



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
1520 ROYAL PALM SQUARE BOULEVARD SUITE 310
FORT MYERS, FLORIDA 33919

MAY 14, 2019

Regulatory Division
West Permits Branch
Fort Myers Permits Section

PUBLIC NOTICE

DA Permit Application No. SAJ-2017-02838 (SP-KRD)

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 (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Habitat for Humanity of Collier County
Mr. Nick Kouloheras
11145 Tamiami Trail East
Naples, FL 34113

WATERWAY AND LOCATION: The project would affect waters of the United States associated within the Lely Canal Basin. The 29.24± acre project site is located in Section 17, Township 50 South, Range 26 East, Collier County. More specifically, the project site is located on the north side of Whitaker Road, between Country Barn Road and Santa Barbara Boulevard, approximately 0.9 miles north of Rattlesnake Hammock Road (County Road 864) in Naples, Collier County, Florida.

Directions to the site are as follows: From Interstate 75, take exit 105 for County Road 886/Golden Gate Parkway toward Golden Gate, Naples. Turn right onto Santa Barbara Boulevard. Drive for approximately 3.2 miles and turn right onto Whitaker Road. The project site is located on the north side of Whitaker Road between Country Barn Road and Santa Barbara Boulevard.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.122971
Longitude -81.722976

PROJECT PURPOSE:

Basic: Residential Multi-Family Development.

Overall: To develop a residential multi-family development in the east Naples/Collier County area with convenient access to areas of employment, grocery stores, and other amenities.

EXISTING CONDITIONS: The project site contains 24.64± acre of freshwater palustrine forested (PFO) wetlands and 4.60± of upland habitat. The prominent wetland feature includes Pine/Cypress, Disturbed habitat with high degrees of melaleuca (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), and earleaf acacia (*Acacia auriculiformis*) invasion.

A total of ten vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. The Project's existing land uses include undeveloped, disturbed land and forested uplands with varying degrees of exotic infestation, primarily melaleuca, Brazilian pepper, and earleaf acacia. The dominant habitat types on the property are Pine/Cypress, Disturbed (FLUCFCS Codes 6249 E3 and E4) (80.6 percent); Pine Flatwoods, Disturbed (FLUCFCS Codes 4119 E1 through E3) (12 percent); Disturbed Land (FLUCFCS Codes 740 and 7401) (4.0 percent); and Pine, Disturbed (FLUCFCS Code 4159 E1 and E4) (1.9 percent). The majority of the disturbed land is the result of a radio transmission tower that formerly resided in the center of the site.

The existing area surrounding the project area consists of a mixture of land uses including single-family residential and undeveloped land to the north, Youth Haven and undeveloped land to the south, undeveloped lands to the east, and single- and multi-family residential to the west.

PROPOSED WORK: The applicant seeks authorization to discharge dredged and/or fill material in 15.85± acre of non-tidal palustrine forested (PFO) wetlands and to excavate a 2.66± acre of non-tidal palustrine forested wetlands for the construction of a 121-unit residential development, to be known as Whitaker SDP with associated infrastructure and surface water management system. The site plan has been designed to provide a total of 7.09± acre of preserve area in the western portion of the site which includes 6.13± acre of PFO wetlands and 0.96± acre of uplands.

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:

Through the development of multiple site plan alternatives, the applicant has implemented all practicable design modifications to reduce and eliminate wetland impacts on the project site while still allowing the project to remain economically viable. The design of the site plan included appropriate and practicable steps to avoid and minimize impacts to the higher quality wetlands, and limit the impacts to the lower quality, disturbed and exotic infested wetlands with minimal wetland function. In addition, the proposed mitigation will provide greater long-term ecological value than the wetlands to be impacted.

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

To compensate for impacts to 18.51-acres of PFO wetlands, 5.56 freshwater mitigation credits at Panther Island Mitigation Bank (PIMB) will be purchased. In addition, 5.75± acres of on-site wetlands and 0.96± acres of on-site uplands will be preserved. On-site enhancement will include grading and removal of exotic vegetation followed by installation of native plantings.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. The Corps has made an initial determination that the project has no potential to cause effect on historic properties due to the project's location, the presence of wetland over a majority of the site, and past disturbances. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect but is not likely to adversely affect the Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), and Florida bonneted bat (*Eumops floridanus*). In addition, the Corps has determined that the proposed project will have no effect on the red-cockaded woodpecker (*Picoides borealis*), Florida scrub jay (*Aphelocoma coerulescens*) and Florida panther (*Puma concolor coryi*). The Corps will request U.S. Fish and Wildlife Service (USFWS) concurrence with the above determinations pursuant to Section 7 of the Endangered Species Act (ESA).

