



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

June 14, 2023

Regulatory Division
West Branch
Fort Myers Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-1992-00701(SP-MO)

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

APPLICANT: Lofton Island Partners, LLC
c/o Mr. Nils Richter
P.O. Box 40
Fort Myers, FL 33902

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Caloosahatchee River. The project is located on a spoil island within the Caloosahatchee River, between the Caloosahatchee River Bridge and the Edison Bridge, with no physical address. The site is in Section 14, Township 44 South, Range 24 East, Lee County, Florida.

Directions to the site are as follows: The project site is accessible only by boat or air, approximately 0.2 miles northwest of the Fort Myers Yacht Basin within the Caloosahatchee River between the two U.S. Highway 41 bridges.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.651035°
Longitude -81.872433°

PROJECT PURPOSE:

Basic: The basic project purpose is to improve and provide additional water access for a commercial facility.

Overall: The overall project purpose is to renovate existing facilities and construct additional docking facilities for a commercial island resort in the Caloosahatchee River in Fort Myers, Florida.

EXISTING CONDITIONS: The wetland system consists of an open water, estuarine system. The project site consists of docking facilities in disrepair attached to a spoil island. The surrounding habitat is a mix of shoaled sand and deeper natural areas.

There is no submerged aquatic vegetation in the vicinity of the island or within the existing docking facility locations.

PROPOSED WORK: The applicant seeks authorization to renovate and expand the existing docking facility on Lofton Island. The proposed work will increase the number of slips at the facility to 74 from the existing 32 slip commercial facility. The docking facility will be split in to a north and south dock, on each end of the island. The total over water dock area will be 13,937 square feet (0.32 acres).

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 proposed work is for the renovation and expansion of an existing facility. There is no fill proposed and there will be no removal of vegetation at the project site. Work will be completed during daylight hours and all applicable project design criteria will be adhered to during construction to minimize impacts to endangered species and their habitat.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

There is no proposed discharge of fill at the project site and compensatory mitigation is not warranted.

CULTURAL RESOURCES:

The Corps has evaluated the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act and has followed the guidelines of 33 CFR Part 325, Appendix C. Due to the project being located on a spoil island that has been created in modern times there is no potential for historic properties to exist. The Corps has determined that the project would have No Potential to Cause Effects to Historic Properties.

ENDANGERED SPECIES:

Option A: The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), Kemp's Ridley sea turtle (*Lepidochelys kempi*), and smalltooth sawfish (*Pristis pectinata*) or its designated critical habitat. The Corps has requested U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act and consultation is ongoing.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery

Conservation and Management Act 1996. [INCLUDE IF APPROPRIATE] The proposal would impact approximately 0.32 acres of estuarine river habitat utilized by various life stages of red drum (*Sciaenops ocellatus*), penaeid shrimp complex, reef fish, stone crab (*Menippe mercenaria*), spiny lobster (*Panulirus argus*), migratory/pelagic fish, and snapper/grouper complex associated with mud, shell, sand and rock substrate and water column EFH. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Caloosahatchee River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the Florida State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is 318 feet away from the near bottom edge of the Okeechobee Waterway federal channel.

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 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 Fort Myers Permits Section, 1520 Royal Palm Square Blvd, Ste. 310, Fort Myers, Florida 33919 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, Michael Ornella II, in writing at the Fort Myers Permits Section, 701 San Marco Blvd., Jacksonville, FL 32207; by electronic mail at Michael.Ornella@usace.army.mil; or, by telephone at (904)232-1498.

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.

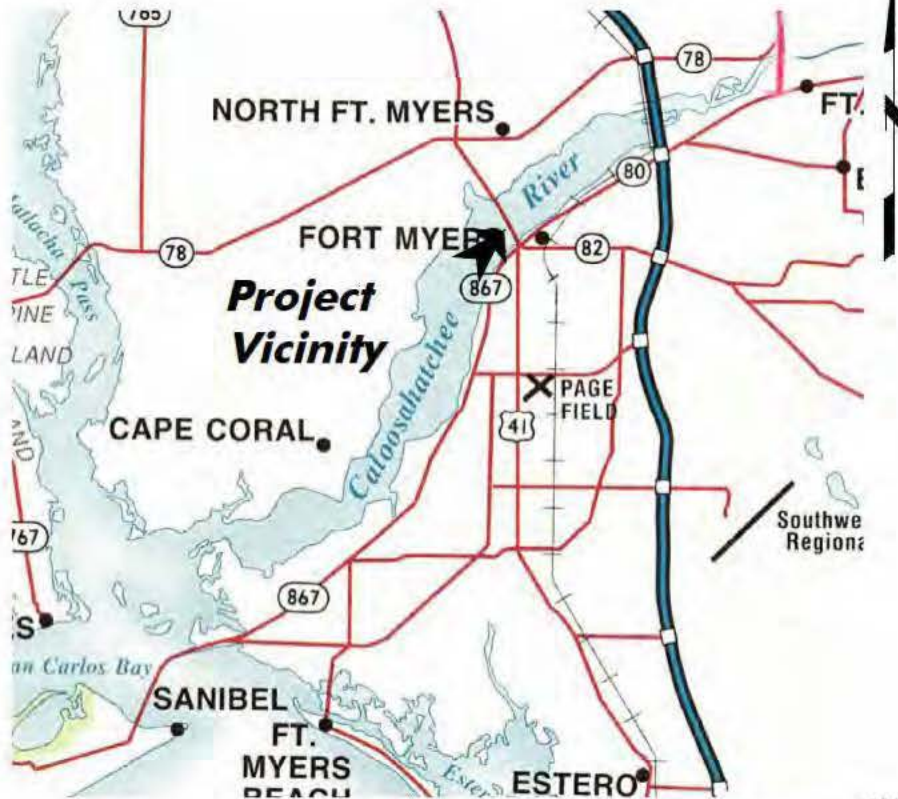
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to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

