



REPLY TO
ATTENTION OF

Regulatory Division
West Permits Branch
Fort Myers Permits Section

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

September 23, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2018-01385 (SP-EMC)

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: Winchester Land, LLC
c/o Mr. Thomas Finley
100 North Tampa Street, Suite 3700
Tampa, FL 33602

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Faka Union Canal drainage basin. The project site is located in Section 16, Township 48 South, Range 28 East, at 4697 Oil Well Road, Naples, Collier County, Florida.

Directions to the site are as follows: Take I-75 south to exit 111 (Immokalee Road/CR 846) and go east on Immokalee Road for 3.4 miles, then turn right (east) on Oil Well Road/CR 858. The project is one mile east of Everglades Blvd. and north of Oil Well Road.

APPROXIMATE CENTRAL COORDINATES:

Latitude 26.30077°
Longitude -81.52111°

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is to construct a single-family residential project with access roads, driveways, utilities, stormwater management systems, and an on-site wetland preserve within the Rural Lands Study Area, Collier County, Florida

EXISTING CONDITIONS: The project area consists of approximately 667 acres. The majority of the site consists of improved pastures, borrow areas, non-jurisdictional waters, and disturbed land. The onsite vegetation consists primarily of various upland

grasses. The existing area surrounding the project area consists of a combination of roadways and developed residential properties to the north, west, and south with agricultural fields to the east.

BACKGROUND: The Corps issued an Approved Jurisdictional Determination (SAJ-2018-01385 (JD-RWR) on March 28, 2019 for this parcel.

PROPOSED WORK: The applicant seeks authorization to discharge dredged and or fill material into 75.55 acres of jurisdictional waters consisting of drainage ditched and borrow pits for the construction of a single family residential commercial development with associated attendant features within the 667 acre parcel.

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:

Of the 75.55 acres of jurisdictional waters, only 11.79 acres (15%) of waters will be filled. The remaining 63.76 acres of impacts are for reshaping the existing waters.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

The proposed impacts are primarily to open water areas created by previous mining activities with no emergent vegetation. No jurisdictional wetlands are proposed to be impacted and therefore no compensatory wetland mitigation is proposed.

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 the eastern indigo snake (*Drymarchon couperi*). 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, but is not likely to adversely affect the Florida bonneted bat (*Eumops floridanus*), Florida scrub jay (*Aphelocoma coerulescens*), Everglades snail kite (*Rostrhamus sociabilis plumbeus*) and wood stork (*Mycteria americana*). 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.

ESSENTIAL FISH HABITAT (EFH): The project would only impact freshwater aquatic features; therefore, the Corps has determined that no substantial adverse impacts to EFH will result from the proposed action.

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, Erin Campbell, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919 or by electronic mail at erin.m.campbell@usace.army.mil; or by telephone at (239) 334-1975 ext. 0013.

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.

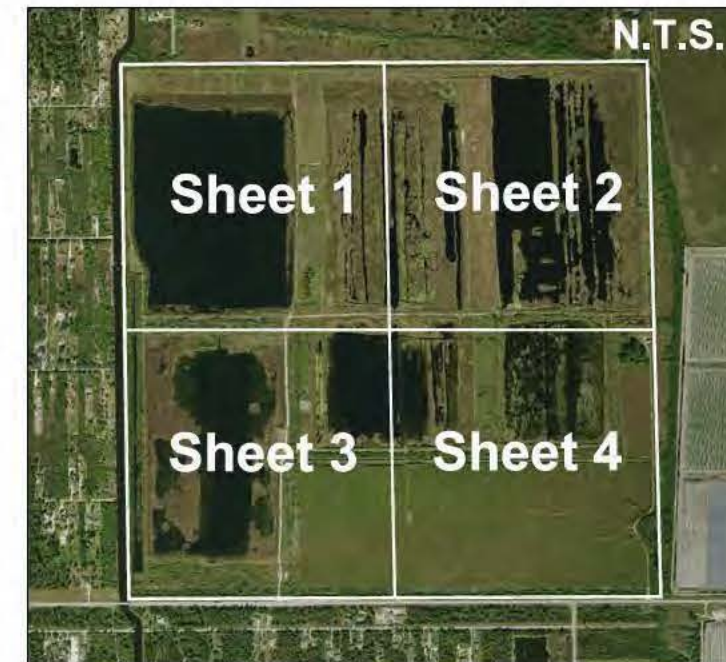
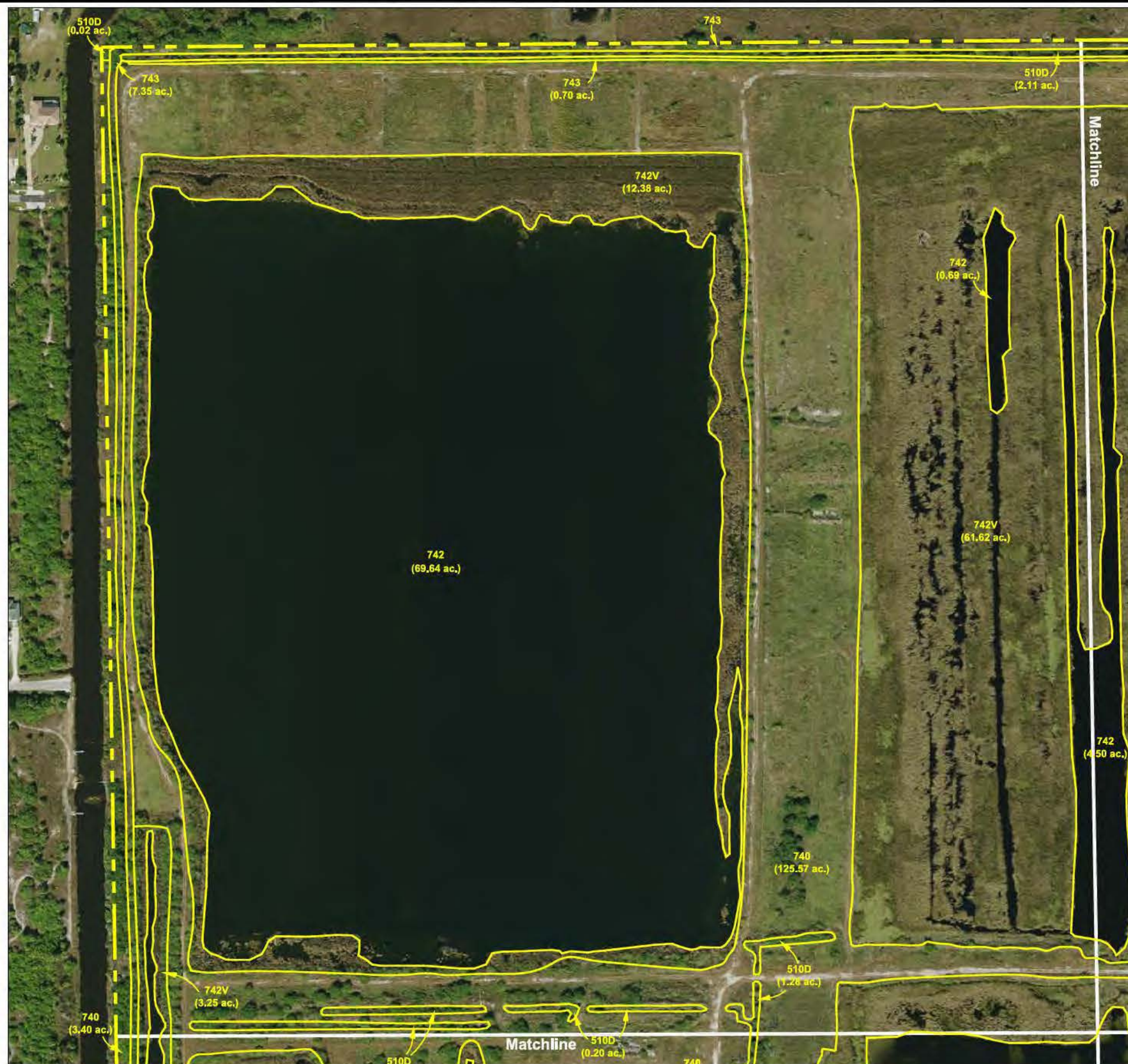
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

