

Aguila-Ilze

From: leslie gray <leslielyngray@hotmail.com>
Sent: Tuesday, June 26, 2018 3:46 PM
To: Aguila-Ilze; Roberts-Michael; Lustberg-Elizabeth; Schemper-Emily
Cc: john coughlin
Subject: Coughlin Case CE16060041 - Closed
Attachments: img008.jpg; img009.jpg

Good afternoon,

Attached is a copy of the notice that our case # CE16060041 has been closed.

A letter from the DEP dated **September 29, 2016 stating the case was closed** was just posted to the detail as of June 1, 2018.

Thank you
Leslie Coughlin

Monroe County eGovPLUS 9.1

Notice:

We are aware of the technical issues that have made this site inaccessible at times and we are currently working with the product vendor to resolve. Thank you for your patience.



Case # CE16060041

CODE ENFORCEMENT DETAIL			
Case Number	CE16060041	Tenant	
Case Date	06-13-2016	Add Info	
Origination	6 - E-MAIL	Status	C - CLOSED
Operator	kennedys	Officer	CG
Fines Balance	\$0.00		
Lien Balance	\$0.00		
Total Balance	\$0.00		
PROPERTY ON CASE			
RE	00200590000000	Owner	COUGHLIN ASSET MANAGEMENT LLC
Unit		Owner Address	PO BOX 1273
Property Address	1355 OCEAN DRIVE	City/State/Zip	MINOT ND 58702
City/State/Zip	SUMMERLAND FL 33042		
CASE DESCRIPTION			
<p>COMPLAINT FROM WEBSITE STATES: MONROE COUNTY PERMIT #'S 1600955 & 14101934 PERMITS WERE ISSUED FOR 1355 OCEAN DR HOWEVER, WORK IS BEING PERFORMED ON THE ADJACENT RED FLAG WETLANDS LOT PARCEL ID 00197930-000000. THEY HAVE REMOVED ALL OF THE VEGETATION, NOT JUST PRUNED DEAD VEGETATION AND NOT LIMITED TO INVASIVES. THEY HAVE ADDED FILL OR GRAVEL TO THE WETLANDS AS WELL, IN AN EFFORT TO CLAIM UP TO AN ADDITIONAL 20' OF THE WETLANDS LOT IN SOME AREAS. ALL WORK HAS BEEN PERFORMED ON SATURDAYS AND SUNDAYS AND THE DEBRIS REMOVED IMMEDIATELY SO AS NOT TO BE DISCOVERED. PLEASE SEE ATTACHED AERIAL PHOTO/SURVEY WHICH SHOWS THE ADDITIONAL AREA CLAIMED. RE: MONROE COUNTY PERMIT #13101892 THIS PHOTO ALSO SHOWS THE "NEW" ELEVATOR SHAFT LOCATED ON THE PROPERTY LINE. THE ELEVATOR IS NOT 20' FROM THE WETLANDS AS REQUIRED BY LAW, AS THEY HAVE ILLEGALLY CLEARED APPROXIMATELY 20' INTO THE WETLANDS AND PLACED BOULDERS, PRIOR TO APPLYING FOR THE PREVIOUS PERMITS, WHICH FOOLED THE INSPECTORS BY MUDDYING THE PROPERTY LINE ON PERMIT 13101892, WHICH REMAINS OPEN. NO VARIANCES</p>			

HAVE BEEN ISSUED EXCEPT TO ALLOW SMALLER SET BACKS FROM CALLE COLUMBIA WHILE BUILDING THE GARAGE PERMIT #13104971. THERE IS ALSO A WALL/GATE FROM THE FRONT YARD TO THE OCEAN SIDE. THE WETLANDS HAVE BEEN CLEARED APPROXIMATELY 6' BEYOND THE WALL COLUMN INTO THE WETLANDS WITHOUT A PERMIT OR VARIANCE. THESE ARE THE SAME FOLKS THAT RECEIVED A CANAL/BOAT BASIN DREDGING PERMIT AND PROCEEDED TO PUMP THE DREDGE MATERIAL ONTO THE RED FLAG WETLANDS AND MY BEACH IN NOV 2014 CREATING AN ENVIRONMENTAL DISASTER I AM STILL DEALING WITH TODAY. IT'S ENOUGH ALREADY, PLEASE STOP THESE ARROGANT OUT OF STATE FOLKS FROM BREAKING OUR LAWS, DISRESPECTING OUR ENVIRONMENT, WAY OF LIFE OUR NEIGHBORHOOD AND OUR COMMUNITY. I WILL BE SENDING A CERTIFIED LETTER TO YOUR OFFICE THIS WEEK. PLEASE GIVE ME THE SAME COURTESY BY CORRESPONDING IN WRITING EITHER SNAIL OR EMAIL. THANK YOU

