



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207

February 26, 2025

Regulatory Division
North Permits Branch
Pensacola Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-02733 (SP-AD)

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(s) by electronic mail at email eva.a.zaki-dellitt@usace.army.mil and austin.r.dartez@usace.army.mil.

APPLICANT: Bay Vita, LLC.
Attn: Jay Odom
P.O. Box 1735
Destin, FL 32540

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Jolly Bay and the Michell River. The project site is located adjacent to the intersection of US Highway 331 and US Highway 3280 (Black Creek Road), Freeport, Walton County, FL 32439.

Directions to the site are as follows: From Highway 20 take Highway 331 south for 3.6 miles to the corner of US Highway 331 and Black Creek Road (CR 3280). The site is located immediately to the north along Black Creek Road and east of US Hwy 331.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.444587°
Longitude -86.135303°

PROJECT PURPOSE:

Basic: Commercial Development

Overall: Construction of a mixed-use residential and commercial development to meet the growing demand for housing and commercial opportunities in Walton County.

EXISTING CONDITIONS: The 25.5-acre project site and 4.53 acre abutting section of land to be protected under a conservation easement is comprised of ~12 acres of pre-

disturbed upland habitat, comprising the majority of the central portion of the site, ~10-acres of undisturbed uplands, which are interspersed throughout the site, and ~17 acres of wetlands, which are interspersed throughout the site as well along the southern and eastern edges of the project site.

The onsite vegetation and aquatic resources consist of Florida Land Use, Cover and Forms Classification System (FLUCCS) Land Use Codes consist of:

625: Hydric Pine (wetlands) (14.32-acres). The onsite canopy species include slash pine (*Pinus elliotii*), tupelo (*Nyssa sylvatica*) and sweetbay (*Magnolia virginiana*). Subcanopy species include mainly black titi (*Cliftonia monophylla*), swamp titi (*Cyrilla racemiflora*) and sweetbay (*Magnolia virginiana*). Shrub layer includes large gallberry (*Ilex coriacea*) and sweet pepperbush (*Clethra alnifolia*). Groundcover consisted of sedges (*Carex sp.*), sphagnum moss (*Sphagnum sp.*), and bog button (*Eriocaulon sp.*).

630: Mixed Forested Wetlands (wetlands) (2.66-acres). The onsite canopy species include slash pine (*Pinus elliotii*), tupelo (*Nyssa sylvatica*), sweetbay (*Magnolia virginiana*) and red maple (*Acer rubrum*). Subcanopy species include mainly black titi (*Cliftonia monophylla*), dahoon holly (*Ilex cassine*) and large gallberry (*Ilex coriacea*). The shrub layer consists of gallberry (*Ilex glabra*), myrtle leaf holly (*Ilex myrtifolia*), large gallberry (*Ilex coriacea*), St. John's wort (*Hypericum fasciculatum*), and Elliot's blueberry (*Vaccinium elliotii*). The herbaceous ground cover includes bog button (*Eriocaulon sp.*), pitcher plant (*Sarracenia flava*), royal fern (*Woodwardia regalis*), redroot (*Lachnanthes caroliniana*), and wiregrass (*Aristida stricta*).

411: Pine Flatwoods (uplands) (9.37-acres). The upland portion of this site includes southern magnolia (*Magnolia grandiflora*), slash pine (*Pinus elliotii*), and water oak (*Quercus nigra*). The shrub layer includes gallberry (*Ilex glabra*) and yaupon holly (*Ilex vomitoria*). Groundcover includes saw palmetto (*Serenoa repens*), broomsedge (*Andropogon sp.*), and wiregrass (*Aristida stricta*). Vine species include catbriers (*Smilax laurifolia*), poison ivy (*Toxicodendron radicans*) and grapevine (*Vitis sp.*)

740: Disturbed Area (uplands) (12.68-acres). This area of the site is part of a previously permitted fill area.

