



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

August 27, 2020

Regulatory Division
South Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2005-04150 (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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: DMB Investment Trust
c/o Donald Byrne
6100 Spring Branch Road
Montgomery, TX 77316-4490

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Florida Bay. The project is located at 139 Gimpy Gulch Drive, on a developed single family lot, immediately adjacent to Florida Bay; legally described as Part of Govt. Lot 1 of Plantation Key and adjacent bay bottom G 32-114/115, in Section 13, Township 63 South, Range 37 East, Tavernier, Monroe County, Florida 33070 (MM± 89) RE# 00091852-000000.

Directions to the site are as follows: Take U.S. 1 South to MM89; Project located at 139 Gimpy Gulch Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.961897°
Longitude -80.570699°

PROJECT PURPOSE:

Basic: To provide boating access.

Overall: To provide boating access in Islamorada, Monroe County, Florida.

EXISTING CONDITIONS: The project site supports a developed upland lot with an undeveloped shoreline comprised of exposed bedrock and scattered wetland vegetation. The project is situated between another single family residence with a boat basin and dock and Founders Park. The submerged bottom consists of hard bottom with moderate to dense coverage of seagrass and macro-algae. Siderastrea radians are scattered along the sea bottom. The project is located within the Florida Keys National Marine Sanctuary boundary.

PROPOSED WORK: The applicant seeks authorization to construct a 568 square foot grated “L”-shaped dock with a 4 foot wide by 129.5 foot long access walkway leading to a 4 foot wide by 16 foot long terminal platform 25 feet from the west property line and to install temporary floating turbidity barriers around all work areas that are in/over U.S. navigable 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 project is located within American crocodile (*Crocodylus acutus*) the designated critical habitat area. According to the 28 October 2014 American Crocodile Key, the property does not support suitable nesting habitat for the crocodile as the shoreline is comprised of natural limerock. 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*), 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

568 square feet of submerged bottom utilized by various life stages of marine life. 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 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.

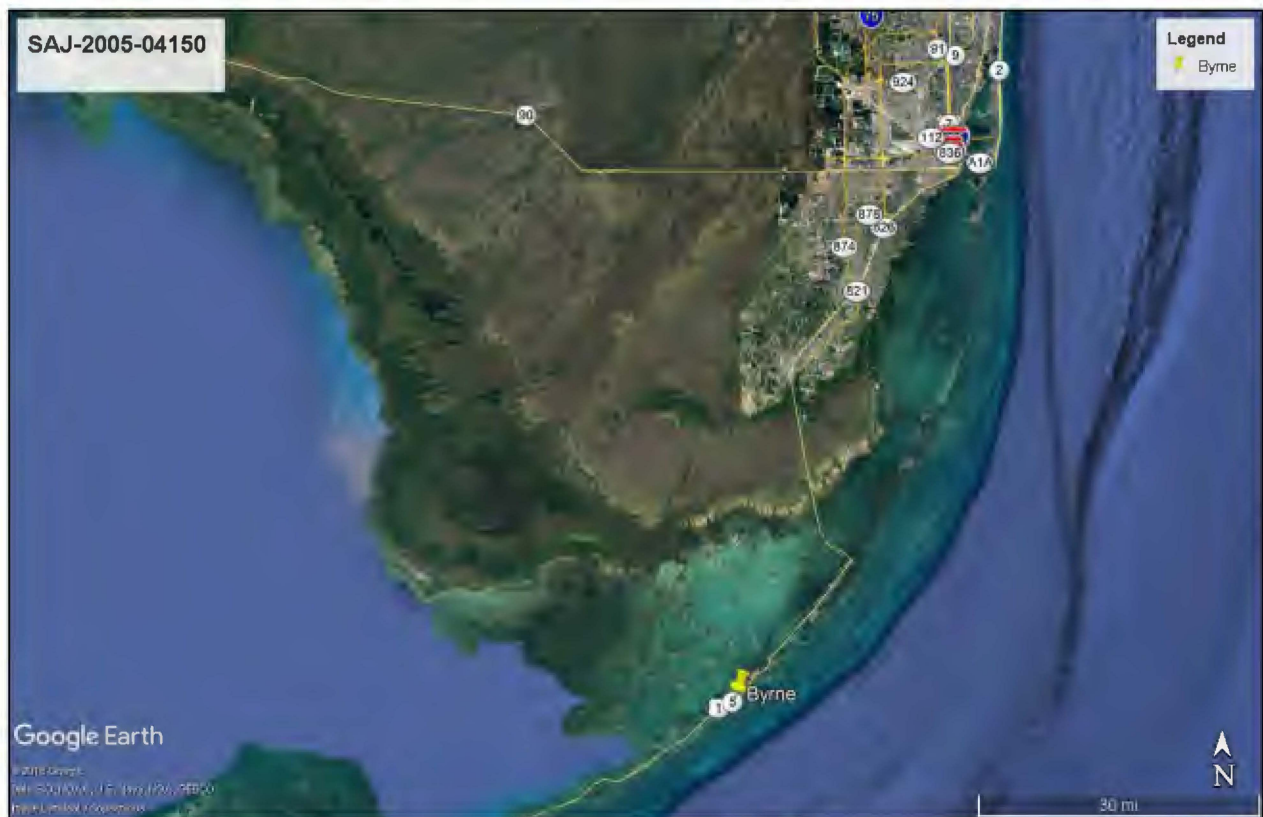
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits,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



