



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

January 28, 2025

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2002-00453 (SP-JLA)

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 Jennifer.L.Alexander@usace.army.mil.

APPLICANT: Riviera Shores, LLC
c/o Andrew Podray
800 North Road
Boynton Beach, FL 33435

WATERWAY AND LOCATION: The project would affect tidal waters of the United States associated with the Lake Worth Lagoon adjacent to 386 East Blue Heron Boulevard in Section 27, Township 42 South, Range 43 East, Riviera Beach, Palm Beach County, Florida.

APPROXIMATE CENTRAL COORDINATES:
Latitude: 26.783482°
Longitude: -80.047621°

PROJECT PURPOSE:

Basic: The basic project purpose is to provide safe moorage for a proposed commercial restaurant.

Overall: The overall project purpose is to provide safe moorage for a proposed commercial restaurant in Lake Worth Lagoon.

EXISTING CONDITIONS:

The project is located at a vacant lot on the north side of East Blue Heron Boulevard just before the bridge over Lake Worth Lagoon. The site was formerly the location of The Crab Pot restaurant which was torn down in 2005 due to hurricane damage. There

is an existing seawall and existing concrete pilings from a previous overwater structure. A benthic survey was conducted on 4 June 2024. No benthic resources were found in the area.

Past permitting history consists of a Letter of Permission issued on October 11, 2005, to construct an 8-slip, 70-foot by 8-foot floating dock for the temporary mooring of vessels at the restaurant that previously occupied the site. It doesn't appear this was ever constructed.

PROPOSED WORK: The applicant seeks authorization to provide vessel mooring for a proposed commercial restaurant by installing a new access platform and floating dock with 16 slips. Specifically, the applicant is requesting to:

1. Install a fixed access platform (54 square feet) to the existing seawall;
2. Install a 7 foot by 60 foot (180 square feet) access gangway;
3. Install a 10-foot by 300-foot (3,000 square feet) floating concrete dock with 16 boat slips and new anchor piles;

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 has positioned the proposed dock to avoid submerged aquatic vegetation, will install turbidity barriers during work, and agrees to abide by the “Standard Manatee Conditions for In-Water Work” and “Sea Turtle and Smalltooth Sawfish Construction Conditions.”

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

The applicant has stated that the proposed project would not adversely impact aquatic resources, therefore no compensatory mitigation should be required.

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:

The Corps has determined that the proposed project may affect, but is not likely to adversely affect swimming sea turtles: Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*) and Kemp's Ridley (*Lepidochelys*

kempii); Smalltooth sawfish (*Pristis pectinata*); and the Giant Manta Ray (*Mobula birostris*). The Corps will evaluate the proposed work and request concurrence from the National Marine Fisheries Service by separate letter, or obtain programmatic concurrence, as appropriate.

The Corps has determined the project may affect the West Indian Manatee (*Trichechus manatus*). The Corps will evaluate the proposed work and request consultation from the U.S. Fish and Wildlife Service by separate letter or obtain programmatic concurrence, as appropriate.

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 0.07 acre project footprint contains submerged substrate known to contain seagrass and is utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. The project site contains two small areas of seagrasses; however, the proposal does not directly impact those benthic resources. Therefore, the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. 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.

NAVIGATION: Based on the Florida State Plane coordinates provided by the applicant, the waterward edge of the proposed project is more than 300-feet away from the near bottom edge of the Intracoastal Waterway Federal channel.

SECTION 408: The Corps has determined 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 the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 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 waters. 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, Jennifer L. Alexander, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; or by e-mail at Jennifer.L.Alexander@usace.army.mil.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency, 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.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the Florida Department of Environmental Protection (FDEP). 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.



NOTES:

1. PROPERTY LINES AND LAYOUT FEATURES SHOWN IN THESE PLANS ARE BASED ON INFORMATION TAKEN FROM SURVEY PERFORMED BY GENTILE GLAS HOLLOWAY O'MAHONEY AND ASSOCIATES, INC., DATED OCTOBER 1, 2016.
2. ELEVATIONS SHOWN ON UPLAND ARE REFERENCED TO NAVD88.
3. SCOPE OF WORK INCLUDES CONSTRUCTION OF NEW FIXED DOCK AND INSTALLATION OF NEW GANGWAY AND FLOATING DOCK.
4. SEE SHEET 1 FOR LOCATION MAP, SHEET 2 FOR EXISTING CONDITIONS, SHEET 3 FOR PROPOSED SEAWALL LAYOUT PLAN, SHEET 4 FOR PROPOSED DOCK LAYOUT PLAN, SHEET 5 FOR CROSS SECTION A-A, SHEET 6 FOR CROSS SECTION B-B, AND SHEET 7 FOR SEAGRASS SURVEY.



