



May 2016

U.S. Army Corps of Engineers
Tampa Permits Section c/o Mrs. Candice Wheelahan
10117 Princess Palm Avenue, Suite 120
Tampa, Florida 33610

Subject: **Cocoplum Drainage
Pre-Construction Notice (NWP 39)**

Dear Mrs. Wheelahan,

This pre-construction notice is being submitted on behalf of the permittee, River Ridge Associates. His contact information is as follows:

Party Name: River-Ridge Associates
Permittee: David H. Baldauf
Address: 7978 Cooper Creek Boulevard, Suite 100
University Park, FL
334201
Telephone: 941-359-8303
Email: davidbaldauf@benderson.com

Location and Pre-existing Structures:

The project consists of two separate project areas (development site and stormwater site) totaling 19.4 acres. The development site is approximately 9.4 acres and the stormwater site is approximately 10.0 acres. The subject project is located in Section 33, Township 39S, Range 21E within the City of North Port in Sarasota County, Florida. The development site occurs on the north side of US Highway 41 between Salford and Sumter Blvd and immediately south of the Cocoplum Canal. The stormwater site is located one block south of US Highway 41 on the east side of Sumter Boulevard and the north side of Chancellor Boulevard (**Exhibits 1 and 2 – Regional and Aerial Location Maps**). The surrounding land uses include commercial developments, the Cocoplum Waterway, and major roadways.

Project Description:

The purpose of the proposed development site is to add to the existing retail opportunities at the Cocoplum Village Shoppes. The development project area stormwater discharges to a sump in the southwest corner of the development project area and flows south under US Highway 41 into a large unnamed canal. The creation of a stormwater site consists of a stormwater pond with an upstream input weir on the north end

of the stormwater site and a discharge weir on the south end of the stormwater site. The input weir will accept water from the canal and divert flows into the stormwater management system before out falling at the southern end of the stormwater project area and into the unnamed canal.

Environmental Considerations

Soils

A USDA Soil Survey Map of Sarasota County (**Exhibit 3 – USDA Soils Map**) was reviewed. The soil types listed below in bold letters are those soils that include 30% or more hydric components and are described as follows from the soil survey.

Felda Fine Sand/Depressional (12) (6.67 ac.)

This soil unit is very poorly drained and found in depressions. The natural vegetation is baldcypress, pond cypress, cabbage palm, sand cordgrass, cutgrass, maidencane, and various other water-tolerant weeds and grasses. Depth to water table is approximately 0 inches.

Floridana and Gator Soils/Depressional (15) (1.22 ac.)

This soil unit is very poorly drained, and nearly level found in depressions. The natural vegetation consist of sand cordgrass, maidencane, St. Johnswort, scattered waxmyrtle, and other water-tolerant weeds and grasses. Depth to water table is approximately 0 inches.

Malabar Fine Sand (25) (1.48 ac.)

This soils unit is poorly drained found in sloughs and shallow depressions in flatwoods with a slope of 0 – 2%. The natural vegetation consists of cabbage palm longleaf pine, and slash pine with an understory that consists of broomsedge, bluestem, inkberry, maidencane, saw palmetto, and waxmyrtle. Depth to water table is approximately 0-12 inches.

Vegetation and Community Types

The land use categories reviewed on this project area were evaluated by WRA using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, January 1999) as a guideline. WRA Environmental Scientist classified habitat types based on fieldwork consisting of traversing the entire site by foot and review of current Soil Survey of Sarasota County on GIS. The Land Use Map is based on a field investigation and aerial interpretation and ground-truthing for verification of habitats. The boundaries that are shown on the FLUCFCS map identify the acreages are estimated (**Exhibit 4 – FLUCCS Map**). The discharge from the project site will not cause a loss of greater than 1/2-acre and will therefore result in minimal adverse effects on non-tidal waters.

The land uses/communities identified within the project site are: Commercial and Services (140), Reservoirs (530)

Wetlands

Ditches (FLUCCS 510)

There are two Relatively Permanent Waters (RPW) that the ACOE has jurisdiction over: the Cocoplum waterway (OSW-1) which runs from northwest to southeast immediately above the project site as well as the upland cut drainage ditch (OSW-4) running from north to south along the eastern edge of the stormwater site. There are two preamble waters which are exempt from ACOE jurisdiction on the site, including the upland-cut drainage ditch (OSW-3) which is located in the northwest corner of the stormwater site.

