



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

Regulatory Division
South Permits Branch/West Permits Section
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2004-2190 (IP-MAE) **SEP 28 2004**

TO WHOM IT MAY CONCERN: This district 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

Co-APPLICANTS: Westgroup LaPlaya, LLC & The Halstatt Partnership
2600 Golden Gate Parkway
Naples, Florida 34105

WATERWAY & LOCATION: The proposed project involves tidal waters within Vanderbilt Lagoon and is located at 9880 Gulf Shore Drive in Section 29, Township 48 South, Range 25 East, Naples, Collier County, Florida.

DIRECTIONS TO SITE: Take I-75 exit #111. Head west on Immokalee Road (CR 846). Take a left on Gulfshore Drive and go 0.8 miles to the project site.

LATITUDE & LONGITUDE: Latitude 26°15'41" North, Longitude 81°15'25" West

PROJECT PURPOSE:

Basic: To construct a marina.

Overall: To remove an existing 2-slip docking facility and construct a 23-slip marina to serve an existing upland resort in Naples.

PROPOSED WORK: The project site is an existing golf club resort known as "LaPlaya". The applicant owned shoreline is 480 linear feet and consists of a concrete seawall and a 2-slip dock. The applicant proposes to replace the existing dock with a 23-slip floating marina with an observation and fishing platform. The area of the structure over water is approximately 6,000 square feet. The applicant is also proposing to install 123 cubic yards of riprap along 421 feet of shoreline and to plant 69 mangroves seedlings within the riprap. No dredging has been proposed.

ENDANGERED SPECIES: The project site provides potential habitat for the federally endangered West Indian manatee (*Trichechus manatus*). The existing project consists of 2 wet slips. The proposed project would result in the addition of 21 new wet slips. The applicant's consultant performed a submerged resource survey but no significant submerged resources were identified. Based on the increase in wet slips, the Corps of Engineers has determined that the project "may affect" the manatee and will be requesting formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act. This request will be coordinated with FWS through a separate letter. The Corps of Engineers is not aware of any other threatened or endangered species on the project site.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 0.14 acres of surface waters/lagoon bottom utilized by various life stages of shrimp, red drum, reef fish, stone crab, migratory/pelagic fish, and the snapper/grouper complex. Our initial determination is that the proposed action would not have an 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. The Corps has verified the jurisdictional determination.

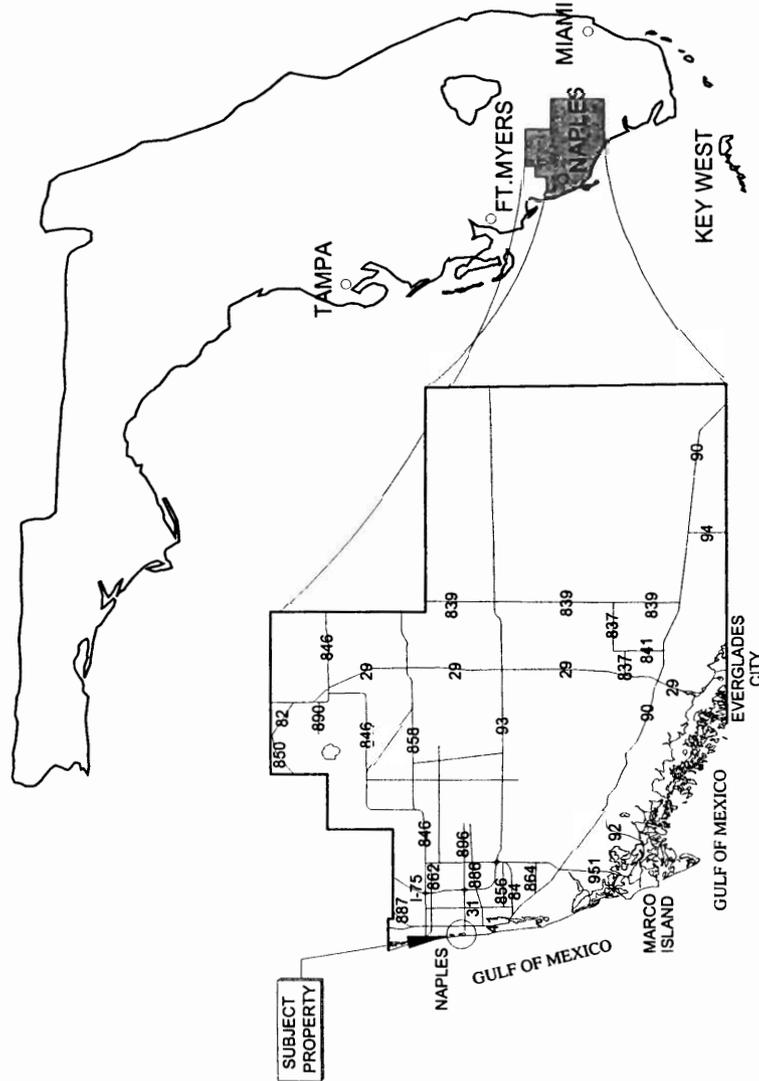
AUTHORIZATION FROM OTHER AGENCIES: The Florida Department of Environmental Protection (FDEP) is reviewing an application for this project. The permit application number is 11-0220559-002.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. If you have any questions concerning this application, you may contact Ms. Melissa Ellis by letter at the letterhead address, by telephone at: 239-334-1975 x22, by fax at 239-334-0797 or by email at Melissa.A.Ellis@saj02.usace.army.mil.

