



**US Army Corps
of Engineers®**

PUBLIC NOTICE

**Jacksonville District
Permit Application
No. SAJ-1995-06409**

Published: July 1, 2026
Expires: July 31, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Jacksonville District has received an application for a Department of the Army (DA) permit pursuant to 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 and information necessary to evaluate the probable impact on the public interest regarding the proposed activity as described below and as shown on the enclosed drawings.

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.Ornella@usace.army.mil.

APPLICANT: Captiva Hospitality Land Group, LLC
c/o Timothy McGowan
16181 Captiva Drive
Captiva, FL 33924

LOCATION OF PROPOSED ACTIVITY: The proposed activity would affect aquatic resources associated with the Roosevelt Channel. The project site is located at **15183 Captiva Drive**; at latitude 26.518190° and longitude -82.189970°; in Captiva, Lee County, Florida.

PROPOSED ACTIVITY: The applicant is requesting a DA permit to remove the existing, 15-slip marina facility and replace it with a 49-slip marina with 14 boat lifts. 20 slips will be permanent mooring slips and 29 will be transient slips to serve the restaurant with no overnight mooring. The proposed new docking facility will consist of 2,627 square feet of fixed docks and 2,970 square feet of floating docks, for a total of 5,597 square feet of overwater structure. The boat lifts will be supported by 56, 12-inch wood pilings and the docks will be supported by 120, 10-inch wood pilings and 20, 14-inch square concrete pilings. The total in-water impacts will be 138 square feet. The pilings will be installed via jetting and final bearing confirmed with impact hammer. The work is expected to be completed via barge-mounted crane/excavator.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of the undertaking on historic properties listed in or eligible for listing in the National Register of Historic Places.

The USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing 36 CFR § 800 and program-specific regulations and procedures found at 33 CFR § 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted the latest published version of the National Register of Historic Places and initially determines that:

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to the State and/or Tribal Historic Preservation Officers and other interested parties to provide any information they may have regarding historic properties.

The USACE's final eligibility and effect 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, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES:

Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). Based on an 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
Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Giant Manta Ray	<i>Mobula birostris</i>	Threatened

West Indian Manatee	<i>Trichechus manatus</i>	Threatened
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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 USFWS and NMFS 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:

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. § 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the USACE 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 138 square feet of unconsolidated, unvegetated sand substrate. 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 and Life Stages

Species Name	Life Stage
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
Red Drum	ALL
Blacktip Shark (Gulf of Mexico Stock)	Juvenile/Adult
Tiger Shark	Juvenile/Adult
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Juvenile/Adult
Shrimp	ALL
Blacktip Shark (Gulf of Mexico Stock)	Neonate
Bull Shark	Juvenile/Adult
Spiny Lobster	ALL
Bonnethead Shark (Gulf of Mexico Stock)	Neonate
Reef Fish	ALL
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Neonate
Bull Shark	Neonate
Bonnethead Shark (Gulf of Mexico Stock)	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 U.S.C. § 408) because the activity, in whole or in part, would not alter, occupy, or use a USACE Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the South Florida Water Management District (SFWMD pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341).

COASTAL ZONE MANAGEMENT: Coastal Zone Consistency Concurrence is required from SFWMD pursuant to Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451). In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

NATIONAL WILD AND SCENIC RIVERS: The proposed activity is not located in the vicinity of a National Wild and Scenic River or in a river officially designated by Congress as a “study river”.

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 USACE jurisdiction has not been verified by USACE 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, aesthetics, 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.

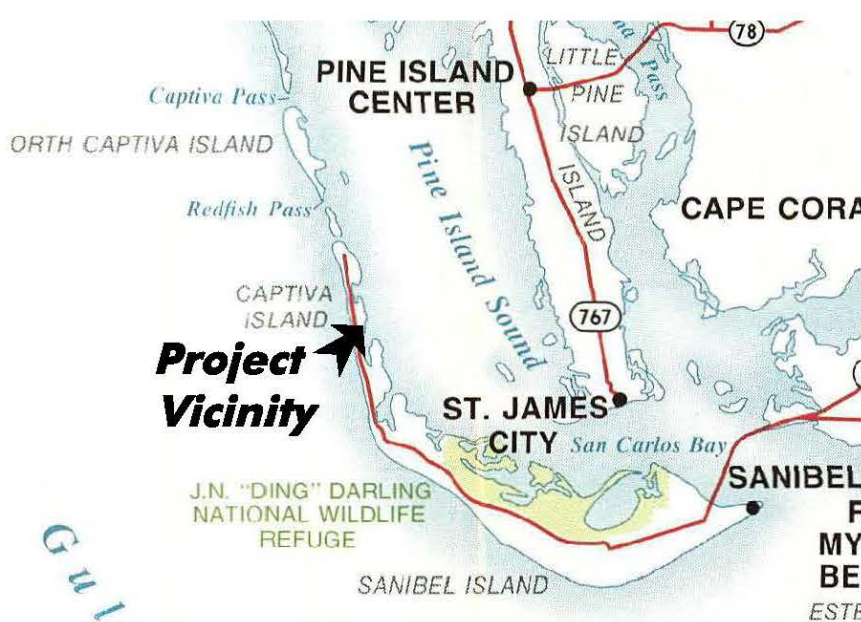
COMMENTS: The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Tribal Nations; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will

be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposed activity. 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any comments or objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested permit. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

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.

