

SAJ-2009-03476

Posted: 1/13/2016

Expiration date: 2/2/2016

Permit Application Number SAJ-2009-03476(SP-EMH)

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: CEMEX Construction Materials Florida, LLC
11430 Camp Mine Road
Brooksville, Florida 34601

WATERWAY AND LOCATION: The proposed mine project is referred to as the Immokalee Sand Mine (Mine) is located in wetlands and waters and will encompass approximately 897.90 acres situated in portions of Sections 6 and 7, Township 46 South, Range 29 East, Collier County, Florida. The Immokalee Sand Mine is located north of Immokalee and its southern boundary is immediately adjacent to State Road 82 and about 1 mile west of the intersection of State Road 29 and State Road 82.

Directions to the site are as follows: From Interstate 75 take the State Road 82 (Exist 138 MLK Jr. Boulevard) exist east for approximately 24 miles. The project site is on the north side of State Road 82.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.502995°
Longitude -81.45794°

PROJECT PURPOSE:

Basic: The basic project purpose is sand mining.

Overall: The overall project purpose is the development of a sand mine with associated sorting and processing facilities capable of yielding FDOT-quality construction aggregates to service southwest Florida.

EXISTING CONDITIONS: The proposed project is located on existing agricultural lands. Citrus groves composed approximately half of the property while row crop and pasture comprises the other

half. Most of the citrus trees on the property were removed in 2013 and the land is currently maintained through periodic mowing. Citrus, row crop, and cattle grazing operations surround the property for several miles in all directions.

Of the total 897.90 acres contained within the mine property boundary, 94.7% classify as uplands (849.6 ac.), 3.6% classify as other surface waters (32.7 ac.; ponds and drainage ditches), and 1.7% classify as wetlands (15.6 ac.). The majority of the property (55%) consists of citrus grove that is currently in transition while another 31% is row crop fields that were last cropped in 2012. Both the grove and the row crop fields have been graded to drain into internal field ditches and/or into perimeter rim ditches surrounding groups of fields. The larger groups of crop fields are bordered by large perimeter containment berms. All water from the site is diverted through the perimeter ditches to the eastern side of the property where it outfalls into another pump controlled ditch. When these pumps are operating, water is directed to the east where it enters another ditch and eventually spreads out into more natural sheet flow conditions.

There are 5 wetlands that encompass a total of 15.6 acres at the subject site. Wetland W-1 (7.7 acres; in southwest corner of mine property) is primarily a wet prairie not dominated by any single vegetation but instead composed of a wide mixture of ruderal and grassy vegetation including dog fennel, beak rush, maidencane, soft rush, flat sedges, primrose willow, red root, crinum lily, and several other mixed species. Exotic species such as para grass and torpedo grass are also present. Active mowing has kept woody types of vegetation out of this area. It appears to have been used for staging and storage activities in the past. Wetland W-2 (1.2 acres; in south/central portion of property) is completely surrounded by a drainage ditch. The outer portions of the wetland consist of areas of dense Brazilian pepper, while the interior is a scrub/shrub community dominated by an admixture of shrubby species such as primrose willow, Brazilian pepper, Carolina willow and wax myrtle. The entire wetland can be inundated for significant periods when the water table in the surrounding fields is allowed to remain high. Wetland W-3 (5.6 acres; in east central portion of the property) is completely surrounded by agricultural berms, disturbed lands, and drainage ditches. Indications are that the central portion of the wetland, an area dominated by willows, was historically a wetland but that the surrounding portions to the north and east were once uplands. Today, these outer portions of the wetland consist of areas of dense Brazilian pepper, and a scrub/shrub community composed of various shrubby species such as primrose willows and Brazilian pepper. The entire wetland can be inundated for significant periods when the water table in the surrounding fields is allowed to remain high.

Wetlands W-4 and W-5 (1.1 acres; in the northeastern portion of the property)

These two wetlands are entirely man-made. They were created from historic upland areas when the area was used as cattle pasture. The depressional areas appear to have originally been dug as watering holes that were later incorporated into the water retention area for the fields. Two pumps

are currently located where they pump water into this area as needed and these two areas become inundated when these pumps are in use. These small wetland hydroperiods are completely dictated by the active manipulation of water levels in the adjacent drainage ditches and row crop fields. All the other waters on the property are agricultural drainage ditches and ponds that are an active part of the current agricultural surface water management system. Characteristics of these ditches are highly variable. Some are largely devoid of vegetation while others have patchy cover by native and exotic herbaceous species along side slopes and ditch bottoms. Nuisance, exotic, and native woody species can also be present. Maintenance excavation is performed in these ditches as is occasional applications of herbicides, thereby altering vegetative cover following such events. Although "separate" ditches are mapped on the Mine property, most are hydraulically connected to one or more other ditch segments via pipes. There are also three on-site ponds. Two of these have a direct hydrologic connection to the on-site ditches. These two ponds have limited shoreline vegetation, mostly consisting of Brazilian pepper and other exotic species. The third pond, in the south-west portion of the property, is completely isolated and devoid of woody vegetation along the perimeter banks due to ongoing mowing activities.

PROPOSED WORK: The applicant seeks authorization to discharge 968 cubic yards of fill over 1.4 acres of wetlands and 27.3 acres of other waters to allow for the development of the mine. Mining will involve removal of any overburden using typical equipment such as bulldozers, front-end loaders, and dump trucks. Once the water table has been reached, a hydraulic dredge will be used. This hydraulic dredge will be used for the vast majority of the sand extraction activities. The total depth of excavation permitted is no more than 90 feet below the control elevation or to the top of the confining layer, whichever is shallower. Any haul roads built within the mining area will utilize crushed limestone. Limited blasting may be necessary as part of the mining operation. The production schedule anticipates that between 40 and 50 acres will be mined per year, though this number will be greater initially then decrease as the sand is extracted at greater depths. Furthermore, market conditions and demand for sand will greatly affect the production schedule. The production schedule listed above is a maximum production schedule. The applicant is requesting a 10 year permit.

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:

Initially, the boundary of the area to be mined covered a greater area than is now proposed in order to maximize sand production. The mine access had also been situated where it would have impacted W-1 in the southwest corner of the site. The original plan would have resulted in impacting this additional 7.7 acres of wetland.

Subsequent iterations of the mine plan were made that allowed the project to avoid and minimize

wetland impacts. This was accomplished mainly by revising the access proposed for the project. The current haul road skirts the southern wetland instead of passing right through it. Given the uncertainty with the possible expansion of SR 82, it is unknown whether or not this wetland will be impacted in the future so it was left out of the proposed preservation and mitigation plans. There was no sensible plan that allowed for the preservation of the one natural wetland area (W-2) that is being impacted.

