



Memo

To: Brad Cornelius, AICP, CFM, CPM, Vice President

From: Nancy Scott, Principal Scientist

Date: January 11, 2023

Re: Village at Laurel and Jacaranda
Response to Kimley-Horn Letter dated November 8, 2022

OS 1.2.2 - Environmental Impact Mitigation

Kimley-Horn Response, November 8, 2022:

Does not account for impacts from offsite drainage and road improvements; does not account for all potential listed species.

Response: The submitted June 2022 Kimley-Horn Environmental Narrative only addresses impacts to occur within parcel identification number 0391-04-1000. The portion of Wetland G that extends directly north of the project area will be addressed with the Laurel Road improvements/widening Environmental Resource Permit (ERP). At which time offsite drainage, storage, treatment, and attenuation, as required per under 62-330.301(1) Florida Administrative Code (F.A.C), will be addressed by the Southwest Florida Water Management District (SWFWMD).

Earth Resources Response: Add a note to the site plan indicating the future Laurel Road improvements will be designed and permitted by others.

OS 1.3.1 – Wetland and Aquifer Recharge Areas Protection

Kimley-Horn Response, November 8, 2022:

Does not account for impacts from offsite drainage and road improvements; does not document maintenance of natural flow or maintenance of existing vegetation, and more.

Response: As stated above, offsite drainage will be addressed during the SWFWMD (ERP) application submittal for the proposed commercial project and for the widening of Laurel Road. There are two permitted stormwater ponds that currently discharge storage into Wetland G to assist in hydroperiod/aquifer recharge. The remanent portion of Wetland G that is to remain, will be engineered to retain pre-post hydrology. This will be done by

providing the 2.33 year mean annual storm hydrographs to ensure that no impacts will occur to the peak stage and duration, as required by Rules 62-330.060(2) and 62-330.301(a)(d) F.A.C

Earth Resources Response: Indicate on the site plan the portion of Wetland G that is to remain following construction. Will a buffer be provided? Please provide the mean annual stormwater hydrographs for Wetland G demonstrating no adverse to the wetland hydrology.

OS 1.3.2 – Wetland Encroachments

Kimley-Horn Response, November 8, 2022:

Does not account for impacts from offsite drainage and road improvements; does not identify and delineate all wetland boundaries

Response: The submitted June 2022 Kimley-Horn Environmental Narrative only addresses impacts to occur within parcel identification number 0391-04-1000. The portion of Wetland G that extends directly north of the project area will be addressed with the Laurel Road improvements/widening Environmental Resource Permit. At which time offsite drainage, storage, treatment, and attenuation as required by 62-330.301(1) Florida Administrative Code (F.A.C) will be reviewed and approved by the Southwest Florida Water Management District.

Earth Resources Response: Add a note to the site plan indicating the future Laurel Road improvements will be designed and permitted by others.

OS 1.4.2 - Protection of Native Habitats and Natural Resources

Kimley-Horn Response, November 8, 2022:

Does not account for all potential listed species; does not document preservation or protection of significant habitat; does not demonstrate lower quality habitats were considered for impact before higher quality habitats and resources.

Response: No listed species have been observed utilizing the project area. Environmental Scientists with Kimley-horn have completed numerous wildlife surveys of this property and surrounding properties over a 10-year period. The applicant will be required to coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) during the State ERP review process. Any wildlife concerns that arise from FWC coordination will be addressed at that time. Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible.

Earth Resources Response: The KHA report indicates that “scientists performed numerous field surveys of the project beginning in 2014”. Additional detail is required to demonstrate that listed species will not be affected by the proposed project. Please provide the dates of the surveys, methodology and a list wildlife species observed. Please note that an updated habitat assessment and/or listed species surveys maybe required.

OS 1.4.3 - Endangered or Threatened Species

Kimley-Horn Response, November 8, 2022:

Does not account for all potential listed species; does not identify the habitat of listed species; does not document that habitat fragmentation will be minimized.

Response: Kimley-Horn's Environmental Scientists have worked on this parcel and surrounding lands for the last 10 years. They have spent countless hours performing field work, including wetland delineations, tree surveys, and listed species surveys. They are extremely familiar with what species utilize the project area. Kimley-Horn has also completed an online review of Florida Native Areas Inventory (FNAI) for species that might utilize the project area and none of these species have been observed. The applicant will be required to coordinate with the FWC during the State ERP review process. Any wildlife concerns that arise from FWC coordination will be addressed at that time.

Earth Resources Response: Indicate on the site plan the portion of Wetland G that is to remain following construction. Will a buffer be provided? Please provide the dates of the surveys, methodology and a list wildlife species observed. An updated habitat assessment or listed species surveys maybe required. Has the applicant considered alternative sites for the proposed project that would result in a reduced amount of impact to sensitive habitats?

Other Issues

Kimley-Horn Response, November 8, 2022:

Further issues identified were the discrepancy in size from the SWFWMD permit and the Kimley-Horn report (8.79AC vs. 6.6AC) and the justifications provided for wetland impacts, which the authors of the report note are not expected to be valid justifications per the applicable state and federal rules.

Response: The Village at Laurel and Jacaranda project is proposing 6.6 acres of impacts to Wetland G. The north portion of Wetland G outside of the current project area (acreage area not known at this time) will be impacted by the Laurel & Jacaranda Road widening project. There will be a remnant portion of Wetland G that is to remain on the western side of the Village at Laurel and Jacaranda parcel (remnant acreage not known at this time). During the roadway widening permitting, engineering and design will ensure adequate hydrology in pre and post

Earth Resources Response: Add a note to the site plan indicating the future Laurel Road improvements will be designed and permitted by others.