



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

REPLY TO
ATTENTION OF

Tampa Permits Section

December 16, 2008

PUBLIC NOTICE

Permit Application No. SAJ-2003-2336(IP-TEH)

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers (Corps) is considering whether to reinstate, modify, or revoke Department of the Army permit SAJ-2003-2336(IP-TEH) pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Sierra Properties
509 Guisando de Avila, Suite 200
Tampa, Florida 33613

WATERWAY & LOCATION: The project site is bounded on the west by State Road 54, on the south by Cypress Creek, and on the east by Interstate 75, Pasco County, Florida, in Sections 22 and 27, Township 26 South, and Range 19 East. The site drains into both Cypress Creek and Cabbage Slough of Trout Creek, tributaries to the Hillsborough River.

Directions to the site are as follows: From Tampa, take Interstate 275 and merge onto Interstate 75. Exit west onto State Road 56. The site is located on the north and south sides of State Road 56, immediately adjacent to the west side of Interstate 75.

LATITUDE & LONGITUDE: Latitude 28.19294 North
Longitude 82.39138 West

BACKGROUND INFORMATION: On May 15, 2007, the Corps issued a permit (SAJ-2003-2336) for the construction of a regional mall known as "Cypress Creek Town Center" (CCTC). On February 1, 2008, the Corps suspended the permit due to repeated discharges of turbid water into Cypress Creek and wetlands on the site. Consequently the Corps is in the process of deciding whether to reinstate, modify, or revoke the permit in accordance with 33 CFR 325.7(c). The Corps is also reviewing modifications, unrelated to the circumstances that gave rise to the suspension, proposed for implementation should the Corps not revoke the

permit. The purpose of this public notice is to advise interested parties of the Corps' reevaluation of the permit and review of the proposed modifications and allow an opportunity to provide comment to the Corps.

CHANGE IN PROJECT BOUNDARY:

After the Corps issued a permit for CCTC, the Florida Department of Transportation (FDOT) purchased a portion of the CCTC property (3.622 acres, including 0.509 acre of wetland and 3.113 acres of uplands) for expansion of the State Road 56 right-of-way. On April 28, 2008, the Corps issued FDOT a separate permit for their project on the purchased property. Given this transfer of land, it is necessary to revise the CCTC project boundary to exclude the acreage now owned by FDOT.

Also, on August 29, 2006, CCTC donated 1.87 acres to Pasco County for the future widening of County Road 54. The transfer of this property to Pasco County also requires a reduction in the project boundary, as the issued permit mistakenly included this acreage within the project area.

In addition, on November 19, 2008, the Permittee informed the Corps that the southern property boundary was inaccurately reflected in the permitted drawings. The permitted boundary was an approximated boundary that was never updated by the Permittee during the permit process to reflect the legal, surveyed boundary at the Ordinary High Water elevation along Cypress Creek. Given the legal boundary, the property boundary should have been presented as 507.904 acres, rather than the 507.70 acres featured in the permitted plans.

The Corps is considering modifying the permit by replacing affected permit drawings that show the revised project boundary given 1) the right-of-way purchase by FDOT, 2) the donation of acreage to Pasco County, and 3) the correct southern property boundary. The combined effect of these land transfers (3.622 acres to FDOT and 1.87 acres to Pasco County) reduces the project area from 507.904 acres to 502.412 acres. A complete set of revised drawings are attached to this notice.

MITIGATION:

After permit issuance, the Corps became aware that the narrative portion of the mitigation plan attached to the permit was in error and did not reflect the changes made to the plan during

the course of the permit review. Additionally, as part of the change in project boundary explained above, Sierra Properties agreed to allow FDOT to claim mitigation credit for a portion (0.26 acre) of wetland mitigation area M-3 approved under the CCTC permit. Sierra Properties has agreed to continue to manage, maintain, and protect in perpetuity the entirety of M-3 (8.27 acres total), including the portion credited to FDOT. Even without the functional gain associated with the 0.26-acre portion of M-3, CCTC maintains a mitigation plan in which the functional gain of the mitigation outweighs the functional loss of the aquatic impacts.

The Corps is considering modifying the permit to address the two issues outlined above. First, the mitigation plan narrative will be revised to reflect the changes that were made during the permit process, but mistakenly not attached to the permit. Second, the permit drawings will be revised to demarcate the portion of the M-3 mitigation area that has been credited to FDOT. A special condition will be added to the Corps permit that requires Sierra Properties to continue to maintain, monitor, and protect in perpetuity the entirety of the M-3 mitigation site, including the portion credited to FDOT.

A complete copy of the revised mitigation plan is available at www.saj.usace.army.mil/Divisions/Regulatory/InterestItems.htm#CCTC.

After permit issuance, the Corps also learned that the Permittee had recorded an inadequate on-site conservation easement that omitted approximately 29.83 acres of created mitigation areas and remaining wetlands that were required by the permit to be placed under conservation easement. The Permittee has proposed to place these areas under conservation easements to Wildlands Conservation, a 501(c)(3) non-profit organization. The Corps is considering modifying the permit by adding a special condition that requires timely recordation of these specific conservation easements.

DECISION ON SUSPENSION:

In accordance with 33 CFR 325.7, the Corps must decide whether to reinstate, modify, or revoke the permit for CCTC, which is currently suspended. This decision will be based on an evaluation of the reassurances given to the Corps about the likelihood of future discharges of turbid water from the CCTC project site into Cypress Creek and wetlands on the site. The Corps will also evaluate any other facts and issues as necessary

to determine that the reinstatement, modification, or revocation complies with applicable laws and is not contrary to the public interest.

EVALUATION:

The Corps' decision on the issues above will be based on an evaluation of probable impacts, including cumulative impacts, on the public interest. The 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 proposed modifications, must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof. Among these factors 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 of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972.

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties relating to the proposed modifications and the decision whether to revoke, modify, or reinstate the permit. To make this decision, comments are used to assess impacts on the public interest factors listed above. Comments will be used in the preparation of a Supplemental Environmental Assessment pursuant to the National Environmental Policy Act. Comments will also be used to determine the need for a public hearing and to determine the overall public interest of the proposed modifications.

ENDANGERED SPECIES ACT:

The Corps will reinitiate informal consultation with the U.S. Fish and Wildlife Service regarding the issues addressed in this public notice.

REQUEST FOR A PUBLIC HEARING:

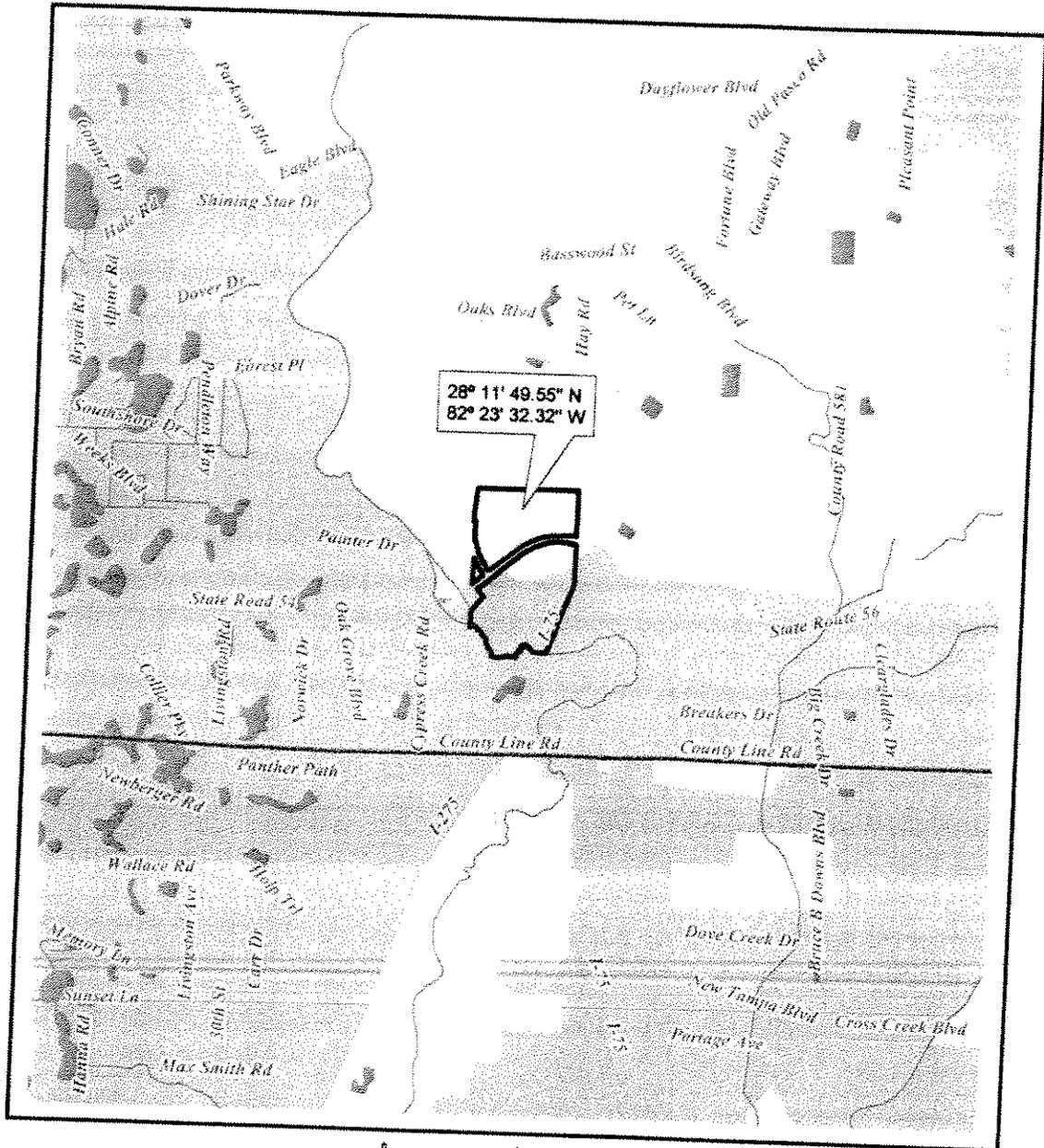
Any person may request a public hearing. The request must be submitted in writing to the District Engineer by January 15, 2009 and must state the specific reasons for requesting the public hearing.

Comments regarding this public notice should be submitted in writing to the District Engineer at the above address by January 15, 2009.

If you have any questions concerning this public notice, you may contact Tracy Hurst at the letterhead address, by electronic mail at Tracy.E.Hurst@usace.army.mil, by fax at 813-769-7061, or by telephone at 813-769-7063.

A handwritten signature in black ink, appearing to read "D. S. Hobbie", with a long horizontal flourish extending to the right.

