



REPLY TO
ATTENTION OF

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

DEC 23 2008

Fort Myers Section

PUBLIC NOTICE

Permit Application No. SAJ-2008-3268 (IP-MJD)

TO WHOM IT MAY CONCERN: This district 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: East Branch Canal Front HOA
Diane Bossle, Secretary
2830 Old Orchard Road
Davie, Florida 33328

WATERWAY & LOCATION: The project is located at the easternmost end of a canal between East Gulf Drive and Lagoon Drive on the east end of Sanibel Island in Section 20, Township 46 South, Range 23 East, Lee County, Florida.

Directions to the site are as follows: From Fort Myers take the Sanibel Causeway (C.R. 867 south) onto Sanibel Island (toll required). Proceed approximately 0.50 miles south on Causeway Road to the intersection of Periwinkle Way and turn left (east). Proceed east on Periwinkle way for 0.85 miles and turn right (south) onto Lagoon Drive. Approximately 0.12 miles (7 houses on right) there will be a pedestrian footbridge crossing the canal. The footbridge over the canal crosses the dredge project and may be high enough to view the waterway and proposed work area which occurs in a private subdivision.

LATITUDE & LONGITUDE: Latitude 26.448789° North
Longitude 82.024694° West

PROJECT PURPOSE:

Basic: Improve watercraft access.

Overall: Dredge the terminal end of a private residential canal to a depth of -5.0 MLW to restore navigation access and construct 7 single family docks and access walkways.

PROPOSED WORK: The applicant proposes to dredge 2,090 cubic yards of materials from 13,674 square feet (0.31 acre) of severely narrowed residential canal that was originally constructed between 1948 and 1956. The width of the navigation channel is proposed to be 20' with a depth of -5.0 NGVD. The proposed work includes trimming and removal of a total of 5,029 square feet (0.12 acre) of mangroves and the construction of 7 single family boat docks with access walkways. Each dock would consist of a 5 X 15' access walkway and 4 X 20' terminal platform. The project would require replacing the existing wooden pedestrian bridge that crosses the canal in order to provide reasonable safe motorized vessel access as the current bridge height is 6.34 NGVD. The applicant anticipates that vessels between ten and twenty feet in length are would be moored at the new docks. The dredged material would be temporarily stored on uplands at the project site until dry then transported to the City landfill for disposal.

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:

City of Sanibel Environmental staff flagged an approximate line through the mangroves that avoids the larger mature mangrove trees. The applicant has minimized the proposed channel dredge footprint to meander around mature mangroves that have grown within the waterway while providing restoration of the navigation access.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant initially proposed to purchase mitigation credits from Little Pine Island Mitigation Bank but has now revised their mitigation proposal. The applicant is currently discussing mitigation with the City of Sanibel and may revise their mitigation proposal to provide mangrove mitigation on Sanibel Island or some combination of the mitigation bank credits and mitigation on Sanibel Island in order to compensate for wetland impacts and address agency concerns. The applicant has indicated a willingness to provide 2:1 compensation for mangrove impacts.

EXISTING CONDITIONS: The wetland system consists of a tidal forested wetland system. The onsite vegetation consists of mature mangroves that have grown in the terminal end of a dredged residential canal on Sanibel Island. The existing area surrounding the project area consists of seven single family homes. Two small linear docks and two small platform docks that provide access for small boats or canoe/kayak access exist at four of the homes. The small existing docks are located at the approximate mean high water line. Three of the homes have no boat access.

ENDANGERED SPECIES: The U.S Army Corps of Engineers (Corps) has determined the proposal may affect the West Indian manatee (*Trichechus manatus*). The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The U.S Army Corps of Engineers (Corps) has determined the proposal may affect the smalltooth sawfish (*Pristis pectinata*) or its proposed critical habitat. The Corps will request initiation of formal consultation with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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 0.31 acres of water column and 0.12 acres of mangroves utilized by various life stages of Penaid shrimp complex, red drum reef fish, stone crab, spiny lobster, migratory & pelagic fish and the snapper/grouper complex. Our initial determination is that the proposed action would have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico and South Atlantic. 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 application should be submitted in writing to the District Engineer at the above address within twenty-one (21) days from the date of this notice.

If you have any questions concerning this application, you may contact Monika J. Dey at the letterhead address, by electronic mail at monika.j.dey@usace.army.mil, by fax at 239-334-0797, or by telephone at 239-334-1975 X 29.

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.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US 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.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

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 of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny 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.

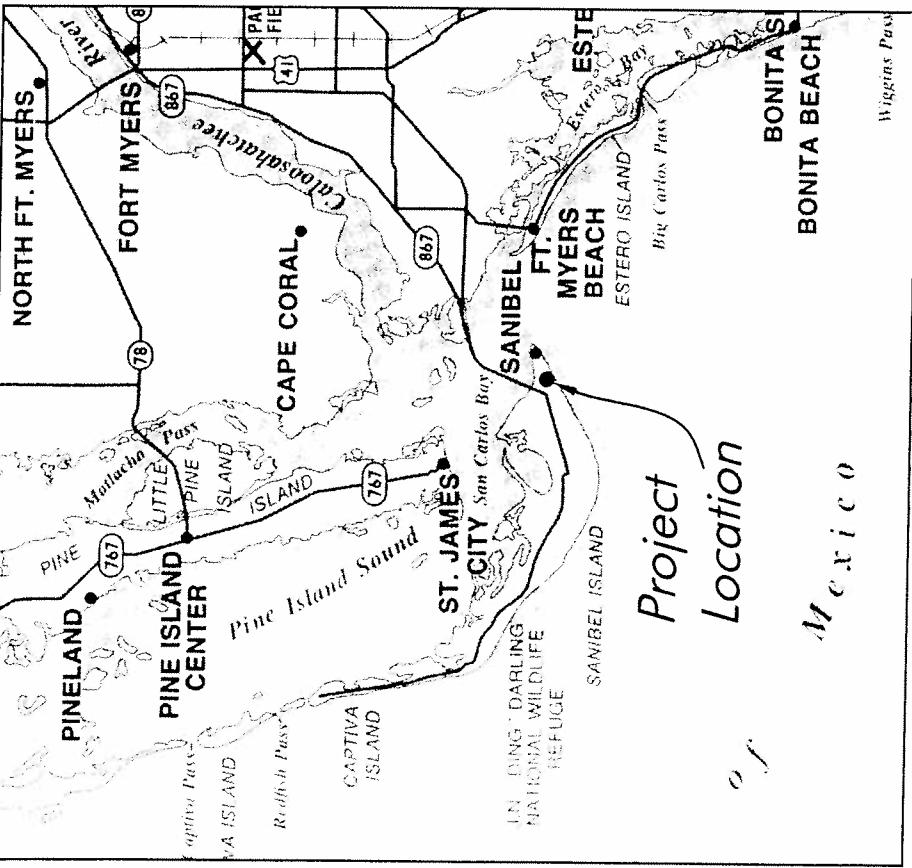
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved 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.



