



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BLVD, SUITE 310
FORT MYERS, FLORIDA 33919

REPLY TO

July 23, 2019

Regulatory Division
South Permits Branch
Fort Myers Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-1984-01216 (SP-ACM)

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: Stokes Marine Inc./Michael Pollard

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Caloosahatchee River. The project site is located at 14801 Laguna Dr, Fort Myers, FL 33908.

Directions to the site are as follows: Royal Palm Square west to McGregor Blvd. Turn south on McGregor to Iona Rd. West on Iona to Peppertree Dr. North on Peppertree Dr to left on Laguna Dr.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.52666°
Longitude -81.95388°

PROJECT PURPOSE: Modify existing boat slip to allow access and storage of a vessel on a boat lift

Basic: Dock and boat lift

Overall: Install a finger pier and new boat lift within an existing boat basin in Waters Edge at Peppertree Point Community in Iona, Lee County.

EXISTING CONDITIONS: The wetland system consists of a brackish system with no vegetation. The existing area surrounding the project area consists of finger piers, boatlifts, seawall.

PROPOSED WORK: The applicant seeks authorization to install a 92 square foot new finger pier and boatlift within an existing boat basin.

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:

Installing finger pier and boatlift in existing slip, not clearing any vegetation and using erosion control such as turbidity to not disturb the sediment.

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

No mitigation is required since no aquatic resources will be impacted.

CULTURAL RESOURCES:

The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected.

ENDANGERED SPECIES:

The Corps has determined the proposed project **may affect, not likely to adversely affect** the Smalltooth sawfish (*Pristis pectinata*), the Green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), Hawksbill (*Eretmochelys imbricate*), Leatherback (*Dermochelys coracea*) sea turtle, and the Threatened Loggerhead sea turtle (*Caretta caretta*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

Using the Florida Effect Determination Key for the Manatee in Florida (April 2013), the U.S. Army Corps of Engineers (Corps) has determined the proposed project **may affect, but is not likely to adversely affect** the West Indian (Florida) manatee (*Trichechus manatus latirostris*) [A > B > C > G > H > I > J > K > N > O > P/1]. May affect, not likely to adversely affect determinations arrived at through the use of this key do not require further consultation with the U.S. Fish and Wildlife Service and are determined to meet the requirements of Section 7 of Endangered Species Act.

The applicant has agreed to follow the Standard Manatee Conditions for In-Water Work, and the Sea Turtle & Smalltooth Sawfish Construction Conditions. Also, the applicant has agreed to install educational materials for anglers, particularly the "Sawfish Safe Release Guidelines", and the sawfish encounter reporting instructions. The Corps would include the above mentioned conditions as a special conditions to any permit issued.

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. The proposed over water dock system would create approximately 96 square feet of shading to the aquatic resources on site and will not require the discharge of dredged and/or fill material. The aquatic resources may be utilized by various life stages of Red Drum, Reef Fish (43 species), Shrimp (4 species), and Coastal Migratory Pelagics. Our initial determination is that the proposed action **would not** have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico and the South Atlantic Fisheries. 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.

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 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 Fort Myers Permits Section, 1520 Royal Palm Square Blvd. Suite 310, Fort Myers, FL 33919 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, Allison Murphy, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd. Suite 310, Fort Myers, FL 33919; by electronic mail at Allison.C.Murphy@usace.army.mil; or, by telephone at (239)334-1975 ext. 0008.

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.

