



REPLY TO
ATTENTION OF

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

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

January 6, 2020

PUBLIC NOTICE

Permit Application No. SAJ-1989-00282(SP-LCK)

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), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403), and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as described below:

APPLICANT:

Broward County Board of County Commissioners
Public Works Department, Seaport Engineering & Construction Division
1850 Eller Drive
Fort Lauderdale, FL 33316

WATERWAY AND LOCATION: The project is located at Port Everglades (Port) within the Intracoastal Waterway at 1850 Eller Drive, Port Everglades (Section 13-14 and 23-24, Township 50 South, Range 42 East), and along to the shoreline just south of the inlet adjacent to the Atlantic Ocean from 113 feet south of FDEP monument R-86 to R-89, in Broward County, Florida. Offshore disposal area is the Port Everglades Harbor ODMDs located in the Atlantic Ocean, approximately 4 nautical miles offshore of the Port.

Directions to the site are as follows: Exit I-95 in Broward County at I-595 and go east. At its terminus, I-595 becomes Eller Drive which leads to the Port.

APPROXIMATE COORDINATES:

Beach placement:

	Latitude	Longitude
Northern end	26.090930°	-80.108449°
Southern end	26.083909°	-80.109570°

Port Everglades Harbor Ocean Dredged Material Disposal Site (ODMDs) Location: The site coordinates for the ODMDs are as follows:

	Geographic (NAD83)		State Plane (FL East 0901 Ft NAD83)	
Center	26°07.00'N	80°01.50'W	649,292.4 N	976,098.2 E

NW Corner	26°07.50'N	80°02.00'W	652,301.1 N	973,341.1 E
NE Corner	26°07.50'N	80°01.00'W	652,342.1 N	978,810.0 E
SW Corner	26°07.50'N	80°02.00'W	646,242.9 N	973,386.1 E
SE Corner	26°07.50'N	80°01.00'W	646,283.9 N	978,855.7 E

PROJECT PURPOSE:

Basic: The basic project purpose is to improve water access.

Overall: The overall project purpose is dredging to improve navigational access to Port Everglades and disposal of material.

EXISTING CONDITIONS: The Port's slips, basins, and berths are maintenance dredged every three years to remove sediments, silt and sand from the area. The Port Everglades ODMDS consists of a deep-water disposal area, previously used to dispose of material from dredge sites. The ODMDS is approximately one square nautical mile. Depths range from approximately 640 feet to 705 feet. The discharge of fill material to renourish the beach along the shoreline south of the Inlet is within a previously authorized federal template constructed in 2005-2006. The tidal benthic habitat below the mean high water line consists of unconsolidated sandy substrate.

Project History: The Corps issued a permit on October 9, 2012 that authorized maintenance dredging of approximately 118.5 acres of Port slips, berthing areas, and turning basins within Port Everglades to a maximum depth of -42 feet MLLW plus a two foot overdredge allowance. Dredged material disposal is authorized in self-contained upland sites for the entire maintenance dredging area. Dredged material transportation and disposal within the Port Everglades ODMDS is also authorized for dredged material from the following limited locations and associated depths:

1. two non-federal portions of the south turning basin which include one portion from depths between -33 feet MLLW and -39 feet MLLW and one portion from depth between -38 feet MLLW and -39 feet MLLW;
2. Berths 19 and 20 to a maximum depth of -39 feet MLLW; and
3. Slips 1, 2, 3 and Berths 26, 27, and 30 to a maximum depth of -44 feet MLLW.

The Port Everglades Harbor ODMDS has been previously designated by the Environmental Protection Agency (EPA) pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (Act). The ODMDS has been used in the past as a disposal site for other maintenance dredging efforts at the Port. The DA authorization for the transportation of dredged material to the ODMDS site under Section 103 of the Act (33 U.S.C 141) ended on October 9, 2015. The DA permit expires on October 30, 2022. The Corps has previously coordinated with the EPA for 103 concurrence for the "proposed disposal of dredged material from the operation and maintenance (O&M) of

the Port Everglades Harbor Federal Navigation Channel and Port berths into the ODMDS". The EPA provided 103 concurrence by letter dated August 23, 2019 through coordination on the Corps.

PROPOSED WORK: The applicant seeks to modify their existing Department of the Army authorization to extend the authorization date for an additional 10 years, and include following actions not currently authorized:

1. Allow disposal of dredge material within the ODMDS for the following Berth areas: 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 26, 27, and 30;
2. Place approximately 81,000 cubic yards of beach compatible dredged material along the shoreline immediately south of the inlet from approximately 113 linear feet south of FDEP monument R-86 to R-89.

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: Conditions imposed the water quality certification will be implemented in order to minimize adverse effects to water quality. Conditions of the ODMDS SMMP and 103 concurrence will be incorporated into the plans and specifications. The applicant will adhere to special conditions to minimize adverse effects to listed species. The applicant will also conduct monitoring for the placement of dredged material along the shoreline south of the Inlet.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The applicant has stated that compensatory mitigation is not required because no impacts to submerged aquatic vegetation and/or other aquatic resources (i.e. corals) are proposed or anticipated.

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 if applicable, those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps determined that the project may affect but is not likely to adversely affect the following species under the U.S. Fish and Wildlife Service (FWS) purview: West Indian manatee (*Trichechus manatus*), and the Piping plover (*Charadrius melodus*), and Rufa red knot (*Calidris canutus rufa*). The Corps has determined that is appropriate to apply the Piping Plover Programmatic Biological Opinion dated May 22, 2013.

The Corps also determined that the project may affect the following listed species: the endangered and threatened nesting sea turtles; green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), Kemp's ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta*

caretta) and the loggerheads designated critical habitat LOGG-18. The Corps has determined that the project is appropriate to apply the FWS State Programmatic Biological Opinion – dated March 13, 2015, for sand placement along the shoreline. The Corps will request formal consultation with U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has also determined the proposed project may affect, but is not likely to adversely affect the following species under the National Marine Fisheries Service (NMFS), Protected Resources Division (PRD) purview: Nassau grouper (*Epinephelus striatus*), Oceanic whitetip shark (*Carcharhinus longimanus*), Giant manta ray (*Manta birostris*), threatened Johnson's seagrass (*Halophila johnsonii*), threatened smalltooth sawfish (*Pristis pectinata*), endangered and threatened swimming sea turtles: green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), Kemp's ridley sea turtle (*Lepidochelys kempii*), the loggerhead sea turtle (*Caretta caretta*) and its designated critical habitat (LOGG-18), and the endangered Northern Right Whale (*Eubalaena glacialis*). The Corps will request concurrence with these determinations from the NMFS PRD 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 on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Unvegetated intertidal benthic habitat will be impacted via the disposal of dredged material along the shoreline south of the Inlet and approximately one square nautical mile of sandy benthic habitat will be impacted via the placement of dredged material within the ODMDS. The benthic habitat is utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. The project as proposed will not have a substantial adverse impact on EFH or federally managed fisheries based on the applicant's implemented avoidance and minimization measures. 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, Palm Beach Gardens, FL 33410, within 30 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, Ms. Linda C. Knoeck, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Palm Beach Gardens, FL 33410; by electronic mail at Linda.C.Knoeck@usace.army.mil; or by telephone at (561)472-3531.

