



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

REPLY TO
ATTENTION OF

June 16, 2020

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2003-02932(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) and Section 404 of the Clean Water Act (33 U.S.C. §1344); as described below:

APPLICANT:

J.S. Family Holdings, Inc.
C/o Viking Yacht Service Facility (Michael Samuels)
1550 Avenue C
Riviera Beach, FL 33404

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the discharge of dredged material within tidal waters of the U.S. The project is located within the northern portion of Lake Worth Lagoon offshore of Currie Park in West Palm Beach (Section 33, Township 42 South, Range 43 East), in Palm Beach County, Florida.

Directions to the site are as follows: The project is located within Lake Worth Lagoon approximately 0.34 miles north east of Currie Park and approximately 2.5 river miles south of the Palm Beach inlet.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 26.737803°
Longitude: -80.044073°

PROJECT PURPOSE:

Basic: The basic project purpose is to discharge dredged material within tidal waters of the U.S. to create a seagrass restoration area to be used as compensatory mitigation to offset impacts to seagrass from the proposed dredging at the Viking Yacht Marina.

Overall: The overall project purpose is to discharge dredged material within tidal waters of the U.S. to create a seagrass restoration area within Lake Worth Lagoon to be used as compensatory mitigation to offset impacts to seagrass from the proposed dredging at the Viking Yacht Marina in Palm Beach County Florida.

EXISTING CONDITIONS, PROJECT HISTORY: The project area consist of 7.2 acres barren benthic habitat with depths ranging from -6' +/- MLW to -11' +/- MLW. The project area was surveyed in September 2018, and the benthic habitat was barren with no seagrass, and consists primarily of sand and silt. No seagrass is currently present within the 7.2 acre area. The selected mitigation site is located within an 85 acre area previously determined by the Palm Beach County's Environmental Resource Management (PBC ERM) to be a preferred seagrass creation area. The proposed seagrass mitigation area is to offset impacts associated with the applicant's proposed dredging and marina configuration at the existing Viking Yacht Marina as described in the public notice dated July 11, 2017.

PROPOSED WORK: The project proposes to create 7.2 acres of seagrass habitat by placing approximately 40,000 cubic yards of fill material within a 7.2 acre tidal area to an approximate elevation of -4' MLW. Over the 7.2 acres area approximately 4.7 acres will be at elevation -4' MLW and approximately 2.5 acres will encompass the side slopes (8:1).

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: It is expected that the seagrass creation area will promote seagrass recruitment by raising the elevation to depths more appropriate for seagrass growth. A mechanical dredge will be used (barge mounted excavator) with a containment area on the same barge or a separate material barge. The barge will travel from the dredge site to the mitigation site (approximately 2.8 miles), via the Intracoastal Waterway, and place the material from the barge to the mitigation site. Approximately 300 trips would be required, depending on the size of the barge. The material will be lowered into the water in the excavator bucket to minimize dispersion. Floating turbidity barriers will be used during the discharge of the dredged material. The spoil will be placed to the appropriate elevation, and graded as necessary with the excavator bucket.

COMPENSATORY MITIGATION: The applicant has provided the following explanation as to why compensatory mitigation should be required: The project is a creation/restoration habitat project and should benefit the ecological benthic habitat, no impacts to submerged aquatic vegetation are proposed or anticipated and therefore, no compensatory mitigation should be required.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. Information gathered by the Corps states that the subject property has not been evaluated by the State Historic Preservation Officer (SHPO). 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 and coordination with the SHPO and, if applicable, 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 threatened West Indian manatee (*Trichechus manatus*) and would not adversely modify its designated critical habitat. The U.S. Fish and Wildlife Service's has given concurrence with this determination pursuant to Section 7 of the Endangered Species Act and no further consultation is required.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the threatened and endangered swimming sea turtles; loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempii*), and the threatened smalltooth sawfish (*Pristis pectinata*). The Corps will request concurrence with these determinations 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. The proposal would impact approximately 7.2 acres of unvegetated benthic habitat within Lake Worth Lagoon, 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 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.

