Bio-Tech Consulting Inc.
Environmental and Permitting Services

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May 5, 2019

Frank Agnelli
5702 Marina Drive, Suite 104
Holmes Beach, Florida 34217

Proj: Sawgrass Storage – Manatee County, Florida
Parcel ID: 650600209
(BTC File #1053-01)

Re: Environmental Assessment

Dear Mr. Agnelli:

During August of 2018, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment, wildlife survey, and wetland delineation within Moccasin Wallow Road project site. This site is approximately 14.74 acres and is located within Section 23, Township 33 South, Range 18 East (Figures 1 & 2). The environmental assessment included the following elements.

- **Review all the soil types within the project boundaries**
- **Field evaluation of land use types/vegetative communities present**
- **Field review for occurrence of protected flora and fauna**
- **Wetland delineation - Amended (Figure 8)**
- **Variable width Buffer discussion**

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SOILS

According to the Soil Survey of Manatee County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), five (5) soil types occur within the subject property boundary (Figure 4). The mapped soil types and brief descriptions of each are identified below:

- **Bradenton fine sand, 0 to 2 percent slopes (#4)**
- **Floridana fine sand, 0 to 2 percent slopes (#25)**
- **Floridana-Immokalee-Okeelanta association (#26)**
- **Parkwood variant complex (#39)**
- **Wabasso fine sand (#48)**

Bradenton fine sand (#4) is a poorly drained soil on low-lying ridges and hammocks. Slopes are smooth and range from 0-2 percent. If this soil is not drained, the water table is within 10 inches of the surface from 2-6 months out of the year and at a depth of 10-40 inches for much of the remainder of the year. Included with this soil mapping unit are small areas of Parkwood, Floridana, Chobee, Felda, and Manatee soils. Permeability is rapid in the surface layers and moderate in the subsoil and stratum. The available water capacity is low in the surface and substratum, very low in the subsurface layer, and medium in the subsoil. This soil is used for crops and urban development.

Floridana fine sand (#25) is a nearly level, very poorly drained soil in low flats that have been drained by ditches and channels in many places. Slopes are smooth to concave and are less than 2 percent. Typically, the surface layer is about 15 inches thick. In the upper part it is black fine sand 4 inches thick, and in the lower part it is very dark gray fine sand 11 inches thick. The subsurface layer is gray fine sand 17 inches thick. The subsoil is dark gray sandy clay loam to a depth of 44 inches and gray sandy loam to a depth of 65 inches. The substratum is light gray fine sand to a depth of 80 inches or more. Included with this soil in mapping are areas of Delray and Felda soils and a few areas of organic soils. In most years, if this Floridana soil is not drained, the water table is at a depth of less than 10 inches for about 6 months out of the year. Permeability is rapid in the surface and subsurface layers and slow in the subsoil. The available water capacity is medium in the surface layer and subsoil and low in the subsurface layer.

Floridana-Immokalee-Okeelanta Association (#26) consists of nearly level, very poorly drained Floridana soils, poorly drained Immokalee soils, and very poorly drained Okeelanta soils. These soils are in small to large shallow grassy ponds. Slopes are less than 2 percent. The surface layer of Floridana soils is black and very dark gray fine sand about 19 inches thick. In most years, in undrained areas Floridana soils are ponded for 6-9 months or more, and the water table remains within 40 inches for the rest of the year. Typically the surface layer of Immokalee soils is black

fine sand about 5 inches thick. Immokalee soils are ponded for 6 months or more in most years, and the water table remains within 40 inches the remainder of the year. Okeelanta soils are typically black muck in the uppermost 20 inches. In most years, Okeelanta soils are ponded 9 months or more and the water table remains near the surface the rest of the year. The available water capacity is medium-high in all 3 soils.

Parkwood Variant complex (#39). This complex consists of nearly level, poorly drained and very poorly drained soils on cabbage palm hammocks, in drainage ways, and around the edges of ponds. The soils are so intermixed that they could not be mapped separately at the scale selected for mapping. Parkwood Variant soils make up about 40 percent of this complex. A soil that is similar to Parkwood Variant soils makes up 15 percent; there is no limestone in this soil. A soil that is similar to Chobee and Wabasso soils makes up 30 percent; there is limestone beneath the loamy layer. Scattered areas of Anclote, Delray, Felda, and Manatee soils make up 20 percent.
Typically, the surface layer of Parkwood Variant soils is black and very dark gray loamy fine sand about 9 inches thick. The subsoil extends to a depth of 37 inches; it is gray fine sandy loam. The substratum is white soft limestone to a depth of 80 inches or more. The soil is calcareous throughout. In most years, a water table is within 10 inches of the surface for 2-4 months during wet seasons. The available water capacity is low in the surface layer and medium in the subsoil. Permeability is very rapid in the surface layer and moderately rapid in the subsoil.

