



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207

12/12/2024

Regulatory Division
West Branch
Fort Myers Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-1996-03781

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.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at Justin.C.Riggs@usace.army.mil.

APPLICANT: Small Brothers, LLC
Attn: Jon Small
12810 Tamiami Trail North, Suite 200
Naples, Florida 34110

WATERWAY AND LOCATION: The project would affect aquatic resources associated with two unnamed wetlands. The project site is located at 15230 Corkscrew Road in Section 28, Township 46 South, Range 26 East, Estero, Lee County, Florida 33928.

Directions to the site are as follows: From I-75, go east on Corkscrew Road for approximately 4.75 miles. The proposed project site is located on the south side of Corkscrew Road, just west of the intersection of Corkscrew Road and Alico Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.452123°
Longitude -81.706295°

PROJECT PURPOSE:

Basic: Construction of a mixed-use development which would include a multi-story residential building, a commercial retail building and a surface water management system.

Overall: The project purpose is to create a multi-story residential building and commercial retail space in southeastern Lee County, near Estero, Florida, to meet local demand for this type of housing and development.

EXISTING CONDITIONS: The wetland system consists of a freshwater system. The entire parcel is 11.38 acres, with 5.27 acres of freshwater forested wetlands. The onsite vegetation consists of Pine Flatwoods, Pine-Mesic Oak, Hydric Cabbage Palm, Exotic Wetland Hardwoods, and Freshwater Marshes. The parcel is bordered to the north by Corkscrew Road, to the west by single family homes within the Corkscrew Shores community, and to the south and east by county owned land. An herbaceous marsh is located along the southeast portion of the site.

PROPOSED WORK: The applicant seeks authorization to fill 3.37 acres of wetlands and impact an additional 0.56 acre of wetland through encroachment. The work would consist of the construction of two buildings, two storm-water detention ponds, parking lots and other associated appurtenances, and the creation of a lake.

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 project has been designed to avoid 1.34 acres of wetlands adjacent to the offsite preserve lands which will be buffered from impacts by the 0.56 acre of wetland encroachment impacts.

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

The applicant has proposed to purchase 1.84 Mitigation Bank credits from an approved regional, federal palustrine Mitigation Bank. The Corps has not yet determined the adequacy of the Applicant's proposed compensatory mitigation.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

Florida Panther (*Puma concolor coryi*): the project site is located entirely within the Panther Focus Area designated by the US Fish and Wildlife Service and the project area is greater than one (1) acre in size.

Wood Stork (*Mycteria americana*): the project proposes impacts to greater than 0.5 acre of Suitable Foraging Habitat within the Core Foraging Area of at least one (1) Wood Stork Nesting Colony.

Red Cockaded Woodpecker (*Picoides borealis*): the project area is located within the Red Cockaded Woodpecker Consultation Area and contains suitable habitat for the woodpecker.

Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*): The project site is located within the Everglade Snail Kite consultation area and the proposed activity would occur within suitable everglade snail kite habitat (freshwater marsh).

Florida Bonneted Bat (*Eumops floridanus*): the project site is located entirely within the Florida Bonneted Bat Consultation Area. Additionally, the submitted Protected Species Assessment states that potential roosting habitat is present at the project site and the project footprint is larger than 5 acres.

The Corps has determined the proposal may affect the Florida Panther, Wood Stork, Red Cockaded Woodpecker, Everglade Snail Kite, and Florida Bonneted Bat, or its designated critical habitat. The Corps will request initiation of formal consultation with the Fish and Wildlife Service/National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

Eastern Indigo Snake (*Drymarchon corais couperi*): The project impacts approximately 7.2 acres of potential eastern indigo snake habitat (Pine Flatwoods and Freshwater Marsh). The Corps permit, if issued, will include standard protection measures for the eastern indigo snake. The Corps is not aware of any sightings of eastern indigo snake within the project area. Use of the August 1, 2017, effect determination key for eastern indigo snake in south Florida resulted in an effect determination of 'may affect, not likely to adversely affect, no further consultation required' (A-B-C-D) and gave programmatic concurrence for the indigo snake.

