



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

26 June 2020

Regulatory Division  
West Permits Branch  
Tampa Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-03992-(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: Sia Mollanazar, PE.  
Manatee County Public Works  
1022 26<sup>th</sup> Ave East  
Bradenton, FL 34208

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Tampa Bay & Cabbage slough. The project site is located at CR 683, Moccasin Wallow in Sections 16 - 21, Township 33S and Range 18E, Manatee County, Florida.

Directions to the site are as follows: To access the project area from I-75 exit at CR 683 (exit Number 229) head west. The project starts approximately 0.25 mile from the exit, and ends at US 41.

APPROXIMATE CENTRAL COORDINATES:

Project	Latitude	Longitude
Start	27.600840°	-82.507930°
End	27.600834°	-82.539456°

PROJECT PURPOSE:

Basic: Transportation

Overall: To widen to an ultimate six-lane divided urban roadway within Manatee County.

EXISTING CONDITIONS: The project area consists of residential and commercial development, improved pasture, open land, forested wetlands, and surface waters. Generally, the area is somewhat rural with development near I-75. Development near I-

75 began in 2007 but did not ramp up until 2016. Prior to the more recent development, the area was primarily agricultural lands.

There are Six (6) wetlands and seven (7) surface waters are proposed to be impacted by the project.

Wetland 1 is a forested wetland that continues north (offsite) and is connected to Surface Water 4. Surrounding land use includes Moccasin Wallow Road to the south, Gateway Boulevard to the east and residential/commercial development. This disturbed forested system is dominated by red maple (*Acer rubrum*) and laurel oak (*Quercus laurifolia*), and has a subcanopy of cabbage palm (*Sabal palmetto*), and Carolina willow (*Salix caroliniana*). Nuisance/exotic vegetation observed includes, and Brazilian pepper (*Schinus terebinthifolia*), cattail (*Typha latifolia*), and primrose willow (*Ludwigia peruviana*). Wetland 1 has been historically impacted by the construction of the existing roadway and surrounding development. Wetland 1 is also impacted by untreated stormwater and nuisance/exotic vegetation infestation. The project will impact 0.14 acres of Wetland 1. A 25-foot buffer for the portion of this wetland located beyond the project ROW was assessed for secondary impacts. The project will result in 0.10 acres of secondary impacts to Wetland 1.

Wetland 2 is a forested wetland that continues north offsite. It was historically connected to Wetland 4 on the south side of Moccasin Wallow Road. Wetland 2 is entirely surrounded by development including Moccasin Wallow Road to the south, 40th Avenue to the west, and residential/commercial development. This disturbed forested system is dominated by red maple and laurel oak, and has a subcanopy of cabbage palm, Carolina willow, and Brazilian pepper. Nuisance/exotic vegetation observed includes Brazilian pepper and primrose willow. Wetland 2 has been historically impacted by the construction of the existing roadway and surrounding development. Wetland 2 is also impacted by untreated stormwater and nuisance/exotic vegetation infestation. The project will impact 0.22 acres of Wetland 2. A 25-foot buffer for the portion of this wetland located beyond the project ROW was assessed for secondary impacts. The project will result in 0.22 acres of secondary to Wetland 2.

Wetland 3 is a small forested wetland located south of Moccasin Wallow Road near the western end of the project. This system is comprised of a canopy of laurel oak, red maple, and swamp bay (*Persea palustris*), with an understory of Brazilian pepper. Common groundcover species include swamp fern (*Telmatoblechnum serrulatum*) and cinnamon fern (*Osmundastrum cinnamomeum*). Wetland 3 has been historically impacted by the construction of the existing roadway and surrounding development. Wetland 3 is also impacted by untreated stormwater and nuisance/exotic vegetation infestation. The project will impact 0.01 acres of Wetland 3. A 25-foot buffer for the portion of this wetland located beyond the project ROW was assessed for secondary impacts. The project will result in 0.07 acres of secondary impacts to Wetland 3.

Wetland 4 is a forested wetland that continues south offsite. It was historically connected to Wetland 2 on the north side of Moccasin Wallow Road. Wetland 4 is adjacent to Surface Water 6 which appears to connect to offsite. Surrounding land use includes Moccasin Wallow Road to the north, upland forest to the east, and residential/commercial development. This disturbed forested system is dominated by red maple and laurel oak, and has a subcanopy of cabbage palm, Carolina willow, and Brazilian pepper. Nuisance/exotic vegetation observed includes Brazilian pepper, cattail, and primrose willow. Wetland 4 has been historically impacted by the construction of the existing roadway and surrounding development. Wetland 4 is also impacted by untreated stormwater and nuisance/exotic vegetation infestation. The project would impact 0.96 acres of Wetland 4. A 25-foot buffer for the portion of this wetland located beyond the project ROW was assessed for secondary impacts. The project will result in 0.28 acres of secondary impacts to Wetland 4.

Wetland 5 is a small herbaceous system that continues south offsite and is located on the south side of Moccasin Wallow Road, west of 49th Avenue East, and south of Wetland 1. Surrounding land use includes Moccasin Wallow Road and Surface Water 7 to the north, Gateway Boulevard to the east, 49th Ave to the west, and residential/commercial development. This herbaceous system is dominated by a mixture of torpedo grass (*Panicum repens*), bahia grass (*Paspalum notatum*), and various sedges (*Cyperus* spp.).

This area was partially cleared in late 2015 for the Woods of Moccasin Wallow Phase 2A development (ERP Permit: 27870.004), and it was not identified in the referenced permit. Based on historical imagery it resulted from the land clearing in 2015. Wetland 5 has been historically impacted by the construction of the existing roadway and surrounding development. Wetland 5 is also impacted by untreated stormwater and nuisance/exotic vegetation infestation.

Wetland 6 is an herbaceous system which is actively grazed by cattle and is located at the Pond A-1 location. There is an excavated area with standing water year round; this ponded area has trees and shrubs on the edge and there is a small pocket of wetland trees and shrubs to the west. Surrounding land use includes Moccasin Wallow Road to the north, US 41 to the west, and residential and agricultural uses. The hydrological function of Wetland 6 has been impacted by the excavation of a pond and ditches on the property. At times of extreme high water, stormwater from the ditch connects with the wetland. Standing water was observed in the pond during the wetland assessment, soils were saturated and exhibited muck. Cattle grazing and stormwater runoff have lowered the water quality. This system is dominated by soft rush (*Juncus effusus*), big carpetgrass (*Axonopus furcatus*), dayflower (*Commelina diffusa*), frogfruit (*Phyla nodiflora*), and Peruvian primrose willow with the following species occurring in clusters: red maple, Carolina willow, and Brazilian pepper. The project would impact 0.12 acres of Wetland 6 due to the proposed Pond A-1. A 25-foot buffer for the portion of this wetland located beyond the project ROW was assessed for secondary impacts. The project will result in 0.16 acres of secondary impacts to Wetland 6.

Surface Waters 1-6, and 8 are roadside ditches that support hydrophytic vegetation and present evidence of hydrologic connections. These systems generally contain standing water during the rainy season and are shallow or dry during the dry season. The roadside ditches capture stormwater from Moccasin Wallow Road and in some instances collect overflow from wetlands within the project area. Typical vegetation observed in these surface waters includes primrose willow, torpedo grass, pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria lancifolia*), and maidencane (*Panicum hemitomon*). These ditches were created during the original construction of the roadway, and they are impacted by untreated stormwater. The project will impact 1.16 acres of Surface Waters 1-6, and 8. Of these impacts, 0.40 acres (Surface Waters 2-4 and 6) may be considered to be USACE jurisdictional given connectivity to adjacent wetlands.

**PROPOSED WORK:** The applicant seeks authorization to impact approximately 1.72 acres of Waters of the United States within the proposed project corridor to widen the existing 2-lane Moccasin Wallow Road from the intersection of US 41 to Gillette Drive to an ultimate 6-lane roadway.

The proposed ultimate typical section will be a 6-lane divided urban roadway which will connect to the project to the west. The proposed roadway features for the urban section include three 12-foot wide travel lanes in each direction, 7-foot outside bike lanes in each direction, inside and outside curb and gutter in each direction, 22-foot wide raised median, and a 6-foot wide sidewalk on the south side and 12-foot shared use path on the north side of the roadway.

Manatee County proposes to construct an interim design consisting of a 4-lane divided roadway with 22-foot raised median, bike lanes, roadside collection swales, sidewalk and shared use path. The proposed stormwater collection, conveyance and management facilities are designed for the ultimate 6-lane urban typical section.

**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 design of the proposed facility and stormwater management area was evaluated to determine the appropriate location with the least environmental impacts. For safety reasons, it was determined the typical section needs to be 150 feet wide. Wetlands are located on both sides of the road and given the narrow existing right-of-way impacts are unavoidable. The road does meander and was narrowed in certain areas to decrease impacts. Additionally, wetlands onsite are low quality and have been previously disturbed by adjacent development. There are no practicable alternatives to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize impacts to wetlands that may result from proposed construction. It was determined that the proposed design represents the minimum amount of fill required in order to achieve the project purpose and meet the drainage requirements.

