



REPLY TO
ATTENTION OF

Regulatory Division
West Permits Branch
Fort Myers Permits Section

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

January 24, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2008-02443-(SP-RMT)

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: Evergreen Senior Housing, LLC
c/o Mr. William Henry
2420 West 17th Street
Denver, Colorado 80202

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the onsite wetlands connected to Naples Bay confluent with the the Gulf of Mexico. The project site is located at 5867 Whitaker Road within Section 17, Township 50 South, Range 26 East, Naples, Collier County, Florida. The site is located within the Rock Creek-Naples Bay Watershed (HUC 10 # 0309020406).

Directions to the site are as follows: From I-75 take exit 101 (CR-951/Collier Blvd) and head south for approximately 0.40 miles to Davis Blvd and turn right (head west) on Davis Blvd to Santa Barbara Blvd. Head south on Santa Barbara Blvd to Whitaker Road. Whitaker Road is on the west side of Santa Barbara Blvd. The project site is at the southwest corner of the Santa Barbara Blvd easement and Whitaker Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.12121 N.
Longitude 81.71993 W.

PROJECT PURPOSE:

Basic: Assisted living housing

Overall: Construct a memory care, assisted living facility with access road, cottages, amenities, a stormwater management system and other associated infrastructure in the south Naples area of Collier County, Florida.

EXISTING CONDITIONS: The approximate 9.79 acre property is undeveloped and forested. The habitat types on the property currently consist of uplands and wetlands. Approximately 4.01 acres are upland pine flatwoods. The upland native species are in the canopy is dominated by slash pine (*Pinus elliottii*) with some live oak (*Quercus*

laurifolia), cabbage palm (*Sabal palmetto*) and saw palmetto (*Serenoa repens*) in the understory. The invasive exotic species in those uplands include earleaf acacia (*Acacia auriculiformis*), melaleuca (*Melaleuca quinquenervia*) in the canopy and Brazilian pepper (*Schinus terebinthifolia*) in the understory.

The site contains approximately 5.77 acres of forested freshwater wetlands. The native species occurring in the wetland canopy are slash pine with some cabbage palm and a few bald cypress (*Taxodium distichum*) intermixed. The invasive exotic species in the wetland canopy include the earleaf acacia, melaleuca and Brazilian pepper in the understory.

The approximate 9.79 acre property currently belongs to Youth Haven Inc. and the Youth Haven Foundation. The operating Youth Haven facility is along the western border of this parcel. To the south is a residential development, to the east is a drainage canal and Santa Barbara Blvd with an associated (road and drainage) easement. The northern end of the property abuts Whitaker Road.

PROPOSED WORK: The project proposes to clear, grade, excavate, and fill approximately 4.71 acres of jurisdictional wetlands to construct and maintain an assisted living-memory care facility with associated amenities and infrastructure. The proposal would discharge approximately 10,042 cubic yards of fill into 4.13 acres of wetlands and excavate approximately 6,840 cubic yards of native materials from 0.58 acres of wetlands. The applicant proposes to provide the appropriate compensatory mitigation at a Corps approved mitigation bank that provides service to the area in which the project site is located in.

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 original site plans were designed for a smaller property and those site plans would have directly impacted all wetlands on the original property size. The applicant then incorporated an adjacent parcel abutting the east border of the original property. The additional parcel is comprised primarily of uplands and allowed for a redesign of the project plans that would reduce direct wetland impacts. The current site plans will enhance and preserve approximately 1.06 acres of wetlands and 0.46 acres of uplands. The wetlands selected to be preserved are contiguous with the wetlands of an offsite preserve along the western border of the site. The minimum amount of wetlands that will yield an economically and practicable assisted living facility, are to be directly impacted.

COMPENSATORY MITIGATION: The applicant proposes to provide the appropriate compensatory mitigation at a Corps approved mitigation bank that provides service to the area in which the project site is located in.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the project 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 project site.