Eastern Indigo Snake: Use of the Service's Consultation Key (2017) resulted in the following sequential determination: A>B>C>D>NLAA (Not likely to adversely affect). This is based on the applicant's willingness to adhere to the Service's *Standard Protection Measures for the Eastern Indigo Snake* during site preparation and project construction. The Corps will request USFWS's concurrence with this NLAA determination via a separate informal consultation.

Wood Stork: The project is located within core foraging area (CFA) buffers, but not within 0.47 mile of an active colony. Use of the Wood Stork Programmatic Effect Determination Key (2010) resulted in the following sequential determination: A>B>C>E>NLAA (Not likely to adversely affect). This is based on the applicant purchasing 5.56 wetland mitigation credits from PIMB. The Corps will request U.S. Fish and Wildlife Service (USFWS) concurrence with the above determinations pursuant to Section 7 of the Endangered Species Act (ESA).

Florida Bonneted Bat (FBB): The project is located within the FBB consultation area, but not within designated focal areas. However, the project location is approximately 1.85+/- miles from the FBB focal area boundary. Use of the USFWS FBB Effect Determination Guidelines Key (2013) resulted in the following determination: 2.c.>May affect. However, based on the results of cavity tree and acoustic surveys conducted by the applicant, the Corps has determined that the project may affect, but is not likely to adversely affect the species. The Corps will request U.S. Fish and Wildlife Service (USFWS) concurrence with the above determinations pursuant to Section 7 of the Endangered Species Act (ESA).

Red-Cockaded Woodpecker (RCW): The proposed project site is located within the RCW consultation area and contains 20.92± acres of cover types that could be utilized by the species. However, no RCWs or cavities in live pine trees were documented on-site and no RCWs were heard or observed during a nesting season survey conducted by the applicant. Therefore, the Corps provides that the project will have no effect on the RCW and no further consultation with USFWS will be required.

Florida Scrub Jay: The project site is located within the consultation area for the Florida scrub jay. However, the site does not contain suitable scrub habitat such as scrub oak (*Quercus inopina*), myrtle oak (*Quercus myrtifolia*), Chapman oak (*Quercus chapmanii*), sand live oak (*Quercus geminata*), or sand pine (*Pinus clausa*) that may be used by Florida scrub jays. Therefore, the Corps provides that the project will have no effect on the Florida scrub jay and no further consultation with USFWS will be required.

Florida Panther: Use of the Service's February 19, 2007 Florida Panther Effect Determination Key resulted in a "no effect" determination for the Florida panther: A>B>No effect. The applicant provided a traffic analysis indicating that the proposed project will have an insignificant increase in traffic in the vicinity of the project which is located approximately two mile west of the USFWS's designated Florida panther focus area. Based upon this no effect determination, no further consultation with USFWS will be required.

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 via a preliminary jurisdictional determination issued on April 4, 2019.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification was provided by the South Florida Water Management District (SFWMD) via issuance of an Individual Environmental Resource Permit (ERP) No. 11-03985-P on September 11, 2018. Issuance of the ERP constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Fort Myers Permits Section, 1520 Royal Palm Square Boulevard, Fort Myers, FL 33919 or preferably by email to Katy.R.Damico@usace.army.mil within 21 days, or by June 4, 2019, 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 concerning this application should be directed to the project manager, Katy Damico, in writing by U.S. Mail at the Fort Myers Permits Section, 1520 Royal Palm Square Boulevard, Fort Myers, Florida 33919; by electronic mail at Katy.R.Damico@usace.army.mil; or, by telephone at (813) 769-7076.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), the National Marine Fisheries Services (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.

