



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

February 7, 2025

South Atlantic Division
Regulatory Technical Regional
Execution Center

PUBLIC NOTICE

Permit Application No. SAJ-2024-02507 (SP-KLC)

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:

APPLICANT: John McGarvey
Penzance Square, LLC.
9520 Corkscrew Rd #8
Estero, Florida 33928

WATERWAY AND LOCATION: The project would affect freshwater, non-tidal wetlands associated with the Henry Creek watershed. The project site is located at 7530 Penzance Blvd, in Section 8, Township 45 South, Range 25 East, in Fort Myers, Lee County, Florida.

Directions to the site are as follows: From 1-75 North, take Exit 131 left towards Cape Coral onto Daniels Parkway. Head west for approximately 2.6 miles, then turn right onto 6 Mile Cypress Parkway. The site is on the left approximately 1.8 miles north on the corner of Penzance Blvd and 6 Mile Cypress Parkway.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.569781°
Longitude -81.829815°

PROJECT PURPOSE:

Basic: To construct a commercial development.

Overall: To construct a commercial development in central Lee County.

EXISTING CONDITIONS: The proposed project location consists of a 9.79-acre lot comprised of 9.77 acres of primarily hydric pine wetlands and 0.02 acres of open waters. There are no uplands within the proposed project boundaries.

PROPOSED WORK: The applicant seeks authorization to fill 8.57 acres of freshwater wetlands and 0.02 acre of open waters for the construction of a commercial storage facility and attendant features.

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 proposes to preserve 1.20 acres of forested wetland and offset unavoidable impacts through the purchase of 4.27 forested freshwater mitigation credits from Corkscrew Regional Mitigation Bank.”

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

“The project proposes to preserve 1.20 acres of forested wetland and offset unavoidable impacts through the purchase of 4.27 forested freshwater mitigation credits from Corkscrew Regional Mitigation Bank.”

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:

The Corps has determined the proposal may affect the Florida panther (*Puma concolor coryi*) and red cockaded woodpecker (*Dryobates borealis*) or its designated critical habitat. The Corps will request initiation of informal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern indigo snake (*Drymarchon couperi*). The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal would have no effect on the following species: Aboriginal prickly-apple (*Harrisia aboriginum*), Endangered; beautiful pawpaw (*Deeringothamnus pulchellus*), Endangered; crested caracara (*Caracara plancus audubonii*), Threatened; Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), Threatened; Florida bonneted bat (*Eumops floridanus*), Endangered [Florida Bonneted Bat Consultation Key: 1a > 2a > 3b > 6b > no effect]; green sea turtle (*Chelonia mydas*), Threatened; gulf sturgeon (*Acipenser oxyrinchus desotoi*), Threatened; Kemp’s Ridley

sea turtle (*Lepidochelys kempii*), Endangered; Miami blue butterfly (*Cyclargus thomasi bethunebakeri*), Endangered; and wood stork (*Mycteria americana*), Threatened.

This notice serves as request to U.S Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

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 SAD Technical Regional Execution Center on behalf of the Fort Myers Permits Section, 100 W. Oglethorpe Ave., Savannah, Georgia, 31401, within 21 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, Katherine Cummins, in writing at the SAD Technical Regional Execution Center, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401; by electronic mail at Katherine.L.Cummins@usace.army.mil; or by telephone at (912)724-8978.

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.

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 or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972.

