



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Apiary Partners, LLC

Published: May 5, 2025  
Expires: June 6, 2025

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**Jacksonville District  
Permit Application No. SAJ-2024-04286**

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/or** 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:

**APPLICANT:** Sharon Habiger  
Apiary Partners, LLC  
1990 Main Street, #750  
Sarasota, Florida 35236

**AGENT:** Ryan Deibler  
GreenSource Environmental Professionals, Inc.  
15315 Indian Head Drive  
Tampa, Florida 33618

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Catfish Creek. The project/review area is located north of Boca Creek Road and west of N Boca Creek Avenue in Placida, Florida. More specifically, the proposed project is located in Section 4, Township 19 South, Range 25 East, Latitude: 28.863810°, Longitude -81.823595° in Charlotte County, Florida.

**PROSPECTUS SUMMARY:** Pursuant to 33 CFR 332.8(d)(4), the Corps has posted a full copy of the BOCMB prospectus online so that it is available for review by the public. The prospectus may be downloaded from the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at web address:  
<https://ribits.ops.usace.army.mil/ords/f?p=107:2>.

Once on the RIBITS homepage, select "Jacksonville" from the "ALL DISTRICTS" drop down menu located in the lower left corner of the screen. Once the district filter has been selected, click on the "Banks & ILF Sites" link located in the Navigation box (upper left corner). This will generate a list of projects, scroll down the list and click on the "Boca Creek MB" link. On this page, click on the "Cyber Repository" link located on the menu bar above the General Information box, then click on the Prospectus Documents folder to access the prospectus associated with the BOCMB project.

If you are unable to access the web address, a copy of the prospectus is available upon request to the project manager listed at the end of this public notice.

**PROJECT GOALS AND OBJECTIVES:** The sponsor seeks authorization to preserve, rehabilitate, re-establish, and establish native forested and emergent estuarine wetland and upland buffer habitats on the 144.61-acre property. The primary ecological goal of the BOCMB is to rehabilitate native forested and emergent estuarine wetland and upland buffer habitats through the cessation of all agricultural and silvicultural activities; re-establishment of forested wetlands through the regrading of highly disturbed (currently) upland habitat (old road bed); rehabilitation of forested and emergent estuarine wetlands and upland buffer habitats through invasive exotic vegetation removal, treatment, and management; rehabilitation of forested and emergent estuarine wetlands and upland buffer habitats through herbaceous and shrub planting; and the restoration of natural hydroperiod and natural community structure to all habitats on BOCMB, increasing the representativeness of native coastal pine flatwoods habitats within the Charlotte Harbor and Sarasota Bay watersheds. Credit classifications for the mitigation bank include estuarine forested and estuarine emergent mitigation credits. Specific objectives include:

- Rehabilitation of natural hydrology and community structure to 86.78 acres of mangrove forest (FLCCS 5250C Mangrove – Cleared; FLCCS 5250D Mangrove – Ditch; FLCCS 5250EX Mangrove – Exotic; FLCCS 5250EXR Red Mangrove – Exotic; FLCCS 5250F Mangrove – Fill; FLCCS 5250P Mangrove – Pond) communities through cessation of agricultural activities, removal of invasive exotic vegetation, backfilling of ditches, removal of fill, and seeding and planting native forested mangrove species, which will result in 86.78 acres of mangrove forest (FNAI).
- Re-establishment of natural hydrology and community structure to 1.20 acres of mangrove forest (FLCCS 5250U Mangrove – Upland) communities through cessation of agricultural activities, removal of invasive exotic vegetation, removal of fill, and seeding and planting native forested mangrove species, which will result in 1.20 acres of mangrove forest (FNAI).
- Establishment of natural hydrology and community structure to 34.45 acres of mangrove forest (FLCCS 1311CE5250 Pine Flatwoods – Cleared – Establish – Mangrove) communities through cessation of agricultural activities, removal of invasive exotic vegetation, removal of fill, regrading elevation to match adjacent natural elevations, and seeding and planting native forested mangrove species, which will result in 34.45 acres of mangrove forest (FNAI).
- Rehabilitation of natural hydrology and community structure to 15.26 acres of saltwater marsh (FLCCS 5240EX Saltwater Marsh – Exotic) communities through cessation of agricultural and silvicultural activities, backfilling adjacent ditches to natural grade, removal of invasive exotic and nuisance vegetation, thinning of inappropriate shrub and tree species, and seeding and planting native

saltwater marsh species, which will result in 15.26 acres of saltwater marsh (FNAI).

