



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF

CESAM-PD-EC
PUBLIC NOTICE NO. FP10-BCB05-02

12 May 2010

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
RESTORATION OF THE BEACH EROSION CONTROL AND
STORM DAMAGE REDUCTION PROJECT
PANAMA CITY BEACH, BAY COUNTY, FLORIDA**

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District is proposing a new borrow area to be used for restoration of the Panama City Beach Storm Damage Reduction Project (SDR) as a result of impacts from the 2004/2005 hurricane season. The rare "clustering" of storm events that occurred in 2004 and 2005 had significant impacts on the Panama City Beach Federal SDR project. Most notable of these storms were Hurricanes Ivan 2004, Dennis 2005 and Katrina 2005. The 2004/2005 hurricane season resulted in an average of 22 feet of shoreline recession with an estimated loss of more than 3.0 million cubic yards (cy) of sediment from the -20-foot contour. The 2005/2006 emergency beach maintenance was able to restore most of the project to pre-Ivan conditions; however, an estimated 1,500,000 cy is still needed to restore the beach from hurricane impacts. Beach quality sand in the existing borrow areas was nearly depleted during the 2005/2006 emergency beach maintenance. An additional offshore sand source was approved in March 2009; however, an additional offshore sand source is being proposed for use in restoring the beach.

This public notice is issued in accordance with rules and regulations published in the Federal Register on 26 April 1988 (Federal Register/Vol. 53). These laws are applied whenever dredged or fill materials may enter waters of the United States or for the transportation of dredged material for the purpose of placement into ocean waters and other associated disposal sites. The recipient of this notice is requested specifically to review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Review of any other potential impacts is also requested.

WATERWAYS AND LOCATION: Gulf of Mexico and Panama City Harbor, Bay County, Florida (Figure 1).

AUTHORITY: This Panama City Beach SDR project is a federally authorized and constructed project. The project was originally authorized by Section 501 of the Water Resources Development Act (WRDA) of 1986 (Public Law 99-662) and re-authorized by Section 318 WRDA 1996 (Public Law 104-303). The authority for which this public notice was prepared

was conducted under Public Law (PL) 84-99, Flood Control and Coastal Storm Emergencies (33 U.S.C.701n) (69 Stat 186). Under this law the Chief of Engineers, acting for the Secretary of the Army, is authorized to undertake activities including disaster preparedness, advance measures, emergency operations (Flood Response and Post Flood Response), rehabilitation of flood control works threatened or destroyed by flood, protection or repair of federally authorized shore protective works threatened or damaged by coastal storm, and provisions of emergency water due to drought or contaminated source.

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The plan authorized by WRDA 1986 provided for a dune top width of 30 feet at an elevation of 15 feet-National Geodetic Vertical Datum (NGVD), a 25-foot wide storm berm at 7 feet-NGVD, and a 10-foot wide berm at 4 feet-NGVD sloping down to the natural bottom of the Gulf of Mexico at 1-foot vertical to 18-feet horizontal. The plan also authorized stabilization of the dune top with vegetation. The project was modified based on a storm protection benefit analysis according to the National Economic Development standard. The modified plan adjusted the fill template and included construction of a terminal groin near Philips Inlet. The locally preferred alternative, which terminated the project eastward of Philips Inlet with no terminal groin structure, was implemented under recommendations of the 1996 General Reevaluation Report. The locally preferred alternative provides for a 7-foot berm landward of the erosion control line with a 50-foot top width from Florida Department of Environmental Protection (FDEP) monument R-91.5 to R-17.5, transitioning to a 30-foot top width at R-16 and continuing with a 30-foot top width to R-5.0 with appropriate transitions to tie back into the natural shoreline at the ends of the project (Figure 2).

DESCRIPTION OF PROPOSED ACTION: The proposed action is to use existing borrow areas (BA), with sufficient quantities of beach quality sand and an additional BA, hereon referred to as BA 0-2/3 to restore the beach. The proposed BA is located approximately 3 miles offshore of Thomas Drive in Panama City Beach, Florida and outside the St. Andrews State Park Aquatic Preserve (Figure 3). Existing grade varies from elevations -60 to -65 feet. The finished grade within the area planned to be used, excluding side slopes, would vary from an elevation of -65 to -70 feet. Sand is expected to be dredged via pipeline or hopper dredge and placed along areas of the downdrift shoreline between R-91.5 and R-5.0 to help restore the beach from the 2004/2005 tropical storm events. Work is expected to commence in the fall of 2010 and would require roughly 3 to 4 months to complete.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, a modification to the Section 401 water quality certification has been requested from the FDEP (DEP permit #0128852-001-JC). No work would occur until the State of Florida (State) has issued water quality certification for the proposed action. All State water quality standards would be met.

