



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207

May 14, 2019

Regulatory Division
West Branch
Tampa Permits Section
Gainesville Field Office

PUBLIC NOTICE

Permit Application No. SAJ-2019-00973 (SP-JED)

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: City of Cedar Key
Attn: James Custer
P.O. Box 339
Cedar Key, FL 32625

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of Mexico.

The proposed dredge site is visible from the Inside Boat Ramp located at 8070 A Street, in Section 32, Township 15 South, Range 13 East Cedar Key, Levy County, Florida.

The proposed dredge material temporary discharge site is located at Cemetery Point Park, 16050 East Point Road, in Section 30, Township 15 South, Range 13 East, Cedar Key, Levy County, Florida.

Directions to the site are as follows: Proceed west along SR 24 until it terminates at the intersection with 1st Street in Cedar Key. Head east on 1st Street to C Street. Turn south on C Street. The proposed dredging would pass under the C Street Bridge. The proposed temporary discharge location is located at the Cemetery Point Park. To reach the discharge location turn west on Whiddon Avenue from SR 24. From Whiddon Avenue turn north onto Gulf Boulevard. Proceed 1 mile north on Gulf Boulevard and turn into the cemetery. Follow dirt lane on foot until you reach open pavilion in Cemetery Point Park. From pavilion, looking south, the proposed discharge wetland is in the depression approximately 100 feet south of the pavilion.

APPROXIMATE CENTRAL COORDINATES: Latitude 29.1351972°
Longitude -83.0316027°

PROJECT PURPOSE:

Basic: The basic project purpose is maintenance dredging to restore navigation.

Overall: The overall project purpose is maintenance dredging to restore the navigable capacity of the inner harbor channel providing access to the Cedar Key Marina.

EXISTING CONDITIONS: The proposed maintenance dredge location consists of a loosely consolidated bare bottom that does not support submerged aquatic vegetation, live hardbottom, oyster concentrations, or mangroves. The proposed temporary discharge location consists of an 866 square foot low quality freshwater depressional herbaceous wetland that is the result of previous excavation and dredge material deposit within the discharge location. The vegetation within the wetland is subject to regular mowing and burning due to the fact that the depression serves as a debris burn pit. Several of the vegetation species within the depression are upland or facultative species.

PROPOSED WORK: The applicant seeks authorization to maintenance dredge 1,500 cubic yards of material from the Inner Harbor Channel to return the channel to its original control depth of -4 feet mean low water and original dimensions of 515-feet-long and 130-feet-wide on the marina side of the C Street Bridge gradually tapering to 20-feet-wide on the Gulf of Mexico side of the C Street Bridge. Furthermore, the applicant seeks authorization to temporarily discharge the 1,500 cubic yards of fill material into the 866 square foot wetland for eventual beneficial reuse in planned beach renourishment and living shoreline applications on the southern areas of Cedar Key along G Street and Airport Road.

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:

In order to avoid direct impacts to aquatic resources, the applicant proposes to limit the maintenance dredge template to the minimum area necessary to return the inner harbor channel to its original navigable capacity. According to the applicant, the proposed dredge template does not contain any aquatic resources. In order to minimize any secondary impacts that may result from turbidity, the applicant elects to use proper erosion control measures and floating turbidity barriers.

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

According to the applicant, the proposed dredge template does not contain any aquatic resources. Thus, the applicant believes compensatory mitigation is not warranted for the proposed dredging since it would not impact aquatic resources. Similarly, the applicant stated that compensatory mitigation is not necessary to offset the impacts associated with the proposed wetland discharge. The applicant believes that the low

function and quality of the wetland coupled with the temporary discharge does not warrant compensatory mitigation to offset the impacts.

CULTURAL RESOURCES:

The Corps has determined that the proposed dredge template has been extensively modified by previous work and there is little likelihood a historic property may be affected. Past dredging within the dredge template likely destroyed any resources that may have been present. Thus, the Corps determined that the dredge work has no potential to cause effect to historic properties or cultural resources.

The Corps also noted that the proposed dredging would occur within the Cedar Keys Historic and Archaeological District (LV00244/LV00895). However, the Corps determined that the proposed project would have no adverse effect on this resource. No aspect of the proposed work would alter any architecture or aesthetic associated with this resource.

The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

ENDANGERED SPECIES:

Manatee: Since the proposal by the applicant is for in-water construction, potential impacts to the endangered West Indian manatee were evaluated using *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013* (manatee key). Use of the manatee key resulted in the following sequential determination: A→B→C→G→N→O→P4 **may affect, not likely to adversely affect**. The project involves maintenance dredging outside of an Important Manatee Area. The project would not impact submerged aquatic vegetation. Furthermore, the applicant elects to adhere to the *Standard Manatee Conditions for In-Water Work, 2011*. Therefore, according to the manatee key, a may affect but is not likely to adversely affect determination is appropriate. By letter dated 25 April 2013, the FWS stated that for proposed in-water activities analyzed with the April 2013 version of the Manatee Key in which the Corps reaches a may affect, not likely to adversely affect determination with respect to the manatee and/or its designated critical habitat, the FWS concurs with the Corps determination in accordance with 50 CFR 402.14(b)1 and no further consultation with the FWS is required.

