



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

REPLY TO  
ATTENTION OF

July 17, 2019

Regulatory Division  
West Permits Branch  
Fort Myers Permits Section

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2014-01224 (SP-MLB)

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: Mr. David Torres  
Lord's Way 30, LLC  
3921 Prospect Avenue  
Naples, Florida 34104

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Rock Creek/Naples Bay watershed. The project site is adjacent to a road side ditch which flows south into Henderson Creek, through a series of bays and into the Gulf of Mexico. The project site is located at 9198 Collier Boulevard in Section 11, Township 50 South, Range 26 East, Naples, Collier County, Florida.

Directions to the site are as follows: From Ft. Myers, take Interstate 75 south. Take Exit 101 to Naples/Marco Island. At the end of the exit, take a right onto Collier Boulevard. Project site is approximately 2 miles on the left.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 26.1271

Longitude: -81.6847

PROJECT PURPOSE:

Basic: Residential development

Overall: Construct a residential development with associated infrastructure and stormwater management system in the east Naples area of Collier County, Florida.

EXISTING CONDITIONS: The 24.32 acre project site consists of 4.88 acres of uplands and 19.44 acres of wetlands. The wetland system consists of a palustrine forested freshwater system. The onsite vegetation consists of *Melaleuca* (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), Bald cypress (*Taxodium*

*distichum*), Slash pine (*Pinus elliotti*), Wax myrtle (*Myrica cerifera*) and Gallberry (*Ilex coriacea*). The upland vegetation consists of Southern live oak (*Quercus virginiana*), Laurel oak (*Quercus imbricaria*), Saw palmetto (*Serenoa repens*) and Muscadine (*Vitis rotundifolia*). The existing area surrounding the project area consists of roads, residential development, and mining activities, including County Road 951 and Naples Club Estates to the west; the Aventine Apartments and the entrance road to Willow Run Quarry to the north; the excavated lakes of Willow Run Quarry to the east; and undeveloped lands to the south.

**PROPOSED WORK:** The applicant seeks authorization to construct a 61 unit residential development with associated infrastructure and stormwater management system. To construct the development, the applicant proposes to fill 11.81 acres of freshwater forested 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 site plan was designed to take into account the highly disturbed condition of the property and limited functions of the wetlands on-site.

Per a previous Public Notice issued for the project on June 26, 2014, the Project proposed 12.14 acres of wetland impacts. Since that time, the site plan has been re-evaluated and impacts to wetlands minimized.

The revised plan would avoid and preserve  $\pm 2.33$  acres of the high quality wetlands on-site, a depressional cypress wetland in the southwest portion of the site, and will also avoid impacts to 1.01 acres of wetlands located within a utility easement on the east side of the project site. The applicant has minimized the project by proposing to impact only  $\pm 11.81$  acres of the  $\pm 15.15$  acres of on-site freshwater wetlands.

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

A 5.01 acre onsite preserve will be retained on the project site, however this area will not be used as compensatory mitigation for Corps wetland impacts.

As compensatory mitigation for the proposed wetland impacts, 48.90 acres of wetlands located within a larger 77.82 acre Offsite Mitigation Parcel, will be enhanced and preserved. The Offsite Mitigation Parcel is located directly adjacent to the Picayune Strand State Forest and will be protected via a conservation easement. The Offsite Mitigation Parcel contains an additional 24.63 acres of freshwater forested wetlands, 2.41 acres of uplands and a 1.88 acre access easement that will be preserved, but not utilized as Corps wetland mitigation.

## CULTURAL RESOURCES:

The Corps is aware of historic property/properties within or in close proximity of 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.

A cultural resource assessment survey was conducted onsite in March 2014 and found no archaeological or historical resources that are listed, determined eligible or considered potentially eligible for listing in the NRHP are located onsite.

## ENDANGERED SPECIES:

The Corps has determined the proposed project would have “no effect” on the wood stork (*Mycteria Americana*) or its designated critical habitat. No further action is required. This determination was based on the use of the Wood Stork Effect Determination Key (May 18, 2010) and its addendums.

The Corps has determined the proposed project is “not likely to adversely affect” the Eastern indigo snake (*Drymarchon corais couperi*). This determination was based on the use of the Eastern Indigo Snake Programmatic Concurrence Key (August 1, 2017). No further action is required.

The Corps has determined the proposal may affect the Florida bonneted bat (*Eumops floridanus*), Florida panther (*Puma concolor coryi*), Florida scrub jay (*Aphelocoma coerulescens*) and Red-cockaded woodpecker (*Picoides borealis*). The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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.

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 regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Ft. Myers Permits Section, 1520 Royal Palm Square Boulevard, Suite 310, Ft. Myers, Florida 33919 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 concerning this application should be directed to the project manager, Ms. Michelle Bartley, in writing at the Ft. Myers Permits Section, 1520 Royal Palm Square Boulevard, Suite 310, Ft. Myers, Florida 33919, by electronic mail at [michelle.l.bartley@usace.army.mil](mailto:michelle.l.bartley@usace.army.mil), by telephone at (239)334-1975, ext. 0006.

