



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVE, SUITE 120
TAMPA, FLORIDA 33610

Tampa Regulatory Office

December 22, 2008

PUBLIC NOTICE

Permit Application No. SAJ-2008-3117 (IP-CJW)

TO WHOM IT MAY CONCERN: This district 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 follows:

APPLICANT: Pine Tarr, LLC
Island Pine, LLC T/N
Raintree & Price, LLC
Lake Jefferson, LLC
3050 N. Horseshoe Drive, Suite 105
Naples, Florida 34104

WATERWAY & LOCATION: The project is located at 5100 Pine Island Road NW on the north side of Pine Island Road on Pine Island, in Section 28, Township 44 South, Range 22 East, Lee County, Florida.

LATITUDE & LONGITUDE: Latitude 26.6155 North
Longitude 82.1111 West

PROJECT PURPOSE:

Basic: To develop a grocery-anchored retail project.

Overall: To construct and operate an economically viable retail shopping center known as Publix at Calusa Cay CPD featuring an anchor grocery store with supporting retail stores and parking/stormwater management system to serve the existing and future residents of Pine Island.

PROPOSED WORK: The applicant proposes to impact 4.85 acres of wetlands (3.55 acres of low quality invasive exotic wetland hardwoods (FLUCCS Code 619) and 1.30 acres of cleared periodically mowed field (FLUCCS Code 740H) to construct a grocery-anchored retail project known as Publix at Calusa Cay CPD.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of the efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has assessed the on-site wetlands and has designed the project's site plan in order to avoid and minimize wetland impacts to the maximum extent practicable. The unavoidable wetland impacts have been limited to only very low quality wetlands that are vegetated almost exclusively by invasive exotic plant species. All of the high quality mangrove wetlands (FLUCCS Code 612) on site will be preserved and protected in perpetuity.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Off-site mitigation is proposed to consist of purchasing 1.46 herbaceous saltwater credits from the Little Pine Island Mitigation Bank. In addition, on-site mitigation is proposed by the applicant including 2.65 acres of mangrove wetlands (FLUCCS Code 612), 1.58 acres of the exotic wetland hardwoods (FLUCCS Code 619), 1.42 acres of palmetto prairie invaded by 51-75% exotics (FLUCCS Code 321E3), and 2.03 acres of mixed exotic upland forest (FLUCCS Code 450) will be enhanced via exotic treatment and preserved in perpetuity through placement under a conservation easement with the South Florida Water Management District.

EXISTING CONDITIONS: The project site consists of 26.77 acres containing 2.68 acres of palmetto prairies invaded by 51-75% exotics (FLUCCS Code 321E3), 5.34 acres of mixed exotic upland forest (FLUCCS 450), 2.65 acres of mangrove swamps (FLUCCS Code 612), 5.13 acres of exotic wetland hardwoods (FLUCCS Code 619), 9.67 acres of disturbed land (FLUCCS Code 740), and 1.30 acres of hydric disturbed land (FLUCCS Code 740H).

THREATENED AND ENDANGERED SPECIES: The project site is within the core foraging area (CFA) of a wood stork (*Mycteria americana*) rookery. This rookery is located approximately 18 miles east of the project. Based upon the applicant purchasing 1.46 herbaceous saltwater credits from the Little Pine Island Mitigation Bank, the Corps has made the initial determination that the project “may affect, but not likely to adversely affect” the wood stork and will request concurrence with the US Fish and Wildlife Service under separate letter.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. The proposed development plan will preserve all of the mangrove dominated wetlands on site. The wetlands proposed to be impacted are dominated by invasive exotic plant species and are at an elevation of approximately 2.0 to 2.3 feet NGVD. Mean high water at the site is approximately 0.85 feet NVGD (based on tidal station 6288 which is located less than 0.5 miles to the northeast of the project). It is the Corps initial determination that the wetlands proposed to be impacted are not EFH.

NOTE: This public notice is being issued based on information furnished by the applicant. The jurisdictional line has been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: The project is currently being reviewed by the South Florida Water Management District (SFWMD) Application No. 080801-4.

Comments regarding the application should be submitted in writing to the District Engineer at the letterhead address **within 21 days** from the date of this notice. If you have any questions concerning this application, you may contact Cynthia Wood at the Tampa Regulatory Office by telephone at: 813-769-7070 or by e-mail at: Cynthia.J.Wood@usace.army.mil.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

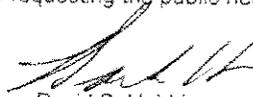
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

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 of 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.

