



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

April 22, 2019

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2001-00843(SP-JKA)

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

APPLICANT: Brando Woody DE LLC
1500 South Ocean Boulevard
Palm Beach, Florida 33480

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Lake Worth Lagoon. The project site is located at 1500 South Ocean Boulevard, Section 2, Township 44 South, Range 43 East, Palm Beach, Palm Beach County, Florida.

Directions to the site are as follows: From Interstate 95, take Exit 68 for US 98/Southern Boulevard east and travel approximately 2 miles over the Intracoastal Waterway, to a traffic circle. At the traffic circle, take the first exit onto South Ocean Boulevard, and the destination will be on the right in 0.8 miles.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.663548°
Longitude: -80.038908°

PROJECT PURPOSE:

Basic: Navigation

Overall: Improve navigation ingress and egress from a single family residential dock, in Palm Beach, Palm Beach County, Florida.

EXISTING CONDITIONS: There is an existing 400 square foot floating dock with a 105 square foot gangway, 1066 square feet of existing fixed dock structure, and approximately 370 linear feet of existing seawall. The existing dock structures support three wet slips and there are three existing dry slips within the uplands, located within the boat house to accommodate one small motorized vessel and up to two personal watercrafts. A benthic survey was completed September 11, 2018 that confirmed that there are no seagrass species within the project footprint.

PROPOSED WORK: The applicant seeks authorization to dredge a 13,694 square foot area to a depth of minus five feet mean low water resulting in the removal of 400 cubic yards of material. The applicant proposes to transfer dredged material to the Tarpon Cove project located within Lake Worth Lagoon permitted under SAJ-2013-01640 and SAJ-2017-01527, where spoil material will be used to fill existing dredge holes. Dredged material will be transferred by barge, approximately 4-5 trips are expected.

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 will utilize turbidity curtains for all in water work and agrees to comply with the standard manatee conditions for in-water work and the JaxBO PDC’s for in-water activities. Additionally the applicant will adhere to the conditions of the water quality certification, once issued.”

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

“There are no seagrass species within the project footprint, therefore compensatory mitigation should not be required.”

CULTURAL RESOURCES: The Corps is aware of historic property/properties within or in close proximity of the permit area. The Corps Regulatory Division Archaeologist has reviewed the proposed activities and determined that due to the shallow nature of the water in this location, it indicates that there is little likelihood for the existence of historic properties and there the proposed project has no potential to cause effect to historic properties.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*) and its designated critical habitat; swimming sea turtles: (green sea turtle (*Chelonia mydas*), Kemp’s Ridley sea turtle (*Lepidochelys kempii*), and Loggerhead sea turtle (*Caretta caretta*)); Northern Atlantic right whale (*Eubalaena glacialis*); and smalltooth sawfish (*Pristis pectinata*). The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

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 0.3 acres of sand and silt utilized by various life stages of penaeid shrimp complex, reef

fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. 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 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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 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, Jerilyn Ashworth, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Jerilyn.Ashworth@usace.army.mil; by facsimile transmission at (561)626-6971; or, by telephone at (561)472-3516.

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.