ENDANGERED SPECIES: The project site is located in an area where the eastern indigo snake (*Drymarchon corais couperi*) an ESA listed species, may occur. A protected species survey was conducted on December 2017, March 2018, September 2018, November 2018, and finalized in January 2019, by the applicant's agent but it did not reveal the presence of any indigo snakes or of its commensal species the gopher tortoise. Using the current Indigo Snake Programmatic Concurrence Key, the proposal keys as follows: A., B., C.; D.; the project will impact less than 25 acres of indigo snake habitat and the site has no known gopher tortoise burrows or other underground refugia. If a Corps permit is issued for this proposal it would require the applicant to adhere to the Eastern Indigo Snake Protection Measures. The Corps determined that the proposed project will "not likely to adversely affect" (NLAA) the indigo snake. In accordance with the key, the requirements of Section 7 of ESA have been fulfilled and no further consultation with the U.S. Fish and Wildlife (FWS) is required, for this species.

The project site is within a FWS designated core foraging area (CFA) for the wood stork (*Mycteria americana*), an ESA listed species. In accordance with the South Florida Programmatic Wood Stork Key the proposal keys as follows: A., B., C., E. Therefore the Corps has determined the proposed project would NLAA the wood stork. In accordance with the Key, no further consultation with the FWS is required, for this species.

The project site is located within a FWS designated consultation area for the red-cockaded woodpecker [RCW (*Picoides borealis*)] an ESA listed species. The project site is dominated by habitats that have been degraded, by exotic species, which are not preferred by the RCW. The corps preliminary determination is that the proposal will NLAA the RCW. The Corps will request FWS concurrence for that determination via a separate letter.

The project site is within a FWS designated consultation area for the Florida scrub jay (*Aphelocoma coerulescens*), an ESA listed species. The scrub jay lives in scrub and scrubby flatwoods habitats found on well-drained sandy soils. The project site is dominated by habitats containing exotic species which are not preferred by the scrub jay; therefore, the Corps preliminary determination is that the proposal will NLAA the scrub jay and the Corps will request concurrence, for that determination, from the FWS via a separate letter.

The project is within a consultation area for the ESA listed Florida bonneted bat [(FBB) *Eumops floridanus*]. The site is greater than 5 acres with more than 1 acre of FBB habitat types: therefore the Corps preliminary determination is that the proposal "may

affect" the FBB. The Corps will request the FWS to initiate formal consultation (for the FBB) for the proposed project, via a separate letter pursuant to Section 7 of ESA.

ESSENTIAL FISH HABITAT (EFH): The project would impact freshwater wetlands only and the project is not in proximity to EFH. 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 totally verified or evaluated to ensure compliance with all laws and regulation governing the regulatory program. The jurisdictional lines have been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the South Florida Water Management District and/or the Florida Department of Environmental Protection.

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 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 submitted in writing to the project manager, Robert Tewis, by mail to the Fort Myers Permits Section, 1520 Royal Palm Square Boulevard Suite 310, Fort Myers, Florida 33919; or via email at robert.m.tewis@usace.army.mil; or faxed to (239)-334-0797. The contact phone number is (239)-334-1975 X-0012.

IMPACT ON NATURAL RESOURCES: Coordination with the FWS, the Environmental Protection Agency, 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.

COLLIER COUNTY
APPLICATION NO. 2017-000-4466

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL PLANS FOR
MEMORY CARE COTTAGES
WHITAKER ROAD
COLLIER COUNTY, FLORIDA
SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST



PROJECT LOCATION
COLLIER COUNTY

COLLIER COUNTY FOLIO NOS.
NUMBER HERE

INDEX OF SHEETS

| SHEET NO. | CONTENTS |
|-----------|----------------------------------|
| E-01 | COVER SHEET |
| E-02 | SFWMD WETLAND MAP |
| E-03 | WETLAND TOPOGRAPHIC MAP |
| E-04 | FLUCCS MAP AND SFWMD WETLAND MAP |
| E-05 | WETLAND IMPACT PLAN |

SIZE OF PARCEL

TOTAL PARCEL AREA = 438.887 AC. (31/88 ACRES)