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

“Any functional values lost as a result will be fully compensated through the proposed on-site mitigation program that is part of the project. Wetland enhancement, restoration, and creation activities coupled with enhancement of existing uplands will take place in the mitigation area. The proposed mitigation area is approximately 25.9 acres in size and will contain a total of approximately 20.5 acres of wetlands following completion of mitigation efforts. The increase in the wetland functional values realized by the mitigation program will more than offset the wetland functional values currently provided by the on-site wetlands to be impacted. The mitigation area will be contiguous with the proposed on-site preserve. In addition, approximately 10.2 acres will be retained in the southwest corner of the property. This area includes an isolated 7.7 acre wetland that is not being included in the preserve because its position between the road and the mine and because of the unknown impacts that will be associated with any future improvements to State Road 82. The project is also proposing to retain a 500 to 600 foot wide buffer area at the northern end of the property that will also serve as a wildlife corridor for continued wildlife utilization of the property, totaling 81.9 acres. This corridor may or may not be accepted by the wildlife agencies and revisions to this area may be made based on coordination with these wildlife agencies”

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The project site is located in the consultation area for the Florida panther, Florida bonneted bat, wood stork, caracara, scrub jay, grasshopper sparrow, and snail kite. The American alligator has been observed in the drainage ditches on the project site. The project site provides suitable habitat for the Eastern indigo snake.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the

wood stork and the American alligator. The Corps has determined the proposal may affect the Florida panther, Florida bonneted bat, crested caracara, snail kite, and Eastern indigo snake. The Corps will request concurrence with our determination for the alligator and wood stork and initiation of formal consultation for the Florida panther, Florida bonneted bat, crested caracara, snail kite, and Eastern indigo snake with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): The project site is located inland and contains freshwater tributaries and wetlands. There will be no effect to EFH because none is located at the project site.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Mining Team, PO Box 4970, Jacksonville, Florida 32232-0019 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, Krista Sabin, in writing at the Mining Team, PO Box 4970, Jacksonville, Florida 32232-0019; by electronic mail at Eve.M.Huggins@usace.army.mil; or, by telephone at 904-232-2076.

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. A permit will be granted unless its issuance is found to be contrary to the public interest.

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.

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.

IMMOKALEE SAND MINE



HENDRY COUNTY

STATE HWY 62

STATE HWY 29

LEE COUNTY
COLLIER COUNTY

Lake Trafford

COUNTY HWY 850

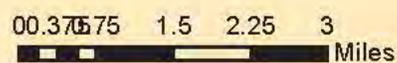
IMMOKALEE

STATE HWY 29A

COUNTY HWY 846

COUNTY HWY 846

EVERGLADES BLVD N



COUNTY HWY 858

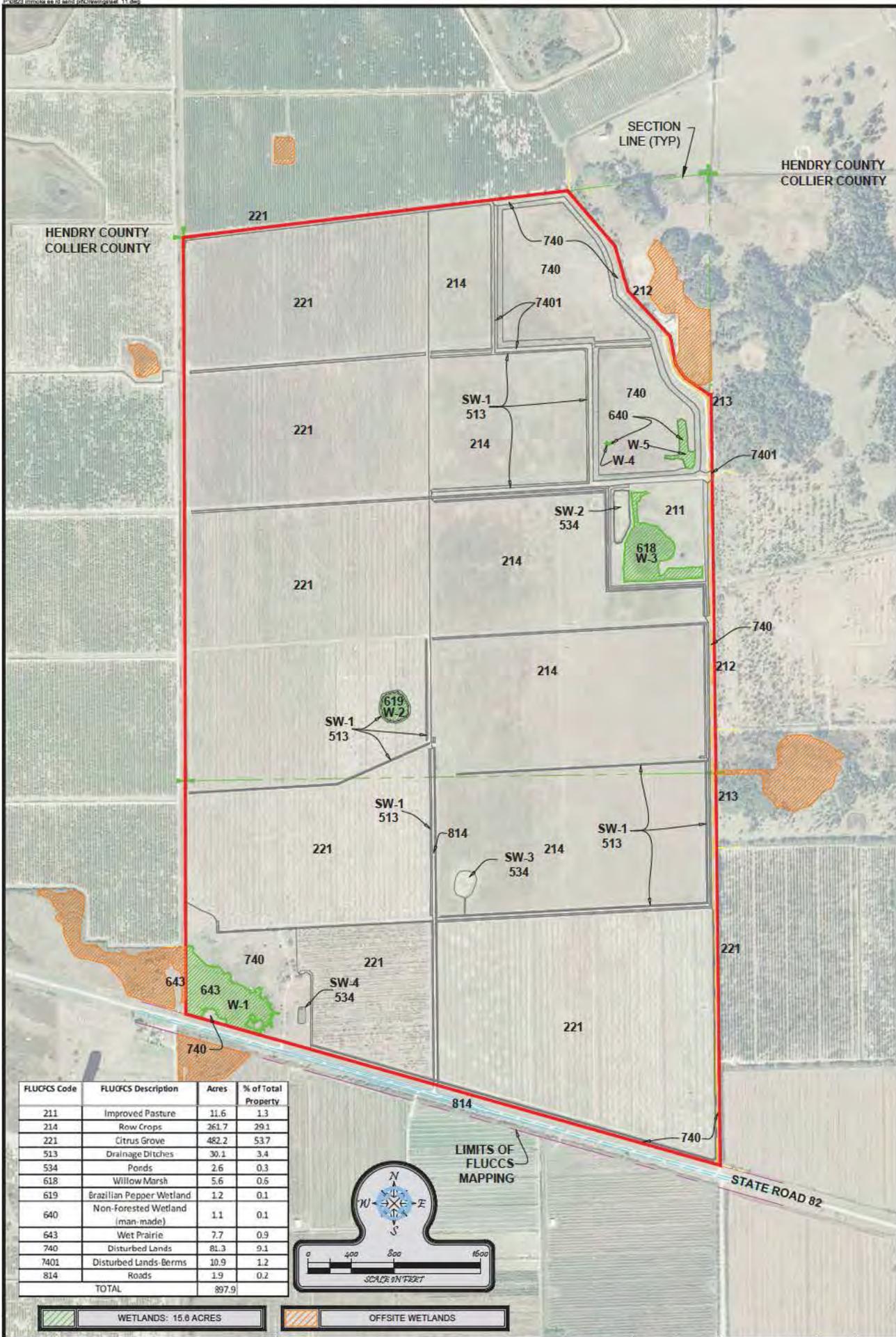


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Marine & Environmental Consulting