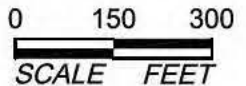
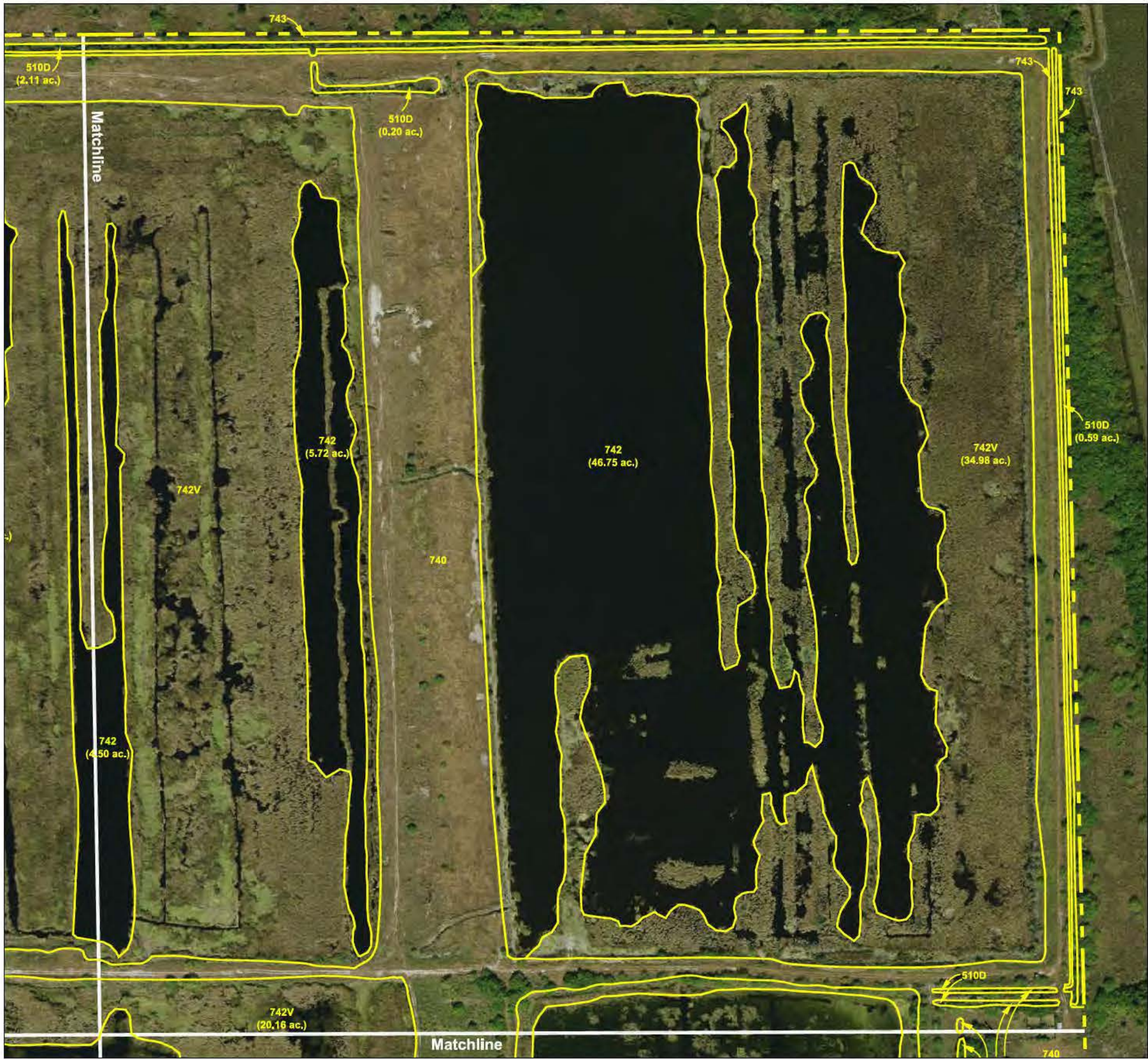
FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australian Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

Notes:

1. Property boundary and lake top of bank provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. FLUCCS legend includes overall site acreages.
4. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION

April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG

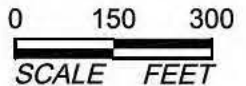
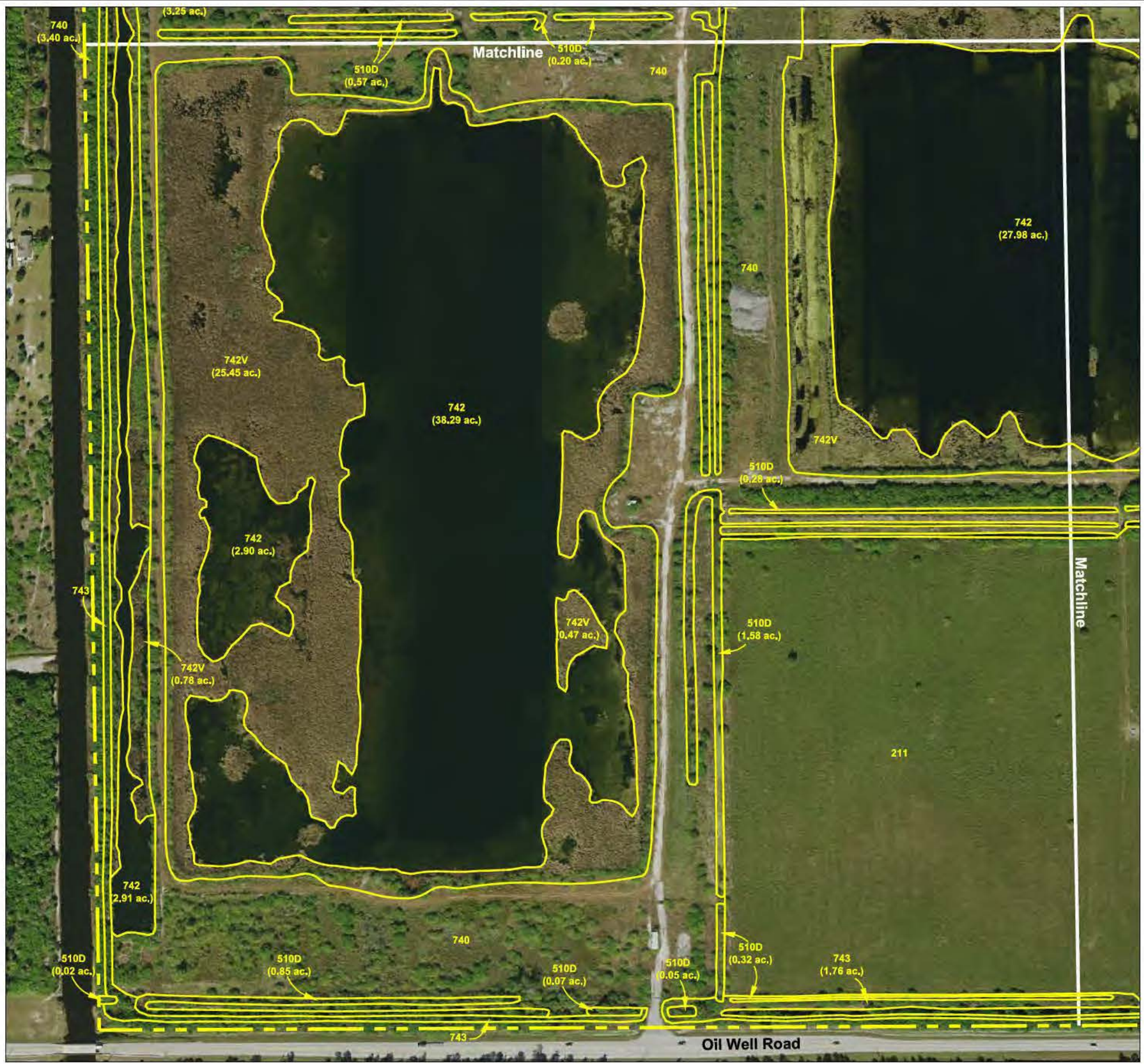


SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australlan Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

- Notes:
1. Property boundary and lake top of bank provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
 3. FLUCCS legend includes overall site acreages.
 4. Interior berms are not depicted.

