

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

NOTICE

NOTICE is hereby given pursuant to Section 253.115, Florida Statutes, that the Board of Trustees of the Internal Improvement Trust Fund has received an application 50-323351-002-EI from Southpaw Trust, c/o Lester Knispel, 1480 North Lake Way, Palm Beach, FL 33480, requesting a sovereignty submerged land lease appurtenant to the applicant's riparian ownership on the Lake Worth Lagoon, Section 34, Township 42 South, Range 43 East, Palm Beach County, Class III Waters, for the purpose of the installation of a 241 linear foot seaweed barrier extending from the end of the dock with six (6) screw anchor or drilled and epoxied/grouted anchors. Anyone interested in reviewing the entire application for the proposed activities may do so at 3301 Gun Club Road, SC 7210-1, West Palm Beach, FL 33406. Anyone having any questions or comments regarding the proposed project should file them in writing with the Florida Department of Environmental Protection, 3301 Gun Club Road, SC 7210-1, West Palm Beach, FL 33406 before 5:00 p.m. on December 25, 2024.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FLORIDA 33410

October 24, 2024

Regulatory Division  
South Branch  
Palm Beach Gardens Permits Section

## **PUBLIC NOTICE**

Permit Application No. SAJ-2009-03249 (SP-JLA)

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Southpaw Trust  
c/o Lester Knispel  
21731 Ventura Boulevard, Suite 300  
Woodland Hills, California 91364

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Intracoastal Waterway. The project site is located at 1480 North Lake Way in Section 34, Township 42 South, Range 43 East, Palm Beach, Palm Beach County, Florida.

### APPROXIMATE CENTRAL COORDINATES:

Latitude: 26.765798° North  
Longitude: -80.041589° West

### PROJECT PURPOSE:

Basic: The basic project purpose is to exclude boaters\*.

Overall: The overall project purpose is to exclude boaters at 1480 North Lake Way, in Palm Beach County, Florida.

\*The applicant has indicated that their purpose also includes exclusion of seaweed and debris from accumulating on the beach, however the Corps feels the exclusion of seaweed and debris may be a secondary purpose.

### EXISTING CONDITIONS:

The project site is located on a private single-family residence within Lake Worth Lagoon, 1.2 miles south of Peanut Island and adjacent to the Intracoastal Waterway (ICW), which are tidal waters accessible to fish and aquatic wildlife species as well as

federally listed species such as manatees, sea turtles, smalltooth sawfish, and giant manta rays. The site contains a concrete retaining wall and 262 linear feet of private sandy beach. The residence contains a wooden dock with a terminal platform and a boat lift. A benthic survey was performed on June 10, 2022, and indicated the presence of several seagrasses (*Halophila johnsonii*, *Halodule wrightii*, and *Halophila decipiens*) throughout the project area in densities ranging from 1%-20%. The benthic substrate consists of hard bottom. The U.S. Army Corps of Engineers (Corps) previously issued a Department of Army (DA) permit in 2009 to construct a dock and boat lift which was modified in 2010 and again in 2011.

**PROPOSED WORK:** The applicant seeks authorization to install a 241-linear foot seaweed barrier that would attach to the terminal end of the existing dock and stretch 191 linear feet south before making a 90° turn east for 50 linear feet. The barrier would be anchored to the substrate using a screw type eyelet attached to sleeved nylon rope. The barrier is made to float vertically approximately 8-inches above the water.

**AVOIDANCE AND MINIMIZATION INFORMATION –** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Floating turbidity curtains would be utilized during all in-water work and would remain in place until all erodible sediment has stabilized. The applicant agrees to abide by the “Standard Manatee Conditions for In-Water Work” and “Sea Turtle and Smalltooth Sawfish Construction Conditions.”

**COMPENSATORY MITIGATION –** The applicant has provided the following explanation why compensatory mitigation should not be required:

Approximately 0.4 square feet of hard bottom and 0.4 square feet of seagrass could be affected by the anchors. This is a potential impact that is equivalent to one 12-inch diameter wood pile and less than one 12-inch square concrete pile. However, both anchoring systems would likely have only a temporary impact on the resources as both anchoring systems would be below the existing grade with only an eye loop extending above the bottom to which the sleeved rope would be attached. Regardless, the potential for less than one square foot of impact is negligible. Mitigation for this negligible impact should not be required.

#### **CULTURAL RESOURCES:**

The Corps is aware of recorded historic resources within or adjacent to the permit area and is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional

coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

#### ENDANGERED SPECIES:

The Corps has determined that the proposed project may affect, but is not likely to adversely affect swimming sea turtles: Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*) and Kemp's Ridley (*Lepidochelys kempii*); Smalltooth sawfish (*Pristis pectinata*); and the Giant Manta Ray (*Mobula birostris*). The Corps will evaluate the proposed work and request concurrence from the U.S. Fish and Wildlife Service and National Marine Fisheries Service by separate letter, or obtain programmatic concurrence, as appropriate.

