



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
PENSACOLA REGULATORY OFFICE  
41 NORTH JEFFERSON STREET, SUITE 301  
PENSACOLA, FLORIDA 32502

March 4, 2020

Regulatory Division  
North Permits Branch  
Pensacola Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-04291 (SP-MDZ)

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: The City of Niceville  
208 North Partin Drive  
Niceville, Florida 32578

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Boggy Bayou. The project site is located at 317 Bayshore Drive, in Section 07, Township 01 South, Range 22 West, in Niceville, Okaloosa County, Florida.

Directions to the site are as follows: From Fort Walton Beach, proceed north on Eglin Pkwy NE. Keep right to turn onto FL-85 N/ Eglin Pkwy. Turn left onto W John Sims Pkwy and take a slight right onto Bayshore Drive. The property is located on the right at 317 Bayshore Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.518979°  
Longitude -86.488517°

### **PROJECT PURPOSE:**

Basic: Public Dock

Overall: Construct a public dock to provide recreation opportunities, water access, and temporary mooring in Boggy Bayou in Niceville, Florida.

EXISTING CONDITIONS: The project site is a public park owned and maintained by the City of Niceville. There are seagrasses onsite consisting of *Halodule Wrightii* (shoal grass) and *Ruppia maritima* (widgeon grass) and fringing wetlands located near the shoreline. The existing area surrounding the project area consists of small commercial businesses and private residences.

PROPOSED WORK: The applicant seeks authorization to construct a public docking facility. The pier would provide opportunity for recreation and limited mooring to access

Niceville's historic downtown. The structure would be comprised of an 8-foot by 45-foot access walkway constructed of grated decking and an 8-foot by 75-foot walkway adjoining an irregular shaped platform. The total square footage of the proposed structure would be 2,323 square feet. The main access walkway is proposed to be 8-feet wide for ADA compliance and safe wheelchair access. A removable sail shade would be incorporated into the platform. Transient mooring areas would be allowed along the northern, western, and southern areas of the platform. The access walkway would be elevated a minimum of 5-feet above the Mean High Water Line (MHWL) where it crosses seagrass. The platform would be elevated to 4.5-feet above the MHWL to facilitate vessel access. Construction of the project is expected to take 3 to 6 months to complete.

**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 design minimizes potential temporary environmental impacts by avoiding submerged aquatic vegetation (SAV) and wetland habitat to the greatest extent practical. The only project feature proposed to traverse existing resources is required to provide access to the project (i.e., the alongshore boardwalk and access platform). The access pier has been minimized in width for ADA access (within handrails), it incorporates grated decking with >50% light penetration, as well as 10-ft minimum pile spacing within the habitat area. Handrails and no mooring signs incorporated on the landward sides of all pier features aim to discourage vessel transit or human access to these SAV and wetland habitats. Project construction shall utilize best management practices (BMP) required by the JaxBO to maintain water quality and avoid impact to natural resources such as submerged aquatic vegetation and wetland habitat. These BMP's include, but are not limited to, use of turbidity screens to surround in-water work, wrapping treated timber piles or using non-leaching materials, 10-ft minimum pile spacing traversing SAV, as well as resource and species avoidance. Construction will likely be predominantly water-based using shallow draft barges with sufficient reach to maintain draft clearance that avoid affecting bottomlands. The most nearshore pilings of the access pier may be installed using land-based equipment to avoid SAV impacts.”

The applicant has agreed to install signage at the docking facility including the “Save Sea Turtle, Sawfish, and Dolphin” and “Report Sturgeon” signs in accordance with <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs> as well as fishing prohibited signs. The applicant has also elected to install and maintain monofilament recycling bins at this facility in accordance with <http://mrrp.myfwc.com>.

**COMPENSATORY MITIGATION** – The applicant has provided the following explanation why compensatory mitigation should not be required:

“Compensatory mitigation should not be required because potential for temporary impacts will be avoided to the greatest extent practical and no adverse effects to the environment are proposed.”

**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 would not likely adversely affect the West Indian manatee (*Trichechus manatus*) as determined using the 2013 Manatee Key, following couplets A > B > C > G > H > I > J > L > N > O > P.