Other Species: Based on the project location, existing site conditions, the areas of proposed impacts, and the types of activities proposed, the Corps has determined that the project would have no effect on the American alligator (*Alligator mississippiensis*), Audubon's crested caracara (*Caracara plancus auduboni*), Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), or any other federally listed species or designated critical habitat.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Albuquerque District, Albuquerque Regulatory Office, 200 E. Griggs Ave, Las Cruces, New Mexico 88001 within 30 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, Justin Riggs, in writing at the Albuquerque District, Albuquerque Regulatory Office, 200 E. Griggs Ave., Las Cruces, New Mexico 88001; by electronic mail at Justin.C.Riggs@usace.army.mil; or by telephone at (505)967-0416.

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.

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.

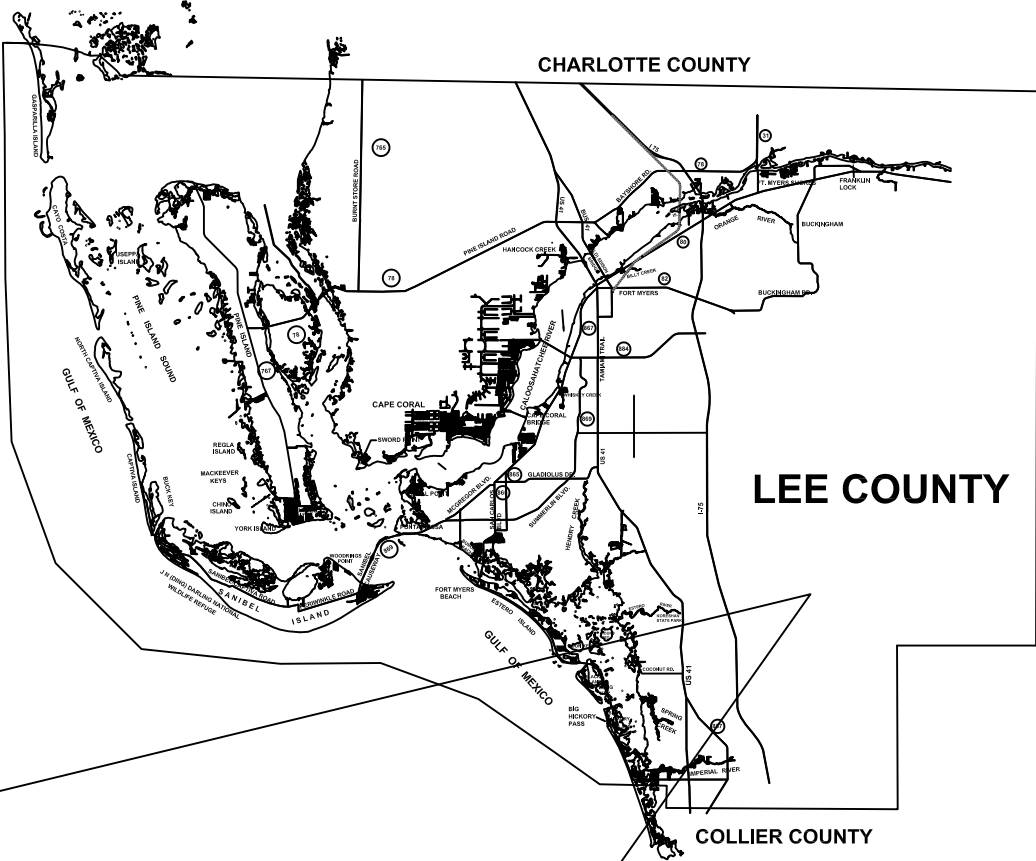
WATER QUALITY CERTIFICATION: Water Quality Certification will be required from the South Florida Water Management District.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the 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.

