



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

Regulatory Division  
South Permits Branch/West Permits Section  
Fort Myers Regulatory Office

**PUBLIC NOTICE**

Permit Application No. SAJ-2003-1122 (IP-RMT) **SEP 24 2004**

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).

APPLICANT: Brentwood Land Partners, LLC  
30 South Meridian Street, Suite 1100  
Indianapolis, IN 46204

WATERWAY & LOCATION: The project site contains disturbed freshwater-forested wetlands within the Golden Gate Canal drainage basin and is located at the southeastern corner of the intersection of Interstate 75 (I-75) and Immokalee Road (SR-846), in Section 30, Township 48 South, Range 26 East, in Collier County, Florida.

LATITUDE & LONGITUDE: Latitude 26°16'34"North, Longitude 81°44'39"West

PROJECT PURPOSE:

Basic: Construct a commercial retail development.  
Overall: Construct a commercial retail center with associated parking areas in north Collier County, Florida.

WORK & PURPOSE: The applicant is proposing to construct an 184,600 square-foot retail store plus 80,325 square feet of other retail facilities, along with associated parking, utilities and stormwater management system on two adjacent parcels totaling 34.17-acres in north Collier County. The western parcel is 20 acres that contains 6.23 acres of disturbed hydric pine flatwoods, 6.02 acres of melaleuca-dominated forested wetlands, 2.75 acres of hydric Brazilian pepper, 1.50 acres of willow marsh, 1.54 acres of pine flatwoods uplands, 1.14 acres of Brazilian pepper uplands, 0.15 acres of open uplands and 0.67 acres of a preexisting road. The eastern side of the project site is a 14.17-acre parcel that was previously permitted, by the Corps, to be filled [permit # 199902496 (IP-MH)] and contains 10.53 acres of filled open areas, 0.55 acres of paved roads and 3.09 acres of hydric pine flatwoods. The applicant proposes to discharge approximately 49,590 cubic yards of fill material into 15.92 acres of wetlands and excavate 8,013 cubic yards from 0.58 acre of wetlands on the western parcel. The 3.09 acres of wetlands on the eastern parcel will be impacted as well and those impacts have already been authorized under the Corp permit referenced above.

As compensation for wetland impacts, the applicant is proposing to purchase 6.8 mitigation credits from a Corps approved wetland mitigation bank (within the service area) to mitigate for the 16.5 acres wetland impacts proposed on the western side of the project site. The impacts to the 3.09 acres of hydric pine wetlands on the eastern side of the project site are currently being mitigated under the Corps permit referenced above. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

**THREATENED AND ENDANGERED SPECIES:** The project site is located within the consultation area for the Florida panther (*Puma concolor coryi*) according to the final interim Standard Local Operating Procedures for Endangered Species (SLOPES). Telemetry points of tagged panthers have been recorded within a two-mile radius of the project site; however, the site is located adjacent to a major intersection of I-75 in northern Collier County. The site is bordered by I-75 to the west, SR-846 & high density developments to the north, high-density development to the south and moderate density development to east. The prey base and denning utilization of the area has been greatly impacted by the surrounding developments and major roads. The habitat functions of the project site have been significantly compromised therefore, the Corps has determined that this project “may affect, but is not likely to adversely affect,” the Florida panther.

This project site is within a core foraging area (CFA) of a wood stork (*Mycteria americana*) rookery. This project proposal will impact approximately 16.5 acres of mostly disturbed freshwater-forested wetlands. The applicant proposes to mitigate the wetland impacts by purchasing 6.8 freshwater-forested wetland credits off-site at a mitigation bank (within the service area). The Corps has made a preliminary determination that this project “may affect” the wood stork. These determinations will be coordinated with the U.S. Fish and Wildlife Service via a separate letter. The Corps is unaware of any other threatened or endangered species at this site.