PROPOSED WORK: The applicant seeks authorization to discharge fill material into wetlands for the construction of a mixed-use development. Specifically, the applicant proposes to fill 4.41-acres of freshwater wetlands for the construction of a mixed-use commercial-residential development consisting of housing, commercial businesses, access roads, and associated infrastructure.

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 proposed development has been designed in primarily upland habitat and land previously filled as part of USACE permit SAJ-1997-07427 (SP-SW A) and Northwest Florida Water Management District (NFWFMD) permit IND-131-8562-3. Impacts will be mitigated through the purchase of wetland mitigation credits from the Nokuse Plantation Mitigation Bank. 13.55 acres of adjacent hydric pine flatwoods, and mesic pine flatwood habitat have been placed in a conservation easement granted to FDEP and NFWFMD to replace acreage preserved for avoidance and minimization for permit SAJ-1997-07427 (SP-SW A). The Corps notes the applicant plans to purchase compensatory mitigation as well as avoid 12.58-acres of on-site wetlands.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase credits from a federally approved mitigation bank.

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:

Option A: The Corps has determined the proposed project may affect but is not likely to adversely affect the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Eastern indigo snake (*Drymarchon couperi*), and the Tricolored Bat (*Perimyotis subflavus*). The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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. The jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing within 21 days from the date of this notice. Comments should be

submitted via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments directed to the project manager(s), Eva Zaki-Dellitt and Austin Dartez, through email eva.a.zaki-dellitt@usace.army.mil and austin.r.dartez@usace.army.mil, or through the Pensacola Permits Section at 41 North Jefferson Street, Suite 301, Pensacola, FL 32502.

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, Austin Dartez, in writing at the Pensacola Permits Section at 41 North Jefferson Street, Suite 301, Pensacola, FL 32502; by electronic mail at email at eva.a.zaki-dellitt@usace.army.mil and austin.r.dartez@usace.army.mil; or by telephone at (501) 690-6182 or (918) 669-7009.

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.

