

# **Application**

# SUNRISE CANAL BOAT LIFT EASEMENT COVER LETTER

**3728 Flagler Avenue**

**RE# 00071780-000000**

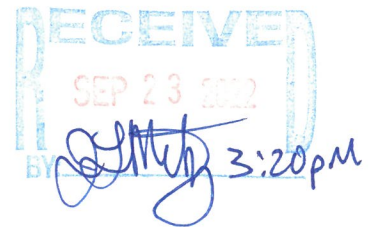


TREPANIER



& ASSOCIATES INC

LAND USE PLANNING  
DEVELOPMENT CONSULTANTS



Dear Ms. Halloran,

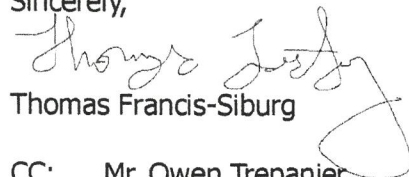
Please find attached to this cover letter an application for an easement to add a boat lift into the Sunrise Canal for use by 3728 Flagler Avenue.

Enclosed are:

- Easement application
- Application fee
- Authorization and verification forms
- Deed
- MCPA Property Card
- Specific Purpose Survey
- Photos of area
- Certificate of liability insurance

We thank you for your review and consideration of this application.

Sincerely,



Thomas Francis-Siburg

CC: Mr. Owen Trepanier  
Mr. John Gallagher, Owner

1421 First Street • Key West, FL • 33040-3648

Phone: 305-293-8983 • Fax: 305-293-8748 • Email: [thomas@owentrepanier.com](mailto:thomas@owentrepanier.com)



# Application for Easement

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040 • 305-809-3764 • [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

## Application Fee: \$2,735.50

(includes \$310.00 advertising/noticing fee and \$110.25 fire review fee)

(\$551.25 for each additional easement for same parcel)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3764.

### PROPERTY DESCRIPTION:

Site Address: 3728 Flagler, Key West, FL 33040

Zoning District: SF Real Estate (RE) #: 00071780-000000

Property located within the Historic District? ☐ Yes ☒ No

**APPLICANT:** ☐ Owner ☒ Authorized Representative

Name: Trepanier and Associates, Inc Mailing

Address: 1421 First St. #101, Key West City:

State: Florida Zip: 33040 Home/Mobile Phone: Office- 305-293-8983 Office:

Fax: \_\_\_\_\_

Email: Owen@OwenTrepanier.com, Thomas@OwenTrepanier.com

### PROPERTY OWNER: (if different than above)

Name: John Gallagher Mailing

Address: 3728 Flagler Avenue, Key West City:

State: Florida Zip: 33040 Home/Mobile Phone: c/o 305-293-8983 Office:

Fax: \_\_\_\_\_

Email: c/o Thomas@owentrepanier.com

Description of requested easement and use: \_\_\_\_\_

An easement is requested in order to add a boat lift at the rear of the property into the Sunrise Canal for use by 3728 Flagler Avenue.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there any easements, deed restrictions or other encumbrances attached to the property? ☐ Yes ☒ No

If yes, please describe and attach relevant documents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**REQUIRED SUBMITTALS:** *All of the materials listed below must be submitted in order to have a complete application. Applications will not be processed until all materials are provided. Please submit one (1) paper copy of the materials to the Planning Department along with one (1) electronic copy of materials on a flash drive.*

- ☒ Correct application fee. Check may be payable to "City of Key West."
- ☒ Notarized verification form signed by property owner or the authorized representative.
- ☒ Notarized authorization form signed by property owner, if applicant is not the owner.
- ☒ Copy of recorded warranty deed
- ☒ Monroe County Property record card
- ☒ Signed and sealed Specific Purpose Survey with the legal description of the easement area requested and naming the property owner and/or entity on the document along with City of Key West.
- ☒ Photographs showing the proposed area
- ☒ Certificate of Liability Insurance, with the City of Key West listed as additional Certificate Holder. If certificate is not provided at time the application was accepted, the certificate shall be provided to the Planner within 7 days after the application is placed on a Development Review Committee (DRC) Agenda.



# **Authorization Form**



**City of Key West  
Planning Department**

**Authorization Form**  
(Individual or Joint Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, John Gallagher \_\_\_\_\_ authorize  
*Please Print Name(s) of Owner(s) as appears on the deed*

Trepanier and Associates, Inc. \_\_\_\_\_

*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

  
*Signature of Owner*

\_\_\_\_\_  
*Signature of Joint/Co-owner if applicable*

Subscribed and sworn to (or affirmed) before me on this August 24, 2022  
*Date*

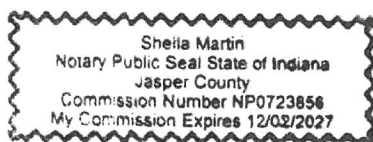
by John Gallagher \_\_\_\_\_  
*Name of Owner*

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

  
*Notary's Signature and Seal*

\_\_\_\_\_  
*Name of Acknowledger typed, printed or stamped*

\_\_\_\_\_  
*Commission Number, if any*



# Verification Form



**City of Key West  
Planning Department  
Verification Form**  
(Where Applicant is an entity)

I, Thomas Francis-Siburg, in my capacity as Planning Manager  
(print name) (print position; president, managing member)  
of Trepanier and Associates, Inc.  
(print name of entity)


being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

3728 Flagler, Key West, FL 33040

*Street address of subject property*

I, the undersigned, declare under penalty of perjury under the laws of the State of Florida that I am the Authorized Representative of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

  
*Signature of Applicant*

Subscribed and sworn to (or affirmed) before me on this August 26, 2022 by  
Thomas Francis-Siburg  
*Name of Applicant* *date*

☒ He/She is personally known to me or has presented \_\_\_\_\_ as identification.

