



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

August 20, 2020

Regulatory Division  
South Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2001-02111(SP-CF)

**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:** SHM North Palm Beach LLC  
14785 Preston Road, Suite 975  
Dallas, TX 75254

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with the Intracoastal waterway (ICWW) adjacent to 1037 Marina Drive, in the Village of North Palm Beach, in Section 09, Township 42 South, Range 43 East, Palm Beach County, Florida.

Directions to the site are as follows: From 1-95, PGA Boulevard and head east. Turn right onto U.S. Highway 1, Turn left onto Yacht Club Drive and the site location is on the left.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 26.829768°  
Longitude -80.059022°

**PROJECT PURPOSE:**

**Basic:** To enhance vessel access at an existing marina.

**Overall:** To enhance vessel access at the North Palm Beach marina, North Palm Beach, Florida.

**EXISTING CONDITIONS:** The project area is an existing 117-slip marina. The existing area surrounding the project area consists of single and multi-family residential areas and commercial properties.

PROPOSED WORK: The applicant seeks authorization to 1) the removal of the existing 588+/- floating dock and gangway, 2) the installation of (5) 191± S.F. finger piers, 3) installation of ten (10) boat lifts, and 4) the construction of a 1,230± S.F. floating dock. The proposed project will result in a net increase of 5 slips (117 existing) for a total of 122 slips for the whole marina facility.

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:

An in-water resource submerged aquatic resource survey was conducted on June 2, 2020. No resources were observed on-site. No impacts to submerged aquatic vegetation are proposed or anticipated. The applicant will adhere to the construction conditions for the manatee, swimming sea turtle and smalltooth sawfish. During construction, re-suspension of sediments, disturbance and turbidity will be controlled through industry best management practices.

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

There are no impacts to wetlands, therefore no compensatory mitigation is 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 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 West Indian Manatee (*Trichechus manatus*). Use of The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida (the Key) dated April 2013 and the May 2019 Addendum produced the sequential determination of A-B-C-G-H-I-J-K-N-O-P, paragraph 3 “may affect, not likely to adversely affect”. The project has been developed to be consistent with Palm Beach County’s State-approved Manatee Protection Plan (MPP) and the number of proposed slips is below the MPP threshold. The MANLAA determination is also based on the applicant adhering to the “Standard Manatee Conditions for In-Water Work (2011)”. By letters dated 25 April 2013 and 13 May 2019, the U.S. Fish and Wildlife Service (FWS) stated that for proposed in-water activities analyzed with the April 2013 version of the Manatee Key and May 2019 Addendum in which the Corps reaches a MANLAA determination with respect to the manatee, the FWS concurs with the Corps determination in accordance with 50 CFR 402.14(b) 1; and no further consultation with the FWS is required.

The Corps has determined the proposed project may affect, but is not likely to adversely affect Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*), and Kemp's Ridley (*Lepidochelys kempii*) sea turtles, Smalltooth sawfish (*Pristis pectinata*) and Johnson's seagrass (*Halophila johnsonii*). The Corps will evaluate the proposed work utilizing National Marine Fisheries Service's Jacksonville District's Programmatic Biological Opinion (JAXBO) dated 20 November 2017.

**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 0.45 acres of submerged aquatic habitat 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 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 dependent upon the receipt of a submerged aquatic resource survey and 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 will be required from the Florida Department of Environmental Protection.

**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, 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, Carolyn Farmer, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410; by electronic mail at [Carolyn.h.farmer@usace.army.mil](mailto:Carolyn.h.farmer@usace.army.mil) or by telephone at (561)472-3527.

