

## **PUBLIC NOTICE**

US Army Corps of Engineers®

Applicant: John D'Agostino Town of Lake Park Published: April 30, 2025 Expires: May 21, 2025

## Jacksonville District Permit Application No. SAJ-1989-94439(SP-JLM)

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 <u>Jeffrey.L.Meyer@usace.army.mil</u>.

APPLICANT: John D'Agostino Town of Lake Park 535 Park Avenue Lake Park, Florida 33403

AGENT: Nicholas J. Raines Bolchoz Marine Advisors, Inc. 103 South US Highway 1 Suite F5-171 Jupiter, Florida 33477

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with the Lake Worth Lagoon. The project is located at 103 Lake Shore Drive in Section 21, Township 42 South, Range 43 East; at Latitude 26.79454° and Longitude -80.05190°; in Lake Park, Palm Beach County, Florida.

**EXISTING CONDITIONS:** The project site is an existing marina consisting of an enclosed basin with docks providing a total of 122 wet slips, and a two-lane boat ramp. The waters within the basin are tidal and connect directly to the Lake Worth Lagoon. Benthic resource surveys were conducted on June 10, 2024 and October 15, 2024. Both surveys indicated the presence of seagrass (*Halophila decipiens*) within the marina basin; however, the total area of seagrass coverage was significantly lower in the October survey. The area surrounding the project consists of commercial and residential development to the north, south, and west, and the Lake Worth Lagoon to the east.

## **PROJECT PURPOSE:**

Basic: Improved water access.

**Overall:** Improved water access within the existing Lake Park Marina in the Town of Lake Park, Florida.

**PROPOSED WORK:** The applicant requests authorization to reconfigure the existing marina by conducting the following activities:

- 1. Relocate the existing two-lane municipal boat ramp to the northeast corner of the property. The current ramp will be demolished, and the bottom excavated to match the surrounding bathymetry. The ramp removal will generate approximately 218 cubic yards (CY) of material, most of which will be used at the new ramp location to create the required slopes for the new ramp. The shoreline at the old ramp location will be stabilized with 162 linear feet of concrete seawall. The new ramp will be approximately 38 feet wide and 75 feet long, providing two lanes. Construction of the new ramp will require 145 CY of fill material for the subgrade, and a concrete ramp cast on top of the slope.
- Construction of a new 350-slip dry storage building located on the upland near the old boat ramp location. An area for launching vessels into the water will be constructed along the existing seawall area adjacent to the proposed building. Temporary staging docks will be constructed to assist with safe and efficient launching and retrieval of dry slip vessels (see dock description below).
- 3. The existing docks will be reconfigured to accommodate dry storage and boat ramp staging, as well as a modified slip mix within the marina basin. The dock reconfiguration consists of the removal of the existing docks, and the construction of a total of 24,416 square feet of floating docks, which will provide a total of 47 permanent wetslips; four (4) boatlifts for the proposed automated dropwells at the dry storage building; and temporary staging docks and daydocks. The docks will be anchored with 170 12-inch steel pipe anchor piles. The existing fuel dock will remain.

**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 designed the project to avoid and minimize impacts to seagrass. The wet slip reconfiguration reduces the existing wet slip count from 122 to 47. The proposed dredge and fill activities are associated with the removal and relocation of an existing boat ramp. The ramp is being relocated back to its original location in the northeast corner of the property in order to better accommodate boat traffic and safe navigation throughout the marina basin. The new ramp design is very similar to the existing, in

dimensions and slopes. Both ramp locations (existing and relocated) are located near corners of the boat basin, which will allow for efficient use of floating turbidity curtains and minimize fill impacts. Floating turbidity curtains will be utilized during all in-water work and will remain in place until all erodible sediment has stabilized. The applicant will adhere to the NMFS 2021 protected species construction conditions.

The Corps' initial assessment concluded that the reconfiguration of wet slips within the marina would adversely effect approximately 0.95 acres of seagrass habitat due to shading effects from the proposed dock structures and the vessels within the proposed wet slips.

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

The applicant has provided the following explanation why compensatory mitigation should not be required: No compensatory mitigation is proposed as impacts have been minimized.