COMPLAINT CODE(S)

- 1: LANDCLEARING COMPLAINT
- 2: LANDCLEARING COMPLAINT
- 3: UNLIC ACT
- 4: UNLIC ACT

NOTES

2016-06-16 11:06:08 RECEIVED CERTIFIED MAIL REGARDING THIS CASE. PASSED TO INSPECTOR GRANT. -SK

INSPECTIONS/EVENTS DETAIL

DATE	TIME	INSPECTION / EVENT TYPE	INSTRUCTIONS / COMMENTS
06-01-2018	02:53 PM	CLOSE CASE EVENT	CASE CLOSED BY GRANTC
06-01-2018	02:52 PM	CLOSE CASE EVENT	CASE CLOSED. CG EMAIL FROM BIO THROUGH DIRECTOR OF CODE WITH DEP LETTER DATED 29 SEPTEMBER 2016 ATTACHED. LETTER STATED THIS PROPERTY HAD SATISFIED THE CONDITIONS OF THE CONSENT ORDER AND DEP'S CASE WAS CLOSED. ADDED TO FILE, PROPERTY COMPLIANT. CG
06-01-2018	02:40 PM	REINSPECTION	PRIMARY DEP CONTACT IS NO LONGER ATTACHED TO THIS OFFICE. EMAILED SB WITH DEP WITH CASE INFORMATION AND REFERRAL FROM 6/20/2016. CG
01-10-2017	04:25 PM	COMMENT CODE	CG
11-28-2016	09:19 AM	COMMENT CODE	EMAIL FOLLOWUP TO DEP. CG
10-12-2016	09:18 AM	COMMENT CODE	EMAIL FOLLOWUP TO DEP. CG
09-06-2016	09:17 AM	COMMENT CODE	EMAIL FOLLOWUP TO DEP. CG
08-17-2016	11:26 AM	COMMENT CODE	EMAIL TO DEP FOR STATUS. CG DISCUSSED CASE WITH BIO AND THAT LOOKING BACK OVER GIS TO 2006 THAT THE ENCROACHMENT OF FILL EXISTED. BIO STATED CASE WILL BE ON HOLD PENDING DEP'S DECISION. CG
07-06-2016	02:22 PM	COMMENT CODE	PER BIO, DEP TO BE NOTIFIED FOR FILL IN EVIROMENTALLY SENSITIVE AREA. EMAILED REFERRAL. CG
06-20-2016	09:55 AM	REFERRAL TO DEPT OF ENVIRO	SPOKE WITH BIO WHO STATED THAT ANY TRIMMING DONE WAS OK BY HIM HOWEVER, THERE WAS FILL ADDED TO THE SENSITIVE
06-15-2016	09:50 AM	COMMENT CODE	

Aguila-Ilze

From: leslie gray <leslielyngray@hotmail.com>
Sent: Thursday, July 12, 2018 10:56 PM
To: Aguila-Ilze; Roberts-Michael; Lustberg-Elizabeth; Schemper-Emily
Cc: john coughlin
Subject: Fw: Coughlin Rebuttal to Januik Appeal of Coughlin Long Dock Permit
Attachments: img011.jpg; img012.jpg; img010.jpg; img007.jpg

From: leslie gray <leslielyngray@hotmail.com>
Sent: Thursday, July 12, 2018 9:06 PM
To: Leslie Coughlin
Subject: Coughlin Rebuttal to Januik Appeal of Coughlin Long Dock Permit

John and Leslie Coughlin
Phone 701-721-0011
john@coughlininc.com
leslielyngray@hotmail.com, lesliecoughlin@srt.com

Good afternoon,

The following is in response to an appeal made to our long dock application.

We have received a dock permit from the Corps of Engineers.

