



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

**October 22, 2019**

Regulatory Division  
West Permits Branch  
Fort Myers Permits Section

***PUBLIC NOTICE***

Permit Application Number SAJ-2004-00460 (SP-MLB)

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

APPLICANT: Bocilla Island Seaport, Inc.  
C/o Robert Gunther  
800 S. Osprey Avenue, Building B  
Sarasota, FL 34236

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Jug Creek, Back Bay and the Charlotte Harbor watershed. The project site is located at 8421 and 8491 Main Street, in Section 25, Township 43 South, Range 21 East, Bokeelia, Florida 33922.

Directions to the site are as follows: From I-75 take Exit 143 and head west on Bayshore Rd/Pine Island Rd (FL-78) for about 21 miles; make a right on Stringfellow Rd and head north towards Bokeelia for about 9 miles and the project is located on the left behind "Capt'n Con's Fish House".

APPROXIMATE CENTRAL COORDINATES: Latitude 26.704500°N  
Longitude -82.164170°W

**PROJECT PURPOSE:**

Basic: Marina renovation

Overall: Renovate an existing marina by replacing existing docks while increasing the over-water structure project area by 5,050 square feet (0.12 acre), in Bokeelia, Lee County, Florida.

EXISTING CONDITIONS: The project is located at an existing commercial marina located within Back Bay and adjacent to Jug Creek. The marina currently consists of

2,255 square feet (0.05 acre) of over-water structures that would be reconfigured. The existing structures include:

- Main "L" dock is an 875 square foot wooden dock with (3) finger piers;
- Finger Piers along Existing Seawall - (19) finger piers of varying lengths (700 sf. total);
- Boat Ramp Staging Dock- 460 square foot wooden dock with terminal platform;
- Charlotte Harbor Fishing Pier is 220 square foot;

The area surrounding the marina consists of Back Bay to the south and west, an upland parking area and restaurant/store the north, and a residential area to the east.

**PROPOSED WORK:** The applicant seeks authorization to: 1) replace 480 linear feet of seawall no more than 18" waterward of its existing location; 2) remove all 19 existing finger piers, providing mooring for 35 slips along the seawall to the west of the existing boat ramp; 3) remove the 875 square foot "L" dock and 15 slips; 4) remove a 460 square foot boat ramp staging dock with 6 slips. The docks will be replaced in a new configuration in order to place mooring in deeper water; boat lifts may be installed in lieu of mooring piles. The proposed project area would be increased in size by 5,050 square feet (0.16 acre) for a total over-water impact area of 7,305 square feet (0.17 acre).

**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 docks are designed for mooring of vessels in deeper water away from seagrasses. The proposed docks will relocate vessels moored in shallower water along the seawall as well as the vessels moored in shallower water at the existing "L" dock.

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

No mitigation is proposed. Work will be conducted in a manner that does not cause violations of state water quality standards. Best management practices will be implemented for erosion and pollution control.

#### **CULTURAL RESOURCES:**

The Corps is aware of historic property/properties within or in close proximity of the permit area. The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

## ENDANGERED SPECIES:

The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. The potential impacts to the endangered manatee were evaluated using The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida (Manatee Key), dated 25 April 2013. Use of the Manatee Key resulted in the following sequential determination: A > B > C > G > N > O > P3 > "MANLAA." The applicant agrees to comply with the 2011 "Standard Manatee Conditions for In-Water Work".

The Corps evaluated the proposed work utilizing the National Marine Fisheries Service (NMFS's) Jacksonville District's Programmatic Biological Opinion (JAXBO) dated 20 November 2017. The Corps has determined the proposed project "may affect, but is not likely to adversely affect" the Leatherback sea turtle (*Dermochelys coriacea*), Green sea turtle (*Chelonia mydas*), Loggerhead sea turtle (*Caretta caretta*), Kemp's Ridley sea turtle (*Lepidochelys kempi*), Hawksbill sea turtle (*Eretmochelys imbricata*) or the Smalltooth Sawfish (*Pristis pectinata*). The applicant agrees to comply with the "Sea Turtle and Smalltooth Sawfish Conditions" dated 23 March 2006.

**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 proposal would impact approximately 0.17 acre of vegetative, sandy bottom utilized by various life stages of juvenile fish and invertebrates commonly observed in the Gulf of Mexico. 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. 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 within 30 days from the date of this notice. For electronic mail (preferred) submit comments to [Michelle.L.Bartley@usace.army.mil](mailto:Michelle.L.Bartley@usace.army.mil). For standard mail

submit comments to 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919. Please reference this permit number, SAJ- 2004-00460 (SP-MLB), on all submittals.

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, Michelle Bartley, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919, by e-mail at [michelle.l.bartley@usace.army.mil](mailto:michelle.l.bartley@usace.army.mil), or by telephone at (239) 334-1975 ext. 0006.

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

**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 of 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 decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act 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.

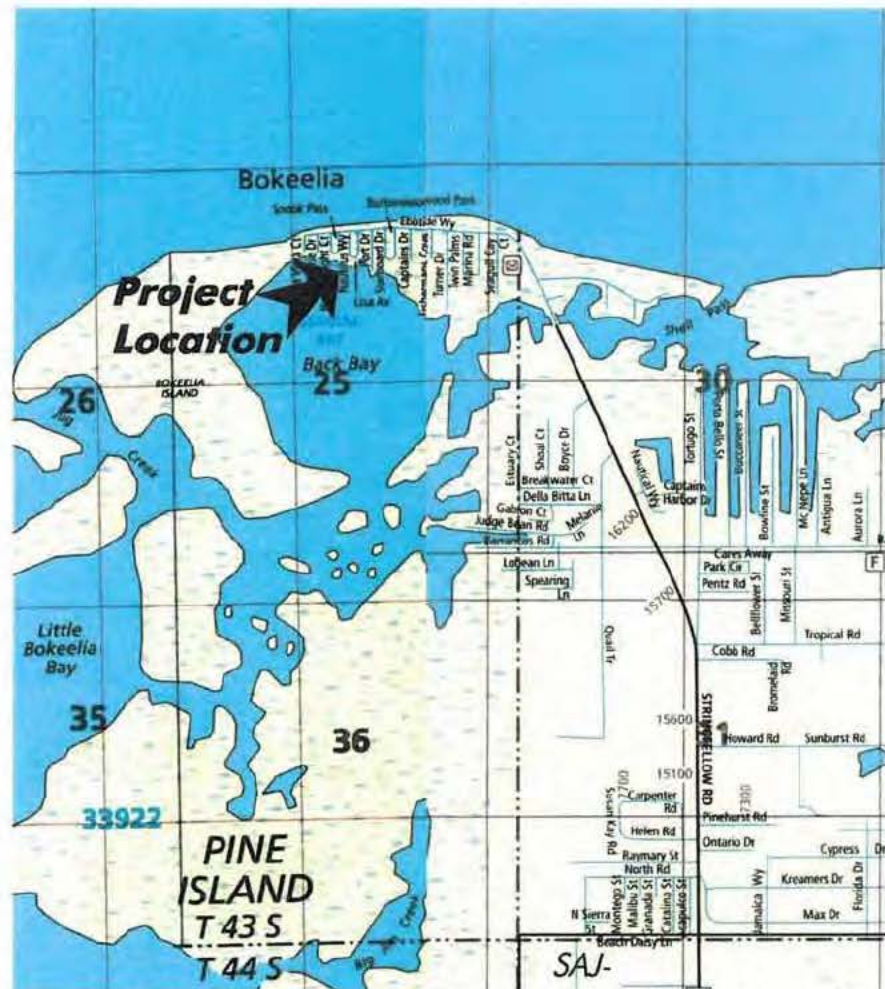
**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E



**Vicinity Map**

SCALE: 1" = 10 mi.



**Location Map**

SCALE: 1" = 1/2 mi.