David S. Hobbie
Regulatory Division

SECTION: 20/21
TOWNSHIP: 46 South
RANGE: 23 East
LATITUDE: 26°26'55"
LONGITUDE: 82°01'28"

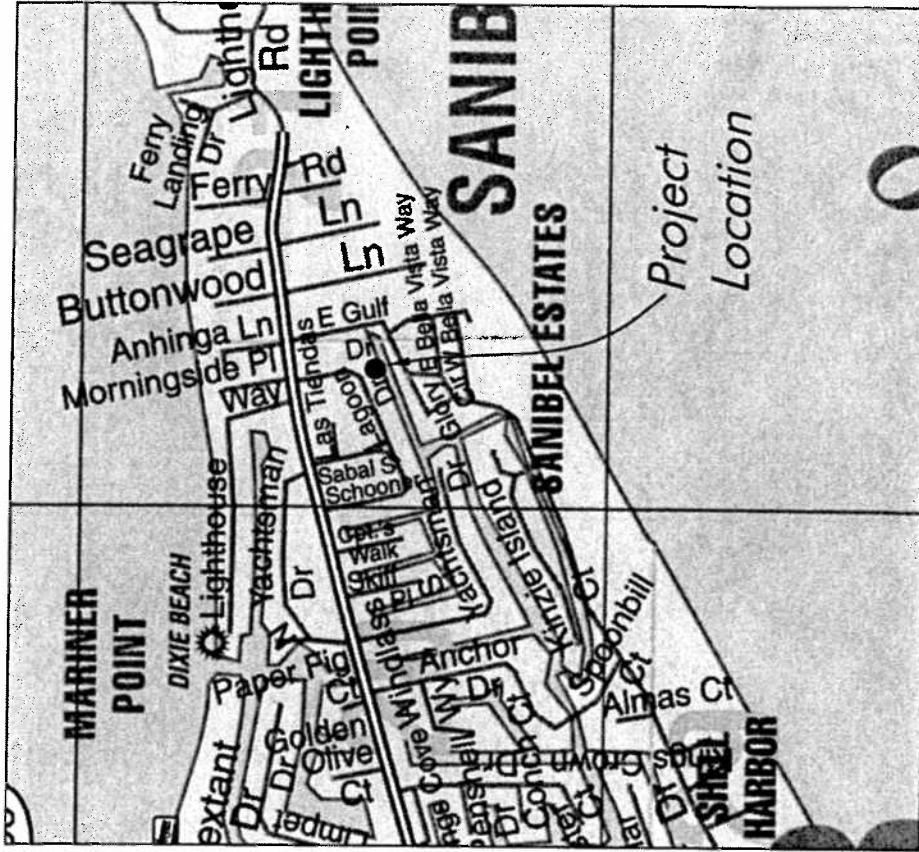


Vicinity Map

SCALE: 1" = 6 Miles

Location Map

SCALE: 1" = 1/2 Mile



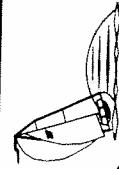
Location Map

SCALE: 1" = 1/2 Mile

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East Branch Canal Front HOA
December 16, 2008
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MARINE and ENVIRONMENTAL CONSULTANTS



December 16, 2008 1:53:16 P.M.
Drawing: BOSSLEMASTER.DWG

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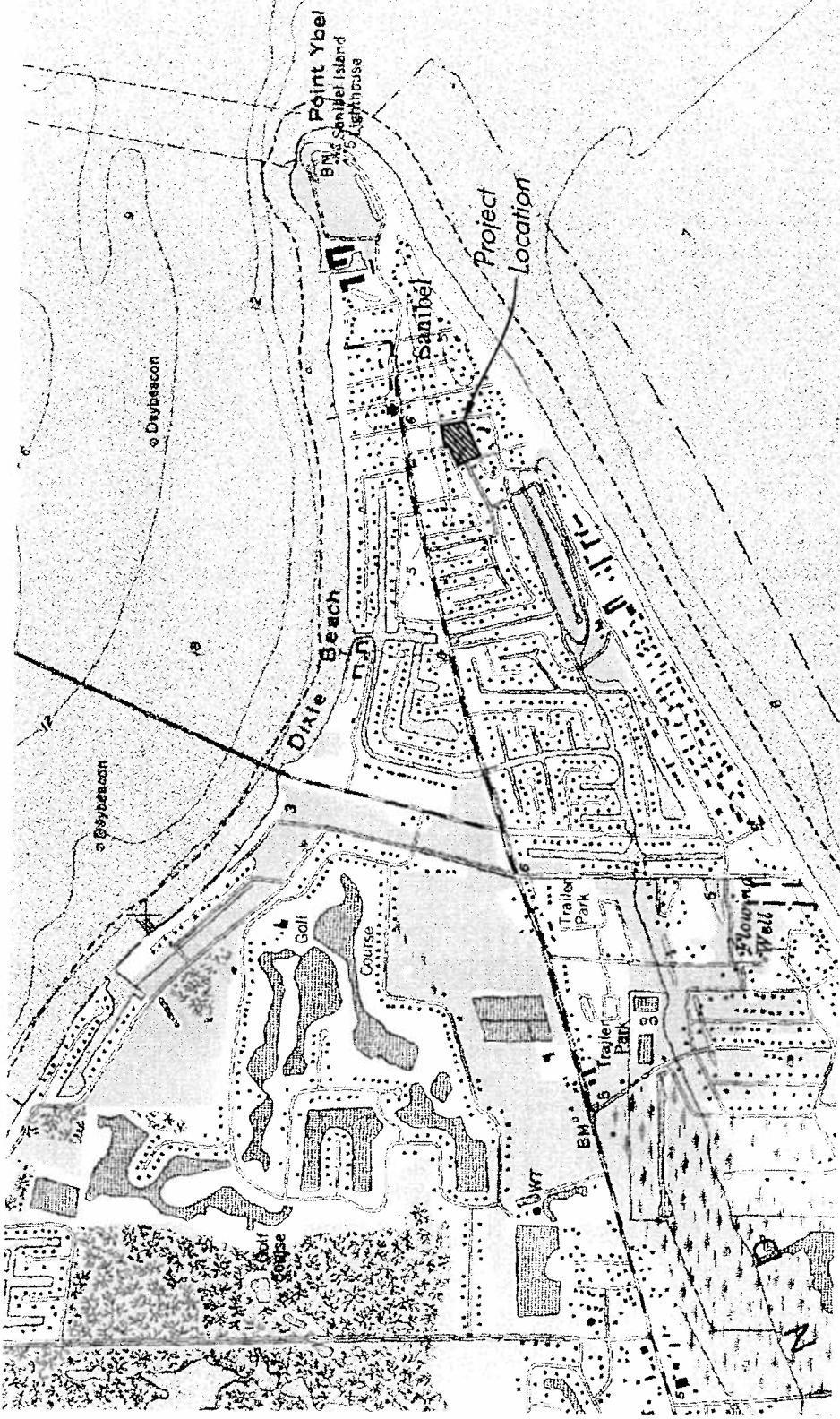
**East Branch Canal
Front HOA**

