



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

REPLY TO

October 7, 2020

Regulatory Division
West Permits Branch
Fort Myers Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2004-01691 (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: Michael Hammon
PRH Sanibel, LLC
315 South Biscayne Boulevard, 4th Floor
Miami, Florida 33131

WATERWAY AND LOCATION: The project would affect waters of the United States, associated with the Charlotte Harbor Watershed (HUC 8: 03100103) and Punta Rassa Cove. The project site is located at 17300 McGregor Boulevard, Section 9, Township 46 South, Range 25 East, Fort Myers, Lee County, Florida.

Directions to the site are as follows: From I-75, take the Daniels Parkway exit (Exit 131) toward Cape Coral/SW Florida International Airport; make a right onto Daniels Parkway and head west for 2.65 miles; make a left onto Ben C Pratt/6 Mile Cypress Parkway/County Hwy 865 and head south for 7.42 miles. The project will be on the right, at 17300 McGregor Boulevard.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.488887°
Longitude -81.997831°

PROJECT PURPOSE:

Basic: Residential development

Overall: Construct a multi-story apartment complex in the coastal area of western Lee CountyFlorida..

EXISTING CONDITIONS: The project area consists of a 213-acre undeveloped property, bounded to the south by McGregor Boulevard, to the west by a resort/hotel complex and Punta Rassa Road, and to the north and east by the tidal open waters of Punta Rassa Cove. The project area is dominated by mangrove wetlands that are tidally connected to Punta Rassa Cove to the north. The project area contains ±6.61 acres of Mixed Hardwood Hammock (FLUCFCS 438), ±3.75 acres of Water (FLUCFCS 500), ±179.16 acres of Mangrove Swamp Forest (FLUCFCS 612), ±18.66 acres of Disturbed

Mangrove Swamp Forest (FLUCFCS 612D), ±3.25 acres of Tidal Flats (FLUCFCS 651), and ±1.31 acres of Fill (FLUCFS 744).

PROPOSED WORK: The applicant seeks authorization to fill 1.25 acres of wetlands, consisting of 0.83-acre of mangrove swamp forest and 0.42-acre of tidal flats, for the construction of a 50-unit multi-family apartment complex with associated infrastructure, including an entrance drive, parking, a stormwater management system, and an upland boardwalk connection to an adjacent hotel. The applicant proposes to enhance and preserve a total of 47.42 acres of the project site, including 45.29 acres of wetlands, 1.52 acres of uplands, and 0.61 acres of other surface waters.

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 proposed site plan has been designed to utilize existing upland areas to the maximum extent practicable, and to minimize wetland impacts. Minimization of wetland impacts will be accomplished by maximizing use the available upland through construction of a high-rise complex with an elongated compact footprint, which will allow preservation of many acres of surrounding wetland. The currently proposed site plan would result in less wetland impact than the previously permitted design”

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

“Mitigation for unavoidable direct and secondary impacts is proposed to consist of on-site preservation and enhancement of mangrove habitat”

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 Bonneted Bat (*Eumops floridanus*). A Florida Bonneted Bat survey was conducted on December 19, 2019 and resulted in activity by the species. The Corps requested U.S. Fish and Wildlife concurrence with this determination, via letter on February 11, 2020, pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposed project **may affect, but is not likely to adversely affect**, the American Crocodile (*Crocodylus acutus*), Eastern indigo snake (*Drymarchon corais couperi*), and Red-cockaded woodpecker (*Picoides borealis*). The Corps requested U.S. Fish and Wildlife concurrence with this determination via letter on February 11, 2020, pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal would have **no effect** on the Wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), Florida scrub jay (*Aphelocoma coerulescens*), and/or their designated critical habitat. No further consultation with the Service is required for these species.

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. The project site does not contain EFH; therefore, the Corps has determined that the proposed project would have no effect to EFH.

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 not 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, FL 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, Michelle L. Bartley, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd. Suite 310, Fort Myers, FL 33919; by electronic mail at 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, aesthetics, 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.

CONSTRUCTION PLANS FOR SANIBEL PASSAGE

JUNE, 2020
LOCATED IN SECTIONS 9 & 10, TOWNSHIP 46S, RANGE 23E
LEE COUNTY COUNTY, FLORIDA

APPLICANT:
FRY, SAMUEL, LLC
315 S. BISCAYNE BLVD.
MIAMI, FLORIDA, 33133
PHONE: 305-480-9900

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 2
FORT MYERS, FLORIDA, 33901
PHONE: 841-271-2850
CONTACT: PETER VANBUSKIRK, P.E.

SURVEYOR:
EF GAMES SURVEYING SERVICES
5235 RAMSEY WAY, SUITE 10
FORT MYERS, FLORIDA, 33907
PHONE: 239-418-0126

ENVIRONMENTAL CONSULTANT:
KIMLEY-HORN AND ASSOCIATES, INC.
445 24th STREET, SUITE 200
MIAMI BEACH, FLORIDA, 33560

UTILITY COMPANIES:

WATER AND SEWER:
LEE COUNTY UTILITIES
7391 COLLEGE PARKWAY
FORT MYERS, FLORIDA, 33907
PHONE: 239-533-6845

BOYLE, WATKINS AND SEWER:
BOYLE, WATKINS AND SEWER
315 S. BISCAYNE BLVD.
MIAMI, FLORIDA, 33133
PHONE: 305-480-9900

ELECTRIC:
FLORIDA POWER AND LIGHT (FPL)
19000 PALM BEACH BLVD.
FORT MYERS, FLORIDA, 33905
PHONE: 239-334-7754

GAS:
PEOPLES GAS
702 NORTH FRANKLIN STREET
P.O. BOX 2552
TAMPA, FL 33601
PHONE: 813-275-3700

TELEPHONE:
CENTURY LINK, INC.
1020 EL JOSEAN RD.
FORT CHARLOTTE, FL 33948
PHONE: 941-629-9311

CABLE TELEVISION:
COMCAST
18970 SAN CARLOS BLVD.
FORT MYERS, FL 33908
PHONE: 239-336-8081

SOLID WASTE:
WASTE PRO
13110 ROCKENBACHER PKWY.
FORT MYERS, FLORIDA, 33913
PHONE: 239-337-0800



PROPERTY INFORMATION	
STRAP NUMBERS	08-46-23-00-00003.0000 08-46-23-00-00004.0010 08-46-23-00-00004.0020 10-46-23-00-00004.0000
RESOLUTION #	Z-04-040A
ZONING	RPD

