



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 7, 2022

Ocala Herlong, LLC
Attn: Michael Setzer
8650-12 Old Kings Road S
Jacksonville, FL 32217

File No.: 55-0393918-001-NPR, St. Johns County

Dear Mr. Setzer:

On May 3, 2021 we received your request for verification that a State 404 Program permit will not be required for the activity described below.

The proposed activity is to construct a commercial development and parking lot in uplands with no wetland impacts. The project will occur at the corner of State Road 207 and Hometown Lane (parcel ID 101570-0000), St Augustine, Florida 32084 Section 35, Township 7 North, Range 29 East, St Johns County, latitude 29° 51' 05.79", longitude -81° 21' 29.43".

Based on a review of the information submitted and site inspection conducted by staff, the Department has verified that the activity, as proposed does not involve discharge of dredged or fill material into the waters of the United States and therefore, does not require a permit or other form of authorization under the State 404 Program, as described in Chapter 62-331, Florida Administrative Code (F.A.C.).

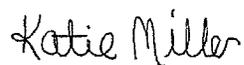
This verification reflects current regulations and is only valid for a period of no longer than five years from the date of this letter unless new information warrants a revision of this verification before the expiration date.

Please retain this letter. The activities described above may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to enforcement action and possible penalties.

This letter does not relieve you from the responsibility of obtaining other federal, state (including ERP), or local authorizations that may be required for this activity.

If you have any questions regarding this letter or permitting requirements, please contact Paul Duff by telephone at (904) 256-1625 or by e-mail at Paul.Duff@floridadep.gov.

Sincerely,



Katie Sula Miller
Environmental Manager

KSM:pmd

Enclosures:

Project Plan

Wotus Information Form (with supporting information), 13 pages

CC:

John Shanks, Access Ecological Assoc., jshanks.access@gmail.com

Tom Kallemeyn, FDEP NED

Paul Duff, FDEP NED

Katie Miller, FDEP NED

**Information Required for a WOTUS Determination
in State-assumed Waters for SR 207 Commercial**

I. General Information

The following information is required if an applicant is requesting that the Department perform a Waters of the United States (WOTUS) jurisdictional determination pursuant to the Navigable Waters Protection Rule (40 C.F.R. 120) during review of a State 404 Program permit application, a Formal Determination under Chapter 62-340, F.A.C., or a request for verification that no permit is required under the State 404 Program. This form is provided as a service to applicants and petitioners. Use of the form may assist efficient review.

II. Findings

A. Summary

Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area).

Rationale: (N/A or describe rationale)

- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.B).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.C)

B. Clean Water Act Section 404 Jurisdiction (40 C.F.R. 120)

Please expand tables or use additional sheets as needed. Include measurement units in size column (acres, linear feet, etc.).

Traditional Navigable Waters ((1)(i) waters)

(1)(i) Name	(1)(i) Size	(1)(i) Criteria	Rationale for (1)(i) Determination
N/A			

Note: All Territorial Seas and any Traditional Navigable Water listed in Appendix B of the 404 Handbook (Retained Waters List) are not assumable under the State 404 Program. If your project site contains or borders one of these waters and you are proposing or plan to propose dredge or fill activities within 300 feet of the mean high tide line or ordinary high water mark, please apply to the US Army Corps of Engineers for a permit or jurisdictional determination under Section 404 of the Clean Water Act.

Page Break

Tributaries ((1)(ii) waters)

(1)(ii) Name	(1)(ii) Size	(1)(ii) Criteria	Rationale for (1)(ii) Determination
N/A			

Lakes and ponds, and impoundments of jurisdictional waters ((1)(iii) waters)

(1)(iii) Name	(1)(iii) Size	(1)(iii) Criteria	Rationale for (1)(iii) Determination
N/A			

Adjacent wetlands ((1)(iv) waters)

(1)(iv) Name	(1)(iv) Size	(1)(iv) Criteria	Rationale for (1)(iv) Determination
N/A			

- Previous WOTUS jurisdictional determinations (Corps PJD or AJD/Department WOTUS determination): **N/A**
- Previous or current 62-340, F.A.C. formal jurisdictional determination: **N/A**
- Antecedent Precipitation Tool (provide detailed discussion in Section III.B.):
- USDA NRCS Soil Survey (Title(s) and/or date(s)): **Figure 3**
- USFWS NWI maps (Title(s) and/or date(s)): **Figure 5 & 6**
- USGS topographic maps (Title(s) and/or date(s)): **Figure 2 Topo 2013, Figure 7 Topo 1937, Figure 8 Topo 1943, Figure 9 Topo 1954, Figure 10 Topo 1981**

