



**FRANKLIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING
COURTHOUSE ANNEX, COMMISSION MEETING ROOM**

JULY 14, 2020

6:30 PM

AGENDA

PLEASE NOTE: PLANNING AND ZONING COMMISSION MAKES RECOMMENDATIONS TO THE FRANKLIN COUNTY BOARD OF COMMISSIONERS REGARDING YOUR APPLICATION. ALL APPLICANT'S ARE NOTIFIED THAT IF YOUR APPLICATION IS DENIED, IT MAY NOT BE RESUBMITTED FOR ONE YEAR. ALSO, ANY PERSON WISHING TO APPEAL THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OR THE DECISION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONER BOARD ARE RESPONSIBLE TO ENSURE THAT A VERBATIM TRANSCRIPT OF THE PRCEEDINGS IS MADE.

Approval of the Minutes:

- A-** Until further notice, there are no scheduled Planning and Zoning meetings. All Planning & Zoning requests will be reviewed by staff and decisions made by the Board of County Commissioners. Normal deadlines apply. For deadline date and times please contact our office at 850-653-9783.

PLANNING & ZONING AGENDA ITEMS WILL BE PRESENTED ON TUESDAY, JULY 21, 2020 AT 10:00 AM EST.

To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore this Board of County Commission regular meeting will be conducted via livestream and conference call. Those wanting to view the meeting can use the livestream link (<https://www.youtube.com/user/SGIBeachLife>) or go to Forgotten Coast TV's You Tube Page. The livestream feed will promptly start 5 minutes before the meeting commences.

Those that are representing a Planning & Zoning project on the agenda should use the conference call system by dialing **1-844-844-0014** and when prompted enter **540166# by 9:50 a.m. (ET)**. Once the agenda items are completed, the conference call will be disconnected.

Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.

Building Report:

- B- R-1 DWELLINGS: 10**
Eastpoint: 4
St. George Island: 5
Alligator Point: 1
MOBILE HOMES: 3

Apalachicola: 2

Lanark: 1

Critical Shoreline Applications:

- C-** Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block H, Magnolia Bluffs, 215 North Bayshore Drive, Eastpoint, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will be 269' x 4' with a 26' x 6' terminal platform and a 12' x 20' boatlift. Request submitted by Garlick Environmental Associates, agent for Charles Galloway, applicant. (Existing House)
- D-** Consideration of a request to construct a Single Family Private Dock located at Lot 46, River's Edge, 208 Sand Bar Road, Apalachicola, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will have a 23' x 6' and a 10' x 40' fixed boardwalk, a 6' x 20' walkway and a 6' x 40' floating hinged dock. Request submitted by Dan Garlick, applicant. (Proposed House)
- E-** Consideration of a request to construct a Single Family Private Dock located at Lot 25, Indian Bay Village, 2009 Seminole Lane, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The dock will have (2) 78' x 4' boardwalks over wetlands, 130' x 4' dock and a 20' x 6' terminal platform. Request submitted by Garlick Environmental Associates, agent for John Sims, applicant. (Proposed House)
- F-** Consideration of a request to construct a Single Family Private Dock located at Lot 28, Indian Bay Village, 2023 Seminole Lane, St. George Island, Franklin County, Florida. The applicant has State permits and will need the Federal permits. The boardwalk over wetlands will be 199' x 4' and the dock will be 436' x 4' with (2) 10' x 20' boatlifts and a 6' x 20' terminal platform. Request submitted by Garlick Environmental Associates, agent for Timothy Padgett, applicant. (Proposed House)
- G-** Consideration of a request to construct a Single Family Private Dock located at Lot 16, Heron Bay Village, 2215 Sea Gull Way, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The boardwalk over wetlands will be 120' x 4', the dock will be 438' x 4' with (1) 30' x 13' Boatlift and (1) 12' x 20' Boatlift and a 20' x 8' terminal platform. Request submitted by Garlick Environmental Associates, agent for Hugh Whitehead, applicant. (Proposed House)
- H-** Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block R, Peninsular Point, Unit 5, 1545 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 229' x 4' with a 6' x 20' terminal platform and a 12' x 20' proposed boatlift. Request submitted by Garlick Environmental Associates, agent for Robert Kirby, applicant. (House Under Construction- #29097)
- I-** Consideration of a request to construct a Single Family Private Dock located at Lots 5-6, Block M, Peninsular Point, Unit 3, 1529 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will have a 6' x 6' platform and the dock will be 225' x 5' with a 12' x 25' boat slip with lift, a 8' x 20' terminal platform, an 8' x 5' floating jet ski platform with a separate 4' x 10' stairs. (The 8' x 22' portable building would not be permitting in the VE Flood Zone nor in the Critical Habitat Zone). Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Michelle Darpel and Lonnie Davis, applicant. (Existing House)
- I-** Consideration of a request to construct a Single Family Private Dock located at Lot 5, Block 51, Unit 5, 309 Gander Street, St. George Island, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 5' x 28' with a 8' x 20' terminal platform and a 10' x 20' boat slip with lift. Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Rudy Rowe, applicant. (The proposed house is situated over wetlands.)

Final Plat Applications:

- K- Consideration of a request to Final Re-Plat "Island Breeze" to "Island Breeze Phase II" a 4 lot subdivision lying in Section 28, Township 8 South, Range 6 West, Eastpoint, Franklin County, Florida. Request submitted by Thurman Roddenberry, agent for Charles and Angela Overstreet, applicants.

Commercial Site Plan Applications:

- L- Consideration of a request for Commercial Site Plan Review for an 8,000 square foot climate controlled self-storage facility located at 162 US Highway 98, Eastpoint, Franklin County, Florida. 32 Units will be conditioned and 8 non-conditioned unites. Request submitted by Wade Brown, Edwin Brown and Associates and Jonathan Barwick, Southeastern Engineering, agents for 98 Storage, LLC, applicant.
- M- Consideration of a request for Commercial Site Plan Review for (5) 18' x 40' Recreational Boat Storage Units located at Lot 7, Block 1, David Brown Estates, 257 Creamer Street, Eastpoint, Franklin County, Florida. Request submitted by Christopher B. Varnes, applicant.
- N- Consideration of a request to construct a Commercial Pool, Pole Barn Activity Center, Men/Women's Bath House, 4 Coastal Suites, Laundry and Check-In Center located at 909 US Highway 98, Eastpoint, Franklin County, Florida. Request submitted by Michael Seamon, Cox Pools, agent for Coastline Rentals, LLC, applicant.

Re-Zoning & Land Use Change Applications:

- O- Consideration of a request for a Public Hearing to change 1.40 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 16 North Franklin Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.
- P- Consideration of a request for Public Hearing to change .34 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 15-4th Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.

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FRANKLIN COUNTY

REPLY TO:
BOARD OF COUNTY COMMISSIONERS
33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320
(850) 653-8861, EXT. 100
(850) 653-4795 FAX



REPLY TO:
PLANNING & BUILDING DEPARTMENT
34 FORBES STREET, SUITE 1
APALACHICOLA, FL 32320
(850) 653-9783
(850) 653-9799 FAX

JULY 2020 PLANNING & ZONING STAFF REVIEW ITEMS

CRITICAL SHORE LINE APPLICATIONS:

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FINAL PLAT APPROVAL:

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COMMERCIAL SITE PLAN REVIEW:

- Consideration of a request for Commercial Site Plan Review for an 8,000 square foot climate controlled self-storage facility located at 162 US Highway 98, Eastpoint, Franklin County, Florida. 34 Units will be conditioned and 8 non-conditioned unites. Request submitted by Wade Brown, Edwin Brown and Associates and Jonathan Barwick, Southeastern Engineering, agents for 98 Storage, LLC, applicant.
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LAND USE/RE-ZONING REQUEST:

- Consideration of a request for a Public Hearing to change 1.40 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 16 North Franklin Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.
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Monthly Building Report



Date range:	6/1/2020 to 6/30/2020
Total Number of Permits:	81
Total Fees Collected:	\$38291.48

Date	Permit	Property Owner	Development	Location	Street Address	Cost	Fee
06/01/2020	29591	Gerry Hall	Re-Roof	LOT 51 BALD POINT	802 Bald Point Road	\$12,675.00	\$229.00
06/01/2020	29592	Tracy Guarino	Deck Repair	UNIT 5 BL 78 LOT 20	997 West Bayshore Drive	\$1,000.00	\$100.00
06/01/2020	29593	David and Patricia Dreibelbis	Electrical Upgrade	LOT 2 DOLPHIN BCH VILL	2120 Seahorse Lane	\$0.00	\$100.00
06/02/2020	29594	John Maloney	Replacing Conduit	Lot 1	1442 Bayfront Drive	\$1,000.00	\$100.00
06/03/2020	29595	DAVID POOLE	ELECTRICAL UPGRADE	LOT 5 BLK 13E UNIT 1	333 EAST GULF BEACH DRIVE	\$0.00	\$100.00
06/03/2020	29596	THE ARK FAMILY TRUST	New Construction	LOT 18 LAS BRISAS SUB	159 Las Brisas Way	\$100,000.00	\$1,434.18
06/03/2020	29597	Chris Fagen	Rebuild front porch from the roof down	Lot 5 Block 20E Gulf Beach Unit 1	533 East Gorrie Drive	\$33,000.00	\$593.25
06/04/2020	29598	St Georges Bluff	Electrical Upgrade	St Georges Bluff	1672 St Georges Bluff	\$1,000.00	\$100.00
06/04/2020	29599	Will Flynn	Siding	Block 19W Unit 1	564 West Gorrie Drive	\$21,200.00	\$341.00
06/04/2020	29600	Mark Olstein	SITE PREP	Lot 19 Block A Rivercrest Phase 2	582 Walkers Lane	\$1,000.00	\$100.00

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06/04/2020	29601	Mark Olstein	SITE PREP	Lot 20 Rivercrest Phase 2	586 Walkers Lane	\$1,000.00	\$100.00
06/05/2020	29602	Winson & Teresa Peacock	Swimming Pool	LOT 72 1.00 AC PEBBLE BCH	1640 Ivy Way	\$40,300.00	\$690.25
06/05/2020	29603	JACK E FRYE JR	DW MOBILE HOME- GRADE IS ABOVE FLOOD REQUIREMENT	LOT 4 TRACT 8	300 PARADISE LANE	\$0.00	\$250.00
06/05/2020	29604	Dona and Russell A Turner, Sr	New Construction	57.5 FT IN NE 1/4 ALSO A TRIANGULAR LOT IN NE 1/4 AND LOT 3 BL 4 UN-RECD PLAT EASTPOINT ALSO PROPERTY SOUTH SIDE OF ROAD	419 Highway 98	\$0.00	\$1,692.43
06/05/2020	29605	Dennis Harkins	RE ROOF	metes & bounds	1601 Alligator Drive	\$30,000.00	\$445.50
06/05/2020	29606	Travis Lloyd	PRODUCT APPROVAL CODES: DOORS FL5891R-6: WINDOWS: FL11821R5: SIDING: FL13192R3: METAL FL14026R4	Part of lot 27	1604 Alligator Drive	\$86,400.00	\$882.96
06/08/2020	29607	Tim West	Boat Shed	UNIT 1 BL Q LOT 15	2301 Maine Street	\$11,704.50	\$268.75
06/09/2020	29608	Craig Cooper	Electrical Upgrade	Unit 5 Block 55 Lots 3-4	305 Wing Street	\$1,000.00	\$100.00
06/09/2020	29609	Murphy Turtle Bay, LLC	Electrical Upgrade	TRACT 27 OF LOT 1 EAST END ST GEORGE ISLAND	1740 East Gulf Beach Drive	\$0.00	\$100.00
06/10/2020	29610	Ray and Margaret Munroe	HVAC Changeout	133.76 FT X 142.86 FT X 100 FT X 144 FT AKA LOT 29	1251 Alligator Drive	\$6,650.00	\$145.00
06/10/2020	29611	Patrick SParks	Electrical upgrade	UNIT 5 BL 79 LOT 22	965 West Pine	\$0.00	\$100.00
06/10/2020	29612	Jason Womack	R1 Dwelling	Lot 16	725 West Pine Avenue	\$100,000.00	\$1,382.42
06/11/2020	29613	Melanie McCall	RE ROOF	Lots 2 & 1/2 of 3	2714 Highway 98 West	\$12,000.00	\$215.00
06/11/2020	29614	ST GEORGE BLUFF LLC	New Construction	ST GEORGES BLUFF LOT 7 PB 9/24 1012/298 1169/547	1698 St Georges Court	\$200,000.00	\$2,373.11
06/11/2020	29615	ST GEORGE BLUFF LLC	New Construction	ST GEORGES BLUFF LOT 10 PB 9/24 1012/298 1169/547	1706 St Georges Court	\$200,000.00	\$2,373.11
06/12/2020	29616	Charles Branch Mahaffey	Re-roof	LOT 19 DEER RUN EST UNRECD PLAT 1 AC OR/327/14 807/670	2626 Oak Street	\$20,800.00	\$341.00

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06/15/2020	29617	Tiffany Stanley	Boat Shed 1200 sq. ft.	METES & BOUNDS	337 East Bay Drive	\$18,065.00	\$313.00
06/15/2020	29618	David Cerrato	RE-ROOF	Lot 25	2148 Seahorse Lane	\$17,000.00	\$285.00
06/15/2020	29619	David Hinton	Electrical Upgrade	Lot 1	112 Hinton Street	\$1,000.00	\$100.00
06/15/2020	29620	RICHARD ABERCROMBIE	POWER POLE FOR DOG PEN ONLY	NA	2914 BLUFF ROAD	\$0.00	\$100.00
06/15/2020	29621	Mary Trice	Electrical Upgrade	UNIT 5 BL 63 LOT 5	709 Buck Street	\$0.00	\$100.00
06/15/2020	29622	Michael Millender	Electrical Upgrade to existing pole	Lot 23	16 Washington Street	\$1,000.00	\$100.00
06/15/2020	29623	William Pressnell	Metal Building on Slab	UNIT 1 BL D LOTS 1,2 & 37 LANARK BEACH	144 Arizona Street	\$0.00	\$815.83
06/15/2020	29624	Sawyers Larry and Irene Barron	Pole Barn	150X213 FT IN SE 1/4 OF SW 1/4 LYING N & S OF HWY & E 150 FT LOT 4 BL 127 UN-RECD PL EASTPOINT OR 102/229 141/341 188/85	555 Highway 98	\$6,000.00	\$131.00
06/15/2020	29625	Kevin Chapell	New Construction	UNIT 4 BL 36 LOT 4 ST GEO IS OR/151/529 176/471 OR 196/539 ORB 220 PAGE 340	624 East Pine Avenue	\$385,000.00	\$1,780.05
06/17/2020	29626	Tom Bulger	Electrical Upgrade	UNIT 5 BL 65 LOT 5	723 Randolph Street	\$0.00	\$100.00
06/17/2020	29627	PAUL AND BARBARA ROHRS	TRIPLE WIDE MOBILE HOME	LOT 57 BLOCK A LANARK BEACH UNIT 1	2243 KENTUCKY AVENUE	\$0.00	\$375.00
06/17/2020	29628	Brantley Persons	HVAC Changeout	LOT 7 BAY COVE VILL	2039 SAND DOLLAR TRAIL	\$11,590.00	\$215.00
06/17/2020	29629	LOIS CATLIN	HVAC CHANGEOUT	ST JAMES BAY SUB PB 7/39 BLOCK G LOT 5 PHASE 1-A	261 ROYAL TERN WAY	\$5,855.00	\$131.00
06/17/2020	29630	TOM TOWNSON	HVAC CHANGEOUT	LOT 21 DOLPHIN BCH VILL	2160 PALMETTO WAY	\$5,800.00	\$131.00
06/17/2020	29631	Kirk Quarterman	HVAC	Lots 1 & 22 Block 2 Gulf Terrace Unit 1	2517 Florida Avenue	\$4,100.00	\$117.00
06/19/2020	29632	Bobby Hodgson	Swimming Pool	UNIT 5 BL 85 LOT 18	215 Brown Street	\$21,500.00	\$443.75

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06/19/2020	29635	Jasmine St George LLC	Swimming Pool	LOT 42 1.02 AC 100.01X 111.94X332.67X100X332.67X 110.93 SEA PALM VILLAGE	1432 Dogwood Drive	\$93,000.00	\$1,153.05
06/19/2020	29636	Phillip Fairchild	Swimming Pool	LOT 21 TURTLE BEACH 100X355X100X355	1720 KUMQUAT CT	\$41,100.00	\$702.38
06/19/2020	29637	Ian Dixon	Roof Over	Lot 32 Unit 2	1181 Alligator Drive	\$17,415.00	\$299.00
06/19/2020	29638	Mark White	Roof Over	MEETS & BOUNDS	155 River Road	\$20,385.00	\$341.00
06/19/2020	29639	Jeff and Amy McClellan	Deck	85X276 FT OR 48/23	680 Alligator	\$10,000.00	\$233.75
06/22/2020	29640	Fred and Jennie Daigle	R-1 Dwelling	ONE PARTICULAR HARBOR LOT 2 1005/18 1077/364 1077/366 1077/368 1237/465	10 Ciera Lane	\$130,000.00	\$1,402.64
06/23/2020	29641	Bill Moor	HVAC Changeout	UNIT 2 BL E LOT 1 PERKINS BCH UNIT 2	4272 ST TERESA AVE	\$7,450.00	\$159.00
06/23/2020	29642	Jeff Diekman	Electrical Upgrade	LOT 29 & 28 BRE INC	1442 Cypress Street	\$1,000.00	\$100.00
06/23/2020	29643	Jeffrey and Amy McClellan	Window Replacement	85X276 FT OR 48/23	680 Alligator Drive	\$10,185.00	\$201.00
06/23/2020	29644	Kerri Chavis	Window Replacement	LOT 11 BRE INC TAX CERT 35 1976	1446 Donax Place	\$5,500.00	\$131.00
06/23/2020	29645	Donny Faircloth	Rebuild Existing Deck	LOTS 23 & 24 LIGHTHOUSE RIDGE ESTATES UNIT 1	1958 Lighthouse Road	\$3,800.00	\$128.75
06/24/2020	29646	David and Kristine Daly	Window Replacement	UNIT 1 BL 26W LOT 2 672/319 1264/791	608 West Gorrie Drive	\$20,000.00	\$327.00
06/24/2020	29647	Lynnette Bowden	Replacing rotten trim and flash around windows	Lot 38 Windjammer Village	1735 Lark Lane	\$3,000.00	\$89.00
06/24/2020	29648	Paul Todd	Replacing Surface boards on decking	Lot 23 Bay view Village	1847 Harbor Light Lane	\$7,000.00	\$145.00
06/24/2020	29649	STEVEN AND VIVIAN RODEN	METAL ROOF OVER FL PRODUCT #10736.1R3	LOT 4 BLK 53 UNIT 5	305 QUINN STREET	\$9,500.00	\$233.75
06/24/2020	29650	Christie Vance	remove and replace windows and doors	Lot 18 Block A Sea Dune Village	1212 Sandy Lane	\$7,000.00	\$145.00
06/24/2020	29651	Penelope Evanoff	Re-Roof	BLOCK 6 LOT 5 DAVID BROWN ESTATES	25 South Franklin Street	\$1,800.00	\$100.00

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06/24/2020	29652	ARTHUR AND PATRICIA HOLLENBECK	POWER POLE REPLACEMENT/UPGRADE	NA	93 OTTERSLIDE ROAD	\$0.00	\$100.00
06/25/2020	29653	Frank Burke	Roof Over	Lot 1 Block 76 Unit 5	1031 Porter Street	\$11,600.00	\$215.00
06/25/2020	29654	Jeff and Stephanie Schmitter	Renovation	LOT 7 CASA DEL MAR PHASE I	2210 Sailfish Drive	\$86,600.00	\$882.96
06/25/2020	29655	Patrick Roffey	Add 2nd floor in Garage	LOTS 32,37,38 TREASURE BEACH	1904 Coral Reef Road	\$99,764.00	\$1,095.48
06/25/2020	29656	Larry Gaston	R1 DWELLING	Lot 9 Block N Unit 3	1065 West Gulf Beach Drive	\$0.00	\$1,557.64
06/25/2020	29657	Greg Ohl	R1 DWELLING	Lot 28 Pebble Beach Village	1606 Guava Trail	\$313,057.39	\$2,683.13
06/25/2020	29658	Greg Stewble	R1 Dwelling	Lot 10	1816 Plantation Pass	\$0.00	\$3,545.76
06/26/2020	29659	Mishelle Mcpherson	Metal Building 24' x 35'	BL 105 LOTS 24 & 25	26 Jefferson Street	\$8,000.00	\$198.75
06/29/2020	29660	Tom Buchanan	Boat Lift	Lot 17 Holiday Beach Unit 1	16 Mardi Gras Way	\$9,000.00	\$173.00
06/29/2020	29661	Robert Miller	Boat Lift	Lot 6 Penn Point Unit 2	1468 Alligator Drive	\$9,000.00	\$173.00
06/29/2020	29662	Alfred Suter	boat lift	Lot 60 Holiday Beach Unit 1	28 Fiesta Drive	\$9,000.00	\$173.00
06/29/2020	29663	Perry Jones	boat lift	Lot 47 Holiday Beach Unit 1	19 Carnival Lane	\$9,000.00	\$173.00
06/29/2020	29664	Mark and Michelle White	Window Replacement	128 X 125 FT ON RIVER	155 River Road	\$286,000.00	\$435.85
06/29/2020	29665	Candice Reed	Install outdoor Stairs	UNIT 5 BL 86 LOT 17 ST GEORGE	201 Bradford Street	\$1,500.00	\$100.00
06/30/2020	29666	Nora Pearce	Hvac	Lot 8 Block E Unit 3	1156 West Gorrie Drive	\$5,960.00	\$131.00
06/30/2020	29667	Colleen Collins	hvac	Lot 7 Block 20 Unit 5	122 Carl King Avenue	\$4,200.00	\$117.00
06/30/2020	29668	David and Kristine Daly	Remodel	UNIT 1 BL 26W LOT 2 672/319 1264/791	608 West Gorrie Drive	\$11,000.00	\$201.00

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06/30/2020	29669	Ryan McClain	Single Wide > IH1100078665	Lot 8	326 Paradise Lane	\$0.00	\$125.00
06/30/2020	29670	Ryan McClain	Single Wide > IH1100078665	Lot 8	326 Paradise Lane	\$0.00	\$125.00
06/30/2020	29671	Bobby Hodgson	Electrical Upgrade	UNIT 5 BL 85 LOT 18	215 Brown Street	\$0.00	\$100.00
06/30/2020	29672	Ark Family Trust	Site Prep	Lot 9 Las Brisas	137 Las Brisas Way	\$1,000.00	\$100.00
06/30/2020	29673	Ark Family Trust	SITE PREP	Lot 8 Las Brisas	133 Las Brisas Way	\$1,000.00	\$100.00



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APPLICATION FOR SINGLE FAMILY/MULTI-FAMILY & COMMERCIAL DOCKS OR PIERS

FRANKLIN COUNTY BUILDING DEPARTMENT

34 Forbes Street, Suite 1, Apalachicola, Florida 32320

Phone: 850-653-9783 Fax: 850-653-9799

http://www.franklincountyflorida.com/planning_building.aspx

APPLICATION MUST BE COMPLETE:

Property Owner/s: CHARLES GALLOWAY

Contact Information: Home #: _____ Cell #: 850-323-0357

Mailing Address: 215 NORTH BAYSHORE DRIVE City/State/Zip: EASTPOINT, FL 32328

EMAIL Address: C.GALLOWAY@MCHSI.COM

Agent Name: DAN GARLICK Business Name: GARLICK ENVIRONMENTAL

Contact Information: Office #: 850-653-8899 Cell #: 850-899-5252

Mailing Address: PO BOX 385 City/State/Zip: APALACHICOLA, FL 32329

EMAIL Address: DAN@GARLICKENV.COM

PROPERTY DESCRIPTION: 911 Address: 215 NORTH BAYSHORE DRIVE, EASTPOINT, FL 32328

Lot/s: 3 Block: H Subdivision: MAGNOLIA BLUFFS Unit: _____

Parcel Identification #: 25-08S-07W-6300-00H0-0030

JURISDICTION: Franklin County

Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

Applicant Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____

SINGLE FAMILY DOCK or PIER

MULTI-FAMILY DOCK

COMMERCIAL DOCK

ITEMS REQUIRED:

Signed Application

DEP Permit/Exemption

Army Corps of Engineer Permit

Site Plan

Dock Plans

HAS HOUSE

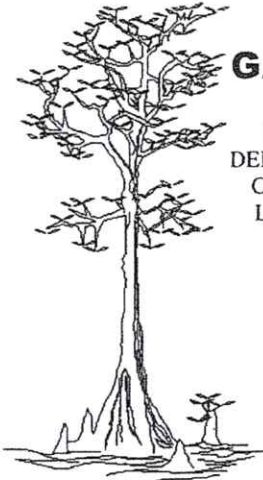
RECEIVED
JUN 04 2020

BY: ak

RECOMMENDATION FROM COUNTY PLANNER: _____

PLANNER SIGNATURE: _____ **DATE:** _____

BOARD APPROVAL DATE: _____



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL
 DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS •
 CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL
 LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE
 MARINA, DOCK, AND SUBDIVISION DESIGN

June 4, 2020

Ms Amy Kelly
 Franklin County Planning & Zoning
 33 Commerce Street
 Apalachicola, FL 32320

Re: Planning and Zoning Agenda
 GEA File No. 20-038
 Charlie Galloway

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020, for the construction of a Single Family Residential Dock.

The proposed project is located in Section 25, Township 8 South, Range 7 West, in Franklin County, FL, in East Bay, Class II, OFW, not an Aquatic Preserve. The parcel is a developed lot. The following information should aid you in your review:

The project consists of construction a Single-Family Residential Dock with an access walkway 269 ft. in length and 4 ft in width for a total square footage of 1076 square feet. The terminus will be constructed 6 ft. in width and 26 ft. in length for a total square footage of 156 sq. ft. The total square footage of proposed dock and terminus is 1232 sq. ft. The no submerged grass beds are within the alignment of the proposed dock; however, 10 ft. wide emergent vegetation exist landward of the existing rock revetment. The access walkway will be elevated 5 ft. above mean high water. The terminus will be elevated 5 ft. above mean high water. The water depth of at the proposed terminus is -3 ft. Turbidity curtains will be placed around the area of the proposed work and will remain in place until turbidity is well within the limits of the State Water Quality Standards.

If you have any questions, please let us know.

Sincerely,



Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments



APPLICATION FOR DEVELOPMENT
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____
FEE: \$ _____
RADON: \$ _____
FLOOD: \$ _____
C.S.I.: \$ _____
TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE: ISSUANCE DATE: _____ EXPIRES: _____

- New Constuction
□ Commercial
□ Residential
□ Substantial Improvement
□ Less than Substantial

APPLICATION MUST BE COMPLETE: (We will no longer accept incomplete applications)

Property Owner/s: Charlie Galloway
Contact Information: Home #: _____ Cell #: 850-323-0357
Mailing Address: 215 N. Baysshore Dr. City/State/Zip: East Point, FL 32328
EMAIL Address: c.galloway@mchsi.com

Contractor Name: _____ Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

PROPERTY DESCRIPTION: 911 Address: 215 N. Baysshore Drive, East Point
Lot/s: 3 Block: H Subdivision: Magnolia Bluffs Unit: _____
Parcel Identification #: 25-088-07W-6300-0040-0030

JURISDICTION: [x] Franklin Coun [] City of Carrabelle
[] Apalachicola [x] Eastpoint [] St. George Island [] Carrabelle [] Dog Island [] Lanark/ St. James [] St. Teresa [] Alligator Point

DESCRIPTION OF DEVELOPMENT: Dock
ZONING DISTRICT: _____ CONTRACT COST: _____

HEATED SQ FT: _____ UN-HEATED SQ FT: _____ TOTAL SQUARE FOOT: _____
ROOF MATERIAL: _____ FOUNDATION TYPE: _____ LOT DEMENSION: _____
NO. OF STORIES: _____ UNDERNEATH STORAGE SQ FOOTAGE: _____
(Requires Building or General Contractor if over 3 habitable stories including mezzanines.) (VE Zones: 299 Sq. Foot or Less and MUST be certified breakaway construction by Engineer)

SEPTIC TANK PERMIT # _____ OR SEWER DISTRICT: _____
WATER DISTRICT: _____ OR PRIVATE WELL: _____

WATER BODY: _____
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

FLOOD ZONE INFORMATION: EFFECTIVE DATE: February 5, 2014

PANEL NUMBER: _____ FIRM ZONE/S: _____

ELEVATION REQUIREMENTS AS PER SURVEY: _____
[] Requires V-Zone Certification [] Requires Elevation Certificates [] Requires Smart Vents [] Requires Breakaway Walls

BUILDING OFFICIAL DATE FLOODPLAIN ADMIN. DATE OWNER/CONTRACTOR DATE

SUPPLEMENTAL APPLICATION

- 1- **Proposed Alteration of the Land:**
 - Determination of COE & DEP Wetlands: _____
 - Amount and location of Fill to be placed on property: _____
 - Percentage of land to be placed in impervious surface: _____

- 2- **Critical Shoreline Inspection:**
 - Construction to be a minimum of 50 feet from the mean high water or wetland: _____
(Must be indicated on submitted site plan)
 - Construction within 50 feet of the mean high water or wetlands: _____
 - Attach the Board of Adjustment Approval: Date of Approval: _____
(Expires One Year From Approval Date)

- 3- **Elevation Requirements:**
 - FLOOD ZONE: _____ BASE FLOOD ELEVATION: _____
 - LOWEST BASE FLOOD ELEVATION AT BUILDING SITE: _____
 - A/AE/AH/AO ZONES: Elevation of bottom of the first floor: _____
 - VE Zones: Elevation of the first floor horizontal support structure: _____

DEVELOPMENT APPLICATION CHECKLIST

RESIDENTIAL:

- Application
- Supplemental Application
- Boundary Survey (Non-Flood Zones)
- Site Plan
- Septic Tank Permit
- Energy Code Form
- 2 Complete Sets of Building Plans
- Wind Load Analysis Engineered State Permits
- DEP Permits COE Permits FDOT Permits
- Structure Height & Number of Stories Affidavit
- Portable Toilet Agreement
- Owner/Builder Affidavit
- Dumpster Affidavit
- Termite Affidavit
- Turtle Light Affidavit (If Applicable)
- Recorded Notice of Commencement

FORMS REQUIRED IN FLOOD ZONES: (Additional)

- Topographical Survey
- Flood Plain Management Review (Requires Permit)
- V Zone Certification (If Applicable)
- Smart Vent Certification (If Applicable)
- Elevation Affidavit

COMMERCIAL: (Additional to Residential)

- P&Z Approval Notice
- BOA Approval Notice
- BCC Approval Notice
- DEP Storm Water Permit/Exemption
- DBR Approval
- Parking Plan
- Flood Proofing Certification (If Applicable)

SUB-CONTRACTOR LIST

PLEASE BE ADVISED THAT ALL CONTRACTORS DOING WORK IN FRANKLIN COUNTY MUST BE REGISTERED IN FRANKLIN COUNTY PRIOR TO PERFORMING ANY WORK IN THIS COUNTY. ALL GENERAL, RESIDENTIAL & BUILDING, ELECTRICAL, PLUMBING, HVAC & ROOFING CONTRACTOR'S ARE REQUIRED TO PULL PERMITS ON ALL NEW, RENOVATIONS, REMODEL PROJECTS.

CONTRACTOR OR OWNER HAS CONTRACTED WITH THE FOLLOWING (OWNER/BUILDERS ARE NOT ALLOWED TO HIRE SPECIALTY FRAMING CONTRACTORS) ALL CONTRACTOR'S & SUBCONTRACTOR'S MUST BE REGISTERED WITH FRANKLIN COUNTY AND ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE COMMENCING WORK.

- | | | | |
|-------------------|-------------------------------------|-------------------|-------------------------------------|
| Contractor: _____ | <input type="checkbox"/> Registered | Insulation: _____ | <input type="checkbox"/> Registered |
| Electrical: _____ | <input type="checkbox"/> Registered | Painting: _____ | <input type="checkbox"/> Registered |
| Plumbing: _____ | <input type="checkbox"/> Registered | Framing: _____ | <input type="checkbox"/> Registered |
| HVAC: _____ | <input type="checkbox"/> Registered | Masonry: _____ | <input type="checkbox"/> Registered |
| Roofing: _____ | <input type="checkbox"/> Registered | Tile: _____ | <input type="checkbox"/> Registered |
| Piling: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |
| Concrete: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |
| Siding: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |



C-

FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 19, 2020

Charles Galloway
215 North Bayshore Drive
Eastpoint, Florida 32328
c.galloway@mchsi.com

File No.: 0388087-001-EG/19, Franklin County

Dear Mr. Galloway:

On June 9, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock and boatlift totaling less than 2,000 square feet within East Bay, Apalachicola Bay Aquatic Preserve, Class II Outstanding Florida Waters, Conditionally Approved 1652 Shellfish Harvesting Area. The project is located at 215 North Bayshore Dive, Eastpoint, Florida 32328, Parcel No. 25-08S-07W-6300-00H0-0030, in Section 25, Township 08 South, Range 07 West of Franklin County; at approximately 29°45'21.79" North Latitude, 84°53'23.04" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter(s) 253 and 258, F.S., Chapter(s) 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit or authorization will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at Hali.Troendle@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Hali Troendle
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Special Conditions for Federal Authorization for SPGP V-R1, 7 pages
6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
7. Standard Manatee Conditions for In-Water Work, 2 pages
8. Project Drawings, 4 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
Apalachicola Bay Aquatic Preserve, Jonathan.Brucker@dep.state.fl.us,
Ann.Lazar@dep.state.fl.us, Kim.Wren@dep.state.fl.us, Jennifer.Harper@dep.state.fl.us
Franklin County, michael@franklincountyflorida.com

FILING AND ACKNOWLEDGMENT

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

	<u>June 22, 2020</u>
Clerk	Date

62-330.427 General Permit for Docks, Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type.

These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

- (1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
- (2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).
- (3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.
- (4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.
- (5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.
- (6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.
- (7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.
- (8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.
- (9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.
- (10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.
- (11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after

construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific

principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Consent Conditions

1. 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.

2. 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.

3. 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.

4. 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.

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

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid 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 shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee’s use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person’s title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall 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.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court’s decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.

C-

Special Conditions for Federal Authorization for SPGP V-R1

Note: JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utills/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of

this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

- (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
- (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

- 7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.
- 8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
- 9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.
- 10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such

activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

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

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).
2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
 - a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must

be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
- (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
- (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

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

- a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
 - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
 - (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” updated November 2017 ([Attachment 5](#)).
 - (2) In addition to (1), above, IF the project is within range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
 - b. For all other Projects,
 - (1) Within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the “Submerged Aquatic Vegetation Survey Guidelines” ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson’s seagrass, will be presumed to be present for purposes of this Special Condition.
 - (2) Outside the range of Johnson’s seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the “Submerged Aquatic Vegetation Survey Guidelines” ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” updated November 2017 ([Attachment 5](#)).
 - (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast

of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates “Scenario B” as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

- (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson’s seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson’s seagrass under the dock; or, Native seagrass, other than Johnson’s seagrass, under the dock; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with No current seagrass survey or, Johnson’s seagrass under the dock,
- (ii) New docks or dock expansions and:
 - (a) within Johnson’s seagrass critical habitat; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson’s seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the “Dock PDCs for Scenario B” within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
 - (1) To avoid and minimize impacts to Johnson’s seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson’s seagrass.
 - (ii) Over any area that contains Johnson’s seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson’s seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson’s seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson’s seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson’s seagrass.
 - (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.

- (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
- (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
- (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
 - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form 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.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

- 1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
- 2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- 5. Such a reevaluation may result in a determination that it is appropriate to use the

suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

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

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



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Charlie Galloway

WATERBODY/CLASS: East Bay / ClassII / Not an AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: Eastpoint / Franklin County

LATITUDE: 29° 45' 21.02"

LONGITUDE: 84° 53' 22.01"

SECTION: 25 TNSHP: 8 South

RNG: 7 West

JOB: 20-038

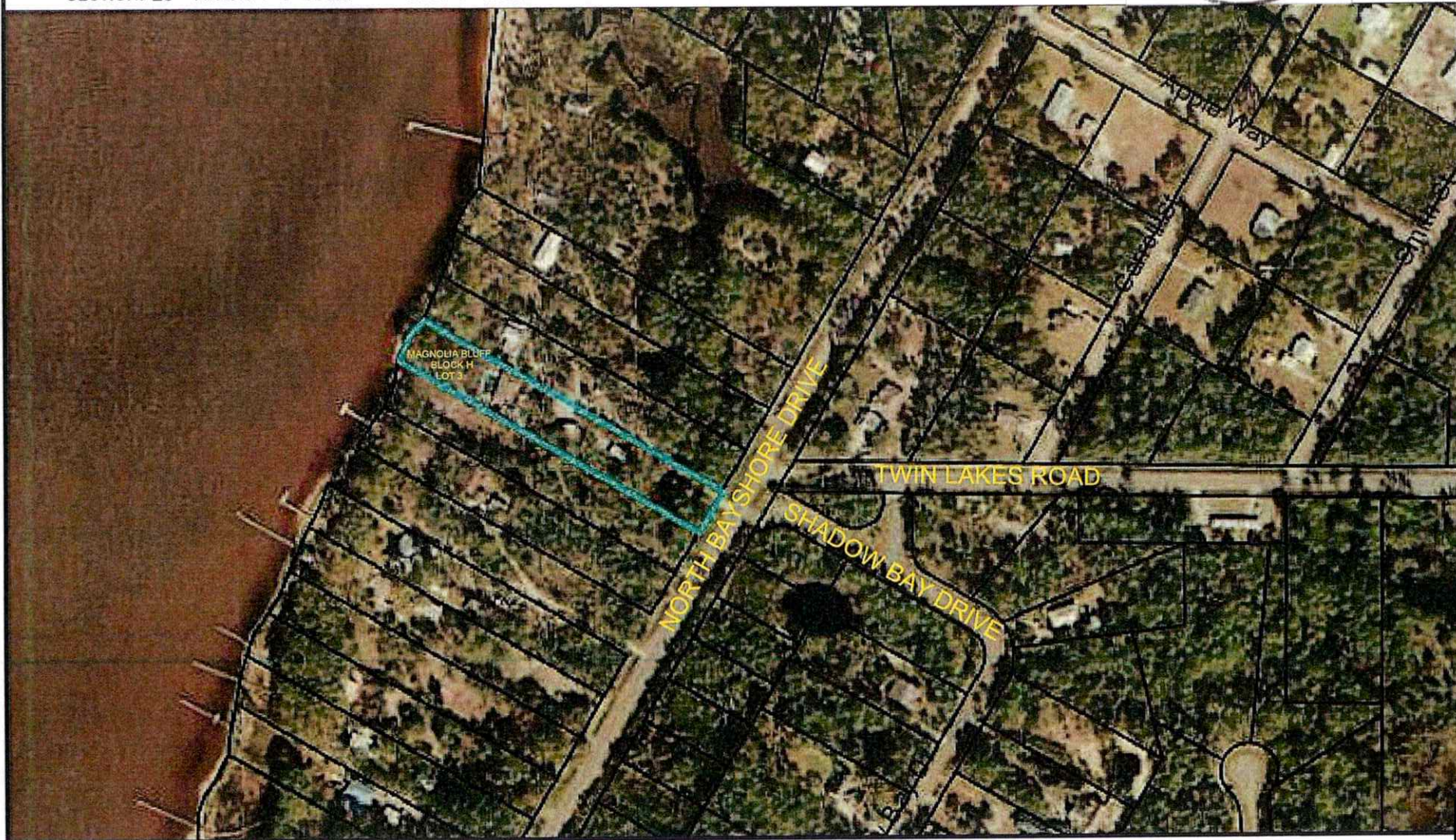
DEP:

COE:

OTHER:

DATE: May 19, 2020

SHEET: 1/4



C-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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DEP:

COE:

OTHER:

DATE: May 19, 2020

SHEET: 2/4



C-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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DEP:

COE:

OTHER:

DATE: May 19, 2020

SHEET: 3/4



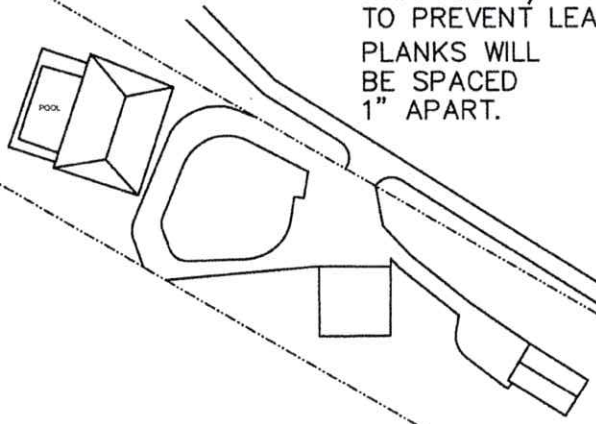
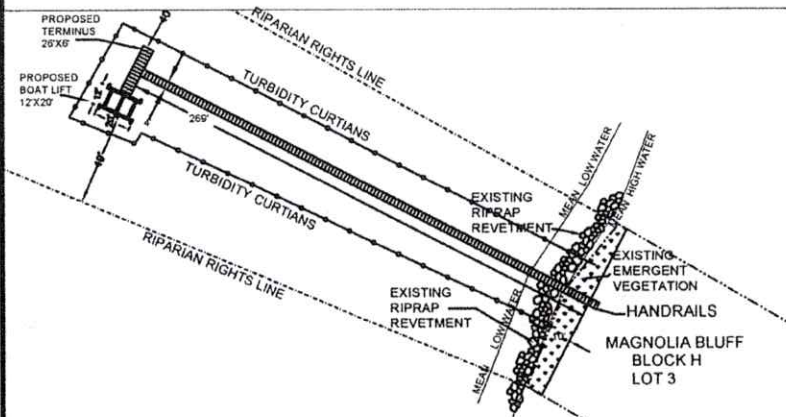
ALL MATERIALS FOR THE CONSTRUCTION OF THE DOCK WILL BE TREATED PINE

PILINGS WILL BE PLACED A MINIMUM OF 10' APART

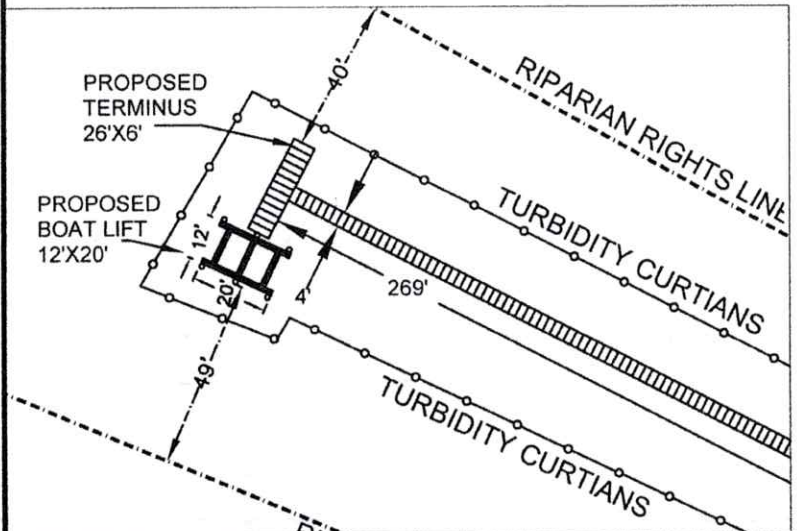
PILINGS SIZE WILL BE 6 INCHES
PILINGS WILL BE WRAPPED W/PVC TO PREVENT LEACHING

PLANKS WILL BE SPACED 1" APART.

SCALE 1" = 100'



CLOSEUP OF TERMINUS AREA NTS



C-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

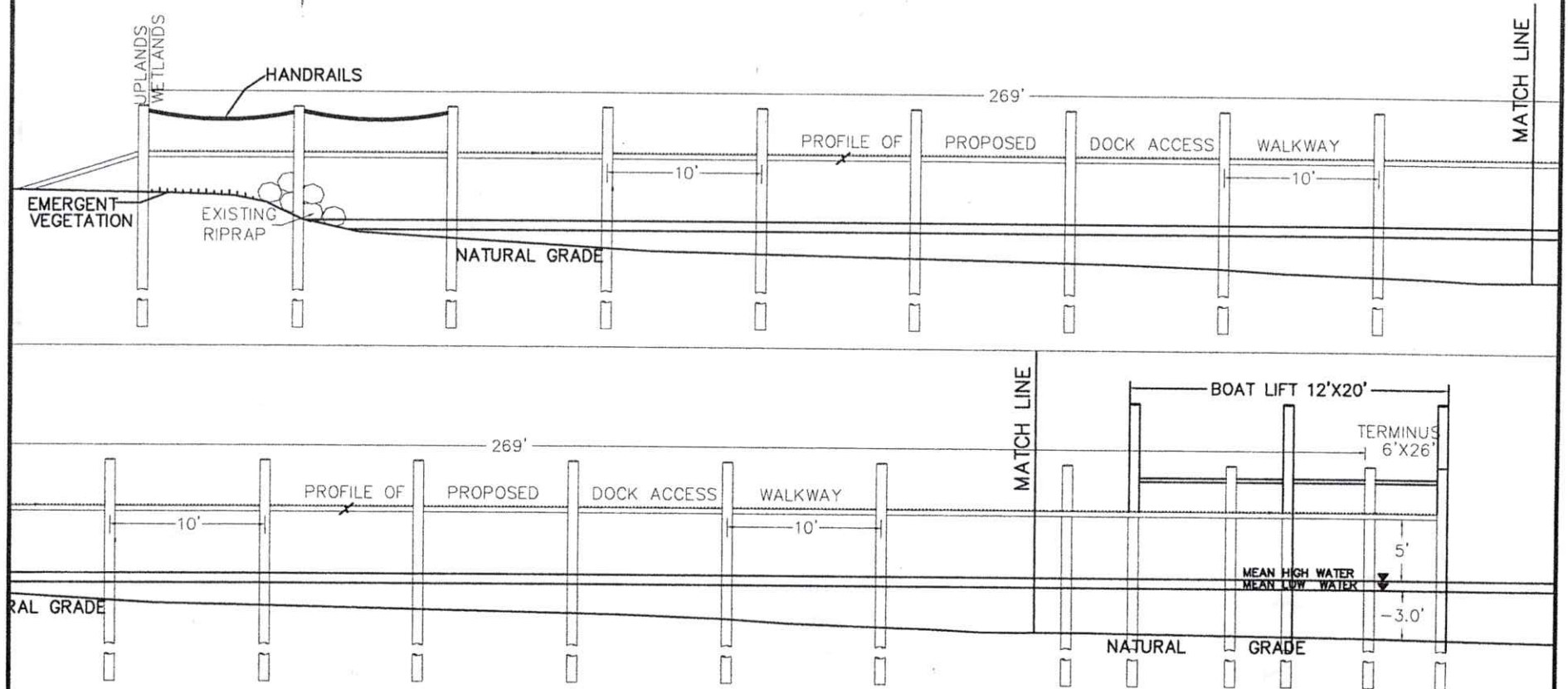
APPLICANT/CLIENT: Charlie Galloway
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PROJECT LOCATION / USGS: Eastpoint / Franklin County
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LONGITUDE: 84° 53' 22.01"

JOB: 20-038
DEP:
COE:
OTHER:
DATE: May 19, 2020
SHEET: 4/4



SECTION: 25 TWSHP: 8 South RNG: 7 West

PROFILE DRAWING
OF PROPOSED DOCK
Not To Scale



These drawings are for permitting purposes only. Not intended for construction purposes



APPLICATION FOR SINGLE FAMILY/MULTI-FAMILY & COMMERCIAL DOCKS OR PIERS
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

APPLICATION MUST BE COMPLETE:

Property Owner/s: DANIEL GARLICK
Contact Information: Home #: _____ Cell #: 850-899-5252
Mailing Address: PO BOX 385 City/State/Zip: APALACHICOLA, FL 32329
EMAIL Address: DAN@GARLICKENV.COM

Agent Name: SELF Business Name: _____
Contact Information: Office #: _____ Cell #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

PROPERTY DESCRIPTION: 911 Address: 208 Sand Bar Road, Apalachicola, FL 32320
Lot/s: 46 Block: _____ Subdivision: River's Edge Unit: Ph. 2
Parcel Identification #: 27-08S-08W-1001-0000-0460

JURISDICTION: Franklin County
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

Applicant Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____

- SINGLE FAMILY DOCK or PIER**
- MULTI-FAMILY DOCK**
- COMMERCIAL DOCK**

ITEMS REQUIRED:

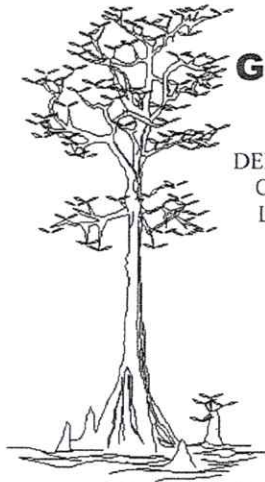
- Signed Application
- DEP Permit/Exemption
- Army Corps of Engineer Permit
- Site Plan
- Dock Plans
- House proposed*

RECEIVED
JUN 04 2020
BY: *ak*

RECOMMENDATION FROM COUNTY PLANNER: _____

PLANNER SIGNATURE: _____ **DATE:** _____

BOARD APPROVAL DATE: _____



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

June 4, 2020

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Planning and Zoning Agenda
GEA File No. 19-075
Dan Garlick

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020. for the construction of a Single Family Residential Dock with (1) one boat slip for the referenced project, as shown on the attached drawings..

The water body at the project site is the Apalachicola River, Class II, OFW, not an Aquatic Preserve. The proposed project is located on Lot 46, River's Edge Phase II, in Section 27, Township 8 South, Range 8 West, Apalachicola, Franklin County, FL.

The proposed location of the dock is located on a sandy substrate spoil mound. The soils consist of coarse sand with virtually no organics. The proposed dock will not be located over emergent nor submerged grass beds, coral communities or wetlands. The proposed dock will be located 75 ft. from the Federal Channel, as noted on the attached drawings. The river's Ordinary High Water line is indicated on the attached drawings, as well. No sewage pump out facilities, fish cleaning facilities or liveboards are proposed.

The type of wood that will be used for the decking of the proposed dock will consist of treated wood. The decking will be no greater than 8 inches in width and will be spaced no less than one-half inch apart after shrinkage. The spacing between the piling will be a minimum of 10 ft. The floating portion will be constructed of "TREX" material. The piles will be jettted. Provisions will include maintain State Water Quality Standards for turbidity by installing turbidity curtains.

GARLICK ENVIRONMENTAL ASSOCIATES, INC. POST OFFICE. BOX 385 APALACHICOLA, FL 32329-0385
PHONE: (850) 653-8899 FAX: (850) 653-9656
BRANCH OFFICE IN PORT ST JOE

If you have any questions, please let us know.

Sincerely,



Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments



APPLICATION FOR DEVELOPMENT
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____
FEE: \$ _____
RADON: \$ _____
FLOOD: \$ _____
C.S.I.: \$ _____
TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:
ISSUANCE DATE: _____ EXPIRES: _____

- New Constuction
- Commercial
- Residential
- Substantial Improvement
- Less than Substantial

APPLICATION MUST BE COMPLETE: (We will no longer accept incomplete applications)

Property Owner/s: Dan GARLICK
Contact Information: Home #: P.O. Box 385 Cell #: 850-899-5252
Mailing Address: P.O. Box 385 City/State/Zip: APALACHICOLA FL 32329
EMAIL Address: dan@garlickenv.com

Contractor Name: _____ Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

PROPERTY DESCRIPTION: 911 Address: _____
Lot/s: 46-47 Block: _____ Subdivision: Rivers Edge Ph. II Unit: _____
Parcel Identification #: 27-085-08W-1001-0000-0460 27-085-08W-1001-0000-0470

- JURISDICTION:** Franklin Coun City of Carrabelle
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

DESCRIPTION OF DEVELOPMENT: DOCK
ZONING DISTRICT: _____ CONTRACT COST: _____

HEATED SQ FT: _____ UN-HEATED SQ FT: _____ TOTAL SQUARE FOOT: _____
ROOF MATERIAL: _____ FOUNDATION TYPE: _____ LOT DEMENSION: _____
NO. OF STORIES: _____ UNDERNEATH STORAGE SQ FOOTAGE: _____
(Requires Building or General Contractor if over 3 habitable stories including mezzanines.) (VE Zones: 299 Sq. Foot or Less and MUST be certified breakaway construction by Engineer)

SEPTIC TANK PERMIT # _____ OR SEWER DISTRICT: _____
WATER DISTRICT: _____ OR PRIVATE WELL: _____

WATER BODY: _____
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

FLOOD ZONE INFORMATION: EFFECTIVE DATE: February 5, 2014

PANEL NUMBER: _____ FIRM ZONE/S: _____
ELEVATION REQUIREMENTS AS PER SURVEY:

- Requires V-Zone Certification
- Requires Elevation Certificates
- Requires Smart Vents
- Requires Breakaway Walls

BUILDING OFFICIAL _____ DATE _____ FLOODPLAIN ADMIN. _____ DATE _____ OWNER/CONTRACTOR _____ DATE _____

SUPPLEMENTAL APPLICATION

- 1- **Proposed Alteration of the Land:**
 - Determination of COE & DEP Wetlands: _____
 - Amount and location of Fill to be placed on property: _____
 - Percentage of land to be placed in impervious surface: _____

- 2- **Critical Shoreline Inspection:**
 - Construction to be a minimum of 50 feet from the mean high water or wetland: _____
(Must be indicated on submitted site plan)
 - Construction within 50 feet of the mean high water or wetlands: _____
 - Attach the Board of Adjustment Approval: Date of Approval: _____
(Expires One Year From Approval Date)

- 3- **Elevation Requirements:**
 - FLOOD ZONE: _____ BASE FLOOD ELEVATION: _____
 - LOWEST BASE FLOOD ELEVATION AT BUILDING SITE: _____
 - A/AE/AH/AO ZONES: Elevation of bottom of the first floor: _____
 - VE Zones: Elevation of the first floor horizontal support structure: _____

DEVELOPMENT APPLICATION CHECKLIST

RESIDENTIAL:

- Application
- _____ Supplemental Application
- _____ Boundary Survey (Non-Flood Zones)
- Site Plan
- _____ Septic Tank Permit
- _____ Energy Code Form
- _____ 2 Complete Sets of Building Plans
- Wind Load Analysis Engineered State Permits
- DEP Permits COE Permits FDOT Permits
- _____ Structure Height & Number of Stories Affidavit
- _____ Portable Toilet Agreement
- _____ Owner/Builder Affidavit
- _____ Dumpster Affidavit
- _____ Termite Affidavit
- _____ Turtle Light Affidavit (If Applicable)
- _____ Recorded Notice of Commencement

FORMS REQUIRED IN FLOOD ZONES: (Additional)

- _____ Topographical Survey
- _____ Flood Plain Management Review (Requires Permit)
- _____ V Zone Certification (If Applicable)
- _____ Smart Vent Certification (If Applicable)
- _____ Elevation Affidavit

COMMERCIAL: (Additional to Residential)

- _____ P&Z Approval Notice
- _____ BOA Approval Notice
- _____ BCC Approval Notice
- _____ DEP Storm Water Permit/Exemption
- _____ DBR Approval
- _____ Parking Plan
- _____ Flood Proofing Certification (If Applicable)

SUB-CONTRACTOR LIST

PLEASE BE ADVISED THAT ALL CONTRACTORS DOING WORK IN FRANKLIN COUNTY MUST BE REGISTERED IN FRANKLIN COUNTY PRIOR TO PERFORMING ANY WORK IN THIS COUNTY. ALL GENERAL, RESIDENTIAL & BUILDING, ELECTRICAL, PLUMBING, HVAC & ROOFING CONTRACTOR'S ARE REQUIRED TO PULL PERMITS ON ALL NEW, RENOVATIONS, REMODEL PROJECTS.

CONTRACTOR OR OWNER HAS CONTRACTED WITH THE FOLLOWING (OWNER/BUILDERS ARE NOT ALLOWED TO HIRE SPECIALTY FRAMING CONTRACTORS) ALL CONTRACTOR'S & SUBCONTRACTOR'S MUST BE REGISTERED WITH FRANKLIN COUNTY AND ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE COMMENCING WORK.

- | | | | |
|-------------------|-------------------------------------|-------------------|-------------------------------------|
| Contractor: _____ | <input type="checkbox"/> Registered | Insulation: _____ | <input type="checkbox"/> Registered |
| Electrical: _____ | <input type="checkbox"/> Registered | Painting: _____ | <input type="checkbox"/> Registered |
| Plumbing: _____ | <input type="checkbox"/> Registered | Framing: _____ | <input type="checkbox"/> Registered |
| HVAC: _____ | <input type="checkbox"/> Registered | Masonry: _____ | <input type="checkbox"/> Registered |
| Roofing: _____ | <input type="checkbox"/> Registered | Tile: _____ | <input type="checkbox"/> Registered |
| Piling: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |
| Concrete: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |
| Siding: _____ | <input type="checkbox"/> Registered | Other: _____ | <input type="checkbox"/> Registered |



D-

FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Wednesday, February 5, 2020

Dan Garlick
PO Box 385
Apalachicola, Florida 32329
dan@garlickenv.com

File No.: 0377913-002-EG/19, Franklin County

Dear Mr. Garlick:

On December 5, 2019, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock totaling less than 2,000 square feet within the Apalachicola River, Class III Outstanding Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at River's Edge Phase II Lot 46, Apalachicola, Florida 32320, Parcel No. 27-08S-08W-1001-0000-0460, in Section 27, Township 08 South, Range 08 West of Franklin County; at approximately 29°45'46" North Latitude, 85°01'45" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project did not qualify for the federal authorization, therefore additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

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

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter 253, F.S., Chapter 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

3. Federal Review –SPGP Not Approved

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

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and

by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jacob Hullett
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Project Drawings, 6 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Waylon Register, US Army Corps of Engineers, Waylon.T.Register@usace.army.mil
Franklin County, malley@cityofapalachicola.com, michael@franklincountyflorida.com

FILING AND ACKNOWLEDGMENT

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



Clerk

February 5, 2020

Date

62-330.427 General Permit for Docks, Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type.

These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

- (1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
- (2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).
- (3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.
- (4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.
- (5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.
- (6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.
- (7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.
- (8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.
- (9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.
- (10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History--New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Consent Conditions

1. 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.

2. 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.

3. 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.

4. 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.

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

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

- (a) Authorizations are valid 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 shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall 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.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- (i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82,

D-

Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Dan Garlick
 WATERBODY/CLASS: Apalachicola River / OFW
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Apalachicola / Franklin County
 LATITUDE: 29° 45' 46.63"
 LONGITUDE: 85° 1' 44.93"
 SECTION: 27 TOWNSHIP: 8 South RNG: 8 West

JOB: 19-075
 DEP:
 COE:
 OTHER:
 DATE: February 5, 2020
 SHEET: 2/4

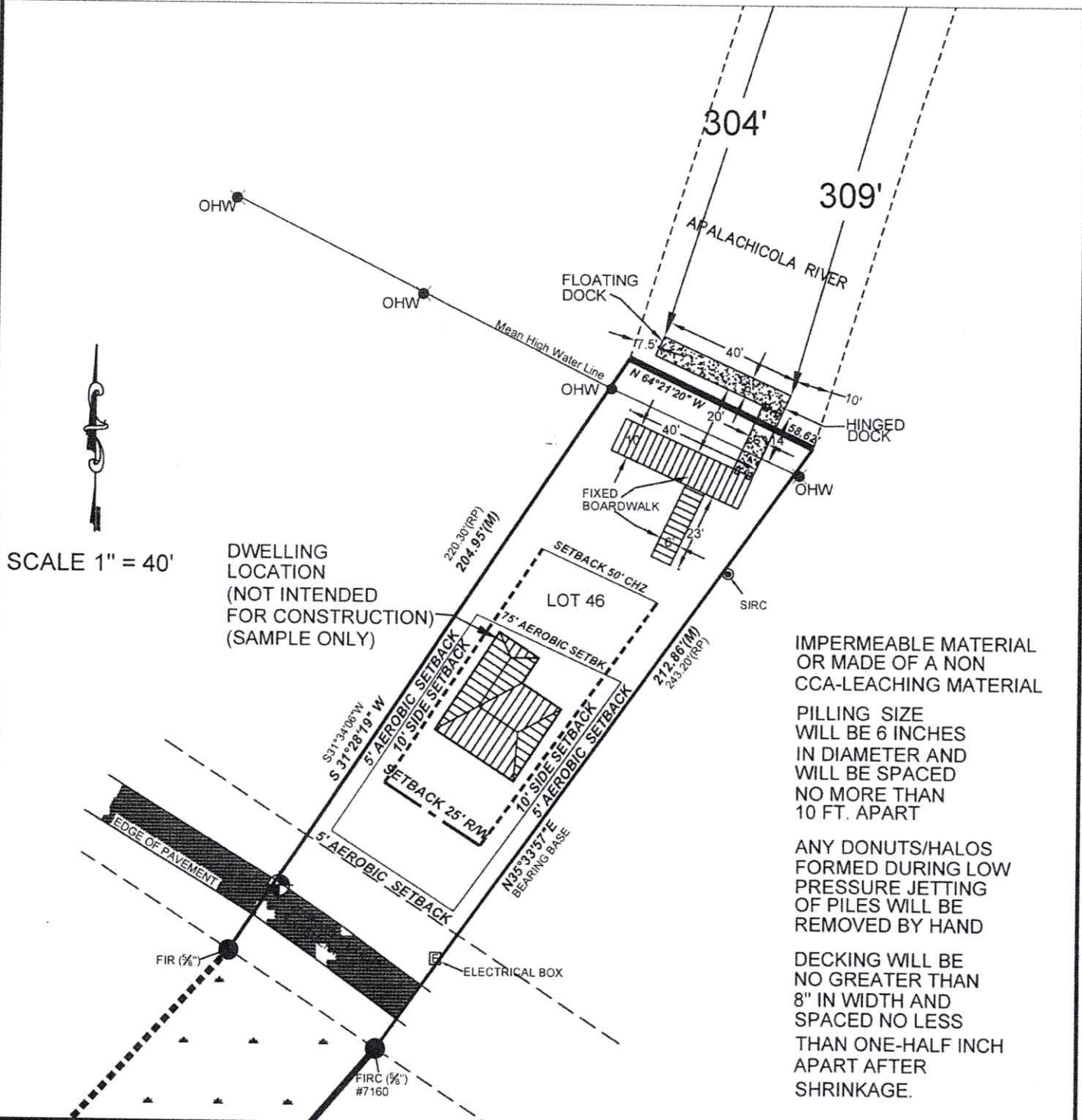




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IMPERMEABLE MATERIAL
 OR MADE OF A NON
 CCA-LEACHING MATERIAL

 PILLING SIZE
 WILL BE 6 INCHES
 IN DIAMETER AND
 WILL BE SPACED
 NO MORE THAN
 10 FT. APART

 ANY DONUTS/HALOS
 FORMED DURING LOW
 PRESSURE JETTING
 OF PILES WILL BE
 REMOVED BY HAND

 DECKING WILL BE
 NO GREATER THAN
 8" IN WIDTH AND
 SPACED NO LESS
 THAN ONE-HALF INCH
 APART AFTER
 SHRINKAGE.

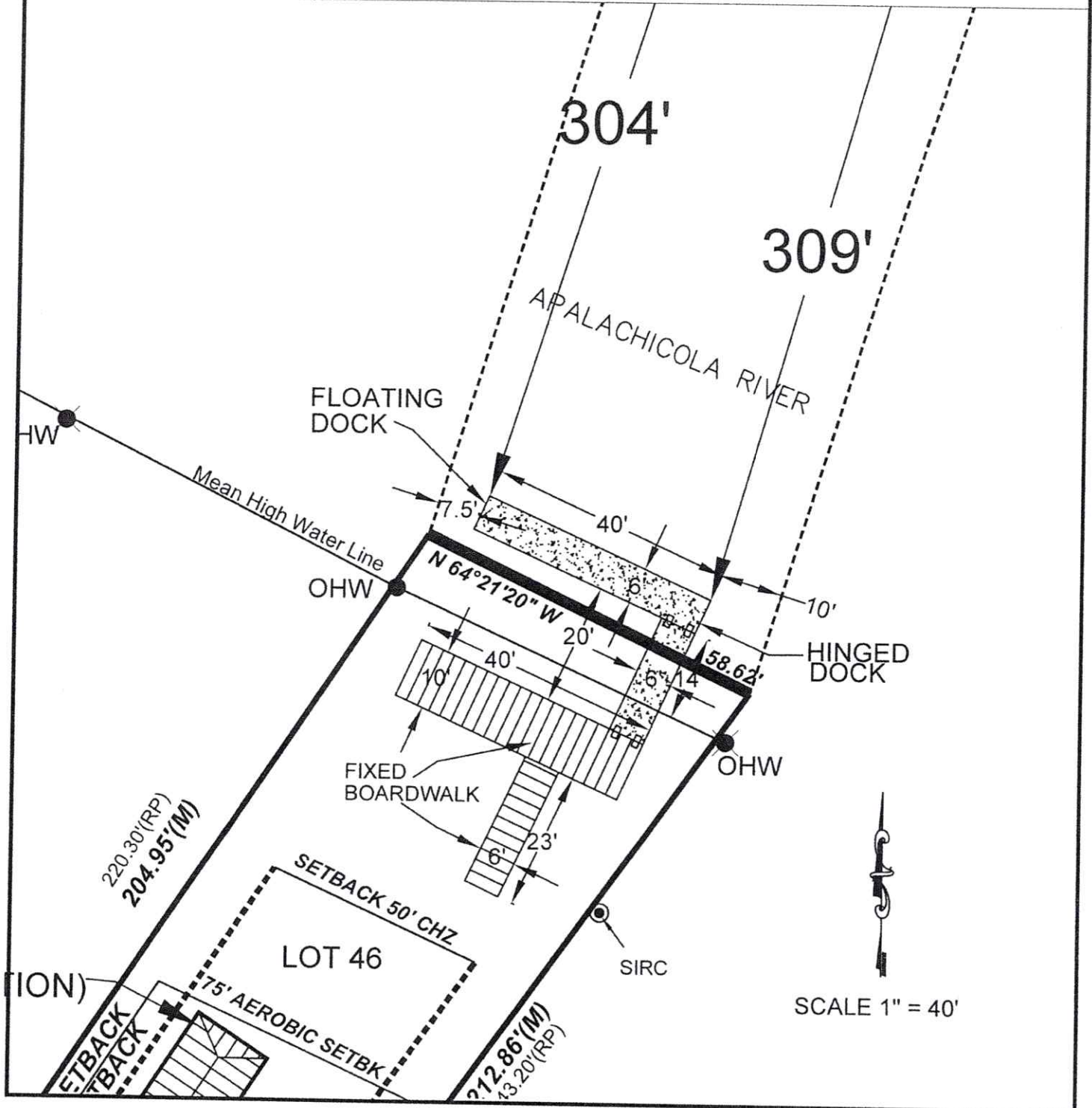
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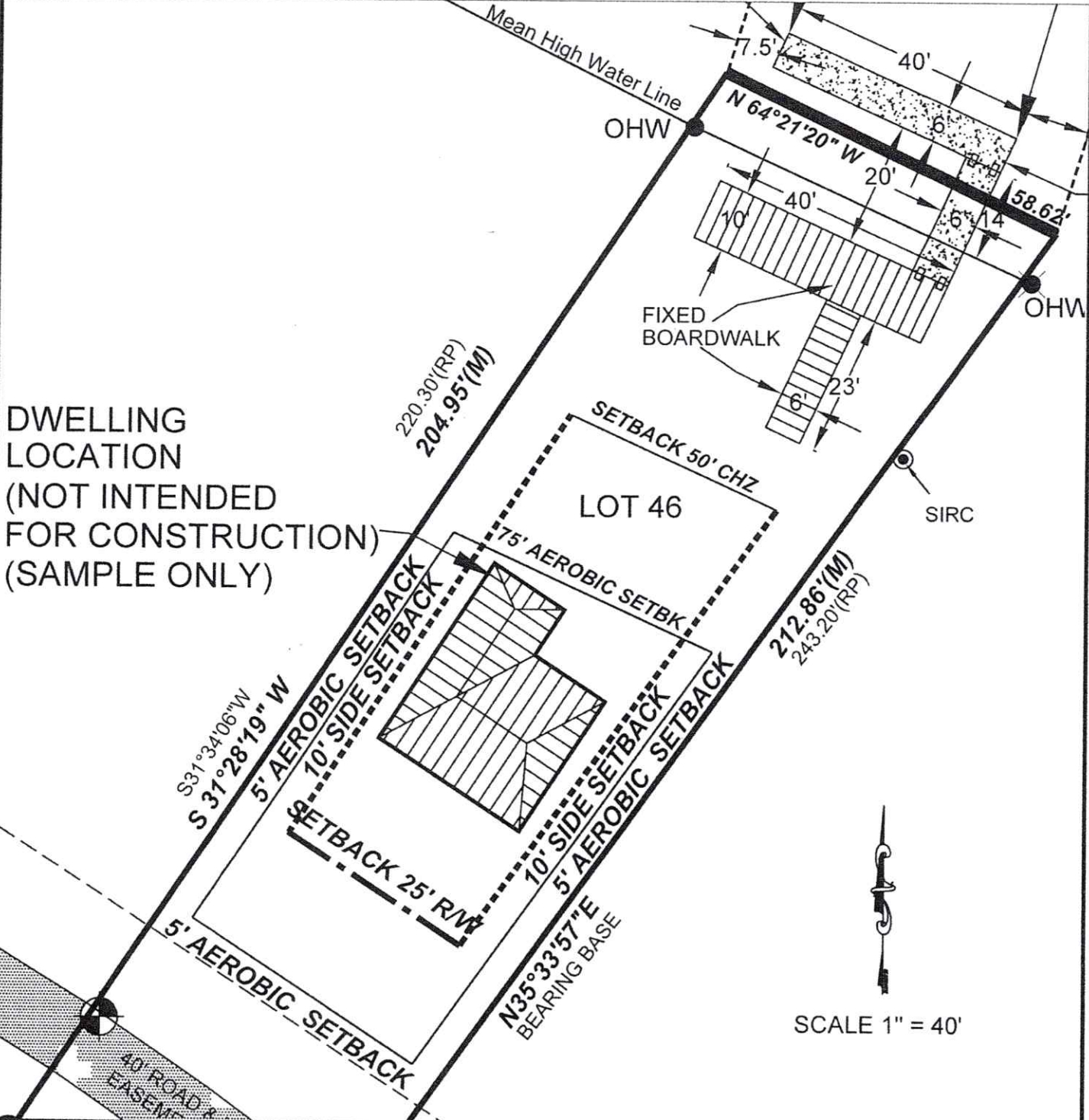




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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Dan Garlick

JOB: 19-075

WATERBODY/CLASS: Apalachicola River / ClassII / OFW

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola

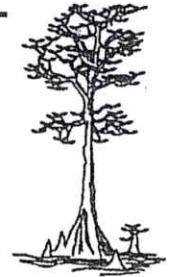
OTHER:

LATITUDE: 29° 45' 46.63

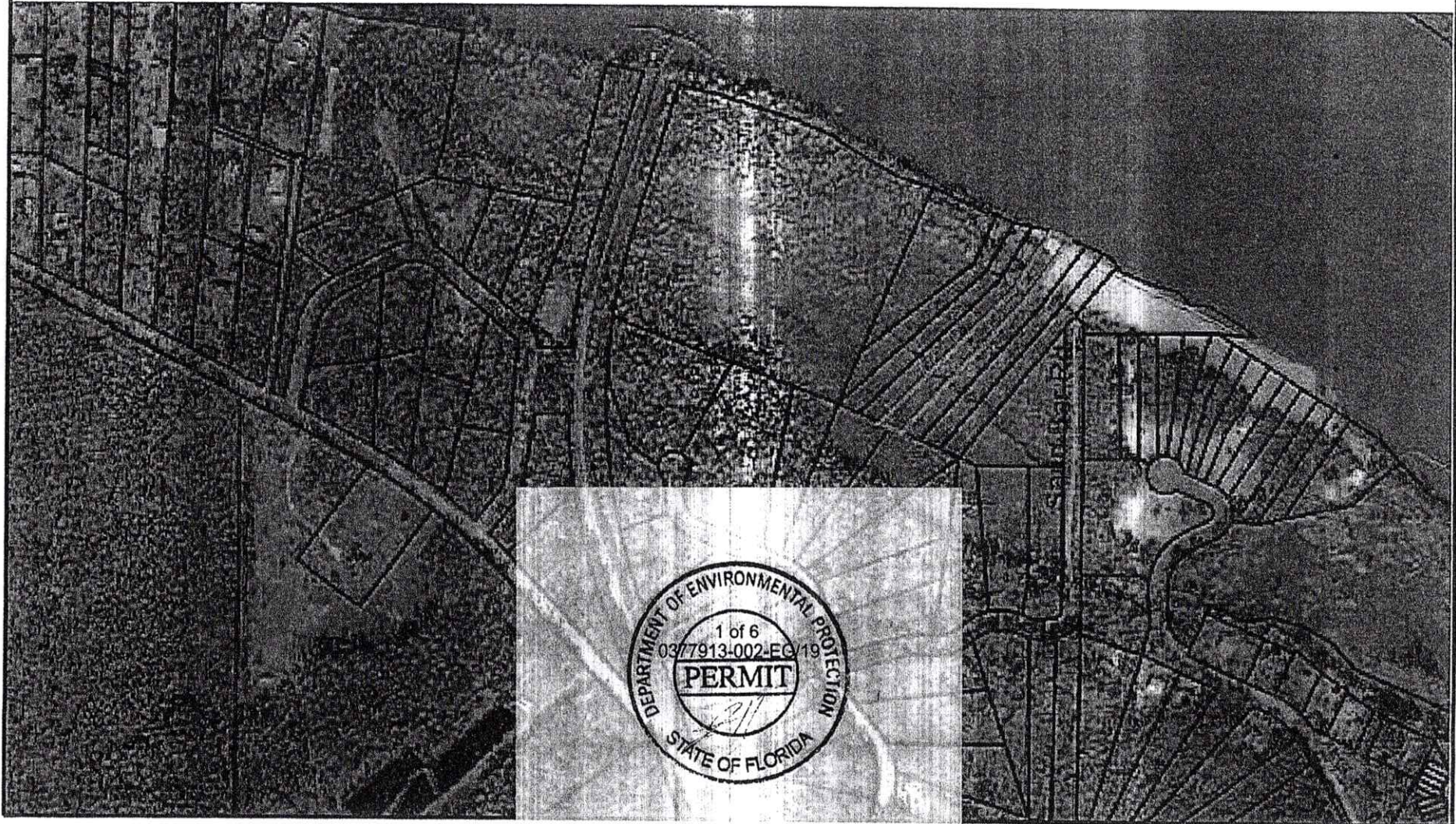
DATE: December 5, 2019

LONGITUDE: 85° 1' 44.93"

SHEET: 1/4



SECTION: 27 TWSHP: 8 South RNG: 8 West





PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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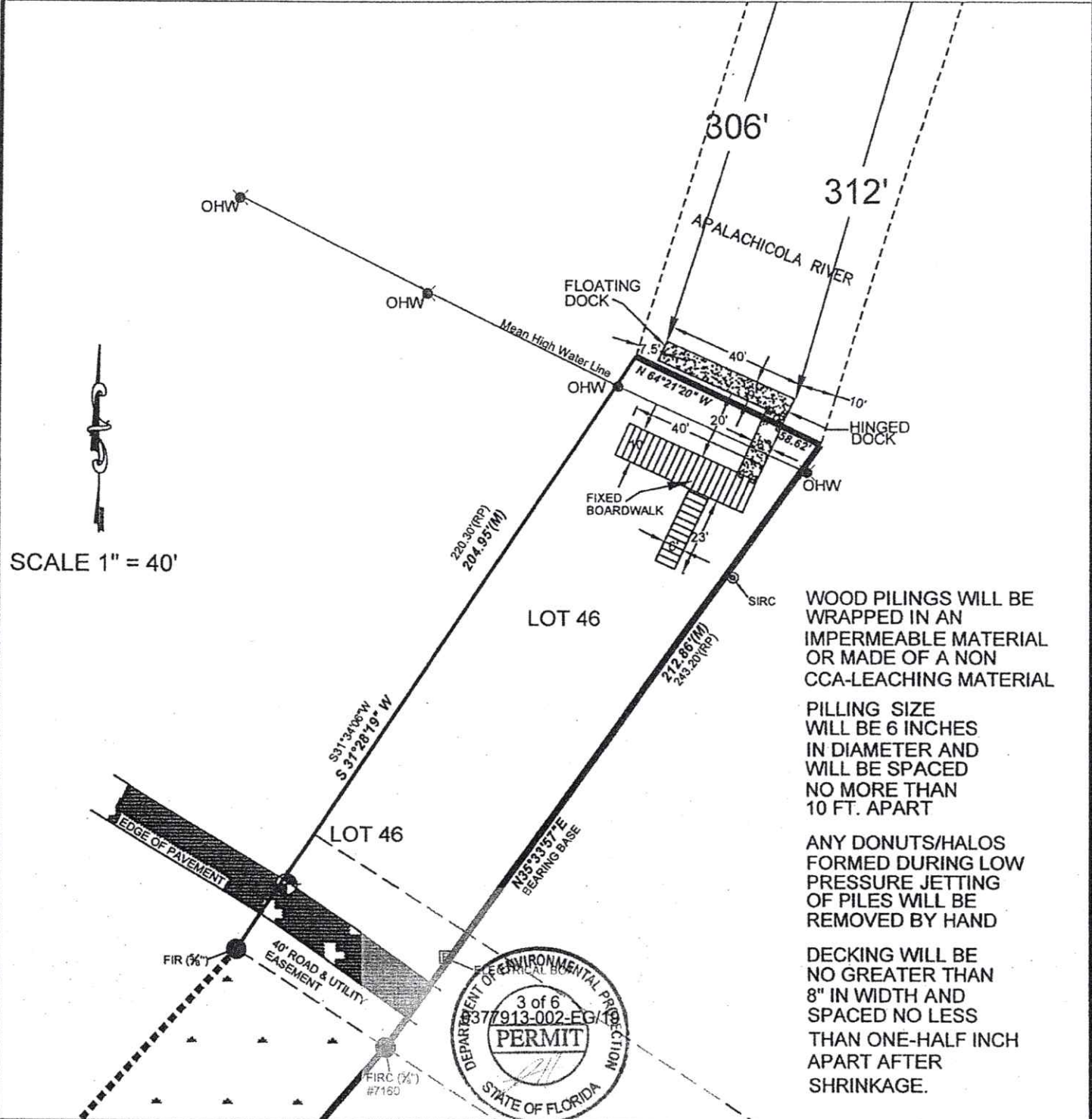


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WOOD PILINGS WILL BE WRAPPED IN AN IMPERMEABLE MATERIAL OR MADE OF A NON CCA-LEACHING MATERIAL

PILING SIZE WILL BE 6 INCHES IN DIAMETER AND WILL BE SPACED NO MORE THAN 10 FT. APART

ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND

DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.