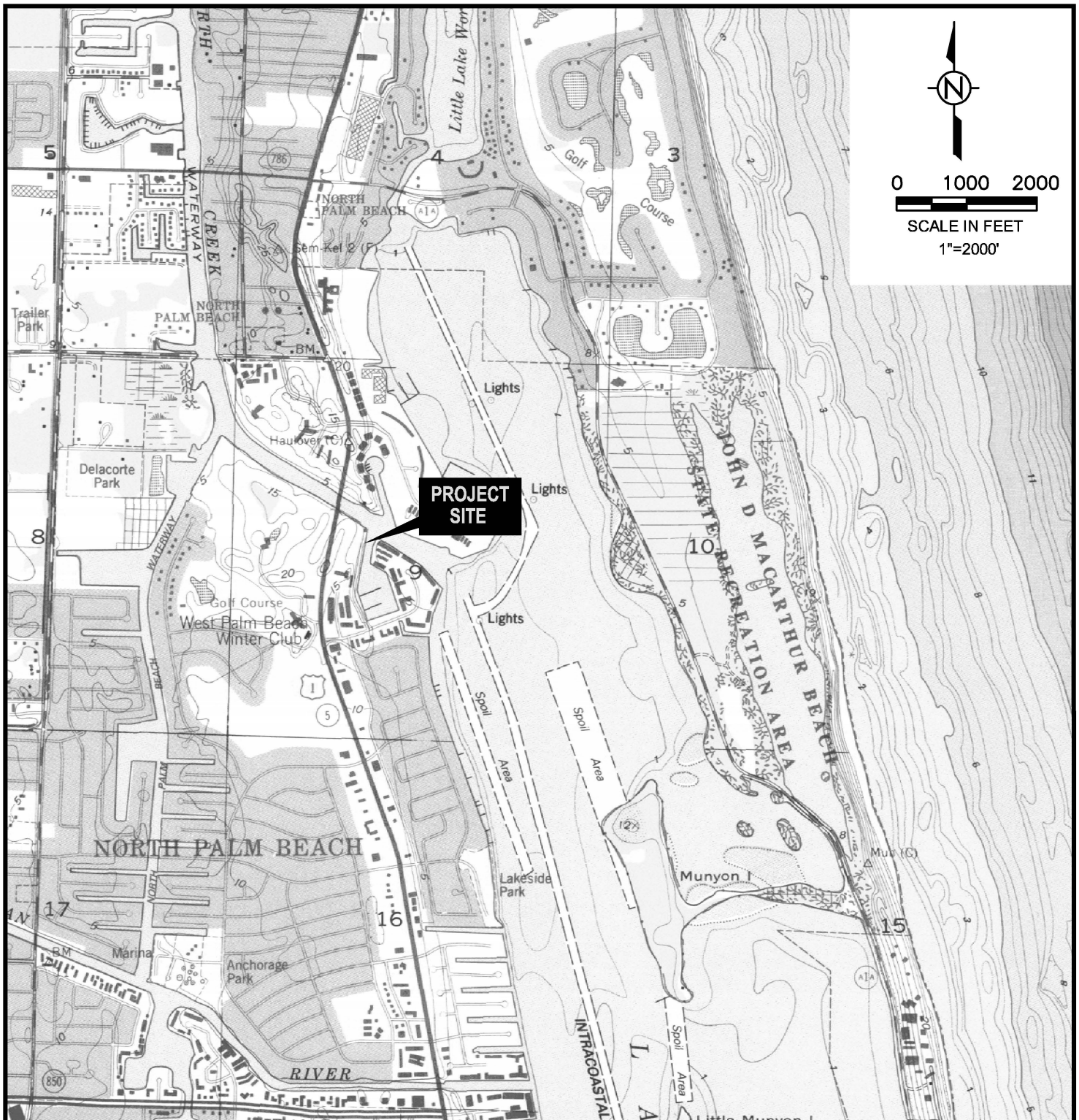
**IMPACT ON NATURAL RESOURCES:** Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information 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.

**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.



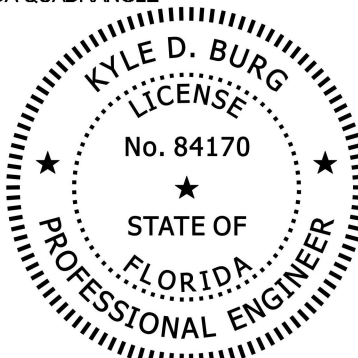
TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE

SEC: 09 TWP: 42S RGE: 43E

LAT: 26° 49' 47" N

LONG: 080° 03' 32" W

This item has been electronically signed and sealed by Kyle D. Burg, P.E. on 8-12-2020 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



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER: 8114  
P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003

