



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
440 PGA Boulevard – Suite 500  
Palm Beach Gardens, Florida 33410

Regulatory Division  
South Permits Branch

***PUBLIC NOTICE***

**Permit Application No. SAJ-2004-1205 (IP-SLN) **OCT 07 2004****

TO WHOM IT MAY CONCERN: This district 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) as described below.

APPLICANT: Boynton Beach Boulevard Community Redevelopment Agency (CRA)  
c/o Douglas Hutchinson  
639 E. Ocean Ave. Suite 107  
Boynton Beach, FL 33435

WATERWAY & LOCATION: The proposed project, known as the Boynton Beach Boulevard Extension, is located approximately at the eastern terminus of Boynton Beach Boulevard, east of Federal Highway. The subject site is located in Section 22, Township 45 South, Range 43 East, Boynton Beach, Florida.

DIRECTIONS TO SITE: From West Palm Beach, travel south on the Florida Turnpike to Boynton Beach Blvd. Travel east on Boynton Beach Boulevard. The subject site is at the eastern terminus of Boynton Beach Boulevard.

LATITUDE & LONGITUDE: Latitude 26° 41' 37" North  
Longitude 80° 03' 14" West

PROJECT PURPOSE:

Basic: The basic purpose of this project is to construct a cul-de-sac at the terminus of Boynton Beach Boulevard.

Overall: The overall purpose of this project is to construct a cul-de-sac at the terminus of Boynton Beach Boulevard for access of vehicles to an adjacent new high-rise community.

PROPOSED WORK: The proposed project, to extend Boynton Beach Boulevard, consists of the construction of 850 linear feet of road, and a cul-de-sac turnaround at the terminus. The proposed project will include improvements to approximately 280 linear feet of ex-filtration trench to provide additional water quality treatment for the existing surface water management system. The cul-de-sac will provide space for a wide turning radius for emergency fire/rescue vehicles and 9' wide sidewalks and railings. As a result of this project the applicant is proposing to impact 0.4± acres of mature mangrove wetlands (20' to 25' tall *Rhizophora mangle* and *Avicennia germinans*) in order to construct the cul-de-sac. The total construction of the cul-de-sac will impact 1.77 acres of uplands, mature mangrove wetlands, and other wetland plants such as *Borrichia spp.* The applicant is also proposing to impact a previously designated mitigation site with mixed mangroves and wetland plants such as *Borrichia spp.*, and *Sesuvium portulacastrum* to bury some overhead powerlines (**Figure M-1D.**)

The site is bordered by an existing marina to the south, commercial development to the west, a portion of the land to the south is vacant land for future development, undeveloped land to the east and a public park to the north.

MITIGATION: The applicant has offered the following mitigation for consideration of impacts for the cul-de-sac construction, if it is determined that issuance of a permit is appropriate. The applicant is proposing to create 0.50± acres of mangrove wetlands and 0.3± acres of native upland/wetland buffer from existing uplands within the Jaycee Park parcel in the City of Boynton Beach. The applicant is also proposing to create 0.03 acres of mangroves at Jaycee Park for an adjacent project called the Marina Village. The Corps has not yet authorized the impacts for the Marina Village project. The Corps is awaiting information on the Marina Village proposal and will not authorize the mitigation portion until the project proposal is approved. The total native creation area to be placed under conservation on the Jaycee Park site is 0.83± acres. Please see **Figure M-1.**

The applicant is proposing to scrape down and remove soil from the shoreline of the mitigation site. The elevation of this

area will range from approximately mean low water to mean high water. A flushing channel will be created through the mitigation shoreline to maintain an elevation of 1.3 NGVD. Red Mangroves (*Rhizophora mangle*) will be planted within this mitigation area. An upland/wetland buffer will be planted around the creation area. The buffer will be planted with a variety of native plants endemic to the area. A planting plan is provided on **Figure M-1C**.

The applicant is also proposing to place 3.8± acres of the existing "Hall Property" under conservation. The area to be placed under conservation will consist entirely of mature mangrove wetlands. See **Figure M-2**, which shows the approximate boundary of the proposed conservation area.

ENDANGERED SPECIES: By use of the Manatee Key dated January 2001, the U.S. Army Corps of Engineers (Corps) has determined the proposed mitigation project may affect, but is not likely to adversely affect the West Indian Manatee. The Corps has determined that the project will not modify its designated critical habitat. The Corps is notifying the Fish and Wildlife Service (FWS) of our determination.

Based on project information available to the Corps, the project is located in core foraging area of a woodstork colony. The project area consists of mangrove wetlands therefore the Corps has determined the proposed project may affect, not likely to adversely to affect the woodstork. Therefore, pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Jacksonville District is requesting by separate letter, concurrence for the proposed project on the woodstork.

This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal for the cul-de-sac would impact approximately 0.4 acres of mature 20' to 25' tall *Rhizophora mangle* and *Avicennia germinans* and .05 acres of mangrove/mixed wetland plant species for the proposal to bury the overhead powerlines. These wetland areas designated as EFH are utilized by various life stages of common snook (*Centropomus undecimalis*), spotted seatrout (*Cynosciun nebulosis*) red drum (*Sciaenops ocellatus*), grey snapper (*Lutjanus*

*griseus*), lane snapper (*Lutjanus synagris*), gag grouper (*Myctecoperca microlepis*) and penaeid shrimp (*Pinaeus spp.*). Our initial determination is that the proposed action would have a substantial adverse impact on EFH or Federally managed fisheries in the Boynton Beach area. 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.

A seagrass survey has not been provided to date for the shoreline of Jaycee Park. This information will be forthcoming.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has been verified. The Corps has not fully completed jurisdictional determinations.

