



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

January 8, 2019

Regulatory Division  
South Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2019-00036 (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: Mary J. Farmer/Farmhouse Trust 12/7/2016  
C/o Summer Hill, Inc., 8044  
Montgomery Road, Ste 480  
Cincinnati, OH 45236

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is located in Ocean Reef at 8 Sunrise Cay Drive in Section 5, Township 59 south, Range 41 east; Key Largo, Monroe County, Florida (RE#00569443-004100).

Directions to the site are as follows: Take U.S. 1 South to Card Sound Road; Turn left onto County Rd 905 to Ocean Reef Gate House; Continue onto Gatehouse Road; Merge onto Anchor Drive; Merge onto Sunrise Cay Drive; Project is located at 8 Sunrise Cay Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.330980°  
Longitude -80.258050°

### **PROJECT PURPOSE:**

Basic: To construct a single-family residence with appurtenant structures, to stabilize the shoreline, and to improve recreational access.

Overall: To construct a single-family residence, to stabilize the shoreline, and to improve recreational access in Key Largo, Monroe County, Florida.

EXISTING CONDITIONS: The property is located within a developed subdivision of Key Largo. The property is situated between two developed lots, a paved road, and the Atlantic Ocean. A portion of the lot and majority of the shoreline supports jurisdictional wetlands. The remaining portion of the property has been impacted by historical fill.

**PROPOSED WORK:** The applicant seeks authorization to place 1,000 cubic yards of fill within a 10,670 square foot jurisdictional wetland area for the construction of a single-family residence with appurtenant structures, to place an additional 120 cubic yards of fill within a 800 square foot jurisdictional area for the construction of a 200 linear foot riprap retaining wall, to remove and replace the existing damaged observation platform with a 468 square foot “L”-shaped swim platform with a 4 foot wide by 77 foot long access walkway leading to a 8 foot wide by 20 foot long terminal platform with permanent hand railing along the permanent of the structure and no mooring sign, 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: Prior to the start of construction, turbidity curtains will be deployed to isolate the construction site from ambient waters. The applicant proposes to avoid 11,530 square foot area of red mangrove wetland shoreline in perpetuity.

**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 real estate parcel number is 00569443-004100 and is on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County for the Eastern indigo snake, Key Largo cotton mouse, Key Largo woodrat, Schaus swallowtail butterfly, Keys tree cactus, and Keys tree snail.

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 11,938 square feet of wetlands and 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. 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](mailto:Maria.I.Bezanilla@usace.army.mil); by facsimile transmission at (305) 526-7184; 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.

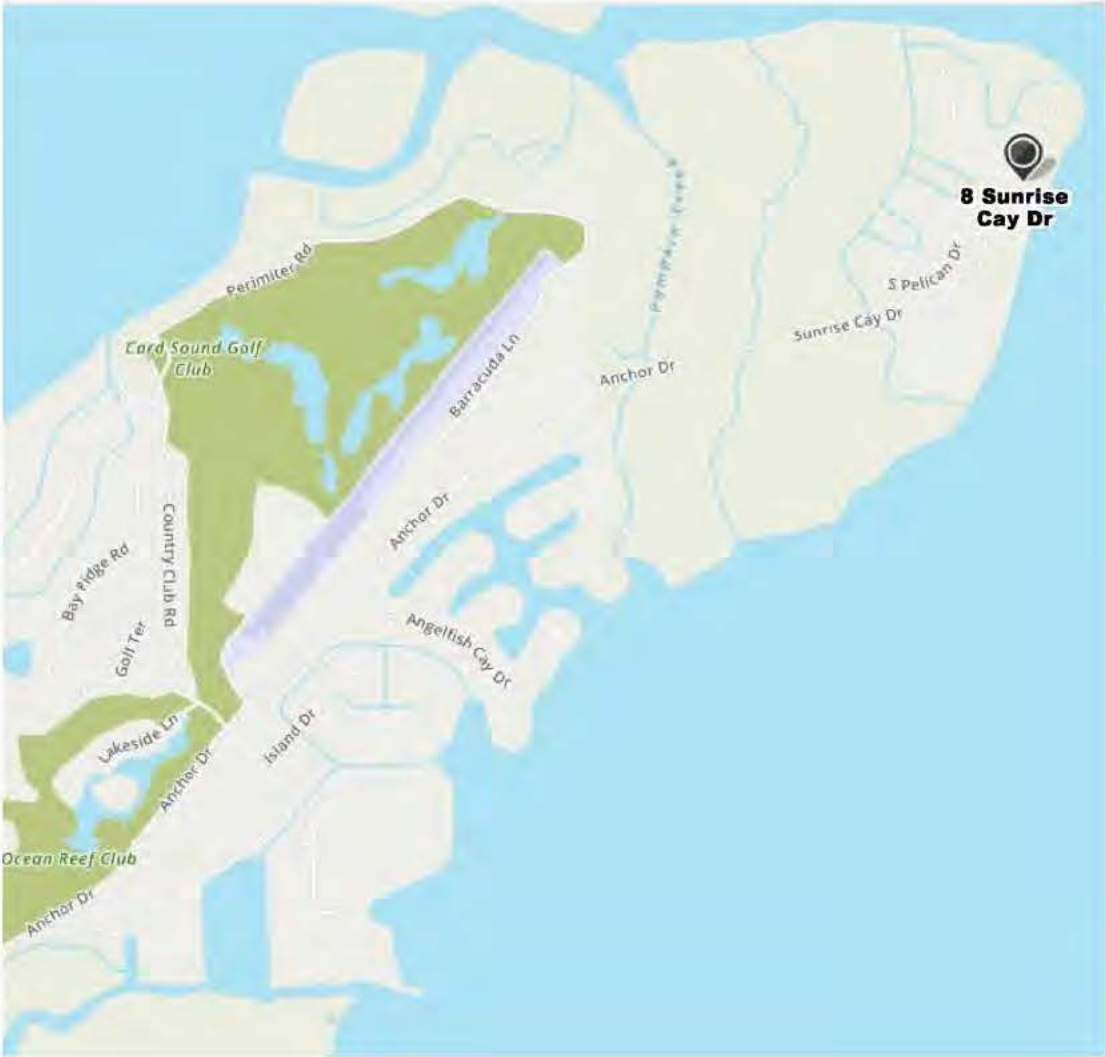
**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

