



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

October 28, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-00708-(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) as described below:

APPLICANT: Ronald Barbier
6037 Manasota Key Road
Englewood, FL 34223

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of Mexico. The project site is located at 30852 Granada Avenue; legally described as PT Lot 05, Block 09; in Section 14, Township 66 South, Range 29 East, Big Pine Key, Monroe County, Florida 33043. (RE# 00109340-000500) (MM± 31-Gulf).

Directions to the site are as follows: From Miami, drive south on U.S. 1, Overseas Highway, to approximately mile marker 31; turn right onto Key Deer Boulevard and then right onto Watson Boulevard, follow the road to the left and onto State Road 4A, then left onto Mathew Road and right onto Granada Avenue. The project site would be a vacant parcel, located on the right-hand side of the road, west of 30844 Granada Avenue.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.702785° North
Longitude 81.351199° West

PROJECT PURPOSE:

Basic: The basic project purpose is to construct a single-family residence with associated infrastructures and shoreline stabilization.

Overall: The overall project purpose is the development of a single-family residence and install a retaining wall for shoreline stabilization at a property in Sugarloaf Key, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a developed subdivision of Big Pine Key. The property is bordered on the east and west by vacant, disturbed wetland parcels with similar conditions to the subject parcel. On the south, the parcel is bordered by a 30' wide man-canal and on the north by a paved road, Granada Avenue. The parcel is predominantly vegetated with ground cover vegetation but is bordered along the eastern border by some canopy trees. *Distichlis spicata* and *Sporobolus sp.* are the dominant species. The parcel contains marl soils, algal matting and aufwuchs. The shoreline is densely vegetated with mature and shrub Red Mangrove and Green Buttonwood trees, Red mangrove (*Rhizophora mangle*) is the dominant species along the entire shoreline. The area proposed to receive fill material for development has been identified as a saltmarsh wetland. The parcel is listed on the ADID wetland lot list with a score of 2.95. At this time there is no in-water work associated with the proposed work.

PROPOSED WORK: The applicant seeks authorization to place 444 cubic yards (y³) of clean fill material within in 6,000 square feet (ft²) of jurisdictional wetlands for the construction of a residence and associated appurtenances; to install a riprap revetment with filter fabric along the shoreline, at least 1' away from the mangrove wetland fringe root system, and to place a riprap revetment along the east and west perimeter of the property boundaries to isolate the construction site and prevent the displacement of fill material into adjacent waters of the United States, as depicted on the attached work plans (1 page). Work is in Water of the United States, in accordance with the enclosed site plans (1 page).

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 filter fencing will be installed prior to the discharge of any fill material as to prevent the spillage of fill material into adjacent waters of the United States. Additionally, the applicant will avoid 381 ft² of shoreline wetland mangrove and buttonwood 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 will have no effect on the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. Use of the Key resulted in the sequence A > *no effect*. This determination was based on the work being conducted outside of waters accessible to the West Indian manatee. The Corps has concurrence with this determination pursuant to the Effect Determination Key for the manatee dated April 2013.

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 00109340-000500 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*), Key deer (*Odocoileus virginianus clavium*), Eastern Indigo snake (*Drymarchon corais couperi*) focus area. The Corps initial determination is that 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 via a separate correspondence.

Potential impacts to the Eastern indigo snake (*Drymarchon corais couperi*) and its habitat were evaluated using the eastern indigo snake key (key) dated 1 August 2017. Use of the key resulted in the following sequential determination: A > B > C > D > E (1), "*may affect, not likely to adversely affect (NLAA)*" the snake. This determination was based on the permit being conditioned for use of the Service's most current guidance for Standard Protection Measures for The Easter Indigo Snake (currently 2013) during site preparation and project construction. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

Potential impacts to the Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*) 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 > D (2), "*may affect, not likely to adversely affect (NLAA)*" the marsh rabbit. This determination is based on the applicant mitigating for proposed removal of the species' native habitat, the property being within a developed canal subdivision and the

area within 500 feet of the parcel is greater than 60 percent developed or scarified. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

