



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

September 21, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-03753-(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: Meyer and Boumerhi LLC
c/o Pierre Boumerhi
439 Spring Street
Houtzdale, PA 16651

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of Mexico. The project site is located on a vacant jurisdictional wetland parcel at Heck Avenue; legally described as **Lot 77** of Mates Beach Plat # 3, subdivision; PB4-60; in Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida 33042 (RE# 00219750-000000)(MM± 28.2-Gulf).

Directions to the site are as follows: From Miami, drive south on U.S. 1, Overseas Highway, to approximately mile marker 28.2; turn right onto Meyer Avenue and then turn right onto Heck Avenue. The project site would be located on a vacant lot north of 467 Heck Avenue.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.673299° North
Longitude 81.389992° West

PROJECT PURPOSE:

Basic: The basic project purpose is to construct a single-family residence with water/boating access.

Overall: The overall project purpose is to construct a single-family residence with associated infrastructures and water/boating access in Little Torch Key, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a developed subdivision of Little Torch Key, Summerland Key, Monroe County Florida. The property is bordered by a developed residential lot on the north and south; a paved road, Heck Avenue, on the West and a 40' wide man-made canal on the east. The parcel's shoreline is densely vegetated with red mangroves. The parcel proposed to receive fill material for development has been identified as intertidal saltmarsh wetland. No corals or seagrass have been identified within the project footprint.

PROPOSED WORK: The applicant seeks authorization to place 330 cubic yards (y^3) of clean fill material within in 5,955 square feet (ft^2) of jurisdictional wetlands for the construction of a residence and associated appurtenances; to install a 325 ft^2 marginal wood dock with ten (10) associated aluminum piles; to place 20 y^3 of 2'-4' diameter boulders on filter fabric within 240 ft^2 of shoreline, underneath the proposed dock; to install boulders along the rest of the perimeter of the shoreline with temporary filter fencing to isolate the construction site and prevent the displacement of fill material into adjacent waters of the United States, as depicted on the attached drawings (5 pages). Work is in Water of the United States, in accordance with the enclosed site work plans (5 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.

Temporary filter fencing will be installed prior to the discharge of any fill material as to prevent the spillage of fill material into the adjacent wetlands.

Additionally, the applicant proposes to avoid and preserve in perpetuity the remaining 130 ft^2 area of shoreline mangrove wetland vegetation.

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 as the shoreline is densely vegetated. 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 00219750-000000 and is on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County for the following species: the Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*) and Silver rice rat (*Oryzomys palustris natator*) focus area.

Potential impacts to the LKMR were evaluated using the Lower Keys marsh rabbit (LKMR; *Sylvilagus palustris hefneri*) Species Key, dated July 29, 2013, and resulted in the following sequential determination: A > B > C > D > F (2) "may affect, but not likely to adversely affect." This determination is partially based on the applicant being provided the cat brochure. 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 silver rice rat were evaluated using the Silver Rice Rat (*Oryzomys palustris natator*) Species Key, dated July 29, 2013, and resulted in the following sequential determination: A > B > C > D > E (2), “*may affect, but not likely to adversely affect.*” This determination is partially based on the applicant being provided with the cat brochure. Although the subject parcel is not located within the designated critical habitat, use of the Silver Rice Rat Critical Habitat Assessment Guide dated July 29, 2013, resulted in the following sequential determination A > B > C > D (1), “*may affect, but not likely to adversely affect.*” This determination is based on the applicant proposing habitat compensation commensurate with the amount of native habitat lost. Based on the information provided above the Corps has reached a MANLAA determination on the silver rice rat and its designated critical 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.

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 6,280 square feet of wetland resources indirectly utilized by various life stages of land and marine species and 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 12, 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.