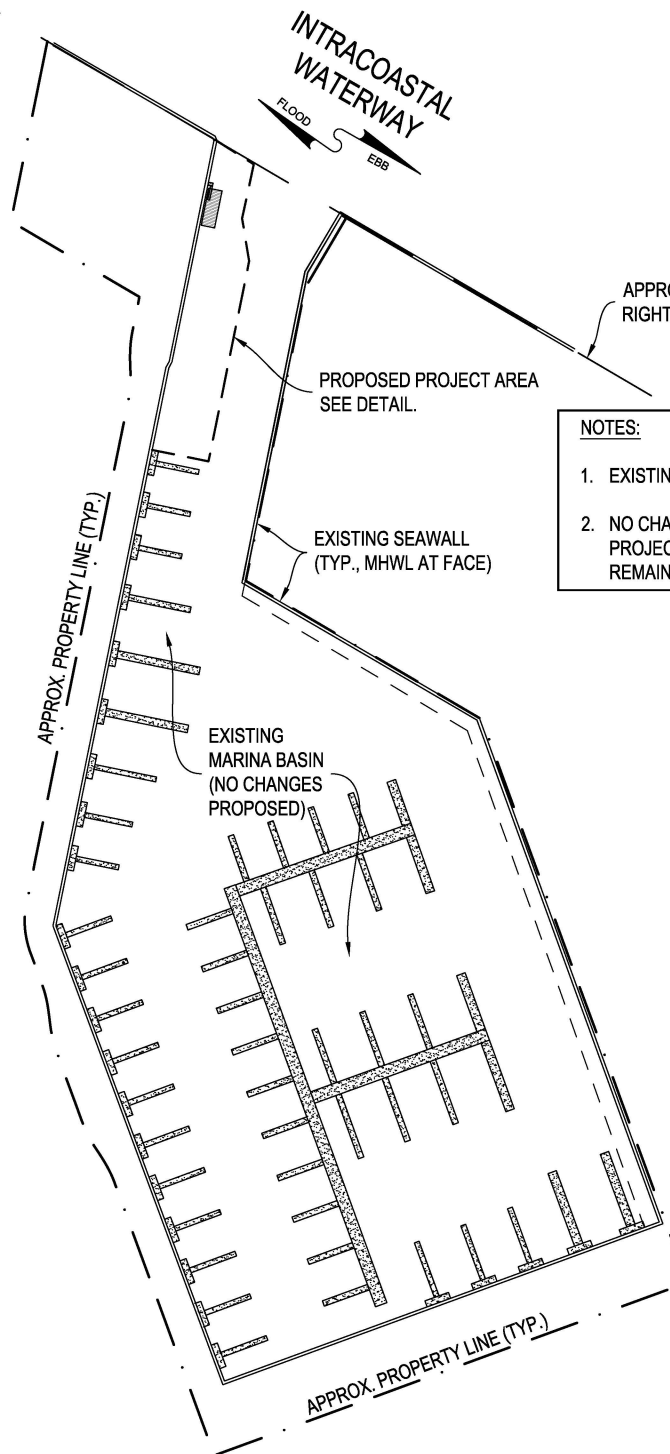
### PROPOSED MARINA MODIFICATIONS MAN-MADE CANAL

NORTH PALM BEACH MARINA - 1037 MARINA DRIVE  
VILLAGE OF NORTH PALM BEACH, PALM BEACH COUNTY, FL  
APPLICANT: SHM NORTH PALM BEACH LLC

DATE	11/19	DRAWN	PJK	CHKD	MDB	APPRVD	KDB
DWG NO.	19137A1						SHEET
COMPUTER FILE NO.	19137Ar1						OF 5

REV	1	4/20	REVISED PER DEP
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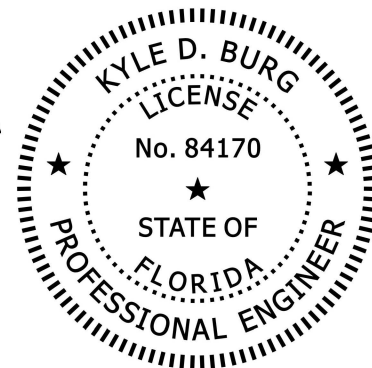


0 25 50

SCALE IN FEET  
1"=50'

**NOTES:**

1. EXISTING MOORING PILES NOT SHOWN FOR CLARITY.
2. NO CHANGES PROPOSED OUTSIDE OF PROPOSED PROJECT AREA. ALL STRUCTURES AND SLIPS TO REMAIN.



