

requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.

c. Whales. There would be no impacts on whales from this alternative.

d. Sea turtles. Dredging would not impact sea turtles since hopper dredges are restricted in this area..

4.3.3 *Social.*

a. Historic Properties. As discussed in section 3.3.3.a. of this document, the area to be dredged has been surveyed for the presence of potentially significant historic properties. No such resources were identified during the survey or during archival research. Significant historic properties are not known to exist on the north beach segment that may be used as a disposal area. This alternative would have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.

b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel.

c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel and a more substantial impact on aesthetics from the noise from the

presence and the noise from the operation of heavy equipment and a disruption of the seascape.

4.3.4 *Economic.*

a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity.

b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort.

4.3.5 *Cumulative effects.*

If this action was considered in conjunction with other similar projects and similar No Actions, there would be a substantial adverse impact on navigation and economics of the State of Florida.

4.3.6 *Unavoidable effects.*

There would be localized turbidity at both the dredging site and the placement area..

4.3.7 *Irreversible and Irrecoverable Resource Commitments.*

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

4.4 DREDGING AND ODMDS PLACEMENT

4.4.1 *Physical.*

a. Water quality. There would be a minor short-term increase in turbidity at the dredging site and the ODMDS area.

4.4.2 *Biological*

a. Benthos. The benthic organisms at the dredging site would be eliminated. This area would be rapidly recolonized by the organisms that can be moved by tidal flows from adjacent areas. Crustaceans and clams would take longer to re-enter the area. The benthic organisms would be covered and smothered by the placement of material in the ODMDS.

b. Manatees. The auxiliary vessels associated with the dredging operation could impact manatees. In order to reduce this impact, the standard state and Federal manatee protection conditions would be implemented. Included in these conditions are an education requirement, monitoring and avoidance of manatees. This avoidance includes a requirement to shutdown equipment should individuals come close to the equipment.

d. Whales. There would be no impacts on whales if the Early Warning System advisories are adhered to.

e. Sea turtles. Dredging would not impact sea turtles since hopper dredges would be restricted in this area..

4.4.3 *Social*

a. Historic Properties. As discussed in section 3.3.3.a. of this document, the area to be dredged has been surveyed for the presence of potentially significant historic

properties. No such resources were identified during the survey or during archival research. Significant historic properties are not known to exist on the north beach segment that may be used as a disposal area. This alternative would have no effect on resources included in or eligible for inclusion in the National Register of Historic Places.

b. Recreation. There would be a short-term minor impact on recreational navigation from the presence and operation of the dredging equipment in the navigation channel. There would also be a short-term minor impact on recreational activities on the beach from the presence and operation of the pipeline and heavy equipment at the placement area. There would be a short-term benefit on recreation from this same equipment as it provides entertainment in the form of curiosity to the beach goers on vacation as well as a source of new shell for collecting. There would be along-term minor benefit to beach recreation from the retardation of beach erosion which allows for a larger beach to recreate from.

c. Aesthetics. There would be a short-term degradation of the aesthetics of the navigation channel and a more substantial impact on aesthetics from the noise from the presence and the noise from the operation of heavy equipment and a disruption of the seascape., especially near the condominiums and hotels along the beach. This impact could be offset by the

limitation of construction equipment after dark.

4.4.4 Economic.

- a. Navigation. There would be a long-term major benefit from the continued maintenance on the navigable capacity.

- b. Economics. There would be a medium, short-term benefit to the local economy from the sale of goods and services in support of the construction effort. There would also be a medium long-term benefit on tourism from the maintenance of the downdrift beach.

4.4.5 Cumulative effects.

If this action was considered in conjunction with other similar projects and similar No Actions, there would be a substantial adverse impact on navigation and economics of the State of Florida.

4.4.6 Unavoidable effects.

There would be localized turbidity at both the dredging site and the placement area...

4.4.7 Irreversible and Irretrievable Resource Commitments.

There would be no irreversible or irretrievable commitment of resources from the selection of this alternative.

