



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

**February 7, 2025**

Regulatory Division  
West Branch  
Fort Myers Permits Section

***PUBLIC NOTICE***

Permit Application No. SAJ-2024-02166 (SP-MLT)

**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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

**APPLICANT:** Ruslan Krivoruchko  
Ceitus Partners LLC  
150 E. 52nd Street  
Suite 22002  
New York, New York 10022

**WATERWAY AND LOCATION:** The project would affect waters of the United States, including wetlands, associated with the Atlantic at Cape Coral proposed development on Ceitus Parkway in the East Charlotte Harbor Frontal Watershed (HUC 8: 03100103). The project site is located in west Cape Coral. The land is owned by Ceitus Partners LLC, c/o Sovereign Residential LLC and is located between Ceitus Parkway and SW Pine Island Road in Section 17, Township 44 South, Range 23 East, Cape Coral, Lee County, Florida.

Directions to the site are as follows: From Fort Myers cross the Midpoint Bridge (Colonial Boulevard/Veterans Parkway) going west. Turn right on Burnt Store Road, turn right on Ceitus Parkway and the destination will be on the right in 0.44 Mile.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 26.663867°  
Longitude -82.03217°

**PROJECT PURPOSE:**

Basic: Residential development

Overall: To create a residential development with associated amenities in west Cape Coral.

**EXISTING CONDITIONS:** The proposed project area is a vacant wooded parcel of land. There are 2.08 acres of non-tidal wetlands on the property. Based on a review of historic aerial photography, the property had been in its current state since 1985.

Plant species are mostly Cabbage Palms, Slash Pines, Live Oak, and Palmetto.

#### PROPOSED WORK:

The proposed project is for the construction of a multi-family residential facility with associated amenities. The property will be cleared and graded resulting in the discharge of approximately 11,320 cubic yards of clean fill into 23.4 acres including 2.08 acres of freshwater forested wetlands.

**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:

“All on-site wetlands are proposed to be permanently impacted. The ecological value of the functions provided by the on-site wetlands proposed for impact is low based on the amount of exotic vegetation present. The site does not provide sufficient habitat for federally listed species as habitat is severely degraded due to high levels of exotic infestation. In addition, the location of on-site wetlands preclude their being preserved while also having a buildable site as proposed, specifically the larger 1.69 acre wetland in the middle of the site. It should also be noted that these wetlands do not provide benefits to a downstream TNW”. The only potential connection is to roadside drainage ditches that discharge to tidal waters.

The applicant agrees to comply with “Appendix C: Best Management Practices for Land Management Activities, Development Activities, and Actions within Critical Habitat” of the 2024 Revision of the “U.S. Fish and Wildlife Service Florida Bonneted Bat Consultation Guidelines”. All applicable work condition information for protected species will be provided to the selected contractor(s).

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

“The proposed compensatory mitigation, the purchase of mitigation credits from Little Pine Island Mitigation Bank, will fully offset the functions and values of all proposed wetland impacts and provide greater long term ecological value than the area of wetlands to be impacted.” An assessment for the Little Pine Island Mitigation Bank (LPIMB) was completed to determine mitigation credits. A total of 2.08 acres of non-tidal wetlands will be directly impacted. The LPIMB assessment results in the need to purchase 0.68 forested freshwater wetland mitigation credits.

The Corps has not finalized its review of the applicant’s proposed mitigation. The Corps notes that the project may be within the service area of at least one Corps-approved mitigation bank.

#### CULTURAL RESOURCES:

The Corps is not aware of recorded historic resources within or adjacent to the permit area and 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 project is within the consultation areas for the American wood stork and the Florida bonneted bat.

The Corps has determined that the project may affect but is not likely to adversely affect (MANLAA) the American wood stork and the Florida bonneted bat.

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 regulations governing the regulatory program

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the project manager, Michael Taylor, through the Fort Myers Permits Section, 1520 Royal Palm Square Blvd, Suite 310, Fort Myers, FL 33919 by email at [Michael.L.taylor@usace.army.mil](mailto:Michael.L.taylor@usace.army.mil) 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, Michael Taylor, by electronic mail at [Michael.L.Taylor@usace.army.mil](mailto:Michael.L.Taylor@usace.army.mil); by telephone at (239) 922-3885, or in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd, Suite 310, Fort Myers, FL 33919.

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 South Florida Water Management District.

**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.