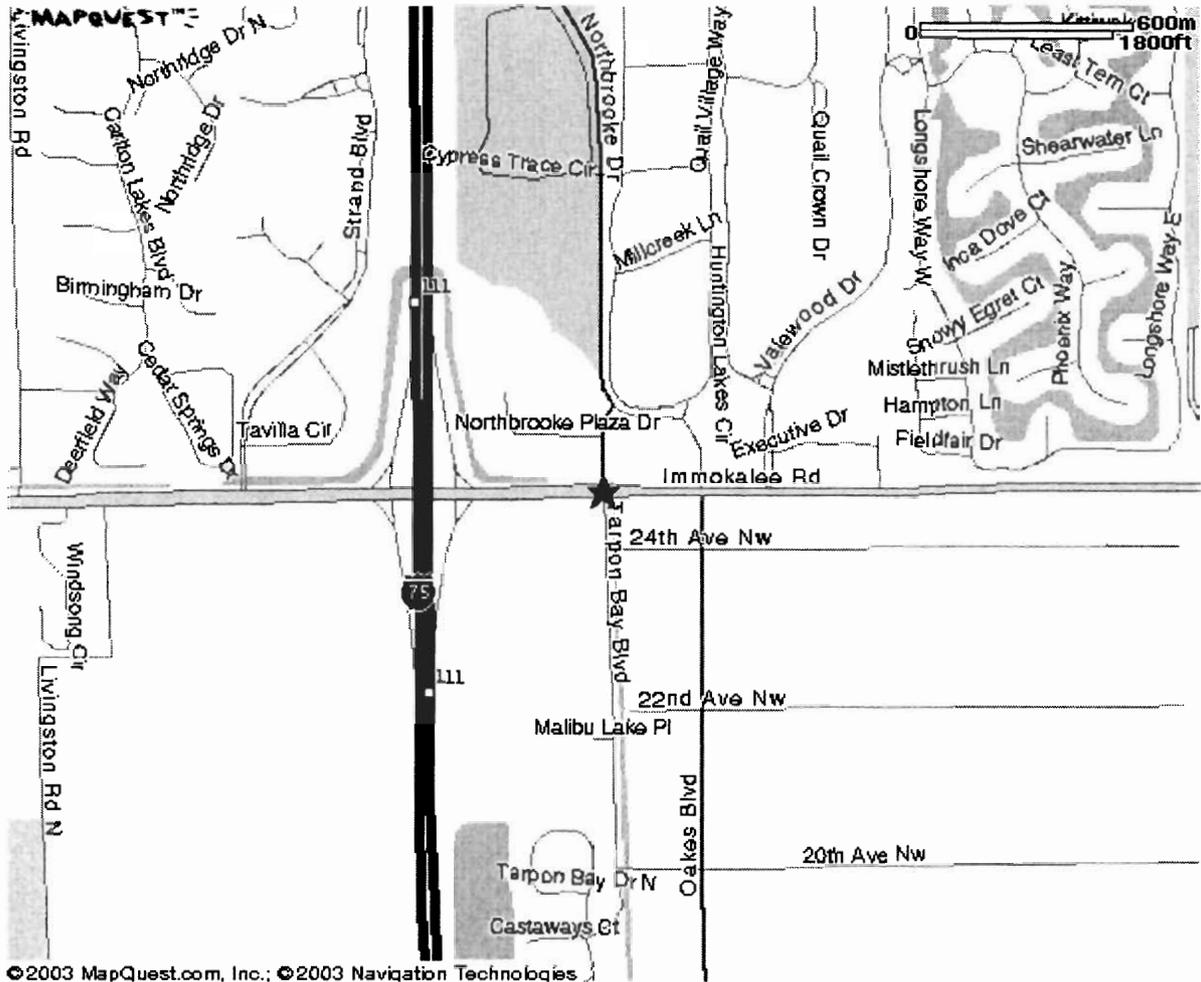
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps of Engineers has verified the wetland jurisdictional boundary.

**AUTHORIZATION FROM OTHER AGENCIES:** The South Florida Water Management District is currently reviewing this project proposal (Application # 040123-3).

