



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
9900 SW 107TH AVENUE, SUITE 203
MIAMI, FL 33176

August 27, 2019

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-00857-(SP-GGM)

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: Fred Mortensen
1 Patten Drive
Albany, NY 12211

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is an undeveloped jurisdictional wetland parcel at Saint Lucie Lane; legally described as Lot 11 of Breezeswept Beach Estates; PB4-143; in Section 32, Township 66 South, Range 29 East, Ramrod Key, Monroe County, Florida 33042.(RE# 00203730-000000)(MM± 27.3-Ocean).

Directions to the site are as follows: From Miami, drive south on U.S. 1, Overseas Highway, to approximately mile marker 27.3; turn left onto West Indies Drive and then right onto Saint Lucie Lane. The project site would be an undeveloped parcel on the right hand of the road, directly across the street from 27334 Saint Lucie Lane.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.65667° North
Longitude 81.406375° West

PROJECT PURPOSE:

Basic: The basic project purpose is to construct a single-family residence with associated infrastructures.

Overall: The overall project purpose is the development of a single-family residence at Ramrod Key, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a partially developed subdivision of Ramrod Key. The property is situated between a developed and an undeveloped lot, a paved road, and a 35' wide man-made canal that flows directly into

the Atlantic Ocean. The majority of the lot is jurisdictional and supports wetland vegetation, including a shoreline consisting of dense mature red mangrove vegetation. A portion of the property has been impacted by historical fill, potentially from the development of the parcel to the east. At this time there is no in-water work associated with the proposed work.

PROPOSED WORK: The applicant seeks authorization to place 270 cubic yards (y^3) of clean fill material within in 4,800 square feet (ft^2) of jurisdictional wetlands for the construction of a residence and associated appurtenances; to install 246 linear feet of boulders along the perimeter of the shoreline and the east and west property boundaries with temporary filter fencing to isolate the construction site from the adjacent wetlands; and to avoid 950 ft^2 of shoreline mangrove vegetation, as depicted on the attached drawings (3 pages). Work is in Water of the United States, in accordance with the enclosed site plans (3 pages).

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:

Temporary filter fencing will be install prior to the discharge of any fill material as to prevent the spillage of fill material into the adjacent wetlands.

Additionally, the applicant proposes to avoid and preserve in perpetuity 950 ft^2 area of red mangrove wetland shoreline.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: If mitigation is required by the Army Corps of Engineers the appropriate mitigation will be determined with a UMAM and payment made to Keys Restoration Fund.

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 U.S. Army Corps of Engineers (Corps) has determined the project will have no effect on the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. Use of the Key resulted in the sequence A > *no effect*. This determination was based on the work being conducted outside of waters accessible to the West Indian manatee. The Corps has concurrence with this determination pursuant to the Effect Determination Key for the manatee dated April 2013.

The U.S. Army Corps of Engineers (Corps) has determined the project *may affect, but is not likely to adversely affect* ("MANLAA") the American crocodile (*Crocodylus acutus*). The project is located within American crocodile (*Crocodylus acutus*) consultation area. According to the 28 October 2014 American Crocodile Key, the property does not support suitable nesting habitat for the crocodile as the shoreline consists of dense mature red mangroves along the entire shoreline. Use of the Key resulted in the sequence #2 *may affect, not likely to adversely affect*. Therefore, the Corps has reached a "may affect not likely to adversely affect" determination on the American crocodile and its suitable nesting habitat.

The real estate parcel number is 00203730-000000 and **is** on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County for the following species: Eastern Indigo snake (*Drymarchon corais couperi*) Focus Area, the Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*) and Silver rice rat (*Oryzomys palustris natator*) focus area.

The subject parcel is listed on the FWS 2011 Suitable Habitat List as being located within the focus area for the eastern indigo snake (*Drymarchon corais couperi*). Potential impacts to the aforementioned species and its habitat were evaluated using the eastern indigo snake key (key) dated 1 August 2017. Use of the key resulted in the following sequential determination: A > B > C > D (1), "*may affect, not likely to adversely affect (MANLAA)*" for the snake. This determination is partially based on the project being conditioned for use of the Service's *Standard Protection Measures for The Eastern Indigo Snake* during site preparation and project construction. Therefore, no incidental take will occur, and no further consultation with the FWS is required.

