

PUBLIC NOTICE

US Army Corps of Engineers®

Applicant: Tony Mulkery City of Tampa, Parks and Recreation Published: April 11, 2025 Expires: May 2, 2025

Jacksonville District Permit Application No. SAJ-1999-04511 (SP-CPC)

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

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at <u>carissa.p.curlee@usace.army.mil</u>.

APPLICANT: Tony Mulkery City of Tampa, Parks and Recreation 3402 W Columbus Drive Tampa, FL 33607

AGENT: Neil Wood Sea Diversified Inc. 160 Congress Park Drive Suite 114 Delray Beach, FL 33445

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Hillsborough River. The project/review area is located at Rivercrest Park, 4802 N River Blvd., in 2 Section, 29 South Township, 18 East Range; at Latitude 27.988483 and Longitude -82.468861; in Tampa, Hillsborough County, Florida.

EXISTING CONDITIONS: Rivercrest Park is located on the banks of the Hillsborough River in Tampa Florida. It is an existing public park and has waterfront access for the community with existing amenities including: 360 lineal feet (LF) of concrete bulkheaded shoreline, 215 LF of timber bulkheaded shoreline, 515 LF of natural shoreline, four (4) timber fishing piers (recently removed), and 6-ft wide plastic floating dock. A total of 1,060 LF of shoreline is available for public water access. The aforementioned hardened shoreline maintains bulkhead returns sections on either side; 30-ft concrete return on the west side, and 35-ft timber return section on the east side.

On October 31, 2023, a resource survey was conducted and showed no submerged aquatic vegetation (SAV) was present in the proposed project footprint. The sediment composition was consistent throughout the project and consisted of soft sand with some rock and debris. Salinity ranged from 5 parts per thousand (ppt) to 15 ppt during the time of survey.

PROJECT PURPOSE:

Basic: Public recreation and water access

Overall: The purpose of the project is to improve recreational access and safety at a public park and to protect the shoreline from erosion.

PROPOSED WORK: The applicant requests authorization to make improvements to Rivercrest Park. The project includes:

- Repair / replacement of the existing seawall structures and adding rock revetment in front of the bulkheads for a total of 545 LF (2,775 square feet (SF)) requiring 580 Cubic yards (CY) of clean material below mean high water (MHW).
- Removing the original 6-ft by 45-ft timber pier and constructing an 8-ft wide by 50-ft long access platform. The northeast side of the platform will connect to a 12-ft by 35-ft floating kayak launch via a 5-ft by 24-ft aluminum gangway. No mooring signs will be installed on the floating dock. The floating dock will be held in place by four (4) 12-in square concrete pilings installed via impact hammer.
- On the south side of the access pier a fishing / observation platform (530 SF) will be constructed and supported by thirty-seven (37) 12-in timber pilings installed via impact hammer. The platform will be 20-ft by 20-ft with three (3) 3-ft by 10-ft extensions. A 12-ft by 12-ft covered shelter will be in the center of the platform.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Turbidity curtains will be utilized during all in-water activity as well as manatee spotters at all times of in-water work per manatee guidelines 2011.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: There is no essential fish habitat (EFH) or aquatic resources in the project foot.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing programspecific regulations and procedures along with 36 CFR Part 800. The Corps' programspecific 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 resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, 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, 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 in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1. IPAC Species		
Species Name (common (scientific))	Federal Status	
Crested caracara (Audubon''''s) [FL DPS] (Caracara plancus audubonii)	Threatened	
Eastern Black rail (Laterallus jamaicensis ssp. jamaicensis)	Threatened	
Eastern indigo snake (Drymarchon couperi)	Threatened	
Everglade snail kite (Rostrhamus sociabilis plumbeus)	Endangered	
Hawksbill sea turtle (Eretmochelys imbricata)	Endangered	
Monarch butterfly (Danaus plexippus)	Proposed Threatened	
Pygmy fringe-tree (Chionanthus pygmaeus)	Endangered	
Whooping crane (Grus americana)	Experimental Population, Non-Essential	

Table 1: IPAC Species that have potential to be in the project location.

<u>Potential ESA Species (No Effect)</u>: The species listed in table 1 have been identified to potentially be within the project area. The project is primarily in the water and below the MHWL and does not support suitable habitat for the listed ESA species. Based on the lack of suitable habitat for and the unlikely occurrence of the species listed in table 1 of the IPAC species listed, the Corps has determined that the project will have no effect on those species.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
West Indian Manatee	Trichechus manatus	Threatened

Wood Stork	Mycteria americana	Threatened

<u>West Indian Manatee proposed critical habitat (MANLAA)</u>: The proposed project area lies within what has been proposed as critical habitat. No essential features have been defined for such habitat. Use of the 2013 Manatee Key resulted in a determination resulted in the following determination (A>B>C>G>N>O>P#5 = MANLAA). Therefore, the Corps has determined the project may affect, not likely to adversely affect (MANLAA) the West Indian manatee and no further consultation with USFWS will be required.

<u>CENTRAL AND NORTH FL DOCKS Wood Stork (NLAA)</u>: The proposed activity is within the Core Foraging Area of several rookeries, the closest at 7.35 miles. The project supports marginal Suitable Foraging Habitat (SFH) for wood stork. Based on the Effect Determination Key for the Wood Stork in Central and North Florida (dated Sep 2008), the Corps determination sequence is as follows: A > B > C Not likely to adversely affect (NLAA). Per Key stipulation, no further consultation with USFWS is required.

This notice serves as request to the U.S. Fish and Wildlife Service 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). There is no EFH in the project footprint or the vicinity of the project. The project is also located outside the EFH reaches of National Oceanic and Atmospheric Administration (NOAA) Fisheries Gulf of Mexico and highly migratory species. 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: Based on coordination with SAJ Navigation Section the proposed structures meets the set-back guidelines and does not encroach into the Hillsborough River federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (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 may be required from the Florida Department of Environmental Protection (FDEP). The project is being reviewed under FDEP application no. 29-0449136-001-EI

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from FDEP. 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.

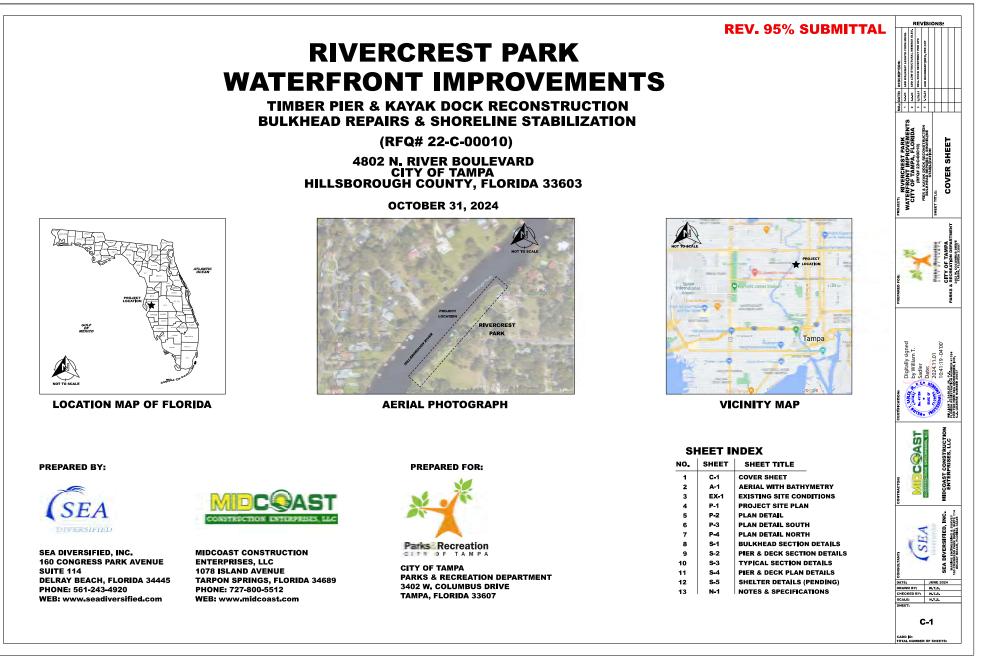
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

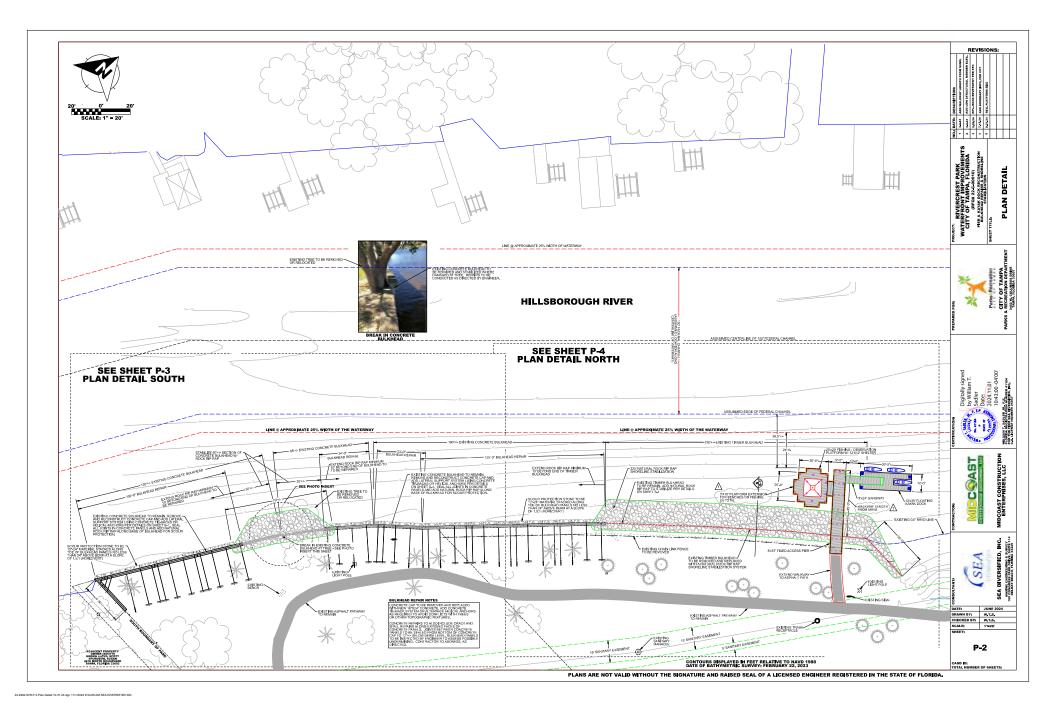
The Jacksonville District will receive written comments on the proposed work, as outlined above, until May 5, 2025. Comments should be submitted electronically via the

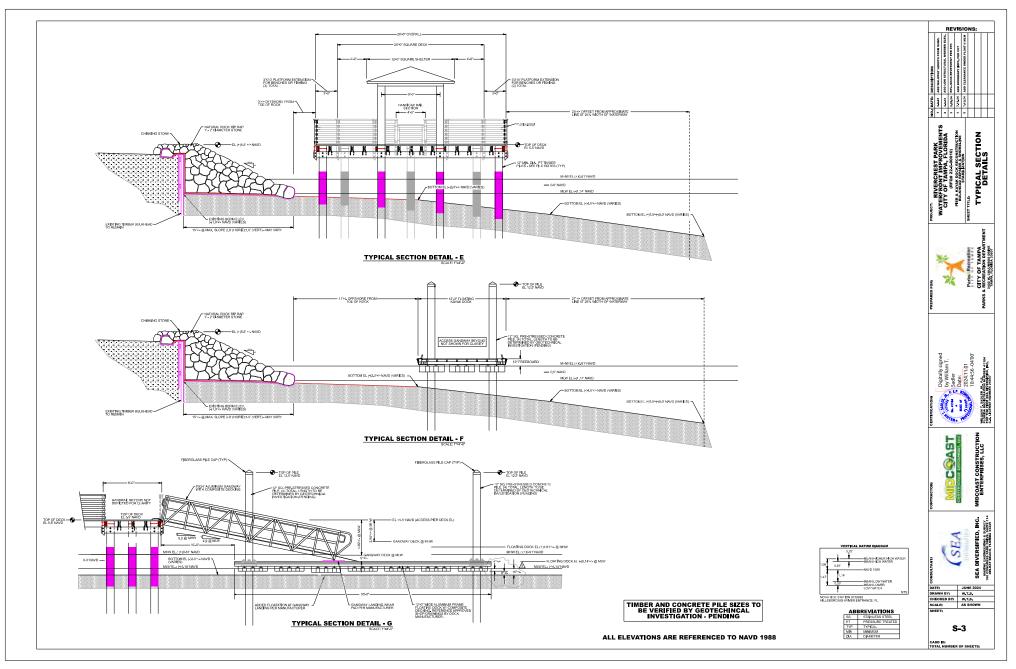
Regulatory Request System (RRS) at <u>https://rrs.usace.army.mil/rrs</u> or to Carissa Curlee at carissa.p.curlee@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Carissa Curlee, 10117 Princess Palm Ave., Suite 120, Tampa, FL 33610. 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.



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