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**NOTES:**

1. DATUM IS MLW. MLW = -2.4± NAVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON 2017 PALM COUNTY AERIAL PHOTOGRAPH AND ON-SITE OBSERVATIONS.

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

**EXISTING OVERALL PLAN VIEW**



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER : 8114

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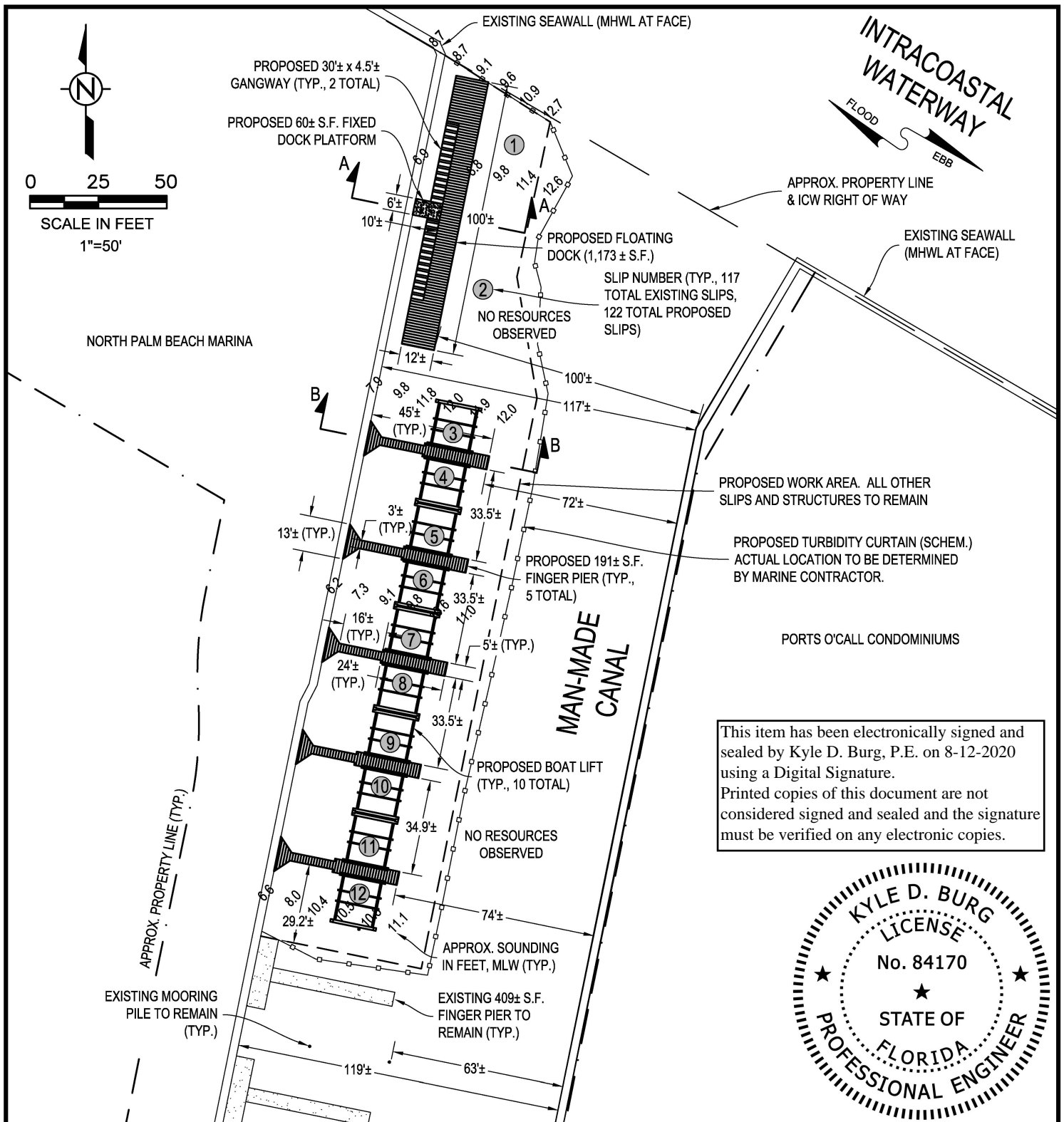
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MAN-MADE CANAL**

