



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

May 11, 2020

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-00563 (SP-CGK)

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: Marina First LLC
c/o Christopher Partridge
1769 Northeast 33rd Street
Pompano Beach, Florida 33064

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Hillsboro River. The project site is located at 790 Northwest 1st Avenue (Section 31, Township 47 South, Range 43 East), Deerfield Beach, Broward County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.327°
Longitude: -80.1033°

PROJECT PURPOSE:

Basic: The basic project purpose is water access.

Overall: The overall project purpose is water access within the Hillsboro River in Broward County.

PROPOSED WORK: The proposed work involves (1) removing the existing 425 square foot floating dock, gangway, pilings, and 94 linear feet of existing seawall, (2) installing 94 linear feet of new seawall, 18 inches waterward of the mean high water line (MHWL) with a 2 foot wide concrete cap, and (3) installing a new 256 square foot floating dock with a gangway. Additional work consists of installing 107 racks on the uplands. The site will result in accommodating 20 wet slips and 400 dry slips.

EXISTING CONDITIONS: The project site is located within the Hillsboro River in Broward County. The site consists of an existing 293 slip marina containing a 425

square foot docking structure and a bulk-headed shoreline. The Corps did not request a benthic survey as the new structures will be constructed in the footprint where both existing structures and mooring currently exists. Additionally, the site is located approximately 1.5 river miles downstream from a water control structure that releases freshwater, and approximately 3.5- river miles upstream of the nearest inlet, so it is not likely the site would support growth for seagrasses or corals.

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:

- Use erosion controls BMP's during construction
- Use turbidity curtains during construction
- Use clean fill materials
- Adhere to Standard Manatee Conditions for In-Water work
- Adhere to JaxBO PDC's for In-Water Activities

COMPENSATORY MITIGATION: The applicant has not provided a mitigation plan since the proposed project will not cause a loss to aquatic resources.

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:

FWS: Use of the 2013 Manatee Key results in the following pathway: A, B, C, G, H, I, J, K, N, O, P "Paragraph 1." The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), if determined it meets the state Manatee Protection Plan. The Corps has received programmatic concurrence from the U.S. Fish and Wildlife Service with this determination pursuant to Section 7 of the Endangered Species Act.

NMFS: The Corps has determined the proposal may affect, but is not likely to adversely affect the Smalltooth sawfish (*Pristis pectinate*) and swimming green, hawksbill, Kemp's Ridley, leatherback, and loggerhead sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*). The project will not adversely modify any species' designated critical habitat. The Corps will request National Marine Fisheries Service 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 0.25 acres of estuarine waters which are utilized by various life stages of penaeid

shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex associated with mud, shell, sand and rock substrate and water column EFH. 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 Region. The Corps did not receive a benthic resource survey to determine impacts on seagrasses or other federally protected EFH resources. 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, Suite 500, Palm Beach Gardens, Florida 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 waters. 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, Christian Karvounis, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida; by e-mail at Christian.G.Karvounis@usace.army.mil; or, by telephone at (561)-472-3508.

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.

