



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

REPLY TO
ATTENTION OF

March 23, 2020

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2007-04711 (SP-KAE)

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: Flyhylandco, LLC
c/o Michael Kelly
3051 W State Road 84
Fort Lauderdale, FL 33312

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the New River. The project site is located at 3051 W State Road 84, in Section 19, Township 50 South, Range 42 East, in Fort Lauderdale, within Broward County, Florida.

Directions to the site are as follows: Take I-95 South to State Road 84 W (Marina Mile), turn right then immediately turn right and the facility is on the left.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.087508°
Longitude - 80.185387°

PROJECT PURPOSE:

Basic: The basic project purpose is shoreline stabilization and water access.

Overall: The overall project purpose is shoreline stabilization and water access at a commercial marina in eastern Broward County, Florida.

EXISTING CONDITIONS: The existing 162-slip (150-wet slips and 12 dry slips) commercial marina has been in place since 1966. The marina is operating under license no. MFOL08-0015. The Corps issued a NW 35 on August 25, 2007 for the removal of 45 cubic yards of sediment.

PROPOSED WORK: The applicant seeks authorization to 1) install a 445-linear foot seawall with a 3-foot cap, 2) install 2,168 square foot floating docks, 3) install 200 square foot fixed docks, 4) excavate 230 cubic yards (1,800 square foot) of uplands,

and 5) dredge 47,300 cubic yards to minus 12 feet mean low water (MLW) in a 336,495 square foot area. The project will increase the total number of wetlands from 150 to 154 slips.

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 are no wetlands present on site and the placement of fill is no longer proposed. The site is an existing marina that was previously excavated from uplands and the proposed fill is located in an area that was previously upland. The marina was established in 1966 and these uplands, which the majority is a rock pit, was excavated. Therefore, alternative upland sites do not exist to fulfill this basic project purpose.”

“As the proposed subject site is the only option to fulfill the basic project purpose of reconfiguring an existing marina, the proposed activities have been revised to minimize impacts. Additionally, the proposed activities have been revised to completely remove the $\pm 3,288.5$ sq. ft. (± 460 c.y.) of proposed fill and to drastically reduce the amount of uplands excavated from $\pm 3,537$ sq. ft. to $\pm 1,800$ sq. ft., reduce the amount of dredged material from $\pm 340,757$ sq. ft. to $\pm 332,797$ sq. ft., reduce the square footage of proposed fixed docks from ± 490 sq. ft. to ± 200 sq. ft., and reduce the square footage of proposed floating docks from $\pm 3,996$ sq. ft. to $\pm 2,168$ sq. ft. Additionally, minimization of impacts should not be required as wetlands and wetland resources do not exist on site. The subject site is historically uplands mostly consisting of rock substrate. The subject site was excavated in order to create a marina which was established in 1966. A proposed seawall is also needed due to the imminent threat of sea level rise. As part of the subject site consists of unconsolidated shoreline, a seawall is needed to prevent shoreline erosion.”

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required: “The discharge of dredged or fill material is not proposed into waters of the United States. Therefore, compensatory mitigation is not 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 the West Indian (Florida) manatee (*Trichechus manatus*) as it is located within a Warm Water Aggregation Area (WWAA) and/or no entry area. The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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 Corps has determined that the proposed project 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 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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Ste 500, 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, Kelly Egan, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Ste 500, Palm Beach Gardens, FL 33410; by electronic mail at Kelly.A.Egan@usace.army.mil; or, by telephone at (561) 472-3514.

