



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

June 22 , 2020

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-00481(SP-RHF)

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: Frank Adler
PO Box 24787
Fort Lauderdale, FL 33307

WATERWAY AND LOCATION: The project would affect wetland waters of the United States associated within the Boca Raton Inlet-Port Everglades sub-watershed (HUC 030902061300). The site is located north of East Dania Beach Boulevard, within Section 35, Township 50 South, Range 42 East, Dania Beach, Broward County, Florida

Directions to the site are as follows: Proceed on I-95 to exit 26 towards International Airport/Port Everglades and continue for 3.0 miles. Merge onto I-595 East and continue 1.0 mile. Take exit 12A to merge onto US-1 towards Dania Beach and continue 2.4 miles and proceed east on Sheridan Street approximately 0.5 miles. Turn left onto East Dania Beach Boulevard, continue for 1.0 mile and the destination will be on the left side of the road. The destination will be on your right on the south side of Sheridan Street.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.053465°
Longitude -80.128816°

PROJECT PURPOSE:

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

Overall: The overall project purpose is to construct a residential development in eastern Broward County, Florida.

EXISTING CONDITIONS: The 4.36 acre project site consists of an undeveloped parcel. The property contains approximately 2.9 acres of tidal forested wetlands, and 1.44 acres of uplands.

The forested wetlands consist primarily of *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove), *Acrostichum aureum* (leather fern), and *Dioscorea bulbifera* (air potato). The upland area consists of *Schinus terebinthifolia* (Brazilian pepper), *Casuarina equisetifolia* (Australian pine), *Cupaniopsis anacardioides* (carrotwood), and *Dioscorea bulbifera* (air potato).

PROPOSED WORK: The applicant proposes construction of a 400 unit multifamily residential development. The proposed work would require impacts to 1.96 acres of tidal forested wetlands requiring the placement of approximately 30,000-cubic yards of fill, preservation of 0.96 acres of tidal forested wetlands, and creation of 300 square feet of tidal forested wetlands.

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:

“The limits of the site are too small to provide sufficient development area for a residential facility at this location. Other sites that were evaluated for the project purpose were either too small, too expensive, not available, or did not meet the project purpose for the location. The original concept of filling to the project property line was reduced to the current plan that allows for filling to the end of the adjacent filled areas and preserving the remaining onsite wetland areas.”

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

“Unavoidable impacts to wetland waters of the US will be compensated for through purchase of in-kind wetland mitigation credits from Everglade Mitigation Bank.”

CULTURAL RESOURCES:

The Corps is not aware of historic property/properties within or in close proximity of the permit area. The Corps will initiate consultation with the State Historic Preservation Office and if applicable, those federally recognized tribes with concerns in Florida and the Permit Area pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

ENDANGERED SPECIES:

The project is within the range and consultation area of the American Crocodile (*Crocodylus acutus*), eastern indigo snake (*Drymarchon corais couperi*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), Florida's Bonneted Bat (*Eumops floridanus*), and wood stork (*Mycteria americana*).

- **American Crocodile:** The project is located in the species consultation area for the American Crocodile. This species is found primarily in mangrove swamps and along low-energy mangrove lined bays, creeks, and inland swamps. Nesting habitat can include areas sandy shorelines or raised creek/canal banks adjacent to deep water. A portion of the onsite wetland consist of mangrove wetlands, which may contain suitable habitat for the American Crocodile. While proposed work will impact 1.96 acres of tidal mangrove wetlands the applicant is proposing to preserve to 0.96 acres of tidal mangrove wetland onsite and create 300 square feet of additional tidal mangrove wetlands. The proposed preservation area encompasses the most waterward portion of the wetlands. Therefore, the Corps has determined this project is not likely to adversely affect the American crocodile.
- **Eastern indigo snake:** The staging and construction area may contain holes or cavities that could provide habitat for the eastern indigo snake. By use of the Eastern Indigo Snake Key dated 1 August 2017, the project results in a path of A-B-C-D-E, may affect but is not likely to adversely affect the eastern indigo snake provided the permit is conditioned such that all gopher tortoise burrows, active or inactive, be evacuated prior to site manipulation. Therefore, the Corps has determined that the proposed work is not likely to adversely to affect the eastern indigo snake.
- **Everglades snail kite:** The project is within the consultation area for the Everglades Snail Kite. Kite foraging habitat consists of relatively shallow wetland vegetation, either within extensive marsh systems, or in lake littoral zones. Snail kite nesting substrate is typically located over open water at a distance of approximately 150 meters from the edge of water to provide protection to the nest. The dense tree canopy within the subject parcel prevents foraging and access by this species. Therefore, the Corps has determined the proposed work will have no effect on the species.
- **Florida Bonneted Bat:** The proposed activity is located within the Consultation Area for the Florida bonneted bat and the Urban Bat Area. The Florida Bonneted Bat Consultation Key Guidelines (2019) state that projects within the Urban Bat Area cannot utilize the programmatic key. Due to the presence of some suitable roosting trees and foraging areas, the applicant will be required to provide a limited roost survey for the project area. Corps determination will be dependent on the results of the survey.
- **Wood stork.** The proposed work is located approximately 13.56 miles from the nearest wood stork colony. The proposed work consists of impacts to 1.96 acres of wetlands on site. By use of the FWS Wood Stork Key dated January 25, 2010 and the May 18, 2010 addendum, the following key sequence A>B>C>E would result in a "Not Likely to Adversely Affect" (NLAA) determination. The applicant has proposed compensation for wetland impacts through the purchase of wetland mitigation bank credits.

