



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
POST OFFICE BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

May 1, 2019

CESAJ-RD  
North Permits Branch  
Jacksonville Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-01135 (SP-JNP)

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) as described below:

APPLICANT: Florida Power & Light Company (FPL)  
Attn: Ms. Loretta Cranmer  
15430 Endeavor Drive, D01/JW  
Jupiter, Florida 33478

WATERWAY AND LOCATION: The project would affect waters of the United States, including wetlands, associated with Corkscrew Swamp. The project site is located on an undeveloped parcel, at 15649 Immokalee Road, in Section 10, Township 48 South, Range 27 East, in Orangetree, Collier County, Florida.

Directions to the site are as follows: From the Fort Myers field office, take Summerlin Road north (0.2-miles), turn right onto Colonial Boulevard (5.1-miles), merge onto Interstate 75 south (24-miles), take Exit 111 (0.3-miles), turn left onto Immokalee Road (12-miles), turn left onto 47<sup>th</sup> Avenue NE (266-feet), the site is on the left at the intersection of 47<sup>th</sup> Avenue NE and Immokalee Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.318675°N  
Longitude -81.595884°W

### **PROJECT PURPOSE:**

Basic: The basic project purpose is to provide additional electric service capacity and service reliability to the public.

Overall: The overall project purpose is to provide additional electric service capacity and service reliability to FPLs customers within eastern Collier County and the City of Immokalee.

EXISTING CONDITIONS: The project site consists of approximately 8.01-acres of abandoned row crop agricultural lands. On-site waters of the U.S, including wetlands, consist of hydric pine flatwoods and agricultural ditches (linear wetlands). The site is

bordered by County Road 846 (Immokalee Road) to the east, 47<sup>th</sup> Avenue NE to the north, single-family dwellings to the west, and undeveloped, abandoned agricultural lands to the south.

Upland communities comprise the majority of the project site at 6.05-acres and consists of mixed rangeland. Vegetation in these areas consists of slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), broomsedge bluestem (*Andropogon virginicus*), earleaf acacia (*Acacia auriculiformis*), switchgrass (*Panicum virgatum*), and Brazilian pepper (*Schinus terebinthifolia*).

The remainder of the 1.96-acres of the project site consists of waters of the U.S., including wetlands. Man-made agricultural ditches (linear wetlands) comprise 0.22-acres and hydric pine flatwoods comprise 1.74-acres of the site. Both habitats support vegetation consisting of slash pine, cabbage palm, earleaf acacia, Brazilian pepper, yellow-eyed grass (*Xyris spp.*), and beak sedges (*Rhynchospora spp.*).

**PROPOSED WORK:** The proposed project is the construction of an electric transmission substation for an interconnect for Lee County Electrical Cooperative and FPL. The project will consist of the construction of a substation, two paved driveways, and stormwater management facilities. The proposed substation will connect to the existing Buckingham-Collier 230-kilovolt transmission line located to the north of the property. The proposed project will have permanent fill impacts to a total of 1.74-acres of hydric pine flatwoods wetlands and 0.22-acres of man-made agricultural ditches (linear wetlands).

**AVOIDANCE AND MINIMIZATION INFORMATION** – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

“The dimensions of the proposed facility were minimized to the greatest extent feasible, however the impact to the onsite surface water areas could not be avoided based on the necessary dimensions of the electrical facility. Mitigation is being proposed in the form of 0.98 herbaceous credits from the Panther Island Mitigation Bank Expansion.”

**COMPENSATORY MITIGATION** – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

“Mitigation is being proposed in the form of 0.98 herbaceous credits from the Panther Island Mitigation Bank Expansion.”

**CULTURAL RESOURCES:** The Corps is not aware of historic property/properties within, or in close proximity to, the permit area. The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation, as applicable, pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

**ENDANGERED SPECIES:** The Corps assessed the project site for Federally listed species using the U.S. Fish and Wildlife Service's (FWS) Information for Planning and Consultation (IPaC) web site, information provided by the applicant, and all available GIS data within the Corps' Resources at Risk (RAR) system, for purposes of complying with Section 7 of the Endangered Species Act (ESA) of 1973 (as amended).

The Corps has determined that the proposed project may affect the Florida bonneted bat (*Eumops floridanus*) and Florida panther (*Puma concolor coryi*), and may affect, but is not likely to adversely affect, the Audubon's crested caracara (*Polyborus plancus audubonii*) and Eastern indigo snake (*Drymarchon corais couperi*). The Corps will initiate formal consultation with the FWS pursuant to Section 7 of the ESA by separate letter.

