



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Nicholas Mastroianni  
Harbourside Place LLC, HSP II LLC, &  
HSP III LLC

Published: July 10, 2025  
Expires: August 11, 2025

**Jacksonville District  
Permit Application No. SAJ-1993-00940**

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 [Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil).

**APPLICANT:** Nicholas Mastroianni  
Harbourside Place LLC, HSP II LLC, & HSP III LLC  
691 N U.S. Highway 1  
Tequesta, Florida 33469

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with the Intracoastal Waterway. The project site is located at 100 & 102 N Coastal Way and 200 N U.S. Highway 1; at latitude 26.9343° and longitude -80.0833°; in Jupiter, Palm Beach County, Florida.

**EXISTING CONDITIONS:** The proposed project is located within the Intracoastal Waterway adjacent to an existing 41-slip commercial marina where a portion of the shoreline is bulkheaded and another portion is lined with vegetation and riprap. Multiple natural resource shoreline surveys were conducted on June 18<sup>th</sup>, 2024, September 5<sup>th</sup>, 2024 and April 1<sup>st</sup>, 2025, which identified the substrate as being silty and sandy, with seagrasses present.

In 2009, the U.S. Army Corps of Engineers (Corps) issued a Department of the Army (DA) permit number SAJ-1993-00940, authorizing the installation of a structure for a 28-slip docking facility and then issued a modification for a reconfiguration of the docking structure in 2013. The Corps also issued a regional general permit in 2015 for the installation of 7 boatlifts and in 2017, the Corps issued an authorization to dredge a 780 cubic yard area within existing permitted slips to a depth of -7 mean low water (MLW) and -11 MLW.

## **PROJECT PURPOSE:**

**Basic:** water access and public use of an existing marina

**Overall:** The overall project purpose is to improve water access and public use at the existing marina in Jupiter, Palm Beach County, Florida.

**PROPOSED WORK:** The applicant requests authorization to improve an existing 41-slip commercial marina by conducting the following activities:

1. Removal of an existing 407 square foot dock;
2. Removal of 320 square feet of existing mangroves and invasive exotic vegetation;
3. Excavation of 60 cubic yards of material landward of the existing bulkhead and removal of 137 linear foot of the existing bulkhead;
4. Install 180 linear feet of a proposed bulkhead with 152 linear feet (260 cubic yards) of riprap waterward of proposed bulkhead;
5. After installation of the bulkhead, filling 1,099 square feet (300 cubic yards) landward of clean backfill;
6. Install a 2,714 square foot floating dock with a 114 square foot gangway and four (4) boatlifts in new four (4) proposed slips;
7. Planting 84 3- or 5-gallon red mangrove seedlings in a proposed creation area

**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 has stated that they will use floating turbidity curtains during in-water construction. The applicant performed three resource surveys in June and September 2024 and again in April 2025 which identified seagrasses, mangrove habitat and invasive/exotic vegetation. The proposed docks and riprap placements were designed to avoid impacts to existing seagrass beds. The project was designed to avoid mangrove impacts to the greatest extent practicable and approximately 0.007 acres (~300 square feet) of mangroves will be removed for the installation of the proposed bulkhead. The mangroves proposed to be impacted include 2 red mangroves, one red mangrove seedling, and one white mangrove. The impacted mangroves range from 2-3± feet to 20± feet in height.

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

To fully offset the unavoidable impacts to mangroves caused by installation of the proposed bulkhead and riverwalk, the applicant has proposed onsite mangrove creation (~820 square feet) and shoreline enhancement (~3,100 square feet). The proposed mangrove creation and enhancement are intended to provide appropriate, in-kind mitigation.

**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:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

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 project may affect the West Indian Manatee (*Trichechus manatus*) and its designated critical habitat (DCH) pending review of Palm Beach County's Manatee Protection Plan.