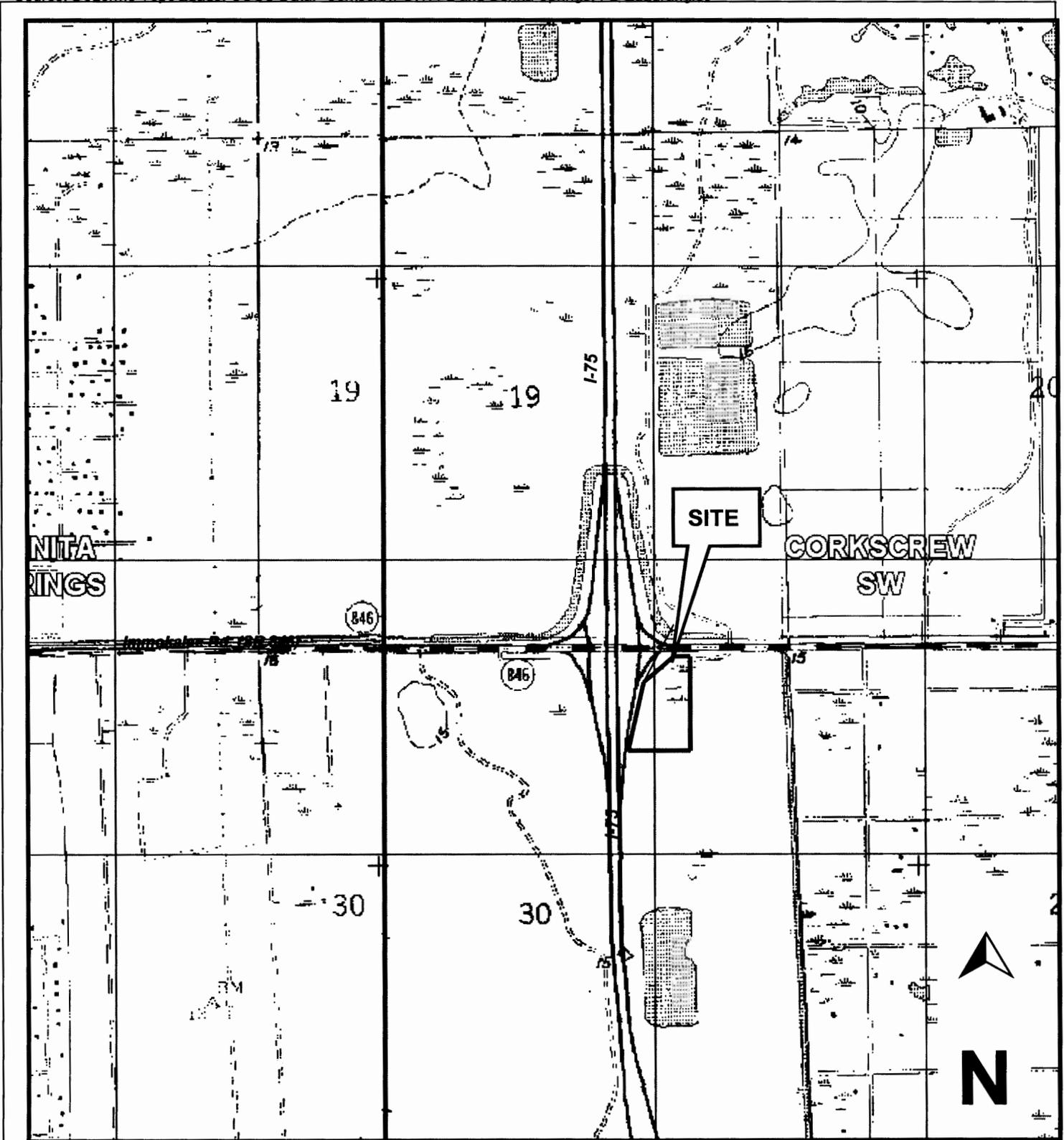
Comments regarding the application should be submitted in writing to the District Engineer at the U.S. Army Corps of Engineers; Fort Myers Regulatory Office; 1520 Royal Palm Square Blvd; Suite 310; Fort Myers, Florida 33919 within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Mr. Robert Tewis at the Fort Myers Regulatory Office, telephone 239-334-1975 or by e-mail Robert.M.Tewis@saj02.usace.army.mil.

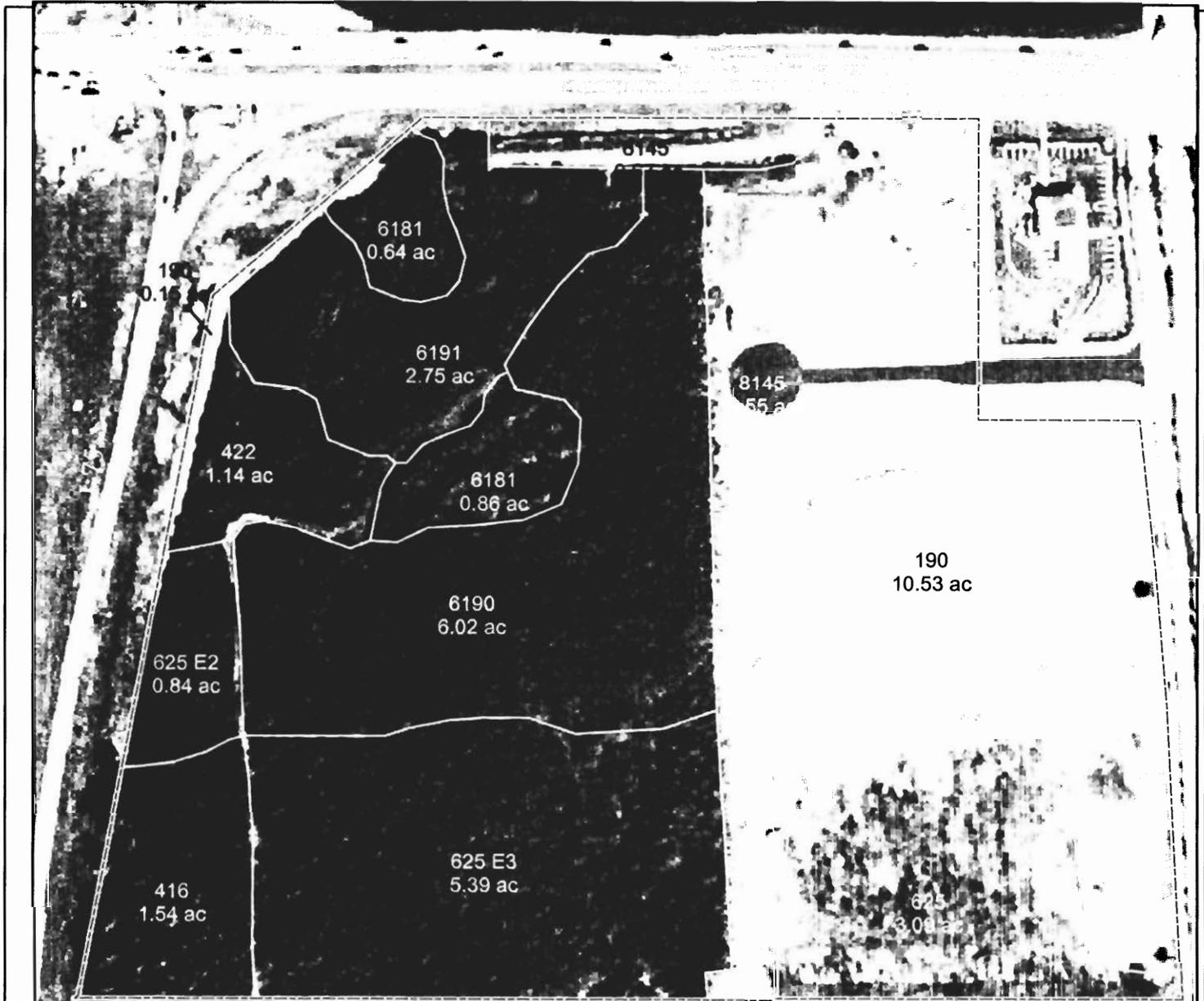
Source: MapQuest.Com, Inc.



