



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

December 27, 2024

Regulatory Division
West Permits Branch
Fort Myers Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-00476(SP-SJF)

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: City of Sanibel
c/o Holly Milbrandt
800 Dunlop Road
Sanibel, Florida 33957

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of Mexico and Clam Bayou. The project site includes the Gulf of Mexico shoreline lying approximately between R-112.5 and R-114.5 on Sanibel Island. The project site is located in Section 11, Township 46 South, Range 21 East, Sanibel, in Lee County, Florida.

Directions to the site are as follows: From Ft. Myers: I-75 South to Alico Road (exit 128), turn right (west) 4.2 miles, turn right on US 41 for 2.7 miles, turn left onto Gladiolus Drive 1.2 miles, left ramp onto Summerlin Road 6.3 miles, continue on McGregor Blvd. for 2 miles, continue on Sanibel Causeway (CR-867) for 3.5 miles then turn right onto Periwinkle Way and go 2.5 miles and turn right onto Palm Ridge Road, continue on Sanibel Captiva Road for 7 miles to Pine Avenue. Access to beach and walk 2,000 feet to the south.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.475116°
Longitude -82.176611°

PROJECT PURPOSE:

Basic: Channel restoration and beach and dune renourishment.

Overall: To provide channel restoration and renourish approximately 750 linear feet of shoreline that was impacted by storm surge during Hurricanes Helene and Milton on Sanibel Island, Lee County Florida.

EXISTING CONDITIONS: The project consists of a beach and dune area that was overwashed and as a result of the impacts from Hurricanes Helene and Milton, near the northwest end of Sanibel Island approximately $\frac{3}{4}$ of a mile south of Blind Pass fronting the Gulf of Mexico at the north end of Bowman's Beach. The coastal barrier consisting of beach and dune area fronting Clam Bayou provides shoreline protection to existing residential development north of Clam Bayou. Existing residences along the north side of Clam Bayou have boat docks. The overwashed sand has compromised the navigability of the waterway in Clam Bayou and the beach and dune in this area has completely eroded. Currently, there is no navigation access to the boat slips, the beach and dune system are eroded and completely destroyed and sand has washed over this coastal barrier, resulting in an emergent area of fill and an open cut within Clam Bayou to the Gulf of Mexico.

A dune system impacted by Hurricanes Helene and Milton exists along an approximate 1,500 to 2,000 linear foot segment of shoreline in the vicinity of DEP reference monument R-112.75 to R-114.5. Much of the dune vegetation along this section is significantly damaged from the erosion and lack of a protective beach.

BACKGROUND: Historically sand has been placed in this vicinity as part of the Captiva Island Beach Restoration Project which includes authorization to place sand at the north end of Sanibel Island. Sand is also placed in this area from periodic maintenance dredging of Blind Pass by Lee County. This section of shoreline is also downdrift of Blind Pass which has a jetty on the north side (Captiva Island) which limits sand bypassing to this area.

PROPOSED WORK: The applicant seeks authorization to dredge approximately 7,500 cubic yards of overwash material to restore navigation access in Clam Bayou and utilize the dredge material and additional sand sourced from upland mines to close a shoreline breach and nourish approximately 1,500 to 2,000 linear feet of shoreline. The excavated material will be placed along the back side of the dune area to reestablish a protective barrier from overwash and upland flooding due to high frequency storm events and cold fronts. There are no known seagrasses, mangroves or hardbottom resources documented in the immediate vicinity of this work adjacent to or within the beach-dune fill areas.

The land-based work for this project will be conducted from the overwashed area. The work will be done mechanically, and access to the area will be from Sanibel Captiva Road just south of the existing seawall near R-111.5 on City-owned property. The excavation and fill will occur within the City's Beach Park known as Silver Key/Bowman's Beach. Equipment will consist of an excavator, dump truck, bulldozer and Skid Steer. There are access locations within the park and City owned property to conduct the work from the uplands.

Work will be conducted during daylight hours up to seven days per week. Work is proposed to be conducted between November 1st and April 30th and no work is proposed

during the main part of shorebird nesting season and sea turtle nesting season (May 1 through October 31).

