



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

October 9, 2020

Regulatory Division
North Permits Branch
Panama City Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-02316(SP-LSL)

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 of 1972 (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Ms. Becca Hatchell
Florida Fish and Wildlife Conservation Commission (FFWCC)
3911 County Road 2321
Panama City, Florida 32409

WATERWAY AND LOCATION: The project would affect waters of the United States associated with West Bay. The project site is located along the western shoreline of West Bay.

Directions to the site are as follows: From the B.V. Buchanan Public Boat Ramp (http://ocean.floridamarine.org/acp/MOBACP/Maps/GRP_Maps_2010/Staging_Area_Reports_Maps/B_V_Buchanan_Park_Boat_Ramp.pdf), located on the south side of the Route 79 bridge overpassing the Intracoastal Waterway, navigate to the central location of the project area.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.253904°
Longitude -85.852002°

PROJECT PURPOSE:

Basic: Submerged aquatic vegetation restoration.

Overall: To implement a large-scale seagrass transplantation project fostering the further expansion and recovery of seagrass habitat in West Bay, Bay County, Florida.

EXISTING CONDITIONS: The wetland system consists of a saltwater system. The onsite vegetation consists of unconsolidated bottom and Cuban shoal grass (*Halodule wrightii*). The existing area surrounding the project area consists of open water and undeveloped land.

PROPOSED WORK: The applicant seeks authorization to transplant seagrass in West Bay section of the St. Andrew Bay system. This project is referred to as: Phase IV of the West Bay Oyster Reef Restoration project, which proposes to transplant seagrass and foster the further expansion and recovery of seagrass habitat in the project area. FFWCC plans to use a bare root method of transplantation to move Cuban shoal grass plants to the project area. Planting units would be from 7 donor sites within West and North Bay. Using a small hand trowel, FFWCC would remove groups of seagrass genets from the sediment which includes roots, shoots, and rhizomes. FFWCC would remove no more than 1 eight-inch diameter area of seagrass per square meter. Plants would be transferred to an on-site boat and stored in containers filled with ambient site water and driven directly to the restoration area. They would be re-planted the same day within Sections A through F. Plants would be separated into groups within each restoration plot arranged in 3 by 4 planting clusters with 9 planting units per cluster and clusters spaced on 2-meter centers. Each unit would be stapled down with degradable staples and the remains would be removed 6 months after planting. The planting area would cover up to 11.3 acres. To prevent bioturbation from stingrays, FFWCC would install ½ inch diameter wooden dowels on 1-foot centers resulting in a frequency of 30 per square meter. This project is funded through the National Fish and Wildlife Foundation – Gulf Environmental Benefit Funding program.

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:

To minimize turbidity and maintain visibility, in-water harvesters would use snorkels and float with a device, if necessary, over the harvest area as much as possible to minimize contact with the bottom.

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

As impacts are considered minimal and restoration of seagrass is proposed, 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 those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has reviewed the potential impacts to the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), smalltooth sawfish (*Pristis pectinata*), and swimming sea turtles, specifically the loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), and Kemp's ridley sea turtle (*Lepidochelys kempii*) using the project design criteria (PDCs) outlined in the Jacksonville District's Programmatic Biological Opinion (JAXBO) signed by the National Marine Fisheries Service in

November 2017. The project complies with all project PDCs and activity specific PDCs in the JAXBO. As such, the Corps determined the proposed project may affect, but is not likely to adversely affect these species. The Corps will provide the JAXBO summary checklist and Activity 7 checklist to National Marine Fisheries Service via email. The applicant would abide by the *Sea Turtle and Smalltooth Sawfish Construction Conditions*.

The Corps has determined, based on the use of *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida (April 2013)*, that the proposed project may affect, but is not likely to adversely affect the West Indian manatee with the inclusion of conditions a, b, c, d, and e of the *Standard Manatee Conditions for In-water Work (2011)*.

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. Our initial determination is that the proposed action would have a minor adverse impact on EFH or Federally managed fisheries in West Bay.