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING ALL THAT LAND AS DESCRIBED IN OFFICIAL RECORD 3787 AT PAGE 8954, OFFICIAL RECORD 4354 AT PAGE 1411, OFFICIAL RECORD 4054 PAGE 1413 AND A PORTION OF OFFICIAL RECORD 1782 AT PAGE 1275 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA ALL LYING IN SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 17, SOUTH 00°00'00" EAST, A DISTANCE OF 884.49 FEET; THENCE WESTERLY LEAVING SAID EAST LINE OF SAID SECTION 17, NORTH 88°59'13" WEST, A DISTANCE OF 325.64 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF SANTA BARBARA BOULEVARD (RIGHT OF WAY WIDTH VARIES) AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG SAID WESTERLY RIGHT OF WAY OF SANTA BARBARA BOULEVARD THE FOLLOWING THREE COURSES: COURSE ONE, SOUTH 07°30'56" EAST, A DISTANCE OF 20.74 FEET TO A POINT ON A NON-TANGENTIAL CURVE, COURSE TWO, SOUTHERLY, 310.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 483.00 FEET, THROUGH A CENTRAL ANGLE OF 27°13'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 12°35'08" EAST, A DISTANCE OF 387.57 FEET TO A POINT OF TANGENTIAL CURVATURE, COURSE THREE, SOUTHERLY, 228.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 86.11 FEET, THROUGH A CENTRAL ANGLE OF 38°40'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 12°51'50" EAST, A DISTANCE OF 335.36 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF ROYAL WOOD BOULEVARD (66' TYP. RIGHT OF WAY); THENCE ALONG THE WESTERLY RIGHT OF WAY OF ROYAL WOOD BOULEVARD THE FOLLOWING THREE COURSES: COURSE ONE, NORTH 89°02'10" WEST, A DISTANCE OF 144.84 FEET, COURSE TWO, NORTH 89°02'35" WEST, A DISTANCE OF 315.10 FEET, COURSE THREE, NORTH 89°02'35" WEST, A DISTANCE OF 84.97 FEET; THENCE LEAVING THE NORTHERLY RIGHT OF WAY OF ROYAL WOOD BOULEVARD AND ALONG A LINE BEING A PORTION OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD 1782 AT PAGE 1275 OF THE PUBLIC RECORDS OF COLLIER COUNTY (COURSE, NORTH 80°10'11" EAST, A DISTANCE OF 435.20 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF WHITAKER ROAD (60' TYP. RIGHT OF WAY); THENCE ALONG SAID SOUTHERLY RIGHT OF WAY OF WHITAKER ROAD, THE FOLLOWING TWO COURSES: COURSE ONE, SOUTH 89°02'10" EAST, A DISTANCE OF 32.23 FEET, COURSE TWO, SOUTH 89°02'05" EAST, A DISTANCE OF 507.11 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 0.755 ACRES, OR 125,887 SQUARE FEET, MORE OR LESS.



CONTACTS

| | |
|--|---|
| OWNER/DEVELOPER: JOHN HARKER FOUNDATION INC. 9851 WHITAKER RD. HAPLES, FL 34112-5993 PHONE (214) 987-4550 | CIVIL ENGINEER: PIGEON-ROBERTS & ASSOCIATES, LLC 925 SE 17TH AVE., SUITE 'A' OCALA, FL 34471 CONTACT: CHUCK A. PIGEON P.E. PHONE (352) 861-7799 |
| GEOTECHNICAL ENGINEER: UNIVERSAL ENGINEERING SCIENCES 3032 MAGGIE BLVD. ORLANDO, FL 32811 CONTACT: DAVID S. WHITNEY III, P.E. PHONE (407) 423-5589 | SURVEYOR: HOOES AND HOOES LAND SURVEYING, III 28100 BONITA BRAD DRIVE, SUITE 107 BONITA SPRINGS, FLORIDA 33435 CONTACT: JOHN SCOTT HOOES, P.E. PHONE (352) 495-6168 |

ATTENTION IS DIRECTED TO THE FACT
THAT THESE PLANS MAY HAVE BEEN
REDUCED IN SIZE BY REPRODUCTION.
THIS MUST BE CONSIDERED WHEN
OBTAINING SCALED DATA.

