



REPLY TO  
ATTENTION OF

Regulatory Division  
South Permits Branch  
Palm Beach Gardens Permits Section

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

August 27, 2019

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2019-02998 (SP-KAE)

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: Town of Palm Beach (TOPB)  
c/o Jay Boodheshwar  
360 South County Road  
Palm Beach, Florida 33480

WATERWAY AND LOCATION: The project is located in the Lake Worth Lagoon north of Everglades Island, in Section 23, Township 43 South, Range 43 East, in Palm Beach, within Palm Beach County, Florida.

APPROXIMATE CENTRAL COORDINATES:

	Decimal Degrees		Degrees, Minutes, Seconds		State Plane Florida East (0901)	
	Latitude	Longitude	Latitude	Longitude	Easting	Northing
NW	26.6999750°	-080.0451411°	26°41'59.9098"	-080°02'42.5079"	967917	861280
NE	26.6999735°	-080.0449298°	26°41'59.9047"	-080°02'41.7471"	967986	861280
SW	26.6997631°	-080.0451428°	26°41'59.1473"	-080°02'42.5142"	967917	861203
SE	26.6997617°	-080.0449285°	26°41'59.1421"	-080°02'41.7425"	967987	861203

PROJECT PURPOSE:

Basic: The basic project purpose is to create aquatic habitat.

Overall: The overall project purpose is to create aquatic habitat in the Lake Worth Lagoon, within Palm Beach County Florida.

EXISTING CONDITIONS: The project is located approximately 74 meters (243 feet) south of the southern dredge limits of file SAJ-2005-05082 (SP-KAE). The project is

being proposed as mitigation to offset 0.1 acres of impacts to Essential Fish Habitat (EFH) with the dredging of 78,605 cubic yards of sediment to depths ranging from minus 10.4 feet and minus 17.1 feet (NAVD 88). The water depths are similar to those of the impacted hardbottom, approximately minus 6 to minus 7 ft NAVD 88. The bottom consists of unvegetated silty sand and shell hash, organic material, minor amounts of unconsolidated rubble colonized by *C. verticillata* and occasional sponges. One small high relief hardbottom outcrop, less than 1 m<sup>2</sup> inch diameter and greater than 30 cm in relief, was found in the survey area and will be avoided.

**PROPOSED WORK:** The applicant seeks authorization to create a 0.12 acre mitigation reef area. The area shall contain approximately 20% open sand surface between four groups of limestone boulders/concrete material referred to as units. Each unit will be approximately 1,100 sq. ft. in area. Within each reef unit, if limestone boulders are used, individual boulders shall have multiple points of contact with other stones, contacting all adjacent stones to the greatest degree possible to minimize spacing between them. The reef area shall be denoted by two permanent anchored buoys located to the north and south of the reef area.

**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:

An FWC-approved observer for manatees, sea turtles, and Smalltooth sawfish shall be present during all active construction activities. If any of these species comes within 50 ft of the barge, all work shall stop until the animal has moved away. Divers will also watch for these species and notify the topside crew to stop work if they observe of these species. The contractor will not harass or otherwise act in ways meant to cause the animal to move away.

The mitigation artificial reef shall be permanently marked with signage, and the reef coordinates shall be provided to Palm Beach County for addition to their interactive website of artificial reef locations in Lake Worth Lagoon.

**COMPENSATORY MITIGATION** – The project is proposed to be compensatory mitigation for impacts to seagrasses associated with SAJ-2005-05082 (SP-KAE).

The applicant has provided the following explanation why compensatory mitigation should not be required: “No impacts to submerged aquatic vegetation are proposed or anticipated therefore no compensatory mitigation shall be required.”