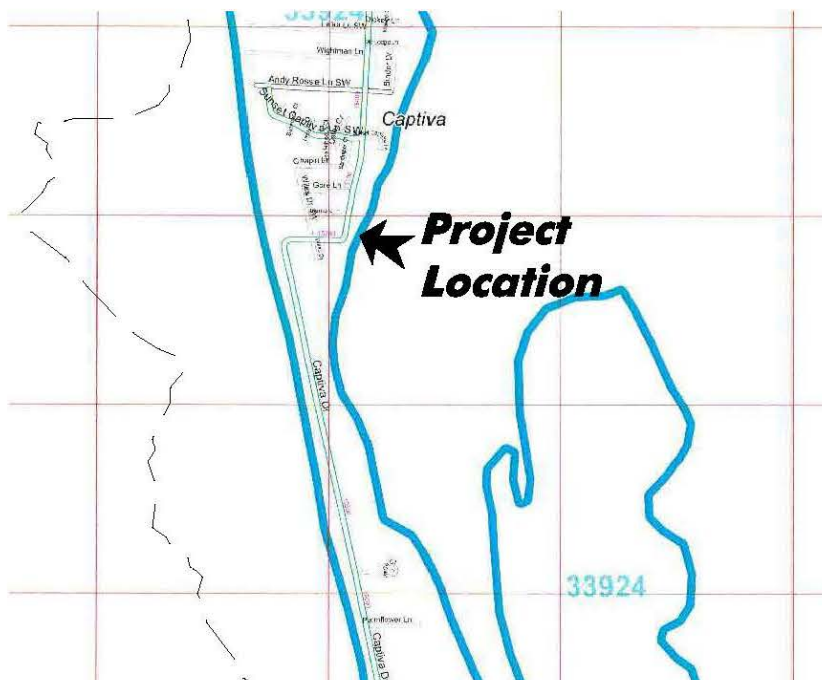
The Jacksonville District will receive written comments on the proposed activity, as outlined above, until July 31, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notice>. Alternatively, you may submit comments to Michael Ornella II at Michael.Ornella@usace.army.mil or U.S. Army Corps of Engineers, Jacksonville District, Attention: Michael Ornella, 701 San Marco Boulevard, Jacksonville, FL 32207. Please refer to the permit application number “**SAJ-1995-06409**” in your comments.

SECTION: 35
TOWNSHIP: 45 South
RANGE: 21 East



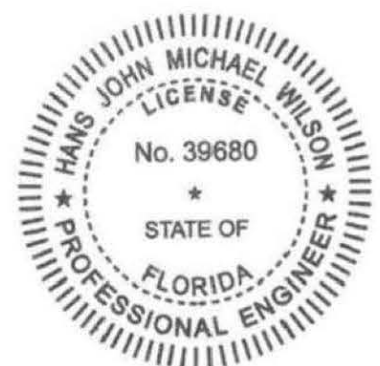
Vicinity Map

SCALE: 1" = 5mi



Location Map

SCALE: 1" = 2000'



**Hans JM
Wilson**

Digitally signed by
Hans JM Wilson
Date: 2024.09.17
12:26:09 -04'00'

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be verified
on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: September 11, 2024 4:44:08 p.m.
Drawing: MCGOWANTMASTER.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

