



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

October 1, 2019

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-02538(SP-CF)

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: Mr. Dante Weston
13435 Treasure Cove Circle
North Palm Beach, FL 33408

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the construction of a seawall and dock at a single-family residence. The project site is located at 12907 South Shore Drive, Palm Beach Gardens (PCN #00-43-41-32-01-000-0100), in Section 32, Township 41 South, Range 43 East, Palm Beach County, Florida.

Directions to the site are as follows: Take Florida Interstate 95 (I-95) to PGA Boulevard east. Turn left on Prosperity Farms Road and then right on South Shore Drive. The property will be located at the end of the road on the left.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.866029°
Longitude -80.069203°

PROJECT PURPOSE:

Basic: To provided shoreline stabilization and water access.

Overall: To construct a seawall, dock and boat lift to stabilize the shoreline and provide water access, in Palm Beach Gardens, Florida.

EXISTING CONDITIONS: The subject site consists of a vacant lot with ± 80 linear feet of unconsolidated shoreline, with ± 535 ft² of mangrove wetlands adjacent to a residential canal that has access to the Intracoastal Waterway (ICWW). The fringe mangroves consist of white mangroves (*Laguncularia racemose*), black mangroves (*Avicennia germinans*), red mangroves (*Rhizophora mangle*), and exotic species such as Brazilian peppertree (*Schinus terebinthifolius*).

PROJECT HISTORY: The Corps issued a Nationwide/General Permit on March 8, 2019 to construct a T-shaped dock with a 12 foot long by 4 foot wide access walkway where there is a natural gap in the mangroves and construct a 60 foot long by 6 foot wide terminal waterward of the existing mangroves. The dock and mooring did not exceed 25 percent of the waterbody width. Additionally the applicant proposed to construct a new vinyl 80 linear foot seawall one foot landward of the mean high water line, at the toe of the existing slope and landward of the existing mangrove roots. No mangroves were proposed to be permanently impacted for the activities authorized.

PROPOSED WORK: The applicant seeks authorization to remove 535 square feet of mangroves, installation of a vinyl sheet wall 3.0-4.0' waterward of the MWWL and top of bank, respectively, backfill 482 square feet with 55 cubic yards of clean fill, construction of a ±480 ft² marginal wood dock, and 30,000 lb boat lift.

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:

Due to the nature and location of the wetlands onsite, avoidance is not a viable alternative as the project would not be a financially feasible development nor would it accomplish the project intent of stabilizing the shoreline and accessing the water.

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

The applicant is proposing the purchase of credits from the Everglades Mitigation Bank for the impacts to 535 square feet of mangroves.

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 U.S. Army Corps of Engineers (Corps) has determined the proposed project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*), swimming sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*, *Lepidochelys olivacea*), smalltooth sawfish (*Pristis pectinata*), Johnson's seagrass (*Halophila johnsonii*), wood stork (*Mycteria americana*) and the eastern indigo snake (*Drymarchon couperi*). The Corps has determined the proposed project would have no effect on the Florida scrub jay (*Aphelocoma coerulescens*), and the Piping plover (*Charadrius melodus*).

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

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 1,200 square feet of silt and sand 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.

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, Suite 500, Palm Beach Gardens, FL 33410 within 21 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, Carolyn Farmer, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410; by electronic mail at Carolyn.h.farmer@usace.army.mil; by facsimile transmission at (561)626-6971; or, by telephone at (561)472-3527.

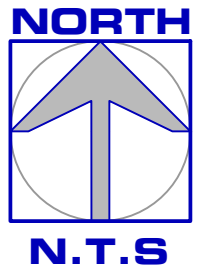
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

