



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-2004-1813 (IP-MAE) **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) as described below.

APPLICANT: Martin S. Adler, et al.
4 Caramel Court
Comack, NY 11725

WATERWAY & LOCATION: The 40.9 acre project site is located in freshwater-forested and herbaceous wetlands in the West Collier Drainage Basin. The project site is located on the east side of S.R. 951 in Section 10, Township 51 South, Range 26 East, Collier County, Florida.

DIRECTIONS TO SITE: Take I-75 to C.R. 951 (exit 101). Go south on C.R. 951 approximately 1.5 miles south of the intersection of U.S. 41. The project site is located on the east side of S.R. 951, adjacent to the south side of the Coral Isle Factory Shops.

LATITUDE & LONGITUDE: Latitude 26°02'22" North, Longitude 81°41'53" West

PROJECT PURPOSE:
Basic: To construct a commerce park.

Overall: To construct a commercial / light industrial commerce park in Southwest Collier County.

PROPOSED WORK: The applicant is proposing to construct a commercial / light industrial commerce park to be known as "ASGM Business Center" on a 40.9± acre project site. The 40.9-acre project site consists of 38.9 acres of jurisdictional wetlands and 2.0 acres of uplands. The applicant proposes to impact 31.0 acres of jurisdictional wetlands by filling with approximately 161,346 cubic yards of fill. The impacted areas consist of fallow farmfield vegetated by primarily Brazilian pepper (*Schinus terebinthifolius*) with melaleuca (*Melaleuca quinquenervia*), scattered pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), and wax myrtle (*Myrica cerifera*).

As compensatory mitigation for 31.0 acres of impacts to Corps jurisdictional wetlands, the applicant proposes onsite mitigation consisting of 7.9 acres of wetland enhancement and preservation. Enhancement would include the removal of all exotic vegetation from

the preserve and all 7.9 acres would be placed under a conservation easement granted to the South Florida Water Management District (SFWMD). In addition to the onsite mitigation, the applicant proposes to purchase 13.4 units of mitigation credits at Panther Island Mitigation Bank. Final details of the compensation plan, including wetland functional analysis and adequacy of the compensation, have not been finalized.

ENDANGERED SPECIES: The project site is located within the area encompassed by the Florida panther FWS Consultation Area (Interim SLOPES). The applicant has aligned the proposed preserves with the existing preserve to the south and proposed preserve to the north. Due to the location of the project in the panther consultation area and the small amount of proposed onsite preserve, the Corps has made the determination that the project “may affect” the Florida panther.

This project site provides potential habitat for the wood stork (*Mycteria americana*). Due to the small amount of onsite preserve, the Corps has determined that the proposed project “may affect” the wood stork.

