



REPLY TO  
ATTENTION OF

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

JAN 06 2009

Regulatory Division  
South Permits Branch/Fort Myers Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2007-576(IP-WDD)

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 described below:

APPLICANT: Charlotte Harbor Land Holdings, LLC  
660 Charlotte Street, Suite 5  
Punta Gorda, FL 33950

WATERWAY & LOCATION: The project is located west of Duncan Road (SR 17), east of Lafayette Street, south of Pine Villa Circle, and north of Palm Shores Boulevard in Section 12, Township 40 South, Range, 23 East, Charlotte County, Florida

Directions to the site are as follows: From I-75 exit onto Duncan Road (SR-17) and head east approximately 6.65 miles to Palm Shores Boulevard. Property is located directly northwest of the intersection of Duncan Road and Palm Shores Boulevard.

LATITUDE & LONGITUDE:

Latitude	27.00862 North
Longitude	81.96428 West

### PROJECT PURPOSE:

Basic: To construct a residential community.

Overall: To construct a mixed single family and multi-family residential community in a growing (population) portion of northern Charlotte County.

PROPOSED WORK: The applicant proposes to fill 1.89 acres and excavate 0.07 acres of the 10.7 acres of on-site wetlands by constructing a mixed single family and multi-family residential community. There will be approximately 27,443 cubic yards of fill placed in the wetlands. Additionally, the applicant proposes to impact the 7.1 +/- acre onsite borrow pit by dredging 182,662 cubic yards from 6.29 acres of the pit and filling 0.84 acres of the pit with 12,197 cubic yards of material.

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 applicant considered 3 additional parcels for the project site. The alternative parcels have current residential restrictions limiting the number of units per acre eliminating the ability to develop the proposed project. Large undeveloped tracts within the Urban Service Area are relatively scarce in Charlotte County and are scarce within the target area

The applicant has minimized the wetland impacts resulting in enhancement and preservation of 8.75 acres of the 10.7 acres onsite.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to enhance and preserve the remaining onsite 8.75 acres of wetlands through maintenance of exotic/nuisance vegetation. Additionally, 0.17 freshwater herbaceous wetland credits will be purchased from the Boran Ranch Mitigation Bank.

EXISTING CONDITIONS: The wetland system consists of a 10.70 +/- acres freshwater system, 7.1 +/- acres of borrow pits, and 57.6 +/- acres of uplands. The wetland system consists of hydric wax myrtle, a freshwater marsh, and wet prairie. The wetlands vegetation consists of wax myrtle (*Myrica cerifera*), melaleuca (*Melaleuca quinquenervia*), Carolina willow (*Salix caroliniana*) Brazilian pepper (*Schinus terebinthifolius*), arrowhead (*Sagittaria lancifolia*) wire grass (*Aristida stricta*), redroot (*Lachnanthes caroliniana*), and bottlebrush threeawn (*Aristida spiciformis*). The borrow pits are ringed with torpedo grass (*Panicum repens*), cattail (*Typha sp.*), water primrose (*Ludwigia peruviana*), and water pennywort (*Hydrocotyle umbellate*).

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect the wood stork (*Mycteria americana*) or its designated critical habitat. Pursuant to the U.S. Fish and Wildlife letter dated November 9, 2007, no further coordination is necessary.

The applicant states that a protected species assessment in accordance with Florida Fish and Wildlife Conservation Commission guidelines was conducted on the subject

ESSENTIAL FISH HABITAT (EFH): The project would impact freshwater wetlands, therefore, the Corps has determined that no substantial adverse impact 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 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 application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact William DeFrance at the letterhead address, by electronic mail at [William.D.DeFrance@usace.army.mil](mailto:William.D.DeFrance@usace.army.mil), by fax at 239-334-0797, or by telephone at 239-334-1975.

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.

Additional Mailing Labels  
for  
SAJ-2007-576(IP-WDD)

**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.

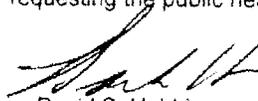
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, 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.