Wabasso fine sand (#48). This is a nearly level, poorly drained soil in areas of broad flatwoods. Slopes are less than 2 percent. Typically, the surface layer is very dark gray fine sand about 7 inches thick. The subsurface layers gray fine sand 14 inches thick. The subsoil is fine sand coated with organic material to a depth of about 28 inches. In the upper 4 inches it is black, and in the lower 3 inches it is dark reddish-brown. The next layer, to a depth of 37 inches, is brown fine sand. Below that, to a depth of 65 inches, there is grayish brown to gray loamy material.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components and inclusions of the following soils as hydric: Bradenton fine sand, 0 to 2 percent slopes (#4), Floridana fine sand, 0 to 2 percent slopes (#25), Floridana-Immokalee-Okeelanta association (#26), Parkwood variant complex (#39), and Wabasso fine sand (#48). This information can be found in the Hydric Soils of Florida Handbook, Fourth Edition, (March, 2007).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Moccasin Wallow Road site currently supports six (6) land use type/vegetative communities (Figure 8). The upland communities within the project boundaries are most consistent with Improved Pastures (211) and Disturbed Land (740). The wetlands/surface waters within the subject property boundaries are most consistent with Streams and Waterways - Ditch (510), Reservoirs

less than 10 Acres (534), Wetland Forested Mixed (630), and Vegetated Non-Forested Wetland (640). The following provides a brief description of the land use types and vegetative communities that were identified:

Uplands:

211 Improved Pastures

A portion of the project site is best classified as Improved Pasture per the FLUCFCS manual. Many of these areas have historically been a fish farm. Soil modification has occurred in this area. Vegetative species identified within these areas include laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), southern carpetgrass (*Axonopus* spp.), bushy bluestem (*Andropogon virginicus*), bahia grass (*Paspalum notatum*), torpedo grass (*Panicum repens*), sedges (*Carex* spp.), dog fennel (*Eupatorium capillifolium*), and salt bush (*Baccharis halimifolia*).

740 Disturbed Land

A majority of the project area is most consistent with the Disturbed land classification per the FLUCFCS manual. This area historically was used for agriculture production as a fish farm. Soil alterations have occurred in this area associated with the fish farm. This area appears to have recently been filled. Vegetative species are sparse within this area. Vegetative species identified include Bahia grass (*Paspalum notatum*), dog fennel (*Eupatorium* sp.), blackberry (*Rubus cuneifolius*), common sow thistle (*Sonchus oleraceus*), Caesar weed (*Urena lobata*), live oak (*Quercus virginiana*), cogon grass (*Imperata cylindrica*), bushy bluestem (*Andropogon virginicus*), passion flower (*Passiflora incarnata*), and greenbriar (*Smilax* spp.).

Wetlands & Surface Waters:

510 Streams and Waterways

Along the southern boundary and the western boundary is a series of man-made ditches that are most consistent with the Streams and Waterways (Ditches – 510) classification. Many of these ditches connect to off-site ditches. Vegetation within these areas includes wet tolerant species. The species observed include maidencane (*Panicum hemitomon*), dotted smartweed (*Persicaria punctata*), Peruvian primrose-willow (*Ludwigia peruviana*), wax myrtle (*Myrica cerifera*), dog fennel (*Eupatorium capillifolium*), soft rush (*Juncus effusus*), alligator weed (*Alternanthera philoxeroides*), and salt bush (*Baccharis halimifolia*).

534 Reservoirs less than 10 acres

Within the subject site is one (1) area most consistent with the Reservoirs, less than 10 acres (534) FLUCFCS classification. This area is man-made. Along the fringe of this area are wetland and wet tolerant vegetative species. The species observed include bushy bluestem (*Andropogon virginicus*), maidencane (*Panicum hemitomon*), dotted smartweed (*Persicaria punctata*), Peruvian primrose-willow (*Ludwigia peruviana*), dog fennel (*Eupatorium capillifolium*), common spikerush (*Eleocharis vivipara*), and alligator weed (*Alternanthera philoxeroides*).

630 Wetland Forested Mixed

One (1) wetland within the northeastern portion of the Sawgrass Storage site is most consistent with the Mixed Forested Wetland (630) classification. Tree species identified within these wetland areas include red maple (*Acer rubrum*), sweet bay (*Magnolia virginiana*), swamp bay (*Persea palustris*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus* laurifolia), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*) slash pine (*Pinus elliottii*), Carolina willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), and southern magnolia (*Magnolia grandiflora*). Herbaceous species observed within these areas include elderberry (*Sambucus nigra*), greenbriar (*Smilax* sp.), poison ivy (*Toxicodendron radicans*), muscadine grape (*Vitis rotundifolia*), marsh pennywort (*Hydrocotyle umbellata*), sedges (*Carex* spp.), and ferns such as swamp fern (*Blechnum serrulatum*), and Virginia chain fern (*Woodwardia virginica*).