**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*) or its critical habitat. The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the threatened and endangered swimming sea turtles; loggerhead (*Caretta caretta*), green (*Chelonia mydas*), and Kemp's Ridley (*Lepidochelys kempii*), and the threatened smalltooth sawfish (*Pristis pectinata*) and would not adversely modify their designated critical habitat. Work will occur in waters accessible to the swimming sea turtles and smalltooth sawfish. Smalltooth sawfish and swimming sea turtles may be affected by being unable to use an area for forage or refuge habitat due to potential avoidance of construction activities. Because these species are motile and likely to leave the area during construction, the risk of injury from this type of construction activity is insignificant. The Corps will request National Marine Fisheries Service concurrence with these determinations pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project will have no effect on threatened Johnson's seagrass (*Halophila johnsonii*), based on a benthic resource surveys conducted on June 27 and July 2, 3, and 8, 2019. which showed no submerged aquatic vegetation is located within the footprint of the proposed project.

The Corps has determined the proposal would have no effect on the following listed threatened or endangered species or their designated critical habitats: Florida scrub jay (*Aphelocoma coerulescens*), Wood stork (*Mycteria americana*), and the Piping Plover (*Charadrius melodus*).

**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 0.12 acres of unvegetated silty sand and shell hash, organic material utilized by various life stages of 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.

**NAVIGATION:** Based on the coordinates provided by the applicant, the waterward edge of the most waterward proposed 0.12 acre reef area is approximately 423 feet away from the near bottom edge of the Intracoastal Waterway Federal channel.

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, Ste 500, Palm Beach Gardens, FL 33410 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, Kelly Egan, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Ste 500, Palm Beach Gardens, FL 33410; by electronic mail at Kelly.Egan@usace.army.mil; or, by telephone at (561) 472-3514.

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

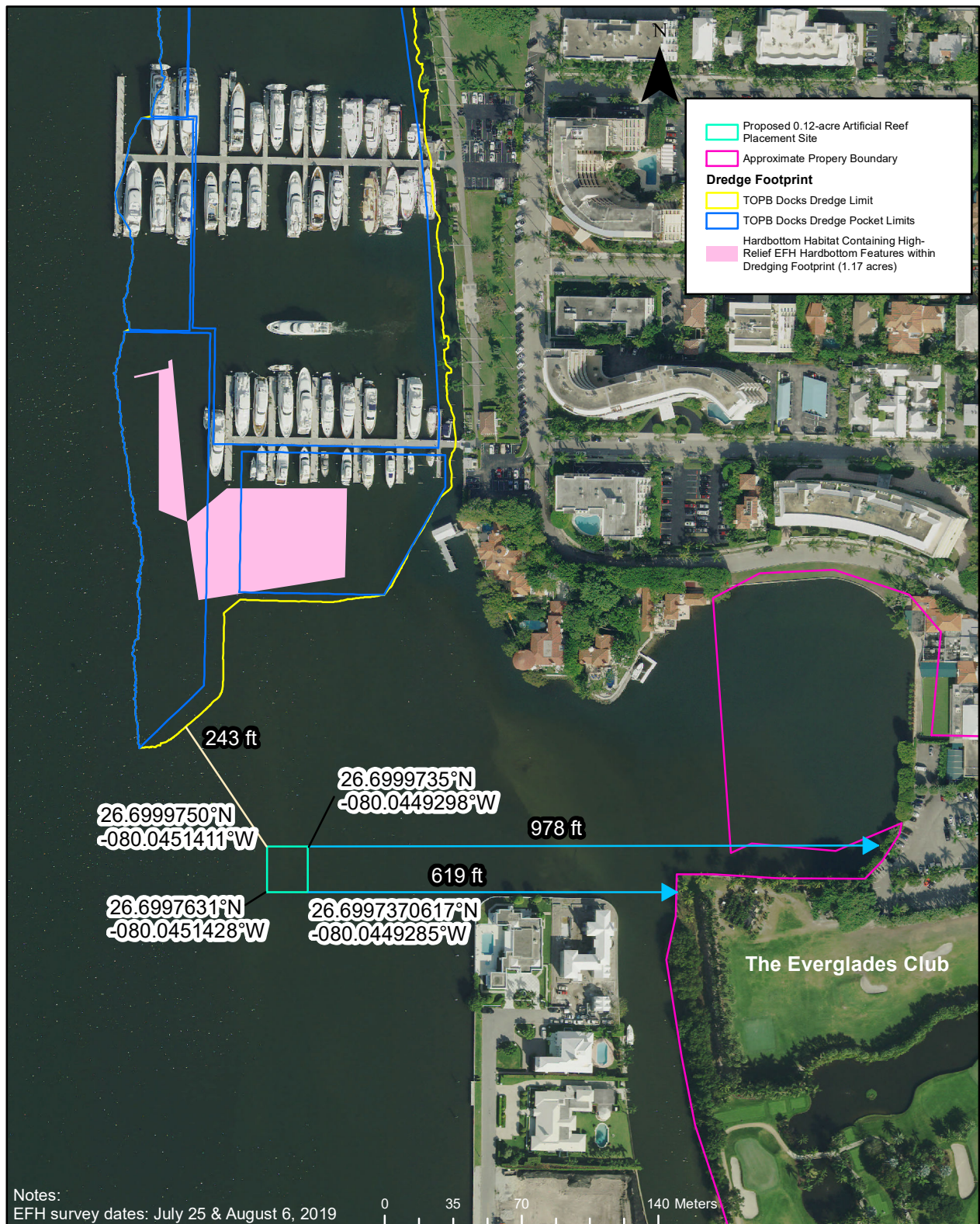
and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

