



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

October 4, 2019

Regulatory Division
West Permits Branch
Tampa Permits Section
Gainesville Field Office

PUBLIC NOTICE

Permit Application NUMBER SAJ-2007-00438 (SP-SLV)

TO WHOM IT MAY CONCERN: The Jacksonville District of the United States 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: 4927 US 19 Investments, LLC.
Agostino Menna
5015 US Highway 19
New Port Richey, Florida 34652

WATERWAY AND LOCATION: The project would affect waters of the United States (US) associated with the tidally influenced, man-made Flor A Mar canal contiguous to the Gulf of Mexico, located at 4927 US Highway 19 in Sections 17 and 18, Township 26 South, Range 16 East, New Port Richey, Pasco County, Florida.

Directions to the site are as follows: From Interstate-75, take the exit for State Road 54 west for 33 miles, then turn north on US Highway 19 for 0.2 mile and the proposed project location is approximately is on the west side of the road.

APPROXIMATE CENTRAL COORDINATES: 28.231144° Latitude, -82.731644° Longitude

PROJECT PURPOSE:

Basic: The basic project purpose is to provide access to navigable water.

Overall: The overall project purpose is to repair the existing floating docks and slips and to increase the available slip space at an existing marina on Flor A Mar canal.

EXISTING CONDITIONS: The proposed project area is an existing marina at the end of a man-made canal contiguous to the Gulf of Mexico. The existing structure consists of a walkway leading to 3 floating docks configured in a C-shape around a building extending into Flor A Mar canal. The floating docks have individual floating piers extending waterward for the arrangement of 20 individual slips. The proposed project location is within an area accessible to manatees but is not located in an Important Manatee Area.

PROPOSED WORK: The applicant seeks authorization to install 40 piles to repair the existing floating docks and boat slips and to expand the existing marina from 20 total slips to 40 total slips through construction of additional floating docks along the end of the canal.

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:

There is no submerged aquatic vegetation (SAV), emergent vegetation, mangroves, corals, or live hardbottom present within the footprint of the proposed work. Therefore, the applicant did not identify any avoidance and minimization measures.

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

The applicant stated that no compensatory mitigation is necessary for the proposed project because the proposed work would not impact any SAV, mangroves, corals, or live hardbottom.

CULTURAL RESOURCES:

The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected; therefore, the Corps has initially determined that the proposed project would have “No Potential to Cause Effect” to historic properties or 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 made an initial determination that the proposed project may affect, but is not likely to adversely affect (MANLAA) the **West Indian Manatee**. The Corps has concurrence with this determination pursuant to the Effect Determination Key for the Manatee, dated April 2013 (Key). Use of the Key resulted in the following sequential determination: A > B > C > G > H > I > J > L > N > O > P2 > MANLAA with concurrence required from the US Fish and Wildlife Service (FWS). The proposed project is a multi-slip facility located in a man-made canal and does not involve dredging. The proposed project involves the repairs to an existing marina and expansion with 20 additional floating dock slips; therefore, the proposed project would increase watercraft access, but it is not located in an area of inadequate protection. The proposed project is located in Pasco County, which does not have a State-approved Manatee Protection Plan, but it

is not located along the Pitlachascotee River. The proposed project would not impact SAV, emergent vegetation, mangroves, or live hardbottom. Lastly, the applicant elects to adhere to the standard manatee construction conditions. Therefore, the Key resulted in a MANLAA determination, with concurrence required from the US FWS. The Corps will request initiation of informal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service (NMFS) on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would cause approximately 5,500 square feet (ft²) over-water impact and 22 ft² of direct impact to bare submerged bottom potentially utilized by various life stages of coastal migratory pelagics, reef fish, and shrimp. The 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. The final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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 Gainesville Field Office of the Tampa Permits Section at 2833 NW 41st Street, Gainesville, Florida, 32606 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, Sarah Vaughn, at the Gainesville Field Office of the Tampa Permits Section, 2833 NW 41st Street, Gainesville, Florida, 32606; via email at Sarah.L.Vaughn@usace.army.mil; or telephone at (352) 264-7673.

IMPACT ON NATURAL RESOURCES: Coordination with the US FWS, Environmental Protection Agency (EPA), the NMFS, 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, aesthetics, 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 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.