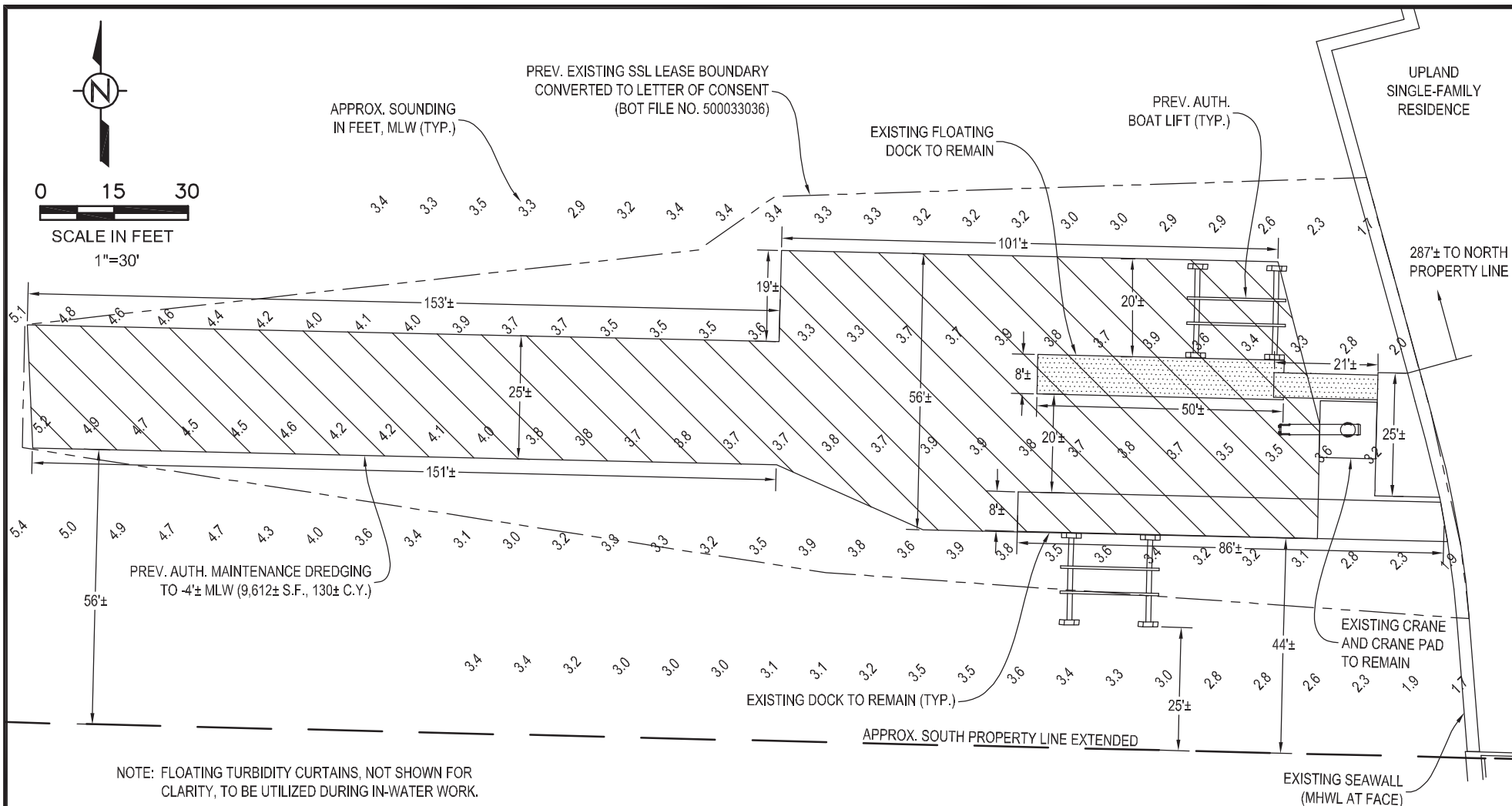
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

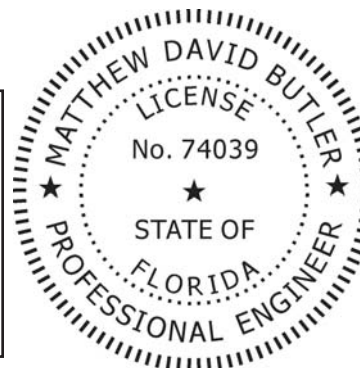


NOTES:

1. DATUM IS MLW. MLW = -2.2'± NAVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 9/11/18. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

**SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.**

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 3/1/2019 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.



