



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, FLORIDA 33919

**February 15, 2019**

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2013-01637(SP-RWR)

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:

APPLICANTS: Scott Bland  
Argo Livingston, LP  
21141 Bella Terra BLVD  
Fort Myers, FL 33928

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the West Cocohatchee River Watershed (HUC # 030902040208). The project site is located in Sections 13, Township 48 South, Range 25 East, Naples, Collier County, Florida.

Directions to the site are as follows: 1-75, exit 116 Bonita Beach Road, travel west on Bonita Beach Road to Livingston Road, travel South on Livingston Road approximately 2.5 miles. The property is located at the Northwest intersection of Livingston Road and Learning Lane.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.296366  
Longitude -81.764103

### **PROJECT PURPOSE:**

Basic: Residential development

Overall: Residential development in northwest Collier County, Florida.

### **PROJECT HISTORY:**

The Project site was previously divided into two parcels that were reviewed by the Corps under two separate applications. The Enclave Livingston parcel comprised the northwestern 28 acres and was reviewed under Corps Application No. SAJ-2013-01637; the Grace Romanian Church parcel comprised the southeastern 12 acres and was reviewed under Corps Application No. SAJ-2013-

03270 (Exhibit 2). Corps Application No. SAJ-2013-01637 was withdrawn on June 14, 2014 and activities proposed under Corps Application No. SAJ-2013-03270 were to be conducted in uplands and did not require Corps authorization. A Corps permit was not issued for either parcel.

**EXISTING CONDITIONS:** The wetland system consists of 9.22 acres of freshwater wetlands on a 40.55 acer parcel. The onsite vegetation consists of FLUCFCS 4119 (Pine Flatwoods), FLUCFCS 4159 (Pine, Disturbed), FLUCFCS 6245 (Cypress/Pine, Disturbed and Drained), FLUCFCS 6249 (Cypress/Pine/Cabbage Palm, Disturbed), and FLUCFCS 740 (Disturbed Land). The existing area surrounding the project consists of undeveloped land to the North and a mixture of developments to the South, East, and West

**PROPOSED WORK:** The applicant seeks authorization to place fill into 3.33 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:

An 8.44± acre preserve area will be retained on the west and southern portions of the Project. The preserve area is comprised of 5.89± acres of Corps wetlands and 3.05± acres of upland preserve and buffer. The preserve area adjoins off-site preservation areas for the North Naples Middle and Veterans Elementary schools. The on-site preserve will not be utilized as compensatory mitigation for Corps wetland impacts; however, it will be protected in perpetuity through a conservation easement.

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

The applicant proposes to purchase wetland mitigation credits from a federally approved mitigation bank to offset the impacts to the 3.33 acres of wetlands proposed for impact. The applicant utilized Uniform Mitigation Assessment Methodology (UMAM) analysis to determine the functional loss of wetlands totaling 1.73 units.

**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.

## ENDANGERED SPECIES:

The Corps has reviewed the following endangered species and the affects the proposed project may have, Eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), Red-Cockaded Woodpecker (*Picoides borealis*), and wood stork (*Mycteria americana*).

Eastern indigo snake: The Corps has made the determination of not likely to adversely affect for the eastern indigo snake and its designated critical habitat. The Corps has concurrence with this determination pursuant to *The Eastern Indigo Snake Programmatic Effect Determination Key, Revised July 2017* (Indigo Snake Key). Use of the Eastern Indigo Key resulted in the following sequential determination: A-B-C-D-E-NLAA. This determination is based on the applicant following *Standard Protection Measures for the Eastern Indigo Snake, February 2004*.

Florida bonneted bat: The Corps has determined the proposed project “may affect” the Florida bonneted bat. This determination is based off the Draft Bonneted Bat key which resulted in the following sequential determination: 1-2-C-May Affect. The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

Red-cockaded woodpecker: The Corps has determined the project “may affect, but is not likely to adversely affect” (MANLAA) on the red-cockaded woodpecker. The project lies within the consultation area for the woodpecker, and potential habitat is present at the project site. The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

Wood Stork: The Corps has made the determination of “may affect, but is not likely to adversely affect” (MANLAA) for the wood stork and its designated critical habitat. The Corps has concurrence with this determination pursuant to *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, South Florida Ecological Services Field Office and State of Florida Effect Determination Key for the Wood Stork in South Florida, January 2010* (Wood Stork Key). Use of the Wood Stork Key resulted in the following sequential determination: A-B-C-E-NLAA. The project lies within the buffer for the 619018 and 619310 colony sites, and does affect suitable foraging habitat (SFH). The applicant has proposed suitable mitigation to offset impacts, therefore no additional consultation required.