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.

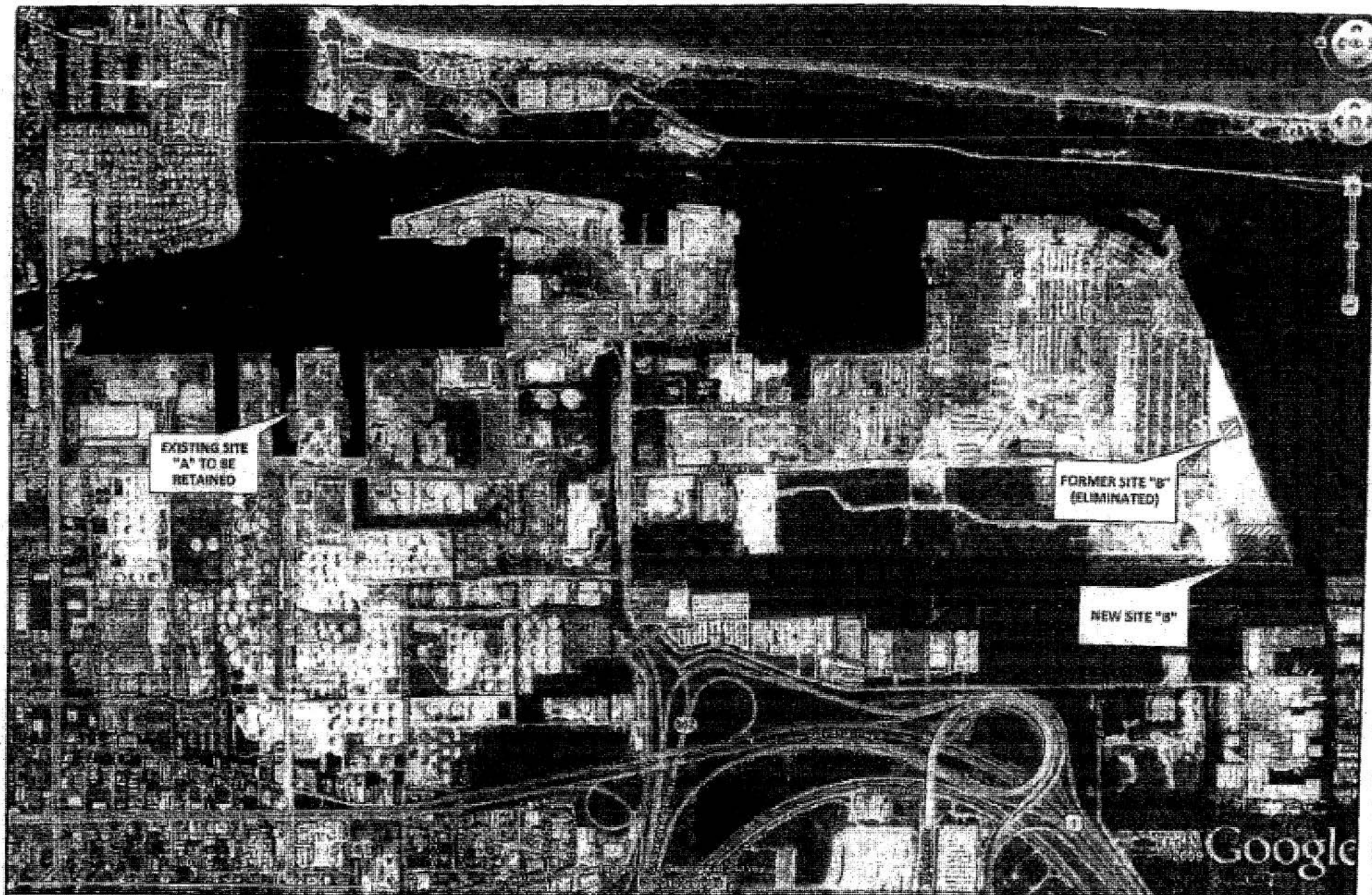
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



KABA
ENVIRONMENTAL
ENGINEERS & CONSULTANTS

2841 N. OCEAN BLVD., STE #205
FORT LAUDERDALE, FL 33308
CERTIFICATE OF AUTHORIZATION # 9873

US ARMY SITE MAP
FIGURE 1
PORT EVERGLADES
BROWARD COUNTY, FLORIDA
OCT 29 2010

SCALE: 1" = 1500'