Reservoirs (FLUCCS 530) (1.1 ac.)

The Reservoir (OSW-2) is an existing, upland-cut stormwater management system located in the northwest portion of the northern unit of the project site. It is surrounded by a fence and contains a fountain that aerates the water body. This is considered a preamble water and is exempt from ACOE jurisdiction.

Wetland Impacts

The OSW-1 will not be impacted by construction activities. The reservoir (OSW-2) will be filled and moved to the northwest portion of the development project site. Two weirs will be constructed along OSW-4 on the eastern edge of the southern unit. The upland cut drainage ditch (OSW-3) will remain as a drainage conveyance that discharges into OSW-4. See below for impact acreage.

WL & SW	UMAM ASSESSMENT AREA NAME(S)	WL & SWTYPE	WL & SW SIZE(acres)	WL & SW NOT IMPACTED (ACRES)	TEMPORARY		PERMANENT		MITIGATION ID
					WL & SW IMPACTS		WL & SW IMPACTS		
					IMPACT SIZE (acres)	IMPACT TYPE	IMPACT SIZE (acres)	IMPACT TYPE	
OSW-01 (Cocoplum)	N/A	510	0	0			0	N/A	N/A, upland-cut ditch
OSW-02	N/A	534	2.52	0.00			2.52	N/A	N/A, permitted upland-cut stormwater pond
OSW-03	N/A	510	0.53	0.00			0.53	Fill	N/A, permitted upland-cut ditch
OSW-04 (Apollo)	N/A	510	0.01	0.00			0.01	Fill	N/A, upland-cut ditch
PROJECT TOTALS:			3.05	0					

Uplands

Mixed Hardwoods (FLUCCS 438) (8.3 ac.)

Mixed hardwoods compose the majority of the project site. The southeast portion of the northern unit is constructed while the western strip is forested. The majority of the southern unit is forested with a ditch running from north to south along the eastern edge of the property line. The forested areas in both units have a canopy coverage consisting of laurel oaks (*Quercus laurifolia*), palm trees (*Livistona chinensis*), exterior ring around the project site of Brazilian pepper (*Schinus terebinthifolius*). The understory consists of climbing hemp vine (*Mikania scandens*), wild coffee (*Psychotria nervosa*), saw palmetto (*Serenoa repens*), and open space.

Endangered/Threatened Species

A qualified biologist with WRA conducted a desktop review and followed up with a general wildlife survey of appropriate habitats to determine the potential presence of species listed as threatened (T), endangered (E) or species of special concern (SSC) as defined by the United States Fish and Wildlife Service (FWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC) and their associated habitat.

A WRA scientist conducted a desktop review of available published information from federal and state online database. Data collection consisted of literature review of existing sources for information useful in identifying the occurrence or potential occurrence of wildlife species listed as T, E or SSC (collectively recognized as listed species), as defined by FWS and/or the FWC. In addition, the presence of designated critical habitat and/or vegetative communities and land uses with the potential to support listed species was evaluated. The literature review included, but was not limited to, the following sources SWFWMD FLUCCS, USDA NRCS Web Soil Survey, FWC Bald Eagle and Waterbird Colony databases, and the Florida Natural Areas Inventory (FNAI) Sarasota County Tracking List. Additional resources, such as the FNAI Field

Guides and Rare and Endangered Biota of Florida Series, were used to evaluate habitat and vegetative community requirements for those species potentially occurring within the proposed project corridor.

During the habitat assessment, meandering pedestrian transects on April 7, 2016 WRA conducted throughout all habitat types by WRA to determine the presence of protected wildlife species (**Table 3 – Listed Species Occurrence in Sarasota County, Florida**). The main species searched for on the property will be the gopher tortoise, though all appropriate species will be considered.

Eastern Indigo Snake and Gopher Tortoise

The eastern indigo snake (*Drymarchon corais couperi*) is listed by the USFWS as threatened. The species inhabits a wide variety of habitats present within the project corridor, including pine flatwoods, hardwood forests, forested wetlands, as well as wet and dry prairies. The nearest recorded eastern indigo snake observation was approximately 6.2 miles northwest of the property in 2001.

