



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-2006-6656(IP-MJD)

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: Babcock Property Holdings, LLC
17837 Murdock Circle
Port Charlotte, Florida 33948

WATERWAY & LOCATION: The project involves freshwater forested and herbaceous wetlands within the Tidal Caloosahatchee watershed. The site is located east of Interstate 75 (I-75) and State Road 31 (S.R. 31) and north of County Road 78 (C.R. 78) in Sections 19-21, & 28-34, Township 41 South, Range 26 East, and Sections 2-4, 6, 7, 10-15, 18, 19, 21, 22, 25, 30, 31 & 36 Township 42 South, Range 26, Lee and Charlotte Counties, Florida.

DIRECTIONS TO SITE: From I-75 take Bayshore Road Exit (#143) east approximately three miles to the intersection of Bayshore and S.R. 31. Turn north on State Road 31 and go approximately 1.5 miles to the intersection of S.R. 31 and C. R. 78. The project site begins at the northeast corner of the intersection of CR 78 and SR 31.

LATITUDE AND LONGITUDE: Latitude:26° 50 '18" N, Longitude 81°43'12" W.

PROJECT PURPOSE:

Basic: To construct a mixed-use residential development.

Overall: To construct a portion of the Babcock Ranch into a self-sustainable, environmentally conscious, mixed-use community including a town center, several villages and smaller hamlets to be known as the Babcock Ranch Community. The proposed land uses include: residential, retail, office, light industrial, schools, hospital, government support facilities (fire, police) , utilities (i.e., power, water, wastewater treatment, reuse, etc.), native plant nurseries, golf and recreational uses.

PROJECT HISTORY: The applicant purchased the entire Babcock Ranch property consisting of approximately 91,362 acres after previous owner was unable to sell the entire property to the State of Florida, Lee and Charlotte Counties for preservation. The applicant engaged in a two-year, multi-agency and public planning process to define an acceptable development plan that included sale of a large portion of the property to the State of Florida and Lee County for preservation. The public/county/state planning process resulted in the sale of 73,575 acres of environmentally sensitive lands to the State of Florida and Lee County with the applicant retaining 17,787 acres for development of the proposed project. The applicant's remaining 17,787 acres includes 199.80 acres of right-of-way (ROW) for the future widening of S.R. 31 therefore the final development project size is 17,588 acres for this permit application. Throughout this notice the 73,575-acre portion of the property that was sold to the State of Florida and Lee County for preservation will be identified as "Babcock Ranch Preserve" (BRP). The 17,588 acres (which excludes the ROW area) will be identified as the project site or "on-site" for the purposes of defining impacts and/or mitigation.

EXISTING CONDITIONS: The project site includes 2,872.15 acres of wetlands and other waters and 14,715.88 acres of uplands. The wetlands and other waters consist of 20.40 acres of hydric pasture; 6.14 acres of willow; 332.65 acres of cypress; 205.21 acres of cypress/ pine/cabbage palm; 210.51 acres of hydric pine; 21.80 acres of wetland forested mixed; 561.67 acres of wetland shrub; 39.41 acres of vegetated non-forested wetland; 905.56 acres of freshwater marsh; 435.70 acres of wet prairie; 2.38 acres of borrow area; 9.18 acres of cow ponds; 77.81 acres of streams and waterways; and 41.10 acres of inland sloughs.

The uplands consist of 3.50 acres of agricultural processing plant; 970.21 acres of active mining operations; 4958.18 acres of improved pasture; 1.98 acres of unimproved pasture; 1406.98 acres of field crops; 4.16 acres of pole barn; 8.91 acres of dry prairie; 61.76 acres of shrub and brush land; 619.78 acres of palmetto prairie; 316.67 acres of other shrubs and brush; 359.12 acres of mixed rangeland; 5586.62 acres of pine flatwoods; 206.23 acres of pine/ oak/cabbage palm; 42.58 acres of live oak; 2.49 acres of cabbage palm; 20.47 acres of hardwood/conifer mix; 44.17 acres of upland scrub; 2.87 acres eucalyptus plantation; 32.56 acres spoil area and disturbed land and 66.69 acres of roads and primitive trails.

East and north of the project site are portions of the Babcock Ranch Preserve. To the west of the project site is S.R. 31, the Fred C. Babcock – Cecil B. Webb Wildlife Management Area (a state preserve); single-family residences; agricultural lands and a mining operation. Several planned residential developments are located south of the project.