Site plans SAJ-2004-1122 (IP-RMT) Super Target Page 1 of 7  Phone: (561) 562-7981 / Fax: (561) 562-9689	nc.	<b>GENERAL LOCATION MAP</b>		
		<b>SUPER TARGET</b> Tarpon Bay Plaza/I-75 & Immokalee Road		047488003
		Section 30, Township 48 S. Range 26 E. Collier County, FL		Scale: NTS
			Figure 1	



Site plans SAJ-2004-1122 (IP-RMT) Super Target Page 2 of 7  Phone: (561) 562-7981 / Fax: (561) 562-9689	inc.	<b>USGS QUADRANGLE MAP</b>	
		<b>SUPER TARGET</b> Tarpon Bay Plaza/I-75 & Immokalee Road Section 30, Township 48 S. Range 26 E. Collier County, FL	
		047488003	Scale NTS
		Figure 2	



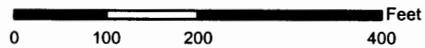
**FLUCFCS CODES**

190	- Open Land	- 10.68 ac
416	- Pine Flatwoods - Melaleuca (<20% melaleuca)	- 1.54 ac
422	- Brazilian Pepper	- 1.14 ac
6181	- Willow Marsh	- 1.50 ac
6190	- Exotic Wetland Hardwoods - Melaleuca	- 6.02 ac
6191	- Exotic Wetland Hardwoods - Brazilian pepper	- 2.75 ac
625	- Hydric Pine Flatwoods	- 3.09 ac
625 E2	- Hydric Pine Flatwoods (25%-50% melaleuca)	- 0.84 ac
625 E3	- Hydric Pine Flatwoods (50%-75% melaleuca)	- 5.39 ac
8145	- Paved Road	- 1.22 ac
		<b>TOTAL - 34.17 ac</b>

