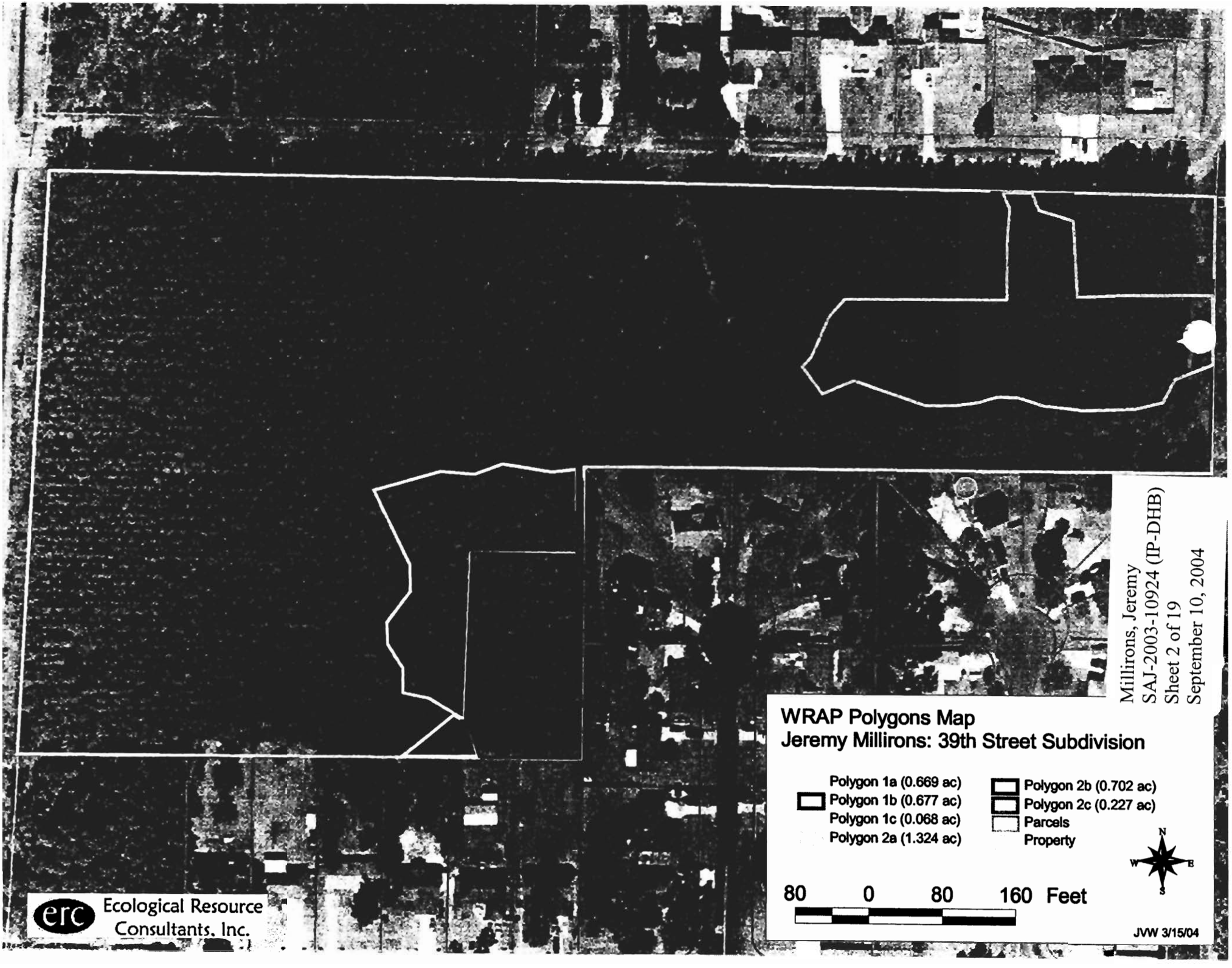
Sheet 1 of 19
September 10, 2004


WRAP Polygons Map
Jeremy Millirons: 39th Street Subdivision
Polygon 1a (0.669 ac)
Polygon 1b (0.677 ac)
Polygon 1c (0.068 ac)
Polygon 2a (1.324 ac)
Polygon 2b (0.702 ac)
Polygon 2c (0.227 ac)
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Millirons, Jeremy
SAJ-2003-10924 (IP-DHB)
Sheet 2 of 19
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Ecological Resource Consultants, Inc.

E.O.R.: Dexter M. Gortemoller
P.E. No. 56785 (Florida)
Date: 3/11/04

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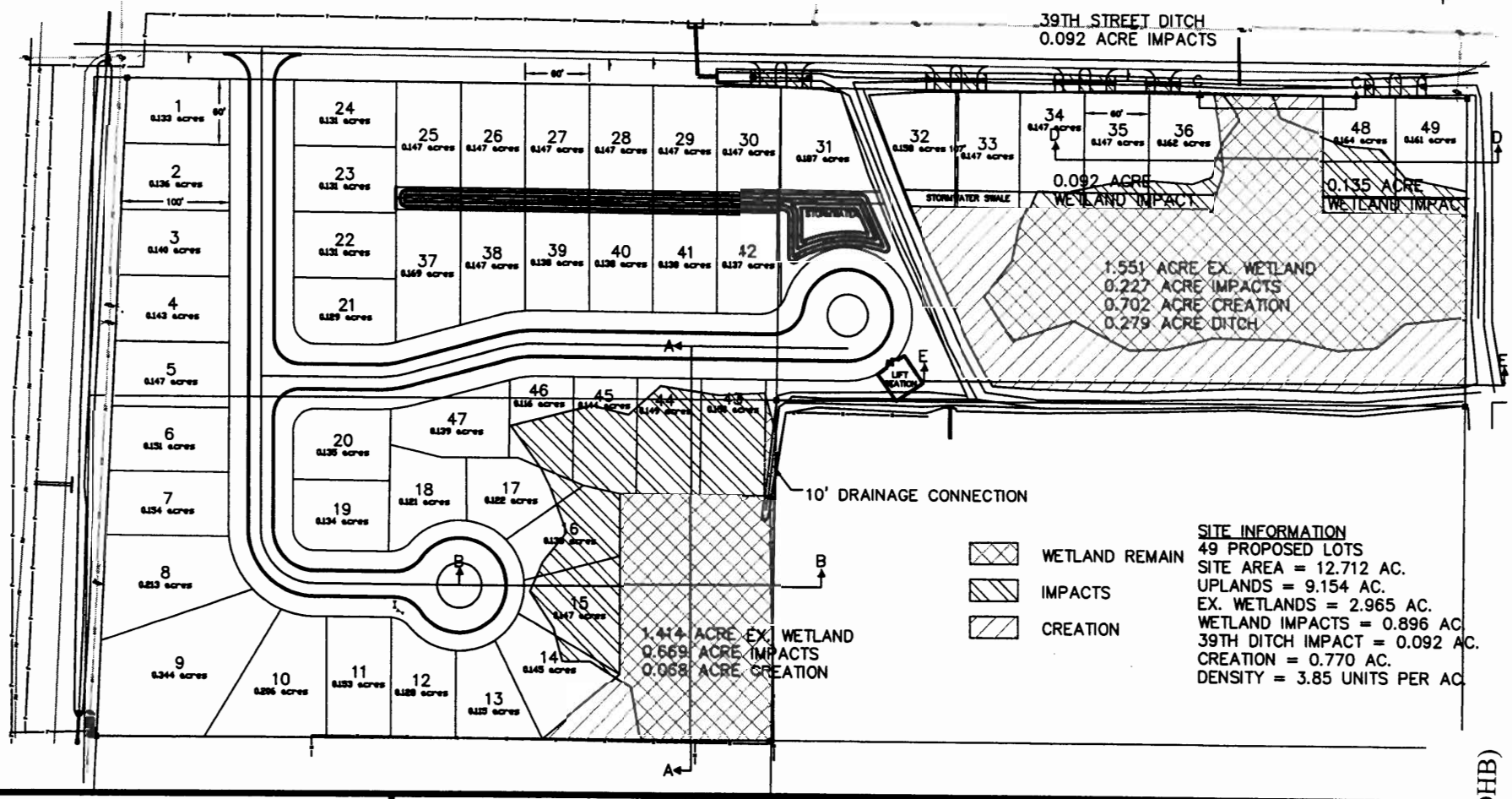

