

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

January 24, 2025

Regulatory Division North Permits Branch Jacksonville Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-02346 (SP-EBL)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) 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 Emily.B.Lawrence@usace.army.mil.

APPLICANT: Cliff Pepper

P.O. Box 351209

Jacksonville, Florida 32235

WATERWAY AND LOCATION: The project is located at 3965 & 3983 Kelsey Road, and 3978 Owens Road (Clay County Property Appraiser – Parcel Identification Number 47-06-27-016479-000-00), in Section 38, Township 6 South, Range 26 East, Green Cove Springs, Clay, County, Florida. The project would affect waters and wetlands adjacent to waters of the United States associated with the St. Johns River.

Directions to the site are as follows: From the Jacksonville District Office, take Interstate 95 South for 15.6 miles and take exit 333, take FL 9-B for 2.3 miles and merge onto St. Johns Parkway, take a right on to County Road 210 West, then take a left to continue on County Road 210 West, turn left on FL-13 S then take a right onto FL-16 W, then take a right onto Owens Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.980741° North Longitude -81.642678° West

PROJECT PURPOSE:

Basic: The basic project purpose is to provide water access.

Overall: The overall project purpose is to create a commercial boat storage facility to provide water access to the St. Johns River in northeast Green Cove Springs, Clay County, Florida.

EXISTING CONDITIONS: The project is located in a riverine tidal system known as the St. Johns River. The area does not contain submerged aquatic vegetation, marsh, or mangroves.

PROPOSED WORK: It should be noted that the proposed project has been coordinated under a Letter of Coordination (LOC); however, new information provided led to the Corps determination that a review under a Standard Permit (SP) with a public notice is appropriate.

The applicant seeks authorization to construct a boat storage facility which would include 330 dry boat slips, a fueling system, customer parking, and a customer restroom. The specific work would entail the following:

- 1. To remove two existing wooden docks that will be disposed of in the uplands.
- 2. To construct 150-linear-feet of a vinyl sheet pile bulkhead landward of the Mean High Waterline (MHWL) and the wetlands on site. The construction of this bulkhead would not affect navigable waters of the United States and will not result in a discharge of dredged or fill material into waters of the United States. The applicant and contractors would adhere to best management practices (e.g., erosion controls, turbidity barriers, etc.).
- 3. To construct a 3,800-square-foot commercial docking structure with one access walkway and a gangway leading to a floating dock. The dock would include an 8-foot by 60-foot fixed access walkway with a 4-foot by 30-foot aluminum gangway leading to an 8-foot by 400-foot floating dock. There would be 52 wood pilings, totaling 52-square-feet of in-water impacts, installed by impact hammer.
- 4. To install 391-linear-feet of a vinyl sheet pile submerged bulkhead (360-linear-feet of the bulkhead will be perpendicular to the existing mean high waterline (MHWL) located to the east of the proposed floating dock. The western side of the proposed submerged bulkhead will be 190-linear-feet and the eastern side of the proposed submerged bulkhead will be 170-linear-feet from the MHWL. The western side of the proposed submerged bulkhead will be 11-linear-feet above the MHWL, and the eastern side will be 20-linear-feet above the MHWL. The submerged bulkhead will gradually increase in elevation along with the natural gradation of the substrate to tie into the proposed bulkhead in the uplands. The submerged bulkhead would be constructed at the (existing pre-dredge) grade elevation.
- 5. To dredge a 4,463-square-foot area within the footprint of the proposed submerged bulkhead to remove approximately 454-cubic-yards of spoil material

to be at a depth of 5-feet below the mean low waterline. The spoil material will be mechanically dredged using a long neck excavator from both the uplands and from a floating barge. The spoil material will then be placed approximately 20-feet back from the edge of the wetlands on site, in the uplands for dewatering. Best management practices (BMPs) such as silt fences and hay bales will be placed around the dewatering area in order to prevent water quality impacts. Additional BMPs will be implemented to minimize secondary impacts by use of a turbidity curtain to be installed around the project area.

