



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

Regulatory Division  
North Branch  
Jacksonville Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2024-05142 (SP-KGM)

**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 [Kimberly.G.Mann@usace.army.mil](mailto:Kimberly.G.Mann@usace.army.mil).

**APPLICANT:** FRP Caldwell Solar, LLC  
ATTN: Anthony Pedroni  
700 Universe Blvd.  
Juno Beach, Florida 33408

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with Yellow Water Creek. The project site is located at Yellow Water Road (Parcel ID's 000972-2000, 001979-0000, 001981-0000, 002118-0000, 002119-0000, 002124-0000, 002138-0000), in the following Section Townships, Ranges:

Section	Township	Range
29, 30, 31, 32	2 South	24 East
1, 12	3 South	23 East
5, 6, 7, 8	3 South	24 East

In Jacksonville, Duval County, Florida.

Directions to the site are as follows: The Project is located south of Interstate-10, north of Wells Road, and east of Yellow Water Road, approximately 1.71 miles southeast of the City of Baldwin, FL. From I-10 West take Exit 350 for FL-23 S/Cecil Commerce Center Parkway, exit onto US-90 W/W Beaver Street, and turn left onto Yellow Water Road, the project will be 2.2 miles on the left.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 30.26570184°  
Longitude -81.93716019°

## PROJECT PURPOSE:

Basic: Renewable Energy

Overall: Produce renewable energy to supplement JEA's existing power infrastructure within Duval County.

**EXISTING CONDITIONS:** The properties are approximately 3,010.38 acres with 1,573.71 acres within the project area. The properties encompass 9 communities (reference Table 1) characterized by the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Vegetation within these areas is typical for the communities identified. Wetlands and surface waters comprise 1,546.46 acres (51.37 %) within the properties and 761.71 acres (48.40 %) within the project area. Uplands comprise 1,463.92 acres (48.63 %) within the properties and 812.00 acres (51.60 %) within the project area. The existing area surrounding the project sites consists of undeveloped land, residential homes (less than 2 dwelling units per acre), and farmland.

FLUCFCS	Description	Acreage (Property)	Percent Land Acres (Property)	Acreage (Project)	Percent Land Acres (Project)
441	Coniferous Plantation	1,424.72	47.33 %	783.18	49.77 %
441W	Coniferous Plantation - Wet	914.00	30.36 %	438.24	27.85 %
510	Streams and Waterways	71.60	2.38 %	29.16	1.85 %
621	Cypress	36.43	1.21 %	15.28	0.97 %
625	Hydric Pine Flatwoods	9.46	0.31 %	9.46	0.60 %
630	Wetland Forested Mixed	304.00	10.10 %	153.23	9.74 %
643	Wet Prairies	86.45	2.87 %	66.58	4.23 %
646	Mixed Scrub-shrub wetland	124.52	4.14 %	49.76	3.16 %
832	Electrical Power Lines	39.20	1.30 %	28.82	1.83 %

**PROPOSED WORK:** The applicant seeks authorization to discharge 12,580.59 cubic yards of clean fill material permanently over 1.39 acres of palustrine forested wetlands, 0.47 acres of palustrine herbaceous wetlands and 10.39 acres of ditches with secondary impacts proposed to 3.86 acres of palustrine forested wetlands and 1.19 acres of palustrine herbaceous wetlands for the construction of a 74.9-megawatt Solar Energy Center. The proposed work consists of construction of a solar photovoltaic energy facility including solar photovoltaic panels with inverters, at-grade access paths, collector lines, stormwater ponds, and security fencing.