The Corps has determined the project may affect but is not likely to adversely affect the Wood Stork (*Mycteria americana*). The Corps evaluated potential project related effects to the wood stork by using the South Florida Programmatic Concurrence (Key), dated 18 May 2010. Use of this Key produced the sequential determination A-B-C-D-couplet 1, which resulted in a "*Not likely to adversely affect*" (NLAA) determination. The Corps has determined the proposed project may affect but is not likely to adversely affect the Florida Bonneted Bat (*Eumops floridanus*). The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the project may affect but is not likely to adversely affect the Swimming Sea Turtles: Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*) and its DCH (proposed), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempii*); Smalltooth sawfish (*Pristis*

*pectinata*); North Atlantic Right Whale (*Eubalaena glacialis*); Queen Conch (*Alger gigas*), and the Giant Manta Ray (*Mobula briostris*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

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). Resource surveys were conducted in June and September of 2024 and again in April of 2025, which indicated the presence of seagrass and mangrove habitats within the survey area. Implementation of the proposed project would directly impact approximately 0.4 acres of submerged substrate and indirectly impact seagrass habitat by the placement of riprap and shading from the floating dock. Direct unavoidable impacts to approximately 300 square feet of mangroves are proposed for the installation of the bulkhead. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by penaid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex and their various life stages.

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 provided by the applicant, the waterward edge of the proposed structure may occur within the setback of the Federal Navigation 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, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification will be required from the South Florida Water Management District (SFWMD).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from SFWMD. 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 11, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Kaitlyn Mallett at [Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Kaitlyn Mallett, 4400 PGA Blvd. 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.





TAKEN FROM U.S.G.S. JUPITER, FLORIDA QUADRANGLE

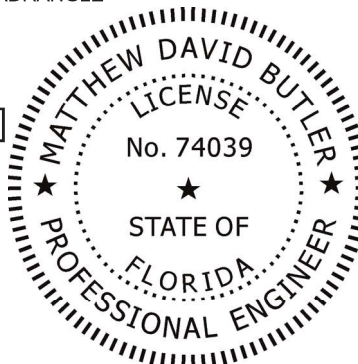
SEC: 06 TWP: 41S RGE: 43E

LAT: 26° 56' 04" N

LONG: 080° 05' 00" W

7/1/2025

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.



## VICINITY MAP



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRY NUMBER: 8114

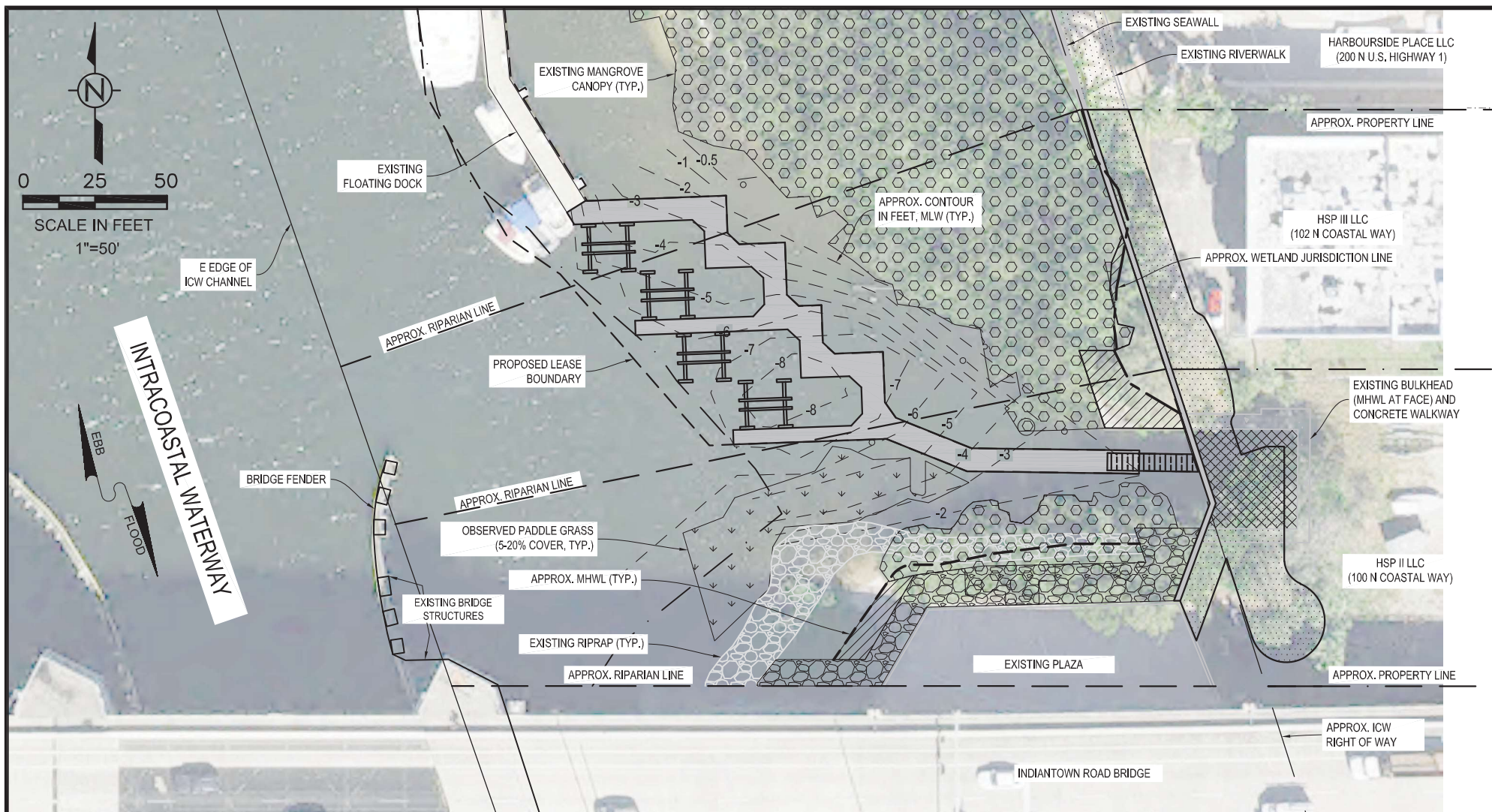
649 U.S. HWY 1, SUITE 9, NORTH PALM BEACH, FL 33408 (561) 881-0003

