



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

REPLY TO  
ATTENTION OF

August 11, 2020

Regulatory Division  
South Permits Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2020-01739(SP-JKA)

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) as described below:

APPLICANT: Port 1850 LLC  
Attention: Shlomo Melloul  
67 N. Federal Highway  
Dania Beach, FL 33004

WATERWAY AND LOCATION: The project would affect waters of the United States associated with 4.21 acres of tidal mangrove wetlands. The project site is located within a 5.11 acre vacant parcel located immediately east of 1900 NE 7<sup>th</sup> Avenue, Parcel ID: 504226000021, Section 26, Township 42 South, Range 50 East, Dania Beach, Broward County, Florida.

Directions to the site are as follows: Take Interstate 95 to Exit 26 for Interstate 595 east. Continue straight for 1.5 miles and take NE 7<sup>th</sup> avenue toward Port Everglades/International Airport. 1900 NE 7<sup>th</sup> Street will be on the right and the project area is located immediately east, along the eastern boundary of the 1900 parcel.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.072997°  
Longitude: - 80.128979°

### **PROJECT PURPOSE:**

Basic: Commercial Development

Overall: Provide additional warehouse storage within Eastern Broward County Florida.

EXISTING CONDITIONS: The wetland system consists of a 4.21 acres of tidal mangroves and 0.26 acres of tidal non-wetland waters. The onsite vegetation consists within the 4.21 acre mangrove wetland is dominated by mature red (*Rhizophora mangle*) and black mangroves (*Avicennia germinans*) approximately 20-30 feet in height, and appear to be in overall good health. Standing water was documented within the wetlands by a site visit conducted by Broward County Environmental Resource Management conducted May 22, 2020. The existing area surrounding the project area

consists of tidal mangrove wetlands, with Port Everglades located east of the project area and Fort Lauderdale International Airport located west of the project area. There are some scattered commercial/industrial development scattered within the mangrove wetlands.

**PROPOSED WORK:** The applicant seeks authorization to place 44,107 cubic yards of fill within 4.21 acres of tidal mangrove wetlands and 0.26 acres of non-wetland waters for the construction of a new commercial warehouse.

**AVOIDANCE AND MINIMIZATION INFORMATION** – The applicant has provided the following statement describing their efforts to avoid and/or minimize impacts to the aquatic environment:

“Due to the nature and location of the wetlands, complete avoidance is not a viable alternative as the project would not be a financially feasible development. The existing low elevations of the site, 42.0’ wide perimeter berms are required around the entire site. These required berms account for 1.76 acres of the 5.11-acre site, or ±34% of the site. Per a review of the parking and setback requirements for the proposed overall development, the overall size of the development footprint could not be reduced from the current proposed plans. For the site to be economically viable, the remaining 3.35 acres of the site is necessary to be filled and impacts cannot be avoided.”

**COMPENSATORY MITIGATION** – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant has proposed to purchase 2.4 federal tidal mangrove credits from FP&L Everglades Mitigation Bank to offset the impacts to the 4.21 acres of mangrove wetlands.

**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:** The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern indigo snake (*Drymarchon couperi*); wood stork (*Mycteria americana*). The Corps will request U.S. Fish and Wildlife Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal may affect the Florida Bonneted Bat (*Eumops floridanus*) and American Crocodile (*Crocodylus acutus*). The Corps will request

initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

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 proposal would impact approximately 4.21 acres of tidal mangrove wetlands and 0.26 acres of tidal non-wetland waters 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.

**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/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, 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 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, Jerilyn Ashworth, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at [Jerilyn.Ashworth@usace.army.mil](mailto:Jerilyn.Ashworth@usace.army.mil); or, by telephone at (561)472-3516.