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 designed the project to have a net increase in improved beach habitat. There will be no impacts to hardbottom resources, mangroves or seagrass beds.

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

Compensatory mitigation is not warranted for the proposed project as it will result in a net increase of enhanced dry beach dune sea turtle habitat. No seagrass beds, mangroves or hardbottom resources will be impacted and environmental protection plans are proposed to implement best management practices.

CULTURAL RESOURCES:

The Corps is unaware of any recorded historic resources within or adjacent to the project area. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

The Corps determined the proposal may affect, but is not likely to adversely affect, the endangered West Indian manatee (*Trichechus manatus*), endangered red knot (*Calidris canutus*), and the endangered piping plover (*Charadrius melodus*). The Corps has also determined that the proposed project may affect the threatened/endangered nesting sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*). The Corps will initiate emergency ESA consultation as required with the U.S. Fish and Wildlife Service for the above listed species.

The Corps has determined the proposed project may affect but is not likely to adversely affect the threatened/endangered swimming sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*). The Corps has also determined that the project is not likely to adversely affect, the endangered smalltooth sawfish (*Pristis pectinata*). The Corps will initiate emergency ESA consultation as required with the National Marine Fisheries Service for the above listed species.

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. 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.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through Fort Myers Permits Section, 1520 Royal Palm Square Boulevard, Suite 310, Fort Myers, Florida, within 10 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, Stephen Fleming, in writing at the Fort Myers Permits Section, 1520 Royal Palm Square Blvd. Suite 310, Fort Myers, FL 33919; by electronic mail at Stephen.J.Fleming@usace.army.mil; by facsimile transmission at (239) 334-0797; or, by telephone at 239-334-1975 x0003.

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.

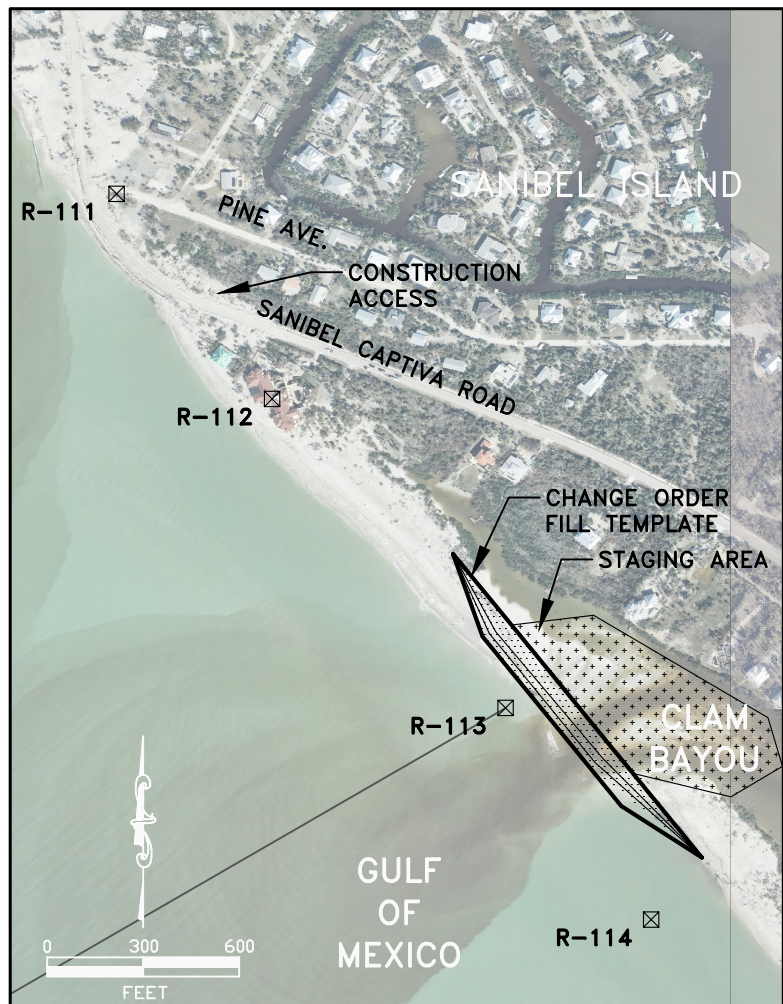
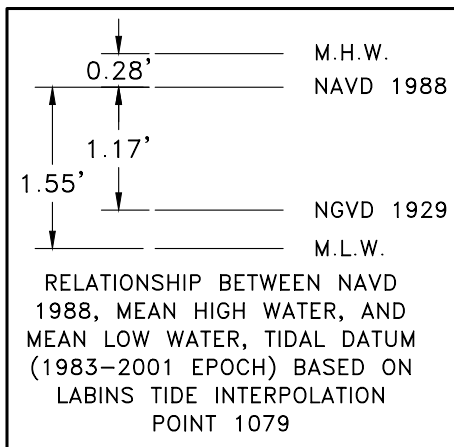
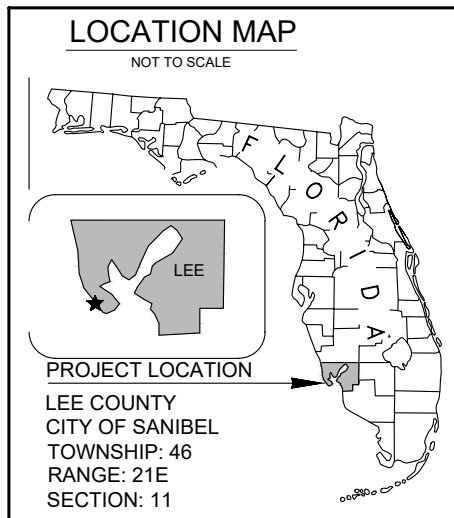
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to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