12.16.08

CC

SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East

0 1000 2000
SCALE FEET



U.S.G.S. Quadrangle Map

SCALE: 1" = 2,000'

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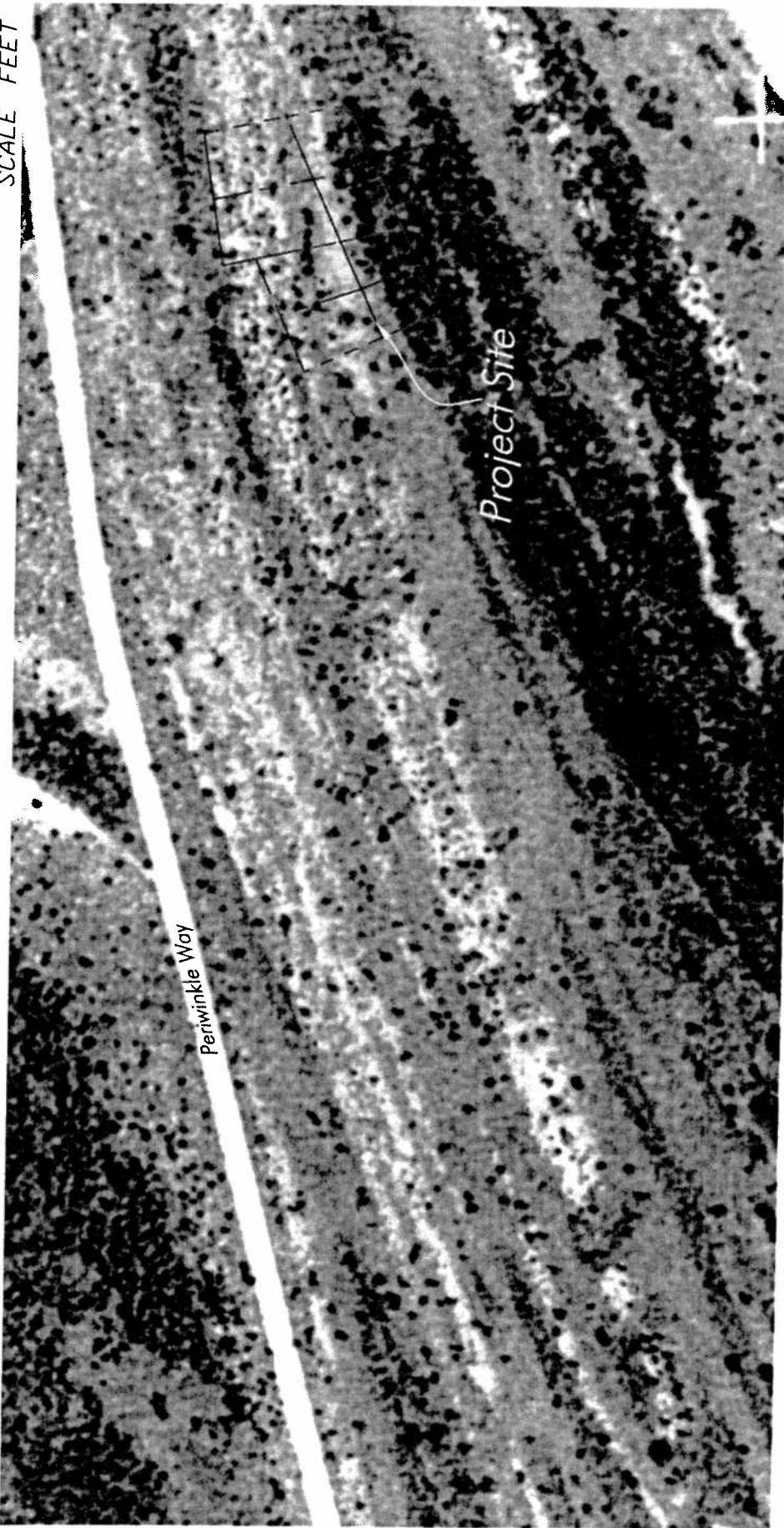
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CC

East Branch Canal

Front HOA

SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East

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SCALE FEET



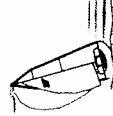
1944 NRCS Historic Aerial

SCALE: 1" = 300'

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Front HOA

SECTION: 20/21 LATITUDE: 26°22'55"
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RANGE: 23 East

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SCALE FEET



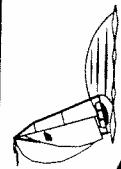
1958 NRCS Historic Aerial

SCALE: 1" = 300'

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East Branch Canal
Front HOA

SECTION: 20/21
TOWNSHIP: 46 South
RANGE: 23 East
LATITUDE: 26°26'55"
LONGITUDE: 82°01'28"

2005 Lee County Aerial

0 100 200
SCALE FEET



Overall Site Plan

SCALE: 1" = 200'