**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.

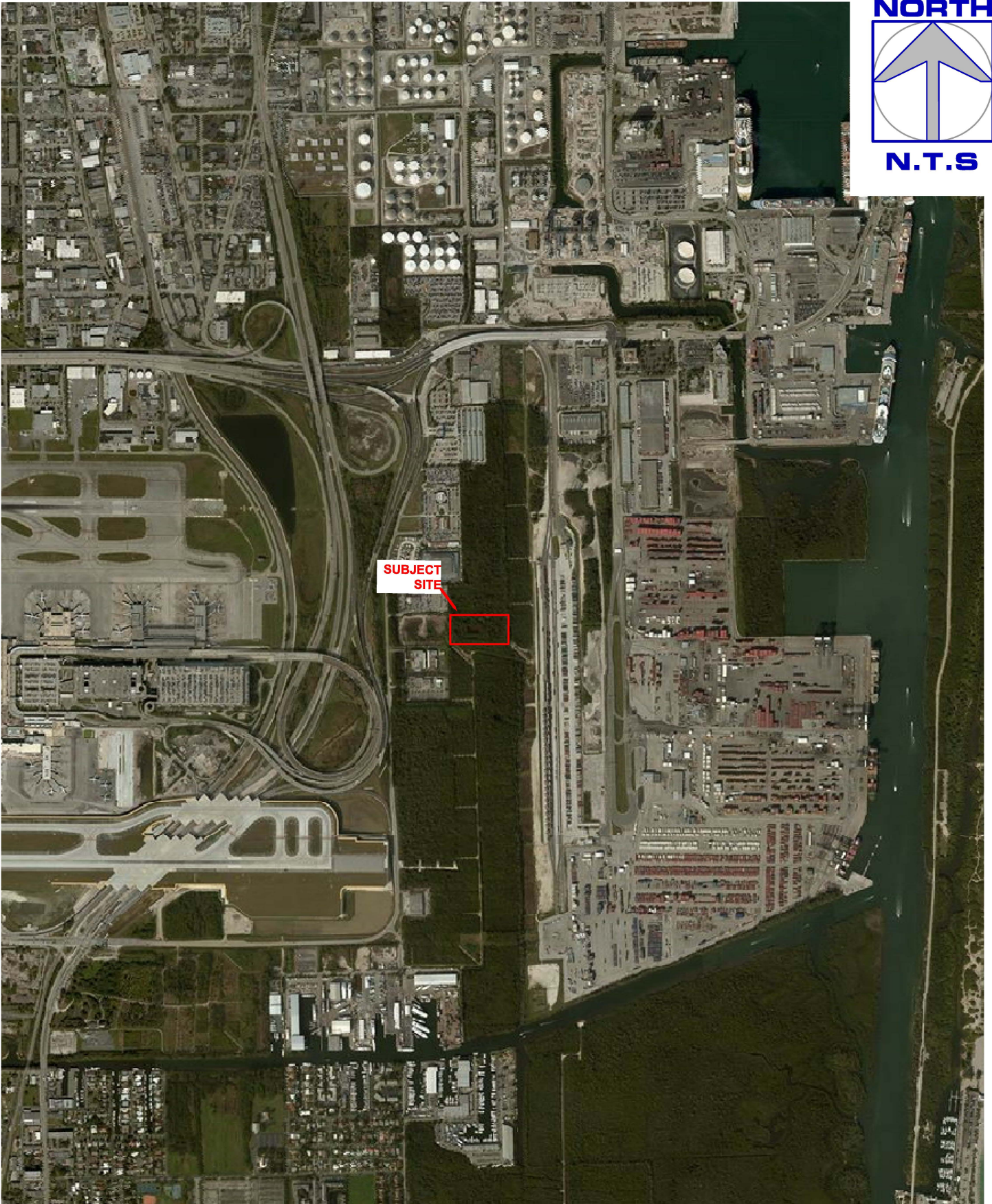
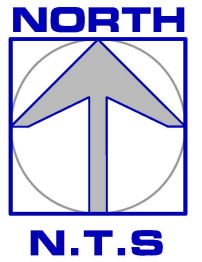
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





**THE Chappell GROUP INC.**  
 714 East McNab Road  
 Pompano Beach, Florida 33060  
 tel. 954.782.1908  
 fax. 954.782.1108 [www.thechappellgroup.com](http://www.thechappellgroup.com)

