



US Army Corps
of Engineers®

Jacksonville District

Public Notices

SAJ-2025-01036 (SP-JLA)

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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 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 Jennifer.L.Alexander@usace.army.mil.

APPLICANT: Spencer Anderson

Sarasota County

1660 Ringling Boulevard

Sarasota, Florida 34236

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Phillippi Creek. The project site is located within 11 separate sections of Phillippi Creek beginning at Riverbuff Parkway (latitude 27.3268° and longitude -82.4976° and ending at Beneva Road (latitude 27.3268° and longitude -82.4976°; in Sarasota, Sections 8, 5, 32, 33, and 28, Townships 37 and 36 South, Range 18 East, Sarasota County, Florida.

EXISTING CONDITIONS: The proposed dredging will affect the lower estuarine portion of Phillippi Creek, a tidal creek system that is part of the Larger Sarasota Bay Watershed. The lower portion of the Phillippi Creek, east of Beneva Road and south of Bahia Vista Street, encompasses approximately 7 miles of relatively unaltered shallow estuarine tidally influenced waters with naturally occurring bends and little development of the creek itself. The majority of the surrounding banks are bulkheaded and contain small residential docking structures. Historic dredging efforts were targeted at the mouth of the creek from Little Sarasota Bay north and east to US 41 and a few small areas within the areas of Proctor Road and south of Bee Ridge Road, the most recent being in 2000. The existing creek has experienced a large accumulation of sedimentation which has created navigational and flood control hazards due to stormwater runoff and unauthorized “prop

dredging” throughout much of the creek with the larger sedimentation occurring north of Bee Ridge Road to Beneva Road. The typical water depth for the creek is -4 mean low water (MLW). In areas of sedimentation, water levels average between -2 MLW and -0.5 MLW or have areas of sediment exposure and are impassible for recreational watercraft. The 2024 hurricane season contributed to the Phillippi Creek sedimentation from excessive flooding and runoff from the nearby Fruitville community.

PROJECT PURPOSE: The project purpose is to dredge Phillippi Creek to -4 MLW.

Basic: The basic purpose is for dredging.

Overall: The overall project purpose is to dredge portions of lower Phillippi Creek between Riverbuff Parkway and Beneva Road, Sarasota, Sarasota County, Florida.

PROPOSED WORK: A previous Public Notice was issued for the proposed project on June 9, 2025. The applicant updated the amount of area and volume of dredging required and an updated Public Notice is warranted. The applicant requests authorization to dredge Phillippi Creek to -4 below Mean Low Water (MLW) and remove 16,848 square feet (63,827 cubic yards) of substrate using a shallow barge. Material will be stored within containers on the barge and within an upland material management site until dry, then dredged material will be disposed of at an approved upland landfill or used for roadway expansion projects.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Best management practices will be followed as the applicant will comply with the National Marine Fisheries consultation recommendations including the use of turbidity curtains. In addition, the applicant will comply with the Standard Manatee Conditions for In-Water Work – 2011 and the Sea Turtle and Smalltooth Sawfish Construction Conditions - 2006.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: No impacts to seagrasses, corals, or other resources are anticipated. Compensatory mitigation should not be required.

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:

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; however, the undertaking will have

no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO and/or THPO.

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), National Marine Fisheries Service (NMFS) Southeast Region 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 in the vicinity of the proposed project.

The Corps has determined the proposal may affect but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*). The Corps evaluated potential project related effects to the manatee by using *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*, (Key) dated April 2013. Using the Key, A>B>C>G>N>O>P couplet 5, resulted in a "May Affect Not Likely to Adversely Affect" determination. The U.S. Fish and Wildlife Service has given programmatic concurrence with this determination through use of the key and no further coordination is required.

The Corps has determined the project may affect but is not likely to adversely affect Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*), and Kemp's Ridley (*Lepidochelys kempii*) sea turtles, and the Smalltooth sawfish (*Pristis pectinata*) or its designated critical habitat. The Corps will request concurrence with this determination from the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.39 acres of benthic habitat. The effects of the project are

determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages:

Table 1. NOAA habitats within project area.

<i>NOAA Essential Fish Habitat (4 feature(s) returned)</i>	
<i>Species</i>	<i>Life Stage</i>
Coastal Migratory Pelagics	ALL
Red Drum	ALL
Shrimp	ALL
Reef Fish	ALL

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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: Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP).

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from Florida Department of Environmental Protection (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. 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 July 18, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jennifer Alexander at Jennifer.L.Alexander@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Jennifer Alexander, 10117 Princess Palm Avenue Suite 120 Tampa, Florida 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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U. S. Army Corps of Engineers (Jacksonville District) permit public notice

Sarasota County Spencer Anderson Phillippi Creek dredging

