



US Army Corps  
of Engineers®

# PUBLIC NOTICE

Applicant:  
Michael Machupa  
Everglades National Park

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**Jacksonville District**  
**Permit Application No. SAJ-2005-10978**

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 [Maria.I.Bezanilla@usace.army.mil](mailto:Maria.I.Bezanilla@usace.army.mil).

**APPLICANT:** Michael Machupa  
Everglades National Park  
40001 State Road 9336  
Homestead, Florida 33034

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with Florida Bay and Whitewater Bay. The project site is located at the Flamingo Marina in the Everglades National Park; at latitude 25.142745° and longitude - 80.922422°; in Florida City, Monroe County, Florida.

**EXISTING CONDITIONS:** Flamingo Marina is located at the southernmost tip of the Florida peninsula within Everglades National Park. It is approximately 40 miles southwest of the main park entrance in Monroe County, Florida. The Flamingo Marina borders Florida Bay to the south but is also connected to Coot Bay to the north. The Flamingo Marina is the primary entrance point into Whitewater Bay and Florida Bay for visitors, researchers, and park staff. The Flamingo Marina consists of four basins 1) Visitor Center Bay, 2) Florida Bay, 3) Whitewater Bay, and 4) Maintenance Marina Bay. The Flamingo Marina was built in 1955-1956 with pre-cast concrete panels and poured concrete seawall caps, steel tie rods, and creosote-treated piles. Due to rusting and expanding steel, the bulkheads are showing signs of aging and could eventually be a potential hazard for visitors and staff. Hurricanes and the proximity of the bulkheads to the open waters of Florida Bay cause them to be especially vulnerable to storm damage. No seagrass, corals, or wetlands were documented within the project footprint.

## **PROJECT PURPOSE:**

**Basic:** Enhance shoreline protection and public recreation and water access.

**Overall:** To maintain public recreational access and shoreline protection at Everglades National Park, Monroe County, Florida.

**PROPOSED WORK:** The applicant requests authorization to replace a 1,000 linear feet seawall section along Florida Bay and Whitewater Bay with a metal seawall. The metal seawall shall be placed in front of the existing seawall extending up to 22 inches from the wetface of the existing seawall resulting in 1,208 cubic yards of clean fill within a 1,833 square foot area, remove and replace approximately 568.39 square feet of floating docks/ramps/timber guide posts, and mooring piles within the same location to accommodate the new seawall cap, to install temporary floating turbidity barriers around all work areas that are in/over U.S. navigable waters.

**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 has been redesigned to avoid and minimize impacts to the maximum extent practicable. In addition, turbidity curtains will be deployed to isolate the construction site from ambient waters.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: No impacts to seagrass, corals, or wetlands are proposed; therefore, no compensatory mitigation is proposed.

## **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. Flamingo Mission 66 Historic Developed Area), are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. A memorandum of agreement between the National Park Service (NPS) and the Florida State Historic Preservation Officer was finalized on October 31, 2024 (DHR Project File No.: 2024-1262), for a larger scope of work than proposed. The lead Federal agency pursuant to Section 106 NHPA is the NPS. The NPS will re-initiate consultation with the SHPO and/or THPO, if required.

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, the 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.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Smalltooth Sawfish, Critical Habitat, Unit 2, Ten Thousand Islands/Everglades Unit	<i>Pristis pectinata</i>	Final
Green Sea Turtle, Critical Habitat, FL01: Florida	<i>Chelonia mydas</i>	Proposed

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The NPS is the lead Federal agency for U.S. Fish and Wildlife Service ESA consultation for the proposed action. Service Consultation Code: 2024-0098482. The Corps is the lead Federal agency for National Marine Fisheries Service ESA consultation for the proposed action. Any required consultation will be completed by the lead agency as listed above.

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 1,833 square feet of submerged habitat will be filled to accommodate the new seawall. 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:

<b>Layer: NOAA Essential Fish Habitat</b>	
<b>Species</b>	<b>Life Stage</b>
Lemon Shark	Neonate/Juvenile/Adult
Tiger Shark	Juvenile/Adult
Sailfish	Adult
Great Hammerhead Shark	ALL
Nurse Shark	Juvenile/Adult
Bonnethead Shark (Gulf of Mexico Stock)	Neonate/Juvenile/Adult
Bull Shark	Neonate/Juvenile/Adult
Shrimp	ALL
Caribbean Reef Shark	ALL
Blacktip Shark (Gulf of Mexico Stock)	Neonate/Juvenile/Adult
Sandbar Shark	Adult
Spinner Shark	Neonate
Snapper Grouper	ALL
Blacknose Shark (Gulf of Mexico Stock)	Neonate
Spiny Lobster	ALL
Coastal Migratory Pelagics	ALL
Bluefish	Eggs/Larvae/Juvenile/Adult
Reef Fish	ALL
<b>Layer: NOAA Habitat Areas of Particular Concern</b>	
<b>Species</b>	<b>HPAC Sitename</b>
Snapper Grouper	Mangroves
Penaied Shrimp	Coastal Inlets
Spiny Lobster	Florida Bay

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 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 19, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Maria Bezanilla at [Maria.I.Bezanilla@usace.army.mil](mailto:Maria.I.Bezanilla@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Maria Bezanilla, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176. 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.



**Figure 1. Flamingo Marina project site (shown within the red boarder)**