COASTAL ZONE CONSISTENCY: The Mobile District determined that the proposed action is consistent with the Florida Coastal Management Program to the maximum extent practicable. The effect of this project on the coastal zone would be to enhance the zone's appearance and

suitability for beach-type recreation and to restore some of the coastal zone's ability to provide protection against storms and flooding. Restoration of the State's beaches is a policy statement with the state Coastal Zone Management Plan Chapter 161 (Coastal Construction).

USE BY OTHERS: The proposed rehabilitation of the Panama City Beach SDR project is not expected to cause any significant land use changes. Use of waters in the vicinity of the proposed action include: recreational and commercial fishing, recreational boating, swimming and scuba diving.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: An Environmental Impact Statement (EIS) entitled, *Beach Erosion Control and Hurricane Protection, Panama City Beaches, Florida* was completed in February 1979. An EA entitled, *Beach Erosion Control and Storm Damage Reduction Project, Panama City Beach, Bay County, Florida* was completed in April 1995. This EA updated the resource description and impacts associated with the locally preferred alternative of 16.8 miles of beach restoration along Panama City Beach, Bay County, Florida. An EA entitled, *Beach Erosion Control and Storm Damage Reduction Project, Panama City Beach, Bay County, Florida* was completed in May 1997. This EA evaluated impacts associated with changes in the project configuration which were implemented by the local sponsor, the Bay County Tourist Development Council, during the 1998 beach nourishment. Since the completion of the original EIS and subsequent EAs there have been changes in listed threatened and endangered species, critical habitats, and available sand sources. A draft EA has been prepared to address the potential impacts associated with the use of additional sand source and to update the resource description and impacts associated with beach restoration along 17.5 miles of Panama City, Bay County beaches. A final determination of this evaluation will be made upon completion of the required comment period of this public notice. This document is available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review.

CLEAN WATER ACT DETERMINATIONS: An evaluation of water quality impacts associated with the excavation and placement of fill material(s) during construction have been addressed in a draft evaluation report prepared in accordance with the guidelines promulgated by the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act. No wetlands or other significant aquatic ecosystems would be impacted by this action. A final determination of this evaluation will be made upon completion of the required comment period of this public notice. This document is available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed action is being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service (USFWS), and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). The proposed project is located within Gulf sturgeon designated critical habitat and adjacent to critical habitats of the Piping plover and Choctawhatchee beach mice. Based on the Mobile District's assessment, the proposed project would not result in the likelihood of destruction or adverse modification of any critical habitat of these species. In

addition to the Gulf sturgeon, Piping plover and Choctawhatchee beach mice, the surrounding area is known to support the Florida manatee and various species of listed threatened and endangered sea turtles. The Mobile District has determined that the proposed project would have no effect on the Choctawhatchee beach mice and is not likely to adversely affect the Piping plover or Florida Manatee. The Mobile District would use Standard Manatee Protection Conditions during construction and survey for Piping plovers should work occur in August through May.

Excavation would be conducted using either hydraulic cutterhead pipeline or hopper dredging equipment. Existing Biological Opinions (BO) on hopper dredging in the U.S. South Atlantic and Gulf of Mexico waters (most recently, 09 January 2007, Gulf regional biological opinion (GRBO) to the Corps' four Gulf of Mexico Districts) have established that non-hopper type dredging methods have discountable effects on, or are not likely to adversely affect, currently listed sea turtles or Gulf sturgeon (I/SER/2006/02953; I/SER/2006/01096). Should hopper dredge equipment be utilized the terms and conditions set forth in the GRBO would be implemented.

Placement of material for recovery efforts as a result of the recent hurricanes may occur in the later part of the 2010 sea turtle nesting season (01 May through 31 October). In order to reduce potential adverse impacts to sea turtles from beach placement the Mobile District would implement the terms and conditions set forth in the USFWS 1998 Panama City Beach BO, and subsequent amendments. Any work in the western portion (R-4.5 to R-25.75) of the project area would be constructed either outside of the sea turtle nesting season (after 31 October, 2010) or earlier if all nests have hatched within this area. This would protect the highest density of turtle nesting in the project area during the peak nesting period by allowing natural development of sea turtle nests.