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

0 2.5mi 5mi
SCALE FEET

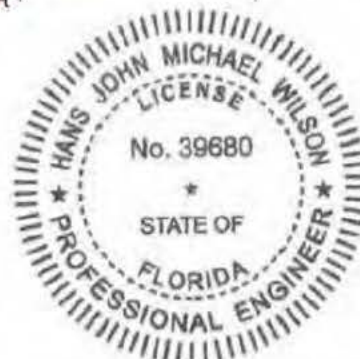


Vicinity Map

SCALE: 1" = 5mi

This item has been digitally signed and sealed by Hans J.M. Wilson on the date adjacent to the seal.

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0 1000 2000
SCALE FEET



Location Map

SCALE: 1" = 2000'

PERMIT PLANS, NOT FOR CONSTRUCTION

August 17, 2022 1:25:02 p.m.
Drawing: LOFTON1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

5-2-22

JWA

Lofton Island Partners, LLC

SHEET

1/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

Lee County Aerial 2019

0 250 500
SCALE FEET



Note: Property lines by KP
Surveying on 4-18-21.

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Overall Site Plan

SCALE: 1" = 500'

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: August 17, 2022 1:25:02 p.m.
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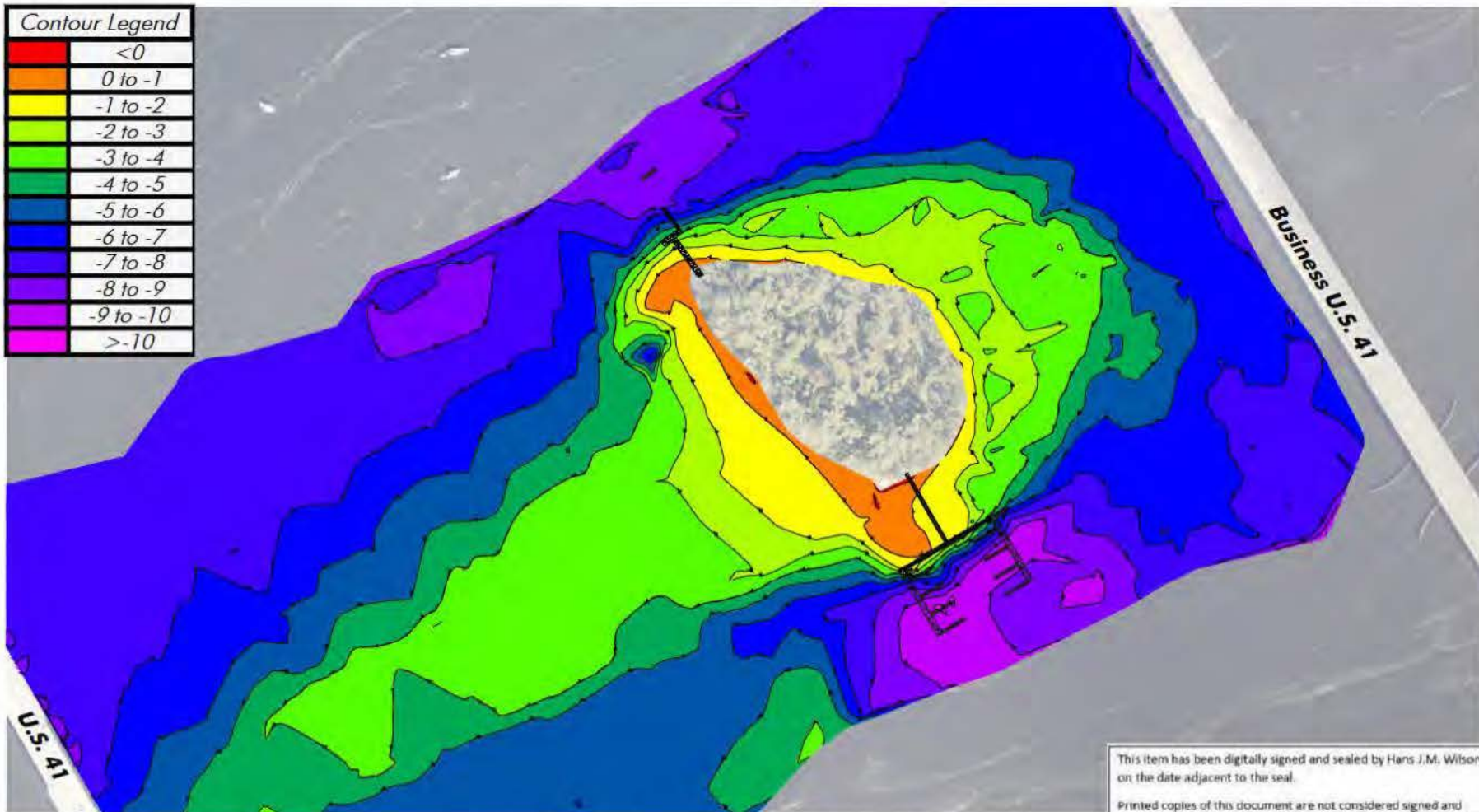
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SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

