



US Army Corps  
of Engineers®

# PUBLIC NOTICE

Applicant:  
John Ray  
SHM Burnt Store, LLC

Published: August 15, 2025  
Expires: September 15, 2025

**Jacksonville District**  
**Permit Application No. SAJ-2006-07472**

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/or** 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 [Michael.Ornella@usace.army.mil](mailto:Michael.Ornella@usace.army.mil).

**APPLICANT:** John Ray  
SHM Burnt Store, LLC  
14785 Preston Road, #975  
Dallas, TX 75254

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with a manmade marina basin connected to Charlotte Harbor. The project site is located at 3192 Matecumbe Key Road; at 26.759390° and -82.056180°; in Punta Gorda, Lee County, Florida.

**EXISTING CONDITIONS:** The project site is a manmade marina basin with an existing marina facility that has been damaged due to subsequent hurricane impacts. The marina has been in operation since the mid-1970s. The current overwater area occupied by the structures is approximately 88,200 square feet. The entirety of the marina shoreline is armored with a seawall and the western side of the entrance canals is natural, mangrove shoreline. The water depth ranges from 2 to 7 feet throughout the basin, with no seagrasses or other submerged aquatic vegetation present. The area surrounding the marina consists of multi-family condominiums, a yacht club, a single boat ramp in the southeast corner, and commercial facilities.

## **PROJECT PURPOSE:**

**Basic:** N/A

**Overall:** The overall project purpose is for the reconstruction of damaged marina docking structures in northwest Lee County.

**PROPOSED WORK:** The applicant requests authorization to demolish existing structures that have not been destroyed by hurricanes and replace the docks. 21 docks total, dry storage basin, fuel dock. Docks A, B, C, D, G, I, J, N, S, T, U, V, a dry storage staging basin, and fuel dock will be removed and replaced with new docks. Dock E and F have been renovated and will remain. Docks H, K, L, P, Q, R, were destroyed by hurricanes and will be replaced. Dock O has been removed previously and will be replaced. Access boardwalks for Docks F through L were destroyed by a hurricane and will be replaced. Marginal access docks for Docks P, Q, and R were destroyed by lan and will be replaced. Marginal access dock for Dock S will be removed and replaced. Marginal access docks for Docks T, U, and V have been removed and will be replaced. Out of the existing 88,200 square feet of docking structures previously authorized, 48,100 square feet have been rebuilt. 40,100 square feet of remaining docks will be demolished. The new overwater structure after construction will be 104,403 square feet, a net increase in 16,203 square feet.

Upon final rebuilding there will be a total of 2,954 (2,334 sf in-water impacts) wooden pilings and 76 (111 sf in-water impacts) composite anchor pilings anticipated for the replacement of the docks. This is a total piling count of 3,030 with a total of 2,445 sf of in-water impacts. The piling installations will be accomplished by jetting and final set by vibratory hammer.

Work may include installation of multiple boat lifts within the fixed dock slips (169 slips). Each slip will have the option of installing boat lifts or mooring piling as shown in the plans. Boat lifts will be installed per manufacturer's specifications. Boat lifts will be supported on CCA treated Southern Yellow Pine piling, (4) per boat lift. Piles will be HDPE wrapped starting at 1' above the seasonal water line to 1' below the mud line. Up to 676 total lift piles would be installed should every slip holder decide to construct a boat lift.

**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 work is within the existing marina basin and has been designed to utilize the maximum amount of existing space and configurations of the dock facilities. There is no discharge of fill or dredging proposed with the project. All staging and equipment will avoid impacts to aquatic resources.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The proposed project is solely for the demolition and replacement of docking structures within a manmade basin with no impacts to mangroves, seagrasses or other special aquatic sites. The project does not involve the discharge of dredged or fill material.

**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:

Should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps’ permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.

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), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper were used to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat that 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.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Smalltooth Sawfish (Critical Habitat)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened

Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Wood Stork	<i>Mycteria americana</i>	Threatened
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered
West Indian Manatee	<i>Trichechus manatus</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The National Marine Fisheries Service (NMFS) is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the NMFS.

This notice serves as request to the 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 indirectly impact approximately 2.39 acres of open water, unconsolidated sand within an existing and maintained marina basin. 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 potentially present at the project site:**

<b>Species</b>	<b>Life Stage</b>
Bonnethead Shark (Gulf of Mexico Stock)	Juvenile/Adult
Coastal Migratory Pelagics	ALL
Lemon Shark	Adult
Nurse Shark	Juvenile/Adult
Red Drum	ALL
Tiger Shark	Juvenile/Adult
Great Hammerhead Shark	ALL
Blacktip Shark (Gulf of Mexico Stock)	-

Bull Shark	Juvenile/Adult
Spiny Lobster	ALL
Reef Fish	ALL

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:** Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP).

