



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Andrew Klapper

Published: March 25, 2025
Expires: April 15, 2025

**Jacksonville District
Permit Application No. SAJ-2020-01776**

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/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work 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 Jeffrey.L.Meyer@usace.army.mil.

APPLICANT: Andrew Klapper
8560 Judson Circle
Boynton Beach, Florida 33472

AGENT: Tyler Chappell
The Chappell Group, Inc.
714 E. McNab Road
Pompano Beach, Florida 33062

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Intracoastal Waterway. The project/review area is located at 28 Hudson Avenue in 27 Section, 45 Township, 43 Range; at Latitude 26.526355 and Longitude -80.053164; in Ocean Ridge, Palm Beach County, Florida.

EXISTING CONDITIONS: The project site consists of a single-family residential property with an existing 116.3 linear-foot concrete seawall and an existing 105 square-foot concrete dock.

PROJECT PURPOSE:

Basic: Navigation, water access.

Overall: The overall project purpose is to provide safe navigation and water access for a single-family property located at 28 Hudson Avenue in Ocean Ridge, Palm Beach County.

PROPOSED WORK: The applicant requests authorization to dredge 491 square feet of submerged bottom to a depth of minus four (-4) feet Mean Low Water (MLW). The proposed dredging will remove approximately 50 cubic yards of sediment. Approximately 275 square feet of seagrass will be directly impacted by the proposed dredging.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project has been reduced to minimize impacts to surface waters and seagrass. The proposed 491 square foot dredge footprint is the smallest size required to safely egress/ingress and moor a vessel at this dock.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Unavoidable impacts to the seagrass will be mitigated through the purchase of saltwater credits at the Florida Power and Light (FPL) Everglades Mitigation Bank or a contribution will be made to an approved city restoration project.

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, federally recognized tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*); swimming sea turtles: (green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempi*), Loggerhead sea turtle (*Caretta caretta*), Leatherback sea turtle (*Dermochelys coriacea*), Hawksbill sea turtle (*Eretmochelys imbricata*); smalltooth sawfish (*Pristis pectinata*); and Giant Manta Ray (*Mobula birostris*). The Corps will request U.S. Fish and Wildlife Service/ National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 275 square feet of seagrass habitat. The effects of the project are determined to be substantial and permanent. These habitat(s) are utilized by the following species and their various life stages:

EFH (2 layers queried, 2 returned results)			
Layer: NOAA Essential Fish Habitat			
Species	Life Stage		
Shrimp	ALL		
Snapper Grouper	ALL		
Spiny Lobster	ALL		
Source: https://services2.arcgis.com/C8EMgrsFcRFL6LrL/arcgis/rest/services/EFH/FeatureServer/0			
Layer: NOAA Habitat Areas of Particular Concern			
Species	Habitat	HPAC Sitename	
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	Phragmatopoma (worm reefs)	
Source: https://services2.arcgis.com/C8EMgrsFcRFL6LrL/ArcGIS/rest/services/HAPC/FeatureServer/0			

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 drawings provided by the applicant, the waterward edge of the proposed activity is approximately 26 feet away from the near bottom edge of the Intracoastal Waterway federal channel. The project will be coordinated with the Corps Navigation Section and Real Estate Division for comments.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP). The project is being reviewed under FDEP application no. 50-0387614-003-EM.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from FDEP. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 15, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jeffrey Meyer at Jeffrey.L.Meyer@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District,

Attention: Jeffrey Meyer, 4400 PGA Boulevard Suite 500 Palm Beach Gardens, Florida 33410. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