SCALE 1" = 40'



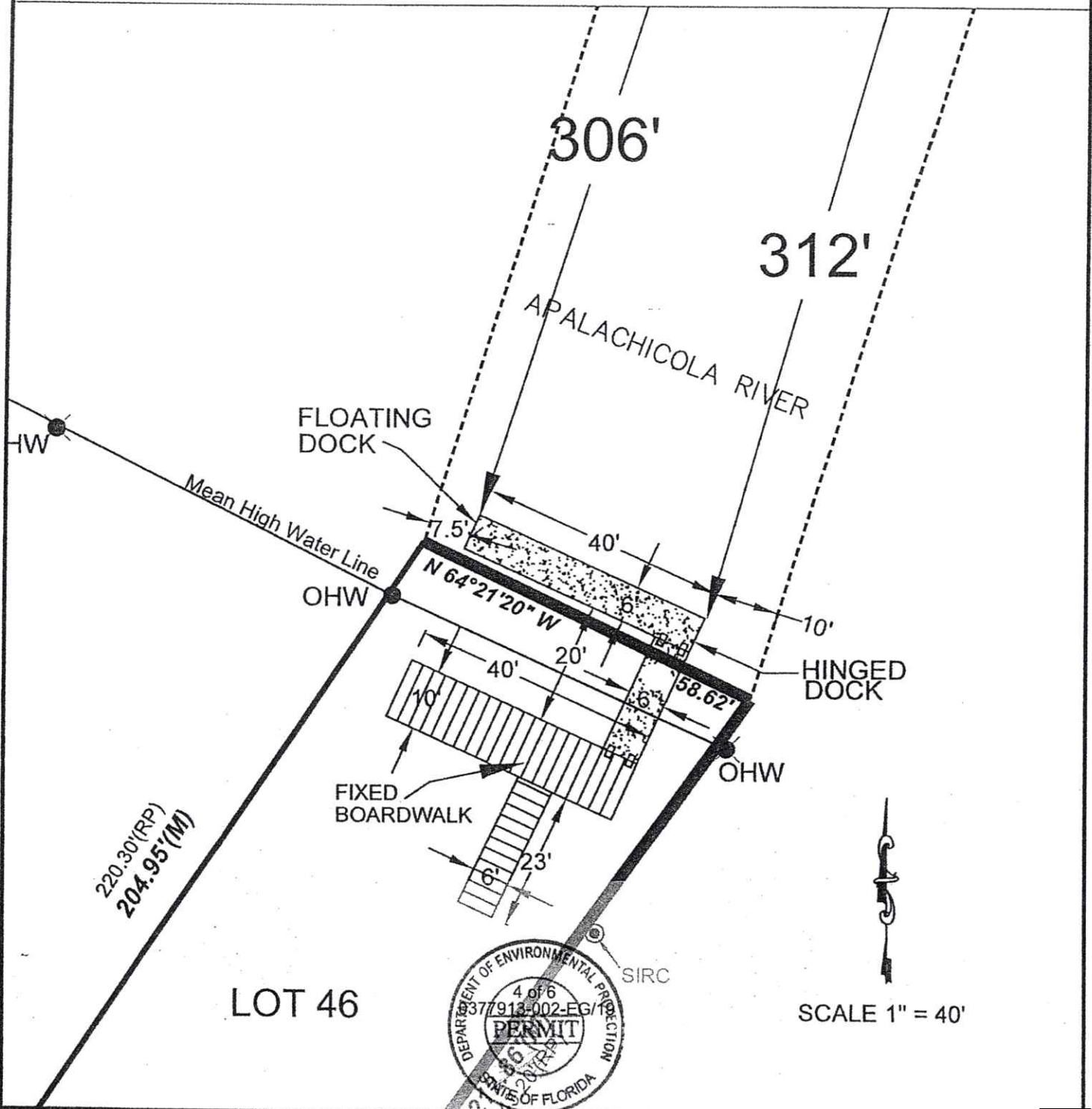
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garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Dan Garlick

WATERBODY/CLASS: Apalachicola River / OFW

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: Apalachicola / Franklin County

LATITUDE: 29° 45' 46.63"

LONGITUDE: 85° 1' 44.93"

SECTION: 27 TWSHP: 8 South

RNG: 8 West

JOB: 19-075

DEP:

COE:

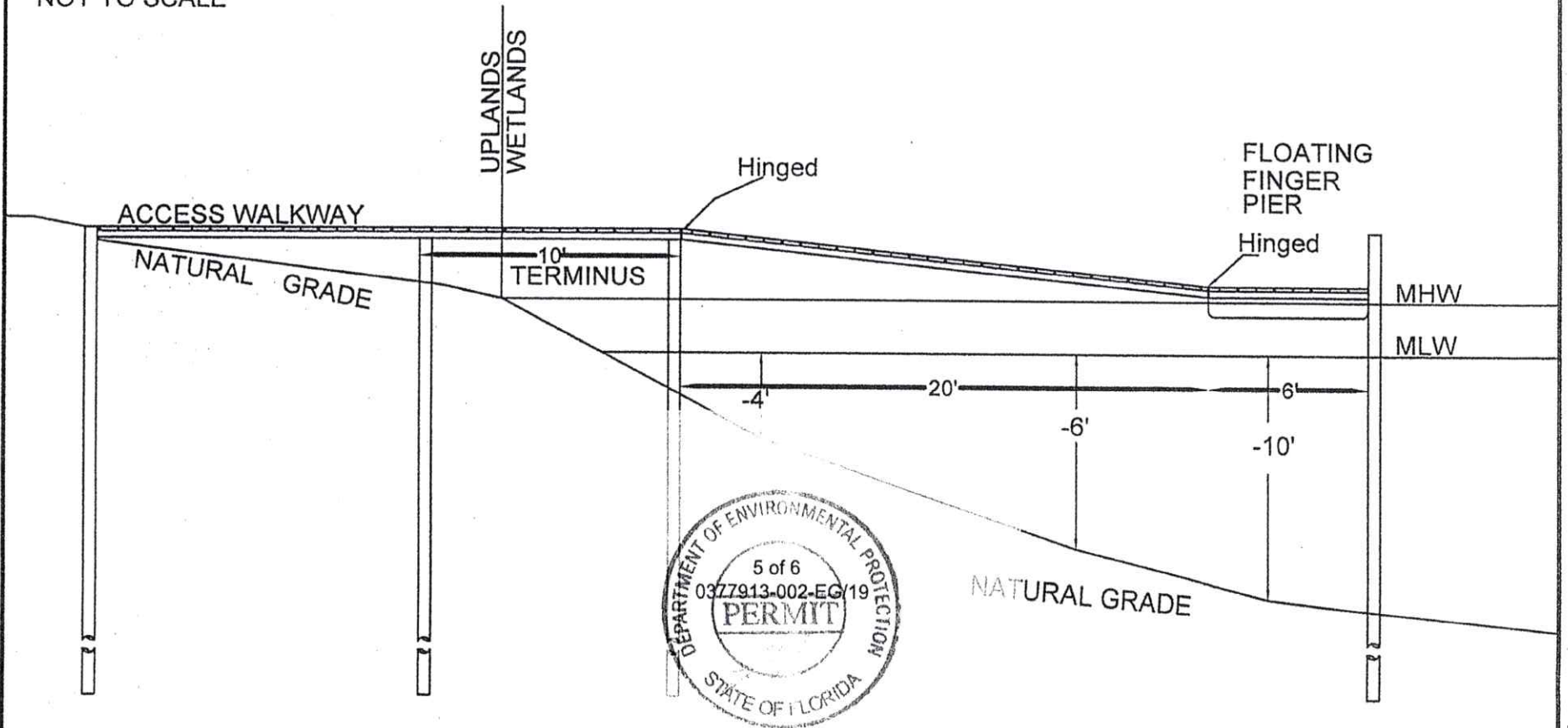
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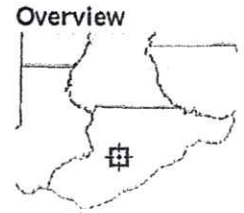
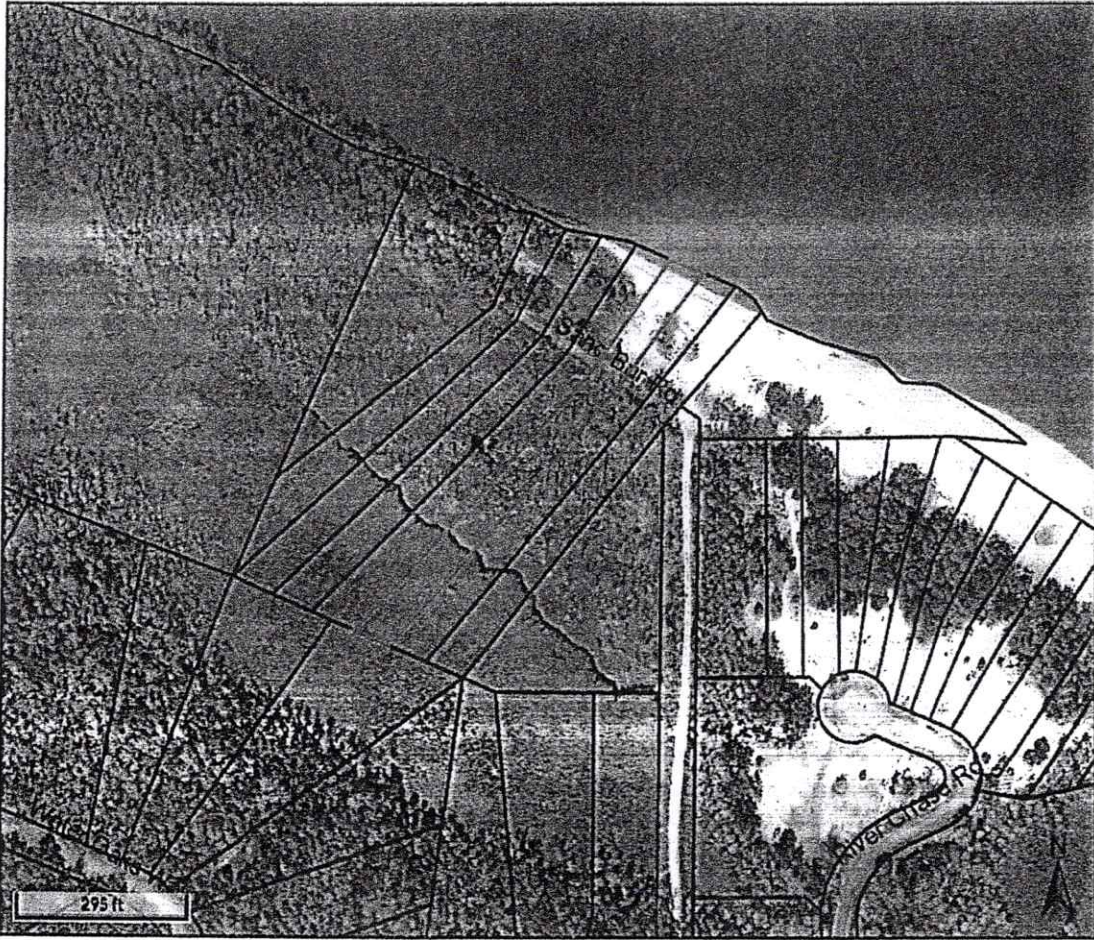
DATE: December 5, 2019

SHEET: 4/4



CROSS SECTION
PROPOSED DOCK
NOT TO SCALE





- Legend**
- Parcels
 - Roads
 - City Labels

Parcel ID	27-085-08W-1001-0000-0460	Alternate ID	08W08527100100000460	Owner Address	GARLICK DANIEL W.
Sec/Twp/Rng	--	Class	VACANT		PO.BOX 385
Property Address		Acreage	1		APALACHICOLA, FL 32320
District	1				
Brief Tax Description	RIVER'S EDGE PHASE II LOT 46				
	(Note: Not to be used on legal documents)				

Date created: 6/27/2019
 Last Data Uploaded: 6/27/2019 7:11:11 AM

Developed by  Schneider
 GEOSPATIAL



D-



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

June 3, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02090(GP-LSL)

Mr. Dan Garlick
Post Office Box 385
Apalachicola, Florida 32329

Dear Mr. Garlick:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 29, 2020, the file number SAJ-2020-02090. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 324 square foot (over mean high water line) single family dock with open mooring area. Specifically, the dock will include a 6' by 14' hinged access dock and 6' by 40' floating dock. Turbidity curtains will be utilized. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at Lot 46, River's Edge Phase II in Section 27, Township 8 south, Range 8 west, Apalachicola, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

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

The Permittee shall reference this permit number, SAJ-2020-02090 (GP - LSL), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

3. 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 (Attachment B) 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.

4. 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 Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. 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.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. 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.

8. 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 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

9. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

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

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a

flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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

Sincerely,



Digitally signed by
LOVVORN.LISA.SMITH.126
0961310
Date: 2020.06.03 14:19:48
-05'00'

Lisa S. Lovvorn
Project Manager

Enclosures

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the dates identified in the letter.
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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-02090(GP-LSL)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Dan Garlick

JOB: 19-075

WATERBODY/CLASS: Apalachicola River / ClassII / OFW

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola

OTHER:

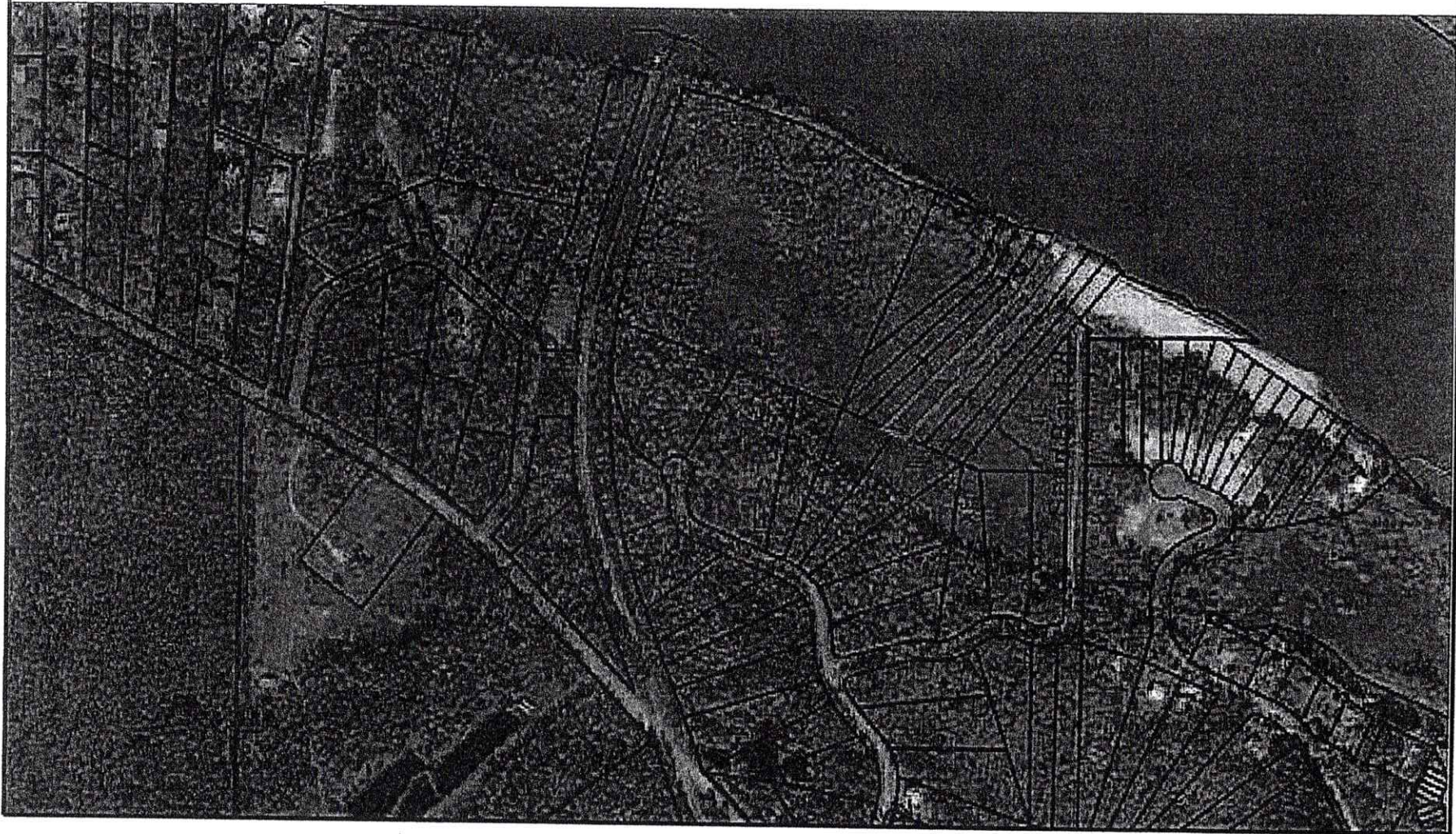
LATITUDE: 29° 45' 46.63"

DATE: February 5, 2020

LONGITUDE: 85° 1' 44.93"

SHEET: 1/4

SECTION: 27 TOWNSHIP: 8 South RANGE: 8 West

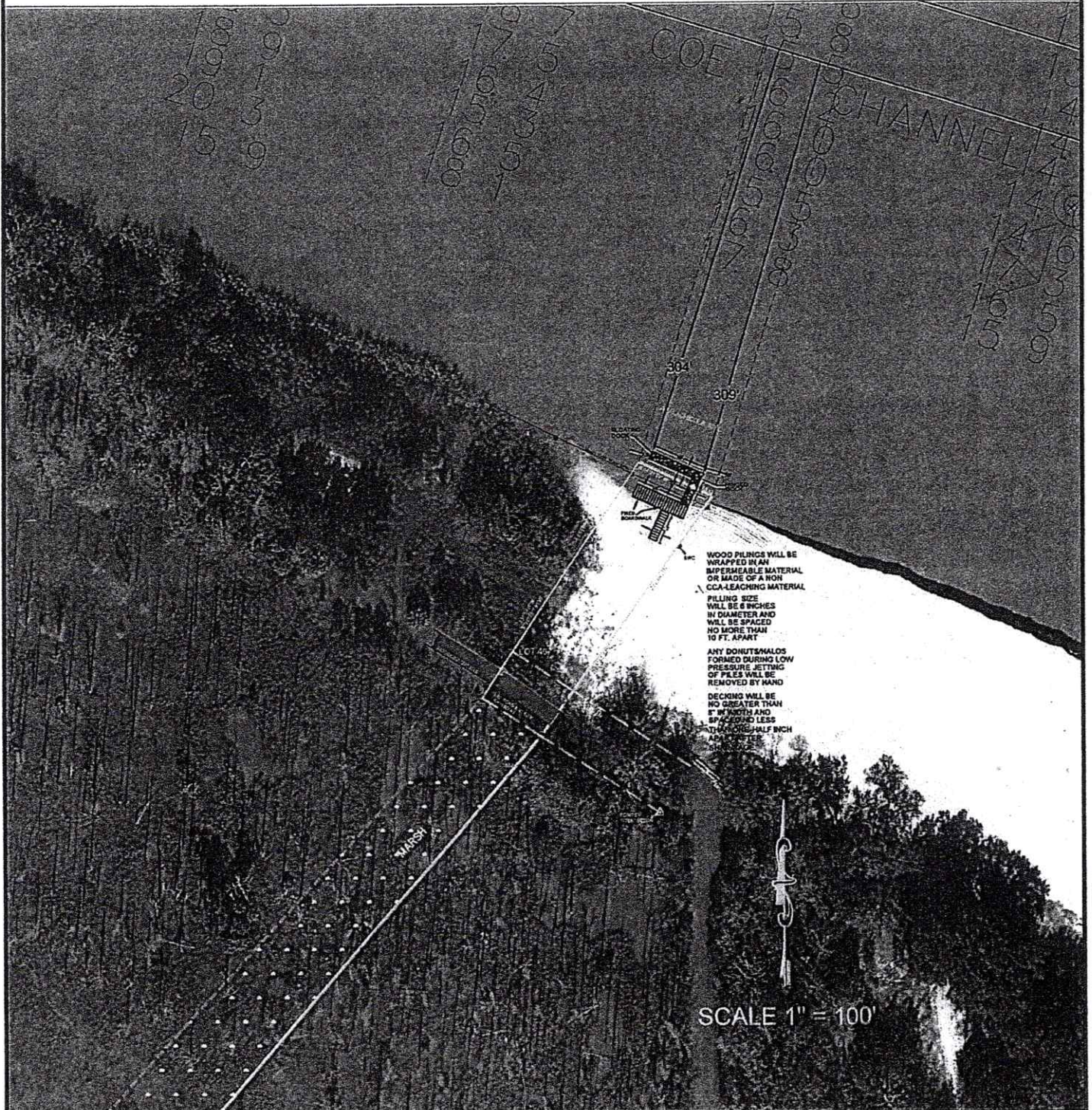




PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Dan Garlick
 WATERBODY/CLASS: Apalachicola River / OFW
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Apalachicola / Franklin County
 LATITUDE: 29° 45' 46.63"
 LONGITUDE: 85° 1' 44.93"
 SECTION: 27 TOWNSHIP: 8 South RING: 8 West

JOB: 19-075
 DEP:
 COE:
 OTHER:
 DATE: February 5, 2020
 SHEET: 2/4



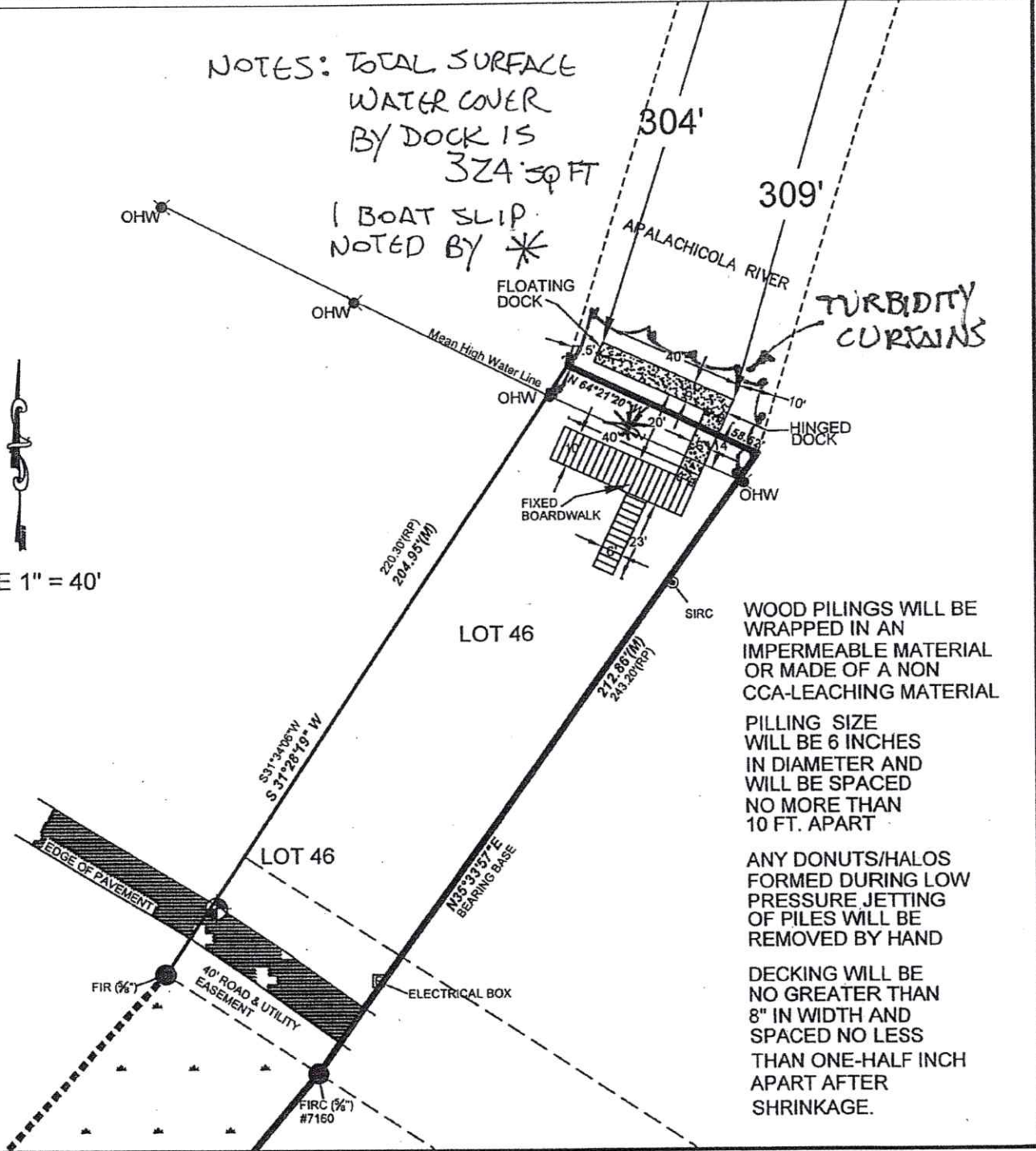


PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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 LATITUDE: 29° 45' 46.63"
 LONGITUDE: 85° 1' 44.93"
 SECTION: 27 TWSHP: 8 South RNG: 8 West

JOB: 19-075
 DEP:
 COE:
 OTHER:
 DATE: February 5, 2020
 SHEET: 3/4

NOTES: TOTAL SURFACE
 WATER COVER
 BY DOCK IS
 324.30 FT
 1 BOAT SLIP
 NOTED BY *



SCALE 1" = 40'
 (North arrow pointing up)

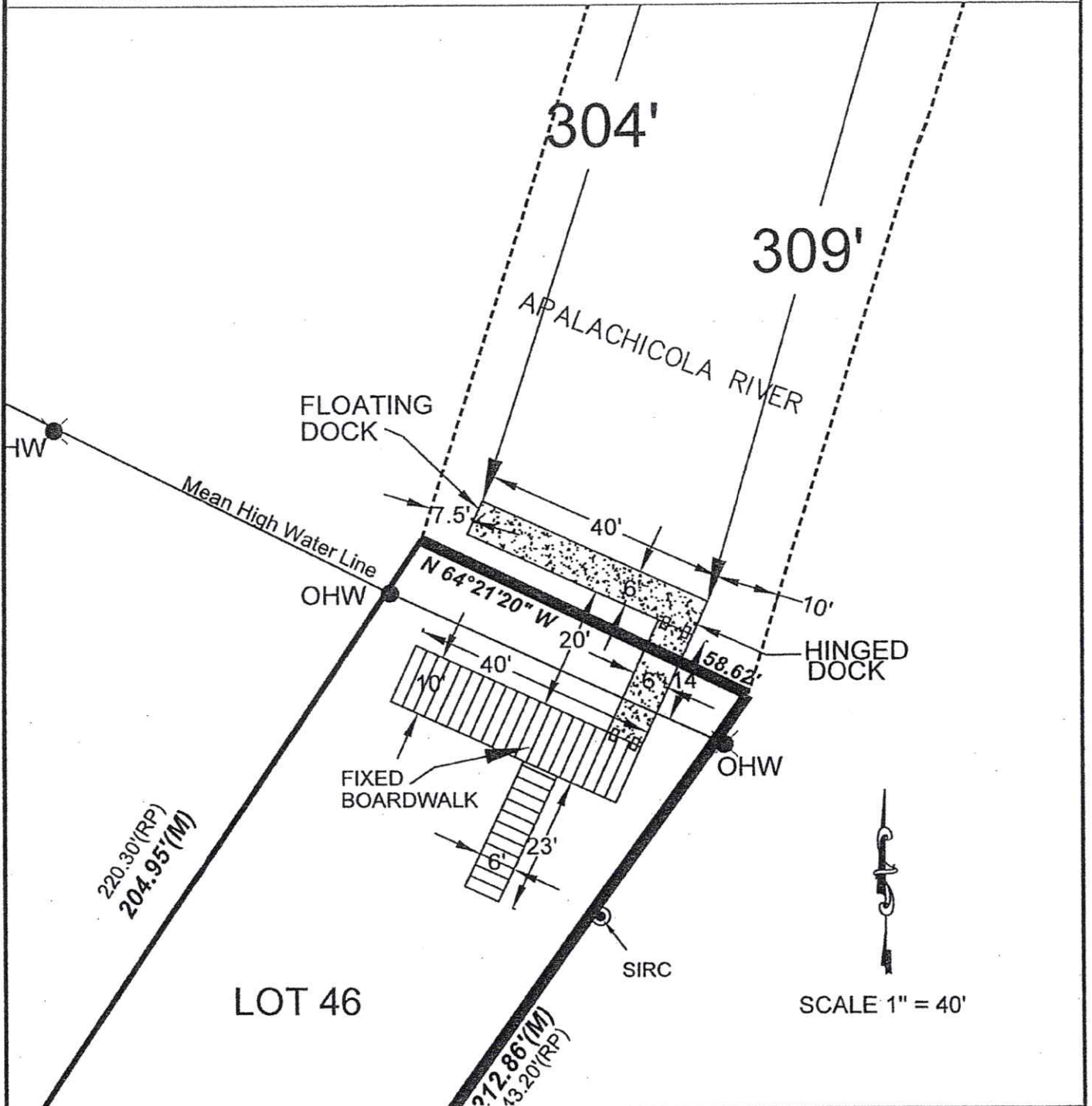
WOOD PILINGS WILL BE WRAPPED IN AN IMPERMEABLE MATERIAL OR MADE OF A NON CCA-LEACHING MATERIAL
 PILING SIZE WILL BE 6 INCHES IN DIAMETER AND WILL BE SPACED NO MORE THAN 10 FT. APART
 ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND
 DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Dan Garlick
 WATERBODY/CLASS: Apalachicola River / OFW
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Apalachicola / Franklin County
 LATITUDE: 29° 45' 46.63"
 LONGITUDE: 85° 1' 44.93"
 SECTION: 27 TWSHP: 8 South RNG: 8 West

JOB: 19-075
 DEP:
 COE:
 OTHER:
 DATE: February 5, 2020
 SHEET: 3A/4



D-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

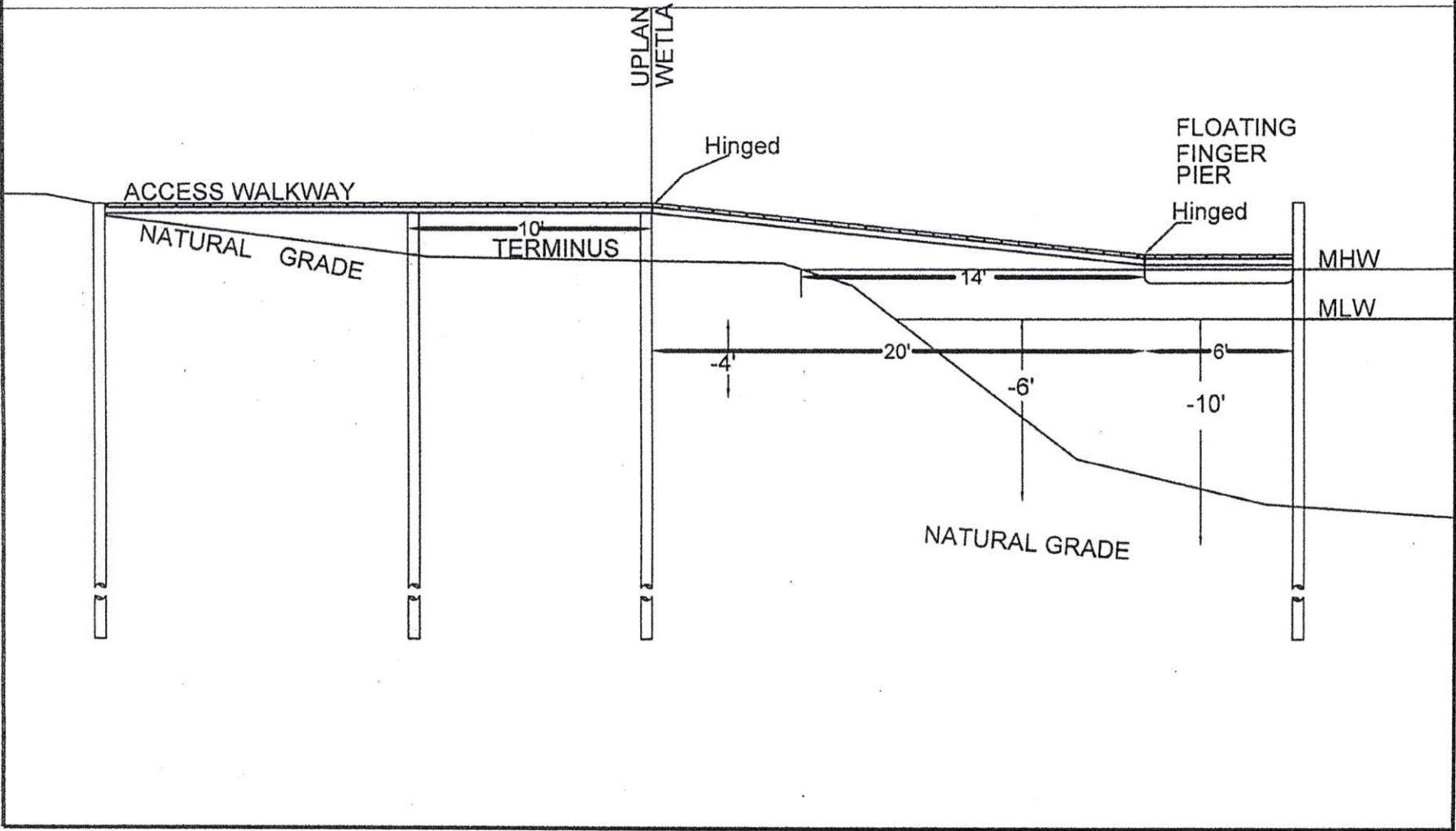
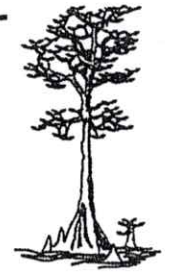
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / OFW

JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2019
SHEET: 4/4

PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Apalachicola / Franklin County
LATITUDE: 29° 45' 46.63"
LONGITUDE: 85° 1' 44.93"

SECTION: 27 TWSHP: 8 South RNG: 8 West



COMMENCEMENT NOTIFICATION

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

1. Department of the Army Permit Number: SAJ-2020-02090(GP-LSL)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2020-02090(GP-LSL)

2. Permittee Information: Name: _____

Email: _____

Address: _____

Phone: _____

3. Date Authorized Work Started: _____ Completed: _____

4. Contact to Schedule Inspection: Name: _____

Email: _____

Phone: _____

5. Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.): _____

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

7. Describe Mitigation completed (if applicable): _____

8. 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

Printed Name of Permittee

ATTACHMENT B (1 PAGE)
Dated 9/18/2019

D-

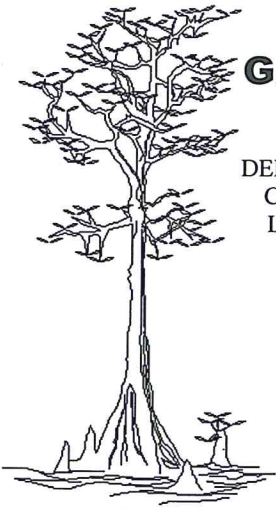
Date

ATTACHMENT B (1 PAGE)
Dated 9/18/2019

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

May 7, 2020

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Dock Approval
GEA File No. 20-032 / John T. Sims
FDEP File No. 0387344-001-EG/19

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on June 9, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on June 16, 2020 for the construction of a Single Family Residential Dock. Attached is a copy of the permit for the referenced project. Please note the FDEP permit also includes approval from the COE.

If you have any questions, please let us know.

Sincerely,


Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899 FAX (850) 653-9656
garlick@garlickenv.com



FLORIDA DEPARTMENT OF Environmental Protection

E-

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Wednesday, May 6, 2020

John T. Sims
380 Red Oak Ln.
Pine Mountain, Georgia 31822
Johnts1234@att.net

File No.: 0387344-001-EG/19, Franklin County

Dear Mr. Sims:

On April 29, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock totaling less than 2,000 square feet within Apalachicola Bay Aquatic Preserve, Class II Outstanding Florida Waters, Approved (1621) Shellfish Harvesting Area. The project is located at 2009 Seminole Ln., St. George Island, Florida 32328, Parcel No. 29-09S-06W-7337-0000-0250, in Section 29, Township 09 South, Range 06 West of Franklin County; at approximately 29°37'40" North Latitude, 84°56'24" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue

this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter(s) 253 and 258, F.S., Chapter(s) 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and

by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jacob Hullett
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

- 1. Rule 62-330.427, F.A.C., 2 pages
- 2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
- 3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
- 4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
- 5. Special Conditions for Federal Authorization for SPGP V-R1, 8 pages
- 6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
- 7. Standard Manatee Conditions for In-Water Work, 2 pages
- 8. Project Drawings, 5 pages


CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
 Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
 Mary Ann Wasmund, Garlick Environmental Associates, Inc., maryann@garlickenv.com
 Jonathan Brucker, Aquatic Preserve Manager, Jonathan.Brucker@dep.state.fl.us
 Franklin County, michael@franklincountyflorida.com

FILING AND ACKNOWLEDGMENT

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

 May 6, 2020
 Clerk Date

62-330.427 General Permit for Docks, Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type.

These limits shall not apply to the mooring, storage or other use of the dock or pier by:

- a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or
- b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state “No Boat Mooring Allowed.”

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History–New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

- (1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
- (2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).
- (3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.
- (4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.
- (5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.
- (6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.
- (7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.
- (8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.
- (9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.
- (10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Consent Conditions

1. 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.

2. 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.

3. 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.

4. 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.

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

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

- (a) Authorizations are valid 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 shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee’s use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person’s title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall 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.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court’s decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- (i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82,

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Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.

Special Conditions for Federal Authorization for SPGP V-R1

Note: JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit

will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

- (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
- (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.
8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.
10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

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

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
 - a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:
 - (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
 - (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
 - a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the

Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

(1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” updated November 2017 ([Attachment 5](#)).

(2) In addition to (1), above, IF the project is within range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).

b. For all other Projects,

(1) Within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the

- east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the “Submerged Aquatic Vegetation Survey Guidelines” ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson’s seagrass, will be presumed to be present for purposes of this Special Condition.
- (2) Outside the range of Johnson’s seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the “Submerged Aquatic Vegetation Survey Guidelines” ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” updated November 2017 ([Attachment 5](#)).
 - (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates “Scenario B” as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):
 - (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson’s seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson’s seagrass under the dock; or, Native seagrass, other than Johnson’s seagrass, under the dock; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with No current seagrass survey or, Johnson’s seagrass under the dock,
 - (ii) New docks or dock expansions and:
 - (a) within Johnson’s seagrass critical habitat; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson’s seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the “Dock PDCs for Scenario B” within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

- (1) To avoid and minimize impacts to Johnson’s seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson’s seagrass.
 - (ii) Over any area that contains Johnson’s seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson’s seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson’s seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson’s seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson’s seagrass.
- (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
 - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
 - (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
 - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form 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.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or

- structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
 6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
 7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

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



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

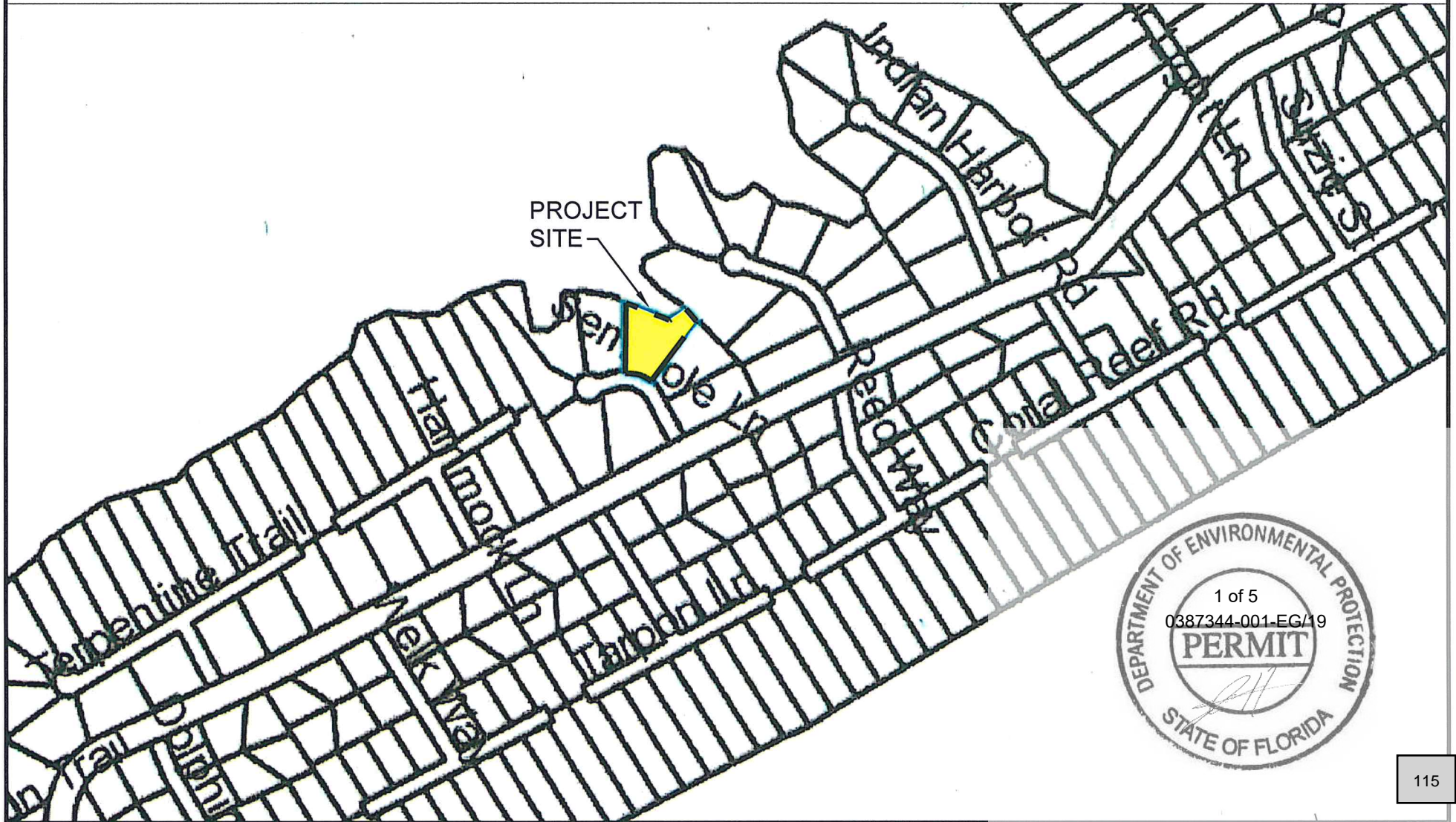
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385
LB No. 7415

(850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

APPLICANT/CLIENT: John Sims
WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.
PURPOSE: Development Feasibility Assessment
PROJECT LOCATION / USGS: Franklin County
LATITUDE: 29° 37' 34.68"
LONGITUDE: 84° 56' 24.70"

JOB: 20-032
DEP:
COE:
OTHER:
DATE: May 1, 2020
SHEET: 1/4

SECTION: 29 TWSHP: 9 South RNG: 6 West



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

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garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: John Sims

WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: Franklin County

LATITUDE: 29° 37' 34.68"

LONGITUDE: 84° 56' 24.70"

SECTION: 29 TWSHP: 9 South

RNG: 6 West

JOB: 20-032

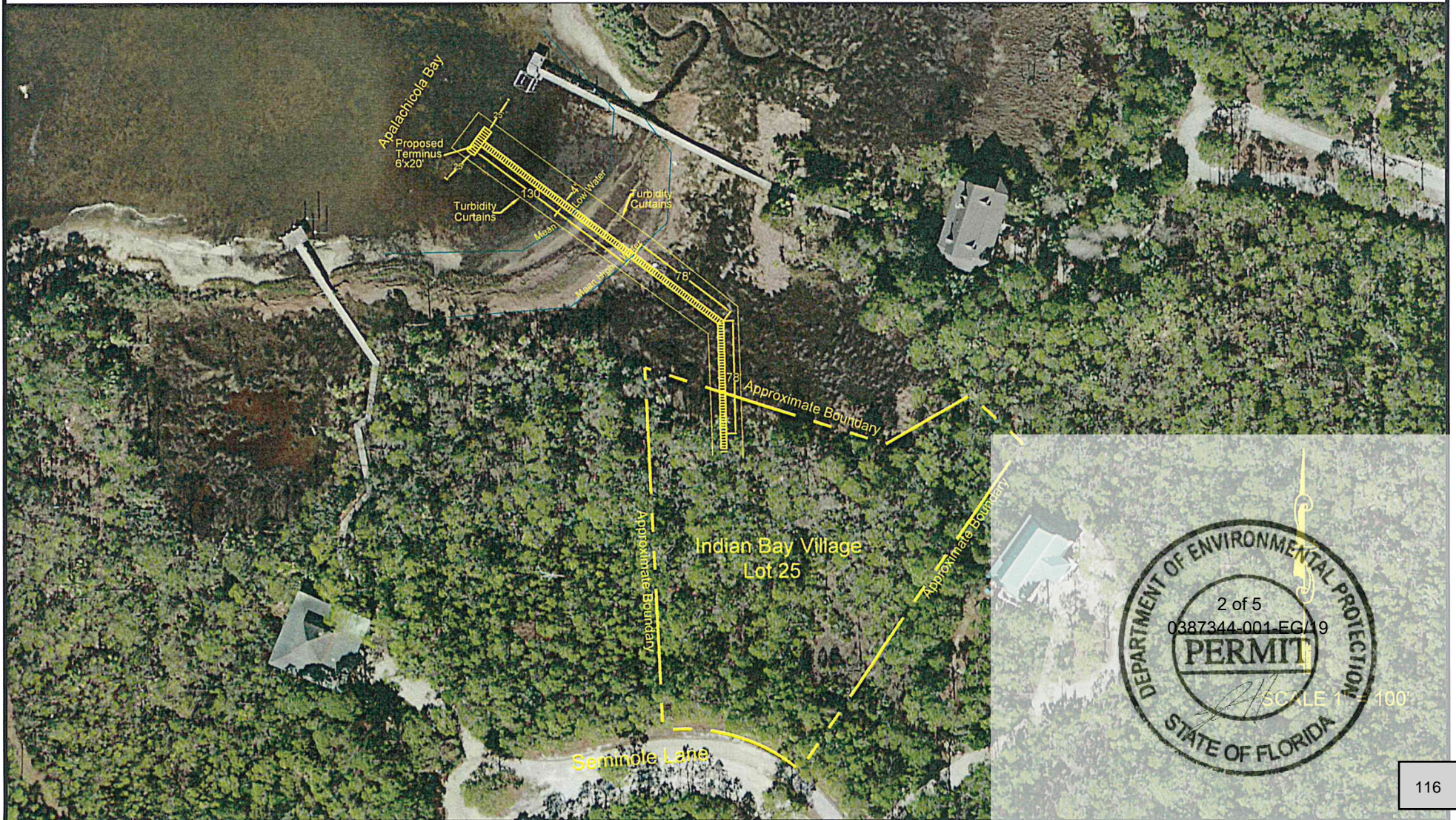
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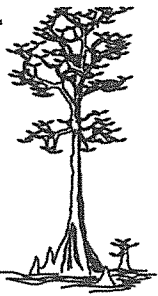
OTHER: Revised 5-5-20

DATE: May 1, 2020

SHEET: 2/4

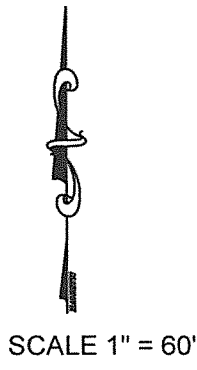
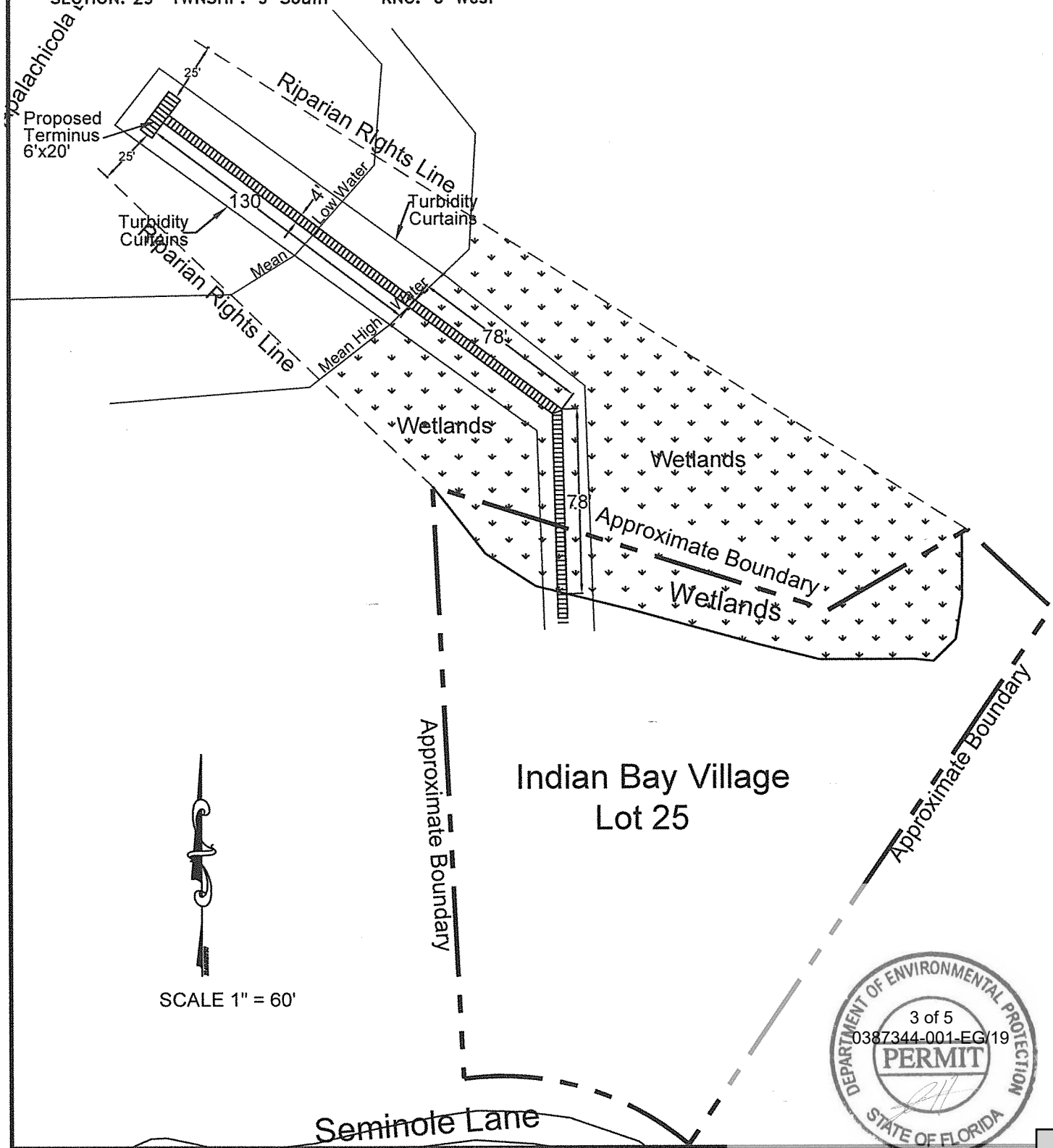


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JOB: 20-032
DEP:
COE:
OTHER: Revised 5-5-20
DATE: May 1, 2020
SHEET: 3/4



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: John Sims

JOB: 20-032

WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.

DEP:

PURPOSE: Development Feasibility Assessment

COE:

PROJECT LOCATION / USGS: Franklin County

OTHER: Revised 5-5-20

LATITUDE: 29° 37' 34.68"

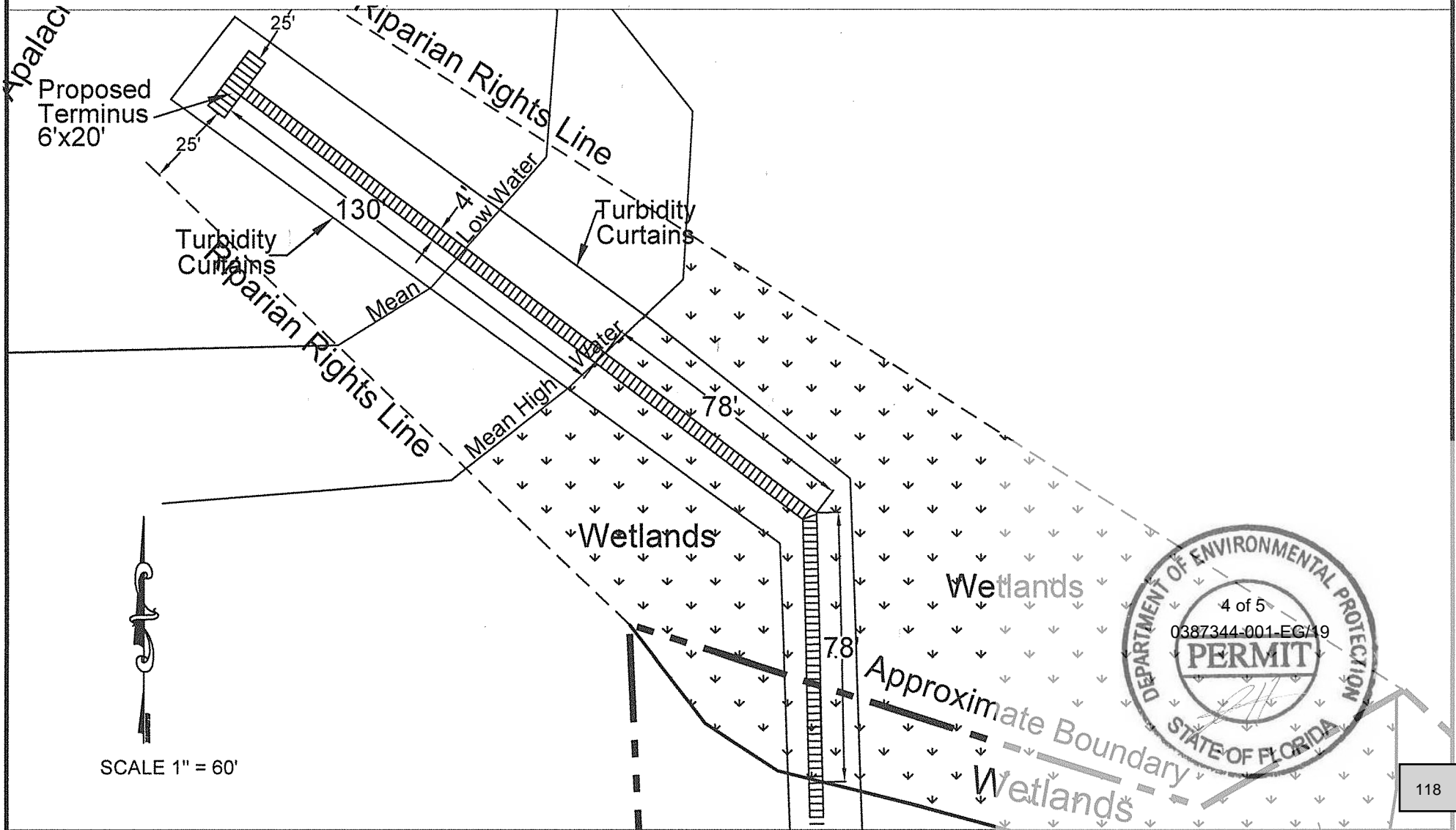
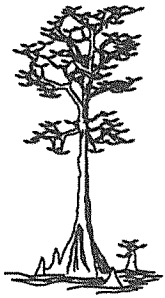
DATE: May 1, 2020

LONGITUDE: 84° 56' 24.70"

SHEET: 3a/4

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West



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P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: John Sims

JOB: 20-032

WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.

DEP:

PURPOSE: Development Feasibility Assessment

COE:

PROJECT LOCATION / USGS: Franklin County

OTHER: Revised 5-5-20

LATITUDE: 29° 37' 34.68"

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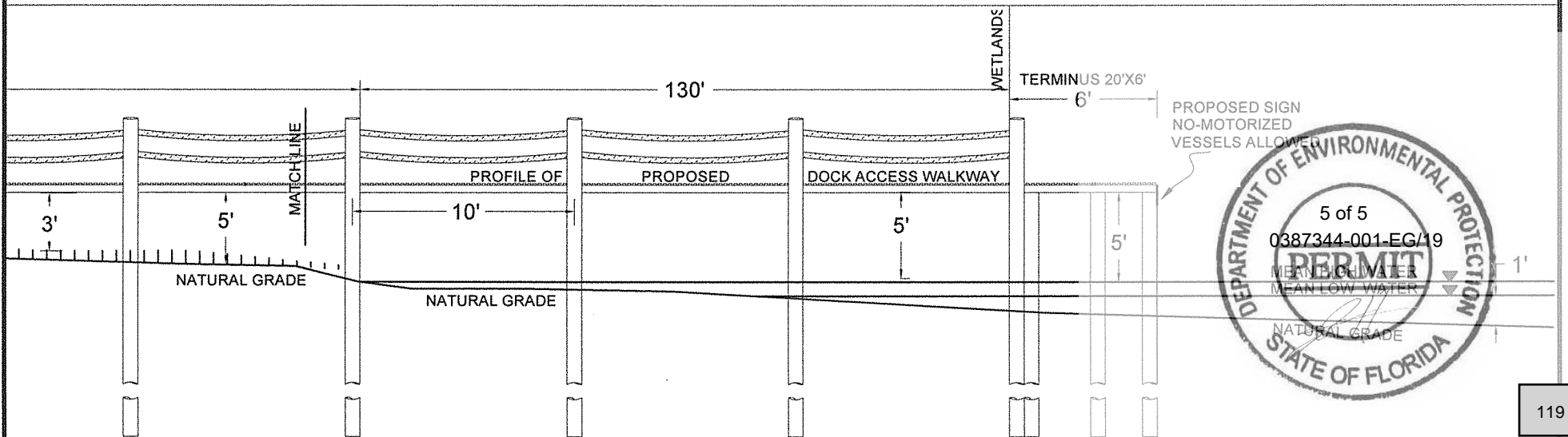
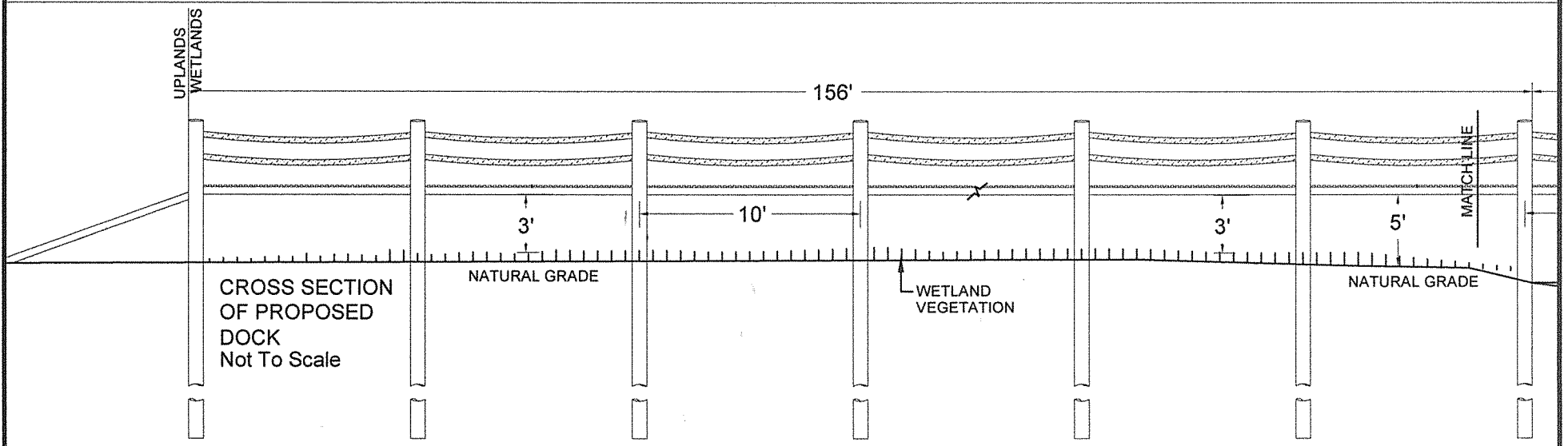
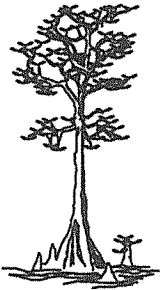
LONGITUDE: 84° 56' 24.70"

SHEET: 4/4

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West

CROSS SECTION OF PROPOSED DOCK NTS





FLORIDA DEPARTMENT OF
Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Permittee/Authorized Entity:

Timothy D. Padgett
5573 Long Island Drive
Atlanta, Georgia 30327, Fulton County
Tim.padgett@padgettlawgroup.com

Padgett Dock

Authorized Agent:

Garlick Environmental Associates, Inc.
c/o Mary Ann Wasmund
P.O. Box 385
Apalachicola, Florida 32329
maryann@garlickenv.com

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

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Franklin County
Permit No.: 0385752-001-EI/19

Permit Issuance Date: June 2, 2020
Permit Construction Phase Expiration Date: June 2, 2025

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: **Timothy D. Padgett**
Permit No: **0385752-001-EI/19**

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 2023 Seminole Lane, St. George Island, Florida 32328, Parcel ID 29-09S-06W-7337-0000-0280, in Section 29, Township 09 South, Range 06 West in Franklin County, at 29°37'34" North Latitude, 84°56'30" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to construct a new single-family dock consisting of a 199'x4' wetland boardwalk, a 436'x4' access pier, a 6'x20' terminal platform, and two 10'x20' uncovered boatlifts within the Apalachicola Bay Aquatic Preserve and adjacent wetlands, a Class II Outstanding Florida Waterbody, Approved 1621 Shellfish Harvesting Area. Those activities include the preemption of approximately 2,264 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Padgett Dock

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.).

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., and Chapter 258, 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.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

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 **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

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 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 / SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent 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/EMERGENCIES

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 470 Harrison Avenue Panama City, Florida 32401.

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

4. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of the ambient turbidity levels of the surrounding Outstanding Florida Waters. Methods shall include, but are not limited to, the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.
5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

6. A floating turbidity curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.
7. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
8. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of

construction, and the Department shall be notified of its completion within that same 30-day period.

9. The following construction sequence shall be adhered to for all piers and docking structures. Structures shall be built progressively, commencing at the shoreline and continuing waterward. No more than three sets of pilings shall be installed at a time. The decking will then be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials. No impacts shall occur outside the footprint of the permitted dock and boardwalk.

10. Pilings within wetlands or areas containing seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding, or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

11. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimum of 5 feet above mean high water and wetland grade and shall have a minimum of 1/2-inch spacing between deck planks.

12. The boardwalk and access pier shall be limited to a maximum width of four (4) feet.

13. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel and the top of any submerged resources or submerged bottom.

14. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high-water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.

15. The permittee shall install and maintain reflective markers and lighted aids to navigation on both waterward corners of the structure. The reflective markers and lighted aids to navigation shall be maintained for the life of the facility.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

16. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

17. Restroom facilities will be constructed on the uplands and fully operational before the mooring of any vessels at the dock.

18. No more than two boats are authorized to be moored at the dock.

19. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at mean low water.

20. Overboard or through hull discharges of trash, human or animal waste, gray water, or fuel shall not occur at the docking facility.

21. All future replacement pilings for navigational aids, support of the docking structures and for boat mooring shall be non-CCA-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves).

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency,

as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONSENT CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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, which are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, 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.

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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of

this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant to Rule 62-110.106(10)(a).

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA;jh

Attachment:

Project Drawings and Design Specs., 6 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

- Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
- Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
- Jonathan Brucker, AP Manager, Jonathan.Brucker@dep.state.fl.us
- Franklin County, michael@franklincountyflorida.com
- Department of Economic Opportunity, Ray.Eubanks@deo.myflorida.com, DCPPermits@deo.myflorida.com

FILING AND ACKNOWLEDGMENT

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



Clerk

June 2, 2020
Date

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8855

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Tim Padgett

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: DFA / WD

PROJECT LOCATION / USGS: SGI - Plantation / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 29 TWSHP: 8 South

RNG: 6 West

JOB: 20-011

DEP:

COE:

OTHER: 5-25-20

DATE: March 9, 2020

SHEET: 1/4



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-88



FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Tim Padgett

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: DFA / WD

PROJECT LOCATION / USGS: SGI - Plantation / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 29 TOWNSHIP: 8 South

RING: 6 West

JOB: 20-011

DEP:

COE:

OTHER: Revised 4-24-20

DATE: March 9, 2020

SHEET: 2A/4



F-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Tim Padgett
 WATERBODY/CLASS: Apalachicola Bay - Class II - OFW - AP
 PURPOSE: DFA - WD
 PROJECT LOCATION / USGS: SGI Plantation / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 29 TOWNSHIP: 9 South RANG: 6 West

JOB: 20-011
 DEP:
 COE:
 OTHER: Revised 4-29-20 / 5-15-20
 DATE: March 9, 2020
 SHEET: 2/4

PILINGS WILL BE WRAPPED WITH PVC TO INSURE PREVENT LEACHING
 PILINGS WILL BE PLACED A MINIMUM OF 10' APART
 PILLINGS SIZE WILL BE 6 INCHES
 DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.



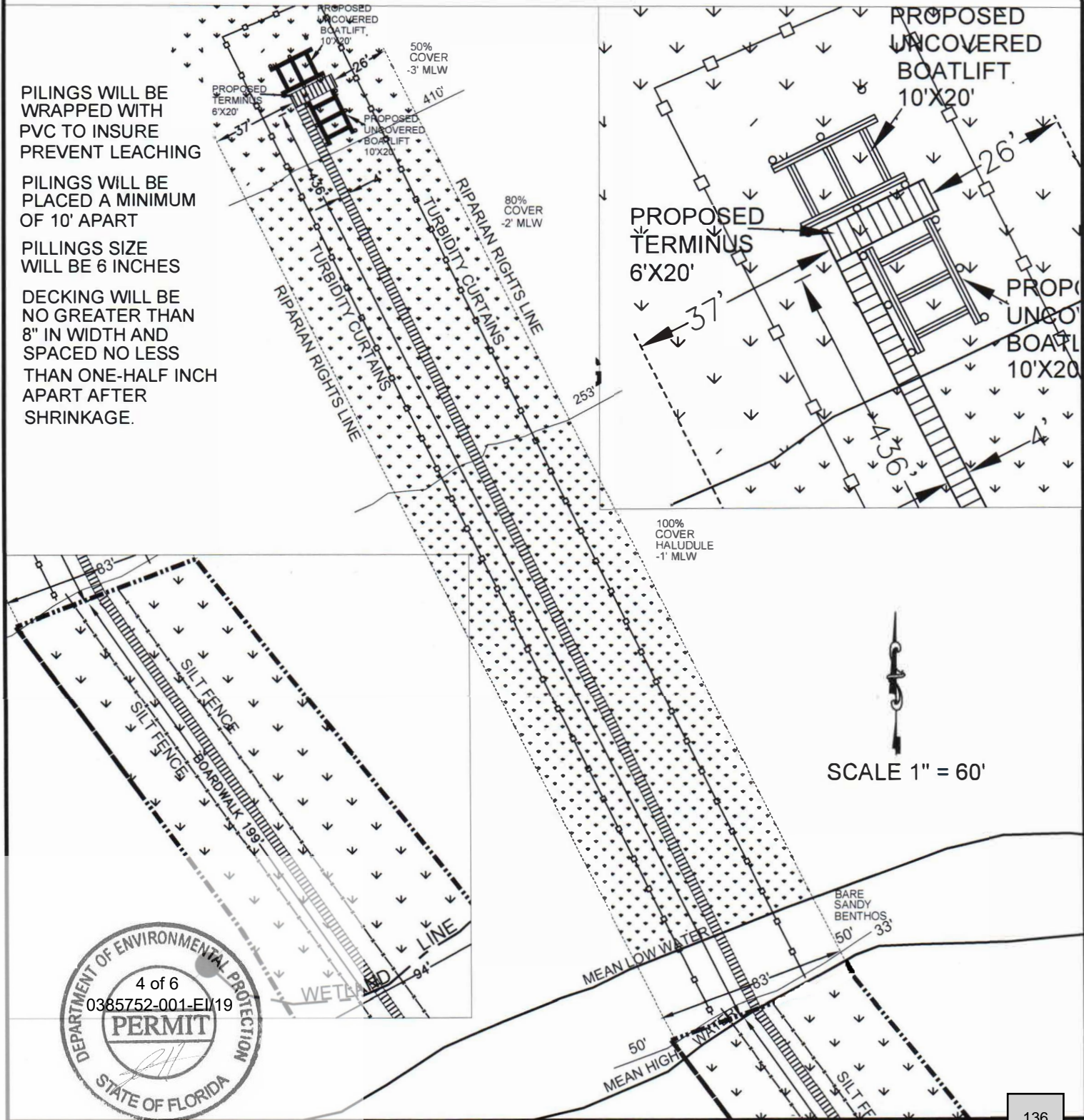
PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Tim Padgett
 WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
 PURPOSE: DFA - WD
 PROJECT LOCATION / USGS: SGI Plantation / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 29 TOWNSHIP: 9 South RNG: 6 West

JOB: 20-011
 DEP:
 COE:
 OTHER: Rev 4-29-20 / 5-15-20
 DATE: March 9, 2020
 SHEET: 3/4

PILINGS WILL BE WRAPPED WITH PVC TO INSURE PREVENT LEACHING
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 DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.



SCALE 1" = 60'



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Tim Padgett

JOB: 20-011

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

DEP:

PURPOSE: DFA / WD

COE:

PROJECT LOCATION / USGS: SGI - Plantation / Franklin County

OTHER: Rev. 4-24-20

LATITUDE:

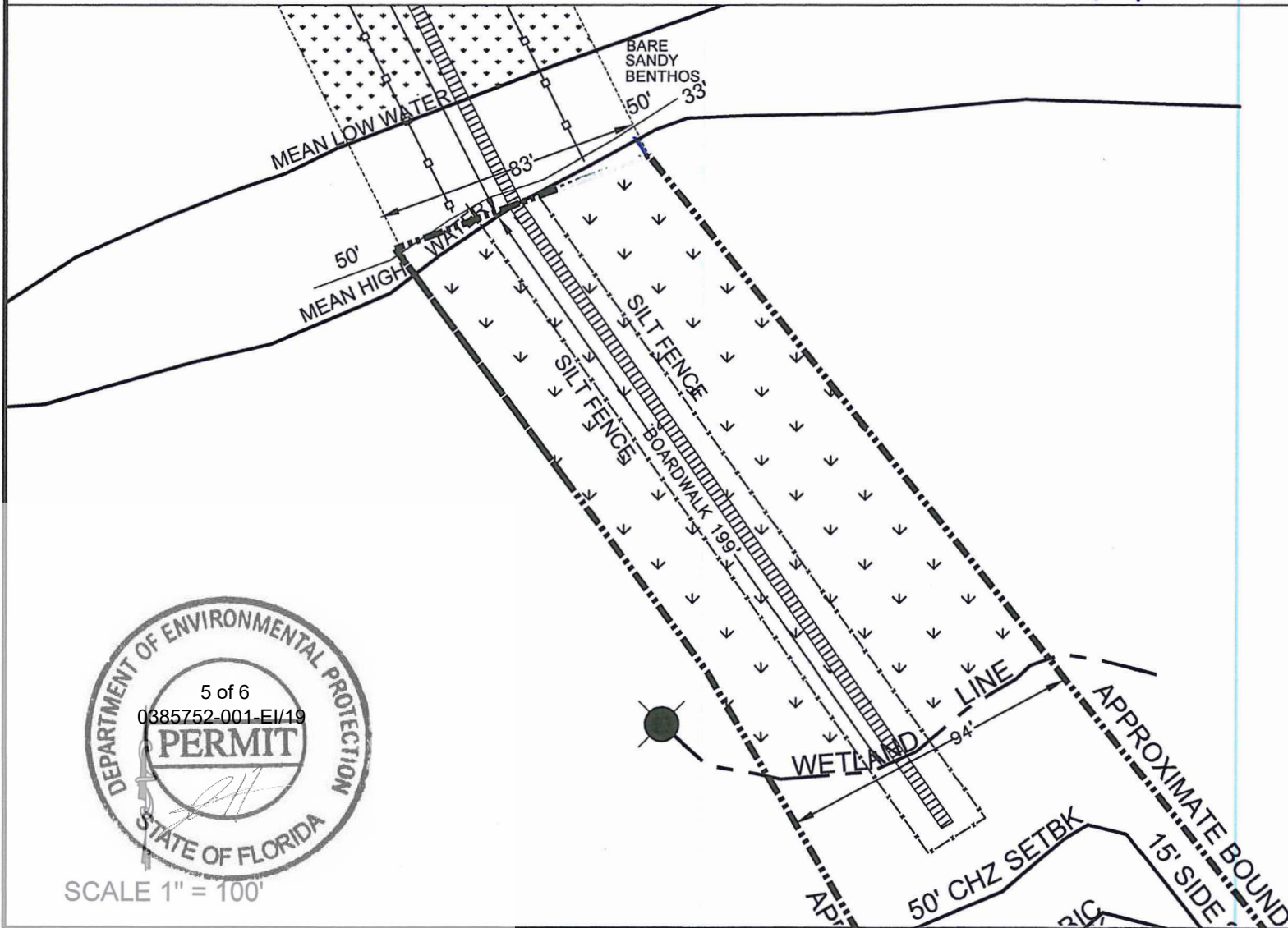
DATE: March 9, 2020

LONGITUDE:

SHEET: 3A/4

SECTION: 29 TWSHP: 8 South RNG: 6 West

REVISED 5-25-20 *OK*



SCALE 1" = 100'

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Tim Padgett

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: DFA / WD

PROJECT LOCATION / USGS: SGI - Plantation / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 29 TWSHP: 8 South RNG: 6 West

JOB: 20-011

DEP:

COE:

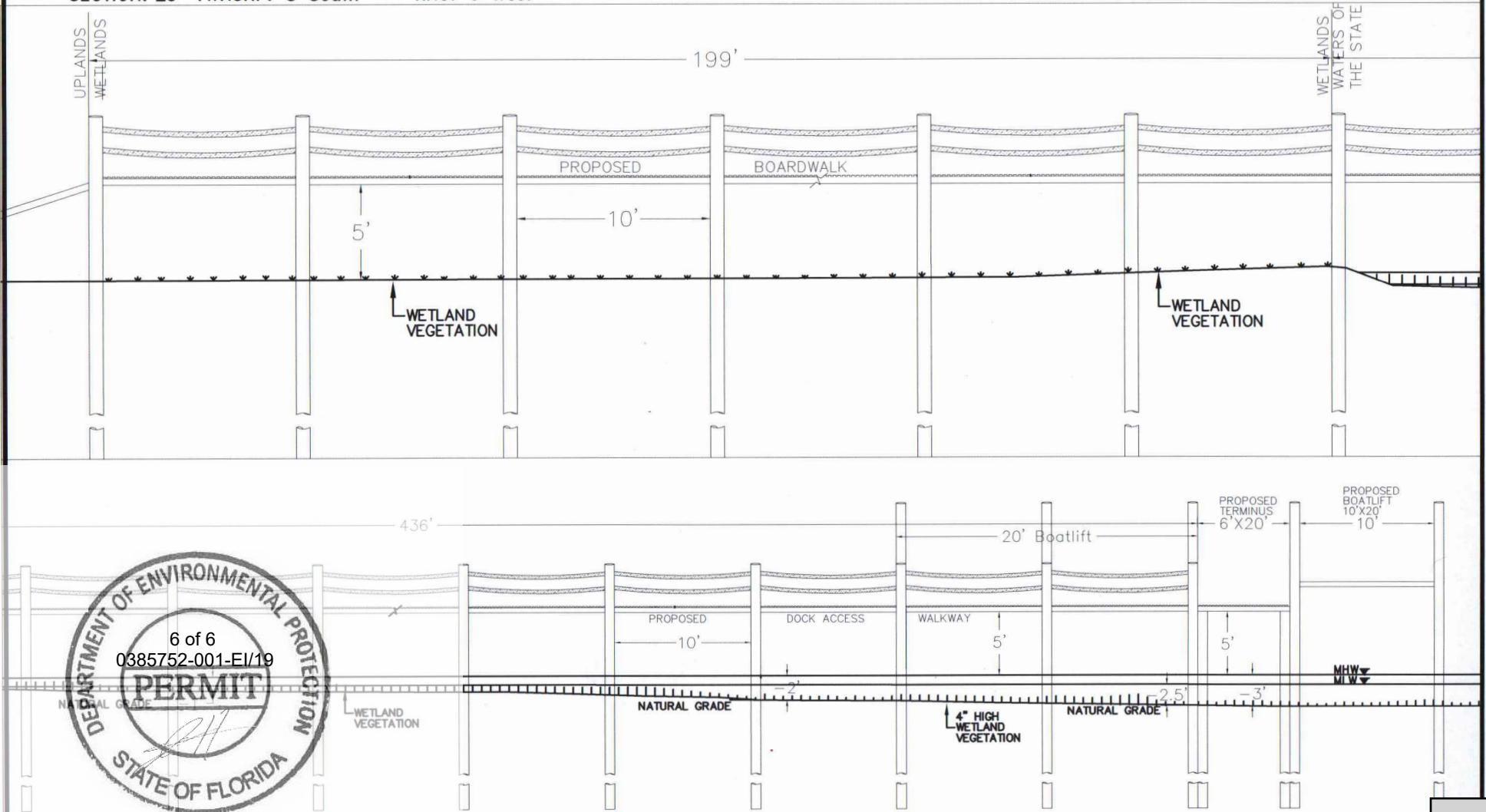
OTHER: Revised 4-29-20 / 5-15-20

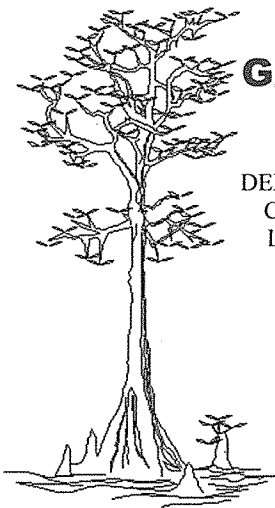
DATE: March 9, 2020

SHEET: 4/4



Cross Section
Proposed Dock/
Boardwalk
NTS





GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

LETTER OF TRANSMITTAL

May 4, 2020

Tracey L. Wheeler
Regulatory Project Manager
US Army Corps of Engineers
415 Richard Jackson Boulevard
Suite 411
Panama City Beach, FL 32407

RE: Construction of a Dock / 2-Boat Lifts
Franklin County, 2215 Sea Gull Way
GEA File No. 20-030 / Hugh P. Whitehead III

The proposed project is located in Section 29, Township 9 South, Range 6 West, 2215 Sea Gull Way, St George Island, Franklin County, FL. The waterbody at the project site is Apalachicola Bay, Class II, OFW, AP. The existing conditions at the project is an undeveloped parcel. The attached application is for the construction of a Single-Family Residential Dock.