**Pigeon - Roberts
& Associates, LLC**
925 SE 17th Street
Suite A
Ocala, Florida 34471
CIVIL ENGINEERS-PLANNERS
SURVEYORS & MAPPERS
(352) 861-7799 voice
(352) 861-7700 fax

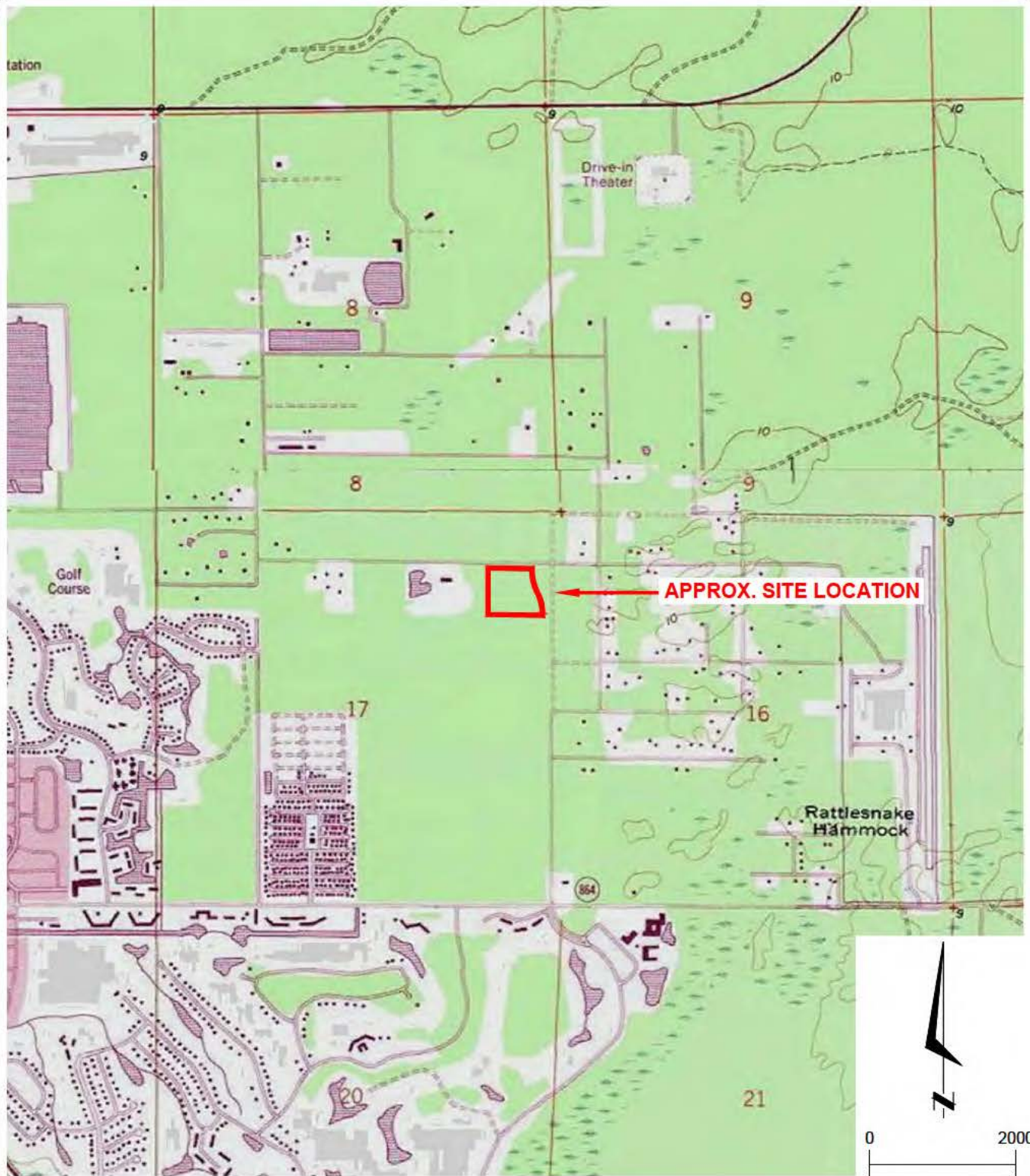
CERTIFICATES OF AUTHORIZATION
ENGINEERING NO. 26521 - SURVEYING & MAPPING LB NO. 7481
PROJECT NO. 403.01 12.15.2017

ENGINEER'S CERTIFICATION
I HEREBY CERTIFY:

CHUCK A. PIGEON
PROFESSIONAL ENGINEER NO. 26521
STATE OF FLORIDA

DATE: 12/15/2017

SHEET C-01 OF 5



SOURCE: USGS QUADRANGLE MAP OF "BELLE MEADE, FLORIDA".

