



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

April 17, 2019

Regulatory Division
North Permits Branch
Panama City Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-02268(SP-LSL)

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: Franklin County Board of County Commissioners
C/o Mr. Joseph Parrish
33 Market Street, suite 305
Apalachicola, Florida 32320

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Gulf of Mexico. The center of the project site is located 8.1 nautical miles offshore at a bearing of 166 degrees from Government Cut also known as Bob Sikes Cut.

APPROXIMATE CENTRAL COORDINATES:

Corner	Lat (DD)	LONG (DD)	LAT (DM)	LONG (DM)	LAT (DMS)	LONG (DMS)
NW	29.48825	-84.93673	29° 29.295' N	84° 56.204' W	29° 29' 17.70" N	84° 56' 12.24" W
NE	29.48825	-84.91752	29° 29.295' N	84° 55.051' W	29° 29' 17.70" N	84° 55' 3.06" W
SE	29.47147	-84.91752	29° 28.288' N	84° 55.051' W	29° 28' 17.28" N	84° 55' 3.06" W
SW	29.47147	-84.93673	29° 28.288' N	84° 56.204' W	29° 28' 17.28" N	84° 56' 12.24" W
Center	29.47987	-84.92713	29° 28.792' N	84° 55.628' W	29° 28' 47.52" N	84° 55' 37.65" W

PROJECT PURPOSE:

Basic: Artificial reef development.

Overall: To develop an artificial reef with multiple deployments of approved materials in order to enhance the aquatic environmental within the offshore waters of the Gulf of Mexico, south of Franklin County, Florida.

EXISTING CONDITIONS: Franklin County only has 2 artificial reefs in state waters between East Pass and Indian Pass, the Franklin Reef and the L Buoy. The Franklin Reef contains bridge material from the Bay Bridge which was deployed in 1988. Most of this material was flat concrete slabs not creating a very complex habitat. The L Buoy

material was deployed in 1965 and most of the concrete has subsided. The approximately depth of water within this site is -39' to -42' relative to mean low low water (MLLW).

PROPOSED WORK: The applicant seeks a 10 year authorization to develop an artificial reef site to be known as the Buddy Ward artificial reef. The proposed artificial reef would be 1 nautical mile by 1 nautical mile encompassing 856 acres of sand bottom of which less than 1 acre of artificial reef material footprint would be deployed during the lifetime of the permit. The proposed navigational clearance requested is -25' MLLW. In addition, there would be a 50' buffer zone inside the site borders on all sides to ensure all reef materials would be deployed within the permitted zone. All reef materials would be consistent with the publication *Guidelines for Marine Artificial Reef Materials*, 2nd edition, the National Artificial Reef Plan, the state of Florida Artificial Reef Strategic Plan, and the OAR Artificial Reef Development Plan.

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:

The applicant selected sites that are devoid of submerged aquatic vegetation (SAVs) and where there are no natural rock outcrops or hard bottom formations.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

Impacts to special aquatic sites are not proposed. Therefore, no compensatory mitigation is proposed.

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: The Corps has determined the proposed project may affect, but is not likely to adversely affect swimming sea turtles, including green turtle (*Chelonia mydas*), hawksbill (*Eretmochelys imbricate*), Kemp's Ridley turtle (*Lepidochelys kempii*), leatherback turtle (*Dermochelys coriacea*), loggerhead turtle (*Caretta caretta*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), and Smalltooth sawfish (*Pristis pectinata*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined, based on the use of *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida (April 2013)*, that the proposed project may affect, but is not likely to adversely affect the

West Indian manatee with the inclusion of conditions a, b, c, d, and e of the *Standard Manatee Conditions for In-water Work (2011)*.

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 1 acres of unconsolidated bottom utilized by various life stages within the following Fisheries Managements Plans (shrimp, reef fish, stone crab and coastal migratory pelagics). Our initial determination is that the proposed action would have a minor 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. The jurisdictional line has not been verified by Corps personnel.

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 Panama City Permits Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407 within 30 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, Mrs. Lisa S. Lovvorn, in writing at the Panama City Permits Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32405; by electronic mail at lisa.s.lovvorn@usace.army.mil; or, by telephone at (850) 285-9533.

