



Date: February 7, 2018

From: Matthew Miller

Subject: SRQ Tech Park – Environmental Review for Manatee County

Memorandum:

The following is being provided as a follow-up to the February 7, 2018, Development Review Committee (DRC) meeting on the SRQ Tech Park Application to assist in the review of the Environmental Considerations Report (ECR) submitted with the application.

706.4. Application for Wetland Impacts.

A. Wetland Impact Study. The applicant shall submit a Wetland Impact Study to the County for approval prior to commencement of any development activity within wetlands not expressly exempted in this Chapter. The request to develop within a wetland or wetland buffer shall be made in conjunction with, or as a component of, the related development approval for the entire site, such that it can be reviewed and approved by the approving authority (Department Director, Hearing Officer or Board) reviewing the proposed development.

B. Information Required. The Wetland Impact Study shall include an impact avoidance and minimization analysis that demonstrates the necessity of the impact. Specific information required to be included in the Wetland Impact Study is detailed in the Administrative Procedures, but at minimum the Study shall include the following information:

1. Onsite wetlands shall be evaluated based on size and wetland function and scored in accordance with UMAM including UMAM score sheets for each wetland within the project boundaries;

The wetland size is provided on pages 5, 8 (Table 2) and Exhibit 4 (FLUCCS Map) and UMAM Part 1. Wetland function is provided on page 8 (Table 2) and UMAM Part 2 Worksheet.

2. A statement describing the necessity of the proposed impact;

Page 4 states “The SRQ Tech Park project is a industrial development along US Highway 301. The proposed project is an expansion of the existing industrial facility.”

Page 7 states “The expansion of the building to the south of the central wetland will impact the entirety of the wetland and the impact is therefore deemed unavoidable (See Attached Exhibit 8: Impact Map). A UMAM analysis concluded that the wetland was less than a 0.4 delta. As a result, the wetland is classified as a non-viable wetland per the Manatee County Development Code.”

Page 9 states “The purpose of the project is to provide additional industrial space within a growing area in Manatee County.”



3. Examples of designs considered that would not require the impact or that demonstrate how the impacts have been minimized;

Page 7 states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation.”

4. A statement of how any proposed impacts satisfy the requirements of [Section 706.5](#), including:
 - a. A statement of how the impacted wetland meets the definition of Non-Viable Wetland set forth in this Code, pursuant to Section 706.5.A;

As an aside, the definition of Wetland, Non-Viable from Chapter 2 of the Manatee County LDC is “shall mean an isolated wetland less than 0.5 acres in size, with a UMAM score of 0.4 or less that does not support listed plant or animal species and is not connected by standing or flowing surface water at seasonal high water level to one (1) or more wetlands where the combined wetland acreage is greater than 0.5 acres.”

The previous Manatee County Environmental policy, under which we were directed to follow during the pre-application process, was to view this definition to read that non-viable wetlands are either isolated wetland less than 0.5 acres in size regard OR a wetland with a UMAM score of 0.4 or less that does not support listed plant or animal species and is not connected by standing or flowing surface water level to additional wetlands combining to greater than 0.5 acre.

Therefore this was addressed throughout our report, specifically:

Pages 4-5: Wetlands, which states “The central east wetland (Wetland 1) marsh will be impacted during the construction of this project. Wetland 1 was originally an isolated marsh wetland prior to 1951. At some point before 1951, wetlands to the north west were ditched however their hydrologic connectivity was impeded by construction of the CSX railroad (See attached Exhibits 5 – Historic Aerials). The construction of the railroad severed any direct connection to Phillippi Creek as documented by historical aerials in 1970, which is of significance due to the implementation of the Clean Water Act in 1972. Over time, water traveled via overland flow, only during peak rainfall events, to Phillipi creek South, eventually forming a swale along the CSX railroad. Therefore, the wetland is classified as isolated and is exempt from 404 Clean Water Act jurisdiction. Furthermore, the wetland is currently permitted as a part of the stormwater management system for the surrounding area and is being utilized for attenuation.”

