



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 BOULEVARD, SUITE 500
PALM BEACH GARDENS, FL 33410

February 19, 2020

PUBLIC NOTICE

Permit Application Number SAJ-1994-05293(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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT:

Yachting Promotions, Inc.
Attn: Ricardo Strul
1650 SE 17th Street, Suite 412
Ft. Lauderdale, FL 33316

WATERWAY AND LOCATION: The project is located within the Lake Worth Lagoon at two locations; adjacent to the City of West Palm Beach along the western shoreline of the Intracoastal Waterway (ICW), and adjacent to the Flagler Museum along the eastern shoreline of the ICW at 52 Cocoanut Row, the City of Palm Beach (Section 22, Township 43, Range 43/50) in Palm Beach County, Florida.

Directions to the site are as follows: From I-95 in Palm Beach County, head east on Okeechobee Boulevard until it intersects Flagler Drive. The project site is along Flagler Drive.

APPROXIMATE CENTRAL COORDINATES:

Location	Latitude	Longitude
West Palm Beach	26.7117°	-80.0994°
Flagler Location	26.713297°	-80.044523°

PROJECT PURPOSE:

Basic: The basic project purpose is to provide temporary increased docking facilities for an annual boat show.

Overall: The overall project purpose is to provide temporary increased water access for the display of vessels for the Palm Beach boat show.

PROJECT HISTORY: The Corps issued a permit for the Palm Beach International Boat Show, SAJ-1994-05293(IP-BP), on March 10, 1999, and re-issued on March 10, 2004, under permit number SAJ-2003-12727(IP-SLN), which expired on March 10, 2009. The Corps issued a Department of Army permit on March 18, 2010, authorizing to annually construct and subsequently remove floating docks, dock ramps, and pilings for the Palm Beach Boat Show, which expired on March 18, 2015. The Corps issued a public notice to reauthorize the show on January 8, 2015, which has not been authorized yet. The applicant requested the installation of structures in an additional area that was not included in the 2015 public notice, which is still being evaluated. The Corps circulated a public notice dated January 29, 2019 for the inclusion of additional structures for the boat show at the Flagler Museum location.

EXISTING CONDITIONS:

West Palm Beach Location: The Corps has reviewed summer surveys from 2010 to 2018 (total of 7), and Pre/post-show surveys from 2010-2016 (total 7). Seagrass was always present during post-show surveys when seagrass was observed during the pre-show surveys. The greatest change in seagrass distribution is shown in the summer months, during seagrass growing season and during high probability of increased rain events. Summer surveys from 2010 through 2012 indicated the greatest seagrass coverage, with seagrass being present in the 2013 pre-post surveys but disappearing during that summer and reappearing in the 2015 post-show and summer surveys.

Flagler Location: The upland site is the Flagler Museum, which contains an unconsolidated shore line adjacent to the Intracoastal Waterway that also has a 1,838 square feet concrete finger pier. A seagrass survey was conducted in August 2018, which found no seagrass within the project area. The benthic community consisted of sand, crushed shell and rock material.

PROPOSED WORK: The applicant is proposing to modify the design and layout of the proposed temporary structures for the Palm Beach boat show at the proposed Flagler Site. The proposed temporary floating dock at the Flagler location will extend approximately 543 linear feet from the existing dock. The applicant is also requesting to temporarily relocate the federal channel further to the east for a total of seven (7) days. There are no changes to the overall number of temporary slips or any changes to the overall layout of the temporary structures at the West Palm Beach Site. Only changes to the docks at the Flagler site and realignment of the channel are being proposed. The temporary realignment of the channel will require the installation of five (5) temporary marker buoys that the U.S. Coast Guard will install.

The show proposes a total of 679 temporary slips (671 at the West Palm Beach location and 8 at the Flagler location). The following structures are proposed to be placed for the show:

	DIMENSIONS	SQUARE FEET	NUMBER
West Palm Beach Site Structures			
Floating Docks	10-ft by 40-ft	98,400	246
Floating Docks	10-ft by 20-ft	29,600	148
Floating Docks	10-ft by 10-ft	5,000	5
Floating Docks	5-ft by 20-ft	800	8
Dock Ramps	4-ft by 22-ft	1,232	14
I-Beam pilings	N/A	179	179
Flagler Site Structures			
Floating Docks	10-ft by 40-ft	10,800	27
Dock Ramps	4-ft by 22-ft	176	2
I-Beam pilings	12"	16	16
TOTAL		146,203	669

The installation of structures, the boat show, and the removal of the structures shall not exceed 30-days. No sea trials will occur during the duration of the show.

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: The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. Turbidity control devices will be installed to minimize direct and indirect water quality issues related to the turbidity from construction activities. The proposed project is the re-authorization of the previously reviewed Palm Beach Boat Show. The project is temporary in nature and all vessels are moored in areas to maintain a minimum of 1-foot clearance between the substrate and lowest portion of any vessel. Given the nature of the activity and results of previous seagrass surveys, no impacts to seagrass are anticipated as the layout and typical conditions minimize potential impacts to the greatest extent possible.