SAJ-  
Bocilla Island Seaport  
Marina Renovation

3-28-19

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April 05, 2019 1:36:44 p.m.  
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**Bocilla Island Seaport**

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**Note:** Soil information per Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture, Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed 8-15-16

**Note:** FLUCCS codes per FDEP Map Direct website, <http://ca.dep.state.fl.us/mapdirect>. Accessed 7-21-16.

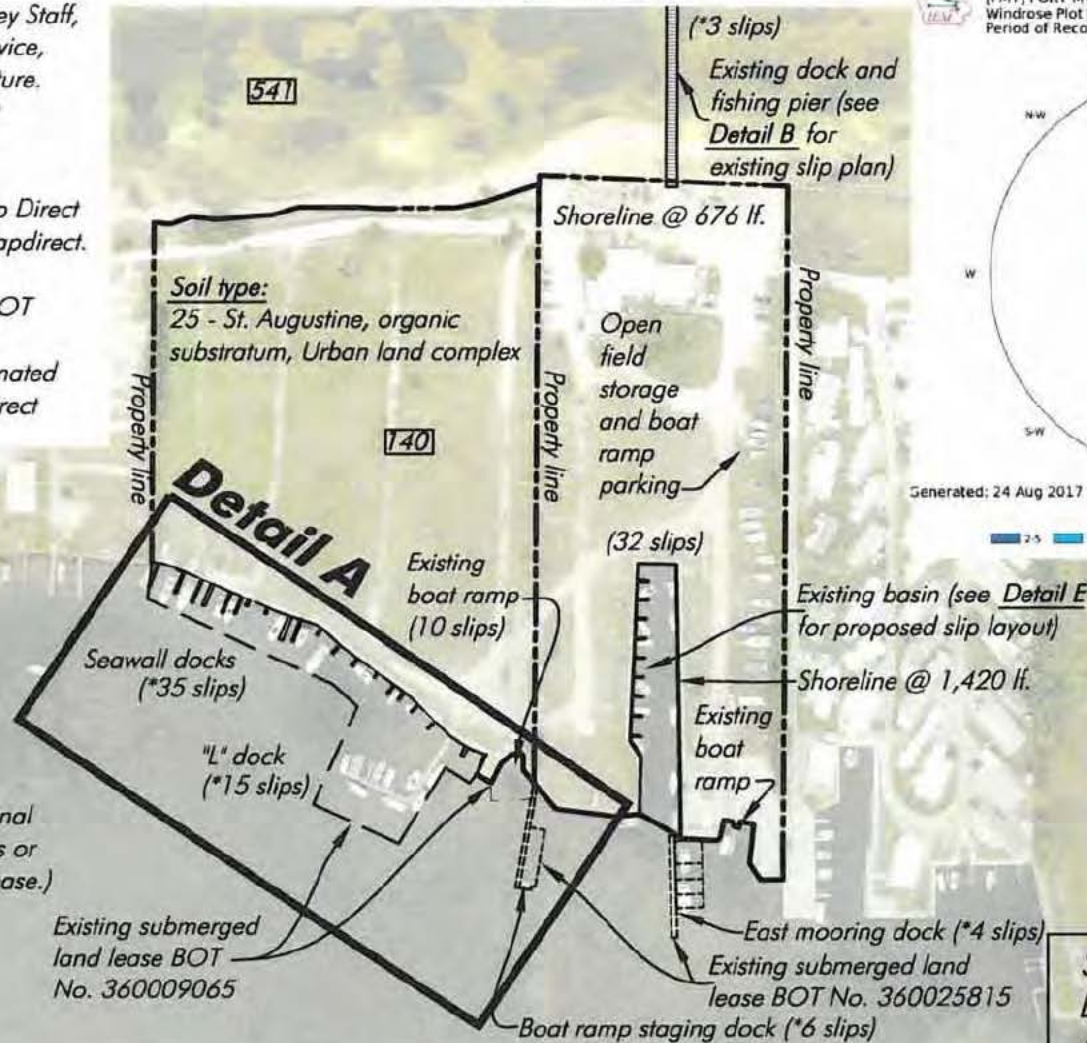
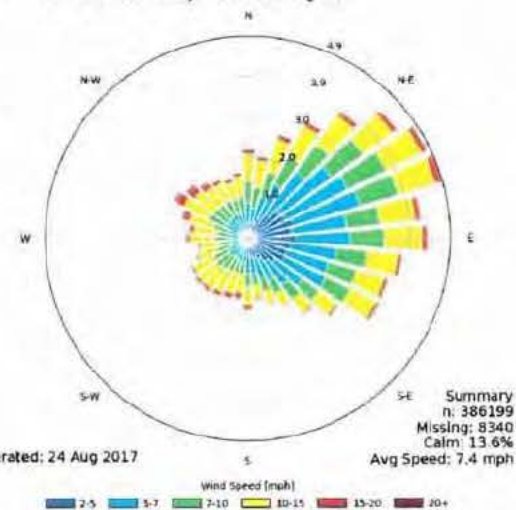
FLUCFCS codes based on 1999 FDOT Florida Land Use, Cover and Forms Classification System. Acreages estimated for property in question from MapDirect information.

Lee County Aerial 2016

0 100 200  
SCALE FEET



[FMY] FORT MYERS/PAGE FLD  
Windrose Plot [All Year]  
Period of Record: 01 Jan 1970 - 24 Aug 2017



(\*Boat slips per SLL only, additional slips on private submerged lands or uplands, not subject to a state lease.)

Total Shoreline @ 2,096 lf.

FLUCCS codes:

140 - Commercial and services (10.5 acres)

541 - Embayments opening directly to Gulf or Ocean

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## Overall Site Map

SCALE: 1" = 200'

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


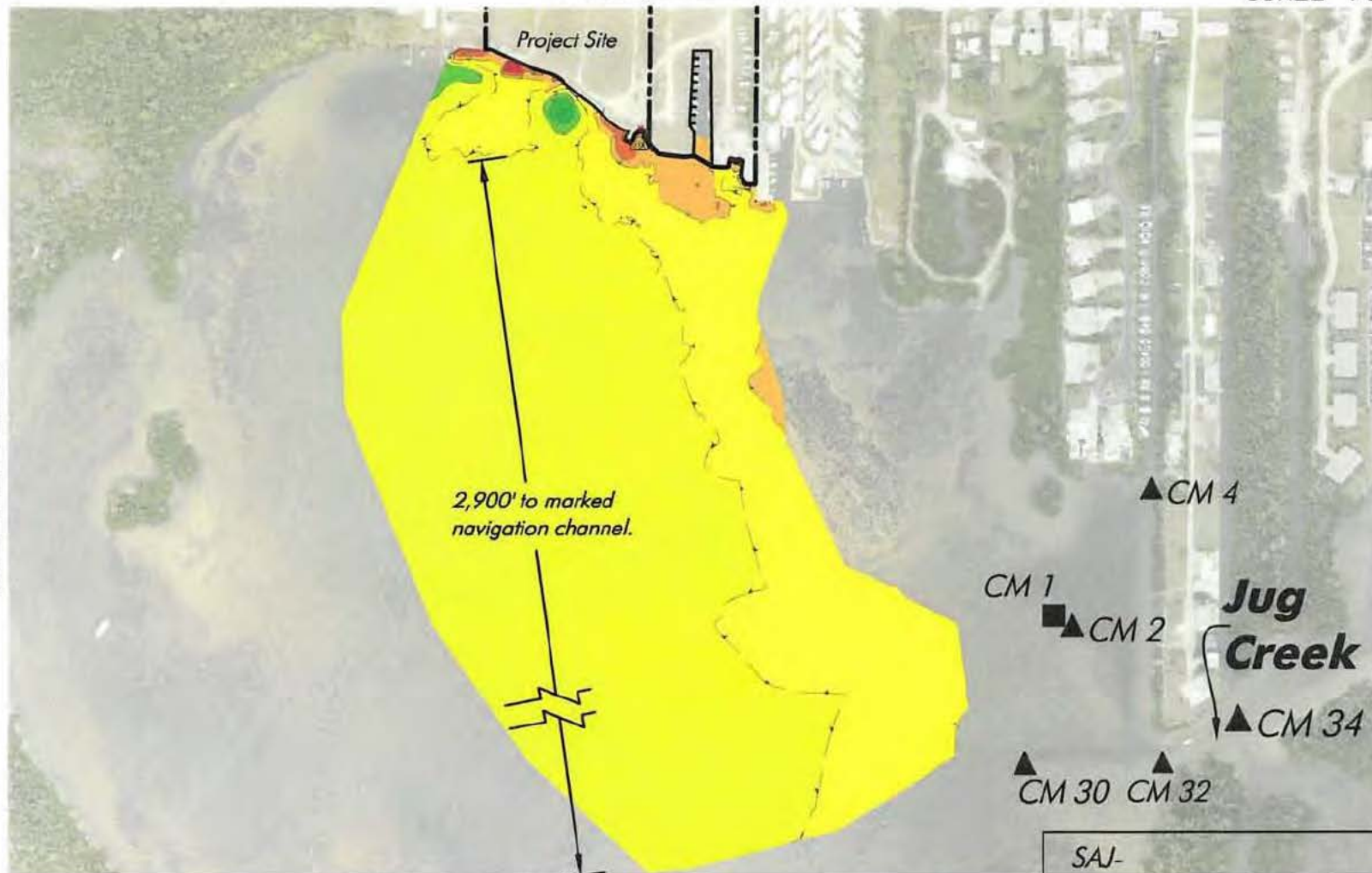
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RANGE: 21E