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. The proposal would impact approximately 1.96 acres of tidal mangrove wetlands. Our initial determination is that the proposed action would have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. 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 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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard Suite 500, Palm Beach Gardens, Florida 33410 within 30 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, Trey Fraley, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at robert.h.fraley@usace.army.mil, or, by telephone at (561) 472-3526.

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.

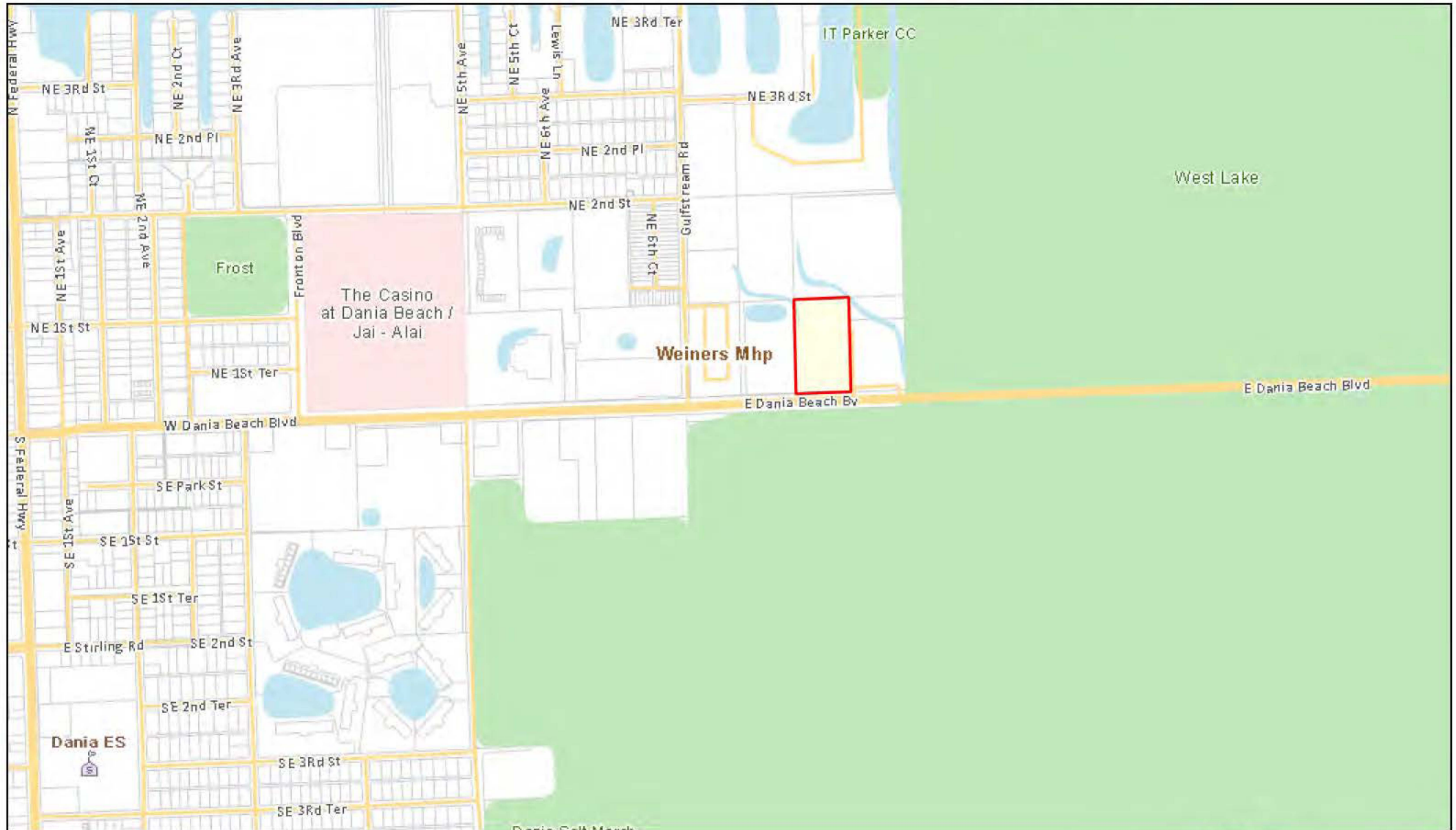
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

