



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

May 20, 2019

Regulatory Division  
South Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-00762 (SP-CGK)

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: Florida Inland Navigation District (F.I.N.D.)  
c/o Mark Crosley  
1314 Marcinski Road  
Jupiter, Florida 33477

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Intracoastal Waterway (ICW). The project site is located at Sawfish Island in Section 31, Township 40 South, Range East, Jupiter, Palm Beach County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.942988°  
Longitude: -80.089827°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is ecological restoration for passive recreation.

Overall: The overall project purpose is ecological restoration for passive recreation in Jupiter, Florida.

EXISTING CONDITIONS: Sawfish Island is a small piece of land located just below where the Jupiter inlet and Intracoastal Waterway (ICW) intersect. The habitat consists of a combination of native mangrove swamp (6.13 acres), exotic wetland hardwoods (0.68 acres), and exotic pine uplands (2.46 acres) created from spoil material. The surrounding project area has various seagrass species (approximately 1.61 acres) adjacent to the project footprint, which will not be impacted, and mangroves within the project footprint

PROPOSED WORK: The applicant seeks authorization to (1) excavate 2 acres (26,200 cubic yards) of uplands and 0.13 acres of mangrove wetlands to a depth of -3.5 N.A.V.D, where the material will be placed into the previously permitted Tarpon Cove

site and (2) the placement of 800 cubic yards of limestone rock over 0.18 acres to form two jetties.

**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:

- Proposed inlets are sited to avoid seagrass disturbance
- Excavation will take place outside of delineated sea grass locations
- The shallow draft barge will be light loaded and the work will take place at high tide (-5.5- foot MHW) so the vessel can cruise in and out without impacting SAV
- Limestone jetties reduced in size to avoid seagrass impacts and navigation hazards
- Will install vehicle exclusion zone signs and manatee education signs at the entrances of the tidal basins
- Best Management Practices, such as turbidity curtains, will be used during construction
- Excavated material will be disposed of as described in permit SAJ-2017-01527.
- Will adhere to JaxBO's PDC's for In-water Work
- Will adhere to the 2011 Manatee Construction Conditions

**COMPENSATORY MITIGATION** – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Mitigation will not be required because the proposed project will result in an ecological net gain.

**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 the West Indian Manatee (*Trichechus manatus*). The Corps will request concurrence through informal consultation from the U.S. Fish and Wildlife for this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal may affect, but is not likely to adversely affect the Smalltooth sawfish (*Pristis pectinate*) and swimming green, Kemp's Ridley, and loggerhead sea turtles (*Chelonia mydas*, *Lepidochelys kempii*, *Caretta caretta*). The project will not adversely modify any species' designated critical habitat. The Corps will request initiation of informal consultation with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal will have no effect on Johnson's Seagrass (*Halophila johnsonii*) since it was found outside of the immediate project footprint.

The Corps has determined that the project will have no effect on the Wood stork (*Mycteria Americana*). The action area is located approximately 18 miles from the nearest wood stork nesting colonies according to the Google Earth RAR layers. According to the Habitat Management Guidelines for the Wood Stork in the Southeast Region, written by John C. Ogden, storks feed primarily on small fish between 1-8 inches in length. Successful foraging sites are those where the water is between 2-15 inches deep. The project site consists of tidal waters dense with mangroves and Australian pine. There is no suitable foraging habitat within the project area, so the Corps made a No Effect determination.

The Corps has determined that the project will have no effect on the Piping plover (*Charadrius melodus*). According to the Multi species recovery plan the piping plover does not breed in Florida, but may winter in Florida. The PCEs for the species are found in geographically dynamic coastal areas that support intertidal beaches and flats (between annual low tide and annual high tide), and associated dune systems and flats above annual high tide. The project site is not within optimal piping plover habitat. Therefore, a no effect determination was reached.

The Corps has determined that the project have no effect to the Florida scrub jay (*Aphelocoma coerulescens*). The project is located within the species consultation area. Suitable habitats for the scrub-jay are not only the more "classic" xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, and sand pine scrub, but also include: improved, unimproved, and woodland pastures, citrus groves, rangeland, pine flatwoods, longleaf pine xeric oak, sand pine, sand pine plantations, forest regeneration areas, sand other than beaches, disturbed rural land in transition without positive indicators of intended activity, and disturbed burned areas. The project is not located in any of these types of habitats.

**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 0.31 acres of estuarine waters which contain mangrove swamp and are utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex associated with mud, shell, sand and rock substrate and water column EFH. Additionally, the area surrounding the project footprint is a bed of various seagrass species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries. 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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33401 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, Christian Karvounis, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida; by electronic mail at [Christian.G.Karvounis@usace.army.mil](mailto:Christian.G.Karvounis@usace.army.mil); or, by telephone at (561)-472-3508.

