



REPLY TO
ATTENTION OF

Regulatory Division
West Permits Branch
Fort Myers Permits Section

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

February 18, 2020

PUBLIC NOTICE

Permit Application Number SAJ-1994-04596 (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: Gulf Star Marina

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Matanzas Pass. The project site is located at 704-742 Fisherman's Wharf, Fort Myers Beach, Section 24, Township 46 South, Range 23 East, Lee County Florida.

Directions to the site are as follows: Head south on McGregor Blvd. Stay straight onto San Carlos Blvd. Bear to the right under the bridge and the facility is on the right after the turn around.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.459097
Longitude -81.952492

PROJECT PURPOSE:

Basic: Marina modification and shoreline stabilization.

Overall: Modification of an existing 44 slip marina and installation of rip rap for shoreline stabilization near Fort Myers Beach, Florida.

EXISTING CONDITIONS: The wetland system consists of a saltwater system. There is no onsite vegetation. The existing area surrounding the project area consists of an existing marina, upland and open water.

PROPOSED WORK: The applicant seeks authorization to remove the fixed docks along the seawall and replace them with a floating dock (3,262 square feet), add 312 square feet of dock on to the end of the existing travel lift, add approximately 1,249 square feet (118 cubic yards) of riprap in front of the existing seawall and refurbish approximately 2,555 square feet (116 cubic yards) of existing riprap on the western side of the property.

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 applicant has avoided and minimized impacts to the aquatic environment to the greatest degree practicable. The docking facility is existing and is comprised of old structures that are beginning to deteriorate. The fixed dock will be replaced with a floating structure made of concrete which will not introduce heavy metals into the waterbody. The riprap proposed will assist with wave attenuation and create habitat for sessile organisms. A portion of the riprap is already existing and will be refurbished to increase functionality.

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

There are no impacts to wetland vegetation or submerged aquatic vegetation, therefore no mitigation is required.

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 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.

The Corps has made the determination of **may affect, not likely to adversely affect** for the West Indian manatee and its designated critical habitat. The Corps has concurrence with this determination pursuant to *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013* (Manatee Key). Use of the Manatee Key resulted in the following sequential determination: MANLAA, A>B>C>D>G>N>O>P3 with restrictions of observers March 16-November 14. Further consultation with the Service is required. This determination is based on the applicant following the *Standard Manatee Conditions for In-Water Work, 2011* for the proposed activity.

Wood Stork: The Corps has made the determination of *no effect* for the wood stork. The Corps has concurrence with this determination pursuant to *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, South Florida Ecological Services Field Office and State of Florida Effect Determination Key for the Wood Stork in South Florida, January 2010* (Wood Stork Key). Use of the Wood Stork Key resulted in the following sequential determination: A-No Effect. No further consultation with the Service is required. Piping Plover: The Corps has made the determination of *no effect* for the piping plover as there is no impact to suitable habitat for the plover.

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 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 proposal would impact approximately 1.0 acre of sandy silt and mud habitat. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Matanzas Pass. 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 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 Fort Myers Permits Section, 1520 Royal Palm Square Boulevard, Suite 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, Allison Murphy, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square

Boulevard, Suite 310 Fort Myers, Florida, 33919; by electronic mail at Allison.C.Murphy@usace.army.mil; or, by telephone at (239) 334-1975 ext. 0008.

ADDITIONAL INFORMATION: After reviewing all available information pertaining to the completed work, the Department of the Army has not recommended legal action at this time. Final determination regarding legal action will be made after review of the project through the permit procedure.

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.

