



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

July 30, 2019

Regulatory Division  
West Permits Branch  
Fort Myers Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2013-02704 (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) and as described below:

APPLICANT: Alta Realty II, LLC  
C/o James Bere  
120 North Commercial Street  
Neenah, WI 54956

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Estero drainage basin, located within the Big Cypress Swamp watershed. The project area is located between the south side of Daniels Parkway and the northwest side of Paul J. Doherty Parkway north of Fuel Farm Road on the north side of Southwest Florida International Airport (RSW), in Section 19, Township 45 South, Range 26 East, Fort Myers, Lee County, Florida.

Directions to the site are as followed: From I-75, take Exit 131 and head east on Daniels Parkway to Paul J. Doherty Parkway (approx. 3.1 miles); head south along Paul J. Doherty Parkway to the site located to north of roadway (approx. 0.5 mi.)

APPROXIMATE CENTRAL COORDINATES: Latitude 26.5492°  
Longitude -81.7534°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is commercial development.

Overall: The overall project purpose is to construct a commercial development on a leased parcel associated with the overall RSW-Skyplex commercial complex.

BACKGROUND: The Corps issued a permit to the Lee County Board of County Commissioners on August 1, 2016, for the construction of a roadway known as Skyplex Boulevard. The project purpose for this permit was to improve vehicular access from Daniels Parkway to the northern portion of the RSW property. This work is also part of

the overall planned 1,800 acre commercial development known as RSW-Skyplex. The work approved in the issued permit includes the discharge of fill material into 5.68 acres of freshwater wetlands and for the excavation of 1.38 acres of freshwater wetlands associated with a stormwater management system. The current expiration date of the permit is August 1, 2021.

The Corps issued a permit to the Lee County Board of County Commissioners on May 28, 2019, for the construction of a commercial development known as Skyplex-Gartner Parcels. The project purpose for this permit was to construct a single-tenant office building and parking. This work is also part of the overall planned 1,800 acre commercial development known as RSW-Skyplex. The work approved in the issued permit includes the discharge of fill material into 8.19 acres of freshwater wetlands. The current expiration date of the permit is May 27, 2024.

**EXISTING CONDITIONS:** The proposed project area is 12.51 acres in size and consists of 3.88 acres of palustrine forested freshwater system and 8.63 acres of uplands. 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 area's surrounding uses consist of a mixture of undeveloped land, commercial development, roadways and the RSW airport.

**PROPOSED WORK:** The applicant seeks authorization to place 2,641 cubic yards of fill material into 3.88 acres of freshwater wetlands in association with the construction of a contact/call center, parking area and a stormwater detention pond.

**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 applicant currently leases the proposed Project Area, which is zoned for non-aviation development. It supports the Lee County Port Authority's plan to develop the land for mixed-use development. Various configurations of the proposed Project components have been evaluated that would utilize the available lands, with the least amount of impact. However, the alternative configurations for the various Project components require comparable developed acreage and do not allow for avoidance of potential waters of the U.S. For example, siting is limited by the property boundaries of leased parcels, existing access into and out of the property, as well as the need for a surface water treatment system. The current proposed location allows ALTA to maximize the efficient use of the available land to support the Project. ALTA will also utilize best management practices (BMPs) and a SWPPP during construction on all disturbed areas to minimize or avoid indirect impacts to any adjacent aquatic resources.

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

As compensation for 3.88 acres of impacts to the on-site wetlands, the applicant proposes to purchase 2.4 mitigation credits from the Corkscrew Regional Mitigation Bank.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. 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* the Florida panther (*Puma concolor coryi*) and/or the Florida bonneted bat (*Eumops floridanus*). 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.

The Corps has determined the proposed project *may affect, not likely to adversely affect* the Eastern indigo snake (*Drymarchon corais couperi*), Florida scrub jay (*Aphelocoma coerulescens*), Everglades snail kite (*Rostrhamus sociabilis plumbeus*) and the Eastern black rail (*Laterallus jamaicensis jamaicensis*). The Corps will request initiation of informal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project would have *no effect* on the wood stork (*Mycteria Americana*) or its designated critical habitat and/or the Red-cockaded woodpecker (*Picoides borealis*). No further action is required.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our determination is that the proposed project would have no adverse impact on EFH as the project site is located approximately 9 miles inland from the nearest tributary that leads into the Gulf of Mexico.