Lee County Aerial 2019

0 150 300
SCALE FEET

Contour Legend	
	<0
	0 to -1
	-1 to -2
	-2 to -3
	-3 to -4
	-4 to -5
	-5 to -6
	-6 to -7
	-7 to -8
	-8 to -9
	-9 to -10
	>-10



Bathymetric Survey

SCALE: 1" = 300'

Notes: Bathymetric survey completed on 12-9-20 by
HWA, Inc. Depths referenced to Mean Low Water
(MLW) per DEP MHW Request EI = -0.87' NAVD88.

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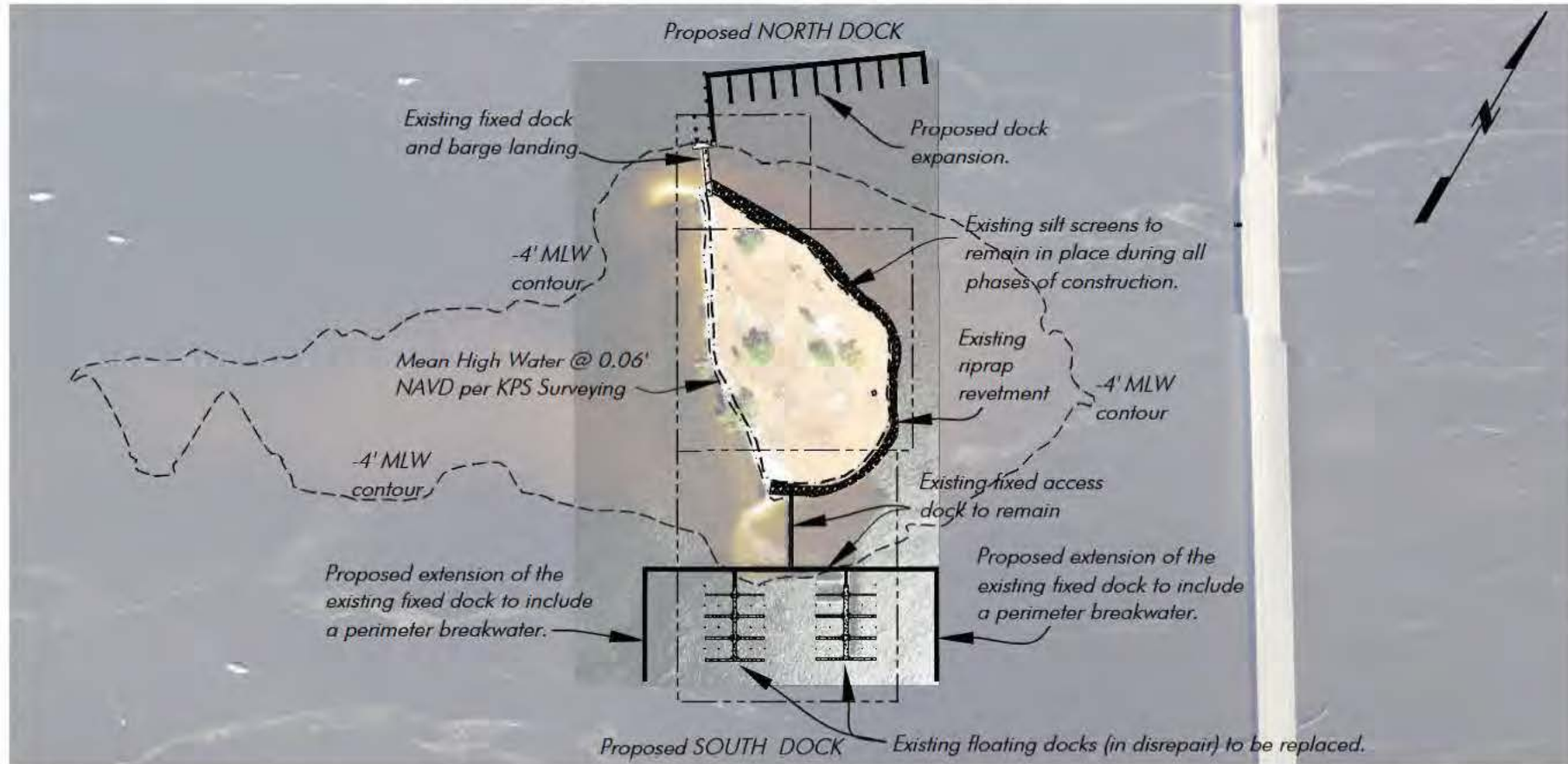
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3/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

Lee County Aerial 2019 - Drone Aerial (Island) May 2021

0' 150' 300'
SCALE FEET



Proposed Site Plan

SCALE: 1" = 300'

Notes: Bathymetric survey completed on 12-9-20 by HWA, Inc. Depths referenced to Mean Low Water (MLW) per DEP MHW Request EI = -0.87' NAVD88.

