

PUBLIC NOTICE

US Army Corps of Engineers®

Applicant: Keith Benhayon Townhouses of Harbor Beach Condo Assn.

Published: May 29, 2025 Expires: June 19, 2025

Jacksonville District Permit Application No. SAJ-2025-00401

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: Keith Benhayon Townhouses of Harbor Beach Condo Assn. 1800 South Ocean Drive Fort Lauderdale, Florida 33316

AGENT: Kathryn Cartier Unlimited Permit Services, Inc. 902 NE 1 Street, Suite 2 Pompano Beach, Florida 33060

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Mayan Lake. The project/review area is located adjacent to 1800 South Ocean Drive in Section 13, Township 50 South, Range 42 East; at Latitude 26.100180 and Longitude -80.108838; in Fort Lauderdale, Broward County, Florida.

EXISTING CONDITIONS: The project site is an existing marina consisting of approximately 468 linear feet of bulkheaded shoreline with a 351-linear-foot marginal dock running the full length of the eastern shoreline and 8 finger piers extending perpendicular to shore. There is a small marginal dock on the northern shore supporting two floating docks. The marina supports a total of 27 wet slips. The waters within the basin are tidal and connect directly to the Intracoastal waterway. A benthic resource survey was conducted on September 26, 2024. The survey results indicate that benthic resources such as seagrass are not present within the project area. The area surrounding the project consists of residential development to the south and west, and Mayan Lake to the North and East.

PROJECT PURPOSE:

Basic: Improved shoreline stabilization and water access.

Overall: Improved shoreline stabilization and water access within the existing Townhouses of Harbor Beach Condo Association Marina in Fort Lauderdale, Florida.

PROPOSED WORK: The applicant requests authorization to improve the existing 27-slip marina by conducting the following activities:

- 1. Removal of the existing docking structures.
- 2. Replacement of the existing 468± linear foot seawall with a new concrete seawall within 18 inches waterward of the existing seawall wetface.
- 3. Installation of 51 new concrete king piles, 49 new concrete batter piles, and a new 3-foot-wide concrete seawall cap.
- 4. Construction of a new 351-foot by 3-foot concrete marginal dock on 36 new concrete dock piles.
- 5. Installation of 13 new 20-foot by 3-foot floating finger piers each on one concrete pile.
- 6. Installation of two new wood bumper piles.

The total slip count will remain at 27.

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 designed to comply with all applicable Jacksonville Biological Opinion (JAXBO) Project Design Criteria (PDC) for shoreline stabilization and piling supported structures. The applicant will adhere to the Standard Manatee Conditions for In-Water Work and the NMFS 2021 protected species construction conditions. Floating turbidity curtains would be utilized during all in-water work. Construction barges will operate in areas with adequate water depth to minimize bottom disturbance. Navigation impacts will be minimized by encroaching less than 25% into the waterway, specifically, the proposed structure and any moored vessel will extend a maximum of approximately 12% into the over 300' wide waterbody.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: Compensatory mitigation has not been proposed because the proposed work is not anticipated to result in adverse impacts to aquatic resources or the functions they provide.

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) 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.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*) or its designated critical habitat, the 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.

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 not have a substantial adverse impact on EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact 3,253 square feet of silty/mucky unvegetated, unconsolidated benthic substrate. 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: 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 State certifying authority.

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from the State certifying authority. 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 June 19, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <u>https://rrs.usace.army.mil/rrs</u> 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.





SHORING NOTE CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."

GENERAL NOTES:

- 1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
- 2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
- 3. Do not scale drawings for dimensions.
- 4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
- 5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
- 6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
- 7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
- 8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
- 9. Licensed Contractor to verify location of existing utilities prior to commencing work.
- 10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
- 11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
- 12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

- CONCRETE NOTES:

- 3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
- 5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
- - Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
 - Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.







<u>Consultant</u> UNLIMITED PERMIT

SERVICES, INC Marine Design & Consulting 902 NE 1st Street #2 Pompano Beach, FL 33060 (954) 532-0129 Office@unlimitedps.net

Project Engineer

MW ENGINEERING, INC 902 NE 1 Street Suite #2 Pompano Beach, FL 33060 Ofc: 954-532-0129 WWW.MwEngineering.net

Project Information New Seawall / New Docks

Townhouses of Harbor Beach Condo Assoc. Inc 1800 South Ocean Drive Fort Lauderdale, FL 33316 Attn: Mr. Keith Benhayon DATE

8-27-24

9-3-24

MARK E. WEBER, P.E. LICENSE #53895 | CA 30702 MW ENGINEERING, INC 902 NE 1 Street Suite #2 Pompano Beach, Florida 33060 Ofc: 954-532-0129 WWW.MwEngineering.net

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