



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, JACKSONVILLE DISTRICT**  
**701 SAN MARCO BOULEVARD**  
**JACKSONVILLE, FLORIDA 32207-8915**

**February 21, 2019**

Regulatory Division  
West Permits Branch  
Tampa Permits Section  
Gainesville Field Office

***PUBLIC NOTICE***

Permit Application No. SAJ-2018-03056 (SP-SLV)

**TO WHOM IT MAY CONCERN:** The Jacksonville District of the United States 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:** Moonlight Bay, LLC  
Miles Lenhart, Jr.  
5043 Oyster Cove  
New Port Richey, Florida 34668

**WATERWAY AND LOCATION:** The project would affect waters of the United States (US) associated with the Pitlachascotee River. The project site is located at 7724 James Clark Street in Section 32, Township 25 South, Range 16 East, Port Richey, Pasco County, Florida.

Directions to the site are as follows: From the intersection of State Road 54 and US Highway 19, proceed north on US Highway 19 approximately 4 miles. Turn east on River Gulf Road, then south onto James Clark Street. The property is located east of the intersection of James Clarke Street and Baylea Avenue.

**APPROXIMATE CENTRAL COORDINATES:** Latitude 28.269485°  
Longitude -82.723196°

**PROJECT PURPOSE:**

Basic: Construction of a private marina.

Overall: Construct a private marina consisting of a launch facility and dry storage for up to 30 vessels on the Pitlachascotee River in Pasco County.

**EXISTING CONDITIONS:** The project area consists of a vacant lot with 94 feet of shoreline on the Pitlachascotee River, which is tidally influenced. The property has an upland-cut boat basin, which was filled in without Department of the Army authorization to create a boat ramp. The remainder of the vacant property consists of grass and isolated trees. There are no wetlands present at the proposed project site. There is no

mangrove, live hardbottom, submerged aquatic vegetation (SAV), or emergent vegetation within the proposed work area.

**PROPOSED WORK:** The applicant seeks authorization to construct a marina facility that has dry storage, trailer parking capacity, and launch infrastructure to accommodate up to 30 marina members. Specifically, the applicant seeks authorization to construct a T-shaped floating dock consisting of a 6-foot-wide by 6-foot-long walkway attached to the existing seawall leading to a 6-foot-wide by 30-foot-long terminal platform. The floating dock would be moored with two, 8-inch to 12-inch diameter, marine-treated wood pilings. A third marine-treated wood pile is also proposed to serve as a courtesy mooring during active loading/unloading at the floating dock and boat ramp. The third pile would be located 10 feet south of the floating dock and 6 feet from the existing seawall. The applicant also seeks after the fact (ATF) authorization for the discharge of fill required to construct the existing 21-foot-wide by 29-foot-long boat ramp within the upland-cut boat basin.

**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:

According to the applicant, there is no SAV, emergent vegetation, mangroves, corals, or live hardbottom present within the footprint of the proposed work. Therefore, the applicant did not identify any avoidance and minimization measures.

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

The applicant stated that no compensatory mitigation is necessary for the proposed project because the proposed work would not impact any SAV, mangroves, corals, or live hardbottom.

#### **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. The previous dredging of the upland cut boat basin and the inlet adjacent to the project site likely destroyed any resources that may have been present with the proposed work area. Therefore, the Corps has initially determined that the proposed project would have “No Potential to Cause Effect” to historic properties or cultural resources.

Furthermore, 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 determined the proposed project **May Affect** the **West Indian Manatee**. The Corps utilized the Effect Determination Key for the Manatee, dated April 2013 (Key) to reach this determination. Use of the Key resulted in the following sequence: A > B > C > G > H > I > J > L > M > May Affect. The proposed work would not impact SAV, emergent vegetation, mangroves, or live hardbottom and the applicant would adhere to the standard manatee construction conditions. However, the proposed project involves the construction of a floating dock to service a multi-slip facility in a county without a State-approved Manatee Protection Plan; therefore, the proposed project would increase watercraft access beyond the residential dock density defined in the Key for Pasco County, resulting in a May Affect determination. The Corps initiated formal consultation with U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act by separate correspondence.

