



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, AUGUST 8, 2022
5:00 PM
DESTIN CITY HALL ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) May 23, 2022**
- 3. PUBLIC COMMENTS**
- 4. NEW BUSINESS**
 - A) Single-family Residential Marine Construction Proposed at 4145 Belcourt Drive (Parcel ID: 00-2S-22-4600-0000-0100).**
- 5. OLD BUSINESS**
- 6. COMMITTEE MEMBER REPORTS**
 - A) Richard Hoey**
 - B) James Green**
 - C) Guy Tadlock**
 - D) Casey Jones**
 - E) William McKissick**
 - F) John Stephens**
- 7. DIRECTOR'S REPORT**
- 8. NEXT MEETING DATE: August 22, 2022**
- 9. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, MAY 23, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, May 23, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Guy Tadlock
John Stephens
Bill McKissick
Casey Jones
Jim Green

Members Absent

Harvey Hurst

Staff:

Kim Montgomery Deputy City Clerk
Steve O'Connor
Louis Zunguze
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **April 25, 2022**

Motion by Board member Tadlock, seconded by Board member Stephens to approve the April 25, 2022 minutes as corrected.

4. PUBLIC COMMENTS:

None

5. NEW BUSINESS:

A) Proposed Residential Marine Construction Project at 132 Country Club Drive W.

According to Mr. O'Connor, it is his understanding that the board, at the meeting last month motioned to table this item due to lack of what appeared to be state exemption for this project. However, the email that was included from the State clearly says the project is exempt from state review. He then informed the members that staff also included a couple of pamphlets in their packet for this month that talks of the exemption specifically for living shoreline conditions. Additionally, the request is less than 500-linear feet and a seawall is not required for any sort of self-certification or state review, so long as it meets the criteria as outlined. Therefore, staff has brought the project request back due the fact that an email from the state was originally provided and suffices as State's submittal.

Mr. Zunguze reminded the Chairman and the members they cannot withhold their recommendation based on no permits from the State and staff does have final say at the time the

building permit is applied for to demand any necessary state approvals before a permit is issued to start construction.

Motion by Board member Jones that the Harbor and Waterways Board recommends the City Council approve the single-family marine construction project located, 132 Country Club Drive West subject to the applicant meeting all applicable city permit requirements. With Vice Chair Green providing the second. There was a lengthy discussion regarding how the Code has not been changed to the way the process is now handled with the exemption receipts for those that get self-certified from the FDEP. The Chairman spoke of how he feels that for the protection of the applicant, they should always go online and obtain the permit and have the necessary receipts for their file.

Mr. O'Connor explained that both the FDEP and the ACOE do not review exempted projects and the same goes for the city. If there is an exemption, there are no State permits issued saying its exempt, but it is and is reflected in the file like this one was with the email.

With no further discussion, the motion passed 6-0.

6. PUBLIC COMMENT:

None

7. BOARD MEMBER COMMENTS:

➤ **Committee member Tadlock**

Reported that he has seen several locations in the harbor where there are canvas covers over boat slips and spoke of how he is certain that none have gotten approval and questioned if they have been permitted and are they counted in the square footage of the docks or are they exempt.

Mr. O'Connor stated that without knowing the address, there is no way to be able to tell if it was permitted or not. Additionally, if someone were to submit a marine construction permit to cover an existing boat slip that did not originally have a covering on it, it would currently be allowed, noting that will change if the marina siting ordinance is approved. Once the marina siting is updated, it would have to be included in 1,000 square feet. Additionally, staff is following the Florida Self-Certification and, as part of this Board's and LPA's recommendation, a request would be a staff level approval as long as the request is not beyond self-certification requirements. However, if it is a residential dock for 3-9 slips, it comes to this board. If it's a commercial dock it comes to this board. In review are the following categories for review:

- Category 1, self-certification. If the applicant can self-certify, per the proposed ordinance for the new marina siting, this would stay at staff level approval.
- Category, 2 is residential dock that is not self-certifiable comes to this board and goes on to City Council for approval.

- Category 3 is for any commercial dock requests comes before the board and goes on to City Council for approval.

Board member Tadlock spoke of his concerns regarding self-certification based on everything being precise and how that is not always the case. Similar to the project they reviewed in February where the owner self-certified they owned the uplands in which case they do not, the County does, and how he believes they will be well past the 1,000 sq. ft. and all three are exempt docks.

Mr. O'Connor asked the members that if there's a different direction they would like to give staff on how to handle these situations. Explaining that if somebody comes through for a residential marine construction permit with a self-certification, and it's approved, then they submit for their marine construction permit and staff reviews it again. Accordingly, if the square footage of the self-certification does not match the marine construction permit, then it will not get approved.

