



FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 13, 2022

City of Key West
c/o Nicole Goldy
Tetra Tech, Inc.
759 S. Federal Highway, Suite 314
Stuart, Florida 34994
Nicole.goldy@tetrattech.com

File No.: 137939-027 EE, Monroe County
BOT File No.: 440027185

Dear City of Key West:

On August 24, 2022, we received your request for verification of exemption to perform the following activities:

To replace pilings in the same location as the existing pilings at 201 William St, Key West, Florida 33040, Parcel ID No. various in the Key West Bight, Class III Waters, Section 31, Township 67 South, Range 25 East, Monroe County.

Your request has been reviewed to determine whether it qualifies for (1) a regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the **federal review portion** of this verification request. Specifically, the activity is not covered by the State Programmatic General Permit. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact us by telephone at (239) 344-5600 or by e-mail at SouthDistrict@floridadep.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has determined that the activity as proposed is exempt, under Section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review - GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that as long as the work is performed as described in the attached project drawings, is wholly located within the boundaries of the existing Sovereign Submerged Land Lease (BOT No.: 440027185) and is consistent with the terms and conditions therein, we have no objection to the project. Therefore, consider this letter to also constitute the authority sought under Section 253.77 of the Florida Statutes to pursue this project.

3. Federal Review - SPGP NOT APPROVED

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Tallahassee, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Megan Mills
Permitting Program Administrator
South District

Enclosures:

26 Project drawings
373.406(6), F.S.

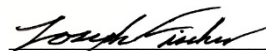
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

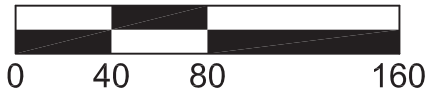
October 13, 2022

Date



GRID NORTH

1"=80'



KEY WEST BIGHT

FLOATING
PIER

LEASE BOUNDARY
"MAIN PARCEL"

27.6'

-11.8

8.1'

-11.8

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-11.8

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-11.8

8.1'

-11.8

8.1'

EXEMPT

File Number:
137939-027 EE

FOD MARINA I, LLC
SSLL NO.
44022725
NOT A PART

LEASE BOUNDARY
"MAIN PARCEL"

FOD MARINA I, LLC
PARCEL NO.
00000210-000000
NOT A PART

LEASE BOUNDARY
"MAIN PARCEL"

CITY OF KEY WEST
PARCEL NO'S.
00072082-003800, 003803
NOT A PART

TOP OF SEAWALL
ELEV. 2.69' NAVD 88
BOTTOM SEAWALL
ELEV. -4.1' NAVD 88

PROPOSED 120x8'
FLOATING DOCK # EXISTING
FLOATING DOCK

PROPOSED
SANITARY
PUMPOUTS

PROPOSED
SANITARY
PUMPOUTS

PROPOSED
4x15'
METAL
GANGWAYS

PROPOSED
DOCK
ADDITION

PROPOSED
SANITARY
PUMPOUT

MHWL RUNS ALONG
VERTICAL WET FACE OF
CONCRETE SEA WALL

WOOD
PIER

WOOD
PIER

WOOD
PIER

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PIER

WOOD
PIER

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PIER

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PIER

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PIER

WOOD
PIER

WOOD
PIER

WOOD
PIER

WD DOCK
PROPOSED 45x12'
FLOATING DOCK #
EXISTING
FLOATING DOCK

LEASE BOUNDARY
"MAIN PARCEL"

TOP OF SEAWALL
ELEV. 2.69' NAVD 88
BOTTOM SEAWALL
ELEV. -3.7' NAVD 88

CITY OF KEY WEST
PARCEL NO'S.
00072082-003900, 003902,
003906, 003908
NOT A PART

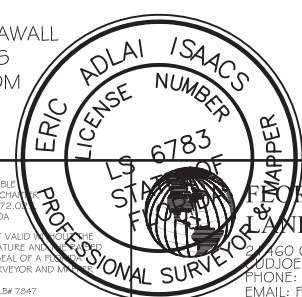
NOTE: BOTTOM OF SEAWALL
ELEVATION VARIES
THROUGHOUT FROM
-3.5 TO -5.5

Eric Isaacs
Digitally signed by Eric Isaacs
Date: 2022.03.30 11:21:05
-04'00'

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBILITY
AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 177,
PART II, FLORIDA STATUTES AND COMPLETES WITH CHAPTER 177, PART II, FLORIDA
STATUTES AND COMPLETES WITH CHAPTER 177, PART II, FLORIDA

SIGNED
ERIC A. ISAACS, FSA 6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7847

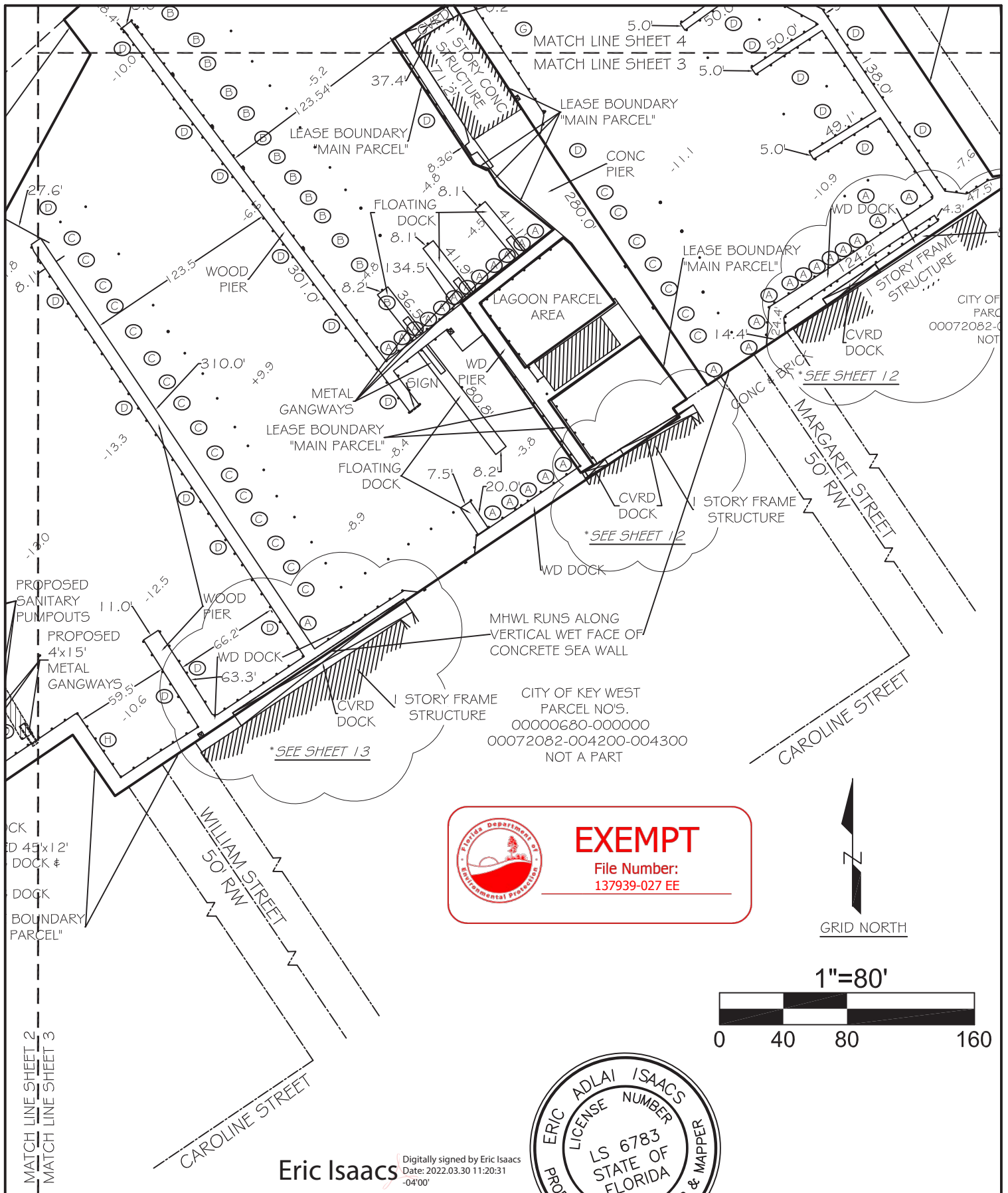


MATCH LINE SHEET 2
MATCH LINE SHEET 3

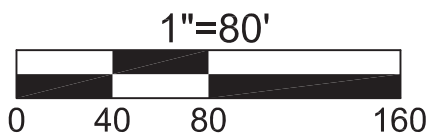
SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET 2 OF 14
DRAWN BY: DRF
INVOICE NO.: 21-663

THIS SHEET 2 OF 14, IS NOT FULL AND COMPLETE WITHOUT
SHEETS 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

FLORIDA KEYS
PROFESSIONAL SURVEYOR AND MAPPER
160 OVERSEAS HWY, SUITE 4
DUDDY KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com



SCALE: 1" = 80' FIELD WORK DATE: 10/05/2021 MAP DATE: 10/25/2021 REVISION DATE: 03/25/2022 SHEET: 3 OF 14 DRAWN BY: DRP INVOICE NO.: 21-883	SPECIFIC PURPOSE SURVEY SUBMERGED LAND LEASE CITY OF KEY WEST, FLORIDA (KEY WEST BIGHT) THIS SHEET 3 OF 14, IS NOT FULL AND COMPLETE WITHOUT SHEETS 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14	I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY PERSONAL SUPERVISION, CHARGE AND MEETS THE STANDARDS AS SET FORTH IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, AND CHAPTER 52.027, FLORIDA STATUTES AND COMPLIED WITH THE STANDARDS OF THE FLORIDA SURVEYING BOARD. NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER. SIGNED:  ERIC A. ISAACS, PSN# 6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7647	FLORIDA KEYS LAND SURVEYING 21460 OVERSEAS HWY, SUITE 4 CUDJOE KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKLSe-mail@gmail.com
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GRID NORTH

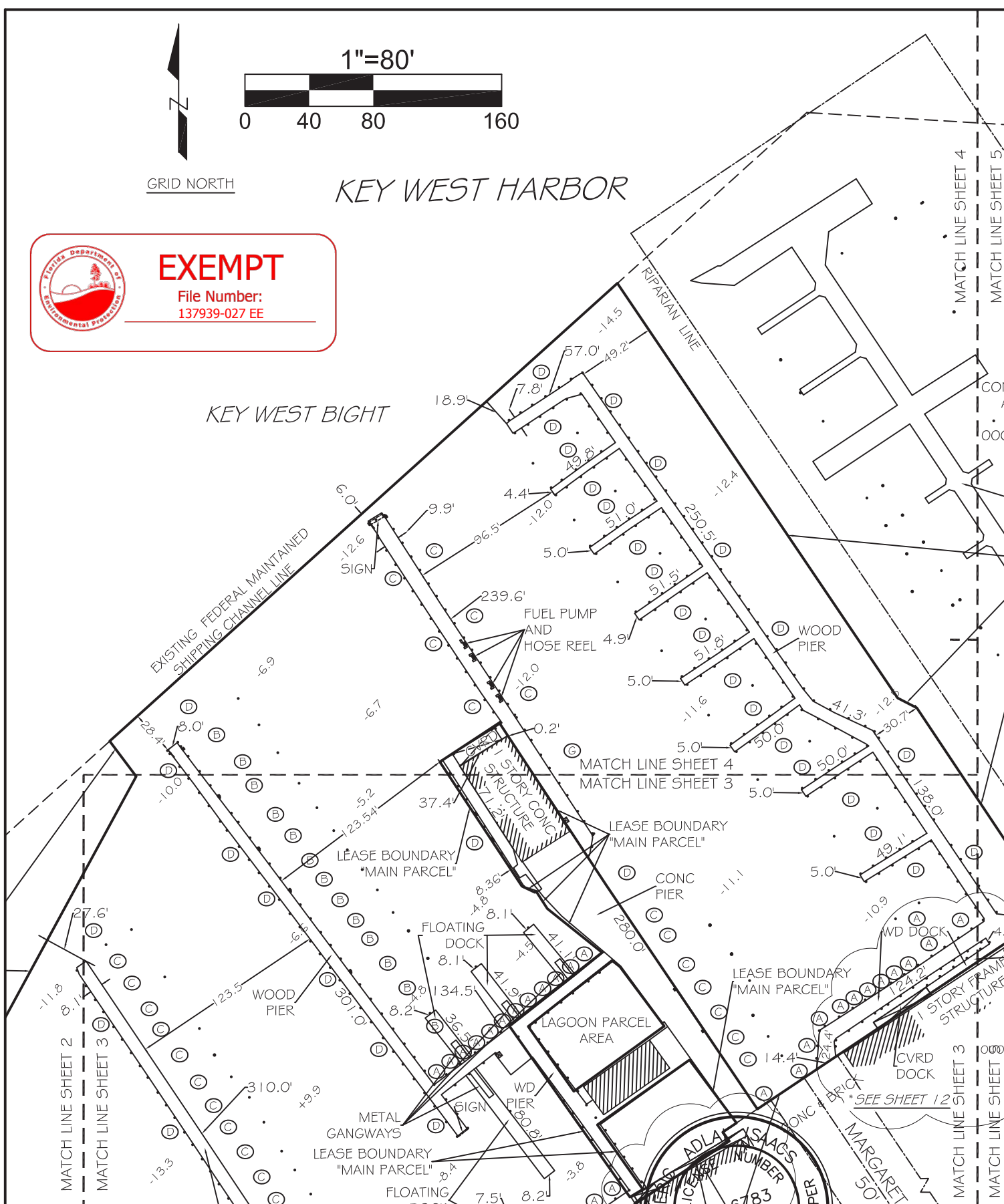
KEY WEST HARBOR



EXEMPT

File Number:
137939-027 EE

KEY WEST BIGHT



SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET: 4 OF 14
DRAWN BY: DRP
INVOICE NO.: 21-883

SPECIFIC PURPOSE SURVEY SUBMERGED LAND LEASE CITY OF KEY WEST, FLORIDA (KEY WEST BIGHT)

THIS SHEET 4 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

Eric Isaacs

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 51-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 40, 40.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, F.A.C. STATUTES.

Digitally signed by Eric Isaacs
Date: 2022.03.30 15:56:04 -0500



FLORIDA KEYS LAND SURVEYING

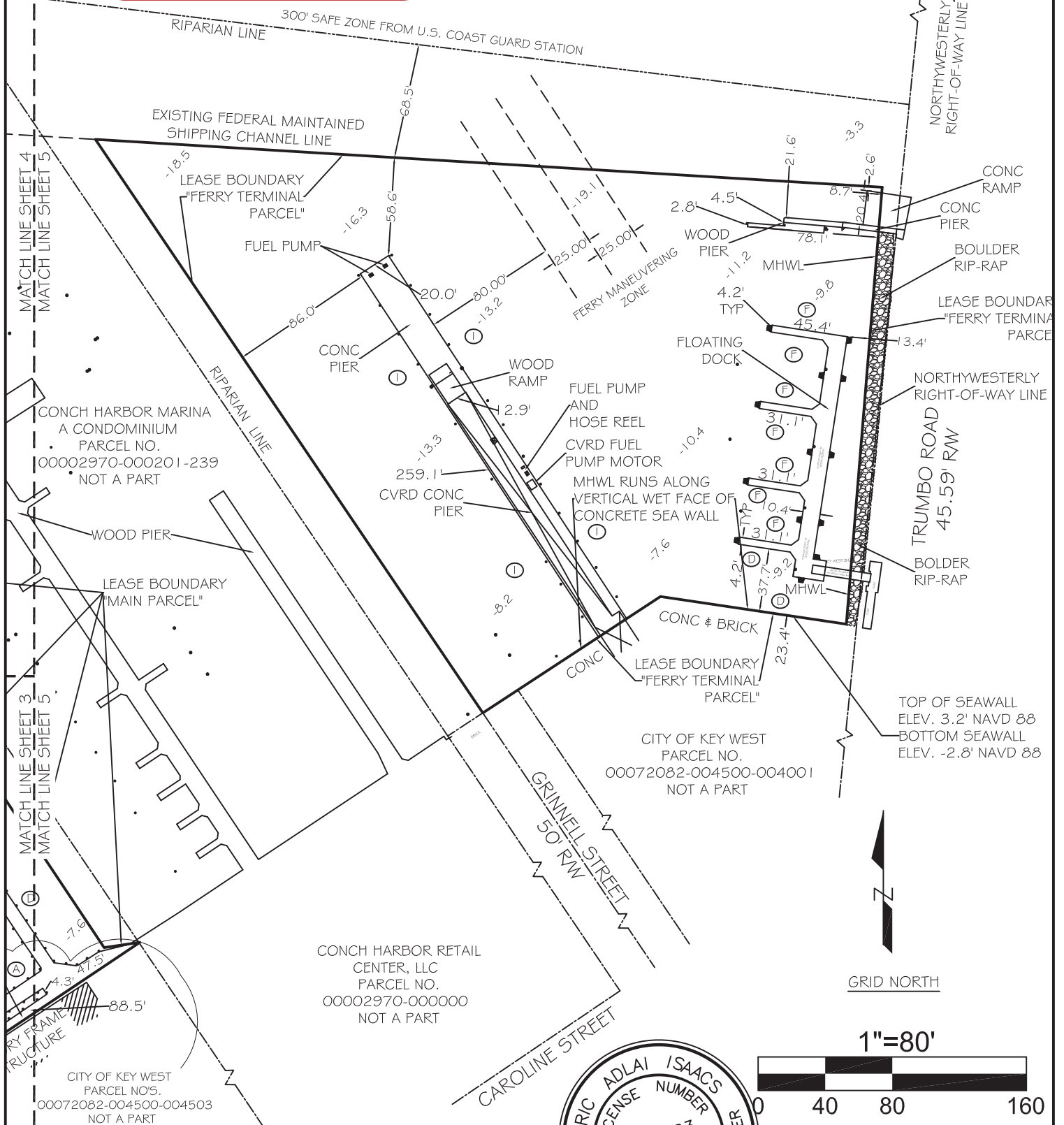
21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com



