



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

REPLY TO  
ATTENTION OF

October 1, 2020

Regulatory Division  
South Branch  
Palm Beach Gardens Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-1979-01145(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).

APPLICANT:  
SHM New Port Cove LLC.  
Attn: Peter Clark  
14785 Preston Road, STE 975  
Dallas, TX 75254

WATERWAY AND LOCATION: The project is located at the existing Safe Harbor New Port Cove commercial Marina within the navigable waters of the Lake Worth Lagoon adjacent to 255 East 22<sup>nd</sup> Court, Riviera Beach (Section 28, Township 42 South, Range 43 East), Palm Beach County Florida

Directions to the site are as follows: From I-95, exit Blue Heron Blvd and head east. Turn right onto US1/Broadway then turn left onto East 22<sup>nd</sup> Court.

APPROXIMATE COORDINATES:  
Latitude: 26.780278°  
Longitude: -80.049444°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is to improve water access for an existing marina.

Overall: The overall project purpose is to improve water access for the Safe Harbor New Port Cove commercial Marina in Riviera Beach, Florida.

EXISTING CONDITIONS: The project is located within an existing commercial marina that contains a total of 43 wet slips and 14,666 square feet of over water structures (existing fixed concrete docks ~7,076 SF, and existing floating docks ~7,590 SF). A seagrass survey was conducted in July 2020 and indicated the presence of seagrass (Paddle grass <1%-30% coverage). The seagrass is present to the east and south of the existing structures in locations where vessels are not moored.

PROPOSED WORK: The proposed project would increase the amount of slips of an existing commercial marina from 43 to 72 and includes the following activities:

1. Removal of 7 existing finger piers (total of ~540 SF);
2. Removal of 53 existing mooring piles;
3. Installation of 10 finger piers (total of ~900 SF);
4. Installation of 37 boatlifts;
5. Installation of 276 concrete or wood dock and boatlift piles via jetting and/or driving);
6. Re-installation of 5 existing steel pipe piles and 1 new steel pipe pile via jetting and/or vibratory hammer;
7. Relocation of a 1,528 SF floating dock and gangway;
8. Installation of a 160 SF floating dock addition to the relocated floating dock.

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: The applicant has avoided direct impacts to aquatic resources (i.e. seagrass) by keeping all activities within the existing marina basin and slips. No expansion of the marina is proposed, and no finger piers are proposed over resources. The applicant agrees to abide by the “Standard Manatee Conditions for In-Water Work” and “Sea Turtle and Smalltooth Sawfish Construction Conditions.” Floating turbidity curtains would also be utilized during all in-water work and removed when the construction is completed.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The applicant has stated that compensatory mitigation is not required because no impacts to submerged aquatic vegetation and/or other aquatic resources (i.e. corals) are proposed or anticipated.

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 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 our determinations with the National Marine Fisheries Service pursuant 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 project would impact approximately 1,060 square feet of un-vegetated benthic habitat through the shading of pile supported structures. The benthic habitat is utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. The project as proposed will not have a substantial adverse impact on EFH or federally managed fisheries based on the applicant's implemented avoidance and minimization measures. Additionally, the area is an existing marina with structures and vessels that shade the benthic habitat. Seagrass is located adjacent to the project, but not in the location of the in-water work or in the location where shading is already occurring. 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, 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, Ms. Linda C. Knoeck, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Palm Beach Gardens, FL 33410; by electronic mail at [Linda.C.Knoeck@usace.army.mil](mailto:Linda.C.Knoeck@usace.army.mil); or by telephone at (561)472-3531.

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.