The gopher tortoise (*Gopherus polyphemus*) is listed as threatened by FWC. The gopher tortoise occurs in sandhill (pine-turkey oak associations), sand pine scrub, xeric hammock, pine flatwoods, dry prairie, coastal grasslands and dunes and mixed hardwood pine communities. These burrows are known to serve as refuge to many species, some of which are protected (eastern indigo snake, Florida mouse, gopher frog, and Florida pine snake).

A Florida Fish and Wildlife Commission (FWC) Authorized Gopher Tortoise Agent with WRA conducted an approximate 15% pedestrian transect survey of the project area and observed no active gopher tortoise burrows. There is marginal habitat for gopher tortoise foraging or burrowing activities on the stormwater site.

Prior to construction a 100% survey of all suitable gopher tortoise habitat will be required. Once complete, the survey is acceptable by FWC for permitting for up to 90 days. If tortoise burrows are found on-site relocation permit (10 or fewer burrows) will be required from FWC. The proposed project will affect the gopher tortoise species, however all regulations will be followed to ensure safe relocation of the tortoises present on-site.

No Eastern Indigo snakes were observed during general wildlife surveys. The applicant will commit to implementing the "Standard Protection Measures for the Eastern Indigo Snake". These measures include posting informational posters about the indigo snake on the construction site and the verbal educational instruction to construction personnel prior to commencing land clearing activity.

Using the ACOE programmatic key for the Indigo Snake, the project results in A<B<C since the wildlife assessment resulted in no individual species or burrows being observed. If gopher tortoise burrows are identified on-site then they will be excavated prior to construction. Standard construction precautions will be implemented for the indigo snake, therefore it is anticipated that this project "**may affect, but is not likely to adversely affect**" the eastern indigo snake.

Florida Sandhill Crane

The Florida Sandhill Crane is designated as a state Threatened species. They often utilize herbaceous freshwater marshes and surrounding buffers as their primary nesting habitat, although they are commonly found foraging in pasturelands, crop fields and golf courses. During the listed species survey, WRA environmental scientist did not observe any Florida Sandhill cranes foraging the site. If an active Florida Sandhill Crane nest is documented within 400 feet of construction, the nest will need to be monitored during the construction to ensure no adverse impacts occur to the nest.

Bald Eagle

The Bald Eagle (*Haliaeetus leucocephalus*) was delisted by FWS and FWC in August 2007 as a result of positive recovery of the species. Although the bald eagle was delisted, it continues to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Initial research of databases containing information from the Florida Fish and Wildlife Conservation Commission (FWC), the U.S. Fish and Wildlife Service (FWS), and other agencies identifies that the project corridor is not located near bald eagle nesting sites. The 2012 FWC database of known bald eagle nest sites identified no documented active nest sites within a one (1) mile radius of the project.

Federal and state guidelines for the bald eagle require that certain activities may be conducted outside a 660-foot radius distance outward from a nest tree (FWS 2007). Per the 2007 FWS Bald Eagle Monitoring Guidelines, monitoring of the active nest is required if construction activities are to take place within the 660-foot radius during the nesting season (October 1 – May 15).

Florida Scrub Jay

The subject property is located within the FWS Consultation Area for the Florida scrub-jay (*Aphelocoma coerulescens*). The Florida scrub-jay is state and federally listed as Threatened.

No Florida scrub-jays were observed on-site during the April 7, 2016 site inspection. The site does not contain suitable scrub-jay nesting habitat, or typical foraging habitat. Although there are a number of scrub jays within a 1 mile radius of the project none are within any of Sarasota County's identified scrub-jay areas.

Therefore, the project will have no effect on the Florida scrub-jay.

Sherman's Fox Squirrel

Sherman's fox squirrel (*Sciurus niger shermani*) is classified by the state of Florida as "Species of Special Concern". No fox squirrels were observed onsite during the April 2016 site inspection however, the site does contain typical fox squirrel habitat. While there are no specific guidelines for permitting, the 2013 FWC Species Action Plan recommends surveying suitable habitat immediately prior to construction for fox squirrel nests. If an active nest is identified, construction should avoid the nest by providing a 125 foot buffer during the nesting season.

