



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

March 19, 2019

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2018-02032 (SP-AMK)

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) and Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Louise Morris
P.O. Box 22715
Lexington, KY 40522

WATERWAY AND LOCATION: The project site is a residential lot and would affect waters of the United States associated with a manmade canal, adjacent to the Atlantic Ocean. The proposed project is located at 306 Banyan Street; legally described as LT 90 BK 1 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR PB5-82 in Section 16, Township 65 South, Range 34 East, Duck Key, Monroe County, Florida 33050 (RE# 00385030-000000).

Directions to the site are as follows: Take U.S. 1 South to MM61± Oceanside; turn left onto Duck Key Drive, continue straight onto Bimini Drive, turn left onto Barque Street, continue to the left onto W Seaview Drive and then E Seaview Drive, turn right onto Banyan Street; project site is located at 306 Banyan Street, Duck Key.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 24.770698
Longitude: -80.906739

PROJECT PURPOSE:

Basic: The basic project purpose is the filling of submerged land to facilitate shoreline stabilization and additional boating access.

Overall: The overall purpose is the filling of submerged land to facilitate shoreline stabilization and additional boating access at a property on Duck Key, Monroe County, Florida.

EXISTING CONDITIONS: The property is a developed single family residence located within a developed subdivision of Duck Key on a manmade canal adjacent to the Atlantic Ocean. The Corps has not yet conducted a site inspection. The project is located within the Florida Keys National Marine Sanctuary boundary.

PROPOSED WORK: The applicant seeks authorization to connect two existing seawalls as well as provide shoreline stabilization by installing 79 linear feet of new 8-inch thick concrete seawall; by placing 65 cubic yards, 1,020 square feet (10 cubic yards, 205 square feet below the high tide line) of clean backfill; by placing a 930 square feet of concrete cap; and to temporarily deploy turbidity curtains for the duration of all in-water activities, in/over waters of the United States.

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: Turbidity screens will be deployed to isolate the construction site from ambient waters.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: If it is determined that the issuance of a DA permit is appropriate, compensatory mitigation would be satisfied via a contribution to the Keys Restoration Fund, if applicable.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

The Corps has determined the project *may affect, but is not likely to adversely affect* ("MANLAA") the West Indian manatee (*Trichechus manatus*). The project site is not within the species' designated critical habitat. Potential and indirect impacts to the endangered West Indian manatee were evaluated using the *Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013* (key). Use of the key resulted in the following sequential determination: A > B > C > G > H > I > N > O > P (4), "*may affect, not likely to adversely affect (NLAA)*" for the West Indian manatee, where no further consultation with the Service is necessary. This determination is partially based on the implementation of the *Standard Manatee Conditions for In-Water Work, 2011*.

The project is not located within an American crocodile (*Crocodylus acutus*) critical habitat. By letter dated 28 October 2014, the FWS issued programmatic concurrence for projects in the Keys south of the intersection of U.S. Highway 1 and State Road 905

in Key Largo. The letter states that projects located in this range are unlikely to adversely affect the American crocodile if it meets one or more of the listed criteria. By using the programmatic letter by paragraph 2, considering that the proposed project is adjacent or contiguous to waters accessible to the crocodile but does not contain suitable habitat for nesting accessible to the crocodile, the Corps' initial determination is the project *may affect but is not likely to adversely affect* the American crocodile and its critical habitat. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

The Google Earth Resource at Risk (RAR) report for the subject parcel includes the piping plover (*Charadrius melodus*) consultation area. Potential impacts to the piping plover were evaluated using the Programmatic Piping Plover Biological Opinion (BO), dated May 22, 2013. Using the BO resulted in the Corps making a "no effect" determination for the piping plover. This determination is based on there being no sandy beaches within the project area, as well as the project not being located within a designated piping plover Critical Habitat Unit or areas that are considered optimal piping plover habitat; therefore, no further consultation with the FWS is required.

The Google Earth Resource at Risk (RAR) report for the subject parcel includes the roseate tern (*Sterna dougallii*) consultation area. The Corps has determined the proposed project will have "no effect" on the roseate tern. This determination is partially based on roseates being highly sensitive to disturbances, such as human activity, making developed areas undesirable for nesting, and protected areas, such as the Key West National Wildlife Refuge, the more desirable location for nesting and foraging near the project area.