3484 Exchange Ave Suite B Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6633

IMMOKALEE SAND MINE
LOCATION MAP
FIGURE 1

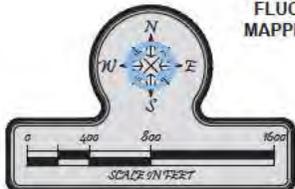
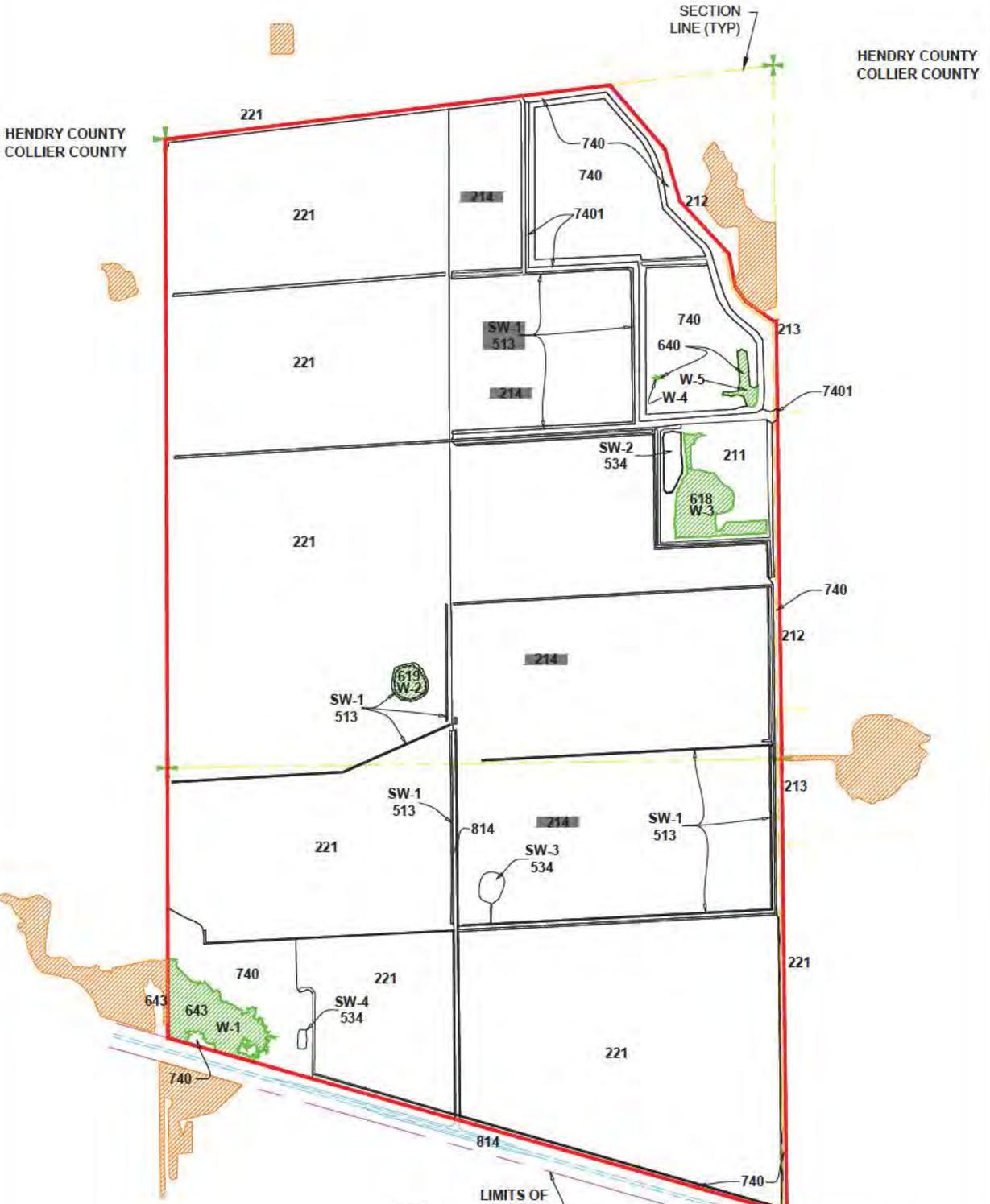
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CREATED:	07-31-15	N/A	FILE PATH:
JOB NO.:	0823	N/A	P:\0823 Imm drake Rd Sand Pt.North
SHEET:		N/A	VGIS\Location.mxd
SECTION-6&7 TOWNSHIP-46S RANGE-29E			



FLUCCS Code	FLUCCS Description	Acres	% of Total Property
211	Improved Pasture	11.6	1.3
214	Row Crops	261.7	29.1
221	Citrus Grove	482.2	53.7
513	Drainage Ditches	30.1	3.4
534	Ponds	2.6	0.3
618	Willow Marsh	5.6	0.6
619	Brazilian Pepper Wetland	1.2	0.1
640	Non-forested Wetland (man-made)	1.1	0.1
643	Wet Prairie	7.7	0.9
740	Disturbed Lands	81.3	9.1
7401	Disturbed Lands-Berms	10.9	1.2
814	Roads	1.9	0.2
TOTAL		897.9	

