



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES

We strive to be caring, professional, and fair.

To: Monroe County Planning Commission

From: Michael Roberts, Sr. Administrator of Environmental Resources 
Mayté Santamaria, Sr. Director of Planning & Environmental Resources

Date: January 13, 2017

RE: Administrative appeal by Michael Nestico concerning property located at 363 Barry Avenue, Little Torch Key, having real estate number 00215090-000000 (file # 2016-210)

Meeting: January 25, 2017

1 **I. DECISION BEING APPEALED:**

2 The appellant is appealing an administrative decision by Mayté Santamaria, in her
3 capacity as Senior Director of Planning and Environmental Resources, to grant a special
4 exception (Attachment A) pursuant to §118-12(m)(10)(c) (Attachment B). Ms.
5 Santamaria is hereafter referred to as “planning director”.
6

7 The specific decision being appealed is the planning director’s decision to issue a special
8 exception for a dock exceeding 100 feet in length pursuant to §118-12(m)(10)(c).
9

10 Property Location:

11 Address: 363 Barry Avenue, Little Torch Key

12 Legal Description: Lot 15 and Bay Bottom easterly and adjacent to Lot 15, Barry
13 Beach Plat Book 2 Page 127 Little Torch Key

14 FLUM/Zoning Mixed Use Commercial/Mixed Use (MC)/(MU)

15 Real Estate Number: 00215090-000000
16

17 Appellant:

18 Michael Nestico

19 64 Ridge Rd

20 Sparta, NJ 07871



Subject Property (outlined in Blue)

1 **II. RELEVANT PRIOR COUNTY ACTIONS**

2 The applicant submitted an application for a special exception pursuant to 118-
 3 12(m)(10)(c) on October 31, 2016 (File # 2016-187). On November 15, 2016 Mayté
 4 Santamaria in her capacity as Planning Director approved the application for a 240 foot
 5 long dock and an 8' X 20' terminal platform (Attachment A).

6 **III. BACKGROUND INFORMATION**

7

1	Total Lot Size (Property Appraiser)	22,500 s.f. residential + 0.23 acres submerged
2	Land Use District (Zoning)	MU
3	Future Land Use (FLUM) Designation	MC
4	Tier Designation	III
5	Existing Vegetation/Habitat	Developed Land
6	Community Character	Mixed use of residential, commercial fishing and multi-family residential

8

9

1 **IV. REVIEW OF APPLICATION**

2
3 Per 118-12(m)(10)(c) a special exception may be granted by the Planning Director to
4 allow the minimum relaxation of the 100' length restriction as necessary to provide
5 access to adequate water depths specified for docking facilities. Such special exceptions
6 shall only be granted based on a written determination that, amongst other criteria, the
7 proposed dock:

- 8
- 9 • will not be inconsistent with community character,
 - 10 • will not interfere with public recreational uses in or on adjacent waters, and
 - 11 • will pose no navigational or safety hazard
- 12

13 As detailed in the Technical Memorandum for the application (Attachment C), staff made
14 the following conclusions regarding the proposed projects consistency with the specific
15 criteria of 118-12(m)10(c):

16
17 *A. The proposed dock will not be inconsistent with community character:*

18 As discussed in the background information above, the proposed dock is consistent with
19 existing docks on nearby properties. There are five docks exceeding 100' in length
20 within 1,000 feet of the subject property.

21

RE #	Distance from Subject Parcel	Permit #	Dock Length
00215120-000000 00113540-000000	250'	99101835	290'
00215040-000100	212'	A4579	125'
00215030-000000	350'	01103668	207'
00215010-000000	550'	05105410	210'
00214990-000000	700'	94100820	315'

22
23 *B. The proposed dock will not interfere with public recreational uses in or on adjacent*
24 *waters:*

25 There are no improved water access points in proximity to the proposed dock.
26 Public recreational use is limited to boaters in the adjacent near-shore waters and the
27 proposed facility is not expected to interfere with boating activities.

28
29 *C. The proposed dock will pose no navigational or safety hazard.*

30 The proposed dock is located on open water (Pine Channel) and is more than 500' from
31 the normal navigation lanes. It is not anticipated that the proposed dock will pose a
32 navigational or safety hazard to boaters on adjacent waters.

1 In addition to the criteria stated above, staff reviewed the following information in
2 evaluating the application:
3

4 The physical characteristics of the proposed construction: This long dock exception
5 request is for a pier type dock that will exceed 100' in length. Based on the site plans
6 provided (Site Plan dated 5/22/2015 by Glen Boe & Associates; Attachment 2), staff
7 finds that the pier type dock consists of 4' by 240' access pier with an 8' X 20' terminal
8 platform. These specifications meet the current codes needing only an exception for
9 length.

10
11 The necessity of the exception: Based on plans by Glenn Boe & Associates, Inc., permit
12 documents, aerial photographs, and data provided in the application, the exception is
13 necessary for access to adequate water depths (-5' MLW) for the proposed docking
14 facility and to protect benthic resources as required by the Florida Department of
15 Environmental Protection (Permit # 44-0330696-001 for a Single-Family Dock &
16 Boatlift)(Attachment D) and U.S. Army Corps of Engineers Permit SAJ-2014-03443
17 (LP-JMH) (Attachment E).

18
19 Danger to life and property if the exception is granted or is not granted: Staff has no data
20 related to life safety or danger to the property with or without the requested exception.
21

22 Community importance: The proposed dock will be for private residential use only and
23 therefore will provide no benefit to the community.
24

25 Community compatibility: Based on a review of the application, current and historical
26 aerial photographs, and Monroe County Building Department records, staff finds that the
27 dock is consistent with the other docks of this type and shoreline configuration in the
28 community and would therefore not to be incompatible.
29

30 Emergency access: Based on the application submitted by the applicant it does not
31 appear that the dock will impede emergency response service(s) access to property or the
32 surrounding properties.
33

34 Costs of governmental services: Based on the application supplied by the applicant staff
35 finds that the costs of supplying governmental services would not be affected if this
36 exception is granted or denied.
37

38 **V. BASIS OF APPEAL**

39 In accordance with Section 102-185(b), Michael Nestico appealed the decision of the
40 Director to issue the approval for the above described long dock.
41

42 **Sec. 102-185. - Appeals.**

43 (a) *Authority.* The planning commission shall have the authority to hear and decide
44 appeals from any decision, determination or interpretation by any administrative
45 official *with respect to the provisions of this Land Development Code and the*
46 *standards and procedures hereinafter set forth*, except that the board of county

1 commissioners shall hear and decide appeals from administrative actions regarding
2 the floodplain management provisions of this Land Development Code.

3 (b) *Initiation.* An appeal may be initiated by an owner, applicant, adjacent property
4 owner, any aggrieved or adversely affected person, as defined by F.S. § 163.3215(2),
5 or any resident or real property owner from any order, decision, determination or
6 interpretation by any administrative official *with respect to the provisions of this Land*
7 *Development Code.*

8
9 (c) *Procedures.* A notice of appeal in the form prescribed by the planning director must
10 be filed with the county administrator and with the office or department rendering the
11 decision, determination or interpretation within 30 calendar days of the decision.
12 Failure to file such appeal shall constitute a waiver of any rights under this Land
13 Development Code to appeal any decision, interpretation or determination made by
14 an administrative official. Such notice shall be accompanied by the names and
15 addresses of the owner, applicant, property owner, and adjacent property owners. The
16 filing of such notice of appeal will require the administrative official whose decision
17 is appealed to forward to the commission or board within 15 calendar days any and
18 all records concerning the subject matter of the appeal and to send written notice of
19 the appeal to the owner, applicant, property owner, and adjacent property owners, if
20 different from the person filing the appeal, within 15 calendar days of receipt of the
21 notice of appeal.

22
23 (d) *Effect of filing an appeal.* The filing of a notice of appeal shall stay all permit activity
24 and any proceedings in furtherance of the action appealed unless the administrative
25 official rendering such decision, determination or interpretation certifies in writing to
26 the commission and the applicant that a stay poses an imminent peril to life or
27 property, in which case the appeal shall not stay further permit activity and any
28 proceedings. The commission shall review such certification and grant or deny a stay
29 of the proceedings.

30
31 (e) *Action of the commission.* The planning commission shall consider the appeal at a
32 duly called public hearing following receipt of all records concerning the subject
33 matter of the appeal. Any person entitled to initiate an appeal may, along with county
34 staff and counsel, have an opportunity to address the commission at that meeting and
35 all parties to the appeal shall have the opportunity to present evidence and create a
36 record before the planning commission. Any appeals before the hearing officer shall
37 be based upon and restricted to the record.

38
39 (f) *Appeal to hearing officer.* Any person participating as an appellant or appellee at the
40 hearing described in subsection (e) of this section may request an appeal of the
41 decision of the planning commission, or in the case of a floodplain management
42 provision appeal, the decision of the board of county commissioners, under chapter
43 102, article VI, division 2 by filing the notice required by that article within 30 days
44 after the date of the written decision of the planning commission, or in the case of a
45 floodplain management provision appeal, the written decision of the board of county
46 commissioners.

1
2 The appellant provided the following information as the basis for their appeal of the
3 approval:

- 4 • *Disruption of Vacation Rental property*
- 5 • *Draws rodents*
- 6 • *Land is unkept*
- 7 • *Hardship on business*

8
9 The applicant did not provide any further information nor were any Comprehensive Plan
10 policies or Land Development Codes cited as incompatible or not in compliance.
11

12 **VI. RECOMMENDATION**

13 The decision by the Senior Director of Planning & Environmental Resources was based
14 on the criteria provided in the Land Development Code and the findings of fact
15 summarized in the Technical Memorandum and this staff report. Based on a review of all
16 of the available information, staff requests that the Planning Commission uphold the
17 decision of the Senior Director of Planning & Environmental Resources.
18

19 Attachments

- 20 (A) Special Exception Approval for Long Dock (File No. 2016-187)
- 21 (B) Monroe County Land Development Code §118-12(m)10(c)
- 22 (C) 2016-187 Technical Memorandum
- 23 (D) FDEP approval (FDEP File No. 44-0330696-001)
- 24 (E) U.S. Army Corps of Engineers Permit SAJ-2014-03443 (LP-JMH)

ATTACHMENT A
SPECIAL EXCEPTION APPROVAL
FILE # 2016-187
LOT 15, BARRY BEACH

County of Monroe

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Heather Carruthers, Dist. 3
Mayor Pro Tem George Neugent, Dist. 2
Danny L. Kolhage, Dist. 1
David Rice, Dist. 4
Sylvia Murphy, Dist. 5

We strive to be caring, professional, and fair.

November 15, 2016

James & Ginger Hanson
AB Fish LLC
P.O. Box 430473
Big Pine Key, FL 33043

Sean Kirwan, P.E.
Glen Boe & Associates, Inc.
5800 Overseas Highway; Suite 4
Marathon, FL 33050

Re: Special Exception for a dock with a 240 X 4 linear foot access walkway and 8' X 20' terminal platform with a 16,000 lb. cradle boat lift for the property described as Lot 15 and Bay Bottom easterly and adjacent to Lot 15, Barry Beach Plat Book 2 Page 127 Little Torch Key. Monroe County Real Estate # 00215090-000000 [MM +/- 28.7].

Dear Mr. & Mrs. Hanson;

The Planning and Environmental Resources Department has received and reviewed the above referenced application for a special exception to the dock length restriction of the Monroe County Land Development Code. We are pleased to inform you that we have determined that your application complies with the criteria for a special exception contained in the Monroe County Code Section 118-12(m)(10)(c).

This letter constitutes an approval of your application for a special exception to construct a 240' long X 4' wide dock and 8' X 20' terminal platform as described in your application and the attached plans (Attachment 1).

A notice of this special exception approval is being sent to shoreline property owners within three hundred (300) feet of the subject parcel. These (or any other) individuals may appeal this special exception within thirty (30) working days of its issuance.

If you have any questions or need further assistance, please do not hesitate to contact us at (305) 289-2500.

Sincerely,



Mayté Santamaria

Senior Director, Planning and Environmental Resources



Michael Roberts, C.E.P.; P.W.S.

