



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Austin Brockenbrough  
Oare Associates, LLC

Published: March 17, 2025  
Expires: April 7, 2025

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**Jacksonville District  
Permit Application No. SAJ-2007-05638 (SP-CMM)**

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). 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 [Christy.M.Morgan@usace.army.mil](mailto:Christy.M.Morgan@usace.army.mil).

**APPLICANT:** Austin Brockenbrough  
Oare Associates, LLC  
120 South Woodland Boulevard, Suite 203  
Deland, Florida 32720-5458

**AGENT:** Dave Carter  
Carter Environmental Services, Inc.  
42 Masters Drive  
St. Augustine, Florida 32084-3465

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with the proposed activities to discharge fill material into freshwater forested wetlands associated with Black Branch Swamp which drains into Haw Creek, a Traditionally Navigable Water. The project site is located near the intersection of Belle Terre Boulevard and Magnolia Trace Boulevard, in Section 19, Township 12 South, Range 31 East; at Latitude 29.44053° and Longitude -81.22023°; in Palm Coast, Flagler County, Florida.

**EXISTING CONDITIONS:** The proposed project area (9.90 acres) consists of Pine Flatwoods (FLUCFCS 411), Pine Plantation (FLUCFCS 441), Roads and Highways (FLUCFCS 814), and Wetland Forested Mixed (FLUCFCS 630), as classified according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS, 1999). The Wetland Forested Mixed community has a mixed canopy of slash pine, dahoon holly (*Ilex cassine*), loblolly bay (*Gordonia lasianthus*), and red maple (*Acer rubrum*). The understory and groundcover are vegetated with fetterbush (*Lyonia lucida*), highbush blueberry (*Vaccinium corymbosum*), Virginia chain fern (*Woodwardia virginica*), and pipewort (*Eriocaulon* sp.).

## **PROJECT PURPOSE:**

**Basic:** To construct a residential/commercial facility.

**Overall:** To construct an assisted-living facility, infrastructure, and stormwater management system in Palm Coast, Florida.

**PROPOSED WORK:** The applicant requests authorization to permanently discharge fill material into approximately 2.16 acres of freshwater forested wetlands for the construction of a mixed-use facility including office/retail space, a 120-bed Extended Care Facility, an age-restricted Active Adult Community, and associated infrastructure. The project would include two roadways identified as Magnolia Trace Way, a two-lane road, and Magnolia Trace Boulevard, a two-lane road with a median.

**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 project footprint has been minimized to the greatest extent practicable, with most wetland impacts resulting from the construction of an access road that is in compliance with local building codes. All prudent and necessary steps would be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality would occur. This may include, but is not limited to, siltation curtains, synthetic hay bales, and floating turbidity screens, as necessary. All newly exposed surfaces would be seeded or sodded as soon as practicable. During the review process the Corps will review alternatives to the proposed action and determine whether or not all appropriate and practicable measures have been proposed to avoid and minimize adverse effects to the aquatic environment.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant would purchase 0.86 mitigation bank credits from Brick Road Wetland Mitigation Bank and has already preserved 122.56 acres of offsite wetlands. The applicant recorded two separate conservation easements (Flagler County OR BK 1798 PG 548, Flagler County OR BK 1798 PG 575).

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore,

there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

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, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper 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 may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
eastern indigo snake	<i>Drymarchon couperi</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

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.

**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:** Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP). On January 24, 2022, a Minor Modification for a five-year extension of permit number 113521-2 was granted under FDEP permit number 113521-3.

**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. 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.

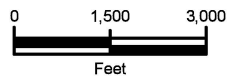
The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. Alternatively, you may submit written comments through the Sacramento District (on behalf of the Jacksonville Permits Section) to Christy Morgan, 1325 J Street, Room 860, Sacramento, California 95814-2922. 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.

