



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

14 February 2020

Regulatory Division
West Permits Branch
Tampa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-04100-(SP-EWG)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Joe Capitano, Sr.
NJC Investment Company
1320 E 9th Ave
Tampa, FL 33602

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the South Branch of the Anclote River. The project site is located in southern Pasco County at the northwest intersection of State Road 54 and State Road 589 (Suncoast Parkway) in Sections 30, Township 26S and Range 18E, Pasco County, Florida.

Directions to the site are as follows: To access the southern end of the project area from North Dale Mabry Highway, take Exit 19 for SR 54. Head West on SR 54 for approximately 0.25 mile, Crossings Boulevard. The property is bounded by S.R. 54 on the south, and the Suncoast Parkway to the east.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 28.190469°
Longitude: -82.547906°

PROJECT PURPOSE:

Basic: Mixed use development

Overall: To construct of a mixed-use development including hotel, medical, and commercial space within the Southern Pasco & Northern Hillsborough county areas.

EXISTING CONDITIONS:

The project site consists of approximately 28.41-acres, of which a total of six wetlands a total of 7.47 acres of Waters of the United States are within the project area.

Wetland A is approximately 0.49 acres and located in the central-east portion of the project. Primarily open water, dominant species are limited to white water lily (*Nymphaea odorata*), cattail (*Typha spp.*), Carolina willow (*Salix caroliniana*), and Peruvian primrose willow (*Ludwigia peruviana*) along the bank.

Wetland B is an approximately 1.00-acre system located near the southern border of the project. The wetland is dominated by an overstory of cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), and slash pine (*Pinus ellioti*). The ground cover is predominantly pine needles and other leaf litter; however, there is minimal coverage, including Virginia chain fern (*Woodwardia virginiana*), and muscadine vine (*Vitis rotundifolia*).

Wetland C is approximately 0.67 acres and is similar in vegetative composition to Wetland B with the addition of bald cypress and lesser amounts of red maple.

Wetland D is approximately 2.70 acres and includes both a forested wetland system and a portion of the linear ditch running along the western portion of the property. The dominant canopy vegetation includes bald cypress (*Taxodium distichum*), swamp bay (*Persea palustris*), laurel oak, and cabbage palm, with a shrub story of wax myrtle (*Morella cerifera*), and Brazilian pepper (*Schinus terebinthifolia*). Ground cover is dominated by wetland ferns including swamp fern (*Blechnum serrulatum*) and southern wood fern (*Dryopteris ludoviciana*).

Wetland E is approximately 1.40 acres and is similar to the vegetative composition of Wetland D with a more dominant presence of bald cypress.

Wetland F is approximately 1.21 acres and is located on the western portion of the property. The circular portion of the wetland is vegetated with duckweed (*Lemna sp.*) and Carolina willow, with approximately 50% of the system remaining as open water.

Uplands – The remaining 20.94 acres, although upland communities vary in composition throughout the site, overall, the uplands are dominated by a canopy of slash pine, live oak, laurel oak, cabbage palm, and red maple.

The existing area surrounding the project area consists of an adjacent property to the west under development bordered by the South Branch of the Anclote River. Suncoast parkway and vacant lots to the east and State Road 54, & Suncoast Shopping Center to the south.

PROPOSED WORK: The applicant seeks authorization to develop a 28.41-acre property to construct a mixed-use development that includes offices, hotel, groceries,

restaurants, pharmacy, and other neighborhood amenities. The project would require to fill approximately 7.01 acres of Waters of the United States within the proposed project site.

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:

Due to the configuration of the wetlands onsite and the County road requirement, wetland impacts are unavoidable for the development of a feasible site plan. Wetland B and C are located immediately along the road frontage. For a mixed-use development that includes restaurants, convenience, and pharmacy, visibility from a major roadway is essential for the success of the project. Wetland F would be impacted by the road located on the west portion of the project and into the adjacent development to the west. This road is a requirement of Pasco County as a Condition of Approval for both Master Plan Unit Developments (MPUD) to improve the County's transportation network. The road Right-of-Way is approximately 2.14 acres, and the associated stormwater is approximately 0.55 acres for a total of 2.69 acres. This requirement by the County displaces other potential uses near the road frontage and shifts the site plan north in order to provide anchor uses including grocery, hotel, and office. This site is also well positioned to provide neighborhood amenities to serve the immediate single-family and multifamily communities within proximity to SR 54 and the Suncoast Parkway.

