



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

January 16, 2019

Regulatory Division  
South Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2017-02171 (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: Richard Lydecker  
4835 Lakeview Drive  
Miami Beach, Florida 33140

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Atlantic Ocean. The project site is located at 352 Sound Drive in Section 14, Township 61 south, Range 39 east; Key Largo, Monroe County, Florida (RE# 00467700-000000).

Directions to the site are as follows: Take U.S. 1 South to MM 103; Turn left at Sound Drive; Project is located at 352 Sound Drive.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.130367°  
Longitude -80.403100°

### **PROJECT PURPOSE:**

Basic: Shoreline stabilization and boat access.

Overall: Shoreline stabilization and provide improved boat access in Key Largo, Monroe County, Florida.

EXISTING CONDITIONS: The wetland system consists of a saltwater system. The onsite vegetation consists of an upland filled lot with landscaped palms/plants. The existing area surrounding the project area consists of a boat basin that contained seagrass and red mangrove seedlings prior to Hurricane Irma. The existing seawall and dock has been damaged by Hurricane Irma.

PROPOSED WORK: The applicant seeks authorization to place 120.7 cubic yards of fill to partially fill 652 sq. ft. of an existing boat basin and construct 105.5 linear feet of

new concrete seawall with associated seawall cap and pilings, 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: No avoidance is proposed. Turbidity screens will be deployed to isolate the construction site from ambient 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 U.S. Army Corps of Engineers (Corps) has determined the project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. Use of the Key resulted in the sequence A-B-C-G-N-O-P4 *may affect, not likely to adversely affect*. This determination partially was based on the implementation of the *Standard Manatee Conditions for In-Water Work*. The Corps has concurrence with this determination pursuant to the Effect Determination Key for the manatee dated April 2013.

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 hardened. 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 00467700-000000 and **is not** on the U.S. Fish and Wildlife Service Suitable Habitat List, dated August 2010, for Monroe County.

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 0.015 acres of 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.

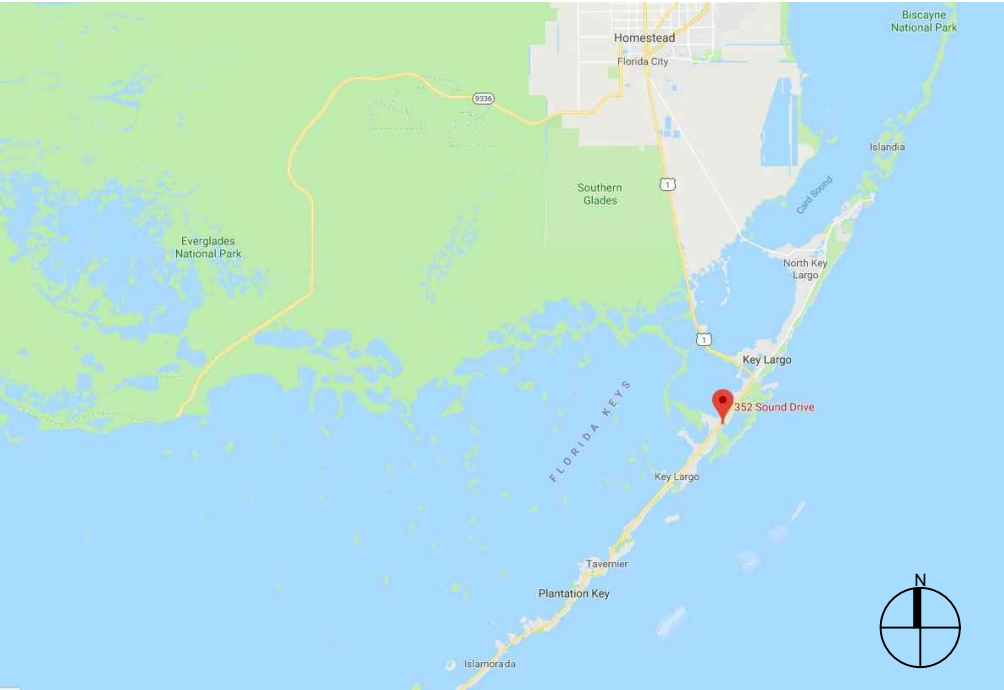
**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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