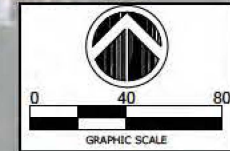
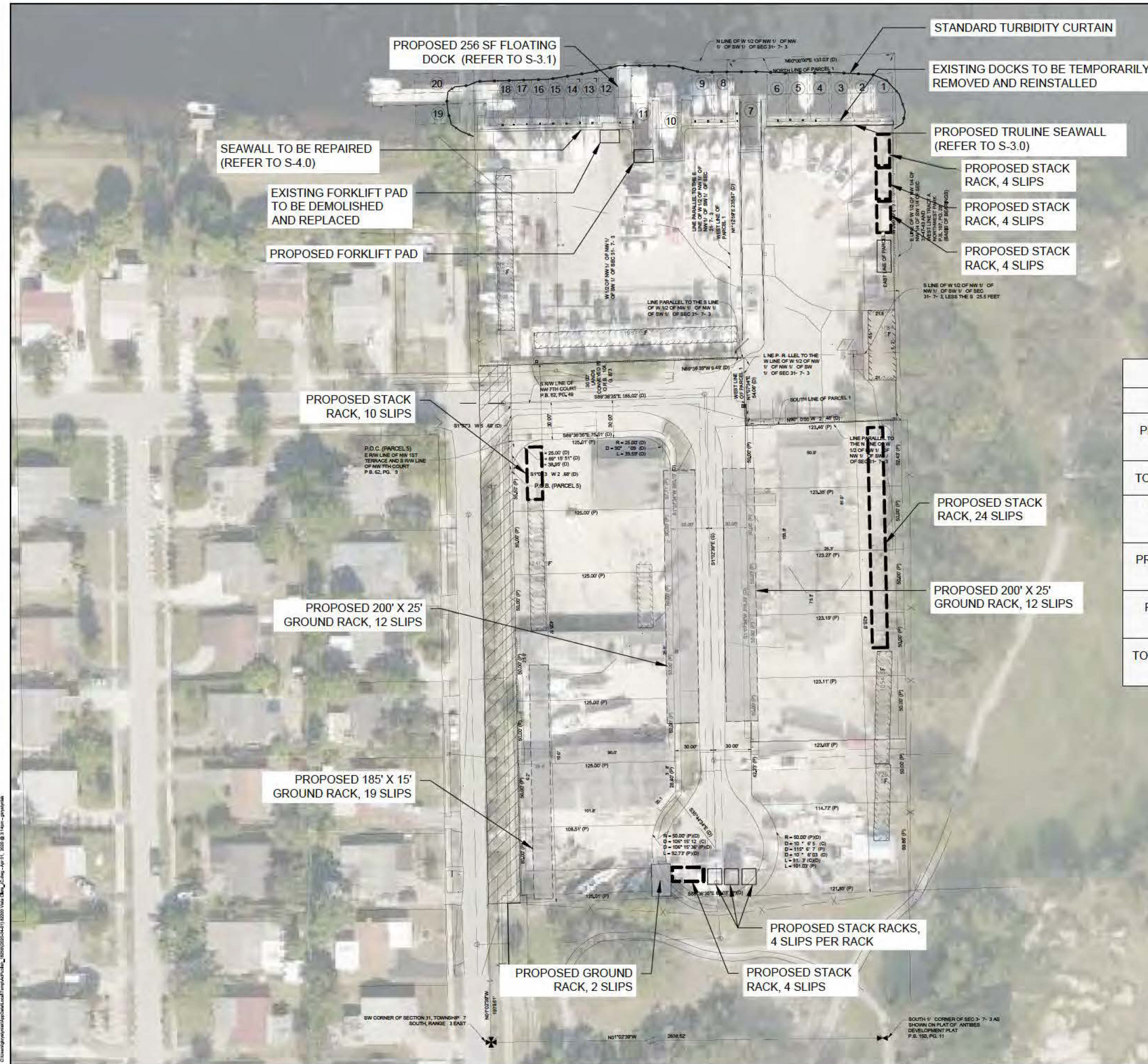
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



PROJECT
VISTA CLARA MARINA
SEAWALL REPLACEMENT
AND SLIP INCREASE
790 NW 1ST AVENUE
DEERFIELD BEACH, FLORIDA

CLIENT
**PARTRIDGE EQUITY
GROUP**

1709 NE 33 STREET
POMPANO BEACH, FL 33064

ENGINEER
CUMMINS CEDERBERG
COASTAL & MARINE ENGINEERING
7550 RED ROAD SUITE 217
SOUTH MIAMI, FLORIDA 33143
TEL: 305-741-8155 FAX: 305-874-1908
WWW.CUMMINSCEDERBERG.COM
COA # 29062

TABLE OF QUANTITIES		
ITEM	UNIT	QUANTITY
PROPOSED TRULINE SEAWALL	LF	94
TOTAL STAGING SLIPS	EA	20
PROPOSED OVER WATER DOCK STRUCTURES	SF	2,161
PROPOSED FLOATING DOCK PILES	EA	4
PROPOSED STACK RACK SLIPS	EA	107
TOTAL PROPOSED DRY SLIPS	EA	400

SEAL

JORDON P. CHEIFET, P.E. # 72876

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CC PROJECT NO.	82200
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DRAWN	GK
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CHECKED	JPC
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SCALE	AS SHOWN
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SHEET TITLE

1000

PROPOSED SITE

PLAN

<p> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>
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SHEET 4 OF 7

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S-20

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NOTES:

1. BOUNDARY SURVEY BY CAUFIELD AND WHEELER
MARCH 9, 2020.
2. ELEVATIONS SHOWN HEREON ARE REFERENCED TO
THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND
ARE BASED ON BENCHMARK "PIONEER" WITH A
PUBLISHED ELEVATION OF 9.26.

PROPOSED SITE PLAN

SHEET 4 OF 7

S-2.0