The subject parcel is listed on the FWS 2011 Suitable Habitat List as being located within the focus area for the silver rice rat (*Oryzomys palustris natator*). Potential impacts to the aforementioned species 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 > C > E (2), “*may affect, not likely to adversely affect (NLAA)*” the rice rat. This determination is based on the property being within a developed canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified, as well as the proposal being for a new residence with enforceable cat restrictions and the cat brochure being provided. Although the subject parcel is not located within the designated critical habitat, use of the SAGs resulted in the following sequential determination: A > B > C > D (1), “*NLAA*” the rice rat’s critical habitat. This determination is based on the applicant proposing removal of the species’ native habitat and the property not containing or being adjacent to contiguous tracts of the species’ native habitat greater than one acre in size, the permit being conditioned with habitat compensation, and the cat brochure being provided. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

Potential impacts to the aforementioned species 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 > E > F > G > H > I (1), “*may affect, not likely to adversely affect (NLAA)*” the deer. This determination is based on the proposed action removing native habitat, the property not being greater than one acre in size or being adjacent to contiguous native habitat greater than one acre in size, the applicant proposing either on-site or off-site habitat compensation commensurate with the amount of native habitat lost, and the proposed action not including fencing. Pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required.

The Corps has determined the proposed project will have *no effect* on 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*), the smalltooth sawfish (*Pristis pectinata*) and its designated critical habitat, *Acorpora* sp. and its designated critical habitat, and listed corals species (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, *Mycetophyllia ferox*). The National Marine Fisheries Service’s has given concurrence with this determination pursuant to Section 7 of the Endangered Species Act and no further consultation is required.

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 ft² of herbaceous wetland resources directly and indirectly utilized by various life stages of land and 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 November 18, 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.