**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:

Impacts to wetlands, ditches, and upland buffers have been avoided to the greatest practicable extent during Project design while also meeting engineering and safety standards. The Project area comprises 1,573.71 acres of which 821.30 acres are upland. A minimum of 450 buildable acres of land is required to fulfill a generation capacity of 74.9 MW, including the solar PV field and areas required during construction for site access, equipment laydown, and staging. The distribution of wetlands and ditches throughout the site is complex, and multiple designs were considered in various locations throughout the Project area. The preferred design avoids impacting the majority of wetlands and ditches while maintaining an efficient PV design and improving stormwater drainage. Nine existing culverts will be replaced, and nine culverts installed as part of the stormwater design. Existing silviculture paths are used where possible, and minimal impacts to these features are required for safety improvements prior to construction and during maintenance of the facility. In total, only 0.25% of wetlands within the Project area are proposed for direct impact as part of the Project design.

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

Wetland impacts will be mitigated through the purchase of credits from an approved mitigation bank. Direct wetland impacts to 1.86 acres and secondary wetland impacts to 5.05 acres result in a functional loss of 1.58 UMAM units. There are an additional 10.39 acres of ditches impacts that are not proposed for mitigation. These ditches are man-made systems consisting of roadside drainage swales and silviculture ditches that were historically cut from uplands. Impact of these ditches will not result in significant resource losses that are of importance to the aquatic environment or species.

#### **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:**

On December 11, 2024, the Corps executed a Resources Screening Tool (RST) report. The RST did not indicate that the site is utilized by, or contains habitat critical to, any federally listed threatened or endangered species. The species mentioned below have the potential to be present based on the Information for Planning and Consultation

(IPaC). The Corps also reviewed geospatial data and other available information. The 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, other than those mentioned below.

NO EFFECT:

The Corps has determined the proposed project would have no effect on the Eastern Black Rail (*Laterallus jamaicensis ssp.*). Habitat for the Eastern Black Rail is a variety of salt, brackish and freshwater marsh that can be tidally or non-tidally influence with plant structure the more important factor. When shrub densities become too high, the habitat becomes less suitable for the species. The project site does not contain viable habitat. Therefore, the corps concludes that the project would have no effect on this species and consultation with the U.S. Fish and Wildlife Service (USFWS) is not required.

The Corps has determined the proposed project would have no effect on the Green Sea Turtle (*Chelonia mydas*). Habitat for the green sea turtle is subtropical and temperate oceans. During breeding season, female green sea turtles travel onshore to deposit eggs in clutches buried on the beach. The project site does not contain viable habitat. Therefore, the corps concludes that the project would have no effect on this species and consultation with the USFWS is not required.

The Corps has determined the proposed project would have no effect on the Hawksbill Sea Turtle (*Eretmochelys imbricata*). Habitat for the hawksbill sea turtle is subtropical and temperate oceans. During breeding season, female hawksbill sea turtles travel onshore to deposit eggs in clutches buried on the beach. The project site does not contain viable habitat. Therefore, the corps concludes that the project would have no effect on this species and consultation with the USFWS is not required.

The Corps has determined the proposed project would have no effect on the Leatherback Sea Turtle (*Dermochelys coriacea*). Leatherback sea turtle can be found throughout the Atlantic, Pacific and Indian Oceans. During breeding season, female leatherback sea turtles travel onshore to deposit eggs in clutches buried on the beach. The project site does not contain viable habitat. Therefore, the corps concludes that the project would have no effect on this species and consultation with the USFWS is not required.

The Corps has determined the proposed project would have no effect on the Red-cockaded Woodpecker (*Dryobates borealis*). Habitat for the red-cockaded woodpecker is old slash, longleaf and loblolly pine forest. The project site contains slash pines, however, based on aerial photos and photos provided by the applicant, the slash pines are too young to be a viable habitat for the red-cockaded woodpecker. Therefore, the corps concludes that the project would have no effect on this species and consultation with the USFWS is not required.

The Corps has determined the proposed project would have no effect on the Wood Stork (*Mycteria americana*) based on the *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*, dated September 2008, sequence (A, B – no effect) as the proposed work would not affect suitable foraging habitat. Per the Programmatic Concurrence, no further coordination with the USFWS is required for this species.