ESSENTIAL FISH HABITAT (EFH): N/A

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, 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 directed to the project manager, Russell W. Rouan, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square BLVD., Suite 310, Fort Myers, FL 33919; by electronic mail at [Russell.W.Rouan@usace.army.mil](mailto:Russell.W.Rouan@usace.army.mil); by facsimile transmission at (239)334-0797; or, by telephone at (239)334-1975 x0011.

**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.

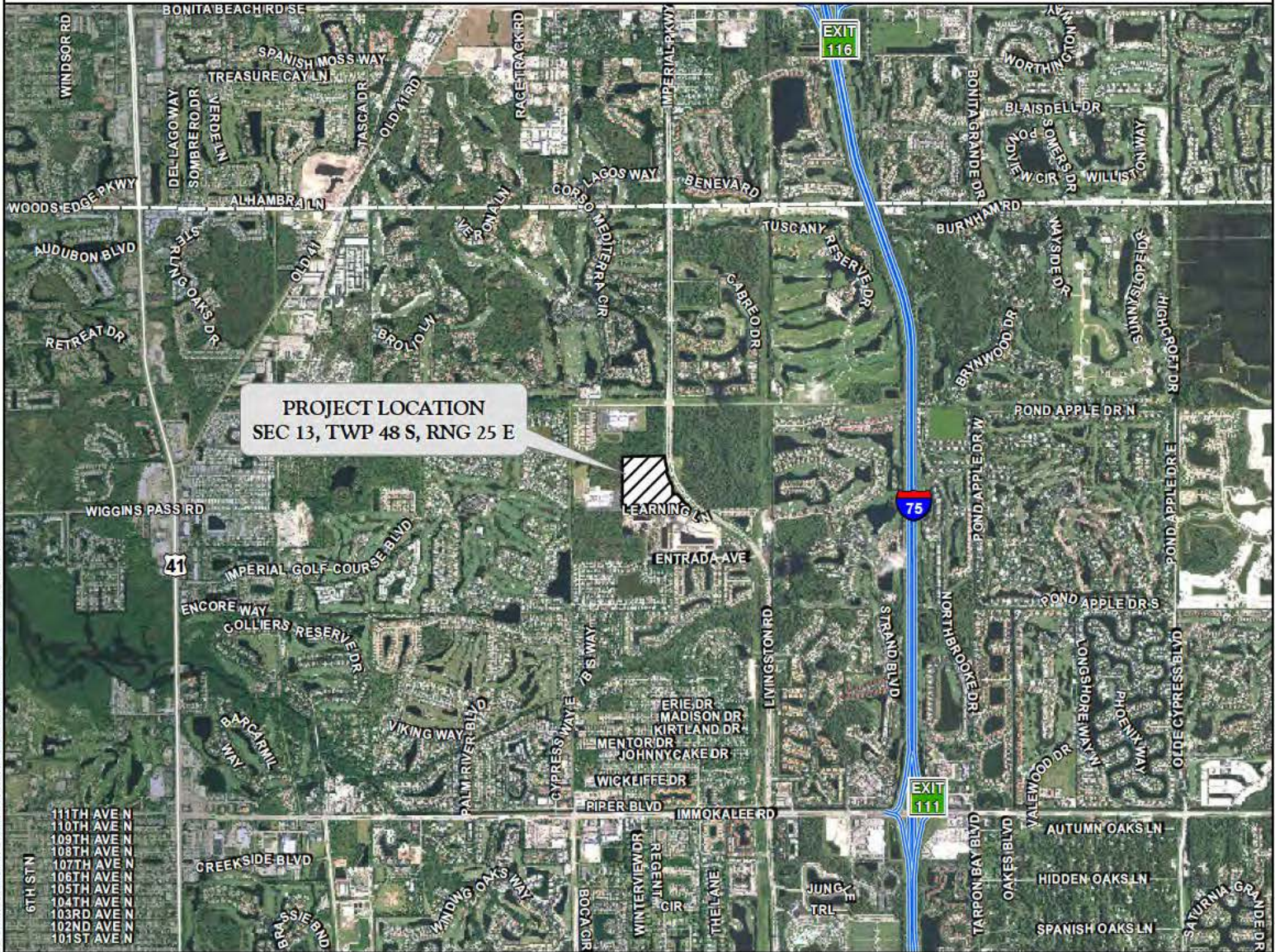
