



Date: January 3, 2012

To: Celia Hitchins, Submerged Lands & Environmental Resources Program, South District-Marathon

From: Mark Tait, City of Key West Marina Manager

Subject: Key West Bight Objections to Conch Harbor Retail Center LLC Dock Reconfiguration DEP application numbered 44-0306205-002

The City of Key West understands that the Conch Harbor application 44- 030625-002 is under review for a title determination from the Division of State Lands and may be subject to setbacks as defined by State bay bottom lease requirements. If that is the case the City of Key West requests that all applicable setbacks be imposed so that vessel traffic using Key West leased bay bottom to access Conch Harbor is minimized.

The City of Key West objects to the proposed application by Conch Harbor Retail Center, LLC for the following reasons:

- The City of Key West could be adversely impacted by the expansion of the structures said within the application as navigation will be impeded or otherwise denied.
- The City of Key West desires a 25-foot setback from Conch Harbor Retail Center on the west side and from the new fuel station on the east side of LLC's submerged land property to the riparian line to provide navigable access to the nearby federal channel.
- The set back to the fuel station should be, at minimum, the beam of largest slip South of the fuel dock plus the largest beam vessel from any slip South of the fuel dock as to ingress/egress its largest vessels within the owners riparian lines while fueling its largest vessels.
- The City of Key West requests that the new East dock with fueling station be for temporary fueling and loading/unloading only and any and all vessels that are to use the dock must meet the beam requirements as to leave ingress/egress of the property to the maximum beam vessels South of the fuel dock and that the new fuel dock not be rented, leased, or sold for any permanent use unless they meet

the ingress/egress beam requirements requested (outside of vessel at dock to riparian line must equal maximum vessel beam allowable at slips South of or behind said fuel dock)

- The City of Key West has concerns the new structure(s) will not leave adequate maneuvering space and access to the federal channel from the City of Key West submerged land lease.

Until the Division of State Lands makes a final ruling on the requirements of the application it is inappropriate to issue a permit without the adjacent property owner being able to review the application with the correct state and /or federal guidelines being known.

**Mark Tait**

Marina Manager

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