6. In addition, a 717-square-feet area (207-cubic yards) will be dredged within the wetland area above the MHWL of the submerged bulkhead. The spoil material will be mechanically dredged using a long neck excavator from both the uplands and from a floating barge. The spoil material will then be placed approximately 20-feet back from the edge of the wetlands on site, in the uplands for dewatering. Best management practices (BMPs) such as silt fences and hay bales will be placed around the dewatering area in order to prevent water quality impacts. Additional BMPs will be implemented to minimize secondary impacts by use of a turbidity curtain to be installed around the project area.

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:

"We have minimized and narrowed the dredge area to the minimum possible for safe navigation of boats to the water's edge."

In addition, best management practices (BMPs) such as silt fences and hay bales will be placed around the dewatering area in order to prevent water quality impacts. Additional BMPs will be implemented to minimize secondary impacts by use of a turbidity curtain to be installed around the project area.

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

"Compensation will be pursued through the Sundew Mitigation Bank."

CULTURAL RESOURCES:

The Corps is aware of recorded historic resources within or adjacent to the permit area and is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This coordination letter 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 U.S. Army Corps of Engineers (Corps) has determined the project may affect but is not likely to adversely affect the Eastern indigo snake (*Drymarchon corais couperi*) and the West Indian Manatee (*Trichechus manatus*) or its designated critical habitat. The Fish and Wildlife Service (FWS) previously indicated that they concur with determinations of *May affect, not likely to adversely affect* based on the programmatic keys for manatees and eastern indigo snakes; therefore, no additional consultation is necessary.

Jacksonville District's Programmatic Biological Opinion (JAXBO): Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus): The project site is just over 52 miles southwest of the St. Johns River Inlet at the Atlantic Ocean; therefore, the abovementioned species could be found on site. The Corps has determined that portions of the proposed project may affect, but is not likely to adversely affect the Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus). The Corps evaluated portions of the proposed work utilizing National Marine Fisheries Service's (NMFS) through the Jacksonville District's Programmatic Biological Opinion (JAXBO) dated 20 November 2017 and the JAXBO "Superseding Process for Review and Inclusion of Substantially Similar Projects or Projects with Substantially Similar Effects". The Superseding Process can be used for projects that may propose to use materials or installation methods that were not specifically considered in JaxBO, or the project may deviate from the PDC's in a minor fashion. The Corps evaluated the proposed work utilizing NMFS's Jacksonville District's Programmatic Biological Opinion (JAXBO, SAJ-2018-01916) dated 20 November 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Nassau grouper; scalloped hammerhead shark, Johnson's seagrass; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); whales (North Atlantic right whale, sei, blue, fin, and sperm); and designated critical habitat for Johnson's seagrass; smalltooth sawfish; sturgeon (Gulf and Atlantic); sea turtles (green, hawksbill, leatherback, loggerhead); North Atlantic right whale; and elkhorn and staghorn corals in accordance with Section 7 of the Endangered Species Act. Based on past permitting practices of the Corps and review of consultations with similar in-water construction activities, Project Design Criteria (PDCs) were identified in the JAXBO that typically have been applied to permitted in-water construction activities. These PDCs ensure effects of in-water construction activities are minimal in nature and are not likely to jeopardize the continued existence of listed species or adverse modification to designated CH. On 21 February 2018, NMFS listed

the giant manta ray as threatened. On 5 November 2021, SAJ-RD provided NMFS PRD with a Section 7(a)(2) and 7(d) Endangered Species Act (ESA) analysis to verify that the activities covered in JAXBO are not likely to jeopardize the continued existence of the giant manta ray (*Manta birostris*). The Section 7(a)(2) and 7(d) ESA analysis validates that the Corps' continued use of the JAXBO, while Section 7 ESA consultation is ongoing, remains compliant with the ESA's requirements to avoid jeopardy and irreversible or irretrievable commitments of resources. On 16 May 2022, Johnson's seagrass and its critical habitat were delisted from the ESA. Therefore, the PDCs included in JAXBO to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable. A document identifying the specific PDCs can be found in the SAJ-2018-01916 file or on the SAJ Regulatory Division SourceBook in the ESA section.