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

The project lies within the Upper Coastal Basin and is within the service area of the Nature Coast Mitigation Bank, which has federal Palustrine forested and emergent credits available for purchase. Based on the UMAM evaluation, a total of 0.48 Palustrine emergent and 2.82 Palustrine forested credits are proposed for purchase.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the (NLAA) the Eastern indigo snake (*Drymarchon corais couperi*), and the Wood Stork (*Mycteria americana*). Additionally, The Corps has determined the proposal would have no effect on the Florida scrub jay (*Aphelocoma coerulescens*).

Eastern Indigo Snake (*Drymarchon corais couperi*): The Corps completed an evaluation of the project based upon the August 13, 2013 updated addendum to the January 2010 North and South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Eastern Indigo Snake. Use of the Key for the Eastern Indigo Snake resulted in the following sequential determination: A (The project is not located in open water or salt marsh.) >B (The permit will be conditioned for use of the Service's Standard Protection Measures for the Eastern Indigo Snake during site preparation and protection construction.) >C (There are gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities.) >D (The project will impact less than 25 acres of xeric habitat (scrub, sandhill, or scrubby flatwoods) or less than 25 active and inactive gopher tortoise burrows.) >E (Any permit will be conditioned such that all gopher tortoise burrows, active or inactive, will be evacuated prior to site manipulation in the vicinity of the burrow. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity.) = Not Likely to Adversely Affect (NLAA) with the applicant adherence to the standard protection measures for the Eastern Indigo Snake. Based upon the NLAA determination for the Eastern Indigo Snake no further coordination is required.

Wood stork (*Mycteria americana*): Based upon the review of the Wood Stork Key for Central and North Peninsular Florida dated September 2008, the proposed project resulted in the following sequential determination: A > B > C > D > E = "Not likely to adversely affect" the wood stork. This determination is based on the project not being located within 2,500 feet of an active colony site. Also, the project impacts to suitable foraging habitat (SFH), project impacts to SFH are greater than 0.5 acres, project impacts to SFH are within the CFA of a colony site, and project impacts to SFH being mitigated in accordance with CWA section 404(b)(1) guidelines. Based upon the NLAA determination for the Wood Stork, no further coordination is required.

Florida scrub jay (*Aphelocoma coerulescens*): The project area is within the consultation area for the Florida scrub jay. The Corps has made the preliminary determined the proposal would have no effect on the Florida scrub jay or its designated critical habitat. This determination is based on review of the Species Conservation Guideline, consultation maps and information available about the species' preferred 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 as the project is inland of fisheries resources. 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.

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/has not] been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Tampa Permits Section, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610 within 25 days from the date of this notice.

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, Edgar Garcia, in writing at the Tampa Permits Section, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610; by electronic mail at edgar.w.garcia@usace.army.mil; by facsimile transmission at (813) 769-7061; or, by telephone at (813) 769-7062.

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. 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.

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.

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.