PERMIT PLANS, NOT FOR CONSTRUCTION Note: Site survey information from from KP Surveying, Inc. dated 4-18-21.

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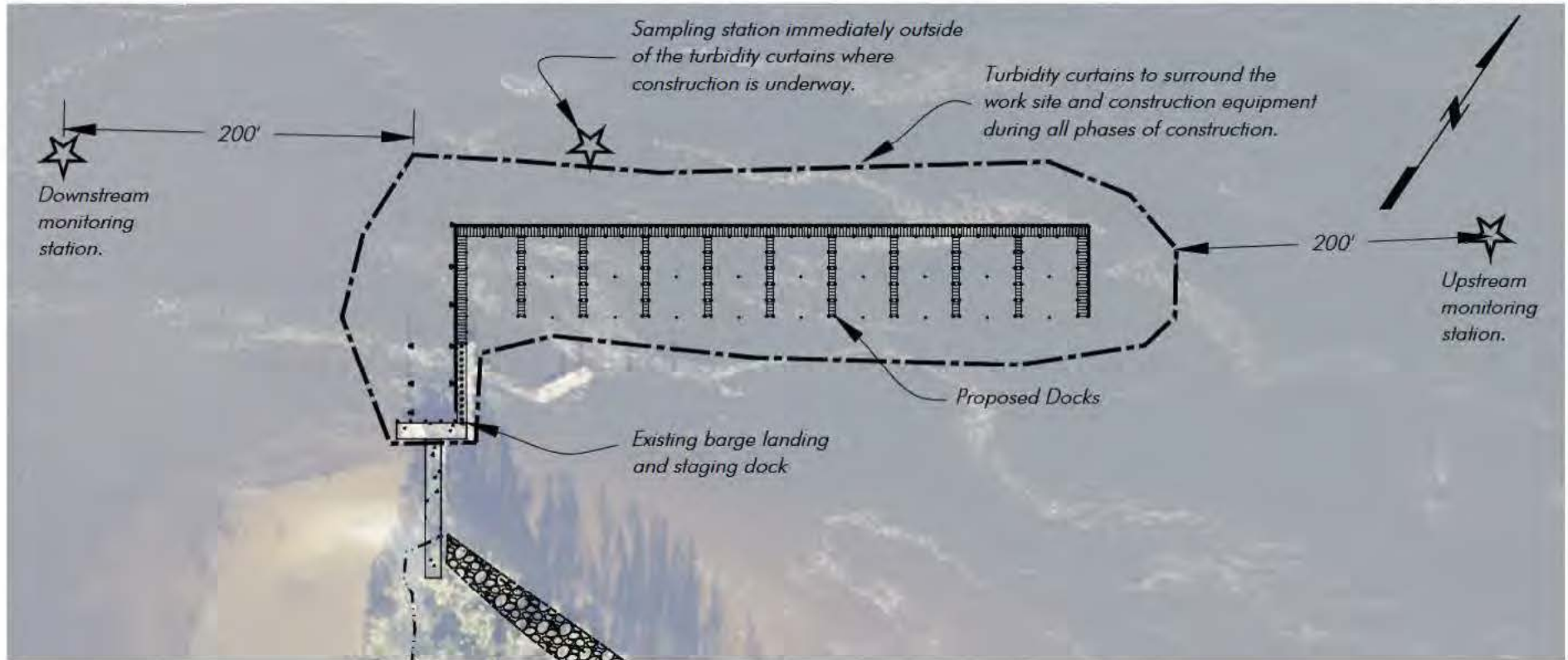
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4/11

5/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

Lee County Aerial 2019

0' 50' 100'
SCALE FEET



Proposed North Dock Turbidity Controls

SCALE: 1" = 100'