David S. Hobbie
Chief, Regulatory Division



Sec. 27 & 34 Twp. 26S Rng. 19E

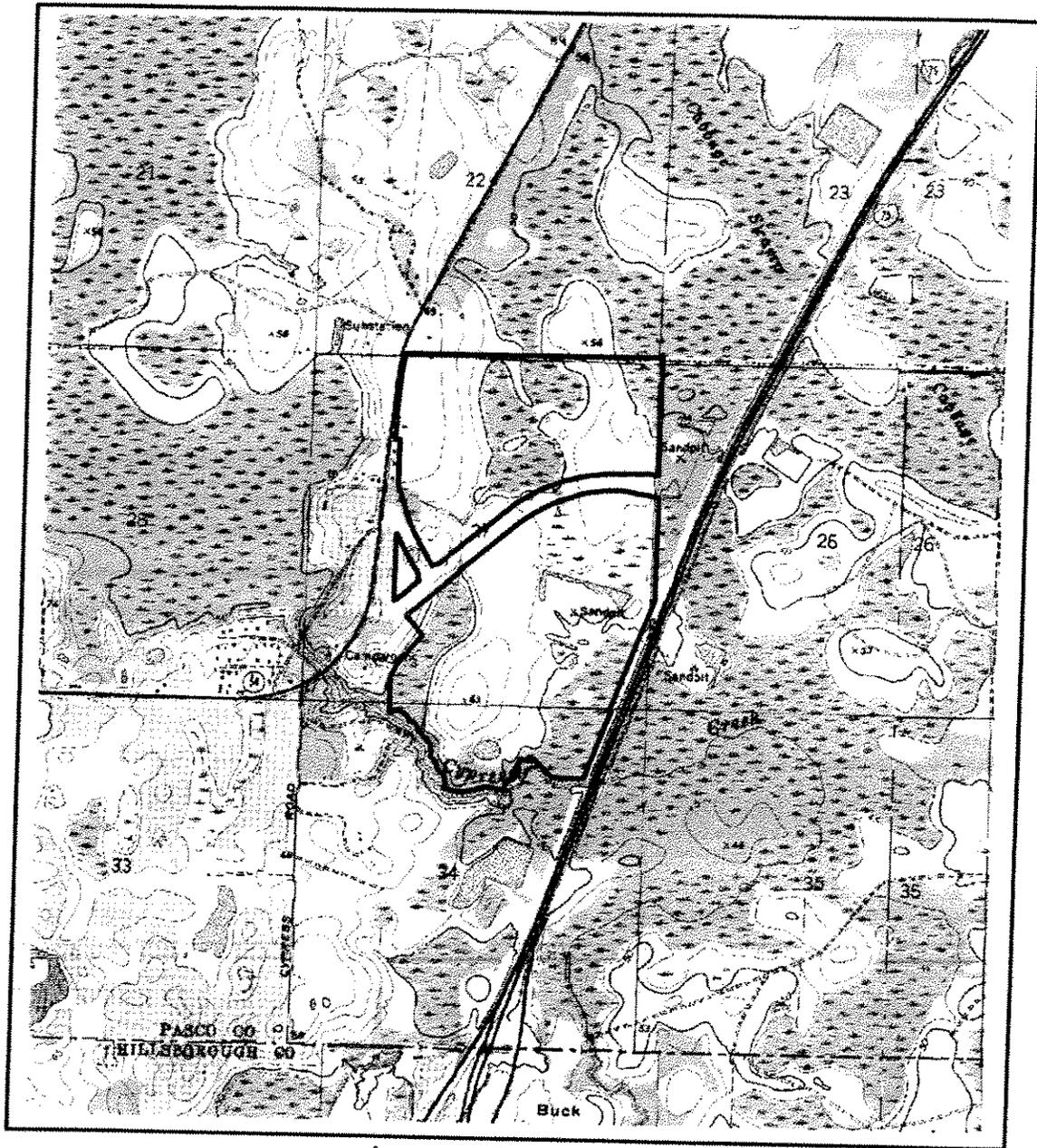
0 1 2 Miles

1 inch equals 1 mile

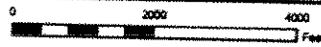
	Prepared Date: 17 March 2004 Project Manager: JLB GIS Operator: JLB Checked By: JLB Date Plotted: 03/19/04	Project Number: 7214-001-4006 G.W. O.A.: OC L&L Title File: cypress_location.mxd cypress-location.pdf	<p align="center">Figure 1 Cypress Creek Town Center Pasco County, Florida Location Map</p>	<p align="center">Biological Research Associates 2910 U.S. Highway 901N Suite 180 Tampa, Florida 33619 813-666-4800 FAX 813-664-0400 www.biologicalresearch.com</p>
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CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

ATTACHMENT 1
 SHEET 1 OF 25



Sec 27 & 34 Twp 26S Rng 19E



1 inch equals 0.379 miles

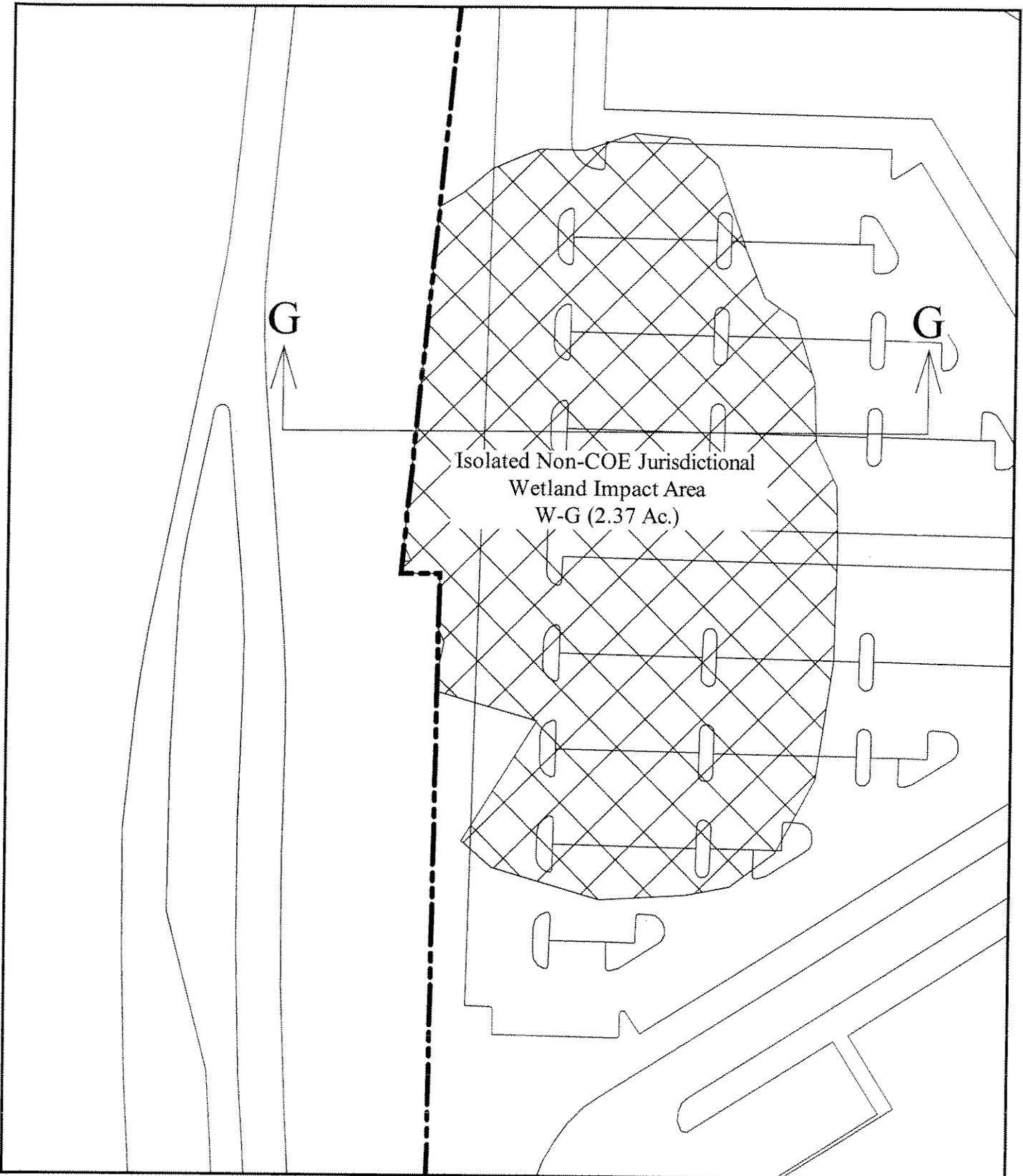
	Preparation Date	Revision Date	Project Number
	17 March 2004	14 July 2005	7724-001-026
	Project Manager	GIS Operator	GIS QA/QC
	JLH	LRB	
ACMing Name	Plot File		
cypress-quad.mxd	cypress-quad.pdf		

Figure 2
Cypress Creek Town Center
Pasco County, Florida
USGS Quad Map

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 910 US Highway 301N
 Suite 180
 Tampa, Florida 33619
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CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

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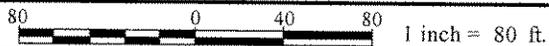
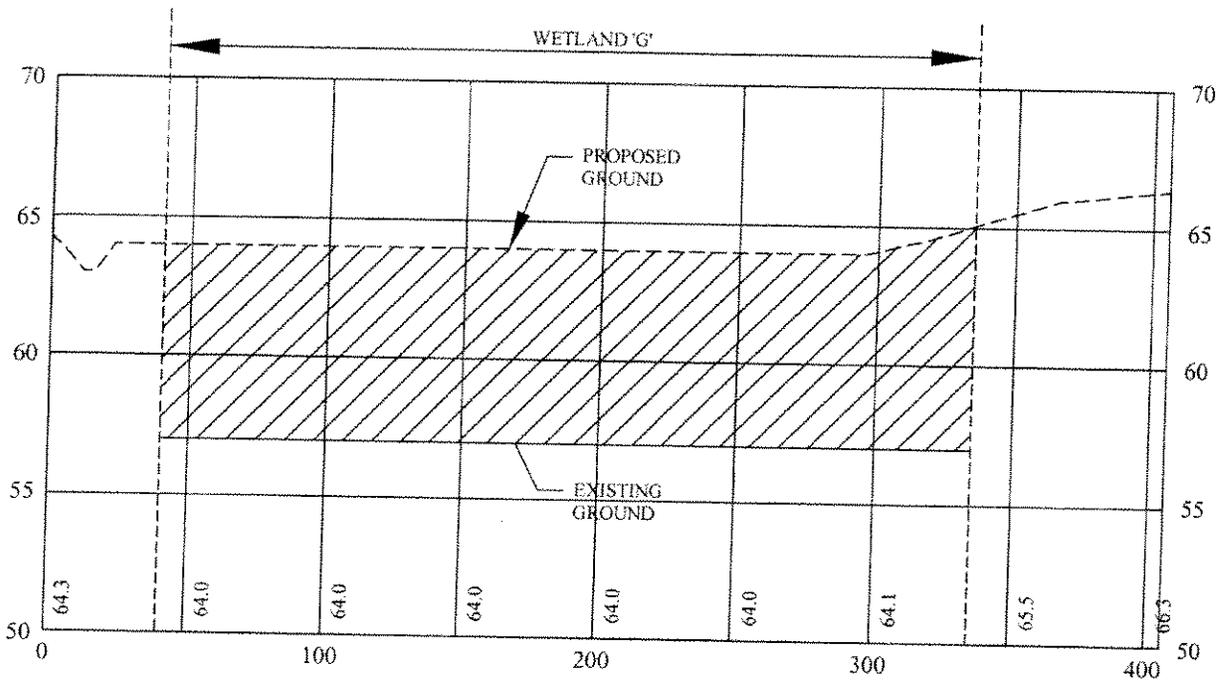