**Notes:**

1. Land use codes from Florida Land Use, Cover & Forms Classification System (FLUCFCS), FDOT, 1999.

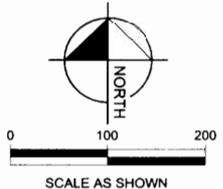
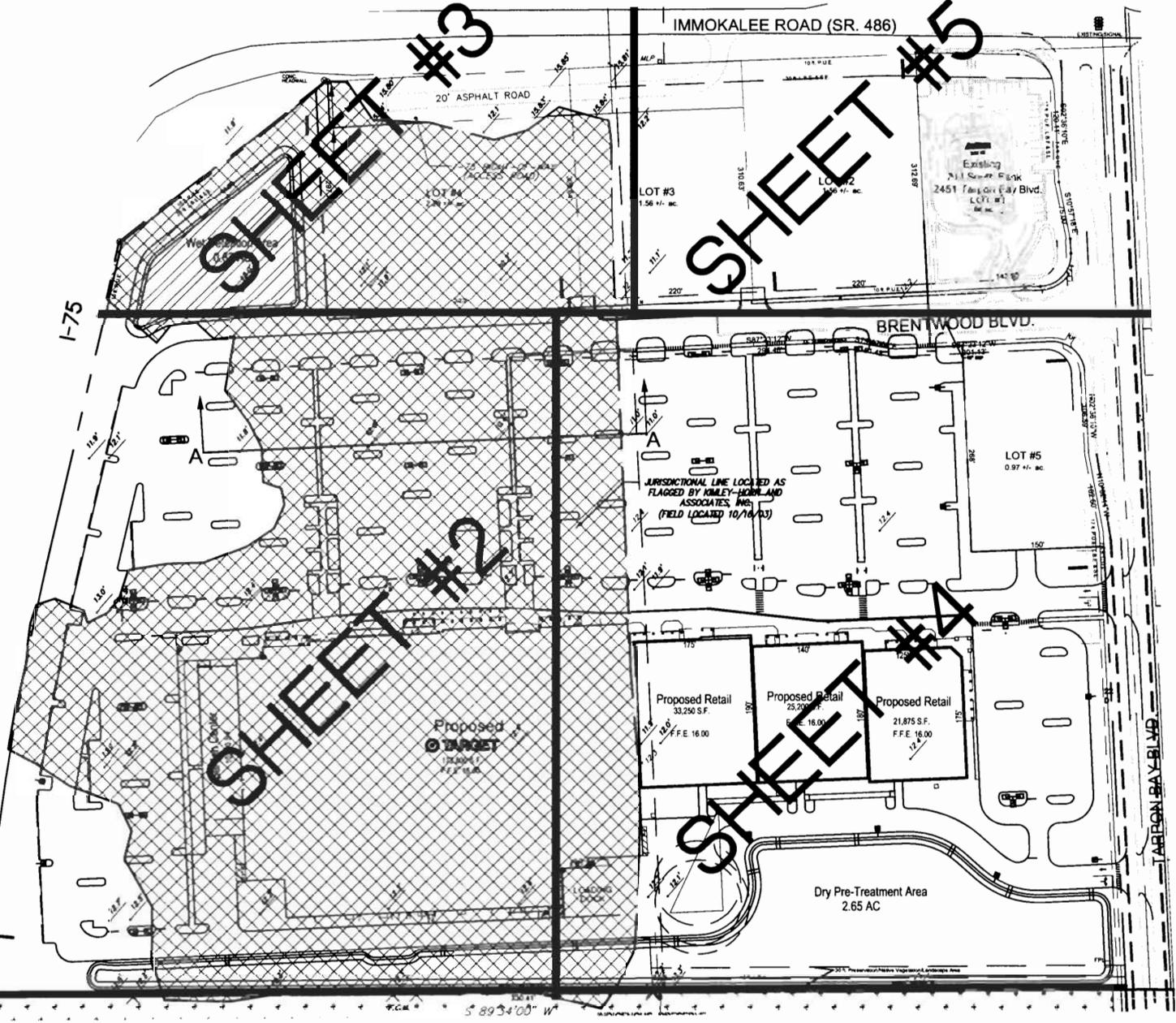
2. All acreages approximate, based on aerial interpretation.



Site plans  
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**FLUCFCS MAP**  
**SUPER TARGET**  
**TARPON BAY PLAZA/ I-75 & IMMOKALEE ROAD**  
**SECTION 30, TOWNSHIP 48 S., RANGE 26 E.**  
**COLLIER COUNTY, FL**

