



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant: Sunset Beach Property
Owner's Association, Inc.
Attn: Alan Tarpell

Published: July 21, 2025
Expires: August 20, 2025

**Jacksonville District
Permit Application No. SAJ-2024-05116**

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 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, Brian West, by email at brian.a.west@usace.army.mil or by telephone at (321) 504-3771 (x0014).

APPLICANT: Sunset Beach Property Owner's Association, Inc.
Attn: Alan Tarpell
10 SE Central Parkway, #400
Stuart, FL 34994

WATERWAY AND LOCATION: The project would affect aquatic resources associated with the St. Lucie Inlet (Indian River-St. Lucie Inlet, HUC-12 (030902060504)). The project site is located within the Indian River Lagoon, South Sublagoon, west of S. Ocean Dr., in Section 29, Township 35 South, Range 41 East; at Latitude 27.468036° and Longitude -80.268168°; in Hutchinson Island, St. Lucie County, Florida.

EXISTING CONDITIONS: Sunset Beach Property Owner's association is developing a multi-family project east of S. Ocean Dr. and has waterfront on the west side of S. Ocean Dr. abutting the Indian River Lagoon. The State of Florida is reviewing the dock and development under 56-0264272-006-EI. Prior surveys completed by the consultant on 27 June 2025 and 13 September 2023 have identified several species of seagrasses in a mostly continuous bed (low-high density) including Paddle grass (*Halophila decipiens*), Manatee grass (*Syringodium filiforme*), and/or Shoal grass (*Halodule wrightii*). These seagrass beds are within the immediate vicinity of and adjacent to the existing mangroves along the shoreline. The proposed vessel mooring area is waterward of both the SAV bed and the mangrove fringe with only a single access pier transiting the seagrasses and mangroves. Aerial seagrass surveys conducted biennially by the St. Johns River Water Management District noted no seagrasses in the review area during their most recent survey published in 2023.

PROJECT PURPOSE:

Basic: Creation of a multi-family marina.

Overall: Creation of a multi-family marina with 44 wet slips within St. Lucie Co.

PROPOSED WORK: The applicant requests authorization to install a new multi-family marina with a total of 44 wet slips. The proposed construction includes:

1. Install a private multi-family dock (8,443 sq. ft.)
 - A. Access pier 564 ft. x 4 ft. (1,102 sq. ft.)
 - i. Two (2) ADA turnarounds 10 ft. x 2 ft. (20 sq. ft.)
 - B. Access pier 156 ft. x 8 ft. (1,248 sq. ft.)
 - C. Terminal pier North 196 ft. x 8 ft. (1,568 sq. ft.)
 - D. Terminal pier North 40 ft. x 8 ft. (320 sq. ft.)
 - E. Terminal pier South 182 ft. x 8 ft. (1,456 sq. ft.)
 - F. Twenty-one (21) finger piers 25 ft. x 3 ft. (1,575 sq. ft.)
 - G. Install forty-four (44) boat lifts
 - H. Install nine hundred (900) piles by impact hammer
 - i. Three hundred forty-eight (348) 14-inch diameter wood piles, or smaller.
 - ii. Three hundred fifty-two (352) 24-inch diameter concrete piles, or smaller.

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 applicant will utilize a turbidity curtain for all in-water work, will utilize silt curtains for the work within the mangroves, will monitor for turbidity during construction activities, and will install mooring prevention railings along the access piers. The applicant has also agreed to implement the Standard Manatee Conditions for In-Water Work, and will be posting educational signage at the docks related to the protection of listed species.

COMPENSATORY MITIGATION: Proposed work is a Section 10-only structure with no discharge of fill material. Therefore, no mitigation for filling in wetlands is required.

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:

Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are known to be present within the Corps' permit area, but the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.