Figure 12

	Preparation Date 08/18/2008	Revision Date	<p><i>Figure 12 Cypress Creek Town Center Isolated Non-COE Jurisdictional Wetland Impact G</i></p>	<p>Biological Research Associates 3905 CRESCENT PARK DRIVE RIVERVIEW, FL 33569 (813) 664-8501 FAX (813) 664-0440 www.biologicalsearch.com</p>
	Project Manager JJB	CAD QA/QC		
	Project # 7724-001-b08	CAD Operator JMB		



CROSS SECTION G-G
 VERT 1" = 6' HORZ 1" = 60'

Figure 12a

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

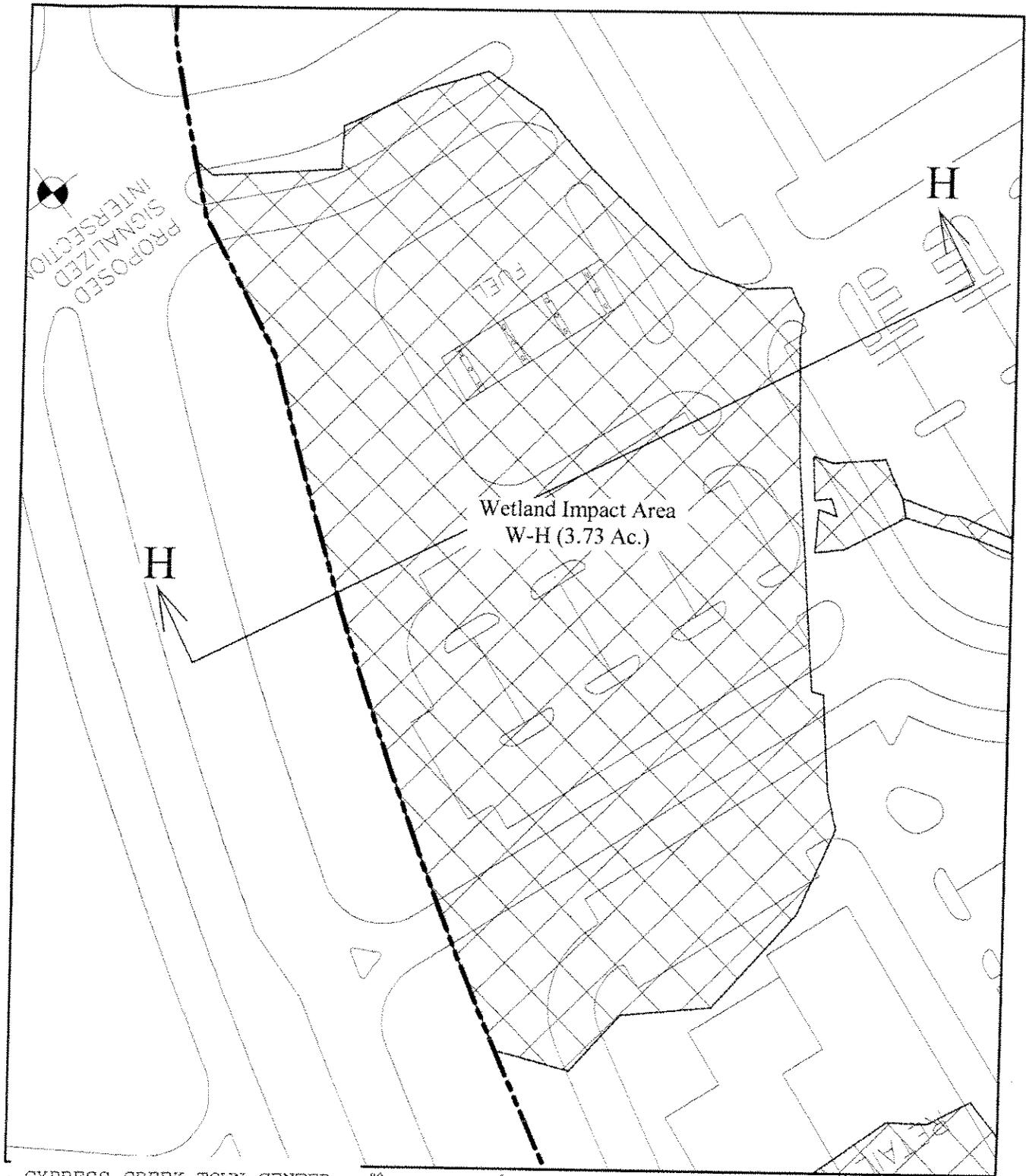
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Figure 12a
 Cypress Creek Town Center
 Cross Section G-G

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SAJ-2003-2336 (IP-TEH)

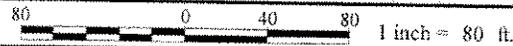


Figure 13

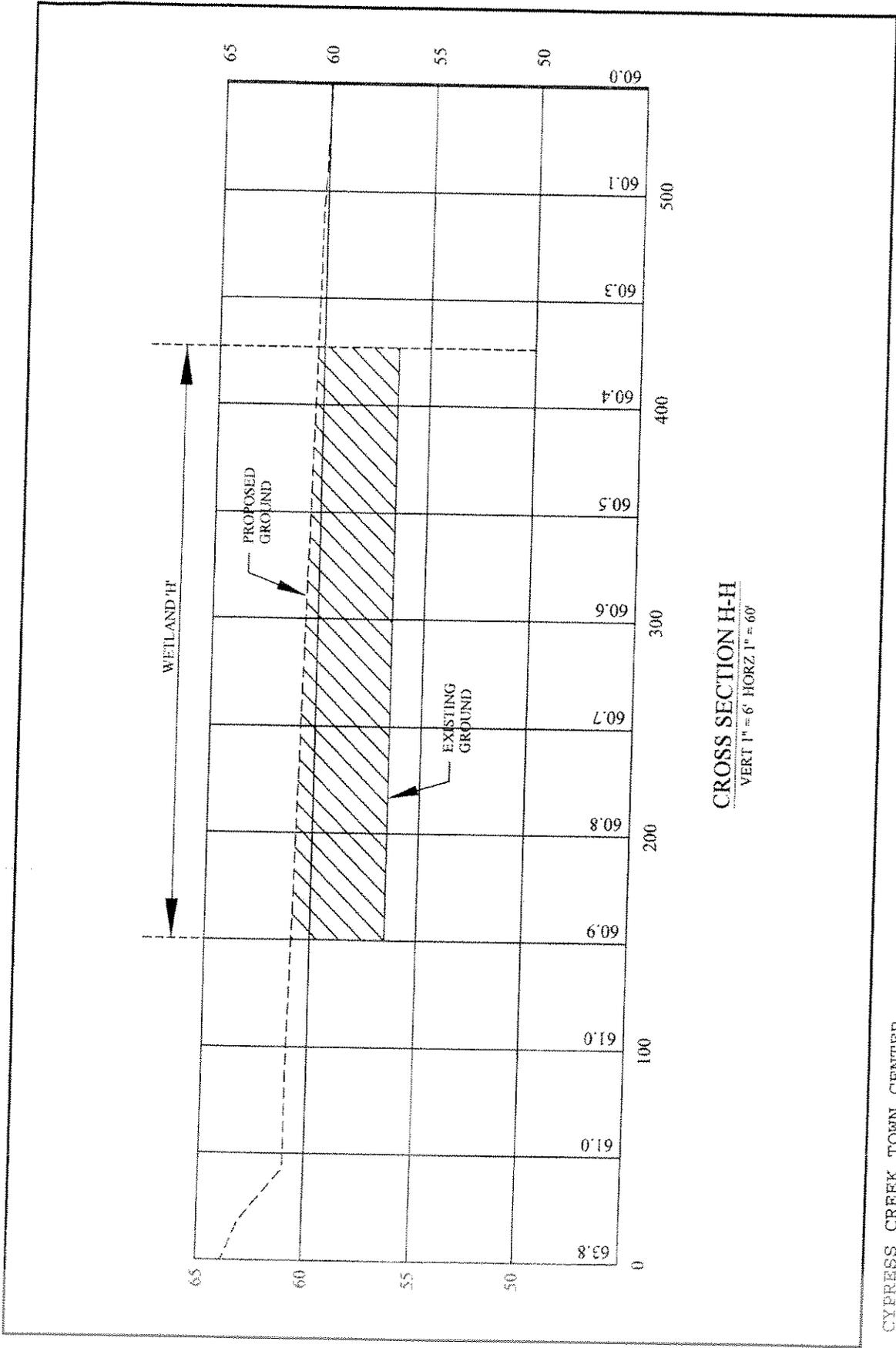
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Figure 13
Cypress Creek Town Center
Wetland Impact H

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CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

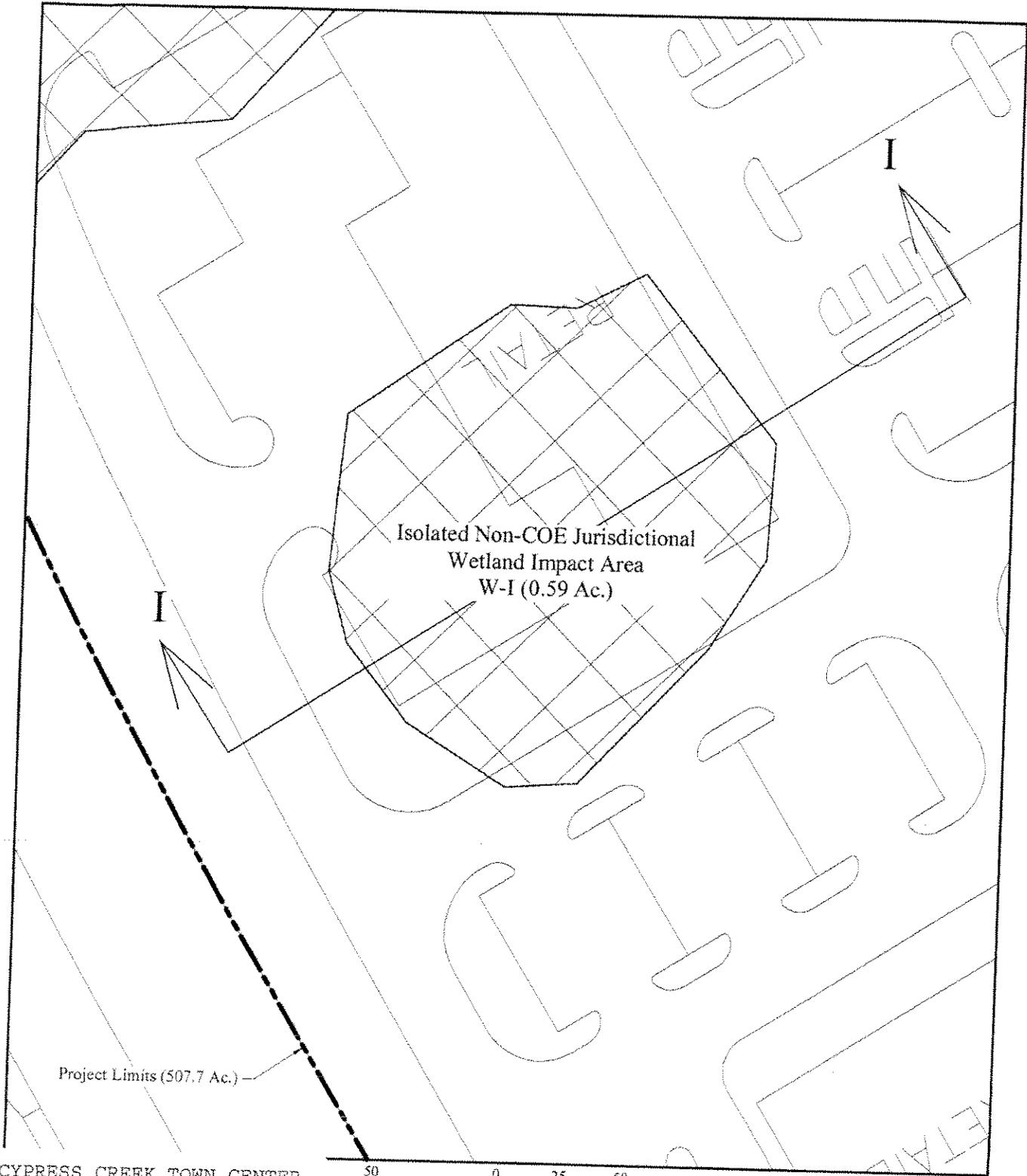
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Figure 13a
 Cypress Creek Town Center
 Cross Section H-H