Board member Tadlock spoke of the old marinas in the harbor that had the metal coverings and are considered grandfathered in. With those being at the end of their life for the structures, and potentially do not have submerged land leases attached because of their age, he asked what the plan is if one comes in for replacement or rebuild.

According to Mr. O'Connor, the term legal nonconforming structures commonly referred to as grandfather rights, and that term, legal non-conformity requires that at some point the structure existed in its current state, either through an approved mechanism by a prior jurisdiction establishing rights and a police power (the ability to enforce powers). Therefore, they are likely grandfathered in, and grandfathered rights exist in perpetuity until the physical dimensions change and/or the structure is destroyed by an act of God for up to 50% of the replacement cost at time of destruction. Additionally, the structure must be replaced within 6-months of destruction, or it loses all of the grandfathering rights per the code, which applies to anything and everything that has a legal non-conformity, or otherwise known as a grandfather rights.

Regarding the 25-foot setbacks, this is not a requirement if the adjacent property owners give permission, and it is only from the property line, not the right riparian line. So, essentially, somebody could go 25-feet from the property line along the high water line mark 25-feet out and then 25-feet over back to the riparian line and up, 25-feet from the property line, not the riparian line. Also, the approval from the adjacent property owner needs only to be an email, a letter or verbally at the public hearing. Additionally, legal non-conformities cannot be replaced board for board, specifically legal non-conforming docks. They cannot be replaced board for board, 100%, because there is only a certain percentage each year based on the cost of construction that it can be replaced. Therefore, if a dock falls into such disrepair that it needs to be replaced 100%, then it must come into compliance with the current code. Legal nonconformity can exist in perpetuity, they just cannot increase the nonconformity, but can decrease a nonconformity.

➤ **Chairman Hoey – Harbor Capacity Study Update**

Mr. Zunguze explained the heavy work for the study will be taking place until the Labor Day Holiday with the study scheduled to be complete by November. After the reports have been sent to the Harbor Capacity Study Committee for their review, they will make their recommendation to City Council.

*** Board member Jones left the meeting***

➤ **Vice Chairman Green**

Spoke of the need to have an oil disposal center in the city since Time Saver is no longer in business and was the only location listed by the county in the city. He mentioned the other two locations in the city that do take it but will only take five gallons at a time. He spoke of how he currently is storing his used motor oil in his personal storage unit because he has no where else to dump it. He also spoke of state grant programs through the County that could be applied for to help offset the costs of creating and staffing the drop off area.

Vice Chairman Green motioned for city council to instruct staff to research grant opportunities and look for a manned city property location for waste motor oil collection site to be built for small businesses and citizens. Committee member Stephens provided the second. There was a brief discussion about water quality and how important it is, as well as the opportunity for a possible future revenue opportunity for the city to have the collected waste oil recycled. **The motion passed 5-0.**

➤ **Board member Stephens** - Questioned the requirements for better drawing submittals for projects. Mr. O'Connor explained that when the applicant applies for their marine construction permit, engineered drawings are required however, this board has previously agreed that they want to make the process as easy as possible for applicant's projects that are not commercial in nature.

➤ **Board member McKissick** - Questioned the definition of a boat slip and how they're dealt when they're used for numerous jet skis instead of one boat.

Mr. O'Connor explained to the Board members that the number of slips usage is based the density of the property and the parking requirements.

There was a discussion about the transient slips the commercial project that came before them at their last meeting and what exactly is considered transient. According to Mr. O'Connor, those transient slips are for the public use only and not meant for commercial use.

8. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:30 p.m.

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: August 8, 2022

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 4.A.

TO: Harbor & Waterways Board

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

FROM: Steve O'Connor, Principal Planner
Tunazzina Alam, Planner

DATE: July 15, 2022

SUBJECT: Single-family Residential Marine Construction Proposed at 4145 Belcourt Drive
(Parcel ID: 00-2S-22-4600-0000-0100).

I. BACKGROUND: Loftis Marine, on behalf of Marty Harrell, has submitted an application for Harbor and Waterways Board review of a residential construction application for construction of one (1) 40' x 5' access pier, one (1) 23' x 3' finger pier, one (1) 40' x 4' finger pier, one (1) 40' x 3' finger pier, one (1) 16' x 40' covered boat slip with a boat lift underneath the cover, and a 12.5' x 22' covered boat slip with a boat lift underneath. Both slips to be covered by a L-shaped boathouse roof, comprising approximately 1469.5 square feet. The pier will be built 4' above the mean high water line along with associated pilings (12 8" and 18 10" synthetic composite pilings). The project consists of approximately 1,469.5 square ft.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for the proposed marine construction project located at 4145 Belcourt Drive, located within Indian Bayou, a Class II Florida Waterbody, and tributary of Choctawhatchee Bay.