MAY AFFECT, NOT LIKELY TO ADVERSELY AFFECT:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern Indigo Snake (*Drymarchon corais couperi*) based on the *Eastern Indigo Snake Programmatic Effect Determination Key (North Florida)*, dated August 13, 2013, sequence (A, B, C, D, E – may affect, not likely to adversely affect) as the proposed work would impact less than 25 acres of xeric habitat with supporting less than 25 active and inactive gopher tortoise burrows. Per the Programmatic Concurrence, the permit, if issued, will be conditioned for use of the USFWS's most current guidance for Standard Protection Measures for the Eastern Indigo Snake (2021) and no further coordination with the USFWS is required for this species.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Whooping Crane (*Grus americana*). Habitat for the whooping crane is shallow marshes and open grasslands. In addition, the whooping crane currently exist in two non-migratory population in Florida. One range is along the west coast from south of Tampa to the Fort Myers area. The second range is along the east coast from south of Daytona Beach to the Fort Lauderdale area. While the project site contains viable habitat, the project location is not near either known population. The Corps will request initiation of informal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act by separate letter.

MAY AFFECT:

The Corps has determined the proposal may affect the Tricolored Bat (*Perimyotis subflavus*). Habitat for the tricolored bat is deciduous and mixed forested with trees of various heights. Tricolored bats can be found roosting in Spanish moss and tree cavities. The project site contains the viable habitat. The species is currently proposed to be listed as a federally endangered species. Consultation is not required for proposed federally listed species. The Corps will request initiation of an informal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act by separate letter.

**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 impact 1.86 acres of herbaceous and forest palustrine wetland inland of the Yellow Water Creek. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Yellow Water 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.

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 to the attention of the District Engineer through the Jacksonville Permits Section, 701 San Marco Boulevard, Jacksonville, Florida 32207 within 30 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, Kimberly Mann, in writing at the Jacksonville Permits Section, 701 San Marco Boulevard, Jacksonville, Florida 32207; by electronic mail at [Kimberly.G.Mann@usace.army.mil](mailto:Kimberly.G.Mann@usace.army.mil); or by telephone at (904) 251-9190.

IMPACT ON NATURAL RESOURCES: Coordination with the USFWS, 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.