The Corps has determined the proposal may affect but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*) and its designated critical habitat. The Corps evaluated potential project related effects to the manatee by using *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*, (Key) dated April 2013. Using the Key, A>B>C>G>N>O>P couplet 4, resulted in a "May Affect Not Likely to Adversely Affect" determination. The U.S. Fish and Wildlife Service has given programmatic concurrence with this determination through use of the key and no further coordination is required.

#### ESSENTIAL FISH HABITAT (EFH):

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 0.003 acres of hard bottom contains submerged substrate known to contain seagrass and is utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. The project proposes 0.8 square feet of direct impacts to the existing seagrass and hardbottom within the project area. However, the direct impacts are minimal in scope, therefore, the Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. 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: The proposed project is approximately 0.5-miles from the edge of the federal channel but may affect boaters within local area of the project site.

SECTION 408: The Corps has determined the applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

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.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated waters. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Jennifer L. Alexander, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; or by e-mail at Jennifer.L.Alexander@usace.army.mil.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency, 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.

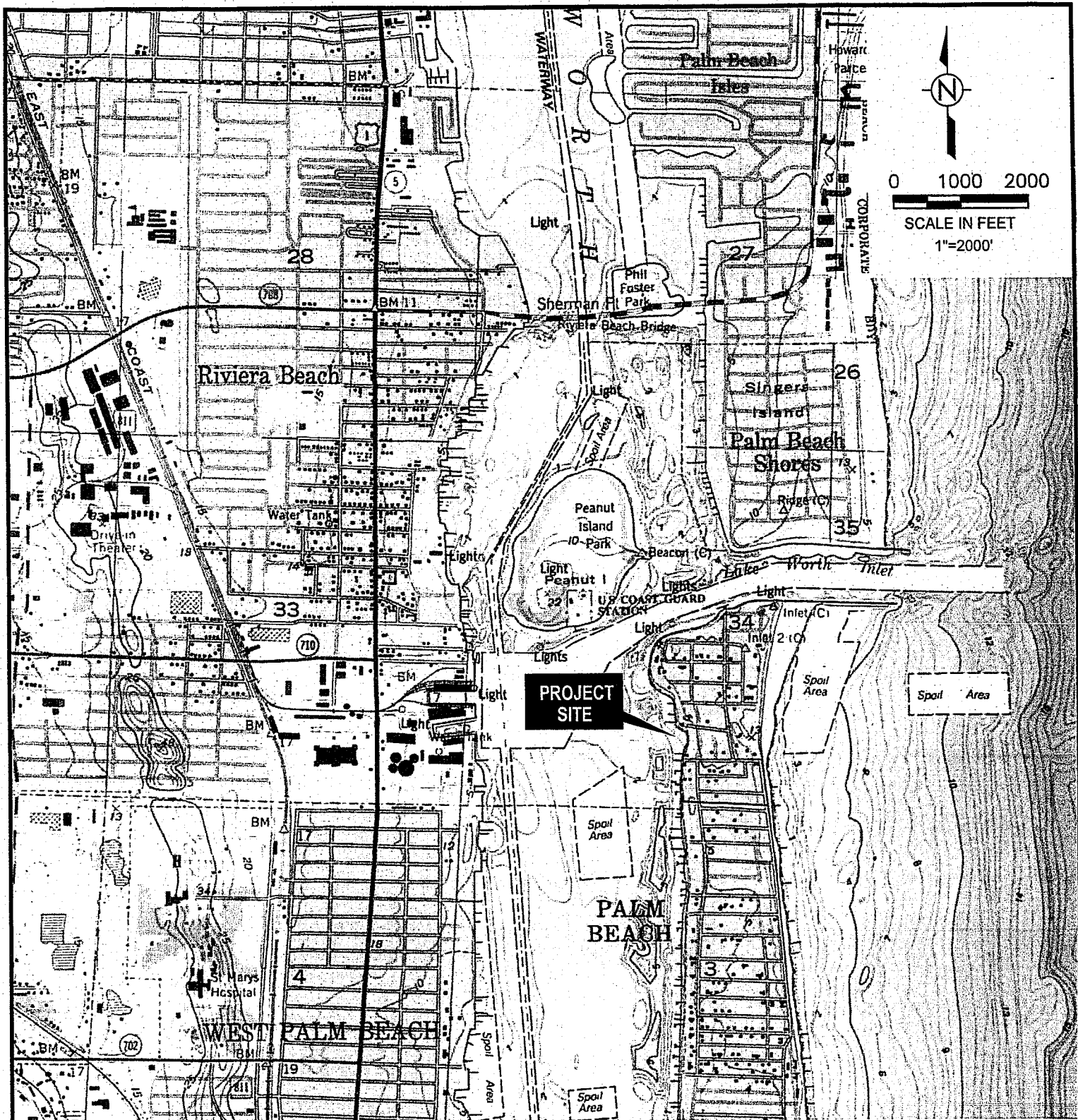
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

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 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.

