



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Peter B. Elwell  
Town of Palm Beach

Published: March 31, 2025  
Expires: April 30, 2025

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**Jacksonville District  
Permit Application No. SAJ-2005-07908(SP-JLM)**

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](mailto:Jeffrey.L.Meyer@usace.army.mil).

**APPLICANT:** Peter B. Elwell  
Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33480

**AGENT:** Stacy Buck  
Coastal Protection Engineering LLC  
5301 N. Federal Highway  
Suite 335  
Boca Raton, Florida 33487

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with a 1.24-mile segment of Atlantic Ocean shoreline just south of the Lake Worth fishing pier and terminating at the southern end of the Town of Palm Beach limits. The project is located between Florida Department of Environmental Protection (FDEP) Range monuments R-129-210 and R-134+135, in the Town of Palm Beach, Palm Beach County, Florida.

Directions to the site are as follows: From I-95 in Palm Beach County, find State Road 80/Southern Boulevard and proceed east approximately four miles. Turn south on State Road A1A. Proceed south approximately 5 miles and find the Lake Worth fishing pier. The project begins just south of the Lake Worth fishing pier.

**APPROXIMATE CENTRAL COORDINATES:**  
Beach fill center point: Latitude 26.603713°; Longitude -80.036842°  
Dredge borrow area vicinity: Latitude 26.779685°; Longitude -80.025385°

**EXISTING CONDITIONS:** The Atlantic shoreline within the project area is a beach that is constantly being shaped by the tides, winds, and waves. The beach and dune are essential nesting habitat for marine sea turtles. Aquatic resources within the project area include tidal and sub-tidal waters, intertidal and sub-tidal unconsolidated bottoms, and intertidal and sub-tidal hardbottom. Other habitats include dry beach and upland development. The upland development is comprised of hotels, condominiums, homes, and public parks. Seawalls or upland retaining walls are present along most of the shoreline.

In the Reach 8 Project Area, nearshore hardbottom resources are located from the intertidal zone to approximately 500 feet from the shoreline and generally in depths out to -13 feet. The hardbottom within the proposed project area has been surveyed consistently since 2013 for the Palm Beach Island Beach Management Agreement (BMA) annual monitoring. This includes in situ diver mapping of the nearshore hardbottom edge and delineation of hardbottom using aerial imagery. Additionally, the area was surveyed in 2006 as part of a feasibility study for a project south of Reach 8. Benthic habitat assessments were conducted in 2013 and 2022 specifically to characterize the hardbottom for this project. The hardbottom community in the project area consists of two shore-parallel ridges which experience periodic, short-term burial and sedimentation/sand scour. Aerial delineations completed between 2003 and 2022 demonstrate that both, one or neither of the ridges may be exposed at any given time. The dynamic nature of sand movement in this area subjects the hardbottom to constant burial and exposure resulting in an opportunistic benthic community dominated by turf algae with some macroalgae and supporting small coral colonies. The most common macroalgae genera observed in the 2022 benthic survey was *Caulerpa*, with *Dasycladus*, *Jania*, and *Cymopolia* also present. Also observed on the nearshore hardbottom, but typically with less than 1% cover, were tunicates, sponges, bryozoans, and scleractinian (stony) corals. *Siderastrea* spp. were the only scleractinian species observed during the 2022 survey. Although the 2022 survey did not record any octocoral species, the most common genus of octocorals observed in past surveys were *Antillogorgia* (formerly *Pseudopterogorgia*), with colonies of *Pterogorgia*, *Muricea*, and *Eunicea* documented as well. The applicant utilized six years (2014 – 2020) of hardbottom data from aerials (no aerials were available for 2019) to determine that the median area of hardbottom within the estimated equilibrium toe of fill (ETOF) and a 50-meter buffer area is 6.17 acres (Table 1).

**Table 1.** Annual exposure of hardbottom by zone.

Year	Acres of Exposed Hardbottom		
	ETOF	50-m Buffer	ETOF + 50-m Buffer
2014	4.17	2.87	7.04
2015	0.92	1.14	2.06
2016	2.21	3.09	5.30
2017	1.11	0.71	1.81
2018	4.22	6.51	10.73
2020	4.32	4.15	8.47
<b>MEDIAN</b>	<b>3.19</b>	<b>2.98</b>	<b>6.17</b>

**BACKGROUND INFORMATION:** The Corps is currently evaluating this proposed project as a standard permit. The application for beach nourishment at the southern portion of Reach 8 (between R-129 -210' and R-134+135) was initially received on May 7, 2013, and a public notice was published on December 12, 2014. On September 24, 2024, the Town of Palm Beach provided the previously requested information and the application was reinstated. The Corps determined that a new public notice to solicit comments was warranted due to the 10-year time lapse from the previously published notice and receipt of updated project information.