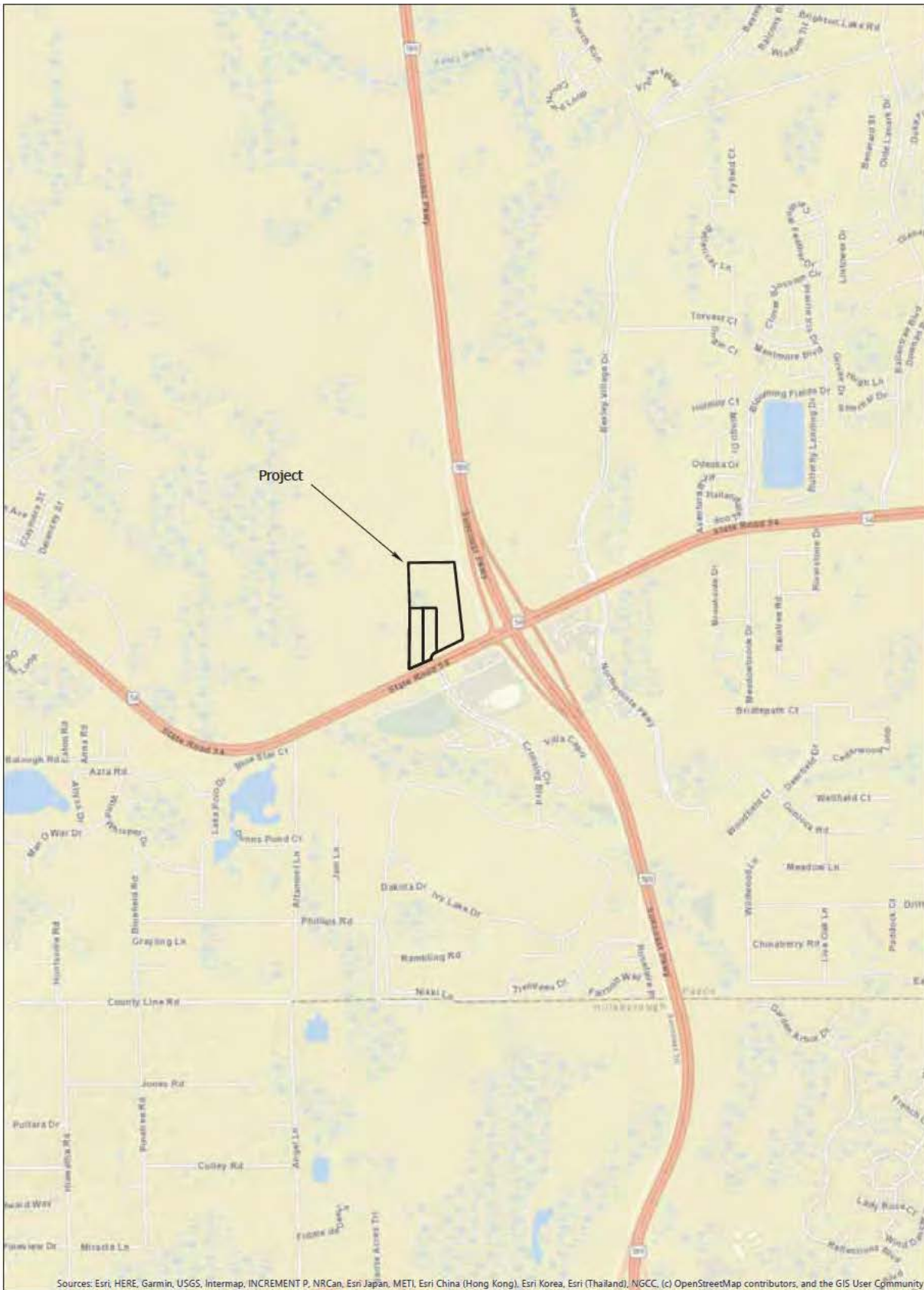


Figure 1. Location
 SR 54 and Suncoast Parkway
 Pasco County, FL
 Prepared For: NCJ Investment Company

Source: Aerial (ESRI); Property Boundary (Pasco County);
 Creation Date: 10/28/19
 Author: A. Naylor

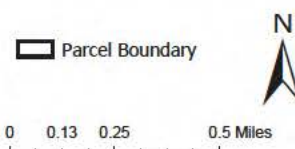
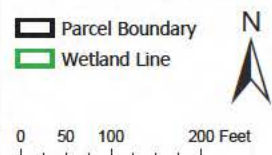
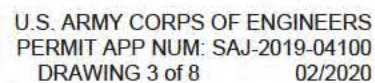