WETLANDS: 15.8 ACRES

OFFSITE WETLANDS



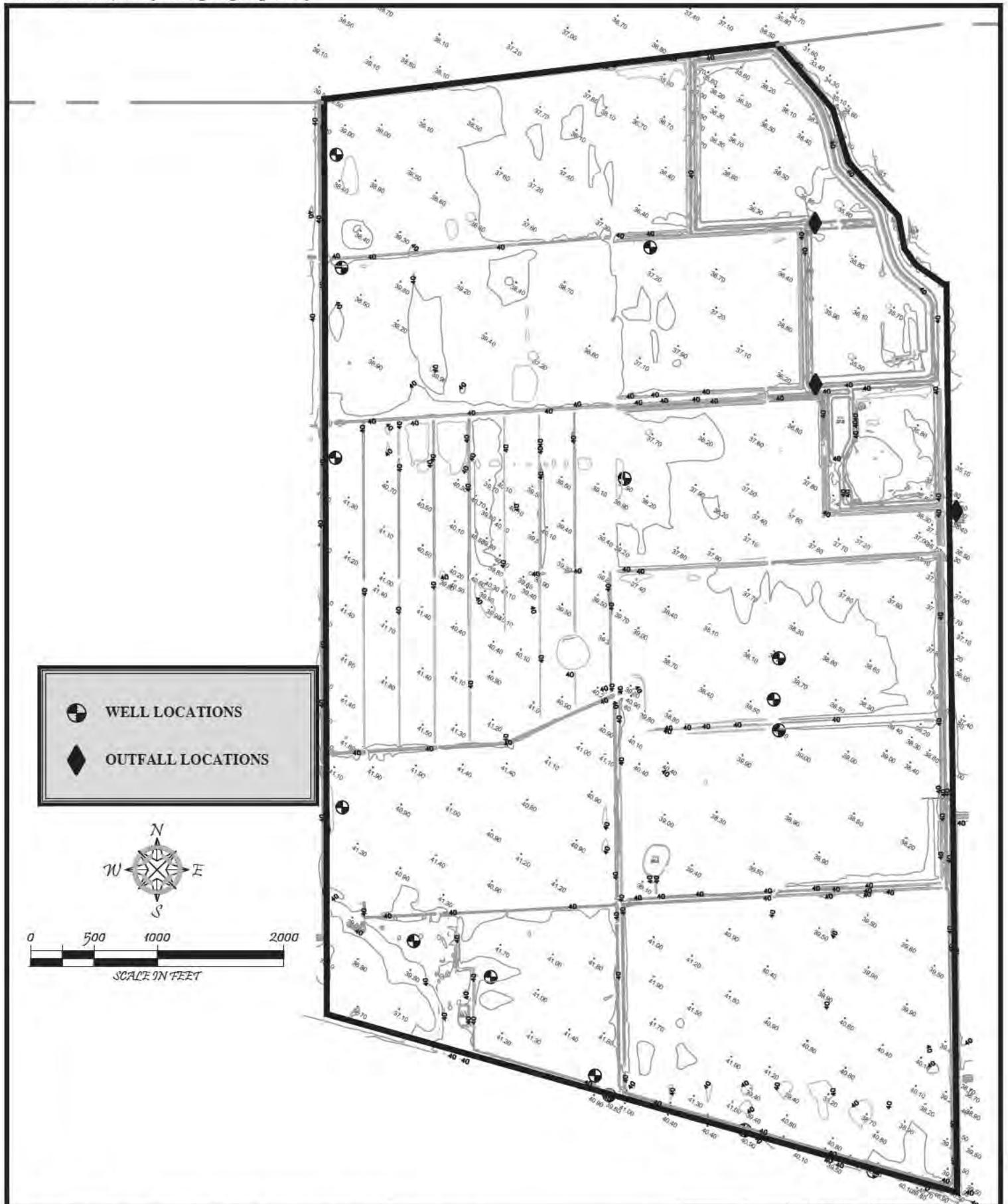
WETLANDS: 15.6 ACRES

OFFSITE WETLANDS

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IMMOKALEE SAND MINE
FLUCCS OVERLAY ON AERIAL
FIGURE 2B

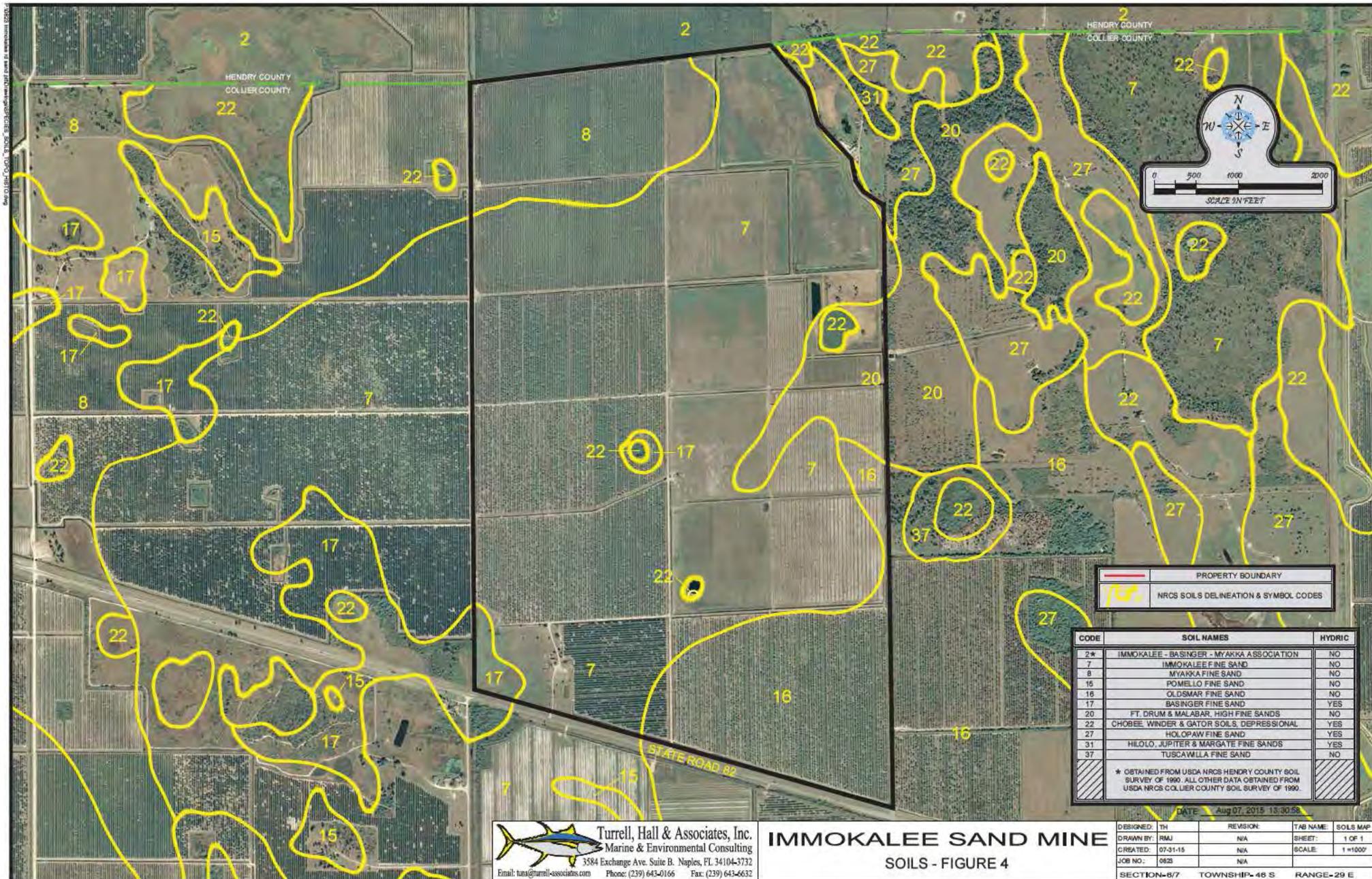
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DRAWN BY:	RMJ	N/A	SHEET:	1 OF 1
CREATED:	07-31-15	N/A	SCALE:	1"=500'
JOB NO.:	0823	N/A	2009 AERIAL	
SECTION-67		TOWNSHIP- 46 S		RANGE-29 E



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IMMOKALEE SAND MINE
TOPOGRAPHICAL DATA WITH OUTFALLS
FIGURE 3

DESIGNED BY:	TH	REVISION:		TAB NAME:	TOPO
DRAWN BY:	RMJ		N/A	SHEET:	
CREATED:	07-31-15		N/A	SCALE:	AS SHOWN
JOB NO.:	0823		N/A		
SECTION-6/7TOWNSHIP-46 S RANGE-29 E					



PROPERTY BOUNDARY
 NRCS SOILS DELINEATION & SYMBOL CODES

CODE	SOIL NAMES	HYDRIC
2*	IMMOKALEE - BASINGER - MYAKKA ASSOCIATION	NO
7	IMMOKALEE FINE SAND	NO
8	MYAKKA FINE SAND	NO
15	POMELLO FINE SAND	NO
16	OLDSMAR FINE SAND	NO
17	BASINGER FINE SAND	YES
20	FT. DRUM & MALABAR, HIGH FINE SANDS	NO
22	CHOBEE, WINDER & GATOR SOILS, DEPRESSIONAL	YES
27	HOLOPAW FINE SAND	YES
31	HILOLO, JUPITER & MARGATE FINE SANDS	YES
37	TUSCAWILLA FINE SAND	NO

* OBTAINED FROM USDA NRCS HENDRY COUNTY SOIL SURVEY OF 1990. ALL OTHER DATA OBTAINED FROM USDA NRCS COLLIER COUNTY SOIL SURVEY OF 1990.

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IMMOKALEE SAND MINE
SOILS - FIGURE 4