640 Vegetated Non-Forested Wetland

Located in the northeastern portion of the site are areas most consistent with the vegetated non-forested wetland (640) classification. The majority of these area were historically used in agriculture production as a fish farm. Soil alterations have occurred in this area associated with the fish farm. Vegetative species identified within this wetland include maidencane (*Panicum hemitomon*), Bahia grass (*Paspalum notatum*), torpedo grass (*Panicum repens*), frog fruit (*Phyla nodiflora*), bushy bluestem (*Andropogon virginicus*), dog fennel (*Eupatorium capillifolium*), rag weed (*Ambrosia artemisiifolia*), dotted smartweed (*Persicaria punctata*), star top sedge (*Rhynchospora colorata*), Brazilian pepper (*Schinus terebinthifolius*), salt bush (*Baccharis halimifolia*), marsh pennywort (*Hydrocotyle umbellata*), and soft rush (*Juncus effuses*).

PROTECTED SPECIES

Bio-Tech Consulting, Inc. evaluated the potential for protected species of fish and wildlife to use or occupy Moccasin Wallow Road site. This evaluation was initiated by a desktop review of databases and publications sourced by the Florida Fish and Wildlife Conservation Commission

(FFWCC), Florida Natural Areas Inventory (FNAI) and the U.S. Fish and Wildlife Service (USFWS). The most current versions of the following sources were consulted: the FFWCC publication Florida's Endangered and Threatened Species (January, 2017); the FFWCC's Bald Eagle Nest Locator database (FFWCC Eagle Nest Locator & Figure 11); and Manatee County specific data via Florida Natural Areas Inventory's Biodiversity Matrix (Manatee County through February, 2017). Table 1 (attached) identifies those species that have the potential to occur in Manatee County.

The desktop review was followed by an onsite field assessment to determine the likely presence and potential use of Moccasin Wallow Road site by protected species. Species that are not associated with landscapes in the general vicinity of the subject project (*example being the West Indies manatee, which is restricted to navigable waters*) were parsed from this evaluation. Methodologies referenced or outlined in the FFWCC's Florida Wildlife Conservation Guide (2012 version), and more specific published methods (i.e., the FFWCC's Gopher Tortoise Permitting Guidelines, revised January, 2017) were used as appropriate. Report data consisted of direct observations of individuals, tracks, burrows, tree markings and vocalizations. Species that appear on Federal or State lists as having the potential to occur in the vicinity of the subject project are provided in Table 1 (attached). Brief descriptions of the protected fish and wildlife resources associated with Moccasin Wallow Road site are as follows. Species that were observed onsite are identified below.

Reptiles and Amphibians
black racer (*Coluber constrictor*)
Cuban brown anole (*Anolis sagrei*)
five-lined skink (*Plestiodon inexpectatus*)
green tree frog (*Hyla cinerea*)
southern leopard frog (*Lithobates sphenacephala*)

Birds
Chimney swift (*Chaetura pelagica*)
Fish Crow (*Corvus ossifragus*)
Great Egret (*Ardea alba*)
Northern Cardinal (*Cardinalis cardinalis*)
Pileated Woodpecker (*Dryocopus pileatus*)
Red Shouldered Hawk (*Buteo lineatus*)
Swallow Tail Kite (*Elanoides forficatus*)

Mammals
Eastern Gray Squirrel (*Sciurus carolinensis*)

Marsh Rabbit (*Sylvilagus palustris*)
Nine-banded Armadillo (*Dasypus novemcinctus*)
White-tail Deer (*Odocoileus virginianus*)
Wild boar (*Sus scrofa*)

Zero (0) of the above identified species are listed in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (January 2017). Brief descriptions of observed and potential species that may use this site as they relate to development are described below.

Wood Stork (Mycteria americana) - Core Foraging Area
State & Ferderally listed as "Threatened"

The Sawgrass Storage site falls within a Wood Stork nesting colony core foraging area (Figure 6). Wood Stork foraging habitat exists in the multiple ditches, reservoirs, and vegetated non-forested wetlands onsite. Zero (0) Wood Storks were observed foraging onsite and no nests were observed.

The Wood Stork is listed by USFWS as federally-designated Threatened. This large wading bird nests colonially in a variety of inundated forested wetlands, including cypress strands and domes, mixed hardwood swamps, sloughs, and mangroves, with nesting in artificial habitats (e.g., impoundments and dredged areas) becoming more common in north and central Florida. Foraging occurs mainly in shallow water in freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches, where they are attracted to falling water levels that concentrate food sources (mainly fish). Wood Stork colonies are often found far away from human disturbed sites.

Typical foraging habitat exists within the subject site. Foraging Wood Storks may be temporarily disturbed during the construction of this project. Wood Stork foraging habitat impacts may require mitigation. It is likely there are no Wood Stork nesting colonies within Moccasin Wallow Road site. However, USFWS and FFWCC may recommend or require a Wood Stork nesting survey be conducted within the project boundaries.

***Bald Eagle* (*Haliaeetus leucocephalus*)**
State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle

Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest during the nesting season, October 1 through May 15 or when eagles are present at the nest.