  
*Notary's Signature and Seal*

Nikita L. Stange  
*Name of Acknowledger typed, printed or stamped*

HH149093

*Commission Number, if any*



**Nikita L. Stange**  
Notary Public  
State of Florida  
Comm# HH149093  
Expires 7/5/2025

# **Property Record Card**





### Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

### Summary

**Parcel ID** 00071780-000000  
**Account#** 1075591  
**Property ID** 1075591  
**Millage Group** 10KW  
**Location** 3728 FLAGLER Ave, KEY WEST  
**Address**  
**Legal** KW VISTA DEL MAR PB3-124 LOT 8 OR101-366 OR336-265/66 OR450-983/84  
**Description** OR750-879 OR952-2477 OR1385-875/76 OR2790-1736/37 OR2790-1745/48 OR2893-790/91 OR3069-1362  
*(Note: Not to be used on legal documents.)*  
**Neighborhood** 6257  
**Property** SINGLE FAMILY RESID (0100)  
**Class**  
**Subdivision** Vista Del Mar  
**Sec/Twp/Rng** 34/67/25  
**Affordable** No  
**Housing**



### Owner

[GALLAGHER JOHN](#)  
 3728 Flagler Ave  
 Key West FL 33040

### Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$968,884	\$881,070	\$905,651	\$836,402
+ Market Misc Value	\$166,091	\$167,388	\$163,952	\$167,600
+ Market Land Value	\$1,049,895	\$807,465	\$824,645	\$811,760
= Just Market Value	\$2,184,870	\$1,855,923	\$1,894,248	\$1,815,762
= Total Assessed Value	\$2,184,870	\$1,855,923	\$1,894,248	\$1,815,762
- School Exempt Value	(\$25,000)	\$0	\$0	\$0
= School Taxable Value	\$2,159,870	\$1,855,923	\$1,894,248	\$1,815,762

### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL (010C)	9,450.00	Square Foot	70	135

### Buildings

<b>Building ID</b>	5902	<b>Exterior Walls</b>	CUSTOM with 27% WD FR STUCCO
<b>Style</b>	2 STORY ON GRADE	<b>Year Built</b>	1958
<b>Building Type</b>	S.F.R. - R1 / R1	<b>Effective Year Built</b>	2018
<b>Gross Sq Ft</b>	4266	<b>Foundation</b>	CONCRETE SLAB
<b>Finished Sq Ft</b>	3091	<b>Roof Type</b>	MANSARD
<b>Stories</b>	2 Floor	<b>Roof Coverage</b>	METAL
<b>Condition</b>	GOOD	<b>Flooring Type</b>	CONC ABOVE GRD
<b>Perimeter</b>	398	<b>Heating Type</b>	FCD/AIR DUCTED with 0% NONE
<b>Functional Obs</b>	0	<b>Bedrooms</b>	5
<b>Economic Obs</b>	0	<b>Full Bathrooms</b>	4
<b>Depreciation %</b>	2	<b>Half Bathrooms</b>	1
<b>Interior Walls</b>	PLYWOOD PANEL	<b>Grade</b>	750
		<b>Number of Fire Pl</b>	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	COVERED PARKING FIN	486	0	90
OPX	EXC OPEN PORCH	430	0	160
FLA	FLOOR LIV AREA	3,091	3,091	390
GBF	GAR FIN BLOCK	220	0	64
OPF	OP PRCH FIN LL	39	0	32
<b>TOTAL</b>		<b>4,266</b>	<b>3,091</b>	<b>736</b>

## Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
RES POOL	1978	1979	1	765 SF	2
FENCES	2017	2018	1	165 SF	5
FENCES	2017	2018	1	1700 SF	5
CONCRETE DOCK	2017	2018	1	264 SF	2
SEAWALL	2017	2018	1	280 SF	5
BRICK PATIO	2017	2018	1	896 SF	5
TILE PATIO	2017	2018	1	2311 SF	5

## Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
1/15/2021	\$2,300,000	Warranty Deed	2299820	3069	1362	01 - Qualified	Improved
2/21/2018	\$2,300,000	Warranty Deed	2156777	2893	790	02 - Qualified	Improved
3/17/2016	\$905,000	Warranty Deed		2790	1745	03 - Qualified	Improved
3/9/2016	\$100	Warranty Deed		2790	1736	11 - Unqualified	Improved
6/1/1985	\$174,100	Warranty Deed		952	2477	Q - Qualified	Improved
1/1/1978	\$95,500	Conversion Code		750	879	Q - Qualified	Improved