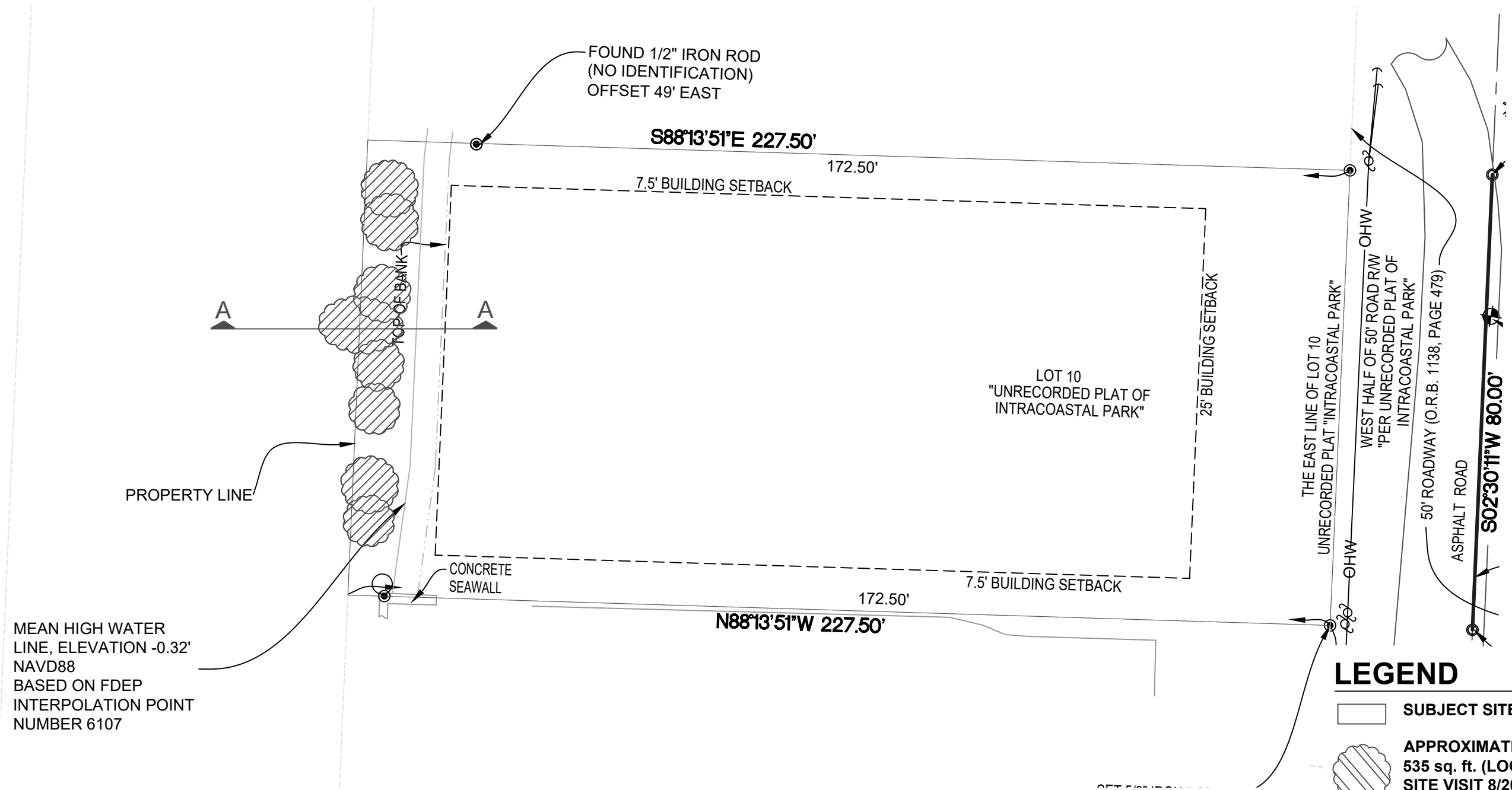
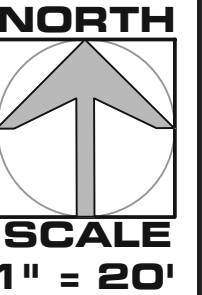
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





LEGEND

SUBJECT SITE (0.32 ac)