PERMIT USE ONLY – NOT FOR CONSTRUCTION April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG

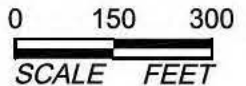
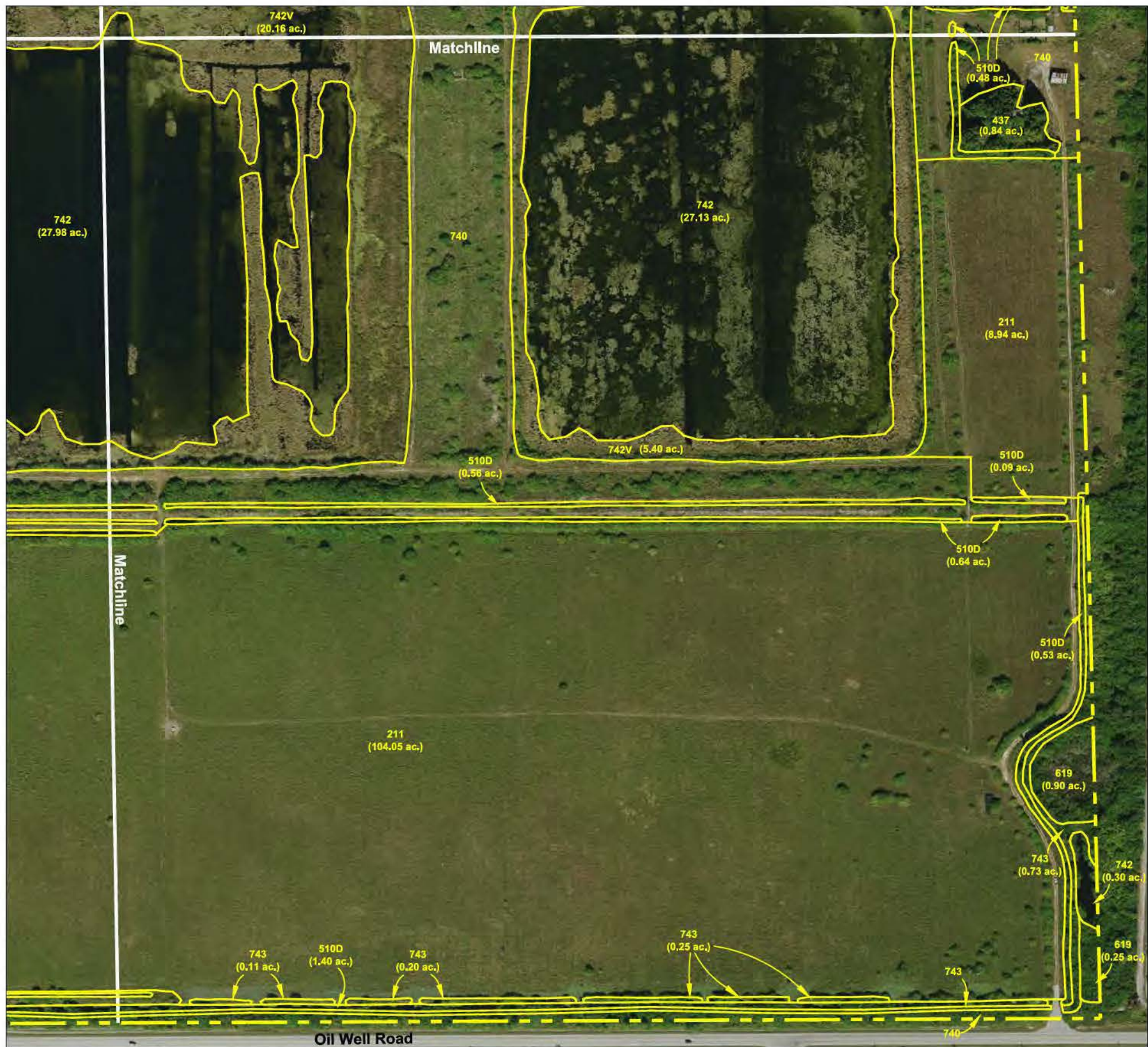


SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australlan Plines	0.84 ac.
510D	Dltches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

- Notes:
1. Property boundary and lake top of bank provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
 3. FLUCCS legend includes overall site acreages.
 4. Interior berms are not depicted.

PERMIT USE ONLY – NOT FOR CONSTRUCTION April 05, 2019 11:07:29 a.m. Drawing: NEAL16PLAN-COE.DWG

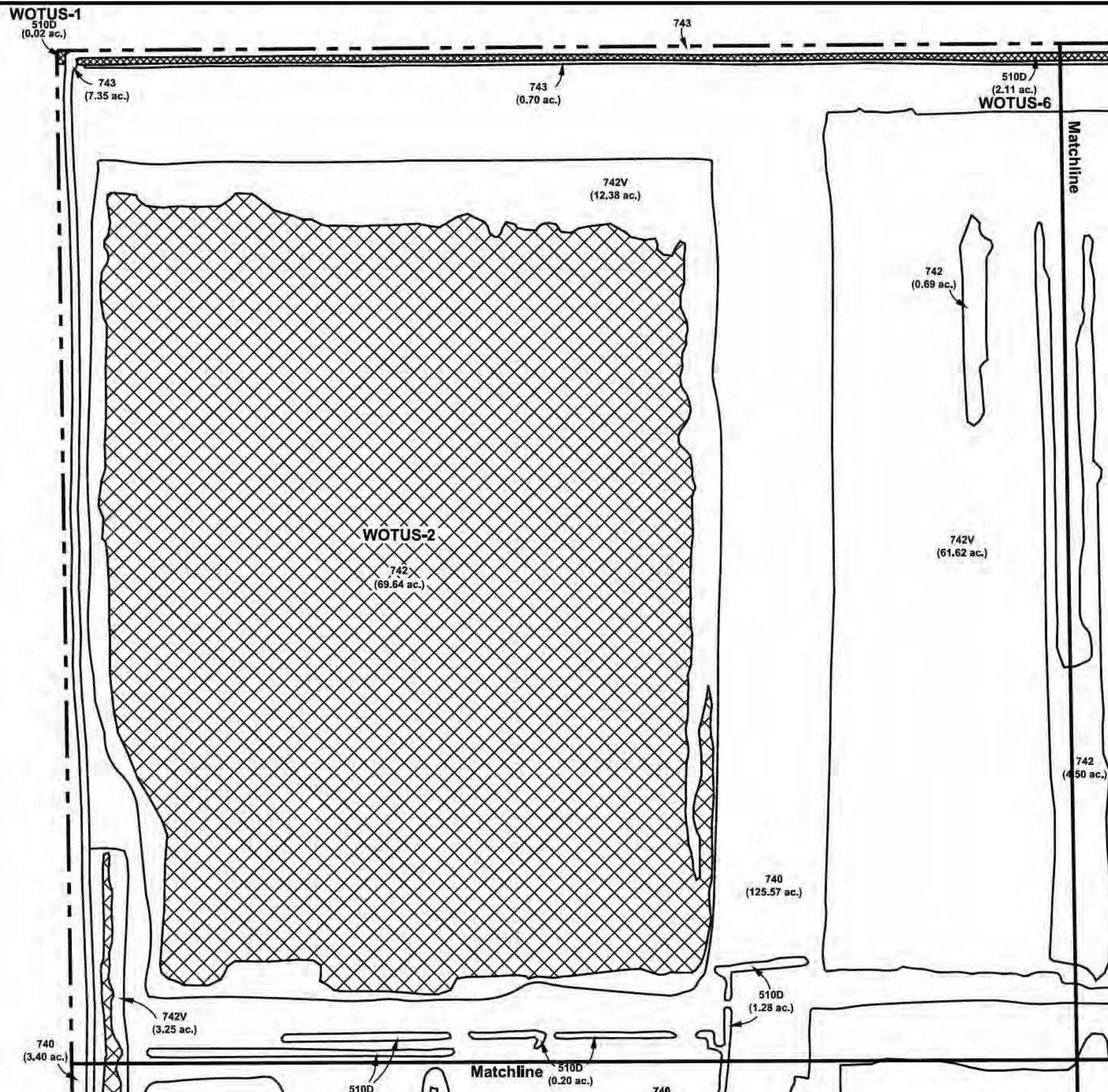


SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australlan Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

- Notes:
1. Property boundary and lake top of bank provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
 3. FLUCCS legend includes overall site acreages.
 4. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION April 05, 2019 11:07:29 a.m. Drawing: NEAL16PLAN-COE.DWG



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australian Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.