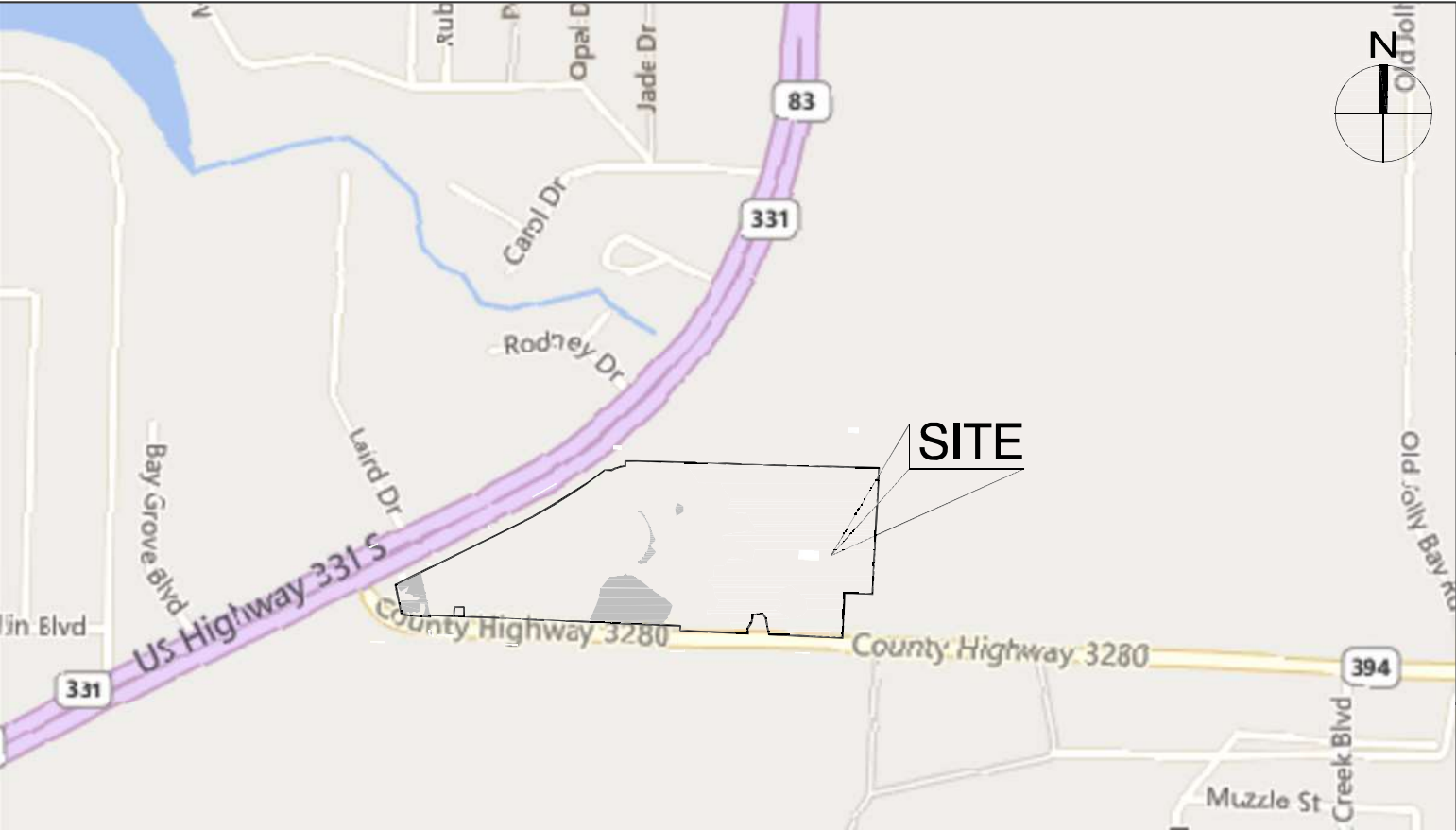
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the Florida Department of Environmental Protection (FDEP). The project was authorized by FDEP, under FDEP application no. IND-131-310534-2.

COASTAL ZONE MANAGEMENT CONSISTENCY: Water Quality Certification is required from the Florida Department of Environmental Protection (FDEP). The project was authorized by FDEP, under FDEP application no. IND-131-310534-2.

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.



LEGAL DESCRIPTION

BAY VITA DEVELOPMENT
(AS PREPARED BY GUSTIN, COTHERN, & TUCKER, INC., REVISED 22 MAR 2024)