The Corps has also determined the proposed project may affect, but is not likely to adversely affect the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Green turtle (*Chelonia mydas*), Loggerhead turtle (*Caretta caretta*), Kemp’s Ridley turtle (*Lepidochelys kempi*), and Smalltooth sawfish (*Pristis pectinata*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

**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 0.3 acres of estuarine subtidal habitat (due to shading, piling installation, and transient mooring) utilized by various life stages of bull shark, four shrimp species (brown, white, pink, Royal red), coastal migratory pelagic species, red drum, and 43 species of reef fish. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Boggy Bayou. 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 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 Pensacola Permits Section, 41 N Jefferson Street, Suite 301, Pensacola, Florida 32502 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, Mia Zarbo, in writing at the Pensacola Permits Section, 41 N Jefferson Street, Suite 301, Pensacola, Florida 32502; by electronic mail at [Maria.D.Zarbo@usace.army.mil](mailto:Maria.D.Zarbo@usace.army.mil), or by telephone at (850) 439-3474.

**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.

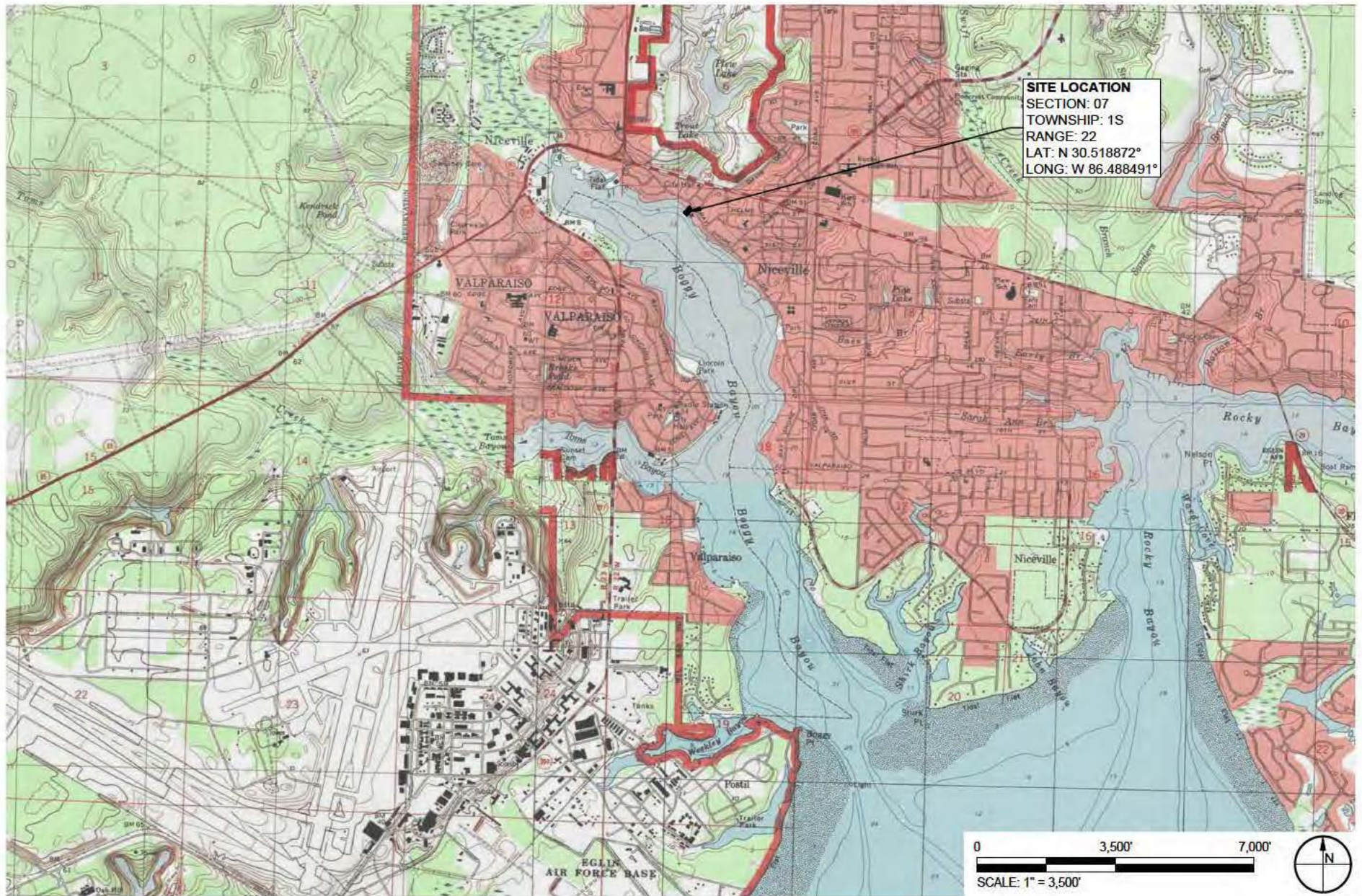
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