**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.



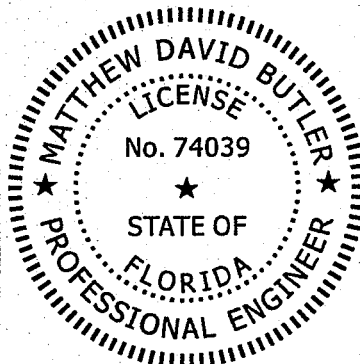
TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE

SEC: 34 TWP: 42S RGE: 43E

LAT: 26° 45' 57" N

LONG: 080° 02' 30" W

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 1/23/2023 using a Digital Signature. 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

REGISTRATION NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003

**PROPOSED SEAWEED BARRIER  
LAKE WORTH**

1480 NORTH LAKE WAY

TOWN OF PALM BEACH, PALM BEACH COUNTY, FL

FOR: SOUTHPAW TRUST

DATE	1/23	DRAWN	MDB	CHKD	CCJ/R	APPRVD	MDB
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DWG NO.	22087C1	SHEET	1
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COMPUTER FILE NO.	22087C	OF	3
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**REVISIONS:**

9/5/24 "sovereign" & seaweed barrier
10/16/2024 per comments
11/14/2021 Added dock to south.

**EXHIBIT "A"**

**DESCRIPTION OF SOVEREIGN SUBMERGED LAND LEASE AREA:**

A PORTION OF SOVEREIGN SUBMERGED LAND IN THE WATERS OF LAKE WORTH LYING ADJACENT TO THE EASTERLY MEAN HIGH WATER LINE OF LAKE WORTH LYING IN SECTION 34, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHEAST CORNER OF LOT 4-B, AMENDED PLAT OF MANANA ESTATES, PLAT NO. 3, AS RECORDED IN PLAT BOOK 16, PAGE 8, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.88°01'01"W. ALONG THE NORTH LINE OF LOT 4-B, A DISTANCE OF 195.57 FEET TO THE MEAN HIGH WATER LINE OF LAKE WORTH; THENCE S.02°51'54"E. ALONG SAID MEAN HIGH WATER LINE A DISTANCE OF 25.09 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE MEAN HIGH WATER LINE N.88°01'01"W. ALONG A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 4-B, A DISTANCE OF 178.00 FEET; THENCE S.05°53'37"W., A DISTANCE OF 50.68 FEET; THENCE S.84°05'10"E., A DISTANCE OF 33.24 FEET; THENCE S.05°12'12"W., A DISTANCE OF 147.99 FEET; THENCE S.88°01'01"E. ALONG A LINE 77.50 FEET NORTH OF AND PARALLEL WITH THE WESTERLY PROLONGATION OF SOUTH LINE OF LAKE LOT 2, AMENDED PLAT OF MANANA ESTATES, PLAT NO. 3, A DISTANCE OF 169.28 FEET TO THE MEAN HIGH WATER LINE OF LAKE WORTH; THENCE N.01°29'13"E ALONG THE MEAN HIGH WATER LINE, A DISTANCE OF 69.96 FEET; THENCE N.02°01'45"W. ALONG THE MEAN HIGH WATER LINE, A DISTANCE OF 57.08 FEET; THENCE N.04°16'20"W ALONG THE MEAN HIGH WATER LINE, A DISTANCE OF 74.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,724 SQUARE FEET (0.7742 ACRES).

<b>FDEP</b>
BSM Reviewed
By: <u>SEW</u>
Date: <u>11/16/24</u>

**CERTIFIED TO: THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**

**CERTIFICATE:**  
THIS IS TO CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES

	Digitally signed by Michael J Miller Date: 2024.11.14 13:35:36 -05'00'
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REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. MICHAEL J. MILLER #4034

SCALE:	1" = 40'
DRAWN BY:	PICARD
FIELD WK:	J.W. / B.M.
DATE:	09/04/2024

**MILLER LAND SURVEYING**  
 1121 LAKE AVENUE  
 LAKE WORTH, FLORIDA 33460  
 PHONE: (561) 586-2669 - FAX: (561) 582-0151  
 www.millersurveying.com  
 e-mail: office@millersurveying.com

