



REPLY TO
ATTENTION OF

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

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

January 11, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2018-00034(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 404 of the Clean Water Act (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:

AAA Property Management
Attn: David Caamano
2637 Whale Harbor Lane
Hollywood, FL 33021

WATERWAY AND LOCATION: The project would affect waters of the United States associated the discharge of fill material within tidal waters and the installation of structures. The project is located within the Intracoastal Waterway (ICW), adjacent to 5620 North Ocean Drive, Section 1, Township 51 South, Range 42 East, Hollywood Florida.

Directions to the site are as follows: Take I-95 south toward Ft. Lauderdale and exit onto East Sterling Road. Turn north (left) onto Federal HWY. Turn right onto East Dania Beach Blvd. Turn right (South), onto North Ocean Drive, continue for approximately 0.23 miles and the property will be the right hand side of the road.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.0495°
Longitude -80.1148°

PROJECT PURPOSE:

Basic: The basic project purpose is to develop the site for a waterfront multi-family residential development.

Overall: The overall project purpose is to develop the site for a waterfront multi-family residential development in East Hollywood Florida.

EXISTING CONDITIONS: The site is a private docking facility that is bordered by the ICW to the west, an undeveloped mangrove shoreline to the north, a marina facility to the south, and North Ocean Drive to the east. The upland portion of the property is

approximately 3,671 SF (0.08 acres), of concrete parking lot. The site contains five existing boat slips. The site contains 100 linear feet of concrete seawall and riprap, 30.2 linear feet of concrete bag wall, 281 SF of wood dock, 384 SF of concrete finger piers, and 343 SF of wood finger piers. A seagrass survey was conducted on September 29, 2017 that indicated no seagrass was within the project area. The benthic community consists of silt, sand and rock. Depths within the survey area vary from 2-20 feet, with depths increasing towards the center of the waterway. One species of coral, lesser starlet coral (*Siderastrea radian*) was observed within the survey area. Approximately 30 individual small colonies of the coral ranging in size from 5-20 cm in diameter were observed on riprap 5-10 feet waterward of the existing seawall.

PROPOSED WORK: The applicant proposes to conduct the following activities:

1. Removal of approximately 30.2 linear feet of concrete bag wall;
2. Removal of 343 SF of existing wood finger piers;
3. Removal of 384 SF of existing concrete finger piers;
4. Removal of 281 SF of existing wood dock;
5. Installation of a 193 linear foot steel sheet pile seawall with a 3-foot concrete cap, located approximately 42 linear feet waterward of the existing seawall's wet-face;
6. Discharge of 2,732 SF (710 CY) of tidal water with clean fill material behind the new proposed seawall.

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: No impacts to seagrass are proposed or anticipated because no seagrass was located within the project footprint according to a survey conducted on September 29, 2017. The project footprint does contain the Lesser starlet coral (*Siderastrea radicans*) ranging from 5-20 cm, which approximately 30 individuals will be relocated just north of the site. Turbidity curtains will be installed for all in-water work. Construction will take place from a typical construction barge. The contractor will install turbidity barriers encompassing the entire project footprint. The contractor will drive the sheet pile wall, once the walls are in place the contractor will begin backfilling the area with clean fill. Construction is estimated to take three (3) months to complete. All work will be done in the daytime.

COMPENSATORY MITIGATION –The applicant has provided the following explanation why compensatory mitigation should not be required: No compensatory mitigation is required because no impacts to submerged aquatic vegetation is 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 proposal may affect but is not likely to adversely affect the West Indian Manatee or its designated critical habitat. The Corps evaluated potential project related effects to the manatee by using *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*, (Key) dated April 2013. Using the Key, A>B>C>G>N>O>P couplet 4, resulted in a “May Affect Not Likely to Adversely Affect” determination. The U.S. Fish and Wildlife has given programmatic concurrence with this determination and no further coordination 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*), Kemp's Ridley (*Lepidochelys kempii*), and the threatened smalltooth sawfish (*Pristis pectinata*) and would not adversely modify any of their designated critical habitat. The Corps will request National Marine Fisheries Service concurrence with these determinations 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 proposal would impact approximately 2,732 acres of tidal waters that contain the Lesser starlet corals ranging from 5-20 cm. The benthic area is 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 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 Ms. Linda C. Knoeck Permits Section, 4400 PGA Boulevard, Palm Beach Gardens, FL 33410, 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, 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; 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.

