



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
9900 SW 107<sup>TH</sup> AVENUE, SUITE 203  
MIAMI, FLORIDA 33176

May 17, 2019

Regulatory Division  
South Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2018-03571 (SP-MIB)

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 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Ocean Reef Club, Inc.  
C/o Vaughn Roberts  
35 Ocean Reef Drive, Suite 200  
Key Largo, Florida 33037

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Atlantic Ocean. The project site is located within Ocean Reef at 90 Andros Rd in Section 7, Township 59 south, Range 41 east; Key Largo, Monroe County, Florida (RE# 00569510-000000).

Directions to the site are as follows: Take U.S. 1 South; Turn left onto SR 905 towards Ocean Reef Club; Pass the Ocean Reef Club gated entrance; Proceed onto Gatehouse Road which merges into Anchor Drive; Turn right onto Ocean Reef Drive; Turn left onto Andros Road; Project is located at 90 Andros Road.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.311823°  
Longitude -80.276596°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is for recreational amenities.

Overall: The basic project purpose is for recreational amenities, in Key Largo, Florida.

EXISTING CONDITIONS: The project is located within a mixed use improved subdivision of Ocean Reef Club. The subject site is located adjacent to a canal and directly adjacent to the Atlantic Ocean. The lot supports a hotel with a restaurant, clubhouse, and recreational amenities. The shoreline is stabilized by a riprap revetment which supports dense red mangroves within the canal system and pockets of wetlands along the open water. The saltwater lagoon feature used for swimming, paddle boarding, and kayaking has direct connection to surrounding waters by means of two

culverts. The tidal lagoon is approximately 8 feet deep with a sandy substrate and macro algae coverage. No seagrass, corals, mangroves, or hard bottom is located within the tidal lagoon. According to the agent, the tidal lagoon no longer serves its intended purpose, as the lack of maintenance on the culverts has reduced tidal flushing, allowing for low oxygen events in the summer where fish kills are common.

**PROPOSED WORK:** The applicant seeks authorization to place 11,062 cubic yards of fill within a 1.16 acre area to abandon an existing tidal pool and two culverts, and to install temporary floating turbidity barriers and silt fencing around all work areas that are in/over U.S. navigable waters. The culverts will be plugged in place using non-excavatable flowable fill material.

**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: No impacts to the adjacent wetland shoreline are proposed. Turbidity curtains and filter fencing will be deployed to isolate the construction site from ambient waters.

**COMPENSATORY MITIGATION** – The applicant has provided the following explanation why compensatory mitigation should not be required: Based on the proposed avoidance and minimization measures provided above the applicant is not proposing compensatory mitigation at this time.

#### **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 real estate parcel number is 00569510-000000 and is on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County for the Key Largo cotton mouse and Key Largo wood rat.

The Corps has determined the proposed project may affect, but is not likely to adversely affect ("MANLAA") the swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*), hawksbill sea turtles (*Eretmochelys imbricata*), Kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), the smalltooth sawfish (*Pristis pectinata*), and Nassau grouper (*Epinephelus striatus*) species. A no effect determination was reached on *Acorpora* sp. and its designated critical habitat and corals species; (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, and *Mycetophyllia ferox*). The Corps will request National

Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

**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 1.16 acres of submerged bottom utilized by various life stages of marina species. 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 not 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 Southwest 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, Maria Bezanilla, in writing at the Miami Permits Section, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176; by electronic mail at [Maria.I.Bezanilla@usace.army.mil](mailto:Maria.I.Bezanilla@usace.army.mil) or by telephone at (305) 779-6057.

