



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Angus Powell, III
Circle K Stores, Inc.

Published: March 12, 2025
Expires: April 10, 2025

**Jacksonville District
Permit Application No. SAJ-2005-00865**

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/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work 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 CESWT-RO@usace.army.mil

APPLICANT: Angus Powell, III
Circle K Stores, Inc.
25 W. Cedar Street, Suite M
Pensacola, FL 32502

AGENT: Rayne Mattson
Universal Engineering Services - Biome
3298 Summit Blvd, Suite 44
Pensacola, FL 32503

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Hogtown Bayou. The project/review area is located on the SE corner of US Hwy 98 and Hwy 393 in 35 Section, 2 S Township, 20 W Range; at Latitude 30.373049 and Longitude -86.227916; in Santa Rosa Beach, Walton County, Florida.

EXISTING CONDITIONS: The site consists of approximately 2.94 acres of upland mesic flatwoods, 7.10 acres of wetlands and 0.03 acres of isolated wetlands (625, FLUCCS), situated just south of the intersection of US Highway 98 West and South County Highway 393 in Santa Rosa Beach, Florida. The areas were mapped using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). The site is a disturbed mesic flatwood wetland system. There is a large ditch running east-west on the north central portion of the site. The canopy within the site is planted slash pine at various stages of growth with a mixed understory. The uplands are comprised of southern magnolia, hardwood oaks, saw palmetto, bracken fern, broomsedge, gallberry, yaupon, and other xeric upland species indicative of mesic flatwoods. The wetland vegetation includes sweetbay magnolia, tupelo, red maple, myrtle-leaf holly, large

gallberry, lyonia, bog buttons, hatpins, and obligate grasses, forbs, and rushes indicative of a wet flatwood savanna habitat. The surrounding area consists of undeveloped flatwoods and developed commercial along Hwy 393 and Hwy 98.

PROJECT PURPOSE:

Basic: The purpose of the commercial gas station/mixed use project is to provide much needed fueling and shopping opportunities in the growing development market of Santa Rosa Beach and the Hwy 98 corridor. The project site is on the east corner of US Hwy 98 and HWY 393. This region of Walton Co. has seen rapid economic and annual population growth with few developable parcels remaining. The location of the site makes it ideal, as it is along the major commuting route for residents and tourist of Santa Rosa Beach and 30A.

Overall: The overall project purpose is to a convenience store/gas station commercial development with two entrances, stormwater, and parking in the vicinity of Hwy 98 and Hwy 393 to serve the Santa Rosa Beach market. The project also includes a single-family residence to the south of the main commercial development. The total project site is +/-10.07 acres with 2.94 acres of uplands and 7.10 acres of wetlands and 0.03 acres of isolated wetlands. Wetland impacts include 0.03 acres to isolated wetlands and 1.99 acres to jurisdictional wetlands. Total wetland impacts are 2.02 acres.

PROPOSED WORK: The applicant requests authorization to construct a new mixed residential and commercial project, including the construction of a Circle K convenience store/gas station, with associated stormwater and parking, at the southeast corner of Highway 98 and S County Highway 393.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has shown avoidance and minimization by placing proposed construction in uplands along the road frontage of South County Highway 393 and US Highway 98 West, minimizing impact to wetlands. The total project site is 10.07 acres, with 2.94 acres of uplands and 7.13 acres of wetlands. Of the total 7.13 acres of wetlands, only 1.99 acres of wetland and 0.03 acres of isolated wetland impact is proposed with 5.11 acres of wetlands to remain in their natural, vegetated state. 3.17 acres of wetlands are remaining on-site in a conservation easement. The previous Corps permit authorized 4.2 acres of wetland impact. The 1.99 acres of wetland impact will be primarily off-set by purchasing palustrine forested wetland credits from Nokuse Mitigation Bank. The remaining 5.11 acres of on-site wetlands will be left undisturbed and shall remain in their natural, vegetated state.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant is proposing to purchase Corps-approved palustrine forested wetland credits from Nokuse Plantation Mitigation Bank as compensatory mitigation to offset unavoidable functional loss to the aquatic environment.

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, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, utilizing the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened
Red-cockaded Woodpecker	<i>Dryobates borealis</i>	Threatened
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened
Eastern Indigo Snake	<i>Drymarchon couperi</i>	Threatened
Gulf Sturgeon	<i>Acipenser oxyrinchus (=oxyrhynchus) desotoi</i>	Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The site does not contain EFH; therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

NAVIGATION: The proposed structure or 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 of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The applicant has applied for an individual Water Quality Certification (WQC) from the Northwest Florida Water Management District (#IND-131-316448-1).

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.

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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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.