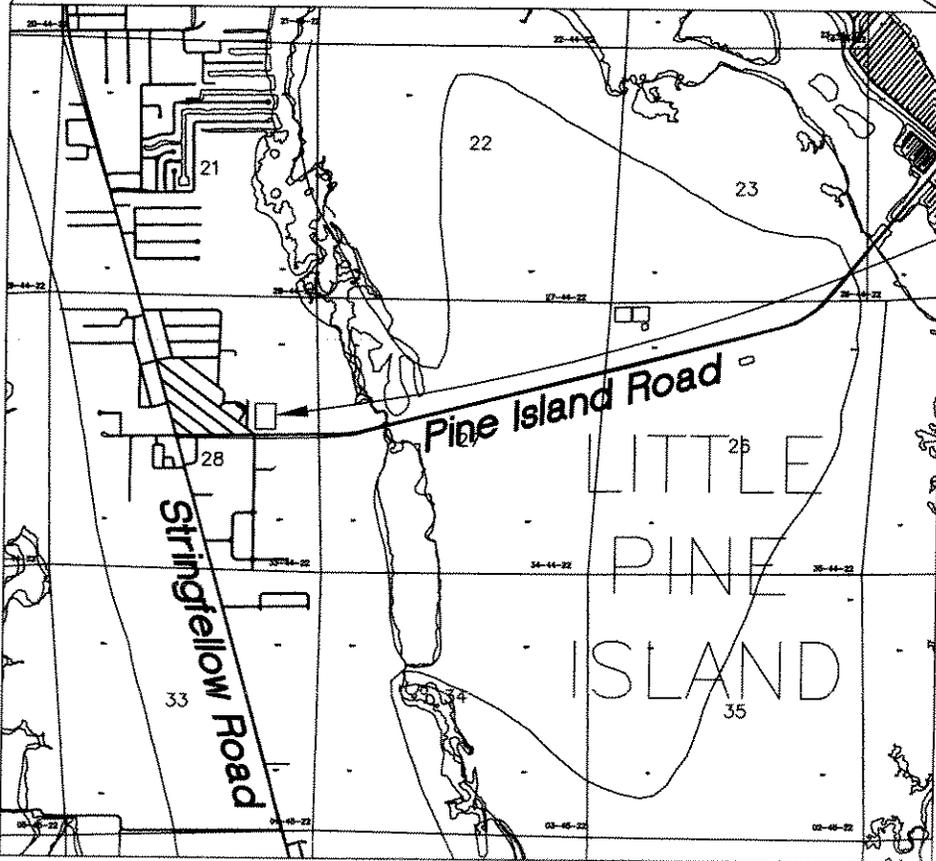
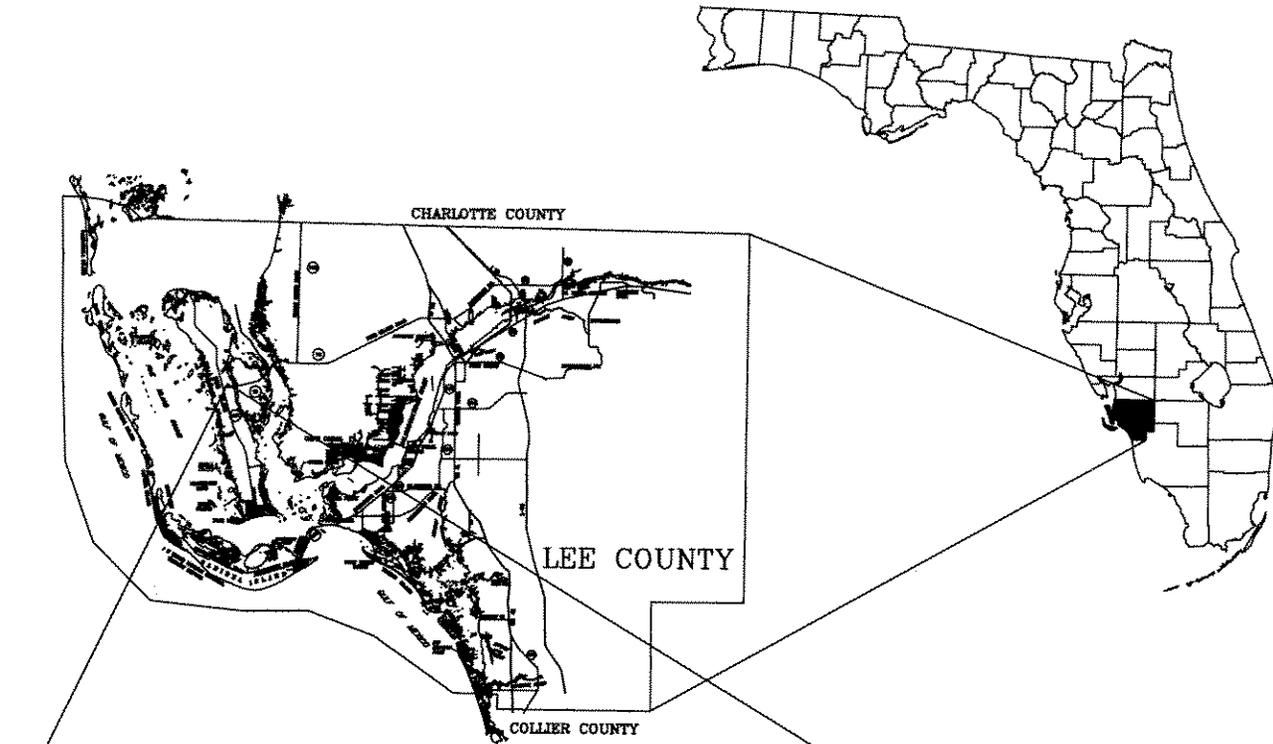
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 approved 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.