Wood stork: Since the applicant's proposal involves a temporary fill discharge within suitable foraging habitat for wood storks, the Corps utilized *The Corps of Engineers, U.S. Fish and Wildlife Service (FWS), Jacksonville Ecological Services Field Office, and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida, September 2008* (wood stork key) to evaluate the proposed project's potential impact on wood storks. Use of the wood stork key produced the following

sequence indicating that that the project is **not likely to adversely affect** the wood stork: A→B→C(1). The nearest documented nesting colony is 25 miles northeast of the project site. The project site is not located within a core foraging area for any wood stork colony. Lastly, the project would impact less than 0.50 acre of suitable foraging habitat. Therefore, the proposed project is not likely to adversely affect the wood stork. In correspondence that accompanied the wood stork key, the FWS stated that for proposed activities analyzed with the September 2008 version of the wood stork key in which the Corps reaches a not likely to adversely affect determination with respect to the wood stork and/or its designated critical habitat, the FWS concurs with the Corps determination in accordance with 50 CFR 402.14(b)1 and no further consultation with the FWS is required.

Sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Johnson's seagrass; Gulf sturgeon; corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar), smalltooth sawfish, and elkhorn and staghorn corals: The Corps determined that the proposed project is **not likely to adversely affect** these species. The Corps completed programmatic consultation with the National Marine Fisheries Service Protected Resources Division (NMFS) on these species. The NMFS provided the *U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion* (JAXBO), dated 20 November 2017, file 1514-22.F.4, Reference F/SER31:NMB SER-2015-17616. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida. The Corps conducted a project specific review, and received NMFS permission to utilize JAXBO for the proposed project via separate correspondence. Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 7(a) (2) of the Endangered Species Act for these species.

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 0.61 acres of bare silt bottom potentially utilized by various life stages of Penaeid shrimp complex; red drum; stone crab; spiny lobster; and/or the 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 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 Tampa Permits Section, Gainesville Field Office, 2833 NW 41st Street, Unit 130, Gainesville, FL 32606, 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, James Davidson, in writing at the Tampa Permits Section, Gainesville Field Office, 2833 NW 41st Street, Unit 130, Gainesville, FL 32606; by electronic mail at james.e.davidson2@usace.army.mil; by facsimile transmission at (352)264-7733; or, by telephone at (352)264-7672.

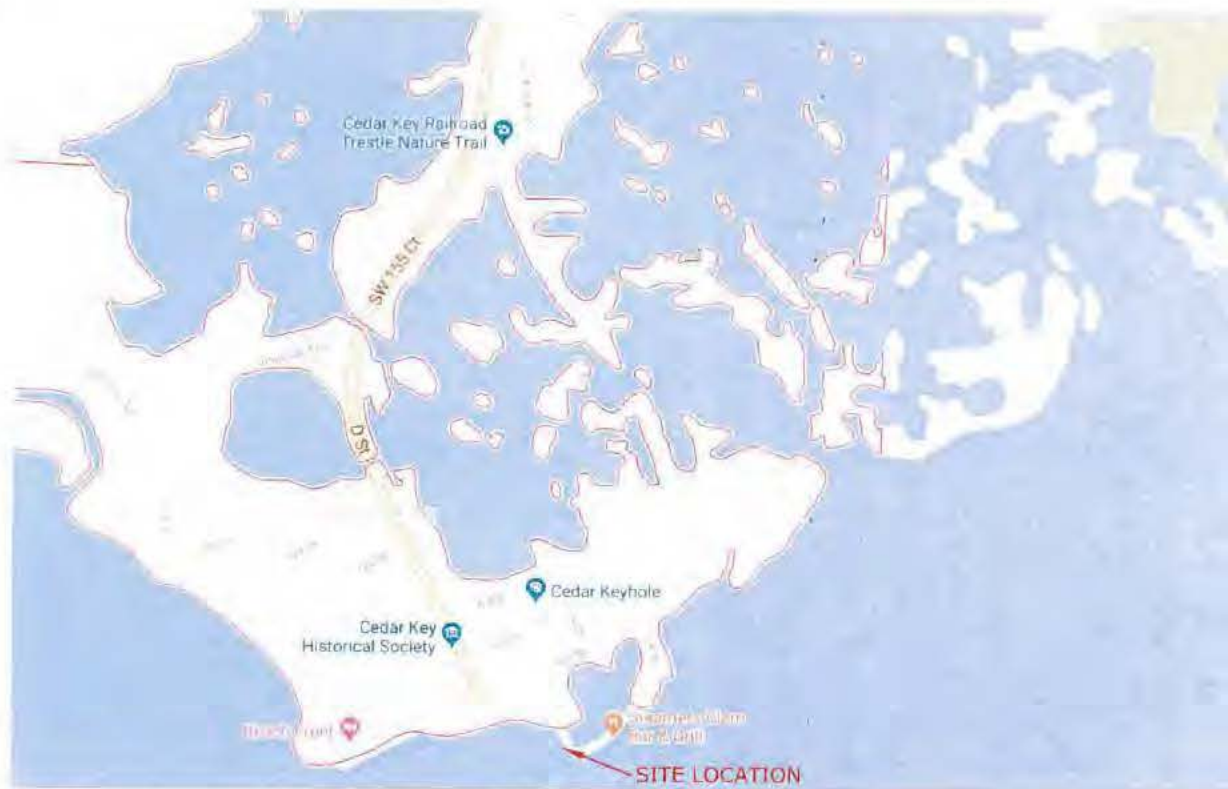
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information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