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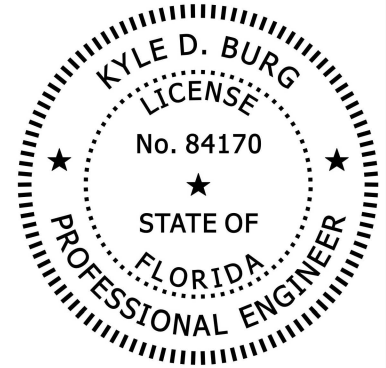
DATE	11/19	DRAWN	KDB	CHKD	CCI	APPRVD	KDB
DWG NO.	19137A2					SHEET	2
COMPUTER FILE NO.	19137Ar2					OF	5







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## PROPOSED PLAN VIEW

<b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> COASTAL • ENVIRONMENTAL • MARINE REGISTRY NUMBER : 8114 P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003							
<b>PROPOSED MARINA MODIFICATIONS</b> <b>MAN-MADE CANAL</b> <b>NORTH PALM BEACH MARINA - 1037 MARINA DRIVE</b> <b>VILLAGE OF NORTH PALM BEACH, PALM BEACH COUNTY, FL</b> <b>APPLICANT: SHM NORTH PALM BEACH LLC</b>							
DATE	11/19	DRAWN	PJK	CHKD	MDB	APPRVD	KDB
DWG NO.	19137A4					SHEET	
COMPUTER FILE NO.	19137A					OF 5	

### NOTES:

- DATUM IS MLW. MLW = -2.4'± NAVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE BASED ON 2017 PALM COUNTY AERIAL PHOTOGRAPH AND ON-SITE OBSERVATIONS.
- SOUNDINGS AND RESOURCE OBSERVATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 10/24/19, 4/14/2020, & 6/2/2020. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

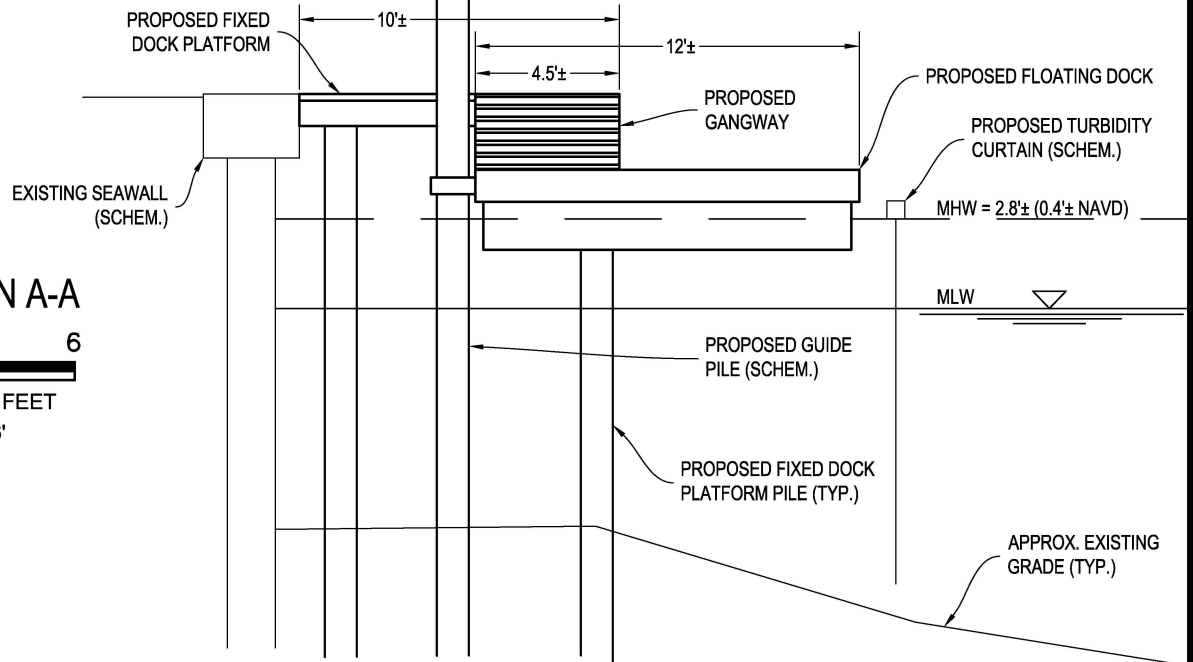
SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