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 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 Blvd., Suite 310, Fort Myers, Florida 33919 within 21 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, Michelle Bartley, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919 or by electronic mail at [michelle.l.bartley@usace.army.mil](mailto:michelle.l.bartley@usace.army.mil); or by telephone at (239) 334-1975 ext. 0006.

IMPACT ON NATURAL RESOURCES: 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.

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.

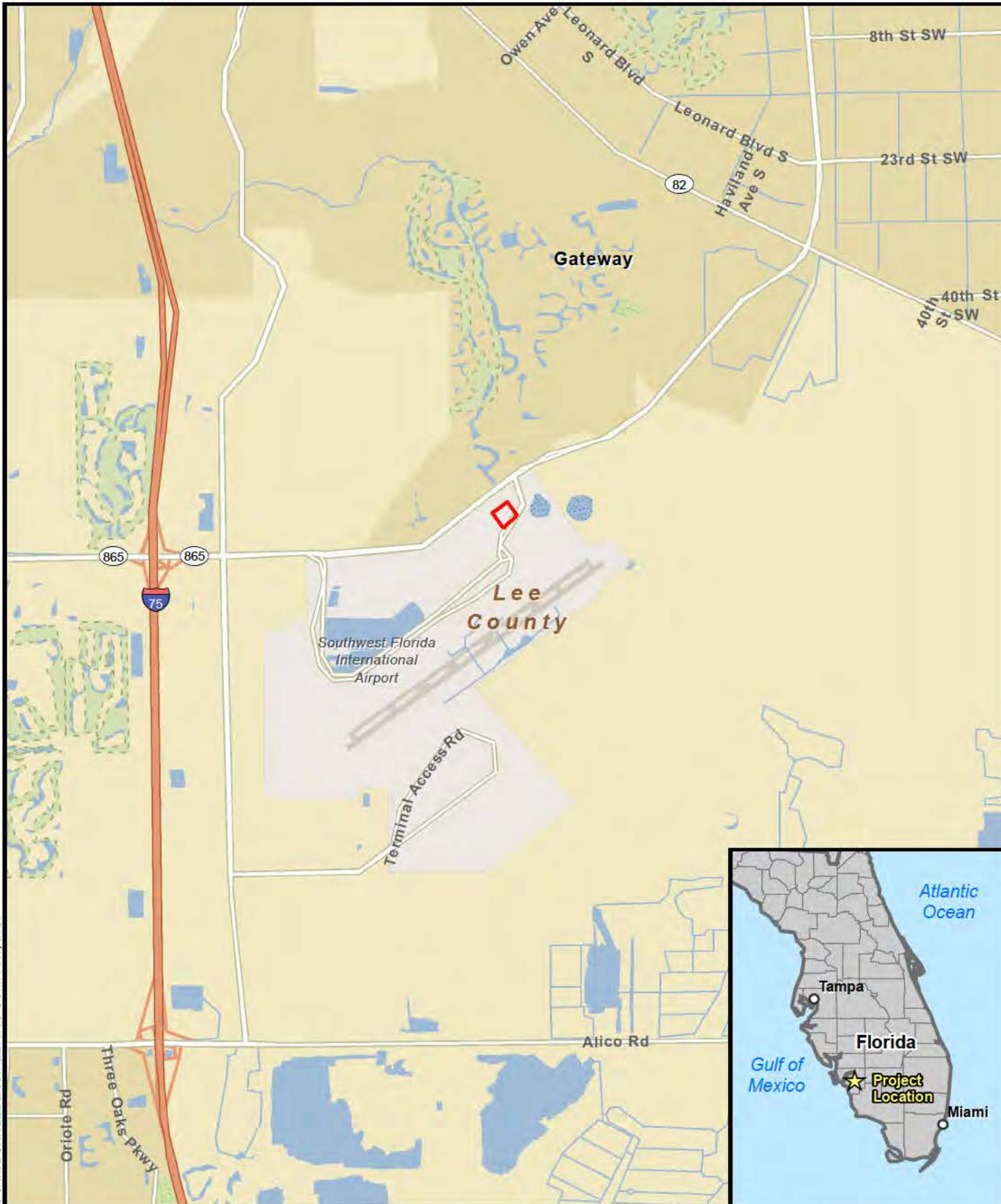
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