5. LIST OF PREPARERS.

The following professionals prepared the Environmental Assessment.

<u>NAME</u>	<u>DISCIPLINE</u>	<u>EXPERIENCE</u>	<u>ROLE IN PREPARING EIS</u>
William J. Fonferek	Biologist	25 years environmental impacts assessment	NEPA Coordinator, Biological Impact Assessment, Endangered Species Consultation
Jerry T. Scarborough	Civil Engineer	8 years experience	Project Manager
Paul Stevenson	Landscape Architect	12 years experience recreation design, construction and development	Recreation Resources Analysis and Mitigation Development
Tommy Birchett	Archeologist	20 years historic property management and assessment	Historic Property Analysis and Assessment
Glen Schuster	Environmental Engineer	21 years	HTRW and Water Quality Investigations and Impact Assessment

6. CONSULTATION WITH OTHERS - PUBLIC INVOLVEMENT PROCESS.

A public notice (PN-CAH-233) dated November 12, 1998, was issued for advanced maintenance for inclusion in the project. The following comments were received.:

- a. The National Marine Fisheries Service responded to the public notice by e-mail dated December 1, 1998, stating it anticipated any adverse impacts.
- b. The Canaveral Pilots Association responded to the public notice by letter dated November 20 1998, stating its support of the dredging.

7. INDEX

A		economics	10, 12, 14
aesthetics.....	5, 8, 10, 12, 13	Effect.....	5, 11, 13
Aesthetics.....	1, 5, 6, 8, 10, 11, 13	EIS.....	15, 18
Affected Environment	2, 6	Endangered.....	15, 18
Algae.....	7	Environmental Assessment.....	2, 15
Alternative.....	i, 2, 3, 5, 6, 9, 10, 11, 12, 13, 14	Erosion.....	7, 13, 18
alternative comparison.....	2	F	
alternatives.....	2, 6	Federal.....	1, 7, 9, 11, 12
Alternatives.....	i, 2, 3, 6	Fish.....	7, 9
Archeological.....	8	H	
Archeologist.....	15	Habitat.....	7
authority.....	1	Historic.....	1, 5, 6, 8, 10, 11, 13, 15, 18
B		I	
Benefit.....	5, 12, 13	Impact.....	1, 5, 9, 10, 11, 12, 13, 14, 15, 16
Benthic.....	11, 12	Irretrievable.....	i, ii, 9, 10, 12, 14
Biologist.....	15	Irreversible.....	i, ii, 9, 10, 12, 14
C		M	
Clean Water Act.....	1, 2	manatee.....	3, 5
Comments.....	17	Manatee.....	3, 5, 7, 11, 12
Consultation.....	8	mangrove.....	2
County.....	6, 18	Mitigate.....	3
cultural resources.....	8	Mitigation.....	15
Cultural Resources.....	8	Monitoring.....	11, 12
Cumulative Impacts.....	i, 9	N	
D		National Marine Fisheries Service.....	8, 17
decision to be made.....	1, 6	navigation.....	3, 5, 6, 8, 9, 10, 11, 12, 13
description of alternatives.....	2	Need.....	1
E		NEPA.....	15
Economic.....	i, ii, 10, 12, 13	Nesting.....	5
		No Action.....	i, 3, 10, 12, 14
		O	
		Offshore.....	7
		Oil.....	6, 9

