



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Nicole Monies
Florida Department of Transportation

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**Jacksonville District
Permit Application No. SAJ-2024-01105**

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 veronica.c.beech@usace.army.mil

APPLICANT: Nicole Monies
Florida Department of Transportation
801 N. Broadway Avenue
Bartow, Florida 33830

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Caloosahatchee River. The project site is located along State Road (SR)-31 from Palm Beach Boulevard (SR-80) to Bayshore Road (SR 78); at latitude 26.708956° and longitude -81.760281°; Lee County, Florida.

EXISTING CONDITIONS: The project area is predominately existing transportation surrounded by undeveloped lands containing a mixture of wetlands, open water (associated with the Caloosahatchee River and canals), upland shrub and brush land, and unimproved pastures. Commercial development and residential housing are primarily located near the SR-31 and SR-80 (Palm Beach Blvd.) intersection. The U.S. Fish and Wildlife Service National Wetland Inventory Wetlands Mapper identifies the Caloosahatchee River as Estuarine and Marine Deepwater habitat (E1UBL – estuarine, subtidal, unconsolidated bottom).

A. Uplands

1. Medium Density, Fixed Single Family Units (FLUCFCS 1210) – 0.30 acres
Fixed homes with two to five dwellings per acre located at the eastern end of Palm Beach Blvd.

2. Commercial and Services (FLUCFCS 1400) – 2.70 acres

Commercial businesses located at the intersection of SR-31 and Palm Beach Blvd.

3. Golf Course (FLUCFCS 1820) – 0.75 acres
Verandah Golf Club is located at the southeast end of Palm Beach Blvd.

4. Marinas and Fish Camps (FLUCFCS 1840) – 0.14 acres
Sweetwater Landing Marina located on the western side of SR-31 adjacent to the Caloosahatchee River.

5. Open Land (FLUCFCS 1900) – 3.79 acres
Disturbed lands without street patterns and structures located along Palm Beach Blvd.

6. Improved Pastures (FLUCFCS 2110) – 5.49 acres
Cleared land with stands of tree and brush located on the northern portion of the project area, north of the bridge.

7. Herbaceous (Dry Prairie) (FLUCFCS 3100) – 0.25 acres
Upland grasslands located to the north of Palm Beach Blvd and west of SR31.

8. Upland Shrub and Brushland (FLUCFCS 3200) – 29.20 acres
Shrub lands distributed throughout the project area.

9. Upland Hardwood Forests (FLUCFCS 4200) – 4.08 acres
Hardwood upland forest located along the eastern side of SR-31.

10. Disturbed (FLUCFCS 7400) – 4.02 acres
Vacant land adjacent to commercial development by the intersection of SR-31 and Palm Beach Blvd.

11. Roads and Highways (FLUCFCS 8140) – 16.01 acres
SR-31 and Palm Beach Blvd.

12. Electrical Power Transmission Lines (FLUCFCS 8320) – 0.13 acres
Electric supply transmission corridor that transects Palm Beach Blvd.

B. Wetlands

1. Natural River, Stream, Waterway (FLUCFCS 5110) – 6.79 acres
Canals, ditches, and the Caloosahatchee River.

2. Channelized Waterways, Canals (FLUCFCS 5120) – 0.49 acres
Constructed stormwater ponds, floodplain compensation areas, or other man-made water features located near the marina on the northern end of SR-31.

3. Mangrove Swamps (FLUCFCS 6120) – 1.50 acres
Wetlands dominated by mangroves adjacent to the Caloosahatchee River.

4. Mixed Wetland Hardwoods (FLUCFCS 6170) – 6.09 acres
Mixed tree and shrub wetlands located along the east and west side of SR-31. This is the most dominant wetland type in the project area.

PROJECT PURPOSE:

Basic: The basic project purpose is roadway improvement.

Overall: The overall purpose is to upgrade a section of the SR-31 corridor in Lee County, including the section along the Wilson Piggot Bridge and the crossing at SR 80, to improve traffic flow, safety, emergency response and regional roadway connections.

PROPOSED WORK: The applicant requests authorization to widen and reconstruct a section of SR-31 from a two-lane rural roadway to a six-lane urban roadway. The work would include the construction of a flyover at SR-80, raising the roadways above the 100-year floodplain and shifting a segment of the SR-31 alignment to minimize utility conflicts. The proposed construction would result in direct impacts to 25.79 acres of wetlands and 0.77 acres of non-wetland waters associated with fill. Secondary impacts to 4.20 acres of jurisdictional wetlands would also occur. The realignment of the Wilson Piggot Bridge is being reviewed by the U.S. Coast Guard pursuant Memorandum of Understanding between the U.S. Coast Guard and the U.S. Army Corps of Engineers (signed January 19, 2023)