ESSENTIAL FISH HABITAT: Congress defines Essential Fish Habitat (EFH) as “those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity,” the designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. The NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates. In addition, marine areas, such as the water column, vegetated and non-vegetated bottoms, artificial and coral reefs, geologic features and continental shelf features have also been identified. The habitat in the project area, which is located within the Gulf of Mexico, consists of estuarine waters and unvegetated bottoms with sand substrates. Of the species managed by the Gulf Coast Fishery Management, the following would be expected to utilize the project area: brown shrimp (*Penaeus aztecus*), pink shrimp (*P. duorarum*), white shrimp (*P. setiferus*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*S. maculatus*), gray snapper (*Lutjanus griseus*), lane snapper (*L. synagris*), gag grouper (*Mycteroperca microlepis*), and red drum (*Sciaenops ocellatus*).

The project as proposed would impact epibenthic crustaceans and infaunal polychaetes within the areas of excavation and beachfront locations. These impacts are primarily short-term in nature and consist of a temporary loss of benthic invertebrate. Non-motile benthic fauna within the area may be destroyed by the proposed work, but should repopulate within several months after completion. Some of the motile benthic and pelagic fauna, such as crabs, shrimp, and fishes, are able to avoid the disturbed area and should return shortly after the activity is completed. Larval and juvenile stages of these forms may not be able to avoid the activity due to limited mobility. No significant direct or indirect impacts to managed species are anticipated.

CULTURAL RESOURCES CONSIDERATION: Between December 2008 and May 2009, Tidewater Atlantic Research, Inc. (TAR) conducted an archaeological and historical remote-sensing survey of the eight proposed sand borrow sites on behalf of Coastal Planning & Engineering, Inc. TAR encountered seventy-seven magnetic anomalies and ten acoustic anomalies within the project area during the investigation. TAR identified 13 target areas composed of thirty-six magnetic anomalies and four side-scan sonar anomalies that may represent significant cultural resources. The remaining 41 magnetic anomalies and 6 acoustic anomalies do not appear to represent cultural resources. TAR recommends avoidance of the 13 clusters with up to 200-foot-radius buffers and if targets cannot be avoided, additional investigation would be needed to positively identify and assess the significance of the material generating the target clusters. The results of the survey were coordinated with the Florida State Historic Preservation Office. A concurrence letter dated July 15, 2009 was received stating concurrence with the determinations based on the information provided.

EVALUATION: The decision whether to proceed with the proposed action will be made by the Mobile District, based on an evaluation of the overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. The decision whether to proceed and the conditions under which the activity will occur will be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal will be considered. Among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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 public. The proposed action will proceed unless it is found to be contrary to the overall public interest.

COORDINATION: Among the agencies receiving copies of this public notice are:

Region 4, U.S. Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, NOAA Fisheries, Protected Species Branch, St. Petersburg,
Florida

Commander, Eighth Coast Guard District
Florida State Historic Preservation Officer
Florida Department of Environmental Protection
Florida Fish and Wildlife Commission
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service

Other federal, state, and local organizations, affiliated Indian Tribe interests, and U.S. Senators and Representatives of the State of Florida are being sent copies of the notice and are being asked to participate in coordinating this proposed work.

CORRESPONDENCE: Any person who has an interest that may be affected by the proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Engineer within 15 days of the date of this public notice. A request for a hearing must clearly set forth the interest that may be affected and the manner in which the interest may be affected. You are requested to communicate the information contained in this notice to any other parties who may have an interest in the proposed activities. Correspondence concerning the public notice should refer to Public Notice No. FP10-PCB05-02 and should be directed to the Commander, U.S. Army Engineer, Mobile District Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Ms. Linda Brown at (251) 694-3786.