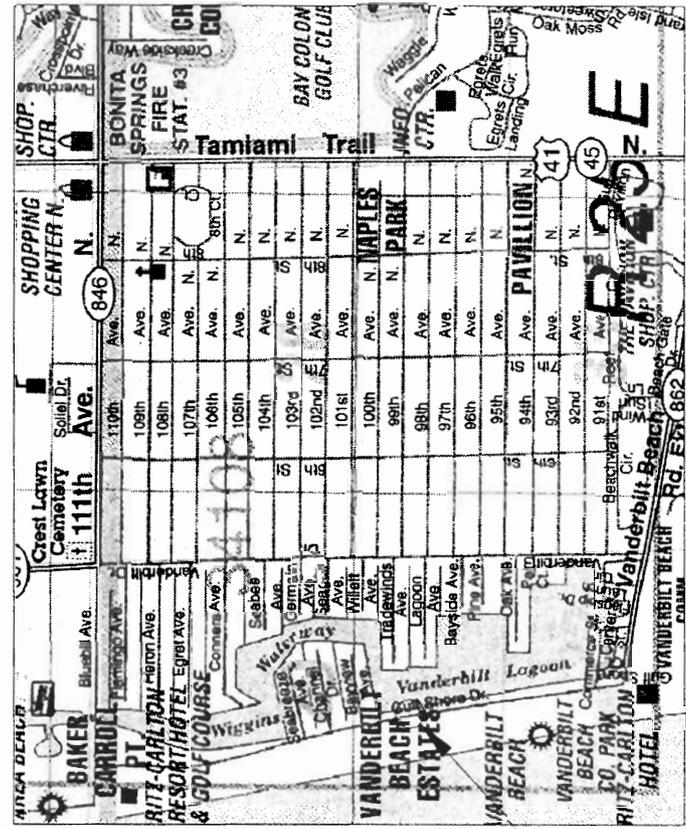
STATE OF FLORIDA



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



COLLIER COUNTY



VICINITY MAP

DESIGNED	T.T.T.	REVISION	TAB NAME	Location
DRAWN	SAS	SS 08-20-04	SHEET	01
DATE	11-13-03	N/A	SCALE	N.T.S.
JOB NO.	0318	N/A		
SECTION - 29		TOWNSHIP - 48 S		RANGE - 25 E

LA PLAYA

LOCATION MAP

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WIGGINS PASS

TURKEY BAY

BLUEBILL AVE

LAPLAYA



SCALE IN FEET

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LA PLAYA

2003 AERIAL VIEW

DESIGNED	T.T.T.	REVISION	TAB NAME	Aerial 2
DRAWN	KD	SS 08-20-04	SHEET	09
DATE	06-15-04	N/A	SCALE	1"=1/4 MILE
JOB NO.	0318	N/A		
SECTION-29		TOWNSHIP-48 S		RANGE-25 E



Email



- NOTES:**
- <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - <> ALL DATUM SHOWN HEREON IS REFERENCED TO MLW.
 - <> APPLICANT OWNS APPROX. 480 L.F. OF SHORELINE.
 - <> EXISTING OVERWATER STRUCTURE: APPROX 234 SQ. FT.
 - <> PROPOSED OVERWATER STRUCTURE: APPROX 6,000 SQ. FT.
 - <> WIDTH OF WATERWAY: 480' (MHW TO MHW)
 - <> TOTAL PROTRUSION FROM MHWL: 120 FT.
 - <> TIDAL DATUM: MLW=-0.4' NGVD, MHW=+1.4' NGVD.
 - <> UPLAND SURVEY COURTESY OF **WILSON MILLER, INC.**
 - <> DEPTH SURVEY COURTESY OF **SEA SYSTEMS CORP.**
- SURVEY DATED: NOV. 2003

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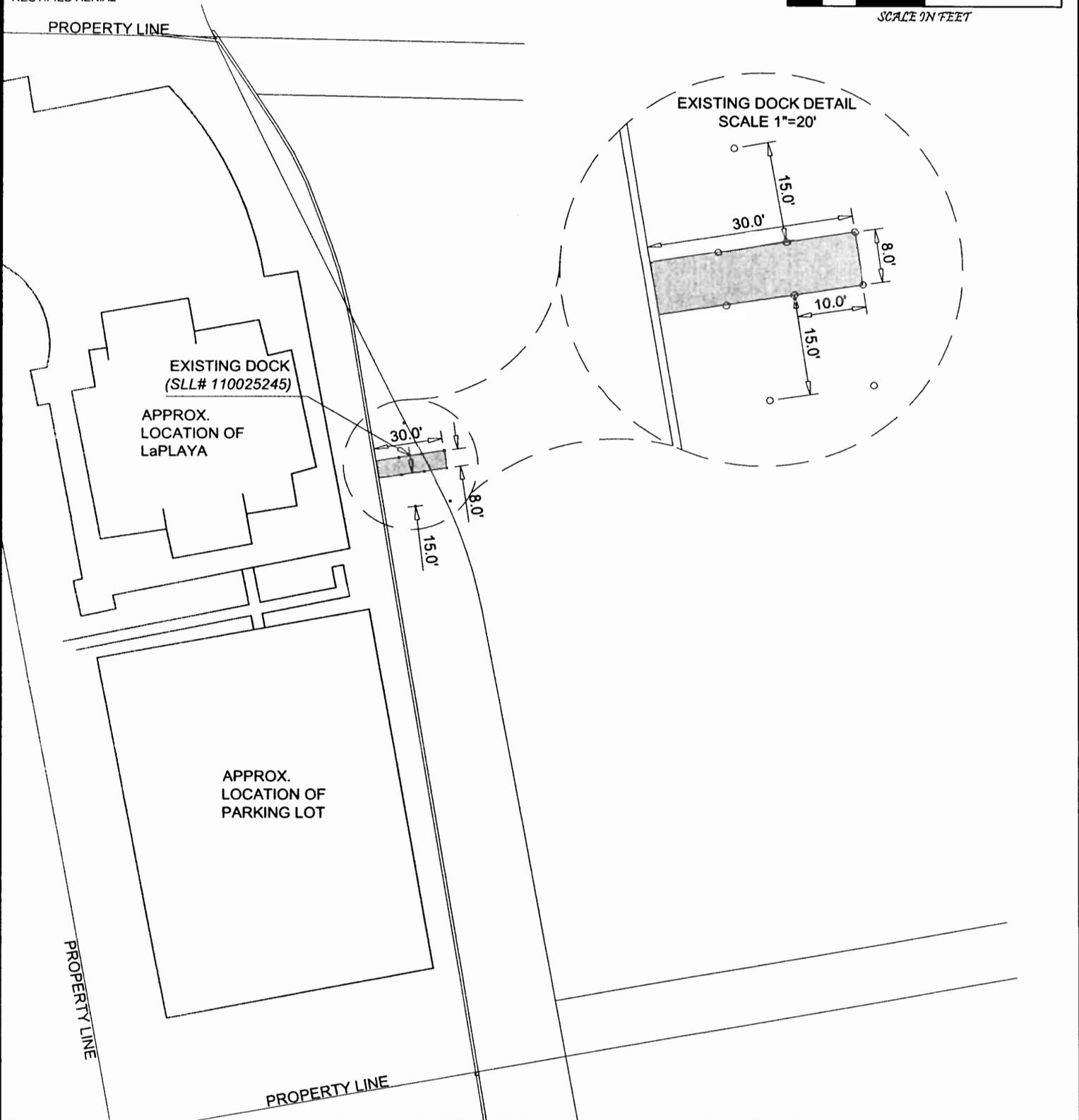
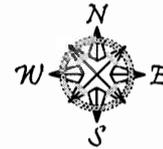
2003 AERIAL OVERLAY