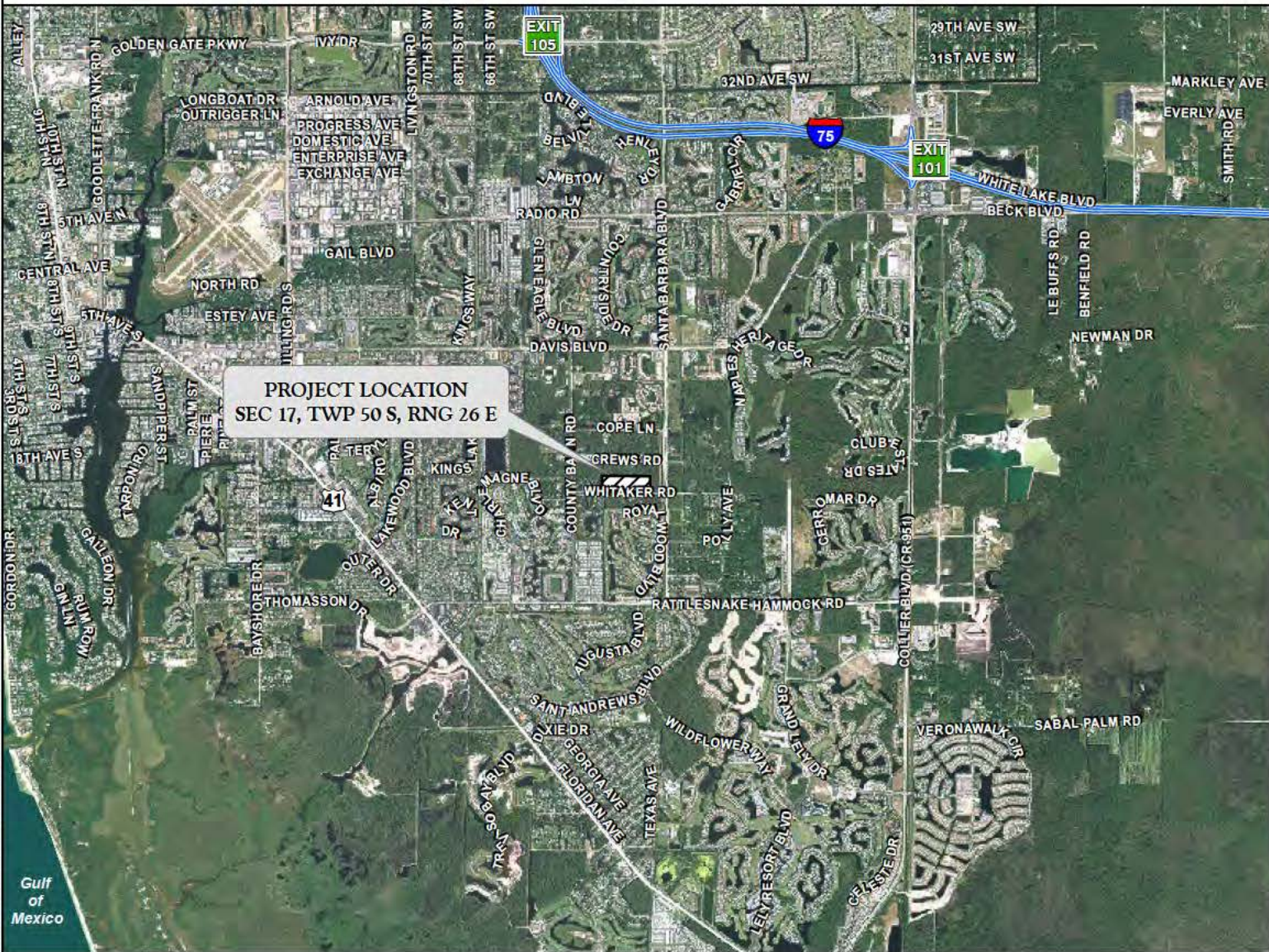
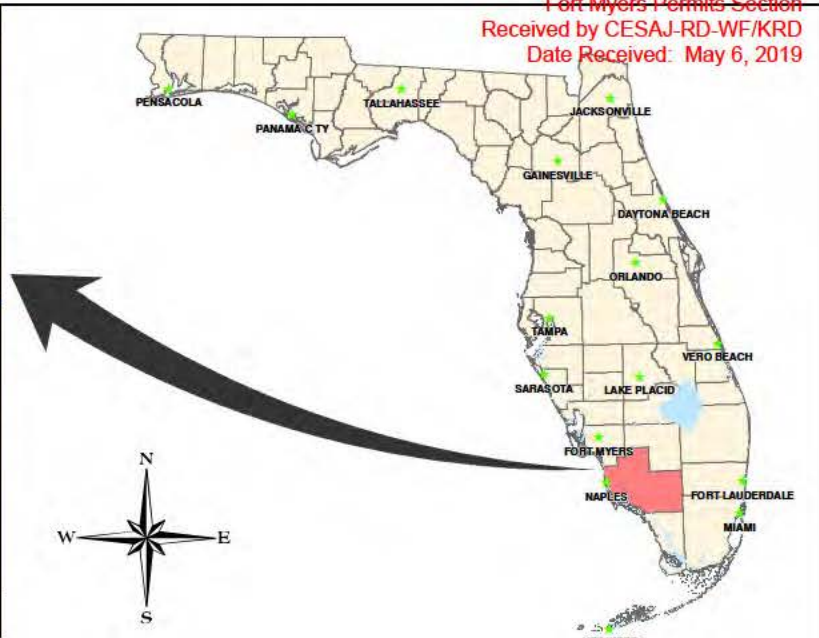
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