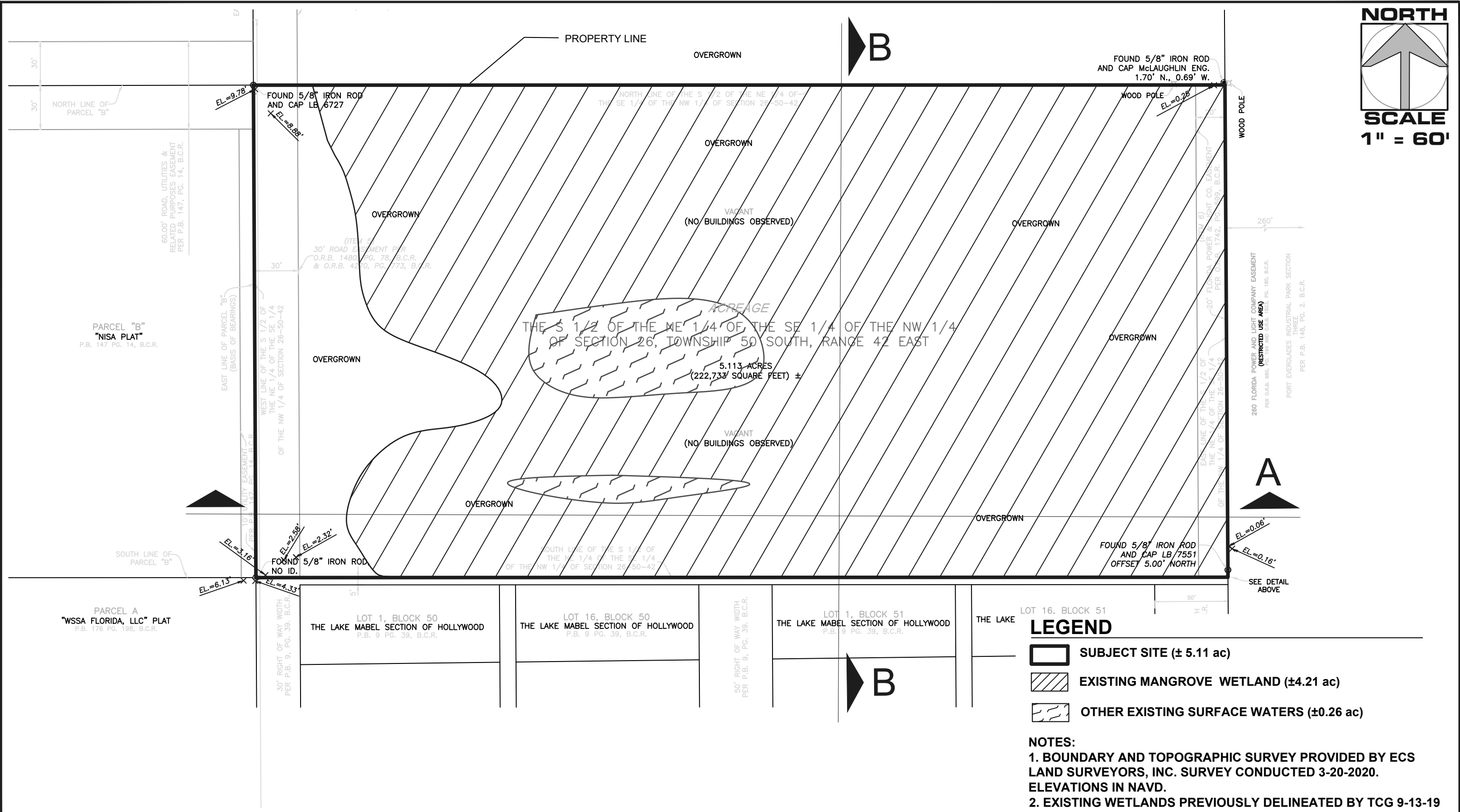
- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