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP). The FDEP has authorized this work to be conducted under the existing Emergency Final Order (OGC No. 23-1348) on February 21, 2024. No formal permit is required from FDEP.

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.

CONSTRUCTION PLANS SANIBEL ISLAND CLAM BAYOU DUNE RECOVERY PROJECT



NOTES:

1. AERIAL PHOTOGRAPH DATED JANUARY 2023 COURTESY OF LEE COUNTY & NOAA (09-2023).
2. COORDINATES SHOWN IN FEET BASED ON THE NORTH AMERICAN DATUM OF 1983, WEST ZONE (NAD83).
3. ELEVATIONS SHOWN IN FEET BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

SANIBEL ISLAND CLAM BAYOU DUNE RECOVERY CONSTRUCTION PLANS

FOR: CITY OF SANIBEL

DATE: 11/26/24

FILE: PLAN

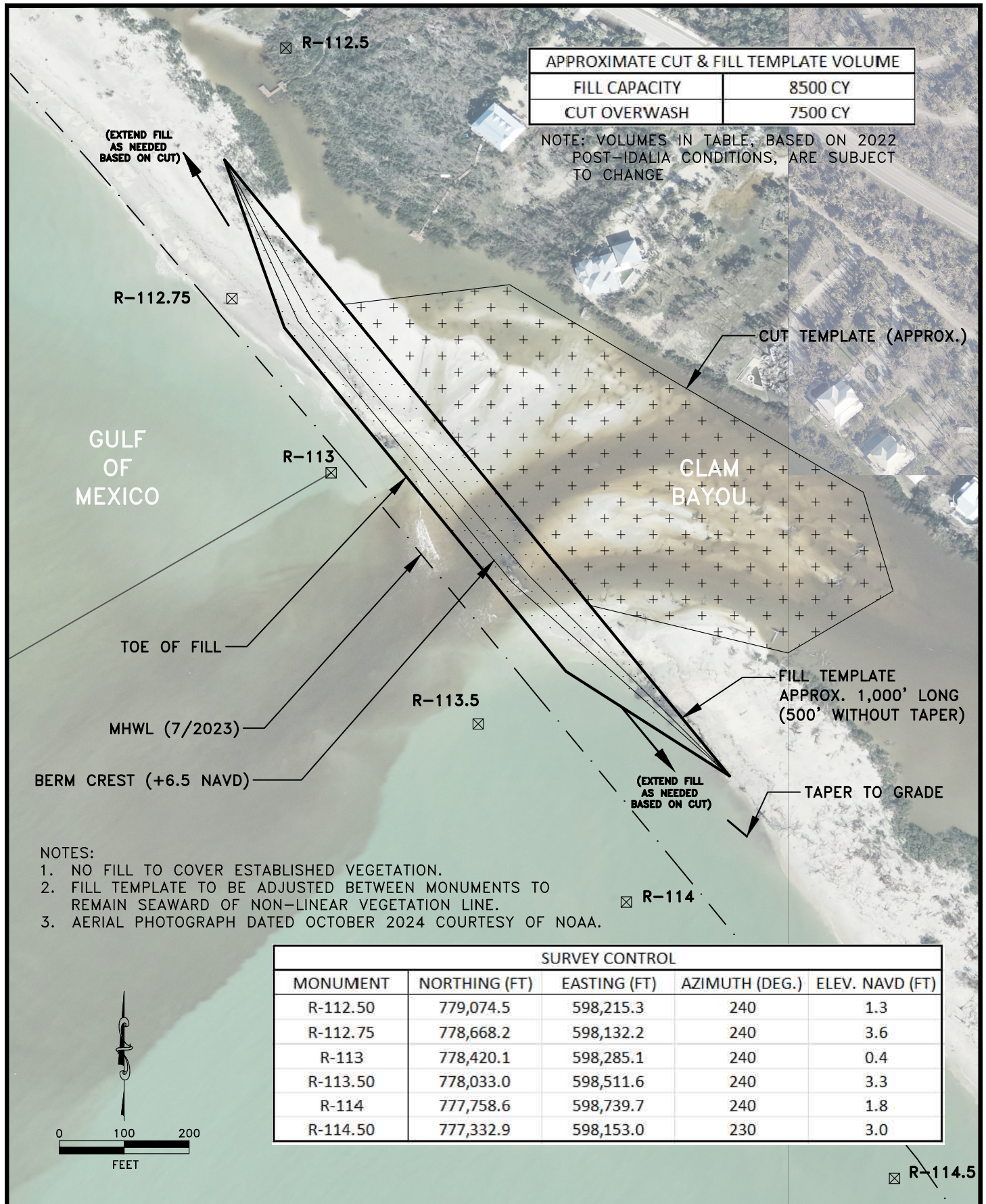
SCALE: SHOWN