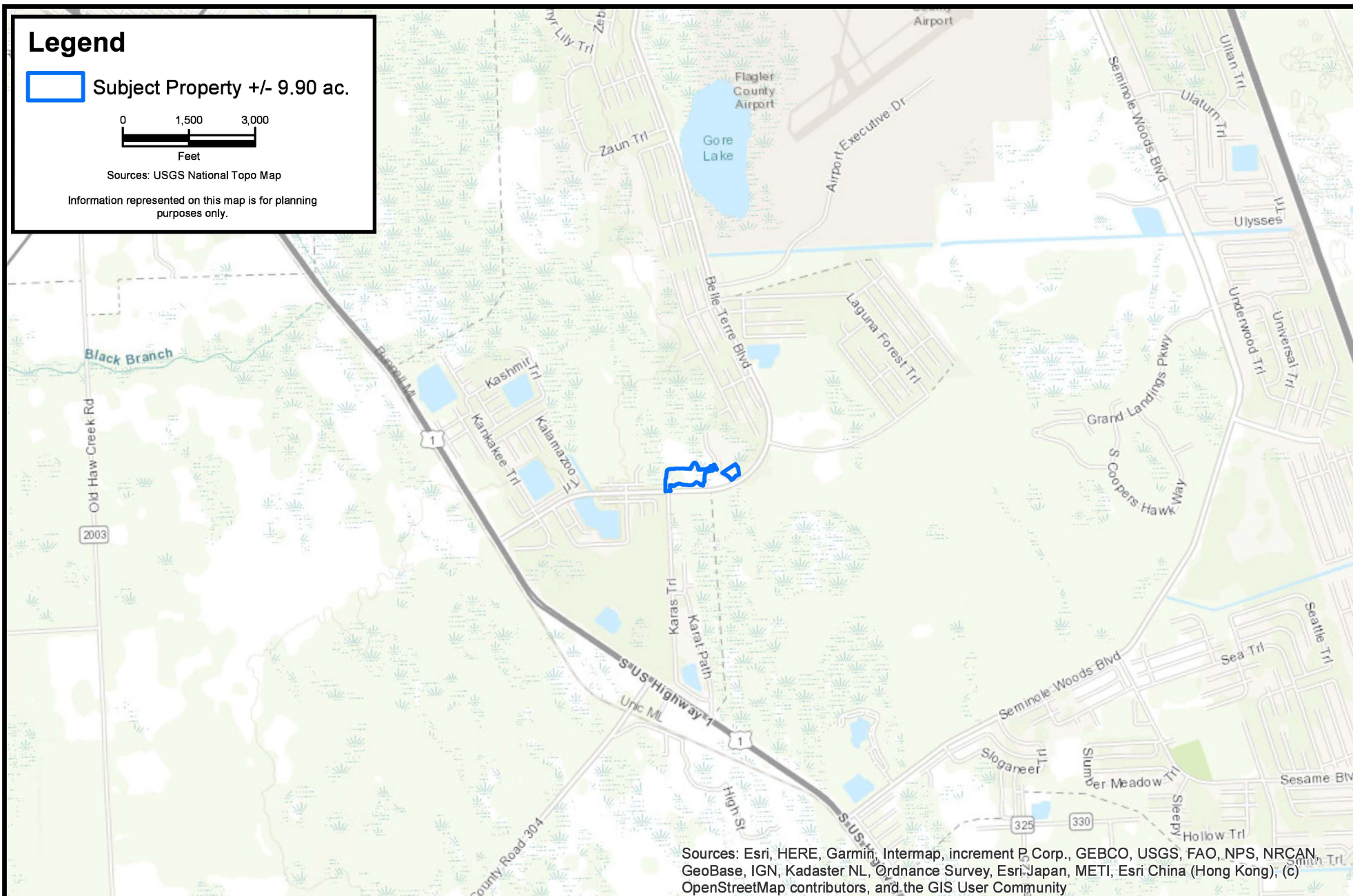
## Legend

 Subject Property +/- 9.90 ac.