**PROJECT LOCATION**  
RE# 00569443-004100  
LOT 8, BLOCK 2, SUNRISE CAY OCEAN REEF PLAT NO. 15  
PLAT BOOK 7 PG 20  
SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST  
LATITUDE: 25.330915°N LONGITUDE: 80.257968°W

**DIRECTIONS:**  
U.S. HIGHWAY NO. 1 NORTH TO CARD SOUND RD. CONTINUE  
ONTO CARD SOUND ROAD TO OCEAN REEF GATE HOUSE.  
COORDINATE ACCESS PRIOR TO SITE VISIT.

**ADJOINING OWNERS**  
THOMAS N DAVIDSON L/E  
7 SUNRISE CAY DR  
KEY LARGO FL 33037

WILLIAM P BUTLER FAMILY IRREVOCABLE TRUST 5/28/08  
C/O JOHNSON TRUST COMPANY TRUSTEE  
3777 W FORK RD STE 200  
CINCINNATI OH 45247



REVISIONS:				

LOCATION & VICINITY MAP  
SCALE: AS SHOWN

SWIM PLATFORM/FILL FOR RESIDENCE FOR  
FARMHOUSE TRUST 12/7/2016  
KEY LARGO, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061  
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060  
Telephone (305) 743-9121 Fax (305) 743-9187  
Email: glenboe@bdafla.com

