



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

June 17, 2020

Regulatory Division  
South Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-1990-04345 (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: Alex and Kristin Molinaroli  
100 Tingler Lane  
Marathon, Florida 33050

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Atlantic Ocean. The project site is located at 100 Tingler Lane; legally described as Lot 3 & 5 Tingler Properties in Section 22, Township 66 south, Range 32 east; Marathon, Monroe County, Florida (MM50) (RE# 00105440-000000).

Directions to the site are as follows: Take U.S. 1 South to MM50; Turn left onto Sombrero Beach Road; Turn left onto Tingler Lane; Project is located at 100 Tingler Lane.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.690632°  
Longitude -81.077453°

### **PROJECT PURPOSE:**

Basic: The basic project purpose is shoreline protection and improve boating access.

Overall: The basic project purpose is for shoreline protection and improve boating access in Marathon, Florida.

EXISTING CONDITIONS: The project is located within an improved residential subdivision in Marathon. The property supports a single family residence on each lot (Lot 3 & 5). The primary residence is located along the Atlantic Ocean side (Lot 5). Lot 5 supports a riprap revetment along the shoreline adjacent to a dredged channel tributary to the Atlantic Ocean. No docking structures are located along Lot 5. Lot 3 is supported by a meandering riprap revetment. An exposed cap rock tidally influenced during annual high tides is located waterward of the riprap revetment. Beyond the exposed cap rock ledge area is a deep canal cut tributary to the Atlantic Ocean. Lot 3 supports an existing

“T”-shaped dock and lift damaged by Hurricane Irma. Based on historic records the exposed cap rock area consisted in the early 90s of two buttonwood clusters and a mangrove cluster. Based on current photos provided and aerial review no wetlands, corals, or seagrass are located within the exposed cap rock area. A benthic survey has not yet been provided; however, the general area is known to support macro algae and scattered corals communities.

**PROPOSED WORK:** The applicant seeks authorization to remove the existing dock and cradle boat lift, to place 215 cubic yards of fill within a 1,840 square foot area to install a new 107’2” linear foot seawall with associated backfill within the exposed cap rock area, to construct an 8 foot wide by 107 foot long concrete marginal dock, to install a 17,000 lbs. capacity elevator boat lift, and to install temporary floating turbidity barriers around all work areas that are in/over U.S. navigable waters.

**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 curtains and filter fencing 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, mitigation will be required. The applicant has indicated that the mitigation proposal will be based on the Keys Restoration Fund (KRF). Time lag and risk will be a required component of any mitigation requirement.

#### **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 the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. Use of the Key resulted in the sequence A-B-C-G-N-O-P4 *may affect, not likely to adversely affect*. This determination partially was based on the implementation of the *Standard Manatee Conditions for In-Water Work*. The Corps has concurrence with this determination pursuant to the Effect Determination Key for the manatee dated April 2013.

In addition, 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 real estate parcel number is 00105440-000000 and is on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County for the Keys Tree cactus, Keys tree snail, and Eastern indigo snake.

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 2,008 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; however, a benthic survey has not been provided and will be required prior to reaching a final decision. 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 30 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.

**PROJECT LOCATION**

PARCEL ID 00105440-000000

(AKA LOT 3 AND LOT 5)

TINGLERS PROPERTIES (UNRECORDED)

SEC/TWP/RNG 22/66/32

BOOT KEY, MARATHON

LATITUDE: 24.690554°N LONGITUDE: 81.077489°W

**DIRECTIONS:**

U.S. HIGHWAY NO. 1 SOUTH TO MM 50±. LEFT ONTO  
SOMBRERO BEACH RD. LEFT ONTO TINGLER LN.

PROPERTY ADDRESS 100 TINGLER LANE

**ADJOINING OWNERS**

JOHN J AND SUSAN K WILSON

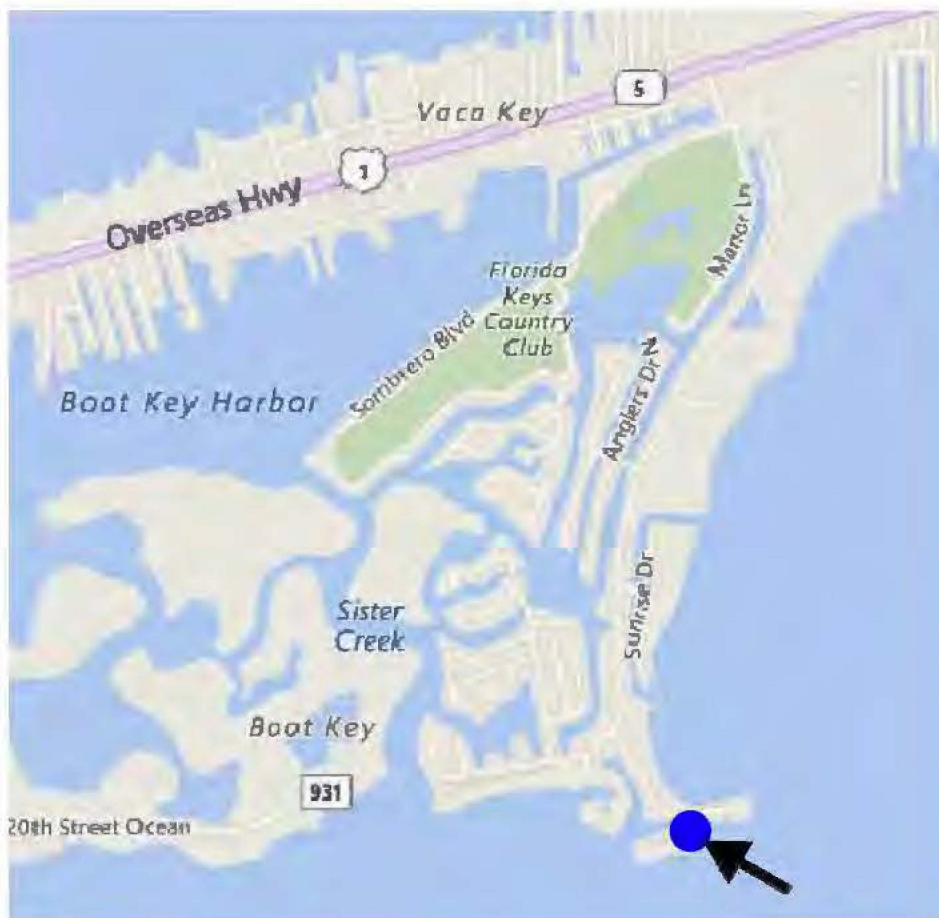
603 N INDIAN RIVER DR STE 300

FORT PIERCE, FL 34950

MEISLER RONALD

12231 SAINT WENDEL RD

EVANSVILLE, IN 47720



REVISIONS:

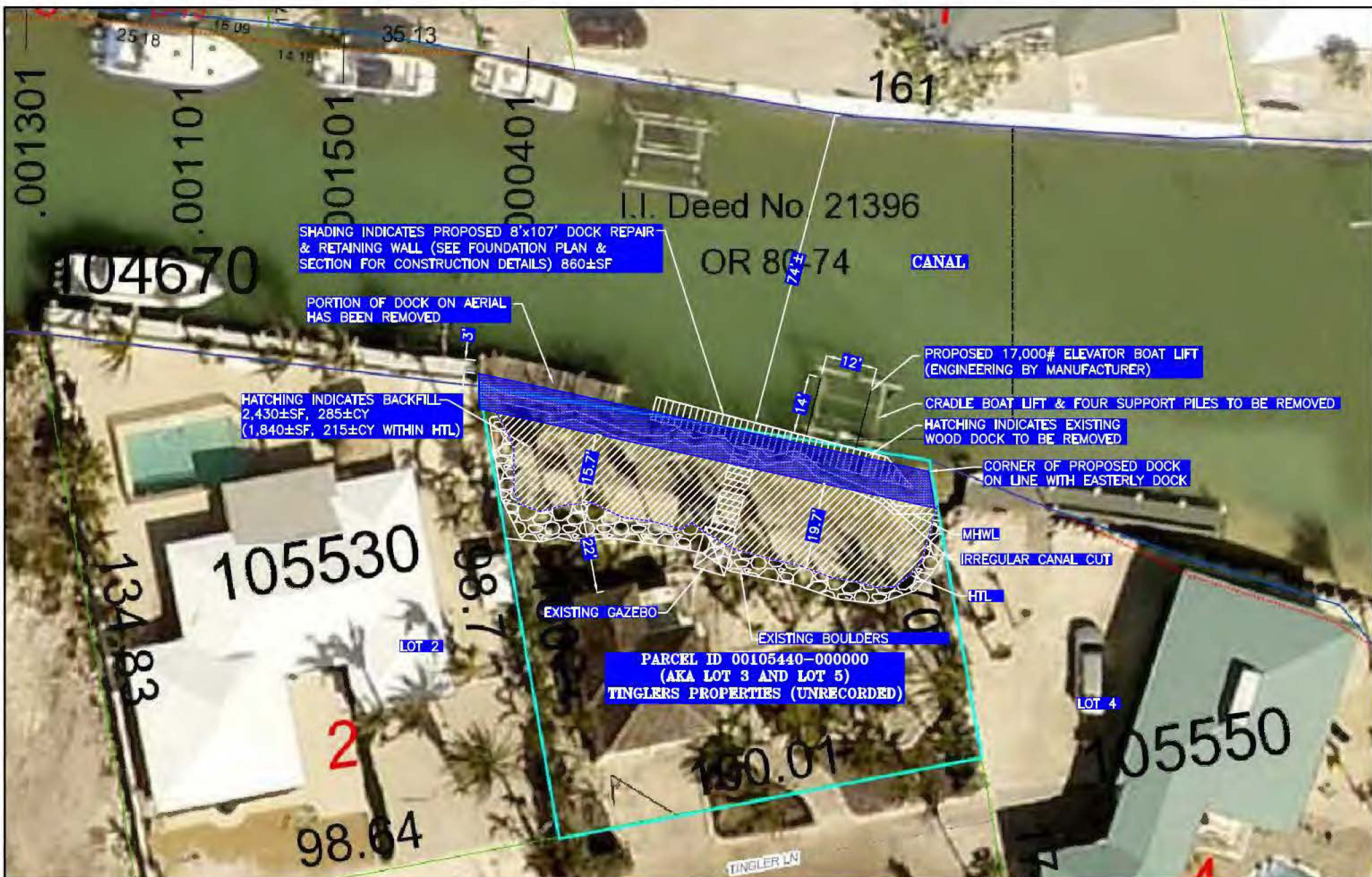
LOCATION & VICINITY MAP  
SCALE: AS SHOWN

DOCK & RETAINING WALL-ALEX & KRISTIN MOLINAROLI  
100 TINGLER LANE  
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: 03/25/20



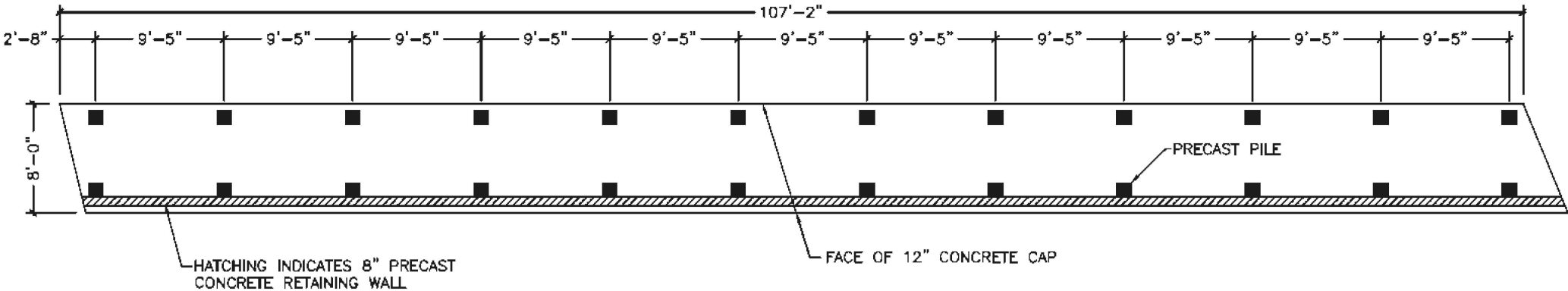


# **SITE PLAN**

SCALE: 1" = 30'