The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, including the following section:

- **11.05.01.A** – Construction of new pilings.
- **11.05.01.C** – Waste Disposal into the Harbor and Waterways of Destin.
- **11.05.01.F** – Length of the pier.

- *11.05.01.H, 11.05.01.K – Mooring of the vessel.*
- *11.05.01.S – 25' riparian setback.*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.**

A. Link to Strategic Goals / Objectives:

- 1) Enhance Quality of Life
- 2) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS): There is no anticipated effect on the LOS.

D. Legislative Sponsor:

III. CONCLUSION:

The applicant provided the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (Permit No.: 0296235-002-EI/46) and United States Army Corps of Engineers permit (SAJ-2021-03981). City staff reviewed the application and determined that the plans comply with City Codes and regulations, including *Section 11.05.01, Marina Siting*.

STAFF RECOMMENDATION: Staff recommends approval of a single-family marine construction project proposed at 4145 Belcourt Drive subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 4145 Belcourt Drive, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. Abutter Notice- 4145 Belcourt Dr
2. Permit drawings
3. FDEP permit
4. USACE permit



Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

July 1, 2022

Subject: Notification of Application Submittal – Residential Marine Construction: 4145 Belcourt Dr

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval to construct an access pier and two finger piers for two covered slips. **The Harbor and Waterways Board will hear the Application at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail, on Monday, July 25, 2022.** As an owner of property adjacent to this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you with the following information:

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Marty Harrell
2. Name of Agent: John Loftis
3. Address of Project: 4145 Belcourt Dr
4. Parcel ID Number: 00-2S-22-4600-0000-0100
5. Project Description: The proposed project includes the construction of a 40' x 5' access dock, 23' x 3' catwalk section, 40' x 4' catwalk section, 40' x 3' catwalk section, 16' x 40' covered boat slip w/ lift underneath, and a 12.5' x 22' covered boat slip w/ lift underneath., along with associated support pilings.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concerns regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner



CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File

Client/Owner:

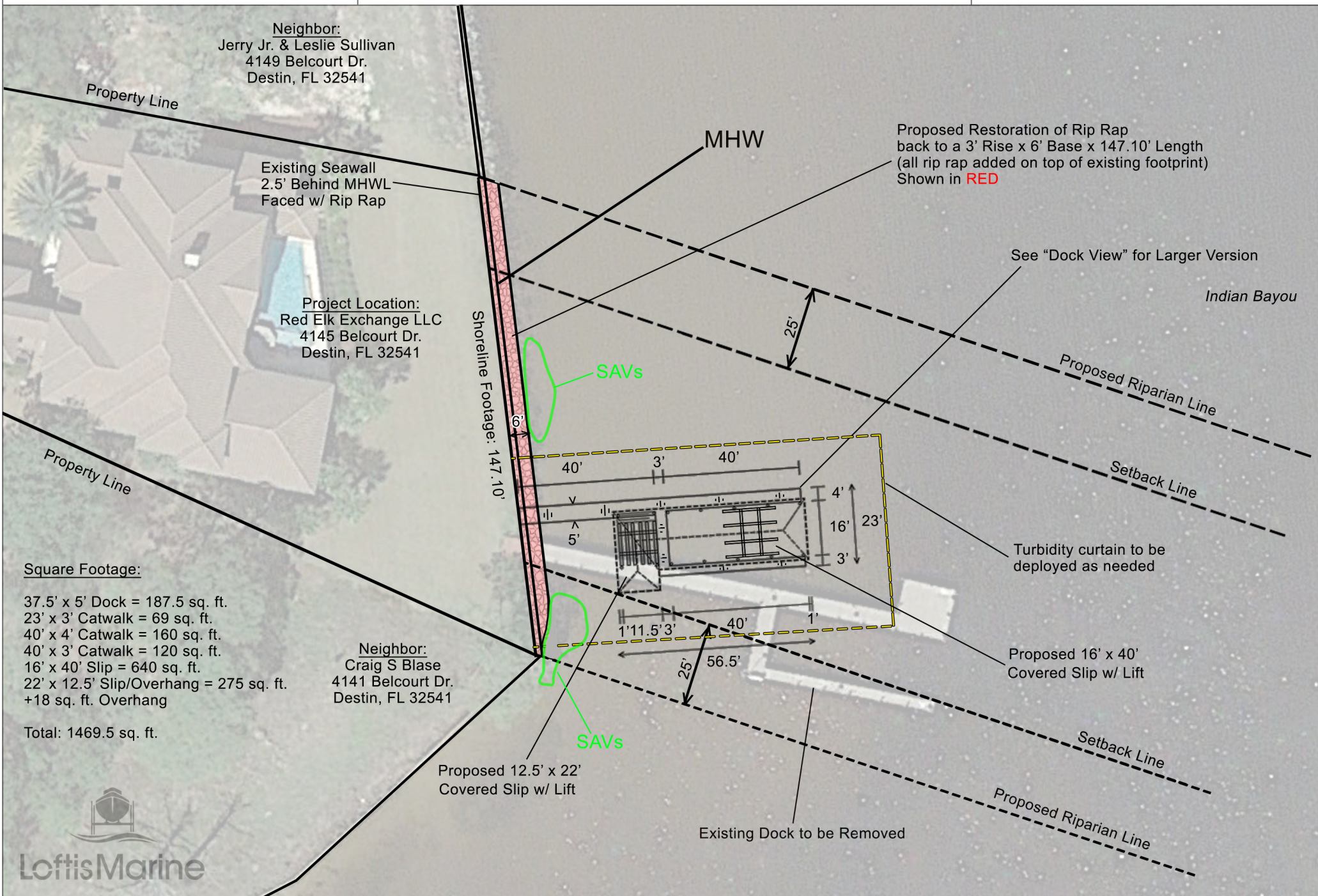
Red Elk Exchange LLC
4145 Belcourt Dr.
Destin, FL 32541

