



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Hanjing Shu
Marshview Property

Published: June 18, 2025
Expires: July 9, 2025

**Jacksonville District
Permit Application No. SAJ-2024-02120**

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Hanjing Shu
Marshview Property
701 Anastasia Blvd
St Augustine, FL 32080

AGENT: Michael Carpenter
Carter Environmental Services
42 Masters Drive
St Augustine, FL 32084

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with San Julian Creek. The project/review area is located at 299 Dondanville Rd in 15 Section, 008S Township, 030E Range; at Latitude 29.815320 and Longitude -81.274610; in Saint Augustine, St. Johns County, Florida.

EXISTING CONDITIONS: The project site is a 2.33-acre property contiguous to estuarine emergent, intertidal waters and is within the Guana Tolomato Matanzas National Estuarine Research Reserve. The site contains a 7,452-square-foot restaurant facility. Adjoining properties are improved with single-family residential developments featuring private recreational docks. Tidally influenced salt marsh habitat is present within the project footprint.

PROJECT PURPOSE:

Basic: Provide dining facilities at a waterfront restaurant by providing an outdoor dining space and waterfront amenities

Overall: Enhance existing dining facilities at an established waterfront restaurant by providing an outdoor dining space and waterfront amenities within St. John's County, Florida

PROPOSED WORK: The applicant requests authorization to install 5,581-square-feet of decking supported by 121 wood pilings to construct a dining deck, access pier, and observation platform.

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

To further reduce potential environmental impacts, silt fences and erosion control barriers would be positioned along the upland work zone. As an additional precaution, turbidity curtains would be deployed around active work areas where sediment disturbance may occur, ensuring that any minor sedimentation is contained and does not disperse into nearby aquatic habitats. The applicant would implement best management practices to minimize secondary impacts and follow the *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat Corps/National Marine Fisheries Service August 2017*, where applicable.

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

The applicant proposes to purchase the appropriate amount of mitigation bank credits to offset the proposed impacts to salt marsh habitat.

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, 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 but is not likely to adversely affect listed threatened and endangered species or designated critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

West Indian (Florida) manatee (*Trichechus manatus*): Since the proposal by the applicant involves in-water construction, potential impacts to the endangered West Indian manatee were evaluated using Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013 (Key). Use of the Key resulted in the sequence A > B > C > G > >N > O >P >P(5) “may affect, not likely to adversely affect”. This determination is based on the applicant following the standard manatee construction precautions for the proposed activity. By letter dated 25 April 2013, the FWS stated that for proposed in-water activities analyzed with the April 2013 version of this key in which the Corps reaches a “may affect, not likely to adversely affect” determination with respect to the manatee and/or its designated critical habitat, the FWS hereby concurs with the Corps determination in accordance with 50 CFR 402.14(b)1 and no further consultation with the FWS is required.

Wood Stork (*Mycteria americana*): The project is located within wood stork consultation area. According to the September 2008 wood stork Key, the proposed project impacts less than 0.5-acres of suitable foraging habitat for the wood stork and based on information available a “may affect not likely to adversely affect” determination was made on the wood stork and its suitable foraging habitat. Use of the Key resulted in the A> B > C – “NLAA”. No further consultation with the FWS is required.

The Corps evaluated the proposed work utilizing NMFS’s Jacksonville District’s Programmatic Biological Opinion (JAXBO) dated 20 November 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles (loggerhead, leatherback, Kemp’s ridley, hawksbill, and green); smalltooth sawfish; Nassau grouper; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); whales (North Atlantic right whale, sei, blue, fin, and sperm); and designated critical habitat for; smalltooth sawfish; sturgeon (Gulf and Atlantic); sea turtles (green, hawksbill, leatherback, loggerhead); North Atlantic right whale; and elkhorn and staghorn corals in accordance with Section 7 of the Endangered Species Act. Based on past permitting practices of the Corps and review of consultations with similar in-water construction activities, Project Design Criteria (PDCs) were identified in the JAXBO that typically have been applied to permitted in-water construction activities. These PDCs ensure effects of in-water construction activities are minimal in nature and do not result in adverse effects to listed species or to essential features of designated

CH. For this verification, the Corps conducted a project specific review to ensure that all of the PDCs were met. In accordance with the project-specific review process established in the JAXBO, a PDC checklist, certification that the activity meets the applicable PDCs, and supporting documentation for the proposed activity were emailed to nmfs.ser.statewideprogrammatic@noaa.gov and jaxbo@usace.army.mil on June 17, 2025. Therefore, the Jacksonville District satisfied the project-specific review requirements stipulated in the JAXBO and satisfied its obligation under the ESA for the above-listed species and critical habitats within the NMFS purview.

No effect determinations: The Corps has determined that the species under U.S. Fish and Wildlife jurisdiction identified in an IPaC report dated June 17, 2025, that are not specifically discussed above have specific habitat requirements not present, are not expected to be present, or are extirpated from the action area. Therefore, there would be no effect to these 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 and National Marine Fisheries 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 may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.13 acres of tidally influenced salt marsh. 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.