Figure 13a

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CYPRESS CREEK TOWN CENTER
SAJ-2003-2336 (IP-TEH)

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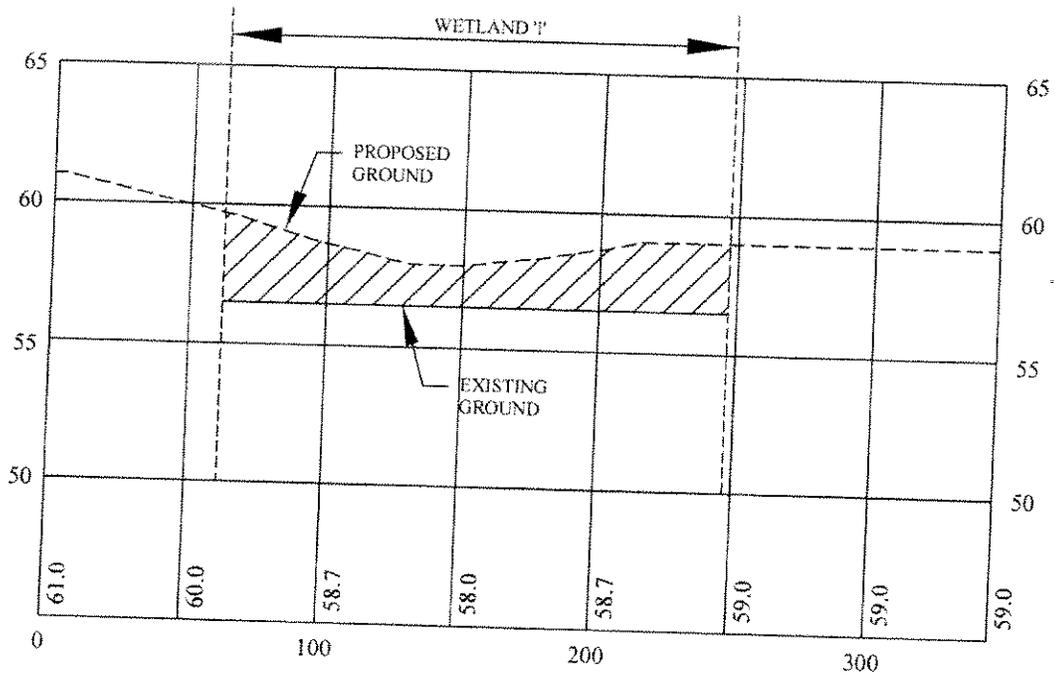
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Figure 14
Cypress Creek Town Center
Wetland Impact 1

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Figure 14



CROSS SECTION I-I
 VERT 1" = 6' HORZ 1" = 60'

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

Figure 14a

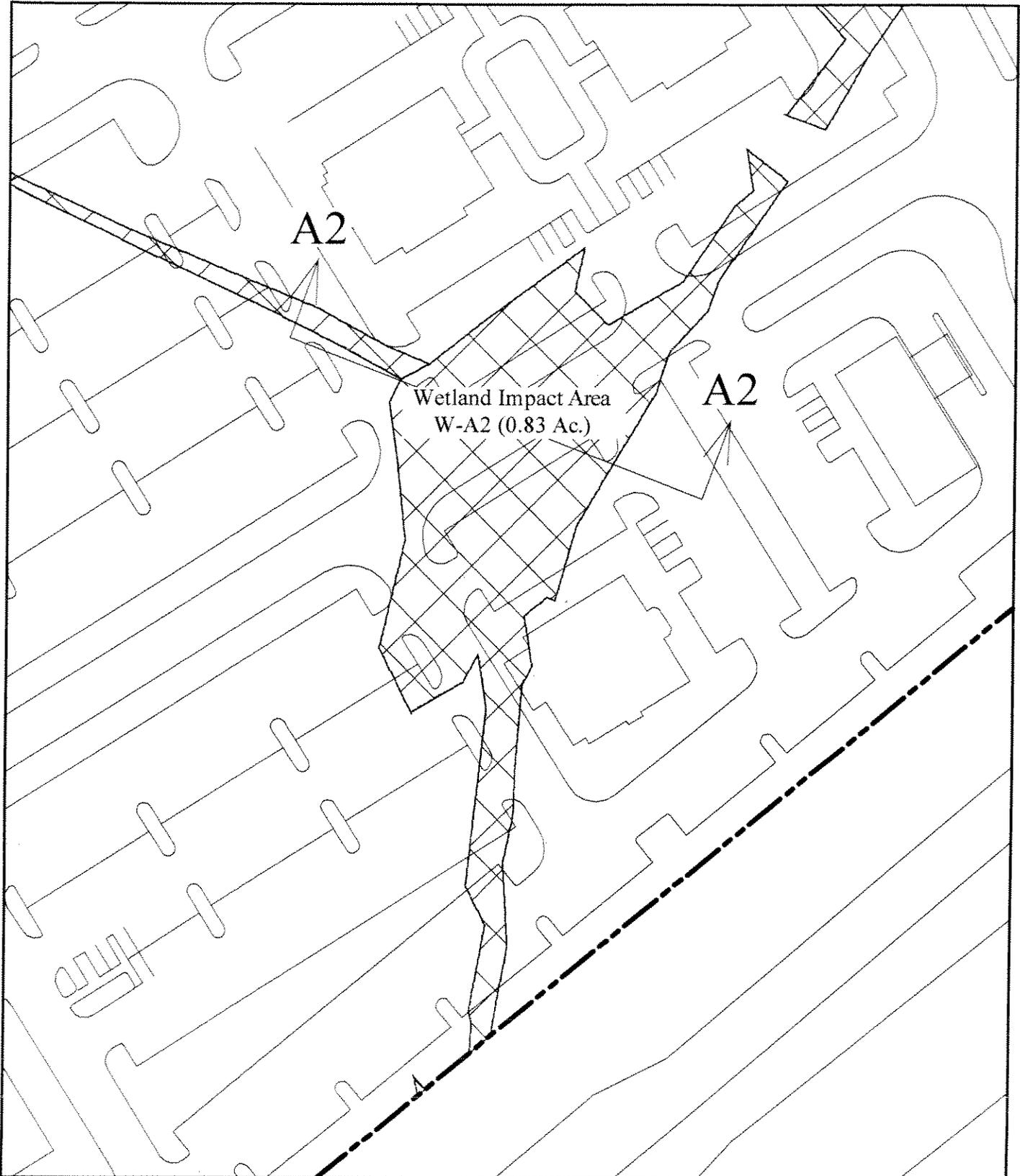
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Figure 14a
 Cypress Creek Town Center
 Cross Section I-I

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80 0 40 80 1 inch = 80 ft.

Figure 15

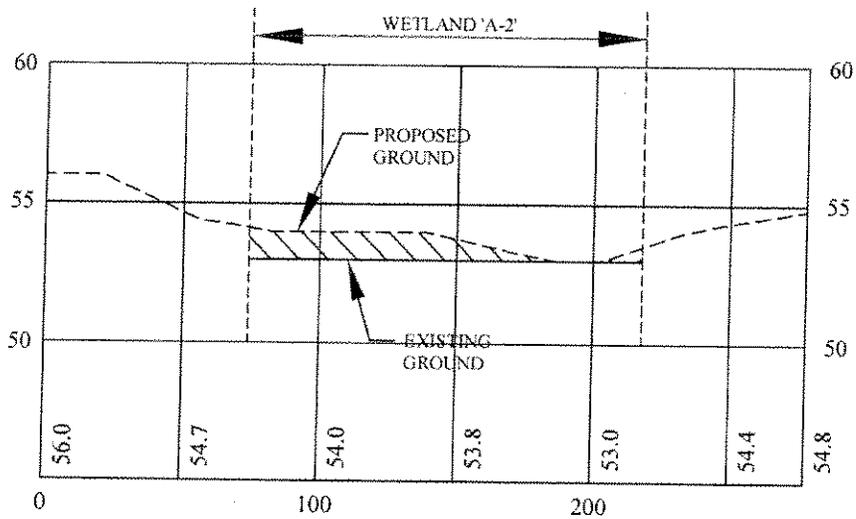
	Preparation Date 08/18/2008	Revision Date
	Project Manager LJB	CAD/DATE
	Project # 7724-001-b08	CAD/DATE JMB

Figure 15
Cypress Creek Town Center
Wetland Impact A2

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CROSS SECTION A2-A2
 VERT 1" = 6' HORZ 1" = 60'