During BTC's site visit to the Moccasin Wallow Road, zero (0) Bald Eagle (*Haliaeetus leucocephalus*) were observed, and zero (0) nests were observed within the project boundary. In addition to the on-site review for listed species, BTC conducted a review of the FFWCC's recorded Bald Eagle recorded nest sites on or in the vicinity of the subject property. Based on FFWCC's most current survey data (i.e., 2016) for Manatee County, this review revealed one (1) recorded Bald Eagle's nests located within one (1) mile of the project site. In addition to the review of recorded nests, a survey was conducted of all potential nest trees located within the Moccasin Wallow Road site boundaries as well as within six hundred sixty feet (660') of the project site (Figure 6). No Bald Eagle nest were observed. It is unlikely that any specific Bald Eagle survey will be required for this project site.

VARIBLE WITDH BUFFER

Please see attached MC RAI 4.28.19

JURISDICTION DETERMINATION WITH SWFWMD

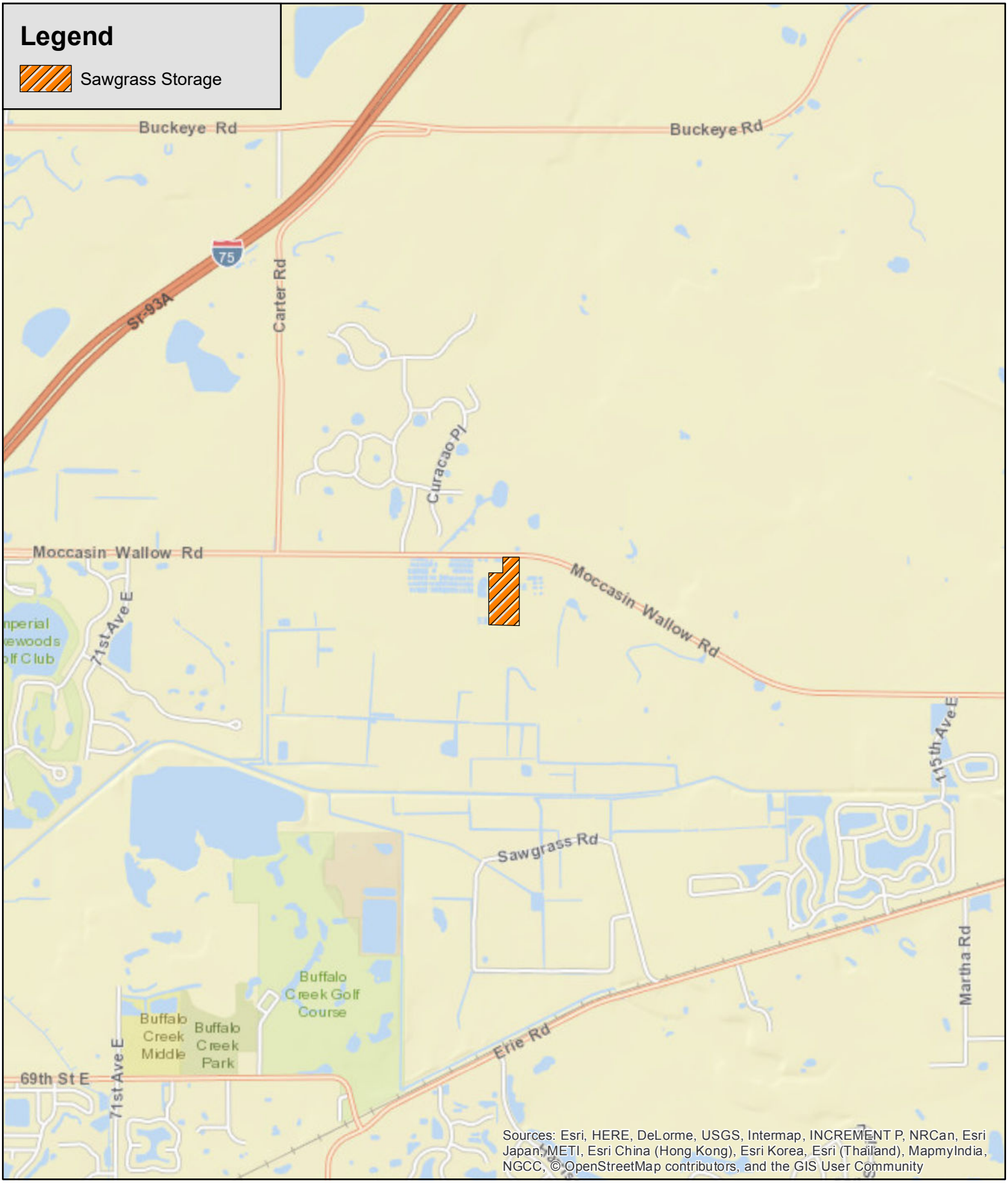
On January 9th Dillon Reeves (BTC) and Tasha Dailey met at the Sawgrass Storage project site to review the project wetland lines. During the review an area previously identified as a potential wetland was eliminated as it did not qualify per F.S. 62.340. Please see Figure 8 to identify the approved wetland line.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

Dillon Reeves
Project Manager

Attachments:
Figures 1-4 (**Note - amended Figure 8)**



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Sawgrass Storage
Manatee County, Florida
Figure 1
Location Map