SCALE (FT.)



UNIVERSAL
ENGINEERING SCIENCES

SFWMD ERP PERMITTING
MEMORY CARE COTTAGES
5867 WHITAKER ROAD
NAPLES, COLLIER COUNTY, FLORIDA

SITE LOCATION MAP

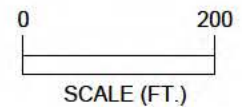
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| SCALE: AS SHOWN | PROJECT NO: 0140.1700455.0001 | REPORT NO: # | PAGE NO: FIGURE 1 |

17-0583-02



SOILS LEGEND

- 3 - MALABAR FINE SAND, 0 - 2 % SLOPES
- 11 - HALLANDALE FINE SAND, 0 - 2 % SLOPES
- 14 - PINEDA FINE SAND, LIMESTONE SUBSTRATUM, 0 - 2 % SLOPES



SOIL DATA SOURCE: USDA-NRCS WEB SOIL SURVEY
AERIAL PHOTO SOURCE: GOOGLE EARTH



UNIVERSAL
ENGINEERING SCIENCES

SFWMD ERP PERMITTING
MEMORY CARE COTTAGES
5867 WHITAKER ROAD
NAPLES, COLLIER COUNTY, FLORIDA

USDA - NRCS SOIL SURVEY MAP

| | | | |
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| SCALE: AS SHOWN | PROJECT NO: 0140.1700455.0001 | REPORT NO: | PAGE NO: FIGURE 3 |

17-0583-02





LEGEND



- DIRECT WETLAND IMPACTS (4.71 acres)



- SECONDARY WETLAND IMPACTS (0.97 acres)

0 200

SCALE (FT.)