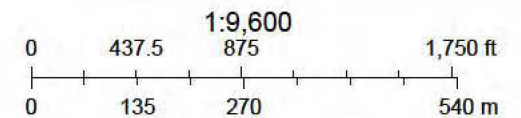
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

Property Id: 504235000220

**Please see map disclaimer

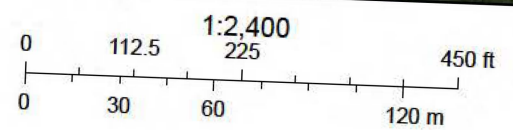


January 27, 2020





January 30, 2020



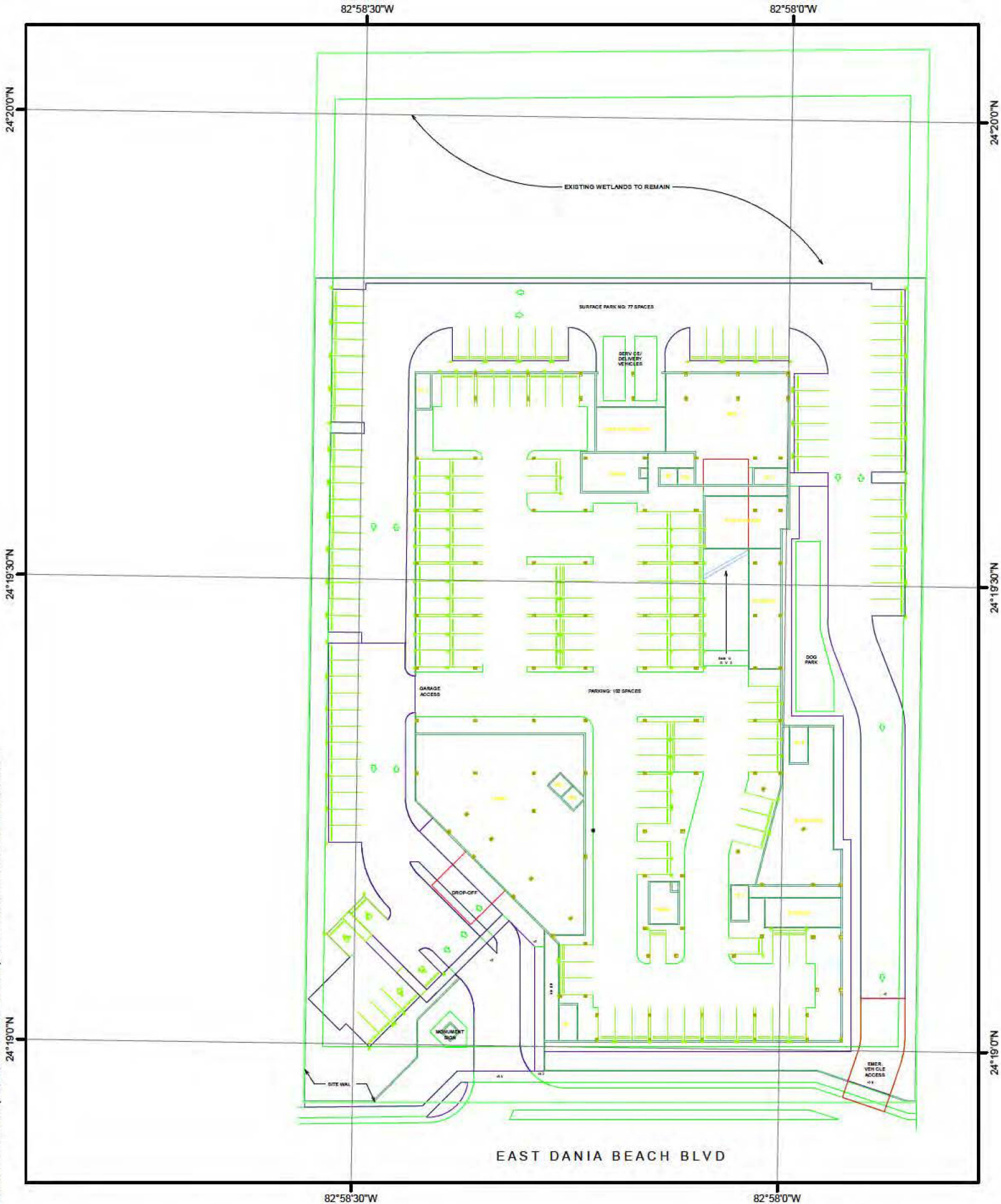


Legend