**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.

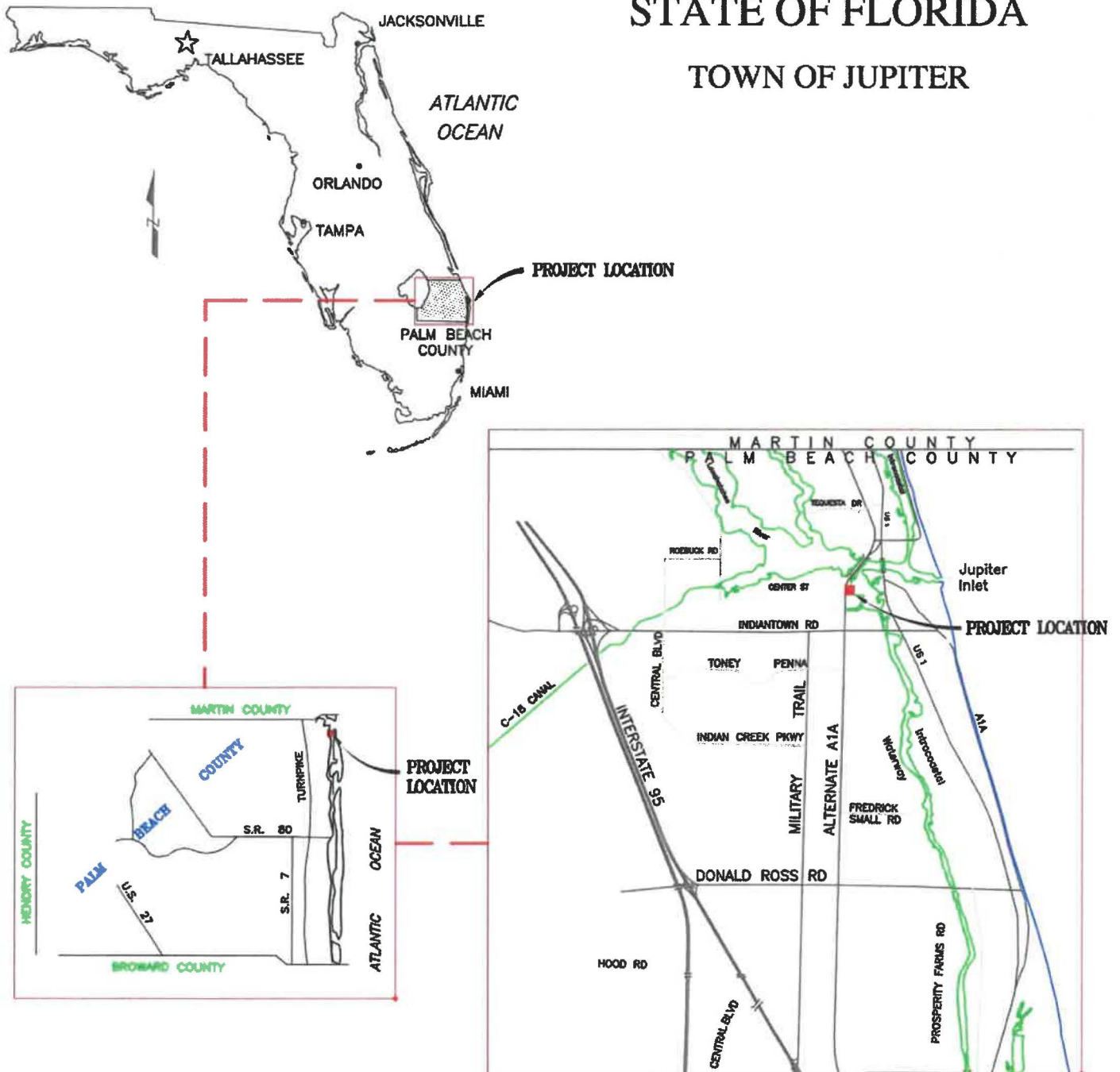
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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

Attachment #1

# COUNTY OF PALM BEACH STATE OF FLORIDA

## TOWN OF JUPITER



LOCATOR MAP

**THESE DRAWINGS  
NOT FOR  
CONSTRUCTION**

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1 OF 10

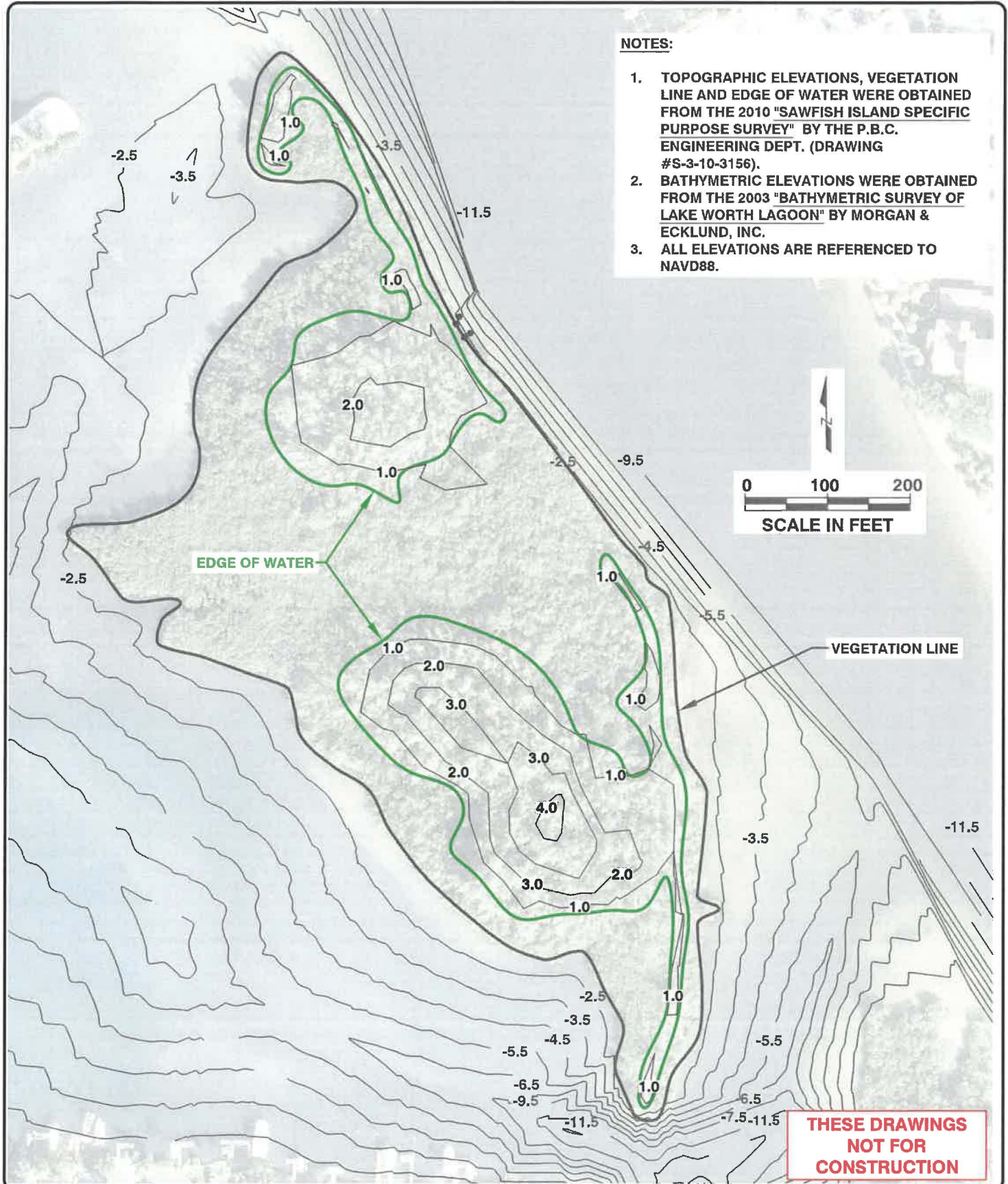
Project: **SAWFISH ISLAND  
PERMIT DRAWINGS  
PROJECT LOCATION**

