



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

January 23, 2025

Regulatory Division
North Branch
Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-01198(SP-LMG)

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 Lisa.M.Gibson2@usace.army.mil.

APPLICANT: First Coast Regional Utilities, Inc.
Attn: Robert Kennelly
P.O. Box 238
Lake Butler, Florida 32054
RKennelly@BHKcap.com

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Deep Creek. The project site is located in Section 7, 16, 17, and 18, Township 3 South, Range 23 East, Jacksonville, Duval County, Florida.

Directions to the site are as follows: From Jacksonville travel east on Interstate 10 for 17 miles. Take exit 3343 toward US-301 S. Travel 3.7 miles on US-301 S, turn right onto West Road. In 0.6 miles turn left onto Barr Pit Road and then right onto Hog Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.24598°
Longitude -82.041326°

PROJECT PURPOSE:

Basic: The basic purpose of the proposed action is water supply and treatment.

Overall: The applicant has identified that the purpose of the proposed action is to provide utilities for the growing Duval area.

EXISTING CONDITIONS: Based on information provided by the applicant, the project site contains approximately 139.97 acres of wetlands. The boundaries of the wetlands

and other aquatic resources on the project site have not yet been verified by the Corps. The applicant conducted a site assessment of vegetation communities on the site, and identified three vegetation communities in uplands, and seven vegetation communities within the wetlands in accordance with the Florida Land Use, Cover and Forms Classification System (FLUCCS), as follows:

Uplands

Mesic Flatwoods (FLCCS 1311) – This vegetative community consisted primarily of slash pine (*Pinus elliottii*), bracken fern (*Pteridium aquilinum*), wiregrass (*Aristida stricta*), gallberry (*Ilex glabra*), fetterbush (*Lyonia lucida*), and chalky bluestem (*Andropogon virginicus*).

Coniferous Plantation (FLCCS 183332) – This vegetative community consisted primarily of planted slash pine, gallberry, blackberry (*Rubus* spp.), saw greenbrier (*Smilax bona-nox*), Carolina jessamine (*Gelsemium sempervirens*), bracken fern, and saw palmetto (*Serenoa repens*). Additional areas of planted pine also consisted of areas with longleaf pine (*Pinus palustris*), shiny blueberry (*Vaccinium myrsinites*), scrub rosemary (*Ceratiola ericoides*), chalky bluestem, tarflower (*Bejaria racemosa*), sparkleberry (*Vaccinium arboretum*), deer moss (*Cladonia rangiferina*), and wiregrass.

Sod Farm (FLCCS 183342) – This vegetative community consisted primarily of bahia grass (*Paspalum notatum*) and dogfennel (*Eupatorium capillifolium*).

Wetlands

Wet Flatwoods (FLCCS 2221) – This vegetative community consisted primarily of slash pine, saw palmetto, wiregrass, peelbark St. John's wort (*Hypericum fasciculatum*), Virginia chain fern (*Woodwardia virginiana*), and yellow-eyed grass (*Xyris elliottii*).

Mixed Hardwood-Coniferous Swamps (FLCCS 2240) – This vegetative community consisted primarily of pond cypress (*Taxodium ascendens*), slash pine, loblolly bay (*Gordonia lasianthus*), wax myrtle (*Morella cerifera*), Virginia chain fern, and netted chain fern (*Woodwardia areolate*).

Grazed Wetlands (FLCCS 2430) – This vegetative community consisted primarily of bahia grass, maidencane (*Panicum hemitomon*), and soft rush (*Juncus* spp.).

Artificial /Farm Pond (FLCCS 3210) – This land cover classification consisted of an artificial pond surrounded by pastures.

Bottomland Forest (FLCCS 22331) – This vegetative community consisted primarily of loblolly bay, loblolly pine (*Pinus taeda*), red maple (*Acer rubrum*), swamp bay (*Persea palustris*), Carolina willow (*Salix caroliniana*), fetterbush (*Lyonia lucida*), myrtle leaf holly

(*Ilex myrtifolia*), cinnamon fern (*Osmundastrum cinnamomea*), royal fern (*Osmunda regalis*), saltbush (*Baccharis halimifolia*), and rushes (*Rhynchospora* spp.).

Wet Coniferous Plantation (FLCCS 1833321) – This vegetative community consisted primarily of planted slash pine, with an understory of red maple, loblolly bay, myrtle leaf holly, fetterbush, peelbark St. John's Wort and cinnamon fern.

Ditch (FLCCS 4220) – This land cover classification consisted of a ditch containing sedges (*Eleocharis* spp.), beaksedges (*Rhynchospora* spp.), and sundew. Standing water was observed during the site visit.

PROPOSED WORK: The applicant seeks authorization to discharge fill material into 19.45 acres of aquatic resources for the construction of a stormwater management facility, access road, culverts, utility lines, and stormwater ponds. The proposed utility lines would be located adjacent to the proposed access road and consist of a water main, reuse water main, and force main to distribute water and reuse water and collect sewer discharge. Proposed culverts would consist of both concrete box culverts and reinforced concrete pipe (RCP) and will vary in size. The proposed ponds would provide water quality treatment and attenuation for the proposed access road and plant site. The proposed discharge of fill material into aquatic resources associated with the proposed action is shown in the table below.

Utility Site	
Permanent Impacts	Acreage
Wetlands	2.08
Surface Water	N/A
Utility Line/Access Road	
Permanent Impacts	Acreage
Wetlands	15.79
Surface Waters	0.32
Stormwater Ponds	
Permanent Impacts	Acreage
Wetlands	1.26
Surface Waters	n/a

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided information on alternatives to the proposed discharge, including the no action, on-site, and off-site alternatives. The applicant identified two alternative corridors for the proposed utility lines and access road, which would have greater adverse effects to the

aquatic environment. The applicant has also provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The project has been designed to minimize impacts to jurisdictional wetlands as much as practicable to have a viable project, which minimized adverse impacts to wildlife. Due to the cost of land and cost incurred with construction, the applicant cannot avoid these wetland impacts and still have a viable project. Additionally, due to regulations, some impacts cannot be avoided along the roadways. The provided site plan has avoided the majority of high-quality wetlands on-site, with the majority of impacts being along the edge of wetland systems.

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

The proposed project will result in ±19.13 acres of jurisdictional wetland impacts. Compensatory wetland mitigation will include the purchase of 9.14 Mitigation Bank Credits from Longleaf Mitigation Bank or Loblolly 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:

Based on information provided by the applicant, the Corps has preliminarily determined the proposed project may affect the Eastern indigo snake (*Drymarchon couperi*), wood stork (*Mycteria americana*), Eastern black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), red-cockaded woodpecker (*Picoides borealis*), and the proposed tricolored bat (*Perimyotis subflavus*), black creek crayfish (*Procambarus pictus*), and candidate monarch butterfly (*Danaus plexippus*). The Corps will consult with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. In addition, the Corps has preliminarily determined the proposed project will have no effect on green sea turtle (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*), Leatherback sea turtle (*Demochelys coriacea*), and Loggerhead sea turtle (*Caretta caretta*).

ESSENTIAL FISH HABITAT (EFH): Our initial determination is that the proposed action would not have an adverse impact on EFH. Our final determination relative to project impacts and the need for mitigation measures may be 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 Sacramento District Special Projects Branch, 1325 J Street, Room 860, Sacramento, California 95864, 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, Lisa M. Gibson, in writing at the Sacramento District Special Projects Branch, 1325 J Street, Room 860, Sacramento, California 95864; by electronic mail at Lisa.M.Gibson2@usace.army.mil; or, by telephone at (916)557-5288.

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 St. Johns River Water Management District.

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.