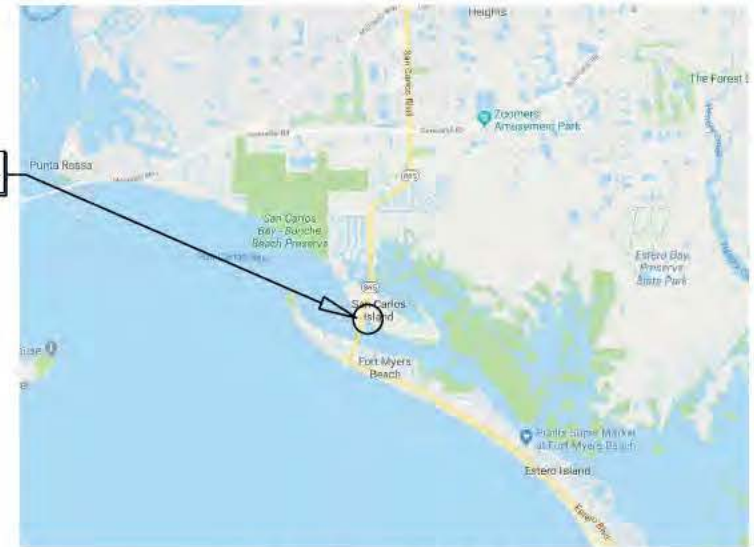
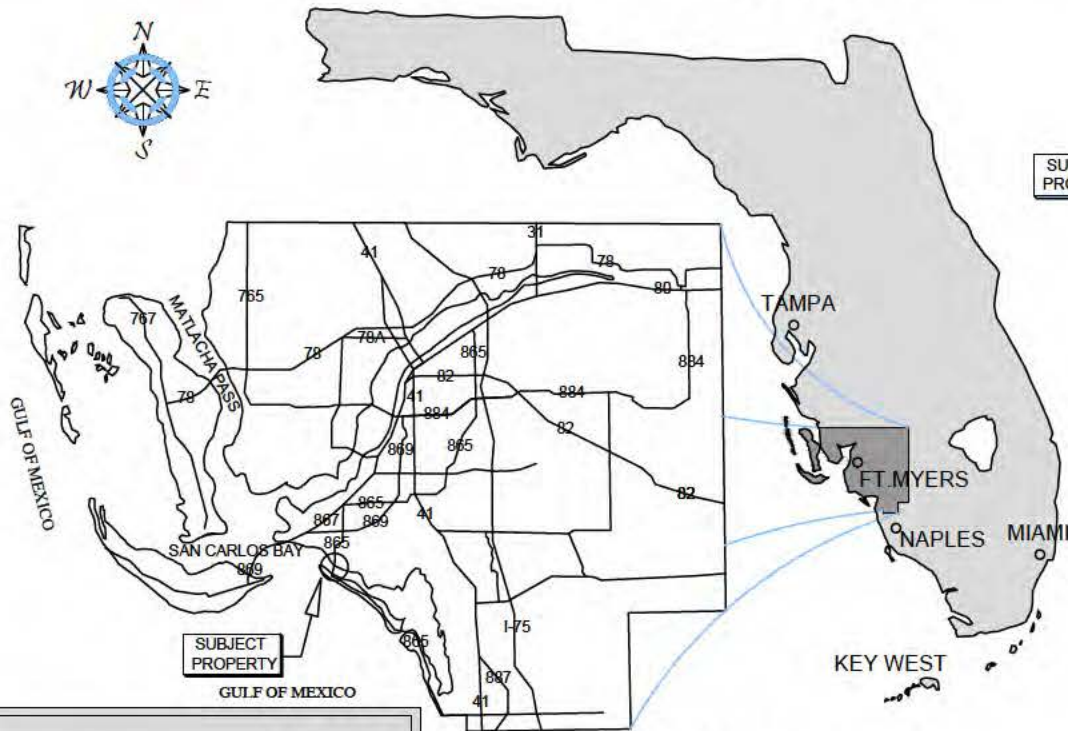
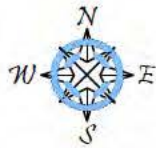
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to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

STATE OF FLORIDA



VICINITY MAP

LEE COUNTY

SITE ADDRESS:

◊ 704-742 FISHERMANS WHARF ◊ LATITUDE: N 26.459097
FT MYERS BEACH, FL 33931 ◊ LONGITUDE: W -81.952492

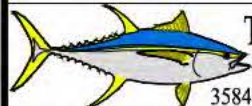
NOTES:

◊ THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.