Sources: USGS National Topo Map

Information represented on this map is for planning purposes only.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**CARTER ENVIRONMENTAL  
SERVICES, INC.**



42 Masters Drive  
St. Augustine, FL 32084  
904-540-1786

[www.carterenv.com](http://www.carterenv.com)

Location Map

## Oare Magnolia Trace

Project: 5.17284

Palm Coast, FL

Date: Nov 01 2023

Figure:

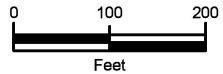
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# Legend

- Project Area +/- 9.90 ac.
- 411 - Pine Flatwoods +/- 2.03 ac.
- 441 - Pine Plantation +/- 4.97 ac.
- 630 - Wetland Forested Mixed +/- 2.71 ac.
- 814 - Roads & Highways +/- 0.18 ac.
- ACOE Data Point



Sources: ESRI Aerial Basemap

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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FLUCFCS Map

## Oare Magnolia Trace

Project: 5.17284

Palm Coast, FL

Date: May 10 2024




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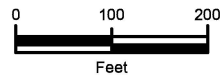
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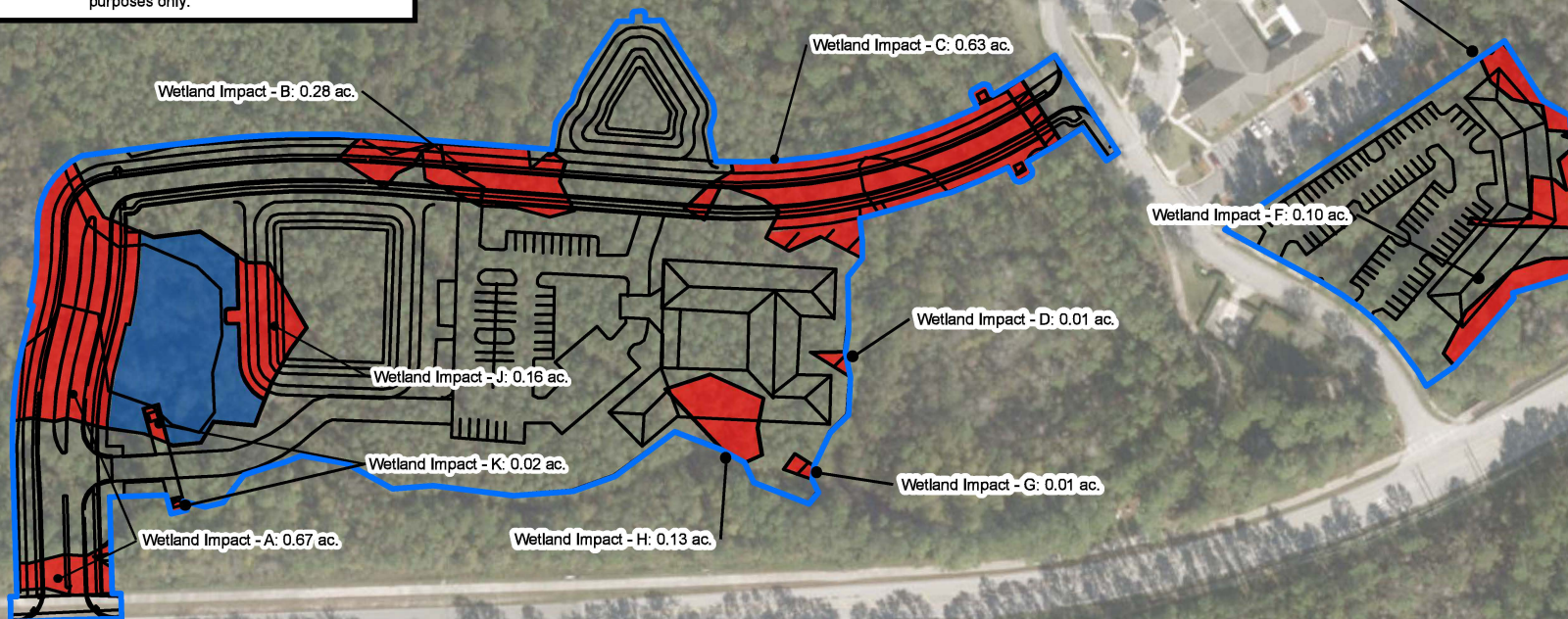
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-  Project Area +/- 9.90 ac.
-  Wetland Fill +/- 2.16 ac.
-  Remaining Wetlands +/- 0.58 ac.



Sources: USGS National Topo Map, ACOE Permit SAJ-2007-05638

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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## Proposed Site Conditions Oare Magnolia Trace

Project: 5.17284

Palm Coast, FL

Date: Mar 20 2024

Figure:

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