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Lee County Aerial 2016

Project Site

Contour Legend	
	< -1
	-1 to -2
	-2 to -3
	-3 to -4
	-4 to -5
	-5 to -6
	-6 to -7
	> -7



*Note:* Bathymetric survey performed by HWA on 1-6-17. Depths reference Mean Low Water, per Dep Tidal Station 872-5541 MHW El. = -0.05 NAVD, MLW El. = -1.39 NAVD

## Bathymetric Survey - Back Bay

SCALE: 1" = 400'

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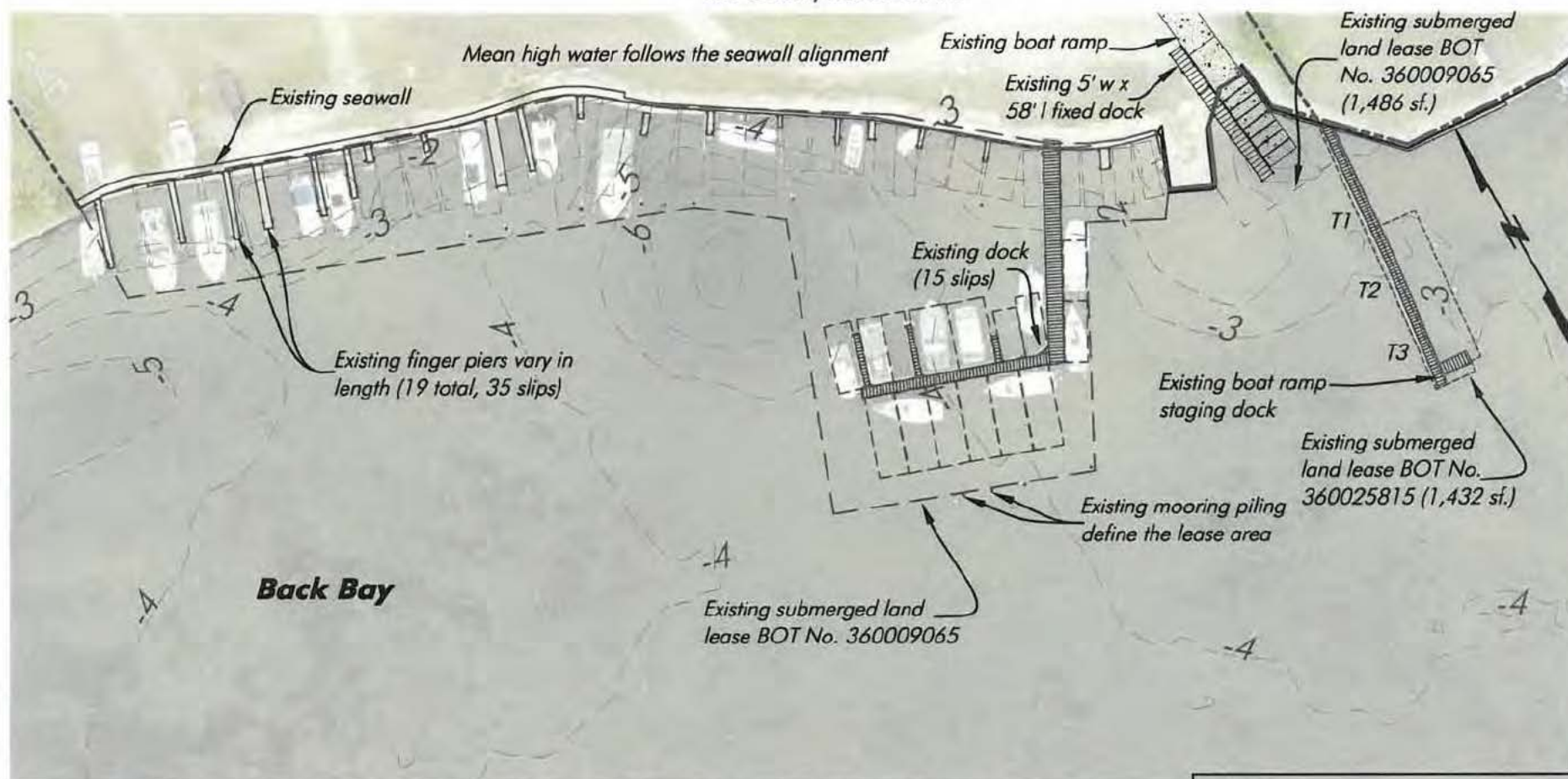
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RANGE: 21E

0 30 60  
SCALE FEET

Lee County Aerial 2016



**Note:** Existing dock location and layout per survey by Morris-Depew and Associates dated 6-30-10. Bathymetry survey conducted by HWA on 5-25-02, depths reference Mean Low Water, per DEP Tidal Station 872-5541

## Detail A - Existing Site Plan

SCALE: 1" = 60'

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SCALE FEET

## Charlotte Harbor

### Fishing Pier Detail

Existing 27' w x 53' l fixed terminal platform

Existing 10' w x 42' l fixed access

Existing 10' w x 22' l finger pier

Existing slips

Existing dock and fishing pier (3 slips)

Existing submerged land  
leases BOT No. 360025815

Existing 12' w x 30' l fixed platform

Existing 12' w x 360' l fixed access dock

Property line

Property line

Property line

## Detail B - Existing Dock Plan

SCALE: 1" = 100'

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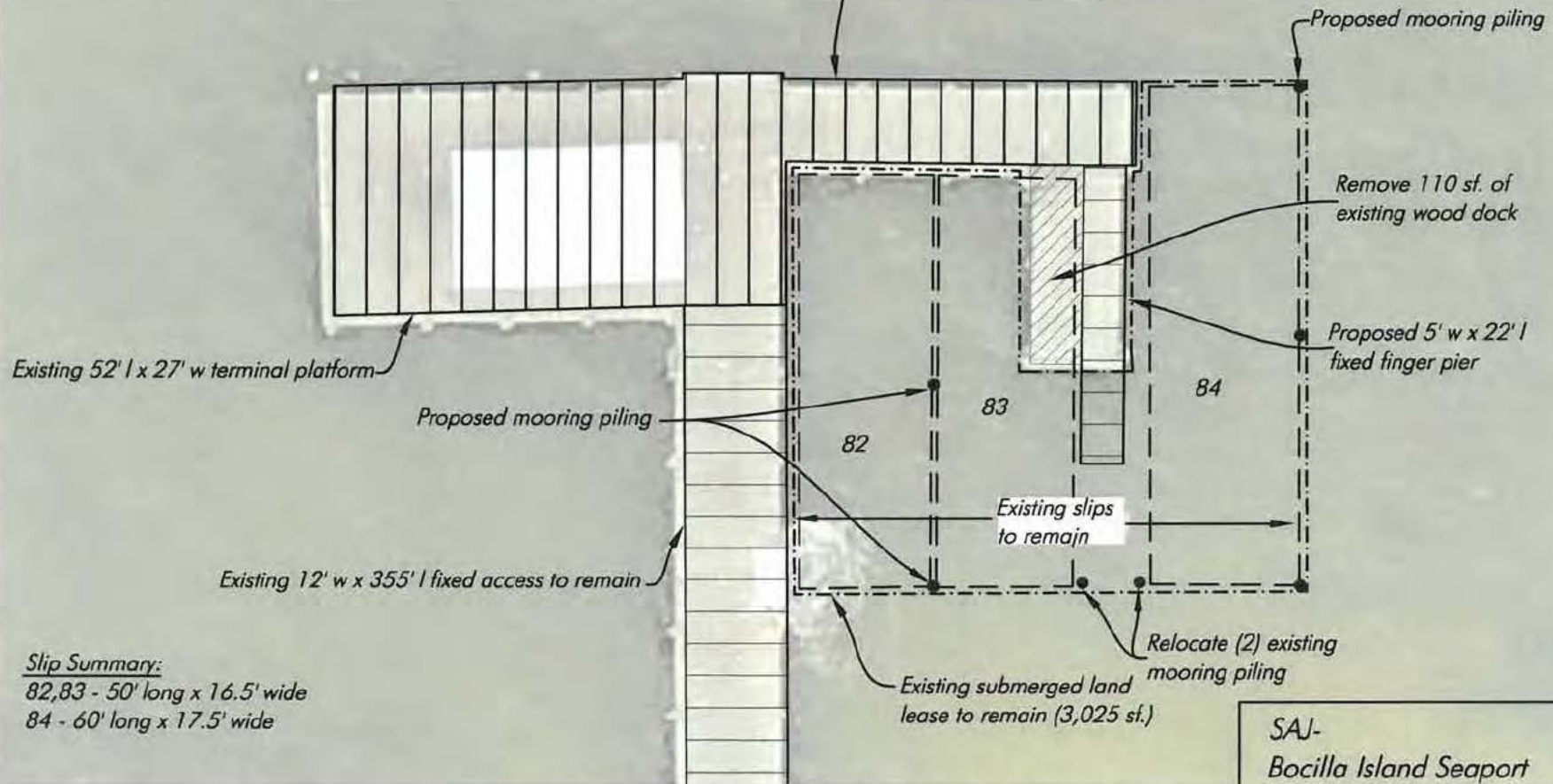
Lee County Aerial 2016

