



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

April 24, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2003-03264-(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: Douglas and Geraldine Mader
1343 Long Beach Drive
Big Pine Key, FL 33043

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is a developed upland parcel located at 1343 Long Beach Drive, immediately adjacent to the Atlantic Ocean; legally described as Lot 19 of Long Beach Estates Section A subdivision of Big Pine Key; PB5-38; in Section 01, Township 67 South, Range 29 East, Big Pine Key, Monroe County, Florida 33042. (RE# 00316910-000000) (MM± 33-Ocean).

Directions to the site are as follows: From Miami, drive south on U.S. 1 Overseas Highway to approximately mile marker 33; turn left onto Long Beach Drive. The project site would be on the left hand side of the road.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.637777° North
Longitude 81.345° West

PROJECT PURPOSE:

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

Overall: The overall project purpose is to install a riprap revetment waterward of an existing retaining wall to fortify the existing structure at a single-family residence in Big Pine Key, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a partially developed subdivision of Big Pine Key. The property is a single family waterfront residence with shoreline armored with a concrete retaining wall followed by a 100 linear feet sheet pile wall and a previously authorized observation platform. To the east, the project site is bordered by an undeveloped parcel with a sandy beach shoreline. To the west, the parcel is bordered by a developed single family residence lot with a sandy beach shoreline. To the north the parcel is bordered by a paved road, Long Beach Road, and to the South is the Atlantic Ocean. The water depth immediately adjacent to the existing seawall was estimated to be about a foot deep at low tide. The shoreline on the east and west of the project site consist of a long sandy beach stretch designated as sea turtle nesting habitat. The project site is within waters of the Florida Keys National Marine Sanctuary.

PROPOSED WORK: The applicant seeks authorization to place 130 cubic yards (y^3) of boulders for the construction of an 800 square feet (ft^2) riprap revetment to be placed approximately 8 feet waterward of an existing concrete and sheet pile seawall, as depicted on the attached drawings (2 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 (2 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 project site is not within the American crocodile (*Crocodylus acutus*) critical habitat; however, it is within the species consultation area. By letter dated October 28, 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, paragraph 2, the proposed project does not contain suitable nesting habitat that is accessible to the crocodile. Therefore, given that the proposed impact area meets these criteria as set by the FWS, the Corps has made a "MANLAA" determination in regard to the American crocodile. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

The real estate parcel number is 00316910-000000 and is on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, as being located within the focus area for the following species: The Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*), Silver rice rat (*Oryzomys palustris natator*), Key deer (*Odocoileus virginianus clavium*), Eastern Indigo snake (*Drymarchon corais couperi*). Additionally, the project area is within designated sea turtle nesting habitat area. The Corps has determined the proposed project *may affect, but is not likely to adversely affect* ("MANLAA") the aforementioned species and designated habitat. The Corps will request Fish and Wildlife Service concurrence with these determinations pursuant to Section 7 of the Endangered Species Act.

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 800 square feet of submerged bottom utilized by various life stages of 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 May 15, 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.