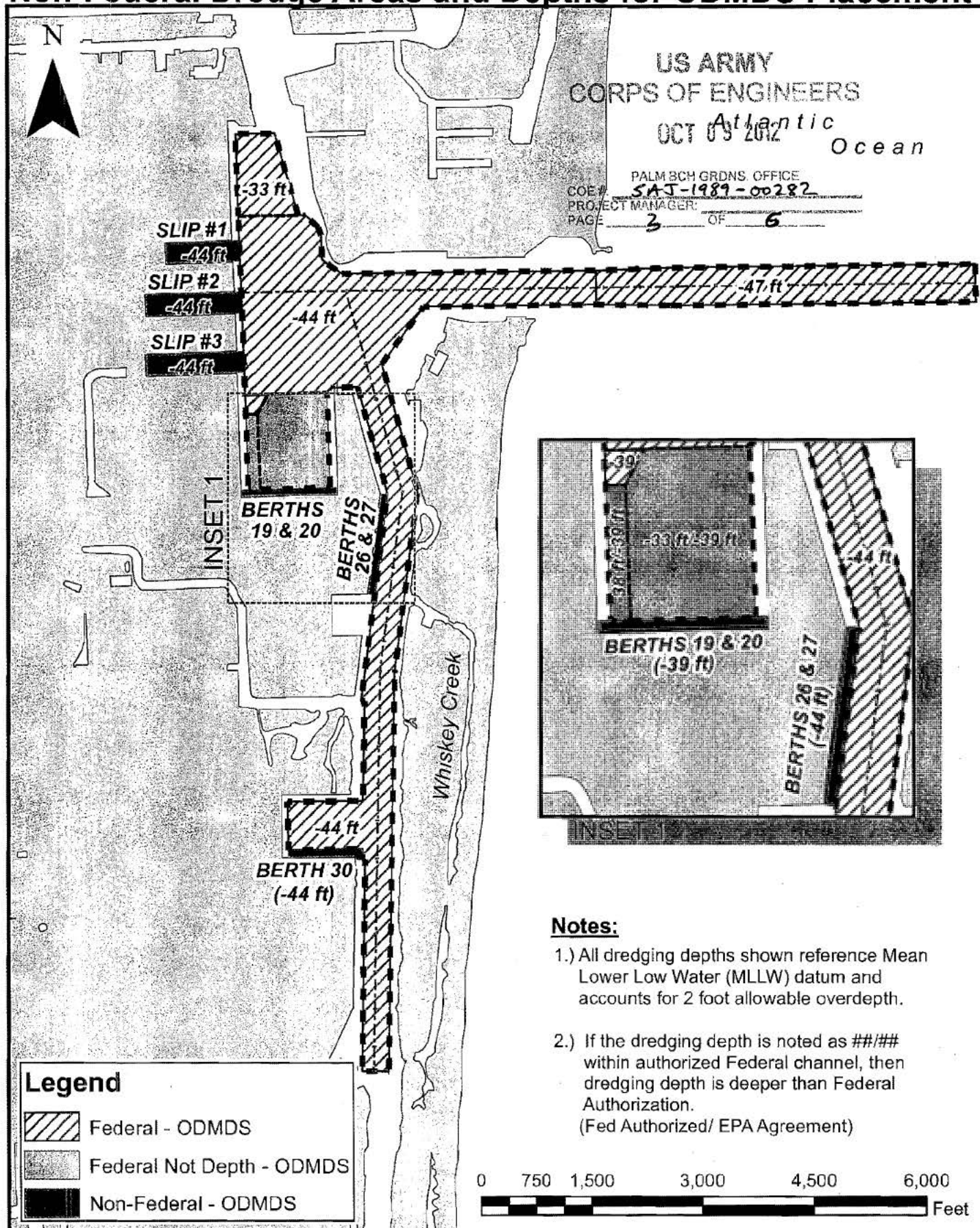
PROJECT	2010-PESP
DESIGNED BY	RTB
DRAWN BY	FIGURE 1
DATE	SEPT 2010

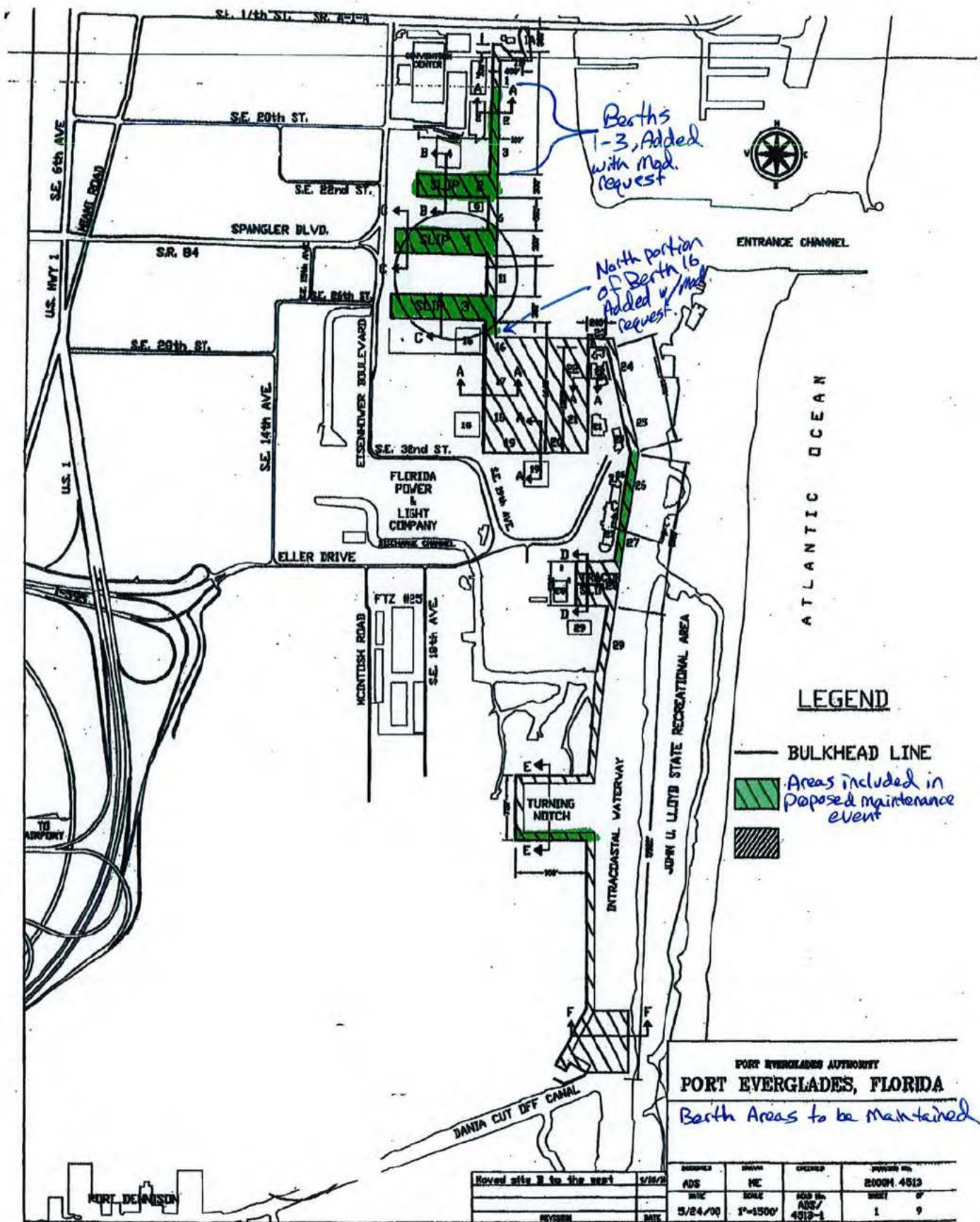
DATE	9/17/10
SIGNATURE	KENNEDY A. BROWN P.E. # 55273