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 been verified by Corps personnel.

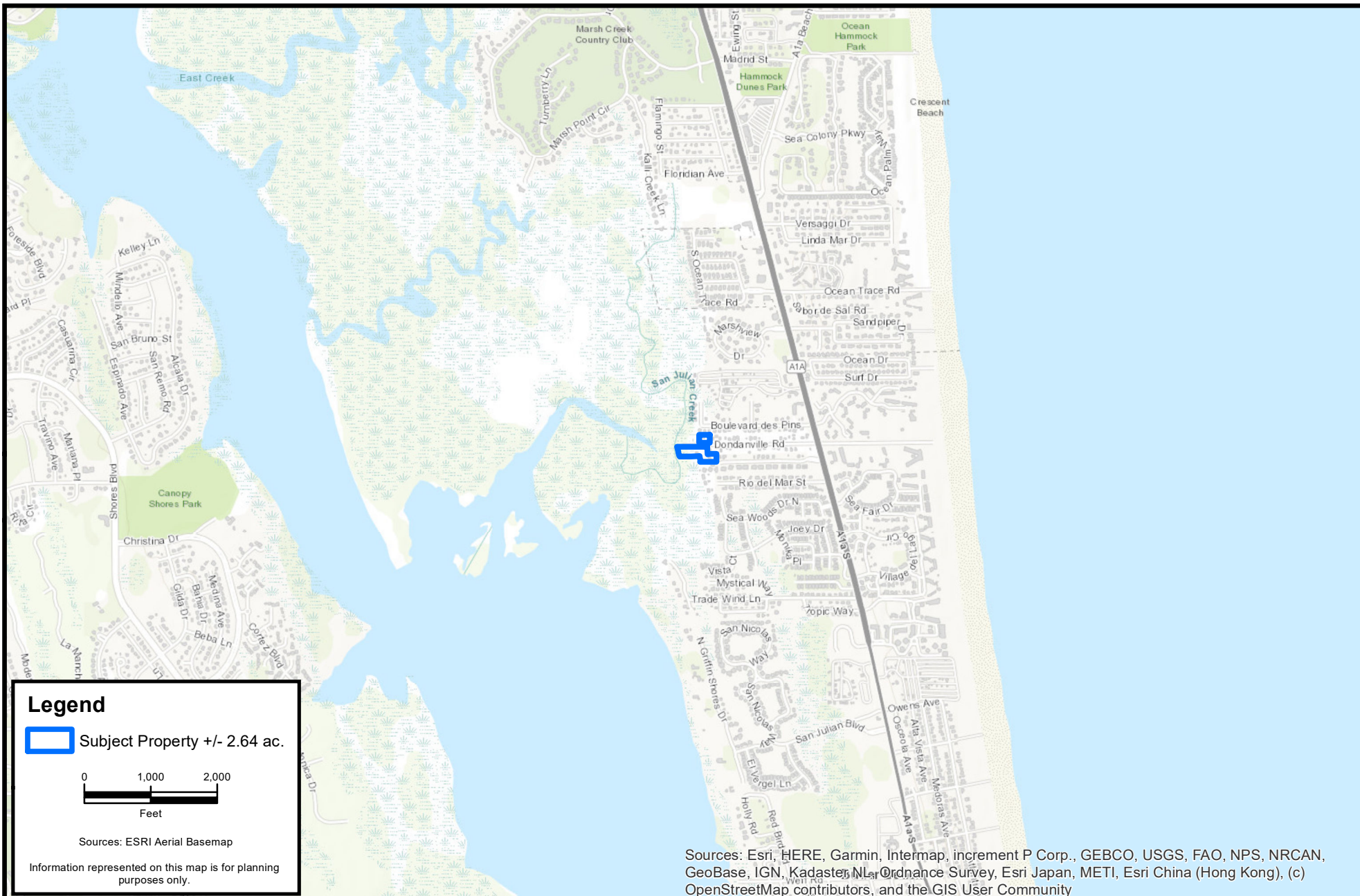
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 July 9, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ashley Gonzalez at ashley.m.gonzalez@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Ashley Gonzalez, 701 San Marco Blvd, Jacksonville, FL 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.



**CARTER ENVIRONMENTAL
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42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