Wood Stork

The Wood Stork (*Mycteria americana*) is classified a state and federally endangered species. The project site is located within 6 foraging areas including Blackburn Bay, 619012, 616165 Morganton, 615301, 615040 N Port Charlotte, 615002 N. Port Charlotte S. and within 3 miles of 2 nesting sites including nest IDs 615040 N Port Charlotte and 615002 N. Port Charlotte South. Since the project impacts less than 0.5 acres of suitable foraging habitat for the installation of control structures, pursuant to the ACOE programmatic key (2011) activities are keyed as A<B and the project will not likely adversely affect the wood stork. It is anticipated that this project **may affect, but is not likely to adversely affect** the Wood Stork.

Wading Birds

FWC's 1999 Waterbird Colony Locator database of documented colonies was queried and yielded no documented occurrences within one (1) mile of the proposed project and is the only published data available to the public.

The closest wading bird colonies are located greater than 3 miles from the project site within the Myakka River. During the site inspection, WRA observed one (1) little blue heron, five (5) white ibis and two (2) snowy egrets foraging at the margins of the canal and adjacent stormwater pond. WRA also observed two nesting anhingas located within the southern portion of the unnamed canal (OSW-4). To survey the canal for other potential nests and avoid disturbing potentially nesting wading birds, a scientist with WRA walked the outside of the canal bank and walked within the TOB where the vegetation was less dense. The scientist also walked the north side of the canal (at the culvert crossing) and east side of the canal along the Wal-Mart parking lot, to provide maximum coverage without disturbing any species within the canal. No listed wading birds were observed nesting in the canal.

While the anhinga is not a listed species under the state endangered species act, the applicant understands that anhingas are typically colonial nesters with other listed wading birds. Pursuant to the recommended management practices provided in Appendix 1 of the Draft Wading Bird Species Action Plan, the applicant reviewed existing activities occurring within a 100 meter (328 foot) buffer around the nest site. Within this buffer, activities were divided into two groups: Category A (Passive Use) and Category B (Active Use). Category A activities are existing within 85 feet of the nest and more intensive Category B activities (Transportation) occur within 179 feet of the nest. A Category 1 activity (stormwater pond) is being proposed adjacent to the existing nest. However, this activity is passive and should reduce the accessibility of upland predators to the nest site. See **Exhibit 5 – Existing Structures Map**.

The applicant is proposing the following measures to minimize potential impacts to existing nests.

- A 25 foot, undisturbed buffer will be maintained adjacent to the canal.
- Construction activities within 328 feet will be performed outside of the nesting season (March 1st to August 1st)
- Conservation signage will be placed at 500 foot intervals along the canal at the limits of the proposed buffer to identify the area as sensitive nesting habitat.

Conclusion

WRA staff performed a database review and site inspection on April 7, 2016. The purpose was to evaluate general site conditions and environmental constraints that may influence site development. The following listed species were considered, either due to the project's location in the USFWS Formal Consultation Area or due to the proximity of known habitat: Gopher tortoise, eastern indigo snake, Florida sandhill crane, bald eagle, Florida scrub jay, Sherman's fox squirrel and wading birds. Due to the presence of wading birds on the project site, minimization efforts will be implemented prior to and during construction activities.

Mrs. Wheelahan, we look forward to working with you on this project. Should you have any questions or require additional information, please contact me at our office 813.265.3130.