## NSU PORT PROPERTY

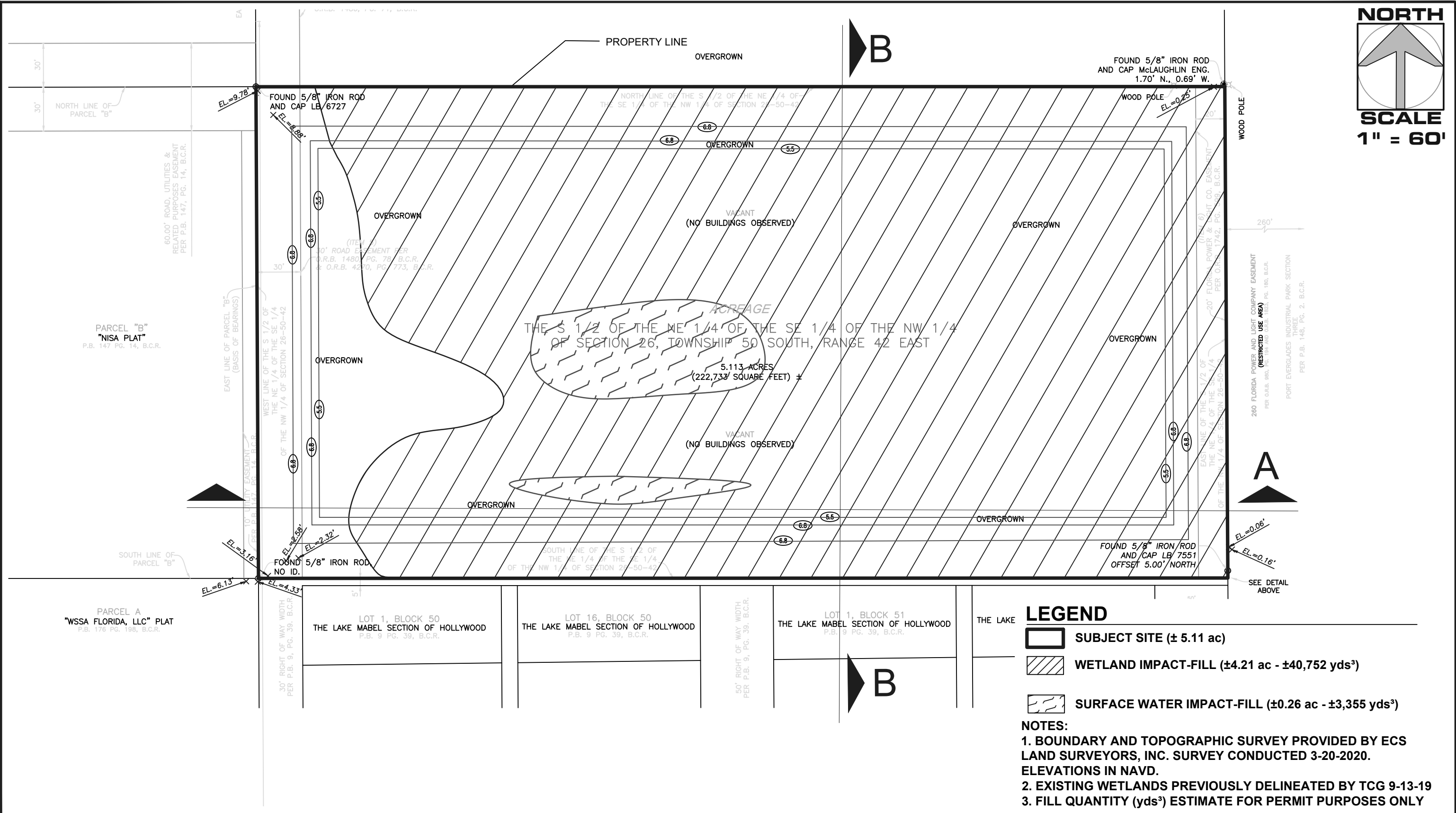
PREPARED FOR:  
 SHLOMO MELLOUL

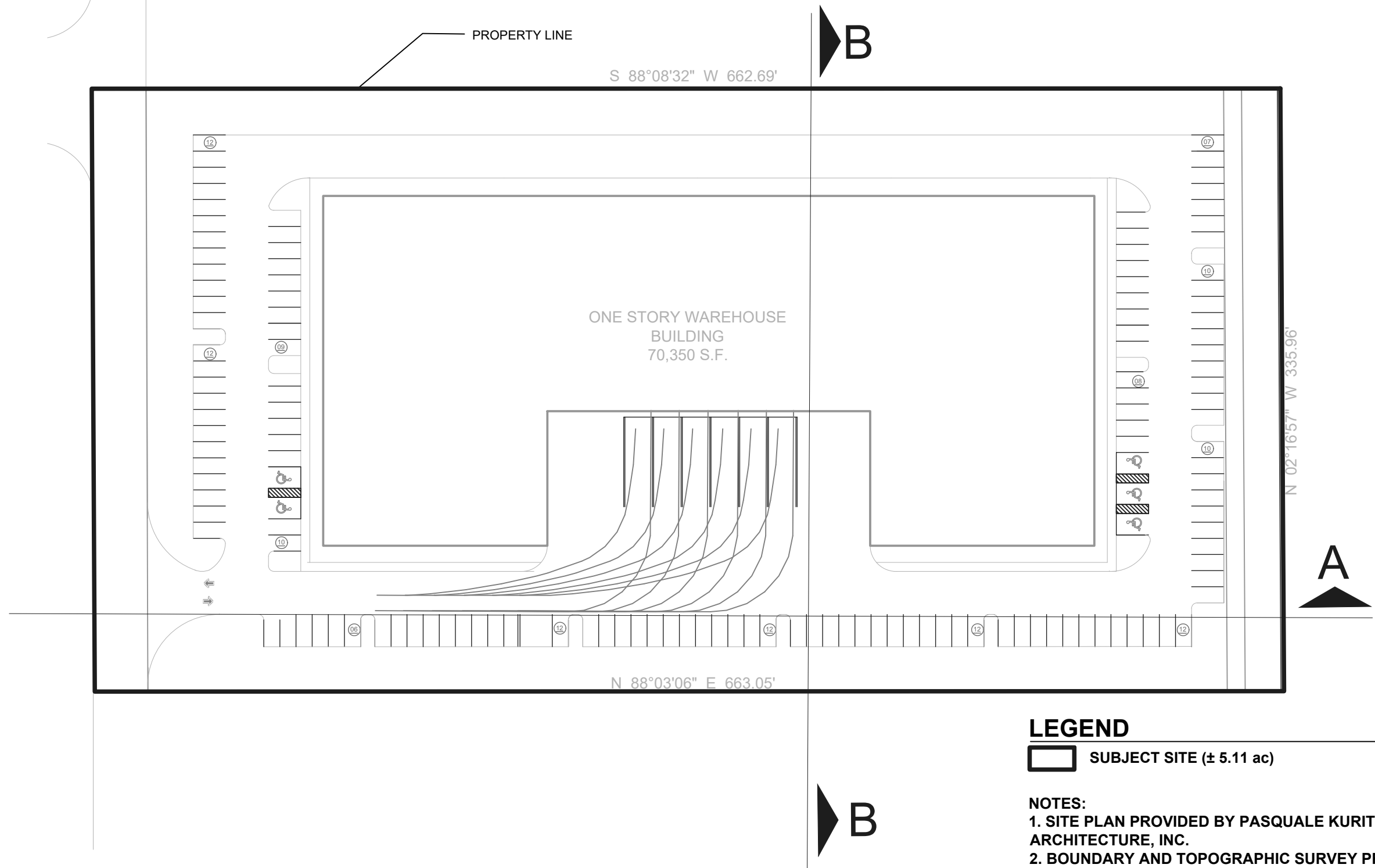
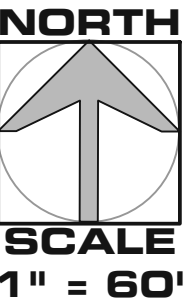
## LOCATION MAP

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LEGEND

 SUBJECT SITE (± 5.11 ac)

- NOTES:
- 1. SITE PLAN PROVIDED BY PASQUALE KURITZKY ARCHITECTURE, INC.
  - 2. BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY ECS LAND SURVEYORS, INC. SURVEY CONDUCTED 3-20-2020. ELEVATIONS IN NAVD.
  - 3. EXISTING WETLANDS PREVIOUSLY DELINEATED BY TCG 9-13-19

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INC.

