

#### **4.32.20 RIVERS AND HARBORS ACT of 1899.**

The proposed work would not obstruct navigable waters of the United States. The proposed action has been subject to the public notice process subject to the Act. The proposed project is in full compliance.

#### **4.32.21 ANADROMOUS FISH CONSERVATION ACT.**

Anadromous fish species would not be affected. The project has been coordinated with the National Marine Fisheries Service and is in compliance with the Act.

#### **4.32.22 MIGRATORY BIRD TREATY ACT AND MIGRATORY BIRD CONSERVATION ACT.**

No migratory birds would be affected by the proposed project activities. The project is in full compliance with these acts.

#### **4.32.23 MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT.**

The term 'dumping' as defined in Act (33 U.S.C. 1402)(f) does not apply to the placement of the excavated material from Peanut Island. The excavated material would be placed to raise the benthic elevation and to provide a substrate for the recruitment of seagrass, in addition to shoreline plantings of mangroves and spartina. Therefore, the Act does not apply to the proposed project. The disposal activities addressed in this EA would be evaluated under Section 404 of the Clean Water Act.

#### **4.32.24 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.**

This act requires preparation of an Essential Fish Habitat (EFH) Assessment and coordination with the National Marine Fisheries Service (NMFS). EFH coordination with NMFS has been completed with this EA coordination. The 0.25 acre of impacts proposed to Johnson seagrass would not occur from this proposed action. NMFS comments objecting to the project's potential to adverse impact Johnson seagrass have not been resolved. The Corps shall partner with Palm Beach County to monitoring the mitigation site adjacent the municipal golf course. It is also the Corps' intent to use mitigation credits from this area to mitigation any future impacts to submerged marine resources.

### **5.0 LIST OF PREPARERS AND REVIEWERS**

#### **5.1 PREPARERS.**

Paul Stevenson, RLA, Environmental Protection Specialist, Planning Division, Corps  
Lou Novak, Civil Engineer, Construction Operations, Corps  
Tim Murphy, Project & Programs Management Division, Corps  
Catherine L. Brooks, Biologist, Planning Division, Corps

#### **5.2 REVIEWERS.**

Kenneth Dugger, Chief Reviewer, Planning Division, Corps  
Dorothy Boardman (Legal Counsel) Legal Sufficiency Review, Corps  
John Pax (Legal Counsel) Legal Review, Corps

### **6.0 COORDINATION AND PUBLIC INVOLVEMENT.**

#### **6.1 SCOPING.**

The proposed action is proposed for coordinated with the appropriate Federal, State and local agencies and individuals. A public notice letter would be sent out following the EA coordination. No substantive comments are anticipated. The proposed action would be coordinated with the State Historic Preservation Officer in compliance with the National Historic Preservation Act of 1966, as amended, and the U.S. Fish and Wildlife Service under the Endangered Species Act

and Fish and Wildlife Coordination Act. In the Fish and Wildlife Coordination Act Report dated November 18, 1997, the USFWS concurred with the Corps finding of no adverse impacts to threatened or endangered species.

**6.2 AGENCY COORDINATION.**

The proposed change in maintenance operations at Port of Palm Beach and Peanut Island, Palm Beach County, Florida is being coordinated with the appropriate natural resource agencies. The recommended directives that apply to the protection of Federally listed threatened and endangered species would be observed to ensure all adverse affects to resources within the project area are avoided, minimized, or mitigated. We are coordinating with the Florida State Clearinghouse for concurrence with our Coastal Zone Consistency Determination (Appendix B). We are coordinating with the Florida State Historic Preservation Officer concerning our determination of no effect on eligible historic resources.