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. SFWMD issued an Individual ERP No. 11-03985-P on September 11, 2018 which constitutes a finding of consistency with the Florida Coastal Management Program.

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.



PROJECT NAME: WHITAKER ROAD

APPLICANT: HABITAT FOR HUMANITY OF COLLIER COUNTY

PROJECT LOCATION MAP

DWG. No. 12FHF2096-I

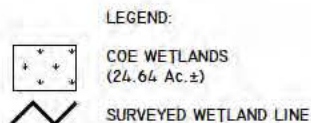
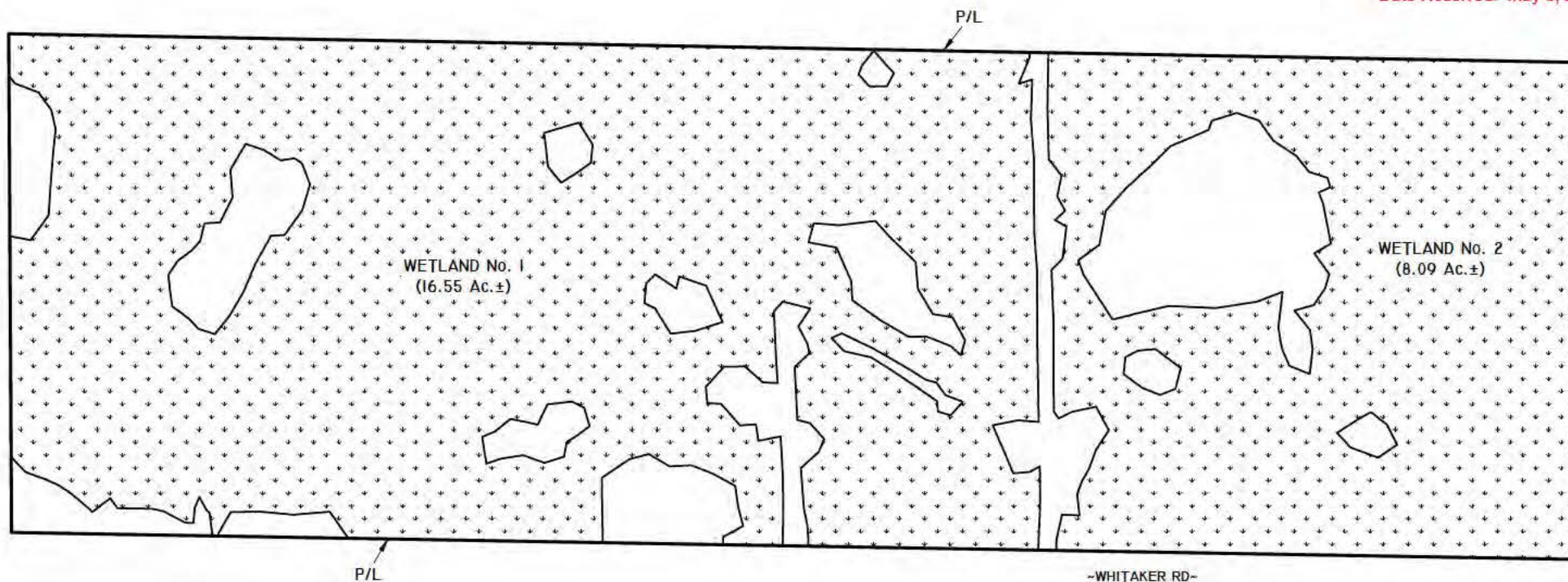
DRAWN BY: D.B./T.S.