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

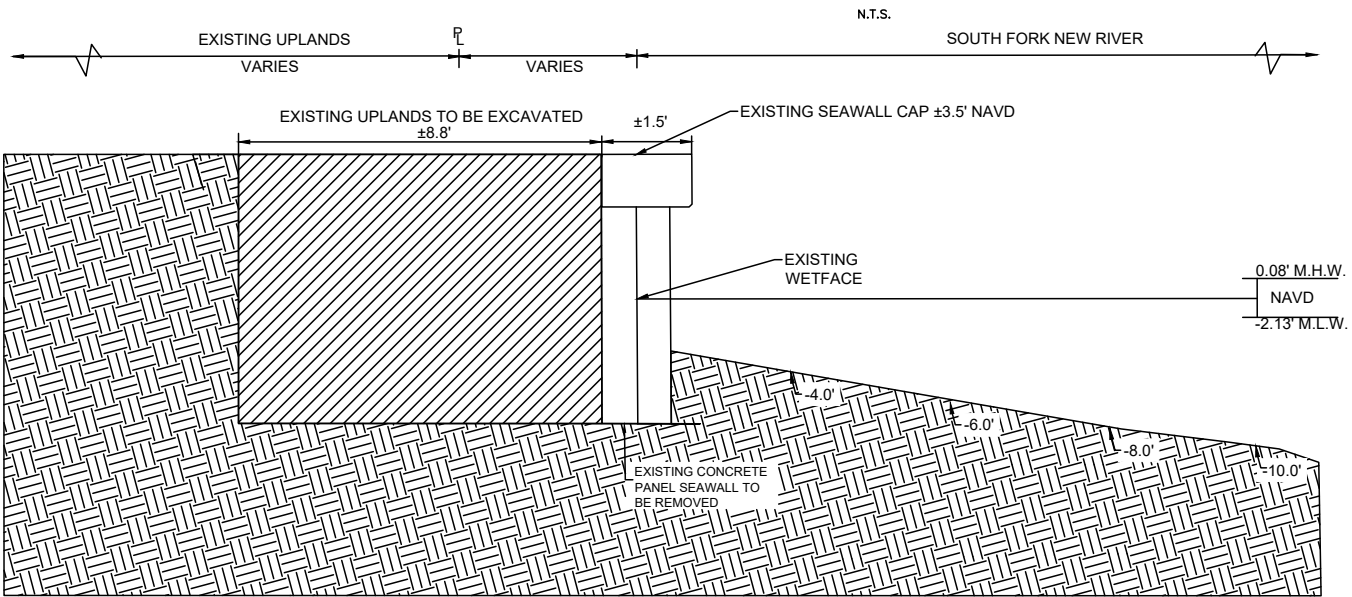
of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, 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.

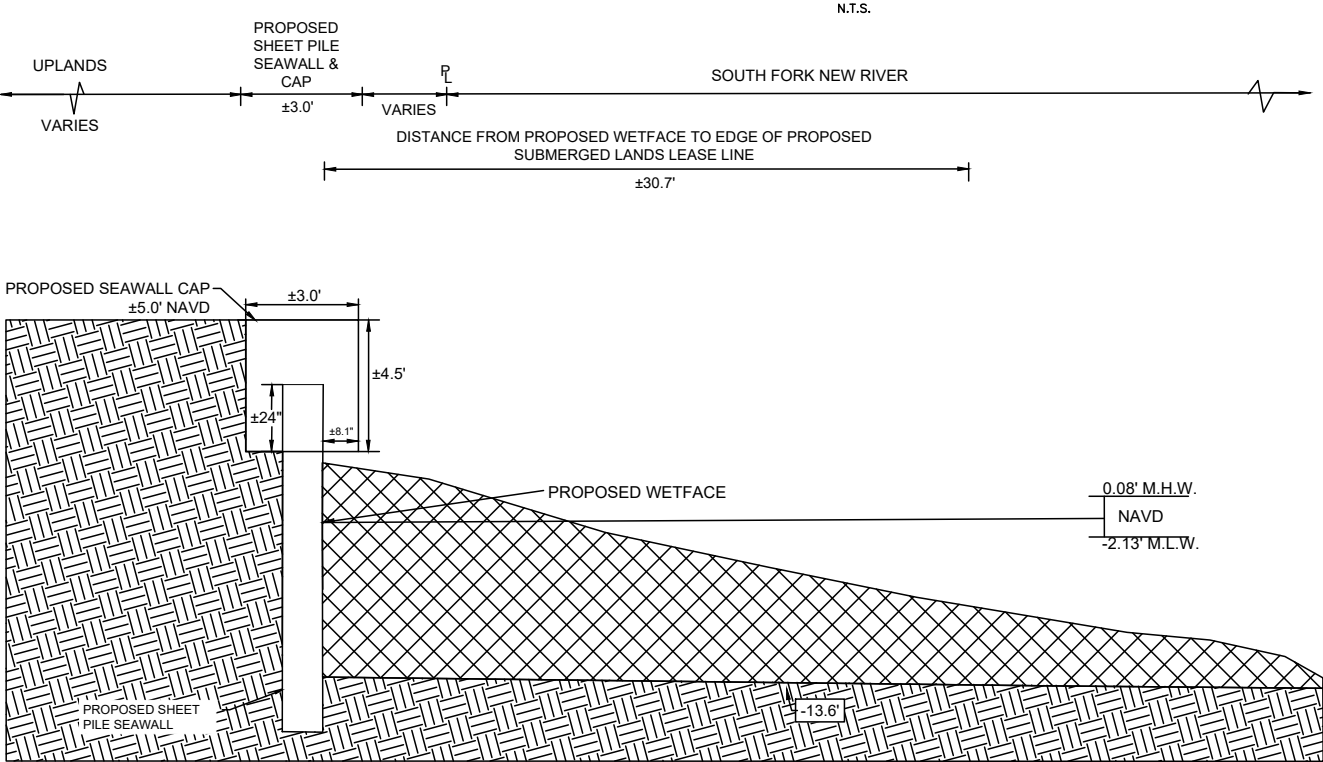
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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.