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. The SHPO has reviewed this project as part of the State of Florida's permit review (FDEP application number 0264272-006). Please refer to the letter published on 19 June 2025 under DHR Project File No: 2025-3669.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the Regulatory Screening Tool utilizes data from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) SERO 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. Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

Table 1. ESA-listed Species in the Action Area and Effect Determination(s)

Species	ESA Listing Status	Listing Rule/Date	Effect Determination (Species)
American crocodile (<i>Crocodylus acutus</i>)	T (in FL)	40 FR 44149 44151 / October 28, 1975	<u>NE</u>
Eastern Black rail (<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>)	T	85 FR 63764 63803 / November 9, 2020	<u>NE</u>
Eastern indigo snake (<i>Drymarchon couperi</i>)	T	43 FR 4026 4029 / March 3, 1978	<u>NE</u>
Everglade snail kite (<i>Rostrhamus sociabilis plumbeus</i>)	E	32 FR 4001 / March 11, 1967	<u>NE</u>
Florida panther (<i>Puma</i> (=Felis) <i>concolor coryi</i>)	E	32 FR 4001 / March 11, 1967	<u>NE</u>
Piping Plover (<i>Charadrius melodus</i>)	T	50 FR 50726 50734 / December 11, 1985	<u>NE</u>
Southeastern beach mouse (<i>Peromyscus polionotus niveiventris</i>)	T	54 FR 20598 20602 / May 12, 1989	<u>NE</u>

Species	ESA Listing Status	Listing Rule/Date	Effect Determination (Species)
West Indian Manatee (<i>Trichechus manatus</i>)	T	32 FR 4001 / March 11, 1967	<u>NLAA</u>
Wood Stork (<i>Mycteria americana</i>)	T	49 FR 7332 7335 / February 28, 1984	<u>NE</u>

E = endangered; T = threatened; NLAA = may affect, not likely to adversely affect; LAA = Likely to adversely affect, NE = no effect; N/A = not applicable

Effects determination: “No effect” for American Crocodile, Eastern Black Rail, Eastern Indigo Snake, Everglade Snail Kite, Florida Panther, Piping Plover, Southeastern Beach Mouse, and Wood Stork. “May affect, not likely to adversely affect” the Green Sea Turtle, Kemp’s Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, North Atlantic Right Whale, Smalltooth Sawfish, and West Indian Manatee.

Basis for “no effect” determinations:

1. American crocodile: No suitable habitat will be impacted by the proposed work and, therefore, the Corps has determined that the proposed project will have *no effect* on the American crocodile.
2. Eastern Black Rail: This species utilizes a variety of salt, brackish, and freshwater marsh habitats that can be tidally or non-tidally influenced. They require dense vegetative cover that allows movement underneath the canopy (USFWS 2024). “Further South along the Atlantic Coast, eastern black rail habitat includes impounded and un-impounded salt and brackish marshes” (USFWS 2024). While the project area is located between a brackish waterbody and saltwater body, there is no marsh habitat present, and this area lacks the tuft grasses that are typical of suitable habitat for this species. No suitable habitat will be impacted by the proposed work and, therefore, the Corps has determined that the proposed project will have *no effect* on the Eastern Black Rail.
3. Eastern Indigo Snake: The Corps completed an evaluation of the project based upon the USFWS South Florida Ecological Services Field Offices Consultation Key for the Eastern Indigo Snake (August 2017). Use of the Key resulted in the following sequential determination: A (Project is located solely in open water or salt marsh) = *No effect*. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.
4. Everglade Snail Kite: Utilizing the Draft SLOPES Manual (March 2020) and the *South Florida Ecological Services Office DRAFT Snail Kite Survey Protocol* (May 18, 2004), and no suitable habitat will be impacted by the proposed work. Therefore, the Corps has determined that the proposed project will have *no effect* on the Everglade Snail Kite.