A PARCEL OF LAND SITUATED IN LOTS 3 AND 4, U.S. GOVERNMENT SUBDIVISION OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 19 WEST, WALTON COUNTY, FLORIDA, LYING BETWEEN U.S. HIGHWAY 331 AND WALTON COUNTY ROAD 3280, AND LYING NORTH OF THE RIGHT-OF-WAY DONATION PARCELS TO COUNTY ROAD 3280 (CONVEYED IN OFFICIAL RECORDS BOOK 2819, PAGE 1039 AND BOOK 2814, PAGE 4470 OF THE PUBLIC RECORDS OF WALTON COUNTY, FLORIDA, COLLECTIVELY REFERRED TO HEREFTER AS "25 FOOT RIGHT-OF-WAY DONATION PARCEL"); SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE COTTON SPINDLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE S 88°23'00" E ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 1727.45 FEET; THENCE DEPARTING SAID SECTION LINE, PROCEED N 12°16'44" W, A DISTANCE OF 159.27 FEET TO A POINT OF TRANSITION ALONG THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID WALTON COUNTY ROAD 3280 (SAID POINT LYING ON THE WEST LINE OF THE AFORESAID 25 FOOT RIGHT-OF-WAY DONATION PARCEL); SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, THE FOLLOWING TWO (2) CALLS:
1) N 87°42'44" W, A DISTANCE OF 100.18 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 174.00 FEET;
2) ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°28'45", AN ARC DISTANCE OF 52.93 FEET, (CHORD BEARING = N 78°59'51" W, CHORD = 52.73 FEET) TO THE SOUTHEAST CORNER OF THE FREEMAN PARCEL (AS CONVEYED IN OFFICIAL RECORDS BOOK 1455, PAGE 19 OF THE AFORESAID PUBLIC RECORDS); THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED N 11°53'45" W ALONG THE EASTERLY LINE OF SAID FREEMAN PARCEL, A DISTANCE OF 157.32 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID U.S. HIGHWAY 331 (200 FOOT WIDE RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) CALLS:
1) N 63°43'24" E, A DISTANCE OF 701.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 2964.93 FEET;
2) ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°44'27", AN ARC DISTANCE OF 555.81 FEET, (CHORD BEARING = N 58°21'11" E, CHORD = 555.00 FEET) TO A CONCRETE MONUMENT (ILLEGIBLE); THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED S 88°32'20" E, A DISTANCE OF 34.92 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 172.50 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°28'19", AN ARC DISTANCE OF 76.89 FEET, (CHORD BEARING = N 71°31'11" E, CHORD = 76.06 FEET) TO A POINT LYING ON THE EAST BOUNDARY OF THE AFORESAID GOVERNMENT LOT 3; THENCE N 03°03'33" E ALONG SAID EAST BOUNDARY OF GOVERNMENT LOT 3, A DISTANCE OF 25.27 FEET TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE STANLEY PARCEL (AS CONVEYED IN OFFICIAL RECORDS BOOK 3260, PAGE 4209 OF THE AFORESAID PUBLIC RECORDS); SAID LINE BEING THE ESTABLISHED NORTH LINE OF THE SOUTH THREE-QUARTERS OF THE SOUTH HALF OF GOVERNMENT LOT 4; THENCE S 88°24'21" E ALONG SAID SOUTH BOUNDARY OF THE STANLEY PARCEL, A DISTANCE OF 664.37 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, PROCEED S 03°02'13" W, A DISTANCE OF 888.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID COUNTY ROAD 3280 (100 FOOT RIGHT-OF-WAY); THENCE N 87°30'54" W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 290.00 FEET TO THE IRON ROD (L.B. #3724) MARKING THE SOUTHEAST CORNER OF THE AFORESAID 25 FOOT RIGHT-OF-WAY DONATION PARCEL; THENCE ALONG THE EAST AND NORTH LINES OF SAID 25 FOOT RIGHT-OF-WAY DONATION PARCEL, THE FOLLOWING TWO (2) CALLS:
1) N 03°02'13" E, A DISTANCE OF 25.00 FEET; 2) N 87°30'54" W, A DISTANCE OF 1141.21 FEET TO THE SOUTHEAST CORNER OF A LIFT STATION PARCEL; THENCE DEPARTING SAID NORTH LINE, PROCEED ALONG THE EAST, NORTH, AND WEST LINES OF SAID LIFT STATION PARCEL, THE FOLLOWING THREE (3) CALLS:
1) N 02°29'06" E, A DISTANCE OF 50.00 FEET; 2) N 87°30'54" W, A DISTANCE OF 50.00 FEET; 3) S 02°29'06" W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT LYING ON THE AFORESAID NORTH LINE OF A 25 FOOT RIGHT-OF-WAY DONATION PARCEL; THENCE ALONG THE NORTH AND WEST LINES OF SAID DONATION PARCEL, THE FOLLOWING TWO (2) CALLS:
1) N 87°30'54" W, A DISTANCE OF 126.28 FEET; 2) S 12°16'44" E, A DISTANCE OF 8.61 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 25.48 ACRES, MORE OR LESS.