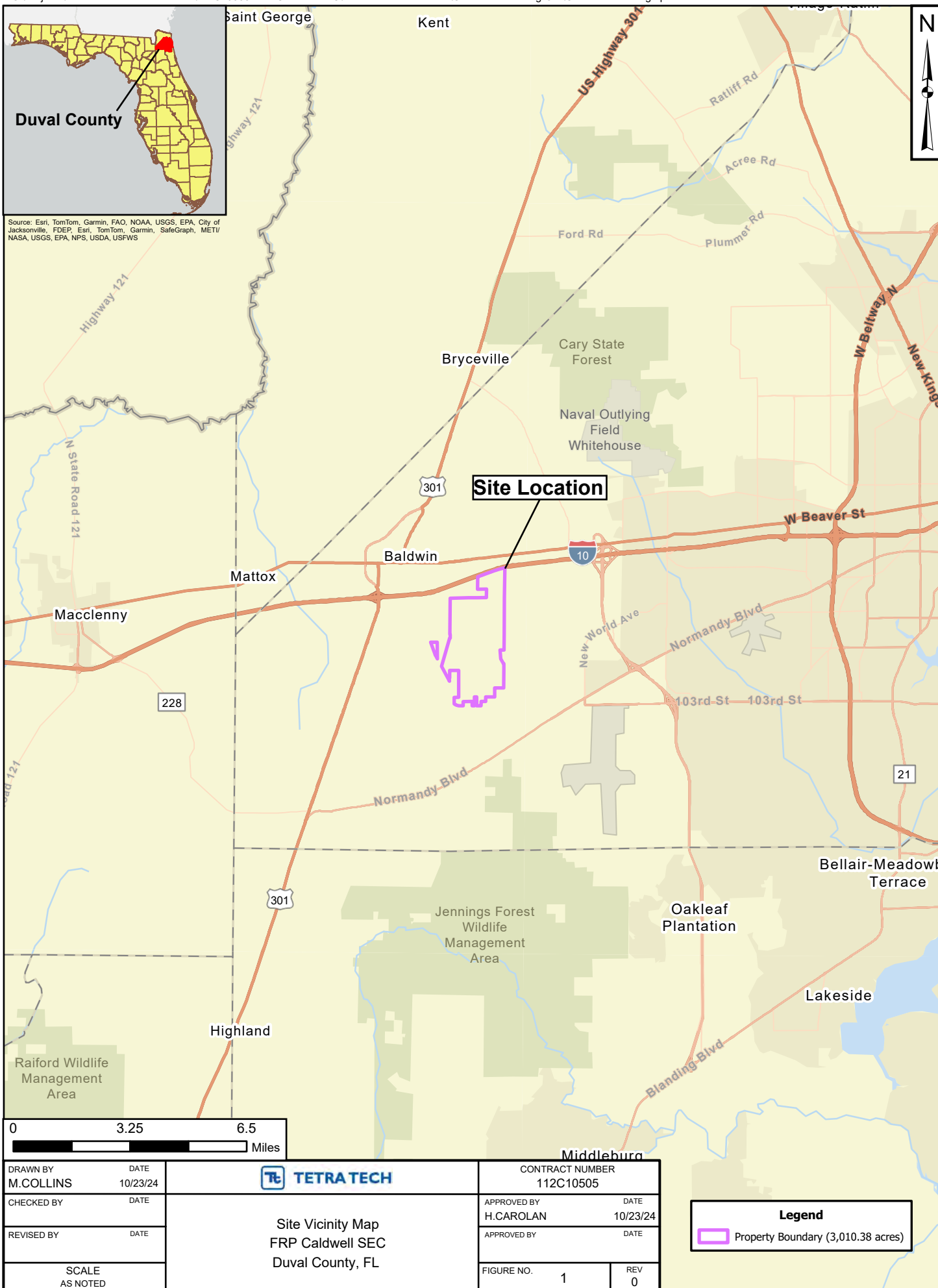
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

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 is being reviewed under FDEP application no. 16-0454982-001-EI.