Other data sources used to aid in this determination:

Data source	Name and/or date and other relevant information
USGS Sources	N/A
USDA Sources	N/A
NOAA Sources	N/A
USACE Sources	N/A
State/Local/Tribal Sources	N/A
Other Sources	N/A

B. Typical Year Assessments

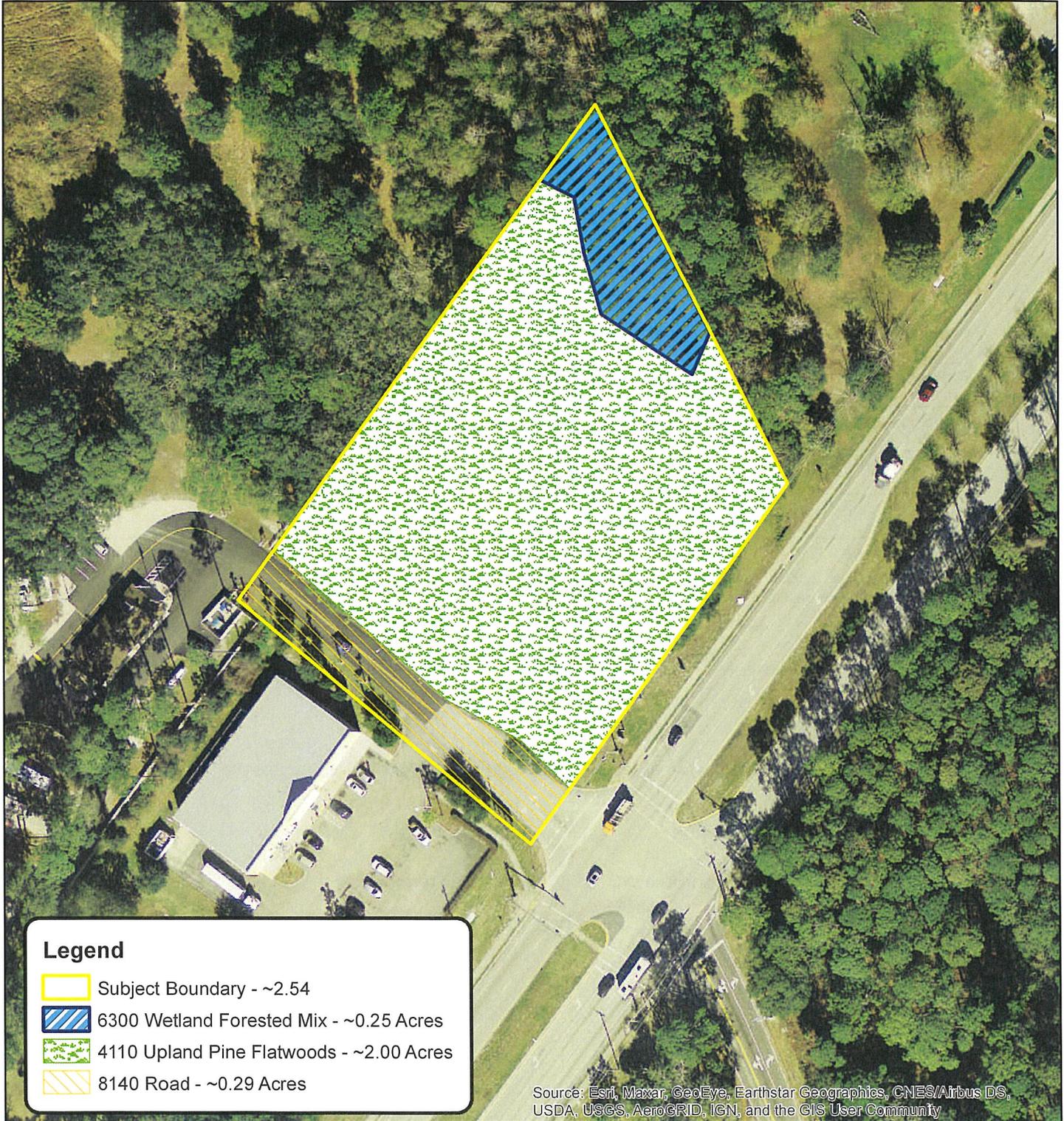
N/A or provide typical year assessment for each relevant data source used to support the determination: **N/A**

