



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Katherine Reynolds

Published: June 27, 2025
Expires: July 18, 2025

**Jacksonville District
Permit Application No. SAJ-2015-00733**

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 Ashley.M.Gonzalez@usace.army.mil.

APPLICANT: Katherine Reynolds
c/o Wintter Law
17 Rose Drive
Fort Lauderdale, Florida 33316

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Matanzas Pass along Fort Myers Beach Channel. The project site is located at 1138 Main Street; at latitude 26.459852° and longitude -81.950654°; in Fort Myers Beach, Lee County, Florida.

EXISTING CONDITIONS: The existing conditions at the project site include 190 linear feet of seawall and the remaining pile and debris of a 6,164 square foot commercial marina facility with 22-slips.

PROJECT PURPOSE:

Basic: Commercial mooring for vessels

Overall: To provide commercial mooring for vessels within Matanzas Pass, in Fort Myers Beach, Florida

PROPOSED WORK: The applicant requests authorization to replace an existing 22-slip commercial marina and seawall to include the following:

- Replace 6,164 square feet of marina dock facility within the same footprint as existing
- Replace (4) boat lifts

- Reinstall (191) 10-inch piles to support docks and boat lifts
- Replace 190 linear feet of seawall within 18 inches of existing seawall
- Backfill 71 cubic yards of material behind new seawall

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 applicant agrees to comply with the November 2017 “National Marine Fisheries Service’s (NMFS) Final Programmatic Biological Opinion (referred to as JAXBO) for In-Water Work”; 2011 Standard Manatee Construction Conditions for In-water Construction and Protected Species Construction Conditions. The contractor would use best management practices during construction including the use of floating turbidity curtains and turbidity control measures.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant is not proposing any compensatory mitigation for the proposed work.

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), 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.

West Indian (Florida) manatee (*Trichechus manatus*): Since the proposal by the applicant involves in-water construction, potential impacts to the endangered West Indian manatee were evaluated using Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013 (Key). Use of the Key resulted in the sequence A > B > C > D > G > N > O > P > P(3) “may affect, not likely to adversely affect”. This determination is based on the applicant

following the standard manatee construction precautions for the proposed activity. Because the project is for repair of a multi-slip facility and is located in an Important Manatee Area (IMA), further consultation with the Service if necessary for “may affect, not likely to adversely affect” determinations. Pursuant to Section 7 ESA, consultation with U.S. Fish and Wildlife Service will be conducted in accordance with 50 CFR part 402.

The Corps is evaluating the proposed work utilizing NMFS’s Jacksonville District’s Programmatic Biological Opinion (JAXBO) dated 20 November 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles (loggerhead, leatherback, Kemp’s ridley, hawksbill, and green); smalltooth sawfish; Nassau grouper; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); whales (North Atlantic right whale, sei, blue, fin, and sperm); and designated critical habitat for; smalltooth sawfish; sturgeon (Gulf and Atlantic); sea turtles (green, hawksbill, leatherback, loggerhead); North Atlantic right whale; and elkhorn and staghorn corals in accordance with Section 7 of the Endangered Species Act. Based on past permitting practices of the Corps and review of consultations with similar in-water construction activities, Project Design Criteria (PDCs) were identified in the JAXBO that typically have been applied to permitted in-water construction activities. These PDCs ensure effects of in-water construction activities are minimal in nature and do not result in adverse effects to listed species or to essential features of designated CH. For this verification, the Corps will conduct a project specific review to ensure that all of the PDCs are met. In accordance with the project-specific review process established in the JAXBO, a PDC checklist, certification that the activity meets the applicable PDC, and supporting documentation for the proposed activity will be emailed to nmfs.ser.statewideprogrammatic@noaa.gov and jaxbo@usace.army.mil. Therefore, the Jacksonville District will satisfy the project-specific review requirements stipulated in the JAXBO and satisfy its obligation under the ESA for the above-listed species and critical habitats within the NMFS purview.

No effect determinations: The Corps has determined that the species under U.S. Fish and Wildlife jurisdiction identified in an IPaC report dated May 8, 2025, that are not specifically discussed above have specific habitat requirements not present, are not expected to be present, or are extirpated from the action area. Therefore, there would be no effect to these species.

