



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FL 33919

RECEIVED

DEC 23 2010

PELICAN BAY SERVICES DIVISION

December 17, 2010

REPLY TO
ATTENTION OF

South Permits Branch/Fort Myers Section
SAJ-1996-02789 (IP-LAE)

DEC 17 2010

Collier County/Pelican Bay Services Division
801 Laurel Oak Drive
Naples, FL 34108

Attention Collier County/Pelican Bay Services Division:

We have completed our review of your Department of the Army permit application SAJ-1996-02789 (IP-LAE) The proposed work is for ecological restoration involving periodic ecological maintenance activities over a 10-year timeframe within the tidal Clam Bay estuary. The proposed work would continue ecological restoration work that has been conducted as part of the Clam Bay Restoration and Management Plan (1998) and has resulted in successful restoration of mangrove habitat. The volume of material to be removed is ~20 cubic yards per year on an as-needed basis; the annual work has historically been conducted in May/June for a 1-2 week duration. Site access is by foot from upland areas, or via small vessels; the work area is generally at or above the Mean High Water (MHW) line in waters that are characterized as having a maximum water depth of 18 inches. The applicant has agreed to comply with the *Sea Turtle and Smalltooth Sawfish Construction Conditions* and *Standard Manatee Conditions for In-Water Work*. The proposed work is located within tidal Clam Bay in Sections 32-33, Township 48S, Range 25E and Sections 4-5, 8-9, 32-33, Township 49S, Range 25E, Naples, Collier County, Florida.

The site coordinates (NAD83) are from:

Northern limit: Latitude 26.247024N; Longitude 81.818878W;

Southern limit: Latitude 26.214063N; Longitude 81.814505W.

Although the U.S. Army Corps of Engineers (Corps) is prepared to take final action on the application, by Federal law no final action can be taken until a State Section 401 Water Quality Certification (WQC) has been issued or waived and the State has concurred with an applicant's Coastal Zone Management (CZM) consistency determination or concurrence has been presumed. We have no **written** indication that the State has issued certification for the work. Once the State has issued or waived the required Section 401 WQC and/or concurred with your

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CZM consistency determination, you must provide a complete copy of the State permit to the Corps. Upon receipt of State approval or waiver, final action on the Corps permit application will be taken, providing there have been no significant changes in the Corps' evaluation policies during that period or any significant project modifications.

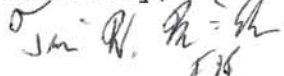
Conditions of the State Section 401 WQC and/or the State CZM concurrence will become conditions to any final Department of the Army permit. Should the State's action on the required certification or concurrence approve a project that is different from that shown on the current application, a modification to the application may be required; please notify the Corps of any such changes when you submit copies of the State certification. Substantial changes may require a new permit evaluation process, including issuance of a new public notice.

If the State denies the required Section 401 WQC and/or does not concur with your CZM consistency determination, then the permit could be denied without prejudice. If you should subsequently obtain Section 401 WQC and/or a CZM consistency determination concurrence, you should contact this office to determine how to proceed with your permit application.

You are cautioned that work commencement prior to Department of the Army authorization constitutes violation of Federal laws and subjects you to further enforcement action. Receipt of a Department of Environmental Protection or Water Management District permit does not obviate the requirement for obtaining a Department of the Army permit prior to work commencement.

Any questions concerning the application should be directed to Linda A. Elligott at the letterhead address or by telephone at 239-334-1975, Ext. 32.

Sincerely,



Donald W. Kinard
Chief, Regulatory Division

Copy: agent