Pages 5-7: Fish, Wildlife, Listed Species and their Habitat

Page 7: Elimination and Reduction of Impacts, which states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation. A UMAM analysis concluded that the wetland was less than a 0.4 delta. As a result, the wetland is classified as a non-viable wetland per the Manatee



County Development Code. Table 2 below indicates the acreage, quality, and credits required to mitigate for this project's impacts."

- b. A statement of how avoiding the impact would prevent a reasonable development of the land, including consideration of whether the wetland to be impacted is within the boundaries of a Development of Regional Impact (DRI) and a consideration of the uses permitted within the boundaries of the DRI as a whole, pursuant to Section 706.5.B; or

N/A. The wetland is extremely low quality and is transitioning from wetland to open water feature.

- c. A statement of how the impact is a result of an overriding public benefit. The applicant shall submit documentation to support the conclusion that the overriding public benefit would provide a direct public benefit in excess of the detriments suffered by the public resulting from the loss of the wetland functions and values, pursuant to Section 706.5.C;

The Environmental Considerations Report (ECR), Pages 8 and 9 discuss Public Interest Criteria:

PUBLIC INTEREST CRITERIA

The SRQ Tech Park project was designed and will be constructed using standard construction best management practices for sediment and erosion control. Using such criteria, it is anticipated that the project will not cause any adverse effects to human health, safety, welfare or property of others.

HEALTH, SAFETY AND WELFARE

The purpose of the project is to provide additional industrial space within a growing area in Manatee County. A professionally licensed engineer in the State of Florida has designed the proposed project using BMPs. It is not anticipated that any hazardous, radioactive or solid waste materials are present onsite or will be during construction. In the event these materials are discovered during construction, construction will cease immediately and the appropriate authorities will be contacted for further guidance and direction. The proposed project is not located in an approved, conditionally approved, restricted or conditionally restricted area for shellfish harvesting. The construction of the project is not anticipated to affect the flow of water so that it would alter the safety or welfare of the surrounding properties, upstream and/or downstream of the proposed project.

CONSERVATION OF FISH AND WILDLIFE

Please see the Fish, Wildlife, Listed Species and Their Habitat section above.



NAVIGATION/FLOW OF WATER

The proposed project is not anticipated to adversely affect navigation or the flow of water, cause harmful erosion or cause shoaling as a result of construction. The proposed project will be designed so that erosion or shoaling downstream of the project does not occur. In addition, BMPs will be installed, maintained and monitored throughout construction to ensure erosion and shoaling does not occur as a result of the proposed project.

FISHING, RECREATIONAL AND MARINE PRODUCTIVITY

The proposed project is not anticipated to adversely affect the fishing, recreational and/or marine productivity in the vicinity of the project. The proposed project is completely inland of any marine, estuarine or tidally influenced areas.

TEMPORARY OR PERMANENT IN NATURE

The proposed project will be permanent in nature.

HISTORICAL AND/OR ARCHAEOLOGICAL RESOURCES

The proposed project is not anticipated to adversely affect historical and/or archaeological resources within the project and project vicinity. In the event that any historical and/or archaeological resources are discovered during construction, construction activities will cease immediately and the appropriate resource and regulatory agencies, including the State Historical Preservation Office, will be contacted.

CURRENT CONDITION AND RELATIVE VALUE OF FUNCTIONS

The proposed project is not anticipated to adversely affect the current condition and/or relative value of functions currently being provided by the on-site wetland systems. The flow of water through any canals will be maintained throughout the construction of the project. In addition, stormwater runoff from the project will be captured and routed to appropriate treatment facilities prior to discharging from the site.

5. Proximity of the land to adjacent urban land uses; and

Existing land uses are provided on Page 4 and an Aerial Map and FLUCCS Map are provided as Exhibits 2 and 4, clearly showing adjacent urban land uses.

Page 4 states "The SRQ Tech Park project is a industrial development along US Highway 301. The proposed project is an expansion of the existing industrial facility."



Page 7 states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation.”

Page 8 states “The purpose of the project is to provide additional industrial space within a growing area in Manatee County.”