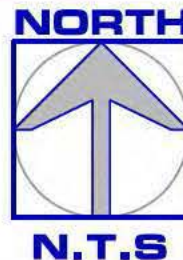
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



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5620 NORTH OCEAN DRIVE
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FIGURE 1 - LOCATION MAP

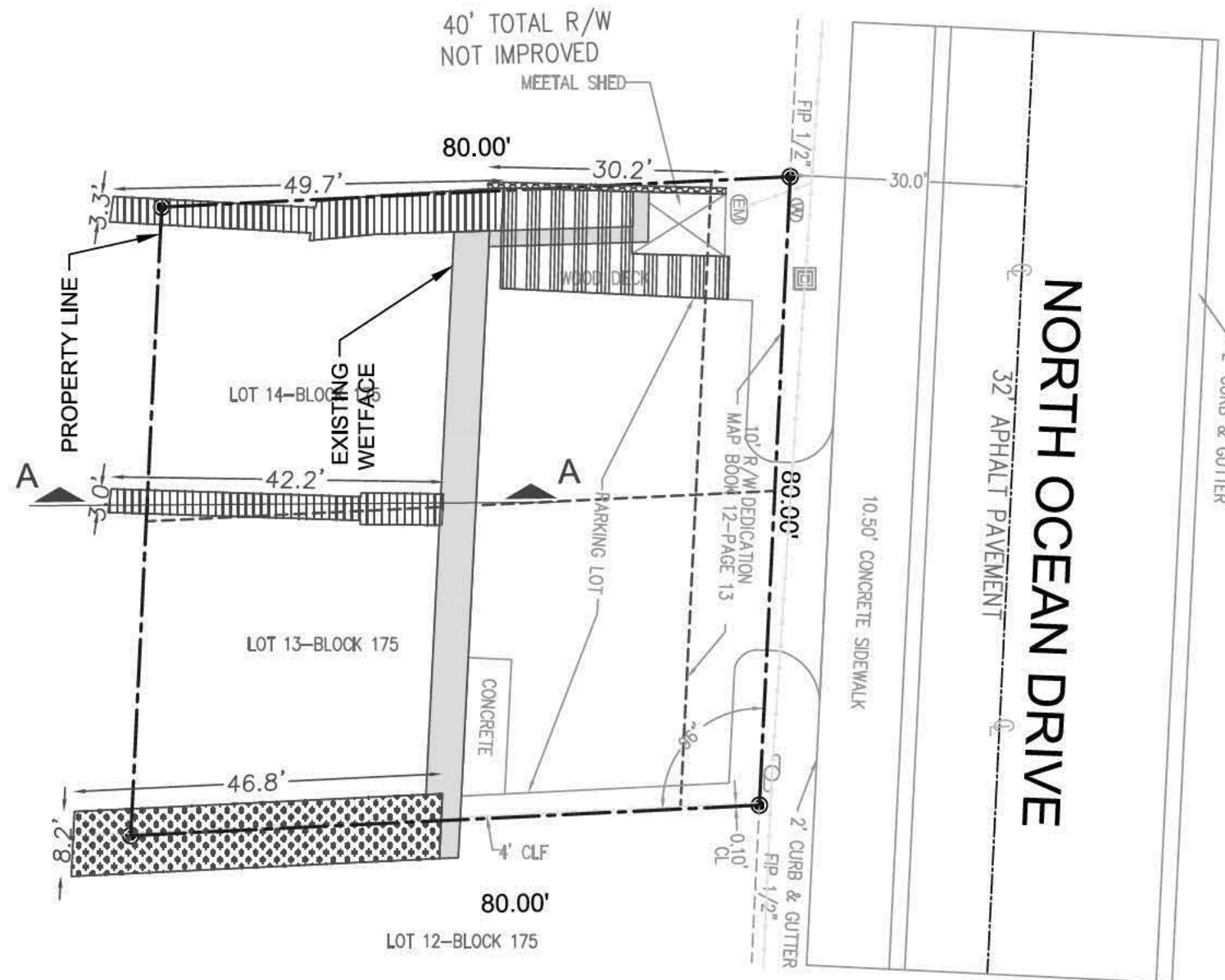
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PALM STREET