**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.

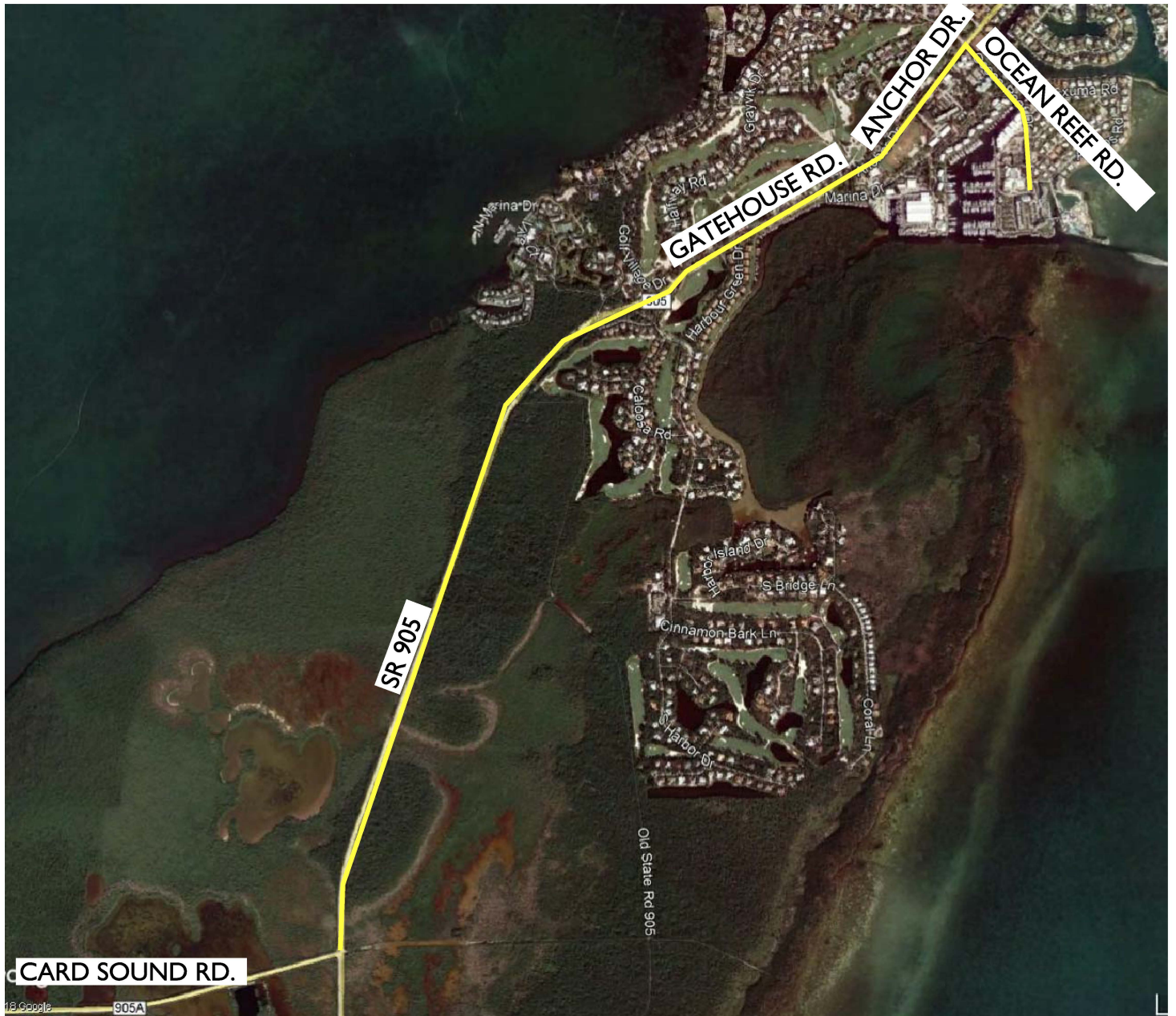
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization

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 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. 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.

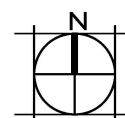


Source: Google Earth

# BUCCANEER LAGOON

PREPARED FOR OCEAN REEF CLUB

## LOCATION MAP



SCALE: NTS



DRAWN BY:	RMH
DRAWING #:	317703_EN-MAPS.dwg
FILE #:	3177.00
DATE:	12/03/2018





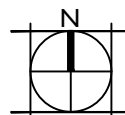
#### NOTES

- NO MANGROVES ARE TO BE IMPACTED BY PROPOSED ACTIVITIES;
- TURBIDITY CURTAINS WILL BE FIELD ADJUSTED TO AVOID MANGROVES NEAR EXTERIOR ENDS OF CULVERTS.