0 10 20  
SCALE FEET

## Charlotte Harbor

Existing 10' w x 42' l fixed access to remain

Note: Each slip has the option of a boat lift or mooring piling layout as shown



Slip Summary:  
82,83 - 50' long x 16.5' wide  
84 - 60' long x 17.5' wide

## Proposed Fishing Pier Detail

SCALE: 1" = 20'

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SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 50 100  
SCALE FEET

### Slip Summary:

Slips allowed per Lee County: 105

#### Existing:

Wet Slips: 95 total slips

Boat ramp (varies): 10 slips

#### Proposed:

Wet Slips: 84 total slips

Boat ramp (varies): 21 slips

### Proposed Piling Count:

(192) 10" dia. wooden piles for dock structure

(336) wooden piles for boat lifts/mooring piling

Total wooden piling = 528

(40) 14" sq. precast concrete anchor piling

### Over-water Area Summary:

#### Existing:

Existing seawall finger piers to be removed - 700 sf.

Existing "L" dock to be removed - 875 sf.

Existing boat ramp staging dock to be removed - 460 sf.

Fishing pier finger pier reconfiguration - 220 sf.

Total = 2,255 sf.

#### Proposed:

Fixed dock, finger piers and access - 2,900 sf.

Floating dock, ramp, finger piers and access - 3,430 sf.

Boat ramp staging dock - 500 sf.

Fixed dock - 300 sf.

Charlotte Harbor Finger Pier - 175 sf.

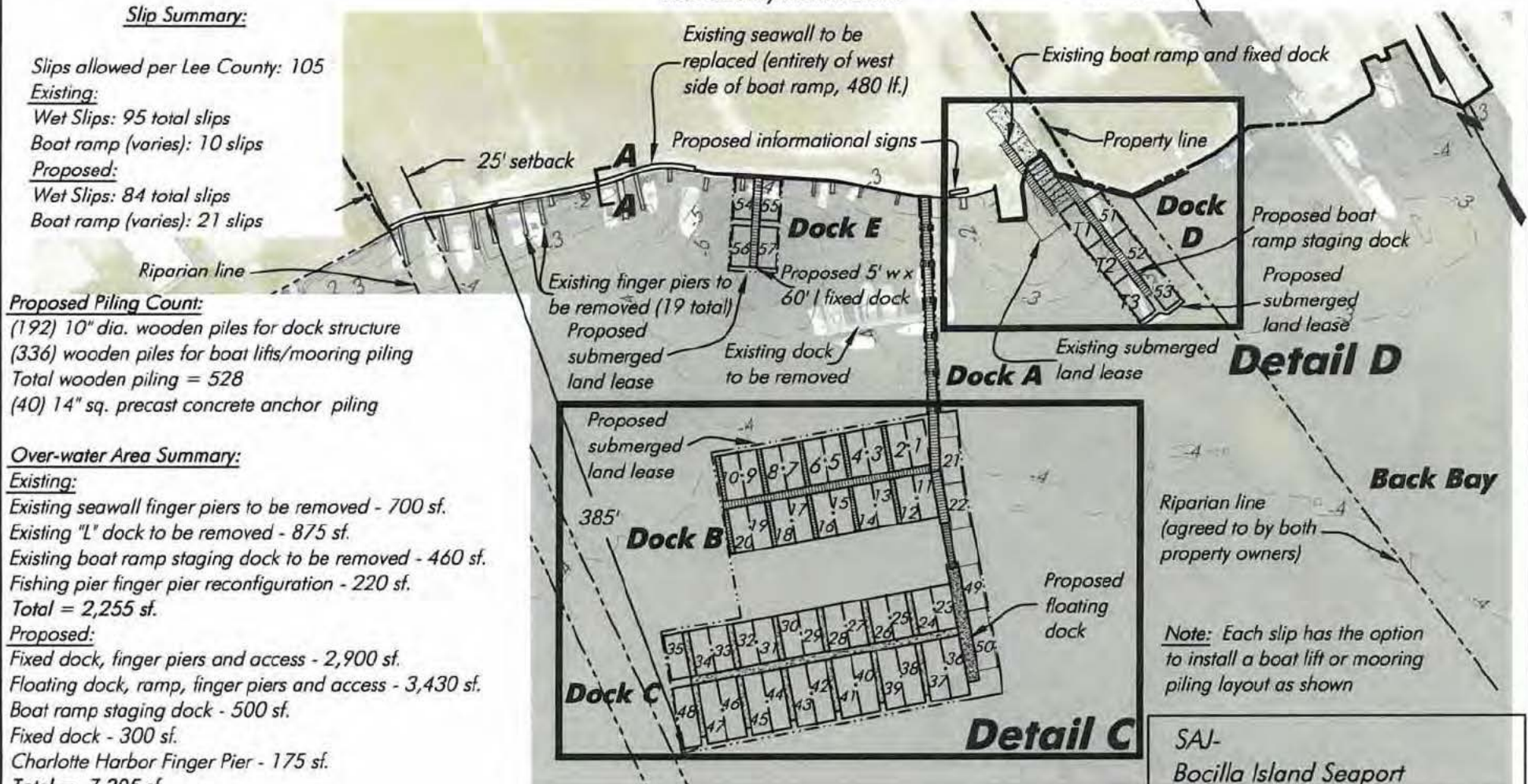
Total = 7,305 sf.

Net Increase = 5,050 sf.

Note: Depths reference Mean Low Water,  
per DEP Tidal Station 872-5541

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## Detail A - Proposed Site Plan

SCALE: 1" = 100'