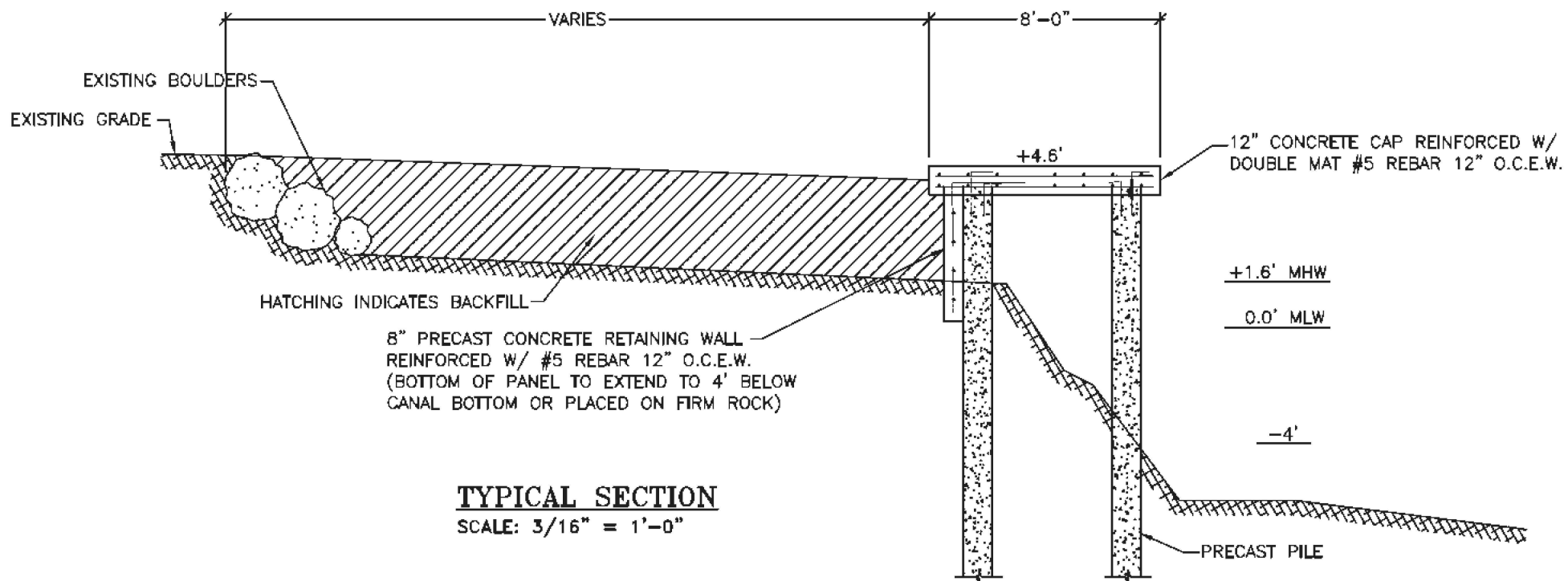
SHEET 2 OF 5  2	DATE: 03/25/20	GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050 Telephone (305) 743-9121 Fax (305) 743-9197 Email: glenboe@bellsouth.net	DOCK & RETAINING WALL-ALEX & KRISTIN MOLINAROLI 100 TINGLER LANE MARATHON, MONROE COUNTY, FL	REVISIONS:	
				1	05/27/20
CERTIFIED BY: SEAN KIRWAN, P.E. #57506					



**FOUNDATION PLAN**  
SCALE: 3/32" = 1'-0"

REVISIONS:	





### 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. 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, RISK CATEGORY 1, 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) SHALL BE PROVIDED AS DIRECTED BY OWNER. 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. PROVIDE A MINIMUM OF 3" CLEARANCE FROM EDGE OF STRUCTURE TO EDGE OF BOLTS.
10. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

#### 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 0.6" 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.

REVISIONS:

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

DOCK & RETAINING WALL-ALEX & KRISTIN MOLINAROLI  
100 TINGLER LANE  
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