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

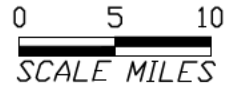
**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether 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 September 15, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices> or to Michael Ornella at Michael.Ornella@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, 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 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: 1  
 TOWNSHIP: 43 S  
 RANGE: 22 E



**Vicinity Map**

SCALE: 1" = 10 mi



**Location Map**

SCALE: 1" = 3000'

**Project Location**

SCALE: 1" = 400'

SAJ -2006-07472(NW-EPL)  
 Burnt Store Marina

April 09, 2025 3:47:04 p.m.  
 Drawing: SHM7MASTERCOEPPERMITAPP2024.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

4-10-25

CRY

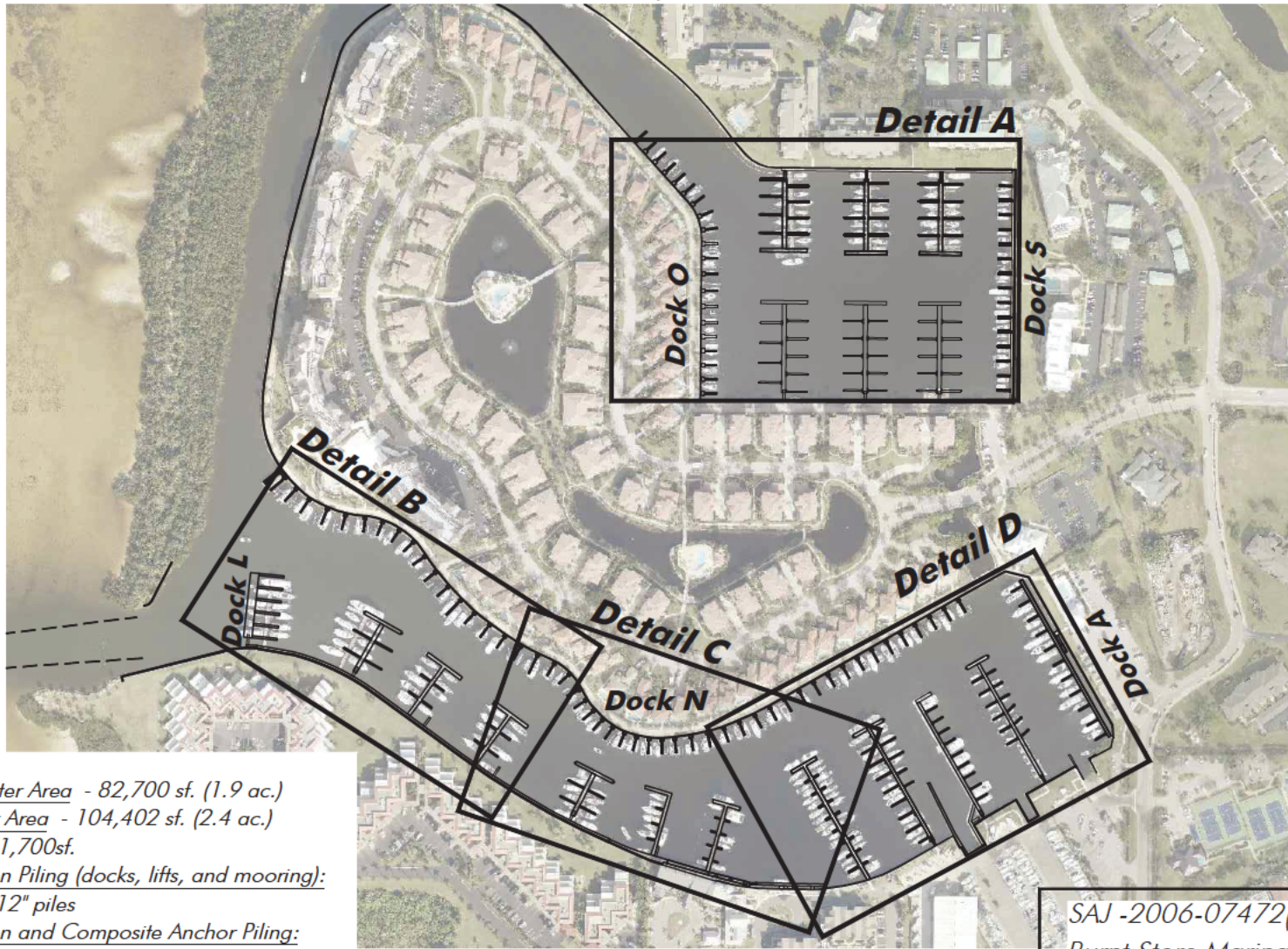
**SHM Burnt Store LLC**

SHEET

SECTION: 1  
TOWNSHIP: 43 S  
RANGE: 22 E

Lee County Aerial 2024

0 200 400  
SCALE FEET



**Project Summary:**

Existing Over-Water Area - 82,700 sf. (1.9 ac.)

