



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
John Daly

Published: July 10, 2025
Expires: August 10, 2025

Jacksonville District
Permit Application No. SAJ-2024-03645

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

APPLICANT: John Daly
498 University Boulevard
Suite A
Harrisburg, Virginia 22801

WATERWAY AND LOCATION: The project would affect aquatic resources associated with unnamed wetlands. The project site is located off Bayshore Drive; at latitude 26.090437° and longitude -81.769546°; in Naples, Collier County, Florida.

EXISTING CONDITIONS: The approximately 10-acre parcel is bordered to the north by an existing portion of Bayshore Drive, to the east by development and preservation lands, and to the south and west by undeveloped lands. The property is a mix of pine flatwoods invaded by exotics, mangroves invaded by exotics, hydric pine flatwoods invaded by exotics, shrub wetland invaded by exotics, and disturbed upland and wetland.

PROJECT PURPOSE: Construction of a single-family residence and access road within the right of way associated with the property.

Basic: Residential development

Overall: Construction of a single-family residence.

PROPOSED WORK: The applicant requests authorization to discharge 1.94 acres of fill into wetlands in order to construct a single-family residence and extend Bayshore Drive to access the proposed residence.

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 original proposed project design proposed a larger barn area,

additional parking, and a large, fenced area for horses. These project components were eliminated to reduce project impacts.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Purchase of wetland mitigation credits from a USACE approved mitigation bank.

CULTURAL RESOURCES:

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.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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) 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.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered
Florida Panther	<i>Puma (=Felis) concolor coryi</i>	Endangered
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Crested Caracara	<i>Caracara plancus audubonii</i>	Threatened
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened

Everglade Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	Endangered
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened
American Crocodile	<i>Crocodylus acutus</i>	Threatened
Eastern Indigo Snake	<i>Drymarchon couperi</i>	Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Florida Prairie-Clover	<i>Dalea carthagenensis floridana</i>	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife 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.

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

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP). The project is being reviewed under FDEP application no. #420996.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from FL DEP. 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. A permit will be granted unless its issuance is found to be contrary to the public interest.

