



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Florida Department of
Transportation (FDOT), District 4
c/o Ruben Rodriguez

Published: April 29, 2025
Expires: May 29, 2025

**Jacksonville District
Permit Application No. SAJ-2024-04368(SP-HMM)**

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:

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 Heather.M.Mason@usace.army.mil.

APPLICANT: Florida Department of Transportation (FDOT), District 4
c/o Ruben Rodriguez
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

WATERWAY AND LOCATION: The project would affect aquatic resources associated with South Broward Drainage District (SBDD) Canal No. 1. The project site is located along State Road (SR) 817/University Drive, Sections 9, 10, 15, 16, 21, and 22, Township 51 South, Range 41 East; at latitude 26.01050° and longitude -80.24817°; in Pembroke Pines, Broward County, Florida.

EXISTING CONDITIONS: University Drive from Pembroke Road to south of Stirling Road consists of three lanes in each direction, discontinued 4-foot bicycle lanes, curb and gutter and 6-foot sidewalks throughout most of the corridor. From Hallandale Beach Boulevard to Sheridan Street, a canal runs parallel to University Drive on the East side. Segments of the project that are adjacent to the canal do not have sidewalks or designated bike lanes. The University Drive project study area consists primarily of residential and commercial developed land. The corridor also includes industrial land use such as an airport and sewage treatment plant. Adjacent and within the proposed area of improvement is the SBDD Canal No. 1. No natural areas exist within the project study area. Existing land uses in the project area were categorized using the Florida Land Use, Cover, and Forms Classification System (FLUCCS), and include the following: 1210 – fixed single family units, 1290 – medium density under construction, 1330 – multiple dwelling units, low rise, 1340 – multiple dwelling units, high rise, 1400 – commercial and services, 1411 – shopping centers, 1700 – institutional, 1900 – open land, 2100 – improved pastures, 5120 – channelized waterways and canals, 5300 –

reservoirs, 811 – airports, 8140 – roads and highways, 8320 – electrical power transmission lines, and 8340 – sewage treatment.

PROJECT PURPOSE:

Basic: Roadway safety improvements.

Overall: Improve safety for pedestrians and bicyclists by providing improved bicycle and pedestrian facilities along SR 817/University Parkway in Pembroke Pines, Broward County.

PROPOSED WORK: The applicant requests authorization to construct improvements including roadway resurfacing, restoration, and rehabilitation (RRR) as well as roadway widening to create a bike lane and a shared use path (SUP). The proposed project also includes drainage improvements. The proposed modifications are required to accommodate the roadway widening and include canal dredge and fill activities, gravity wall and sheet-pile construction, culvert and outfall extension, and canal bank stabilization by installing fabric form concrete rip rap. The project would include 7.75 acres/29,048.1 cubic yards of dredging and 3.40 acres/10,532.4 cubic yards of filling in non-wetland waters within the SBDD Canal No. 1.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The project was designed without impacts to special aquatic sites, including wetlands. The applicant proposes to follow the *Standard Manatee Conditions for In-Water Work* (2011); to construct manatee grates on outfalls; and to follow the *Standard Protection Measures for the Eastern Indigo Snake* (2024) during project construction. The applicant proposes to use best management practices (BMPs) for erosion and sedimentation control, including but not limited to use of silt fence and floating turbidity curtains.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: no impacts are proposed to special aquatic sites, including wetlands.

CULTURAL RESOURCES:

FDOT has assumed Federal Highway Administration (FHWA) responsibilities under the National Environmental Policy Act (NEPA) and is lead federal agency for review under Section 106 of the National Historic Preservation Act (NHPA) because the project is federally funded. FDOT determined 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. FDOT coordinated with the State Historic Preservation Office (SHPO) for the project, and SHPO provided concurrence with FDOT's findings on December 20, 2024.

ENDANGERED SPECIES: FDOT is lead federal agency for review under Section 7 of the Endangered Species Act (ESA) because the project is federally funded. FDOT performed a literature review and obtained a species list from the United States Fish and Wildlife Service (USFWS) through the Efficient Transportation Decision Making (ETDM) website. The following species may occur in the vicinity of the project area: Everglade snail kite (*Rostrhamus sociabilis plumbeus*), wood stork (*Mycteria americana*), Florida bonneted bat (*Eumops floridanus*), West Indian manatee (*Trichechus manatus*) and eastern indigo snake (*Drymarchon corais couperi*). There is no designated critical habitat within the project area. FDOT made the following effect determination for above species:

Everglade snail kite (*Rostrhamus sociabilis plumbeus*): The project falls within the USFWS consultation area for the Everglade snail kite. The Everglade snail kite is a medium sized bird of prey with a diet consisting of almost exclusively of freshwater apple snails (*Pomacea paludosa*). Snail kite habitat includes freshwater marshes and the shallow vegetated edges of lakes where apple snails occur. The proposed project is anticipated to impact freshwaters, (SBDD Canal No. 1), and exotic apple snails were observed during the field review on December 15, 2022. The snail kite population has begun to rebound due to the ability to consume these exotic snails. However, young snail kites have difficulty eating the larger exotic snails. Vegetation within the canal was mainly comprised of exotic plant species and no roosting or nesting habitat was observed. No individuals were observed during the field study. With foraging habitat present, but with the lack of roosting and nesting habitat combined with the level of urbanization in the project area, FDOT determined that the project may affect but is not likely to adversely affect the Everglade snail kite.

Wood stork (*Mycteria americana*): FDOT used the *Wood Stork Consultation Key* (2010) to determine that the project may affect but is not likely to adversely affect the wood stork (key sequence: A >B > NLAA).

Florida bonneted bat (*Eumops floridanus*): The project is within the USFWS consultation area as well as the Urban Bat Boundary for the Florida bonneted bat. The Urban Bat Boundary is part of the Consultation Area, but it is excluded from the bat consultation key because Florida bonneted bats use this area differently (roosting largely in artificial structures), and small natural foraging areas are expected to be important. The bonneted bat will forage over freshwater, freshwater wetlands (permanent or seasonal), wetland and upland forests, wetland and upland shrub and agricultural land as well as small patches of natural habitat and open areas in urban settings (i.e., golf courses or parking lots). The SBDD Canal No. 1 that is proposed to be impacted by the construction of the shared use path, is a freshwater canal that may provide foraging habitat for this species. Suitable roosting habitat is critical for the survival and fecundity of this species. Roosting habitat includes artificial structures (i.e., buildings and utility poles) in urban areas, natural crevices (i.e., limestone crevices) and tall mature trees with structural features for breeding and sheltering such as cavities, hollows, crevices, loose bark, tree snags, deformities, and palm fronds. Due to proposed impacts to landscaped trees along the edges of the project area, a limited

roost Florida bonneted bat survey was completed on December 15, 2022. Based on the scope of work, there will be impacts to approximately nine trees that may be potential suitable roosting habitat. However, no crevices, snags or cavities were observed at a height of 16 feet or higher, and no individuals or presence of bats (i.e. guano) was observed. Therefore, due to the low number of tree removals, and lack of suitable roosting features such as tree cavities, FDOT determined that the proposed project may affect but is not likely to adversely affect the Florida bonneted bat.

West Indian manatee (*Trichechus manatus*): FDOT used the Manatee Effect Determination Key (2013) to make the determination that the project may affect but is not likely to adversely affect the West Indian manatee (key sequence: A > B > C > G > N > O > P > MANLAA).

Eastern indigo snake (*Drymarchon corais couperi*): FDOT used the Programmatic Effect Determination Key for the Eastern Indigo Snake (2017) to make the determination that the project may affect but is not likely to adversely affect the eastern indigo snake (key sequence: A > B > C > D > E > MANLAA).

USFWS provided concurrence with FDOT's findings by sticker service dated January 18, 2024.

ESSENTIAL FISH HABITAT (EFH): FDOT is the lead agency for EFH review because the project is federally funded. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, FDOT reviewed the project area and consulted available species information. FDOT determined that the project would have no effect on EFH because the project is in an inland, freshwater system and there is no EFH in the project area. 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 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 (WQC): WQC is required from the South Florida Water Management District (SFWMD), and was granted in SFWMD permit number 06-111347-P issued on March 28, 2025.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from SFWMD and was granted in SFWMD permit number 06-111347-P issued on March 28, 2025. 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 29, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Heather Mason at Heather.M.Mason@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Heather Mason, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407. 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.