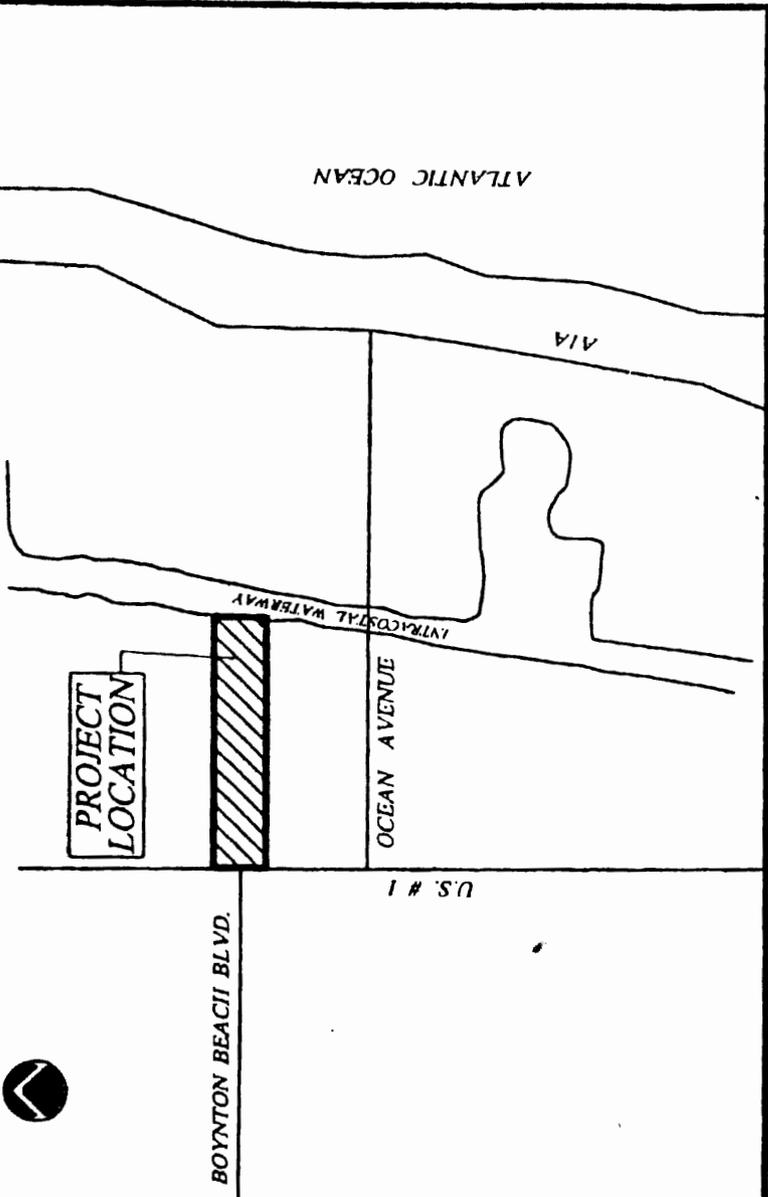
AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit is pending through the South Florida Water Management District (SFWMD) for this project. The SFWMD permit Application No. Application No. 031201-17.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within **30** days from the date of this notice.

If you have any questions concerning this application, you may contact Sharon Niemczyk of this office either by letter at the letterhead address, by telephone at 561-472-3519, by e-mail at Sharon.L.Niemczyk@saj02.usace.army.mil or by fax at 561-626-6971.

**LOCATION PLAN (NOT TO SCALE)**

SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST



US Army Corps  
of Engineers.

File # SAJ-2004-1205

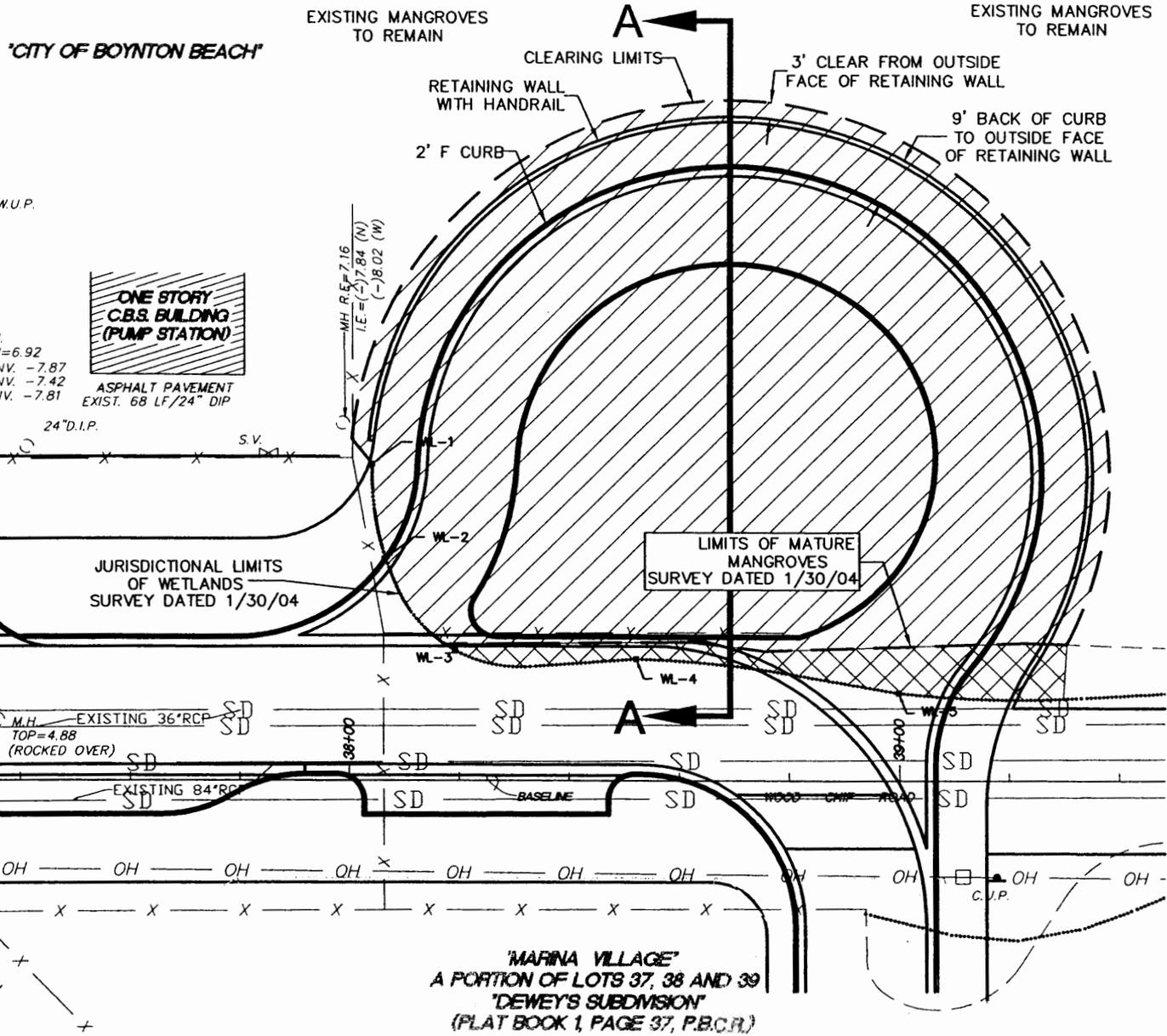
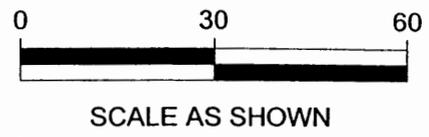
City of Boynton Beach