- Rehabilitation of natural community structure to 3.26 acres of altered coastal wet flatwoods (2221EX Wet Flatwoods – Exotic) community through cessation of agricultural and silvicultural activities, removal of invasive exotic and nuisance vegetation, and thinning of inappropriate shrub and tree species, which will result in 3.26 acres of coastal wet flatwoods habitat (FNAI).
- Rehabilitation of natural community structure to 3.65 acres of altered coastal pine flatwoods (1311CEX Pine Flatwoods – Cleared & Exotic) community through cessation of agricultural and silvicultural activities, removal of invasive exotic and nuisance vegetation, and thinning of inappropriate shrub and tree species, which will result in 3.26 acres of coastal pine flatwoods habitat (FNAI).
- Preservation of 144.61 acres of forested and emergent estuarine wetland habitats and associated upland buffers through the establishment of a conservation easement.

**ECOLOGICAL SUITABILITY:** A review of available information indicates that the property likely historically consisted of forested tidal estuarine wetlands with adjacent coastal upland pine flatwoods habitats. Hydrologic alterations include the installation of roads and ditches to drain the wetlands, for silviculture/agricultural activities including logging and cattle. The historical aerial imagery provided demonstrates that the wetlands on-site were impacted through excavated ditches, installation of roads, and by silvicultural/agricultural activity. The site is currently fallow and consists of forested tidal estuarine wetlands with adjacent coastal upland pine flatwoods habitats with significant nuisance and exotic vegetation.

**ESTABLISHMENT AND OPERATION OF THE BANK:** The proposed BOCMB would be established and operated by Apiary Partners, LLC as the Sponsor with the assistance of GreenSource Environmental Professionals, Inc, as the Agent. The property that comprises the BOCMB is owned by Apiary Partners, LLC. A conservation easement in favor of Southwest Florida Water Management District would be applied to the entirety of the 144.61-acres of BOCMB upon approval. Following BOCMB successful implementation and attainment of final success criteria, long-term management activities will be implemented to ensure the sustainability of BOCMB. In addition, the Sponsor will provide sufficient financial assurances to ensure construction and long-term management of the proposed BOCMB.

**PROPOSED SERVICE AREA:** The proposed service area is the Sarasota Bay Watershed, Hydrologic Unit Code: 03100201 and the Charlotte Harbor Watershed, Hydrologic Unit Code: 03100103.

**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 is proposed for the establishment of a third-party wetland mitigation bank and the sponsor indicates no permanent impacts to wetlands. Restoration techniques include cessation of agricultural/silvicultural activities, removal of invasive exotic vegetation, backfilling of ditches, removal of fill, regrading elevation to match adjacent natural elevations, thinning of inappropriate shrub and tree species, and seeding and planting native forested mangrove species and saltwater marsh species.

**COMPENSATORY MITIGATION:** The proposed project is to establish a third-party compensatory mitigation bank, where the Sponsor is proposing to restore wetlands and uplands, and therefore compensatory mitigation for proposed restoration activities is not proposed.

**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:

The Corps will be requesting that a cultural resources assessment survey (CRAS) be conducted by an archeologist that meets the Secretary of the Interior's Qualification Standards to identify and evaluate cultural resources within the project area. A report documenting the CRAS field work and results, in accordance with 36 CFR § 800.4(b)(1) and with Chapter 1A-46 Florida Administrative Code, must be submitted to the Corps project manager for this application, in the form of one electronic copy. A bound copy must be sent to the Florida SHPO. The Secretary of the Interior's Standards and Guidelines on Archeological Documentation can provide technical guidance pertinent to the development of the Report. Upon receipt of the Report, the Corps will initiate consultation with the appropriate entities which may include the Florida State Historic Preservation Office, federally recognized tribes, and concerned non-governmental organizations for cultural resource issues.