CURTIS M. FLAKES
U.S. Army Corps of Engineers
Mobile District

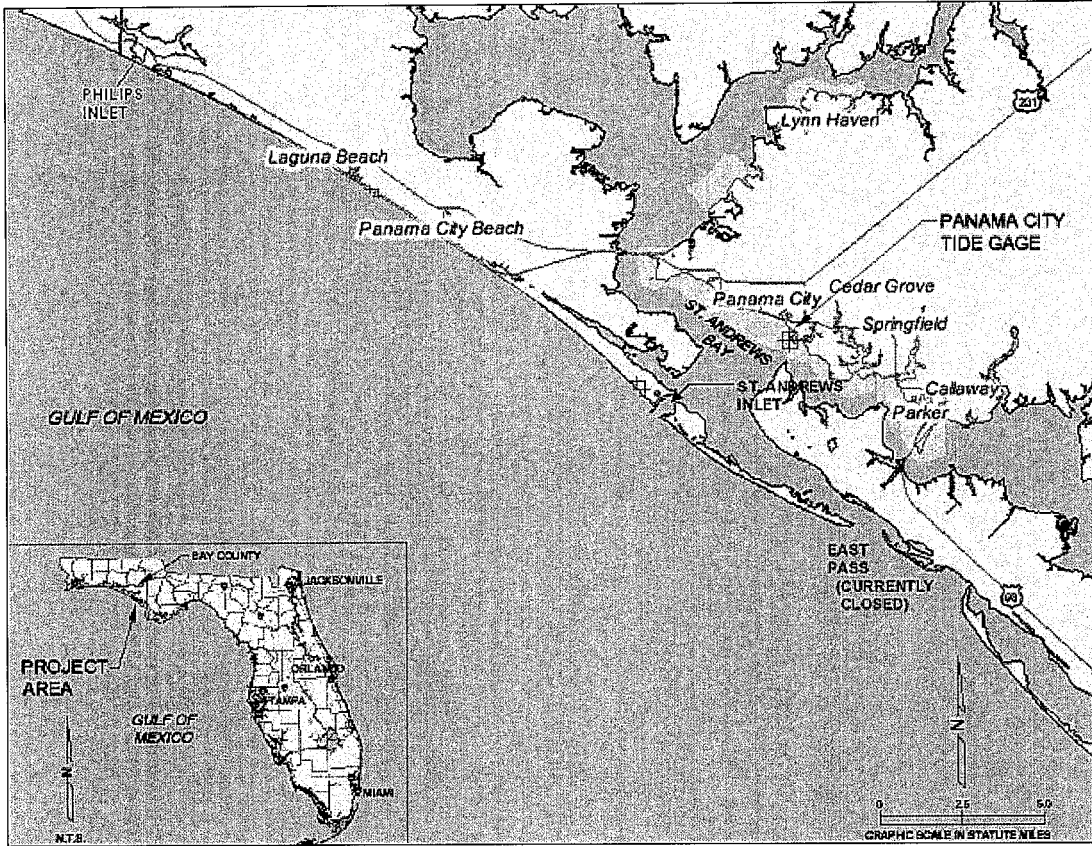


Figure 1: Panama City Beach Vicinity Map