The project will be constructed in accordance with the Clean Water Act Section 401, and Water Quality Certification (WQC) and Best Management Practices (BMPs) will be implemented during construction to avoid water quality degradation. The stormwater treatment facility will be designed and constructed to fully treat and attenuate all anticipated stormwater. Offsite waters will be protected by implementation of erosion control measures, including staked turbidity barriers, floating turbidity barriers, geotextile hay bales, or a combination thereof, as well as turbidity monitoring by the contractor.

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

The Project impacts are located within the Tampa Bay Basin. The Project is located within the service area of a mitigation bank. No forested freshwater wetland mitigation credits are currently available at the mitigation bank.

Compensation for wetland impacts is being provided through onsite mitigation (Mitigation Area M1). A total of 2.067 acres of forested and 0.501 acres of herbaceous wetland creation is proposed as in-kind mitigation for impacts associated with the project. The mitigation area is located east of US 41 and south of Moccasin Wallow Road but does not abut either road. It is proposed to be connected to a creek/ditch on the northern end. A separate wetland on the north side of the creek/ditch was used in the design of the mitigation area since it is located in a similar landscape and hydrologic regime as the proposed mitigation area (Mitigation Area M1). The wetland creation area will be profiled to an elevation consistent with the wetland to the north of the creek to alleviate drawdown concerns and provide for stable hydrologic regimes that will ensure success of the mitigation.

The topographic profile within the mitigation area will be constructed to support a maximum of 2.5 feet in depth relative to the seasonal high water elevation. Following excavation and grading of the mitigation area, mucky material will be brought in and placed on the bottom of the mitigation area to provide suitable substrate for planting. The mitigation area will also occur on the downstream end of the stormwater treatment pond which will feed treated runoff into the mitigation area. A UMAM assessment was also conducted for the proposed mitigation area to ensure that functional gain provided by the mitigation is adequate to offset the FL of the impacts. The functional gain of 0.929 units will compensate for the FL of 0.928 units.

Based on the UMAM evaluation, the calculated functional loss of the impacted wetlands would be 0.205 Palustrine emergent units and 0.723 Palustrine forested units for a total of 0.928 units.

**CULTURAL RESOURCES:** The Corps is 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 those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as

applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

**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*), and the Piping Plover (*Charadrius melodus*).

**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 is located within the Scrub-jay consultation area. There is no designated critical habitat for the scrub jay listed in the federal register (52 FR 20715-20719). Persistent breeding populations of Florida scrub-jays exist only where there are scrub oaks in sufficient quantity to provide an ample winter acorn supply, cover from predators, and nest sites during the spring. The project site is an existing roadway, does not support scrub jay foraging or nesting habitat. The Corps has determined that the proposed project will have no effect on Florida Scrub-Jay and no further consultation with FWS is required.

Piping Plover (*Aphelocoma coerulescens*): The project area is located within the Piping Plover Consultation Area. According to the 22 May 2013 Programmatic Piping Plover Biological Opinion for the Piping Plover, publicly owned land where coastal processes are allowed to function, mostly unimpeded, generally does not include public lands that are solely State-owned water bottoms, street ends, parking lots, piers, beach accesses, or shoreline developed for commercial or residential purposes. It generally does include public lands consisting of parks, preserves, and natural undeveloped shoreline and dunes. Piping Plover wintering habitat includes beaches, mudflats, and sandflats, as well as barrier island beaches and spoil islands (Haig 1992). These birds may also be seen on ocean beaches and sand or algal flats in protected bays (Wilkinson and Spinks 1994). The project boundaries do not include such habitats. Therefore, the Corps has determined that a "No effect" determination is appropriate and consultation for the Piping Plover is not required.

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](mailto: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.

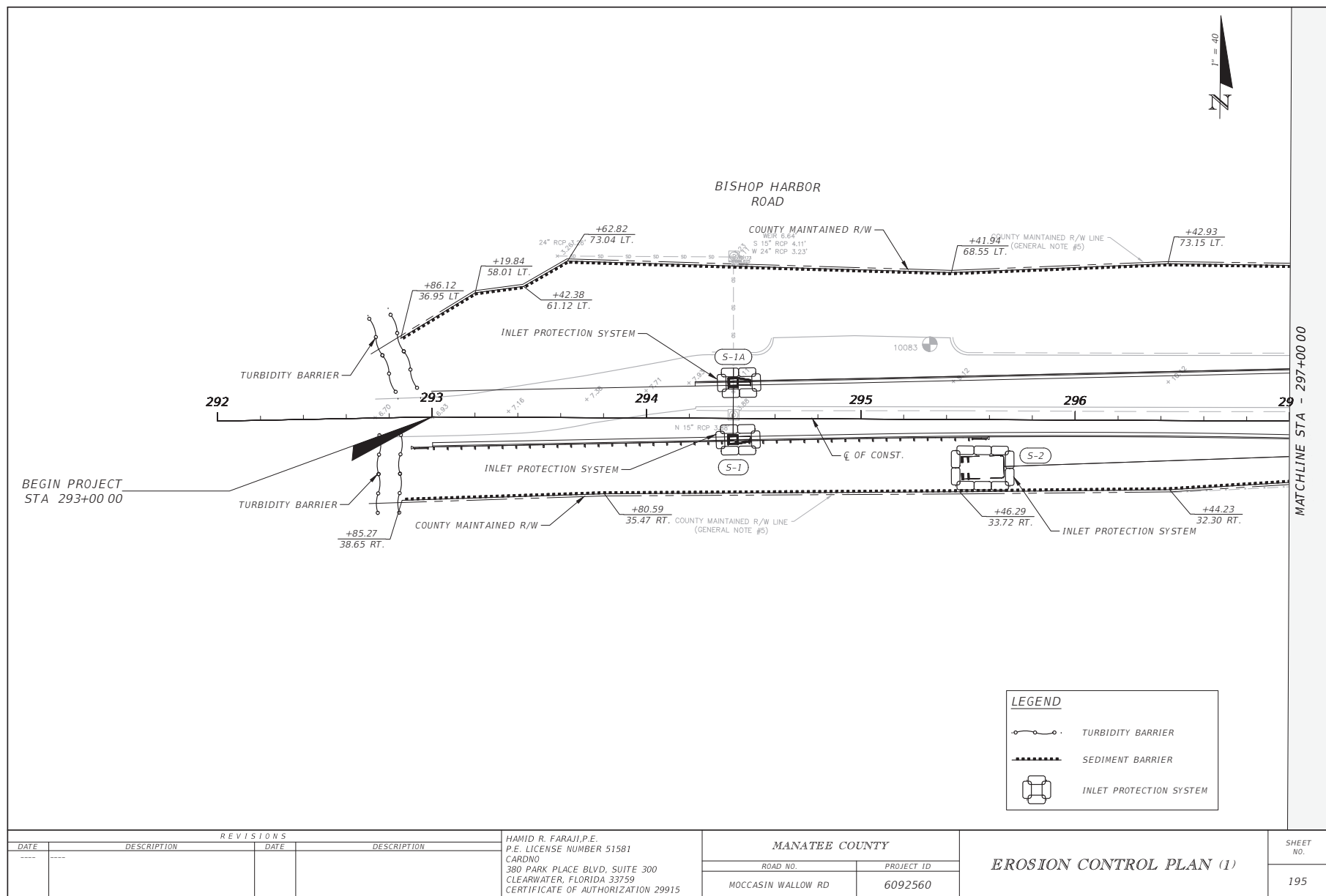
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