VICINITY MAP
(NOT TO SCALE)

SURVEY CONTROL POINTS

SET NAIL & DISK
#LB8082
N. 1747185.31
E. 326987.90
EL. = 5.91'

SET NAIL & DISK
#LB8082
N. 1746807.57
E. 326889.27
EL. = 11.79'

LEGEND:

- BENCHMARK
- S ELEVATION CONTOUR ELEVATIONS
- EL ELEVATION
- N NORTHING
- E EASTING
- C CONSTRUCTION CENTERLINE
- LS LICENSED SURVEYOR
- LB LICENSED SURVEY BUSINESS
- MLW MEAN LOW WATER ELEVATION (-1.62 NAVD83)

SURVEY PLAT

CEDAR KEY MARINA,
CEDAR KEY, FLORIDA

NOTES:

THIS SURVEY PREPARED AS HYDROGRAPHIC SURVEY.

CONTOURS AND CROSS SECTIONS AS SHOWN ARE DEPTHS BELOW THE MEAN LOW WATER ELEVATION OF -1.62 FEET.

THE MEAN LOW WATER ELEVATION OF -1.62 FEET, NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), TAKEN FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY TIDE STATION REPORT FOR TIDE STATION IDENTIFICATION NUMBER 872-7520, DATED 4-20-2011.

ELEVATIONS BASED ON NATIONAL GEODETIC SURVEY TIDAL BENCHMARK D 280, ELEVATION 11.22 FEET, NAVD88, LATITUDE N29°08'06", LONGITUDE W83°01'54", NORTH AMERICAN DATUM OF 1983/1990.

COORDINATES AS SHOWN WERE OBTAINED USING A CARLSON GLOBAL POSITIONING SYSTEM (GPS) RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION GPS REFERENCE STATION NETWORK, NORTH AMERICAN DATUM OF 1983/1990, PLANE COORDINATE, FLORIDA WEST ZONE.

BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983/1990, PLANE COORDINATE, FLORIDA WEST ZONE.

ABOVEGROUND AND UNDERGROUND IMPROVEMENTS OTHER THAN AS SHOWN WERE NOT LOCATED.

THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL LINE OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY, EXCEPT AS SHOWN.

AERIAL PHOTO DOWNLOADED FROM GOOGLE EARTH WEBSITE, PHOTO DATE 2017.

LAST DATE OF FIELD WORK: AUGUST 9, 2018.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE.

Kenneth E. Trask
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. L54684

10-3-18
DATE

NOTICE

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

NO.	DATE	REVISION DESCRIPTION	BY



Trask Surveying, P.A.

Land Surveyors

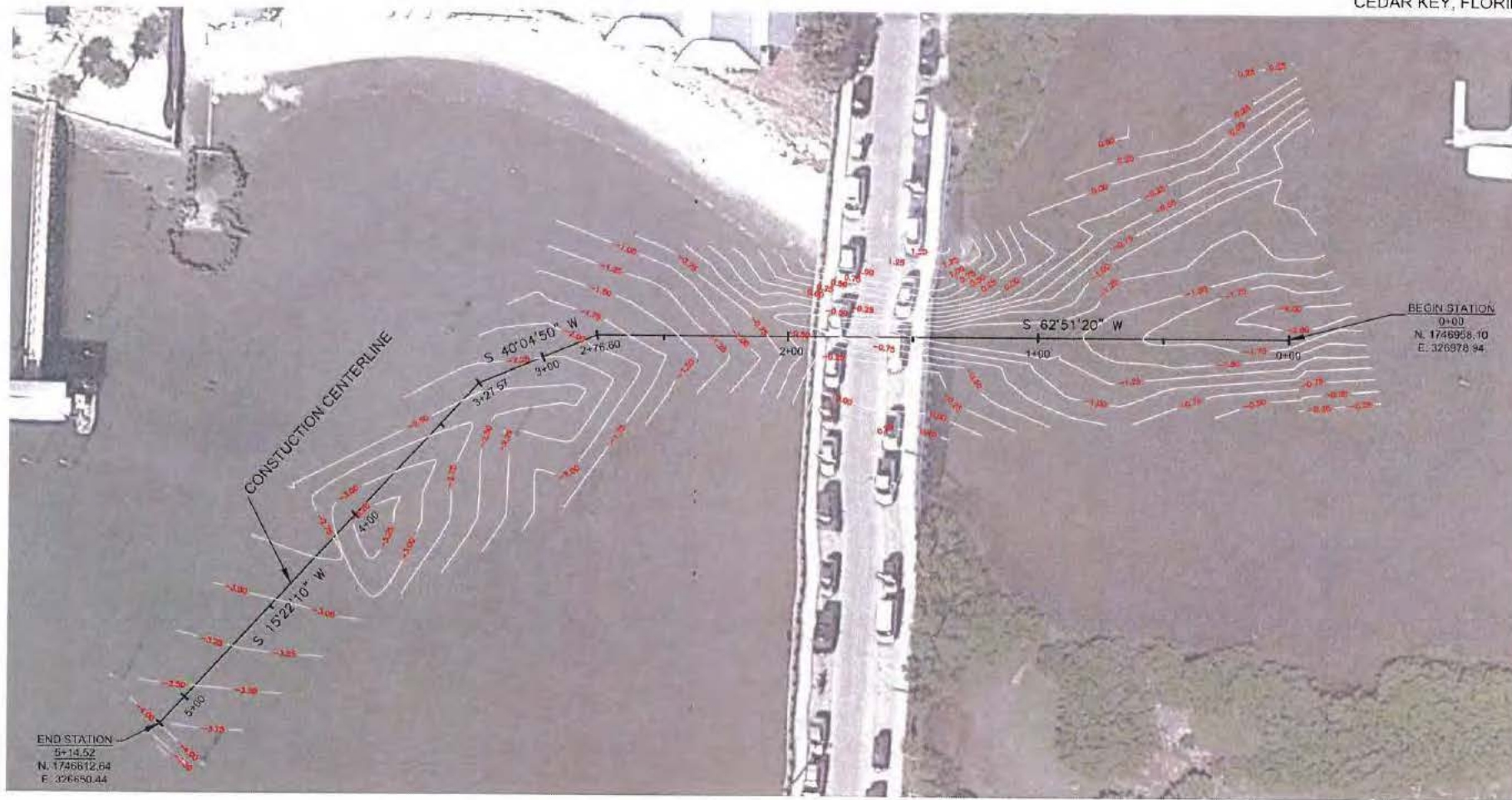
Florida Licensed Business No. LB8082
12345 Blasingen Road
Fort Myers, Florida 33906
(239) 980-1495