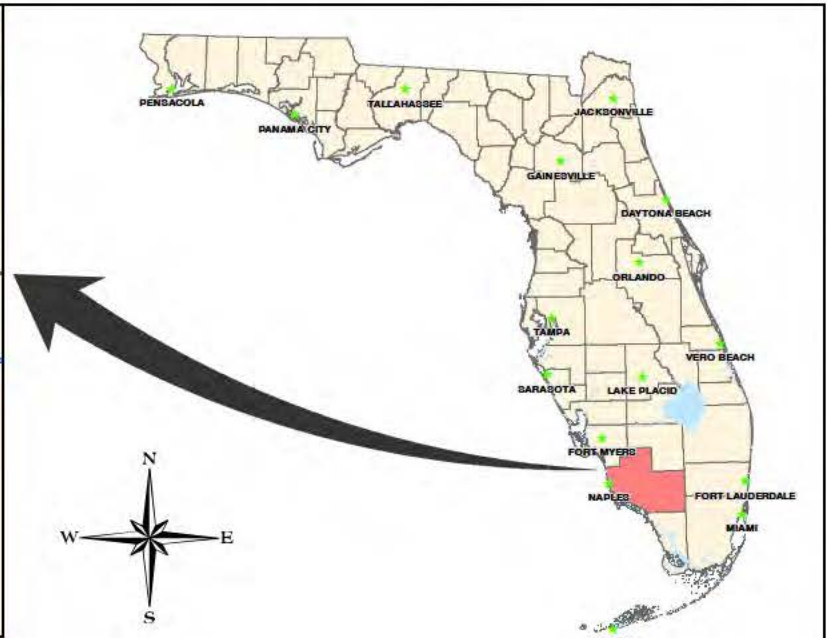
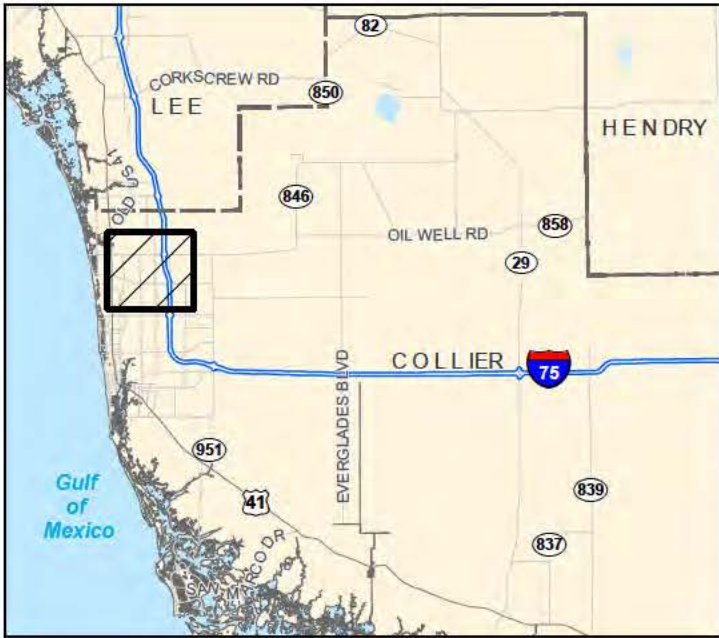
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





PROJECT NAME: ARGO ENCLAVE LIVINGSTON

APPLICANT: ARGO US, LLC

PROJECT LOCATION MAP

DWG. No. 08FPPI843-I

DRAWN BY: D.B.

REVISIONS:

SHEET: 1 OF 5

DATE: 1/17/18

SCALE: N.T.S





SCALE 1" = 300'

P/L

NORTH  
NAPLES  
MIDDLE  
SCHOOL

FIRE  
STATION  
NO. 48

LIVINGSTON ROAD

LEARNING LANE

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE COLLIER COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF NOVEMBER 2016.