P

preferred alternative..... 2

Purpose..... i

Purpose of and Need for the Action..... i

R

recreation 8, 10, 12, 13, 14, 15

Recreation 1, 5, 6, 8, 10, 11, 13, 15

relevant issues..... 9

Resources i, 6, 8, 9, 10, 11, 12, 13, 14, 15

Right Whale 8

S

Section 401..... 1

Sedimentation..... 10

SHPO 8

Silt..... 7

State 2, 7, 8, 10, 12, 14

State Historic Preservation..... 8

T

Threatened..... 18

Transfer 7, 9

Turbidity 5, 11, 12, 14

Turtle..... 5, 8

U

U.S. Army Corps of Engineers 18

U.S. Fish and Wildlife Service..... 18

unavoidable effects 9

Upland..... 2

V

Vegetation 10

W

water quality 2, 7, 10

Water Quality Certification 1, 7

Wetland 2

wetlands 2, 6, 9

7. REFERENCES

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Henwood, T. A., 1987. Movements and seasonal changes in loggerhead turtle, *Caretta caretta*, aggregations in the vicinity of Cape Canaveral, Florida (1978-84). Biol. Conserv. 40(3):191-202.

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APPENDIX II

**FLORIDA COASTAL ZONE MANAGEMENT CONSISTENCY
DETERMINATION**

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The placement of the beach quality material along the shoreline could benefit the beach by providing additional materials that could be placed along the beach by natural processes. Thus retarding the erosive processes. Therefore, the project would be in compliance with this chapter.

2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work has been coordinated with the State. A Modification to DER WQC Permit No. 050929309 was issued April 3, 1992 allowing nearshore disposal of material.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging and disposal of material in the near-shore area, or in the ocean disposal area will protect the navigation channel which could be used in emergency situations for transportation purposes. The additional materials placed along the shoreline will help prevent erosion and protect adjacent upland properties during storm events. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within

state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The maintenance dredging and use of the near-shore, or the ocean disposal areas has been approved by the State. The proposal would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed work would not affect any parks or preserves, and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The maintenance of existing navigation channels has been coordinated with the State Historic Preservation Officer. Procedures will be implemented to avoid impacts on unknown archeological resources within the navigation channel. No known cultural resources are found in the new nearshore disposal area. Disposal would cover and protect any unknown resources. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism.

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The maintenance dredging of the navigation channel encourages the development Canaveral Harbor and economic growth of the area. Therefore, the work would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The maintenance dredging of the navigation channel promotes recreational and commercial navigation within Canaveral Harbor. Therefore, the work would comply with the goals of this chapter.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The maintenance dredging of this area would not adversely affect saltwater living resources. No saltwater living resources are found in the nears-shore disposal area. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources would be impacted by the maintenance dredging or disposal. Therefore, the work would comply with the goals of this chapter.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants.

14. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore, does not apply.

15. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of the navigation channel is being coordinated with the local regional planning commission. Therefore, the work would be consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DER.

Response: A modification of the Water Quality Certification to include the nearshore disposal site is currently being processed by the State. Effects of the operation of construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building
500 South Bronough
Tallahassee, Florida 32399-0250
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(904) 488-1480 (904) 488-3353

March 25, 1992

Ms. Janice Adams
Planning Division, Environmental
Resources Branch
Jacksonville District Corps of
Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Denise M. Breit
Historic Sites
Specialist
(904) 487-2333
Project File No. 920797

RE: Cultural Resource Assessment Request
Maintenance Dredge Canaveral Harbor Navigation Channel/
Dispose of Materials at Nearshore Disposal Site
Cocoa Beach, Brevard County, Florida

Dear Ms. Adams:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Site File indicates that no significant archaeological or historical sites are recorded for or likely to be present within the maintenance dredging portion of the project. Furthermore, because of the project location and/or nature it is unlikely that any such sites will be affected. Concerning the proposed nearshore disposal area, although this area has never been subjected to a professional magnetometer survey to determine the presence of historic shipwrecks, due to the nature of the activity, no significant sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing, in the National Register of Historic Places. The project may proceed.

Ms. Adams
March 25, 1992
Page 2

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Suzanne P. Walker
for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Bdb

APPENDIX II

**FLORIDA COASTAL ZONE MANAGEMENT CONSISTENCY
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2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

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Response: The maintenance dredging and use of the near-shore, or the ocean disposal areas has been approved by the State. The proposal would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

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This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

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Response: The maintenance dredging of this area would not adversely affect saltwater living resources. No saltwater living resources are found in the nears-shore disposal area. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

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15. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

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This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

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This chapter authorizes the regulation of pollution of the air and waters of the state by the DER.