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REV	1	4/20	REVISED PER DEP



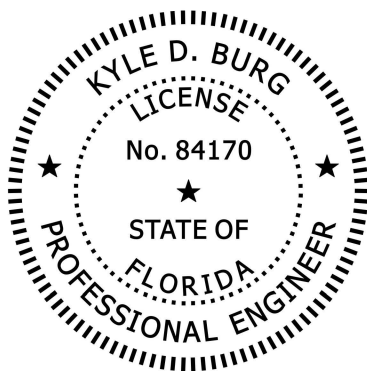
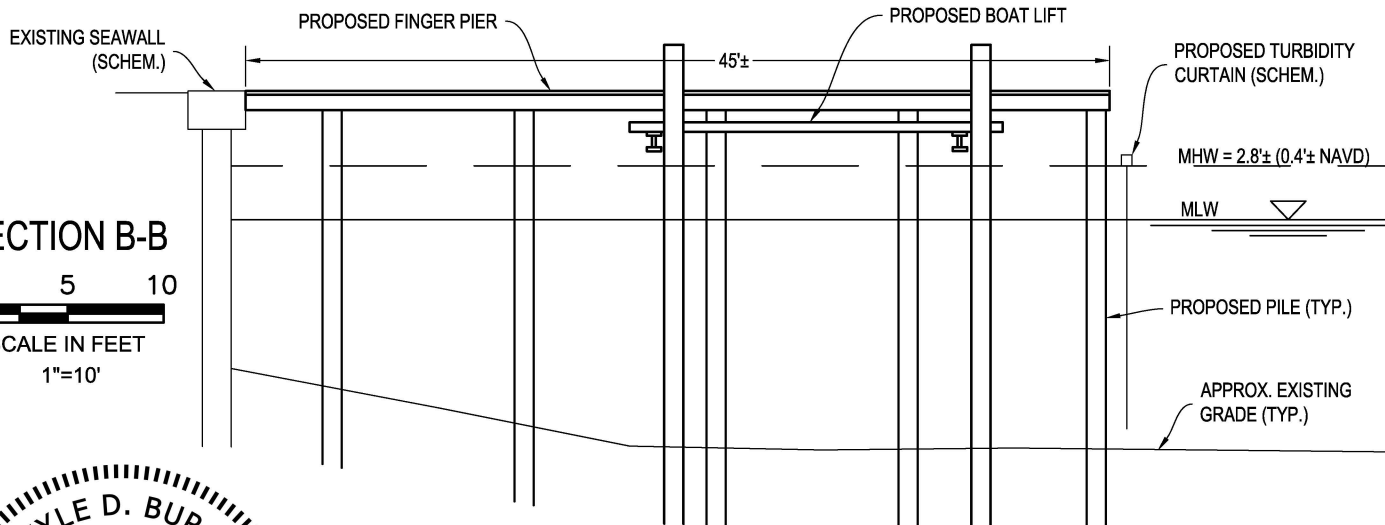
## SECTION A-A

0 3 6  
SCALE IN FEET  
1"=6'



## SECTION B-B

0 5 10  
SCALE IN FEET  
1"=10'



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## SECTION VIEW



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COASTAL • ENVIRONMENTAL • MARINE

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DWG NO.	19137A5						SHEET
COMPUTER FILE NO.	19137A						OF 5

REV 1 4/20 REVISED PER DEP

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