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East Branch Canal Front HOA

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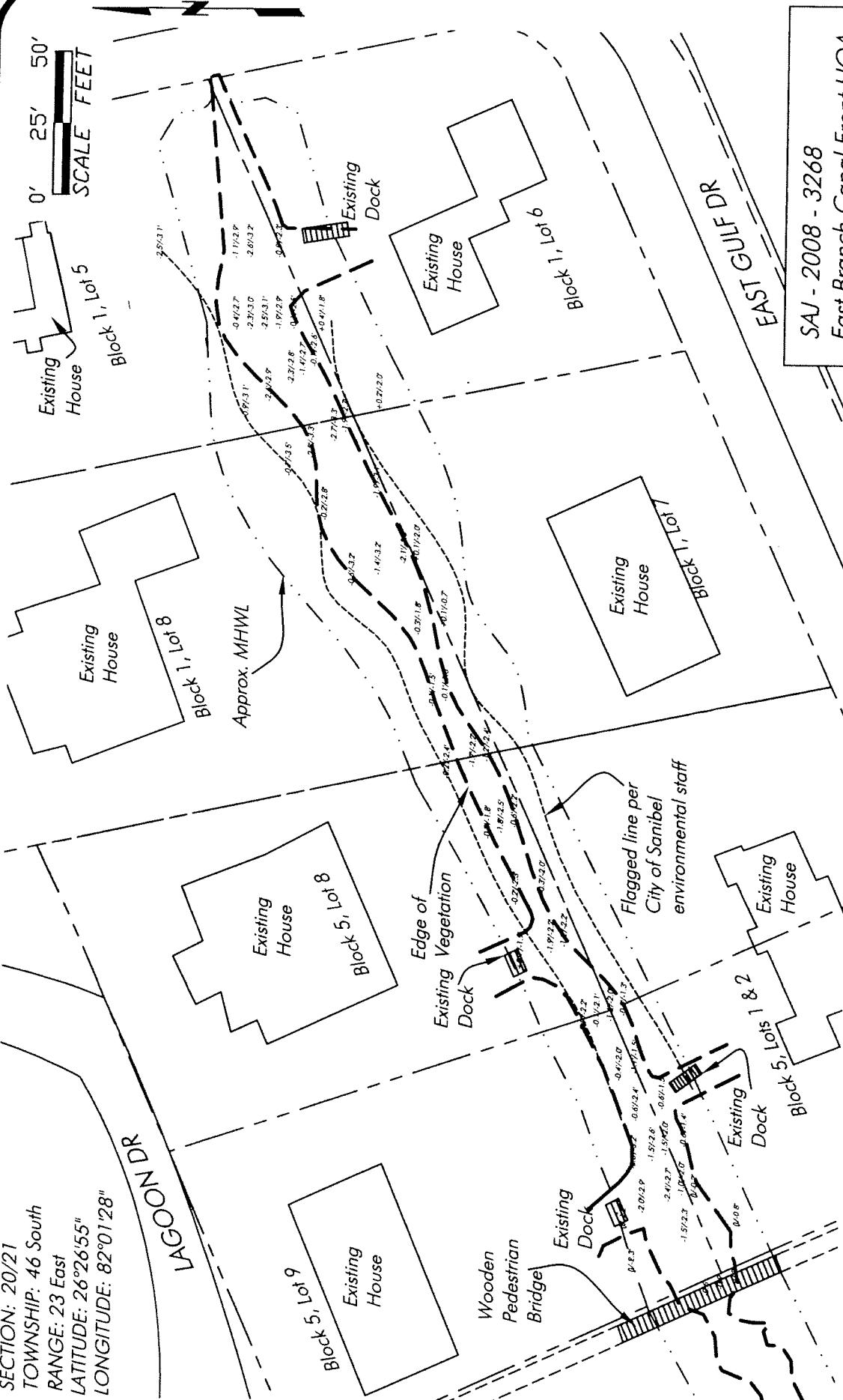
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Front HOA

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SECTION: 20/21
 TOWNSHIP: 46 South
 RANGE: 23 East
 LATITUDE: 26°26'55"
 LONGITUDE: 82°01'28"

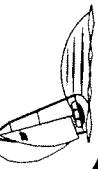


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Existing Site Plan

SCALE: 1" = 50'



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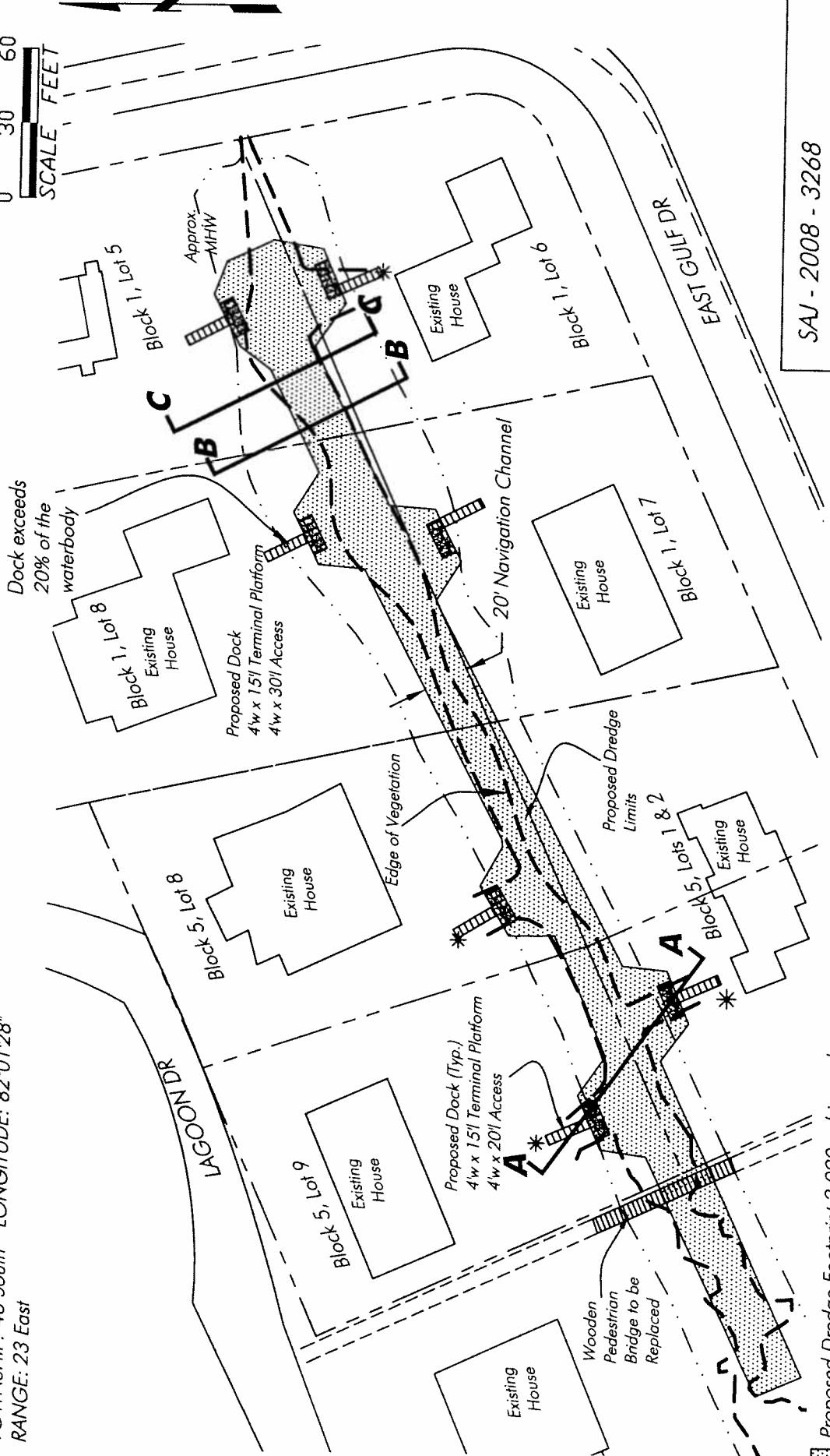
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East Branch Canal Front HOA

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SECTION: 20/21
TOWNSHIP: 46 South
RANGE: 23 East

LATITUDE: 26°26'55"
LONGITUDE: 82°01'28"



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Proposed Dredge Plan

SCALE: 1" = 60'