Attachment # 1 OF 5 PROJECT DRAWINGS





- 0.26 AC.  IMPACT TO EXISTING MATURE MANGROVES
- 0.02 AC.  IMPACTS TO EXISTING MANGROVE MITIGATION AREA
- 0.28 AC. TOTAL WETLAND IMPACTS (ROUND UP TO 0.3 AC. FOR PERMIT IMPACTS)



NGROVE EXH-6-1-04.dwg Layout! Jun 01, 2004 10:21am by: Tim.Rydberg  
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**SECTION A-A**  
**EXH. 1.A**

US Army Corps of Engineers  
 File # SAJ-2004-1205  
 City of Boynton Beach  
 Attachment # 4 of 8 PROJECT DRAWINGS

Drawing name: H:\04	SCALE AS NOTED DESIGNED BY WRC DRAWN BY MRB CHECKED BY WRC	 <b>Kimley-Horn and Associates, Inc.</b> <small>© 2004 KIMLEY-HORN AND ASSOCIATES, INC.          5100 NW 33RD AVENUE, SUITE 157, FT. LAUDERDALE, FL 33309          (954) 739-2233          CA 00000695</small>	DATE 06/01/04 PROJECT NO. 044688000	<b>BOYNTON BEACH BLVD. EXT.</b> <b>MANGROVE IMPACTS</b>	DESIGN ENGINEER: WILLIAM R. CARY FLORIDA REGISTRATION NUMBER: 22023	SHEET NUMBER <b>EXH-1</b>
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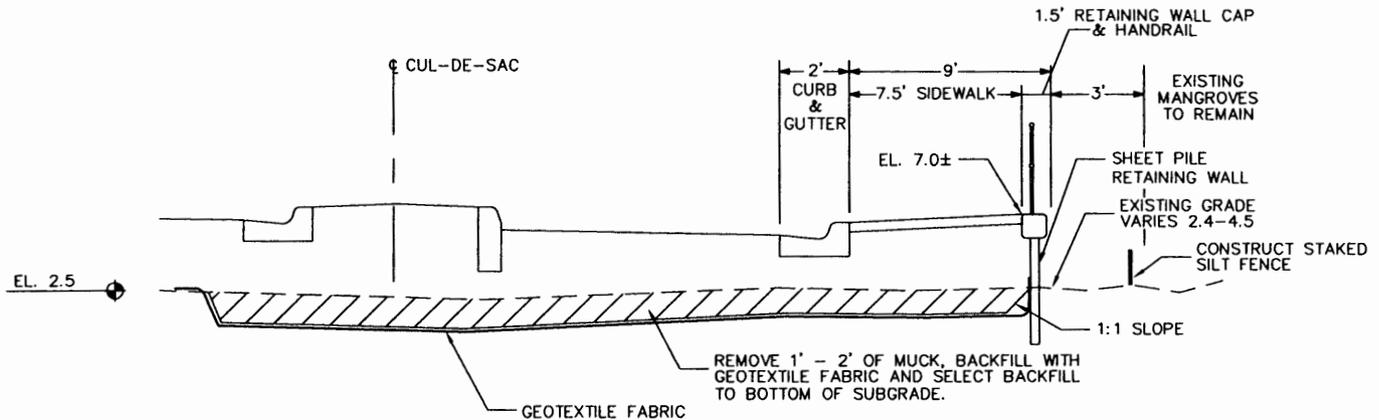


US Army Corps  
of Engineers.

File # SAJ-2004-1205

City of Boynton Beach

Attachment # 5 OF 8 PROJECT DRAWINGS



**CUL-DE-SAC CROSS SECTION A-A**  
NOT TO SCALE

## CONSTRUCTION SEQUENCE

1. CLEAR EXISTING MANGROVES TO LIMITS OF CLEARING.
2. CONSTRUCT STAKED SILT FENCE AT LIMITS OF CLEARING.
3. CONSTRUCT SHEET PILE RETAINING WALL.
4. DEMUCK 1-2 FEET OF UNSUITABLE MATERIAL TO ELEVATION 2.5.
5. PLACE GEOTEXTILE FABRIC OVER AREA OF LIMITS OF CLEARING UNSUITABLE MATERIAL.
6. BACKFILL WITH SELECT MATERIAL TO BOTTOM OF SUBGRADE (FREE OF ROCKS OVER 3 INCHES AND ORGANIC MATERIAL).
7. CONSTRUCT INFRASTRUCTURE.
8. CONSTRUCT SUBGRADE, BASE, CURBS, ROADWAY, SIDEWALKS AND HANDRAIL.
9. CLEAN AREA OF ALL CONSTRUCTION DEBRIS AND REMOVE SILT FENCE UPON COMPLETION OF WORK.

Drawing name: M:\044 Jobs\04488000\CADD\CONSTR\exhibit\CulDeSac.dwg Layout1 Jun 01, 2004 10:34gm by: Tim.Rydberg

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DESIGNED BY WRC		PROJECT NO. 044688000		FLORIDA REGISTRATION NUMBER: 22023	<p><b>EXH-1.A</b></p>
DRAWN BY TAKR					
CHECKED BY WRC					







**MITIGATION, MONITORING AND MAINTENCE PLAN**  
**BOYNTON BEACH BOULEVARD EXTENSION**  
**BOYNTON BEACH, FL**

**I. Introduction**

The applicant is proposing the created a 0.3 ± acre wetland creation area within Jaycee Park. This creation area will be to provide compensatory mitigation for impacts incurred during the construction of a cul-de-sac at the terminus of Boynton Beach Blvd. This monitoring and maintenance plan is part of the modification to the South Florida Water Management District (SFWMD) permit No. 50-04166-P and Army Corps of Engineers (ACOE) File No. SAJ-2004-1205.

**II. Mitigation Plan**

The applicant is proposing to create 0.53± acres of mangrove wetlands and 0.3± acres of native upland/wetland buffer from existing uplands within the Jaycee Park parcel in the City of Boynton Beach. 0.50± acres of creation will be for the unavoidable impacts proposed as a result of the construction of the cul-de-sac. 0.03± acres of creation will be for the proposed Marina Village project. The total native creation area to be placed under conservation on the Jaycee Park site is 0.83± acres. Please see *Figure M-1*. The City has a purchase contract with the Florida Inland Navigation District (FIND) to purchase the parcel. They expect to close on the parcel on or around the middle of May. A copy of the purchase contract is attached.

The applicant is proposing to scrape down and remove soil from an area adjacent to the existing mangroves along the shoreline. This elevation of this area will range from approximately mean low water to mean high water. Red Mangroves (*Rhizophora mangle*) will be plated in this mitigation area.