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

**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 of 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 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 decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant

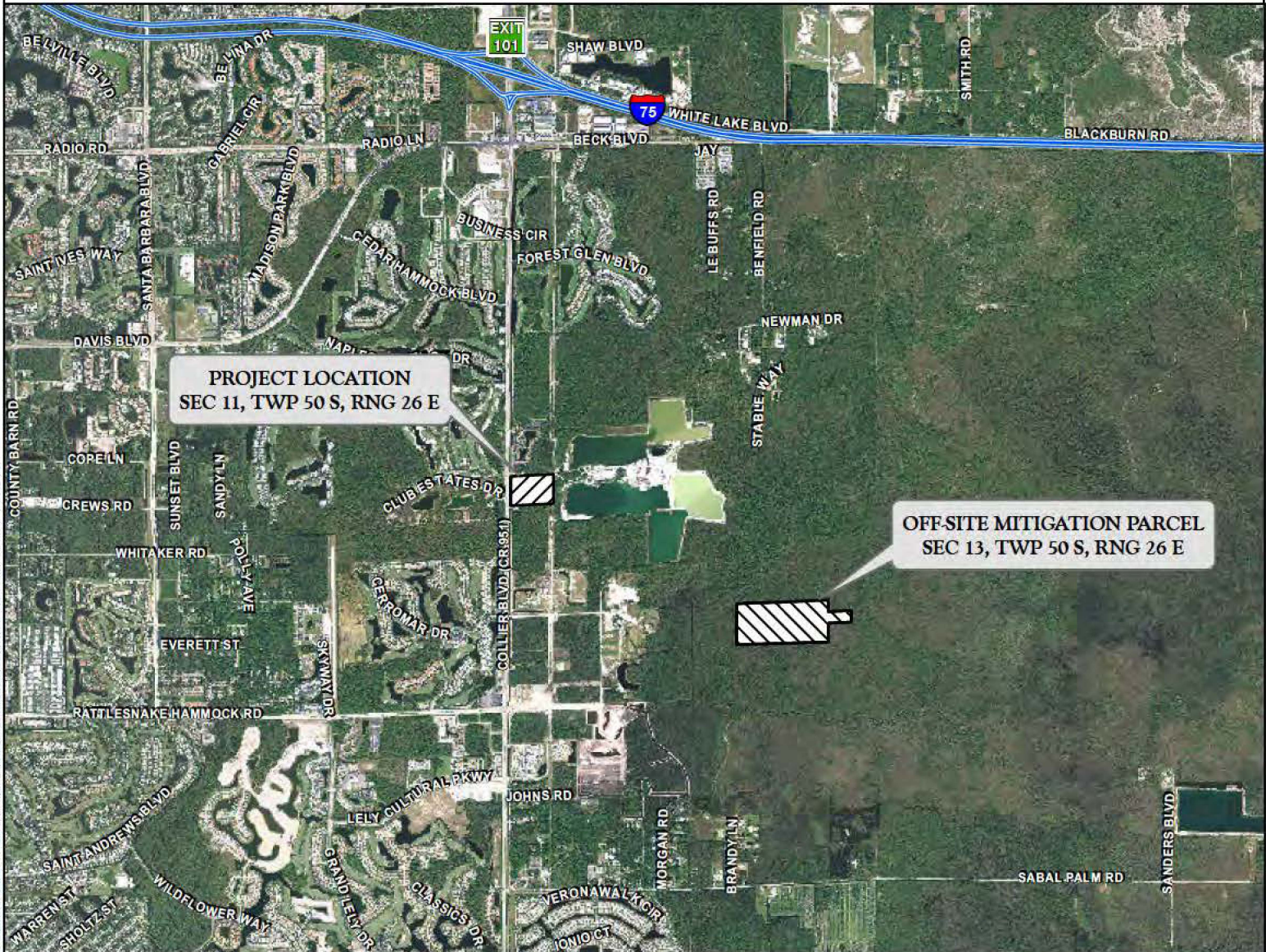
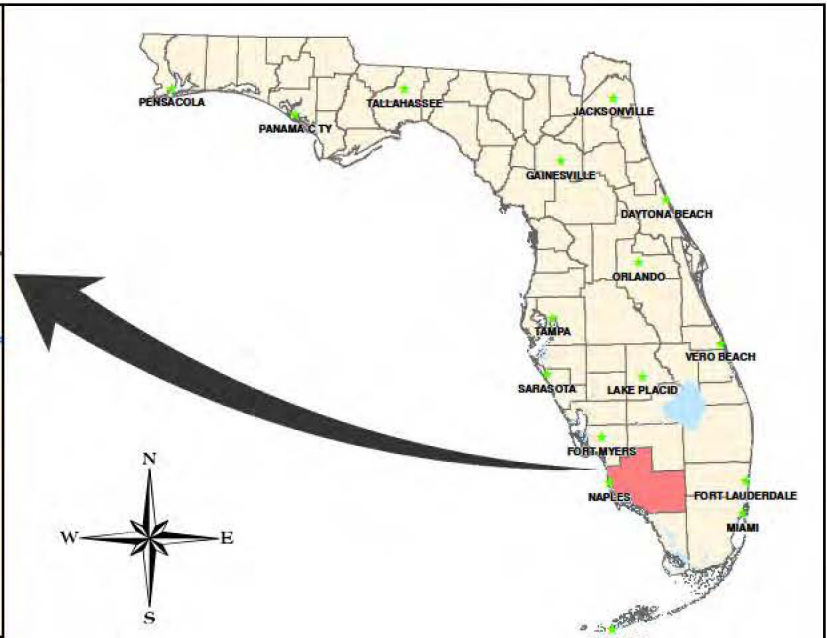


to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**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.