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 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.

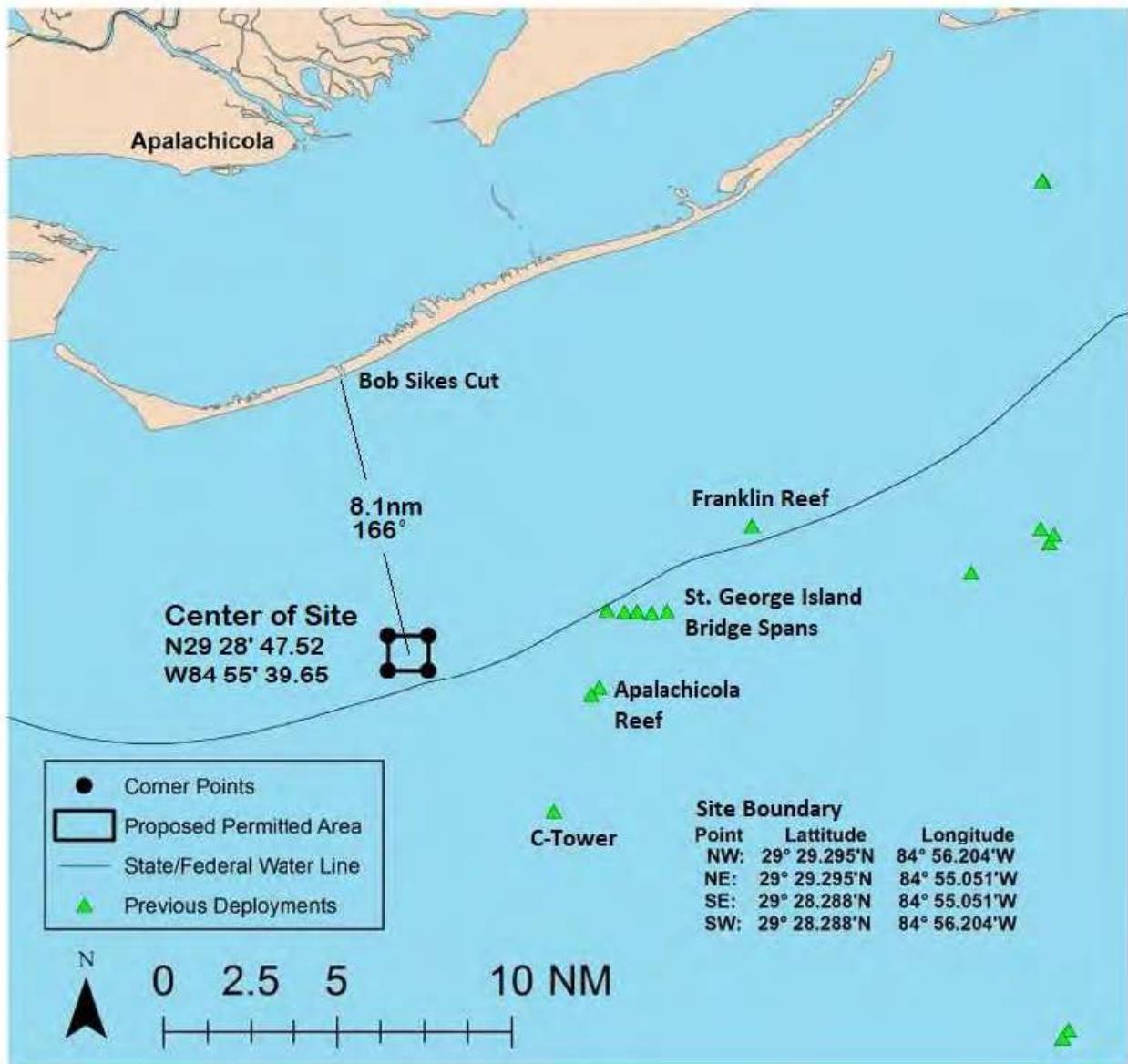
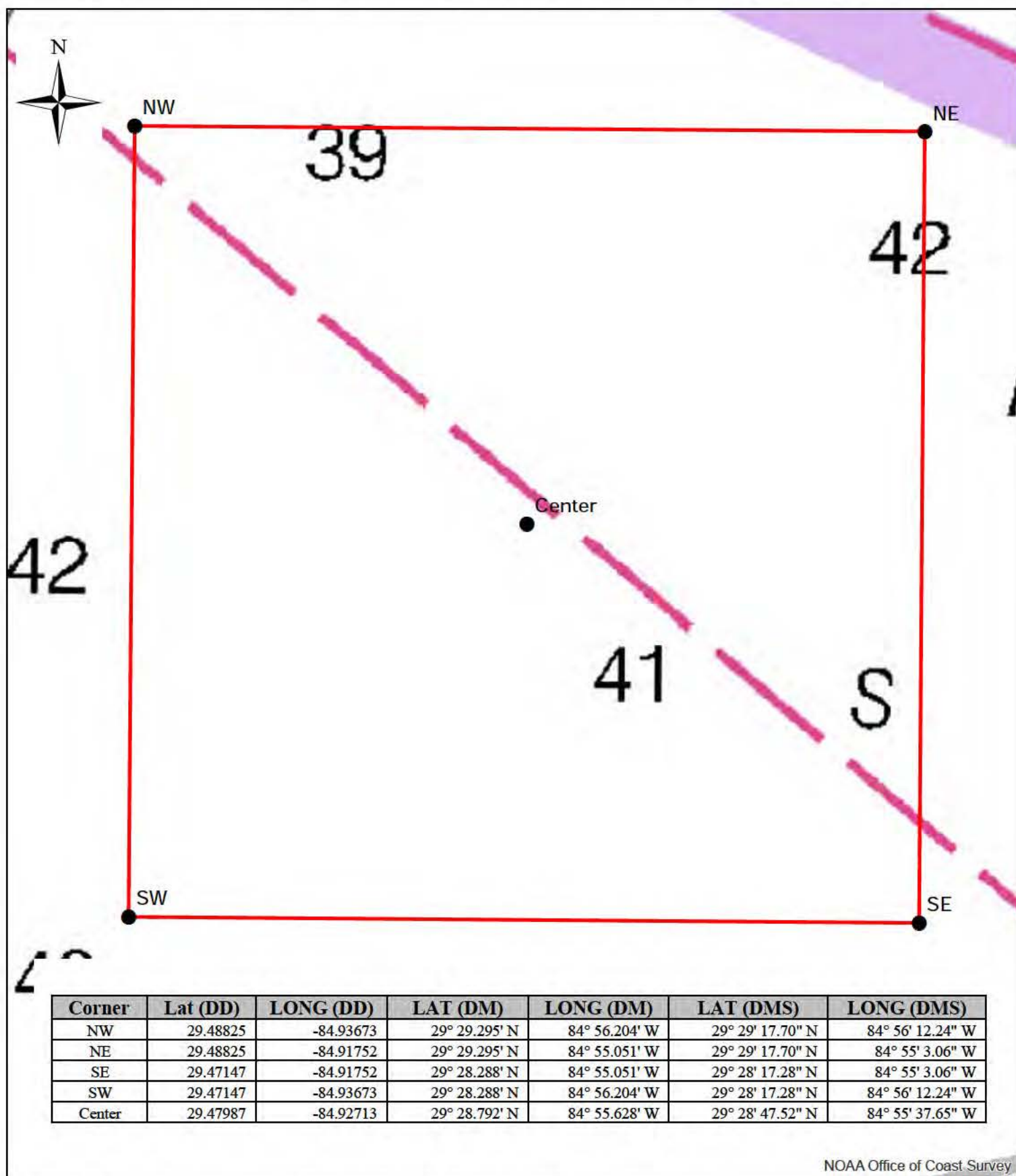


