



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Jose Martinez

Published: July 11, 2025
Expires: August 11, 2025

**Jacksonville District
Permit Application No. SAJ-2024-00470**

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:

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 Michael.I.taylor@usace.army.mil

APPLICANT: Jose Martinez
4713 NW 7th Street
Suite 101
Miami, Florida 33126

WATERWAY AND LOCATION: The project would affect aquatic resources associated with a tidal wetland. The project site is located at 79 Otter Avenue, Everglades City, Florida, in Section 24, Township 53 South, Range 29 East, Collier County, Florida, latitude 25.84752° and longitude -81.37008°.

EXISTING CONDITIONS: The project site is undeveloped and contains natural vegetation including black mangroves and red mangroves.

The Project site is bordered to the north by Plantation Drive, to the west by Otter Avenue and to the south and east by single family residences. Approximately 90% of the parcels to the east of the project site are developed by single family residences. During high tides the site will receive a shallow amount of water from a canal located east of the subject property.

PROJECT PURPOSE:

Basic: Construct a single-family residence (SFR)

Overall: Fill 2,500 square feet of tidal wetlands to enable construction of a small parking pad and install stilts/supports to elevate a 320 square foot single family residence.

PROPOSED WORK: The applicant requests authorization to clear and fill 2,500 square feet (0.057 acres) of the parcel to construct a single car parking space and a 320 square foot residence on stilts.

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 proposed project will result in 0.057-acre of tidal wetland impacts in an area that has been impacted by road construction and nearby residential development. The applicant proposes to fill the minimum amount necessary for the residence and parking and will not impact 66% of the parcel which will be left in a natural state. The applicant chose not to clear and fill the entire parcel or to clear the entire parcel but will only clear the minimum amount necessary to provide space for a small residence on stilts and vehicle parking and will use clean natural permeable fill material rather than concrete or asphalt.

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

The applicant proposes to purchase 0.06 credit of forested saltwater wetlands from the Little Pine Island Mitigation Bank to offset the proposed impacts.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

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), the USACE National Regulatory Viewer, 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 will not affect any listed species or critical habitat.

Florida Bonneted Bat: No evidence of Florida bonneted bats (*Eumops floridanus*) has been documented on-site. The U.S. Fish and Wildlife Service's October 2019 Florida Bonneted Bat Effect Determination Key was used to conduct a sequential effect determination. Use of the key resulted in the following determination for the Florida bonneted bat: 1a > 2b > "No Effect".

Eastern Indigo Snake: The Corps has made the determination of *no effect* for the Eastern indigo snake (*Drymarchon corais couperi*). Based on the Eastern Indigo Snake Effect Determination Key (dated August 1, 2017), the Corps determination sequence resulted in A > "no effect".

Smalltooth Sawfish and Swimming Sea Turtles: The Corps has made the determination of *no effect* for the smalltooth sawfish and swimming sea turtles due to the nature of the work being completely above the mean-high water line elevation.

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 indirectly impact approximately 2,500 square feet of tidal wetlands inundated by very shallow water from a nearby tidal canal only during high tides.

Species	Life Stage
Sandbar Shark	Adult

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 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: WQC is required from the Florida Department of Environmental Protection (FDEP) and is pending approval via Application No. 0443686-001.

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 been verified by Corps personnel.