SHEET LIST TABLE	
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△ C-07	SITE PLAN 2 OF 4
C-08	SITE PLAN 3 OF 4
△ C-09	SITE PLAN 4 OF 4
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C-11	BEST MANAGEMENT PRACTICES PLAN 2 OF 2
C-12	BEST MANAGEMENT PRACTICES DETAILS
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△ C-24	LIFT STATION DETAILS 2 OF 2
C-25	PAVEMENT MARKING AND SIGNAGE PLAN

CALL 2 WORKING DAYS
BEFORE YOU DIG

811

IT'S THE LAW!
DIAL 811

Know what's below.
Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC. 800-888-8111

PREPARED BY
Kimley»Horn

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1412 JACKSON STREET, SUITE 2, FORT MYERS, FL 33901
PHONE: 239-271-2850 FAX: 841-378-4352
CERTIFICATE OF AUTHORIZATION 00000696

REVISIONS
△ REVISED PER LEE COUNTY 06-10-2020 MDA

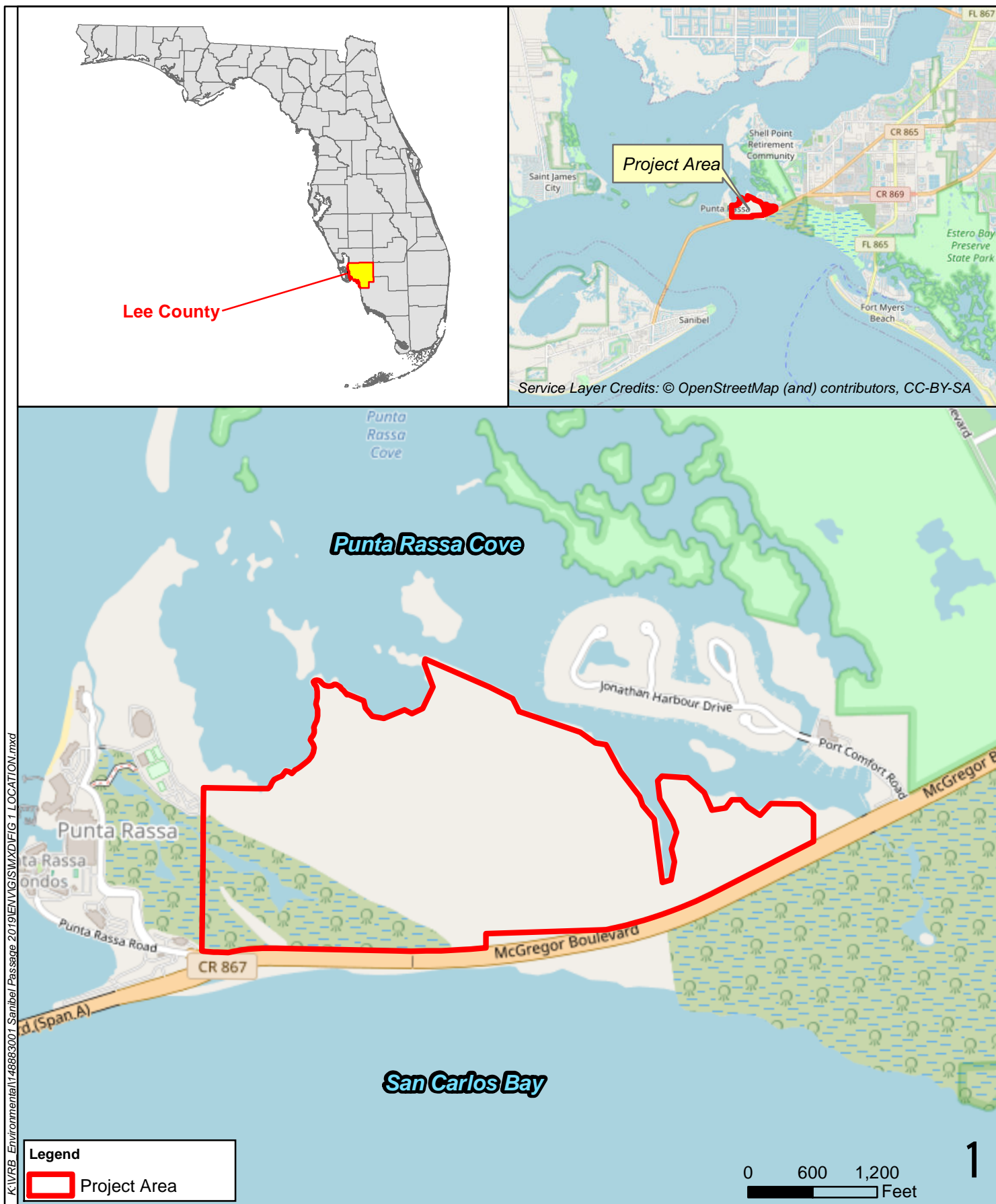


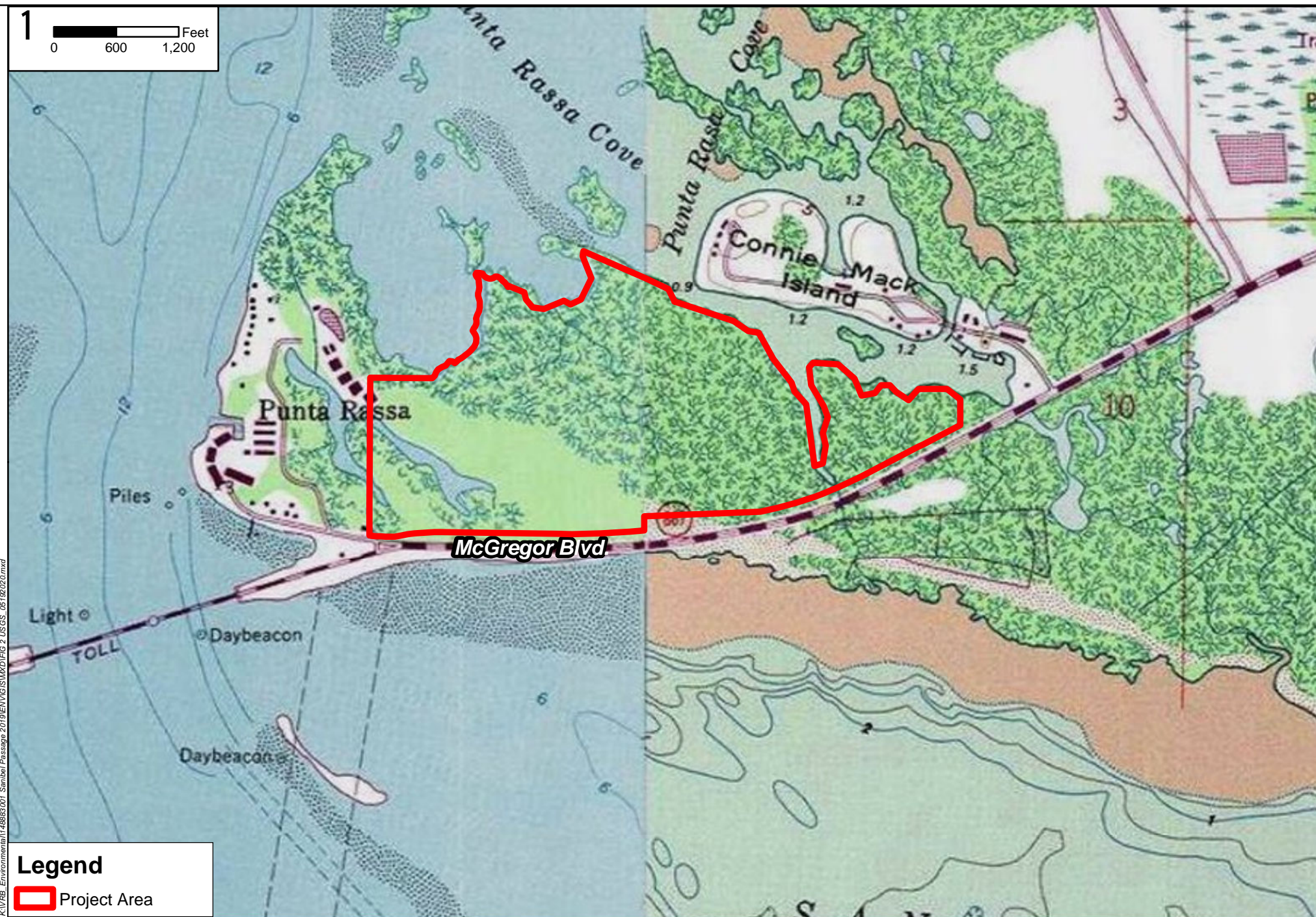
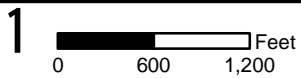
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KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 2
FORT MYERS, FL 33901
239-271-2850
CERTIFICATE OF AUTHORIZATION NO. 806
PETER THOMAS VANBUSKIRK, P.E. NO. 38859

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE FOLLOWING SHEETS IN
ACCORDANCE WITH RULE 6105-29.004 F.A.C. SHEETS C-1 THRU C-25.