N
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0.5
Miles

Project #: 1053-01
Produced By: RCC
Date: 9/24/2018

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Sawgrass Storage
Manatee County, Florida
Figure 2
2018 Google Earth Aerial Map

N
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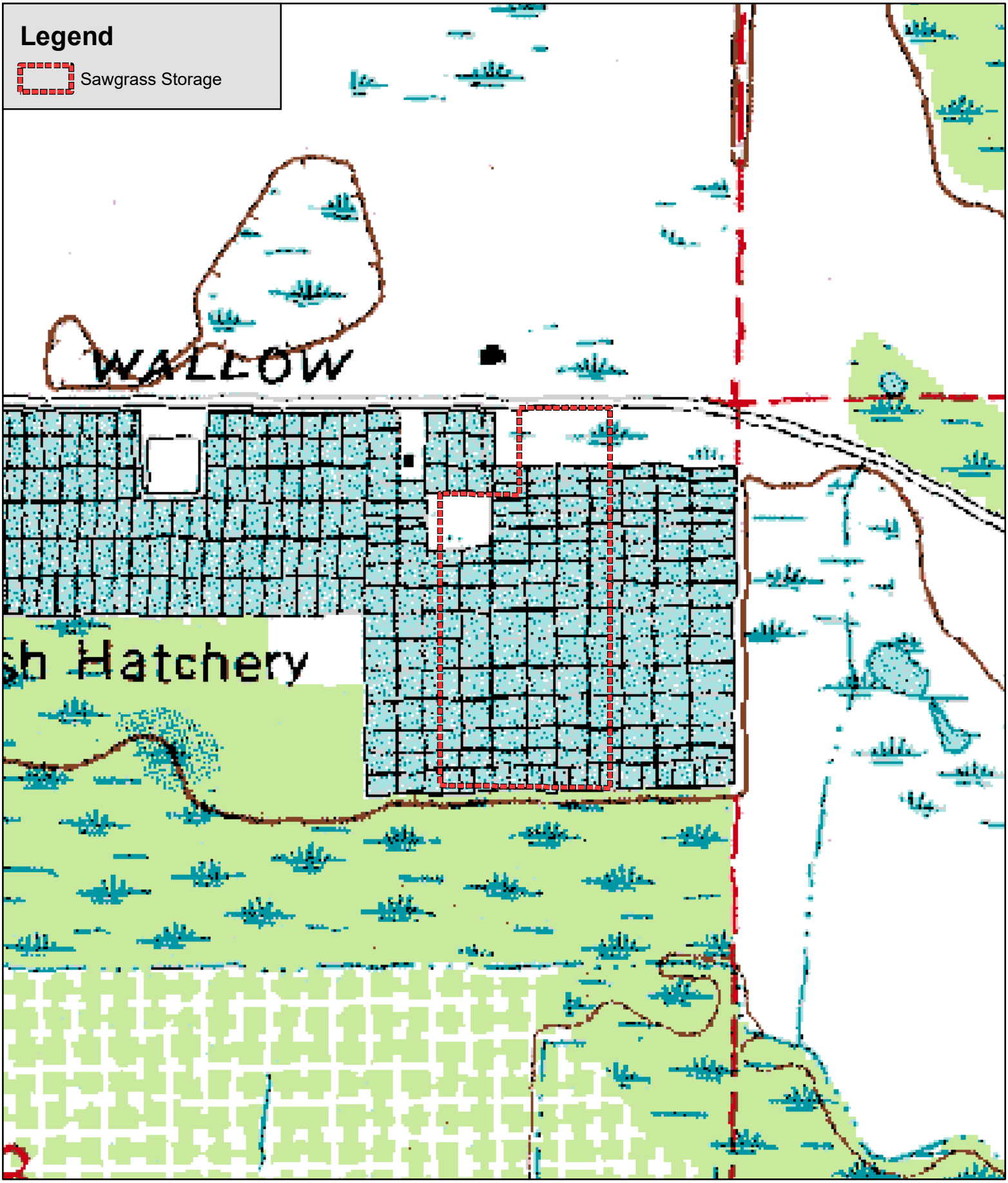
200 Feet

Project #: 1053-01
Produced By: RCC
Date: 9/24/2018



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Sawgrass Storage
Manatee County, Florida
Figure 3
USGS Topographic Map

