



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

July 25, 2022

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-01959-(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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: City of Key West
c/o Greg Veliz
1100 White Street
Key West, FL 33040

WATERWAY AND LOCATION: The project is located within open waters of the Atlantic Ocean. The project site is located within two properties adjacent to each other. One property is located at 1405- Duval Street; legally described as, KW Filer Boyle Subdivision N-476, Lot 4 and 6 SQR 5, G73-63 (South Beach Less the Eatery Restaurant Lease) (RE#00072082-001501). The second parcel is located at 1406 Duval Street; legally described as, KW 0.95 AC, N-476, Bay BTM SE of PT Lot 03, SQR 6, TR 16 (RE# 00036370-000000); in Section 06, Township 68 South, Range 25 East; Key West, Monroe County, Florida 33040 (MM± 0.5-Ocean). Exhibits/drawings are included, which illustrate the proposed action area and geographic coordinates.

Directions to the site are as follows: From Miami, drive south on U.S. 1 to approximately mile marker (MM) 4, at the entrance of the island of Key West, turn right onto North Roosevelt Boulevard, follow the road onto Truman Avenue, turn left into Duval Street, follow the road to the end. The project site is located at the end of the road at 1400 extending to 1405 Duval Street.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.546249° North
Longitude 81.795461° West

PROJECT PURPOSE:

Basic: The basic project purpose is to install a weed barrier to prevent marine debris accumulation along the shoreline of two properties.

Overall: The overall project purpose is to install a weed barrier to prevent the accumulation of marine debris along the shoreline and shallow waters of two commercial properties in Key West, Monroe County, Florida.

EXISTING CONDITIONS: The project site is located within open waters of the Atlantic Ocean, adjacent to two adjoining properties (an existing resort and restaurant) divided by the Duval Street public pier in downtown Key West, Monroe County, Florida. The eastern property has a beach along its southern shore and is bounded by the Duval Street pier to the west and hardened shoreline to the east. The western property's entire southern shoreline is hardened with riprap and concrete. Seaweed and marine organic accumulates along the entire shoreline of the project area, particularly along both eastern property boundaries. The seafloor along the length of the proposed weed barrier and anchors consists of sandy bottom and silt with water depth ranging between 1.5 and 3 feet below the mean high water. No hard or soft corals were identified within the survey project area. There are no mangroves or submerged aquatic vegetation in the project area.

PROPOSED WORK: The applicant, City of Key West, proposes to install a 495-linear feet floating weed barrier consisting of a semi-rigid PVC-coated polystyrene curtain extending 12-inches below the water's surface, and utilizing thirty (30) 6-inches galvanized steel helical embedment anchors placed every 20-feet interval to prevent significant accumulation of marine debris. The proposed distance between the bay-bottom and the chain-weight bottom of the weed barrier curtain is 6-inches on the shallow shore sides at mean low water tide. All anchors will be placed at locations devoid of submerged aquatic resources. Temporary turbidity curtains will be deployed and will remain in place until the work is completed and erodible materials have stabilized.

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 and will remain in place until the work is completed and erodible materials have stabilized. All work will be conducted during daylight hours only.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has indicated that 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. Time lag and risk will be a required component of any mitigation requirement.

CULTURAL RESOURCES: The Corps is aware of recorded historic resources within or adjacent to the permit area and is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

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-P5 may affect, not likely to adversely affect. This determination partially was based on the implementation of the Standard Manatee Conditions for In-Water Work and on the applicant agreeing to implement a Weed Barrier Management Plan (Plan) to ensure that debris caught in the weed barrier does not accumulate and create entanglement risks for the specie. Pursuant to Section 7 of the Endangered Species Act. By letter dated October 13th, 2021, the Serviced provided concurrence with the Corps initial MANLAA determination.

