



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Anne Ross  
Lakewood Ranch Stewardship District

Published: March 27, 2025  
Expires: April 28, 2025

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**Jacksonville District  
Permit Application No. SAJ-2024-03653 (SP-MWL)**

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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Anne Ross  
Lakewood Ranch Stewardship District  
14400 Covenant Way  
Lakewood Ranch, Florida 34202

**AGENT:** Joel Christian  
Ardurra Group, Inc.  
1523 8th Avenue West  
Suite B  
Palmetto, Florida 34221

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with Poley Branch, which flows to Manatee Lake. The proposed corridor runs approximately 1.7 miles north and east of the intersection of Bourneside Boulevard and 44th Avenue East and is located approximately three-quarter mile south of State Road 64 in Lakewood Ranch, Manatee County Florida. The site is located in Section 12 of Township 35 South, Range 19 East and Sections 5-8 of Township 35 South, Range 20 (latitude 27.464865 and longitude -83.339568) (see attached figures)

**EXISTING CONDITIONS:** This applicant is requesting an after-the-fact permit for activities that have already taken place. For this reason, the proposed roadway construction is mostly complete, including clearing, grubbing, grading as shown in the attached figures. Culverts have been installed and most of the roadway has been paved. Proposed impacts to aquatic features have already occurred. Prior to construction, the project area generally consisted of ditched agricultural lands, a borrow pit, wetlands and pine flatwoods.

**PROJECT PURPOSE:**

**Basic:** The basic purpose is roadway access.

**Overall:** The purpose of the proposed project is to construct the eastern extension of 44th Avenue East, a future four lane (120' right of way) County thoroughfare arterial roadway, from the existing terminus at Bourneside Boulevard to the applicant's eastern property boundary at the location of an existing right-of-way identified on the plat of The Waterbury Grape Fruit Tracts recorded in Plat Book 2, Page 37 of the Manatee County Plat Records as generally shown on Manatee County Comprehensive Plan Map 5C.

**PROPOSED WORK:** The applicant requests authorization to construct the eastern extension of 44<sup>th</sup> Avenue East, which would ultimately consist of a future four-lane County thoroughfare roadway and associated infrastructure within a 120-foot right-of-way. Construction of the roadway improvements would result in permanent impacts to 1.48 acres of wetlands and an additional 1.42 acres of surface water features (ditches and ponds). This is an after-the-fact permit.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Tie-in requirements for the beginning and end points for the proposed roadway limit the degree to which impacts to aquatic features can be avoided or minimized while still meeting the required engineering design standards and goals of the Manatee County Comprehensive Plan. An alternatives analysis conducted by the Applicant indicated the proposed alignment would have the least impacts compared to other alternatives.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has previously purchased 1.54 mitigation credits. The Corps will determine the adequacy of this mitigation to address project impacts.

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Wood stork	<i>Mycteria americana</i>	Threatened
Crested caracara	<i>Caracara plancus audubonii</i>	Threatened
Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened

The Corps has determined the proposed project may affect, but is not likely to adversely affect, the wood stork using the 2008 effects determination key for central and north peninsular Florida (A>B>C>D>E). The Corps has also determined that the project may affect, but is not likely to adversely affect, the eastern indigo snake using the August 2013 north Florida effect determination key for the species (A>B>C>D>E). No further consultation is necessary for either species. In addition, based on initial review, the Corps determined that the project may affect, but is not likely to adversely affect, tricolored bat and crested caracara. However, because the applicant has completed the proposed impacts, and there will be no future impacts to either species, the Corps has revised its determination to 'no effect', and no further consultation is necessary.

Pursuant to Section 7 ESA, any required consultation with the USFWS will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the USFWS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The project is inland and not in the vicinity of waters that can provide such habitat. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification is required from the Southwest Florida Water Management District (SWFWMD). The SWFWMD issued a water quality certification on July 28, 2023 (Permit No. 43003052.312).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from the SWFWMD. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan

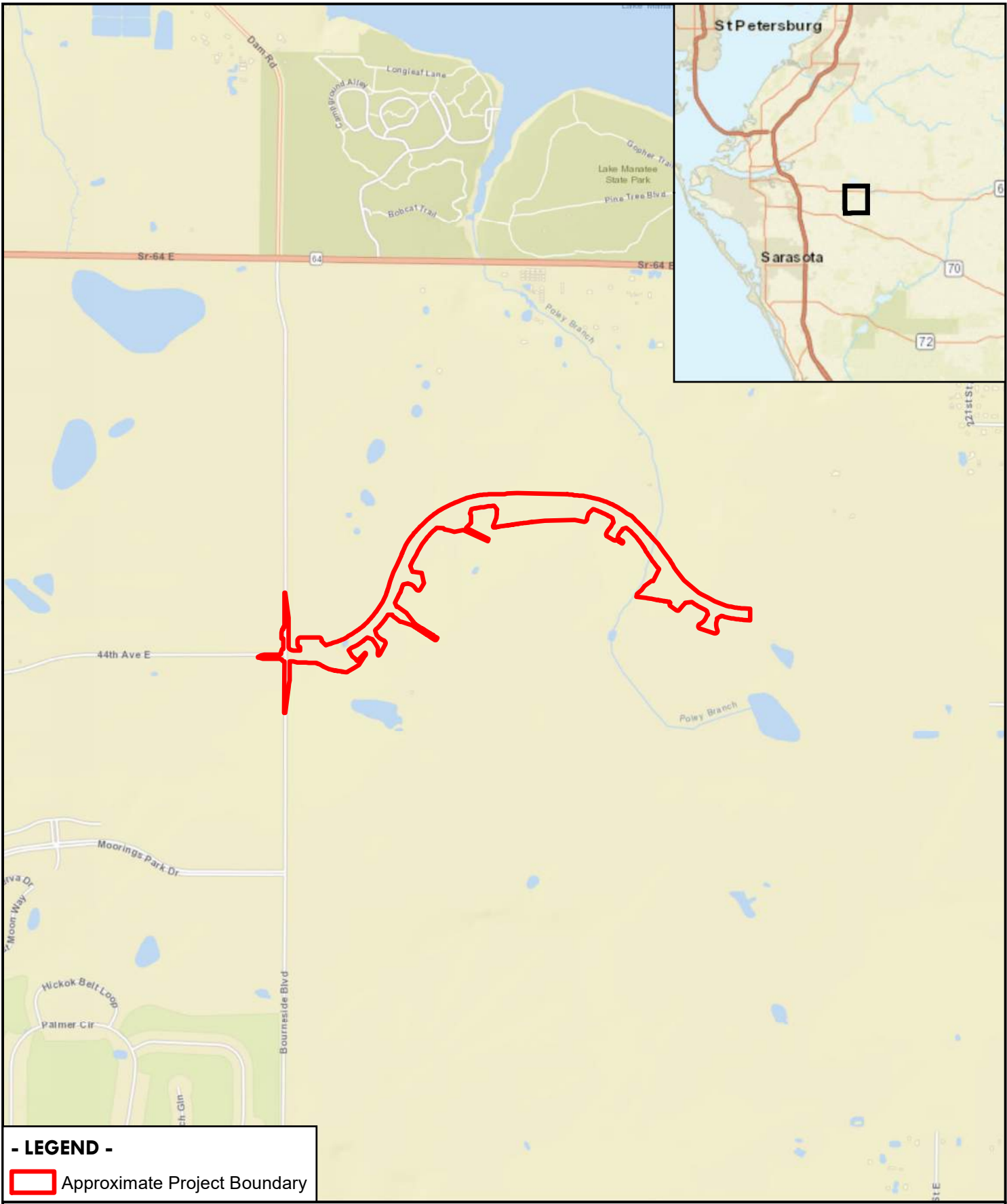
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**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.

**COMMENTS:** The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 28, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Langley at Michael.W.Langley@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Michael Langley, 3636 North Central Avenue Suite 900 Phoenix, Arizona 85012-1939. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