The offshore dredging and stockpile locations are associated with the existing authorized Midtown project (SAJ-1995-03799) and Phipps Beach project (SAJ-2000-00380).

#### **PROJECT PURPOSE:**

**Basic:** The basic project purpose is shoreline stabilization.

**Overall:** The overall project purpose is to stabilize the shoreline between FDEP monuments R-129-210 and R-134+135.

**PROPOSED WORK:** The applicant seeks a 10-year authorization to dredge approximately 75,000 cubic yards of beach compatible sand from a previously authorized offshore borrow area and place 75,000 cubic yards of beach compatible fill material along an approximately 1.24-mile segment of beach between FDEP R-129-210 and R-134+135. Approximately 12,000 cubic yards would be placed at or below the mean high water (MHW) line and the remaining 63,000 cubic yards placed at or above MHW to partially restore the supra-tidal beach and dune. This beach compatible sand would be transported by truck along existing public streets to the project site from an upland stockpile of offshore dredged material.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

During construction the project would require the implementation of sediment barriers to ensure water quality, including construction of berms or dikes; the use of a turbidity mixing zone in accordance with the Section 401 water quality certification (WQC) if required by the FDEP; and downstream turbidity monitoring to ensure compliance with turbidity standards.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

To offset the functional loss from the unavoidable hardbottom impacts to nearshore hardbottom the applicant proposes to provide compensatory mitigation through construction of a mitigation reef using limestone boulders based on the following site placement criteria:

1. Outside of the estimated ETOF;
2. Water depth on average will provide a minimum clearance over the reef of 6 feet;
3. Maintain a 25-meter (82-foot) buffer from natural hardbottom resources that have been exposed for 3 years;
4. Placed on sand with thickness of 1-3 feet; and
5. Within the vicinity of hardbottom resources.

Based on the results the Uniform Mitigation Assessment Method (UMAM) evaluation, 8.79 acres of mitigation are required to offset impacts to 6.17 acres of hardbottom habitat using the Corps 5-year time lag value of 1.14 and the low risk factor of 1.25. The proposed mitigation site is located between R-104 and R-108 in 8 to 27 ft NAVD water depth.

#### **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.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**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 proposal *may affect* the threatened and endangered nesting sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*, *Lepidochelys olivacea*), and the Loggerhead (*C. caretta*) designated terrestrial critical habitat. The Corps also determined the proposed project *may affect but is unlikely to adversely affect* the West Indian Manatee (*Trichechus manatus*) and the piping plover (*Charadrius melodus*). The applicant has agreed to adhere to the terms and conditions of the Statewide Programmatic Biological Opinion (SPBO) and the Programmatic Piping Plover Biological Opinion (P<sup>3</sup>BO). The Corps will coordinate with the U.S. Fish and Wildlife Service (FWS) by separate letter for compliance with Section 7 of the Endangered Species Act.

The Corps has determined the project may affect the swimming sea turtles and may affect but is not likely to adversely affect the loggerhead (*C. caretta*) designated migratory, breeding and reproductive critical habitats, the proposed green turtle designated migratory, breeding and reproductive critical habitats, and designated critical habitats for listed coral species. The Corps has determined the project may affect but is unlikely to adversely affect the smalltooth sawfish (*Pristis pectinata*), giant manta ray (*Mobula birostris*), Queen conch (*Alger gigas*), and North Atlantic right whale (*Eubalaena glacialis*). The Corps will request initiation of formal consultation with the NMFS PRD pursuant to Section 7 of the Endangered Species Act f by separate letter. The Corps will also engage in conferencing with NMFS PRD for effects to proposed green turtle critical habitat.

**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 consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 6.17 acres of nearshore hardbottom that is utilized by various life stages of penaeid shrimp complex, red drum, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. Dredging offshore shoal areas consisting of sand, shell and rock may also affect managed species. Construction of artificial reefs are anticipated to provide similar ecological functions to the proposed buried hardbottom. Our 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:** The proposed structure or activity 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 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 FDEP.