Final Over-Water Area - 104,402 sf. (2.4 ac.)

Net Increase of 21,700sf.

Proposed Wooden Piling (docks, lifts, and mooring):

(2,849) of 10' & 12" piles

Proposed Wooden and Composite Anchor Piling:

(226) of 12" & 16"

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Burnt Store Marina

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# Overall Dock Plan

SCALE: 1" = 400'

April 09, 2025 3:47:04 p.m.  
Drawing: SHM7MASTERCOEpermitapp2024.DWG

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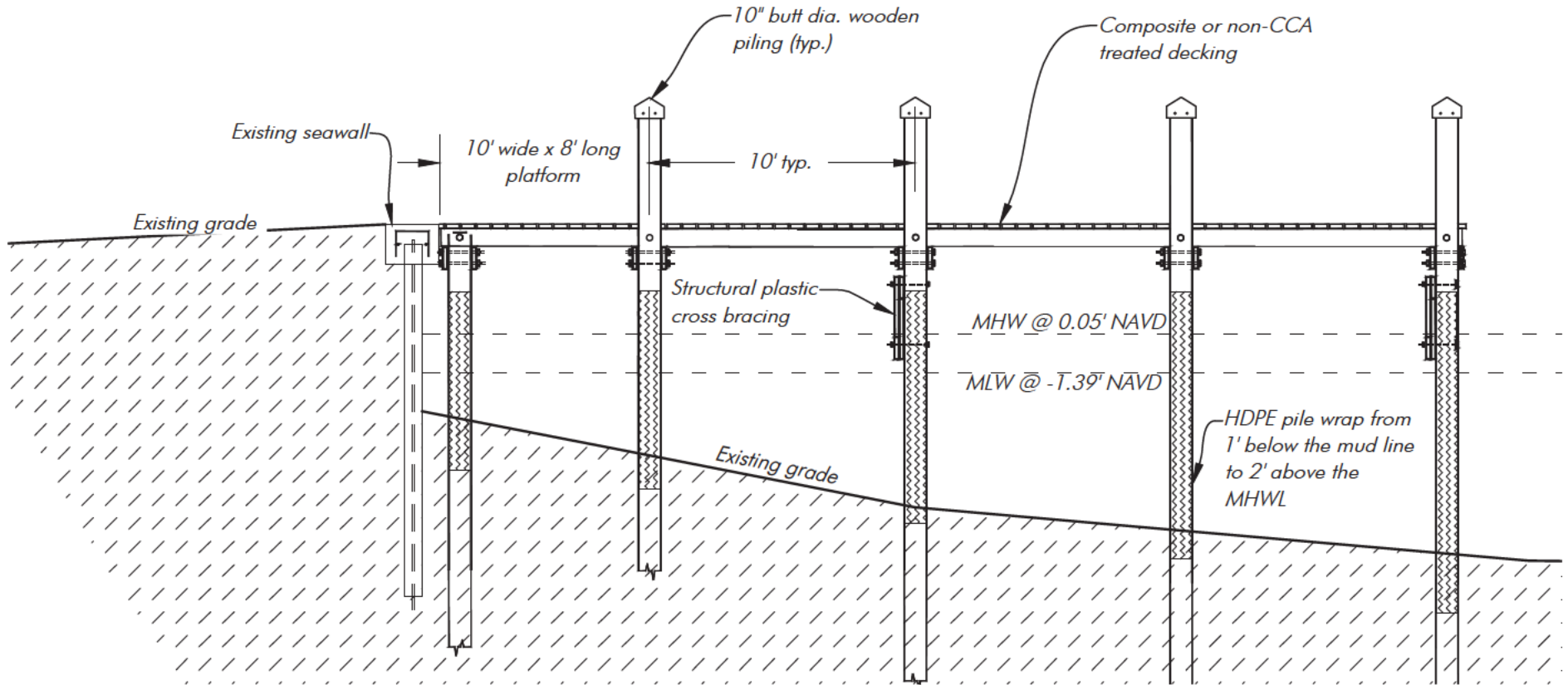
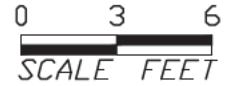
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# SHM Burnt Store LLC

SHEET

SECTION: 1  
 TOWNSHIP: 43S  
 RANGE: 22 E



## Typical Section D-D Finger w/ Landing

SCALE: 1" = 6'

Note: Depth reference Mean Low Water per DEP tidal station No. 872-554, Bokeelia, Charlotte Harbor. Mean High Water @ 0.05' NAVD, Mean Low Water @ -1.39', NAVD.

**PERMIT PLANS, NOT FOR CONSTRUCTION**

SAJ-2006-07472(NW-EPL)

Burnt Store Marina

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