REVISIONS:

SHEET: 1 OF 6

DATE: 9/20/17

SCALE: N.T.S



WETLAND NO.	ACREAGE
1	16.55 Ac.±
2	8.09 Ac.±
TOTAL	24.64 Ac.±

NOTES:

PROPERTY BOUNDARY PER HAGAN
ENGINEERING DRAWING No. HABITAT RMF
2-5-18 (1).DWG DATED FEBRUARY 22, 2018.

SURVEYED WETLAND LINES PER MARCO
SURVEYS DRAWING Nos. PE302 SPS 16-677
WHITAKER PINES.DWG DATED DECEMBER 19,
2016. AND PE-310-SPS 16-677 WHITAKER
PINES.DWG DATED MARCH 6, 2017.

WETLAND LIMITS WERE FIELD REVIEWED AND
APPROVED BY SFWM D STAFF ON JANUARY
30, 2017.

PROJECT NAME: WHITAKER ROAD

APPLICANT: HABITAT FOR HUMANITY OF COLLIER COUNTY

WETLAND MAP

DWG. No. I2HFH2096-2

DRAWN BY: D.B./T.S.

REVISIONS: 11/20/17, 3/1/18

SHEET: 2 OF 6

DATE: 9/20/17

SCALE: 1"=200'



* INCLUDES 0.38 Ac. ± OF WETLANDS EVALUATED FOR SECONDARY IMPACTS.

SCALE: 1"=200'



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	2.00 Ac. ±	6.8%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.17 Ac. ±	4.0%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	0.34 Ac. ±	1.2%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	0.22 Ac. ±	0.8%
4159 E4	PINE, DISTURBED (76-100% EXOTICS)	0.31 Ac. ±	1.1%
6249 E3	PINE/CYPRESS, DISTURBED (50-75% EXOTICS)	23.32 Ac. ±	79.8%
6249 E4	PINE/CYPRESS, DISTURBED (76-100% EXOTICS)	0.22 Ac. ±	0.8%
740	DISTURBED LAND	0.06 Ac. ±	0.2%
7401	DISTURBED LAND, HYDRIC	1.10 Ac. ±	3.8%
B14	ROAD	0.50 Ac. ±	1.7%
	TOTAL	29.24 Ac. ±	100.0%

WETLAND LIMITS WERE FIELD REVIEWED AND APPROVED BY SFWMD STAFF ON JANUARY 30, 2017.