EXEMPT

File Number:
137939-027 EE

KEY WEST BIGHT



CONCH HARBOR RETAIL CENTER, LLC
PARCEL NO.
00002970-000000
NOT A PART

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

Eric Isaacs



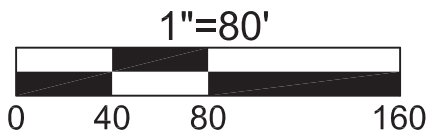
Digitally signed by Eric Isaacs
Date: 2022.03.30 11:19:11 -0400



**FLORIDA KEYS
LAND SURVEYING**
21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKLsmail@gmail.com

SCALE	1" = 80'
FIELD WORK DATE	10/05/2021
MAP DATE	10/25/2021
REVISION DATE	03/25/2022
SHEET	5 OF 14
DRAWN BY	DRP
VOICE NO.	21-883

THIS SHEET 5 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 & 14



GRID NORTH

MAIN PARCEL (BIGHT) SUBMERGED LAND DESCRIPTION SKETCH



EXEMPT

File Number:
137939-027 EE

KEY WEST BIGHT

S32°46'26"E MEAS
25.00' MEAS

N55°49'33"E MEAS
228.68' MEAS

343,938.3± SQ. FT.
7.9± ACRES

N48°46'27"W MEAS
17.16' MEAS

S59°26'49"W MEAS
57.38' MEAS

N31°25'05"W MEAS
113.20' MEAS

N27°07'43"W MEAS
79.60' MEAS

N31°41'12"W MEAS
62.66' MEAS

335.98' MEAS
S55°44'14"W MEAS

N34°41'07"W MEAS
46.66' MEAS

MAIN PARCEL (B
N. 8354
E. 38975

SOUTH
RIGHT-OF

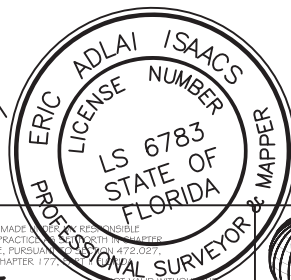
NO
RIGHT

GREEN STREET
50' RW

ELIZABETH STREET
50' RW

Eric Isaacs

Digitally signed by Eric Isaacs
Date: 2022.03.30 11:18:44 -04'00'



FLORIDA KEYS
LAND SURVEYING

21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com

SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET: 6 OF 14
DRAWN BY: DRF
INVOICE NO.: 21-883

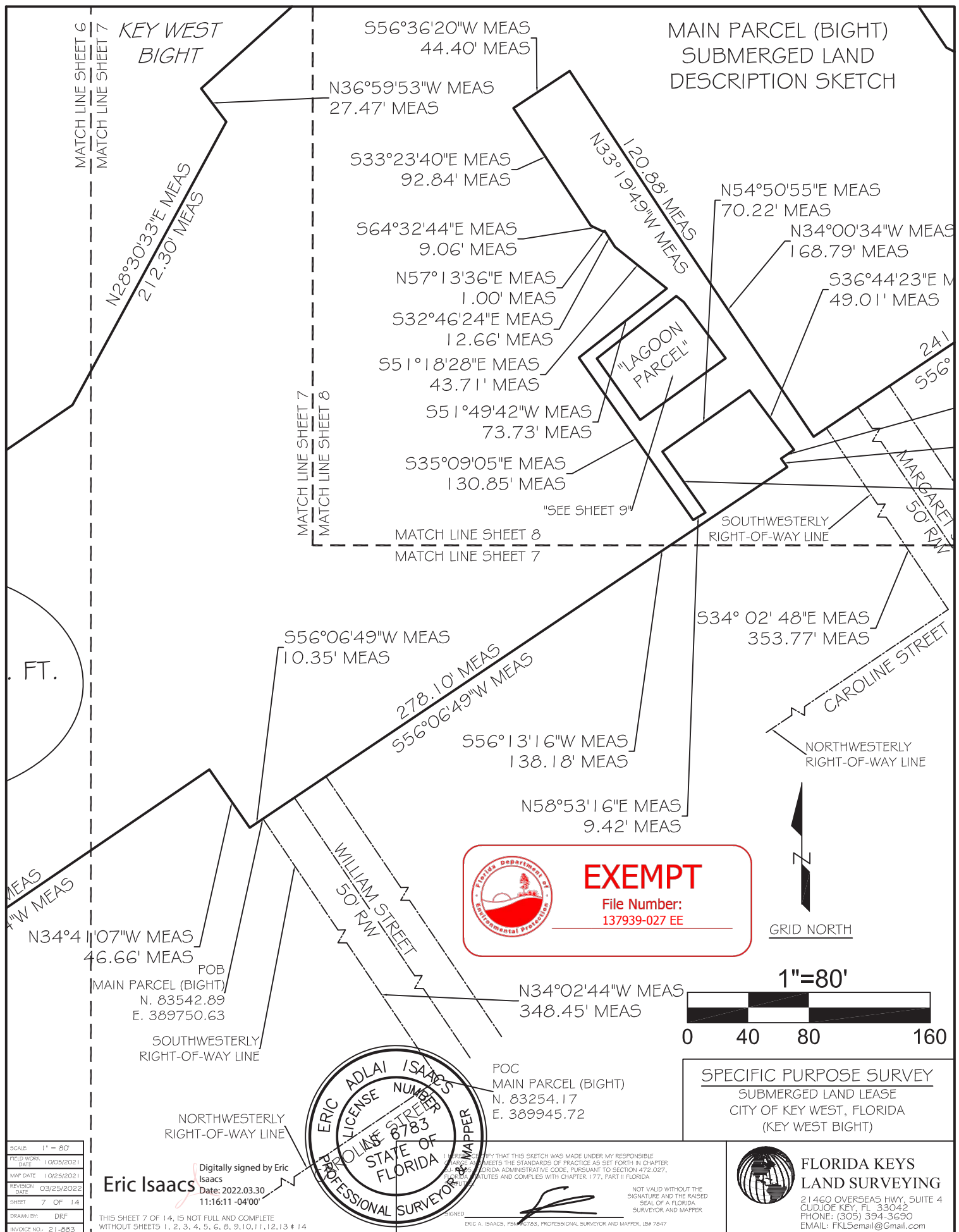
SPECIFIC PURPOSE SURVEY SUBMERGED LAND LEASE CITY OF KEY WEST, FLORIDA (KEY WEST BIGHT)

THIS SHEET 6 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 & 14

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE BY A PERSON RESPONSIBLE
CHARGE AND MEETS THE STANDARDS OF PRACTICE AND ACCURACY REQUIRED BY CHAPTER
5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 177, FLORIDA
STATUTES AND COMPLIES WITH CHAPTER 177, FLORIDA STATUTES.

SIGNED

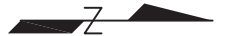
ERIC A. ISAACS, PSN 6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7647



MATCH LINE SHEET 7
MATCH LINE SHEET 8

MAIN PARCEL (BIGHT) SUBMERGED LAND DESCRIPTION SKETCH

KEY WEST BIGHT



GRID NORTH

1"=80'



EXEMPT

File Number:
137939-027 EE



**FLORIDA KEYS
LAND SURVEYING**

21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE
CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER
5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027,
FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II FLORIDA
STATUTES.

SIGNED

ERIC A. ISAACS, PSN 6763, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7647

NOT VALID WITHOUT THE
SIGNATURE AND THE RAISED
SEAL OF A FLORIDA
SURVEYOR AND MAPPER

SPECIFIC PURPOSE SURVEY

SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

THIS SHEET 8 OF 14, IS NOT FULL AND COMPLETE WITHOUT SHEETS 1, 2, 3, 4, 5, 6,
7, 9, 10, 11, 12, 13 & 14.

SCALE	1" = 80'
FIELD WORK DATE	10/05/2021
MAP DATE	10/25/2021
REVISION DATE	03/25/2022
SHEET	8 OF 14
DRAWN BY	DRP
INVOICE NO.	21-883



Eric Isaacs

Digitally signed by Eric Isaacs
Date: 20220330 11:15:29
-04'00'

MATCH LINE SHEET 8
MATCH LINE SHEET 7

"SEE SHEET 9"

SOUTHWESTERLY
RIGHT-OF-WAY LINE

MARGARET STREET
50' RW

556°133.1"W MEAS
241.03' MEAS
556°133.1"W MEAS
10.28' MEAS
335°55.15"E MEAS
6.92' MEAS
N35°09'05"W MEAS
49.19' MEAS

535°09'05"E MEAS
130.85' MEAS
551°49'42"W MEAS
73.73' MEAS
551°18'28"E MEAS
43.71' MEAS

532°46'24"E MEAS
12.66' MEAS
533°23'40"E MEAS
92.84' MEAS
564°32'44"E MEAS
9.06' MEAS

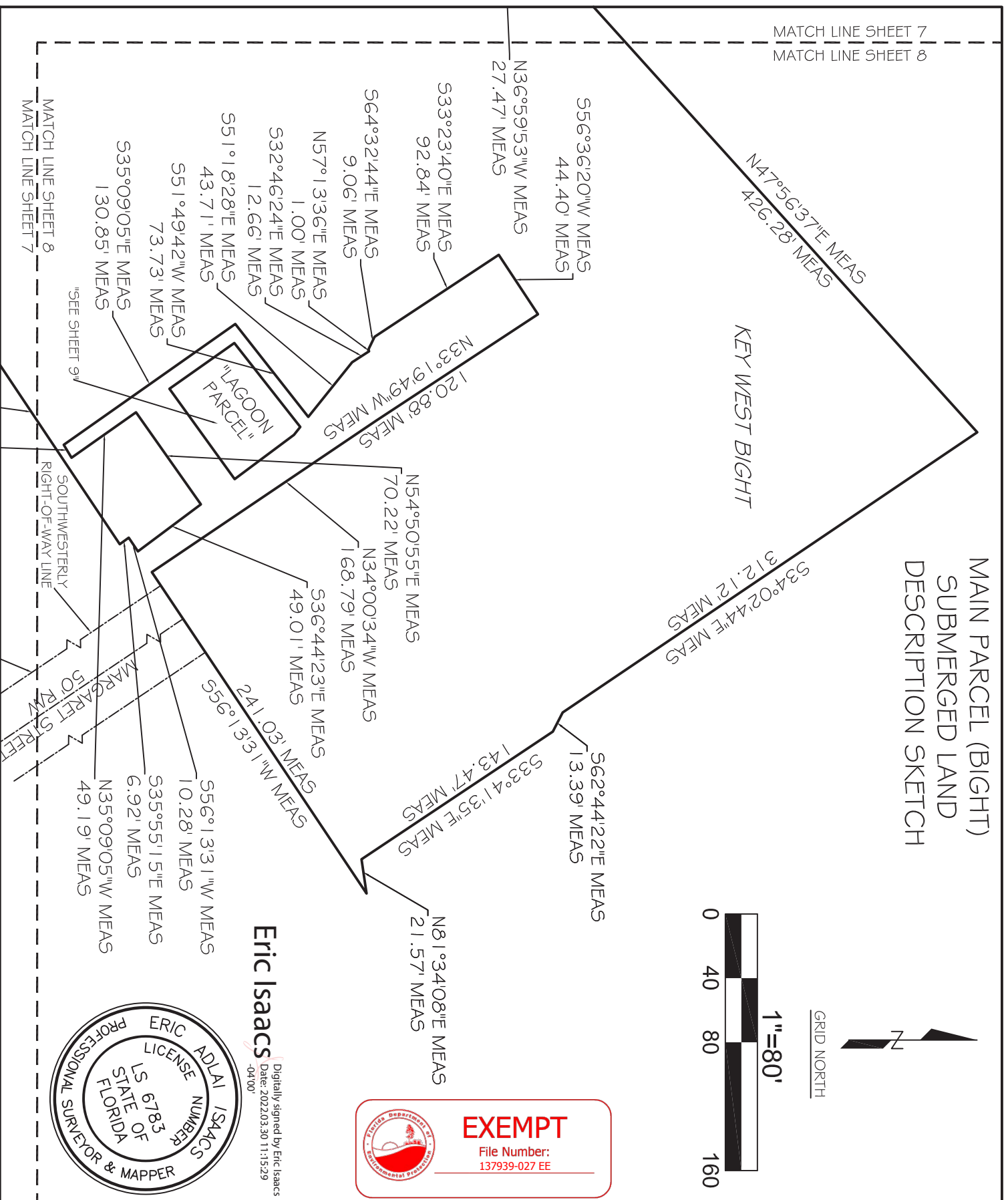
533°23'40"E MEAS
92.84' MEAS
N36°59'53"W MEAS
27.47' MEAS

N33°19'49"W MEAS
120.88' MEAS

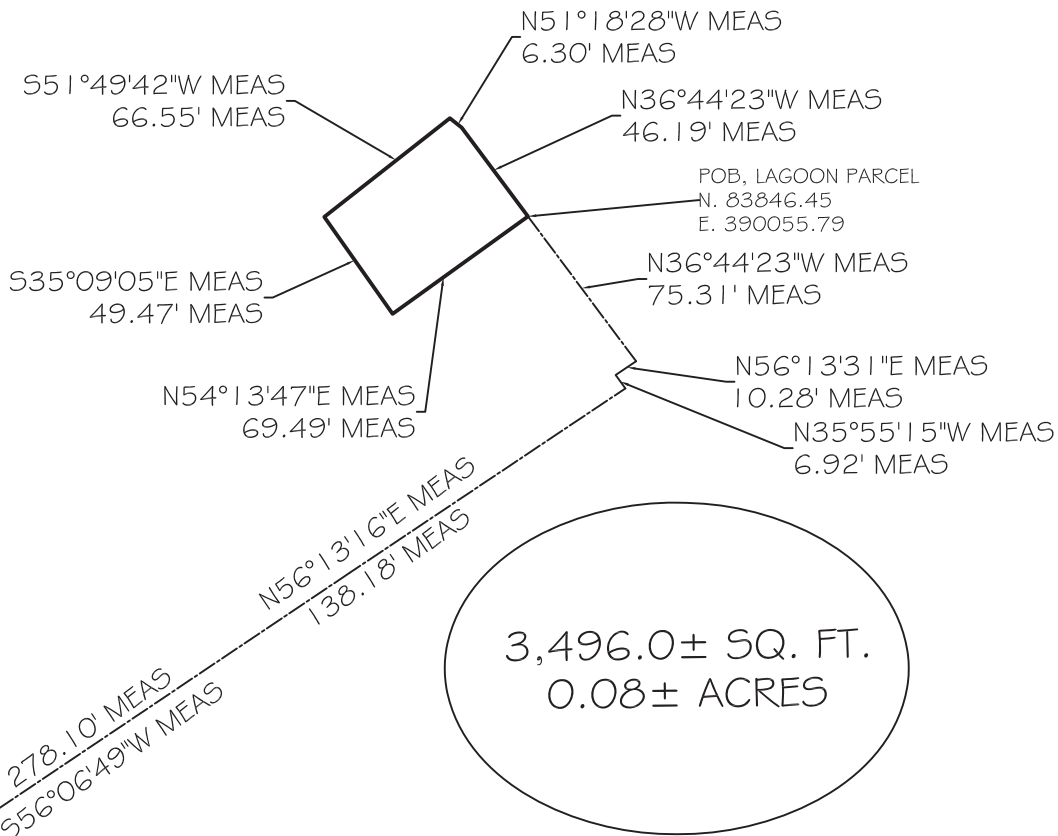
N54°50'55"E MEAS
70.22' MEAS
N34°00'34"W MEAS
168.79' MEAS

536°44'23"E MEAS
49.01' MEAS

562°44'22"E MEAS
13.39' MEAS
S33°41'35"E MEAS
143.47' MEAS
N81°34'08"E MEAS
21.57' MEAS



KEY WEST BIGHT

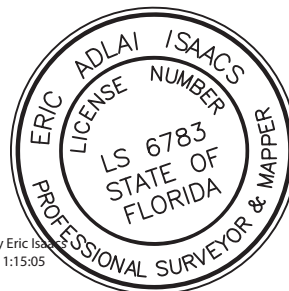


EXEMPT

File Number:
137939-027 EE

**SPECIFIC PURPOSE SURVEY
LAGOON PARCEL
SUBMERGED LAND
DESCRIPTION SKETCH**

1"=80'



Eric Isaacs
Digitally signed by Eric Isaacs
Date: 2022.03.30 11:15:05
-04'00'

SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET 9 OF 14
DRAWN BY: DRF
INVOICE NO.: 21-883

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

THIS SHEET 9 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, & 14

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE
CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER
5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027,
FLORIDA STATUTES AND COMPLES WITH CHAPTER 177, PART II, FLORIDA
STATUTES.

