DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
9900 SW 107TH AVENUE, SUITE 203
MIAMI, FLORIDA 33176

March 8, 2019

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-00473 (SP-JMH)

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Florida Fish & Wildlife Conservation Commission
c/o Paul Barbera, Research Associate
2796 Overseas Highway, Suite 119
Marathon, FL 33050

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of Mexico. The project site is located at Riley's Hump within the Florida Keys National Marine Sanctuary Tortugas South Ecological Reserve, at a depth of approximately 200 feet below mean low water, at the coordinates provided below.

Directions to the site are as follows: All sites must be accessed by a vessel and are approximately 16.6 nautical miles southwest of Dry Tortugas National Park.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.497317°
Longitude -83.135096°

PROJECT PURPOSE:

Basic: To install scientific measuring devices.

Overall: To install scientific measuring devices at Riley's Hump within the Florida Keys National Marine Sanctuary.

EXISTING CONDITIONS: Riley's Hump is a known spawning aggregation site for various species of grouper and snapper. The project area includes hard bottom areas with biotic cover, including some soft corals, sponges, hard corals, and benthic macroalgae.

PROPOSED WORK: The applicant seeks authorization to temporarily install 3 floating sonar units (M3i echo buoys) that will be anchored to the sea floor. The sonar units will

be deployed for a maximum of 1.5 years and removed upon conclusion of the project. Each sonar unit consists of a floating sonar M3i echo buoy, two 14″ diameter trawl floats, steel cable, one 8″ diameter trawl float, and two 20″ by 20″ (3.5 square foot) anchor plates attached to the substrate using grapple anchors. The sonar buoy system will be inspected and maintenance performed at least twice per year and after any storm events.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: All surface and water column portions of the instrument system are designed to preclude entanglement of marine life and the benthic anchor system is designed to remain stationary on substrate void of biotic cover. In placing the anchor plates, experienced science divers will ensure that the plates and anchors are located on substrate without corals, sponge, or any other live biotic cover. No disturbance to the substrate or any surrounding habitat will occur. The steel cable will be attached to the 8″ trawl float to keep the cable off the bottom during slack current.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required: No negative impact to benthic resources is expected, however if disturbance to the substrate occurs, the impacted substrate will be restored to its pre-work condition by the same scientific divers initially securing the anchor system to the sea floor.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

Since the proposal by the applicant is for 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 > G > N > O > P (5), "*may affect, not likely to adversely affect"*, where no further consultation with the Service is necessary. This determination is based on the applicant following the standard Manatee construction conditions for the proposed activity, which are reiterated as special conditions of the verification letter. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

The Corps has determined the proposed project *may affect, but is not likely to adversely affect* ("MANLAA") the swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*) and their designated critical habitat, hawksbill sea turtles

(*Eretmochelys imbricata*), Kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), the smalltooth sawfish (*Pristis pectinata*), Nassau grouper (*Epinephelus striatus*) species, *Acorpora sp*. and its designated critical habitat and listed corals species; *(Dendrogyra cylindrus, Orbicella annularis, Orbicella faveolata, Orbicella franksi, Mycetophyllia ferox*), blue whale (*Balaenoptera musculus*), humpback whale (*Megaptera novaeangliae*), fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), right whale (*Eubalaena glacialis*), and the sperm whale (*Physeter macrocephalus*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 10.5 square feet of hardbottom within a Habitat Area of Particular Concern (HAPC) utilized by various life stages of marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico. 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.

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.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Miami Permits Section, 9900 SW 107th Avenue, Suite 203, Miami, FL 33176 within 21 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Jessica Hogan, in writing at the Miami Permits Section, 9900 SW 107th Avenue, Suite 203, Miami, FL 33176; by electronic mail at Jessica.M.Hogan@usace.army.mil; or, by telephone at (305)779-6052.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and

concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

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.

The US Army Corps of Engineers (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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


Dry Tortugas
Hospital Key
Middle Ground
East Key
Loggerhead Key
Bush Key
Garden Key
24.497317 -83.135096
Image Landsat / Copernicus
Google earth

A sampling platform to Monitor FSA using FAD's Bi-frequency sounder buoy

Interconnecting surface tether (10') of 2 cm polypropylene rope. With protecting marine tubing

Two 14" diameter trawl floats 38.5 each (~77-15=62 lbs)

