



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

February 06, 2020

Regulatory Division  
South Permits Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2020-00308-(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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: David Schmitt and Alynn McManus  
11100 Overseas Highway  
Marathon, FL 33050

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Bonefish Harbor near Vacca Cut Channel tributary to the Florida Bay and the Atlantic Ocean. The project site is located at 1365 122nd Street Ocean; legally described as Lot 05 Amended & Extended Plat of Yacht Harbour Island; PB3-154, in Section 05, Township 66 South, Range 33 East, Marathon, Monroe County, Florida 33050. (RE# 00357840-000000)(MM± 53-Ocean). 122<sup>nd</sup>

Directions to the site are as follows: From Miami, drive south on U.S.1 Overseas Highway to approximately mile marker 53; turn left onto 122<sup>nd</sup> Street. The project site would be at 1365 on the left hand side of the road.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.727428° North  
Longitude 81.025924° West

### **PROJECT PURPOSE:**

Basic: The basic project purpose is to improve vessel mooring at a single-family residence.

Overall: The overall project purpose is to improve the mooring of a vessel over 100' long at a single-family residence in Marathon, Monroe County, Florida.

**EXISTING CONDITIONS:** The project site is located within a developed subdivision of Marathon, Monroe County, Florida. The project site is located within waters of Bonefish Harbor, approximately 660' from the edge of Vacca cut channel tributary to the Florida Bay and the Atlantic Ocean. The property's shoreline is armored with a marginal concrete dock and seawall with ten (10) wood fender piles and four wood mooring piles located approximately 25' waterward from the phase of the existing dock. The proposed mooring pile clusters location is to be located 50' waterward from the phase of the existing seawall/dock. The proposed location for these mooring pile clusters is not consistent with other structures on this waterway.

**PROPOSED WORK:** The applicant seeks authorization to remove four (4) existing mooring piles and install five (5) 12" diameter triple cluster mooring wood, concrete or steel piles with vinyl sleeves, these will extend 50' waterward from the phase of the existing marginal concrete dock/seawall. Additionally, the applicant proposes to replace ten (10) fender piles with ten (10) 12' diameter wood, concrete, or steel piles with vinyl sleeve, as depicted on the attached submitted drawings (3 pages). Temporary turbidity curtains will be deployed for the duration of all construction activities, in/over waters of the United States. Work is in U.S. navigable waters 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 turbidity curtains will be deployed for the duration of all construction activities, in/over waters of the United States.

**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 may affect, but is not likely to adversely affect ("MANLAA") the West Indian manatee (*Trichechus manatus*). Since the proposal by the applicant is for in-water construction, potential 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 "MANLAA". This determination is partially based on the implementation of the *Standard Manatee Conditions for In-Water Work, 2011*. By letter dated April 25, 2013, the Corps received concurrence from the U.S. Fish and Wildlife Service (FWS) regarding MANLAA determinations for the West Indian manatee in accordance with 50 CFR 402.14(b)1 and pursuant to the Key. No further coordination with the FWS is required.

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. 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 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*) and their designated critical habitat, hawksbill sea turtles (*Eretmochelys imbricata*), kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), Nassau grouper (*Epinephelus striatus*), and the smalltooth sawfish (*Pristis pectinata*) species. A *no effect* determination was reached on smalltooth sawfish critical habitat, *Acorpora* sp. and its designated critical habitat and corals species; (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, *Mycetophyllia ferox*). The Corps will request National Marine Fisheries Service concurrence with these determinations 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

25 ft<sup>2</sup> of submerged aquatic resources 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 107<sup>th</sup> Avenue, Suite 203, Miami, Florida, 33176, within 21 days from the date of this notice (i.e. on or before February 27, 2020).

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.

