



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Greg Matovina
Liberty Cove Nassau, LLC

Published: May 22, 2025
Expires: June 23, 2025

**Jacksonville District
Permit Application No. SAJ-2024-04415**

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 Antonia.R.Nino@usace.army.mil.

APPLICANT: Greg Matovina
Liberty Cove Nassau, LLC
12443 San Jose Boulevard
Suite 504
Jacksonville, Florida 32223

WATERWAY AND LOCATION: The project would affect wetland and surface waters associated with Nassau River. The project/review area is bounded by William Burgess Road to the north, the Lumber Creek Basin to the south, and the legal boundaries of private property to the east and west in 17 and 45 Section, 2 North Township, 27 East Range; at Latitude 30.6023 and Longitude -81.6232; in Yulee, Nassau County, Florida.

EXISTING CONDITIONS: For Phase 2, there are 73.90 acres of uplands and 41.66 acres of wetlands and surface waters within the proposed project area. For Phase 3, there are 46.44 acres of uplands, 15.49 acres of wetlands and 1.35 acres of ditches.

PROJECT PURPOSE:

Basic: The basic project purpose is to meet local demand for commercial and residential uses.

Overall: The overall project purpose is to meet local demand for commercial and residential uses, as well as public recreation and education, within the William Burgess Overlay District by constructing a mixed use, phased development.

PROPOSED WORK: For Phase 2, the applicant requests authorization to discharge approximately 26,265 cubic yards (cy) of dredged or fill material to aquatic resources to

construct a mixed use, phased development within the William Burgess Overlay District in Yulee, Florida to meet local market demand for various commercial and residential uses as well as public recreation and public education.

For Phase 3, the applicant requests authorization to discharge approximately 13,003 cy of dredged or fill material to aquatic resources to construct a mixed use, phased development within the William Burgess Overlay District in Yulee, Florida to meet local market demand for various commercial and residential uses as well as public recreation and public education.

Overall, the proposed project would permanently impact approximately 8.14 acres of aquatic habitat for Phase 2 and permanently impact approximately 4.03 acres of aquatic habitat for Phase 3.

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 the proposed plan of development was prepared to avoid and minimize surface waters and wetland impacts to the greatest extent practicable, particularly to the higher quality wetlands while still achieving the overall project purpose. Additionally, the construction would be conducted in accordance with federal and state permits, including any special conditions specified therein.

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

To offset the proposed loss of aquatic habitats, the applicant proposed to purchase WRAP credits from Longleaf Mitigation Bank.

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.

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, 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.

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

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened
Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened
Monarch butterfly	<i>Danaus plexippus</i>	Proposed threatened
Red-cockaded woodpecker	<i>Dryobates borealis</i>	Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed endangered
Wood stork	<i>Mycteria americana</i>	Threatened

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 has been granted by the St. Johns River Water Management District (SJRWMD) through issuance of an Environmental Resource Permit, No. 107088-1, for Phase 2. An application for an Environmental Resource Permit (ERP) for Phase 3 was submitted to the St. Johns River Water Management District on April 10, 2025.

COASTAL ZONE MANAGEMENT CONSISTENCY: 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.

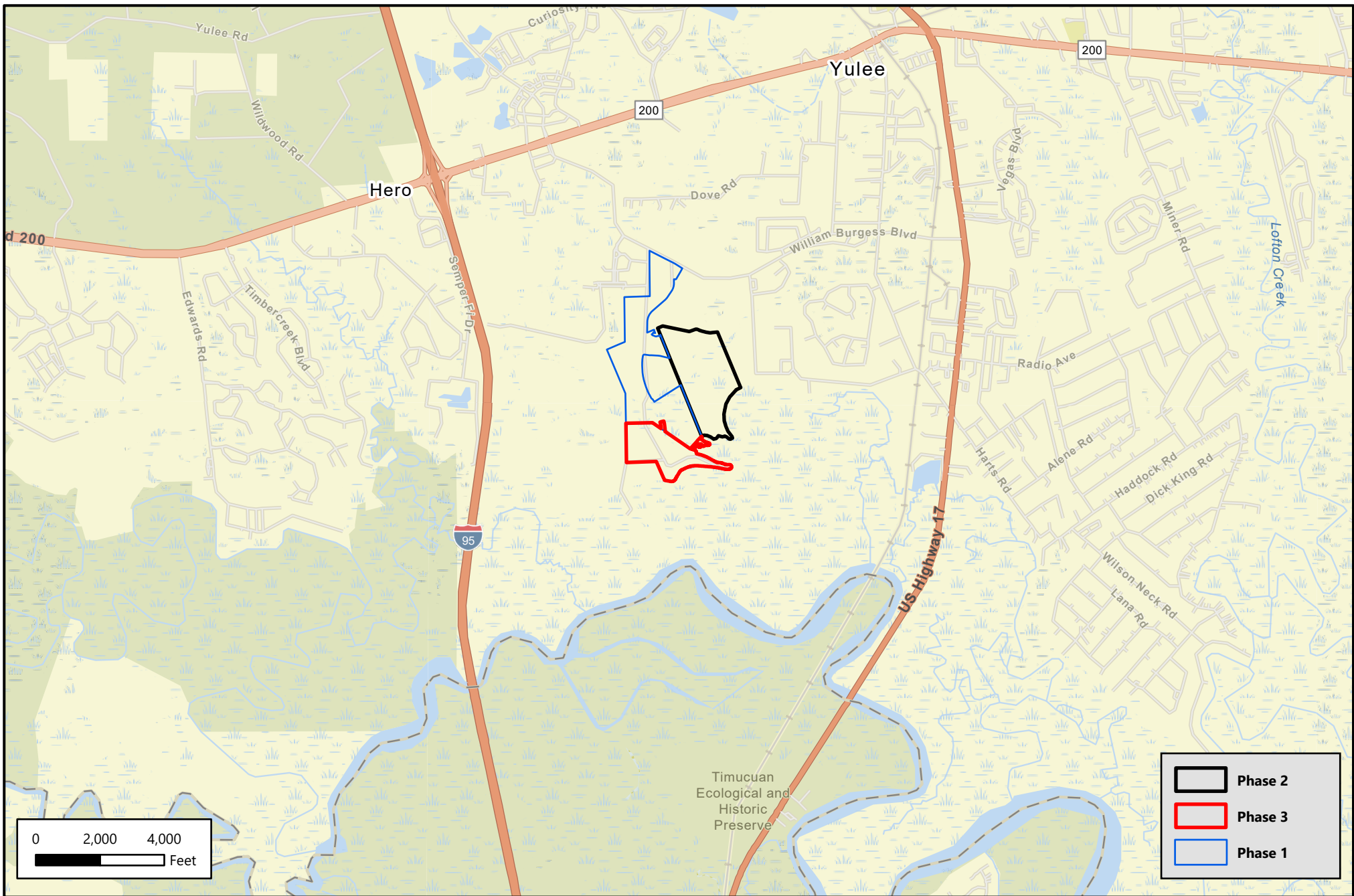
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 June 23, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Antonia Nino at Antonia.R.Nino@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Antonia Nino, 22565 Outer Hwy 18 S, Apple Valley, CA 92308. 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.



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Vicinity Map

Liberty Cove Phases 2 and 3

Nassau County, Florida

Figure: 2

Date: Jan 2025

Sources: ESRI World Street Map