Legend

Project Area

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www.kimley-horn.com

USGS 7.5-Minute Quadrangle Topographic Map - Sanibel, FL

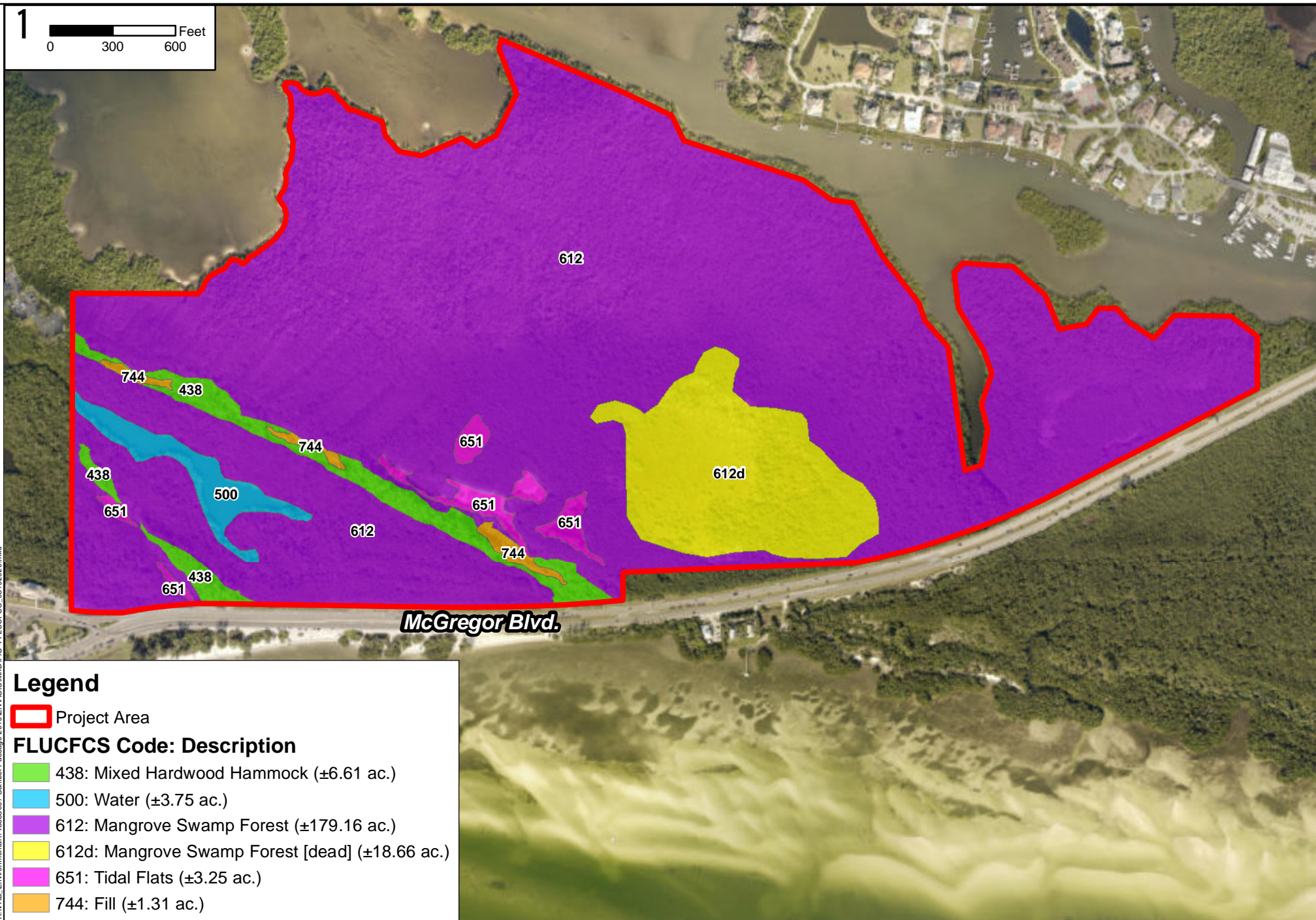
**Sanibel Passage
Lee County, Florida**

1 inch = 1,200 feet

MAY 2020

JOB NUMBER: 148883001

FIGURE 2



Legend

Project Area

FLUCFCS Code: Description

- 438: Mixed Hardwood Hammock (± 6.61 ac.)
- 500: Water (± 3.75 ac.)
- 612: Mangrove Swamp Forest (± 179.16 ac.)
- 612d: Mangrove Swamp Forest [dead] (± 18.66 ac.)
- 651: Tidal Flats (± 3.25 ac.)
- 744: Fill (± 1.31 ac.)

Aerials courtesy of ESRI

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Florida Land Use, Cover, and Forms Classification System Map

