



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Drew Whitman
City of Panama City Beach

Published: March 4, 2022
Expires: April 25, 2025

**Jacksonville District
Permit Application No. SAJ-2024-05051**

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 Randy.L.Turner@usace.army.mil.

APPLICANT: Drew Whitman
City of Panama City Beach
17007 Panama City Beach Parkway
Panama City Beach, FL 32413

AGENT: Austin Roberts
Icarus Ecological Services
7437 W Highway 388
Panama City Beach, FL 32413

WATERWAY AND LOCATION: The project would affect waters of the United States associated with unnamed wetlands. The project area is located on the south side of US Highway (HWY) 98, 0.4 mile west of the intersection of Pier Park Drive and US HWY 98 in Section 17, Township 03 South, Range 16 West; at Latitude 30.224211 and Longitude -85.877813; in Panama City Beach, Bay County, Florida.

EXISTING CONDITIONS: This site is currently undeveloped, zoned as recreation, and is owned by the City of Panama City Beach. The site is surrounded by undeveloped, recreational, commercial, and residential properties. A few small trail roads are present, and Lullwater Lake abuts the western boundary. There are signs of vagrancy, including scattered litter, present onsite. A conservation easement, approximately 13.58 acres +/-, covers all of the site except the southwestern corner of the proposed project boundary.

The total site boundary is approximately 17.31 acres of the main site and 0.14 acres of the temporary road area to the south; of which there are 5.61 acres of wetlands and 11.09 acres of uplands. The wetland jurisdiction lines were established by Icarus in December 2023. Onsite vegetation includes large black titi (*Cliftonia monophylla*),

sweetbay magnolia (*Magnolia virginiana*), and scattered slash pine (*Pinus elliottii*). The shrub layer includes smaller black titi (*Cliftonia monophylla*). Groundcover is very bare due to the dense canopy; however, broomsedge (*Andropogon sp.*) is present.

PROJECT PURPOSE:

Basic: Linear Transportation

Overall: The overall project purpose is construction of a new two lane roadway in the western portion of Panama City Beach to provide access for the general public to a city park from US HWY 98.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over 0.89 acres of waters of the United States (wetlands) to construct a roadway connecting US HWY 98 directly to Aaron Bessant Park, along with an associated storm water pond. Additionally, a temporary access road would be installed to the southwest of the project site.

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 has been designed to reduce impacts to 0.89 acres of wetlands. Best Management Practices would be in place prior to and during the construction process, including silt fencing and turbidity barriers.

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

To offset the direct impacts associated with the project, the applicant is proposing to mitigate the assessed functional loss of 0.89 acre of direct fill impacts via the purchase of 1.05 palustrine credits from the Horseshoe Creek Mitigation Bank (SAJ-2014-01308).

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, 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.

West Indian manatee (*Trichechus manatus*), Wood Stork (*Mycteria americana*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Loggerhead sea turtle (*Caretta caretta*), Leatherback sea turtle (*Dermochelys coriacea*), Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Hawksbill sea turtle (*Eretmochelys imbricata*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), and Eastern indigo snake (*Drymarchon corais couperi*), or its designated critical habitat.

The Corps has determined the proposed project would have no effect on the West Indian manatee, sea turtle species, Wood Stork, Piping Plover, Red Knot, and gulf sturgeon. This determination is based on the assessment that there are no waterbodies in the project area for these species and following the USFWS programmatic keys for the manatee, Wood Stork, Piping Plover, and Red Knot.

The Corps has determined the proposed project may affect but is not likely to adversely affect the eastern indigo snake following the USFWS programmatic key for this species.

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). The project is being reviewed under FDEP application no. 0455288-001-EI.

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.