SIGNED

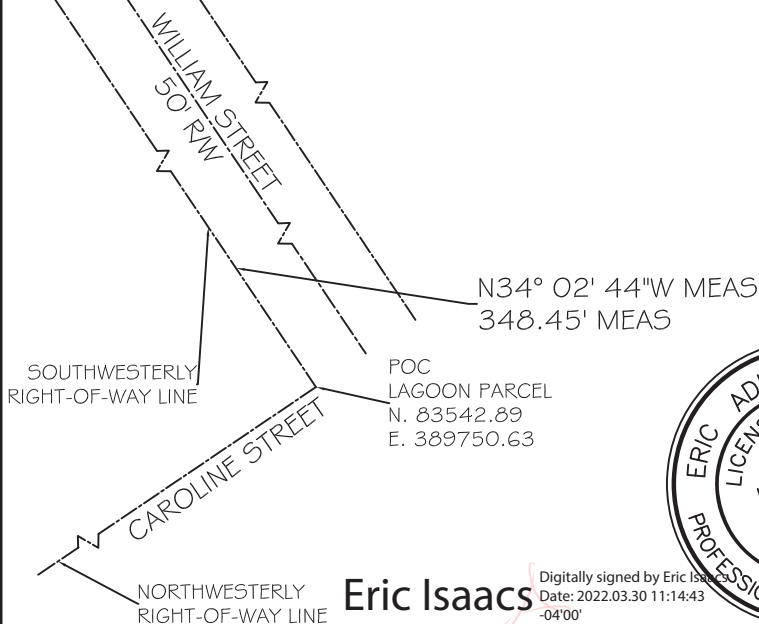
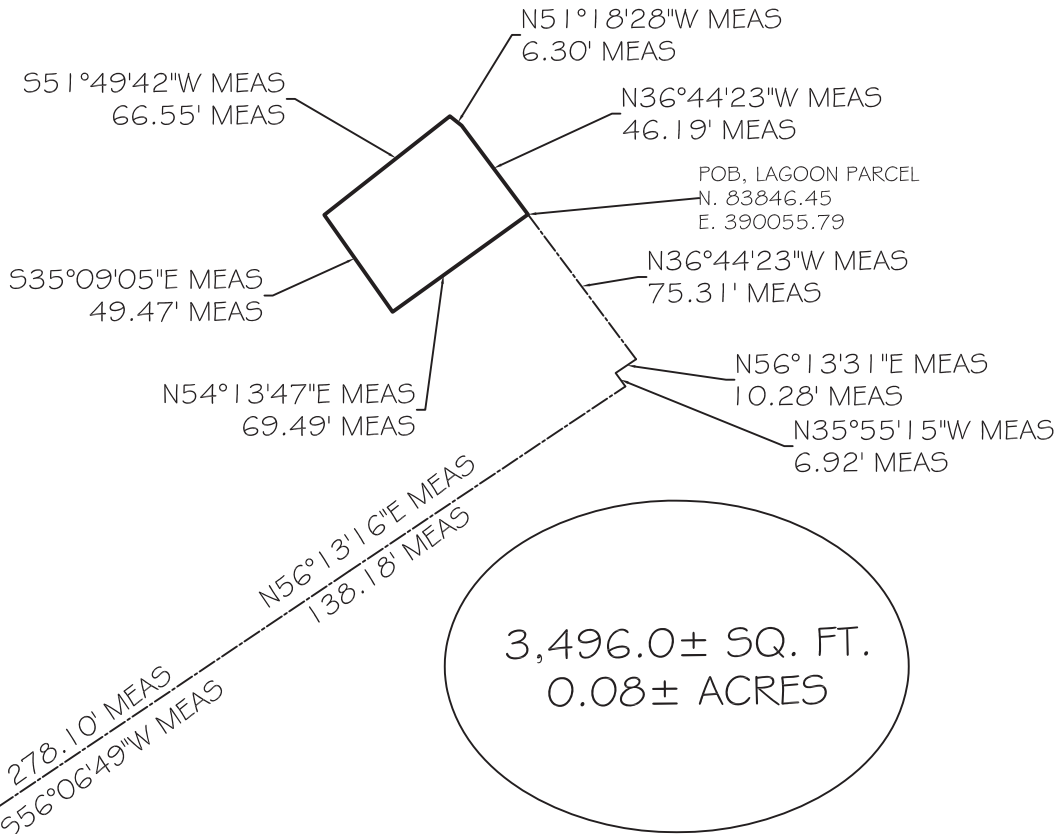
ERIC A. ISAACS, PLS #6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7847

NOT VALID WITHOUT THE
SIGNATURE AND THE RAISED
SEAL OF A FLORIDA
SURVEYOR AND MAPPER



**FLORIDA KEYS
LAND SURVEYING**
21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com

KEY WEST BIGHT



SPECIFIC PURPOSE SURVEY
LAGOON PARCEL
SUBMERGED LAND
DESCRIPTION SKETCH

1"=80'



Eric Isaacs

Digitally signed by Eric Isaacs
Date: 2022.03.30 11:14:43
+04'00'

SCALE:	1" = 80'
FIELD WORK DATE:	10/05/2021
MAP DATE:	10/25/2021
REVISION DATE:	03/25/2022
SHEET	9 OF 14
DRAWN BY:	DRF
INVOICE NO.:	21-883

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

THIS SHEET 9 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, & 14

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EMAIL: FKL5email@gmail.com

KEY WEST BIGHT

KEY WEST BIGHT

GRID NORTH

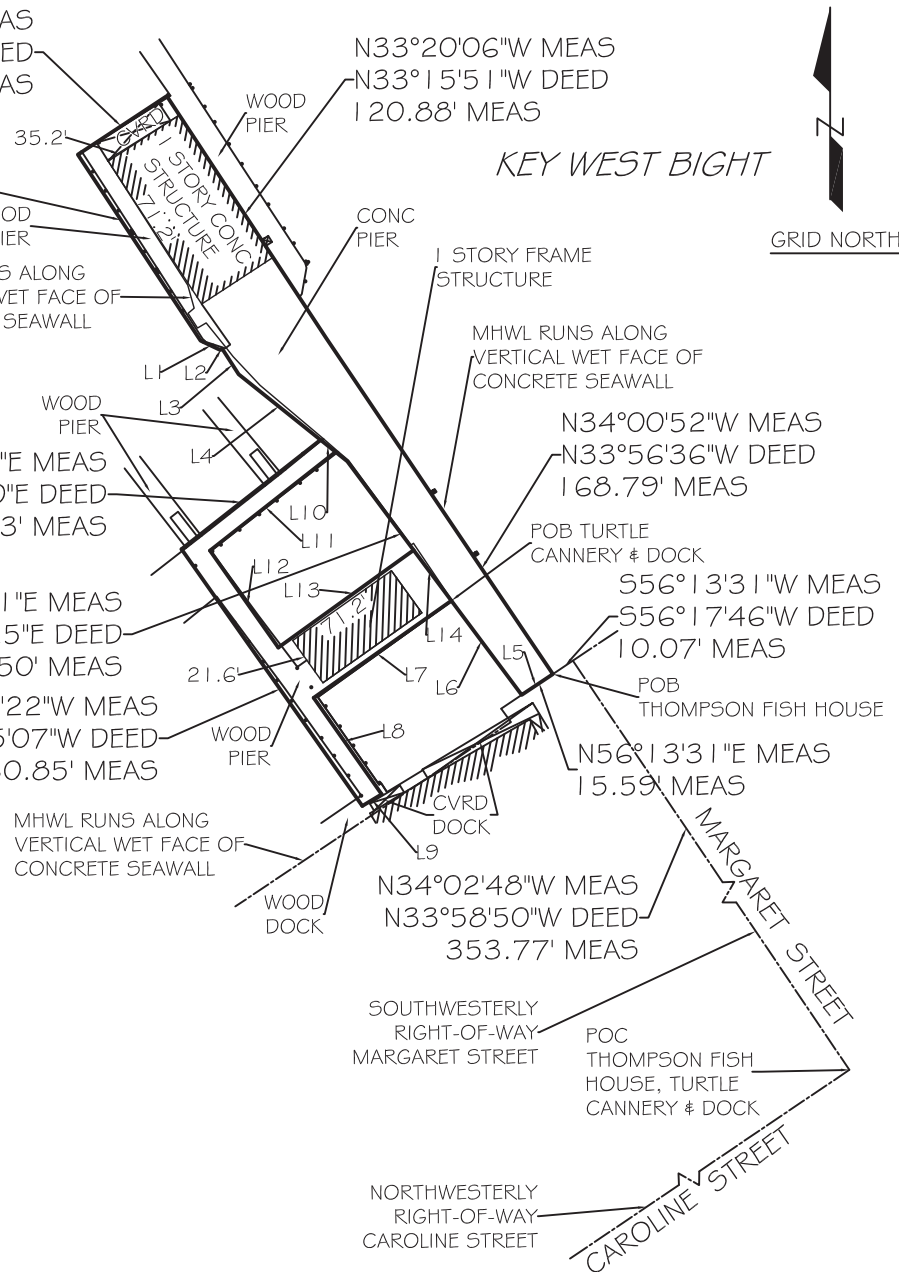


EXEMPT

File Number:
137939-027 EE

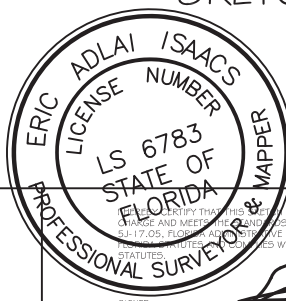
LINE TABLE, THOMPSON FISH HOUSE		
LINE #	BEARING	DISTANCE
L1	S64°33'01"E MEAS S64°28'46"E DEED	9.06' MEAS
L2	N57°13'19"E MEAS N57°17'34"E DEED	1.00' MEAS
L3	S32°46'41"E MEAS S32°42'26"E DEED	12.66' MEAS
L4	S51°18'45"E MEAS S51°14'30"E DEED	58.02' MEAS

LINE TABLE, TURTLE CANNERY & DOCK		
LINE #	BEARING	DISTANCE
L5	S56°13'31"W MEAS S56°17'46"W DEED	25.66 MEAS
L6	N36°44'17"W MEAS N36°40'25"W DEED	49.01' MEAS
L7	S54°50'38"W MEAS S54°54'53"W DEED	70.22' MEAS
L8	S35°09'22"E MEAS S35°05'07"E DEED	49.19' MEAS
L9	S58°52'59"W MEAS S58°57'14"W DEED	9.42' MEAS
L10	S51°18'45"E MEAS S51°14'30"E DEED	8.01' MEAS
L11	S51°49'25"W MEAS S51°53'40"W DEED	66.55' MEAS
L12	S35°09'22"E MEAS S35°05'07"E DEED	49.47' MEAS
L13	N54°13'30"E MEAS N54°17'45"E DEED	69.49' MEAS
L14	S36°44'41"E MEAS S36°40'25"E DEED	26.30' MEAS



OUT PARCEL

(THOMPSON FISH HOUSE & TURTLE CANNERY & DOCK)
EXCLUDED FROM THE LEASE PURSUANT TO
BOARD OF TRUSTEES DISCLAIMER NUMBER 41374
SUBMERGED LAND DESCRIPTION
SKETCH AND LEGAL DESCRIPTION



Eric Isaacs

1"=80'



Digitally signed by Eric Isaacs

Date: 2022-09-11 11:14:18

-0400



**FLORIDA KEYS
LAND SURVEYING**
21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5mail@gmail.com

SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET 11 OF 14
DRAWN BY: DRP
INVOICE NO.: 21-883

SPECIFIC PURPOSE SURVEY

SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

THIS SHEET 11 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 & 14

SIGNED

ERIC A. ISAACS, PSN #6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7647

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SURVEYOR AND MAPPER



KEY WEST BIGHT

GRID NORTH



EXEMPT

File Number:
137939-027 EE

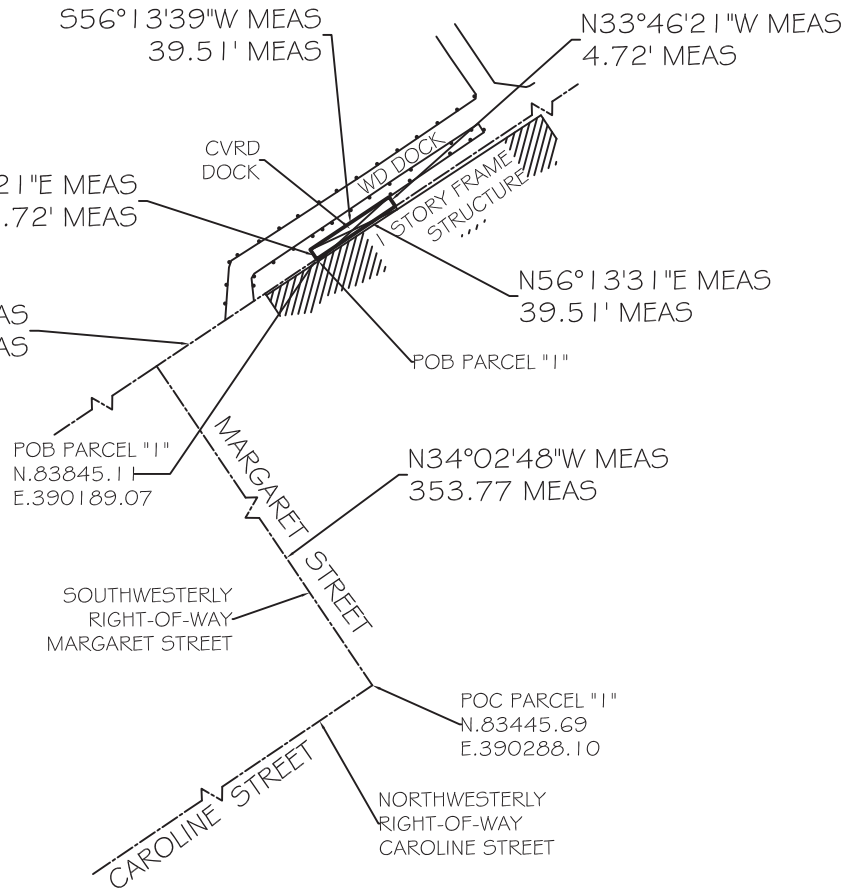
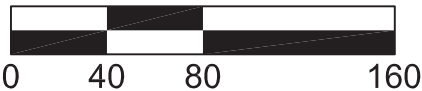
186.5 ± SQ. FT.

SPECIFIC PURPOSE SURVEY

PARCEL "1"

SUBMERGED LAND
DESCRIPTION SKETCH

1"=80'



PARCEL "2"



GRID NORTH

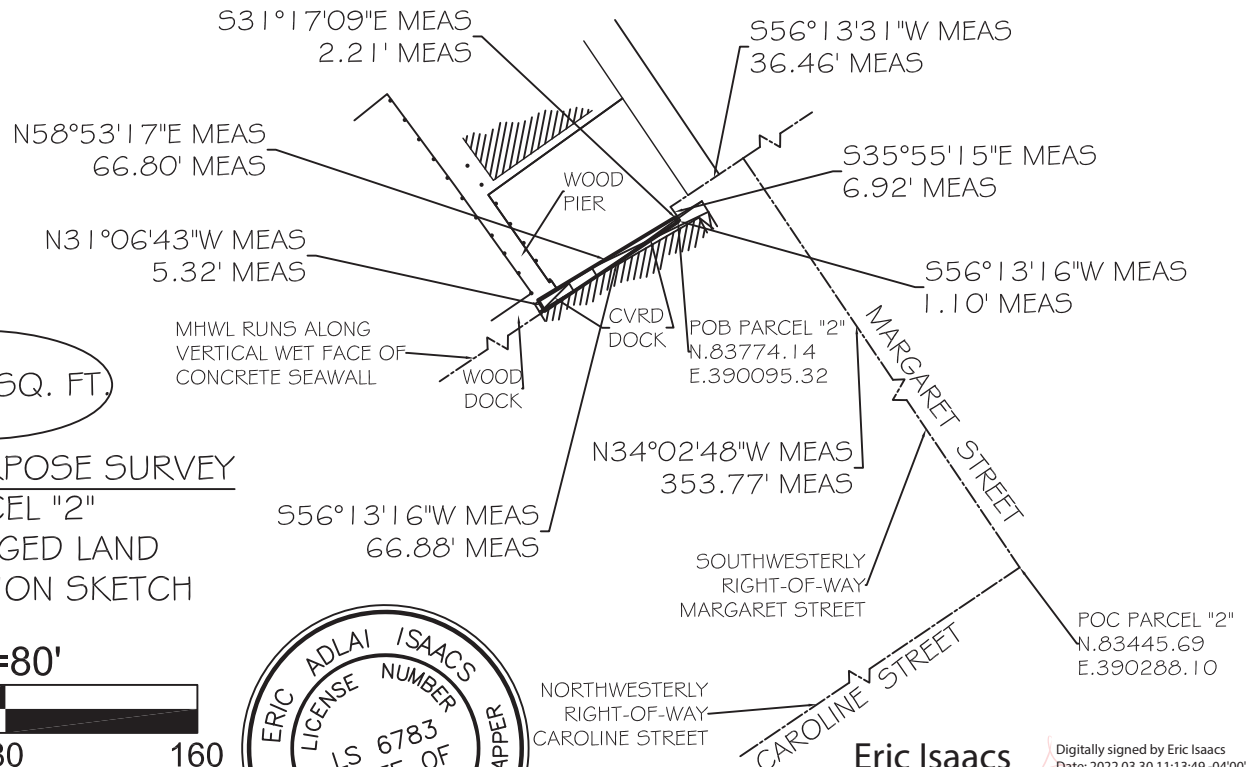
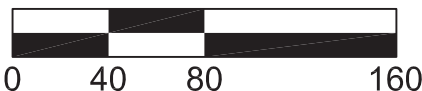
251.4 ± SQ. FT.