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.

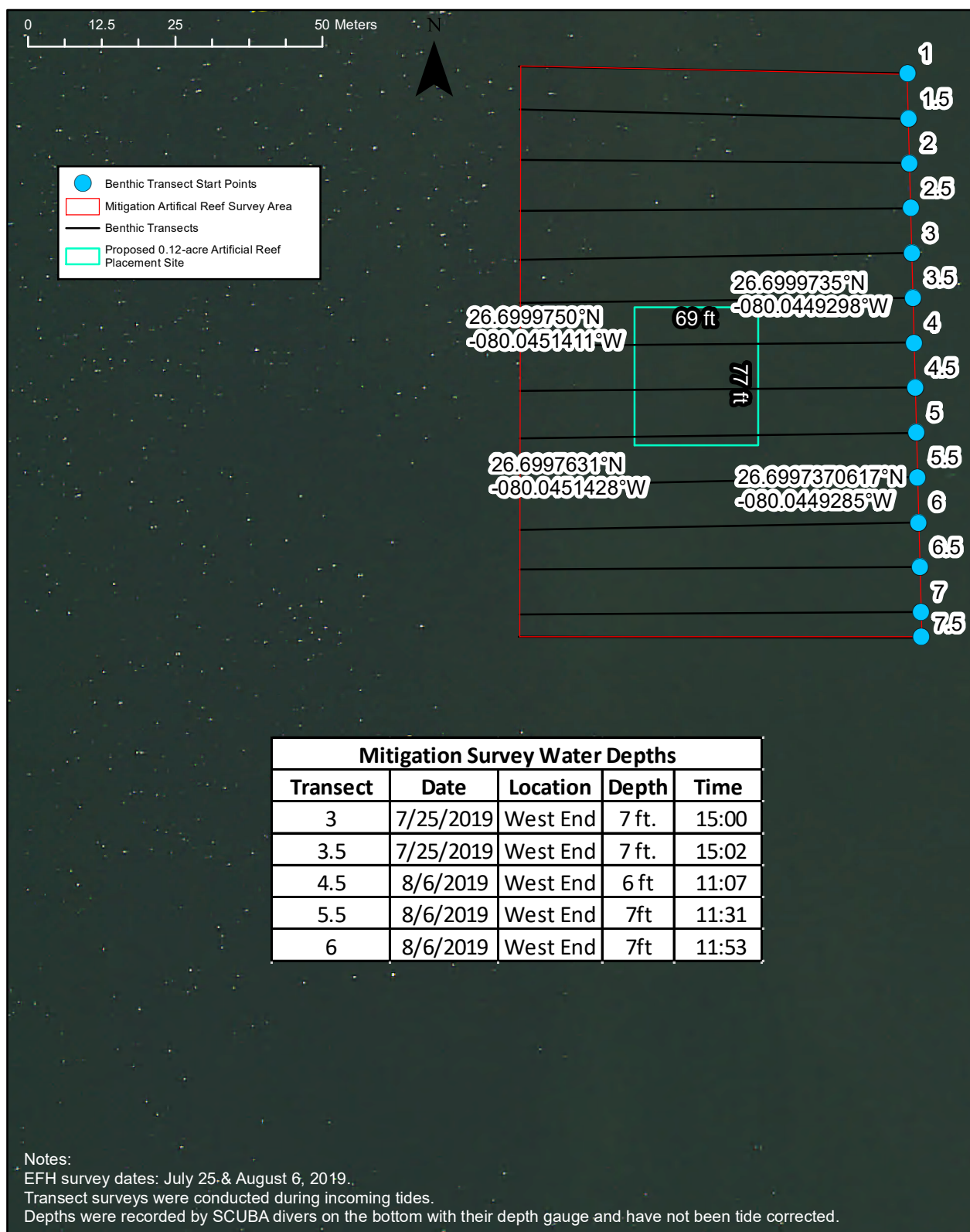
**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.