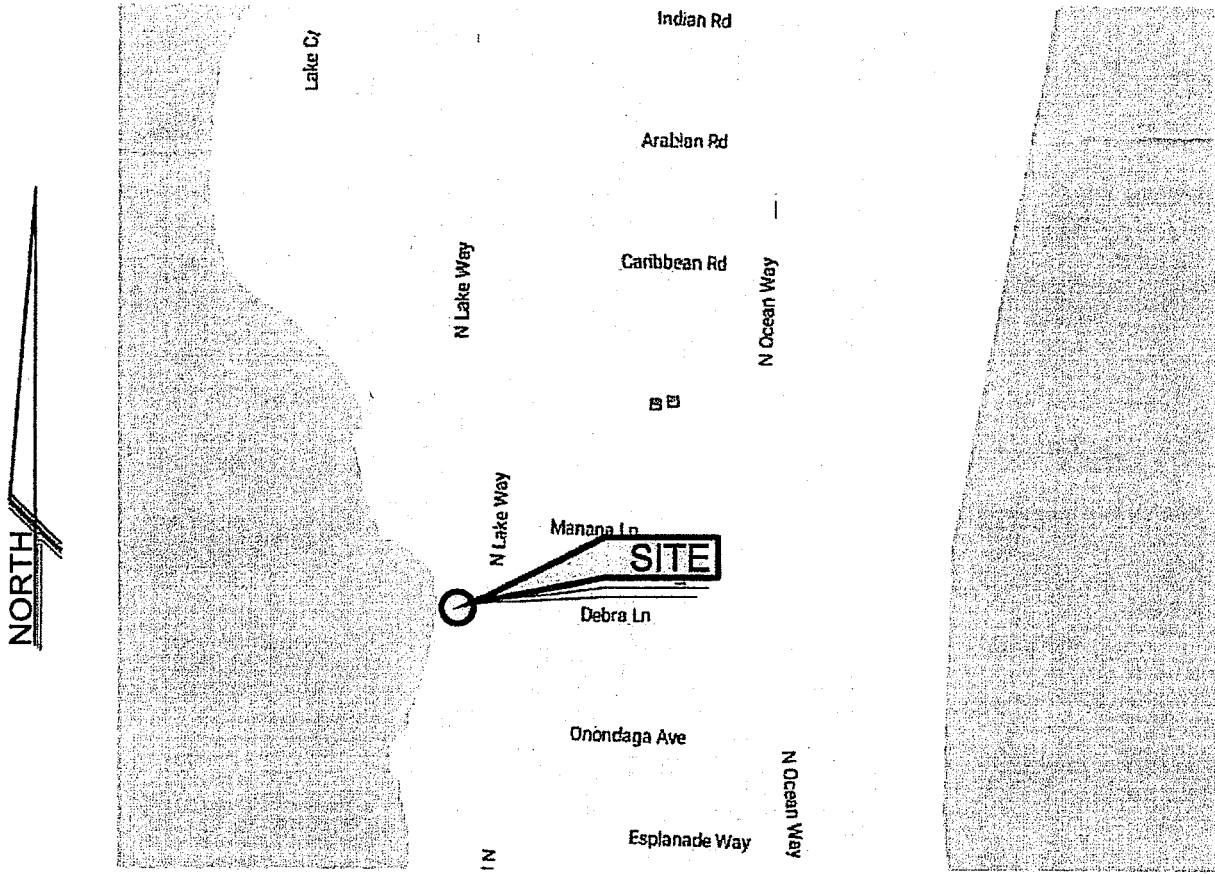
REF:	P-92/18
PREV. JOB NO'S.	Y230883
JOB NO.	Y241202
<b>S - Y241202</b>	



EXHIBIT "A"

SHEET 2 OF 4

LOCATION MAP (NOT TO SCALE)