The UMAM Part 2 states “The assessment area is surrounded by industrial land use to the south, west, and north with train tracks to the east to isolate the wetland from other water bodies.”

6. Degree of disturbance or invasion by exotic plant species within the wetland.

Page 5 states “Freshwater Marsh (641) (0.75 ac.) The wetland at the central east portion of the site is classified as a freshwater marsh. The vegetation in this marsh is dominated by cattails (*Typha* sp.) and scattered Peruvian primrose and sedges (*Carex* spp.)”

Page 7 states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation.”

The UMAM Part 2 (page 30) specifically address the degree of disturbance within and around the wetland.

706.5. Criteria for Approval of Wetlands Impacts.

Development in a wetland or wetland buffer may be approved if and only if it meets the criteria set forth in this subsection, as determined by the Board, hearing officer or Director, as the case may be.

- A. **Impacts to Non-Viable Wetlands.** In accordance with Objective 3.3.1 of the Comprehensive Plan, an applicant seeking to impact a non-viable wetland, as defined in [Chapter 2](#), which is completely contained within the project boundaries shall not be required to demonstrate avoidance and minimization. Impacts shall require authorization by the appropriate State and Federal regulatory authorities and wetland mitigation shall be provided in accordance with this Section.

As stated above, the definition of Wetland, Non-Viable from Chapter 2 of the Manatee County LDC is “shall mean an isolated wetland less than 0.5 acres in size, with a UMAM score of 0.4 or less that does not support listed plant or animal species and is not connected by standing or flowing surface water at seasonal high water level to one (1) or more wetlands where the combined wetland acreage is greater than 0.5 acres.”

Previous Manatee County Environmental policy was to view this definition to read that non-viable wetlands are either isolated wetland less than 0.5 acres in size regard OR a wetland with a UMAM score of 0.4 or less that does not support listed plant or animal species and is not connected by standing or flowing surface water level to additional wetlands combining to greater than 0.5 acre.



Therefore we address this section throughout our report, specifically:

Pages 4-5: Wetlands, which states “The central east wetland (Wetland 1) marsh will be impacted during the construction of this project. Wetland 1 was originally an isolated marsh wetland prior to 1951. At some point before 1951, wetlands to the north west were ditched however their hydrologic connectivity was impeded by construction of the CSX railroad (See attached Exhibits 5 – Historic Aerials). The construction of the railroad severed any direct connection to Phillippi Creek as documented by historical aerials in 1970, which is of significance due to the implementation of the Clean Water Act in 1972. Over time, water traveled via overland flow, only during peak rainfall events, to Phillipi creek South, eventually forming a swale along the CSX railroad. Therefore, the wetland is classified as isolated and is exempt from 404 Clean Water Act jurisdiction. Furthermore, the wetland is currently permitted as a part of the stormwater management system for the surrounding area and is being utilized for attenuation.”

Pages 5-7: Fish, Wildlife, Listed Species and their Habitat

Page 7: Elimination and Reduction of Impacts, which states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation. A UMAM analysis concluded that the wetland was less than a 0.4 delta. As a result, the wetland is classified as a non-viable wetland per the Manatee County Development Code. Table 2 below indicates the acreage, quality, and credits required to mitigate for this project’s impacts.”

- B. Impacts to Wetlands. No Practical Alternative.** In order to receive approval for development in a wetland (other than a non-viable wetland exempted pursuant to subsection A, above) or wetland buffer thereto on the basis that no practical alternative exists, a Wetlands Impact Study shall demonstrate that:
1. The applicant will be unable to make reasonable use of the property unless the proposed impact is approved; and
 2. The applicant could not have reasonably foreseen, through the exercise of due diligence, that the development potential of the property in question is limited as a result of the requirement to avoid impacts to wetlands or wetland buffers in accordance with this section. In making such determination, the reasonable use of the property in question shall be considered in light of:
 - a. The history and surrounding area of the property;
Historical Aerials are provided on pages 19-21 (1951, 1957 and 1970) and current aerial is provided on page 13 and a regional location map is provided on page 11.
 - b. Any development orders applicable to the property, including but not limited to development orders for Developments of Regional Impact (DRI); and



The site is not located within a DRI, and although the specific Manatee County Development Orders are listed in the application, the report specifically discusses the existing SRQ Tech Park Development.

