



REPLY TO
ATTENTION OF

Regulatory Division
North Branch
Pensacola Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

May 24, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2008-01992 (SP-MDZ)

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: Thomas Stein, Inc.
Thomas Stein
268 W. Point Washington Road
Santa Rosa Beach, FL 32459

WATERWAY AND LOCATION: The project would affect waters of the United States associated with a man-made canal. The project site is located at Tax Parcel ID: 28-2S-19-24050-005-0010, at 78 Ricker Avenue, in Section 28, Township 02 South, Range 19 West, Santa Rosa Beach, Walton County, Florida.

Directions to the site are as follows: From Destin, travel east on US-98. Turn left onto Bay Drive. Turn left onto Ricker Avenue. The project site is located to the right.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.375167°
Longitude -86.154389°

PROJECT PURPOSE:

Basic: Expand a marina.

Overall: The overall project purpose is to increase the number of slips within an existing residential marina located in a man-made canal, in Walton County, Florida.

EXISTING CONDITIONS: The site is located at the end of a man-made residential canal connected to Choctawhatchee Bay. At the project site, the end of the canal opens up to a large man-made basin surrounded by residential development. The existing pier has four covered boat slips. The existing marina was initially authorized on July 25, 2008, and an expansion was authorized on January 5, 2012 but was never constructed. No submerged aquatic vegetation is located within the proposed project footprint.

PROPOSED WORK: The applicant seeks authorization to construct an expansion to an existing residential marina. The existing structure measures 874 square feet and includes four (4) covered boatlifts. The proposed expansion would be comprised of a 5-foot wide pier constructed along the southern perimeter of the basin and extending down the center of the canal basin, totaling 637 feet in length. Eleven (11) finger piers, measuring 3 feet by 23.5 feet, would be constructed to divide slip areas and provide access to moored vessels. Twenty-two (22) new boat slips would be created and covered boat lifts would be installed in each slip. The proposed expansion would total 9,648 square feet of overwater impacts (decking and boatlift canopies) and the modified marina would have a total of 26 covered slips. The flexible mooring area labeled “Boat Basin” is intended for short term visitors.

The marina would be constructed with an estimated total of 136, 6- and 8-inch timber piles for all docks, finger piers, and mooring piles. All pilings would be installed utilizing low-pressure jetting. Construction is expected to take 6 months to complete.

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:

“I will take any and all precautions to avoid and minimize impacts to the aquatic environment. All federal, state, and local environmental agencies requirements will be fully implemented.”

The applicant has elected to follow the *Sea Turtle and Smalltooth Sawfish Construction Conditions*. The contractor would install and maintain turbidity curtains surrounding the active construction areas and monitor turbidity throughout all construction operations. The applicant has also elected to install monofilament recycling bins as well as post educational signs including the “Save Sea Turtles, Sawfish, and Dolphins” and the “Report Sturgeon” signs found at http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_education_al_signs/index.html, in accordance with the Jacksonville District’s Programmatic Biological Opinion (JAXBO), November 2017.

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

“This project does not create any adverse impacts to the waterway thus resulting in no need for compensatory mitigation.”

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 application 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* (Key), 2013. Based on use of the Manatee Key, the Corps has determined that the proposed project may affect, but is not likely to adversely affect the West Indian Manatee.

The Corps has reviewed the potential impacts to the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), smalltooth sawfish (*Pristis pectinata*), and swimming sea turtles, specifically the loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), and Kemp's ridley sea turtle (*Lepidochelys kempi*) using the project design criteria (PDCs) outlined in the Jacksonville District's Programmatic Biological Opinion (JAXBO) signed by the National Marine Fisheries Service in November 2017. The project complies with all project PDCs and activity specific PDCs in the JAXBO. As such, the Corps determined the proposed project may affect, but is not likely to adversely affect these species. The Corps provided the JAXBO summary checklist and Activity 2 checklist to National Marine Fisheries Service via email on May 17, 2019. Because the project is located in shallow waters in a man-made canal, it will have no effect on leatherback sea turtles (*Dermochelys coriacea*) or hawksbill sea turtles (*Eretmochelys imbricata*) because they are unlikely to be found in the project area.

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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the man-made canal. 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 Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502 within 15 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, Mia Zarbo, in writing at the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502; by electronic mail at maria.d.zarbo@usace.army.mil; or, by telephone at (850) 439-3474.

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.