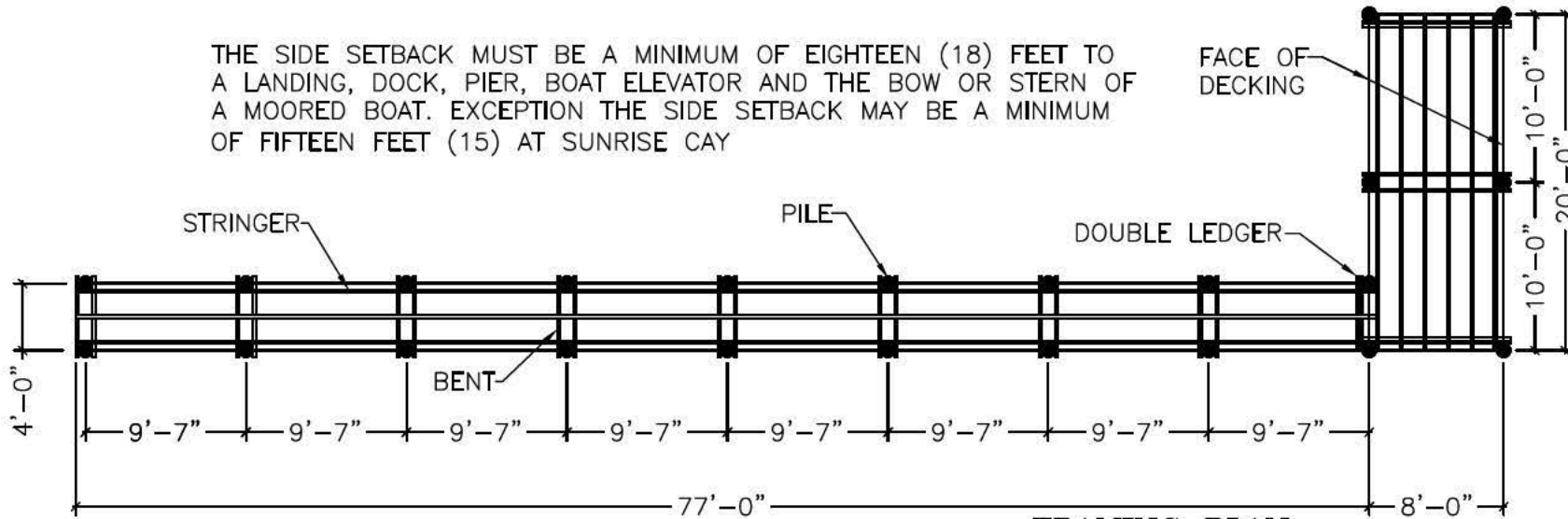
DATE: 12/17/18



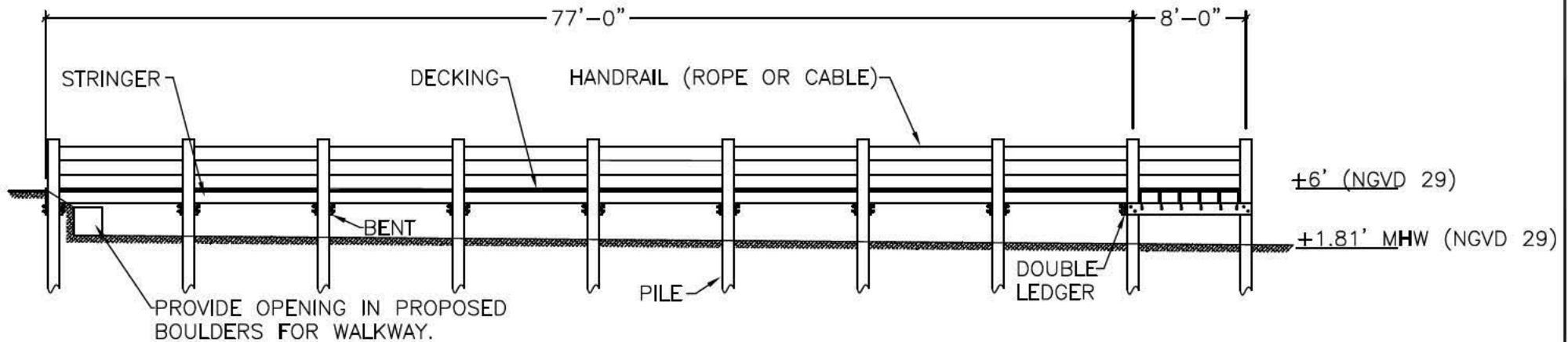




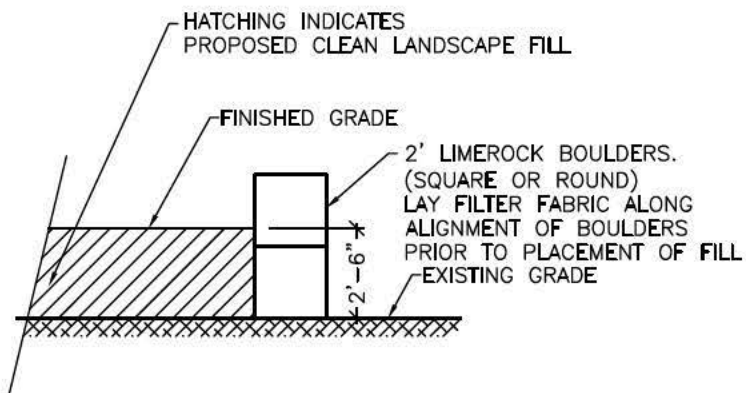
THE SIDE SETBACK MUST BE A MINIMUM OF EIGHTEEN (18) FEET TO A LANDING, DOCK, PIER, BOAT ELEVATOR AND THE BOW OR STERN OF A MOORED BOAT. EXCEPTION THE SIDE SETBACK MAY BE A MINIMUM OF FIFTEEN FEET (15) AT SUNRISE CAY