J:\2013\13442228\GIS\2014\COE PERMIT DRAWINGS\FIGURE 1 SHEET 1 PROJECT LOCATION MAP - 4/20/2019 11:11:40 AM

PROJECT NAME: LIDO ISLES	PROJECT LOCATION MAP	
	DWG. No. I3MIG2228-I	SHEET: 1 OF 8
	DRAWN BY: D.B.,T.S.	DATE: 12/31/14
	REVISIONS: 2/12/16	SCALE: N.T.S
APPLICANT: LORD'S WAY 30, LLC		





SCALE: 1" = 200'



P/L

WETLAND No. 3  
(0.03 Ac.±)

LEGEND:

COE WETLANDS  
(15.15 Ac. ±)

SURVEYED WETLAND LINE

WETLAND	
NO.	ACREAGE
1	14.66 Ac.±
2	0.46 Ac.±
3	0.03 Ac.±
TOTAL	15.15 Ac.±

NOTES:

PROPERTY BOUNDARY PER HOLE MONTES ENGINEERING  
DRAWING No. ACAD R2004-13099MP0\_140722.DWG  
DATED JULY 22, 2014.

SURVEYED WETLAND LINES PER HOLE MONTES ENGINEERING  
DRAWING No. JURIS\_BND.DWG DATED FEBRUARY 10, 2014.

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 LINES WERE REVIEWED AND APPROVED BY  
THE COE ON JUNE 30, 2014.

PROJECT NAME: LIDO ISLES

COE WETLAND MAP

DWG. No. 13MIG2228-2

SHEET: 2 OF 8

APPLICANT: LORD'S WAY 30, LLC

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

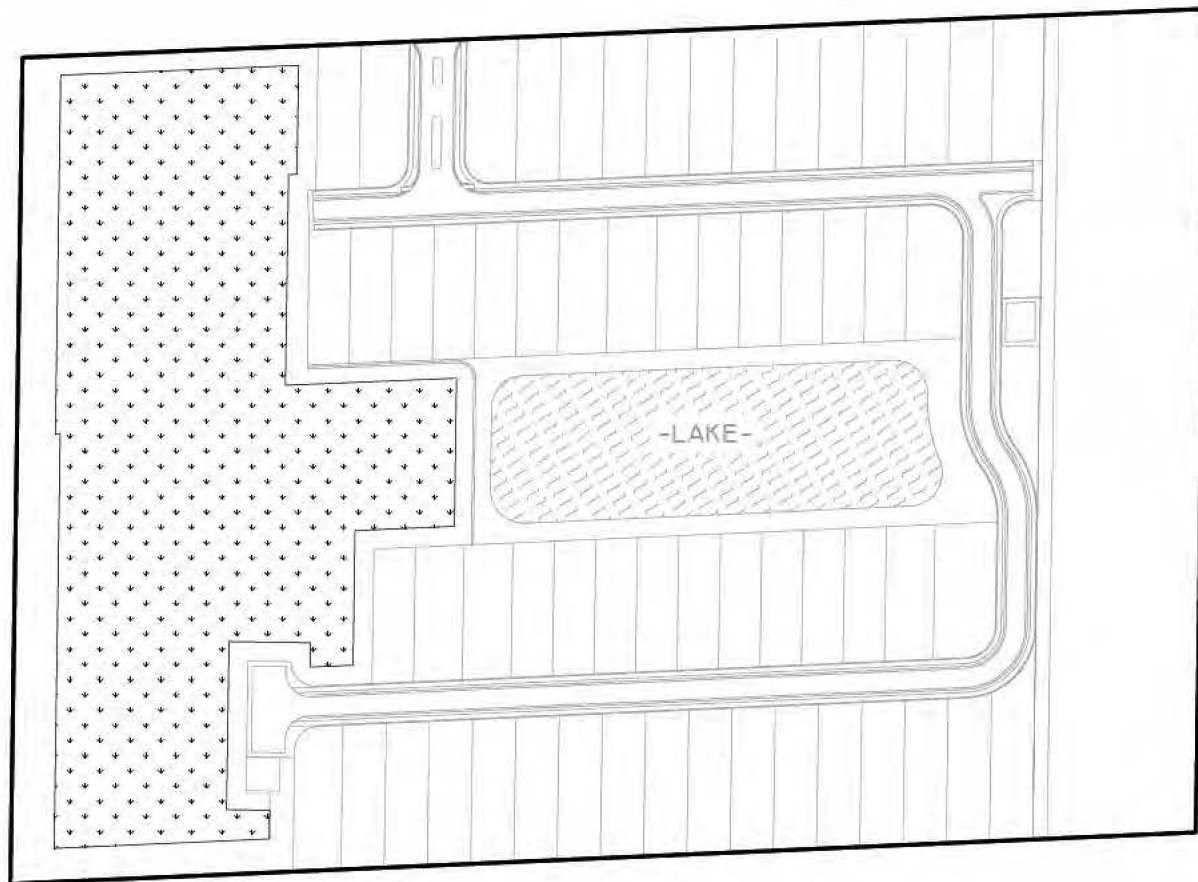
DATE: 3/31/14

REVISIONS: 2/12/16

SCALE: 1"=200'



SCALE: 1" = 200'



LEGEND:



PRESERVE AREA  
(5.01 Ac.±)

NOTES:

SITE PLAN PER HOLE MONTES ENGINEERING DRAWING  
No. ACAD R2004-13099MP0\_J40722.DWG DATED  
JULY 22, 2014.