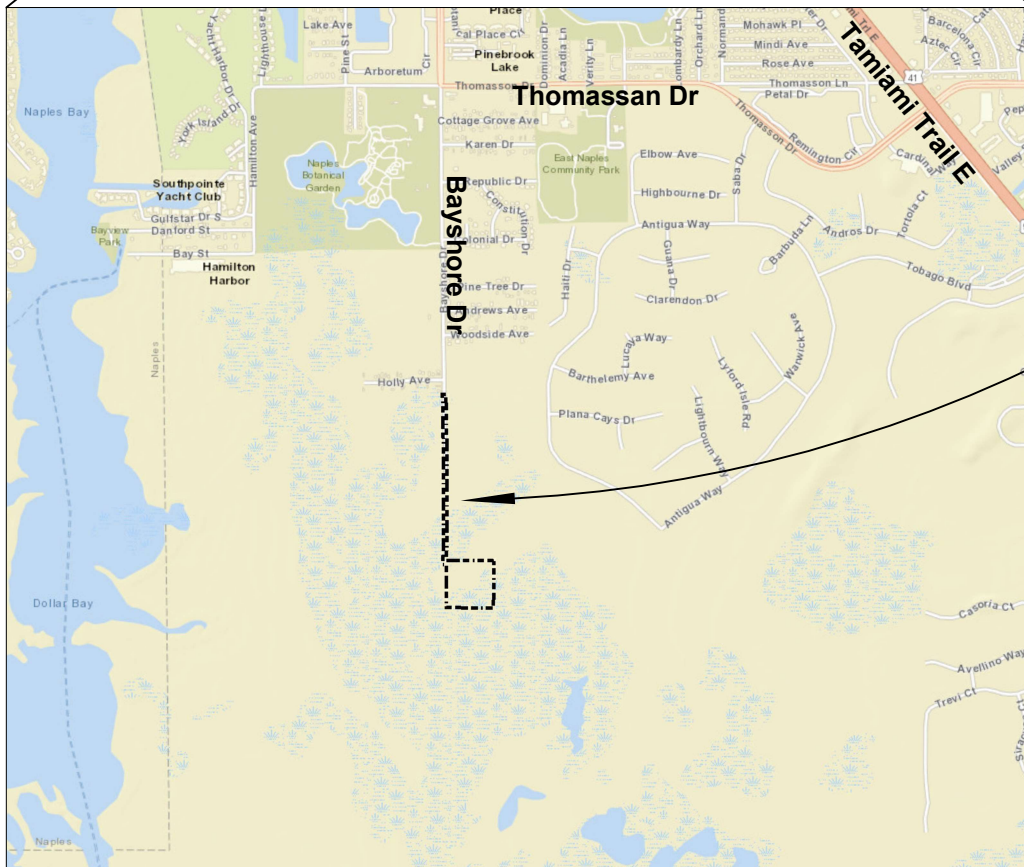
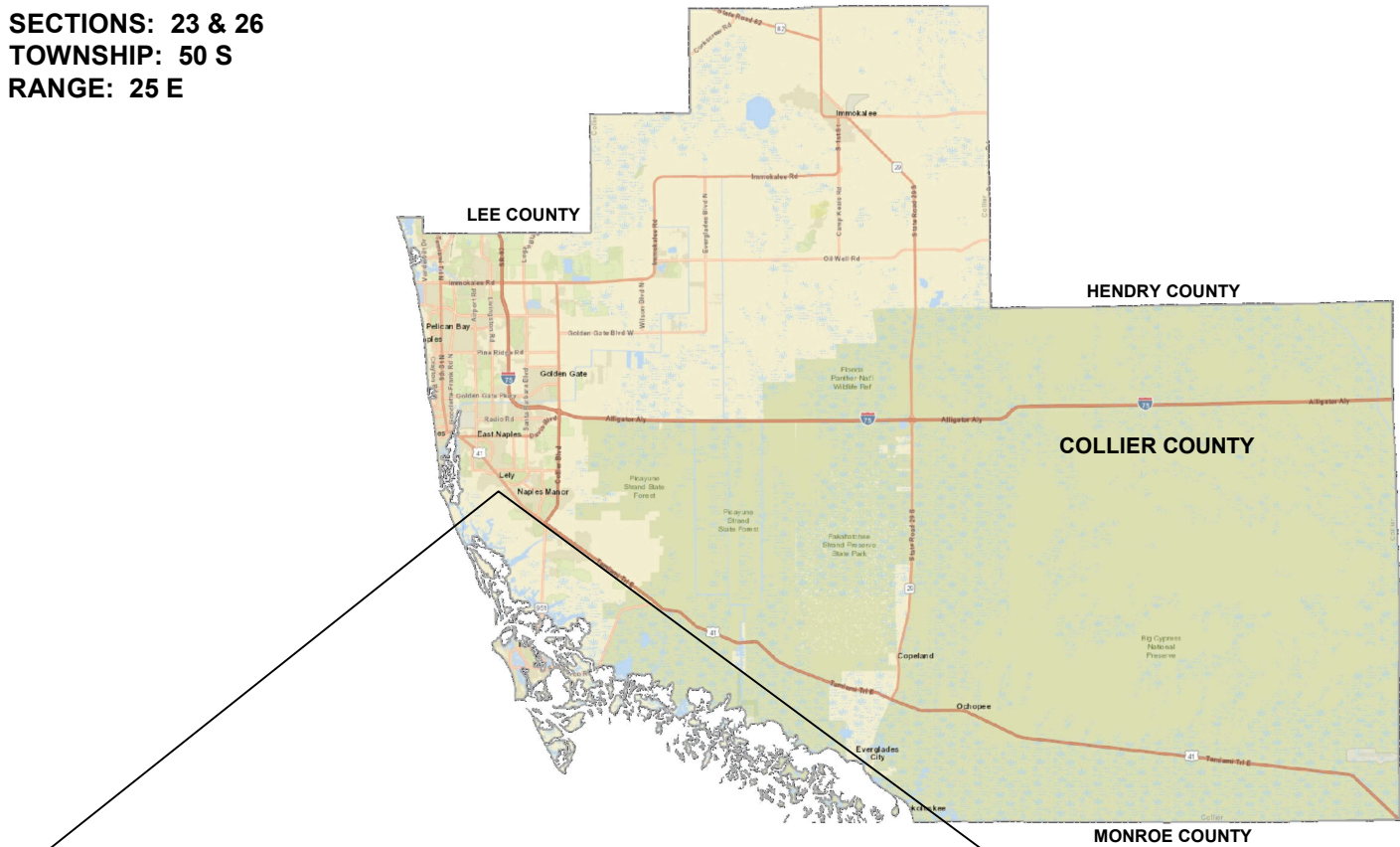
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether 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 August 10, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Christine Jacek at Christine.M.Jacek@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Christine Jacek, 696 Virginia Road Concord, Massachusetts 01742. Please refer to the permit application number in your comments.