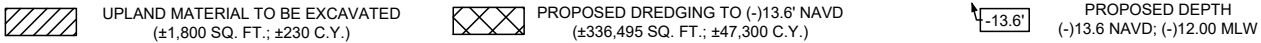
EXISTING CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



LEGEND



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BRADFORD MARINE

PREPARED FOR:
IMAGINE INVESTORS, LLC.

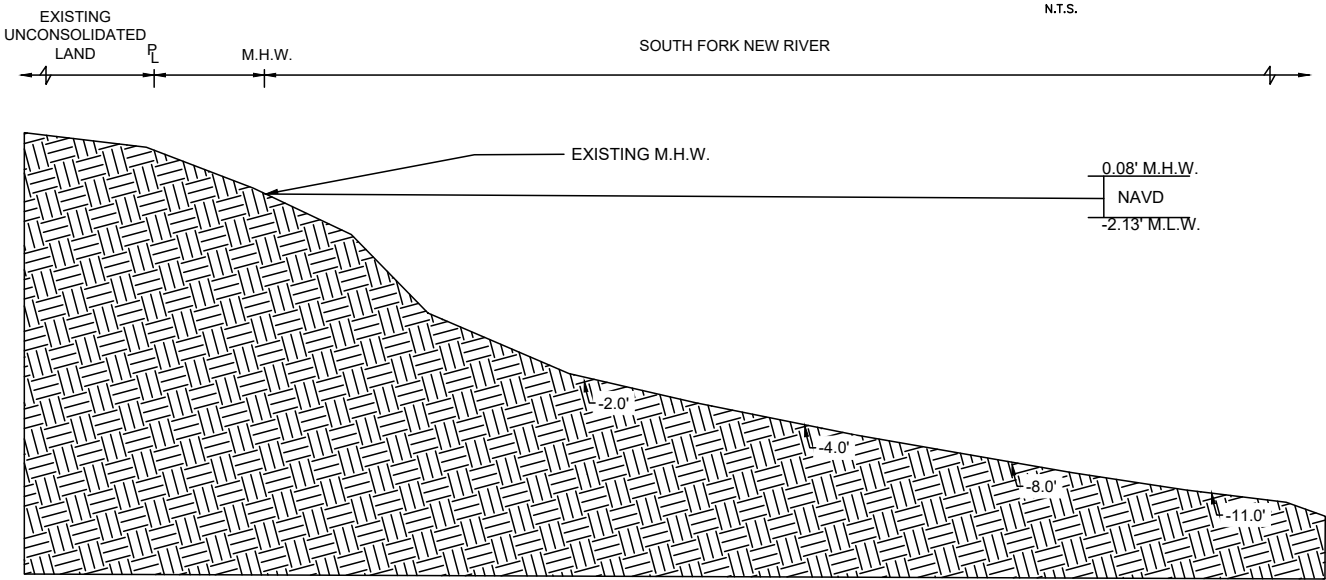
SECTION A

Date:
1/30/2020
Proj No.:
15-0076.002

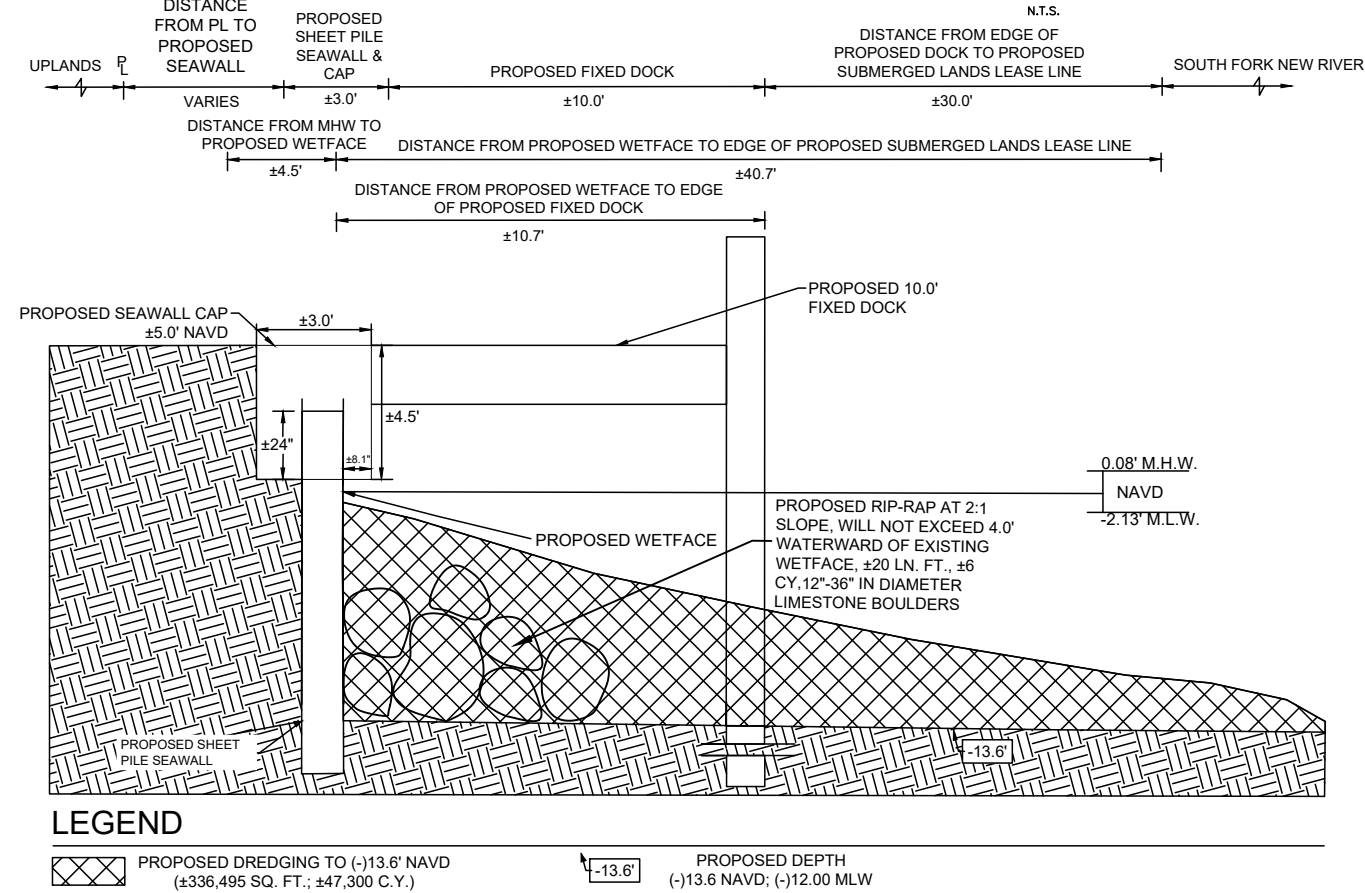
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EXISTING CONDITIONS SECTION B-B (TYP.)