Sincerely,



Matthew P. Miller, P.W.S.
Environmental Manager

Table 1
Listed Species Occurrence-Sarasota County, Florida

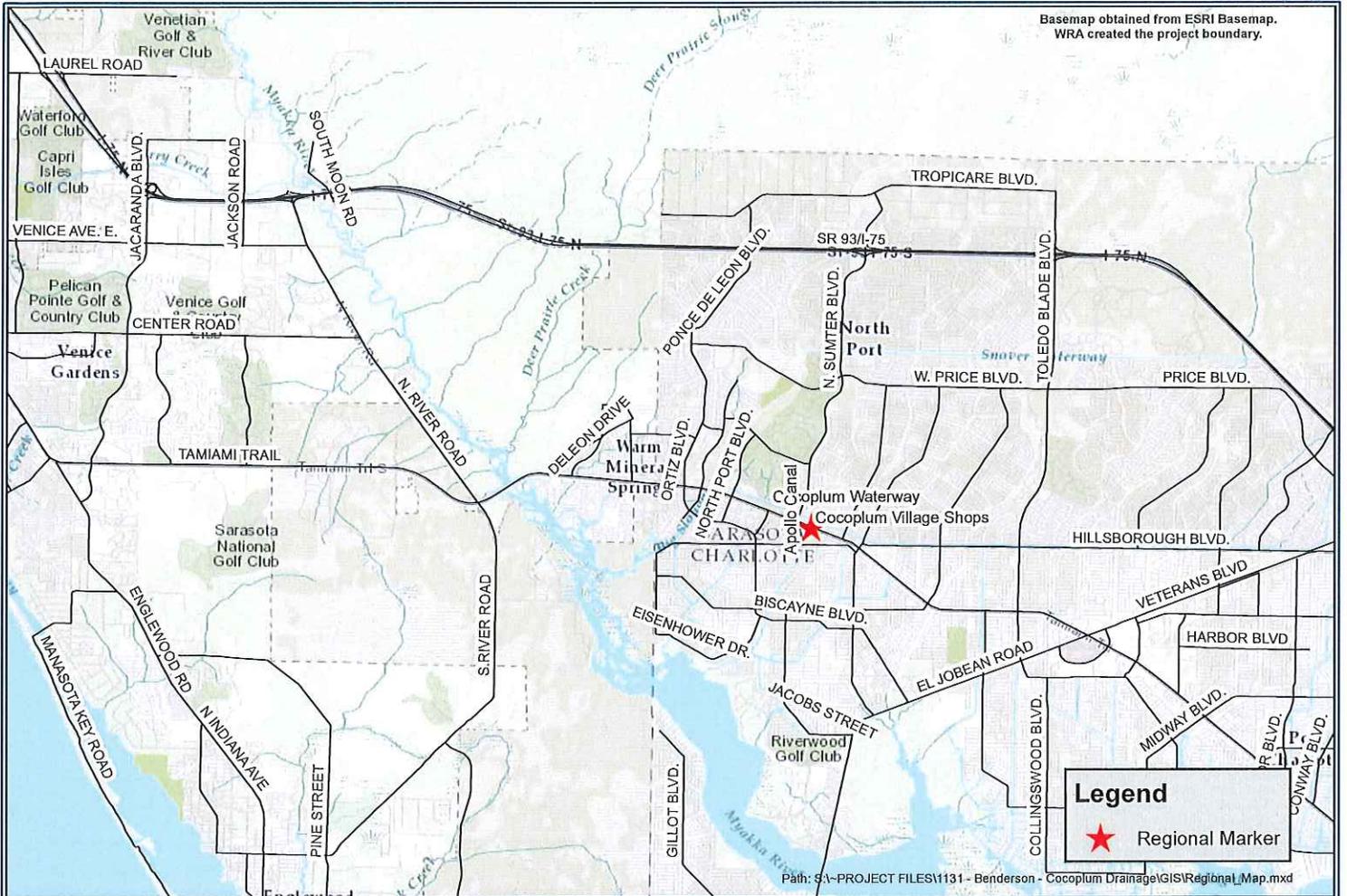
Table 1: Summary table of those federal and state listed species known to be present in Sarasota County, Florida as documented by the FWS and FWC. Code Key: E = Endangered, T = Threatened, P = Proposed, SSC= Species of Special Concern S/A = Similar in Appearance