Gortemoller Engineering, Inc. **P.O. Box 9685** **Panama City Beach, FL 32417** **(850) 814-6091** **CA - 00009505**	**Millirons Construction Co.** **1515 DeGama Avenue** **Panama City, FL 32401** **(850) 913-8001**	**39th Street Subdivision** **Millirons Construction**	**Dredge & Fill Ex** **Site Plan**

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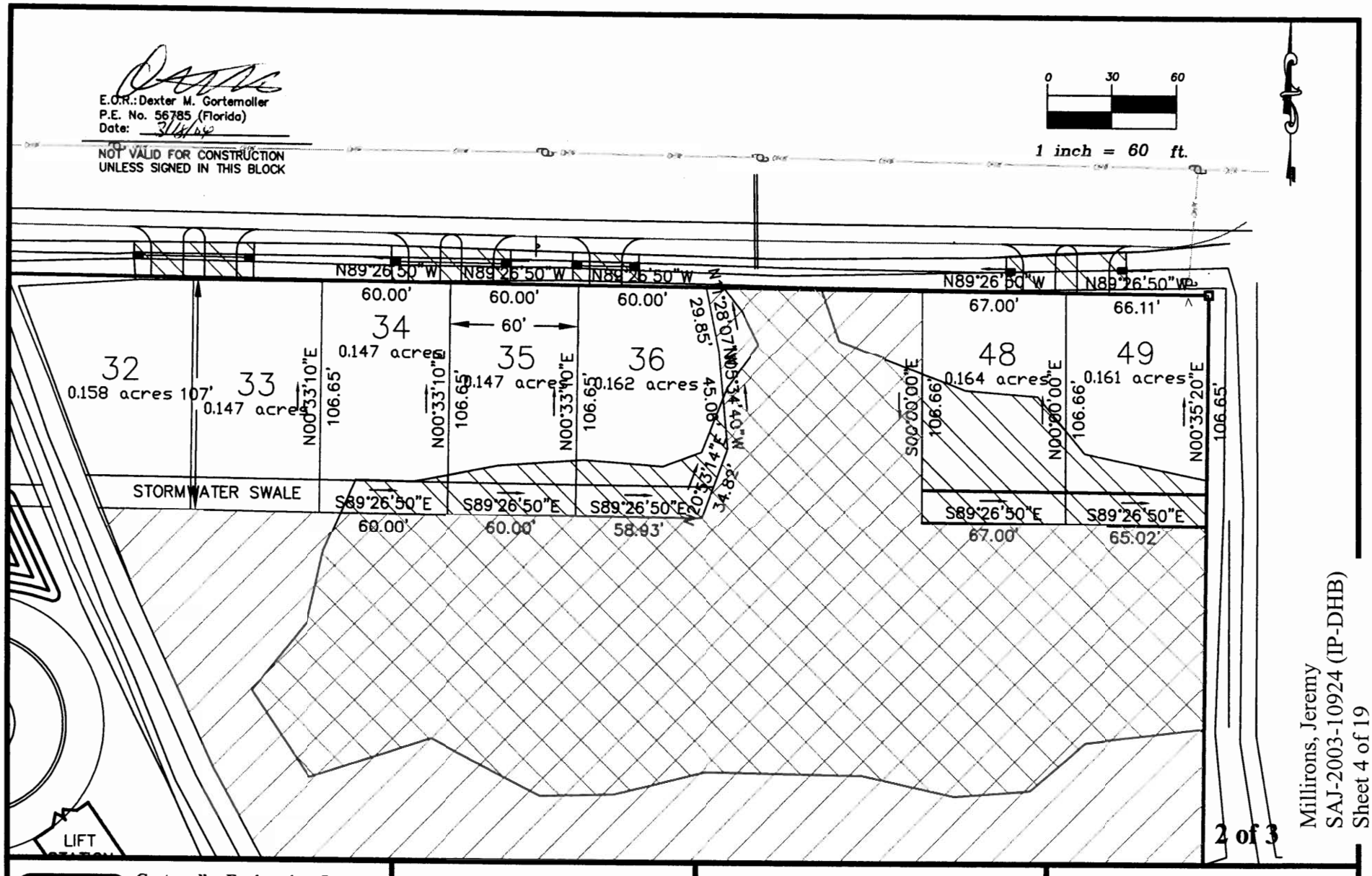
SAJ-2003-10924 (IP-DHB)
Sheet 3 of 19
September 10, 2004



2 of 3

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SAJ-2003-10924 (IP-DHB)
Sheet 4 of 19
September 10, 2004

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Panama City Beach, FL 32417
(850) 814-6091
CA - 00009505

Millirons Construction Co.
1515 DeGama Avenue
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(850) 913-8001