PROPOSED CONDITIONS SECTION B-B (TYP.)



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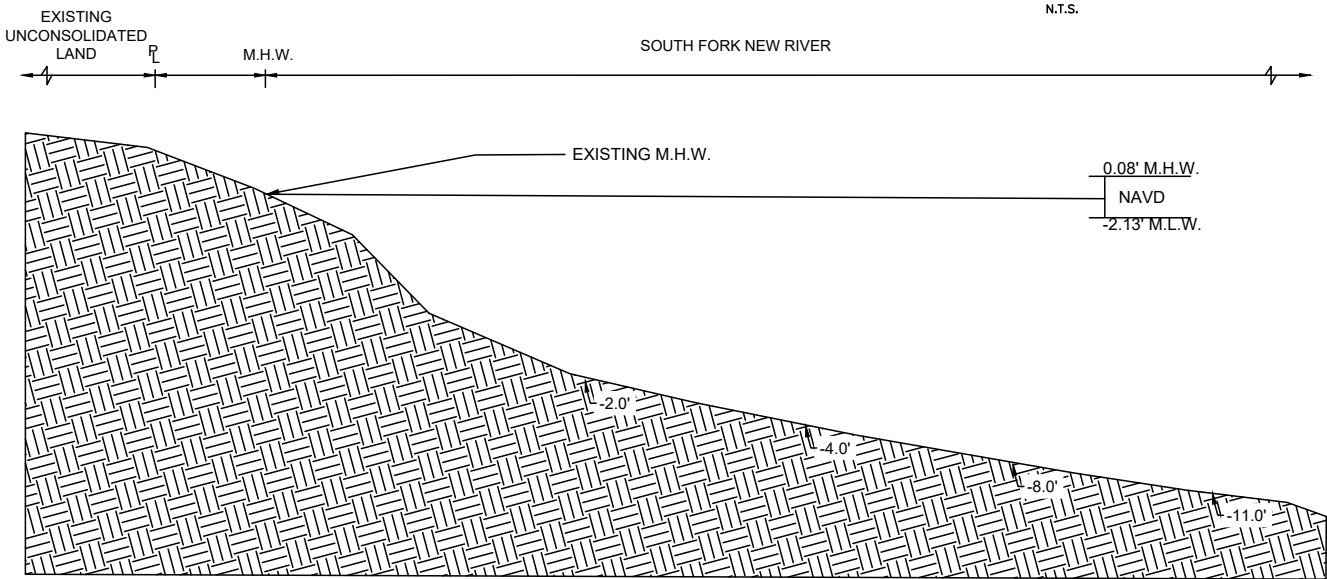
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