1984-01216

Additional dock and boatlift

Legend

-  26.52639, -81.95444
-  Query Report: Buffer: 0.01 Miles
-  Report Form

 26.52639, -81.95444

Google earth

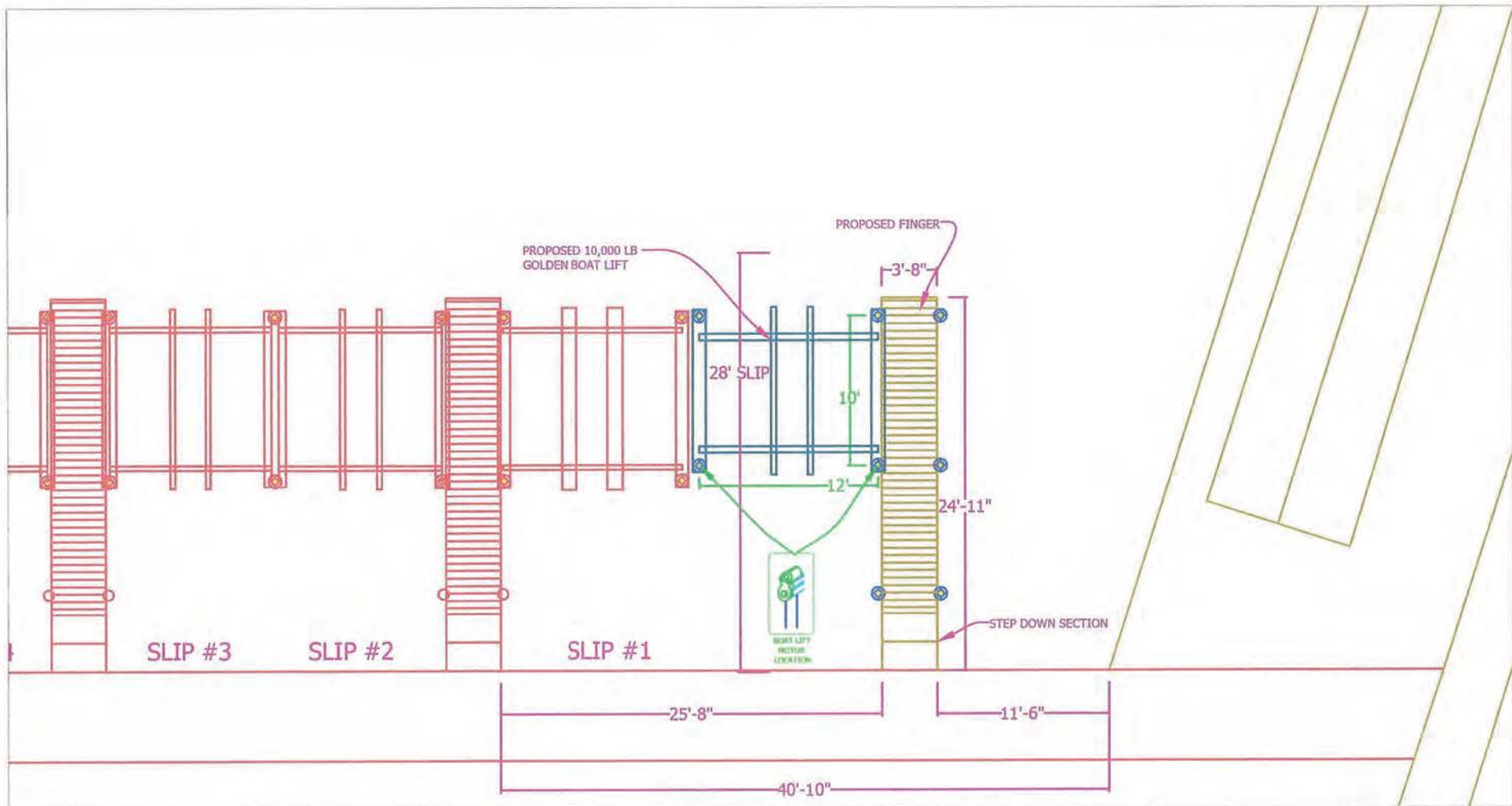
© 2018 Google



2 mi



| | STRAP | Folio | Owner Name | Site Address |
|--|------------------------|----------|---------------------------|-----------------------------|
| | 25-45-23-00-00001.03CE | 10559366 | WATERS EDGE AT PEPPERTREE | 14801 LAGUNA DR, FORT MYERS |



SQUARE FOOTAGE

EXISTING SQUARE FOOTAGE

0

OPTIONAL SQUARE FOOTAGE

0

PROPOSED SQUARE FOOTAGE OVER WATER

92

ACCESSORY SQUARE FOOTAGE

0

PROPOSED SQUARE FOOTAGE OVER LAND

0

TOTAL SQUARE FOOTAGE

92

LEGEND

- 8" PILING - PILING HEIGHTS TO VARY
- 10" PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL

ADDITIONAL INFORMATION

- ALL PILING TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGER TO BE .60 CCA/2"x8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL OF PROPOSED BASE OPTION _____

APPROVAL DATE: _____

INITIAL OPTIONS SELECTED:

OPTION 1 _____

OPTION 2 _____

****ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"****

****DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP****

****ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING****

L-2

DOCK AND SEAWALL LANDSCAPE



STOKES MARINE, INC.

LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE 239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE:
N.T.S.
DATE:
2019-05-15
REVISION:

SITE ADDRESS: 14801 LAGUNA DR FORT MYERS FL

STRAP NUMBER: 25-45-23-00-00001.03CE

OWNER NAME: WATERS EDGE AT PEPPERTREE POINTE COMMUNITY ASSN INC

SALESMAN: TONY WALLIS

DRAWN BY: HAROLD SOLIS

JOB # 0000

5/4"x 6" TANDECK DECKING

4'-0"

SEE DRAWING FOR WIDTHS

VARIOUS LENGTHS

THRU BOLT

THRU BOLT

2"x 8" .60 CCA RSPT
STRUCTURAL HEADER

2"x 8" .60 CCA RSPT
STRUCTURAL STRINGER
16" O.C.

MARINE GRADE BUTT
PILING DRIVEN
TO A PENETRATION
40% OF TOTAL
LENGTH.

CS-1



DOCK AND SEAWALL LANDSCAPE

STOKES MARINE, INC.

LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE: 239.489.DOCK/FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE:
N.T.S.
DATE:
2019-05-23
REVISION:

SALESMAN: **TONY WALLIS**
DRAWN BY: **HAROLD SOLIS**

SITE ADDRESS: 14801 LAGUNA DR FORT MYERS FL

STRAP NUMBER: 25-45-23-00-00001.03CF

OWNER NAME: WATERS EDGE AT PEPPERTREE POINTE COMMUNITY ASSN INC