39th Street Subdivision
Millirons Construction

Dredge & Fill Exhibits
Lot Dimensions

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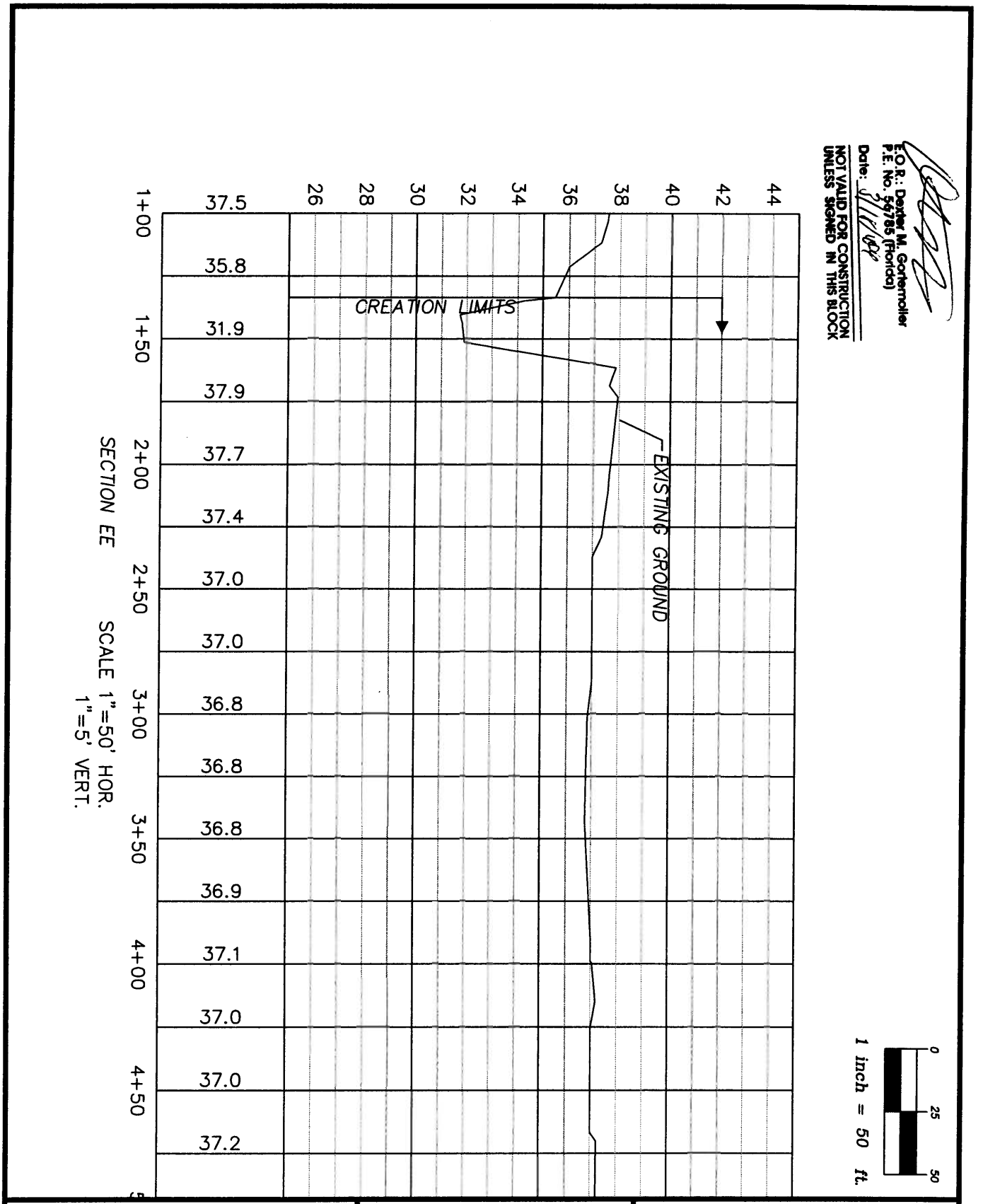

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Millirons, Jeremy
SAJ-2003-10924 (IP-DHB)
Sheet 5 of 19
September 10, 2004

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39th Street Subdivision
Millirons Construction

Dredge & Fill Exhibits
Section EE
5 of 6

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P.E. No. 56785 (Florida)
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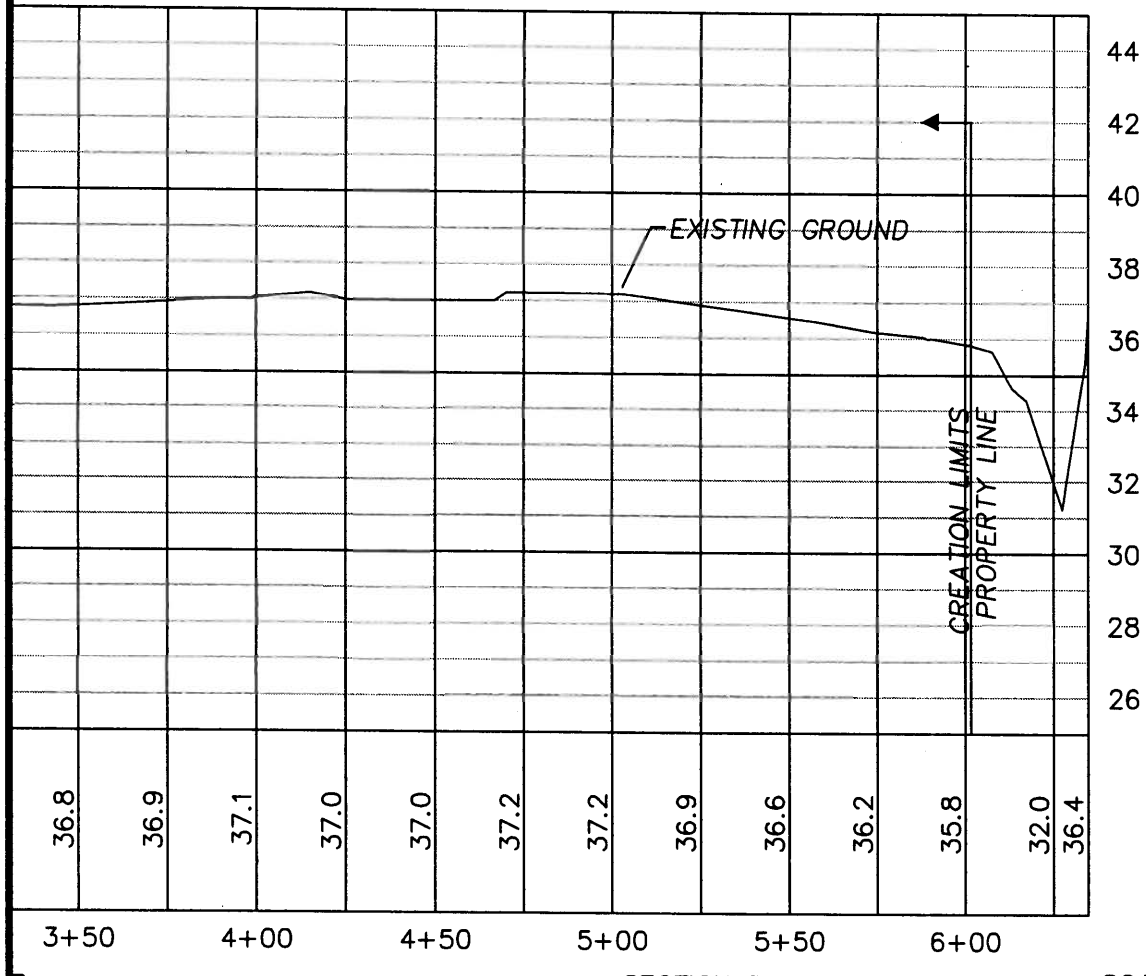

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SECTION EE

SCALE 1"=50' HOR.
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Dredge & Fill Exhibits
Section EE
6 of 6