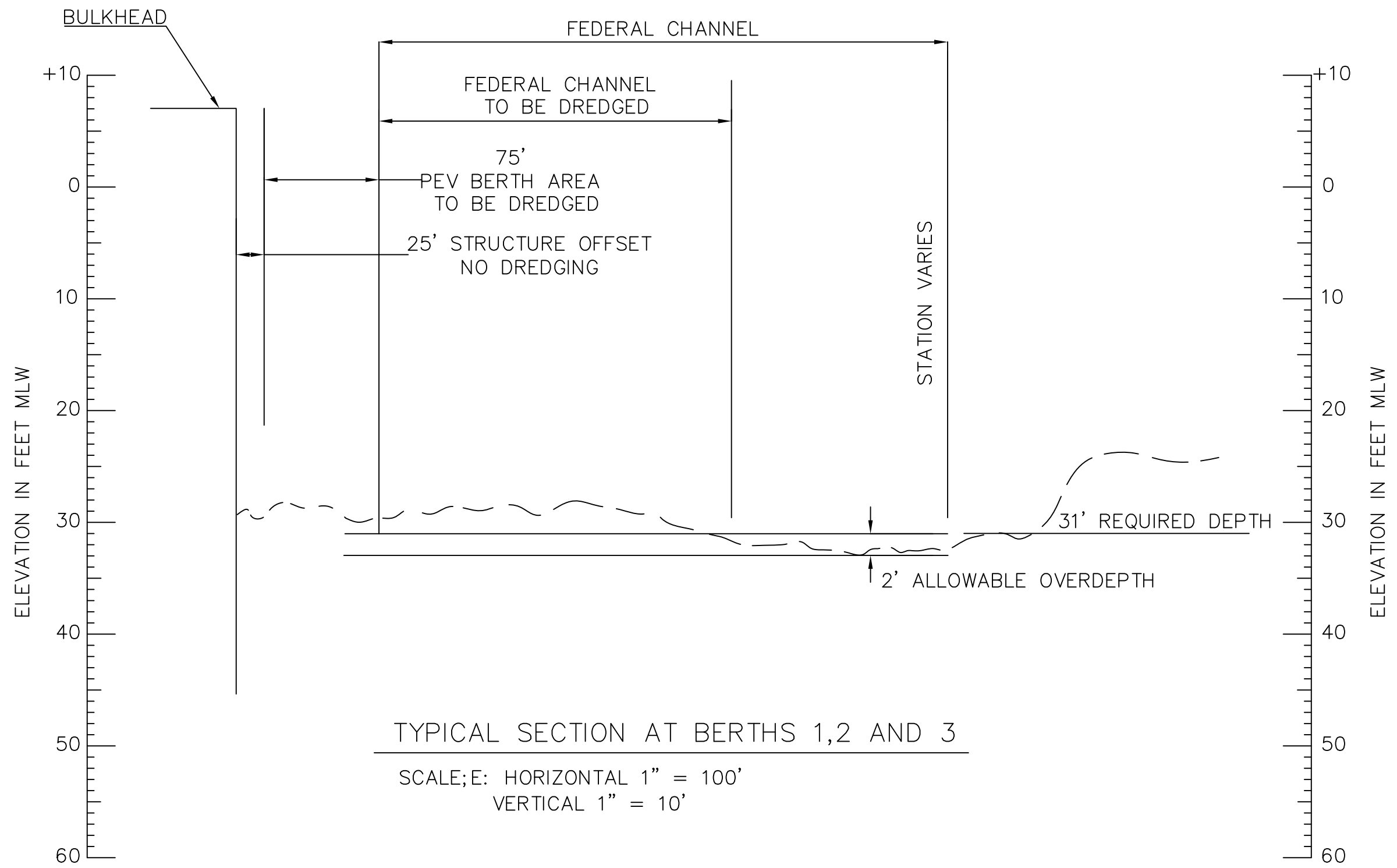
COE # **SAJ-1989-00282**
PROJECT NAME **PORT EVERGLADES**
PAGE **2**