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 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 Panama City Permits Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407 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 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, Mrs. Lisa S. Lovvorn, in writing at the Panama City Permits Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407; by electronic mail at lisa.s.lovvorn@usace.army.mil, or, by telephone at (850) 285-9533.

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 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.

FIGURES

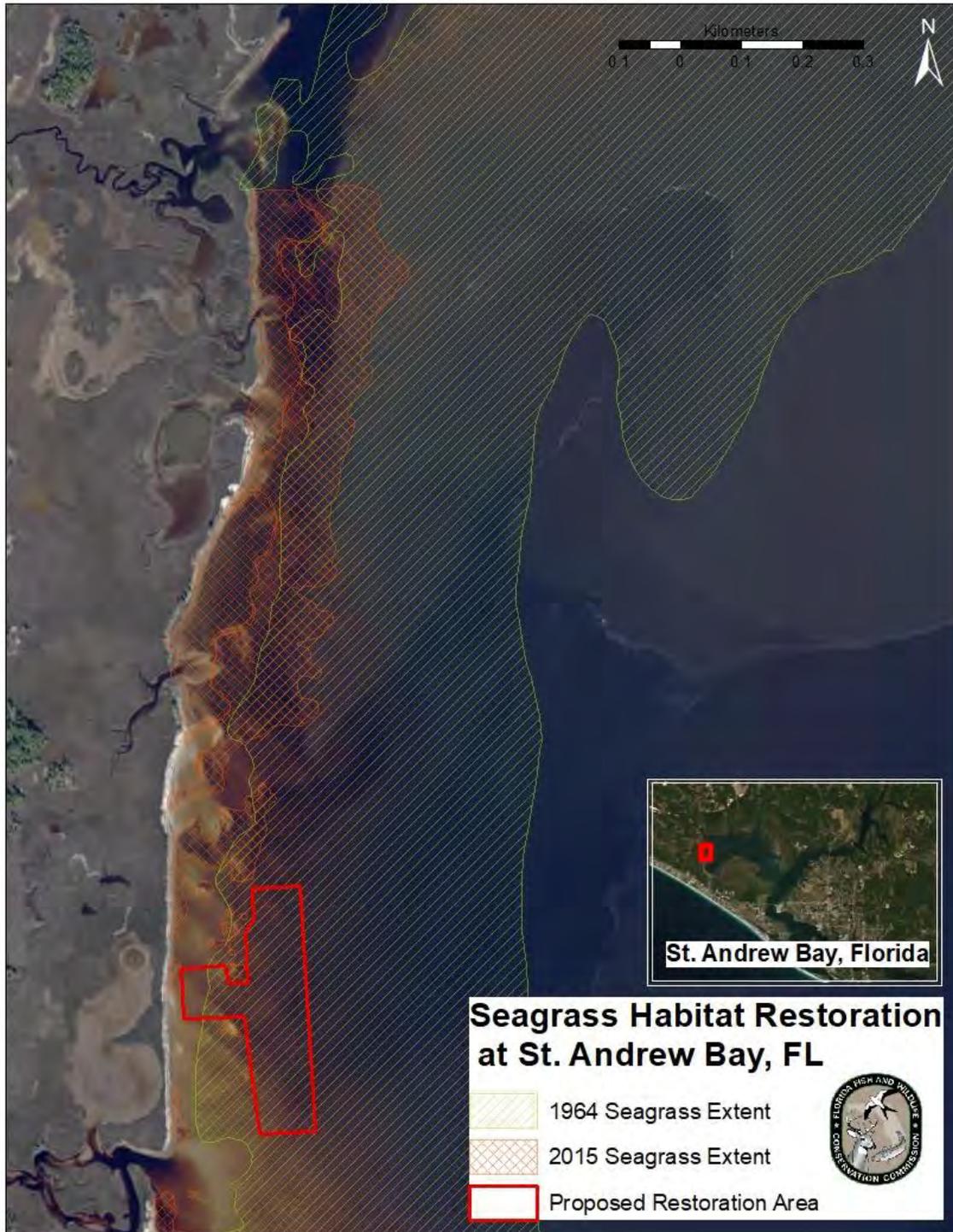


Figure 1: Aerial imagery shows a significant loss of seagrass habitat along the western shoreline of West Bay from its maximum extent (circa 1964) to more recent surveys (2015). FWC's proposed seagrass restoration is within an area historically populated by seagrass and adjacent to but not overlapping existing recovering seagrass areas.