C. Additional comments to support the WOTUS jurisdictional determination

N/A or provide additional discussion as appropriate: **N/A**

SR 207 PARCEL

HABITATS MAP



Legend

-  Subject Boundary - ~2.54
-  6300 Wetland Forested Mix - ~0.25 Acres
-  4110 Upland Pine Flatwoods - ~2.00 Acres
-  8140 Road - ~0.29 Acres

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

***NOTE: THIS IS NOT A SURVEY. ACREAGES AND BOUNDARIES ARE APPROXIMATE.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**

0 50 100 200 Feet



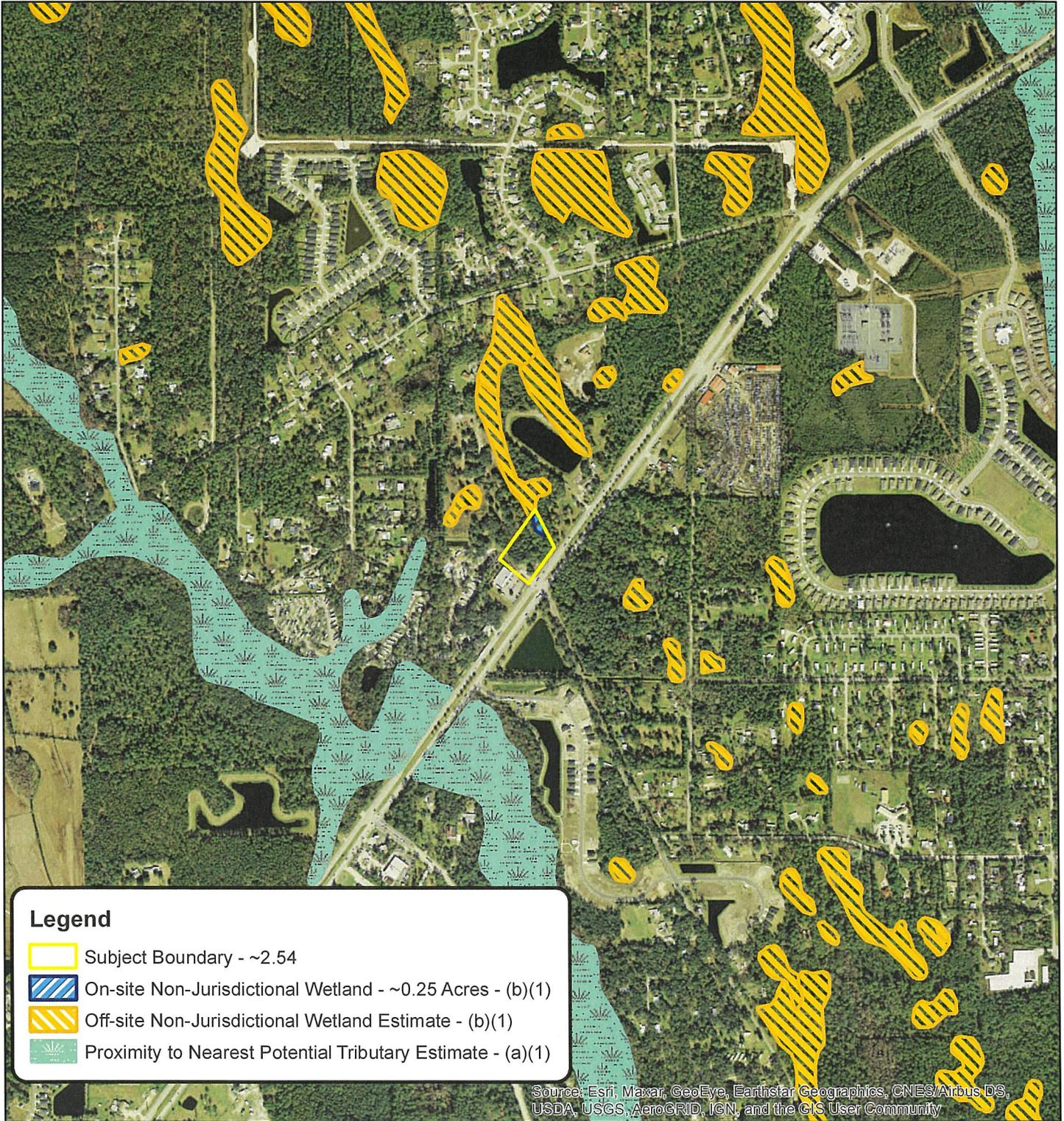
Access Ecological Assoc, Inc.
2720 Park Street, Suite 201
Jacksonville, Florida 32205
Phone: 904-626-6908
E: jshanks.access@gmail.com