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.

Bayshore Drive Extension & ±10 Acre Parcel

SECTIONS: 23 & 26
TOWNSHIP: 50 S
RANGE: 25 E



Project Location

*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

June 09, 2025 2:16:53 p.m.
Drawing: JDALY1LOCATION.DWG

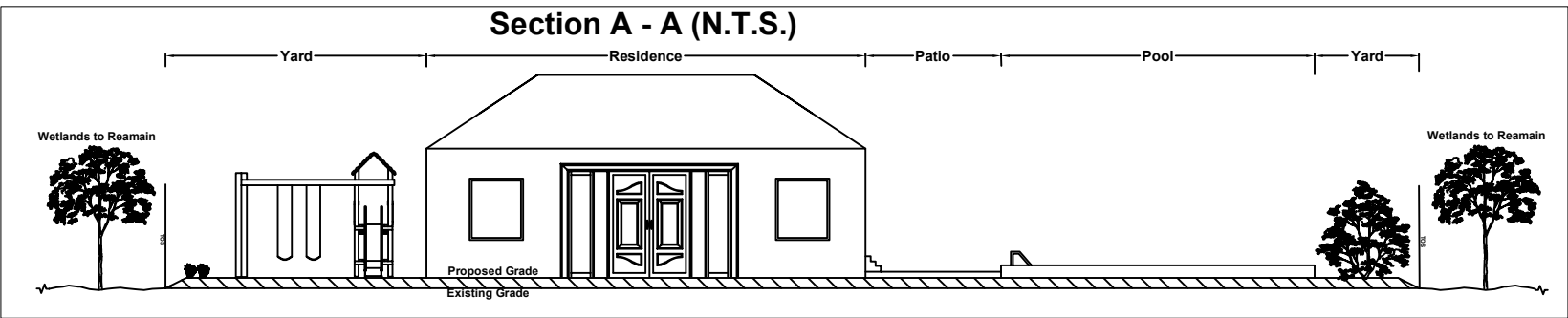
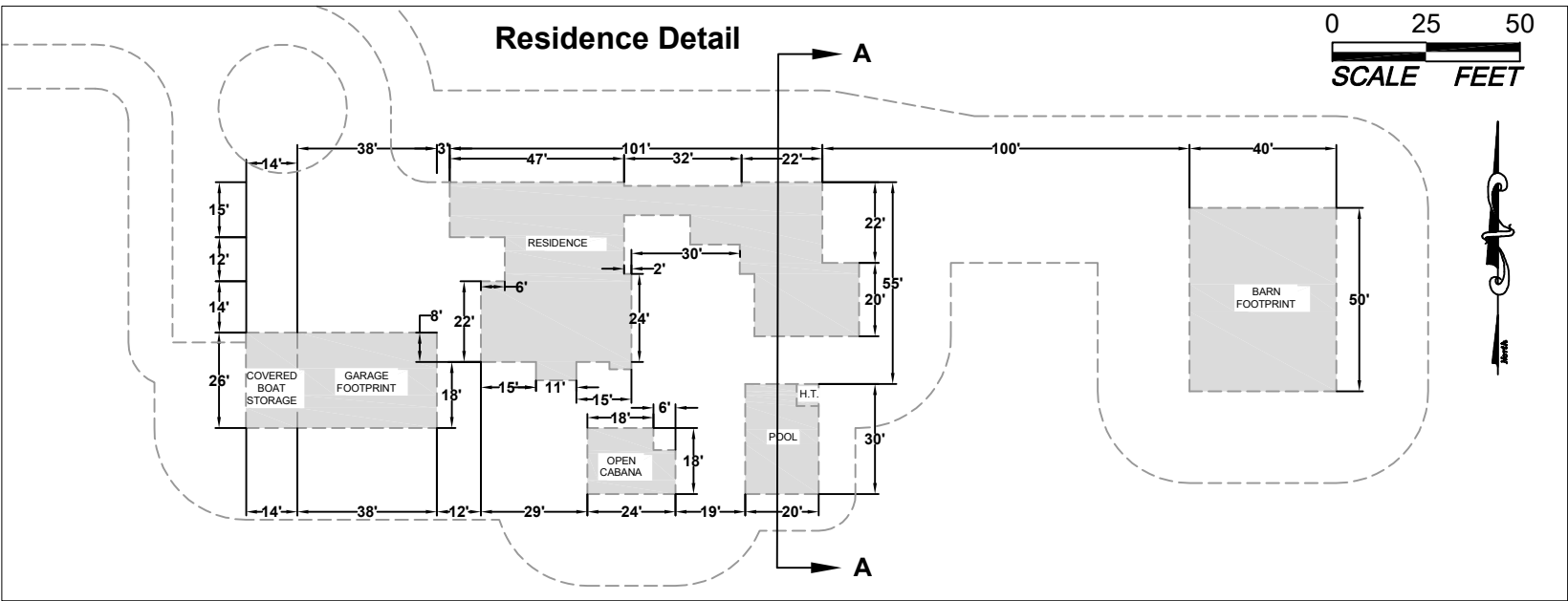
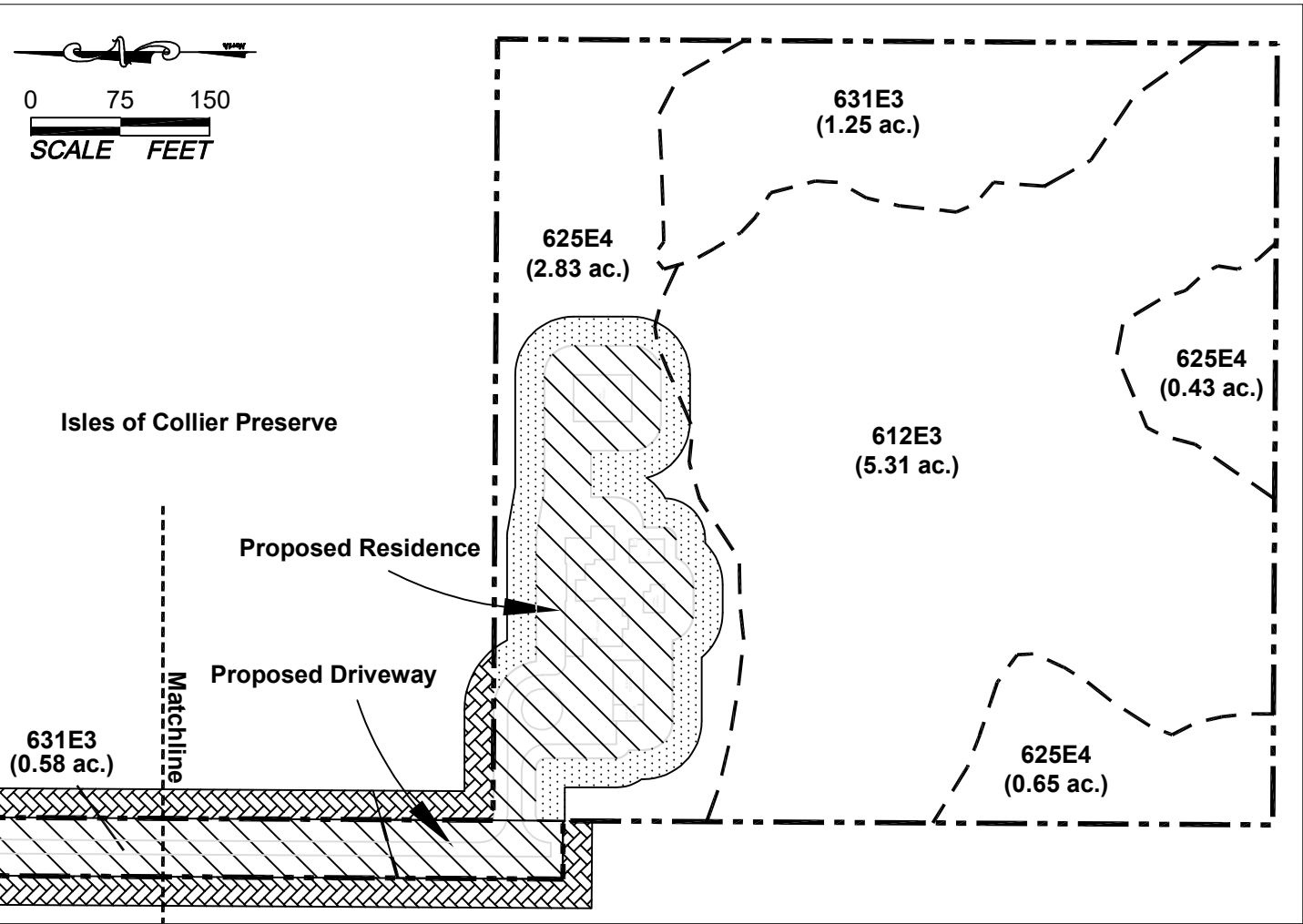
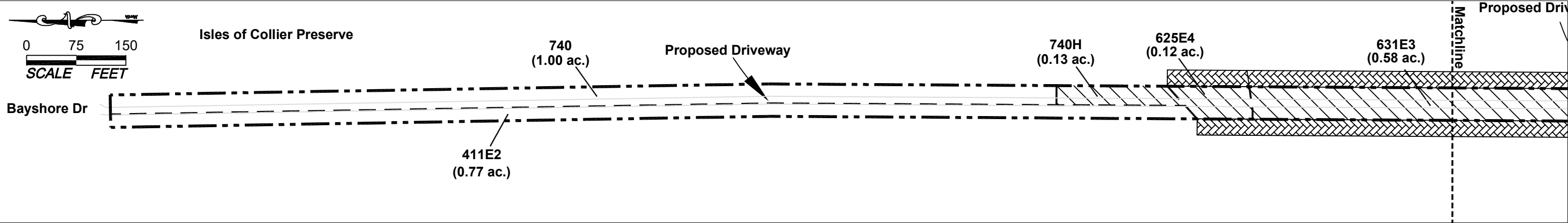
Location Map