Drawing name: G:\47488001\CADD\WETLAND\WET-IMPACT.dwg BX11 SHEET 1 Apr 16, 2004 8:59am by: Steve.Smith  
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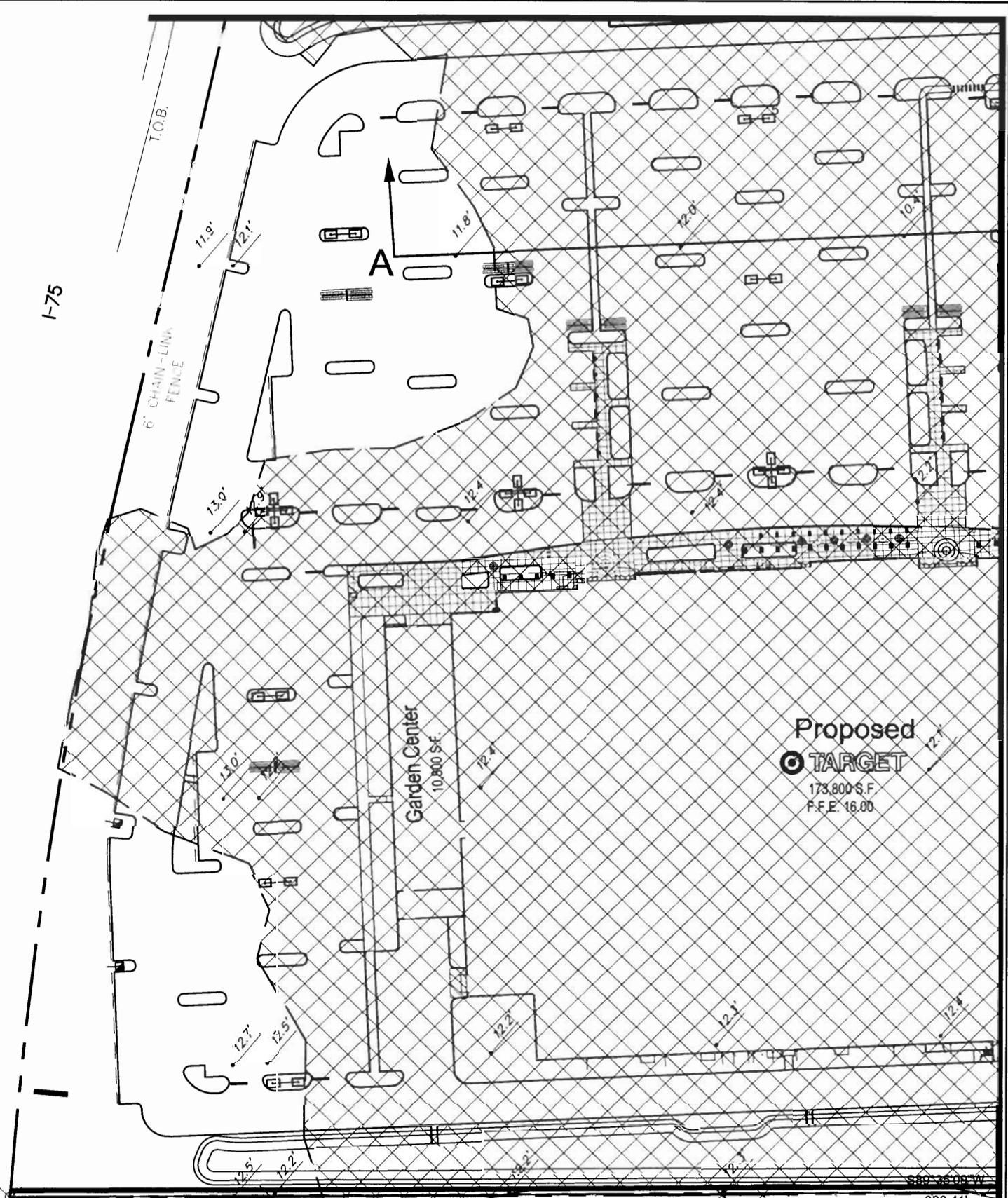
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14 NO. 00	Super Target, Tarpon Bay Plaza I-75 + Immokalee Road	DESIGN ENGINEER:	SHEET NUMBER
	WETLAND IMPACT KEY MAP	FLORIDA REGISTRATION NUMBER:	1 of 5

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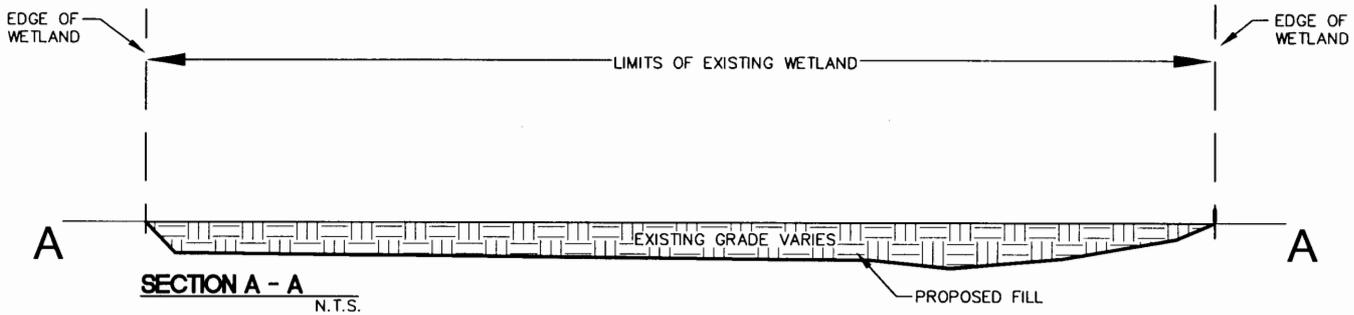
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1 NO. 01	Super Target, Tarpon Bay Plaza I-75 + Immokalee Road	DESIGN ENGINEER:	SHEET NUMBER
	WETLAND IMPACT PLAN	FLORIDA REGISTRATION NUMBER:	2 of 5

