



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Ehab Guirguis  
Lee County BOCC

Publish: April, 21 2025  
Expires: May 21, 2025

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**Jacksonville District  
Permit Application No. SAJ-2024-01124 (MAD)**

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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at [marena.a.dorio@usace.army.mil](mailto:marena.a.dorio@usace.army.mil)

**APPLICANT:** Ehab Guirguis  
Lee County BOCC  
PO Box 398  
Fort Myers, Florida 33902

**AGENT:** Liz Wilkins  
STANTEC, Inc.  
3915 Crescent Park Drive  
Riverview, Florida 33578

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with the Gulf of America. The project/review area is located at 10 San Carlos Blvd, in Section 24, Township 46 South, Range 23 East; at Latitude 26.451529 and Longitude -81.957126; in Fort Myers Beach, Lee County, Florida.

**EXISTING CONDITIONS:** The aquatic system consists of estuarine and marine subtidal and intertidal saltwater systems. The in-water project area contains remnants from the previously existing pier damaged during Hurricane Ian, such as concrete pilings and other debris; the substrate is composed of sandy bottom with shell fragments; drift algae was observed onsite and benthic worm tubes were identified, however a benthic survey observed no seagrasses, corals, sponges or hardbottom habitat located in the project area. Each of the old pier pilings and support structures have oysters (assumed to be *Crassostrea virginica*) attached, and some had tunicates (i.e. sea squirts). The onshore project area is composed of a sand beach and the remaining municipal pier structure; no beach vegetation or dunes were observed within the project footprint or the

temporary workspace. The project is situated in an urban setting within the City of Fort Myers Beach, that includes residential, commercial, and municipal structures, city infrastructure, and public access recreation area (beach).

## **PROJECT PURPOSE:**

**Basic:** The basic project purpose is to re-establish a historic public-access recreational fishing structure near the City of Fort Myers Beach (FMB) central beach downtown area.

**Overall:** The overall project purpose is to replace the damaged FMB municipal recreational fishing pier in the pier's historic location near the FMB central beach downtown area, within proximity to existing pier related infrastructure (public restrooms and visitor parking) that their utilization as pier facilities would remain viable, and where the pier would continue as an economic benefit for local businesses and the community. Furthermore the proposed project needs to retain the integrity of the pier as a local landmark; satisfy current regulations related to structural resiliency and safety, including Americans with Disabilities Act requirements; and enhance the outdoor recreational needs of the community, based on public input, accommodated through an updated configuration that focuses on accessibility of amenities, and the capacity for current and projected volume of visitors, equivalent to other high-trafficked beaches and piers near Southwest Florida.

**PROPOSED WORK:** The applicant requests authorization to replace the historic Fort Myers Beach municipal recreational fishing pier, with an expanded footprint of the original configuration at the same location; for a total length of 1,000 feet (ft) and total area of 16,078 square feet (sqft) or 0.37-acre. The work would include removal of the old pier pilings and debris, approximately 28 cubic yards (CY), and dredge of 33. Construction of the new pier includes placement of 108 24-inch by 24-inch square concrete pilings via impact hammer, with 96 pilings placed below the high tide line (HTL) constituting placement of 109 CY of fill placed within 384 sqft of within waters of the U.S. The new pier proposes a 14,340 sqft or 0.33-acre impact of total over water structure (TOWS) waterward of the mean high water line (MHWL). The proposed pier structure constitutes a 7,278 sqft (0.17-acre) or 103% increase in TOWS and extends the pier length by 415 ft or 71% increase. The project temporary construction and access area encompasses the County right-of-way in an abutting County owned parcel, a 0.2-acre portion of this work area will be enclosed by a 6 ft chain link fence, surrounded by a sediment/wildlife intrusion fence

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The design process involved the consideration of measures to avoid and minimize impacts to surface waters to the greatest extent practicable. In meeting structure resiliency standards, the larger pile size allowed for a fewer number of piles to support the same structure area; the number of piles needed to support the end pavilion decreased by about 50% from the previous existing pier to the proposed pier, despite a slightly larger over-water area. Another design measure included raising the pier by 2

feet which allows more sunlight exposure under the pier. To minimize impacts to the fullest extent practical, BMPs were developed for this project and are included in the construction drawings, Pier Management Plan, and Biological Assessments.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The project area does not contain benthic resources, beach vegetation, or dunes. Additionally, the proposed dredge and fill impacts and additional over-water shade structure are minimal. Therefore, no compensatory mitigation is proposed.

