



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

March 13, 2023

REPLY TO
ATTENTION OF

Regulatory Division
Enforcement Section
SAJ-1993-41787(MOD-JCP)
Modification-3

City of Fort Pierce
c/o Mr. John Andrews, City Engineer
P.O. Box 1480
Fort Pierce, FL 34950
jandrews@city-ftpierce.com

Dear Mr. Andrews:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your modification request, received on June 4, 2018, in which you asked to revise the plans authorized by Department of the Army permit number SAJ-1993-41787, issued to City of Fort Pierce (City), dated January 11, 2011. The project is located within a traditionally navigable waterway in the Indian River Lagoon, adjacent to the Fort Pierce City Marina located at 1 Avenue A, Fort Pierce, (Section 10, Township 35 South, Range 40 East), in St. Lucie County, Florida.

The proposed modification would result in changes to the project description, special conditions and the addition of new special conditions.

The Project Description and Special Conditions shall be revised as follows
(underlines are additions, ~~strikethroughs~~ are deletions):

Project Description: The Permittee is authorized to construct a storm-protection island system within tidal waters comprised of a chain of twelve islands and one peninsular structure for a total of 14.66 acres. Approximately ~~208,00~~ 208,000 cubic yards of dredged material from the outer marina basin, limestone rip rap, and upland fill are required to construct the storm-protection system. The Permittee is authorized to rebuild the previously existing southern marina, consisting of 125-mooring piles, 98-boat slips, eight sewage pump-out stations, and 35,038-square feet of overwater docking structure in the same configuration as the previously existing marina. The Permittee is authorized to reconfigure and expand the previously existing northern marina docking facility. The reconfiguration of the northern marina authorizes an approximately 475-foot pier extension to include ~~additional seven boat slips for a total of 39 boat slips more~~

~~than what was previously authorized.~~ The docking facility will include 12 mooring piles and a 13,310-square-foot dock. The project will also maintenance dredge 8,700 cubic yards of material from the northern and southern marina basin to a maximum depth of -8.0 feet mean low water. The dredged material from the two basins will be placed to construct the storm-protection island system. The Permittee is required to construct the following compensatory mitigation projects: fill a 2.34-acre dredge hole to create habitat suitable for seagrass to thrive, restore seagrass by scraping down a 0.12-acres of Spoil Island A to an elevation that seagrass will thrive, restore 0.04 acres of prop-scarred seagrass beds, and create 1.23 acres of oyster habitat and ~~4.54~~ 0.82 acres of mangrove habitat.

Special Conditions:

14. Monitoring Requirements: The Permittee shall conduct a pre-construction, time-zero, and annual bathymetric cross channel surveys within the Intracoastal Waterway channel. The pre-construction survey will be done within 45 days prior to project commencement, and the time zero survey will be done within 45 days following project completion. The annual survey monitoring of the channel will occur one year after the time zero survey has been completed. The survey will be completed in accordance with the following:

- a. The number and length of the survey transects shall be sufficient to encompass the navigable width of the federal IWW channel. The cross-channel transect interval shall be at a minimum of every 400 feet. The northernmost (channel perpendicular) cross-channel transect will begin at Sta. 0+00 of Cut SL-5, and will proceed southward to Sta. 36+00 of Cut SL-5. The time zero survey results of the channel will include an illustration showing the pre-construction survey results and provide conclusions and quantification of the presence (+/- 0.5 feet) of increased sediment volume within the channel. The cross-channel survey shall be done annually for 5 years after construction. The requirement for additional monitoring after five years will be evaluated by the Corps once the fifth annual survey data is submitted and reviewed. Both low frequency (20-28 kHz) and high frequency (200kHz) shall be used during collection of data associated with this permit. High frequency data shall be presented for each cross section on station in pdf format to compare current conditions to conditions documented in previous survey events associated with this permit in addition to authorized depths. An ascii readable file in XYZ format shall be provided for both high

and low frequency data acquired. Surveys shall be conducted in accordance with Florida Statute Chapter 177, Chapter 472 and Rule 5J-17, Florida Administrative Code:

- c. Based on a project performance review, the Corps has determined additional physical monitoring is required. The Permittee shall continue performing annual surveys of Cut SL-5 in accordance with Special Condition 14.a. Surveys shall be submitted to SAJ-RD-Enforcement@usace.army.mil annually. In the event the Corps, FIND, or other agency has completed a survey within 12 months of the most current survey, the Permittee is exempt from the annual survey requirement.

23. Compensatory Mitigation: Within 12 months from the date of initiating the authorized work the Permittee shall complete the following mitigation objectives in accordance with the approved Ft. Pierce Marina Mitigation Plan (Attachment 11) and the Habitat Monitoring Plan (Attachment 8) as detailed on Drawings 1 through 22 of

- e. Create ~~4.54~~ 0.82 acre of mangrove habitat and 1.23 acres of oyster habitat along the fringes of the storm protection islands authorized under this permit. See Special Condition 37 below.

24. Performance Standards: To meet the objectives of the compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. ~~4.54~~ 0.82-acre mangrove creation:

- (1) Coverage of Category I and II· invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, shall total less than 2 percent for the mangrove fringe and the upland storm protection islands,
- (2) At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter) within the created mangrove habitat,
- (3) Less than 20 percent mortality of planted mangroves,
- (4) Desirable plants are reproducing naturally,
- (5) The size and distribution of desirable plant species increases with time by natural recruitment, and;
- (6) The mangrove habitat will be trending towards success by the

end of the third year with no maintenance or supplemental plantings during years four and five. The mangroves will be established and functioning without the need for replanting or maintenance by the end of the fifth year.

37. Mitigation Bank Credit Purchase: Within 30 days from the date of issuance of this modification, the Permittee shall provide verification to the Corps that 0.16 of estuarine federal mitigation bank credits has been purchased from the Bear Point Mitigation Bank SAJ-1997-07812. The required verification shall reference this project's permit number SAJ-1993-41787.

38. Long Term Management and Removal of Shoal: Within 60 days of issuance of this modification, the Permittee shall provide a long-term management plan for review and approval. The plan shall demonstrate the Permittee's ability to alleviate adverse shoaling of the federal channel. In the event, bathymetric surveys depict an -8 feet mean lower low water (MLLW) or shallower elevation, the Permittee shall remove the shoaled material to a depth of -10 feet MLLW. The City will ensure that any necessary permitting requirements are addressed prior to commencement.

39. Adaptive Management: The applicant shall maintain the rip-rap shoreline of storm-protection island system for oyster habitat mitigation. If future alterations of the project occurs in a manner which impacts the created habitat, the Permittee shall submit an application to the Corps requesting approval for additional mitigation measures to offset the loss of oyster habitat i.e. riprap.

The impact of your proposal on navigation and the environment has been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning this permit modification, please contact the project manager Jonathan Pempek at the letterhead address, by telephone at 561-685-1708 or by electronic mail at Jonathan.C.Pempek@usace.army.mil.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this

Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for James L. Booth
Colonel, U.S. Army
District Commander

Enclosures

cc:

Mark Crosley, FIND
FDEP, Southeast District
USCG, Sector Miami