COUNTY AERIAL

JOSHUA W. MAXWELL
REGISTERED PROFESSIONAL ENGINEER
CERTIFICATE OF AUTHORIZATION NO. 5875
LICENSE NO. 81247
DATE: October 31, 2019 7:53 AM



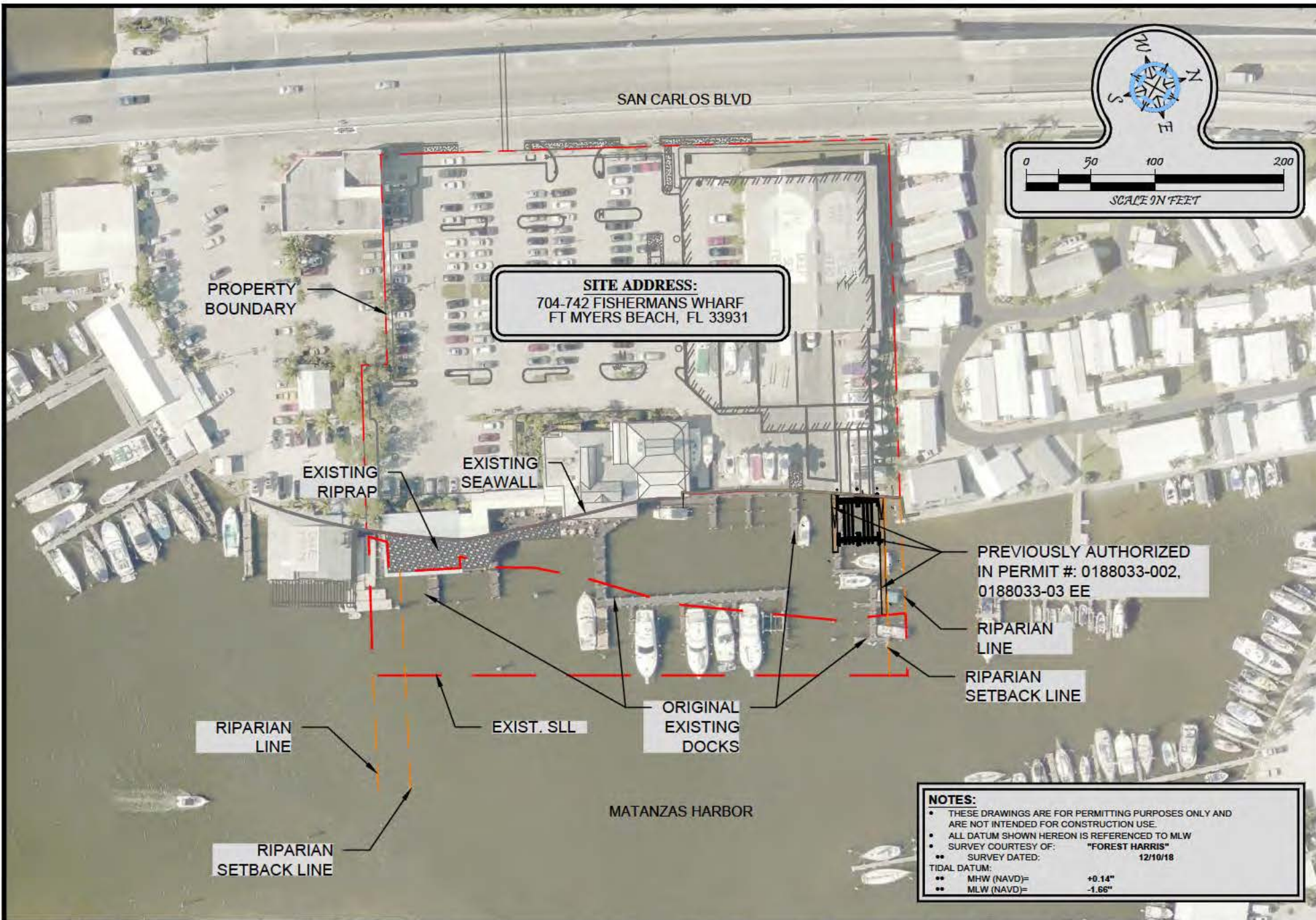
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA LOCATION MAP

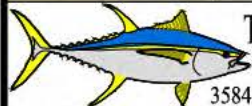
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	REV	REV BY	DATE	CHK BY	CHANGED
1.	-	-	-	-	-	-
RAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-30-19	3.	-	-	-	-
JOB NO.:	1882	4.	-	-	-	-
SHEET NO.:	01 OF 07	5.	-	-	-	-
SECTION-24	TOWNSHIP- 46S	RANGE- 23E				



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "FOREST HARRIS"
- SURVEY DATED: 12/10/18
- TIDAL DATUM:
 - MHW (NAVD)= +0.14"
 - MLW (NAVD)= -1.66"



