



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Pensacola Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502-5794

December 9, 2024

PUBLIC NOTICE

Permit Application No. SAJ-2021-00401 (SP-HMM)

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:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at Holly.M.Millsap@usace.army.mil.

APPLICANT: East Pass Towers II Condominium Association
c/o Sandy Hurt
110 Gulf Shore Drive
Destin, Florida 32541

WATERWAY AND LOCATION: The project would affect waters of the United States associated with East Pass. The project is located in East Pass, at 110 Gulf Shore Drive, Section 00, Township 2 South, Range 24 West, in Destin, Okaloosa County, Florida

Directions to the site are as follows: From Destin, proceed east on US Highway 98/Harbor Boulevard, then turn south on Gulf Shore Drive. Continue west on Gulf Shore Drive to the end of the road. The site will be located on the south side of the road at 110 Gulf Shore Drive.

APPROXIMATE CENTRAL COORDINATES:

Latitude 30.389108° North, Longitude 86.509050° West

PURPOSE:

Basic: Shoreline Stabilization

Overall: *After-the-Fact* authorization for the installation of shoreline stabilization materials beyond the previously authorized footprint and modification of the revetment to increase the installed footprint at a residential development on East Pass, in Destin, in Okaloosa County, Florida.

EXISTING CONDITIONS: The project site is located on the northeastern shoreline of East Pass. The substrate consists of sandy soils and the shoreline is hardened with a seawall and riprap. The uplands associated with the site support a multi-family residential development. The project site is surrounded by Gulf Shore Drive and Destin Harbor to the north, residential development to the east, East Pass to the south, and Norriego Point to the west.

PERMIT HISTORY: The Department of the Army permit number SAJ-2021-00401, issued on November 23, 2021, authorized the installation of 539 cubic yards of fill within a 3,885 square foot area for the construction of a 388-linear foot riprap revetment extending from the existing seawall to no more than 10-feet waterward of the mean high water line. The project was re-authorized on September 19, 2022, and the authorization expires March 14, 2026. The work was completed in July 2023 however, more riprap was installed than was authorized.

PROPOSED WORK: The applicant is seeking *After-the-Fact* authorization for the installation of riprap beyond the footprint permitted in 2021 as well as modification of this footprint to further expand the revetment by adding additional riprap (and marine mattress/bedding) beyond that already installed. The *unauthorized* and *proposed* riprap consist of the addition of 1283 cubic yards of fill (stone riprap and marine mattress) to expand the authorized revetment by 6,283 square feet, resulting in a final footprint of 10,163 square feet. The bedding would consist of a 0.5-foot thick marine mattress (extending 16 feet waterward of the toe of the existing marine mattress, resulting in a total distance of 32 feet waterward of the seawall/mean high water line), filled with 94 cubic yards of bedding stone. Approximately 1,283 cubic yards of Armor Stone would be placed over the marine mattresses (bedding) at a maximum of 1.5:1 horizontal to vertical slope. The stones for the riprap revetment would be placed between the +4.0 feet NAVD 88 and -14.0 feet NAVD 88 contours.

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: The applicant would minimize impacts to the aquatic environment by utilizing Best Management Practices (BMPs), such as turbidity curtains, during construction.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant did not offer compensatory mitigation.

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 those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect but is not likely to adversely affect West Indian manatee (*Trichechus manatus*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), smalltooth sawfish (*Pristis pectinata*), giant

manta ray (*Mobula birostris*), and swimming sea turtles, including green turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempii*), loggerhead turtle (*Caretta caretta*). The Corps will request U.S. Fish and Wildlife and the National Marine Fisheries Service concurrence with these determinations 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 directly impact and additional 0.14-acre of estuarine subtidal habitat due fill utilized by various life stages of 6 shark species (blacktip, bonnethead, bull, sandbar, spinner, tiger), four shrimp species (brown, white, pink, Royal red), coastal migratory pelagic species, red drum, and 43 species of reef fish. 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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida, 32502 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, Holly Millsap, in writing at the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, FL 32502, by electronic mail at Holly.M.Millsap@usace.army.mil, or by telephone at (850) 470-9823.

ADDITIONAL INFORMATION: After reviewing all available information pertaining to the completed work, the Department of the Army has not recommended legal action at this time. Final determination regarding legal action will be made after review of the project through the permit procedure.

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.