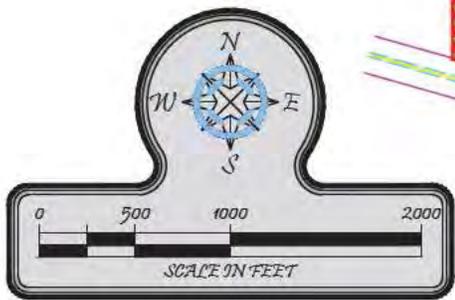
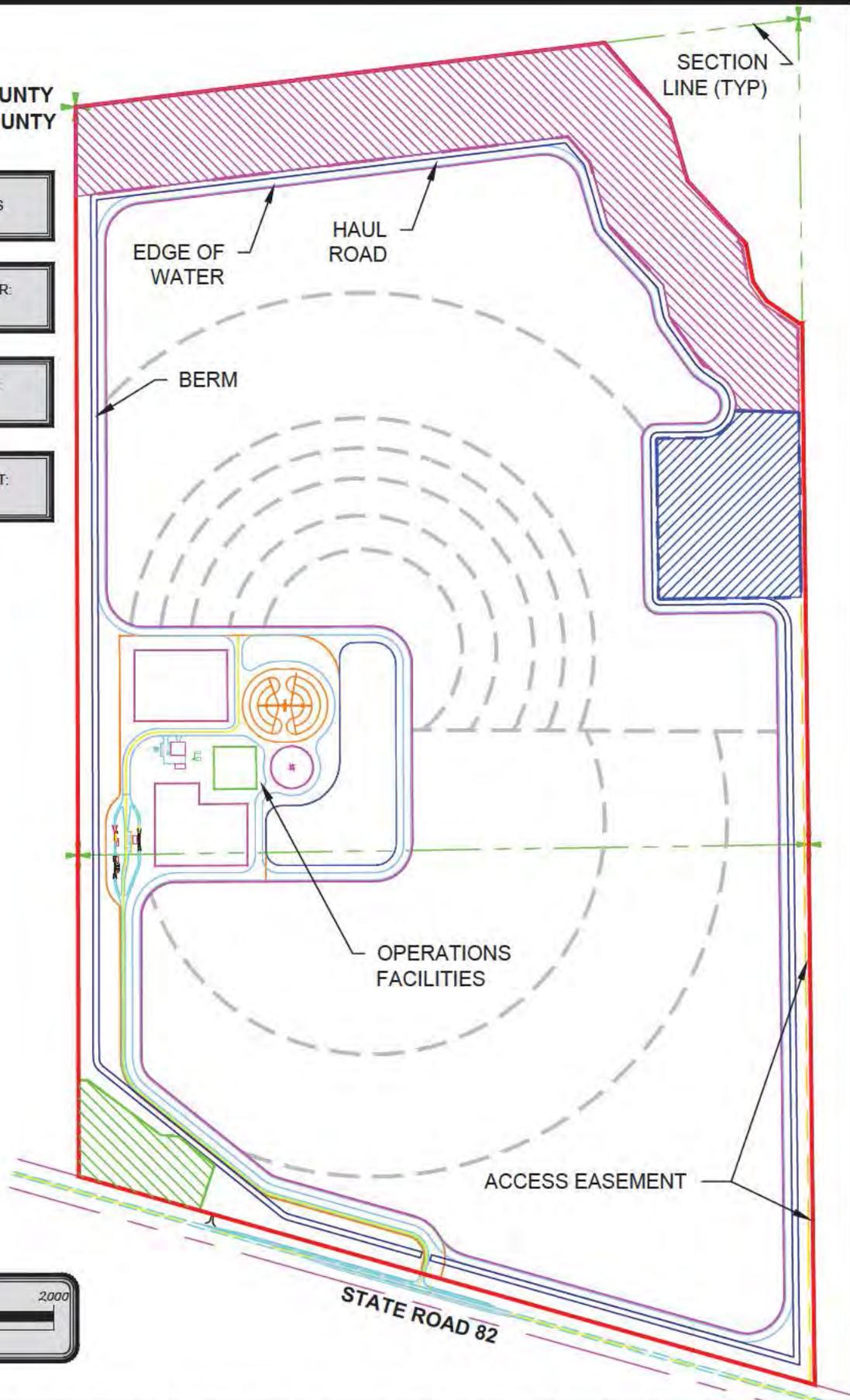
DATE: Aug 07, 2015 15:30:58

DESIGNED: TH	REVISION:	TAB NAME: SOILS MAP
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CRSATED: 07-31-15	N/A	SCALE: 1"=1000'
JOB NO.: 982	N/A	

SECTION-B/7 TOWNSHIP-46 S RANGE-29 E

**HENDRY COUNTY
COLLIER COUNTY**

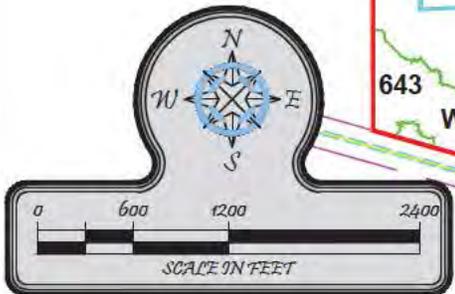
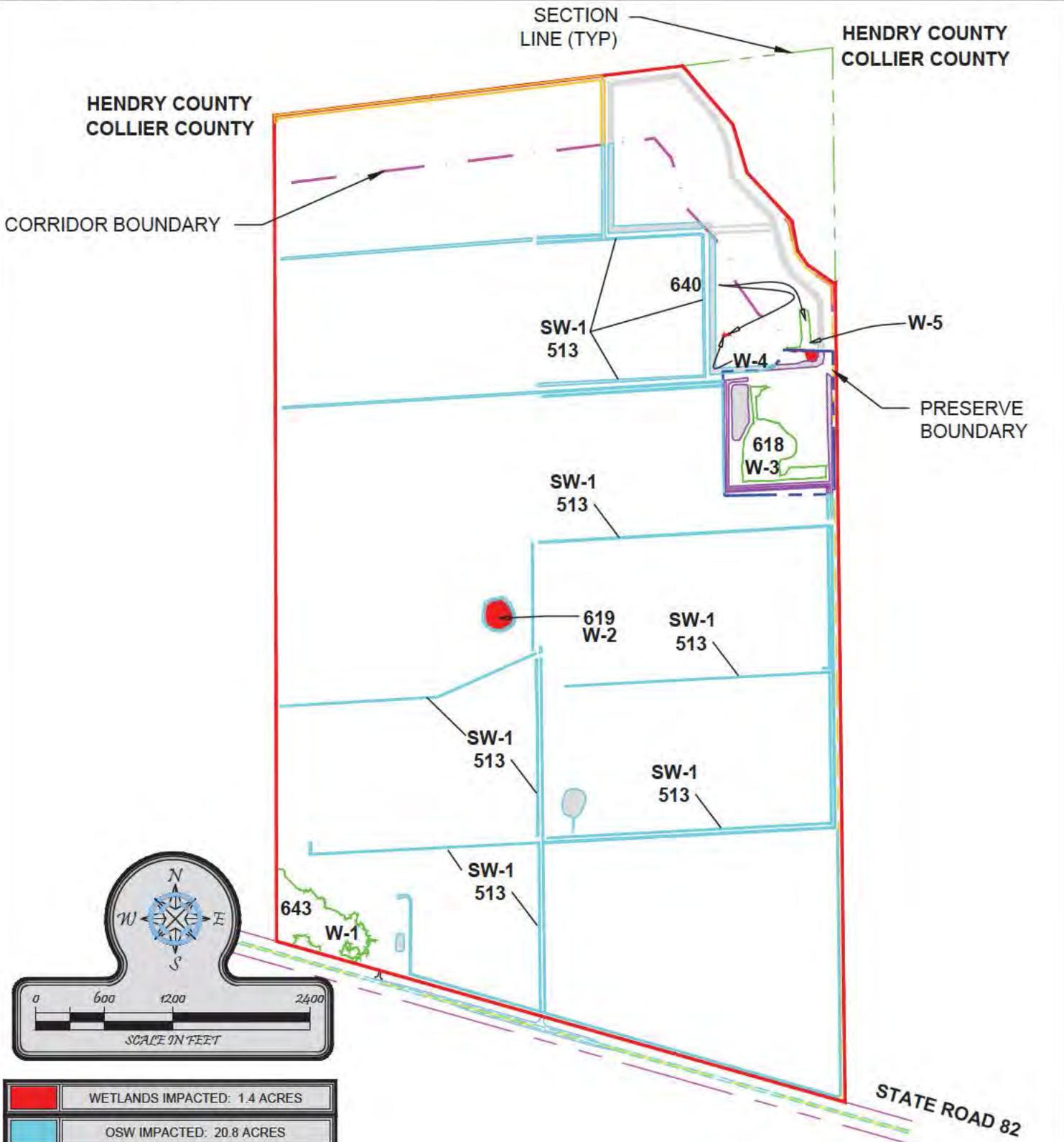
	PRESERVE AREA: 25.9 ACRES
	WILDLIFE CORRIDOR: 81.9 ACRES
	RETAINED LANDS: 10.3 ACRES
	ACCESS EASEMENT: 4.3 ACRES
MINE AREA: 775.5 ACRES	



