



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Micheal O'Steen
GK36, LLC

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Expires: April 28, 2025

**Jacksonville District
Permit Application No. SAJ-2024-03937 (MEM)**

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 James.E.Mace@usace.army.mil.

APPLICANT: Micheal O'Steen
GK36, LLC
4314 Pablo Oaks Court
Jacksonville, Florida 32224

AGENT: Hayley Torkos
ONEIDA Environmental, LLC
10475 Fortune Pkwy, Suite 201
Jacksonville, Florida 32256

WATERWAY AND LOCATION: The project would affect wetlands and surface waters associated with the Glen Kernan Residential Development Project. The project site is located at Hunterson Lane and Carrbridge Drive, in Section 9 and 10, Township 3, Range 28, Duval County, Jacksonville, Florida. The approximate coordinates for the project are Latitude 30.251866 and Longitude -81.483042.

EXISTING CONDITIONS: The property was found to contain 2.94 acres of aquatic resources and 0.63 acre of upland cut ditches. The wetland system consists of a freshwater system. The onsite vegetation consists of Mixed Hardwood-Coniferous Swamp. The existing area surrounding the project area consists of Urban Land, Pine-Mesic Oak, and Coniferous Plantation.

PROJECT PURPOSE:

Basic: Residential Development in Duval County Florida

Overall: The proposed project would allow for the construction of 138 additional homes in Glen Kernan Golf and Country Club. The new homes would expand the community and provide housing for the growing population of Duval County.

PROPOSED WORK: The applicant seeks authorization to expand the existing residential community by placing fill material into wetlands resulting in 2.94 acres of direct wetland impact. The applicant also proposes to place fill material within the 0.63 acre of constructed ditches. The impacts described are associated with the construction of additional residential buildings and roadways for Glen Kernan. The proposed activity includes the development of single-family residential lots. The following table quantifies the proposed extent of impact associated with each of the post development land use types. Temporary impacts are not proposed.

Wetland	Impact	Acreage	CY Clean fill
A	Fill – residential lot	0.59	±2,856
B	Fill – residential lot/roadway	0.54	±2,614
C	Fill – residential lot	0.34	±1,646
D	Fill – residential lot/roadway	0.83	±4,018
E	Fill – residential lot	0.64	±3,098

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 states avoiding the wetlands on the property is not feasible due to the size of the parcel and location of the wetlands. Mitigation bank credits would be purchased to offset wetland impacts.

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

The applicant proposes the purchase of 1.47 federal Mitigation Bank Credits from Fishtail Swamp Mitigation Bank (SAJ-2007-05851). The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines.

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.

ENDANGERED SPECIES: The Corps has performed an initial review of the application and 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 may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The project is located within U.S. Fish and Wildlife Service (FWS) Consultation Areas for the following federally listed threatened (FT) or endangered (FE) species:

- Eastern indigo snake (*Drymarchon couperi*, FT)
- Wood stork (*Mycteria americana*, FT)
- Red-cockaded woodpecker (*Dryobates borealis*, FE)

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.

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) because the project area does not have any EFH present. 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.

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 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: A Water Quality Certification is required from the St. Johns River Water Management District (SJRWMD). The project is being reviewed under SJRWMD application no. 18334-5.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the SJRWMD. 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. 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 28, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to James Mace at James.E.Mace@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: James Mace, 1451 Research Park Drive, Suite 100, California 92507. 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.