Sanibel Passage
Lee County, Florida

1 inch = 600 feet

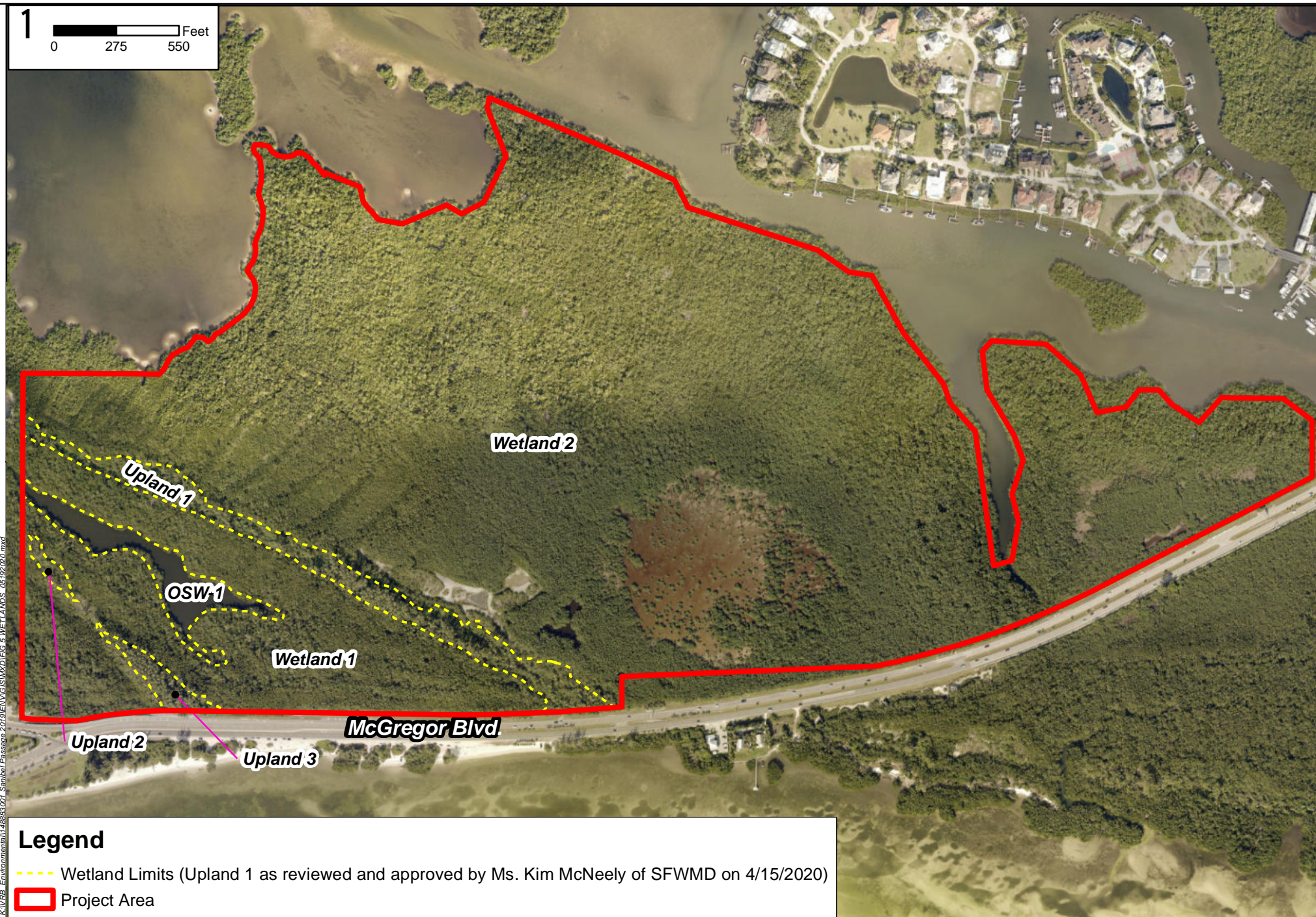
MAY 2020

JOB NUMBER: 148883001

FIGURE 4

1

0 275 550 Feet



Legend

- Wetland Limits (Upland 1 as reviewed and approved by Ms. Kim McNeely of SFWMD on 4/15/2020)
- Project Area

Aerials courtesy of ESRI

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Wetlands and Surface Waters Map

Sanibel Passage
Lee County, Florida

1 inch = 550 feet

MAY 2020

JOB NUMBER: 148883001

FIGURE 5

1

0 150 300 Feet

Wetland 2

Wetland 1

McGregor Blvd.

Project Area

Map
Extent**Legend**

