



REPLY TO
ATTENTION OF

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

CESAM-PD-EC
PUBLIC NOTICE NO. FP08-BCB02-04

17 June 2008

**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 mile extension of the Panama City Beach Storm Damage Reduction (SDR) Project westward to include the shoreline along Carillon and Pinnacle Port (C-PP) Beaches.

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) 1986 (Public Law 99-662) and re-authorized by Section 318 WRDA 1996 (Public Law 104-303).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The plan authorized by WRDA 1986 provided for a 30-foot dune top width at an elevation of 15-foot National Geodetic Vertical Datum (NGVD), a 25-foot wide storm berm at 7-foot NGVD, and a 10-foot wide berm at 4-foot NGVD sloping down to the natural bottom of the Gulf of Mexico at 1-foot vertical (V) to 18-foot horizontal (H). 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-1.0 with appropriate transitions to tie back into the natural shoreline at the ends of the project (Figure 2).

DESCRIPTION OF PROPOSED ACTION: The preferred alternative is to extend beach restoration from the western end of the existing nourished Panama City Beach SDR project at R-4.5 to R-0.5 (including tapers), a distance of approximately 1 mile (Figure 3). The project would tie into the existing nourished beach to the east and would include an approximate 1,000-foot taper to transition into the existing beach to the west. The construction berm, which includes overfill for loss of fine grains during initial placement and advance maintenance, would consist of an approximately 130-foot wide berm at an elevation of 7-foot NGVD, a 1V:10H slope from the berm's seaward edge to 0 NGVD, and a 1V:15H slope to the toe of the fill (intersection with the existing bottom). Because the seaward slope of the construction profile would be steeper than the native slope, the construction profile is expected to adjust rapidly through the erosion of the berm with deposition near the toe of the fill until its shape; termed equilibrium profile mimics the natural nearshore profile shape. The construction and equilibrium beach profiles would contain identical volumes.

In total, the initial beach restoration along C-PP developments would consist of placing approximately 390,000 cubic yards sand along an approximate mile long stretch of shoreline. Beach quality sand for beach restoration would be excavated from existing identified and approved offshore borrows areas via a hydraulic cutter head and/or hopper dredge. The sand would be pumped to the beach through a submerged pipeline, and graded with land-based equipment to the construction template configuration. Periodic beach re-nourishments are expected to occur on average once every 10 years. A reconnaissance level search to identify an adequate volume of material for beach re-nourishment for the Panama City Beach SDR project over the next 15 years is currently being conducted. This is a long-term study and is not at a level to provide additional sand sources to address the immediate need for restoring the beach, but will likely be considered in the future as a potential sand source.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, a modification to the Section 401 water quality certification is being requested from the FDEP (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 Corps, 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 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. The EIS resulted in authorization in the WRDA 1986 (PL 99-662), which was approved on 17 November 1986. The plan, which was authorized by WRDA 1986, provides for 18.5 miles of beach restoration along Panama City Beach, Bay County, Florida. An Environmental Assessment (EA) entitled, Beach Erosion Control and Storm Damage Reduction Project, Panama City Beach, Bay County, Florida was completed in 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 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 (TDC), during the 1998 beach nourishment. A draft EA entitled, Beach Erosion Control and Storm Damage Reduction Project, Panama City Beach, Bay County, Florida was completed in 2007. This draft EA was prepared to address the potential impacts associated with the use of an additional sand source and to update the resource description and impacts associated with beach restoration along 16.8 miles of the Panama City, Bay County beaches.

A draft EA to update the resource description and impacts associated with implementation of a SDR project along an approximate mile reach immediately west of the federally nourished Panama City Beaches SDR project has been prepared in accordance with NEPA. This document is available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review. A final determination of this evaluation will be made upon completion of the required comment period of this public notice.

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 significantly impacted by this action. This document is available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review. A final determination of this evaluation will be made upon completion of the required comment period of this public notice.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed action has been 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) to address potential affects of the proposed action on listed threatened and endangered species and their critical habitats.

Excavation would likely 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, January 9, 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 dredging equipment be utilized the Terms and Conditions set forth in the GRBO would be implemented.