JOB: 27008

DATUM: SHOWN

SHEET: 1 OF 5

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com



APPROXIMATE CUT & FILL TEMPLATE VOLUME	
FILL CAPACITY	8500 CY
CUT OVERWASH	7500 CY

NOTE: VOLUMES IN TABLE, BASED ON 2022 POST-IDALIA CONDITIONS, ARE SUBJECT TO CHANGE

- NOTES:
1. NO FILL TO COVER ESTABLISHED VEGETATION.
 2. FILL TEMPLATE TO BE ADJUSTED BETWEEN MONUMENTS TO REMAIN SEAWARD OF NON-LINEAR VEGETATION LINE.
 3. AERIAL PHOTOGRAPH DATED OCTOBER 2024 COURTESY OF NOAA.

SURVEY CONTROL				
MONUMENT	NORTHING (FT)	EASTING (FT)	AZIMUTH (DEG.)	ELEV. NAVD (FT)
R-112.50	779,074.5	598,215.3	240	1.3
R-112.75	778,668.2	598,132.2	240	3.6
R-113	778,420.1	598,285.1	240	0.4
R-113.50	778,033.0	598,511.6	240	3.3
R-114	777,758.6	598,739.7	240	1.8
R-114.50	777,332.9	598,153.0	230	3.0