# **TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
 SUITE C246  
 DESTIN, FL 32541

CERTIFICATE OF AUTHORIZATION # 4815

**FIGURE 1**  
 LOCATION MAP  
 NICEVILLE LANDING PUBLIC ACCESS PIER  
 OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013
DRAWN BY	CAS
SHEET	1 of 7
DATE	JAN 2020

SEAL

**DRAFT**

DUNCAN GREER P.E. #63306

DATE



# GENERAL NOTES:

1. DRAWING REFERENCES FLORIDA STATE PLANE NORTH, NORTH AMERICAN DATUM OF 1983 (NAD83).
2. ALL ELEVATIONS REFERENCE THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). ELEVATIONS IN FEET UNLESS NOTED OTHERWISE (U.N.O.).
3. AERIAL IMAGERY OBTAINED FROM FDOT, OKALOOSA COUNTY (2016), U.N.O. AERIAL IMAGERY DISPLAYED HEREON FOR INFORMATIONAL PURPOSES ONLY. NO PHOTOGRAPHIC ACCURACY IS IMPLIED BY THESE MAPS.
4. PARCEL BOUNDARIES, EXISTING SUBMERGED LAND LEASE BOUNDARY, AND MEAN HIGH WATER ELEVATION AND LOCATION PROVIDED BY GUSTIN, COTHERN & TUCKER, INC., MARCH 8, 2017.
5. BATHYMETRIC CONTOURS PROVIDED BY GUSTIN, COTHERN & TUCKER, INC., MARCH 8, 2017.
6. CONSTRUCTION SHALL NOT VIOLATE STATE WATER QUALITY STANDARDS.
7. SUBMERGED AQUATIC VEGETATION EXTENTS LOCATED BY ENERGY & ENVIRONMENTAL, LLC, MAY 10, 2019.
8. NO LIVE-A-BOARDS ARE PROPOSED.
9. NO FUELING FACILITIES OR SEWAGE PUMP-OUTS ARE PROPOSED AT THIS FACILITY.
10. WATER, POWER, AND FIRE SUPPRESSION SYSTEMS NOT SHOWN FOR CLARITY.
11. MATERIALS ARE SUBJECT TO CHANGE. PILE EMBEDMENT, DIMENSIONS, AND SPACING WILL BE DETERMINED DURING FINAL DESIGN. FRANGIBLE DECKING PANELS MAY BE INCORPORATED FOR INCREASED RESILIENCY.
12. DOCK PILINGS WILL BE WRAPPED TREATED TIMBER OR OTHERWISE MADE FROM NON-LEACHING MATERIALS.
13. TURBIDITY CURTAINS SHALL BE LOCATED AND REPOSITIONED BY THE CONTRACTOR USING BEST MANAGEMENT PRACTICES TO ASSURE WATER QUALITY STANDARDS ARE MAINTAINED THROUGHOUT CONSTRUCTION.

# PROPOSED DOCK PLAN:

1. PUBLIC MOORING SLIPS
  - 1.1. EXISTING: 0
  - 1.2. TOTAL PROPOSED TRANSIENT PUBLIC MOORING: 150 LF
2. FIXED TIMBER DOCK AREA
  - 2.1. EXISTING: 0 SF
  - 2.2. PROPOSED INCREASE FROM EXISTING: 2,331 SF
  - 2.3. TOTAL PROPOSED FIXED TIMBER DOCK AREA: 2,331 SF
3. SOVEREIGN SUBMERGED LAND LEASE AREA
  - 3.1. EXISTING: 0 S.F.
  - 3.2. PROPOSED INCREASE FROM EXISTING: 3,769 SF
  - 3.3. TOTAL PROPOSED SOVEREIGN SUBMERGED LAND LEASE AREA: 3,769 SF

NOAA VDATUM  
TIDAL DATUM REFERENCE  
LATITUDE: 30.51887° N  
LONGITUDE: 86.48849° W

MHHW	0.67'
MHW	0.66'
MTL	0.41'
MLW	0.16'
MLLW	0.15'
NAVD 88	0.000'