Portions of the project's beach placement and borrow areas are located within critical habitat of the Gulf sturgeon. On December 29, 2004, NMFS issued a BO stating that the removal of sand from approximately 316 acres of nearshore borrow areas for the restoration of 16.8 miles of beach would not adversely modify Gulf sturgeon critical habitat. Formal consultation to address possible impacts to the Gulf sturgeon and its associated critical habitat as a result of the excavation of a new borrow area and inclusion of C-PP developments was initiated with NMFS, August 2006. NMFS determined in their August 16, 2007 BO that the action, as proposed, would not destroy or adversely modify designated Gulf sturgeon critical habitat.

The USFWS issued a BO for the Panama City Beach Nourishment on April 8, 1998. In this opinion, the USFWS determined that the restoration of Panama City Beach Nourishment project would not likely jeopardize the continued existence of the loggerhead, green and leatherback turtles provided the Terms and Conditions set forth in the opinion were implemented. Formal consultation to address possible impacts to nesting sea turtles as a result of the excavation of a new borrow area for restoration of the Panama City Beach SDR project and inclusion of C-PP developments was initiated with the USFWS, April 2007. The USFWS issued an amendment to their BO, which determined that the proposed action would not likely jeopardize the continued existence of the loggerhead, green and leatherback turtles provided the Terms and Conditions set

forth in their October 25, 2007 opinion were implemented. The Corps, Mobile District is currently working with the Bay County TDC and the USFWS to address lighting along the Panama City Beach SDR project in an effort to minimize the impacts of the existing Incidental Take of threatened and endangered sea turtles for future beach restoration. Based on communications with the USFWS, areas falling under the existing pilot lighting ordinance, including those areas along C-PP reasonably minimize lighting impacts on threatened and endangered sea turtles and would therefore meet the requirement of the existing BO for beach restoration. A letter requesting concurrence is being sent to the USFWS.

Based on previous coordination with the State and USFWS, a number of conservation measures associated with the protection of Manatee and Piping plovers have been incorporated into the project. These include: the use of Standard Manatee Protection Conditions, surveys for Piping plovers for construction during February and April, and the designation of buffer zones around areas where piping plovers occur.

During construction the Mobile District would continue to abide by the terms and conditions of the following: (1) GRBO for Dredging of Gulf of Mexico Navigation Channels and Sand Mining Areas Using Hopper Dredges by COE Galveston, New Orleans, Mobile, and Jacksonville Districts, dated November 19, 2003, as amended; (2) the USFWS's Panama City Beach Nourishment BO, dated April 8, 1998, as amended; (3) the NMFS's Panama City Beaches Renourishment BO, dated February 11, 2005, as amended.

ESSENTIAL FISH HABITAT: Brown shrimp (*Penaeus aztecus*), pink shrimp (*P. duorarum*), white shrimp (*P. setiferus*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*S. maculate*), gray snapper (*Lutjanus griseus*), lane snapper (*L. synagris*), gag grouper (*Mycteroperca microlepis*), and red drum (*Sciaenops ocellatus*) are expected to occur within the vicinity of the project. No estuarine emergent wetlands, oyster reefs, or submerged aquatic vegetation would be adversely affected by the proposed action. Excavation and placement operations would impact benthic organisms within the footprint of the borrow areas and placement sites. However, no significant long-term impacts to this resource are expected as result of this action.

Increased water column turbidity during excavation and placement would be temporary and localized. The spatial extent of elevated turbidity is expected to be within 1,000 meters of the operation, with turbidity levels returning to ambient conditions within a few hours after completion of the activities. Therefore, no significant long-term impacts to water quality are expected to occur.

Notwithstanding the potential harm to some individual organisms, no significant impacts to federally managed species of finfish or shellfish populations are anticipated from the borrow area excavation and placement operations. Therefore, it is the opinion of the Corps, Mobile District

that this project would have no significant effects on Essential Fish Habitat. This public notice and the effects determination of the EA are being forwarded to the NMFS for review and comment.