The Corps has also determined that the proposed project would have no effect on the West Indian manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub-jay (*Aphelocoma coerulescens*), ivory-billed woodpecker (*Campephilus principalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), red-cockaded woodpecker (*Picoides borealis*), American wood stork (*Mycteria americana*), American crocodile (*Crocodylus acutus*), loggerhead sea turtle (*Caretta caretta*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Bartram's hairstreak butterfly (*Strymon acis bartrami*), Florida leafwing butterfly (*Anaea troglodyte flidalis*), Miami blue butterfly (*Cyclargus thomasi bethunebakeri*), Florida prairie-clover (*Dalea carthagenensis floridana*), and Garber's spurge (*Chamaesyce garberi*), or their designated, or proposed for designation, critical habitat.

**ESSENTIAL FISH HABITAT (EFH):** This notice initiates consultation with the National Marine Fisheries Service (NMFS) on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The site does not contain EFH and the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

**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 jurisdictional line has been verified by Corps personnel.

**AUTHORIZATION FROM OTHER AGENCIES:** Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

**COMMENTS:** Comments regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach

Gardens, Florida 33410 or to the email address of the Project Manager noted below, within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS: Questions concerning this application should be directed to the project manager, Mr. John Policarpo, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, by electronic mail at [John.N.Policarpo@usace.army.mil](mailto:John.N.Policarpo@usace.army.mil), by facsimile transmission at (561) 626-6970, or by telephone at (561) 472-3518.

IMPACT ON NATURAL RESOURCES: Coordination with the FWS, Environmental Protection Agency (EPA), the NMFS, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

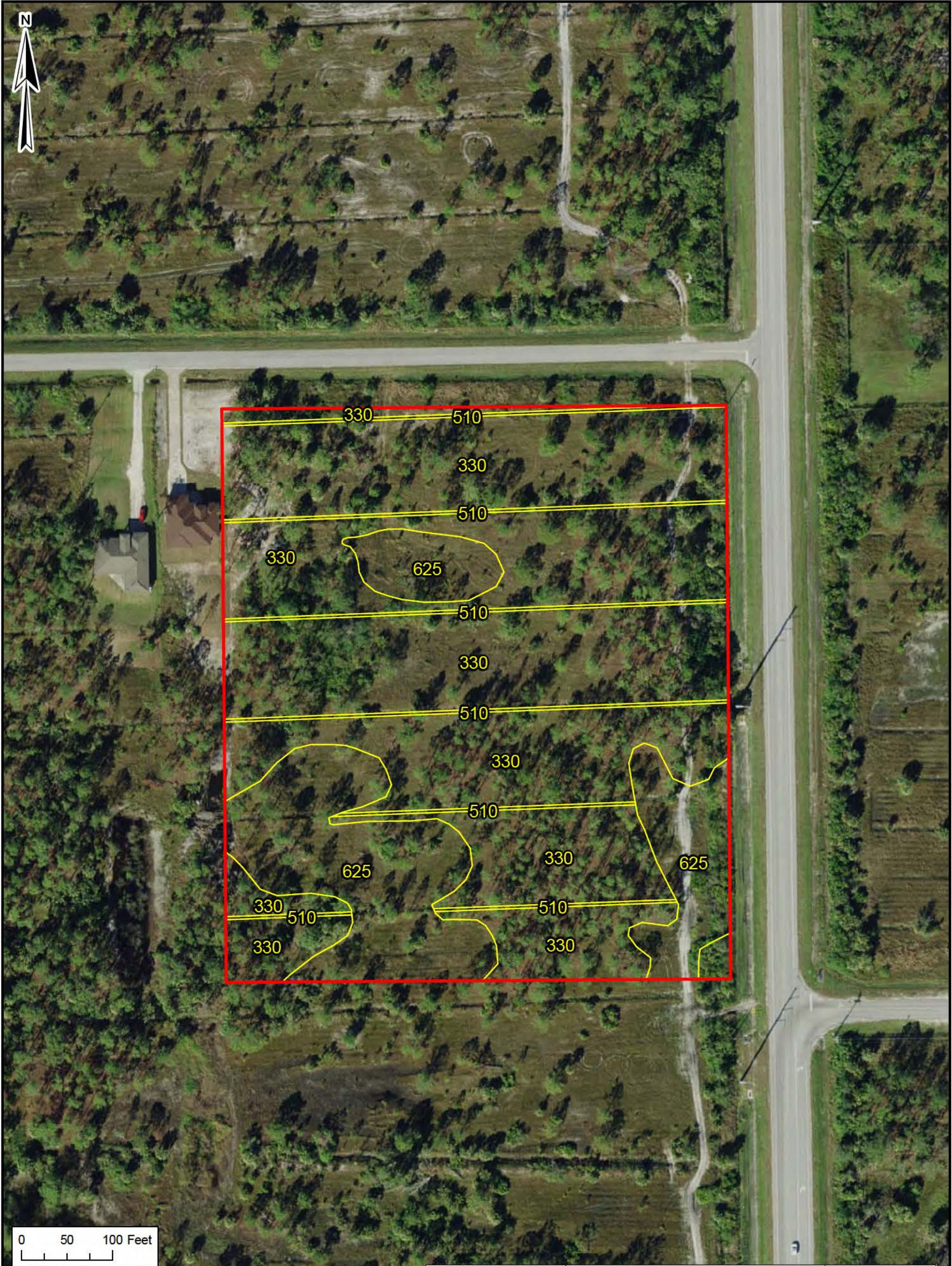
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that 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.