--- Wetland Limits (as reviewed and approved by Ms. Kim McNeely of SFWMD on 4/15/2020)

Project Area

Wetland Impacts

Wetland 1 Direct Impacts

Wetland 1 Secondary Impacts

Wetland 2 Direct Impacts

Wetland 2 Secondary Impacts

Wetland ID	FLUCFCS Code	Direct Impact Area (ac.)	Secondary Impact Area (ac.)
Wetland 1	612	0.19	0.50
Wetland 2	612	0.64	0.56
Wetland 2	651	0.42	0.18
TOTALS	-	1.25	1.24

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Wetland Impact Map

**Sanibel Passage
Lee County, Florida**

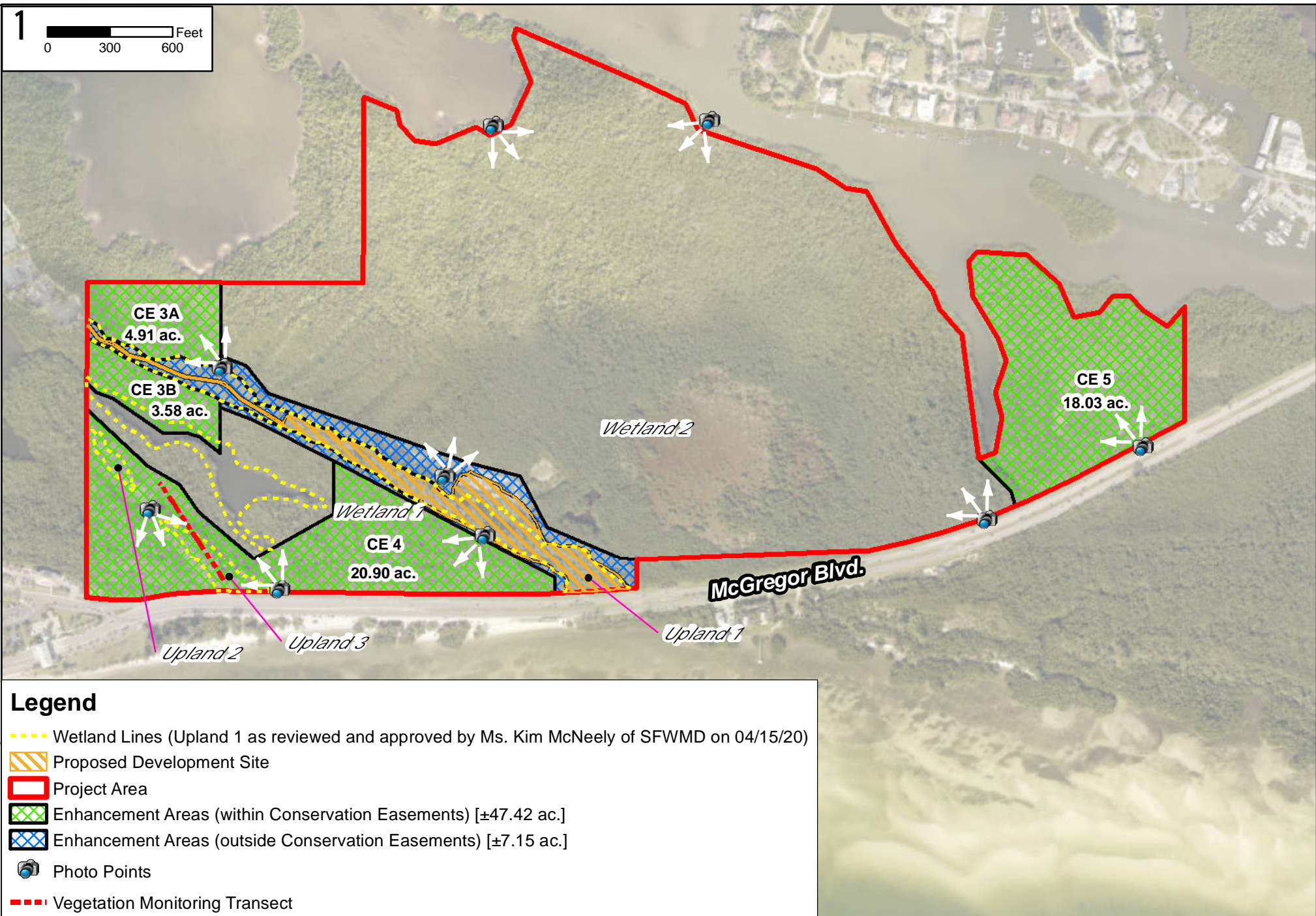
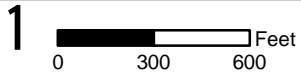
1 inch = 300 feet