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 proposed project was designed to minimize impacts to wetlands and surface waters to the greatest extent practicable while keeping in mind the existing alignment, location constraints, agency regulations, and project objectives. During the projects Planning, Development and Environmental (PD&E) Study, potentially roadway alignments and bridge alternatives were evaluated for potential impacts to natural resources and the regional population. Specific avoidance measures implemented include using an optimized alignment east of the existing bridge to avoid the dense mangrove swamp located northwest of the bridge and selecting a pond site that avoids excessive direct impacts to high quality wetlands and other surface waters. Specific minimization measures include using the existing SR-31 roadway right-of-way for the majority of the widening, limiting most of the wetland impacts to previously disturbed areas, and implementing Best Management Practices (BMPs) during all construction activities. These measures would minimize water quality impacts, such as erosion and turbidity within wetlands and surface waters adjacent to construction activities. Temporary impacts would be minimized utilizing BMPs, maintaining an erosion and sediment control plan (ESCP), developing a Stormwater Runoff Control Concept (SRCC), and implementing FDOT design standards.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: According to the South Florida Water Management District (SFWMD), the project area falls within the Tidal Caloosahatchee Cumulative Impact Basin (TCB). The proposed project would result in 25.79 acres of direct wetland impacts, 4.20 acres of secondary wetland impacts, and 1.14 acres of direct non-wetland impacts (0.77 from filling and 0.37 from pier foundations). A UMAM analysis and the Little Pine Island Functional Assessment was completed and identified a functional loss of 12.78 units for direct wetland impacts and a functional loss of 0.48 units for secondary wetland impacts. The balance of the loss of wetland functions (13.25 credits) would be mitigated through the purchase of Little Pine Island Mitigation Bank (LPIMB) freshwater forested (6.75), freshwater herbaceous (5.24) and saltwater forested (1.26) wetland credits.

CULTURAL RESOURCES:

FDOT is the lead agency for this coordination pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding (dated May 26, 2022) executed by the Federal Highway Administration and FDOT. During the PD&E study, a Cultural Resources Assessment Survey (CRAS) was completed. The area of potential effects (APE), was established in accordance with 36 CFR 800.16(d) and defined as the footprint of the existing and proposed right-of-way, including the proposed pond, outfalls, and small areas where improvements extended outside of the proposed right-of-way. Based on the CRAS, all newly identified historic resources were determined to be ineligible for listing on the National Register of Historic Places. In addition, FDOT determined that the project would have no adverse effects on the Caloosahatchee River Canal, which would remain eligible for inclusion in the National Register due to importance to the Everglades. Historic properties are present within the APE; however, the undertaking will have no adverse effect on these historic properties. The State Historic Preservation Office (SHPO) concurred with these findings on June 26, 2023.

The District Engineer's final eligibility and effect determination will be based upon coordination with Tribal Historic Preservation Officer (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: FDOT initiated informal consultation with USFWS through review of the Natural Resources Evaluation (NRE) on November 21, 2023, for the potential impacts to federally protected species. The FDOT determined that the proposed project is not likely to adversely affect any federally listed or designated critical habitat protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et. seq.). USFWS concurred with this determination on November 30, 2023. Section 7 formal consultation is currently ongoing with the National Marine Fisheries Service and a Biological Opinion would be prepared to address impacts to the smalltooth sawfish critical habitat. The project would occur within critical habitat for the West Indian manatee (*Trichechus manatus*) and smalltooth sawfish (*Pristis pectinata*).

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

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Aboriginal Prickly-apple	<i>Harrisia aboriginum</i>	Endangered
American crocodile	<i>Crocodylus acutus</i>	Threatened
Beautiful pawpaw	<i>Deeringothamnus pulchellu</i>	Endangered
Crested caracara	<i>Caracara plancus audubonii</i>	Threatened
Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened
Everglade snail kite	<i>Rostrhamus sociabilis plumbeus</i>	Endangered
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered
Florida Panther	<i>Puma concolor coryi</i>	Endangered
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Gulf sturgeon	<i>Acipenser oxyrinchu</i>	Threatened
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered
Miami Blue Butterfly	<i>Cyclargus thomasi bethunebakeri</i>	Endangered
Smalltooth sawfish- Critical Habitat	<i>Pristis pectinata</i>	Endangered
Red-cockaded woodpecker	<i>Picoides borealis</i>	Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
West Indian manatee- Critical Habitat	<i>Trichechus manatus</i>	Threatened
Wood Stork	<i>Mycteria americana</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. FDOT is the lead Federal agency for ESA consultation for the proposed action and will complete any required consultations.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries 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 FDOT reviewed the project area, examined information provided by the applicant, and consulted available species information.