Figure 6. Wetland Line
 SR 54 and Suncoast Parkway
 Pasco County, FL
 Prepared For: NCJ Investment Company

Source: Aerial (ESRI); Property Boundary (Pasco County); Wetland Line (Bohler Engineering)
 Creation Date: 10/26/19
 Author: A. Naylor





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EXHIBIT 2 - CROSS SECTIONS

CROSS SECTION KEY MAP

12/12/2019 | JT | FLT160146 | Rev 0

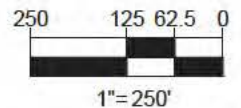


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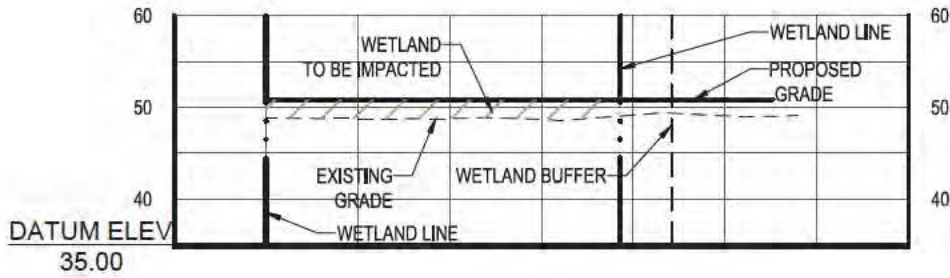
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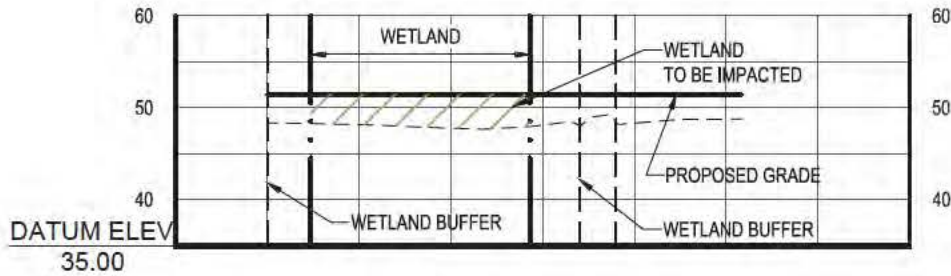
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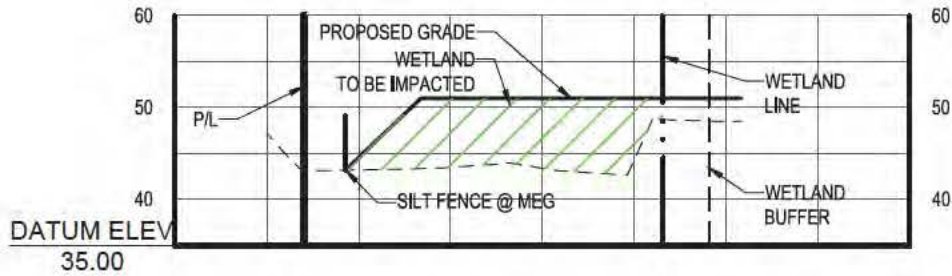
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SECTION A



SECTION B



SECTION C

P/L = PROPERTY LINE

MEG = MATCH EXISTING GRADE

EXHIBIT 2 - CROSS SECTIONS SECTIONS A - C

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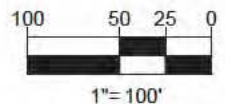