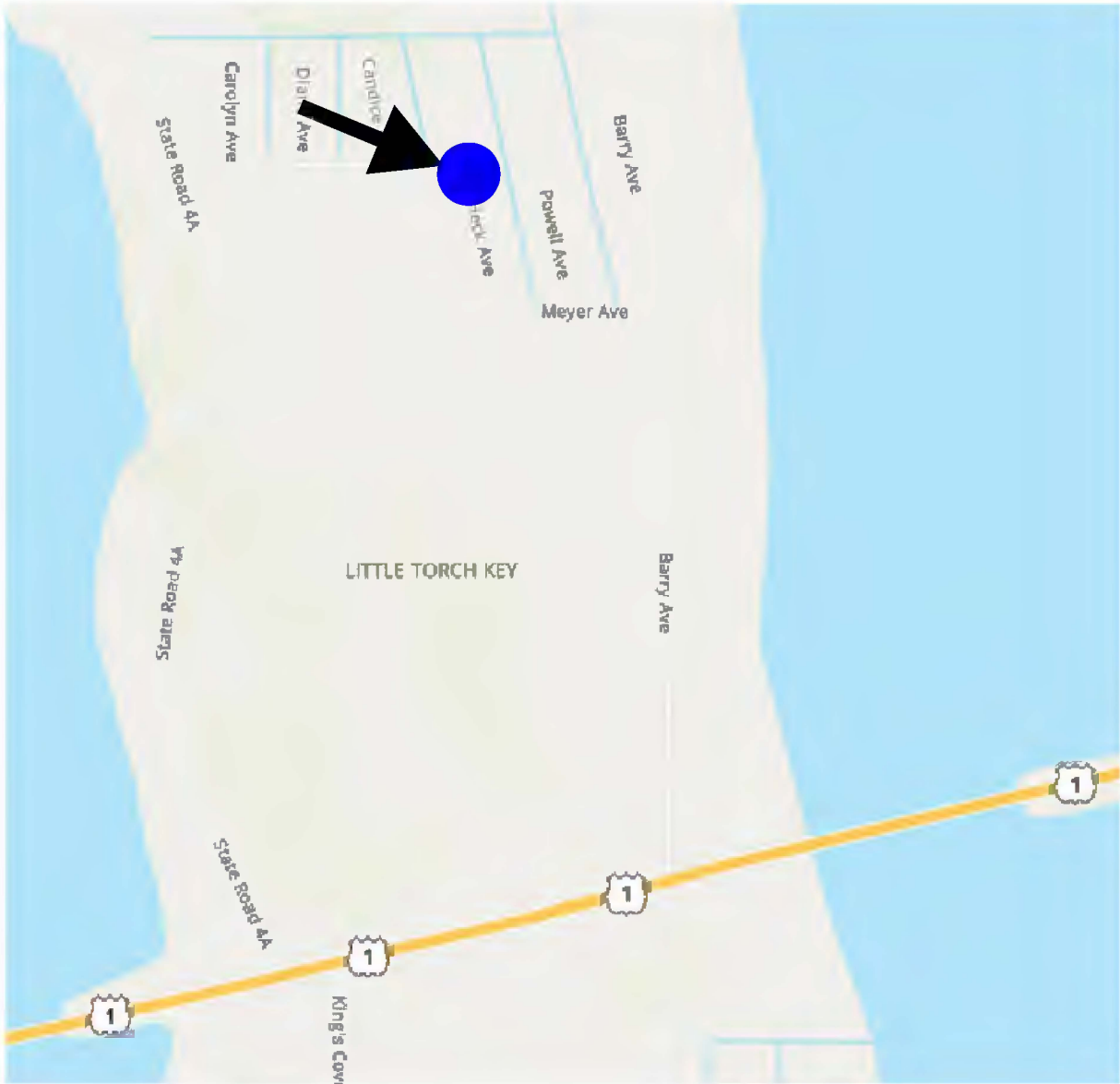
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning 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.