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

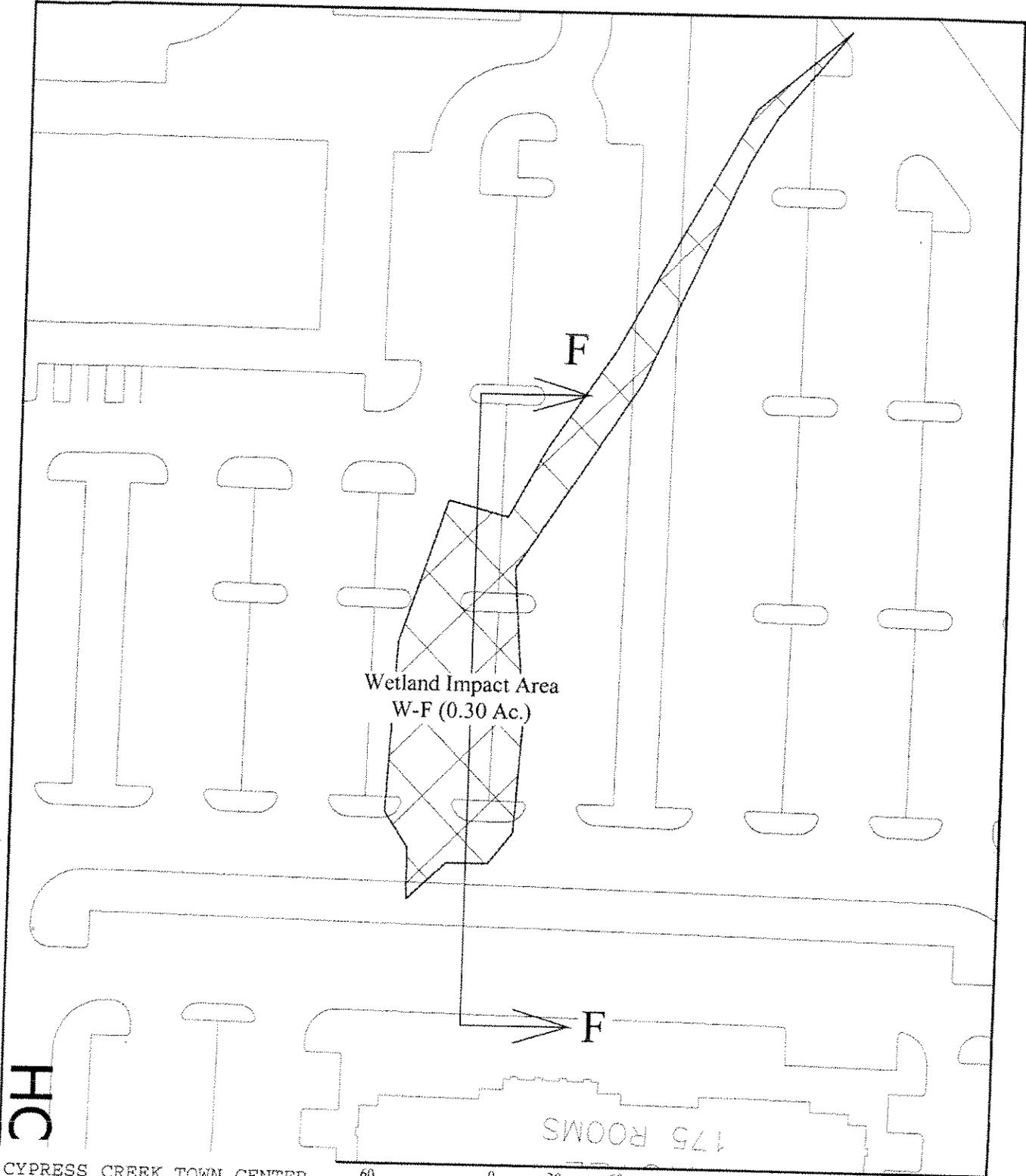
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Figure 15a

Figure 15a
 Cypress Creek Town Center
 Cross Section A2-A2

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HC

CYPRESS CREEK TOWN CENTER
SAJ-2003-2336 (IP-TEH)



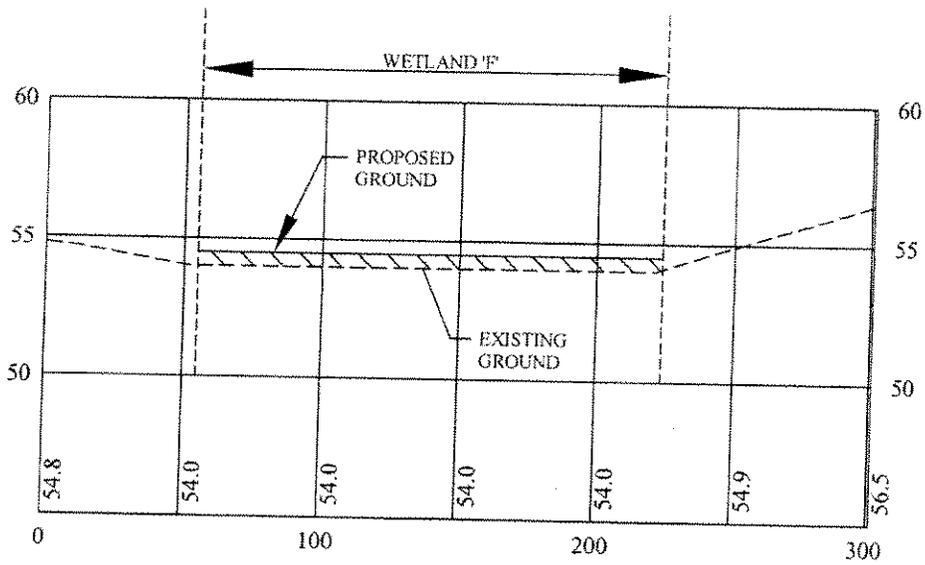
Figure 16

Figure 16
Cypress Creek Town Center
Wetland Impact F

ATTACHMENT 1
SHEET 12 OF 25

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CROSS SECTION F-F
 VERT 1" = 6' HORZ 1" = 60'

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

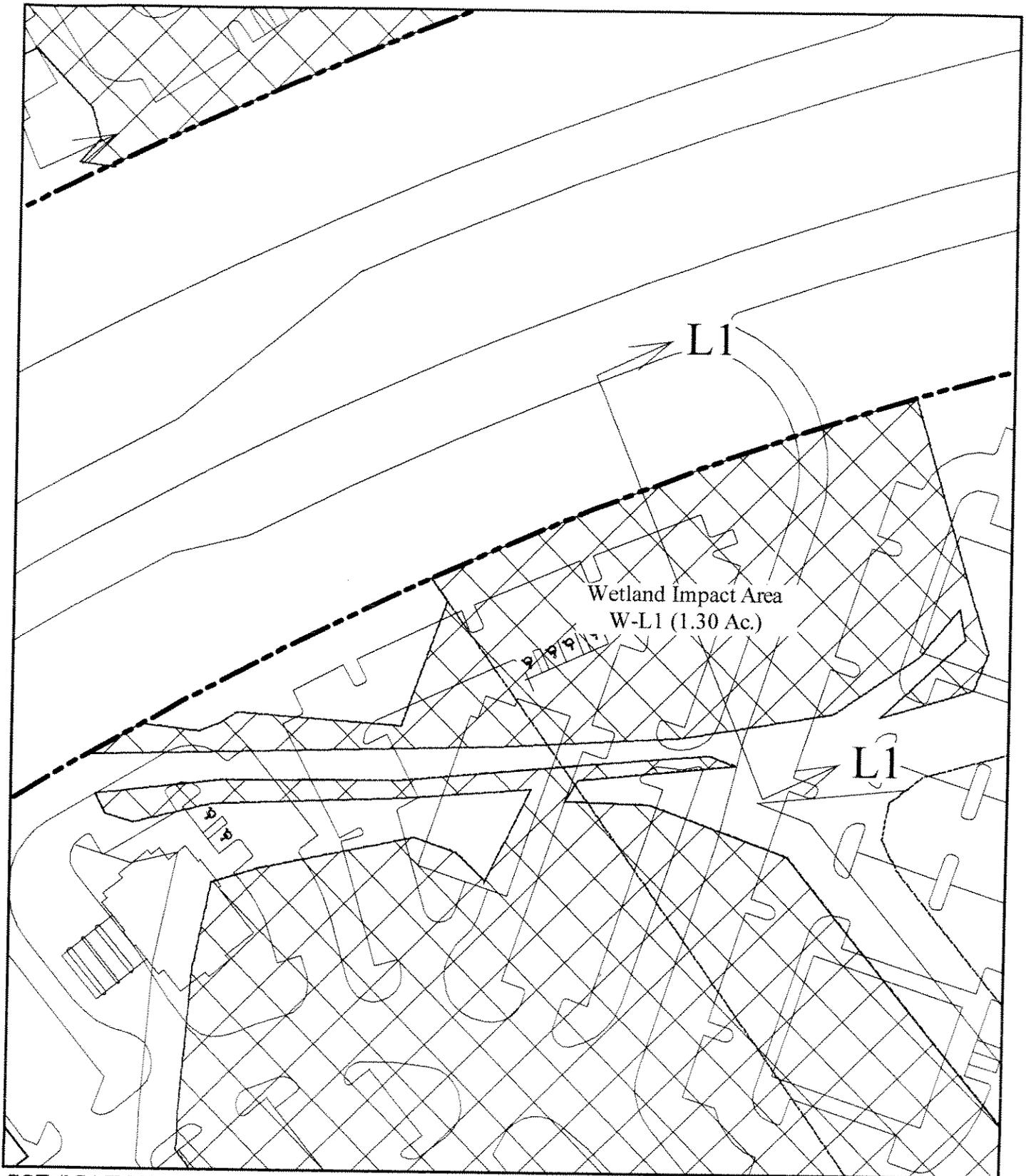
Figure 16a

ATTACHMENT 1
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Figure 16a
 Cypress Creek Town Center
 Cross Section F-F

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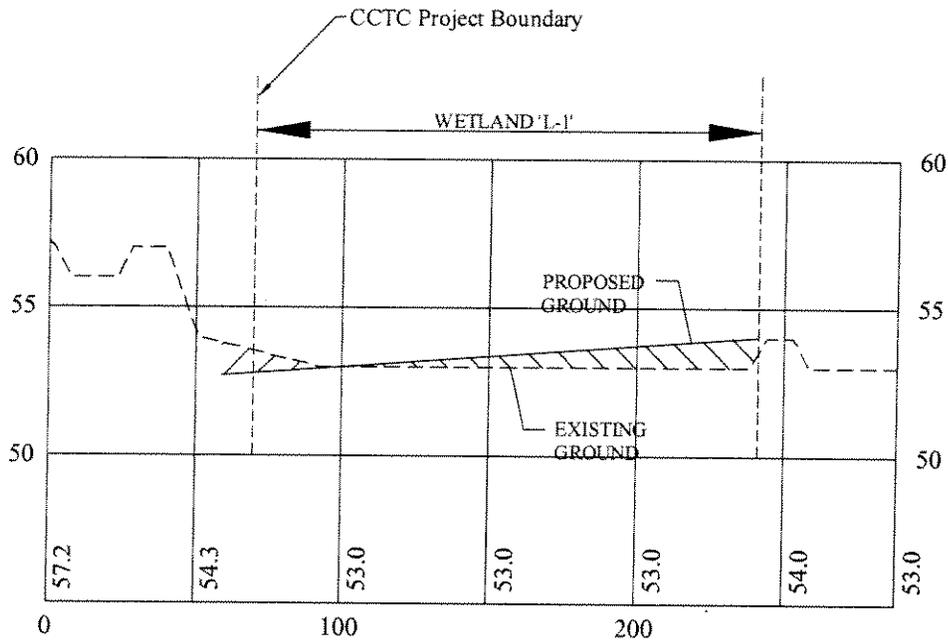
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1 inch = 80 ft.