Potential impacts to the LKMR were evaluated using the Lower Keys marsh rabbit (LKMR; *Sylvilagus palustris hefneri*) Species Key, dated July 29, 2013, and resulted in the following sequential determination: A > B > C > D > F (2) "*may affect, but not likely to adversely affect.*" This determination is partially based on the applicant being provided the cat brochure. The Corps received programmatic concurrence from the FWS for projects that have a "NLAA determination; therefore, no incidental take will occur and no further consultation with the FWS is required.

Potential impacts to the silver rice rat were evaluated using the Silver Rice Rat (*Oryzomys palustris natator*) Species Key, dated July 29, 2013, and resulted in the following sequential determination: A > B > C > D > E (2), “*may affect, but not likely to adversely affect.*” This determination is partially based on the applicant being provided with the cat brochure. Although the subject parcel is not located within the designated critical habitat, use of the Silver Rice Rat Critical Habitat Assessment Guide dated July 29, 2013, resulted in the following sequential determination A > B > C > D (1), “*may affect, but not likely to adversely affect.*” This determination is based on the applicant proposing habitat compensation commensurate with the amount of native habitat lost. Based on the information provided above the Corps has reached a MANLAA determination on the silver rice rat and its designated critical habitat. The Corps received programmatic concurrence from the FWS for projects that have a NLAA determination; therefore, no incidental take will occur and no further consultation with the FWS is required.

The Corps has determined the proposed project will have *no effect* on the swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*) and their designated critical habitat, hawksbill sea turtles (*Eretmochelys imbricata*), kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), the smalltooth sawfish (*Pristis pectinata*) and its designated critical habitat, *Acorpora* sp. and its designated critical habitat, and listed corals species (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, *Mycetophyllia ferox*). The National Marine Fisheries Service's has given concurrence with this determination pursuant to Section 7 of the Endangered Species Act and no further consultation 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 proposal would impact approximately 5,070 square feet of wetland resources indirectly utilized by various life stages of land and marine 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 (i.e. on or before September 16, 2019).

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, Gletys Guardia-Montoya at the letterhead address, by electronic mail at Gletys.Guardia-Montoya@usace.army.mil, or by telephone at 305-526-2515.

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.