We have also received authorization from, and made payment to, the NOAA Florida Keys National Marine Sanctuary, as required, for estimated coral impacts of 89.93cm² or (12.85in², approximately the size of a sheet of typing paper). This amount was determined by Joanne Delaney(NOAA Affiliate) via Benthic Resource Assessment material provided by Terramar Environmental Services, Philip Frank, PhD. A specific purpose survey for stony coral was performed to fulfill FKNMS requirements.

We have also received our dock permit from the Florida Department of Environmental Protection, in spite of multiple attempts by the Januiks to appeal our application. All appeal applications were dismissed due to lack of standing and insufficient information. The dismissal states "[The Amended Petition's allegations are formulaic recitations of the permitting criteria without specific factual allegations.](#)"

According to findings in the Benthic study, page 7 of 14, our proposed dock design will impact 9.81 ft² of sea grass in the area of 18 of the pilings. The dock design includes boards spaced at 1/2 inches and grated material to allow light transmission and minimize shading of all other sea grass and macroalgae. Page 7 of the Benthic study is attached. We believe it proves, through specific design choices, that our intentions have always been to reduce the impact to the bay bottom and sea grass. The last paragraph on page 3 of 14 of the Benthic Resource Assessment states "[Continuing to the proposed terminal platform just past the surveyed 4 foot water depth was a sand bottom with sprigs of turtle grass, \(T.testudinum\) and scattered small S.](#)"

radians. No sea grass bed was observed at the 4 foot surveyed water depth." The walkway through the mangroves will minimize sea grass impact as well, as there is no grass in the area of the mangroves. Also, Monroe County, FL Land Development Code, page 7 of 11, attached, allows a walkway to be cut through the mangroves.

We have attached an email from Phil Frank to Joanne Delaney which states that they did swim the general area around the proposed dock sight and found that the benthic habitats in the vicinity are similar. Dr. Frank states "There was some rubble and exposed rock along the dredged canal with more resources attached, but the proposed dock is distant from that area. So, I believe that in this case, the dock terminus has been cited in a location that minimizes impacts relative to another location within the applicants deeded area."

Our boat basin is not an option for placement of a boat lift. Had it been, we would gladly have installed one years ago and avoided the hassle and expense of a dock. The basin is too shallow to enter or exit at low tide. It is impossible to keep it from filling with sargassum weed and grass. We have a floating weed gate to slow the entrance of weeds into the basin, but the prevailing winds pack the weeds in tightly and it is nearly impossible to open the gate. Due to the rock jetty running the length of the boat basin, dredging did not remedy the problem. We did have a Bio Survey performed by Harry Delashmutt, which revealed that the basin will most likely always be problematic due to the fact that the jetty doesn't allow for natural scouring of the shoreline and buildup of sediment is unavoidable. We did apply for a permit to remove the said rock jetty, however, we needed permission from the property owners adjacent to the jetty, and they did not agree to the removal. We have actually considered getting a permit to fill it in and be done with the headache.

Ms. Januik states that our dock would impede the use of their boat. Our dock would be approximately 100 feet from their dock and 80 feet from their boat lift.. Enough said. Glen Boe and Associates designed our dock with riparian rights and required setbacks observed in the plans.

Ms. Januik also states our dock will look like a picket fence/wall, will devastate their view, and reduce the marketability of their home.

Our dock will be built to current code with 2 rope handrails. We are unclear of how a built to current code, nautical dock built on the ocean would devastate their view or reduce their home value.

Lastly, she states, during Irma, a piece of their dock went through their garage door and caused great damage and she doesn't think they should be subject to debris from our dock during a future hurricane. I have attached pictures of pieces of the Januik's dock in our yard, on our patio, in our trees, our pool, and one piece that tore the trim off of our garage during Irma. We mentioned to Scott Januik that we had several full sections of their dock if he wanted to collect and re-use them. He said to just haul them away with the rest of the debris, and we did.

