



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Thomas Murphy
690/720 NE 5th Avenue Boca LLC

Published: April 29, 2025
Expires: May 29, 2025

**Jacksonville District
Permit Application No. SAJ-2021-00447**

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 Jessica.F.Bedsworth@usace.army.mil.

APPLICANT: Thomas Murphy
690/720 NE 5th Avenue Boca LLC
327 Plaza Real Blvd, Suite 225
Boca Raton, FL 33432

WATERWAY AND LOCATION: The project would affect aquatic resources associated with the Intracoastal Waterway. The project site is located at 690 and 720 NE 5th Avenue; at latitude 26.356995° and longitude -80.075924°; in Boca Raton, Palm Beach County, Florida.

EXISTING CONDITIONS: The site consists of a single-family residential property on the west side of the Intracoastal Waterway 1.5 miles north of the Boca Raton Inlet. On site there is an existing 271 linear foot concrete seawall and a 686 square foot wooden marginal dock which were both received Department of Army (DA) authorizations under SAJ-2021-00447. The prior DA permit also authorized the removal of riprap along the shoreline and backfilling of an upland cut boat basin, which has been completed. The permit required the applicant to conduct pre and post construction aquatic resource surveys due to the proximity to seagrass and corals; however, the applicant failed to do so.

The most recent benthic resource survey was completed on June 6, 2024 found that no seagrasses or mangroves were present in the project area. However, 30 individual lesser starlet coral colonies (*Siderastrea radians*; ±5-20 cm) were observed in the northern portion of the survey area ±20' to ±40' waterward of the existing seawall and in the southern portion of the survey area ±50' to ±55' waterward of the existing seawall.

Previous benthic surveys for the prior authorizations found seagrass and corals at the site:

June 8, 2021- Johnson's seagrass (*Halophilla johnsonii*, ± 5 -15% coverage) was observed in the shallow area of the southern portion of the survey area and continued waterward $\pm 15'$ in line with the existing wooden marginal dock. In addition, another patch of Johnson's seagrass (*H. johnsonii*, ± 5 -15% coverage) was observed in the northern portion of the survey area about $\pm 4'$ waterward of the existing seawall extending $\pm 15'$ off the seawall. Paddle seagrass (*Halophilla decipiens*, ± 10 % coverage) was observed in a $\pm 2'$ patch at the northern corner of the existing boat basin. Coral colonies (size varies ± 5 -15cm) were observed on the small rock boulders along the entire length of the property $\pm 50'$ waterward of the unconsolidated riprap shoreline on the southern portion of the property and $\pm 30'$ waterward of the seawall on the central and northern portion of the property. The total number of coral colonies were estimated to be ± 11 .

September 8, 2022. The benthic substrate consists of sand and rock. Depths within the survey area varied from 1-8 feet, with depths increasing towards the center of the Intracoastal Waterway. No seagrass was observed during this survey; however, *Siderastrea radians* (± 5 -10 centimeters) were observed 30-40 feet waterward of the seawall in the central portion of the property. The total number of lesser starlet coral colonies observed greater than 5 centimeters was ± 5 .

June 2, 2023. The benthic substrate consists of sand and rock. Depths within the survey area varied from 4-6 feet, with depths increasing towards the center of the Intracoastal Waterway. A 5 foot by 10 foot patch of paddle seagrass (*Halophilla decipiens*, ± 20 % coverage) was observed approximately 30-35' waterward of the seawall in the southern portion of the site. No corals were noted, but the previously existing corals were located outside of the project area that was assessed by that benthic survey.

PROJECT PURPOSE:

Basic: Improve navigation.

Overall: The overall project purpose is to improve navigation for a residential property located at 690/720 NE 5th Avenue, Boca Raton, Florida.

PROPOSED WORK: The applicant requests authorization to improve navigation and create coral habitat for a single family property by conducting the following activities:

1. Dredging a $\pm 8,018$ square foot area (1,782 c.y.) from -3 to -10 MLW and
2. Installing 664 square feet (74 c.y.) of riprap for coral relocation.