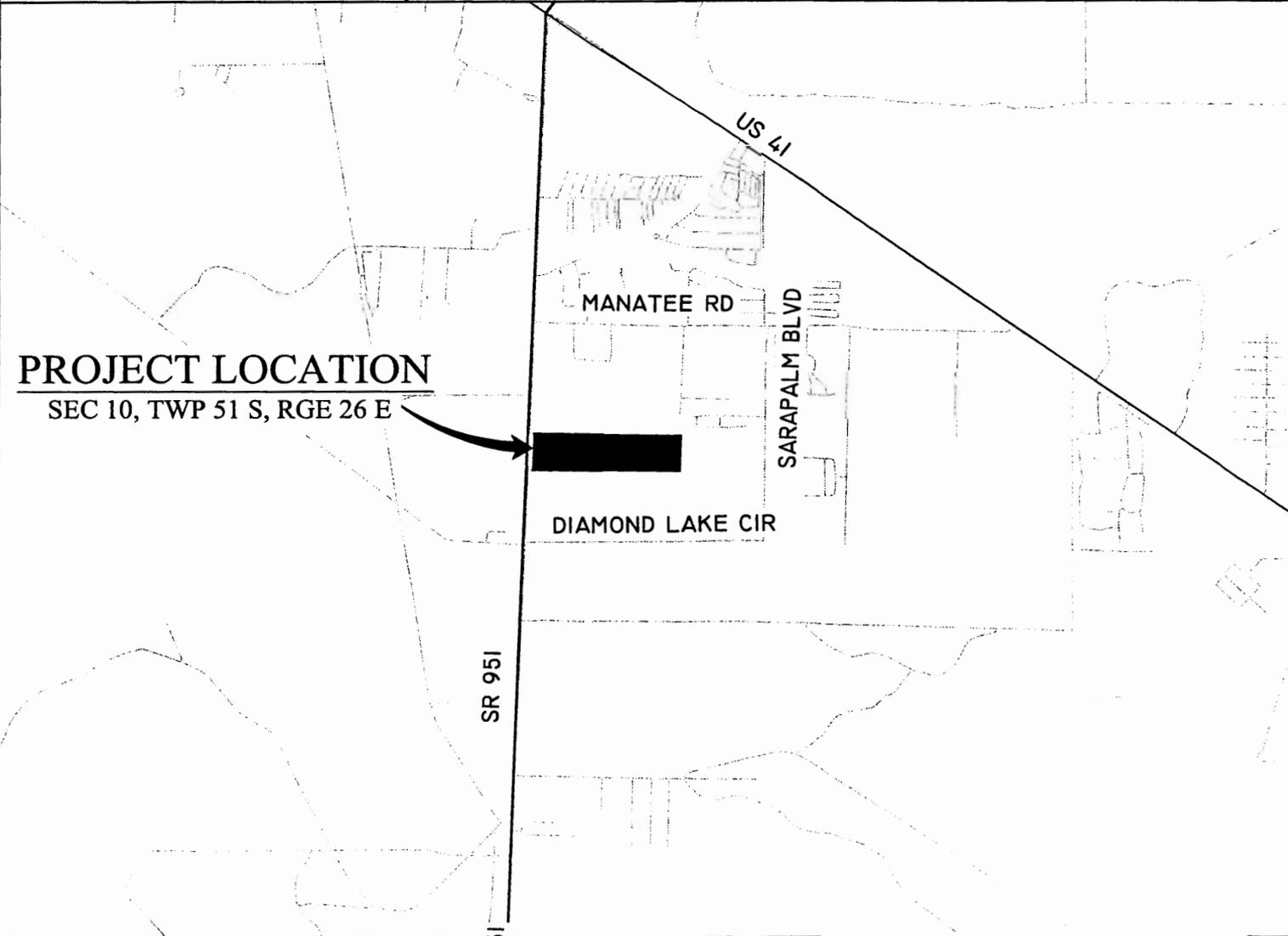
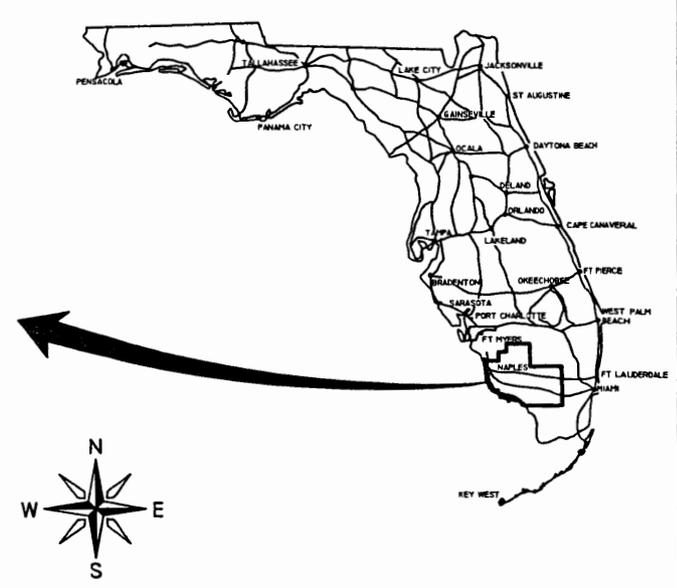
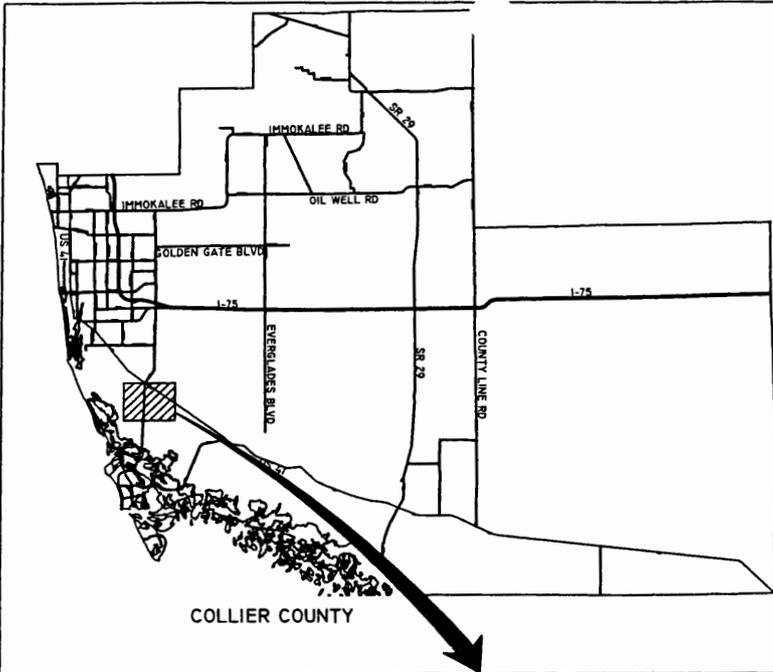
The Corps will be requesting formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act for the panther and the stork. This request will be coordinated with FWS through a separate letter. The Corps of Engineers is unaware of any other listed species on or near the project site.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps verified the jurisdictional determination for this property in August 2004.