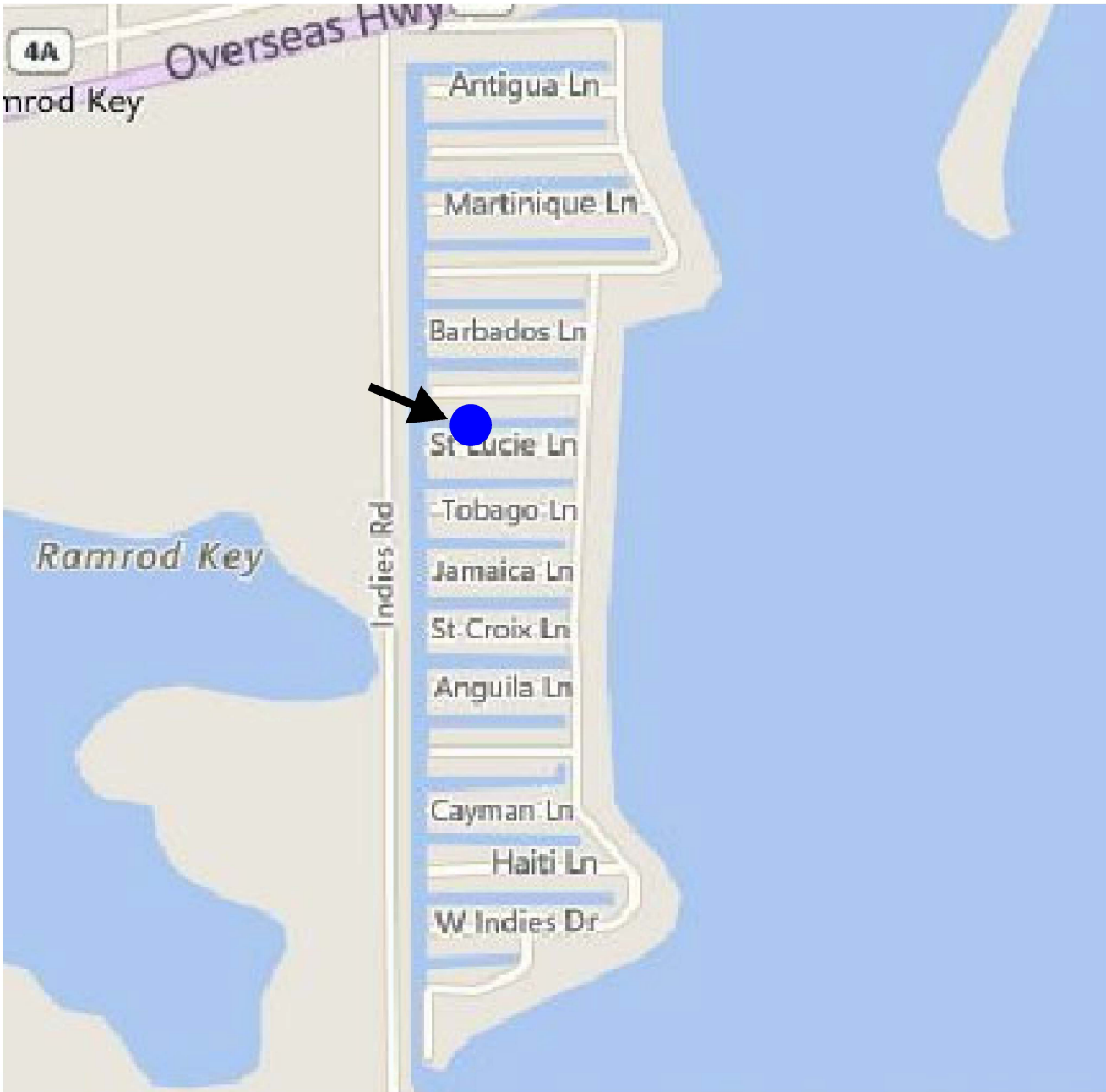
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

PROJECT LOCATION
PARCEL ID 00203730-000000
LT 11 BLK 9 & 1/6 INT IN PT OF LUCIE LANE
BREEZESWEPT BEACH ESTATES PB4-143
SEC/TWP/RNG 32/66/29
RAMROD KEY
LATITUDE: 24.656605°N LONGITUDE: 81.406362°W

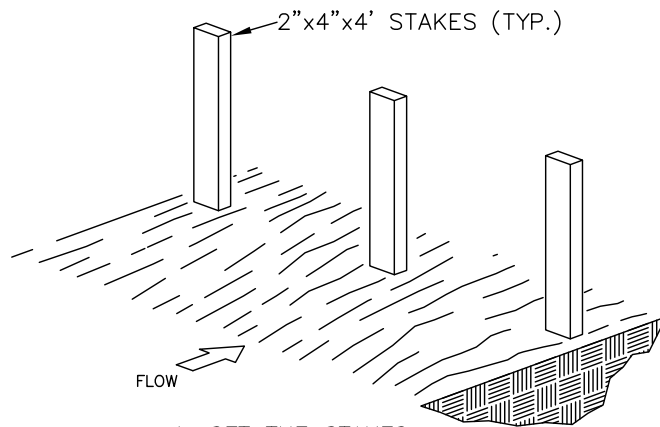
DIRECTIONS:
U.S. HIGHWAY NO. 1 SOUTH TO MM 28.5±. LEFT ONTO
WEST INDIES DRIVE. RIGHT ONTO ST. LUCIE LN
PROPERTY ADDRESS LOT 11 ST LUCIE LN