Response: A modification of the Water Quality Certification to include the nearshore disposal site is currently being processed by the State. Effects of the operation of construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of

their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work is not located near or on agricultural lands and would therefore, this chapter would not apply.

APPENDIX III

SECTION 404(B)(1) EVALUATION

SECTION 404(b)(1) EVALUATION DREDGED MATERIAL

I. Project Description

- a. Location. Nearshore area, south of Canaveral Harbor, Brevard County, Florida.
- b. General Description. The local sponsor is proposing a nearshore disposal site to be used for beach quality material excavated from the entrance channel.
- c. Authority and Purpose. The Canaveral Harbor was authorized by 2 March 1945, House Document 367, 77th Congress, 1st Session and maintained by authority of 23 October 1926, Senate Document, 140. 87th Congress, 2nd Session. Since the initial maintenance, sand and sediments have periodically accumulated in the channel reducing the navigable capacity of the project. The navigation channel is used by ocean going vessels. The channel depths are reduced by sedimentation. In order to maintain the Federal standard, the channel must be dredged.
- d. General Description of Dredged or Fill Material
 - (1) General Characteristics of Material. The excavated material to be placed in the nearshore disposal area would consist of beach quality sand containing 20% silt or less.
 - (2) Quantity of Material. Approximately 100,000 cubic yards of beach quality material excavated from the entrance channel will be placed in the nearshore disposal area.
 - (3) Source of Material. The material will be excavated from selected sites within the Canaveral Harbor.
- e. Description of the Proposed Discharge Site.
 - (1) Size and Location. The placement area will measure approximately 400 to 600 feet wide to toe of fill and 760 feet in length to the toe of the fill.
 - (2) Type of Site. The site is a nearshore area approximately 200 feet from the shoreline exposed to the tidal ebb and flow and lateral shoreline down-drift.
 - (3) Type of Habitat. The habitat is a silty bottom (very fine sand to silty sand substrate) relatively devoid of cover and aquatic life. The site appeared to have the faunal composition expected of a shallow-bottom area. No seagrasses or benthic algae were found during the dives made by Continental Shelf Associates,

benthic algae were found during the dives made by Continental Shelf Associates, Inc. in March 1992. Common animals found included the key-hole urchin (or sand dollar *Mellita quinquiesperforata*, the sea pansy *Renilla* sp., and an unidentified species of small, burrowing sea cucumber *Holothuroidea*). Other less common animals included small unidentified hermit crabs, a whelk (*Busycon* sp.), and the Atlantic moon snail *Polinices duplicatus* (Continental Shelf Associates, Inc., 1992).

(4) Timing and Duration of Discharge. The total maintenance dredging episode will last approximately 3 months.

f. Description of Disposal Method. The dredging would be conducted by a clamshell dredge depositing the material into a bottom-dump scow. The beach quality material would be hauled to the nearshore disposal area while the non-beach quality material would be carried to the ocean disposal area.

II. Factual Determinations

a. Physical Substrate Determinations.

(1) Substrate Elevation and Slope. Nearshore berms to be constructed through placement of beach compatible sediment excavated from construction activities. Typical existing seabed elevation is -19 to -24 feet mean low water.

(2) Sediment Type. Sediment analysis of the disposal site indicates that the bottom is composed of a layer of silt and fine grained sand. A site investigation was conducted by divers to verify that the habitat was a silty substrate.

(3) Dredged/Fill Material Movement. The dredged material is being placed to utilize the downdrift characteristics of the littoral zone to replenish sand on the beaches.

(4) Physical Effects on Benthos. Dredging will result in the loss of benthic organisms at the sites designated for maintenance dredging and disposal. These communities will reestablish quickly upon completion of work. Disruption of marine life at both the dredging and disposal areas will be short term. Commercial fisheries existing at or near the disposal area should not experience substantive adverse effects.