N
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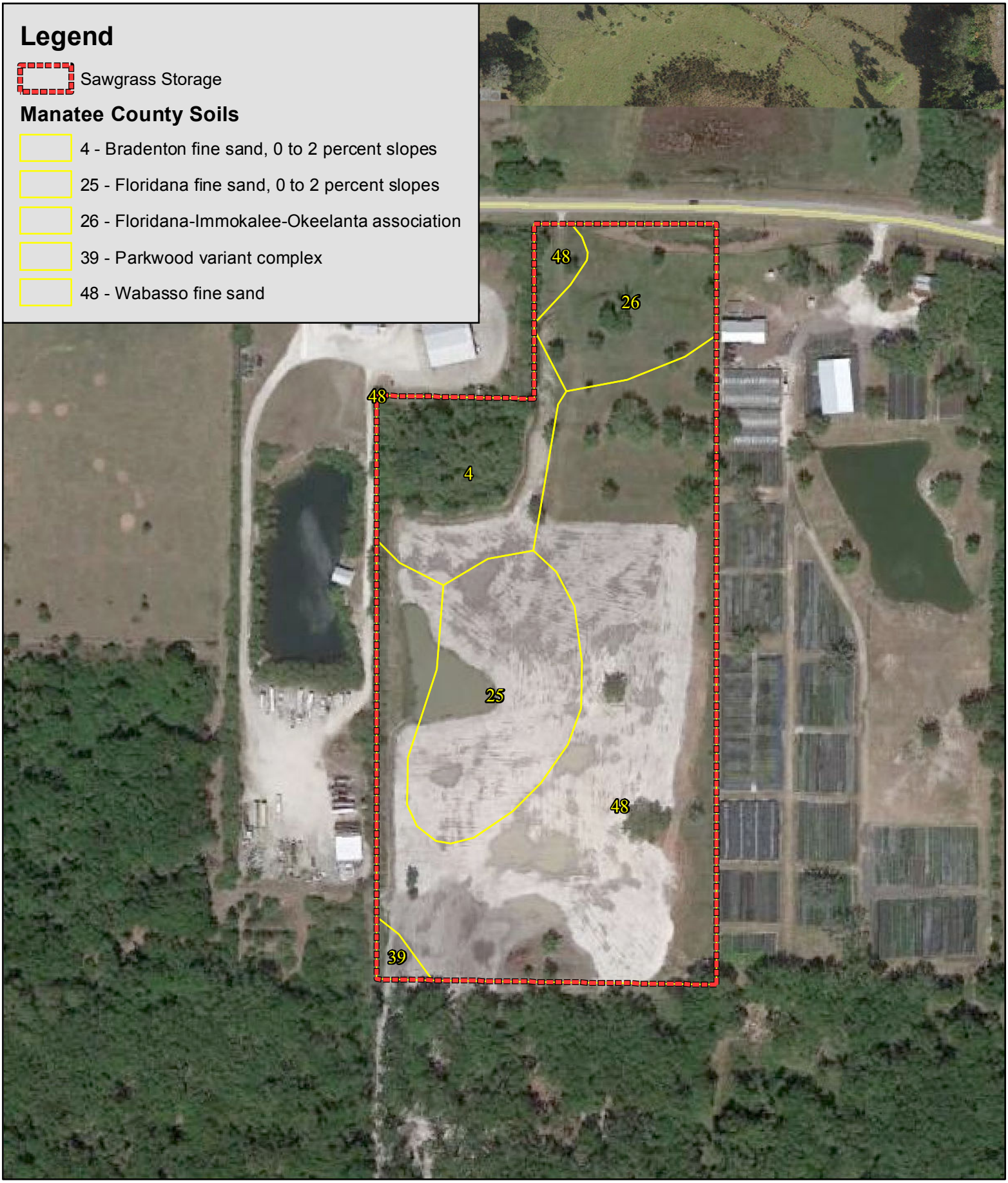
500 Feet

Project #: 1053-01
Produced By: RCC
Date: 9/24/2018



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Sawgrass Storage
Manatee County, Florida
Figure 4
SSURGO Soils Map