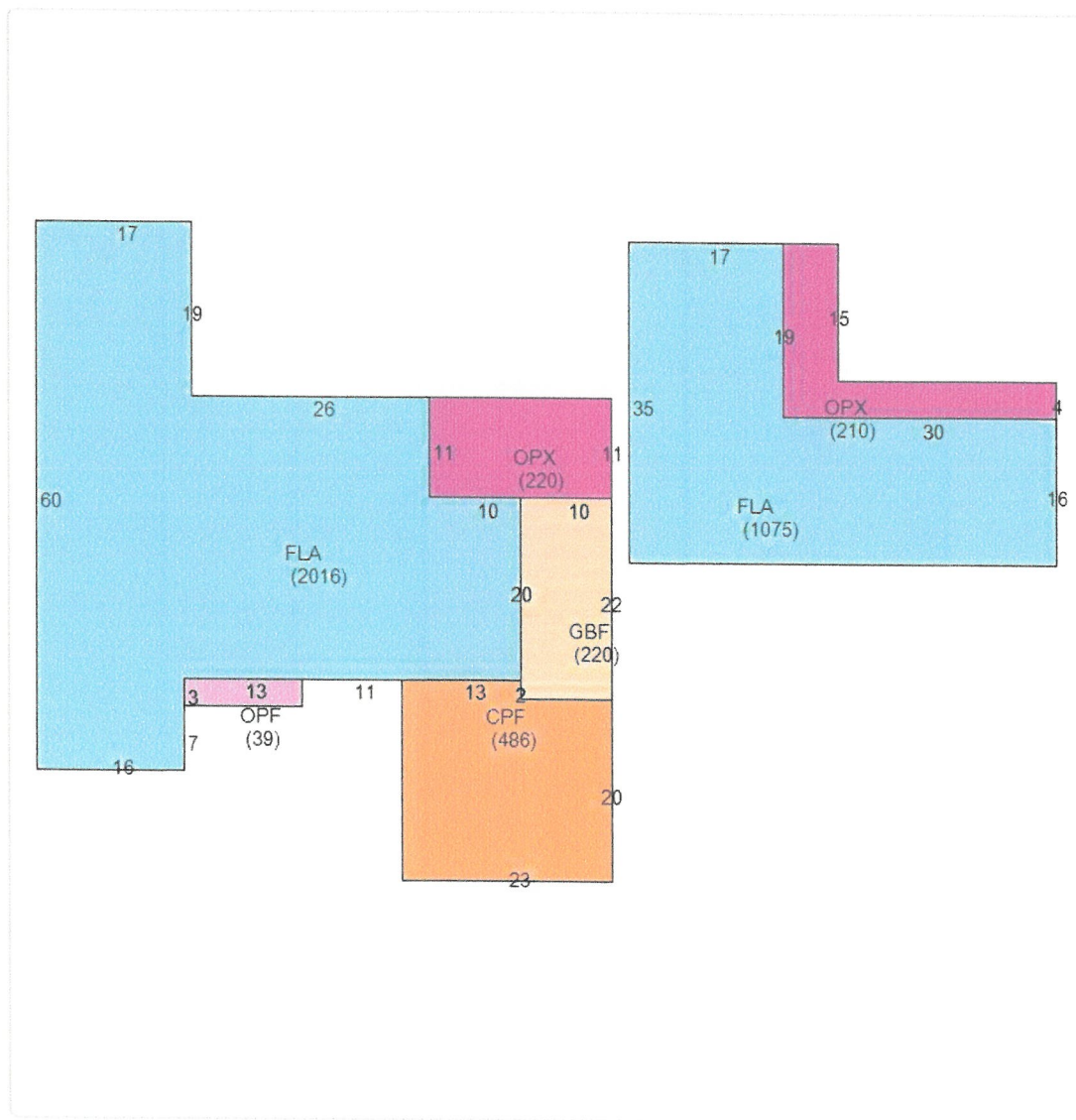
## Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
19-1282	4/8/2019		\$59,500	Residential	ROOFING-REPLACE MAIN ROOF 5 VCRIMP WITH MET TILE REPLACE FLAT ROOF SINGLE PLY TPO.
16-4903	12/29/2016	2/6/2018	\$0	Residential	INSTALL 1.5 TON CAC SYSTEM FOR UPSTAIRS BEDROOMS & BATHS.
16-4072	10/24/2016		\$0	Residential	REPLACE SOFFIT W/BEADBOARD REMOVE/REPLACE STONE PATIO SURFACE & PAINT.
16-4184	10/24/2016	4/15/2017	\$0	Residential	FENCE
16-1459	6/21/2016	8/11/2017	\$0	Residential	DEMO OF TILE FLOOR.
16-2513	6/21/2016	3/20/2017	\$22,799	Residential	REPLACE 4 SLIDING DOORS AND 25 WINDOWS (IMPACT).
16-0040	1/6/2016	2/1/2016	\$0	Residential	EXTENSION-ROOFING-EXTEND PERMIT 13-4680 FOR FINAL INSPECTION.
16-0041	1/6/2016	2/1/2016	\$0	Residential	EXTENSION BUILDING-EXTEND PERMIT 99-0638 FOR FINAL INSPECTION.
16-0042	1/6/2016	3/2/2016	\$0	Residential	EXTENSION-ELECTRICAL EXTEND PERMIT 97-0209 FOR FINAL INSPECTION.
13-4680	11/1/2013	3/21/2014	\$2,400	Residential	INSTALL TWO (2) SQS OF TPO ROOFING OVER REAR ALUMINUM PORCH
03-0549	2/25/2003	8/6/2003	\$350	Residential	REPLACE WATER HEATER
9900638	2/24/1999	11/4/1999	\$12,000	Residential	REPAIRS/GUTTERS
9701773	6/1/1997	8/1/1997	\$2,000	Residential	5 SQS BUILTUP ROOFING
9700143	1/1/1997	8/1/1997	\$4,500	Residential	MECHANICAL
9700209	1/1/1997	8/1/1997	\$150	Residential	ELECTRICAL
B952182	7/1/1995	9/1/1995	\$2,180	Residential	GUTTER/DOWNSPOUT 171LF
B911877	7/1/1991	12/1/1994	\$10,800	Residential	2ND FLOOR ADDITION

## View Tax Info

[View Taxes for this Parcel](#)

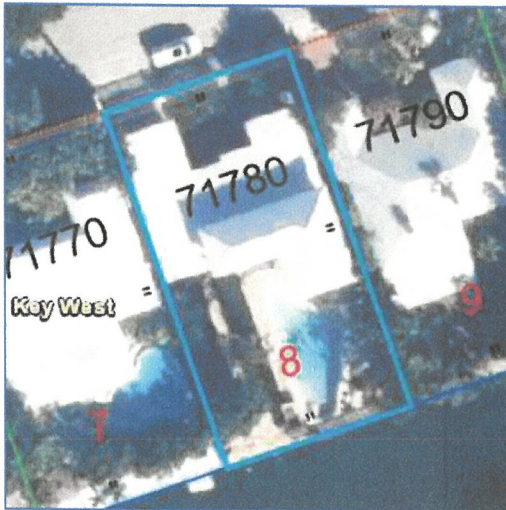
Sketches (click to enlarge)