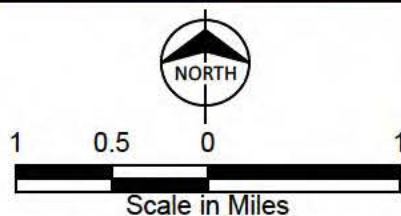
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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

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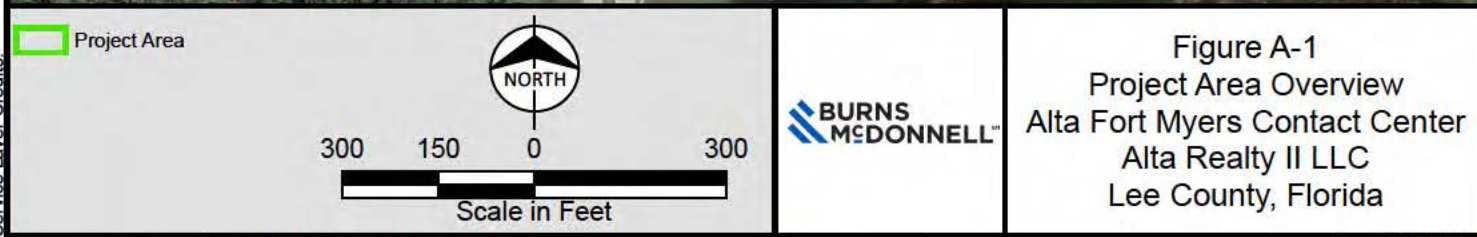
 Survey Area



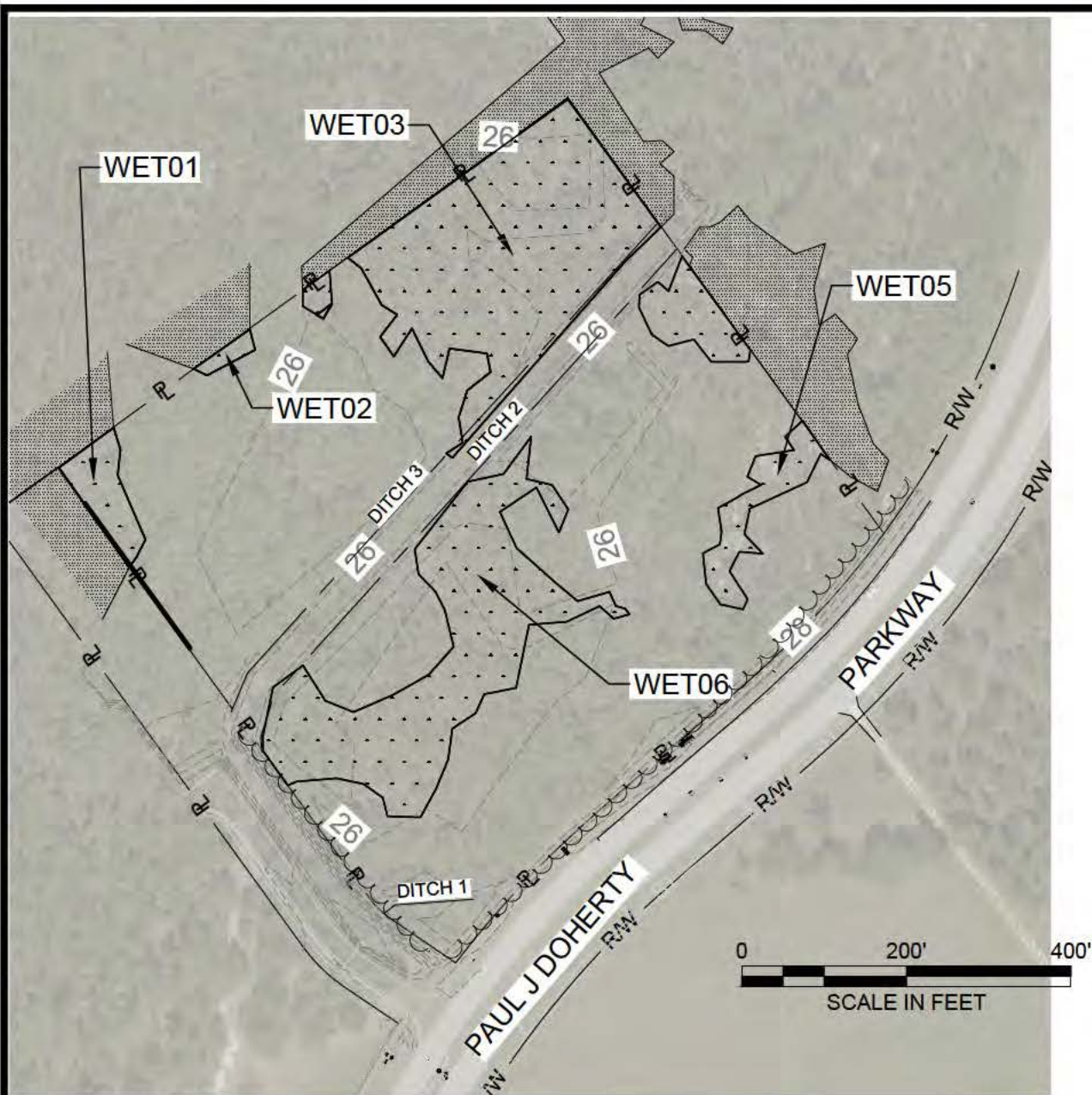
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Vicinity Map  
Alta Fort Myers Contact Center  
Alta Realty II LLC  
Lee County, Florida