PURPOSE: PRIVATE RECREATION

DATUM: NAVD88

APPLICATION BY: RIVIERA SHORES LLC

DATE: 9/10/2024

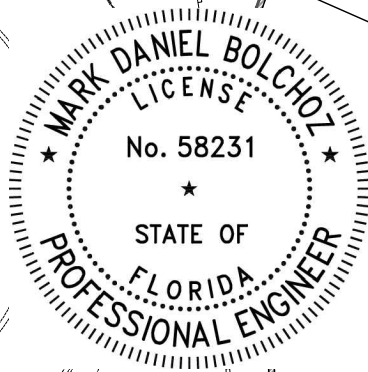
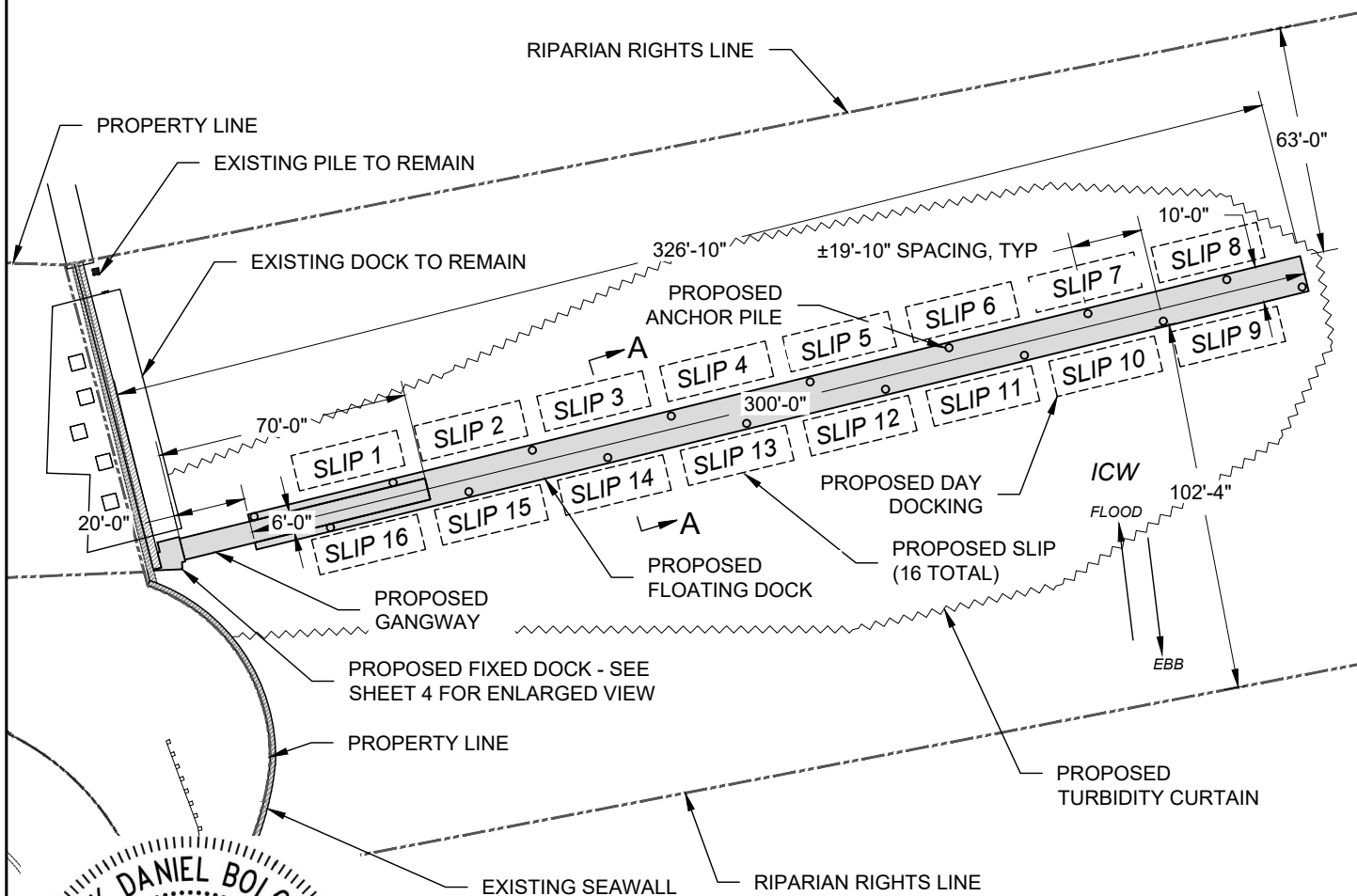
LOCATION MAP

RIVIERA SHORES LLC
386 EAST BLUE HERON BLVD
RIVIERA BEACH, FLORIDA 33404

PROPOSED: CRAB POT DOCK PHASE 2

AT: ICW
COUNTY OF: PALM BEACH
SECTION: 27
TOWNSHIP: 42 SOUTH
RANGE: 43 EAST
STATE: FLORIDA

SHEET 1



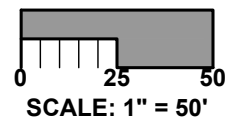
OVER WATER	SF
EXISTING WHARF	566.4
FLOATING DOCK	3000
GANGWAY	180
FIXED DOCK	54.7
TOTAL	3801.1