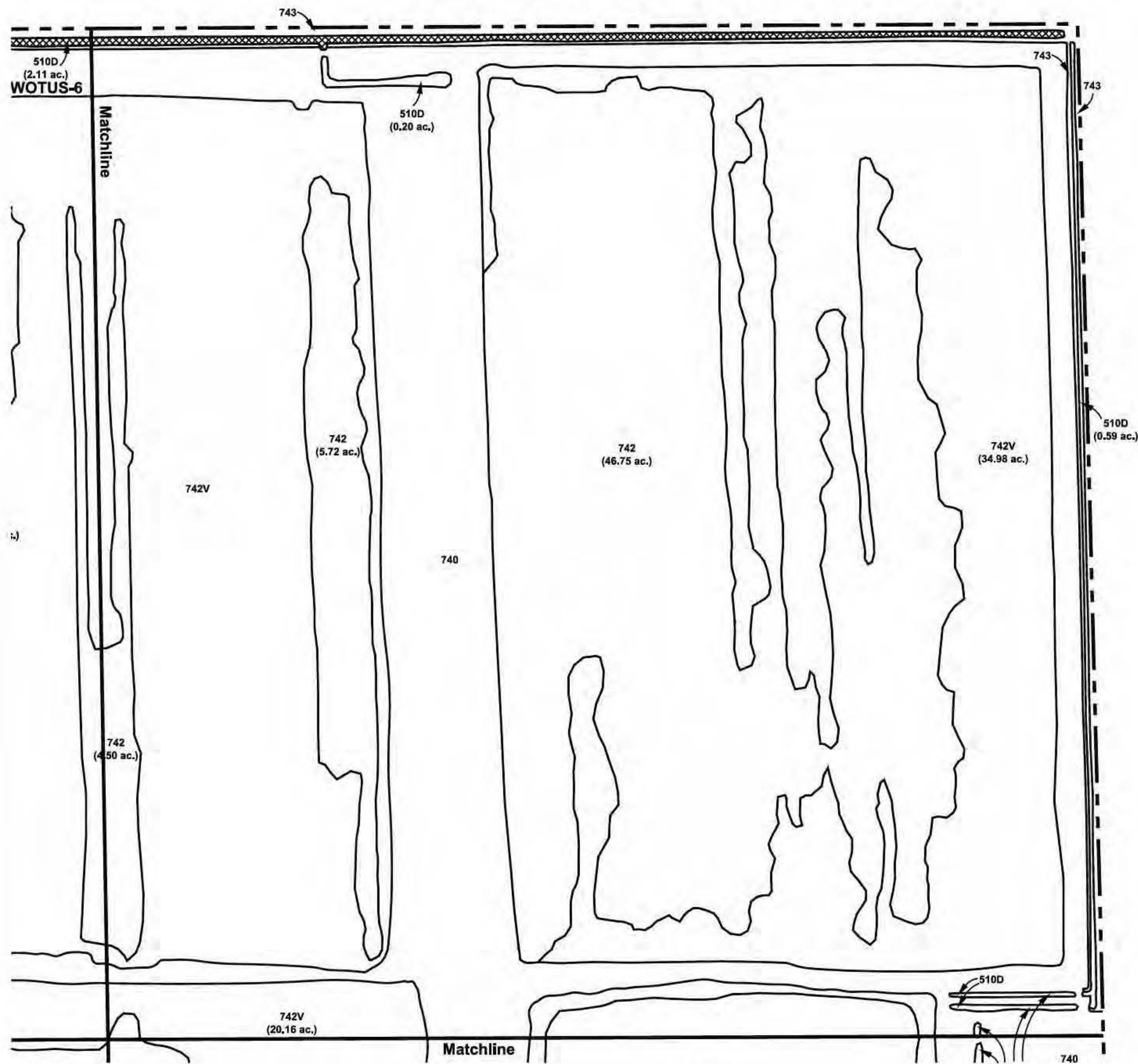
COE Jurisdictional Waters of the United States (WOTUS) (75.55 ac.)

Notes:

1. Property boundary and lake top of bank provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. FLUCCS legend includes overall site acreages.
5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION


April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australian Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

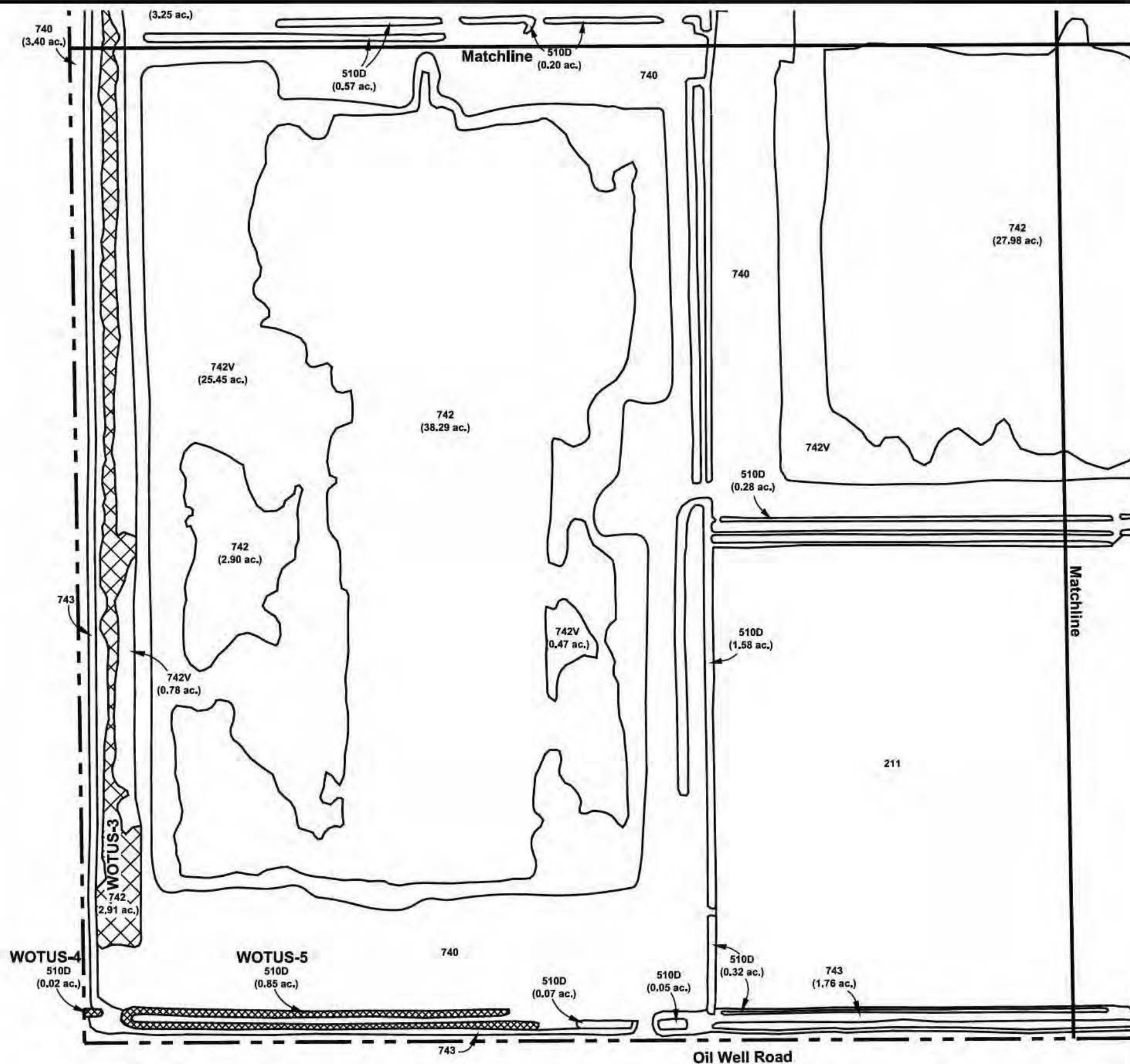
 COE Jurisdictional Waters of the United States (WOTUS) (75.55 ac.)