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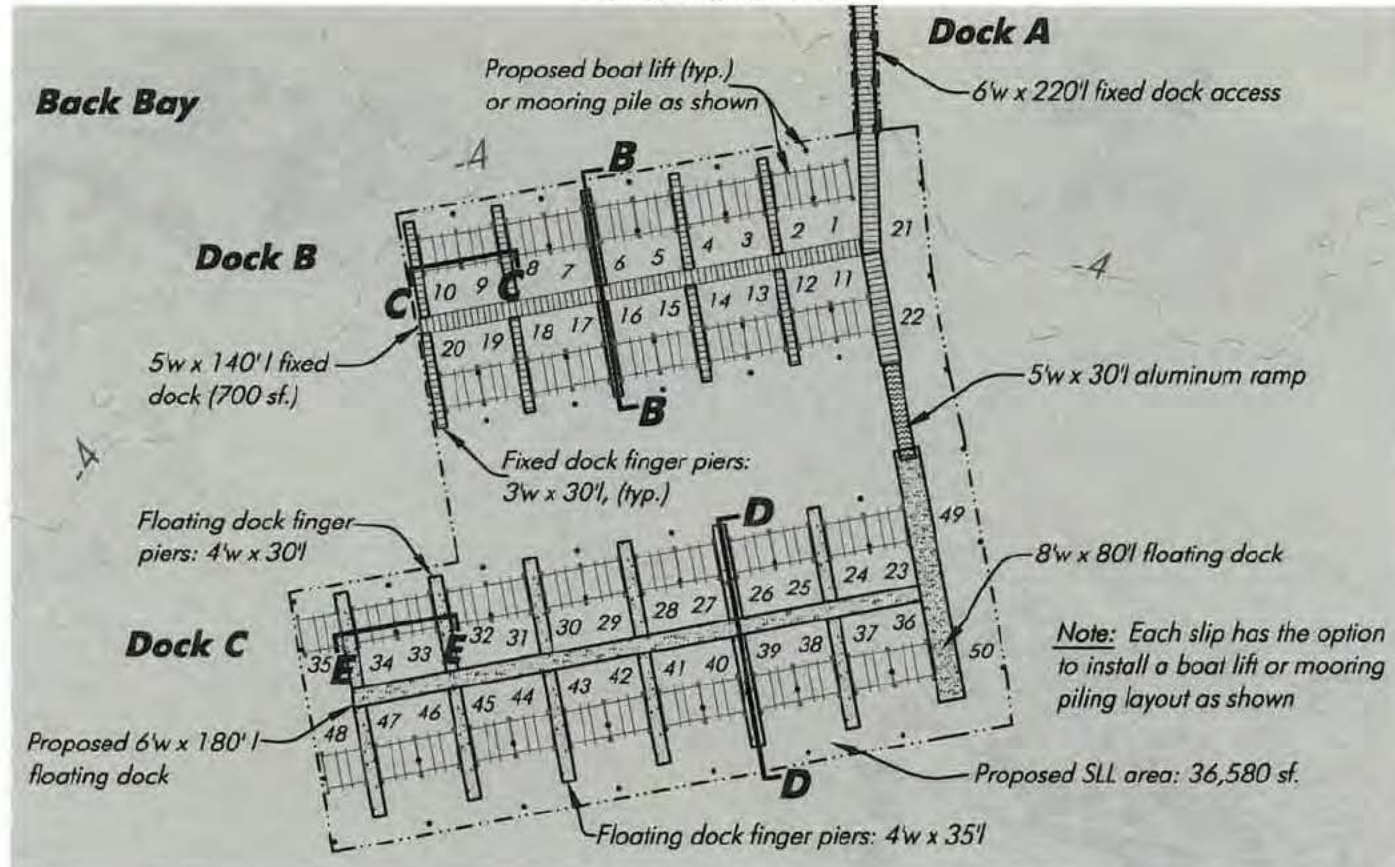
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TOWNSHIP: 43S  
RANGE: 21E

0 30 60  
SCALE FEET

Lee County Aerial 2016



Slip Summary:

1-35, 49 - 30' long x 12' wide  
36-48, 50 - 40' long x 12.5' wide

**Detail C - Proposed Dock Plan**

SCALE: 1" = 60'

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Note: Depths reference Mean Low Water, per DEP Tidal Station 872-5541

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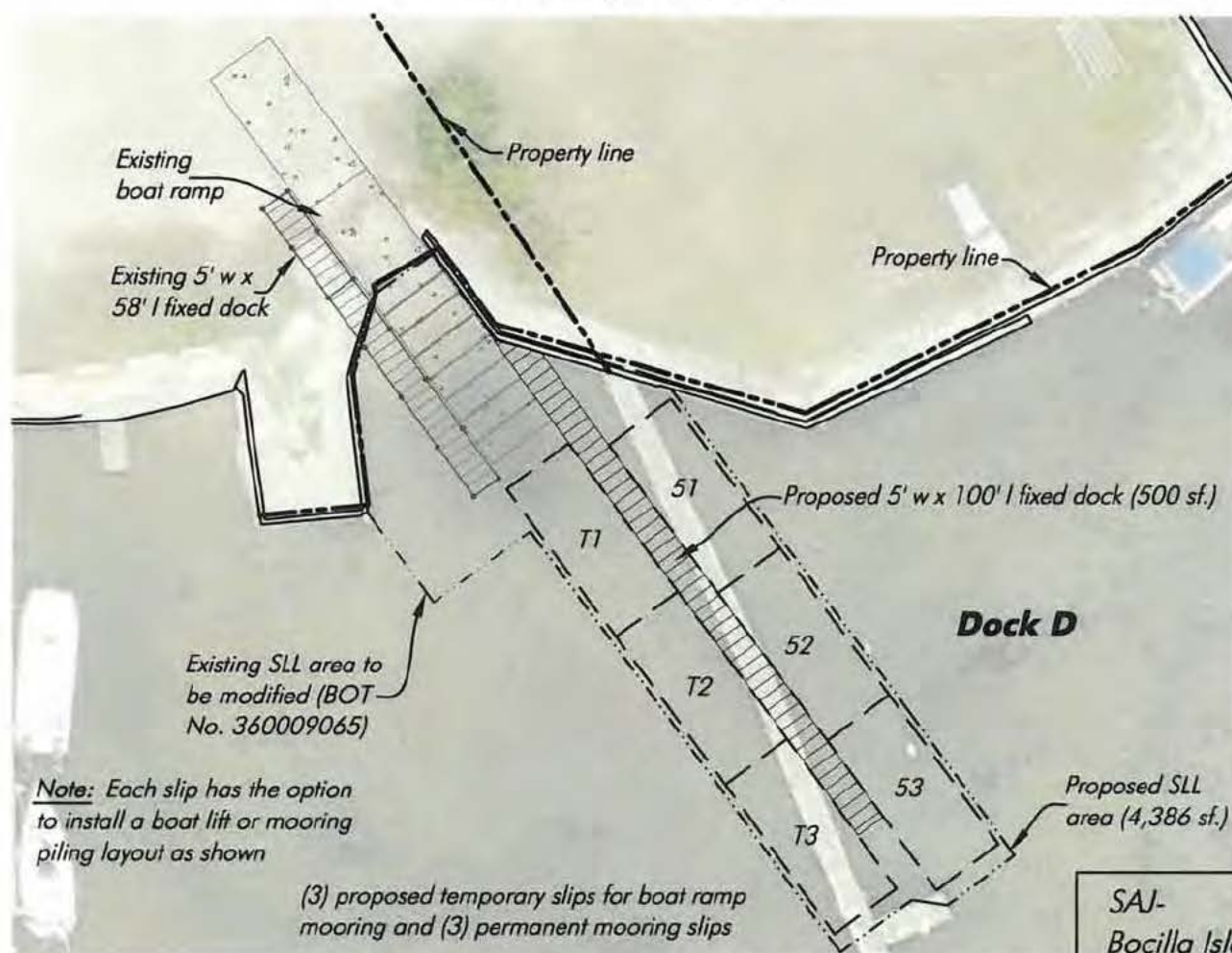
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0 15 30  
SCALE FEET



## Detail D - Proposed Dock Plan

SCALE: 1" = 30'