PROPERTY BOUNDARY PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No. 15-136-BS.DWG DATED OCTOBER 9, 2015.

EXHIBIT 3. AERIAL WITH BOUNDARY  
ARGO ENCLAVE LIVINGSTON

|             |        |
|-------------|--------|
| DRAWN BY    | DATE   |
| D.B.        | 2/6/18 |
| REVIEWED BY | DATE   |
| B.B.        | 2/6/18 |
| REVISED     | DATE   |



PASSARELLA  
& ASSOCIATES INC.





SCALE 1" = 300'

P/L

**RMC-ENCLAVE MPUD  
CORPS APPLICATION  
SAJ-2013-01637**

**GRACE ROMANIAN  
BAPTIST CHURCH  
CORPS APPLICATION  
SAJ-2013-03270**

**FIRE  
STATION  
NO. 48**

LIVINGSTON ROAD

**NORTH  
NAPLES  
MIDDLE  
SCHOOL**

LEARNING LANE

**NOTES:**

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE COLLIER COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF NOVEMBER 2016.

SHARED BOUNDARY BETWEEN RMC-ENCLAVE MPUD AND GRACE ROMANIAN BAPTIST CHURCH BOUNDARY PER GRADY MINOR AND ASSOCIATES, INC. DRAWING NO. EMPUD-PLNI.DWG DATED APRIL 7, 2014.

PROPERTY BOUNDARY PER GRADY MINOR AND ASSOCIATES, INC. DRAWING NO. 15-136-BS.DWG DATED OCTOBER 9, 2015.