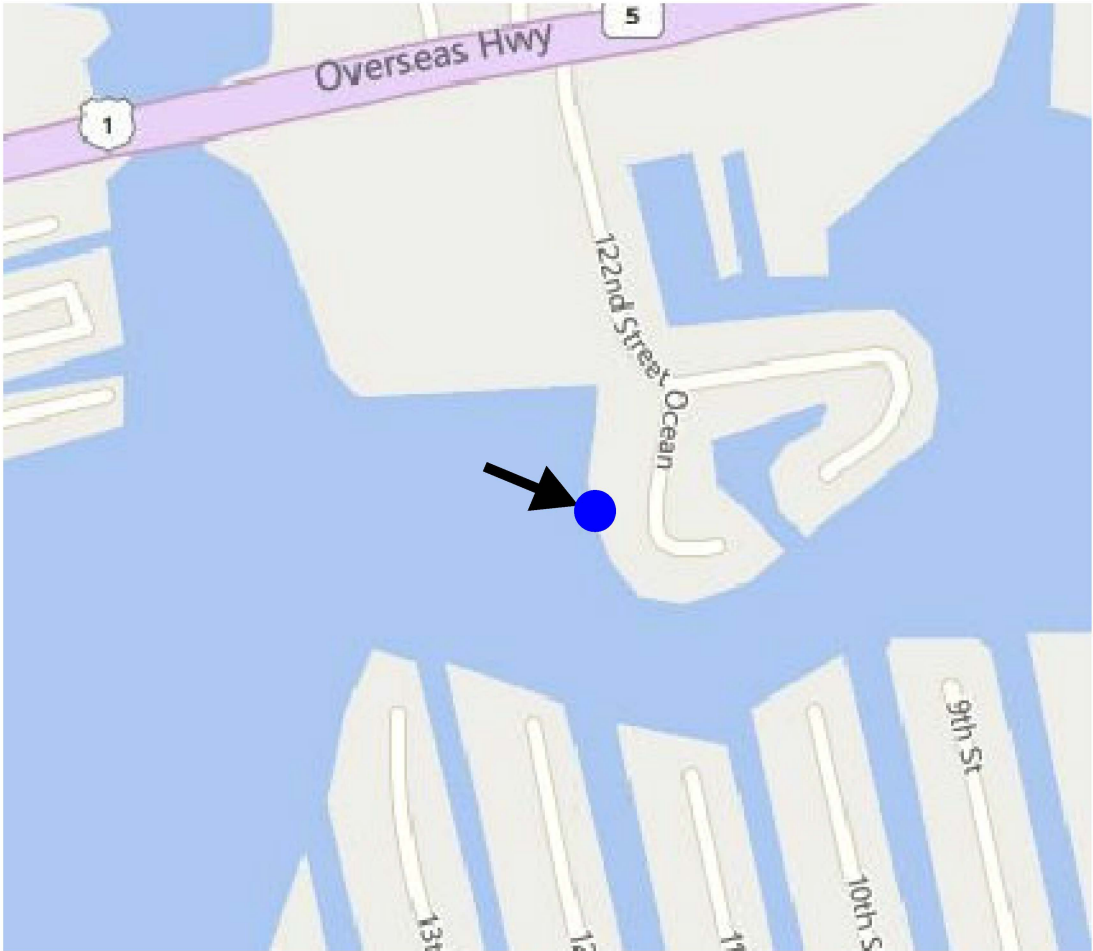
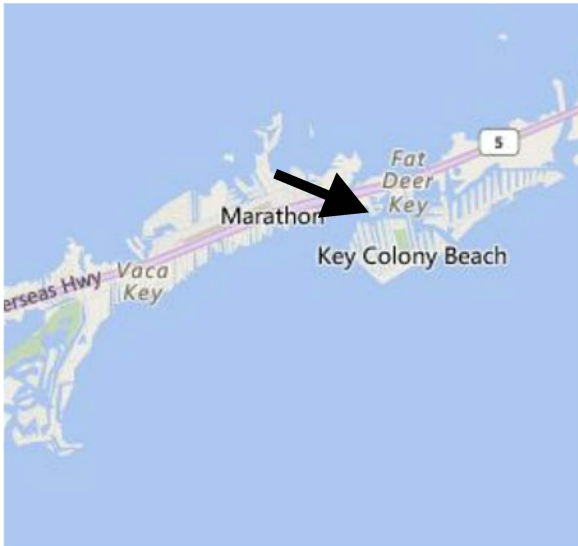
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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 00357840-000000  
LOT 5 AMENDED & EXTENDED PLAT OF  
YACHT HARBOUR ISLAND PB3-154  
SEC/TWP/RNG 05/66/33  
CRAWL KEYS (MARATHON)  
LATITUDE: 24.727440°N LONGITUDE: 81.026080°W

**DIRECTIONS:**  
US HIGHWAY NO 1 NORTH TO MM 53±. RIGHT ONTO  
122ND ST.  
PROPERTY ADDRESS: 1365 122ND ST.

**ADJOINING OWNERS**  
PATRICIA D SCHMITT  
20 TREASURE RD  
MARATHON, FL 33050  
  
JAMES & JACQUELINE L JOHNSTON  
6340 LINCOLN AVE  
EVANSVILLE, IN 47715



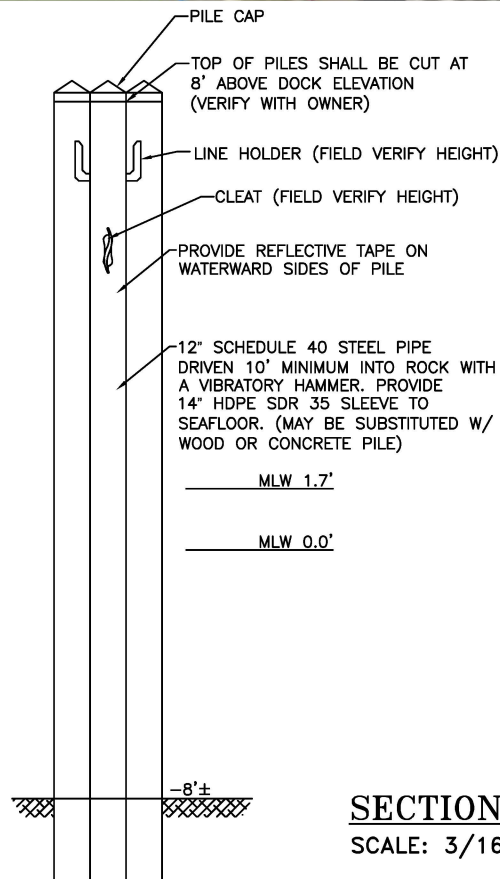
REVISIONS:	

LOCATION & VICINITY MAP  
SCALE: AS SHOWN

PILES FOR DAVID SCHMITT & ALYNN MCMANUS  
1365 122nd ST - PARCEL ID 00357840-000000  
MARATHON, 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: 01/14/20



**SECTION (MOORING PILE)**  
SCALE: 3/16" = 1'-0"

REVISIONS:				

CERTIFIED BY:  
SEAN KIRWAN, P.E. #457506

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**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. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

**PILES:**

PILES SHALL BE 12" DIAMETER STEEL SCHEDULE 40 W/ A 14" HDPE SDR 35 SLEEVE. STEEL PILES SHALL BE DRIVEN WITH A VIBRATORY HAMMER TO PENETRATE FIRM ROCK 10' MIN.

OR

CONCRETE PILES SHALL BE 12"x12" PRESTRESSED CONCRETE PILES W/ FOUR 0.6" DIAMETER 270 LOW-RELAXATION STRAND @ 44 KIPS W/ W3.4 WIRE SPIRAL TIES. MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE 6000 PSI. 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.

OR

TIMBER PILES SHALL BE ROUND SOUTHERN PINE OR DOUGLAS FIR AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEELED, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 12 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 9 INCHES. TIMBER PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE.

A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.

WOOD & CONCRETE PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 10' MIN.

PROVIDE REFLECTORS OR REFLECTIVE TAPE ON EACH SIDE OF THE MOORING PILES.

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.

CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.

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

HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION DIRECTED BY THE OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.

PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN ¼ 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.

REVISIONS:

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

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