40' TOTAL R/W
NOT IMPROVED

INTRACOASTAL WATERWAY



LEGEND

- EXISTING $\pm 4.5'$ SEAWALL TO REMAIN (± 80 LN. FT.)
- EXISTING CONCRETE BAG WALL TO BE REMOVED (± 30.2 LN. FT.)
- EXISTING WOOD FINGER PIERS TO BE REMOVED (± 343 ft²)
- EXISTING CONCRETE FINGER PIER TO BE REMOVED (± 384 ft²)
- EXISTING WOOD DECK TO BE REMOVED (± 281 ft² - ± 82 ft² OVERWATER)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.89' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY
VIZCAYA SURVEYING AND MAPPING, INC.

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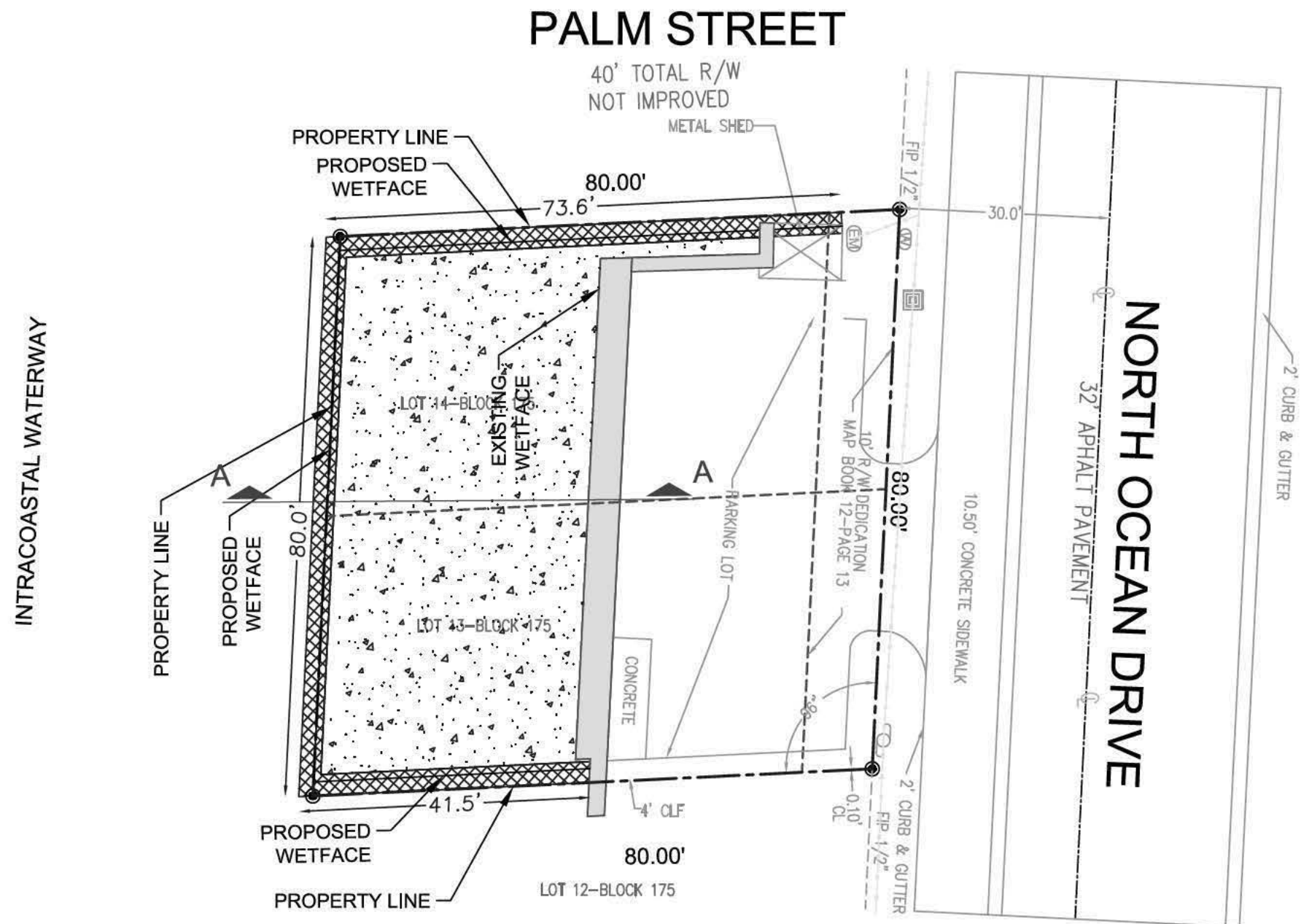
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EXISTING CONDITIONS

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LEGEND

 PROPOSED 3.0' CONCRETE CAP (± 560 ft² OVERWATER, ± 193 LN. FT.)

 PROPOSED FILL ($\pm 2,732$ ft² OVERWATER, ± 710 CY)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.89' NAVD

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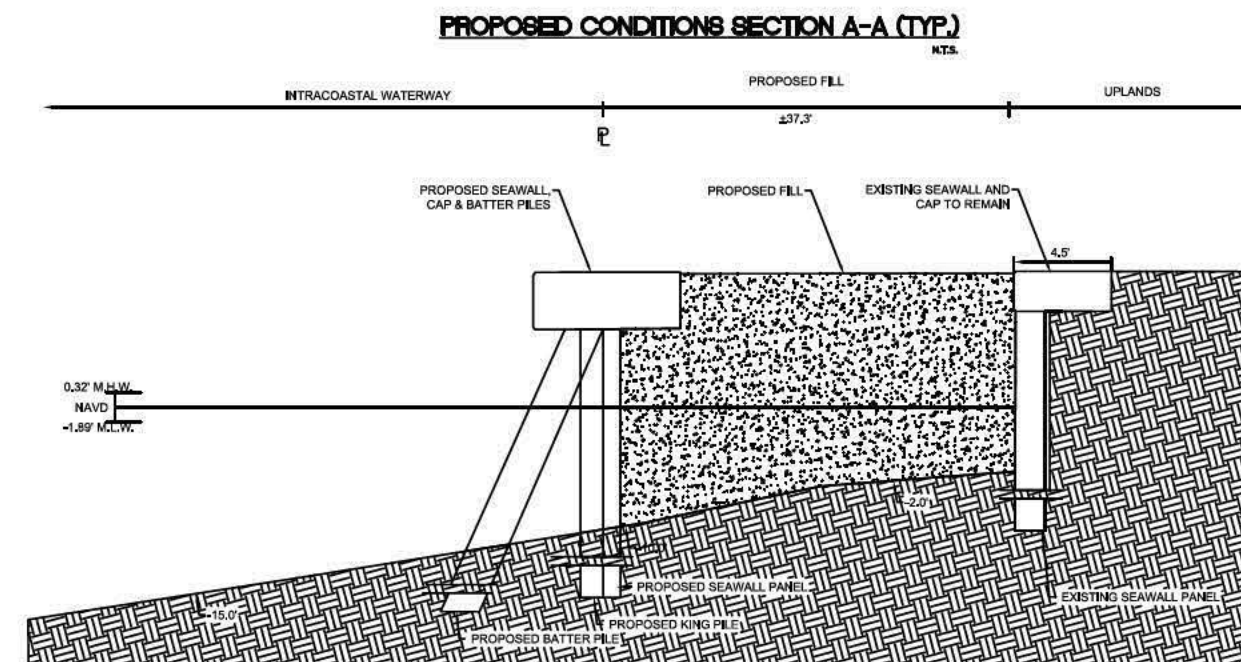
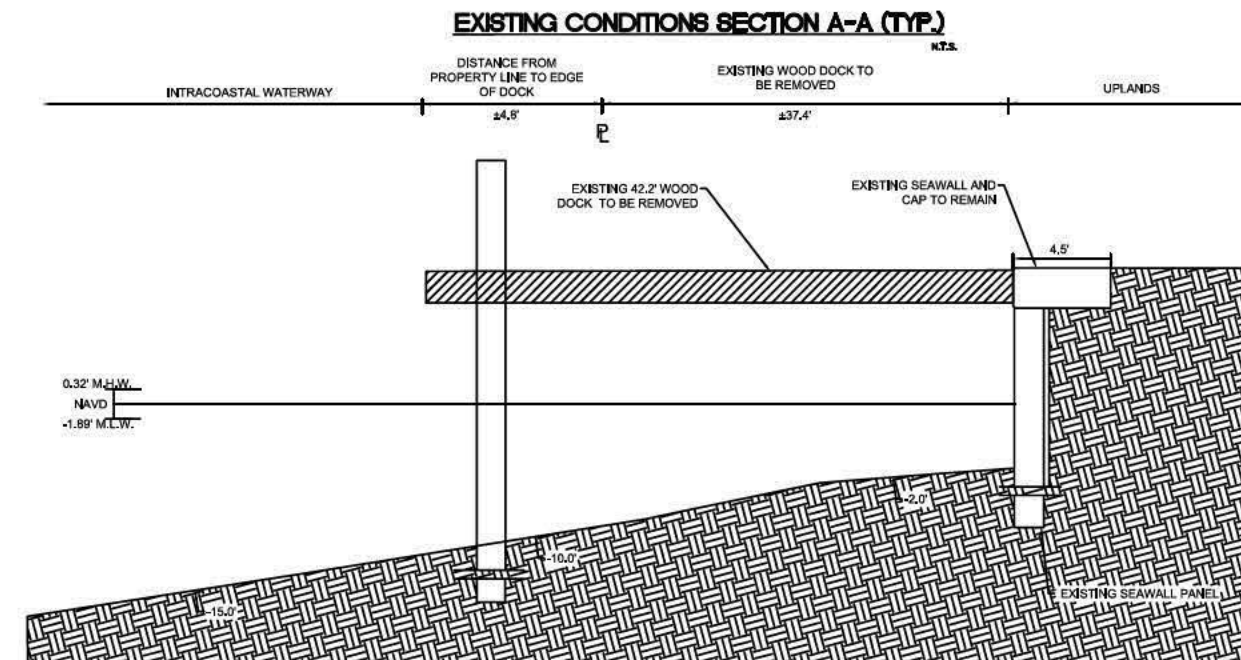
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PROPOSED CONDITIONS

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PROPOSED FILL (±2,732 ft² OVERWATER, ±710 CY)