39th Street Subdivision
Millirons Construction

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SAJ-2003-10924 (IP-DHB)
Sheet 6 of 19
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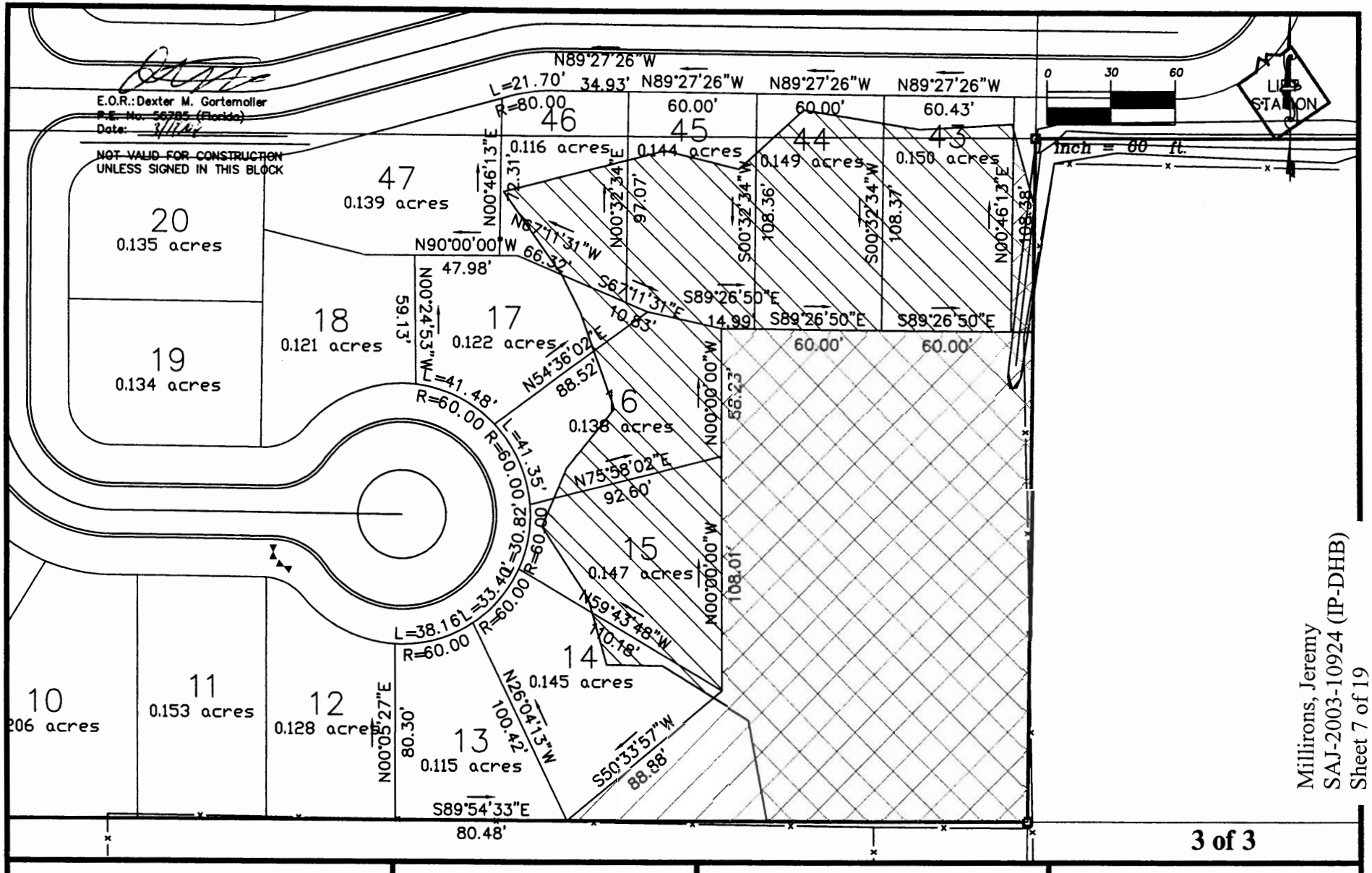

Millirons, Jeremy
SAJ-2003-10924 (IP-DHB)
Sheet 7 of 19
September 10, 2004

3 of 3

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39th Street Subdivision: Jeremy Millirons
Compensatory Mitigation Plan
Corps # SAJ- 2003-10924 (IP-DHB)

March 15, 2004

Prepared by:
Ecological Resource Consultants, Inc.

I. Compensatory Mitigation Plan Summary

In order to compensate for the wetland impacts associated with the construction of the 39th Street Subdivision by Millirons Construction, 2.839 acres of onsite compensatory mitigation is proposed. To offset the 0.896 acres of impacts to FDEP and ACOE regulated wetlands the compensatory mitigation plan consists of restoration of wetland planted pine habitat, as well as creation of forested wetland habitat. A conservation easement will be placed on the onsite mitigation area with FDEP as the grantee.

II. Restoration of Habitat

A. Management Plan: Restoration of Wetlands

1. Goals & Objectives: The goals of the proposed compensatory mitigation plan include restoration of managed planted pine habitats into the ecosystems that were historically located on the mitigation site and creation of a forested wetland ecosystem. Classification of the ecosystems historically located onsite was based on published soil series data in the NRCS soils survey atlas for Bay County. The goals include restoration of the (1) ecological integrity of the mitigation area as defined by species composition, community structure, and biodiversity (2) ecosystem health as defined by function and structure and (3) ecosystem stability.

The mitigation goals are to enhance the environmental parameters on the mitigation site that include wildlife habitat, water storage and conveyance, groundwater recharge, water treatment, endangered species habitat, plant community development, aquatic and wildlife habitat support, erosion control, and aesthetics, thus increasing overall net environmental function and quality of life for the public. Another goal of the mitigation plan is to provide a landscape level net environmental benefit by preserving and restoring the ecological functions of the wetland ecosystem that are essential habitats for numerous floral and faunal species.

2. Site Location: The 2.839 acre mitigation site for this project is located in Section 22, Township 03 S, Range 14 W, Bay County, Florida. The mitigation site is located within the proposed project boundary where the impacts will occur. The onsite wetlands discharge into North Bay.

3. Mitigation site selection: The compensatory mitigation area, proposed to offset the wetland impacts, treats surface water discharging into the same bay system as the impact site. The mitigation site proposed for the 39th Street Subdivision includes 0.770 acres of creation and 2.069 acres of restoration and enhancement. The acreage of habitat is sufficient to compensate for the acreage of impact. The mitigation acreage was determined by using Wetland Rapid Assessment Procedure (WRAP), the functional assessment methodology preferred by the Army Corps of Engineers. Therefore, the proposed mitigation is located as close as possible to the areas of impact and discharges into the North Bay system.

4. Restoration Methodologies: In order to achieve the goals set forth in the compensatory mitigation plan, restoration of the forested wetland ecosystem will be achieved through

introduction of a prescribed clearing regime (vegetative and hydrological restoration), exotic species removal, and a long-term management plan for maintenance. Approximately 2.069 acres of forested wetland is proposed for restoration.

a. Prescribed Clearing Restoration:

Best Management Practices (BMP's) will be used on the site at all times, specifically during clearing activities. A site-specific clearing plan will be submitted to the Corps and FDEP prior to the prescription clearing. The first monitoring report will be conducted in the fall of 2004, prior to the initial burn, and will document the existing onsite conditions.

The site will be restored mechanically to avoid possible hazards associated with fire. The proposed mechanical clearing was designed to closely mimic a natural fire restoration process. The prescribed clearings are proposed for year 2, year 4 and year 6. The first clearing (year 2) will be a summer clearing and will be conducted during the summer of 2005. The second clearing will be a winter clearing and will be conducted in 2007. The third clearing will be a summer clearing and will be conducted during the year 2009. Subsequent clearings will take place on a 1 to 3 year rotation (depending on fuel and climatic conditions) to promote the reproduction and establishment of desirable wet prairie and wetland forest species. The applicant will be responsible for a long-term management plan. Recommendations for additional clearings will be proposed in the 2010 monitoring report. Summer clearings will be conducted between April and June and winter clearings will be conducted between October and February.