Overview



Legend

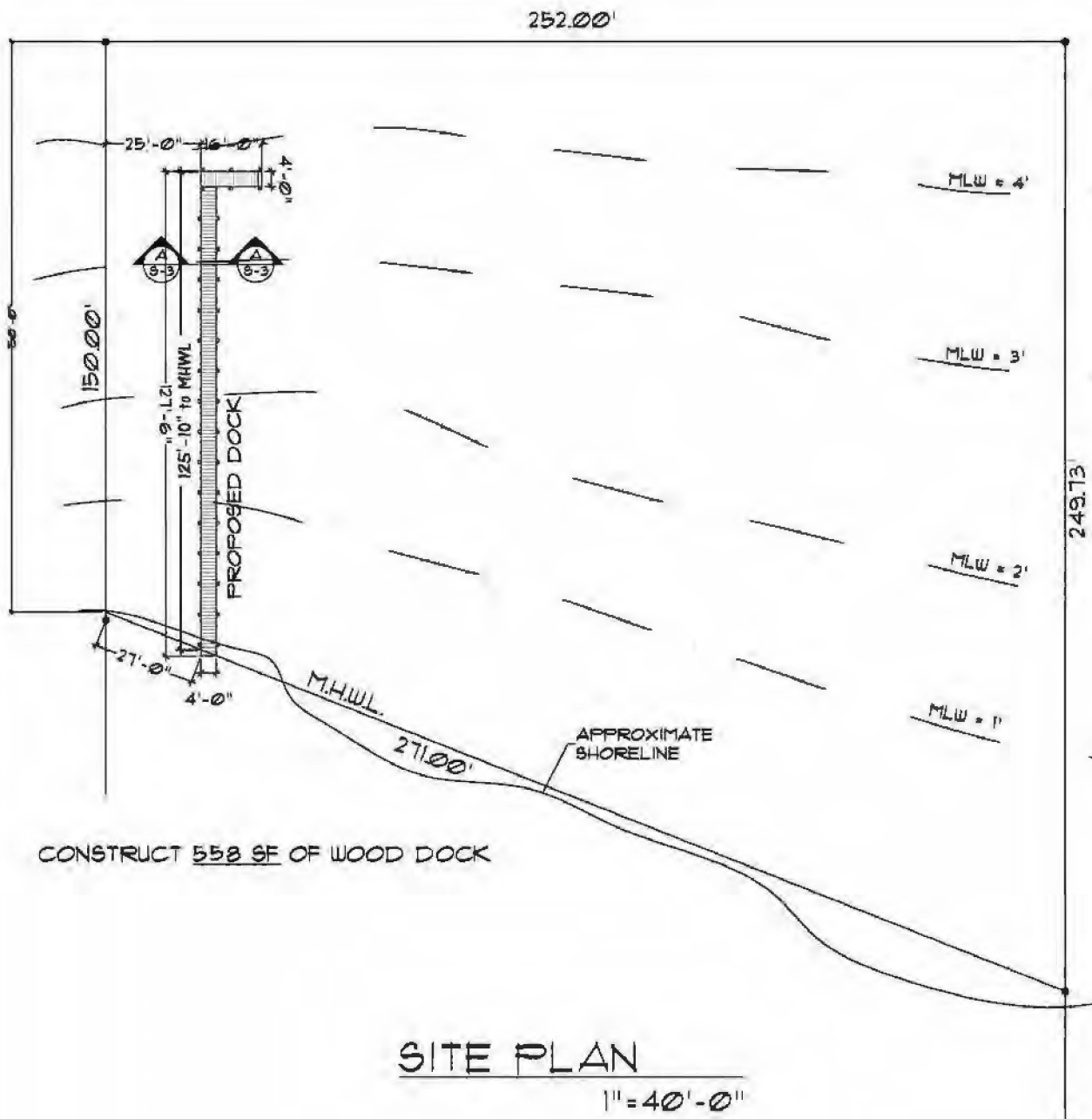
- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- [] Condo Building
- Key Names
- Subdivisions
- Parcels