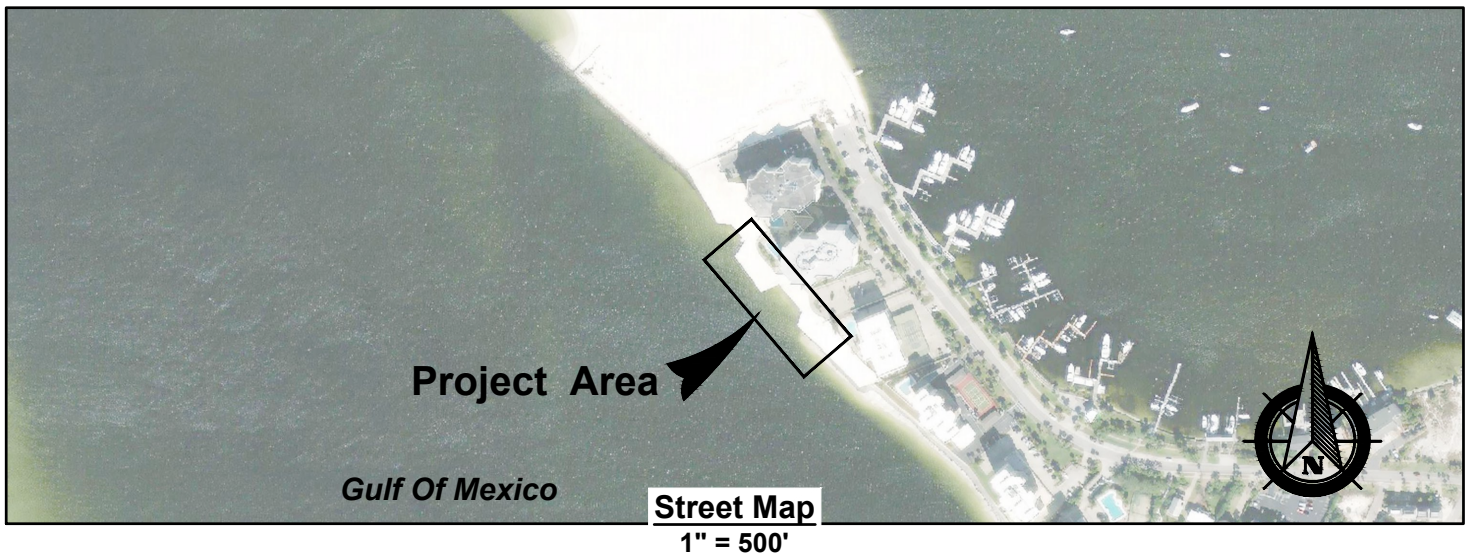
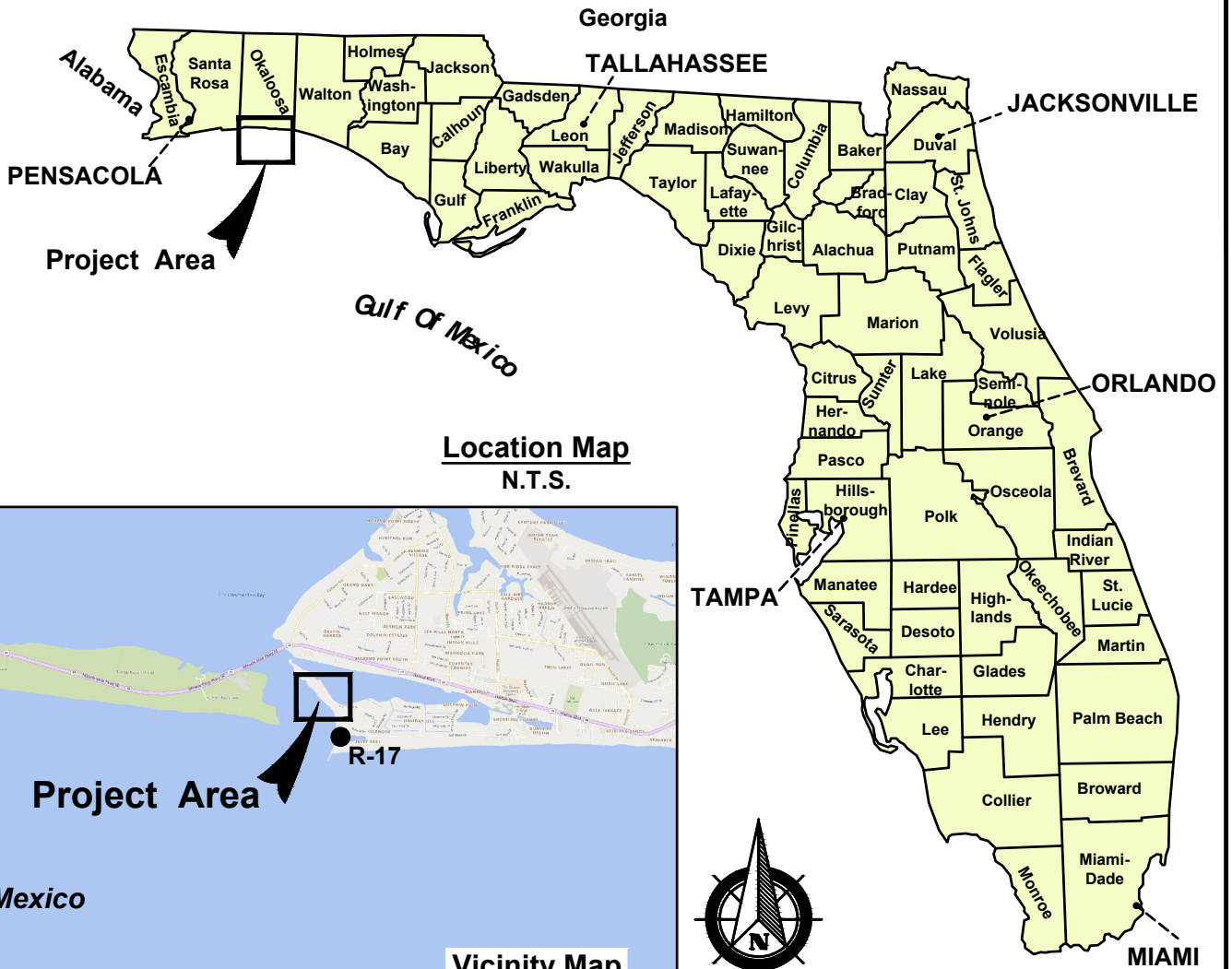
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