Figure 17

	Preparation Date 08/18/2008	Revision Date	<p><i>Figure 17</i></p> <p><i>Cypress Creek Town Center</i></p> <p><i>Wetland Impact F</i></p>	<p>Biological Research Associates</p> <p>1905 CRESCENT PARK DRIVE RIVERVIEW, FL 33569 (813) 664-8501 FAX (813) 664-0440 www.biologresearch.com</p> 
	Project Manager JJB	CAD/DRAWN		
	Project # 7724-001-608	CAD Operator JMB		



CROSS SECTION L1-L1
 VERT 1" = 6' HORZ 1" = 60'

COE # SAJ20032336

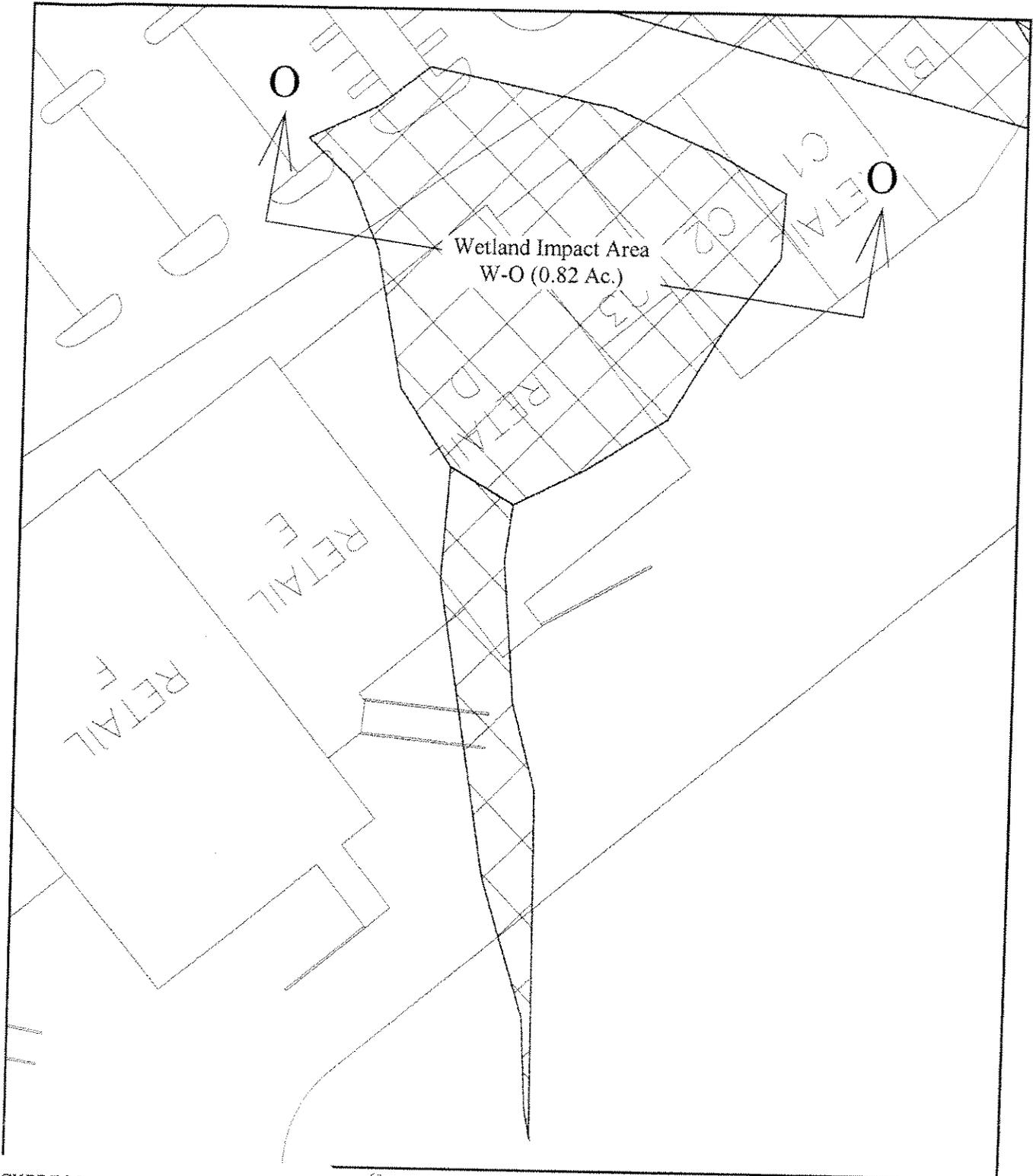
Figure 17a

Preparation Date: 08/18/2008	Revision Date:
Project Manager: JJB	CAD Operator: JMB
Project #: 7724-001-608	

Figure 17a
Cypress Creek Town Center
Cross Section L1-L1

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CYPRESS CREEK TOWN CENTER
SAJ-2003-2336 (IP-TEH)

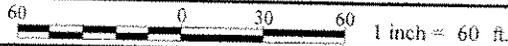


Figure 18

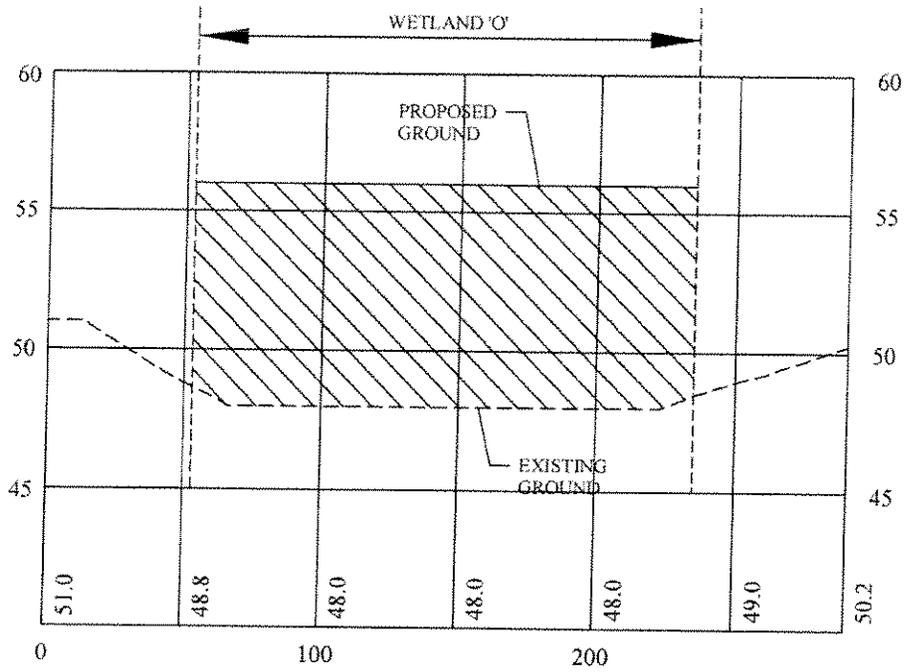
ATTACHMENT 1
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Figure 18
Cypress Creek Town Center
Wetland Impact O

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CROSS SECTION O-O
 VERT 1" = 6' HORZ 1" = 60'

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

Figure 18a

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Figure 18a
 Cypress Creek Town Center
 Cross Section O-O

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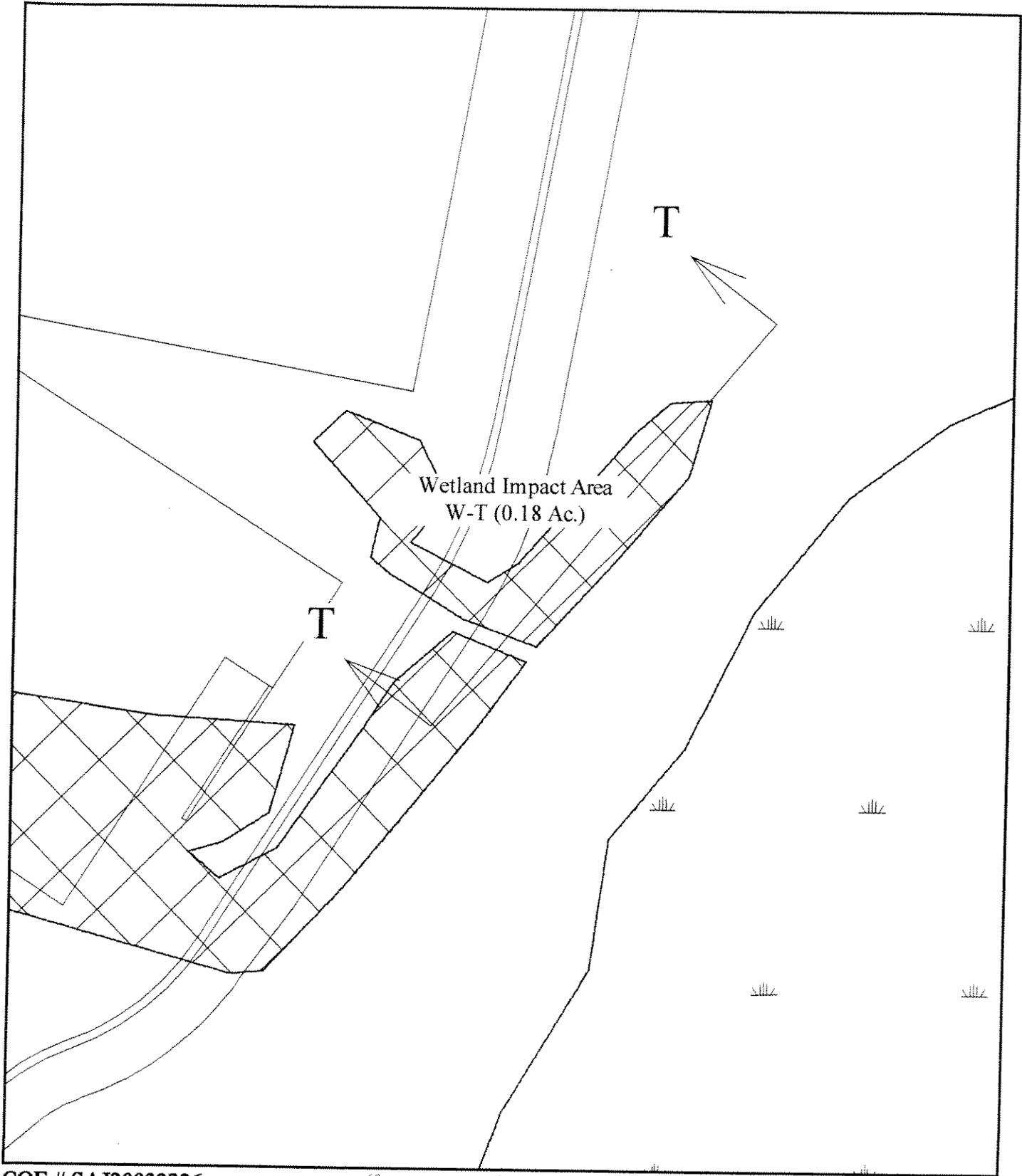