**APPROXIMATE MANGROVES TO BE REMOVED
535 sq. ft. (LOCATION FROM DAVID NUTTER
SITE VISIT 8/20/2018)**

M.H.W. = 0.27' NAVD M.L.W. = (-)1.93' NAVD

**NOTE: SURVEY INFORMATION PROVIDED BY
WHIDDEN SURVEYING AND MAPPING, INC.
ELEVATIONS SHOWN AS NAVD1988.**

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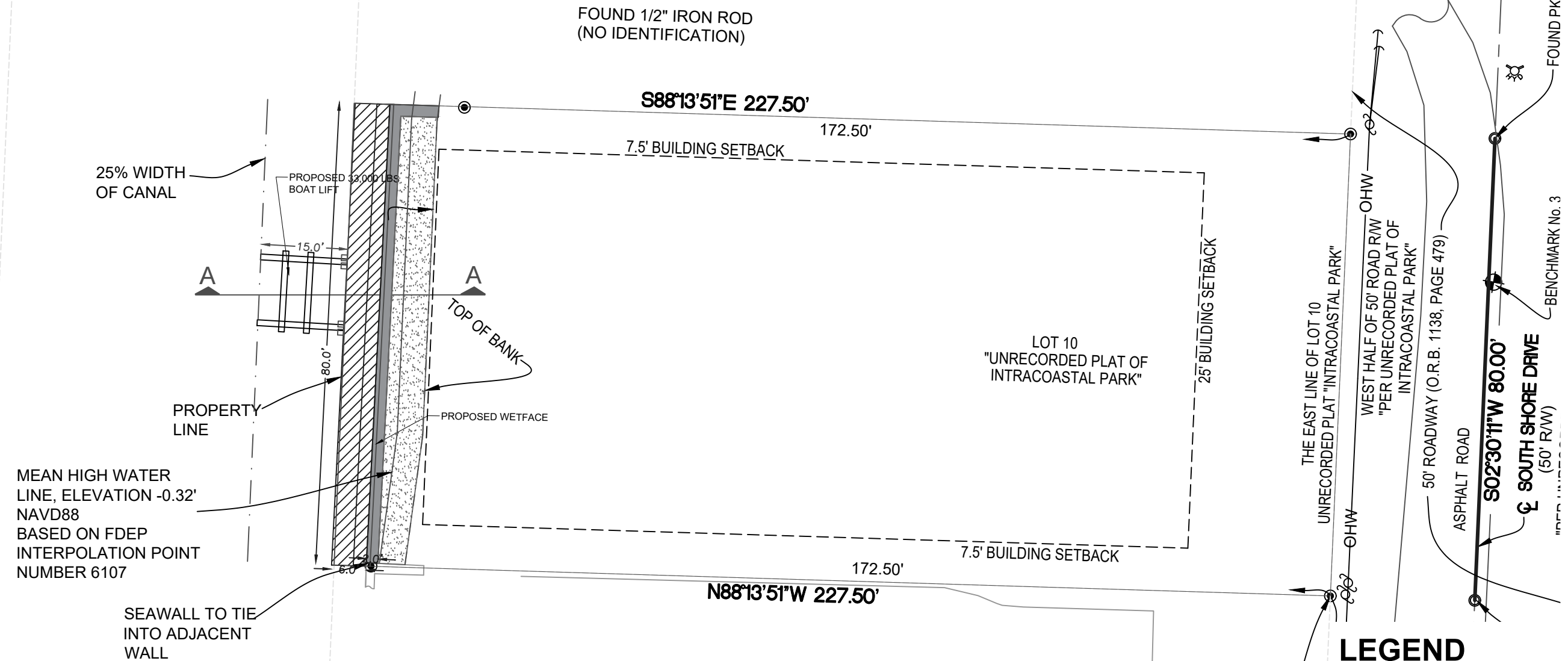
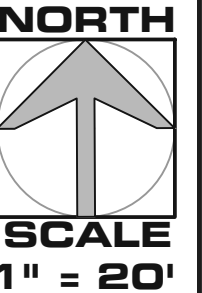
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- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

12907 SOUTH SHORE DRIVE

PREPARED FOR:
WESTON CONSTRUCTION

EXISTING CONDITIONS		
Date: 5/28/2019	Sheet : 1	of : 4
Proj No.: 19-0026		



LEGEND

- PROPOSED VINYL SHEET SEAWALL WITH 2.0' CAP ± 80 LN. FT.)
- PROPOSED WOOD DOCK (± 480 SQ. FT.)
- PROPOSED CLEAN FILL (± 482 SQ. FT.)