COMMENTS: The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 10, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to David Carraway at CESWT-RO@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: David Carraway, CESWT-RO, 2488 E. 81st Street, Tulsa, OK 74137-4290. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



EXHIBIT 1
SITE LOCATION MAP
WALTON COUNTY
CIRCLE K - HIGHWAY 98
35-2S-20-33280-000-0630
CIRCLE K STORES, INC.

LEGEND

INSPECTION BOUNDARY

2600.003
TAE

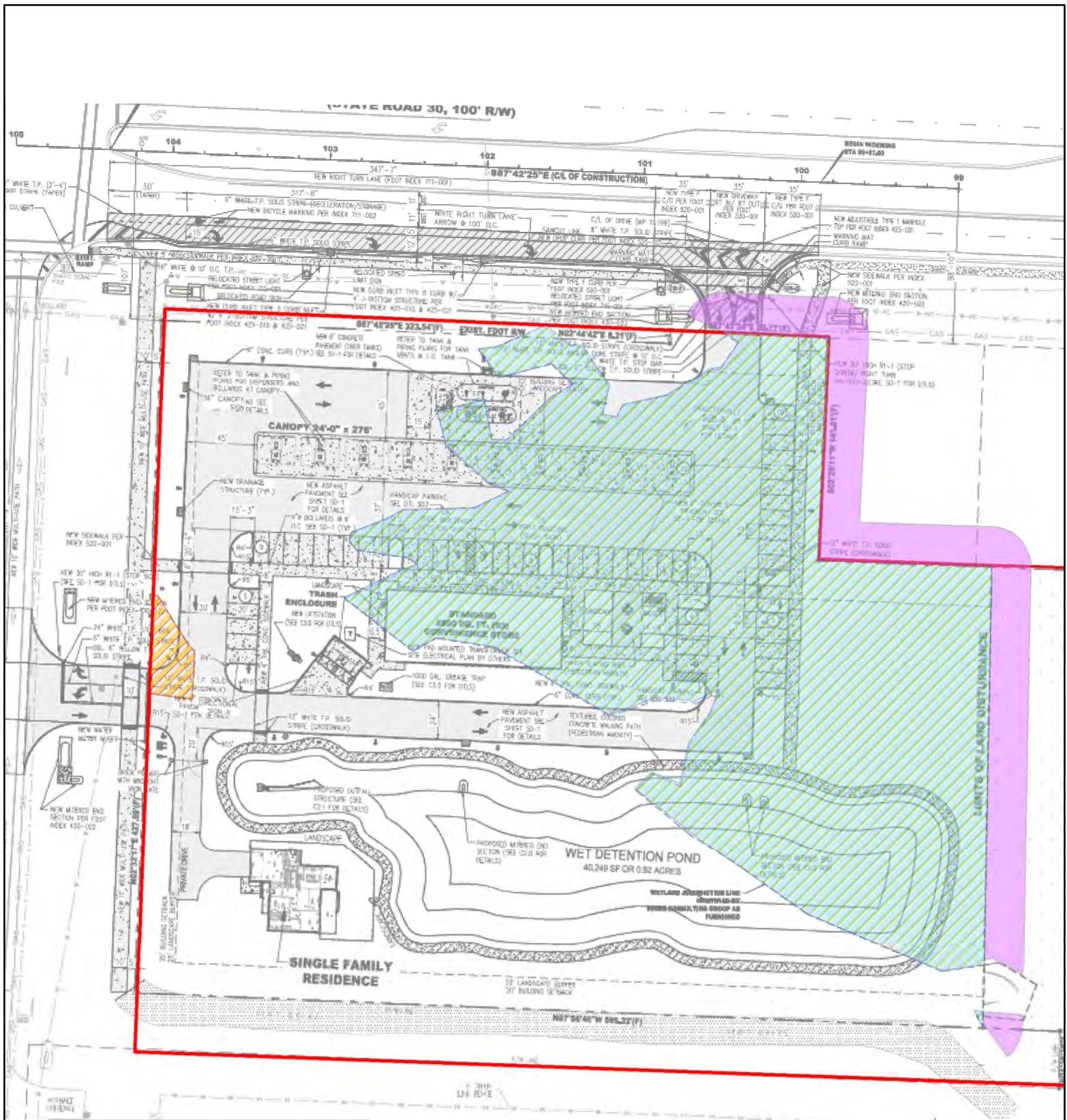
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THIS IS NOT A SURVEY



APPROXIMATE ACREAGES
SECONDARY IMPACTS: 0.33 ACRES

SECONDARY IMPACTS
WALTON COUNTY
CIRCLE K - HIGHWAY 98
35-2S-20-33280-000-0630
CIRCLE K STORES, INC.

LEGEND

- INSPECTION BOUNDARY
- IMPACTS
- ISOLATED IMPACTS

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