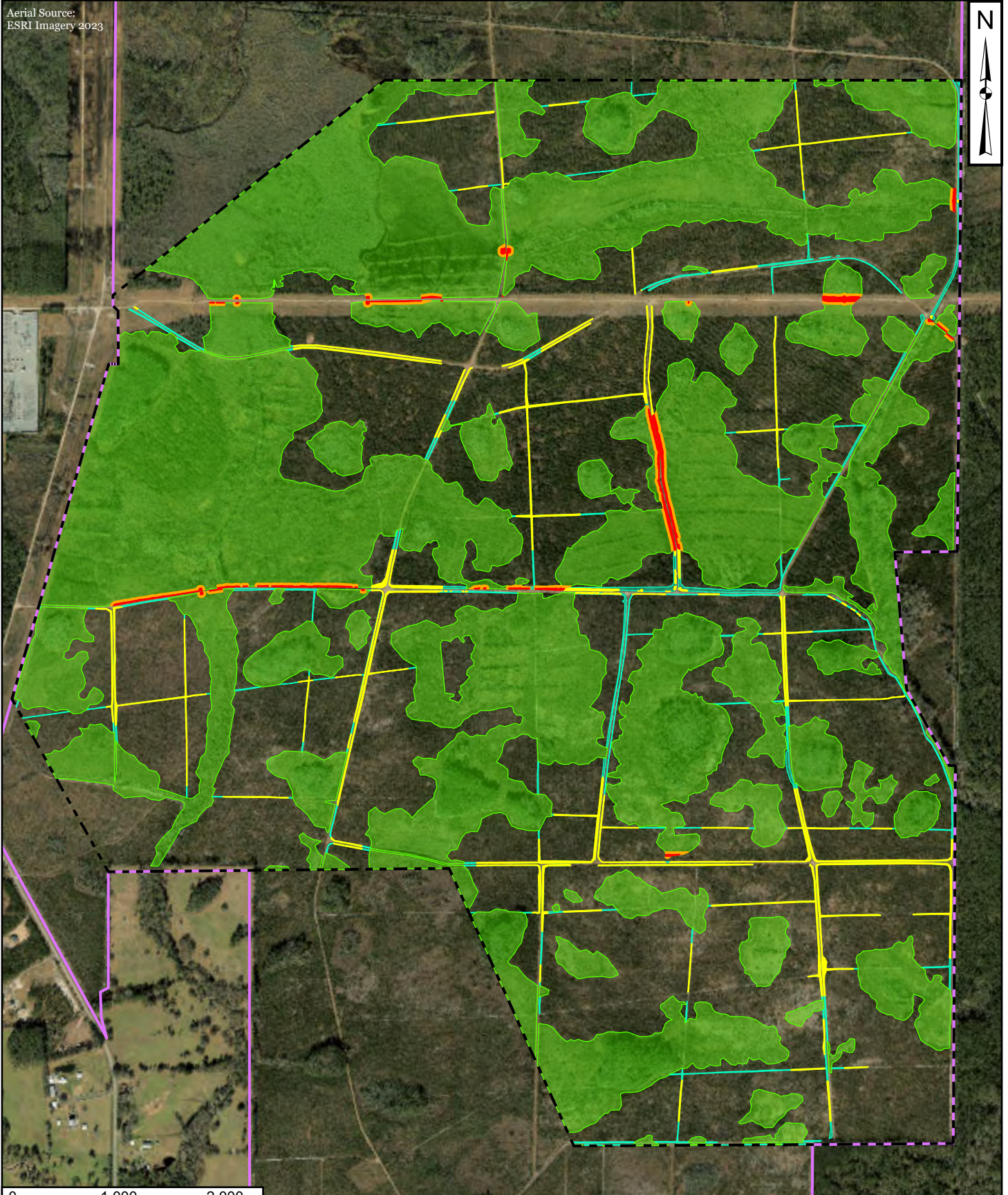
**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from FDEP. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**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.