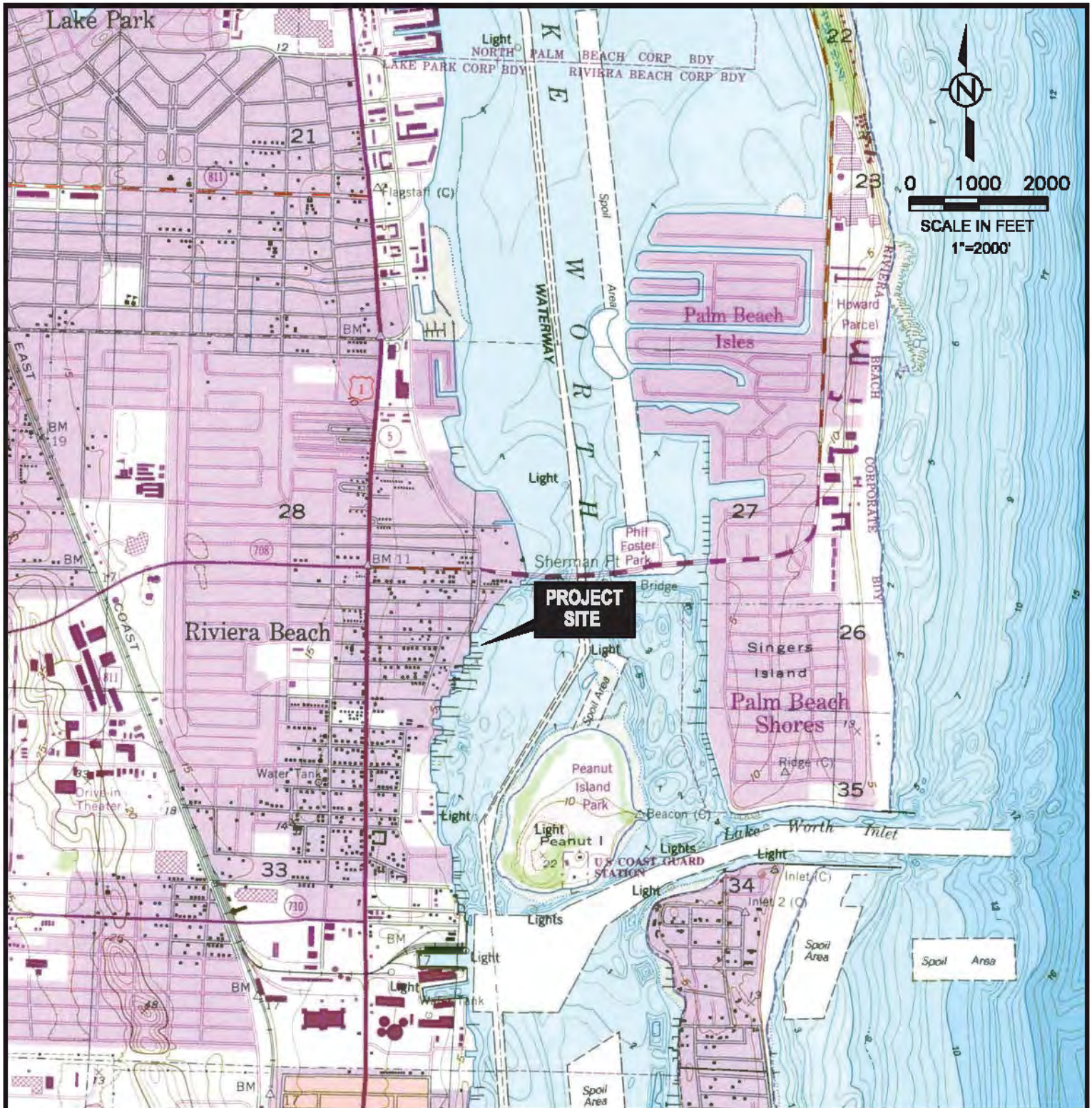
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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





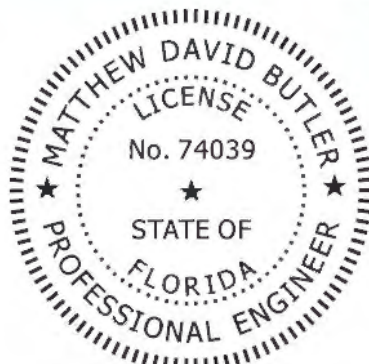
TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE

SEC: 28 TWP: 42S RGE: 43E

LAT: 26° 48' 49" N

LONG: 080° 02' 56" W

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 9/30/2020 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 33406 • 561-581-0008

### PROPOSED MARINA MODIFICATION

LAKE WORTH

255 EAST 22ND COURT

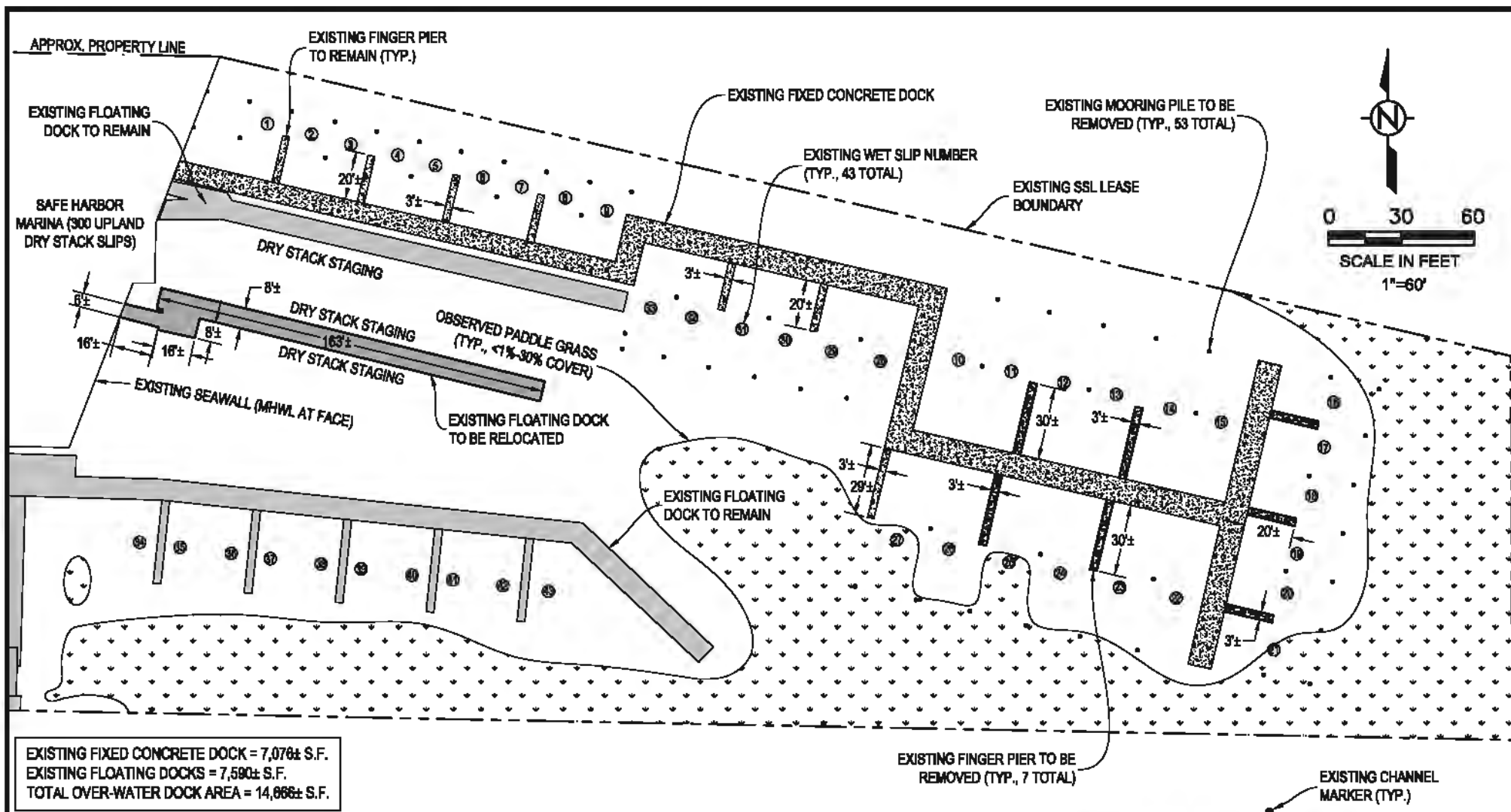
CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL

APPLICANT: SHM NEW PORT COVE LLC

DATE	7/20	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	2004011					SHEET	
COMPUTER FILE NO.	200401r1					OF 5	
						1	

REV 1 9/20 RENUMBERED SKETCH





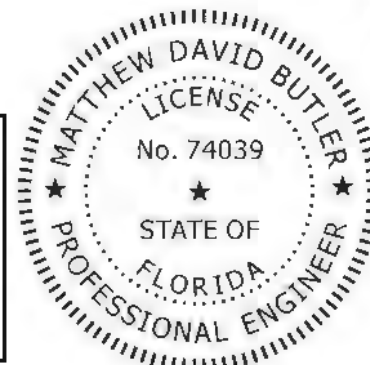
EXISTING FIXED CONCRETE DOCK = 7,076± S.F.  
 EXISTING FLOATING DOCKS = 7,590± S.F.  
 TOTAL OVER-WATER DOCK AREA = 14,666± S.F.

#### NOTES:

- EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 3/31/05, AND ON-SITE OBSERVATIONS.
- RESOURCE OBSERVATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 7/1/20 AND 7/8/20.

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

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 9/30/2020 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.



#### EXISTING PLAN VIEW



**ISIMINGER & STUBBS  
 ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 981-581-0008

#### PROPOSED MARINA MODIFICATION

LAKE WORTH

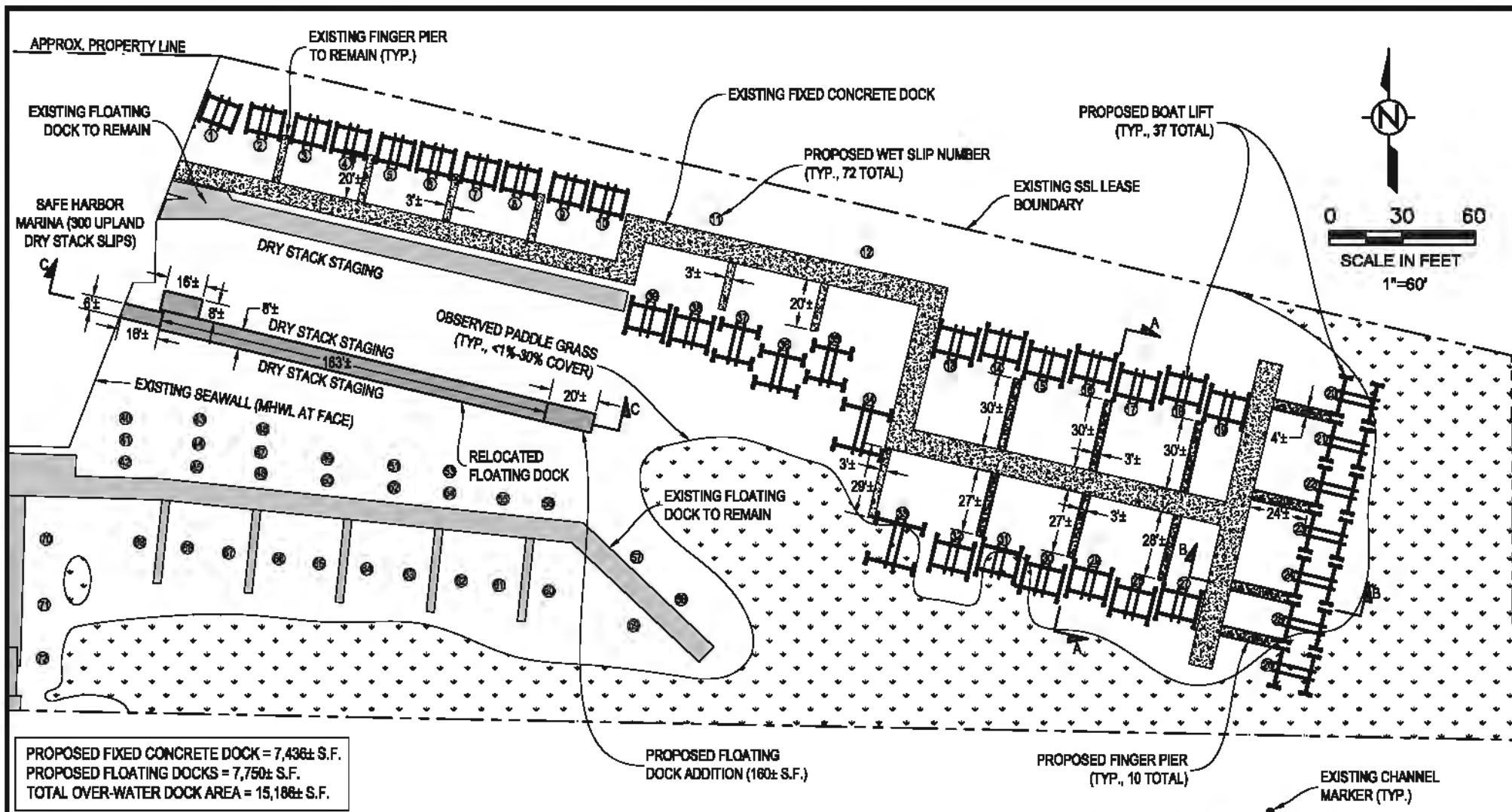
255 EAST 22ND COURT

CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL

APPLICANT: SHM NEW PORT COVE LLC

DATE	7/20	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	2004012						SHEET
COMPUTER FILE NO.	200401r1						OF 5
						2	

REV 1 8/20 ADDED FLOATING DOCK RELOCATION

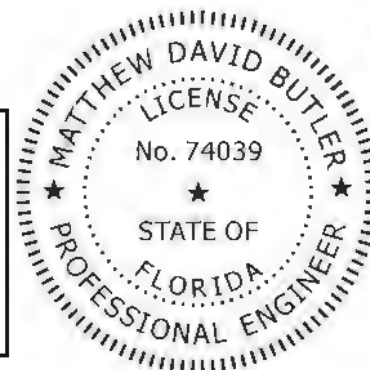


#### NOTES:

- EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 3/31/05, AND ON-SITE OBSERVATIONS.
- RESOURCE OBSERVATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 7/1/20 AND 7/8/20.

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

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 9/30/2020 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.