## LOCATION MAP AND LEGAL DESCRIPTION



**PROJECT SITE LOCATION:**

352 Sound Drive  
Key Largo, FL

LATITUDE: 25° 7'49.21"N  
LONGITUDE: 80°24'10.93"W

FOLIO No.: 24-5205-024-0220

**LEGAL DESCRIPTION:**

CAPE FLORIDA SUB SEC 3 PB 79-64

LOT 7 BLK 8

LOT SIZE 100 X 145

OR 19199-399 07 2000 1

GENERAL NOTES:

1. ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.
2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.
3. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK. CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
4. IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE, AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
5. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2017 EDITION (AND CURRENT ADDENDUMS).
6. APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
7. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
8. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
9. CONTRACTOR TO PROPERLY FENCE AND SECURE AREA WITH BARRICADES.
10. ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
11. ALL NEW MATERIALS AND/OR PATCHWORK SHALL BE PROVIDED TO MATCH EXISTING MATERIALS AND/OR ADJOINING WORK WHERE PRACTICAL EXCEPT AS SPECIFICALLY NOTED HEREIN.
12. LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
13. THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
14. ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.
15. THE CONTRACTOR WILL EMPLOY AND MAINTAIN ADEQUATE SEDIMENT AND EROSION CONTROL MEASURES TO PROTECT BISCAYNE BAY FROM SEDIMENT AND CONSTRUCTION DEBRIS.

DOCK: LL 60 PSF

BOLTS

1. ALL BOLTS SHALL BE STAINLESS STEEL, UNLESS OTHERWISE NOTED.

CONCRETE

1. CONCRETE SHALL CONFORM TO ACI 318 (LATEST ED.) AND SHALL BE REGULAR WEIGHT, SULFATE RESISTANT, WITH A DESIGN STRENGTH OF 5,000 PSI AT 28 DAYS W/ A MAX WATER-CEMENTIOUS MATERIALS RATIO, BY WEIGHT, NORMAL WEIGHT AGGREGATE CONCRETE OF 0.40.
2. OWNER SHALL EMPLOY AND PAY FOR TESTING SERVICES FROM AN INDEPENDENT TESTING LABORATORY FOR CONCRETE SAMPLING AND TESTING IN ACCORDANCE W/ ASTM.
3. LICENSED CONTRACTOR IS RESPONSIBLE FOR THE ADEQUACY OF FORMS AND SHORING AND FOR SAFE PRACTICE IN THEIR USE AND REMOVAL.
4. CONCRETE COVER SHALL BE 3" UNLESS OTHERWISE NOTED ON APPROVED DRAWINGS.
5. REINFORCING STEEL SHALL BE IN CONFORMANCE WITH THE LATEST VERSION OF ASTM A615 GRADE 60 SPECIFICATIONS. ALL REINFORCEMENT SHALL BE PLACED IN ACCORDANCE W/ ACI 315 AND ACI MANUAL OF STANDARD PRACTICE.
6. SPLICES IN REINFORCING BARS SHALL NOT BE LESS THAN 48 BAR DIAMETERS AND REINFORCING SHALL BE CONTINUOUS AROUND ALL CORNERS AND CHANGES IN DIRECTION. CONTINUITY SHALL BE PROVIDED AT CORNERS OR CHANGES IN DIRECTION BY BENDING THE LONGITUDINAL STEEL AROUND THE CORNER 48 BAR DIAMETERS.