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

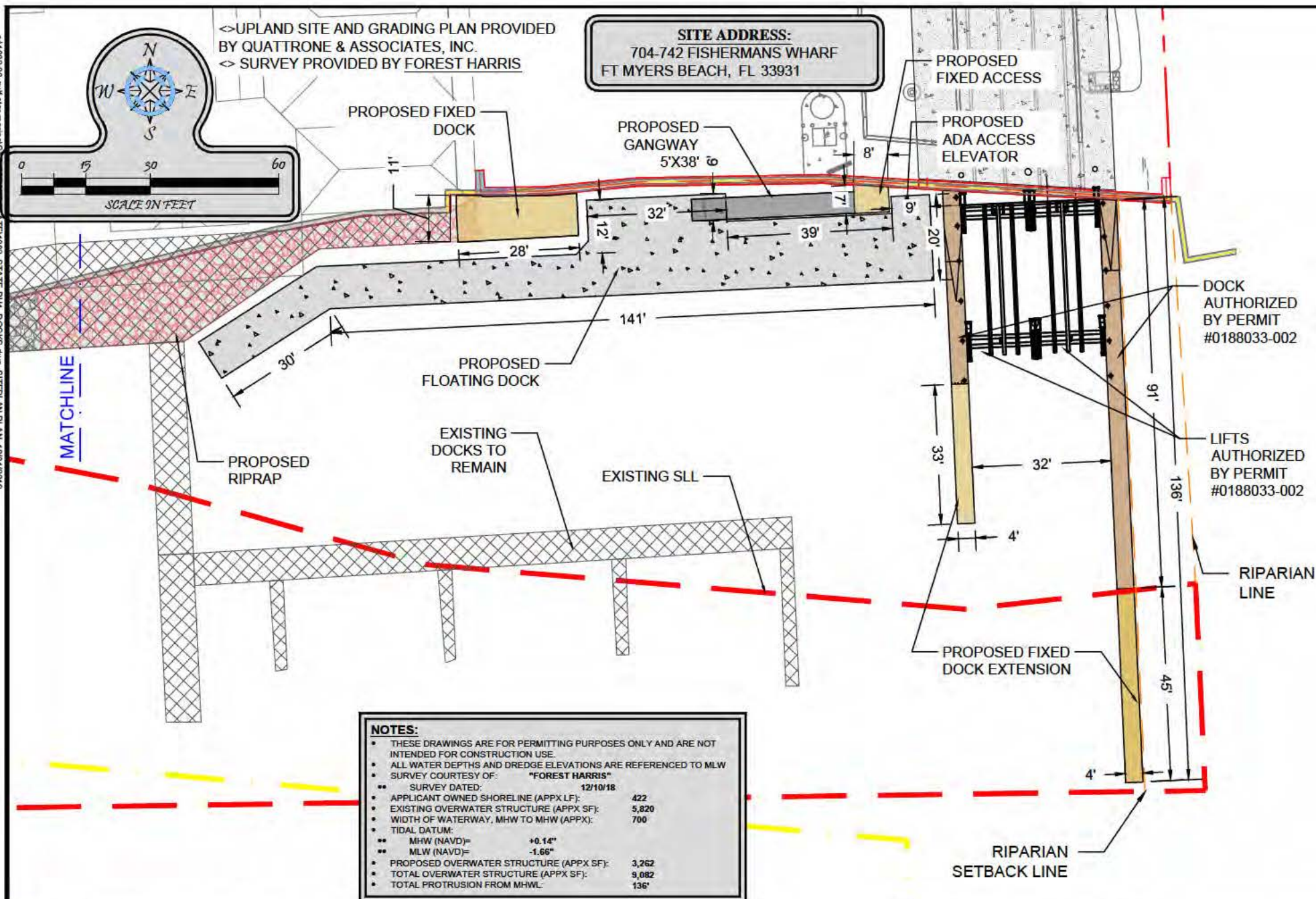
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA **EXISTING CONDITIONS**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
RAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-30-19	2.	-	-	-	-
JOB NO.:	1882	3.	-	-	-	-
SHEET NO.:	02 OF 07	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 24 TOWNSHIP- 46S RANGE- 23E