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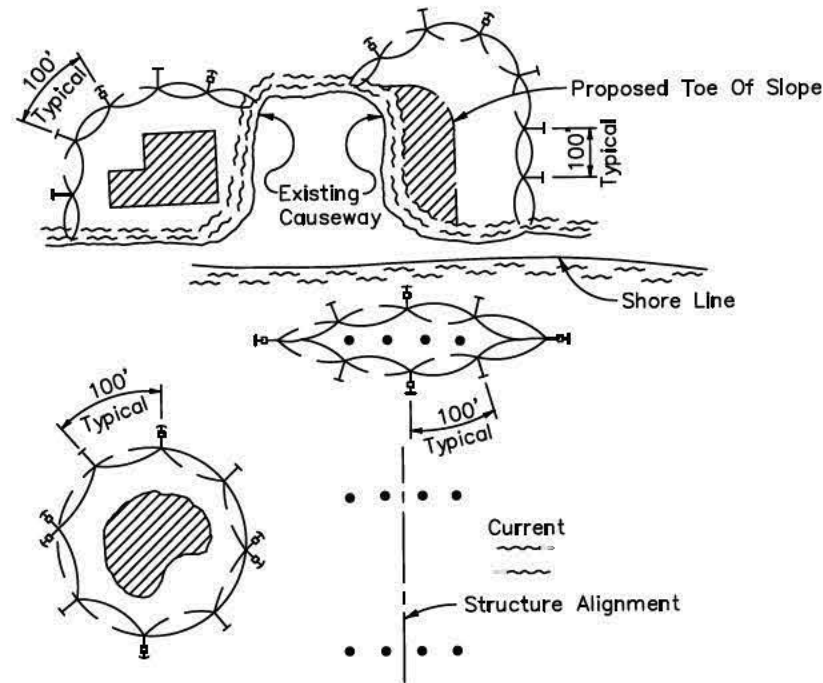
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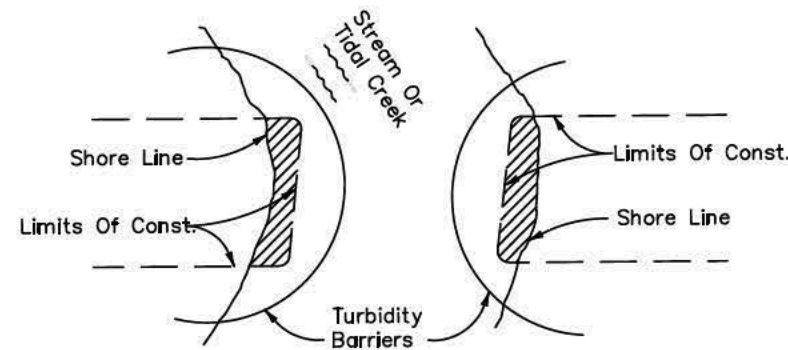
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CONSTRUCTION BARGE
(TYP.)



LEGEND

- Pile Locations
- ▨ Dredge Or Fill Area
- Mooring Buoy w/Anchor
- Anchor
- Barrier Movement Due To Current Action

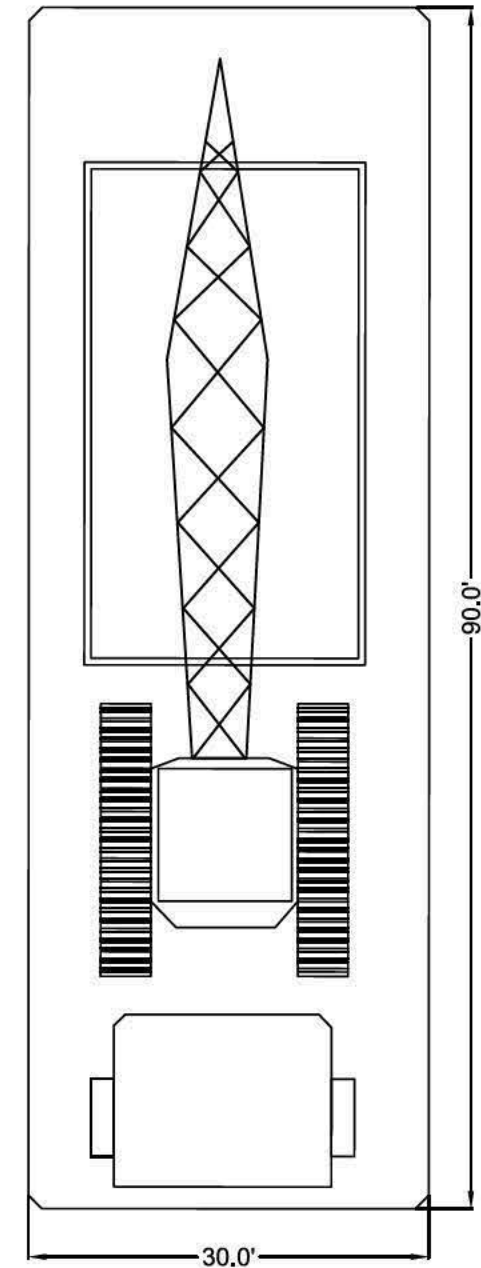


Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

NOTES:

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS



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DETAILS

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