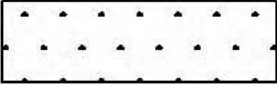









**LEGEND:**

- R/W —— RIGHT-OF-WAY
- P —— PROPERTY LINE
-  PROJECT AREA WETLAND
-  ADJACENT WETLAND AREAS

WETLAND TABLE		
WETLAND ID	PROJECT AREA ACREAGE	CLASSIFICATION
WET01	0.17	PFO4
WET02	0.03	PFO4
WET03	1.68	PFO4
WET05	0.42	PFO4
WET06	1.38	PFO4
TOTAL	3.68	PFO4

**NOTE:**

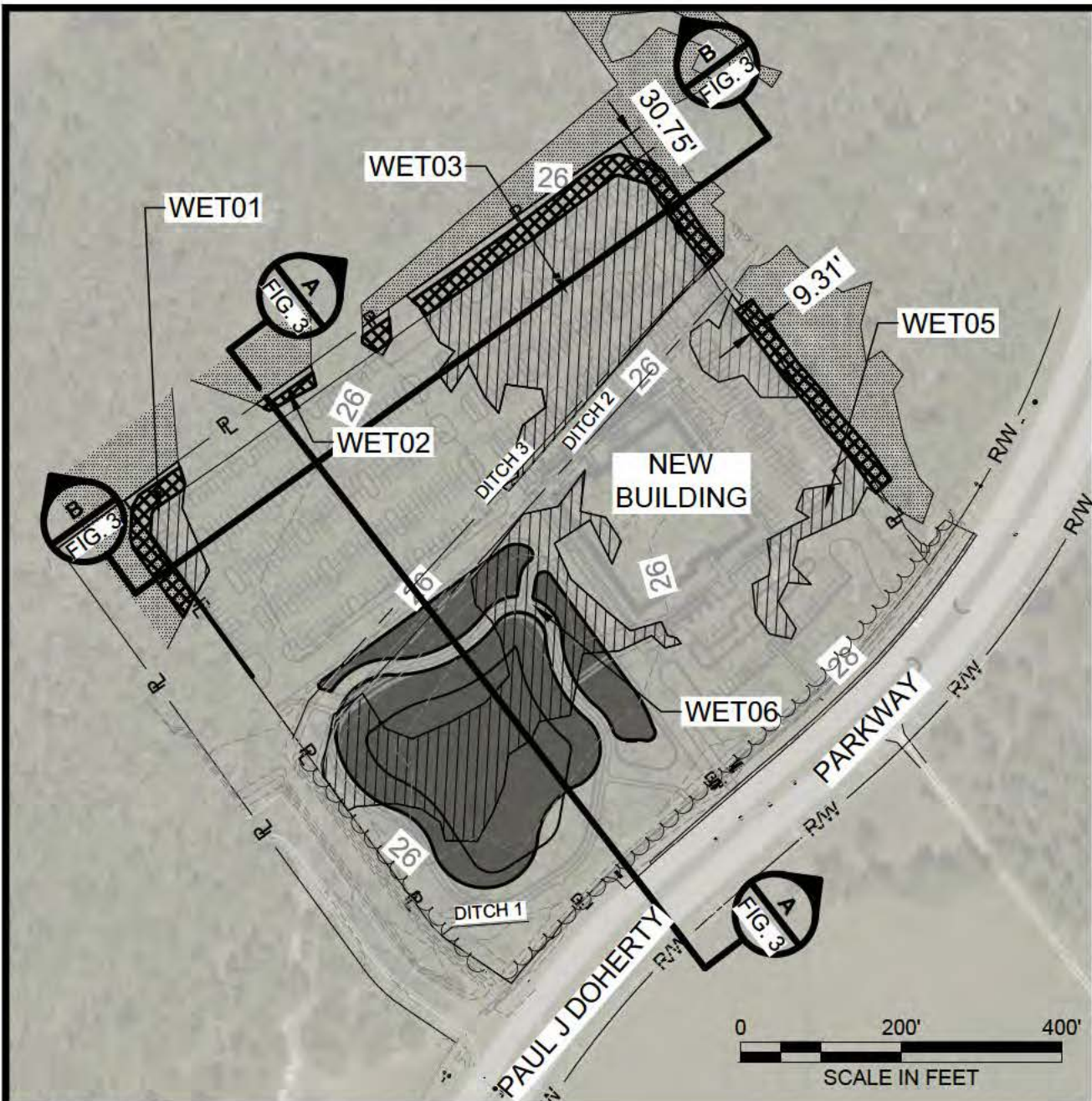
1. SEASONAL HIGH WATER TABLE IS 6-INCHES BELOW GROUND SURFACE PER USDA/NRCS WEB SOIL SURVEY




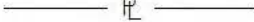
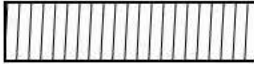

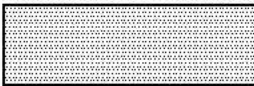
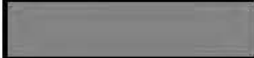
Figure 1

PLAN VIEW - EXISTING CONDITIONS  
ALTA REALTY FORT MYERS  
CONTACT CENTER





**LEGEND:**

	RIGHT-OF-WAY
	PROPERTY LINE
	IMPACTED WETLAND AREAS
	SECONDARY WETLAND IMPACTS
	ADJACENT WETLAND AREAS
	NEW DETENTION POND

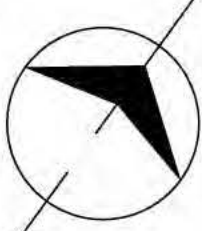
WETLAND TABLE					
WETLAND D	PROJECT AREA ACREAGE	IMPACTS (ACRES)	IMPACTS (SQUARE FEET)	SECONDARY IMPACTS (ACRES)	SECONDARY IMPACTS (SQUARE FEET)
WET01	0.17	0.11	4,792	0.12	5,147
WET02	0.03	0.00	0.00	0.02	815
WET03	1.68	1.37	59,677	0.30	12,960
WET05	0.42	0.42	18,134	0.16	7,118
WET06	1.38	1.38	59,984	0.00	0.00
TOTAL	3.68	3.28	142,587	0.60	26,040