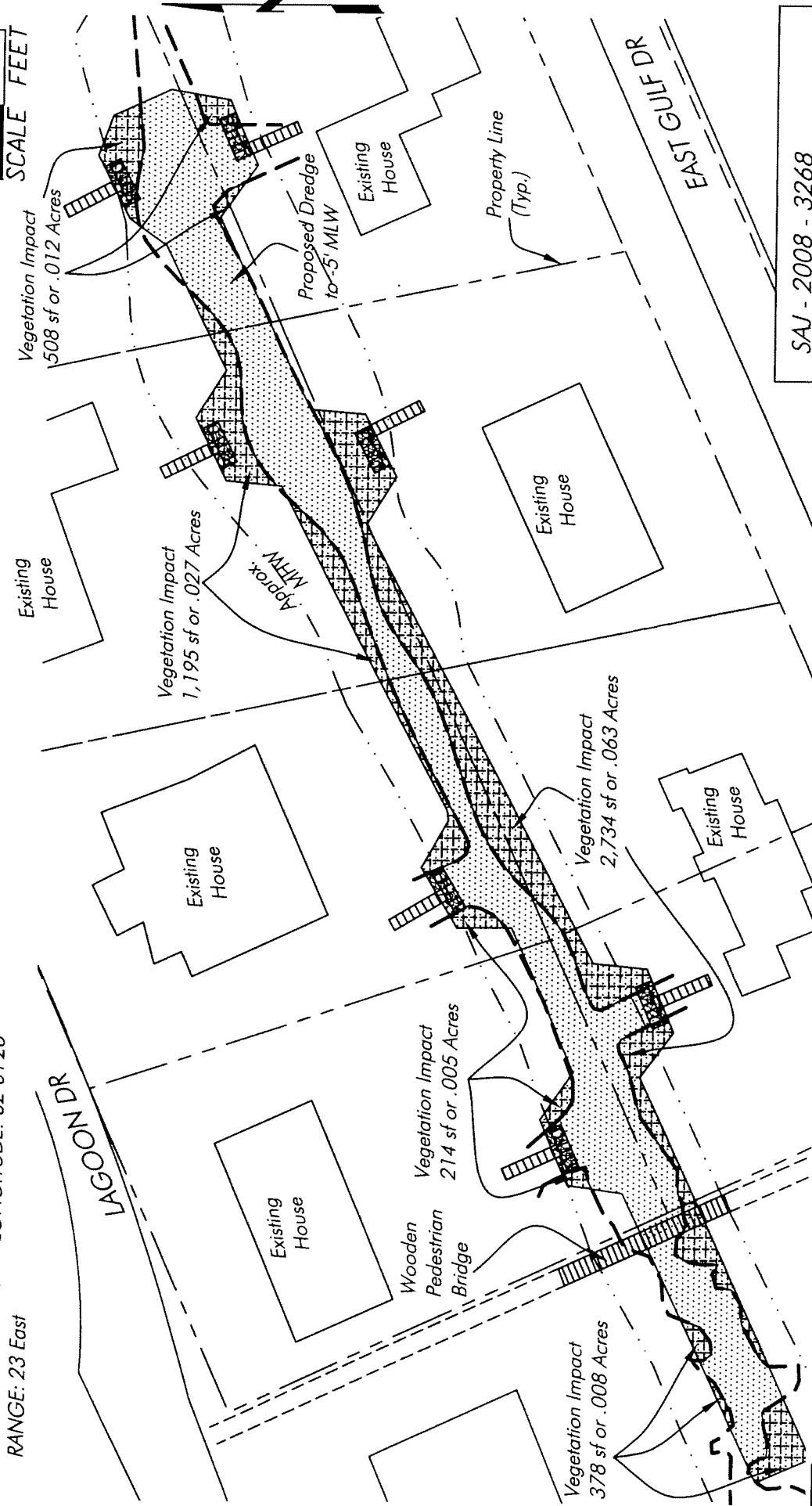
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SECTION: 20/21 LATITUDE: 26°26'55" TOWNSHIP: 46 South LONGITUDE: 82°01'28" RANGE: 23 East



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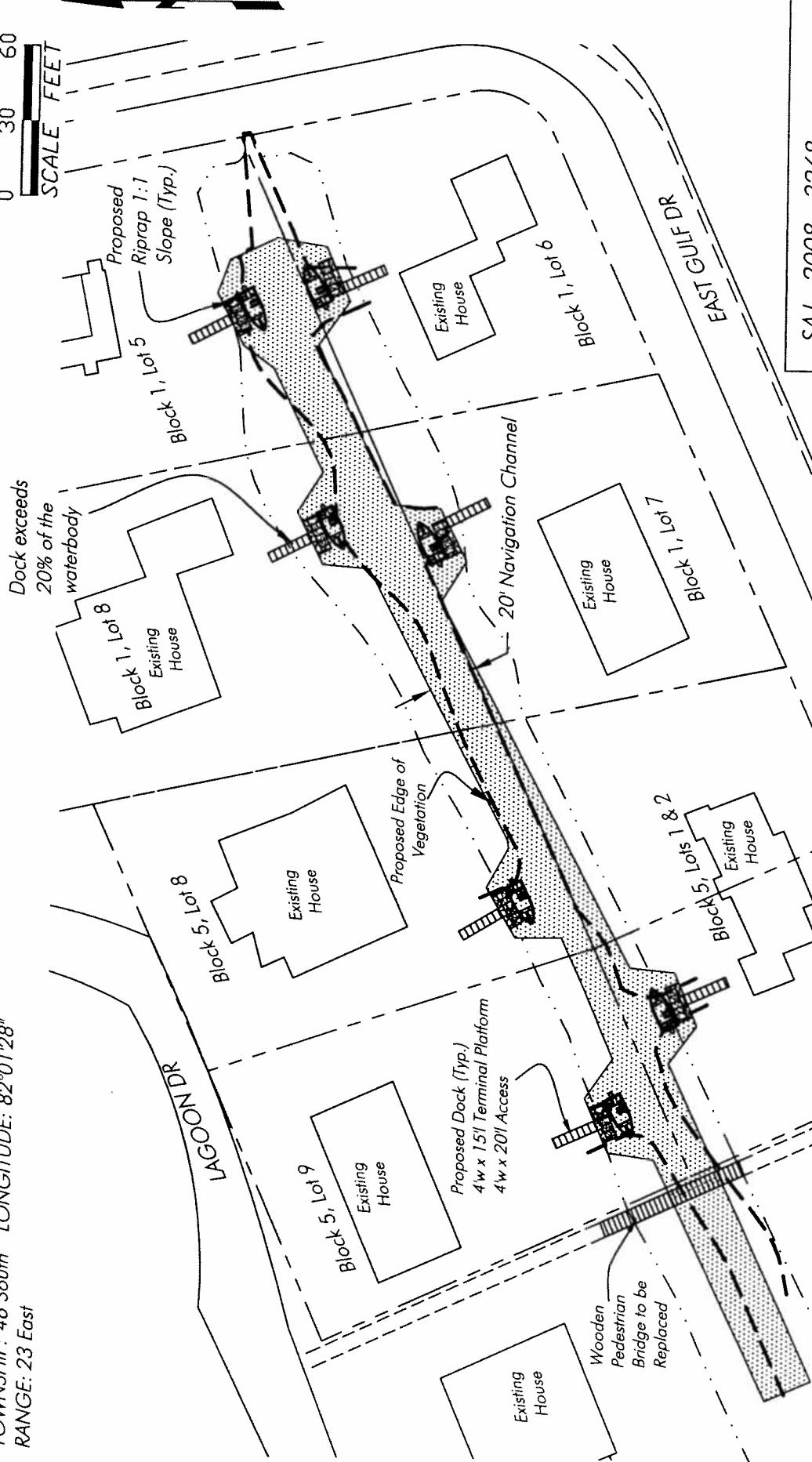
Vegetation Impacts