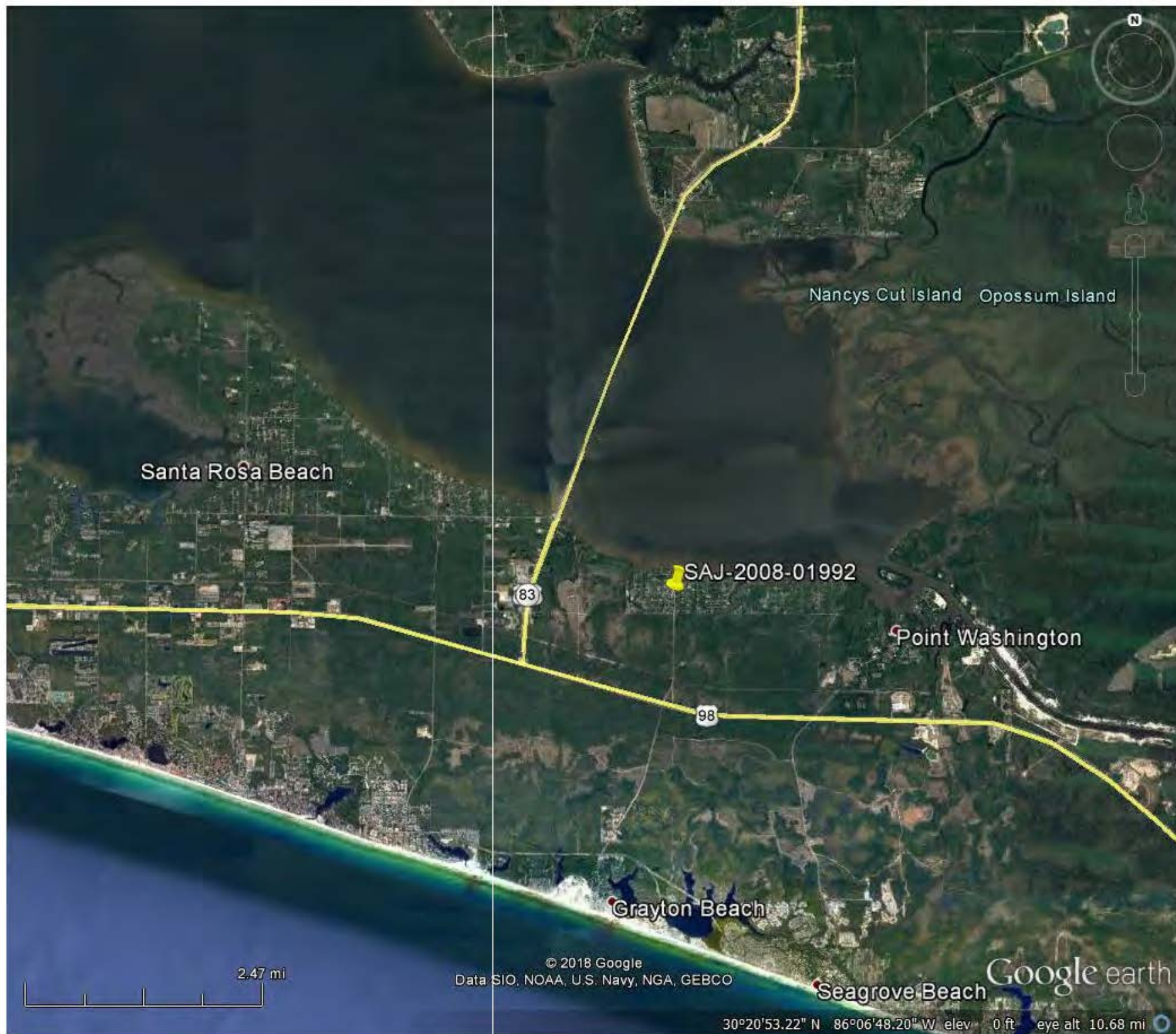
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

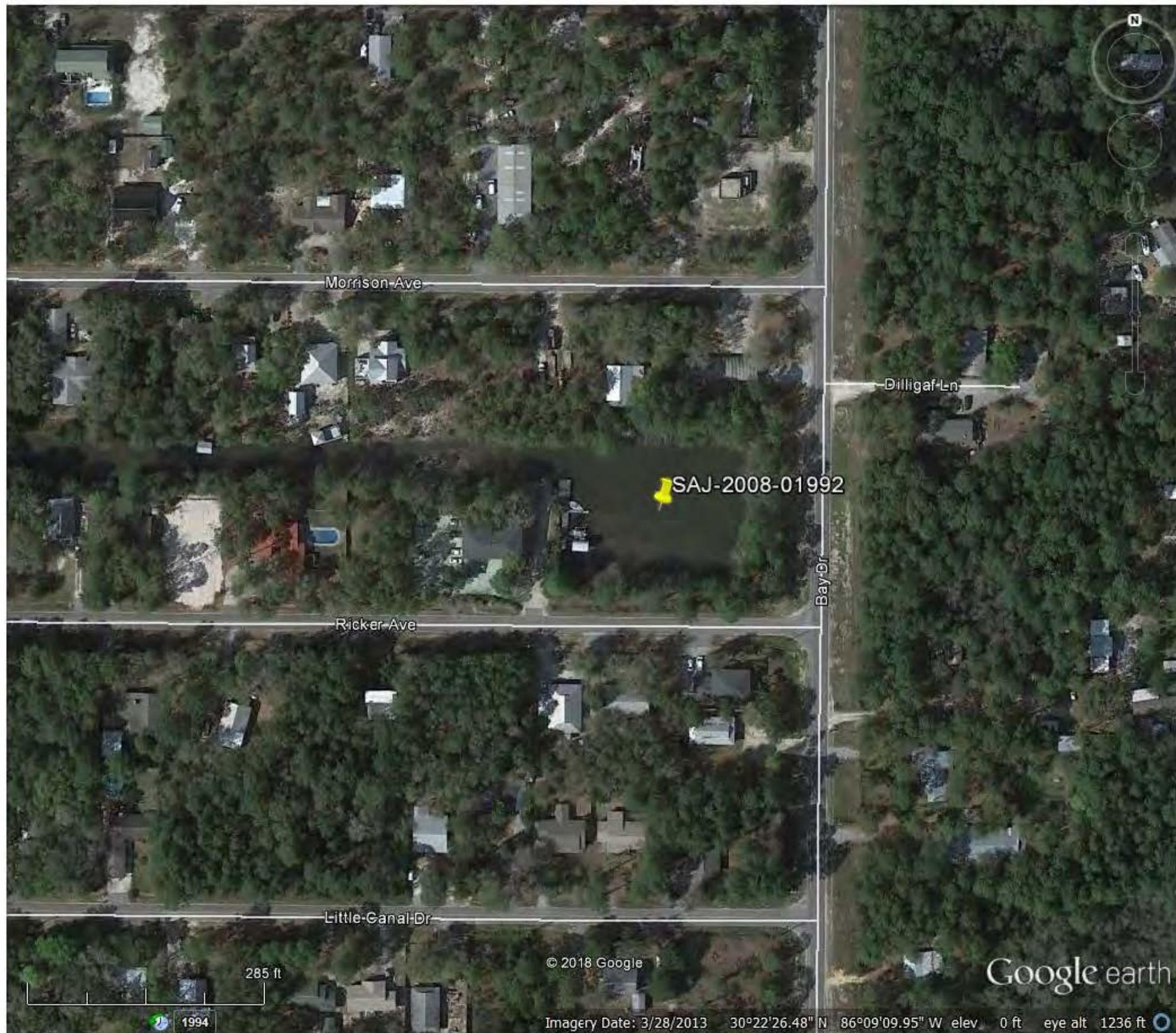
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

