



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Jeff Klotz  
Matanzas West Acquisition, LLC

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**Jacksonville District  
Permit Application No. SAJ-2020-02440**

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.

**APPLICANT:** Jeff Klotz  
Matanzas West Acquisition, LLC  
645 Mayport Road, Ste 5  
Atlantic Beach, Florida 32233

**WATERWAY AND LOCATION:** The project site is located adjacent to the east of Belle Terre Parkway and adjacent to the south of Matanzas Woods Parkway, in Sections 27 and 34, Township 10 South, Range 30 East, Palm Coast, Flagler County, Florida at latitude 29.596808° and longitude -81.268989°. The project would affect aquatic resources associated with Hulett Branch Creek

## **EXISTING CONDITIONS:**

### Project History:

A Corps permit (RGP-90) was previously verified for the construction of a residential development at the proposed project location. However, the residential development was not constructed, and the RGP-90 verification has expired. The previously authorized residential development is the same project as currently being proposed.

### Site Conditions:

#### Upland Communities

Coniferous Plantation (FLUCFCS 441/ FNAI Pine Plantation), 83.68 acres – This vegetative community consisted of planted slash pine (*Pinus elliotii*) with scattered saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), Carolina jessamine (*Gelsemium sempervirens*), saw greenbriar (*Smilax bona-nox*), and rusty lyonia (*Lyonia ferruginea*).

## Wetlands

Wet Coniferous Plantation (FLUCFCS 441W/ FNAI Pine Plantation (Wet)), 47.78 acres— This vegetative community consisted of planted slash pine, with scattered loblolly pine (*Pinus taeda*), bushy bluestem (*Andropogon glomeratus*), saw palmetto, cinnamon fern (*Osmundastrum cinnamomeum*), highbush blueberry (*Vaccinium corymbosum*), Virginia chain fern (*Woodwardia virginica*), bracken fern (*Pteridium aquilinum*), and maidencane (*Hymenachne hemitomon*).

Cypress (FLUCFCS 621/ FNAI Basin Swamp), 3.14 acres – This vegetative community consisted of pond cypress (*Taxodium ascendens*), bald cypress (*Taxodium distichum*), slash pine, St. John's wort (*Hypericum* spp.), yellow-eyed grass (*Xyris* spp.), wax myrtle, cinnamon fern, and sedges (*Carex* spp.).

Wetland Forested Mixed (FLUCFCS 630/ FNAI Wet Flatwoods), 32.70 acres – This vegetative community consisted of slash pine, loblolly bay (*Gordonia lasianthus*), cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), swamp sawgrass (*Cladium mariscoides*), wax myrtle, dwarf palmetto (*Sabal minor*), and Virginia chain fern.

Vegetated Non-Forested Wetlands (FLUCFCS 640/ FNAI Depression Marsh), 22.79 acres – This vegetative community consisted of cattail (*Typha* spp.), Virginia chain fern, Carolina redroot (*Lachnanthes caroliniana*), sedge (*Carex* spp.), and scattered Chinese tallow (*Triadica sebifera*), pond cypress, Carolina willow (*Salix caroliniana*), wax myrtle.

## **PROJECT PURPOSE:**

**Basic:** The basic project purpose is to construct a residential development.

**Overall:** The overall project purpose is to construct housing and associated infrastructure in northeast Flagler County.

**PROPOSED WORK:** The applicant seeks authorization to discharge clean-fill material into 1.19 acres of palustrine-forested wetlands to facilitate the construction of a residential development and associated infrastructure such as roadways, and a stormwater management system.

**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 minimize impacts to jurisdictional wetlands as much as practicable to still have a viable project, which avoids effects and impacts to fish and wildlife. Due to the cost of land and cost incurred with construction, the Applicant needs the proposed development size to create a viable project. The provided site plan impacts the lower-quality, edge wetlands connected to Hulett swamp.*

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

The applicant purchased 0.72 UMAM credits from Fishtail Swamp Mitigation Bank

## **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, through the use of 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.

The Corps has determined the proposed would have no effect on Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*) and Florida scrub jay (*Aphelocoma coerulescens*).

The Corps has determined the proposed project *may affect but is not likely to adversely affect* the Eastern Indigo Snake (*Drymarchon couperi*). The Corps will request U.S. Fish

and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The proposed project would occur in freshwater wetlands inland of tidal waters and EFH. 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:** Water Quality Certification may be required from the Saint Johns River Water Management District.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from Saint 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. 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 **06/09, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Tracy Sanders at [Tracy.d.sanders@usace.army.mil](mailto:Tracy.d.sanders@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Tracy Sanders, 701 San Marco Boulevard, Jacksonville, Florida 32207-8175. 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.