DATE	JOB#	DWG	SCALE	SHEET
10-2-2018	18-113	18-113PRE	SHOW/N	1 OF 3



SURVEY PLAT

CEDAR KEY MARINA,
CEDAR KEY, FLORIDA



NO.	DATE	REVISION DESCRIPTION	BY



Trask Surveying, P.A.

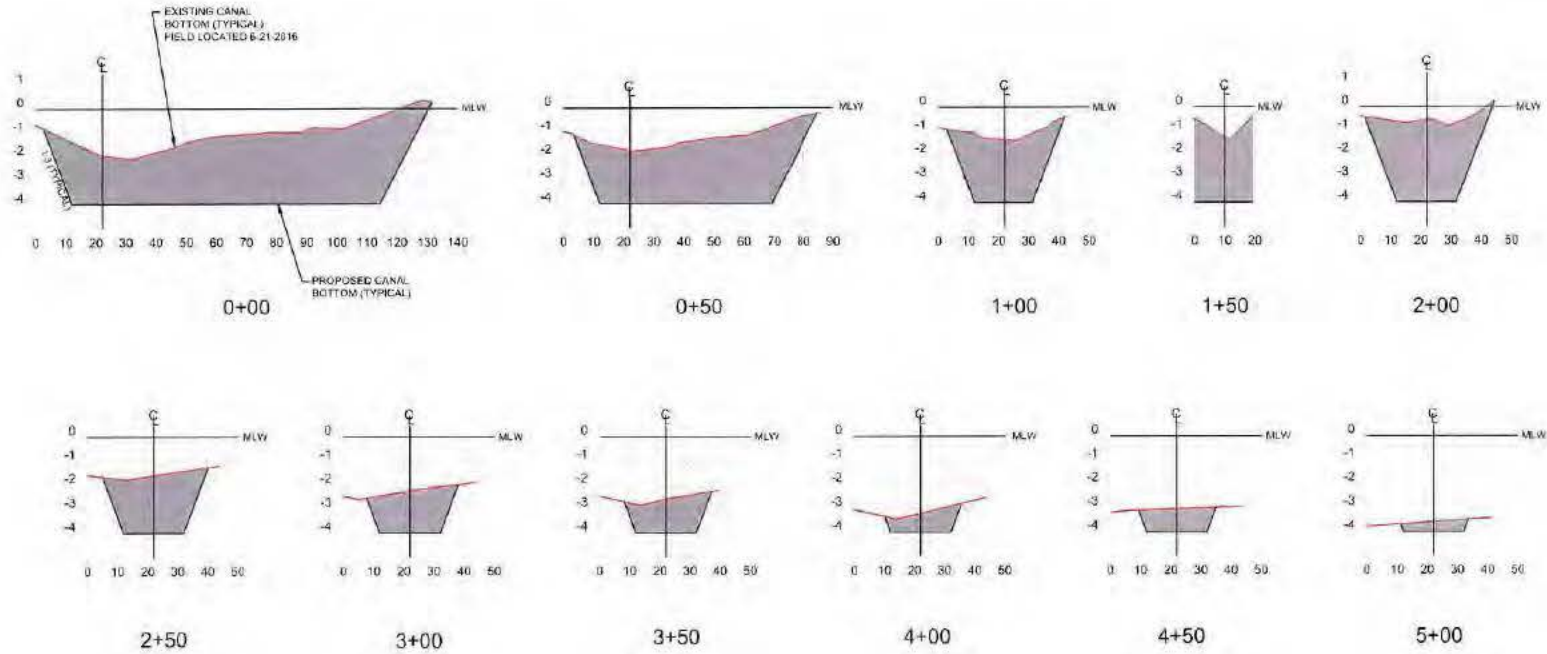
Land Surveyors

Florida Licensed Business No. LB8062
12345 Blasingame Road
Fort Myers, Florida 33966
(239) 990-1495