## Photos



Map



TRIM Notice

2022 Notices Only



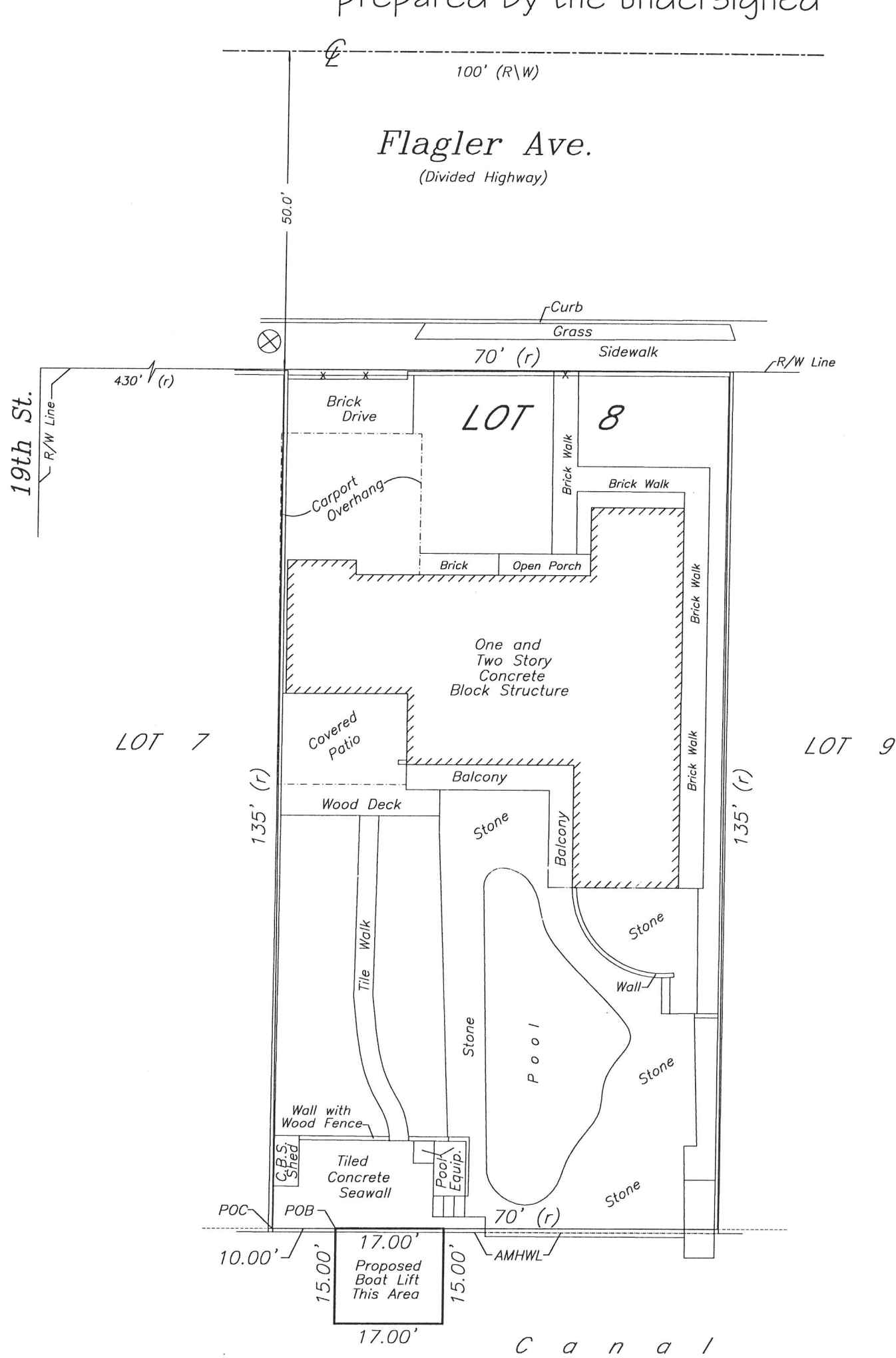
[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

[Last Data Upload: 9/22/2022, 4:12:19 AM](#)

# **Specific Purpose Survey**



Specific Purpose Survey Map to illustrate a legal description of  
lands lying Southeasterly of Lot 8, VISTA DEL MAR,  
prepared by the undersigned



LEGEND

R/W	Right of Way
(r)	Record
⊕	Centerline
POC	Point of Commencing
POB	Point of Beginning
AMHWL	Apparent Mean High Water Line

NOTE:  
This Survey Map is not  
full and complete without  
the attached Survey Report.

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

Specific Purpose Survey Report to illustrate a legal description of  
lands lying Southeasterly of Lot 8, VISTA DEL MAR,  
prepared by the undersigned

NOTES:

1. The legal description shown hereon was authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 3728 Flagler Avenue, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Adjoiners are not furnished.
9. The description contained herein and sketch do not represent a field boundary survey.
10. This Survey Report is not full and complete without the attached Survey Map.
11. The "Apparent Mean High Water Line" shown hereon does not purport to establish the actual Mean High Water for tidal boundary purposes.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE A LEGAL DESCRIPTION  
AUTHORED BY THE UNDERSIGNED

A parcel of land and submerged land lying Southeasterly of Lot 8 as shown on the plat of VISTA DEL MAR Subdivision, as recorded in Plat Book 3, at Page 124, of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

Commencing at the Southernmost corner of the said Lot 8 and run thence Northeasterly along the Southeasterly boundary line of the said Lot 8 for a distance of 10.00 feet to the Point of Beginning of the parcel being described herein; thence continue Northeasterly along the previously described course for a distance of 17.00 feet; thence Southeasterly and at right angles for a distance of 15.00 feet; thence Southwesterly and at right angles for a distance of 17.00 feet; thence Northwesterly and at right angles for a distance of 15.00 feet back to the Point of Beginning, containing 255 square feet, more or less.

SPECIFIC PURPOSE SURVEY FOR: John Gallagher;

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM  
Florida Reg. #6298

August 2, 2022

THIS SURVEY  
IS NOT  
ASSIGNABLE

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

# **Warranty Deed**

Doc # 2299820 Blk# 3069 Pg# 1362 Recorded 1/19/2021 at 9:40 AM Pages 2  
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK  
REC: \$18.50 Deed Doc Stamp \$16,100.00

Prepared by and return to:  
Gregory S. Oropeza, Esq.  
Attorney at Law  
Oropeza Stones Cardenas, PLLC  
221 Simonton Street  
Key West, FL 33040  
305-294-0252  
File Number: 20-960  
Consideration: \$2,300,000.00

Parcel Identification No. 00071780-000000

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 15<sup>th</sup> day of January, 2021 between Flagler House Ventures, LLC, a dissolved Florida limited liability company whose post office address is 1160 River Bend Road, Henrico, VA 23231 of the County of Henrico, State of Virginia, grantor\*, and John Gallagher, a single man whose post office address is 409 East Oakwood Drive, Wheatfield, IN 46392 of the County of Jasper, State of Indiana, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lot 8, Vista Del Mar, according to the plat thereof as recorded in Plat Book 3, Page 124, Public Records of Monroe County, Florida.