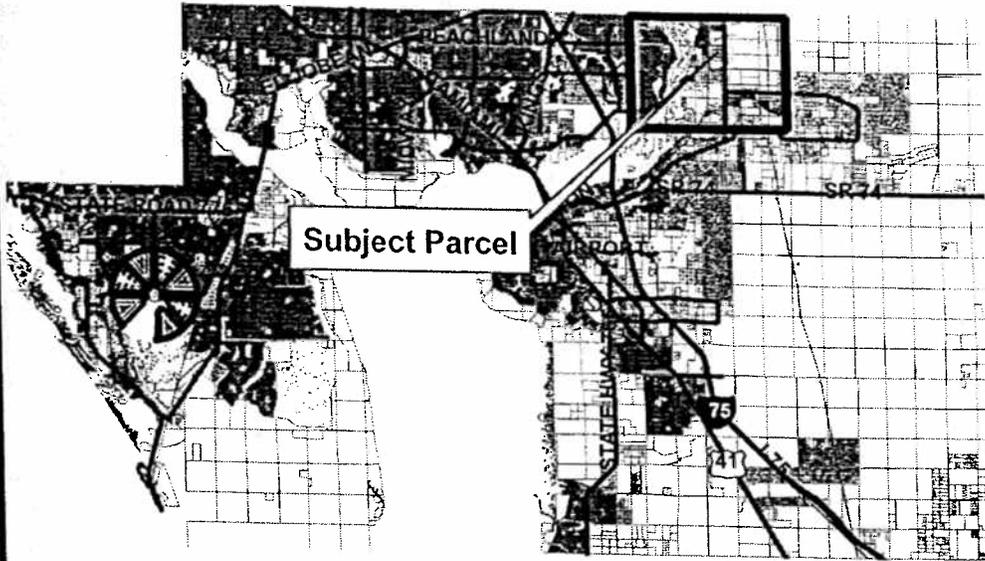
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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