Figure 4
SR 207 2.54 Acre Parcel
St. Johns County, Florida
AEA Project No. 21-1107-00
Source SJRWMD Orthoquads

SR 207 PARCEL

PROXIMITY TO NEAREST POTENTIAL TRIBUTARY ESTIMATE MAP

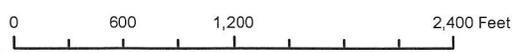


Legend

- Subject Boundary - ~2.54
- On-site Non-Jurisdictional Wetland - ~0.25 Acres - (b)(1)
- Off-site Non-Jurisdictional Wetland Estimate - (b)(1)
- Proximity to Nearest Potential Tributary Estimate - (a)(1)

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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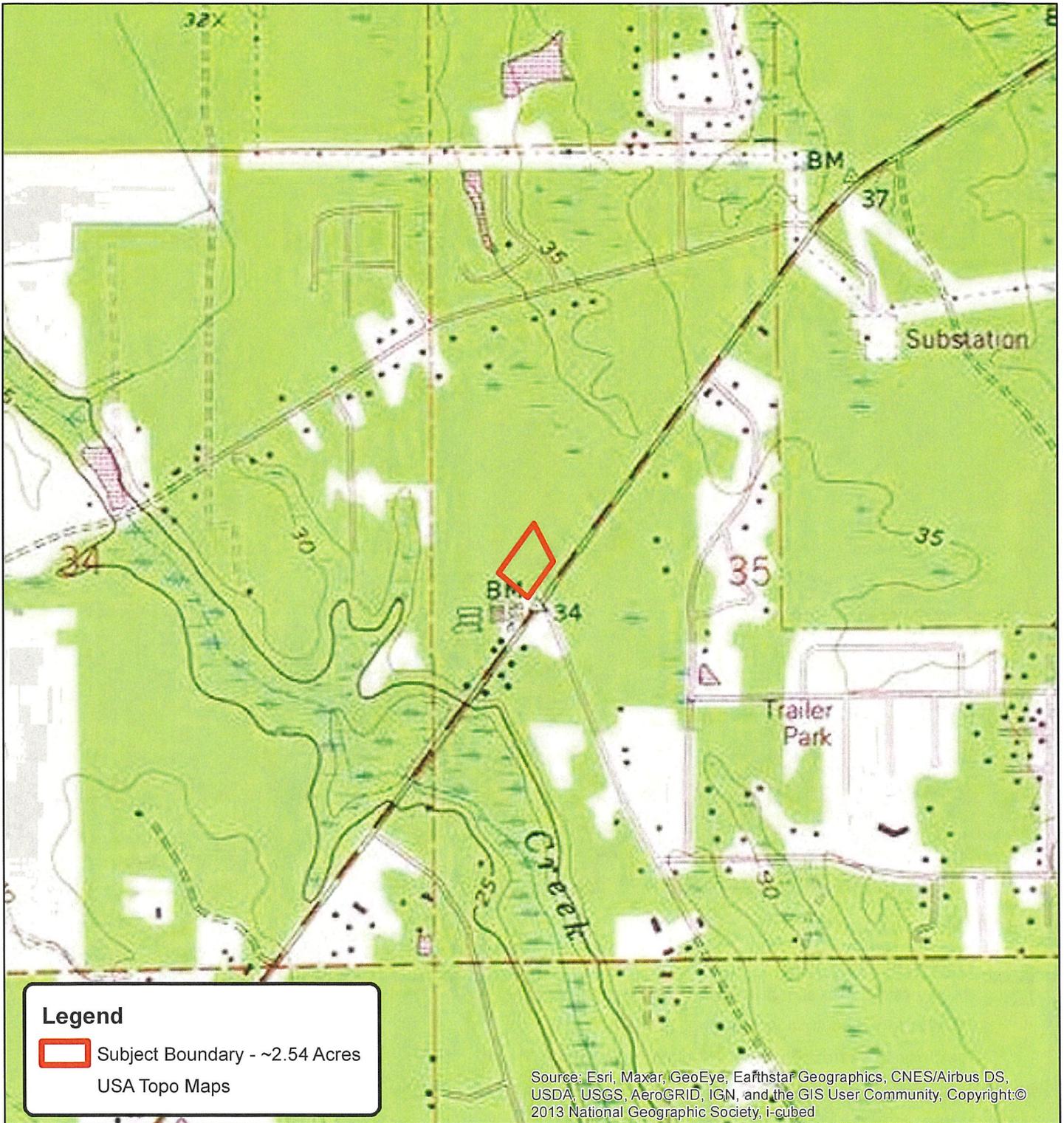
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Figure 6
SR 207 2.54 Acre Parcel
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AEA Project No. 21-1107-00
Source SJRWMD Orthoquads