CULTURAL RESOURCES CONSIDERATION: The beach area along C-PP was previously coordinated with the Florida State Historic Preservation Officer (SHPO) on two separate occasions in 1989 and 1994. In 1989, Mobile District archaeological staff conducted a pedestrian survey of 18.5 miles from the entrance of Panama City Harbor to the mouth of Phillips Inlet and based on their lack of positive findings, recommended that there appeared to be little or no potential for intact significant cultural properties in the project area. The Florida SHPO concurred with their findings on December 7, 1989. Further correspondence regarding the beach portion and proposed borrow areas in 1994 restated the same recommendations that the beach retained low potential for intact cultural properties and proposed that the project would have no effect to historic properties listed, or eligible for listing, in the National Register of Historic Places. Again, the Florida SHPO concurred with this recommendation in a letter dated July 11, 1994 (project file no. 941852).

The cultural properties surrounding Lake Powell would not be affected by this undertaking. Given the recent heavy beach erosion resulting from Hurricanes Opal, Georges, Ivan, and Dennis, it is reasonable to suggest that the area of potential effect still has a low probability for the presence of intact, significant cultural properties. Additionally, the proposed shoreline restoration would involve the creation of protective storm berm using the placement of suitable beach quality sand obtained from existing approved offshore borrow areas. This storm berm would hinder the northern advance of the shoreline as a result of further erosion and serve to protect the nearby cultural properties along the southern boundary of Lake Powell. Therefore, it is the opinion of the Corps, Mobile District that this project would have no effect on historic properties, and would serve as a protective measure to surrounding resources.

The Corps, Mobile District requested concurrence from the Department of State, Division of Historic Resources with our finding of no historic properties affected by the proposed action as per 36 CFR 800.4(d)(1) via letter dated March 7, 2008.

EVALUATION: The decision whether to proceed with the proposed action will be made by the Corps, 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 Conservation 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 30 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. FP08-BCB02-04 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Ms. Elizabeth Godsey at (251) 694-3843.