An upland/wetland buffer will be planted around the creation area. The buffer will be planted with a variety of native plants endemic to the area. A planting plan is provided on *Figure M-1C*.



US Army Corps  
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File # SAJ-2004-1205

City of Boynton Beach

Attachment # 10F 8 MITIGATION

The applicant is also proposing to place 3.8± acres of the existing "Hall Property" under conservation. The area to be placed under conservation will consist entirely of mature mangrove wetlands. See *Figure M-2*, which shows the approximate boundary of the proposed conservation area. Because of the extremely tight schedule of this and the adjacent parcel's (The Related Group) application, the applicant requests that the requirements of the easement, which include but are not limited to 1) a legal description of the proposed conservation area, 2) standard South Florida Water Management District Conservation Easement language, be made a condition of the permit. A summary of the mitigation proposed to offset unavoidable impacts is below.

0	TYPE OF MITIGATION	B.O.R. RATIO RANGE	RATIO PROVIDED	ACREAGE OF MITIGATION
.	CREATION	1.5:1 - 5:1	1.6:1	0.5ac± (M-1)
	PRESERVATION	10:1 - 60:1	15:1	3.8ac± (M-2)

The applicant is providing further mitigation for impacts by under-grounding the existing overhead FPL distribution lines as described in appendix C - FPL, thus eliminating the ongoing impacts associated with mangrove trimming and pole replacement. Any area disturbed as a result of the under-grounding of the overhead utilities will be restored to its pre-impact condition. Please see the attached *M-ID*.

### III. Monitoring Plan

- A. Baseline Monitoring – Baseline monitoring will be performed for the wetland creation area and upland/wetland buffer within 30-days of completion of construction. This area will have one transect established to evaluate vegetation type, percent cover, and to quantify baseline conditions. Photograph stations will be established at intervals sufficient to quantify and document significant changes in the wetland areas. Location of monitoring transects are shown on the wetland monitoring plan.



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File # SAJ-2004-1205

City of Boynton Beach

Attachment # 2 OF E MITIGATION

- B. Subsequent Monitoring – Following baseline monitoring, the wetland creation area will be monitored semi-annually (May and October) for the first 3-years and annually for the next two years and/or until the success criteria is met. The project will be considered successful if there is 85% coverage of desirable wetland species within 3 years.

The following will be included in the report:

- Vegetative species present and percent cover
- Water level measurements
- Qualitative assessment of plant health
- Presence of invasive/exotic vegetation

Other information that will be gathered during the monitoring events includes documentation of wildlife utilization, representative photographs, and recommendations for corrective actions to meet success criteria.

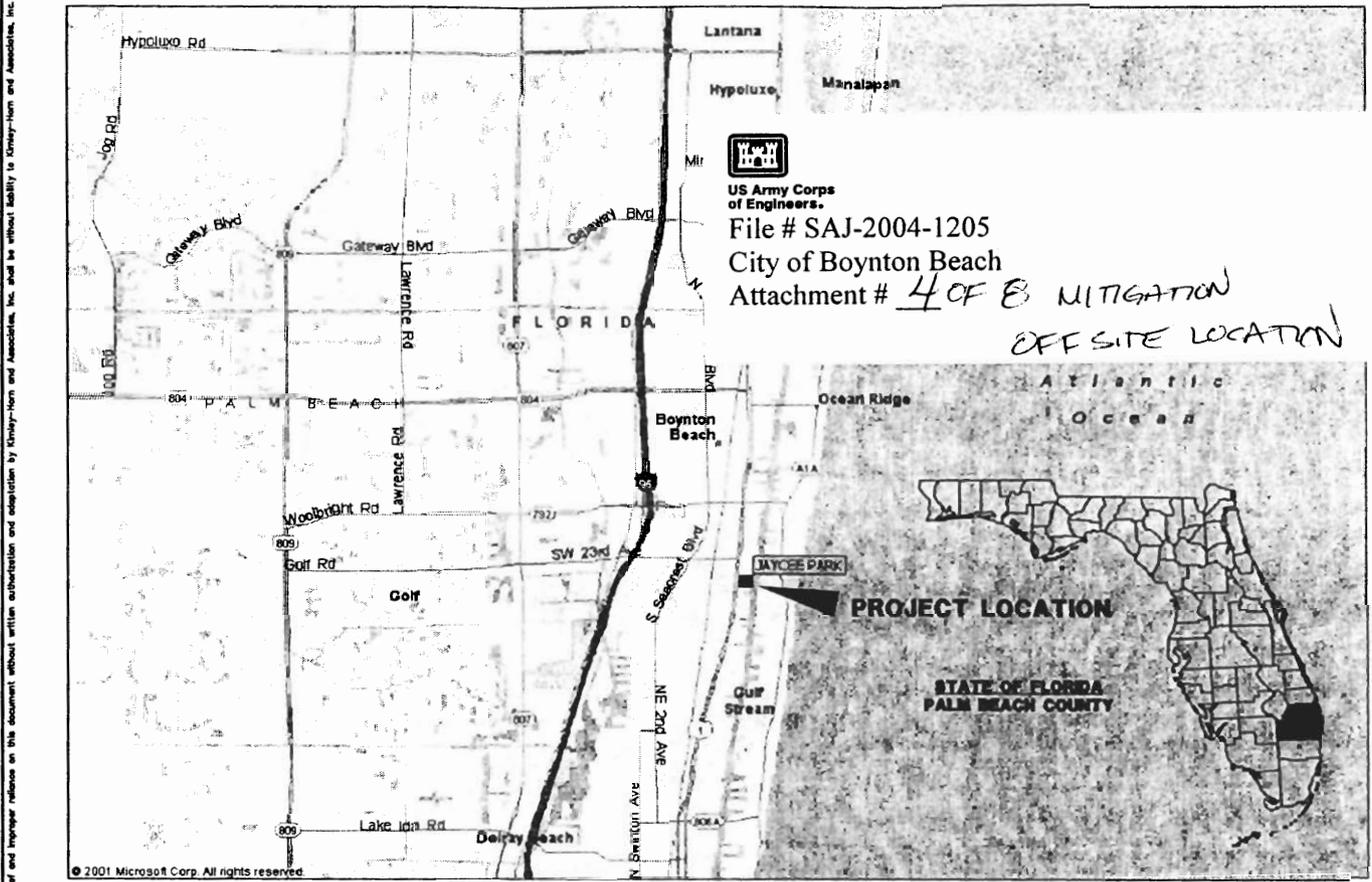
- C. FPL Under-grounding monitoring - The area where the FPL utilities are being under-grounded will be monitored similarly to what is stated above. However, because of the very small area being restored, a transect will not be necessary.