Figure 2: Buddy Ward Memorial Artificial Reef Coordinates



Florida Fish and Wildlife Conservation Commission
 Division of Marine Fisheries Management
 Florida Artificial Reef Program
 Prepared by: Christine Kittle
 01/22/2018

0 500 1,000 2,000 Feet

Legend

Buddy Ward Memorial Artificial Reef Site

Buddy Ward Artificial Reef Site

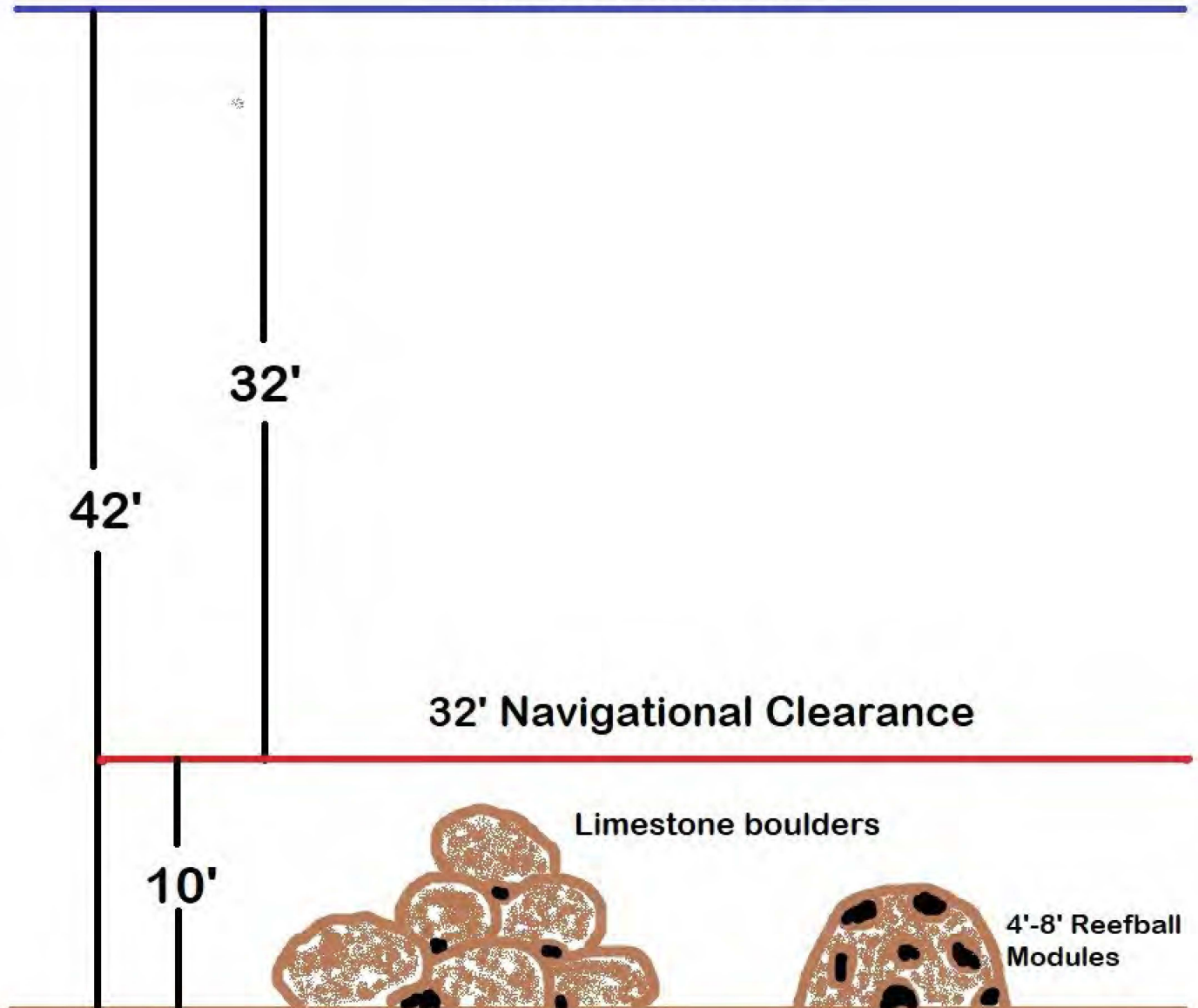
Graphical Cross Section Drawing