SECTION: 22
TOWNSHIP: 46 S
RANGE: 26 E

Corkscrew Commons



Project Location

*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

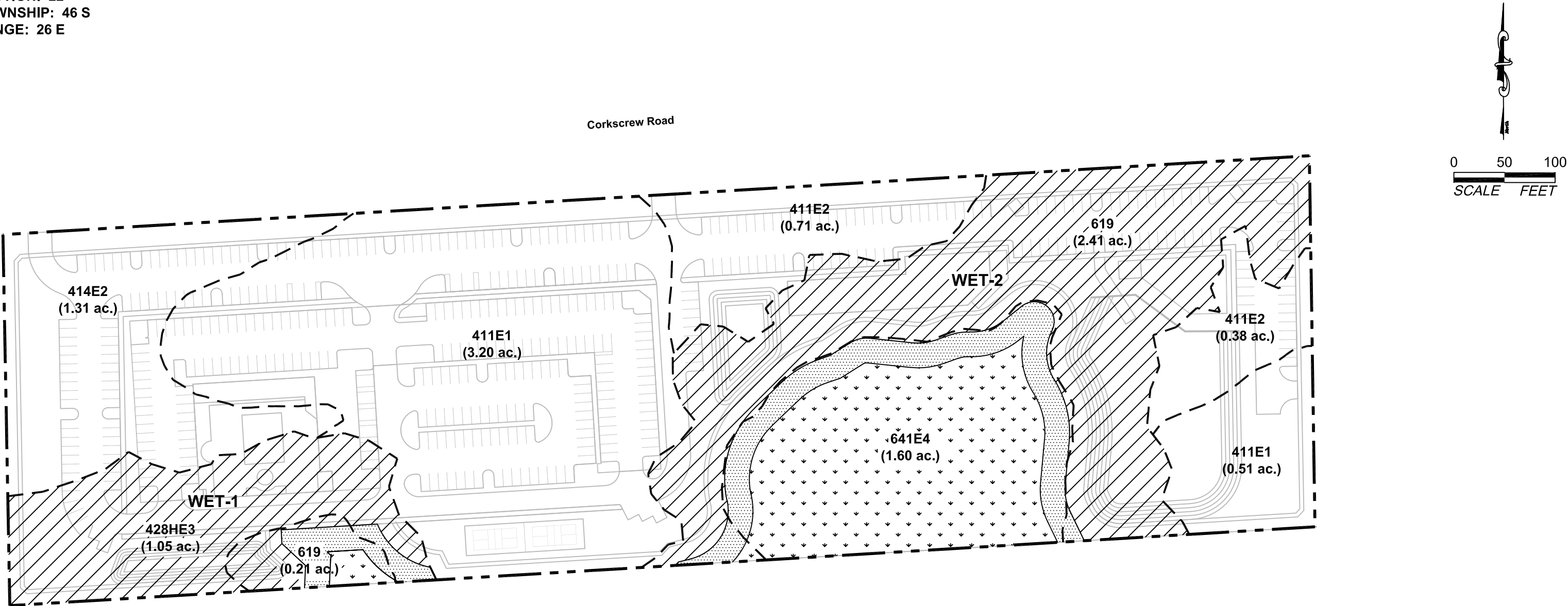
March 18, 2024 12:46:16 p.m.
Drawing: SMALLB1LOCATION.DWG




Location Map



ATWELL
866.850.4200 www.atwell-group.com
4470 CAMINO REAL WAY, SUITE 101
FORT MYERS, FL 33908
239.334.3680

SECTION: 22
TOWNSHIP: 46 S
RANGE: 26 E



-  Proposed Wetland Impacts (3.50 ac.)
-  Secondary Wetland Impacts (0.52 ac.)
-  Wetlands to Remain (1.25 ac.)

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	3.71 ac.
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	1.09 ac.
414E2	Pine - Mesic Oak Invaded by Exotics (26-50%)	1.31 ac.
428HE3	Hydric Cabbage Palm Invaded by Exotics (51-75%)	1.05 ac.
619	Exotic Wetland Hardwoods	2.62 ac.
641E4	Freshwater Marshes Invaded by Exotics (76-90%)	1.60 ac.
Total		11.38 ac.

- Notes:
1. Property boundary, surveyed wetland line, and site plan provided by Hole Montes, Inc.
 2. Mapping based on photointerpretation of 2022 aerial photography and ground truthing in February 2023.
 3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD (Formal JD 36-101085-P).

PERMIT USE ONLY, NOT FOR CONSTRUCTION

March 18, 2024 12:19:15 p.m.
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