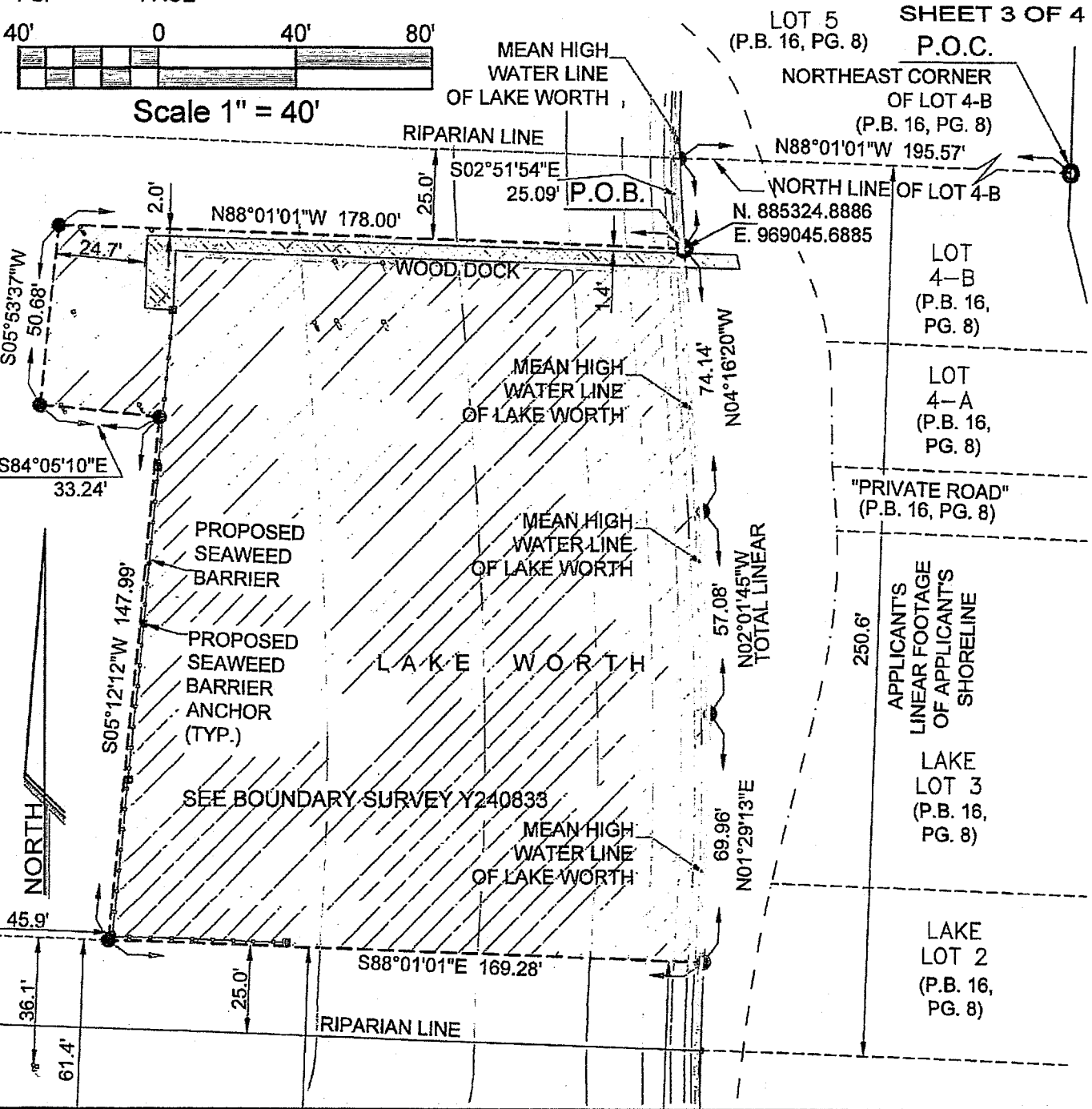
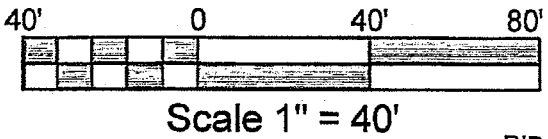


SCALE: 1" = 40'	<b>MILLER LAND SURVEYING</b> 1121 LAKE AVENUE LAKE WORTH, FLORIDA 33460 PHONE: (561) 586-2669 - FAX: (561) 582-0151 www.millersurveying.com e-mail: office@millersurveying.com	REF: P-92/18
DRAWN BY: PICARD		PREV. JOB NO'S.
FIELD WK: J.W. / B.M.		JOB NO. Y230883
DATE: 09/04/2024		<b>S - Y230883</b>

**SITE SPECIFIC LEGEND:**

P.O.C. = POINT OF COMMENCEMENT SURVEY SEE BOUNDARY SURVEY Y230883  
 P.O.B. = POINT OF BEGINNING SURVEY Y230883  
 P.B. = PLAT BOOK  
 PG. = PAGE

**EXHIBIT "A"**  
 (BASED ON A FIELD SURVEY SEE BOUNDARY SURVEY Y230883)



SEE SHEET 4 OF 4 FOR CONTINUATION

SCALE:	1" = 40'
DRAWN BY:	PICARD
FIELD WK:	J.W. / B.M.
DATE:	09/04/2024

**MILLER LAND SURVEYING**  
 1121 LAKE AVENUE  
 LAKE WORTH, FLORIDA 33460  
 PHONE: (561) 586-2669 - FAX: (561) 582-0151  
 www.millersurveying.com  
 e-mail: office@millersurveying.com