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SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East



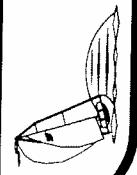
Proposed Slip Plan - Post Construction

SCALE: 1" = 60'

Typical Boat, Not to Exceed 18' l and 8' w
7.8 cy or riprap under each dock. 55 cy total with all 7 docks

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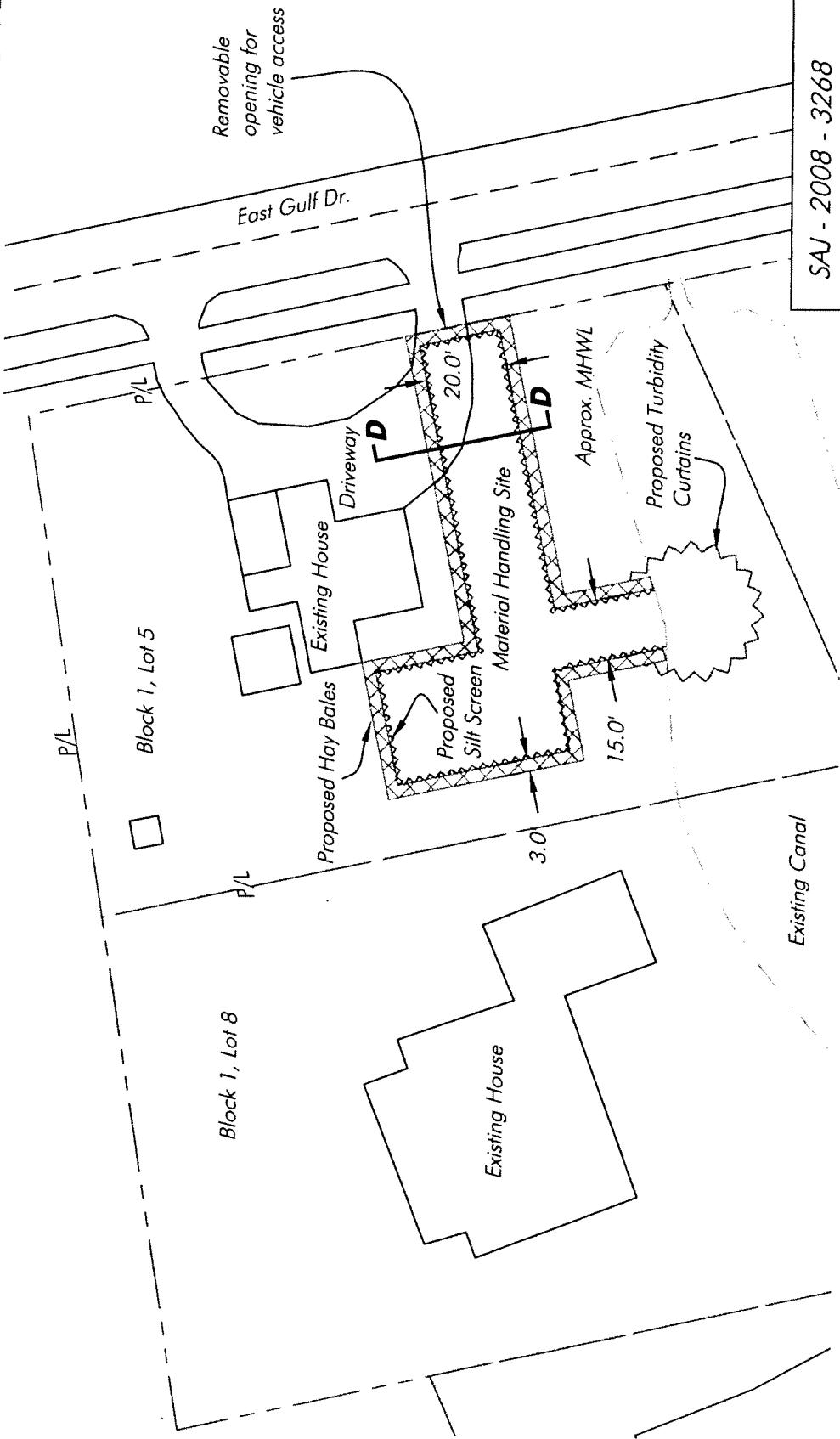
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East Branch Canal
Front HOA

SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East

SCALE FEET
0 20 40



Material Handling Site

SCALE: 1" = 40'

