



REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
Miami Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107TH AVENUE, SUITE 203
MIAMI, FLORIDA 33176

January 16, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2000-02980 (SP-MIB)

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: Florida Department of Environmental Protection
John Pennekamp Coral Reef State Park
C/o Paul Rice, Park Manager
P.O. Box 370487
Key Largo, Florida 33037

WATERWAY AND LOCATION: The Port Bougainville project is located at the Key Largo Hammocks State Botanical Site, east of State Road 905, adjacent to the Atlantic Ocean, in Sections 31 and 32, Township 60 South, Range 40 East, Key Largo, Monroe County, Florida. RE#00563133-000100

Directions to the site are as follows: Take U.S. 1 South to the Florida Keys; Turn left at State Road (SR) 905A (Card Sound Road); Turn right at SR 905; Continue on SR 905 for approximately 8 miles. Project located on ocean side.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.177553°
Longitude -80.363339°

PROJECT PURPOSE:

Basic: To restore wetlands.

Overall: To restore wetlands within Key Largo, Monroe County, Florida.

EXISTING CONDITIONS: The wetland system consists of a saltwater system. The existing surrounding onsite vegetation consists of red mangroves, scrub mangrove/salt marsh, buttonwood wetlands and tropical hammock. A Department of the Army permit dated 13 September 2001 authorized to restore a marina basin, channel and wetlands which were previously dredged and filled. The work in submerged lands consisted of 10.25 acres and placing 233,000 cubic yards of fill material. A plug was constructed at

the entrance of the channel in 2012 in accordance with the Department of the Army (DA) permit dated September 13, 2001 and subsequent permit extensions. This restoration project was previously granted to John Pennekamp State Park (Park) and works conducted and managed in collaboration with the Keys Environmental Restoration Fund (KERF) former In-Lieu Fee Program. Although federal mitigation money has been used in the past, there are currently no federal mitigation funding being proposed for this project. The Park has obtained various time extensions for the proposed restoration activity; however, the full scope of the previously authorized restoration work remains incomplete. Due to the size of the project and the large amount of fill that will be needed to complete the work, the Park is requesting a permit to continue the efforts to restore the remaining 1.4 acres of dredged channel.

PROPOSED WORK: The applicant seeks authorization for a 20 year permit to place 18,311 cubic yards of clean fill within the remaining 1.4 acres of plugged channel. Once graded the area will then be replanted with mangroves and transitional wetland habitat as part of the Park's Unit Management Plan goals and objectives. Fill activity will be conducted on an ongoing bases within the time frame listed. The fill material will be inspected by park personnel and contracted project manager prior to dumping into the designated areas to ensure that the fill material meets the clean fill criteria. All filling activity will be land based. Trucks will access the site through existing access roads and disturbed areas. Once restored to natural grade the area will be replanted with native vegetation as needed.

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: A plug has been constructed at the entrance of the channel to prevent escape of material and turbidity into the Atlantic Ocean. In addition, turbidity screens will be deployed to isolate the construction site from ambient waters.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The filling activity is limited to areas of the basin and channel that do not support sea grass, wetlands or corals; therefore, no migration is proposed.

CULTURAL RESOURCES:

The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected.

ENDANGERED SPECIES:

The U.S. Army Corps of Engineers (Corps) has determined the project would have *no effect* the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. Potential impacts to the endangered manatee were evaluated using The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida (Manatee Key), dated April 2013. The restoration activity is

limited to areas within the plugged channel and basin. Use of the Manatee Key resulted in the following sequential determination: A > not accessible to the manatee- “*no effect*”. The Corps has concurrence with this determination from the U.S. Fish and Wildlife Service (FWS), pursuant to the Manatee Key.

The real estate parcel number is 00563133-000100 and **is** on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County. The Corps has reached a “*may affect not likely to adversely affect*” (MANLAA) determination on the American crocodile, Key Largo cotton mouse, Key Largo woodrat, Schaus swallowtail butterfly, Keys tree cactus and Keys tree snail. The Corps will request FWS concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has reached a *no effect* determination on the swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*), hawksbill sea turtles (*Eretmochelys imbricata*), Kemp’s ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), smalltooth sawfish (*Pristis pectinata*), Nassau grouper (*Epinephelus striatus*), *Acorpora* sp. and corals species; (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, and *Mycetophyllia ferox*) species and their critical habitat. No further consultation with the National Marine Fisheries Service is required 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 1.4 acres of plugged channel. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Florida Keys. 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 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 Maria Bezanilla Permits Section, 9900 SW 107th Avenue, Suite 203, Miami, Florida 33176 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 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, Maria Bezanilla, in writing at the Miami Permits Section, 9900 S.W. 107th Avenue, Suite 203, Miami, Florida 33176, by electronic mail at Maria.I.Bezanilla@usace.army.mil, or by telephone at (305-779-6057).

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.