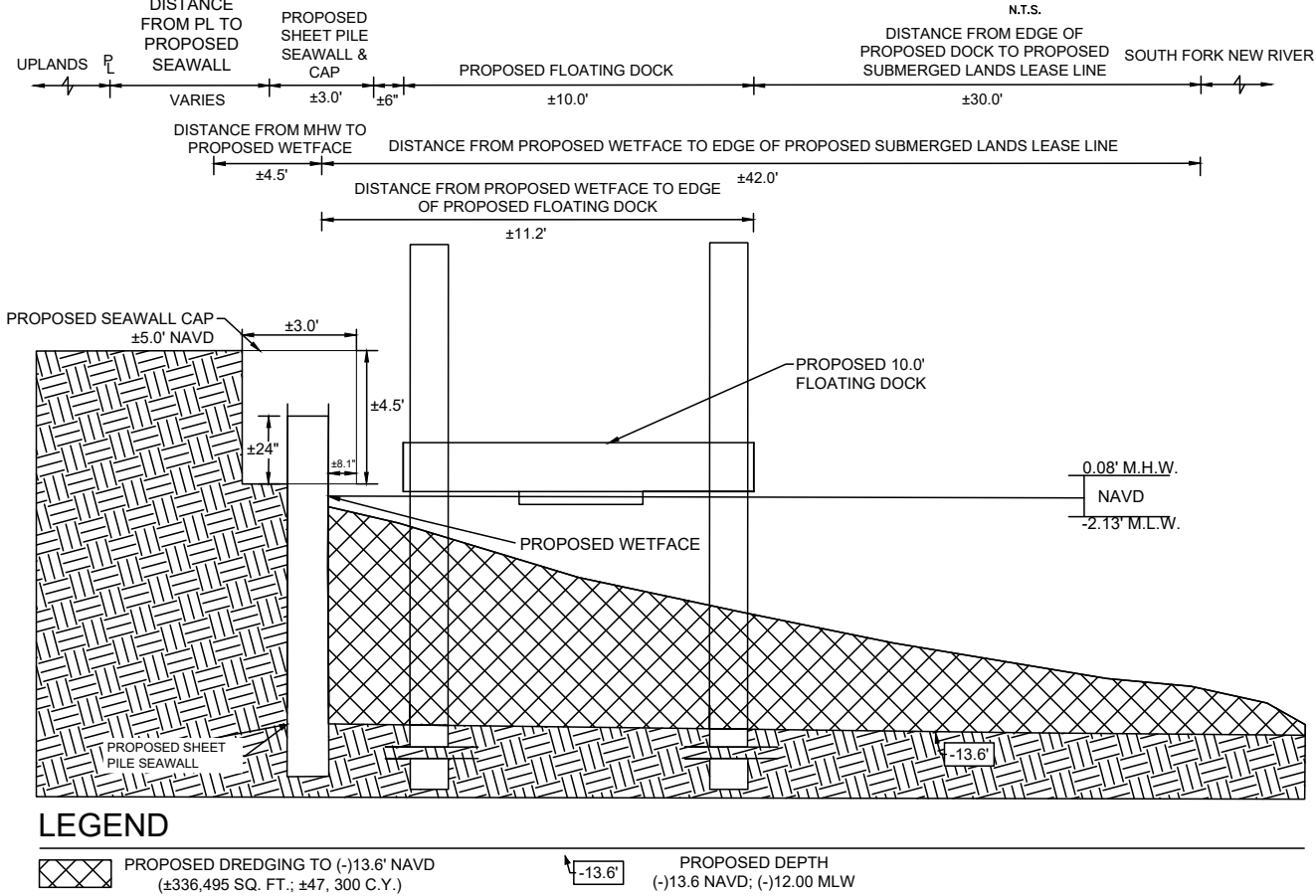
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SECTION B		
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EXISTING CONDITIONS SECTION C-C (TYP.)