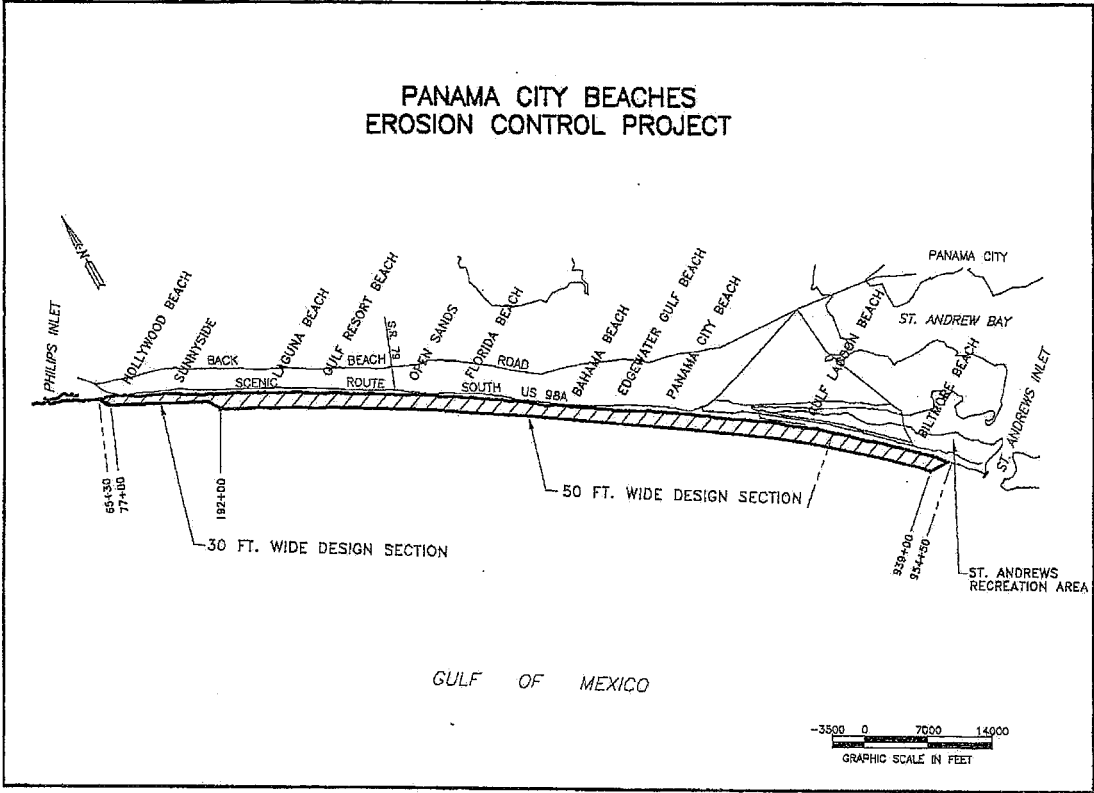


Figure 2: Panama City Beach Placement

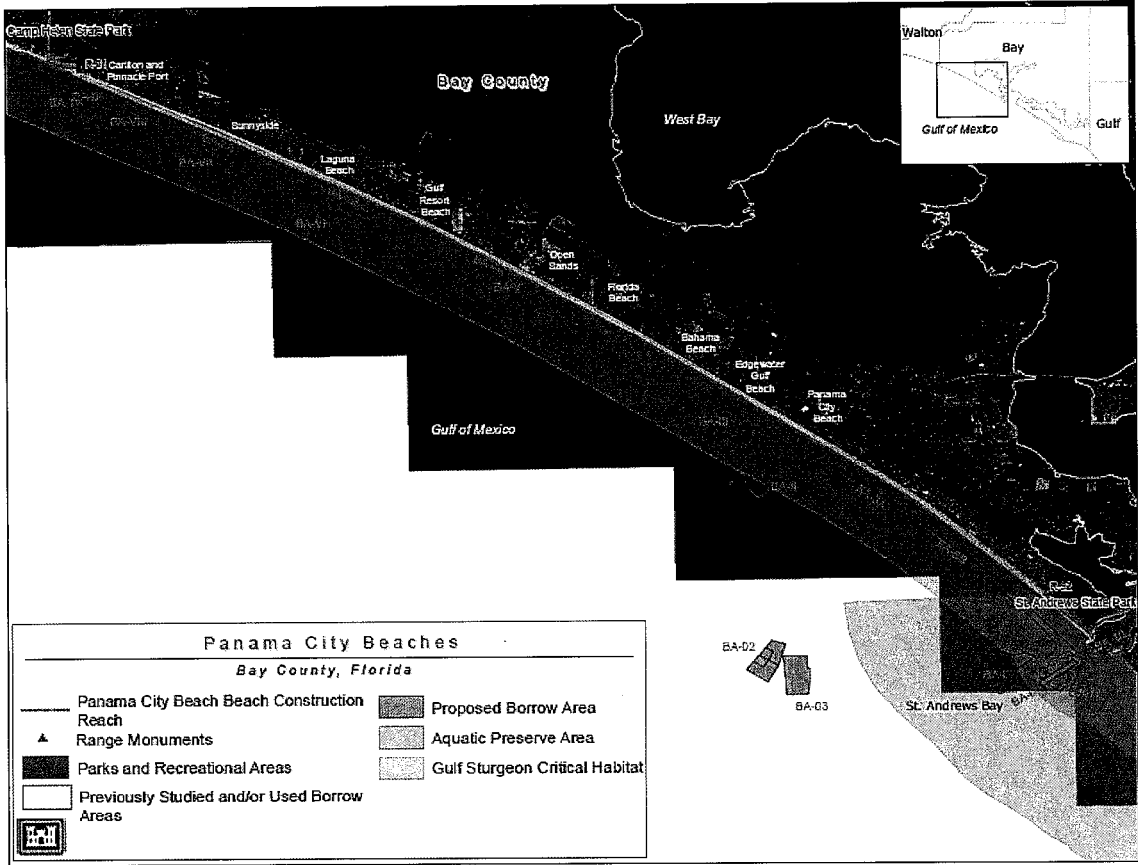


Figure 3: Proposed Borrow Area O-2/3