Aerial Source:  
ESRI Imagery 2023



0 1,000 2,000  
Feet

DRAWN BY M. COLLINS	DATE 11/21/24
CHECKED BY	DATE
REVISED BY	DATE
SCALE AS NOTED	



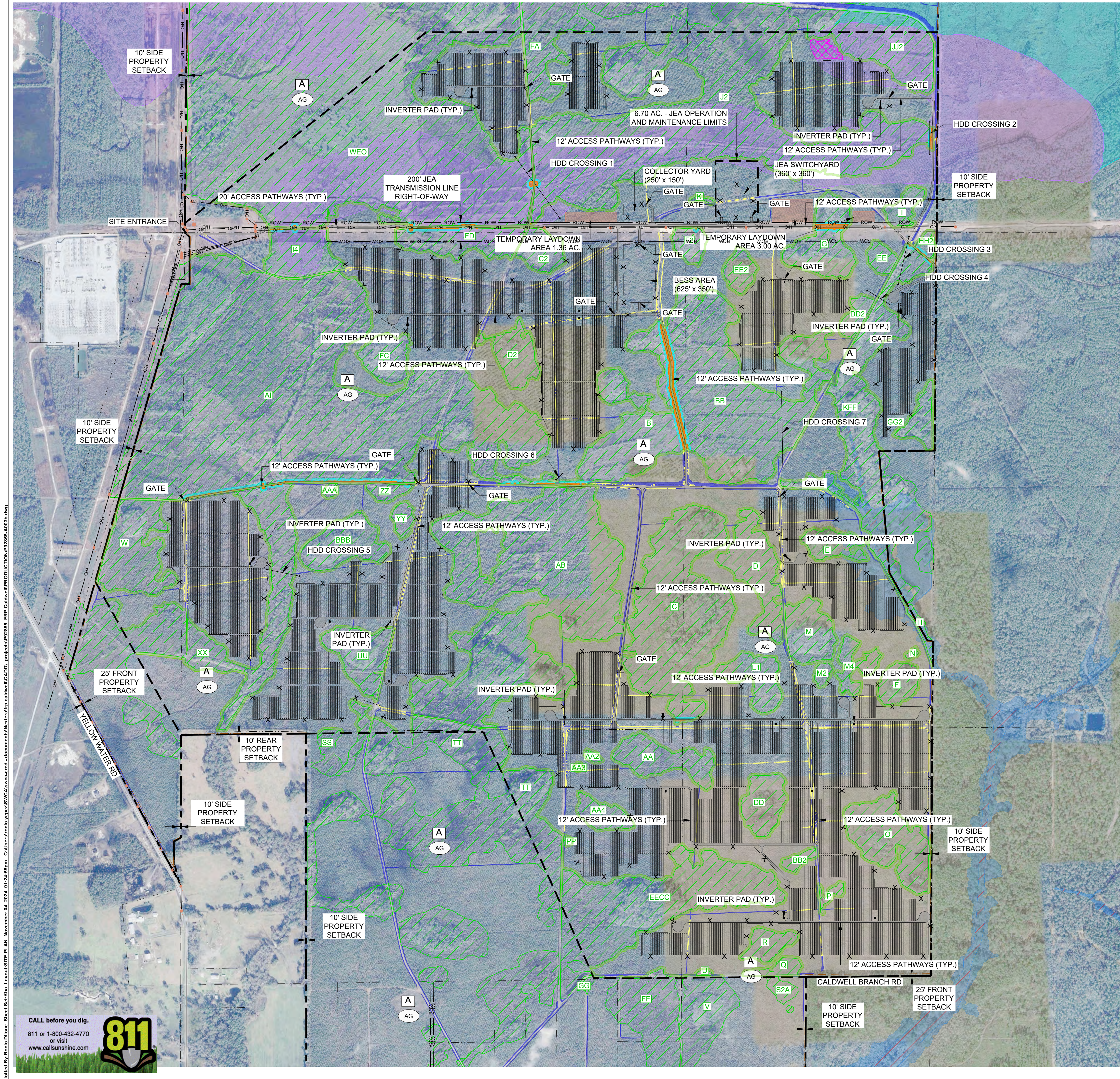
Wetland and UCD Impact Map  
FRP Caldwell SEC  
Duval County, FL

CONTRACT NUMBER 112C10505	
APPROVED BY H. CAROLAN	DATE 11/21/24
APPROVED BY	DATE
FIGURE NO. 6	REV 0

#### Legend

- Project Area (1,573.71 acres)
- Property Boundary (3,010.38 acres)
- Direct Impact (1.86 acres)
- Secondary Impact (5.05 acres)
- UCD Impact (10.39 acres)
- Wetlands - Project Area (732.88 acres)
- Upland Cut Ditches - Project Area (19.53 acres)





SITE COVERAGE TABLE			
DESCRIPTION	SQ. FT.	ACREAGE	% OF SITE
PROPOSED ACCESS PATHS	942,184	21.63	1.37
INVERTER PADS	4,400	0.10	0.01
COLLECTOR YARD	37,500	0.86	0.05
BESS AREA	218,750	5.02	0.32
JEA SWITCHYARD	129,600	2.98	0.19
TOTAL IMPERVIOUS	1,332,434	30.59	1.94
TOTAL PERVIOUS	67,218,361	1,543.12	98.06
FENCED AREA	18,763,432	430.75	27.37
TOTAL PROJECT AREA	68,550,795	1,573.71	100

**FRP CALDWELL SOLAR ENERGY CENTER**  
DUVAL COUNTY, FLORIDA  
**OWNER**  
JEA

SITE ZONING SETBACKS	
FRONT	25'
SIDE	10'
REAR	10'

FUTURE LAND USE	ZONING DESIGNATION
AG	AGRICULTURE

**SURFACING**  
ACCESS PATHS: BASE MATERIAL  
INVERTER PADS: STABILIZED AGGREGATE BASE  
OPEN SPACE: GRASSED AREA  
NOTE: ALL DISTURBED AREAS SHALL BE SEEDED UNLESS SPECIFIED OTHERWISE.