Scientific Name	Common Name	FWS Status	FWC Status
Amphibians			
<i>Rana capito</i>	gopher frog	N/A	SSC
Reptiles			
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	SSC
<i>Caretta caretta</i>	Loggerhead sea turtle	T	T
<i>Chelonia mydas</i>	Green sea turtle	E	E
<i>Crocodylus acutus</i>	American Crocodile	LT	FT
<i>Crotalus adamanteus</i>	Eastern Diamondback Rattlesnake	N/A	N/A
<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	E
<i>Drymarchon corais couperi</i>	Eastern Indigo snake	T	T
<i>Gopherus polyphemus</i>	Gopher tortoise	N/A	SSC
<i>Lampropeltis Extenuata</i>	Short-tailed Snake	N/A	ST
<i>Lepidochelys kempii</i>	Kemp's ridley sea turtle	E	E
Birds			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	T	T
<i>Aramus guarauna</i>	Limpkin	N/A	SSC
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N/A	SSC
<i>Caracara cheriway</i>	Crested Caracara	T	T
<i>Charadrius melodus</i>	Piping plover	T	T
<i>Charadrius nivosus</i>	Snowy plover	N/A	T
<i>Egretta caerulea</i>	Little blue heron	N/A	SSC
<i>Egretta rufescens</i>	Reddish egret	N/A	SSC
<i>Egretta thula</i>	Snowy egret	N/A	SSC
<i>Egretta tricolor</i>	Tricolored heron	N/A	SSC
<i>Eudocimus albus</i>	White ibis	N/A	SSC
<i>Falco sparverius paulus</i>	Southeastern American kestrel	N/A	T
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N/A	T
<i>Haematopus palliatus</i>	American Oystercatcher	N/A	T
<i>Haliaeetus leucocephalus</i>	Bald eagle	N/A	N/A
<i>Mycteria americana</i>	Wood stork	E	E
<i>Pandion haliaetus</i>	Osprey	N/A	SSC
<i>Picoides borealis</i>	Re-cockaded Woodpecker	E	E
<i>Platalea ajaja</i>	Rooseate spoonbill	N/A	SSC
<i>Rynchops niger</i>	Black skimmer	N/A	SSC
<i>Sterna dougallii</i>	Roseate Tern	T	T
<i>Sterna antillarum</i>	Least tern	N/A	T
Mammals			
<i>Podomys floridanus</i>	Florida mouse	N/A	SSC
<i>Puma concolor coryi</i>	Florida Panther	E	E
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N/A	SSC
<i>Trichechus manatus</i>	West Indian manatee	N/A	SSC

Data Source: URL: <http://www.fnai.org/bioticssearch.cfm>. Last modified on October 2015.

Exhibit 1. Regional Location Map

Basemap obtained from ESRI Basemap.
WRA created the project boundary.