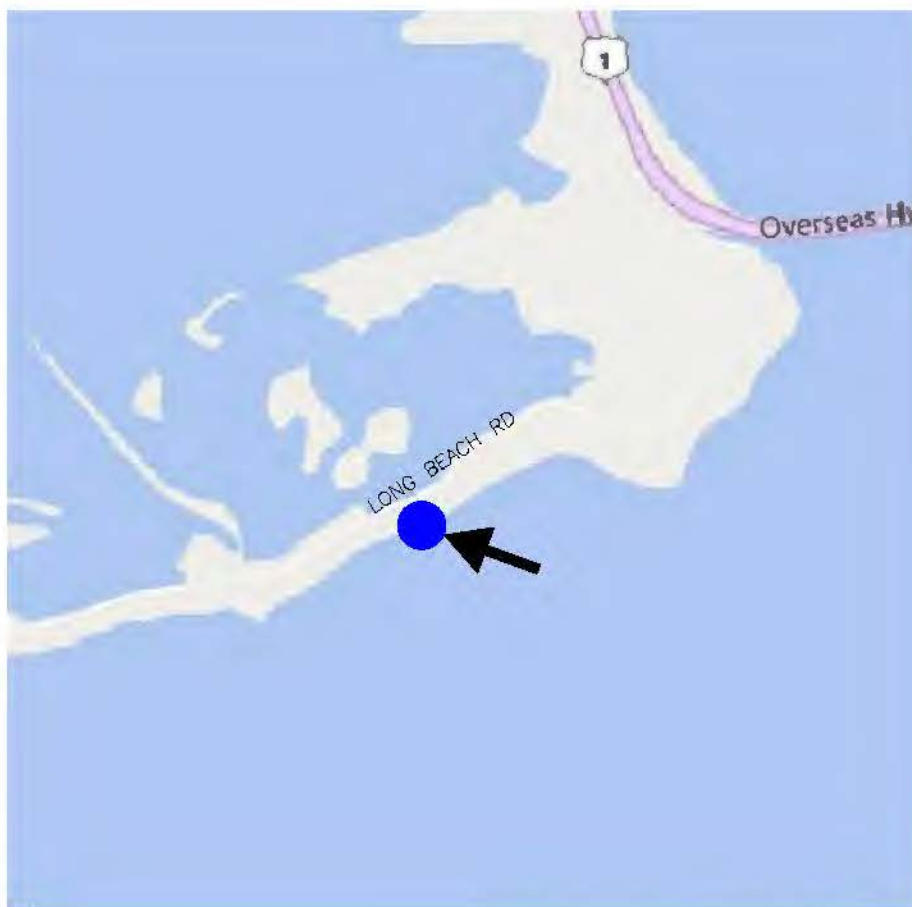
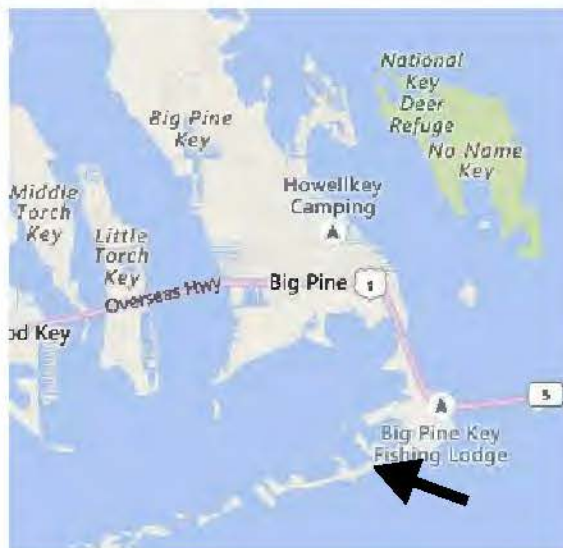
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

PROJECT LOCATION
 PARCEL ID 00316910-000000
 LT 19 LONG BEACH ESTATES SEC A PB5-38
 SEC/TWP/RNG 01/67/29
 BIG PINE KEY
 LATITUDE: 24.637340°N LONGITUDE: 81.344735°W

DIRECTIONS:
 U.S. HIGHWAY NO. 1 SOUTH TO MM 32.8±.
 LEFT AT LONG BEACH DRIVE.
 PROJECT SITE: 1343 LONG BEACH DRIVE

ADJOINING OWNERS
 JACQUES MULDER
 1353 LONG BEACH DR
 BIG PINE KEY, FL 33043

MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
 1200 TRUMAN AVE
 KEY WEST, FL 33040



REVISIONS:

LOCATION & VICINITY MAP
 SCALE AS SHOWN

RIPRAP REVETMENT FOR DOUGLAS & GERALDINE MADER
 1343 LONG BEACH RD - PARCEL ID 00316910-000000
 BIG PINE KEY, MONROE COUNTY, FL

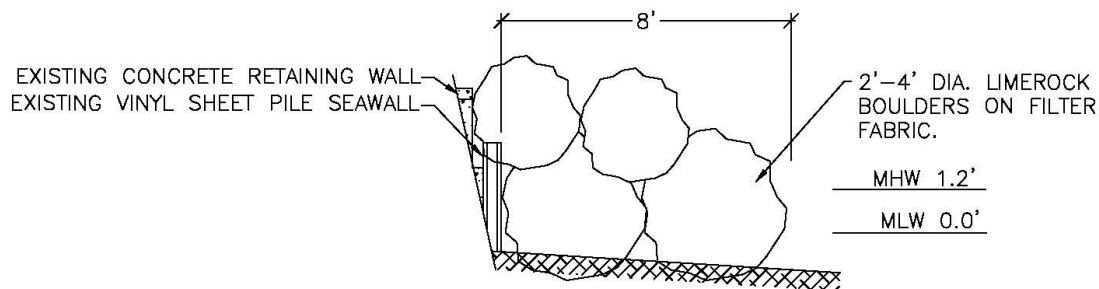
GLEN BOE AND ASSOCIATES, INC. # 4061
 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
 Telephone (305) 743-4121 Fax (305) 743-9187
 Email: glenboe@glenboeandassociates.com

DATE: 10/08/18



SITE PLAN

SCALE: 1" = 30'



TYPICAL SECTION

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

REVISIONS:

CERTIFIED BY:
SEAN KIRWAN, P.E. #57508

RIPRAP REVETMENT FOR DOUGLAS & GERALDINE MADER
1343 LONG BEACH RD - PARCEL ID 00316910-000000
BIG PINE KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
6800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 10/08/19