REF:	P-92/18
PREV. JOB NO'S.	
JOB NO.	Y230883
<b>S - 48,</b>	

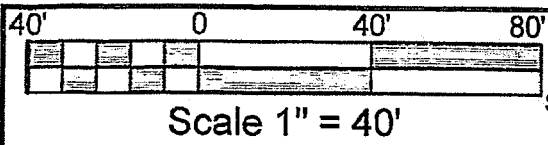
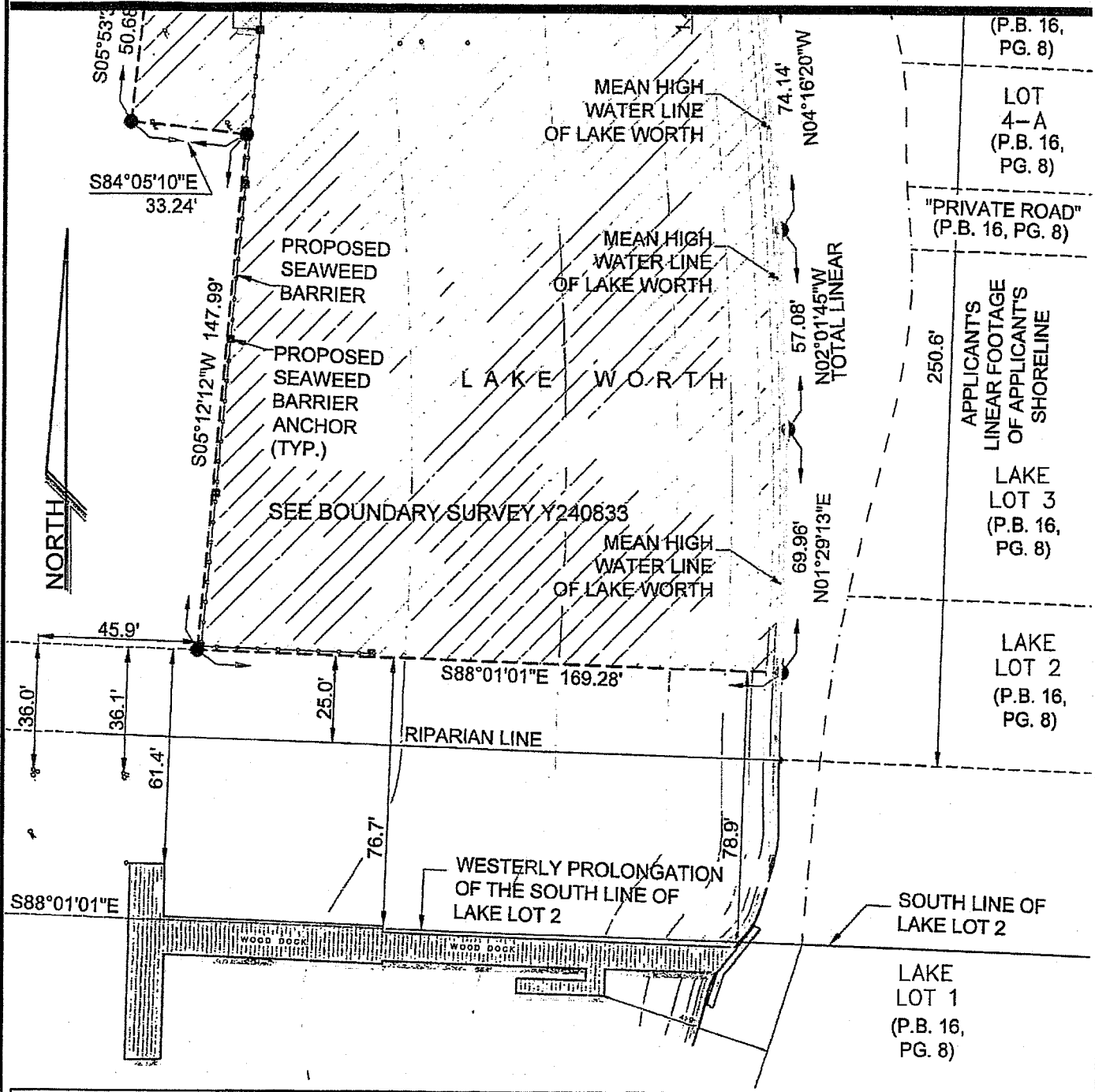


EXHIBIT "A"  
 (BASED ON A FIELD  
 SURVEY SEE BOUNDARY  
 SURVEY Y230883)

