



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Adam Rigel
JWB Real Estate, LLC

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**Jacksonville District
Permit Application No. SAJ-2025-00785**

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 Emily.B.Lawrence@usace.army.mil.

APPLICANT: Adam Rigel
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WATERWAY AND LOCATION: The project would affect aquatic resources associated with the Little Trout River. The project site is located at 7777 and 7845 Plummer Road; at latitude 30.4422° and longitude -81.7804°; in Jacksonville, Florida County, Florida.

EXISTING CONDITIONS: The project site is 29.29 acres in size and is located in a rural area of northwest Jacksonville. The site consists of three single family residences, one open water pond and forested areas that consist of forested uplands, forested wetlands, and what the applicant has identified as unvegetated ditches. The natural communities have been classified under the Florida Land Cover Classification System (FLCCS) as follows:

Open Rural Land (FLUCFCS 260) 2.63 acres – This vegetative community consists of Spanish needles (*Bidens alba*), dogfennel (*Eupatorium* sp.), and blackberry (*Rubus cuneifolius* and *Osmunda trivialis*).

Residential, Low Density (FLUCFCS 110) 1.04 acres – This land cover classification consists of three abandoned residences and adjacent areas of overgrown yard, septic drain field and dirt driveways.

Pine Woods (FLUCFCS 410) 2.43 acres – This vegetative community consists of loblolly pine (*Pinus taeda*) and slash pine (*Pinus elliottii*) with a relatively open ground cover.

Pine Plantation (FLUCFCS 441) 1.72 acres – This vegetative community consists of slash pine (*Pinus elliotii*).

Hardwood – Conifer Mixed (FLUCFCS 434) 10.59 acres – This vegetative community consists of live oak (*Quercus virginiana*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), southern magnolia (*Magnolia grandiflora*), camphor (*Cinnamomum camphora*), and sweetgum (*Liquidambar styraciflua*) along with lesser amounts of slash pine (*Pinus elliotii*) and loblolly pine (*Pinus taeda*).

Wetland Forested Mixed (FLUCFCS 630) 7.65 acres – This vegetative community consists of red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), and slash pine (*Pinus elliotii*). The shrub layer includes such species as fetterbush (*Lyonia lucida*) and waxmyrtle (*Myrica cerifera*). Ground cover vegetation includes such species as netted chain fern (*Woodwardia areolata*), Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), and royal fern (*Osmunda regalis*).

Wetland Scrub/Herbaceous Wetland (FLUCFCS 631/640) 1.27 acres – This vegetative community consisted of Peruvian prime-rose willow (*Ludwigia peruviana*) which is an invasive, exotic species, torpedo grass (*Panicum repens*), and smartweed (*Polygonum sp.*).

Wet Field (FLUCFCS 640) 0.11 acres – This vegetative community consists of torpedo grass (*Panicum repens*), smartweed (*Polygonum sp.*), and beakrush (*Rhynchospora sp.*).

Farm Pond (FLUCFCS 524) 0.35 acres – This land cover classification consists of an artificial pond.

Ditches (FLUCFCS 510) 1.50 acres, 3,578 linear feet – This land cover classification includes some upland cut and some wetland cut unvegetated ditches.

PROJECT PURPOSE:

Basic: The basic project purpose is housing.

Overall: The overall project purpose is to develop a single-family residential subdivision that would accommodate a minimum of 96 lots on the northwest side of Jacksonville, Duval County, Florida.

PROPOSED WORK: The applicant requests authorization to place 15,503-cubic-yards of clean fill into 4.804 acres of aquatic resources (3.884-acres of wetlands, 0.44-acre of

pond impacts, and 0.48 acres of ditch impacts) for the construction of a single-family residential subdivision and associated infrastructure.

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 original site plan entailed developing the entire property. This plan would have included 136 lots and 10.90 acres of wetland impact and is attached as “Option A”. The original plan was revised to have 113 lots and 7.78 acres of wetland impact and is attached as “Option B”.

The site plan was revised again to further reduce impacts. The current plan includes 96 lots and 4.95 acres of impact and is attached as “Option C”.

The original lot yield has decreased by 29.4% (from 136 lots to 113 lots) while the proposed impacts have decreased by 54.6% (from 10.90 acres to 4.95 acres). The site plan revisions have substantially minimized impacts, particularly to the higher quality, contiguous wetlands.”

In addition, to avoid impacts to the remaining 6.166 acres of wetlands on site, the applicant has provided the following:

“The limits of proposed construction will be staked in the field and silt fence will be installed prior to commencement of construction. The contractor will monitor this silt fence regularly during construction to ensure there are no impacts beyond the authorized limits of construction. A stormwater pollution prevention plan (SWPPP) is included in the set of engineering plans.”

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

“The areas of proposed impact will be evaluated pursuant to both the Uniform Mitigation Assessment Methodology (UMAM) and the Wetland Rapid Assessment Procedure (WRAP). Mitigation for the proposed impacts will be provided by purchasing a sufficient number of either UMAM or WRAP credits from a wetland mitigation bank that serves the project area. UMAM or WRAP forms will be provided once the mitigation bank has been selected.”

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), National Marine Fisheries Service (NMFS) Southeast Region 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. Positive Layer Queries		
ESA Programmatic (5 layers queried, 1 returned results)		
Layer: Wood stork Core Foraging Areas		
Common Name	Scientific Name	CFA Buffer
Wood stork	Mycteria americana	13 miles
Source: https://arcportal-ucop-corps.usace.army.mil/s0arcgis/rest/services/Regulatory/SAJ_Programmatic/MapServer/9		

Table 2. IPAC Species	
Species Name (common (scientific))	Federal Status
Eastern Black rail (Laterallus jamaicensis ssp. jamaicensis)	Threatened
Eastern indigo snake (Drymarchon couperi)	Threatened
Green sea turtle (Chelonia mydas)	Threatened
Hawksbill sea turtle (Eretmochelys imbricata)	Endangered
Monarch butterfly (Danaus plexippus)	Proposed Threatened
Red-cockaded woodpecker (Dryobates borealis)	Threatened
Tricolored bat (Perimyotis subflavus)	Proposed Endangered
Whooping crane (Grus americana)	Experimental Population, Non-Essential
Wood stork (Mycteria americana)	Threatened

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

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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would have no substantial adverse on EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). The proposed project is located in freshwater wetlands, which are inland and upstream of tidal waters and EFH. The effects of the project are determined to be minimal and permanent. 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: Water Quality Certification is required from the St. Johns River Water Management District.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from St. Johns River Water Management District. 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 June 9, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brooke Lawrence at Emily.B.Lawrence@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Brooke Lawrence, 701 San Marco Blvd, Jacksonville, Florida 32207. 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.