#### **CULTURAL RESOURCES:**

The Federal Emergency Management Agency (FEMA) is a co-lead Federal agency and with the Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. 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, federally recognized tribes and other interested parties.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered
Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Giant Manta Ray	<i>Mobula birostris</i>	Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. FEMA is a co-lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.009-acre of unconsolidated bottom and 0.33-acre of water column. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages:

Table 2: EFH species with habitat present in the action area.

<b><i>Species</i></b>	<b><i>Life Stage</i></b>
Bonnethead Shark (Gulf of Mexico Stock)	Juvenile
Coastal Migratory Pelagics	ALL
Lemon Shark	Adult
Scalloped Hammerhead Shark	Neonate
Blacknose Shark (Gulf of Mexico Stock)	Juvenile/Adult
Nurse Shark	Juvenile/Adult
Blacktip Shark (Gulf of Mexico Stock)	Juvenile/Adult
Tiger Shark	Juvenile/Adult
Great Hammerhead Shark	ALL
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Juvenile/Adult
Shrimp	ALL
Blacktip Shark (Gulf of Mexico Stock)	Neonate
Bull Shark	Juvenile/Adult
Sandbar Shark	Adult
Bonnethead Shark (Gulf of Mexico Stock)	Neonate
Reef Fish	ALL
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Neonate
Blacknose Shark (Gulf of Mexico Stock)	Neonate
Bull Shark	Neonate

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.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The Corps Regulatory Division (RD) is not aware of a Corps Civil Works Project within or adjacent to the permit area and is evaluating the need for review under Section 14 of the Rivers and Harbors Act (33 USC 408). The final determination relative to if the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project is subject to review through internal coordination.

**WATER QUALITY CERTIFICATION:** WQC is required from the Florida Department of Environmental Protection (FDEP).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from FDEP. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**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.

**COMMENTS:** The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

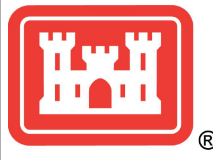
The Jacksonville District will receive written comments on the proposed work, as outlined above, until May 21, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Marena D'Orio at [marena.a.dorio@usace.army.mil](mailto:marena.a.dorio@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Marena D'Orio, 1520 Royal Palm Square Blvd Suite 310 Fort Myers, Florida 33919. Please refer to the permit application number in your comments. Additional drawing may be provided upon request.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

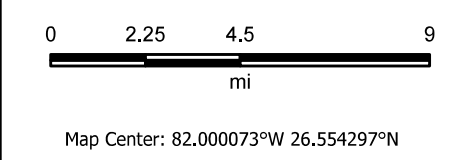




Esri, HERE, Garmin, University of South Florida, County of Lee, FL, Esri, HERE, Garmin, INCREMENT P, USGS, MET/NASA, NGA, EPA, USDA, Lee County, FL, Earthstar Geographics



**SAJ-2024-01124**  
**Fort Myers Beach Pier**  
**Vicinity Map**



Map Created by: PM  
Date: 4/18/2025  
Coordinate System: WGS 1984 Web  
Mercator Auxiliary Sphere



U:\2382\238201943\03\_data\gis\_cad\gis\Fort Myers Pier\Fort Myers Pier.aprx Revised: 2024-09-20 By: pmarsey



- Project Boundary (3.17 ac)
- Mean High Water Line
- Surface Water Impact - Shade (0.33 ac)
- Temporary Fenced Area (0.20 ac)

0 100 200 Feet  
(At original document size of 8.5x11)  
1:2,400



Project Location  
T46S, R23E, S24  
Lee Co., FL

Prepared by pmarsey on 9/20/2024

Client/Project  
Lee County Board of Commissioners  
FMB Fishing Pier Replacement  
Environmental Narrative

238201943

Figure No.  
**5**

Title  
**Surface Water Impacts**





PROPOSED PIER TOTAL PLAN AREA = 16,078 FT<sup>2</sup>  
PROPOSED PIER PLAN AREA OVER MHW = 14,340 FT<sup>2</sup>

Project Number: 238201943	
SCALE: AS SHOWN	
AAM	MA
Dwn.	CPG
25.03.21	YY.MM.DD
Drawing No. -	
Revision	Sheet