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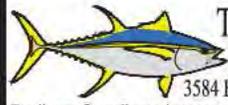
IMMOKALEE SAND MINE
 CONCEPTUAL SITE PLAN
 FIGURE 5

DESIGNED: TH	REVISION:	TAB NAME:	SITE PLAN
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CREATED: 07-31-15	N/A	SCALE:	1"=1000'
JOB NO.: 0823	N/A		
SECTION-6/TOWNSHIP-46 S RANGE-29 E			



	WETLANDS IMPACTED: 1.4 ACRES
	OSW IMPACTED: 20.8 ACRES
	OSW-CORRIDOR IMPACTED: 2.2 ACRES
	OSW-PRESERVE IMPACTED: 4.3 ACRES
TOTAL WETLANDS: 15.6 ACRES	
TOTAL OSW: 32.7 ACRES	

WETLANDS IMPACTED: 1.4 ACRES			
FLUCCS	DESCRIPTION	AFFECTED AC.	TOTAL FLUCCS AC.
619	BRAZILIAN PEPPER	1.2	1.2
640	NON-FORESTED WETLAND (MAM-MADE)	0.2	1.1



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**IMMOKALEE SAND MINE
 WETLAND IMPACT MAP
 FIGURE 6A**

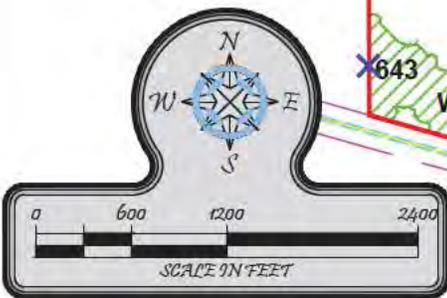
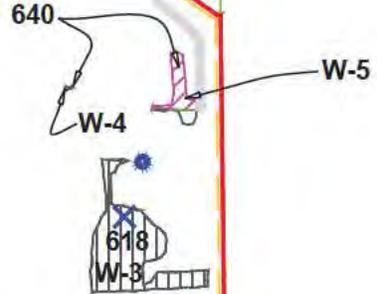
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CREATED: 07-31-15	N/A	SCALE:	1"=1200'
JOB NO.: 0823	N/A		
SECTION-6/7TOWNSHIP-46 S RANGE-29 E			

HENDRY COUNTY
COLLIER COUNTY

SECTION
LINE (TYP)

HENDRY COUNTY
COLLIER COUNTY

-  RAIN GAUGE
-  WATER LEVEL
MONITORING WELL



STATE ROAD 82

	WETLANDS CORRIDOR RETAINED: 0.8 ACRES (UNDISTURBED)
	WETLANDS RETAINED: 7.7 ACRES (UNDISTURBED)
	WETLANDS PRESERVED: 5.6 ACRES
	OSW UNDISTURBED: 5.4 ACRES



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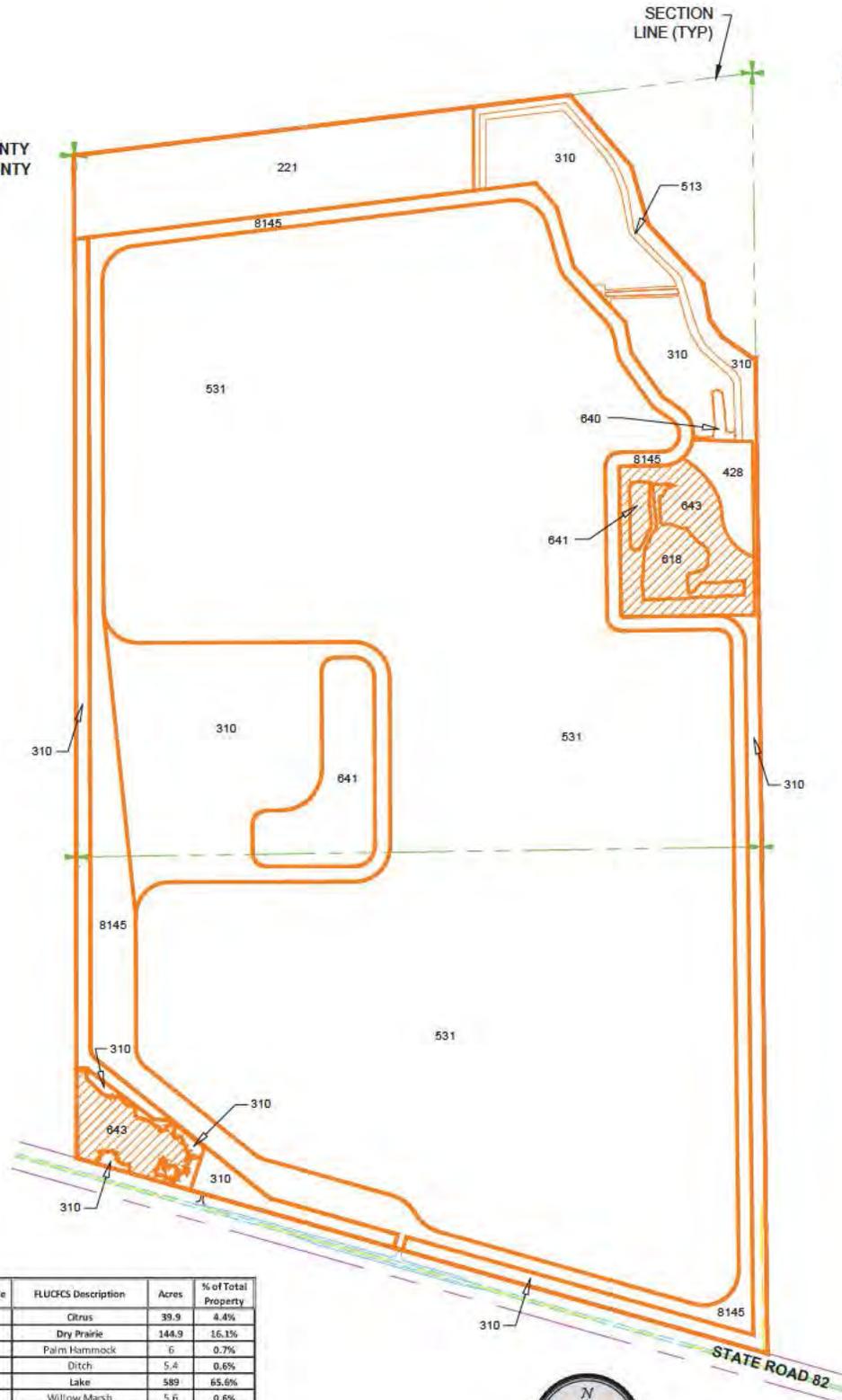
IMMOKALEE SAND MINE
WETLAND PRESERVE MAP
FIGURE 6B

DESIGNED:	TH	REVISION:		TAB NAME:	WETLAND
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CREATED:	07-31-15		N/A	SCALE:	1"=1200'
JOB NO.:	0823		N/A		
SECTION-6/7TOWNSHIP-46 S RANGE-29 E					