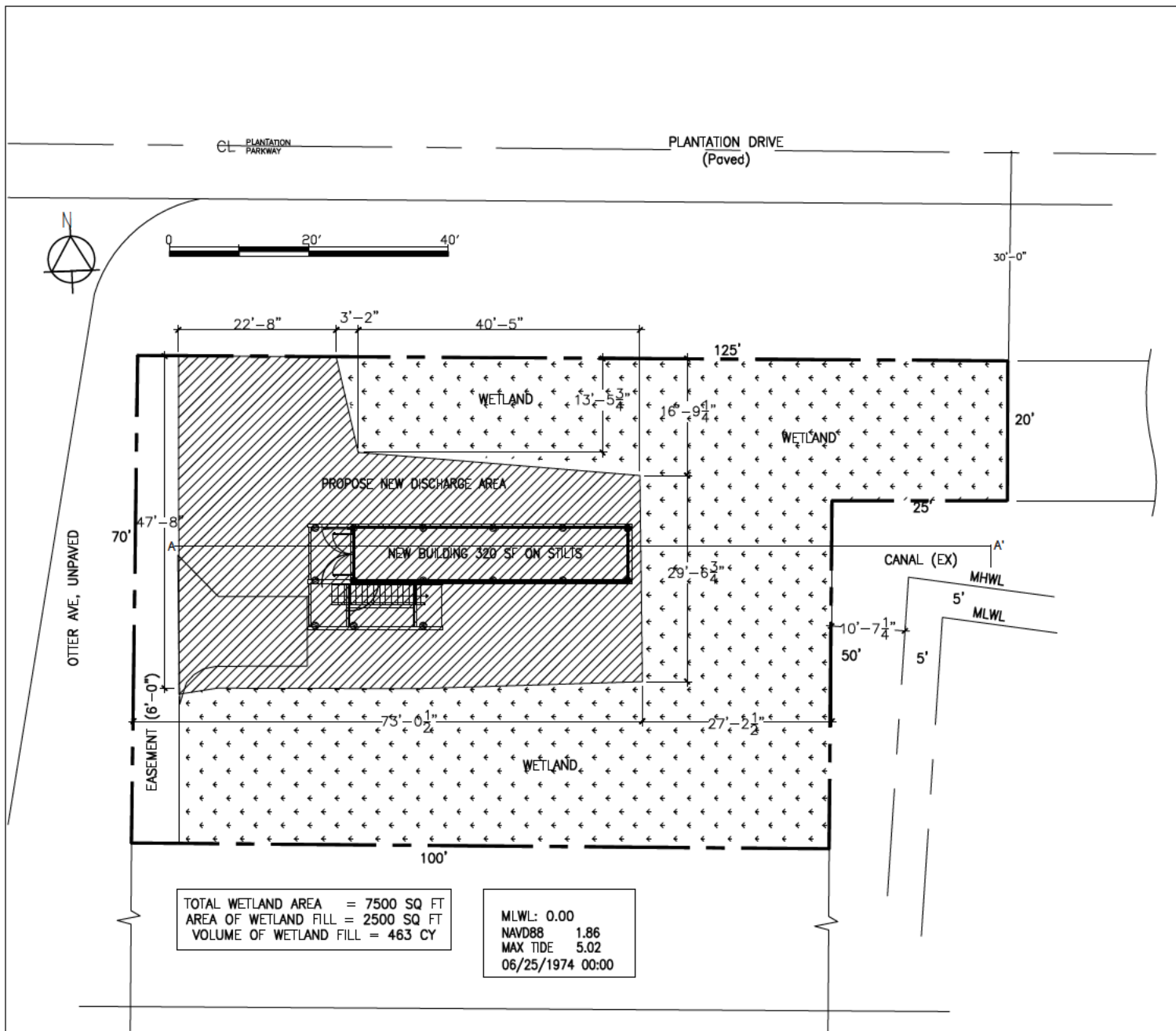
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 August 11, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Taylor at Michael.I.taylor@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Michael Taylor, Fort Myers Permits Section, 1520 Royal Palm Square Blvd, Suite 310, Fort Myers, Florida 33919. Please refer to the permit application number in your comments.