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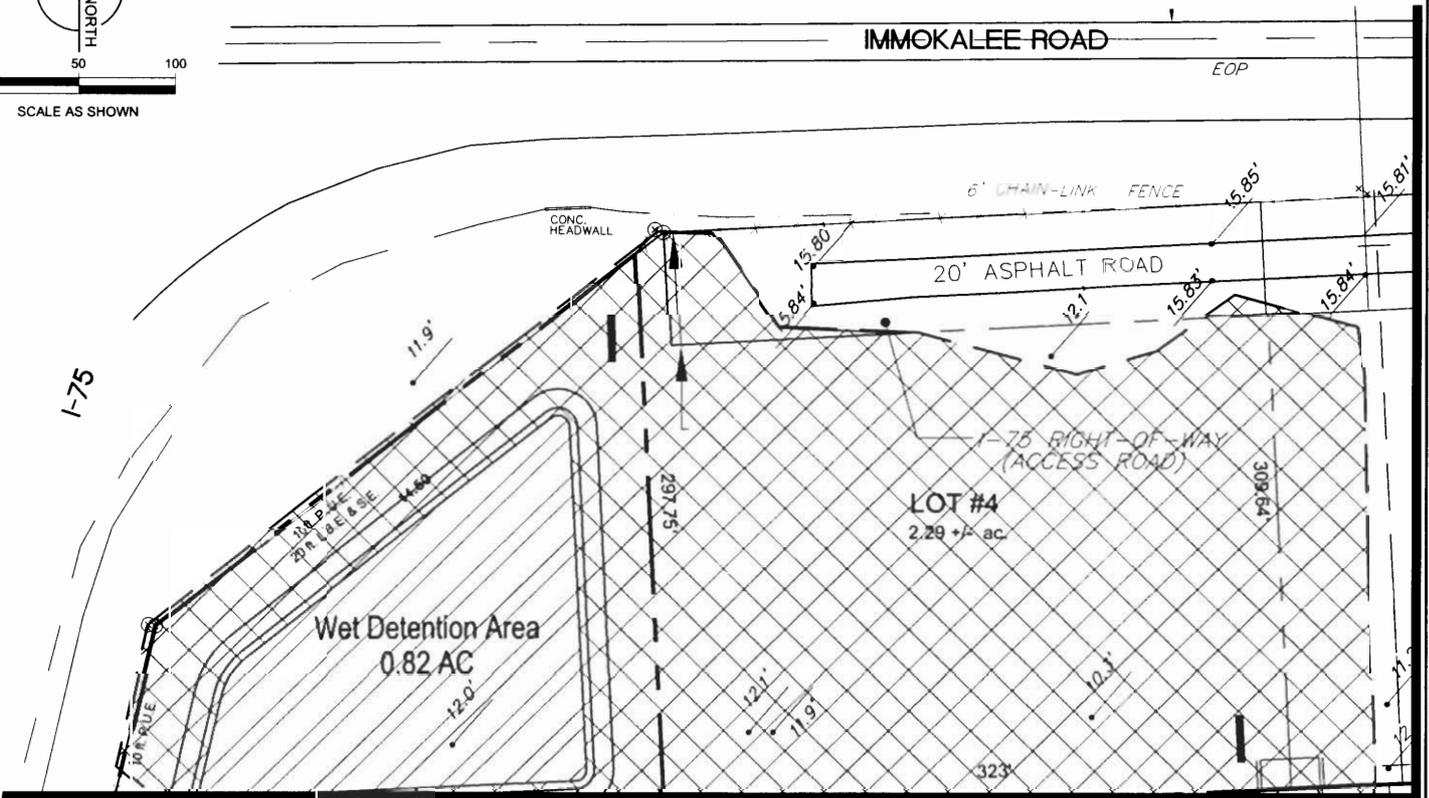
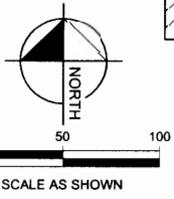