Subject to taxes for 2021 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

DoubleTime®

Doc. # 2299820 Page Number: 2 of 2

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Flagler House Ventures LLC, a dissolved Florida limited liability company,

Joseph Almodovar  
Witness Name: Joseph Almodovar

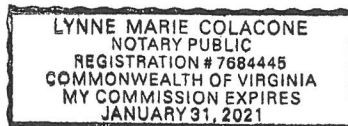
By: Donna Dean Stevens  
Donna Dean Stevens, Manager

Patricia A. Meade  
Witness Name: Patricia A. Meade

State of VIRGINIA  
County of Henrico

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of January, 2021 by Donna Dean Stevens, Manager of Flagler House Ventures LLC, on behalf of the company, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Lynne M. Colacone  
Notary Public

Printed Name: LYNNE MARIE COLACONE

My Commission Expires: 1/31/2021



## **Site Visit/Photos from Applicant**

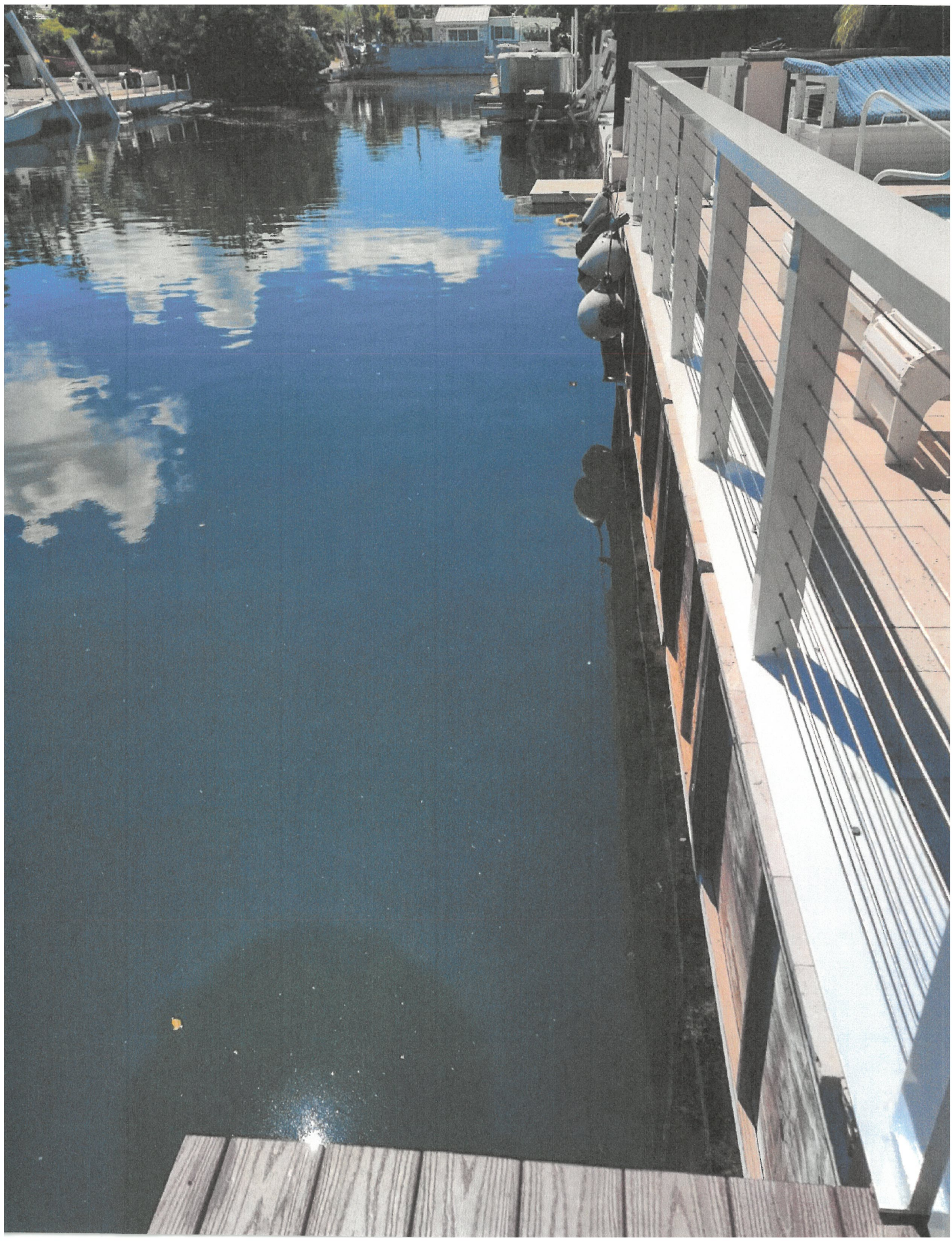






























# **Certification of Liability Insurance**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/14/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  Diamond Insurance Partners 8501 N Scottsdale Rd, Ste 200 Scottsdale AZ 85253	<b>CONTACT NAME:</b> Cassie Fane <b>PHONE (A/C, No, Ext):</b> (305) 292-6060 <b>E-MAIL ADDRESS:</b> cmcq@kwdiamond.com <b>FAX (A/C, No):</b> (305) 292-6002																					
<b>INSURED</b>  John Gallagher 3728 Flagler Ave Key West FL 33040	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>National Fire &amp; Marine Ins Co</td><td>20079</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	National Fire & Marine Ins Co	20079	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A:	National Fire & Marine Ins Co	20079																				
INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

**COVERAGES****CERTIFICATE NUMBER:** CL22111437074**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Homeowners	X		NF033FL0310258	12/03/2021	12/03/2022	Personal Liability \$1,000,000 Medical Payments \$10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is an additional insured for the easement at 3728 Flagler Avenue, Key West, FL 33040.

**CERTIFICATE HOLDER****CANCELLATION**

The City of Key West  
1300 White Street

Key West

FL 33040

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**Department of Environmental Protection  
Permit**



# FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office  
2796 Overseas Highway, Suite 221  
Marathon, Florida 33050  
[SouthDistrict@FloridaDEP.gov](mailto:SouthDistrict@FloridaDEP.gov)

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

January 25, 2022

John Gallagher  
c/o Gay Marie Smith  
PO Box 1638  
Tavernier, FL 33070  
[GayMarie21@yahoo.com](mailto:GayMarie21@yahoo.com)

File No.: 0414572-001 EE, Monroe County

Dear John Gallagher:

On January 6, 2022, we received your request for verification of exemption to perform the following activities:

Install a private residential single-family boat lift at 3728 Flagler Ave, Key West, Florida 33040; Parcel ID No. 00071780 000000 in a Canal, Class III Waters, Section 34, 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 either qualifies or was not applicable for all three authorizations types.**

However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

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](mailto:SouthDistrict@floridadep.gov).