Parcel ID 00091852-000000
 Sec/Twp/Rng 13/63/37
 Property Address 139 GIMPY GULCH Dr
 PLANTATION KEY

Alternate ID 9100239
 Class SINGLE FAMILY RESID

Owner Address DMB INVESTMENT TRUST
 6100 Spring Branch Rd
 Montgomery, TX 77316





PROJECT No: D-11-254
OWNER: DMB INVESTMENT TRUST

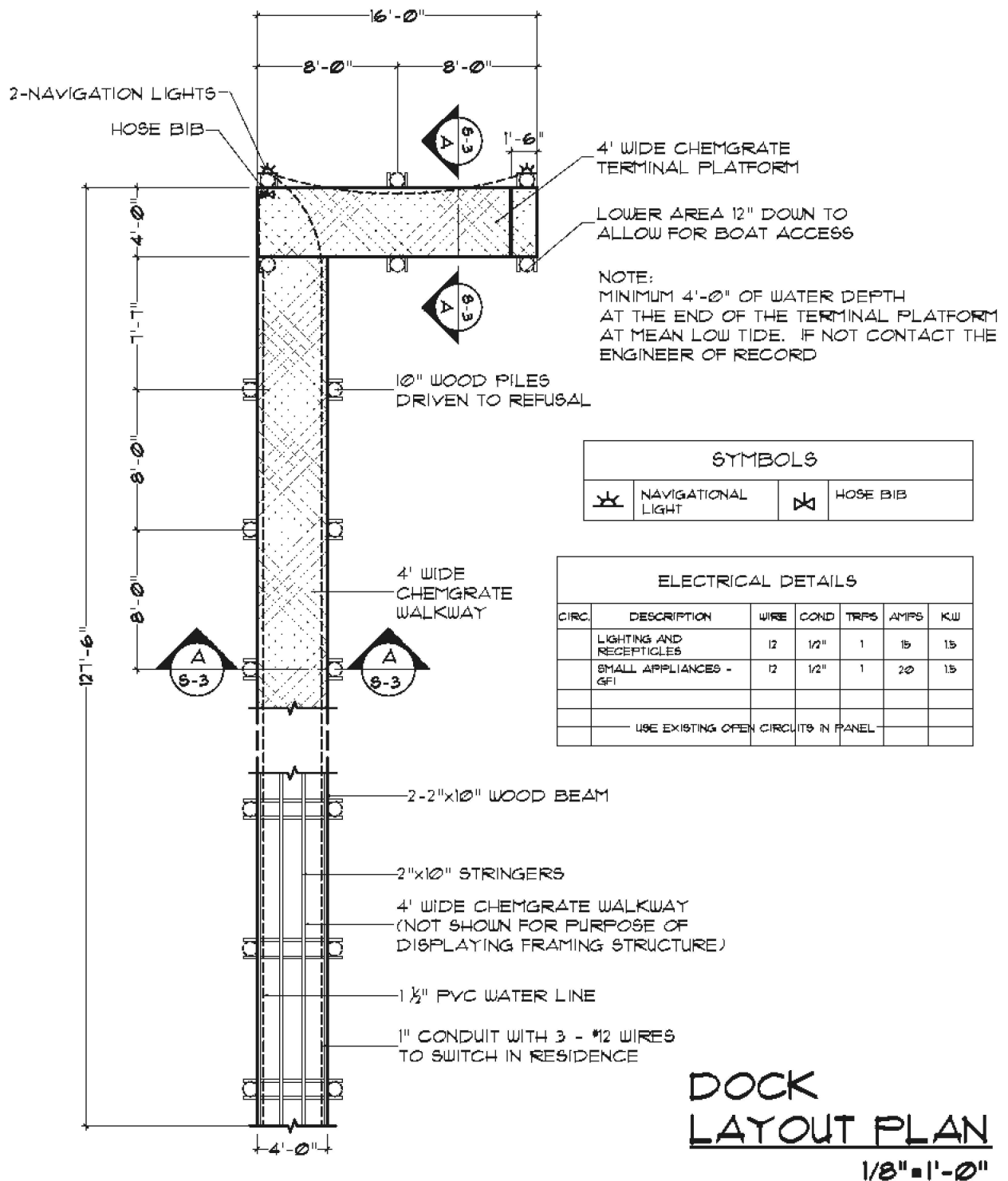
TITLE:
NEW DOCK

**KEYS
ENGINEERING SERVICES**
DARYLE L. OSBORN

P.E. No. FL 27428
31700 OVERSEAS HIGHWAY, TAVERNIER, FL. 33070 - PH. (305) 852-0262

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PROJECT No: D-11-254
OWNER: DMB INVESTMENT TRUST