PREV. AUTH. PLAN VIEW

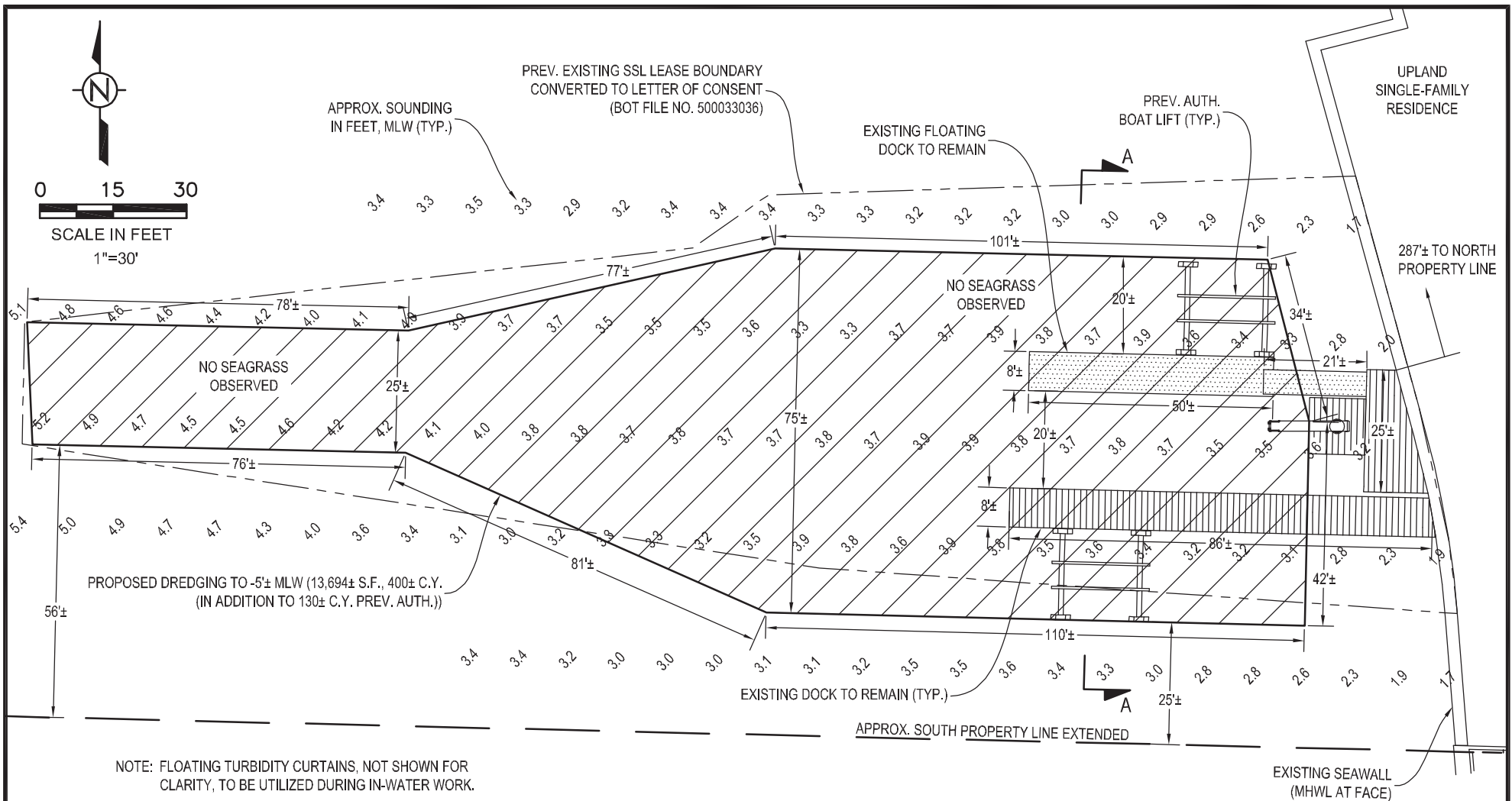


**ISIMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE
CERTIFICATE OF AUTHORIZATION NUMBER: 8114
P.O. BOX 14702 • NORTH PALM BEACH, FL. 33408 • 561-881-0003

**PROPOSED DREDGING
LAKE WORTH**
1500 SOUTH OCEAN BOULEVARD
TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
APPLICANT: BRANDO WOODY DE LLC