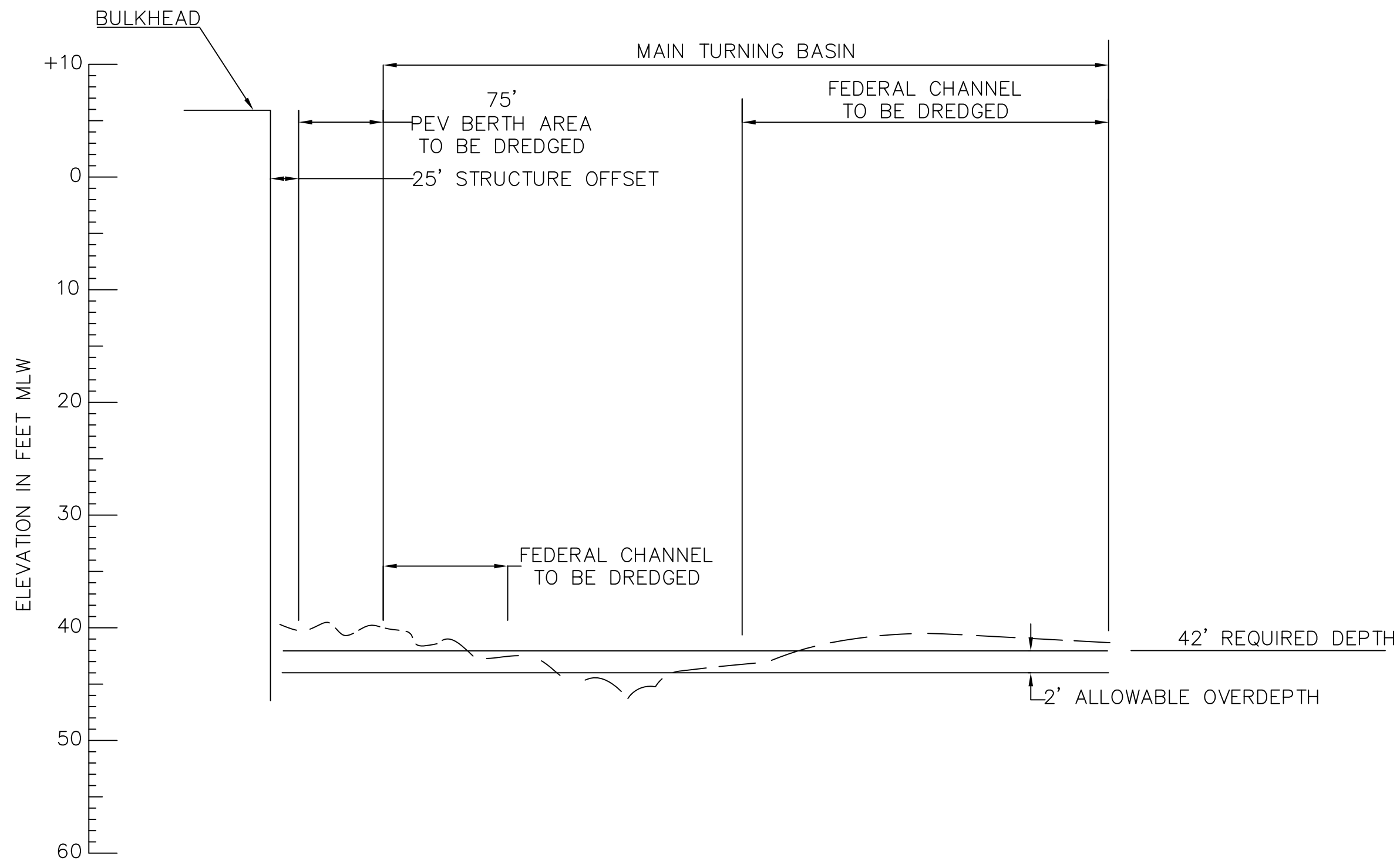
PERMIT # **054563002**

Port Everglades Harbor DOA Permit Non-Federal Dredge Areas and Depths for ODMDS Placement



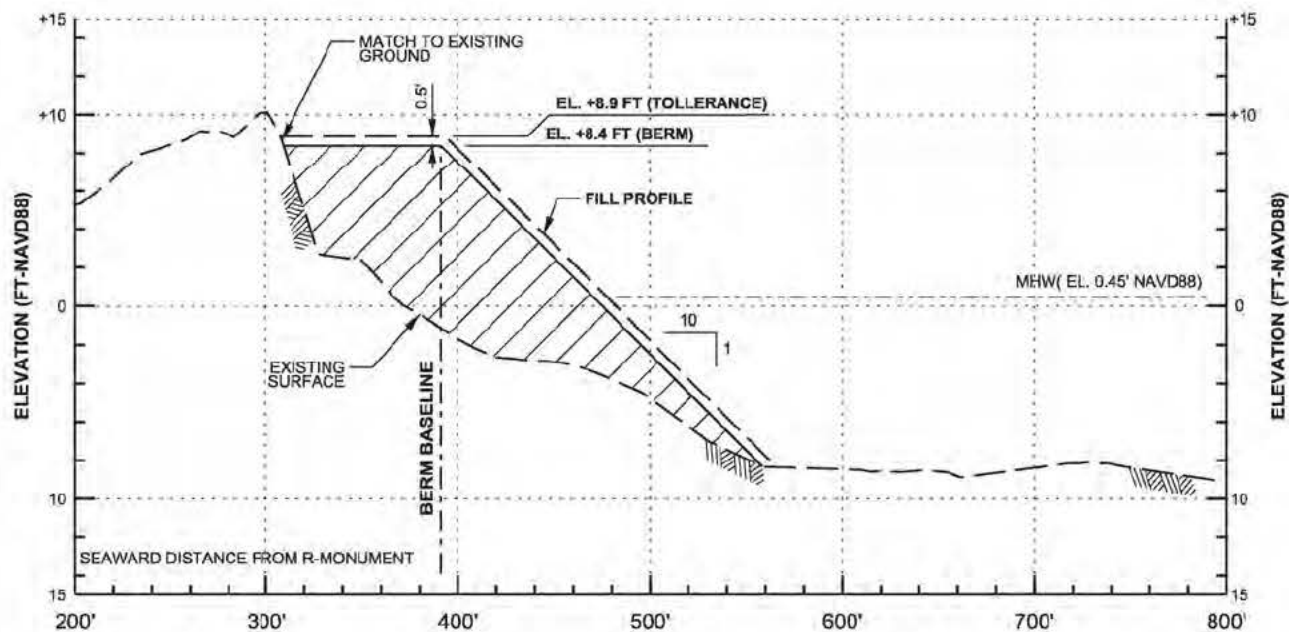






TYPICAL SECTION AT BERTH 16

SCALE;E: HORIZONTAL 1" = 100'
VERTICAL 1" = 10'



T-88 JOHN U. LLOYD STATE PARK - TYPICAL BEACH FILL PROFILE (R-87)
C-13 HORIZONTAL SCALE: "A"
 VERTICAL SCALE: "B"

RO
NW & G

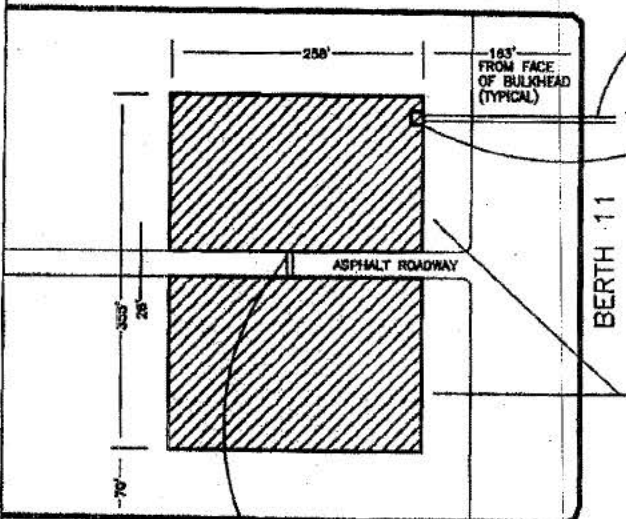
6 Subm buoys (cov 2 fms)
38

11

COE #: **SAS-1989-00282**
PROJECT MANAGER:
PAGE **4** OF **6**

126

SLIP 1



US ARMY
CORPS OF ENGINEERS

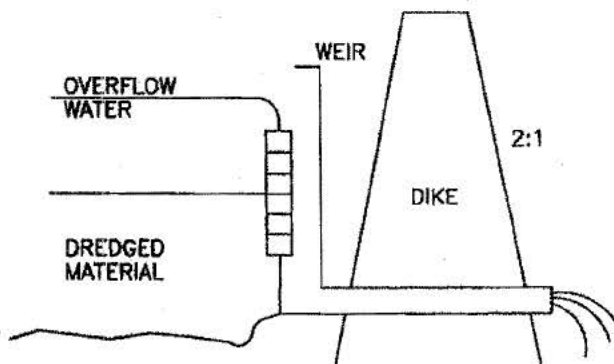
OCT 09 2012

PALM BCH GRDNS. OFFICE
COE #: SAJ-1989-00282
PROJECT MANAGER: _____
PAGE 5 OF 6

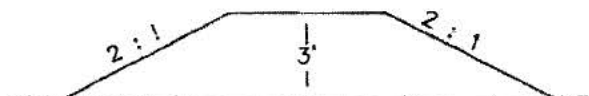
SPOIL LOCATION FOR SLIP
1.95 ACRES±

NOTES:

1. THIS IS A GENERIC SPOIL SITE DESIGNED FOR EITHER MECHANICAL OR HYDRAULIC METHODOLOGY.
2. IF MECHANICAL METHOD IS USED, THERE WILL BE NO DISCHARGE OR CONNECTING PIPE BETWEEN NORTH & SOUTH SPOIL LOCATIONS. ONE SECTION WOULD BE FILLED & ALLOWED TO DRY SUFFICIENTLY FOR MAT'L. TO LEAVE PORT EVERGLADES. THE SECOND SECTION WOULD BE USED WHEN OFF-LOADING IS INVOLVED.
3. IF HYDRAULIC METHOD IS USED, THEN DISCHARGE PIPE & CONNECTING PIPE WILL BE USED. NORTHERN SECTION WILL ACT AS A POLISHING POND FOR DISCHARGE WATER.



TYPICAL WEIR SECTION
N.T.S.



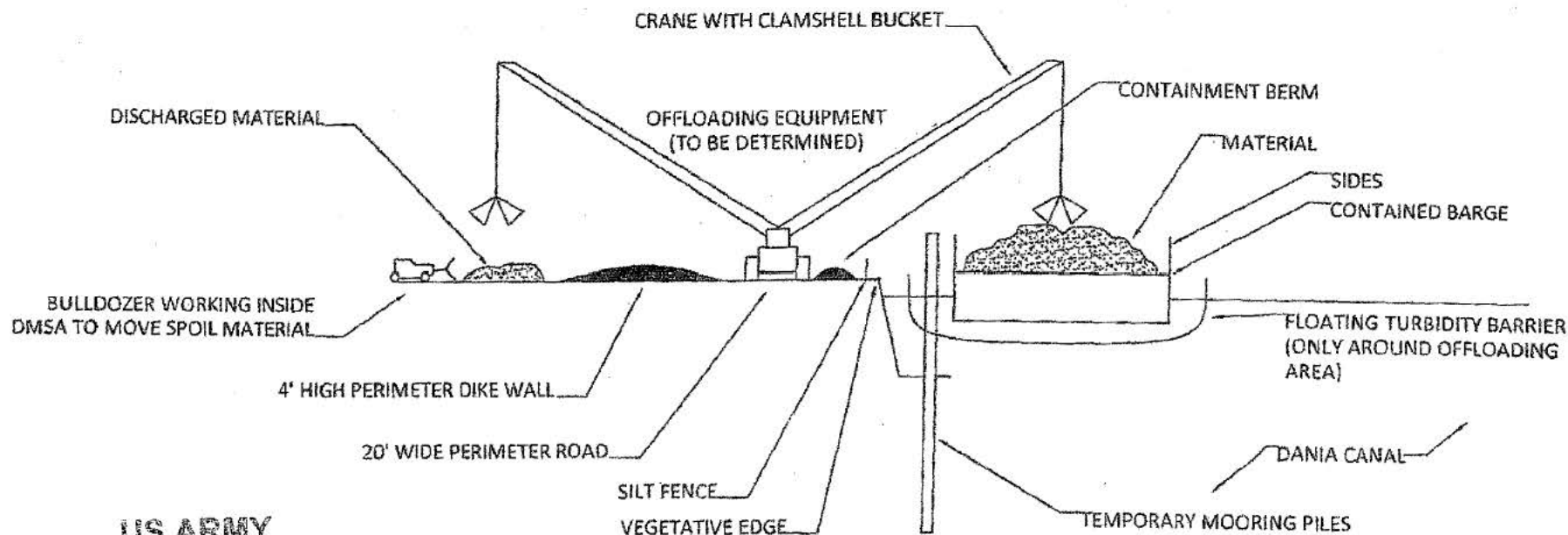
TYPICAL CROSS SECTION
N.T.S.

PERMIT # 054563002

PERMIT #061598879

SPOIL DISPOSAL AREA "A"

PORT EVERGLADES AUTHORITY PORT EVERGLADES, FLORIDA			
MAINTENANCE DREDGING SPOIL DISPOSAL SITES			
DESIGNED ADS	DRAWN ME	CHECKED	DRAWING NO. 2000N 4513
DATE 5/24/00	SCALE N/A	ADJ. NO. ADS/ 4513-4	SHEET 4 OF 9