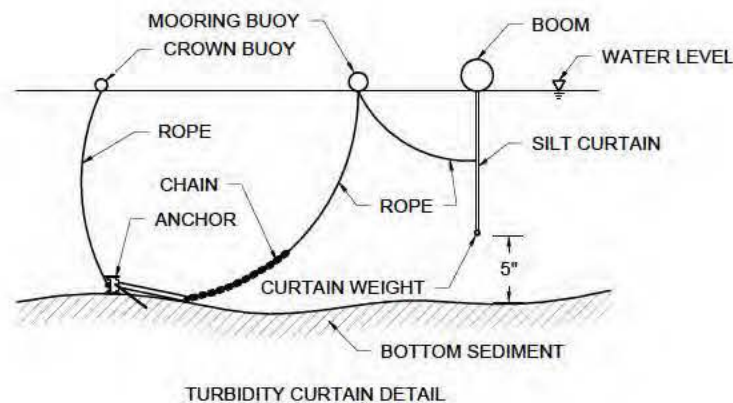


FIGURE 2  
GENERAL NOTES  
NICEVILLE LANDING PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA



**TAYLOR ENGINEERING INC.**  
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DATE	JAN 2020

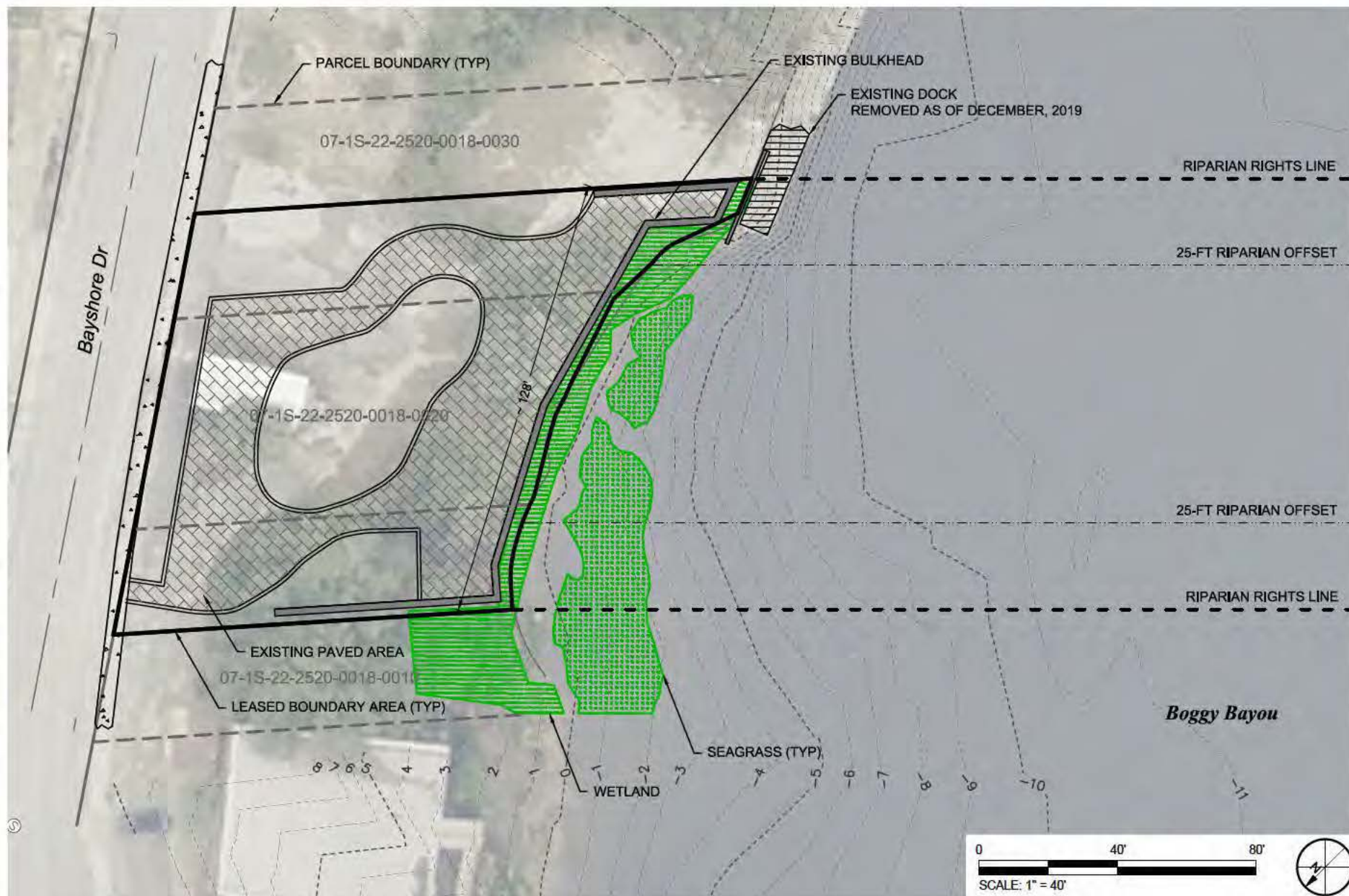
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## TAYLOR ENGINEERING INC.