PILE DRIVING NOTES

1. PILE DRIVING OPERATIONS SHALL BE OBSERVED BY A SPECIAL INSPECTOR, INCLUDING TEST PILES SUFFICIENT TO DETERMINE THE APPROXIMATE LENGTH REQUIRED TO MEET DESIGN CAPACITY.
2. PILES SHALL BE DRIVEN USING AN APPROVED CUSHION BLOCK CONSISTING OF MATERIAL SO ARRANGED SO AS TO PROVIDE THE TRANSMISSION OF THE HAMMER ENERGY.
3. PILES SHALL BE DRIVEN TO REQUIRED MINIMUM 25 TON BEARING CAPACITY.
4. PILES SHALL BE DRIVEN WITH A DROP HAMMER OR GRAVITY HAMMER PROVIDED THE HAMMER SHALL WEIGH NO LESS THAN 3,000 POUNDS, AND THE FALL OF THE HAMMER SHALL NOT EXCEED 6 FT.
5. PILES SHALL BE DRIVEN WITH A VARIATION OF NOT MORE THAN  $\frac{1}{4}$ " PER FOOT FROM THE VERTICAL, OR FROM THE BATTER LINE INDICATED, WITH A MAX VARIATION OF THE HEAD OF THE PILE FROM THE POSITION SHOWN ON THE PLANS OF NOT MORE THAN 3".
6. WHERE PILING MUST PENETRATE STRATA OFFERING HIGH RESISTANCE TO DRIVING, THE STRUCTURAL ENGINEER OF RECORD OR SPECIAL INSPECTOR MAY REQUIRE THAT PILES BE SET IN PRE-DRILLED OR PUNCHED HOLES. THE PILES SHALL REACH THEIR FINAL PENETRATION BY DRIVING.