714 East McNab Road  
Pompano Beach, Florida 33060  
tel. 954.782.1908  
fax. 954.782.1108

www.thechappellgroup.com

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NSU PORT PARCEL

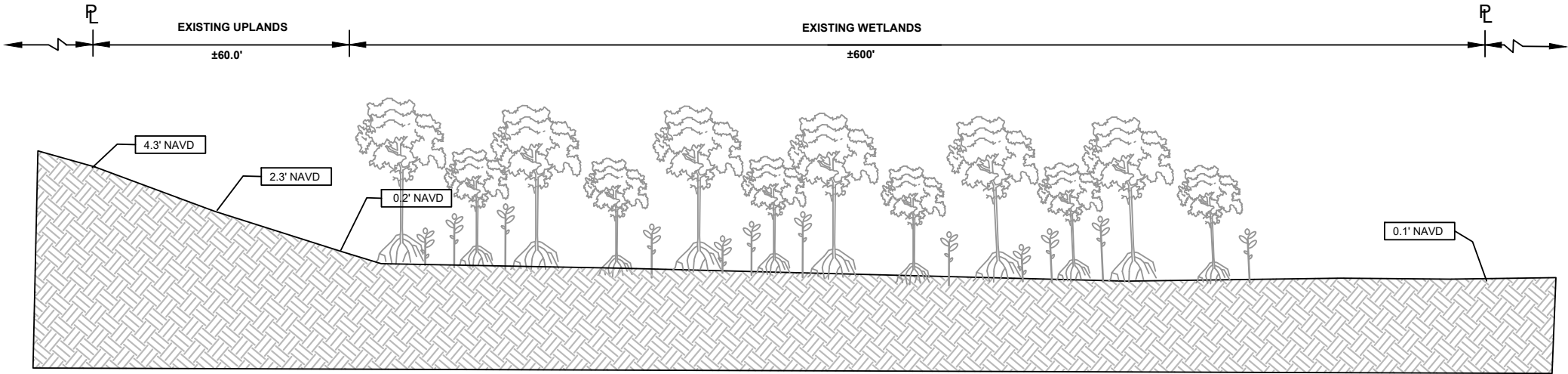
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SHLOMO MELLOUL

PROPOSED CONDITIONS		
Date: 4/17/2020	Sheet : 3	of : 5
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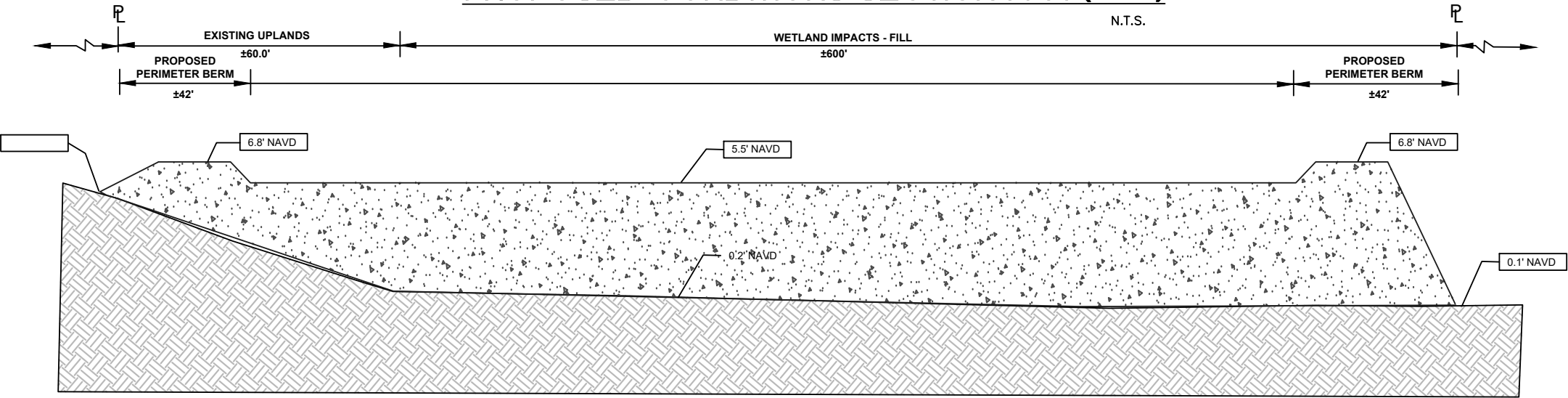
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PROPOSED CONDITIONS SECTION A-A (TYP.)