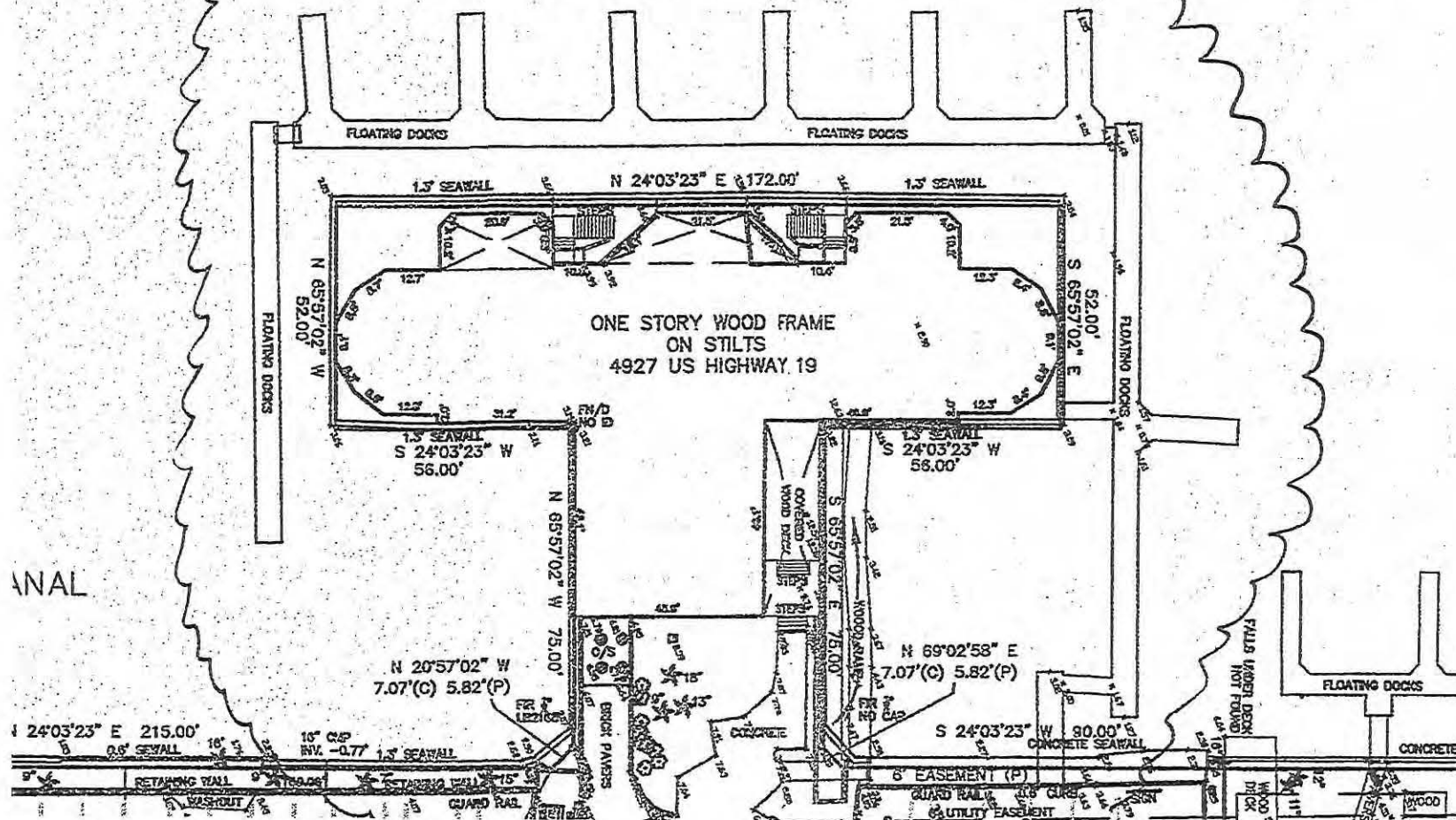
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

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.