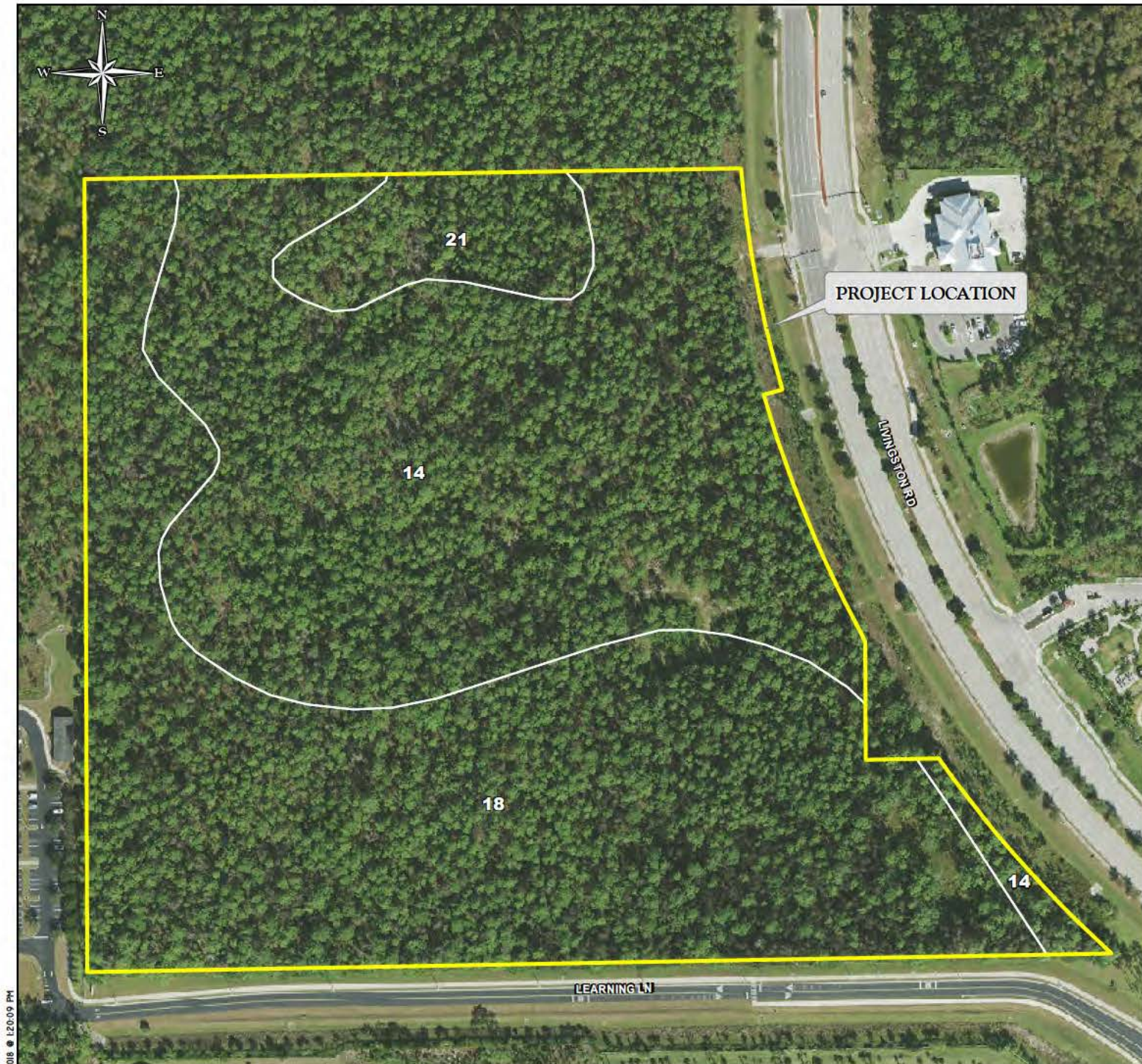
EXHIBIT 2. AERIAL WITH PRIOR CORPS APPLICATIONS  
ARGO ENCLAVE LIVINGSTON

|             |        |
|-------------|--------|
| DRAWN BY    | DATE   |
| D.B.        | 2/6/18 |
| REVIEWED BY | DATE   |
| B.B.        | 2/6/18 |
| REVISED     | DATE   |



**PASSARELLA  
& ASSOCIATES, INC.**

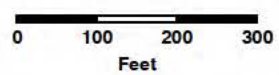




J:\2008\08\pp\1843\GIS\2018\COE\_P\PRINT\_DRAWINGS\Figures\EXHIBIT\_4\_Soils\_Map\_H1D - 2/22/2018 @ 12:03 PM

**LEGEND**

ARGO ENCLAVE LIVINGSTON



| Soil Unit | Description                             |
|-----------|---|
| 14        | PINEDA FINE SAND, LIMESTONE SUBSTRATUM  |
| 18        | RIVIERA FINE SAND, LIMESTONE SUBSTRATUM |
| 21        | BOCA FINE SAND                          |

NOTES:

ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

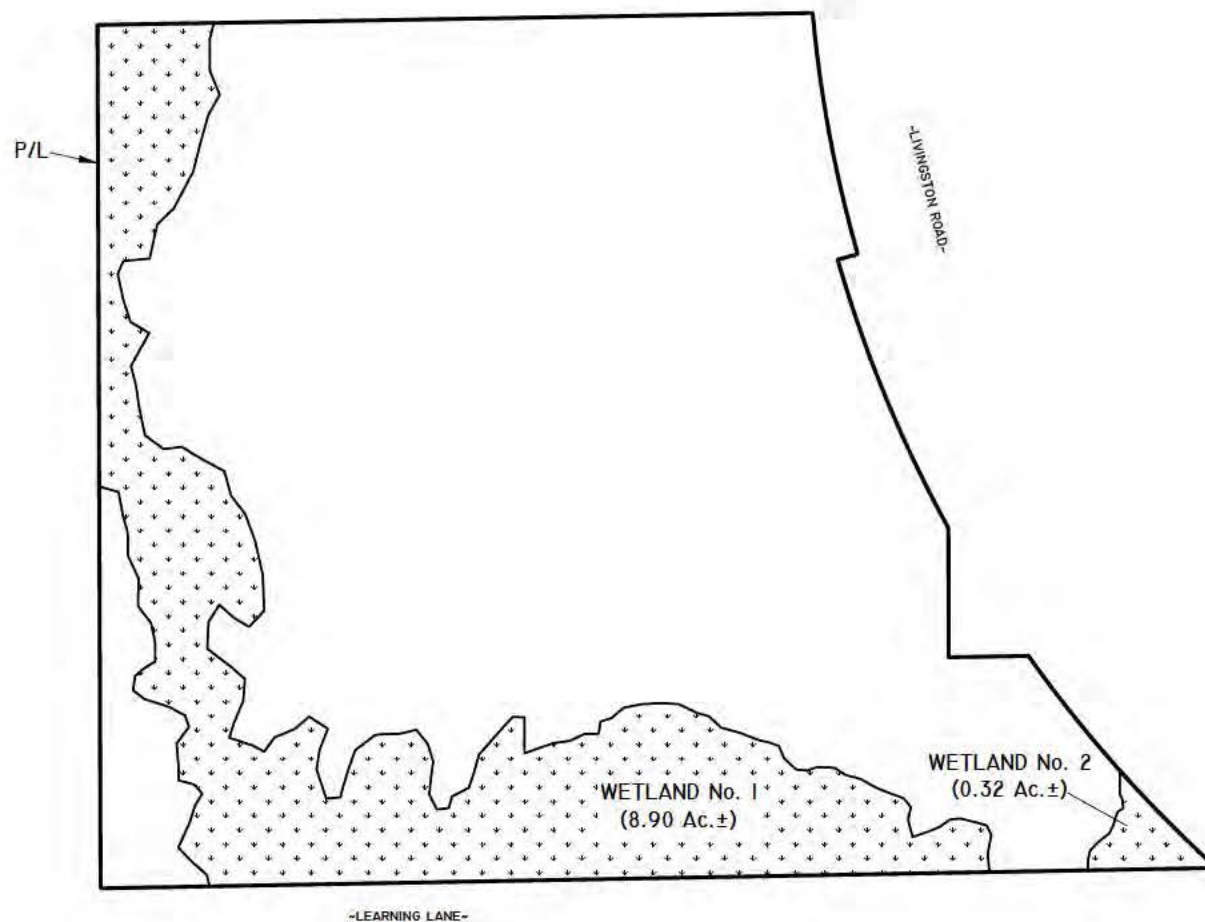
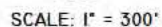
SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1990.

**EXHIBIT 4. SOILS MAP**  
ARGO ENCLAVE LIVINGSTON

|             |        |
|-------------|--------|
| DRAWN BY    | DATE   |
| D.B.        | 2/6/18 |
| REVIEWED BY | DATE   |
| B.B.        | 2/6/18 |
| REV SED     | DATE   |

**PASSARELLA**  
& ASSOCIATES INC





LEGEND:

COE WETLANDS  
(9.22 Ac.±)

SURVEYED WETLAND LINE

| WETLAND      |                   |
|--------------|-------------------|
| NO.          | ACREAGE           |
| 1            | 8.90 Ac. ±        |
| 2            | 0.32 Ac. ±        |
| <b>TOTAL</b> | <b>9.22 Ac. ±</b> |

NOTES:

PROPERTY BOUNDARY PER GRADY MINOR AND ASSOCIATES,  
INC. DRAWING No. 15-136-BS.DWG DATED OCTOBER 9, 2015.

SURVEYED WETLAND LINES FOR RMC-ENCLAVE MPUD  
PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No.  
EMPUD-PLN1.DWG DATED APRIL 7, 2014.

SURVEYED WETLAND LINES WERE APPROVED BY THE SFWMD ON JUNE 19, 2013 AND BY THE COE ON MARCH 27 AND MAY 28, 2014.

WETLAND LINES FOR GRACE ROMANIAN BAPTIST CHURCH  
PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No.  
2015-04-14-GRACE-C-BASE.DWG DATED APRIL 20, 2015.

PROJECT NAME: ARGO ENCLAVE LIVINGSTON

COE WETLAND MAP

DWG. No. 08FPPI843-2

SHEET: 2 OF 5

APPLICANT: ARGO US, LLC

DRAWN BY: D.B.

DATE: 1/17/18

REVISIONS:

SCALE: 1"=300'





SCALE: 1" = 300'



**FIRE  
STATION  
NO. 48**

LEGEND:



CONSERVATION AREA  
(8.94 Ac.±)

| CONSERVATION<br>AREA NO. | ACREAGE   |
|--------------------------|-----------|
| 1                        | 8.94 Ac.± |

NOTES:

SITE PLAN PER GRADY MINOR AND ASSOCIATES, INC.  
DRAWING NO. AELR-SITE EXHIBIT (01.15.18) DATED  
JANUARY 16, 2018.