The US Army Corps of Engineers (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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.





**Legend**

Approximate FLUCCS Habitat Lines

Approximate Project Boundary

FLUCCS Code	Description	± Acreage
330	Mixed Rangeland	6.05
510	Streams and Waterways	0.22
625	Hydric Pine Flatwoods	1.74
Total Project Acreage		8.01

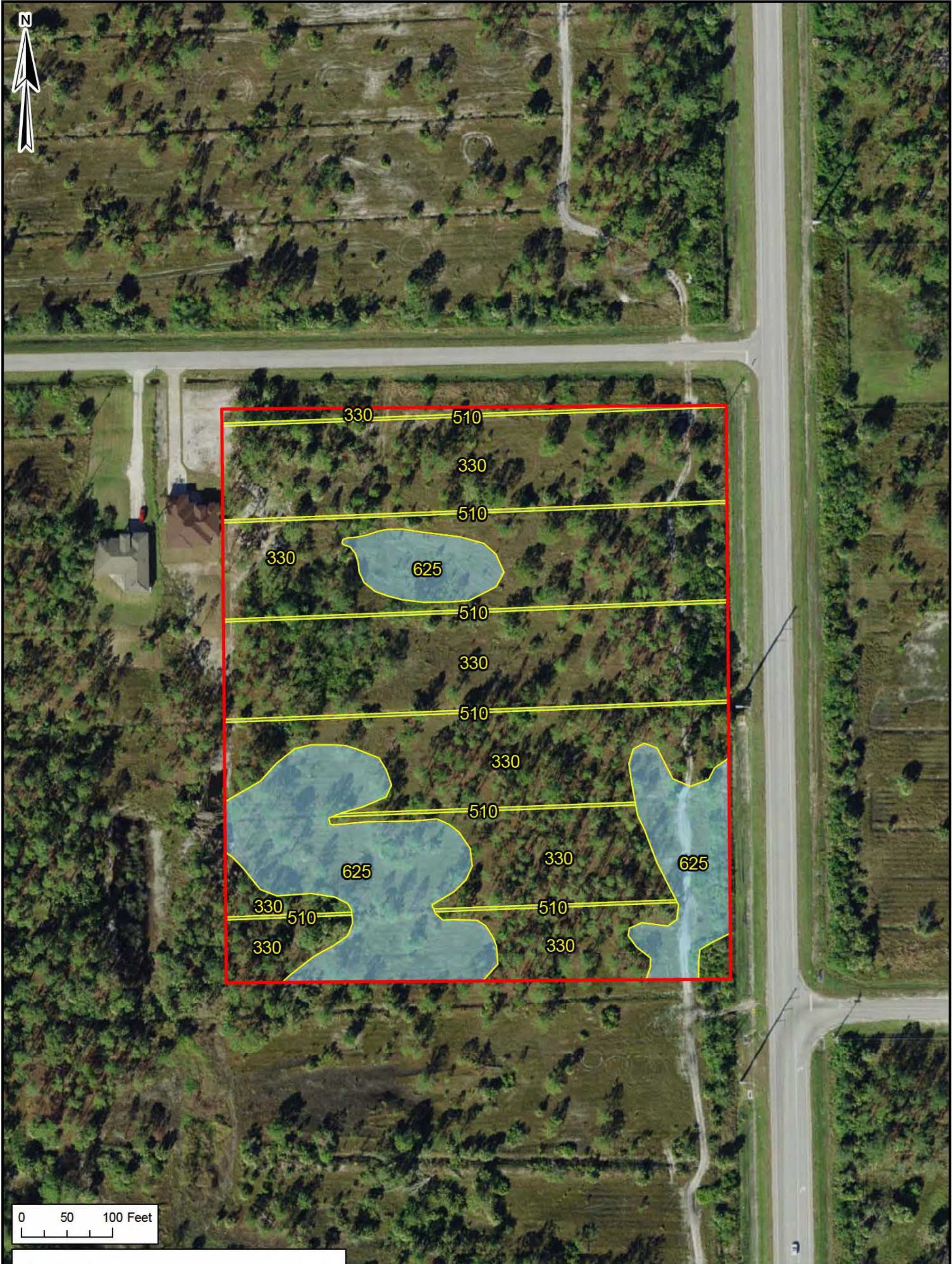
**Client:** Florida Power & Light Co.  
**Project:** Bobcat Substation  
**IO/WR #:** T19709  
**Location:** Collier County, Florida  
**Title:** FLUCCS Habitat Map

