



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

October 08, 2020

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2005-05937 (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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Domani Development LLC
c/o Ed Jahn
701 South Olive Avenue, Suite 104
West Palm Beach, Florida 33401

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Lake Worth Lagoon. The project site is located at 1 Water Club Way (Section 04, Township 42 South, Range 43 East), North Palm Beach, Broward County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 26.837265°
Longitude: -80.057981°

PROJECT PURPOSE:

Basic: The basic project purpose is for improved water access.

Overall: The overall project purpose is for improved water access at an existing multi-slip facility in North Palm Beach, Florida.

PROPOSED WORK: The proposed work involves the installation of eighteen (18) 20-foot by 12-foot floating vessel platforms (4,320 square feet total) at a multi-family residential docking facility, which will increase the number of boat slips from 18 to 44 slips total.

EXISTING CONDITIONS: The project site is located within the Lake Worth Lagoon in Broward County. The site consists of an existing 3,057 square foot 18 slip multi-family residential docking structure, which was permitted on 17 January 2014 under the same

file number. A benthic survey conducted June 01, 2020 reported no seagrasses were observed within the project area.

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 0.42 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. 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 15 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.

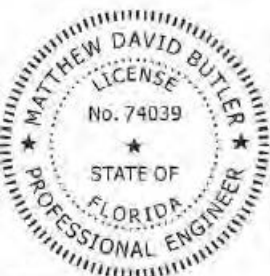
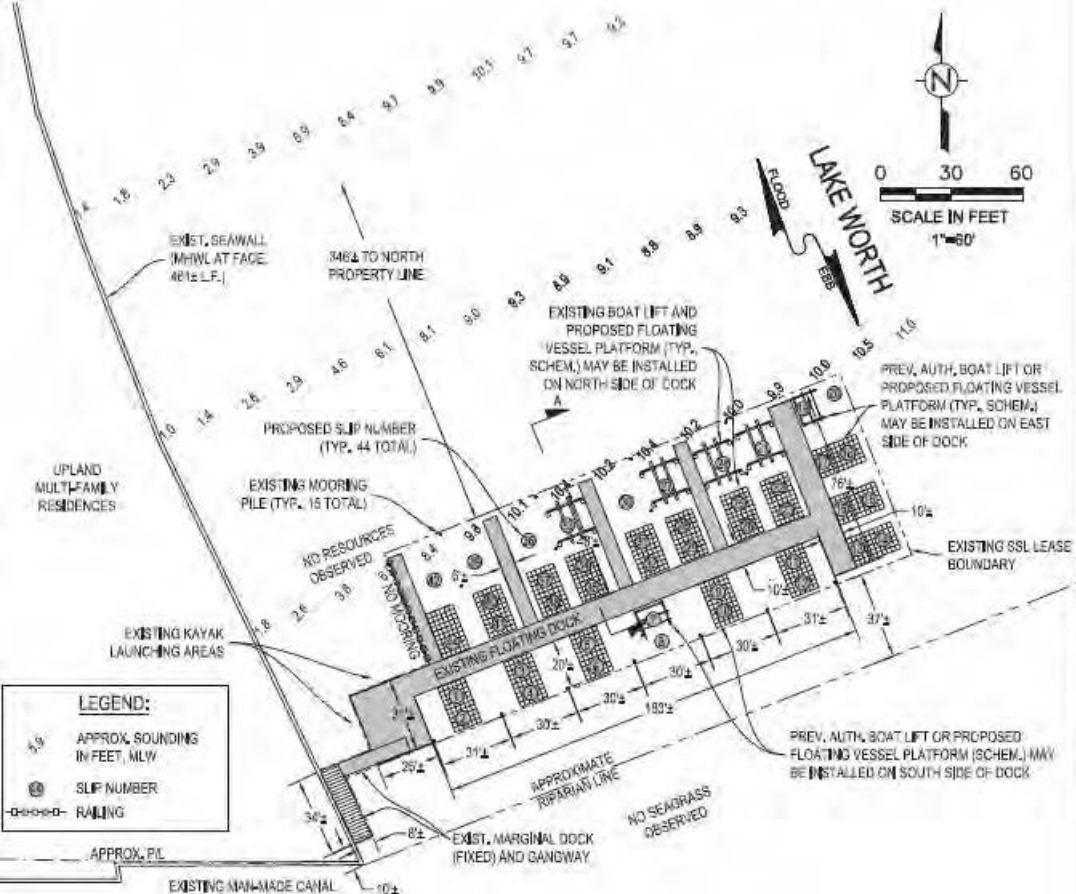
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 7/23/20 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.

PLAN VIEW



**ISMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORITY #1014 NUMBER 1 914

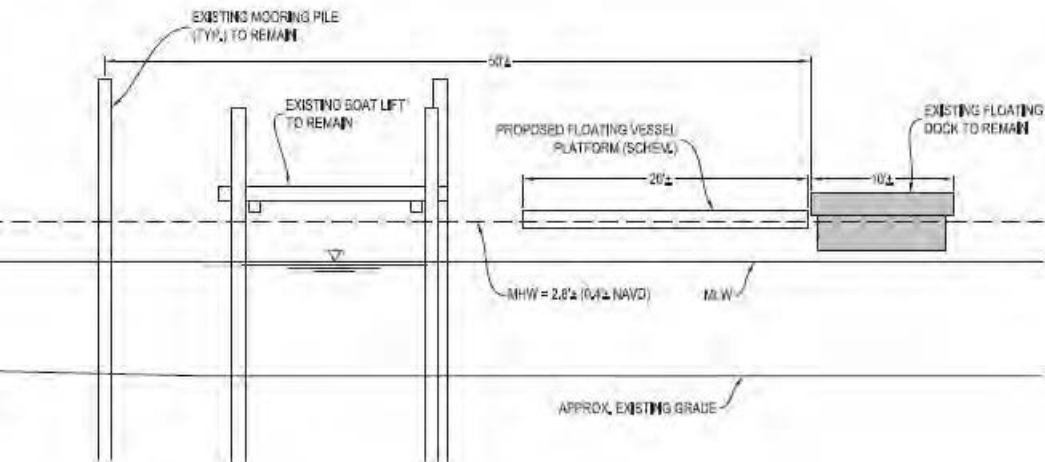
P.O. BOX 10102 • NORTH PALM BEACH, FL 33408 • 561-840-0009

**PROPOSED FLOATING VESSEL PLATFORMS
LAKE WORTH**

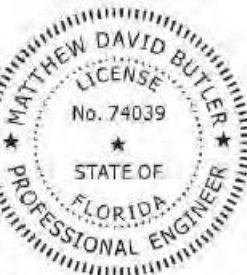
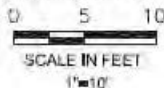
1 WATER CLUB WAY

VILLAGE OF NORTH PALM BEACH, PALM BEACH COUNTY, FL

APPROPRIATE SOUNDING REDUCED TO MLW



SECTION A-A



This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 7/23/20 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.

NOTES:

1. DATUM IS MLW. MLW = -4.9' NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS AND ELEVATIONS ARE APPROXIMATE BASED ON ON-SITE OBSERVATIONS DATED 7/27/16.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 7/11/16 AND 7/23/16. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SECTION VIEW



**ISIMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER: 0114

P.O. BOX 14702 • NORTH PALM BEACH, FL 33403 • 561-481-0000

**PROPOSED FLOATING VESSEL PLATFORMS
LAKE WORTH**

1 WATER CLUB WAY

VILLAGE OF NORTH PALM BEACH, PALM BEACH COUNTY, FL

APPLICANT: DOMANI DEVELOPMENT LLC