(5) Other Effects. Commercial fisheries at or near the disposal area should not experience substantive adverse effects. Standard manatee construction conditions will be required of all contractors. The work as proposed will not jeopardize protected species. No known historical properties will be affected by

traffic in the harbor, but its completion will have a favorable impact on the operation of the port with a resulting beneficial effect on the local and regional economy. Temporary degradation in water quality at the dredging and disposal sites will also occur.

(6) Actions Taken to Minimize Impacts. The work will be done with a nonhopper dredge in order to avoid potential adverse effects during dredging on sea turtles. .

b. Water Circulation, Fluctuation and Salinity Determinations

(1) Water

(a) Salinity. No impacts to salinity at disposal site.

(b) Water Chemistry. There will be no changes in water chemistry at the site.

(c) Clarity. There will be a temporary increase in turbidity level at the disposal site and immediately adjacent to the disposal area during the disposal operations.

(d) Color. Due to the minor silt content, there will be a brown turbidity plume associated with the discharge operations.

(e) Odor. There would be no odor problems associated with the dredged material since the material contains few organics and would not be exposed to the air.

(f) Taste. Not applicable.

(g) Dissolved Gas Levels. No dissolved gases would be released from the discharge site.

(h) Nutrients. The material to be discharged is mainly sand with shell fragment, therefore no nutrients would be bound in the material and no release of nutrients would be anticipated.

(i) Eutrophication. No eutrophication is anticipated.

(2) Current Patterns and Circulation. Not applicable.

(3) Normal Water Level Fluctuations. Not applicable.

(3) Normal Water Level Fluctuations. Not applicable.

(4) Salinity Gradients. Not applicable.

(5) Actions That Will Be Taken to Minimize Impacts. The disposal site will be operated to maintain state water quality standards.

c. Suspended Particulate/Turbidity Determinations

(1) Expected Changes in Suspended Particulate and Turbidity Levels in Vicinity of Disposal Site. No changes are anticipated because the dredged material is sandy material containing few fines.

(2) Effects (degree and duration) on Chemical and Physical values

(a) Light penetration. Light penetration would be reduced during disposal operations. This would be short-term in duration and would not cause any significant adverse effects.

(b) Dissolved Oxygen. There would be no reduction in dissolved oxygen levels from the discharge of the sandy dredged material.

(c) Toxic Metals and Organics. No toxic materials are anticipated to be encountered.

(d) Pathogens. Not Applicable.

(e) Aesthetics. There will be an increase in noise levels and aesthetic degradation from the presence and operation of dredging equipment at the disposal site.

(f) Others as Appropriate. None.

(3) Effects on Biota (consider environmental values in sections 230.21, as appropriate)

(a) Primary Production, Photosynthesis. No photosynthesis occurs at this site.

(b) Suspension/Filter Feeders. Little or no impact is expected.

(c) Sight Feeders. Little or no impact is expected.

(4) Actions taken to Minimize Impacts. None required.

d. Contaminant Determinations. No contaminants have been previously encountered and therefore none are anticipated.

e. Aquatic Ecosystem and Organism Determinations

(1) Effects on Plankton. No significant effects.

(2) Effects on Benthos. No significant benthic populations are located in the disposal site and therefore no significant adverse impacts are anticipated.

(3) Effects on Nekton. None are anticipated.

(4) Effects on Aquatic Food Web. None are anticipated.

(5) Effects on Special Aquatic Sites. No special aquatic sites are located within the disposal site.

(a) Sanctuaries and Refuges. Not applicable.

(b) Wetlands. Not applicable.

(c) Mud Flats. Not applicable.

(d) Vegetated Shallows. None would be affected.

(e) Coral Reefs. Not applicable.

(f) Riffle and Pool Complexes. Not applicable.

(6) Threatened and Endangered Species. None would be affected.

(7) Other Wildlife. Not applicable.