Based on the currently proposed adverse impacts to 0.95 acres of seagrass habitat, the Corps' initial determination is that compensatory mitigation will be required to offset the adverse effects of the project.

## **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 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.

The Corps has determined the proposed project may affect, but is not likely to adversely affect swimming sea turtles: (green sea turtle (*Chelonia mydas*), Kemp's Ridley sea

turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*)); smalltooth sawfish (*Pristis pectinata*); and the Giant Manta Ray (*Mobula birostris*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal may affect the Queen Conch (*Alger gigas*) and the West Indian Manatee (*Trichechus manatus*) or its designated critical habitat. The Corps will request initiation of formal consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letters.

**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 0.95 acres of seagrass habitat as a result of shading from the proposed dock structures and the vessels within the proposed wet slips. The effects of the project are determined to be substantial and permanent. These habitat(s) are utilized by the following species and their various life stages:

Penaeid shrimp complex, bluefish, nurse shark, tiger shark, bull shark, blacktip shark, spiny lobster, coastal migratory pelagic fish, and snapper/grouper complex.

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. 50-0220311-004-EI.

**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 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 21, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <a href="https://rrs.usace.army.mil/rrs">https://rrs.usace.army.mil/rrs</a> or to Jeffrey Meyer at Jeffrey.L.Meyer@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Jeffrey Meyer, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 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.

| North Pali   | m Beach<br>ICW   |  |
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|  | FLOOD  |  |
| Lake Park  |  |  |
| Silver Beach Rd  | EBB  |  |
|  | PROPERTY   |  |
|  | Blue-Heron Blve  |  |
| Riviera  | Palm Beach S<br>a Beach  | hores  |
|  |  | ATLANTIC<br>OCEAN  |
|  |  |  |
| Mangonia Park  |  |  |
| <ol> <li>NOTES:</li> <li>PROPERTY LINES AND LAYOUT FEATURES SHOWN IN THESE PLANS ARE BASED ON INFORMATION<br/>TAKEN FROM SURVEY PERFORMED BY CAULFIELD &amp; WHEELER, INC., DATED SEPTEMBER 20, 2022.</li> <li>ELEVATIONS SHOWN ON UPLAND ARE REFERENCED TO NAVD88.</li> <li>SCOPE OF WORK INCLUDES RELOCATION OF EXISTING BOAT RAMP TO LOCATION OF PREVIOUSLY<br/>AUTHORIZED BOAT RAMP, RECONFIGURATION OF EXISTING MARINA, AND CONSTRUCTION OF NEW</li> </ol>                                  |  |  |
| <ul> <li>DRY STORAGE FACILITY.</li> <li>4. SEE SHEET 1 FOR LOCATION MAP, SHEET 2 FOR EXISTING CONDITIONS, SHEET 3 FOR PROPOSED<br/>SITE LAYOUT PLAN, SHEETS 4-9 FOR ENLARGED PLAN VIEWS, SHEET 10 FOR PROPOSED BOAT RAMP<br/>REMOVAL AND SEAWALL LAYOUT PLAN, SHEET 11 FOR PROPOSED BOAT RAMP LAYOUT PLAN,<br/>SHEET 12 FOR PROPOSED SEAWALL CROSS SECTION, SHEET 13 FOR PROPOSED BOAT RAMP<br/>CROSS SECTION AND DETAILS, SHEET 14 FOR FLOATING DOCK CROSS SECTION, AND SHEET 15 FOR</li> </ul> |  |  |
| PROPOSED DRY STORAGE CROSS SECTION AND ELEVATION VIEW.  PURPOSE: PUBLIC RECREATION USAGE   |  |  |
| DATUM: NAVD88<br>APPLICATION BY: TOWN OF LAKE PARK   |  | AT: LAKE WORTH LAGOON<br>COUNTY OF: PALM BEACH<br>SECTION: 21  |
| REV. [DATE]<br>DATE: 3/11/2024   | TOWN OF LAKE PARK<br>105 LAKE SHORE DR<br>LAKE PARK, FLORIDA 33403 | IOWNSHIP: 42 SOUTH<br>RANGE: 43 EAST<br>STATE: FLORIDA SHEET 2 |