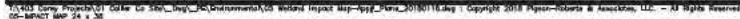
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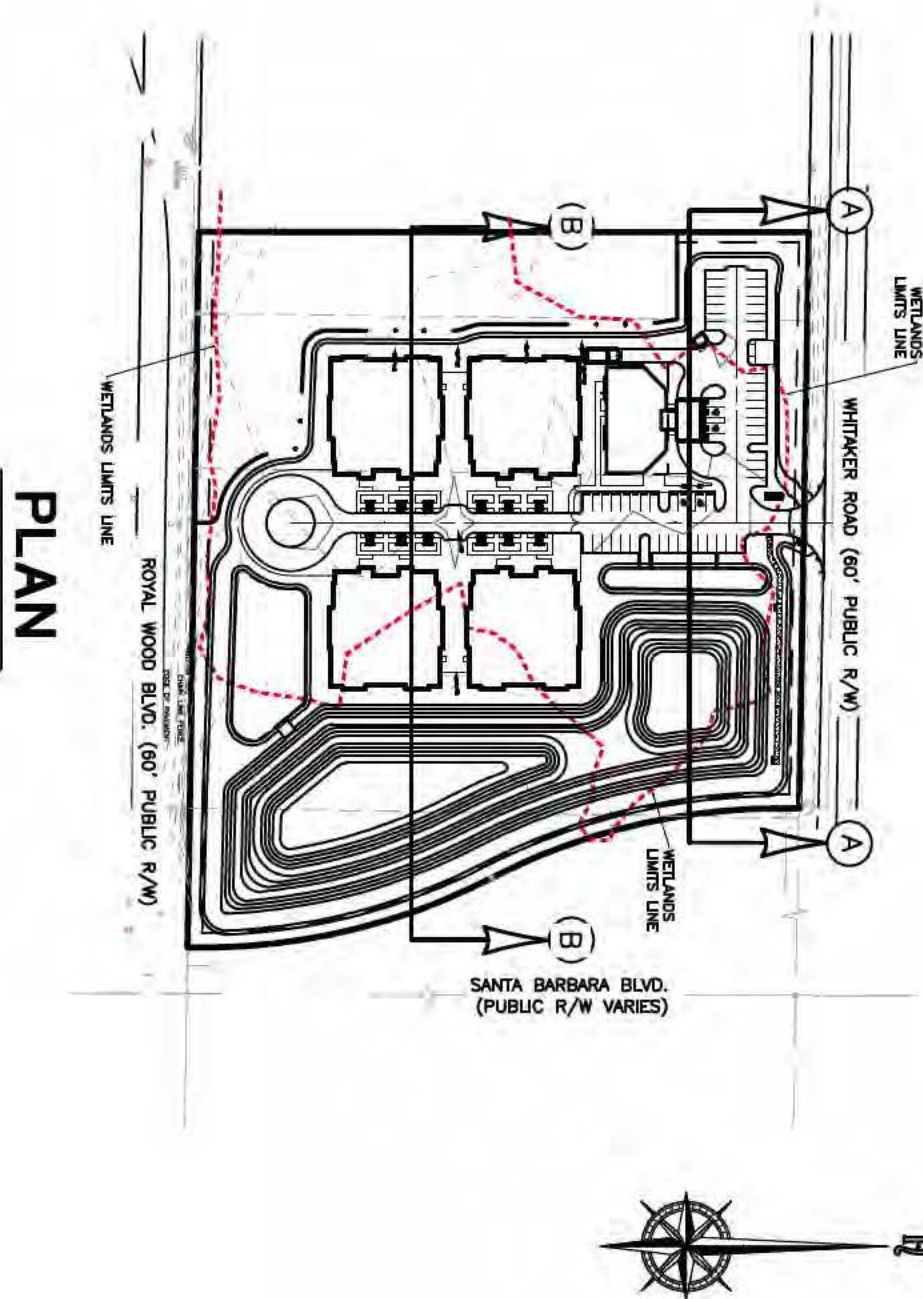


UNIVERSAL
ENGINEERING SCIENCES

SFWMD ERP PERMITTING MEMORY CARE COTTAGES 5867 WHITAKER ROAD NAPLES, COLLIER COUNTY, FLORIDA WETLAND IMPACT PLAN

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| SCALE: AS SHOWN | PROJECT NO: 0140.1700455.0001 | REPORT NO: | FIGURE NO: FIGURE 4 |