The Corps utilized the National Marine Fisheries Service (NMFS) *Jacksonville District's Programmatic Biological Opinion* (JAXBO), dated November 2017, to analyze the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Nassau grouper; scalloped hammerhead shark, Johnson's seagrass; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); whales (North Atlantic right whale, sei, blue, fin, and sperm); and designated critical habitat for Johnson's seagrass; smalltooth sawfish; sturgeon (Gulf and Atlantic); sea turtles (green, hawksbill, leatherback, loggerhead); North Atlantic right whale; and corals (elkhorn and staghorn) in accordance with Section 7 of the Endangered Species Act. The Corps has determined that the proposed project falls within the scope of the JAXBO. The Corps will request concurrence with this determination with NMFS pursuant to Section 7 of the Endangered Species Act by separate correspondence.

**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 proposed dock would cause 220 square feet (ft<sup>2</sup>) over-water impact and 1.6 ft<sup>2</sup> of direct impact to of bare submerged bottom potentially utilized by various life stages of coastal migratory pelagics, red drum, reef fish, and shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. 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 Gainesville Field Office of the Tampa Permits Section at 2833 NW 41<sup>st</sup> Street, Gainesville, Florida, 32606 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, Sarah Vaughn, at the Gainesville Field Office of the Tampa Permits Section, 2833 NW 41<sup>st</sup> Street, Gainesville, Florida, 32606; email at [Sarah.L.Vaughn@usace.army.mil](mailto:Sarah.L.Vaughn@usace.army.mil); facsimile at (352) 264-7733; or telephone at (352) 264-7673.

**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, aesthetics, 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.

**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.



NORTH ↑

The Review of these plans shall not be construed as authority to violate, cancel, alter, or set aside any provisions of the technical codes, Florida statutes, or local ordinances; nor shall issuance of a permit prevent the building official from there after requiring a correction of errors in plans, construction, or violations of the Florida Building Code.

City of Port Richey

Building & Zoning Department

Plans have been reviewed for compliance with the Florida Building Code & Florida Fire Prevention Code. (Commercial or Multi-Family)

APPROVED

LOT 6 Building: JFW Date: 10/25/16  
Fire: RLT Date: 11/1/16

James Clark St.

Road

S89°48'23"E

166.60'

94.00'

N00°15'15"E

GRADE SITE AND PLANTED GRASS SURFACE

LOT 7 BLOCK 6

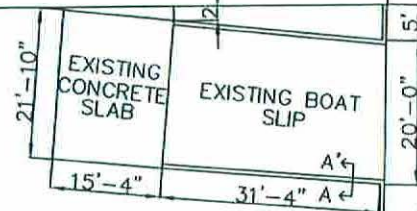
N. 15' OF LOT 8 BLOCK 6

PROPERTY LINE

N89°48'23"W

163.80'

PORTION OF LOT 8



PROPOSED NEW SIDEWALK

EXISTING RIP RAP ALONG SEAWALL

CANAL (Approx. 150' Wide)

EXISTING SEAWALL

ADJACENT PROPERTY SEAWALL

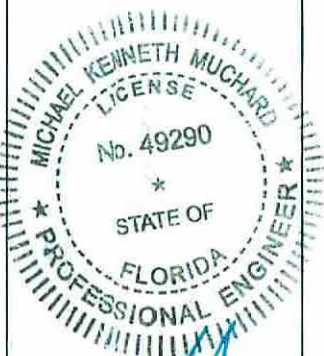
ADJACENT PROPERTY SEAWALL

94.05'

S01°57'37"W

CONTRACTOR COPY

REVIEWED FOR CODE COMPLIANCE  
J.F. WASHINGTON PX201



10/25/16



Applied Foundation Testing, Inc.