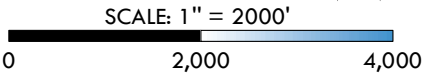
**- LEGEND -**

 Approximate Project Boundary

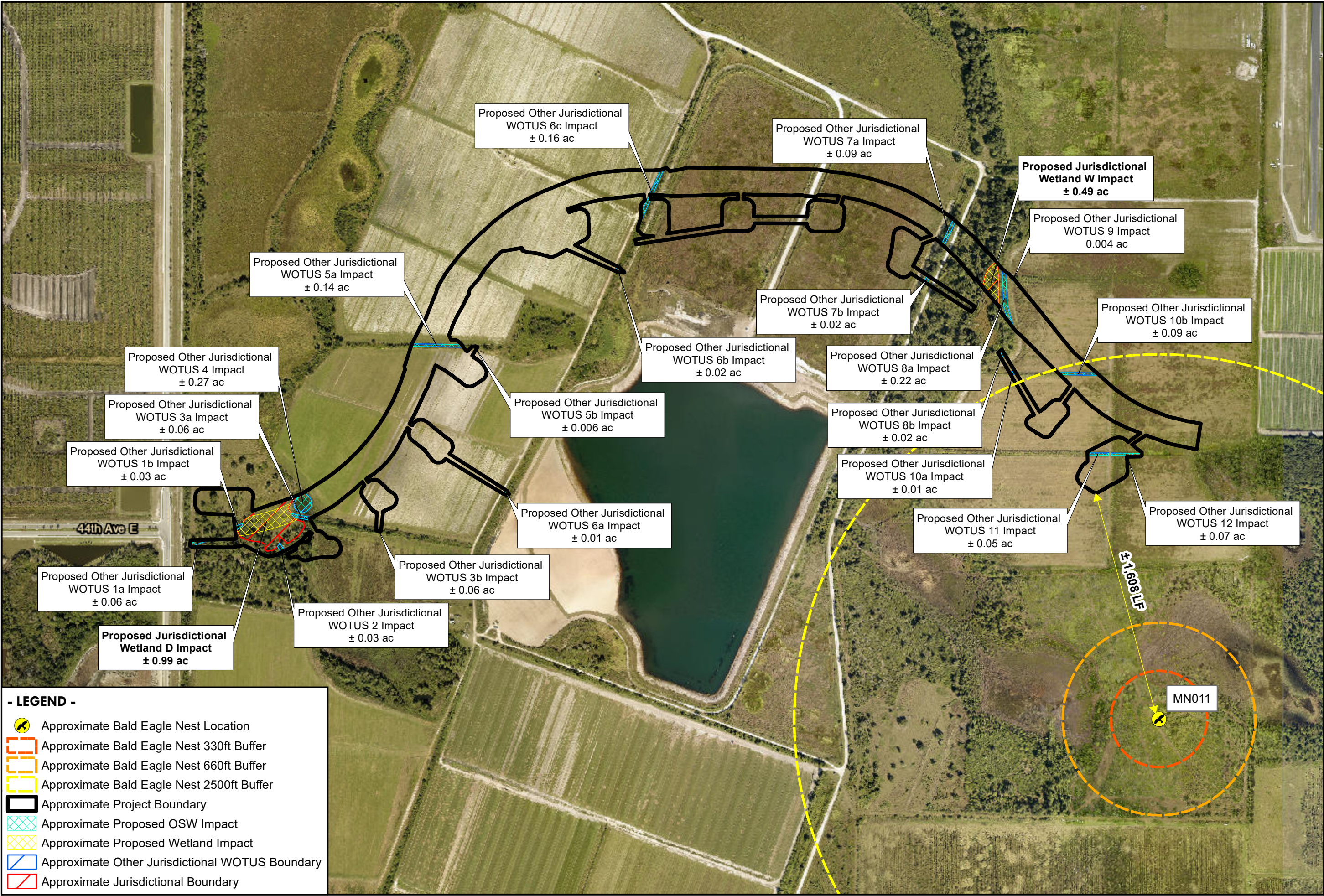


**Client:** LWR Communities  
**Project:** 44th Avenue, Phase 6  
**Location:** Manatee County, Florida  
**TRS:** 35S 19E 01,12; 35S 20E 5,6,7,8  
**Title:** Location Map  
**Source:** ESRI World Street Map

**Drawn By:** KS  
**Date:** 4/11/2022  
**Sheet:** 1







**- LEGEND -**

- Approximate Bald Eagle Nest Location
- Approximate Bald Eagle Nest 330ft Buffer
- Approximate Bald Eagle Nest 660ft Buffer
- Approximate Bald Eagle Nest 2500ft Buffer
- Approximate Project Boundary
- Approximate Proposed OSW Impact
- Approximate Proposed Wetland Impact
- Approximate Other Jurisdictional WOTUS Boundary
- Approximate Jurisdictional Boundary

SCALE: 1" = 600'

0 300 600

KS 2/15/2023

1

Drawn By:

Date:

Sheet:

