

DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT 701 SAN MARCO BOULEVARD JACKSONVILLE, FLORIDA 32207

May 2, 2025

Regulatory Division North Branch Jacksonville Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-04491(SP-DAS)

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).

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 <u>mailto:david.a.studenski@usace.army.mil</u>.

APPLICANT: Mr. David Kent Ring Power Corporation 500 World Commerce Parkway St. Augustine, Florida 32092

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Seaton Creek. The project site is located at 330 Pecan Park Road, Jacksonville, FL in Section 40, Township 1 North, Range 27 East, Duval County.

Directions to the site are as follows: From the intersection of I-95 and Pecan Park Road in Duval County, travel east on Pecan Park Road approximately 0.20 miles to 330 Pecan Park Road. Turn south to the entrance drive to the existing Ring Power Facility, the project area is located immediately south of the existing facility.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.511333° Longitude -81.632589°

PROJECT PURPOSE:

Basic: The basic project purpose is commercial.

Overall: The overall project purpose is to construct a commercial development to expand an existing equipment company to meet distribution needs.

EXISTING CONDITIONS: The wetland system consists of a 9-acre Wetland Forested Mixed (FLUCFCS 630) – On-site wetlands include a canopy of slash pine, dahoon holly

(Ilex cassine), tupelo (Nyssa biflora), loblolly bay (Gordonia lasianthus), and red maple (Acer rubrum). Subcanopy and groundcover species include cattail (Typha latifolia), redroot (Lachnanthes caroliana), rush (Juncus spp.), cinnamon fern (Osmunda cinnamomea), and Virginia chainfern (Woodwardia virginica). The existing area surrounding the project area consists of Pine Flatwoods (FLUCFCS 441) – On-site uplands are dominated by a canopy comprised of slash pine (Pinus elliottii). Subcanopy and groundcover species include gallberry (Ilex glabra), yaupon holly (Ilex vomitoria), saw palmetto (Serenoa repens), and bracken fern (Pteridium aquilinum).

The project site is bordered by the existing Ring Power facility to the north, the I-95 corridor to the west, a commercial facility to the east, and undeveloped land to the south.

PROPOSED WORK: The applicant seeks authorization to discharge dredged and fill material into 3.48 acres of forested freshwater wetlands for the construction of commercial buildings, loading bays, and parking facilities. Construction of infrastructure and stormwater management facilities would also occur on the 21.64-acre property.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The impacts have been limited to the lower quality wetlands and avoided impact to approximately 5.58 acres of higher quality wetland to the south.

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

Mitigation will be accomplished through the purchase of Uniform Mitigation Assessment Method (UMAM) credits from an in-basin, wetland mitigation bank. The applicant used the UMAM worksheet to arrive at a Rounded Functional Loss of 1.63. The applicant is currently in negotiations with a mitigation provider. A mitigation bank reservation letter will be provided upon approval of the UMAM and mitigation plan.

CULTURAL RESOURCES:

The Corps is aware of recorded historic resources within or adjacent to the permit area and 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, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect but is not likely to adversely affect the tricolored bat (Perimyotis subflavus), wood stork (Mycteria americana), and eastern indigo snake (Drymarchon couperi) or their designated critical habitat. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal would have no effect on eastern black rail (Laterallus jamaicensis ssp. jamaicensis), red-cockaded woodpecker (Dryobates borealisany), or monarch butterfly (Danaus plexippus) or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the project area. 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 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 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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 jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing within 30 days from the date of this notice. Comments should be submitted via the Regulatory Request System public notice module at <u>https://rrs.usace.army.mil/rrs/public-notices</u>. Alternatively, you may submit written comments through the St. Paul Regulatory Division at 332 Front Street South, La Crosse, WI 54601.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, David Studenski, in writing at the St. Paul Regulatory Division, 332 Front Street South, La Crosse, WI 54601; by electronic mail at David.A.Studenski@usace.army.mil; or by telephone at (651)290-5902.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

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.

The US Army Corps of Engineers (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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the certifying authority.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated

comment period of the notice and must state the specific reasons for requesting the public hearing.