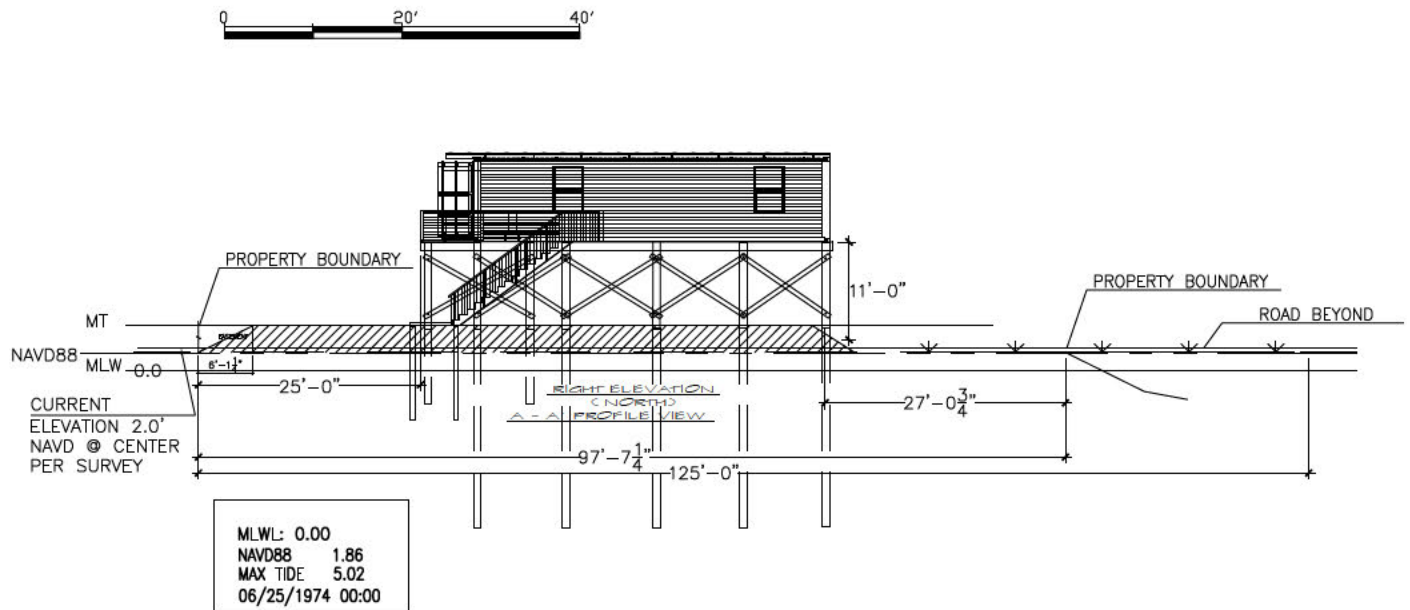
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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



PURPOSE : FILL PAD FOR DWELLING
 DATUM : MLW
 MLW = 0.0 MEAN LOW WATER
 MHW = 2.53 MEAN HIGH WATER
 MT = 5.02 MAX TIDE 06/25/1974

PLAN VIEW

PROPOSED DWELLING PLAN
 AT: 79 OTTER AVE EVERGLADES CITY
 COUNTY OF COLLIER, FL.
 APPL BY: JOSE R MARTINEZ
 DATE: 2/12/24 SHEET 3/4



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LEGEND

- ▲ = FOUND P.K. NAIL
- = FOUND 5/8" IRON PIN
- = SET DRILL HOLE
- = CONCRETE MONUMENT
- △ = SET PK NAIL
- ⊙ = IRON PIPE
- = SET 5/8" IRON PIN
- EOP = EDGE OF PAVEMENT
- ⚡ = EXISTING ELEVATION
- F = FIELD MEASURED
- R = RECORD INFORMATION
- FND = FOUND
- EOL = EDGE OF LIMEROCK
- UE = UTILITY EASEMENT
- PI = POINT OF INTERSECTION
- R/W = RIGHT OF WAY
- MHWL = MEAN HIGH WATER LINE
- MLW = MEAN LOW WATER

LOT 79, PLANTATION ISLAND ALL WATERFRONT MOBILE HOME SITES UNIT 3 (UNRECORDED) LYING IN AND BEING PART OF SECTION 24, TOWNSHIP 53 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA.

(#79 OTTER AVENUE, EVERGLADES CITY, FLORIDA, 34139.)



SCALE 1" = 30'

SURVEY PREPARED FOR:

JOSE' R. MARTINEZ

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS PER CHAPTER SJ-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

[Signature]