## ONSITE WETLAND AND PROPOSED IMPACTS

WETLAND	SIZE	FILL	EXCAVATION
ACOE	16.5 AC.	49,596 CY	8,013 CY

## WETLAND LEGEND

- APPROXIMATE ACOE JURISDICTIONAL WETLANDS FILL
- APPROXIMATE ACOE JURISDICTIONAL WETLANDS EXECUAVATION

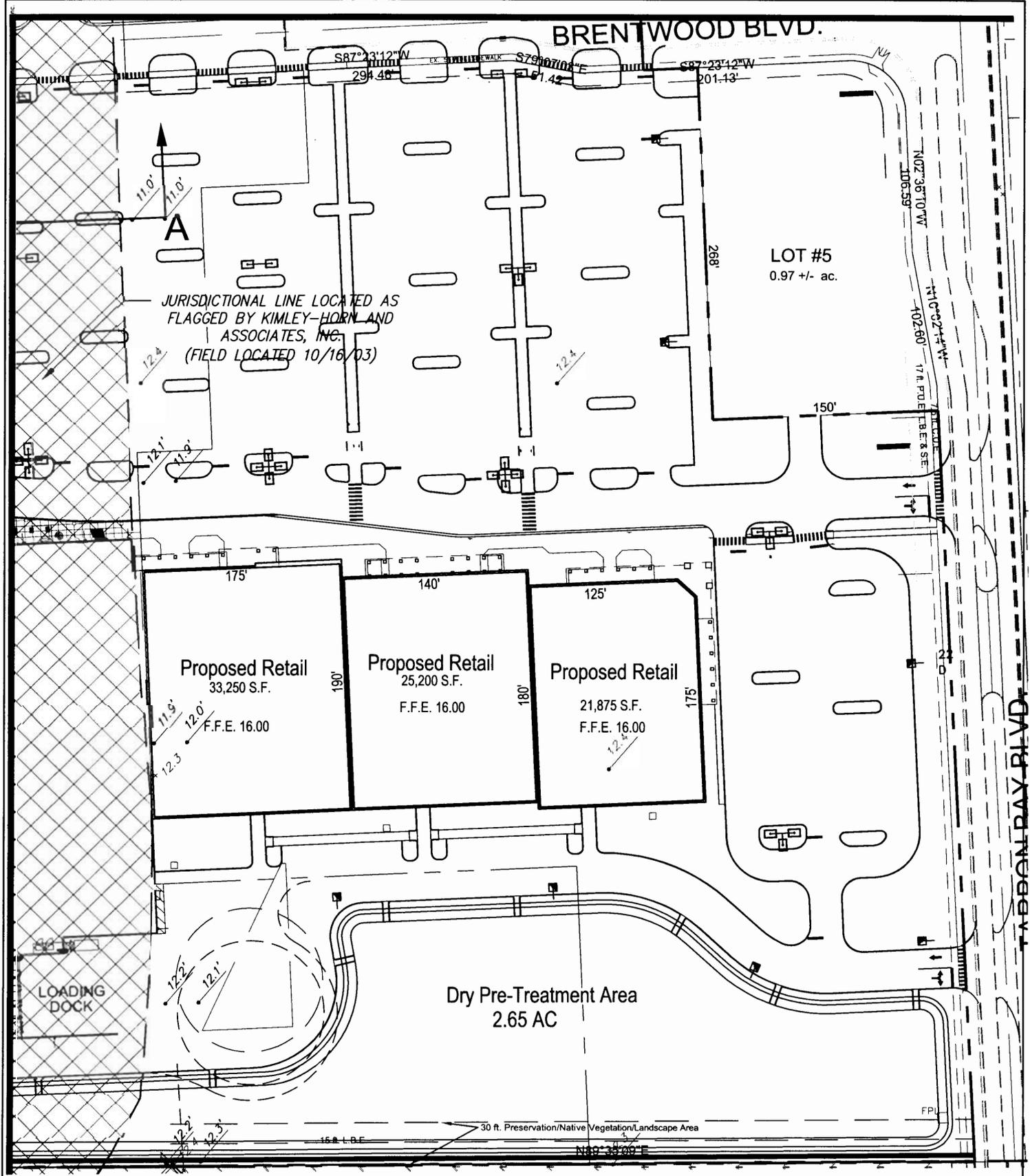


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<b>Super Target, Tarpon Bay Plaza</b> <b>I-75 + Immokalee Road</b>	DESIGN ENGINEER:	SHEET NUMBER
<b>WETLAND IMPACT PLAN</b>	FLORIDA REGISTRATION NUMBER:	3 of 5

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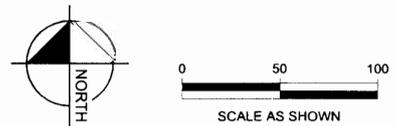
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Site plans  
**SAJ-2004-1122 (IP-RMT)**  
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**Super Target, Tarpon Bay Plaza**  
**I-75 + Immokalee Road**  
**WETLAND IMPACT PLAN**

DESIGN ENGINEER:  
 FLORIDA REGISTRATION NUMBER:

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

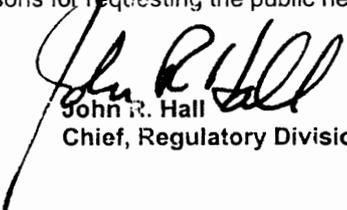
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific,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

  
John R. Hall  
Chief, Regulatory Division