M.H.W. = 0.27' NAVD M.L.W. = (-)1.93' NAVD

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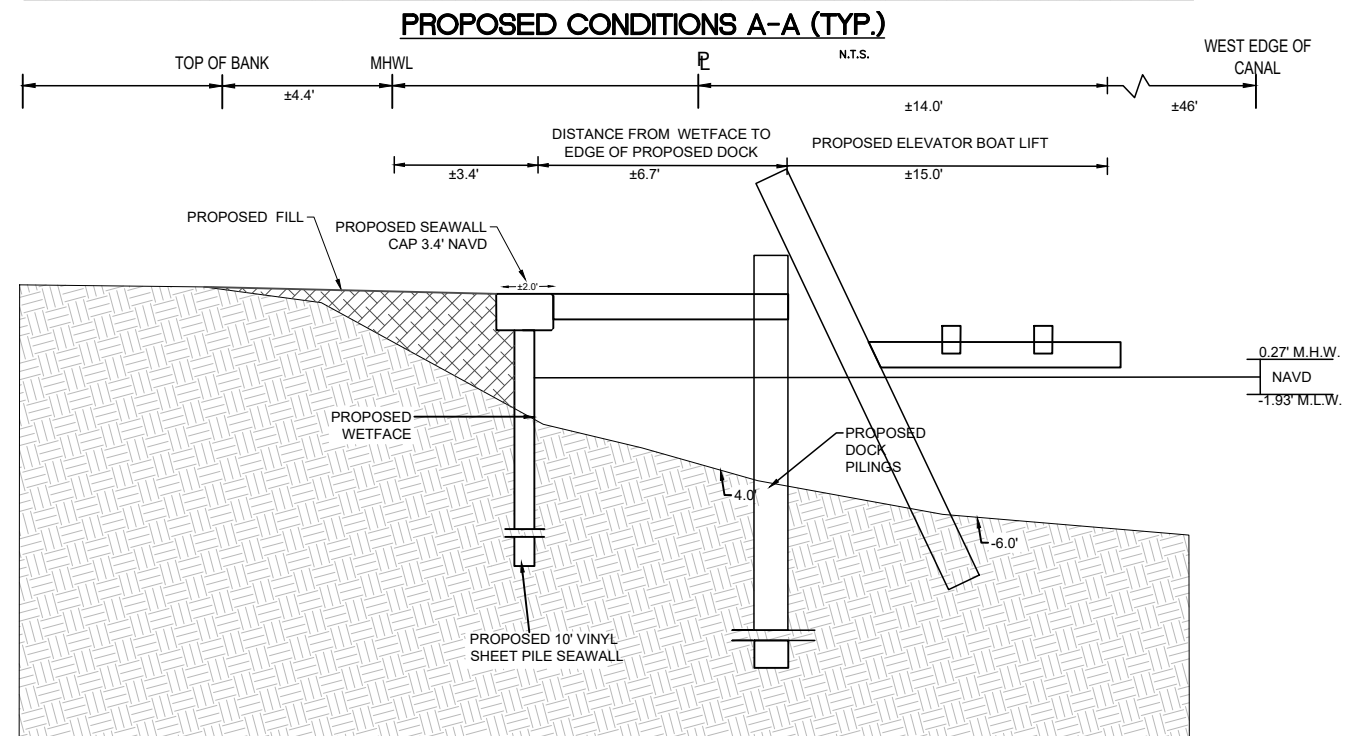