CHARLOTTE COUNTY

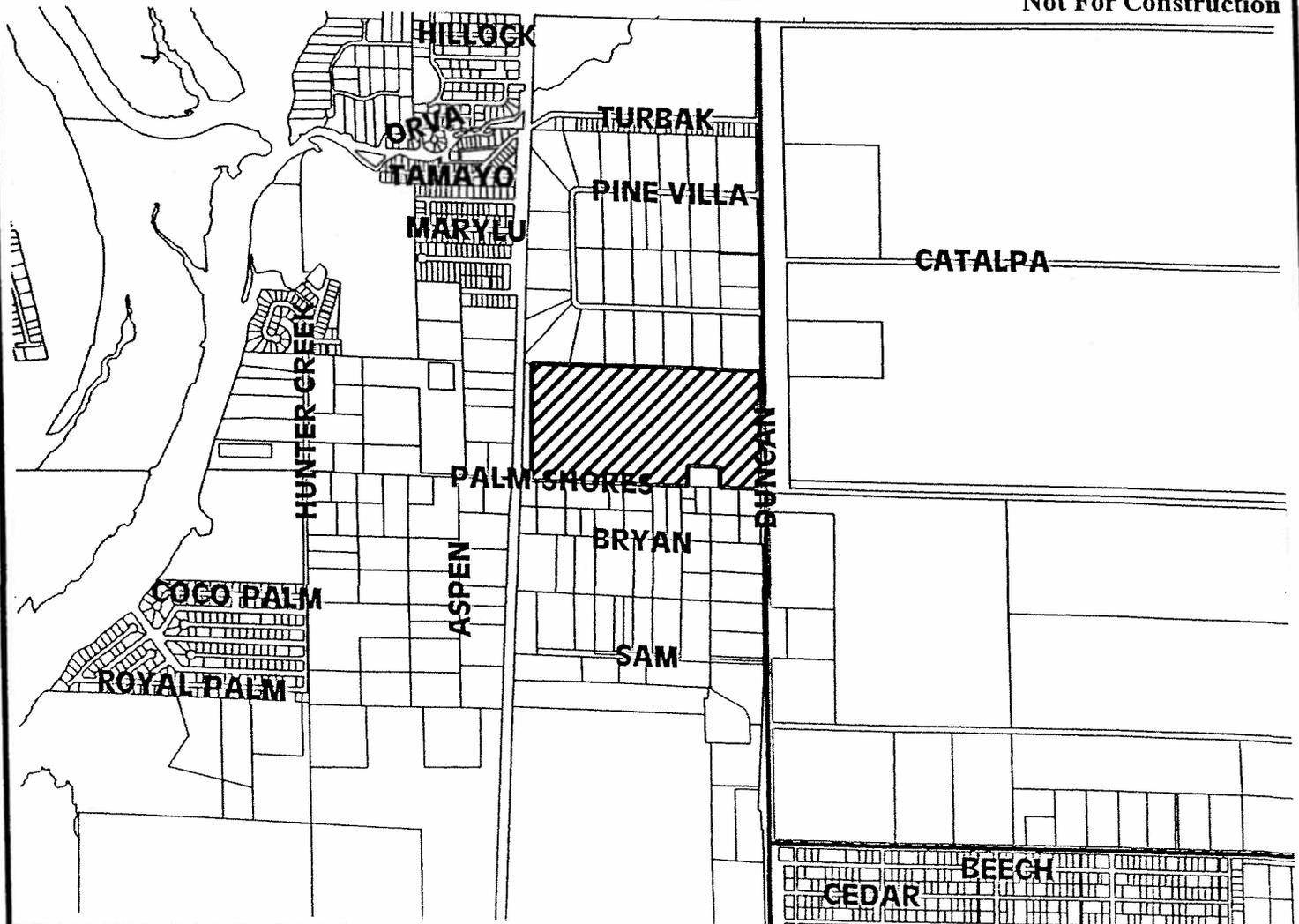


Legend

 Subject Parcel

Permit Use Only  
Not For Construction

ENLARGED AREA



W. DEXTER BENDER & ASSOCIATES

Marine Consultants

Port Charlotte (941) 255-1462

## Duncan Road Parcel

Army Corps of Engineers  
File # SAJ-2007-576

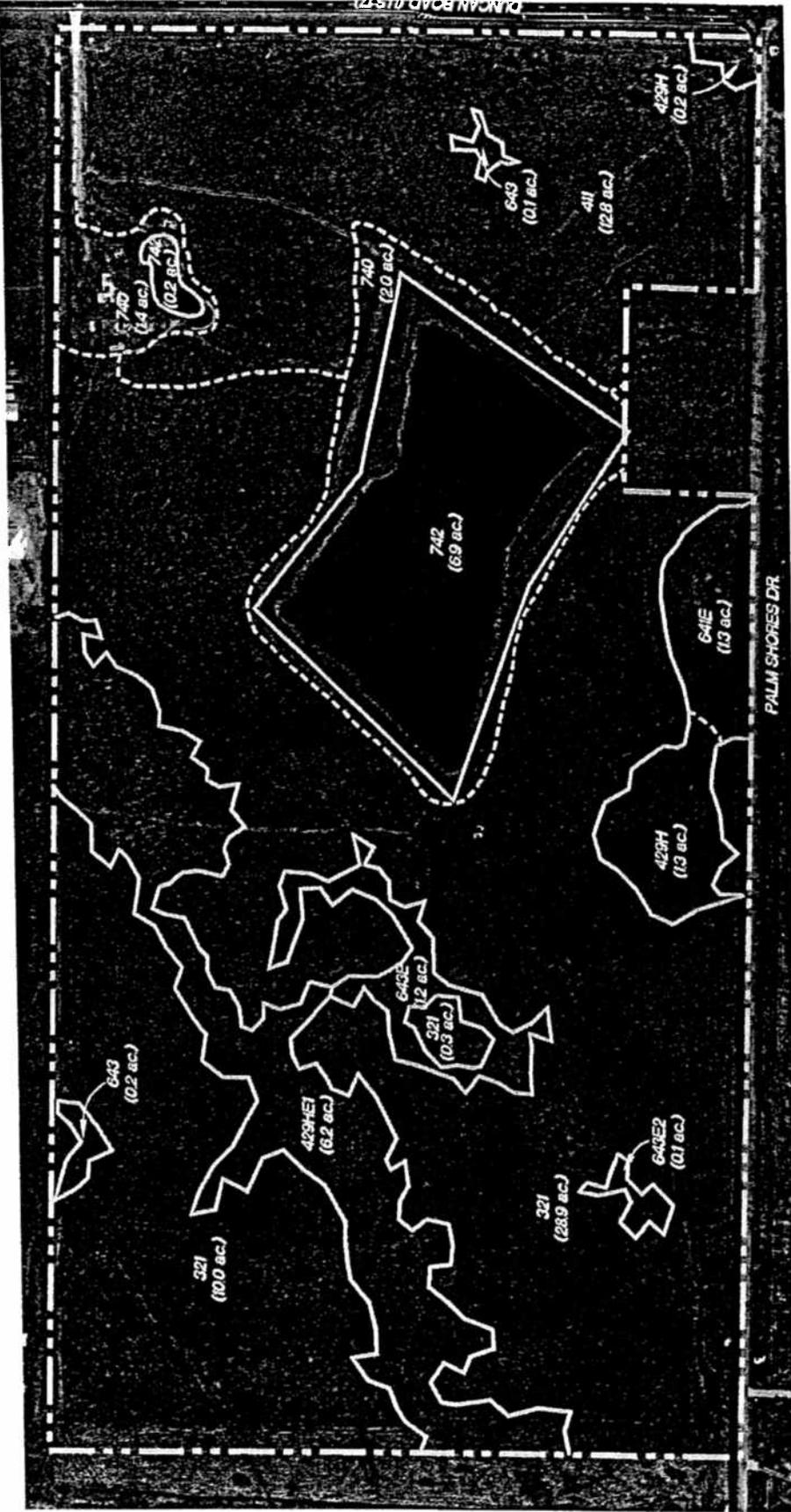
Date 1-2-09

Page 1 of 5

SECTION 12  
 TOWNSHIP 40 S  
 RANGE 23 E

0 100 200  
 SCALE FEET

VEGETATION MAP



FLUCS#	Description	Acreage
321	Palmto Prairie	38.2 ac
411	Pine Rhinoceros	12.0 ac
429H	Hyacinth Wetlands	15 ac
429HE1	Hyacinth Wetlands, Inhabited by Ecobion, 12-23Z	6.2 ac
643	Phragmites Marsh, Inhabited by Ecobion, 5-0X	13 ac
643E1	Wet Prairie, Inhabited by Ecobion, 5-0X	0.3 ac
643E2	Wet Prairie, Inhabited by Ecobion, 5-0X	1.2 ac
643E2	Wet Prairie, Inhabited by Ecobion, 28-00X	0.1 ac
740	Disturbed Land	3.4 ac
742	Borrow Area	71.85 ac
	<b>TOTAL</b>	<b>203 ac</b>

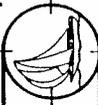
1. Mapping based on photointerpretation of 1" = 200' scale aerial photography and ground truthing in May 2005  
 2. Property boundary was obtained from Phoenix Survey Company Inc.  
 3. Limits of jurisdictional wetlands and other surface waters reviewed and approved in the field on September 16, 2003 by the SWFWMD and survey located by Phoenix Survey Co. Inc.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