Figure 2: The project will harvest Cuban shoal grass (*Halodule wrightii*) from up to seven previously permitted donor sites within West Bay and transplant that material to the restoration area.

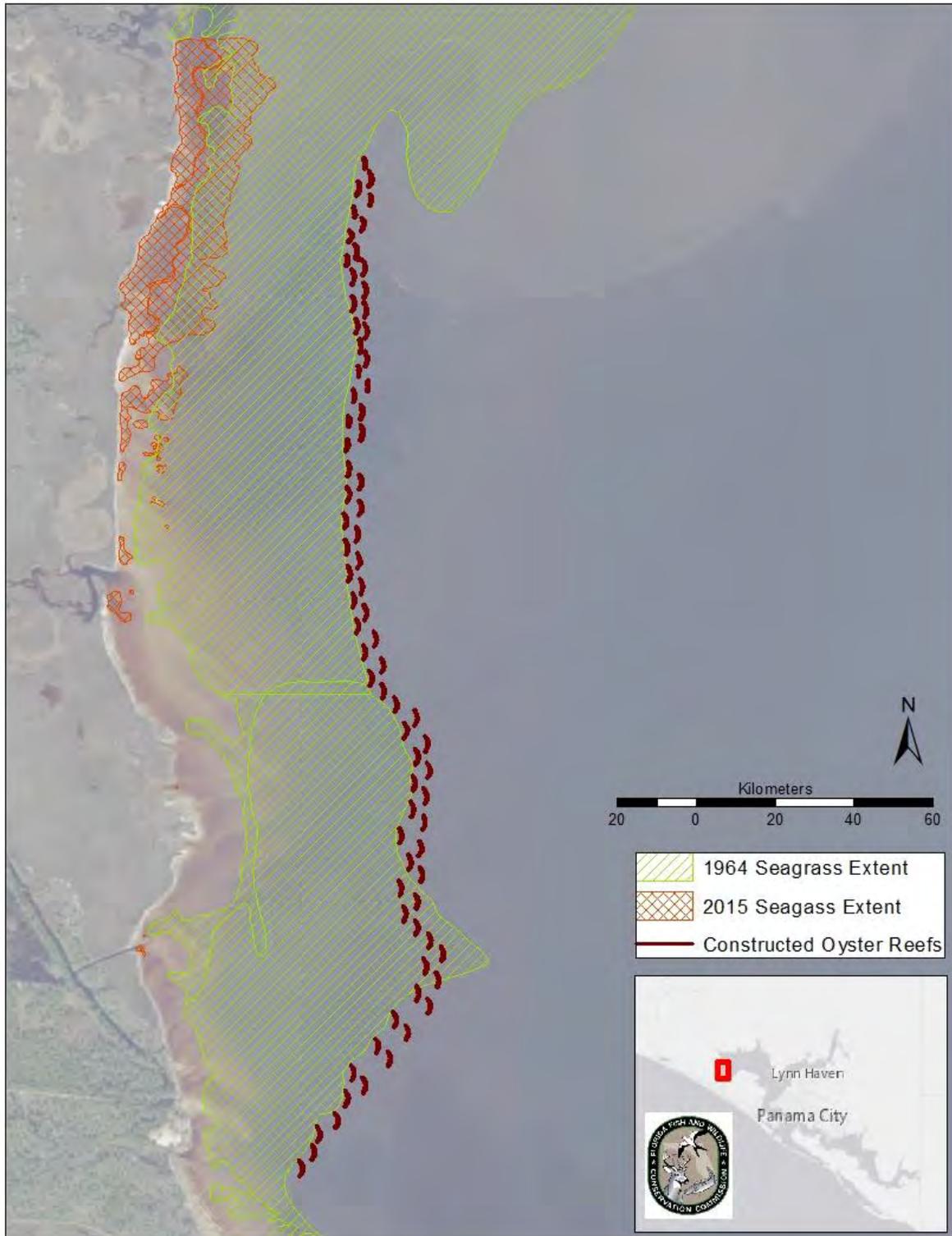


Figure 3: FWC constructed ~5 acres of subtidal oyster reef habitat along the deep edge of historic seagrass coverage in West Bay to reduce suspended sediments, increase water filtration, and further facilitate both the natural recruitment of seagrasses and the expansion of transplanted seagrass beds along approximately 3000 meters of the West Bay shoreline.



Figure 4: FWC will transplant all Cuban shoal grass harvested from West Bay donor sites to the project restoration area. Seagrass will be planted within up to six 1-acre restoration plots (A thru F) using a checkerboard planting approach.