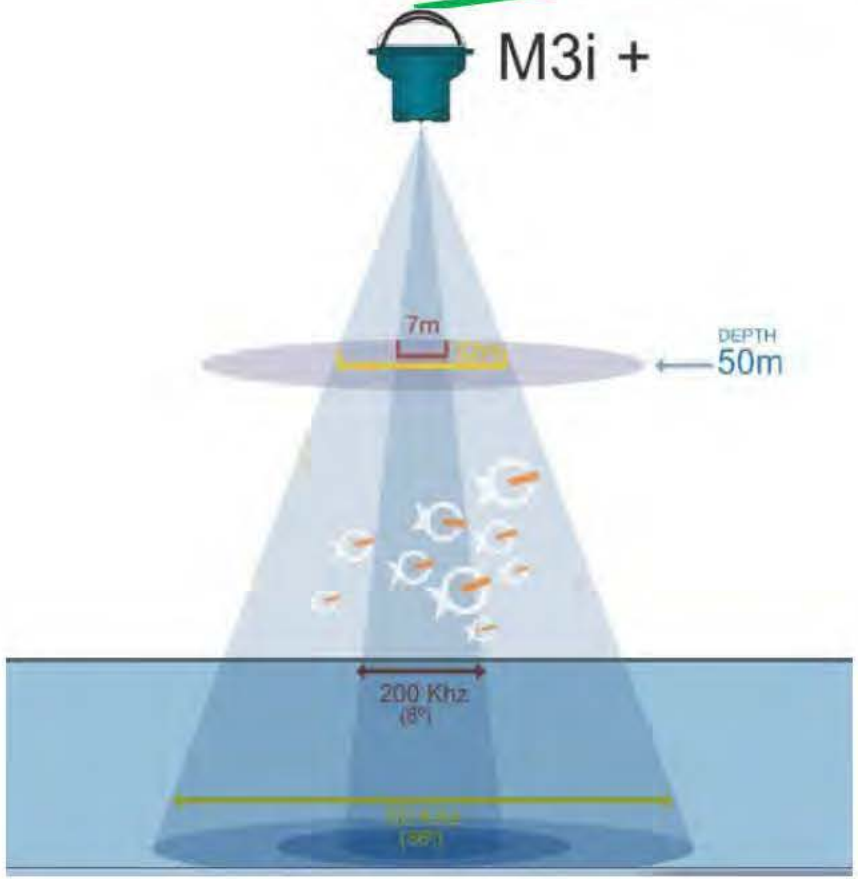
FWC Research

140' Stainless steel cable ¼ " diameter. Deployed in a 103' depth

One 8" diameter floats

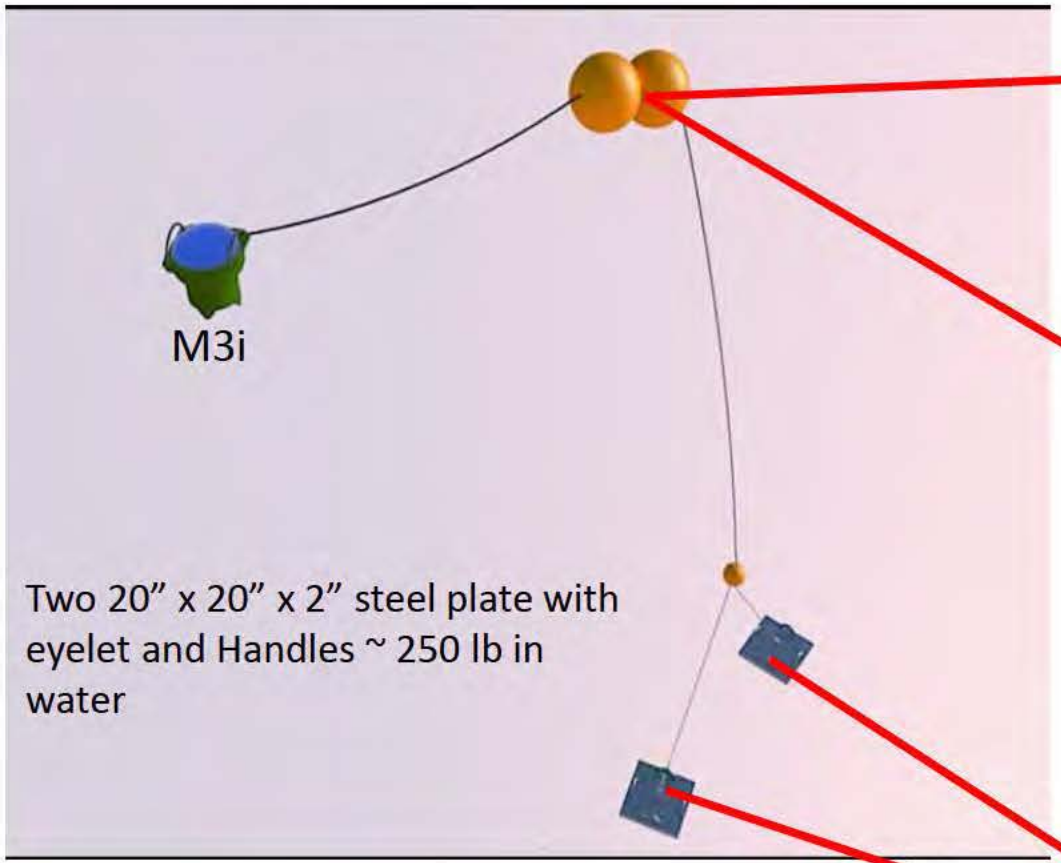
steel stakes or anchors

Two 20" x 20" x 2" steel plate with eyelet and Handles ~ 250 lb in water



A sampling platform to Monitor FSA using FAD's Bi-frequency sounder

Schematic M3i sampling platform design



Rendition of interconnecting surface tether (10') of 2 cm polypropylene rope. With protecting marine tubing.