## **1. Regulatory Review – VERIFIED**

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(h), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

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 - NOT REQUIRED**

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

## **3. Federal Review - SPGP APPROVED**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project (attached). A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found 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](mailto: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](mailto: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 Orlando, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Megan Mills  
Permitting Program Administrator  
South District

**Enclosures:**

2 Project drawings

62-330.051(5)(h), F.A.C.

Special and General Conditions for Federal Authorization for SPGP VI-R1


**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:

None

**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

January 25, 2022  
Date



**EXEMPT**

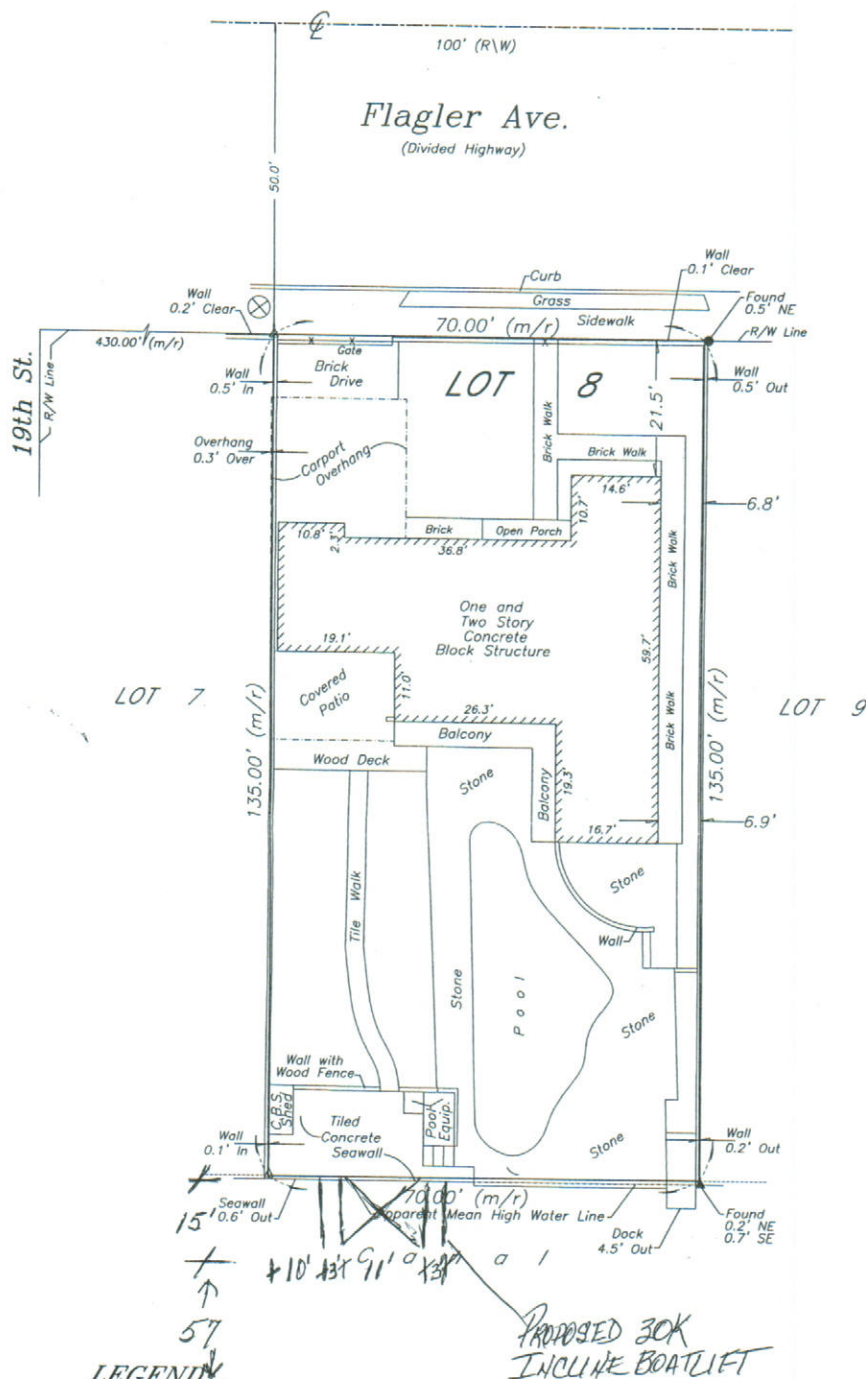
File Number:  
0414572-001 EE

# Boundary Survey Map of Lot 8, VISTA DEL MAR, Key West, FL

Received  
Electronically  
January 6, 2022  
South District



1" = 20'  
Assumed



## LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (unreadable)
- ▲ Found Nail & Disc (unreadable)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Metal Utility Pole
- ⊠ Concrete Utility Pole

NOTE:  
This Survey Map is not  
full and complete without  
the attached Survey Report.