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

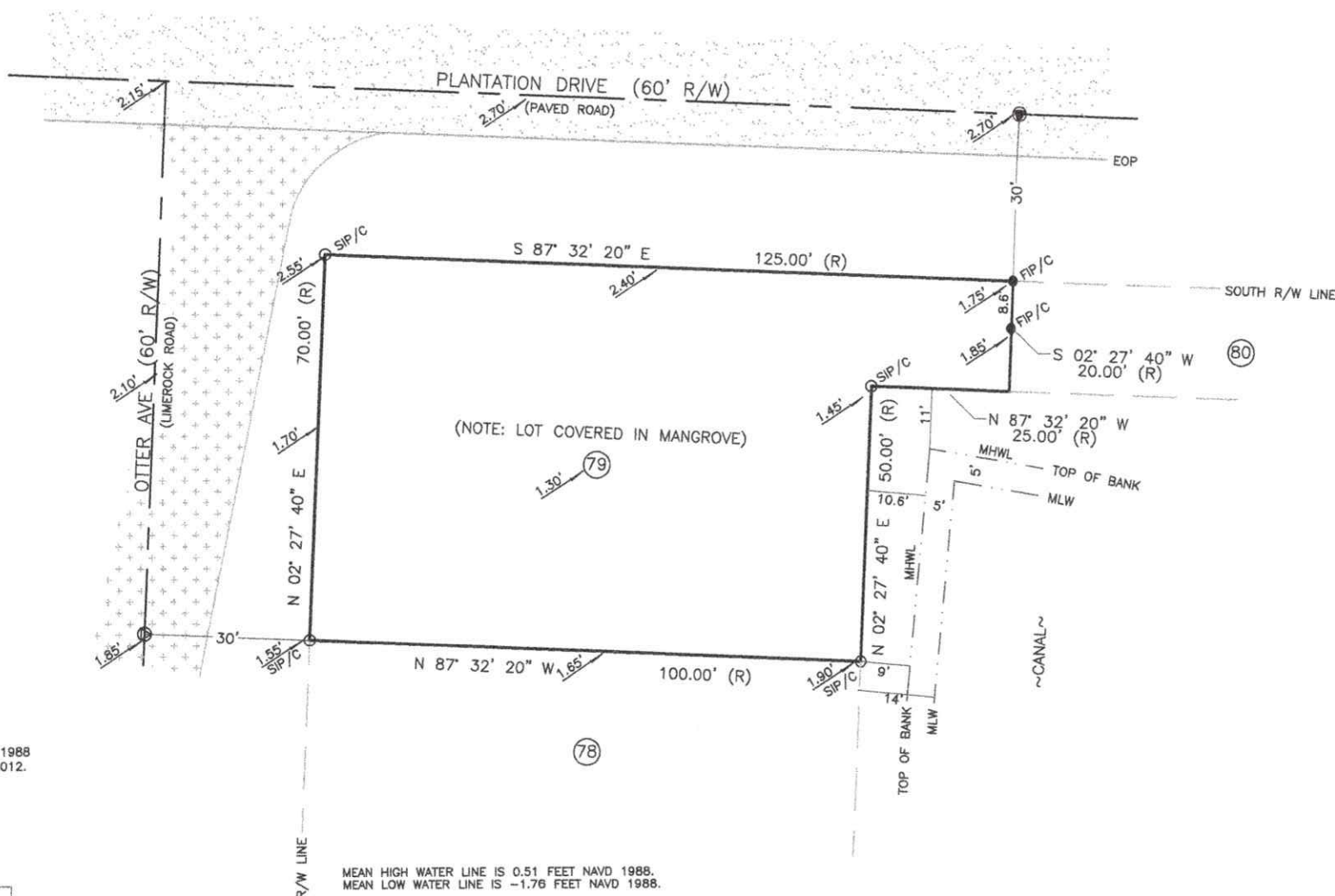
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE AE ELEVATION 9 FEET NAVD 1988 PER FEMA COMMUNITY PANEL NUMBER 120067-12021C-1105-H DATED 05/16/2012.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE THE SOUTH RIGHT OF WAY LINE OF PLANTATION DRIVE BEING S 87° 32' 20" E.



MEAN HIGH WATER LINE IS 0.51 FEET NAVD 1988.
MEAN LOW WATER LINE IS -1.76 FEET NAVD 1988.

MEAN HIGH WATER LINE AND MEAN LOW WATER LINE WERE DETERMINED FROM FLORIDA DEP TIDE STATION DATUM DATED 3/26/2015.

NOTE:

ELEVATIONS BASED ON NAVD 1988 DATUM.

MAP OF SURVEY

FOR			PROJECT		
JOSE' R. MARTINEZ			LOT 79, PLANTATION ISLAND ALL WATERFRONT MOBILE HOME SITES UNIT 3		
DATE	BY	REVISION	SHEET	FIELD BOOK	SCALE
7/21/2023	MH	ADD MHWL AND MLW	1	202	1" = 30'
W.O. NO.	FILE NO.	DATE	OF	PAGE	
21-052	21-052.DWG	09/22/23	1	02	

[Signature]
MEL HATTON
PROFESSIONAL LAND SURVEYOR

MEL HATTON
PROFESSIONAL LAND SURVEYOR
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450-9949

LEGAL DESCRIPTION:

LOT 79, PLANTATION ISLAND ALL WATERFRONT MOBILE HOME SITES UNIT 3 (UNRECORDED PLAT) PER OFFICIAL RECORD BOOK 5818, PAGE 1673 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LYING IN AND BEING PART OF SECTION 24, TOWNSHIP 53 SOUTH, RANGE 29 EAST.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD