



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Steven Etchen
Chere Noisette, LLC and Money
Bayou Shores, LLC

Published: March 21, 2022
Expires: June 23, 2025

**Jacksonville District
Permit Application No. SAJ-2016-03434**

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 tracey.l.wheeler@usace.army.mil.

APPLICANT: Steven Etchen
Chere Noisette, LLC and Money Bayou Shores, LLC
Post Office Box 399
Apalachicola, Florida 32329

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Money Bayou and the Gulf of America (Gulf). The project site is located at 7120, 7130, 7140, 7150 and 7160 County Road (CR) 30A; at latitude 29.684498° and longitude -85.287162°; in Port St. Joe, Gulf County, Florida.

EXISTING CONDITIONS: The project area is located between the Gulf and Money Bayou and contains the outfall of Money Bayou. Money Bayou is a tidal creek that flows through the St Joseph Bay State Buffer Preserve. The Money Bayou drainage basin is approximately 1,800 acres and includes emergent estuarine and freshwater marshes, wet prairies and islands of pine flatwoods and cypress strands. The outfall of Money Bayou passes underneath CR 30A, turns west along a seawall protecting a road and houses and runs through coastal dunes and strand until it reaches the beach. The outfall location is dynamic, and changes based on water volumes and beach conditions. The outfall channel varies in width and depth. At times, there is a constant flow into the Gulf, while at other times sand accumulates at the mouth and it becomes disconnected from the Gulf. The typical bottom elevation of the channel ranges between -1.7 and +15 feet, North American Vertical Datum 88 (NAVD 88). The average cross section area of the channel is 124.54 square feet in 2024.

PROJECT PURPOSE:

Basic: Channel Stabilization

Overall: To relocate the outfall channel to the eastern side of the project property to allow the down-drift beach to recover and provide a mechanism for dunes to be created and stabilized with the assistance of sand fencing and native dune vegetation.

PROPOSED WORK: The applicant requests authorization to relocate and maintain the Money Bayou outfall located between Florida Department of Environmental Protection (FDEP) monuments R-140 and R-141. The activity consists of the excavation of approximately 2,500 cubic yards of material from 19,152 square feet to create a channel with a bottom elevation of -2 foot NAVD 88, a bottom channel width between 28 and 55 feet, with side slopes of 1 vertical to 3 horizontal and a top channel width of approximately 66 feet (at +4.4, NAVD 88). The proposed channel would be excavated to a seaward limit of +2.62 feet NAVD 88, corresponding to the seasonal high water line. The 2,500 cubic yards of excavated material would be placed to the west (down-drift) within 30,254 square feet within the limits of the existing channel to an elevation of approximately +5 feet, NAVD 88.

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 project would be constructed outside of sea turtle nesting and shorebird nesting seasons, between November 1st and January 15th. Maintenance of the channel would occur on an as needed basis between November 1st and January 15. Beach mouse habitat would be avoided when selecting sites for equipment operation, placement of pipes, vehicle storage and staging to the maximum extent practicable. The contractor would install turbidity curtains to keep resuspended material from migrating beyond the site boundaries. If historical or archaeological artifacts are discovered at any time within the project site, construction would immediately stop, and appropriate agencies would be notified. Construction would remain halted until cleared by the appropriate agency.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The project was designed to minimize impacts to waters of the United States and ensure compliance with State of Florida water quality standards. Best management practices (BMPs), including erosion control measures, would be implemented throughout construction to prevent sedimentation and protect water quality. The constructed channel would only connect to the Gulf naturally during high flows from Money Bayou. This would allow the turbid water to settle before entering the Gulf. Therefore, no compensatory mitigation is proposed.