MAY 2020

JOB NUMBER: 148883001

FIGURE 6

K:\148883001_Sanibel_Passage_2019\ENV\GIS\XDO\FIG 6 WETLANDS_05121201.mxd



Legend

- Wetland Lines (Upland 1 as reviewed and approved by Ms. Kim McNeely of SFWMD on 04/15/20)
- ▨ Proposed Development Site
- ▭ Project Area
- ▨ Enhancement Areas (within Conservation Easements) [±47.42 ac.]
- ▨ Enhancement Areas (outside Conservation Easements) [±7.15 ac.]
- 📷 Photo Points
- Vegetation Monitoring Transect

Aerials courtesy of ESRI

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Mitigation Plan Map

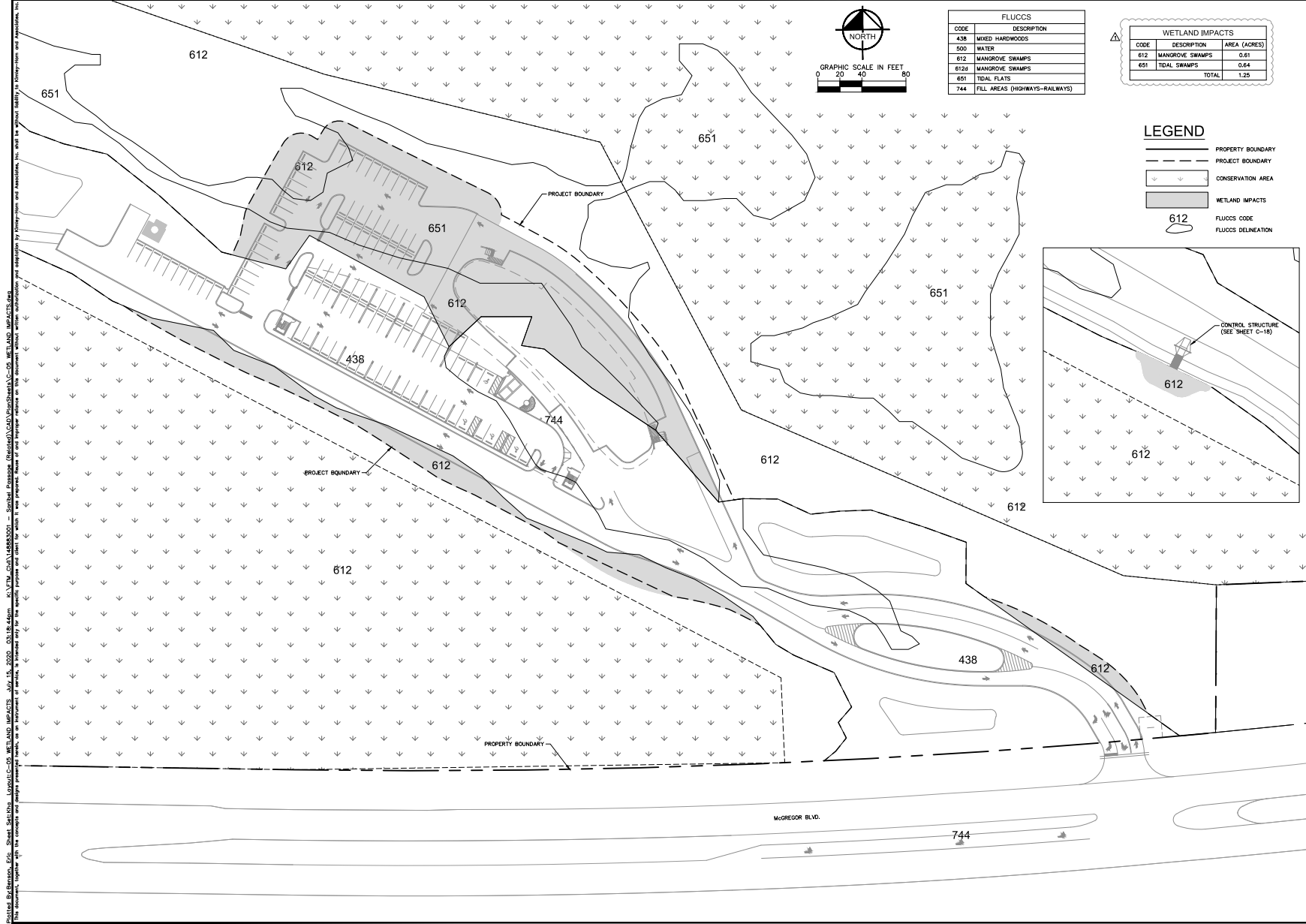
**Sanibel Passage
Lee County, Florida**

1 inch = 600 feet

AUGUST 2020

JOB NUMBER: 148883001

FIGURE 8

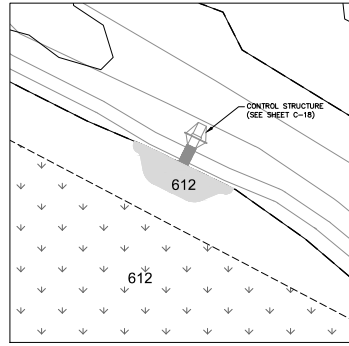


FLUCOS	
CODE	DESCRIPTION
438	MIXED HARDWOODS
500	WATER
612	MANGROVE SWAMPS
612d	MANGROVE SWAMPS
651	TOTAL PLATS
744	FILL AREAS (HIGHWAYS-RAILWAYS)