Path: S:\PROJECT FILES\1131 - Benderson - Cocoplum Drainage\GIS\Regional_Map.mxd



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www.wraengineering.com

PROJECT: Cocoplum Village Shops Expansion

Cocoplum Shoppes Extension ACOE - PCN Regional Map

ORIGINAL DATE: 3/31/2016

REVISION DATE: 4/13/2016

JOB NUMBER: 1131

FILE NAME: Regional Map

GIS OPERATOR: DK



1 inch = 10,500 feet

Exhibit 2. Aerial Location Map



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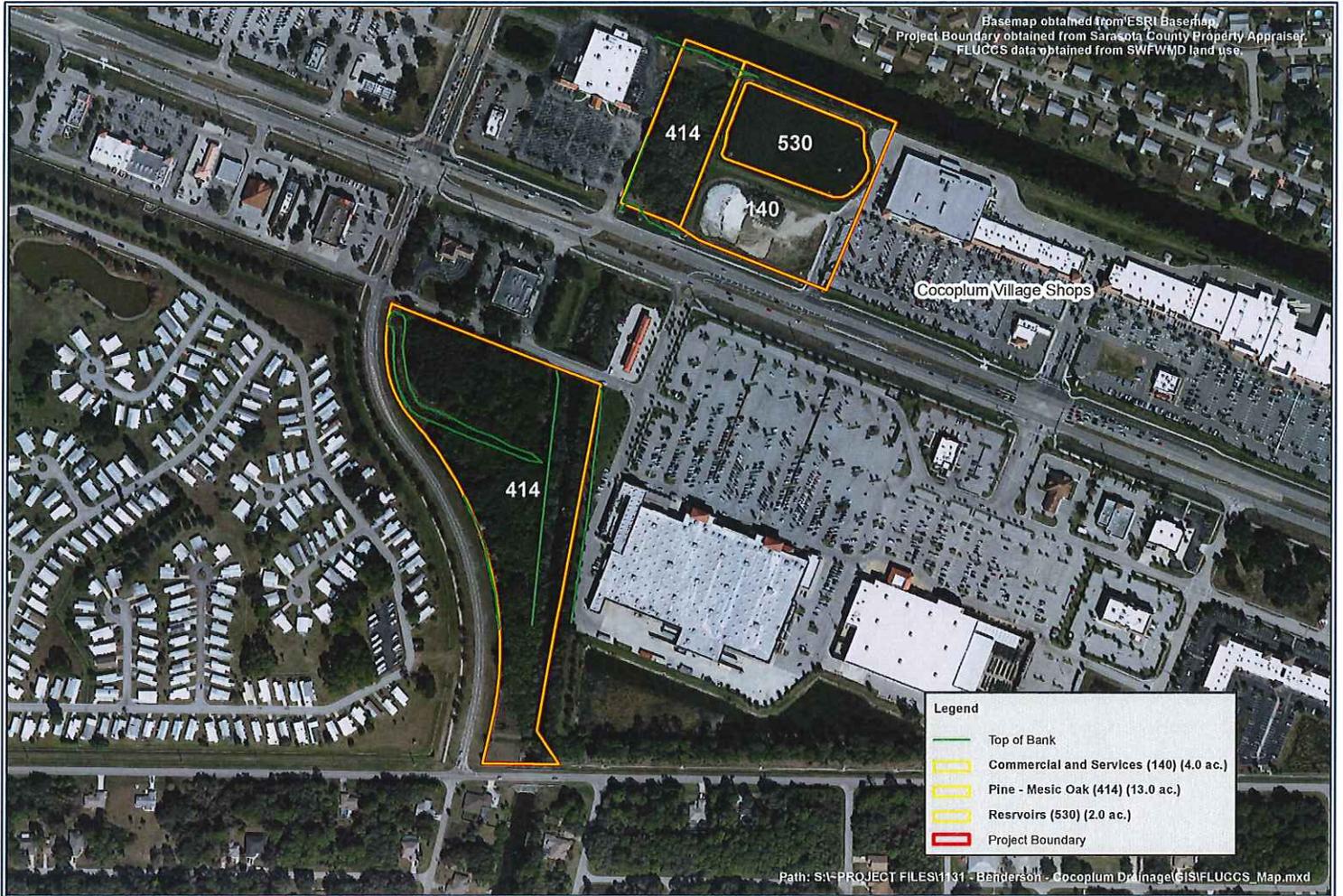
PROJECT: Cocoplum Village Shops Expansion

**Cocoplum Shoppes Extension
 ACOE - PCN
 Aerial Map**

ORIGINAL DATE: 1/29/16
REVISION DATE: 4/13/2016
JOB NUMBER: 1131
FILE NAME: Aerial Map
GIS OPERATOR: DK


 1 inch = 500 feet

Exhibit 3. FLUCCS Map



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PROJECT: Cocoplum Village Shops Expansion

**Cocoplum Shoppes Extension
 ACOE - PCN
 FLUCCS Map**

ORIGINAL DATE: 3/31/2016

REVISION DATE: 4/15/2016

JOB NUMBER: 1131

FILE NAME: FLUCCS Map

GIS OPERATOR: DK



1 inch = 400 feet

Exhibit 4. Soils Map

Basemap obtained from ESRI Basemap.
WRA created the project boundary.