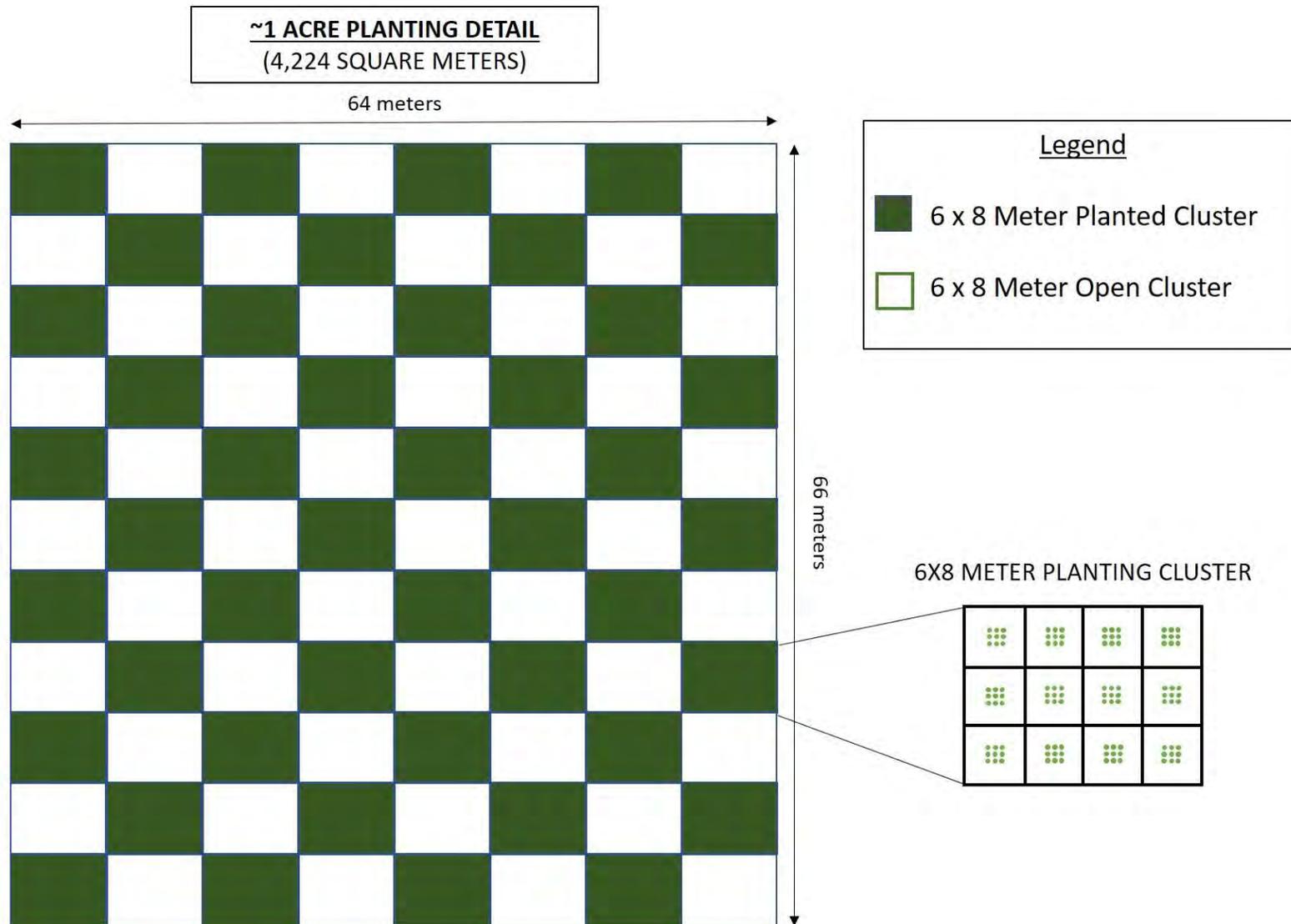


Figure 5: Each 1 acre (64 m x 64 m) restoration plot will be planted with 44 planted clusters separated by 44 open clusters to create a checkerboard effect. Each 6 m x 8 m planted cluster will be composed of 12 sites, each 2 m x 2 m each.