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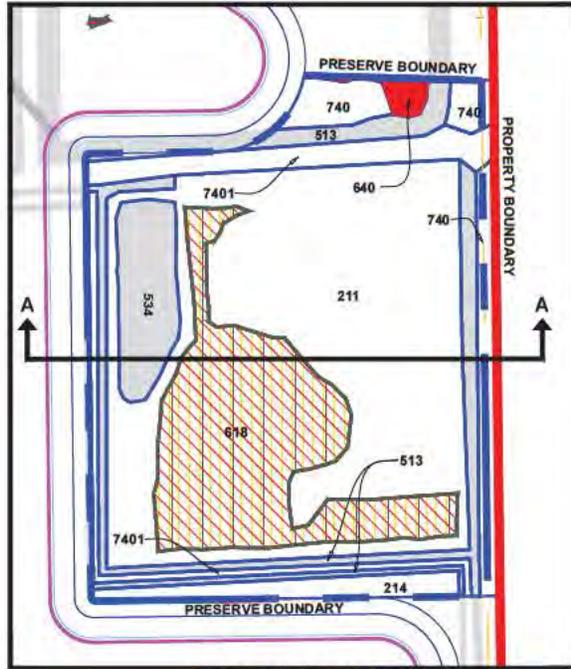
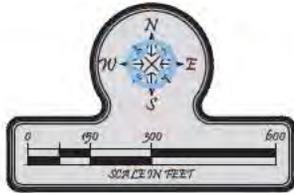
HENDRY COUNTY
COLLIER COUNTY

HENDRY COUNTY
COLLIER COUNTY



FLUCFCS Code	FLUCFCS Description	Acres	% of Total Property
221	Citrus	39.9	4.4%
310	Dry Prairie	144.9	16.1%
428	Palm Hammock	6	0.7%
513	Ditch	5.4	0.6%
531	Lake	589	65.6%
618	Willow Marsh	5.6	0.6%
640	Non-Forested Wetland (man-made)	0.8	0.1%
641	Freshwater Marsh	19.4	2.2%
643	Wet Prairie	13.4	1.5%
8145	ACCESS AND MAIN ROAD	73.5	8.2%
TOTAL		897.9	

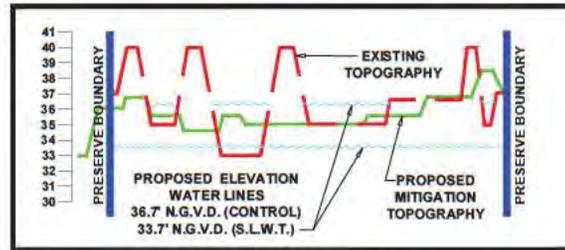




EXISTING FLUCUCS

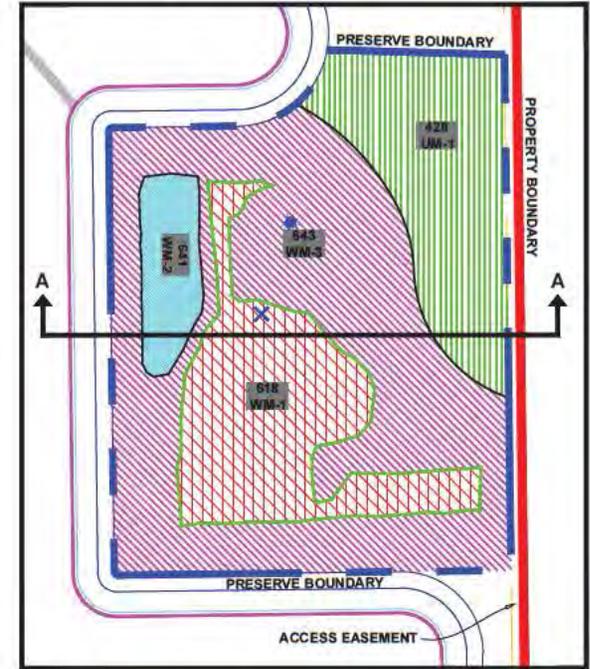
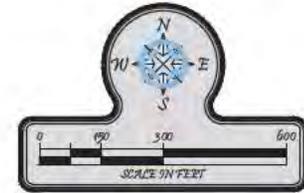
	618 WILLOW
	640 NON-FORESTED WETLAND (MAN-MADE)

FLUCFCS Code	FLUCFCS Description	Acres
211	Improved Pasture	11.6
214	Row Crops	0.9
513	Ditches	2.8
534	Ponds	1.5
618	Willow	5.6
640	Non-Forested Wetland (man-made)	0.2
740	Disturbed Lands	1.3
7401	Disturbed Lands-Berms	2
TOTAL		25.9