28 HUDSON AVENUE

TOWN OF OCEAN RIDGE

PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

SHEET 1: COVER

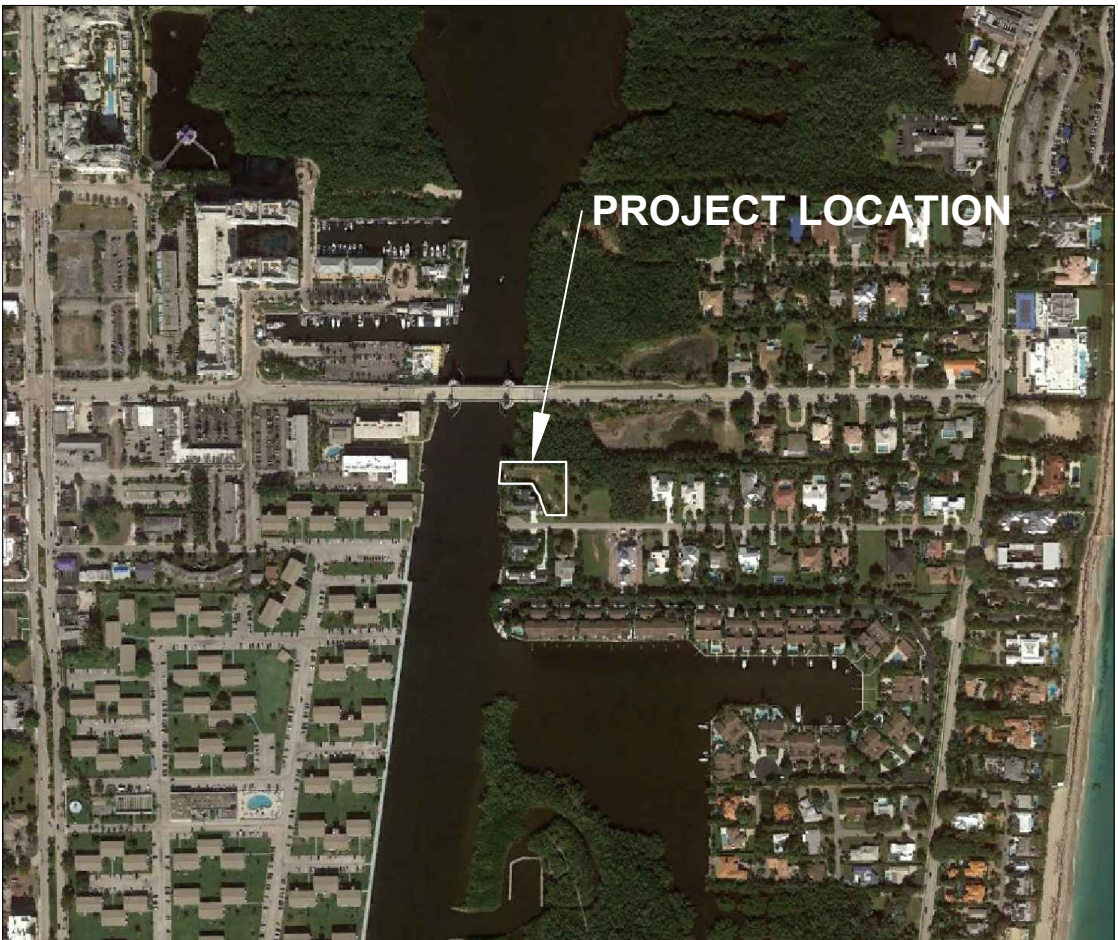
SHEET 2: EXISTING
CONDITIONS

SHEET 3: PROPOSED
CONDITIONS

SHEET 4: SECTION A

SHEET 5: SECTION B

SHEET 6: DETAILS



VICINITY AERIAL (N.T.S.)

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THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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- T&E Species Surveys
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28 HUDSON AVENUE