Figure 19

COE # SAJ20032336

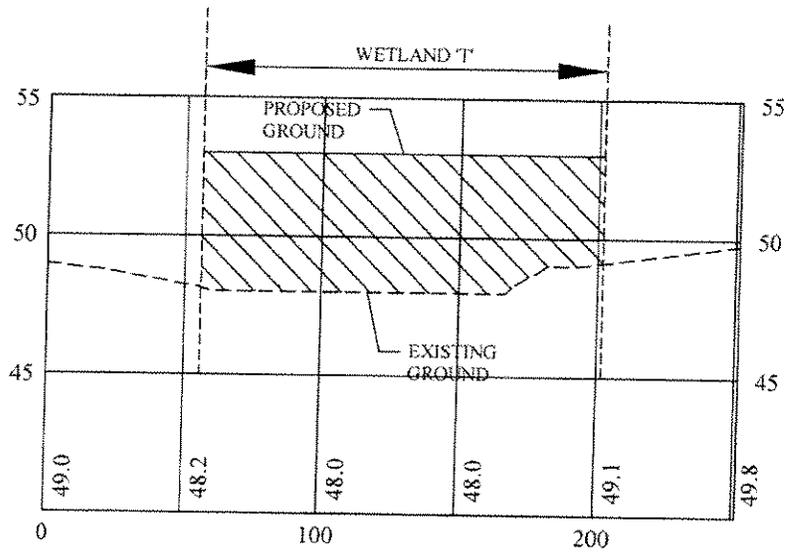
	Preparation Date 08/18/2008	Revision Date
	Project Manager JJB	CAD Operator JMB
	Project # 7724-001-408	CAD Operator JMB

Figure 19
Cypress Creek Town Center
Wetland Impact T

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CROSS SECTION T-T
 VERT 1" = 6' HORZ 1" = 60'

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

Figure 19a

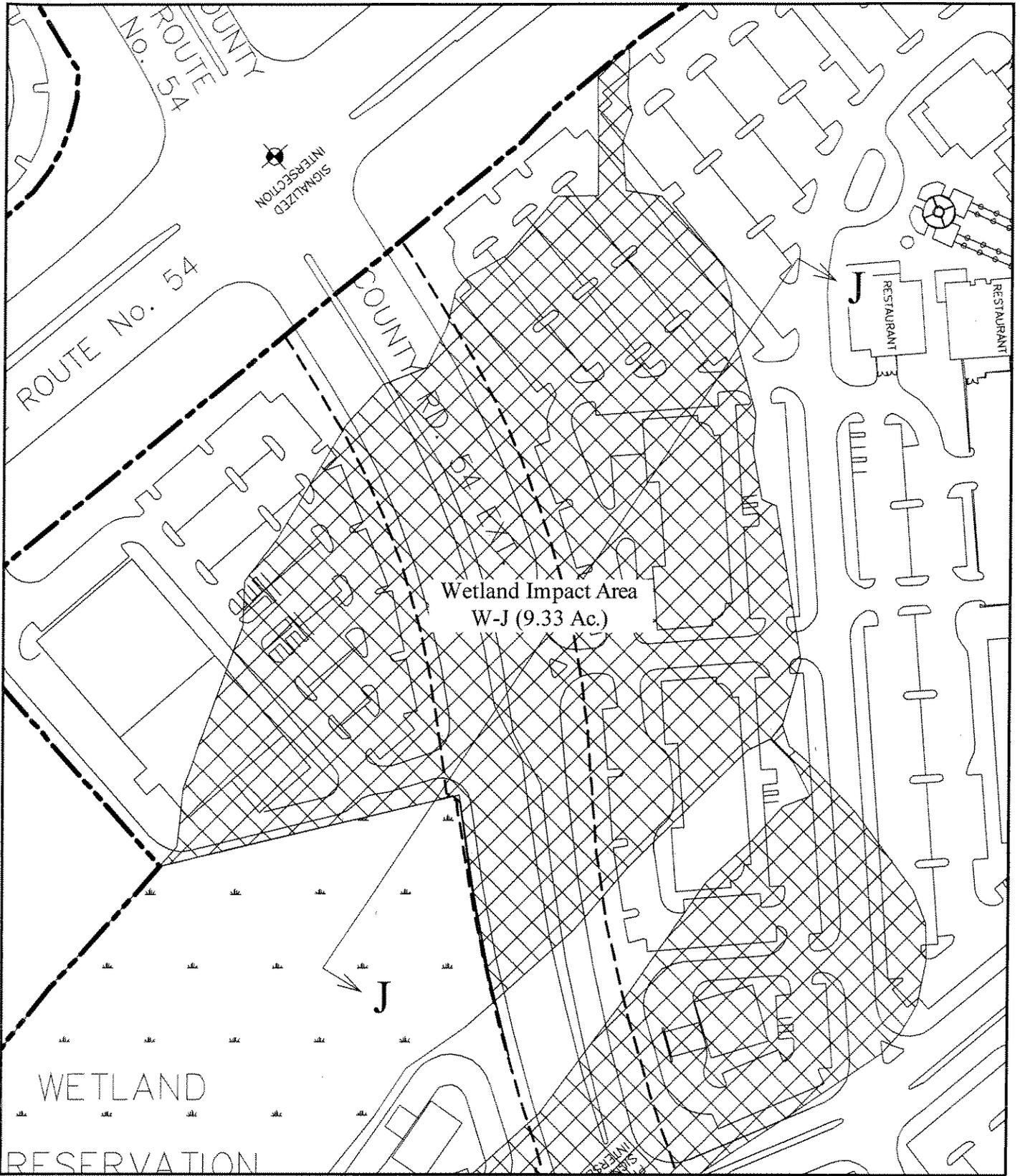
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Figure 19a
 Cypress Creek Town Center
 Cross Section T-T

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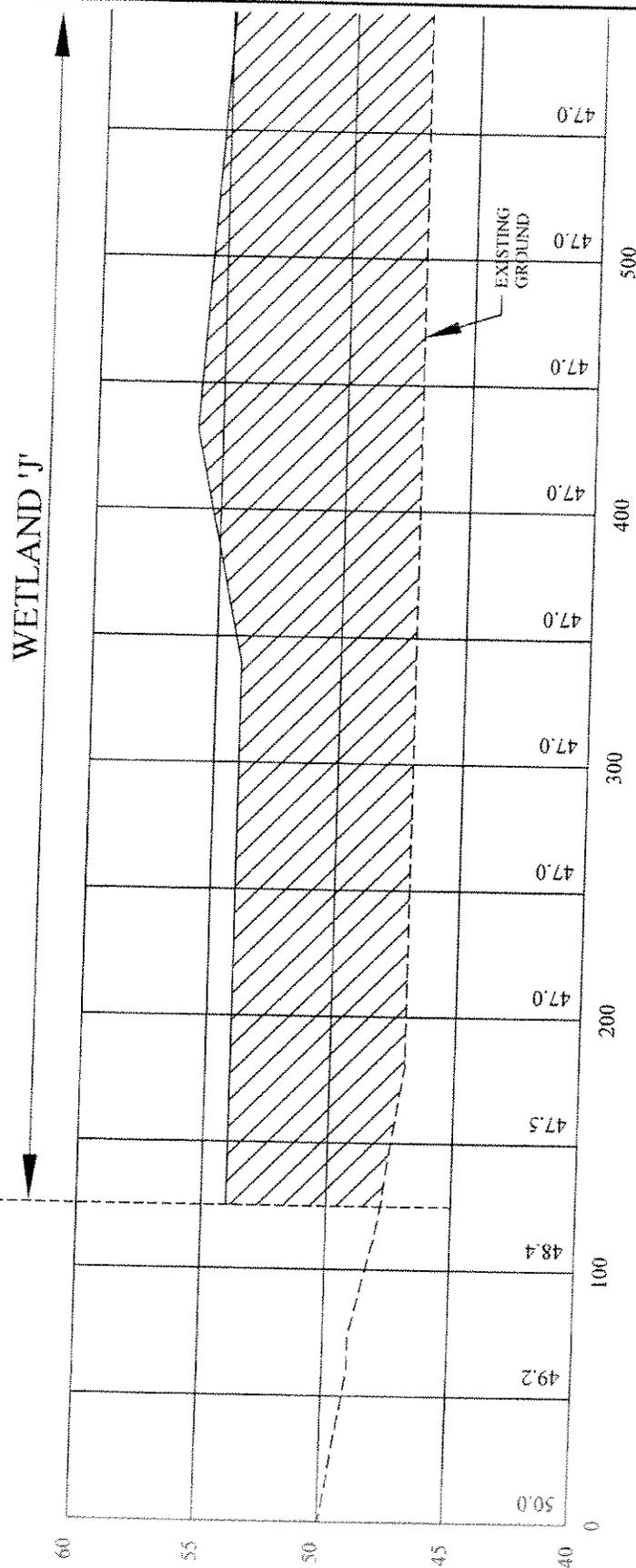
COE # SAJ20032336

150 0 75 150

1 inch = 150 ft.

Figure 20

	Preparation Date: 08/18/2008	Revision Date:	<p>Figure 20 Cypress Creek Town Center Wetland Impact J</p>	<p>Biological Research Associates 3903 CRESCENT PARK DRIVE RIVERVIEW, FL 33569 (813) 664-8501 FAX (813) 664-0440 www.biologicalresearch.com</p> 
	Project Manager: IJB	CAD QA/QC:		
	Project #: 7724-001-608	CAD Operator: JMB		



CROSS SECTION J-J
 VERT 1" = 6' HORIZ 1" = 60'