David S. Hobbie
Regulatory Division

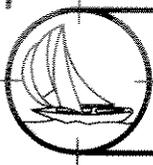
Project Location Map



Project Location

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**

September 10, 2008 10:30:38 a.m.
Drawing: BANK153PROJECT_LOCATION.DWG (DCS)



**W. DEXTER BENDER
& ASSOCIATES, INC.**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

10/7/08

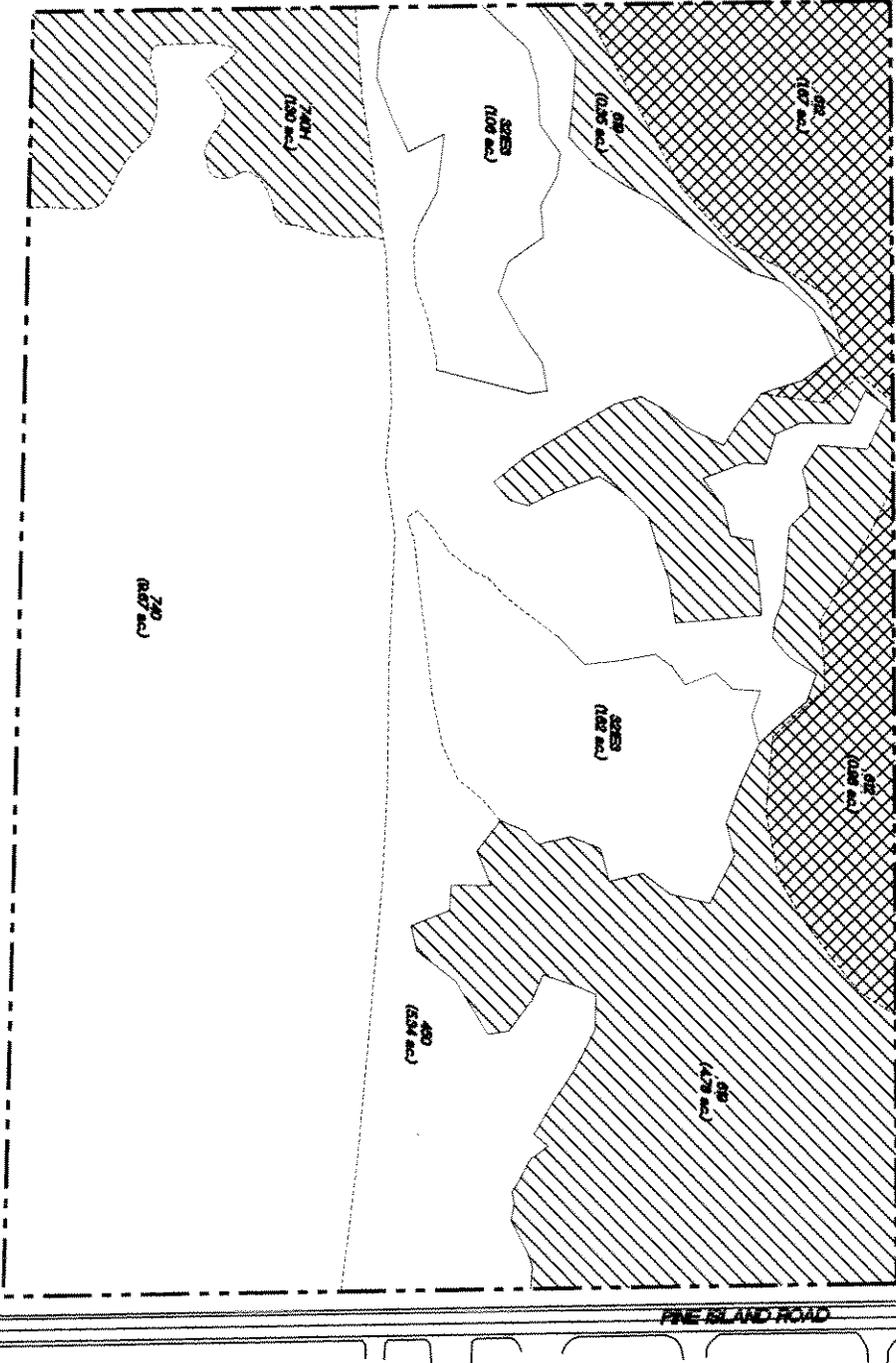
REVISED:

SAJ 2008-3117
Calusa Cay CPD

SHEET

1 of 4

VEGETATION MAP

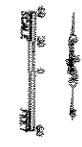


Notes
1. Property boundary and acreage values are obtained from
Bentley Engineering Inc.
2. Mapping based on photogrammetric data of 2005
aerial photography and ground truthing in March 2006.
3. Delimitation of Jurisdictional wetlands and approved by the
U.S. Army Corps of Engineers on October 7, 2008.

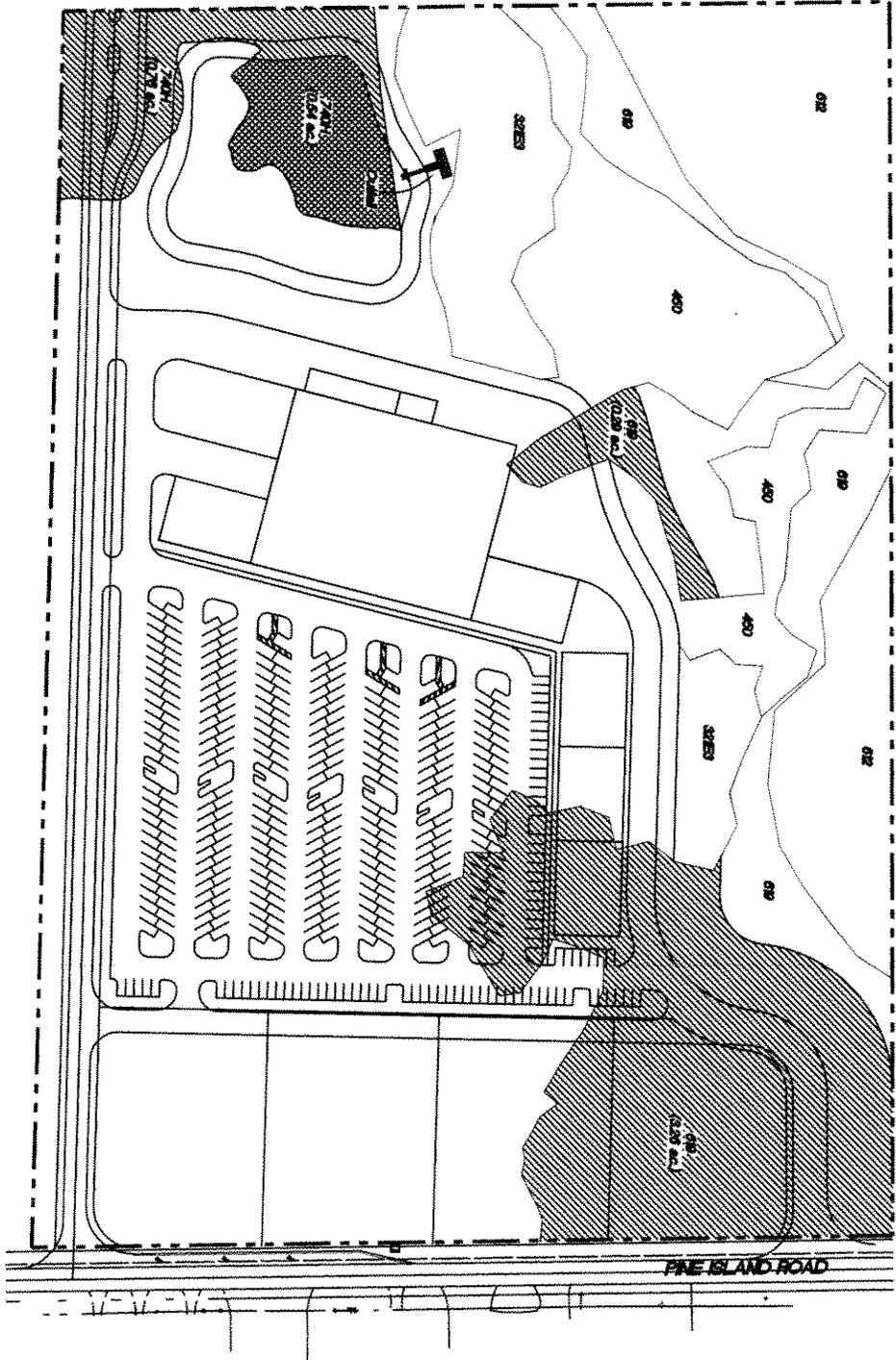
| ELIUCS | Description | Acres |
|--------|---|-----------|
| 3253 | Palmetto Parkland forested by Escoba (87-783) | 2.68 ac. |
| 400 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 402 | Wetland Escoba (Shaded Forest) | 2.68 ac. |
| 403 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 404 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 405 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 406 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 407 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 408 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 409 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 410 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 411 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 412 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 413 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 414 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 415 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 416 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 417 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 418 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 419 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 420 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 421 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 422 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 423 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 424 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 425 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 426 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 427 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 428 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 429 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 430 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 431 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 432 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 433 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 434 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 435 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 436 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 437 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 438 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 439 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 440 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 441 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 442 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 443 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 444 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 445 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 446 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 447 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 448 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 449 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 450 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 451 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 452 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 453 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 454 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 455 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 456 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 457 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 458 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 459 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 460 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 461 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 462 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 463 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 464 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 465 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 466 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 467 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 468 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 469 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 470 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 471 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 472 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 473 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 474 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 475 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 476 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 477 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 478 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 479 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 480 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 481 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 482 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 483 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 484 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 485 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 486 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 487 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 488 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 489 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 490 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 491 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 492 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 493 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 494 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 495 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 496 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 497 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 498 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 499 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| 500 | Wetland Escoba (Shaded Forest) | 0.54 ac. |
| TOTAL | Disturbed Land - Hydro | 20.77 ac. |

| Legend | Description | Acres |
|-------------------------------------|--|-----------|
| <input checked="" type="checkbox"/> | High Quality Potential Jurisdictional Wetland (2.68 ac.) | 2.68 ac. |
| <input checked="" type="checkbox"/> | Low Quality Potential Jurisdictional Wetland (8.68 ac.) | 8.68 ac. |
| <input type="checkbox"/> | Disturbed Land - Hydro | 20.77 ac. |
| <input type="checkbox"/> | Surveyed Line | |