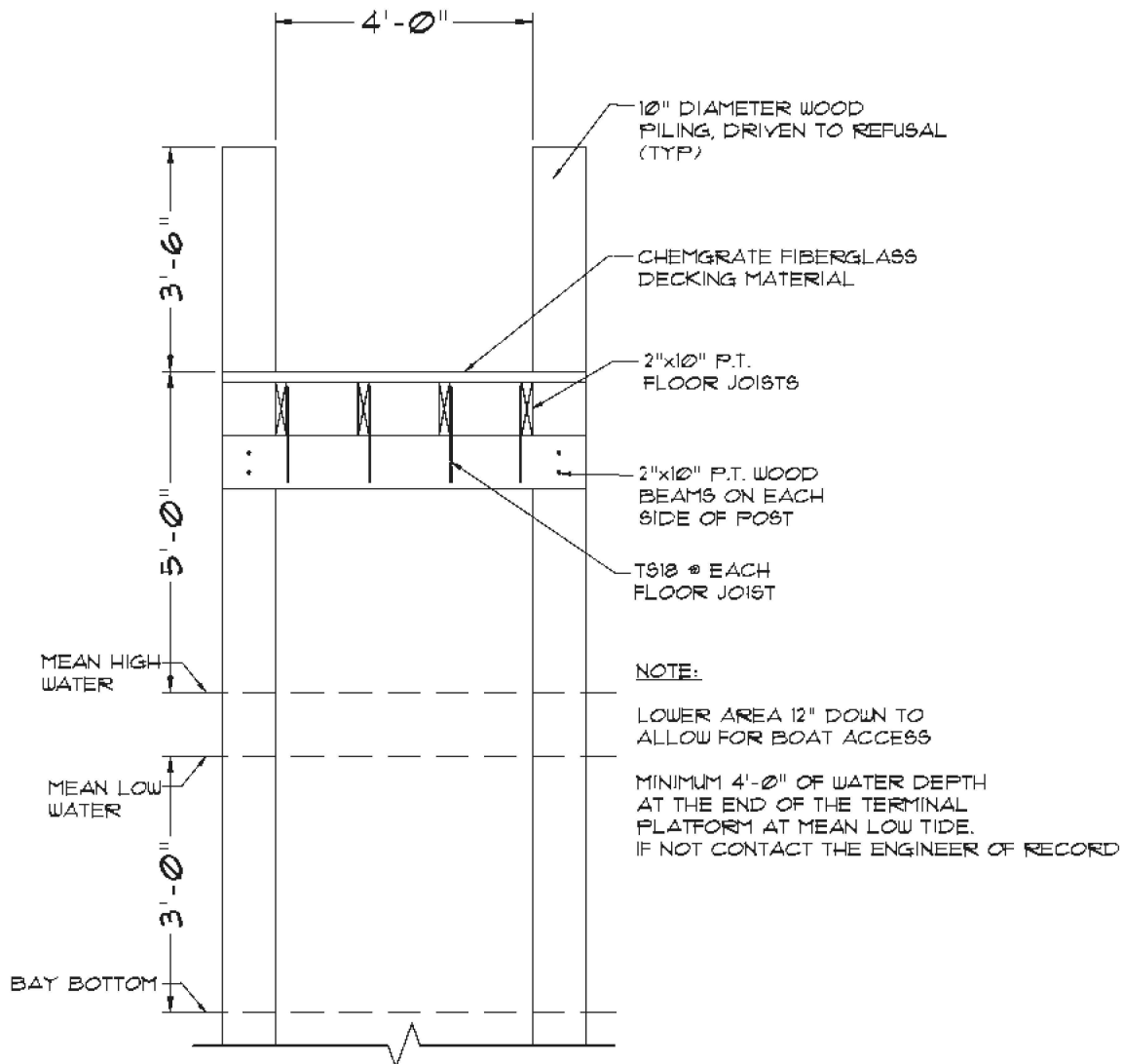
TITLE:
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TYPICAL SECTION A-A

3/8"=1'-0"