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 0.15 (6,555 square feet) acres of unconsolidated submerged bottoms utilized by various life stages of coastal migratory pelagic species. The effects of the project are determined to be minimal and permanent.

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 is located in the vicinity of a federal navigation channel and is under review with Corps Navigation.

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 exemption was received from the Florida Department of Environmental Protection (FDEP). The project was reviewed under FDEP application no. 0165813-002 EE.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the Florida Department of Environmental Protection (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.

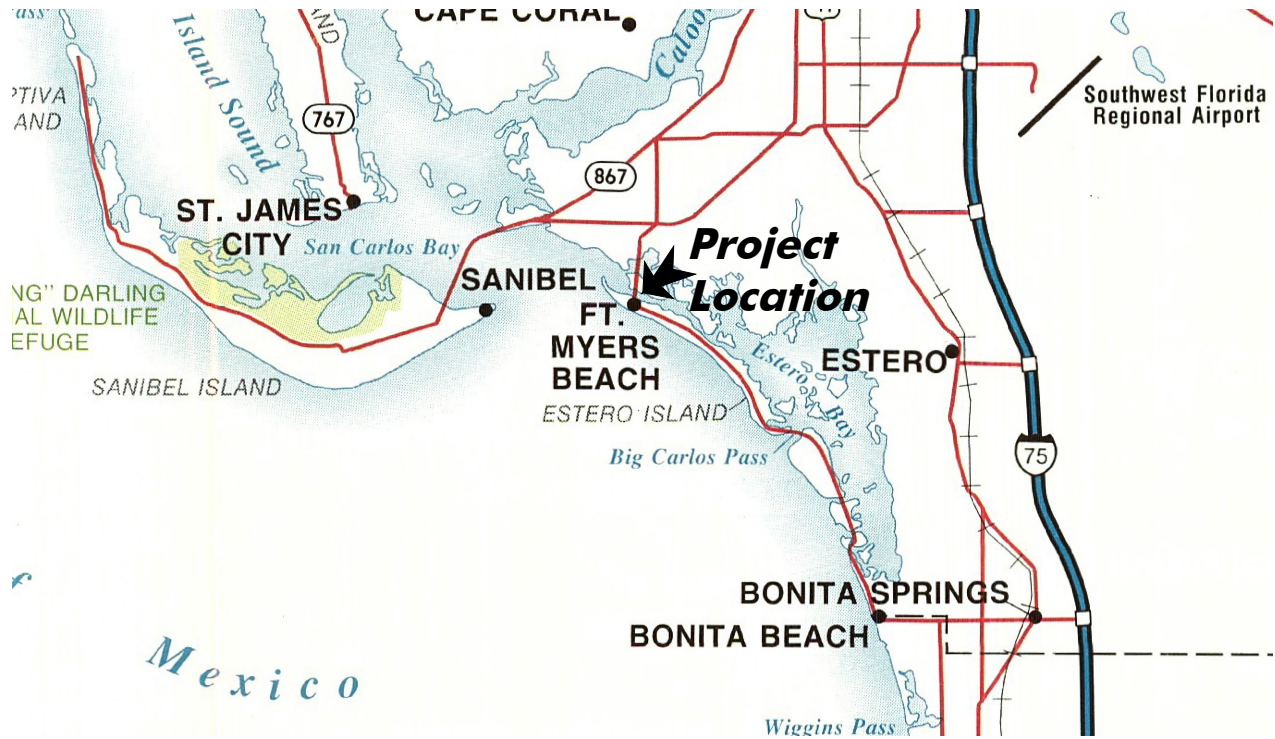
The Jacksonville District will receive written comments on the proposed work, as outlined above, until July 18, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ashley Gonzalez at Ashley.M.Gonzalez@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Ashley Gonzalez, 701 San Marco Blvd, Jacksonville, FL 32207. 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.