DESIGNED	T.T.T.	REVISION	TAB NAME	Aerial
DRAWN	KD	SS 08-20-04	SHEET	04
DATE	01-08-04	N/A	SCALE	1"=100'
JOB NO.	0318	N/A		
SECTION-29 TOWNSHIP- 48 S RANGE- 25 E				



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 <> UPLAND SURVEY COURTESY OF WILSON MILLER, INC.
 <> EXISTING MOORING PILES APPROXIMATED FROM SCALE RECTIFIED AERIAL



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EXISTING CONDITIONS

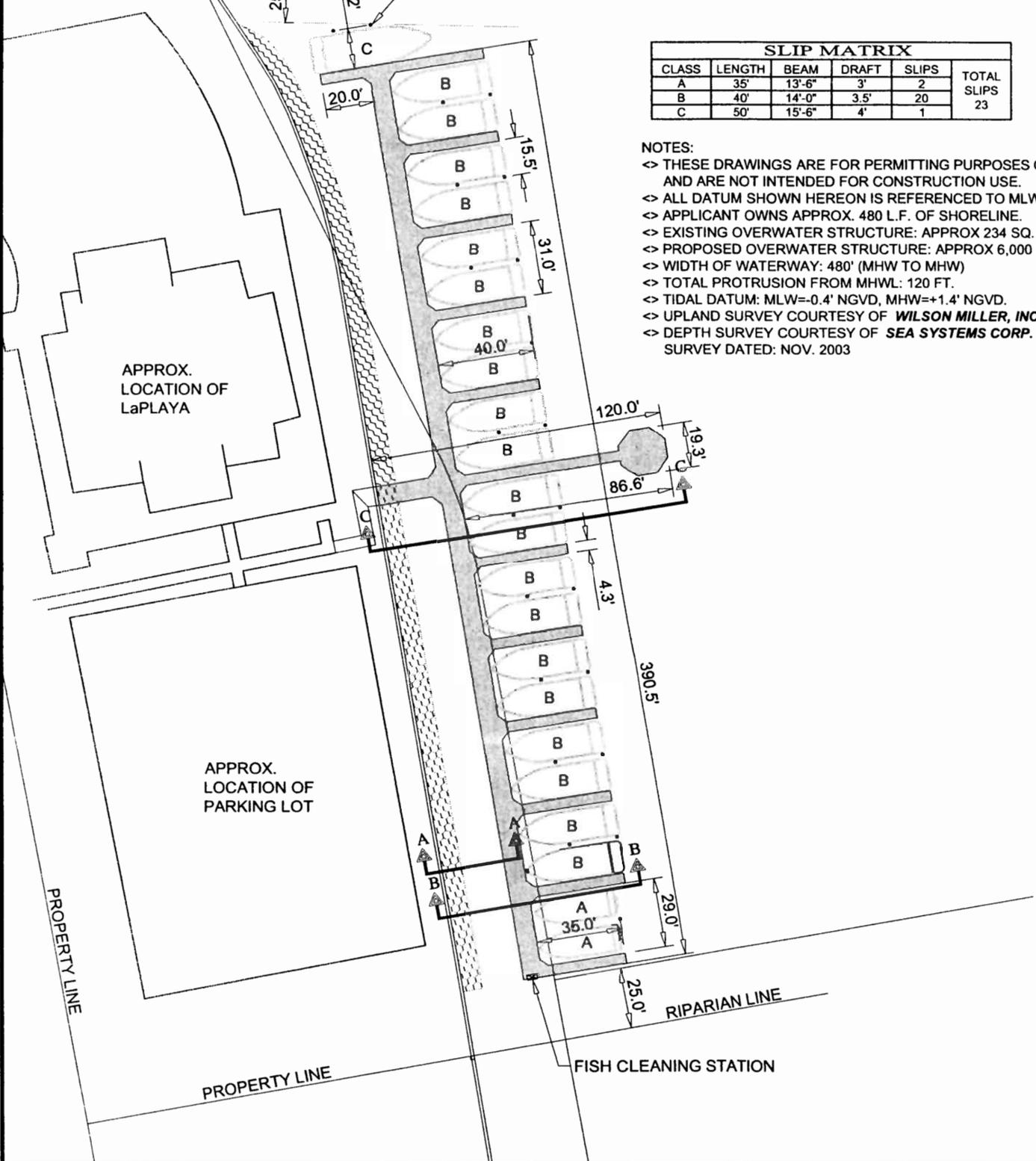
DESIGNED	T.T.T.	REVISION	TAB NAME	Existing
DRAWN	KD	SS 08-20-04	SHEET	02
DATE	01-08-04	N/A	SCALE	1"=60'
JOB NO.	0318	N/A		
SECTION-29		TOWNSHIP- 48 S	RANGE- 25 E	



PROPERTY LINE
 RIPARIAN LINE
 FEND OFF PILES TO PREVENT MOORING OVER SETBACK

SLIP MATRIX					
CLASS	LENGTH	BEAM	DRAFT	SLIPS	TOTAL SLIPS
A	35'	13'-6"	3'	2	23
B	40'	14'-0"	3.5'	20	
C	50'	15'-6"	4'	1	

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 - ◊ DEPTH SURVEY COURTESY OF **SEA SYSTEMS CORP.**
 - ◊ SURVEY DATED: NOV. 2003