Contractor/Agent:

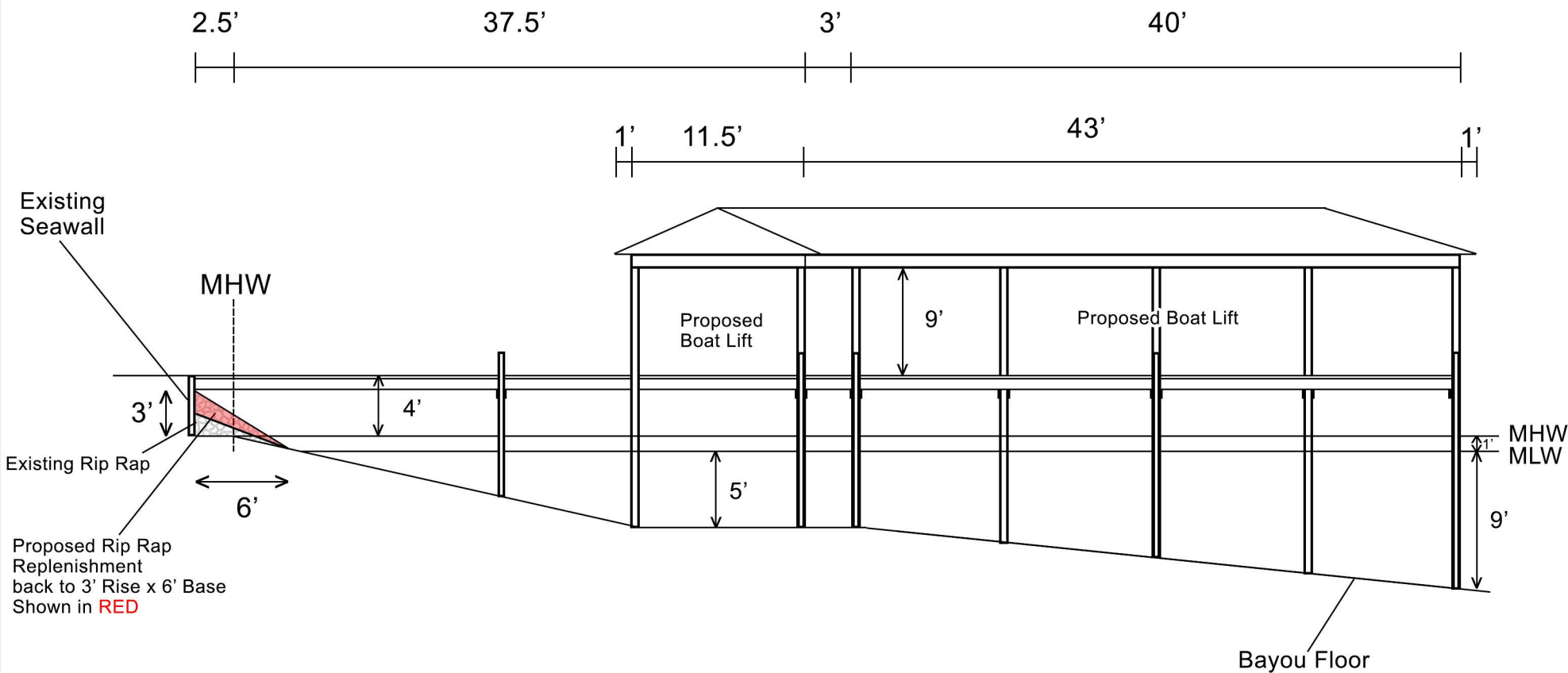
Loftis Marine Division, Inc.
Date: 3/3/22
Initials: *gL*