COMPENSATORY MITIGATION: The applicant has provided the following explanation as to why compensatory mitigation should not be required: As there are no impacts to resources proposed, mitigation is not anticipated to 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 endangered West Indian manatee (*Trichechus manatus*) or its designated critical habitat. The Corps will request the U.S. Fish and Wildlife Service (FWS), concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposed project may affect but is not likely to adversely affect the endangered and threatened swimming sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*), and the endangered smalltooth sawfish (*Pristis pectinata*). The Corps will request concurrence with this determination 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 of 1996. The proposal would temporarily shade approximately 18,992 square feet of unvegetated benthic habitat utilized by 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 Division. 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 Regulatory 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, Ms. Linda C. Knoeck, in writing at the Palm Beach Gardens Regulatory Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410, by electronic mail at

Linda.C.Knoeck @usace.army.mil, by fax at (561)626-6971, or by telephone at (561)472-3527.

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 Service, 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: 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 of 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 decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act 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.

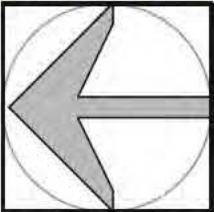
LEGEND

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12A	N = 866176.6027 Y E= 967326.1963 X
11B	N = 865368.5072 Y E= 967572.7411 X
12B	N = 865354.6915 Y E= 967448.4210 X
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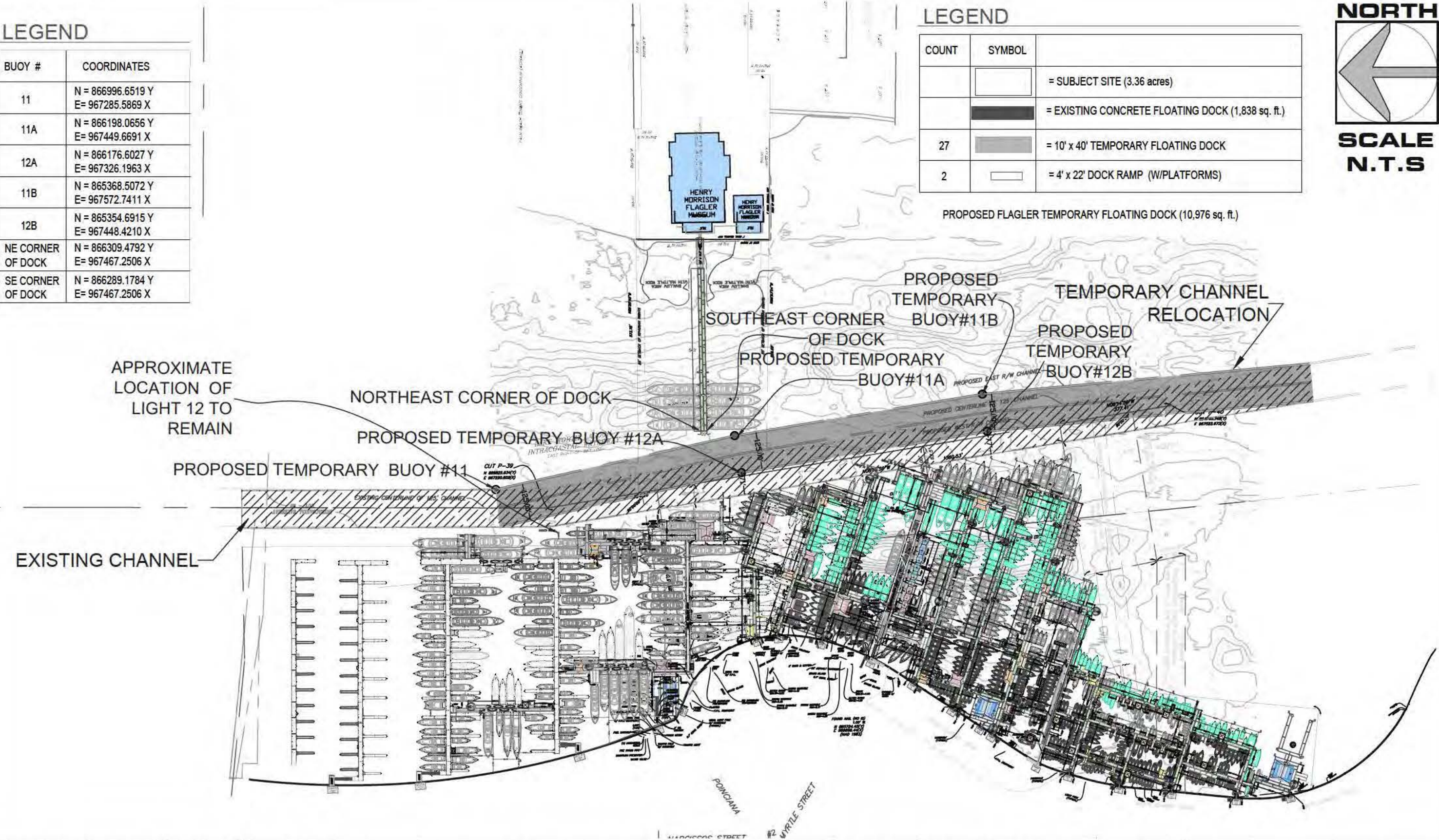
LEGEND

COUNT	SYMBOL	
		= SUBJECT SITE (3.36 acres)
		= EXISTING CONCRETE FLOATING DOCK (1,838 sq. ft.)
27		= 10' x 40' TEMPORARY FLOATING DOCK
2		= 4' x 22' DOCK RAMP (W/PLATFORMS)

NORTH



SCALE
N.T.S



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PALM BEACH BOAT SHOW-FLAGLER

PREPARED FOR:
YACHTING PROMOTIONS INC.

PROPOSED PLAN VIEW		
Date: 2/14/2020	Sheet: 1	of: 1
Proj No.: 09-0032.003		