The proposed access walkway of the dock will be constructed 438 ft. in length and 4 ft. in width. The proposed project will also include a boardwalk over an existing wetland area, which will be constructed 149 ft. in length and 4 ft. in width. The proposed boardwalk will be constructed 5 ft. above the wetland area. The proposed dock will include a terminus, which will be constructed 8 ft. in width and 20 ft. in length. At and near the location of the terminus, two (2) uncovered boat lifts will be constructed on side of the proposed access walkway and adjacent to the terminus. One boat lift will be constructed 30' x 14', adjacent to the terminus and the other will be constructed 20' x 12', adjacent to the access walkway. Submerged vegetation occurs within the alignment of the proposed dock, as shown on the attached drawings. The proposed dock, boardwalk and terminus consists of 2508 sq. ft.

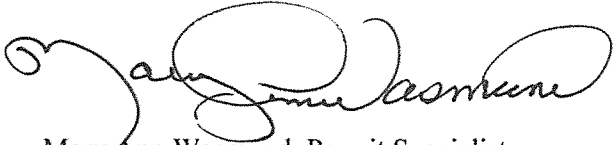
The uplands of the parcel will have a toilet facility before any vessel will be moored at the proposed dock. There will be no overnight occupancy at the proposed dock, nor vessel overnight occupancy.

The materials to be used to construct the proposed dock will be transported to the site by truck. The piles will be jettied. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will assist in the construction of the proposed dock and piling placements. The depth of water at the location of the proposed mooring areas and terminus is -4.00 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings.

Attached is a copy of the contract between Benjamin F. Johnson VI and Hugh P. Whitehead III indicating purchase of the subject riparian upland property. The upland area is presently zoned as residential and no changes are proposed.

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us dan@garlickenv.com or maryann@garlickenv.com.

Sincerely,



Mary Ann Wasmund, Permit Specialist
Garlick Environmental Associates, Inc.

Attachments

cc: Hugh P. Whitehead III

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-0003
Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)


1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - <i>Hugh</i> Middle - <i>P</i> Last - <i>Whitehead</i> Company - E-mail Address - <i>Scott@whiteheadassoc.com</i>	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - <i>DAN</i> Middle - Last - <i>Garlick</i> Company - <i>GARLICK Environmental Assoc. Inc</i> <i>MARYANN@garlickenv.com</i> E-mail Address - <i>dan@garlickenv.com</i>
6. APPLICANT'S ADDRESS: Address - <i>3209 Chateau Court NW</i> City - <i>Atlanta</i> State - <i>GA</i> Zip - <i>30805</i> Country - <i>USA</i>	9. AGENT'S ADDRESS: Address - <i>P.O. Box 385</i> City - <i>Apalachicola</i> State - <i>FL</i> Zip - <i>32328</i> Country - <i>USA</i>
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence <i>404-510-8770</i> b. Business c. Fax	10. AGENTS PHONE NOS. w/AREA CODE a. Residence <i>Cell 850-899-5252</i> b. Business <i>850-653-8899</i> c. Fax <i>653-9656</i>

STATEMENT OF AUTHORIZATION

11. I hereby authorize, *GARLICK Environ-* to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

 *05-05-2020*
SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) <i>Whitehead Single Family Dock</i>	14. PROJECT STREET ADDRESS (if applicable) Address <i>2215 Sea Gull Way</i> City - <i>ST George Island</i> State - <i>FL</i> Zip - <i>32328</i>
13. NAME OF WATERBODY, IF KNOWN (if applicable) <i>Apalachicola Bay</i>	
15. LOCATION OF PROJECT Latitude: °N Longitude: °W	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID *29-095-06w-7339-0000-0160* Municipality
Section - *29* Township - *9 South* Range - *6 West*

17. DIRECTIONS TO THE SITE

Coming off bridge onto St George Island, turn right and continue for 6 .5 miles. The Site is on the right side within St George Island Plantation.

18. Nature of Activity (Description of project, include all features)

Construction of a Single Family Residential Dock with (2) boat lifts (see attached drawings)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To have access to the water.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres N/A

or

Linear Feet N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)

N/A

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Robert Ramsey 2113 Woodley Circle

City - Lexington State - Ky Zip - 40502

b. Address- Stephanie A. Mason Trustee 6961 County Road 20

City - Mount Gilead State - OH Zip - 43338

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

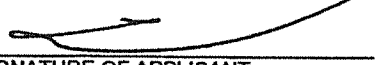

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


05-05-2020

5-5-20

SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



Permitting Agency's Internal Use Only:

Date checklist sent to NMFS (MM/DD/YY) Reviewer Last Name Application # Checklist Version¹

Indicate the agency issuing the permit/authorization.

Yes No Is this a re-verification, edit, or modification to a consultation previously submitted under JaxBO?

If yes to above, enter date of previous Tier II consultation

If another NMFS programmatic BO was used for the proposed project, please select name of programmatic BO used.

The Corps Project Manager or Delegated Authority has reviewed and confirmed that the proposed project meets all PDCs. It is the responsibility of the reviewer to ensure the proposed project complies with all the applicable PDCs. Please enter initials of reviewer.

Project Street Address Latitude (decimal degrees, centroid of the project)

City Longitude (decimal degrees, centroid of the project. Please include the negative symbol)

County (Florida) Municipality (Puerto Rico & USVI)

Select all activities used for the entire proposed project:

1 2 3 4 5 6 7 8 9 10 Superseding Process

Geographic Area	Is the project located in the geographic area?	Select DCH Unit	Are Essential Features Present?	If Essential Features are present, enter area of impact
Smalltooth Sawfish DCH Limited Exclusion Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Gulf Sturgeon DCH Migratory Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Atlantic Sturgeon DCH Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
North Atlantic Right Whales Educational Sign Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
U.S. Caribbean Sea Turtle Critical Habitat Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Bryde's Whale Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
Smalltooth sawfish DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> LF of Red Mangroves <input type="text"/> SF of shallow euryhaline water
Gulf sturgeon DCH	<input checked="" type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Loggerhead sea turtle (NWA DPS) DCH ²	<input checked="" type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Green sea turtle (NA DPS) DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Hawksbill sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Leatherback sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Staghorn and elkhorn (Acropora) coral DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	No impacts to essential features allowed.
Johnson's seagrass DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
North Atlantic right whale DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Atlantic sturgeon DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		N/A	No activities allowed here!

No/No Is the Project in or near areas with mangroves, seagrasses, corals, or hard bottom habitat? Does it comply with PDCs for Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects (AP.3)

Resource	Present in the project footprint?	Square Feet of Impact
Mangroves	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Johnson's Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Listed Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Hardbottom	<input type="radio"/> Yes <input checked="" type="radio"/> No	

SF of Overwater Impacts (area of structure over/above the water surface, e.g., docks or canopies)

SF of Total In-water Impacts (area of substrate that is permanently changed below MHW, e.g., by seawall, riprap, or cross-sectional area of piles)

Yes Applicant agrees to adhere to PDCs for *In-Water Activities* (AP.1) as described in AP.7 through AP.11

Yes Applicant agrees to perform all activities during daylight hours (AP.6).

Yes No Is the project within the boundary of the Florida Keys National Marine Sanctuary (FKNMS)?

Yes If within the boundaries of FKNMS, received NOAA authorization?

To be completed by applicant or agent if permit is issued by a delegated authority (FDEP, Miami-Dade, etc.) Please enter full name of applicant or applicant's representative:

The applicant or applicant's representative ensures the project complies with the PDCs and all information in this form and individual checklist(s) is correct

Comments:



US Army Corps of Engineers.

G-

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)

Activity 2: Pile Supported

Agency internal use:			
<input type="text"/>	Date checklist sent to NMFS (MM/DD/YY)	<input type="text"/>	PM Last Name
<input type="text"/>		<input type="text"/>	Application #
<input type="text"/>		<input type="text"/>	Checklist Version

Proposed Activity (Select all that apply):

- Dock New
- Dock Repair
- Dock Replacement
- Mooring/Dolphin piles
- Mooring buoys
- Mooring fields
- Chickees
- ATONS/PATONS
- Boatlift
- Temporary structures/buoys
- Other (Provide description in Comments box at bottom)

Single-family Select the type/use of the structure

Enter information about the proposed activity:

<input type="text"/> 0	Total number of existing dry slips	<input type="text"/> 0	Total number of existing wet slips
<input type="text"/> 0	Total number of proposed dry slips	<input type="text"/> 2	Total number of proposed wet slips

Piling Installation Data: Enter data as appropriate for different pile types used. JAXBO does not cover installation of metal piles or sheet piles with impact hammer (AP 2: Section 2.2).

Pile	Pile Type 1	Pile Type 2	Pile Type 3	Pile Type 4
<input type="text"/> 79	Number of Piles	<input type="text"/>	Number of Piles	<input type="text"/>
<input type="text"/> 0	Size of each Pile (sq.ft.)	<input type="text"/>	Size of each Pile (sq.ft.)	<input type="text"/>
<input type="text"/>	Pile Material	<input type="text"/>	Pile Material	<input type="text"/>
<input type="text"/>	Installation Method	<input type="text"/>	Installation Method	<input type="text"/>

Open-Water Project in Open-Water or Confined-Space Environment (AP.2: Section 2.2)?

NA Select Noise PDC Category (AP.2.) as detailed in (Section 2.2).

For commercial/multi-family/public facilities and marine events which of the following signs will be posted (A2.2.) Select all that apply:

- Save Sea Turtle/ Sawfish/ and Dolphin Sign
- Help Protect North American Right Whale
- Report Sturgeon
- U.S. Caribbean

For commercial/multi-family/public docking facilities/monofilament recycling bins will be installed. (A2.3)

North Atlantic Right Whale Educational Sign Zone: Is the North Atlantic right whales handout included as special condition of permit (A2.4)?

Does the project include a municipal or commercial fishing pier?

Is dock within visible distance of an ocean beach? If yes: is turtle-friendly lighting installed as required by JAXBO (A2.8)?

Will project construction take place from uplands or from floating equipment (e.g. barge) as required (A2.9)?

Dock Construction Scenario included as a special condition (A2.17)?

For projects located in Designated Critical Habitat; please complete applicable section below:

No Is the project located in the geographic area of Smalltooth Sawfish Critical Habitat?

Is project located in smalltooth sawfish limited exclusion zone?

Yes Is the project located in the geographic area of Gulf Sturgeon Critical Habitat?

50-1,400 ft Enter width of the area (e.g. channel/ bay) if in the Gulf sturgeon critical habitat migratory restriction zone (Section 2.1.1.2)

1. Creating a pilot Select additional noise restrictions required as special condition in Gulf sturgeon critical habitat migratory restriction zones (A2.11).

No Is the project located in the geographic area of Acropora Critical Habitat?

Are essential features present?

Is hardbottom present in project footprint? (AP.14).

No Is the project located in the geographic area of Johnson's Seagrass Critical Habitat?

Water depths (insert range of water depths where project will occur as minus MLW)

Project includes a new marina or multifamily facility (A2.14)?

Does the project include repair/replacement and reconfiguration of existing marinas or multi-family facilities?

If project is repair/replacement and reconfiguration of existing marinas or multi-family facilities then select all that apply under JAXBO (A2.14):

Occurs within same overall footprint (out to the perimeter of the facility including the outer limits of the structure and permitted mooring locations).

Does not increase the total aerial extent (i.e. area of coverage from the dock structures) of the existing facility.

Does not affect Johnson's seagrass.

No Is the project located in the geographic area of Nearshore Reproductive Habitat of NWA DPS of Loggerhead Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs (A2.15)?

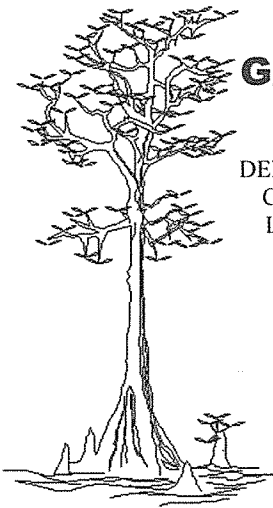
No Is the project located near sea turtle nesting beaches in the geographic area of U.S. Caribbean Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs near sea turtle nesting beaches (A2.16)?

Comments:

Construction of a Single Family Residential Dock

Please note this checklist does not contain all of the PDCs. Please refer to the Biological Opinion to confirm the project meets all PDCs prior to completing this checklist. Notes in parenthesis refer to corresponding section of JAXBO.



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

FIELD WORKSHEET

GEA JOB:20-030

DATE:4-30-20

TIME:3PM

SITE:whitehead 2215 Seagull Franklin

INSPECTOR:D garlick

JOB TYPE:

EA/LPS/SAV/HCP-dock

AMBIENT CONDITIONS REPORT:

Temp 72F/water level 0.05 MLW weather clear

TRANSECTS: see map

FLORA: Halodule

DEPTH: 0—4 ft at proposed terminus

MAP SOURCE: google earth, drone and wading

NOTES: see map

ATTACH MAP: yes/no

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899
FAX (850) 653-9656
garlick@garlickenv.com

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West

JOB: 20-030

DEP:

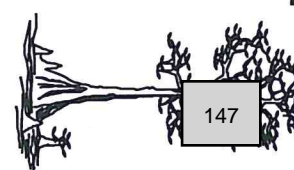
COE:

OTHER:

DATE: May 4, 2020

SHEET: 1/5

G-



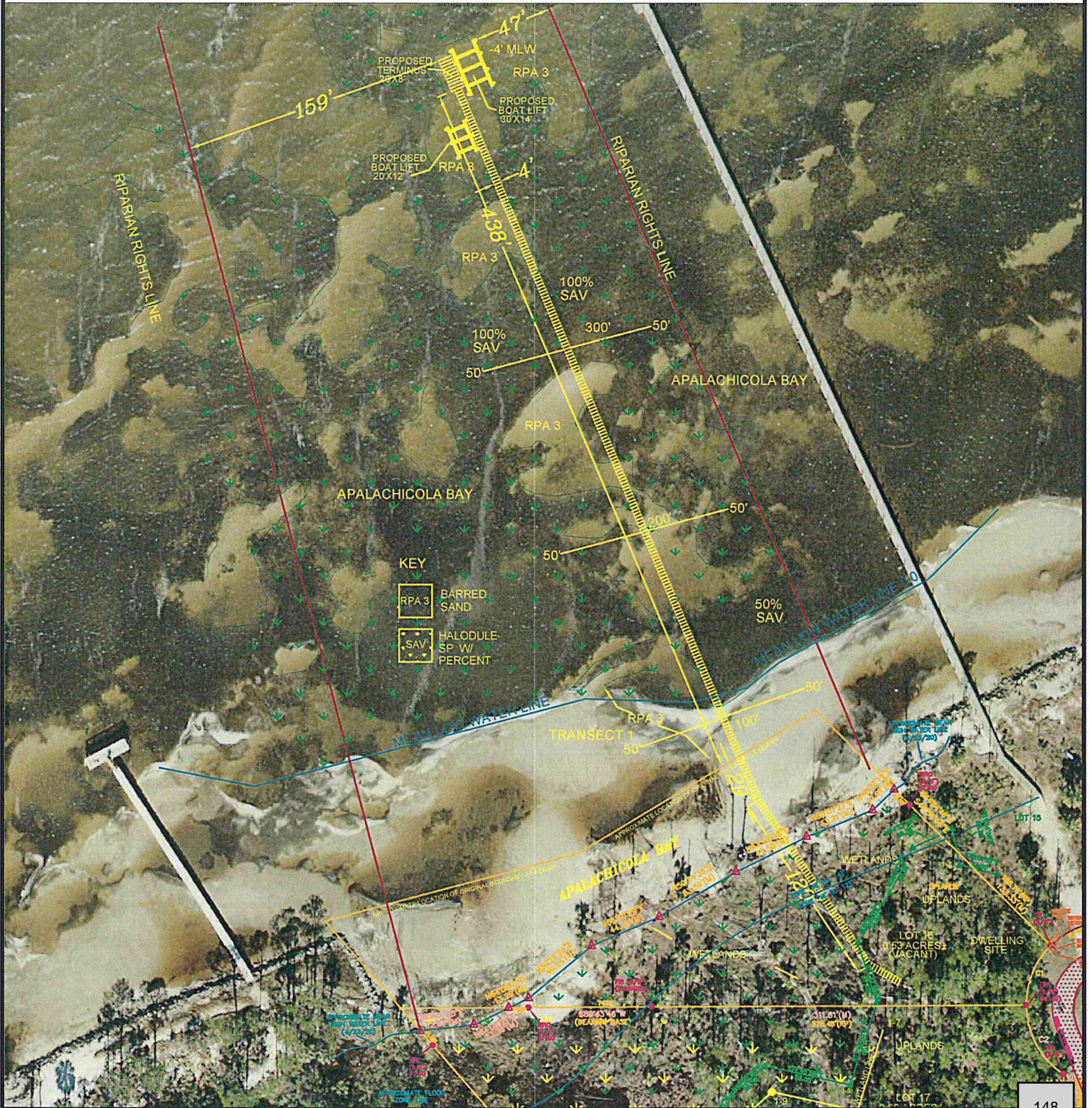
PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

G-



APPLICANT/CLIENT: Hugh P. Whitehead III
 WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: St George Island / Franklin County
 LATITUDE: 29° 37' 16.91"
 LONGITUDE: 84° 57' 4.35"
 SECTION: 29 TOWNSHIP: 9 South RING: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER:
 DATE: May 4, 2020
 SHEET: 2/5

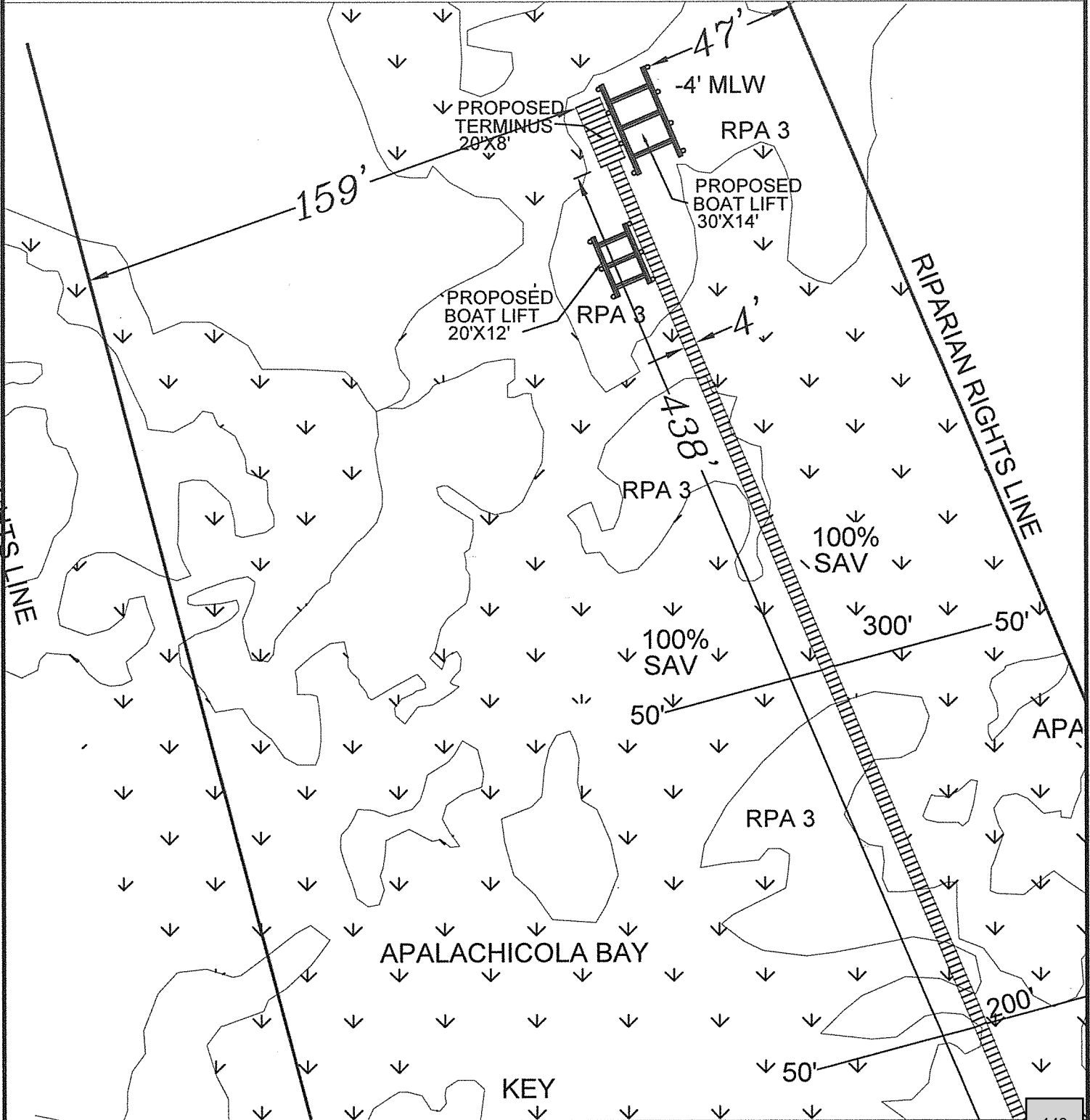


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APPLICANT/CLIENT: Hugh P. Whitehead III
 WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
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 LATITUDE: 29° 37' 16.91"
 LONGITUDE: 84° 57' 4.35"
 SECTION: 29 TWSHP: 9 South RNG: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER:
 DATE: May 4, 2020
 SHEET: 3/5



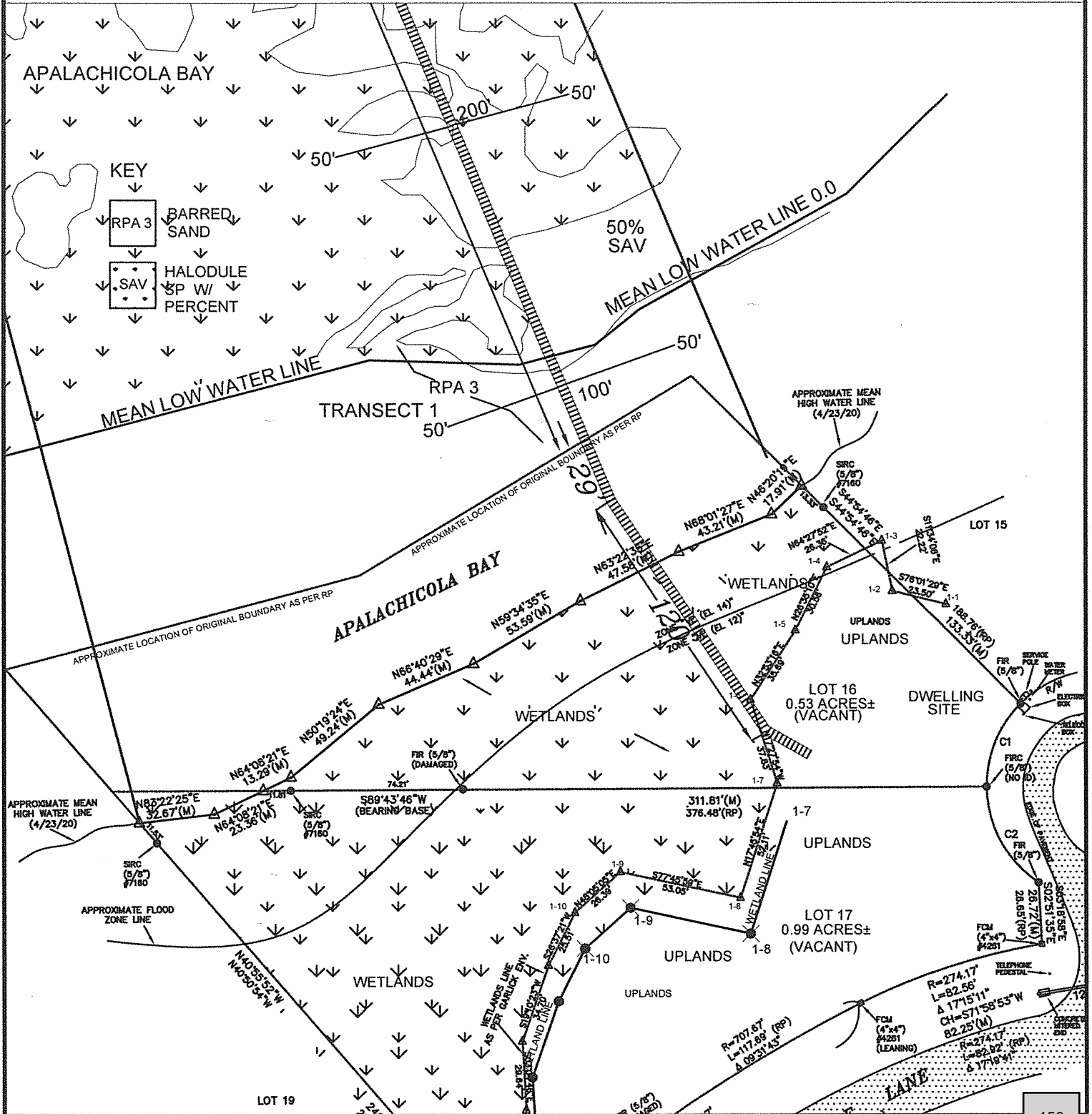
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APPLICANT/CLIENT: Hugh P. Whitehead III
 WATERBODY/CLASS: Apalachicola Bay Class II / OFW / -AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: St George Island / Franklin County
 LATITUDE:
 LONGITUDE:

JOB: 20-030
 DEP:
 COE:
 OTHER:
 DATE: May 4, 2020
 SHEET: 4/5

SECTION: 29 TOWNSHIP: 9 South RANGE: 6 West



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West

JOB: 20-030

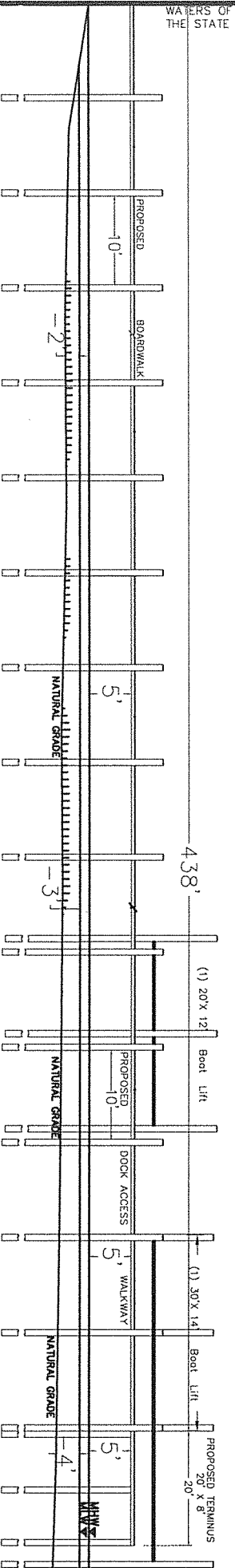
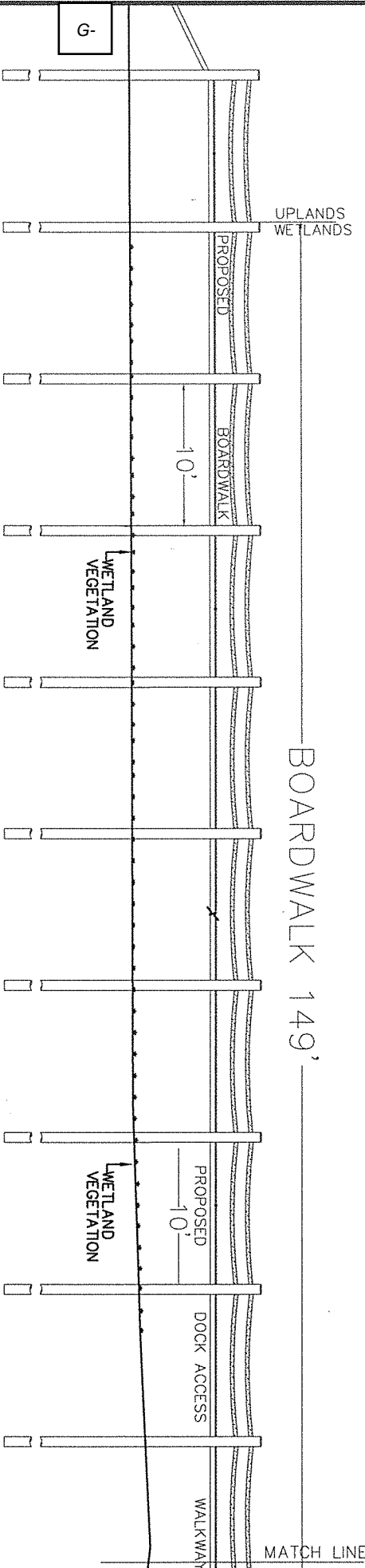
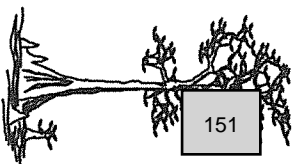
DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 5/5



These drawings
permitted for
only. Not for
construction.

Owner



Overview



Legend

- Parcels
- Roads
- City Labels

Parcel ID	29-09S-06W-7339-0000-0160	Alternate ID	06W09S29733900000160	Owner Address	JOHNSON BENJAMIN FRANKLIN VI
Sec/Twp/Rng	29-9S-6W	Class	VACANT		5600 PIMLICO DR
Property Address	2215 SEA GULL WAY	Acreage	n/a		TALLAHASSEE, FL 32308
District	1				
Brief Tax Description	LOT 16 HERON BAY VILL				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 5/4/2020
 Last Data Uploaded: 5/4/2020 7:40:33 AM

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Parcel Summary

Parcel ID 29-09S-06W-7339-0000-0160
 Location Address 2215 SEA GULL WAY
 32328
 Brief Tax Description* LOT 16 HERON BAY VILL OR 228/154 ORB 236 PAGE 223 1146/463-EASEMENT
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 29-9S-6W
 Tax District County (District 1)
 Millage Rate 11.5391
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 Johnson Benjamin Franklin Vi
 5600 Pimlico Dr
 Tallahassee, FL 32308

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000121	BAY FRONT	1.00	UT	0	0

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$250,000	\$250,000	\$250,000	\$180,000	\$180,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$250,000	\$250,000	\$250,000	\$180,000	\$180,000
Assessed Value	\$217,800	\$239,580	\$198,000	\$180,000	\$180,000
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$217,800	\$239,580	\$198,000	\$180,000	\$180,000
Maximum Save Our Homes Portability	\$32,200	\$0	\$52,000	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

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Parcel Summary

Parcel ID 29-095-06W-7339-0000-0170
 Location Address 2219 SEAGULL WAY
 32328
 Brief Tax Description* LOT 17 HERON BAY VILL OR 228/154 318/192 369/7 1146/463-EASEMENT
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 29-9S-6W
 Tax District County (District 1)
 Millage Rate 11.5391
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 Matwiczuk Thomas & Melanie
 3880 Peabody Drive
 Bloomfield Hill, MI 48302

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000135	RD BAYSIDE PLANTATIO	1.00	UT	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	02/13/1992	\$21,250	WD	369	7	Qualified (Q)	Vacant	A JACKSON S & L	MATWICZYK

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$55,000	\$55,000	\$42,500	\$42,500	\$50,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$55,000	\$55,000	\$42,500	\$42,500	\$50,000
Assessed Value	\$46,750	\$51,425	\$42,500	\$42,500	\$50,000
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$46,750	\$51,425	\$42,500	\$42,500	\$50,000
Maximum Save Our Homes Portability	\$8,250	\$0	\$0	\$0	\$0

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TRIM Notices

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Version 2.3.57

Adjacent Neighbor



- Legend**
- Parcels
 - Roads
 - City Labels

Parcel ID	29-09S-06W-7339-0000-0150	Alternate ID	06W09S29733900000150	Owner Address	RAMSEY ROBERT
Sec/Twp/Rng	29-9S-6W	Class	VACANT		2113 WOODLEY CIRCLE
Property Address	2209 SEAGULL WAY	Acreage	n/a		LEXINGTON, KY 40502
District	1				
Brief Tax Description	LOT 15 HERON BAY VILL				

(Note: Not to be used on legal documents)

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Parcel Summary

Parcel ID 29-095-06W-7339-0000-0150
 Location Address 2209 SEAGULL WAY
 32328
 Brief Tax Description* LOT 15 HERON BAY VILL OR 228/154 ORB 236 PAGE 223 852/93 1043/551 1146/463-EASEMENT 1167/683 1168/561 1188/233
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 29-95-6W
 Tax District County (District 1)
 Millage Rate 11.5391
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
[Ramsey Robert](#)
 2113 Woodley Circle
 Lexington, KY 40502

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000121	BAY FRONT	1.00	UT	0	0

Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
0430	DOCK	1	0 x 0 x 0	2,284	SF	2016
1000	BOATLIFT	1	0 x 0 x 0	1	UT	2016

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	03/15/2017	\$100	QC	1188	233	Unqualified (U)	Vacant	RAMSEY	RAMSEY
N	05/18/2016	\$100	QC	1168	561	Unqualified (U)	Vacant	TAMRAM,LLC	RAMSEY
N	05/05/2016	\$240,000	WD	1167	683	Qualified (Q)	Vacant	MONTPELIER HOLDINGS,LLC	TAMRAM,LLC
N	08/15/2011	\$100	WD	1043	551	Unqualified (U)	Vacant	MONTFORT JR	MONTPELIER HOLDINGS,LLC
N	05/20/2005	\$927,500	WD	852	93	Qualified (Q)	Vacant	JOHNSON VI	MONTFORT JR

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$20,630	\$20,630	\$20,630	\$0	\$0
Land Value	\$250,000	\$250,000	\$250,000	\$180,000	\$180,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$270,630	\$270,630	\$270,630	\$180,000	\$180,000
Assessed Value	\$225,280	\$247,808	\$204,800	\$180,000	\$180,000
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$225,280	\$247,808	\$204,800	\$180,000	\$180,000
Maximum Save Our Homes Portability	\$45,350	\$0	\$65,830	\$0	\$0

Just (Market) Value description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

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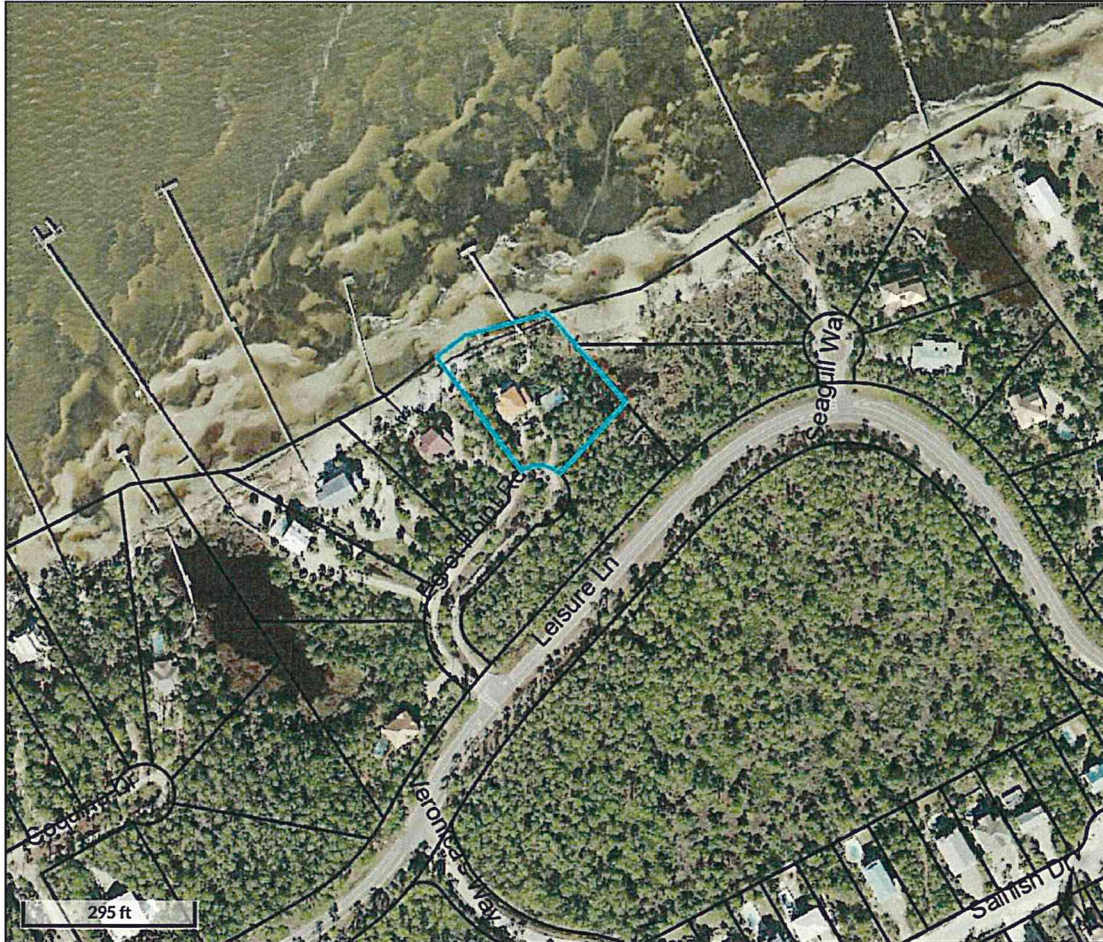
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Adjacent Neighbor



- Legend**
- Parcels
 - Roads
 - City Labels

Parcel ID	29-09S-06W-7339-0000-0190	Alternate ID	06W09S29733900000190	Owner Address	MASON STEPHANIE A
Sec/Twp/Rng	29-9S-6W	Class	SINGLE FAM		TRUSTEE
Property Address	2205 EGRET POINT RD	Acreage	n/a		6961 COUNTY ROAD 20
					MOUNT GILEAD, OH 43338-9647
District	1				
Brief Tax Description	LOT 19 HERON BAY VILL				
	(Note: Not to be used on legal documents)				

Date created: 5/4/2020
 Last Data Uploaded: 5/4/2020 7:40:33 AM

Developed by Schneider
 GEOSPATIAL

Parcel Summary

Parcel ID 29-09S-06W-7339-0000-0190
 Location Address 2205 EGRET POINT RD
 32328
 Brief Tax Description* LOT 19 HERON BAY VILL OR 228/154 ORB 307/173 OR 406/82 939/492 1146/463-EASEMENT
 *The Description above is not to be used on legal documents.
 Property Use Code SINGLE FAM (000100)
 Sec/Twp/Rng 29-9S-6W
 Tax District County (District 1)
 Millage Rate 11.5391
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 Mason Stephanie A
 Trustee
 6961 County Road 20
 Mount Gilead, OH 433389647

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000121	BAY FRONT	1.00	UT	0	0

Residential Buildings

Building 1
 Type SGI PILING
 Total Area 3,464
 Heated Area 2,162
 Exterior Walls CB STUCCO
 Roof Cover CLAY TILE
 Interior Walls DRYWALL
 Frame Type WOOD FRAME
 Floor Cover SHT VINYL; CARPET
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 3.5
 Bedrooms 3
 Stories 1.5
 Effective Year Built 1993

Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
0080	DECK	1	9 x 26 x 0	234	UT	1993
0320	CONCRETE	1	0 x 0 x 0	1,784	UT	0
0300	STEPS	1	0 x 0 x 0	183	UT	0
0080	DECK	1	26 x 6 x 0	156	UT	0
0340	SHOWER	1	6 x 6 x 0	36	UT	0
0310	WD WALK	1	296 x 4 x 0	1,184	UT	0
0280	POOL RES ABOVE AVER	1	0 x 0 x 0	1	UT	2000
0980	POOL CAGE	1	0 x 0 x 0	1,260	UT	2000

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	06/25/2007	\$100	WD	939	492	Unqualified (U)	Improved	WALKER	MASON TRUSTEE
N	03/10/1993	\$59,500	WD	406	82	Qualified (Q)	Vacant	ROSSER	WALKER
N	11/17/1989	\$68,000	WD	307	173	Unqualified (U)	Vacant	PONDER	ROSSER

G-

Valuation

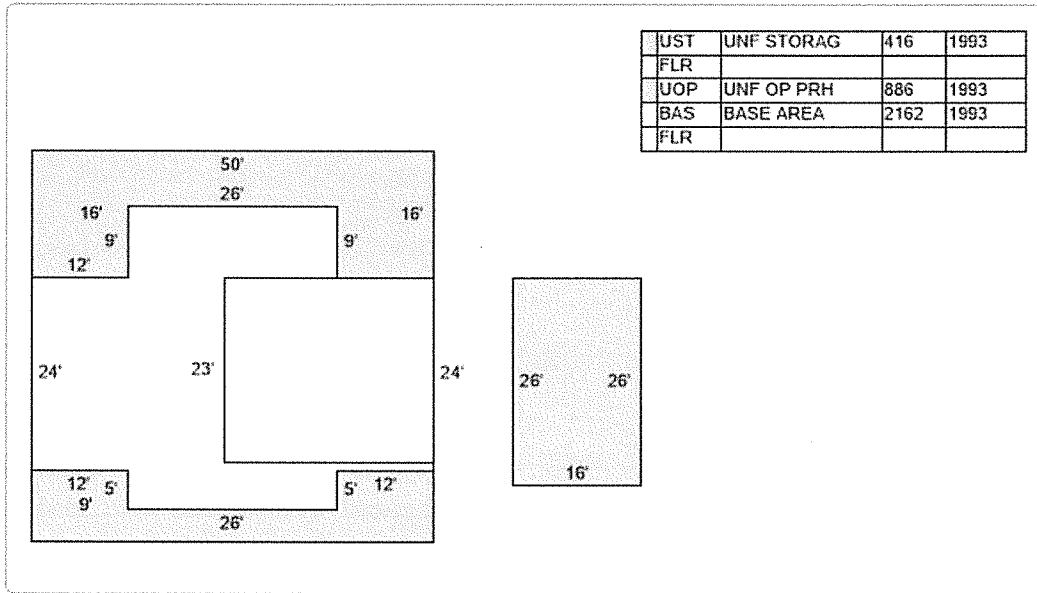
	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$367,608	\$364,107	\$255,416	\$204,333	\$208,152
Extra Features Value	\$32,780	\$32,780	\$32,780	\$32,780	\$32,780
Land Value	\$250,000	\$250,000	\$250,000	\$180,000	\$180,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$650,388	\$646,887	\$538,196	\$417,113	\$420,932
Assessed Value	\$504,706	\$555,177	\$458,824	\$417,113	\$420,932
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$504,706	\$555,177	\$458,824	\$417,113	\$420,932
Maximum Save Our Homes Portability	\$145,682	\$0	\$79,372	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

TRIM Notices

2019 TRIM Notice

Sketches



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Version 2.3.58

Vacant Land Contract



- 1. **Sale and Purchase:** Benjamin Franklin Johnson, VI, Thomas Matwiczky, and Melanie Matwiczky ("Seller")
and Hugh P Whitehead, III ("Buyer")
(the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
described as:
Address: 2215 Seagull Way, St. George Island, FL 32328
Legal Description: Lot 16 and Lot 17 Heron Bay Village

SEC 29 /TWP /95 /RNG 6W of Franklin County, Florida. Real Property ID No.: 29-095-06W07339-0000-0160
including all improvements existing on the Property and the following additional property: _____
- 2. **Purchase Price:** (U.S. currency) \$ 260000
All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
Escrow Agent's Name: Padgett Law Group - Lori Powell
Escrow Agent's Contact Person: Lori Powell
Escrow Agent's Address: 6267 Old Water Oak Rd, Ste 203, Tallahassee, FL 32312
Escrow Agent's Phone: 850-122-2520
Escrow Agent's Email: lori.powell@padgettlawgroup.com
 - (a) Initial deposit (\$0 if left blank) (Check if applicable)
 - accompanies offer
 - will be delivered to Escrow Agent within 3 days (3 days if left blank)
after Effective Date \$ 2500
 - (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
 - within _____ days (10 days if left blank) after Effective Date
 - within _____ days (3 days if left blank) after expiration of Feasibility Study Period..... \$ _____
 - (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage)..... \$ _____
 - (d) Other: \$ _____
 - (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)
to be paid at closing by wire transfer or other Collected funds..... \$ 257500
 - (f) (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The
unit used to determine the purchase price is lot acre square foot other (specify): _____
prorating areas of less than a full unit. The purchase price will be \$ _____ per unit based on a
calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in
accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the
calculation: _____
- 3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy
delivered to all parties on or before 04/10/2020, this offer will be withdrawn and Buyer's deposit, if
any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is
delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has
signed or initialed and delivered this offer or the final counter-offer.
- 4. **Closing Date:** This transaction will close on 05/11/2020 ("Closing Date"), unless specifically
extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but
not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,
Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business
day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property
insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If
this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and
other items.
- 5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not
available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer and Seller acknowledge receipt of a copy of this page, which is 1 of 8 pages.
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53 ("CFPB Requirements), if applicable, then Closing Date shall be extended for such period necessary to satisfy
54 CFPB Requirements, provided such period shall not exceed 10 days.

55 6. Financing: (Check as applicable)

56 (a) Buyer will pay cash for the Property with no financing contingency.
57 (b) This contract is contingent on Buyer qualifying for and obtaining the commitment(s) or approval(s) specified
58 below ("Financing") within 30 days after Effective Date (Closing Date or 30 days after Effective Date,
59 whichever occurs first, if left blank) ("Financing Period"). Buyer will apply for Financing within 5 days
60 after Effective Date (5 days if left blank) and will timely provide any and all credit, employment, financial, and
61 other information required by the lender. If Buyer, after using diligence and good faith, cannot obtain the
62 Financing within the Financing Period, either party may terminate this contract and Buyer's deposit(s) will be
63 returned.

64 (1) New Financing: Buyer will secure a commitment for new third party financing for \$ 208,000
65 or 80 % of the purchase price at (Check one) a fixed rate not exceeding % an
66 adjustable interest rate not exceeding % at origination (a fixed rate at the prevailing interest rate
67 based on Buyer's creditworthiness if neither choice is selected). Buyer will keep Seller and Broker fully
68 informed of the loan application status and progress and authorizes the lender or mortgage broker to
69 disclose all such information to Seller and Broker.

70 (2) Seller Financing: Buyer will execute a first second purchase money note and mortgage to
71 Seller in the amount of \$ _____, bearing annual interest at _____ % and payable as follows:
72

73 The mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow
74 forms generally accepted in the county where the Property is located; will provide for a late payment fee
75 and acceleration at the mortgagee's option if Buyer defaults; will give Buyer the right to prepay without
76 penalty all or part of the principal at any time(s) with interest only to date of payment; will be due on
77 conveyance or sale; will provide for release of contiguous parcels, if applicable; and will require Buyer to
78 keep liability insurance on the Property, with Seller as additional named insured. Buyer authorizes Seller
79 to obtain credit, employment, and other necessary information to determine creditworthiness for the
80 financing. Seller will, within 10 days after Effective Date, give Buyer written notice of whether or not Seller
81 will make the loan.

82 (3) Mortgage Assumption: Buyer will take title subject to and assume and pay existing first mortgage to
83

84 LN# _____ in the approximate amount of \$ _____ currently payable at
85 \$ _____ per month, including principal, interest. taxes and insurance, and having a
86 fixed other (describe) _____
87 interest rate of _____ % which will will not escalate upon assumption. Any variance in the mortgage
88 will be adjusted in the balance due at closing with no adjustment to purchase price. Buyer will purchase
89 Seller's escrow account dollar for dollar. If the interest rate upon transfer exceeds _____ % or the
90 assumption/transfer fee exceeds \$ _____, either party may elect to pay the excess, failing
91 which this contract will terminate; and Buyer's deposit(s) will be returned. If the lender disapproves Buyer,
92 this contract will terminate; and Buyer's deposit(s) will be returned.



93 7. Assignability: (Check one) Buyer may assign and thereby be released from any further liability under this
94 contract, may assign but not be released from liability under this contract, or may not assign this contract.

95 8. Title: Seller has the legal capacity to and will convey marketable title to the Property by statutory warranty
96 deed special warranty deed other (specify) _____, free of liens, easements,
97 and encumbrances of record or known to Seller, but subject to property taxes for the year of closing; covenants,
98 restrictions, and public utility easements of record; existing zoning and governmental regulations; and (list any
99 other matters to which title will be subject) _____
100 provided there exists at closing no violation of the foregoing.

101 (a) Title Evidence: The party who pays for the owner's title insurance policy will select the closing agent and pay
102 for the title search, including tax and lien search (including municipal lien search) if performed, and all other
103 fees charged by closing agent. Seller will deliver to Buyer, at

104 (Check one) Seller's Buyer's expense and
105 (Check one) within 30 days after Effective Date at least 3 days before Closing Date,
106 (Check one)

107 (1) a title insurance commitment by a Florida licensed title insurer setting forth those matters to be
108 discharged by Seller at or before closing and, upon Buyer recording the deed, an owner's policy in the

Buyer  and Seller  acknowledge receipt of a copy of this page, which is 2 of 8 pages.
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- 109 amount of the purchase price for fee simple title subject only to the exceptions stated above. If Buyer is
- 110 paying for the owner's title insurance policy and Seller has an owner's policy. Seller will deliver a copy to
- 111 Buyer within 15 days after Effective Date.
- 112 (2) an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an
- 113 existing firm. However, if such an abstract is not available to Seller, then a prior owner's title policy
- 114 acceptable to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will
- 115 include copies of all policy exceptions and an update in a format acceptable to Buyer from the policy
- 116 effective date and certified to Buyer or Buyer's closing agent together with copies of all documents
- 117 recited in the prior policy and in the update. If such an abstract or prior policy is not available to Seller,
- 118 then (1) above will be the title evidence.
- 119 (b) **Title Examination:** After receipt of the title evidence, Buyer will, within 10 days (10 days if left blank) but
- 120 no later than Closing Date, deliver written notice to Seller of title defects. Title will be deemed acceptable to
- 121 Buyer if (i) Buyer fails to deliver proper notice of defects or (ii) Buyer delivers proper written notice and Seller
- 122 cures the defects within 30 days (30 days if left blank) ("Cure Period") after receipt of the notice. If the
- 123 defects are cured within the Cure Period, closing will occur within 10 days after receipt by Buyer of notice of
- 124 such cure. Seller may elect not to cure defects if Seller reasonably believes any defect cannot be cured within
- 125 the Cure Period. If the defects are not cured within the Cure Period, Buyer will have 10 days after receipt of
- 126 notice of Seller's inability to cure the defects to elect whether to terminate this contract or accept title subject
- 127 to existing defects and close the transaction without reduction in purchase price.
- 128 (c) **Survey:** Buyer may, at Buyer's expense, have the Property surveyed and must deliver written notice to
- 129 Seller, within 5 days after receiving survey but not later than 5 days before Closing Date, of any
- 130 encroachments on the Property, encroachments by the Property's improvements on other lands, or deed
- 131 restriction or zoning violations. Any such encroachment or violation will be treated in the same manner as a
- 132 title defect and Seller's and Buyer's obligations will be determined in accordance with Paragraph 8(b).
- 133 (d) **Ingress and Egress:** Seller warrants that the Property presently has ingress and egress.

134 **9. Property Condition:** Seller will deliver the Property to Buyer at closing in its present "as is" condition, with

135 conditions resulting from Buyer's Inspections and casualty damage, if any, excepted. Seller will not engage in or

136 permit any activity that would materially alter the Property's condition without the Buyer's prior written consent.

- 137 (a) **Inspections: (Check (1) or (2))**
- 138 (1) **Feasibility Study:** Buyer will, at Buyer's expense and within 30 days (30 days if left blank)
- 139 ("Feasibility Study Period") after Effective Date and in Buyer's sole and absolute discretion, determine
- 140 whether the Property is suitable for Buyer's intended use. During the Feasibility Study Period, Buyer may
- 141 conduct a Phase 1 environmental assessment and any other tests, analyses, surveys, and investigations
- 142 ("Inspections") that Buyer deems necessary to determine to Buyer's satisfaction the Property's
- 143 engineering, architectural, and environmental properties; zoning and zoning restrictions; subdivision
- 144 statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with
- 145 local, state, and regional growth management plans; availability of permits, government approvals, and
- 146 licenses; and other inspections that Buyer deems appropriate. If the Property must be rezoned, Buyer will
- 147 obtain the rezoning from the appropriate government agencies. Seller will sign all documents Buyer is
- 148 required to file in connection with development or rezoning approvals. Seller gives Buyer, its agents,
- 149 contractors, and assigns, the right to enter the Property at any time during the Feasibility Study Period for
- 150 the purpose of conducting Inspections, provided, however, that Buyer, its agents, contractors, and assigns
- 151 enter the Property and conduct Inspections at their own risk. Buyer will indemnify and hold Seller
- 152 harmless from losses, damages, costs, claims, and expenses of any nature, including attorneys' fees,
- 153 expenses, and liability incurred in application for rezoning or related proceedings, and from liability to any
- 154 person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will
- 155 not engage in any activity that could result in a construction lien being filed against the Property without
- 156 Seller's prior written consent. If this transaction does not close, Buyer will, at Buyer's expense, (i) repair
- 157 all damages to the Property resulting from the Inspections and return the Property to the condition it was in
- 158 before conducting the Inspections and (ii) release to Seller all reports and other work generated as a
- 159 result of the Inspections.


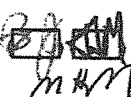
160 Before expiration of the Feasibility Study Period, Buyer must deliver written notice to Seller of Buyer's

161 determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice

162 requirement will constitute acceptance of the Property as suitable for Buyer's intended use in its "as is"

163 condition. If the Property is unacceptable to Buyer and written notice of this fact is timely delivered to

164 Seller, this contract will be deemed terminated, and Buyer's deposit(s) will be returned.

Buyer  and Seller  acknowledge receipt of a copy of this page, which is 3 of 8 pages.

- 165 • (2) **No Feasibility Study:** Buyer is satisfied that the Property is suitable for Buyer's purposes, including
- 166 being satisfied that either public sewerage and water are available to the Property or the Property will be
- 167 approved for the installation of a well and/or private sewerage disposal system and that existing zoning
- 168 and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency,
- 169 growth management, and environmental conditions, are acceptable to Buyer. This contract is not
- 170 contingent on Buyer conducting any further investigations.
- 171 (b) **Government Regulations:** Changes in government regulations and levels of service which affect Buyer's
- 172 intended use of the Property will not be grounds for terminating this contract if the Feasibility Study Period has
- 173 expired or if Paragraph 9(a)(2) is selected.
- 174 (c) **Flood Zone:** Buyer is advised to verify by survey, with the lender, and with appropriate government agencies
- 175 which flood zone the Property is in, whether flood insurance is required, and what restrictions apply to
- 176 improving the Property and rebuilding in the event of casualty.
- 177 (d) **Coastal Construction Control Line ("CCCL"):** If any part of the Property lies seaward of the CCCL as
- 178 defined in Section 161.053, Florida Statutes, Seller will provide Buyer with an affidavit or survey as required
- 179 by law delineating the line's location on the Property, unless Buyer waives this requirement in writing. The
- 180 Property being purchased may be subject to coastal erosion and to federal, state, or local regulations that
- 181 govern coastal property, including delineation of the CCCL, rigid coastal protection structures, beach
- 182 nourishment, and the protection of marine turtles. Additional information can be obtained from the Florida
- 183 Department of Environmental Protection, including whether there are significant erosion conditions associated
- 184 with the shore line of the Property being purchased.
- 185 • Buyer waives the right to receive a CCCL affidavit or survey.

186 **10. Closing Procedure; Costs:** Closing will take place in the county where the Property is located and may be

187 conducted by mail or electronic means. If title insurance insures Buyer for title defects arising between the title


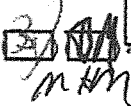
188 binder effective date and recording of Buyer's deed, closing agent will disburse at closing the net sale proceeds to

189 Seller (in local cashier's check if Seller requests in writing at least 5 days before closing) and brokerage fees to

190 Broker as per Paragraph 21. In addition to other expenses provided in this contract, Seller and Buyer will pay the

191 costs indicated below.

- 192 (a) **Seller Costs:**
- 193 Taxes on deed
- 194 Recording fees for documents needed to cure title
- 195 Title evidence (if applicable under Paragraph 8)
- 196 Estoppel Fee(s)
- 197 • Other: _____
- 198 (b) **Buyer Costs:**
- 199 Taxes and recording fees on notes and mortgages
- 200 Recording fees on the deed and financing statements
- 201 Loan expenses
- 202 Title evidence (if applicable under Paragraph 8)
- 203 Lender's title policy at the simultaneous issue rate
- 204 Inspections
- 205 Survey
- 206 Insurance
- 207 • Other: _____
- 208 (c) **Prorations:** The following items will be made current and prorated as of the day before Closing Date: real
- 209 estate taxes (including special benefit tax liens imposed by a CDD), interest, bonds, assessments, leases, and
- 210 other Property expenses and revenues. If taxes and assessments for the current year cannot be determined,
- 211 the previous year's rates will be used with adjustment for any exemptions.
- 212 (d) **Special Assessment by Public Body:** Regarding special assessments imposed by a public body, Seller will
- 213 pay (i) the full amount of liens that are certified, confirmed, and ratified before closing and (ii) the amount of the
- 214 last estimate of the assessment if an improvement is substantially completed as of Effective Date but has not
- 215 resulted in a lien before closing; and Buyer will pay all other amounts. If special assessments may be paid in
- 216 • installments, Seller Buyer (Buyer if left blank) will pay installments due after closing. If Seller is
- 217 checked, Seller will pay the assessment in full before or at the time of closing. Public body does not include a
- 218 Homeowners' or Condominium Association.
- 219 (e) **PROPERTY TAX DISCLOSURE SUMMARY: BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT**
- 220 **PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT BUYER MAY BE OBLIGATED TO**
- 221 **PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY**

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222 IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER
223 PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE
224 COUNTY PROPERTY APPRAISER'S OFFICE FOR FURTHER INFORMATION.

225 (f) **Foreign Investment in Real Property Tax Act ("FIRPTA"):** If Seller is a "foreign person" as defined by
226 FIRPTA, Seller and Buyer will comply with FIRPTA, which may require Seller to provide additional cash at
227 closing.

228 (g) **1031 Exchange:** If either Seller or Buyer wish to enter into a like-kind exchange (either simultaneously with
229 closing or after) under Section 1031 of the Internal Revenue Code ("Exchange"), the other party will cooperate
230 in all reasonable respects to effectuate the Exchange including executing documents, provided, however, that
231 the cooperating party will incur no liability or cost related to the Exchange and that the closing will not be
232 contingent upon, extended, or delayed by the Exchange.

233 **11. Computation of Time:** Calendar days will be used when computing time periods, except time periods of 5 days
234 or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal
235 holidays specified in 5 U.S.C. 6103(a). Other than time for acceptance and Effective Date as set forth in Paragraph
236 3, any time periods provided for or dates specified in this Contract, whether preprinted, handwritten, typewritten or
237 inserted herein, which shall end or occur on a Saturday, Sunday, or national legal holiday (see 5 U.S.C. 6103)
238 shall extend until 5:00 p.m. (where the Property is located) of the next business day. Time is of the essence in
239 this contract.

240 **12. Risk of Loss; Eminent Domain:** If any portion of the Property is materially damaged by casualty before closing
241 or Seller negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain
242 proceedings or an eminent domain proceeding is initiated, Seller will promptly inform Buyer. Either party may
243 terminate this contract by written notice to the other within 10 days after Buyer's receipt of Seller's notification,
244 and Buyer's deposit(s) will be returned, failing which Buyer will close in accordance with this contract and receive
245 all payments made by the governmental authority or insurance company, if any.



246 **13. Force Majeure:** Seller or Buyer will not be required to perform any obligation under this contract or be liable to
247 each other for damages so long as the performance or non-performance of the obligation is delayed, caused, or
248 prevented by an act of God or force majeure. An "act of God or force majeure" is defined as hurricanes,
249 earthquakes, floods, fire, unusual transportation delays, wars, insurrections, and any other cause not reasonably
250 within the control of Seller or Buyer and which by the exercise of due diligence the non-performing party is unable
251 in whole or in part to prevent or overcome. All time periods, including Closing Date, will be extended for the period
252 that the act of God or force majeure is in place. However, in the event that such act of God or force majeure event
253 continues beyond 30 days, either party may terminate this contract by delivering written notice to the other; and
254 Buyer's deposit(s) will be returned.

255 **14. Notices:** All notices will be in writing and delivered to the parties and Broker by mail, personal delivery, or
256 electronic means. Buyer's failure to timely deliver written notice to Seller, when such notice is required by
257 this contract, regarding any contingency will render that contingency null and void, and this contract will
258 be construed as if the contingency did not exist. Any notice, document, or item delivered to or received by
259 an attorney or licensee (including a transactions broker) representing a party will be as effective as if
260 delivered to or received by that party.

261 **15. Complete Agreement; Persons Bound:** This contract is the entire agreement between Seller and Buyer.
262 Except for brokerage agreements, no prior or present agreements will bind Seller, Buyer, or Broker unless
263 incorporated into this contract. Modifications of this contract will not be binding unless in writing, signed or
264 initialed, and delivered by the party to be bound. Electronic signatures will be acceptable and binding. This
265 contract, signatures, initials, documents referenced in this contract, counterparts, and written modifications
266 communicated electronically or on paper will be acceptable for all purposes, including delivery, and will be binding.
267 Handwritten or typewritten terms inserted in or attached to this contract prevail over preprinted terms. If any
268 provision of this contract is or becomes invalid or unenforceable, all remaining provisions will continue to be fully
269 effective. Seller and Buyer will use diligence and good faith in performing all obligations under this contract. This
270 contract will not be recorded in any public record. The terms "Seller," "Buyer," and "Broker" may be singular or
271 plural. This contract is binding on the heirs, administrators, executors, personal representatives, and assigns, if
272 permitted, of Seller, Buyer, and Broker.

273 **16. Default and Dispute Resolution:** This contract will be construed under Florida law. This Paragraph will survive
274 closing or termination of this contract.

275 (a) **Seller Default:** If Seller fails, neglects, or refuses to perform Seller's obligations under this contract, Buyer
276 may elect to receive a return of Buyer's deposit(s) without thereby waiving any action for damages resulting

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VAC-13 Rev 2/20
3333333333

332
 333 hspohrer@stgeorgeisland.com cynthiamiller@kw.com
 334 **Seller's Sales Associate Email Address** **Buyer's Sales Associate Email Address**
 335
 336 850-899-1262 850-509-7970
 337 **Seller's Sales Associate Phone Number** **Buyer's Sales Associate Phone Number**
 338
 339 Berkshire Hathaway Home Services - SGI Tallahassee
 340 **Listing Brokerage** **Buyer's Brokerage**
 341
 342 FL 1520 Killearn Center Blvd., Suite 100, Tallahassee, FL 32309
 343 **Listing Brokerage Address** **Buyer's Brokerage Address**
 344

345 **22. Addenda:** The following additional terms are included in the attached addenda and incorporated into this Contract
 346 (Check if applicable):
 347* A. Back-up Contract
 348* B. Other _____
 349

350* **23. Additional Terms:** Parcel ID #29-09S-06W-7339-0000-0170 is included in this contract for sale.
 351 _____
 352 _____
 353 _____
 354 _____
 355 _____
 356 _____
 357 _____
 358 _____
 359 _____
 360 _____
 361 _____
 362 _____
 363 _____
 364 _____
 365 _____

COUNTER-OFFER/REJECTION

367* Seller counters Buyer's offer (to accept the counter-offer, Buyer must sign or initial the counter-offered terms and
 368 deliver a copy of the acceptance to Seller).
 369* Seller rejects Buyer's offer

370 **This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney before**
 371 **signing.**

372* **Buyer:** *Hugh P Whitehead III* DELIVERED BY MAIL 04/20/20 4:54 PM EDT 1088-2877-0281-2415 **Date:** _____

373* **Print name:** Hugh P Whitehead, III

374* **Buyer:** _____ **Date:** _____

375* **Print name:** _____

376 **Buyer's address for purpose of notice:**

377* **Address:** 3209 Chateau Ct. NW, Atlanta, GA 30305

378* **Phone:** 4045108770 **Fax:** _____ **Email:** scott@whiteheadassoc.com

379* **Seller:** *Benjamin Franklin Johnson VI* **Date:** 4/10/20

380* **Print name:** Benjamin Franklin Johnson, VI

381* **Seller:** *Thomas Matwiczyc* *Melanie H Matwiczyc* **Date:** 10 APR 20

382* **Print name:** Thomas Matwiczyc MELANIE H. MATWICZYK

Buyer and Seller acknowledge receipt of a copy of this page, which is 7 of 8 pages.
 VAC-13 54 Rec'd 02/20
 M#M




383 Seller's address for purpose of notice:

384* Address: 5600 Pimlico Dr. Tallahassee, FL 32308

385* Phone: _____ Fax: _____ Email: _____

386* Effective Date: 04/10/2020 (The date on which the last party signed or initialed and delivered the
387 final offer or counter-offer.)

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FLORIDA DEPARTMENT OF
Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Permittee/Authorized Entity:

Scott Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805
Scott@whiteheadassoc.com

Whitehead Dock

Authorized Agent:

Dan Garlick
P.O. Box 385
Apalachicola, Florida 32329
Dan@garlickenv.com

Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required

Franklin County
Permit No.: 0387512-001-EI/19

Permit Issuance Date: June 15, 2020
Permit Construction Phase Expiration Date: June 15, 2025

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: **Scott Whitehead**
Permit No: **0387512-001-EI/19**

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 2215 Sea Gull Way St. George Island, Florida 32328, Parcel ID 29-09S-06W-7339-0000-0160, in Section 09, Township 10 South, Range 07 West in Franklin County, at 29°37'17.5368" North Latitude, 84°57'4.6076" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to construct a single-family dock that consists of an 87 foot by 4 foot wetland boardwalk, a 500 foot by 4 foot access pier, a 20 foot by 8 foot terminal platform, and 2 uncovered boatlifts. The project is within the Apalachicola Bay Aquatic Preserve, a Class II Outstanding Florida Waterbody, Approved Shellfish Harvesting Area. Those activities include the preemption of approximately 2,820 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Whitehead Dock

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.).

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. and Chapter 258, 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.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

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 **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

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 / SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent 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/EMERGENCIES

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 160 W. Government Street, Suite 308, Pensacola Florida, 32502.

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

4. Prior to installation of turbidity screens or initiation of construction activities, the permittee shall use PVC pipes to clearly delineate the extent of seagrass beds in the vicinity of the construction area. The PVC pipes shall be removed within 72 hours of construction completion and once turbidity have returned to background.
5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend within 1 ft. of the bottom shall be placed around the active construction area of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters outside of the turbidity screens occurs. Turbidity shall be monitored as described in the monitoring portion of this permit.
6. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

7. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
8. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of

construction, and the Department shall be notified of its completion within that same 30-day period.

9. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed the ambient water quality levels of the Outstanding Florida Waters:

- a. Immediately cease all work contributing to water quality violation.
- b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time of the violation is first detected.

10. There shall be no stock piling of tools, materials, (i.e. lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within the water/waters of the state.

11. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depths so as to preclude bottom scouring and prop dredging.

12. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

13. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized.

14. No dredging or filling of submerged grass beds is authorized by this permit.

15. The following construction sequence shall be adhered to for all boardwalks, piers and docking structures. Structures shall be built progressively, commencing at the shoreline and continuing waterward. No more than three sets of pilings shall be installed at a time. The decking then will be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials. No impacts shall occur outside the footprint of the permitted dock.

16. All pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean/ordinary high water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.

17. Pilings within areas containing seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited. Sediments that accumulate on top of the adjacent seagrasses shall be removed by hand to prevent burial of the plants.

18. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimal of 5 feet above mean high water and/or wetland grade. If planks are used, there shall be a minimum of 1/2-inch spacing between deck planks.

19. This permit does not authorize the construction of additional structures not illustrated on the permit drawings. Examples of additional structures, which are not authorized by this permit include but not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile-supported structures.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

20. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

21. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

22. Fish cleaning stations, boat repair facilities and fueling facilities on structures over the water are prohibited.

23. The waterward corners of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.

24. To protect benthic and wetland resources when present, the elevation of the decking shall be maintained at a minimum of five feet above mean high and/or wetland grade for the life of the facility. If planks are used, there shall be a minimum of 1/2-inch spacing between deck planks maintained for the life of the facility.

25. All future replacement pilings shall be non-CCA-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves).

26. All future authorized replacement pilings for support of the docking structures shall be spaced at least ten feet apart and shall be installed by vibrating, pounding, or hand-auguring them in place. Jetting of pilings within seagrass area shall be prohibited.

27. After restroom facilities are located in the uplands, mooring is allowed under the following conditions:

- a. No more than two boats are authorized to be moored at the dock
- b. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at mean low water.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), “Construction Commencement Notice,” [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONSENT CONDITIONS

1. 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.

2. 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.

3. 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.

- 4. 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.
- 5. 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, which are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, 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.

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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules

28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

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

Time Period for Filing a Petition

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

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

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time.

Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Una Johnson at the letterhead address, at (850) 595-0585, or at Martha.U.Johnson@FloridaDEP.gov.