Path: S:\-PROJECT FILES\1131 - Benderson - Cocoplum Drainage\GIS\Soils_Map.mxd

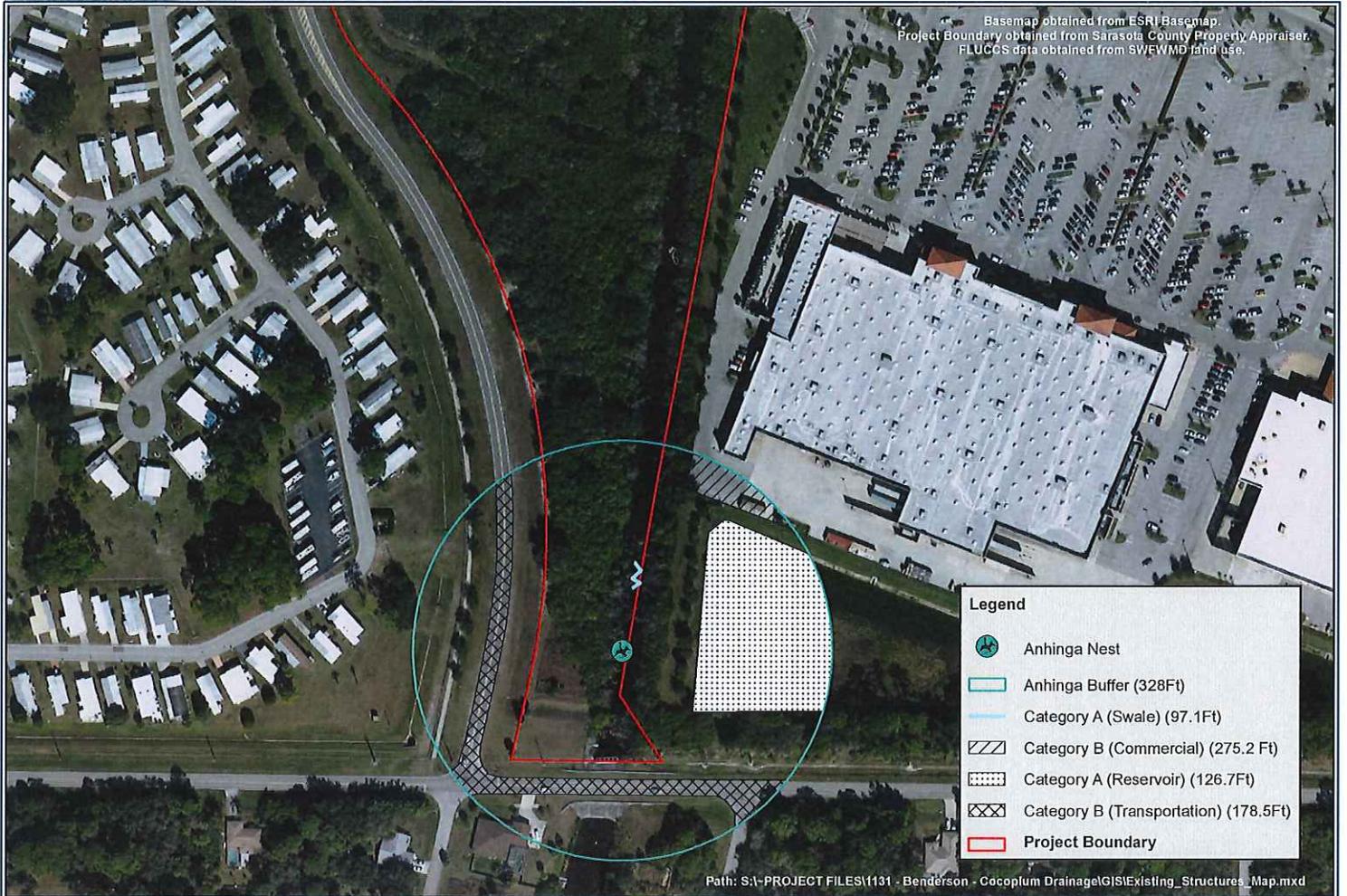
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PROJECT: Cocoplum Village Shops Expansion
Cocoplum Shoppes Extension
ACOE - PCN
Soils Map

ORIGINAL DATE: 3/31/2016
 REVISION DATE: 4/13/2016
 JOB NUMBER: 1131
 FILE NAME: Soils Map
 GIS OPERATOR: DK

1 inch = 400 feet

Exhibit 5. Existing Structures Map



Legend	
	Anhinga Nest
	Anhinga Buffer (328 Ft)
	Category A (Swale) (97.1 Ft)
	Category B (Commercial) (275.2 Ft)
	Category A (Reservoir) (126.7 Ft)
	Category B (Transportation) (178.5 Ft)
	Project Boundary

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PROJECT: Cocoplum Village Shops Expansion

Cocoplum Shoppes Extension ACOE - PCN Existing Structures

ORIGINAL DATE: 3/31/2016
REVISION DATE: 4/20/2016
JOB NUMBER: 1131
FILE NAME: Existing Structures
GIS OPERATOR: DK

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1 inch = 200 feet