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Notes: Bathymetric survey completed on 12-9-20 by
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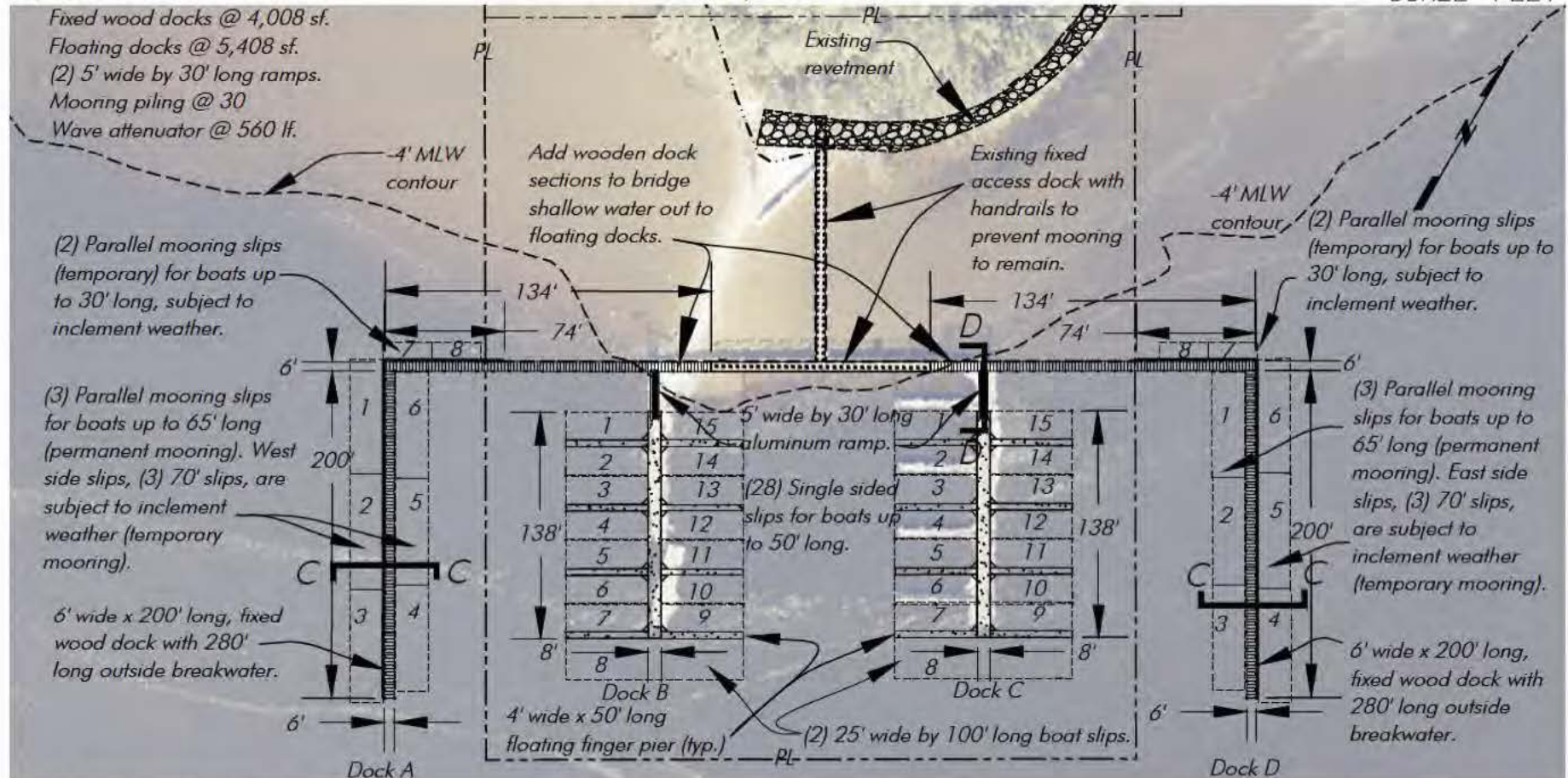
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6/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

0' 50' 100'
SCALE FEET

Lee County Aerial 2019



South Dock = 46 slips total
36 Slips (permanent mooring)

Proposed South Dock

SCALE: 1" = 100'

Piling Count - All Pilings to be Jetted/Vibrated into place
(24) Floating Dock Piling, Concrete 12" x 12"
(28) Mooring Piling, Wooden 12" Butt
(194) Fixed Dock Piling, Wooden 12" Butt

Notes: Bathymetric survey completed on 12-9-20 by HWA, Inc. Depths referenced to Mean Low Water (MLW) per DEP MHW Request EI = -0.87' NAVD88.

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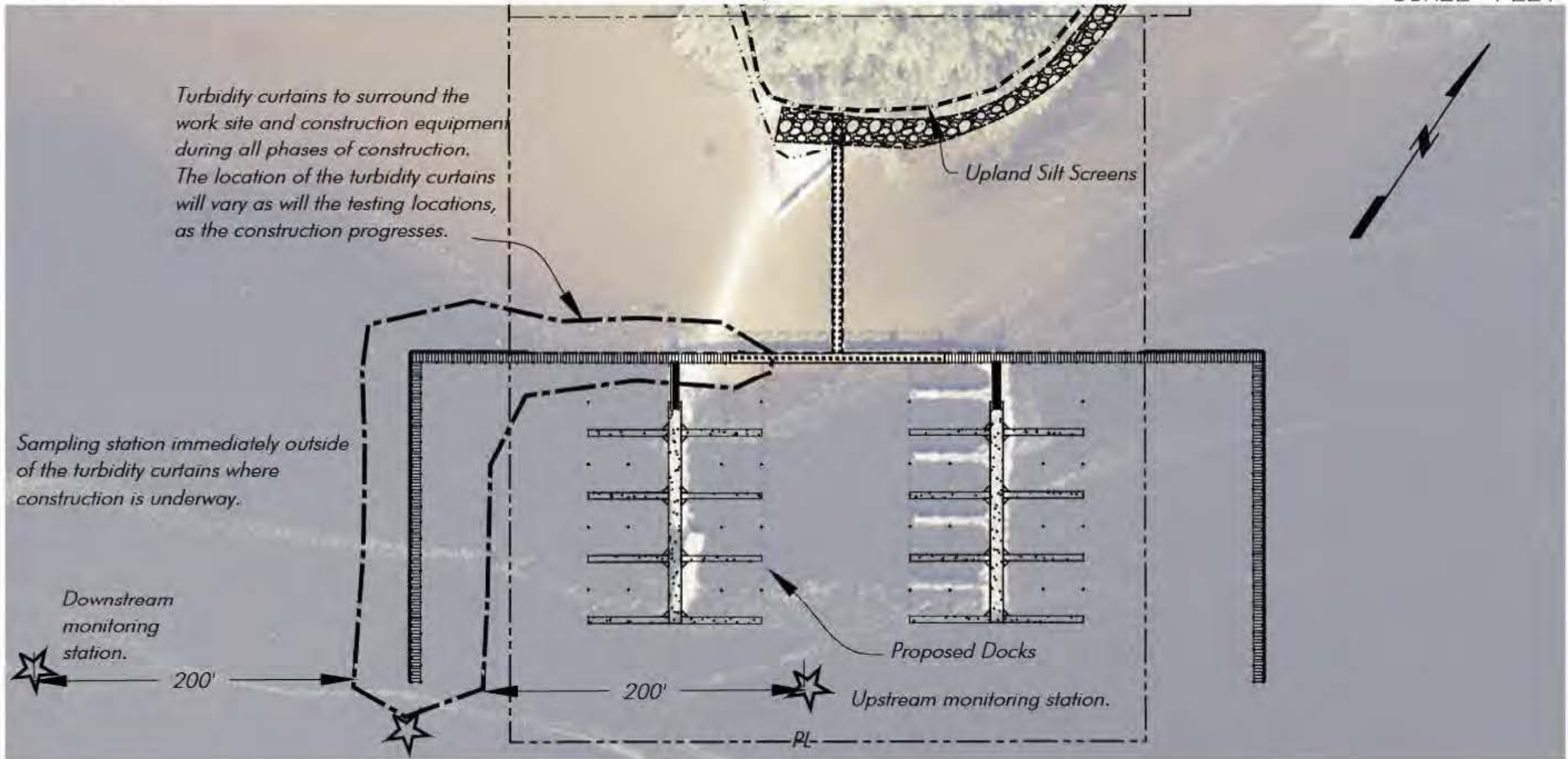
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7/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