#### PROPOSED PLAN VIEW



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 861-581-0008

#### PROPOSED MARINA MODIFICATION

LAKE WORTH

255 EAST 22ND COURT

CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL

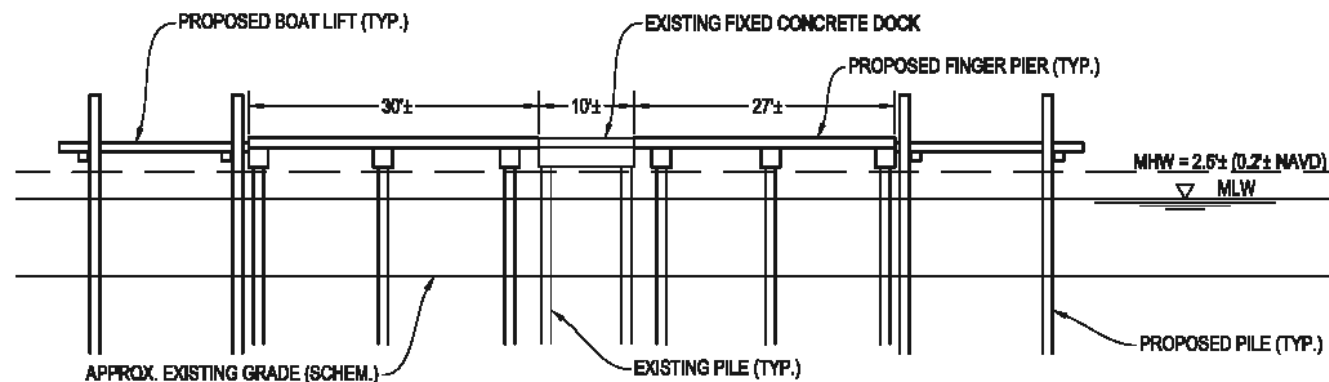
APPLICANT: SHM NEW PORT COVE LLC

DATE	7/20	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	2004013						SHEET
COMPUTER FILE NO.	200401r1						OF 5

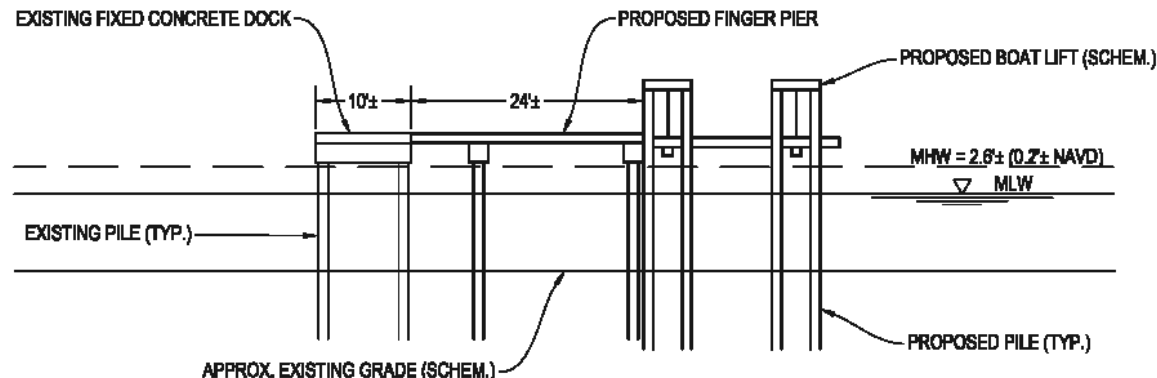
**3**

REV 1 8/20 ADDED FLOATING DOCK RELOCATION (REV. SLIPS)

**SECTION A-A**  
0 10 20  
SCALE IN FEET  
1"=20'



**SECTION B-B**  
0 10 20  
SCALE IN FEET  
1"=20'

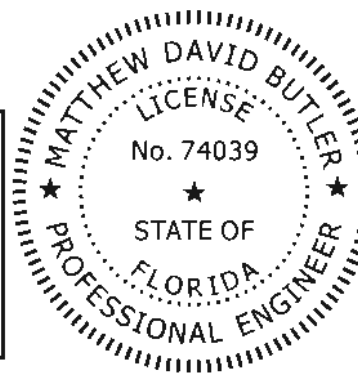


**NOTES:**

1. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 3/31/05, AND ON-SITE OBSERVATIONS.

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

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 9/30/2020 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.