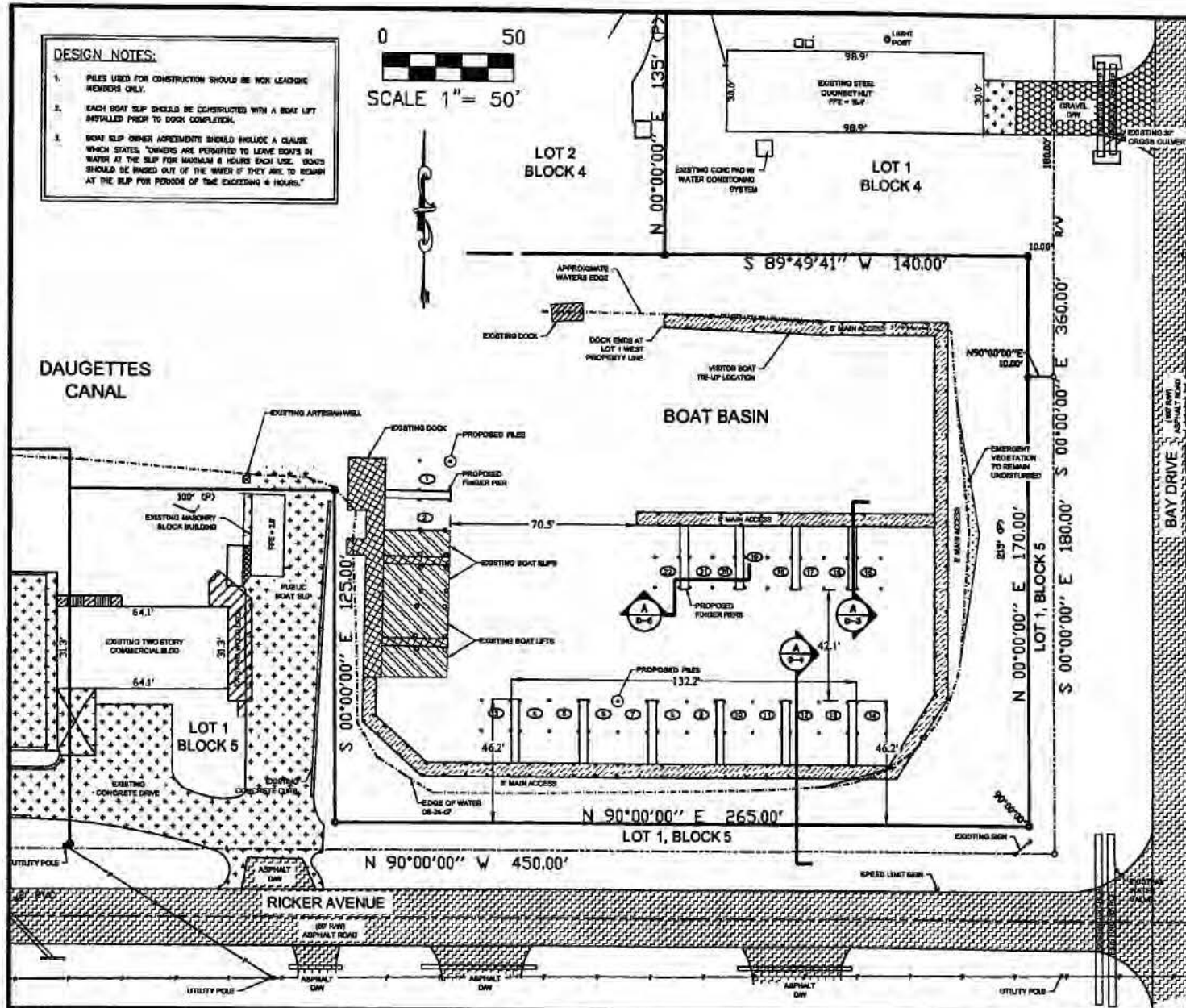




DESIGN NOTES:

1. PILES USED FOR CONSTRUCTION SHOULD BE NON LEACHING MEMBERS ONLY.
2. EACH BOAT SLIP SHOULD BE CONSTRUCTED WITH A BOAT LIFT INSTALLED PRIOR TO DOCK COMPLETION.
3. BOAT SLIP OWNER AGREEMENTS SHOULD INCLUDE A CLAUSE WHICH STATES "OWNERS ARE PERMITTED TO LEAVE BOATS IN WATER AT THE SLIP FOR MAXIMUM 4 HOURS EACH USE. BOATS SHOULD BE PULLED OUT OF THE WATER IF THEY ARE TO REMAIN AT THE SLIP FOR PERIOD OF TIME EXCEEDING 4 HOURS."

0 50
SCALE 1" = 50'

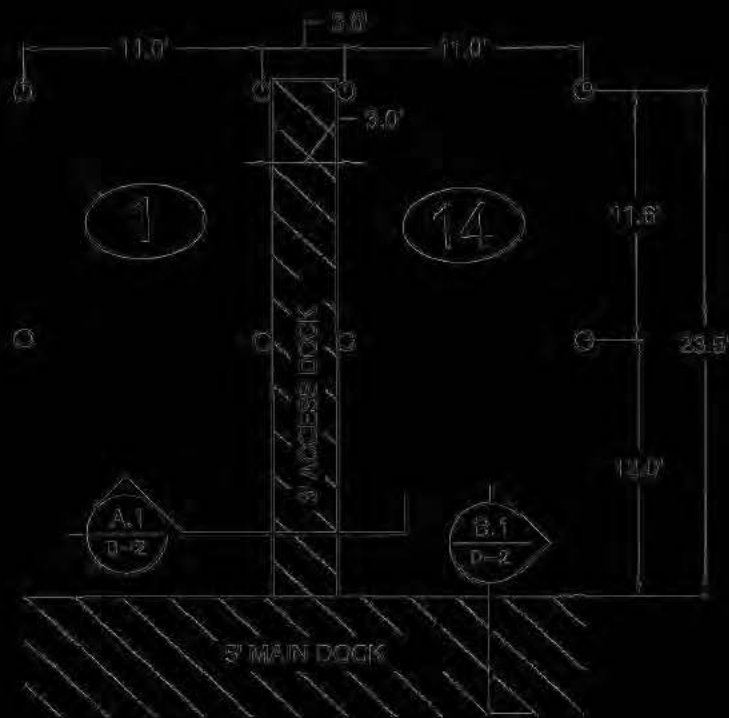


Anderson Engineers, P.A.
Tom's Landing Marina
32459

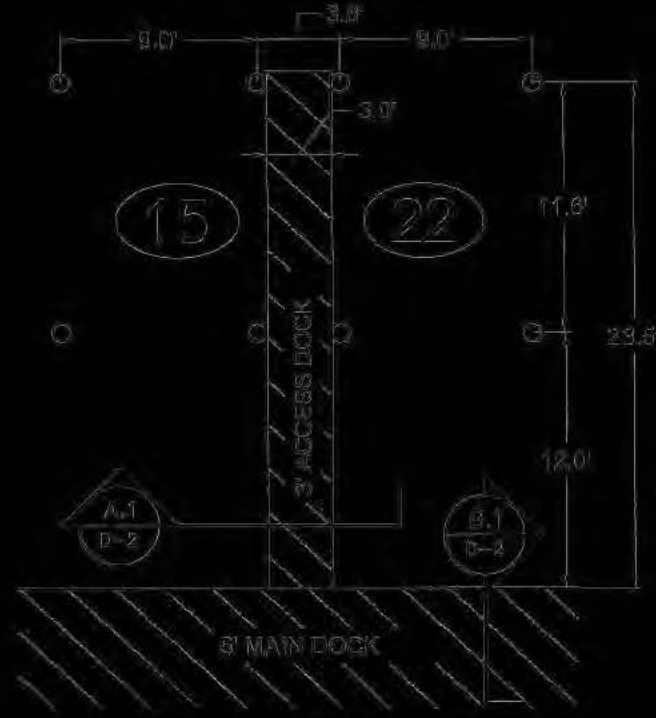
TOM'S LANDING MARINA
LOT 1, BLOCK 5

SP
SITE
DRAWN

Applicant: Tom Stein/Tom's Landing Marina
File: SAJ-2008-01992 (IP-MBH)
Date: 19 July 2011
Page 2 of 10