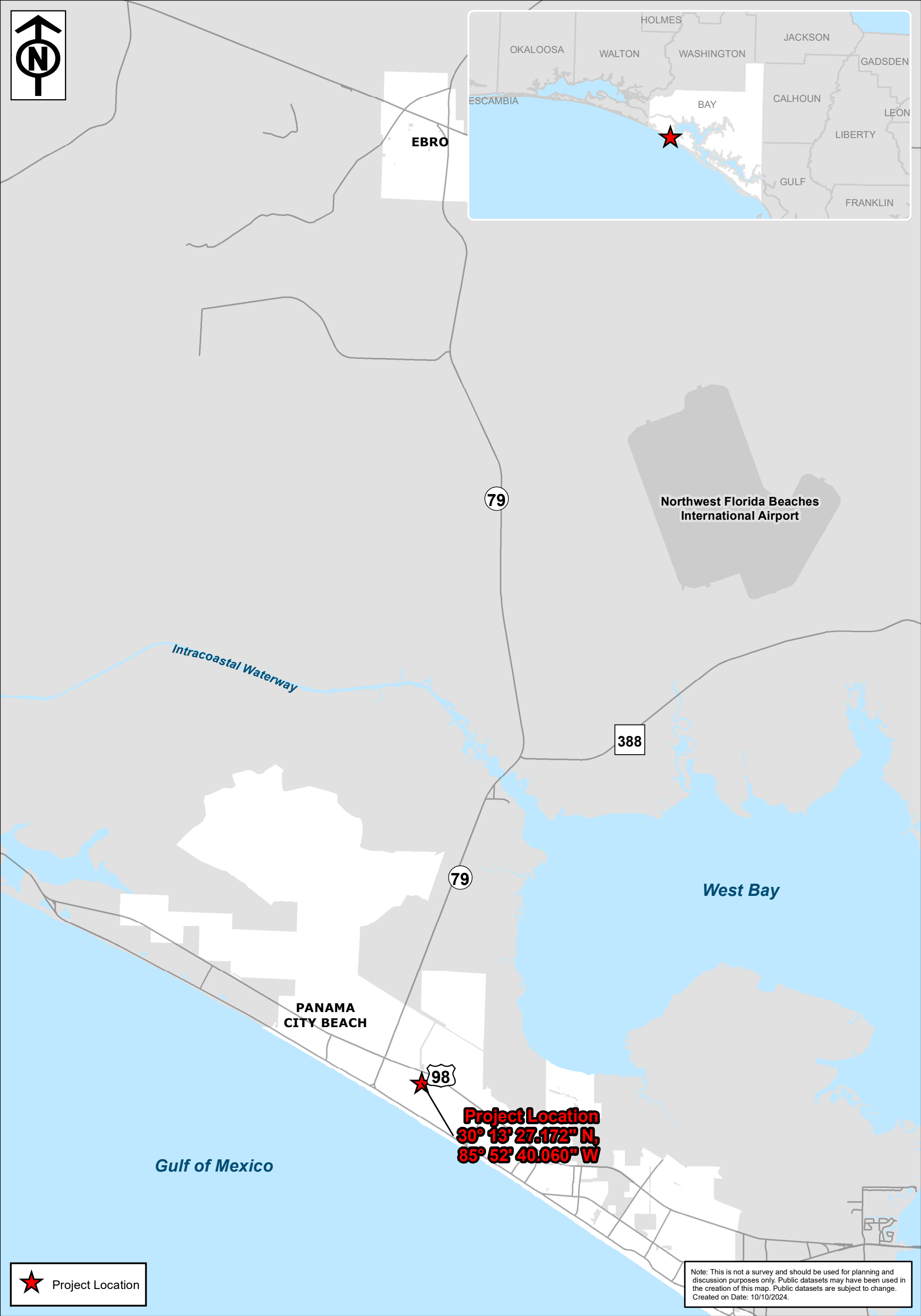
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 25, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Randy Turner at Randy.L.Turner@usace.army.mil. Alternatively, you may submit comments in writing to the attention of the District Engineer through the Panama City Permits Section, 415 Richard Jackson Boulevard (Blvd), Suite 411, Panama City Beach, Florida 32407 within 21 days from the date of this notice.

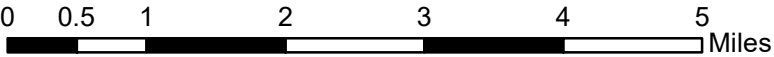
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

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.



Section 4, Figure 1: Project Location Map

Mandy Lane South
TRS: T03S, R16W, Sec.17
County: Bay
State: Florida

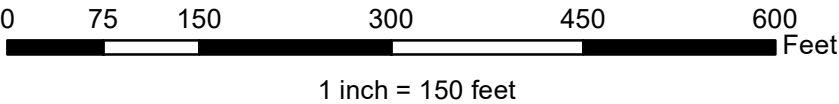



ICARUS
ecological services inc.
Maps Prepared By:
Icarus Ecological Services, Inc.
7437 W. Hwy 388
Panama City Beach, FL 32413



Section 4, Figure 3: Proposed Development Plan Map

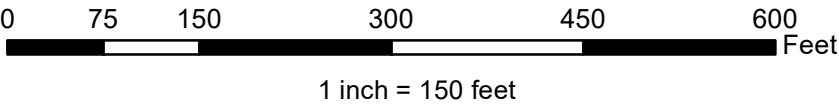
Mandy Lane South
TRS: T03S, R16W, Sec.17
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State: Florida
Imagery: 2022 RGBI (FDOT)





Section 4, Figure 4: Conservation Easement Map

Mandy Lane South
TRS: T03S, R16W, Sec.17
County: Bay
State: Florida
Imagery: 2022 RGBI (FDOT)




ICARUS
ecological services inc.
Maps Prepared By:
Icarus Ecological Services, Inc.
8639 Ranchwood Lane
St. Augustine, FL 32092
904.307.9911