#### IV. **Maintenance Plan**

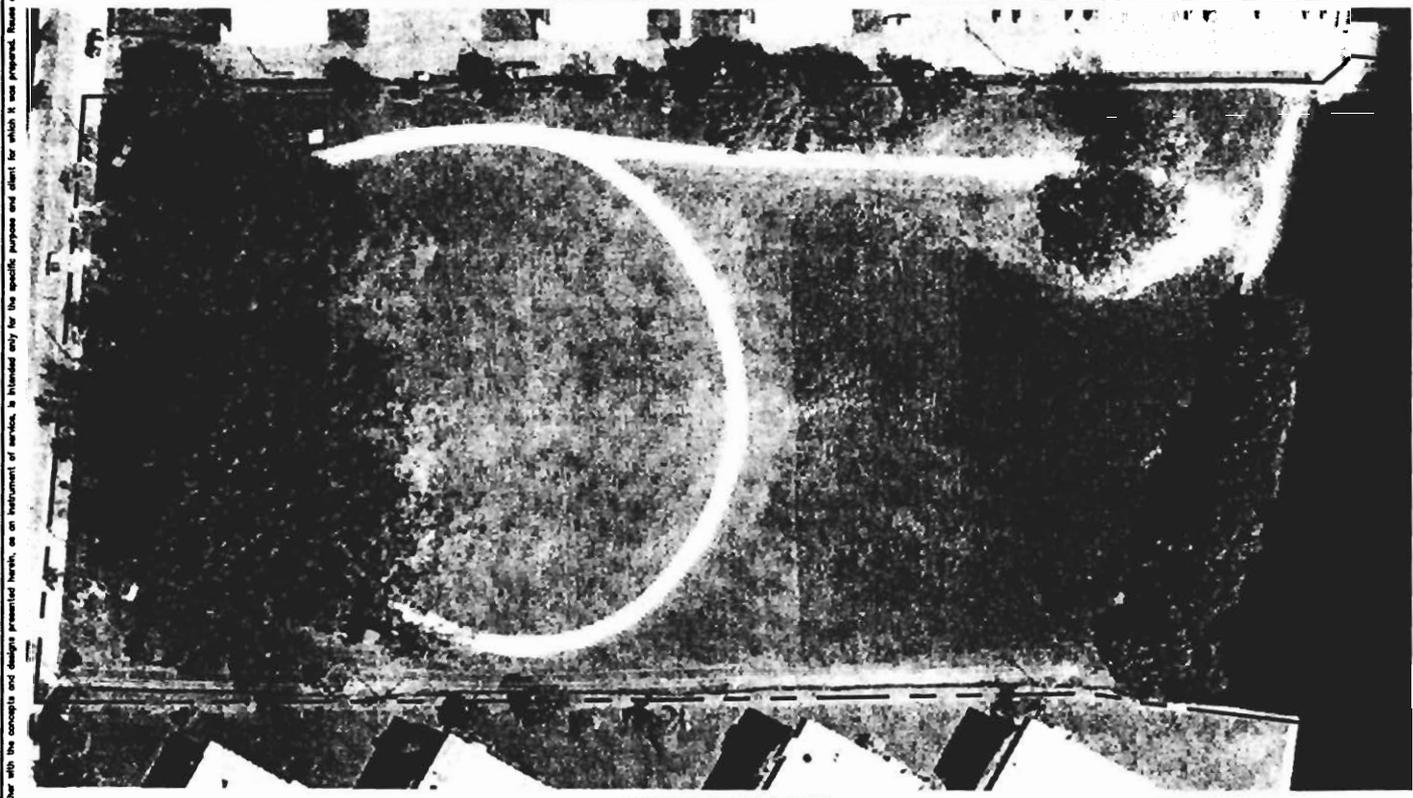
Both the Jaycee Park creation area (wetland and upland/wetland buffer) and the wetlands to remain on the Boynton Beach Blvd site will be maintained in perpetuity. Proposed maintenance for the preserved areas will include control of exotic and nuisance vegetation, and removal of trash and/or other debris, as necessary. A qualified local contractor will perform maintenance activities on an as needed basis. Exotic and nuisance vegetation coverage will be maintained below 5% of the total vegetative cover within the creation area. Best available technology will be employed for control of these species.



Drawing name: S:\044\044688002 Boynton Bch Blvd Exten (GRA)\CADD\BB-JAYCEE-MIT.DWG M-1A PDF Jun 02, 2004 12:28pm by: Scott.Applegate



US Army Corps of Engineers.  
 File # SAJ-2004-1205  
 City of Boynton Beach  
 Attachment # 4 OF 8 MITIGATION  
 OFF SITE LOCATION



JAYCEE PARK  
 MITIGATION AREA  
 LOCATION AND AERIAL

6/18/04  
 Will R. Cary

SCALE	AS NOTED
DESIGNED BY	CEB
DRAWN BY	JSA
CHECKED BY	CEB

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 WWW.KIMLEY-HORN.COM CA 0000696