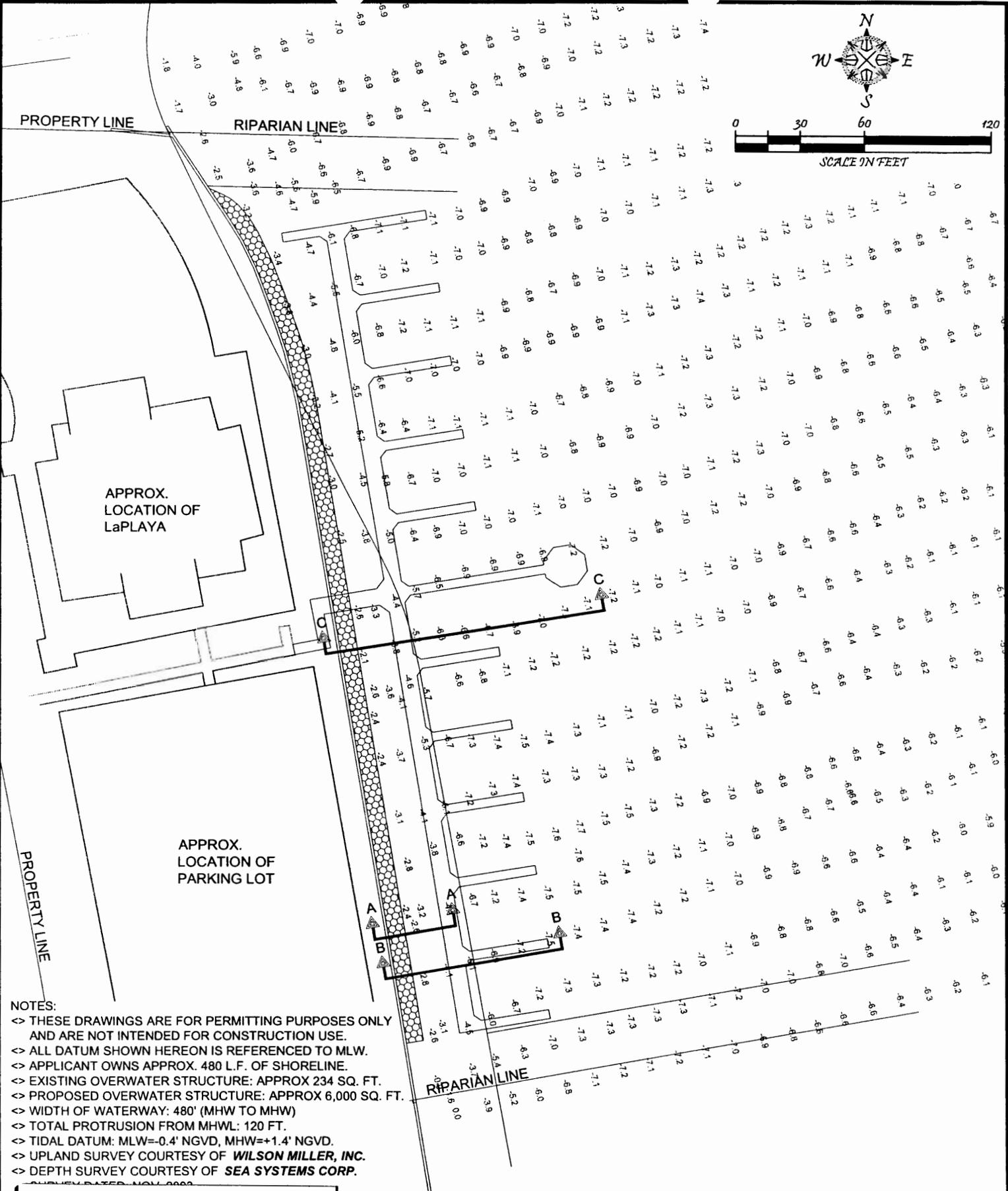
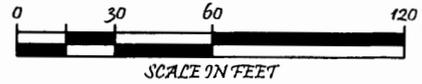
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LA PLAYA

PROPOSED DOCK DESIGN

DESIGNED	T.T.T.	REVISION	TAB NAME	Proposed
DRAWN	KD	SS 08-20-04	SHEET	03
DATE	01-08-04	N/A	SCALE	1"=60'
JOB NO.	0318	N/A	0318	
SECTION-29 TOWNSHIP- 48 S RANGE- 25 E				





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 - ◇ DEPTH SURVEY COURTESY OF **SEA SYSTEMS CORP.**

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LA PLAYA

PROPOSED WITH WATER DEPTHS

DESIGNED	T.T.T.	REVISION	TAB NAME	Depths
DRAWN	KD	SS 08-20-04	SHEET	3A
DATE	01-08-04	N/A	SCALE	1"=60'
JOB NO.	0318	N/A	0316	
SECTION-29		TOWNSHIP- 48 S	RANGE- 25 E	