5. Florida Panther: The Corps completed an evaluation of the project based upon the USFWS Florida Panther Effect Determination Key (February 2007). Use of the Key resulted in the following sequential determination: A, B = *No Effect*. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

6. Southeastern Beach Mouse: This species inhabits “sand dunes which are vegetated by sea oats and dune panic grass... A study conducted on Merritt Island indicated that the southeastern beach mice may [also] prefer open sand habitat with clumps of palmetto and sea grapes, or dense scrub habitat dominated by palmetto, sea grape, and wax myrtle; over seaward habitat with sea oats (Extine and Stout 1987)” (USFWS). No suitable habitat will be impacted by the proposed work. Therefore, the Corps has determined that the proposed project will have *no effect* on the Southeastern Beach Mouse.

7. Piping Plover: This species will “nest above the high tide line on coastal beaches, sandflats at the ends of sand spits and barrier islands, gently sloping foredunes, blowout areas behind primary dunes, sparsely vegetated dunes, and washover areas cut into or between dunes. Feeding areas include intertidal portions of ocean beaches, washover areas, mudflats, sandflats, wracklines, and shorelines of coastal ponds, lagoons, or saltmarshes. Wintering plovers on the Atlantic Coast are generally found at accreting ends of barrier islands, along sandy peninsulas, and near coastal inlets. Loss and degradation of habitat due to development and shoreline stabilization have been major contributors to the species’ decline. Disturbance by humans and pets often reduces the functional suitability of habitat and causes direct and indirect mortality of eggs and chicks. Predation has also been identified as a major factor limiting piping plover reproductive success at many Atlantic Coast sites, and substantial evidence shows that human activities are affecting types, numbers, and activity patterns of predators, thereby exacerbating natural predation” (USFWS 1996 - Piping Plover Atlantic Coast Population – Revised Recovery Plan). No suitable habitat will be impacted by the proposed work. Therefore, the Corps has determined that the proposed project will have *no effect* on the Piping Plover.

8. Wood Stork: The Corps completed an evaluation of the project based upon the USFWS South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Wood Stork (January 2010). Use of the Key for Wood Stork resulted in the following sequential determination: A (Project does not affect Suitable Foraging Habitat) = *No effect*. The Corps has FWS concurrence for the proposed activities through the use of the aforementioned determination key.

Basis for “may affect, not likely to adversely affect” determinations:

1. West Indian Manatee: 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, H, I, J, K, N, O, P1 = *May affect, not likely to adversely affect* (concurrence required*). The Corps partially based this determination on the implementation of the Standard Manatee Conditions for In-Water Work, 2011, which the applicant agreed to implement.

- *In 2024 the USFWS and the Corps agreed to a regional addendum to the Manatee Key for new or expanding multi-slip facilities within the Indian River Lagoon. Pursuant to Section 7 ESA, the Corps will seek concurrence on this determination with USFWS in accordance with 50 CFR part 402.

2. 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 PDC checklist, certification that the activity meets the applicable PDCs, and supporting documentation for the proposed activity were emailed to NMFS on 17 July 2025. Therefore, the Jacksonville District satisfied the project-specific review requirements stipulated in the JAXBO and satisfied its obligation under the ESA for the above-listed species and critical habitats within the NMFS purview.

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 would have no substantial adverse effect to EFH and/or fisheries managed by Fishery Management Councils and NMFS. Implementation of the proposed project would directly impact seagrass beds and mangrove forest in the vicinity of the project. The effects of the access pier which transits through EFH resources has been determined to be minimal and permanent.

Impacts are estimated to include 1,228 sq. ft. of seagrass shading impacts, 61 sq. ft. of direct impacts from pile placement, and 1,048 sq. ft. of mangrove impacts. Seagrass shading impacts have been minimized by reducing the width of the access pier to 4 ft., elevating the dock to 5 ft. above the MHWL, and including ½ inch spacing between the deckboards to maximize light penetration. This habitat is utilized by the following species and their various life stages:

Species	Life Stage
Bluefish	Adult
Spiny Lobster	ALL
Summer Flounder	Adult
Summer Flounder	Larvae
Atlantic Sharpnose Shark (Atlantic Stock)	Adult
Great Hammerhead Shark	ALL
Tiger Shark	Juvenile/Adult
Snapper Grouper	ALL
Skipjack Tuna	Adult
Bull Shark	Juvenile/Adult
Shrimp	ALL
Summer Flounder	Juvenile
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 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). The project is being reviewed under FDEP application no. 0264272-006.

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.

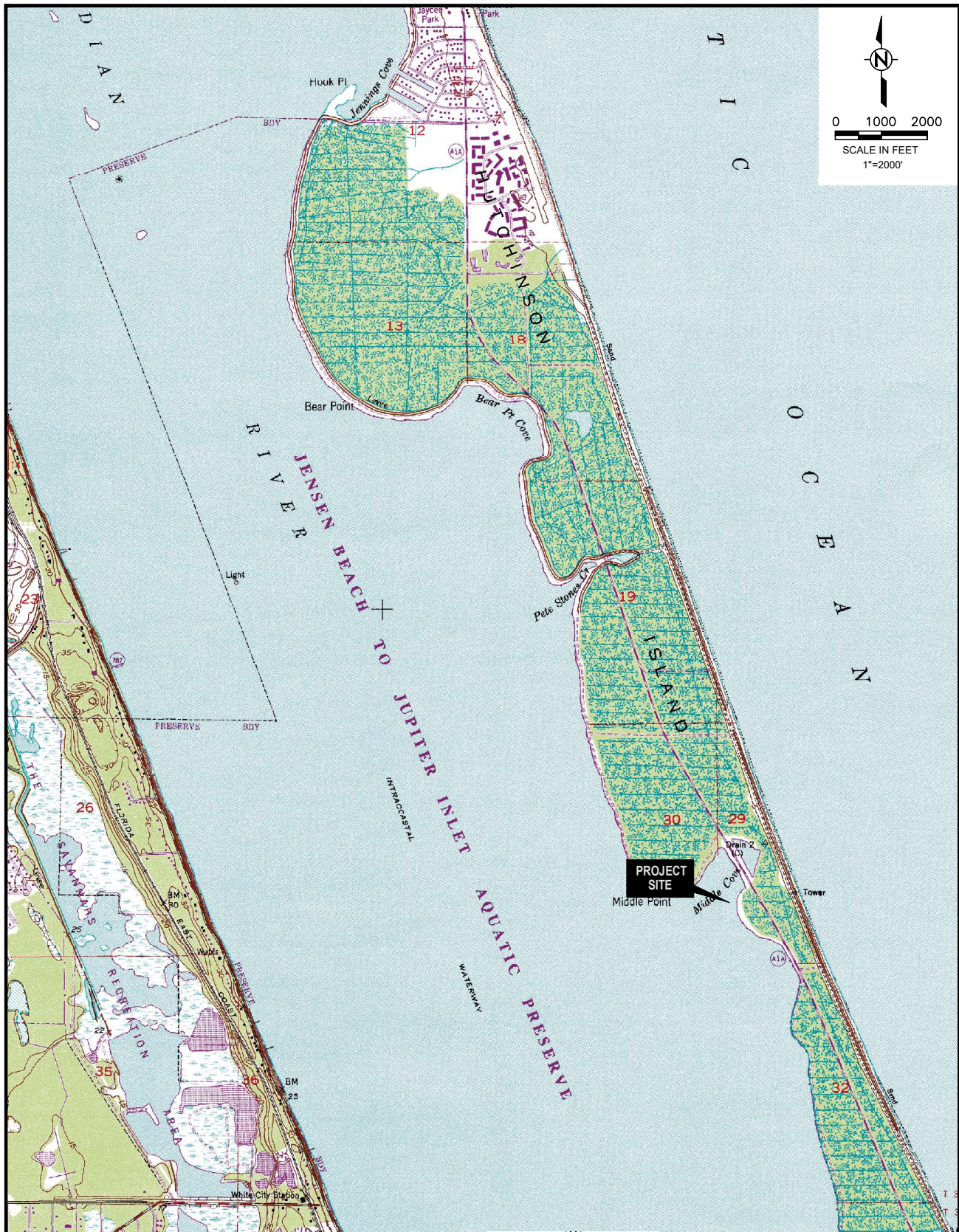
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the

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 August 20, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brian West, by email at brian.a.west@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Brian West, 400 High Point Drive, Cocoa, FL 32940. Please refer to the permit application number in your comments.

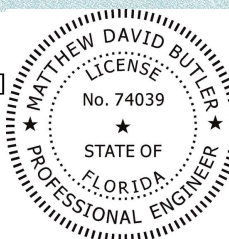
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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



TAKEN FROM FLORIDA QUADRANGLE
 SEC: 29 TWP: 35S RGE: 41E
 LAT: 27° 23' 59" N
 LONG: 080° 16' 05" W

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

7/7/2025



VICINITY MAP

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE <small>REGISTRY NUMBER: 8114 649 U.S. HWY 1, SUITE 9, NORTH PALM BEACH, FL 33408 (561) 881-0003</small>							
PROPOSED MULTI-FAMILY DOCKING FACILITY INDIAN RIVER DIAMOND SHORES HUTCHINSON ISLAND, ST. LUCIE COUNTY, FL APPLICANT: SUNSET BEACH PROPERTY OWNER'S ASSOCIATION, INC.							
DATE	10/24	DRAWN	ELF	CHKD	ELF	APPRVD	MDB
DWG NO.	24043Dr1					SHEET 1 OF 6	

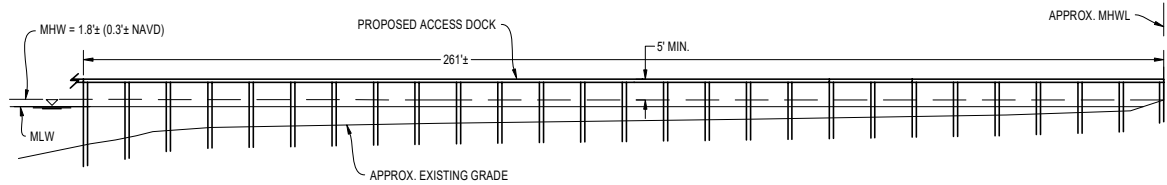
REV 1 4/25 REVISED SHEET NUMBERS

SECTION A-A

0 15 30

SCALE IN FEET

1"=30'

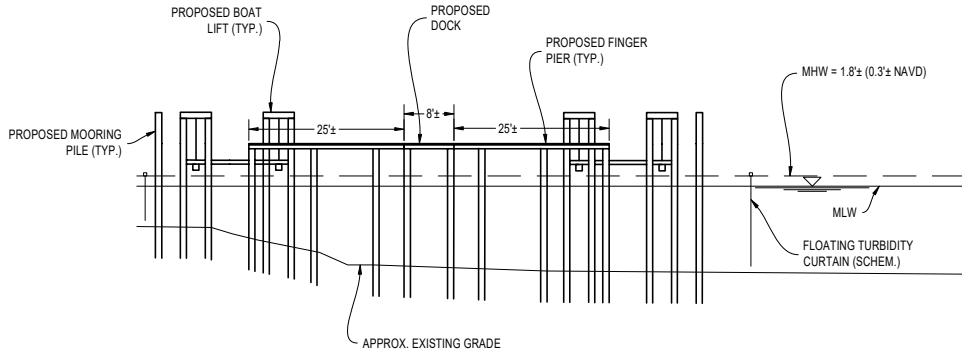


SECTION B-B

0 10 20

SCALE IN FEET

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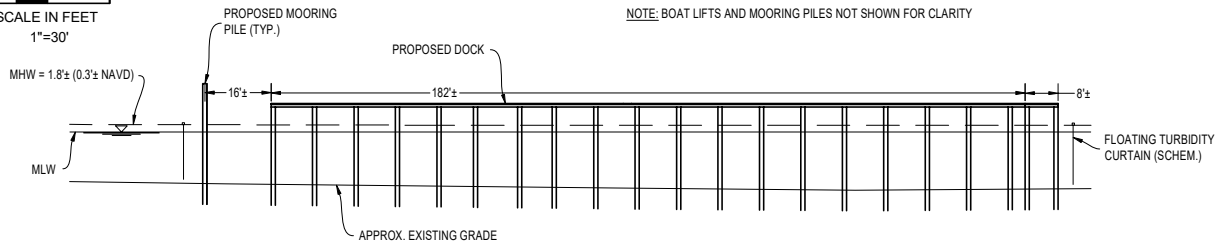