SLIP 1 THROUGH SLIP 14
TYPICAL SLIP PLAN VIEW
 A
 D-1



SLIP 15 THROUGH SLIP 22
TYPICAL SLIP PLAN VIEW
 B
 D-1

Anderson Engineers, P.A.
 New Port of Call



APEX ENGINEERING GROUP, P.C.
 7614 River Avenue Santa Rosa Beach, Florida 32459
 Mobile Office: 904.232.3274
 Phone: 850.231-4540 Email: info@apexengineeringgroup.net

TOM'S LANDING MARINA
LOT 1, BLOCK 5
SANTA ROSA BEACH, FL 32459
WALTON COUNTY

NO. 101 PLANS	2004/05/05
DESIGNED BY	CJH
REVISED BY	DAB
SUBJECT	SEE PLAN

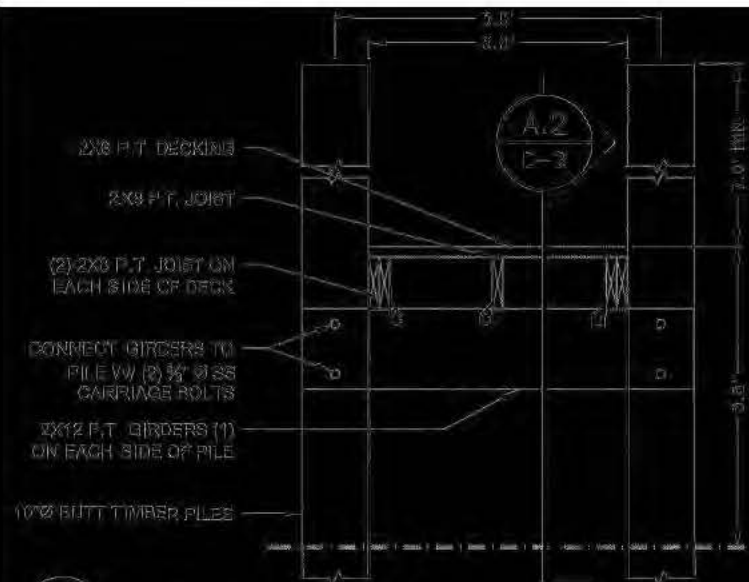
RELEASE RECORD

DRAWING TITLE

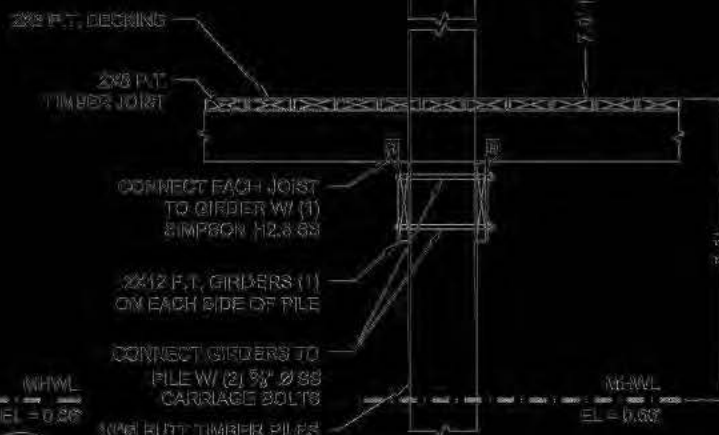
DETAIL VIEW TYPICAL
 BOAT SLIP PLAN

DRAWING NO.

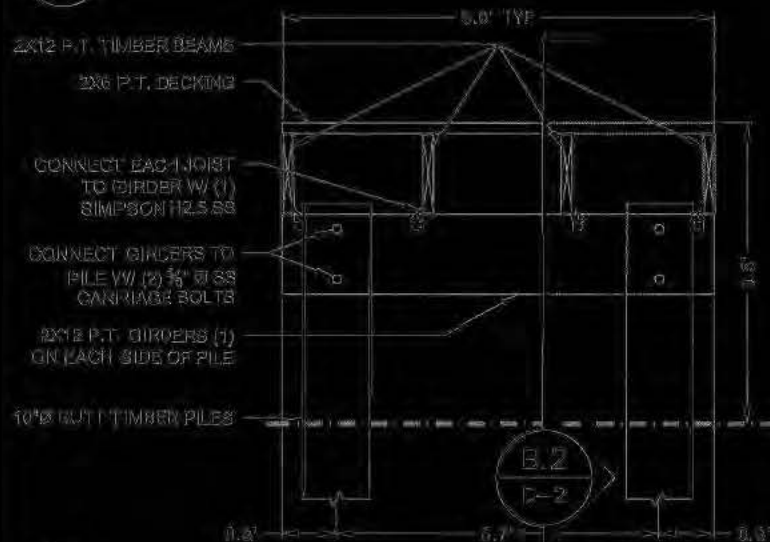
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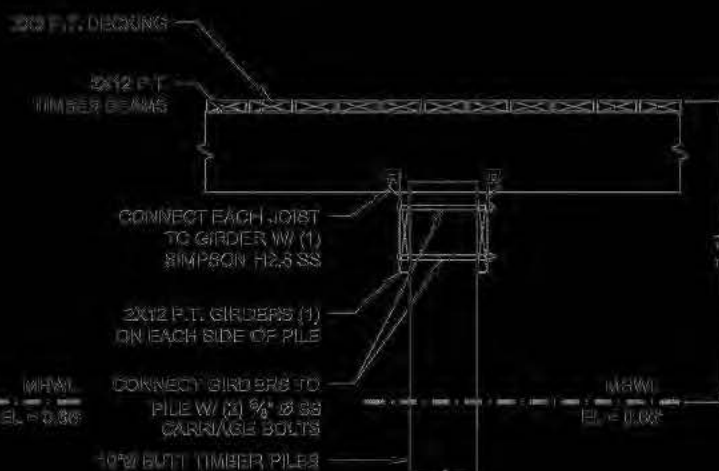
A.1 TYPICAL FINGER PIER DECK SECTION 1
D-2 1\"/>