PROJECT NAME: LIDO ISLES

SITE PLAN

DWG. No. I3MIG2228-3

SHEET: 3 OF 8

APPLICANT: LORD'S WAY 30, LLC

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

DATE: 4/14/14

REVISIONS: 2/12/16

SCALE: 1"=200'

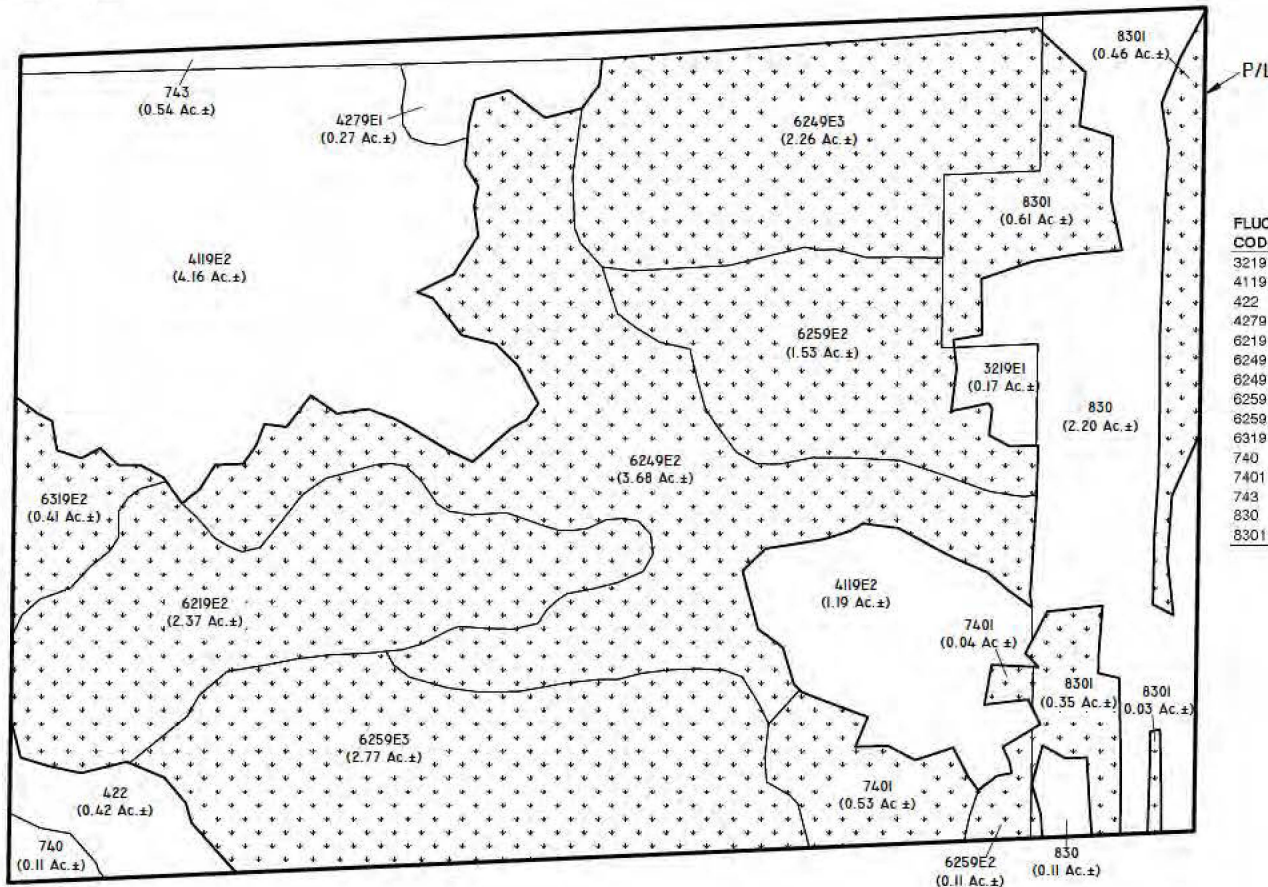




COE WETLANDS  
(15.15 Ac.±)