DATE	3/19	DRAWN	MDB	CHKD	PJK	APPRVD	MDB
DWG NO.	18102D2					SHEET	2
COMPUTER FILE NO.	18102D					OF	4

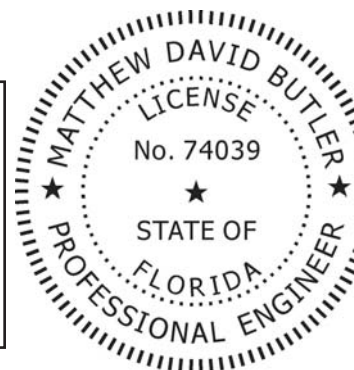


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PROPOSED PLAN VIEW

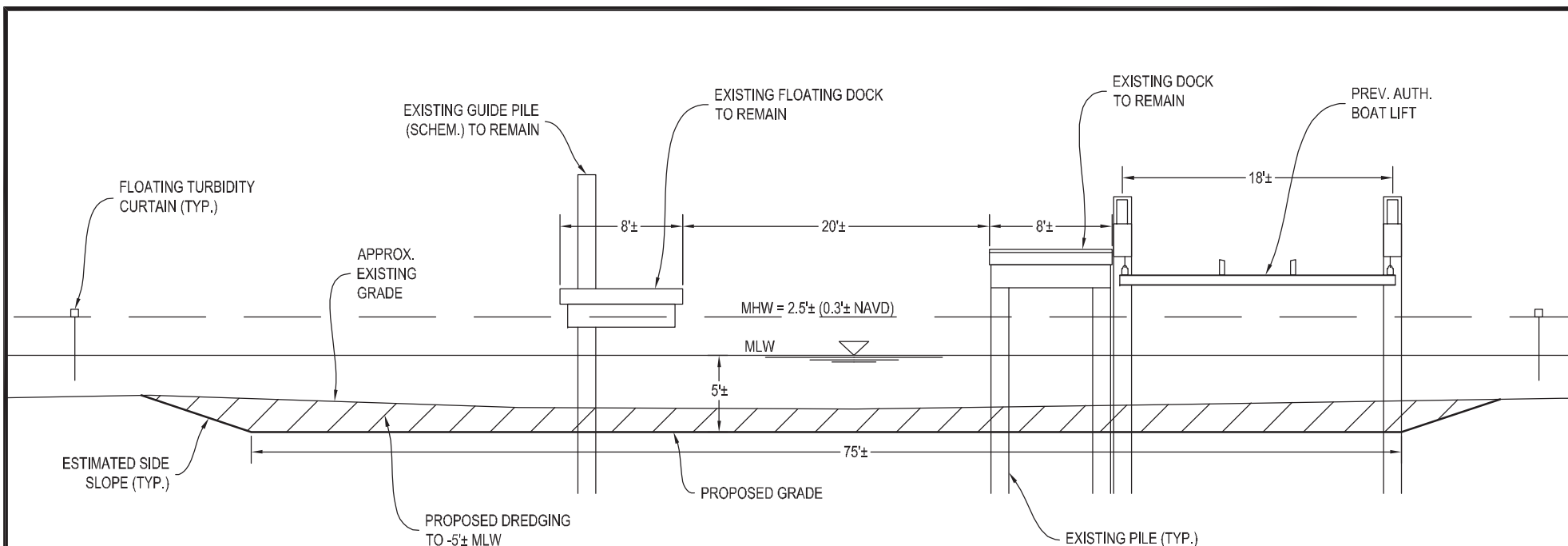


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DWG NO.	18102D3					SHEET	3
COMPUTER FILE NO.	18102D					OF 4	



NOTE: PREV. AUTH. MAINTENANCE DREDGING TO -4'± MLW NOT SHOWN FOR CLARITY.

SECTION A-A



SCALE IN FEET

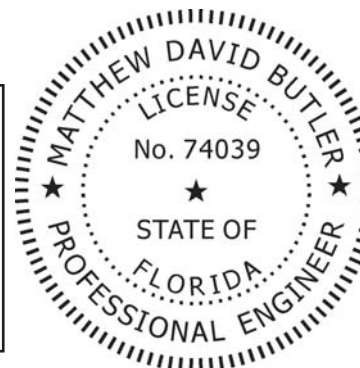
1"=10'-0"

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SECTION VIEW



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COMPUTER FILE NO.	18102D					OF	4