SPECIFIC PURPOSE SURVEY

PARCEL "2"

SUBMERGED LAND
DESCRIPTION SKETCH

1"=80'



Eric Isaacs

Digitally signed by Eric Isaacs
Date: 2022.03.30 11:13:49 -04'00'

SCALE: 1" = 80'
FIELD WORK: 10/05/2021
DATE: 10/05/2021
MAP DATE: 10/05/2021
REVISION: 03/25/2022
DATE: 03/25/2022
SHEET: 12 OF 14
DRAWN BY: DRP
VOICE NO.: 21-883

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

THIS SHEET 12 OF 14, IS NOT FULL AND COMPLETE
WITHOUT SHEETS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 & 14

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SIGNED

Eric Isaacs



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LAND SURVEYING**
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CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com



GRID NORTH

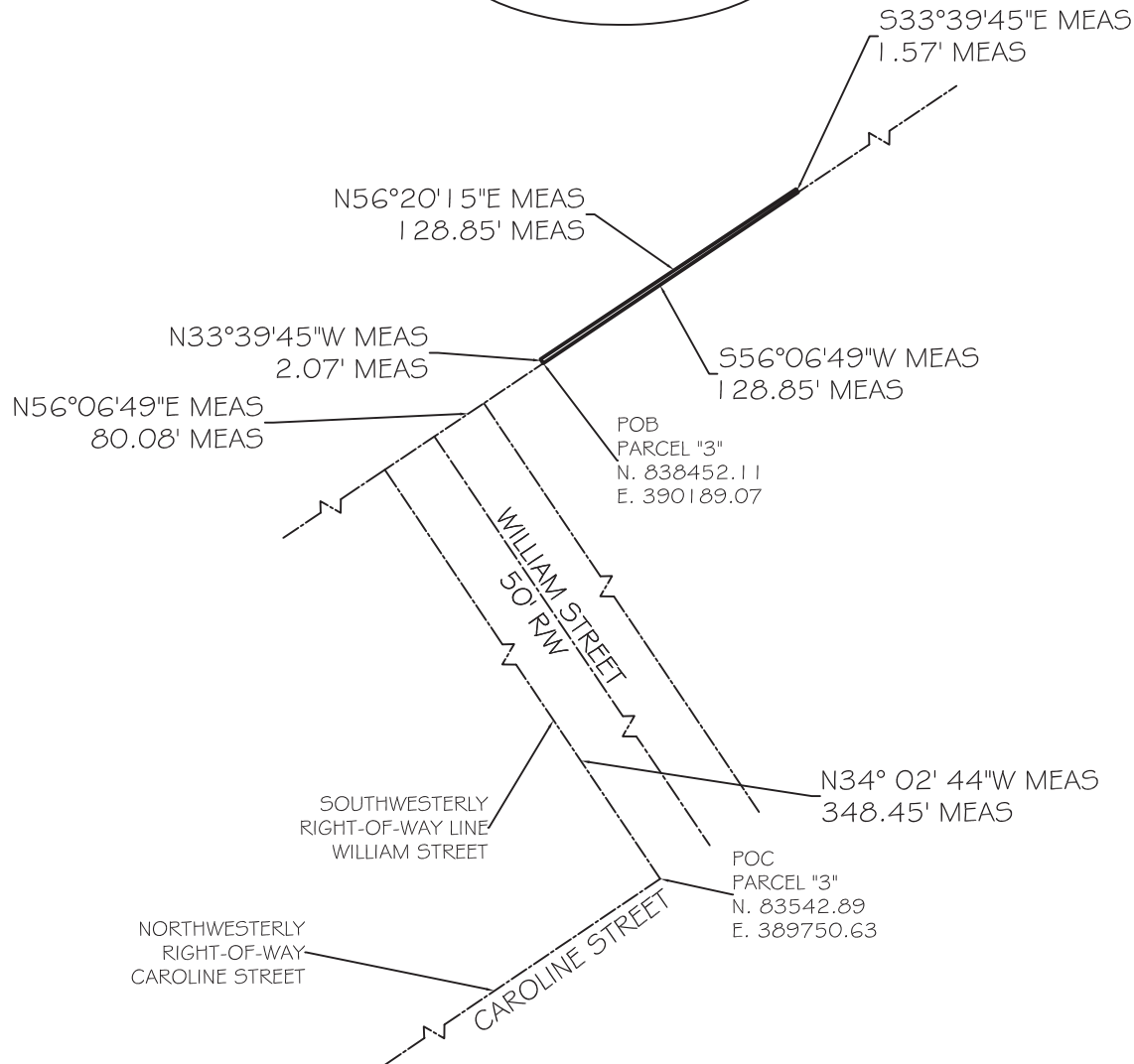
SPECIFIC PURPOSE SURVEY
PARCEL "3"
SUBMERGED LAND
DESCRIPTION SKETCH



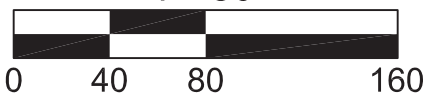
EXEMPT

File Number:
137939-027 EE

234.7 ± SQ. FT.



1"=80'



Eric Isaacs

Digitally signed by Eric Isaacs
Date: 2022.03.30 11:13:26
-04'00'



SCALE: 1" = 80'
FIELD WORK DATE: 10/05/2021
MAP DATE: 10/25/2021
REVISION DATE: 03/25/2022
SHEET 13 OF 14
DRAWN BY: DRP
INVOICE NO.: 21-883

SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE
CITY OF KEY WEST, FLORIDA
(KEY WEST BIGHT)

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STATUTES.

SIGNED

ERIC A. ISAACS, PSN 6783, PROFESSIONAL SURVEYOR AND MAPPER, LSW 7647

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SURVEYOR AND MAPPER



FLORIDA KEYS
LAND SURVEYING
21460 OVERSEAS HWY, SUITE 4
CUDJOE KEY, FL 33042
PHONE: (305) 394-3690
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EXEMPT

File Number:
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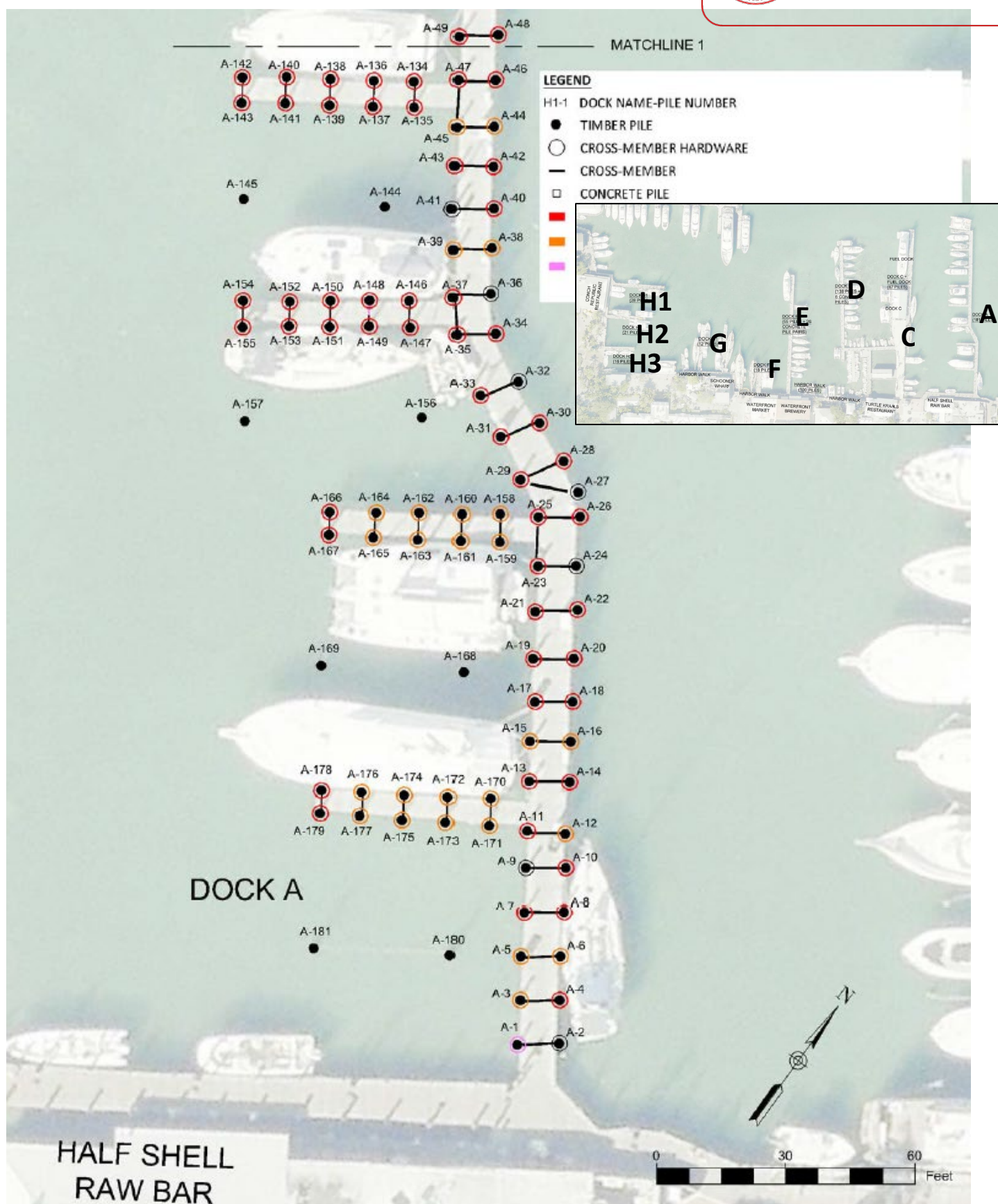


Figure 1: Dock A Plan View with Deficiencies



EXEMPT

File Number:
137939-027 EE

LEGEND

H1-1 DOCK NAME-PILE NUMBER

● TIMBER PILE

○ CROSS-MEMBER HARDWARE

— CROSS-MEMBER

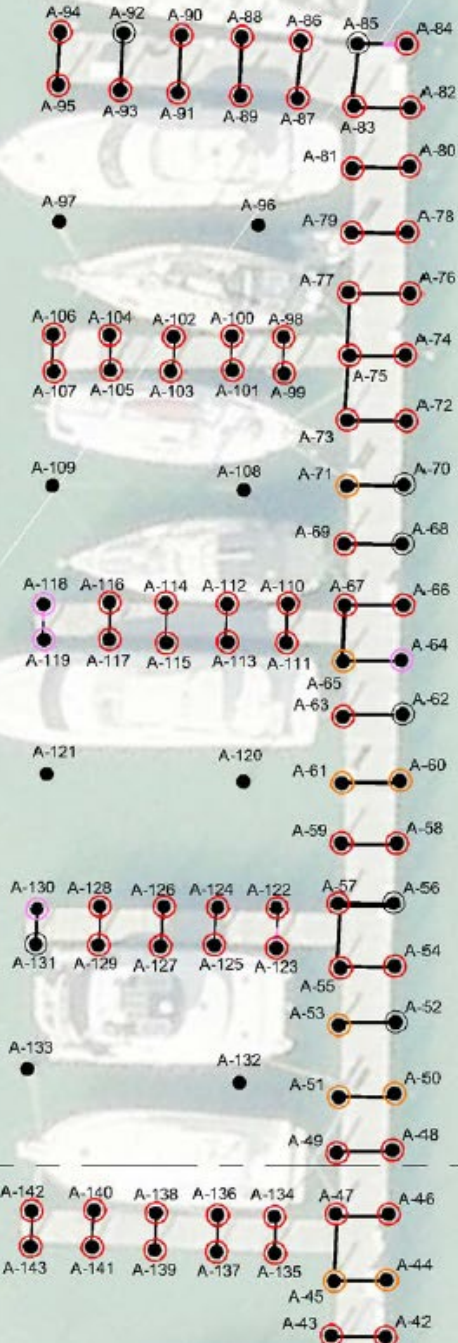
□ CONCRETE PILE

RED (BAD CONDITION - NEEDS REPLACEMENT)

ORANGE (POOR CONDITION - MAY NEED REPLACEMENT SOON)

MAGENTA (INDICATES ITEM THAT SHOULD BE CHECKED/MONITORED)

DOCK A



DOCK A

MATCHLINE 1

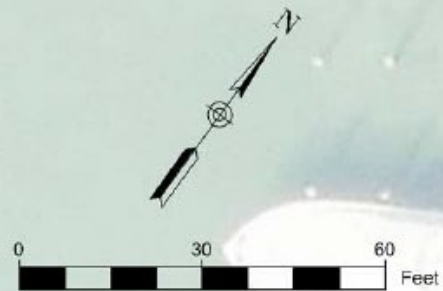
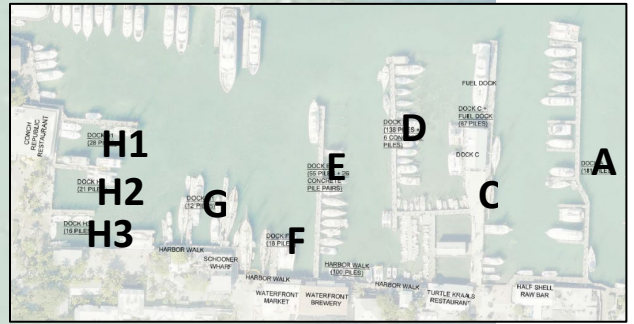
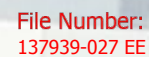


Figure 2: Dock A Plan View with Deficiencies (continued)



Figure 3: Dock C and Fuel Dock with Deficiencies





EXEMPT

File Number:
137939-027 EE

LEGEND

H1-1 DOCK NAME-PILE NUMBER

● TIMBER PILE

○ CROSS-MEMBER HARDWARE

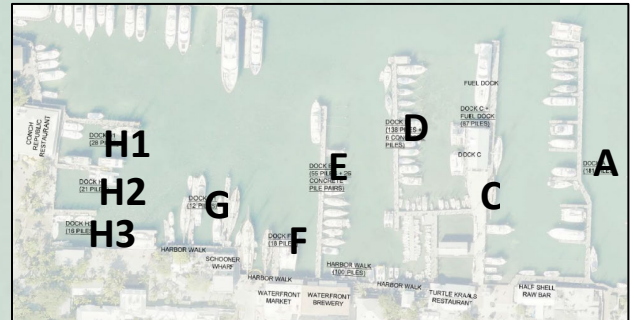
— CROSS-MEMBER

□ CONCRETE PILE

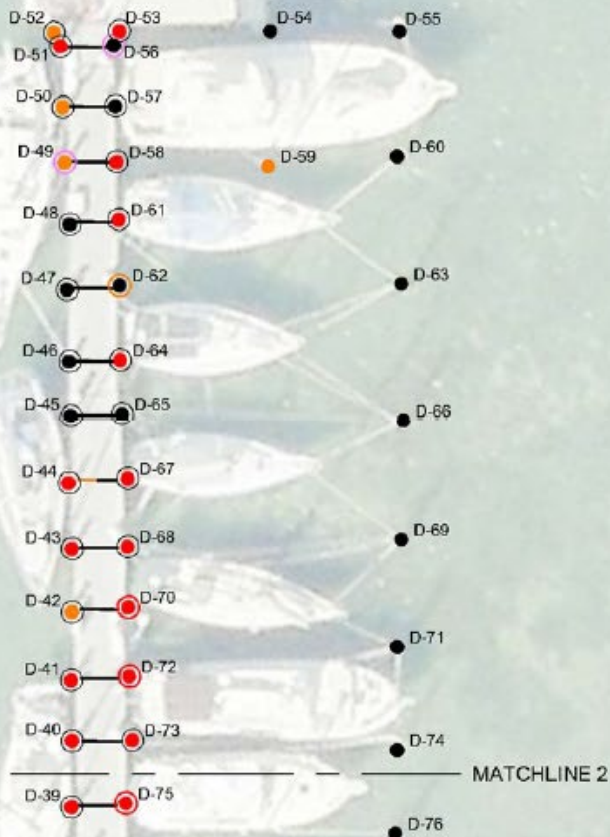
RED (BAD CONDITION - NEEDS REPLACEMENT)

ORANGE (POOR CONDITION - MAY NEED REPLACEMENT SOON)

MAGENTA (INDICATES ITEM THAT SHOULD BE CHECKED/MONITORED)



DOCK D



FUEL DOCK

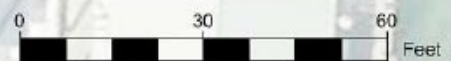


Figure 5: Dock D with Deficiencies (continued)