SURVEYED WETLAND LINE



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	0.17 Ac.±	0.7%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	5.35 Ac.±	22.0%
422	BRAZILIAN PEPPER	0.42 Ac.±	1.7%
4279 E1	OAK, DISTURBED (0-24% EXOTICS)	0.27 Ac.±	1.1%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	2.37 Ac.±	9.7%
6249 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	3.68 Ac.±	15.1%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	2.26 Ac.±	9.3%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	1.64 Ac.±	6.7%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	2.77 Ac.±	11.4%
6319 E2	WETLAND SHRUB, DISTURBED (25-49% EXOTICS)	0.41 Ac.±	1.7%
740	DISTURBED LAND	0.11 Ac.±	0.5%
7401	DISTURBED LAND, HYDRIC	0.57 Ac.±	2.3%
743	SPOIL AREAS	0.54 Ac.±	2.2%
830	UTILITIES	2.31 Ac.±	9.5%
8301	UTILITIES, HYDRIC	1.45 Ac.±	6.0%
	<b>TOTAL</b>	<b>24.32 Ac.±</b>	<b>100.0%</b>

PROPERTY BOUNDARY PER HOLE MONTES ENGINEERING  
DRAWING No. ACAD R2004-I3099MP0\_140722.DWG  
DATED JULY 22, 2014.

SURVEYED WETLAND LINES PER HOLE MONTES ENGINEERING  
DRAWING No. JURIS\_BND.DWG DATED FEBRUARY 10, 2014.

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 LINES WERE REVIEWED AND APPROVED BY  
THE COE ON JUNE 30, 2014.

PROJECT NAME: LIDO ISLES

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APPLICANT: LORD'S WAY 30, LLC

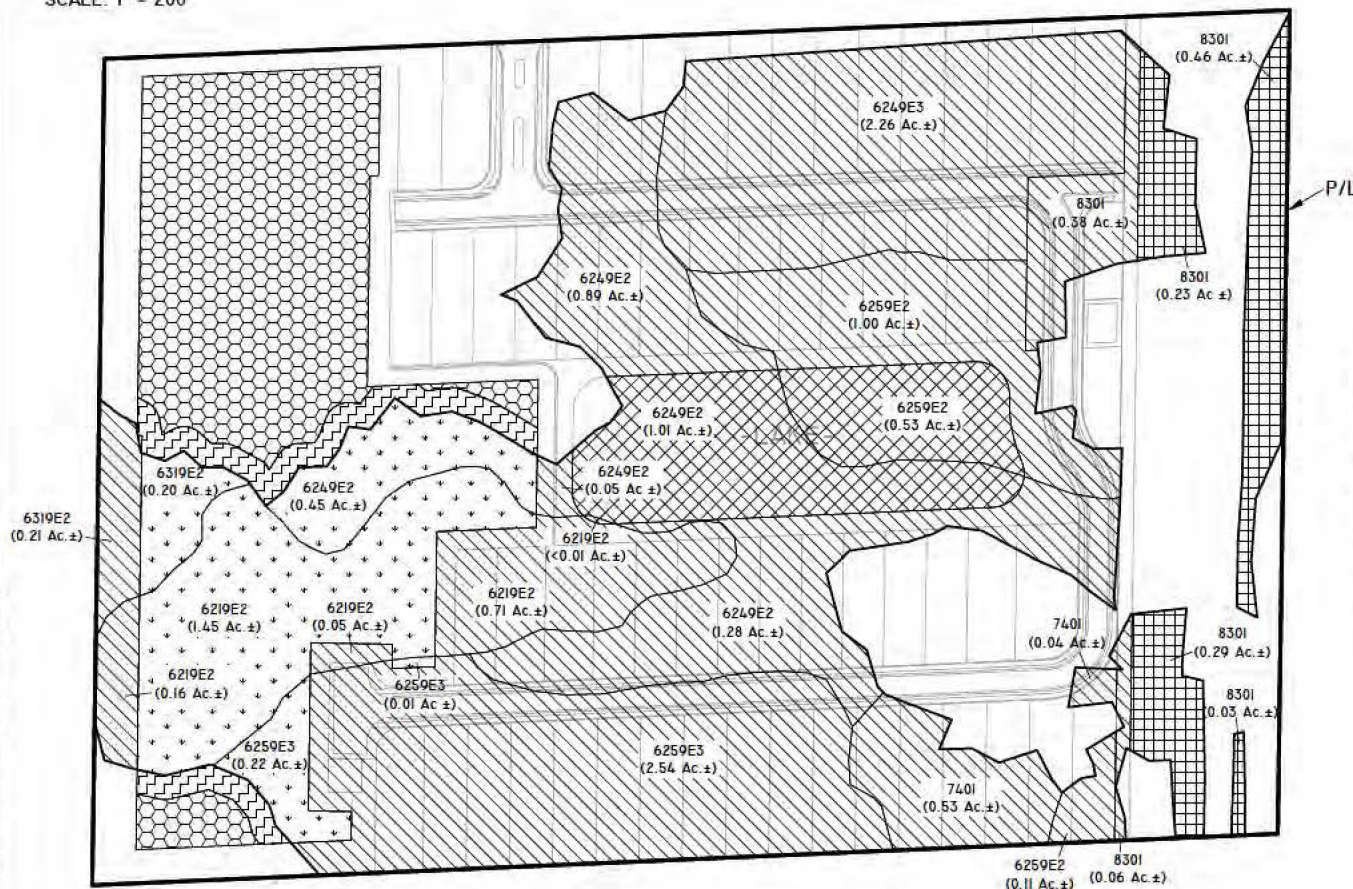
FLUCFCS AND COE WETLAND MAP
DWG. No. 13MIG2228-4
DRAWN BY: D.B., T.S.
REVISIONS: 2/12/16