### 352 SOUND DRIVE SEAWALL PROJECT

Key Biscayne, Florida

**CLIENT:**

**MR. RICHARD LYDECKER**

352 Sound Drive  
Key Largo, FL 33037

**ENVIRONMENTAL CONSULTANT:**

**OCEAN  
CONSULTING, LLC**

340 Minorca Avenue, Suite 7  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

**CONTRACTOR:**

**PROJECT ENGINEER:**

**DYNAMIC ENGINEERING  
SOLUTIONS, INC.**

351 S. Cypress Rd, Suite 303  
Pompano Beach, FL 33060  
Tel: (954) 545-1740  
Fax: (954) 545-1721

SEAL / SIGNATURE / DATE

John Omslaer  
PE 52733, CA 26829

### PERMIT DRAWINGS

Issue #	Issue Date
①	December 13, 2018

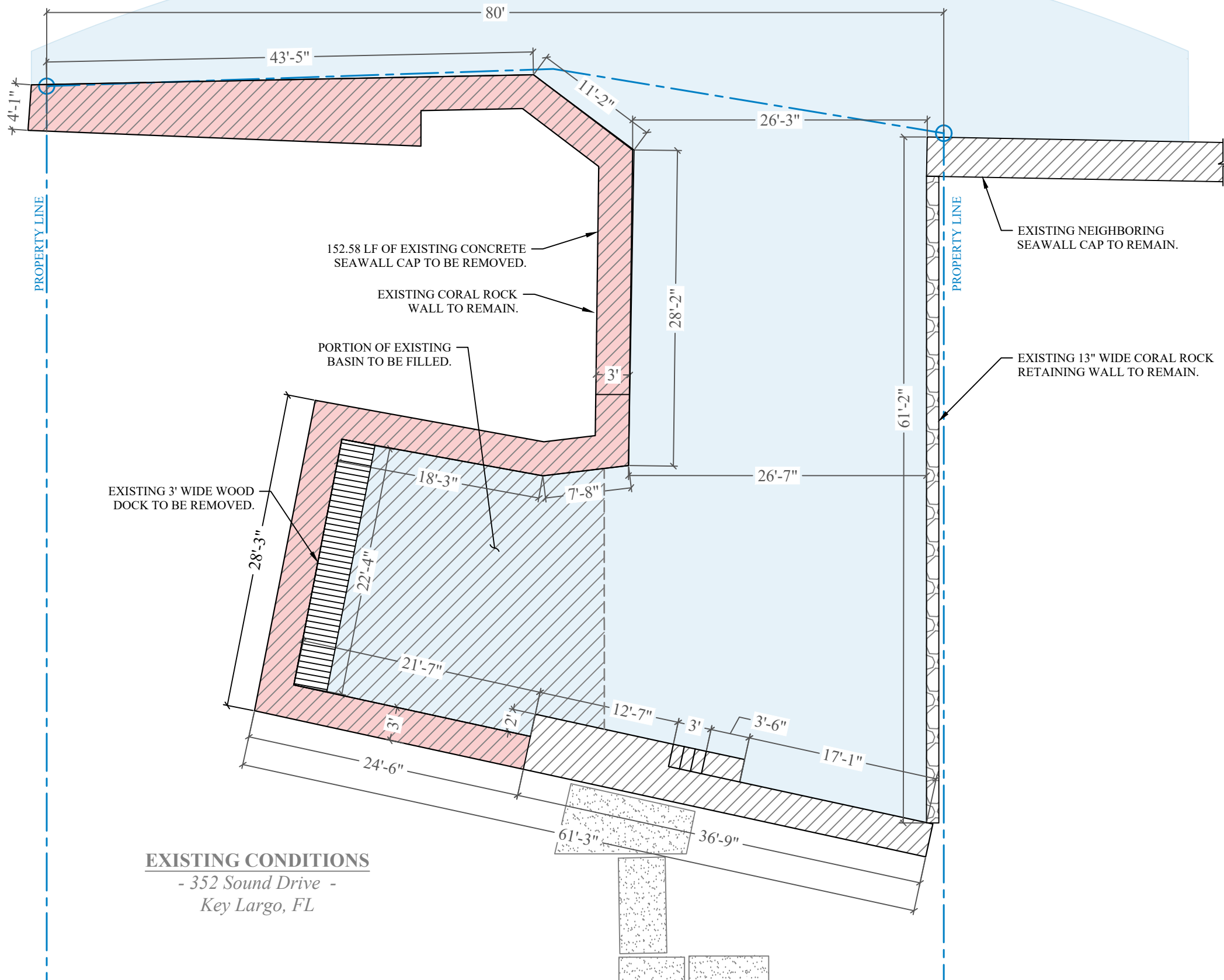
PROJECT: 17-6330

### PROJECT LOCATION & NOTES

SCALE : AS SHOWN  
SHEET NO.

S-1





**352 SOUND DRIVE  
SEAWALL  
PROJECT**

Key Biscayne, Florida  
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**PERMIT DRAWINGS**

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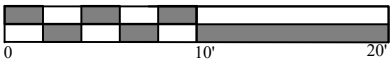
PROJECT: 17-6330

**EXISTING CONDITIONS**

SCALE : AS SHOWN  
SHEET NO.

**S-2**

EXISTING CONDITIONS



SCALE: 1" = 10'-0"

352 SOUND DRIVE  
SEAWALL  
PROJECT

Key Biscayne, Florida  
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Key Largo, FL 33037