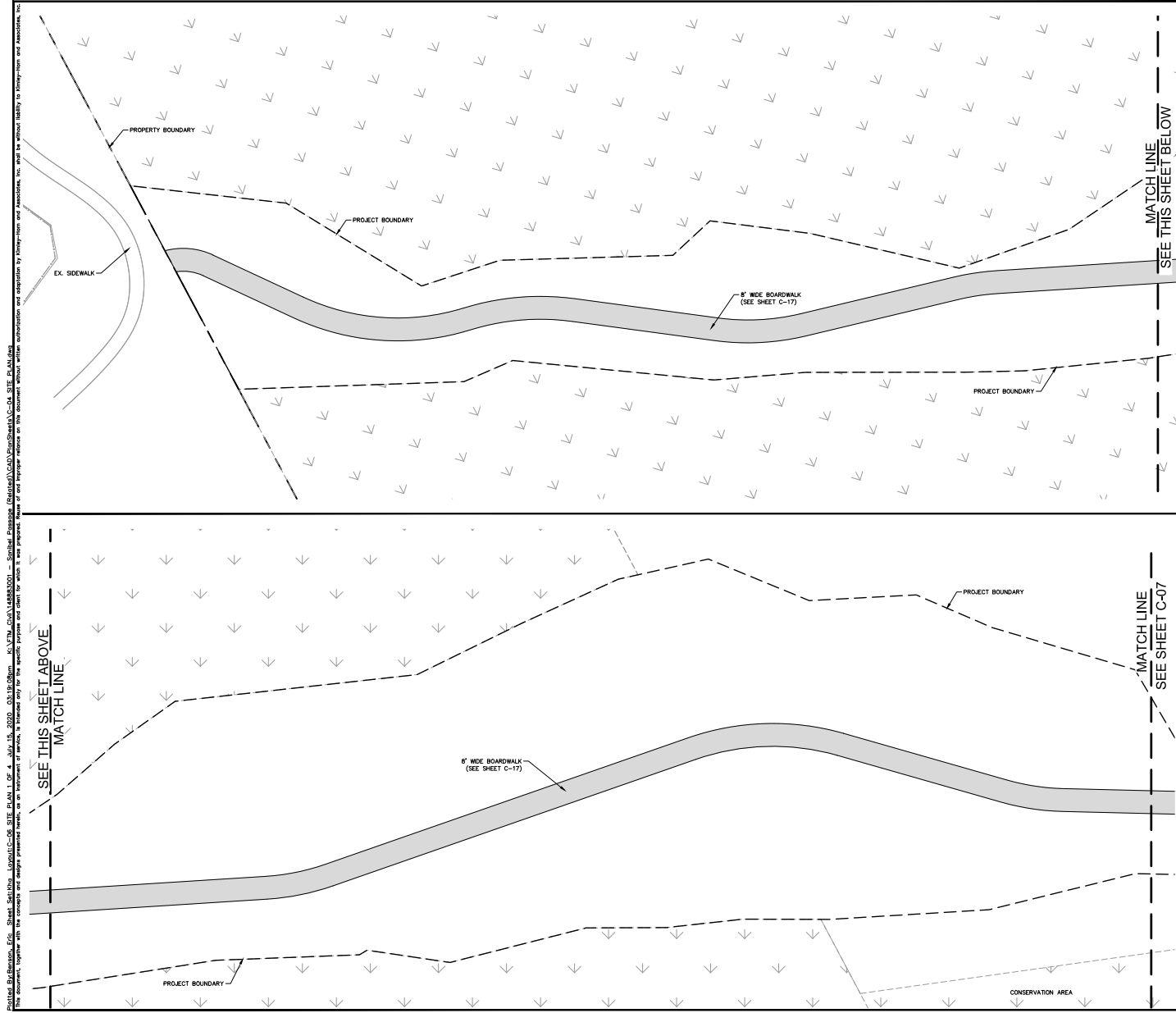
WETLAND IMPACTS		
CODE	DESCRIPTION	AREA (ACRES)
612	MANGROVE SWAMPS	0.61
651	TOTAL SWAMPS	0.64
TOTAL		1.25

LEGEND








— PROPERTY BOUNDARY
- - - PROJECT BOUNDARY
[Symbol] CONSERVATION AREA
[Symbol] WETLAND IMPACTS
[Symbol] FLUCOS CODE
[Symbol] FLUCOS DELINEATION



SHEET NUMBER C-05		LEE COUNTY FLORIDA	
SANIBEL PASSAGE PREPARED FOR PRH SANIBEL, LLC		WETLAND IMPACTS	
KHA PROJECT 146883001		LICENSED PROFESSIONAL	
DATE JUN 2020		PETER T. VANISOROK	
SCALE AS SHOWN		FLORIDA LICENSE NUMBER 35859	
DESIGNED BY KHA		DRAWN BY KHA	
CHECKED BY PVB		DATE	
KIMLEY HORN		REVISIONS	
3500 SANIBEL BLVD. SUITE 200 SANIBEL, FL 33958 PHONE 339-271-2600 FAX 339-279-4002 CERTIFICATE OF AUTHORIZATION 00000000000000000000		DATE	
LEE COUNTY		DATE	