SHEET: 4 OF 8  
DATE: 3/31/14  
SCALE: 1"=200'





SCALE: 1" = 200'



WETLAND PRESERVE  
(2.33 Ac.±)



WETLAND NOT IMPACTED  
(1.01 AC.±)



WETLAND EXCAVATION  
(1.54 AC.±)



WETLAND FILL  
(10.27 AC.±)



UPLAND BUFFER  
(0.40Ac.±)



UPLAND PRESERVE  
(2.28 Ac.±)



SURVEYED WETLAND LINE

FLUCFCS CODE	WETLAND PRESERVE	WETLAND NOT IMPACTED	WETLAND EXCAVATION	WETLAND FILL	TOTAL
6219 E2	1.45 Ac.±	-	-	0.92 Ac.±	2.37 Ac.±
6249 E2	0.45 Ac.±	-	1.01 Ac.±	2.22 Ac.±	3.68 Ac.±
6249 E3	-	-	-	2.26 Ac.±	2.26 Ac.±
6259 E2	-	-	0.53 Ac.±	1.11 Ac.±	1.64 Ac.±
6259 E3	0.23 Ac.±	-	-	2.54 Ac.±	2.77 Ac.±
6319 E2	0.20 Ac.±	-	-	0.21 Ac.±	0.41 Ac.±
7401	-	-	-	0.57 Ac.±	0.57 Ac.±
8301	-	1.01 Ac.±	-	0.44 Ac.±	1.45 Ac.±
<b>TOTAL</b>	<b>2.33 Ac.±</b>	<b>1.01 Ac.±</b>	<b>1.54 Ac.±</b>	<b>10.27 Ac.±</b>	<b>15.15 Ac.±</b>

PROPERTY BOUNDARY AND SITE PLAN PER HOLE  
MONTES ENGINEERING DRAWING No. ACAD R2004-  
I3099MP0\_140722.DWG DATED JULY 22, 2014.

SURVEYED WETLAND LINES PER HOLE MONTES  
ENGINEERING DRAWING No. JURIS\_BND.DWG  
DATED FEBRUARY 10, 2014.

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 LINES WERE REVIEWED AND APPROVED  
BY THE COE ON JUNE 30, 2014.

PROJECT NAME: LIDO ISLES

COE WETLAND IMPACT MAP

DWG. No. 13MIG2228-5

SHEET: 5 OF 8

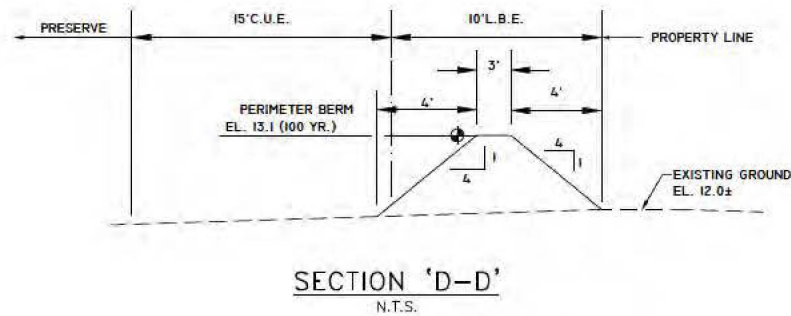
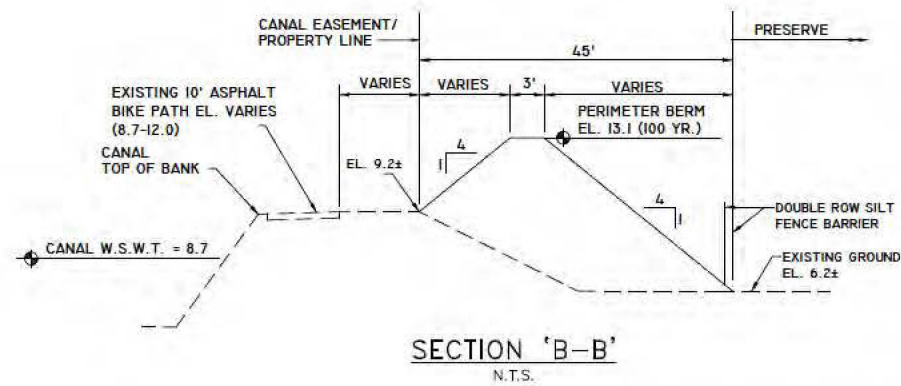
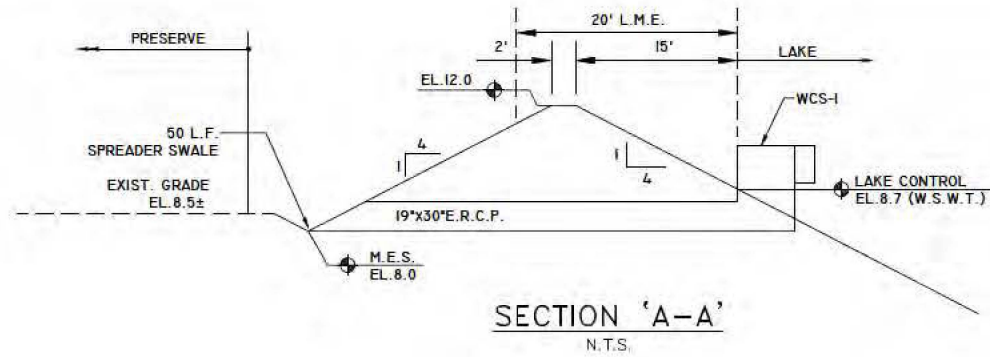
APPLICANT: LORD'S WAY 30, LLC