## BUCCANEER LAGOON

PREPARED FOR OCEAN REEF CLUB

## WETLAND BOUNDARY MAP

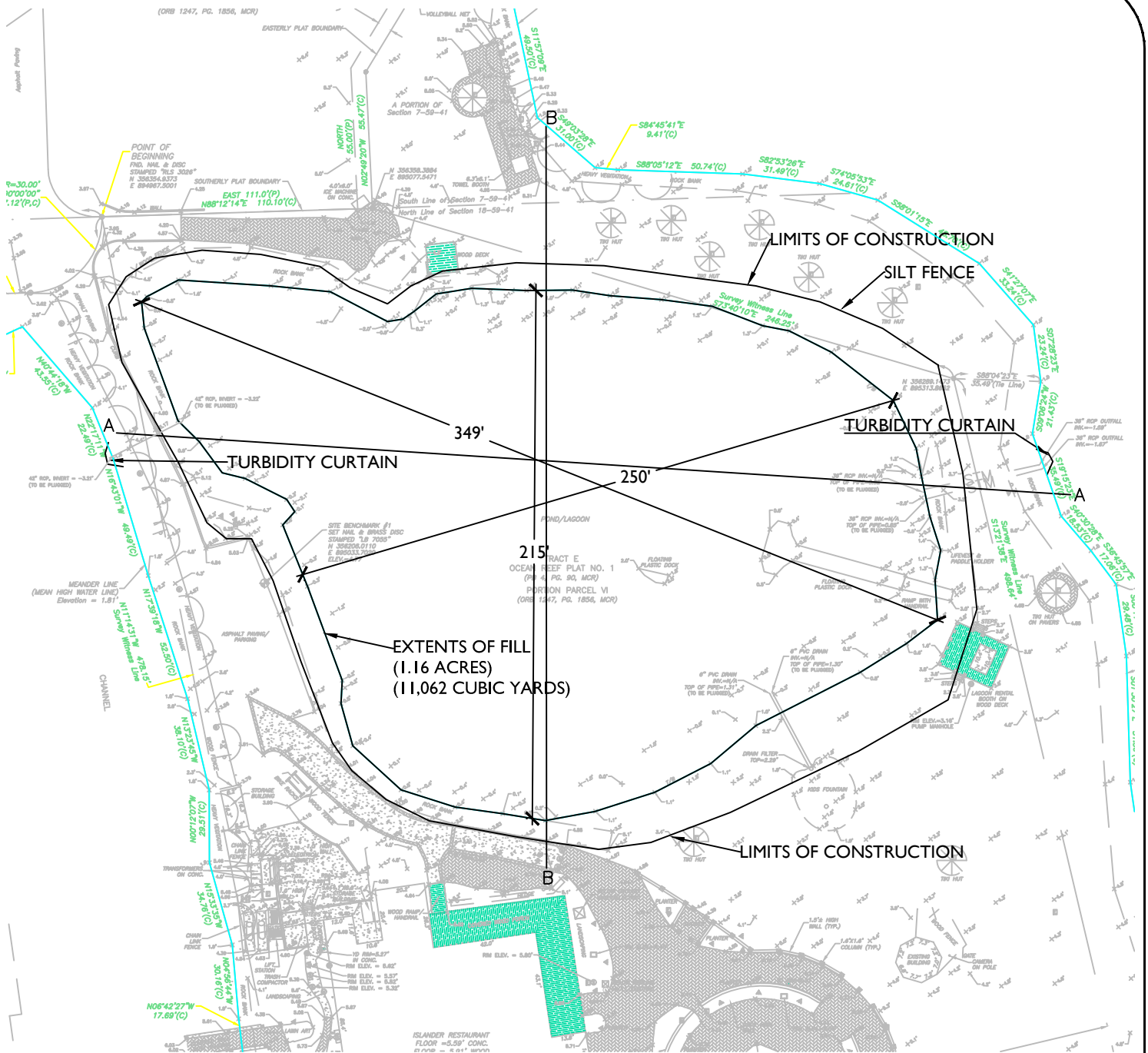


SCALE: 1" = 120'0"

**WGI**

DRAWN BY:	RMH
DRAWING #:	317703_EN-MAPS.dwg
FILE #:	3177.00
DATE:	05/01/2019





A ——— A = CROSS SECTIONS

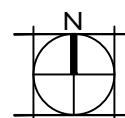
#### TURBIDITY CONTROL NOTES

- SILT FENCE INSTALLED AROUND PERIMETER OF LAGOON
- TURBIDITY CURTAINS ON EXTERIOR END OF CULVERTS
- CULVERTS TO BE PLUGGED IN PLACE USING NON-EXCAVATABLE FLOWABLE FILL (SEE METHODOLOGY ATTACHED)