ADJOINING OWNERS
CARL H SCHROR
PO BOX 421214
SUMMERLAND KEY, FL 33042

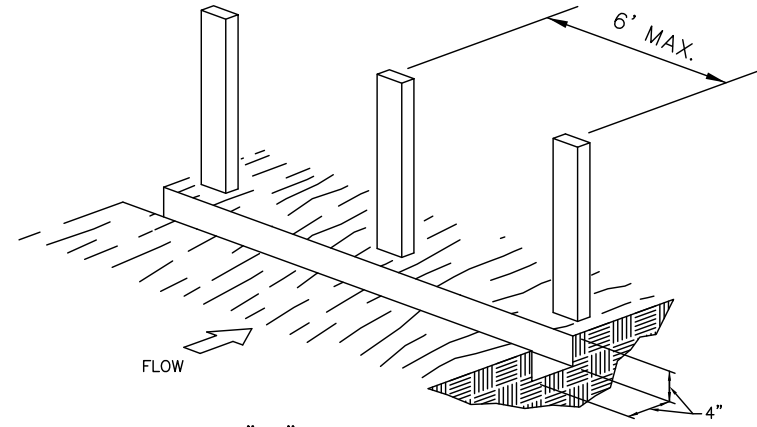
ROBERT VICTOR MORTENSEN
PO BOX 21062
MINNEAPOLIS, MN 55421



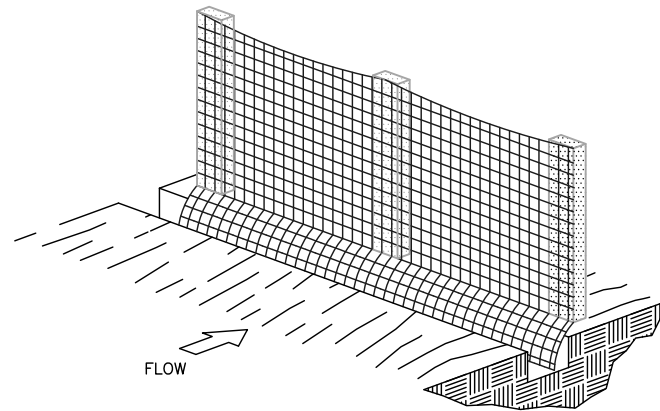
REVISIONS:				
LOCATION & VICINITY MAP SCALE: AS SHOWN				
FILL FOR RESIDENCE FOR FRED MORTENSEN PARCEL ID 00203730-000000 - 11 ST LUCIE LN RAMROD KEY, MONROE COUNTY, FL				
GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050 Telephone (305) 743-9121 Fax (305) 743-9197 Email: glenboe@bellsouth.net				
DATE: 02/11/19				
1				
SHEET 1 OF 3				



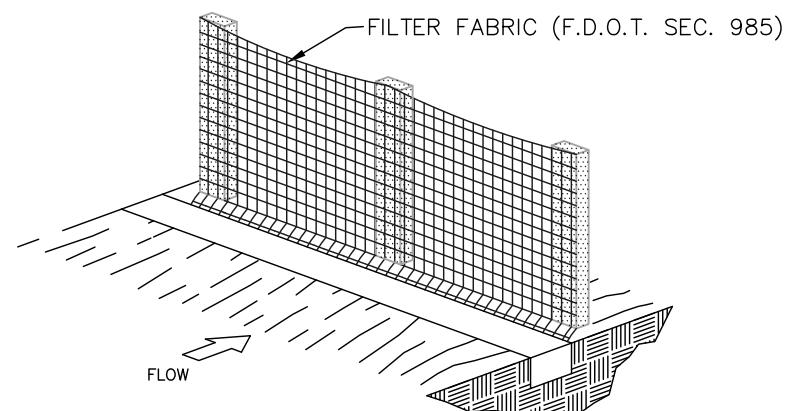
1. SET THE STAKES



2. EXCAVATE A 4"x4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.



3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

F.D.O.T. TYPE III FILTER FENCE