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

SANIBEL ISLAND CLAM BAYOU RECOVERY
CONSTRUCTION PLANS

FOR: CITY OF SANIBEL

DATE: 11/26/24

FILE: PLAN

SCALE: SHOWN

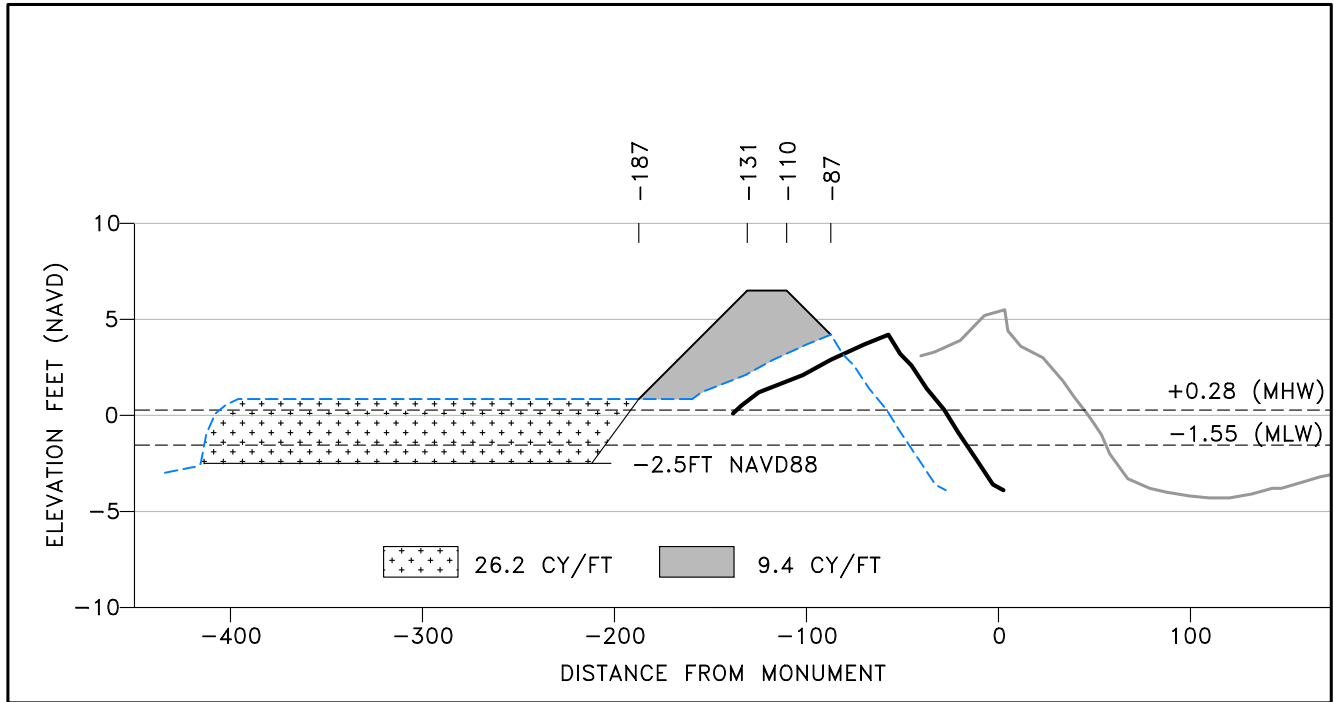
JOB: 27008

DATUM: SHOWN

SHEET: 2 OF 5

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com

BEACH PROFILE R-113 (TYPICAL)



CROSS SECTION LEGEND

-  DESIGN FILL
-  DESIGN CUT
-  POST IDALIA (ESTIMATED)
-  07/2023 POST-IAN SURVEY
-  09/2022 PRE-IAN SURVEY

NOTES:

1. RANGES AND ELEVATIONS REFER TO THE DESIGN TEMPLATE. TEMPLATE TOLERANCE IS ± 3 ".
2. NO FILL TO BE PLACED ON ESTABLISHED VEGETATION.
3. ESTIMATED POST IDALIA PROFILE BASED ON SURVEY BY SDI DATED 7/2023 & TYPICAL PROFILE SHIFT OBSERVED FROM PRE & POST IDALIA SURVEYS FROM "BLIND PASS POST-STORM BEACH NOURISHMENT" TO THE NORTH.
4. CONDITIONS SUBJECT TO CHANGE.



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

SANIBEL ISLAND CLAM BAYOU RECOVERY
CONSTRUCTION PLANS

FOR: CITY OF SANIBEL

DATE: 11/26/24

FILE: PLAN

SCALE: SHOWN

JOB: 27008

DATUM: SHOWN

SHEET: 3 OF 5

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com