US ARMY
CORPS OF ENGINEERS

OCT 09 2012

PALM BCH GRDNS. OFFICE
COE #: 545-1989-00282
PROJECT MANAGER: _____
PAGE 6 OF 6

PERMIT # 054563002

TYPICAL X-SECTION THRU DREDGE MATERIAL STAGING AREA



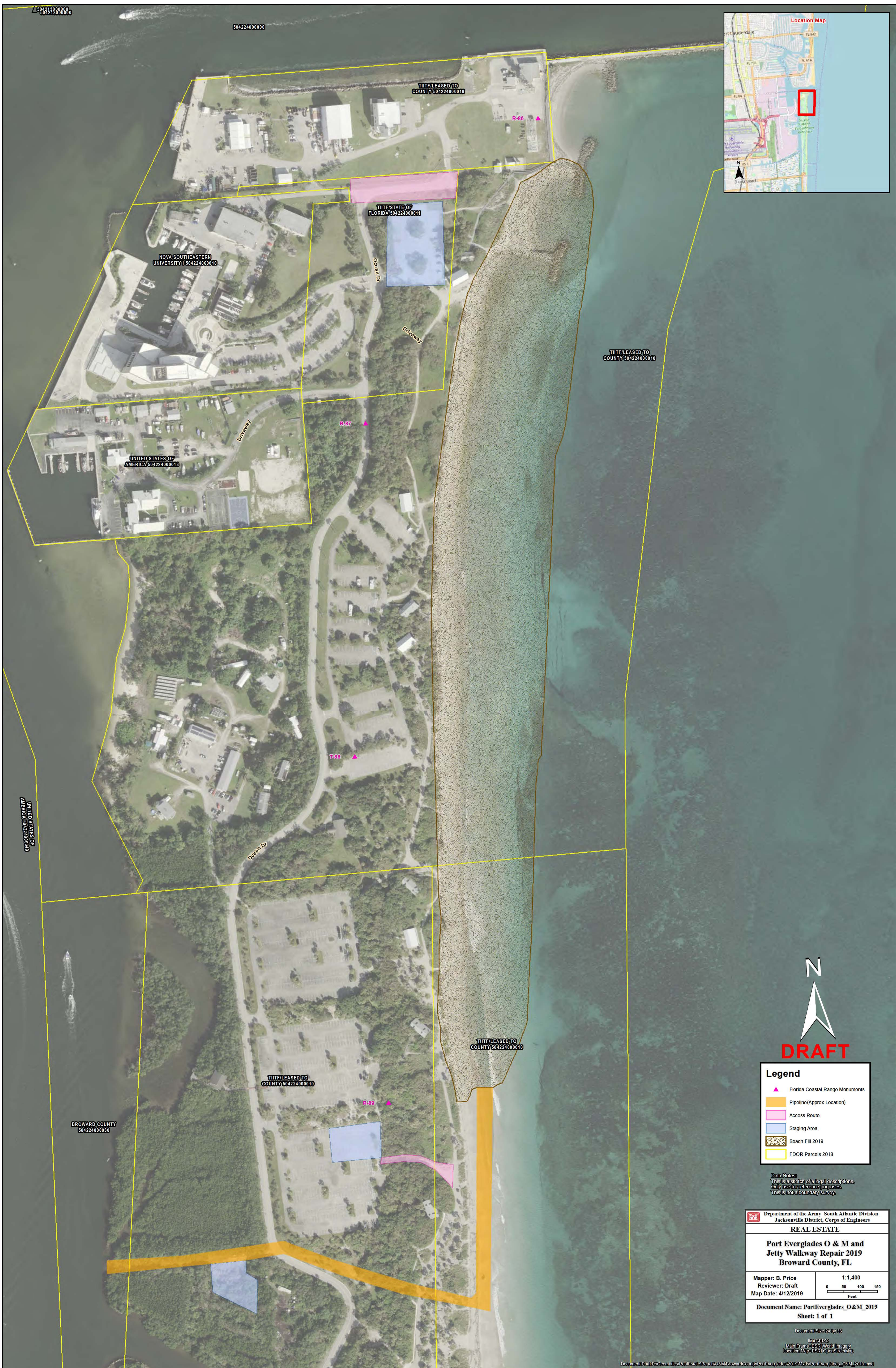
KABA
ENVIRONMENTAL
ENGINEERS & CONSULTANTS

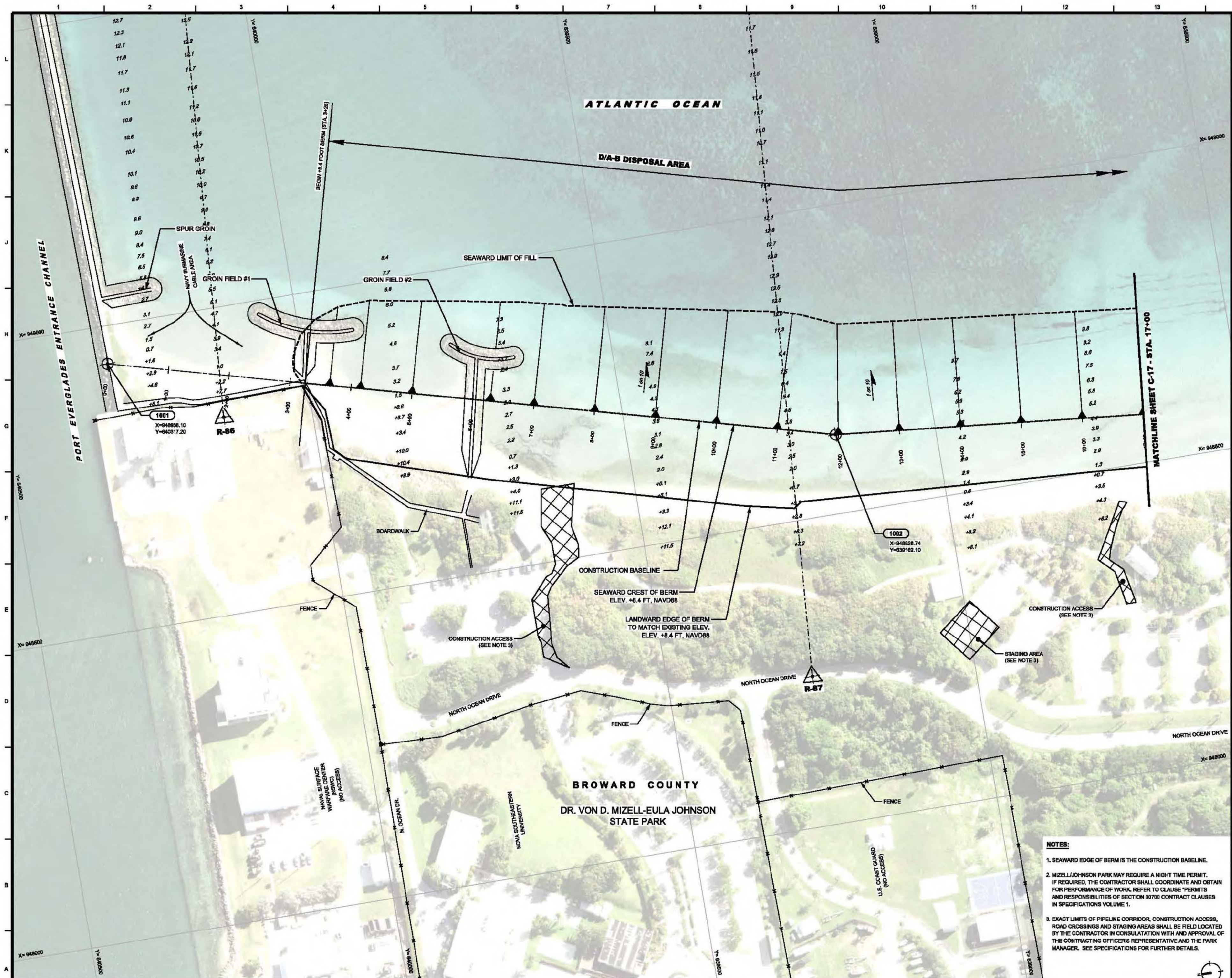
2841 N. OCEAN BLVD. STE #905
FORT LAUDERDALE, FL 33308
CERTIFICATE OF AUTHORIZATION # 9673