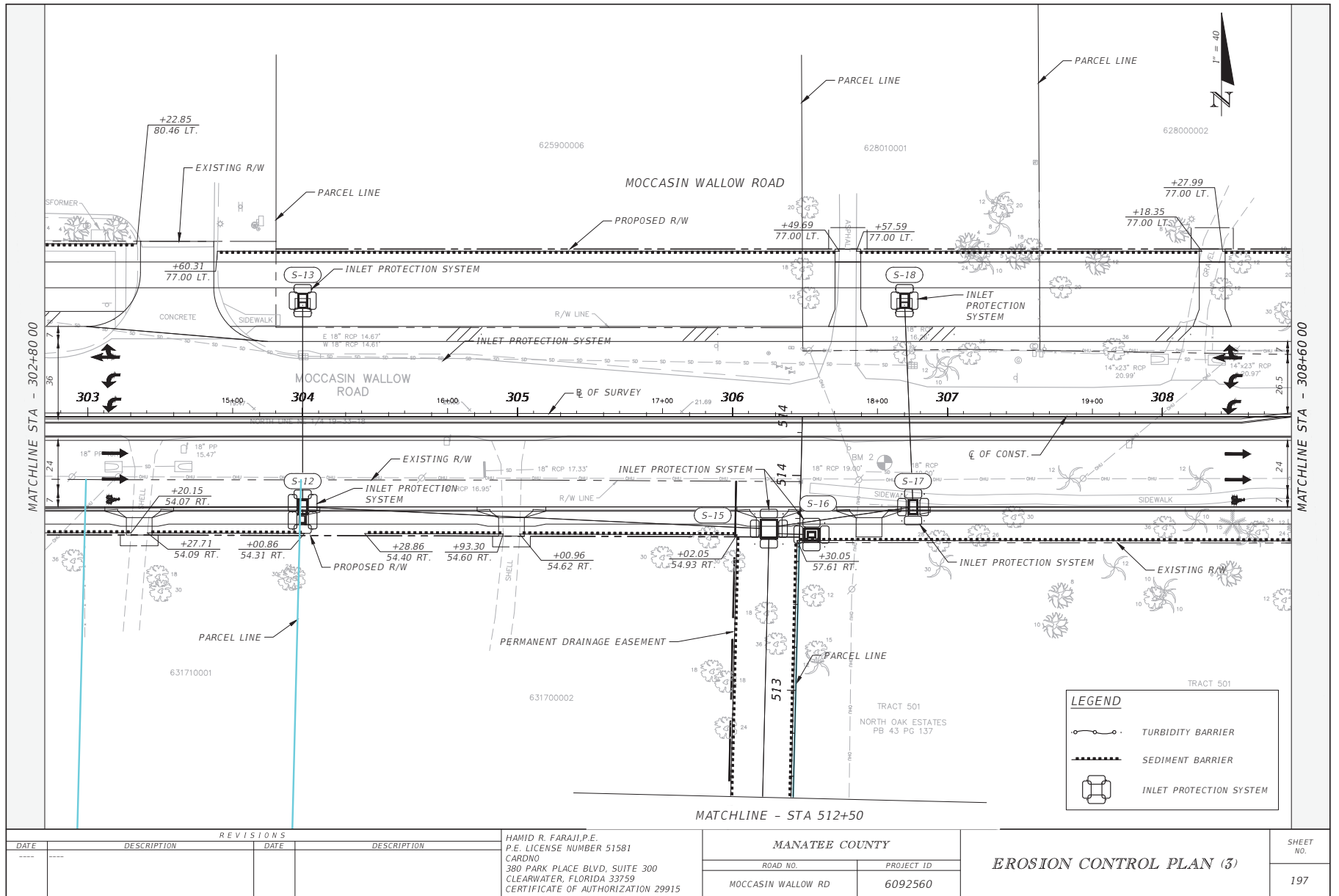


REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

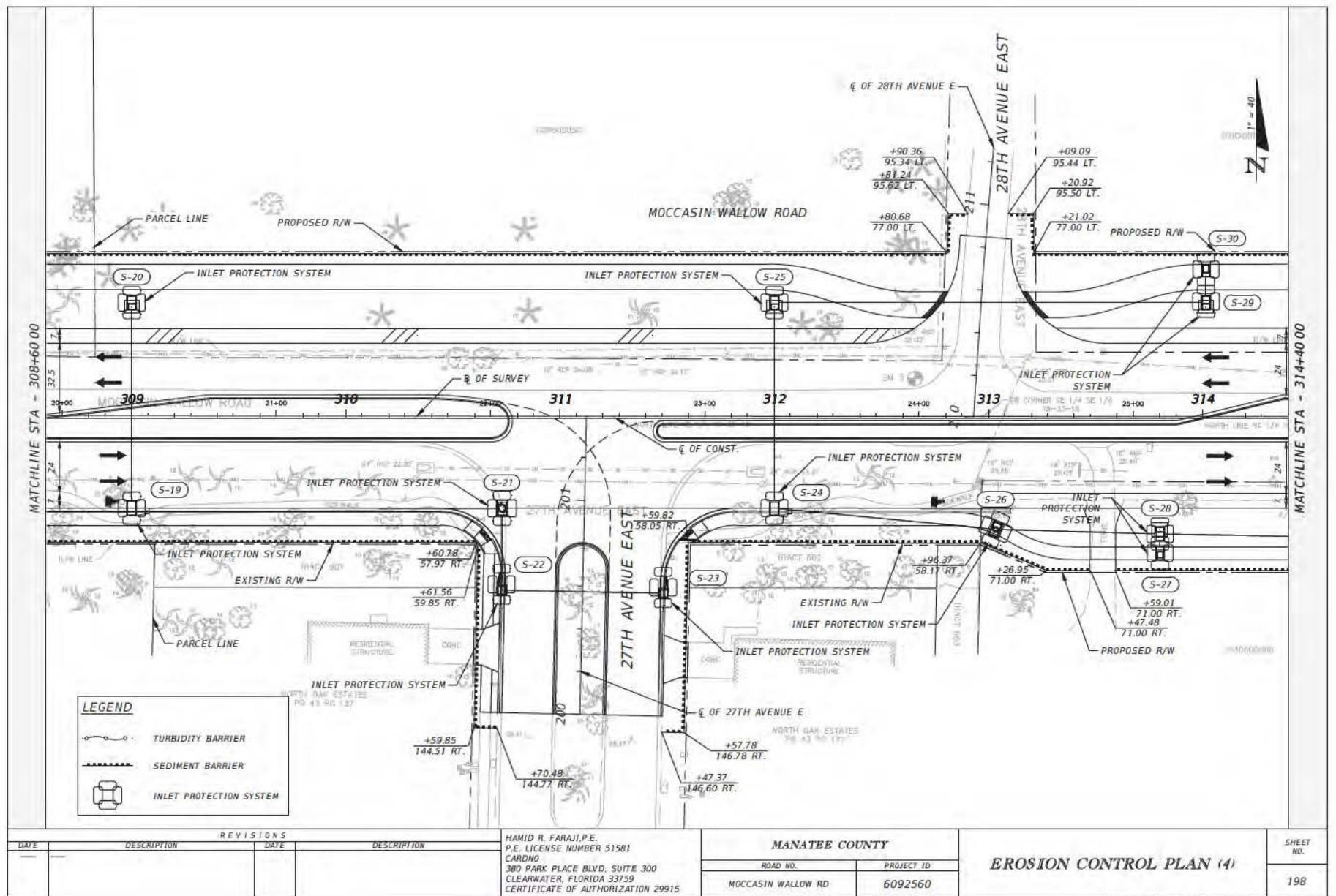


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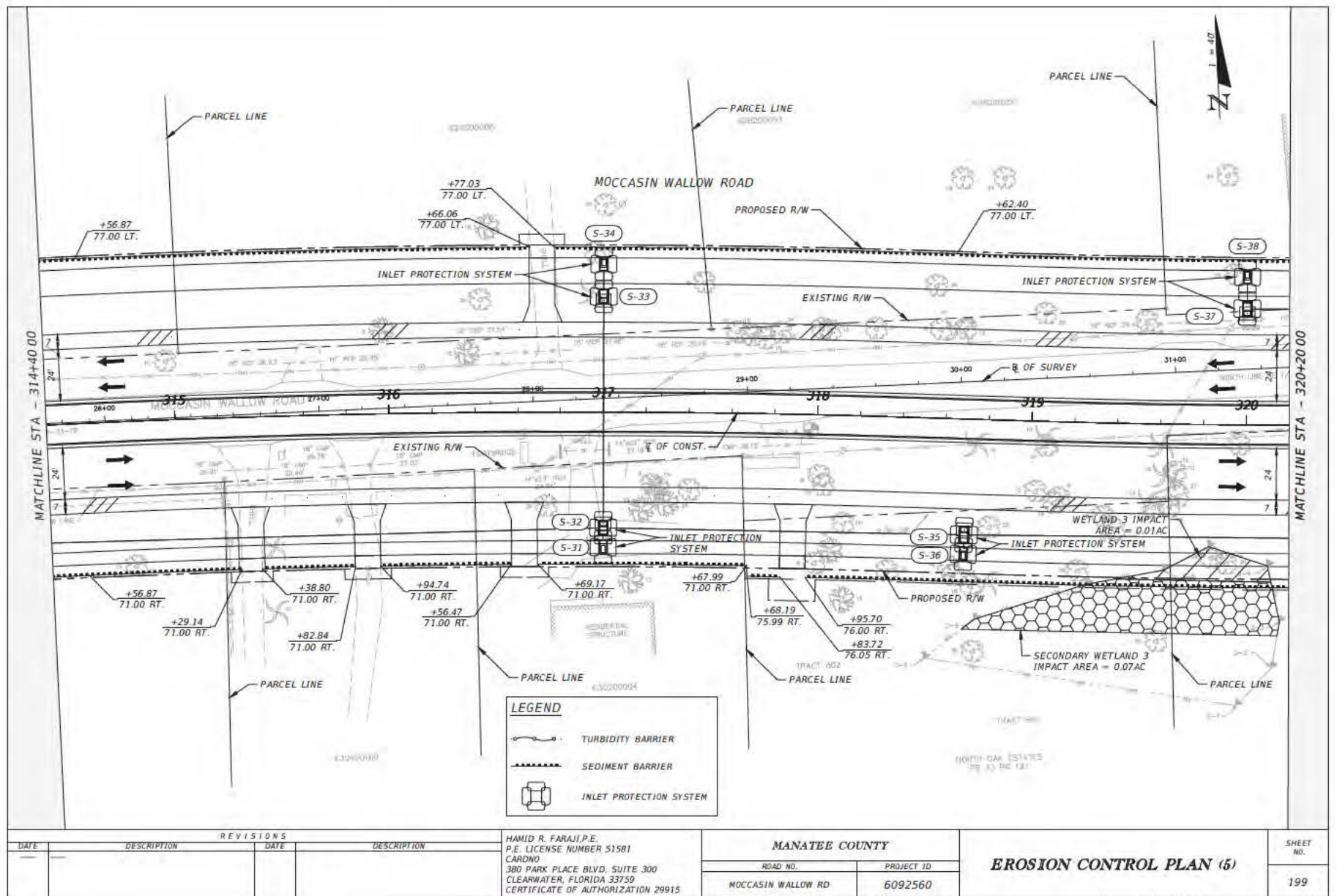