Sheet One of Two Sheets

**J. LYNN O'FLYNN, Inc.**



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

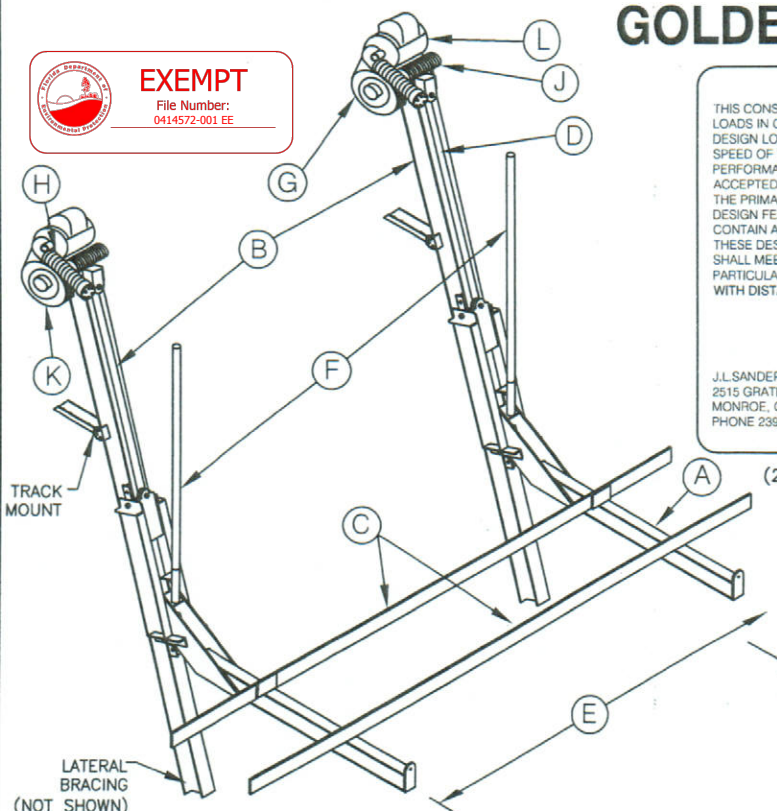


# GOLDEN ELEVATOR LIFT



**EXEMPT**

File Number:  
0414572-001 EE



## STRUCTURAL ENGINEERING REVIEW

THIS CONSTRUCTION HAS BEEN DESIGNED AS A MAIN WIND FORCE RESISTING SYSTEM, WITH CALCULATED GRAVITY AND WIND LOADS IN COMPLIANCE WITH THE FLORIDA BUILDING CODE, 7th EDITION, 2020, CHAPTER 16, ADM 2015, AND ASCE/SEI 7-16 "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" TO WITHSTAND THE WIND LOADS ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 180 MPH, EXPOSURE "D", RISK CATEGORY I. J.L. SANDERS, P.E. HAS NO CONTROL OF THE MANUFACTURING, PERFORMANCE, OR INSTALLATION OF THIS PRODUCT. THESE GENERIC DESIGN FEATURES WERE ENGINEERED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES BASED ON DATA PROVIDED BY THE MANUFACTURER. THIS STRUCTURAL REVIEW IS LIMITED TO THE PRIMARY FRAMING AND CONNECTIONS AND IS NOT INTENDED TO COVER MECHANICAL AND ELECTRICAL COMPONENTS. THESE DESIGN FEATURES ARE BASED ON STRUCTURAL CALCULATIONS, TITLED "STRUCTURAL CALCULATIONS FOR ELEVATOR LIFT", WHICH CONTAIN ADDITIONAL DESIGN REQUIREMENTS AND CRITERIA AND ARE AVAILABLE UPON REQUEST. THE BOAT LIFTS DEPICTED BY THESE DESIGNS AND RELATED CALCULATIONS WERE ENGINEERED AS MANUFACTURED PRODUCT FOR NON-SITE SPECIFIC APPLICATIONS. THESE DESIGNS MEET THE DESIGN REQUIREMENTS AND INSTALLATION LIMITATIONS LISTED IN THE STRUCTURAL CALCULATIONS. PARTICULAR THE TRACK BEAMS SHALL BE ADEQUATELY BRACED Laterally NO MORE THAN 8 FT. O.C. FOR ELEVATOR LIFT WITH DISTANCE FROM TRACK MOUNT TO SEA FLOOR LESS THAN 9 FEET, LATERAL BRACING IS NOT REQUIRED.

J.L. SANDERS, P.E.  
2515 GRATIS ROAD NW  
MONROE, GA 30656  
PHONE 239-671-1578

J. L. SANDERS, P.E.  
Reg. Florida No. 66361

Date:

SIGNATURE NOT VALID WITHOUT RAISED SEAL

*J.L. Sanders*  
9-2-21

(2) 3/4" x 3-1/4" LG.  
STAINLESS STEEL  
REDHEAD WEDGE  
ANCHOR BOLTS  
EDGE DISTANCE OF  
BOLTS PER ACI \*\*

\*\* ON 40K LIFT USE  
(2) 1" DIA. x 4-1/2" EMBED

TYPICAL HORIZONTAL  
CONNECTION TO REINFORCED  
CONCRETE DOCK OR SEAWALL

(3) 3/4" STAINLESS  
STEEL THRU-BOLTS

TYPICAL VERTICAL  
CONNECTION TO WOOD  
PILE OR HORIZONTAL  
WOOD DECK FRAMING

NOTE: THIS STRUCTURE HAS BEEN DESIGNED FOR LOADS ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 180 MPH, EXPOSURE "D", RISK CATEGORY I, CALCULATED PER FLORIDA BUILDING CODE 7th EDITION, 2020, ASCE/SEI 7-16 AND ADM-2015. BOATS SHALL NOT BE STORED ON LIFTS DURING HIGH WIND EVENTS (GREATER THAN 75 MPH). ALL PRIMARY STRUCTURAL MEMBERS ARE TO BE 6061-T6 ALUMINUM. TRACKS ARE TO BE DRIVEN TO FIRM BEARING MATERIAL AND SHALL BE SPACED HORIZONTALLY WITHIN THE LIMITS OF TRACK SPREAD "E". TRACKS SHALL BE ADEQUATELY BRACED Laterally FROM TRACK TO TRACK WHEN DISTANCE BETWEEN THE TRACK MOUNT AND SEA FLOOR IS 9 FT. OR GREATER. LATERAL BRACES SHALL BE SPACED AT NO MORE THAN 8 FEET APART. FOR LIFTS WITH DISTANCE FROM TRACK MOUNT TO SEA FLOOR LESS THAN 9 FEET, LATERAL BRACING IS NOT REQUIRED.