9-11-24

JWA

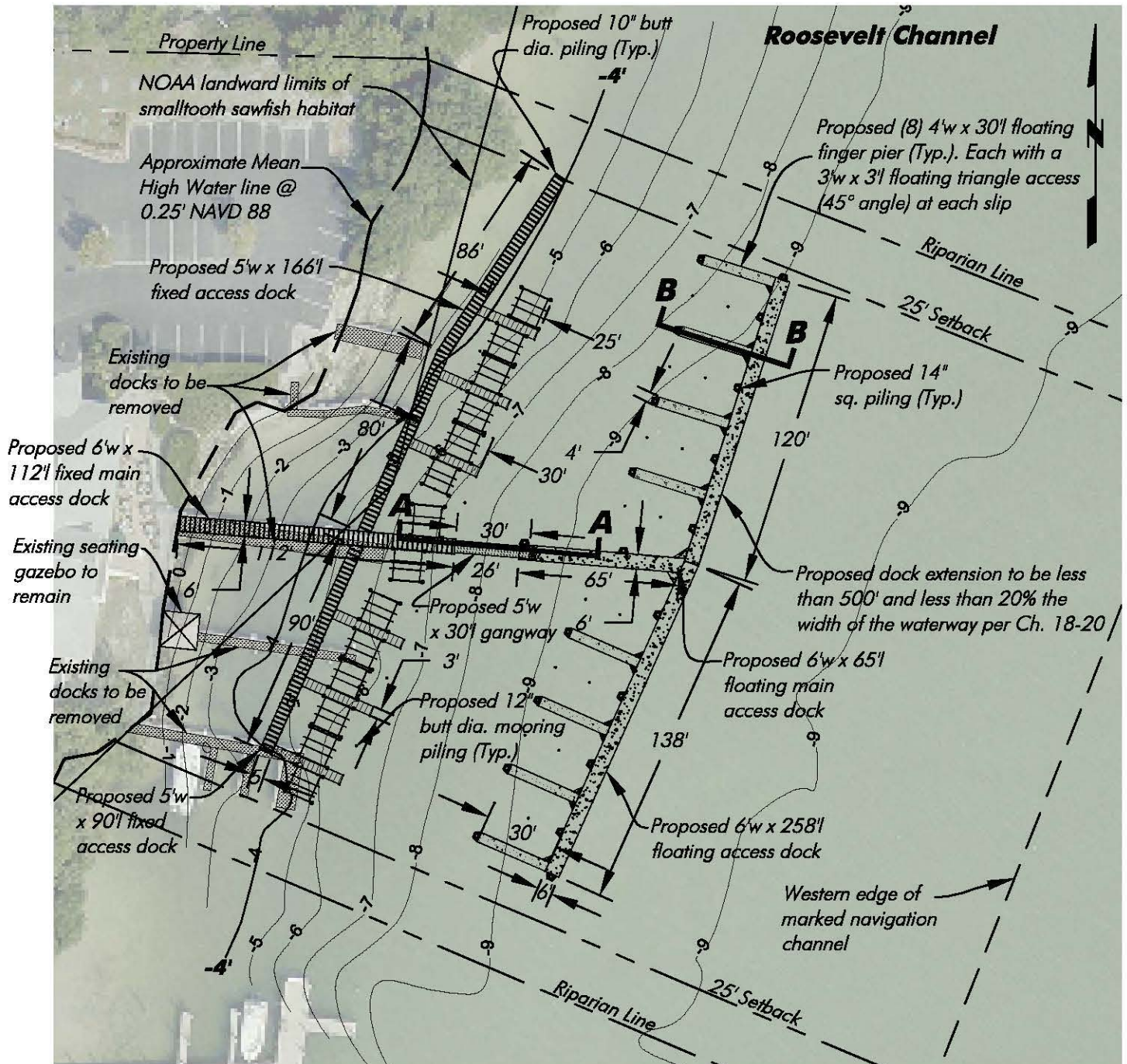
**Captiva Hospitality
Land Group**

1/10

SECTION: 35
TOWNSHIP: 45 South
RANGE: 21 East

Lee Count Aerial 2020

0' 30' 60'
SCALE FEET



Detail B - Proposed Dock Plan

SCALE: 1" = 60'

Notes: Bathymetric survey completed by HWA, Inc. on 12-15-20. Benthic survey completed by HWA, Inc. on 7-16-24. Elevations reference MLW from DEP Tidal Station 872-5383. MLW EI = -1.44' NAVD88 and MHW @ 0.25' NAVD88.

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This item has been digitally signed and sealed by Hans J.M. Wilson on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