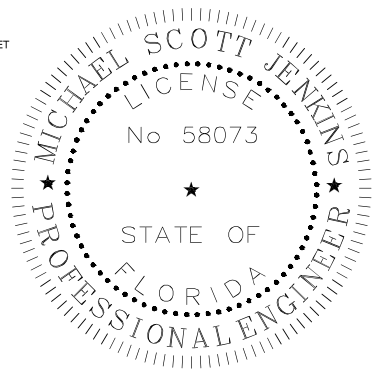
AND ALSO:

CONSERVATION EASEMENT TRACT (OFFICIAL RECORDS BOOK 3309, PAGE 4596)

A PARCEL OF LAND, SITUATED IN LOT 4, U.S. GOVERNMENT SUBDIVISION OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 19 WEST, WALTON COUNTY, FLORIDA, LYING SOUTH OF THE STEIN PARCEL (OFFICIAL RECORDS BOOK 3260, PAGE 4209) AND LYING NORTH OF WALTON COUNTY ROAD 3280; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE COTTON SPINDLE MARKING SOUTHWEST CORNER OF THE AFORESAID SECTION 34; THENCE S 88°23'00" E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 3293.82 FEET; THENCE DEPARTING SAID SECTION LINE, PROCEED N 01°37'00" E, A DISTANCE OF 113.61 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID COUNTY ROAD 3280 (100 FOOT WIDE RIGHT-OF-WAY), SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED N 03°02'13" E, A DISTANCE OF 888.43 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID STEIN PARCEL; THENCE S 88°24'21" E ALONG SAID SOUTH LINE, A DISTANCE OF 708.37 FEET TO ITS INTERSECTION WITH THE EAST LINE OF THE AFORESAID GOVERNMENT LOT 4; THENCE S 02°58'07" W ALONG SAID EAST LINE, A DISTANCE OF 662.66 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF THE CITY PARCEL (OFFICIAL RECORDS BOOK 2461, PAGE 1400); THENCE ALONG THE NORTH AND WEST LINES THEREOF, THE FOLLOWING TWO (2) CALLS:
1) N 87°29'20" W, A DISTANCE OF 145.78 FEET;
2) S 02°39'55" W, A DISTANCE OF 236.96 FEET TO ITS INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 3280; THENCE N 87°30'54" W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 387.47 FEET TO ITS INTERSECTION WITH A JURISDICTIONAL WETLANDS LINE; THENCE ALONG SAID WETLANDS LINE, THE FOLLOWING SEVEN (7) CALLS:
1) N 11°49'59" W, A DISTANCE OF 44.72 FEET;
2) N 10°17'13" W, A DISTANCE OF 42.08 FEET;
3) N 35°47'25" W, A DISTANCE OF 32.32 FEET;
4) S 82°16'39" W, A DISTANCE OF 47.89 FEET;
5) S 12°02'18" W, A DISTANCE OF 41.03 FEET;
6) S 32°34'41" W, A DISTANCE OF 38.45 FEET;
7) S 08°12'01" E, A DISTANCE OF 28.01 FEET TO ITS INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE; THENCE N 87°30'54" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 68.84 FEET TO THE POINT OF BEGINNING.

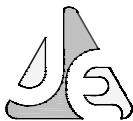
SAID PARCEL CONTAINING 13.55 ACRES, MORE OR LESS.



CLIENT INFORMATION

BAY VITA, LLC
C/O JAY ODOM
PO BOX 1735
DESTIN, FL 32540

M. SCOTT JENKINS, P.E.
FL. REGISTRATION NO. 58073



JENKINS ENGINEERING, INC.