## SUMMARY OF DESIGN FEATURES

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(J)	(K)	(L)			
LIFT CAPACITY	CRADLE I-BEAM	TRACK I-BEAM	BUNK BOARDS FEET	CABLE SIZE	TRACK SPREAD	GUIDE POST HEIGHT	BRGS	DRIVE SHAFT	WINDER DIA	GEAR RATIO	MOTOR HP/VOLTAGE	INCHES OF LIFT PER MIN.	
3,000#	(2) 8 H x .23 5 W x .35 x 7' LG. @ 6.18#/FT	(2) 8 H x .23 5 W x .35 x 25' LG. @ 6.18#/FT	(2) 2 x 8 x 144 ROUGH SAWN CARPETED	(2) 5/16" Ø x 30' S.S. 2 PART	7' THRU 10'	80"	(4) 2" EXTRUDED 6061-T6 ALUM	(2) 1.900" O.D. x .148" WALL GALVANIZED HSS	FLAT PLATE DRIVE: 3"Ø O.D. X 1.99" I.D. SEA DRIVE: 3.5" Ø O.D. X 1.99" I.D.	480:1	(2) 3/4 HP 120V/20A 240V/10A	13-1/2"	
5,000# & 7,000#	(2) 8 H x .25 5 W x .41 x 8' LG. @ 7.02#/FT	(2) 8 H x .25 5 W x .41 x 25' LG. @ 7.02#/FT		(2) 5/16"Ø x 30' S.S. 2 PART							5,000# (2) 3/4 HP 7,000# (2) 1 HP		
10,000#	(2) 9 H x .27 5.5 W x .44 x 8' LG. @ 8.36#/FT	(2) 9 H x .27 5.5 W x .44 x 25' LG. @ 8.36#/FT		(2) 3/8"Ø x 30' S.S. 2 PART	8' THRU 11'						(2) 3/4 HP 120V/20A 240V/10A		
12,000#	(2) 10 H x.25 6 W x .41 x 8' LG. @ 8.65#/FT	(2) 10 H x.25 6 W x .41 x 25' LG. @ 8.65#/FT	(2) 3 x 10 x 192 ROUGH SAWN CARPETED	(2) 3/8"Ø x 45' S.S. 3 PART		9"							
15,000#	(2) 10 H x.29 6 W x .50 x 8' LG @ 10.3#/FT	(2) 10 H x.29 6 W x .50 x 25' LG @ 10.3#/FT		(2) 3/8"Ø x 56' S.S. 4 PART				6.75"					
17,000#	(2) 12 H x.29 7 W x .47 x 10' LG. @ 11.7#/FT	(2) 12 H x.29 7 W x .47 x 25' LG. @ 11.7#/FT									(2) 1 HP 120V/20A 240V/10A		
20,000#	(2) 12 H x.31 7 W x .62 x 11' LG. @ 14.3#/FT	(2) 12 H x.31 7 W x .62 x 25' LG. @ 14.3#/FT		(2) 3 x 10 x 192 ROUGH SAWN CARPETED	(2) 3/8"Ø x 56' S.S. 4 PART		8' THRU 14'	120"	(2) 1.900" O.D. x .165" WALL GALVANIZED HSS	FLAT PLATE DRIVE: 3"Ø O.D. X 1.99" I.D. SEA DRIVE: 3.5" Ø O.D. X 1.99" I.D.	480:1	(2) 1 HP 120V/20A 240V/10A	6.75"
24,000#	(4) 10 H x.29 6 W x .50 x 10' LG. @ 10.3#/FT	(4) 10 H x.29 6 W x .50 x 25' LG @ 10.3#/FT	(2) 7/16"Ø x 60' S.S. 4 PART		9"								
30,000#	(4) 12 H x.31 7 W x .62 x 11' LG. @ 14.3#/FT	(4) 12 H x.31 7 W x .62 x 25' LG. @ 14.3#/FT	(2) 1/2"Ø x 68' S.S. 4 PART			6.75"							
40,000#			(2) 10 H x.25 6 W x .41 x 20' LG. CAPPED W/ WOOD & CARPET									10' THRU 16'	



**62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

**Special Conditions for all Projects:**

1. Authorization, design and construction must adhere to the terms of the SPGP VI-R1 instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
  - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
  - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
  - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
  - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI-R1

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. 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 C.F.R. § 325.7.
  - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
  - a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
  - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
    - (1) Removal to install up to a 4-ft-wide walkway for a dock.
    - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
    - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI-R1

(a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI-R1 in navigable waters of the U.S., 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 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.
10. Notifications to the Corps. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
  - a. 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 (Attachment 8).
  - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
  - c. Permit Transfer. 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. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).
  - d. Reporting Address. The Permittee shall submit all reports, notifications,

DEPARTMENT OF THE ARMY PERMIT: SPGP VI-R1

documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI-R1 does not automatically guarantee Federal authorization.
12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI-R1 constitutes a violation of the Federal authorization.
14. The SPGP VI-R1 will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI-R1 will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI-R1 will be evaluated by the Corps.
15. If the SPGP VI-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP VI-R1 expired or was revoked.

**Special Conditions for *Shoreline Stabilization* activities.**

16. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
17. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
18. Living shoreline structures and permanent wave attenuation structures can only be

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constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).

a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.

b. Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.).

d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

e. Other materials are not authorized by this SPGP VI-R1 (Reference: JAXBO PDC A7.5.).

**Special Conditions for Boat Ramp activities.**

19. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).

20. Turbidity: The length of new boat ramps and repair and replacement of existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

**Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.**

21. Chickees must be less than 500 ft<sup>2</sup> and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).



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22. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
- a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
  - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
  - c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.
23. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
- a. The width of the piling-supported structure is limited to a maximum of 4 feet.
  - b. Mangrove clearing is restricted to the width of the piling-supported structure.
  - c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.
24. Regarding SAV, the design and construction of a Project must comply with the following:
- a. A pile supported structure
    - (1) ~~that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and~~
    - (1) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:
      - (a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and

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the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

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b. A pile supported structure

(1) ~~that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and~~

(1) that is within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson's seagrass critical habitat will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

c. A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(1) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of

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Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(2) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

(a) A dock replacement in the same footprint, no design restrictions are required.

(b) A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(3) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

25. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

26. Educational Signs. For commercial, multi-family, or public facilities, and marine

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events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below: <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

(1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

27. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

(1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

(2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

28. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>



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(Reference: JAXBO PDC A2.8.).

29. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
30. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
31. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).
32. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):
  - (1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
  - (2) No other pile-supported structures are allowed in nearshore reproductive habitat.

**Special Conditions for *Derelict vessels***

33. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.
34. Coral. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.
35. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
36. Marine debris removal methods. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling

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also cannot be used as a means of marine debris removal. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

37. An absorbent blanket or boom shall be immediately deployed on the surface of the water around any derelict vessel to be removed if fuel, oil, or other free-floating pollutants are observed during the work.

**Special Conditions for Scientific Devices**

38. Aquatic Life Passage. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.
39. Restoring Affected Area. No later than 24 months after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.
40. Preventing Device Relocation. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA-listed corals.

**General Conditions for All Projects:**

1. The time limit for completing the work authorized ends on July 27, 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 or 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 enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.

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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 representatives 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.

**Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this

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permit at any time the circumstances warrant. 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 permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. 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. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
  7. 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, relocation or alteration.