The Corps has determined the proposed project *may affect, but is not likely to adversely affect* the swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*) and its designated critical habitat, hawksbill sea turtles (*Eretmochelys imbricata*), Kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), and the smalltooth sawfish (*Pristis pectinata*) species. A *no effect* determination was reached on smalltooth sawfish designated critical habitat, *Acropora* spp. (*Acropora cervicornis* and *Acropora palmata*) and its designated critical habitat, and listed coral species: pillar coral (*Dendrogyra cylindrus*), lobed star coral (*Orbicella annularis*), mountainous star coral (*Orbicella faveolata*), boulder star coral (*Orbicella franksi*), and rough cactus coral (*Mycetophyllia ferox*). The Corps will request National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act via separate letter.

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 proposal would impact approximately 527 square feet of submerged bottom and wetlands utilized by various life stages of marine life. Our initial determination is that the proposed action **would not** have a substantial adverse impact on EFH or federally managed fisheries in the Florida Keys.

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.

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. The jurisdictional line has been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Miami Permits Section, 9900 SW 107th Avenue, Suite 203, Miami, Florida, 33176 within 21 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 wetlands. 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, Allyse Keel, in writing at the Miami Permits Section, 9900 SW 107th Avenue, Suite 203, Miami, Florida 33176; by electronic mail at allyse.m.keel@usace.army.mil; by facsimile transmission at (305) 526-7184; or, by telephone at (305) 526-7183.

IMPACT ON NATURAL RESOURCES: 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.

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. 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 or 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 US 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make 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 the 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.

PROJECT LOCATION

PARCEL ID 00385030-000000

BK 1 LT 90 DUCK KEY YACHT CLUB ISLAND

SEC-4 TOMS HARBOR PB5-82T

SEC/TWP/RNG 16/65/34

DUCK KEY

LATITUDE: 24.770602°N LONGITUDE: 80.906680°W

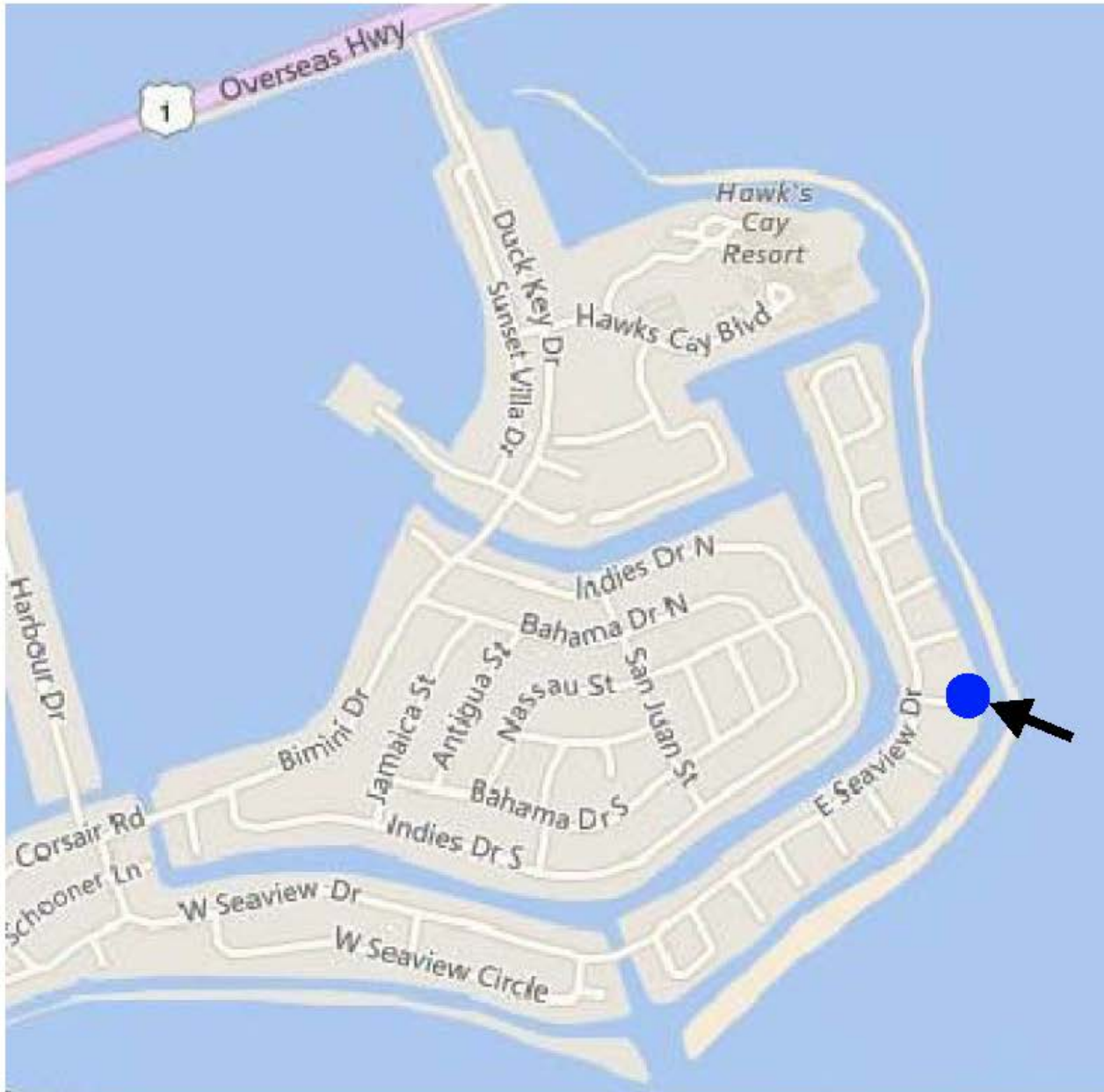
DIRECTIONS:

U.S. HIGHWAY NO. 1 NORTH TO MM 61±. RIGHT ONTO
DUCK KEY DR. CONTINUE ONTO BIMINI DR. LEFT ONTO
SCHOONER DR. LEFT ONTO W SEAVIEW DR. CONTINUE
ONTO E SEAVIEW DR. RIGHT ONTO BANYAN ST.
PROPERTY ADDRESS 306 BANYAN ST

ADJOINING OWNERS

FRANK RONALD MASTRIANA REV LIV TRST 12/18/2008
C/O MASTRIANA FRANK RONALD TRUSTEE
1500 N FEDERAL HWY STE 200
FORT LAUDERDALE, FL 33304

DORIAN E AND STEPHANIE MULLAR
308 CROTON ST
DUCK KEY, FL 33050



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| REVISIONS |
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LOCATION & VICINITY MAP
SCALE: AS SHOWN

DOCK W/ SEAWALL EXTENSION FOR LOUISE D MORRIS
306 BANYAN STREET
DUCK KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4081
8400 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (800) 743-8121 Fax (800) 743-8187
Email: glenboe@glennboe.com

DATE: 07/11/18



SITE PLAN
SCALE: 1" = 30'



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| REVISIONS: | | | | |
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CERTIFIED BY:
SEAN KIRWAN, P.E. #67508

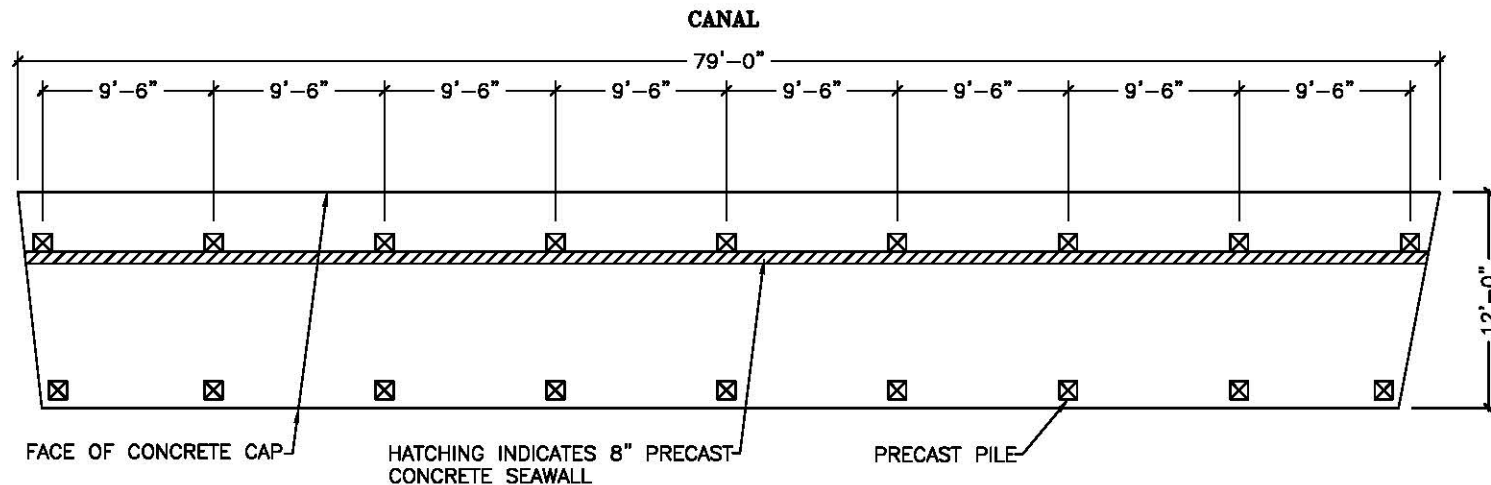
DOCK W/ SEAWALL EXTENSION FOR LOUISE D MORRIS
306 BANYAN STREET
DUCK KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@glenboe.net