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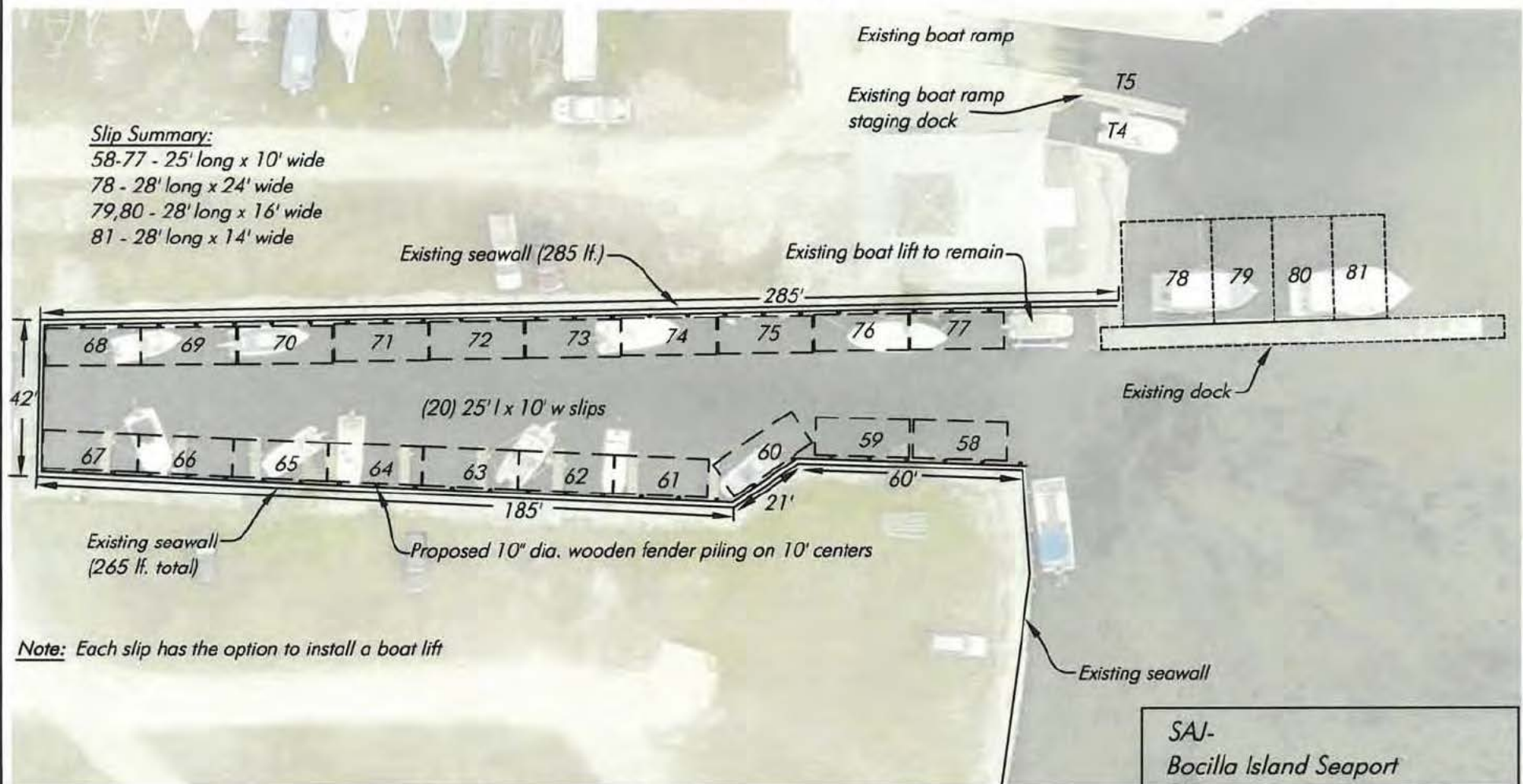
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RANGE: 21E

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0 20 40  
SCALE FEET

Slip Summary:

58-77 - 25' long x 10' wide  
78 - 28' long x 24' wide  
79,80 - 28' long x 16' wide  
81 - 28' long x 14' wide



Note: Each slip has the option to install a boat lift

## Detail E - Basin Mooring Plan

SCALE: 1" = 40'

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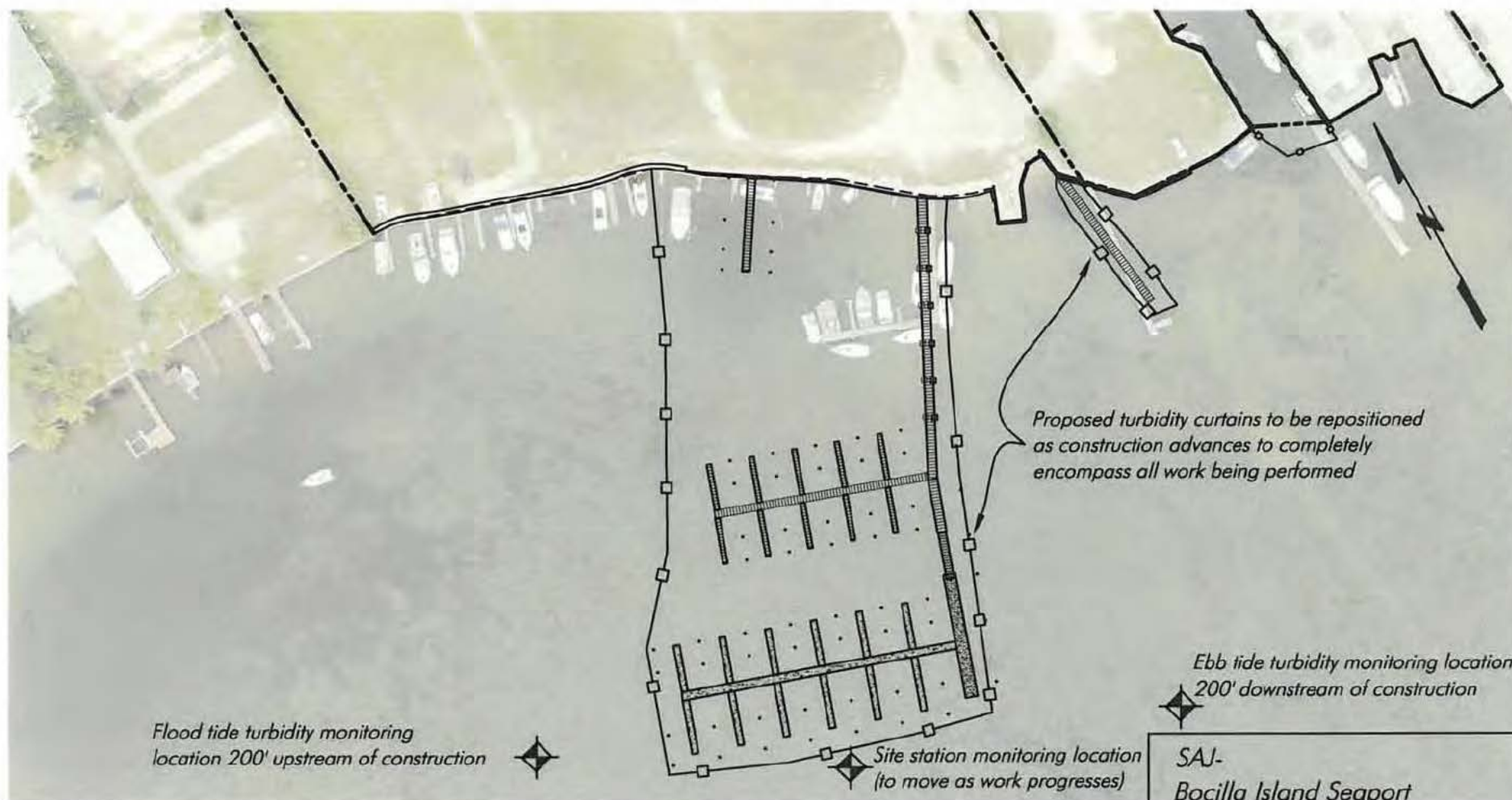
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0 50 100  
SCALE FEET



## **Proposed Turbidity Control Plan**

SCALE: 1" = 100'

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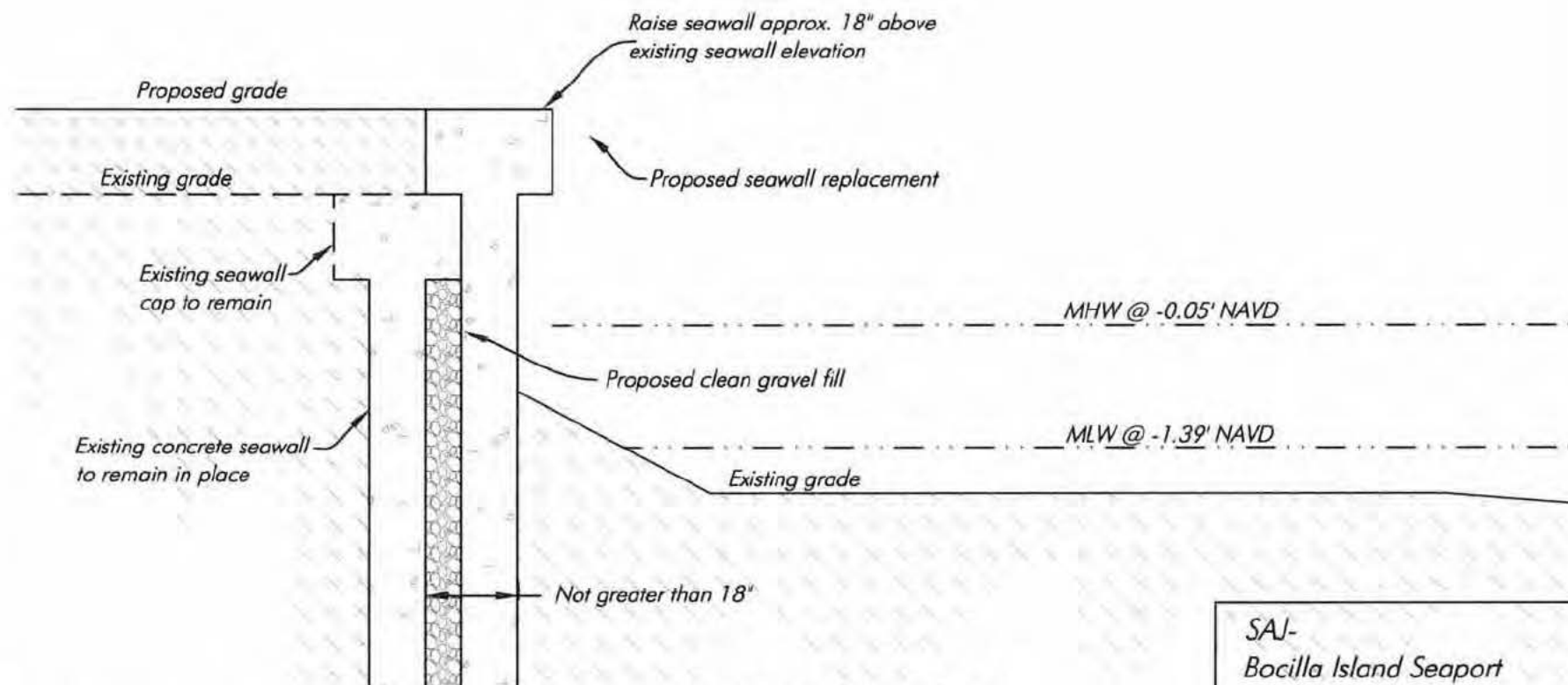
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SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 1 2  
SCALE FEET