The methodology for re-vegetating the restoration area is recruitment from the onsite native seed bank. Planting of vegetation would not be appropriate for restoration of the target ecological communities.

The creation area will be vegetated by planting appropriate forested wetland species. The plantings are necessary in order to establish the desired wetland ecosystem.

8. Exotic Species Removal: The dominant exotic species located in the ecosystems is popcorn tree *(Sapium sebiferum)*. We propose removal of the *S. sebiferum* throughout the restored conservation area. The herbicide will be species specific and should neither kill non-targeted species in the vicinity nor degrade water quality. Within three months of the initial burn (the first prescribed burn), *S. sebiferum* sprouts throughout the site will be treated with Garlon IV. Following initial treatment, prescribed burns are expected to control re-growth of *S. sebiferum* and any other inappropriate or invasive species.

9. Long-term Management Plan: Permittee will be responsible for long term management activities on the property in accordance with a long term management plan approved by the Corps and FDEP. The permittee is responsible for perpetual maintenance of the onsite mitigation area in its enhanced state by conducting periodic prescribed clearings and eliminating invasive exotic plants.

B. Conservation Easement: The wetland habitat proposed for restoration on the mitigation site will be placed into a conservation easement with FDEP as grantee that will be recorded in Bay County. Hence, the mitigation site will be preserved in perpetuity.

D. Monitoring Plan / Success Determination for Prescribed Clearings: Monitoring will be conducted annually beginning in the fall 2005 and will continue through the fall of 2010. Seven monitoring reports will be submitted. These include a baseline report in the fall 2004, to document the existing conditions prior to implementation of the plan, plus six annual monitoring reports. Additional monitoring will be required after 2010 if the success criteria are not met by 2010. Monitoring reports will be submitted to Corps and FDEP within two months of the onsite field investigation for that monitoring session.

1. Vegetative Monitoring: Vegetation will be monitored on a landscape scale, within two permanent 50 ft by 100-ft plots. Two permanent square meter plots will be located within each large 50ft by100ft plot for sampling herbaceous vegetation. The northern, southern, eastern and western corners and center points of the plots and the square meter plots will be surveyed by submeter GPS and permanently labeled in the field. Both locations for large and small plots will be established. The initial monitoring will be a baseline study (fall 2004) including a vegetative inventory and soils classification, and would include photographs of the individual plots. A detailed summary of the findings including photographs from an established referenced point will be submitted to agencies after each monitoring session. Parameters documented during monitoring will include species composition and diversity, diameter of the tree species, percent cover and seasonal high water table evaluations. Photographs will be taken from the same compass direction from permanently recorded locations during each monitoring event. Baseline conditions will be recorded prior to initiating any work on the mitigation site in the fall 2004. Vegetation will be recorded as discussed below.

3. Goals of Mitigation Plan Implementation:

a. Establish a natural mix of vegetative associations by restoring an herbaceous community while reducing the abundance of planted pine.
b. Reduce the size and abundance of shrub and woody vine species as appropriate for the target ecosystem.
c. Eliminate then control invasive exotic species.
d. Increase the abundance of desirable species.
e. Increase the total cover of graminoids.

4. Field Sampling Methods: The letter for each field sampling method corresponds to the goal with the same letter listed above.

a. The abundance of undesirable tree species (primarily planted slash pine (*Pinus elliottii*) will be reduced through harvesting and prescribed clearing. The reduction of undesirable tree species will be monitored on a landscape scale. A

walk through will be conducted during each monitoring event and photographs will be taken from permanently recorded locations.

b. The abundance of shrub and woody vine species will be reduced through prescribed clearing. Any undesirable shrub species rooted within a 50 ft by 100 ft plot will be counted and measured for maximum stem height. Percent cover of each species within the monitoring plot will be estimated visually using a modification of Daubenmire's coverage classes. The six coverage classes have the following ranges of percent coverage: 1) 0-5, 2) 5-25, 3) 25-50, 4) 50-75, 5) 75-95, 6) 95-100.
c. The abundance of exotic species will be recorded on both a landscape scale and within the monitoring plots. Any invasive exotic species noticed during the walk through or within any of the monitoring plots will be recorded by species and location. Any invasive exotic species will be treated using the appropriate control treatment.
d. The abundance of desirable species will be increased through prescribed clearing. Any vascular plant species rooted within the 50 ft by 100 ft monitoring plots will be recorded. Monitoring plots may be visited during different seasons to record the presence of vascular plant species, however, they will always be monitored in autumn. Some plant species will be more readily identified during different seasons.
e. The total percent cover of graminoids will be increased through prescribed clearing. The total cover of graminoids within each of the 10 square meter plots will be visually estimated using a modification of Daubenmire's coverage classes.

5. Success Criteria: The letter for each success criteria corresponds to the goal and method with the same letter listed above.

a. No planted slash pine and titi shall be left standing 12 months following a clearing. Planted slash pine shall be eliminated from the mitigation area.
b. The total cover of shrub and woody vine species shall be less than 50% within each of the 50 ft by 100 ft monitoring plots 12 months following a clearing. Shrub species shall be no taller than expected coppice sprouts following the most recent clearing.
c. The total cover of invasive exotic species shall be less than 1% within any of the monitoring plots.
d. Each of the 50 ft by 100 ft monitoring plots shall contain 50 desirable species included on the attached list or demonstrate a definite trend towards 50 desirable species. A list of characteristic species is attached. In the creation area, an 80 % or greater survival rate of planted species will define success.
e. The total cover of graminoids and other wetland species shall average 80% 12 months following a clearing or demonstrate a definite trend towards 80% total cover.

6. Contingency Plan: Management activities will be designed to accomplish the overall restoration goals and to respond to roadblocks that could potentially jeopardize the project's success. A responsive management approach will correct problems identified during monitoring, prevent deterioration of wetland functions, and respond to unforeseen changes that may occur. If conditions change and clearing is not a viable option, then the permittee shall develop necessary contingency plans and implement appropriate remedial actions for the onsite mitigation area in coordination with the Corps and FDEP.

E. Monitoring / Mitigation Implementation Schedule:

Year	Prescribed Clearing (Summer)	Monitoring Report (Fall)	Prescribed Clearing (Winter)
2004		X*	
2005	X	X	
2006		X	
2007		X	X
2008		X	
2009	X	X	
2010		X	

* Baseline information recorded no conclusions regarding success will be submitted.