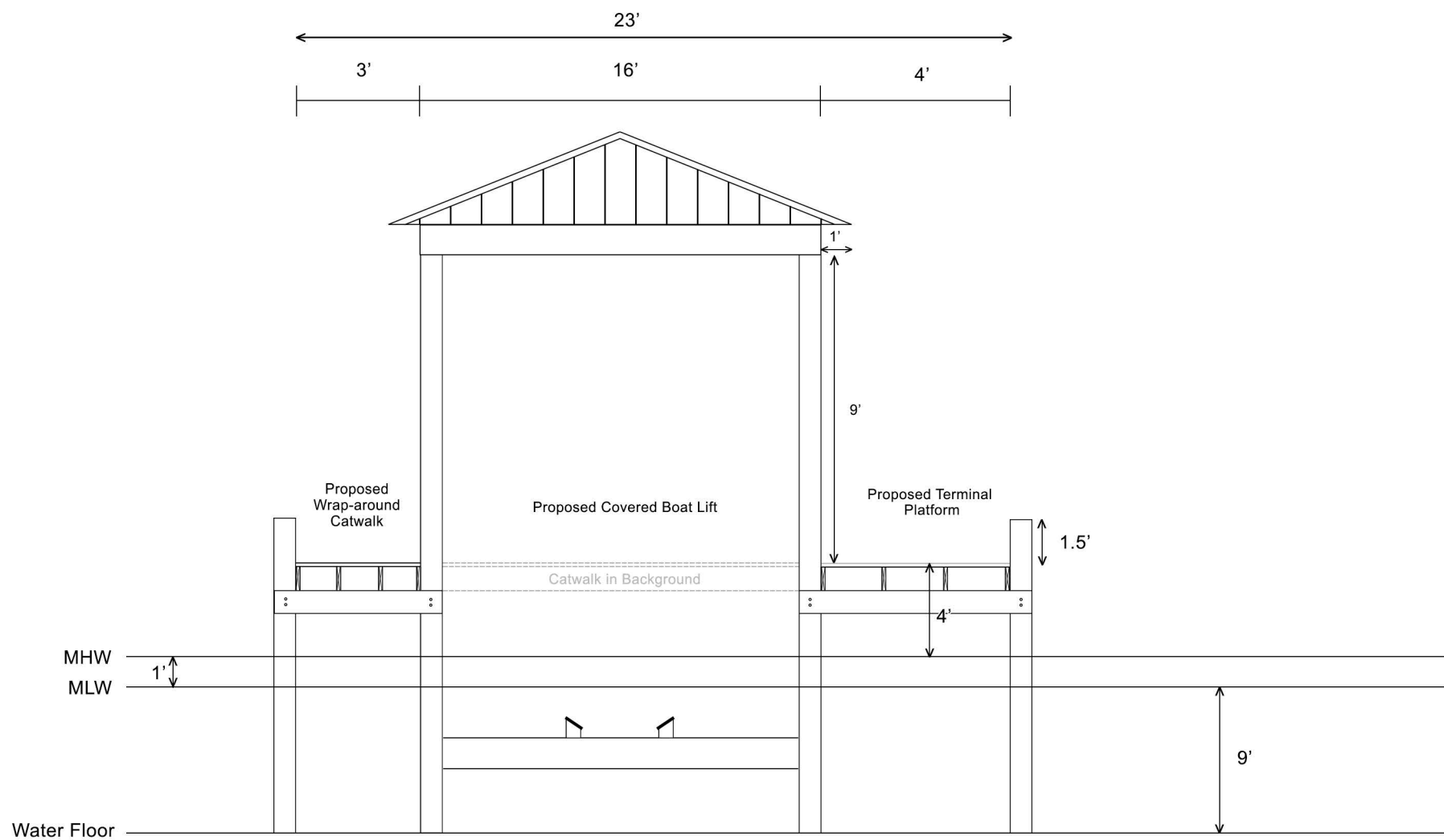
~ PLAN VIEW ~

Scale: Dimensioned



Client/Owner:	~ SIDE VIEW ~ Scale: Dimensioned	Contractor/Agent:
Red Elk Exchange LLC 4145 Belcourt Dr. Destin, FL 32541		Loftis Marine Division, Inc. Date: 11/25/21 Initials: <i>g</i>







FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Red Elk Exchange LLC
c/o Marty Harrell
4145 Belcourt Drive
Destin, Florida 32541
martyharrell@icloud.com

Red Elk Exchange Dock

Authorized Agent:

John Loftis
6610 Bon Bay Drive
Milton, Florida 32583
permits@loftismarine.com

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

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

Okaloosa County
Permit No.: 0296235-002-EI/46

Permit Issuance Date: May 2, 2022
Permit Construction Phase Expiration Date: May 2, 2027



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: Red Elk Exchange LLC
Permit No: 0296235-002-EI/46

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 4145 Belcourt Drive, Destin, Florida 32541, Parcel ID 00-2S-22-4600-0000-0100, in Section 21, Township 2 South, Range 22 West in Okaloosa County, at 30°24'17.6784" North Latitude, 86°27'07.2929" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to remove an existing dock, restore existing riprap to a 3-foot rise, 6-foot base, and 147.1-foot length, and construct a private, single-family dock comprising a 40-foot by 5-foot access pier, a 23-foot by 3-foot catwalk, a 40-foot by 4-foot catwalk, a 40-foot by 3-foot catwalk, a 16-foot by 40-foot covered boat slip with lift, and a 12.5-foot by 22-foot covered boat slip with lift within Indian Bayou, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the construction and use of a private, single family dock serving 2 vessels, comprising 1469.5 square feet of over-water structure and 1469.5 square feet of preemption of state-owned sovereignty submerged lands, and the restoration of riprap comprising 882.6 square feet of preemption of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Red Elk Exchange 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. 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), 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 in your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit VI-R1. **SEPARATE permit(s) or authorization will be required** from the U.S. Army Corps of Engineers.

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.

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 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 exceed 29 NTU’s above background levels. 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.
5. 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 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

6. Best management practices for erosion control shall be implemented and 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, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
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. 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.

9. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

10. 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.

11. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTU's above background:

- a. Immediately cease all work contributing to the water quality violation;
- b. Stabilize all exposed soils contributing to the violation;
- c. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair any non-functioning turbidity containment devices; and
- d. Notify the Department's Northwest District Office at (850)595-8300 within 24 hours of the time the violation is first detected.

12. 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 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 in this permit.

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

15. No dredging or filling of submerged grassbeds or live bottom communities is authorized by this permit.

16. 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/barge and the top of any submerged resources or submerged bottom.

17. 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 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.

18. 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.

19. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.

20. "Riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.

21. Riprap shall be installed along the toe of the bulkhead at a slope of 2:1 (Horizontal/Vertical) to an elevation of at least one foot above mean high water to comply with the requirements of section 373.414(5), Florida Statutes. The distance the riprap extends waterward from the mean high water shall be no more than ten (10) feet.

22. Riprap shall not disturb any existing submerged grassbeds.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

23. 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

24. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and top of the outstretched submerged aquatic vegetation or submerged bottom at mean low water so as to preclude bottom scouring or prop dredging.

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

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under this chapter, 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), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, 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., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 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. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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.

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

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 are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to 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 will not apply to persons who have not received written notice of this action.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:jbw

Attachments:

Exhibit 1, Project Drawings and Design Specs., 4 pages

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

Copies furnished to:

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Blake Chapman, DEP, Blake.A.Chapman@FloridaDEP.gov
Jennifer Waltrip, DEP, Jennifer.Waltrip@FloridaDEP.gov
Russell Sullivan, DEP, Russell.Sullivan@FloridaDEP.gov
John Loftis, Agent, permits@loftismarine.com
Julian Loftis, Agent, julian@loftismarine.com
Department of Community Affairs, Ray.Eubanks@deo.myflorida.com,
DCPPermits@deo.myflorida.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com

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 **May 2, 2022**, 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.