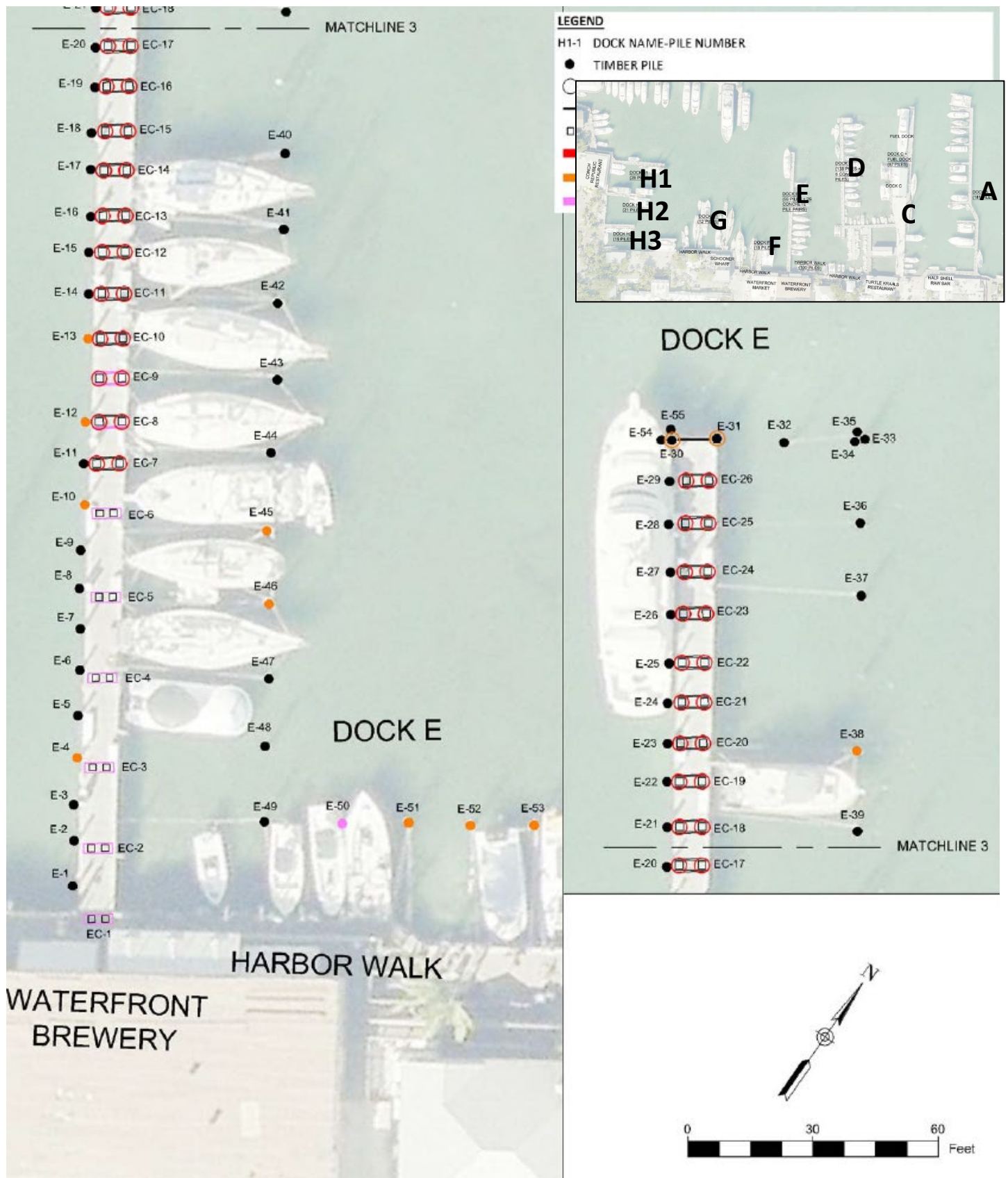


Figure 6: Dock E with Deficiencies



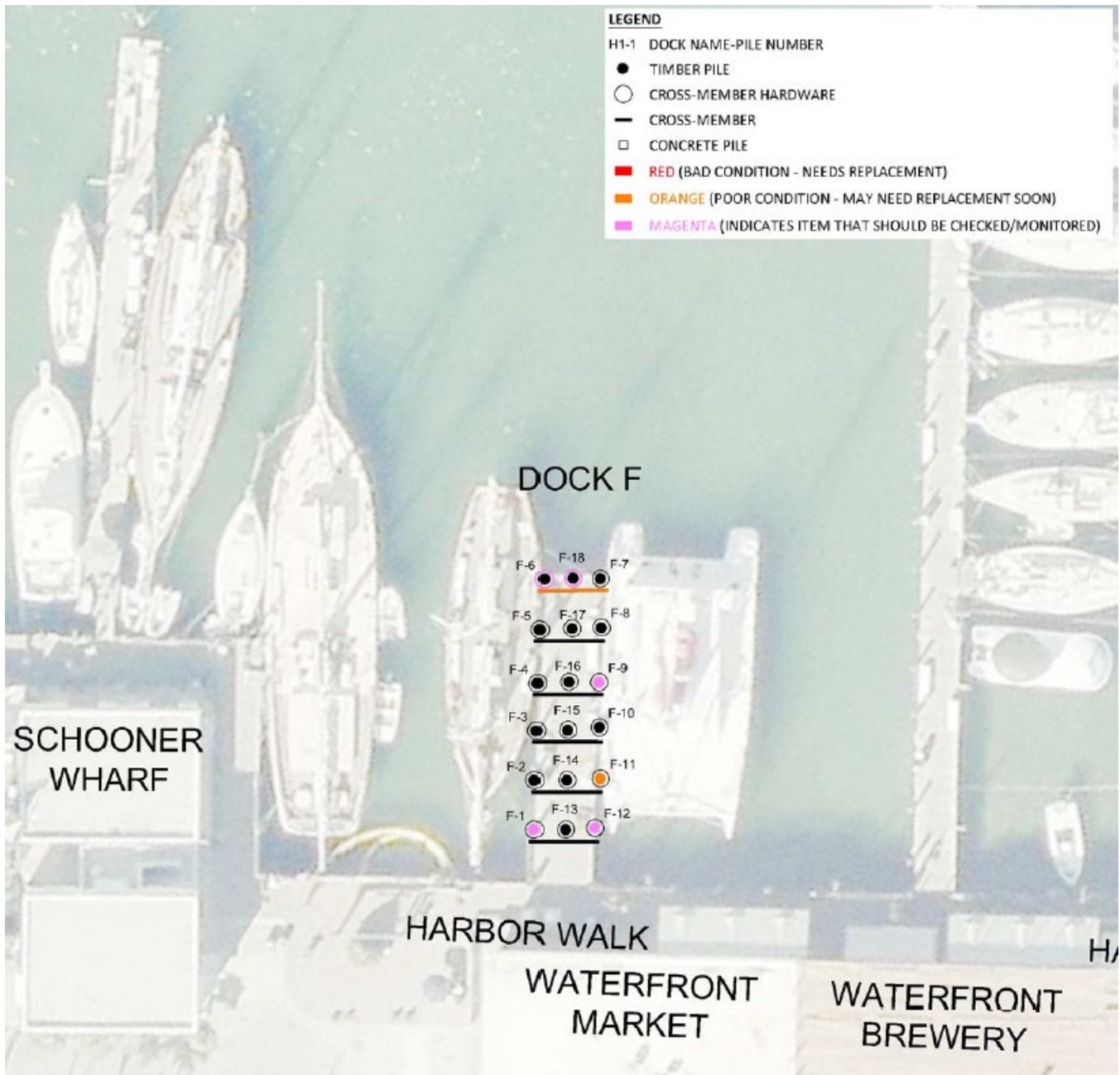
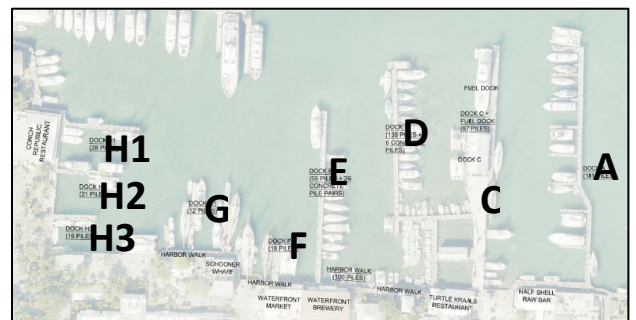


Figure 7: Dock F with Deficiencies



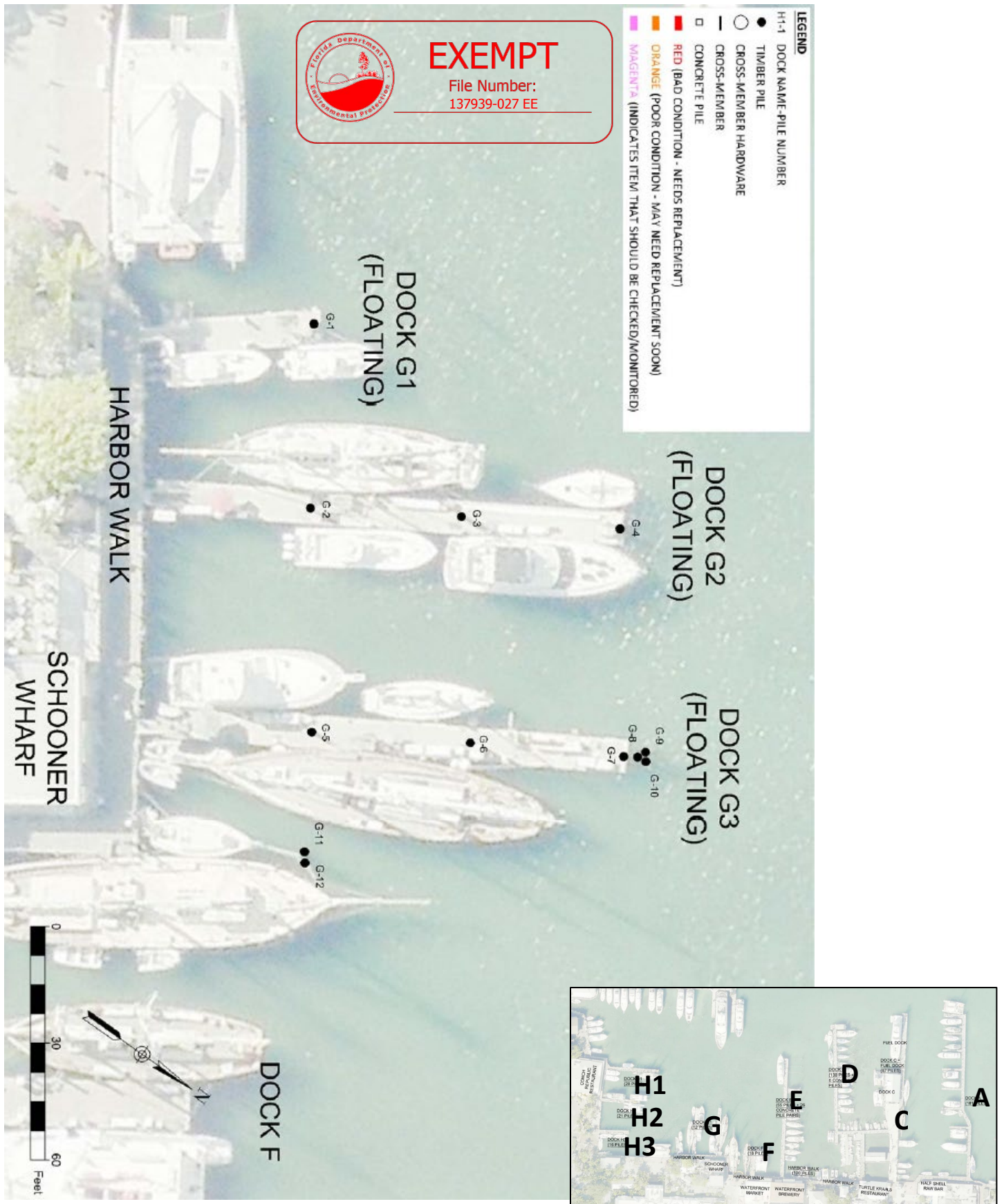


Figure 8: Dock G with Deficiencies

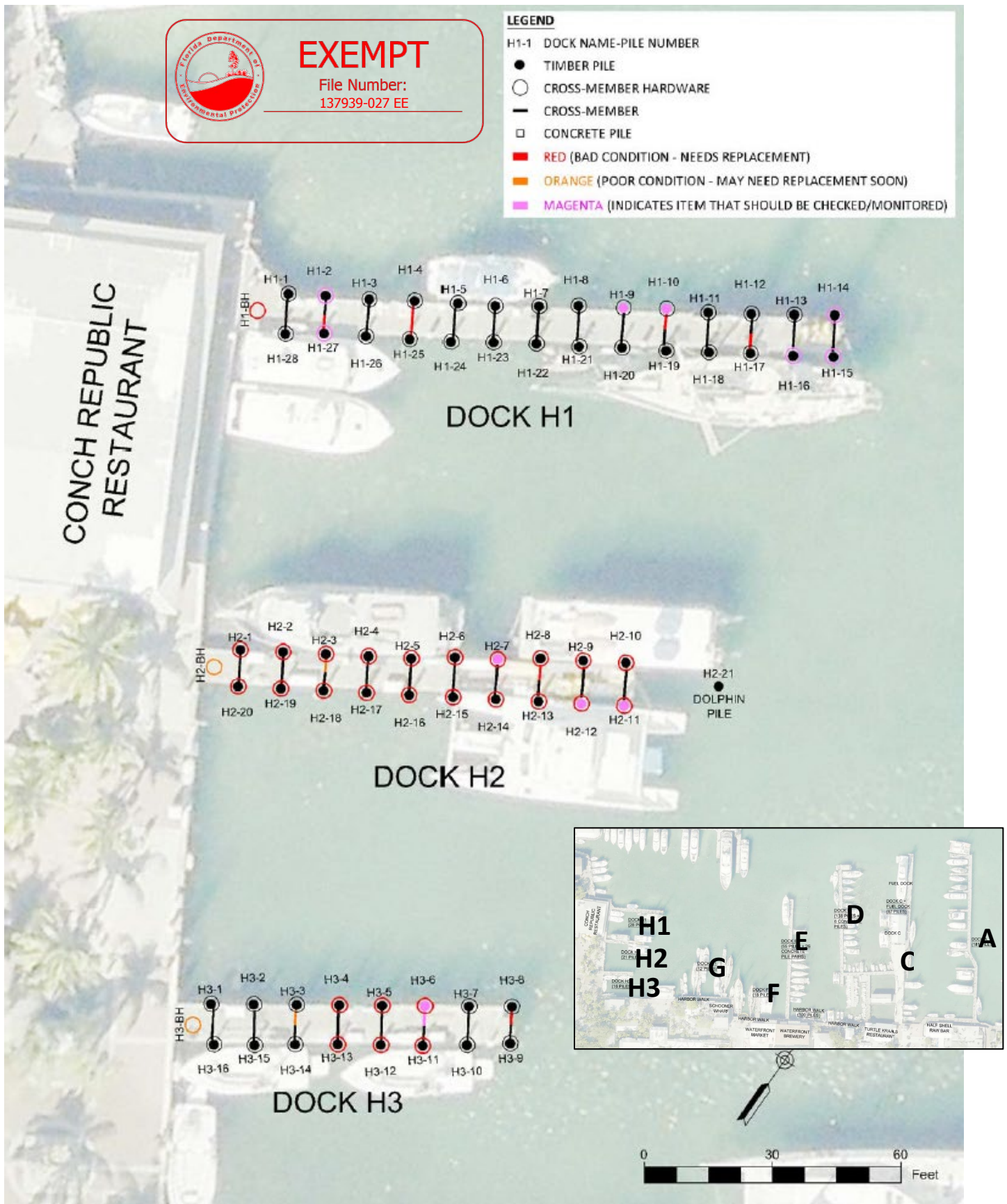
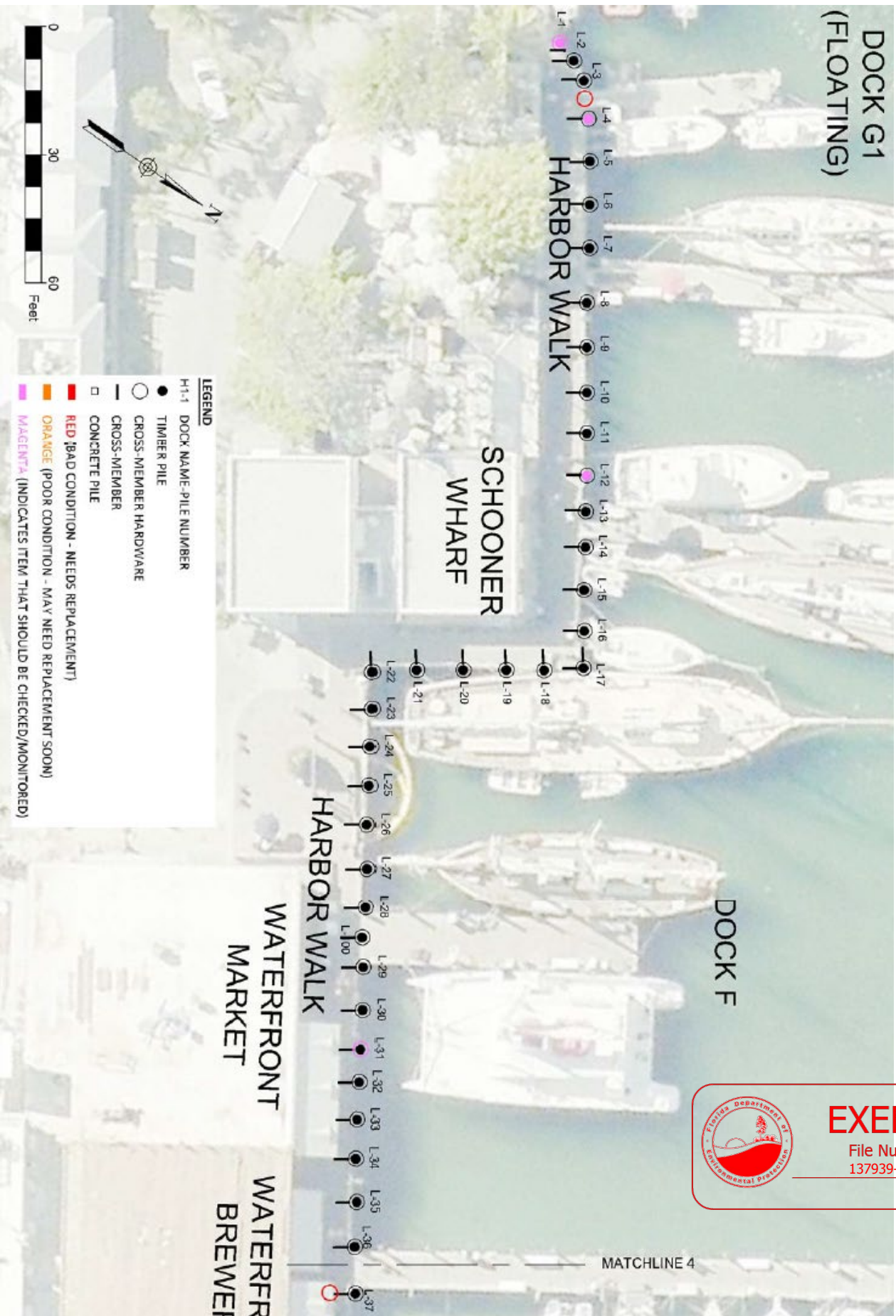


Figure 9: Dock H with Deficiencies





EXEMPT

File Number:
137939-027 EE

Figure 10: Harbor Walk Pier with Deficiencies

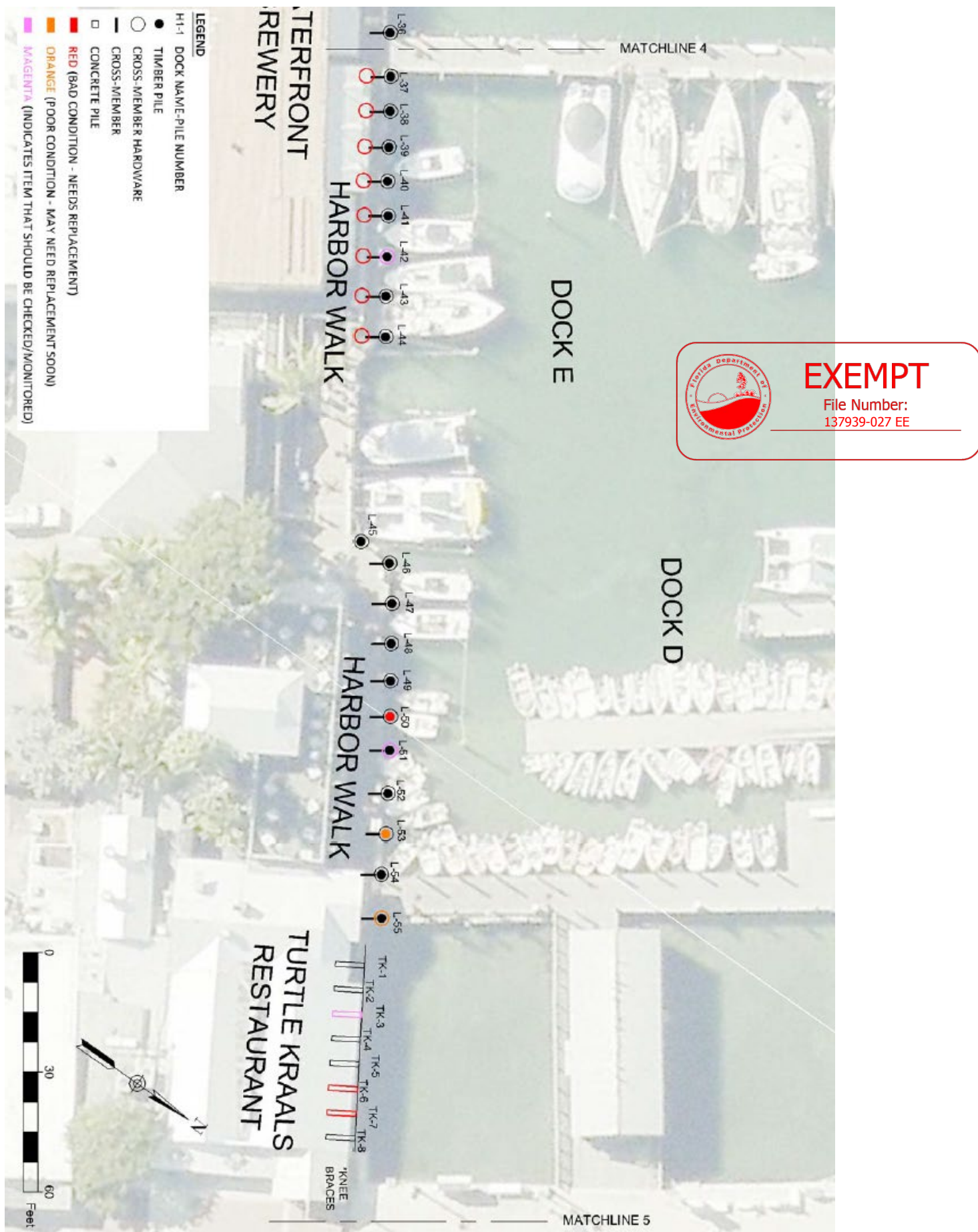


Figure 11: Harbor Walk Pier with Deficiencies (continued-1)