The U.S. Army Corps of Engineers (Corps) has determined the project may affect, but is not likely to adversely affect the American crocodile (*Crocodylus acutus*). The project is not located within the American crocodile critical habitat; however, it is located within the consultation range. According to the 28 October 2014 American Crocodile Key, the property supports suitable nesting habitat for the crocodile as the shoreline consist of an unconsolidated shoreline completely bare of vegetation with a sandy beach. The proposed work will not impact the area of suitable nesting habitat for the specie; however, the structure can potentially limit the species access to the beach area. As such, the Corps requested concurrence with the MANLAA determination from the Service and by letter dated October 13th, 2021, the Service provided concurrence with the Corps initial determination based on the weed fence design details, site-specific information, and the applicant's commitment to adhere to the Plan.

The Corps has completed an evaluation of the impacts the work may have on the following nesting seaturtles: the green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*), hawksbill sea turtles (*Eretmochelys imbricata*), kemp's ridley sea turtles (*Lepidochelys kempii*), and leatherback sea turtles (*Dermochelys coriacea*). The Project site is not located along a designated sea turtle nesting beach, but does have suitable habitat, open beach (FWC 2019). The Corps determined the Project may affect, but is not likely to adversely affect sea turtles. Based on the available nesting data, sea turtles do not use the existing beach and are not expected to be affected by the restricted access. As such, the Corps requested concurrence with the MANLAA determination from the Service and by letter dated October 13th, 2021, the Service provided concurrence to the Corps initial determination based on the weed fence design details, site-specific information, and the applicant's commitment to adhere to the Plan.

Piping plover and Roseate tern: The Google Earth Resource at Risk (RAR) report for the subject parcel includes the Piping plover (*Charadrius melodus*) and Roseate tern (*Sterna dougallii*) consultation area. Potential impacts to the Piping plover and Roseate tern were evaluated using the Programmatic Piping Plover Biological Opinion (BO), dated May 22, 2013. Using the BO resulted in the Corps making a "no effect" determination for the Piping plover and Roseate tern. This determination is based on now work being conducted on the sandy beach area within the project sites, as well as the project not being located within a designated piping plover Critical Habitat Unit or areas that are considered optimal piping plover habitat.

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*), 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*, *Mycetophyllia ferox*). The Corps requested National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act. By letter dated January 6, 2021, The Corps received concurrence from NMFS-PRD.

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 495-linear feet/0.011 acres 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: Authorization from other government agencies may be required.

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 August 15th, 2022).

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.

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 00036370-000000 (RAMOS)
PARCEL ID 00072082-001501 (CITY OF KEY WEST)
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY
RESTAURANT LEASE);
KW FILER BOYLE SUB N-476
SEC/TWP/RNG 06/68/25
KEY WEST
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

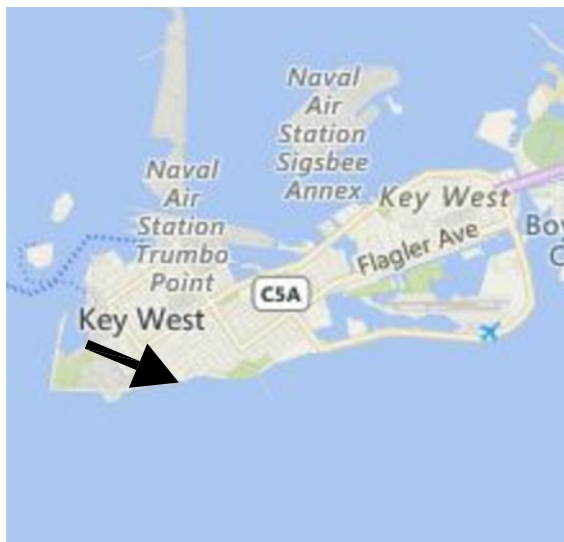
DIRECTIONS:

US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO
ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO
ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO
SOUTH ST. LEFT ONTO DUVAL ST. PROPERTY ADDRESS
1400, 1405, 1406 DUVAL ST