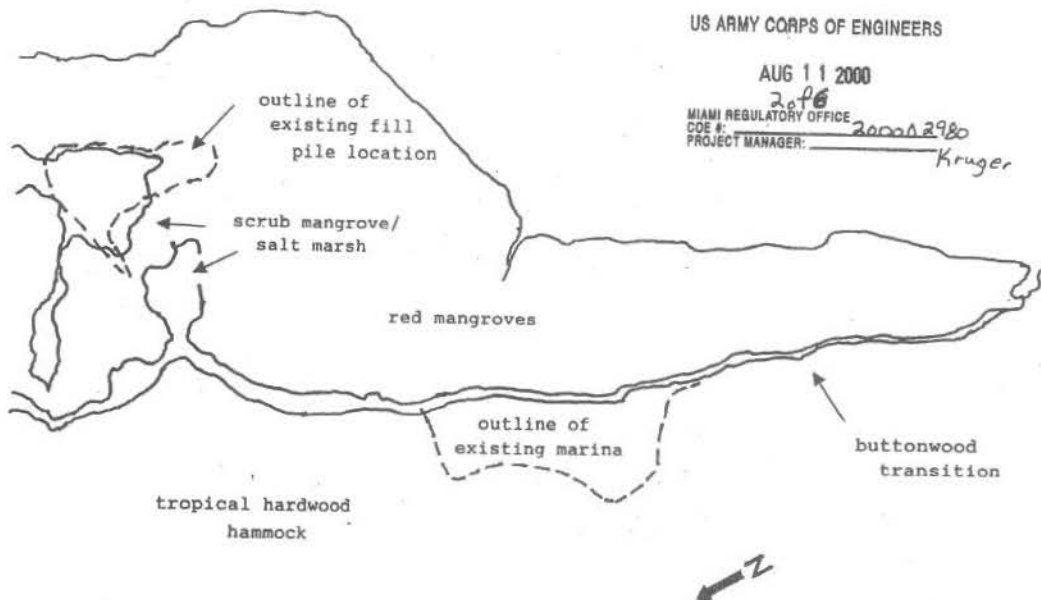
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

1 of 5

200002980

Kruger

COE #: 2000-2980
PROJECT MANAGER: NIB



SR 905

Figure 2.. Historic (pre-development) habitat conditions at the Port Bougainville site showing approximate locations of existing marina basin and large fill pile. Approximate scale is 1" = 500'.

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COE #: 2000-2980
PROJECT MANAGER: MTB

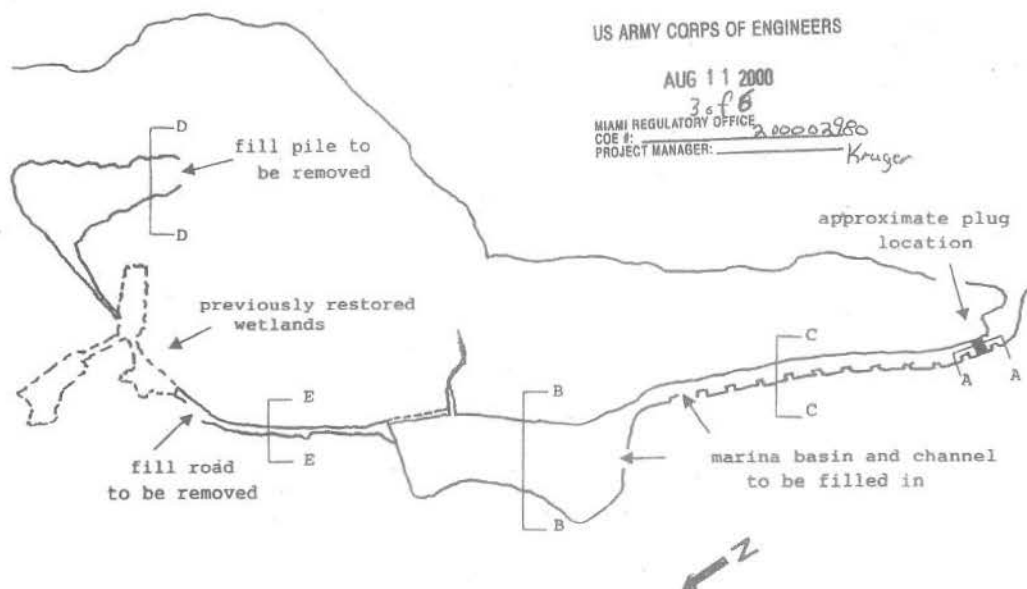


Figure 3. Existing conditions/restoration plan for Port Bougainville wetlands. Dashed lines indicate previously restored areas. Approximate scale is 1" = 500'.

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MIAMI REGULATORY OFFICE

COE #: 2000-2480

PROJECT MANAGER: MIB

Port Bougainville Restoration Entrance Channel





Port Bougainville Habitat Restoration
Habitat Restoration Remaining:



Remaining Mangrove Wetland to be Restored: 1.00 acres



Remaining Transitional Wetlands to be Restored: 1.71 acres



Remaining Hardwood Hammock to be Restored: 0.21 acres

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MIAMI REGULATORY OFFICE

COE #: 2010-2980

PROJECT MANAGER: M.B.