Coastal Eco-Group Inc.

## Town of Palm Beach Municipal Docks Mitigation Artificial Reef Placement Area



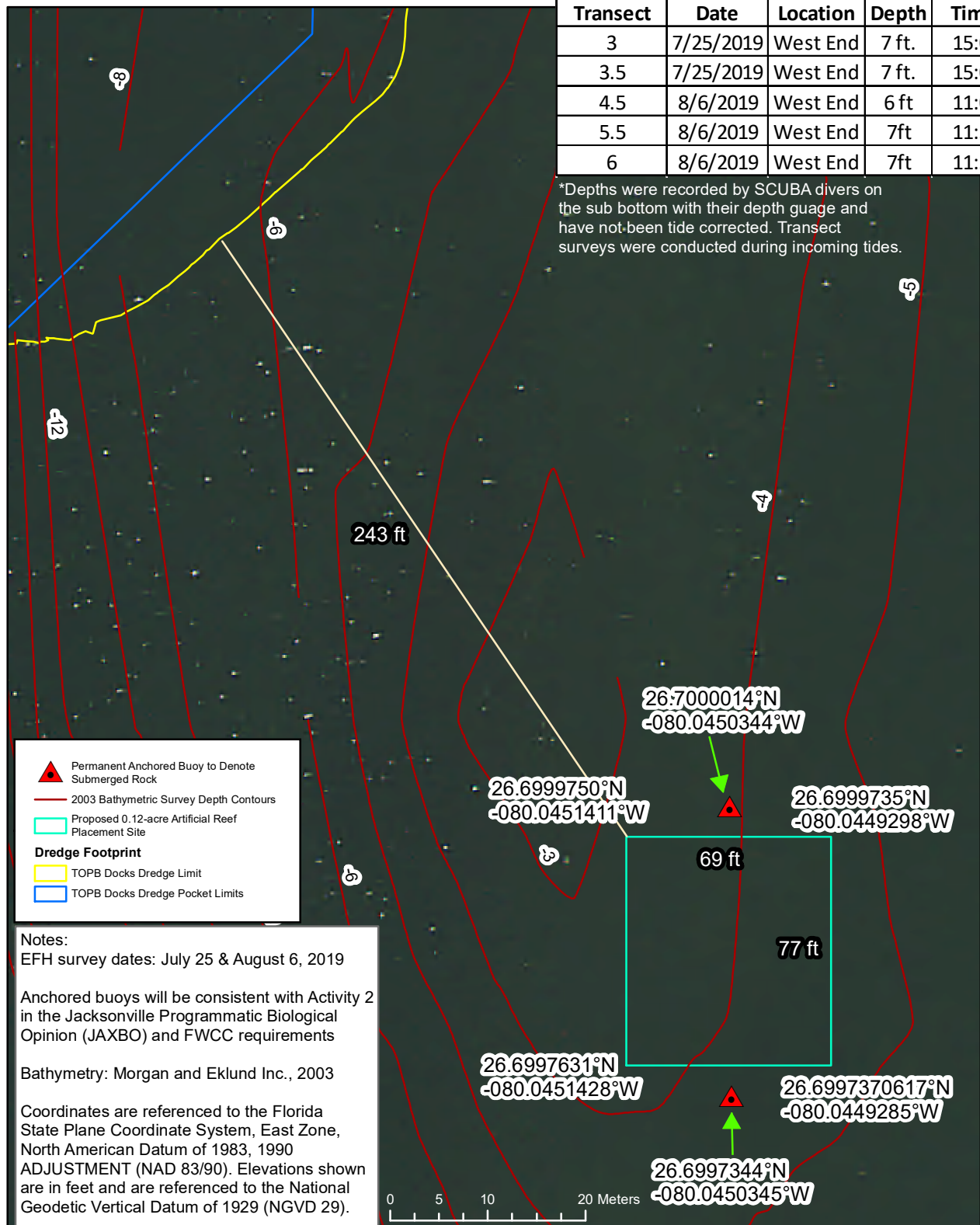
Coastal Eco-Group Inc.