ATTACHMENT 1
 SHEET 21 OF 25

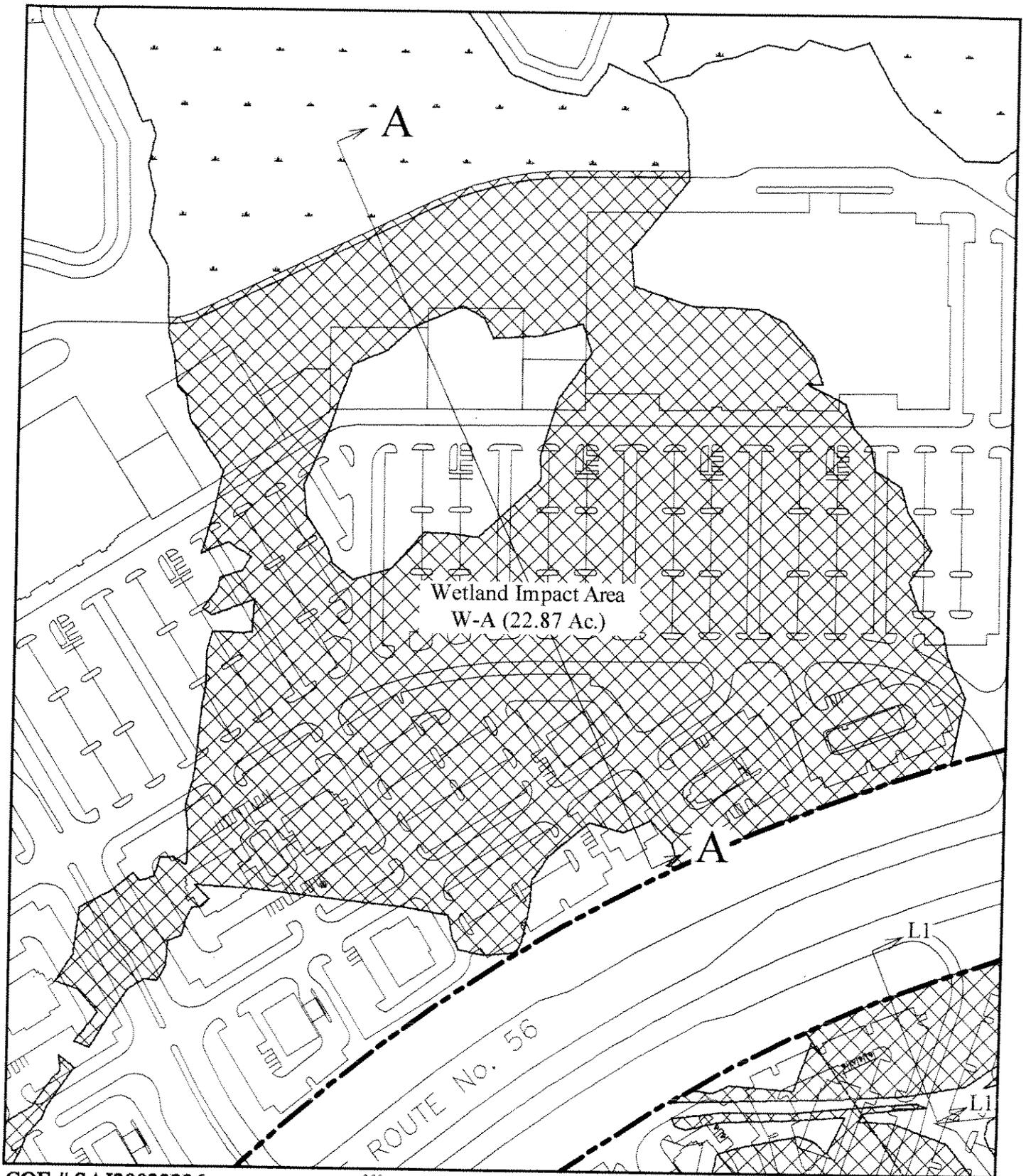
Figure 20a

Figure 20a
 Cypress Creek Town Center
 Cross Section J-J

CYPRESS CREEK TOWN CENTER
 SAJ-2003-2336 (IP-TEH)

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1 inch = 200 ft.

Figure 21

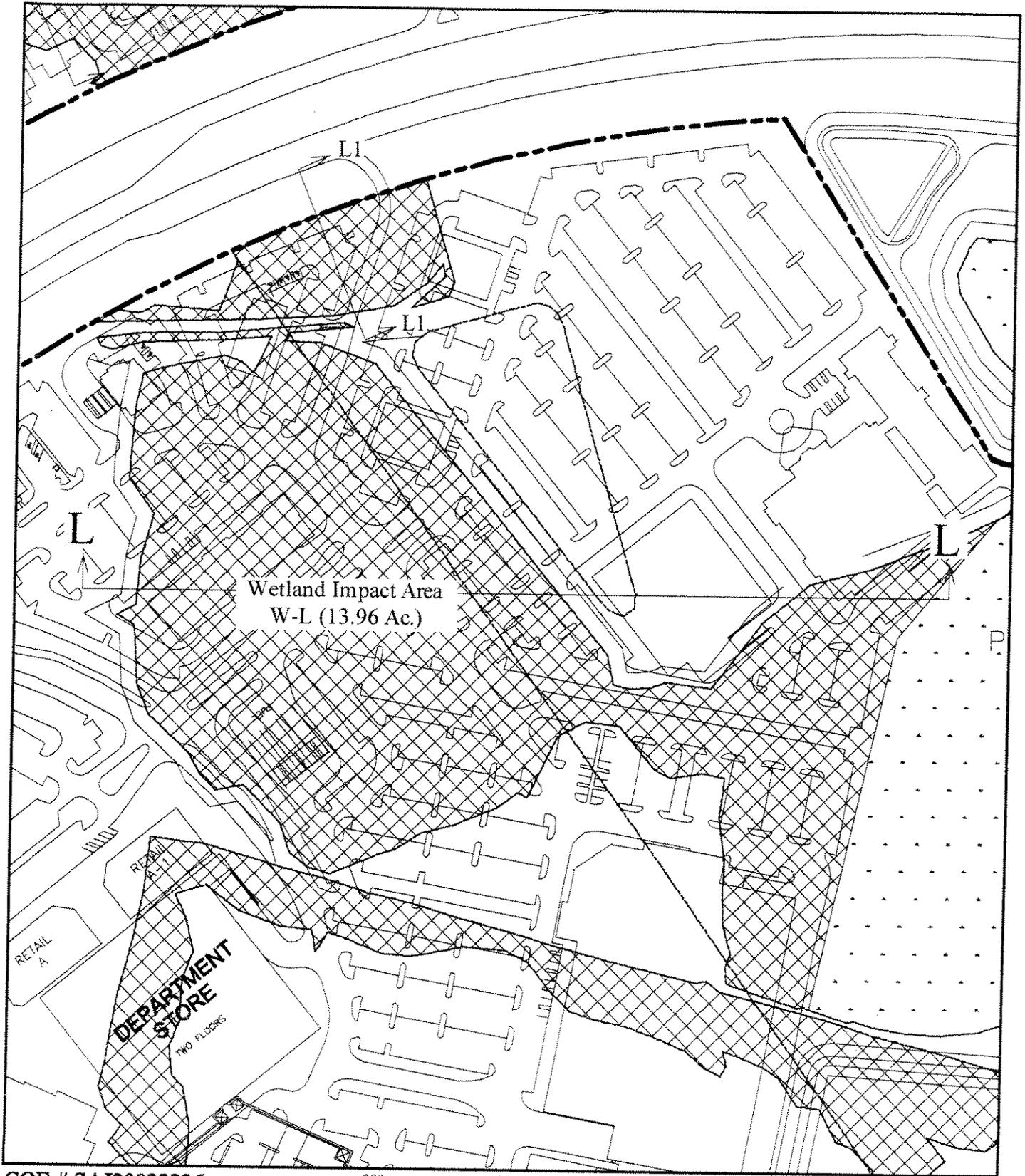
	Prepared Date	Revision Date
	08/18/2008	
	Project Manager	CAD/Designer
	JJB	JMB
	Project #	CAD/Designer
	7724-001-468	JMB

Figure 21
Cypress Creek Town Center
Wetland Impact A

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COE # SAJ20032336



1 inch = 200 ft.

Figure 22

	Preparation Date 08/18/2008	Revision Date	<p><i>Figure 22</i></p> <p><i>Cypress Creek Town Center</i></p> <p><i>Wetland Impact L</i></p>	<p>Biological Research Associates</p> <p>1905 CRESCENT PARK DRIVE RIVERVIEW, FL 33569 (813) 664-8501 FAX (813) 664-0440 www.biologicalresearch.com</p> 
	Project Manager JJB	Client/Owner		
	Project # 7724-001-368	GIS Operator JMB		

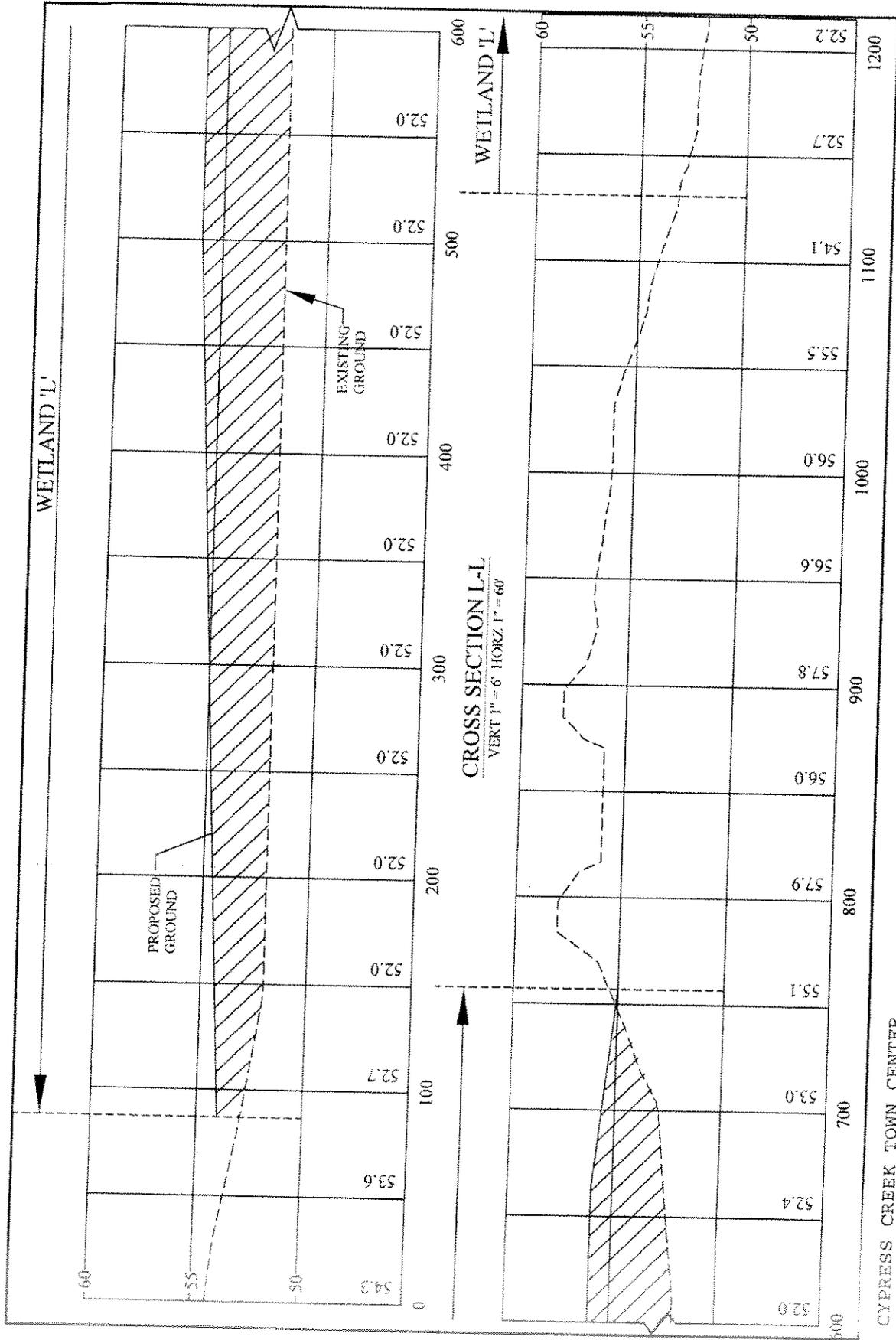


Figure 22a

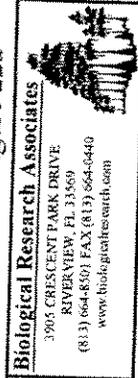


Figure 22a
Cypress Creek Town Center
Cross Section L-L

CYPRESS CREEK TOWN CENTER
SAJ-2003-2336 (IP-TEH)

ATTACHMENT 1
SHEET 25 OF 25

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