0' 50' 100'
SCALE FEET

Lee County Aerial 2019



Proposed South Dock Turbidity Controls

SCALE: 1" = 100'

Notes: Bathymetric survey completed on 12-9-20 by
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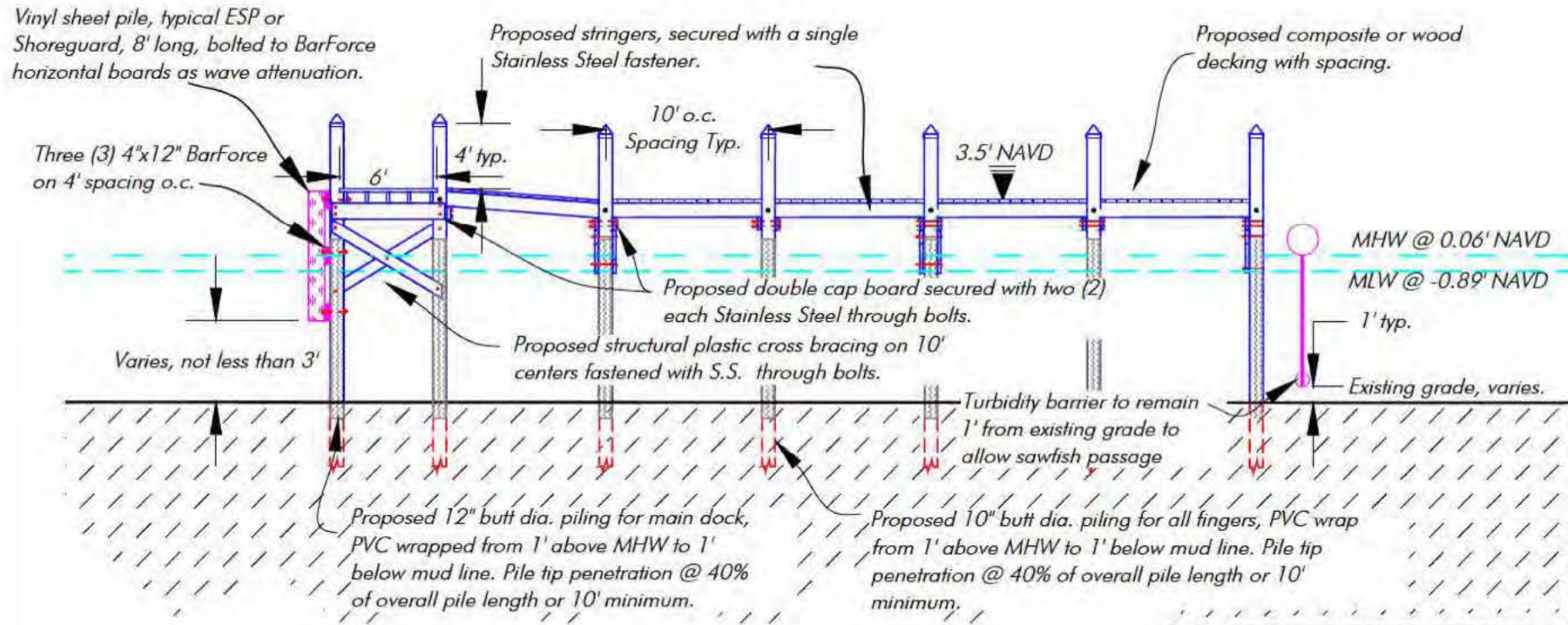
**Lofton Island
Partners LLC**

SHEET

8/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

0' 5' 10'
SCALE FEET



Cross Section - A-A

SCALE: 1" = 10'

Notes: Bathymetric survey completed on 12-9-20 by HWA, Inc. Mean Low Water (MLW) per DEP Datum Request El = -0.87' NAVD88.