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

DATE: 4/8/14

REVISIONS: 2/12/16

SCALE: 1"=200'



NOTES:

CROSS SECTIONS PER HOLE MONTES ENGINEERING  
DRAWING NO. ACADR2004-3099DD01.dwg  
DATED APRIL 22, 2014.

PROJECT NAME: LIDO ISLES

APPLICANT: LORD'S WAY 30, LLC

TYPICAL SECTIONS

DWG. No. I3MIG2228-6

DRAWN BY: D.B.

REVISIONS:

SHEET: 6 OF 8

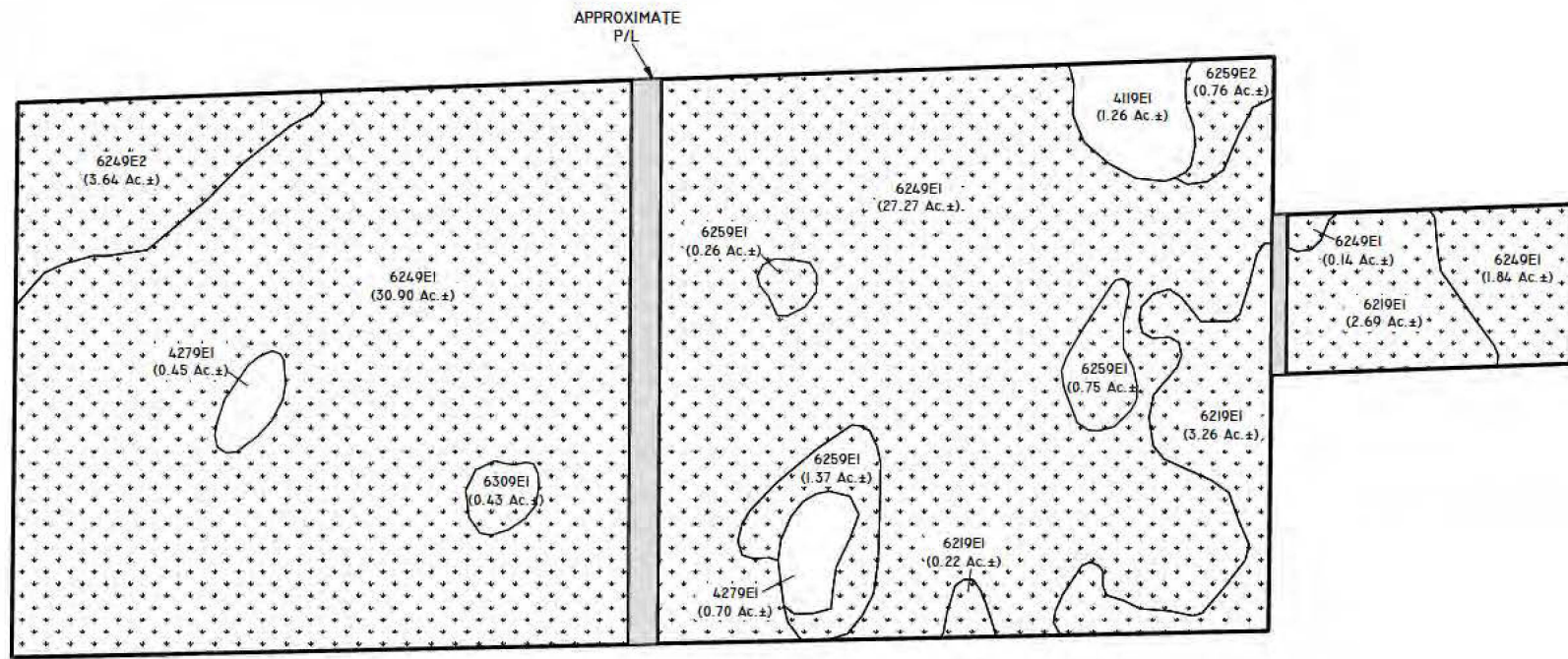
DATE: 4/22/14

SCALE: N.T.S.





SCALE: 1" = 400'



LEGEND:



COE WETLANDS  
(73.53 Ac.±)



ACCESS EASEMENT NOT USED  
FOR MITIGATION (1.88 Ac.±)

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.26 Ac.±	1.7%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.15 Ac.±	1.5%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	6.17 Ac.±	8.1%
6249 E1	PINE/CYPRESS, DISTURBED (0-24% EXOTICS)	50.15 Ac.±	79.2%
6249 E2	PINE/CYPRESS, DISTURBED (0-24% EXOTICS)	3.64 Ac.±	4.8%
6259 E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	2.38 Ac.±	3.1%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	0.76 Ac.±	1.0%
6309 E1	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	0.43 Ac.±	0.6%
TOTAL		75.94 Ac.±	100.0%

NOTES:

PROPERTY BOUNDARY PER HOLE MONTES ENGINEERING, INC. DRAWING No. LIDO-LORDS WAY BASE.DWG DATED MARCH 4, 2015.