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 existing *Siderastrea radians* coral within the dredge footprint will be relocated to the proposed riprap to minimize impacts to coral.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The existing corals located within the footprint of the dredge will be relocated to riprap placed on the southern portion of the site within the basin area.

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.

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 U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) ESA 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
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered

Smalltooth Sawfish	<i>Pristis pectinata</i>	Endangered
Giant Manta Ray	<i>Mobula birostris</i>	Threatened
Queen Conch	<i>Strombus gigas</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) 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 8,018 square feet of sand, crushed shell and rock rubble and relocate existing corals. 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:

EFH (2 layers queried, 2 returned results)		
Layer: NOAA Essential Fish Habitat		
Species	Life Stage	
Shrimp	ALL	
Snapper Grouper	ALL	
Spiny Lobster	ALL	
Corals	ALL	
Source: https://services2.arcgis.com/C8EMgrsFcRFL6LrL/arcgis/rest/services/EFH/FeatureServer/0		
Layer: NOAA Habitat Areas of Particular Concern		
Species	Habitat	HPAC Sitename
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	SEAMAP Nearshore Hard Bottom
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	Phragmatopoma (worm reefs)
Snapper-Grouper		SEAMAP Hard Bottom
Source: https://services2.arcgis.com/C8EMgrsFcRFL6LrL/ArcGIS/rest/services/HAPC/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: Based on the Florida State Plane coordinates and project plans provided by the applicant, the waterward edge of the proposed riprap is more than 84 feet away from the near bottom edge of the Intracoastal Waterway federal channel.

SECTION 408: The applicant may require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, may 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 the Florida Department of Environmental Protection. 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.