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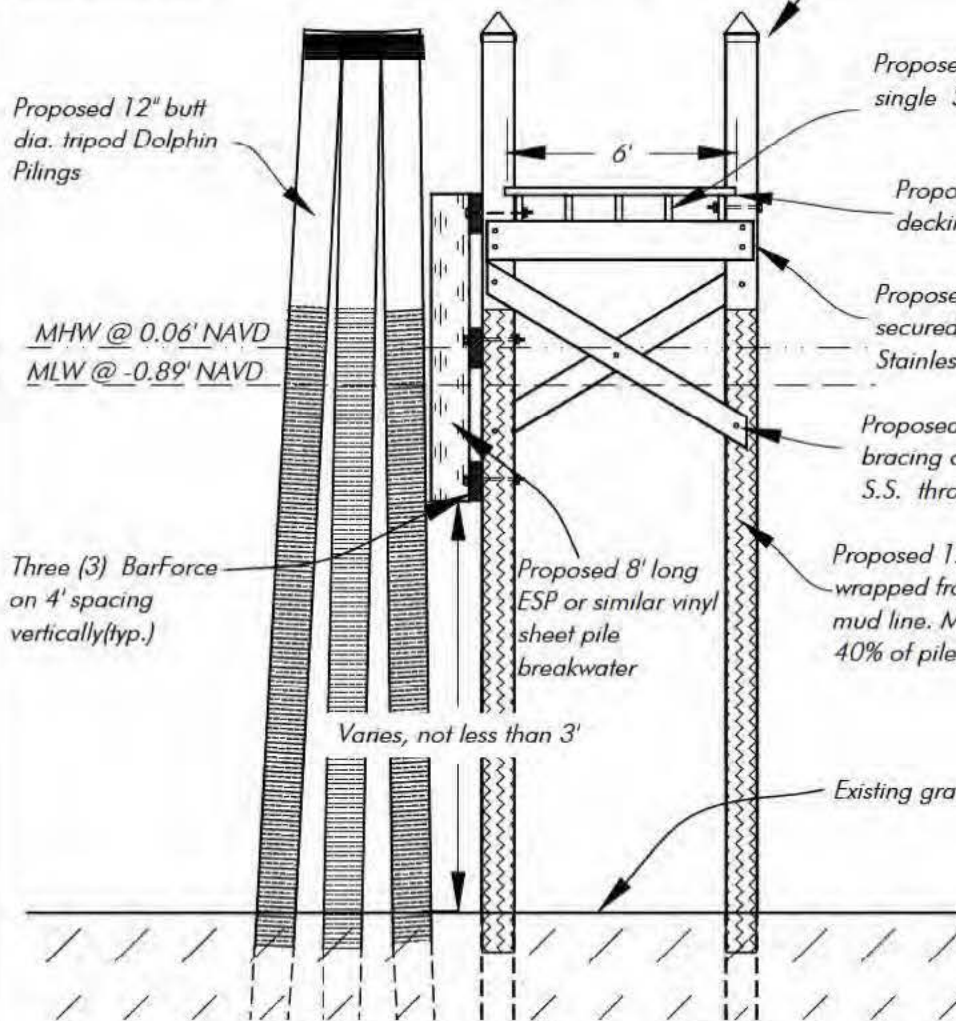
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9/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

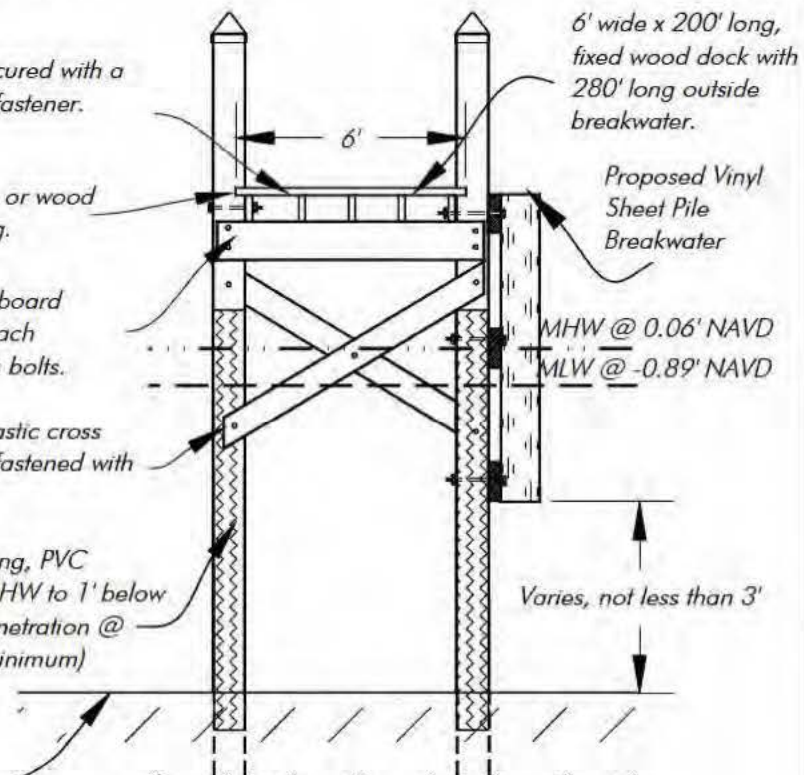
0' 2.5' 5'
SCALE FEET



Cross Section - B-B

SCALE: 1" = 5'