**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. 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.

**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

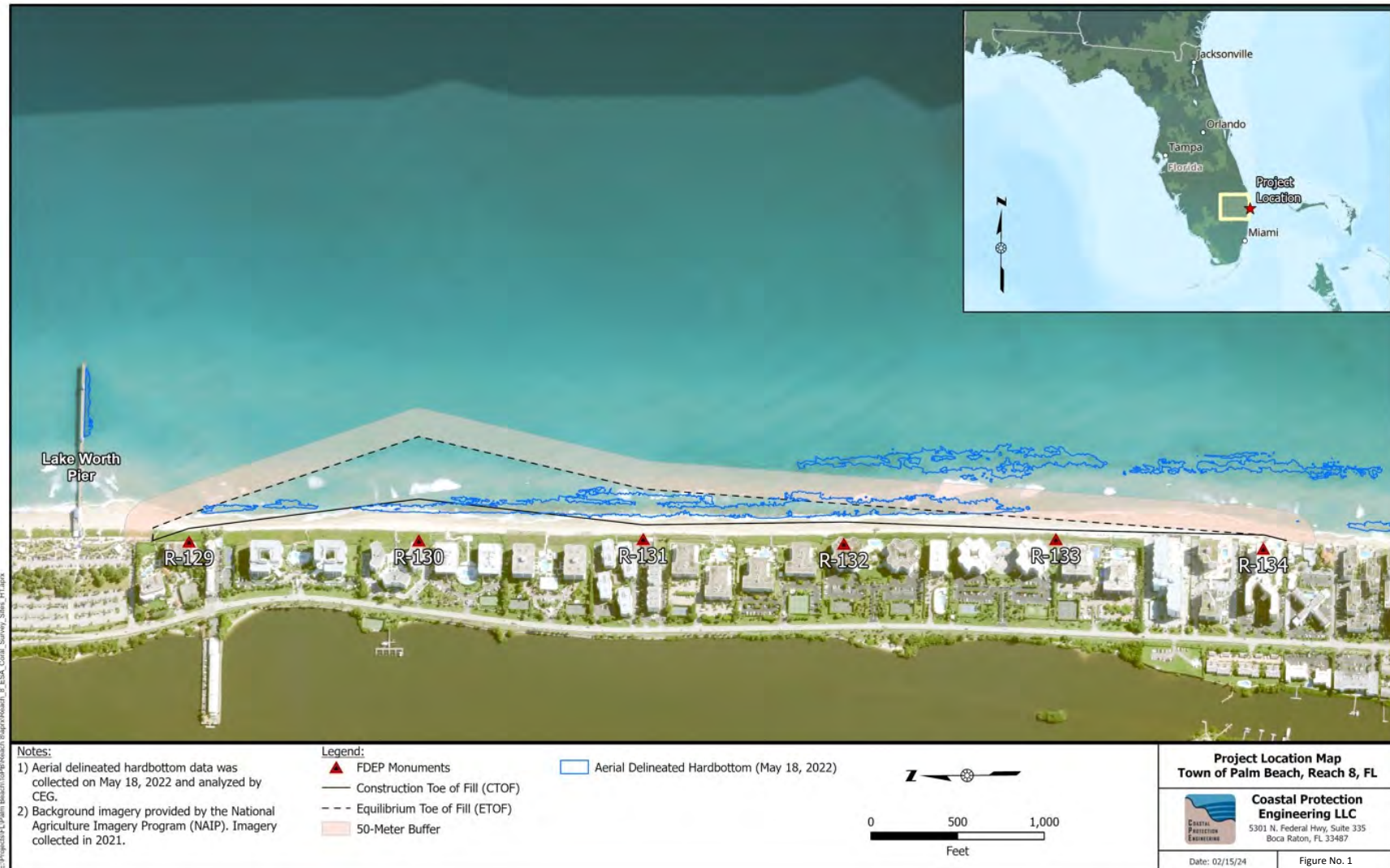
also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 30, 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](mailto: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.