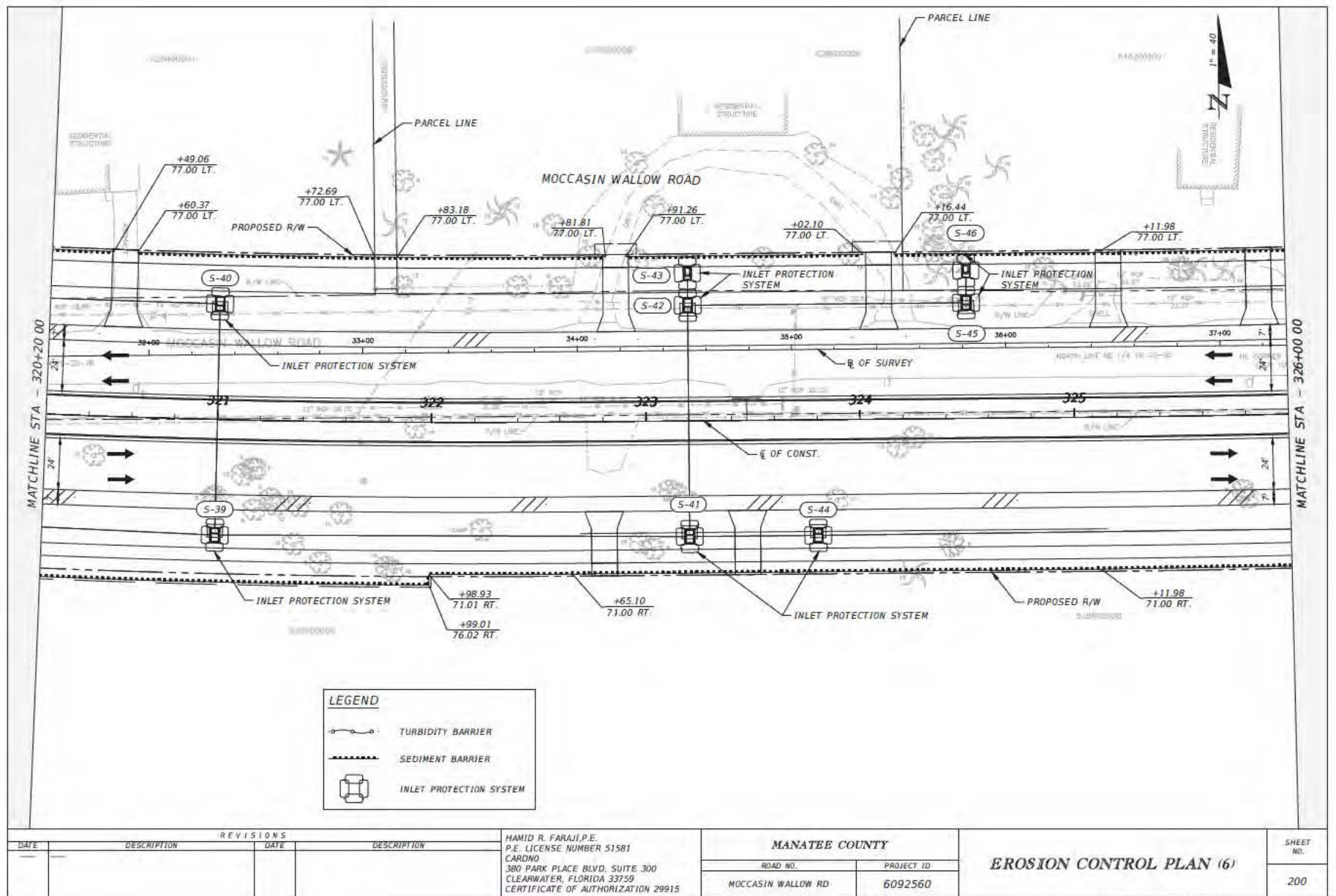
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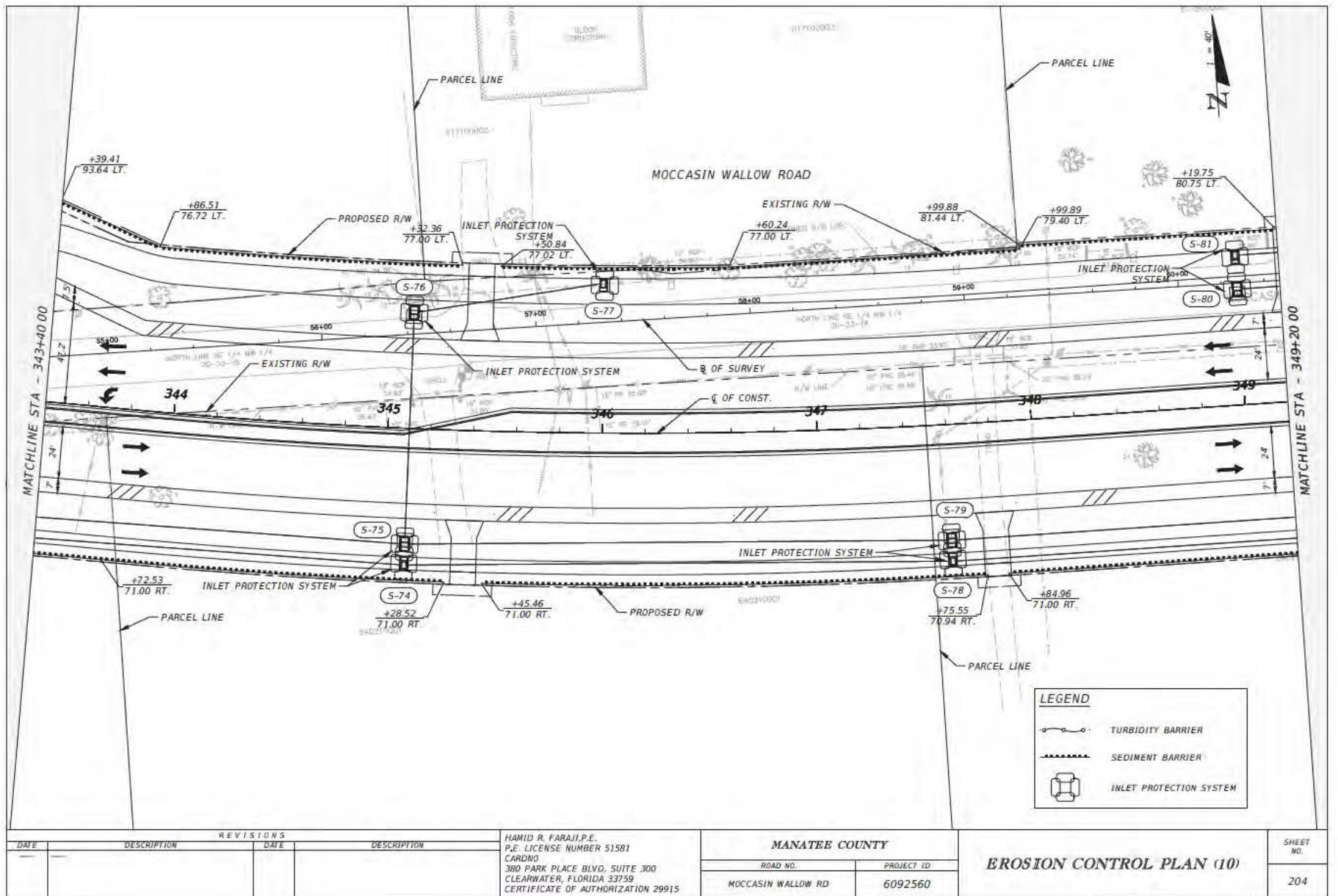
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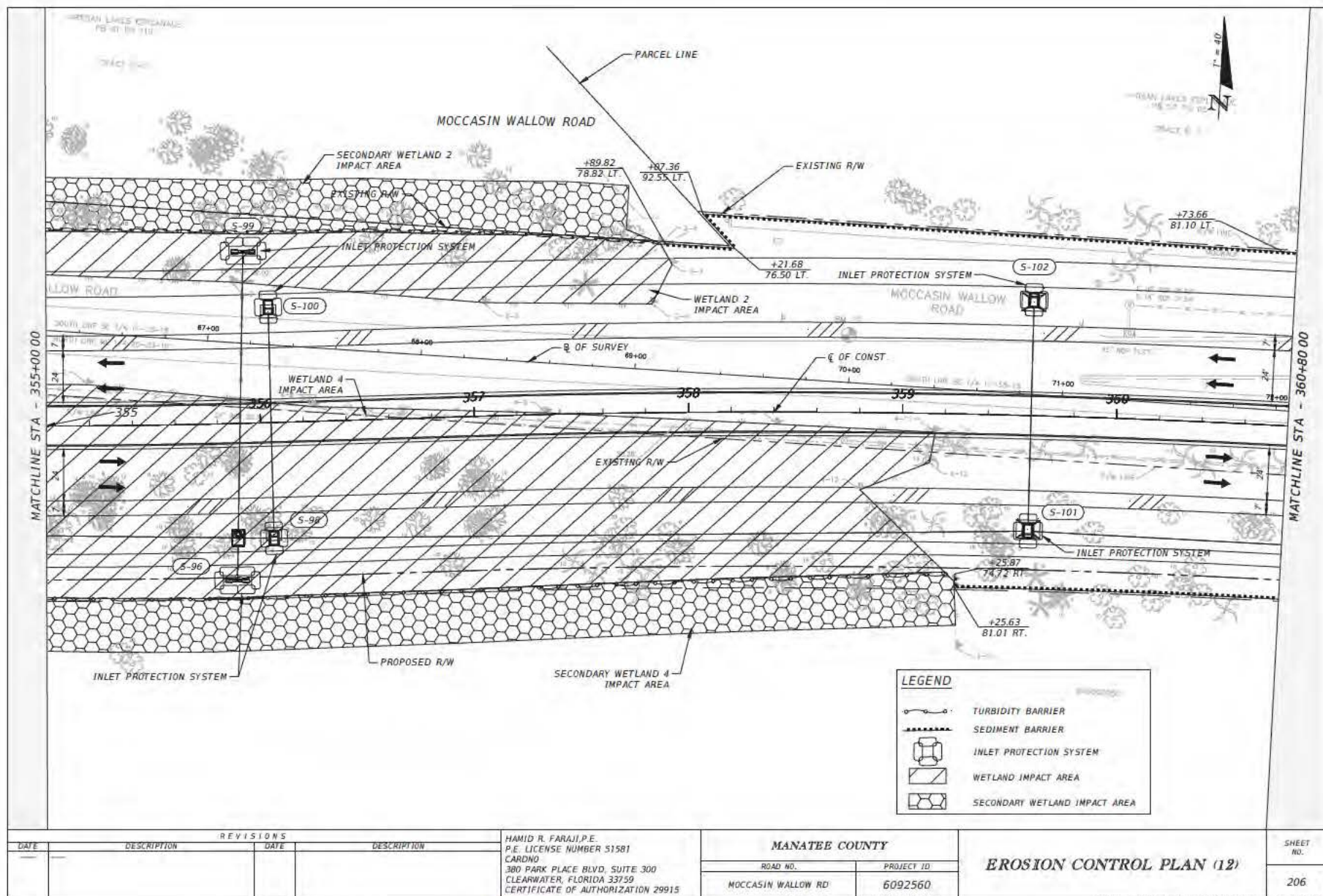