SR 207 PARCEL

1956 TOPOGRAPHIC MAP



Legend

-  Subject Boundary - ~2.54 Acres
- USA Topo Maps

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Copyright:© 2013 National Geographic Society, i-cubed

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0 300 600 1,200 Feet



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Figure 2
SR 207 2.54 Acre Parcel
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Source SJRWMD Orthoquads

AREA VICINITY MAP



LOCAL VICINITY MAP



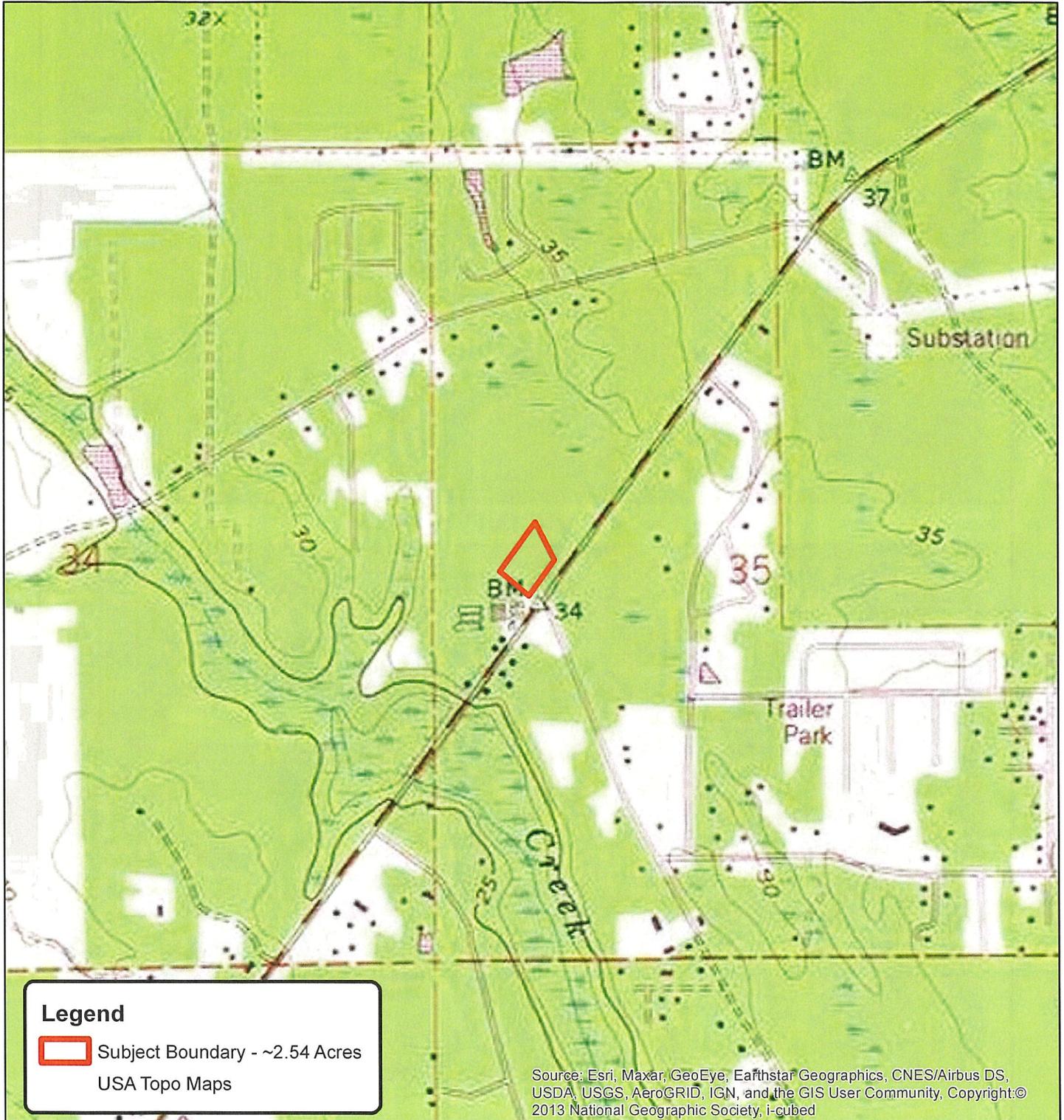
Exhibit 1
Site Location Map
 State Road 207 Commercial
 St. Johns County, Florida
 AEA Project No. 21-1107-00
 Source: Google 2019