# 12-POINT MITIGATION PLAN

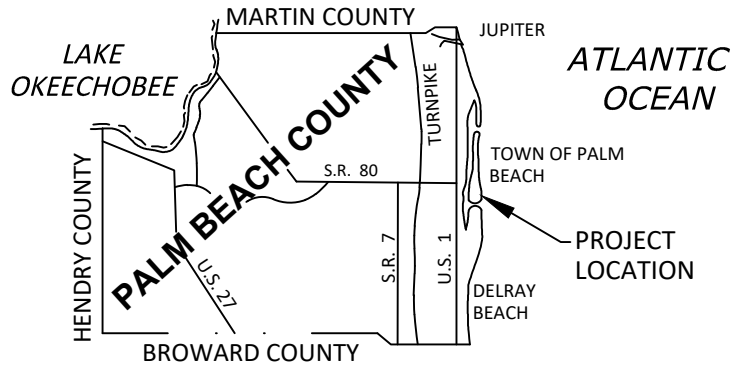
## TOWN OF PALM BEACH REACH 8 BEACH RESTORATION PROJECT



**Figure 1.** Reach 8 Beach and Dune Restoration project location map.

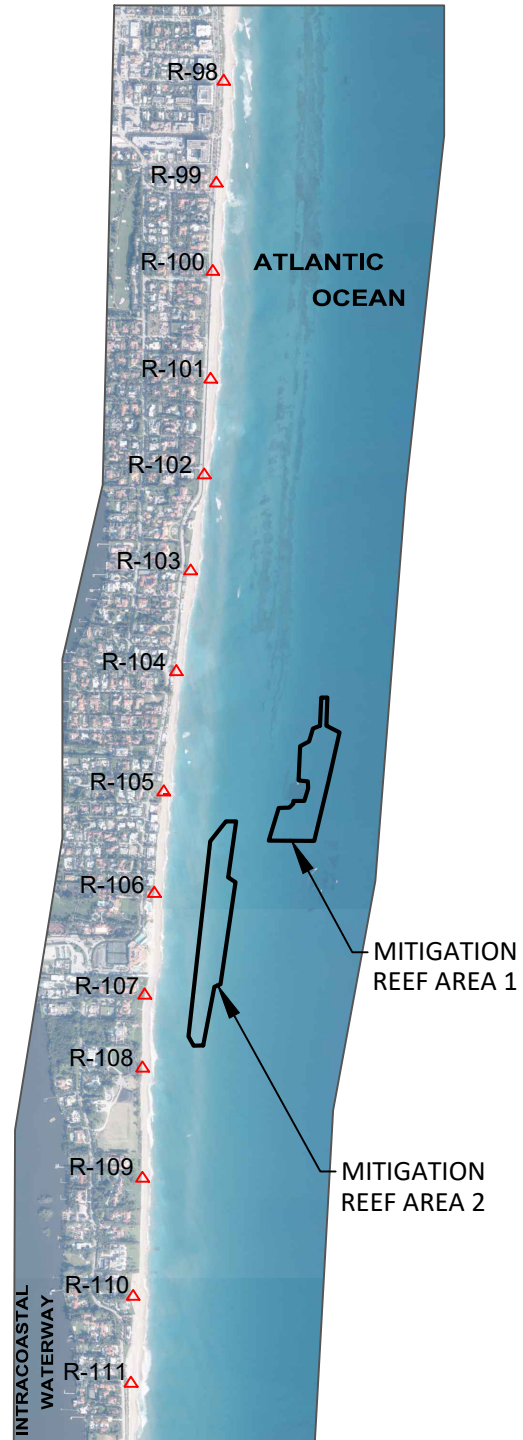


# TOWN OF PALM BEACH REACH 8 ARTIFICIAL REEF MITIGATION PROJECT PALM BEACH COUNTY, FLORIDA



## SHEET INDEX

NO.	TITLE
1	COVER SHEET
2	PLAN VIEW
3	SEDIMENT THICKNESS MAP
4	PLACEMENT DETAILS
5	TYPICAL REEF CROSS-SECTION



TOWN OF PALM BEACH  
REACH 8 ARTIFICIAL REEF MITIGATION PROJECT  
COVER SHEET

TITLE:

**COASTAL PROTECTION ENGINEERING LLC**  
PH. (561) 565-5100  
C.O.A. FL# 33370  
5301 N. FEDERAL HWY, SUITE 335  
BOCA RATON, FLORIDA 33487



DATE:

6/27/24

BY:

JG

SHEET:

1

NOT FOR  
CONSTRUCTION  
FOR REGULATORY  
REVIEW ONLY

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:  
THOMAS P. PIERRO, P.E. NO. 64683 ON 07/19/2024.  
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND  
SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