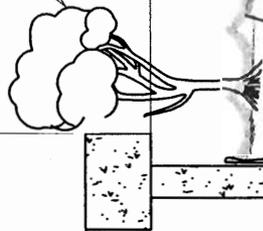
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- <> SURVEY DATED: NOV. 2003



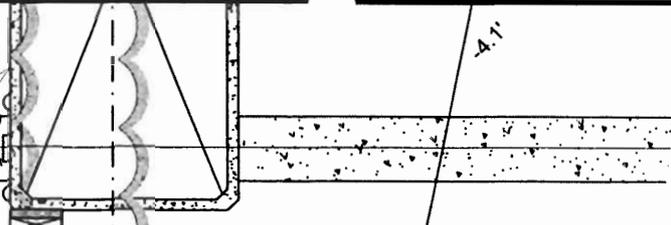
24.4'

MANGROVE PLANTINGS
(RED MANGROVES TO BE PLANTED)



RIPRAP
2:1 SLOPE

MHW 1.4' NGVD
0' NGVD
MLW -0.4' NGVD



8' FLOATING DOCK
SHOWN AT MLW

2.4'

2.8'

3.2'

4.1'

FILTER CLOTH

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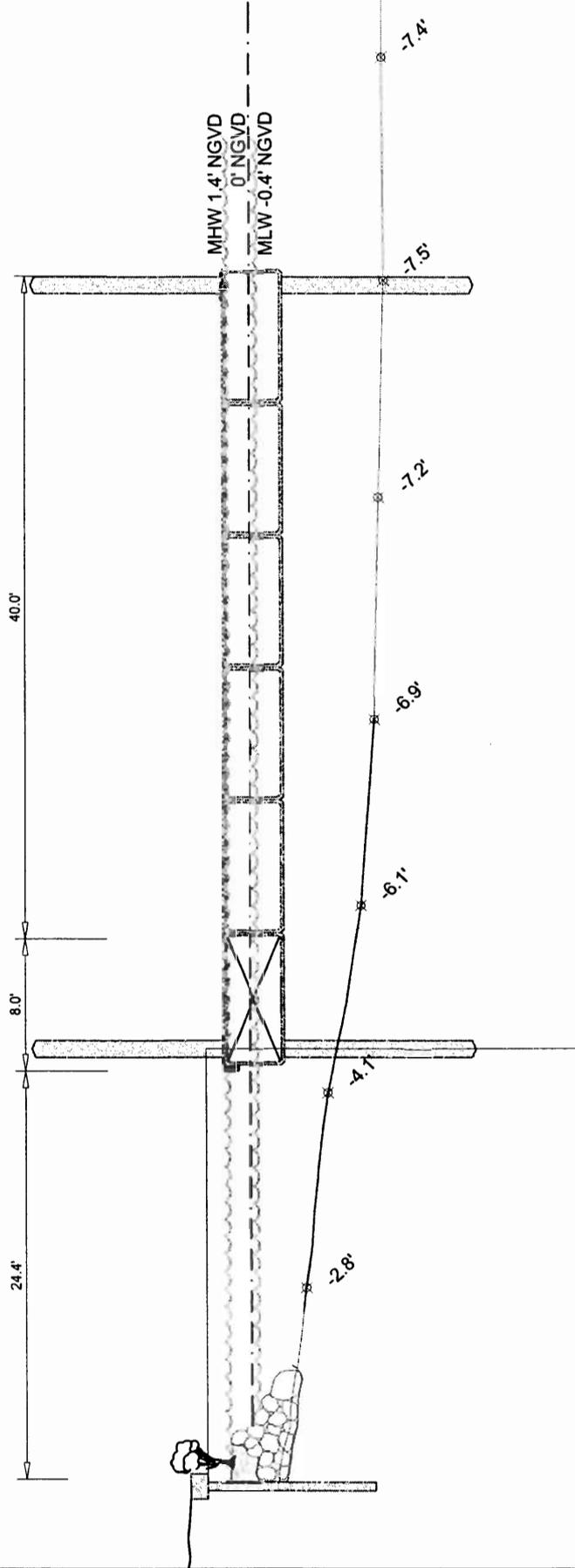
TYPICAL SECTION A-A