(8) Actions to Minimize Impacts. No actions are necessary.

f. Proposed Disposal Site Determinations

(1) Mixing Zone Determination. No mixing will likely occur due to the sandy nature of the dredged material, the shallow water and the small quantity of fines associated with the material.

(2) Determination of Compliance with Applicable Water Quality Standards. Water quality certification has been issued by the State. Monitoring of the discharge site will be conducted to insure State standards met.

(3) Potential Effects on Human Use Characteristic

(a) Municipal and Private Water Supply. Not applicable.

(b) Recreational and Commercial Fisheries. Not applicable.

(c) Water Related Recreation. Not applicable.

(d) Aesthetics. The proposed discharge would increase noise and scenic degradation along the ocean front during disposal operations.

(e) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. Not applicable.

g. Determination of Cumulative Effects on the Aquatic Ecosystem. Since the bottom substrate is silty, the placement of an irregular sandy substrate would provide additional diversity to the area. There would be no long-term adverse cumulative impacts from this modification to the project.

h. Determination of Secondary Effects on the Aquatic Ecosystem. Not applicable.

APPENDIX IV

COORDINATION

Ms. Adams
March 25, 1992
Page 2

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Suzanne P. Walker
for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Bdb



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF
Construction-Operations Division
Public Notice No. PN-CAH-233

November 10, 1998

NOV 12 1998

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U.S. Army Corps of Engineers, has forwarded an application amendment to the State of Florida Department of Environmental Protection pursuant to Section 401 of the Clean Water Act of 1977. This Federal project is being evaluated and coordinated pursuant to 33 CFR 335 through 338.

Comments regarding the project should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest which may be affected by the construction of this project may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

If you have any questions concerning this public notice, you may contact Mr. Brian Brodehl of this office, telephone 904-232-3600.

WATERWAY & LOCATION: Canaveral Harbor, Brevard County, Florida.

WORK & PURPOSE: The work proposed for this amendment consists of changing the project depth inside Cut-2, between stations 125+00 and 182+00, from 46 feet to 48 feet. Removal of the additional material will serve to limit the potential for emergency maintenance dredging in the entrance channel.

PROJECT AUTHORIZATION: Rivers and Harbors Act of 2 March 1945; Water Resources Development Act of 1992.

EVALUATION: An Environmental Assessment is being prepared to evaluate the environmental impacts of this project. A preliminary evaluation indicates that the proposed project will have no significant impact on the quality of the human environment and will not require an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). A final determination will be made when all comments are reviewed. Copies of the NEPA documentation will be made available upon request.

APPLICABLE LAWS: The following laws are, or may be, applicable to the review of the activities affiliated with this Federal project:

1. Section 404 of the Clean Water Act of 1977 (PL 95-217) (33 U.S.C. 1344).
2. Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532) (33 U.S.C. 1413, 86 Stat. 1052).
3. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052).
4. The National Environmental Policy Act of 1969 (PL 91-190) (42 U.S.C. 4321-4347).
5. Sections 307(c)(1) and (2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280).
6. The Fish and Wildlife Act of 1956 (16 U.S.C. 472a et seq).
7. The Migratory Marine Game-Fish Act of 1959 (16 U.S.C. 760c-760g).
8. The Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-666c).
9. The Endangered Species Act of 1973 (PL 93-205) (16 U.S.C. 668aa-668cc-6, 87 Stat. 884).
10. The National Historic Preservation Act of 1966 (16 U.S.C. 470, 80 Stat. 915).
11. Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 85 Stat. 816).

COASTAL ZONE MANAGEMENT: The proposed project is under evaluation in accordance with the Florida Coastal Zone Management Act to determine consistency with the goals and intent of the appropriate State statutes. This determination is based on the Environmental Assessment, the Section 404(b)(1) Evaluation, and the Coastal Zone Consistency Determination. Compliance will be confirmed by issuance of the necessary Water Quality Certification from the State of Florida.