



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

September 14, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-04265-(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: Wayhi LLC
c/o Lisa Hartman
2911 N.W. 23rd Court
Boca Raton, FL 33431

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is an upland parcel located at 40 East Beach Road, immediately adjacent to open waters of the Atlantic Ocean; legally described as Block 06, Lot 01 of Ocean Park Village subdivision; PB4-14; in Section 26, Township 62 South, Range 38 East; Key Largo, Monroe County, Florida 33037. (RE# 00446340-000000) (MM± 93-Ocean).

Directions to the site are as follows: From Miami, drive south on U.S. 1 Overseas Highway to approximately mile marker 93; turn left onto Burton Drive, left onto 2nd St and right onto Beach Road. The project site would be at the end of the road, on the left hand side of the road.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.024297° North
Longitude 80.495169° West

PROJECT PURPOSE:

Basic: The basic project purpose is to restore and stabilize an eroded shoreline

Overall: The overall project purpose is to restore and stabilize a severely eroded shoreline by installing a concrete retaining wall, a riprap revetment and to place backfill on a waterfront single family parcel in Key Largo, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a developed subdivision of Key Largo, Monroe County, Florida. The property is a single-family waterfront property, currently undergoing development of a single-family residence. The property sits between two developed properties, both with armored shorelines. The subject site supports an unconsolidated shoreline that displays historical erosion. The property is bordered to the east by Harry Harris County Park; on the west by a developed single-family property with an armored shoreline; on the south by open waters of the Atlantic Ocean and to the north by a paved road, East Beach Road. The shoreline is a mix of gravel and thick grain sand that slopes down into the ocean. The shoreline contains a heavy accumulation of sea wrack followed by exposed rock, at low tide, with moderate macroalgae coverage. The project site is within waters of the Florida Keys National Marine Sanctuary.

PROPOSED WORK: The applicant seeks authorization to construct a 155-linear feet, 140-square feet (ft²), 10-cubic yards (y³), concrete retaining wall; to install a 130-linear feet, 270 ft², 20 y³, riprap revetment and to place 290 y³ of backfill material within 5,590 ft² of shoreline, below the high tide line (HTL), as depicted on the enclosed work plans (4 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 (4 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 > D > G > 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 located within the American crocodile (*Crocodylus acutus*) critical habitat and 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 Google Earth Resource at Risk (RAR) report for the subject parcel includes the Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*); Piping plover (*Charadrius melodus*), Roseate tern (*Sterna dougallii*), Wood stork (*Mycteria Americana*), Key Largo woodrat (*Neotoma floridana smalli*) and Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*):

Potential impacts to the Key Largo woodrat (*Neotoma floridana smalli*) and its habitat were evaluated using the respective FWS Species Assessment Guides (SAGs), dated 29 July 2013. Use of the SAGs resulted in the following sequential determination: A > B > C (1), “may affect, not likely to adversely affect (NLAA)” the woodrat. This determination is partially based on the applicant proposing no removal or modification of the specie’s native 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 Service is required.

Potential impacts to the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) and its habitat were evaluated using the respective FWS Species Assessment Guides (SAGs), dated 29 July 2013. Use of the SAGs resulted in the following sequential determination: A > B > C (1), “may affect, not likely to adversely affect (NLAA)” the cotton mouse. This determination is partially based on the applicant proposing no removal or modification of the specie’s native 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 Service is required.

Potential impacts to the Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*) and its critical habitat were evaluated using the respective FWS Species Assessment Guides (SAGs), dated 29 July 2013. Use of the SAGs resulted in the following sequential determination: A > B (1), “may affect, not likely to adversely affect (NLAA)” the butterfly. This determination is partially based on the applicant proposing no removal or modification of the species’ native 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.

Potential impacts to the Piping plover (*Charadrius melodus*) and Roseate tern (*Sterna dougallii*) were evaluated using the Programmatic Biological Opinion (BO), dated May 22, 2013. Using the BO resulted in the Corps making a “no effect” determination for the species. This determination is based on there being no suitable habitat within the project area, as well as the project not being located within a designated species Critical Habitat Unit or areas that are considered optimal species habitat; therefore, no further consultation with the FWS is required.

Potential impacts to the Wood stork (*Mycteria americana*) were evaluated using the Wood Stork Effect Determination Key dated 18 May 2010 (key). Use of the key resulted in the following sequential determination: A (3), “no effect” for the wood stork. This determination is based on the project not affecting suitable foraging habitat (SFH); therefore, no further consultation with the FWS is required.

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 6,000 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 October 5, 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 00446340-000000
BK 6 LT 1 OCEAN PARK VILLAGE PB4-14
SEC/TWP/RNG 26/62/38
KEY LARGO
LATITUDE: 25.023180°N LONGITUDE: 80.494960°W

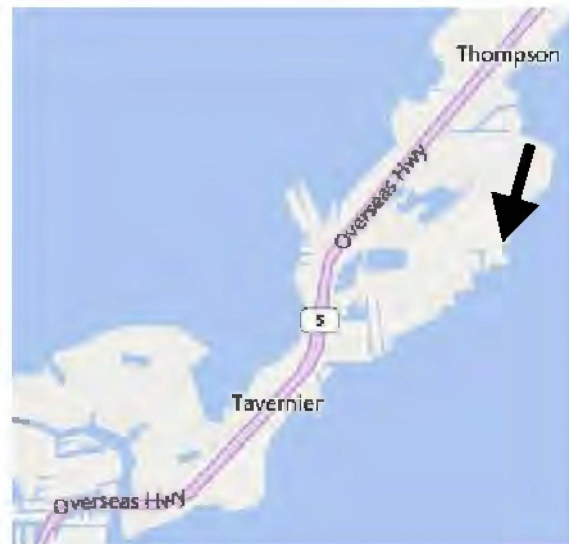
DIRECTIONS:

U.S. HIGHWAY NO. 1 NORTH TO MM 93±. RIGHT ONTO
BURTON DR. LEFT ONTO 2ND ST. RIGHT ONTO BEACH RD.
PROPERTY ADDRESS 40 E BEACH RD

ADJOINING OWNERS

WILKINSON JERRY S
38 E BEACH RD
TAVERNIER, FL 33070

MONROE COUNTY
1200 TRUMAN AVE
KEY WEST, FL 33040



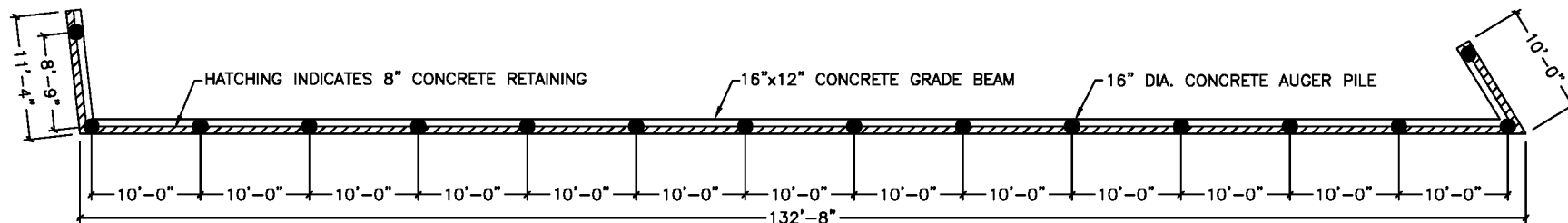
REVISIONS:

LOCATION & VICINITY MAP
SCALE: AS SHOWN

RETAINING WALL & RIPRAP REVETMENT FOR WAYHI LLC
40 E BEACH RD - PARCEL ID 00446340-000000
KEY LARGO, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4081
6900 OVERSEAS HIGHWAY, SUITE 4, MARGATHTON, FL 33060
Telephone (205) 743-9121 Fax (205) 743-9197
Email: glenboe@glbassoc.com

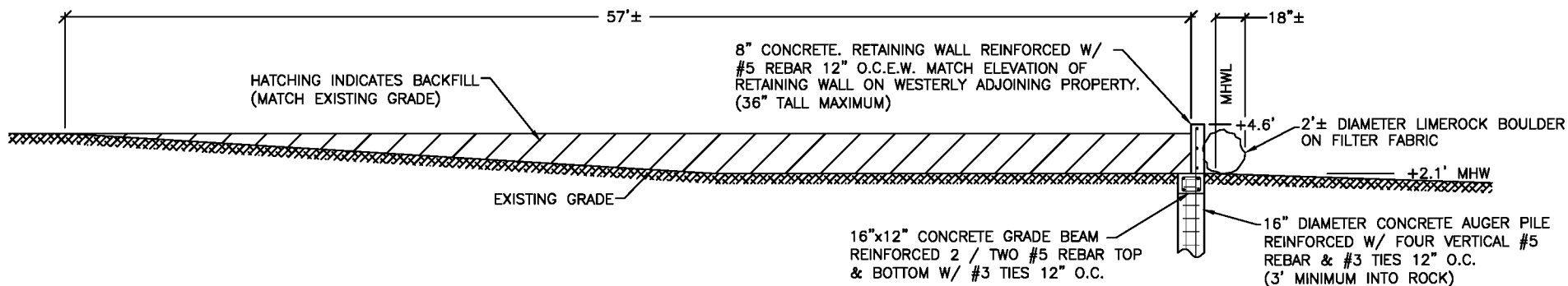
DATE: 10/28/18



FOUNDATION PLAN

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

TOP OF RETAINING WALL SHALL BE 6" MINIMUM ABOVE FINISHED GRADE OR GRADE SHALL BE SLOPED LANDWARD TO ADHERE TO STORMWATER REQUIREMENTS.



TYPICAL SECTION

SCALE: 1/8" = 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, 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.

CONCRETE RETAINING WALL, BEAMS & AUGER PILES

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 EDITION).

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):
TOP 3" MINIMUM, BOTTOM 3" MINIMUM, SIDES 3" MINIMUM

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.

LAP SPLICE CONTINUOUS VERTICAL OR HORIZONTAL BARS IN CONCRETE MEMBERS BY WIRING TOGETHER IN CONTACT IN ACCORDANCE WITH ACI 318, LATEST EDITION, FOR CLASS "B" TENSION LAP SPLICES. DO NOT SPLICE CONTINUOUS TOP BARS IN BEAMS AT ENDS OF CLEAR SPANS. DO NOT SPLICE CONTINUOUS BOTTOM BARS IN BEAMS IN CLEAR SPANS BETWEEN SUPPORTS.

AUGER PILES SHALL PENETRATE FIRM ROCK 3' MINIMUM.

REVISIONS:

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

RETAINING WALL & RIPRAP REVETMENT FOR WAYHI LLC
40 E BEACH RD - PARCEL ID 00446340-000000
KEY LARGO, 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: 10/25/19