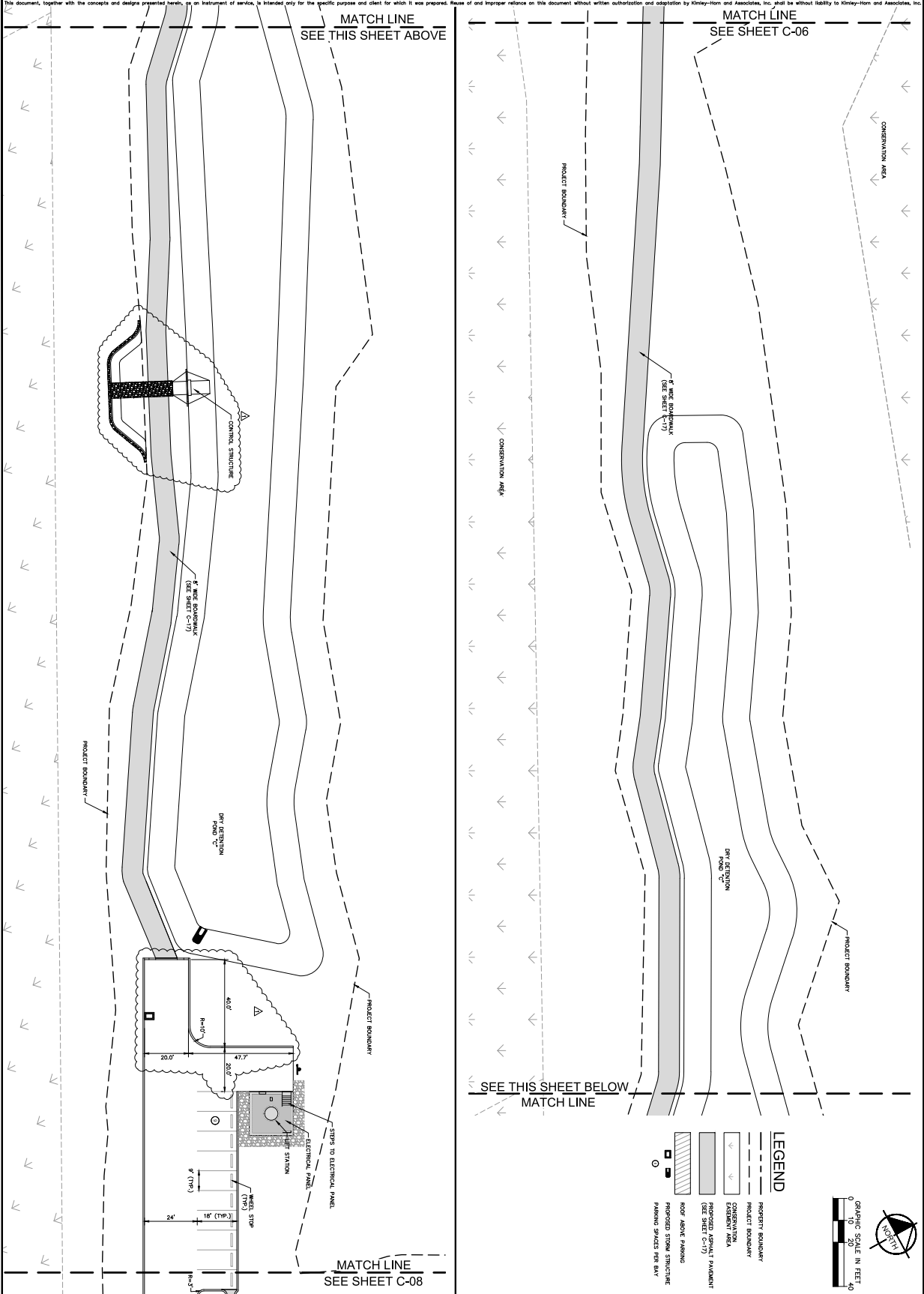


LEGEND

	PROPERTY BOUNDARY
	PROJECT BOUNDARY
	CONSERVATION EASEMENT AREA
	PROPOSED ASPHALT PAVEMENT (SEE SHEET C-17)
	ROOF ABOVE PARKING
	PROPOSED STORM STRUCTURE
	PARKING SPACES PER BAY

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PHONE: 239-271-2650 FAX: 941-379-4352
CERTIFICATE OF AUTHORIZATION 0000096

SHEET NUMBER C-06	SANIBEL PASSAGE PREPARED FOR PRH SANIBEL, LLC	SITE PLAN 1 OF 4	KHA PROJECT 148883001
			DATE JUNE, 2020
DESIGNED BY KHA SCALE AS SHOWN		DRAWN BY KHA CHECKED BY DWB	



C-07	SANIBEL PASSAGE PREPARED FOR PRH SANIBEL, LLC LEE COUNTY FLORIDA	SITE PLAN 2 OF 4	KHA PROJECT 148883001	LICENSED PROFESSIONAL	<div>Kimley»Horn</div> <div>© 2020 KIMLEY-HORN AND ASSOCIATES, INC. 1412 JACKSON STREET, SUITE 2, FORT MYERS, FL 33901 PHONE: 239-271-2650 FAX: 941-379-4352 CERTIFICATE OF AUTHORIZATION 0000096</div>				
			DATE JUNE, 2020	PETER T. VANBUSKIRK					
			SCALE AS SHOWN	FLORIDA LICENSE NUMBER 38859					
			DESIGNED BY KHA						
			DRAWN BY KHA						
			CHECKED BY PVB	DATE: _____		REVISED PER LEE COUNTY	06-10-2020	MDA	
						No.	REVISIONS	DATE	BY