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PERMIT DRAWINGS

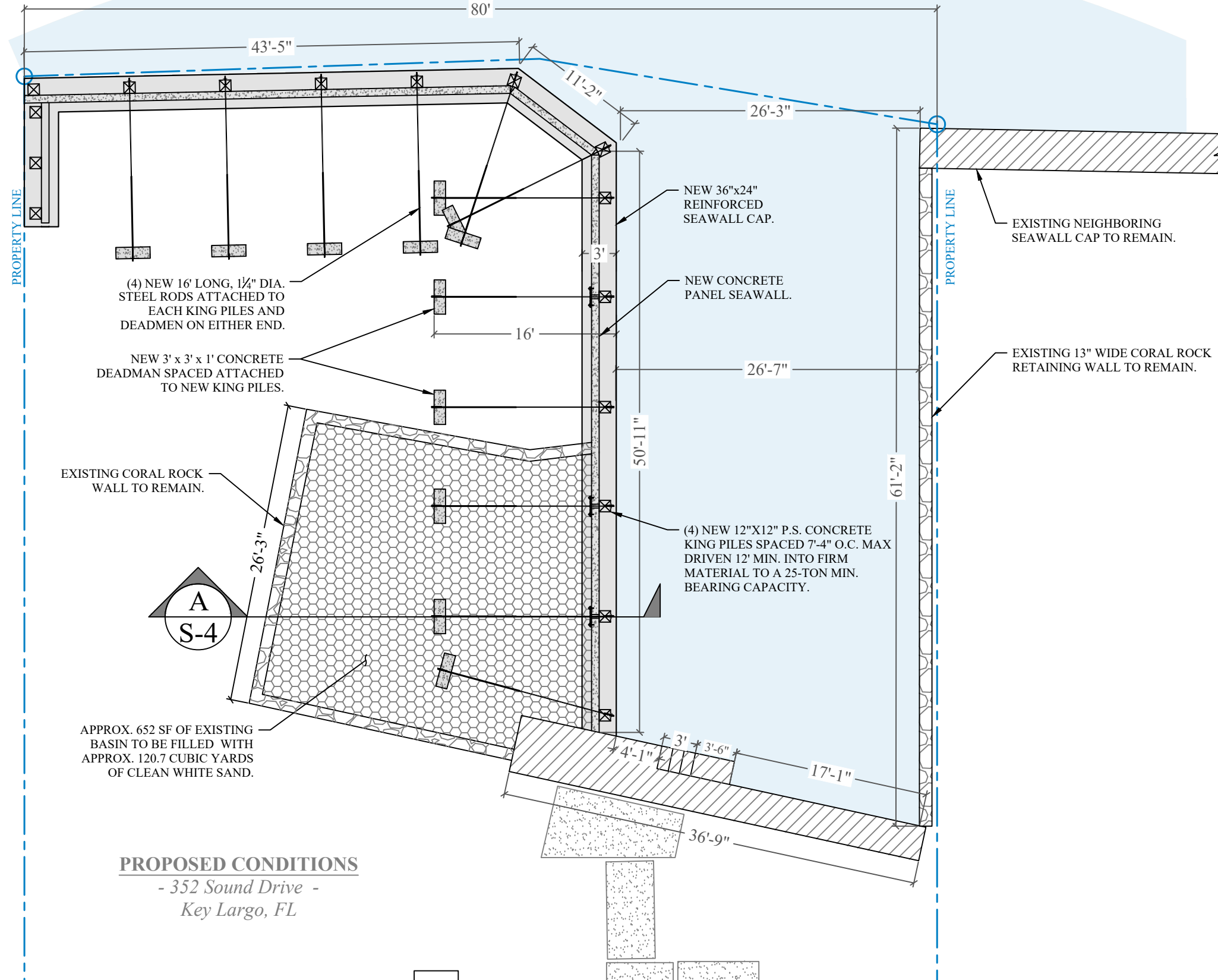
Issue #	Issue Date
①	December 13, 2018

PROJECT: 17-6330

PROPOSED CONDITIONS

SCALE : AS SHOWN  
SHEET NO.

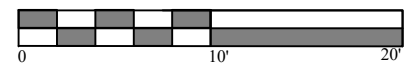
S-3



PROPOSED CONDITIONS

- 352 Sound Drive -  
Key Largo, FL

PROPOSED CONDITIONS



SCALE: 1" = 10'-0"

352 SOUND DRIVE  
SEAWALL  
PROJECT

Key Biscayne, Florida  
CLIENT:  
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PERMIT DRAWINGS

Issue #	Issue Date
①	December 13, 2018

PROJECT: 17-6330

TYPICAL BASIN FILL  
AND SEAWALL SECTION

SCALE : AS SHOWN  
SHEET NO.

S-4