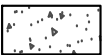
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EXISTING SUBSTRATE



WETLAND IMPACT-FILL (±40,752 yds<sup>3</sup>)

\*NOTE FILL QUANTITY (yds<sup>3</sup>) ESTIMATE FOR PERMIT PURPOSES ONLY

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PREPARED FOR:  
SHLOMO MELLOUL

SECTIONS

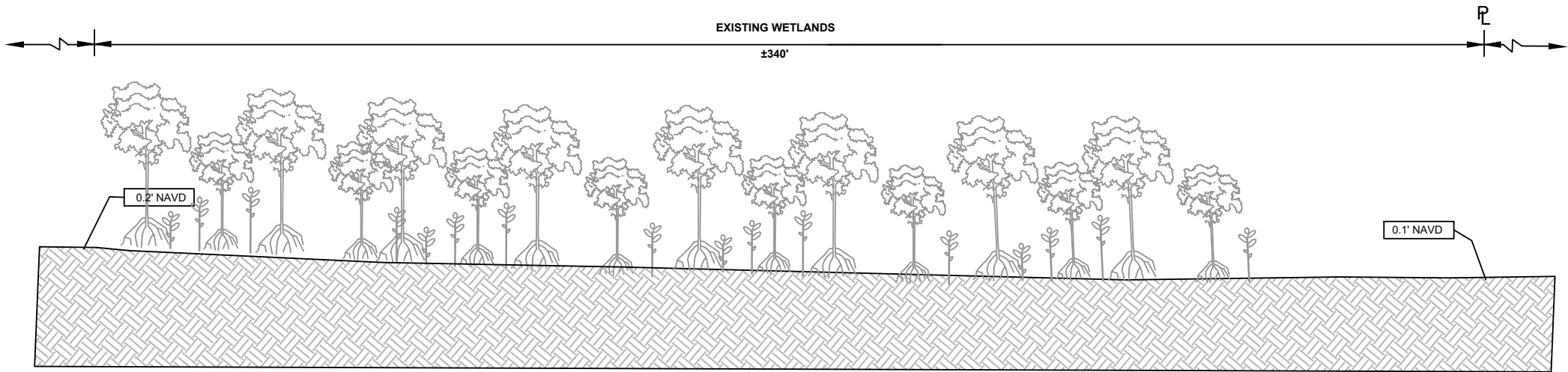
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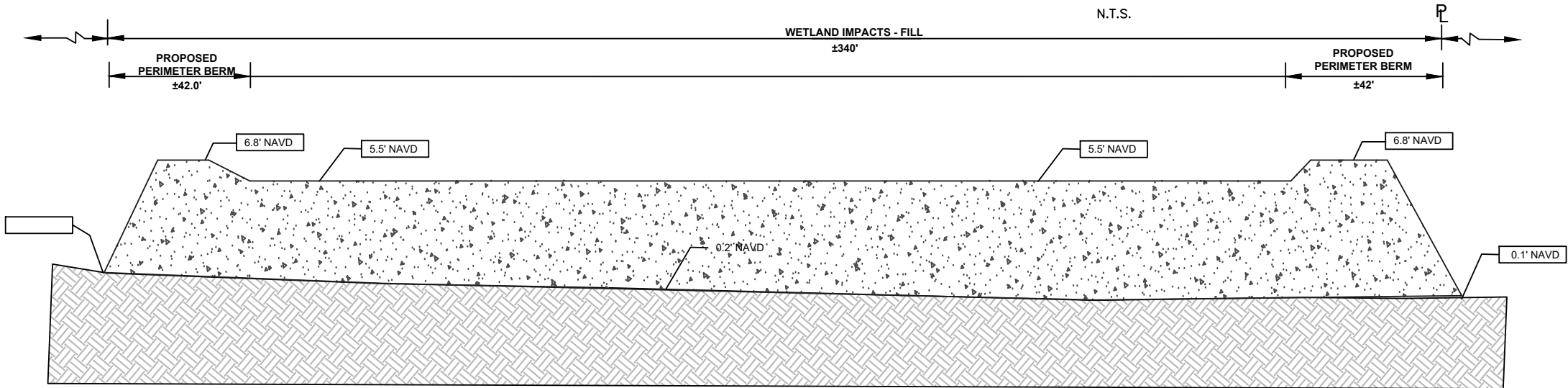
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PROPOSED CONDITIONS SECTION B-B (TYP.)

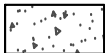
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LEGEND



EXISTING SUBSTRATE



WETLAND IMPACT-FILL (±40,752 yds³)

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