Senior Administrator, Environmental Resources

ATTACHMENT 1
APPROVED PLANS

PROJECT LOCATION

RE: 00215090-000000
LOT 15, BARRY BEACH
LITTLE TORCH KEY
PLAT BOOK 2 PG 127
SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST
LATITUDE: 24°40'13" N LONGITUDE: 81°23'10" W

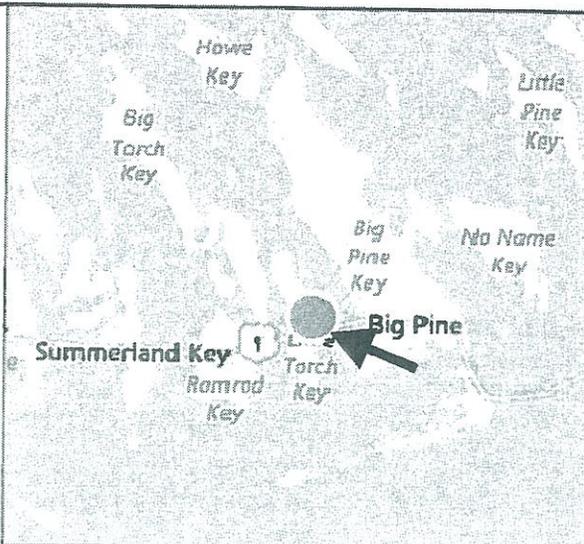
DIRECTIONS:

U.S. HIGHWAY NO. 1 SOUTH TO MM28.5±. RIGHT ONTO
BARRY AVENUE. PROJECT SITE ADDRESS: 363 BARRY AVENUE

ADJOINING OWNERS

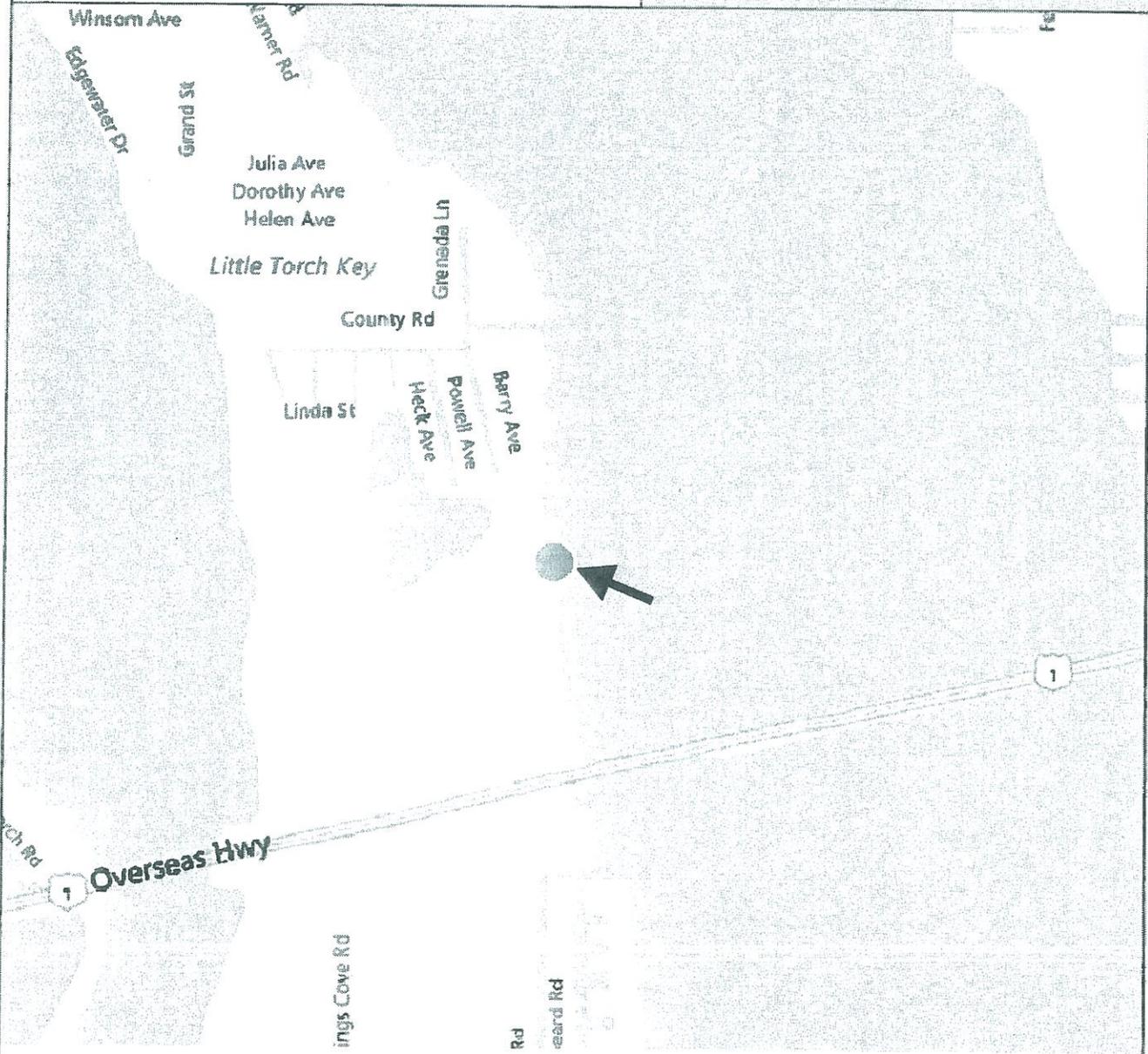
LITTLE TORCH KEY NEST LLC
64 RIDGE ROAD
SPARTA, NJ 07871-2602
(LOT 14)

CHARLES & JANET JAMISON
373 BARRY AVENUE
SUMMERLAND KEY, FL 33042-5603
(LOT 16)



REVISIONS:

LOCATION & VICINITY MAP
SCALE: AS SHOWN



DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@belleboe.net

DATE: 09/03/14

Attachment 1

2016-187



SITE PLAN
SCALE: 1" = 50'

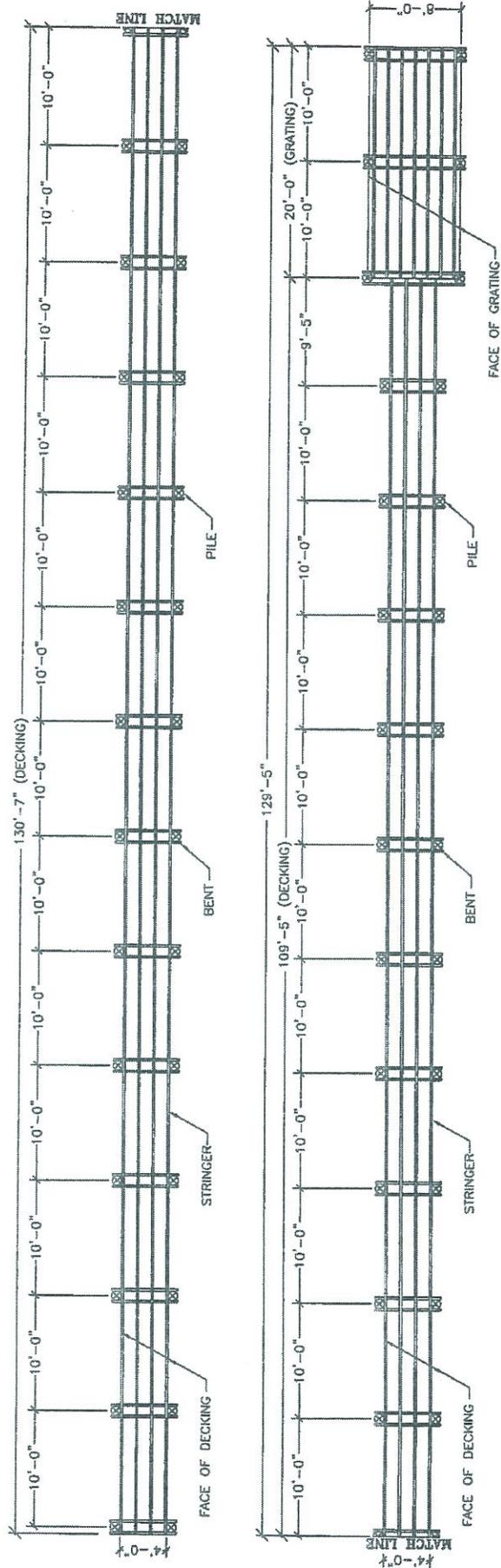
REVISIONS:	
1	05/22/15

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

CERTIFIED BY:
SBR/MS/AN P.E. 05256

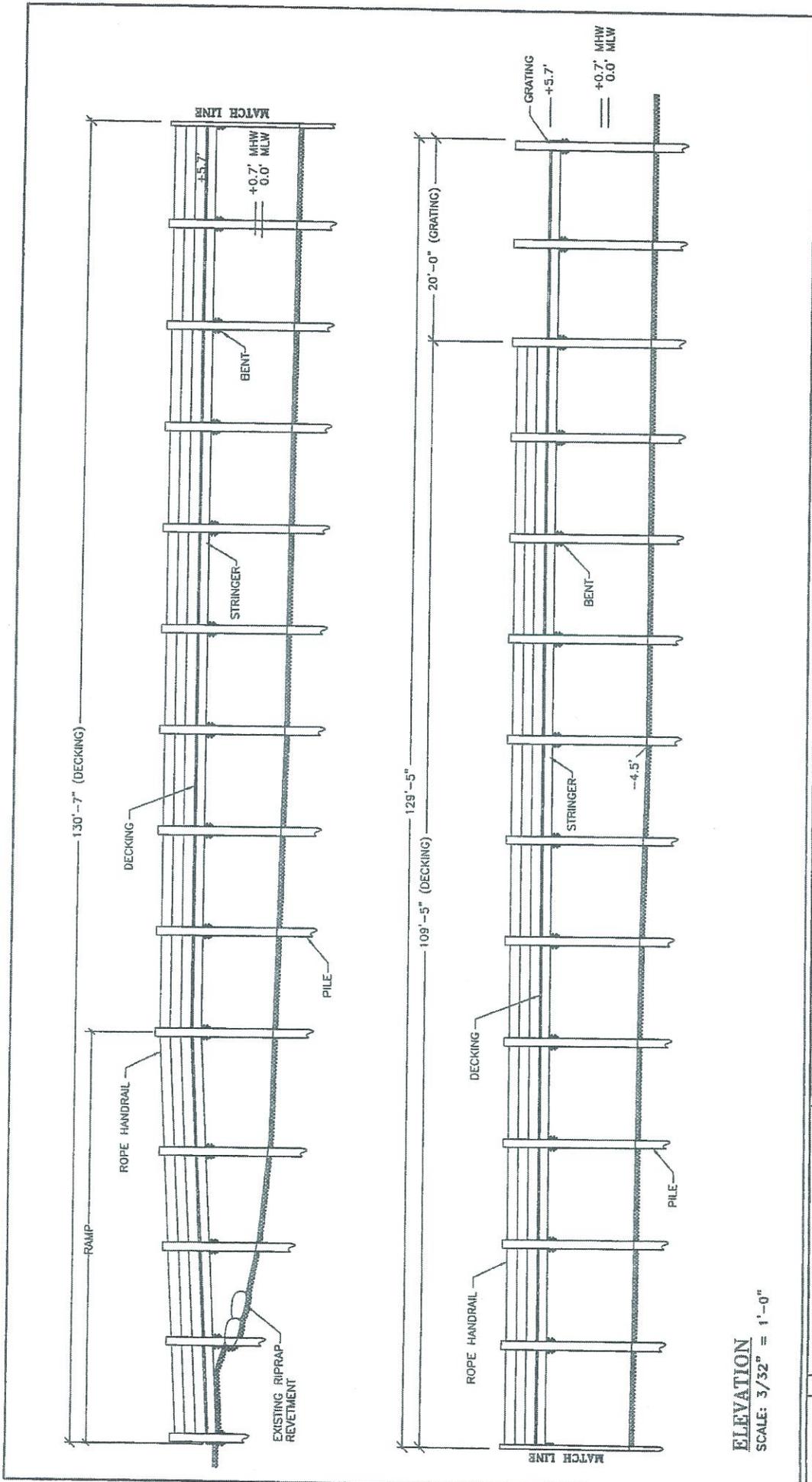
GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4 MARATHON FL 33050
Telephone (352) 742-9121
Email: gboe@glboe.com

DATE: 05/03/14



FRAMING PLAN
 SCALE: 3/32" = 1'-0"

3	DATE: 09/03/14	GLEN BOE AND ASSOCIATES, INC. # 4061 5500 OVERSEAS HIGHWAY SUITE 4, JARATHON, FL 33050 Telephone: (850) 743-3121 Email: glenboe@glboe.com	DOCK FOR AB FISH LLC 363 BARRY AVENUE LITTLE TORCH KEY, MONROE COUNTY, FL	REVISIONS
				CERTIFIED BY: SEAN HUNTER, P.E. #57368



ELEVATION
 SCALE: 3/32" = 1'-0"

<p>GLEN BOE AND ASSOCIATES, INC. # 4061 5900 OVERSEAS HIGHWAY SUITE 4 IMRATHON, FL 33090 Telephone (305) 742-9121 Email: gboe@glboe.com</p>	<p>DOCK FOR AB FISH LLC 363 BARRY AVENUE LITTLE TORCH KEY, MONROE COUNTY, FL</p>		<p>REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>									
<p>DATE: 09/02/10</p>	<p>4</p>	<p>CERTIFIED BY: SEAN HIRWAN, P.E. #37266</p>										

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE (LATEST ADDITION). FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE FLORIDA BUILDING CODE.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST ADDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE FINAL LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK.
11. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

PILES:

DOCK SUPPORT PILES SHALL BE ROUND SOUTHERN PINE OR DOUGLAS FIR AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEELED, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 10 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 8 INCHES.

PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.

PILES SHALL BE SPACED @ MAXIMUM OF 10' O.C. UNLESS OTHERWISE SHOWN.

DO NOT DRIVE PILES WITHIN 20 FEET OF CONCRETE LESS THAN SEVEN DAYS OLD.

CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.

RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.

HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION DIRECTED BY THE OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.

PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEVIATE FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.

PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE.

REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

LUMBER, DECKING, & FASTENERS:

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2 OR DOUGLAS FIR NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWPA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS/CUBIC FOOT.

ALL DECKING SHALL BE SOUTHERN PINE NO. 1 OR DOUGLAS FIR NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS/CUBIC FOOT.

STRINGERS: 2x10
BENTS: 2x10

DECKING (WALKWAY): 2x6 (1/2" SPACING)

FIBERGLASS GRATING (PLATFORM): SEAGRATE RM1415 BY SEASAFE (800-326-8842), EcoGrate BY FIBERGRATE (866-245-3361 x1352), OR APPROVED EQUAL. ATTACH FIBERGLASS GRATING PER MANUFACTURER'S SPECIFICATIONS.

ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS OR TWO 16d STAINLESS STEEL NAILS AT EACH CONNECTION POINT.

ATTACH BENTS AND DOUBLE LEDGER TO PILING WITH TWO 5/8" STAINLESS STEEL BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/16 INCH GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS.

ATTACH STRINGER TO BENT WITH STAINLESS STEEL SIMPSON STRONG-TIE HURRICANE STRAP OR APPROVED EQUAL. ALL CONNECTORS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.

LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING SPECIFIED.

PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

REVISIONS:

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

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121 Fax (305) 743-9197
Email: gtenboe@belsouth.net

DATE: 09/03/14

ATTACHMENT B

Monroe County Land Development Code

§118-12(m)10(c)

Monroe County Land Development Code

Sec. 118-12. - Shoreline Setback.

(m) Docking facilities.

Docking facilities shall be permitted, provided that:

(10) Pier type docks.

- (c) Such structures are no longer than twice the linear shoreline frontage of the parcel or 100 feet, whichever is less. For purposes of this subsection (m)(10)c., dock length shall be measured from MLW out to the waterward extension of the dock. A special exception may be granted by the director of planning and environmental resources to allow the minimum relaxation of this length restriction as is necessary to provide the upland owner with access to adequate water depths specified for docking facilities. Such special exceptions shall only be granted based on a written determination that, amongst other criteria, the proposed dock will not be inconsistent with community character, will not interfere with public recreational uses in or on adjacent waters, and will pose no navigational or safety hazard. At least 30 calendar days prior to the issuance of a county permit issued under such a special exception, the director of planning and environmental resources shall ensure that shoreline property owners within 300 feet of the subject parcel are notified by regular mail of the proposed special exception in order to allow an opportunity for appeal; and

ATTACHMENT C

2016-187 TECHNICAL MEMORANDUM



MEMORANDUM

To: Mayté Santamaria
From: Michael Roberts 
Subject: Long Dock Exception Application for AB Fish LLC
File #: 2016-187
Date: November 8, 2016

Application Date: 10/31/2016

I Request:

- 1) Applicant: AB Fish LLC
 - 2) Proposed Long Dock Length: 240 Linear Foot walkway and a 8' X 20' Terminal Platform with 16,000 lb capacity cradle boatlift.
 - 3) Legal Description: Lot 15 and Bay Bottom easterly and adjacent to Lot 15, Barry Beach Plat Book 2 Page 127 Little Torch Key
- Monroe County Real Estate # **00215090-000000** [MM +/- 28.7]
- 4) Street Address: 363 Barry Avenue, Little Torch Key

II Background Information:

Land Use District: MU (Mixed Use)

Size of the Site: approximately 3/4 acres (33,375 square feet) (*0.58 acres submerged*)

Community Character of Immediate Vicinity: The community character of the immediate vicinity can be described as single family waterfront estate homes. There is a dock on the adjacent parcel to the south which exceeds 100' in length (Permit # 09302130). Additionally, there are several docks in excess of 100' in length along this shoreline of Pine Channel (Attachment 1).

III Discussion of Compliance with the Land Development Regulations:

Section 118-12(m)10(c) contains conditions for pier type docks. Staff has made the following conclusions regarding the proposed projects consistency with the specific criteria of 118-12(m)10(c):

- A. *The proposed dock will not be inconsistent with community character:*
As discussed in the background information above, the proposed dock is consistent with existing docks on nearby properties.
- B. *The proposed dock will not interfere with public recreational uses in or on adjacent waters:*
There are no improved water access points in proximity to the proposed dock. Public recreational use is limited to boaters in the adjacent near-shore waters and the proposed facility is not expected to interfere with boating activities.
- C. *The proposed dock will pose no navigational or safety hazard.*
The proposed dock is located on open water (Pine Channel) and is more than 500' from the normal navigation lanes. It is not anticipated that the proposed dock will pose a navigational or safety hazard to boaters on adjacent waters.

In addition to the criteria stated above, staff reviewed the following information in evaluating the application:

1) The physical characteristics of the proposed construction:

This long dock exception request is for a pier type dock that will exceed 100' in length. Based on the site plans provided (Site Plan dated 5/22/2015 by Glen Boe & Associates; Attachment 2), staff finds that the pier type dock consists of 4' by 240' access pier with an 8' X 20' terminal platform. These specifications meet the current codes needing only an exception for length.

2) The necessity of the exception:

Based on plans by Glenn Boe & Associates, Inc., permit documents, aerial photographs, and data provided in the application, the exception is necessary for access to adequate water depths (-5' MLW) for the proposed docking facility and to protect benthic resources as required by the Florida Department of Environmental Protection (Permit # 44-0330696-001).

3) Danger to life and property if the exception is granted or is not granted:

Staff has no data related to life safety or danger to the property with or without the requested exception.

4) Community importance:

The proposed dock will be for private residential use only and therefore will provide no benefit to the community.

5) Community compatibility:

Based on a review of the application, current and historical aerial photographs, and Monroe County Building Department records, staff finds that the dock is consistent with the other docks of this type and shoreline configuration in the community and would therefore be compatible.

6) Emergency access:

Based on the application submitted by the applicant it does not appear that the dock will impede emergency response to property or the surrounding properties.

7) Costs of governmental services:

Based on the application supplied by the applicant staff finds that the costs of supplying governmental services would not be affected if this exception is granted or denied.

IV Staff Recommendation:

Based on the findings of fact, the Environmental Resources staff recommends **APPROVAL** of the application with the following conditions:

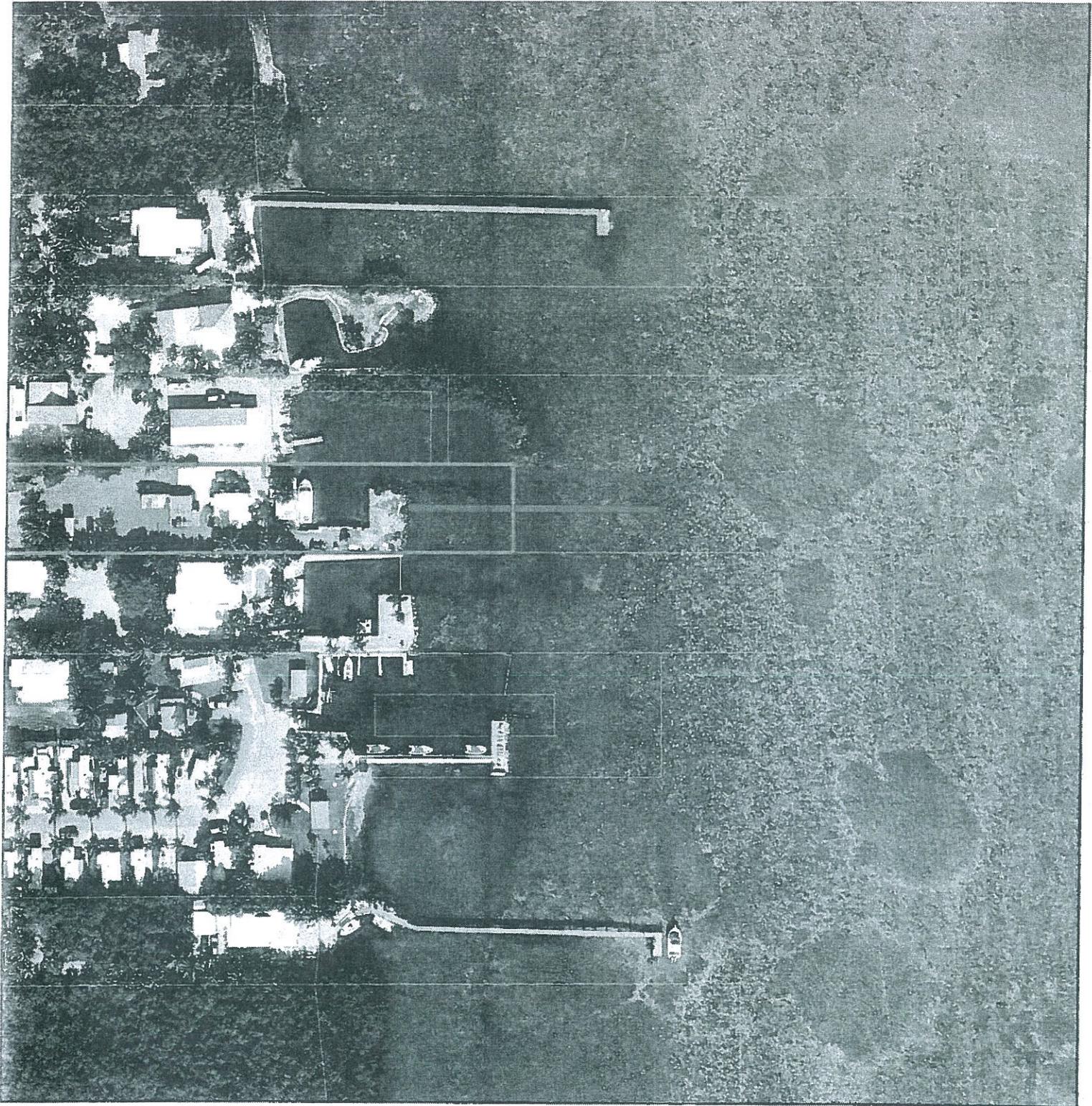
- 1) In accordance with Specific Condition 2 of Florida Department of Environmental Protection authorization (#44-0330696-001), permittee must provide proof of payment of \$1,188.32 monetary donation to the National Marine Sanctuary Foundation prior to permit issuance.
- 2) All conditions of Florida Department of Environmental Protection authorization (#44-0330696-001) and Department of the Army permit # SAJ-2014-03443 (LP-JMH) apply.

Attachments

1. Aerial Photo
2. Dock Plans by Glen Boe & Associates, Inc. (dated 09/03/2014)

ATTACHMENT I

LOCATION MAP



File # 2016-187
AB Fish LLC Long Dock Exception

Aerial Location Map
Lot 15 Barry Beach, Little Torch Key
RE # 00215090-000000



This map is for use by the Monroe County Growth Management Division only.
The data contained herein is not a legal representation of boundaries, parcels,
roads right of ways or other geographical data.