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.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

PROJECT LOCATION
East Pass Towers II Rip-Rap Revetment Modification

East Pass Towers II Condominium Association
110 Gulf Shore Blvd, Destin, FL 32541

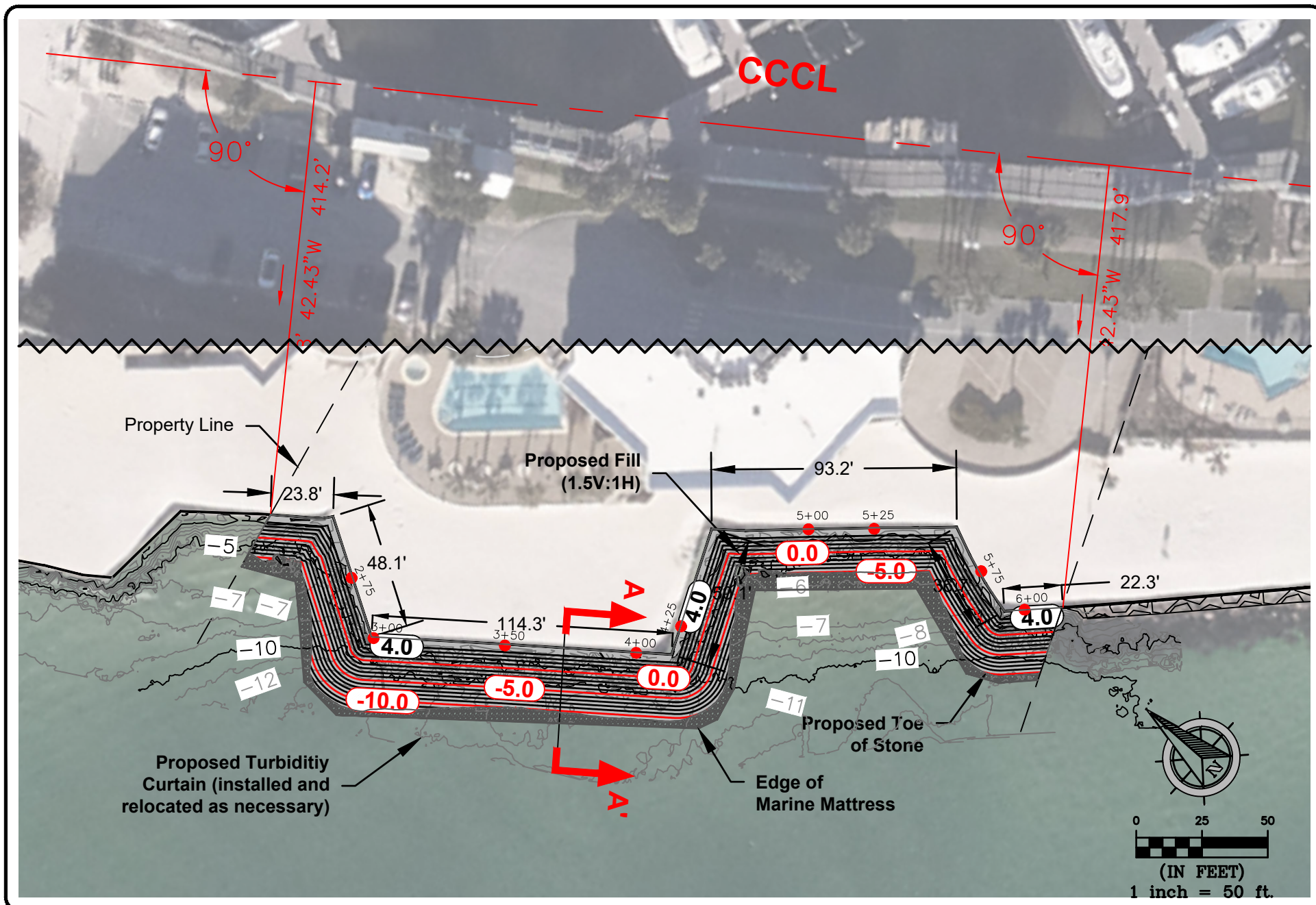
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: Date: February 28, 2024

Sheet Rev Date:

PROJECT NUMBER
20-474

SHEET NUMBER
2



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
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PROPOSED CONDITIONS
East Pass Towers II Rip-Rap Revetment Modification

East Pass Towers II Condominium Association
110 Gulf Shore Blvd, Destin, FL 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255
Date: February 28, 2024
Sheet Rev Date:
PROJECT NUMBER 20-474
FIGURE NUMBER 5