DUNCAN ROAD PARCEL

W. DEXTER BENDER  
 AND ASSOCIATES  
 ENVIRONMENTAL & MARINE CONSULTING  
 FORT MYERS, FL 239 334-3680

December 03, 2007 12:55:11 p.m.  
 Drawing: ST01PLAN.DWG (COR)



Army Corps of Engineers

File # SAJ-2007-576

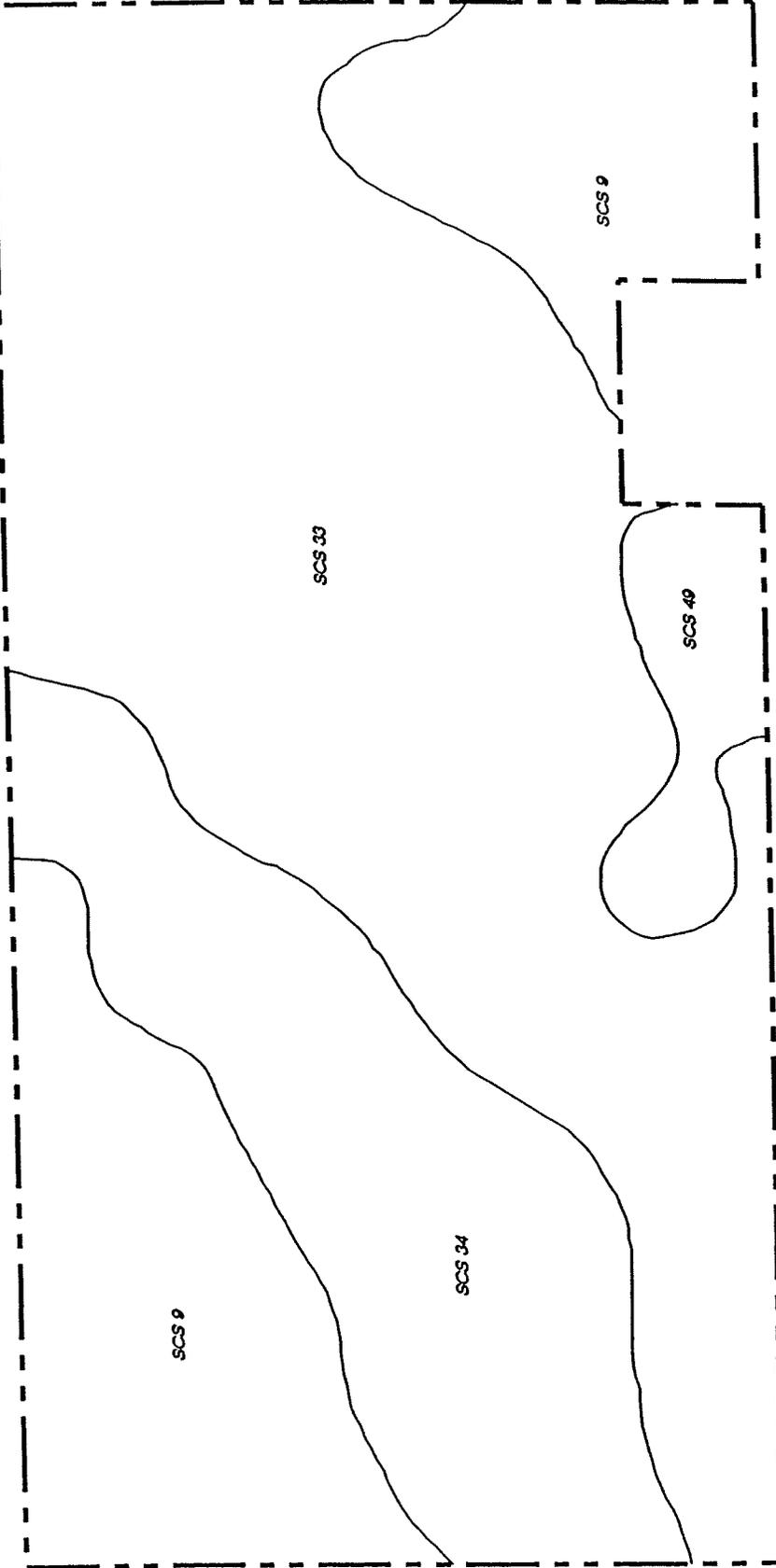
Date 1-2-09

Page 2 of 5

HEET

# SOIL MAP

SECTION: 12  
TOWNSHIP: 40 S  
RANGE: 23 E



**Soil Legend**  
SCS 09 - EauGalle sand  
SCS 33 - Oldmar sand  
SCS 34 - Malabar fine sand  