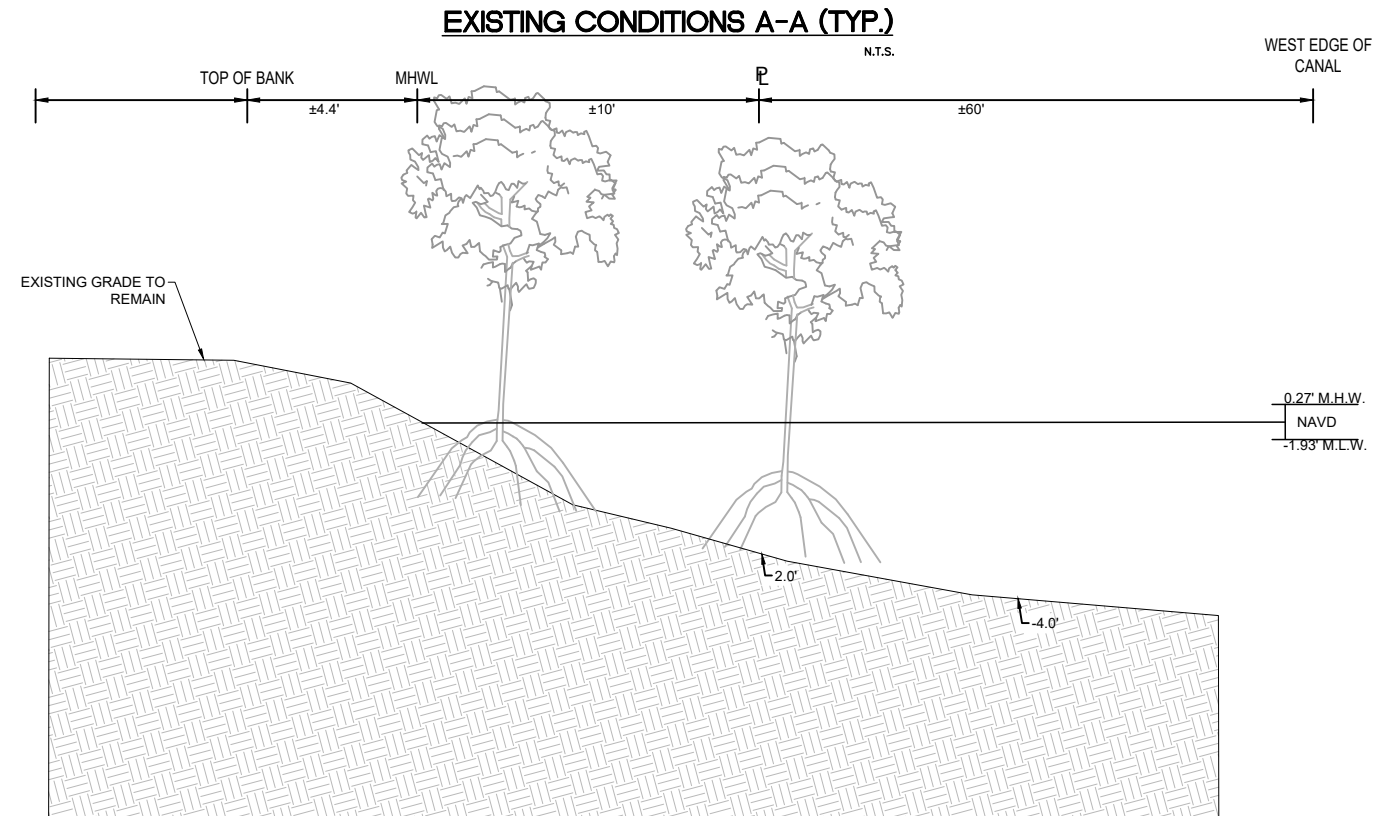
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WESTON CONSTRUCTION