Note: All depths reference Mean Low  
Water per DEP tidal station 872-5411

### Cross-Section A-A

SCALE: 1" = 2'

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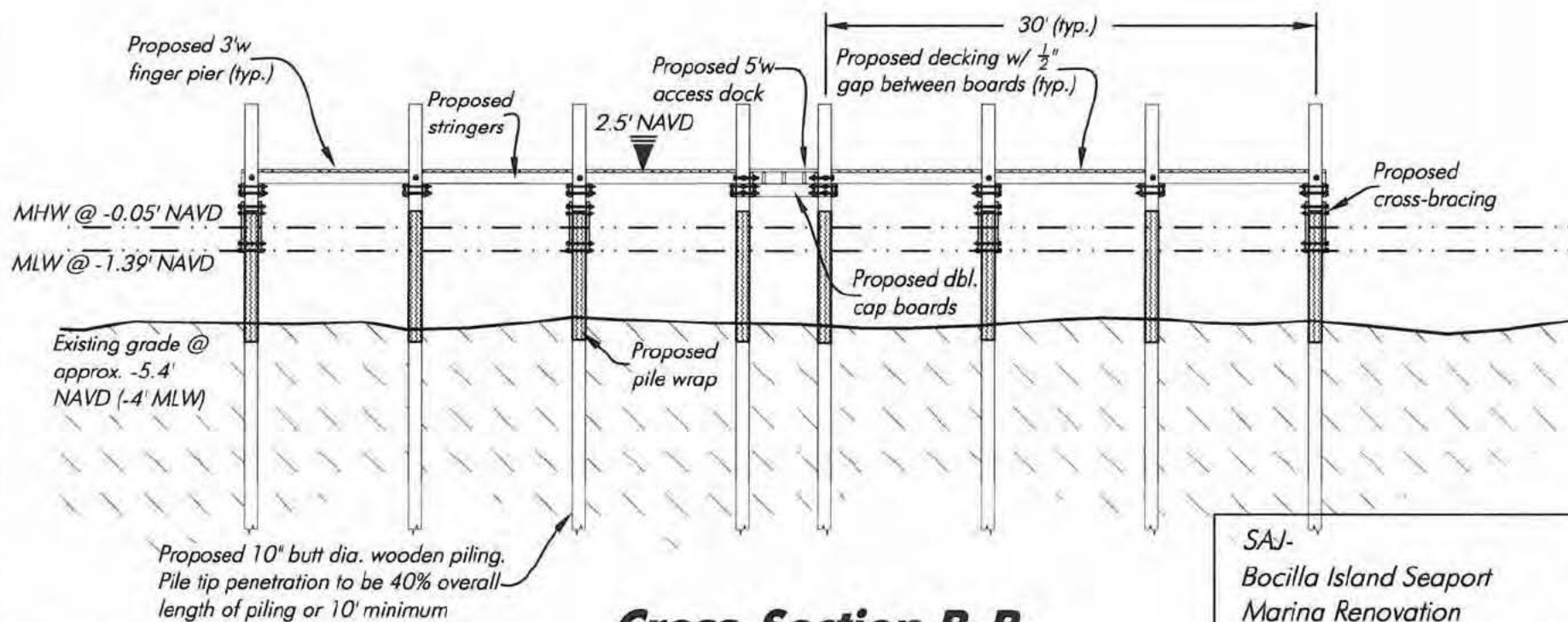
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SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 5 10  
SCALE FEET



## Cross-Section B-B

SCALE: 1" = 10'

Note: All depths reference Mean Low  
Water per DEP tidal station 872-5411

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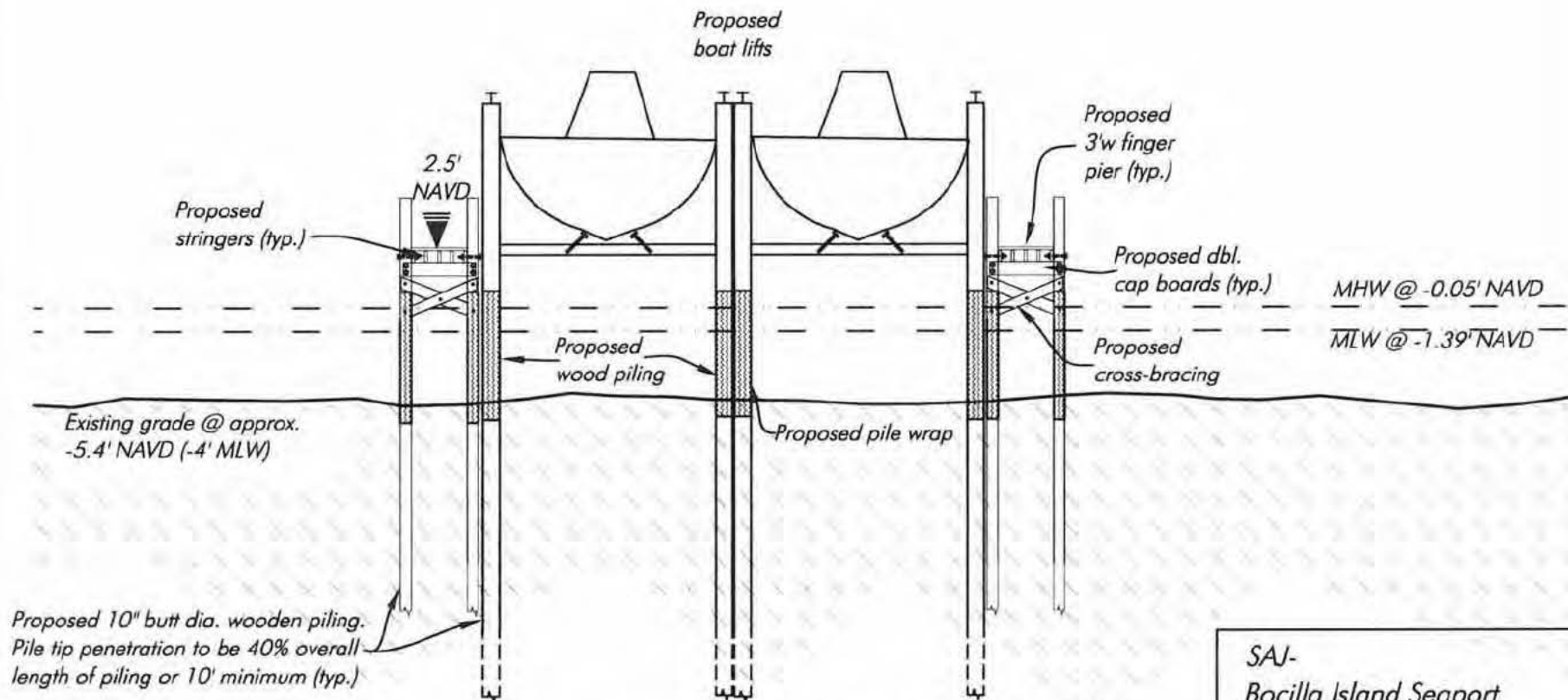
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SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 5 10  
SCALE FEET