Page 4 states, “The SRQ Tech Park project is located at the southern border of Manatee County and northern border of Sarasota county west of Interstate I-75 and US 301 (Exhibits 1 and 2 – Regional and Aerial Location Maps). The project is located in Sections 31S, Township 34S, and Range 18E, and consists of one parcel (2005500459). The SRQ Tech Park project is an industrial development along US Highway 301. The proposed project is an expansion of the existing industrial facility.”

c. The development potential of the property if all wetland impacts were avoided. Reasonable use does not necessarily equate to the highest and best potential use under the Comprehensive Plan or this Code, nor does it equate to the highest density or intensity, as long as an applicant may achieve some reasonable level of development potential while avoiding wetlands impacts. Connections between uplands otherwise developable or developed for utilities and/or access, or impacts consistent with an alternative site analysis, shall be considered as a reasonable use of the property satisfying the no practical alternative test even though the need to impact the wetland may have been foreseeable.

The avoiding of wetlands is not the most environmentally responsible alternative, as evidenced throughout the report by the low quality of the existing wetland. Any alternative that allows for 0.25 acre of wetland impact would result in the remnant wetland being non-viable by the most conservative interpretation of the Policy.

C. Impacts to Wetlands, Overriding Public Benefit. An applicant may receive approval for impact of a wetland or development in a wetland buffer thereto, on the basis that the applicant will provide an overriding public benefit if the Applicant in addition to providing the wetland mitigation required pursuant to this Section, demonstrates one or more of the following:

1. The conditions of the development approval will provide for the donation of significant lands that are otherwise unencumbered that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose); **Not Applicable**
2. The impact to the wetland is included as part of an Ecosystems Management Plan and the conditions of the development approval will provide for significant additional preservation, enhancement or restoration of native habitats that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose); **Not Applicable**
3. If not impacted, the wetland will not survive as a functioning wetland, or will deteriorate to a Non-Viable Wetland, as a result of its proximity to development; and/or

Due to the downstream constriction, the wetland area is transitioning to an open surface water and will deteriorate to the Non-Viable Wetland criteria, as wetland area becomes a permanent pool of water with a depth and duration no longer able to support emergent wetland vegetation. Therefore the area defined as a



wetland, which already functions at less than 0.4, will be reduced to less than 0.5 acre and eventually be completely reclassified as an “other surface water”.

Pages 4 and 5 state “The central east wetland (Wetland 1) marsh will be impacted during the construction of this project. Wetland 1 was originally an isolated marsh wetland prior to 1951. At some point before 1951, wetlands to the north west were ditched however their hydrologic connectivity was impeded by construction of the CSX railroad (See attached Exhibits 5 – Historic Aerials). The construction of the railroad severed any direct connection to Phillippi Creek as documented by historical aerials in 1970, which is of significance due to the implementation of the Clean Water Act in 1972. Over time, water traveled via overland flow, only during peak rainfall events, to Phillippi Creek South, eventually forming a swale along the CSX railroad. Therefore, the wetland is classified as isolated and is exempt from 404 Clean Water Act jurisdiction. Furthermore, the wetland is currently permitted as a part of the stormwater management system for the surrounding area and is being utilized for attenuation.”

Pages 5-7: Fish, Wildlife, Listed Species and their Habitat

Page 7: Elimination and Reduction of Impacts, which states “The quality of the wetland to be impacted is low. It is dominated by exotic-invasive Peruvian primrose and provides minimal habitat for surrounding wildlife due to its isolation. A UMAM analysis concluded that the wetland was less than a 0.4 delta. As a result, the wetland is classified as a non-viable wetland per the Manatee County Development Code. Table 2 below indicates the acreage, quality, and credits required to mitigate for this project’s impacts.”

4. Any overriding public purpose of the project to provide significant local, state or federal public infrastructure. **Not Applicable**