E.O.R.: Dexter M. Gortemoller
P.E. No. 56785 (Florida)
Date: 3/18/04

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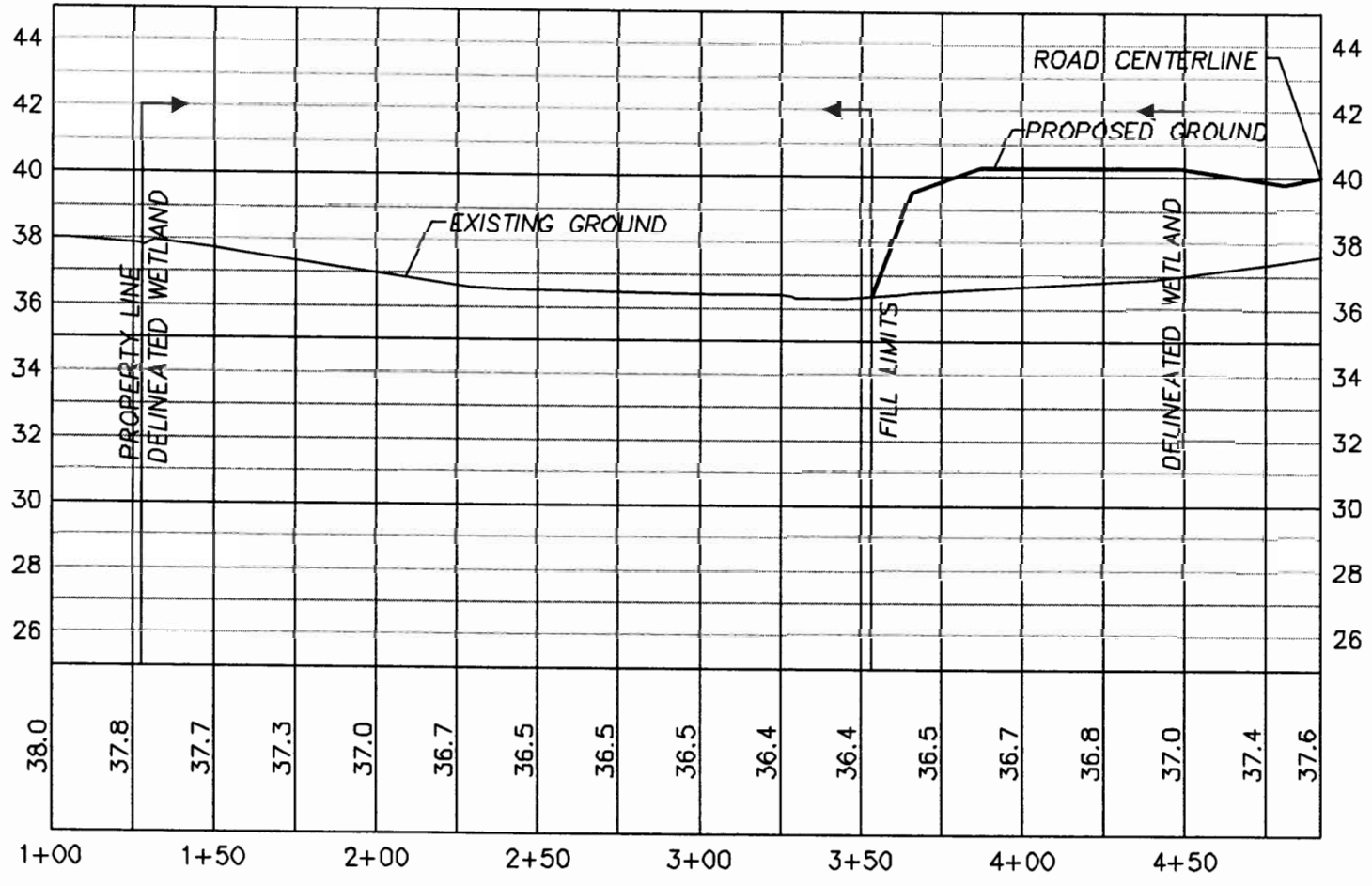

SECTION AA

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Dredge & Fill Exhibits
Section AA
1 of 6

39th Street Subdivision
Millirons Construction

Millirons, Jeremy
SAJ-2003-10924 (IP-DHB)
Sheet 14 of 19
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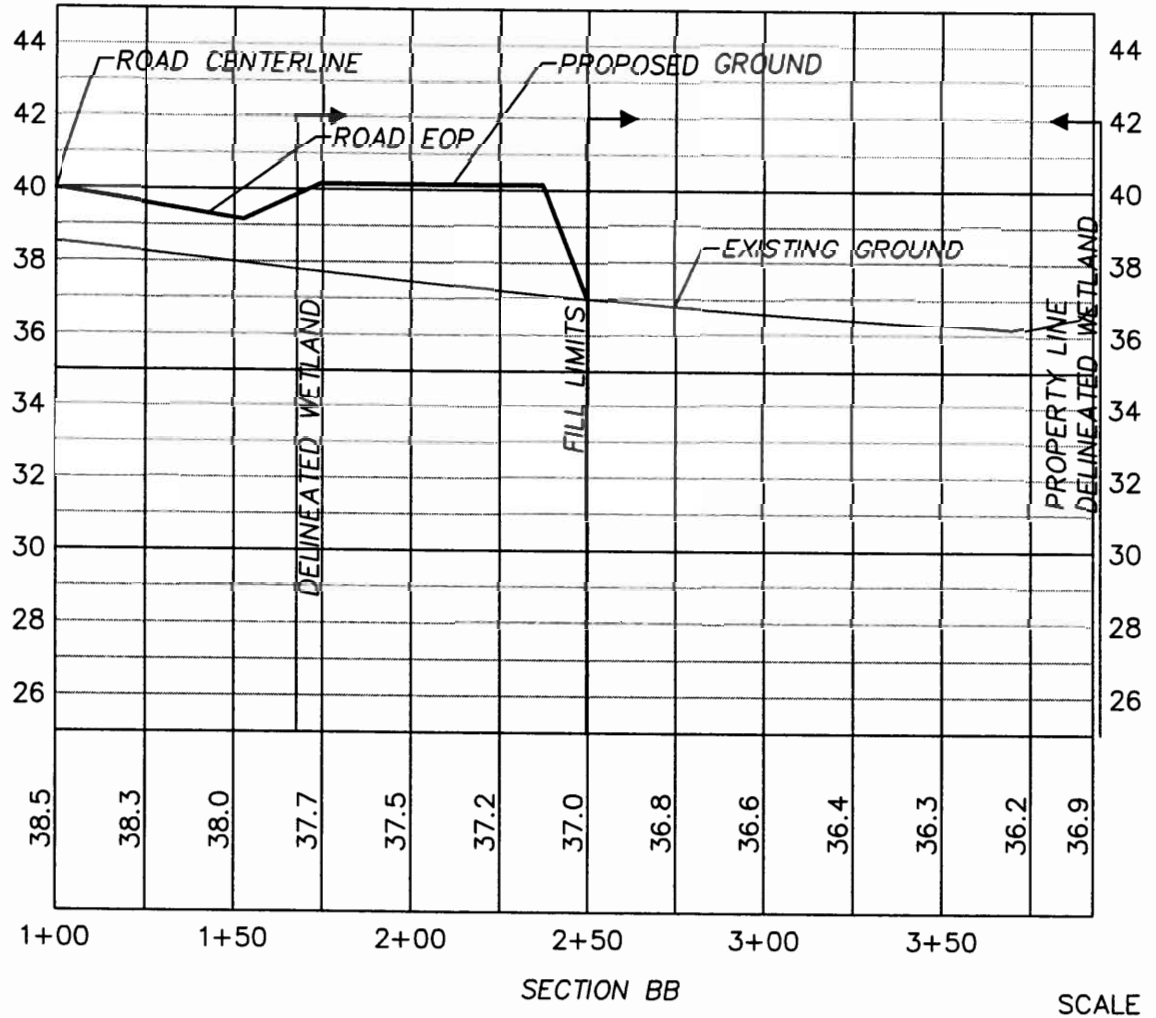