N
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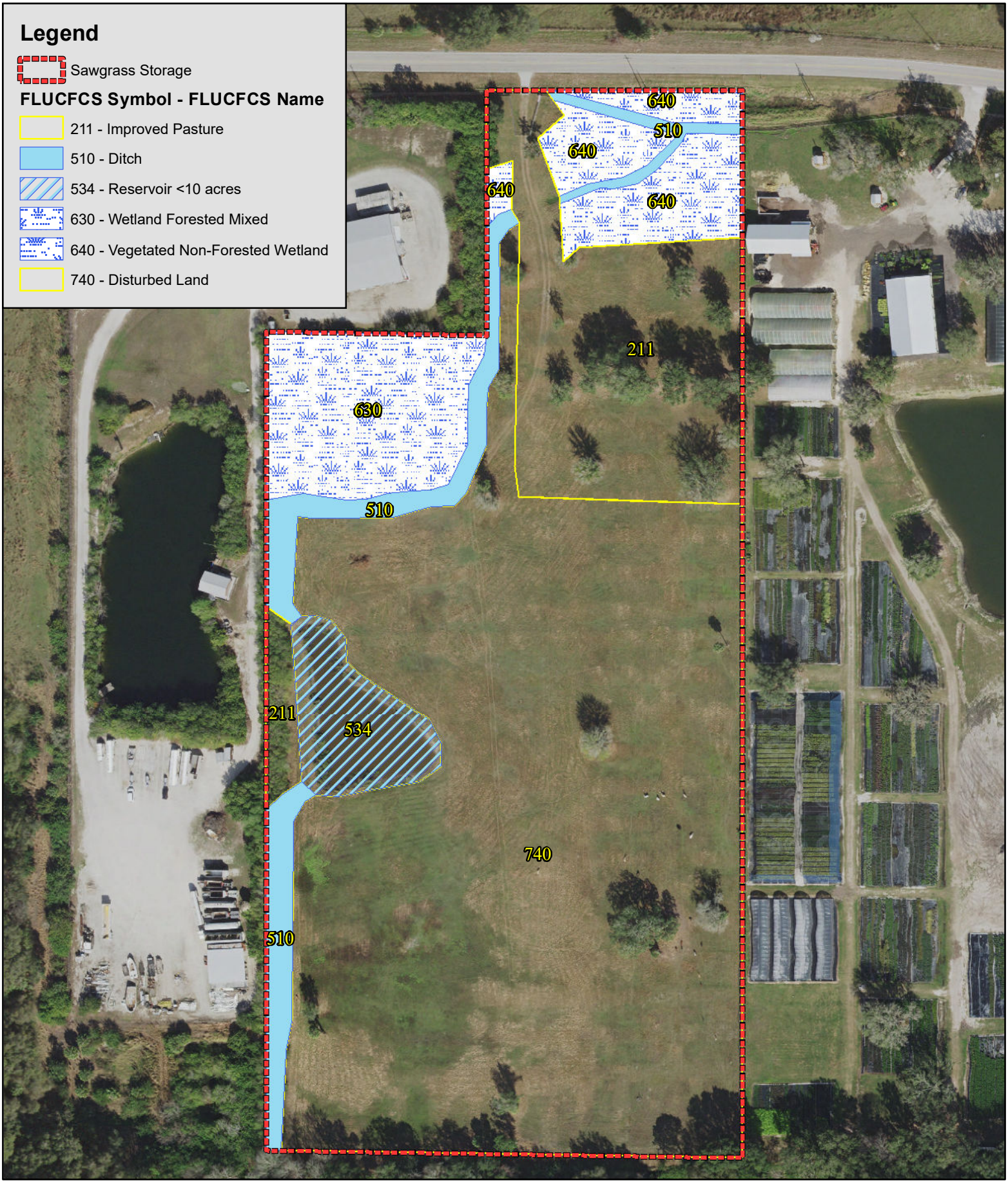
250 Feet

Project #: 1053-01
Produced By: RCC
Date: 9/24/2018



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Sawgrass Storage
Manatee County, Florida
Figure 8
Colored Wetland Map

N
W E
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150 Feet

Project #: 1053-01
Produced By: DAC
Date: 2/14/2019

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May 7, 2019

Robert Knable
Manatee County Government
Building & Development Services
1112 Manatee Avenue West, 4th Floor
Bradenton, FL, 34205

Proj: Sawgrass Storage – Manatee County, Florida
Parcel ID: 650600209
(BTC File #1053-01)

Re: Manatee County Request for Additional Information

Dear Mr. Knable:

This document is created to address comments from Manatee County associated with the permitting and development of the Sawgrass Storage project. Below is the comment from Manatee County in italic and our answer is in bold.

1. Variable Width wetland buffer: Both the Draft Staff Report and the Applicant's Narrative reference the Environmental Narrative. However the Environmental Narrative (prepared by Biotech) does not address the evaluative criteria in Policy 3.3.1.6, Conservation Element, Comprehensive Plan and Section 706.7.C., LDC for the limited circumstances in which such buffers are allowed. The County has pending litigation involving wetland buffers and this is a quasi-judicial matter, the burden of proof must be met by the Applicant in the record. The clearer the Staff Report and Environmental Narrative can be on this point the more legally defensible the record.

RESPONSE: The Sawgrass Storage project is applying for a variable width buffer due to ingress/egress associated with the project. The

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ingress/egress of Sawgrass Storage will be located in the same area that ingress/egress has always been for this project site. In fact the area historically was used as ponds for a fish farm. Please attached see Figure 8. Below are the county code that allow for the approval of a variable width buffer. Only one of these below parameters must be met to approve of a variable width buffer. It is our position that the Sawgrass Storage project meets all three.

LDC Section 706.7.C

*C. **Variable Width Buffers.** Under limited circumstances, where site specific conditions and physical constraints do not allow the application of a uniform-width wetland buffer, a variable width wetland buffer may be approved. Site specific conditions and physical constraints which may be considered include situations where:*

1. Application of a uniform-width buffer would restrict vehicular access to an upland portion of the development site;

For Sawgrass Storage a uniform-width buffer would restrict vehicular access to the developable upland portion of the project site. It is clear from reviewing Figure 8 that without the approval of the variable width buffer the site will not with this project, or any other commercial project, be developable.

2. Locations of driveways, rights-of-way or private streets are mandated by FDOT or County requirements, and re-alignments cannot be negotiated; or

The entrance to Sawgrass Storage must be located in this area to avoid any direct impact to the wetland. Manatee County standards for ingress/egress require the entrance to be designed in such a way to allow for vehicular traffic that without a variable width buffer this project could not move forward.

3. Minor encroachments into previously disturbed portions of a wetland buffer for short linear distances cannot be avoided.