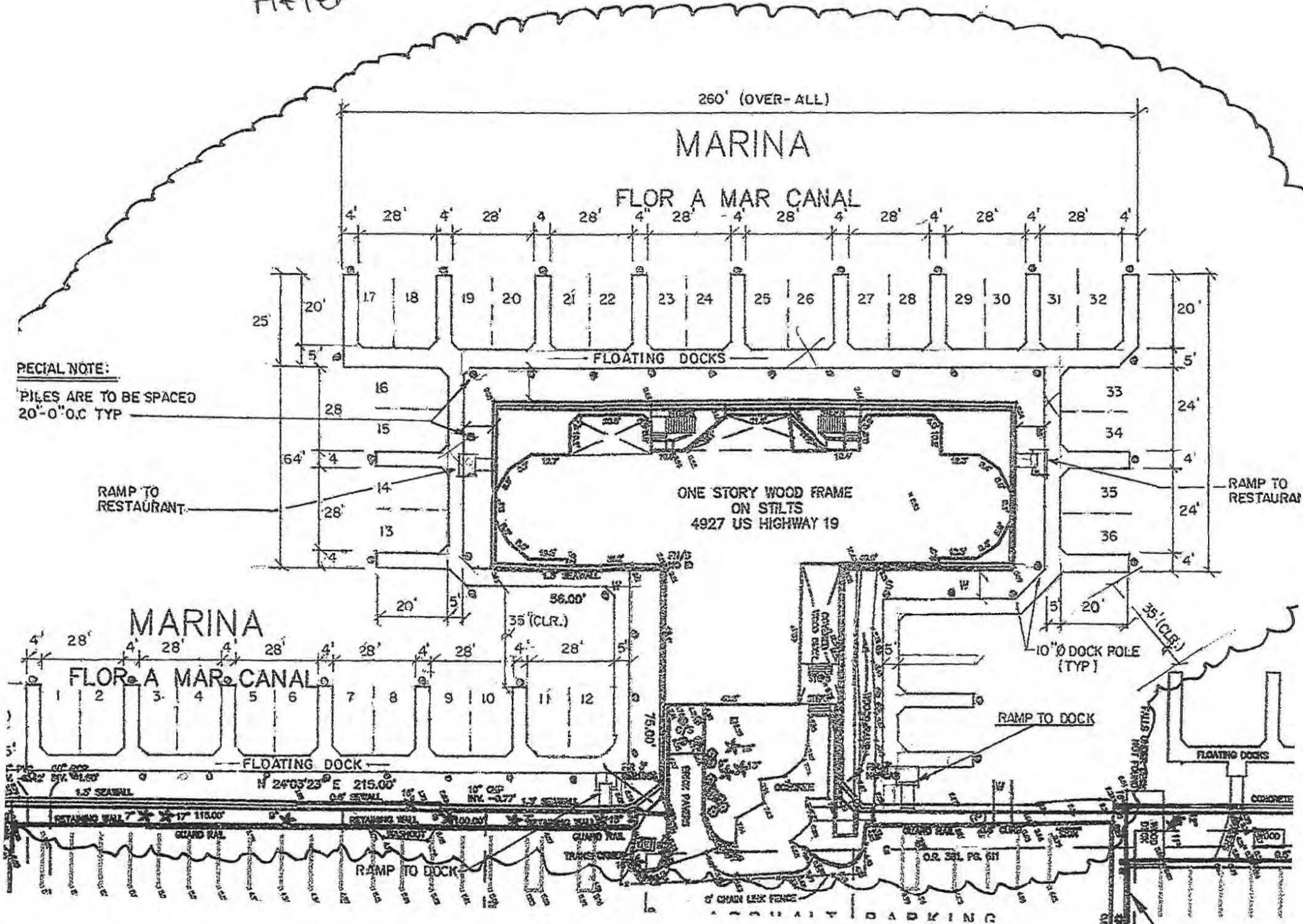
Before

MARINA

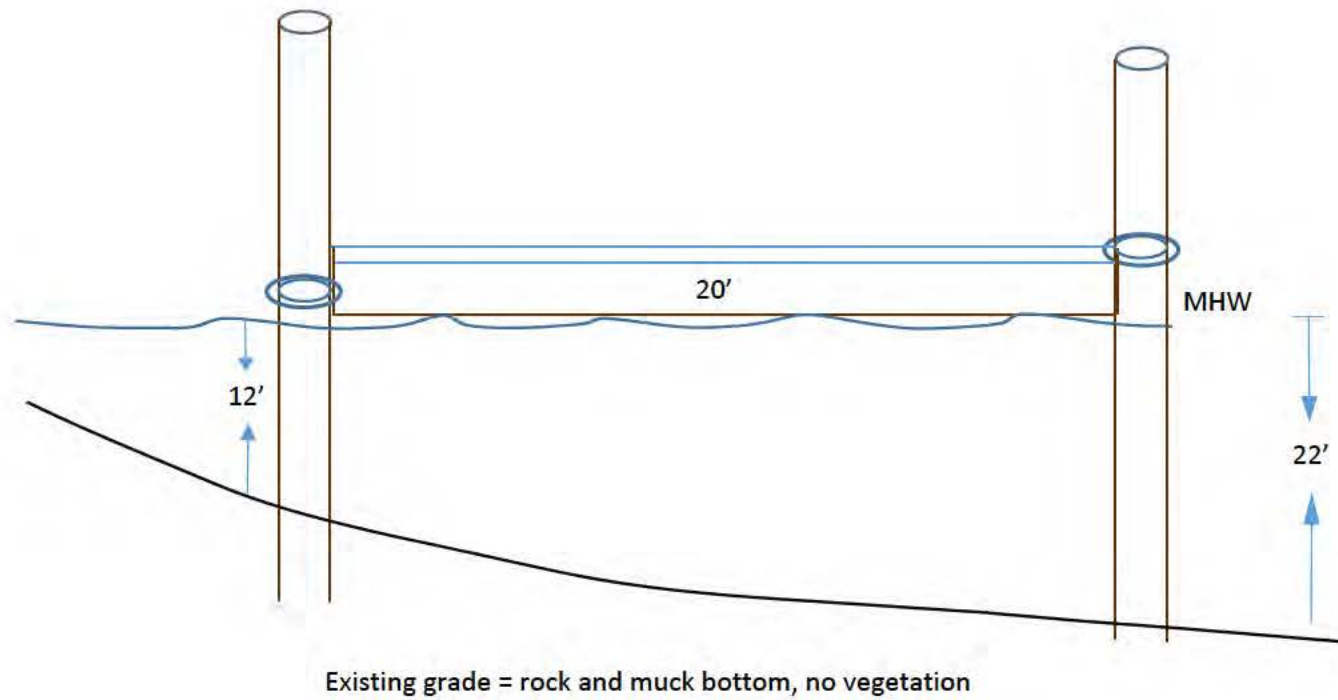
FLOR A MAR CANAL



After



FLOATING DOCK CROSS SECTION





SAJ-2007-00438 A & B Construction – 4927 US Highway 19, New Port Richey (28.231144°, -82.731644°)