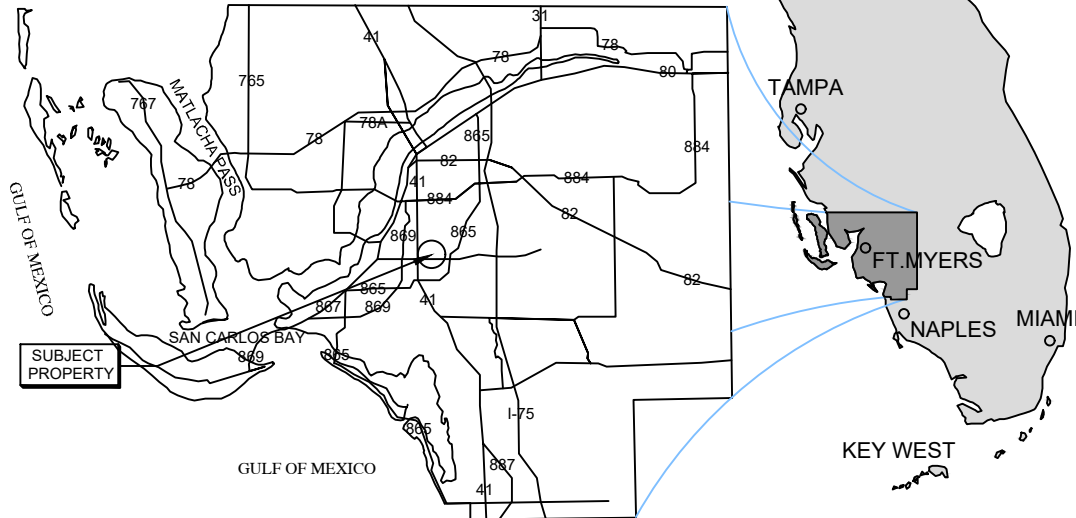
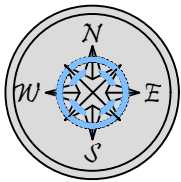
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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 may be required from the Florida Department of Environmental Protection (FDEP).

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 the 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.

STATE OF FLORIDA



LEE COUNTY

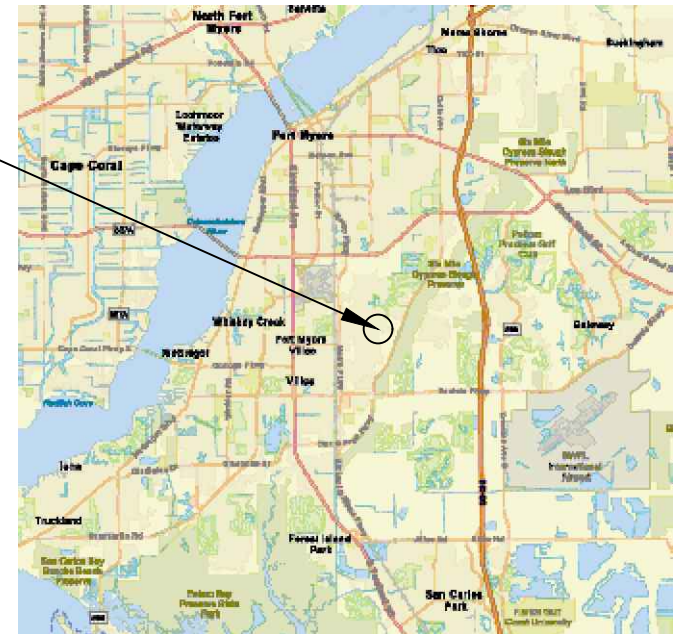
SITE ADDRESS:

<> 7530 PENZANCE BLVD <> LATITUDE: N 26.569781
FORT MYERS, FLORIDA 33966 <> LONGITUDE: W -81.829815

NOTES:

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.