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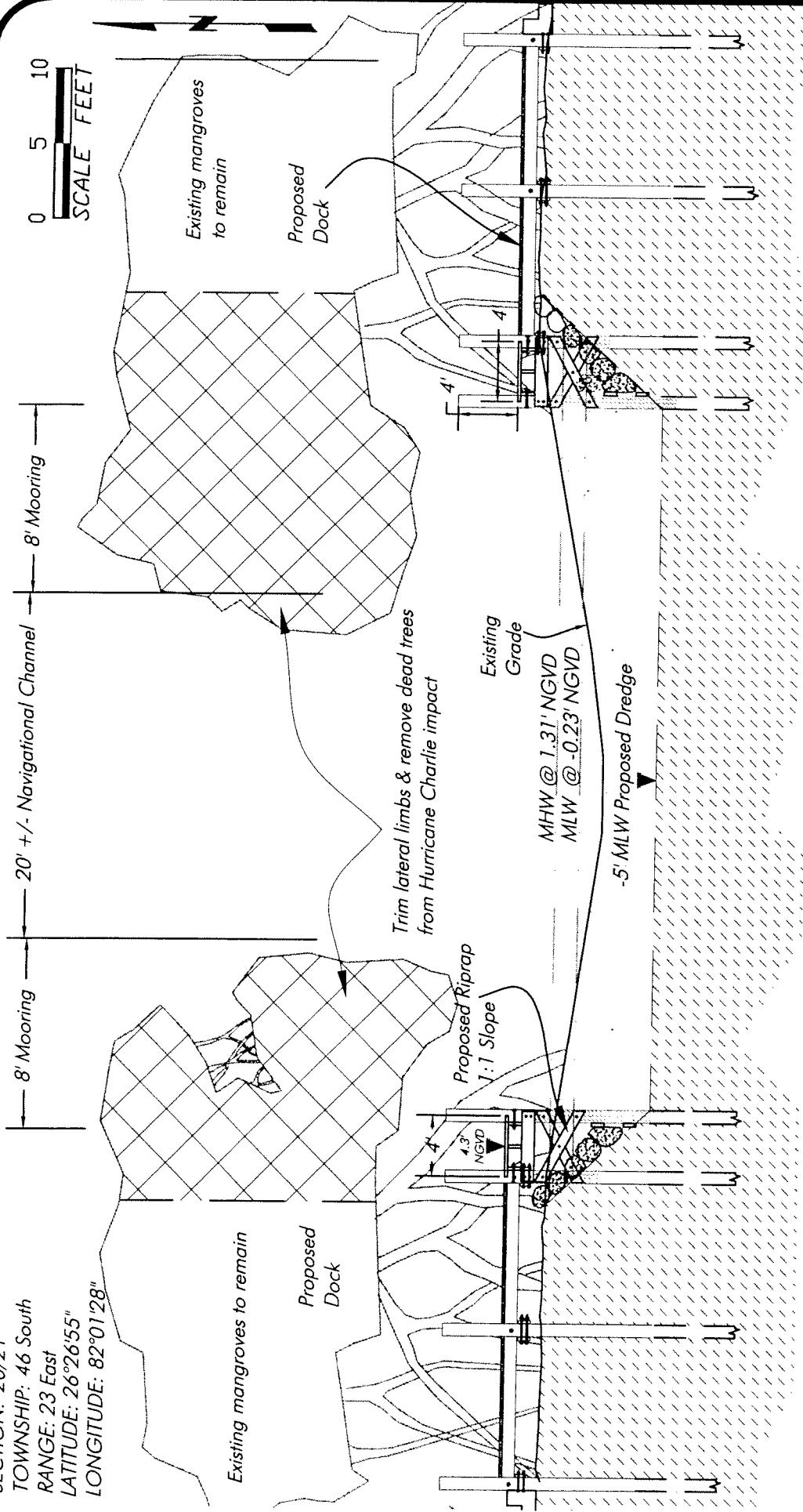
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East Branch Canal Front HOA

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SECTION: 20/21
TOWNSHIP: 46 South
RANGE: 23 East
LATITUDE: 26°26'55"
LONGITUDE: 82°01'28"



Note: Depths reference MLW per
DEP Tide Station #872-5391.
Proposed dredge area

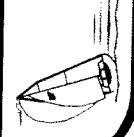
Cross Section A-A

SCALE: 1" = 10'

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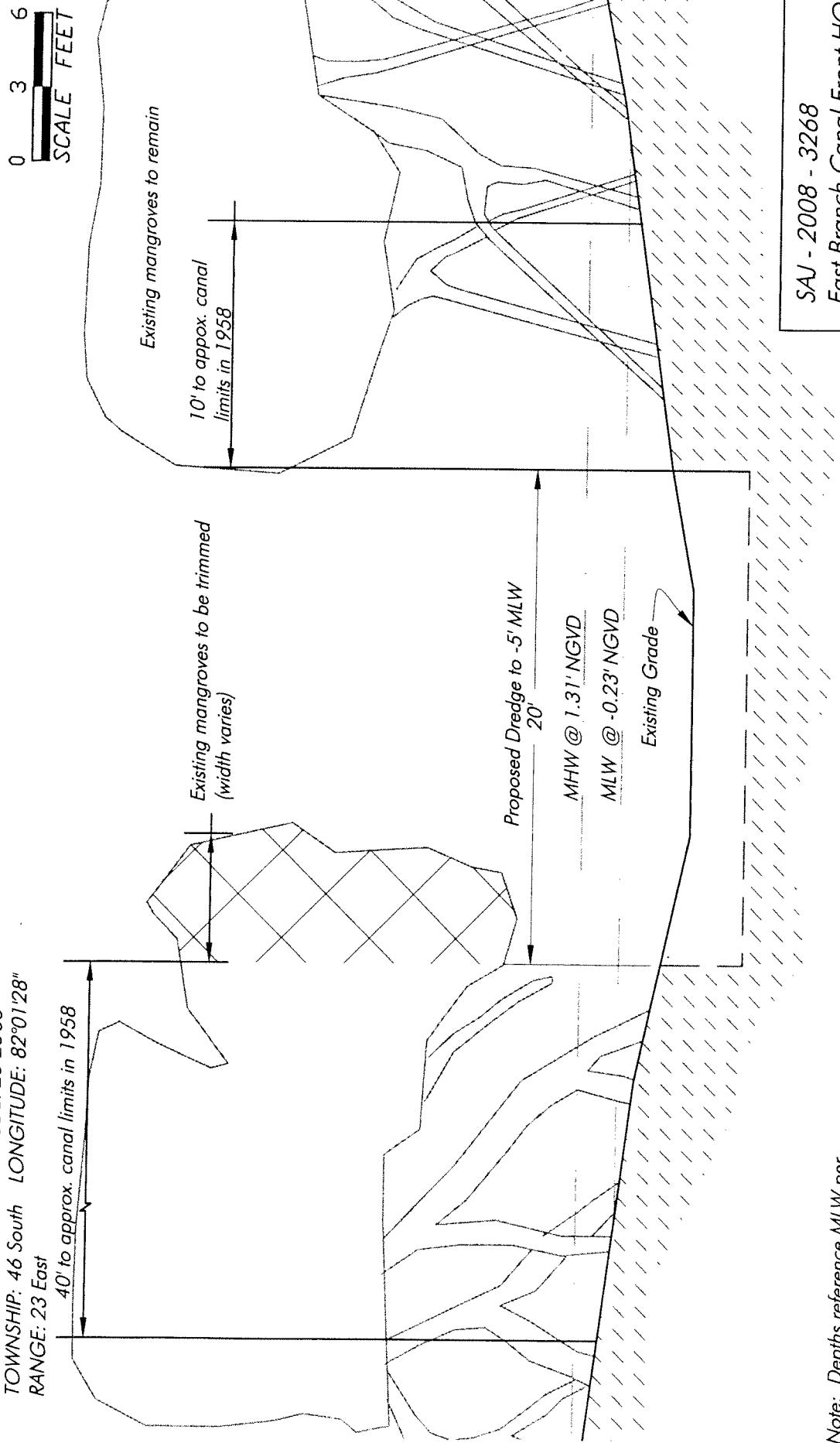


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**East Branch Canal
Front HOA**

SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East



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Cross Section B-B

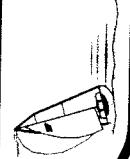
East Branch Canal Front HOA

SHEET

SCALE: 1" = 6'