### PROPOSED DOCK, SHORELINE STABILIZATION, AND RIVERWALK INTRACOASTAL WATERWAY

100 NORTH COASTAL WAY, 102 NORTH COASTAL WAY, & 200 NORTH U.S. HIGHWAY 1  
TOWN OF JUPITER, PALM BEACH COUNTY, FL  
APPLICANT: HSP II LLC, HSP III LLC, AND HARBOURSIDE PLACE LLC

DATE	4/25	DRAWN	ELF	CHKD	ELF	APPRVD	MDB
DWG NO.	24114F					SHEET	1 OF 10





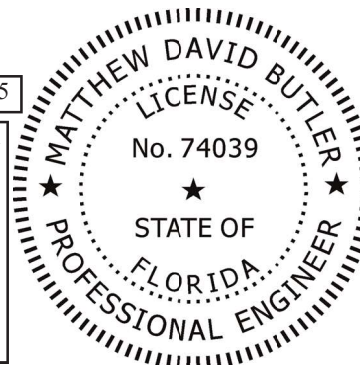
#### NOTES:

- DATUM IS MLW. MLW = -2.0± NAVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LEGACY SURVEYING AND MAPPING, INC., DATED 9/25/24, ON-SITE OBSERVATIONS, AND 2024 PALM BEACH COUNTY AERIAL PHOTOGRAPHS.
- SOUNDINGS AND RESOURCE INFORMATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 6/18/24, 9/5/24, AND 4/1/25. SOUNDINGS REDUCED TO MLW BASED ON SURVEYED ELEVATIONS.