A.2 TYPICAL FINGER PIER DECK SECTION 2
D-2 1\"/>



B.1 TYPICAL 5' MAIN ACCESS DECK SECTION 1
D-2 1\"/>



B.2 TYPICAL 5' MAIN ACCESS DECK SECTION 2
D-2 1\"/>

Anderson Engineers P.A.
Newport
APEX ENGINEERING GROUP P.C.
78-A Ricker Avenue Santa Rosa Beach Florida 32459
Phone 850-231-4540 Email info@apexengineeringgroup.net

TOM'S LANDING MARINA
LOT 1, BLOCK 5
SANTA ROSA BEACH, FL 32459
WALTON COUNTY

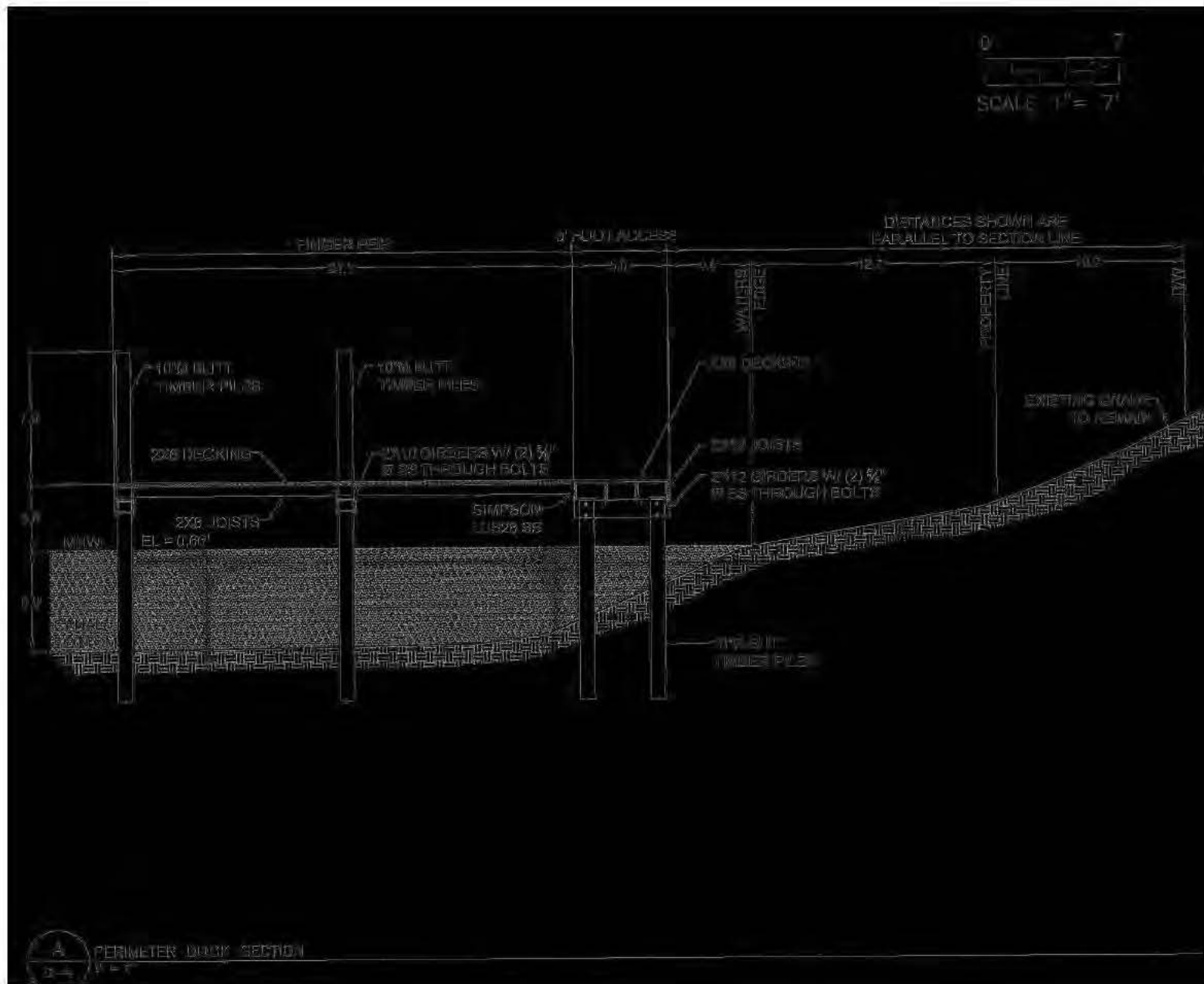
NO. OF SHEETS	00000000
DESIGNER	CLH
REVIEWER	DAB
CHECK SCALE	SEE PLAN
RELEASE RECORD	
DRAWING TITLE	
DOCK SECTIONS	
DRAWING NO.	
D-2	