DATE	JOB#	DWG.	SCALE	SHEET
10-2-2018	18-113	18-113PRE	1"=40'	2 OF 3

SURVEY PLAT

CEDAR KEY MARINA,
CEDAR KEY, FLORIDA



TOTAL PROPOSED CUT QUANTITY:

1500 CUBIC YARDS

SCALE
1"=5' VERTICAL
1"=40' HORIZONTAL

NO.	DATE	REVISION DESCRIPTION	BY

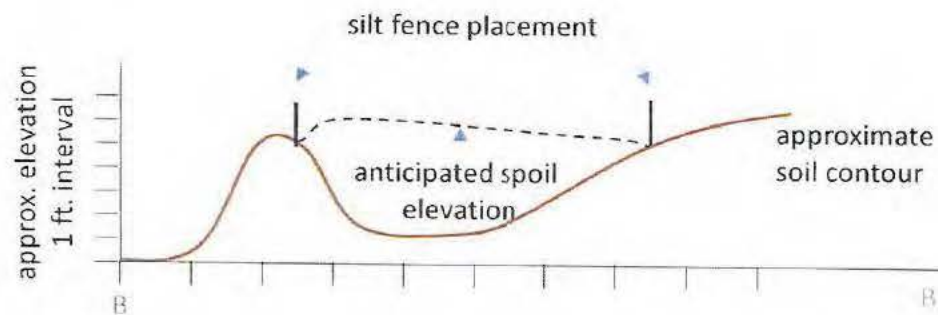
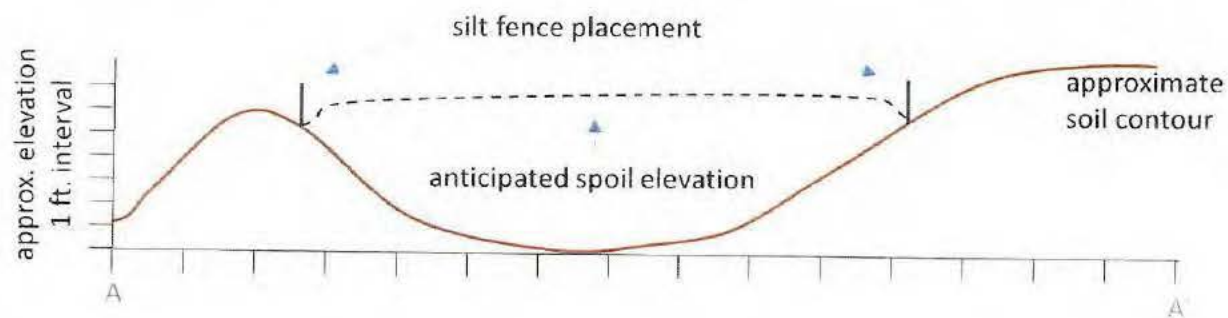


Trask Surveying, P.A.

Land Surveyors

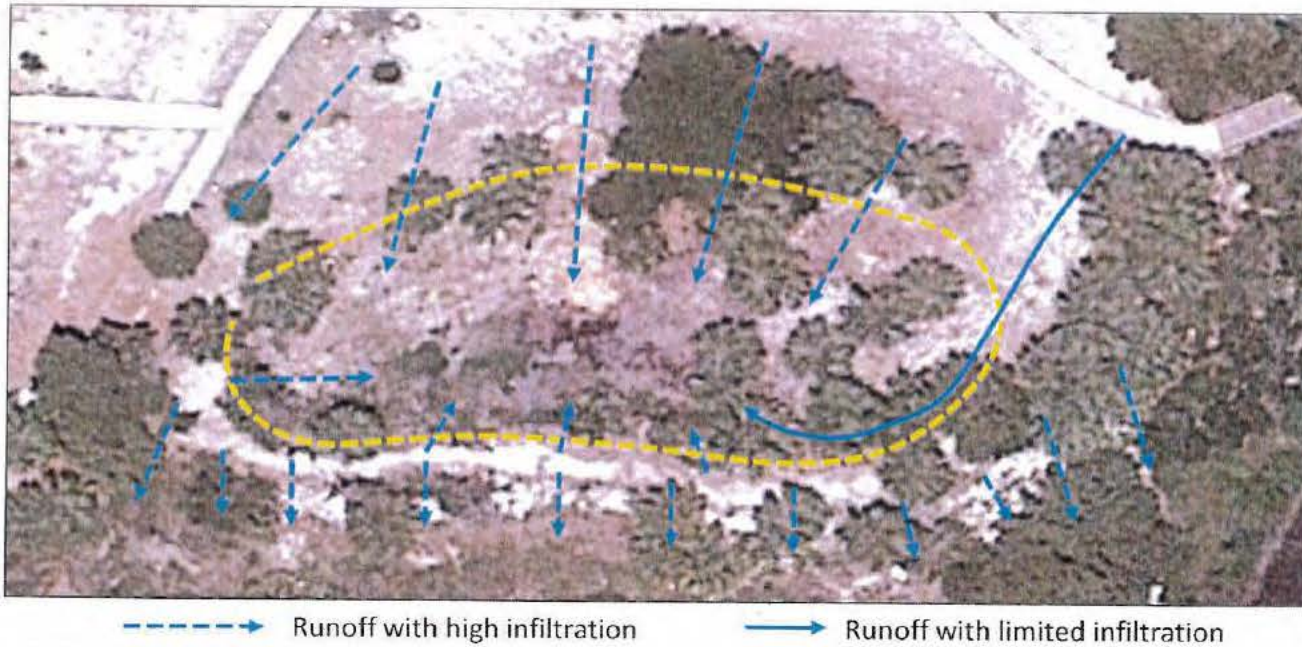
Florida Licensed Business No. LB8082
12345 Bayswing Road
Fort Myers, Florida 33906
(239) 980-1495