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 Corps National Regulatory Viewer, Regulatory Screen Tool and U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) SERO Section 7 Mapper, and the NMFS Critical Habitat Mapper 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>
Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered
Wood stork	<i>Mycteria americana</i>	Threatened

The Corps has determined that the proposed BOCMB may affect but is not likely to adversely affect the Eastern indigo snake (*Drymarchon couperi*), Florida Bonneted Bat (*Eumops floridanus*), and Wood Stork (*Mycteria americana*).

Based on the Eastern Indigo Snake Effect Determination Key within the South Florida Ecological Service's Office (SFESO) jurisdiction (dated August 1, 2017), the Corps determination sequence is as follows: A > B > C > D > E = Not Likely to Adversely Affect (NLAA). The Corps has U.S. Fish and Wildlife Service (FWS) concurrence for the proposed activities through use of the aforementioned determination key.

Based on the Florida Bonneted Bat (FBB) Consultation Guidelines (2024 Revision), the Corps determination sequence is as follows: 1b. > 2a. > 3b. = NLAA with required best management practices (BMPs) for Land Management Activities. The Corps has FWS concurrence for the proposed activities through use of the aforementioned FBB Consultation Guidelines.

Based on the Effect Determination Key for the Wood Stork in South Peninsular Florida (dated May 2010), the Corps determination sequence is as follows: A > B > C > D > E = NLAA. The Corps has U.S. Fish and Wildlife Service (FWS) concurrence for the proposed activities through use of the aforementioned determination key.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by Corps.

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 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). Given the information available on the NOAA-SERO EFH Mapper, this location does not appear to be a location of concern, the Corps believes this activity will have no effect on EFH. 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 may be required from the Southwest Florida Water Management District.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from Southwest Florida Water Management District 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

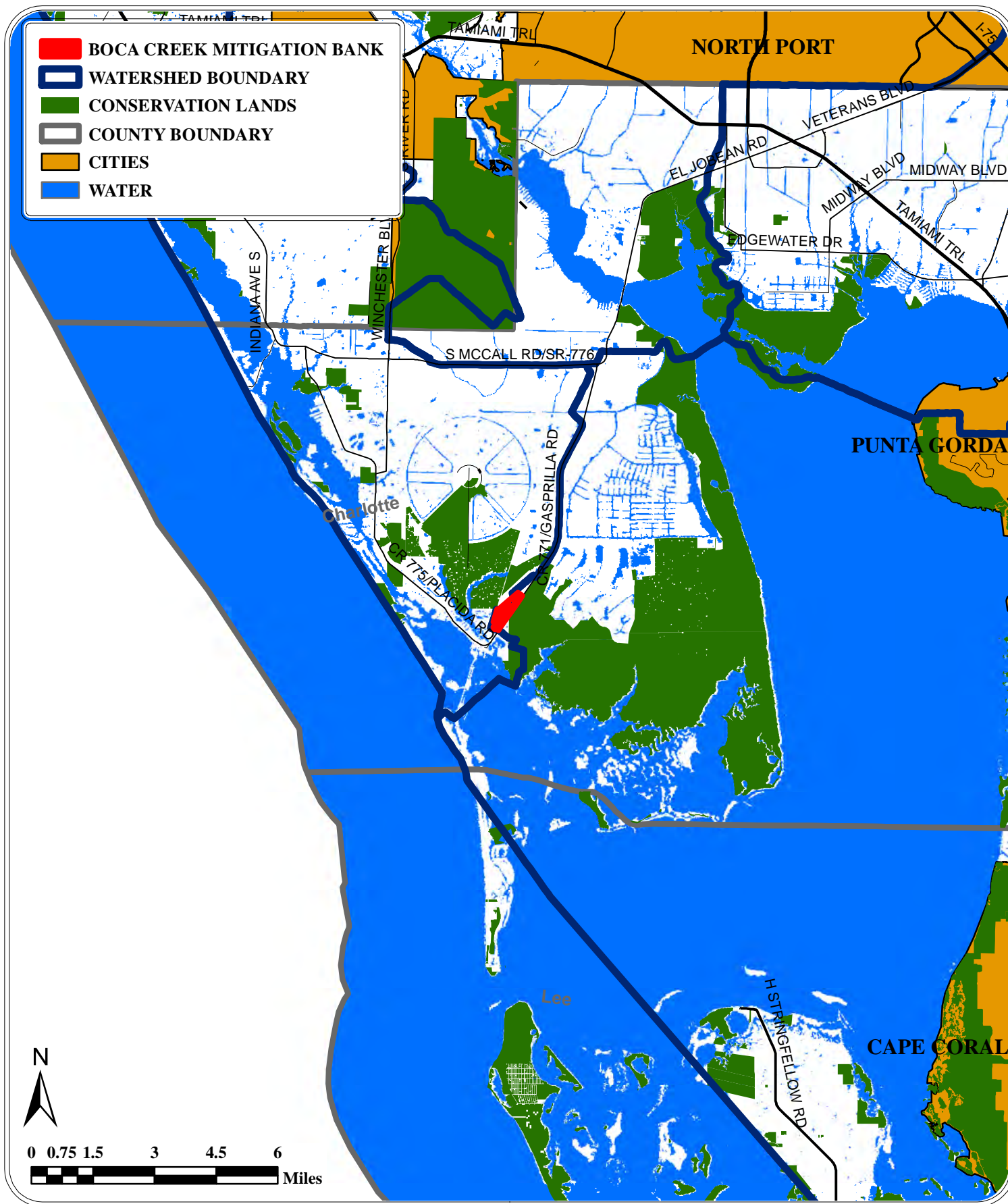
activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. 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 June 6, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ryan Hendren at [Ryan.G.Hendren@usace.army.mil](mailto:Ryan.G.Hendren@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Ryan Hendren, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610-8302. 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.