Notes:

1. Property boundary and lake top of bank provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. FLUCCS legend includes overall site acreages.
5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION


April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

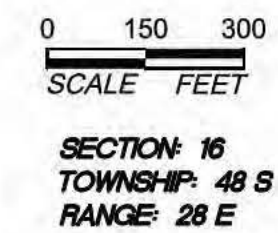
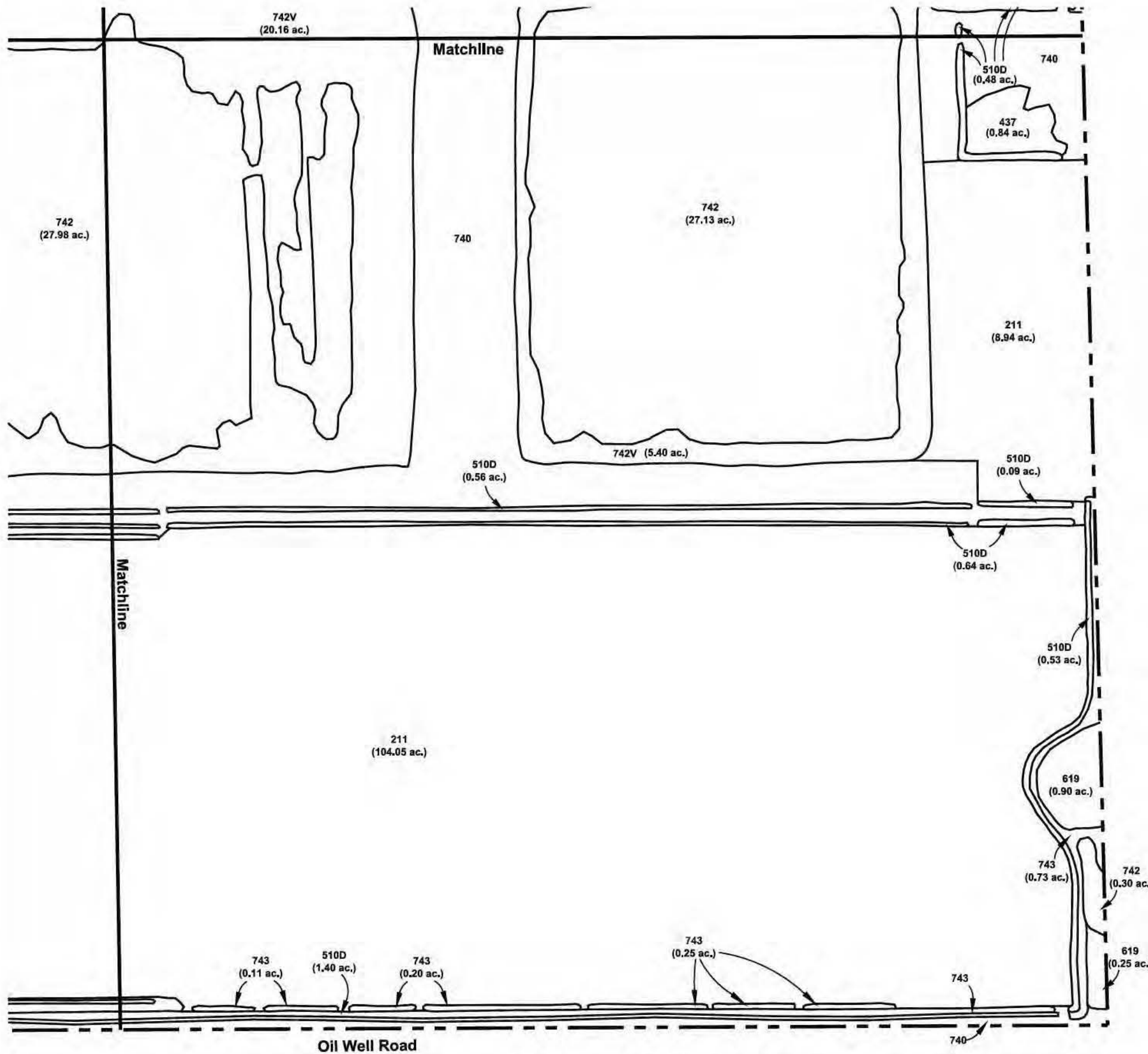
FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australlan Pines	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.

 COE Jurisdictional Waters of the United States (WOTUS) (75.55 ac.)

- Notes:
1. Property boundary and lake top of bank provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
 3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
 4. FLUCCS legend includes overall site acreages.
 5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION

April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG



FLUCCS	Description	Acreage
211	Improved Pastures	112.99 ac.
437	Australlian Plnes	0.84 ac.
510D	Ditches	11.84 ac.
619	Exotic Wetland Hardwoods	1.15 ac.
740	Disturbed Land	125.57 ac.
742	Borrow Areas	226.81 ac.
742V	Vegetated Borrow Areas	164.49 ac.
743	Berms	11.10 ac.
Total		654.79 ac.



COE Jurisdictional Waters of the United States (WOTUS) (75.55 ac.)

Notes:

1. Property boundary and lake top of bank provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. FLUCCS legend includes overall site acreages.
5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION

April 05, 2019 11:07:29 a.m.
Drawing: NEAL16PLAN-COE.DWG

WOTUS-1
510D
(0.02 ac.)

510D
(2.11 ac.)
WOTUS-6

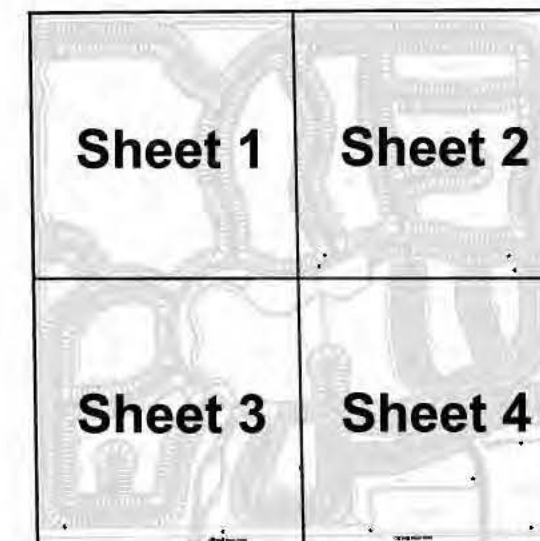
Matchline

WOTUS-2

742
(69.64 ac.)

Matchline

N.T.S.



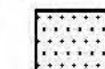
0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
510D	Ditches	3.00 ac.
742	Borrow Areas	72.55 ac.
Total		75.55 ac.



COE Waters of the United States Fill (8.82 ac.)



COE Waters of the United States Excavation (65.86 ac.)



Impacts Associated with Oil Well Road Widening
COE Permit SAJ-2006-07018 (IP-HWB) (WOTUS-4/5, 0.87 ac.)

Notes:

1. Property boundary, existing lake top of bank, and site plan provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. Legends reflect overall site acreages.
5. Interior berms are not depicted.