PROPOSED CONDITIONS SECTION C-C (TYP.)



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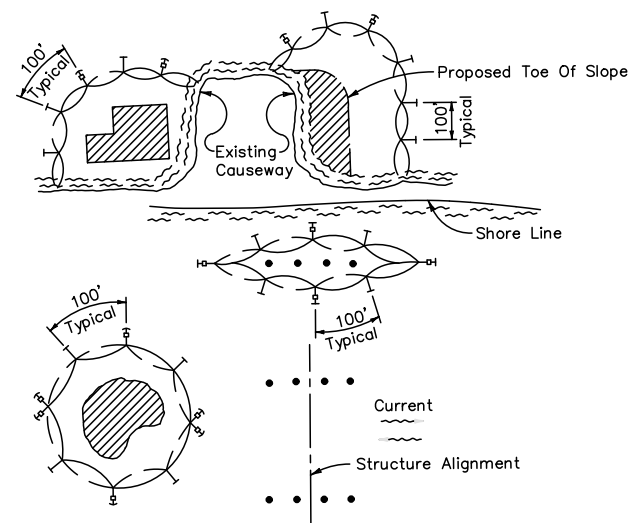
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SECTION C

Date:
1/30/2020
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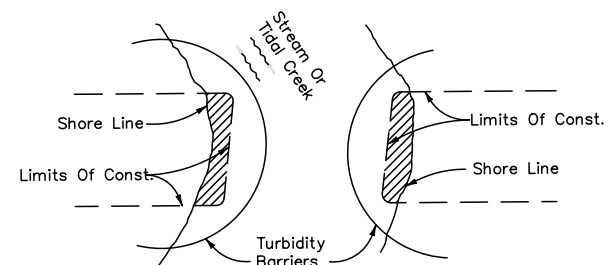
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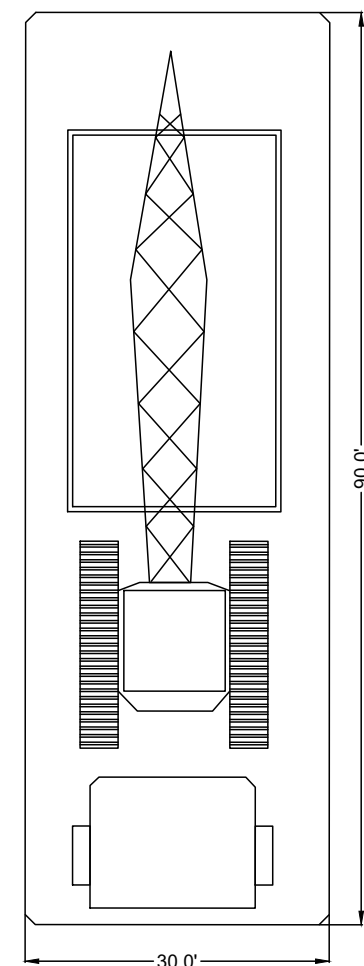
- LEGEND
- Pile Locations
 - ▨ Dredge Or Fill Area
 - ⊕ Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action

- 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.

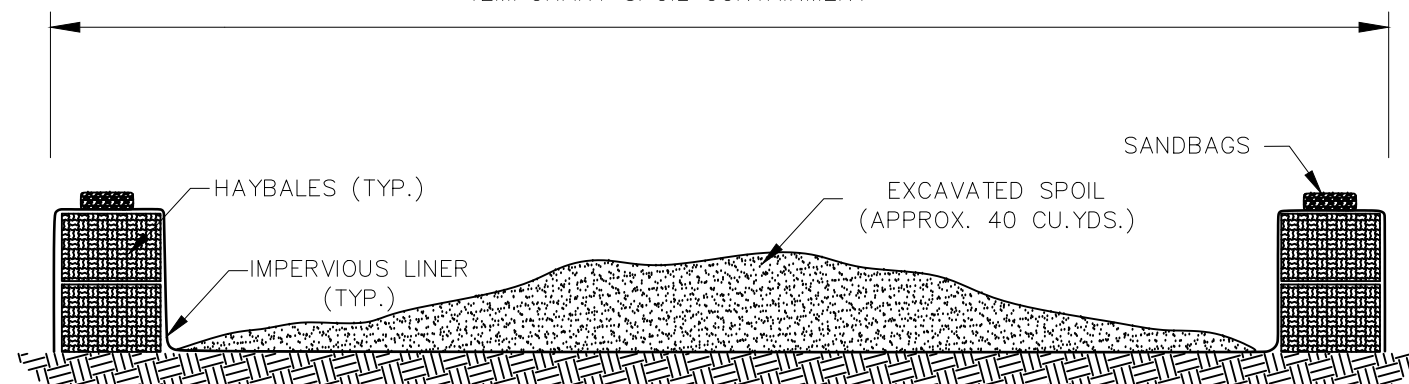


Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in 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.

CONSTRUCTION BARGE (TYP.)



TURBIDITY BARRIER APPLICATIONS TEMPORARY SPOIL CONTAINMENT



NOTES:

- 1.) SPOIL CONTAINMENT AREA TO INCLUDE A SYNTHETIC, IMPERVIOUS LINER (PVC OR SIMILAR) TO ELIMINATE LEACHING DURING THE DRYING PROCESS.
- 2.) ONCE SPOIL MATERIAL IS DRY, ALL MATERIAL WILL BE USED BY CONTRACTOR OR TRANSPORTED WITH LINED TRUCKS TO AN APPROVED UPLAND LANDFILL.
- 3.) DREDGED MATERIAL WILL BE REMOVED FROM THE TEMPORARY CONTAINMENT AREA AND HAULED AWAY BY THE CONTRACTOR AS NEEDED.

TEMPORARY SPOIL CONTAINMENT (N.T.S.)

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DETAILS

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