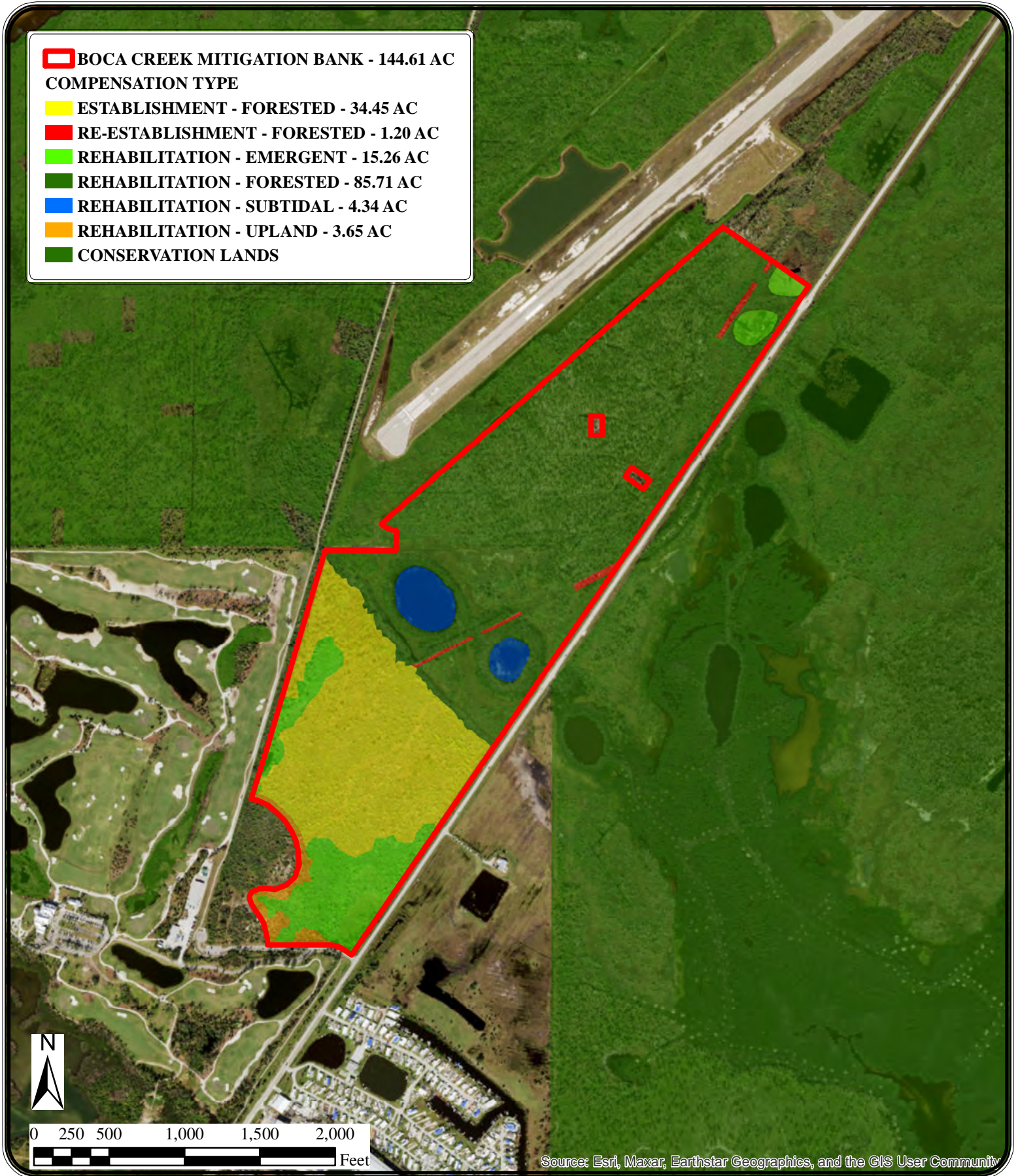
DATE: MARCH 31, 2025  
PROJECT NUMBER: 375-1  
SOURCE: GREENSOURCE

### FIGURE 1: LOCATION MAP

BOCA CREEK MITIGATION BANK

15315 Indian Head Drive  
Tampa, FL 33629  
813-767-2035  
[www.GreenSourceEP.com](http://www.GreenSourceEP.com)





DATE: MARCH 31, 2025  
 PROJECT NUMBER: 375-1  
 SOURCES: GREENSOURCE

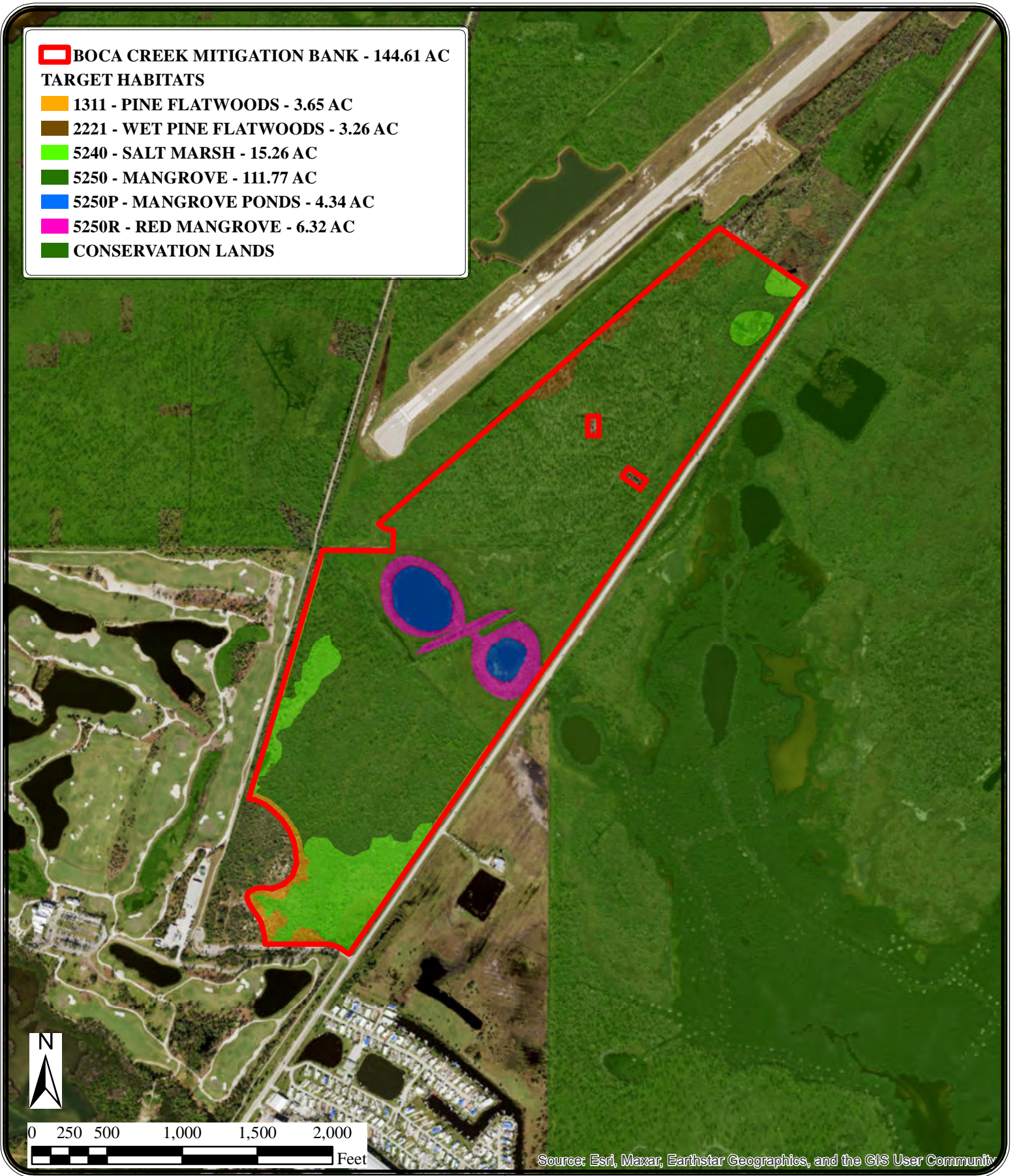
# FIGURE 4: COMPENSATION TYPE

BOCA CREEK MITIGATION BANK



15315 Indian Head Drive  
 Tampa, FL 33618  
 813-767-2035  
[www.GreenSourceEP.com](http://www.GreenSourceEP.com)





DATE: MARCH 31, 2025  
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**FIGURE 5:  
TARGET HABITAT**

BOCA CREEK MITIGATION BANK



15315 Indian Head Drive  
Tampa, FL 33618  
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[www.GreenSourceEP.com](http://www.GreenSourceEP.com)



