



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

August 22, 2019

Regulatory Division
North Permits Branch
Mitigation Bank Team

PUBLIC NOTICE

Application Number: SAJ-2012-02902-TMF

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received a complete mitigation plan in association with the proposed establishment of the Lignumvitae Key Seagrass Restoration and Enhancement (LVKS) project. The LVKS project is proposed to be established under the framework of the approved Keys Restoration Fund (KRF) In-Lieu Fee (ILF) program pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below pursuant to the 2008 *Compensatory Mitigation for Losses of Aquatic Resources* regulations (33 CFR Part 332) as described below:

APPLICANT: Coastal Resources Group, Inc.
11449 Calhoun Court
Venice, Florida 34293

LOCATION: The proposed LVKS project encompasses approximately 10,800 acres surrounding the islands of Lignumvitae Key, Indian Key, and Shell Key located in the waters of Florida Bay and the Atlantic Ocean in Lignumvitae Key Botanical State Park and Aquatic Preserve (LV Park) within the Florida Keys National Marine Sanctuary in Monroe County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 24° 54' 6.05" N
Longitude: 80° 40' 38.80" W

PROJECT SUMMARY: Pursuant to 33 CFR 332.8(d)(4), the Corps has posted a full copy of the LVKS mitigation plan online so that it is available for review by the public. The LVKS mitigation plan may be downloaded from the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) at web address:
<https://ribits.usace.army.mil>.

Once on the RIBITS homepage, select "Jacksonville" from the "ALL DISTRICTS" drop down menu located in the lower left corner of the screen. Once the district filter has been selected, click on the "Banks & ILF Sites" link located in the Navigation box (upper left corner). This will generate a list of projects, scroll down the list and click on the "ILF-KRF-Lignumvitae Seagrass" link. On this page, click on the "Cyber Repository" link located on the menu bar above the General Information box, then click on the LVKS

Mitigation Plan folder to access the LVKS mitigation plan associated with the LVKS project.

If you are unable to access the web address, a copy of the prospectus is available upon request to the project manager listed at the end of this public notice.

PROJECT GOALS AND OBJECTIVES: The applicant has indicated that the goal of the project is to enhance, restore and protect seagrass habitat within LV Park. Specific restoration objectives as stated by the applicant include:

- Provide topographic restoration of approximately 9,133 sq ft of impacted shallow seagrass at the Kessler Grounding site (KG) and installation of new channel marking and No Internal Combustion Motor (NICM) exclusionary signs along Indian Key Channel to help protect the restoration area.
- Facilitate damage prevention and natural prop scar recovery in two vulnerable areas; Shell Key Bank (SKB) through the improved placement of new exclusionary signs, and Yellow Shark Channel (YSC) through new channel buoys and exclusionary signs. Work at these two sites will protect and allow natural recovery of prop scars in approximately 156 acres of seagrass habitat.
- Provide assistance to LV Park staff for the installation of 81 missing exclusionary signs permitted by the FWCC to support ongoing enforcement of NICM zones throughout the Park. Replacement of these signs is essential to support enforcement actions and to support restoration efforts funded by KRF.
- Coordinate with LV Park staff for the continuing efforts to improve boater education, compliance, and enforcement through sharing information and providing updated signs and buoys.
- Place bird stakes in appropriate areas to aid in seagrass recovery.

ECOLOGICAL SUITABILITY OF THE SITE: LV Park is located in the waters of Florida Bay and the Atlantic Ocean and encompasses approximately 10,800 acres surrounding the islands of Lignumvitae Key, Indian Key, and Shell Key. Coverage by seagrasses was estimated in 2016 at 7,800 acres with about 500 acres of damaged seagrass in need of further protection and restoration.

ESTABLISHMENT AND OPERATION OF THE PROJECT: The proposed LVKS project would be established and operated by Coastal Resources Group, Inc. as the Sponsor. The submerged lands that comprises the LVKS project is managed by the Florida Department of Environmental Protection, Division of Recreation and Parks. The LVKS project is proposed to be established as a single and complete project under the KRF ILF Program. Following successful implementation and attainment of final success criteria, long-term management activities will be implemented in order to ensure the sustainability of LVKS project.

PROPOSED SERVICE AREA: The LVKS project site is located within the Florida Keys watershed, identified as Hydrologic Unit Code (HUC 03090203) within the upper Keys Mitigation Service Area (MSA) for the KRF ILF Program. The MSA includes aquatic habitat communities that could reasonably be expected to occur on the LVKS Project site.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the project 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 project area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect the American Crocodile (*Crocodylus acutus*), and West Indian manatee (*Trichechus manatus*). 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.

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 Florida Bay and the Atlantic Ocean. 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.

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.

COMMENTS: Comments regarding the proposed mitigation bank should be submitted in writing to the District Engineer at the address below within 30 days from the date of this notice.