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

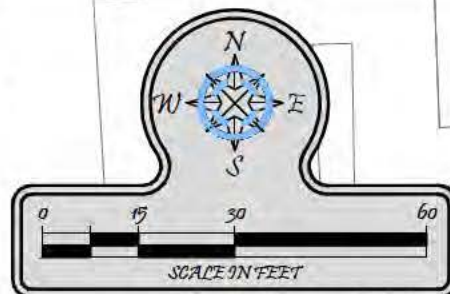
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA **PROPOSED SITE PLAN - EAST**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED BY:	JWM	REVIEWED BY:	DATE	CHK BY:	CHANGED:
RAWN BY:	RMJ	2	-	-	-
CREATED:	10-30-19	3	-	-	-
JOB NO.:	1882	4	-	-	-
SHEET NO.:	03 OF 07	5	-	-	-
SECTION- 24 TOWNSHIP- 46S RANGE- 23E					

SITE ADDRESS:
704-742 FISHERMANS WHARF
FT MYERS BEACH, FL 33931



◇ UPLAND SITE AND GRADING PLAN PROVIDED
BY QUATTRONE & ASSOCIATES, INC.
◇ SURVEY PROVIDED BY FOREST HARRIS

PROPOSED FIXED
DOCK

MATCHLINE

PROPOSED
RIPRAP

EXISTING
DOCKS TO
REMAIN

EXISTING SLL

REFURBISHED
RIPRAP

RIPARIAN
LINE

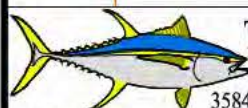
RIPARIAN
SETBACK LINE

RIPRAP VOLUME APPROXIMATE PER
WATER DEPTHS DETERMINATION

RIPRAP	SF	CY
REFURBISHED	2555	116
PROPOSED	1249	118
TOTAL	3804	234

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW.
- SURVEY COURTESY OF: "FOREST HARRIS"
- SURVEY DATED: 12/10/18
- APPLICANT OWNED SHORELINE (APPX LF): 422
- EXISTING OVERWATER STRUCTURE (APPX SF): 5,820
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 700
- TIDAL DATUM:
- MHW (NAVD)= +0.14"
- MLW (NAVD)= -1.66"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,262
- TOTAL OVERWATER STRUCTURE (APPX SF): 9,082
- TOTAL PROTRUSION FROM MHWL: 136'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

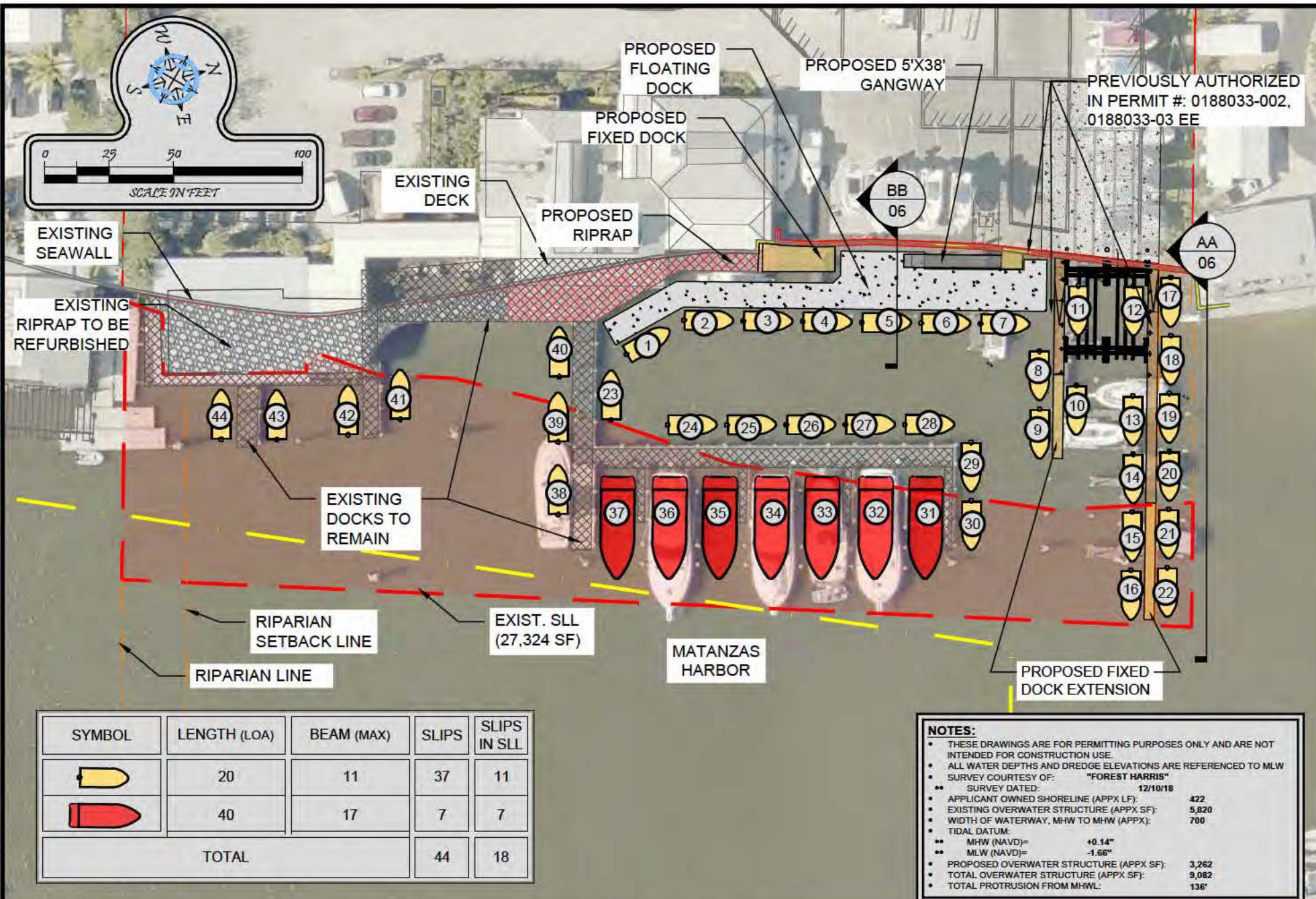
3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA PROPOSED SITE PLAN - WEST