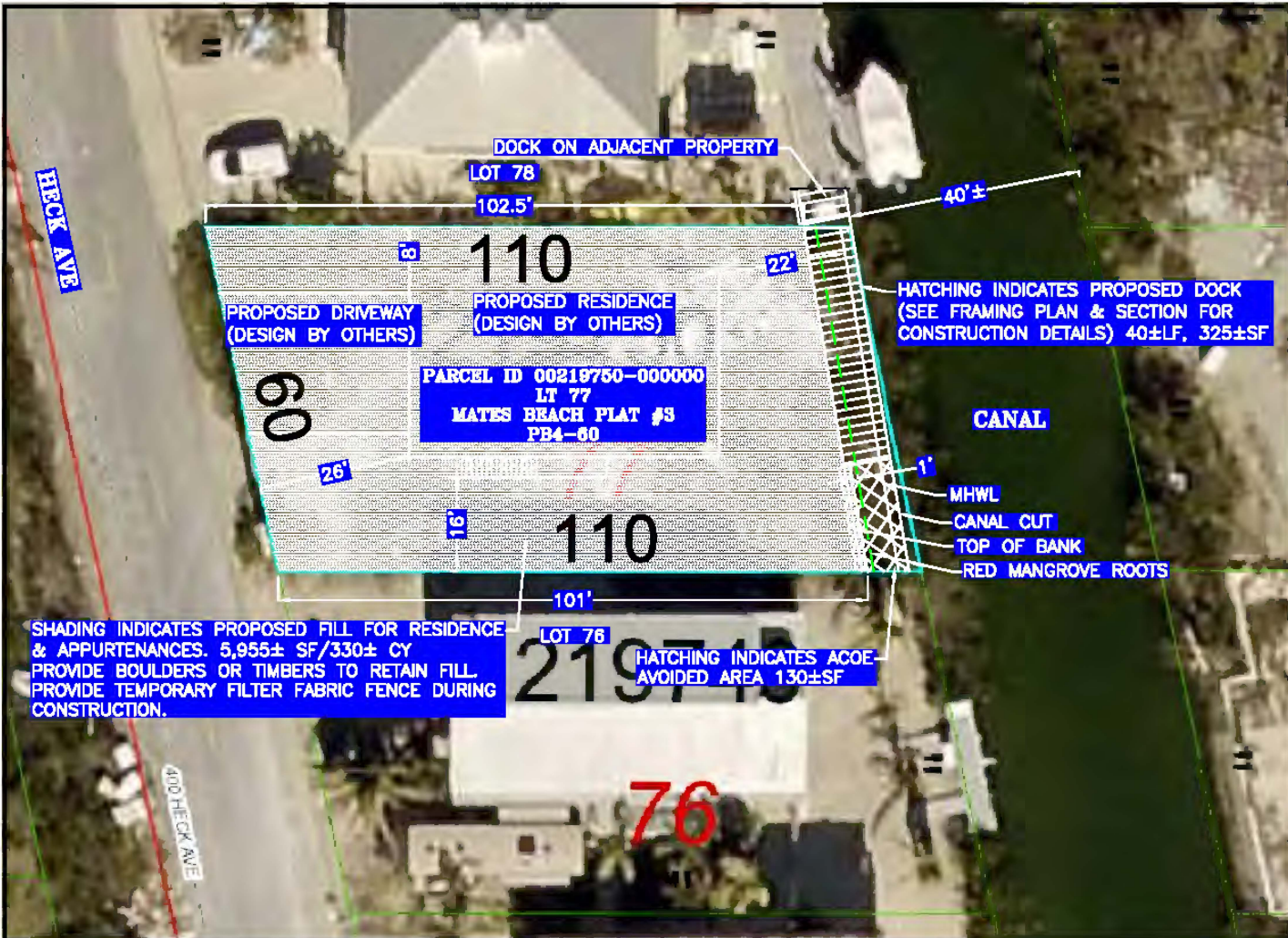
PROJECT LOCATION
PARCEL ID 00219750-000000
LT 77 MATES BEACH PLAT #3 PB4-60
SEC/TWP/RNG 28/66/29
LITTLE TORCH KEY
LATITUDE: 24.673310°N LONGITUDE: 81.389820°W

DIRECTIONS:
U.S. HIGHWAY NO. 1 SOUTH TO MM 28.5±. RIGHT ON BARRY AVE. LEFT ONTO MEYER AVE. RIGHT ON HECK AVE. PROJECT SITE VACANT LOT NORTH OF 467 HECK AVE.

ADJOINING OWNERS
HILDEGARD DIMPFLMAIER
467 HECK AVE
LITTLE TORCH KEY, FL 33042

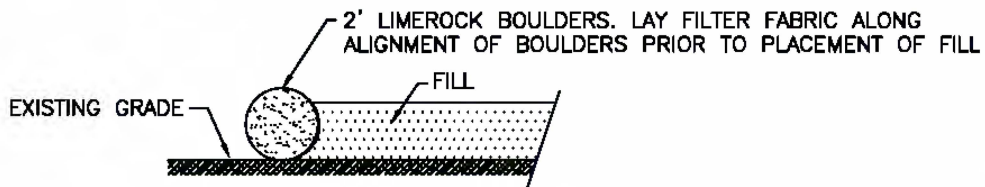


REVISIONS:				
LOCATION & VICINITY MAP SCALE: AS SHOWN				
DOCK & FILL FOR RESIDENCE FOR MEYER & BOUMERHI 2 LLC LT 77 MATES BEACH PLAT #3 PB4-60 LITTLE TORCH KEY, MONROE COUNTY, FL				
GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON , FL 33050 Telephone (305) 743-9121 Fax (305) 743-9197 Email: glenboe@bellsouth.net				
DATE: 09/13/20				
1				
SHEET 1 OF 5				