SECTION: 24
TOWNSHIP: 46 South
RANGE: 23 East

0mi 2.5mi 5mi

SCALE FEET

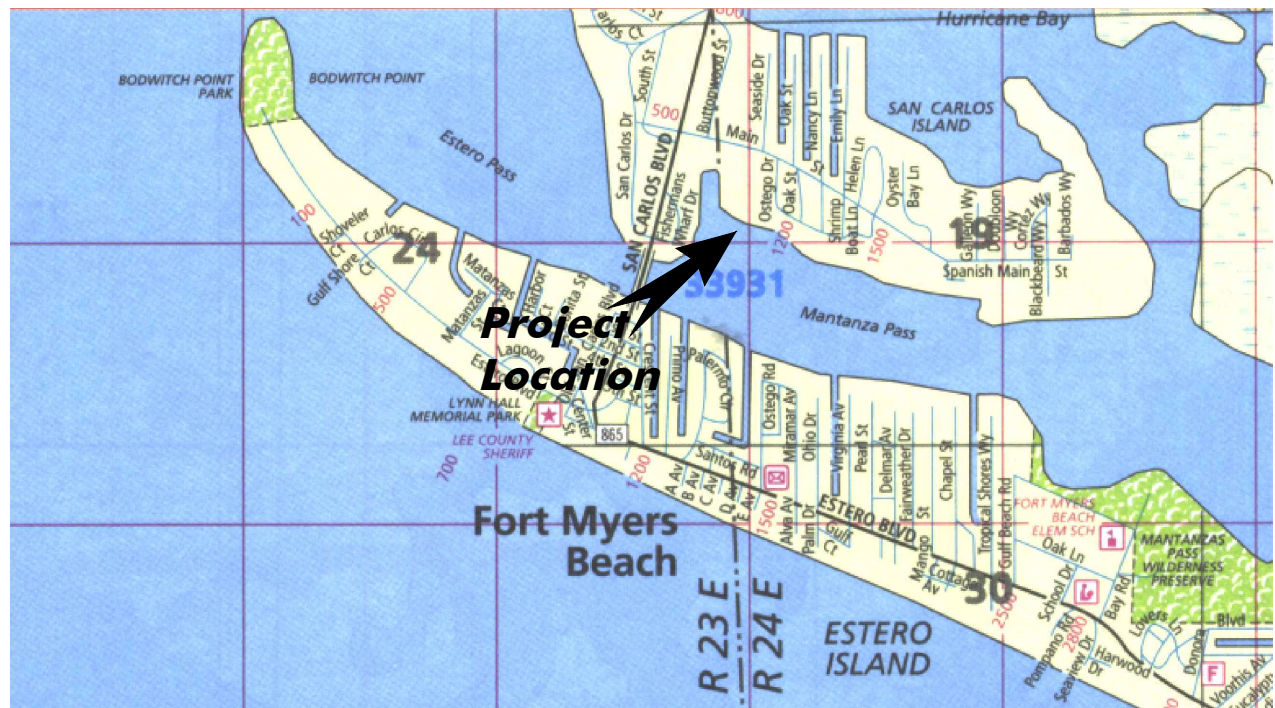


Vicinity Map

SCALE: 1" = 5 miles

0 1000 2000

SCALE FEET



Location Map

SCALE: 1" = 2000'

June 05, 2025 8:52:48 a.m.
Drawing: SEMMER1.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

5-7-25

HJMw

**Heirs of Bill
Semmer**

SHEET
1/8

SECTION: 24
TOWNSHIP: 46 South
RANGE: 23 East

0 30 60
SCALE FEET

*Access and finger piers platform to be replaced in existing footprint.