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:muj

Attachment:

Project Drawings and Design Specs., 5 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

- Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
- Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
- Jonathan Brucker, Apalachicola Bay Aquatic Preserve, Jonathan.Brucker@FloridaDEP.gov
- Mary Ann Wasmund, maryann@garlickenv.com
- Franklin County, michael@franklincountyflorida.com

FILING AND ACKNOWLEDGMENT

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



Clerk

June 15, 2020
Date

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

JOB: 20-030

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: St George Island / Franklin County

OTHER:

LATITUDE: 29° 37' 16.91"

DATE: May 4, 2020

LONGITUDE: 84° 57' 4.35"

SHEET: 1/5

SECTION: 29 TWSHP: 9 South

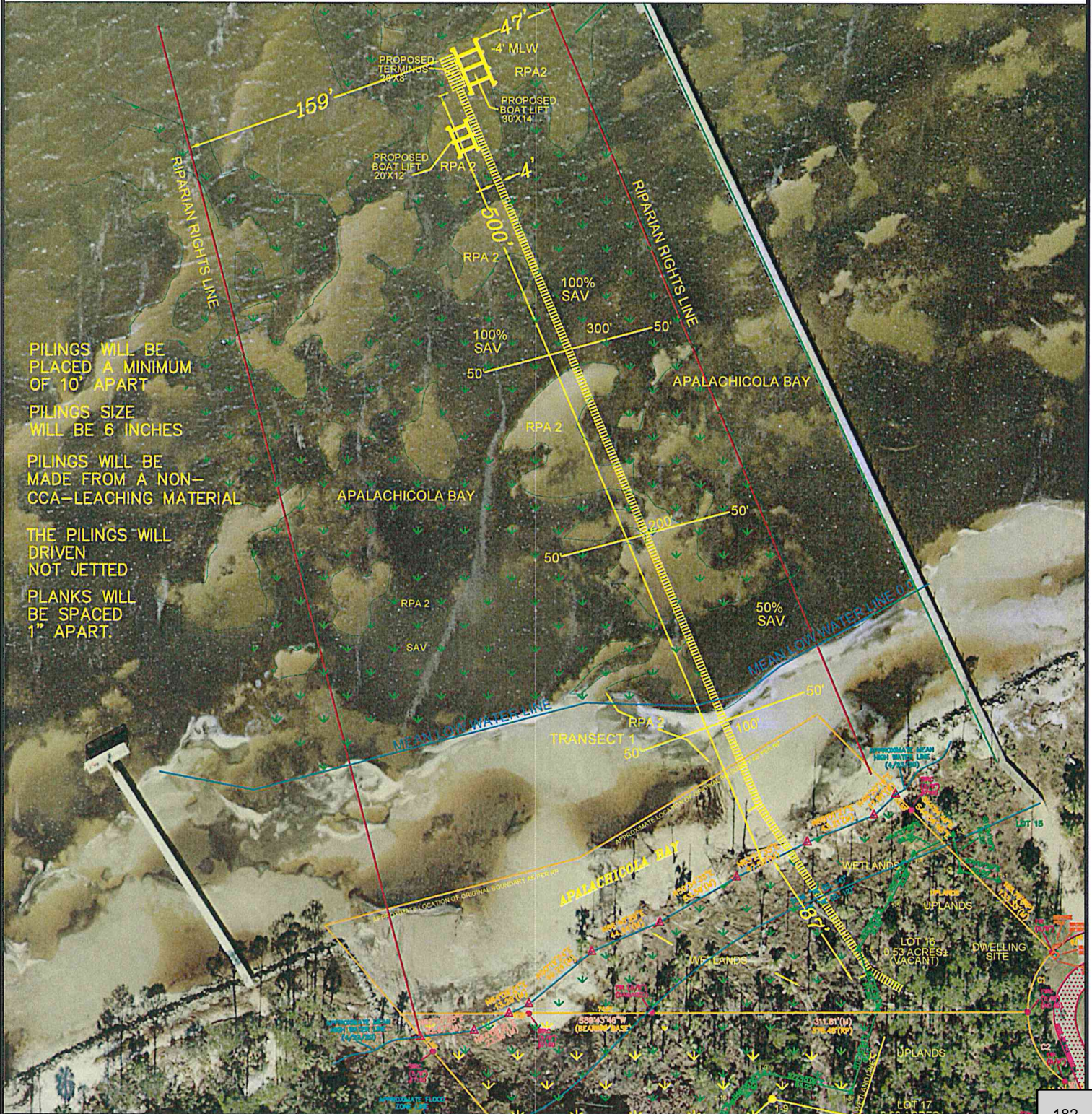
RNG: 6 West



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

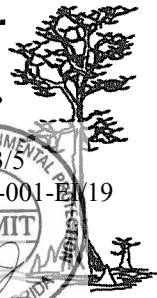
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JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 2/5



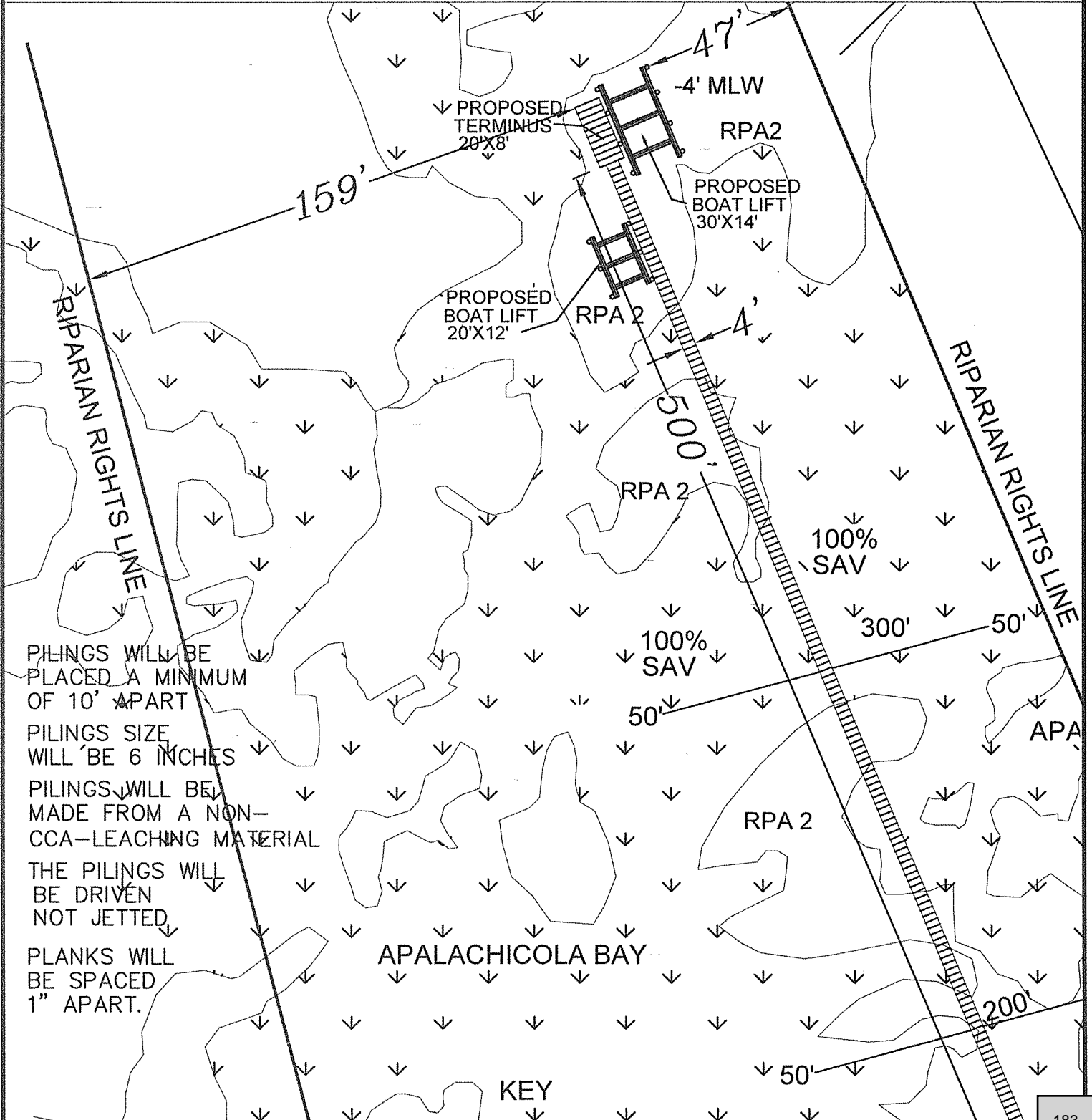
PILINGS WILL BE PLACED A MINIMUM OF 10' APART
 PILINGS SIZE WILL BE 6 INCHES
 PILINGS WILL BE MADE FROM A NON-CCA-LEACHING MATERIAL
 THE PILINGS WILL DRIVEN NOT JETTED
 PLANKS WILL BE SPACED 1" APART.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



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 WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: St George Island / Franklin County
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 SECTION: 29 TOWNSHIP: 9 South RANG: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 3/5

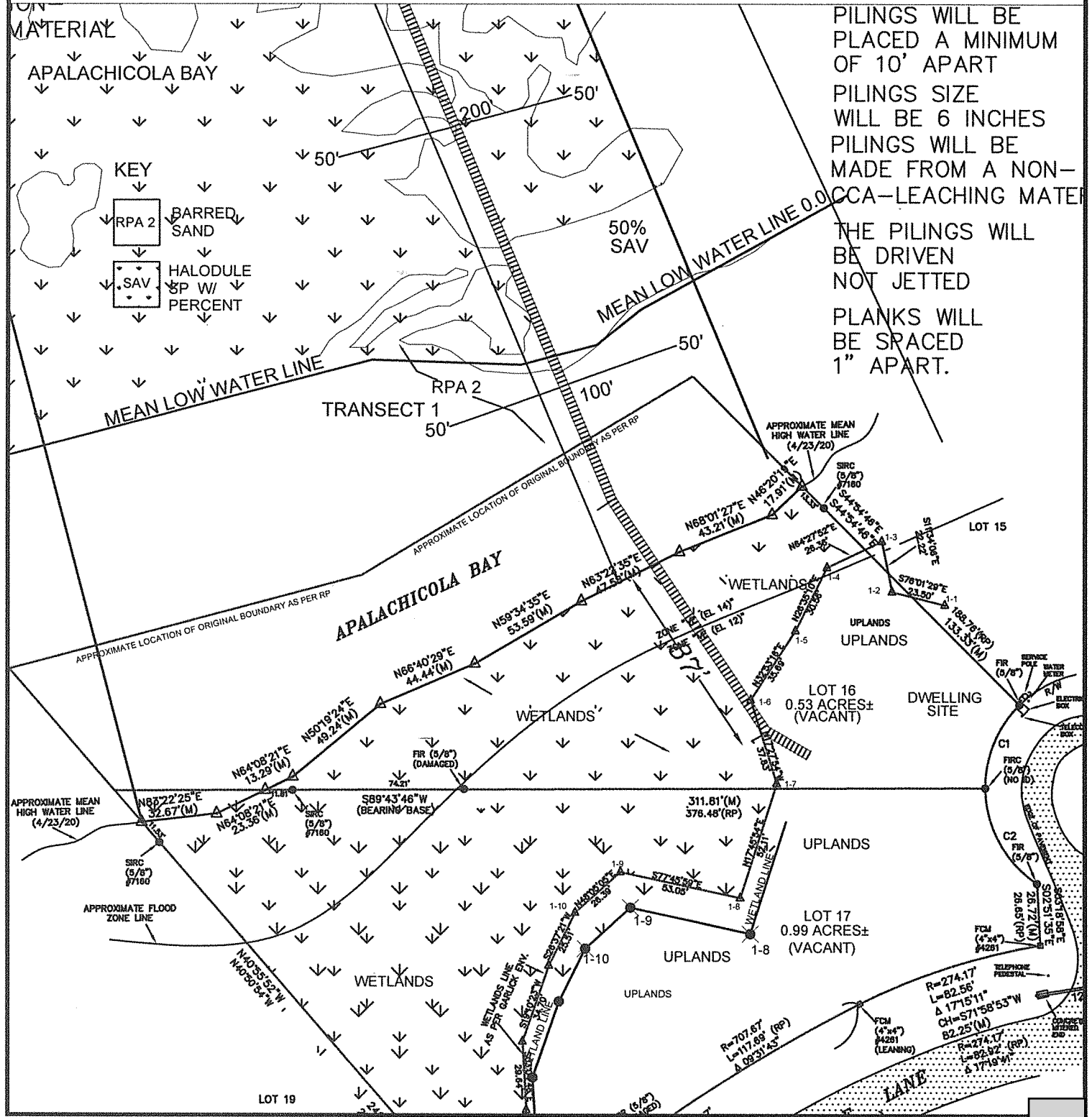
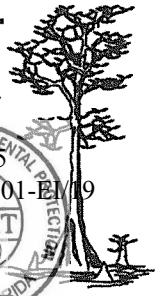
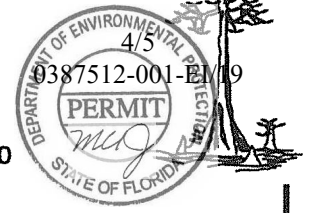


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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

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DEP:

COE:

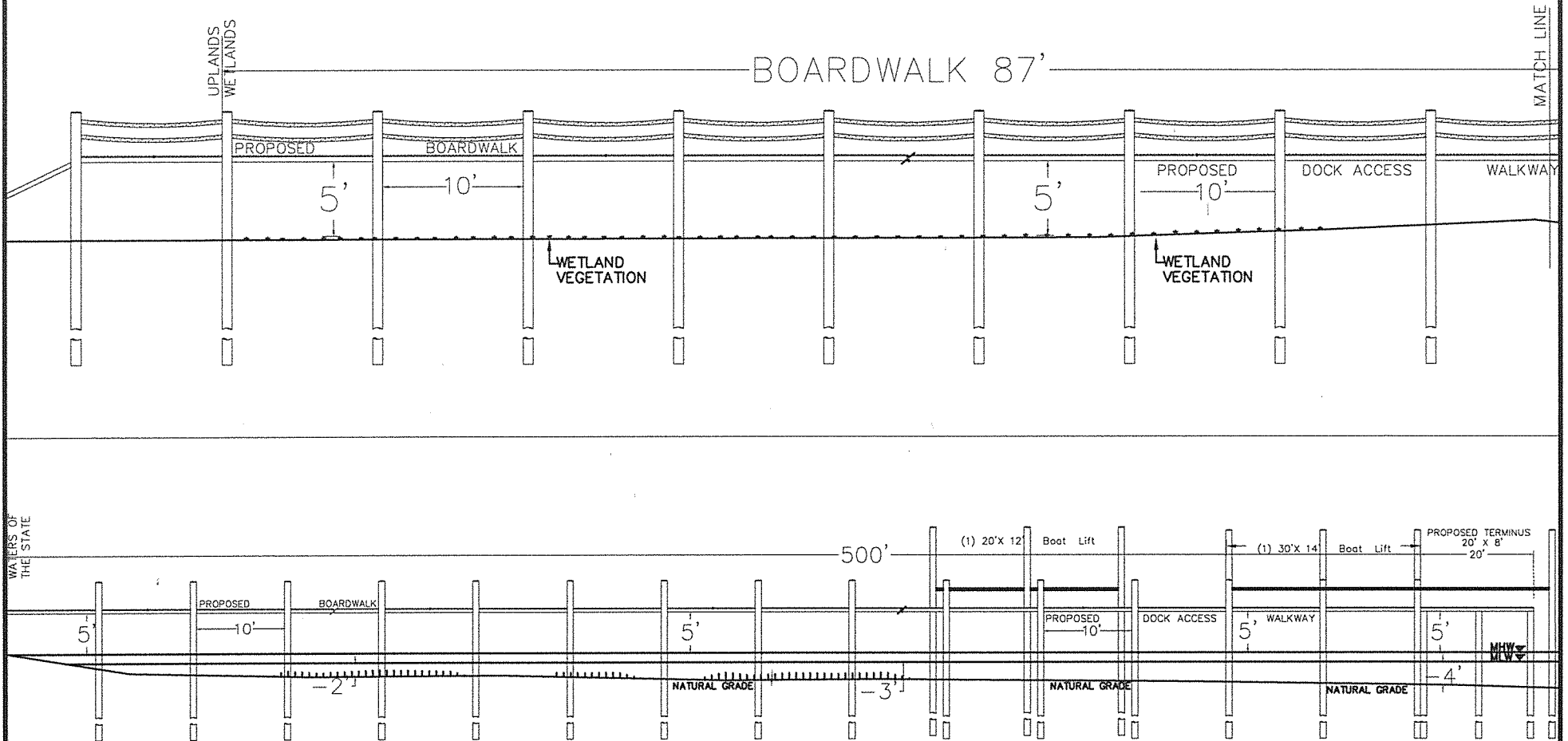
OTHER:

DATE: May 4, 2020

SHEET: 5/5



SECTION: 29 TWSHP: 9 South RNG: 6 West



These drawings are for permitting purposes only. Not intended for construction purposes.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

June 10, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02168(GP-LSL)

Mr. Hugh Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805

Dear Mr. Whitehead:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on June 3, 2020, the file number SAJ-2020-02168. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 2,160 square foot single family dock. Specifically, the dock will include a 4' by 500' access dock, 8' by 20' terminal platform, and 2 uncovered boat lifts (14' by 30' adjacent to terminus and 12' by 20' adjacent to access dock). This project also includes a 4' by 87' boardwalk over wetlands which is not a regulated activity for the Corps. This authorization addresses the single family docking structure and boat slips. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 2215 Sea Gull Way in Section 29, Township 9 South, Range 6 West, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

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

The Permittee shall reference this permit number, SAJ-2020-02168(GP - LSL), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

3. 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 (Attachment B) 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.

4. 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 Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. 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.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. 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.

8. 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 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

9. Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment C).

10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

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

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

11. 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 – November 2017 (Attachment E).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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

Sincerely,

Lisa S. Loworn
Project Manager

Enclosures

cc:

Ms. Mary Ann Wasmund, Garlick Environmental Associates, Inc.

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-02168(GP-LSL)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TOWNSHIP: 9 South RANG: 6 West

JOB: 20-030

DEP:

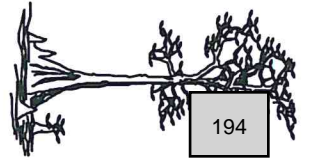
COE:

OTHER:

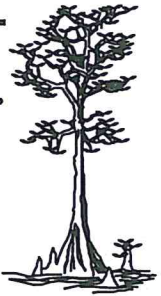
DATE: May 4, 2020

SHEET: 1/5

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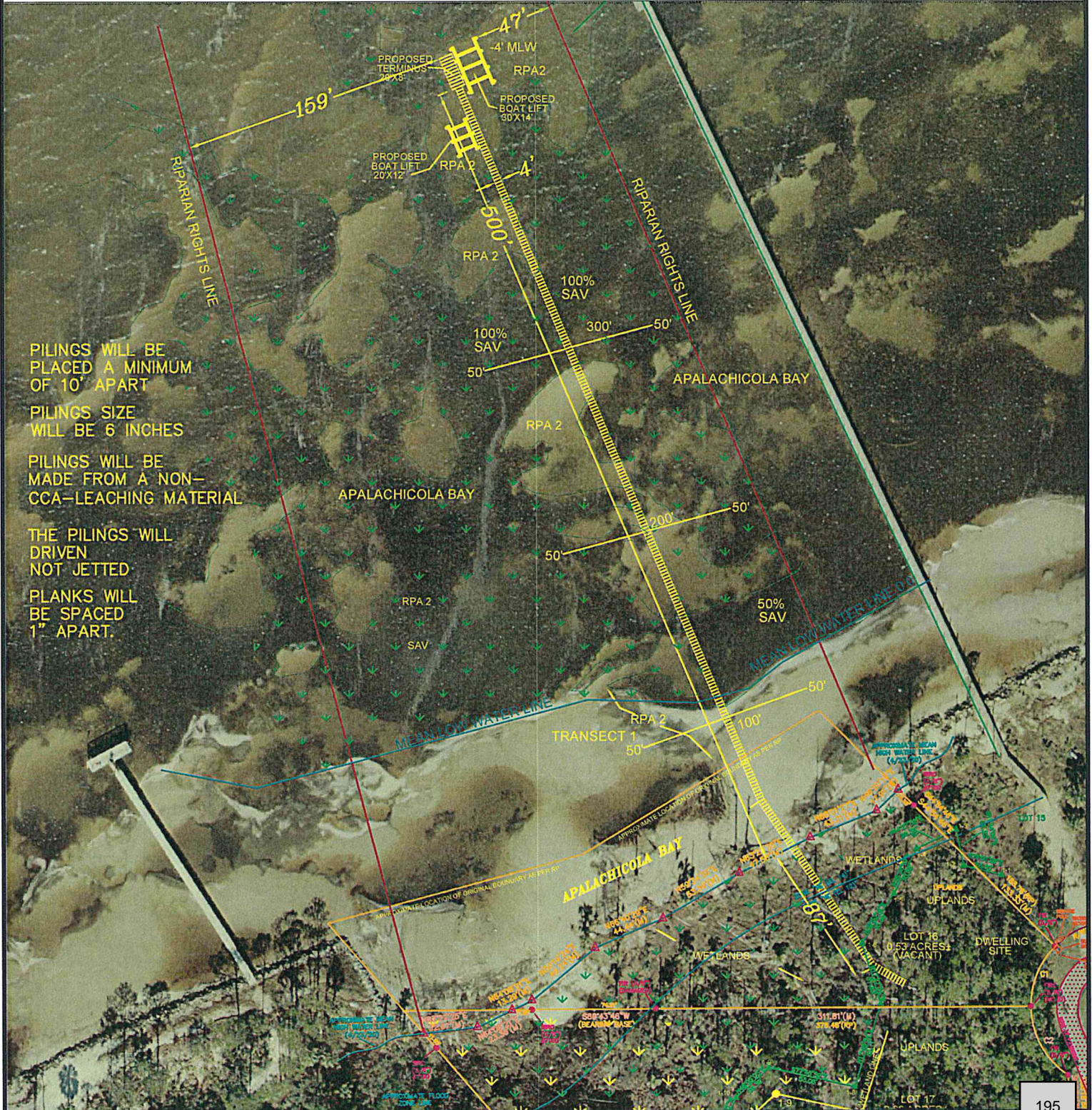


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JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 2/5



PILINGS WILL BE PLACED A MINIMUM OF 10' APART
 PILINGS SIZE WILL BE 6 INCHES
 PILINGS WILL BE MADE FROM A NON-CCA-LEACHING MATERIAL
 THE PILINGS WILL DRIVEN NOT JETTED
 PLANKS WILL BE SPACED 1" APART.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

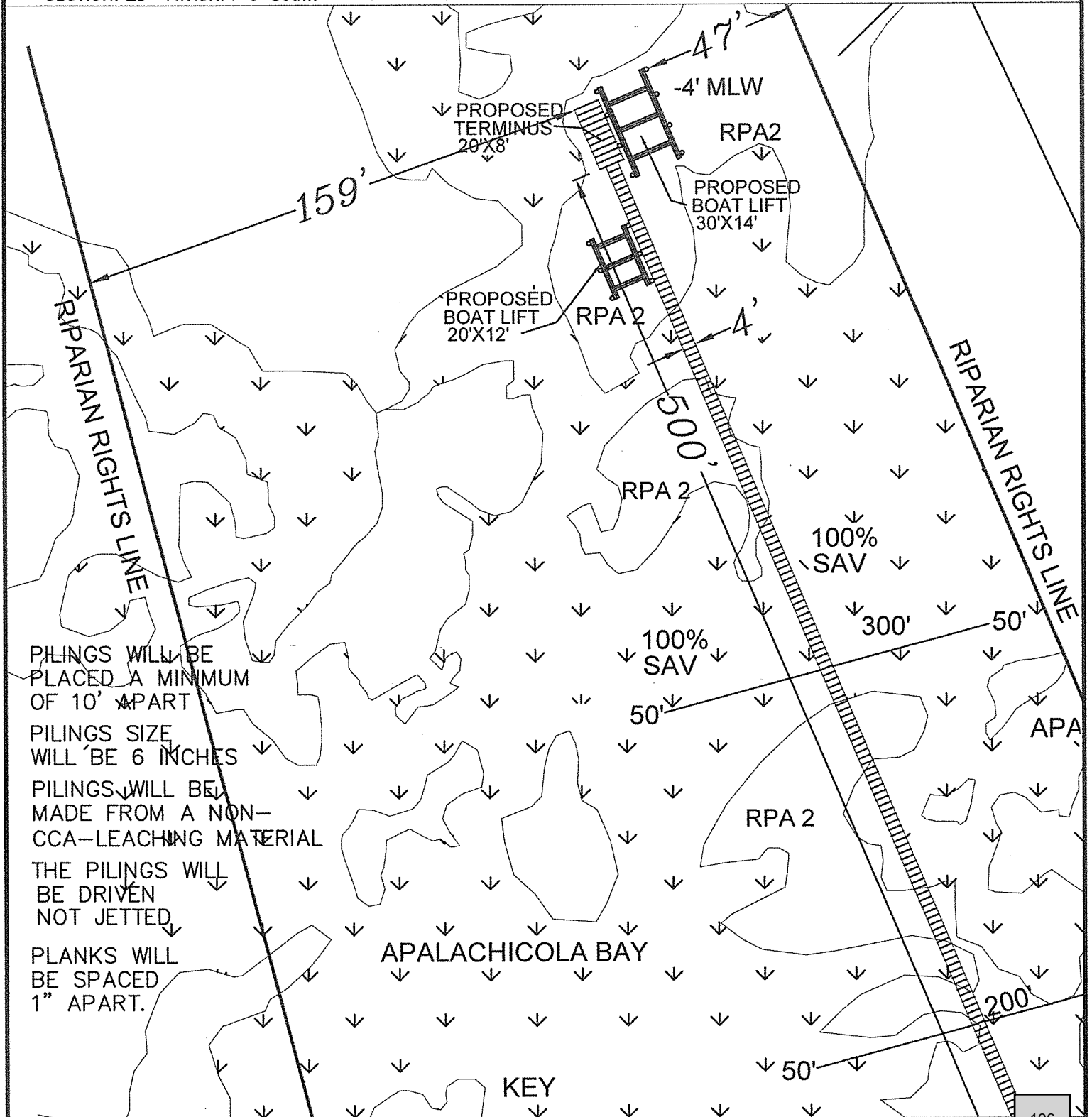
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JOB: 20-030
DEP:
COE:
OTHER: Rev. 5-28-20
DATE: May 4, 2020
SHEET: 3/5

SECTION: 29 TWSHP: 9 South RNG: 6 West



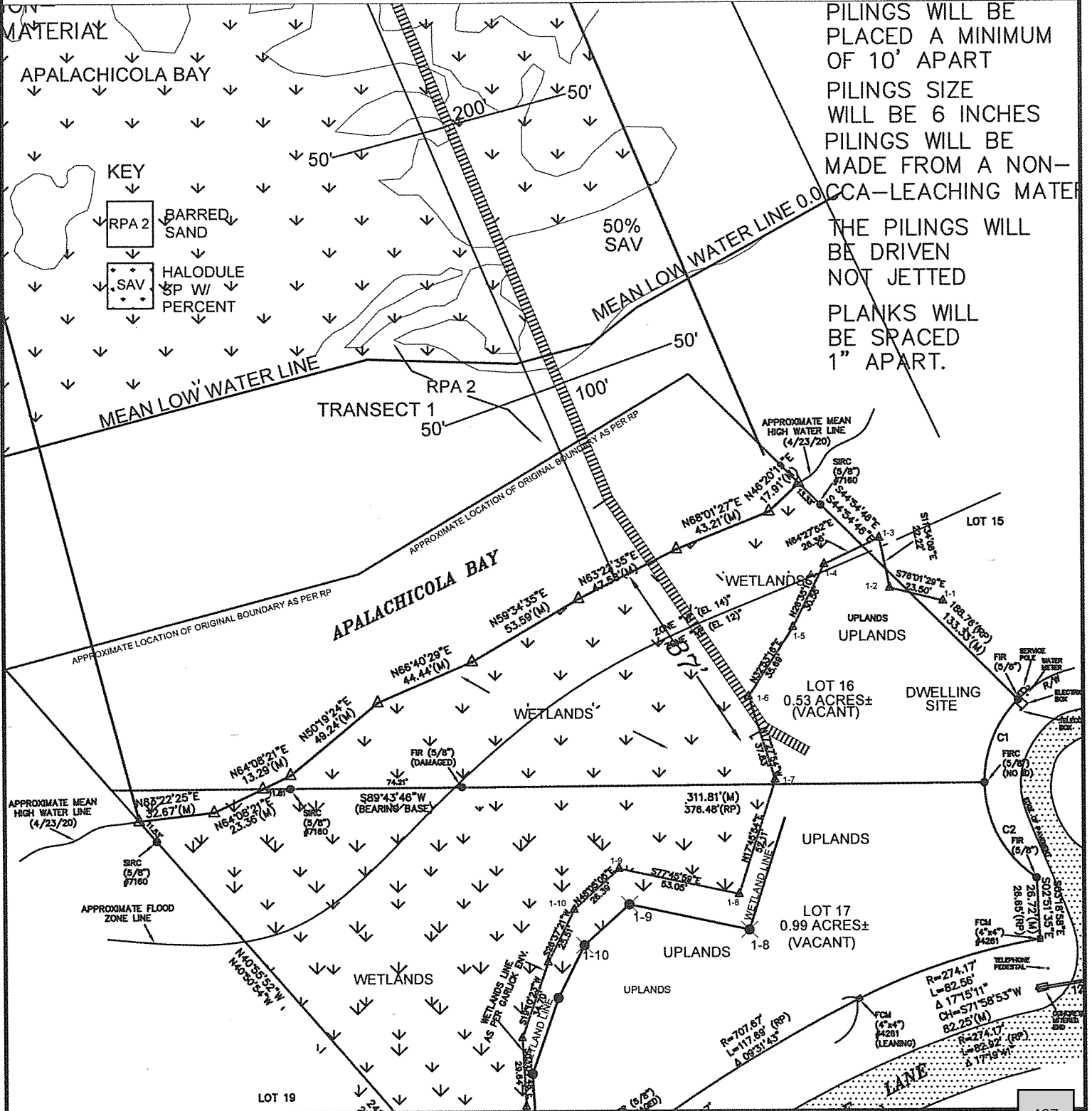
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 WATERBODY/CLASS: Apalachicola Bay Class II / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: St George Island / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 29 TOWNSHIP: 9 South RANG: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 4/5



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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

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WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

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SECTION: 29 TOWNSHIP: 9 South RING: 6 West

JOB: 20-030

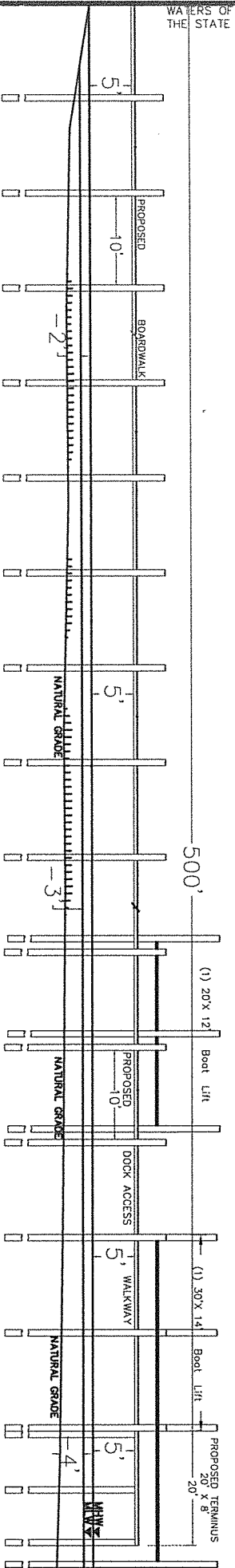
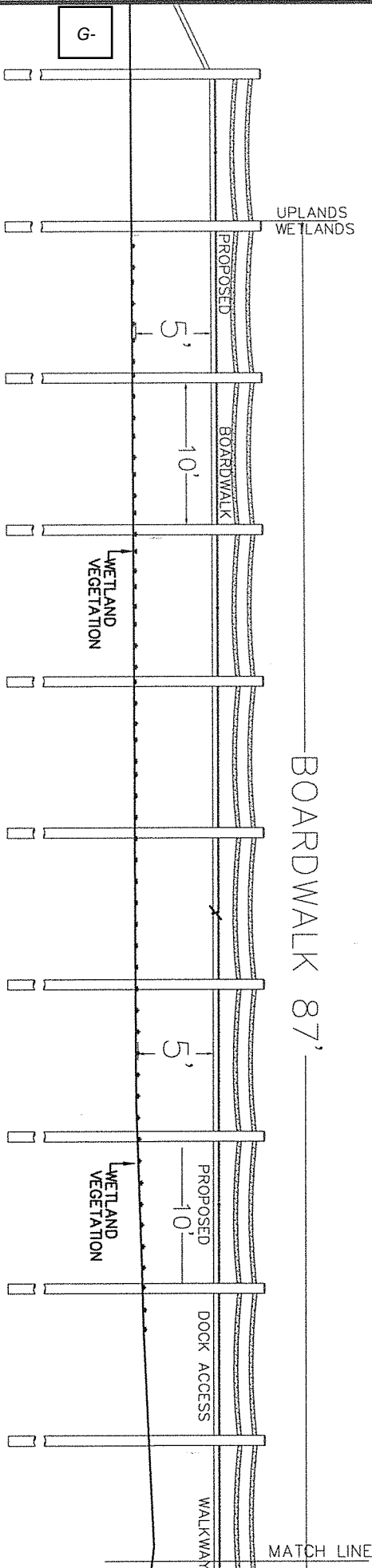
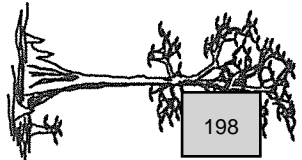
DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 5/5



These drawings are for permitting purposes only. Not intended for construction purposes

COMMENCEMENT NOTIFICATION

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

1. Department of the Army Permit Number: SAJ-2020-02168 (GP-LSL)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-02168(GP-LSL)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

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

7. **Describe Mitigation completed (if applicable):** _____

8. **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

Printed Name of Permittee

Date

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

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- b) *All Vessels:*
 - i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

AP.10. Turbidity Control Measures during Construction: Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
- c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
- e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson’s seagrass:

- b) This Opinion does not apply to projects where Johnson’s seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson’s seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA’s FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below)*.

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.
- A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

 - A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
- A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).
- A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- A2.6.** Chickees must be less than 500 ft² and support no more than 2 slips.
- A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.
- A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>
- A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

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Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. Creating a pilot hole for any type of pile using an auger or drop punch
 - b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 - c. Installing any type of piles and sheet piles by jetting.
6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-3 above, and
 - b. Installing any type of piles and sheet piles by vibratory hammer.
7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-4 above, and
 - b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, **AND** also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Attachment X

North Atlantic Right Whale Federal Regulations Information Handout

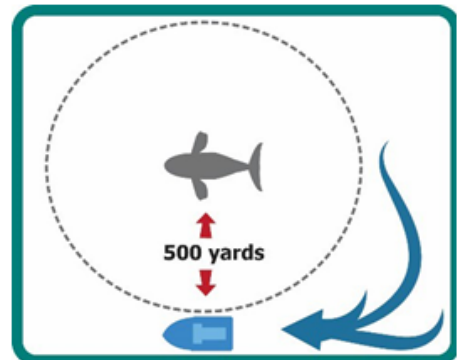
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel
- (ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov

**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
November 2017**

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.

October 2002 - Grid Specifications and Suppliers Section modified 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.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Marsh:

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

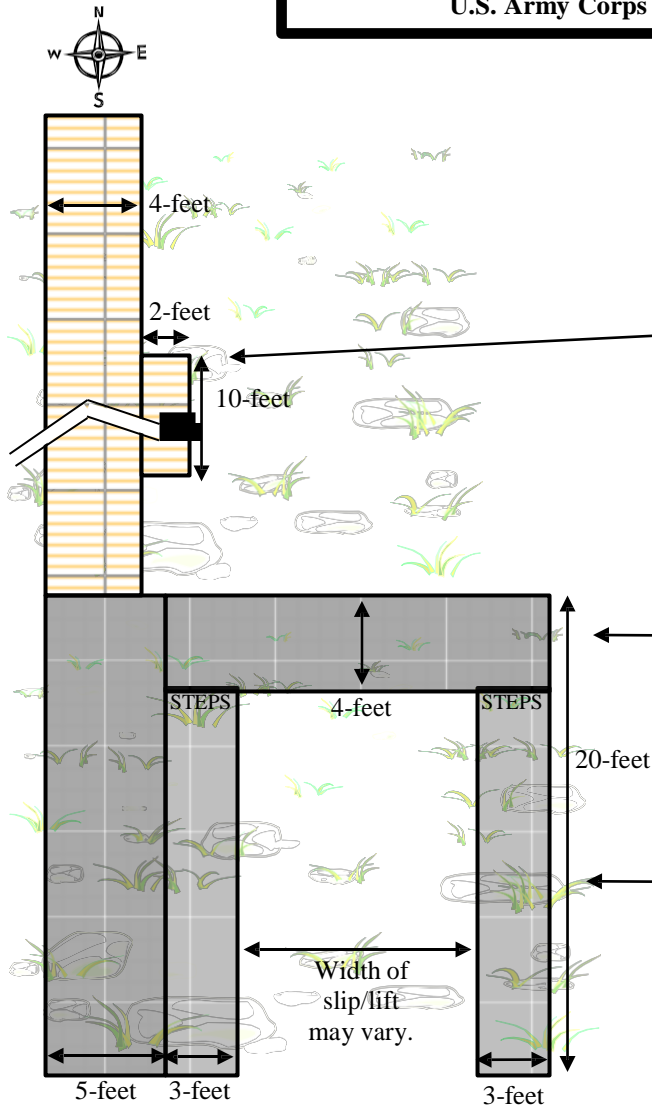
The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made 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). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; www.titandeck.net). 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.

October 2002 - Grid Specifications and Suppliers Section modified 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.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

DOCK EXAMPLE — GRATED TERMINAL PLATFORM

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



OVERHEAD PLAN VIEW

“GRATED DECKING”
Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible.

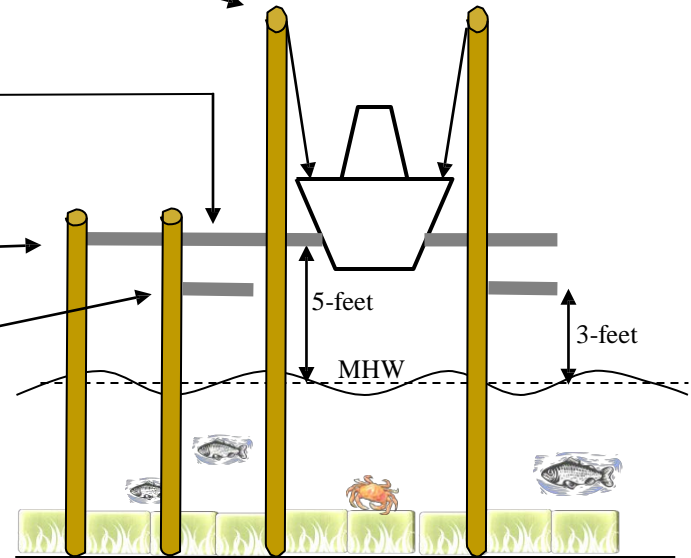
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
3-feet wide if grated decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

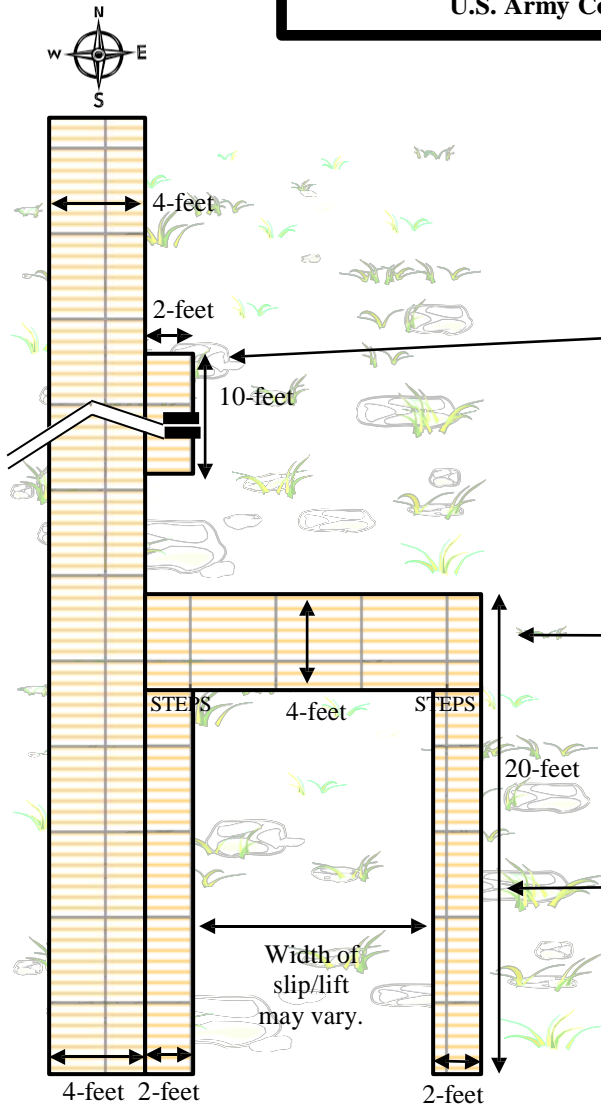


FRONT PLAN VIEW

VER: 201407

DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

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



OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible.

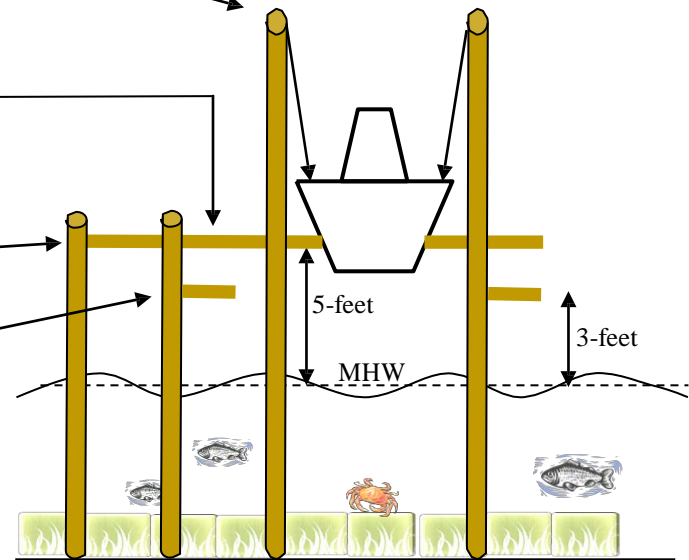
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
2-foot wide if wood decking.
3-foot above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water



FRONT PLAN VIEW

VER: 201407



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

June 10, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02168(GP-LSL)

Mr. Hugh Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805

Dear Mr. Whitehead:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on June 3, 2020, the file number SAJ-2020-02168. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 2,160 square foot single family dock. Specifically, the dock will include a 4' by 500' access dock, 8' by 20' terminal platform, and 2 uncovered boat lifts (14' by 30' adjacent to terminus and 12' by 20' adjacent to access dock). This project also includes a 4' by 87' boardwalk over wetlands which is not a regulated activity for the Corps. This authorization addresses the single family docking structure and boat slips. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 2215 Sea Gull Way in Section 29, Township 9 South, Range 6 West, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

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

The Permittee shall reference this permit number, SAJ-2020-02168(GP - LSL), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

3. 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 (Attachment B) 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.

4. 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 Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. 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.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. 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.

8. 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 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

9. Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment C).

10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

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

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

11. 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 – November 2017 (Attachment E).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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-6-

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

Sincerely,

Lisa S. Loworn
Project Manager

Enclosures

cc:

Ms. Mary Ann Wasmund, Garlick Environmental Associates, Inc.

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-02168(GP-LSL)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West

JOB: 20-030

DEP:

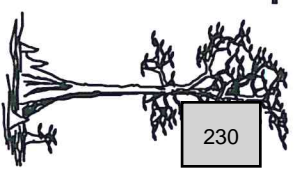
COE:

OTHER:

DATE: May 4, 2020

SHEET: 1/5

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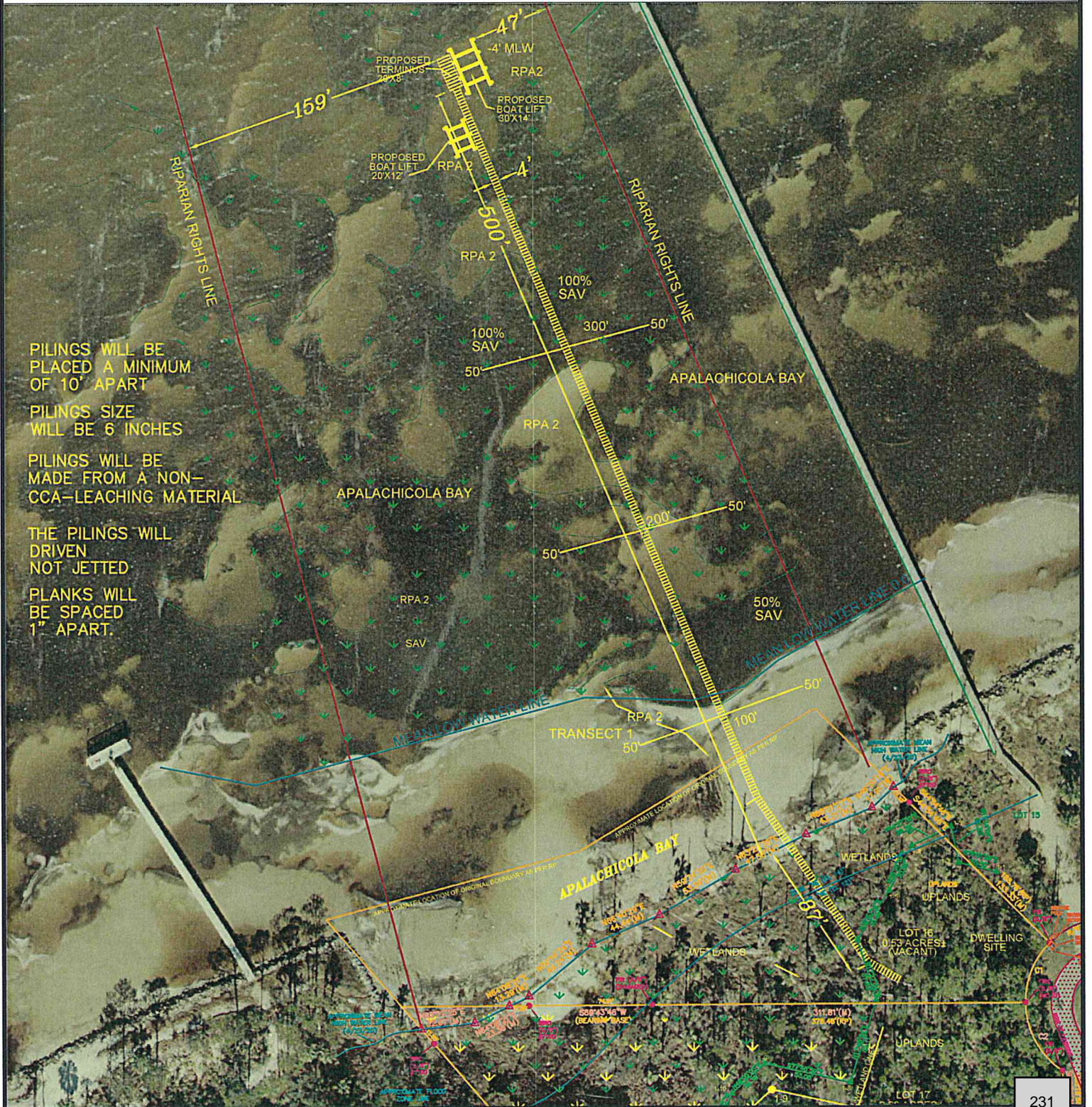
PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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 SECTION: 29 TWSHP: 9 South RNG: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 2/5



PILINGS WILL BE PLACED A MINIMUM OF 10' APART
 PILINGS SIZE WILL BE 6 INCHES
 PILINGS WILL BE MADE FROM A NON-CCA-LEACHING MATERIAL
 THE PILINGS WILL DRIVEN NOT JETTED
 PLANKS WILL BE SPACED 1" APART.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

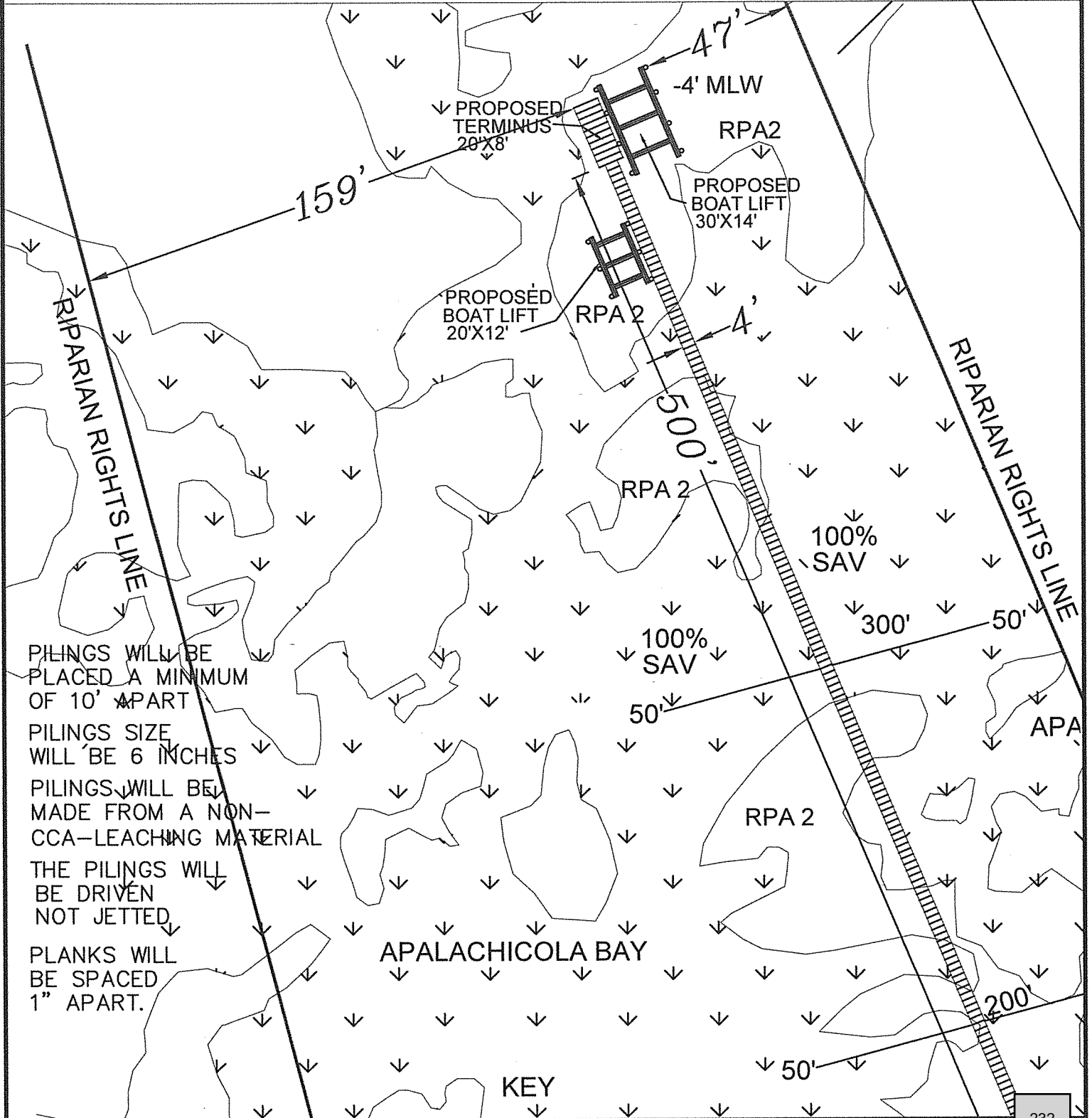
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JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 3/5

SECTION: 29 TWSHP: 9 South RNG: 6 West



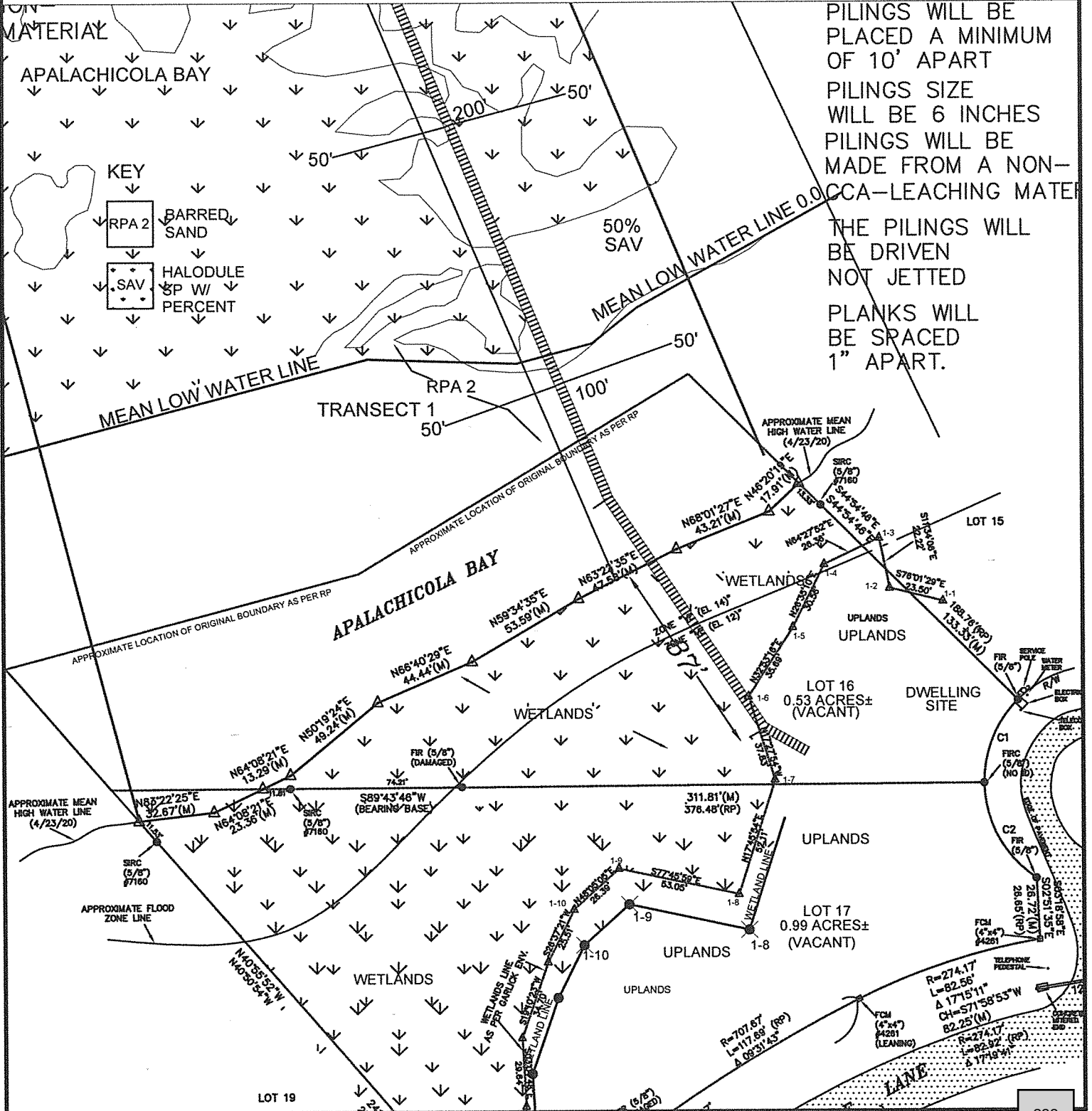
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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Hugh P. Whitehead III
 WATERBODY/CLASS: Apalachicola Bay Class II / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: St George Island / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 29 TOWNSHIP: 9 South RANG: 6 West

JOB: 20-030
 DEP:
 COE:
 OTHER: Rev. 5-28-20
 DATE: May 4, 2020
 SHEET: 4/5



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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TOWNSHIP: 9 South RING: 6 West

JOB: 20-030

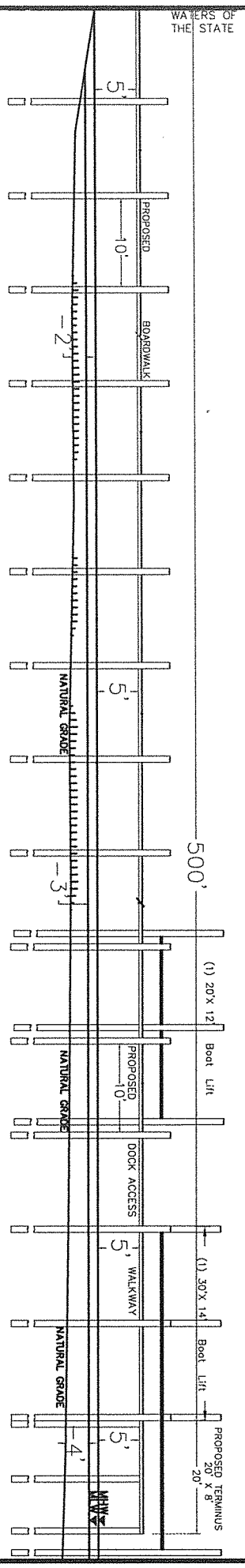
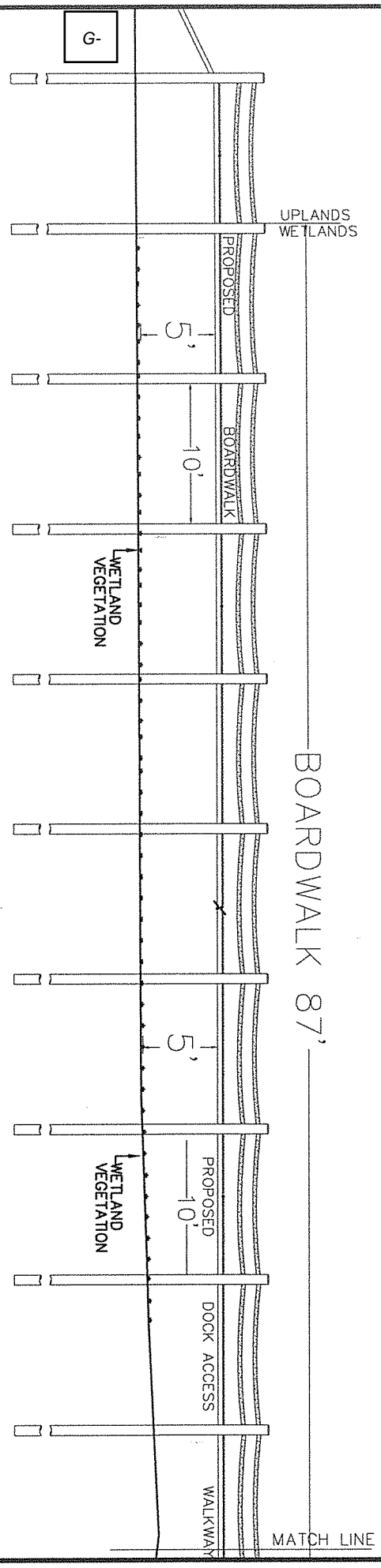
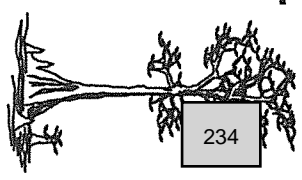
DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 5/5



These drawings are for permitting purposes only. Not intended for construction purposes

COMMENCEMENT NOTIFICATION

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

1. Department of the Army Permit Number: SAJ-2020-02168 (GP-LSL)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-02168(GP-LSL)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

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

7. **Describe Mitigation completed (if applicable):** _____

8. **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

Printed Name of Permittee

Date

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

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- b) *All Vessels:*
 - i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

AP.10. Turbidity Control Measures during Construction: Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
- c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
- e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson's seagrass:

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below)*.

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.
- A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

 - A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
- A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).
- A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- A2.6.** Chickees must be less than 500 ft² and support no more than 2 slips.
- A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.
- A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>
- A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

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Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. Creating a pilot hole for any type of pile using an auger or drop punch
 - b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 - c. Installing any type of piles and sheet piles by jetting.
6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-3 above, and
 - b. Installing any type of piles and sheet piles by vibratory hammer.
7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-4 above, and
 - b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, **AND** also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Attachment X

North Atlantic Right Whale Federal Regulations Information Handout

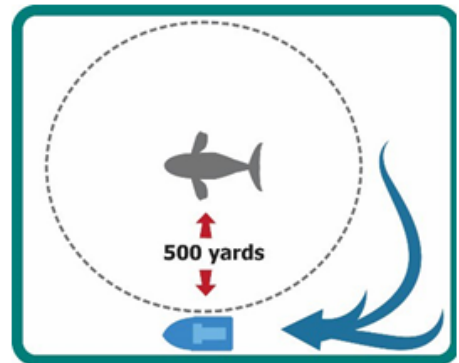
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel
- (ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov

**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
November 2017**

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.

October 2002 - Grid Specifications and Suppliers Section modified 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.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Marsh:

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

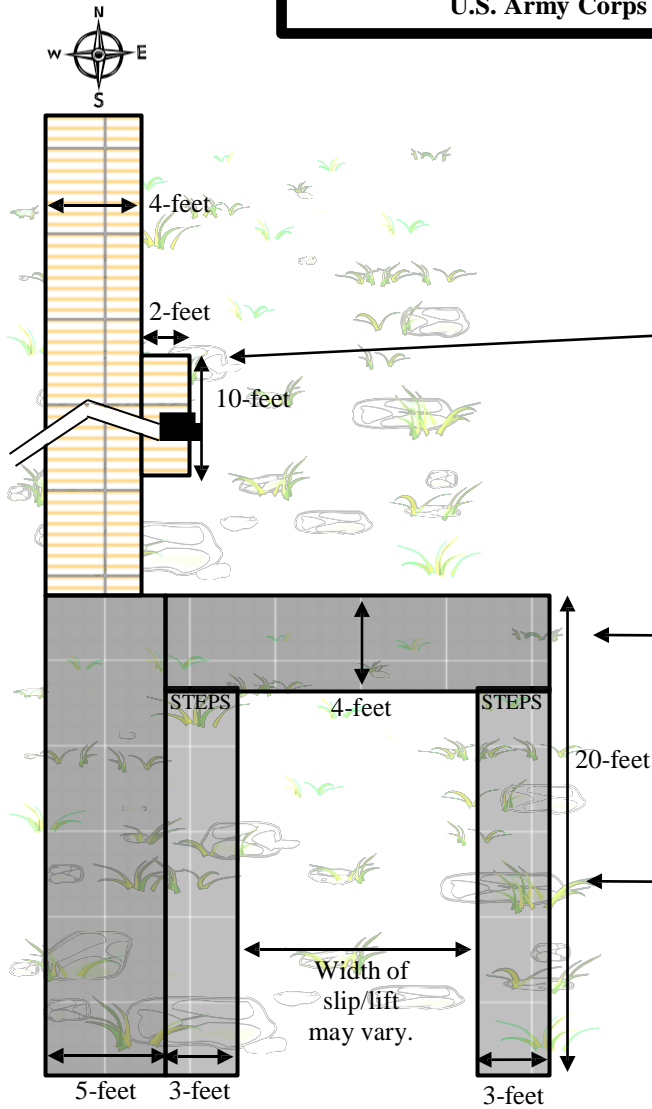
The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made 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). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; www.titandeck.net). 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.

October 2002 - Grid Specifications and Suppliers Section modified 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.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

DOCK EXAMPLE — GRATED TERMINAL PLATFORM

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



OVERHEAD PLAN VIEW

“GRATED DECKING”
 Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
 Only for docks over 200-feet long.

LIFT ONLY
 No roof.
 Vessel should be stored as high above MHW as possible.

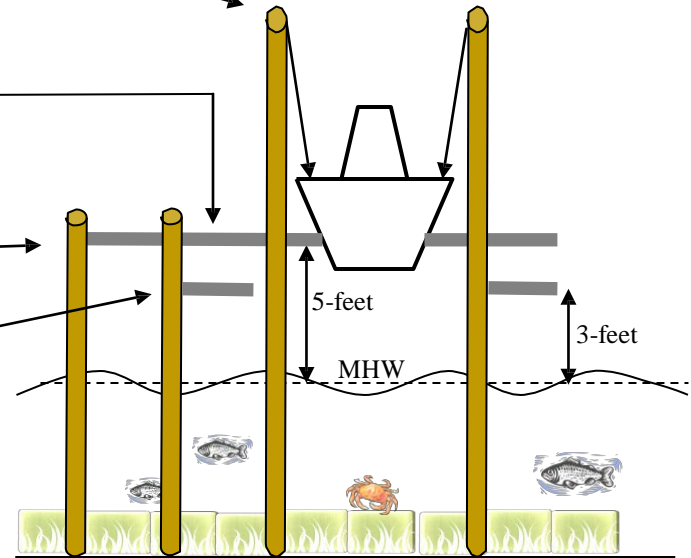
STERN WALKWAY
 Allowed if lift constructed.
 May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
 No less than 5-feet above MHW

ACCESS CATWALKS
 3-feet wide if grated decking.
 3-feet above MHW to facilitate boat access.
 Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

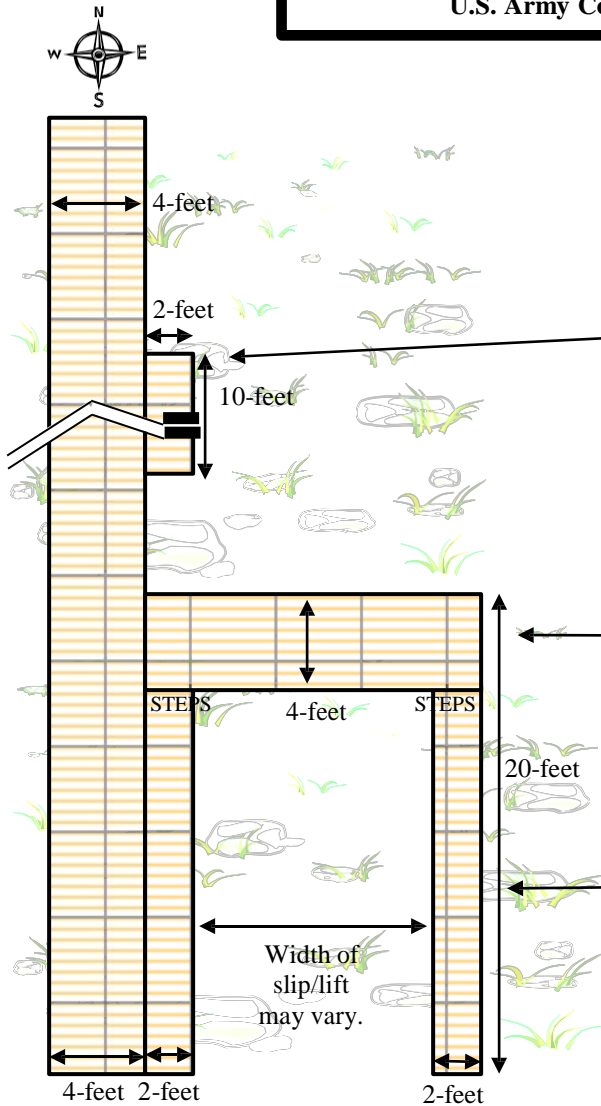


FRONT PLAN VIEW

VER: 201407

DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

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



OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible.

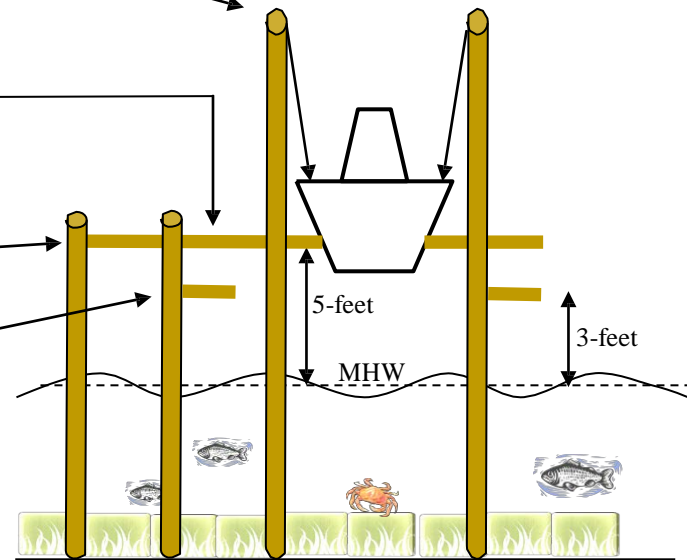
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
2-feet wide if wood decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

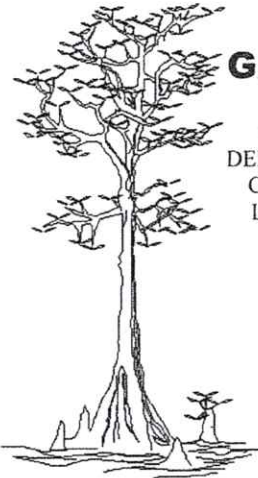
NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water



FRONT PLAN VIEW

VER: 201407



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

June 9, 2020

RECEIVED
JUN 09 2020

BY:ak.....

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Dock Approval
GEA File No. 20-035 / Robert (Rip) Kirby
FDEP File No. 0369382-001-EG/19

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020. for the construction of a Single Family Residential Dock. Attached is a copy of the permit for the referenced project. Please note the FDEP permit also includes approval from the COE.

Also, attached is a request to FDEP/COE for a 40 ft. extension of the proposed permitted dock. We have not as of this date received approval for the extension, however, I have received an email from FDEP stating that she is working on the permit draft for Kirby. Hopefully it will be here by the meeting date.

If you have any questions, please let us know.

Sincerely,


Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899 FAX (850) 653-9656
garlick@garlickenv.com



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL
 DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS •
 CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL
 LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE
 MARINA, DOCK, AND SUBDIVISION DESIGN

LETTER OF TRANSMITTAL

April 16, 2020

Mr. Wade Dandridge
 FDEP / Pensacola Office
 160 West Government Street
 Suite 308
 Pensacola, FL 32502

RE: Extension of an Existing Dock
 Additional Boat Lift
 Alligator Drive / Franklin County
 GEA File No. 18-113 – Robert Kirby
 FDEP 0369382-001-EG-19, Franklin County

The proposed project is located in Section 2, Township 7 South, Range 2 West, in Franklin County, FL. The waterbody at the project site is Alligator Harbor, Class II, an OFW, and an Aquatic Preserve.

The attached application is for an extension of 40 ft. to the already permitted access walkway of the dock, as well as, an additional boat lift, 11 ft. in width and 25 ft. in length. The extension also includes increasing the size of the already permitted boat lift to 12'x30', as well as, increasing the terminus to 8 ft. by 20 ft. The purpose of extending the access walkway is to allow our client additional room to access his boat lift without encroaching into the existing neighbor's dock. Please see Sheet 3A/4 for further clarification.

The materials to be used to construct the proposed dock and boat lifts will be transported to the site by truck. The piles will be jettied. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will assist in the construction of the proposed boat lift and dock. The depth of water at the location of the proposed dock and boatlifts is -3.00 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings. No emergent nor submerged vegetation exists within the alignment of the proposed dock, nor the boat lifts.

Evidence of title to the subject riparian upland property is attached in the form of a Warranty Deed. The upland area is presently zoned as residential and no changes are proposed.

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us dan@garlickenv.com or maryann@garlickenv.com,

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary Ann Wasmund". The signature is fluid and cursive, with several loops and flourishes.

Mary Ann Wasmund, Permit Specialist
Garlick Environmental Associates, Inc.

Attachments

cc: Robert Kirby

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Robert Kirby

WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: Alligator Point / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 2 TOWNSHIP: 7 South

RANGE: 2 West

JOB: 18-113

DEP:

COE:

OTHER:

DATE: April 15, 2020

SHEET: 1/4



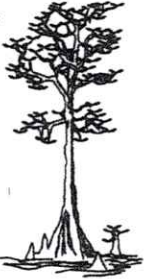
PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Robert Kirby
 WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Alligator Point / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 2 TOWNSHIP: 7 South RNG: 2 West

JOB: 18-113
 DEP:
 COE:
 OTHER:
 DATE: April 15, 2020
 SHEET: 2/4

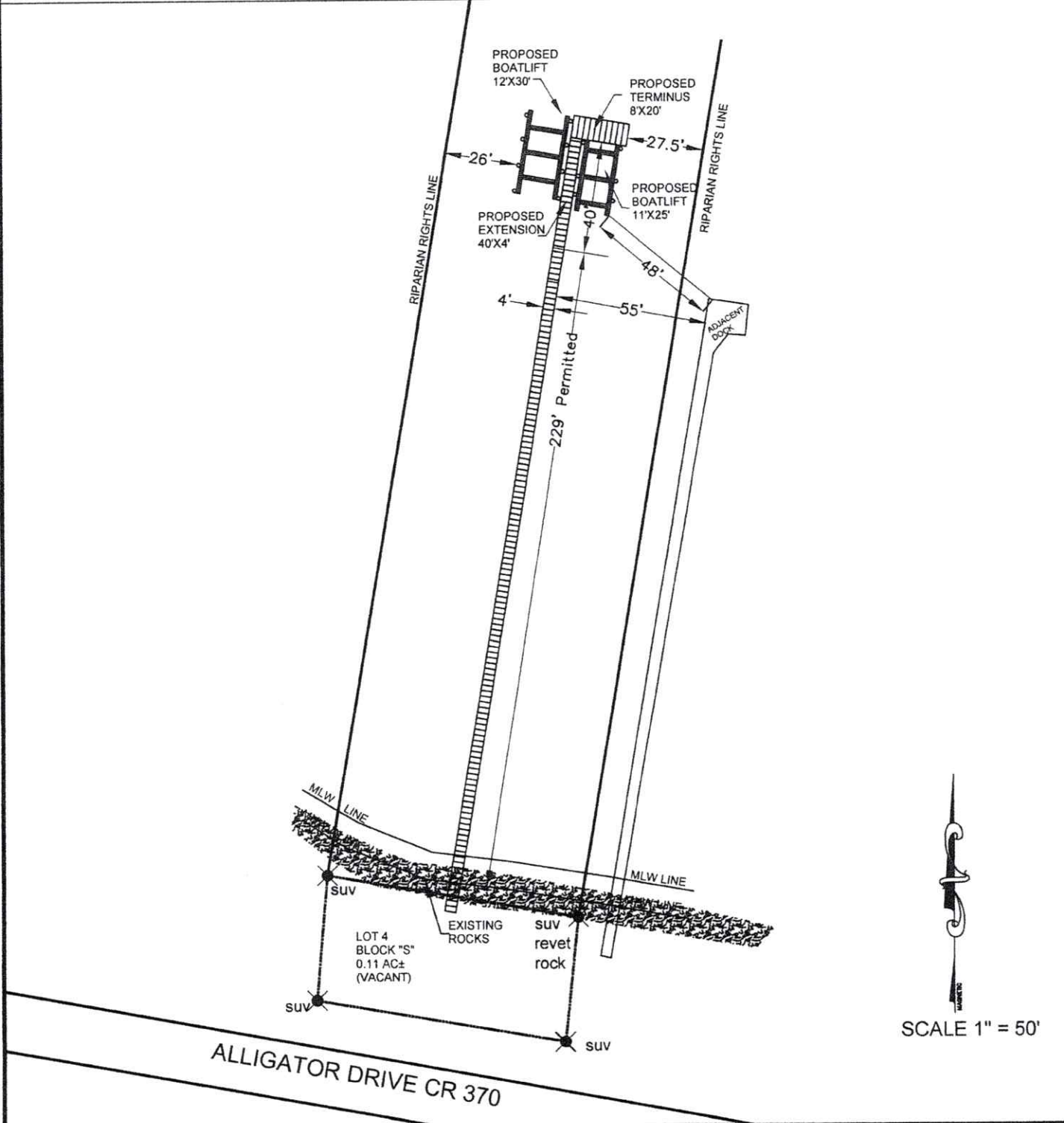




PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Robert Kirby
 WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Alligator Point / Franklin County
 LATITUDE:
 LONGITUDE:
 SECTION: 2 TOWNSHIP: 7 South RANGE: 2 West

JOB: 18-113
 DEP:
 COE:
 OTHER:
 DATE: April 15, 2020
 SHEET: 3/4



SCALE 1" = 50'

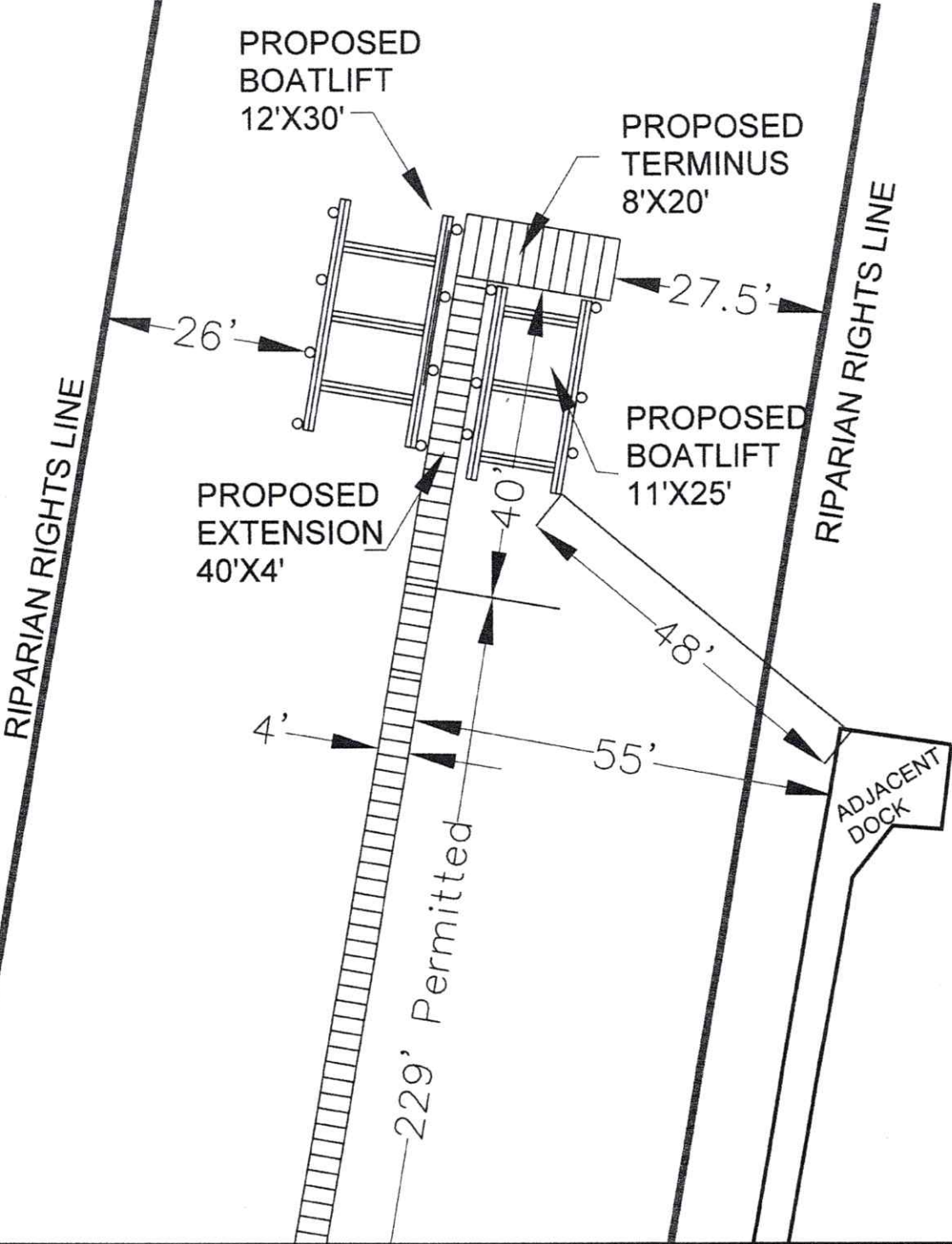


PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Robert Kirby
WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:

JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 3A/4

SECTION: 2 TWSHP: 7 South RNG: 2 West



SCALE 1" = 20'

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

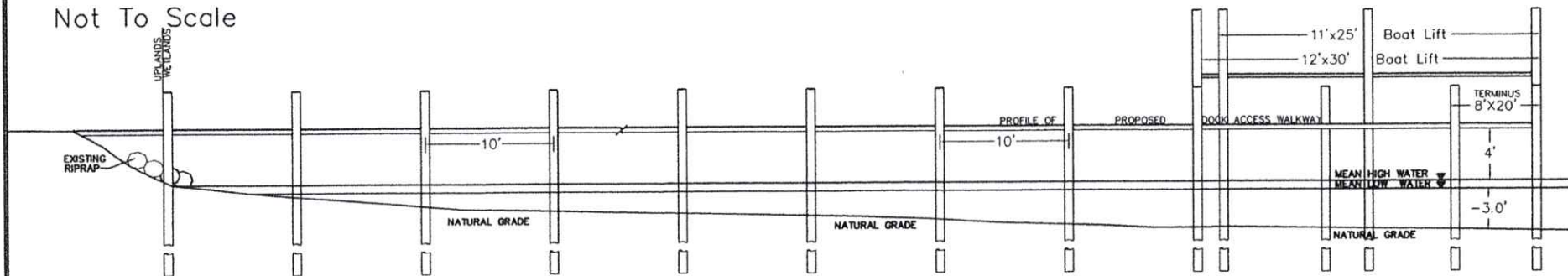
APPLICANT/CLIENT: Robert Kirby
 WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
 PURPOSE: Environmental Permitting
 PROJECT LOCATION / USGS: Alligator Point / Franklin County
 LATITUDE:
 LONGITUDE:

JOB: 18-113
 DEP:
 COE:
 OTHER:
 DATE: April 15, 2020
 SHEET: 4/4

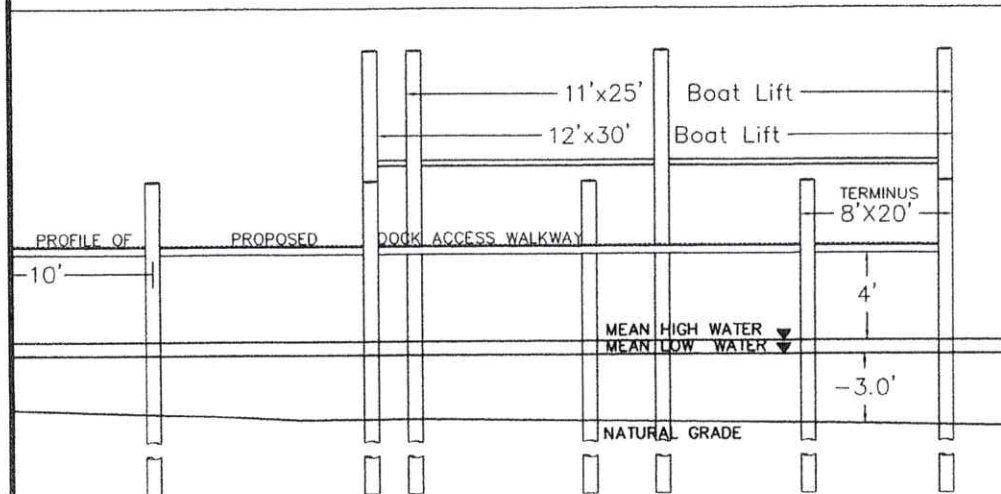
SECTION: 2 TWSHP: 7 South RNG: 2 West



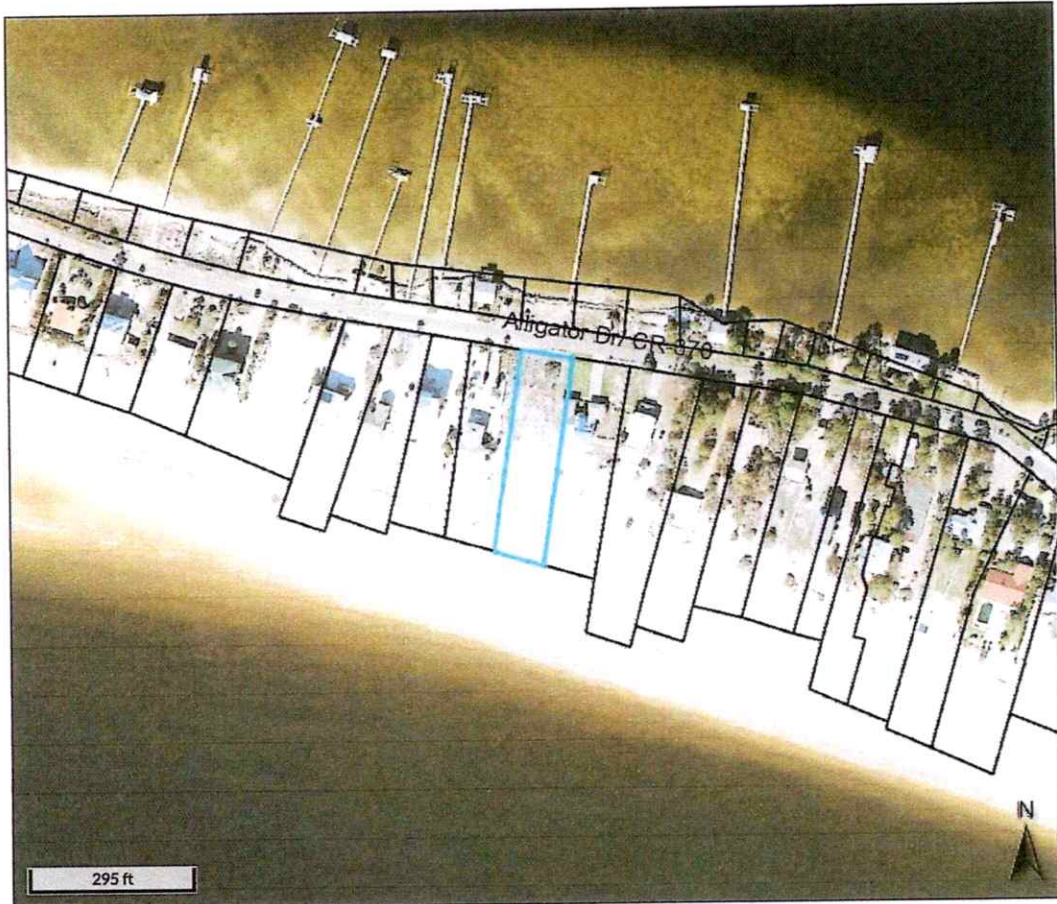
CROSS SECTION
 OF PROPOSED DOCK
 Not To Scale



These drawings are for permitting purposes only. Not intended for construction purposes



These drawings are for permitting purposes only. Not intended for construction purposes



Overview



Legend

-  Parcels
-  Roads
-  City Labels

Parcel ID	02-075-02W-1045-000R-0030	Alternate ID	02W075021045000R0030	Owner Address	KIRBY ROBERT H
Sec/Twp/Rng	2-7S-2W	Class	VACANT		2755 MILLSTONE PLANTATION RD
Property Address	1545 ALLIGATOR DR	Acreage	0.568		TALLAHASSEE, FL 32312
District	7				
Brief Tax Description	UNIT 5 BL R LOT 3				

(Note: Not to be used on legal documents)

Date created: 4/17/2020
 Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by  Schneider
 GEOSPATIAL

Parcel Summary

Parcel ID 02-075-02W-1045-000S-0040
 Location Address 1544 ALLIGATOR DR
 32346
 Brief Tax Description* UNIT 5 BL S LOT 4 OR 171/62 OR 171/69 PENN POINT 647/477 1179/192
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 2-7S-2W
 Tax District Alligator Point (District 7)
 Millage Rate 13.4617
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
[Kirby, Robert H](#)
 2755 Millstone Plantation Rd
 Tallahassee, FL 32312

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
999910	DOCK PERMISSIV	1.00	UT	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	10/20/2016	\$390,000	WD	1179	192	Qualified (Q)	Vacant	THORNBERRY AKA DEEB LONG	KIRBY

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$35,000	\$35,000	\$25,000	\$15,000	\$15,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$35,000	\$35,000	\$25,000	\$15,000	\$15,000
Assessed Value	\$18,150	\$19,965	\$16,500	\$15,000	\$5,500
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$18,150	\$19,965	\$16,500	\$15,000	\$5,500
Maximum Save Our Homes Portability	\$16,850	\$0	\$8,500	\$0	\$9,500

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

TRIM Notices

[2019 TRIM Notice](#)

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data hereof, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

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[GDPR Privacy Notice](#)

Last Data Upload: 4/17/2020, 7:38:29 AM

Version 2.3.54





- Legend**
-  Parcels
 -  Roads
 -  City Labels

Parcel ID	02-075-02W-1045-000S-0040	Alternate ID	02W075021045000S0040	Owner Address	KIRBY ROBERT H
Sec/Twp/Rng	2-7S-2W	Class	VACANT		2755 MILLSTONE PLANTATION RD
Property Address	1544 ALLIGATOR DR	Acreage	n/a		TALLAHASSEE, FL 32312
District	7				
Brief Tax Description	UNIT 5 BL S LOT 4				

(Note: Not to be used on legal documents)

Date created: 4/17/2020
 Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by  **Schneider**
 GEOSPATIAL

Parcel Summary

Parcel ID 02-075-02W-1045-000R-0030
 Location Address 1545 ALLIGATOR DR
 32346
 Brief Tax Description* UNIT 5 BL R LOT 3 OR 171/62 PENN POINT 774/579 1179/192
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 2-7S-2W
 Tax District Alligator Point (District 7)
 Millage Rate 13.4617
 Acreage 0.568
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 Kirby Robert H
 2755 Millstone Plantation Rd
 Tallahassee, FL 32312

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000125	GULF FRONT ALLI PT	24,750.00	SF	90	275

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	10/20/2016	\$390,000	WD	1179	192	Qualified (Q)	Vacant	THORNBERRY	KIRBY
N	02/02/2004	\$100	WD	774	579	Unqualified (U)	Vacant	LONG	THORNBERRY

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$371,250	\$371,250	\$297,000	\$228,937	\$228,937
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$371,250	\$371,250	\$297,000	\$228,937	\$228,937
Assessed Value	\$277,014	\$304,715	\$251,831	\$228,937	\$228,937
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$277,014	\$304,715	\$251,831	\$228,937	\$228,937
Maximum Save Our Homes Portability	\$94,236	\$0	\$45,169	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

TRIM Notices

[2019 TRIM Notice](#)

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data here, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

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

Last Data Upload: 4/17/2020, 7:38:29 AM

Version 2.3.54



This Instrument Prepared by & return to:

Name: W. Crit Smith, Esq.
Susan S. Thompson, Esq.
Frank S. Shaw, III, Esq.