Scale: AS NOTED  
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PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400





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Project:

**SAWFISH ISLAND**  
**PERMIT DRAWINGS**  
**TOPOGRAPHY & BATHYMETRY**

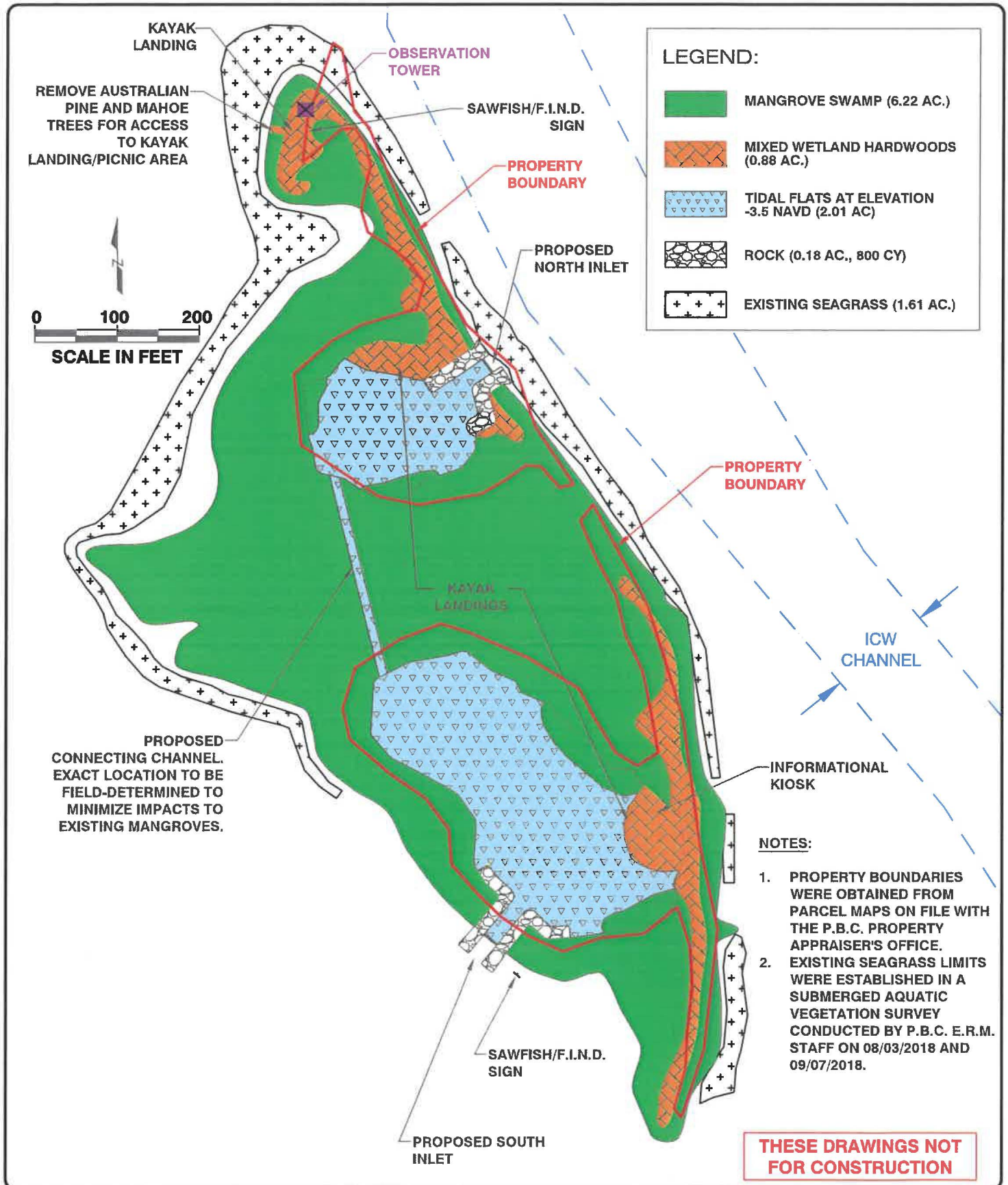
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Sheet:

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Project:

**SAWFISH ISLAND  
PERMIT DRAWINGS  
SITE PLAN**

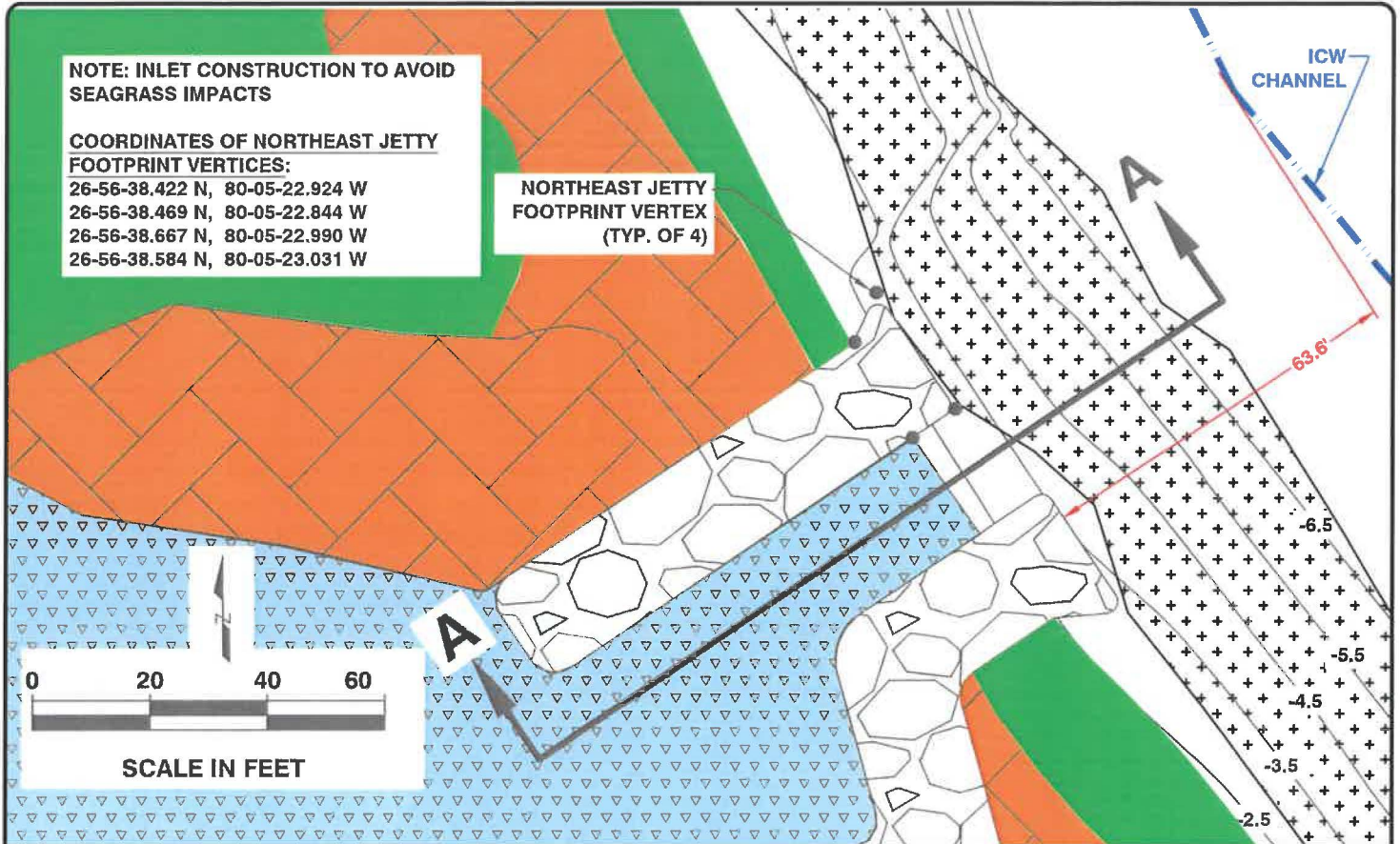
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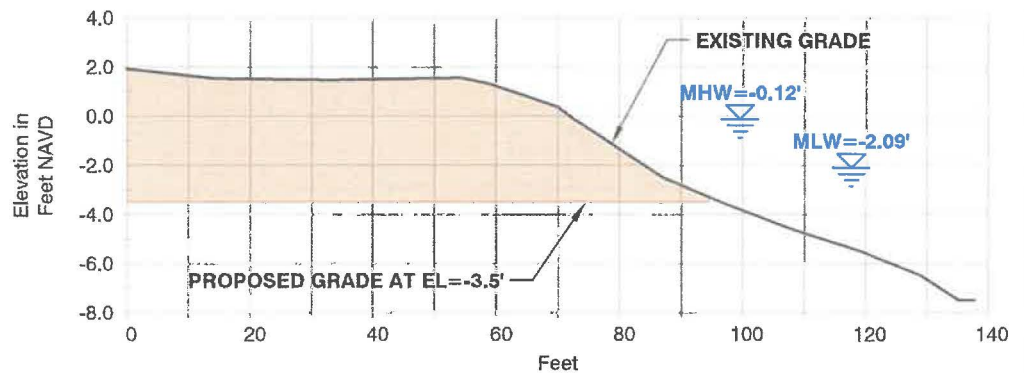


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**LEGEND:**

**PROPOSED CUT**

**CROSS-SECTION A-A****NOTES:**

1. TOPOGRAPHIC ELEVATIONS WERE OBTAINED FROM THE 2010 "SAWFISH ISLAND SPECIFIC PURPOSE SURVEY" BY THE P.B.C. ENGINEERING DEPT. (DRAWING #S-3-10-3156).
2. BATHYMETRIC ELEVATIONS WERE OBTAINED FROM THE 2003 "BATHYMETRIC SURVEY OF LAKE WORTH LAGOON" BY MORGAN & ECKLUND, INC.

**THESE DRAWINGS NOT  
FOR CONSTRUCTION**

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Project:

**SAWFISH ISLAND  
PERMIT DRAWINGS**

**SECTION AT NORTH INLET**

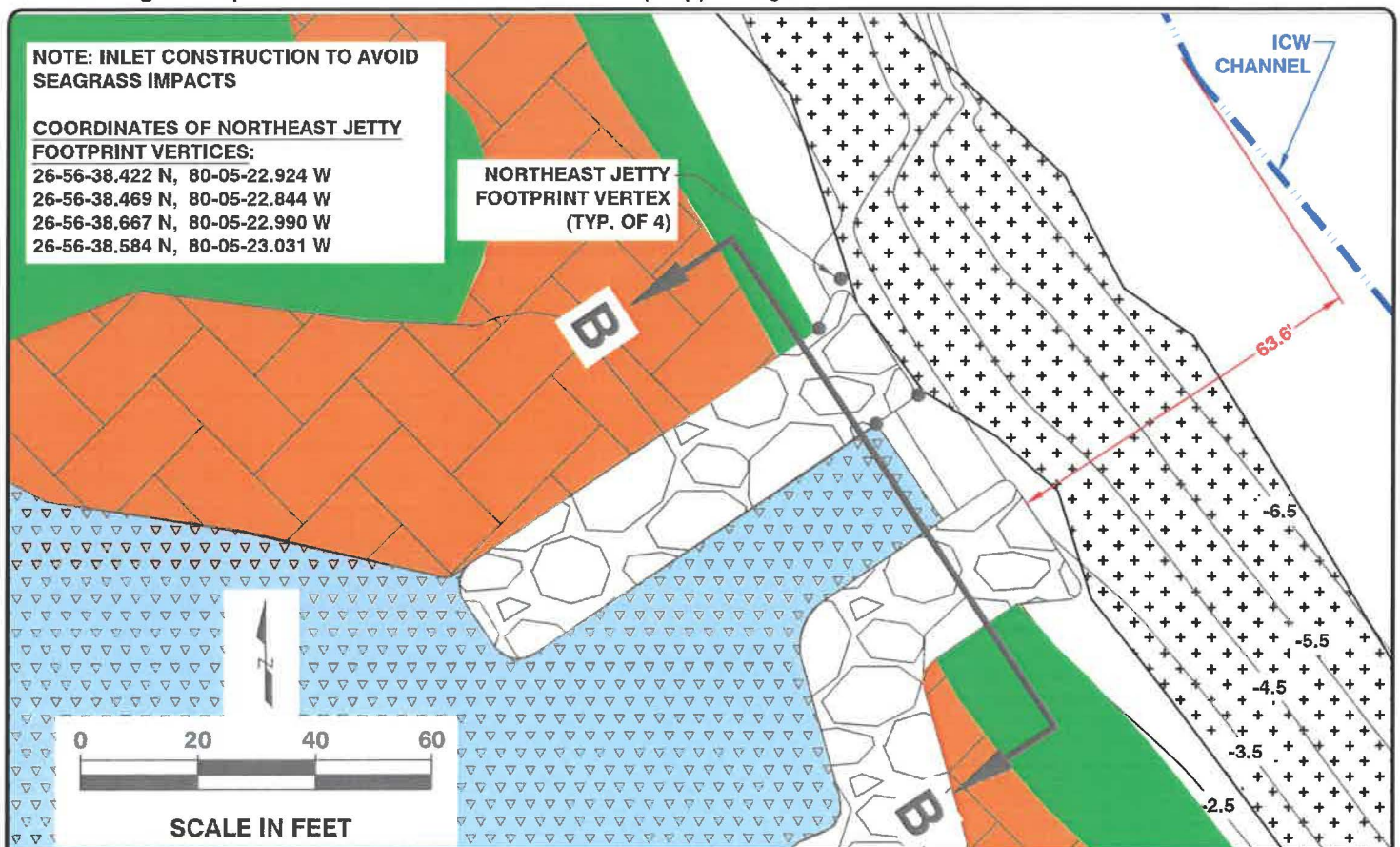
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