**TRS:** Twp: 48S Rng: 27E Sec: 10  
**Scale:** 1" = 100'  
**Date:** 4/24/2019  
**Drawn By:** KS  
**Source:** Collier County Imagery (2017)



CONSULTANTS INCORPORATED  
www.ecoconsultants.net





Legend

- Approximate Wetland/OSW Location (± 1.96 ac)
- Approximate FLUCCS Habitat Lines
- Approximate Project Boundary

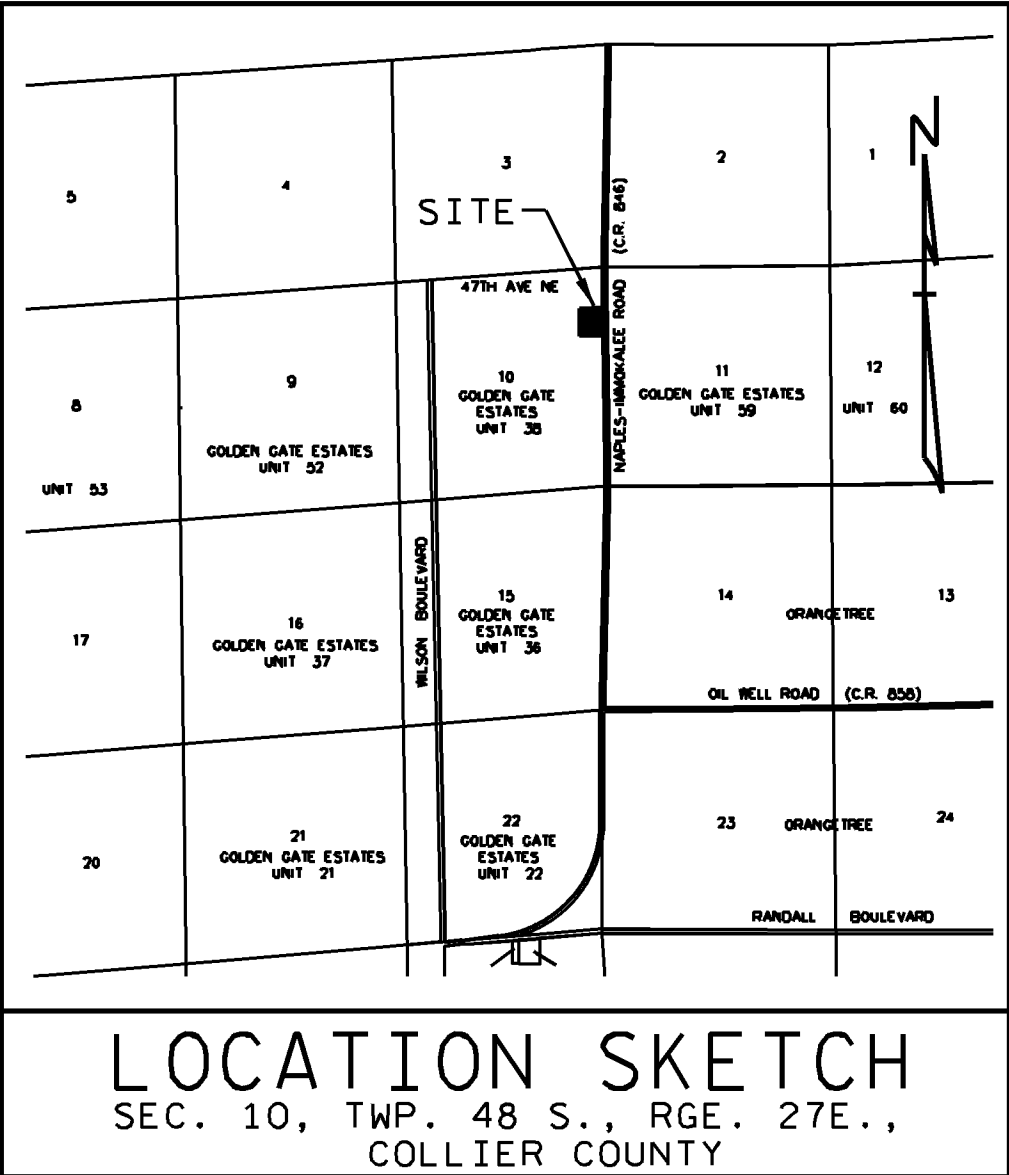
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(OR 5420, PG 3182)