The initial evaluation pertaining to whether or not this mitigation bank proposal has the potential for providing compensatory mitigation for activities authorized by issued Department of the Army permits will be based on the information contained in the prospectus, received from this public notice and obtained during an inspection of the project site.

If you have any questions concerning this proposed project, you may contact Ms. Teresa Frame by electronic mail at Teresa.M.Frame@usace.army.mil, by fax at 904-232-1904, or by telephone at 904-232-1677 or at the following address:

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IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by Department of the Army permits. That determination 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. Factors relevant to the proposal will be considered including 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.

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 proposed activity. All comments received will be considered by the Corps during the formulation of the initial determination of potential for the proposed activity.



Figure 1. Lignumvitae Key Botanical State Park (FDEP 2012) and Overall Project Boundary.



FIGURE 2. LOCATION OF RESTORATION AND ENHANCEMENT FOCUS AREAS WITHIN THE LV PROJECT AREA.

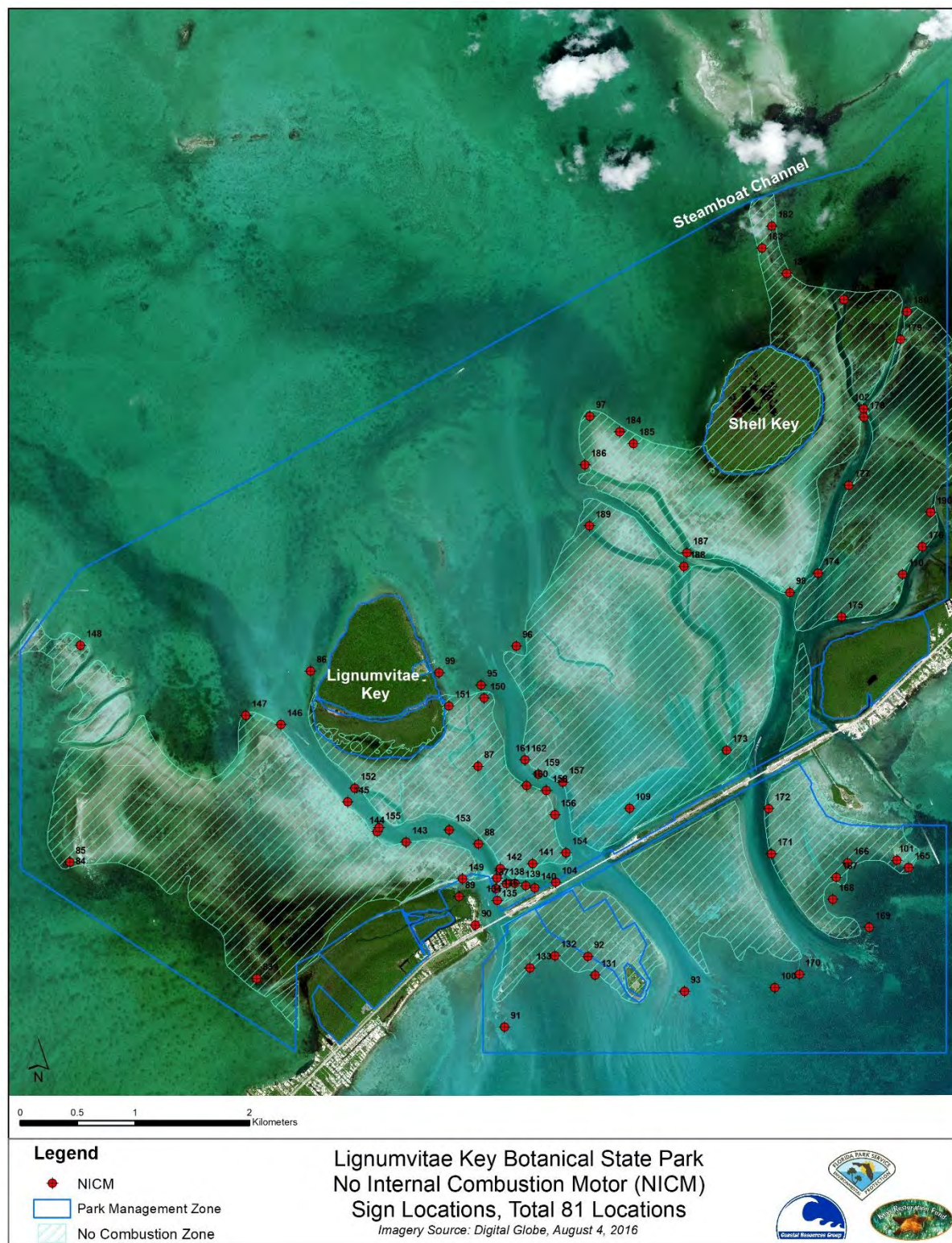


FIGURE 4. MAPPED LOCATIONS OF CURRENTLY PERMITTED NICM ZONE SIGNS FROM FDEP.