



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant: Attn: Keith Baker
Martin County Board of County
Commissioners

Published: July 1, 2025
Expires: July 22, 2025

**Jacksonville District
Permit Application No. SAJ-2024-05087**

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), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403), and Section 14 of the Rivers and Harbors Act (33 U.S.C. §408). 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 paul.j.ruben@usace.army.mil.

APPLICANT: Attn: Keith Baker
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, Florida 34996

WATERWAY AND LOCATION: The project would affect aquatic resources associated with Intracoastal Waterway. The project site is located west of SE Federal Highway (US-1) and north of Bassett Creek Trail N; at latitude 27.064605° and longitude -80.122332°; in Hobe Sound, Martin County, Florida.

EXISTING CONDITIONS: The CR-708 (SE Bridge Road) bridge (Bridge No. 890107) was constructed by the Florida Department of Transportation (FDOT) in 1985. The two lane bascule bridge spans approximately 380 feet over the Intracoastal Waterway (S Jupiter Narrows) with a 33 foot deck width. The shoreline and foundation of the bridge is scouring due to the high flow velocity of the waterway.

PROJECT PURPOSE:

Basic: Maintenance of shoreline stabilization materials.

Overall: Replacement of rip rap at an existing bridge in Hobe Sound, Florida.

PROPOSED WORK: The applicant requests authorization to replace bank stabilization materials to the following specifications:

- a). Discharge of approximately 0.97 acres of fill within tidal waters for the installation of rip rap at or below the Mean High Water Line (MHWL).
- b). Impacts to approximately 0.05 acres of submerged aquatic vegetation (SAV).

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

“With a scour protection project, avoidance and minimization of impacts to wetlands and surface waters becomes an inherently significant challenge. Given the design requirements of the project and the results of the scour analysis report there are only a few areas where there is room to adjust the required parameters. Avoidance and minimization of impacts to seagrasses was incorporated into the design to the maximum extent practicable. However, 0.05 acres of unavoidable impacts to the NE, NW, SE, and SW quadrants of the seagrass areas will occur as a result of the riprap installation.

To minimize impacts to mangroves as much as possible, the rock rubble riprap will be carefully placed by hand around existing individual mangrove saplings and up to the root systems of established mangrove communities.”

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

“The proposed project will result in permanent impacts to approximately 0.968 acre of estuarine unconsolidated submerged bottom and 0.047 acre of seagrass habitat due to the installation of riprap for scour protection beneath the CR-708 Bascule Bridge. The applicant proposes to offset impacts to seagrass habitat by creation, mitigation, or preservation of seagrass habitat. The project design has been developed to avoid and minimize aquatic resource impacts to the maximum extent practicable.”

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, 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.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Florida Bonneted Bat	<i>Eumops floridanus</i>	Endangered

- 1) West Indian Manatee (*Trichechus manatus*): The Corps reviewed the project utilizing the Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013. Use of this key resulted in the sequence A>B>C>G>N>O>P = May Affect, Not Likely to Adversely Affect. The Corps based this determination on the implementation of the Standard Manatee Conditions for In-Water Work, 2011, which the applicant agreed to implement. Per Key stipulation, no further consultation was required.
- 2) Florida Bonneted Bat (*Eumops floridanus*): The Corps reviewed the project utilizing the U.S. Fish and Wildlife Service Florida Ecological Services Field Office Florida Bonneted Bat Consultation Guidelines, 2024 Revision. Use of this key resulted in the sequence 1a>2a>3c>4b>9a. A roost survey will be requested prior to a complete determination through use of the programmatic key.
- 3) JAXBO: The Corps evaluated the proposed work utilizing NMFS's Jacksonville District's Programmatic Biological Opinion (JAXBO) dated 20 November 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida for multiple species including sea turtles (loggerhead, leatherback, Kemp's ridley, and green); smalltooth sawfish; whales (North Atlantic right whale); and designated critical habitat for these species in accordance with Section 7 of the Endangered Species Act. Based on past permitting practices of the Corps and review of consultations with similar in-water construction activities, Project Design Criteria (PDCs) were identified in the JAXBO that typically have been applied to permitted in-water construction activities. These PDCs ensure effects of in-water construction activities are minimal in nature and do not result in adverse effects to listed species or to essential features of designated CH. For this verification, the Corps conducted a project specific review to ensure that all of the PDCs were met. In accordance with the project-specific review process established in the JAXBO, a supersede request will be initiated for Activity 1 for Shoreline Stabilization (A1.1.2.), due to the proposed installation of rip rap more than 10 feet waterward of the MHWL.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife 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 0.05 acres of SAV. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages:

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.

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Table 2: NOAA Essential Fish Habitat.

<i>Species</i>	<i>Life Stage</i>
Spiny Lobster	ALL
Atlantic Sharpnose Shark (Atlantic Stock)	Adult
Snapper Grouper	ALL
Skipjack Tuna	Adult
Shrimp	ALL
Sailfish	Adult
Caribbean Reef Shark	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 activity is located within the Design Edge of a federal navigation channel (Intracoastal Waterway).

SECTION 408: The applicant will 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 alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the South Florida Water Management District (SFWMD). The project is being reviewed under SFWMD application no. 250320-51338.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from SFWMD. 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 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 July 22, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Paul Ruben at paul.j.ruben@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Paul Ruben, 400 High Point Drive Suite 600 Cocoa, FL 32926. 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.

2035 VISTA PARKWAY
WEST PALM BEACH, FL 33411