DESIGNED	T.T.T.	REVISION	A-A
DRAWN	KD	SS 08-20-04	05
DATE	12-17-03	N/A	SCALE
JOB NO.	0318	N/A	1"=2'
SECTION-29		TOWNSHIP-48 S	RANGE-25 E



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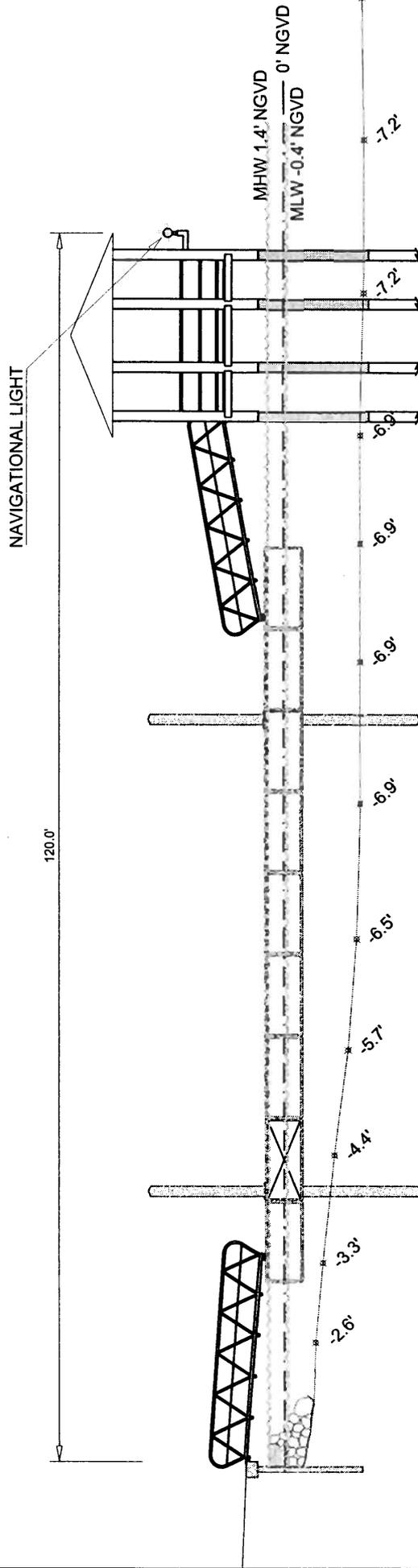
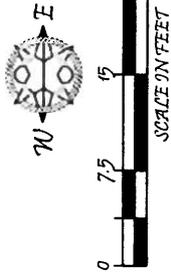
LA PLAYA

TYPICAL SECTION B-B

DESIGNED	T.T.T.	REVISION	TAB NAME	B-B
DRAWN	KD	SS 06-20-04	SHEET	06
DATE	12-17-03	N/A	SCALE	1"=2'
JOB NO.	0318	N/A		
SECTION-29	TOWNSHIP-48 S			RANGE-25 E



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TYPICAL SECTION C-C

DESIGNED	T.T.T.	REVISION	TAB NAME	C-C
DRAWN	KD	SS 08-20-04	SHEET	07
DATE	12-17-03	N/A	SCALE	1"=15'
JOB NO.	0318	N/A		
SECTION-29		TOWNSHIP-48 S		RANGE-25 E

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Email:

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.

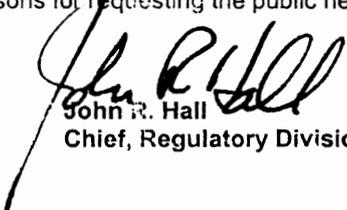
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, 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, historic 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 U.S. 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.


John R. Hall
Chief, Regulatory Division