DATE	JOB#	DWG	SCALE	SHEET
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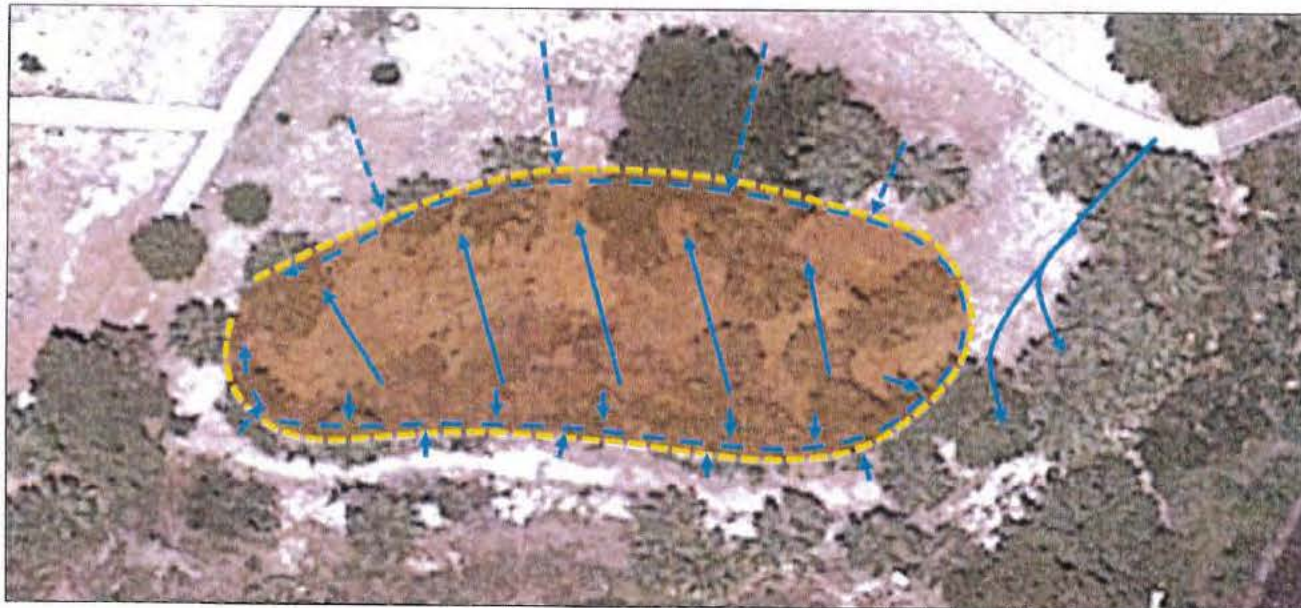