SITE PLAN

SCALE: 1" = 30'



TYPICAL SECTION

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

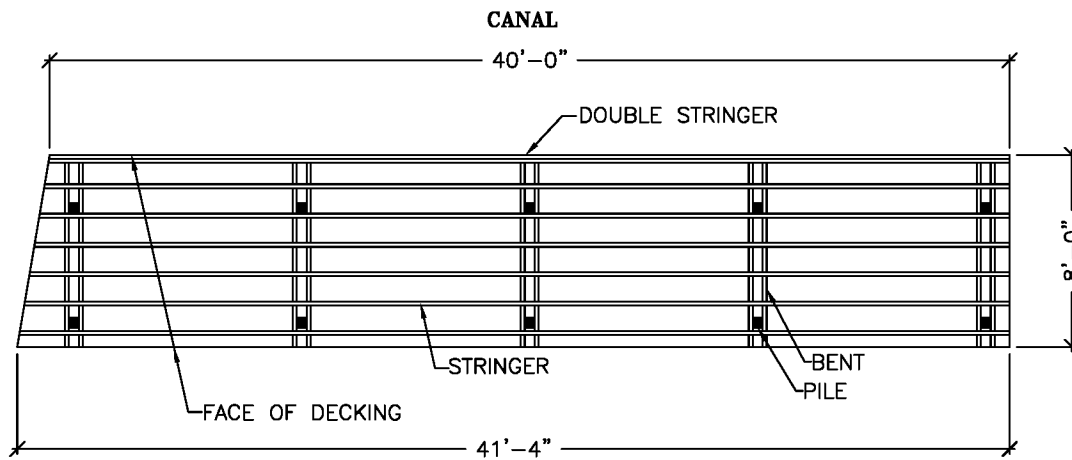
REVISIONS:

CERTIFIED BY:
SEAN KIRWAN, P.E. #67608

DOCK & FILL FOR RESIDENCE FOR MEYER & BOUMERHI 2 LLC
LT 77 MATES BEACH PLAT #3 PB4-60
LITTLE TORCH KEY, MONROE COUNTY, FL

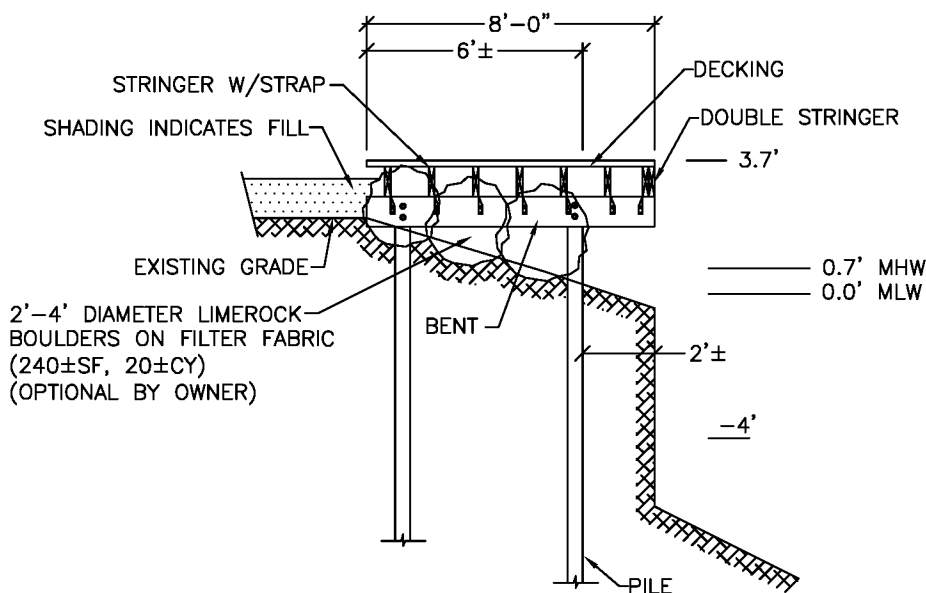
GLEN BOE AND ASSOCIATES, INC. # 4061
5600 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121 Fax (305) 743-9177
Email: glenboe@bellsouth.net