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FL 32541  
REGISTRY # 4815

FIGURE 3  
EXISTING SITE PLAN  
CITY OF NICEVILLE PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013
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SHEET	3 of 7
DATE	JAN 2020

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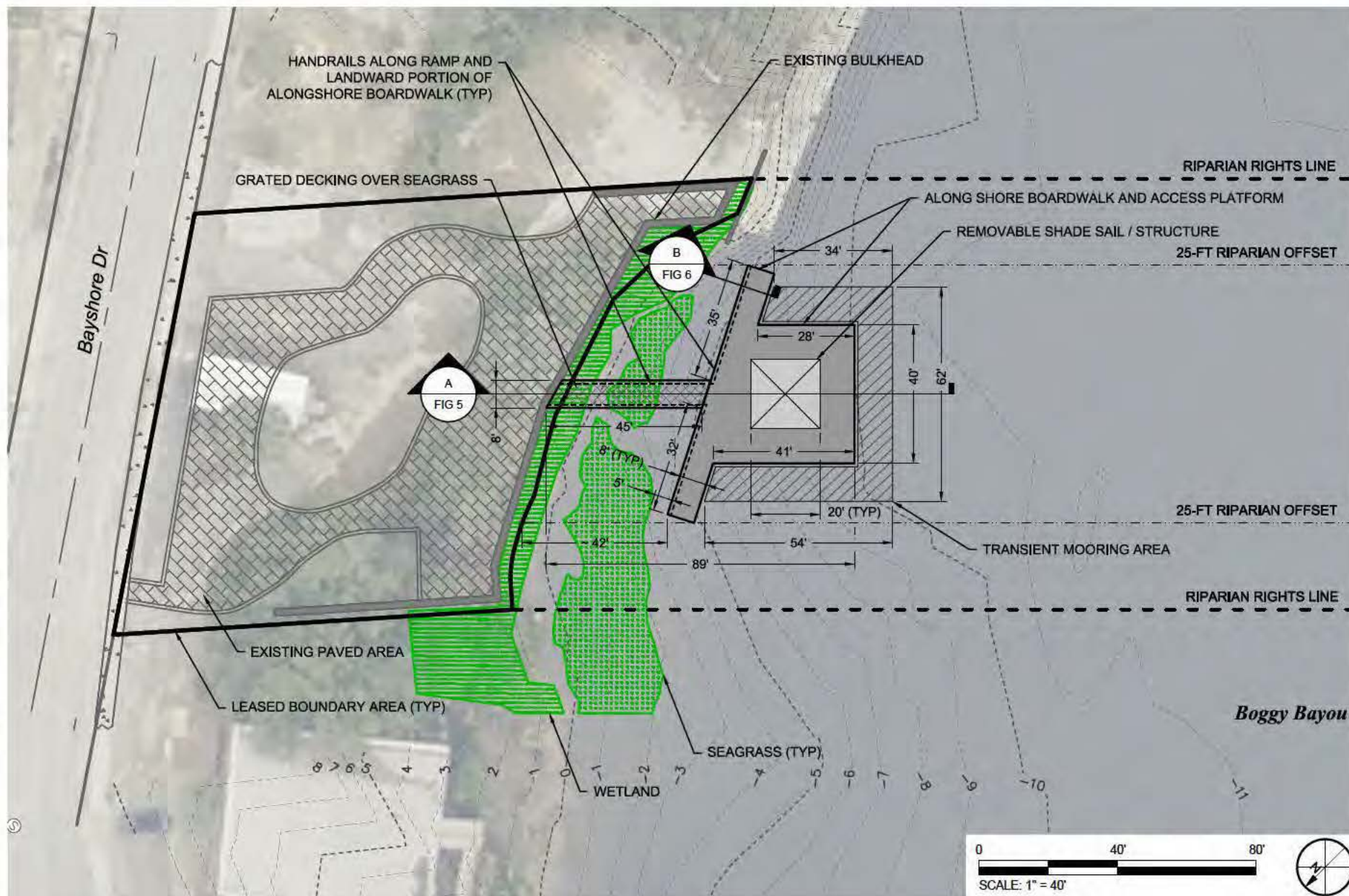
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# TAYLOR ENGINEERING INC.