 Adler Plat Limits (4.36 ac.)

 Wetland Area (2.9 ac.)

 Upland Area (~1.44 ac.)



04/21/2016	Revised: 01/20/2020
<div><div>02354709401,410</div><div></div><div>Feet</div></div>	

J. J. Goldasich and Associates, Incorporated



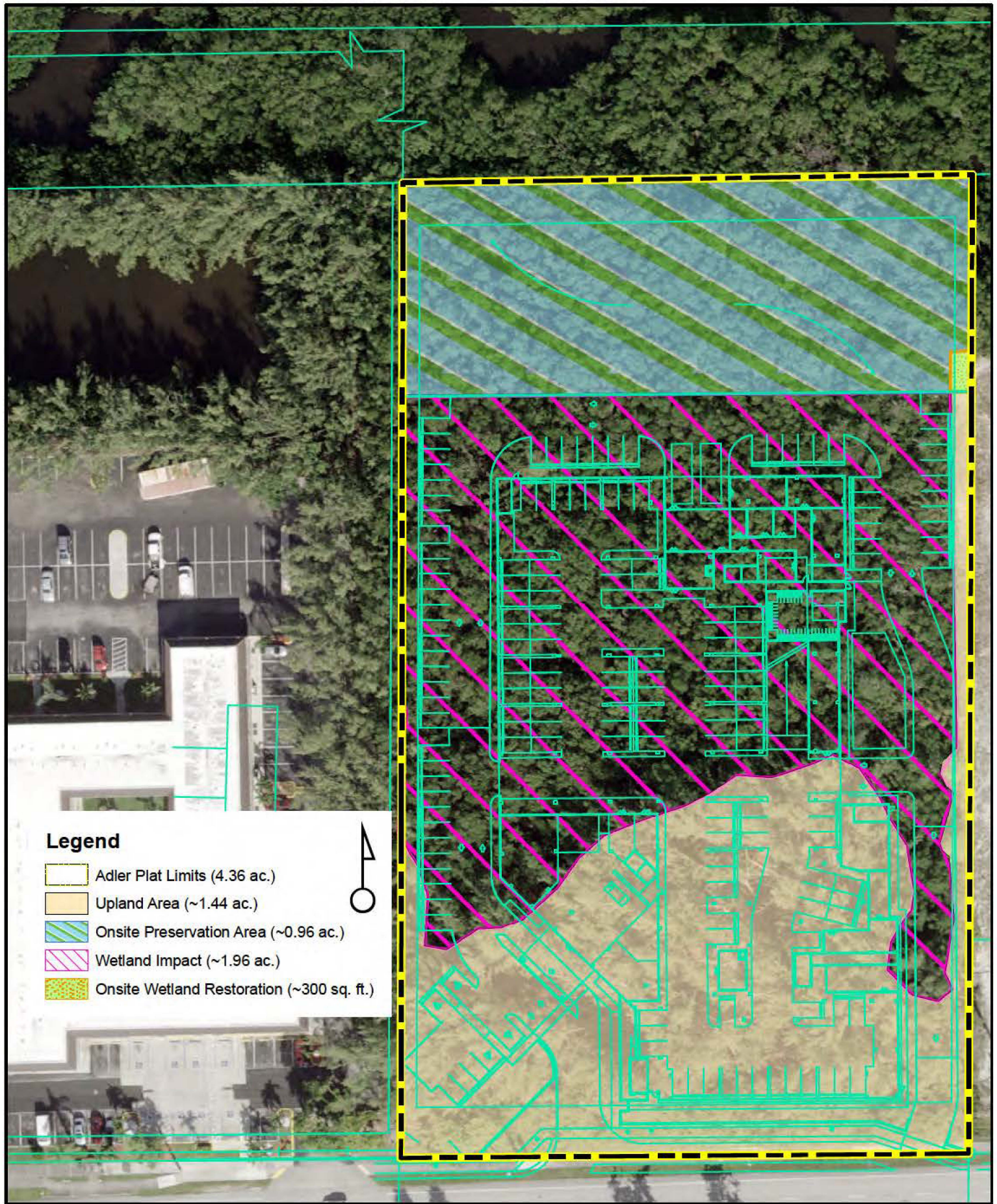
Ecological Services
Natural System Analysis