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SR 207 PARCEL

1956 TOPOGRAPHIC MAP



Legend

-  Subject Boundary - ~2.54 Acres
- USA Topo Maps

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Copyright:© 2013 National Geographic Society, i-cubed

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0 300 600 1,200 Feet



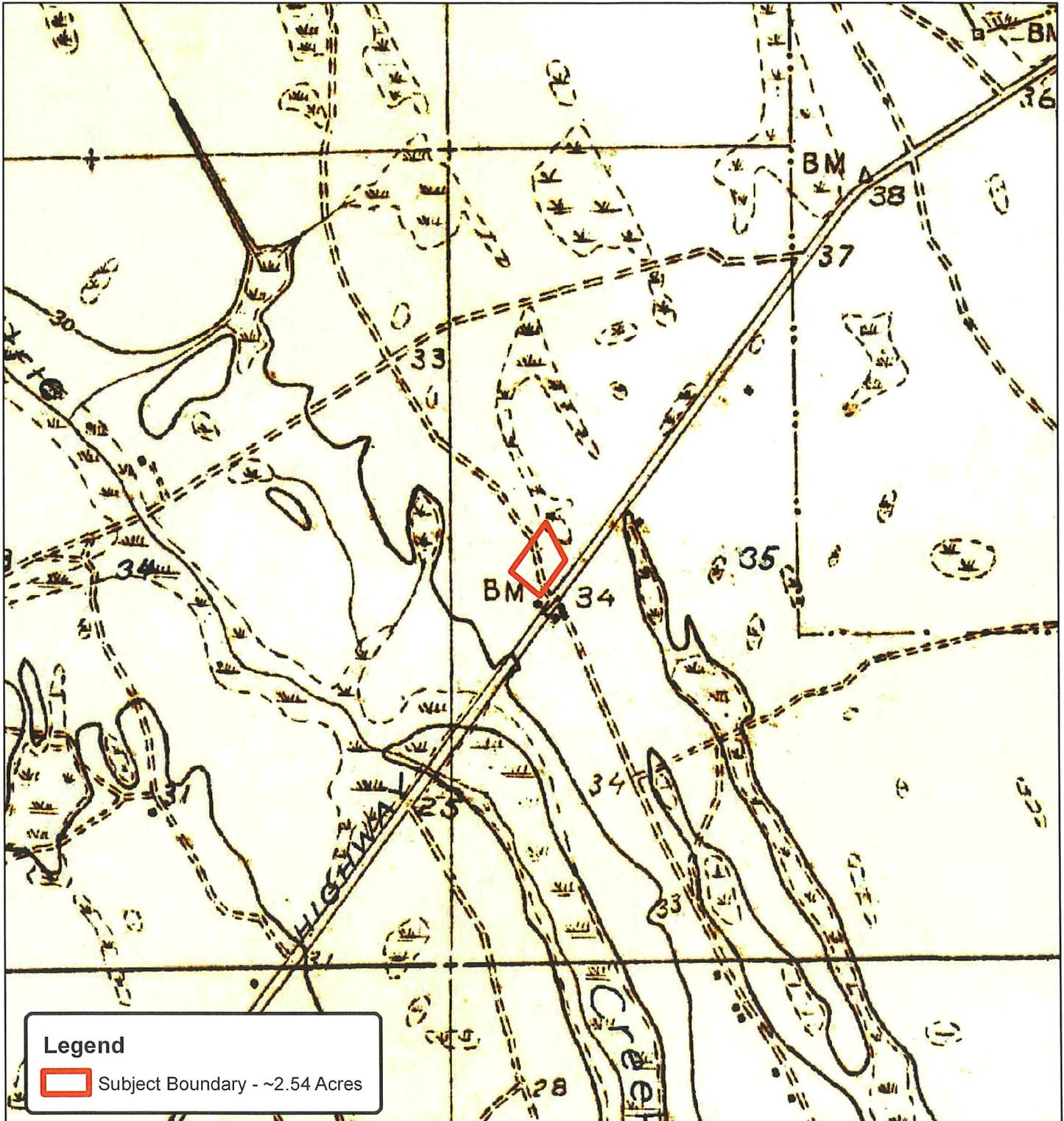
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Figure 2
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SR 207 PARCEL