## Town of Palm Beach Municipal Docks Benthic Transects at Mitigation Artificial Reef Site



Mitigation Site Transect Survey Water Depths				
Transect	Date	Location	Depth	Time
3	7/25/2019	West End	7 ft.	15:00
3.5	7/25/2019	West End	7 ft.	15:02
4.5	8/6/2019	West End	6 ft	11:07
5.5	8/6/2019	West End	7ft	11:31
6	8/6/2019	West End	7ft	11:53

\*Depths were recorded by SCUBA divers on the sub bottom with their depth gauge and have not been tide corrected. Transect surveys were conducted during incoming tides.



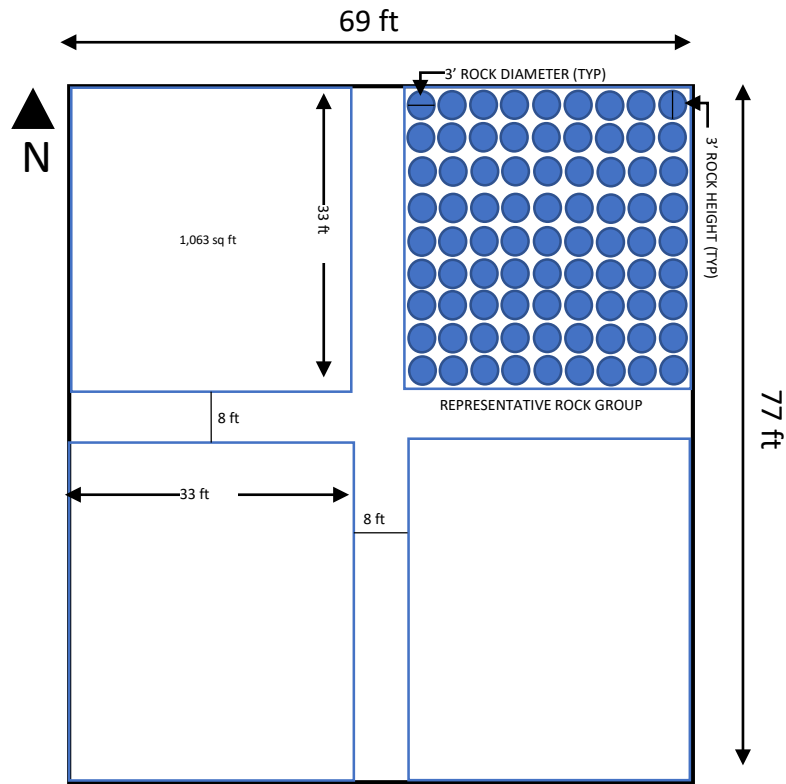
Coastal Eco-Group Inc.