N

Client: LVR Communities

Project: 44th Avenue, Phase 6

Location: Manatee County, Florida

TRS: 35S 19E 01,12; 35S 20E 5,6,7,8

Title: Proposed WOTUS Impact & Bald Eagle Nest Location Map

Source: Manatee County Imagery (2021)

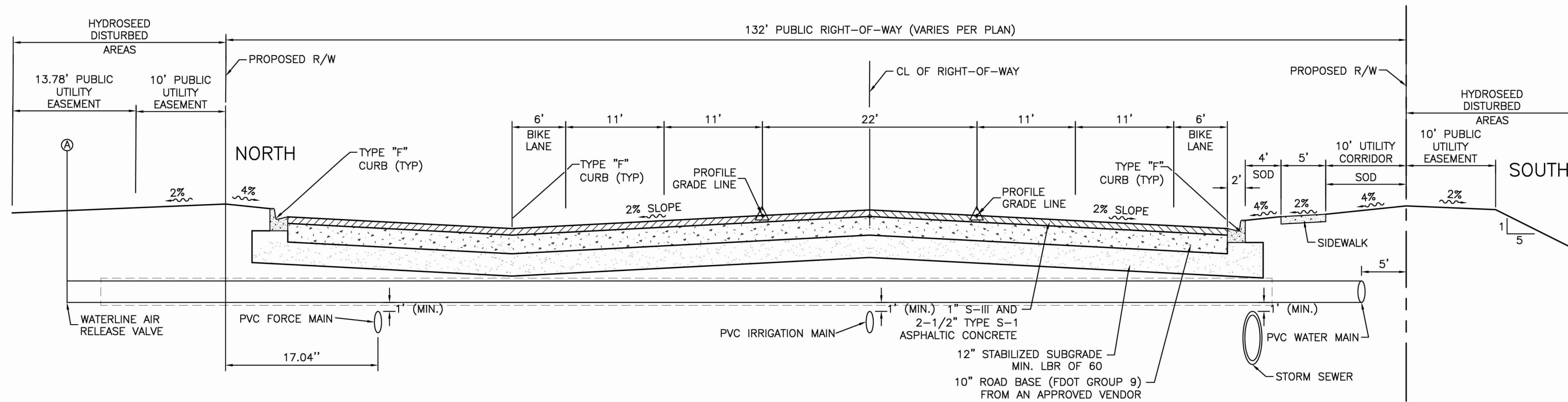
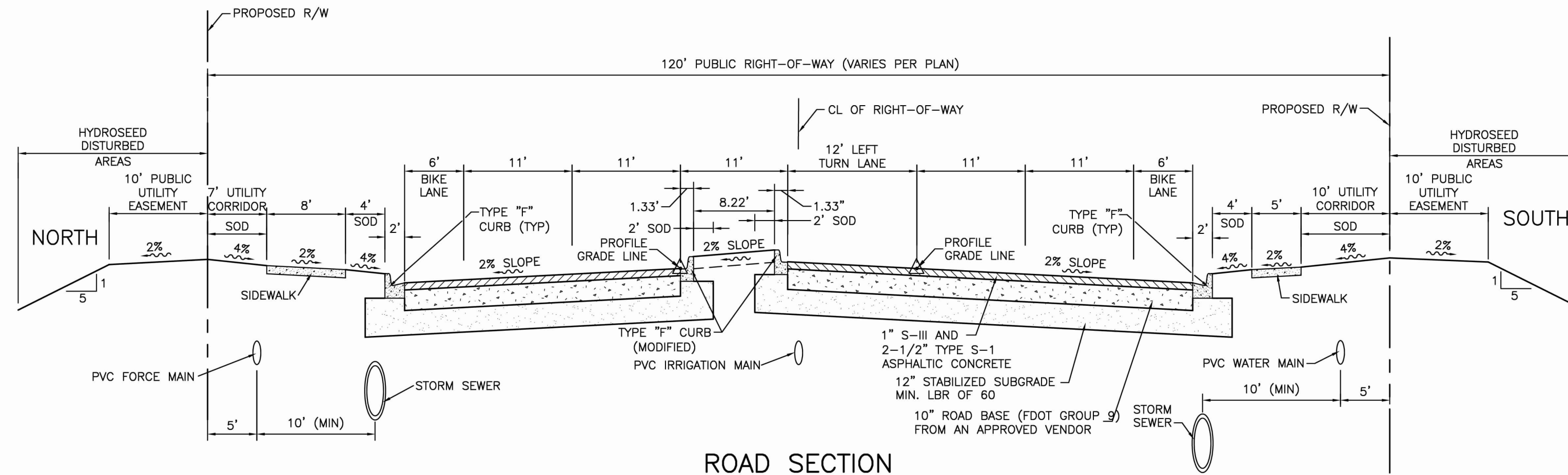
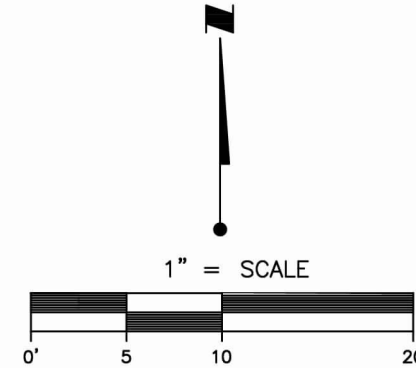
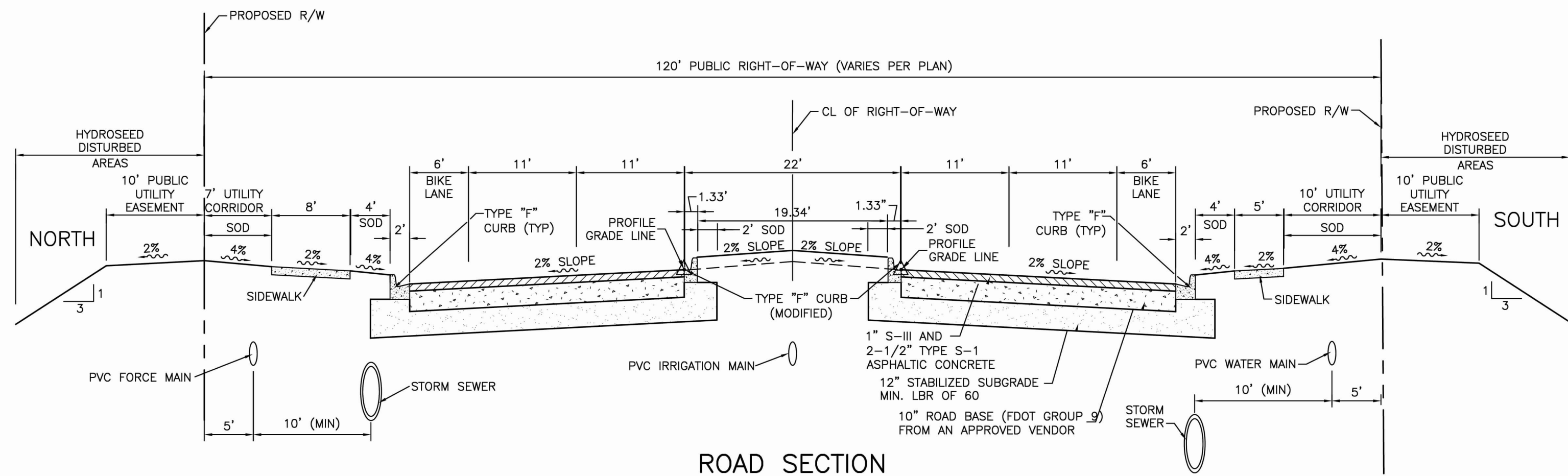
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1523 8th Ave W, Suite B

Palmetto, FL 34221





REV. NO.	REVISION	DATE	DRAWN BY / EMP. NO.	CHECKED BY / EMP. NO.	WM APPROVED BY:	ACTIVITY	INITIALS/EMP. NO.	DATE
						DESIGNED BY:	TW	03/2022
						DRAWN BY:	JN/109504	03/2022
						CHECKED BY:		
						CONTRACT ADMIN. BY:		



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CLIENT: LAKEWOOD RANCH STEWARDSHIP DISTRICT  
PROJECT: 44TH AVENUE EAST - PHASE VI

DATE: 03/2022  
HORIZONTAL SCALE: AS SHOWN  
VERTICAL SCALE:

TITLE: TYPICAL ROAD SECTIONS

CROSS REFERENCE FILE NO.:  
PROJECT NUMBER: 215615719

KEITH E. UTZELL, P.E.  
FLORIDA LICENSE NO. 63118  
INDEX NUMBER: 215615719-01C-301SC  
SHEET NUMBER: 34 OF 45