## Cross-Section C-C

SCALE: 1" = 10'

Note: All depths reference Mean Low Water per DEP tidal station 872-5411

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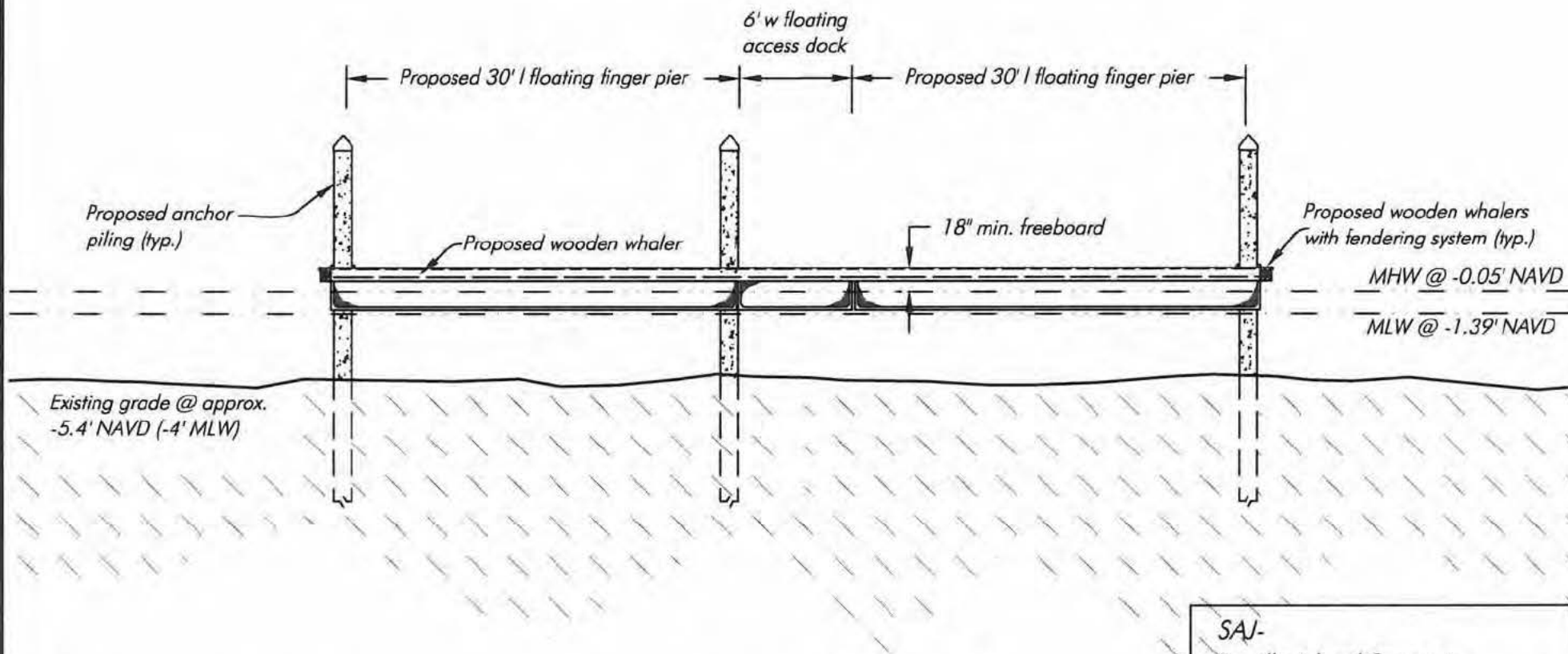
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SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 5 10  
SCALE FEET



## Cross-Section D-D

SCALE: 1" = 10'

Note: All depths reference Mean Low  
Water per DEP tidal station 872-5411

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Marina Renovation  
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April 05, 2019 1:36:44 p.m.  
Drawing: GUNTH3MASTER.DWG

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

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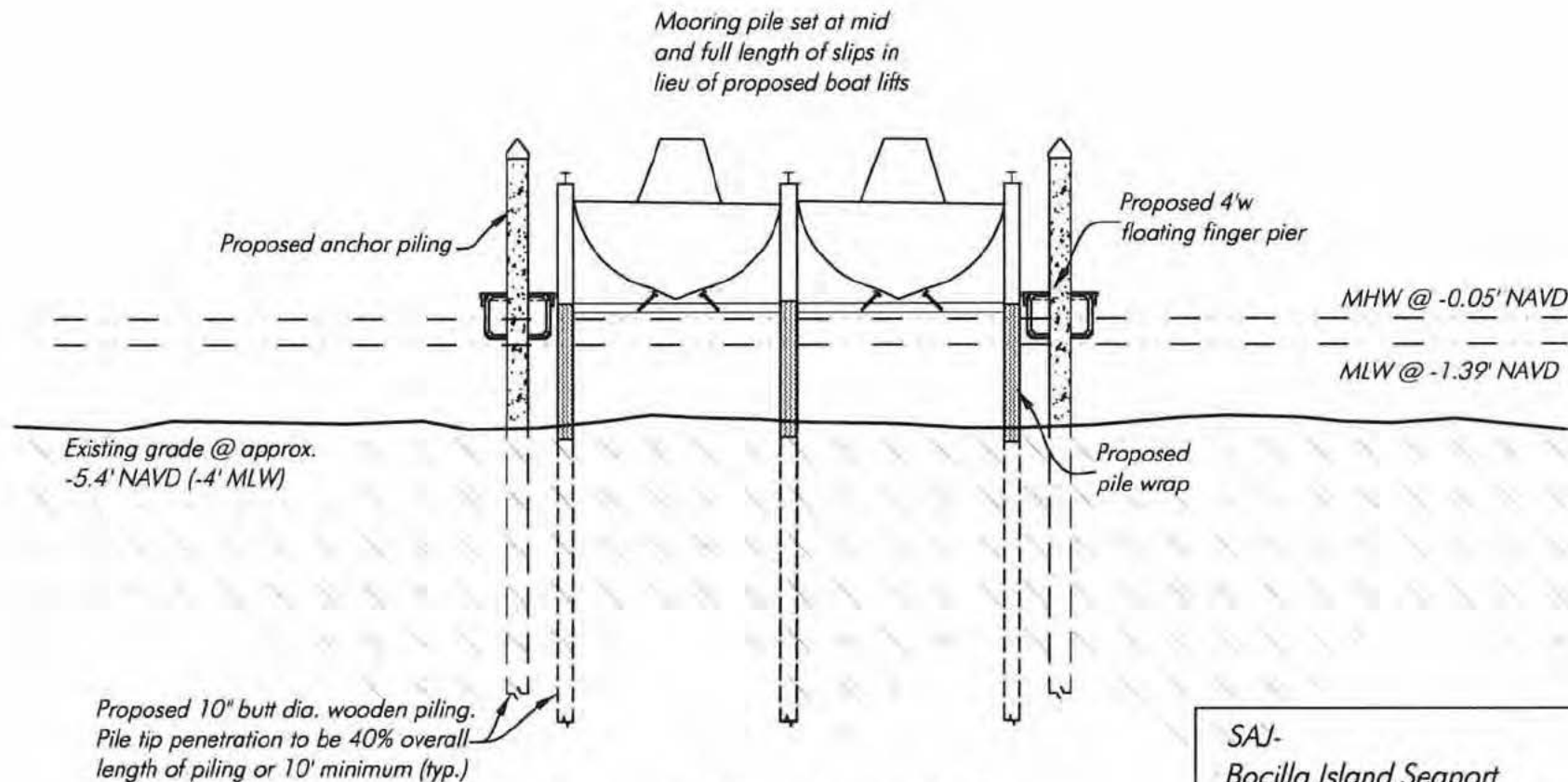
# Bocilla Island Seaport

SHEET



SECTION: 25  
TOWNSHIP: 43S  
RANGE: 21E

0 5 10  
SCALE FEET



### Cross-Section E-E

SCALE: 1" = 10'

Note: All depths reference Mean Low  
Water per DEP tidal station 872-5411

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SHEET