## Town of Palm Beach Municipal Docks Mitigation Artificial Reef Placement Area





# TOWN OF PALM BEACH DOCKS MITIGATION ARTIFICIAL REEF DETAILS

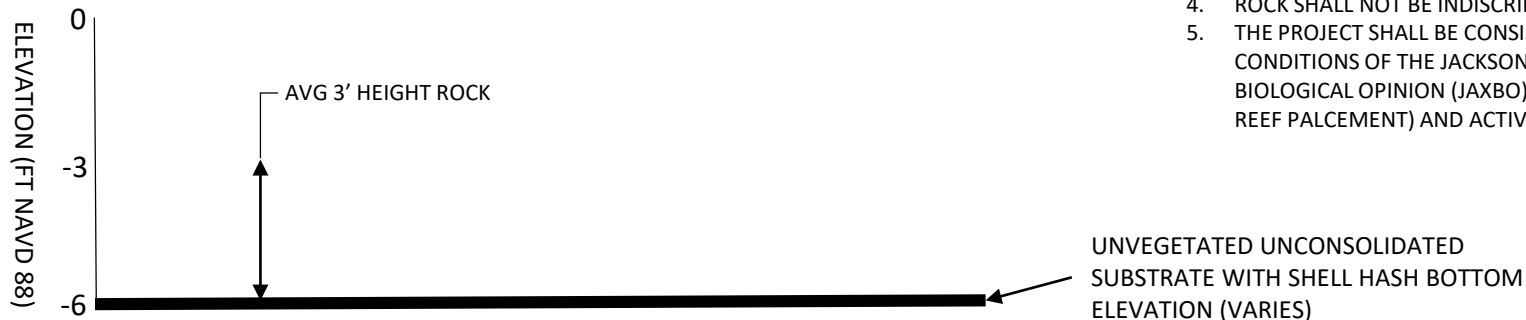


**MITIGATION REEF PLAN VIEW (TYP)**

Approximate Layout

Decimals rounded to whole numbers

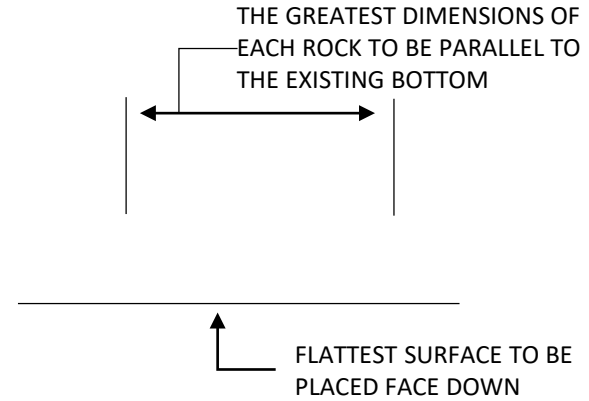
SCALE: Not to Scale



**TYPICAL MITIGATION REEF CROSS SECTION**

SCALE: Not to Scale

NOTE: Depths are approximate and based on depths recorded by divers on bottom.



## **ROCK PLACEMENT ORIENTATION**

SCALE: Not to Scale

## **BEST MANAGEMENT PRACTICES**

1. ROCKS SHALL BE CLEAN LIMESTONE BOULDERS. ROCKS SHALL BE FREE OF SOILS, OILS, GREASES, DEBRIS, LITTER, OR OTHER POLLUTANTS.
2. NO ROCK SHALL BE DEPOSITED OUTSIDE OF PERMITTED AREAS.
3. MITIGATION REEF SHALL BE CONSTRUCTED BY PLACING ROCK IN A SINGLE LAYER AS TIGHTLY AS PRACTICABLE.
4. ROCK SHALL NOT BE INDISCRIMINANTLY DUMPED.
5. THE PROJECT SHALL BE CONSISTENT WITH TERMS AND CONDITIONS OF THE JACKSONVILLE PROGRAMMATIC BIOLOGICAL OPINION (JAXBO) FOR ACTIVITY 7 (ARTIFICIAL REEF PALCEMENT) AND ACTIVITY 2 (ANCHORED BUOYS).