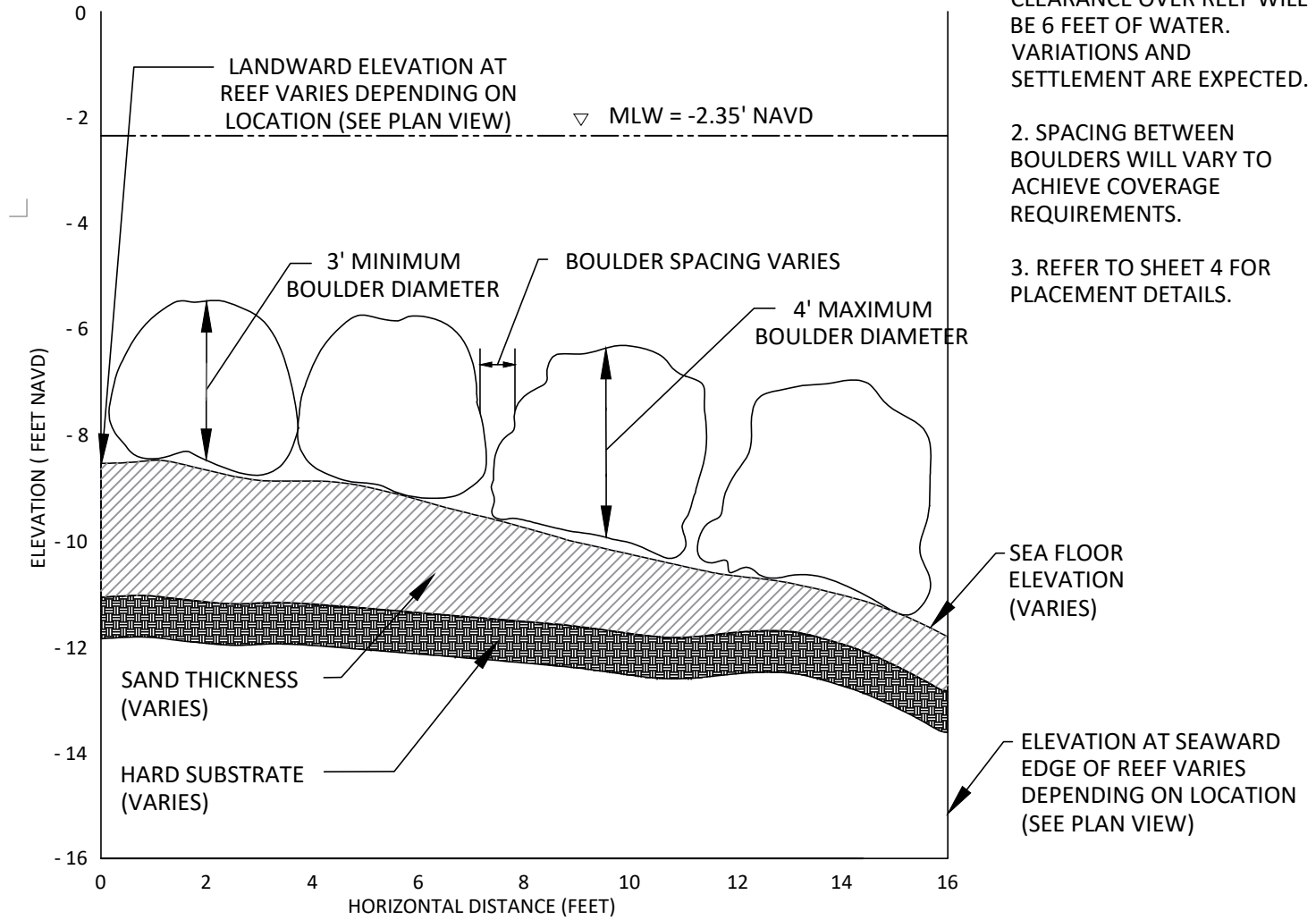
REVISIONS		
DATE	BY	DESCRIPTION

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:  
 THOMAS P. PIERRO, P.E. NO. 64683 ON 07/19/2024.  
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 REVIEW ONLY

REVISIONS	
DATE	DESCRIPTION

DATE: 6/27/24  
 BY: JG  
 SHEET: 5



**TYPICAL REEF CROSS SECTION X-X'**

SCALE: N.T.S.

**NOTES:**

1. ON AVERAGE, MINIMUM CLEARANCE OVER REEF WILL BE 6 FEET OF WATER. VARIATIONS AND SETTLEMENT ARE EXPECTED.
2. SPACING BETWEEN BOULDERS WILL VARY TO ACHIEVE COVERAGE REQUIREMENTS.
3. REFER TO SHEET 4 FOR PLACEMENT DETAILS.



**COASTAL PROTECTION ENGINEERING LLC**  
 5301 N. FEDERAL HWY, SUITE 335  
 BOCA RATON, FLORIDA 33487  
 PH. (561) 565-5100  
 C.O.A. FL# 33370

TITLE:

**TOWN OF PALM BEACH  
 REACH 8 ARTIFICIAL REEF MITIGATION PROJECT  
 TYPICAL REEF CROSS SECTION**