Address: Smith, Thompson & Shaw
Fourth Floor, 3520 Thomasville Rd.

20163245ANH
Parcel I.D. #: 02-07S-02W-1045-000R-0030
02-07S-02W-1045-000S-0040

Inst: 201619005057 Date: 10/24/2016 Time: 4:00PM
Page 1 of 2 B: 1179 P: 192. Marcia Johnson, Clerk of Court
Franklin, County, By: SM Deputy Clerk
Doc Stamp-Deed: 2730.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 20th day of October, A.D. 2016, by **MARCLIA DEEB THORNBERRY, a/k/a MARCLIA DEEB LONG, A MARRIED WOMAN**, hereinafter called the grantor, to **ROBERT H. KIRBY, A MARRIED MAN**, whose post office address is 2755 MILLSTONE PLANTATION ROAD, TALLAHASSEE, FL 32312, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument, singular and plural, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in Franklin County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

The grantor does herein affirm that the above described property is not homestead property.

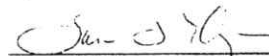
Subject to taxes for the year 2016 and subsequent years, restrictions, reservations, covenants and easements of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. **To Have and to Hold** the same in fee simple forever.

And the grantor hereby covenants with said grantee that she is lawfully seized of said land in fee simple; that she has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2015.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness Signature

Susan S. Thompson
Printed Name


Witness Signature

Cindy Jordan
Printed Name

State of Florida
County of Leon

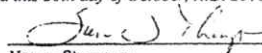
I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared **MARCLIA DEEB THORNBERRY, A MARRIED WOMAN**, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he/she executed the same, and that I relied upon the following form of identification of the above-named person:

and that an oath was not taken.

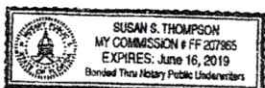
personally known

Witness my hand and official seal in the County and State last aforesaid this 20th day of October, A.D. 2016.

Notary Public Rubber Stamp Seal


Notary Signature

Printed Notary Signature



Inst. Number: 201619005057 Book: 1179 Page: 193 Page 2 of 2 Date: 10/24/2016 Time: 4:00 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 2,730.00

EXHIBIT "A"

The land referred to herein below is situated in the County of Franklin, State of Florida,
and is described as follows:

Parcel 1

Lot 3, Block "R" of PENINSULAR POINT UNIT NO. 5, according to the Plat thereof as
recorded in Plat Book 1, Page(s) 29, of the Public Records of Franklin County, Florida.

Parcel 2

Lot 4, Block "S" of PENINSULAR POINT UNIT NO. 5, according to the Plat thereof as
recorded in Plat Book 1, Page(s) 29, of the Public Records of Franklin County, Florida.



Legend
 □ Parcels
 Roads
 City Labels

Parcel ID	02-075-02W-1045-0005-0050	Alternate ID	02W07502104500050050	Owner Address	RB ASSET MANAGEMENT,LLC
Sec/Twp/Rng	2-7S-2W	Class	VACANT		1843 COMMERCE BLVD
Property Address	1542 ALLIGATOR DR	Acreage	n/a		MIDWAY, FL 32343
District	7				
Brief Tax Description	UNIT 5 BL S LOT 5 PEN POINT (Note: Not to be used on legal documents)				

Date created: 4/17/2020
 Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by Schneider GEOSPATIAL

*This is Mr Deeb's DOCK -
 Property Agraiser's drawing indicates
 it's on Mr Kirby's parcel -
 Spoke w/ Wade Dandridge - He said
 it is okay, they deal with this from
 time to time -*

Parcel Summary

Parcel ID 02-07S-02W-1045-000S-0050
Location Address 1542 ALLIGATOR DR
 32346
Brief Tax Description* UNIT 5 BLS LOT 5 PEN POINT OR 171/69 647/477 1237/288
**The Description above is not to be used on legal documents.*
Property Use Code VACANT (000000)
Sec/Twp/Rng 2-7S-2W
Tax District Alligator Point (District 7)
Millage Rate 13.4617
Acreage 0.000
Homestead N

[View Map](#)

Owner Information

Primary Owner
[Rb Asset Management, LLC](#)
 1843 Commerce Blvd
 Midway, FL 32343

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
999910	<u>DOCK PERMISSIV</u>	1.00	UT	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	03/07/2019	\$50,000	WD	1237	288	Qualified (Q)	Vacant	LONG	RB ASSET MANAGEMENT,LLC

Valuation

	2019 Preliminary Certified	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$35,000	\$35,000	\$25,000	\$15,000	\$15,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$35,000	\$35,000	\$25,000	\$15,000	\$15,000
Assessed Value	\$7,321	\$8,053	\$6,655	\$6,050	\$5,500
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$7,321	\$8,053	\$6,655	\$6,050	\$5,500
Maximum Save Our Homes Portability	\$27,679	\$0	\$18,345	\$8,950	\$9,500

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

TRIM Notices

2019 TRIM Notice

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

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FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502

Rick Scott
Governor
Carlos Lopez-Cantera
Lt. Governor
Noah Valenstein
Secretary

November 28, 2018

Robert Kirby
2755 Millstone Road
Tallahassee, Florida 32312
ripkirby@rhmgmt.us

File Name: Kirby Single-Family Dock
File No.: 0369382-001-EG-19, Franklin County

Dear Mr. Kirby:

On October 5, 2018, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a 1,036 square-foot single-family dock consisting of a 229-foot by 4-foot access walkway and a 6-foot by 20-foot terminal platform with a single uncovered boatlift within Alligator Harbor, Class II Outstanding Florida Waters, Alligator Harbor Aquatic Preserve, Prohibited Shellfish Harvesting Area. The project is located at 1544 Alligator Drive, Alligator Point, Florida, 32346, Parcel No. 02-07S-02W-1045-000S-0040, in Section 2, Township 7 South, Range 2 West of Franklin County; at approximately 29°54'5.0" North Latitude, 84°24'4.68" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Authority for review – Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for federal authorization pursuant to the State Programmatic General Permit (SPGP) V, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers (Corps). Please note that the federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to one (1) additional year if provisions of Special Condition B.27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook.

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 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. 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

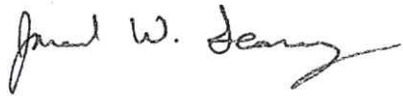
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35,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

If you have any questions regarding this matter, please contact Jared Searcy at the letterhead address or at (850) 245-7625 or via email at Jared.Searcy@dep.state.fl.us.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jared Searcy
Environmental Specialist II
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
4. General Conditions for Federal Authorization for SPGP V, 2 pages
5. SPGP V: Special Conditions Related to All Review and Authorizations, 6 pages
6. Department of the Army Permit Transfer for SPGP V, 1 page
7. Project Drawings, 4 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Tanya McHale, FDEP Northwest District, Tanya.McHale@dep.state.fl.us
Michael Fuller, FDEP Northwest District, Michael.Fuller@dep.state.fl.us
Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
Mary Ann Wasmund, Garlick Environmental Associates, Inc., maryann@garlickenv.com

FILING AND ACKNOWLEDGMENT

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



November 28, 2018
Clerk Date

62-330.427 General Permit for Docks, Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges

of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or

other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapters 253 and 258, 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 Federal Authorization for SPGP V

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form 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.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or

- structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
 6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
 7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Special Conditions Related to All Review and Authorizations

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V.

1. The District Engineer reserves the right to require that any request for authorization under this SPGP V be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V does not automatically guarantee Federal authorization.
2. On a case-by-case basis the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
3. Failure to comply with all conditions of the Federal authorizations under the SPGP V would constitute a violation of the Federal authorization.
4. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.
 - b. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
5. No work shall be authorized under the SPGP V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement except as allowed in Special Condition 17 for *Living Shorelines* of the *Shoreline Stabilization* category.
6. The Design and construction of a Project must comply with the following.
 - a. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the

protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat," U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June 2008). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP V must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Mangrove impacts are limited to the removal of mangroves along 4 linear feet of shoreline to accommodate a 4-ft-wide access walkway associated with a dock that meets the above guidelines.

b. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*) in the lagoon and canal systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County), the following requirements must be met:

(1) Piling-supported structures must comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*)," National Marine Fisheries Service/U.S. Army Corps of Engineers – February 2002 (updated October 2002).

(2) Removal of derelict vessels must comply with the practices of Special Condition 19.

(3) All other activities will have no effect on Johnson's seagrass, i.e., no seagrass is present.

c. The presence of seagrass will be determined utilizing the attached "Submerged Aquatic Vegetation Survey Guidelines."

7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the Permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" and the following additions:

a. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).

b. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfsser@noaa.gov.

c. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.

d. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

e. All work must occur during daylight hours.

8. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

9. The Permittee is responsible for compliance with 50 CFR 224.103(c) prohibiting approach within 500 yards of a right whale, with limited exceptions.

10. Turbidity control measures shall be used throughout construction to control erosion and siltation to ensure there are no violations of state or federal water quality standards. Turbidity control measures shall be: (1) for the smallest practicable area; (2) monitored daily to ensure listed species are not entangled or trapped in the project area; (3) shall be removed promptly upon project completion and the return of water quality conditions; (4) and shall not block entry to or exit from designated critical habitat. Siltation barriers shall be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]).

a. Turbidity curtains are not required where not practical in dynamic systems such as surf zones and could actually do more harm than good if the curtains become detached (e.g., they could entrap pelagic organisms and become entangled around benthic organisms, such as coral).

b. Turbidity barriers are not required if installation of single piling in deep water since is unlikely to adversely affect water quality.

11. In-water rope or chain must meet the following requirements: Industrial grade metal chains or heavy cables that do not readily loop and tangle; All in-water lines (rope and cable) must be thick and taut and cannot have excess line in the water; Lines can be enclosed in a plastic or rubber sleeve/tube to add rigidity.

12. No work shall occur where hard bottom or any hard or coral including ESA-listed coral species are present within the footprint of the project.

13. No work shall occur that results in removal of mangroves (including prop roots), except:

a. as provided by Special Condition 6.a.; or,

b. for removal of mangroves growing at the foot or from an existing seawall whose removal needed to repair the seawall.

14. No work shall occur that results in impacts to seagrass except as provided by Special Condition 6.

15. (For *Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures and Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.*)

a. Aids to Navigation and Private Aids to Navigation (e.g., attached to the structures authorized by the SPGP) must be approved by and installed in accordance with U.S. Coast Guard requirements.

b. Temporary structures associated with marine events will be removed and the site restored upon completion of the event.

c. (For *multi-family residential docks (e.g., condos, trailer parks, apartment complexes) designated for fishing or vessel storage, for temporary marine event pile-supported structures involving high speed vessel traffic or fishing, and for commercial or public boat ramps.*) Install educational signs as follows in a visible location to alert boaters of listed species in the area susceptible to vessel strikes or hook-and-line captures. NMFS website

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html) provides sign installation guidance and most current version of the signs.

(1) All commercial and public boat ramps shall install the Save Sea Turtle, Sawfish, and Dolphin sign.

(2) If the Project occurs within the range of Gulf, Atlantic, or Shortnose sturgeon, the Permittee will install and maintain the *Report Sturgeon* sign.

(3) If the Project occurs within 14 miles of North Atlantic Right Whale critical habitat, the Permittee will install and maintain the *Help Protect North Atlantic Right Whales* sign.

d. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

16. (For *Transient activities*.)

a. Temporary structures shall not block access of species to an area such as preventing movement in or out of a river or channel.

b. (For *scientific sampling, measurement, and monitoring devices*.) No later than 24 months from initial installation, or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction elevations.

17. (For *Living Shorelines* of the *Shoreline Stabilization* category.)

a. Only native plant species will be planted.

b. Not more than 500 linear feet in length, not more than 35 ft waterward of the high tide line (note that FAC 62-330 limits to 10 feet of the mean high water line) or result in more than 0.5 ac area between the natural shoreline and the structure.

c. No discharge of earthen fill material, other than earthen material associated with vegetative planting, is not authorized.

d. Construction, maintenance, and removal of approved permanent, shore-parallel wave attenuation structures are authorized. Approved permanent wave attenuation materials include oyster breakwaters (described below), clean limestone boulders, and prefabricated structures made of concrete and rebar that are designed in a manner that cannot trap sea turtles, Smalltooth sawfish, or sturgeon. Reef balls that are not open on the bottom, triangle structures with a top opening of at least 3 feet between structures, and reef discs stacked on a pile may be used.

e. (For oyster breakwaters.)

(1) Reef materials shall be placed in a manner to ensure that materials (e.g., bagged oyster shell, oyster mats, loose cultch surrounded and contained by a stabilizing feature, reef balls, and reef cradles) will remain stable and prevent movement of materials to surrounding areas.

(2) Materials must be placed in designated locations (i.e., shall not be indiscriminately/randomly dumped) and shall not be placed outside of the total project limits.

18. (For *Subaqueous Utility Lines* of the *Transient Activities* category.)

a. A Frac-out Contingency Plan similar to the attached plan will be developed, submitted with the application and then followed.

b. All subaqueous transmission lines crossing over, under, or in flood control channels/canals in Federal projects (either federally or locally maintained) which are installed with horizontal direction drilling (HDD) shall comply with the following:

(1) The project shall ensure the top of the HDD boring is a minimum of 10 feet beneath the bottom of the channel including a minimum 25 feet outside the channel edges and the estimated total drilling fluid pressure is less than 10 psi.

(2) Construction of directional boring vaults, junction boxes, and/or pads are not allowed within 25 feet of the top of the bank of any federal project.

(3) Projects not in compliance with these criteria shall not be eligible for authorization under SPGP V.

(4) Any activity within a Federal right-of-way shall require the Permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

(5) The Permittee shall, upon completion of work, provide an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88) of the object below the channel as it enters and exits the design edges of the authorized width of the channel, plus a minimum of 25 feet outside the channel edges.

c. Where the proposed subaqueous utility or transmission line is to be installed in navigable waters of the United States, at least 2 weeks prior to the start of the authorized work, the permittee must notify the National Oceanic and Atmospheric Administration (NOAA) and the Corps in writing that the work is commencing; and, again, upon completion of the work. The permittee shall notify the District Engineer in writing at the letterhead address, attention Regulatory Division; and, the NOAA, either in mailed correspondence to Nautical Data Branch Office of Coast Survey N/CS26, 1315 East-West Highway, Silver Spring, MD 20910-3282 or by electronic mail correspondence, with scans of the requisite documents attached, through osc.ndb@noaa.gov and spgp@usace.army.mil. The postconstruction notification will include "as-built plans," signed and sealed by a registered surveyor/engineer licensed in the State of Florida, that certify the project is constructed as authorized; and must include an accurate depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water.

19. (For *Removal of Derelict Vessels* of the *Transient Activities* category.)

a. Removal of marine debris shall require visual confirmation (e.g., divers, swimmers, camera) that the item can be removed without causing further damage to aquatic resources.

b. If an item cannot be removed without causing harm to surrounding coral, the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.

c. Monofilament debris will be carefully cut loose from coral so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.

d. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

20. For concrete piles installed by impact hammer:

a. The piles will be less than or equal to than 24 inches in diameter; and

b. Not more than 10 piles will be installed per day if in open water; or,

c. Not more than 5 piles will be installed per day in a *confined space*. A *confined space* is defined as any area that has a solid object (e.g., shoreline, seawall, jetty) or structure within

150 feet of the pile installation site that would effectively serve as a barrier or otherwise prevent animals from moving past it to exit the area. This does not include objects such as docks or other pile-supported structures that would not stop animal movement or significantly reflect noise.

21. Metal piles will NOT be installed by impact hammer.
22. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary.
23. The Permittee shall use only clean fill material. The fill material shall be upland sources and be free of items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
24. No blasting is authorized.
25. For Projects authorized under this SPGP V in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
26. The SPGP V will be valid for five (5) years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP V will be evaluated by the Corps.
27. If the SPGP V expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V will remain in effect provided the activity is completed within twelve (12) months of the date the SPGP V expired or was revoked.
28. The General Conditions attached hereto are made a part of this SPGP V and must be attached to all authorizations processed under this SPGP V.

Department of the Army Permit Transfer for SPGP V

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision) (Lot) (Block)

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

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

(Transferee Signature) (Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)



H-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

PO BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

7415

APPLICANT/CLIENT: *Robert Kirby*

JOB: 18-113

WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Alligator Point / Franklin County

OTHER:

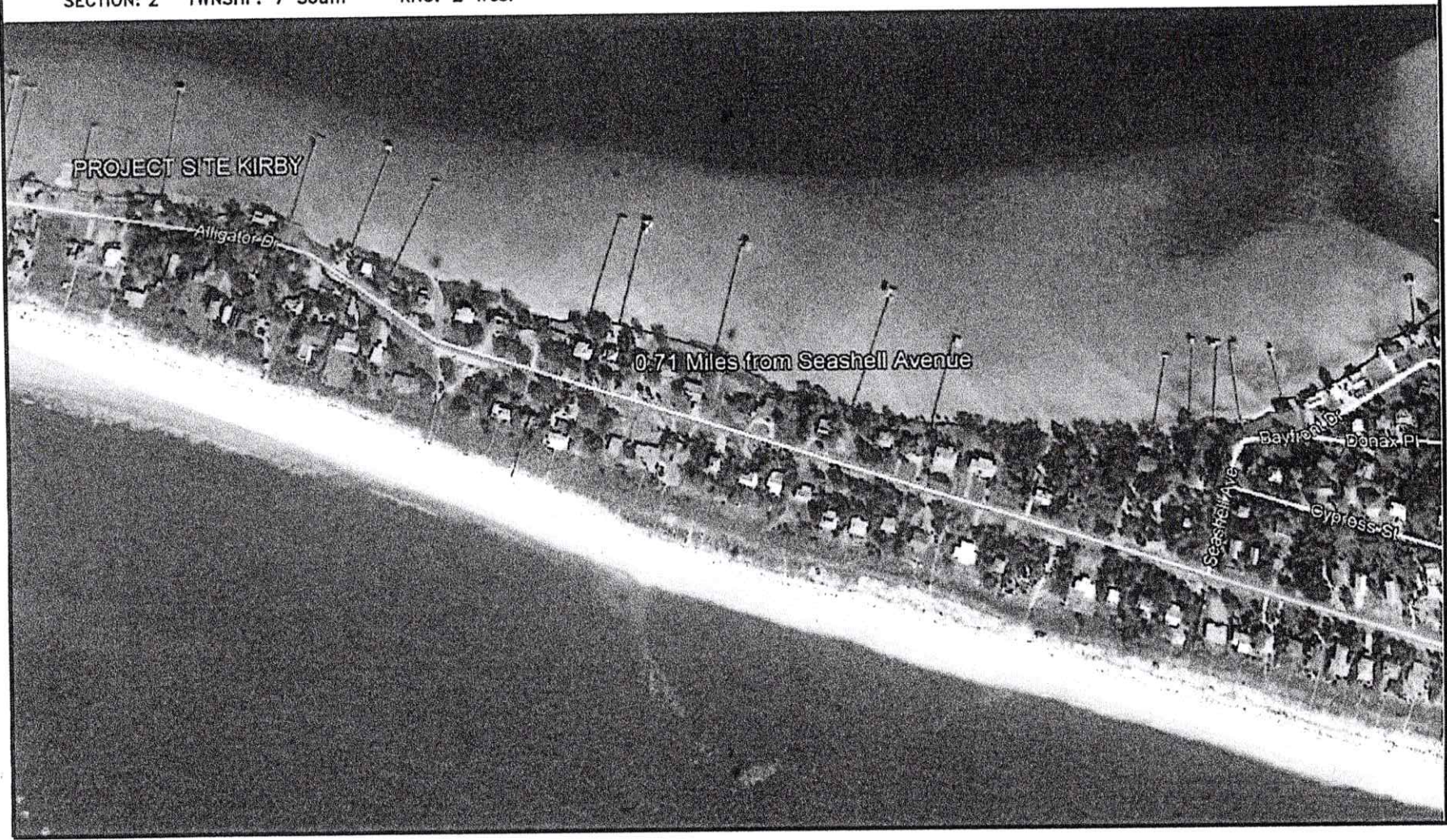
LATITUDE:

DATE: October 2, 2018

LONGITUDE:

SHEET: 1/4

SECTION: 2 TWSHP: 7 South RNG: 2 West



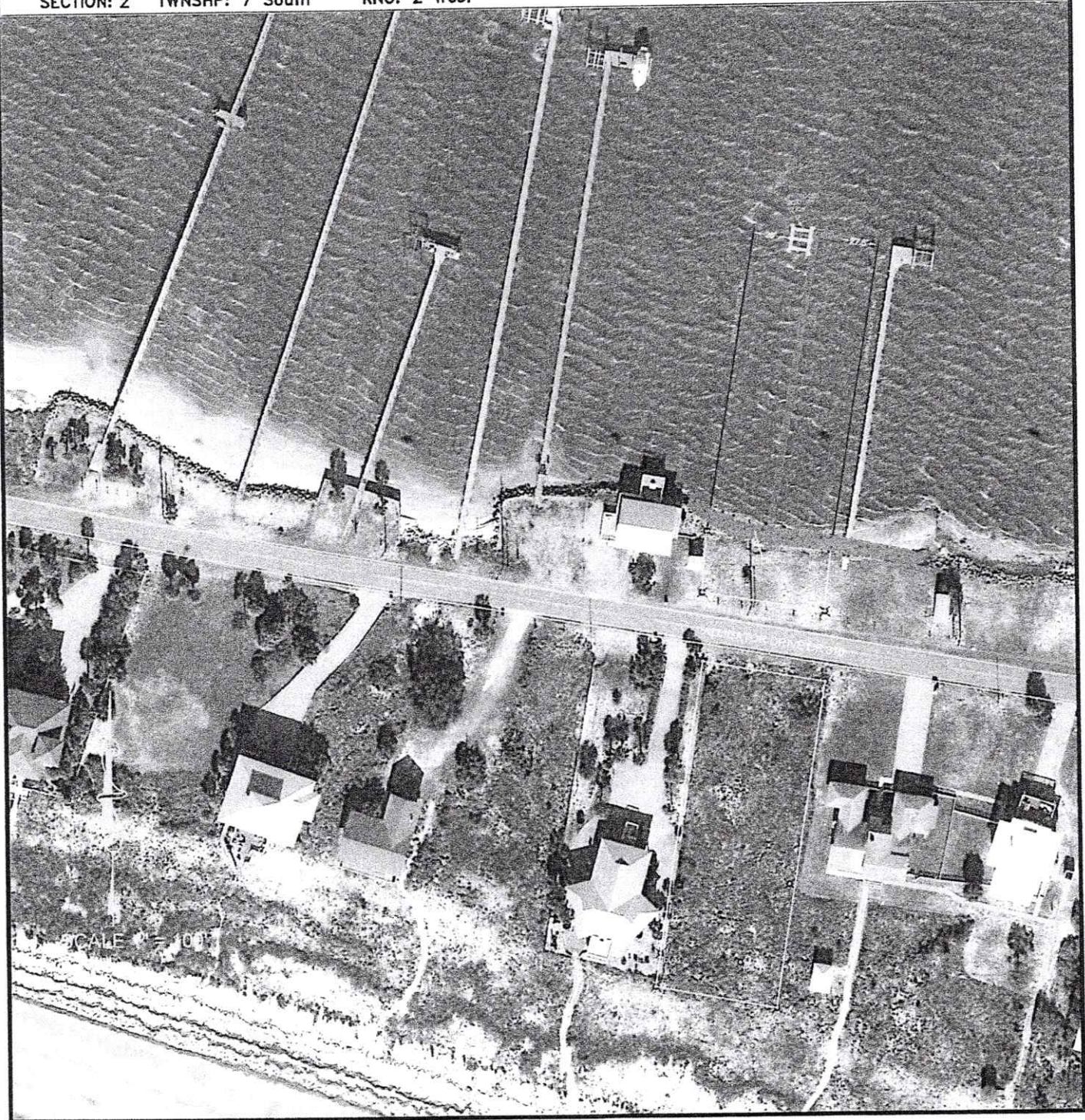
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SHEET: 2/4

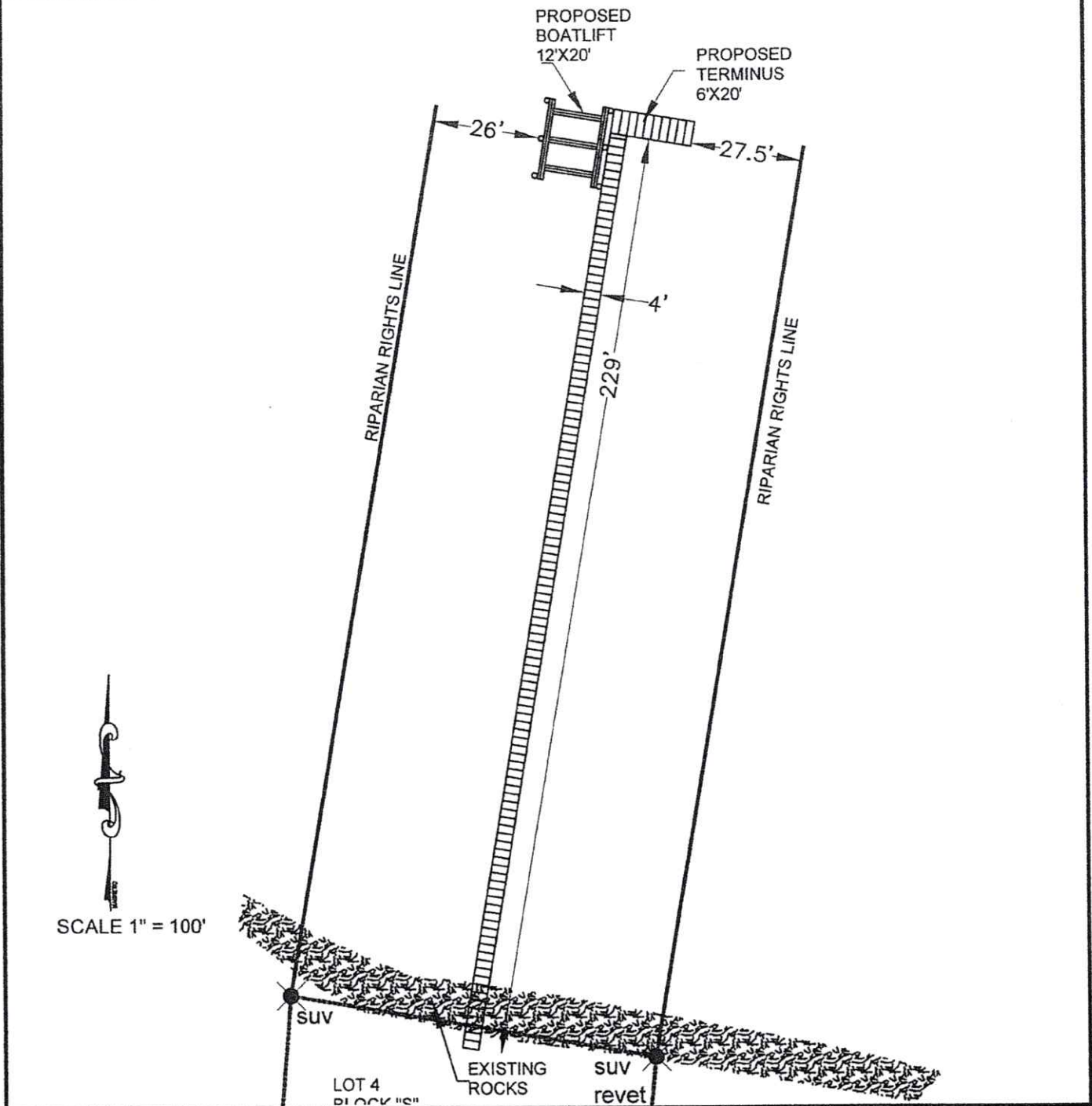




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PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:
SECTION: 2 TOWNSHIP: 7 South RANG: 2 West

JOB: 18-113
DEP:
COE:
OTHER:
DATE: October 2, 2018
SHEET: 3/4



SCALE 1" = 100'



H-

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

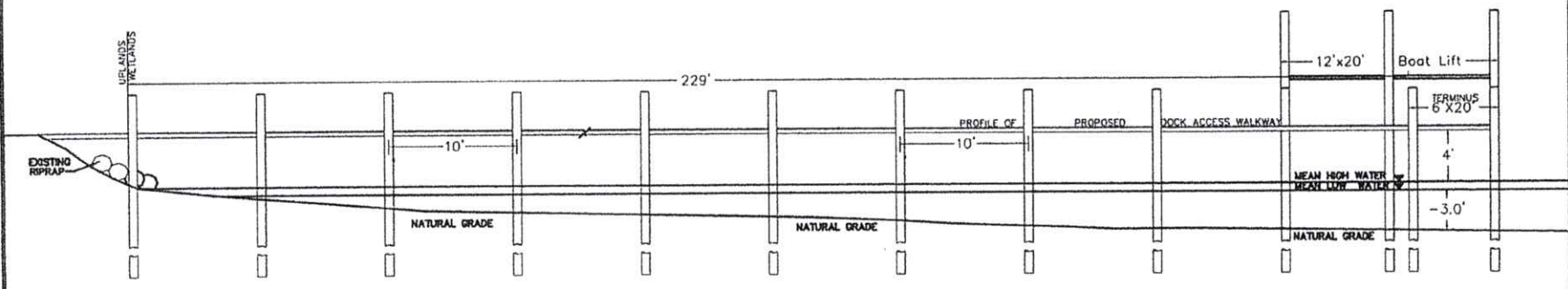
BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com



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JOB: 18-113
DEP:
COE:
OTHER:
DATE: October 2, 2018
SHEET: 4/4

CROSS SECTION
OF PROPOSED DOCK
Not To Scale



These drawings



DOCK PERMIT APPLICATION
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____
FEE: \$ _____
C.S.I : \$ _____
TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:
ISSUANCE DATE: _____ EXPIRES: _____

EXISTING HOUSE: Yes No
DEP PERMIT: Yes No
ARMY COE PERMIT: Yes No
APPROVED: Yes No

APPLICATION MUST BE COMPLETE:

Property Owner/s: Michelle Darpel
Contact Information: Home #: 859-358-5756 Cell #: _____
Mailing Address: 1529 Alligator Drive City/State/Zip: Alligator Point FL 32346
EMAIL Address: michelled@ean @ att.net

Contractor Name: TBD Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____ @ _____

PROPERTY DESCRIPTION: 911 Address: 1529 Alligator Drive Alligator Point 32346
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____

Parcel Identification #: 02-075-02W-1043-000M-0050
JURISDICTION: Franklin County City of Apalachicola City of Carrabelle
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

SINGLE FAMILY DOCK/PIER **MULTI-FAMILY DOCK/PIER** **COMMERCIAL**

DESCRIPTION: 1,365 sq ft dock 5 ft x 225 ft access pier to the terminal Platform 12ft x 25ft uncovered slip, 15 ft by 8ft floating platform, and 5ft by 8ft jet ski platform

ZONING DISTRICT: _____ CONTRACT COST: _____

TOTAL SQUARE FOOT: 1365 FOUNDATION TYPE: _____

ROOF MATERIAL: No Roof

APPROVED BY: Planning & Zoning Date: _____ County Commissioners Date: _____
 City of Carrabelle Date: _____ City of Apalachicola Date: _____

WATER BODY: Alligator Harbor
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

BUILDING OFFICIAL Date **OWNER (Required)** Date **CONTRACTOR (Required)** Date
Michelle Darpel
5-29-20



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 25, 2020

FROM:

Scott Carswell
1051 Seminole Drive
Tallahassee, Florida 32301
scott@moonevents.com

TO:

Lonnie Joe Davis and Michelle Darpel
1529 Alligator Point
Alligator Point, Florida 32349
lonniejoedavis@gmail.com

Re: File No. 0339947-002-EMTO/19
Transfer from File No. 19-0339947-001-EI

Dear Mr. Carswell, Mr. Davis and Ms. Darpel:

Enclosed is a copy of the executed transfer of permit for the referenced project. The transfer of this permit to Lonnie Joe Davis and Michelle Darpel is hereby approved and effective as of the date of this letter. Please attach a copy of this letter and the enclosed transfer of permit to your permit and make them available on site during construction. When referring to this project, please use the permit number indicated.

This notice of transfer does not alter the original expiration date, Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Tanya Alvarez McHale at the letterhead address, at 850-595-0614, or at tanya.mchale@floridadep.gov.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:tam

Attachments:

- 1. Permit File No. 19-0339947-001, 24 pages
- 2. Permit Transfer Request, 6 pages

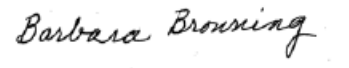
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

- Amy Kelly, Franklin County Planning & Zoning, amyh@fairpoint.net
- Ray Eubanks, Department of Economic Opportunity, ray.eubanks@deo.myflorida.com, dcppermits@deo.myflorida.com
- Kim Wren, FDEP Aquatic Preserves, kim.wren@dep.state.fl.us
- Tanya McHale, FDEP Northwest District, tanya.mchale@dep.state.fl.us
- Kevin Easton, Florida Environmental and Land Services, Inc., keaston@felsi.org
- Elva Peppers, Florida Environmental and Land Services, Inc., elvapeppers@felsi.org

FILING AND ACKNOWLEDGMENT

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



Clerk

February 25, 2020
Date



1-

Florida Department of Environmental Protection

160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Permittee/Authorized Entity:

Scott Carswell
1051 Seminole Drive
Tallahassee, Florida 32301
scott@moonevents.com

Carswell Single-Family Dock

Authorized Agent:

Florida Environmental and Land Services, Inc.
Kevin Easton
221-4 Delta Court
Tallahassee, Florida 32303
keaston@felsi.org

Environmental Resource Permit State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Granted per State Programmatic General Permit

Franklin County
Permit No.: 19-0339947-001-EI

Permit Issuance Date: January 13, 2016
Permit Construction Phase Expiration Date:
January 13, 2021

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: Scott Carswell
Permit No: 19-0339947-001-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 1529 Alligator Drive, Alligator Point, Florida, 32346, in Section 2, Township 7 South, Range 2 West, in Franklin County, at Latitude 29°54'1.32" N / Longitude 84°23'56.18" W.

PROJECT DESCRIPTION

The permittee is authorized to construct a 1,365 square-foot single-family dock with of a 5-foot by 225-foot access walkway, a 5-foot by 16-foot gangway connecting the walkway to the terminal platform, a 12-foot by 25-foot uncovered boat slip with lift beside the access walkway, and a terminal platform consisting of a 15-foot by 8-foot floating platform and a 5-foot by 8-foot floating jet ski platform within the landward extent of Alligator Harbor, Class II Outstanding Florida Waterbody, Prohibited Shellfish Harvesting Area, part of the Alligator Harbor Aquatic Preserve. Per Paragraph 18-20.004(5)(e), Florida Administrative Code, the width of the dock access pier is authorized at 5-feet wide. The above described activity includes the preemption of 1,365 square-foot of state-owned sovereignty submerged lands along approximately 151-linear foot of shoreline. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Carswell Single-Family Dock

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.).

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., and Chapter 258, F.S. As staff to the 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.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you

agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings qualifies for federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers (Corps). Please note that the federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at

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

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

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 / 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 - PRIOR TO ANY CONSTRUCTION

1. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
2. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.
3. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the project area. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed the ambient water quality levels of the Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

4. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
5. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in the permit.
6. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit, and all state owned waterbodies in the vicinity, shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
7. All chemically-treated pilings associated with the permitted docking structures and mooring piles shall be wrapped with impermeable plastic or PVC sleeves in such a manner as to reduce the leaching of deleterious substances from the pilings. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6” below the level of the substrate to at least 1’ above the seasonal high water line and shall be maintained over the life of the structure.

8. There shall be no boat repair facilities on any structure that is over the water. No overboard discharges of trash, human or animal waste, or fuel shall occur at the pier.
9. Construction equipment shall not be repaired or refueled in wetlands or other surface waters.
10. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the top of submerged resources) so as to preclude bottom scouring, prop dredging, or damage to submerged resources. Should the shallowness of the work area preclude watercraft access that meets these criteria, then the pier shall be built progressively from the shoreline. Material or equipment not immediately being utilized in progressive building shall not be stored on the unfinished structure and no material or equipment shall be stored on the unfinished structure overnight.
11. There shall be no enclosed sides constructed on the dock.
12. Handrails shall be installed along both sides of the access pier.
13. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is **800-320-0519** (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
14. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit, unless an application for extension is received and approved pursuant to Rule 62-330.320, F.A.C.
15. The mailing address for submittal of forms for the "Construction Commencement Notice" or other correspondence is FDEP, SLERP, 470 Harrison Avenue, Panama City, Florida 32401

SPECIFIC CONDITIONS – OPERATION

16. All future authorized replacement pilings for support of the docking structures and for boat mooring shall be non-chemical-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves in such a manner as to eliminate the leaching of deleterious substances from the pilings into the water column and sediments). The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6" below the level of the substrate to at least 1' above the seasonal high water line and shall be maintained over the life of the structure.
17. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water as to preclude bottom scouring or prop dredging.
18. Handrails shall be maintained for the life of the facility in order to discourage mooring.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" (October 1, 2013), which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request

transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

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 and 258, 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.

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, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, 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 or at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 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, Florida Statutes, 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, Florida Administrative Code.

Extension of Time

Under rule 62-110.106(4), Florida Administrative Code, 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 Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

For Andrew Joslyn
Interim Permitting Program Administrator

Attachments:

- Exhibit 1, Project Drawings and Design Specs., 7 pages
- Exhibit 2, SPGP General Conditions, 3 pages
- Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit/Form 62-330.310(3)

Copies furnished to:

- Sue Maxwell, U.S. Army Corps of Engineers, susanna.r.maxwell@usace.army.mil
 - Amy Kelly, Franklin County Planning & Zoning, amyh@fairpoint.net
 - Ray Eubanks, Department of Economic Opportunity, ray.eubanks@deo.myflorida.com and dcppermits@deo.myflorida.com
 - Kim Wren, FDEP Aquatic Preserves, kim.wren@dep.state.fl.us
 - Tanya McHale, FDEP Northwest District, tanya.mchale@dep.state.fl.us
 - Kevin Easton, Florida Environmental and Land Services, Inc., keaston@felsi.org
 - Elva Peppers, Florida Environmental and Land Services, Inc., elvapeppers@felsi.org
- File

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 January 13, 2016, to the above listed persons.

FILING AND ACKNOWLEDGMENT

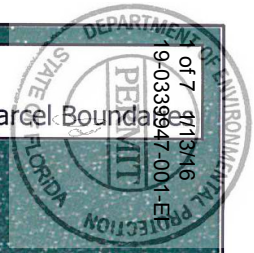
FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Rebecca Hunter

January 13, 2016

Clerk

Date



Parcel Boundary
 Franklin County Parcel Boundary

I-



FDOT AERIALS LEON 2012

FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.

 221-4 DELTA COURT
 TALLAHASSEE, FL 32303
 (850) 385-6255 (850) 385-6355 (FAX)

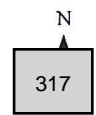
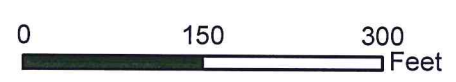
PROJECT:
CARSWELL DOCK

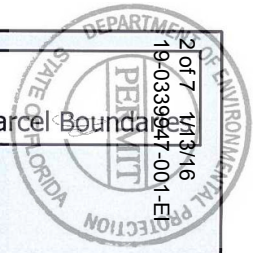
 FRANKLIN COUNTY, FLORIDA



TITLE:
FIGURE 2 AERIAL MAP

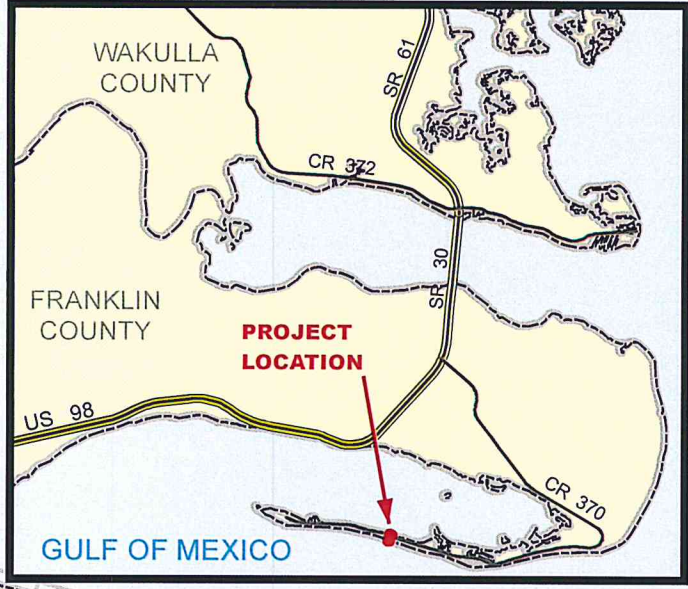
 DATE: JUL-13-2015 BY: KE CHECK: EP FELSI PROJECT # 15-1219

Page: 1
 Of: 1

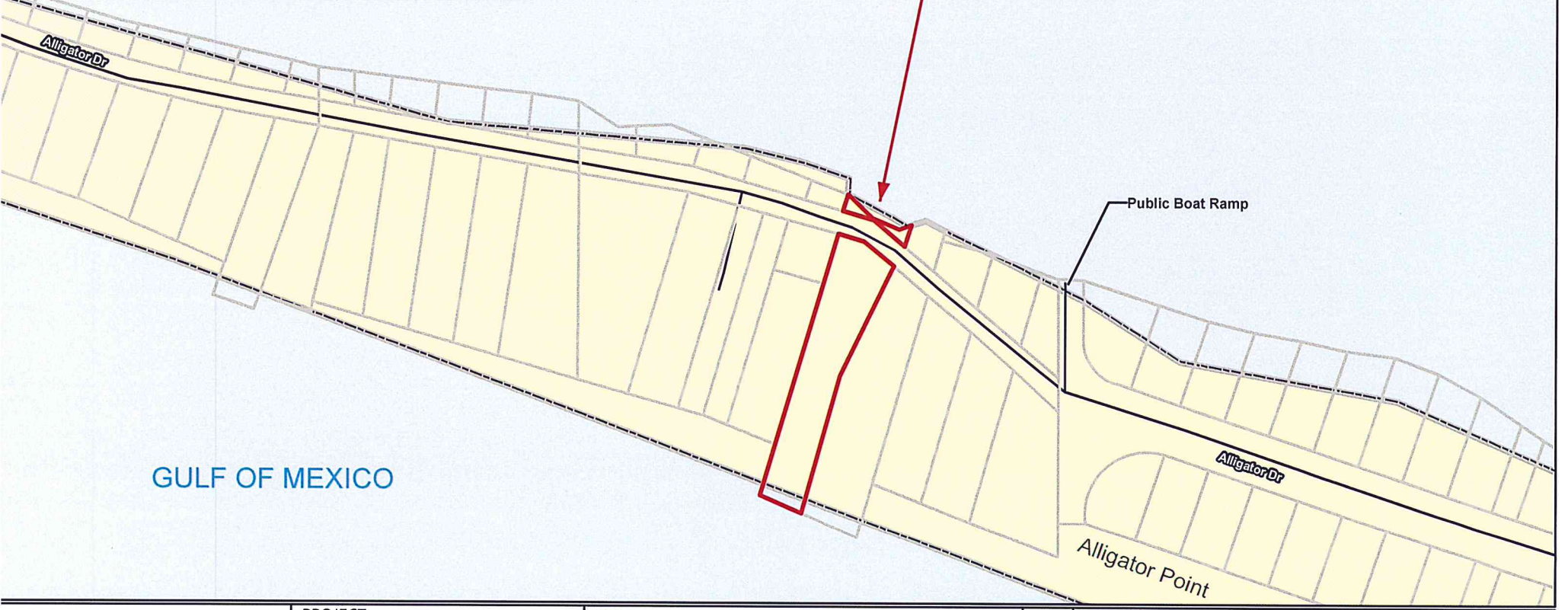




-  Parcel Boundary
-  Franklin County Parcel Boundary



I-



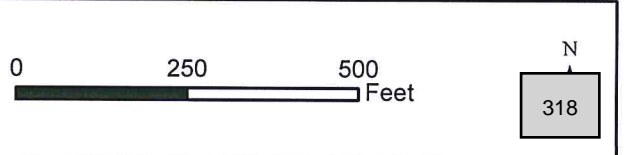
FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255 (850) 385-6355 (FAX)

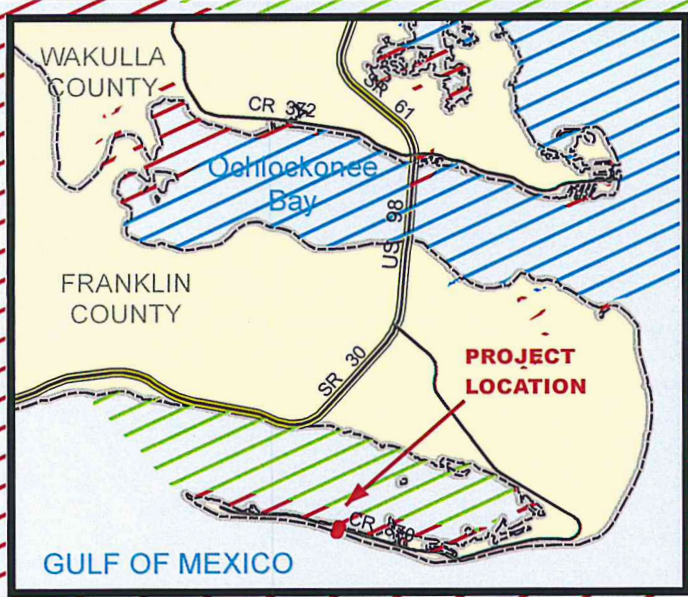
PROJECT:
CARSWELL DOCK
FRANKLIN COUNTY, FLORIDA

TITLE:
FIGURE 1 LOCATION MAP

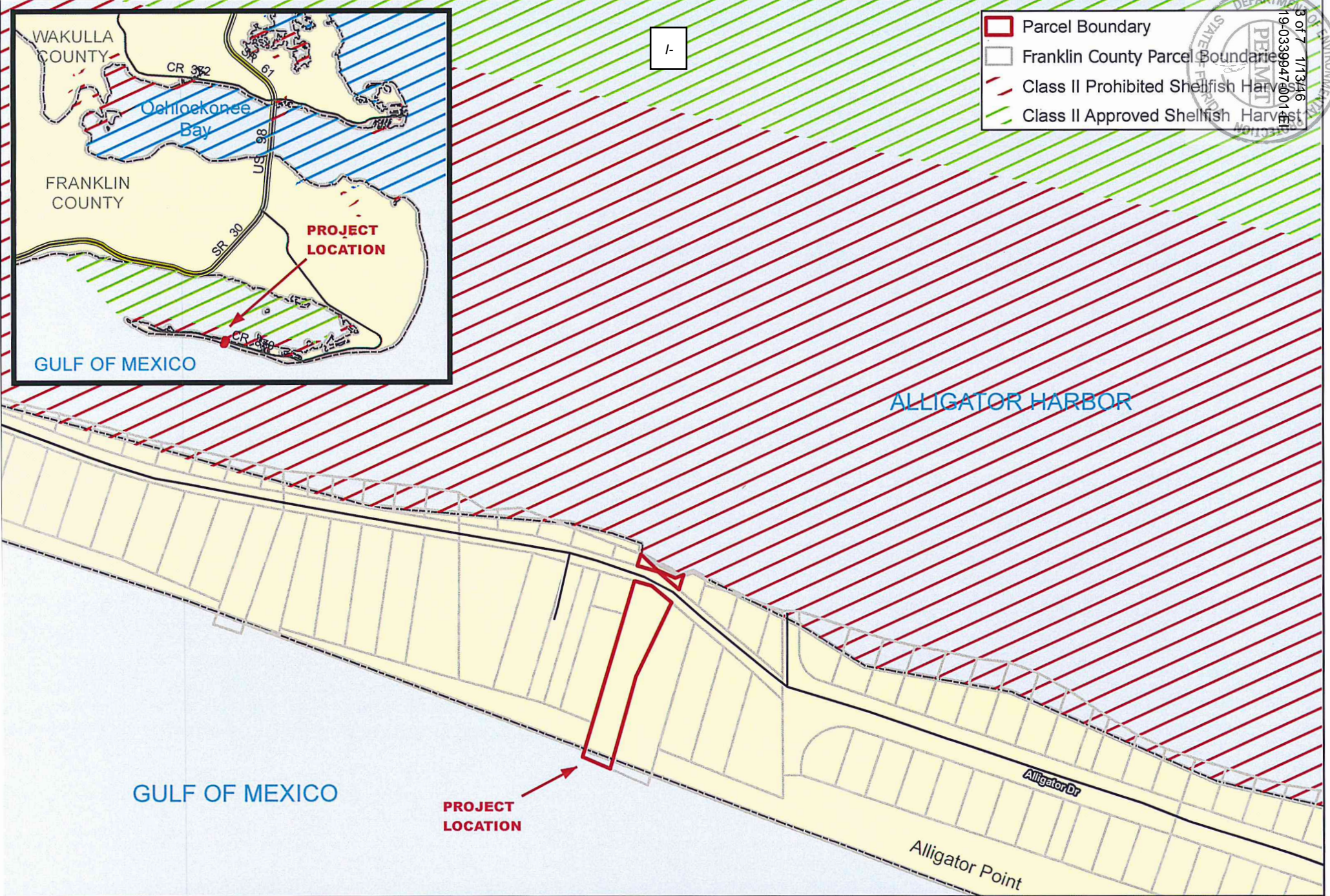
DATE: JUN-24-2015	BY: JLB	CHECK: EP	FELSI PROJECT # 15-1219
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- Parcel Boundary
- Franklin County Parcel Boundaries
- Class II Prohibited Shellfish Harvest
- Class II Approved Shellfish Harvest



FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
 221-4 DELTA COURT
 TALLAHASSEE, FL 32303
 (850) 385-6255 (850) 385-6355 (FAX)

PROJECT:
CARSWELL DOCK
 FRANKLIN COUNTY, FLORIDA

TITLE:
FIGURE 3 SHELLFISH HARVEST

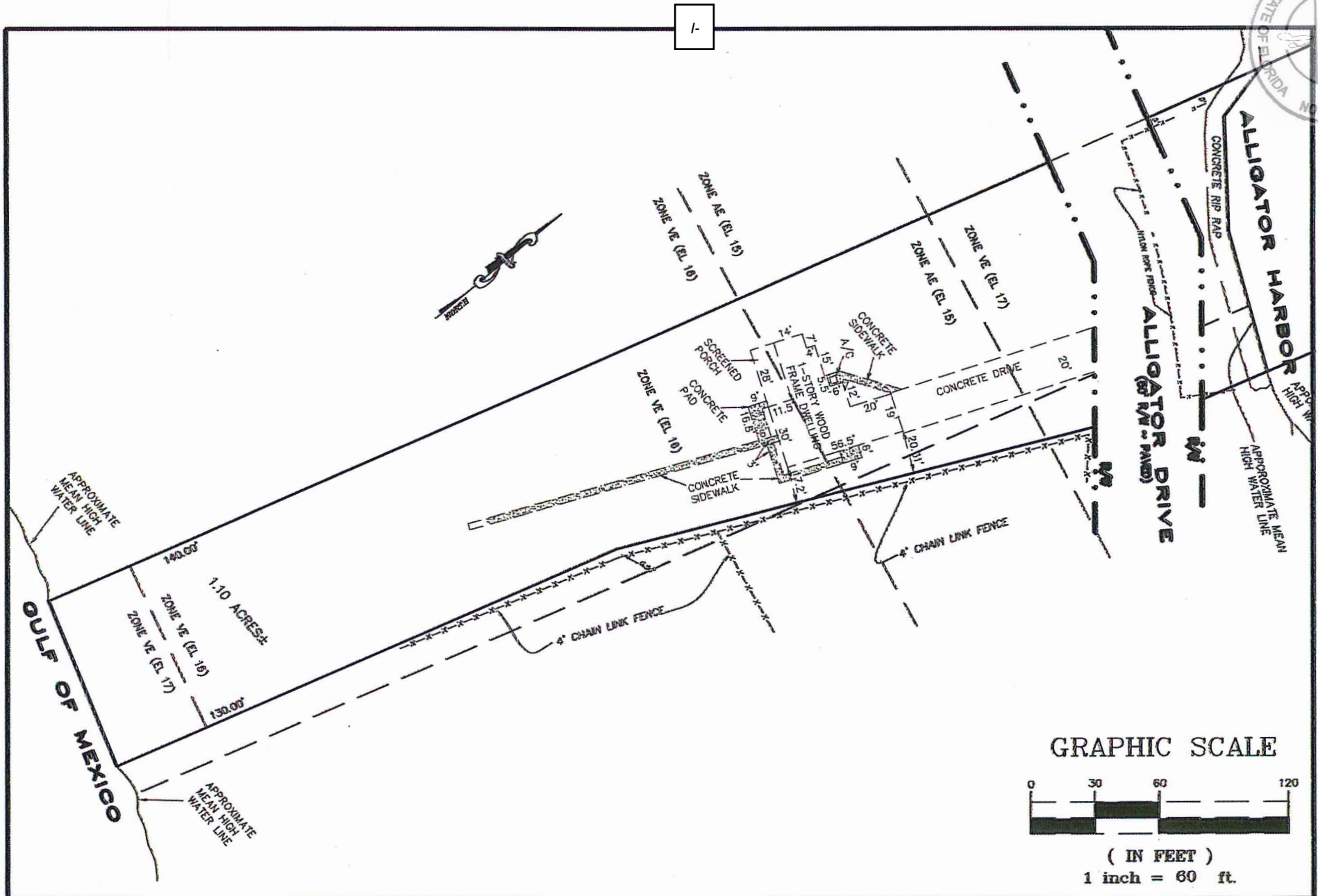
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0 250 500 Feet

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FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
 221-4 DELTA COURT
 TALLAHASSEE, FLORIDA 32303
 850-385-6255 (VOICE) 850-385-6355 (FAX)

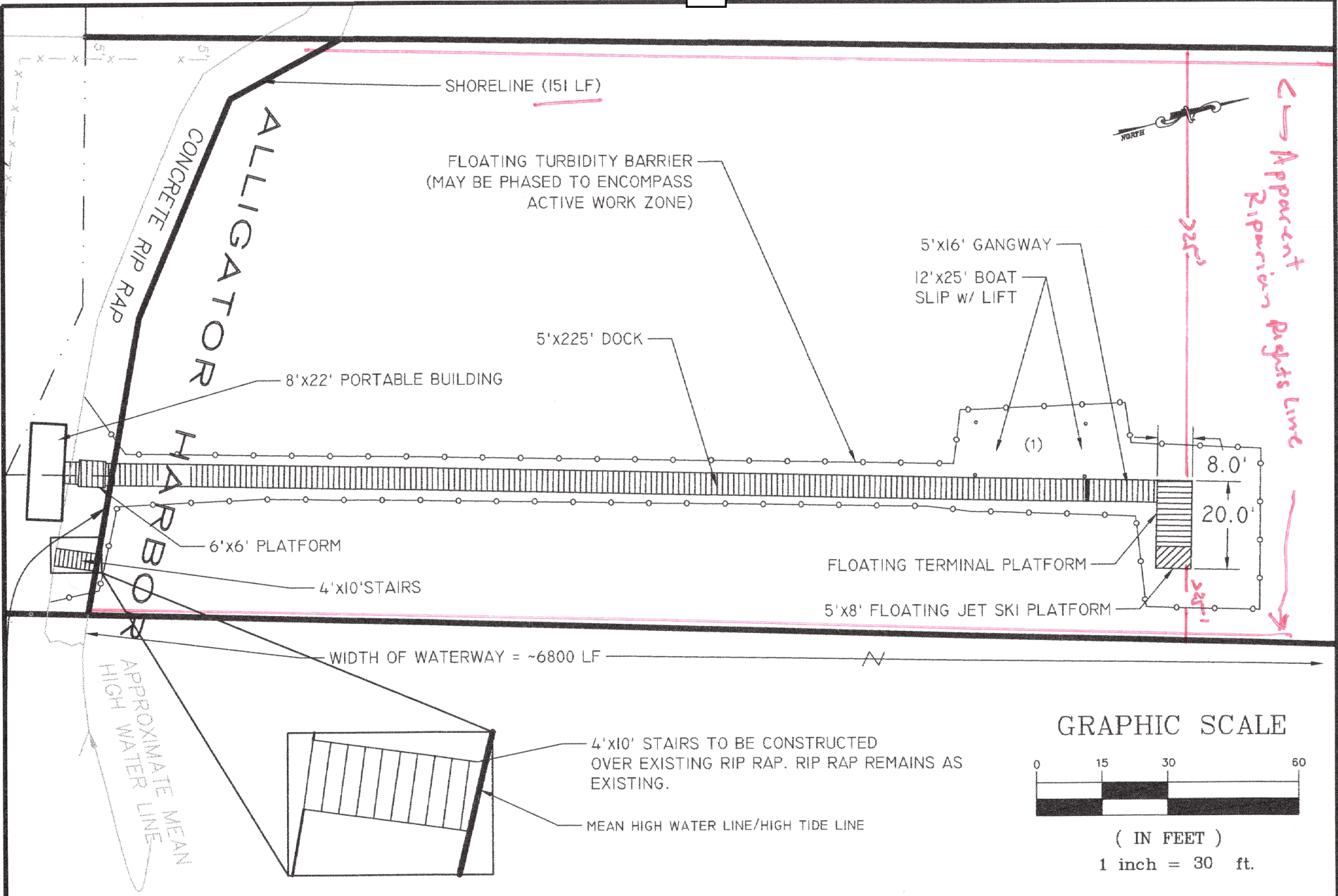
PROJECT
 CARSWELL DOCK
 FRANKLIN COUNTY, FL

TITLE
 PLAN VIEW
 EXISTING CONDITIONS

PAGE:
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DATE 7-14-2015	BY: BCW	CHK: EP	PROJ: 15-1219
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OF: 3



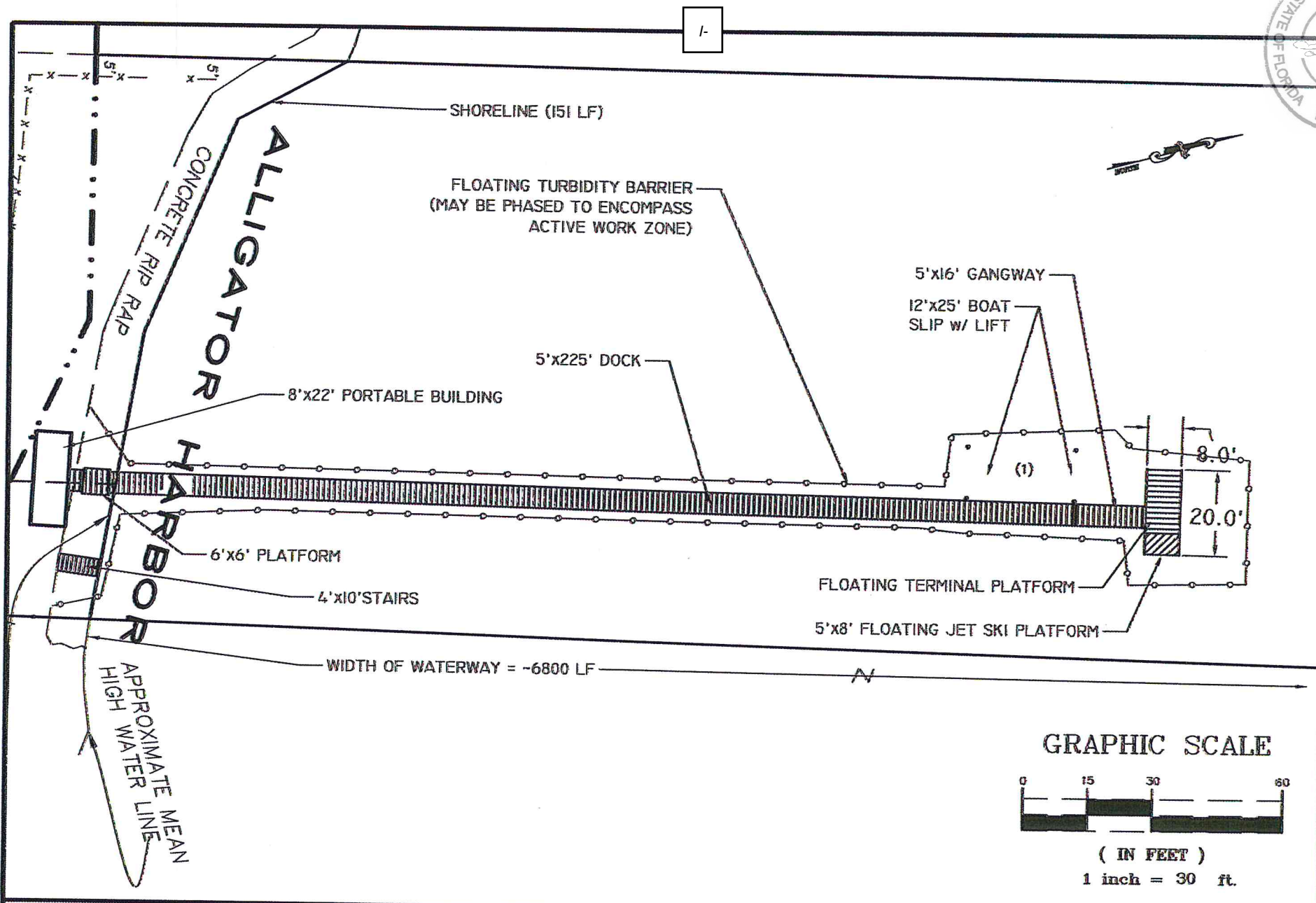
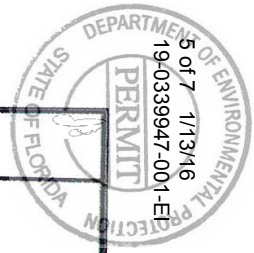
FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
 221-4 DELTA COURT
 TALLAHASSEE, FLORIDA 32303
 850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
DAVIS DOCK
 FRANKLIN COUNTY, FL

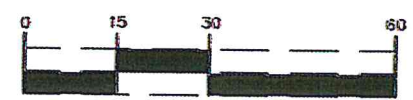
TITLE
DOCK PLAN VIEW
PROPOSED CONDITIONS

DATE 5-13-2020	BY: BCW	CHK: EP	PROJ: 20-1707
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2
OF: 4



GRAPHIC SCALE

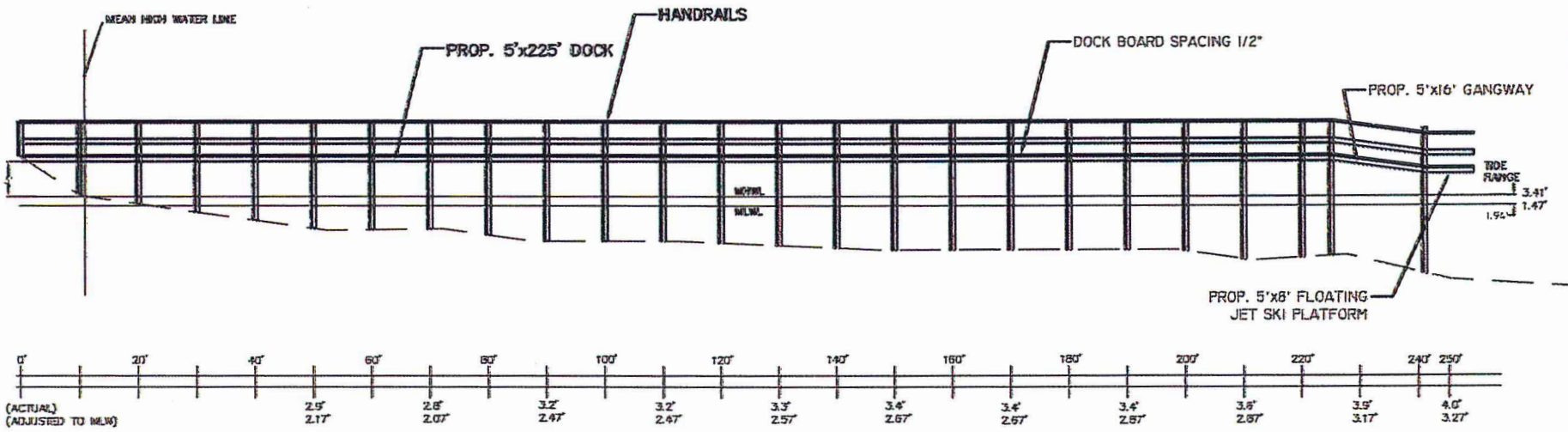


(IN FEET)
1 inch = 30 ft.

FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC. 221-4 DELTA COURT TALLAHASSEE, FLORIDA 32303 850-385-6255 (VOICE) 850-385-6355 (FAX)	PROJECT CARSWELL DOCK FRANKLIN COUNTY, FL	TITLE DOCK PLAN VIEW PROPOSED CONDITIONS				PAGE: 2
		DATE 7-17-2015	BY: BCW	CHK: EP	PROJ: 15-1219	OF: 3

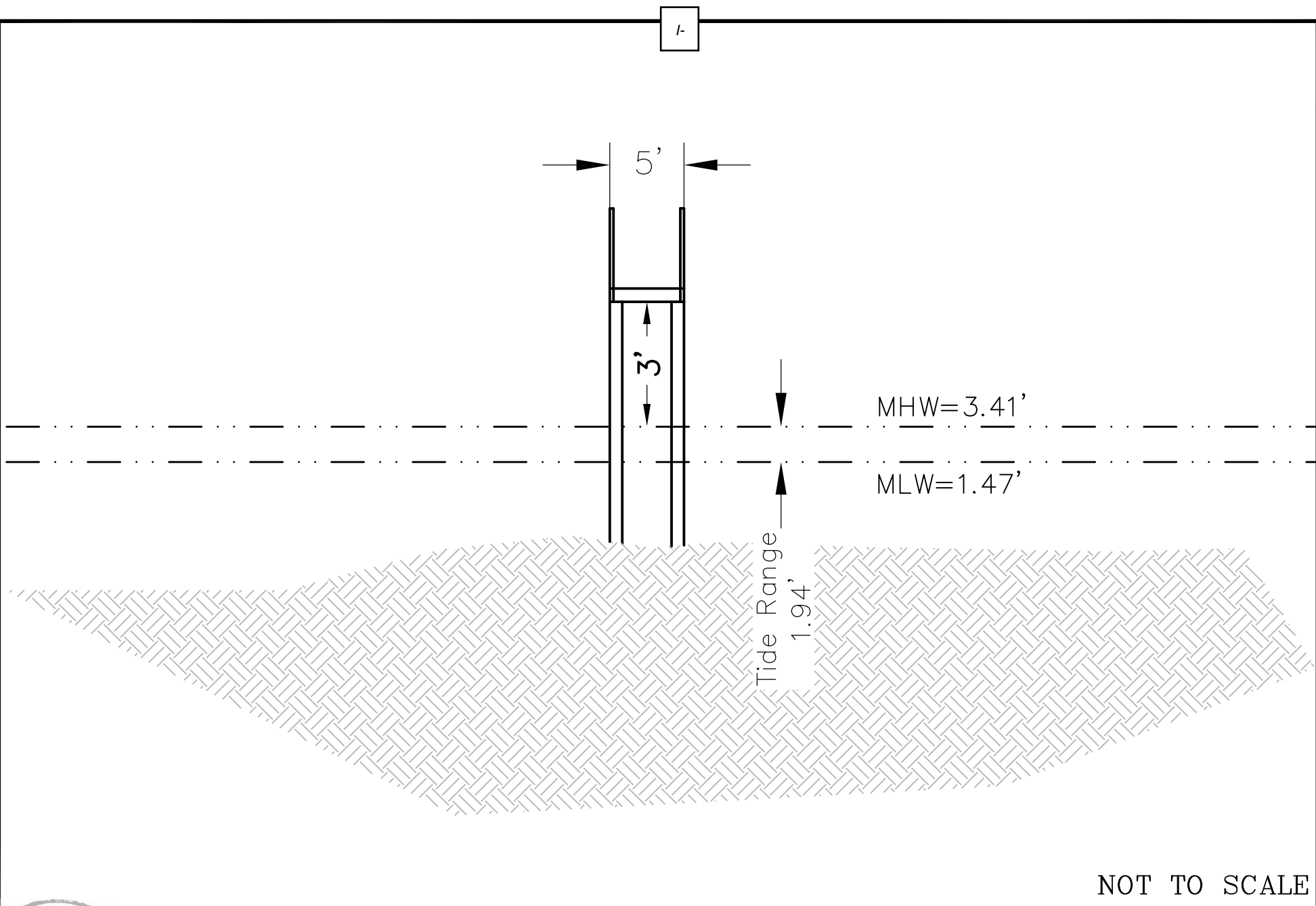


1-



NOT TO SCALE

FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC. 221-4 DELTA COURT TALLAHASSEE, FLORIDA 32303 850-385-6255 (VOICE) 850-385-6355 (FAX)	PROJECT CARSWELL DOCK FRANKLIN COUNTY, FL	TITLE DOCK CROSS SECTION PROPOSED CONDITIONS				PAGE: 3
		DATE: 7-17-2015	BY: BCW	CHK: EP	PROJ: 15-1219	OF: 3



NOT TO SCALE



**FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.**

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
**CARSWELL DOCK
FRANKLIN COUNTY, FL**

TITLE
**PROPOSED CONDITIONS
TYPICAL SECTION**

DATE: 12-21-15	BY: BCW	CHK: EP	PROJ: 15-1219
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PAGE:
1
OF: 1

GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP IV-R1

1. The time limit for completing the work authorized ends on July 25, 2016.
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 and mailing address of the new owner in the space provided below 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.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or Construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant’s Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

1-

CONSTRUCTION COMPLETION AND INSPECTION CERTIFICATION FOR ACTIVITIES ASSOCIATED WITH A PRIVATE SINGLE-FAMILY DWELLING UNIT

Instructions: This form is intended to be used solely by or for the permittee of a private single-family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger plan of development proposed by the applicant/permittee. **Complete the information on this form, sign at the bottom of Page 2, and submit this form within 30 days of the inspection.**

Permit No.: _____ Application No.: _____

Name of Permittee: _____

Location of Project: _____

I HEREBY CERTIFY THAT (please choose accurately and check only one box):

- The undersigned hereby certifies that all components of the structures and **activities authorized by the above permit have been conducted and/or built substantially in accordance with the terms and conditions of the permit**, that the system is functioning as permitted, and that the system is ready for inspection. Any minor deviations (noted below) from the permit will not prevent the system from functioning and operating as designed, subject to routine custodial maintenance. This certification is based upon on-site inspection of the system conducted by me or my designee under my direct supervision and my review of the permit. If the undersigned is not the permittee, I further certify that I am acting for, and on behalf of the permittee.

Upon receipt of this form, and verification by the Permitting Agency that any modifications are noted, the construction phase of this permit shall automatically convert to an operation and maintenance phase.

- The undersigned hereby certifies that I or my designee under my direct supervision has inspected the system located at the above location and have determined that the system **does NOT appear to have been built or conducted substantially in accordance with the permit**, or is not functioning in accordance with the requirements of the permit. One of the following applies:
- The system was constructed or conducted with substantial design changes that are not in conformance with the permit (attach description and permit drawings showing all changes), and either:
- I, the permittee, am aware that additional work is required to bring the system into compliance with the terms and conditions of the permit; or
 - I, the agent inspecting the system on behalf of and for the permittee, have informed the permittee of the following:
 - (a) That the system does not appear to be functioning properly; and
 - (b) That additional construction or work is required to bring the system into compliance.



The following components of the system do not appear to be functioning properly (attach additional pages if needed):

Any components of the system that are not in conformance with the permit must either be brought into compliance with the permit within 30 days of the inspection, or the permittee must request a modification of the permit in accordance with Rule 62-330.315, F.A.C., within 30 days of the inspection. If the modification request is not approved, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S. If modifications are approved and implemented by the permittee, the permittee shall resubmit this form within 30 days of completion of the remedial work on the permitted system.

Name of Inspector: _____ who is: the permittee; the agent for the permittee

Company Name (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Signature of Inspector

Date

If at any time the Permitting Agency determines that the above work or activity was not built or conducted in conformance with the terms and conditions of the permit, the permittee shall be subject to enforcement by the Permitting Agency, and for all measures required to bring the system into compliance with the permit. The permittee shall remain liable for ensuring that that system remains in full and complete compliance with the terms of the permit for the life of the system, unless such permit is transferred in accordance with Rule 62-330.340, F.A.C.

Reset Form

Save & Print

Request to Transfer Environmental Resource Permit

Instructions: To be completed, executed, and submitted by the new owner to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be by letter or e-mail, or through use of this form, and must be sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2013). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No: 19-0339947-001 Application No(s): _____ Acres to be Transferred: _____

Permitted Project: Carswell Dock

Proposed Project Name (if different): DAVIS DOCK

Phase of Project (if applicable): N/A

I hereby notify the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3(d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permittee: Lonnie Joe Davis

Mailing Address: 1529 Alligator Drive

City: Alligator Point

State: FL

Zip: 32346

Telephone: (859) 358-5756

E-mail: lonniejoedavis@gmail.com

Lonnie Davis

09/30/2019 8:40 PM EDT

Signature of Proposed Permittee

Date:

Name and Title



Enclosures:

- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other

This Instrument Prepared by & return to:

Name: W. Crit Smith, Esq.
Susan S. Thompson, Esq.
Frank S. Shaw, III, Esq.

Address: Fourth Floor, 3520 Thomasville Rd.
Tallahassee, Florida 32309
20193212LAW

Parcel I.D. #: R 02-07S-02W-1043-000M-0050

Inst: 201919004504 Date: 10/03/2019 Time: 5:03PM
Page 1 of 4 B: 1250 P: 642, Marcia Johnson,
Clerk of Court Franklin County, By: BM
Deputy Clerk Doc Stamp Deed: 4340.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 1st day of October, A.D. 2019, by **SCOTT S. CARSWELL and JULIA CARLSON CARSWELL, HUSBAND AND WIFE, and MARVIN W. CARLSON, UNREMARIED SURVIVING SPOUSE OF MARGARET B. CARLSON, DECEASED,** hereinafter called the grantors, to **LONNIE JOE DAVIS, A SINGLE MAN and MICHELLE DARPEL, A MARRIED WOMAN, AS JOINT TENANTS WITH FULL RIGHT OF SURVIVORSHIP,** whose post office address is **383 Avawam Drive, Richmond, KY 40475-9193,** hereinafter called the grantee:

(Wherever used herein the terms "grantors" and "grantee" include all the parties to this instrument, singular and plural, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth: That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in **Franklin County, State of Florida,** viz:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.