## BUCCANEER LAGOON

PREPARED FOR OCEAN REEF CLUB

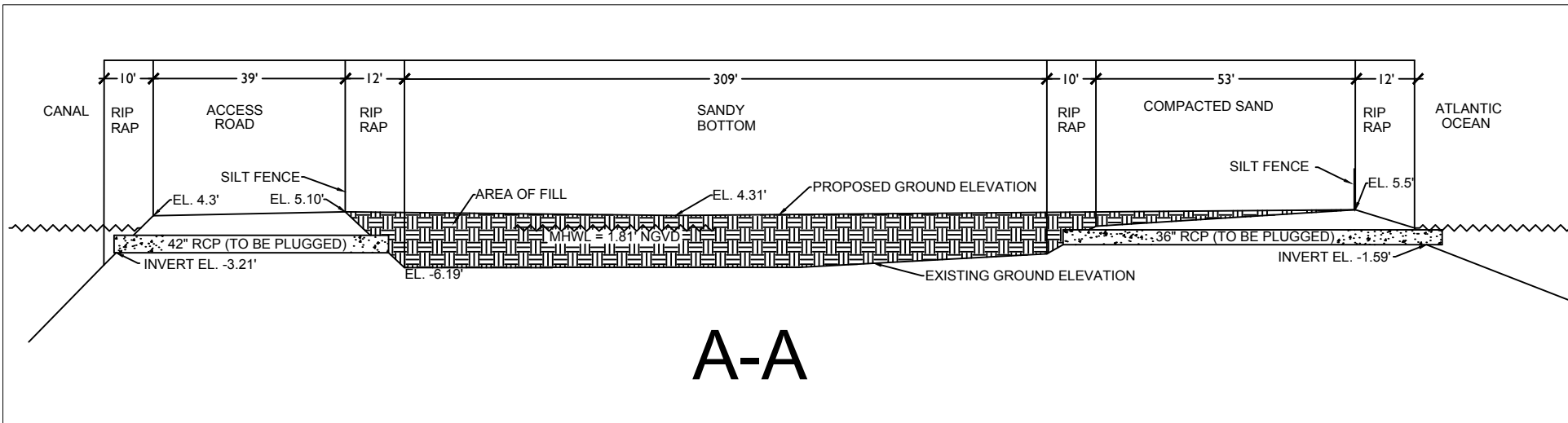
## PLAN VIEW MAP



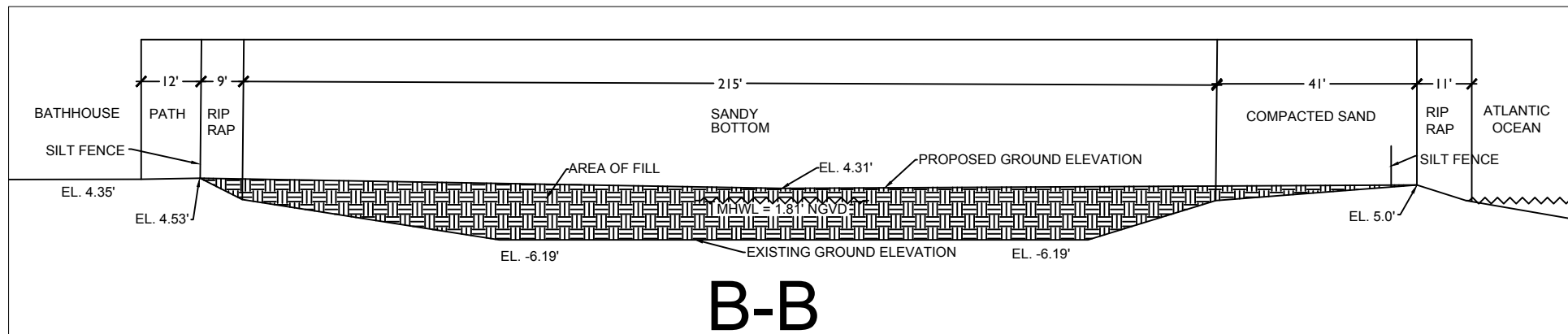
SCALE: 1" = 60'0"



DRAWN BY:	RMH
DRAWING #:	317703_EN-MAPS.dwg
FILE #:	3177.00
DATE:	05/01/2019



A-A



B-B

#### NOTES

- MHWL = 1.81'
- AREA OF FILL = 1.16 ACRES
- VOLUME OF FILL = 11,062 CUBIC YARDS
- CULVERTS TO BE PLUGGED IN PLACE USING NON-EXCAVATABLE FLOWABLE FILL (SEE METHODOLOGY ATTACHED)

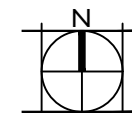
#### NOTES

- SILT FENCE INSTALLED AROUND PERIMETER OF LAGOON
- TURBIDITY CURTAINS ON EXTERIOR END OF CULVERTS
- MINIMUM 1% SLOPE TO CENTER WITH MINIMUM ELEVATION OF 4.31' IN CENTER

## BUCCANEER ISLAND

PREPARED FOR OCEAN REEF CLUB

## CROSS SECTIONS



SCALE: NTS



DRAWN BY: RMH  
DRAWING #: 317703\_EN-MAPS.dwg  
FILE #: 3177.03  
DATE: 05/02/2019





## **Means and Methodology for Closing Culverts in Place**

### **Order of Closing**

- Two eastern culverts (each 36" RCP) will be closed first, prior to proposed fill activities; then
- Fill activities will begin working from the east to the west across the lagoon; then
- Western culvert (42" RCP) will be closed once the proposed fill has reached the interior opening of the culvert in order to prevent trapping of any fishes in lagoon.
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### **Method of Culvert Closing**

- Air bladders will be placed on either end of the culvert to seal off the culvert;
- A hole will be drilled into the top of the culvert through uplands only to allow for air to escape the sealed culvert;
- Non-excavatable flowable fill (a type of concrete) will be pumped into the culvert to displace all existing air and water; and
- Once the fill has cured, the air bladders will be removed.