SUBJECT
PROPERTY



VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

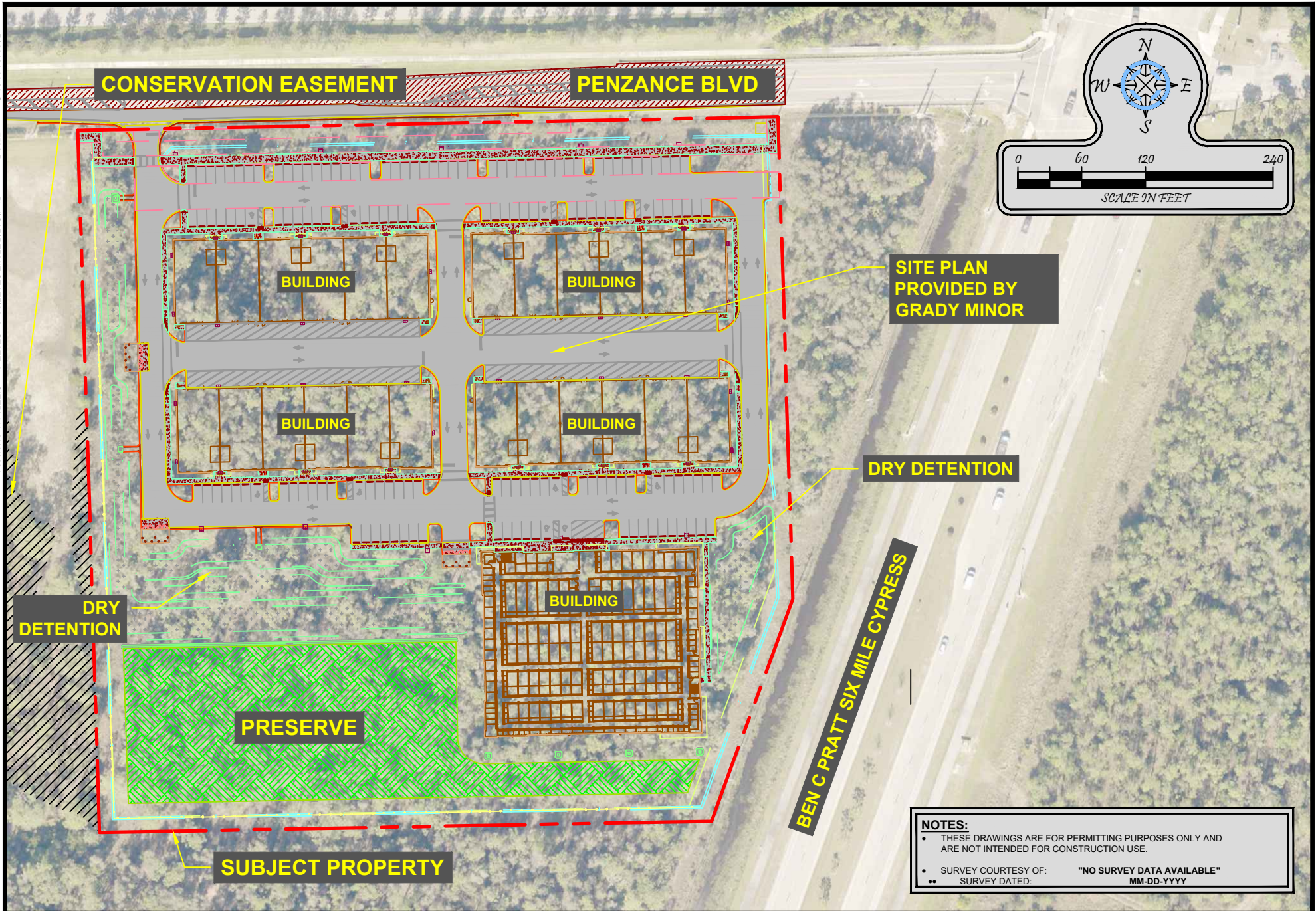
MCGARVEY - 7530 PENZANCE BLVD LOCATION MAP

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	TH	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	06-10-24	2.	-	-	-	-
JOB NO.:	22121	3.	-	-	-	-
SHEET NO.:	01 OF 08	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 8		TOWNSHIP- 45 S		RANGE- 25 E		

P:\22121.00 MCGarvey - 7530 Penzance Blvd\CAD\PERMIT-STATE\22121-STATE.dwg SITEPLAN 6/10/2024



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MCGARVEY - 7530 PENZANCE BLVD SITEPLAN