Total slips: 22

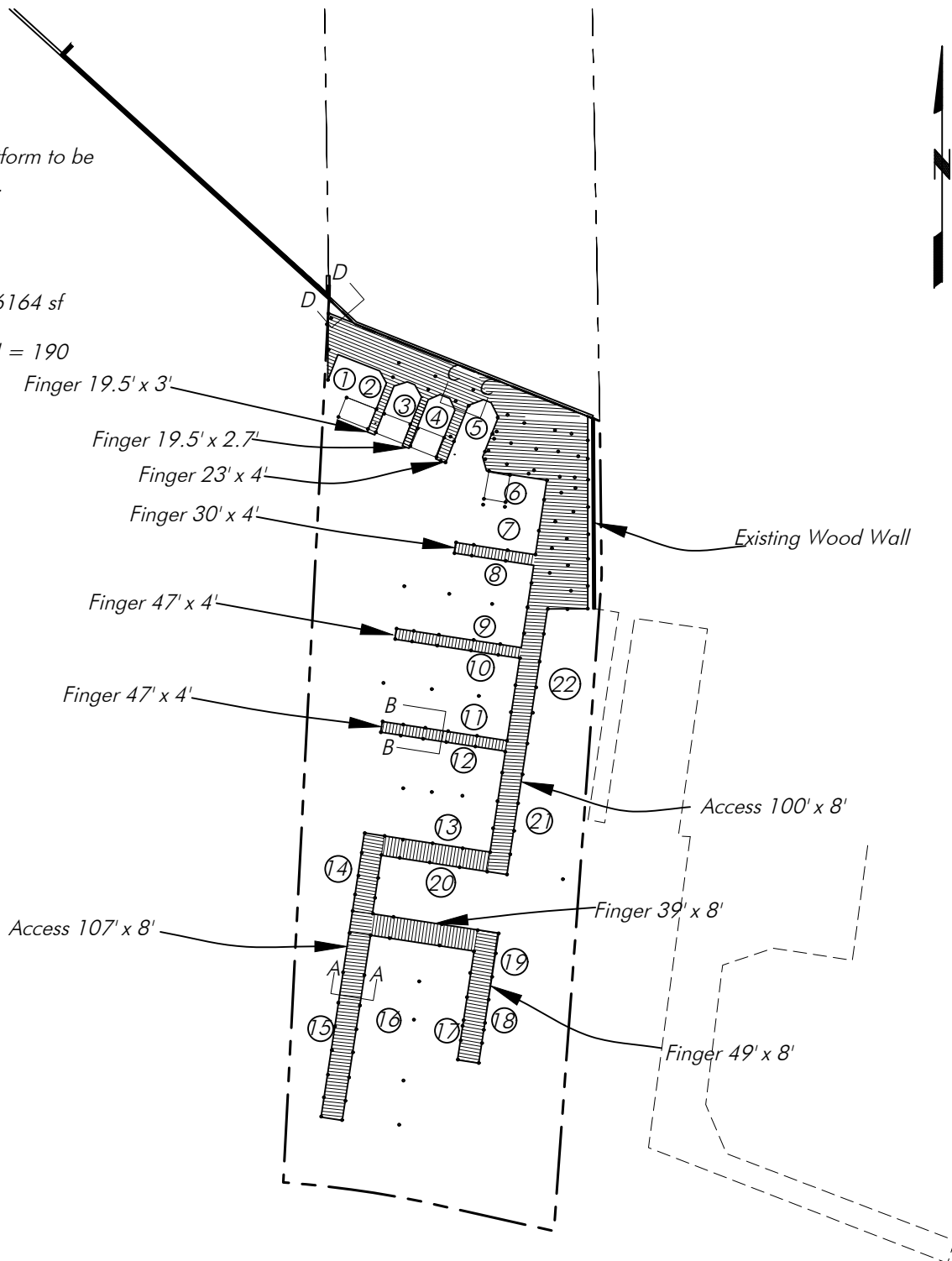
Slips with Proposed lifts:

Slip 2 -- Slip 4 and Slip 6

Total access and platform = 6164 sf

Total Piles = 191 10" piles

Total linear footage of seawall = 190



Proposed Restoration Plan 1138 Main St.