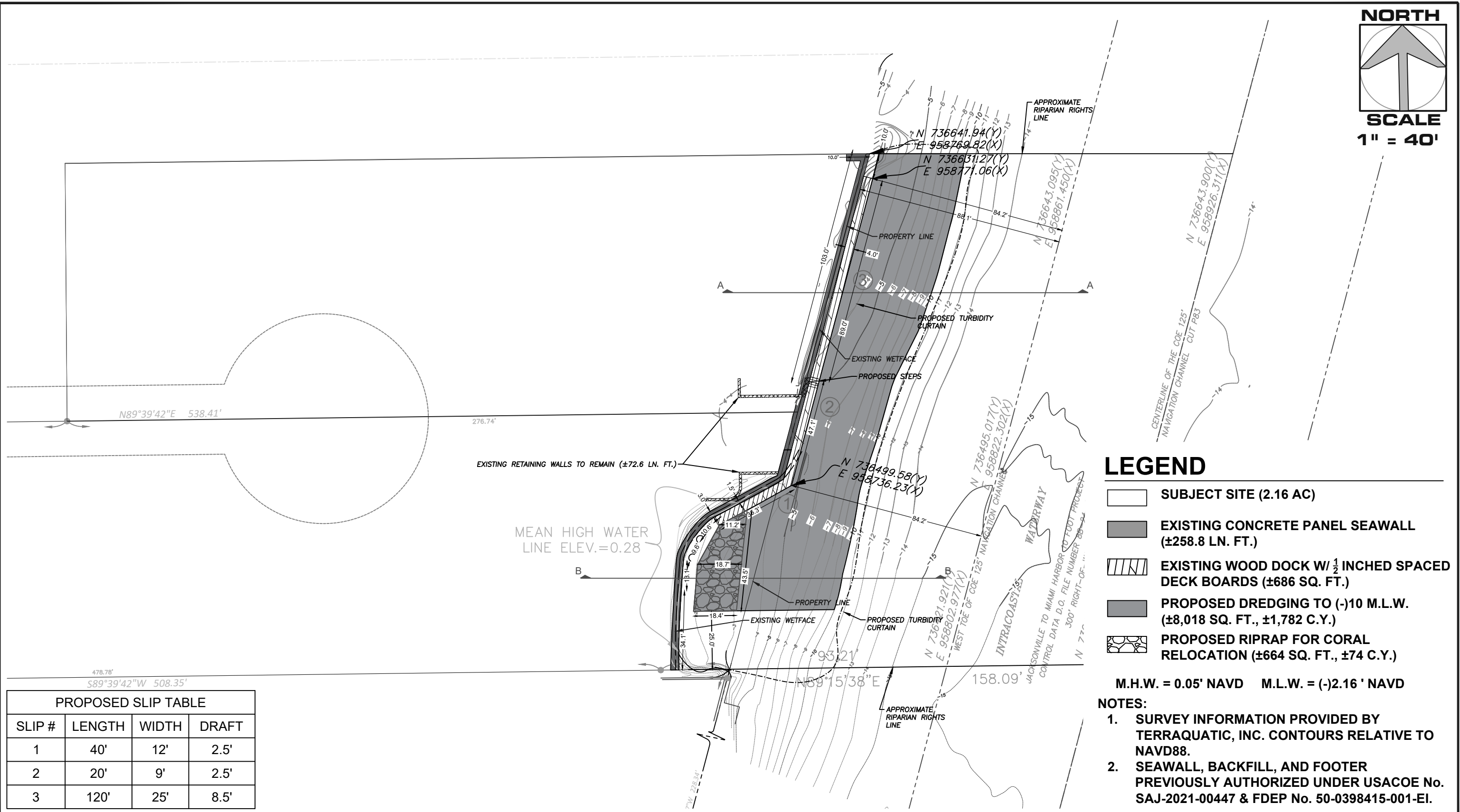
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 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 May 29, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jessica Bedsworth at Jessica.F.Bedsworth@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Jessica Bedsworth, 4400 PGA Blvd, Suite 500 Palm Beach Gardens, FL 33410. 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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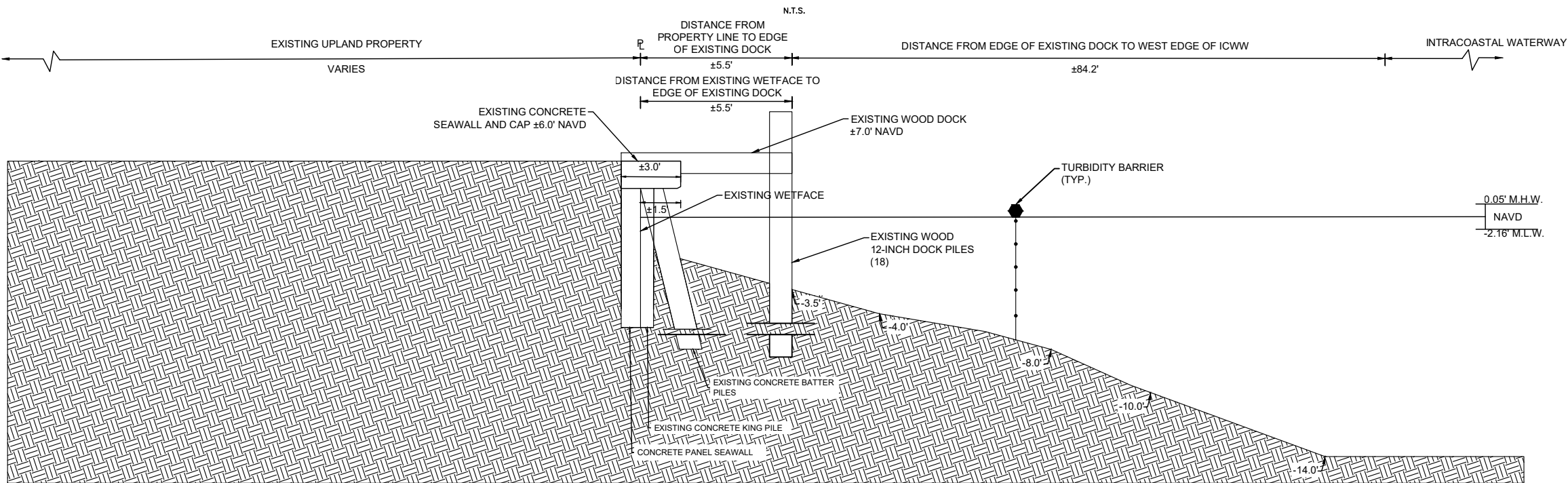
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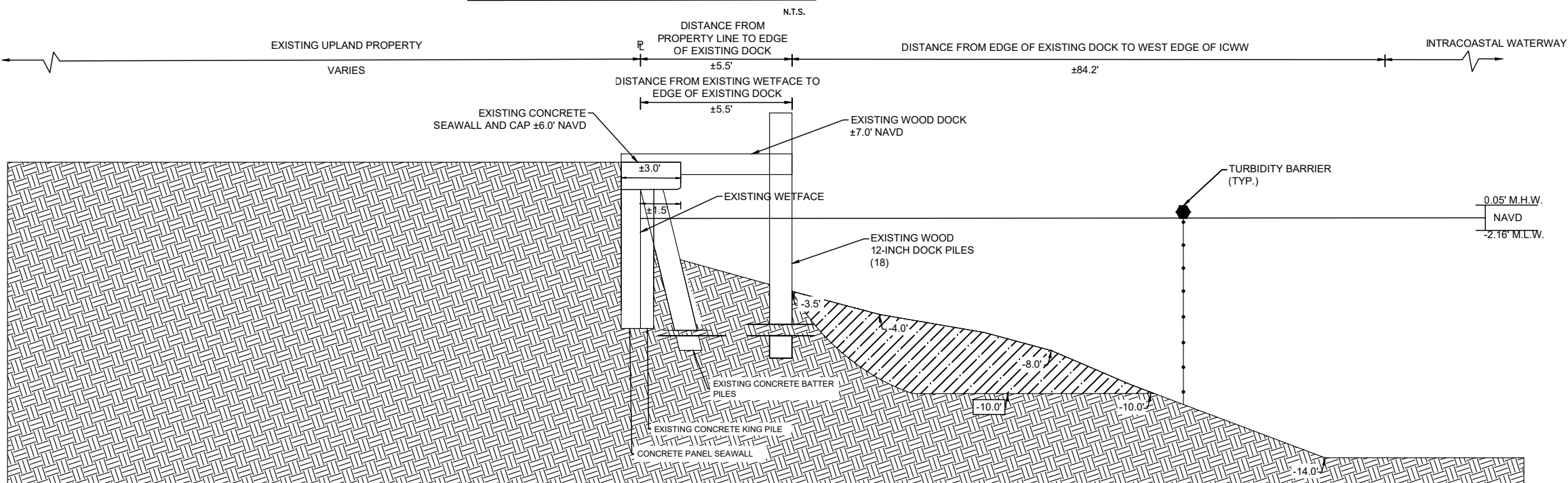
690 & 720 NE 5TH AVENUE