SCS 49 - Felda fine sand, depressional

**PERMIT USE ONLY,  
NOT FOR CONSTRUCTION**

December 14, 2006 11:51:47 a.m.  
Drawing: STOUTIPLN-SOILDWG (CWH)

Note:  
Soil mapping reproduced from the Soil Survey  
of Charlotte County, Florida.

ENDER  
ATE'S  
CONSULTING  
-3680  
55-1462

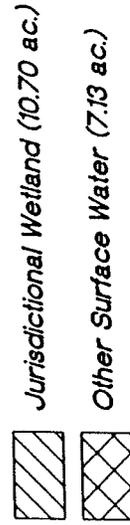
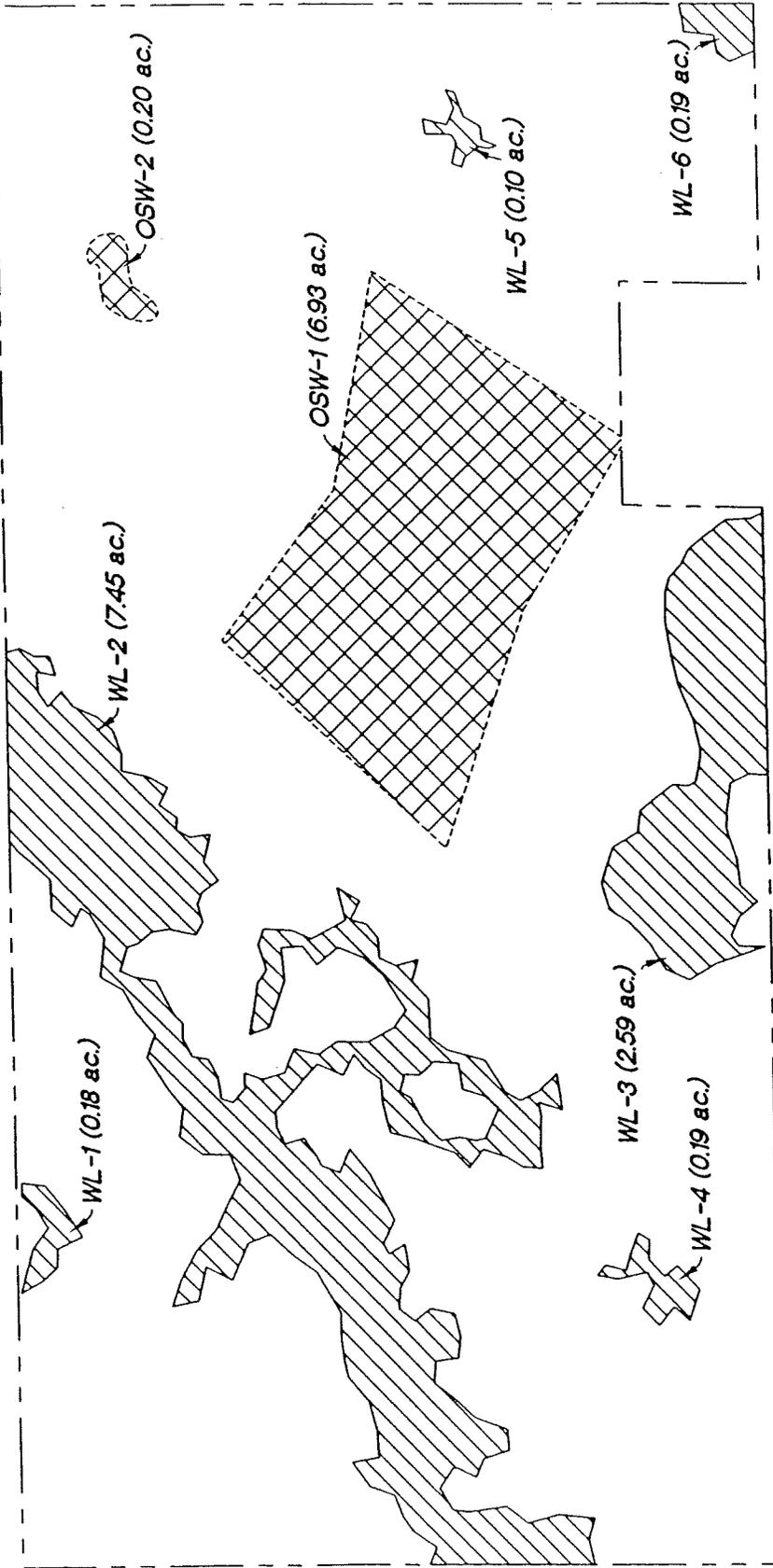
Army Corps of Engineers  
File # SAJ-2007-576  
Date 1-2-09  
Page 3 of 5