PLAN



JOB NO. 403.04.-----
 SHEET: 01 OF 3

**Pigeon - Roberts
 & Associates, LLC**
 CIVIL ENGINEERS PLANNERS
 SURVEYORS & MAPPERS

925 S.E. 17th Street
 Suite A
 Ocala, Florida 34471
 (352) 861-7799 voice
 (352) 861-7709 fax

ENGINEERING NO. 26531 • SURVEYING & MAPPING LB NO. 7481

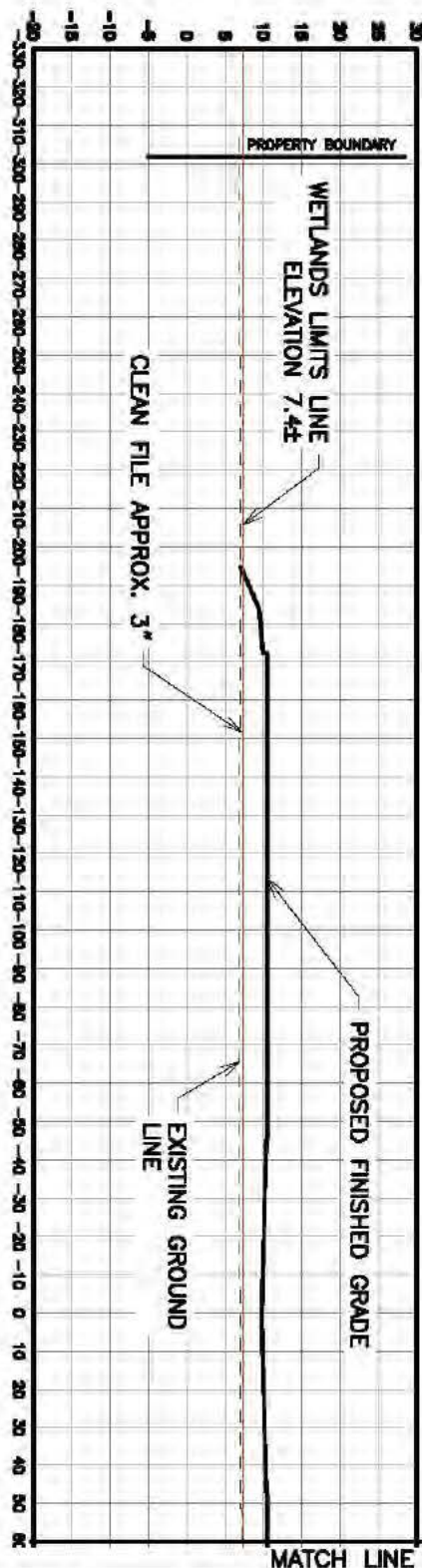
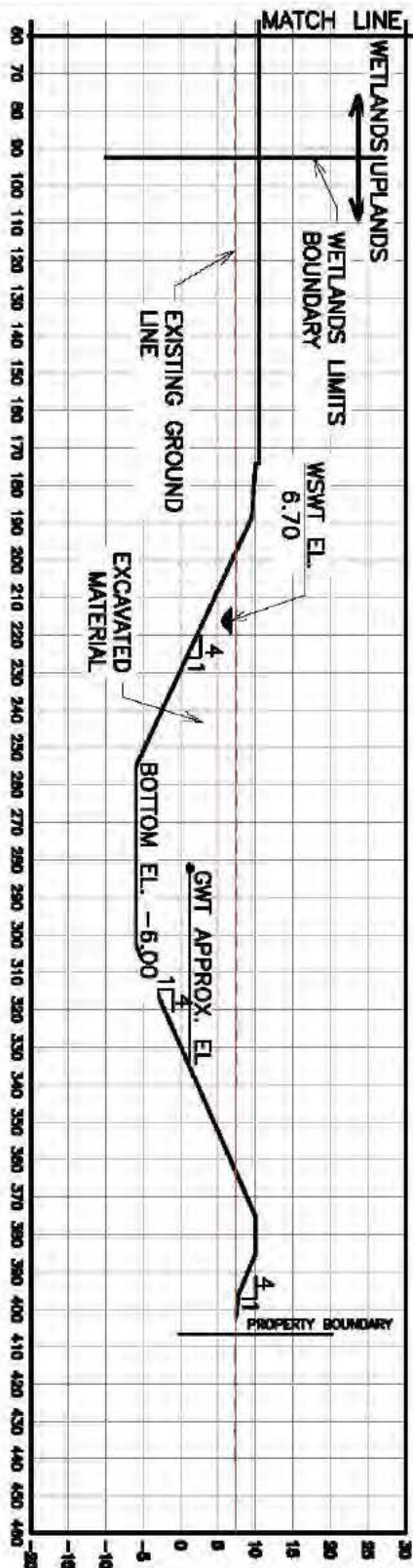
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**MEMORY CARE
 COTTAGES**

CROSS SECTIONS

SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST,
 COLLIER COUNTY, FLORIDA

CROSS SECTION B



SCALES:
 HORIZONTAL: 1" = 50'
 VERTICAL: 1" = 25'

SHEET: 03 OF 3

JOB NO. 403.04

Pigeon - Roberts & Associates, LLC

CIVIL ENGINEERS PLANNERS
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ENGINEERING NO. 26531 • SURVEYING & MAPPING LB NO. 7481