2015 Aerial Photography

ATTACHMENT 2
APPROVED PLANS

PROJECT LOCATION

RE: 00215090-000000
LOT 15, BARRY BEACH
LITTLE TORCH KEY
PLAT BOOK 2 PG 127
SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST
LATITUDE: 24°40'13" N LONGITUDE: 81°23'10" W

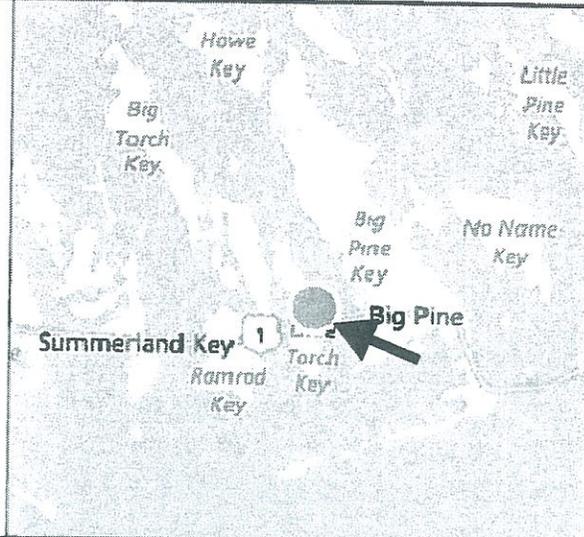
DIRECTIONS:

U.S. HIGHWAY NO. 1 SOUTH TO MM28.5±. RIGHT ONTO
BARRY AVENUE. PROJECT SITE ADDRESS: 363 BARRY AVENUE

ADJOINING OWNERS

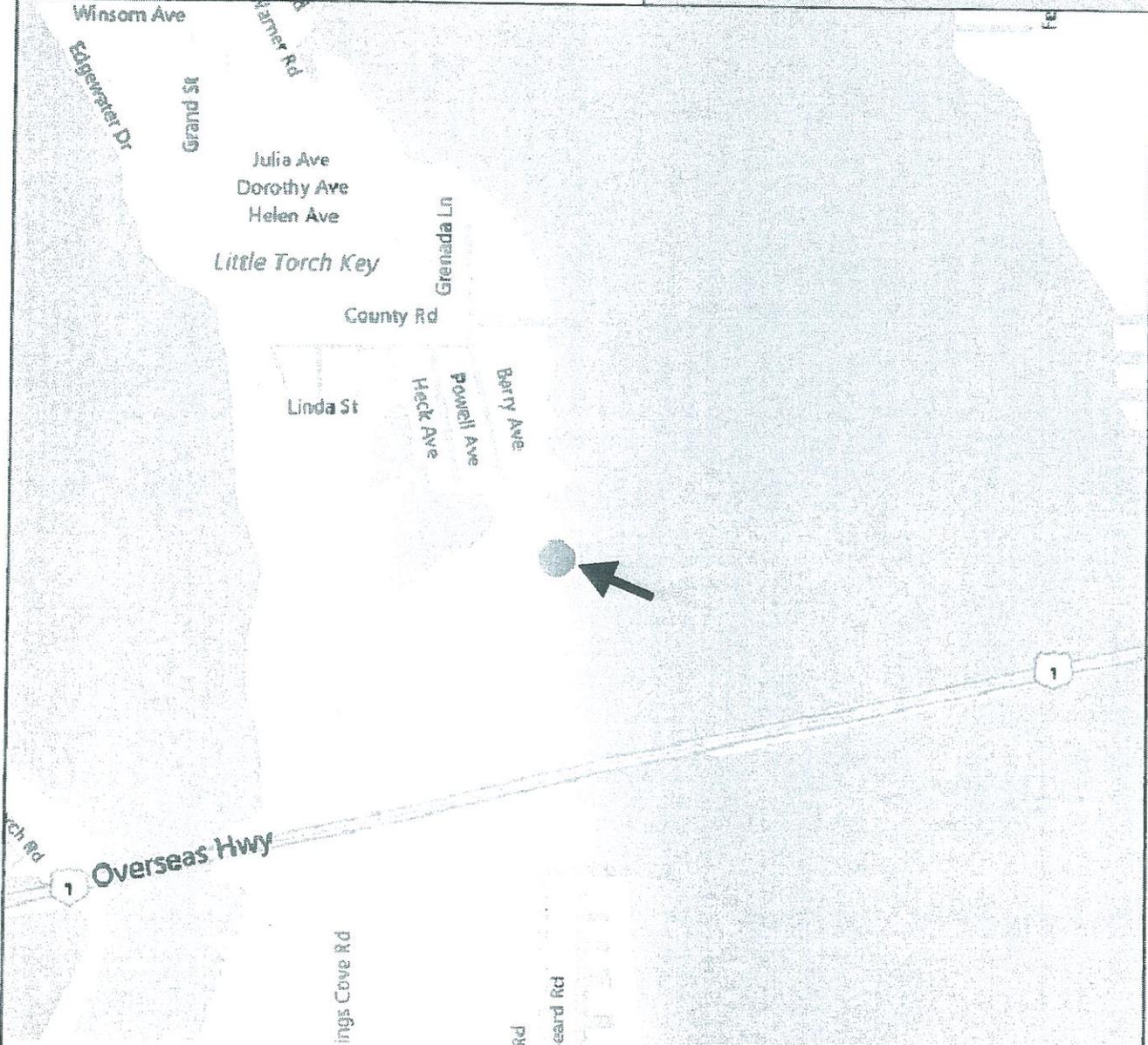
LITTLE TORCH KEY NEST LLC
64 RIDGE ROAD
SPARTA, NJ 07871-2602
(LOT 14)

CHARLES & JANET JAMISON
373 BARRY AVENUE
SUMMERLAND KEY, FL 33042-5603
(LOT 16)



REVISIONS:

LOCATION & VICINITY MAP
SCALE: AS SHOWN



DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5000 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9187
Email: glenboe@bellsouth.net

DATE: 09/03/14



SITE PLAN
SCALE: 1" = 50'

REVISIONS	
1	05/22/15

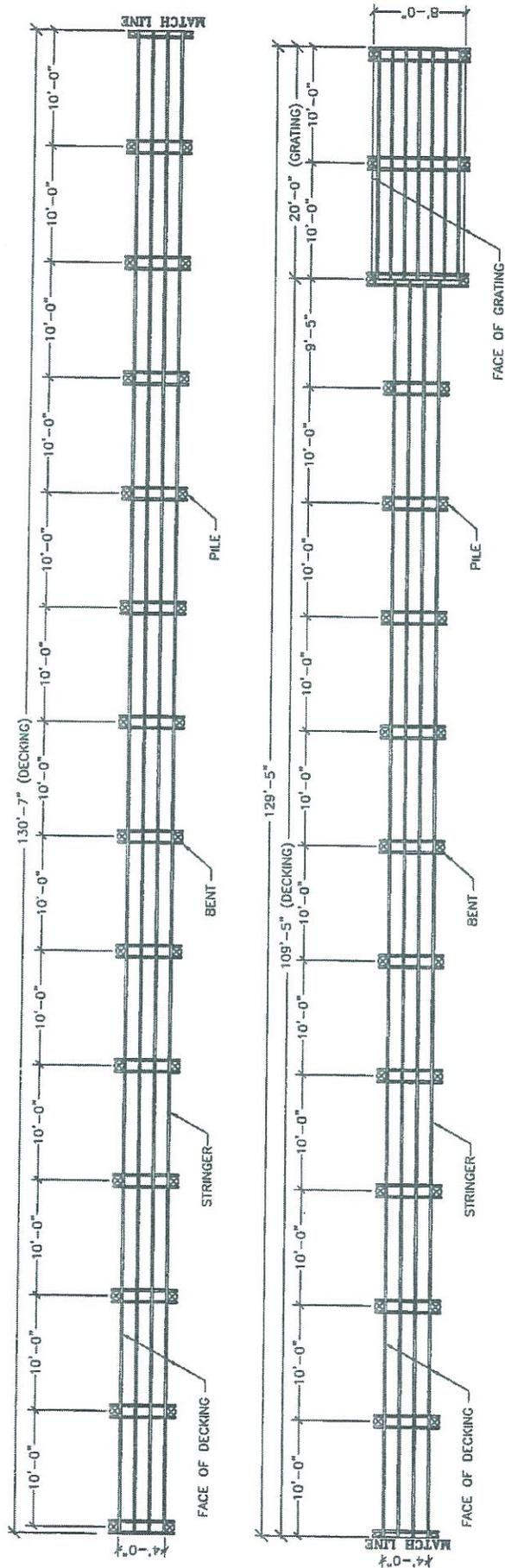
DESIGNED BY:
SEAN KIRWAN, P.E. 82768

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

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Telephone (305) 743-9121
Email: glenboe@glboe.com

DATE: 09/03/14

2



FRAMING PLAN
 SCALE: 3/32" = 1'-0"

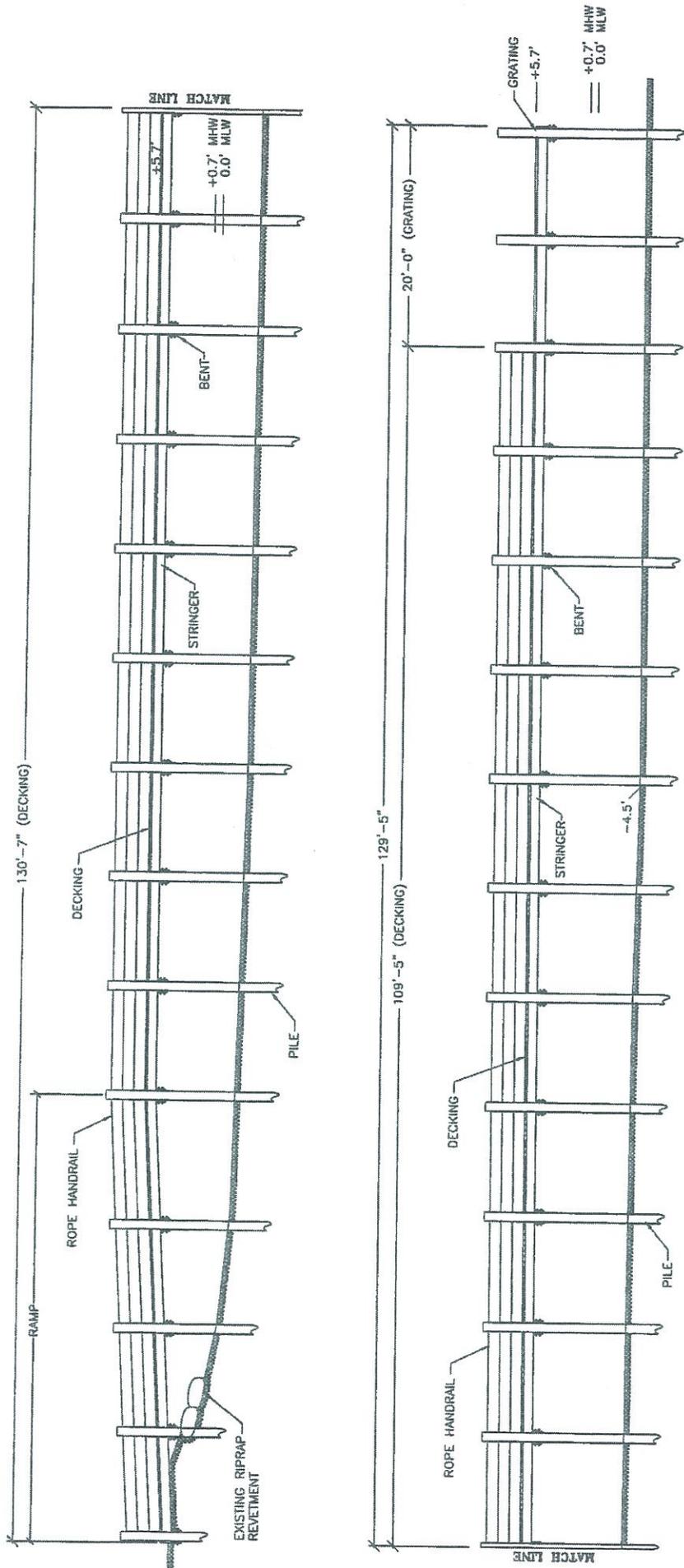
REVISIONS:

CERTIFIED BY
 SEAN MURRAY, P.E. #18706

DOCK FOR AB FISH LLC
 363 BARRY AVENUE
 LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
 5200 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33660
 Telephone (889) 745-9121
 Email: glenboe@bathouth.net

DATE: 09/23/14



ELEVATION
 SCALE: 3/32" = 1'-0"

4	DATE: 09/03/14	GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060 Telephone (888) 743-8121 Email: glenboe@glenboe.net	DOCK FOR AB FISH LLC 363 BARRY AVENUE LITTLE TORCH KEY, MONROE COUNTY, FL	REVISIONS:
	DESIGNED BY: GLEN BOE, P.E. 087608			

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE (LATEST ADDITION). FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE FLORIDA BUILDING CODE.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST ADDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE FINAL LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK.
11. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

PILES:

DOCK SUPPORT PILES SHALL BE ROUND SOUTHERN PINE OR DOUGLAS FIR AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEEL, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 10 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 8 INCHES.

PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.

PILES SHALL BE SPACED @ MAXIMUM OF 10' O.C. UNLESS OTHERWISE SHOWN.

DO NOT DRIVE PILES WITHIN 20 FEET OF CONCRETE LESS THAN SEVEN DAYS OLD.

CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.

RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.

HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION DIRECTED BY THE OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.

PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEVIATE FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.

PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE.

REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

LUMBER, DECKING, & FASTENERS:

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2 OR DOUGLAS FIR NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWPA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS/CUBIC FOOT.

ALL DECKING SHALL BE SOUTHERN PINE NO. 1 OR DOUGLAS FIR NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS/CUBIC FOOT.

STRINGERS: 2x10

BENTS: 2x10

DECKING (WALKWAY): 2x6 (1/2" SPACING)

FIBERGLASS GRATING (PLATFORM): SEAGRATE RM1415 BY SEASAFE (800-326-8842), EcoGrate BY FIBERGRATE (866-245-3361 x1352), OR APPROVED EQUAL. ATTACH FIBERGLASS GRATING PER MANUFACTURER'S SPECIFICATIONS.

ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS OR TWO 16d STAINLESS STEEL NAILS AT EACH CONNECTION POINT.

ATTACH BENTS AND DOUBLE LEDGER TO PILING WITH TWO 5/8" STAINLESS STEEL BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/16 INCH GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS.

ATTACH STRINGER TO BENT WITH STAINLESS STEEL SIMPSON STRONG-TIE HURRICANE STRAP OR APPROVED EQUAL. ALL CONNECTORS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.

LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING SPECIFIED.

PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

REVISIONS:

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

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5900 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 745-9187
Email: glenboe@billsouth.net

DATE: 09/03/14

ATTACHMENT D

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL RESOURCES PERMIT
(FDEP File No. 44-0330696-001)



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549
SouthDistrict@dep.state.fl.us

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

VIA ELECTRONIC MAIL

Permittee/Authorized Entity:

AB Fish LLC
James Hanson
P.O. Box 430473
Big Pine Key, FL 33043
hansfish@bellsouth.net

Dock

Authorized Agent:

Sean Kirwan
Glen Boe & Associates, Inc.
5800 Overseas Highway, Suite 4
Marathon, FL 33050
glenboe@bellsouth.net

**Environmental Resource Permit
State-owned Submerged Lands Authorization - Granted**

U.S. Army Corps of Engineers Authorization - Not Applicable

Permit No.: 44-0330696-001

**Permit Issuance Date: June 1, 2015
Permit Construction Phase Expiration Date: June 1, 2020**

Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization

Permittee: AB Fish LLC
Permit No: 44-0330696-001

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 363 Barry Avenue, Summerland Key, Florida 33042, in Section 28, Township 66 South, Range 29 East in Monroe County, at Latitude 24° 40' 13" North and Longitude 81° 23' 10" West.

PROJECT DESCRIPTION

The Permittee is authorized to construct a 1,120 square foot dock and boatlift within the Florida Bay, a Class III, Outstanding Florida Waterbody. Those activities include the construction and use of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

To offset unavoidable impacts that will occur from these authorized activities, a contribution has been made to the National Marine Sanctuary Foundation (NMSF) to mitigate for unavoidable impacts to corals within the Florida Keys National Marine Sanctuary (FKNMS).

In order to satisfy public interest requirements, the Permittee shall make a \$1,188.32 monetary donation to the National Marine Sanctuary Foundation for the installation, materials and maintenance of one (1) buoy at a coral reef area within the Florida Keys National Marine Sanctuary in order to reduce recreational boater impacts.

AUTHORIZATIONS

Single-Family Dock and boatlift

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Additionally, the Department has verified that the boatlift installation as proposed is exempt under Rule 62-330.051(5)(b), Florida Administrative Code, from the need to obtain a regulatory permit under part IV of Chapter 373 of the Florida Statutes.

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

Federal Authorization

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 **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at 9900 SW 107th Avenue, Suite 203, Miami, FL 33176-2785 or 305-526-7181, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT AND SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS - ADMINISTRATIVE

1. All submittals of information required by this permit shall be submitted to the Department's Marathon office at 2796 Overseas Highway, Suite 221, Marathon, Florida 33050.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the Permittee should call (305)289-7070.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

2. **Prior to the start of construction**, in order to satisfy the public interest requirements of Chapter 373.414, F.S., the Permittee shall make a \$1,188.32 monetary donation to the National Marine Sanctuary Foundation for the installation, materials and maintenance of one (1) buoy at a coral reef area within the Florida Keys National Marine Sanctuary (FKNMS) in order to reduce recreational boater impacts. A copy of the receipt and a letter from the Foundation shall be provided to the Department as documentation of payment **prior to the start of construction**.

SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES

3. The project shall comply with applicable State Water Quality Standards of Chapter 62-302, F.A.C., namely:

62-302.500 - Minimum Criteria for All Waters at All Times and All Places

62-302.530 – Surface Water Quality Criteria
62-302.700 – Special Protection Outstanding Florida Waters
62-4.242 – Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

4. The Permittee shall ensure that any construction vessel brought to the site has a minimum of 1 foot clearance between its deepest draft and the top of submerged resources. Care shall be taken at all times during construction to avoid impacts to submerged resources within and adjacent to the dock alignment.
5. To ensure that any construction vessel has adequate water depth during construction of the shallow-water portion of the structure, the vessels shall only operate during high tide in areas less than three (3) feet mean low water (MLW).
6. To ensure maximum light penetration to the seafloor, the access walkway decking shall be constructed with ½ inch spacing, and the platform shall be constructed of fiberglass grated material.
7. Both sides of the access walk shall be marked with reflective navigation indicators every 50 linear feet for the life of the structure in order to prevent any navigational hazard.

SPECIFIC MANATEE PROTECTION CONDITIONS

8. 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.
9. 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 shall follow routes of deep water whenever possible.
10. 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 shall not impede manatee movement.
11. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be

shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.

12. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. 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.

13. 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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs:

http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its

successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
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6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been

unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

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 Rule 28-106.201, 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, any email address, any facsimile number, 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. 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 must be filed within 14 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 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. 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.

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, before the applicable 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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
District Director
South District Office

JMI/edy

Attachments:

5 project drawings

Forms: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm#330>

Copies furnished to:

U.S. Army Corps of Engineers, Miami Field Office
Monroe County Property Appraiser
FKNMS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **June 1, 2015**, to the above listed persons.

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.

Jean B. Murphy

Clerk

Date June 1, 2015

PROJECT LOCATION

RE: 00215090-000000
LOT 15, BARRY BEACH
LITTLE TORCH KEY
PLAT BOOK 2 PG 127
SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST
LATITUDE: 24°40'13" N LONGITUDE: 81°23'10" W

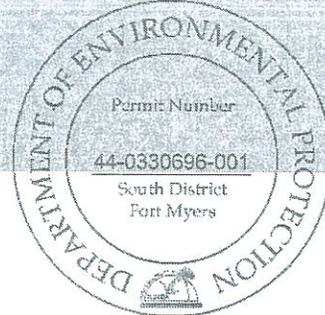
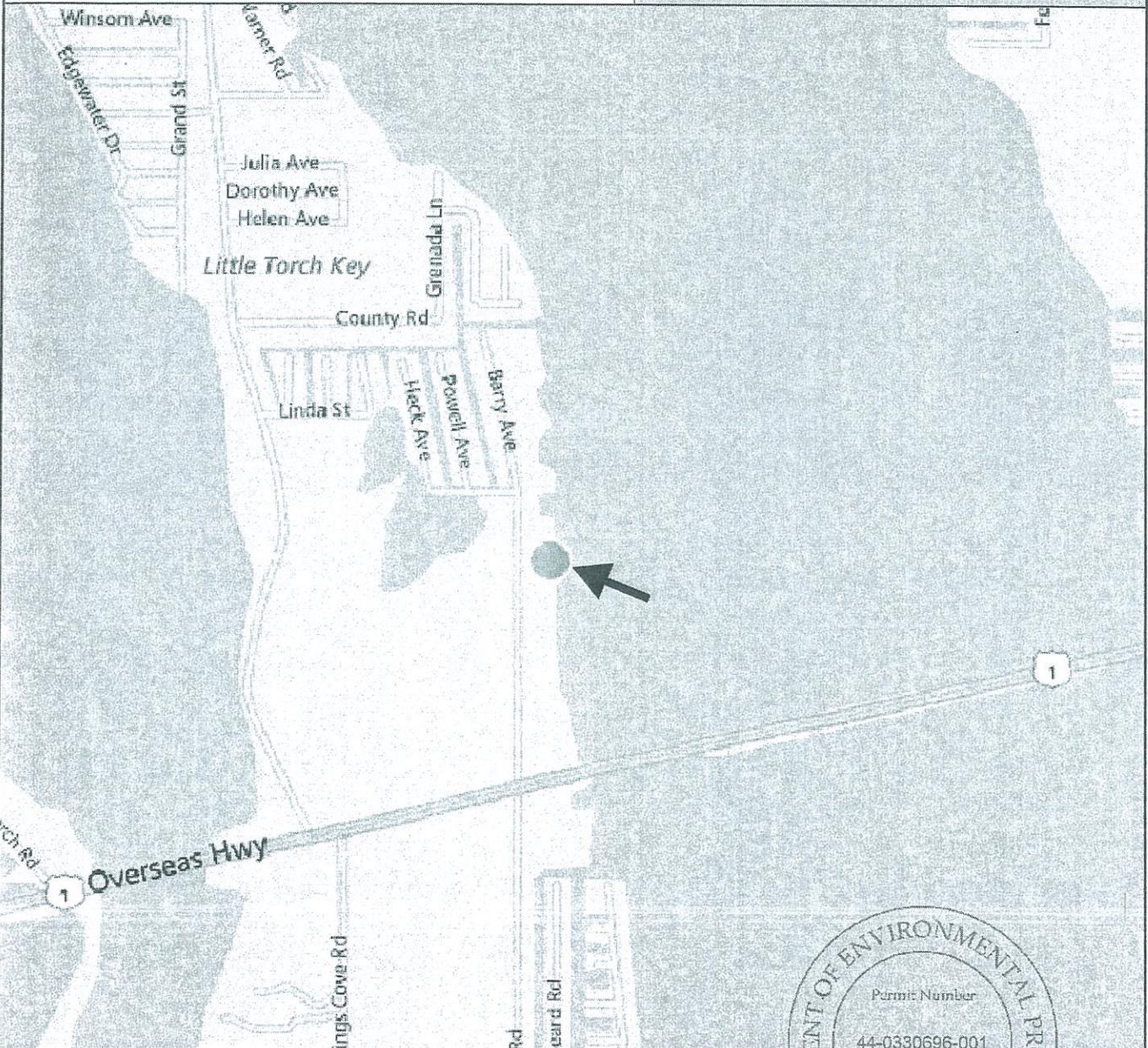
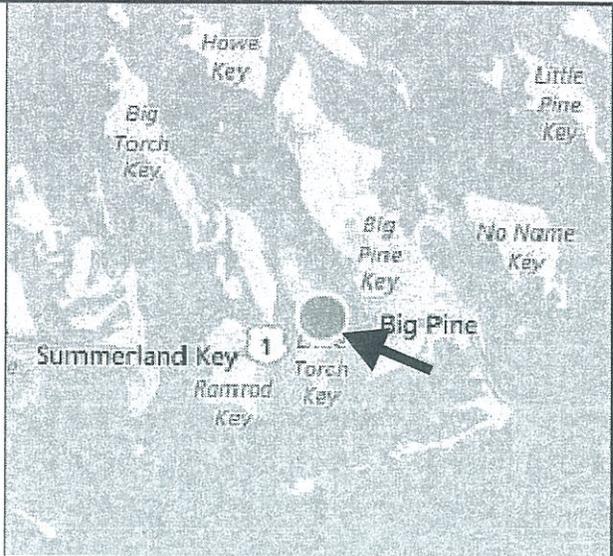
DIRECTIONS:

U.S. HIGHWAY NO. 1 SOUTH TO MM28.5±. RIGHT ONTO
BARRY AVENUE. PROJECT SITE ADDRESS: 363 BARRY AVENUE

ADJOINING OWNERS

LITTLE TORCH KEY NEST LLC
64 RIDGE ROAD
SPARTA, NJ 07871-2602
(LOT 14)

CHARLES & JANET JAMISON
373 BARRY AVENUE
SUMMERLAND KEY, FL 33042-5603
(LOT 16)

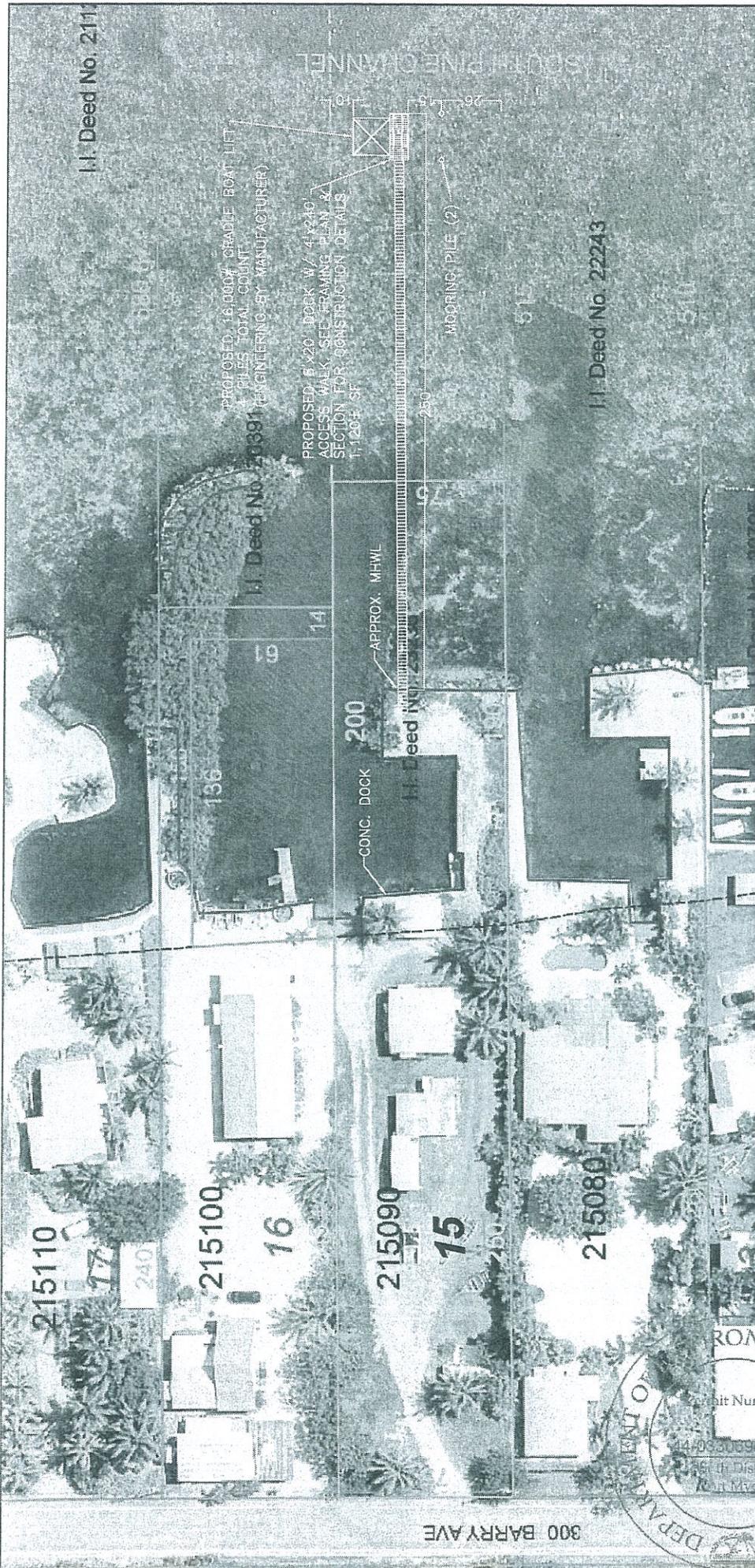


REVISIONS:

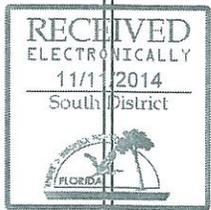
LOCATION & VICINITY MAP
SCALE: AS SHOWN

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5900 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net



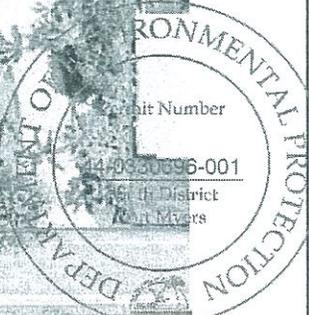
SITE PLAN
SCALE: 1" = 50'



REVISIONS:

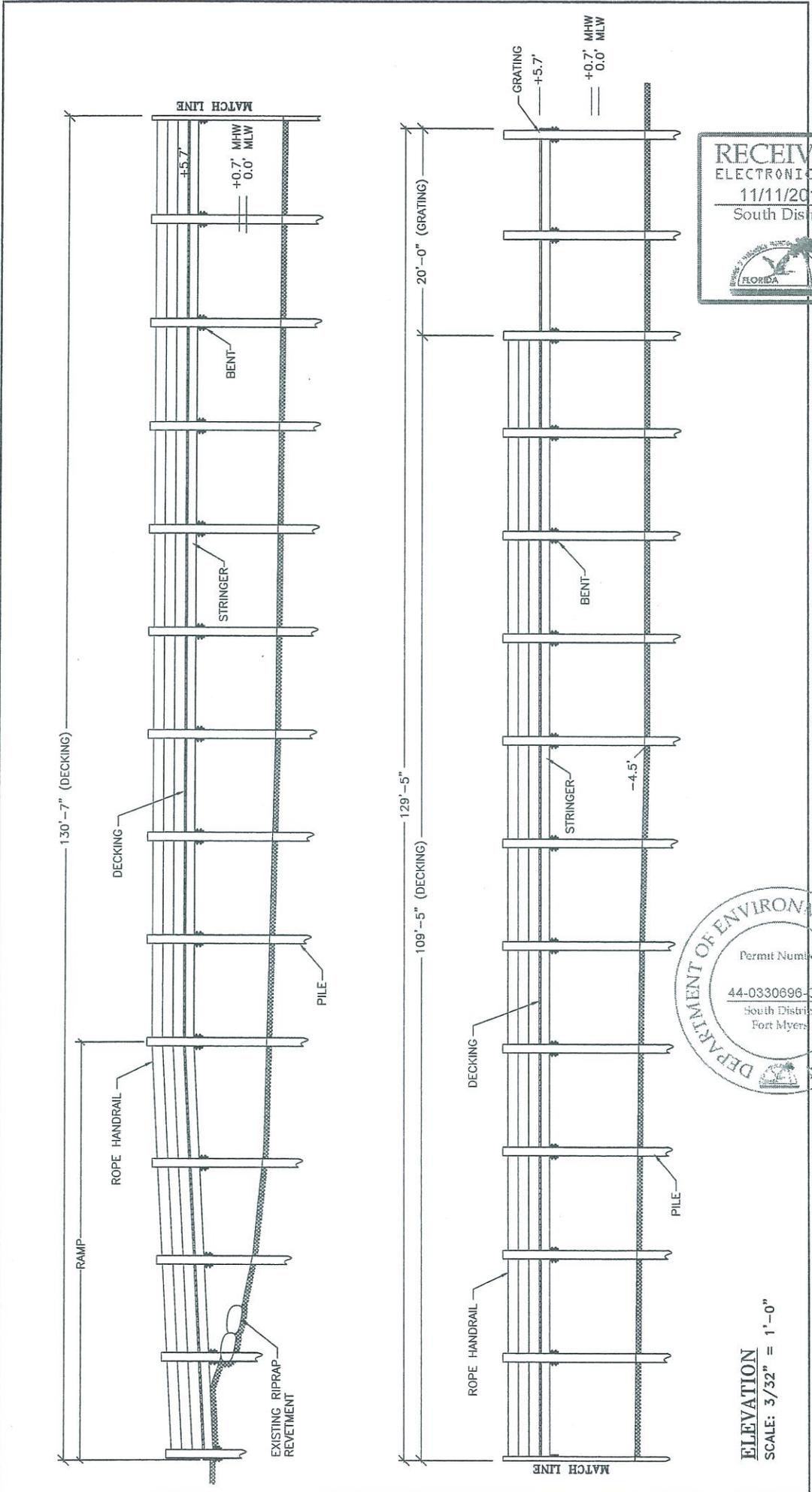
CERTIFIED BY:
SEAN NIRWAN, P.E. 457506

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL



GLEN BOE AND ASSOCIATES, INC. # 4061
5000 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (889) 743-8761
Email: gboe@glboe.com

DATE: 08/03/14

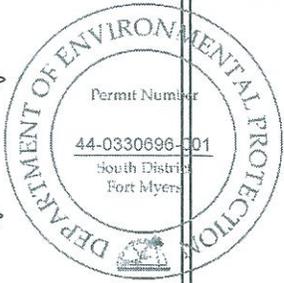


RECEIVED
ELECTRONICALLY
11/11/2014
South District

REVISIONS:

CHECKED BY:
SEAN KIRWAN, P.E. #67596

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL



ELEVATION
SCALE: 3/32" = 1'-0"

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121
Email: glenboe@belsouth.net

DATE: 09/03/14

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE (LATEST ADDITION). FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE FLORIDA BUILDING CODE.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST ADDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK.
11. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

PILES:

DOCK SUPPORT PILES SHALL BE ROUND SOUTHERN PINE OR DOUGLAS FIR AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEEL, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 10 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 8 INCHES.

PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.

PILES SHALL BE SPACED @ MAXIMUM OF 10' O.C. UNLESS OTHERWISE SHOWN.

DO NOT DRIVE PILES WITHIN 20 FEET OF CONCRETE LESS THAN SEVEN DAYS OLD.

CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.

RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.

HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION DIRECTED BY THE OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.

PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEVIATE FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.

PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE.

REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

LUMBER, DECKING, & FASTENERS:

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2 OR DOUGLAS FIR NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWPA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS/CUBIC FOOT.

ALL DECKING SHALL BE SOUTHERN PINE NO. 1 OR DOUGLAS FIR NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS/CUBIC FOOT.

STRINGERS: 2x10

BENTS: 2x10

DECKING (WALKWAY): 2x6 (1/2" SPACING)

FIBERGLASS GRATING (PLATFORM): SEAGRATE RM1415 BY SEASAFE (800-326-8842), EcoGrate BY FIBERGRATE (866-245-3361) x1352), OR APPROVED EQUAL. ATTACH FIBERGLASS GRATING PER MANUFACTURER'S SPECIFICATIONS.

ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS OR TWO 16d STAINLESS STEEL NAILS AT EACH CONNECTION POINT.

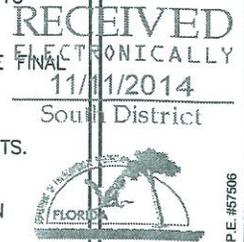
ATTACH BENTS AND DOUBLE LEDGER TO PILING WITH TWO 5/8" STAINLESS STEEL BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/16 INCH GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS.