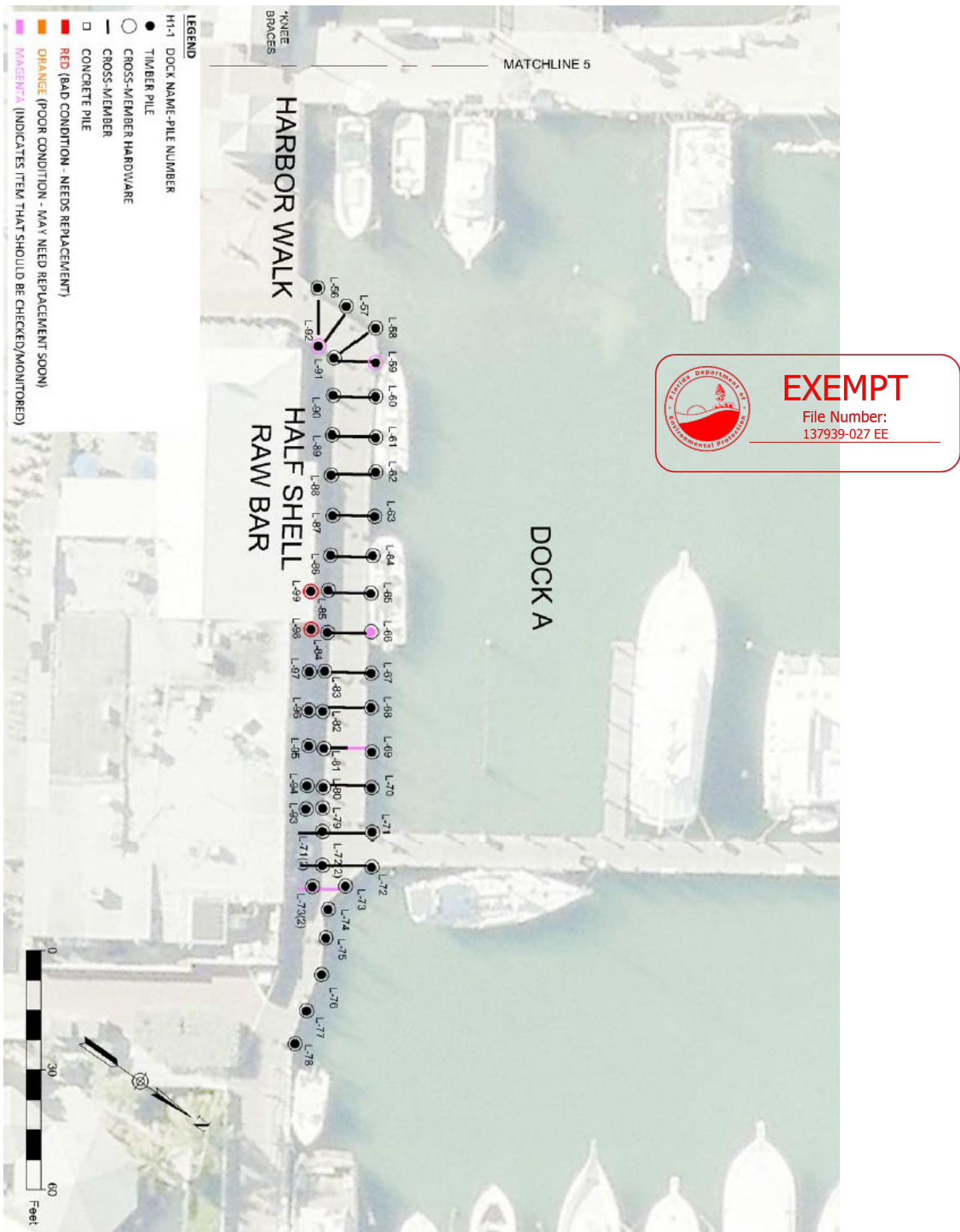


Figure 12: Harbor Walk Pier with Deficiencies (continued -2)

Title XXVIII
NATURAL RESOURCES;
CONSERVATION, RECLAMATION,
AND USE

Chapter 373
WATER RESOURCES

373.406 Exemptions. — The following exemptions shall apply:

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

January 5, 2024

Regulatory Division
South Permits Branch
Florida Keys Permits Section
SAJ-2021-00839(RGP-JTS)

Mr. Steve McAlearney
City of Key West
201 William Street
Key West, Florida 33040
Sent via email: smcalearney@cityofkeywest-fl.gov

Dear Mr. McAlearney:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit, which the Corps received on August 24, 2022. Your application was assigned file number SAJ-2021-00839. A review of the information and drawings provided indicates that the proposed work would result in repair and/or replacement of up to 705 existing 12-inch timber piles in the same footprint over the lifetime of the permit. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408). The project is located in Key West Harbor at 120 Margaret Street, in Section 31, Township 67 South, Range 25 East, Key West, Monroe County, Florida. (RE# 00072082-004700)

This letter verifies your project, as described above and depicted on the enclosed drawings, is authorized by Regional General Permit (RGP) SAJ-82 and any subsequent modifications, if applicable. **This RGP authorization is valid until June 24, 2026.** If you commence or are under contract to commence this activity before the date that SAJ-82 expires or is revoked, you will have 12 months from the date of the expiration or revocation of SAJ-82 to complete the activity under the present terms and conditions of SAJ-82.

Please access the Corps' Jacksonville District Regulatory Division Source Book web page to view the special and general conditions for SAJ-82, which apply specifically to this authorization. The Internet URL address is: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Once there, select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with all of the general and special conditions of the RGP, as well as any project-specific conditions included in this letter.

General Conditions:

1. The time limit for completing the work authorized ends on **June 24, 2026.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the attached transfer form (Attached) and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

Special Condition 1:

Reporting Address: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2021-00839 (RGP –JTS), on all submittals.

Special Condition 2:

Permit Conditions Prevail: If information in the permit attachments conflict with the special conditions of this permit, the requirements of the permit special conditions shall prevail.

Special Condition 3:

Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed “Commencement Notification” form (Attached).

Special Condition 4:

As-Built Certification with X-Y Coordinates: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and complete the enclosed “As-Built Certification by Professional Engineer or Surveyor” form, (Attached) to the Corps. The drawings shall be signed and sealed by a registered professional engineer or a professional land surveyor confirming the actual location of all authorized work/structures with respect to the Federal channel and/or within the Federal easement and include the following:

- a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure. The drawings shall include the dimensions of the structure, location of mean high water line (MHWL), depth of water (at mean low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near design edge of the Federal channel.

- b. List of any deviations between the work authorized by this permit and the work as constructed. In the event the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the Corps.
- c. The Department of the Army Permit number.
- d. Within 60 days of completion of the work authorized by this permit, the Permittee shall provide a courtesy copy of the signed and sealed As-Built drawings to the Corps, Engineering Division. Submittals shall be sent either electronically by email at ENPermits.CESAJ@usace.army.mil or by standard mail at Post Office Box 4970, Jacksonville Florida 32232-0019.

Special Condition 5:

Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect, impact, or disturb properties listed in the *National Register of Historic Places* (NRHP), or those eligible for inclusion in the NRHP.
- b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

Special Condition 6:

Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Special Condition 7:

Federal Channel Setback: The most waterward edge of the authorized project shall be constructed no closer than the existing footprint of the structure. Any waterward expansion would require a setback review, with the requirement of no structures or moored vessels within the setback of the federal channel limits.

Special Condition 8:

Consent to Easement: A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. The Permittee shall complete the "Application for Consent to Cross U.S. Government Easement" (Attached) and submit to the Corps Real Estate Division SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4514. The application should include a boundary survey map along with the authorized construction plans and specifications for the project. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to Easement, or correspondence from the Real Estate Division indicating that a Consent to Easement is not required, to the address identified in the **Reporting Address Special Condition**.

Special Condition 9:

Individual Section 408 Approval: It has been determined that the activities authorized do not impair the usefulness of the Key West Bight Cut-3 and Turning Basin Project and are not injurious to the public interest. The Permittee shall adhere to the conditions and limitations referenced in the Section 408 approval memo attached of this permit. All documentation required in the Section 408 approval memo, including a certification that the work was completed in accordance with the approved plans and specifications, GPS readings for the limits of the work performed, as-built drawings, and the dates the work started and was completed shall be submitted either electronically by email at ENPermits.CESAJ@usace.army.mil or by standard mail at Post Office Box 4970, Jacksonville Florida 32232-0019. For all questions related to the Section 408 approval, contact the Corps, Jacksonville Engineering Division by telephone at 904-232-1604. Engineering Division is the appropriate authority to determine compliance with the terms and conditions of Section 408 approval.

Special Condition 10:

Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the

Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

Special Condition 11:

Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attached). The most recent version of the Manatee Conditions must be utilized.

Special Condition 12:

Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1-foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

This letter of authorization does not include conditions that would prevent the ‘take’ of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this RGP verification or have issues accessing the documents referenced in this letter, please contact Jason Sweeney at the South Atlantic Division Technical Regional Execution Center on behalf of the Florida Keys Permits Section at 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, by telephone at 305-619-0675, or by email at jason.t.sweeney@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Sweeney', is positioned above the printed name.

Jason Sweeney
Senior Project Manager

Enclosures

Cc:
Agent

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2021-00839(RGP-JTS)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to:

SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

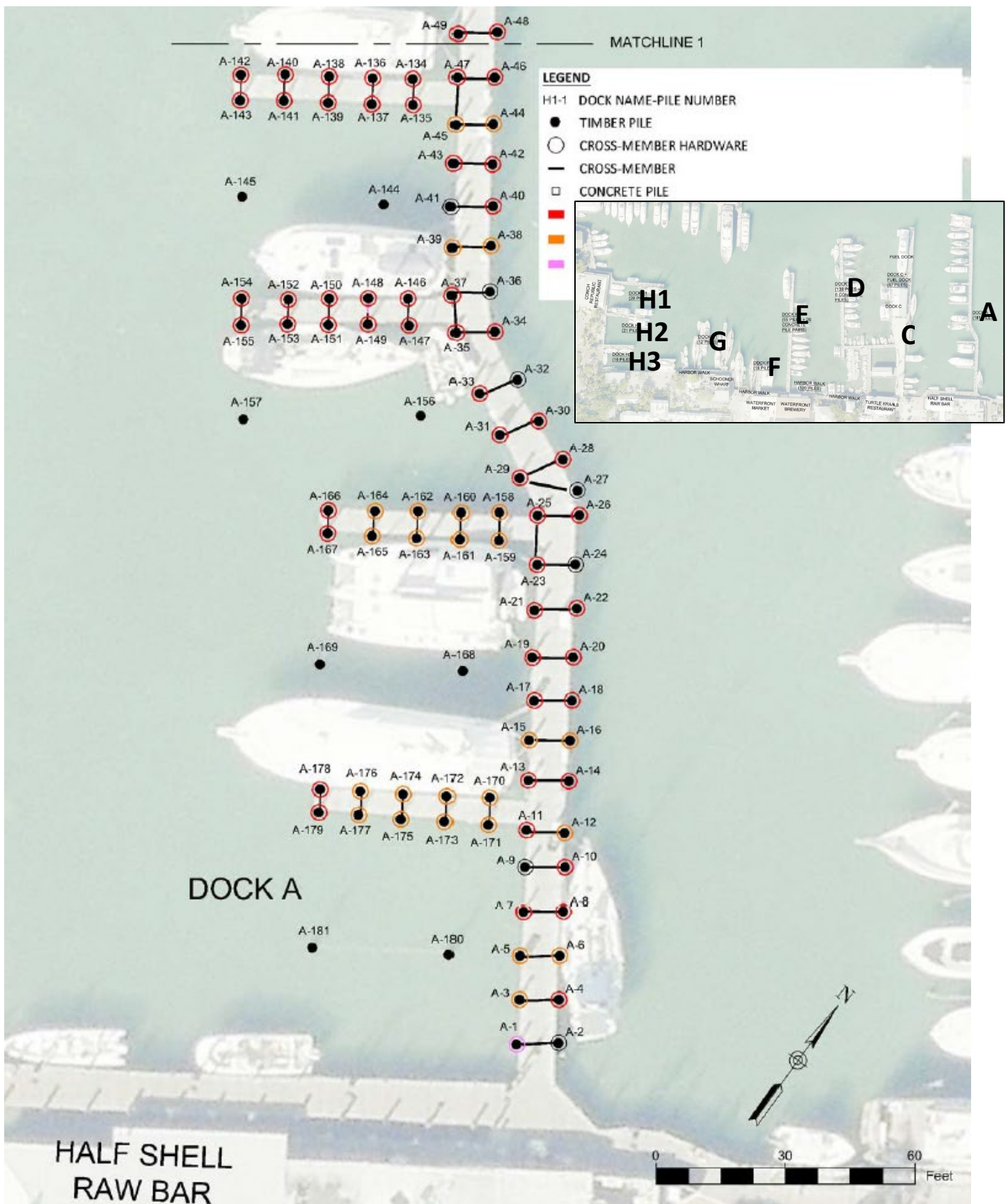


Figure 1: Dock A Plan View with Deficiencies

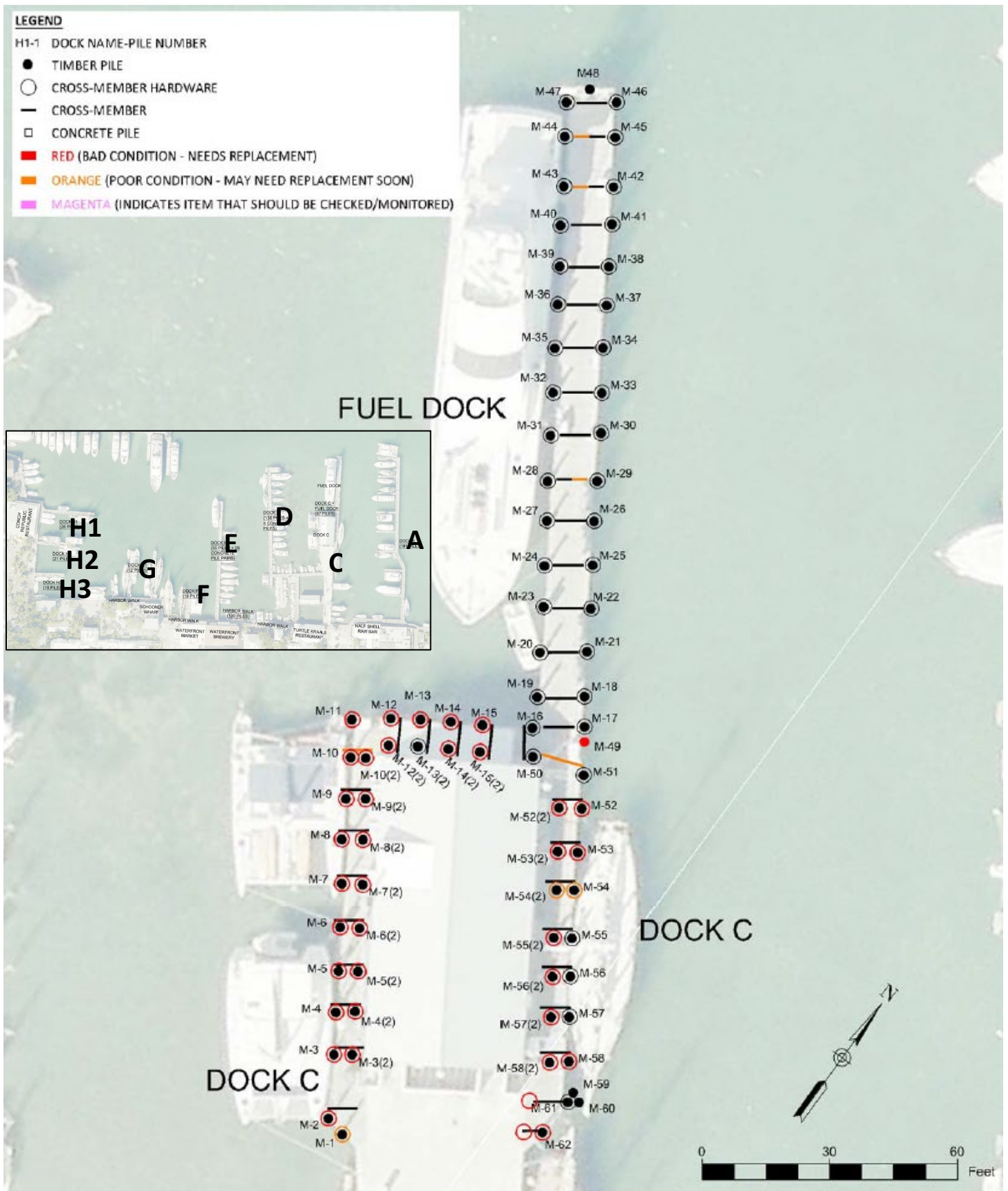


Figure 3: Dock C and Fuel Dock with Deficiencies



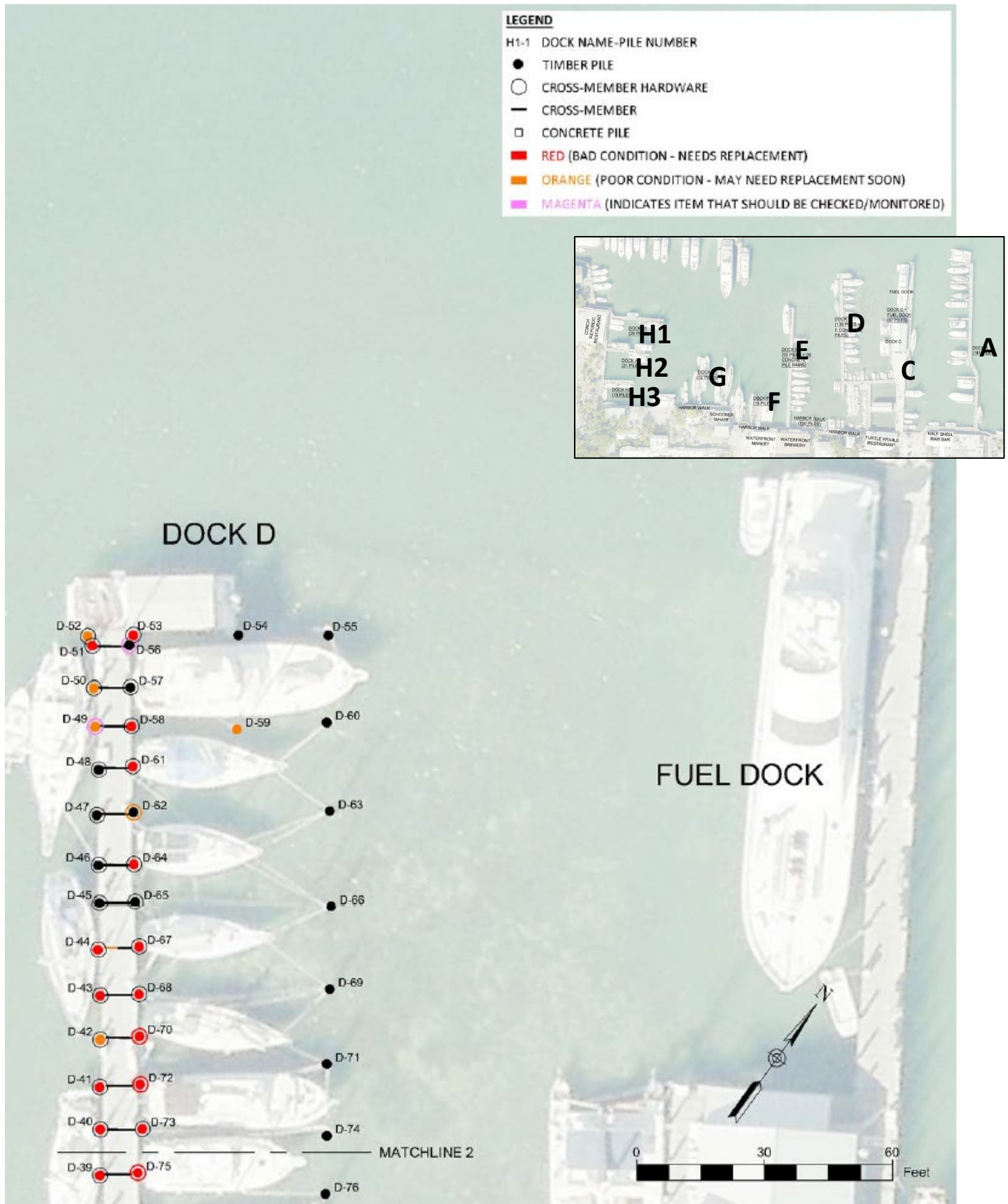


Figure 5: Dock D with Deficiencies (continued)

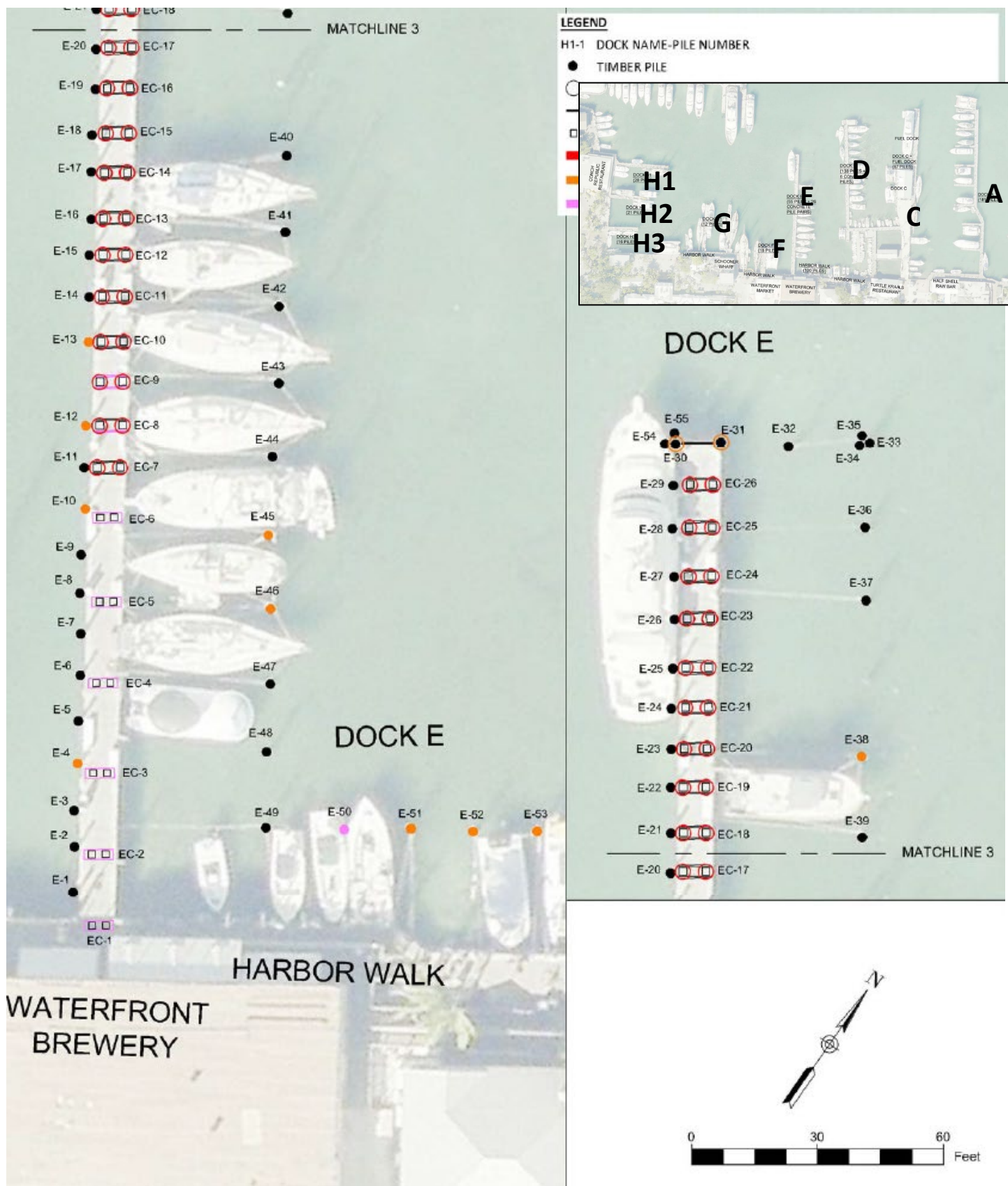


Figure 6: Dock E with Deficiencies

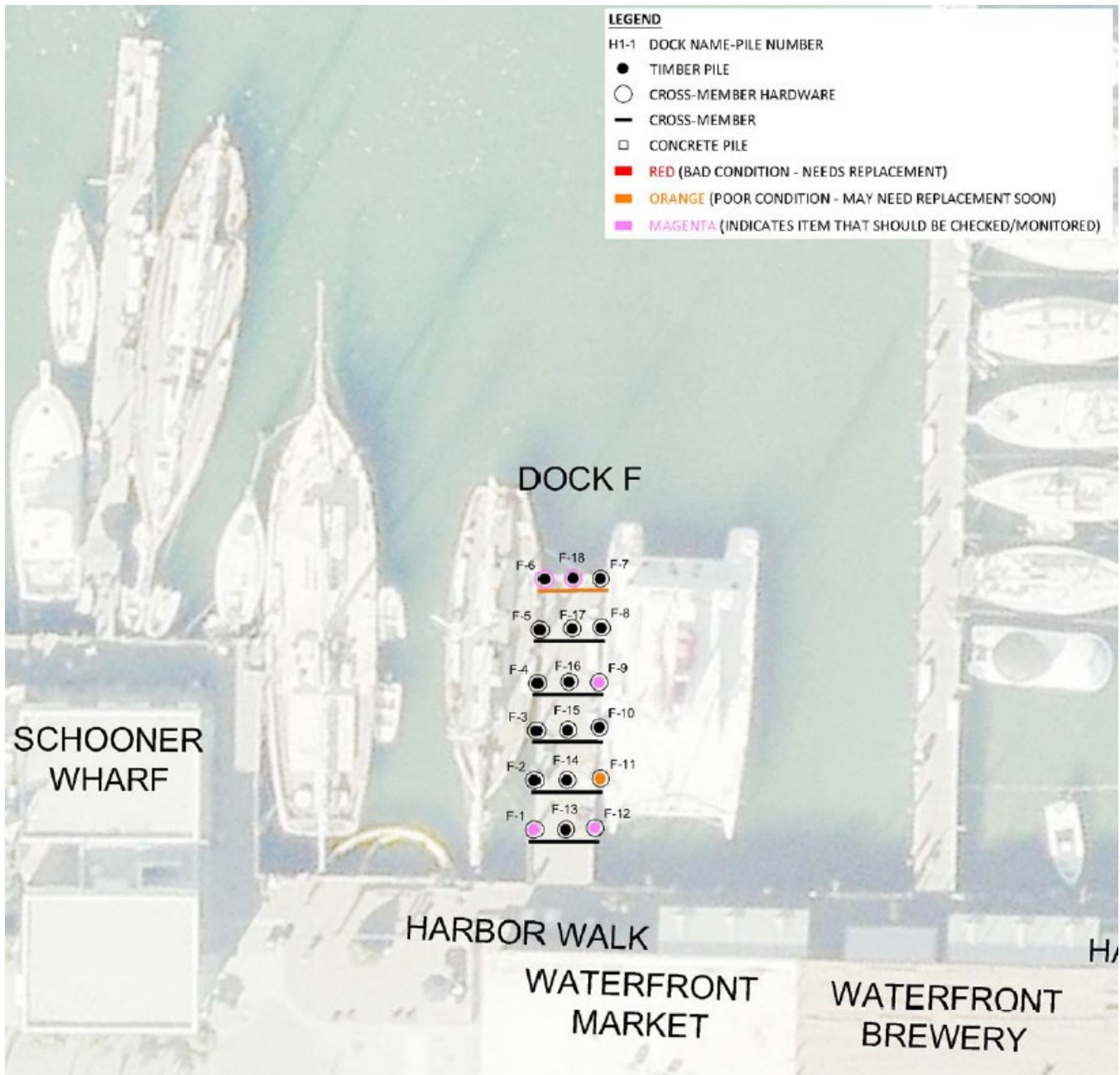
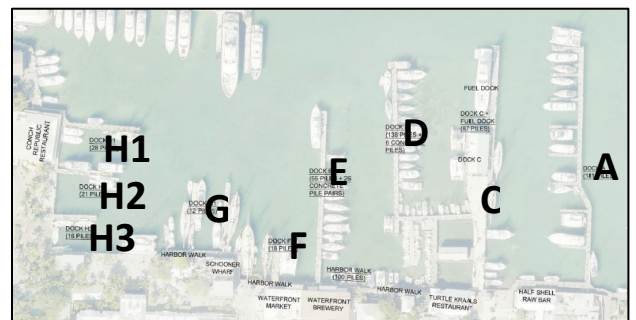