PROJECT NAME: ARGO ENCLAVE LIVINGSTON

SITE PLAN

DWG. No. 08FPPI843-3

SHEET: 3 OF 5

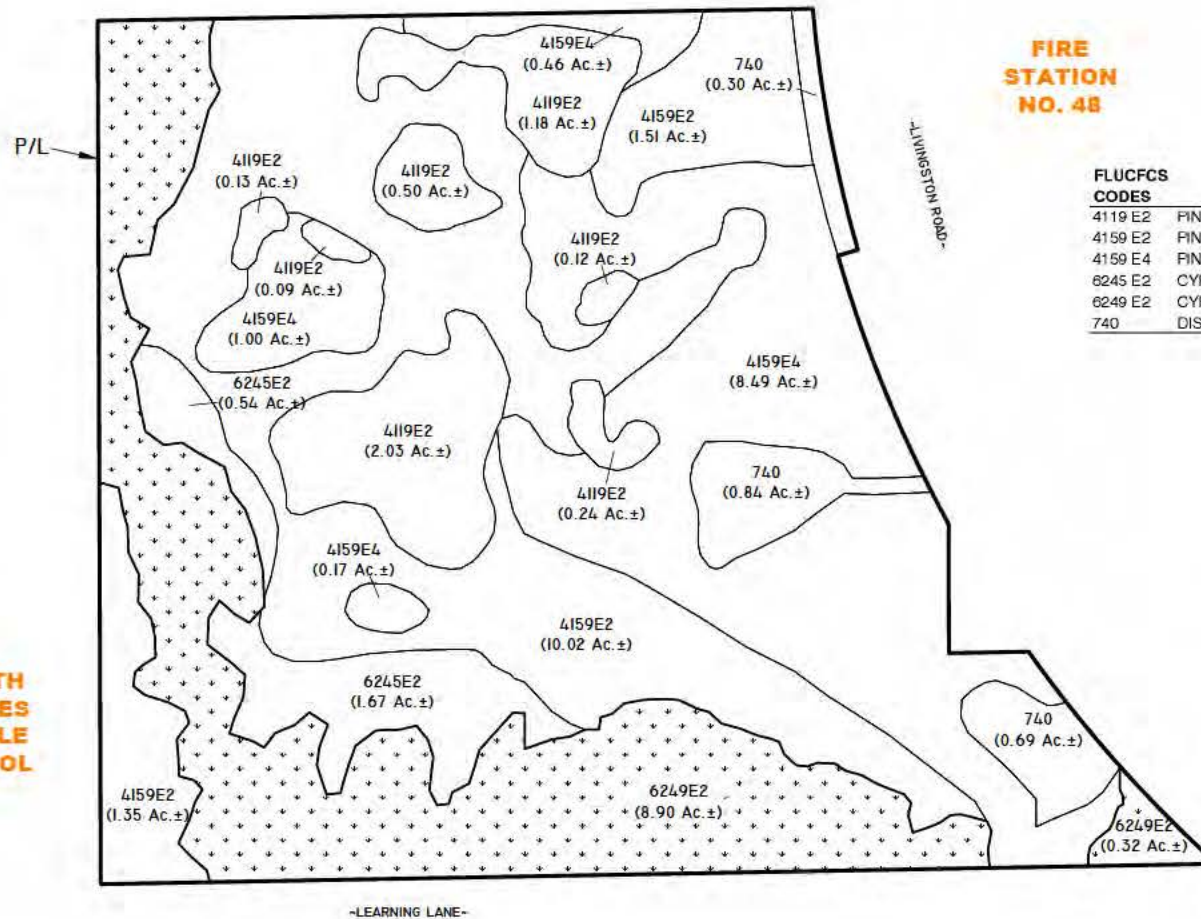
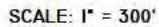
APPLICANT: ARGO US, LLC

DRAWN BY: D.B.