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED BY:	JWM	REVIEWED BY:	DATE:	CHK BY:	CHANGED:
RAWN BY:	RMJ	2	-	-	-
CREATED:	09-30-19	3	-	-	-
JOB NO.:	1882	4	-	-	-
SHEET NO.:	04 OF 07	5	-	-	-
SECTION-24 TOWNSHIP-46S RANGE-23E					



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

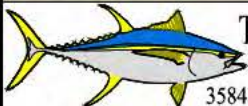
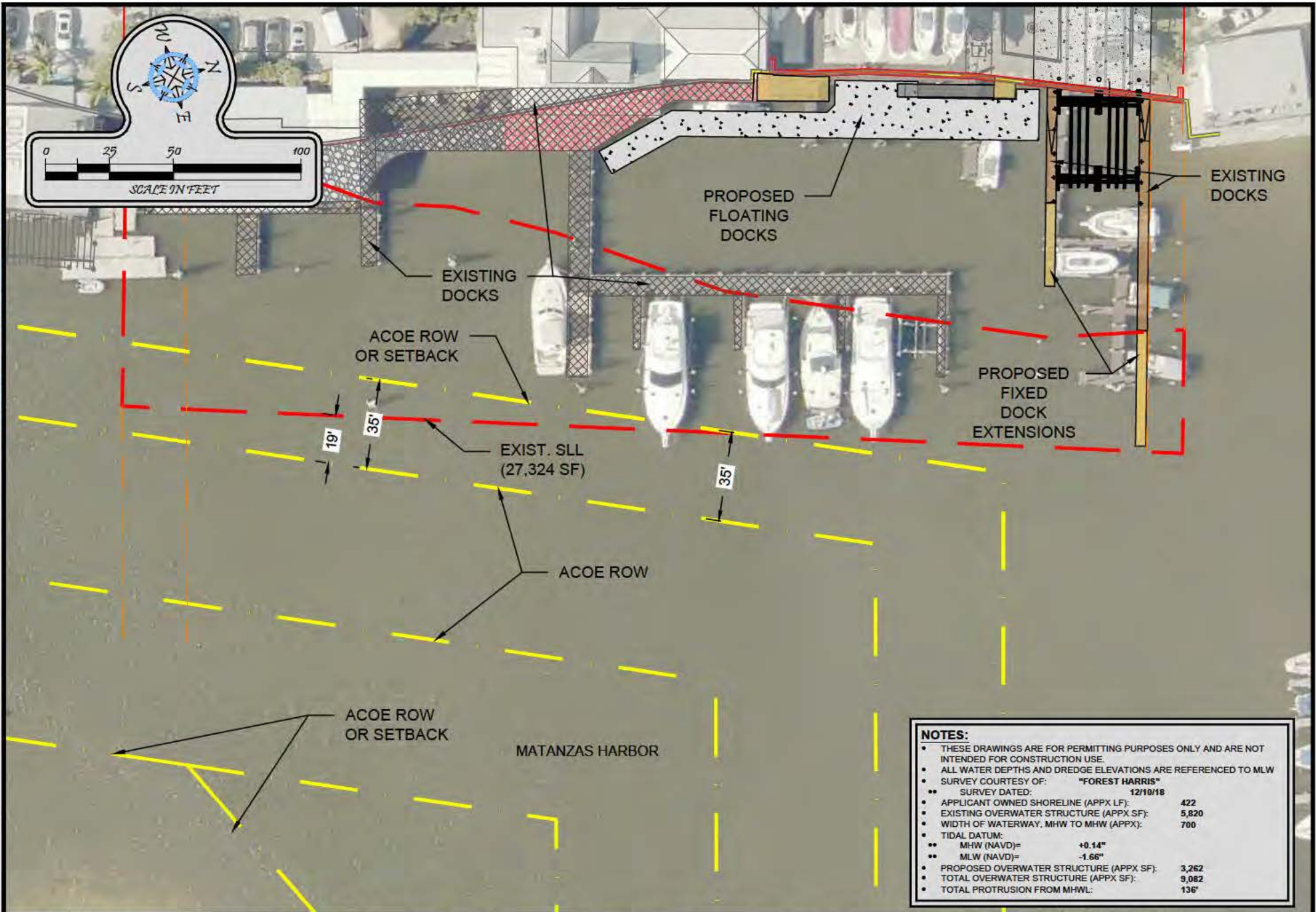
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA **SITEPLAN WITH DIMENSIONS**