**SECTION VIEW**



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 881-581-0008

**PROPOSED MARINA MODIFICATION**

**LAKE WORTH**

**255 EAST 22ND COURT**

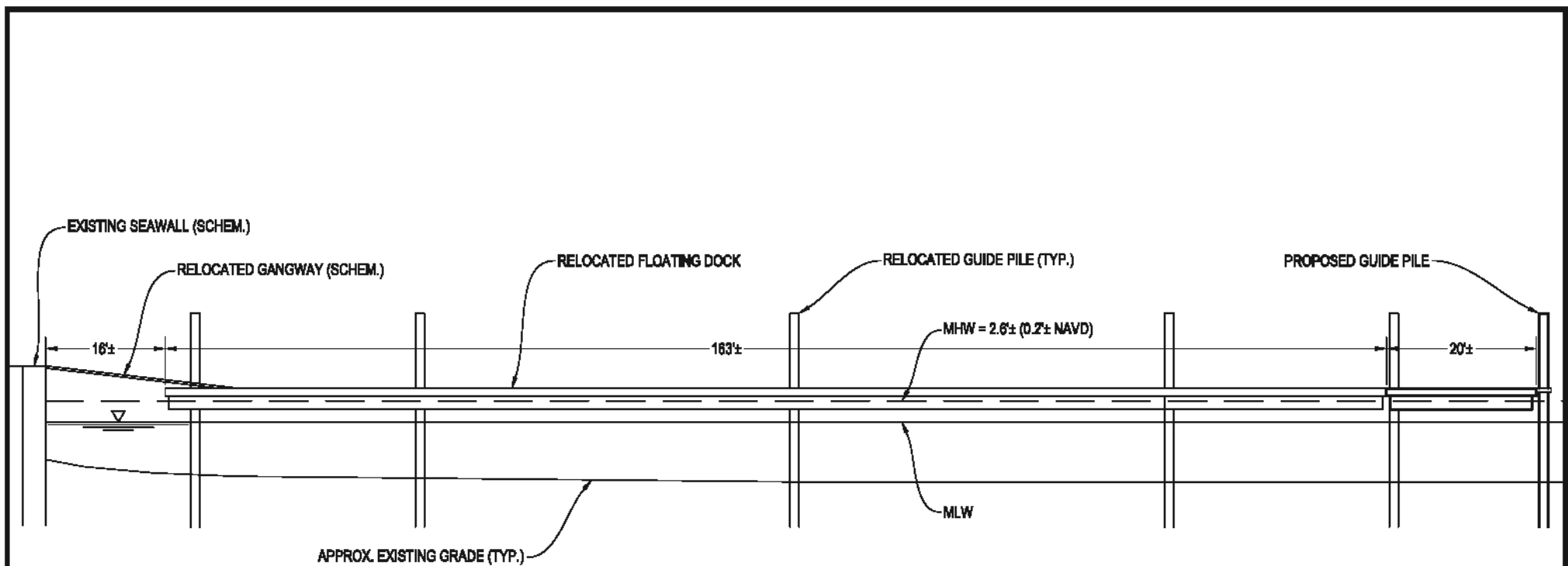
**CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL**

**APPLICANT: SHM NEW PORT COVE LLC**

DATE	7/20	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	2004014						SHEET
COMPUTER FILE NO.	200401r1						OF 5
							<b>4</b>

REV 1 9/20 RENUMBERED SKETCH





**SECTION C-C**

0 10 20

SCALE IN FEET

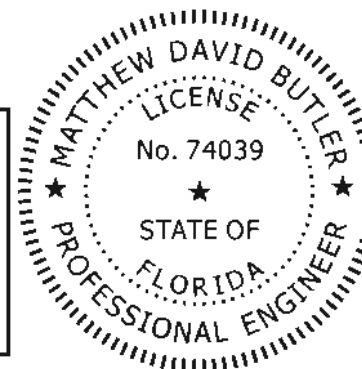
1"=20'

**NOTES:**


1. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., DATED 3/31/05, AND ON-SITE OBSERVATIONS.

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

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 9/30/2020 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.



**SECTION VIEW**

 <b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> COASTAL • ENVIRONMENTAL • MARINE REGISTRY NUMBER: 8114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 861-581-0008							
<b>PROPOSED MARINA MODIFICATION LAKE WORTH 255 EAST 22ND COURT CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FL APPLICANT: SHM NEW PORT COVE LLC</b>							
DATE	9/20	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	2004015					SHEET	
COMPUTER FILE NO.	200401r1					OF 5	
						<b>5</b>	