FDOT has proposed to purchase 1.26 saltwater forested credits from the Little Pine Island Mitigation Bank to offset impacts to 1.77 acres of mangroves that are considered Essential Fish Habitat (EFH). Based on these commitments, National Marine Fisheries Service has provided concurrence regarding EFH and confirmed that the consultation procedures outlined in 50 CFR Section 600.920, under the Magnuson-Stevens Fishery Conservation and Management Act, have been satisfied. Therefore, no additional EFH consultation would be required for this action

NAVIGATION: Based on coordination with the United States Coast Guard (USCG), a navigational survey will not be required for the proposed replacement of Wilson Pigott Bridge; however, a bridge permit will be required and is currently under review by the USCG. In coordination with the USCG, the Corps Civil Works would also review the proposed work in the Okeechobee Waterway-Caloosahatchee River.

SECTION 408: The applicant will 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 alter, occupy, or use the Okeechobee Waterway-Caloosahatchee River, which is a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the South Florida Water Management District (SFWMD). The project is currently being reviewed under South Florida Water Management District Environmental Resource Permit application number: 240417-43385.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from SFWMD. 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. 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 30, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Veronica Beech at veronica.c.beech@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Veronica Beech, 415 Richard Jackson Panama City, FL 32405. 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.

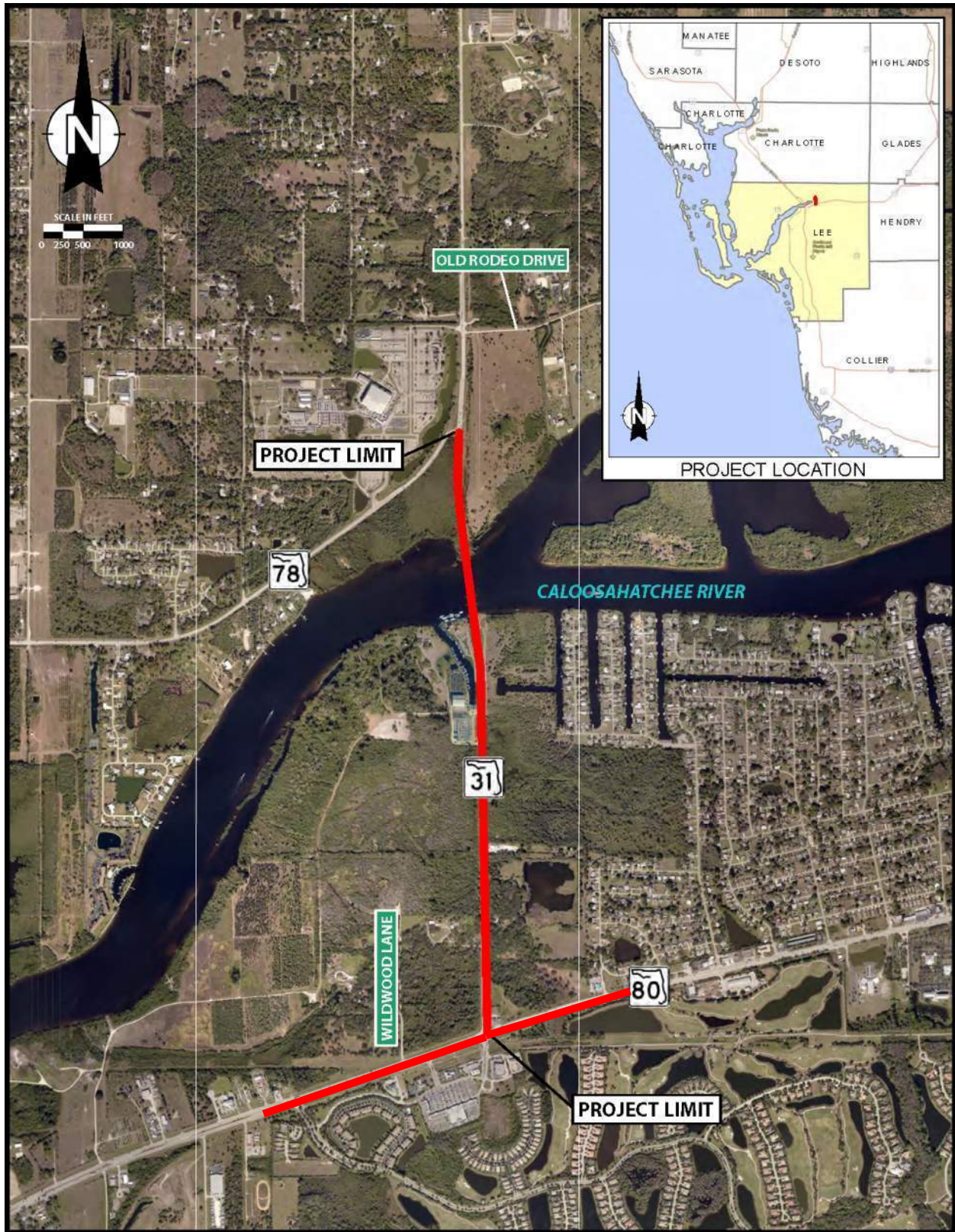


Figure 1 – Project Location Map