SEE SHEET 3 OF 4 FOR CONTINUATION

SHEET 4 OF 4



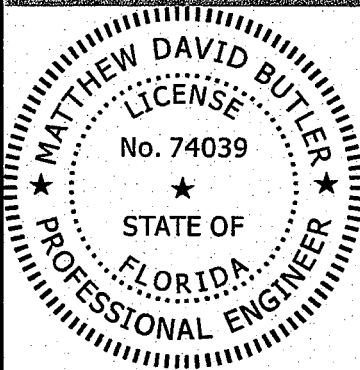
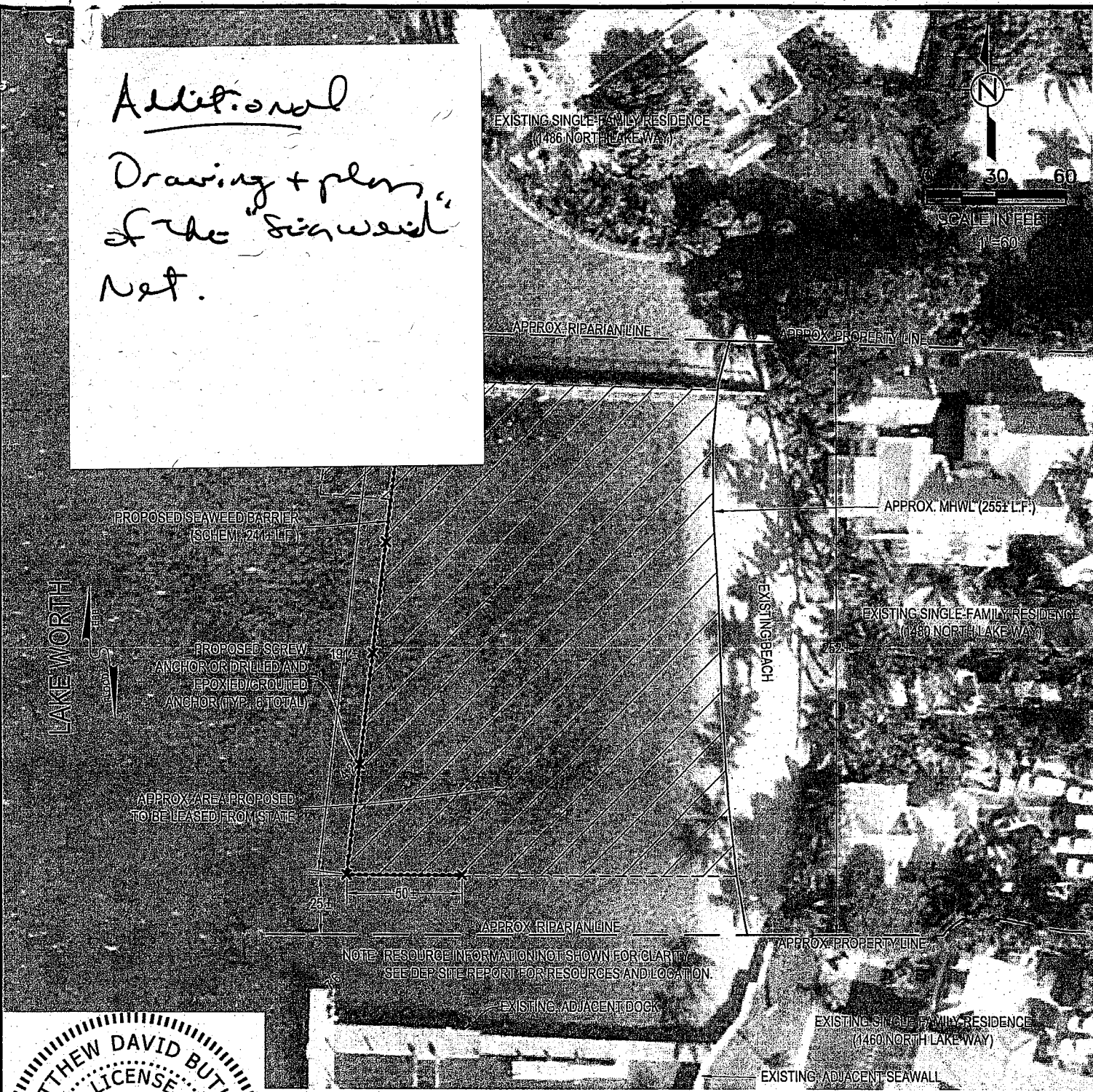
SCALE: 1" = 40'  
 DRAWN BY: PICARD  
 FIELD WK: J.W. / B.M.  
 DATE: 09/04/2024

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 e-mail: office@millersurveying.com

REF: P-92/18  
 PREV. JOB NO'S.  
 JOB NO. Y230883  
 S - 48,

(P.B. 16, PG. 8)  
 LOT 4-A (P.B. 16, PG. 8)  
 "PRIVATE ROAD" (P.B. 16, PG. 8)  
 250.6'  
 APPLICANT'S LINEAR FOOTAGE OF APPLICANT'S SHORELINE  
 LAKE LOT 3 (P.B. 16, PG. 8)  
 LAKE LOT 2 (P.B. 16, PG. 8)  
 LAKE LOT 1 (P.B. 16, PG. 8)