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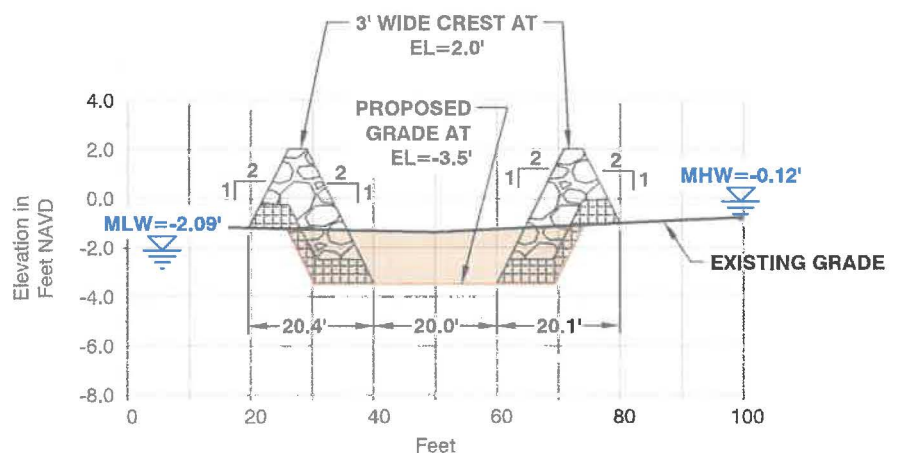


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**LEGEND:**

-  **ARMOR STONE (24" TO 36")**
-  **FDOT BEDDING STONE\***
-  **PROPOSED CUT**

**NOTES:**

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\*FDOT Standard Specifications for Road and Bridge Construction, Section 530-2.1.4

**THESE DRAWINGS NOT FOR CONSTRUCTION**

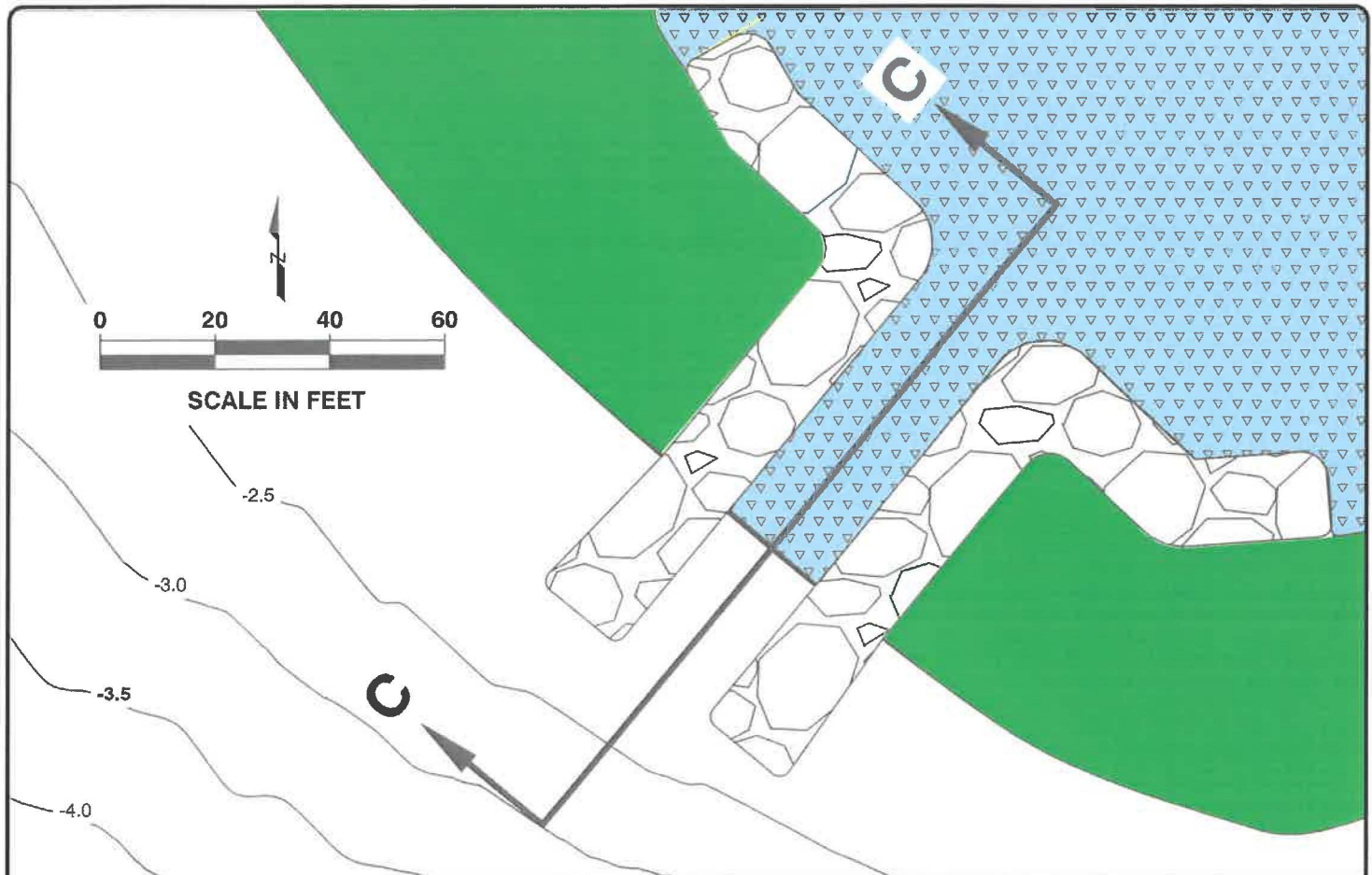
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Project: **SAWFISH ISLAND PERMIT DRAWINGS**  
SECTION AT NORTH INLET