ATWELL

866.850.4200 www.atwell-group.com
4470 CAMINO REAL WAY, SUITE 101
FORT MYERS, FL 33908
239.334.3680

SECTIONS: 23 & 26
TOWNSHIP: 50 S
RANGE: 25 E



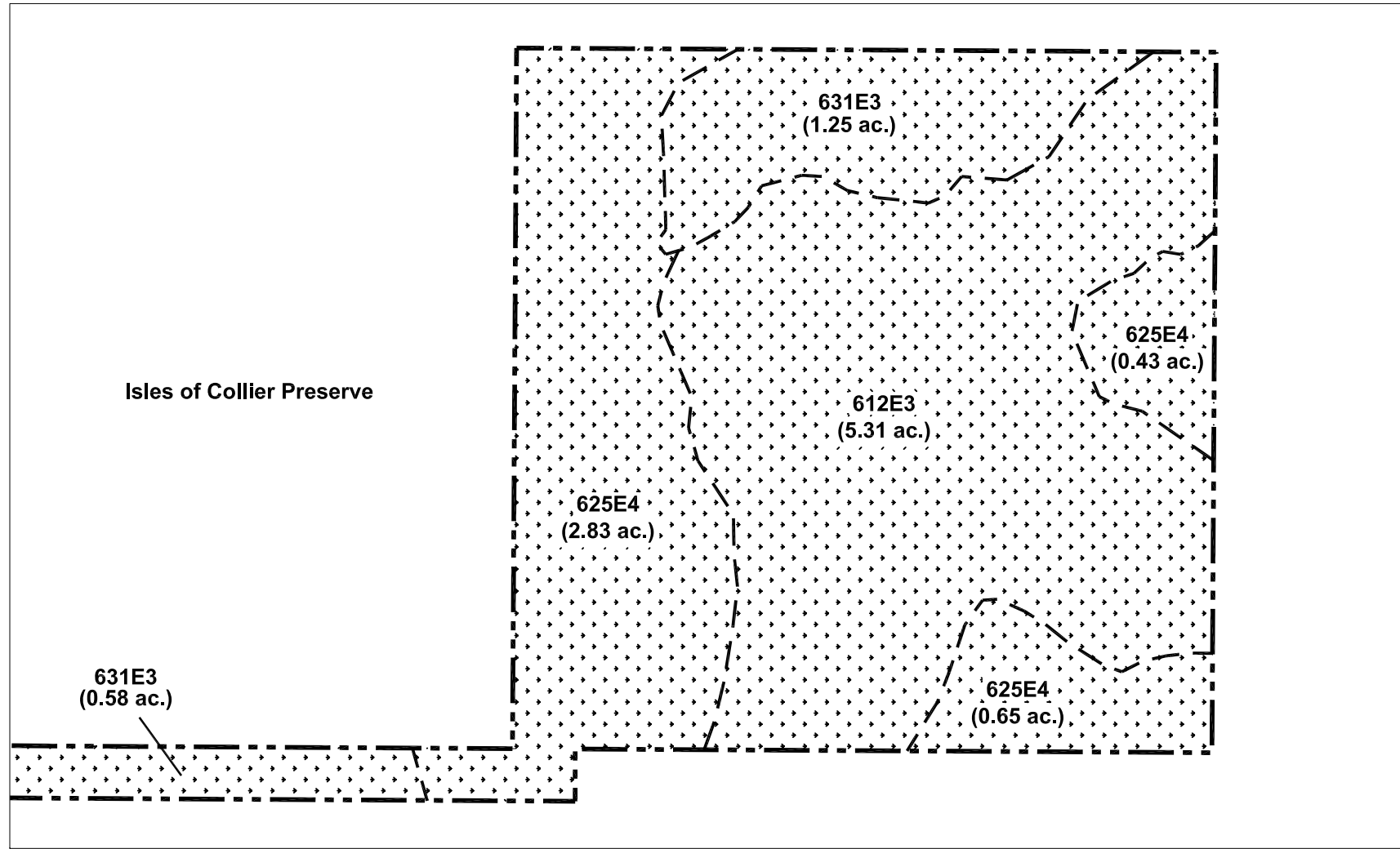
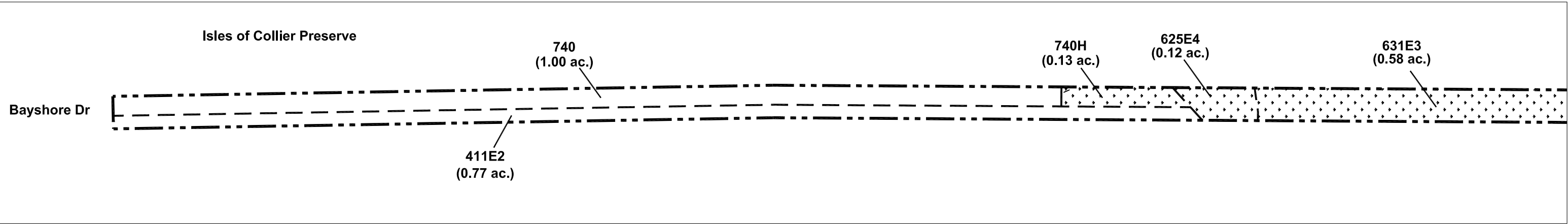
Notes:
1. Project boundary and site plan provided by Gina R. Greene, PA.
2. Mapping based on photointerpretation of 2022 aerial photography and ground truthing in October 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by FDEP.

FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	0.77 ac.
612E3	Mangroves Invaded by Exotics (51-75%)	5.31 ac.
625E4	Hydric Pine Flatwoods Invaded by Exotics (75-90%)	4.03 ac.
631E3	Wetland Shrub Invaded by Exotics (51-75%)	1.83 ac.
740	Disturbed Land	1.00 ac.
740H	Disturbed Land - Hydric	0.13 ac.
Total:		13.07 ac.

-  Direct Wetland Impacts (1.94 ac.)
-  Onsite Secondary Wetland Impacts (0.58 ac.)
-  Offsite Secondary Wetland Impacts (0.94 ac.)

PERMIT USE ONLY, NOT FOR CONSTRUCTION

May 19, 2025 11:42:34 a.m.
Drawing: JDALY1IMPACT.DWG



FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	0.77 ac
612E3	Mangroves Invaded by Exotics (51-75%)	5.31 ac.
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		Total: 13.07 ac.

Jurisdictional Wetlands (11.30 ac.)

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- 1. Project boundary provided by Gina R. Greene, PA.
 - 2. Mapping based on photointerpretation of 2022 aerial photography, LIDAR, and ground truthing in October 2022.
 - 3. Delineation of jurisdictional wetlands reviewed and approved by FDEP.