DUNCAN ROAD PARCEL

SHEET

# WETLAND ID MAP

SECTION: 12  
 TOWNSHIP: 40 S  
 RANGE: 23 E



WL-1 Wetland ID #  
 SW-1 OSW ID #

Notes:  
 1. Property boundary was obtained from Phoenix Survey Company Inc.  
 2. Limits of jurisdictional wetlands and other surface waters reviewed and approved in the field on September 16, 2003 by the SWFWMD and survey located by Phoenix Survey Co., Inc.

PERMIT USE ONLY,  
 NOT FOR CONSTRUCTION  
 December 14, 2006 10:37:48 a.m.  
 Drawing: STOUTPLN-WETLANDID.DWG (CWH)

BENDER  
 IATES  
 CONSULTANTS  
 34-3680  
 /255-1462

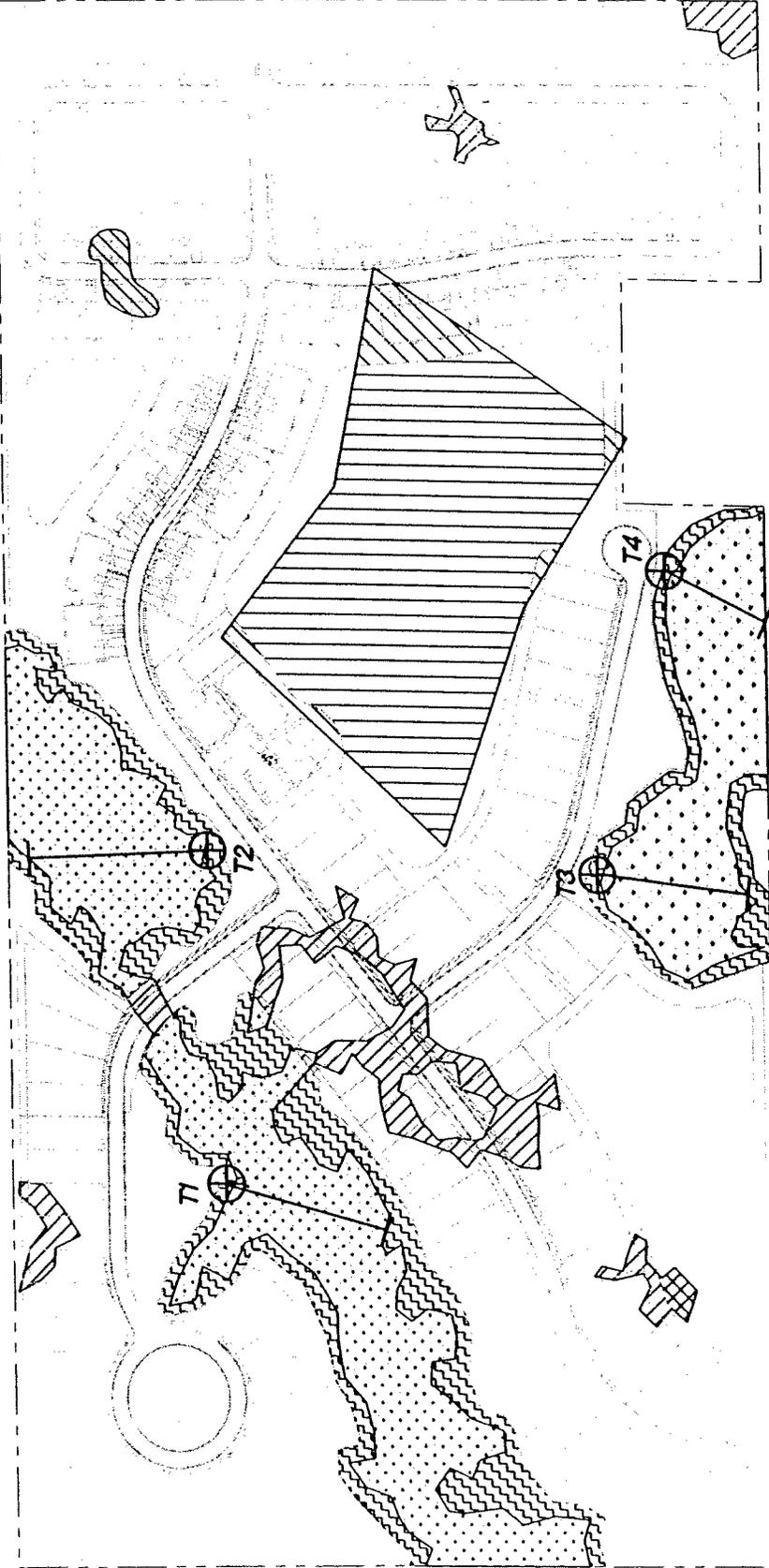
Army Corps of Engineers  
 File # SAJ-2007-576  
 Date 1-2-09  
 Page 4 of 5

## DUNCAN ROAD PARCEL

SHEET

# WETLAND AND IMPACT / PRESERVE MAP

SECTION: 12  
TOWNSHIP: 40 S  
RANGE: 23 E



- Wetland Fill (1.89 ac.)
- Wetland Excavation (0.07 ac.)
- Wetland Enhancement (8.74 ac.)
- OSW Excavation (6.29 ac.)
- OSW Fill (0.83 ac.)
- 25' Upland Buffer (3.91 ac.)
- Photo Point
- Monitoring Transect

**Notes:**

1. Mapping based on photointerpretation of 1" = 200' scale aerial photography and ground truthing in May 2005
2. Property boundary was obtained from Phoenix Survey Company Inc.
3. Limits of jurisdictional wetlands and other surface waters reviewed and approved in the field on September 16, 2003 by the SWFWMD and survey located by Phoenix Survey Co., Inc.

*PERMIT USE ONLY,  
NOT FOR CONSTRUCTION*

November 08, 2006 9:50:20 a.m.  
Drawing: STOUT1PLN-IMPACTPRESERVE.DWG (CWH)

ENDER ATES CONSULTANTS -3680 55-1462	<h2 style="margin: 0;">DUNCAN ROAD PARCEL</h2>	SHEET
Army Corps of Engineers File # SAJ-2007-576 Date 1-2-09		
Page 5 of 5		