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

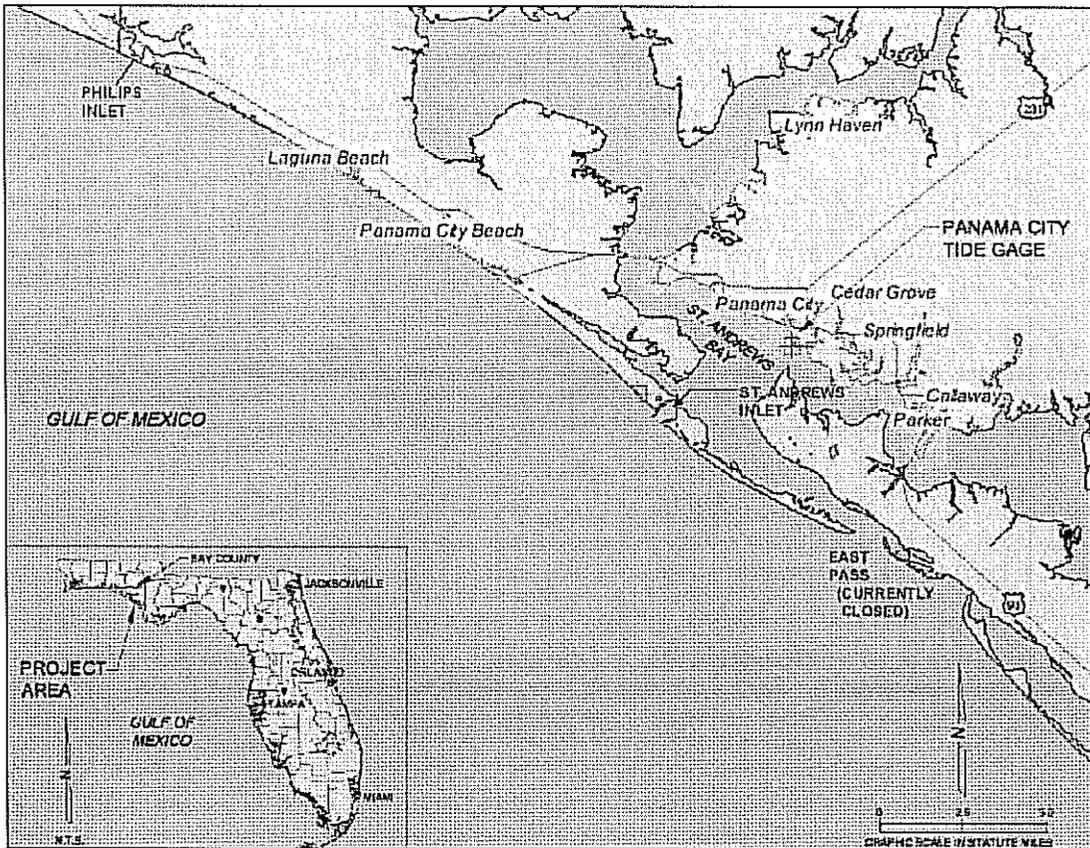


Figure 1: Panama City Beach Vicinity Map

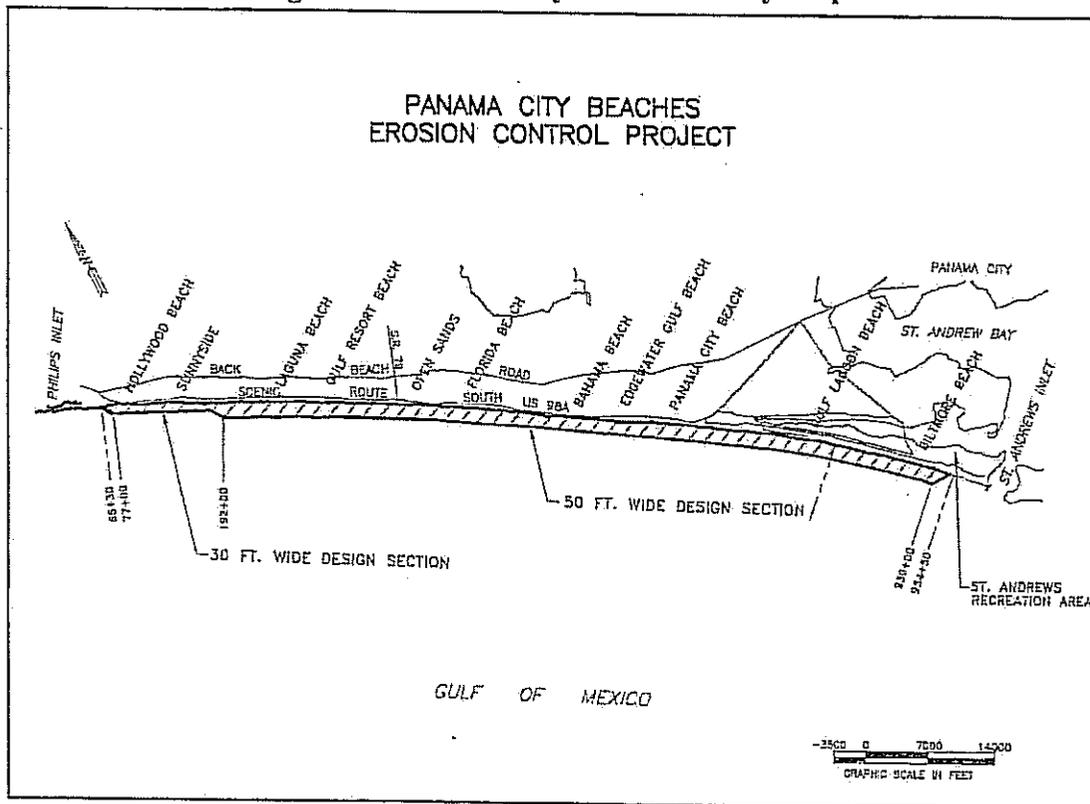


Figure 2: Panama City Beach Placement



PANAMA CITY BEACHES, FL
 BEACH EROSION CONTROL
 & STORM DAMAGE REDUCTION PROJECT
 CARILLON - PINNACLE PORT
 PROJECT PLAN VIEW

Figure 3: Panama City Beach SDR Project Carillon and Pinnacle Port Extension