DATE: 08/13/20



FRAMING PLAN

SCALE: 1/8" = 1'-0"



TYPICAL SECTION

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

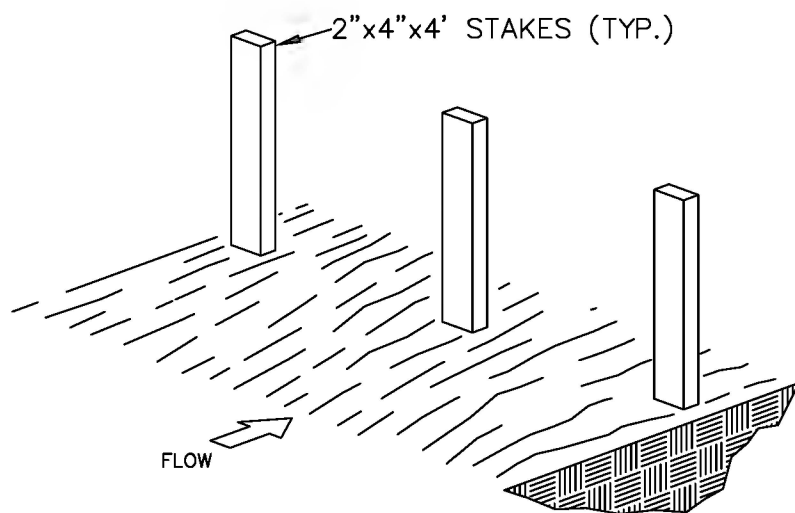
REVISIONS:

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

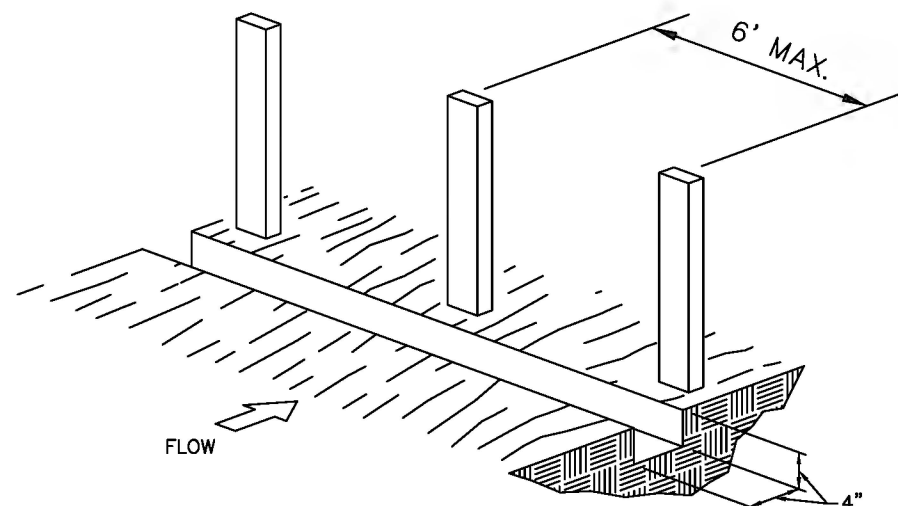
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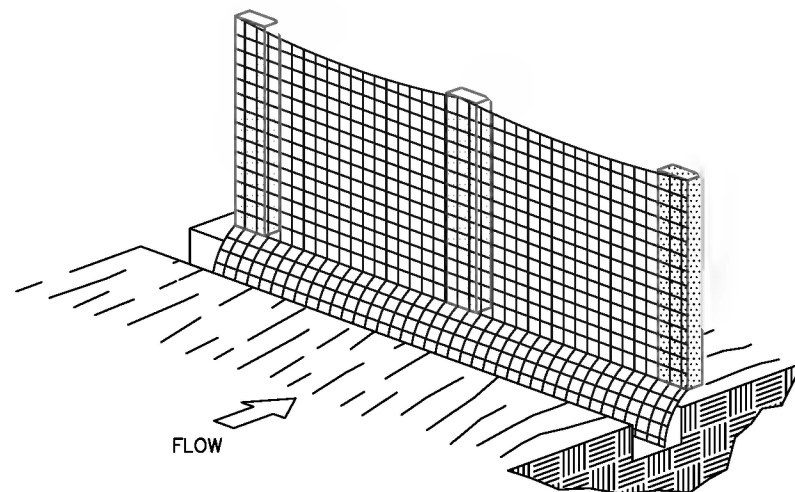
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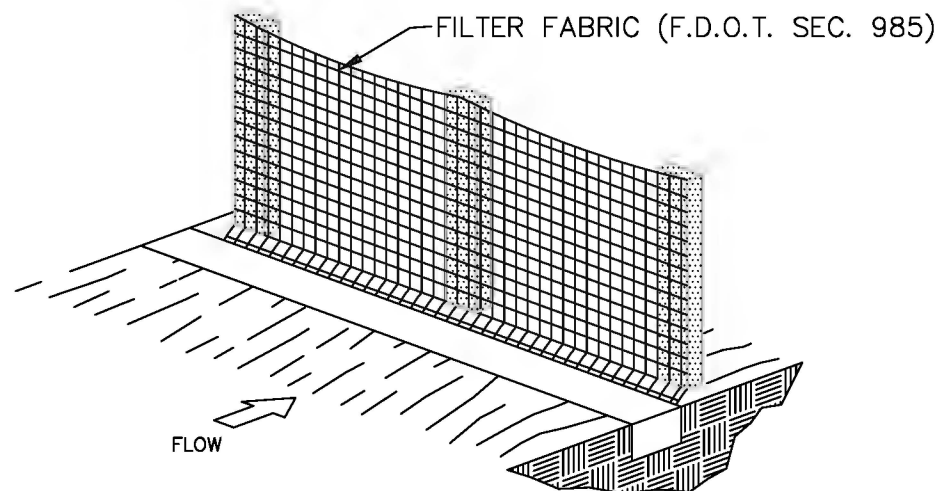
1. SET THE STAKES