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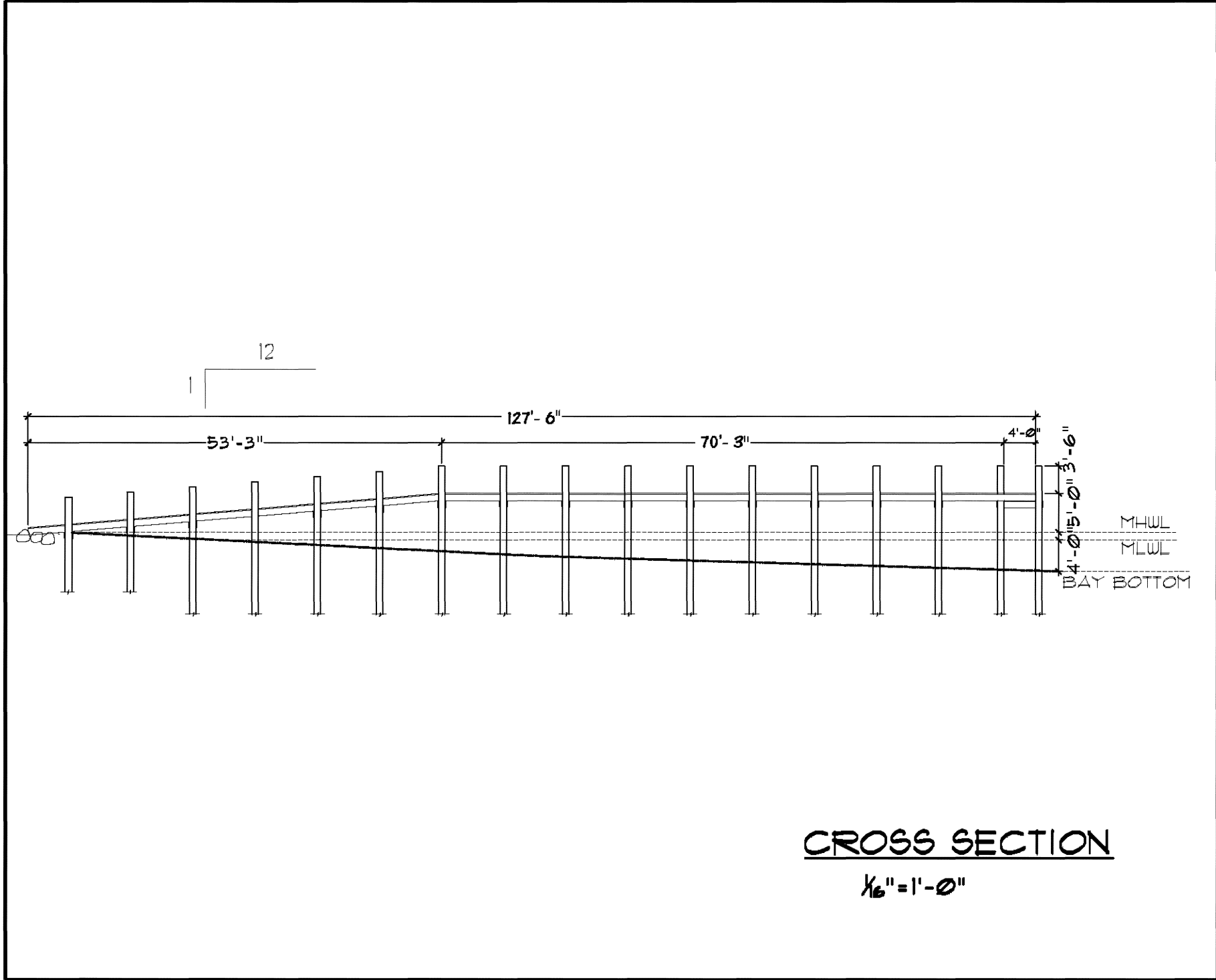
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PROJECT No: OWNER: DMB
D-11-254 INVESTMENT
TRUST

TITLE:
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CONSTRUCTION NOTES:

1. ALL ROUGH HARDWARE SHALL BE GALVANIZED METAL
2. ALL WOOD IN CONTACT WITH CONCRETE OR EXPOSED SHALL BE PRESSURE TREATED OR AN APPROVED EQUAL.
3. ALL JOIST LUMBER SHALL BE EQUIVALENT TO SOUTHERN PINE #2 WITH FRAMING A MINIMUM FIBER STRESS OF 1400 PSI.
4. WALKWAY PORTION OF DOCK SHALL HAVE SOLID HANDRAILS.
5. WALKWAY PORTION OF DOCK SHALL HAVE SIGNS POSTED THAT STATE "NO MOORING".
6. ALL DECKING SHALL BE FIBERGLASS GRATING WILL BE USED THAT ALLOWS A MINIMUM OF 43% PERMEABILITY.
7. REFLECTIVE NAVIGATIONAL INDICATORS SHALL BE LOCATED EVERY 50 FEET AND ON BOTH SIDES OF TERMINAL PLATFORM.
8. CONTINUOUS ACCESS TO OPEN WATER IS REQUIRED FROM DOCK.

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INVESTMENT
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