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NORTH



PURPOSE: PRIVATE RECREATION

DATUM: NAVD88
APPLICATION BY: RIVIERA SHORES LLC

REV DATE: 10/30/2024

DATE: 9/10/2024

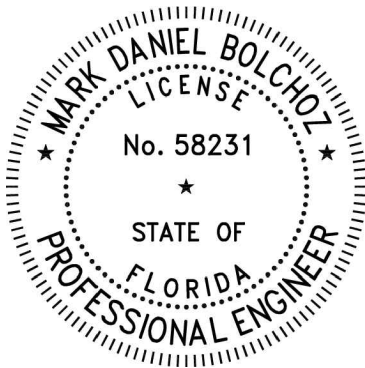
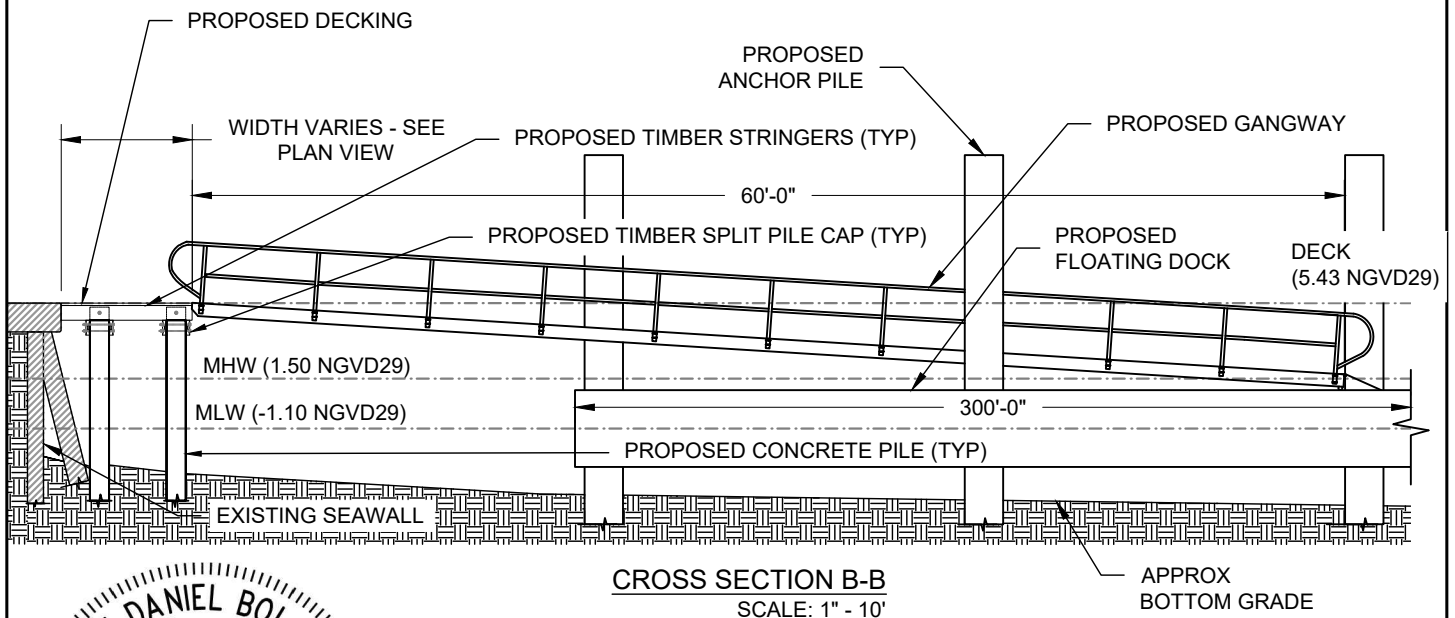
PROPOSED OVERALL DOCK LAYOUT PLAN

RIVIERA SHORES LLC
386 EAST BLUE HERON BLVD
RIVIERA BEACH, FLORIDA 33404

PROPOSED: CRAB POT DOCK PHASE 2

AT: ICW
COUNTY OF: PALM BEACH
SECTION: 27
TOWNSHIP: 42 SOUTH
RANGE: 43 EAST
STATE: FLORIDA

SHEET 3



NOTES:

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PURPOSE: PRIVATE RECREATION

DATUM: NAVD88

APPLICATION BY: RIVIERA SHORES LLC

DATE: 9/10/2024

CROSS SECTION B-B

RIVIERA SHORES LLC
386 EAST BLUE HERON BLVD
RIVIERA BEACH, FLORIDA 33404

PROPOSED: CRAB POT DOCK PHASE 2

AT: ICW
COUNTY OF: PALM BEACH
SECTION: 27
TOWNSHIP: 42 SOUTH
RANGE: 43 EAST
STATE: FLORIDA

SHEET 6