DATE: 07/11/18

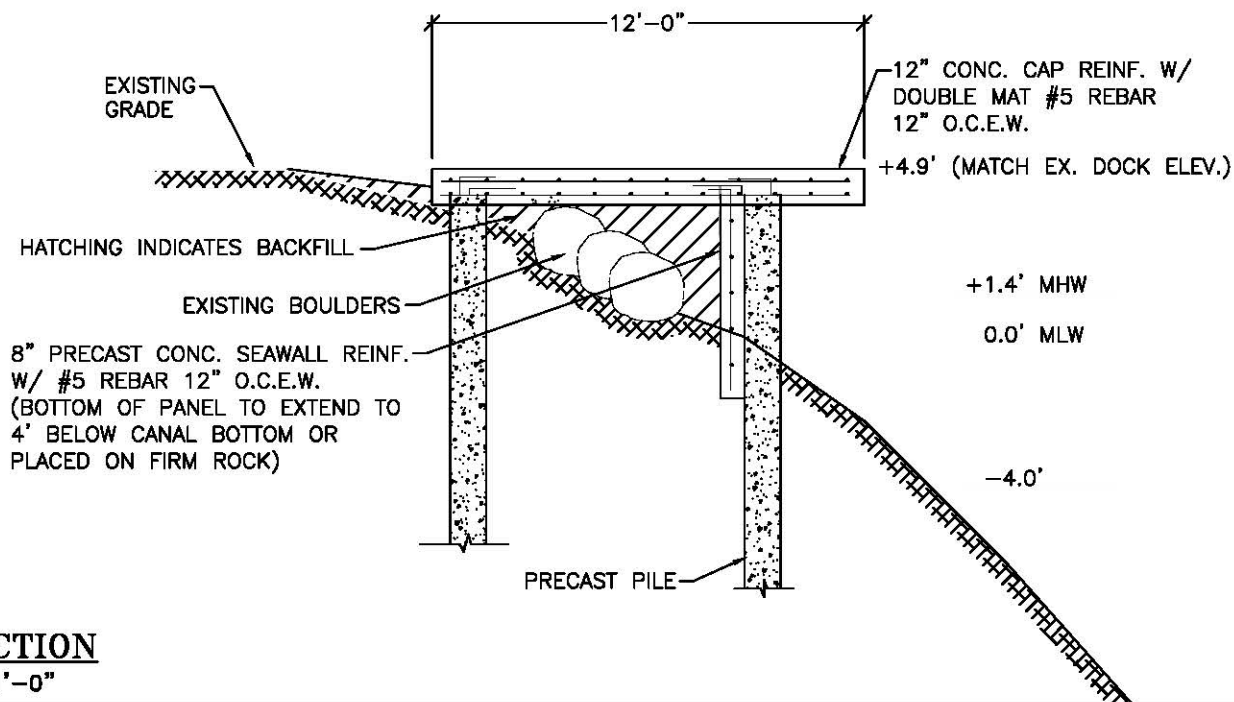
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SHEET 2 OF 4



FOUNDATION PLAN

SCALE: 3/32" = 1'-0"



TYPICAL SECTION

SCALE: 3/16" = 1'-0"

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE FLORIDA BUILDING CODE 2017.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST ADDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE FINAL LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK. PROVIDE A MINIMUM OF 3" CLEARANCE FROM EDGE OF STRUCTURE TO EDGE OF BOLTS.

CONCRETE PILES:

PILES SHALL BE COMMERCIAL GRADE BY FLORIDA ROCK & SAND OR APPROVED EQUAL.

CONCRETE PILES SHALL BE 12"x12" PRESTRESSED CONCRETE PILES W/ FOUR 0.5" DIAMETER 270 LOW-RELAXATION STRAND @ 44 KIPS W/ W3.4 WIRE SPIRAL TIES. MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE 6000 PSI. CONCRETE SHALL BE FDOT CLASS V SPECIAL. ALL REINFORCING STEEL, EXCEPT SPIRAL TIES, SHALL BE ASTM A615, GRADE 60. SPIRAL TIES SHALL BE HARD DRAWN BASIC WIRE IN ACCORDANCE WITH ASTM A-82. EACH WRAP OF SPIRAL SHALL BE TIED TO AT LEAST TWO CORNER STRANDS.