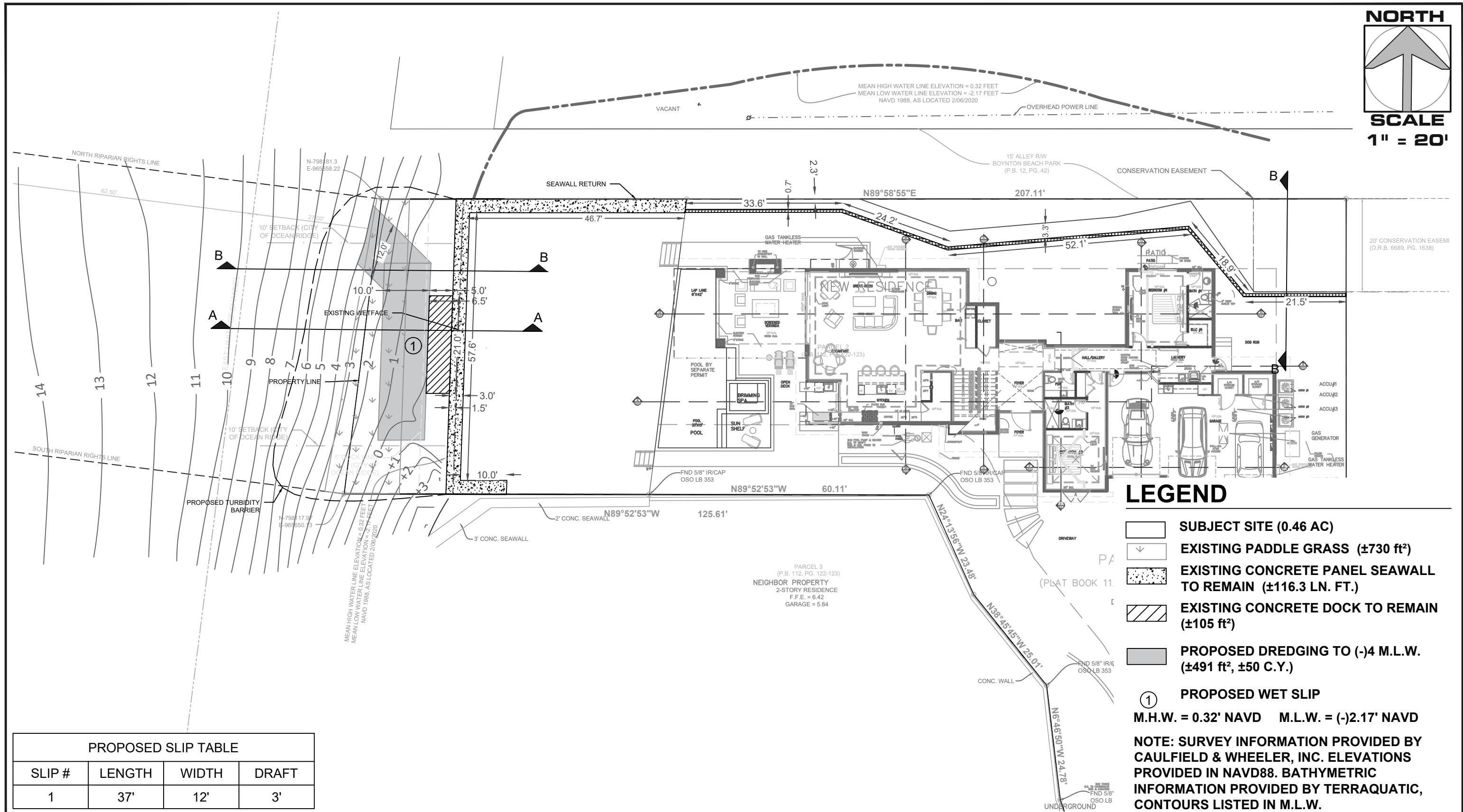
PREPARED FOR:
DR. ANDREW KLAPPER

COVER

Date:
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20-0024.002

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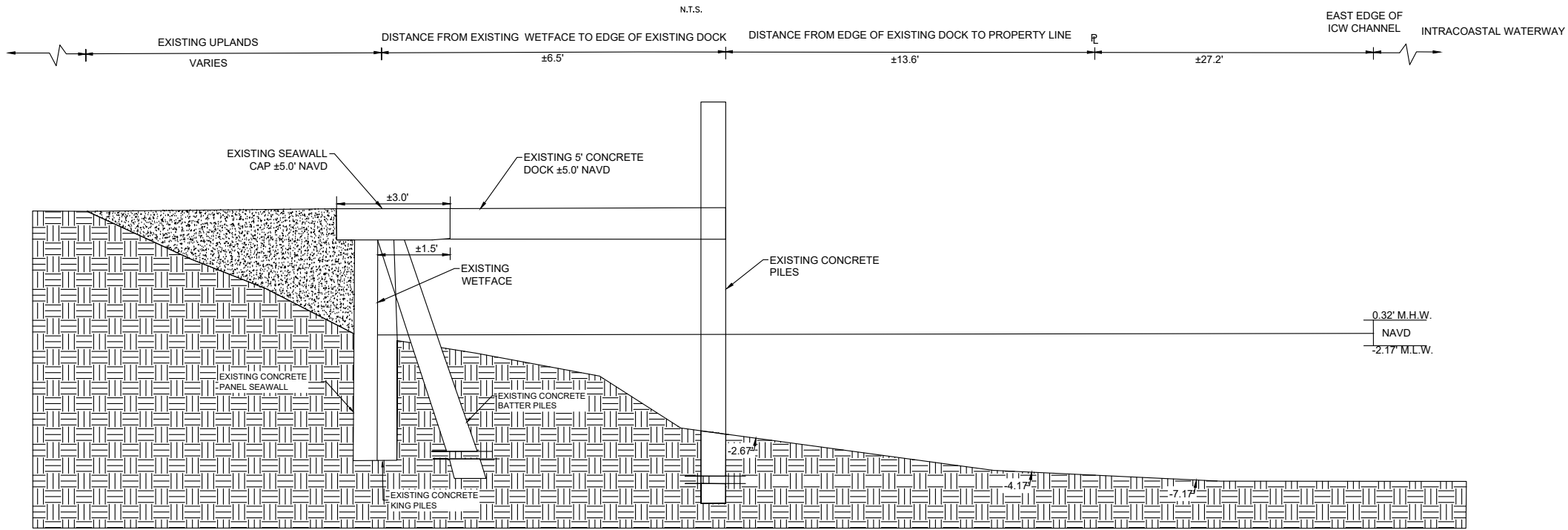
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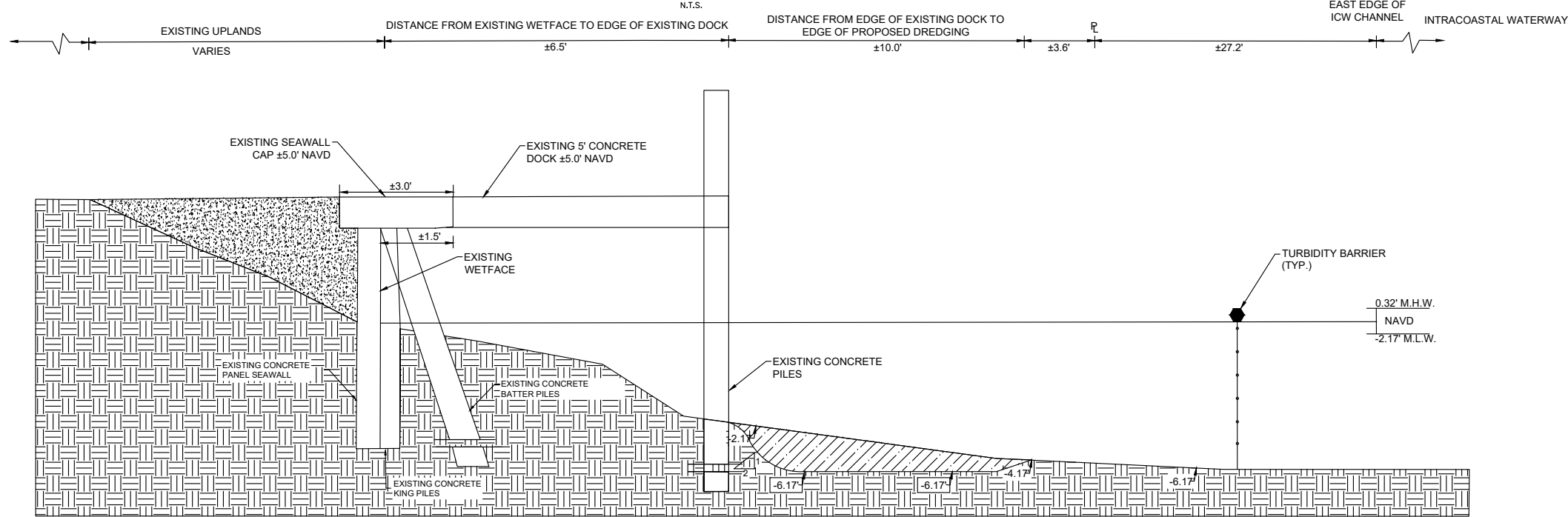
PREPARED FOR:
DR. ANDREW KLAPPER

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EXISTING CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



LEGEND



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SECTION A		
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