CROSS SECTION A-A

- RAIN GAUGE
- WATER LEVEL MONITORING WELL



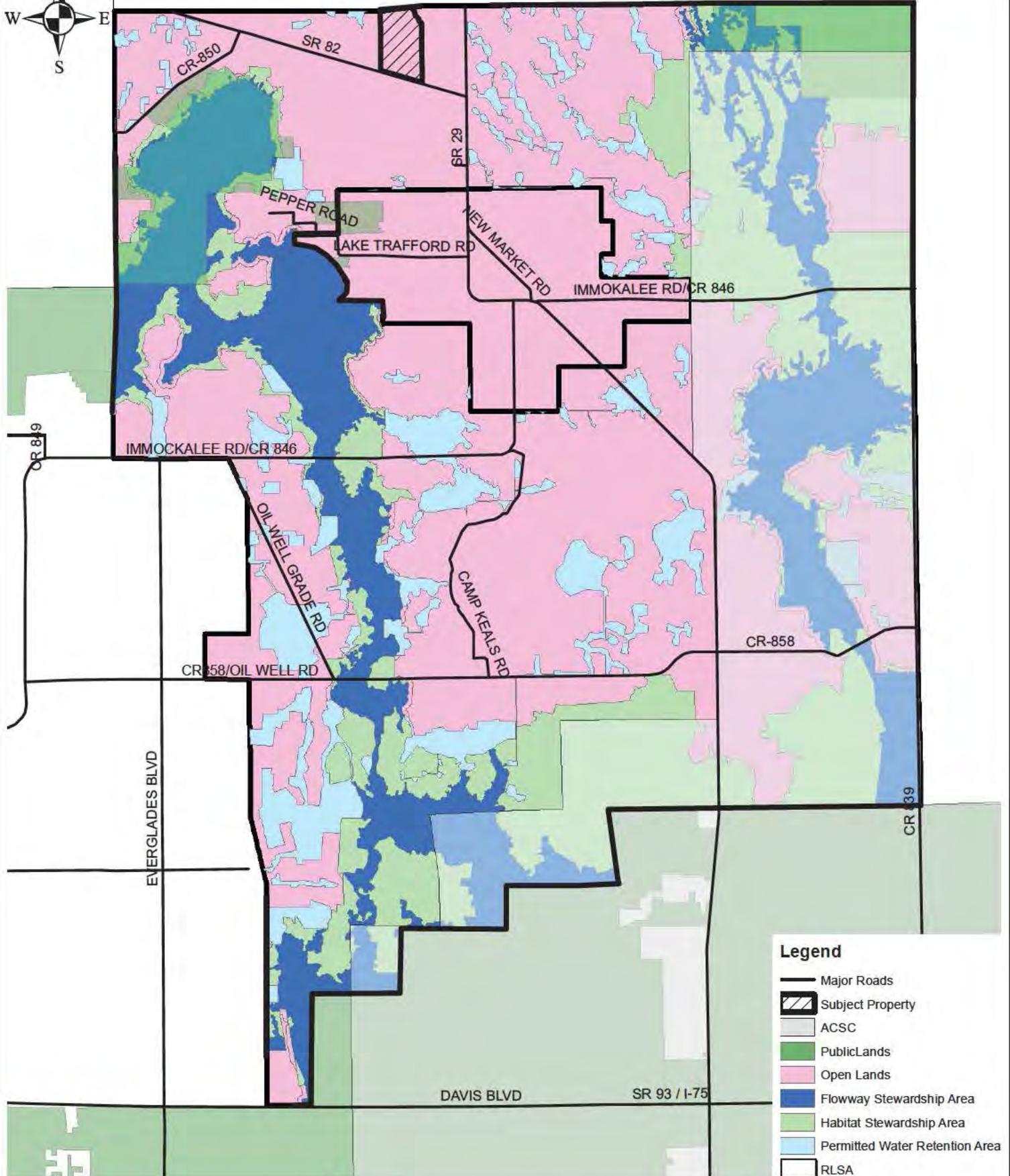
PROPOSED MITIGATION FLUCUCS

CODE	DESCRIPTION	ACRES
428	PALM HAMMOCK	5.4
618	WILLOW MARSH	5.6
641	FRESH WATER MARSH	1.5
643	WET PRAIRIE	13.4
TOTAL		25.9

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IMMOKALEE SAND MINE
 MITIGATION: EXISTING AND PROPOSED
FIGURE 7B

DESIGNED BY:	REVISION:	TAB NAME:	MITIGATION:
TH	N/A		
DRAWN BY: RMAJ	N/A	SHEET:	1 OF 1
CREATED: 07-31-15	N/A	SCALE:	1"=XXX'
JOB NO.: 0823	N/A		
SECTION-6/7		TOWNSHIP-46 S	RANGE-29 E



Legend

- Major Roads
- Subject Property
- ACSC
- Public Lands
- Open Lands
- Flowway Stewardship Area
- Habitat Stewardship Area
- Permitted Water Retention Area
- RLSA

Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3484 Exchange Ave Suite B Naples, FL 34104-3732
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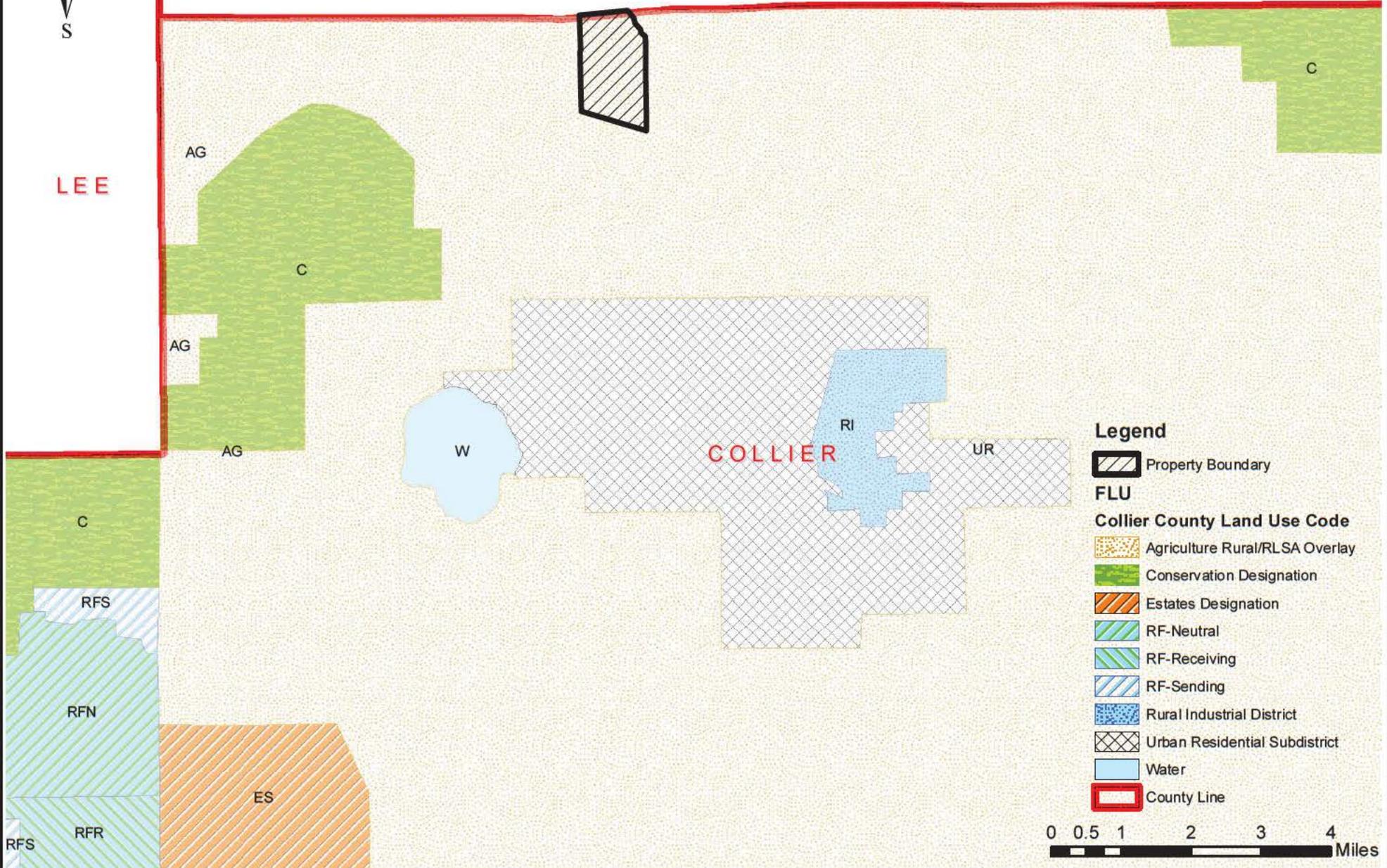
IMMOKALEE SAND MINE
 RLSA OVERLAY
 FIGURE 8

DRAWN BY:	JL S	REVISION:	SCALE: 1 182,421 28
CREATED:	07-31-15	N/A	FILE PATH:
JOB NO :	0823	N/A	P:\0823 Immokalee Rd Sand Pit North
SHEET:		N/A	GIS\StewardshipAreas.mxd
SECTION-6&7 TOWNSHIP-46S RANGE-29E			



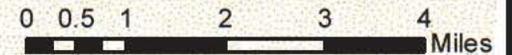
HENDRY

LEE



Legend

- Property Boundary
- FLU**
- Collier County Land Use Code**
- Agriculture Rural/RLSA Overlay
- Conservation Designation
- Estates Designation
- RF-Neutral
- RF-Receiving
- RF-Sending
- Rural Industrial District
- Urban Residential Subdistrict
- Water
- County Line



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**IMMOKALEE SAND MINE
 FUTURE LAND USE
 FIGURE 9**

DRAWN BY:	RMJ	REVISION:		SCALE:	1:121,884
CREATED:	07-31-15		N/A	FILE PATH:	
JOB NO :	0823		N/A	P:\0823 Immokalee Rd Sand Pit North\GIS\FLU.mxd	
SHEET:			N/A		
SECTION- 6&7 TOWNSHIP-46S RANGE-29E					