AUTHORIZATION FROM OTHER AGENCIES: The SFWMD is currently processing ERP application number 040210-15 for this proposed project.

Comments regarding the application should be submitted in writing to the District Engineer at the above letterhead address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Ms. Melissa Ellis either by letter at the letterhead address, by telephone at: 239-334-1975 x22, by fax at 239-334-0797 or by email at Melissa.A.Ellis@saj02.usace.army.mil.

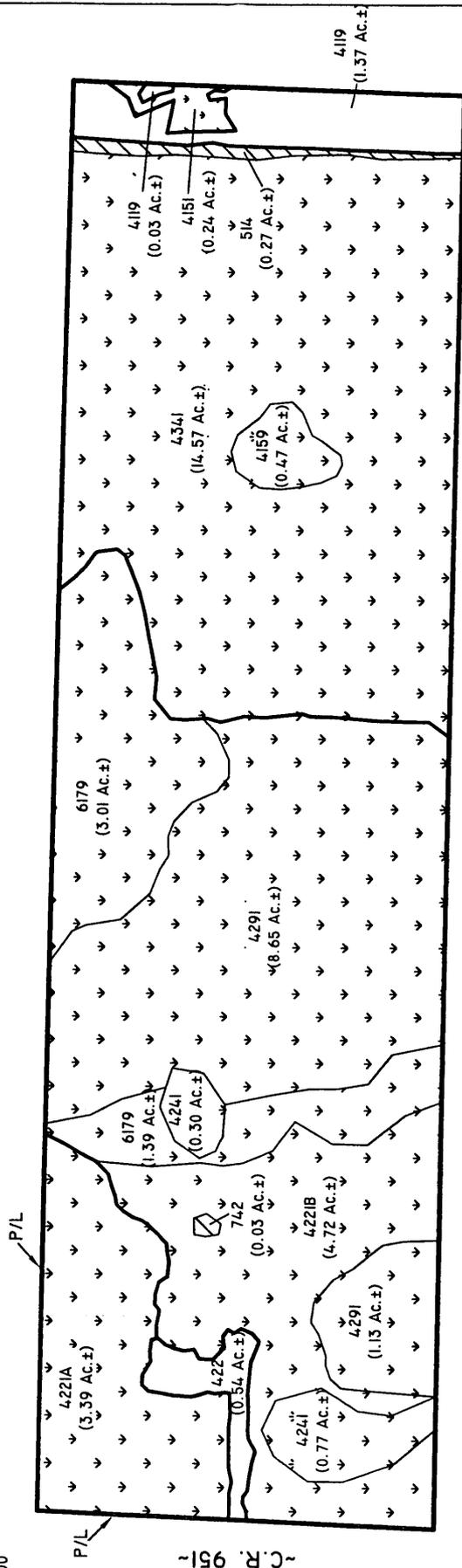


J:\2000\00-0000\YEAR 2004\COE PERMIT\SHET 1. PROJECT LOCATION MAP.DWG TAB: LAYOUT AUG 31, 2004 - 2:13PM PLOTTED BY: DDM

| | |
|--|-------------------------------------|
| PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD | PROJECT LOCA SAJ-2004-1813 (IP-MAE) |
| | DWG. No. 00M ASGM Business Park |
| APPLICANT: MARTIN L. ADLER | 7 September 2004 |
| | Page 1 of 3 |
| REVISIONS: | |