ATTACH STRINGER TO BENT WITH STAINLESS STEEL SIMPSON STRONG-TIE HURRICANE STRAP OR APPROVED EQUAL. ALL CONNECTORS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.

LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING SPECIFIED.

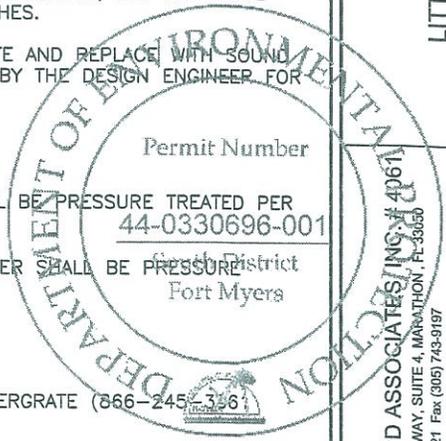
PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

REVISIONS:				



CERTIFIED BY SEAN KIRWAN P.E. #57506

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL



GLEN BOE AND ASSOCIATES/INC. #4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33659
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@hellsouth.net

DATE: 09/03/14

ATTACHMENT E

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS PERMIT
(SAJ-2014-03443(LP-JMH))



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107TH AVENUE, SUITE 203
MIAMI, FLORIDA 33176

October 13, 2016

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
Miami Permits Section
SAJ-2014-03443 (LP-JMH)

AB FISH LLC
c/o Ginger Hanson
2442 Arch Creek Drive
Miami, FL 33181

Dear Mr. Hanson:

This is in reference to your request for a Department of the Army (DA) permit to perform work in or affecting waters of the United States. If you determine the permit provided is acceptable in its entirety and you have chosen to proceed with the authorized activity, then upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), you are authorized under a Letter of Permission

to construct a 1,120 square feet (ft²) timber T-shaped dock, consisting of a 960 ft² (4' wide by 240' long) access walkway and a 160 ft² (8' wide by 20' long) terminal platform with grating material. The dock will be constructed with fifty four (54) 10" diameter supporting timber piles and permanent handrails along the entire access walkway. Additionally the applicant proposes to install a 16,000 capacity cradle boatlift with four (4) 12" diameter timber piles and to install two (2) mooring piles, and to install temporary floating turbidity barriers around all work areas that are in/over U.S. navigable waters.

at 363 Barry Avenue, immediately adjacent to the Gulf; legally described as Lot 15 and Bay bottom Easterly and Adjacent to Lot 15 of Barry Beach subdivision, PB2-127, in Section 28, Township 66 South, Range 29 East; Little Torch Key, Monroe County, Florida 33042, (MM± 28.7) (RE# 00215090-000000).

Geographic Position: Latitude: 24.671188 °
Longitude: -81.387279 °

The project must be completed in accordance with the enclosed construction drawings date stamped by the Corps on March 24, 2016 (Sheets 1-5), and the general and special conditions which are incorporated in, and made a part of, the permit.

Special Conditions:

1. **REPORTING ADDRESS:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the conditions of this permit shall be submitted to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Branch, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176.

b. For electronic mail: CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ-2014-03443 (LP-JMH), on all submittals.

2. SELF-CERTIFICATION: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attached) 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.

3. COMMENCEMENT NOTICE: Within ten (10) days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

4. 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 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.

5. 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 to within one 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 until the authorized work has been completed and all erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

6. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS: The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006, (Attached).

7. MANATEE CONDITIONS: The Permittee shall abide by the enclosed standard construction conditions designed to protect the endangered West Indian manatee, 2011.

8. POSTING OF PERMIT: The Permittee shall ensure that all contractors, sub-contractors, and entities associated with the implementation of the project review, understand, and comply with the approved plans and special conditions made part of this permit. The Permittee shall inform all parties associated with the activity of the construction area boundaries, and the location of adjacent wetland and aquatic resources to be avoided. Complete copies of the permit and approved plans shall be available at the construction site at all times. Failure to comply with the approved plans and permit special conditions may subject the Permittee to enforcement action.

9. AGENCY CHANGES/APPROVALS: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Miami Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

10. 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 the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

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, THPO(s), 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 Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). 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 State Archeologist and from the Corps.

11. NOTICE PERMIT: The Permittee shall complete and record the Notice of Department of the Army Permit (Attached) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

12. DOCK CONSTRUCTION GUIDELINES: The Permittee shall comply with the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat – U.S. Army Corps of Engineers/National Marine Fisheries Service – August 2001 (Attached).

If the work authorized is not completed on or before **October 13, 2021**, authorization, if not previously revoked or specifically extended, shall cease and be null and void.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project/permit application. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

Should you have any questions regarding this letter, please contact the project manager Jessica Hogan in writing the letterhead address, by telephone at 305-779-6052, or by email at Jessica.M.Hogan@usace.army.mil.

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 take a few minutes to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosures

Copy/ies Furnished:
CESAJ-RD-PE

Glen Boe & Associates, Inc. – email

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-2014-03443 (LP-JMH)

When the structures or work verified 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, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

(TRANSFEREE SIGNATURE)

(DATE)

(Name - Printed)

Lot/Block of site

(Street Address)

(City, State, and Zip Code)

Flood Plain Information:

This Department of the Army permit does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions. You should contact the local office in your area that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If your local office cannot provide you the necessary information, you may request a flood hazard evaluation of the site by providing this office with a letter and a small scale map showing the location of the site. The request should be addressed to the **Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019.** Phone inquiries may be made at 904-232-2515.

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FR DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on the date noted in the permit letter. 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.
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 in the space provided and forward a copy of the permit 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. For your convenience, a copy of the certification is attached if it contains such conditions.
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.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: AB Fish, LLC		File Number: SAJ-2014-03443	Date: October 13, 2016
Attached is:			See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

Dale Beter (904) 232-1361

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

PROJECT LOCATION

RE: 00215090-000000
LOT 15, BARRY BEACH
LITTLE TORCH KEY
PLAT BOOK 2 PG 127
SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST
LATITUDE: 24°40'13" N LONGITUDE: 81°23'10" W

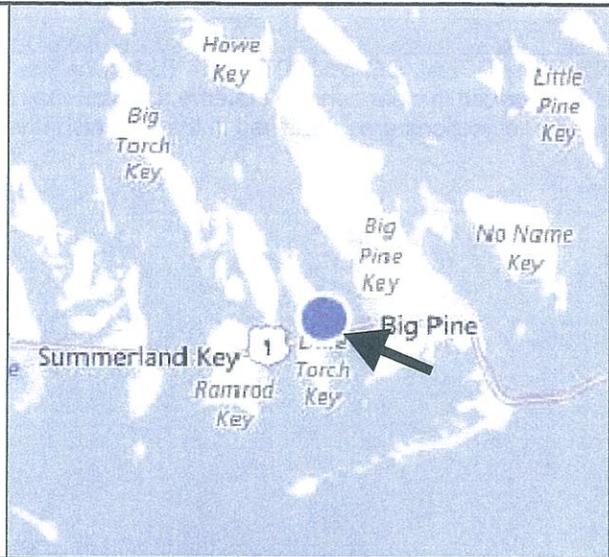
DIRECTIONS:

U.S. HIGHWAY NO. 1 SOUTH TO MM28.5±. RIGHT ONTO
BARRY AVENUE. PROJECT SITE ADDRESS: 363 BARRY AVENUE

ADJOINING OWNERS

LITTLE TORCH KEY NEST LLC
64 RIDGE ROAD
SPARTA, NJ 07871-2602
(LOT 14)

CHARLES & JANET JAMISON
373 BARRY AVENUE
SUMMERLAND KEY, FL 33042-5603
(LOT 16)



REVISIONS:

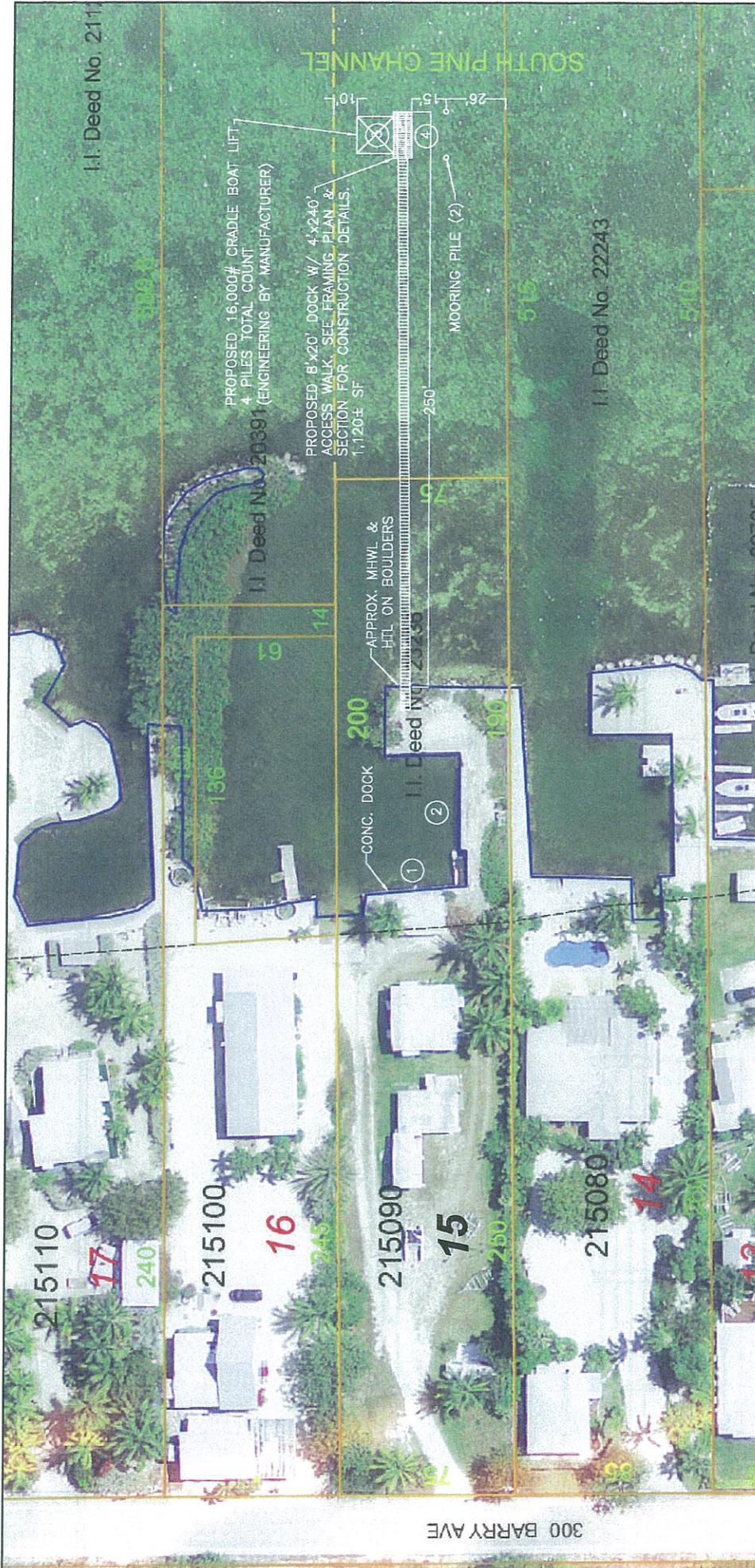
LOCATION & VICINITY MAP
SCALE: AS SHOWN



DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 05/05/14



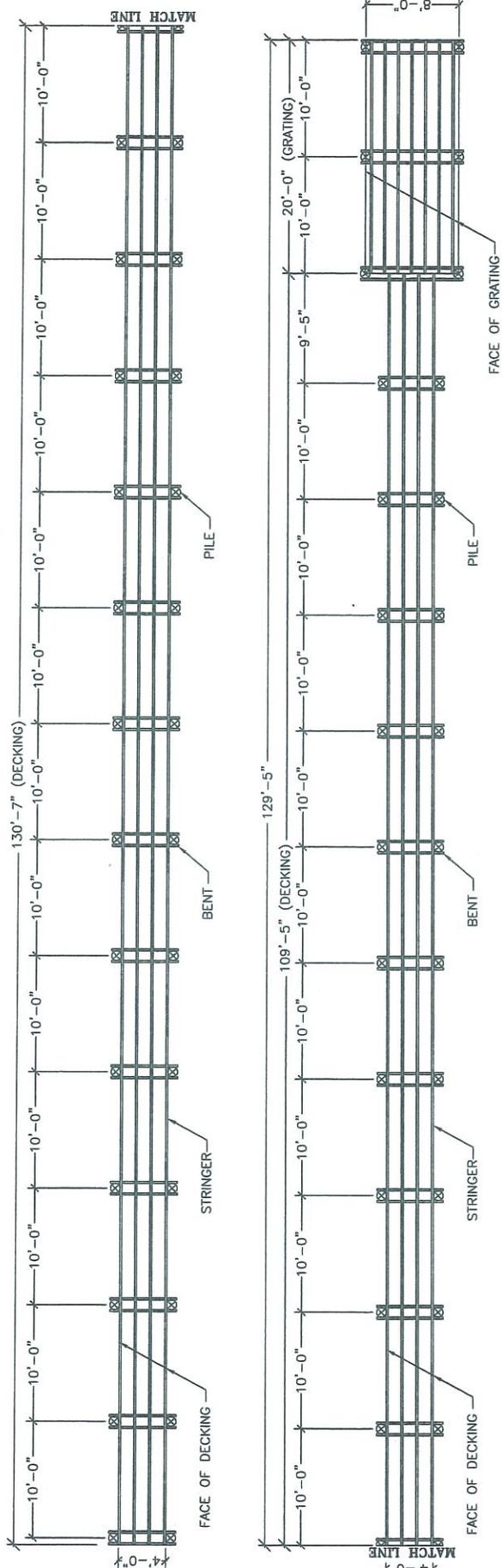
SITE PLAN
SCALE: 1" = 50'