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 (SHPO), 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 Tribal Historic Preservation Officer (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, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) South East Regional Office (SERO) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any Endangered Species Act (ESA) listed 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.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status	Critical Habitat Unit
Gulf sturgeon	Acipenser oxyrinchus desotoi	Threatened	
Loggerhead Sea Turtle	Caretta caretta	Threatened	
Leatherback Sea Turtle	Dermochelys coriacea	Endangered	
Green Sea Turtle	Chelonia mydas	Threatened	
Hawksbill Sea Turtle	Eretmochelys imbricata	Endangered	
Kemp's Ridley Sea Turtle	Lepidochelys kempii	Endangered	
Smalltooth Sawfish	Pristis pectinata	Endangered	
Giant Manta Ray	Mobula birostris	Threatened	

Sturgeon, Gulf	Acipenser oxyrinchus desotoi		11 Florida Nearshore Gulf of Mexico
Sea turtle, loggerhead	Caretta caretta		LOGG-N-31 Nearshore Reproductive Habitat
Eastern Black rail	Laterallus jamaicensis ssp. jamaicensis)	Threatened	
Eastern indigo snake	(Drymarchon couperi)	Threatened	
Godfrey's butterwort	(Pinguicula ionantha)	Threatened	
Piping Plover	(Charadrius melodus)	Threatened	
Rufa red knot	(Calidris canutus rufa)	Threatened	
St. Andrew beach mouse	(Peromyscus polionotus peninsularis)	Endangered	
Telephus spurge	(Euphorbia telephioides)	Threatened	
West Indian Manatee	(Trichechus manatus)	Threatened	
White birds-in-a-nest	(Macbridea alba)	Threatened	

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 NMFS. Implementation of the proposed project would directly impact approximately 1.13 acres of intertidal and

shallow water habitat. The effects of the project are determined to be minimal and permanent. These habitats are utilized by the following species and their various life stages:

EFH				
<i>Layer: NOAA Essential Fish Habitat</i>				
<i>Species</i>	<i>Life Stage</i>			
Bonnethead Shark (Gulf of Mexico Stock)	Juvenile			
Coastal Migratory Pelagics	ALL			
Lemon Shark	Adult			
Scalloped Hammerhead Shark	Neonate			
Blacknose Shark (Gulf of Mexico Stock)	Juvenile/Adult			
Blacktip Shark (Gulf of Mexico Stock)	Juvenile/Adult			
Sandbar Shark	Neonate			
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Juvenile/Adult			
Shrimp	ALL			
Spinner Shark	Neonate			
Blacktip Shark (Gulf of Mexico Stock)	Neonate			
Bull Shark	Juvenile/Adult			
Sandbar Shark	Adult			
Bonnethead Shark (Gulf of Mexico Stock)	Neonate			
Reef Fish	ALL			
Finetooth Shark	ALL			
Atlantic Sharpnose Shark (Gulf of Mexico Stock)	Neonate			

Blacknose Shark (Gulf of Mexico Stock)	Neonate			
Bonnethead Shark (Gulf of Mexico Stock)	Adult			
Source: https://services2.arcgis.com/C8EMgrsFcRFL6LrL/arcgis/rest/services/EFH/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: 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. The proposed work was previously permitted through FDEP Environmental Resource Permit (ERP) Number 0356447-001-EI/23., ERP and Coastal Construction Control Line (CCCL) permit applications were submitted in September 2024 due to the active ERP permit. However, FDEP then requested that those permit applications be withdrawn to submit a Joint Coastal Permit (JCP) application. JCP permit application submitted April 25, 2025.

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.

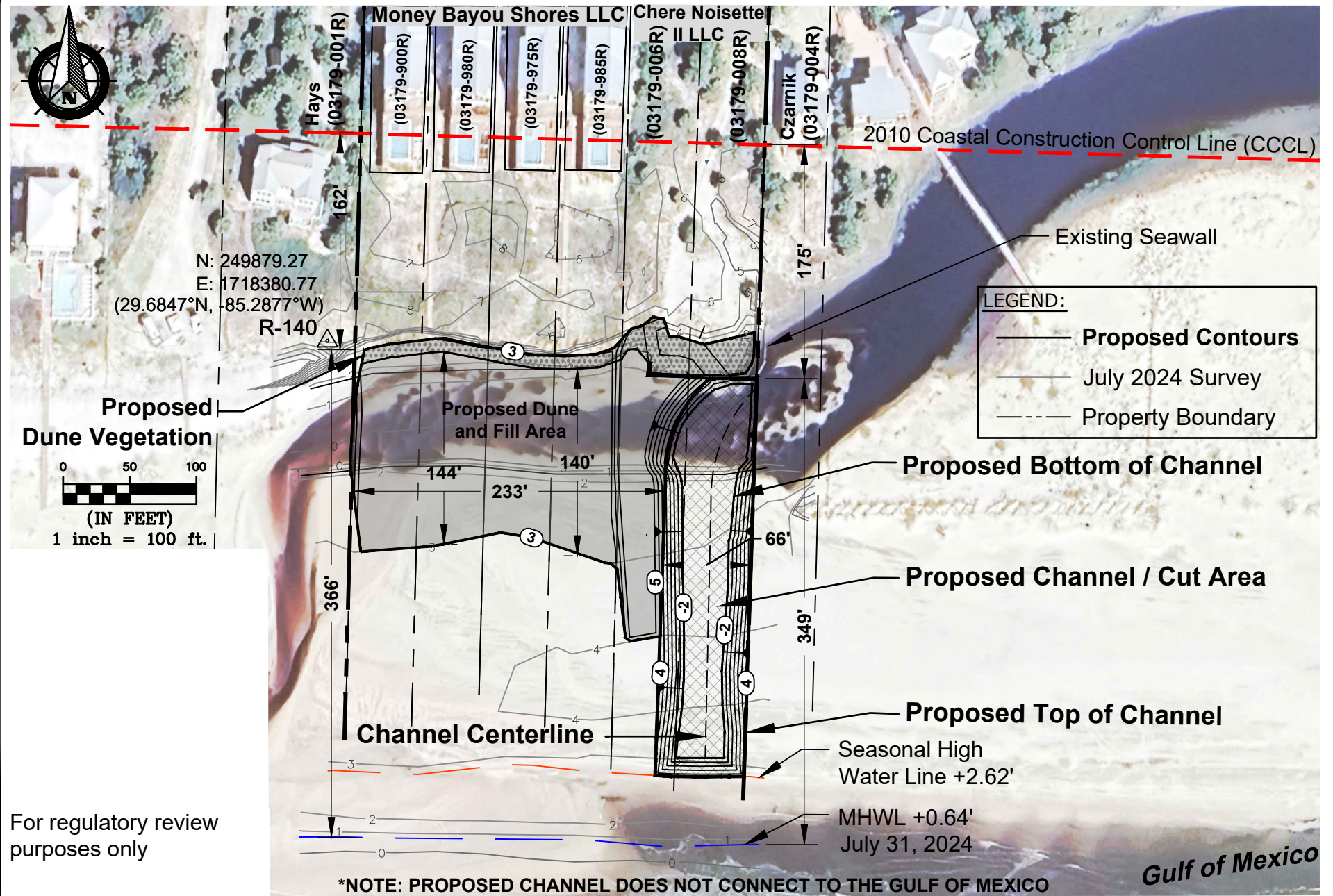
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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

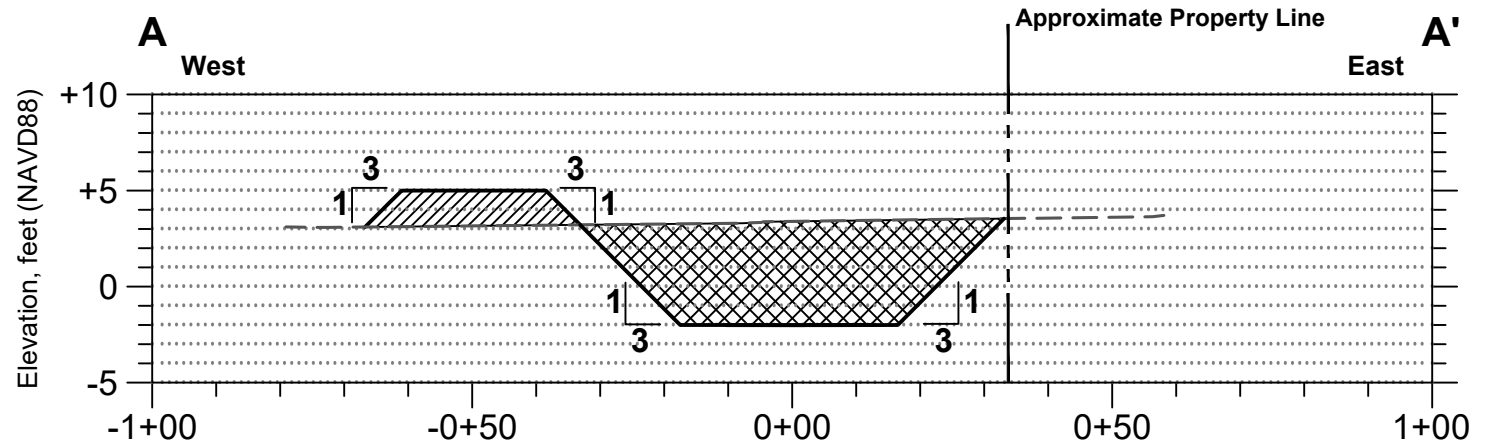
and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. 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.

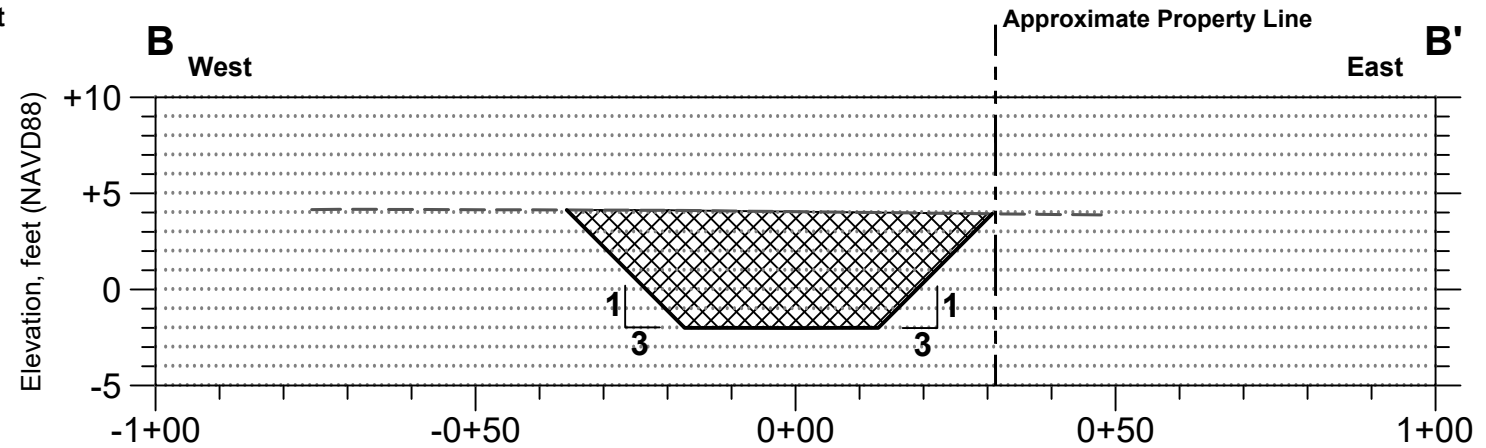
The Jacksonville District will receive written comments on the proposed work, as outlined above, until June 23, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Tracey Wheeler at tracey.l.wheeler@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Tracey Wheeler, 415 Richard Jackson Boulevard Suite 411 Panama City Beach, Florida 32407. 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.





- Existing Grade
- Proposed Fill/
Excavation Cut
- ▨ Proposed Cut
- ▩ Proposed Fill



For regulatory review
purposes only



543 Harbor Boulevard, Suite 204
 Destin, Florida 32541
 Certification of Authorization Number 9482
 850.654.1555 (voice) • 850.654.0550 (fax)
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PROPOSED CONDITIONS - SECTIONS A & B
Money Bayou Outfall Relocation Project

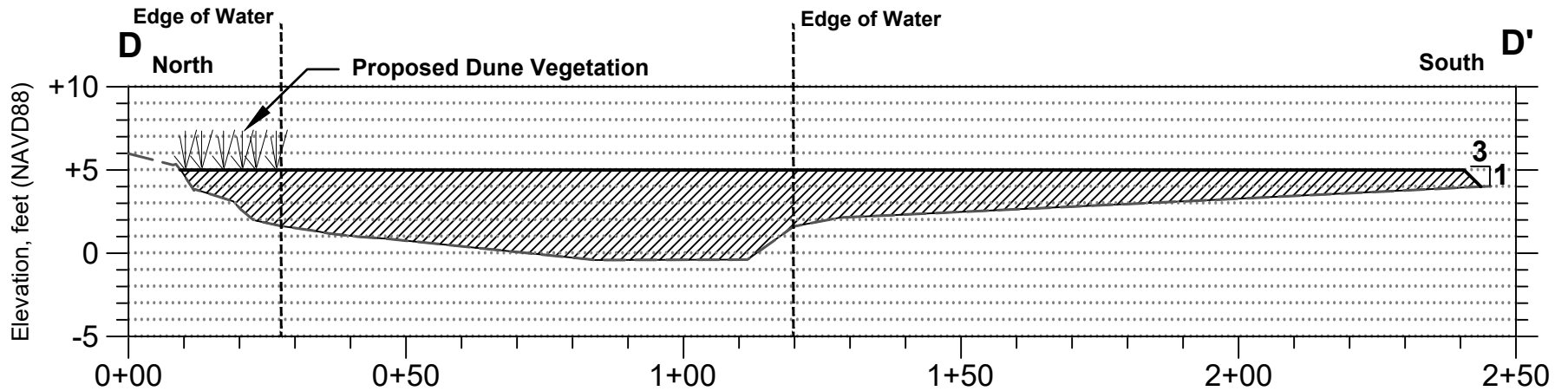
White Sands Investment Partners, LLC, Et. al.
 161 Commerce Street, Apalachicola, Florida 32320

Chelsea Ryan, P.E.
 Florida P.E. Number 98991

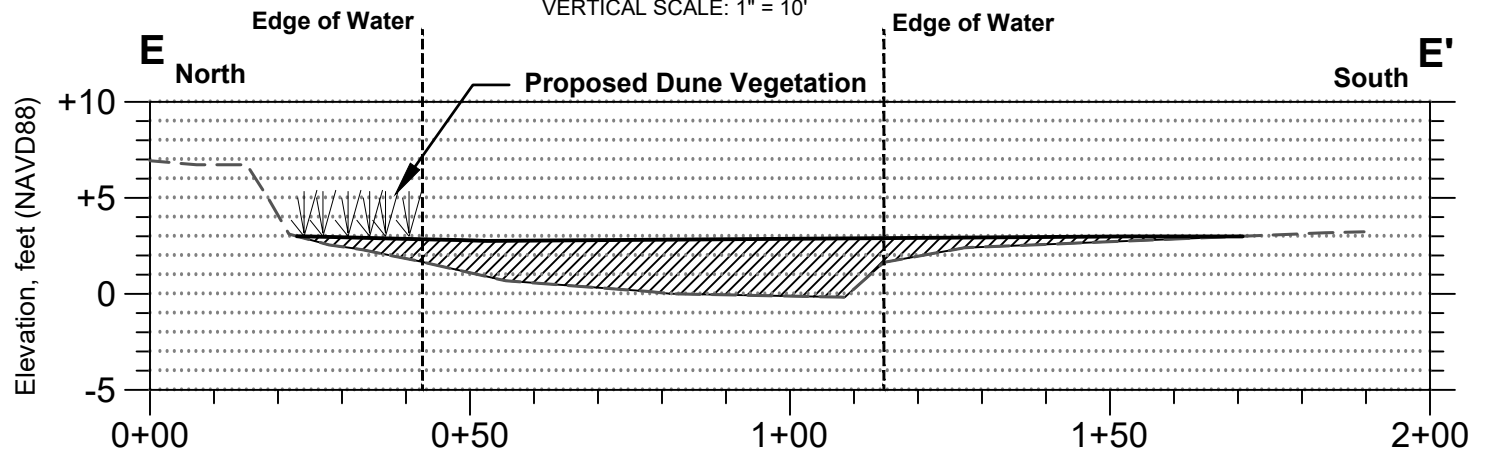
Date: September 17, 2024

Revision Date: April 9, 2025

PROJECT NUMBER 24-322	SHEET NUMBER 7
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- ▨ Proposed Cut
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PROPOSED CONDITIONS - SECTIONS D & E
Money Bayou Outfall Relocation Project

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161 Commerce Street, Apalachicola, Florida 32320

Chelsea Ryan, P.E.
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Date: September 17, 2024

Revision Date: April 9, 2025

PROJECT NUMBER
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9