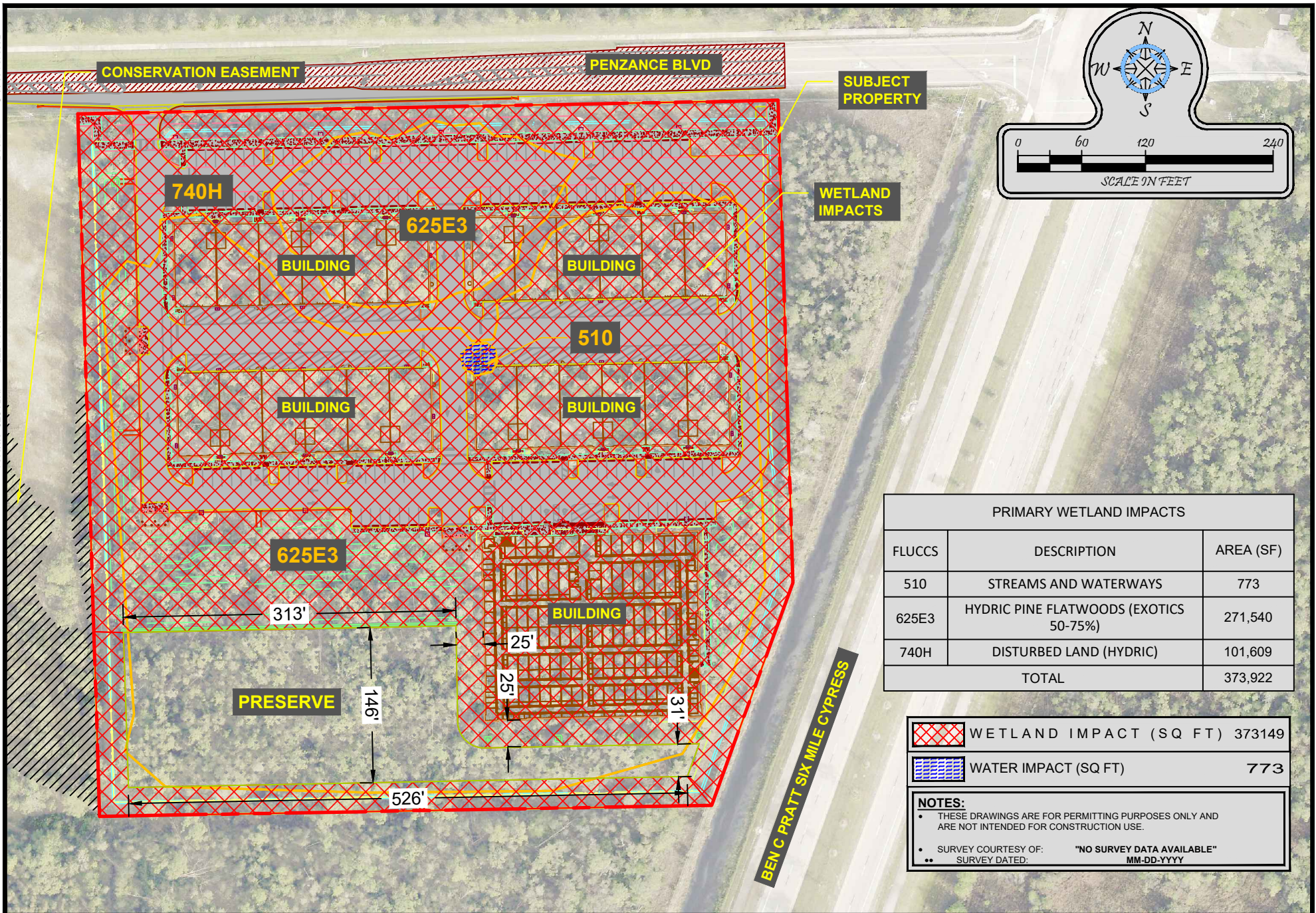
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		5.	-	-	-	-

SECTION-8	TOWNSHIP- 45S	RANGE- 25E
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P:\22121.00 MCGarvey - 7530 Penzance Blvd\CAD\PERMIT-FEDERAL\22121-FED.dwg IMPACTS 9/9/2024



PRIMARY WETLAND IMPACTS		
FLUCCS	DESCRIPTION	AREA (SF)
510	STREAMS AND WATERWAYS	773
625E3	HYDRIC PINE FLATWOODS (EXOTICS 50-75%)	271,540
740H	DISTURBED LAND (HYDRIC)	101,609
TOTAL		373,922

	WETLAND IMPACT (SQ FT)	373149
	WATER IMPACT (SQ FT)	773
NOTES:		
• THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.		
• SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"		
• SURVEY DATED: MM-DD-YYYY		



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MCGARVEY - 7530 PENZANCE BLVD IMPACTS

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DESIGNED:	CH	REVISED BY:	1. -	DATE:	-	CHK BY:	-	CHANGED:	-
DRAWN BY:	RMJ	2.	-	-	-	-	-	-	-
CREATED:	09-09-24	3.	-	-	-	-	-	-	-
JOB NO.:	22121	4.	-	-	-	-	-	-	-
SHEET NO.:	05 OF 08	5.	-	-	-	-	-	-	-
SECTION-8		TOWNSHIP- 45S			RANGE- 25E				