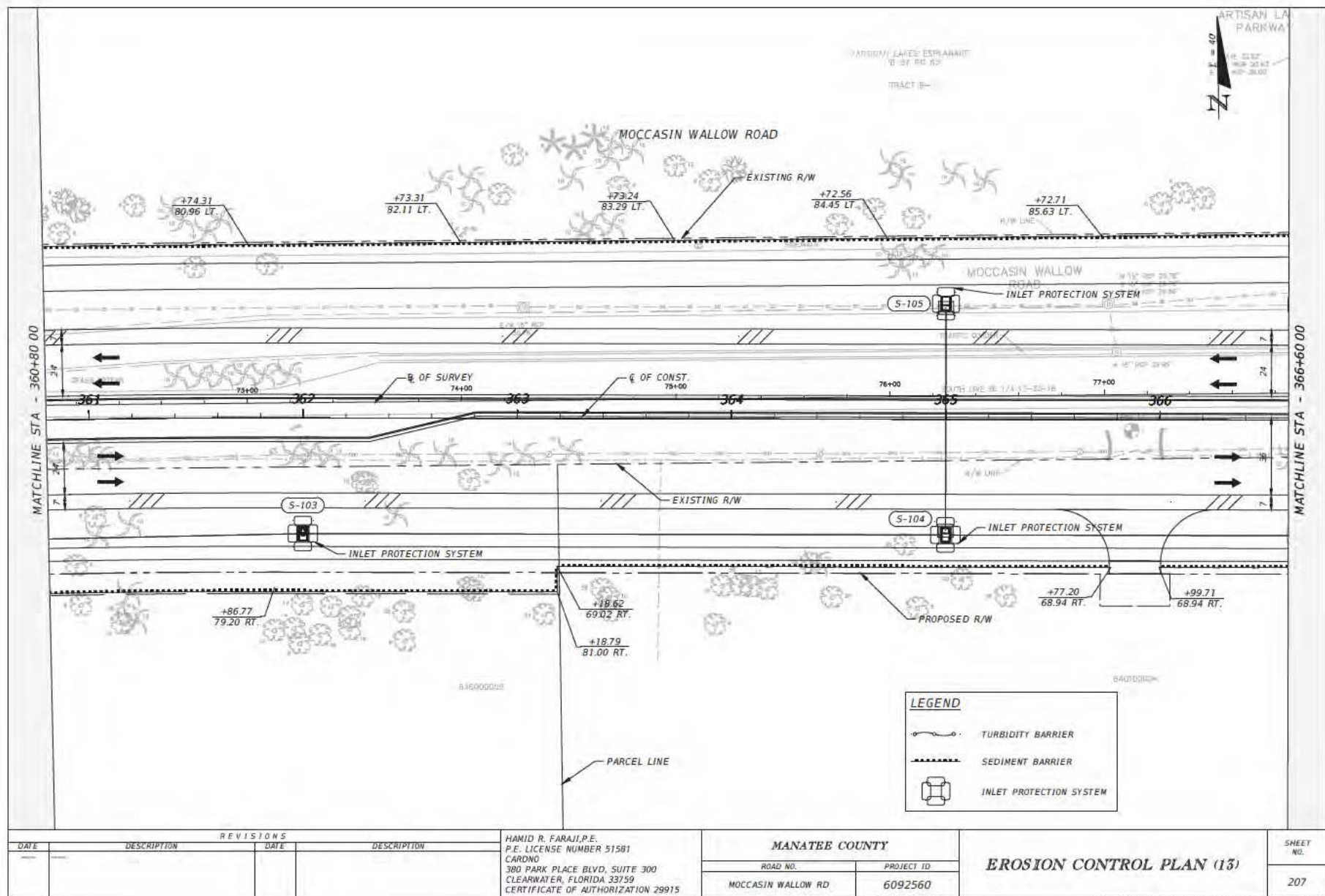


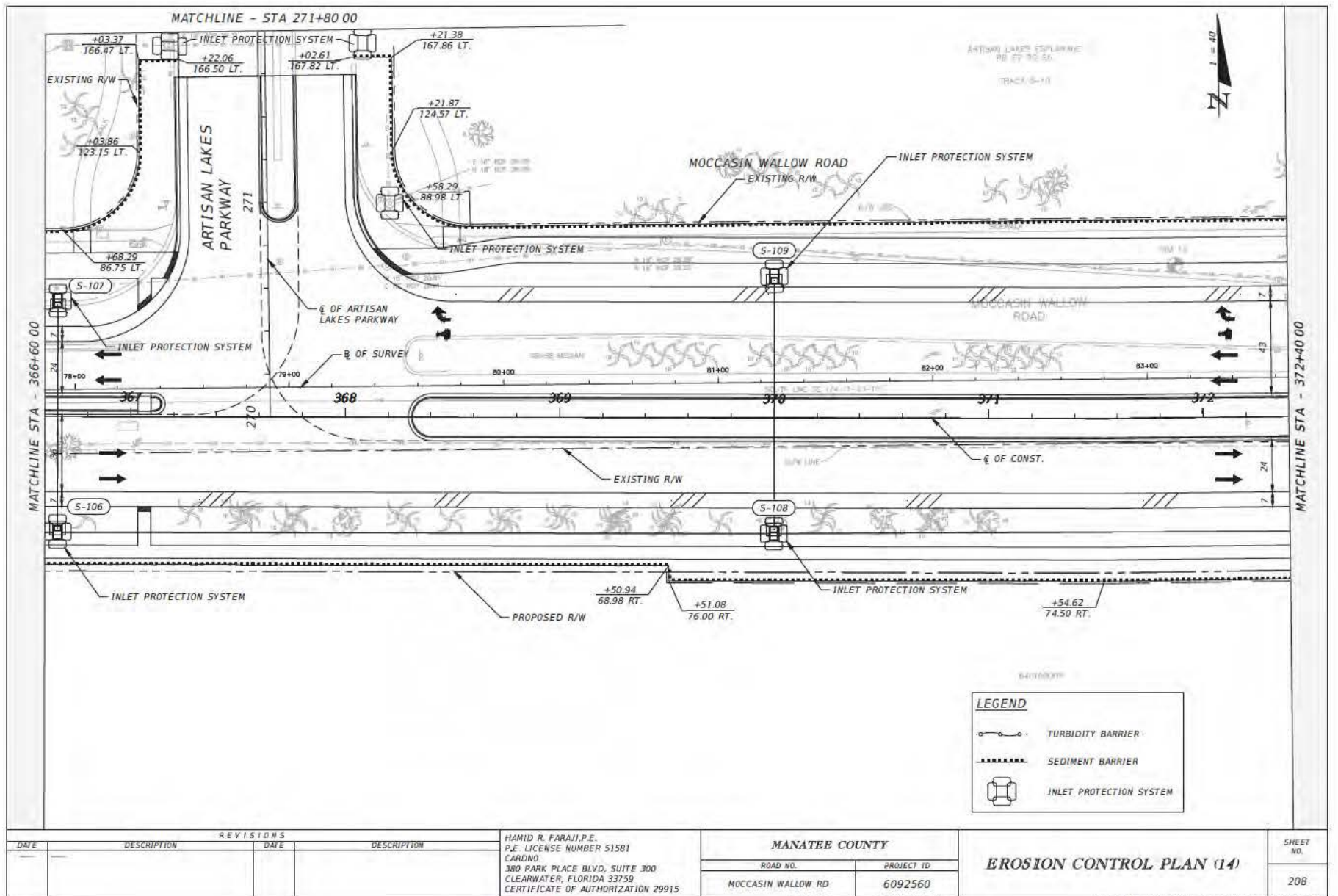








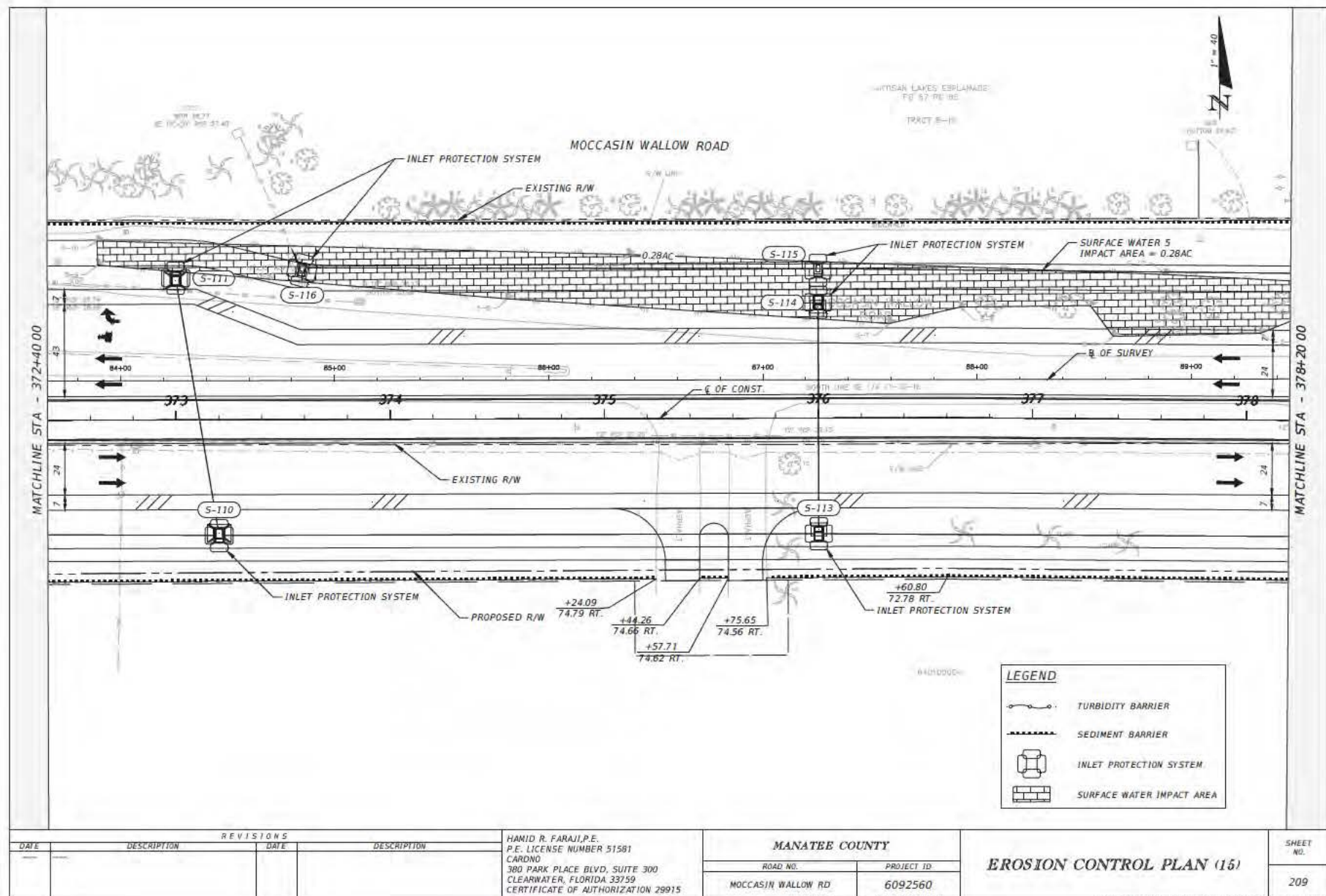