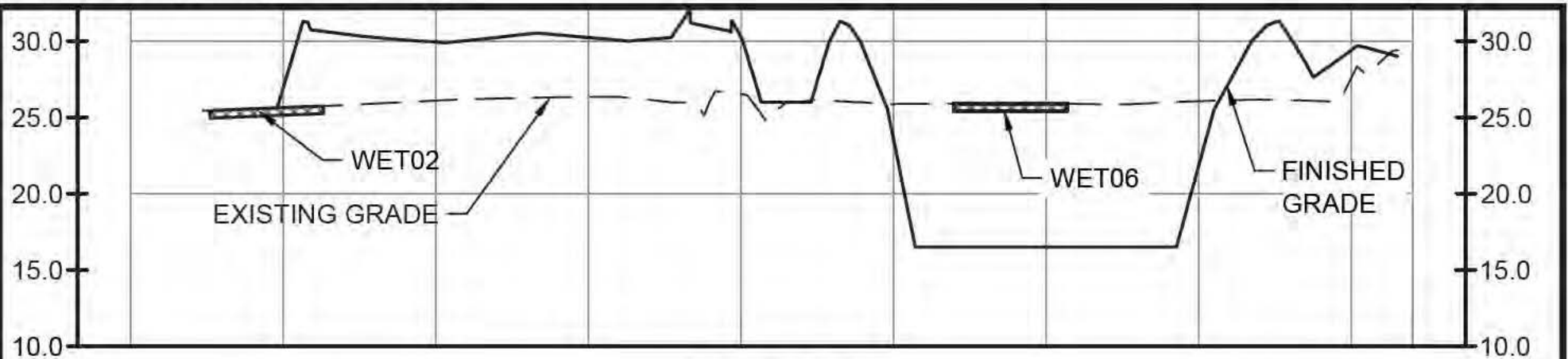
Figure 2

PLAN VIEW - PROPOSED CONDITIONS  
ALTA REALTY FORT MYERS  
CONTACT CENTER

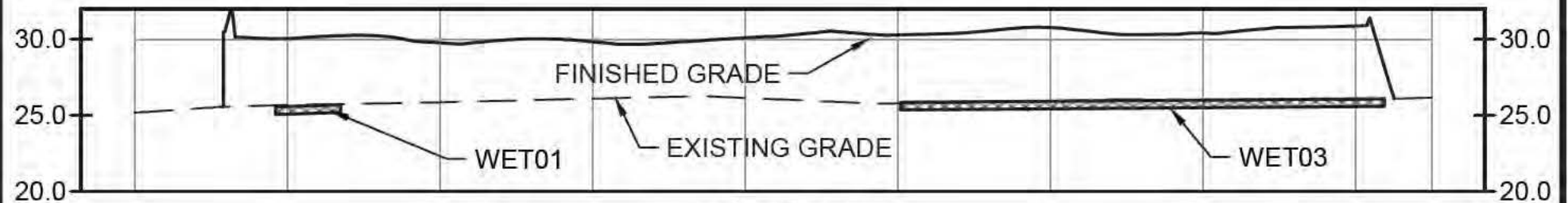








**SECTION A-A**



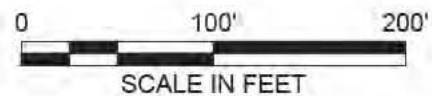
**SECTION B-B**

**NOTE:**

1. WETLAND COMMUNITIES WERE ASSUMED TO HAVE A NORMAL POOL ELEVATION OF 6-INCHES, FOR THE PURPOSE OF FILL VOLUME CALCULATIONS.

WETLAND TABLE	
WETLAND ID	FILL VOLUME (CUBIC YARD)
WET01	89
WET02	0
WET03	1,105
WET05	336
WET06	1,111
TOTAL	2,641

HORIZONTAL:



VERTICAL:



Figure 3

SECTION VIEWS  
ALTA REALTY FORT MEYERS  
CONTACT CENTER