1937 TOPOGRAPHIC MAP



Legend

 Subject Boundary - ~2.54 Acres

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0 600 1,200 2,400 Feet



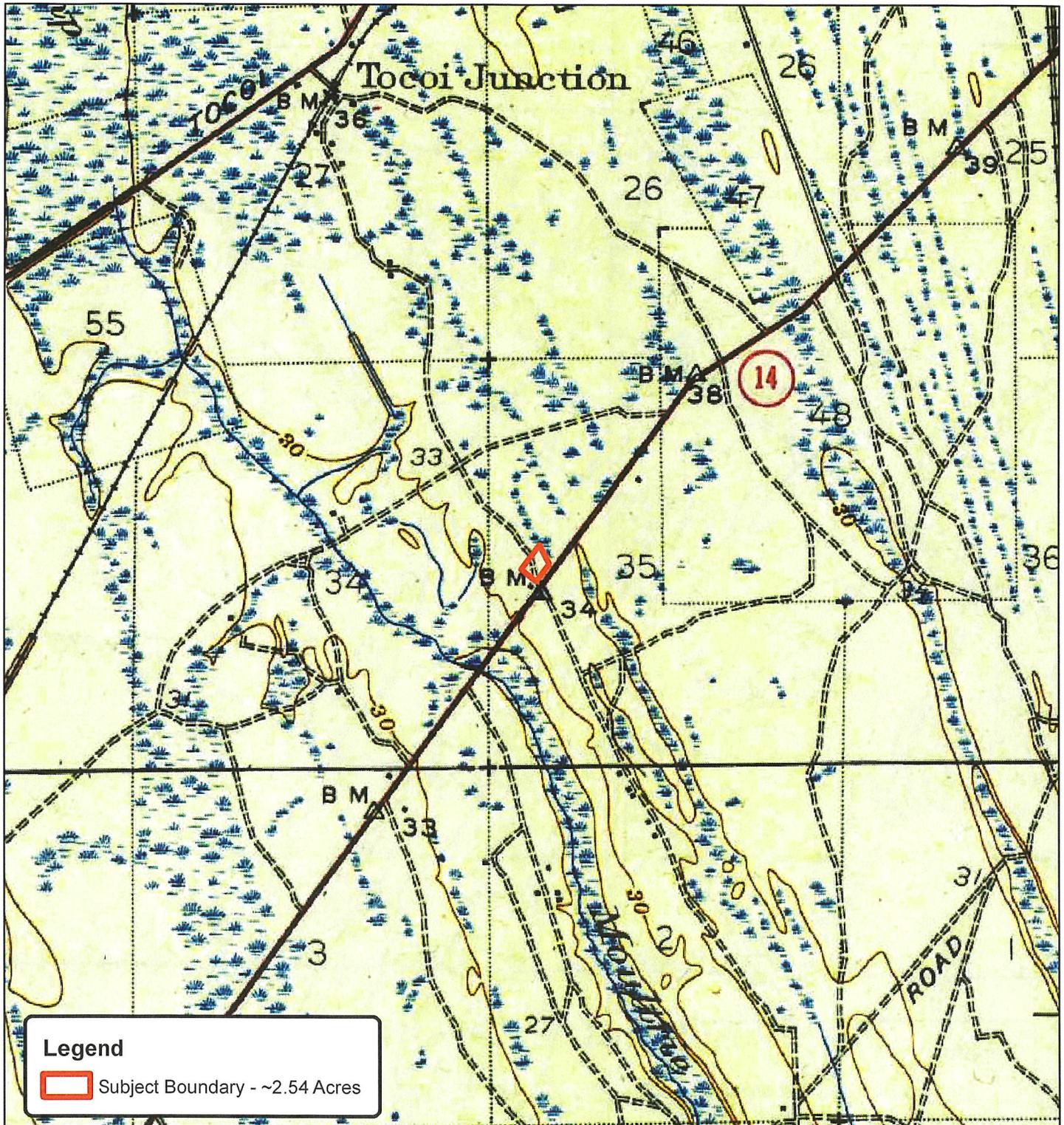
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Figure 7
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SR 207 PARCEL

