



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

January 11, 2023

Regulatory Division
West Permits Branch
Fort Myers Permits Section
SAJ-2021-00311(NWP-MAD)

Lee County Board of County Commissioners
C/o Johanna Shifflette
Hans Wilson & Associates
1938 Hill Ave
Fort Myers, FL 33901

Dear Ms. Shifflette:

You requested re-verification of a project that we previously verified on September 21, 2021. Our file number is SAJ-2021-00311. You stated in your request that there are no changes to that project. The project would result in work that includes the maintenance dredge at the entrance channel to Whiskey Creek in order to provide sufficient and safe navigational access to several residential subdivisions located between the Caloosahatchee River and McGregor Avenue. More specifically, the work would consist of mechanically dredging and removing 7,880 cubic yards of material from a 109,483 square foot (2.51-acre) area to an original depth of -5' mean low water (MLW). The proposed dredge footprint is approximately 50' wide by 2,190' long and extends between the existing channel markers. The dredged material would be placed and temporarily stored in the uplands at 6944 Old Whiskey Creek Drive; final disposition site will be determined by the contractor prior to the start of work. Appropriate sediment and erosion control measures will be implemented. All work would take place within a 109,483 square foot area (2.51-acre) of waters of the United States and within 1-acre of uplands for dredged material handling. There will be no mangrove or special aquatic resource impacts during any phase of the work and work will be conducted during daylight hours. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The project is located at the confluence of Whiskey Creek and the Caloosahatchee River, within the Caloosahatchee Watershed (HUC 8: 03090205), and at 6944 Old Whiskey Creek Drive, in Section 10, Township 45 South, Range 24 East, in Fort Myers, Lee County, Florida (Latitude: 26.578394°; Longitude: -81.901099°).

Your project is authorized by Nationwide Permit (NWP) Number 35. This verification is valid until **March 14, 2026**. Some of the terms, conditions and regional conditions may have changed because our previous verification was based on the 2017 Federal

Register and Regional Conditions. This letter is based on the project being performed in accordance with: the drawings attached to our previous letter; the terms and conditions found on pages 2867 to 2877, inclusive, of the January 13, 2021 Federal Register (86 FR 2744); the Regional Conditions dated February 25, 2022; and the entirety of our previous letter, including the general conditions, special conditions, and attachments (except for the expiration date and the references to the 2017 Federal Register and Regional Conditions).

If you are unable to access the internet or require a hardcopy of any of the above-referenced documents, please contact me by telephone at 239-986-2755.

Sincerely,

Marena D'Orio
Project Manager

Enclosures

Nationwide Permit – 35 Verification dated September 21, 2021