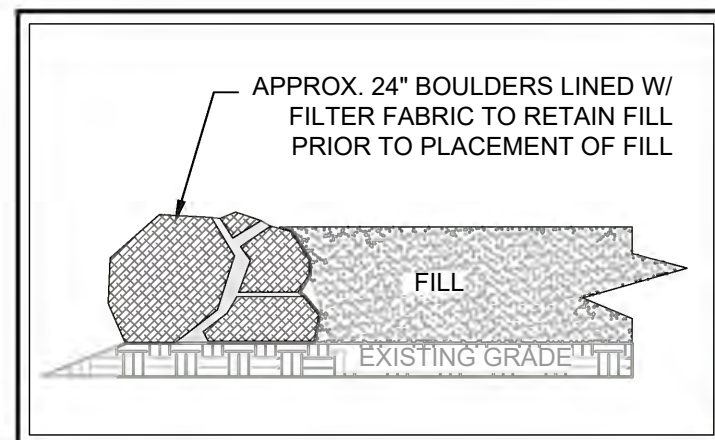


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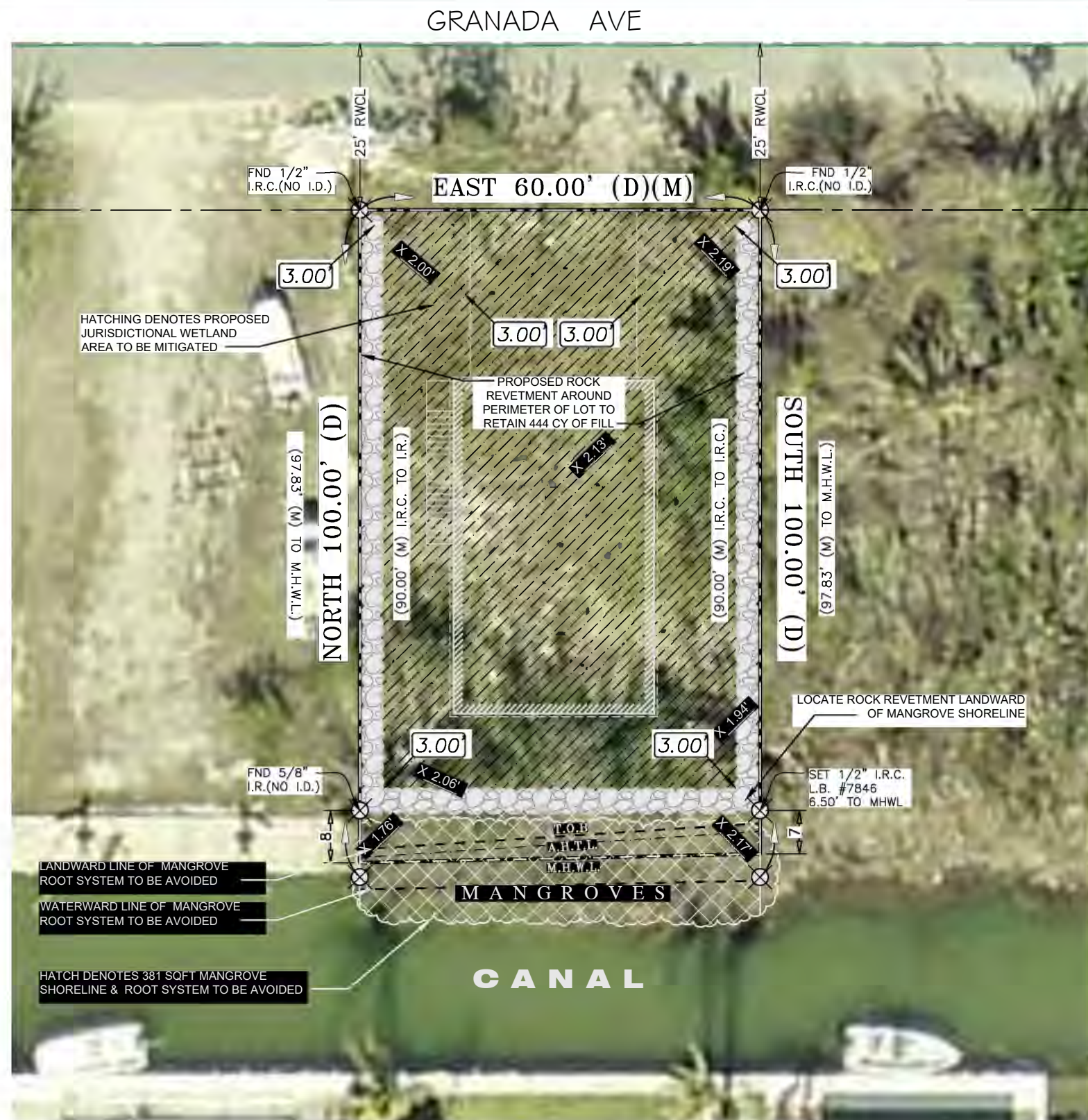
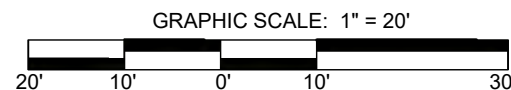
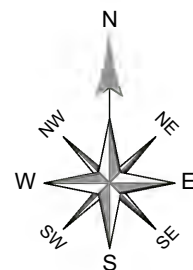
1. PROPOSED IMPACTS WITHIN THE J/D AREA CONTAINED WITHIN THE PROPERTY LINE ARE 6,000 SF. AVOID 381 SQFT AREA AT MANGROVE SHORELINE.
2. PROPOSED IMPACT IN J/D AREA IS FOR FILLING THE 6,000 SF SITE TO RAISE THE EXISTING GRADE 2 FT HIGHER WITH APPROX. 444 CY OF FILL AS IDENTIFIED BY THE PROPOSED AREA.
3. EXISTING GRADES ARE SHOWN ON PLAN.

SITE DATA

SITE ADDRESS:	30852 GRANADA AVE BIG PINE KEY, FL
LEGAL DESC.:	14 66 29 BIG PINE KEY PT LOT 1
FLOOD ZONE:	AE 11'
LOT AREA:	TOTAL = 6,000 SQ. FT.
ZONING:	RESIDENTIAL MEDIUM (RM)
F.L.U.M.:	IMPROVED SUBDIVISION (IS)
SETBACKS:	FRONT 25', SIDES 5'/10', REAR 20'
MAX BUILDING HEIGHT:	35'
MIN. OPEN SPACE:	20%



REVETMENT DETAIL
NTS



SITE MITIGATION PLAN

SCALE: 1" = 20'

CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:

30852 GRANADA AVE
BIG PINE KEY, FL

CAMPBELL ENGINEERING
CONSULTANTS LLC

William R. Campbell, P.E. License #: 79269
Email: will@cecfk.com CA/Reg #: 31437
Phone #: 305-735-4626

PLANS ARE NOT VALID
UNLESS SIGNED AND
DATED

PROJECT #:

1473

Date:

MAY 7, 2020

SHEET 1 of 1

SHEET #

SMP

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