**BOYNTON BEACH  
 BOULEVARD EXTENSION**

DESIGN ENGINEER:	DATE
WILLIAM R. CARY, PE	MAR 2004
FLORIDA REGISTRATION NUMBER:	PROJECT NO.
22023	044688000

FIGURE  
**M-1A**



US Army Corps of Engineers

File # SAJ-2004-1205

City of Boynton Beach

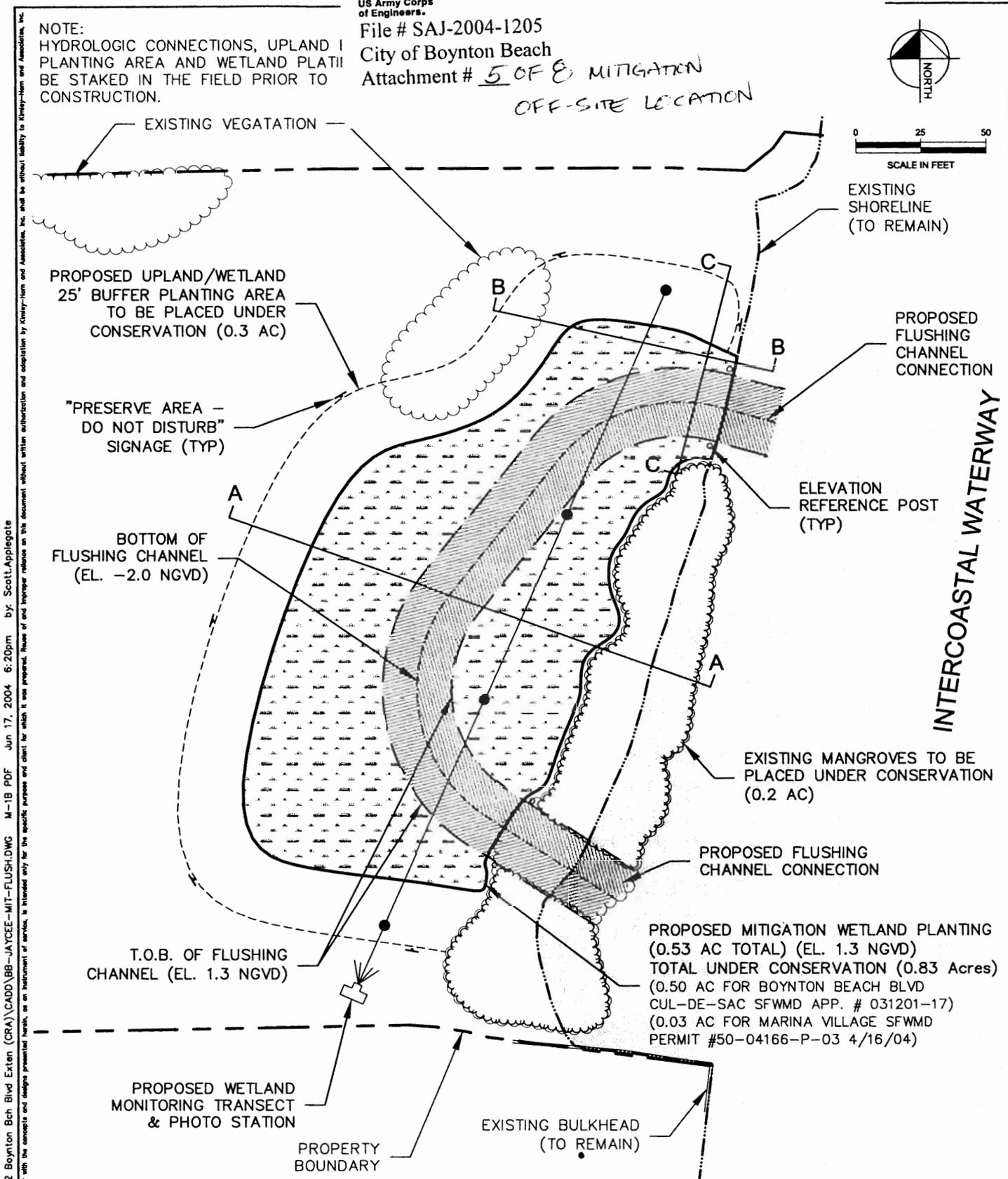
Attachment # 5 OF 8 MITIGATION

OFF-SITE LOCATION



0 25 50  
SCALE IN FEET

NOTE:  
HYDROLOGIC CONNECTIONS, UPLAND PLANTING AREA AND WETLAND PLANTING TO BE STAKED IN THE FIELD PRIOR TO CONSTRUCTION.



JAYCEE PARK  
MITIGATION AREA  
PLAN VIEW

6/1/04  
William R. Cary

Drawing name: S:\044\044688002 Boynton Bch Blvd Exten (CRA)\CADD\BB-JAYCEE-MIT-FLUSH.DWG M-1B PDF Jun 17, 2004 6:20pm by: Scott Applegate

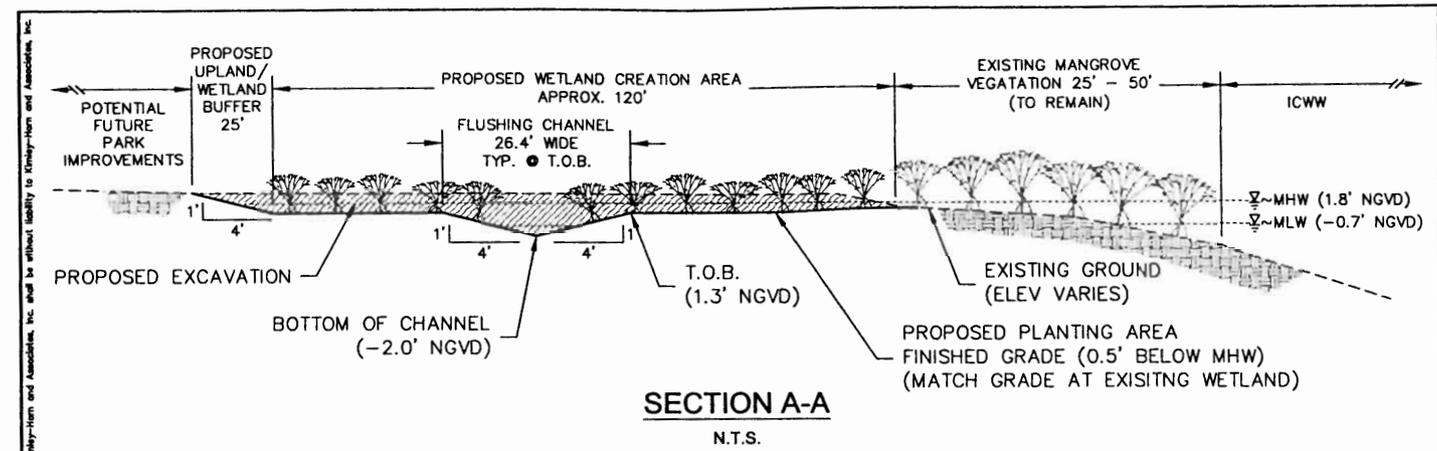
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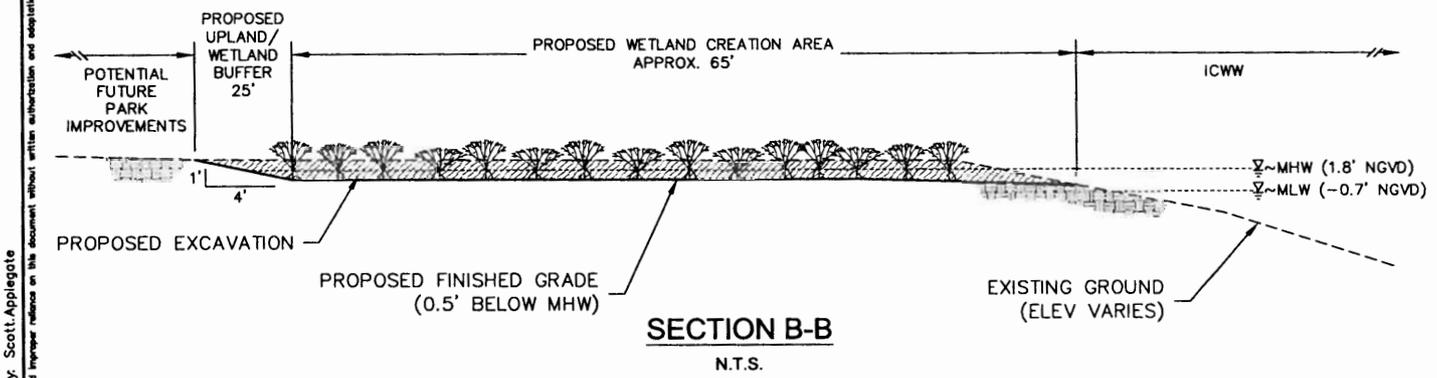
**BOYNTON BEACH  
BOULEVARD EXTENSION**