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Section BB
2 of 6

39th Street Subdivision
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Sheet 15 of 19
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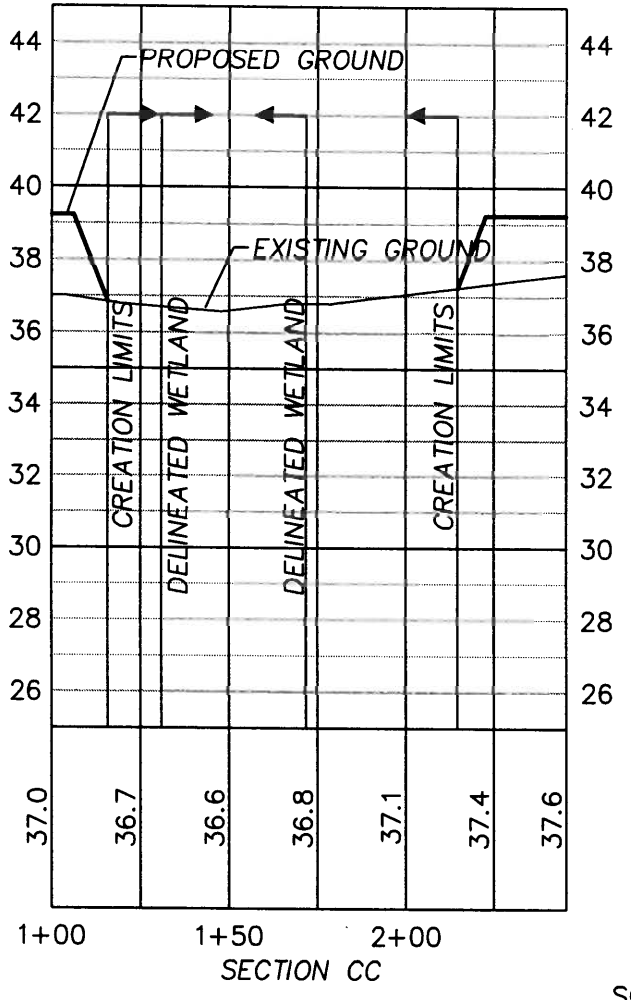

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Section CC
3 of 6

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SAJ-2003-10924 (IP-DHB)
Sheet 16 of 19
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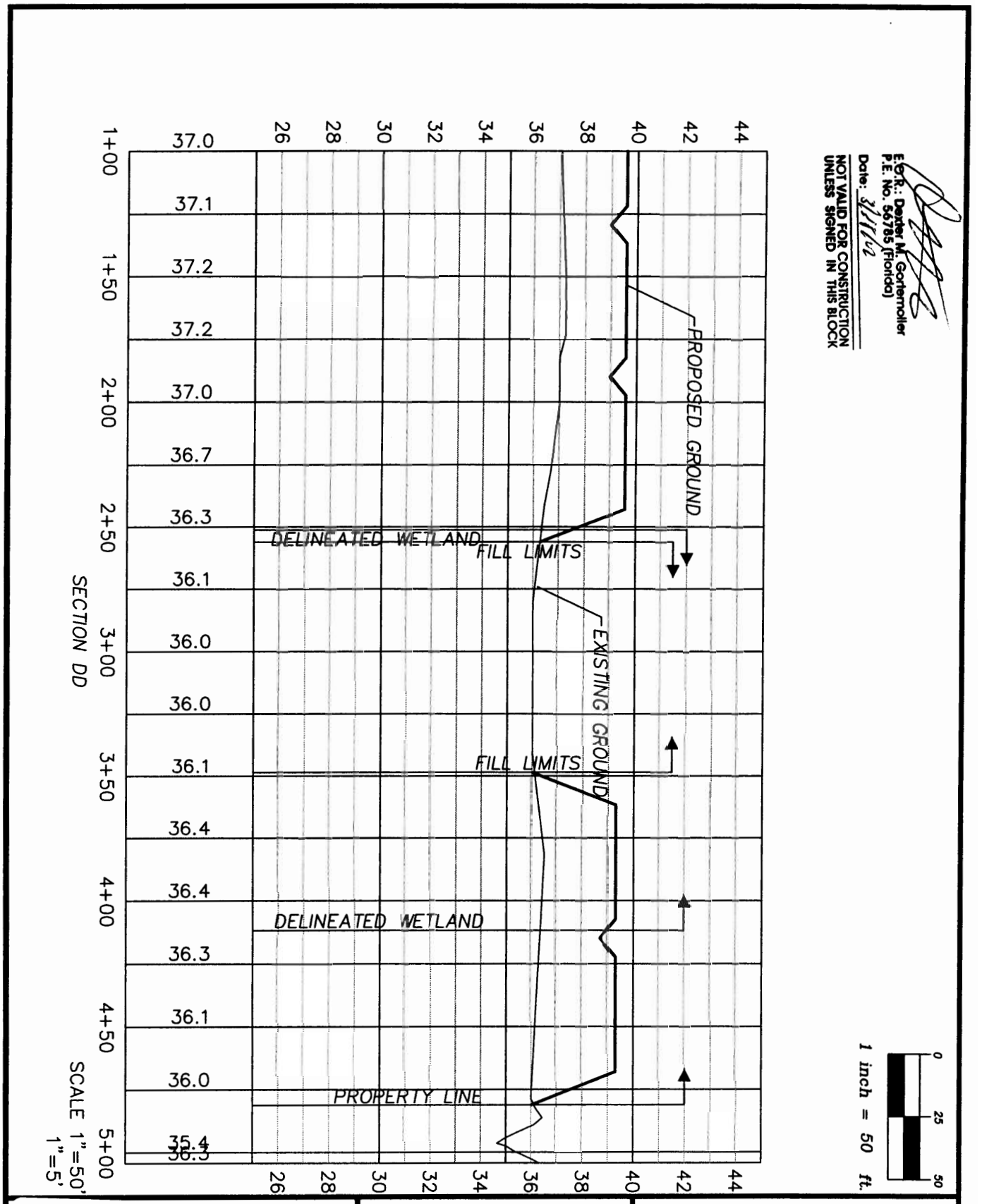

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SAJ-2003-10924 (IP-DHB)
Sheet 17 of 19
September 10, 2004

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39th Street Subdivision
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Section DD
4 of 6