PREPARED FOR:
MR. THOMAS MURPHY

EXISTING CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



LEGEND

PROPOSED DREDGING TO (-)10 M.L.W. (±9,520 SQ. FT., ±165 C.Y.)

EXISTING DEPTH (NAVD)

PROPOSED DEPTH (NAVD)

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PREPARED FOR:
MR. THOMAS MURPHY

SECTION A

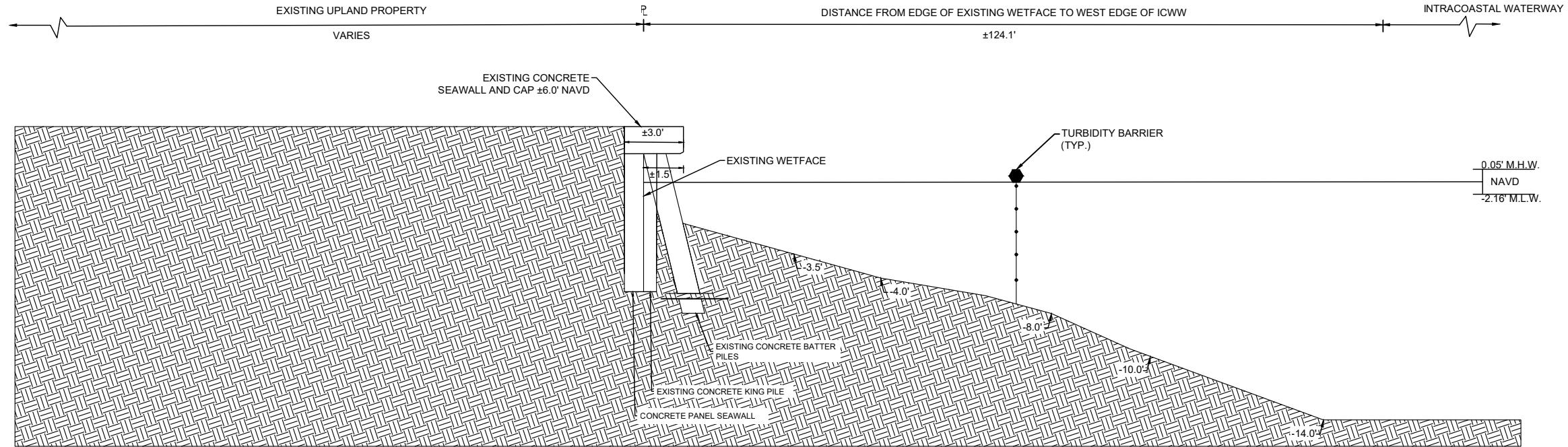
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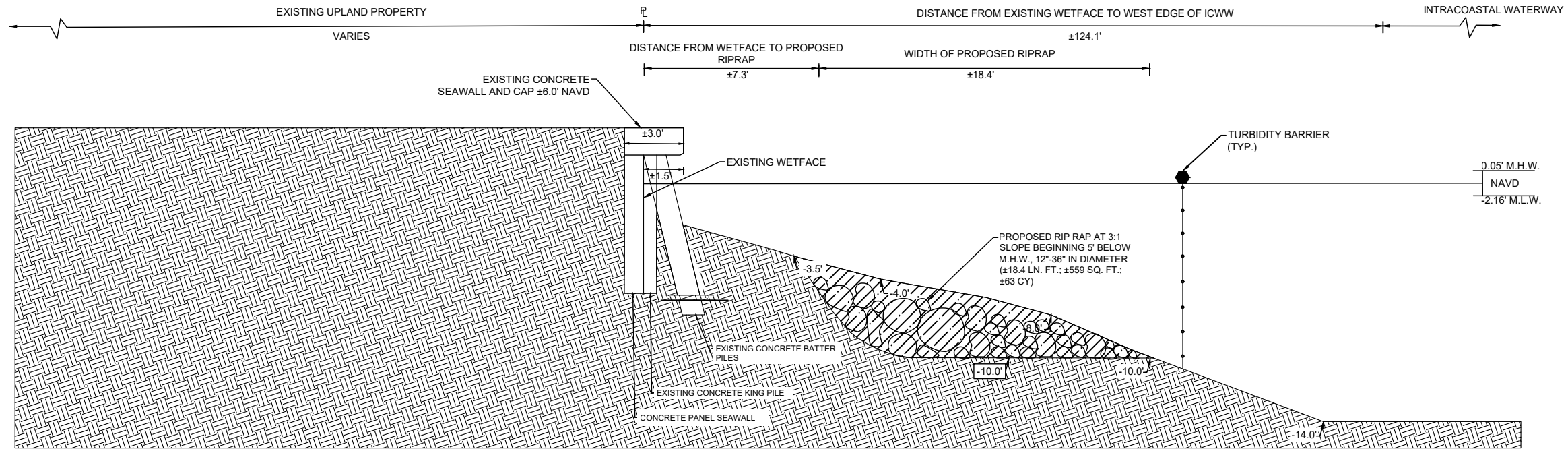
EXISTING CONDITIONS B-B (TYP.)

N.T.S.






PROPOSED CONDITIONS B-B (TYP.)

N.T.S.



LEGEND

 PROPOSED DREDGING TO (-)10 M.L.W. (±9,520 SQ. FT., ±165 C.Y.)  -2.16' EXISTING DEPTH (NAVD)  -10.0' PROPOSED DEPTH (NAVD)

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PREPARED FOR:
MR. THOMAS MURPHY

SECTION B

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