ADJOINING OWNERS

SUNSET CITY LLC
C/O LASALLE HOTEL PROPERTIES
7500 WISCONSIN AVE 10TH FL
BETHESDA, MD 20814

HUGH J MORGAN
404 SOUTH ST
KEY WEST, FL 33040



REVISIONS:

LOCATION & VICINITY MAP
SCALE: AS SHOWN

WEED BARRIER FOR CITY OF KEY WEST
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, 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: 03/30/20



SITE PLAN

SCALE: 1" = 100'



REVISIONS:

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

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PRE-FABRICATED WEED BARRIER
FOR HIGH FLOW/ROUGH WATER

1/2" STAINLESS STEEL SHACKLE

A JIM BUOY MODEL 1100 (OR PREAPPROVED EQUIVALENT) SURFACE FLOAT BUOY (9 1/4" LONG X 7" DIAMETER) SHALL BE INSTALLED ON THE DOWN-LINE FOR THE PURPOSE OF KEEPING THE DOWN-LINE FROM TANGLING AROUND THE ANCHOR HEAD OR DRAGGING ON THE SEAFLOOR. THE SUB-SURFACE BUOY WILL BE SECURED ON THE DOWN-LINE WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND NYLOCK NUT ABOVE THE SUB-SURFACE BUOY.

PVC COATED BELTING W/
POLYURETHANE FOAM FILLED
FLOATION SHELLS

+1.6' MHW

0.0' MLW

SEMI-RIGID PVC-COATED POLYESTER NE
NETTING (1"X1" MAX OPENINGS) W/ CHAIN
WEIGHT AT BOTTOM

VARIES -1.5' TO -3'

TYPICAL SECTION

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

PROVIDE A 5/8" GALVANIZED STEEL SHACKLE SHALL SECURE THE DOWN-LINE TO THE GALVANIZED ANCHOR HEAD. THE DOWN-LINE WILL BE LOOPED AT THE ANCHOR END, CONNECTED TO ITSELF WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND A NYLOCK NUT. THE LOOPED END OF THE DOWN-LINE WILL BE COVERED WITH 3 1/2" X 12" LONG CANVAS FIRE HOSE, AND HELD IN PLACE WITH AT LEAST TWO HEAVY DUTY CABLE TIES.

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM OF WEED BARRIER SHALL BE 6" ON THE SHALLOW SHORE SIDES AT MEAN LOW TIDE

1/4" STAINLESS STEEL CHAIN ENCASED IN 1" GOODYEAR (OR PRE-APPROVED EQUIVALENT) BLUE PLOVIC HOSE. THE LENGTH OF THE COMPLETE, RIGGED DOWN-LINE SHALL BE APPROPRIATE FOR THE WATER DEPTH.

PROPOSED ANCHOR @ 20'± INTERVALS (SEE ANCHOR DESCRIPTIONS FOR INSTALLATION) TOP OF ANCHOR SHALL BE 6" MIN. ABOVE SEAFLOOR.

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

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. 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.
6. 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.
7. 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.

ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE, AND GROUTED WITH CONCRETE. 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"±).

REVISIONS:

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

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Email: glenboe@bellsouth.net

DATE: 03/30/20

Weed Barrier Management Plan

1400, 1405, 1406 DUVAL ST,
508 SOUTH STREET

Key West

The seagrass barrier will be visually inspected by the applicant to assure that the barrier is intact and operating properly on a daily basis. An in-water inspection, to verify the integrity of the connections and barrier will be performed on a quarterly basis. An interim in-water inspection will be performed if the daily visual inspection results in observations of maintenance being required to the barrier. Any maintenance or repairs that are required will be performed in a timely manner.

Floating debris and seagrass removed from the barrier will be transported to a landfill for disposal. The barrier will be accessed from shore or with a small vessel for debris removal.

All entrapments or entanglements of manatees, crocodile, or marine turtles shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 (or #FWC).