



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Legendary, Inc.

Published: April 17, 2025
Expires: May 17, 2025

**Jacksonville District
Permit Application No. SAJ-2014-02912 (SP-EPS)**

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). 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 edward.p.sarfert@usace.army.mil

APPLICANT: Legendary, Inc.
c/o Rodney Chamberlain
4471 Legendary Drive
Destin, FL 32541

AGENT: Michael Dombrowski
Coastal Protection Engineering
543 Harbor Blvd.
Destin, FL 32541

WATERWAY AND LOCATION: The project would affect navigable waters of the United States associated with Choctawhatchee Bay. The project/review area is located at 4607 Legendary Marina Drive, approximately 750 feet east of the Mid-Bay Bridge; at Latitude 30.402881 ° and Longitude -86.423265 °; in Destin, Okaloosa County, Florida.

EXISTING CONDITIONS: The project site is immediately adjacent to the existing Legendary Marina/dry storage facility and LuLu's Restaurant. The waters of Choctawhatchee Bay here contain a mix of sandy bottom and submerged aquatic vegetation (SAV) beds (*Halodule wrightii*). The shoreline is armored. Landward of the bay, the project area contains parking lots, stormwater management and golf course ponds, golf course greens, open areas, and shrub-dominated upland habitats.

PROJECT PURPOSE:

Basic: marina/boat storage facility

Overall: Construction of marina/boat storage facility on Choctawhatchee Bay to provide wet slips for boats up to 100 feet long, and dry storage for boats up to 55 long.

PROPOSED WORK: The applicant requests authorization to hydraulically dredge 32410 cubic yards of sediment from 164949 square feet of Choctawhatchee Bay to construct a new, 926-foot-long channel. The channel would connect a new upland cut marina to the existing channel adjacent to the Mid-Bay Bridge. Up to 10 channel markers would be installed along the new channel. Two jetties constructed from sheet pile and riprap covering 5500 square feet of bay bottom would be installed at the landward end of the channel. The dredging and jetties would impact a total of 9008 square feet (0.21-acre) of SAV.

The basin for the new upland cut marina would involve mechanically excavating 176581 cubic yards of material from 306563 square feet of uplands and ponds. The 1302-foot-long upland cut would also be used as a settling basin during the channel dredging and would not be opened to Choctawhatchee Bay until that dredging is complete and turbidity levels have reduced. Dredged material would first be discharged into a bermed Dredge Material Management Area located in uplands, with excess slurry water then being piped to the upland cut. The upland cut marina would have 3585 linear feet of bulkhead, 25058 square feet of floating docks and 6167 square feet of fixed docks. There would be 50 permanent slips, and 10 temporary slips.

A launch basin with two 39-foot-wide ramps would provide access to the upland cut marina from a new dry storage building/boat barn containing 500 boats with lengths up to 55-feet. A hotel and reconfigured parking areas and stormwater ponds would be constructed around the upland cut marina and dry storage building.

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 orientation and location of the channel minimizes impacts to the two existing seagrass beds located in the vicinity of the proposed project. As shown on sheet 5 of the attached revised permit sketches, the channel was located and oriented to pass between the two beds as much as possible. The channel could not be shifted further to the west as it would impact the facilities at Lulu's Restaurant. This would also increase impacts to the existing seagrass beds.

The location of the marina basin in the existing uplands minimizes the amount of dredging that would need to occur within the bay. Due to the shallow depths of the bay in the vicinity of the proposed project, a marina basin located in the bay would require hydraulic dredging of the marina footprint and a channel to connect it to the existing navigation channel adjacent to the Mid-Bay Bridge. The proposed design requires hydraulic dredging of 24,632 [sic] cubic yards of material for the channel only. During construction of the upland basin a "plug" of sediment between the basin and the bay will remain to separate the construction activities from WOTUS. This will ensure

that any sediments and pollutants caused by the excavation of the basin, bulkhead installation, and construction of the fixed and floating docks do not impact WOTUS. Best management practices will be met during the construction phase of this project. Turbidity curtains will be installed around the hydraulic dredging operations to provide sedimentation protection to the surrounding waterbody.

The Operations and Maintenance Plan of Legendary Marina will ensure that all staff are trained to quickly respond to any potential pollutant event caused by vessels in the marina to minimize impacts to WOTUS.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To use the 6-inch plug planting method to relocate SAV from the proposed impact site to a site approximately 1700 feet to the west-northwest. The planting units would be installed on 3-foot centers over a 1.85-acre area currently devoid of SAV. Temporary SAV exclusion cages, bird stakes, fertilizer spikes and protection buoys may be used. Monitoring would occur for 5 years, or until success criteria are met.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper 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.

Gulf sturgeon and its critical habitat, green sea turtles, Kemp's Ridley sea turtles, loggerhead sea turtles, leatherback sea turtles, hawksbill sea turtles, giant manta ray, West Indian manatee and Eastern indigo snake.

Pursuant to Section 7 ESA, any required consultation with the Services 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 0.21-acre of SAV, and 3.7 acres of sandy bay bottom. 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:

| <i>Species</i> | <i>Life Stage</i> |
|----------------------------|--------------------------|
| Coastal Migratory Pelagics | ALL |
| Red Drum | ALL |
| Shrimp | ALL |
| Spinner Shark | Neonate |
| Bull Shark | Juvenile/Adult |
| Reef Fish | ALL |

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 Florida Department of Environmental Protection (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

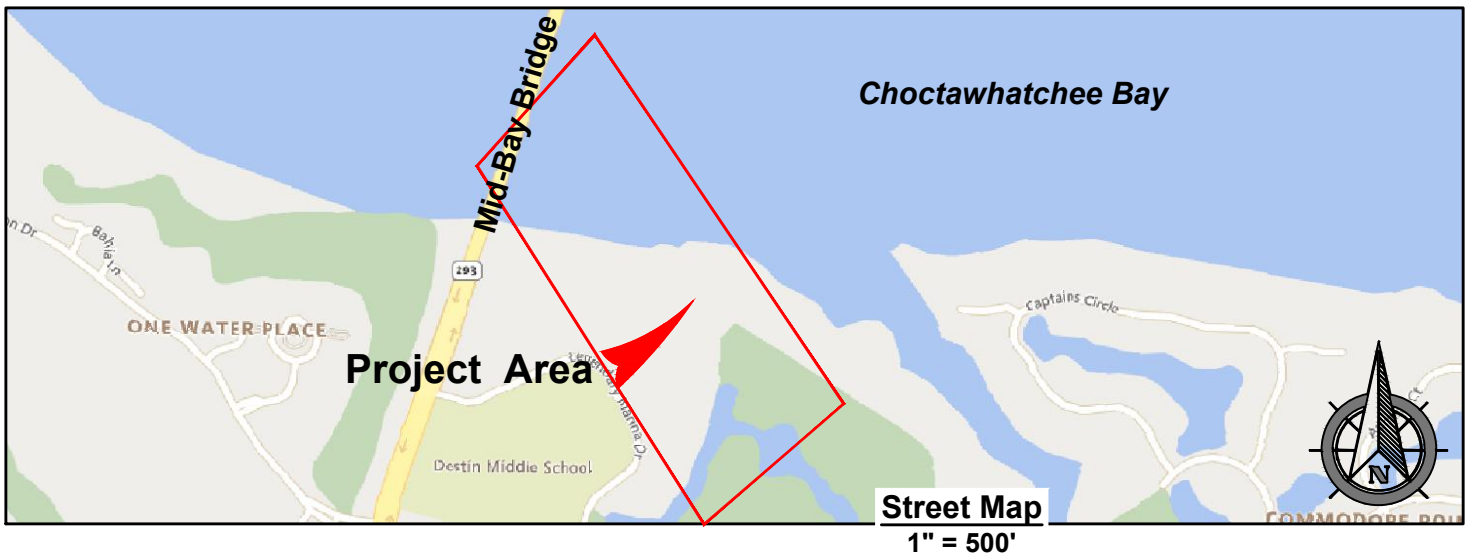
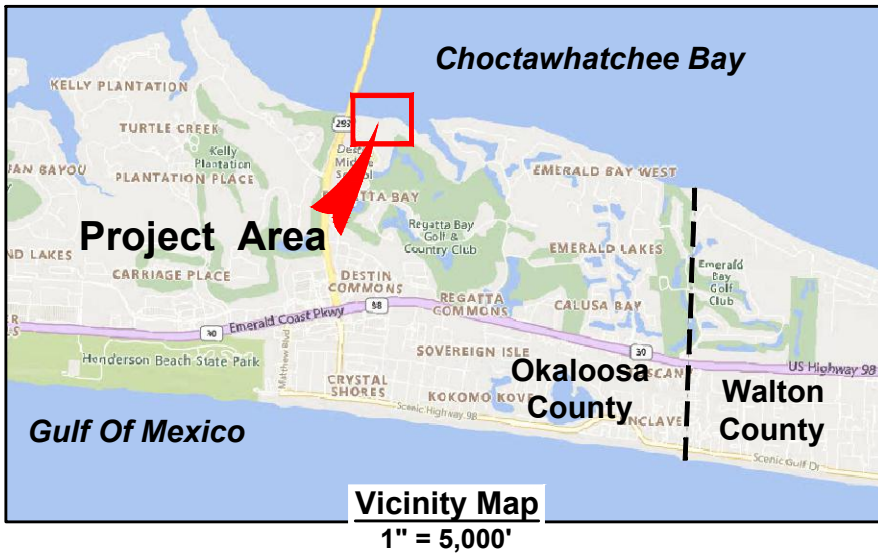
resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

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. 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 May 17, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ed Sarfert at edward.p.sarfert@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Ed Sarfert, 41 N. Jefferson Street, Suite 301, Pensacola FL, 32502. 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.



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PROJECT LOCATION
Legendary Harbor

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4471 Legendary Drive, Destin, Florida, 32541

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

Date: March 27, 2025

Sheet Rev Date:

PROJECT NUMBER
22-504

SHEET NUMBER
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