DESIGN ENGINEER: WILLIAM R. CARY, PE	DATE JUNE 2004
FLORIDA REGISTRATION NUMBER: 22023	PROJECT NO. 044688000

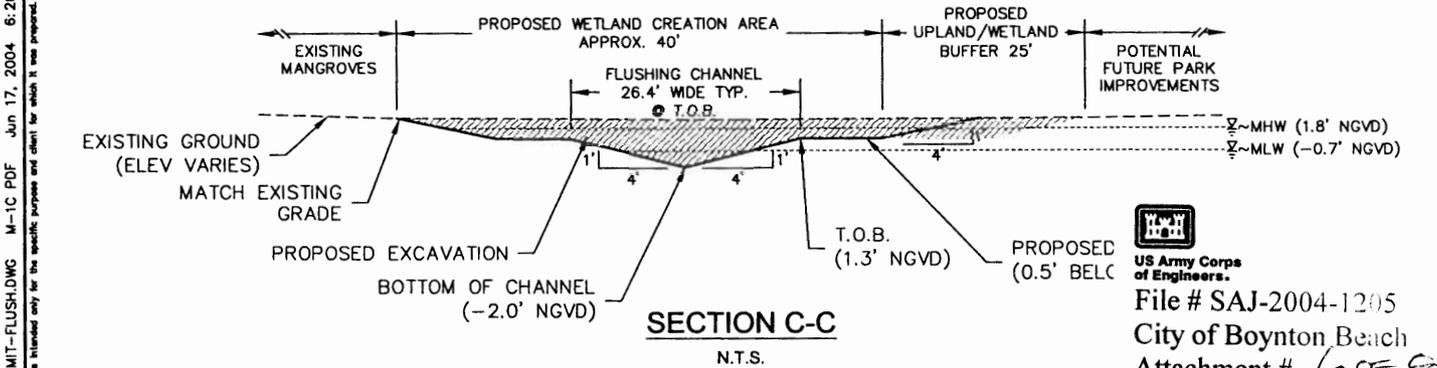
FIGURE  
**M-1B**



**SECTION A-A**  
N.T.S.



**SECTION B-B**  
N.T.S.



**SECTION C-C**  
N.T.S.

  
**US Army Corps of Engineers.**  
 File # SAJ-2004-1205  
 City of Boynton Beach  
 Attachment # 6 of 8  
*OFF-SITE MITIGATION!*

**PLANTING PLAN**

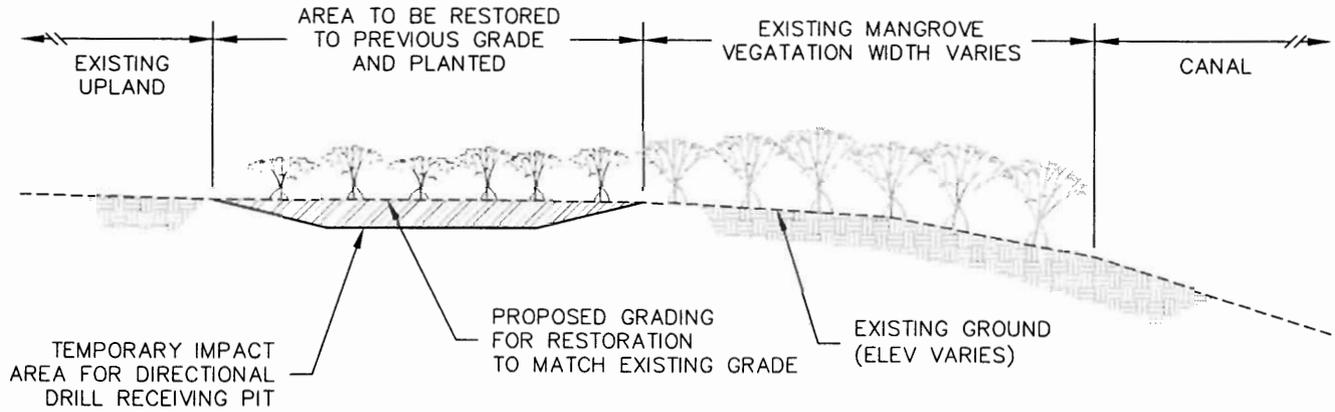
PLANT	SIZE	DENSITY (o.c.)	QUANTITY
<b>WETLAND</b>			
Red Mangrove ( <i>Rhizophora mangle</i> )	1 gal	10'	295
<b>UPLAND/WETLAND BUFFER</b>			
Beach Sunflower ( <i>Helianthus debilis</i> )	1 gal	9'	194
Sea Oxeye Daisy ( <i>Borrchia frutescens</i> )	3 gal	9'	194
Green Buttonwood ( <i>Conocarpus erectus</i> )	3 gal	10'	52
Cordgrass ( <i>Spartina patens</i> )	1 gal	9'	194

**JAYCEE PARK  
MITIGATION AREA  
SECTIONS AND PLANTING PLAN**  
*6/18/04*  
*Willacy*

SCALE N.T.S. DESIGNED BY CEB DRAWN BY JSA CHECKED BY CEB	 <b>Kimley-Horn and Associates, Inc.</b> © 2004 KIMLEY-HORN AND ASSOCIATES, INC. 2400 S.E. FEDERAL HWY, SUITE 320, STUART, FL 34994 TEL: (772) 286-2190 FAX: (772) 286-0138 WWW.KIMLEY-HORN.COM CA 0000696	<b>BOYNTON BEACH BOULEVARD EXTENSION</b>	DESIGN ENGINEER: WILLIAM R. CARY, PE FLORIDA REGISTRATION NUMBER: 22023	DATE JUNE 2004 PROJECT NO. 044688000	FIGURE <b>M-1C</b>
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Drawing name: S:\044\044688002 Boynton Bch Blvd Exten (CRA)\CADD\BB-JAYCEE-MIT-FLUSH.DWG M-1C PDF Jun 17, 2004 6:20pm by: Scott Applegate  
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### TYPICAL SECTION

N.T.S.