ALTERNATE STRAND PATTERNS -

- EIGHT 7/16" DIAMETER 270 LOW-RELAXATION STRAND @ 23.3 KIPS
- EIGHT 1/2" DIAMETER 250 STRESS RELIEVED STRAND @ 24.1 KIPS
- TWELVE 3/8" DIAMETER 270 LOW-RELAXATION STRAND @ 17.2 KIPS
- TWELVE 3/8" DIAMETER 250 STRESS RELIEVED STRAND @ 15.6 KIPS

PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

PILES SHALL BE SPACED @ MAXIMUM OF 10' O.C. UNLESS OTHERWISE SHOWN.

DO NOT DRIVE PILES WITHIN 20 FEET OF CONCRETE LESS THAN SEVEN DAYS OLD.

RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.

CUT OFF PILES TO PROVIDE A MINIMUM OF 3" EMBEDMENT INTO CONCRETE CAP. PROVIDE A MINIMUM 30" SPLICE FOR ALL STRANDS.

PILES SHALL DEViate FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEViate FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.

REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

CONCRETE CAP, VERTICAL SLABS & BEAMS:

CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

REINFORCING BARS SHALL BE NEW BILLET STEEL CONFORMING TO ASTM A 615, GRADE 60. ALL DETAILING AND ACCESSORIES TO CONFORM TO ACI DETAILING MANUAL (LATEST ADDITION).

PROVIDE 3/4" CHAMFER ON ALL EXPOSED CONCRETE EDGES.

PROVIDE LIGHT BROOM FINISH ON ALL EXPOSED CONCRETE SLABS.

REINFORCED CONCRETE CONSTRUCTION TO CONFORM TO ACI 318 "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE".

PROVIDE SLEEVES FOR ALL PIPES, CONDUITS, ETC., THAT PENETRATE CONCRETE STRUCTURAL MEMBERS PRIOR TO PLACEMENT OF CONCRETE. CUTTING OR DRILLING OF HARDENED CONCRETE NOT PERMITTED.

DO NOT EMBED HORIZONTAL CONDUITS, PIPES, ETC., IN HORIZONTAL CONCRETE STRUCTURAL MEMBERS UNLESS SPECIFICALLY SHOWN ON STRUCTURAL DRAWINGS.

REQUIRED CONCRETE COVER FOR REINFORCING STEEL (UNLESS NOTED OTHERWISE):

3" MINIMUM, BOTTOM 3" MINIMUM, SIDES 3" MINIMUM

PROVIDE 90° BEND WITH 36" MINIMUM SPLICE FOR ALL VERTICAL BARS ON TOP OF VERTICAL WALL. PANELS SHALL PENETRATE CONCRETE CAP 3" MINIMUM. BOTTOM OF VERTICAL SLABS SHALL BE PLACED ON FIRM ROCK OR PENETRATE CANAL BOTTOM 4' MIN.

PROVIDE CHAIRS, SPACERS, TIES, AND ALL DEVICES NECESSARY FOR PROPER PLACING, SPACING, SUPPORTING, AND FASTENING REINFORCEMENT AS REQUIRED BY ACI 315. PROVIDE CHAIRS, SPACERS, BOLSTERS, AND ITEMS IN CONTACT WITH FORMS WITH HOT-DIP GALVANIZED LEGS OR PLASTIC LEGS.

LAP SPLICE CONTINUOUS VERTICAL OR HORIZONTAL BARS IN CONCRETE MEMBERS BY WIRING TOGETHER IN CONTACT IN ACCORDANCE WITH ACI 318, LATEST EDITION, FOR CLASS "B" TENSION LAP SPLICES. DO NOT SPLICE CONTINUOUS TOP BARS IN BEAMS AT ENDS OF CLEAR SPANS. DO NOT SPLICE CONTINUOUS BOTTOM BARS IN BEAMS IN CLEAR SPANS BETWEEN SUPPORTS.

PROVIDE 1" EXPANSION JOINT @ 75' INTERVALS FOR CONCRETE CAP. THE FILLER SHALL BE INSTALLED 1/2" BELOW THE CONCRETE SURFACE AND SEALED WITH A JOINT SEALING COMPOUND TO PROTECT FROM WATER INFILTRATION AND WEATHERING. A BACKER ROD OR BOND BREAKER TAPE SHOULD BE INSTALLED OVER THE JOINT FILLER TO PREVENT THE SEALANT FROM BONDING TO THE FILLER.

REVISIONS:

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CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

DOCK W/ SEAWALL EXTENSION FOR LOUISE D MORRIS
306 BANYAN STREET
DUCK KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061

5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
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