SECTION C-C

0 15 30

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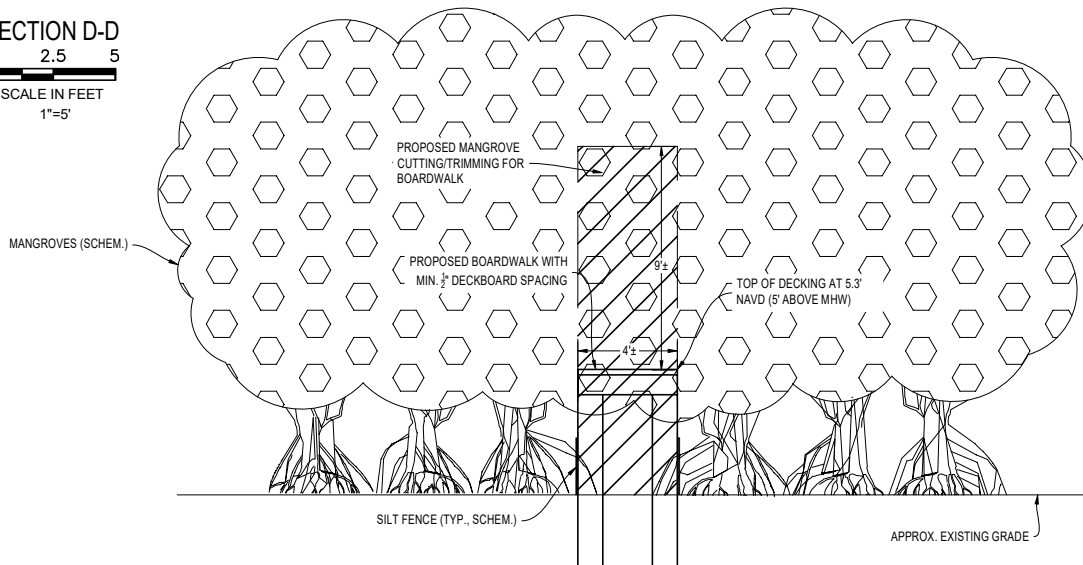


SECTION D-D

0 2.5 5

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1"=5'



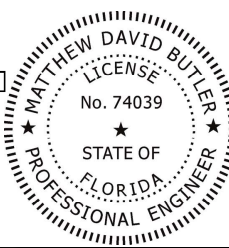
NOTES:

- DATUM IS MLW. MLW = -1.5'± NAVD FROM DEP BUREAU OF SURVEY AND MAPPING.
- EXISTING LOCATIONS AND CONTOURS ARE APPROXIMATE BASED ON SURVEY BY LAVENTURE & ASSOCIATES, INC., AND ON-SITE OBSERVATIONS.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

7/7/2025



SECTION VIEW

ISMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE REGISTRY NUMBER: 8114 649 U.S. HWY 1, SUITE 9, NORTH PALM BEACH, FL 33408 (561) 881-0003							
PROPOSED MULTI-FAMILY DOCKING FACILITY INDIAN RIVER DIAMOND SHORES HUTCHINSON ISLAND, ST. LUCIE COUNTY, FL APPLICANT: SUNSET BEACH PROPERTY OWNER'S ASSOCIATION, INC.							
DATE	10/24	DRAWN	ELF	CHKD	ELF	APPRVD	MDB
DWG NO.	24043Dr2			SHEET		6 OF 6	

REV 2 7/25 REVISED PER DEP RAI