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

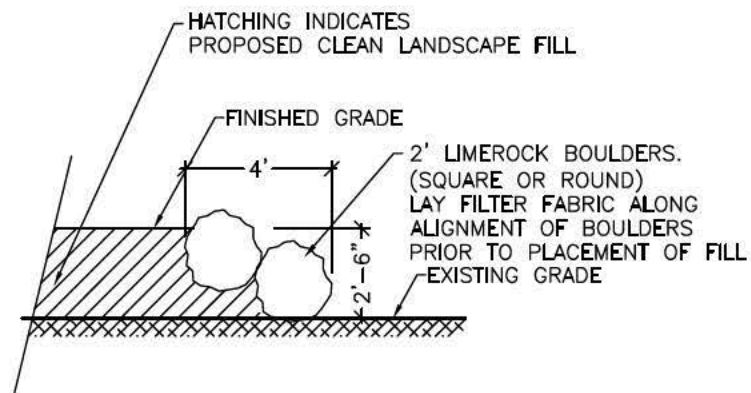


**ELEVATION**  
SCALE: 3/32" = 1'-0"



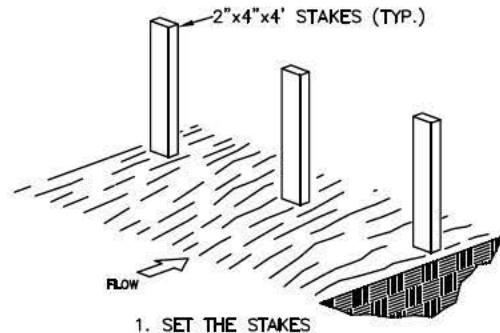
**TYPICAL SECTION (SQUARE BOULDERS)**

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

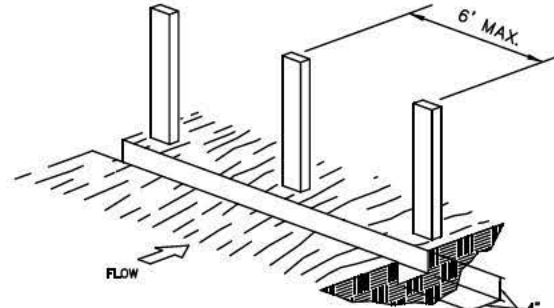


**TYPICAL SECTION (ROUND BOULDERS)**

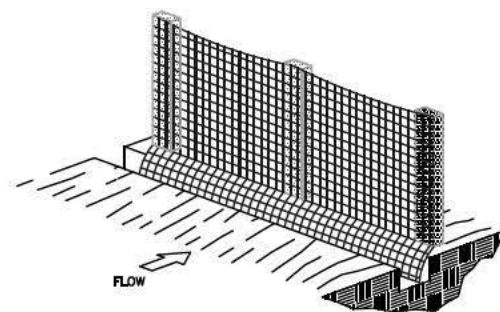
SCALE: 3/16" = 1'-0"



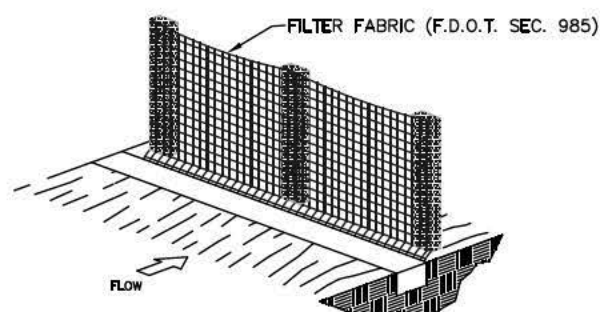
1. SET THE STAKES



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, 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 LADDERS, PILE CAPS, AND OTHER ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO STRUCTURE.
10. A HANDRAIL SHALL BE INSTALLED ALONG THE ACCESS WALK AND AROUND THE PERIMETER OF THE TERMINAL PLATFORM.

**PILES:**

TIMBER PILES SHALL BE ROUND SOUTHERN PINE AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEELED, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 10 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 8 INCHES. PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE. PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

ALUMINUM PILES SHALL BE 6061-T6 MARINE GRADE 4-1/2" O.D. SCHEDULE 40 ALUMINUM PIN PILE. PILES SHALL PENETRATE FIRM ROCK 7' MIN.

PVC PILES SHALL INCLUDE A 4" SCH 40 STEEL PIPE DRIVEN 7' MIN. INTO ROCK AND CASED WITH A 10" SCH 40 PVC PIPE. ONE #5 REBAR, THE LENGTH OF THE STEEL PIPE, SHALL BE CENTERED IN THE STEEL PIPE. THE PVC AND STEEL PIPE SHALL BE FILLED WITH 5,000 PSI CONCRETE.

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 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 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.

**LUMBER, DECKING, & FASTENERS:**

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWPA 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 & APPROVED 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 TIMBER PILING WITH TWO 5/8" 316 STAINLESS STEEL BOLTS, WASHERS, AND NUT 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.

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. #57506

SWIM PLATFORM/FILL FOR RESIDENCE FOR  
FARMHOUSE TRUST 12/7/2016  
KEY LARGO, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061  
5900 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060  
Telephone (305) 743-8121 Fax (305) 743-8197  
Email: glenboe@bellsouth.net

DATE: 12/17/18