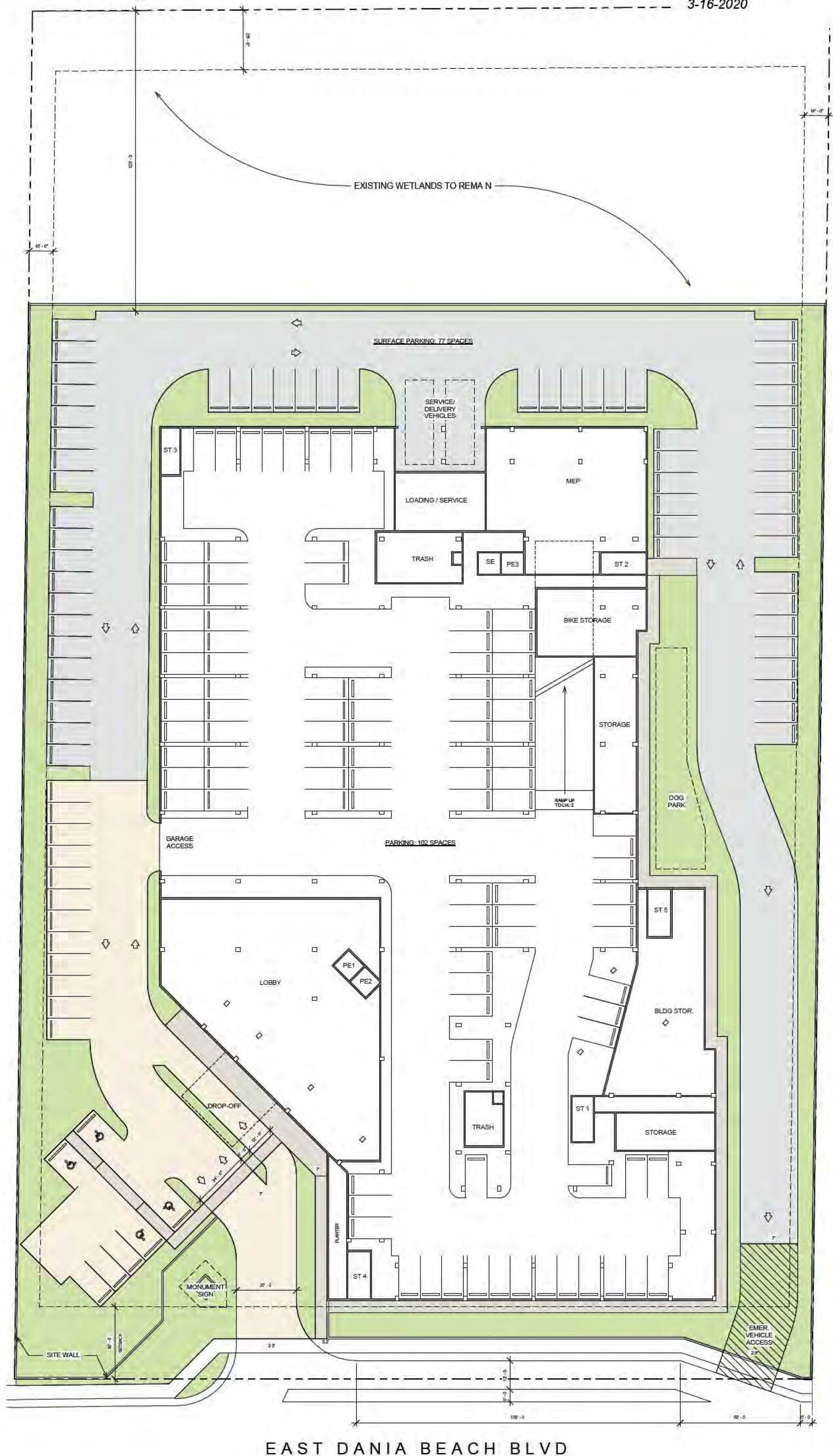
(561) 883-9555

jjg@jgoldasich.com

Adler Parcel
Preliminary Wetland Area Map
Dania Beach Boulevard 4.36 Acres
City of Dania, Broward County, Florida

**ACOE
Data
Points**





EAST DANIA BEACH BLVD