SCALE: 1" = 300'



LEGEND:

-  COE WETLANDS
(38.64 Ac.±)
-  COE "WATERS OF THE U.S."
(0.30 Ac.±)
-  SURVEYED WETLAND LINE

| FLUCFCS CODE | DESCRIPTION | ACREAGE | % OF TOTAL |
|--------------|------------------------------------|------------------|---------------|
| 4119 | PINE FLATWOODS, DISTURBED | 1.40Ac.± | 3.4% |
| 4151 | PINE, HYDRIC | 0.24Ac.± | 0.6% |
| 4159 | PINE, DISTURBED, HYDRIC | 0.47Ac.± | 1.1% |
| 422 | BRAZILIAN PEPPER | 0.54Ac.± | 1.3% |
| 4221 | BRAZILIAN PEPPER, HYDRIC | 8.11Ac.± | 19.8% |
| 4241 | MELALEUCA, HYDRIC | 1.07Ac.± | 2.6% |
| 4291 | WAX-MYRTLE/WILLOW, HYDRIC | 9.78Ac.± | 23.9% |
| 4341 | HARDWOOD-CONIFER, MIX | 14.57Ac.± | 35.6% |
| 514 | DRAINAGE CANAL | 0.27Ac.± | 0.7% |
| 6179 | MIXED WETLAND HARDWOODS, DISTURBED | 4.40Ac.± | 10.8% |
| 742 | BORROW AREA | 0.03Ac.± | 0.1% |
| TOTAL | | 40.88Ac.± | 100.0% |

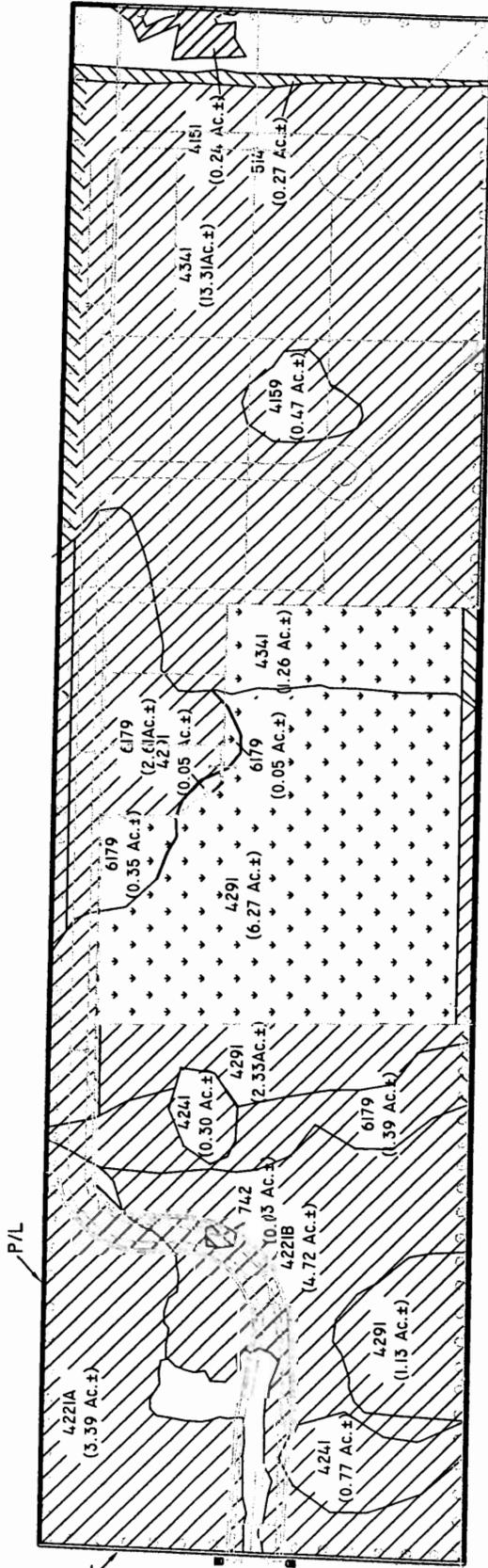
NOTES:

- FLUCFCS LINES ESTIMATED FROM 1"-200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.
- FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1985).
- PROPERTY BOUNDARY AND WETLAND LINES PER CONSUL-TECH ENGINEERING, INC. DRAWING NO. C-687 DATE 4/2/01.

PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD
 APPLICANT: MARTIN L. ADLER
 COE FLUCFCS AND WETLANDS MAP
 DWG. No. 00MDD560-4
 DRAWN BY: D.B.
 REVISIONS:
 SAJ-2004-1813 (IP-MAE)
 ASGM Business Park
 7 September 2004
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SCALE: 1" = 300'



LEGEND:



WETLAND PRESERVE
(7.93 Ac.±)



WETLAND FILL
(30.71 Ac.±)



WATERS OF THE U.S. FILL
(0.30 Ac.±)

| FLUCFCS CODE | WETLAND PRESERVE | WETLAND FILL | WATERS OF THE U.S. FILL | TOTAL |
|--------------|------------------|-------------------|-------------------------|-------------------|
| 4151 | - | 0.24 Ac.± | - | 0.24 Ac.± |
| 4159 | - | 0.47 Ac.± | - | 0.47 Ac.± |
| 4221A | - | 3.39 Ac.± | - | 3.39 Ac.± |
| 4221B | - | 4.72 Ac.± | - | 4.72 Ac.± |
| 4241 | - | 1.07 Ac.± | - | 1.07 Ac.± |
| 4291 | 6.27 Ac.± | 3.51 Ac.± | - | 9.78 Ac.± |
| 4341 | 1.26 Ac.± | 13.31 Ac.± | - | 14.57 Ac.± |
| 514 | - | 4.00 Ac.± | 0.27 Ac.± | 4.27 Ac.± |
| 6179 | 0.40 Ac.± | - | - | 0.40 Ac.± |
| 742 | - | - | 0.03 Ac.± | 0.03 Ac.± |
| TOTAL | 7.93 Ac.± | 30.71 Ac.± | 0.30 Ac.± | 38.94 Ac.± |

NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1985).

PROPERTY BOUNDARY AND WETLAND LINES PER CONSUL-TECH ENGINEERING, INC. DRAWING NO. C-687 DATE 4/2/01.

SITE PLAN PER Q. GRADY MINOR AND ASSOCIATES, INC. DRAWING NO. ADL-BSE.DWG DATED JULY 23, 2003.

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ASGM Business Park
7 September 2004
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PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD

COE WETLAND IMPACT MAP

DWG. No. 00MDD560-5

DRAWN BY: D.B.

REVISIONS:

APPLICANT: MARTIN L. ADLER

SCALE: 1"=300'

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.

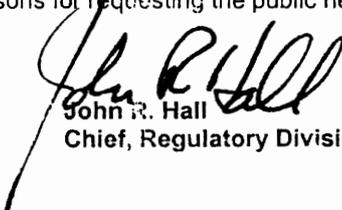
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific,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