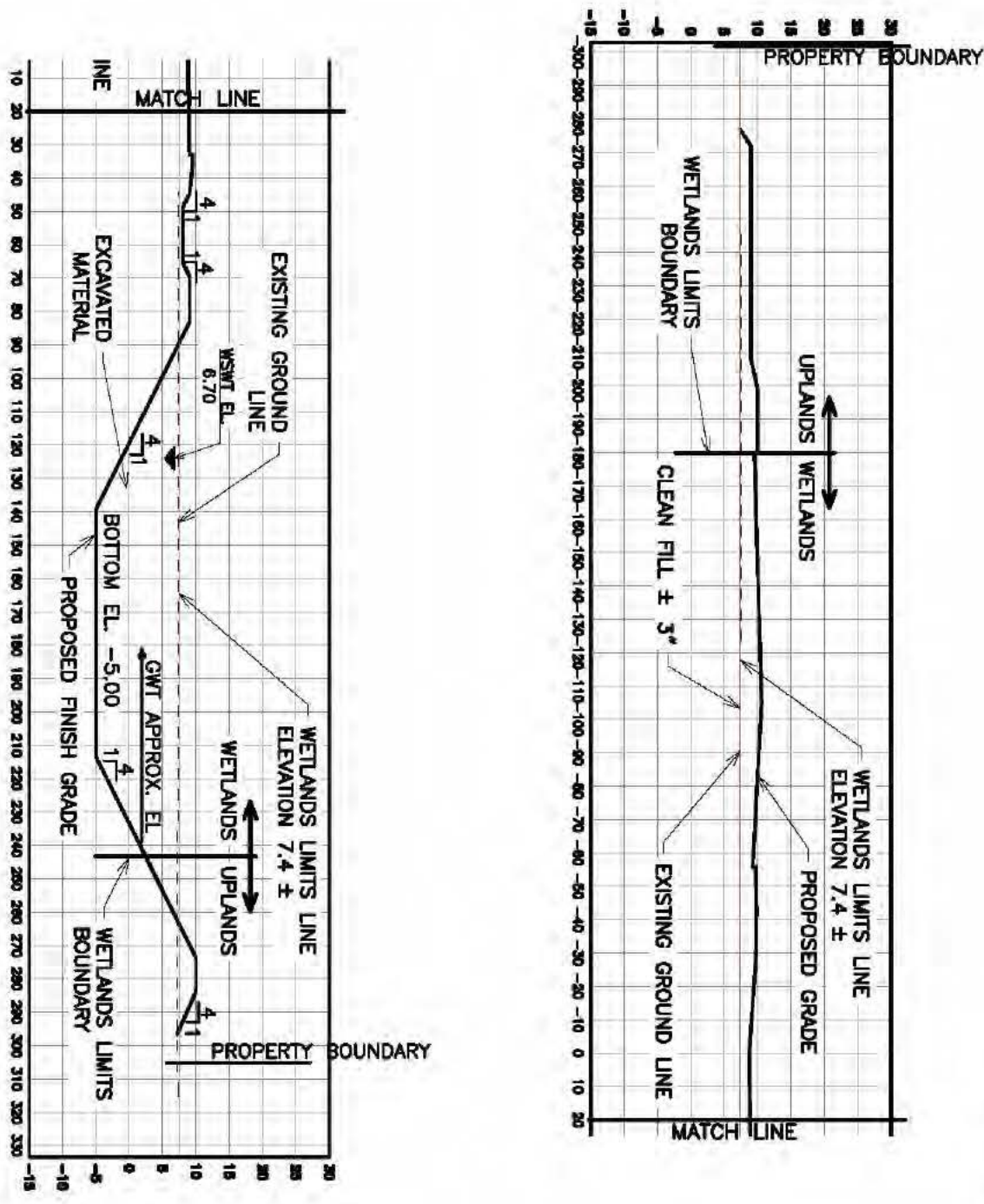
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MEMORY CARE COTTAGES

CROSS SECTIONS

SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST,
 COLLIER COUNTY, FLORIDA

CROSS SECTION A



SCALES:

HORIZONTAL: 1" = 50'
 VERTICAL: 1" = 25'

SHEET: 02 OF 3

JOB NO. 403.04

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CIVIL ENGINEERS PLANNERS
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ENGINEERING: NO. 26531 • SURVEYING & MAPPING: LB NO. 7481

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**MEMORY CARE
 COTTAGES**

CROSS SECTIONS

SECTION 17, TOWNSHIP 50 SOUTH, RANGE 26 EAST,
 COLLIER COUNTY, FLORIDA