Figure 7: Dock F with Deficiencies



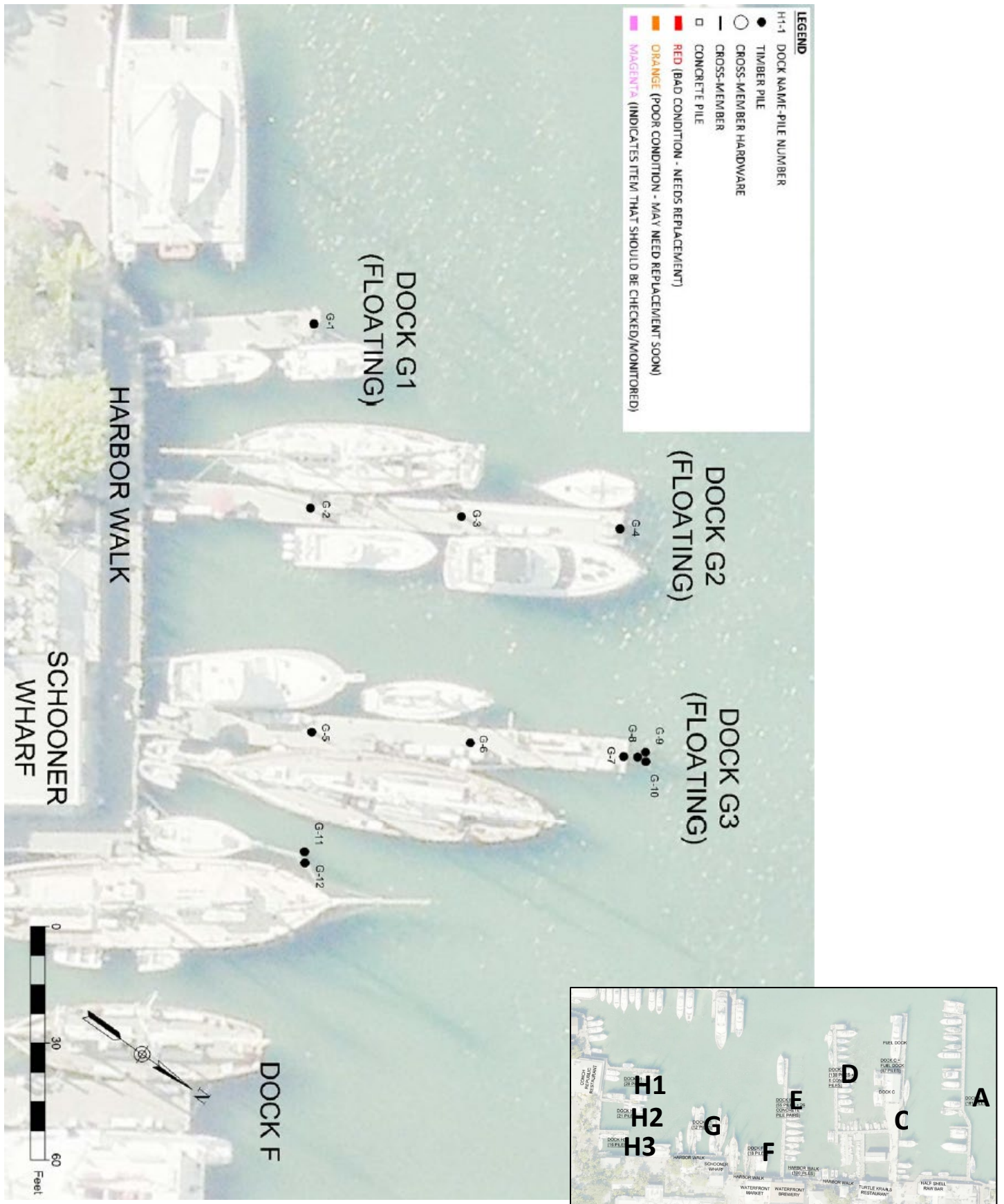


Figure 8: Dock G with Deficiencies

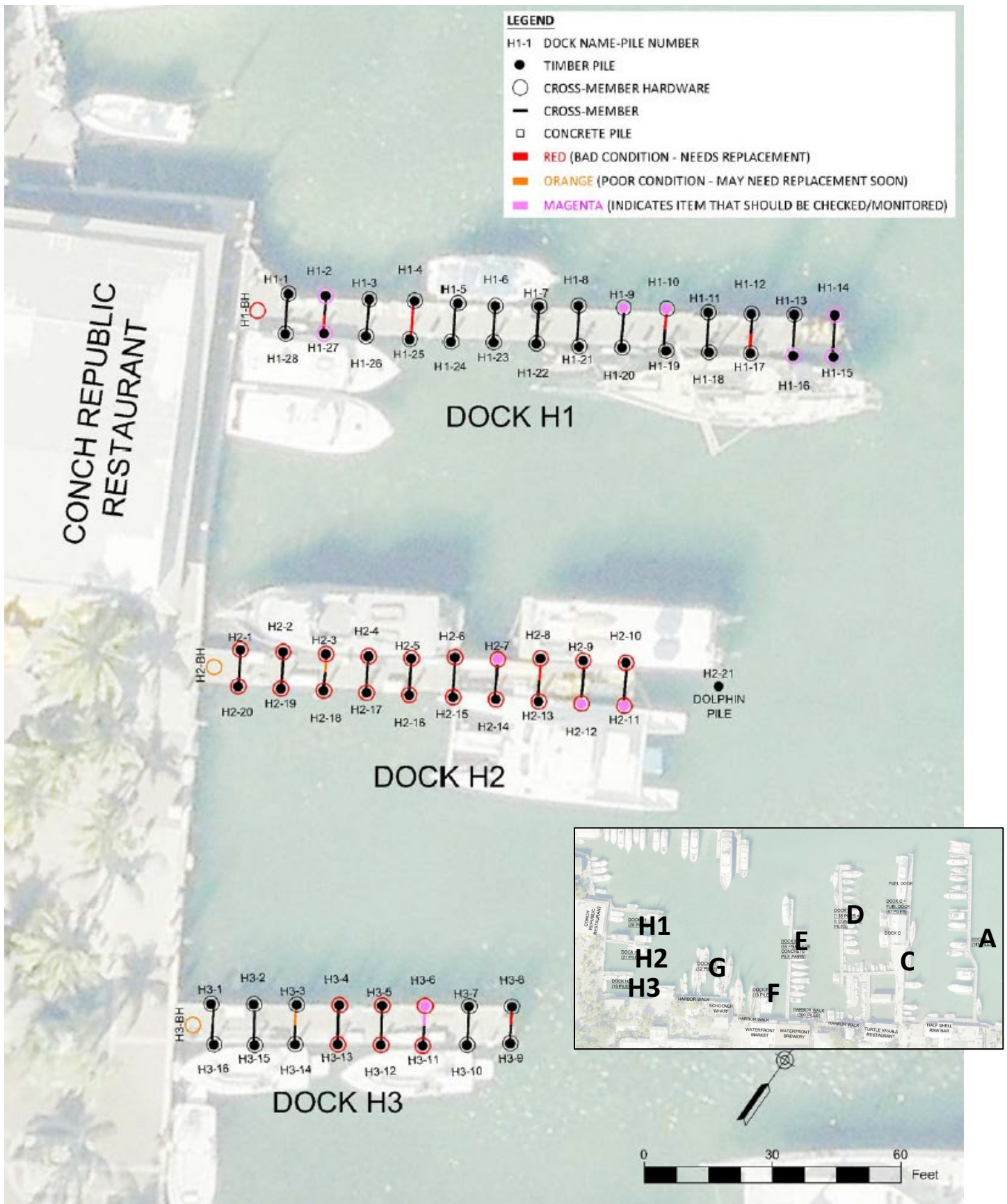


Figure 9: Dock H with Deficiencies

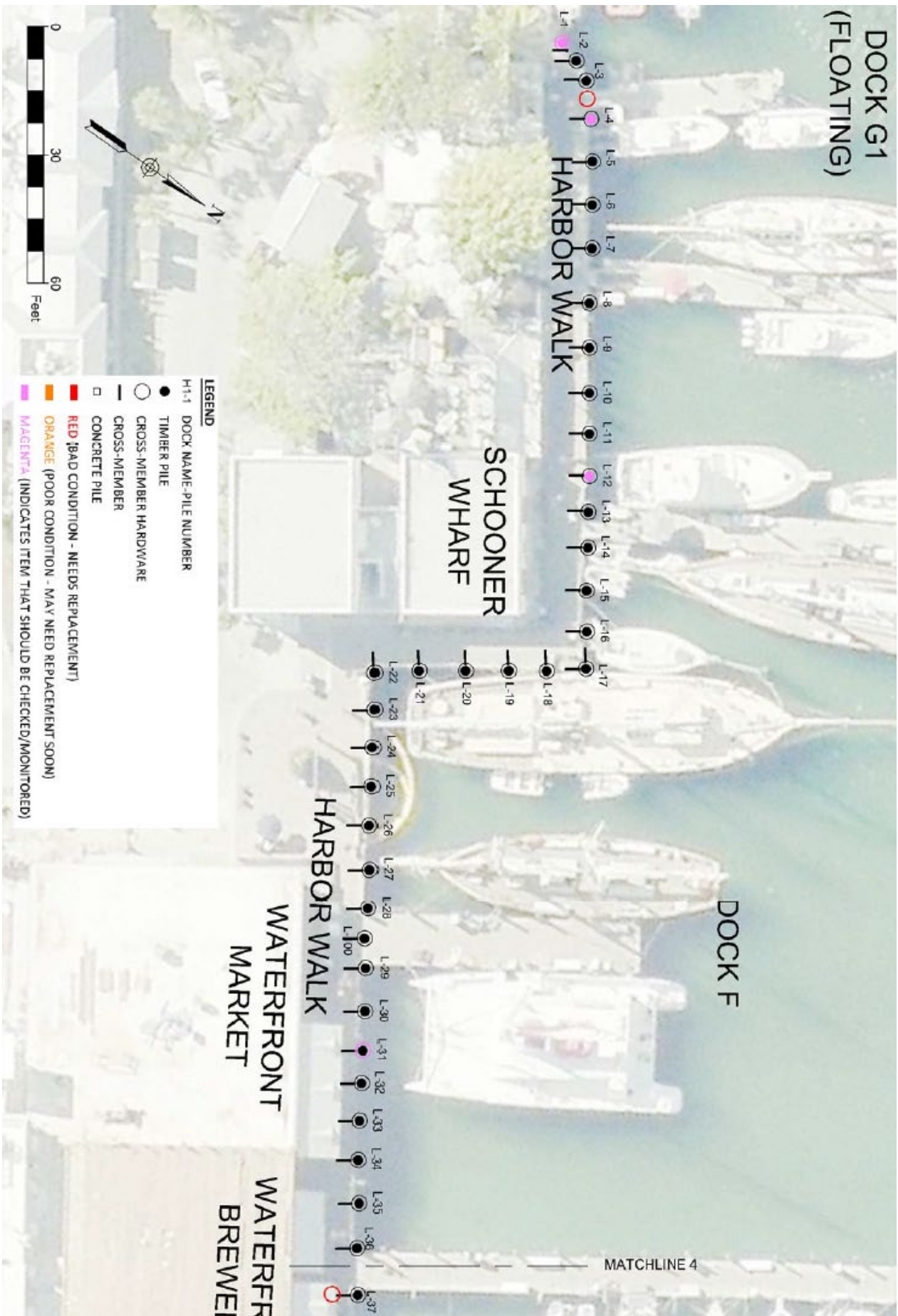


Figure 10: Harbor Walk Pier with Deficiencies

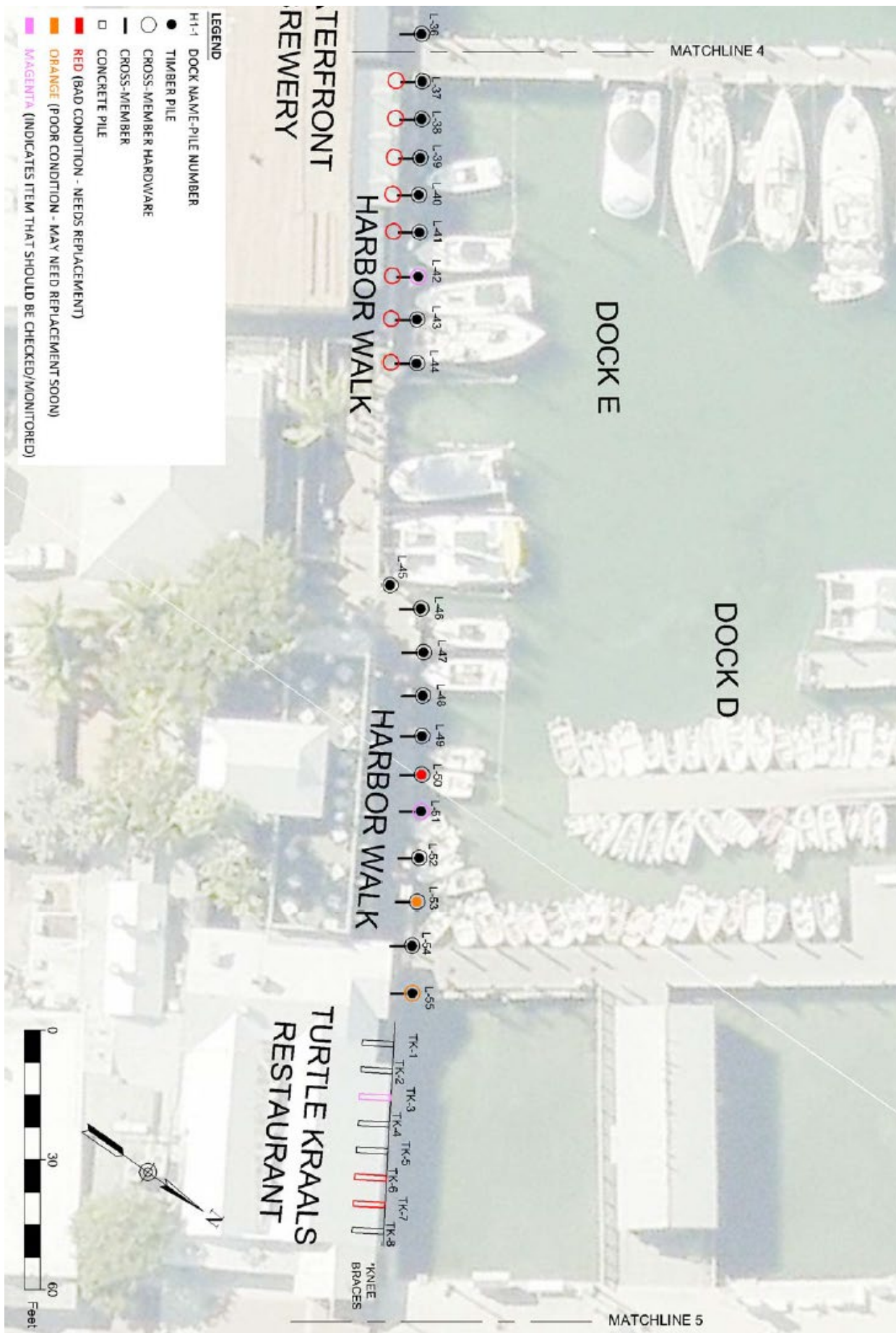


Figure 11: Harbor Walk Pier with Deficiencies (continued-1)

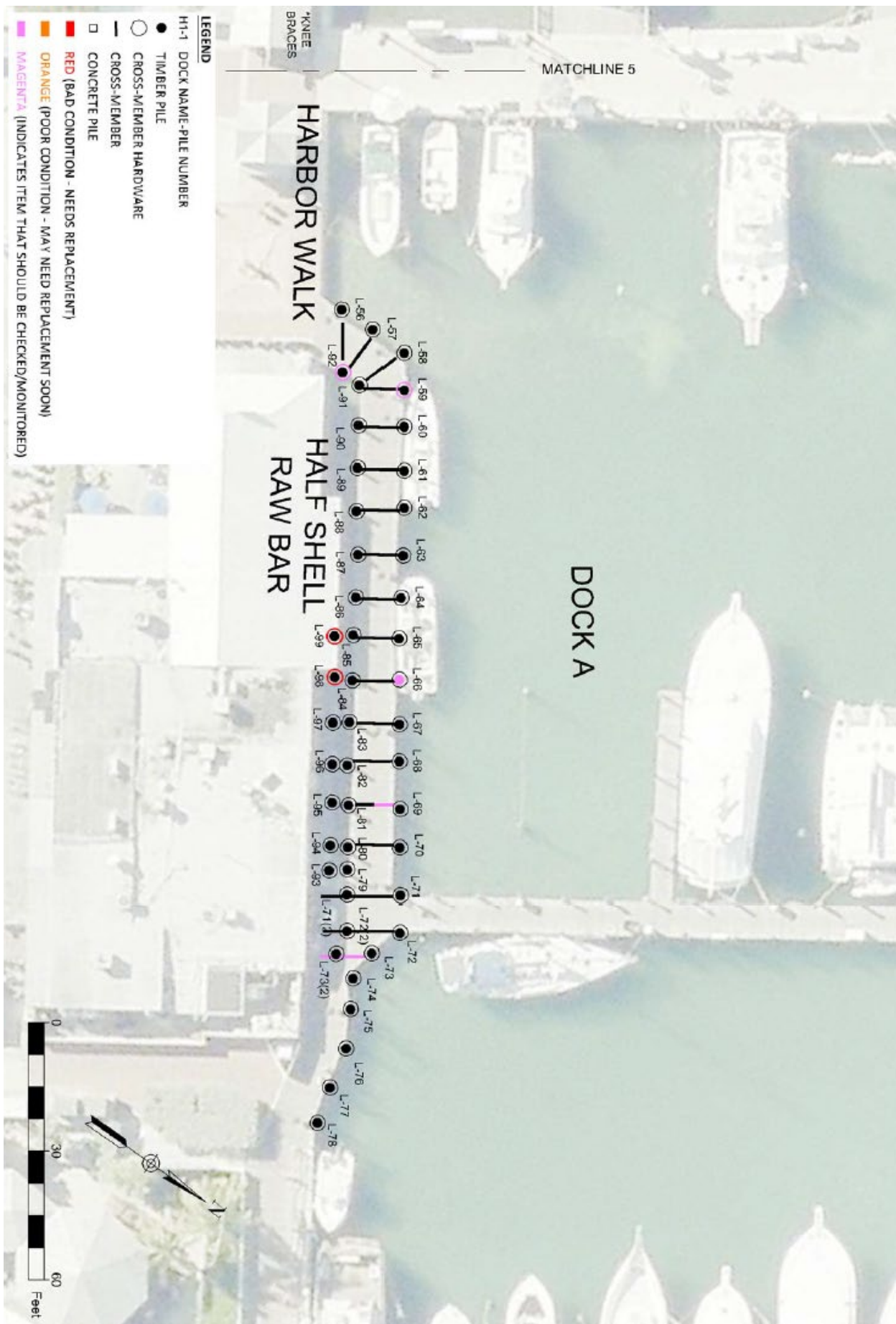


Figure 12: Harbor Walk Pier with Deficiencies (continued -2)

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. For electronic mail saj-rd-enforcement@usace.army.mil (not to exceed 15 MB).

1. Department of the Army Permit Number: SAJ-2021-00839(RGP-JTS)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (*Please type*)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Date Work Started: _____ Date Work Completed: _____

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form to via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2021-00839 (RGP-JTS)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

APPLICATION FOR CONSENT TO CROSS U.S. GOVERNMENT EASEMENT

APPLICATION IS MADE for a Department of the Army Consent to Easement to construct, maintain, control, operate and repair a (state type of structure) _____

_____ over, under, across, in, or upon the Easement vested in the United States of America as shown on the attached [include boundary survey map with legal description/construction plans and specifications of project], and situated in Section____, Township____ South, Range____ East, County of_____, Florida.

Names and Mailing Addresses of Record Owners: _____

Physical Address (location of project work): _____

Email Address_____

Applicant understands that permanent structures affixed to the land or otherwise constructed or situated in a manner lasting or meant to last indefinitely and not expected to change in status, condition, or place are not permitted within the U.S. Easement. Unauthorized structures include, but are not limited to, residential and commercial buildings, swimming pools, patios, outbuildings, fences, gazebos, satellite dishes, oil and gas wells, boat ramps and seawall enclosures of docking areas or other structures as defined in CFR Title 36, Section 327.20. Noncompliance may subject the Applicant to possible removal and enforcement action.

The undersigned agrees that construction of the facility or structure involved in this application shall not begin until the Consent to Cross U.S. Government Easement, herein applied for, shall have been granted and appropriate rights shall have been acquired from the record owners and encumbrances of the underlying fee in the land involved.

Property Owner(s) Name (Print)

Property Owner(s) Name (Print)

(Signature)

(Signature)

DATE: _____

RETURN TO: US Army Corps of Engineers, Jacksonville District
ATTN: Real Estate Division
P.O. Box 4970
Jacksonville, FL 32232-0019

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

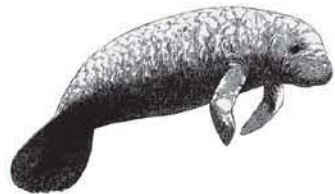
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

APPENDIX K

Standard Terms and Conditions

This appendix includes the standard conditions that must be included in all Section 408 approval notifications, except where marked as optional. Use of optional conditions should be based on scope and scale of the approved activity:

LIMITS OF THE AUTHORIZATION

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached. **Addressed in the 408 approval letter or 408 EN Memo.**
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
 - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
 - b. damage claims associated with any future modification, suspension or revocation of this permission.

10 Sep 18

6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. you fail to comply with the terms and conditions of this permission;
 - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
 - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

10 Sep 18

14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.
17. (optional, at the discretion of the district) Once permission is granted, you must notify the USACE District at least () days before work/usage is started so that post- permission oversight can be performed by USACE.
18. (optional, at the discretion of the district) You must schedule a final inspection with the USACE within () days after completion of the work/usage.
19. (optional, at the discretion of the district) You must submit a copy of "as-built" drawings within () days of completion of work showing the new work as it relates to identifiable features of the federal project. **Included in the 408 approval letter.**

MEMORANDUM FOR Chief, Regulatory Division

SUBJECT: City of Key West, Bight Marina Pile Repair and Replacement, SAJ-2021-00839

1. Reference Regulatory Division email dated 7 September 2023, requesting Engineering Division review the permit package for SAJ-2021-00839, City of Key West, Bight Marina Pile Repair and Replacement (408 Request 2023-0130). The applicant seeks authorization to repair or replace up to 705 12-in timber piles at the existing docks that form the Key West Bight Marina identified as needing immediate replacement, as well as scheduling the replacement of other piles throughout the Key West Bight Marina. The project site consists of mostly existing fixed docks/piers, and some floating docks, supported mostly by timber piles. The configuration of each dock is different, and the number of support and fender piles varies. The activities involved include the additional assessment of existing dock timber piles. Various piles have been identified as being near a failure state (50 piles as of Nov. 2021 inspection), and the City of Key West, Port and Marine Services, may replace these timber piles with timber piles of similar size and diameter, in the same footprint. Missing connection hardware on cross-braces attached to piles are to be added and/or updated. Piles are to be installed by barge utilizing a pile driving hammer.

2. Engineering Division does not object to the issuance of the permit and approves the request for SAJ-2021-00839, City of Key West, Bight Marina Pile Repair and Replacement (408 Request 2023-0130) as referenced herein as the proposed meets SAJ criteria and will not impact the federal project.

3. Approval of these modifications to Key West Bight Cut-3 and Turning Basin Project is in accordance with 33 U.S.C. 408. It also complies with the National Environmental Policy Act as the proposed modifications were previously analyzed in the Department of Army Permit SAJ-2021-00839.

4. The applicant shall comply with Engineering Circular 1165-2-220, dated 10 September 2018, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S.C. 408, Appendix K, paragraphs 1. to 16. (enclosed) and the time limit for completing the work authorized in Department of Army Permit SAJ-2021-00839. The applicant is responsible for quality control for performance of the work and for ensuring these actions do not interfere with the functioning of the Key West Bight Cut-3 and Turning Basin Project. Documentation of the completed work must be furnished to USACE within 60 days after completion of the work for our records. This documentation will need to include a certification that the work was completed in accordance with the approved plans and specifications, GPS readings for the limits of the work performed, as-built drawings, and the dates the work started and was completed.

5. If you have any questions, please feel free to contact the Engineering Division POC Luis A. Ruiz at 904-232-2757 or by email to luis.a.ruiz@usace.army.mil.

Laureen A. Borocharner, P.E.
Chief, Engineering Division