Expected rainfall runoff pattern

Pre-existing
Condition




After spoil
placement



Turbidity Curtain view

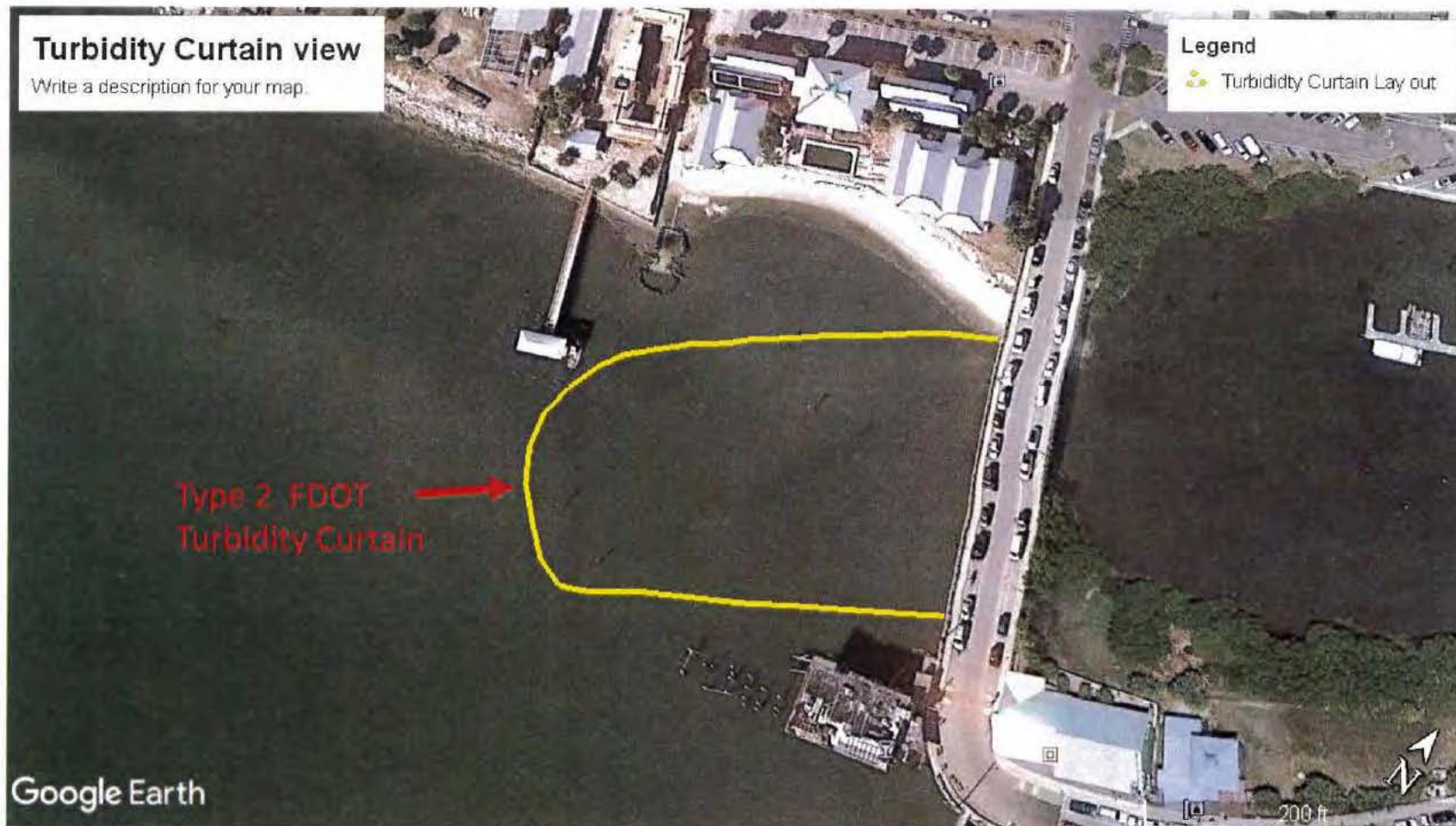
Write a description for your map.

Legend

 Turbidity Curtain Lay out

Type 2 FDOT
Turbidity Curtain

Google Earth



Cemetery Road Disposal Detail

Write a description for your map.

Legend

 disposal Site

Disposal Site

Cemetery Rd

To Dredge Location

Google Earth

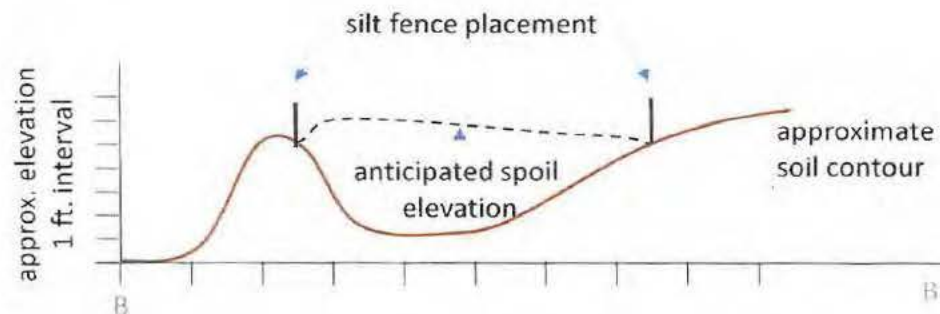
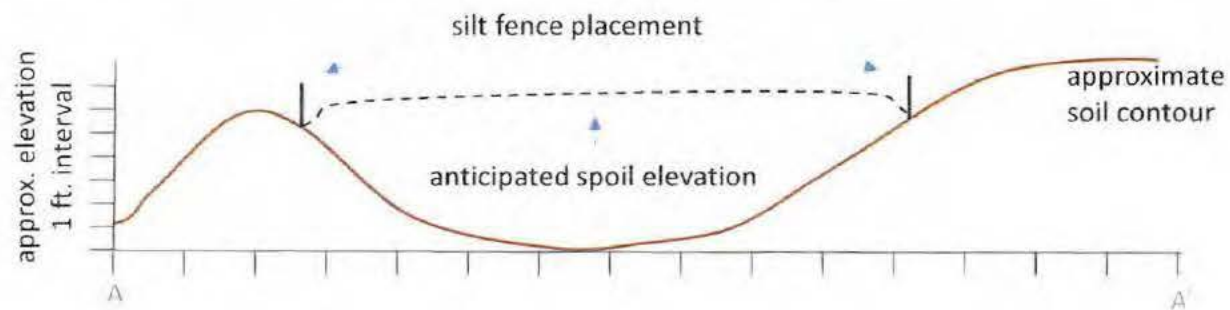
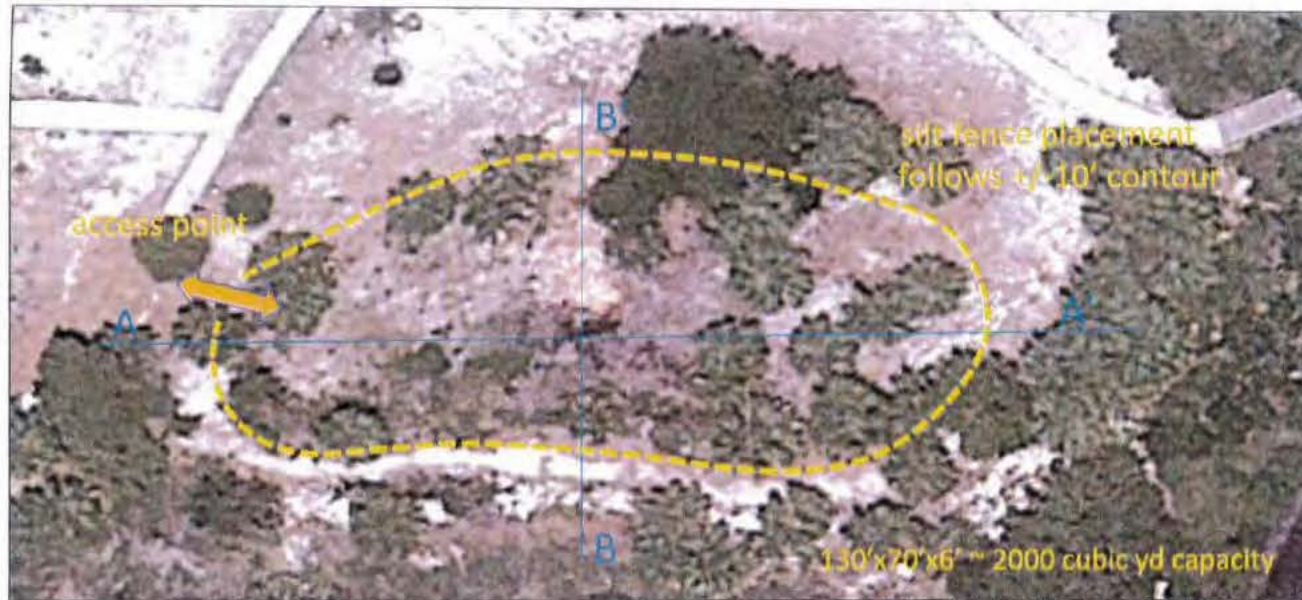
© 2018 Google