Anderson Engineers P.A.
 Apex Engineering Group, LLC
 78-A Rector Avenue Santa Rosa Beach, Florida 32459
 Phone 850.231.4546 Email info@apexengrpgroup.net

TOM'S LANDING MARINA
 LOT 1, BLOCK 5
 SANTA ROSA BEACH, FL 32459
 WALTON COUNTY

PROJECT NUMBER	200802005
DESIGNED BY	CLH
REVIEWED BY	DAB
DRAWN BY	SEE PLAN
RELEASE RECORD	
DRAWING TITLE	
CANAL SECTIONS	
DRAWING NO.	
D-3	



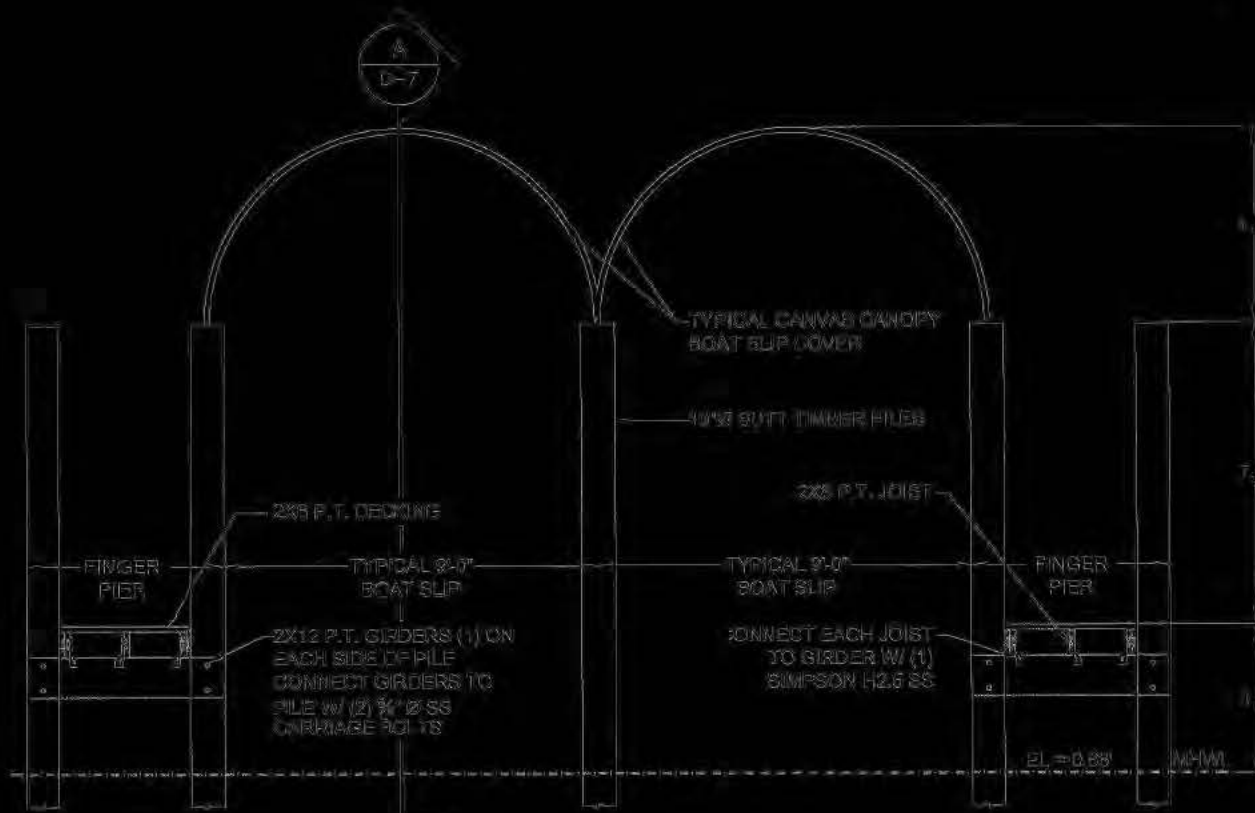
Anderson Engineers P.A.
Newport

APEX ENGINEERING GROUP, INC.
76A Rider Avenue, Santa Rosa Beach, Florida 32459
Phone: 850.231.4541 Email: info@apexengineeringgroup.net

TOM'S LANDING MARINA
LOT 1, BLOCK 5
SANTA ROSA BEACH, FL 32459
WALTON COUNTY

ALL BY OWNER	BRAC2008
DESIGNED BY	CLH
REVIEWED BY	DAB
CHECKED BY	SEE PLAN
RELEASE RECORD	
DRAWING TITLE	
PERIMETER ACCESS SECTIONS	
DRAWING NO.	
D-4	

D 4
SCALE 1" = 4'



NOTE:
CANVAS CANOPY BOAT SLIP COVERS MAY BE INSTALLED
AT EACH BOAT SLIP AS DETERMINED BY SLIP RENTER.