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 LINES WERE REVIEWED AND APPROVED BY THE COE ON JUNE 30, 2014.

PROJECT NAME: LIDO ISLES

FLUCFCS AND WETLANDS MAP FOR OFF-SITE MITIGATION PARCEL

DWG. No. I3MIG2228-7

SHEET: 7 OF 8

APPLICANT: LORD'S WAY 30, LLC

DRAWN BY: D.B.

DATE: 12/30/14

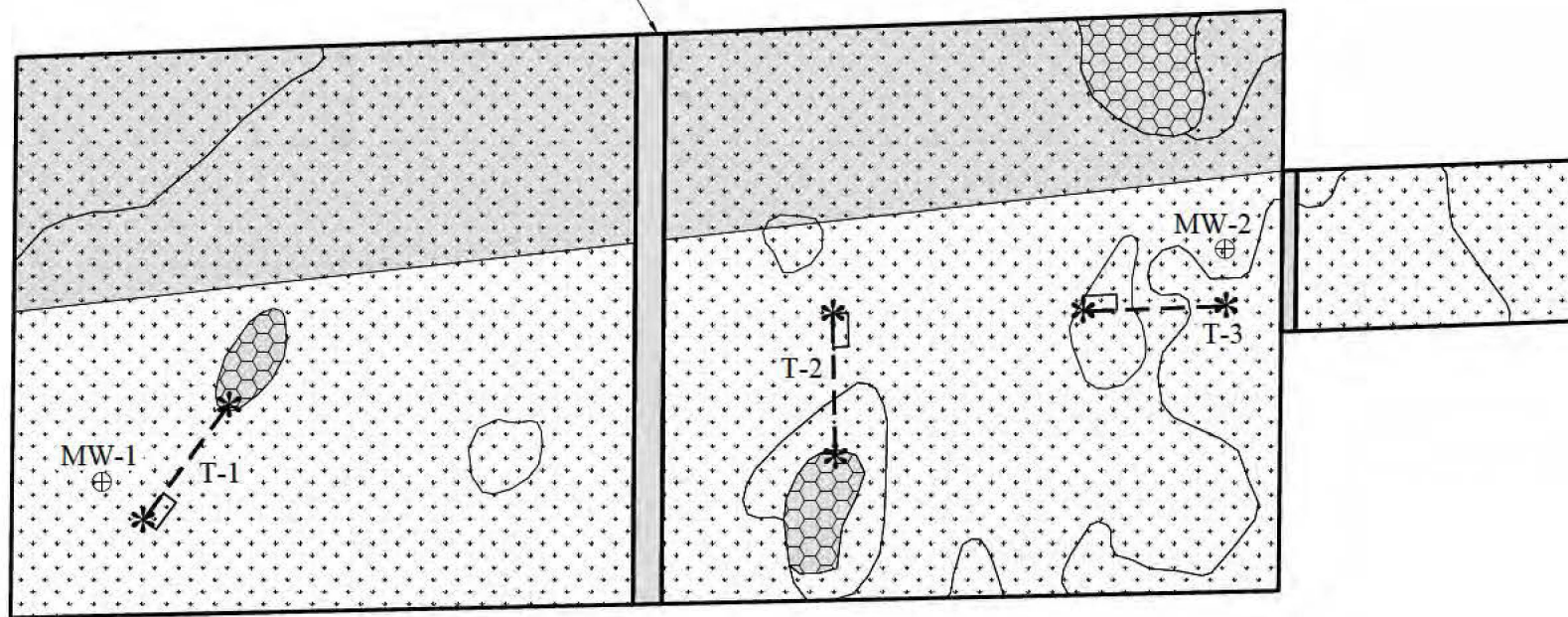
REVISIONS: 3/4/15

SCALE: 1"=400'

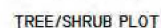
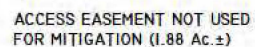
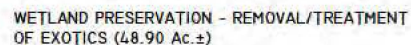




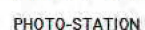
APPROXIMATE  
P/L



LEGEND:



TRANSECT NUMBER (TYP.)



MONITORING WELL No. (TYP.)



NOTES:

PROPERTY BOUNDARY PER HOLE MONTES ENGINEERING,  
INC. DRAWING No. LIDO-LORDS WAY BASE.DWG DATED  
MARCH 4, 2015.

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 LINES WERE REVIEWED AND APPROVED  
BY THE COE ON JUNE 30, 2014.

PROJECT NAME: LIDO ISLES

## MITIGATION AND MONITORING PLAN FOR OFF-SITE MITIGATION PARCEL

DWG. No. 13MIG2228-8

SHEET: 8 OF 8

APPLICANT: LORD'S WAY 30, LLC

DRAWN BY: D.B.

DATE: 12/30/14

REVISIONS: 3/4/15

SCALE: 1"=400'