



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

January 3, 2025

Regulatory Division
North Branch
Panama City Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2022-02915 (SP-RLT)

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 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 Randy.L.Turner@usace.army.mil.

APPLICANT: Smuggler's Group, LLC
Attention: Clayton Syfrett
311 Magnolia Avenue
Panama City, FL 32401
clayton@sdf-law.com

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Pitts Bayou. The project site is located at 5612 US Highway (HWY) 98 Business East in Section 19, Township 4 South, Range 13 West, Panama City, Bay County, Florida.

Directions to the site are as follows: From Panama City Beach, at the intersection of Richard Jackson Boulevard and US HWY 98, travel east approximately 4.8 miles on US HWY 98 East and cross the Hathaway Bridge. Continue on US HWY 98 towards Tyndall Air Force Base for approximately 11.8 miles. Project area is on the right at 5612 US Highway 98 Business East, at the Smuggler's Cove RV Park & Marina.

APPROXIMATE CENTRAL COORDINATES: Latitude 30.122792°
Longitude -85.593102°

PROJECT PURPOSE:

Basic: Commercial marina.

Overall: The overall project purpose is to remove the remnants of a 20-slip commercial docking facility and to construct a 44-slip multi-slip fixed dock for a commercial marina in Pitts Bayou, Panama City, Bay County, Florida.

EXISTING CONDITIONS: The wetland system consists of a saltwater system. The facility is a Recreational Vehicle (RV) Park and Campground situated on Pitts Bayou. The facility has a non-operational dock and pier that were damaged by Hurricane Michael in October 2018 that are proposed to be removed and replaced with the new commercial marina facility. The proposed dock is located in a portion of Pitts Bayou that consists of a sand/mud substrate, with the exception of an approximately 45' nearshore area that the access dock would traverse through which has sparse to moderate dense *Halodule wrightii*. The surrounding area consists of the waters of Pitts Bayou, commercial property and low to medium density residential property.

PROPOSED WORK: The applicant seeks authorization to remove remnants of an old 20-slip docking facility and to construct a 44-slip commercial marina consisting of an 8' x 216' access dock, a 6' x 387' cross pier, five (5) - 3' x 35' finger piers, five (5) - 2' x 35' finger piers, seven (7) - 2' x 40' finger piers, two (2) - 2' x 52' finger piers, an approximately 773 Square Foot (SF) irregular deck area, and an approximately 145 SF irregular deck area. There would be 269 - 12" wood piles installed by jetting method. Total area of structure overwater would be 6,611 SF.

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:

Pilings would be installed using low pressure jetting to reduce sediment displacement. Turbidity curtains would be installed as needed during construction to prevent turbid discharge from project area. The access dock would be constructed in accordance with the Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV).

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

There is no functional loss of waters of the U.S. (wetlands or surface waters).

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional

coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES: West Indian Manatee (*Trichechus manatus*), Eastern Indigo Snake (*Drymarchon corais couperi*), Red-cockaded Woodpecker (*Picoides borealis*), Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Leatherback sea turtle (*Dermochelys Coriacea*), Hawksbill sea turtle (*Eretmochelys imbricata*), Smalltooth Sawfish (*Pristis pectinata*), and the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) or its designated critical habitat.

The Corps has determined the proposed project may affect, not likely to adversely affect the West Indian Manatee and Eastern indigo snake following the U.S. Fish and Wildlife Service (USFWS) programmatic keys for these species.

The Corps has determined the proposed project may affect, not likely to adversely affect the swimming sea turtles species, Gulf sturgeon, and Smalltooth. The Corps will programmatically consult with the National Marine Fisheries Service (NMFS) for concurrence with the Corps determinations.

The Corps has determined the proposed project would have no effect on nesting Sea turtles, Wood Stork, Piping Plover, Red Knot, and Woodpecker given the hardened shoreline conditions for the nesting Sea turtles and following the USFWS programmatic keys for these species.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the NMFS on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal's main access dock would cross and shadow impact approximately 360 SF of seagrasses utilized by various life stages of species. Given the applicant proposes to follow the Corps and NMFS Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over SAV, the Corps determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in Pitts Bayou. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

NAVIGATION: The proposed structure is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through Panama City Permits Section, 415 Richard Jackson Boulevard (Blvd), Suite 411, Panama City Beach, Florida 32407 within 21 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, Randy Turner, in writing at Panama City Permits Section, 415 Richard Jackson Blvd, Suite 411 Panama City, Florida 32407; by electronic mail at Randy.L.Turner@usace.army.mil; or, by telephone at (850) 287-2045.

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.

The 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 is required from the Florida Department of Environmental Protection (FDEP). The FDEP issued Permit Number 0426071-001-EI/03, dated November 19, 2024.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the FDEP. The FDEP issued Permit Number 0426071-001-EI/03, dated November 19, 2024. 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.

CONSTRUCTION PLANS FOR SMUGGLER'S COVE MARINA IMPROVEMENTS

5612 HWY 98 BUS E ~ PARKER, FLORIDA 32404

PREPARED FOR:
SMUGGLER'S GROUP, LLC

LOCATION MAP



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C2.2	DOCK DETAILS



DATE: October 4, 2022



<p>SITE IMPROVEMENTS PLAN</p>	SHEET
	C1.1



C2.0

Designed by:	---
Drawn by:	B.Silcox
Date:	10/4/2022
Job No.	1980-001
Scale:	1" = 60'