US Army Corps of Engineers

File # SAJ-2004-1205

City of Boynton Beach

Attachment # 1 OF 8 MITIGATION

*FPL POWER POLE MITIGATION*

### PLANTING PLAN

PLANT	SIZE	DENSITY (o.c.)	QUANTITY
WETLAND			
Red Mangrove ( <i>Rhizophora mangle</i> )	Seedling	3'	38

### NOTES:

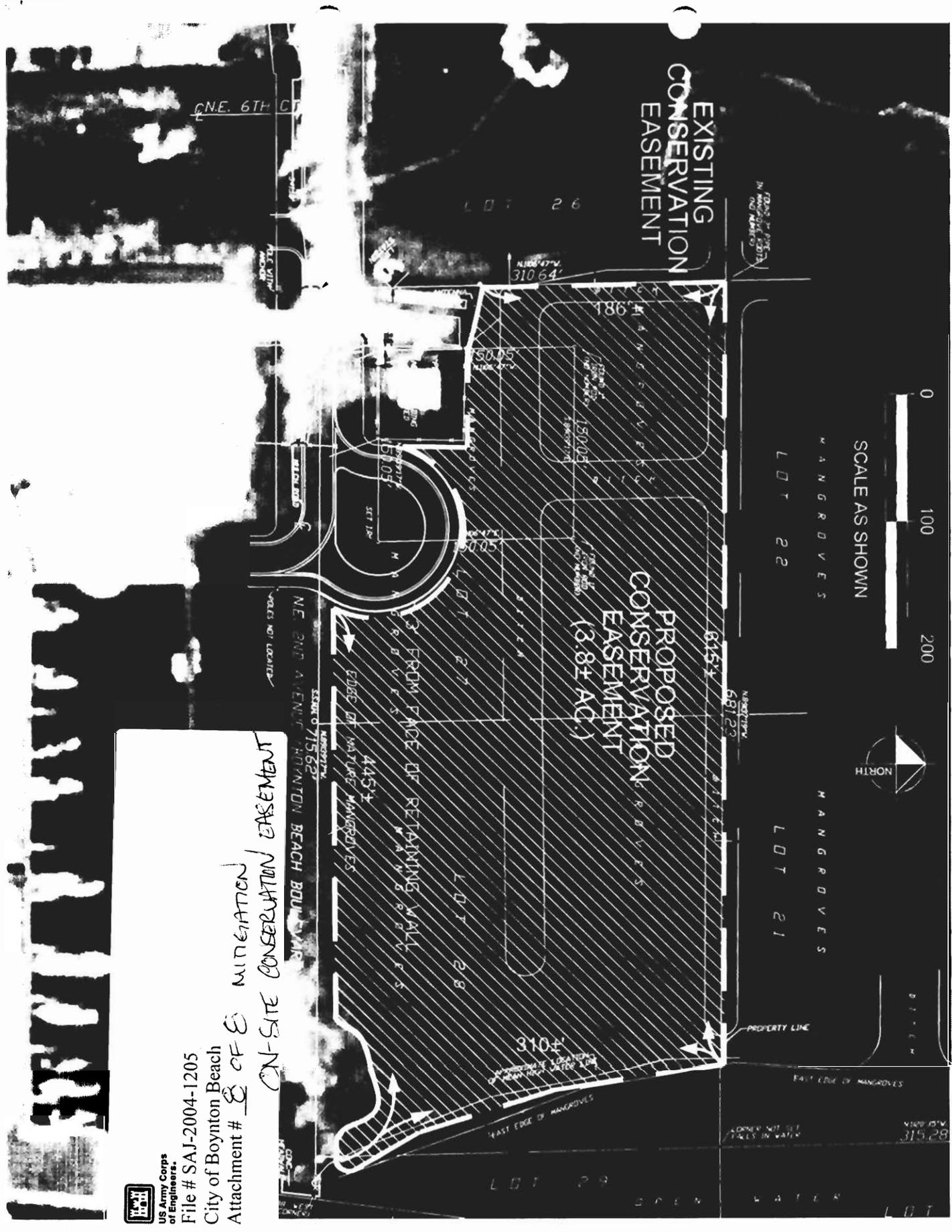
1. THE POLE REMOVAL AND DIRECTIONAL DRILL OPERATION TO UNDERGROUND THE FPL LINES WILL TEMPORARILY IMPACT A TOTAL OF 0.025 ACRES OF WETLANDS INCLUDING 0.022 AREAS OF YOUNG MANGROVE AREAS AND 0.003 AREAS OF MATURE MANGROVE AREAS.
2. THESE TEMPORARY IMPACT AREAS WILL BE RESTORED TO THE PREVIOUS GRADE AND HABITAT ONCE THE CONSTRUCTION IS COMPLETE.

## FPL UTILITY UNDERGROUND RELOCATION RESTORATION PLAN SECTION AND PLANTING PLAN

SCALE N.T.S.	<p>© 2004 KIMLEY-HORN AND ASSOCIATES, INC.          2400 S.E. FEDERAL HWY, SUITE 320, STUART, FL 34994          TEL: (772) 286-2190 FAX: (772) 286-0138          WWW.KIMLEY-HORN.COM CA 00000696</p>	DESIGN ENGINEER: WILLIAM R. CARY, PE	DATE JUNE 2004	FIGURE <b>M-1D</b>
DESIGNED BY: CEB DRAWN BY: JSA CHECKED BY: CEB		FLORIDA REGISTRATION NUMBER: 22023	PROJECT NO. 044688000	

### BOYNTON BEACH BOULEVARD EXTENSION

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 US Army Corps of Engineers  
 File # SAJ-2004-1205  
 City of Boynton Beach  
 Attachment # 8 OF 8  
 ON-SITE CONSERVATION EASEMENT

SCALE AS NOTED
DESIGNED BY WRC
DRAWN BY TAKR
CHECKED BY WRC


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 (954) 739-2233  
 CA 00000696

DATE	05/28/04
PROJECT NO.	044688000

**BOYNTON BEACH BLVD. EXT.  
 PROPOSED  
 CONSERVATION EASEMENT**

DESIGN ENGINEER:	WILLIAM R. CARY
FLORIDA REGISTRATION NUMBER:	22023

SHEET NUMBER	FIGURE
	M-2

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

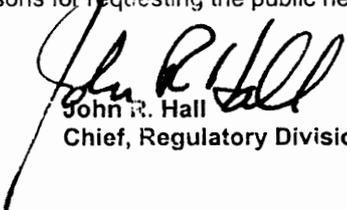
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**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, historic 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 of 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.

The U.S. Army Corps of Engineers (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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division