TRACT 108 AND 109, GOLDEN GATE ESTATES UNIT NO. 38,  
ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN  
PLAT BOOK 7, PAGE 90, PUBLIC RECORDS OF COLLIER COUNTY,  
FLORIDA. PARCEL CONTAINS 376,766 SQUARE FEET OR 8.65  
ACRES, MORE OR LESS.

1. APPLICANT AND AGENT: LISA GRAFF  
FOR FLORIDA POWER AND LIGHT, OWNER & DEVELOPER,  
700 UNIVERSE BLVD., JW/TS4. JUNO BEACH, FLORIDA 33408  
PHONE (561)904-3709 .
2. THIS UNMANNED FACILITY WILL BE USED FOR TRANSFORMATION  
REGULATION, AND DISTRIBUTION OF ELECTRICITY.
3. FPL CERTIFIES THAT THIS FACILITY WILL BE USED ONLY BY  
EMPLOYEES, AND THE WORK ASSOCIATED WITH HIGH VOLTAGE  
ELECTRICAL EQUIPMENT CANNOT REASONABLY BE PERFORMED  
HANDICAPPED PERSONS. PURSUANT TO CHAPTER 553.504(1),  
OF FLORIDA STATUTES, THIS FACILITY IS NOT SUBJECT TO  
THE ACCESSIBILITY REQUIREMENTS OF THE ADA.
4. WALL SHALL BE 12'-0" WITH 3 STRANDS OF BARBED WIRE ON  
EXTENSION ARMS TO MAKE AN OVERALL TOTAL HEIGHT OF 14'  
SEE E-246315.
5. THIS FACILITY WILL CONSUME NO UNRECOVERABLE ENERGY AND  
IS EXEMPT FROM THE FLORIDA ENERGY REVIEW CODE.
6. THIS FACILITY WILL GENERATE NO SOLID WASTE.
7. THIS IS AN UNMANNED RESTRICTED ACCESS FACILITY. NO  
FPL EMPLOYEES REPORT TO THIS LOCATION AND MAINTENANCE  
CREWS WILL PARK INSIDE THE FENCED AREA. THEREFORE, NO  
PARKING SPACES WILL BE PROVIDED.
8. FPL TWO-MAN MAINTENANCE CREWS WILL AVERAGE TWO TRIPS  
PER MONTH TO THIS FACILITY.
9. ZONING DISTRICT: VACANT RESIDENTIAL.
10. ADDRESS: NOT ISSUED YET.
11. PARCEL TAX ID NUMBER:  
\*38611200009, \*38611240001.
12. THIS PROPERTY LIES IN FLOOD ZONE AH (EL. 16.5') AND  
ZONE "X" PER D.F.I.R.M. PANEL NO.12021C 0230 H, MAY 16, 2

ENGINEER'S SEAL