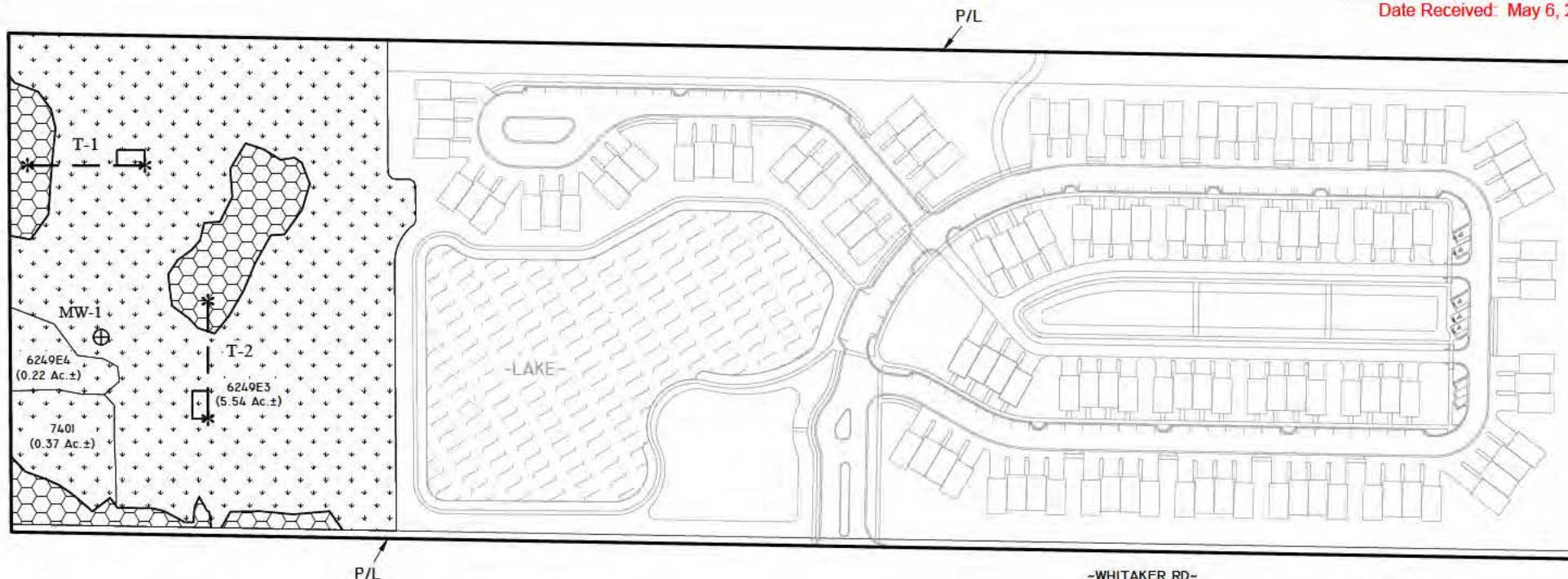
SCALE: 1"=200'



FLUCFCS CODES	WETLAND PRESERVE	WETLAND AREA EVALUATED FOR		WETLAND FILL	TOTAL
		SECONDARY IMPACT	EXCAVATION		
6249 E3	5.16 Ac.±	0.38 Ac.±	2.28 Ac.±	15.50 Ac.±	23.32 Ac.±
6249 E4	0.22 Ac.±	-	-	-	0.22 Ac.±
7401	0.37 Ac.±	-	0.38 Ac.±	0.36 Ac.±	1.10 Ac.±
TOTAL	5.75 Ac.±	0.38 Ac.±	2.66 Ac.±	15.85 Ac.±	24.64 Ac.±

WETLAND LIMITS WERE FIELD REVIEWED AND APPROVED BY SFWMD STAFF ON JANUARY 30, 2017.

	WETLAND IMPACT MAP	
	DWG. No. 12HFH2096-5	SHEET: 5 OF 6
COUNTY	DRAWN BY: D.B./T.S.	DATE: 9/26/17
	REVISIONS: 11/20/17, 3/1/18	SCALE: 1"=200'



- LEGEND:
- WETLAND PRESERVE (6.13 Ac.±)
 - UPLAND PRESERVE (0.96 Ac.±)
 - SURVEYED WETLAND LINE
 - MONITORING TRANSECT
 - TREE/SHRUB PLOT
 - T-1 TRANSECT NUMBER
 - PHOTO-STATION
 - MW-1 MONITORING WELL No.
 - MONITORING WELL



NOTES:

PROPERTY BOUNDARY AND SITE PLAN PER HAGAN ENGINEERING DRAWING No. HABITAT RMF 2-5-18 (I).DWG FEBRUARY 22, 2018.

SURVEYED WETLAND LINES PER MARCO SURVEYS DRAWING Nos. PE302 SPS I6-677 WHITAKER PINES.DWG DATED DECEMBER 19, 2016. AND PE-310-SPS I6-677 WHITAKER PINES.DWG DATED MARCH 6, 2017.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

WETLAND LIMITS WERE FIELD REVIEWED AND APPROVED BY SFWMD STAFF ON JANUARY 30, 2017.

PROJECT NAME: WHITAKER ROAD

MITIGATION AND MONITORING PLAN

DWG. No. I2HFH2096-5

SHEET: 6 OF 6

APPLICANT: HABITAT FOR HUMANITY OF COLLIER COUNTY

DRAWN BY: D.B./T.S.

DATE: 9/26/17

REVISIONS: 11/20/17, 3/1/18

SCALE: 1"=200'