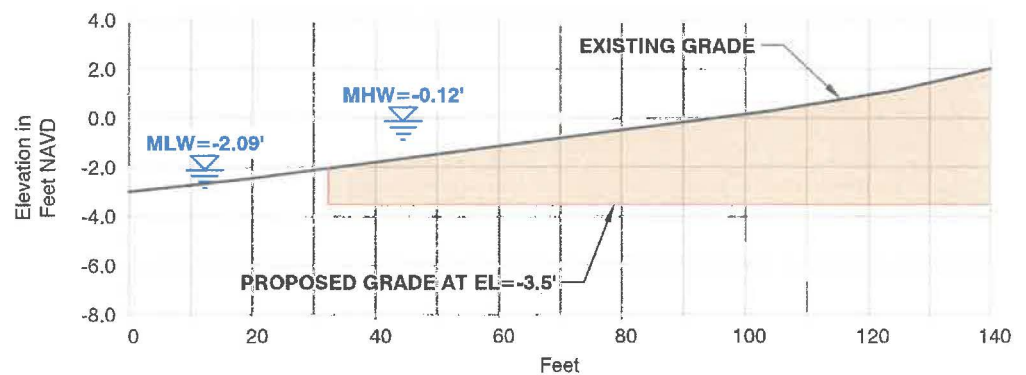
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**LEGEND:**

 PROPOSED CUT

**CROSS-SECTION C-C****NOTES:**

1. TOPOGRAPHIC ELEVATIONS WERE OBTAINED FROM THE 2010 "SAWFISH ISLAND SPECIFIC PURPOSE SURVEY" BY THE P.B.C. ENGINEERING DEPT. (DRAWING #S-3-10-3156).
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6 of 10

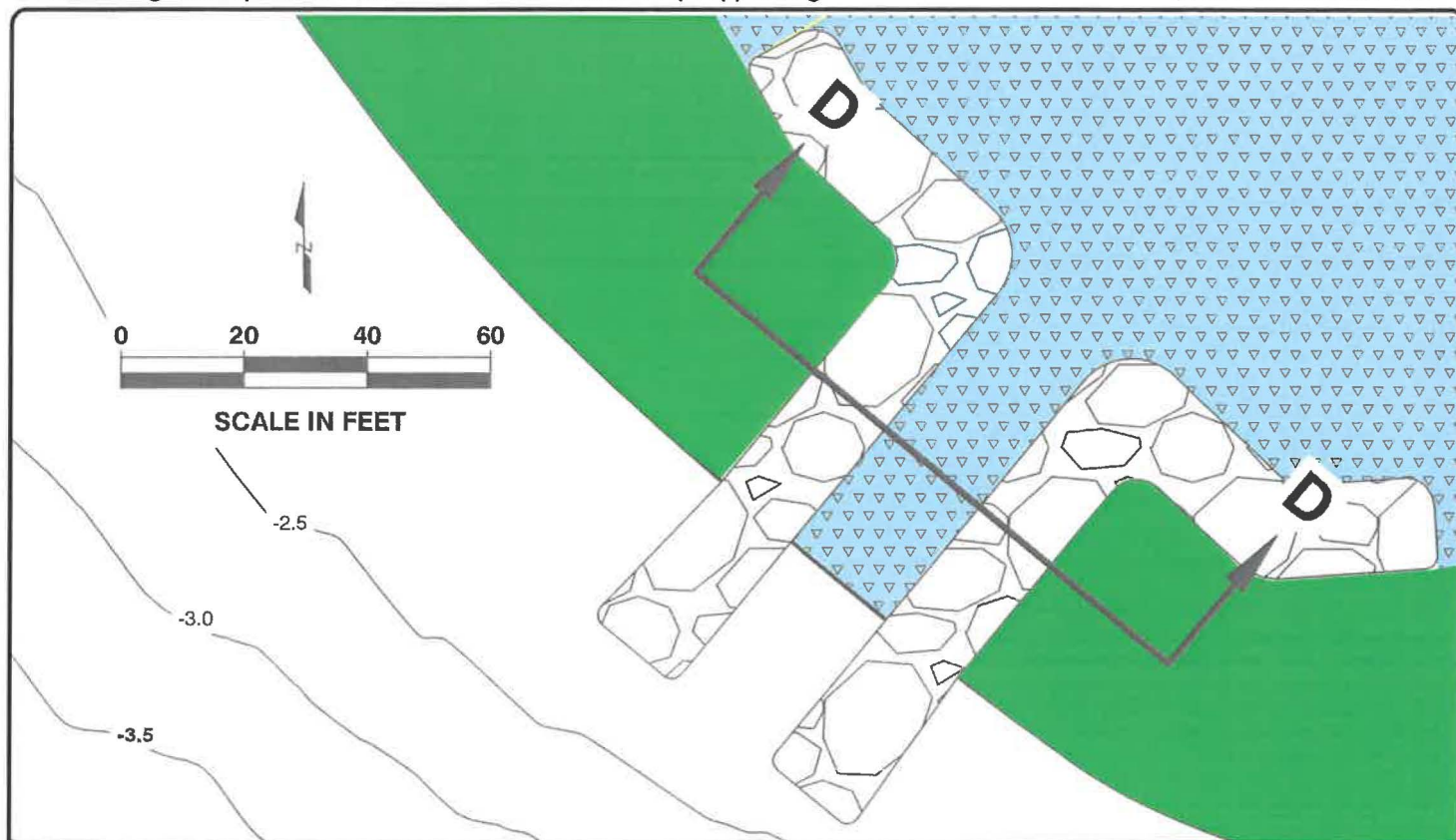
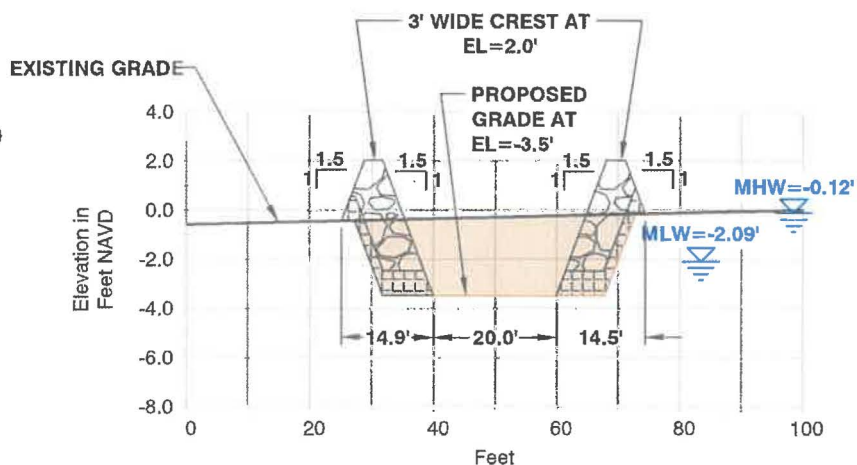
Project: **SAWFISH ISLAND  
PERMIT DRAWINGS**  
**SECTION AT SOUTH INLET**