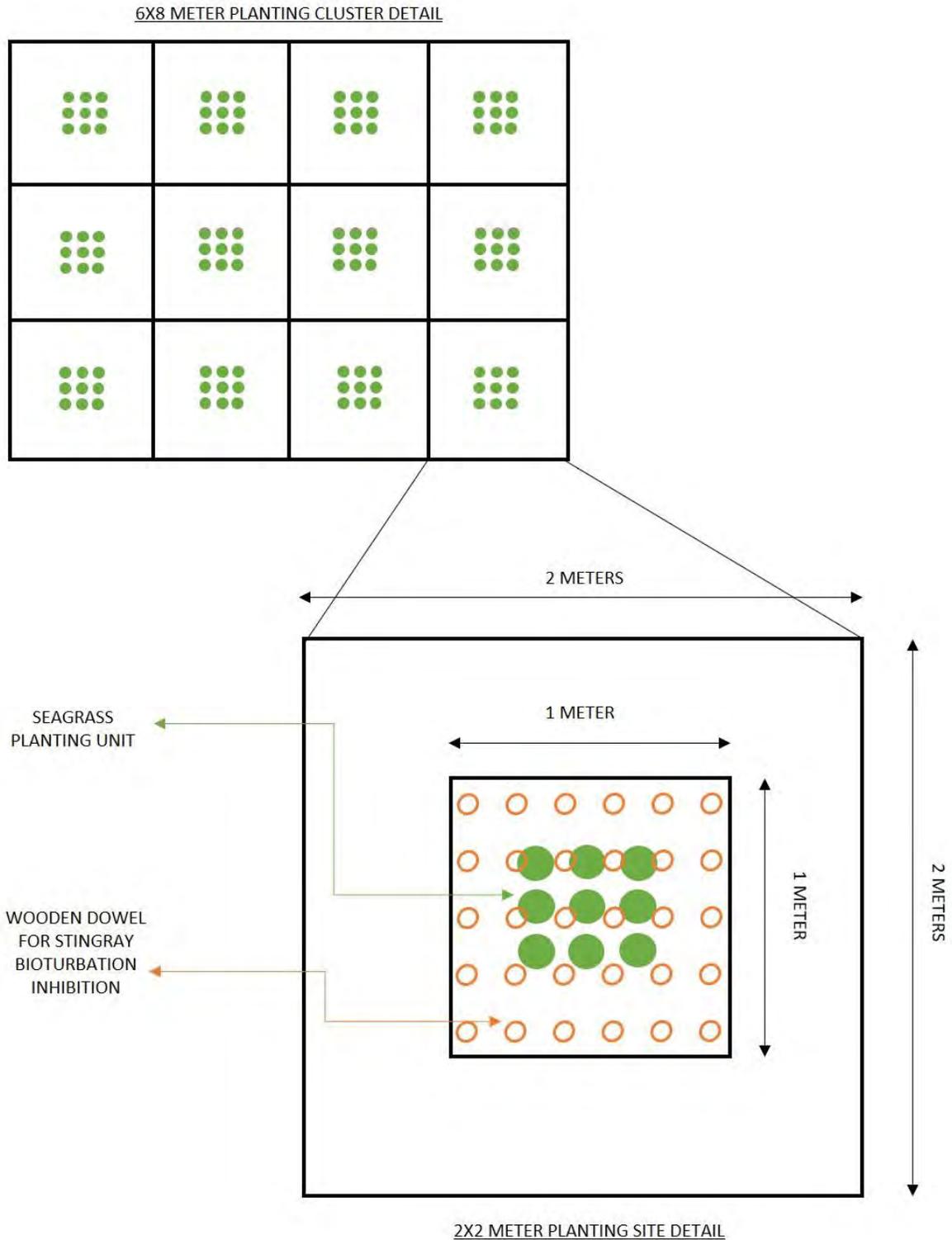


Figure 6: Each 6 m x 8 m planted cluster will be composed of 12 sites, each 2 m x 2 m each. With each individual site, 9 seagrass planting units will be planted within the central 1 square meter area. Wooden dowels measuring will be embedded 10 inches into the sediment at a frequency of 30 