Kindly

John and Leslie Coughlin

Project Impacts

The following potential impacts are associated with the proposed project:

- An estimated area of 344 square feet of seagrass will be partially shaded by the proposed dock and terminal platform (Figure 2). The deck design includes boards spaced at ½" and the terminal platform includes grating to allow light transmission so shading will be partial. In addition, 18 pilings are proposed in the seagrass area to support the dock. Assuming each piling is placed in a 10" diameter hole, there will be 0.545 square feet of impact per piling equaling 9.81 square feet of seagrass impacts.
- Impacts to macroalgae habitats should be negligible as light-transmissive deck board spacing on walkway and grating on terminal platform will allow light penetration and macroalgae to continue to persist following construction of the dock.
- Although 60 coral colonies totaling 643 square centimeters were identified within the project footprint, the small size of corals (all less than 10 cm in diameter) and their widely scattered distribution throughout the project area makes it unlikely that more than a small percentage would be directly impacted by the installation of dock pilings. In addition, the dock design is elevated to allow light transmission which will allow the remaining corals to thrive. Furthermore, because of their small size relocation of corals is not recommended as a mitigation alternative.

Any docking portions extending over water no shallower than four feet at mean low water (MLW) may be supported by floats.

(8) Marginal docks.

On shorelines landward of a seawall, revetment or manmade canal or channel, a dock may run the entire length of the shoreline, parallel to the water's edge, provided that:

- a. The landward edge of the dock is located entirely on the upland shoreline and no walkway is needed to provide access to the dock; and
- b. All portions of the dock that extend over submerged lands are cantilever beam or pile supported.

(9) T-style docks.

Where a mangrove fringe or wetland vegetation exists along the shoreline, then a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, shall be the primary design permitted and shall be designed as follows:

- a. The portion of the dock parallel to the shoreline may run the entire shoreline length of the parcel and shall not exceed five feet in width.
- b. The dock and walkway shall be located so as to avoid or minimize covering wetland vegetation or mangroves.
- c. The walkway connecting the dock to the shore shall not exceed four feet in width. One such walkway shall be allowed for every 100 feet of shoreline length or fraction thereof (for example, 75 feet of shoreline may have one walkway and 101 feet of shoreline may have two).
- d. Where a mangrove fringe or wetland vegetation exists along the shoreline and a "T" or "L" style dock would extend over more than ten percent of the width of the waterbody, the county biologist will coordinate with and approve an alternative design which shall receive approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit. Such alternate design shall only have the minimum deviations from this subsection to address this unique situation. If a mangrove fringe will be removed, the dock shall not extend more than 20 feet along the shoreline. On shorelines exceeding 100 feet in length, one such dock shall be allowed for every 100 feet of shoreline.

(10) Pier type docks.

Pier type docks shall be permitted, provided that:

- a. Such structures are oriented approximately perpendicular to the shoreline;
- b. Such structures are located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than four feet in width, may be cut through the mangroves or shoreline vegetation;
- 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

From: Phil Frank [<mailto:terramar@bellsouth.net>]
Sent: Friday, May 20, 2016 12:39 PM
To: 'Joanne Delaney - NOAA Affiliate'; 'Glen Boe & Associates, Inc.'
Cc: 'Hogan, Jessica M SAJ'
Subject: RE: Coughlin dock and boatlifts, File No. 44-0149061-007 (and SAJ-2013-03031)

Joanne:

We focused our benthic survey on the area of the proposed dock alignment, using project plans as our reference for impact assessment. However, we did swim the general area while doing our work, and I can attest that the benthic habitats in the vicinity of the proposed dock are effectively similar. We did not observe any larger hard or soft corals that would warrant relocation of the proposed dock alignment. Coral resources were all small and distributed patchily throughout the hard bottom areas. There was some rubble and exposed rock along the dredged canal with more resources attached, but the proposed dock is distant from that area.

So I believe that in this case, the dock terminus has been cited in a location that minimizes resource impacts relative to another location within the applicants deeded area.

Hope this helps, will keep this in mind on any future projects.



Thanks,
Philip A. Frank, Ph.D.
Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar@bellsouth.net

From: Joanne Delaney - NOAA Affiliate [<mailto:joanne.delaney@noaa.gov>]
Sent: Friday, May 20, 2016 9:04 AM
To: Glen Boe & Associates, Inc. <gba@glenboe.comcastbiz.net>
Cc: Terramar Environmental Services <terramar@bellsouth.net>; Hogan, Jessica M SAJ <Jessica.M.Hogan@usace.army.mil>
Subject: Re: Coughlin dock and boatlifts, File No. 44-0149061-007 (and SAJ-2013-03031)

