

## Memo

To: Emod/Darren/Manuela  
From: Bill Karr  
Date: January 21, 2005  
Re: Army Corp of Engineers

On this date Amy Dempsy and I traveled to Puerto Rico to meet with Vivian Gerena, the Project Manager of the Army Corp of Engineers regarding issues of Little St. James.

Ms. Gerena was courteous and professional and seemed willing to assist us with the resolution of the outstanding issues.

Ms. Gerena did however have a number of issues that need to be addressed.

1. There is concern about the installation of the "floating dock". It is unlikely that the floating dock would be accepted, in fact; it is possible that the floating dock will create another NOVA. If the "floating dock" were to be called a "floating platform" for swimming purposes that would be a fixed to the mooring when in use and attached to the existing dock facility when it is not in use, then it is my opinion that the "floating platform" would be approved as presented. Amy concurs with this opinion.
2. The drawings presented for the existing NOVA issues require some additional alterations and one more section is required. The ACOE requires an additional section (transverse) through the landing craft bulkhead. They also have requested that some of the presented drawings be re-submitted altering their current cataloging. Moseley and Associates have already been directed to provide the changes required by Amy and I have confirmed this with Moseley myself this afternoon. The changes primarily involve reformatting to make them legible for the public notice which must be reproduced at 8 ½ x 11.
3. The ACOE will entertain the filing in of the salt pond behind the beach, but only if we submit this request within 30 days of this date. They do not want to see the development permitting further piecemealed. They want to finalize all the permitting. They will hold off on the finalization of the docks and include the salt pond approval at this time and only at this time. If we do not do it now, they will not want to entertain it again. Realistically, they would have to entertain it if we submitted it, they would just make the process more difficult for us. In order for us to submit this request, we would have to inform them of what we intend to build on the site. We would have to justify its location and explain why another location not in a wet land area would work and we would need to supply floor plans, site plans and elevations, all within the next 30 days. I am concerned that this could be accomplished within the next 30 days. After some discussion, I learned that the ACOE has lost patience with us on the lack of respect regarding executing work without permits and they do not intend on allowing any other permits accept that which will be delivered within the next 30 days. For this reason I recommend that we provide a plan to create a landscaping garden area where the current salt pond is now. We would excavate the

silt out of the pond to actually create a real pond, with an elevated walkway through the pond as well as a fountain to provide aeration etc. I will of course execute as per Mr. Epstein's desire. If we create the fresh water pond as an enhanced wetland, it will be a credit to us and will go a great way in appeasing the previous transgressions. By this I mean that at this time we are susceptible to having to still remove portions of the riprap. With the re-creation of the wetland, we would obtain credits to mitigate this issue. Also, I would encourage us to use this credit to implement NOW the creation of the second bulkhead access at the great salt pond for construction. This would limit adverse activities to Mr. Epstein during the construction. This is the time, they are in the mood now to work this out.

4. It turns out that the R/O intake pipe is also not permitted, Amy requested that we locate a new intake line onto the existing dock for use at the R/O plant. She has agreed that if we were to add this element to the package, she would approve it with the dock submission. Currently the pipe size is not adequate for the newly proposed R/O plant at the mechanical Building, this is a great opportunity to increase the pipe size and to obtain its permit. I am requesting permission to execute this plan. We should extend the pipe out near the end of the dock and create an intake box which has baffles to limit the intake of sand during boat movements. They will approve this now.
5. With Mr. Hoffman's removal, Ms. Gerena has informed me that she needs a letter from Mr. Epstein informing her that I am the new Authorized Agent. With this letter she would provide a new "Tolling Agreement" that is required to be submitted within this 30 day time we have to add the other items. If you agree to provide her with this information, I would appreciate a copy for my files. If not, Mr. Hoffman would need to be retained to execute the issues being raised.

There are a few other issues to be discussed;

1. I have received only today the phone information that Mr. Epstein has requested it will be sent FedEx on Monday.
2. I have received additional information from Tom Payette on Thursday and we will be submitting the cost estimate for the residence next Friday, the 28<sup>th</sup> of January.
3. Next week I will be meeting with a number of engineering firms in Boston and Orlando to execute the infrastructure engineering documents. Once I have those costs and a preliminary plan, I will submit them to you for your consideration.
4. I have not yet picked up the building permit for the Mechanical Buildings. I have not done so as once they are picked up, we have 6 months to start construction or we have to start that process all over again. Please inform me if you wish for me to pick up those documents.

I will be traveling most of the week next week. I will be available via cell phone at [REDACTED]

Regards - Bill