Saltwater Cowboys

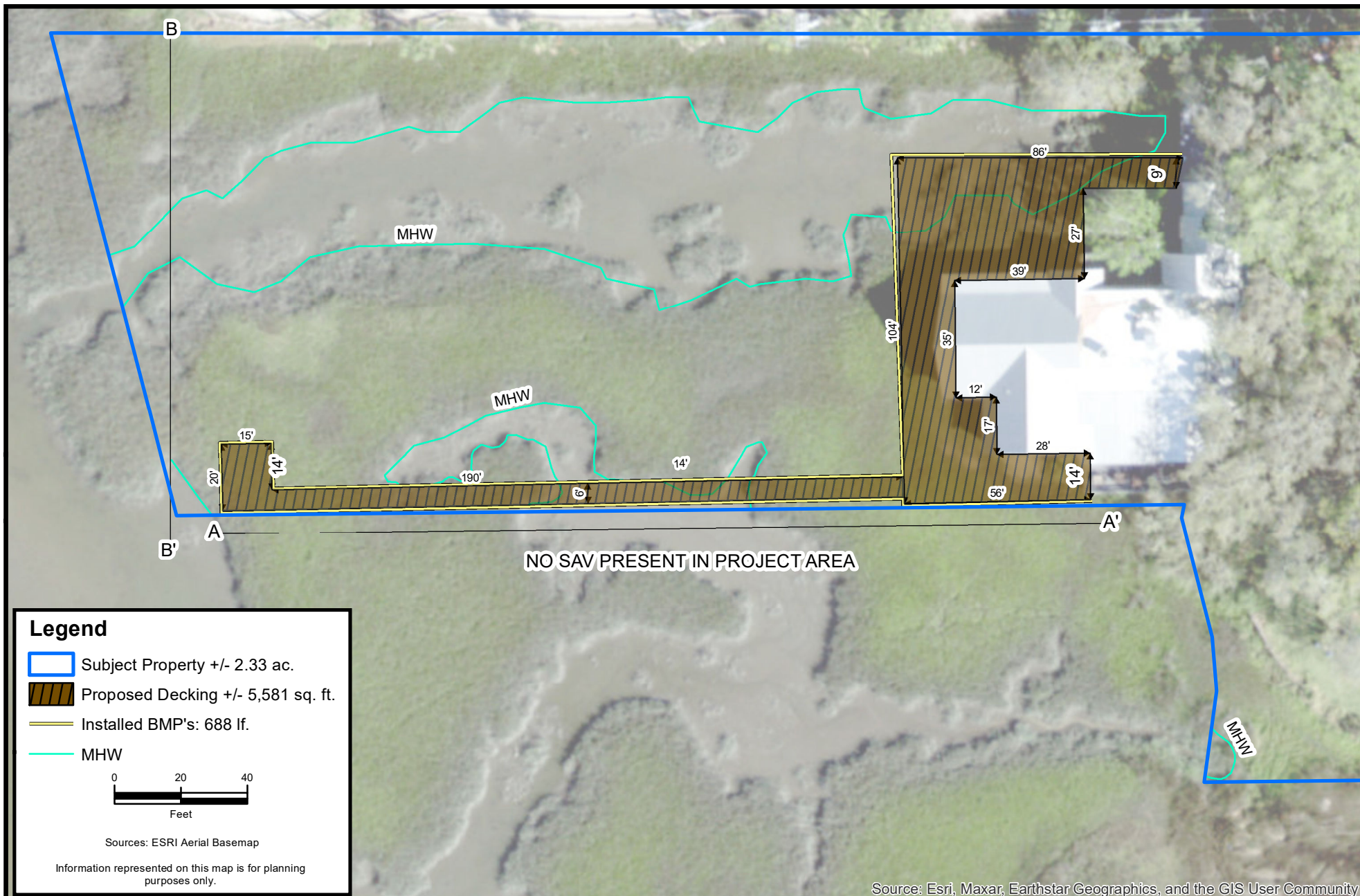
Project: 5.21247

St. Johns County, Florida

Date: May 30 2024

Figure:

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Proposed Site Conditions Saltwater Cowboys

Project: 5.21247

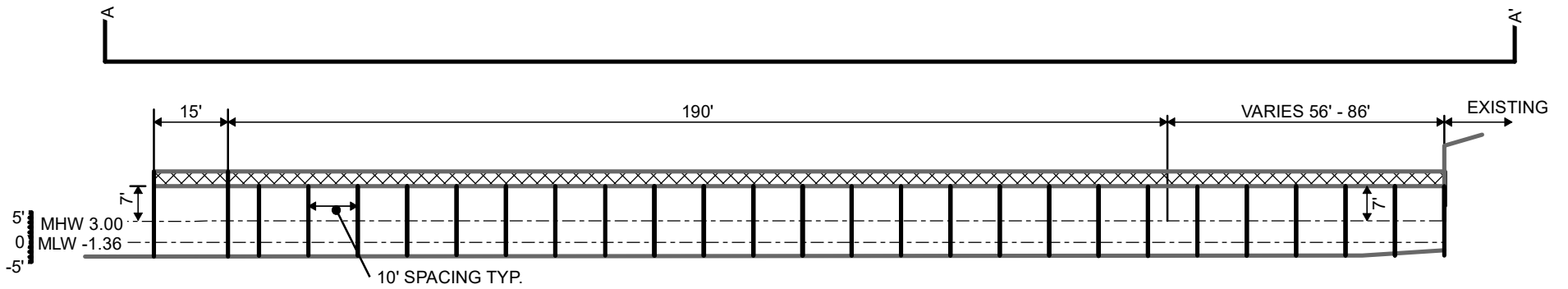
St. Johns County, Florida

Date: Nov 06 2024

Figure:

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A - A' View

Saltwater Cowboys

Project: 5.21247

St. Johns County, Florida

Date: Nov 06 2024



Figure:

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