JG PLAZA, UPTOWN STATION
73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448

C.O.A. NO. 9927 - L.B. NO. 8081

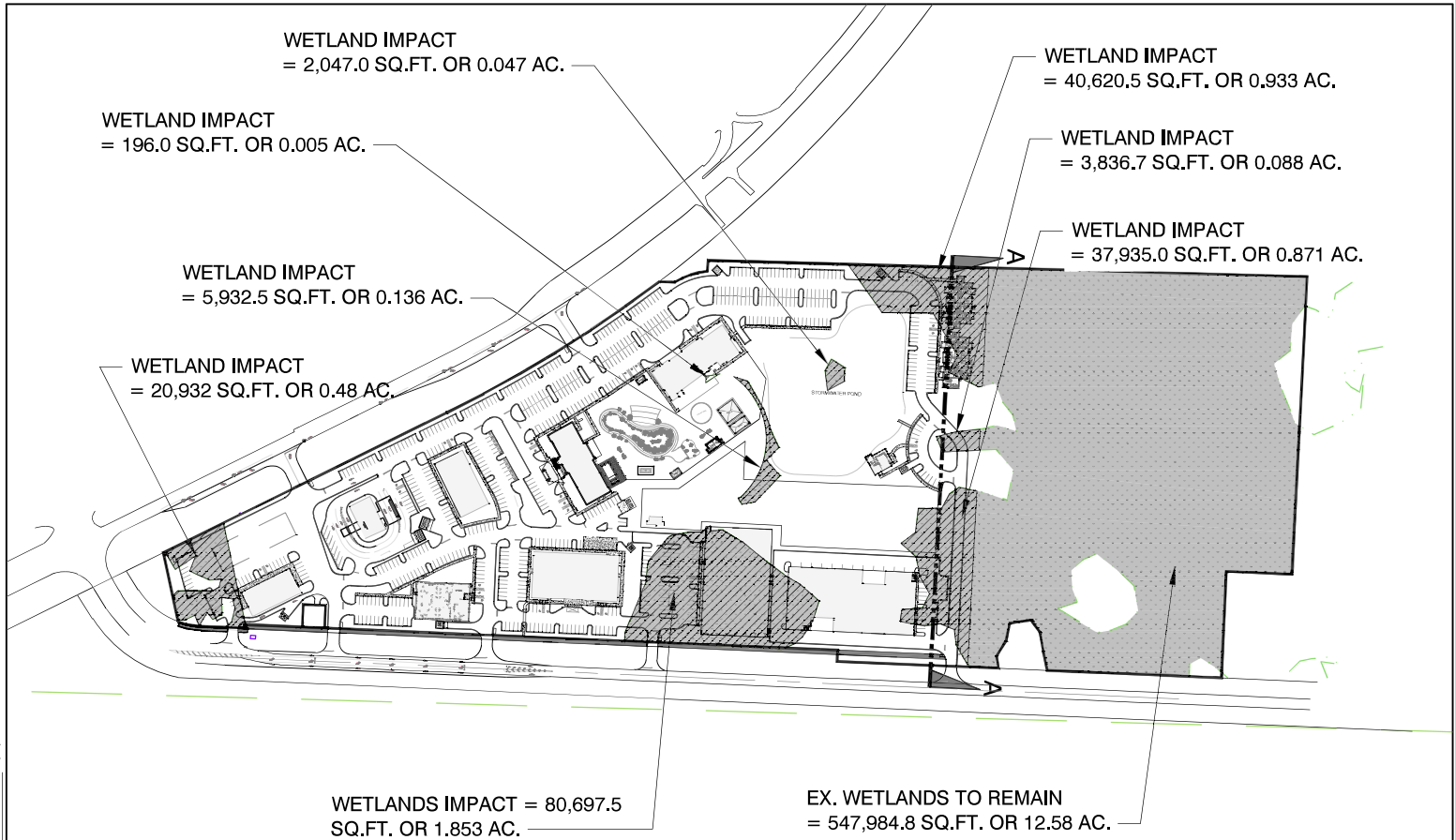
BAY VITA DEVELOPMENT

COVER SHEET

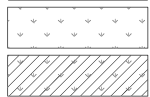
DATE: FEBRUARY 2025

DRAWING NUMBER
1 OF 4

SHEET NUMBER
01



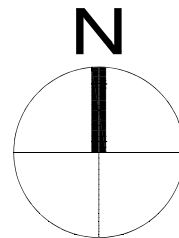
LEGEND



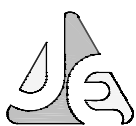
EXISTING WETLANDS
WETLAND IMPACT

JURISDICTION INFORMATION

EXISTING WETLAND AREA: 740,118.2 SQ. FT. OR 16.99 AC.
TOTAL WETLAND IMPACT AREA: 192,197.2 SQ.FT. OR 4.41 AC.
- 31,794 CU. YD. FILL
- 1,173.3 CU. YD. CUT
UNDISTURBED WETLAND AREA: 547,984.8 SQ. FT. OR 12.58 AC.



HORIZONTAL SCALE: 1" = 400'



JENKINS ENGINEERING, INC.

JG PLAZA, UPTOWN STATION
73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448