SCALE: 1" = 60'

PERMIT PLANS, NOT FOR CONSTRUCTION

June 05, 2025 8:52:48 a.m.
Drawing: SEMMER1.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

5-7-25

HJMW

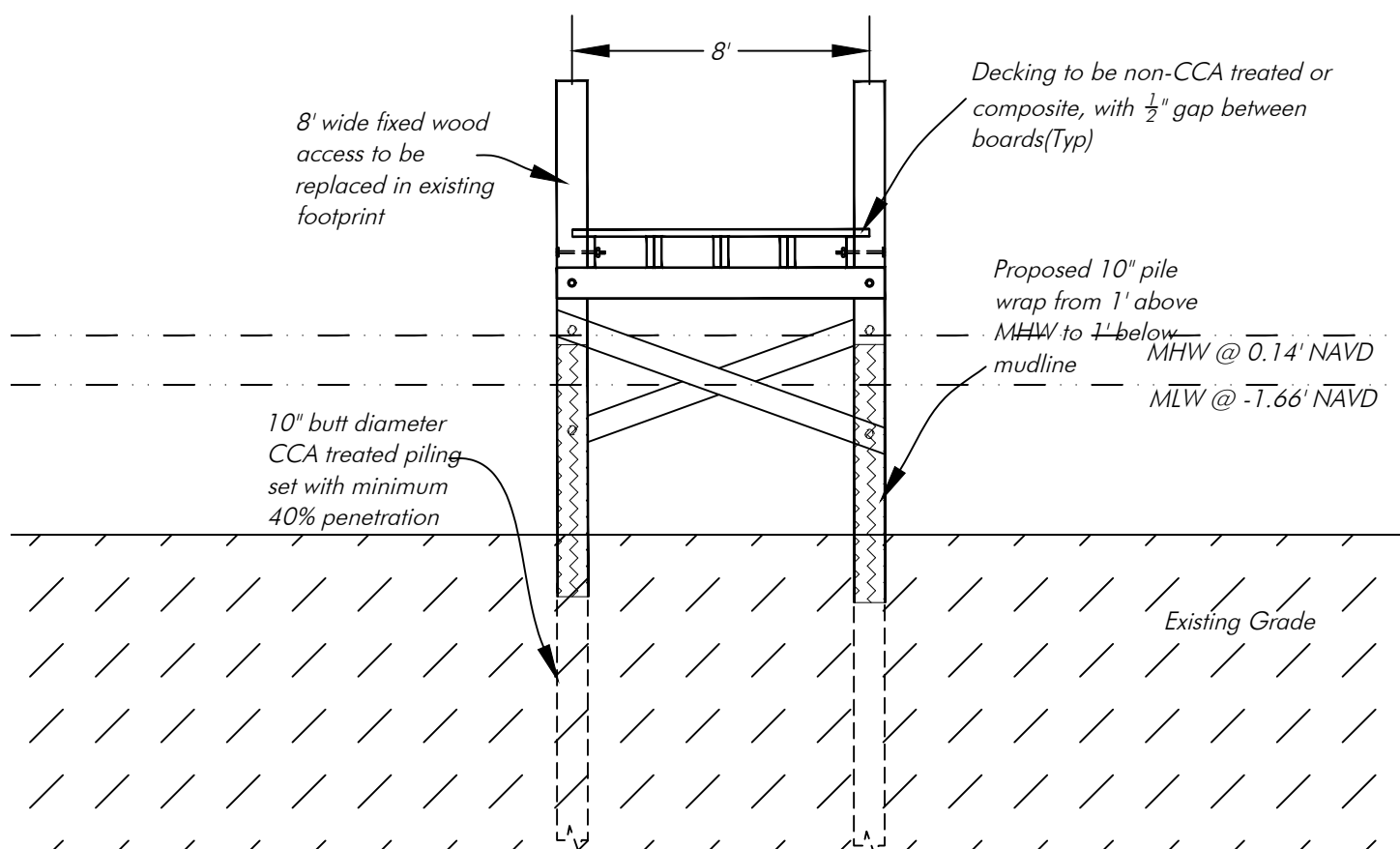
**Heirs of Bill
Semmer**

SHEET

4/8

SECTION: 24
TOWNSHIP: 46 S
RANGE: 23 E

0 2.5 5
SCALE FEET



Note: Mean High Water and Mean Low Water per
DEP Tidal Station ID No. 872-5366.

Section A-A(1138)

SCALE: 1" = 5'

PERMIT PLANS, NOT FOR CONSTRUCTION

June 05, 2025 8:52:48 a.m.
Drawing: SEMMER1.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

5-7-25

HJMW

**Heirs of Bill
Semmer**

SHEET

5/8