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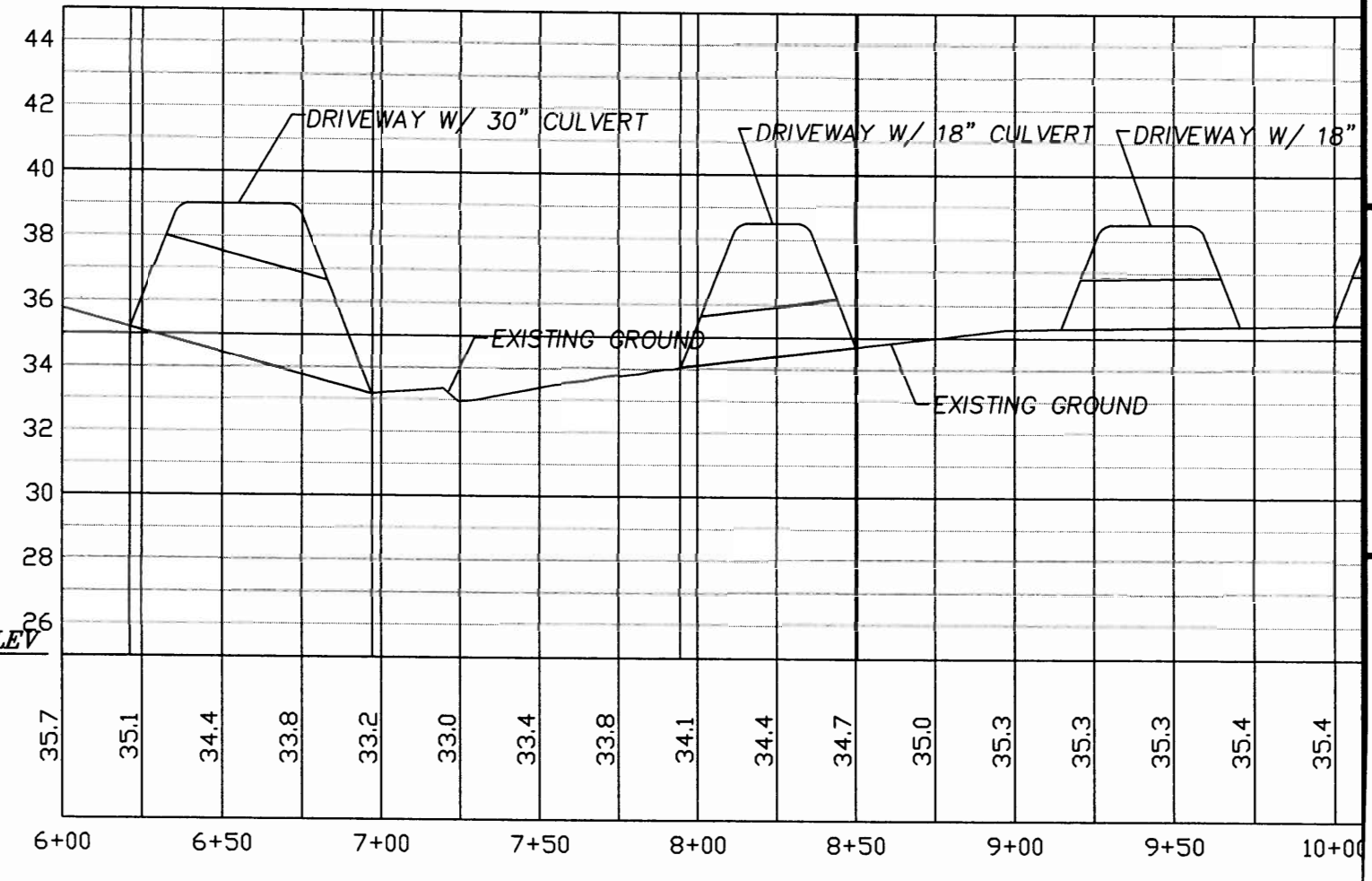

Dredge & Fill Exhibits
Section DITCH
1 of 2

39th Street Subdivision
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Sheet 18 of 19
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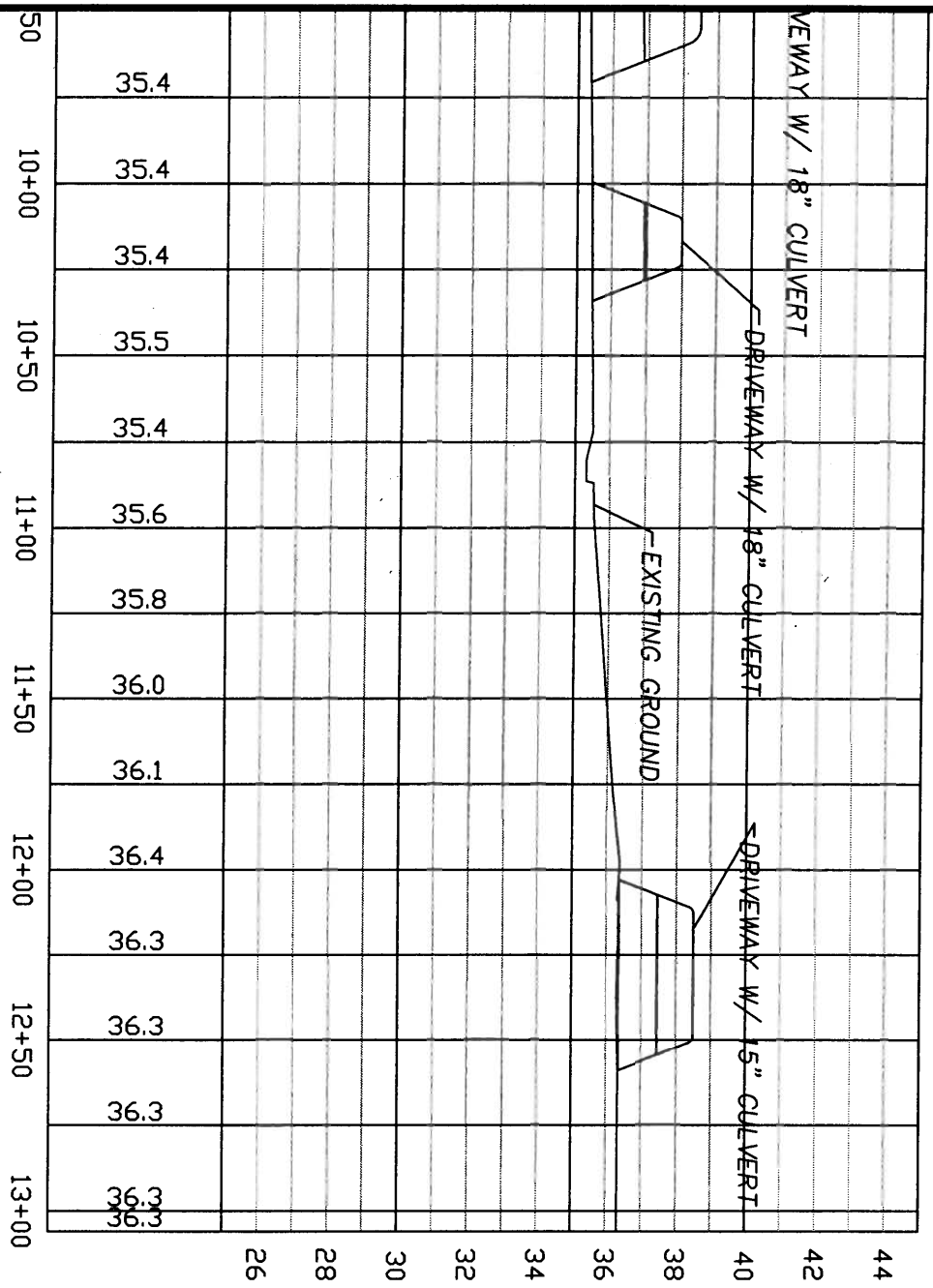

Millirons, Jeremy SAJ-2003-10924 (IP-DHB) Sheet 19 of 19 September 10, 2004	ng, Inc. L 32417	**39th Street Subdivision** **Millirons Construction**	**Dredge & Fill Exhibits** **Section DITCH** **2 of 2**

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. 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 or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, 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, historic 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 U.S. 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.

John R. Hall
Chief, Regulatory Division