 BOCA CREEK MITIGATION BANK - 144.61 AC

**BASELINE HABITATS**

1311C - PINE FLATWOODS - CLEARED - 34.45 AC

 1311CEX - PINE FLATWOODS - CLEARED & EXOTIC - 3.65 AC

 2221EX - WET PINE FLATWOODS - EXOTIC - 3.26 AC

 5240EX - SALT MARSH - EXOTIC - 15.26 AC

 5250C - MANGROVE - CLEARED - 17.37 AC

 5250D - MANGROVE - DITCH - 5.41 AC

 5250EX - MANGROVE - EXOTIC - 52.63 AC

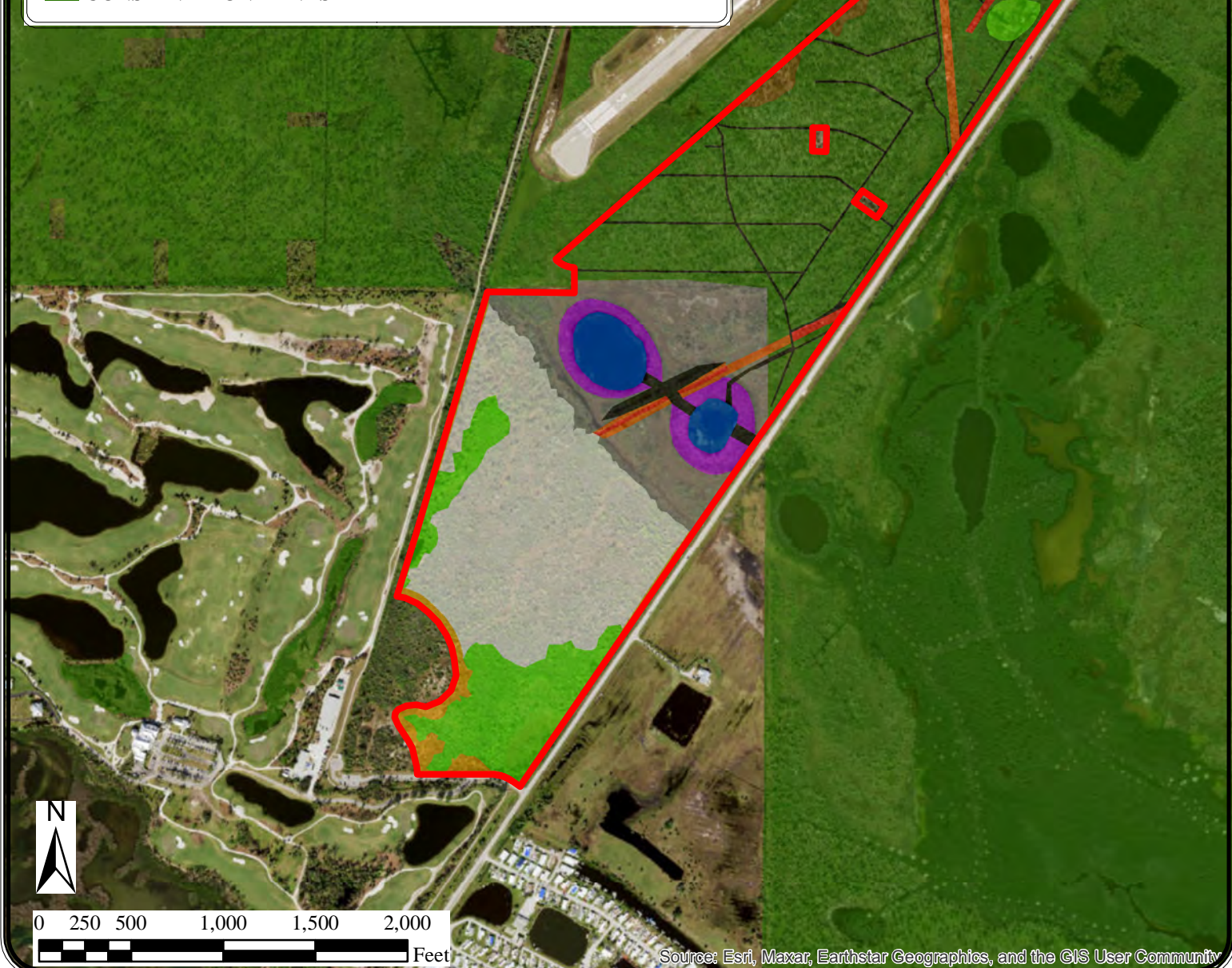
 5250EXR - RED MANGROVE - EXOTIC - 4.71 AC