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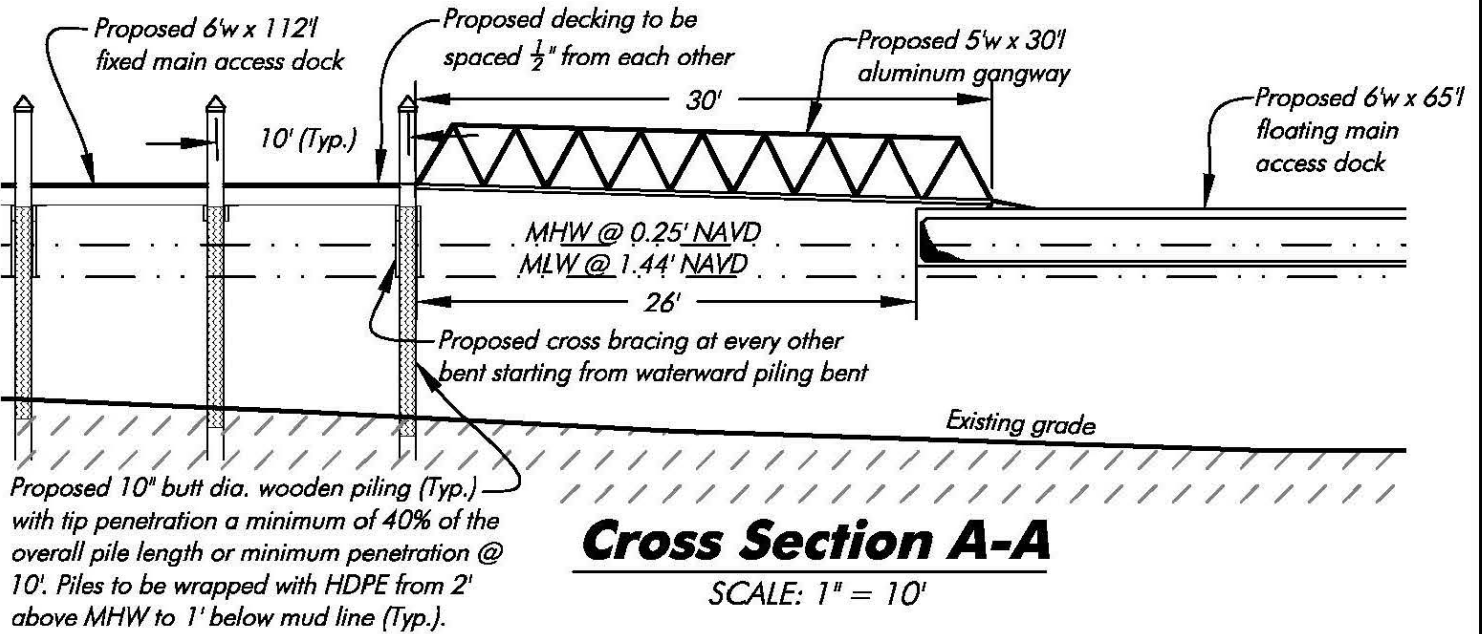
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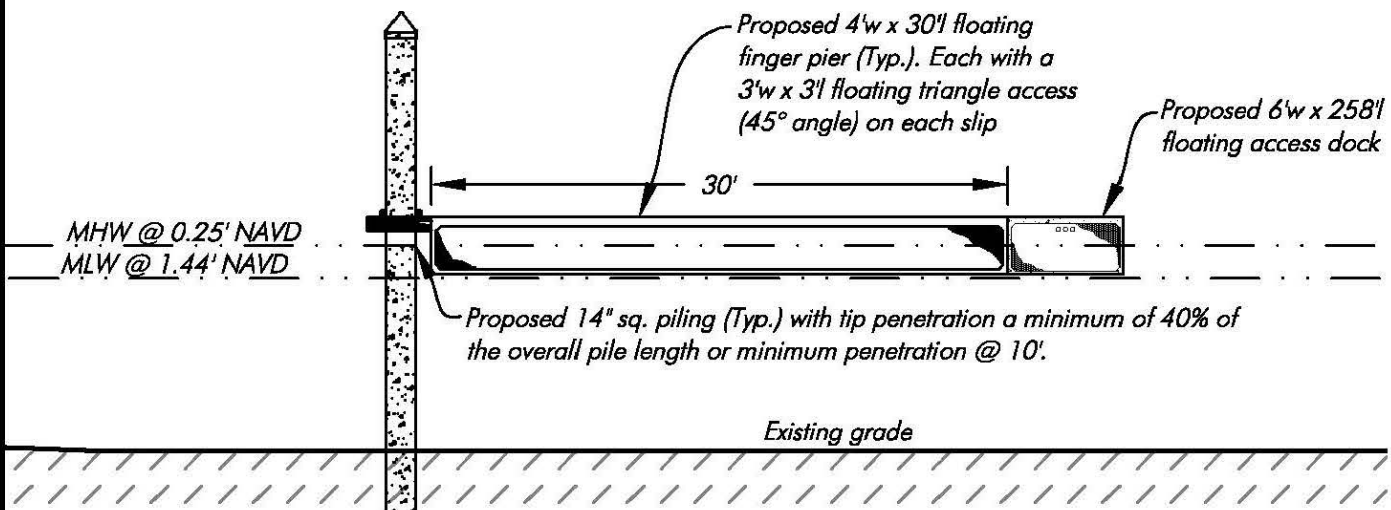
7/10

SECTION: 35
TOWNSHIP: 45 South
RANGE: 21 East

0' 5' 10'
SCALE FEET



0' 5' 10'
SCALE FEET



Cross Section B-B

SCALE: 1" = 10'

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