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	REV	REV BY	DATE	CHK BY	CHANGED
RAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-30-19	2.	-	-	-	-
JOB NO.:	1882	3.	-	-	-	-
SHEET NO.:	05 OF 07	4.	-	-	-	-
		5.	-	-	-	-

SECTION-24 TOWNSHIP-46S RANGE-23E



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

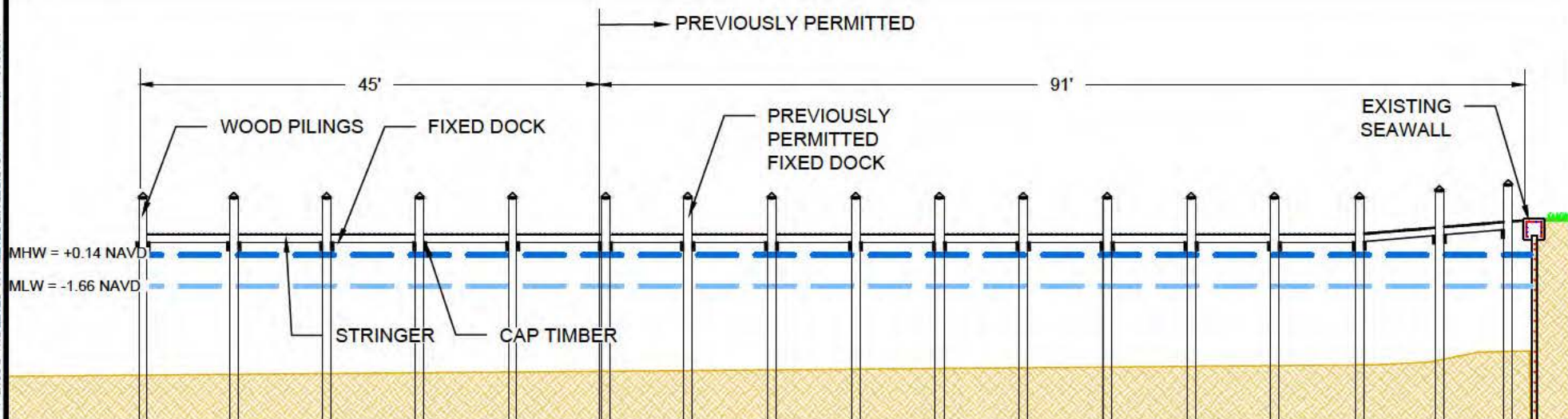
GULF STAR MARINA

ACOE ROW MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

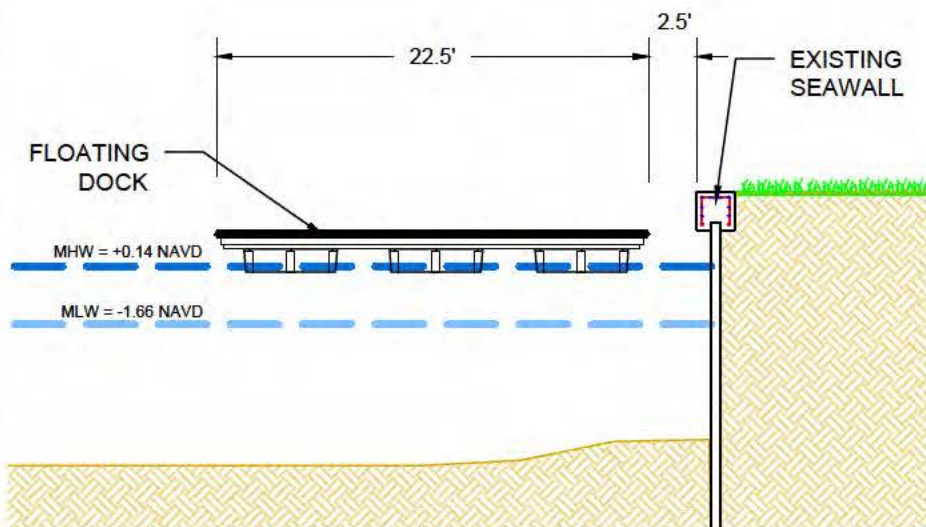
DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
RAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-30-19	2.	-	-	-	-
JOB NO.:	1882	3.	-	-	-	-
SHEET NO.:	06 OF 07	4.	-	-	-	-