PROPOSED CONDITIONS

Date: 5/22/2019	Sheet : 2	of : 4
Proj No.: 19-0026		



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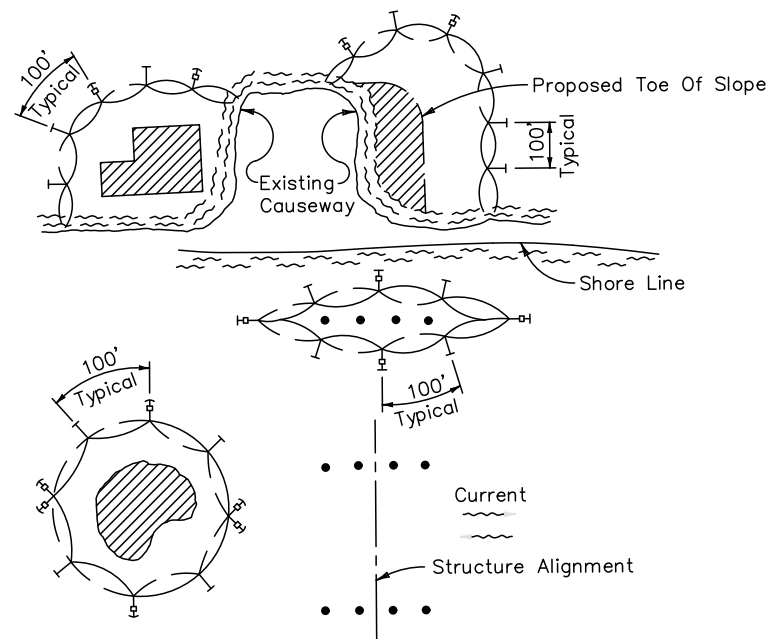
SECTIONS

Date:
5/28/2019
Proj No.:
19-0026

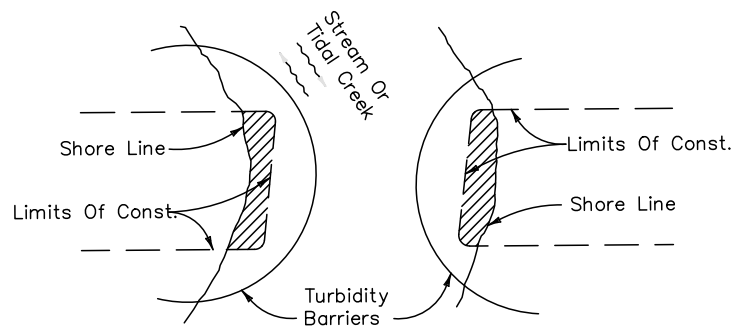
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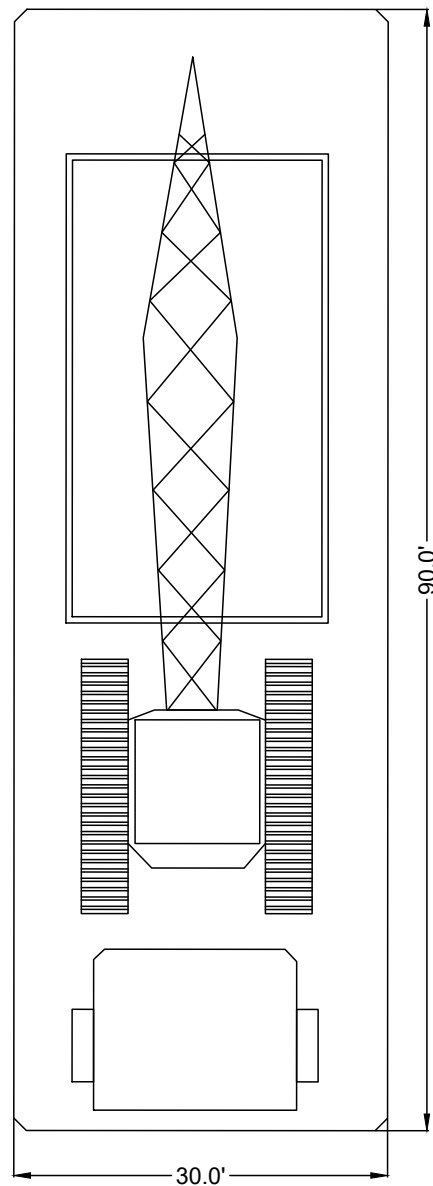
CONSTRUCTION BARGE
(TYP.)



- LEGEND
- Pile Locations
 - ▨ Dredge Or Fill Area
 - Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action



Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.



- NOTES:
1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
 2. Number and spacing of anchors dependent on current velocities.
 3. Deployment of barrier around pile locations may vary to accommodate construction operations.
 4. Navigation may require segmenting barrier during construction operations.
 5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS

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DETAILS

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