PROPOSED WORK: The applicant proposes to construct approximately 19,500 homes; 6,000,000 square feet of commercial development; internal roadways; surface water management systems; utility systems, schools; hospital, fire and police facilities; FGCU satellite research facilities; native plant nurseries; golf courses and other recreation areas

including lakes and open spaces. Construction of the proposed project would require the discharge of approximately 1,066,750 cubic yards of fill material into 343.94 acres of wetlands and the excavation of 1,900,000 cubic yards of material from 60.69 acres of wetlands. (See sheet 3 for proposed impacts by habitat type) The applicant is requesting a twenty (20) year permit for the proposed project.

PROPOSED MITIGATION: The applicant has submitted a mitigation plan that includes on-site mitigation and mitigation on the Babcock Ranch Preserve. The applicant's proposed on-site mitigation includes preserving and enhancing 2,467.36 acres of wetlands; creating 439.90 acres of wetlands; preserving and enhancing 4,588.26 acres of uplands and installing two control structures to elongate the hydro-period on the BRP wetlands. The overall project and site design (including the mitigation plan) are intended to minimize impacts to regionally important habitat and listed species. The applicant's mitigation areas provide a broad habitat connection extending east/west that is consistent with regional conservation goals of creating a corridor of preservation lands from Lake Okeechobee to Charlotte Harbor.

The Babcock Ranch Preserve (BRP) mitigation includes enhancing 2,374.06 acres of wetlands and 2,626.13 acres of uplands. The BRP wetlands to be enhanced and preserved include 3.46 acres of hydric pasture; 24.42 acres of willow; 0.31 acre of exotic wetland; 834.59 acres of cypress; 228.54 acres of cypress, pine/cabbage/palm; 154.97 acres of hydric pine; 270.94 acres of wetland forested mix; 127.36 acres of wetland shrubs; 515.82 acres of freshwater marsh; 202.70 acres of wet prairie and 10.95 acres of streams, waterways and reservoirs.

The BRP uplands consist of 267.08 acres of improved pastures; 73.84 acres of field crops; 171.00 acres of shrub and brush land; 27.77 acres of palmetto prairie and other shrubs and brush; 5.38 acres of mixed range land; 1867.01 acres of pine flatwoods; 12.31 acres of live oak; 183.70 acres of hardwood conifer mix; 8.74 acres of spoil area and disturbed land and 9.30 acres of roads. The BRP mitigation areas are adjacent to the on-site mitigation areas and provide a substantial corridor to connect the BRP to the Fred C. Babcock – Cecil B. Webb Wildlife Management Area to the west. All mitigation areas will be maintained free of nuisance and exotic vegetation in perpetuity. On-site mitigation areas will be placed under conservation easements.

THREATENED AND ENDANGERED SPECIES: The project site contains habitat for the Florida panther (*Felis concolor coryi*), the wood stork (*Mycteria americana*), the red-cockaded woodpecker (*Picoides borealis*) (RCW), the Eastern indigo snake (*Drymarchon corais couperi*), Audubon's crested caracara (*Caracara cheriway audubonii*), the Florida scrub jay (*Aphelocoma coerulescens*), and beautiful paw-paw (*Deeringothamnus pulchellus*). The applicant has provided the results of the threatened and endangered species surveys conducted for the project and management plans for the above species. With the exception of the RCW, all of the above species have been documented on the project site.

Based on the applicant's listed species surveys, the proposed management plans and current site plan the Corps has made a determination that the project may affect but not likely to adversely affect the RCW, the eastern indigo snake, the beautiful paw-paw, and the Florida scrub jay and is requesting concurrence with these determinations. The Corps has also made a determination that the project may affect the Florida panther, the Audubon's crested caracara, and the wood stork and is requesting the initiation of formal consultation on the species. These determinations are being coordinated with the U.S. Fish and Wildlife Service via separate letter.

ESSENTIAL FISHERIES HABITAT: There are no proposed impacts to essential fisheries habitat.

NOTE: This public notice has been developed and issued based on information provided by the applicant and has not been verified. The wetland jurisdictional line shown on the project plans represents the approximate jurisdictional boundary. The Corps of Engineers has reviewed the wetland jurisdictional lines in the field.