C.O.A. NO. 9927 - L.B. NO. 8081

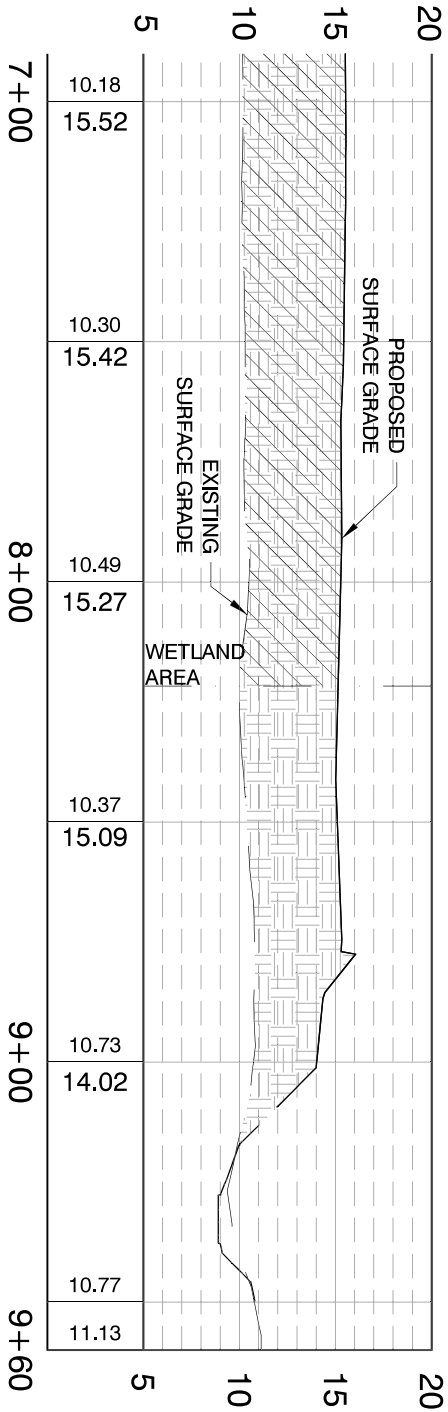
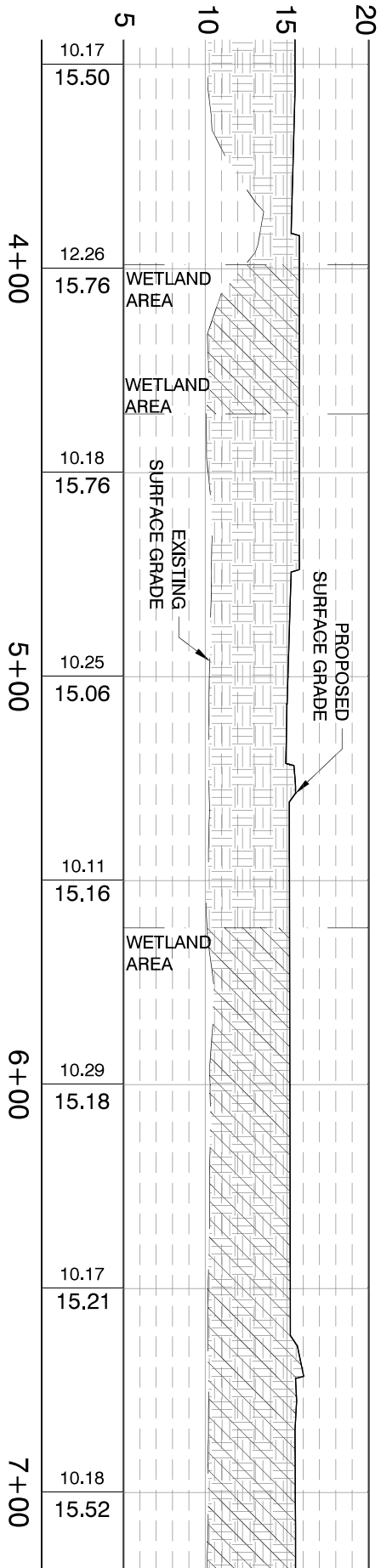
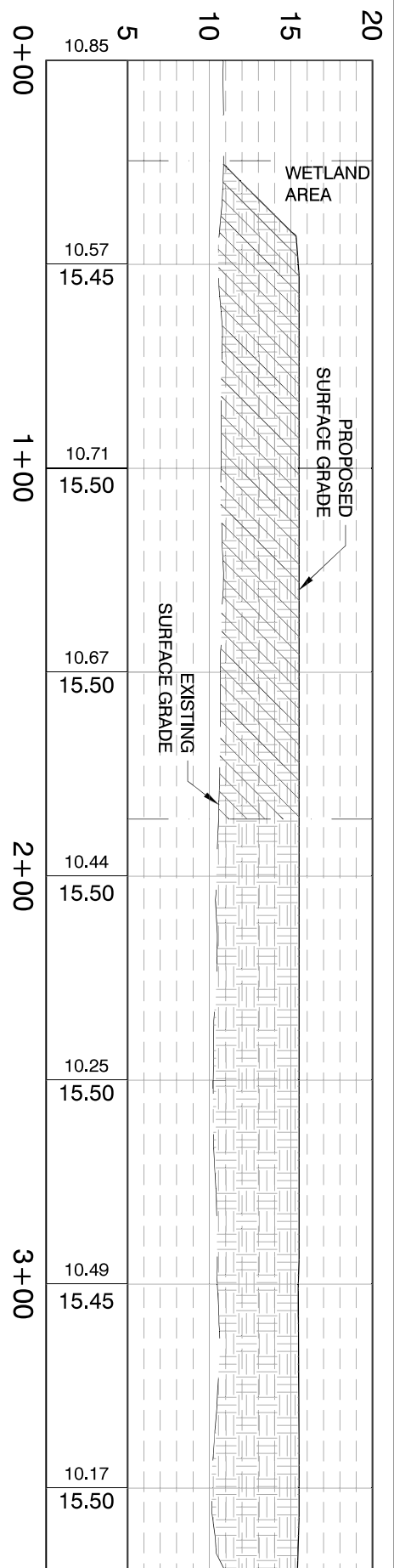
BAY VITA DEVELOPMENT

SITE PLAN


DATE: FEBRUARY 2025


DRAWING NUMBER
3 OF 4

SHEET NUMBER
03



LEGEND

 PROPOSED WETLAND IMPACTS

 PROPOSED FILL

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 10'



JENKINS ENGINEERING, INC.

JG PLAZA, UPTOWN STATION
73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448

C.O.A. NO. 9927 - L.B. NO. 8081

BAY VITA DEVELOPMENT

CROSS SECTION A-A

DATE: FEBRUARY 2025

DRAWING NUMBER
4 OF 4

SHEET NUMBER
04