*Additional  
Drawing + plans  
of the Seaweed  
Net.*



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**PLAN VIEW**

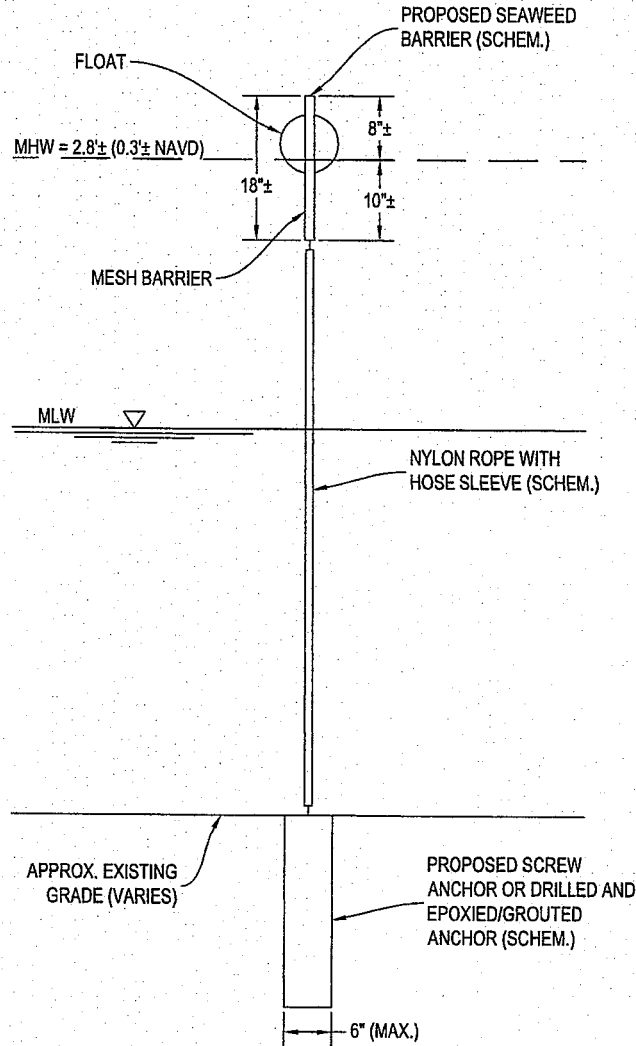
**ISIMINGER & STUBBS ENGINEERING, INC.**  
 COASTAL • ENVIRONMENTAL • MARINE  
 REGISTRATION NUMBER: 8114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003

**PROPOSED SEAWEEED BARRIER  
 LAKE WORTH  
 1480 NORTH LAKE WAY  
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FL  
 FOR: SOUTHPAW TRUST**

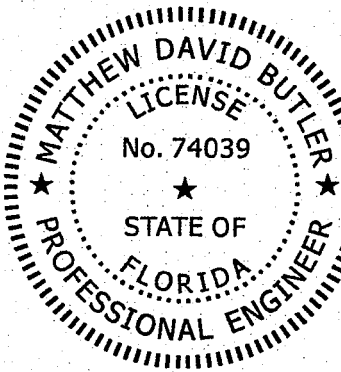
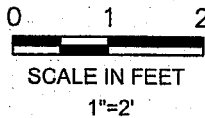
DATE	1/23	DRAWN	MDB	CHKD	CCIJR	APPRVD	MDB
DWG NO.	22087C2			SHEET		OF 3	
COMPUTER FILE NO.	22087C			2			

- NOTES:**
- DATUM IS MLW. MLW = -2.5± NAVD FROM LABINS DATABASE.
  - EXISTING LOCATIONS ARE APPROXIMATE.
  - SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 6/10/22. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.
  - 2022 AERIAL PHOTOGRAPH FROM PALM BEACH COUNTY.

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



TYPICAL SECTION




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4. 2022 AERIAL PHOTOGRAPH FROM PALM BEACH COUNTY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
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SECTION VIEW

 <b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> COASTAL • ENVIRONMENTAL • MARINE REGISTRATION NUMBER: 6114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003							
<b>PROPOSED SEAWEED BARRIER</b> LAKE WORTH 1480 NORTH LAKE WAY TOWN OF PALM BEACH, PALM BEACH COUNTY, FL FOR: SOUTHPAW TRUST.							
DATE	1/23	DRAWN	MDB	CHKD	CCIJR	APPRVD	MDB
DWG NO.	22087C3					SHEET	
COMPUTER FILE NO.	22087C					OF 3	
						<b>3</b>	