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

7/1/2025

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#### WATER DEPTH EXHIBIT



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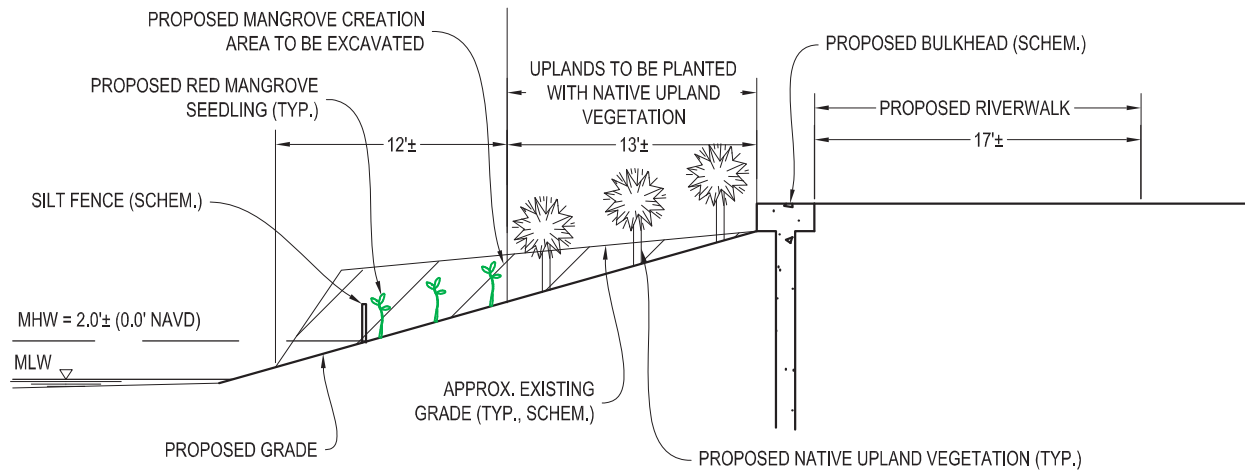
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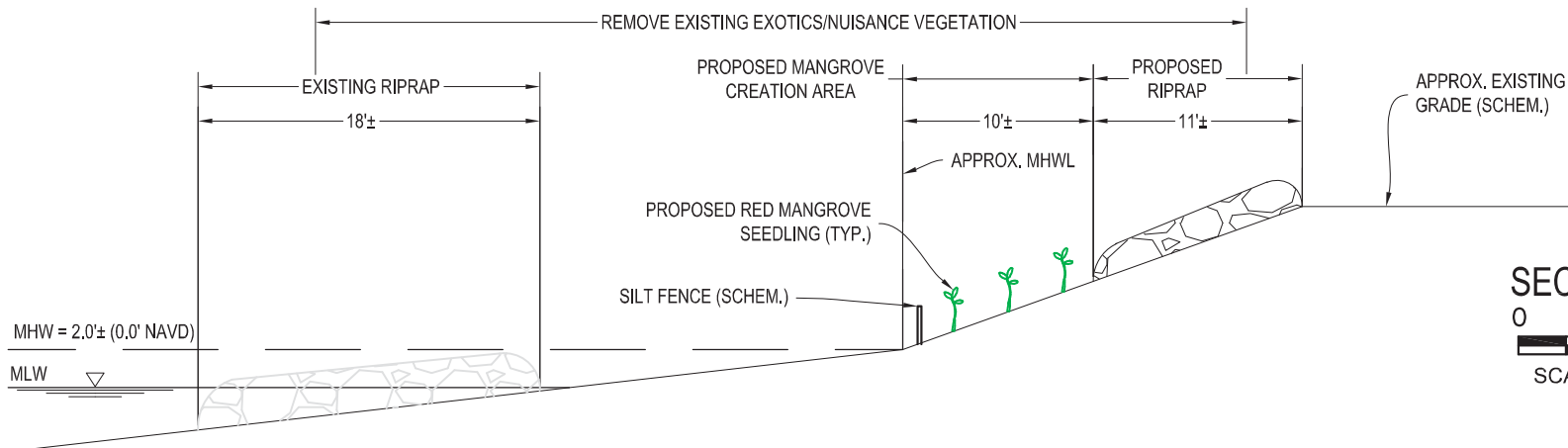
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REV	1	7/25	ADDED AERIAL
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**SECTION C-C**  
0 5 10  
SCALE IN FEET  
1"=10'



**SECTION D-D**  
0 5 10  
SCALE IN FEET  
1"=10'

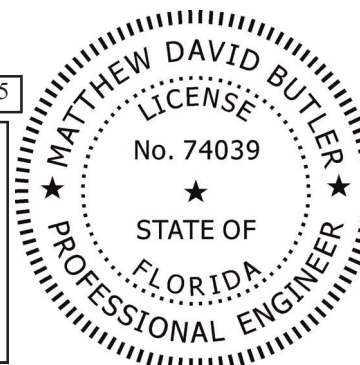
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**SECTION C-C & D-D**



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DWG NO. 24114Fr1

SHEET **10** OF 10

REV	1	7/25	ADDED SILT FENCE/TURBIDITY CURTAIN
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