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DESTIN, FL 32541  
REGISTRY # 4815

FIGURE 4  
SITE PLAN  
NICEVILLE LANDING PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013
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DATE	JAN 2020

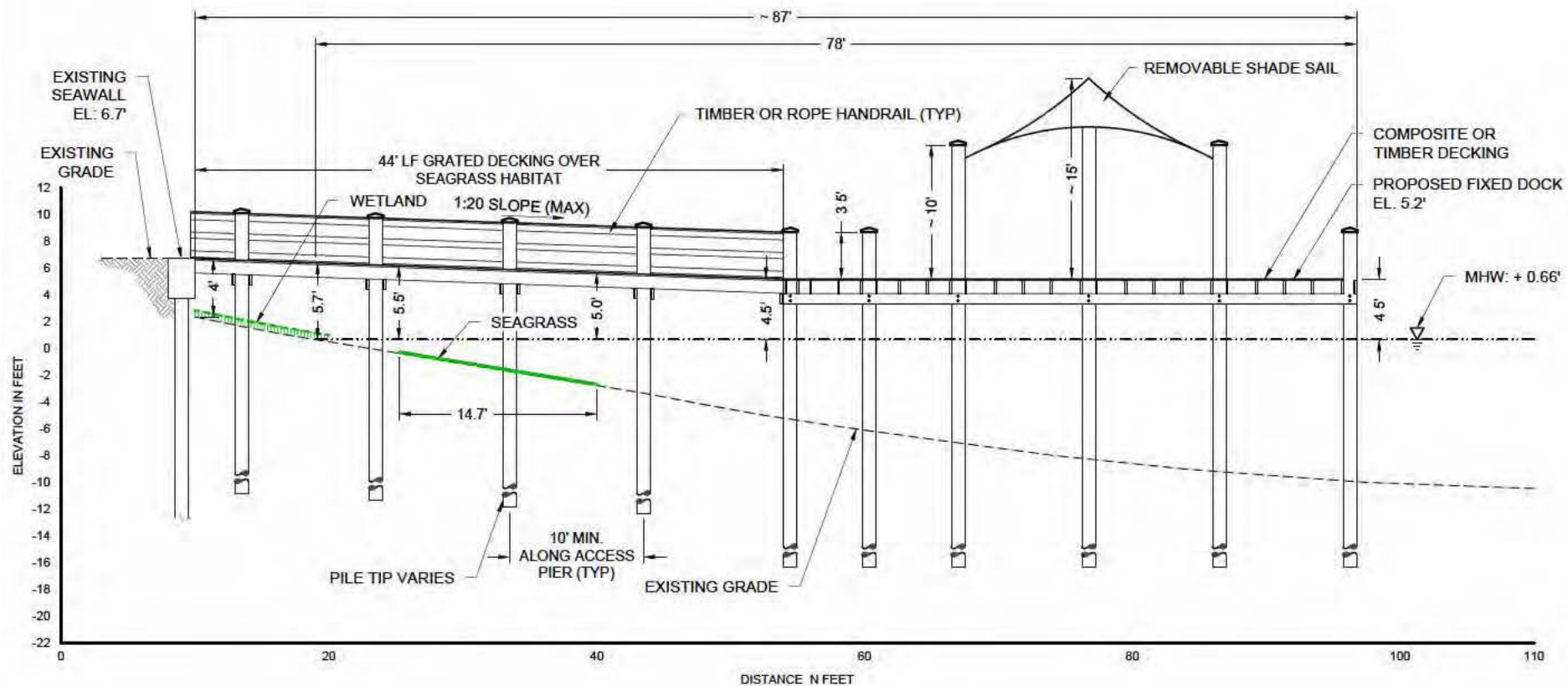
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DATE