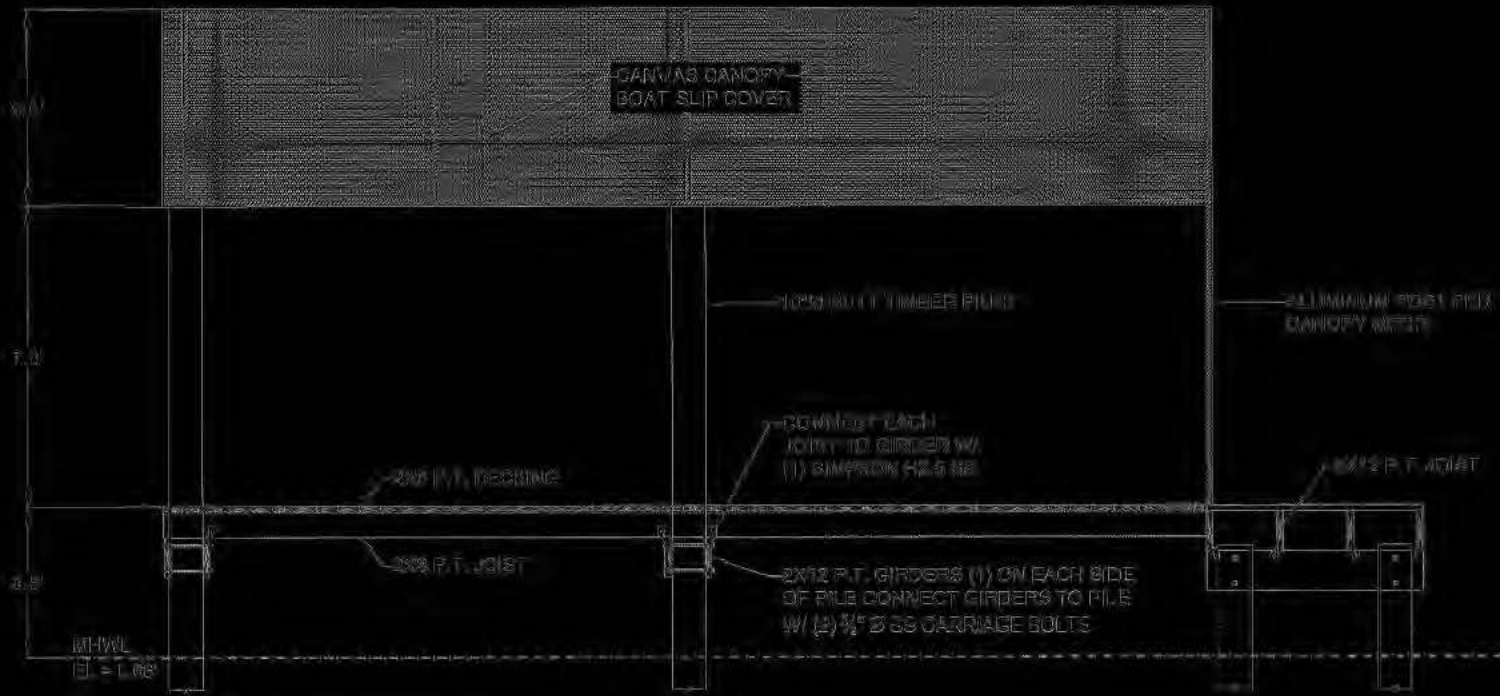
A
D-6
COVERED BOAT SLIP SECTION
1" = 4'

Anderson Engineers P.A.
New Port of
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Phone 850-231-4340 Email info@apexengineeringgroup.net

TOM'S LANDING MARINA
LOT 1, BLOCK 5
SANTA ROSA BEACH, FL 32459
WALTON COUNTY

NO. 80-100000	808452005
DESIGNED BY	CLH
REVIEWED BY	DAB
CHECK SCALE	SEE PLAN
RELEASE RECORD	
DRAWING TITLE	
COVERED BOAT SLIP SECTION	
DRAWING NO.	
D-6	

SCALE 1" = 4'



NOTE:
CANVAS CANOPY BOAT SLIP COVERS MAY BE INSTALLED
AT EACH BOAT SLIP AS DETERMINED BY SLIP POSITION

A COVERED BOAT SLIP SIDE ELEVATION
D-7 1" = 4'

Anderson Engineers P.A.
Newport
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Phone 850-231-4540 Email info@apexengrpgroup.net

TOM'S LANDING MARINA
LOT 1, BLOCK 5
SANTA ROSA BEACH, FL 32459
WALTON COUNTY

NO. 807-10000	80865000
DESIGNED BY	CLH
REVIEWED BY	DAB
CHECK SCALE	SEE PLAN
RELEASE RECORD	
DRAWING TITLE	
COVERED BOAT SLIP SIDE ELEVATION	
DRAWING NO.	
D-7	