DATE: 1/17/18

REVISIONS:

SCALE: 1"=300'



**FIRE  
STATION  
NO. 48**

COE WETLANDS  
(9.22 Ac.±)

SURVEYED WETLAND LINE

| FLUCFCS<br>CODES | DESCRIPTIONS  | ACREAGE            | % OF<br>TOTAL |
|------------------|---|--------------------|---------------|
| 4119 E2          | PINE FLATWOODS, DISTURBED (25-49% EXOTICS)            | 4.29 Ac. ±         | 10.6%         |
| 4159 E2          | PINE, DISTURBED (25-49% EXOTICS)                      | 12.88 Ac. ±        | 31.8%         |
| 4159 E4          | PINE, DISTURBED (76-100% EXOTICS)                     | 10.12 Ac. ±        | 25.0%         |
| 6245 E2          | CYPRESS/PINE, DISTURBED AND DRAINED (25-49% EXOTICS)  | 2.21 Ac. ±         | 5.5%          |
| 6249 E2          | CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS) | 9.22 Ac. ±         | 22.7%         |
| 740              | DISTURBED LAND  | 1.83 Ac. ±         | 4.5%          |
|                  | <b>TOTAL</b>  | <b>40.55 Ac. ±</b> | <b>100.0%</b> |

PROPERTY BOUNDARY PER GRADY MINOR AND ASSOCIATES,  
INC. DRAWING No. 15-136-BS.DWG DATED OCTOBER 9, 2015.

SURVEYED WETLAND LINES FOR RMC-ENCLAVE MPUD  
PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No.  
EMPUD-PLNI.DWG DATED APRIL 7, 2014.

SURVEYED WETLAND LINES WERE APPROVED BY THE SFWMD  
ON JUNE 19, 2013 AND BY THE COE ON MARCH 27 AND MAY 28,  
2014.

WETLAND LINES FOR GRACE ROMANIAN BAPTIST CHURCH  
PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No.  
2015-04-14-GRACE-C-BASE.DWG DATED APRIL 20, 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).

PROJECT NAME: ARGO ENCLAVE LIVINGSTON

APPLICANT: ARGO US, LLC

FLUCFCS AND COE WETLANDS MAP

DWG. No. 08FPPI843-4

DRAWN BY: D.B.

REVISIONS:

SHEET: 4 OF 5

DATE: 1/17/18

SCALE: 1"=300'











SCALE: 1" = 300'

**NORTH  
NAPLES  
MIDDLE  
SCHOOL**



LEGEND:

-  COE WETLAND PRESERVE  
(4.89 Ac.±)
-  COE WETLAND SECONDARY  
IMPACT (1.00 Ac.±)
-  COE WETLAND FILL  
(3.33 Ac.±)
-  UPLAND BUFFER  
(0.50 Ac.±)
-  UPLAND PRESERVE  
(2.55 Ac.±)
-  SURVEYED WETLAND LINE

| FLUCFCS<br>CODES | WETLAND<br>PRESERVE | WETLAND<br>SECONDARY<br>IMPACT | WETLAND FILL<br>IMPACT | TOTAL      |
|------------------|---------------------|--------------------------------|------------------------|------------|
| 6249 E2          | 4.89 Ac. ±          | 1.00 Ac. ±                     | 3.33 Ac. ±             | 9.22 Ac. ± |

NOTES:

PROPERTY BOUNDARY PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No. 15-136-BS.DWG DATED OCTOBER 9, 2015.

SITE PLAN PER GRADY MINOR AND ASSOCIATES, INC. DRAWING NO. AELR-SITE EXHIBIT (01.15.18) DATED JANUARY 16, 2018.

SURVEYED WETLAND LINES FOR RMC-ENCLAVE MPUD PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No. EMPUD-PLNI.DWG DATED APRIL 7, 2014.

SURVEYED WETLAND LINES WERE APPROVED BY THE SFWMD ON JUNE 19, 2013 AND BY THE COE ON MARCH 27 AND MAY 28, 2014.

WETLAND LINES FOR GRACE ROMANIAN BAPTIST CHURCH PER GRADY MINOR AND ASSOCIATES, INC. DRAWING No. 2015-04-14-GRACE-C-BASE.DWG DATED APRIL 20, 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).

PROJECT NAME: ARGO ENCLAVE LIVINGSTON

COE WETLAND IMPACT MAP

DWG. No. 08FPPI843-5

SHEET: 5 OF 5

APPLICANT: ARGO US, LLC

DRAWN BY: D.B.

DATE: 2/9/18

REVISIONS:

SCALE: 1"=300'