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**DOCK PROFILE**  
SCALE: 1" = 12'



**TAYLOR ENGINEERING INC.**  
4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FL 32541  
REGISTRY # 4815

FIGURE 5  
DOCK PROFILE  
NICEVILLE LANDING PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013
DRAWN BY	CAS
SHEET	5 of 7
DATE	JAN 2020

SEAL

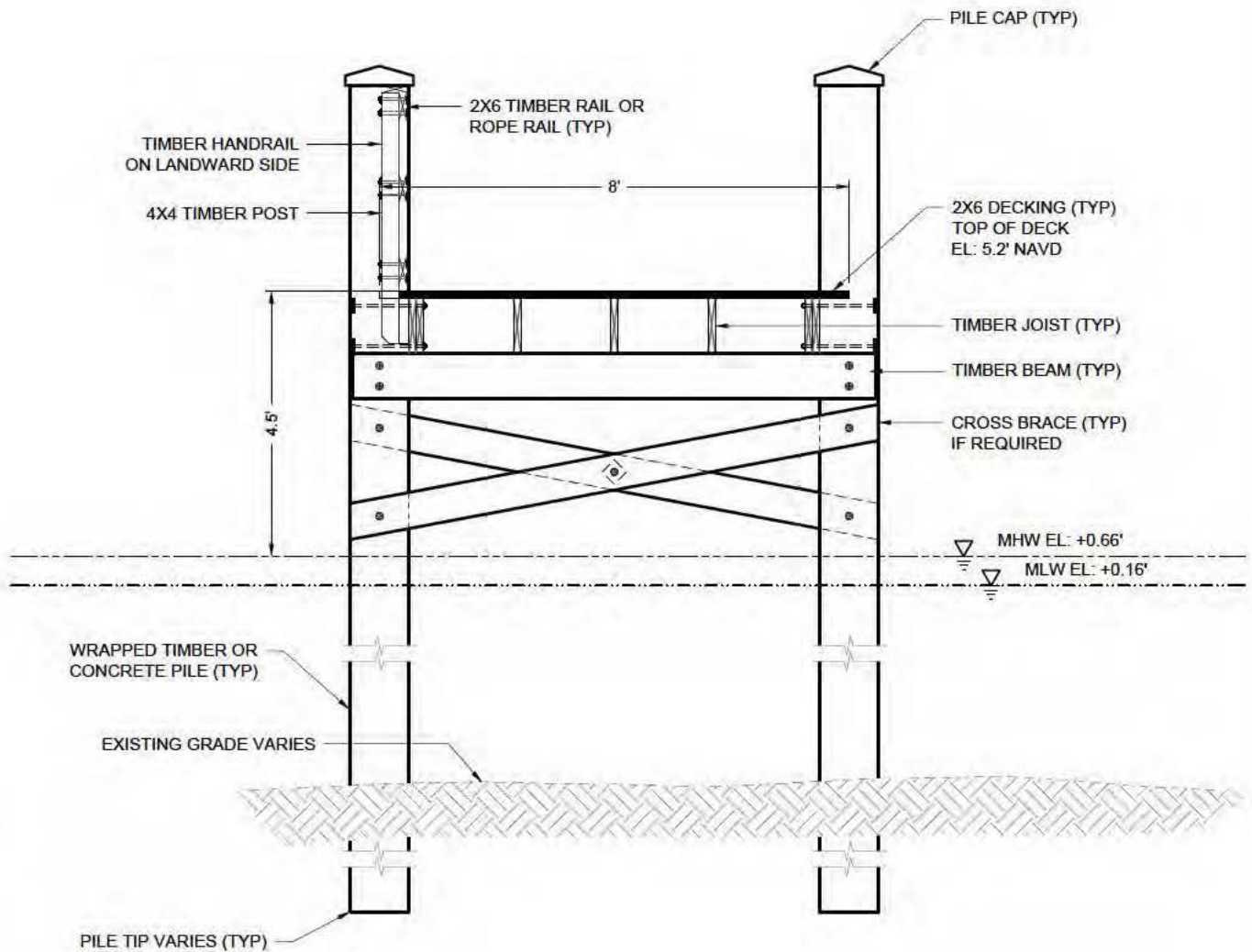
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**B** TYPICAL DOCK SECTION  
FIG 4 SCALE: 1" = 3'