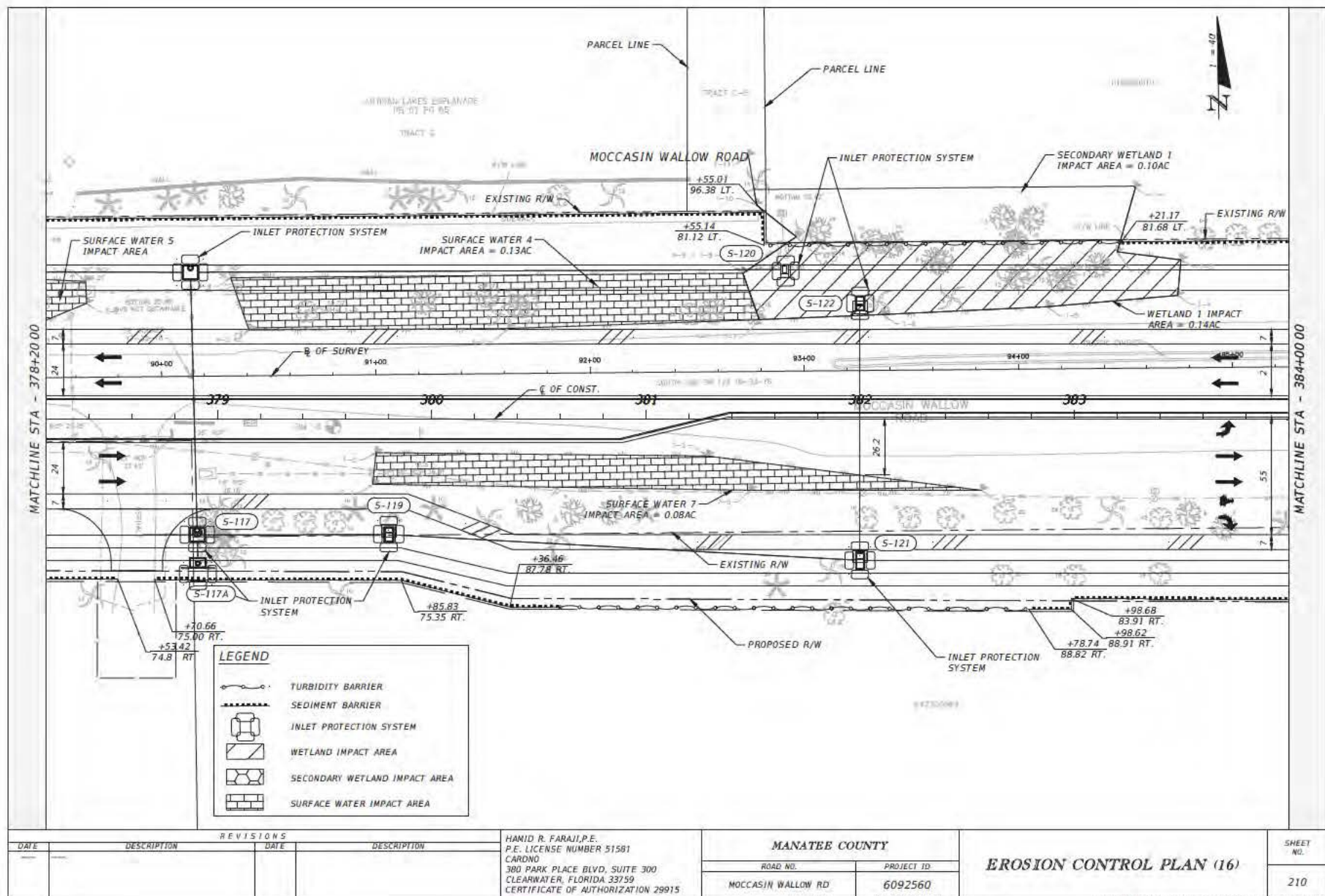
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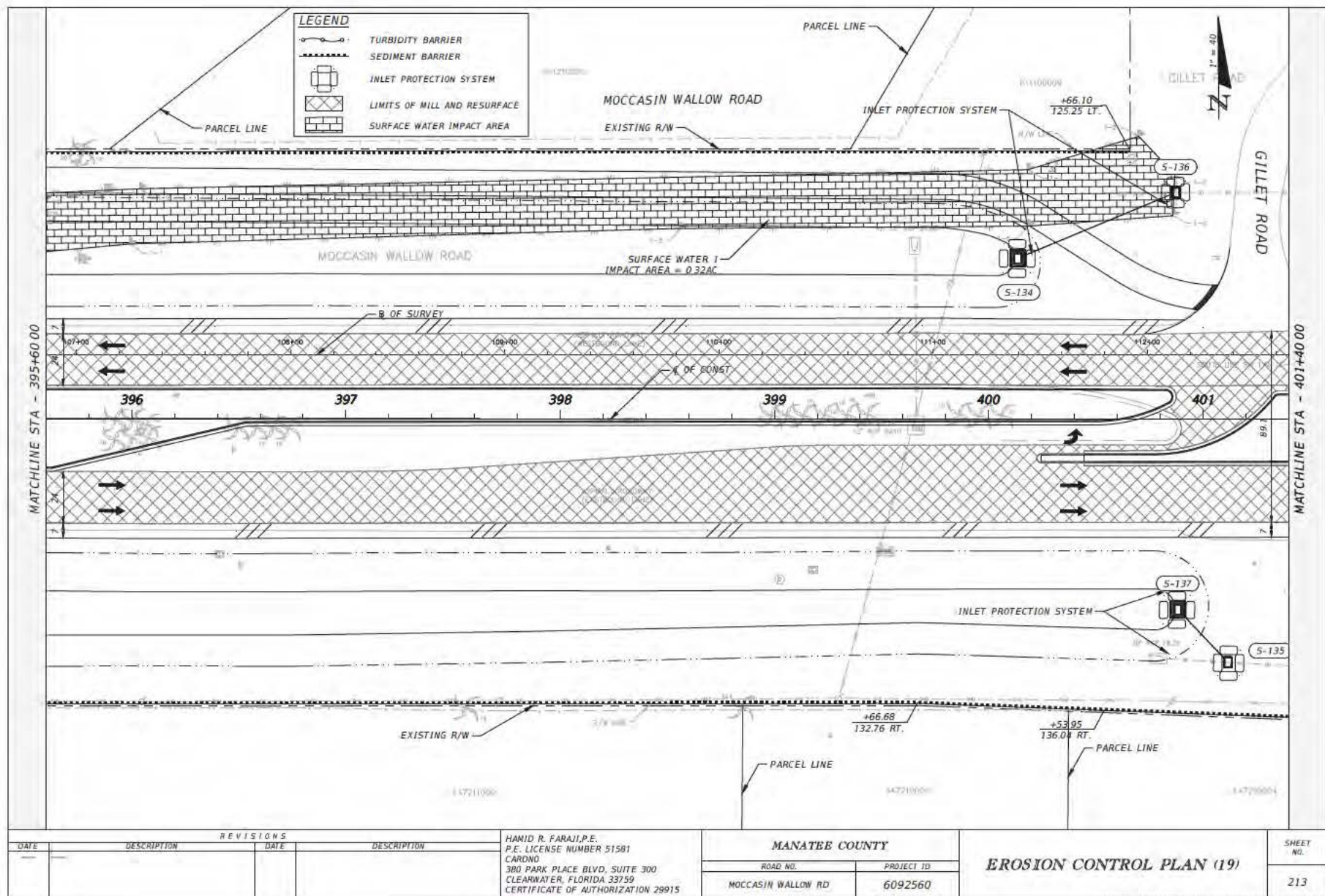