NAVIGATION: The project is not located with the Corps setback of the federal channel. Initial review of the project has determined that the proposed project will not impede navigation or the operation and maintenance of the federal channel.

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 aquatic resources. 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)472-3531.

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.

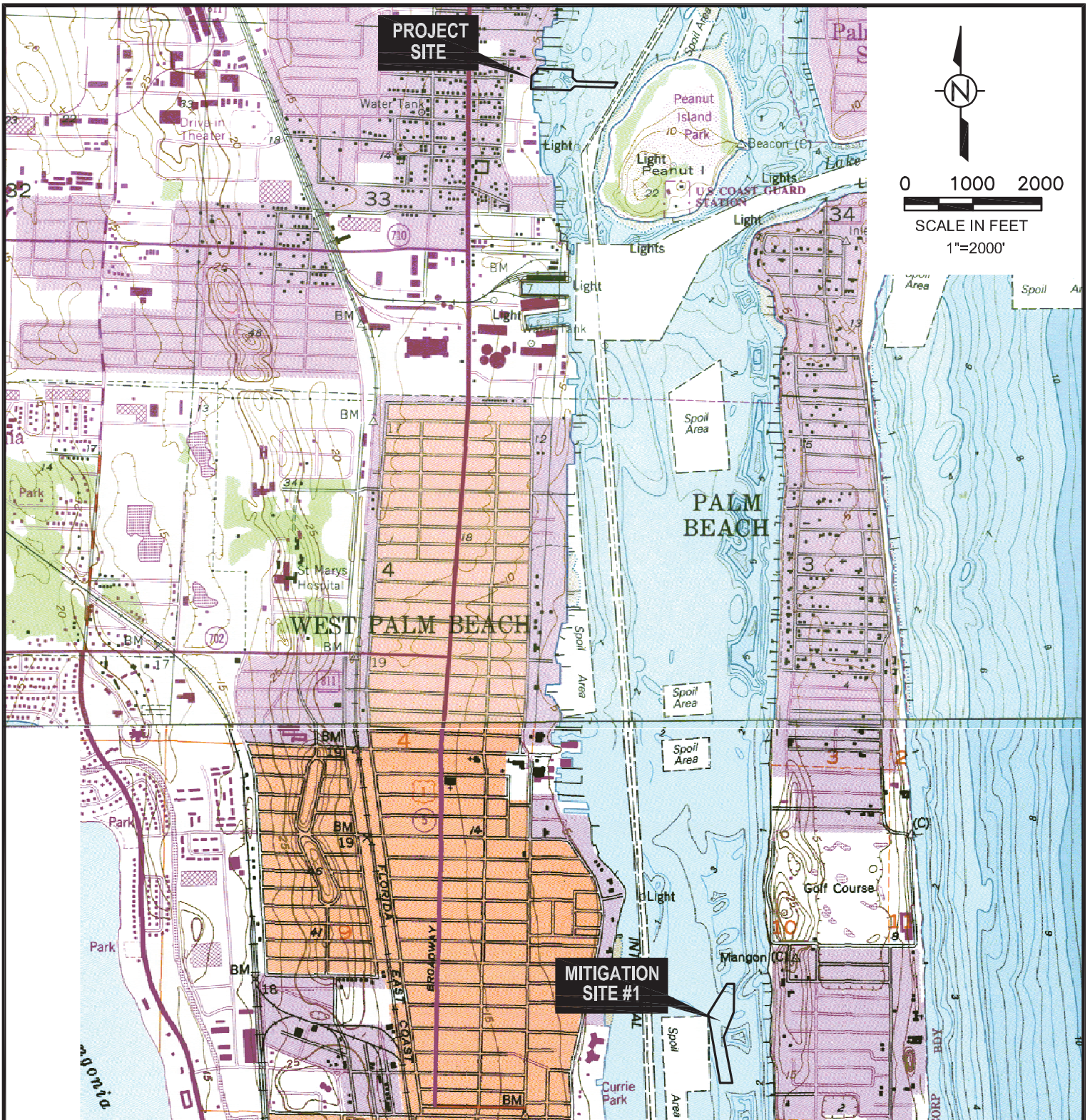
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