2. EXCAVATE A 4"x4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.



3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

F.D.O.T. TYPE III FILTER FENCE

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.
10. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

ALUMINUM PILES:

PILES SHALL BE 6061-T6 MARINE GRADE 4.5" O.D. SCHEDULE 40 ALUMINUM PIN PILE W/ 5" VINYL SLEEVE.

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.

PILES SHALL PENETRATE FIRM ROCK 5' 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.

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.

LUMBER, DECKING, & FASTENERS:

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWWA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS/CUBIC FOOT.

ALL DECKING SHALL BE SOUTHERN PINE NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS/CUBIC FOOT. ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS AT EACH CONNECTION POINT. PRESSURE TREATED DECKING MAY BE SUBSTITUTED WITH SYNTHETIC DECKING OR FIBERGLASS GRATING AS DIRECTED BY OWNER. SYNTHETIC DECKING & FIBERGLASS GRATING SHALL BE CAPABLE OF SUPPORTING THE LIVE LOAD & DEAD LOAD LISTED ABOVE AND BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.

STRINGERS: 2x10 @ 16" CENTERS MAX. (Fb=800 MIN.)

BENTS: 2x10 (Fb=800 MIN.)

DECKING: 2x6 (1/2" SPACING) (Fb=1,350 MIN.)

ATTACH BENTS TO PILING WITH TWO 5/8" 316 STAINLESS STEEL BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/16 INCH GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS. PROVIDE BITUMINOUS PAINT, CAULK, OR SIMILAR FOR TO PREVENT DISSIMILAR METAL CONTACT.

ATTACH EACH STRINGER TO EACH BENT WITH STAINLESS STEEL STRAPS AT EACH CONTACT POINT. PROVIDE SIMPSON STRONG-TIE LTS12, ALPINE MTS12, OR APPROVED EQUAL. ALL CONNECTORS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.

LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING SPECIFIED.

PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

REVISIONS:

CERTIFIED BY:
SEAN KIRWAN, P.E. #57506DOCK & FILL FOR RESIDENCE FOR MEYER & BOUMERHI 2 LLC
LT 77 MATES BEACH PLAT #3 PB4-60
LITTLE TORCH KEY, MONROE COUNTY, FLGLEN 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: 09/13/20