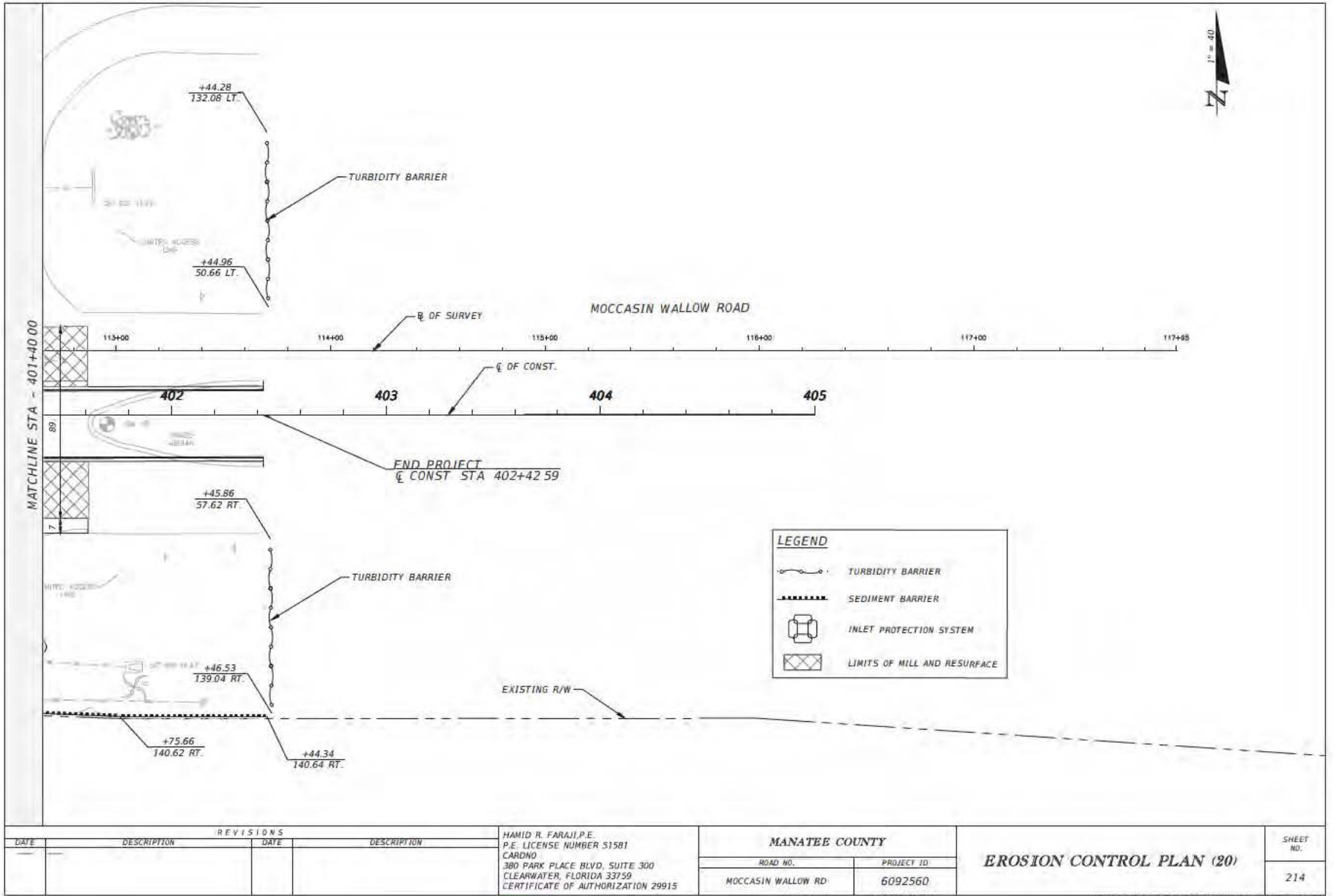




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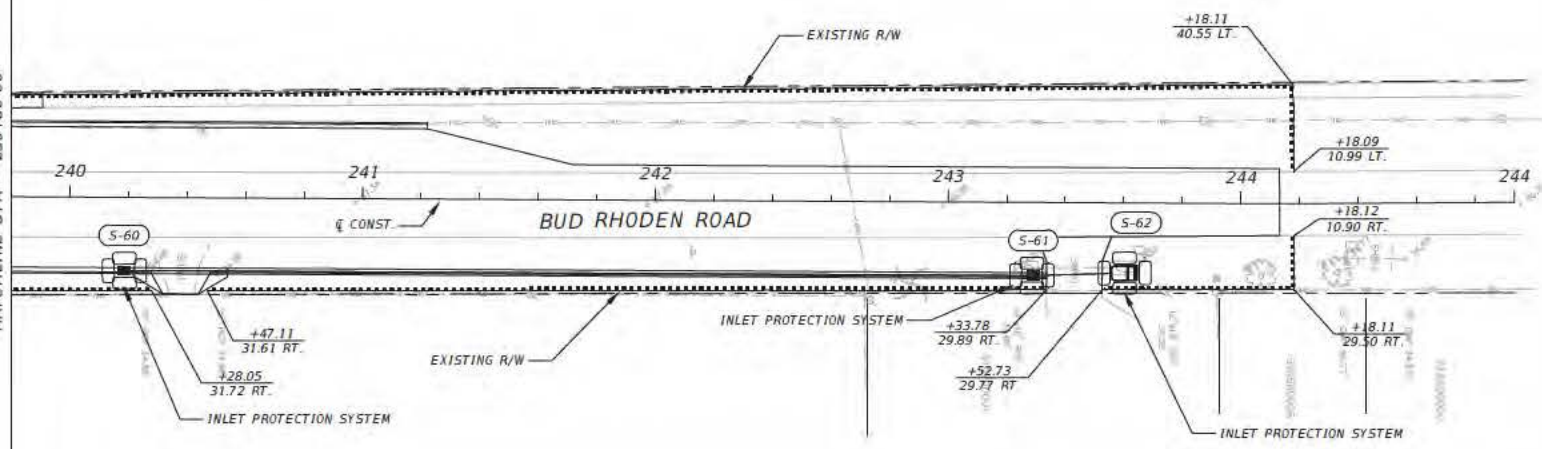