Subject to taxes for the year 2019 and subsequent years, restrictions, reservations, covenants and easements of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. **To Have and to Hold** the same in fee simple forever.

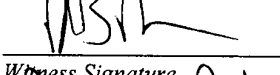
And the grantors hereby covenant with said grantee that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

In Witness Whereof, the said grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness Signature


James Thompson
Printed Name


Witness Signature

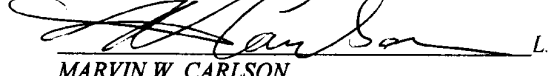
Paul B Parker
Printed Name


L.S.
SCOTT S. CARSWELL

Address: 1051 Seminole Drive, Tallahassee, FL 32301


L.S.
JULIA CARLSON CARSWELL

Address: 1051 Seminole Drive Tallahassee, FL 32301


L.S.
MARVIN W. CARLSON

Address: 3733 Tom John Lane, Tallahassee, FL 32309

State of Florida
County of Leon

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared SCOTT S. CARSWELL and JULIA CARLSON CARSWELL, HUSBAND AND WIFE and MARVIN W. CARLSON, unmarried surviving spouse of MARGARET B. CARLSON, deceased, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same. The Grantor(s) () are personally known to me; or (X) produced

EXHIBIT "A"

A PART OF LOTS 5 AND 6, BLOCK "M", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LOT 5, BLOCK "M", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND THENCE RUN SOUTH 73 DEGREES 56 MINUTES 18 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF ALLIGATOR DRIVE 52.02 FEET TO A CONCRETE MONUMENT, THENCE RUN SOUTH 50 DEGREES 06 MINUTES 07 SECONDS EAST ALONG SAID RIGHT-OF-WAY BOUNDARY 77.50 FEET, THENCE RUN SOUTH 25 DEGREES 39 MINUTES 03 SECONDS WEST 230.84 FEET, THENCE RUN SOUTH 16 DEGREES 03 MINUTES 41 SECONDS WEST 274.90 FEET TO THE APPROXIMATE MEAN HIGHWATER LINE OF THE GULF OF MEXICO, THENCE RUN NORTH 67 DEGREES 28 MINUTES 39 SECONDS WEST ALONG SAID APPROXIMATE MEAN HIGHWATER LINE 85.00 FEET, THENCE RUN NORTH 16 DEGREES 03 MINUTES 42 SECONDS EAST 524.27 FEET TO THE POINT OF BEGINNING.

AND ALSO;

A PART OF LOTS 5 AND 6, BLOCK "N", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 5, BLOCK "N", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND THENCE RUN NORTH 16 DEGREES 03 MINUTES 42 SECONDS EAST 30.77 FEET TO THE APPROXIMATE MEAN HIGHWATER LINE OF ALLIGATOR HARBOR, THENCE RUN ALONG SAID APPROXIMATE MEAN HIGHWATER LINE AS FOLLOWS: SOUTH 48 DEGREES 09 MINUTES 28 SECONDS EAST 64.14 FEET, THENCE SOUTH 68 DEGREES 10 MINUTES 00 SECONDS EAST 55.00 FEET, THENCE NORTH 68 DEGREES 37 MINUTES 58 SECONDS EAST 24.46 FEET, THENCE LEAVING SAID APPROXIMATE MEAN HIGHWATER LINE RUN SOUTH 16 DEGREES 35 MINUTES 36 SECONDS WEST 42.88 FEET TO THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF ALLIGATOR DRIVE, THENCE RUN NORTH 50 DEGREES 06 MINUTES 07 SECONDS WEST ALONG SAID RIGHT-OF-WAY BOUNDARY 76.31 FEET, THENCE RUN NORTH 74 DEGREES 05 MINUTES 40 SECONDS WEST ALONG SAID RIGHT-OF-WAY BOUNDARY 61.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE PROPERTY IS ALSO DESCRIBED AS:

Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

PO Box 100
 125 Sheldon Street
 Sopchoppy, Florida 32358
 USA

Phone: 850-962-2538
 Fax: 850-962-1103

September 30, 2019

Legal Description of a 1.17 Acre Tract
 Certified To: Lonnie Davis,
 Smith, Thompson, Shaw, Minacci, Colon & Power, P.A.,
 First American Title Insurance Co.

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 5J-17.051, Florida Administrative Code).

A portion of Lots 5 & 6, Block "M" Peninsular Point Unit No: 3, a subdivision as per map or plat thereof recorded in Plat Book 1, Page 22, of the Public Records of Franklin County, Florida and being more particularly described as follows:

Begin at a concrete monument marking the Northwest corner of Lot 5, Block "M" of said Peninsular Point Unit No: 3 said point also lying on the Southerly right-of-way boundary of Alligator Drive. From said POINT OF BEGINNING run South 73 degrees 56 minutes 18 seconds East along said right-of-way boundary 52.00 feet to a concrete monument, thence run South 50 degrees 06 minutes 01 seconds East along said right-of-way boundary 77.49 feet to a re-rod, thence leaving said right-of-way boundary run South 25 degrees 41 minutes 26 seconds West 230.92 feet to a re-rod (marked #6475), thence run South 16 degrees 07 minutes 13 seconds West 251.68 feet to a point lying on the approximate mean high water line of the Gulf of Mexico, thence run North 68 degrees 26 minutes 54 seconds West along said mean high water line a distance of 84.83 feet, thence leaving said mean high water line run North 16 degrees 06 minutes 46 seconds East 502.55 feet to the POINT OF BEGINNING containing 1.09 acres more or less.

AND ALSO:

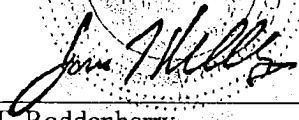
A portion of Lots 5 & 6, Block "N" Peninsular Point Unit No: 3, a subdivision as per map or plat thereof recorded in Plat Book 1, Page 22, of the Public Records of Franklin County, Florida and being more particularly described as follows:

1.17 ac. trt. (Con't)

Begin at a re-rod (marked #7160) marking the Southwest corner of Lot 5, Block "N" of said Peninsular Point Unit No: 3 said point also lying on the Northerly right-of-way boundary of Alligator Drive. From said POINT OF BEGINNING and leaving said right-of-way boundary run North 15 degrees 49 minutes 45 seconds East 57.98 feet to a point lying on the approximate mean high water line of Alligator Harbor, thence run South 13 degrees 25 minutes 11 seconds East along said mean high water line 28.65 feet, thence run South 52 degrees 26 minutes 29 seconds East along said mean high water line 54.19 feet, thence run South 65 degrees 01 minutes 57 seconds East 68.47 feet, thence leaving said mean high water line run South 16 degrees 35 minutes 36 seconds West 32.97 feet to a re-rod (marked #7160) lying on the Northerly right-of-way boundary of Alligator Drive, thence run North 50 degrees 06 minutes 01 seconds West along said right-of-way boundary 76.31 feet to an iron rod and cap (marked #7160), thence run North 74 degrees 05 minutes 34 seconds West along said right-of-way boundary 61.71 feet to the POINT OF BEGINNING containing 0.08 acres more or less.

The aggregate of the above described parcels being 1.17 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.



James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261

04-965



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

May 14, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-01669(GP-LSL)

Mr. Lonnie Davis
383 Avawam Drive
Richmond, Kentucky 40475

Dear Mr. Davis:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 17, 2020, the file number SAJ-2020-01669. A review of the information and drawings provided indicates that the proposed work will result in the construction of a single family dock with a 12' by 25' boat slip with lift. The project consists of a 5' wide by 225' long access walkway, constructed 3' above mean high water, extending out to an 8' long by 15' wide floating terminal platform with a 5' by 8' floating jet ski platform. The platform will be accessed by a 5' wide and 16' long gangway. The structure will have handrails or guard runners spanning the entire perimeter to ensure safety. The construction of a 4' by 10' set of wooden stairs is proposed on the eastern edge of the property to allow for beach access. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 1529 Alligator Drive in Section 2, Township 7 south, Range 2 west, Alligator Point, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to

enforcement action. The following project-specific conditions are included with this authorization:

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

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

The Permittee shall reference this permit number, SAJ-2020-01669 (GP - LSL), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

3. 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 (Attachment B) 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.

4. 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 Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. 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.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. 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.

8. 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 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

9. Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment C).

10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

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

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware

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this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Lisa S. Lovvorn
Project Manager

Enclosures

cc:

Mr. Aaron Sarchet, FELSI

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-01669(GP-LSL)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

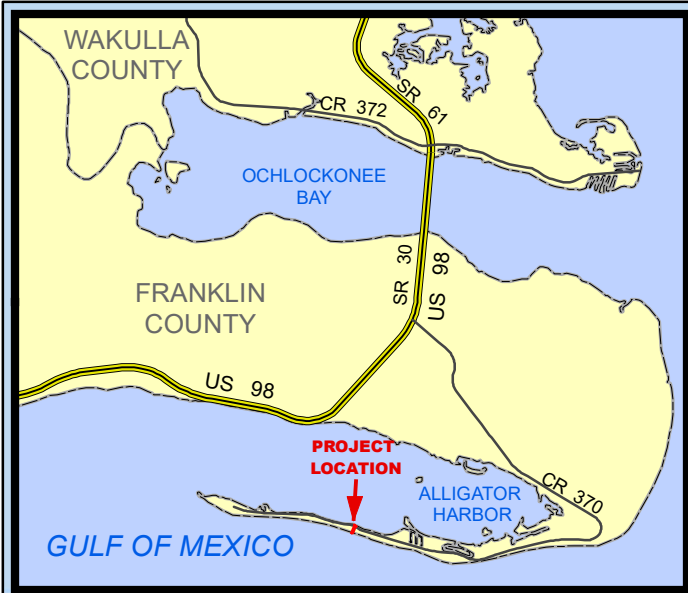
(BLOCK)

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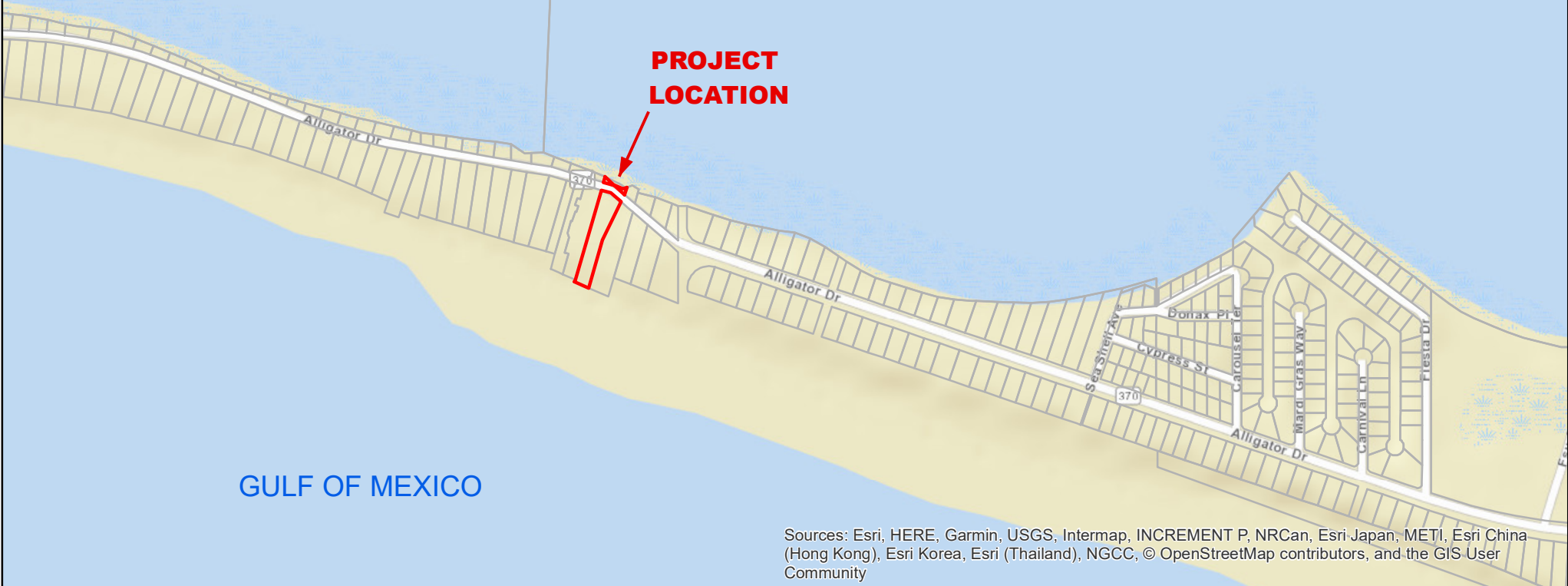
(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



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ALLIGATOR HARBOR



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.

221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255 (850) 385-6355 (FAX)

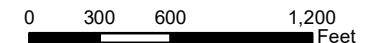
PROJECT:
Carswell Dock
FRANKLIN COUNTY, FLORIDA

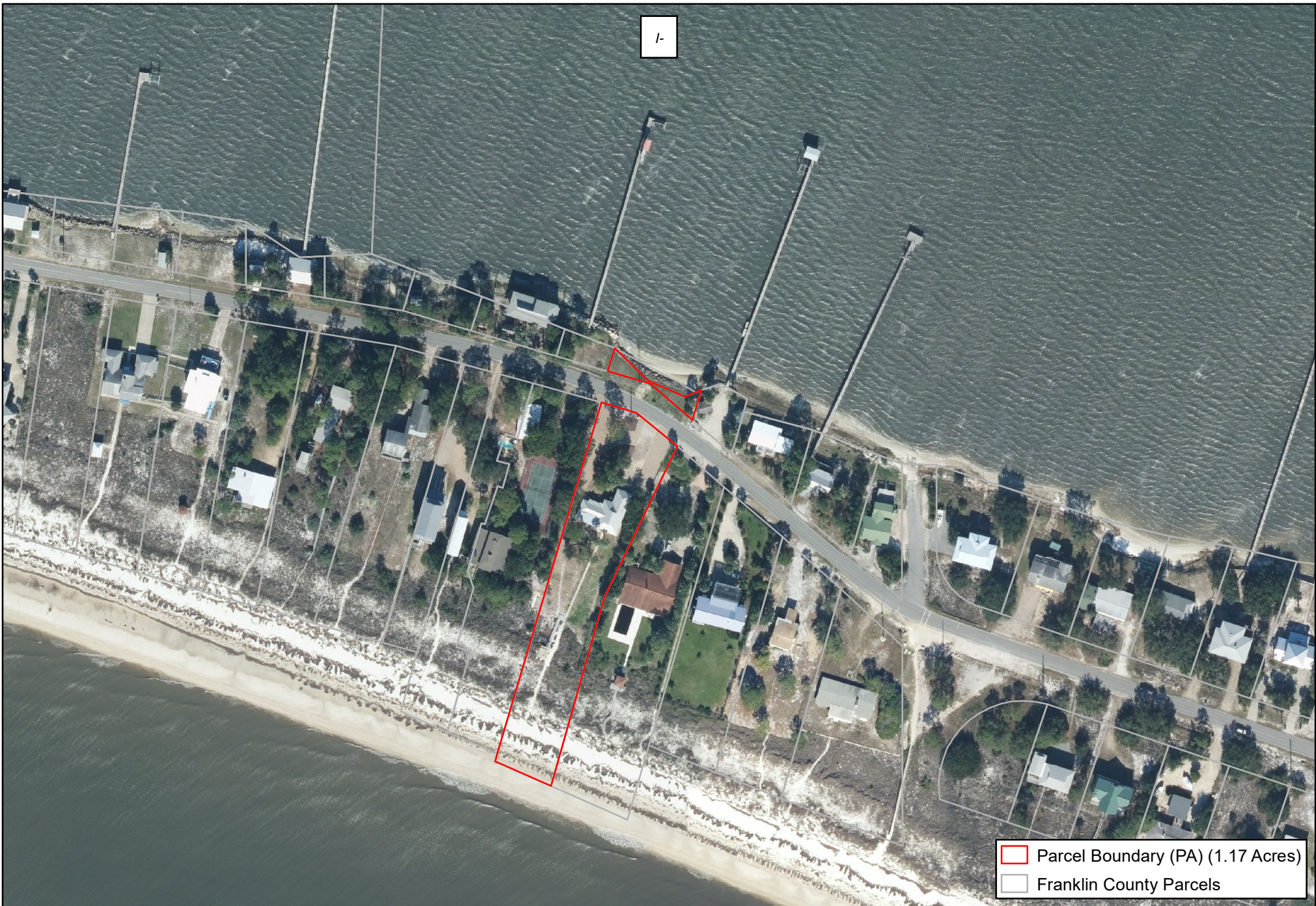
TITLE:
Figure 1- Location Map

DATE: SEP-13-2019	BY: JLB	CHECK: EP	FELSI PROJECT # 15-1219A
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- ▭ Parcel Boundary (PA) (1.17 Acres)
- Franklin County Parcels





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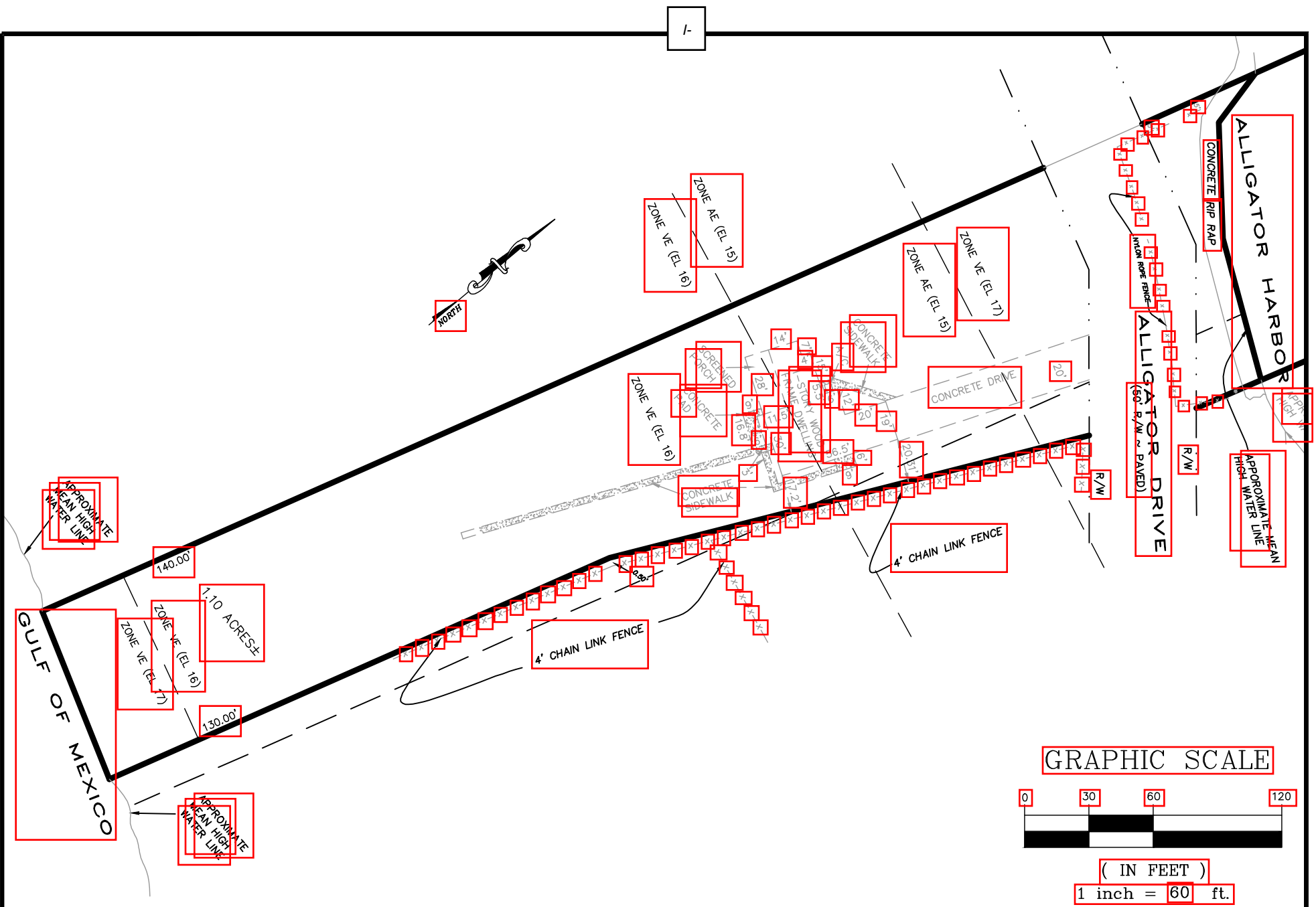
Parcel Boundary (PA) (1.17 Acres)
 Franklin County Parcels

**FLORIDA ENVIRONMENTAL
AND LAND SERVICES, INC.**
 221-4 DELTA COURT
 TALLAHASSEE, FL 32303
 (850) 385-6255 (850) 385-6355 (FAX)

PROJECT:
Carswell Dock
 FRANKLIN COUNTY, FLORIDA

TITLE:
Figure 2 - Aerial Map
 DATE: SEP-13-2019 BY: JLB CHECK: EP PROJECT # 15-1219A

0 75 150 300 Feet
 FDOT AERIALS FRANKLIN 2016
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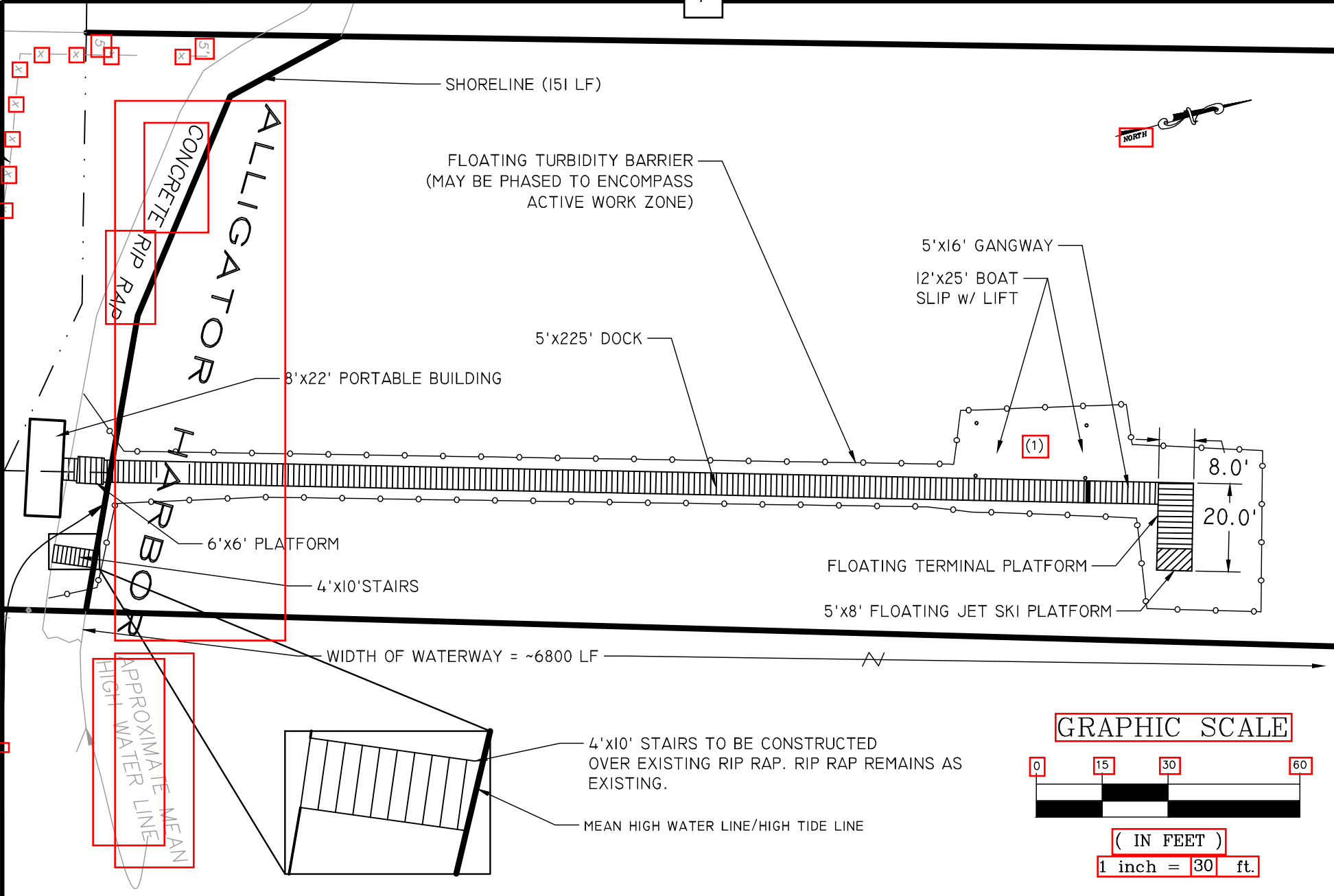
FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
 221-4 DELTA COURT
 TALLAHASSEE, FLORIDA 32303
 850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
DAVIS DOCK
 FRANKLIN COUNTY, FL

TITLE
PLAN VIEW
EXISTING CONDITIONS

DATE 5-13-2020 **BY:** BCW **CHK:** EP **PROJ:** 20-1707

PAGE:
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OF: 4



FLORIDA ENVIRONMENTAL

AND

LAND SERVICES, INC.

221-4 DELTA COURT

TALLAHASSEE, FLORIDA 32303

850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

DAVIS DOCK

FRANKLIN COUNTY, FL

TITLE

DOCK PLAN VIEW
PROPOSED CONDITIONS

DATE

5-13-2020

BY:

BCW

CHK:

EP

PROJ:

20-1707

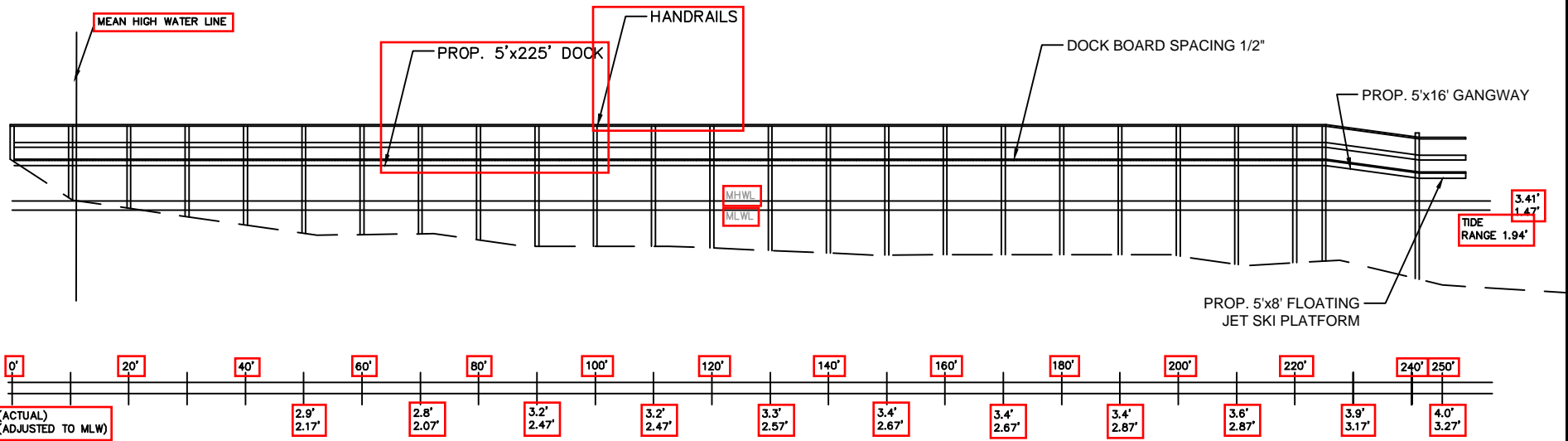
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OF:

4

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NOT TO SCALE

**FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.**

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

**DAVIS DOCK
FRANKLIN COUNTY, FL**

TITLE

**DOCK CROSS SECTION
PROPOSED CONDITIONS**

DATE:

5-13-2020

BY:

BCW

CHK:

EP

PROJ:

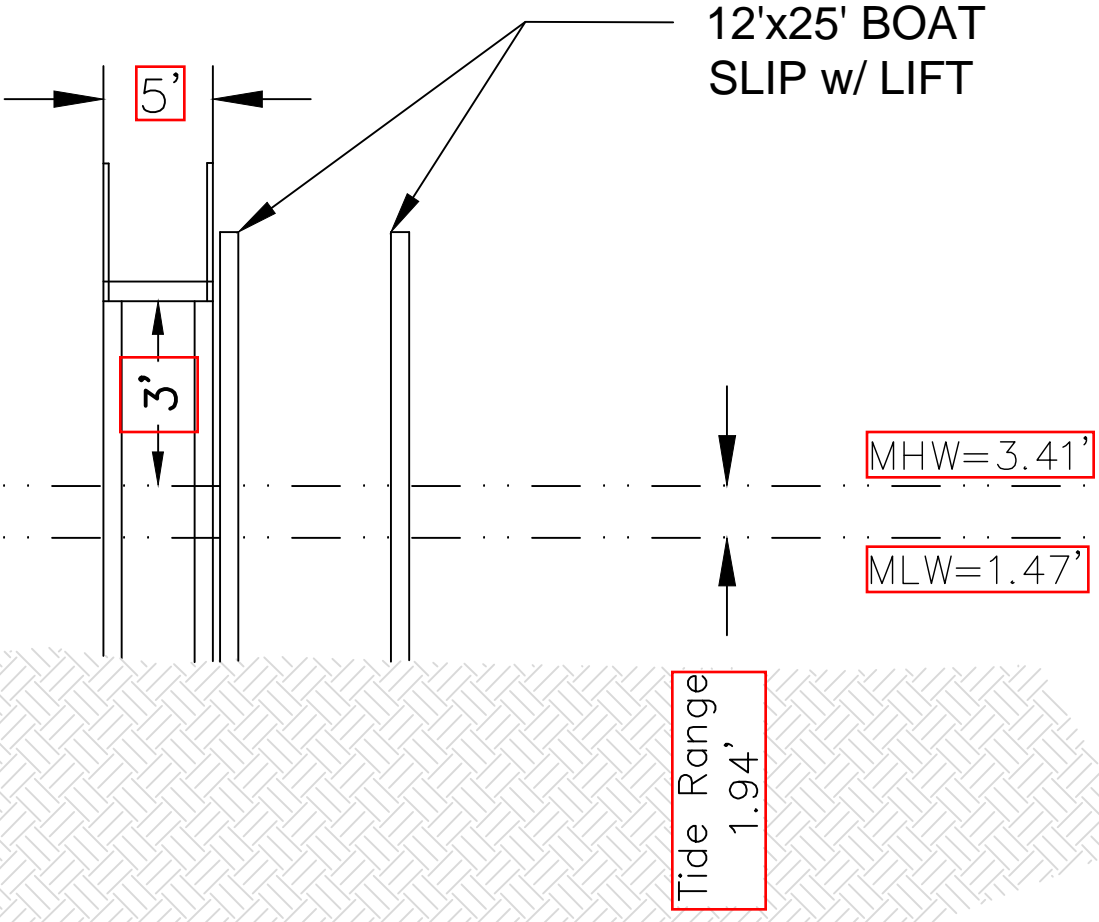
20-1707

PAGE:

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OF: 4

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NOT TO SCALE

FLORIDA ENVIRONMENTAL

AND

LAND SERVICES, INC.

221-4 DELTA COURT

TALLAHASSEE, FLORIDA 32303

850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

DAVIS DOCK

FRANKLIN COUNTY, FL

TITLE

PROPOSED CONDITIONS
TYPICAL SECTION

DATE: 5-13-2020

BY: BCW

CHK: EP

PROJ: 20-1707

PAGE:

4

OF: 4

COMMENCEMENT NOTIFICATION

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

1. Department of the Army Permit Number: SAJ-2020-01669(GP-LSL)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-01669(GP-LSL)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

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

7. **Describe Mitigation completed (if applicable):** _____

8. **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

Printed Name of Permittee

/-

Date

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.
- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.
- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson's seagrass:

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.
- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below)*.

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.
- A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
- A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).
- A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- A2.6.** Chickees must be less than 500 ft² and support no more than 2 slips.
- A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.
- A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>
- A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. Creating a pilot hole for any type of pile using an auger or drop punch
 - b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 - c. Installing any type of piles and sheet piles by jetting.
6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-3 above, and
 - b. Installing any type of piles and sheet piles by vibratory hammer.
7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-4 above, and
 - b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Attachment X

North Atlantic Right Whale Federal Regulations Information Handout

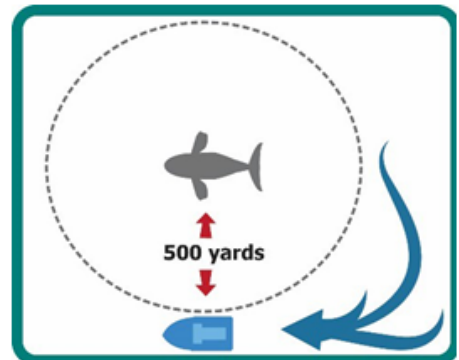
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel
- (ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov



DOCK PERMIT APPLICATION

FRANKLIN COUNTY BUILDING DEPARTMENT
 34 Forbes Street, Suite 1, Apalachicola, Florida 32320
 Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____

FEE: \$ _____

C.S.I : \$ _____

TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
 VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:
 ISSUANCE DATE: _____ EXPIRES: _____

EXISTING HOUSE: Yes No

DEP PERMIT: Yes No

ARMY COE PERMIT: Yes No

APPROVED: Yes No

APPLICATION MUST BE COMPLETE:

Property Owner/s: Rudy Rowe

Contact Information: Home #: 850-251-3080 Cell #: 850-562-5742

Mailing Address: 1701 Hermitage Blvd #100 City/State/Zip: Tallahassee

EMAIL Address: _____ RRR @ Southlandcontracting.com

Contractor Name: Rudy Rowe Business Name: Rowe Companies, Inc.

Contact Information: Office #: 850-562-8278 x3 Cell #: 850-562-3080

State License #: _____ County Registration #: _____

Mailing Address: 1843 Commerce Blvd City/State/Zip: Midway FL 32343

EMAIL Address: _____ RRR @ Southlandcontracting.com

PROPERTY DESCRIPTION: 911 Address: 309 Grand Street St. George Island 32328

Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____

Parcel Identification #: 29-095-06W-7315-0051-0050

JURISDICTION: Franklin County City of Apalachicola City of Carrabelle
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

SINGLE FAMILY DOCK/PIER **MULTI-FAMILY DOCK/PIER** **COMMERCIAL**

DESCRIPTION: 300 sq ft single family dock 5 ft by 28 ft access pier
8 ft by 20 ft terminal Platform, and 10ft by 20ft boat slip w/ lift

ZONING DISTRICT: _____ CONTRACT COST: _____

TOTAL SQUARE FOOT: 300 FOUNDATION TYPE: _____

ROOF MATERIAL: No Roof

APPROVED BY: Planning & Zoning Date: _____ County Commissioners Date: _____
 City of Carrabelle Date: _____ City of Apalachicola Date: _____

WATER BODY: unnamed canal

CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

 BUILDING OFFICIAL Date OWNER (Required) 05/29/20 Date CONTRACTOR (Required) Date



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 26, 2020

West Haven Mortgage, LLC
c/o Mr. Rudy Rowe
1701 Hermitage Blvd.
Tallahassee, Florida 32308
rrr@southlandcontracting.com

File No.: 0386484-002-EE/19, Franklin County

Dear Mr. Rowe:

On June 3, 2020, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock measuring 1,000 square feet or less of over-water surface area within a manmade canal, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 309 Gander Street, St. George Island, Florida 32328, Parcel No. 29-09S-06W-7315-0051-0050, in Section 29, Township 9-South, Range 6-West in Franklin County; 29°39'49.0436" North Latitude, -84°52'13.6953" West Longitude.

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

Your project did not qualify for the federal review portion(s) of this verification request.

Additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

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

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.) *or* under Section

403.813(1)(b), Florida Statutes (F.S.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

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

2. Proprietary Review – Not Required

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

3. Federal Review – SPGP Not Approved

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

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Tanya Alvarez McHale at the letterhead address, at (850)595-0614, or at tanya.mchale@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Tanya Alvarez McHale
Environmental Consultant
Submerged Lands and Environmental Resources Program

Attachments:

- 1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
- 2. Standard Manatee Conditions for In-Water Work, 2 pages
- 3. Project Drawings, 5 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

- Aaron Sarchet, FELSI, asarchet@felsi.org
- Daniel Manausa, danny@manausalaw.com
- Wade Dandridge, DEP, Wade.Dandridge@floridadep.gov
- Ann Lazar, DEP, Ann.Lazar@floridadep.gov
- Kim Wren, DEP, Kim.Wren@floridadep.gov
- Jennifer Harper, DEP, Jennifer.Harper@floridadep.gov
- Jonathan Brucker, DEP, Jonathan.Brucker@floridadep.gov
- Franklin County, michael@franklincountyflorida.com

FILING AND ACKNOWLEDGMENT

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

Clerk

June 26, 2020
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

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

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity’s activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;

4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

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

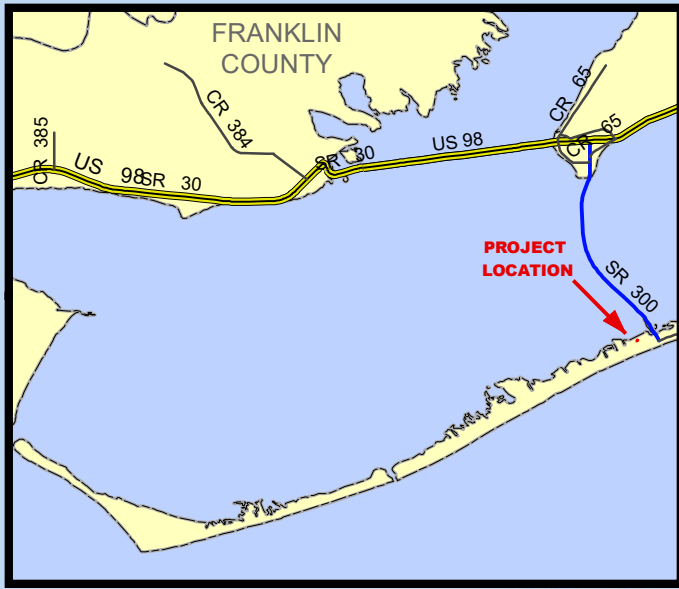
Report any collision with or injury to a manatee:



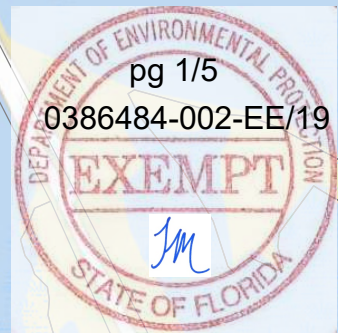
Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



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**PROJECT
LOCATION**



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



PROJECT:
309 Gander Street
FRANKLIN COUNTY, FLORIDA

TITLE:
Figure 1- Location Map

DATE: 3/9/2020	BY: NC	CHECK: EP	FELSI PROJECT # 19-1641
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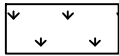
Parcel Boundary

0 180 360 720 1,080 1,440 Feet

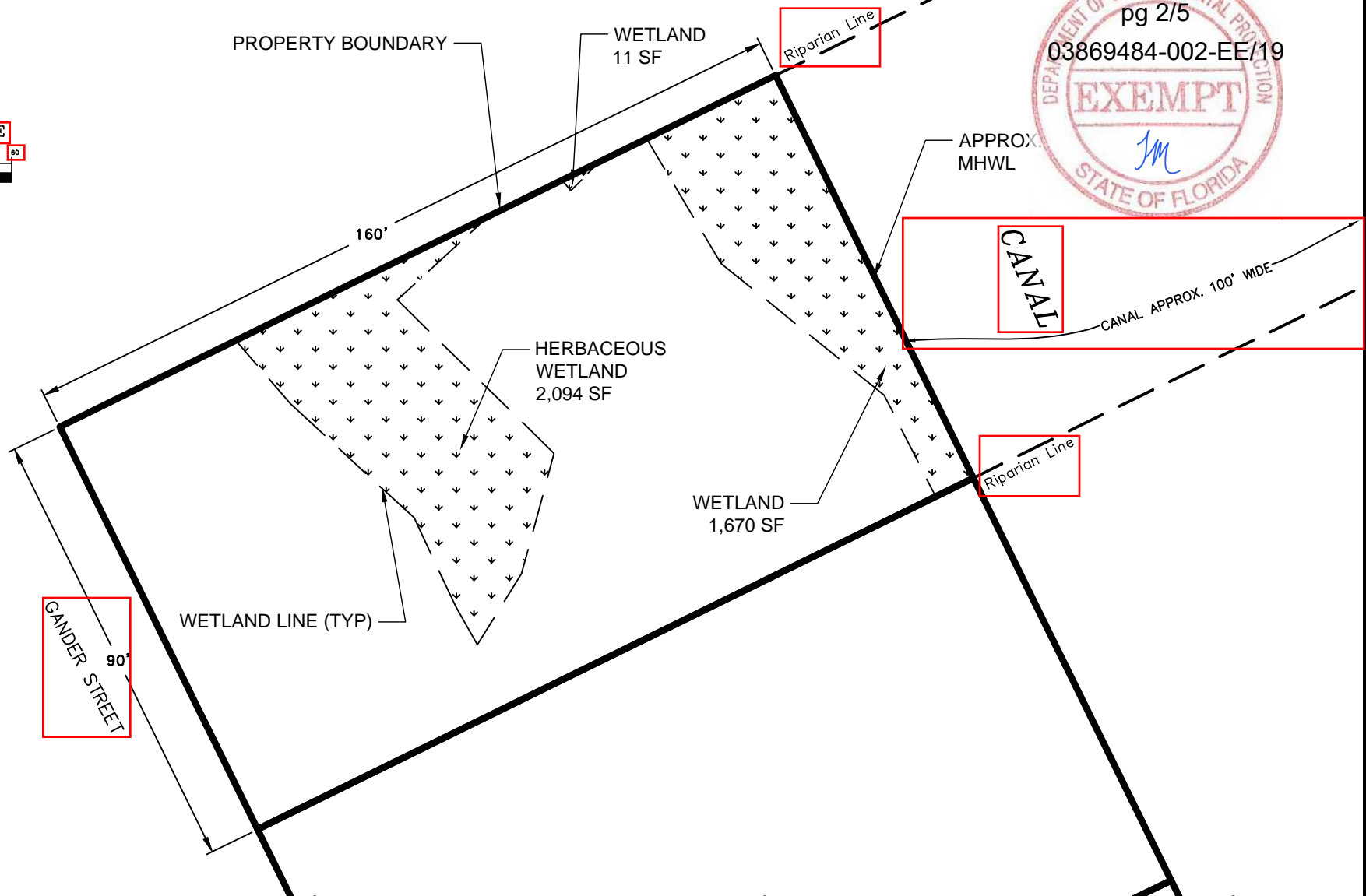
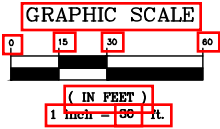
PIN # 29-09S-06W-7315-0051-0050

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EX. WETLANDS
(3,775 SF, 0.09 AC)



Florida Environmental
& Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303

850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
EXISTING CONDITIONS

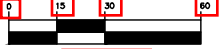
DATE 5-29-2020 **BY:** BCW **CHK:** EP **PROJ:** 19-1641

PAGE:
1
OF: 4

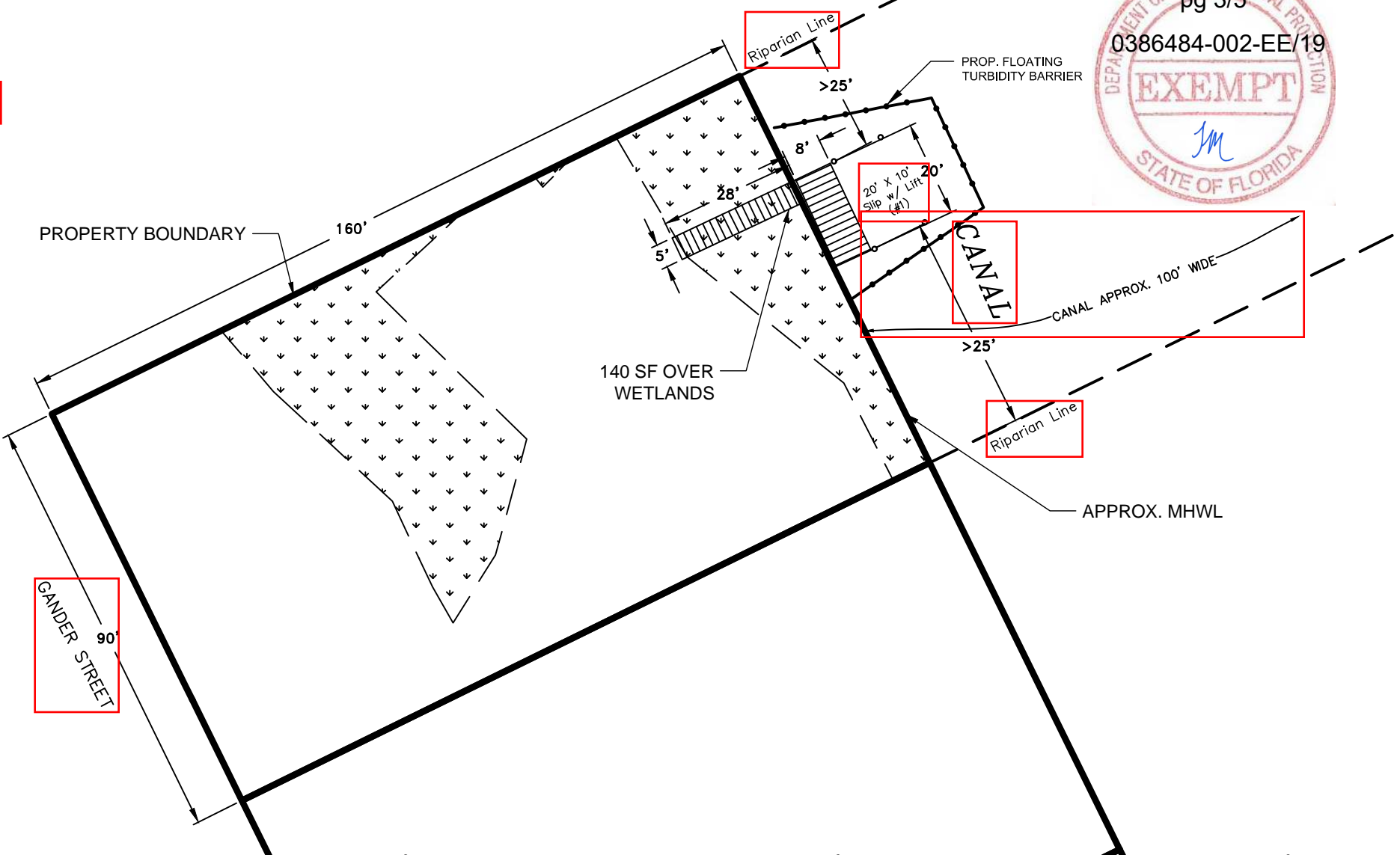
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GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



 Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

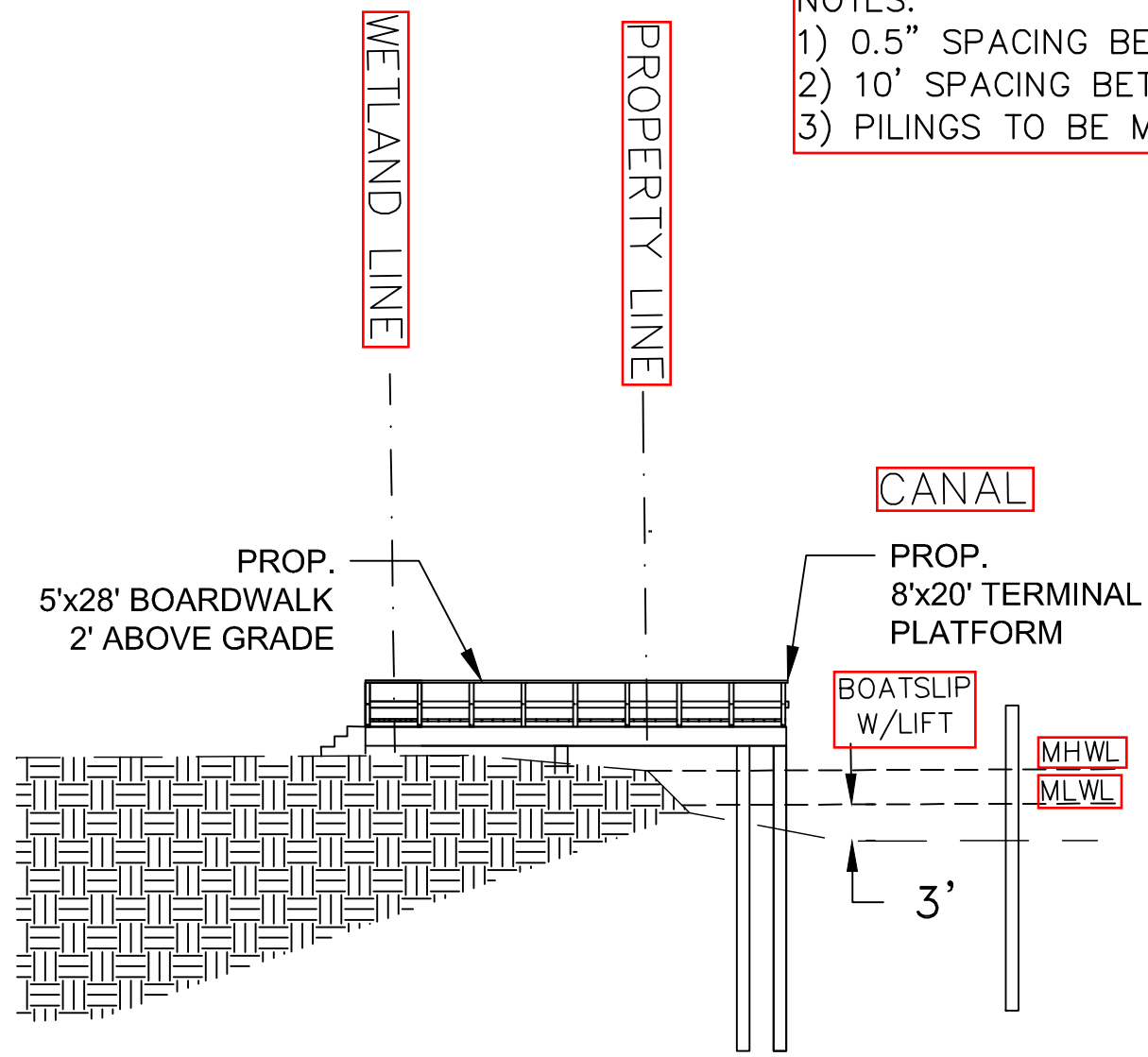
PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
PROPOSED CONDITIONS
DATE 5-29-2020 BY BCW CHK EP PROJ 19-1641

PAGE: 2 OF: 4 379

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- NOTES:
- 1) 0.5" SPACING BETWEEN BOARDS
 - 2) 10' SPACING BETWEEN PILINGS
 - 3) PILINGS TO BE MARINE TREATED WOOD



N.T.S



Florida Environmental
& Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303

850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
SECTION VIEW
~~PROPOSED CONDITIONS~~

DATE 5-29-2020 **BY:** BCW **CHK:** EP **PROJ:** 19-1641

PAGE:
3

OF: 4

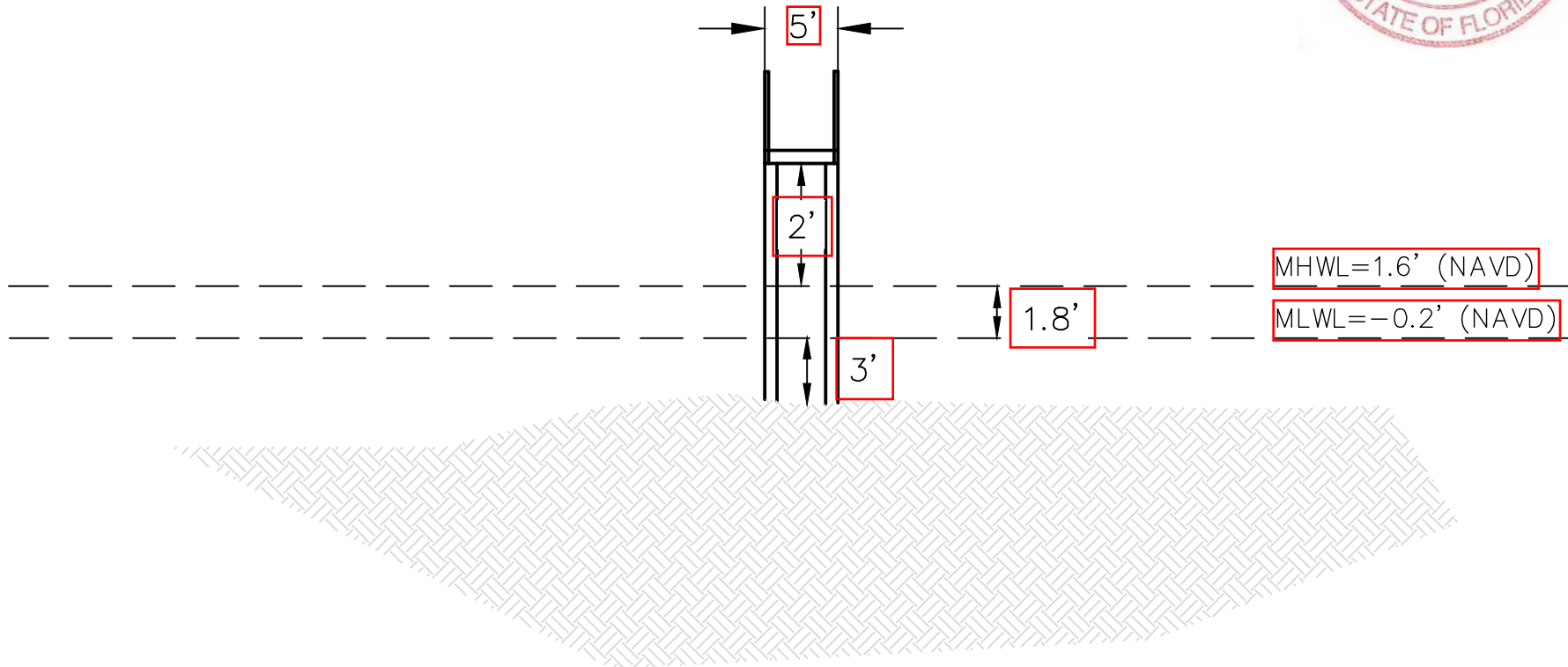
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pg 5/5

0386484-002-EE/19



N.T.S



Florida Environmental & Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303

850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE

TYPICAL SECTION
PROPOSED CONDITIONS

DATE

5-29-2020

BY:

BCW

CHK:

EP

PROJ:

19-1641

PAGE:

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OF: 4

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

May 26, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-01671(NWGP-LSL)

Mr. Rudy Rowe
West Haven Mortgage, LLC
1701 Hermitage Boulevard, Suite 100
Tallahassee, Florida 32308

Dear Mr. Rowe:

Your application for a Department of the Army permit received on April 3, 2020, has been assigned number SAJ-2020-01671. A review of the information and drawings provided shows the proposed work is to fill 0.0389 acre of herbaceous wetland for a single family residential pad and to construct a 300 square foot single family dock in a manmade canal. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in Apalachicola Bay at 309 Gander Street in Section 29, Township 9 south, Range 6 west, St. George Island, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 18. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is:

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

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit

authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 18. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

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

The Permittee shall reference this permit number, SAJ-2020-01671(NW/GP - LSL), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

3. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form (Attachment B) 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.

4. 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 Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. 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.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. 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.

8. Wetland Avoidance Areas: The Permittee shall avoid the remaining 0.09 acre of onsite wetlands, as detailed on Drawings 4 and 5 of 7. These wetland areas were avoided as part of this permit application review process; and, therefore, the remaining wetland areas will not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided wetland areas.

9. 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 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

10. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

11. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

12. Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment C).

13. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

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

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP and RGP, please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We

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strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Lisa S. Lowvorn
Project Manager

Enclosures

cc:
Mr. Aaron Sarchet, FELSI

GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the 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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-01671(NW/GP-LSL)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

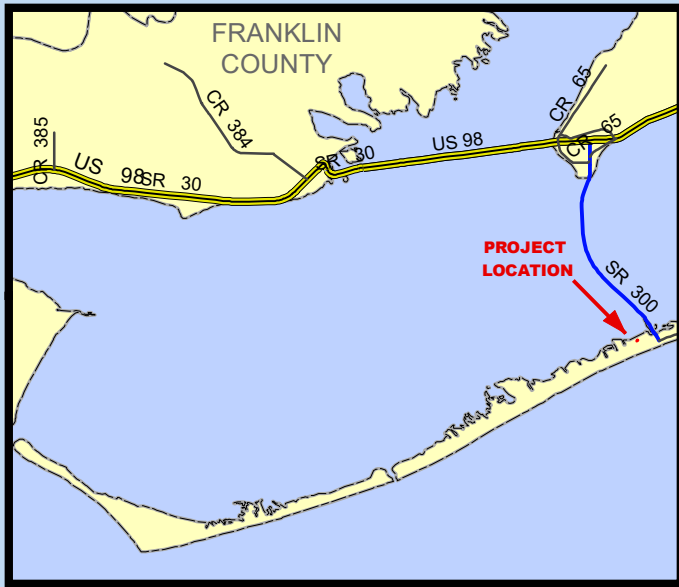
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



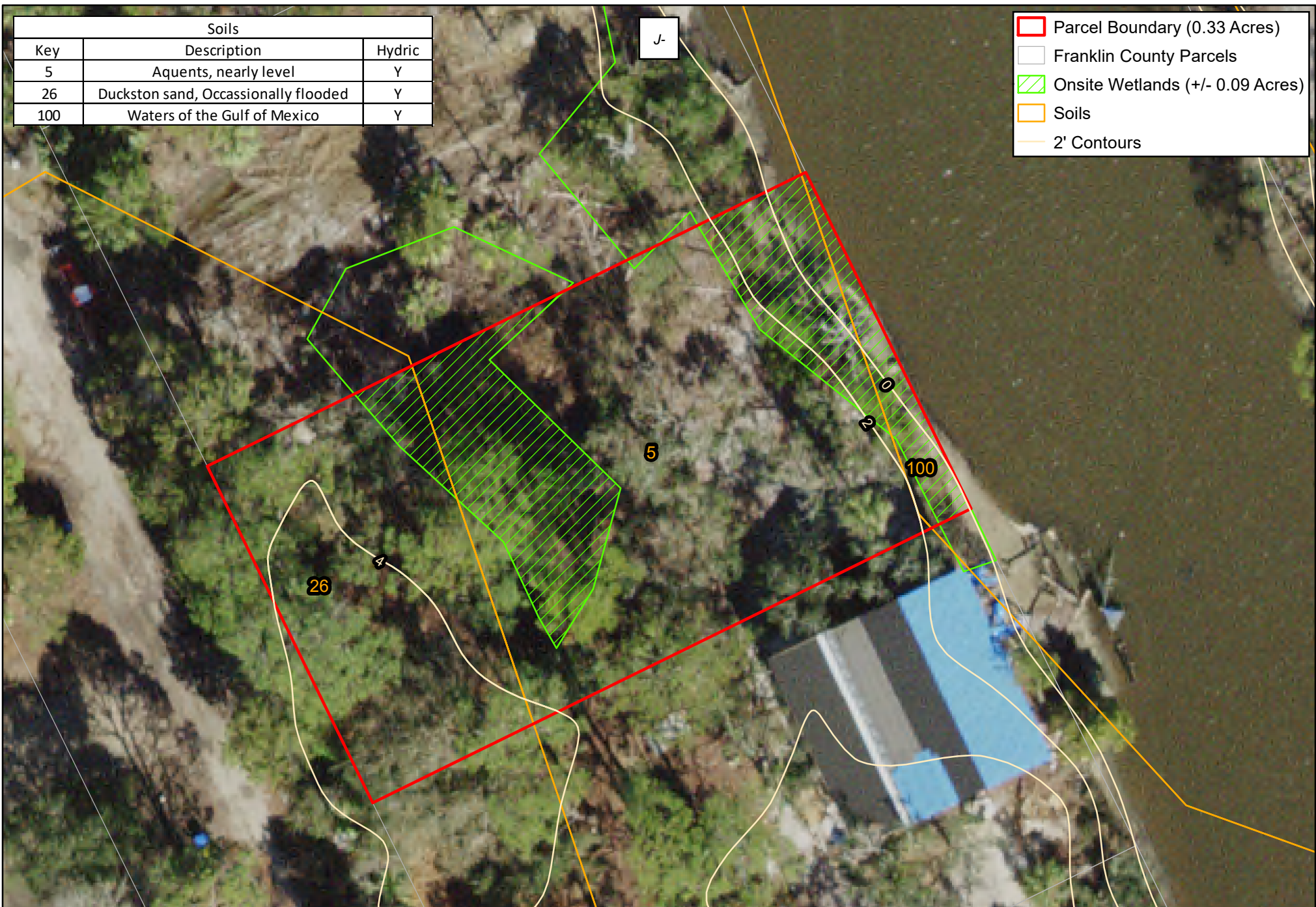
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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Soils		
Key	Description	Hydric
5	Aquents, nearly level	Y
26	Duckston sand, Occassionally flooded	Y
100	Waters of the Gulf of Mexico	Y

- Parcel Boundary (0.33 Acres)
- Franklin County Parcels
- Onsite Wetlands (+/- 0.09 Acres)
- Soils
- 2' Contours



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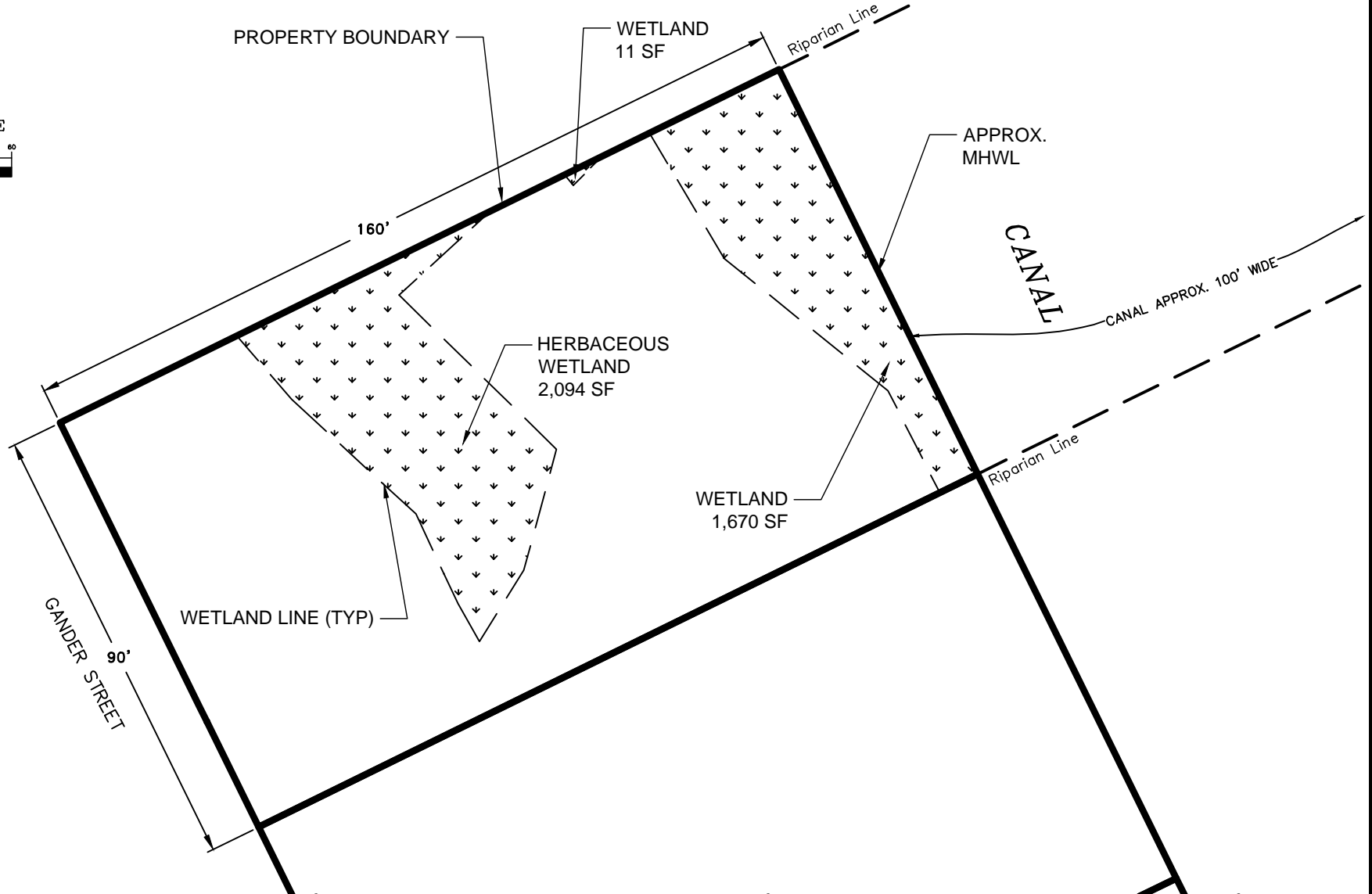
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



EX. WETLANDS
(3,775 SF, 0.09 AC)



Florida Environmental
& Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
EXISTING CONDITIONS

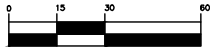
DATE	BY	CHK	PROJ
3-11-2020	BCW	EP	19-1641

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1
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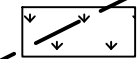
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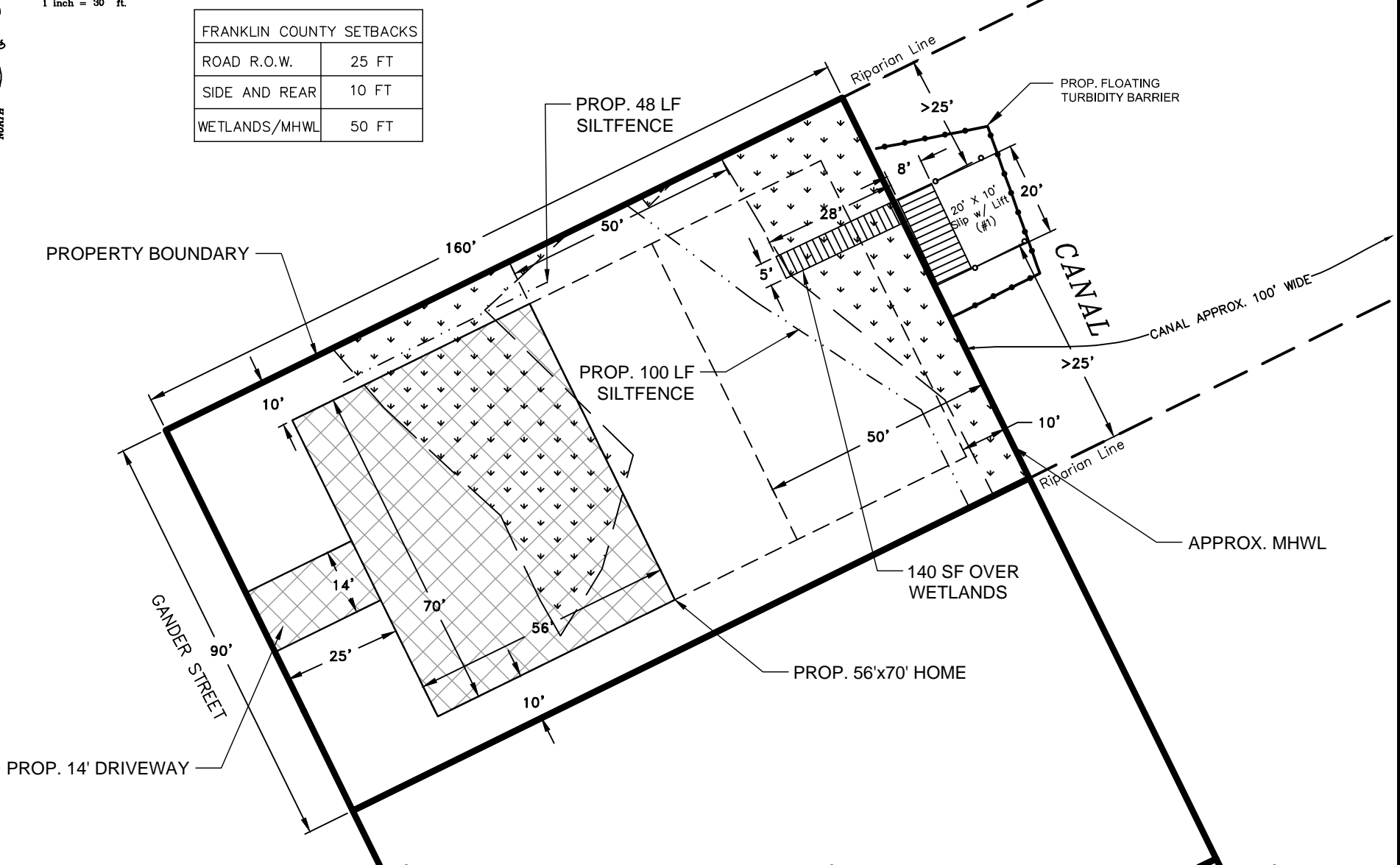
(IN FEET)
1 inch = 30 ft.



FRANKLIN COUNTY SETBACKS	
ROAD R.O.W.	25 FT
SIDE AND REAR	10 FT
WETLANDS/MHWL	50 FT



EX. WETLANDS
(3,775 SF, 0.09 AC)



PROPERTY BOUNDARY

PROP. 48 LF SILT FENCE

PROP. 100 LF SILT FENCE

PROP. FLOATING TURBIDITY BARRIER

CANAL

CANAL APPROX. 100' WIDE

APPROX. MHWL

140 SF OVER WETLANDS

PROP. 56'x70' HOME

GANDER STREET

PROP. 14' DRIVEWAY



Florida Environmental & Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE
**PLAN VIEW
PROPOSED CONDITIONS**

PAGE:
2

DATE 3-11-2020	BY: BCW	CHK: EP	PROJ: 19-1641
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GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

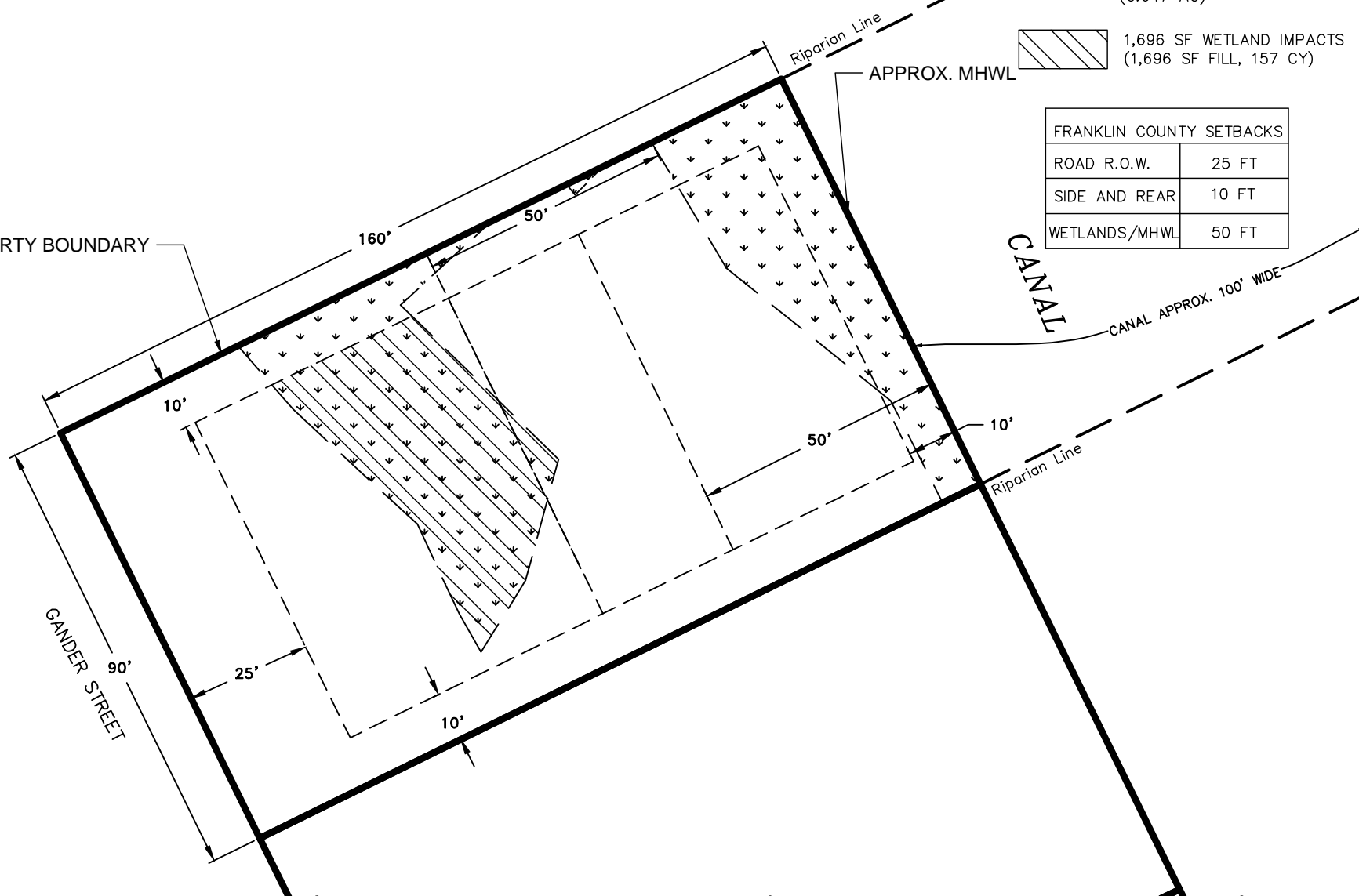


EX. WETLANDS
(3,775 SF, 0.09 AC)
2,079 SF WETLANDS TO REMAIN
(0.047 AC)

1,696 SF WETLAND IMPACTS
(1,696 SF FILL, 157 CY)

FRANKLIN COUNTY SETBACKS	
ROAD R.O.W.	25 FT
SIDE AND REAR	10 FT
WETLANDS/MHWL	50 FT

PROPERTY BOUNDARY



Florida Environmental
& Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

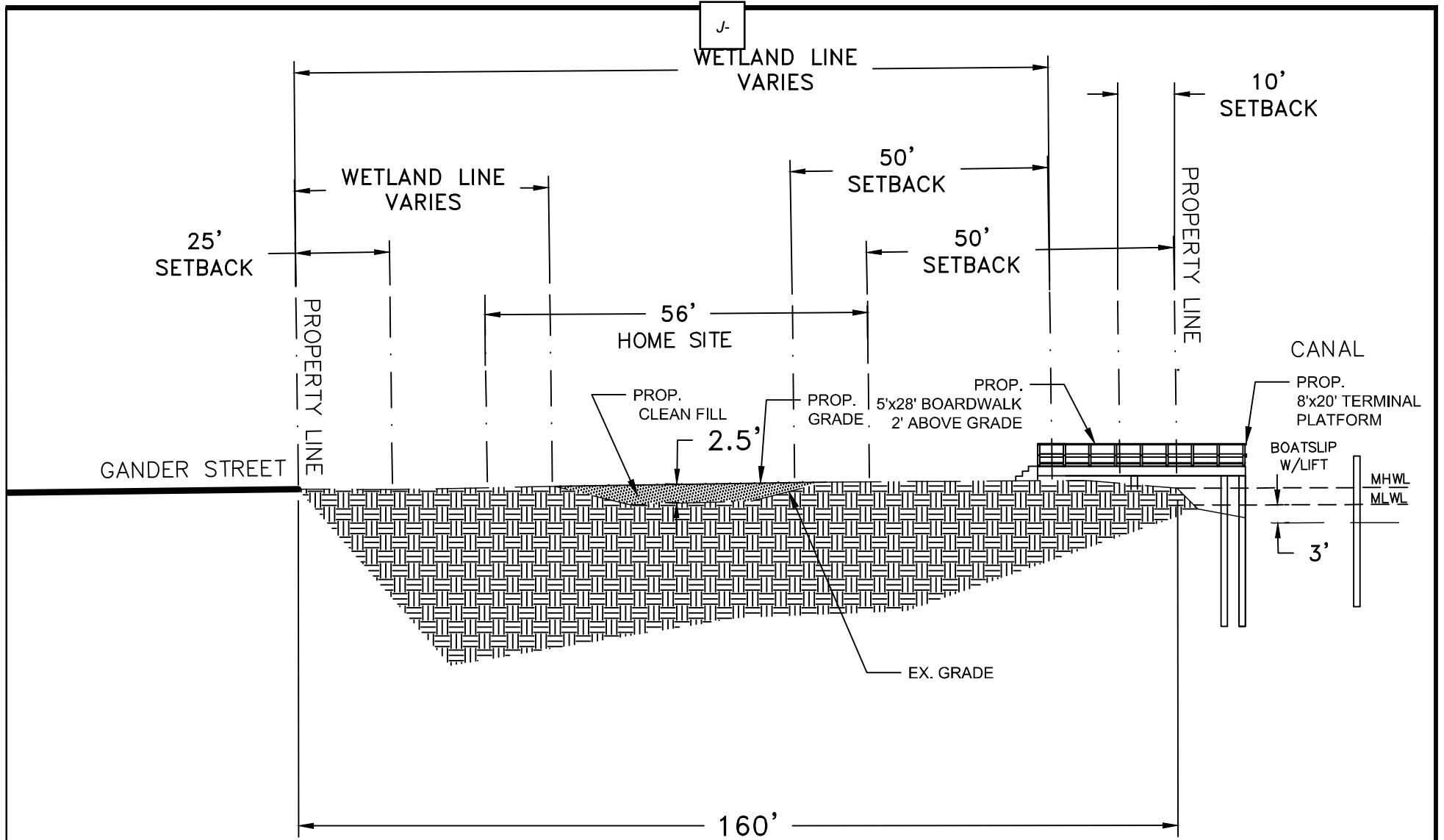
TITLE
**PLAN VIEW
FILL AREAS**

DATE	BY	CHK	PROJ
3-11-2020	BCW	EP	19-1641

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GANDER STREET

PROPERTY LINE

PROPERTY LINE

CANAL

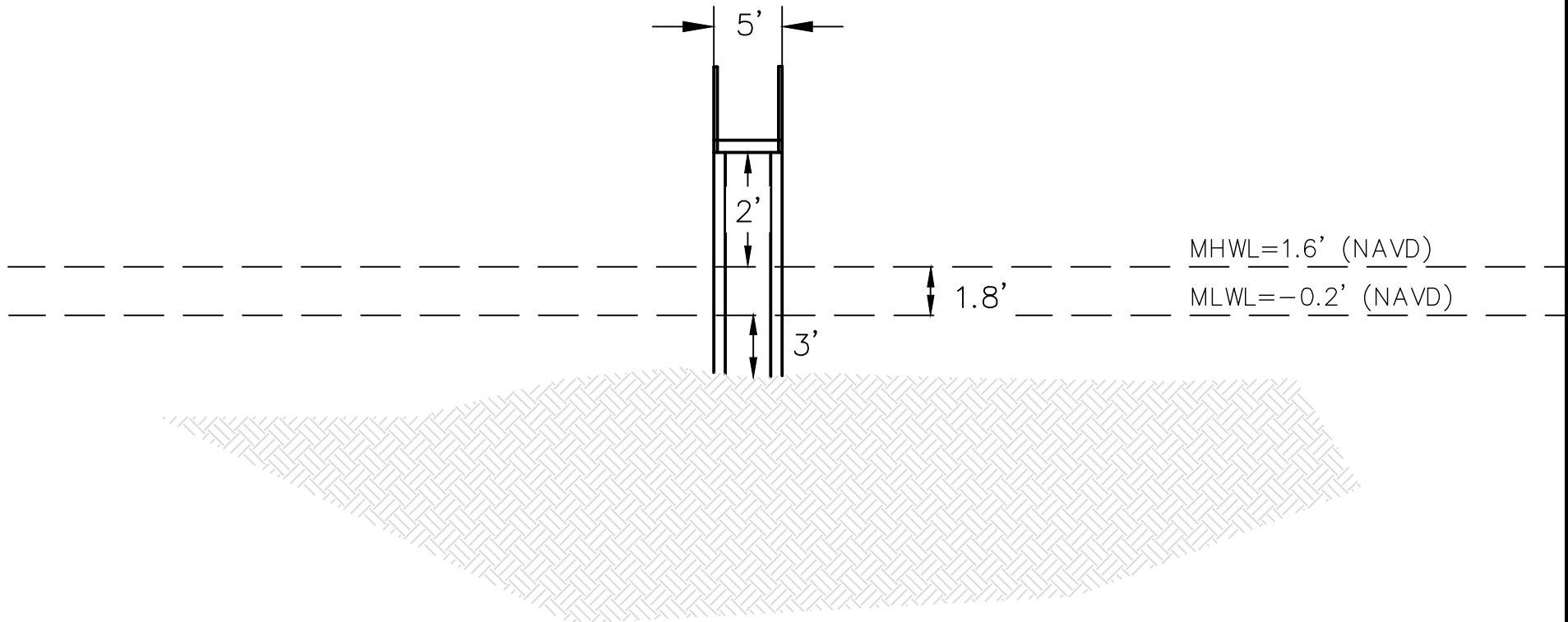
160'

- NOTES:
 1) 0.5" SPACING BETWEEN BOARDS
 2) 10' SPACING BETWEEN PILINGS
 3) PILINGS TO BE MARINE TREATED WOOD

N.T.S

 <p>Florida Environmental & Land Services Inc. 221-4 DELTA COURT TALLAHASSEE, FLORIDA 32303 850-385-6255 (VOICE) 850-385-6355 (FAX)</p>	<p>PROJECT 309 GANDER STREET ST. GEORGE ISLAND, FL</p>		<p>TITLE SECTION VIEW PROPOSED CONDITIONS</p>				<p>PAGE: 4</p>
	<p>DATE 3-11-2020</p>	<p>BY: BCW</p>	<p>CHK: EP</p>	<p>PROJ: 19-1641</p>	<p>OF: 5</p>	<p>396</p>	

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N.T.S



Florida Environmental
& Land Services Inc.

221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
TYPICAL SECTION
PROPOSED CONDITIONS

DATE 3-11-2020 BY: BCW CHK: EP PROJ: 19-1641

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COMMENCEMENT NOTIFICATION

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

1. Department of the Army Permit Number: SAJ-2020-01671(NW/GP-LSL)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-01671(NW/GP-LSL)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

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

7. **Describe Mitigation completed (if applicable):** _____

8. **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

Printed Name of Permittee

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Date

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

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- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.
- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.
- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson's seagrass:

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.
- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below)*.

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.
- A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

 - A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
- A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).
- A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- A2.6.** Chickees must be less than 500 ft² and support no more than 2 slips.
- A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.
- A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>
- A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

J-

Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. Creating a pilot hole for any type of pile using an auger or drop punch
 - b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 - c. Installing any type of piles and sheet piles by jetting.
6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-3 above, and
 - b. Installing any type of piles and sheet piles by vibratory hammer.
7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-4 above, and
 - b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, **AND** also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, **AND** also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Attachment X

North Atlantic Right Whale Federal Regulations Information Handout

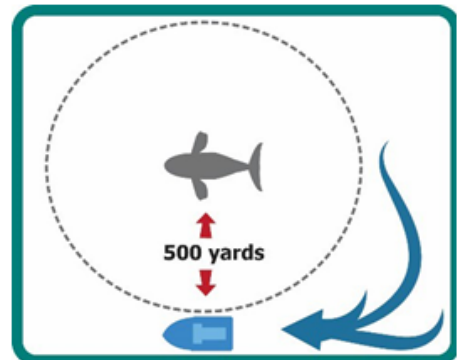
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel
- (ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov

ISLAND BREEZE, PHASE II

(A FOUR UNIT SUBDIVISION)

A REPLAT OF ISLAND BREEZE, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 14 OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA A SUBDIVISION LYING IN SECTION 28, TOWNSHIP 8 SOUTH, RANGE 6 WEST, FRANKLIN COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____

"PRELIMINARY"

DEDICATION
STATE OF FLORIDA
COUNTY OF FRANKLIN

KNOWN BY ALL THESE PRESENT THAT ANGELA MICHELLE OVERSTREET, THE OWNER AND FEE SIMPLE, OF THE LANDS SHOWN HEREON PLATTED AS ISLAND BREEZE, PHASE II SUBDIVISION AS PER MAP P OR PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 14 OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA AND WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the intersection of the North boundary of Fractional Section 28, Township 8 South, Range 6 West, Franklin County, Florida with the Southerly boundary of a 100 foot wide Florida Power Corporation Powerline Easement and run South 62 degrees 02 minutes 56 seconds West along said Southerly boundary 143.12 feet to a concrete monument marking the POINT OF BEGINNING. From said POINT OF BEGINNING and leaving said Southerly easement boundary run South 30 degrees 24 minutes 21 seconds East 808.89 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of U.S. Highway No. 98, thence run North 57 degrees 53 minutes 00 seconds East along said Northerly right of way boundary 210.10 feet to a re-rod (marked #4261), thence leaving said right of way boundary run North 30 degrees 20 minutes 38 seconds West 266.07 feet to a re-rod (marked #4261), thence run North 37 degrees 15 minutes 02 seconds West 41.16 feet to a re-rod (marked #4261), thence run North 26 degrees 16 minutes 51 seconds West 176.64 feet to a re-rod (marked #4261), thence run North 46 degrees 07 minutes 26 seconds East 22.59 feet to a re-rod (marked #4261), thence run North 30 degrees 20 minutes 38 seconds West 323.29 feet to a concrete monument lying on the Southerly easement boundary of aforementioned Florida Power Corporation Easement, then leaving said Southerly easement boundary continue North 30 degrees 20 minutes 38 seconds West 100.15 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of said easement, thence run South 62 degrees 47 minutes 18 seconds West along said Northerly right of way boundary 210.31 feet to a re-rod (marked #4261), thence leaving said Northerly right of way boundary run South 30 degrees 24 minutes 21 seconds East 102.62 feet to the POINT OF BEGINNING containing 4.24 acres, more or less.

AND ALSO:

Commence at the intersection of the North boundary of Fractional Section 28, Township 8 South, Range 6 West, Franklin County, Florida with the Southerly boundary of a 100.00 foot wide Florida Power Corporation Powerline Easement and run South 62 degrees 02 minutes 56 seconds West along said Southerly boundary 143.12 feet to a concrete monument, then leaving said Southerly easement boundary run South 30 degrees 24 minutes 21 seconds East 808.89 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of U.S. Highway No. 98, thence leaving said Northerly right of way boundary run North 30 degrees 20 minutes 38 seconds East 56.03 feet to a re-rod (marked #4261) lying on the Southerly right of way boundary of said U.S. Highway No. 98 for the POINT OF BEGINNING. From said POINT OF BEGINNING and leaving said right of way boundary continue South 30 degrees 20 minutes 38 seconds East 13.27 feet to the approximate mean high water line of St. George Sound, thence run North 56 degrees 53 minutes 58 seconds East along said mean high water line 100.22 feet, thence continue along mean high water line North 57 degrees 14 minutes 04 seconds East 109.99 feet, thence leaving said mean high water line run North 30 degrees 20 minutes 38 seconds West 10.31 feet to a re-rod (marked #4261) lying on the Southerly right of way boundary of U.S. Highway No. 98, thence run South 57 degrees 53 minutes 00 seconds West along said right of way boundary 210.10 feet to the POINT OF BEGINNING containing 0.06 acres, more or less.

The aggregate of the two above described parcels having a total acreage of 4.30 acres, more or less. Having caused said lands to be divided and subdivided as shown hereon and do hereby dedicate to the following:

1.) To the Island Breeze Homeowners Association, Inc., all easements for utilities, drainage and other (if any) purposes incident thereto as shown hereon.

Reserving, in all cases however, the reversions thereof should the same be renounced, disclaimed, abandoned or the use thereon discontinued as prescribed by the law by appropriate official action of the proper officials having charge of jurisdiction thereof.

This _____ day of _____, A.D. 2020.

"IMPORTANT NOTICE" The roads and other infrastructures - if any - contained within this subdivision are not owned or maintained by Franklin County, should the roads or other improvements ever be maintained by Franklin County, it will be done at the expense of the property owners within this subdivision.

ACKNOWLEDGMENT
STATE OF FLORIDA
COUNTY OF FRANKLIN

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020 BY ANGELA MARIE OVERSTREET, (OWNER)

SHE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION. WITNESS MY HAND AND SEAL AT _____, FLORIDA, THIS _____ DAY OF _____, 2020

NOTARY MY COMMISSION EXPIRES: _____

NOTARY SEAL

CONFIRMATION
STATE OF FLORIDA
COUNTY OF FRANKLIN

APPROVED BY THE FRANKLIN BOARD OF COUNTY COMMISSIONERS THIS _____ DAY OF _____, 2020.

NOAH LOCKLEY, JR. -- CHAIRMAN

THOMAS M. SHULER -- COUNTY ATTORNEY

ACCEPT FOR FILES AND RECORDED THIS _____ DAY OF _____, 2020 IN PLAT BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA.

MARCIA M. JOHNSON
CLERK OF THE CIRCUIT COURT

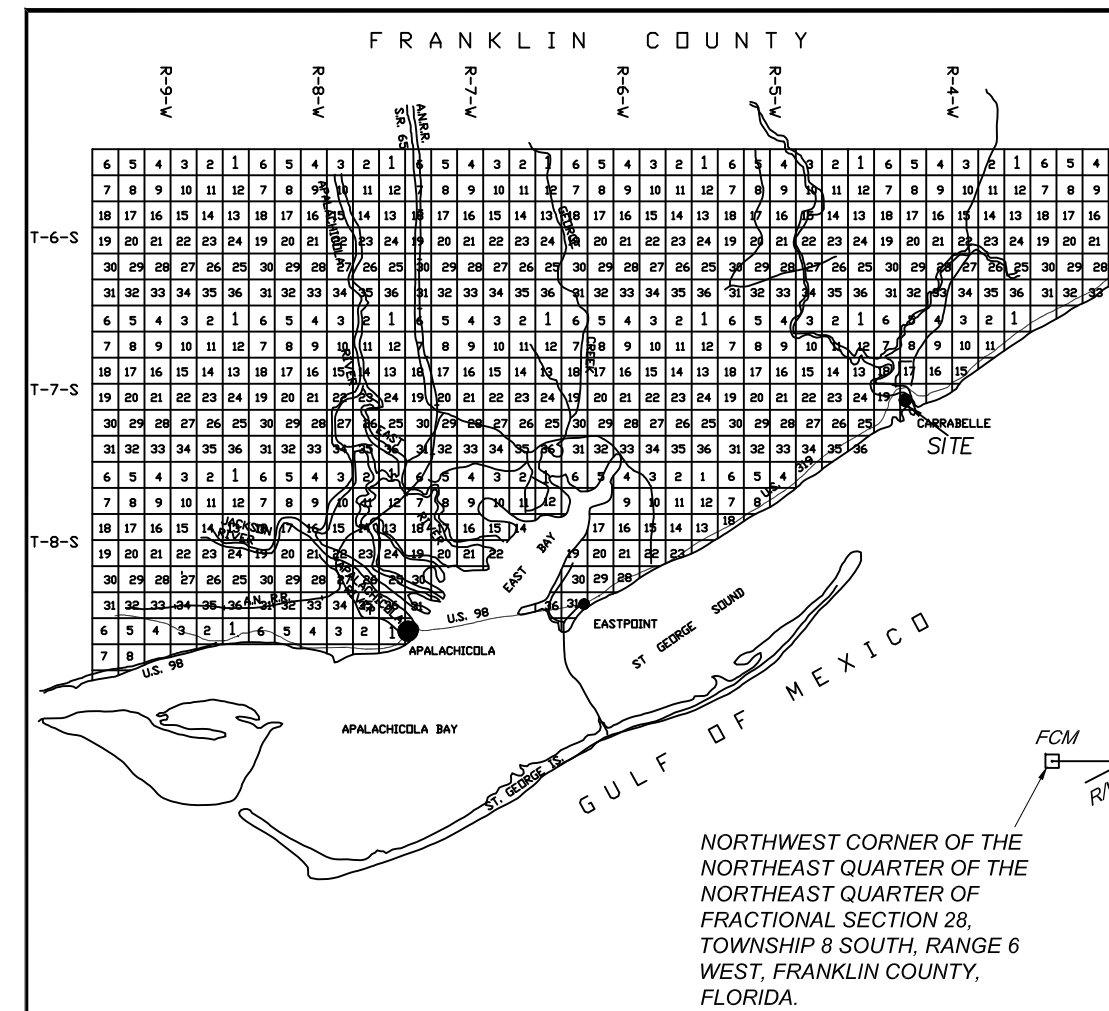
THURMAN RODDENBERRY & ASSOCIATES, INC.
Professional Surveyors and Mappers

LB. NO 7160

P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358-0100 • (850) 962-2538

DATE: 01/20/20 DRAWN BY: MMD COUNTY: FRANKLIN

FILE: 97513RP.DWG DATE OF LAST FIELD WORK: JOB NUMBER: 97-513



NORTHWEST CORNER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 28, TOWNSHIP 8 SOUTH, RANGE 6 WEST, FRANKLIN COUNTY, FLORIDA.

LEGEND

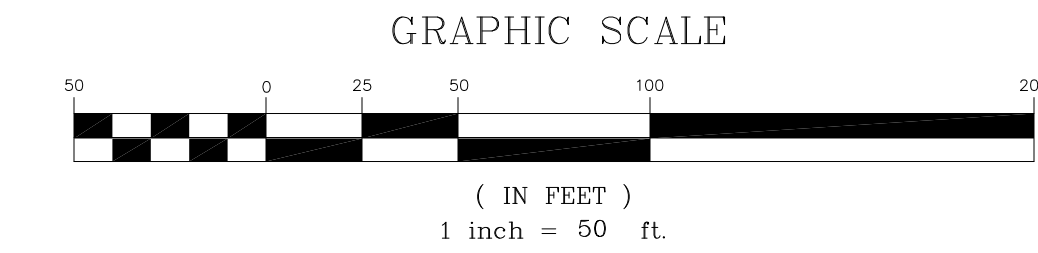
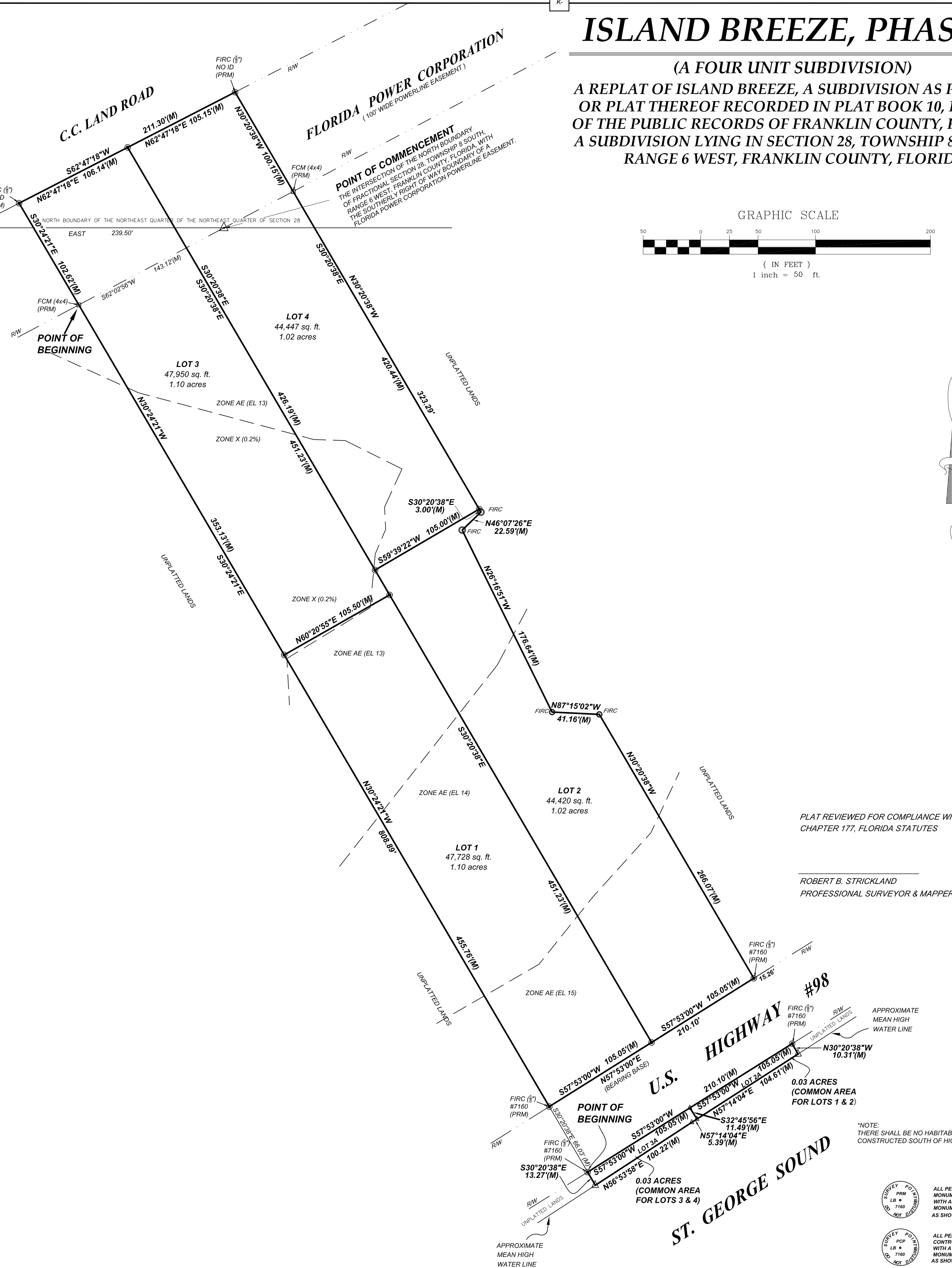
- SN&C SET NAIL & CAP
- FND FOUND
- FCM FOUND CONCRETE MONUMENT (3"x3")
- SCM SET CONCRETE MONUMENT #7160 (4"x4")
- IRC IRON ROD AND CAP
- SIRC SET 5/8" IRON ROD AND CAP #7160
- FIRC FOUND 5/8" IRON ROD AND CAP
- IP IRON PIPE
- CIP CRIMPED TOP IRON PIPE
- IR IRON ROD (NO I.D.)
- = PCP = PERMANENT CONTROL POINT = SCM
- (M) MEASURED
- (D) DEED
- (RP) RECORD PLAT
- (UP) UNRECORDED PLAT
- (FT) FLAT TOP
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY
- R RADIUS
- △ CORNER NOT SET OR FOUND
- L LENGTH
- CD CHORD
- N.T.S. NOT TO SCALE

- PLAT NOTES:
1. SURVEY SOURCE: Previous survey performed by this firm (Job #97-513 Dated: 10-30-97), record deed, special instructions as per client and a field survey performed by the undersigned surveyor.
 2. BEARING BASE: The Northeasterly right-of-way boundary of U.S. Highway No. 98 being North 57 degrees 53 minutes 00 seconds East as per previous above mentioned survey.
 3. "NOTICE" This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that maybe found in the public records of this county.
 4. All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance and operation of cable television services; provided, however, no such construction, installation, maintenance and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas or other public utility. Such construction, installation, maintenance and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
 5. Subject property is located in Zone "X" (0.2%), Zone "AE" (EL 13, 14, & 15) as per Flood Insurance Rate Map Community Panel No: 120088 414E, index date: June 17, 2002, Franklin County, Florida.

SURVEYOR'S CERTIFICATION:

I hereby certify that this survey was made under my responsible direction and supervision, is a correct representation of the land surveyed, that the Permanent Reference Monuments and Permanent Control Points have been set and that the survey data and monumentation complies with both Chapter 177 of the Florida Statutes and standards for practice for Land Surveying (F.A.C. 5J-17.051).

JAMES T. RODDENBERRY DATE
Surveyor & Mapper Pl. Certificate No. 4261



PLAT REVIEWED FOR COMPLIANCE WITH CHAPTER 177, FLORIDA STATUTES

ROBERT B. STRICKLAND
PROFESSIONAL SURVEYOR & MAPPER # _____

U.S. HIGHWAY #98

ST. GEORGE SOUND

*NOTE: THERE SHALL BE NO HABITABLE STRUCTURES CONSTRUCTED SOUTH OF HIGHWAY NO. 98.

- ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 4" X 4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.
- ALL PERMANENT CONTROL POINTS ARE MARKED WITH A 4" X 4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.
- ALL INTERIOR CORNERS ARE MARKED WITH A 5/8" REBAR WITH A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE.



APPLICATION FOR DEVELOPMENT
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____
FEE: \$ _____
RADON: \$ _____
C.S.I.: \$ _____
TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:
ISSUANCE DATE: _____ EXPIRES: _____

New Construction
 Commercial
 Residential
 Substantial Improvement
 Less than Substantial

RECEIVED
MAY 29 2020

APPLICATION MUST BE COMPLETE: (We will no longer accept incomplete applications)

Property Owner/s: 98 Storage, LLC
Contact Information: Home #: (850) 254-5874 Cell #: _____
Mailing Address: 3 Blue Cr20 Lane City/State/Zip: Panacea, FL 32346
EMAIL Address: T.Baroody@comcast.net BY: _____

Contractor Name: TBD Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

PROPERTY DESCRIPTION: 911 Address: TBD
Lot/s: N/A Block: N/A Subdivision: N/A Unit: N/A
Parcel Identification #: 36-085-07W-0000-0240-0020

JURISDICTION: Franklin County City of Carrabelle
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

DESCRIPTION OF DEVELOPMENT: New climate controlled Storage Building
ZONING DISTRICT: C-4 CONTRACT COST: TBD

HEATED SQ FT: 6,400 sqft UN-HEATED SQ FT: 1,600 sqft TOTAL SQUARE FOOT: 8,000 sqft
ROOF MATERIAL: metal FOUNDATION TYPE: stem wall LOT DEMENSION: 135' x 126'
NO. OF STORIES: 1 STORAGE SQ FOOTAGE: 8,000 sqft GAS UTILITIES: N/A
(Requires Building or General Contractor if over 3 habitable stories including mezzanines.) (VE Zones: 299 Sq. Foot or Less and MUST be certified breakaway construction by Engineer)

SEPTIC TANK PERMIT # N/A OR SEWER DISTRICT: N/A
WATER DISTRICT: N/A OR PRIVATE WELL: N/A

WATER BODY: N/A
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

FLOOD ZONE INFORMATION: EFFECTIVE DATE: February 5, 2014

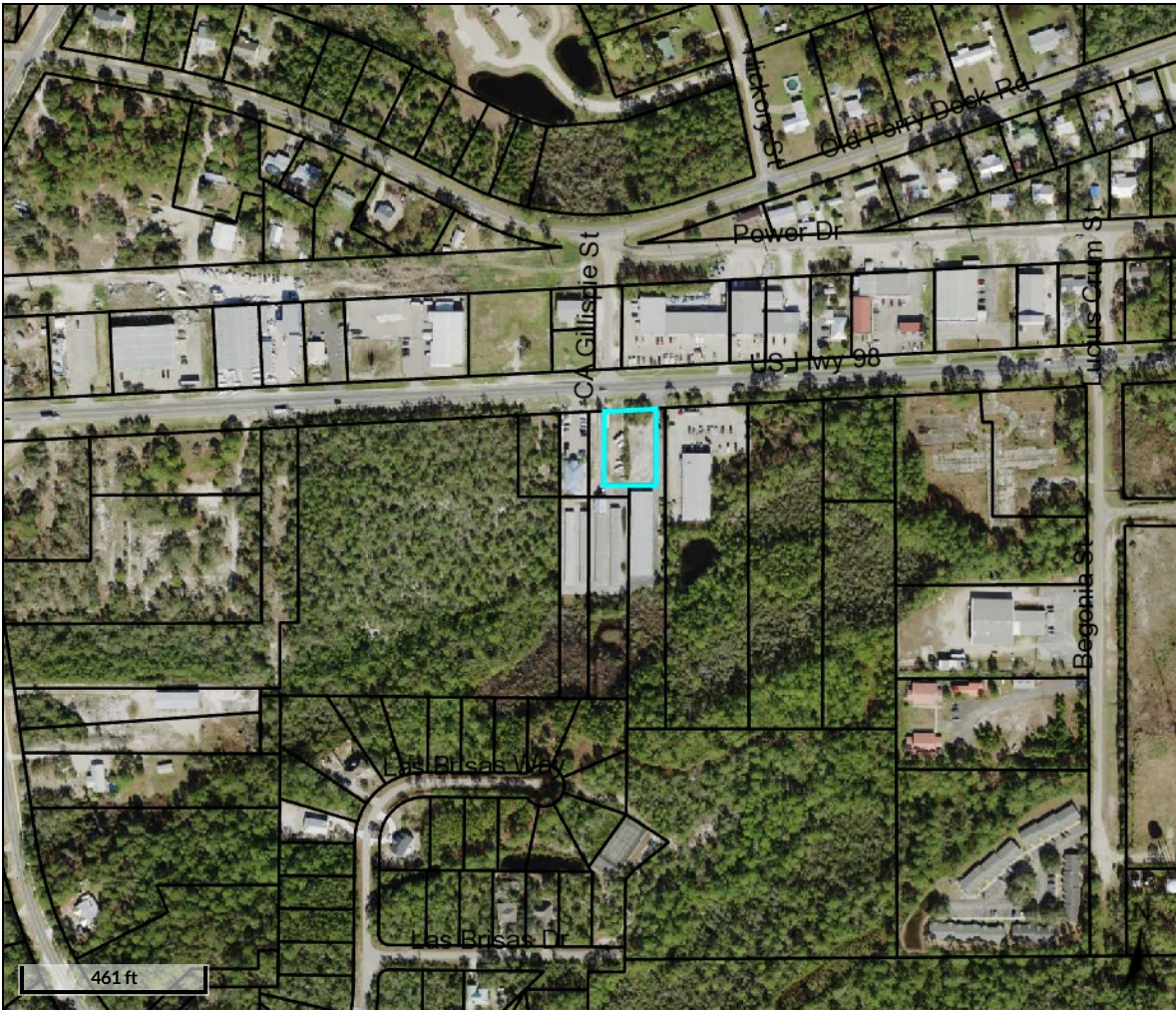
PANEL NUMBER: Panel 532 of 650 FIRM ZONE/S: Zone X

ELEVATION REQUIREMENTS AS PER SURVEY:
 Requires V-Zone Certification Requires Elevation Certificates Requires Smart Vents Requires Breakaway Walls

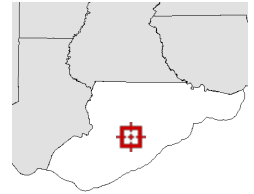
BUILDING OFFICIAL	DATE	FLOODPLAIN ADMIN.	DATE	OWNER/CONTRACTOR	DATE
-------------------	------	-------------------	------	------------------	------



L-



Overview



Legend

-  Parcels
-  Roads
-  City Labels

Parcel ID	36-08S-07W-0000-0240-0020	Alternate ID	07W08S36000002400020	Owner Address	98 STORAGE, LLC
Sec/Twp/Rng	36-8S-7W	Class	VACANT COM		P.O. BOX 1054
Property Address		Acreage	n/a		EASTPOINT, FL 32328
District	5				
Brief Tax Description	A PARCEL BEING .52 AC M/L IN <i>(Note: Not to be used on legal documents)</i>				

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by 

L-



SOUTHEASTERN CONSULTING ENGINEERS, INC.

SEMINOLE SELF STORAGE FRANKLIN COUNTY SITE PLAN REVIEW

SECTION	36	TOWNSHIP	08S	RANGE	07W
---------	----	----------	-----	-------	-----

PROJECT COUNTY, FLORIDA
FOR

98 STORAGE, LLC
3 BLUE CRAB LANE
PANACEA, FL 32346

NOT FOR CONSTRUCTION

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE SHEETS LISTED IN THE SHEET INDEX BELOW IN ACCORDANCE WITH RULE 61615-23.004, F.A.C.

PROJECT VICINITY



LOCATION MAP



SHEET INDEX

SHEET NUMBER	SHEET TITLE
C-00	COVER SHEET
C-01	GENERAL NOTES AND LEGEND
C-02	EXISTING CONDITIONS
C-03	SITE PLAN
C-04	GRADING PLAN
C-05	EROSION CONTROL PLAN
C-06	SWEEP PLAN, NOTES & DETAILS
C-07	DETAILS

THESE PLANS ARE DESIGNED IN ACCORDANCE WITH:
MUTCD MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION
FDOT STANDARD PLANS FOR ROAD CONSTRUCTION, CURRENT EDITION
FDOT DESIGN MANUAL, CURRENT EDITION
FDEP FLORIDA STORMWATER EROSION AND SEDIMENTATION CONTROL INSPECTORS MANUAL.

NOTE:
THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.



REAL FLORIDA
PROFESSIONAL ENGINEER
L. JACK HERRARD, P.E.
LICENSE NUMBER 69169

COVER SHEET
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER	19-1040-01	REVISIONS							
DESIGNED BY	J. HERRARD	CHECKED BY	J. HERRARD	DATE		BY		TS/M	
DRAWN BY	J. HERRARD								
DATE	09-29-20								
SHEET NO.	C-00								

L-

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE JOB SITE TO INSURE THAT ALL NEW WORK WILL FIT IN THE MANNER INTENDED ON THE PLANS. SHOULD ANY CONDITIONS EXIST THAT ARE CONTRARY TO THOSE SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND THE LOCAL GOVERNING BODY OF SUCH DIFFERENCES IMMEDIATELY AND PRIOR TO PROCEEDING WITH THE WORK.
2. THE CONTRACTOR SHALL COMPLY WITH ALL CONDITIONS SET FORTH BY THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.
3. THE CONTRACTOR SHALL MAINTAIN THE CONSTRUCTION SITE IN A SECURE MANNER, ALL OPEN TRENCHES AND EXCAVATED AREAS SHALL BE MAINTAINED FROM ACCESS BY THE GENERAL PUBLIC.
4. ANY PUBLIC LAND CORNER WITHIN THE LIMITS OF CONSTRUCTION SHALL BE PROTECTED IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER.
5. THE CONTRACTOR SHALL IMPLEMENT ALL COMPONENTS OF THE EROSION AND SEDIMENTATION CONTROL PLAN PRIOR TO ANY EARTH DISTURBING ACTIVITIES. ALL COMPONENTS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ALL RESTORATION IS ESTABLISHED. THE ENTIRE PROJECT AREA IS STABILIZED AND THE OWNER HAS ACCEPTED OPERATION AND MAINTENANCE.
6. ALL DISTURBED AREAS NOT SLOTTED SHALL BE SEEDED WITH A MIXTURE OF LONG TERM VEGETATION AND GRASS (GRASS) SPREAD AT THE RATE OF 10 POUNDS PER ACRE FOR THE MONTHS FROM SEPTEMBER THROUGH MARCH. THE MIX SHALL CONSIST OF 70 POUNDS PER ACRE OF LONG TERM SEED AND 20 POUNDS PER ACRE OF WINTER RYE. FOR THE MONTHS OF APRIL THROUGH AUGUST, THE MIX SHALL CONSIST OF 10 POUNDS PER ACRE OF LONG TERM SEED AND 20 POUNDS PER ACRE OF MULLET.
7. THE LOCATION OF THE UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE EXACT LOCATION SHALL BE DETERMINED BY THE CONTRACTOR DURING CONSTRUCTION. CONTRACTOR SHALL PROTECT ALL UTILITIES WITHIN THE PROJECT AREAS.
8. ALL UTILITY CONSTRUCTION SHALL MEET THE WATER AND WASTEWATER UTILITY STANDARDS OF THE UTILITY SERVICE PROVIDER IN THE PROJECT AREA.
9. THE CONTRACTOR SHALL WAIVE ALL EXCESS EAR IN ON SITES AS DIRECTED BY THE ENGINEER.
10. ALL SITE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNING BODY'S LAND DEVELOPMENT REGULATIONS.
11. CONTRACTOR SHALL REVIEW AND BECOME FAMILIAR WITH ALL REQUIRED UTILITY CONNECTIONS PRIOR TO BEGGING. CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS REQUIRED TO COMPLETE CONNECTION TO THE EXISTING UTILITIES. THIS INCLUDES BUT IS NOT LIMITED TO: MANHOLE COUPLING, WET TAPS, PAVEMENT REPAIRS AND ONE (ONE) CORNER BORING.
12. CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER CONTRACTORS WITHIN PROJECT AREA.
13. CONTRACTOR SHALL PROVIDE ACTUAL INVERT ELEVATIONS ON ALL DRAINAGE STRUCTURES INCLUDING CLEANOUTS PRIOR TO FINISHING BASE MATERIAL. DEPARTURES FROM THE PLANS SHALL BE APPROVED BY THE ENGINEER BEFORE CONTINUING WORK.
14. THIS PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (CURRENT EDITION) AND THE F.D.O.T. DESIGN STANDARDS (CURRENT EDITION), AASHTO SPECIFICATIONS, AND THE LOCAL GOVERNING BODY'S DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED.
15. IF UNSUITABLE MATERIAL IS ENCOUNTERED DURING GRADING, CONTRACTOR SHALL REMOVE UNSUITABLE MATERIAL TO A DEPTH OF 24" BELOW FINISHED GRADE WITHIN THE CONSTRUCTION LIMITS AND REPLACE WITH CLEAN CORSE SAND HAVING NO MORE THAN 5% PASSING THE NO. 200 SIEVE $F_{200} \leq 24.4\%$.
16. THE CONTRACTOR SHALL NOTIFY THE LOCAL GOVERNING BODY AT LEAST 48 HOURS IN ADVANCE PRIOR TO BEGINNING OF CONSTRUCTION.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION COMMENCEMENT NOTICE AND NOTIFYING THE ENGINEER OF THE CONSTRUCTION SCHEDULE.
18. THE CONTRACTOR SHALL INSTALL CONSTRUCTION FENCING AND NO TRESPASSING SIGNS FOR THE DURATION OF CONSTRUCTION.

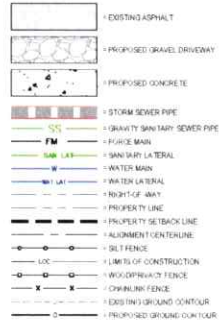
EROSION CONTROL NOTES

1. THIS EROSION AND SEDIMENTATION CONTROL PLAN COMPLIES WITH THE REQUIREMENTS OF THE FLORIDA DEVELOPMENT MANUAL AND THE FLORIDA EROSION AND SEDIMENT CONTROL INSPECTOR'S MANUAL.
2. THE CONTRACTOR SHALL ADHERE TO THE LOCAL GOVERNING BODY (F.D.O.T. OR OTHER GOVERNING BODY) POINTS FOR EROSION AND SEDIMENT CONTROL. HOWEVER, IF THE CONTRACTOR NEEDS TO CHANGE THIS PLAN TO MORE EFFECTIVELY CONTROL EROSION AND SEDIMENTATION, THE CONTRACTOR SHALL USE INPUT FROM THE FLORIDA EROSION AND SEDIMENT CONTROL INSPECTOR'S MANUAL.
3. THE CONTRACTOR SHALL ADJUST AND REVISE THIS PLAN TO MEET ACTUAL FIELD CONDITIONS. ANY REVISIONS SHALL BE APPROVED BY THE REVIEWING AGENCIES.
4. SEDIMENT AND EROSION CONTROL FACILITIES, STORM DRAINAGE FACILITIES AND DETENTION BASINS SHALL BE INSTALLED PRIOR TO ANY OTHER CONSTRUCTION.
5. EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH RAINFALL AND REPLACED AS NECESSARY.
6. SEDIMENT AND EROSION CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL CONSTRUCTION IS COMPLETE AND UNTIL A PERMANENT GROUND COVER HAS BEEN ESTABLISHED.
7. ALL OPEN DRAINAGE SWALES SHALL BE GRASSED AND RIPRAP SHALL BE PLACED AS REQUIRED TO CONTROL EROSION.
8. SILT FENCES SHALL BE LOCATED ON SITE TO PREVENT SEDIMENT AND EROSION FROM LEAVING PROJECT LIMITS.
9. CONTRACTOR SHALL PLACE A DOUBLE ROW OF SILT FENCE IN AREAS WHERE RUNOFF FROM DISTURBED AREAS MAY ENTER WETLANDS.
10. DURING CONSTRUCTION AND AFTER CONSTRUCTION IS COMPLETE, ALL STRUCTURES SHALL BE CLEANED OF ALL DEBRIS AND EXCESS SEDIMENT.
11. ALL GRADED AREAS SHALL BE STABILIZED IMMEDIATELY WITH A TEMPORARY FAST-GROWING COVER AND/OR MULCH.
12. A FAD OF RUBBLE RIPRAP SHALL BE PLACED AT THE BOTTOM OF ALL COLLECTION FLUMES AND COLLECTION PIPE (AU SLETS, GRANITE OR LIMESTONE RIPRAP IS REQUIRED, NO BRKEN CONCRETE WILL BE ACCEPTED).
13. ALL SLOPES STEEPER THAN 3:1 SHALL BE ADEQUATELY PROTECTED FROM EROSION THROUGH THE USE OF TRAP BALES OR SODS.
14. ALL STABILIZATION PRACTICES SHALL BE INITIATED AS SOON AS PRACTICABLE IN AREAS OF THE JOB WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY STOPPED. BUT IN NO CASE SHALL THE DISTURBED AREA BE LEFT UNPROTECTED FOR MORE THAN SEVEN DAYS.
15. ALL WASTE GENERATED ON THE PROJECT SHALL BE DISPOSED OF BY THE CONTRACTOR IN AREAS PROVIDED BY CONTRACTOR.
16. LOADED HAUL TRUCKS SHALL BE COVERED WITH TARPS.
17. EXCESS DIRT SHALL BE REMOVED DAILY.
18. THIS PROJECT SHALL COMPLY WITH ALL WATER QUALITY STANDARDS.
19. QUALIFIED PERSONNEL SHALL INSPECT THE AREA USED FOR STORAGE OF STOCKPILES, THE SILT FENCE AND SWAMP BALES. THE LOCATION WHERE VEHICLES ENTER OR EXIT THE SITE, AND THE DISTURBED AREAS THAT HAVE NOT BEEN FULLY STABILIZED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A STORM OF 0.5 INCHES OR GREATER.
20. SITES THAT HAVE BEEN FINALLY STABILIZED WITH SOG OR GRASSING SHALL BE INSPECTED AT LEAST ONCE EVERY WEEK.

ABBREVIATION LEGEND

- EEB = ENGINEER OF RECORD
- EDF = EDGE OF PAVEMENT
- CCO = CONCRETE
- LSB = LICENSED SURVEYOR
- LSB = LICENSED BUSINESS
- MSD = MATCH LOSSING GRADE
- PSM = PROFESSIONAL SURVEYOR OR MAPPER
- PLS = PROFESSIONAL LAND SURVEYOR
- RLS = REGISTERED LAND SURVEYOR
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- PI = POINT OF INTERSECTION
- RW = RIGHT OF WAY
- ID = IDENTIFICATION
- FB = FIELD BOOK
- PI = PLAT BOOK
- PP = CORRUGATED PLASTIC PIPE
- IR = IRON ROD
- IR = IRON PIPE
- IRC = IRON ROD AND CAP
- CM = CONCRETE MONUMENT
- FR = FOUND
- LOR = LAND DEVELOPMENT REGULATIONS
- TBM = TEMPORARY BENCHMARK ELEVATION
- IN = INVERT
- WV = WATER VALVE
- WM = WATER METER
- FF = FIRE HYDRANT ASSEMBLY
- MI = MITERED END SECTION
- FOI = FOOT TYPE INLET
- SM = STORM SEWER MANHOLE
- SSM = SANITARY SEWER MANHOLE
- SFM = SANITARY FORCE MAIN VALVE

LEGEND



DATE: 5/29/2020 10:43 AM, FILE LOCATION: C:\NORTHWEST\DRAWINGS\PROJECTS\POINT STORAGE\CONTRACTOR\GENERAL NOTES.dwg, PLOT NUMBER: 091009



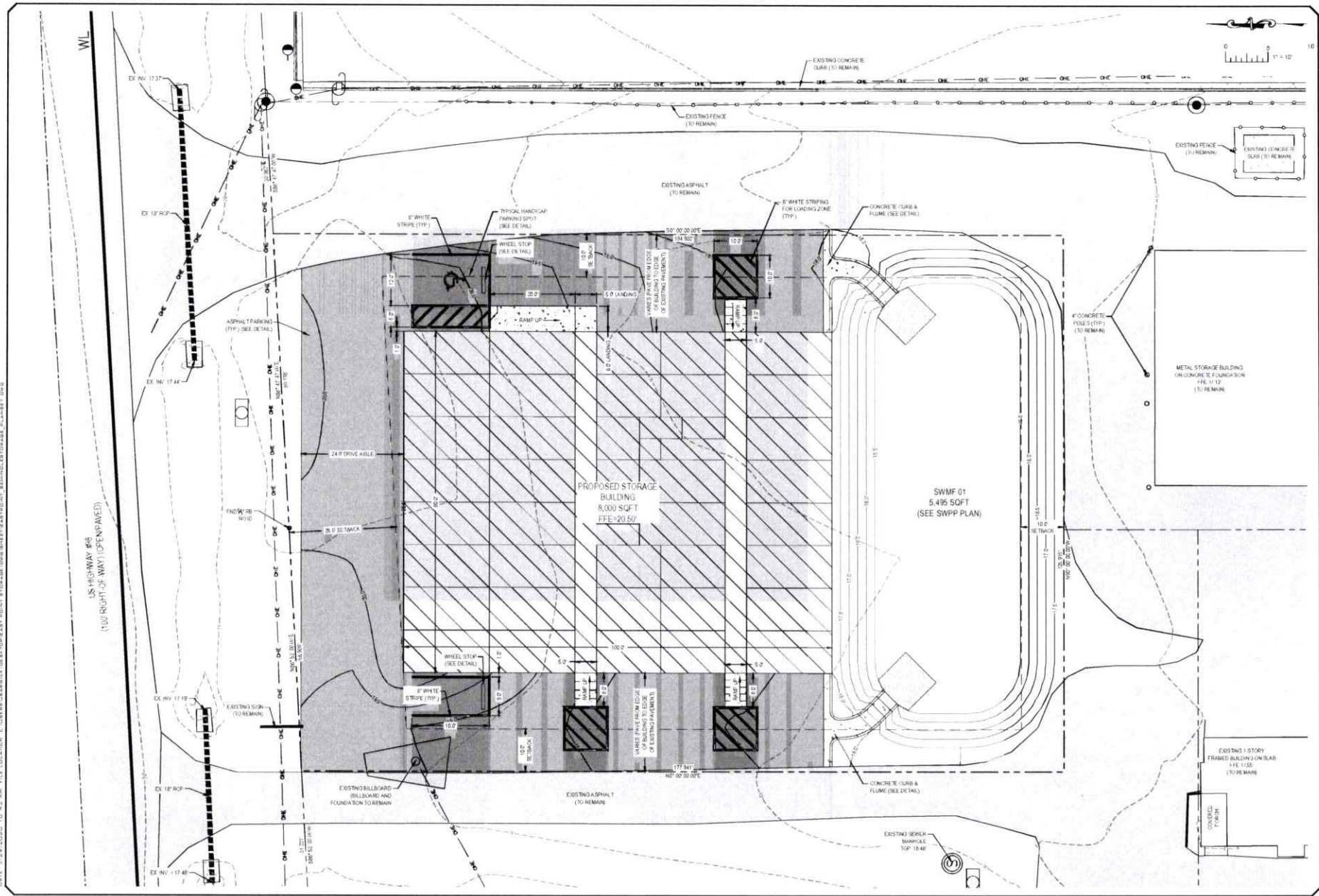
BEAL FLORIDA
PROFESSIONAL ENGINEER
1. JACK HUBBARD III, P.E.
LICENSE NUMBER 091009

GENERAL NOTES AND LEGEND

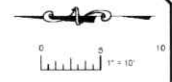
SEMINGLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER: 19-1040-01	REVISIONS:
DESIGNED BY: J. HUBBARD	CHECKED BY: J. HUBBARD
DRAWN BY: J. HUBBARD	CHECKED BY: J. HUBBARD
FOR: SEMINGLE SELF STORAGE, LLC	
MANATEE, FL 32846	
DATE: 05-29-20	
SHEET NO. 0-01	

L-



DATE: 5/29/2023 10:22 AM, PLOT: US HIGHWAY #88 (NOT RIGHT-OF-WAY) OPENPAVED, C:\USERS\JBARWICK\ONE-STOP\19-1040-01\19-1040-01\DWG\19-1040-01\19-1040-01.dwg

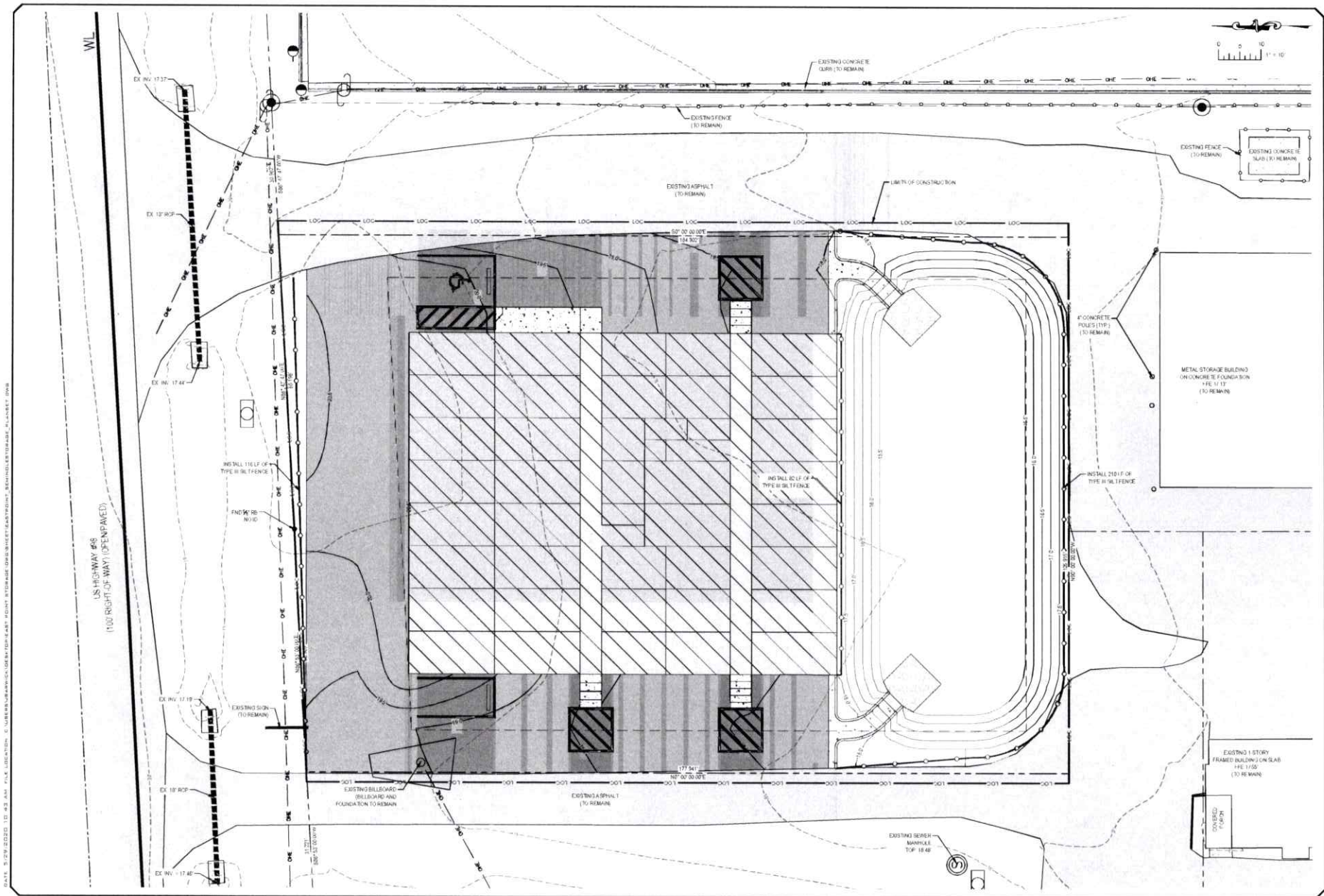


REAL FLORIDA
PROFESSIONAL ENGINEER
J. JACK HUBBARD III, P.E.
LICENSE NUMBER 291109

SITE PLAN
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER	19-1040-01	REVISIONS:	
DESIGNED BY:	J. BARWICK	CHECKED BY:	J. HUBBARD
DRAWN BY:	J. BARWICK	DATE:	
DATE:	05/29/23	ITEM:	
CLIENT:	101-98 STORAGE, LLC		
CONTACT:	BARWICK, J. C.		
ADDRESS:	PANADERA, FL 32246		
SHEET NO.:	C-03		

L-



DATE: 5/29/2020 10:43 AM FILE LOCATION: C:\GERRARD\PROJECTS\SEMINOLES SELF STORAGE\EROSION CONTROL\EROSION CONTROL PLAN.DWG

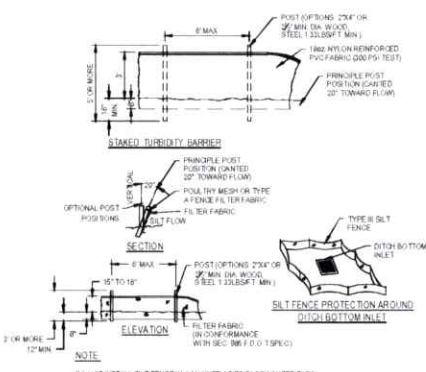
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US HIGHWAY #46
(100' RIGHT-OF-WAY) (OPENPAVED)



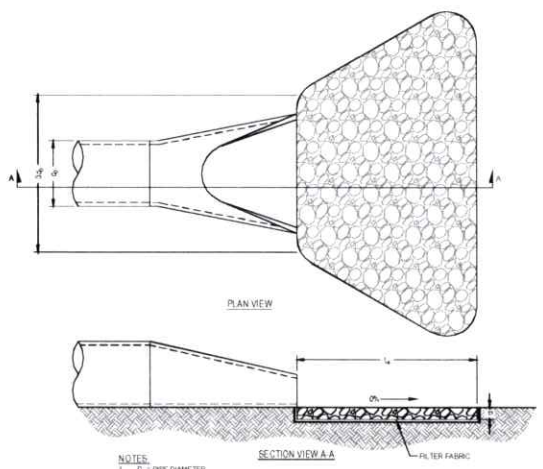
STATE OF FLORIDA
PROFESSIONAL ENGINEER
L. JACK HUBBARD III, P.E.
LICENSE NUMBER 09109

EROSION CONTROL PLAN
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

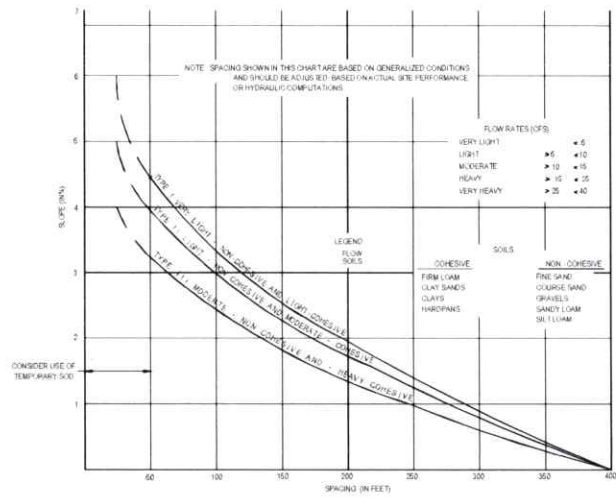
PROJECT NUMBER: 19-1040-01	REVISIONS:
DESIGNED BY: J. BARWICK	CHECKED BY: J. BARWICK
DRAWN BY: J. BARWICK	DATE: 05/29/20
DATE: 05/29/20	SHEET NO. C-05
FOR: SEMINOLES SELF STORAGE, LLC PANAMA CITY, FL 32345	



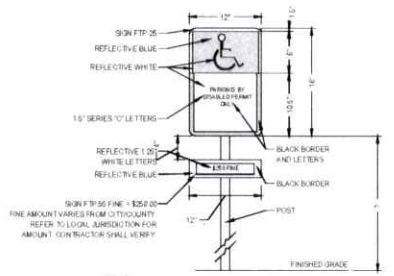
TYPE III SILT FENCE
N.T.S.



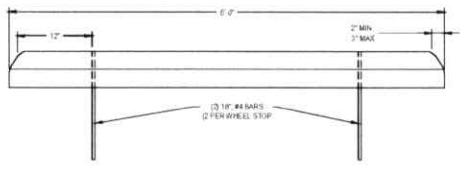
PIPE & SWALE OUTLET RIP RAP DETAIL
N.T.S.



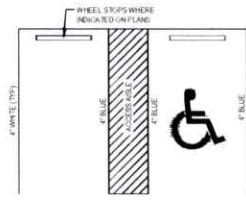
RECOMMENDED SPACING FOR TYPE I AND TYPE II MAY BALL BARRIERS, AND TYPE III SILT FENCES



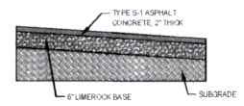
DISABLED PARKING SIGN
N.T.S.



WHEEL STOP DETAIL
N.T.S.



DISABLED PARKING STALL DETAIL
N.T.S.



TYPICAL ASPHALT PARKING DETAIL
N.T.S.



REAL FLORIDA
PROFESSIONAL ENGINEERS
L. JACK HUBBARD III, P.E.
LICENSE NUMBER DV 1109

DETAILS
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER: 19-1040-01	REVISIONS:
DESIGNED BY: J. BARWICK	CHECKED BY: DATE: 05-29-20
DRAWN BY: J. BARWICK	DATE: 05-29-20
DATE: 05-29-20	
FOR: SEMINOLE SELF STORAGE, LLC	
10000 W. UNIVERSITY BLVD.	
PANACEA, FL 32346	

SHEET NO.
C-07



APPLICATION FOR COMMERCIAL SITE PLAN REVIEW
FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

APPLICATION MUST BE COMPLETE:

Property Owner/s: Christopher B Varnes
Contact Information: Home #: 850-653-4355 Cell #: 850-653-6700
Mailing Address: 12 Marks st City/State/Zip: Apalachicola, FL 32320
EMAIL Address: CV Maintenance LLC @ Hotmail . Com

Agent Name: _____ Business Name: Recreational Storage
Contact Information: Office #: _____ Cell #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

PROPERTY DESCRIPTION: 911 Address: 257 Creamer st 32320
Lot/s: 7 Block: 1 Subdivision: David Brown EST Unit: _____
Parcel Identification #: 31-085-06W-6290-0001-0060

JURISDICTION: Franklin County
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

Applicant Signature: Christopher B Varnes Date: June 22 2020

Agent Signature: _____ Date: _____

TYPE OF ESTABLISHMENT: Recreational Storage

ITEMS REQUIRED:

- Signed Application
- Site Plan
- Parking Plan
- Elevations of Building
- Water & Sewer Letter
- Stormwater

RECEIVED
JUN 22 2020

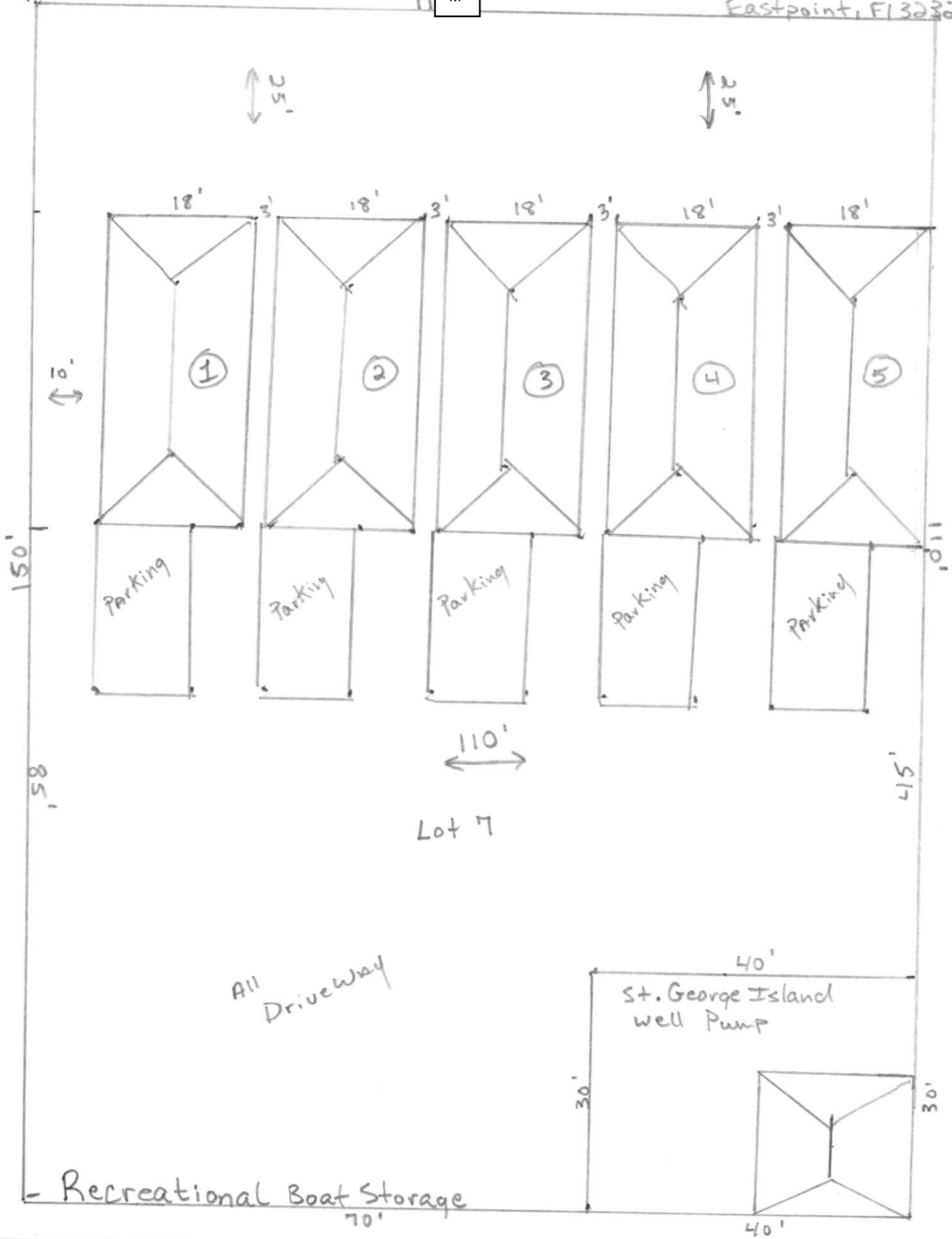
BY:

RECOMMENDATION FROM COUNTY PLANNER: _____

PLANNER SIGNATURE: _____ DATE: _____

BOARD APPROVAL DATE: _____

M-



M-

Asset No.10316001646

Recording requested by,
and when recorded, return to:

Christopher B. Varnes
12 Mark Street
Apalachicola, FL 32320

Inst:201619003854 Date:8/11/2016 Time:1:38 PM
Doc Stamp-Deed:0.70
DC, Marcia Johnson, Franklin County B:1174 P:471

Prepared by:
FDIC Legal Division
1601 Bryan Street
Dallas, Texas 75201

_____ space above this line for Recorder's use only

QUITCLAIM DEED
(Florida)
(Without Covenant, Representation, or Warranty)

STATE OF FLORIDA §
 §
COUNTY OF FRANKLIN §

RECITALS

WHEREAS, Gulf State Community Bank of Franklin County, Avenue C, Eastpoint, FL 32303 (the "Institution") acquired the Property by that certain Corporate Warranty Deed recorded in the Official Public Records of Franklin County, Florida at Instrument No. 2007000023, Volume 924, Page 226, dated January 1, 2007,

WHEREAS, the Institution was closed by the Florida Office of Financial Regulation on November 19, 2010, and the Federal Deposit Insurance Corporation (the "FDIC") was appointed as receiver for the Institution (the "Receiver"), and

WHEREAS, as a matter of federal law, 12 U.S.C. §1821(d)(2)(A)(i), the Receiver succeeded to all of the right, title, and interest of the Institution in and to, among other things, the Property.

NOW, THEREFORE, the Receiver (hereinafter, "Grantor"), whose address is 1601 Bryan Street, Dallas, Texas 75201, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which are hereby acknowledged, hereby RELEASES, CONVEYS and QUITCLAIMS to Christopher B. Varnes, and individual, ("Grantee"), whose address is 12 Mark Street, Apalachicola, FL 32320, WITHOUT COVENANT, REPRESENTATION, OR

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WARRANTY OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, AND ANY AND ALL WARRANTIES THAT MIGHT ARISE BY COMMON LAW AND ANY WARRANTIES CREATED BY STATUTE, AS THE SAME MAY BE HEREAFTER AMENDED OR SUPERSEDED, ARE EXCLUDED, all of Grantor's right, title and interest, if any, in and to that certain real property situated in Franklin County, Florida, as described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), subject however to any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, liens, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Property, whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and prior and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Quitclaim Deed, assumes and agrees to perform any and all obligations of Grantor or the Institution under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS QUITCLAIM DEED, ACKNOWLEDGES AND AGREES THAT (i) GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE TITLE, DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE

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PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING, WITHOUT LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE RELEASE AND QUITCLAIM HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS QUITCLAIM DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Quitclaim Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor, the Institution, and the FDIC in any and all of its various other capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor, the Institution, and the FDIC in any and all of its various other capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in the Property, if any, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its heirs, personal representatives, successors and assigns, without covenant, representation, or warranty whatsoever and subject to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be construed or deemed as a waiver by Grantor or

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Grantee of its respective rights, if any, but without obligation, to challenge or enforce the existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Quitclaim Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for any tax year or assessment period prior or subsequent to the date of this Quitclaim Deed, including, without limitation, taxes or assessments becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

IN WITNESS WHEREOF, this Quitclaim Deed is executed on August 9th, 2016

FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for Gulf State Community Bank

By: Kent Withers

Witness: Ernestine Jenkins

Name: Kent Withers

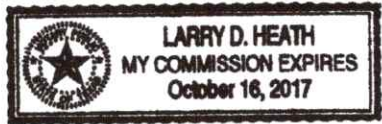
Witness: Leslie Skerendore

Title: attorney in fact
Attorney in Fact

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 9 day of August, 2016, by Kent Withers, Attorney in Fact of the Federal Deposit Insurance Corporation, as Receiver for Gulf State Community Bank, on behalf of said entity.



Larry Heath
Notary Public, State of Texas

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EXHIBIT "A" to Quitclaim Deed

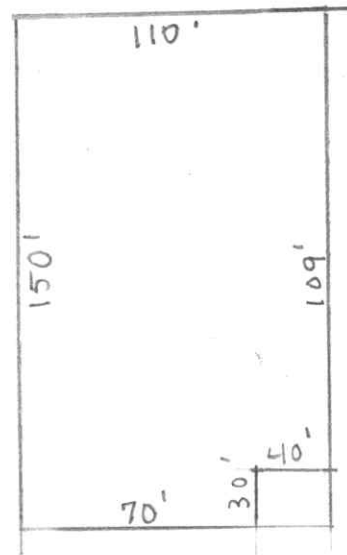
[Legal Description of the Property]

A portion of Lot 7, Block 1 of David H. Brown Estates, Inc., Addition to Eastpoint, Florida, a subdivision as per map or plat thereof recorded in Plat Book 3, Page 4 of the Public Records of Franklin County, Florida, and being more particularly described as follows:

Begin at an iron rod and cap (marked 6475) marking the Southwest corner of Lot 7, Block 1 of David H. Brown Estates, Inc. Addition to Eastpoint, Florida, a subdivision as per map or plat thereof recorded in Plat Book 3, Page 4 of the Public Records of Franklin County, Florida, said point also lying on the Northerly right-of-way boundary of Avenue C. From said POINT OF BEGINNING run East along said right-of-way boundary 69.99 feet to an iron rod and cap (marked #7160), thence leaving said right-of-way boundary run North 00 degrees 10 minutes 34 seconds West 30.00 feet to an iron rod and cap (marked #7160), thence run East 40.00 feet to an iron rod and cap (marked #7160), thence run North 00 degrees 10 minutes 34 seconds West 120.21 feet to a concrete monument (marked #2919) lying on the Northeasterly corner of said Lot 7, thence run South 89 degrees 51 minutes 34 seconds West 109.84 feet to an iron rod and cap marked #6475) lying on the Northwesterly corner of said Lot 7, thence run South 00 degrees 07 minutes 09 seconds East 149.94 feet to the POINT OF BEGINNING.

Parcel Identification Number: 31-08S-06W-6290-0001-0070

S:\28\DOCS.16\Gulf State Community Bank\David H. Brown Estates, Inc\Christopher B. Varnes QCD 7-28-16.doc



Quitclaim Deed - Page 5
Gulf State Community Bank/Christopher B. Varnes
July 28, 2016



POOL PERMIT APPLICATION

FRANKLIN COUNTY BUILDING DEPARTMENT
 34 Forbes Street, Suite 1, Apalachicola, Florida 32320
 Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT # _____
 FEE: \$ _____
 TOTAL: \$ _____

NOTE TO APPLICANTS AND PERMIT HOLDERS:
 VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE.

APPLICATION MUST BE COMPLETE: (We will no longer accept incomplete applications)

Property Owner/s: Coastline Rentals LLC
 Contact Information: Home #: _____ Cell #: _____
 Mailing Address: PO Box 1024 City/State/Zip: EASTPOINT FL 32328
 EMAIL Address: _____

Contractor Name: Michael Seaman Business Name: Cox Building Corp dba Cox Pools
 Contact Information: Office #: 850.819.8236 Cell #: 850.819.8230
 State License #: CPC-050001 County Registration #: _____
 Mailing Address: 17087 Ashley Drive City/State/Zip: Panama City, FL 32413
 EMAIL Address: CommercialPools@Coxpools.com

PROPERTY DESCRIPTION: 911 Address: 909 US Highway 90
 Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
 Parcel Identification #: 28-085-00W-0000-0130

JURISDICTION: Franklin County
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

DESCRIPTION OF DEVELOPMENT: Commercial Pool
ZONING DISTRICT: District 1 **CONTRACT COST:** 122,500.00

WATER BODY: 28,798 Chalks
CRITICAL SHORELINE DISTRICT: YES OR NO **CRITICAL HABITAT ZONE:** YES OR NO

FLOOD ZONE INFORMATION: EFFECTIVE DATE: February 5, 2014

PANEL NUMBER: _____ **FIRM ZONE/S:** _____
ELEVATION REQUIREMENTS AS PER SURVEY: _____
 Requires V-Zone Certification Requires Elevation Certificates Requires Smart Vents Requires Breakaway Walls

BUILDING OFFICIAL _____ DATE _____ FLOODPLAIN ADMIN. _____ DATE _____ OWNER/CONTRACTOR [Signature] DATE 6.2.2010

REQUIRED DOCUMENTS:

- _____ Application
- _____ 2 Sets of Plans
- _____ Site Plan
- _____ Notice to Pool Affidavit
- _____ If located in a VE Flood Zone- VE Zone Certificate
- _____ Signed Contract with Contract Cost
- _____ Recorded Notice of Commencement



NOTICE TO SWIMMING POOLS AFFIDAVIT

FRANKLIN COUNTY BUILDING DEPARTMENT
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

Property Owner/s: COASTLINE Rentals LLC
Contact Information: Home #: _____ Cell #: _____
Mailing Address: PO Box 1064 City/State/Zip: EASTPOINT FL 32328
EMAIL Address: _____

Contractor Name: Michael Secor Business Name: Cox Building Corp aka Cox Pools
Contact Information: Office #: 850.819.8230 Cell #: 850.819.8230
State License #: CPC - 0516161 County Registration #: _____
Mailing Address: 17187 Ashley Drive City/State/Zip: Panama City FL 32413
EMAIL Address: CommercialPools@CoxPools.com

PROPERTY LOCATION: 911 Address: 909 US Highway 98
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 28-085-06W-0000-0130

I have been informed by my contractor that prior to the final inspection and use of my pool, I will need all inspections and fencing required in accordance with applicable state and local regulations. The Standard Swimming Pool Code requires pools to be completely enclosed within an approved wall, fence or other substantial structure not less than four feet in height. The enclosure shall completely surround the pool and shall be of sufficient material to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors/gates.

Additionally, the 2000 Legislature has amended the Florida Statutes to require that effective October 1, 2000, local jurisdictions cannot approve a final pool inspection for a residential swimming pool over 24 inches deep unless it meets at least one of the following pool safety features requirements.

- The pool must be isolated from access to the home by a barrier at least 4 feet high installed around the perimeter of the pool. The barrier shall not have any gaps or openings that can allow a child to crawl under, squeeze through or climb over the barrier and must be placed sufficiently away from the waters edge to prevent a person from immediately falling into the pool when the barrier is breached. Gates located in the pool barrier must open outwards away from the pool and be self-closing and self-latching. The barrier must be separated from any fence, wall, or other enclosure surrounding the yard unless the fence, wall or other enclosure or portion thereof is situated on the perimeter of the pool and meets the pool barrier requirements.
- The pool must be equipped with a safety cover complying with the specifications of the American Society for Testing and Materials Standards F-1346-91.
- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 decibels at 10 feet, or:
- All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism at least 54 inches above the floor.

Swimming pool means any structure, located in a residential area that is intended for swimming or recreational bathing and contains water over 24 inches deep. Including, but not limited to, in-ground, above ground and on-ground swimming pools; hot tubes; and non-portable spas. According to Florida Statutes, failure to comply with these requirements is a misdemeanor of the second degree, punishable by imprisonment for up to 60 days or a fine of up to \$500, except that no penalty shall be imposed if within 45 days after arrest or issuance of a summons or notice to appear, the pool is equipped with at least one of the aforementioned safety features and the responsible person attends a drowning prevention education program developed by the Florida Department of Health.

I also understand that a rough-in wall inspection as well as an electrical grounding inspection is required in addition to the final inspection.

Owner's Signature: [Signature]

Date: 6.2.2020

Witness Signature: [Signature]

Date: 6.2.2020



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Overview



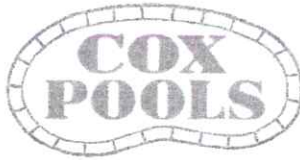
Legend

-  Parcels
-  Roads
-  City Labels

Parcel ID	28-08S-06W-0000-0130-0010	Alternate ID	06W08S28000001300010	Owner Address	COASTLINE RENTALS, LLC
Sec/Twp/Rng	28-8S-6W	Class	RV RESORT		PO BOX 1064
Property Address	909 US HIGHWAY 98 CAMP 2	Acreage	6.407		EASTPOINT, FL 32328
District	1				
Brief Tax Description	4 ACRES IN NE 1/4 OF 28-8S-6W				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 6/30/2020
 Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by 



Micheal E. Seamon
Vice President of Operations
License # CPC 056661

P.O. Box 9088
Panama City Beach, FL 32417
Phone: (850)-234-7800

Commercial Pool Proposal

Date: Friday, January 31, 2020

To: Garrett Creamer

Phone:

Email: creamer126@yahoo.com

Re: East Point Campground

Attn: Garrett Creamer

Cox Building Corporation (a registered Florida commercial swimming pool contractor for over 60 years) is pleased to submit a proposal to construct a pool for the above referenced project as per plans and specifications and to the State of Florida Health Department regulations.

GENERAL SPECIFICATIONS

Pool

SIZE:	20' x 55'	Approximately	1,100	SQ.FT.
SHAPE:		Rectangle		
DEPTH:		3' to 5'		
COPING:		12" Cast in Place Concrete		
TILE:		Frost proof tile, (1) row - (stock tile selection)		
INTERIOR FINISH:		Marcite plaster with Blue Quartz		
GUTTER FINISH:		Marcite plaster with Blue Quartz		
HANDICAP LIFT:		Scout 2		

Pool Equipment Specifications

FILTER:		High rate sand filters
MAIN DRAIN:		12" X 12" VGBA compliant as required
RETURNS:		1 1/2" adjustable on 20' centers as required
VACUUM FITTINGS:		1 1/2" as required
SANITATION:		Liquid chlorine with Stenner pump
pH CONTROL:		Muriatic acid with Stenner pump
LADDER:		3 tread stainless steel with crossbar as required
HANDRAIL:		Stainless steel as required
LIGHTS:	4	300w, 12v with transformer as required
HEATING:	0	400,000 BTU Natural Gas

Sub Total: \$125,683

Plumbing

All Plumbing to be done with schedule 40 PVC, 200PSI minimum, NSF approved.

Safety and Cleaning Equipment (Typical of each separate body of water, if applicable)

VACUUM HEAD:	12" Flex
VACUUM HOSE:	40' x 1 1/2" commercial
VACUUM POLE:	16'
LEAF SKIMMER:	
BRUSH HEAD:	
TEST KIT:	State approved
SHEPHEARD'S HOOK:	With 16' handle
LIFE BUOY:	With 20' rope
DEPTH MARKERS:	As required by the State of Florida
POOL RULES SIGN:	As required by the State of Florida

NOT included in this Proposal

1. Bond
2. Deck
3. Pillings
4. Fence
5. 1" Fresh water line to make-up valve and hook-up at filter
6. 6" min hub and backwash line to an approved location
7. Storm water or sanitary system engineering and/of design
8. Electrical service
9. Filter room
10. Sanitary facilities, hose bibs, drinking fountain and shower
11. Compaction testing
12. Land clearing, tree removal, and hauling off stumps
13. Retaining walls, bringing in dirt, and hauling dirt off site
14. Venting of heaters and installation of gas line
15. Geotechnical soil testing
16. Safety shower or eyewash station

Credit for Excavation and Customer Discount
COMPLETE FOR THE SUM OF:

53,117
\$122,566

Additional Options:

Deck Jets:	\$750 ea.	QTY
Bubblers:	\$350 ea.	QTY
Lighted Bubblers:	\$700 ea.	QTY
Laminars:	\$1,600 ea.	QTY
Led Light Upgrade:	\$900 ea.	QTY

This proposal includes submittal of plans to the State for approval, LICENSES and BUILDING PERMIT FEES. Owner will pay for the operating permit to the State of Florida.

Please see the attached insurance certificate. This is our standard insurance coverage. All contracts signed will be contingent upon your insurance requirements.

Prices are good for 60 days from the date of this proposal

A copy of this Proposal shall be included in the contract documents and scope of work.

Payment Terms

Engineering / Permitting	5%	\$6,128
Mobilization	15%	\$18,385
Shotcrete	60%	\$73,540
Tile	10%	\$12,257
Plumbing and Filter	5%	\$6,128
Final Inspection	5%	\$6,128

After final payments , State of Florida Operating Permit will be submitted.

If we can assist you or if you have any questions regarding this proposal, please feel free to contact us at (850) 234 - 7800

Sincerely,

Drew Schaarschmidt

Commercial Project Manager / Estimator

Lars Karlson

Commercial Drafting and Design

Accepted By:



Title:

OWNER

Date:

3/10/20

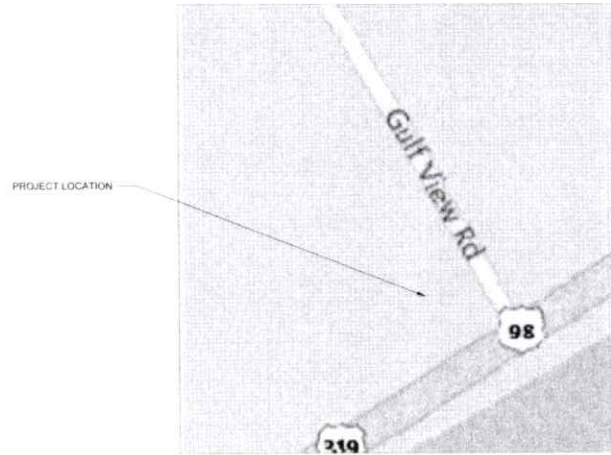
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PROJECT LOCATION

EASTPOINT CAMPGROUND
897 GULFVIEW ST.
EASTPOINT, FL 32328

OWNER

GARRETT CREAMER



LOCATION MAP
SCALE N.T.S.