The area that requires the variable width buffer has previously been impacted by an agriculture operation. This area historically was a fish farm and currently is improved pasture. This variable width buffer is a minor encroachment into a previously disturbed portion of a wetland buffer for a short linear distance that cannot be avoided.

In no event shall the proposed variable width buffer be narrower than DEP or SWFWMD standards for Environmental Resource Permitting.

The configuration of the variable width buffer shall be determined by detailed onsite investigation, and shall at a minimum equal the area that would otherwise have been encompassed by a uniform-width buffer configured parallel to the wetland. Wetland buffer encroachments authorized under this Section shall be compensated for on the same wetland or wetland system, and such compensation shall be of equal or better quality.

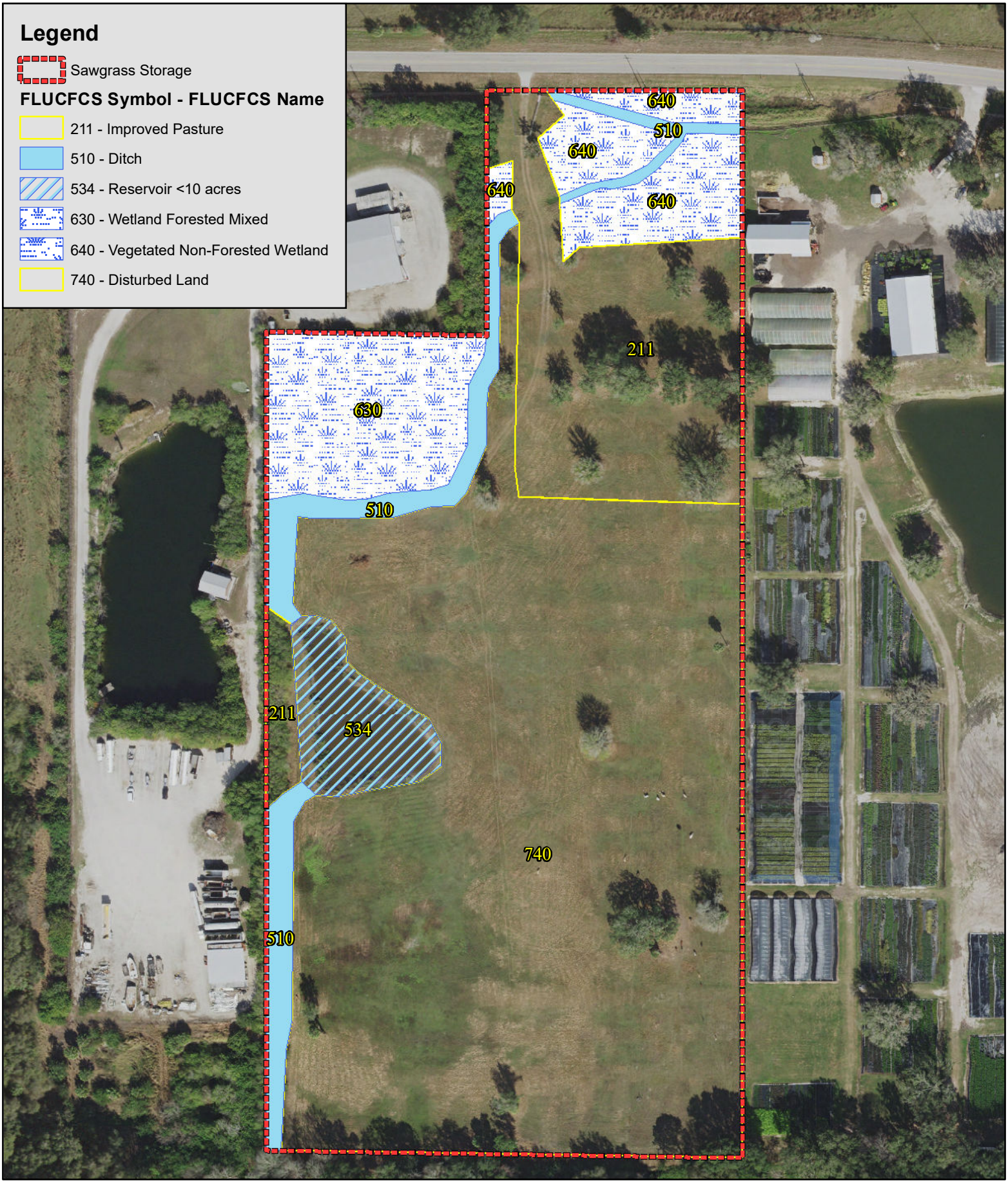
The configuration of the purposed variable width buffer for the Sawgrass Storage project meets the Manatee County LDC Section 706.7.C. The total acreage of the variable width buffer is the same as the acreage would be for the typical 30 foot buffer.

The environmental limitations described in this document are based on observations and technical information available on the date of the drafting of this Request for Additional Information response. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

Dillon Reeves
Project Manager

Attachments:
Figures 8



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Sawgrass Storage
Manatee County, Florida
Figure 8
Colored Wetland Map

N
W E
S

150 Feet

Project #: 1053-01
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