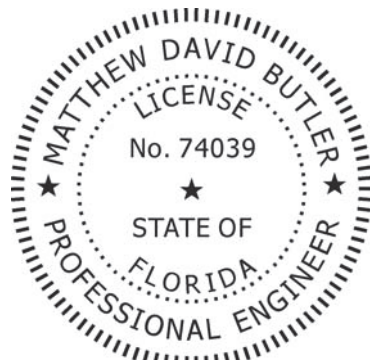
TAKEN FROM U.S.G.S. RIVIERA BEACH AND PALM BEACH, FLORIDA QUADRANGLE

SEC: 10 TWP: 43S RGE: 43E

LAT: 26° 44' 18" N

LONG: 080° 02' 39" W

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 3/5/2020 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.



VICINITY MAP - SEAGRASS CREATION



**ISIMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER : 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003

**PROPOSED DOCK MODIFICATION & DREDGING
LAKE WORTH
1524 & 1606 AVENUE C
CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL
APPLICANT: J.S. FAMILY HOLDINGS, INC.**

DATE	12/18	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	15107S1					SHEET	
COMPUTER FILE NO.	15107Sr1					OF	7

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REV 1 5/19 REVISED MITIGATION AREA



0 150 300

SCALE IN FEET

1"=300'

TOP OF ESTIMATED SIDE SLOPE
(4.7± ACRES)

CONTOUR IN FEET,
MLW (TYP.)

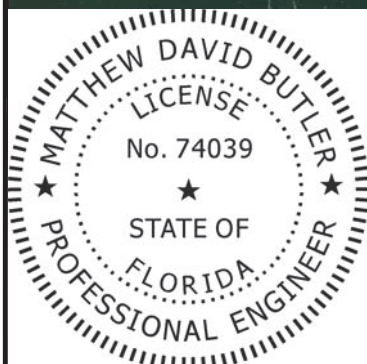
LAT./LONG. COORDINATES

- | | |
|---|---------------------------|
| ① | 26.7399° N
-80.0439° W |
| ② | 26.7399° N
-80.0435° W |
| ③ | 26.7388° N
-80.0436° W |
| ④ | 26.7378° N
-80.0440° W |
| ⑤ | 26.7360° N
-80.0437° W |
| ⑥ | 26.7360° N
-80.0442° W |
| ⑦ | 26.7387° N
-80.0447° W |

PROPOSED 7.2± AC. BARREN AREA TO
BE FILLED TO -4± MLW FOR SEAGRASS
RECRUITMENT (39,800± C.Y.)

PROPOSED BUOY MARKER (TYP., 6 TOTAL)

PALM BEACH SIDE CHANNEL



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NOTES:

- DATUM IS MLW. MLW = -2.46± NAVD FROM LIDBERG LAND SURVEYING, INC.
- EXISTING LOCATIONS AND DEPTH CONTOURS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 11/6/2018.
- 2017 AERIAL PHOTOGRAPH FROM PALM BEACH COUNTY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

REV 2 3/20 REVISED PER COE RAI

PLAN VIEW - SEAGRASS CREATION



ISIMINGER & STUBBS
ENGINEERING, INC.

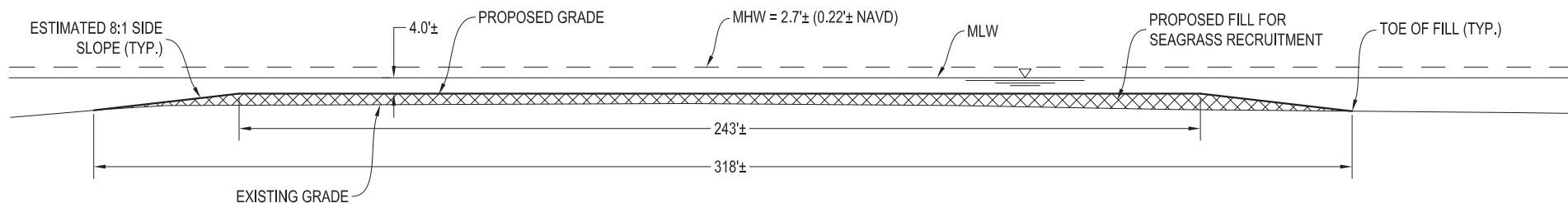
COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER : 8114
P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • 561-881-0003