In accordance with the project-specific review process established in the JAXBO "Superseding Process for Review and Inclusion of Substantially Similar Projects or Projects with Substantially Similar Effect, a Superseding Checklist and supporting information for the submerged bulkhead. In accordance with the project-specific review process established in the JAXBO "Superseding Process for Review and Inclusion of Substantially Similar Projects or Projects with Substantially Similar Effect, a Superseding Checklist and supporting information for the submerged bulkhead will be coordinated with National Marine Fisheries Service (NMFS). In addition, the project-specific review process established in the JAXBO, a PDC checklist, certification that the activity meets the applicable PDCs, and supporting documentation for the proposed docking structure and dredging will be coordinated with NMFS.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. The proposal would impact approximately 0.90 acres of open-water habitat utilized by various life stages of sharks, summer flounder, and bluefish. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries within the St. Johns River. 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 structure and activity are 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 30 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 through the Jacksonville Permits Section at the address listed above.

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, Brooke Lawrence, in writing at the Jacksonville Permits Section, at the address listed above by electronic mail at Emily.B.Lawrence@usace.army.mil; or by telephone at 904-251-9191

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.

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 may be required from the Florida Department of Environmental Protection (FDEP).

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.





GENERAL NOTES

BOUNDARY, TOPOGRAPHIC, AND BATHYMETRIC SURVEY PERFORMED BY MELROSE SURVEYING AND MAPPING, INC. DATED JULY 21, 2023 AND REVISED ON AUGUST 28, 2024.

MANATEE PROTECTION PLAN NOTES

THE PURPOSE OF BOAT FACILITY SITING.

IN-WATER WORK (ITEMS 4 - 10 BELOW).

WHENEVER POSSIBLE.

MARCH 2007 WAS REFERENCED FOR THIS PROJECT.

THE CLAY COUNTY MANATEE PROTECTION PLAN DATED

2. BASED ON THE MAP ON PAGE 69, THIS PROJECT IS LOCATED IN THE "CENTRAL" AREA OF THE COUNTY FOR

3. CONSTRUCTION SHALL COMPLY WITH THE FLORIDA FISH AND WILDLIFE STANDARD MANATEE CONDITIONS FOR

4. ALL PERSONNEL ASSOCIATED WITH THE PROJECT SHALL

BE INSTRUCTED ABOUT THE PRESENCE OF MANATEES AND MANATEE SPEED ZONES, AND THE NEED TO AVOID COLLISIONS WITH AND INJURY TO MANATEES. THE

PERMITTEE SHALL ADVISE ALL CONSTRUCTION

PERSONNEL THAT THERE ARE CIVIL AND CRIMINAL

PENALTIES FOR HARMING, HARASSING, OR KILLING MANATEES WHICH ARE PROTECTED UNDER THE MARINE

MAMMAL PROTECTION ACT, THE ENDANGERED SPECIES

ALL VESSELS ASSOCIATED WITH THE CONSTRUCTION PROJECT SHALL OPERATE AT "IDLE SPEED/NO WAKE" AT

ALL TIMES WHILE IN THE IMMEDIATE AREA AND WHILE IN

WATER WHERE THE DRAFT OF THE VESSEL PROVIDES

LESS THAN A FOUR-FOOT CLEARANCE FROM THE BOTTOM.

ALL VESSELS WILL FOLLOW ROUTES OF DEEP WATER

6. SILTATION OR TURBIDITY BARRIERS SHALL BE MADE OF MATERIAL IN WHICH MANATEES CANNOT BECOME ENTANGLED, SHALL BE PROPERLY SECURED, AND SHALL

BE REGULARLY MONITORED TO AVOID MANATEE

PRESENCE OF MANATEE(S). ALL IN-WATER OPERATIONS,

ACT, AND THE FLORIDA MANATEE SANCTUARY ACT.