10/7/08 Calusa Cay CPD S-A-J 2008-3117
Sheet 2 of 4



WETLAND IMPACT MAP



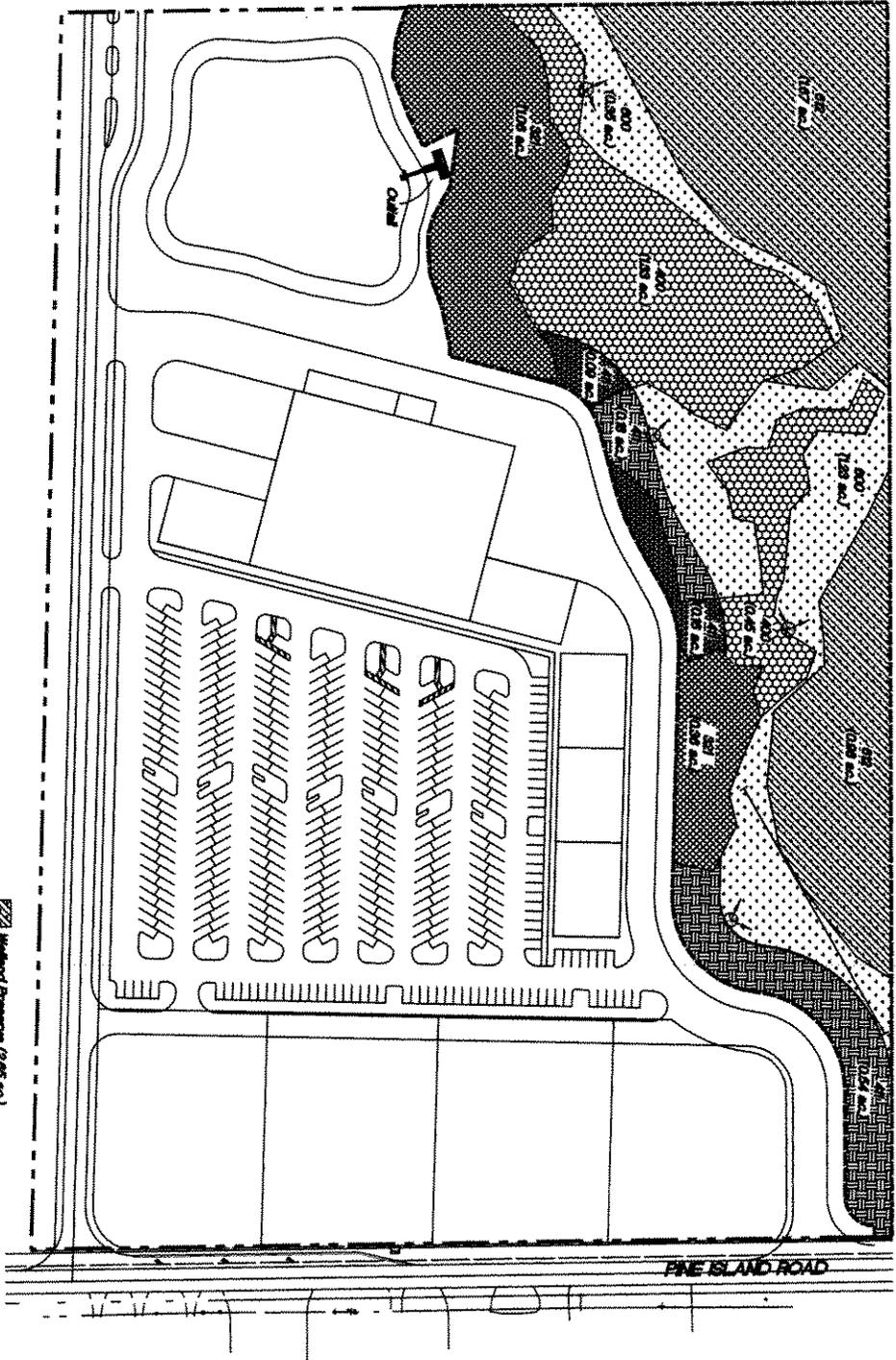
Notes:
 1. Property boundaries and surveyed wetland line obtained from
 Harris Engineers, Inc.
 2. Mapping based on photointerpretation of 2005
 aerial photography and ground truthing in March 2008.
 3. Determination of jurisdictional wetlands and approved by the
 US Army Corps of Engineers on October 7, 2008.

Wetland FW (4.57 ac.)
 Wetland Excavation (0.54 ac.)

10/7/08 Calusa Cay CPD
 Sheet 3 of 4
 CAJ 2008-3117

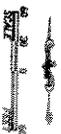


WETLAND PRESERVATION AND
MONITORING PLAN



Notes:
1. Property boundary, surveyed method file, and site plan obtained from Debra Engineering, Inc.
2. Mapping based on photogrammetric of 2005 aerial photography and ground truthing in March 2008.
3. Definition of jurisdictional wetlands field reviewed and approved by the OCE and STRMAD.

- Wetland Preserves (265 ac.)
- Wetland Enhancement (Estate Removal)(158 ac.)
- Upland Preservation (145 ac.)
- Upland Enhancement (Estate Removal)(179 ac.)
- Upland Enhancement (Estate Removal and Paving)(125 ac.)
- Upland Buffer (0.72 ac.)
- Traversed
- Photo Point
- Conservation Easement Boundary (840 ac.)



Calusa Cay CPD
10/7/08
Sheet 4 of 4
SAS 2008-3119