per m² within each site to inhibit stingray bioturbation.

TYPICAL BIOTURBATION INHIBITION CROSS-SECTION

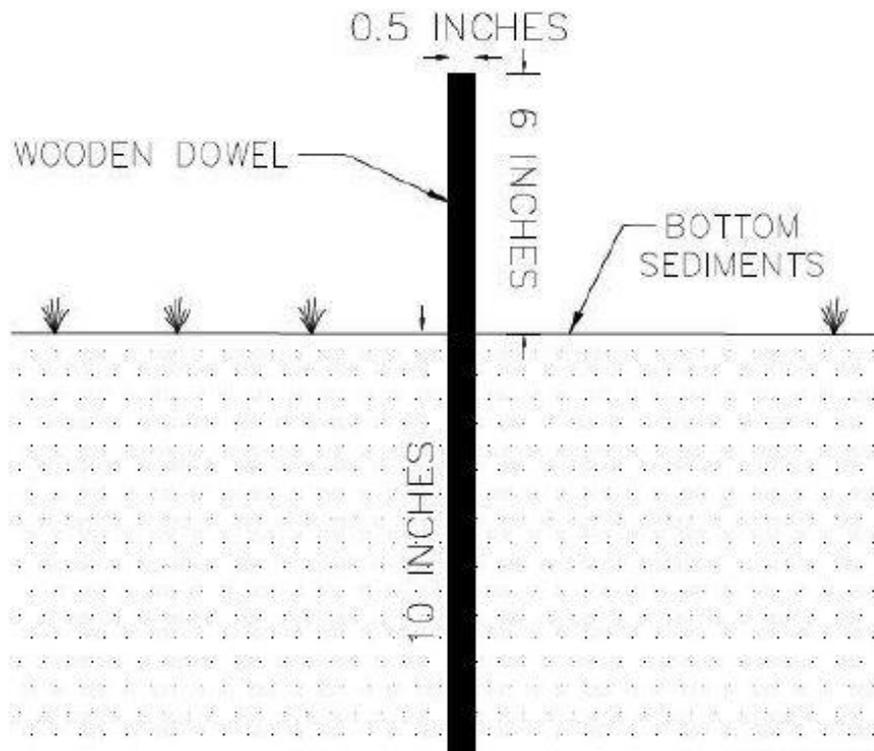


Figure 7: FWC will install 16 inch dowels (0.5-inch diameter) at a frequency of 30 per m^2 with 6 inches of dowel protruding into the water column and 10 inches embedded in the sediments.