**STRUCTURE DISTANCE TO PROPERTY BOUNDARY**  
SOLAR PANELS ARE MINIMUM 25' FRONT, 10' REAR AND 10' SIDES FROM PROPERTY BOUNDARY.

**SECURITY FENCING**  
COLLECTOR YARD, SWITCHYARD AND BESS FENCE SHALL BE 7'-0" CHAINLINK WITH 6 STRANDS OF BARBED WIRE ON "V" EXTENSION ARMS TO MAKE AN OVERALL HEIGHT OF 8' - 0". PERIMETER FENCE AND SITE ENTRANCE SHALL BE 7'-0" FARM FENCE OR 6'-0" CHAINLINK WITH 3 STANDS OF BARBED WIRE TO MAKE AN OVERALL HEIGHT OF 7'-0".

**100-YEAR FLOODPLAIN**  
THE FACILITY LIES WITHIN FLOOD ZONE X AND FLOOD ZONE AO, AE AND A (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FEMA PANEL ID NUMERICALS: 12031C0315H, 13031C0320H, 12031C0480H AND 12031C0485H, EFFECTIVE DATE: 06/03/2013.

LEGEND	
--- PROPERTY BOUNDARY	FLOODPLAIN - ZONE A
--- PROJECT BOUNDARY	FLOODPLAIN - FLOODWAY
-X- PROPOSED FENCE	FLOODPLAIN - ZONE AE
-X- EXISTING FENCE	FLOODPLAIN - ZONE AO
--- EXISTING ROAD	FLOODPLAIN MITIGATION AREA (1.13 AC.)
--- PROPERTY SETBACK	WETLAND (732.88 AC.)
--- PARCEL BOUNDARY	WETLAND IMPACT (1.86 AC.)
O/H OVERHEAD UTILITY	SECONDARY WETLAND IMPACT (5.05 AC.)
ROW RIGHT-OF-WAY	WETLAND BUFFER (25')
EXISTING POWER POLE	OTHER SURFACE WATER (OSW) (19.53 AC.)
HDD CROSSING	OSW IMPACT (10.39 AC.)
TEMPORARY LAYDOWN AREA	INVERTER PAD
WETLAND ID	ACCESS PATHWAY
	SOLAR PANEL
	PROPOSED GATE

**NOTE(S)**  
1. AERIAL IMAGE TAKEN FROM GOOGLE EARTH DATED 01/26/2024.  
2. BOUNDARY SURVEY DATA TAKEN FROM WSP USA INC, DATED 08/16/2024 AND DEGROVE SURVEYORS, INC. DATED 07/08/2024.  
3. WETLANDS SURVEY PROVIDED BY TETRA TECH, DATED 06/19/2024.

PREPARED BY:  
**SWCA**  
ENVIRONMENTAL CONSULTANTS  
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www.swca.com

PREPARED FOR:  
**FLORIDA RENEWABLE PARTNERS**

PROJECT  
**FRP CALDWELL SOLAR ENERGY CENTER**  
DUVAL COUNTY, FLORIDA

TITLE  
**SITE PLAN**

SEAL

CHECKED BY: RGD	DRAWN BY: RGD	APPROVED BY: RGD
REV	DATE	DESCRIPTION
0	2024-11-04	ISSUED FOR PERMITTING

DATE: 2024-11-04  
PROJECT #: 92855-000

0 500 1000  
SCALE IN FEET

SHEET  
**3B**