DREDGING PILE
DREDGED MATERIAL STAGING
FIGURE 3
PORT EVERGLADES
BROWARD COUNTY, FLORIDA

SCALE: NTS

PROJECT	2010-PESP	SEAL
DRAWN BY	RTB	 9/17/10 KIMBERLY A. BROWN, P.E. # 59273
SHEET	FIGURE 3	
DATE	SEPT 2010	
		DATE

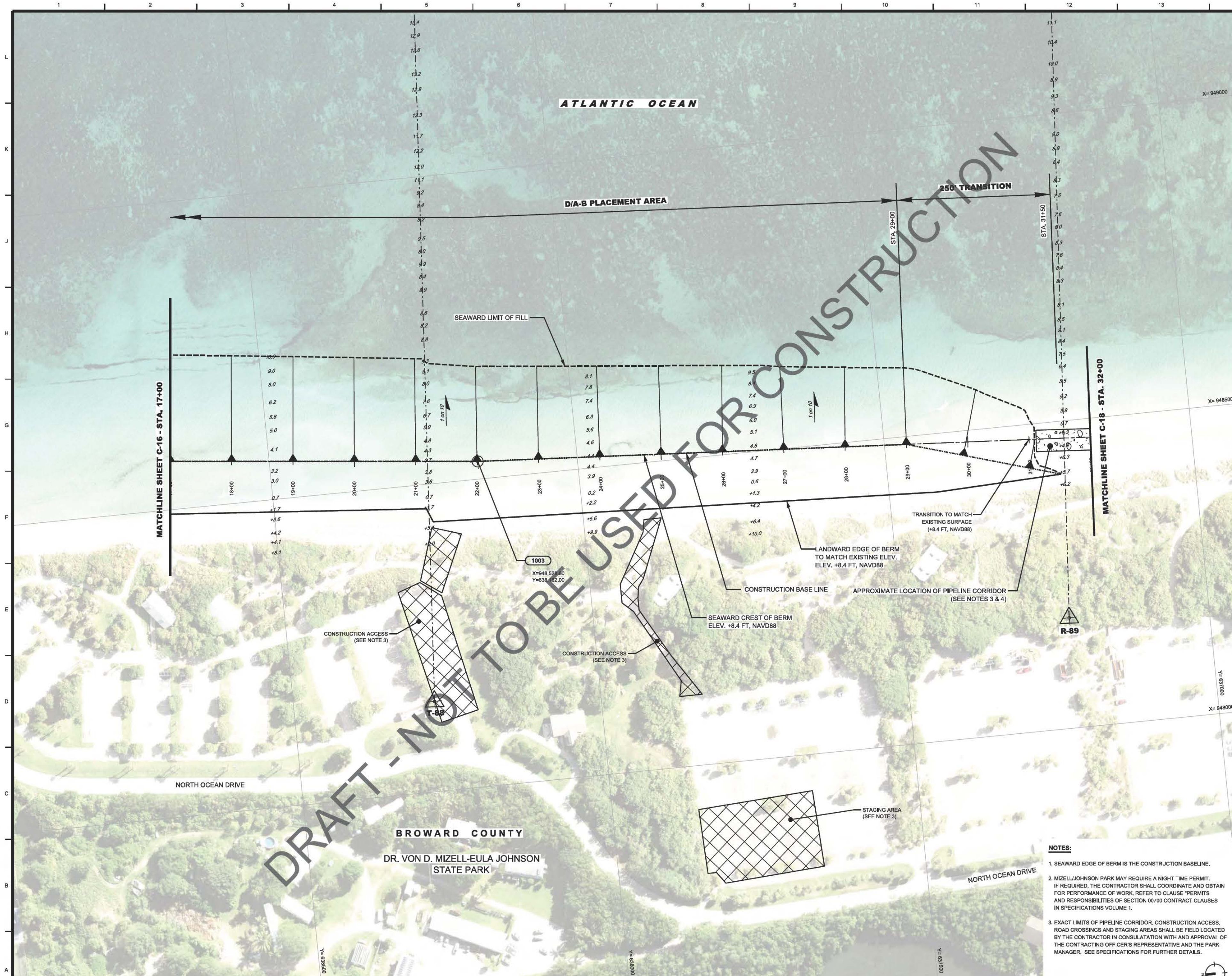




DISPOSAL PLAN - BEACH (D/A-B)
SCALE 1" = 50'

- NOTES:**
- SEAWARD EDGE OF BERM IS THE CONSTRUCTION BASELINE.
 - MIZELL/JOHNSON PARK MAY REQUIRE A NIGHT TIME PERMIT. IF REQUIRED, THE CONTRACTOR SHALL COORDINATE AND OBTAIN FOR PERFORMANCE OF WORK, REFER TO CLAUSE "PERMITS AND RESPONSIBILITIES OF SECTION 00700 CONTRACT CLAUSES IN SPECIFICATIONS VOLUME 1.
 - EXACT LIMITS OF PIPELINE CORRIDOR, CONSTRUCTION ACCESS, ROAD CROSSINGS AND STAGING AREAS SHALL BE FIELD LOCATED BY THE CONTRACTOR IN CONSULTATION WITH AND APPROVAL OF THE CONTRACTING OFFICERS REPRESENTATIVE AND THE PARK MANAGER. SEE SPECIFICATIONS FOR FURTHER DETAILS.

SHEET ID	
C-16	
PROJECT NAME	
PORT EVERGLADES HARBOR	
DISPOSAL PLAN	
BEACH (D/A-B)	
DATE	
10/15/2018	
DRAWN BY	
J. M. M. / J. M. M.	
CHECKED BY	
J. M. M. / J. M. M.	
APPROVED BY	
J. M. M. / J. M. M.	
DATE	
10/15/2018	
FILE NAME	
PORT EVERGLADES HARBOR	
DISPOSAL PLAN	
BEACH (D/A-B)	
DATE	
10/15/2018	



NOTES:

1. SEAWARD EDGE OF BERM IS THE CONSTRUCTION BASELINE.
2. MIZELL/JOHNSON PARK MAY REQUIRE A NIGHT TIME PERMIT. IF REQUIRED, THE CONTRACTOR SHALL COORDINATE AND OBTAIN FOR PERFORMANCE OF WORK, REFUSE TO CLAUSE "PERMITS AND RESPONSIBILITIES OF SECTION 00700 CONTRACT CLAUSES IN SPECIFICATIONS VOLUME 1.
3. EXACT LIMITS OF PIPELINE CORRIDOR, CONSTRUCTION ACCESS, ROAD CROSSINGS AND STAGING AREAS SHALL BE FIELD LOCATED BY THE CONTRACTOR IN CONSULTATION WITH AND APPROVAL OF THE CONTRACTING OFFICER'S REPRESENTATIVE AND THE PARK MANAGER. SEE SPECIFICATIONS FOR FURTHER DETAILS.