PROPOSED DOCK MODIFICATION & DREDGING
LAKE WORTH
1524 & 1606 AVENUE C
CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL
APPLICANT: J.S. FAMILY HOLDINGS, INC.

DATE	12/18	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	15107S2						SHEET
COMPUTER FILE NO.	15107Sr2						OF 7

4

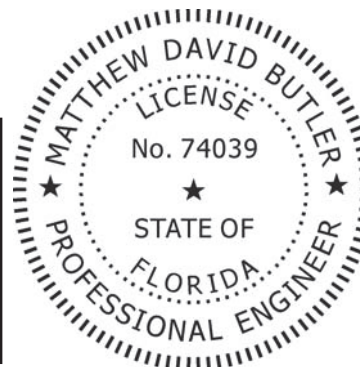


SECTION A-A
 0 20 40
 SCALE IN FEET
 1"=40'

NOTES:

1. DATUM IS MLW. MLW = -2.46'± NAVD FROM LIDBERG LAND SURVEYING, INC.
2. EXISTING LOCATIONS AND DEPTH CONTOURS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 11/6/2018.

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SECTION VIEW - SEAGRASS CREATION



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 ENGINEERING, INC.**

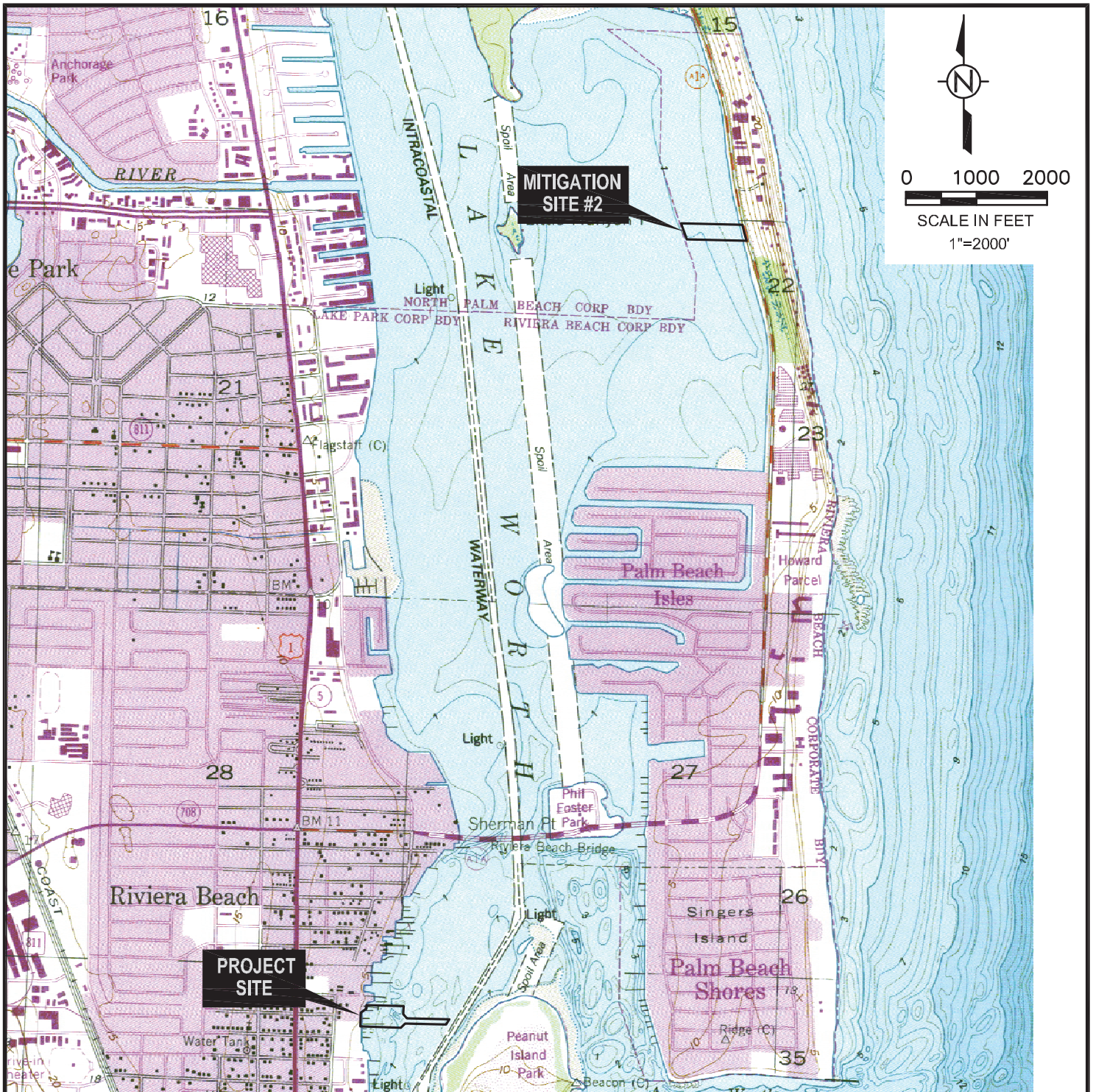
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 CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL
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DATE	12/18	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	15107S3					SHEET	5
COMPUTER FILE NO.	15107Sr2					OF	7

**SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.**

REV 2 3/20 REVISED SIDE SLOPES



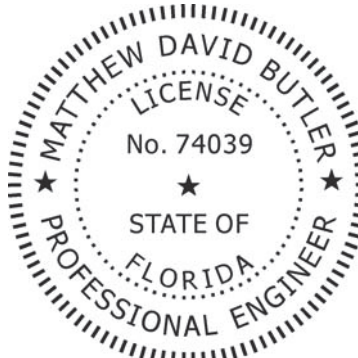
TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE

SEC: 22 TWP: 42S RGE: 43E

LAT: 26° 48' 22" N

LONG: 080° 02' 10" W

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VICINITY MAP - MITIGATION SITE #2



**ISIMINGER & STUBBS
ENGINEERING, INC.**

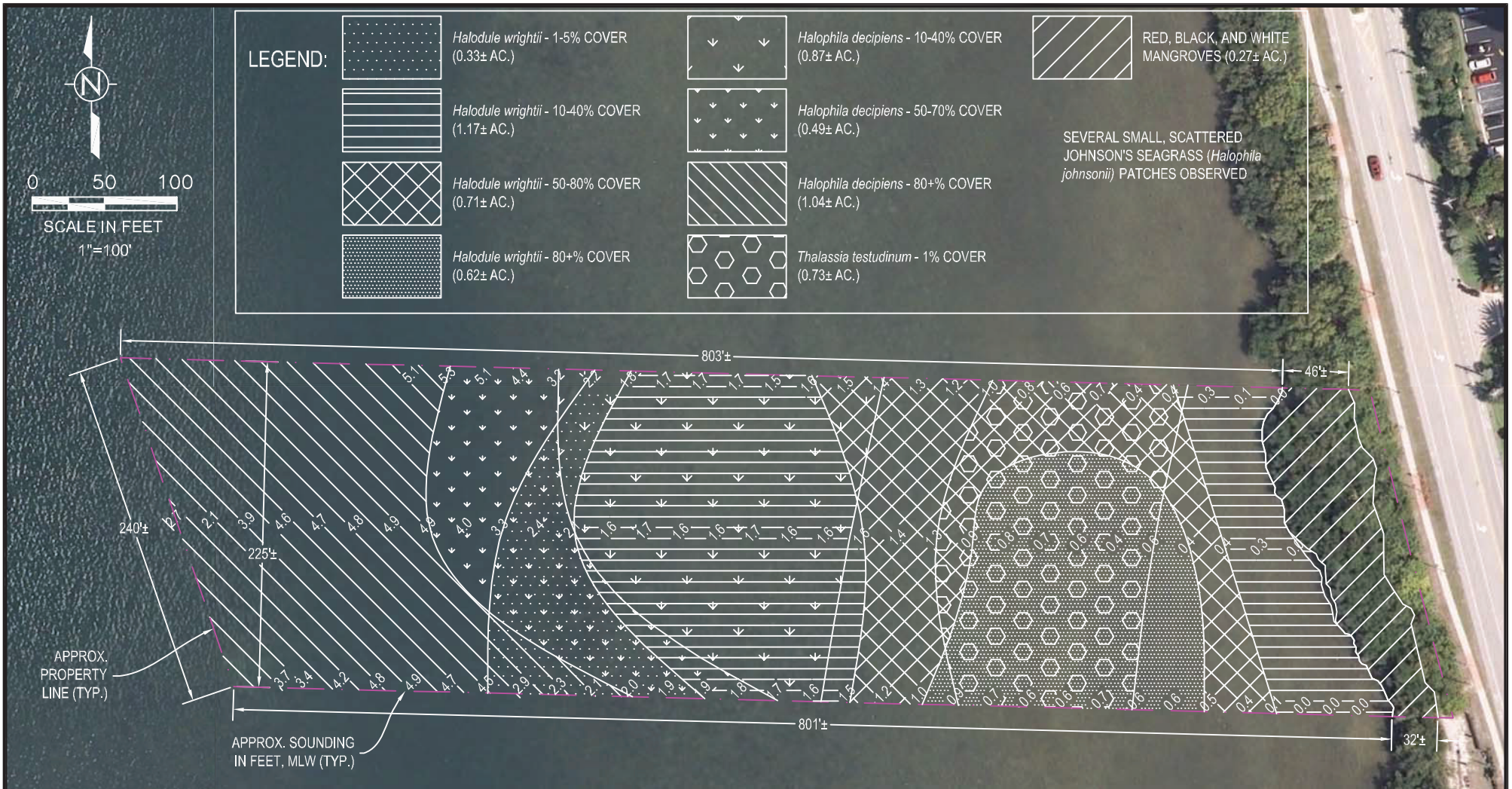
COASTAL • ENVIRONMENTAL • MARINE
CERTIFICATE OF AUTHORIZATION NUMBER : 8114
P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003

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LAKE WORTH**
1524 & 1606 AVENUE C
CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL
APPLICANT: J.S. FAMILY HOLDINGS, INC.

DATE	9/17	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	15107T4						SHEET
COMPUTER FILE NO.	15107Tr1						OF 7

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REV 1 6/19 REVISED TITLE BLOCK

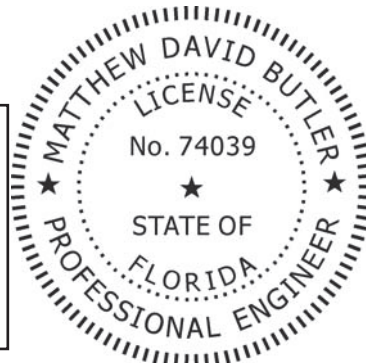


NOTES:

- DATUM IS MLW. MLW = -2.5± NAVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE BASED ON 2015 PALM BEACH COUNTY AERIAL AND ON-SITE OBSERVATIONS.
- SOUNDINGS AND SEAGRASS INFORMATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 8/25/17 AND 8/28/17. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

**SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.**

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PLAN VIEW - MITIGATION SITE #2



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COASTAL • ENVIRONMENTAL • MARINE

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APPLICANT: J.S. FAMILY HOLDINGS, INC.**

DATE	9/17	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	15107T	SHEET					7
COMPUTER FILE NO.	15107Tr1	OF					7

REV 1 6/19 REVISED TITLE BLOCK