AUTHORIZATION FROM OTHER AGENCIES: The South Florida Water Management District (SFWMD) is processing an application for this project. The SFWMD application number is #070330-5.

This public notice and a complete set of the 8 ½ X 11" project plans (89 pages) are available for public viewing at the following public Libraries:

Ask for the Babcock Ranch Community Project Public Notice SAJ 2006-6656 (IP-MJD) documents at the Circulation Desk. The information will be available for use in the libraries, but may not be removed from the library.

North Fort Myers Public Library 2001 North Tamiami Trail North Fort Myers, Florida 33903 239-997-0320	Hours:	Mon., Wed, Fri. Tues, Thurs Sat.	10-6 10-8 9-5
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Fort Myers – Lee County Public Library 2050 Central Avenue Fort Myers, FL 33901 Phone (239) 479-4635	Hours:	Mon-Thurs. Fri., Sat.	9-9 9-6
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Hendry County Public Library (Barron Library) 461 N. Main St. LaBelle, FL 33935 Tel. 863-675-0833	Hours:	Mon.-Fri. Sat.	10-5 10-1
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Punta Gorda Public Library 424 W. Henry Street Punta Gorda, FL 33950 Phone: (941) 639-2049	Hours:	Mon. - Wed, Fri. Thurs. Sat.	9-6 9-8 9-5
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Riverdale Branch Library 14561 Palm Beach Blvd Fort Myers, FL 33905 (239) 461-3130	Hours:	Tues. & Thurs. Wed. & Fri. Sat.	12-8 10-6 9-5
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Port Charlotte Public Library 2280 Aaron Street Port Charlotte, FL 33952 Phone: (941) 625-6470	Hours:	Mon., We., Fri. Fri. Sat.	9-6 9-8 9-5
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U.S. Army Corps of Engineers Office: A conference room and table will be available for reviewing the documents by calling for an appointment. Ask for the Babcock Ranch Community SAJ 2006-6656 (IP-MJD) public notice at the receptionist desk.

Fort Myers Regulatory Office 1520 Royal Palm Square Blvd., Ste 310 Fort Myers, Florida 33919 239-334-1975	Hours:	Mon. – Fri.	9-3
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Business Office of Johnson Engineering, Inc.: Ask for the Babcock Ranch Community Project documents. A conference room and table will be available for reviewing the documents by appointment only.

Johnson Engineering, Inc. 2158 Johnson Street Fort Myers, Florida 33901 239-334-0046	Hours:	Mon.-Fri.	8-5
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To view a complete set (89 pages total) of the 8 ½ X 11” project plans please access the following website :

ftp://ftp.saj.usace.army.mil/pub/Public_Dissemination .

The projects plans are located in a folder named: “**Babcock Ranch Community**” in three separate files containing pages 1-30 (Location Map, Overview and Existing Conditions); Pages 31-56 (Proposed Conditions and Impacts); and Pages 57-89 (Mitigation and Monitoring & Off-Site Mitigation Areas). These are very large pdf files that may take several minutes to download. If you cannot access the project plans remotely you may view the hard-copy of the identical plans at the above listed locations.

Comments and/or recommendations concerning the application should be submitted in writing to the District Engineer, in care of Ms Monika Dey, at the Fort Myers Regulatory Office, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919, by phone at 239-334-1975, Ext. 29, or via electronic mail at Monika.J.Dey@saj02.usace.army.mil within 30 days from the date of this notice. Although the public notice comment period ends in 30 days, the Corps permit decision will not be made for several weeks after that date as a result of any necessary coordination regarding endangered species and/or essential fish habitat as well as a heavy permit evaluation workload

Mailing List
SAJ-2006-6656 (IP-MJD)

Agencies

USCG (Miami, FL)
USEPA, (Atlanta, GA)
USFWS (Vero Beach)
NMFS, (St. Petersburg)
SFWMD, (Ft. Myers, ERP#070330-5)
FWC, (Punta Gorda, FL)
SHPO, (Tallahassee, FL)
Reading Copy

Applicant:

Babcock Property Holdings, LLC
17837 Murdock Circle
Port Charlotte, Florida 33948

Agent:

Church Roberts
Johnson Engineering, Inc.
2158 Johnson Street
Fort Myers, Florida 33901
239-334-0046

Adjacent Property Owners:

See Attached