**TAYLOR ENGINEERING INC.**

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REGISTRY # 4815

FIGURE 6  
TYPICAL DOCK SECTION  
NICEVILLE LANDING PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013	DRAWN BY	CAS	SHEET	6 of 7	DATE	JAN 2020
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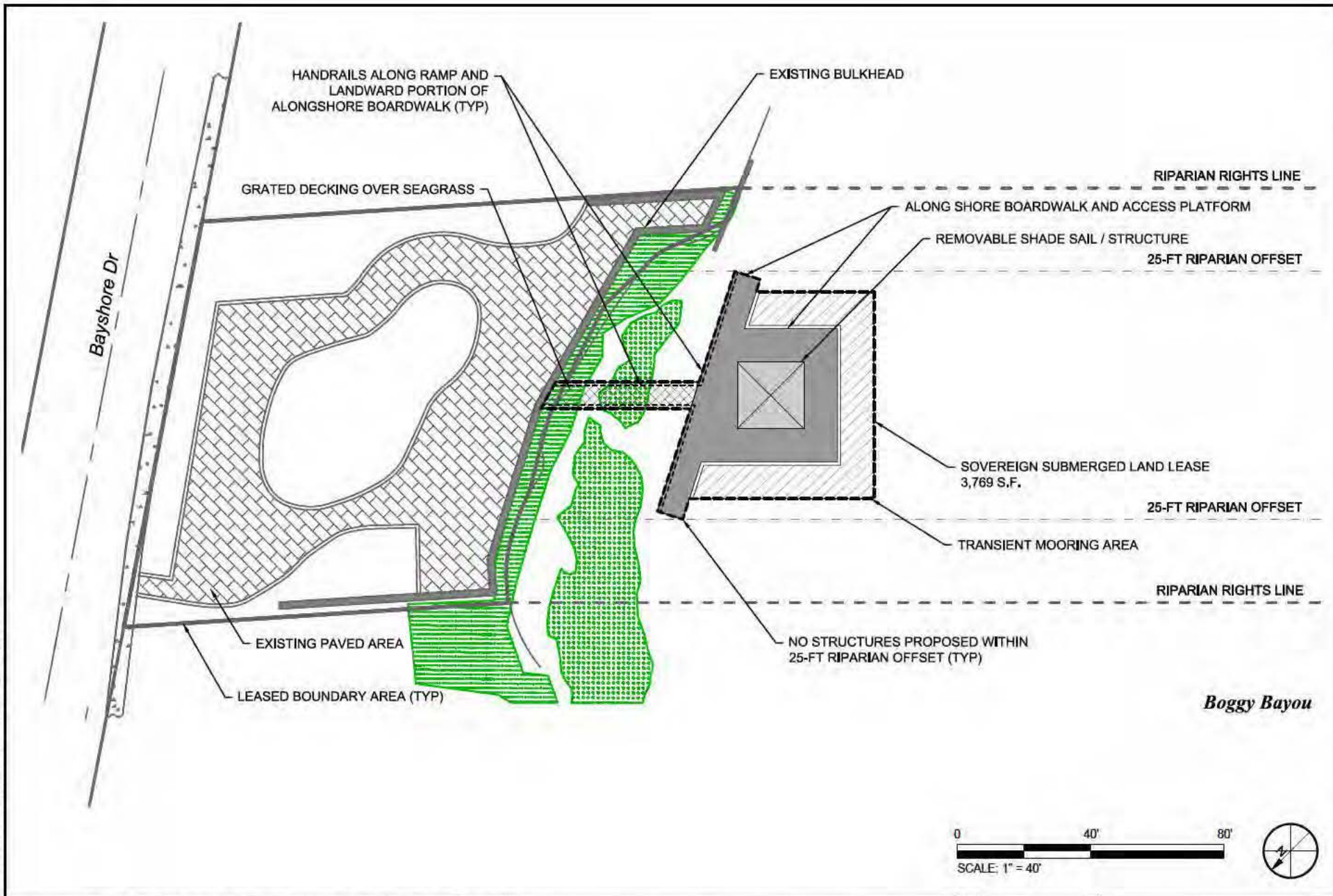
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REGISTRY # 4815

FIGURE 7  
SOVEREIGN SUBMERGED LAND LEASE  
NICEVILLE LANDING PUBLIC ACCESS PIER  
OKALOOSA COUNTY, FLORIDA

PROJECT	C2019-013
DRAWN BY	CAS
SHEET	7 of 7
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