		5.	-	-	-	-

SECTION-24 TOWNSHIP-46S RANGE-23E



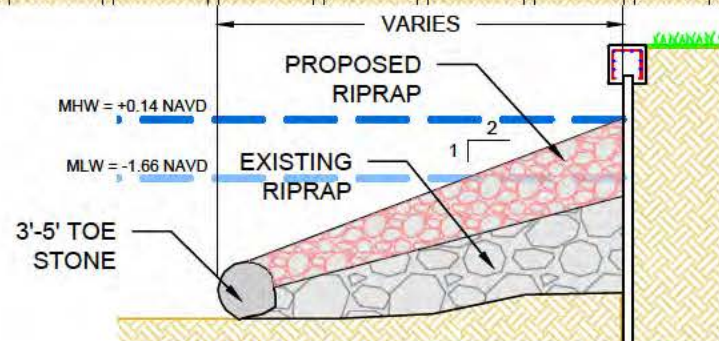
CROSS SECTION AA

SCALE: 1" = 15'



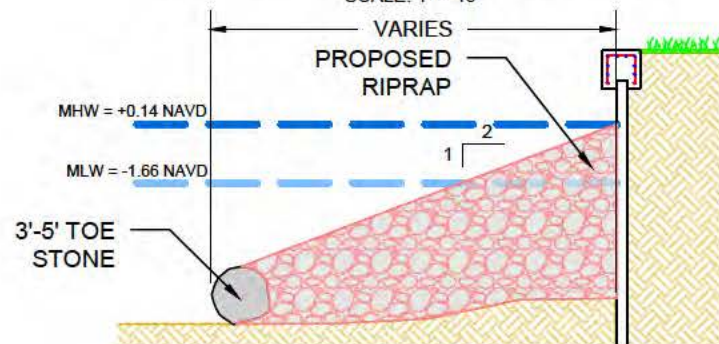
CROSS SECTION BB

SCALE: 1" = 10'



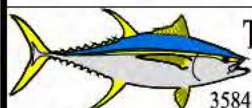
REFURBISHED RIPRAP CROSS SECTION

SCALE: 1" = 15'



PROPOSED RIPRAP CROSS SECTION

SCALE: 1" = 15'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

GULF STAR MARINA

CROSS SECTIONS

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	REVIEW	DATE	CHK BY	CHANGED
RAWN BY:	RMJ	1.	-	-	-
CREATED:	10-30-19	2.	-	-	-
JOB NO.:	1882	3.	-	-	-
SHEET NO.:	07 OF 07	4.	-	-	-
		5.	-	-	-
SECTION-24		TOWNSHIP-46S		RANGE-23E	