32' Navigational Clearance

Location of Project N29 28' 47.52 W84 55' 39.65

USACE Application # SAJ-2018-02268

Water Surface



Sea Bottom at 42' at MLLW
10' Maximum Profile

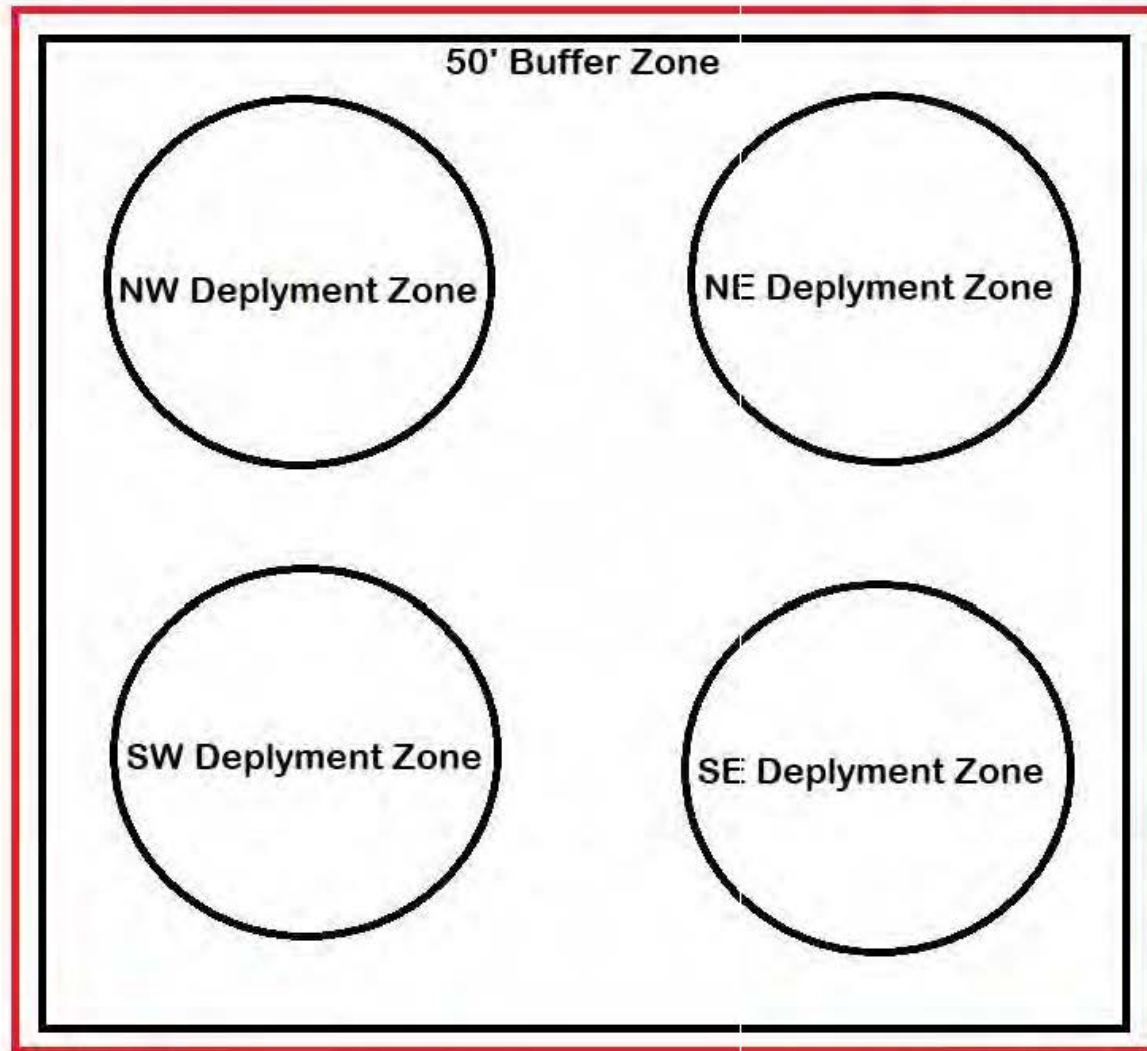
Graphic Drawing
Not to Scale

Buddy Ward Reef Site



NW Corner
N29 29 .295
W84 56 .204

NE Corner
N29 56 .204
W84 55 .051



SW Corner
N29 28 .288
W84 28 .204

SE Corner
N29 28 .288
W84 55 .051