POOL CONTRACTOR

COX POOLS
17687 ASHLEY DRIVE
PANAMA CITY BEACH, FL 32413

POOL ENGINEER

COASTLINE ENGINEERING &
CONSTRUCTION INC.
1905 CAULEY AVE.
PANAMA CITY, FL 32407

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION	DATE	REVISION
C-1	COVER SHEET	2.06.20	REV 3
C-2	NOTES & LEGEND	2.06.20	REV 3
SP-1	SITE PLAN	2.06.20	REV 3
P-1	POOL PLAN	2.06.20	REV 3
P-2	POOL SECTIONS & DETAILS	2.06.20	REV 3
P-2.1	POOL DETAILS	2.06.20	REV 3
P-3	POOL PLUMBING	2.06.20	REV 3
P-3.1	EQUIPMENT AND LAYOUT	2.06.20	REV 3

THE PLANS SUBMITTED ARE INTENDED TO MEET REQUIREMENTS OF
CHAPTER 4, SECTION 454, OF THE 2017 FLORIDA BUILDING CODE, 6TH EDITION.



17687 Ashley Dr
Panama City Beach, FL
Tel: 850.234.7600

ENGINEER SEAL
[Signature]
12/1/2020

DATE: 09/11/2020
DESCRIPTION: ADDED ENTRY/SPORT POOL, 1229/20
REDUCED SIZE TO 20x50 01/31/2020
CONSTRUCTION SET 09/11/2020

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

COVER SHEET
SCALE: NTS

PROJECT NO: 220014
DESIGNED BY: ATR
CHECKED BY:
DATE: 04/09/20

CV-2
1 OF 8

GENERAL POOL NOTES

1. ALL CORNERS SHALL HAVE MINIMUM 90 DEGREE ANGLE
2. ALL PROTRUDING CORNERS SHALL HAVE A MINIMUM RADIUS OF 2 INCHES
3. THE UPPER PART OF POOL WALLS ARE WITHIN 5 DEGREES OF VERTICAL. FOR A MINIMUM DEPTH OF 2.5 FEET
4. THE RADIUS JOINING THE POOL WALLS AND FLOOR SHALL NOT EXCEED 2.5 FEET
5. THE MIDDLE STEPS SHALL BE UNIFORM WITHIN 1/4" INCHES IN THE WIDTH AND HEIGHT
6. NO OBSTRUCTION SHALL BE OVER THE POOL LESS THAN 8 FOOT FROM THE POOL FLOOR AND AT LEAST 4 FOOT ABOVE THE POOL WATER SURFACE
7. POOL PERIMETER OBSTRUCTION SHALL NOT EXCEED 10 PERCENT OF TOTAL POOL PERIMETER AND ARE PROTECTED BY A BARRIER TO DISCOURAGE PATRON ACCESS
8. PLUMBING LAYOUTS ARE SCHEMATICS. TO INSURE PROPER INSTALLATION PROVIDE ADDITIONAL PLUMBING, FITTINGS, OR VALVE NECESSARY FOR COMPLETION. ALL EQUIPMENT SHALL BE INSTALLED TO MANUFACTURERS REQUIREMENTS
9. ALL PLASTIC PLUMBING THAT IS EXPOSED TO DIRECT SUNLIGHT SHALL BE COATED FOR UV PROTECTION
10. A G.F.C.I SHALL BE LOCATED WITHIN 20 FEET OF THE POOL AND NO CLOSER THAN 10 FEET
11. PROVISIONS OR SERVICE AREAS FOR FOOD OR DRINKING SHALL NOT BE LOCATED WITHIN 12 FEET OF WATERS EDGE
12. ALL PLUMBING SHALL BE SCHEDULE 40 AND NSF APPROVED FOR POTABLE WATER. (NSF-PW)
13. A RINSE SHOWER SHALL BE PLACED ON THE POOL DECK WITHIN 20 FEET OF POOL
14. THE INTERIOR OF THE POOL SHALL BE FINISHED WITH A RIGID IMPERVIOUS MATERIAL, LIGHT IN COLOR, NON-TOXIC, SMOOTH, AND SLIP-RESISTANT MARGITE PLASTER.
15. THE POOL WALLS AND FLOORS SHALL BE CONSTRUCTED OF 4000 P.S.I SHOTCRETE
16. A 48 INCH HIGH FENCING SHALL ENCLOSE THE POOL AREA PERIMETER. THE GATE SHALL BE OF SELF-CLOSING, SELF-LATCHING DESIGN. THE LATCH SHALL BE LOCATED 34 INCHES ABOVE THE BOTTOM HORIZONTAL RAIL OR 3 INCHES BELOW THE TOP HORIZONTAL RAIL
17. FENCE DOES NOT ALLOW PASSAGE OF A 4 INCH DIAMETER SPHERE
18. ALL ACCESS GATES TO POOL AREA SHALL OPEN AWAY FROM THE POOL
19. ACCESS THROUGH THE BARRIER OR FENCE FROM DWELLING UNITS SUCH AS HOMES, APARTMENTS, MOTEL ROOMS AND HOTEL ROOMS SHALL BE THROUGH SELF-CLOSING, SELF-LATCHING LOCKABLE GATES OF 48 INCH MINIMAL HEIGHT FROM THE FLOOR OR GROUND WITH THE LATCH LOCATED A MINIMUM OF 54 INCHES FROM THE BOTTOM OF THE GATE OR AT LEAST 3 INCHES BELOW THE TOP OS THE GATE ON THE POOL SIDE.
20. ALL RECIRCULATION AND TREATMENT EQUIPMENT SHALL BE TESTED AND APPROVED USING THE N.S.F. STANDARD NUMBER 50-2007 "CIRCULATION SYSTEM COMPONENTS AND RELATED MATERIALS FOR SWIMMING POOLS SPASHOT TUBS BY AN APPROPRIATE TESTING FACILITY (I.E. FILTERS, RECESSED AUTOMATIC SKIMMERS, IONIZERS, OZONE GENERATORS, HEATERS, DISINFECTION FEEDERS, AND CHLORINE GENERATORS

BATHROOM NOTES

1. SEPARATE SANITARY FACILITIES SHALL BE PROVIDED AND LABELED FOR EACH SEX AND MUST BE LOCATED WITHIN A 200' RADIUS OF THE NEAREST WATER'S EDGE OF EACH POOL, SERVED BY THE FACILITIES
2. MINIMUM TOILET FACILITIES SHALL BE PROVIDED BY THE GENERAL CONTRACTOR
3. TOILET FLOORS SHALL HAVE AN IMPERVIOUS, SLIP RESISTANT FINISH WITH POSITIVE SLOPE TO FLOOR DRAINS. THE INTERSECTION BETWEEN THE FLOOR AND THE WALLS MUST BE COVERED
4. REST ROOM FACILITIES ARE THE MINIMUM REQUIRED PER CHAPTER 10-D OF THE FLORIDA ADMINISTRATIVE CODE AND DO NOT NECESSARILY MEET A.D.A. HANDICAP REQUIREMENTS OR ANY OTHER CODES
5. PROVIDE A HOSE BIB WITH VACUUM BREAKER NEAR TOILETS FOR FREQUENT CLEANING
6. PROVIDE A SIGN AT POOLSIDE SHOWING DIRECTION TO TOILETS IF TOILETS ARE NOT VISIBLE FROM POOL DECK
7. PROVIDE AN IMPERVIOUS, SLIP RESISTANT FINISH FOR WALKWAY FOR 15' MINIMUM FROM WATER'S EDGE TOWARD TOILETS
8. 7,500 - 10,000 SQ. FT. REQUIRES MENS 3 URINAL & 2 WC, WOMENS 3 LAVATORY & 8 WC.

DEPTH MARKER NOTES

1. DEPTH MARKERS SHALL INDICATE THE ACTUAL DEPTH WITHIN 3 INCHES
2. ALL DEPTH AND "NO DIVING" MARKERS SHALL BE TILE
3. DEPTH MARKERS SHALL BE VISIBLE FROM INSIDE THE POOL AND FROM THE POOL DECK
4. ALL MARKINGS THAT ARE ON POOL HORIZONTAL SURFACES SHALL BE SLIP RESISTANT
5. DEPTH MARKERS SHALL CONSIST OF 4 INCH LETTERING AND NUMBERING FOLLOWED BY THE FULL OR ABBREVIATED WORDS "FEET" OR "INCHES"
6. DEPTH MARKERS SHALL BE LOCATED ON BOTH SIDES OF THE POOL AT THE SHALLOW END, SLOPE BREAK, DEEP END WALL, AND DEEP POINT
7. DEPTH MARKERS SHALL BE AT A MAXIMUM 25 FOOT INTERVALS ALONG THE POOL PERIMETER
8. DEPTH MARKERS SHALL BE LOCATED ON THE INSIDE VERTICAL POOL WALL AT OR ABOVE THE WATER
9. DEPTH MARKERS ON OPEN GUTTER POOL SHALL BE LOCATED ON THE BACK OF THE GUTTER WALL
10. DEPTH MARKERS SHALL BE LOCATED ON THE HORIZONTAL POOL DECK WITHIN 2 FEET OF WATERS EDGE
11. DEPTH MARKERS SHALL BE LOCATED ON THE POOL INSIDE AND OUTSIDE CURB RISER. A DEPTH MARKER CAN BE LOCATED ON TOP OF THE CURB TO REPLACE THE OUTSIDE RISER
12. "NO DIVING" MARKINGS SHALL BE LOCATED ON THE BOTH SIDES OF THE POOL(S) CURB TOP OR DECK WITHIN 2 FEET OF WATERS EDGE. WITH A MAXIMUM SPACING OF 25 FEET
13. ON NO DIVING MARKERS THE LETTERS "NO DIVING" SHALL BE AT LEAST 4 INCH HIGH AND CONTRASTING. OR A 6 INCH TILE WITH A MINIMUM 4 INCH RED INTERNATIONAL "NO DIVING" SYMBOL.

EQUIPMENT ROOM NOTES

1. EQUIPMENT ROOM SHALL BE PROTECTED FROM UNAUTHORIZED ENTRY AND WEATHER. ON AT LEAST 3 SIDES WITH OVERHEAD PROTECTION
2. THE EQUIPMENT ROOM SHALL BE CONSTRUCTED OUT OF CONCRETE OR OTHER NONABSORBENT MATERIAL HAVING A SMOOTH SLIP- RESISTANT FINISH
3. THE EQUIPMENT ROOM SHALL BE SLOPED UNIFORMLY TO A FLOOR DRAINAGE SYSTEM WITH SUMP PUMP IF NEEDED
4. THE EQUIPMENT ROOM SHALL HAVE FORCED DRAFT VENTILATION OR ADEQUATE CROSS VENTILATION
5. EQUIPMENT ROOM BELOW GRADE SHALL HAVE FORCED DRAFT VENTILATION OR FULLY COVERED DOOR WITH VENT LOUVERS ON AT LEAST ONE OTHER SIDE OF THE ROOM.
6. EQUIPMENT ROOM SHALL HAVE A MINIMUM ACCESS OF 8 FEET BY 6'-8" AND SHALL PROVIDE EAST ACCESS TO THE EQUIPMENT
7. EQUIPMENT ROOM SHALL HAVE A HOSE BIBB WITH A VACUUM BREAKER FOR FREQUENT CLEANING
8. EQUIPMENT ROOM SHALL HAVE A MINIMUM FIXED CEILING HEIGHT OF 7 FEET.
9. EQUIPMENT ROOM SHALL HAVE LIGHTING THAT PROVIDES A 30 FOOT-CANDELES OF ILLUMINATION AT THE FLOOR LEVEL
10. CHEMICAL STORAGE SHALL BE PROTECTED FROM UNAUTHORIZED ENTRY AND PLACED IN A WELL VENTILATED AREA

POOL ELECTRICAL NOTES

1. ELECTRICAL WORK SHALL COMPLY WITH N.E.C. CODES AND LOCAL COUNTY/CITY CODES
2. ELECTRICAL WIRING INSTALLATION AND GROUNDING OF POOL COMPONENTS SHALL BE DONE BY A LICENSED ELECTRICAL CONTRACTOR
3. AN ELECTRICAL POOL PERMIT AND INSPECTION IS NEEDED FOR THE POOL GROUNDING AND BONDING
4. OVERHEAD SERVICE WIRING SHALL NOT BE WITHIN 10 FEET HORIZONTALLY OF POOL WALLS OR DECK APPURTENANCES
5. POOL UNDERWATER LIGHTING SHALL BE 1/2 WATT PER WATER SURFACE SQUARE FEET IF POOL IS TO BE USED FOR NIGHT SWIMMING
6. OVERHEAD LIGHTING FOR NIGHT SWIMMING SHALL BE 3 FOOT-CANDELES AT WATER AND DECK LEVEL
7. ELECTRICAL CONDUIT RUNS SHALL NOT BE LONGER THAN 96 FEET TO THE TRANSFORMER
8. TRANSFORMERS SHALL BE MOUNTED AT LEAST 6" ABOVE THE WATER LEVEL IN THE POOL
9. UNDERWATER LIGHTS SHALL NOT EXCEED 300 WATTS AND 12 VOLTS
10. A SWITCH FOR THE LIGHTS WILL BE SPECIFIED BY OWNER (I.E. PHOTOCELL, SWITCH, OR TIMER)
11. ALL EQUIPMENT IS RATED FOR (208/230) VOLTS
12. TRANSFORMER SHALL BE PROVIDED BY POOL CONTRACTOR AND INSTALLED BY ELECTRICAL CONTRACTOR
13. CHEMICAL PUMPS SHALL BE INTERLOCKED WITH FILTER PUMP TO RUN AND SHUT DOWN WHEN FILTER PUMP DOES SO

POOL RULE SIGN

1. POOL RULE SHALL BE POSTED IN 1 INCH HIGH LETTERING WHICH MUST BE LEGIBLE FROM THE POOL DECK, AND CONTAIN THE FOLLOWING
 1. NO FOOD, DRINK, GLASS OR ANIMALS IN POOL OR ON POOL DECK
 2. BATHING LOAD - PERSONS
 3. POOL HOURS - AM TO P.M.
 4. SHOWER BEFORE ENTERING
 5. DO NOT SWALLOW THE POOL WATER
 IF POOL(S) IS NOT APPROVED FOR DIVING, 4 INCH HIGH LETTERS STATING "NO DIVING" SHALL BE POSTED ALONG WITH OTHER RULES

DECK NOTES

1. POOL DECK SHALL HAVE A MINIMUM SLOPE OF 2% AND A MAXIMUM OF 4% UNIFORM SLOPE AWAY FROM THE POOL OR TO DECK DRAINS
2. POOL DECK SHALL BE CONSTRUCTED OF IMPERVIOUS MATERIAL WITH A SLIP-RESISTANT FINISH
3. THE POOL DECK IS NOT MORE THAN 10" BELOW THE CURB OF THE POOL IF CURB IS PROVIDED
4. POOL DECK SHALL HAVE A MINIMUM OF 4' WIDTH OF UNOBSTRUCTED DECK AROUND THE PERIMETER OF THE POOL, LADDERS, HANDRAILS, HANDICAP LIFTS, DIVING BOARDS, SLIDES, FOUNTAINS, AND RAISED WALLS
5. OBSTRUCTIONS AROUND THE POOL PERIMETER SHALL BE KEPT TO A MAXIMUM OF 10% OF THE POOL PERIMETER. OBSTRUCTIONS SHALL BE DESIGNED OR PROVIDED WITH A BARRIER TO PREVENT ACCESS
6. OBSTRUCTION SHALL HAVE A 4' WALKWAY BEHIND OR THROUGH THEM W/IN 15' OF WATERS EDGE
7. A HOSE BIBB WITH VACUUM BREAKER SHALL BE INSTALLED IN THE VICINITY OF THE POOL DECK WITH A POTABLE WATER SOURCE. FOR FREQUENT CLEANING
8. VERTICAL CLEARANCE ABOVE THE ENTIRE POOL DECK SHALL BE A MINIMUM OF 7 FOOT
9. THE POOL DECK SHALL HAVE 3 FOOT-CANDELES OF ILLUMINATION IF POOL IS USED AT NIGHT
10. WOOD IS NOT ALLOWED FOR DECKING OR EXPANSIONS JOINTS IN POOL DECK

ABBREVIATIONS	
AMPERE	AMP
BENCH MARK	BM
BRITISH THERMAL UNIT	B.T.U.
CENTER LINE	CL
CHECK VALVE	CV
CHLORINE	OHL
CONCRETE	CONC
CROSS SECTION	XSECT
CUBIC FOOT	CU FT
DEGREE	DEG (°)
EAST	E
DEPARTMENT OF HEALTH	DOH
EQUAL	EQ
ELEVATION	EL
ENVIRONMENTAL PROTECTION AGENCY	EPA
FILTRATION	FILT
FAHRENHEIT	F
FEET	FT (')
FOOT	FT (')
GALLONS PER MINUTE	G.P.M
GAUGE	GA
GALLON	GAL
GENERAL	GEN
GOVERNMENT	GOVT
HEAT	HT
HORSEPOWER	HP
HYDRAULIC	HYD
INCH	IN (")
INSIDE DIAMETER	I. D.
INFORMATION	INFO
LABORATORY	LAB
LAVATORY	LAV
LITERS	L
MANUFACTURE	MFR
MAXIMUM	MAX
METER	M
MINIMUM	MIN
MINUTE	MIN (')
MISCELLANEOUS	MISC
MOTOR	MOT
NATURAL	NAT
NATIONAL ELECTRICAL CODE	N.E.C.
NATIONAL SANITATION FOUNDATION	NSF
NORTH	N
NOT TO SCALE	N.T.S.
ON CENTER	O.C.
OUTSIDE DIAMETER	O.D.
OXIDATION REDUCTION POTENTIAL	O.R.P.
POUND	LB
POUNDS PER SQUARE INCH	P.S.I.
PRESSURE	PRESS
QUANTITY	QTY
RADIUS	R
REFERENCE LINE	REF. L
RETURN	RT
SKIMMER	SK
SOUTH	S
SQUARE	SQ.
SQUARE FEET	S.F.
SUCTION	SUC
THERAPY	TH
TOP OF DECK	T.O.D
TOTAL DYNAMIC HEAD	T.D.H
TYPICAL	TYP
URINAL	U
VOLT	V
VOLUME	VOL
WATER CLOSET	WC
WATT	W
WEST	W
YARD	YD

LEGEND	
	FLOOR RETURN INLET
	GUTTER FITTING
	STATIC INLET
	VACUUM INLET
	WALL RETURN INLET
	THERAPY RETURN INLET
	SKIMMER
	MAIN DRAIN
	DEPTH MARKER
	NO DIVING MARKER
	UNDERWATER LIGHT
	LADDER
	HAND RAIL
	SAFETY EQUIPMENT
	FLOW METER
	PRESSURE GAUGE
	THERMOMETER
	3-WAY VALVE
	2-WAY VALVE
	CHECK VALVE
	FLOW DIRECTION
	WATER DEPTH INDICATOR



17667 Ashley Dr
Panama City Beach, FL
Tel: 850 234-7600

ENGINEER/SEAL
Mark
6-23-20

DATE
ADDED ENTRY/SPORT POOL: 12/9/20
REDUCED SIZE TO 20x50: 01/31/2020
CONSTRUCTION SET: 09/17/2020

EASTPOINT CAMP GR.
EAST POINT
FRANKLIN COUNTY, FL

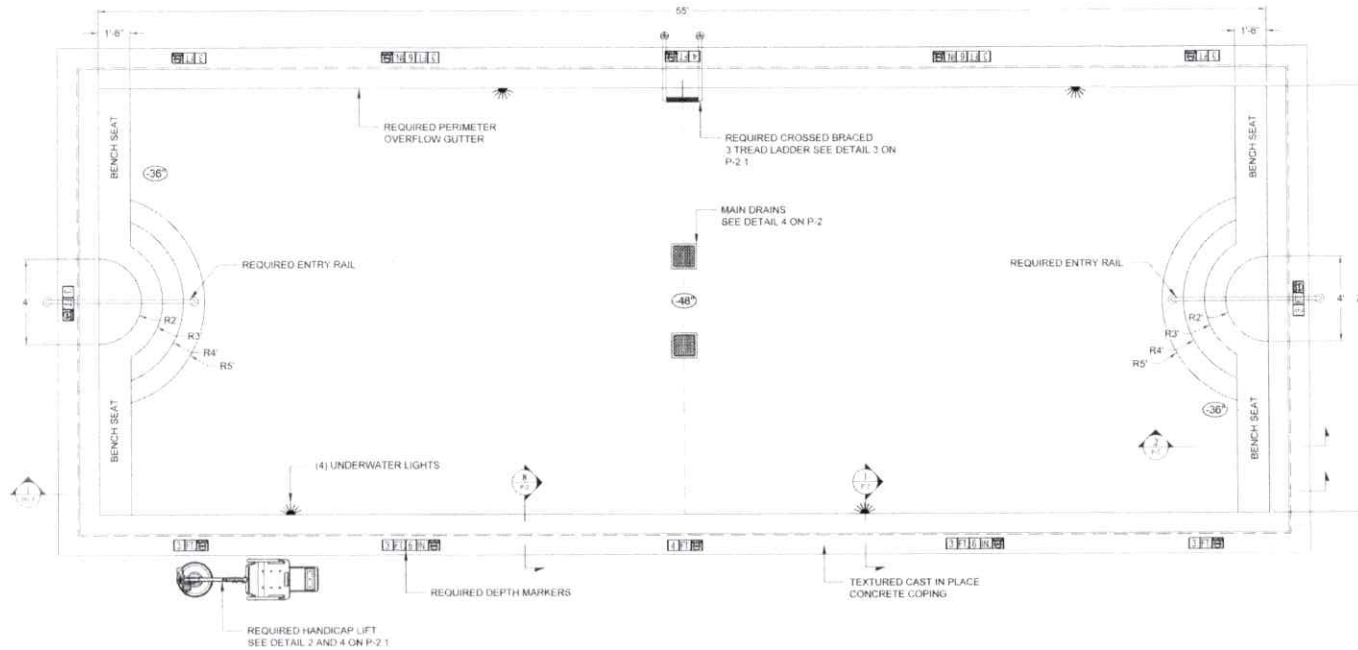
GENERAL NOTES
SCALE: NTS

PROJECT NO. 120074
DESIGNED BY LTR
CHECKED BY
DATE: 04-09-20

CV-2
2 OF 8

N-

POOL SPECIFICATIONS:
 AREA - 1,100 SQ FT
 PERIMETER - 150 L.F.
 VOLUME - 28,798 GALLONS
 UNITS SERVED - 34 TRANSDIET
 34 UNITS x 180 MINS. = 6,120 GALLONS REQUIRED
 POOL TURNOVER RATE - 3.2 HOURS
 POOL BATHER LOAD - 30
 POOL FILTER RATE - 150 GPM



1 POOL PLAN

SCALE: 3/8" = 1'-0"



17687 Ashley Dr
 Panama City Beach, FL
 Tel: 850.234.7800



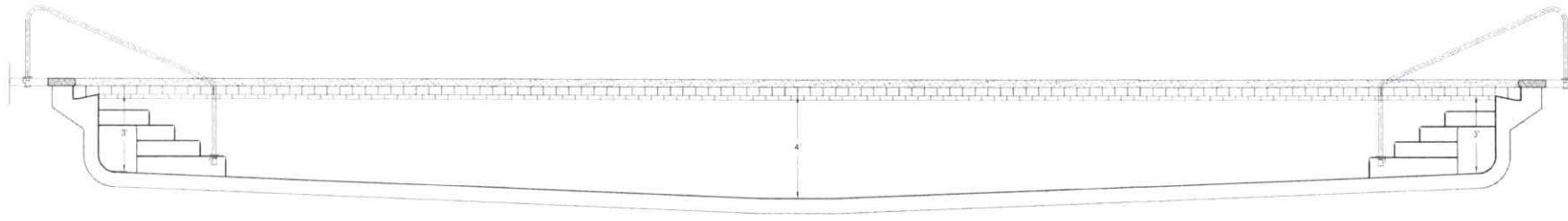
DATE: 01/29/2020
 DISTRIBUTION: ADDED ENTRY SPORT POOL 01/29/20
 REDUCED SIZE TO 20x50 01/29/2020
 CONSTRUCTION SET 05/11/2020

EASTPOINT CAMPGR.
 EAST POINT
 FRANKLIN COUNTY, FL

POOL PLAN
 SCALE: AS SHOWN

PROJECT NO: 1259074
 DRAWN BY: JFM
 DESIGNED BY:
 CHECKED BY:
 DATE: 04/08/20

P-1
 4 OF 8



1 POOL SECTION

SCALE: 1/2" = 1'-0"



17687 Ashley Dr.
Panama City Beach, FL
Tel 850.234.7800



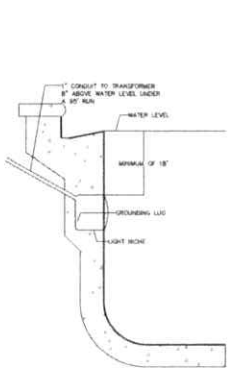
DATE: 01/11/2020
DISTRIBUTION: ADDED ENTRY/SPORT POOL 01/29/20
REDUCED SIZE TO 20x40 01/11/2020
CONSTRUCTION SET 05/11/2020

EASTPOINT CAMPR.
EAST POINT
FRANKLIN COUNTY, FL

DETAILS
SCALE: AS SHOWN

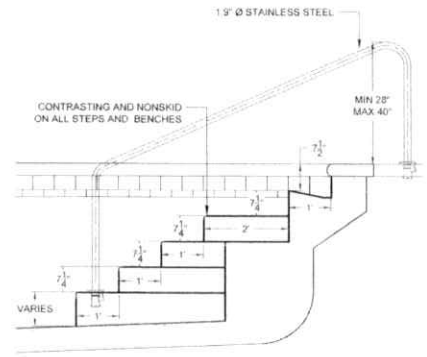
PROJECT NO: 220014
DRAWN BY: LTK
DESIGNED BY:
CHECKED BY:
DATE: 04/09/20

P-2
5 OF 8



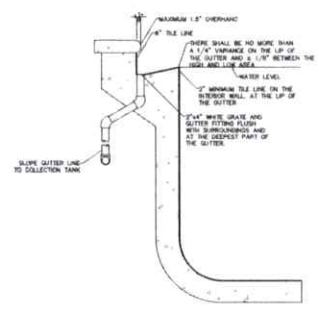
2 LIGHT NICHE DETAIL

SCALE: 3/4" = 1'-0"



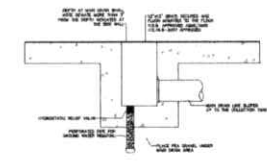
3 STAIR / RAIL DETAIL

SCALE: 3/4" = 1'-0"



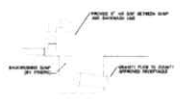
4 GUTTER DETAIL

SCALE: 3/4" = 1'-0"



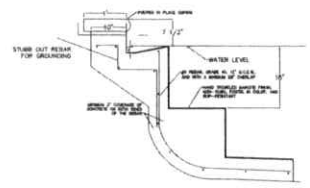
5 MAIN DRAIN DETAIL

SCALE: 3/4" = 1'-0"



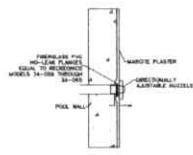
6 SUMP DETAIL

SCALE: 3/4" = 1'-0"



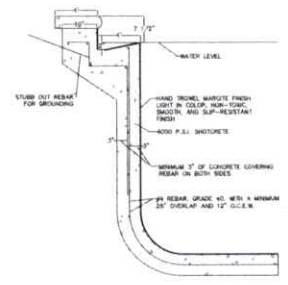
7 BENCH DETAIL

SCALE: 3/4" = 1'-0"



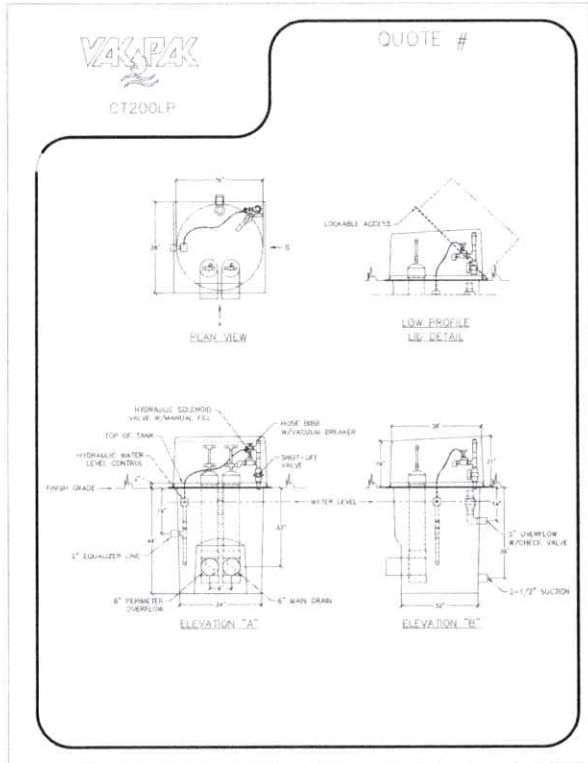
8 WALL INLET DETAIL

SCALE: 1" = 1'-0"

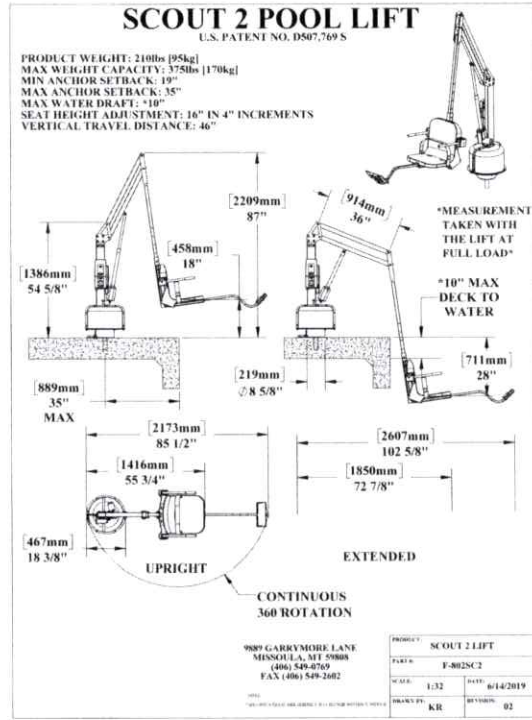


9 STEEL DETAIL

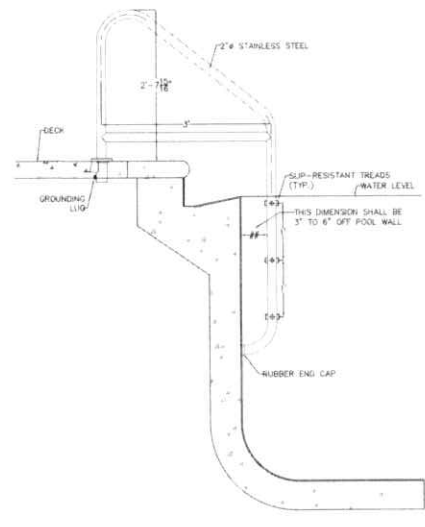
SCALE: 3/4" = 1'-0"



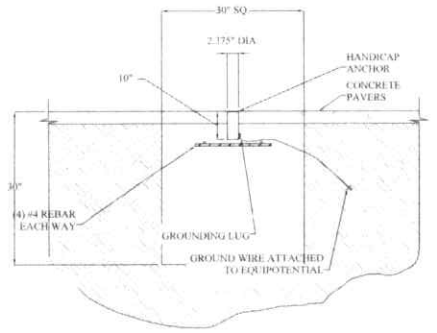
1 COLLECTION TANK DETAIL SCALE: N.T.S.



2 HANDICAP LIFT DETAIL SCALE: N.T.S.



3 TREAD LADDER DETAIL SCALE: 1" = 1'



4 HANDICAP LIFT ANCHOR DETAIL SCALE: 1" = 1'



17687 Ashley Dr.
Panama City Beach, FL
Tel 850.234.7800



DATE: 05/11/2020
DISTRIBUTION: EASTPOINT SPORT POOL 01/29/20
REDUCED SIZE TO 20x60 01/11/2020
CONSTRUCTION SET: 05/11/2020

EASTPOINT CAMPR.
EAST POINT
FRANKLIN COUNTY, FL

DETAILS
SCALE AS SHOWN

PROJECT NO: C-20074
DRAWN BY: LTK
CHECKED BY:
DATE: 04/09/20

P-2.1
6 OF 8

N-



17667 Ashley Dr
Panama City Beach, FL
Tel: 850.234.7600



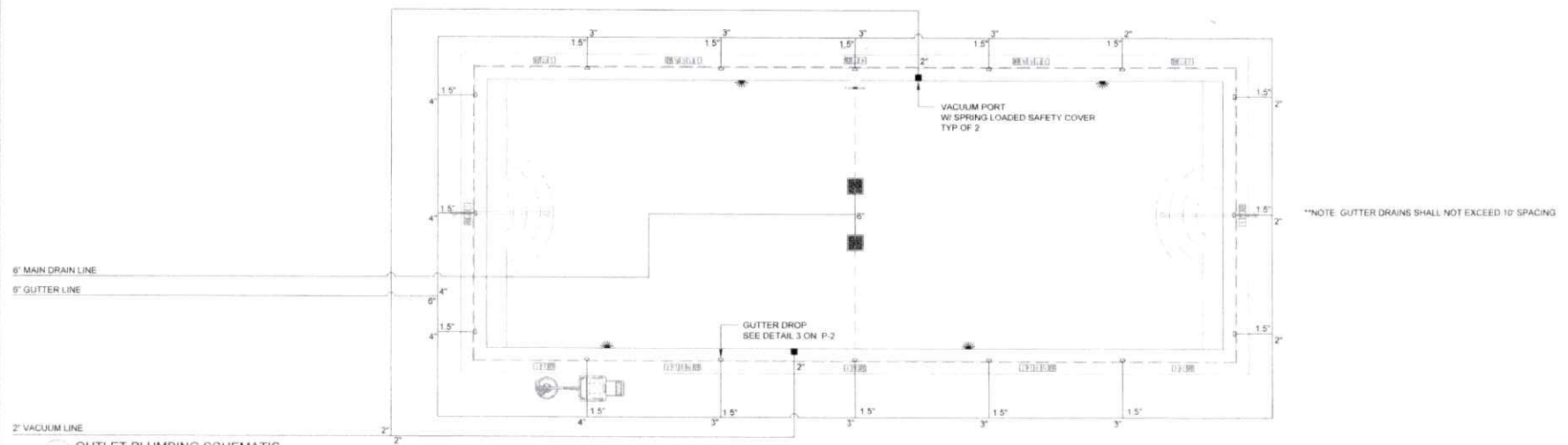
DATE: 05/11/2020
 PROJECT: EASTPOINT CAMPGR.
 EAST POINT
 FRANKLIN COUNTY, FL
 CONSTRUCTION SET 05/11/2020

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

PLUMBING PLAN
SCALE AS SHOWN

PROJECT NO: C00074
 DRAWN BY: LTB
 CHECKED BY:
 DATE: 04/09/20

P-3
7 OF 8



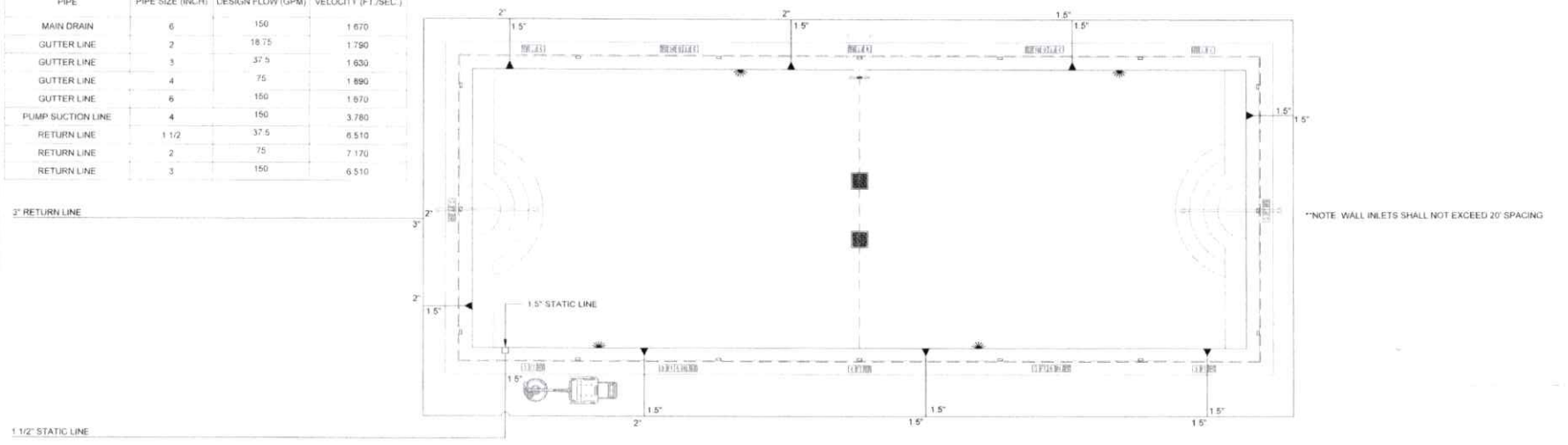
**NOTE: GUTTER DRAINS SHALL NOT EXCEED 10' SPACING

1 OUTLET PLUMBING SCHEMATIC

SCALE: NTS

WATER PIPING SCHEDULE

PIPE	PIPE SIZE (INCH)	DESIGN FLOW (GPM)	VELOCITY (FT./SEC.)
MAIN DRAIN	6	150	1.670
GUTTER LINE	2	18.75	1.790
GUTTER LINE	3	37.5	1.630
GUTTER LINE	4	75	1.890
GUTTER LINE	6	150	1.870
PUMP SUCTION LINE	4	150	3.780
RETURN LINE	1 1/2	37.5	6.510
RETURN LINE	2	75	7.170
RETURN LINE	3	150	6.510



**NOTE: WALL INLETS SHALL NOT EXCEED 20' SPACING

2 INLET PLUMBING SCHEMATIC

SCALE: NTS

PUMP SCHEDULE

APPLICATION	QTY	PRODUCT KEY	MODEL #	MFR.	HAIR & LINT STAINER	GPM	T.D.H.	H.P.	PHASE	VOLTAGE	AMP
FILTER PUMP	1	HC P30301	HCP SERIES	HAYWARD	INTEGRAL	150	68	3.0	1	208/230	11.8-11

* ALL PUMPS SHALL BE SELF-PRIMING & CONFIRM AVAILABLE POWER ON-SITE

FILTER SCHEDULE

APPLICATION	FILT. MEDIA	QTY.	PRODUCT KEY	MODEL #	MFR.	TOTAL AREA (S.F.)	MAXIMUM CAPACITY (GPM)	DESIGNED FILT. RATE (GPM/S.F.)	GEN. INFO.
POOL FILTER	SAND	2	HCP230	N/A	HAYWARD	5.0	100	15.0	NSF APPROVED W/ AIR RELIEF & SIGHT GLASS

DISINFECTANT & SANITATION

APPLICATION	QTY	PRODUCT KEY	MODEL #	MFR.	OUTPUT	DESIGNED FEED RATE (MG/L)	P.P.D.	G.P.D.	NOTES
EROSION TAB FEEDER (CHLORINE)	1	R171215	HC-3315	PENTAIR	ADJUSTABLE	≥ 6	15	N/A	97,600 MAX GALLONS TREATED
PH ADJUSTMENT FEEDER	1	45MU5015TAA	45M1	STENNER	ADJUSTABLE	N/A	N/A	22	N/A

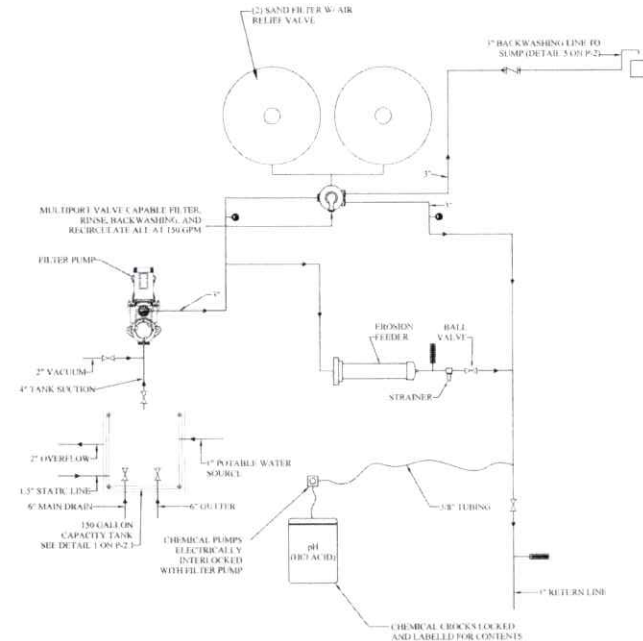
* ALL STENNER FEEDER REQUIRE G.F.C.I. OUTLET & OPERATED BY O.R.P. CONTROLLER

GEN. EQUIPMENT LIST

APPLICATION	QTY	PRODUCT KEY	MODEL #	MFR.	GEN. DESCRIPTION
POOL MAIN DRAIN	2	N/A	N/A	COM-PAC	12"X12"X12" SUMP W/ 6" INLET & 2" HYDROSTATIC INLET
MULTI-PORT VALVE	1	HCV375	N/A	HAYWARD	3", 300 GPM MULTI-PORT VALVE
POOL GUTTER FITTINGS	16	540063	N/A	PENTAIR	2"X 4" GUTTER DRAIN & GRATE, WHITE, & 14.5 GPM @ 1.5 FT/SEC
POOL MAIN DRAIN GRATE	2	640-4720	N/A	WATERWAY	12"X12" FRAME & GRATE, WHITE, 4.55 SCREWS, MAX 292 GPM @ 1.5 FT/SEC, & 62.4 SQ. IN. OF AREA ASME/ANSI 112.19.8.2007 APPROVED
HYDROSTATIC RELIEF VALVE	1	34-601	N/A	RECREONICS	2" CYCOLAC RELIEF VALVE, WHITE
POOL LIGHTS	2	601107	AMERILITE	PENTAIR	12V, 300W, W/ S.S. FACE RING INCANDESCENT
FILTER PRESSURE GAUGES	4	N/A	N/A	U.S. GAUGE	3.5" FACE W/ 0-60 P.S.I. READING
POOL CHEMICAL CROCKS	1	N/A	N/A	RUSSELL STANLEY	15 GALLON CAPACITY & MARK FOR CONTENTS
FLOWMETER	1	N/A	F-30500P	BLUE AND WHITE	FOR 1" PIPE AND READS 50-300 GPM
VACUUM FITTING	2	GW9530	N/A	PENTAIR	VAC-PORT FITTING, NSF LISTED
TEST KITS	1	N/A	K-2005	TAYLOR	TEST ALKALINITY, BK. CHLORIDE TEST, ACID, & CALCIUM
POOL LADDER	1	VLLS-103E	N/A	S.R. SMITH	3 STEP, 36" LADDER, SLIP RESISTANT, & STAINLESS STEEL
POOL HANDRAIL	2	DMS-101A	N/A	S.R. SMITH	8", 2-BEND, 1.9" DIA. STAINLESS STEEL CUSTOM RAIL, 14S WALL THICKNESS
VACUUM HOSE	1	N/A	SERVICE KING	PLASTYFLEX	50 HOSE W/ 1 1/2" & 2" INLET
VACUUM POLE	1	R191306	N/A	PENTAIR	8 TO 15.4 TELESCOPIC POLE, BLUE
VACUUM HEAD	1	R201060	FLEX-A-VAC	PENTAIR	14" LOW PROFILE HEAD
HAND SKIMMER	1	R121026	N/A	PENTAIR	MOLDED FRAME SKIMMER REINFORCED W/ ALUMINUM
LIFE RING	2	N/A	N/A	SCP	18" Ø FLOAT W/ ROPE
SAFETY HOOK	2	R221026K R221030	151	PENTAIR	HOOK W/ BRASS BOLT SET
SAFETY POLE	2	R191116	R20-16	PENTAIR	16" CLEAR ANODIZED POLE
POOL BRUSH	1	R111046	92	PENTAIR	18" WHITE NYLON
POOL RULE SIGN	2	R234800	N/A	PENTAIR	18"X24" & COMPLIES W/ FLORIDA HEALTH CODES
WALL RETURN FITTING	8	SP1419	N/A	HAYWARD	1 1/2" SLIP RESISTANT, 1/2" OPENING, WHITE, AND DIRECTIONALLY ADJUSTABLE

1 EQUIPMENT SCHEDULE

SCALE: N.T.S.



permits@franklincountyflorida.com

From: commercialpools coxpools.com <commercialpools@coxpools.com>
Sent: Thursday, June 25, 2020 5:01 PM
To: permits@franklincountyflorida.com
Subject: FW: Commercial Pool Application
Attachments: Pool Application.pdf; Signed Proposal.pdf; Eastpoint Campground Engineered.pdf

From: commercialpools coxpools.com
Sent: Thursday, June 11, 2020 9:39 AM
To: permits@franklincounty.com
Subject: Commercial Pool Application

Hello,

Please find the attached permit application and supporting documents for review. Please forward any questions or concerns.

Sincerely,

Gina DiMartino

Executive Assistant
Commercial Construction
Cox Bldg Corp dba Cox Pools
Office: 850-234-7800 ext. 236
Fax: 850-235-7945
License# CPC-056661





APPLICATION FOR RE-ZONING & LAND USE CHANGE

FRANKLIN COUNTY BUILDING DEPARTMENT

34 Forbes Street, Suite 1, Apalachicola, Florida 32320

Phone: 850-653-9783 Fax: 850-653-9799

http://www.franklincountyflorida.com/planning_building.aspx

PROPERTY OWNER'S NAME: East Point Lands LLC
MAILING ADDRESS: 183 N. Bayshore Drive City/State/Zip: East Point Fla. 32328
PHONE #: 850-899-3020 CELL #: SAME EMAIL: info@seaguestseated.com

AGENT'S NAME: Bruce Millender
MAILING ADDRESS: 183 N. Bayshore Drive City/State/Zip: East Point, Fla. 32328
PHONE #: 850-899-3020 CELL #: 850-899-3020 EMAIL: info@seaguestseated.com

PROPERTY DESCRIPTION: 911 Address: 16 N. Franklin St.
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 31-085-06W-0000-1640-0010

JURISDICTION: Franklin County
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

ACREAGE: 1.40

CURRENT ZONING: _____ CURRENT LAND USE: _____

REQUESTED ZONING: C-3 REQUESTED LAND USE: _____

LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description)

PLANNING & ZONING DATE: _____

RECOMMENDED APPROVAL: _____ RECOMMENDED DENIAL: _____ RECOMMENDED TO TABLE: _____
CONDITIONS: _____

BOARD OF COUNTY DATE: _____
RECOMMENDED APPROVAL: _____ RECOMMENDED DENIAL: _____ RECOMMENDED TO TABLE: _____
CONDITIONS: _____

PUBLIC HEARING DATE: _____
 APPROVED DENIED TABLED
CONDITIONS: _____

Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of \$250.00 for Re-Zoning and \$250.00 for Land Use Change. Return to the following address:

Franklin County
34 Forbes Street, Suite 1
Apalachicola, FL 32320

RECEIVED
JUN 30 2020

BY: AK



- Legend**
- Parcels
 - Roads
 - City Labels

Parcel ID	31-08S-06W-0000-1640-0010	Alternate ID	06W08S31000016400010	Owner Address	EASTPOINT LANDS, LLC
Sec/Twp/Rng	--	Class	VACANT		185 NORTH BAYSHORE DRIVE
Property Address	16 N FRANKLIN ST	Acreage	n/a		EASTPOINT, FL 32328
District	5				
Brief Tax Description	A PARCEL BEING 197X107 FRONT (Note: Not to be used on legal documents)				

Date created: 6/30/2020
 Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by  Schneider
 GEOSPATIAL

DESCRIPTION:

A parcel of land in Block 102 of an Unrecorded Plat in the Northwest Quarter of Fractional Section 31, T 8 S, R 6 W, Franklin County, Florida, described as follows:

Commence at the Southwest Corner of the Northwest Quarter of said Fractional Section 31, and thence run North along the West boundary of said Northwest Quarter for 407.50 feet to a point on the Northern right of way of U. S. Highway 319; thence North $86^{\circ}53'$ East along said right of way line for 700.00 feet; thence Due North along the West right of way line of Franklin Street for 200.00 feet to the Point of Beginning. Thence continue North along said West right of way line for 100.00 feet; thence South $86^{\circ}53'$ West along the Northern right of way line of an Electric Power Line Easement for 150.00 feet; thence Due South for 100.00 feet; thence North $86^{\circ}53'$ East along the Southern boundary of said Power Line Easement for 150.00 feet to the Point of Beginning.

Franklin St

FURTHER DESCRIBED ON EXHIBIT "B" ATTACHED, Survey dated October 13, 2004, Job No. 04-904, by Thurman Roddenberry & Associates, Surveyor:

EXHIBIT "B"

Inst:0200409836 Date:10/21/2004 Time:14:19

Doc Stamp-Deed : 0.70

DC, Kendall Wade, FRANKLIN County B:817 P:701

James "Thurman" Roddenberry
Professional Land Surveyor

PO Box 100
 125 Sheldon Street
 Sopchoppy, Florida 32358
 USA

Phone: 850-962-2538
 Fax: 850-962-1103

October 13, 2004

Legal Description of a 1.40 Acre Tract
 For: Bruce Millender

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

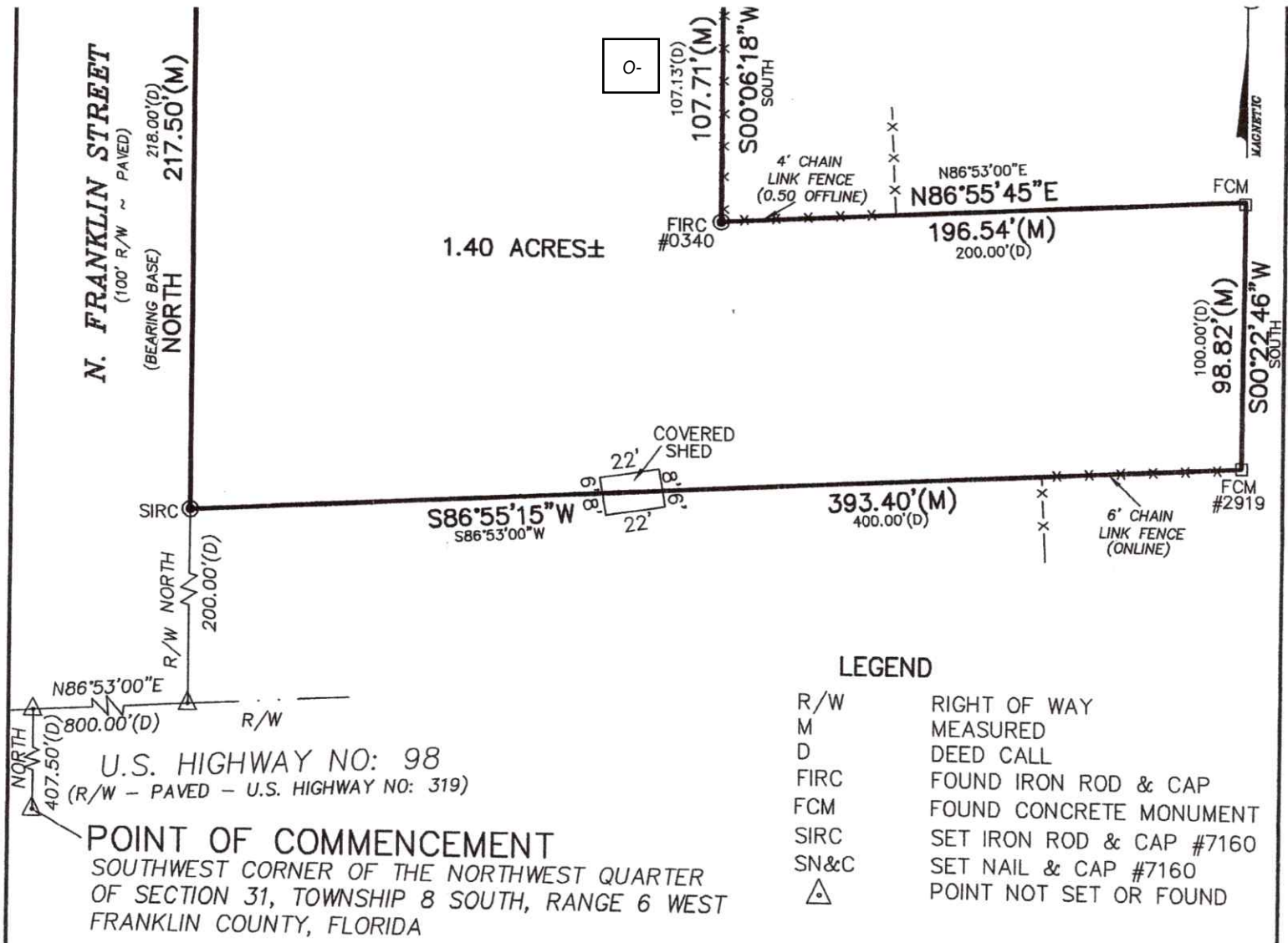
Commence at the Southwest corner of the Northwest quarter of Section 31, Township 8 South, Range 6 West, Franklin County, Florida and run North 407.50 feet to a point lying on the Southerly right-of-way boundary of U.S. Highway No. 319, thence run North 86 degrees 53 minutes 00 seconds East along said right-of-way boundary 800.00 feet to a point lying on the Easterly right-of-way boundary of North Franklin Street, thence run North along said Easterly right-of-way boundary 200.00 feet to an iron and cap (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run North along said right-of-way boundary 217.53 feet to an iron and cap (marked #6475), thence leaving said right-of-way boundary run South 89 degrees 53 minutes 37 seconds East 197.42 feet to an iron and cap (marked #0340), thence run South 00 degree 06 minutes 18 seconds West 107.71 feet to an iron and cap (marked #0340), thence run North 86 degrees 55 minutes 45 seconds East 196.54 feet to a concrete monument, thence run South 00 degrees 22 minutes 46 seconds West 98.82 feet to a concrete monument (marked #2919), thence run South 86 degrees 55 minutes 15 seconds West 393.90 feet to the POINT OF BEGINNING containing 1.40 acres, more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.



James T. Roddenberry
 Surveyor and Mapper
 Florida Certificate No: 4261

04-905



NOTES:

1. SURVEY SOURCE: Deed of record and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Easterly right-of way boundary of N. Franklin Street being North as per deed.
3. NO IMPROVEMENTS have been located in this survey as per clients special request.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. See attached sheet for legal description.

FLOOD ZONE INFORMATION:
Subject property is located in Zone X
as per Flood Insurance Rate Map Community
Panel No:120088 0532E, index date: June 17,
2002, Franklin County, Florida

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

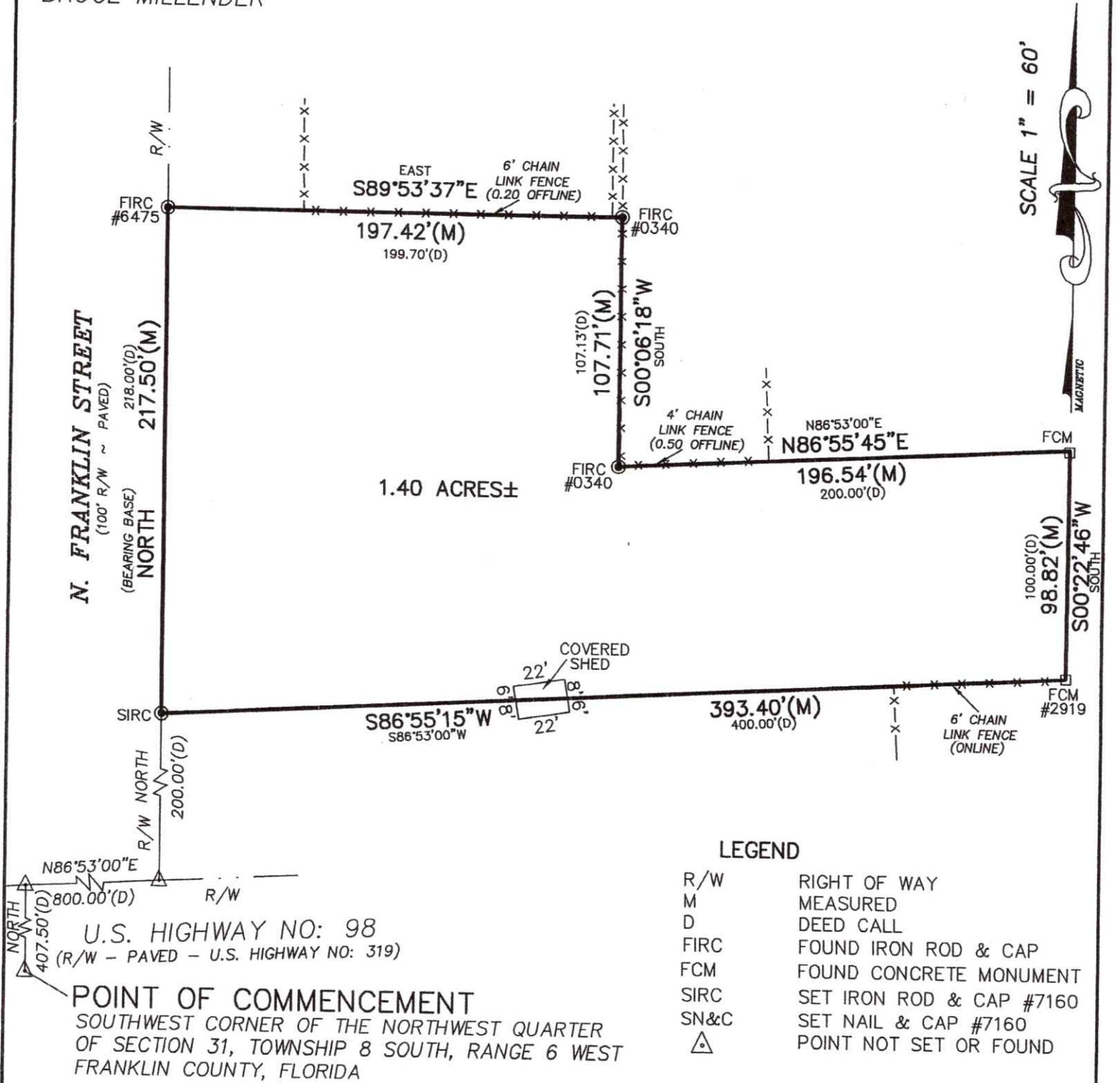
JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4261

Thurman Roddenberry & Associates
Professional Surveyor & Mappers
LB No. 7160

P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358-0100 • (850) 962-2538

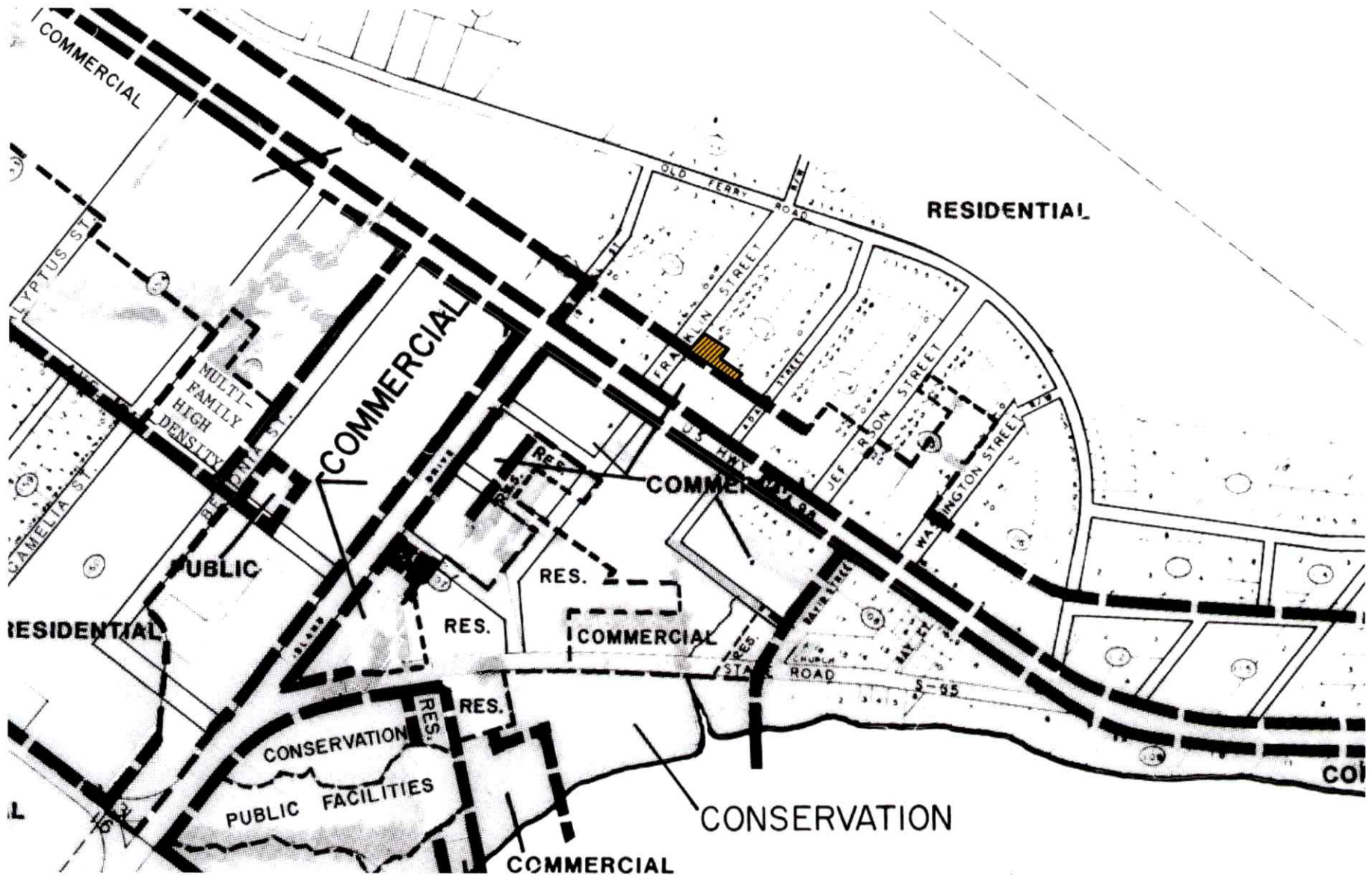
DATE: 10/13/04	DRAWN BY: JHR	N.B.406 pg. 61	COUNTY: FRANKLIN
FILE: 04907.DWG	DATE OF LAST FIELD WORK: 10/12/04	JOB NUMBER: 04-907	

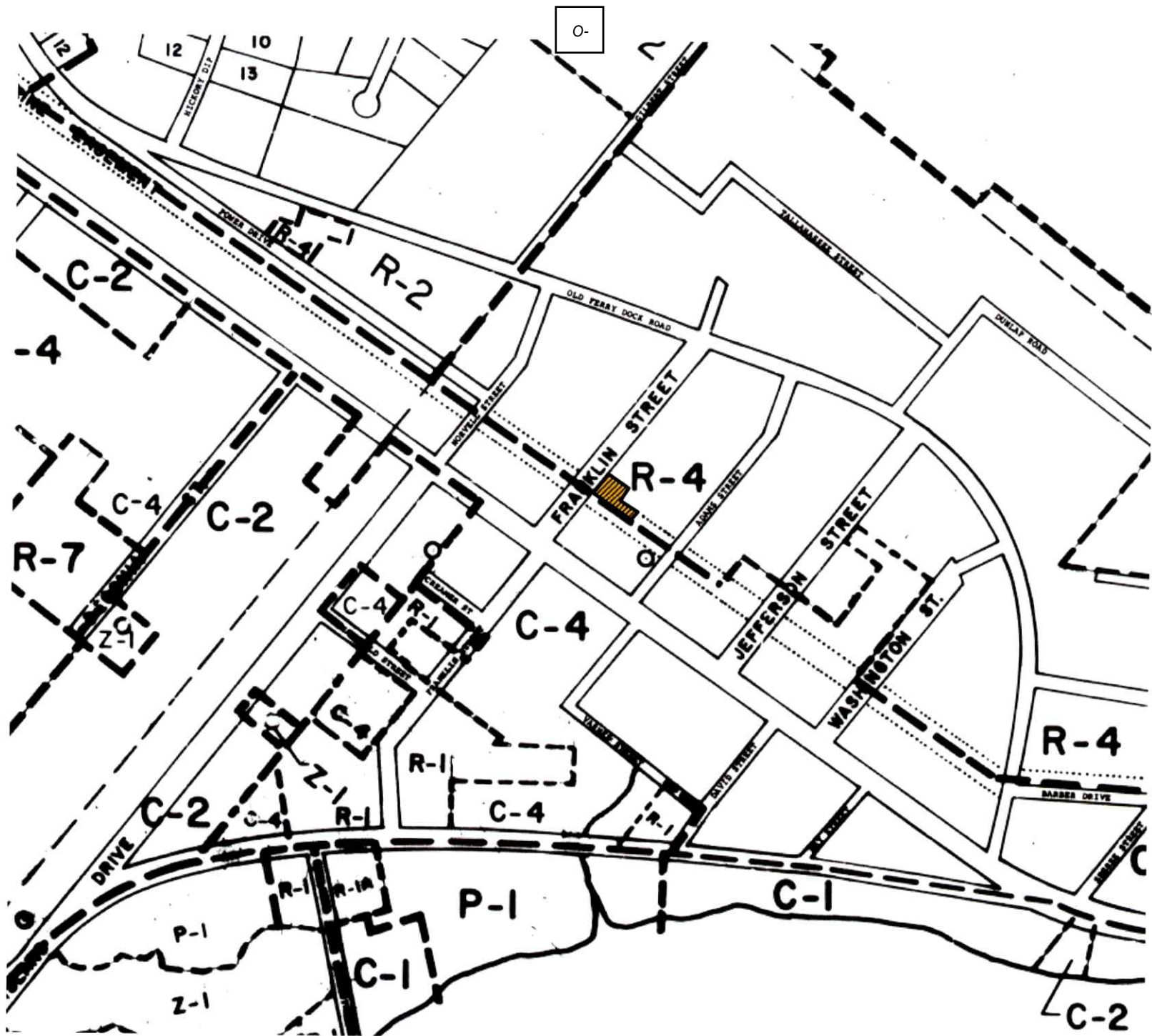
PLAT OF BOUNDARY SURVEY FOR:
BRUCE MILLENDER



NOTES:

1. SURVEY SOURCE: Deed of record and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Easterly right-of way boundary of N. Franklin Street being North as per deed.
3. NO IMPROVEMENTS have been located in this survey as per clients special request.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.







APPLICATION FOR RE-ZONING & LAND USE CHANGE

FRANKLIN COUNTY BUILDING DEPARTMENT

34 Forbes Street, Suite 1, Apalachicola, Florida 32320

Phone: 850-653-9783 Fax: 850-653-9799

http://www.franklincountyflorida.com/planning_building.aspx

PROPERTY OWNER'S NAME: East Point Lands, LLC
MAILING ADDRESS: 183 N. Bayshore Dr. City/State/Zip: East Point, Fla. 32328
PHONE #: 850-899-3020 CELL #: SAME EMAIL: info@seaguestseated.com

AGENT'S NAME: Bruce Millender
MAILING ADDRESS: 183 N. Bayshore Dr. City/State/Zip: Eastpoint Fla 32328
PHONE #: same CELL #: 850-899-3020 EMAIL: info@seaguestseated.com

PROPERTY DESCRIPTION: 911 Address: 15 - 4th Street, Eastpoint, FL 32328

Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____

Parcel Identification #: R 29-085-D6W-0000-0230-0000

JURISDICTION: Franklin County
 Apalachicola Eastpoint St. George Island Carrabelle Dog Island Lanark/ St. James St. Teresa Alligator Point

ACREAGE: .35 acre +/-

CURRENT ZONING: R-4 SF Home Ind. CURRENT LAND USE: Residential

REQUESTED ZONING: C-3 Com. Recreation REQUESTED LAND USE: Commercial

LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description)

PLANNING & ZONING DATE: _____

RECOMMENDED APPROVAL: _____ RECOMMENDED DENIAL: _____ RECOMMENDED TO TABLE: _____
CONDITIONS: _____

BOARD OF COUNTY DATE: _____
RECOMMENDED APPROVAL: _____ RECOMMENDED DENIAL: _____ RECOMMENDED TO TABLE: _____
CONDITIONS: _____

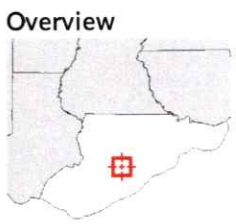
PUBLIC HEARING DATE: _____
 APPROVED DENIED TABLED
CONDITIONS: _____

Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of \$250.00 for Re-Zoning and \$250.00 for Land Use Change. Return to the following address:

Franklin County
34 Forbes Street, Suite 1
Apalachicola, FL 32320

RECEIVED
JUN 30 2020

BY: AK



Legend
 Parcels
 Roads
 City Labels

Parcel ID	29-085-06W-0000-0230-0000	Alternate ID	06W08529000002300000	Owner Address	EASTPOINT LANDS LLC
Sec/Twp/Rng	29-8S-6W	Class	VACANT		185 NORTH BAYSHORE DRIVE
Property Address		Acreage	n/a		EASTPOINT, FL 32328
District	5				
Brief Tax Description	150X130 FT IN SW 1/4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by 

James "Thurman" Reddenberry
Professional Land Surveyor

PO Box 100
 123 Sheldon Street
 Sopchoppy, Florida 32358
 USA

Phone: 850-962-2538
 Fax: 850-962-1103


October 13, 2004

Legal Description of a 0.34 Acre Tract
 For: Bruce Millender

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

Commence at the Southwest corner of the Northwest quarter of Section 31, Township 8 South, Range 6 West, Franklin County, Florida and run North 407.50 feet to a point lying on the Southerly right-of-way boundary of U.S. Highway No. 319, thence run North 86 degrees 53 minutes 00 seconds East along said right-of-way boundary 700.00 feet to a point lying on the Westerly right-of-way boundary of North Franklin Street, thence run North along said Westerly right-of-way boundary 200.00 feet to a re-rod (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run North along said right-of-way boundary 100.00 feet to a re-rod (marked #6475), thence leaving said right-of-way boundary run South 86 degrees 54 minutes 37 seconds West 150.07 feet to a re-rod (marked #6475), thence run South 00 degrees 05 minutes 00 seconds West 100.18 feet to a re-rod (marked #6475), thence run North 86 degrees 50 minutes 40 seconds East 150.22 feet to the POINT OF BEGINNING containing 0.34 acres, more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.



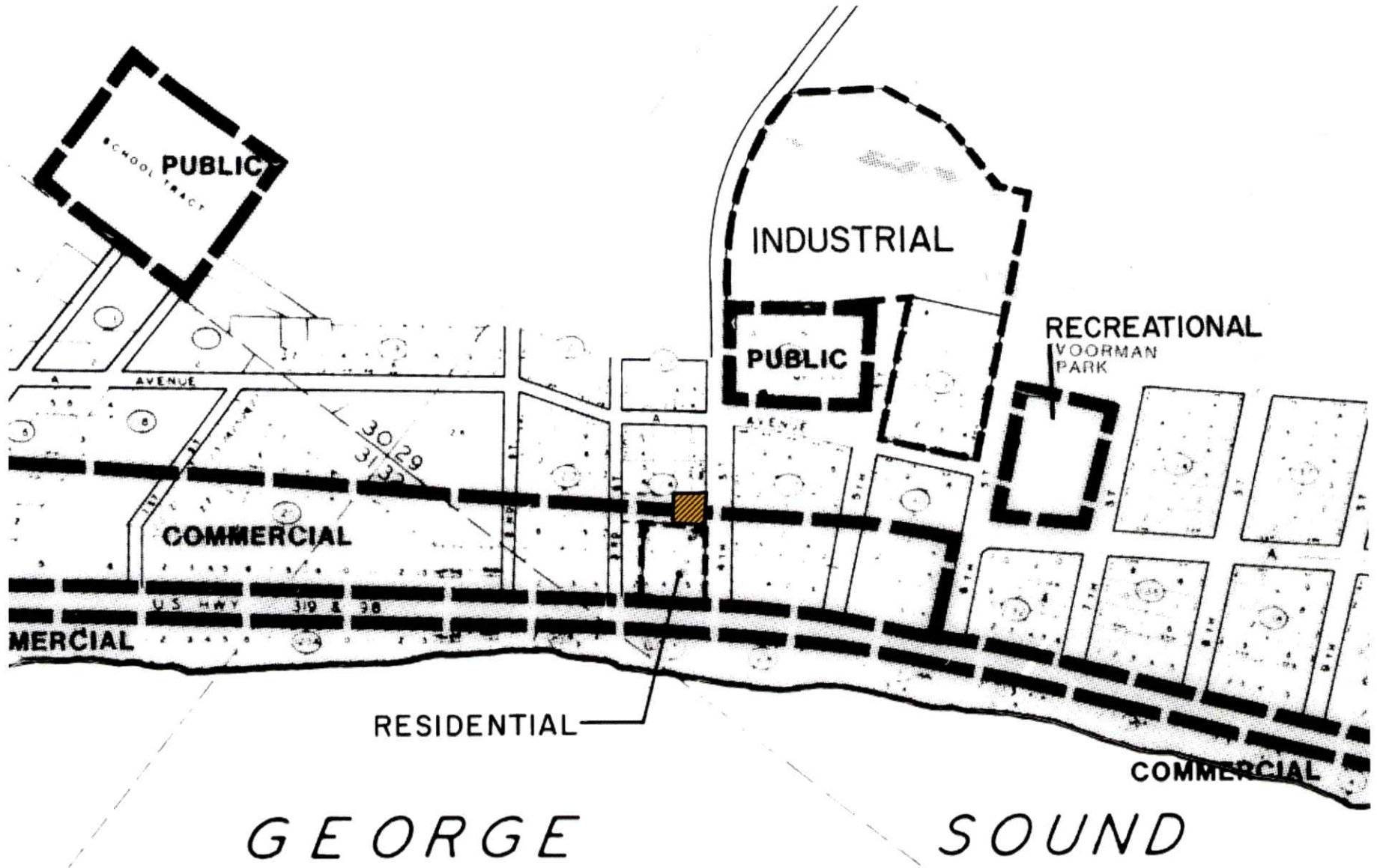
James T. Reddenberry
 Surveyor and Mapper
 Florida Certificate No: 4261

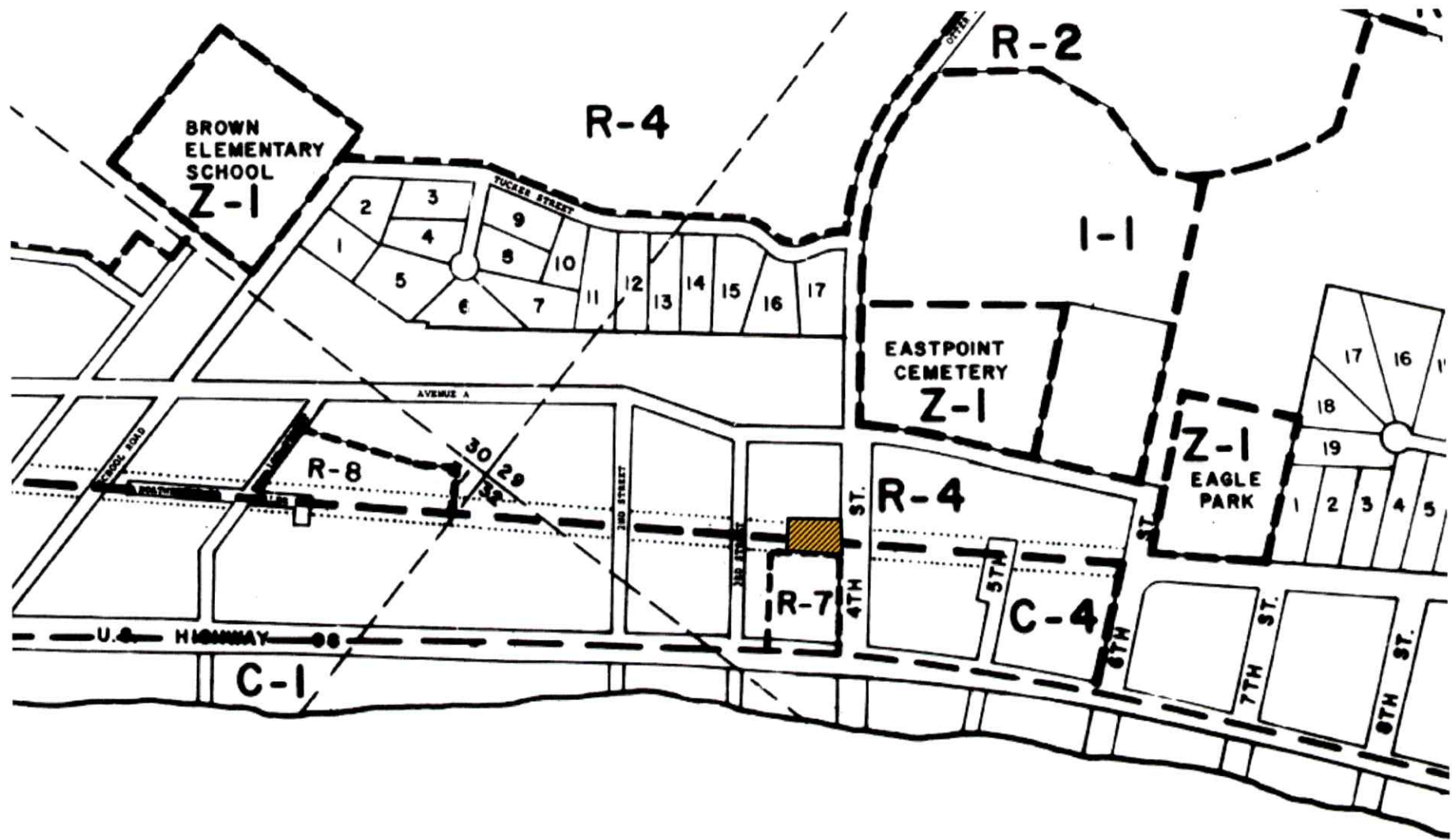
EXHIBIT "B"

04-504

Inst:0200409836 Date:10/21/2004 Time:14:19
 Doc Stamp-Deed : 0.70
 DC, Kendall Wade, FRANKLIN County B:817 P:702

P-





GEORGE SOUND