 5250F - MANGROVE - FILL - 2.32 AC

 5250P - MANGROVE - POND - 4.34 AC

 5250U - MANGROVE - UPLAND - 1.20 AC

 CONSERVATION LANDS



DATE: MARCH 31, 2025  
PROJECT NUMBER: 375-1  
SOURCES: GREENSOURCE

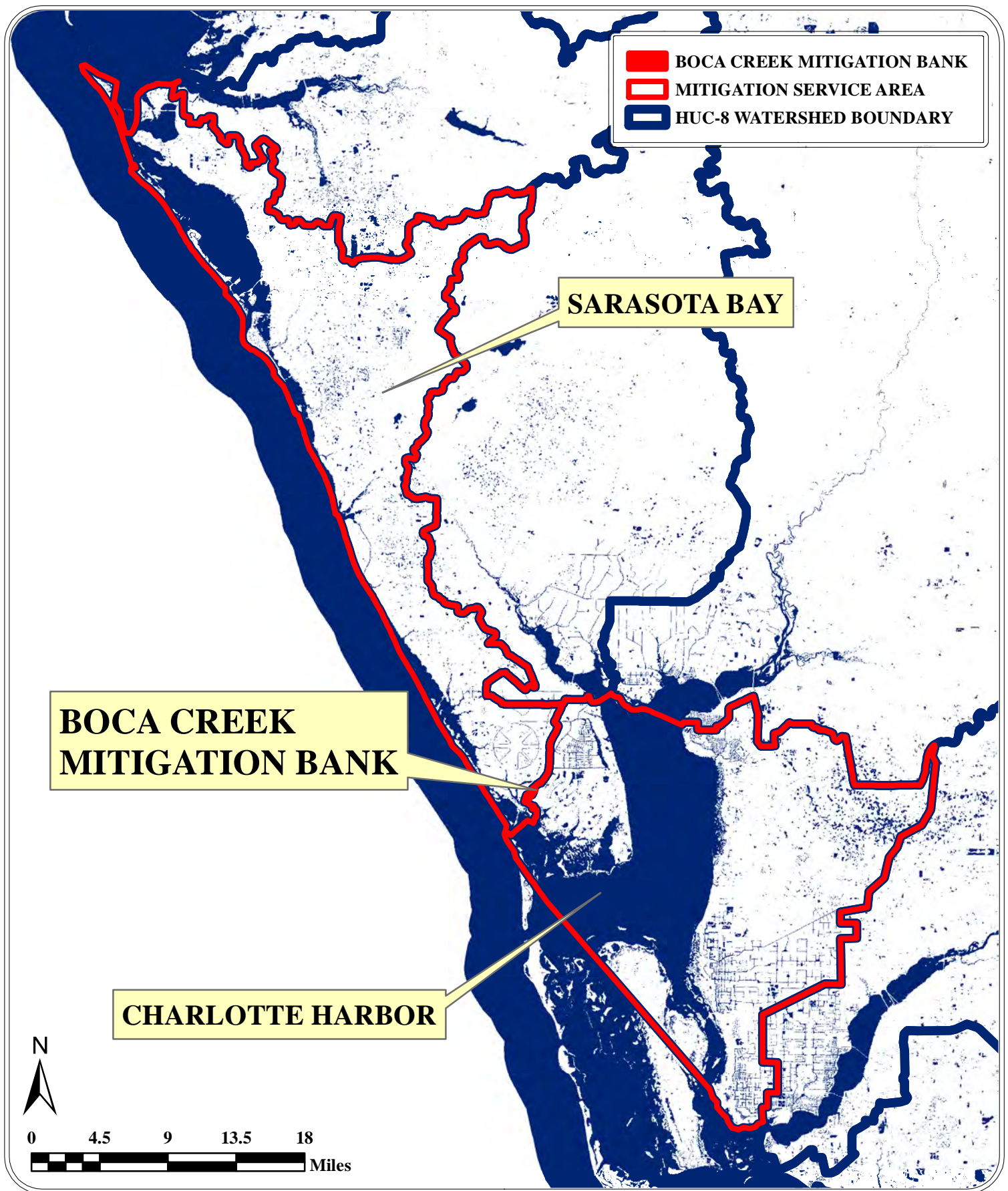
**FIGURE 11:  
BASELINE HABITATS**

BOCA CREEK MITIGATION BANK



15315 Indian Head Drive  
Tampa, FL 33618  
813-767-2035  
[www.GreenSourceEP.com](http://www.GreenSourceEP.com)





DATE: APRIL 1, 2025  
PROJECT NUMBER: 375-1  
SOURCE: GREENSOURCE

**FIGURE 12:  
HYDROLOGIC UNIT CODES**

BOCA CREEK MITIGATION BANK



15315 Indian Head Drive  
Tampa, FL 33629  
813-767-2035  
[www.GreenSourceEP.com](http://www.GreenSourceEP.com)