Scale: AS NOTED  
Drawn: CG



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**PROPOSED CUT**

### CROSS-SECTION D-D

1. **TOPOGRAPHIC ELEVATIONS WERE OBTAINED FROM THE 2010 "SAWFISH ISLAND SPECIFIC PURPOSE SURVEY" BY THE P.B.C. ENGINEERING DEPT. (DRAWING #S-3-10-3156).**
2. **BATHYMETRIC ELEVATIONS WERE OBTAINED FROM THE 2003 "BATHYMETRIC SURVEY OF LAKE WORTH LAGOON" BY MORGAN & ECKLUND, INC.**

**\*FDOT Standard Specifications for Road and Bridge Construction, Section 530-2.1.4**

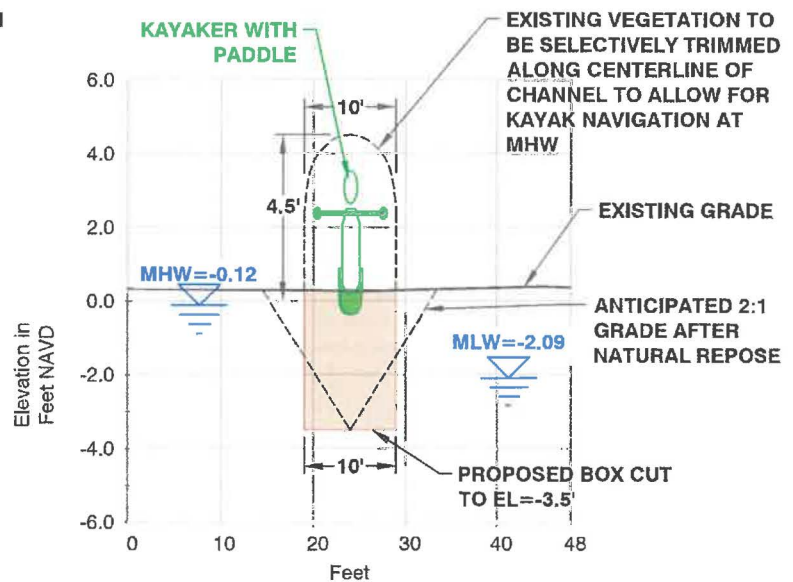
**THESE DRAWINGS NOT  
FOR CONSTRUCTION**





## NOTES:

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CROSS-SECTION E-E

**THESE DRAWINGS  
NOT FOR  
CONSTRUCTION**

Sheet:

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Project:

**SAWFISH ISLAND  
PERMIT DRAWINGS**

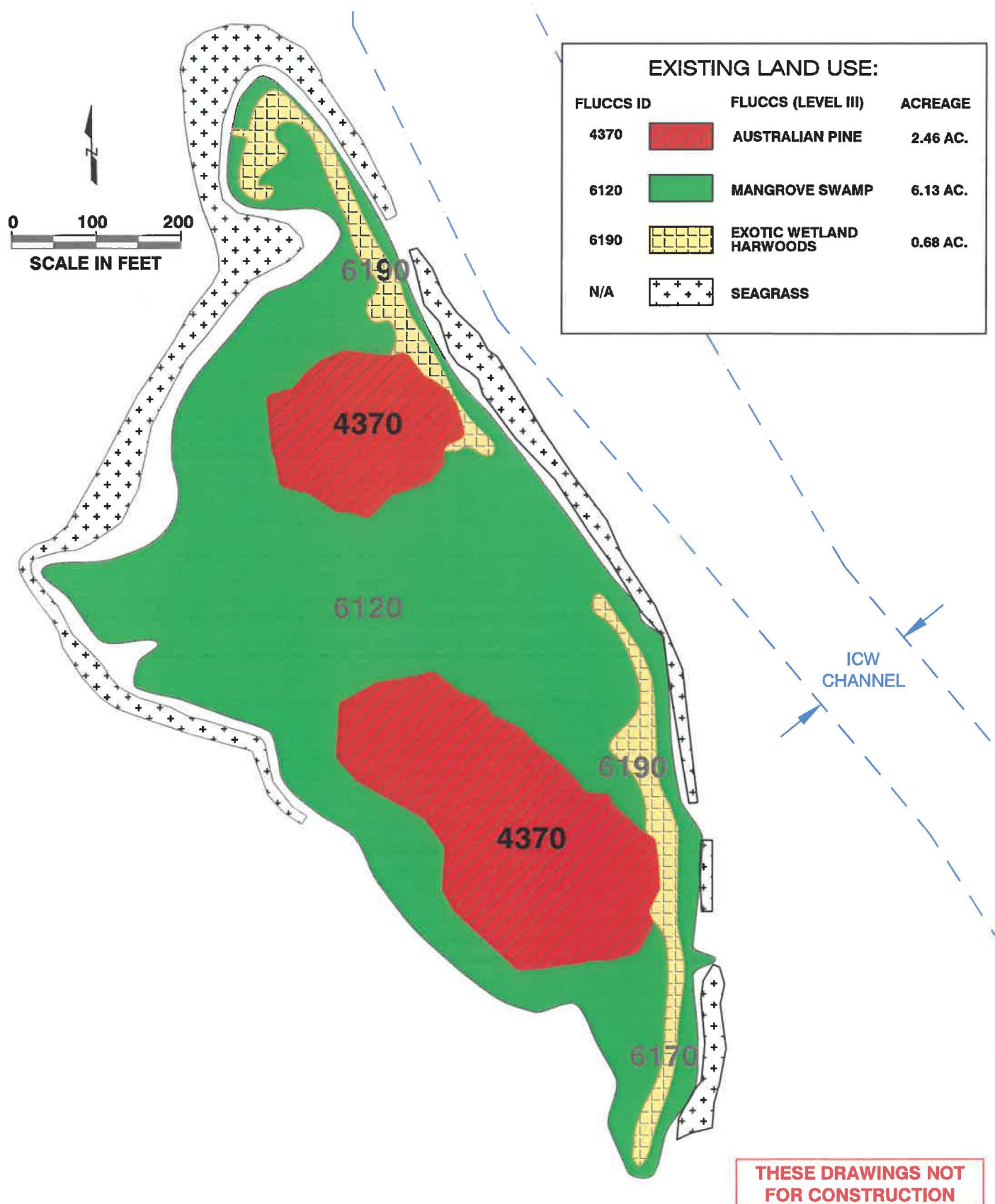
**SECTION AT CONNECTING CHANNEL**

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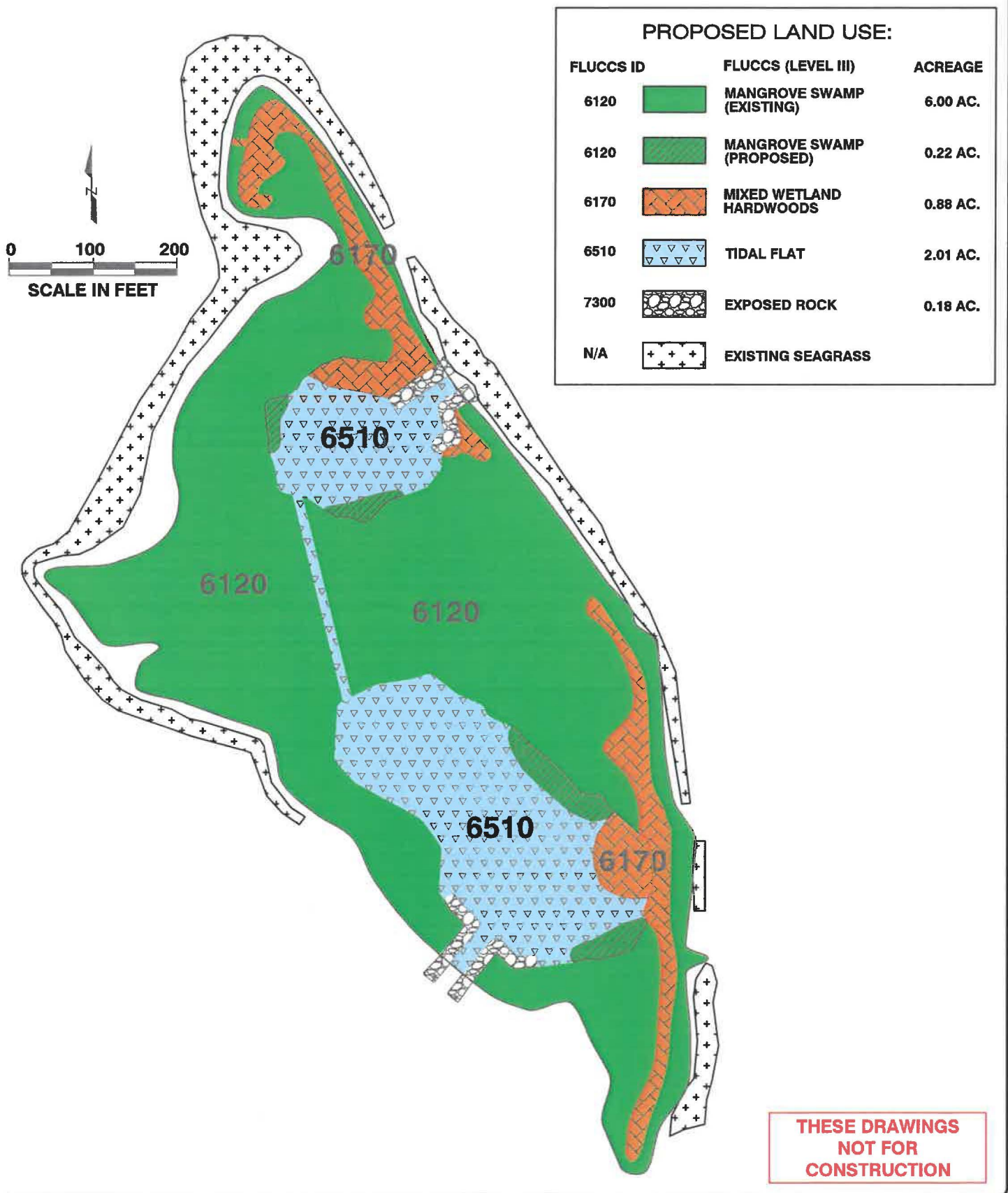
Project: **SAWFISH ISLAND  
PERMIT DRAWINGS**  
**EXISTING LAND USE**

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Project: **SAWFISH ISLAND  
PERMIT DRAWINGS  
PROPOSED LAND USE**

Scale: AS NOTED  
Drawn: RB/CG



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