1943 TOPOGRAPHIC MAP



Legend

 Subject Boundary - ~2.54 Acres

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0 1,200 2,400 4,800 Feet



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Figure 8
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1954 TOPOGRAPHIC MAP



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0 1,800 3,600 7,200 Feet



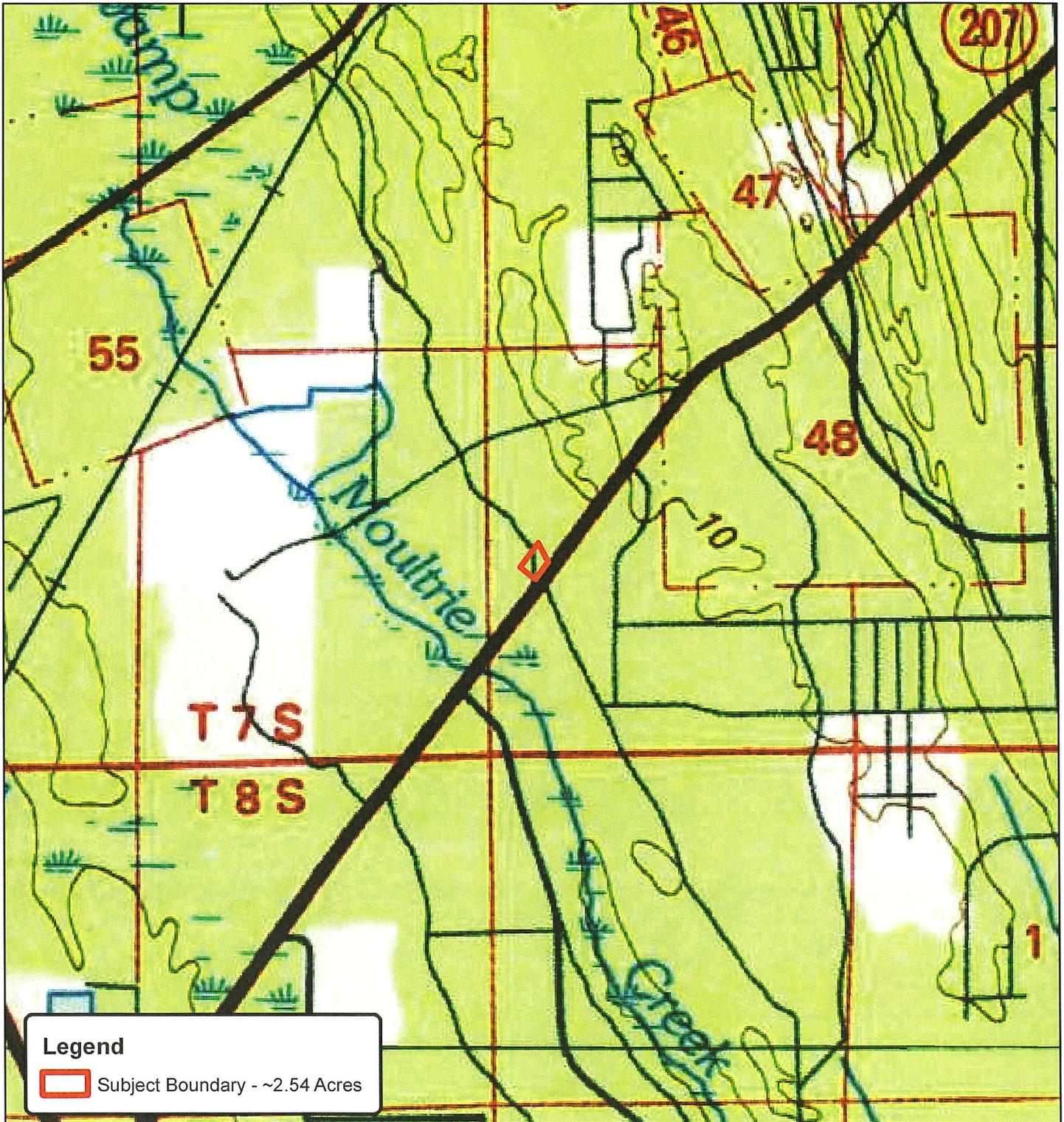
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Figure 9
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1981 TOPOGRAPHIC MAP



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0 1,200 2,400 4,800 Feet



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Figure 10
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