Project:

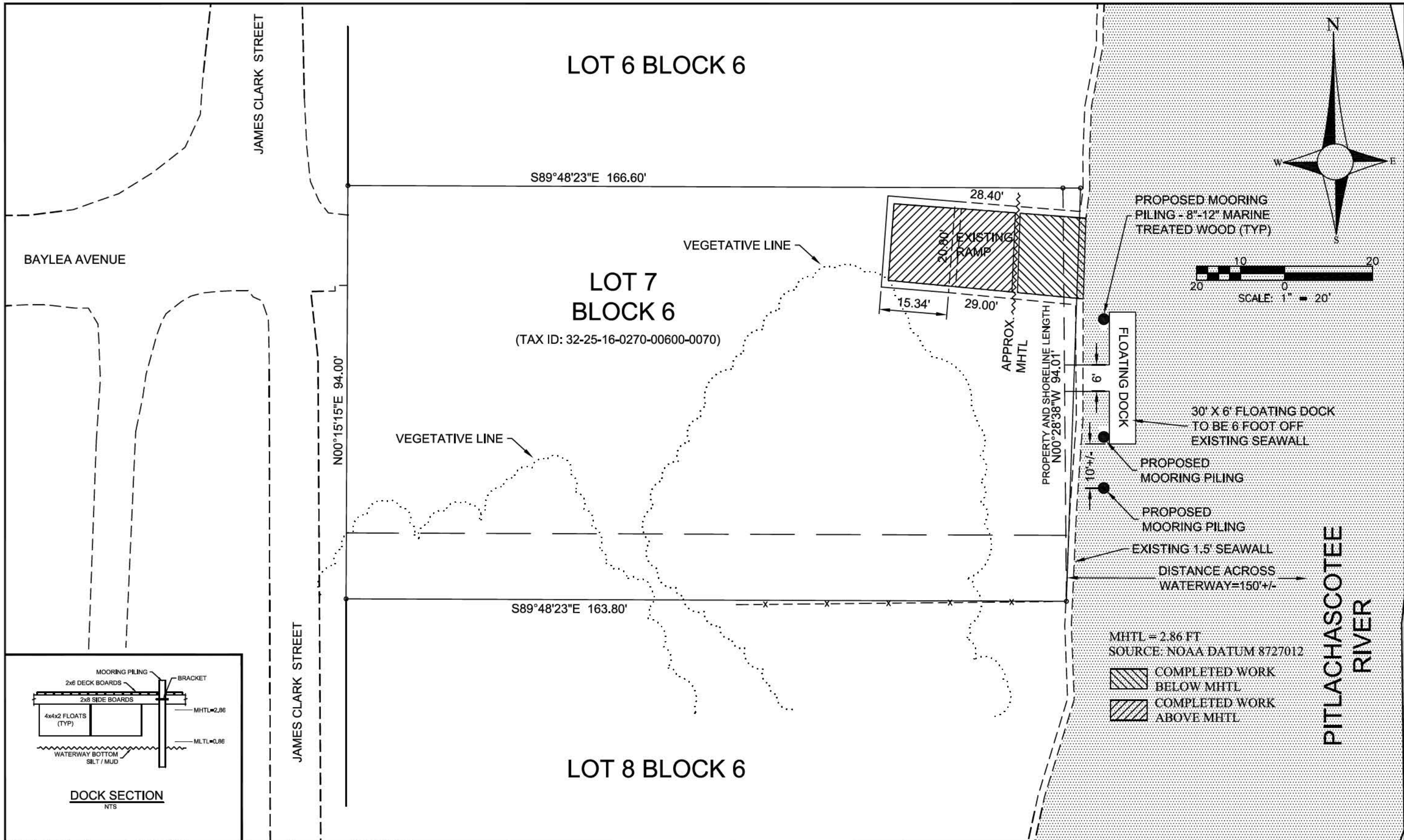
7724 James Clark St.

Date:

(10/25/16)

Title:

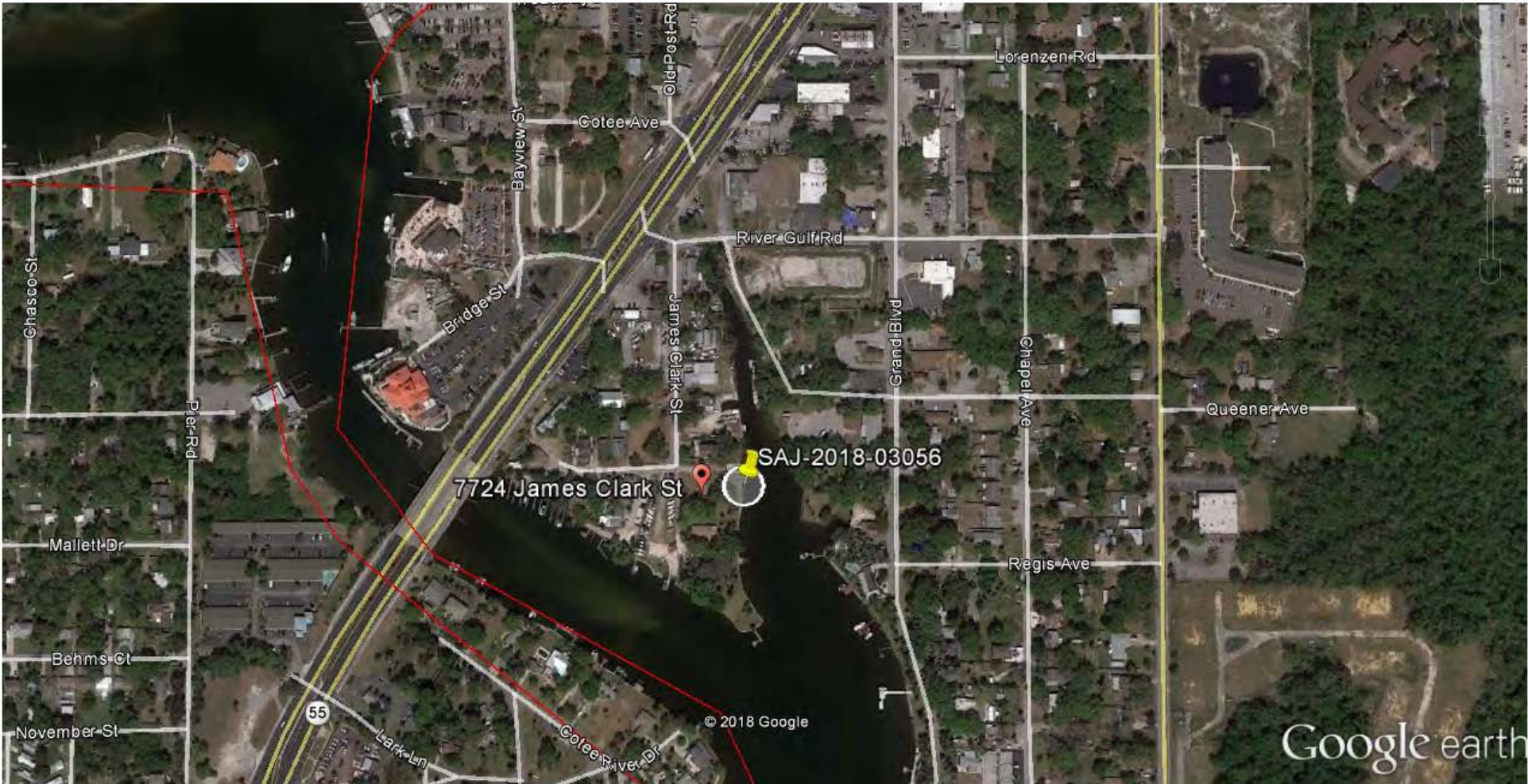
SITE PLAN



REVISED	NO.	BY	DATE	DESCRIPTION	INITIALS	DATE	PREPARED FOR:  MOONLIGHT BAY, LLC 5043 OYSTER CV NEW PORT RICHEY, FL 34652	Stuart I. Cullen, PE 2174 SW 35TH COURT, GAINESVILLE, FLORIDA 32608 PHONE (352) 318-9461 SCULLEN.ENGG@GMAIL.COM	STUART I. CULLEN, PE No. 51337  DATE	PROPOSED DOCK  LOT 7 BLOCK 6  SECTION 32, TOWNSHIP 25 S., RANGE 16 E.	JOB NO.  SHEET NO. EX-1
	1	SIC	07/25/18	ADDED MHTL	DESIGN	SIC					
	2	SIC	7/29/19	ADDED COMPLETED WORK	DRAWN	SIC					
	3	SIC	11/3/18	ADDED SECTION & DETAILS	CHECKED	SIC					
	4	SIC	12/4/18	ADJUSTED PILING	QUALITY CHK						
	5				SCALE	1" = 20'					



SAJ-2018-03056 Moonlight Bay – 7724 James Clark Street, Port Richey (28.269485°, -82.723196°)





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