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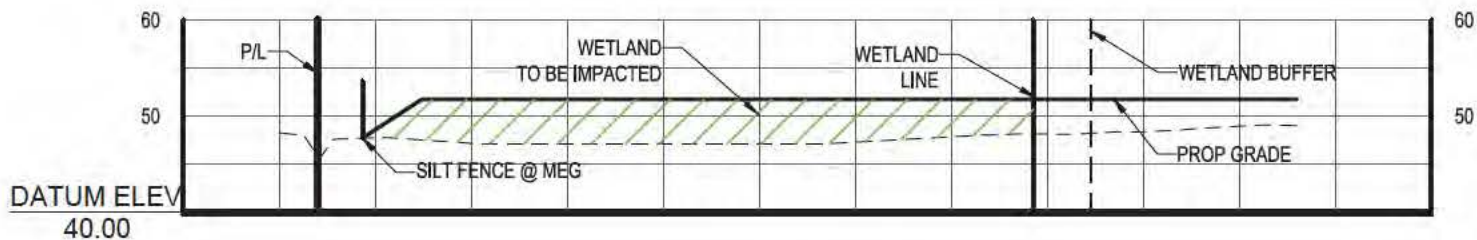
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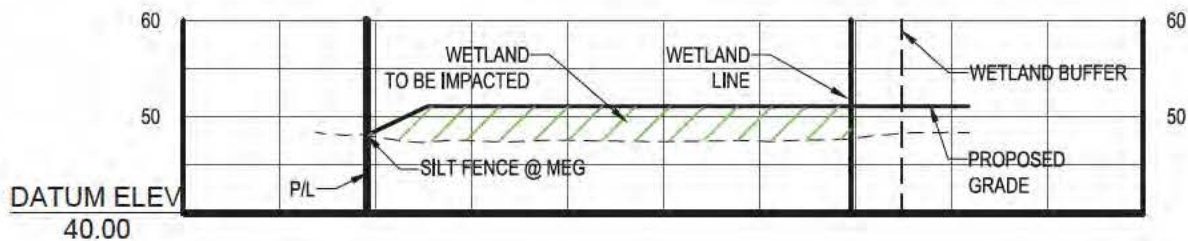
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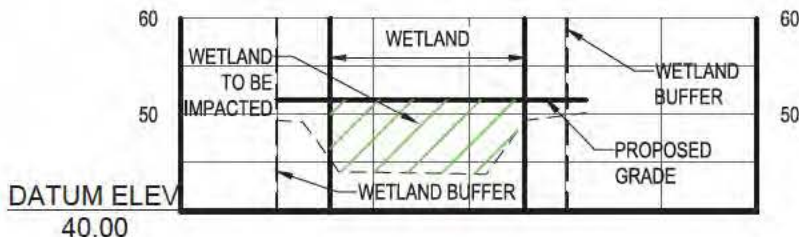
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SECTION D



SECTION E



SECTION F

P/L = PROPERTY LINE

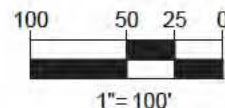
MEG = MATCH EXISTING GRADE

EXHIBIT 2 SECTION D - F

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DOUBLE ROW SILT FENCE @ MEG &
TURBIDITY BARRIER WITHIN DITCH

SUNCOAST PARKWAY

DOUBLE ROW SILT FENCE
@ MEG & TURBIDITY
BARRIER WITHIN DITCH

WETLAND F

STAGING AREA

WETLAND E

WETLAND A

WETLAND D

WETLAND C

WETLAND B

STATE ROAD 54

EXIST DRIVEWAY TO BE USED
FOR CONSTRUCTION
TRAFFIC

EXHIBIT 3 - CONSTRUCTION STAGING

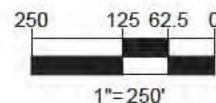
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H:\2019\160146\DRAWINGS\WETLANDS\WETLANDS CONCEPT PLAN - G.dwg 12/17/2019 10:14:00 AM J.T. BOHLER



WETLANDS INVENTORY

NAME	CATEGORY	AREA (AC)	IMPACT AREA (AC)
A	3	0.49	0.49
B	3	1.00	1.00
C	3	0.67	0.67
D	2	2.76	2.62
E		1.21	1.21
F		1.44	1.02
TOTAL		7.57	7.01

ALL AREAS ARE WITHIN PROPERTY LIMITS.

CONCEPT PLAN - G

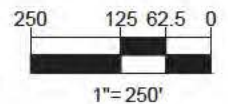
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