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**LEGEND**

- TURBIDITY BARRIER
- SEDIMENT BARRIER
- INLET PROTECTION SYSTEM

BUD RHODEN ROAD

REVISIONS				MANATEE COUNTY	EROSION CONTROL PLAN (22)	SHEET NO. 216
DATE	DESCRIPTION	DATE	DESCRIPTION			
				ROAD NO. MOCCASIN WALLOW RD	PROJECT ID 6092560	

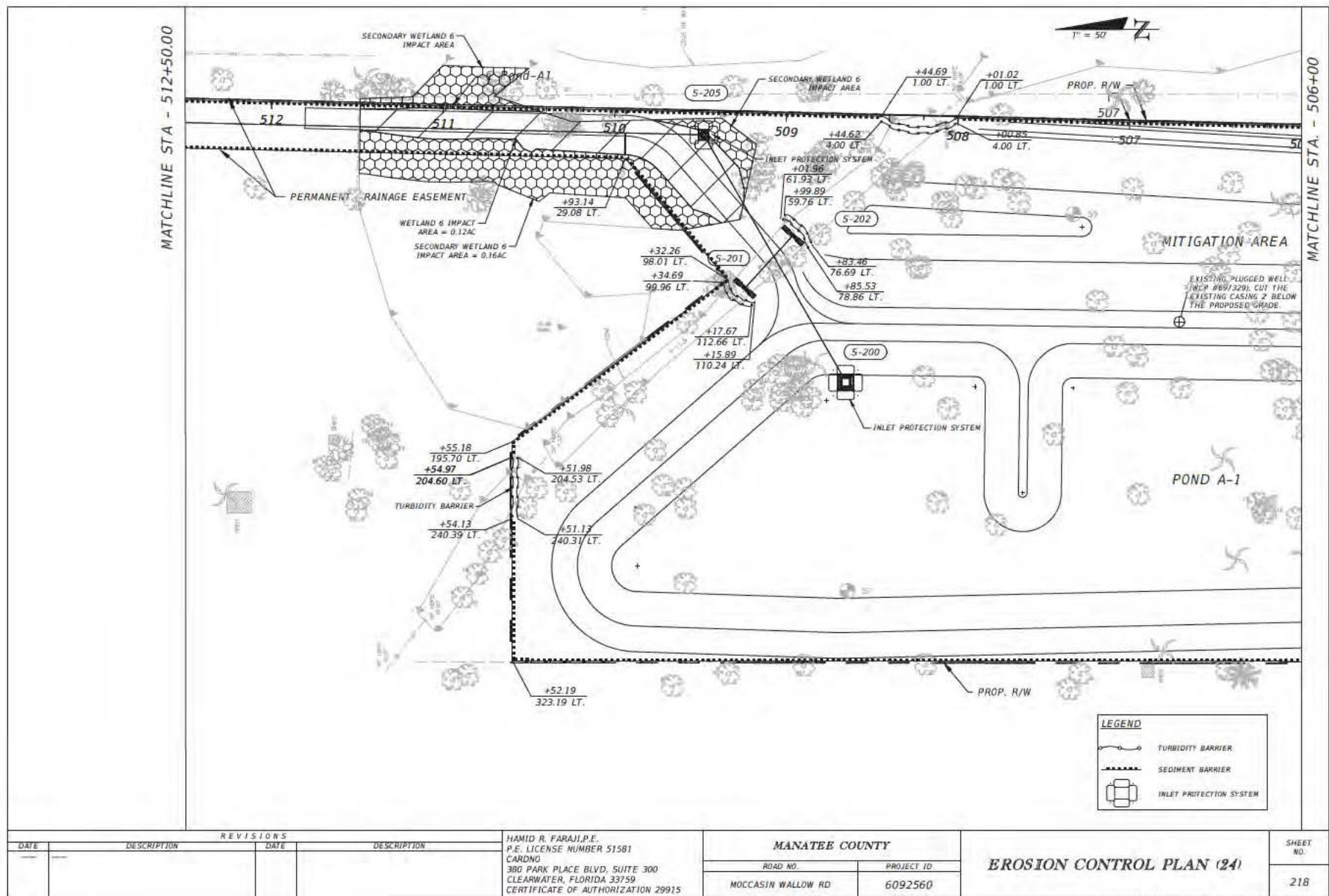


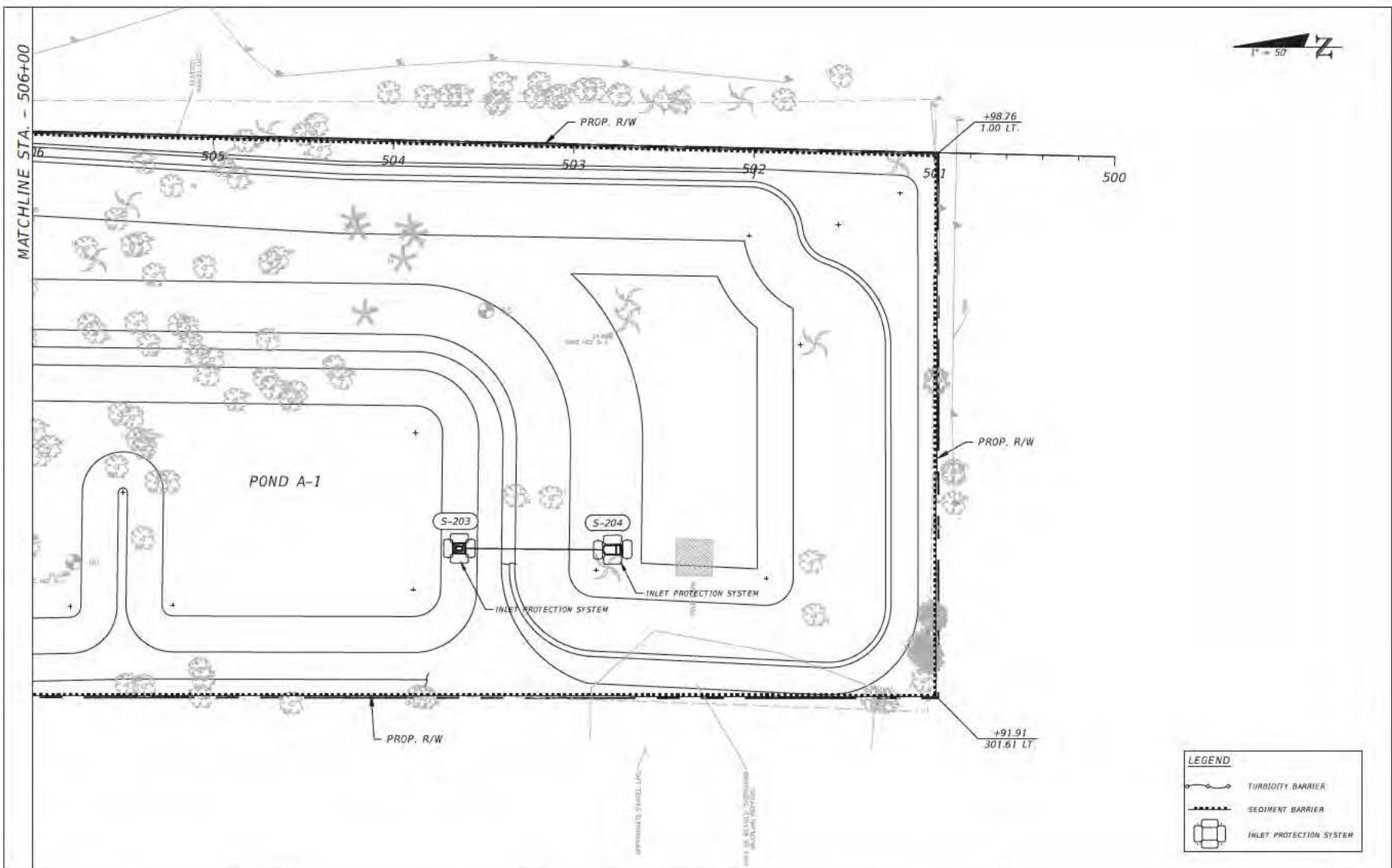
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LEGEND	
	TURBIDITY BARRIER
	SEDIMENT BARRIER
	INLET PROTECTION SYSTEM

REVISIONS				MANATEE COUNTY	EROSION CONTROL PLAN (25)	SHEET NO. 219
DATE	DESCRIPTION	DATE	DESCRIPTION			
				ROAD NO. MOCCASIN WALLOW RD	PROJECT ID 6092560	



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