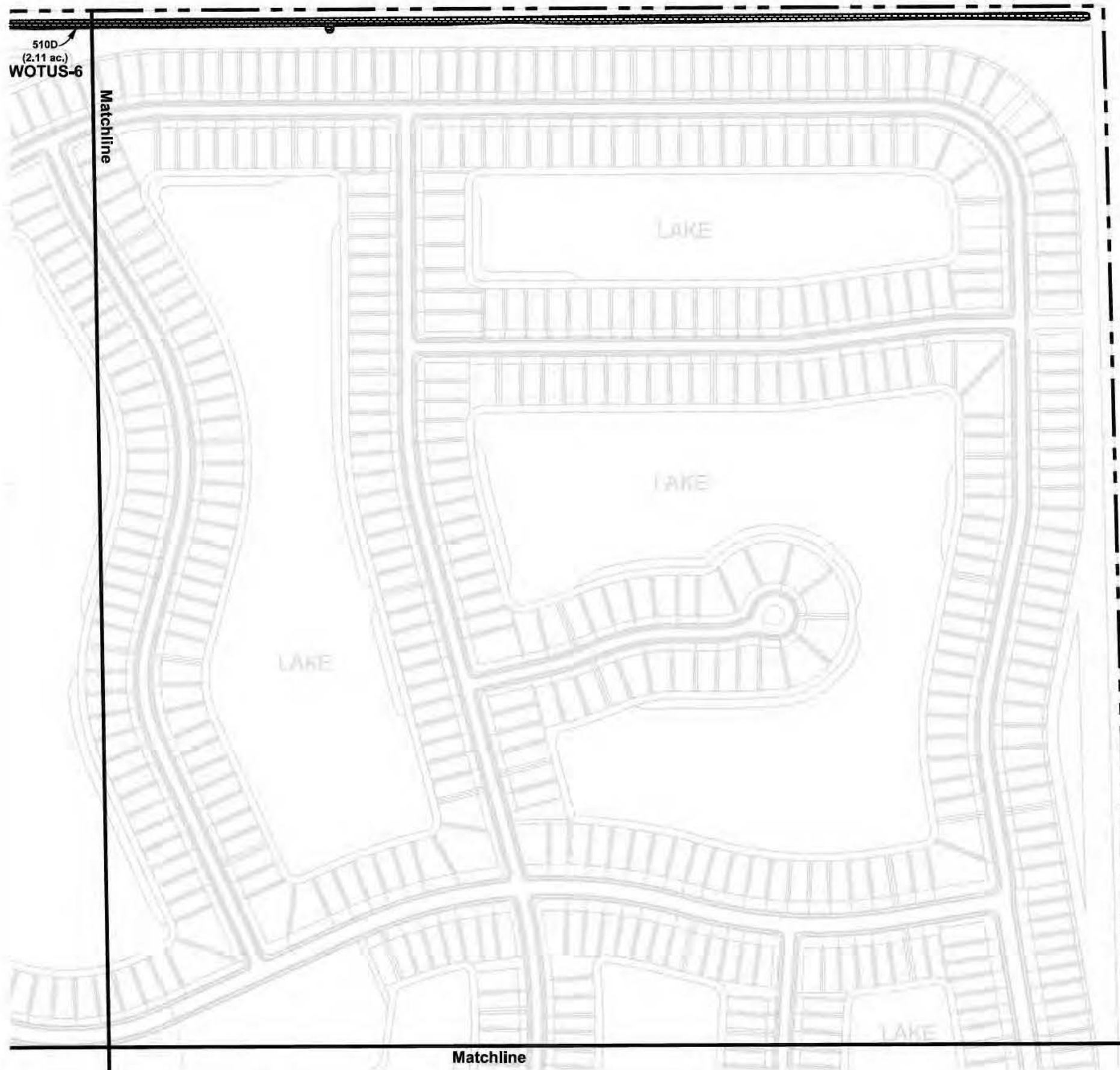
PERMIT USE ONLY - NOT FOR CONSTRUCTION

April 17, 2019 1:18:18 p.m.
Drawing: NEAL16IMPACTCOE-0419.DWG

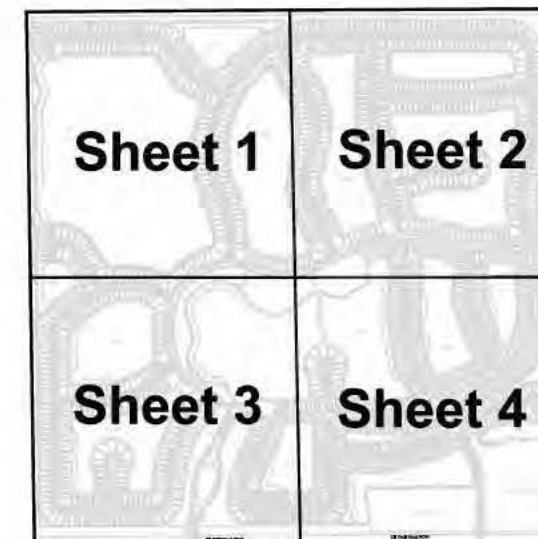
COE Waters of the United States
Impact Map - Sheet 1

Hyde Park

DDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680




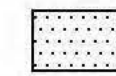

N.T.S.



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
510D	Ditches	3.00 ac.
742	Borrow Areas	72.55 ac.
Total		75.55 ac.

-  COE Waters of the United States Fill (8.82 ac.)
-  COE Waters of the United States Excavation (65.86 ac.)
-  Impacts Associated with Oil Well Road Widening
COE Permit SAJ-2006-07018 (IP-HWB) (WOTUS-4/5, 0.87 ac.)

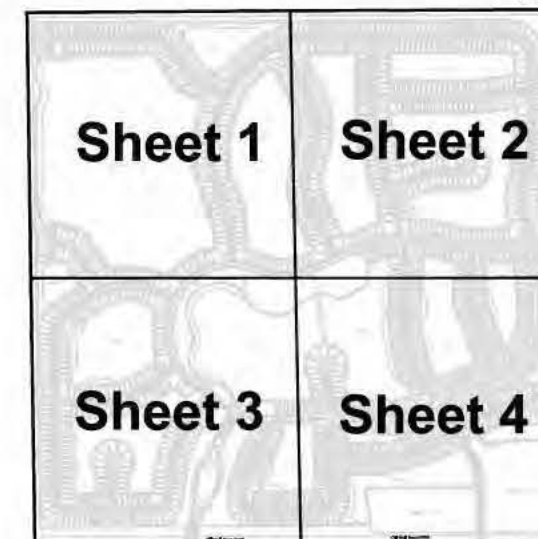
Notes:

1. Property boundary, existing lake top of bank, and site plan provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. Legends reflect overall site acreages.
5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION Drawing: April 17, 2019 1:18:18 p.m. NEAL16IMPACTCOE-0419.DWG






N.T.S.



0 150 300
SCALE FEET

SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
510D	Ditches	3.00 ac.
742	Borrow Areas	72.55 ac.
Total		75.55 ac.

-  COE Waters of the United States Fill (8.82 ac.)
-  COE Waters of the United States Excavation (65.86 ac.)
-  Impacts Associated with Oil Well Road Widening
COE Permit SAJ-2006-07018 (IP-HWB) (WOTUS-4/5, 0.87 ac.)

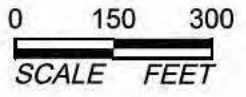
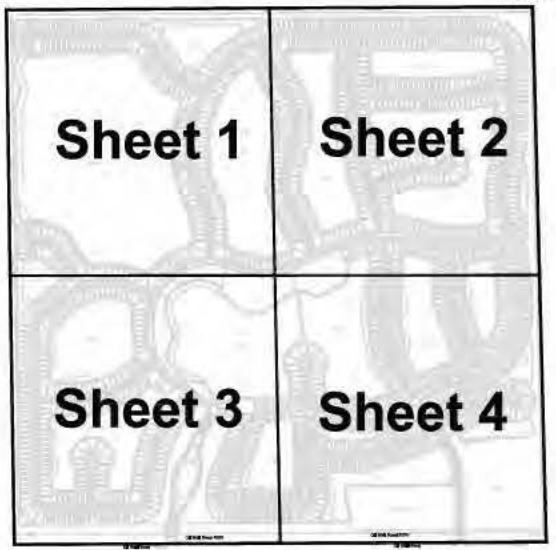
Notes:

1. Property boundary, existing lake top of bank, and site plan provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
4. Legends reflect overall site acreages.
5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION April 17, 2019 1:18:18 p.m. Drawing: NEAL16IMPACTCOE-0419.DWG






N.T.S.



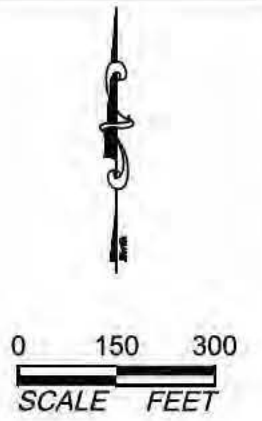
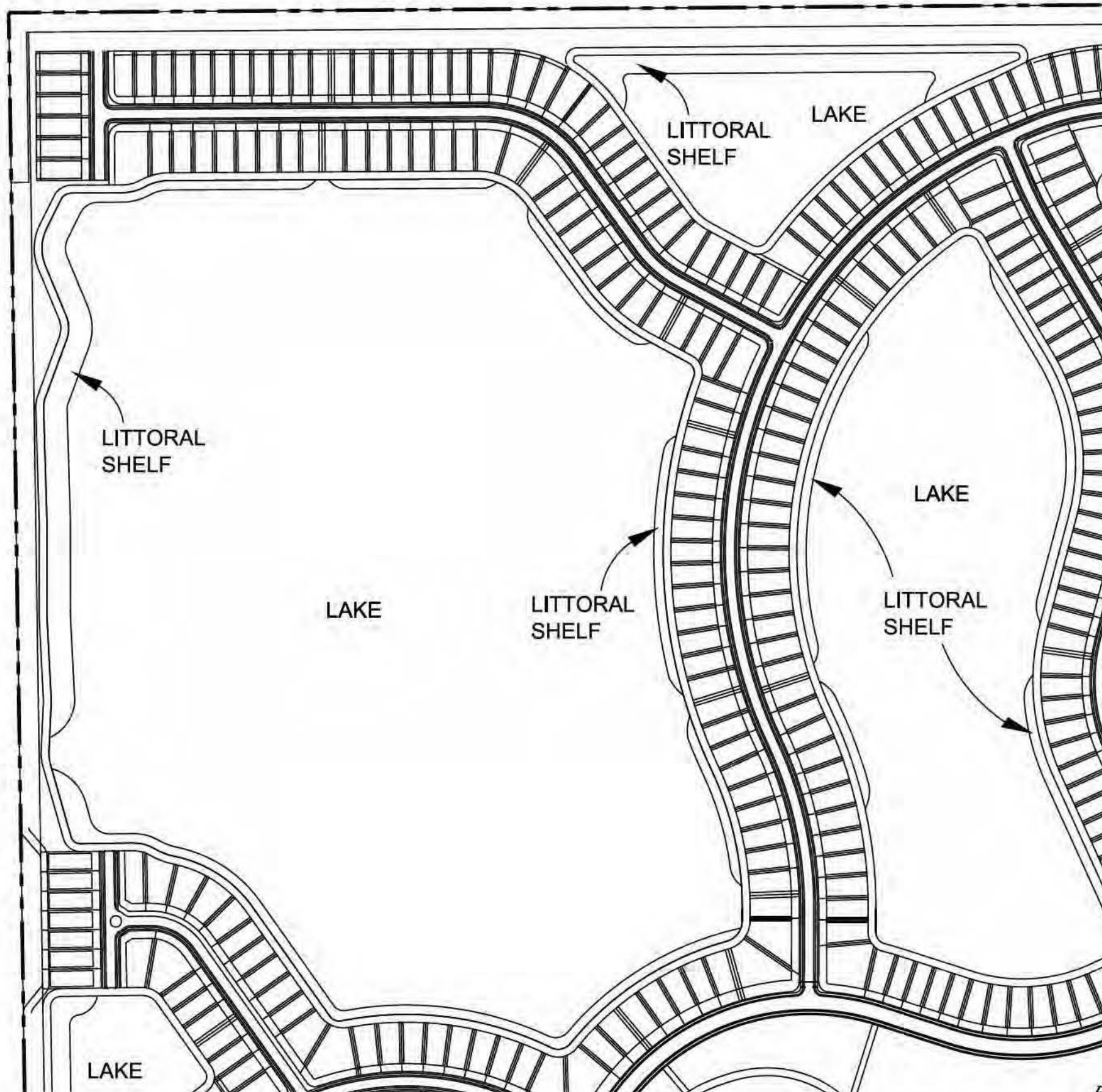
SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