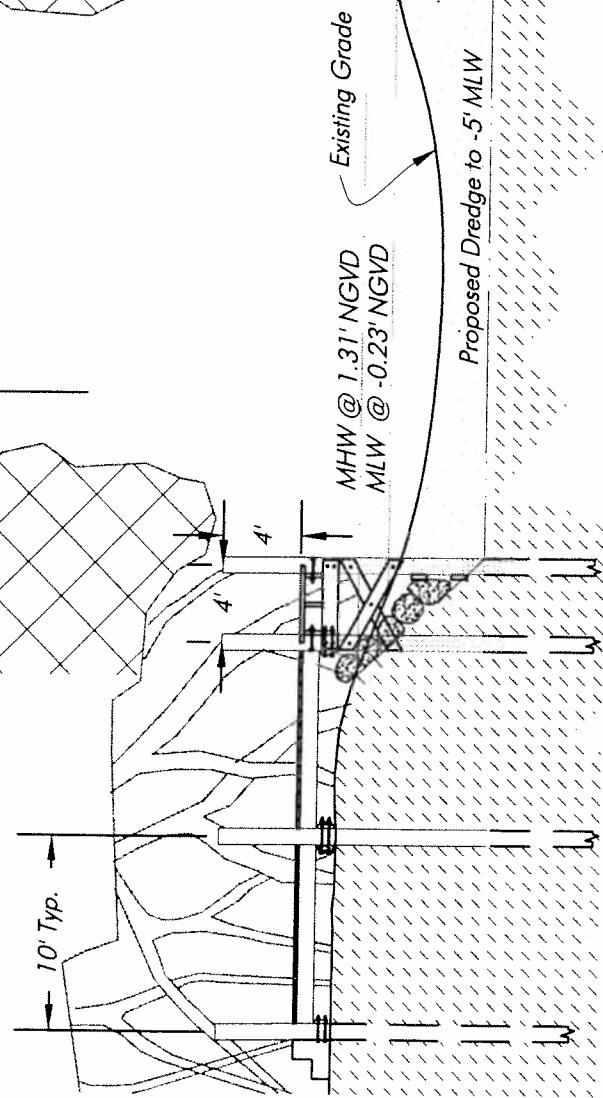
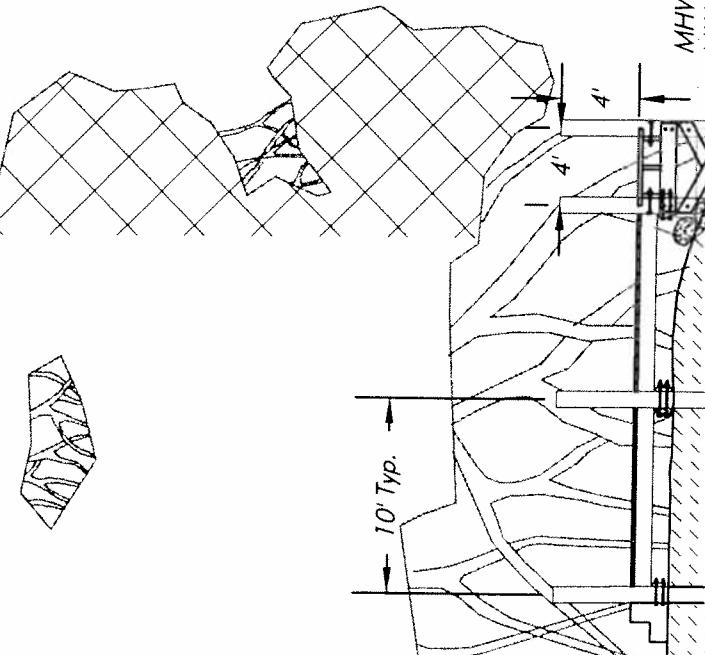
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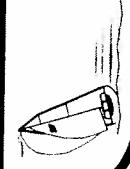
SECTION: 20/21
TOWNSHIP: 46 South
RANGE: 23 East

LATITUDE: 26°26'55"
LONGITUDE: 82°01'28"
8' Mooring
20' Navigation Channel
SCALE FEET



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Cross Section C-C

SCALE: 1" = 10'

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East Branch Canal/Front HOA
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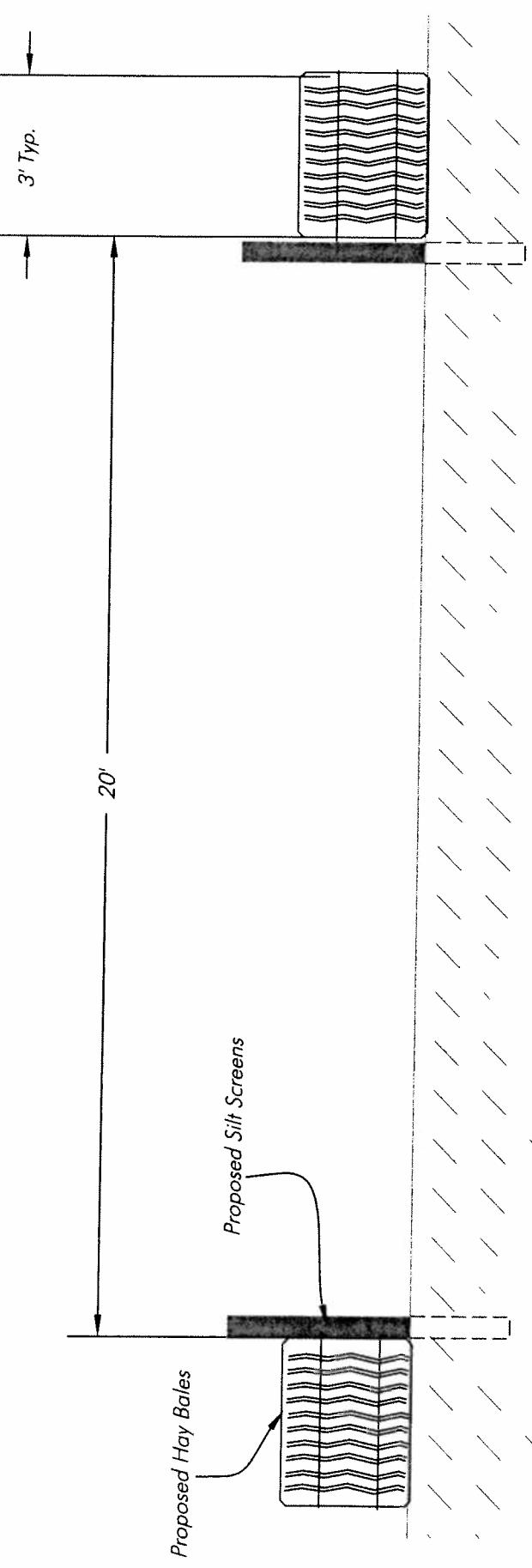
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East Branch Canal Front HOA

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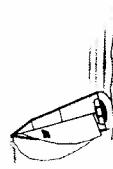
SECTION: 20/21 LATITUDE: 26°26'55"
TOWNSHIP: 46 South LONGITUDE: 82°01'28"
RANGE: 23 East

0 1.5 3
SCALE FEET



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Cross Section D-D

SCALE: 1" = 3'

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Front HOA