REVISIONS:	
1	05/22/15

CERTIFIED BY:
SEAN KIRWAN, P.E. #87508

DOCK FOR AB FISH LLC
363 BARRY AVENUE
SAJ-2014-03443/AB FISH, LLC (PAGE 2 OF 5) COUNTY OF MARICOPA
March 24, 2016

GLEN BOE AND ASSOCIATES, INC. # 4051
5900 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (850) 743-3121
Email: glenboe@belsouth.net



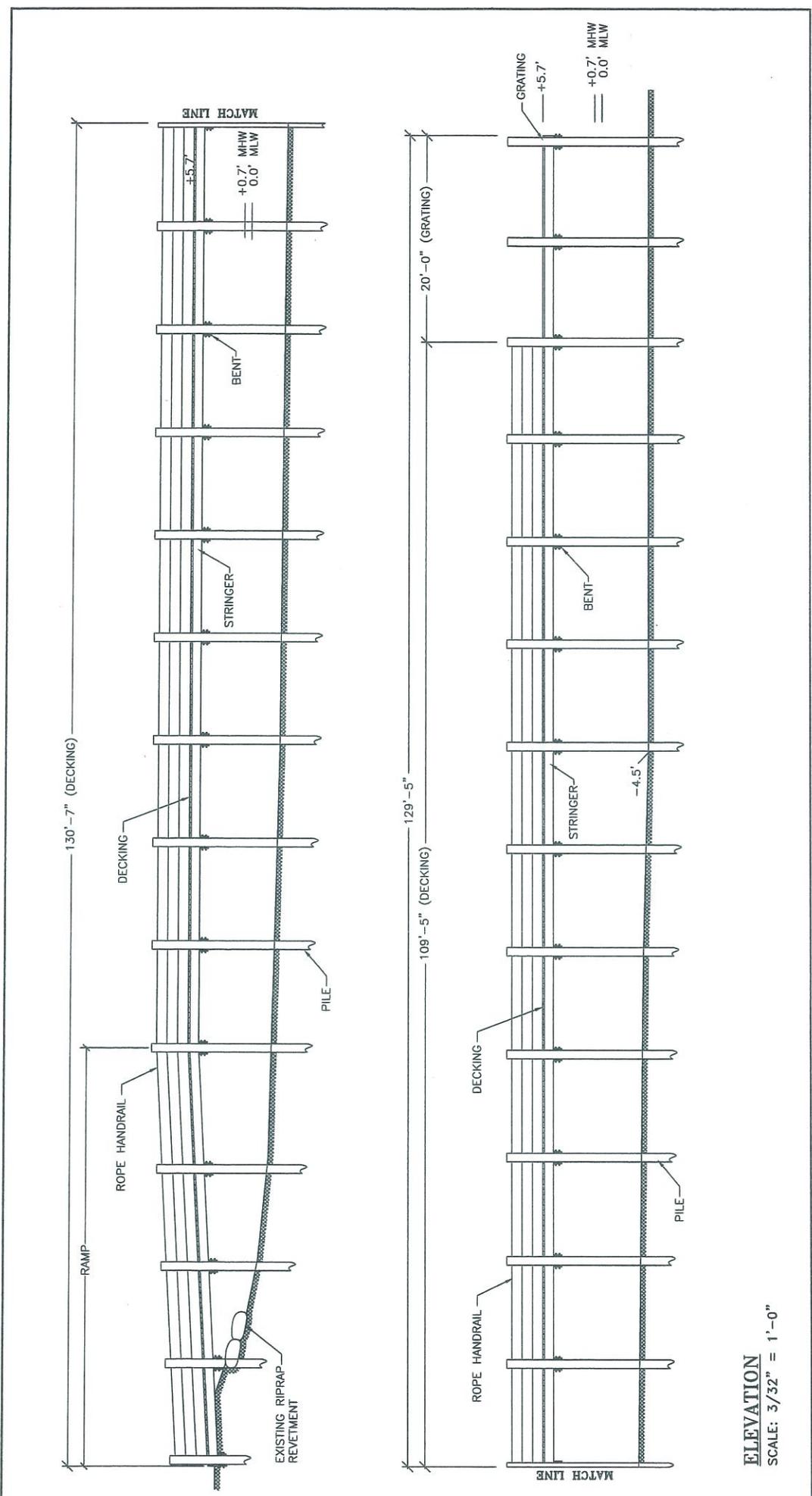
FRAMING PLAN
 SCALE: 3/32" = 1'-0"

NO.	REVISIONS

CERTIFIED BY:
 SEAN KIRWAN, P.E. #67506

DOCK FOR AB FISH LLC
 363 BARRY AVENUE
 TAMPA, FL 33605
 SAJ-2014-03443/AB FISH LLC (page 5 of 5) March 24, 2016

GLEN BOE AND ASSOCIATES, INC. # 4061
 5600 EVERGLADES HIGHWAY, SUITE 4, MACON, GA 31206
 Telephone (903) 743-9121
 Email: glenboe@bbaaconf.com



<p>SAJ-2014-034410/ABT FISH, LLC (page 4 copy) March 24, 2016</p>	<p>DOCK FOR AB FISH LLC 363 BARRY AVENUE SEAN KIRWAN, P.E. #57698</p>	<p>REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>									
<p>DATE: 09/03/14</p>	<p>GLEN BOE AND ASSOCIATES, INC. # 4061 5900 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060 Telephone (889) 743-9121 Email: glboe@bllsuff.net</p>	<p>4</p>									

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE (LATEST ADDITION). FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE FLORIDA BUILDING CODE.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST ADDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE FINAL LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK.
11. FOR OPEN WATER DOCKS PROVIDE REFLECTORS ON EACH SIDE OF WALKWAY EVERY 50' AND ON EACH END OF THE TERMINAL PLATFORM.

PILES:

DOCK SUPPORT PILES SHALL BE ROUND SOUTHERN PINE OR DOUGLAS FIR AND SHALL CONFORM TO ASTM D 25, UNUSED, CLEAN PEELED, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP. PILES SHALL BE PRESSURE TREATED IN CONFORMANCE WITH AWPA C3 AND C18 FOR MARINE PILES. THE MINIMUM BUTT DIAMETER SHALL BE 10 INCHES, MEASURED AT A SECTION 3 FEET FROM THE END. FOR PILES UP TO 50 FEET IN LENGTH THE MINIMUM TIP DIAMETER SHALL BE 8 INCHES.

PILES SHALL BE SET IN PREDRILLED OR PREPUNCHED HOLES AND DRIVEN TO PENETRATE FIRM ROCK 7' MIN.

A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.

PILES SHALL BE SPACED @ MAXIMUM OF 10' O.C. UNLESS OTHERWISE SHOWN.

DO NOT DRIVE PILES WITHIN 20 FEET OF CONCRETE LESS THAN SEVEN DAYS OLD.

CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.

RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.

HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION DIRECTED BY THE OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.

PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEVIATE FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.

PILES NOT MEETING ASTM D25 REQUIREMENTS WILL BE REJECTED. REMOVE SUCH PILES FROM THE SITE AND REPLACE WITH SOUND PILES. PILES BROKEN UNDER DRIVING STRESSES MAY BE CUT OFF AND LEFT IN PLACE IF APPROVED BY THE DESIGN ENGINEER FOR THE LOCATION. OTHERWISE THEY SHALL BE EXTRACTED AND REMOVED FROM THE SITE.

REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

LUMBER, DECKING, & FASTENERS:

ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2 OR DOUGLAS FIR NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWPA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS/CUBIC FOOT.

ALL DECKING SHALL BE SOUTHERN PINE NO. 1 OR DOUGLAS FIR NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS/CUBIC FOOT.

STRINGERS: 2x10

BENTS: 2x10

DECKING (WALKWAY): 2x6 (1/2" SPACING)

FIBERGLASS GRATING (PLATFORM): SEAGRATE RM1415 BY SEASAFE (800-326-8842), EcoGrate BY FIBERGRATE (866-245-3361 x1352), OR APPROVED EQUAL. ATTACH FIBERGLASS GRATING PER MANUFACTURER'S SPECIFICATIONS.

ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS OR TWO 16d STAINLESS STEEL NAILS AT EACH CONNECTION POINT.

ATTACH BENTS AND DOUBLE LEDGER TO PILING WITH TWO 5/8" STAINLESS STEEL BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/16 INCH GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS.

ATTACH STRINGER TO BENT WITH STAINLESS STEEL SIMPSON STRONG-TIE HURRICANE STRAP OR APPROVED EQUAL. ALL CONNECTORS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.

LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING SPECIFIED.

PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

SAJ-2014-03443/AB Fish, LLC (Page 5 of 5) March 24, 2016

REVISIONS:

CERTIFIED BY:
SEAN KIRKMAN, P.E. #67596

DOCK FOR AB FISH LLC
363 BARRY AVENUE
LITTLE TORCH KEY, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellcoast.net

DATE: 09/03/14

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





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



**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
August 2001**

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

Marsh:

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating. -

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.
3. 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.

Mangroves.

1. The width of the piling-supported structure is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the piling-supported structure.
3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.**

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating. -

Prepared by:
Permittee: _____
Address: _____

Phone: _____

NOTICE OF DEPARTMENT OF THE ARMY PERMIT

TAKE NOTICE the U.S. Army Corps of Engineers (Corps) has issued Department of the Army Permit SAJ- - to (Permittee) on , 200 , authorizing impacts to waters of the United States (including wetlands) in accordance with Section 404 of the Clean Water Act on a parcel of land known as Folio/Parcel ID: _____ encompassing _____ acres located within a portion of Section _____, Township _____ south, Range _____ east, _____, _____ County, Florida.

Within 30 days of any transfer of interest or control of that portion of the premises containing the area authorized to be filled (or any portion thereof), the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page of the permit. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, without first having obtained a permit from the Corps in the purchaser's name.

The subject Permit concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property containing areas authorized to be filled and wetland mitigation/conservation areas subject to the Permit.

Conditions of the Permit: The Permit is subject to General Conditions and Special Conditions which may affect the use of the subject property. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

To obtain a copy of the permit in its entirety submit a written request to:
U.S. Army Corps of Engineers
Regulatory Division - Special Projects & Enforcement Branch
Post Office Box 4970
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:
U.S. Army Corps of Engineers
Enforcement Section
Post Office Box 4970
Jacksonville, Florida 32232-0019

Conflict Between Notice and Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice is Not an Encumbrance

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Permit is executed on this _____ day of _____, 20____. This document is being submitted for recordation in the Public Records of _____ County, Florida as part of the requirement imposed by Department of the Army Permit No SAJ- _____ - _____ issued by the Corps.

Permittee:

Address:

Phone: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

(seal) Notary Public

Print

My Commission Expires _____

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ- - (-)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES ___ NO ___
PLEASE CONTACT _____ AT _____
TO SCHEDULE AN INSPECTION**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date