0' 2.5 5
SCALE FEET



Cross Section - C-C

SCALE: 1" = 5'

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Notes: Bathymetric survey completed on 12-9-20 by HWA, Inc. Mean Low Water (MLW) per DEP Datum Request EI = -0.87' NAVD88.



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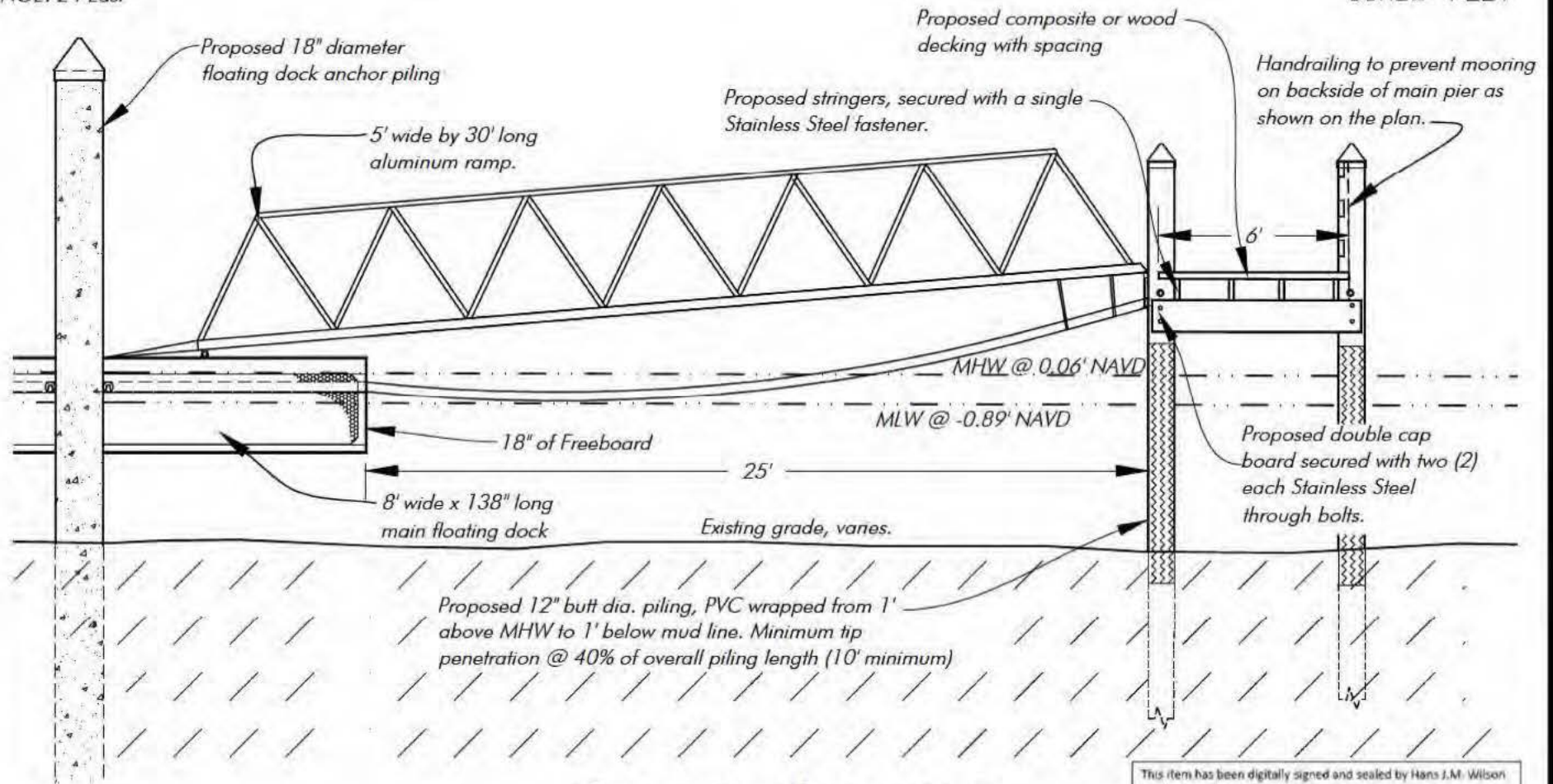
HJMW

**Lofton Island
Partners LLC**

SHEET
10/11

SECTION: 13
TOWNSHIP: 44 South
RANGE: 24 East

0' 2.5' 5'
SCALE FEET



Cross Section - D-D

SCALE: 1" = 5'

Notes: Bathymetric survey completed on 12-9-20 by
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Request El = -0.87' NAVD88.

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