FLUCCS	Description	Acreage
510D	Ditches	3.00 ac.
742	Borrow Areas	72.55 ac.
	Total	75.55 ac.

-  COE Waters of the United States Fill (8.82 ac.)
-  COE Waters of the United States Excavation (65.86 ac.)
-  Impacts Associated with Oil Well Road Widening
COE Permit SAJ-2006-07018 (IP-HWB) (WOTUS-4/5, 0.87 ac.)

- Notes:
1. Property boundary, existing lake top of bank, and site plan provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2017 aerial photography and ground truthing in June and July 2017.
 3. Delineation of jurisdictional waters of the United States field reviewed/approved by the COE via SAJ-2018-01385(JD-RWR). No COE jurisdictional wetlands are present on-site.
 4. Legends reflect overall site acreages.
 5. Interior berms are not depicted.

PERMIT USE ONLY - NOT FOR CONSTRUCTION April 17, 2019 1:18:18 p.m. Drawing: NEAL16IMPACTCOE-0419.DWG



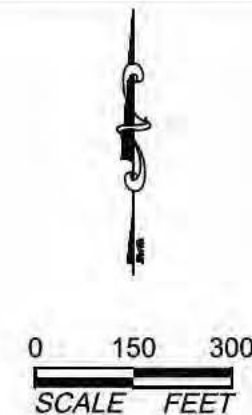
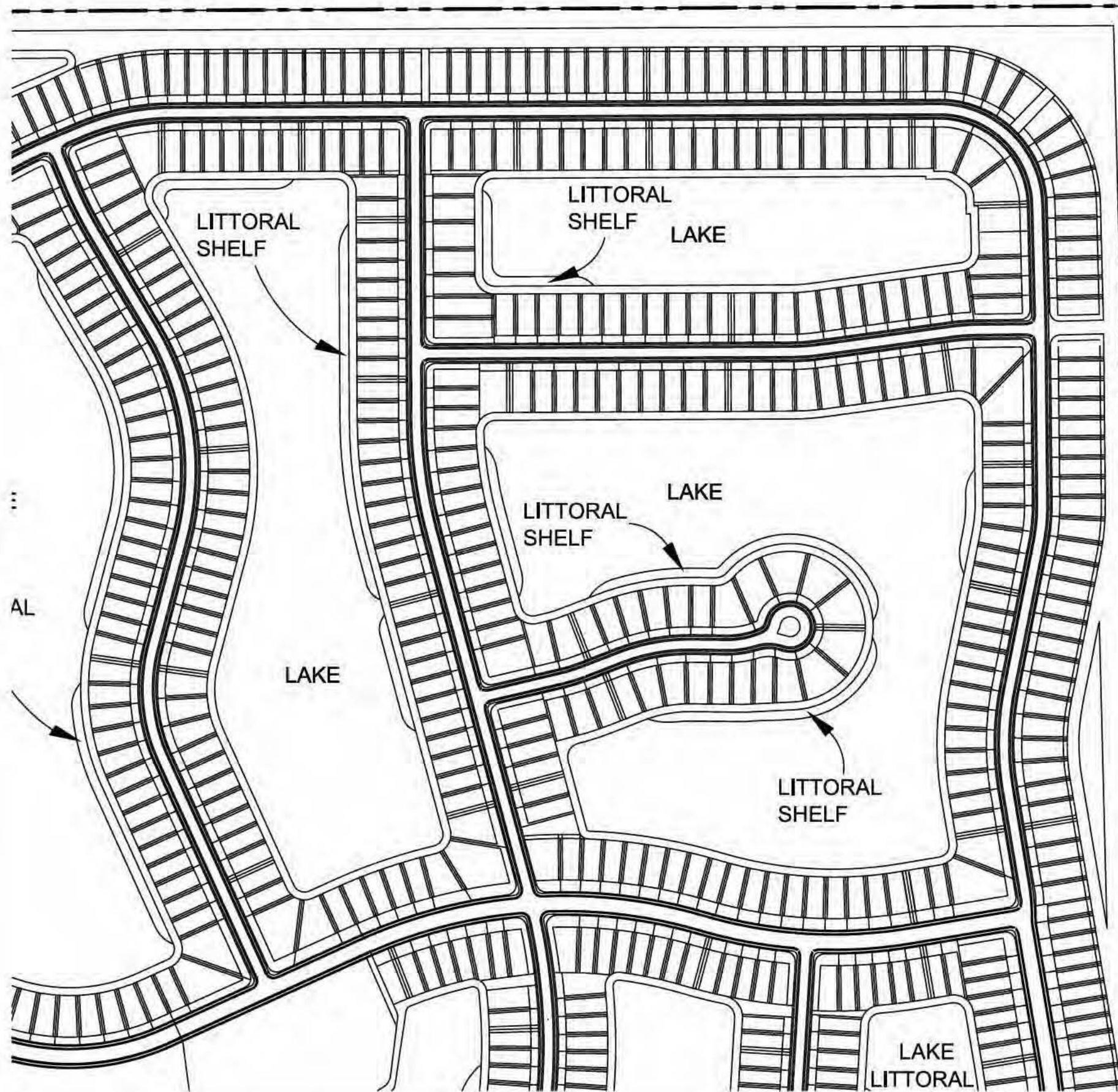
SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

N.T.S.

Sheet 1	Sheet 2
Sheet 3	Sheet 4

Notes: Property boundary and site plan provided by Hole Montes, Inc.

PERMIT USE ONLY – NOT FOR CONSTRUCTION Drawing: NEAL16PROP CONCOE-0419.DWG April 17, 2019 11:32:47 a.m.



SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

N.T.S.

