



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
400 High Point Drive, Suite 600
Cocoa, Florida 32926

February 4, 2025

CESAJ-RD
North Permits Branch
Cocoa Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-04936 (SP-BAW)

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.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at:

brian.a.west@usace.army.mil

APPLICANT: Hugh Evans
Worthington Creek Investment LLC
1698 W. Hibiscus Blvd. Ste. A
Melbourne, FL 32901

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Indian River/ Mosquito Lagoon watershed (12-digit Hydrologic Unit Code 030802020400). Project location: parcel #: 842400000050, S. Ridgewood Ave., Edgewater, FL 32141, within Section 24, Township 18 South, Range 34 East, Volusia County, Florida.

Directions to the site: From I-95 northbound, exit at Indian River Blvd. (442), head eastbound to S. Ridgewood Ave (US 1). Turn right and travel southbound approx. 4.5 miles, the subject property entrance will be on the east side of the road, across from River Park Blvd.

APPROXIMATE CENTRAL COORDINATES:

Project Site: Latitude: 28.90988°
Longitude: -80.87149°

PROJECT PURPOSE:

Basic: Construction of a single-family residential development

Overall: To construct a single-family residential neighborhood in Volusia County, Florida.

EXISTING CONDITIONS: The subject property contains predominantly forested uplands and includes the following plant species: longleaf pine (*Pinus palustris*), loblolly pine (*Pinus taeda*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), myrtle oak (*Quercus myrtifolia*), sand live oak (*Quercus geminata*), scrub oak (*Quercus inopina*), red maple (*Acer rubrum*), dahoon holly (*Ilex cassine*), sweetgum (*Liquidambar styraciflua*), persimmon (*Diospyros virginiana*), wax myrtle (*Morella cerifera*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), and Brazilian pepper (*Schinus terebinthifolius*). There are three ditches running from north to the south across the entirety of the property, and two ditches running east and west along the southerly and northerly property boundary. There is also a depressional wetland located within the westerly third of the property. The total project area is 77 acres, with wetlands totaling 0.15 acres and surface waters (ditches) totaling 2.46 acres.

PROPOSED WORK: The applicant seeks authorization to fill 2.61 acres of Waters of the US (0.15 acres of forested wetlands and 2.46 acres of surface waters (ditches)) to construct a single-family residential 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:

“In considering alternative site plans with respect to the avoidance and minimization of wetland/surface water impacts, all practical design modifications have been explored and considered to avoid and minimize direct impacts to the project’s wetlands and surface waters to the greatest extent practicable. The proposed impacts to the project’s wetlands/surface waters could not be eliminated or reduced based upon engineering design constraints and site geometry. The proposed impacts are required to provide enough lot density to make a financially viable product while complying with local development code and design standards. The impacts were required to achieve the overall goal of the project purpose. A total of 2.46 acres of direct surface water impacts requiring mitigation are proposed to occur for the development of the project. These proposed direct impacts cannot be avoided or minimized without significantly affecting the scope and needs of the project. Additionally, based upon the lower quality and relatively small size of the proposed impact areas, it is BTC’s position that preserving the wetlands/surface waters and surrounding them with residential infrastructure would not provide long-term, viable ecological value to wetland functions and wildlife utilization. It is believed that a greater long-term ecological benefit would be provided to the basin via the purchase of wetland mitigation credits from an approved mitigation bank; which would provide greater support to water quality and wildlife habitat in perpetuity.”

COMPENSATORY MITIGATION – The applicant has provided the following information in support of efforts to mitigate impacts to the aquatic environment:

“As provided on the attached UMAM summary worksheet, the 2.46 acres of direct surface water impacts account for a -1.31 functional loss (FL). The mitigation proposed to offset the impacts will be the purchase of federal mitigation credits from an approved mitigation bank (TBD) located within the same drainage basin as the proposed impact areas. The project is not expected to cause unacceptable adverse cumulative impacts to wetlands, water quality, or upland habitat for aquatic and wetland dependent fish or wildlife listed as endangered, threatened or of special concern.”

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES: The Corps completed a Regulatory Screening Tool (RST) report with the following species listed as possibly occurring in the vicinity of the project area:

Species Name (common (scientific))	Federal Status
Atlantic salt marsh snake (<i>Nerodia clarkii taeniata</i>)	Threatened
Eastern Black rail (<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>)	Threatened
Eastern indigo snake (<i>Drymarchon couperi</i>)	Threatened
Everglade snail kite (<i>Rostrhamus sociabilis plumbeus</i>)	Endangered
Florida scrub-jay (<i>Aphelocoma coerulescens</i>)	Threatened
Green sea turtle (<i>Chelonia mydas</i>)	Threatened
Hawksbill sea turtle (<i>Eretmochelys imbricata</i>)	Endangered
Leatherback sea turtle (<i>Dermochelys coriacea</i>)	Endangered
Rufa red knot (<i>Calidris canutus rufa</i>)	Threatened
Rugel's pawpaw (<i>Deeringothamnus rugelii</i>)	Endangered
Tricolored bat (<i>Perimyotis subflavus</i>)	Proposed Endangered
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened

The Corps has determined the project “may affect” the Eastern Indigo Snake due to the following sequence from the 2010 USFWS Key: *A-B-C-D, the project will impact more than 25 acres of xeric habitat or more than 25 active and inactive gopher tortoise burrows and consultation with the Service is requested “May Affect”*. Consultation with the US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act will be required.

The Corps has determined the project is “not likely to adversely affect” the Florida Scrub Jay due to the lack of optimal scrub habitat onsite, as well as the results of a Scrub Jay survey conducted recently, which showed no presence of the species within the

property. Concurrence with the US Fish & Wildlife Service with this determination pursuant to Section 7 of the Endangered Species Act will be required.

The Corps has made the determination of “No Effect” on the remainder of the species listed above due to the lack of suitable habitat on site.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification is pending on the application for and issuance of a permit by the St. Johns River Water Management District.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing within **21** days from the date of this notice via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments to the attention of the District Engineer through the Cocoa Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926.

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 and/or waters of the US. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed (if applicable).

QUESTIONS concerning this application should be directed to the project manager, Brian West, via US Mail at: Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926; by electronic mail at: brian.a.west@usace.army.mil; or, by telephone at (321) 504-3771 x0014.

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 regarding 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.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the St. Johns River Water Management District (District). A project application has not yet been submitted to the District, however an issued permit from the District will be necessary prior to the issuance of a Corps permit.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the 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.