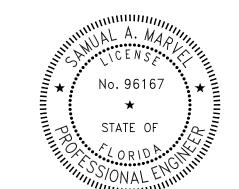
SHORELINE STABILIZATION NOTES

- THE SHORELINE STABILIZATION WORK INCLUDES THE INSTALLATION OF A SHEET PILE BULKHEAD AS SHOWN ON THIS PLAN SHEET.
- 2. THE BULKHEAD IS APPROXIMATELY 150' LONG WITH A TOP ELEVATION OF 10.0.
- 3. THE BULKHEAD IS LANDWARD OF THE MEAN HIGH WATER LINE (MHWL) AT ALL POINTS ALONG ITS LENGTH. THE BULKHEAD DISTANCE TO THE MHWL VARIES FROM 9' TO
- 4. THIS PROJECT MEETS THE JAXBO PROJECT DESIGN CRITERIA FOR THIS ACTIVITY:
- 4.1. SHORELINE STABILIZATION CANNOT EXCEED 500 FEET IN LENGTH.
- 4.2. NEW SEAWALLS AND FOOTERS CANNOT EXTEND ANY FURTHER WATERWARD THAN 1.5 FT. FROM MHWL.

REV DESCRIPTION DATE

NORK

2 USACE COMMENTS 11/20/ 1 USACE COMMENTS 10/7/24



KEY NOTES

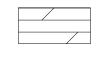
- 33' X 20' CONCRETE RELIEF SLAB
- 2. OFFICE AND RESTROOM BUILDING
- 3. 84 STALL PARKING LOT
- 4. ABOVE GRADE SHEET PILES

LEGEND

DREDGING AREA



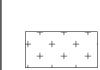
FLOATING DOCK



CONCRETE

WETLANDS

FIXED DOCK



->>>>> ABOVE GRADE SHEET PILES





WATER SURFACE



MEAN HIGH WATER LINE (MHWL)





 \Box

DESIGNED BY: SM

DRAWN BY: SM

DATE: 9/10/2024

SHEET:

FILE NO:

CHECKED BY: SM

WATER WORK SITE PLAN SCALE: 1" = 30'

Feet



ENTANGLEMENT OR ENTRAPMENT. BARRIERS MUST NOT IMPEDE MANATEE MOVEMENT. ALL ON-SITE PROJECT PERSONNEL ARE RESPONSIBLE FOR OBSERVING WATER-RELATED ACTIVITIES FOR THE

INCLUDING VESSELS, MUST BE SHUTDOWN IF A

MANATEE(S) COMES WITHIN 50 FEET OF THE OPERATION. ACTIVITIES WILL NOT RESUME UNTIL THE MANATEE(S) HAS MOVED BEYOND THE 50-FOOT RADIUS OF THE PROJECT OPERATION, OR UNTIL 30 MINUTES ELAPSES IF THE

MANATEE(S) HAS NOT REAPPEARED WITHIN 50 FEET OF THE OPERATION. ANIMALS MUST NOT BE HERDED AWAY OR HARASSED INTO LEAVING.

8. ANY COLLISION WITH OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA FISH AND

WILDLIFE CONSERVATION COMMISSION (FWC) HOTLINE AT 1-888-404-3922. COLLISION AND/OR INJURY SHOULD ALSO BE REPORTED TO THE U.S. FISH AND WILDLIFE SERVICE IN JACKSONVILLE (1-904-731-3336) FOR NORTH FLORIDA OR VERO BEACH (1-772-562-3909) FOR SOUTH FLORIDA, AND

> TEMPORARY SIGNS CONCERNING MANATEES SHALL BE POSTED PRIOR TO AND DURING ALL IN-WATER PROJECT ACTIVITIES. ALL SIGNS ARE TO BE REMOVED BY THE PERMITTEE UPON COMPLETION OF THE PROJECT. TEMPORARY SIGNS THAT HAVE ALREADY BEEN APPROVED FOR THIS USE BY THE FWC MUST BE USED. ONE SIGN WHICH READS CAUTION: BOATERS MUST BE POSTED. A SECOND SIGN MEASURING AT LEAST 8 1/2" BY 11" EXPLAINING THE REQUIREMENTS FOR "IDLE SPEED/NO

TO FWC AT IMPERILEDSPECIES@MYFWC.COM

WAKE" AND THE SHUT DOWN OF IN-WATER OPERATIONS MUST BE POSTED IN A LOCATION PROMINENTLY VISIBLE TO ALL PERSONNEL ENGAGED IN WATER-RELATED ACTIVITIES. THESE SIGNS CAN BE VIEWED AT MYFWC.COM/MANATEE. QUESTIONS CONCERNING THESE SIGNS CAN BE SENT TO THE EMAIL ADDRESS LISTED

ABOVE.