Sheet 1	Sheet 2
Sheet 3	Sheet 4

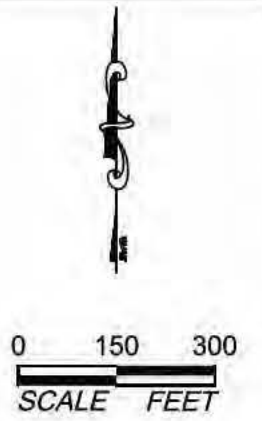
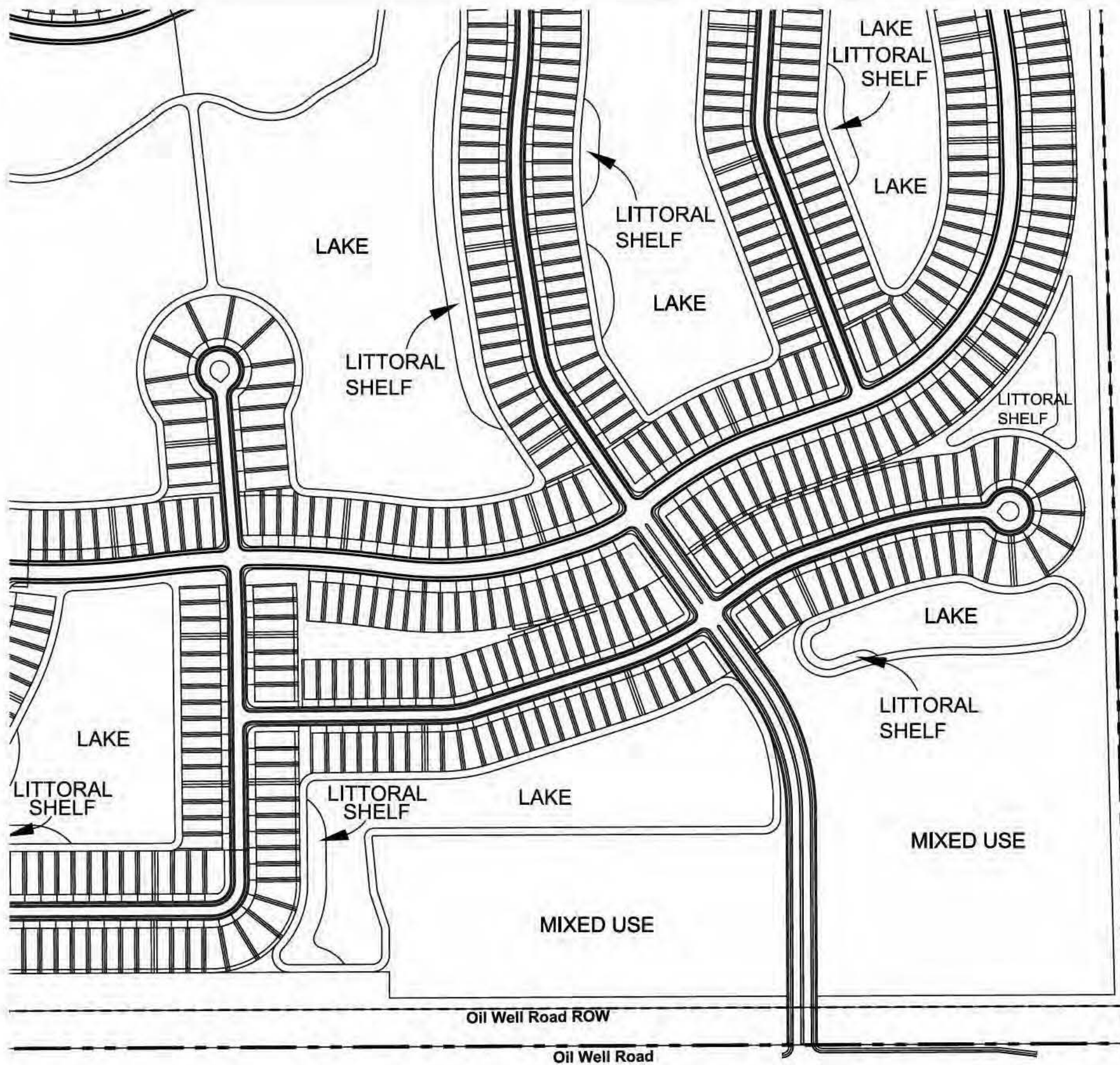
Notes: Property boundary and site plan provided by Hole Montes, Inc.

PERMIT USE ONLY - NOT FOR CONSTRUCTION Drawing: April 17, 2019 11:32:47 a.m. NEAL16PROP CONCOE-0419.DWG

Proposed Conditions Map - Sheet 2

Hyde Park

B DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

N.T.S.

Sheet 1	Sheet 2
Sheet 3	Sheet 4

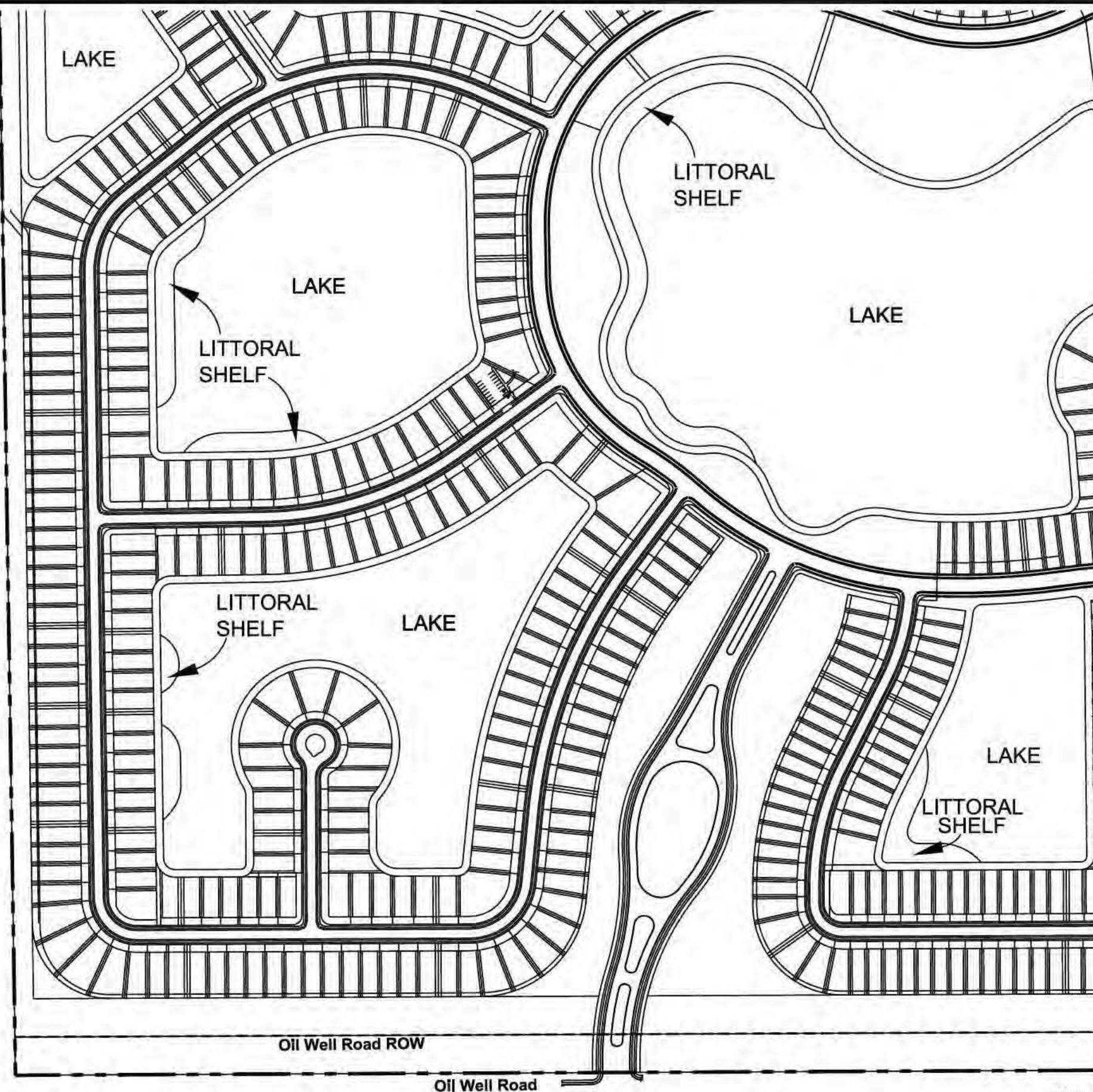
Notes: Property boundary and site plan provided by Hole Montes, Inc.

PERMIT USE ONLY - NOT FOR CONSTRUCTION Drawing: NEAL16PROPCONCOE-0419.DWG

Proposed Conditions Map - Sheet 4

Hyde Park

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



SECTION: 16
TOWNSHIP: 48 S
RANGE: 28 E

N.T.S.

Sheet 1	Sheet 2
Sheet 3	Sheet 4

Notes: Property boundary and site plan provided by Hole Montes, Inc.

PERMIT USE ONLY - NOT FOR CONSTRUCTION April 17, 2019 11:32:47 a.m. Drawing: NEAL16PROPCONCOE-0419.DWG