400 ft

N

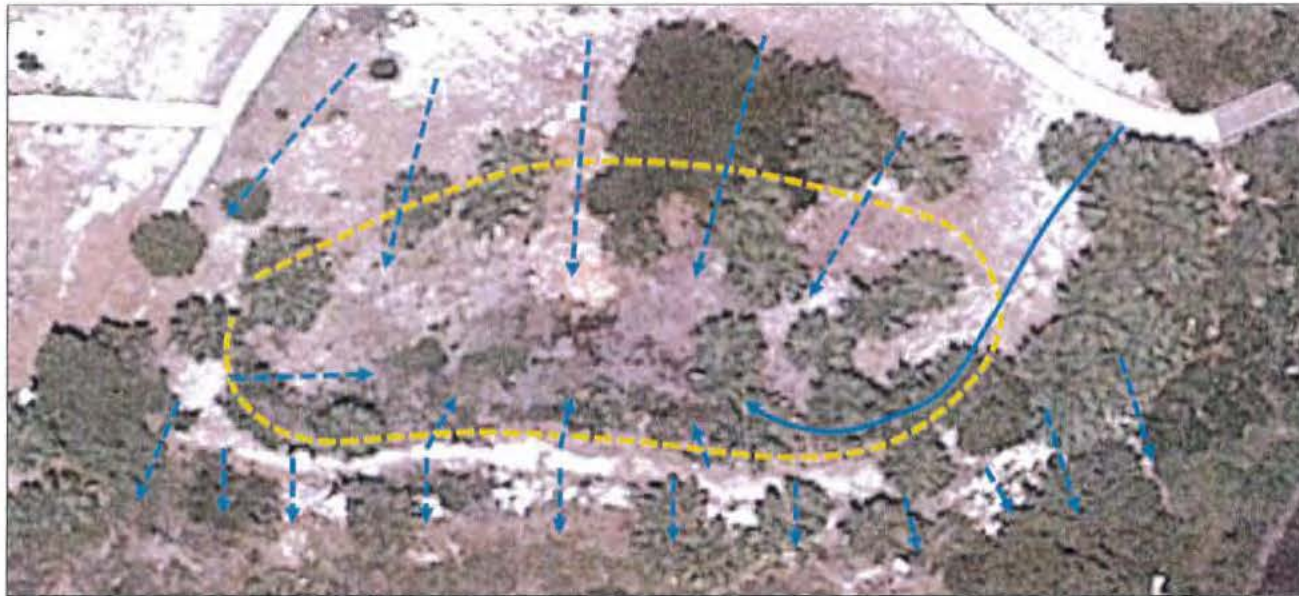






Expected rainfall runoff pattern

Pre-existing
Condition



---> Runoff with high infiltration

—> Runoff with limited infiltration

After spoil
placement