Clerk

May 2, 2022
Date

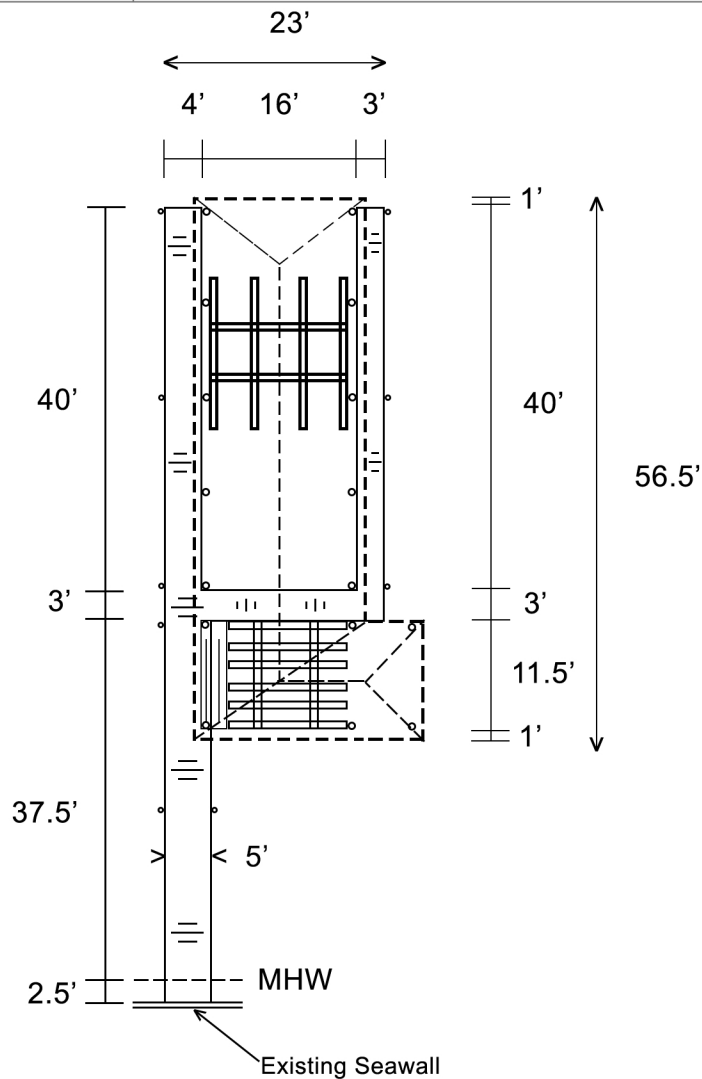
Client/Owner:

Red Elk Exchange LLC
4145 Belcourt Dr.
Destin, FL 32541

~ DOCK VIEW ~
Scale: Dimensioned

Contractor/Agent:

Loftis Marine Division, Inc.
Date: 11/25/21
Initials: *g*

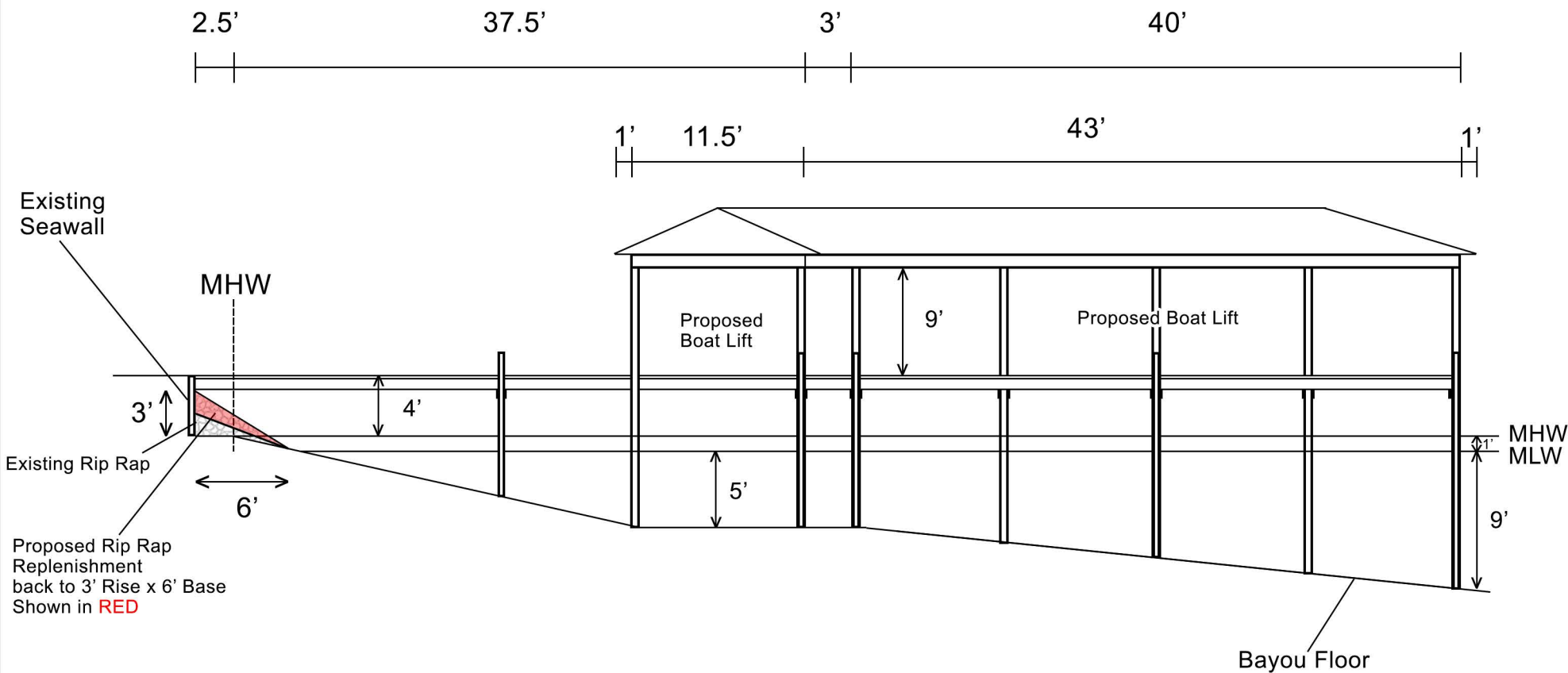


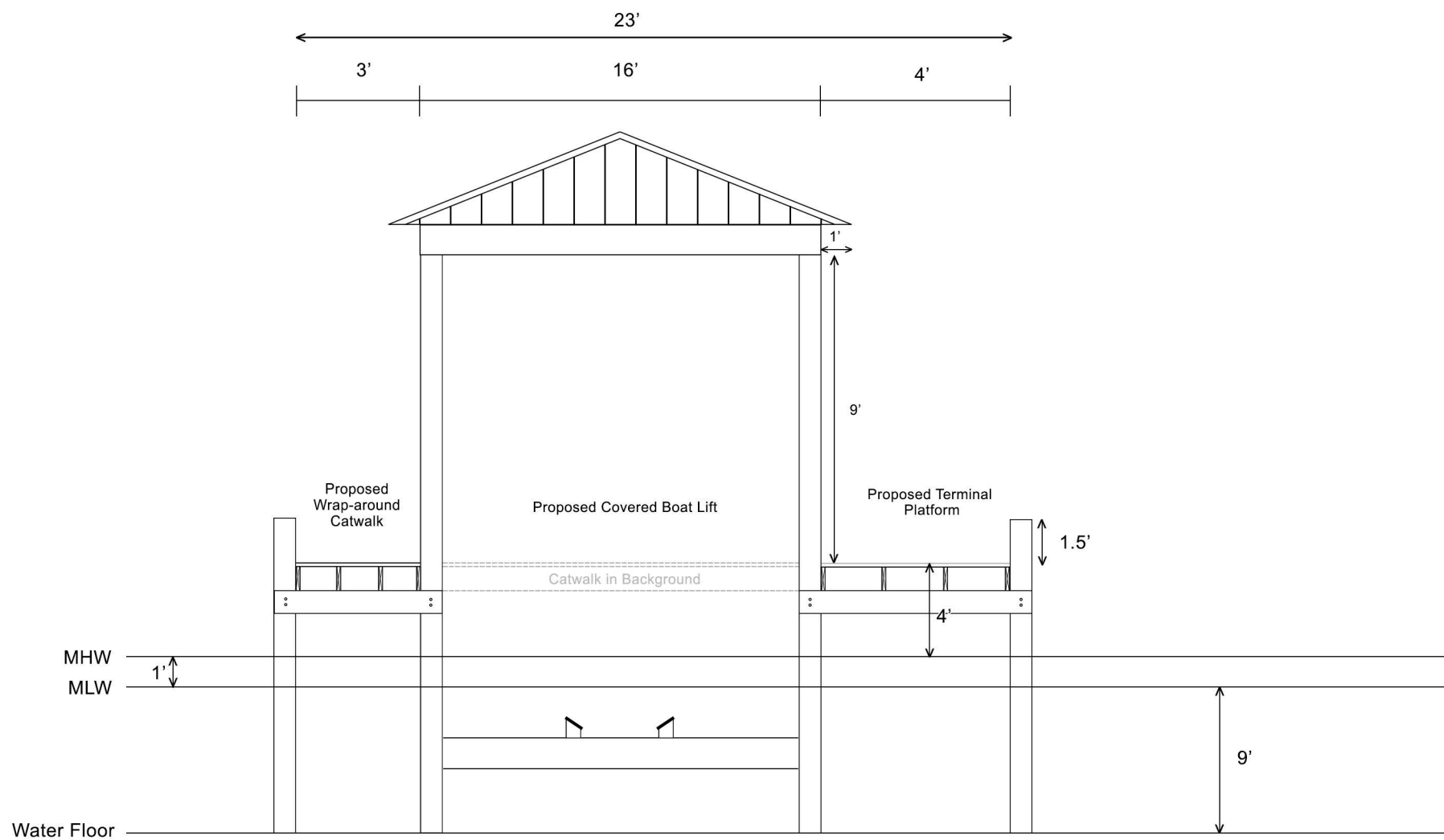
Square Footage:

37.5' x 5' Dock = 187.5 sq. ft.
23' x 3' Catwalk = 69 sq. ft.
40' x 4' Catwalk = 160 sq. ft.
40' x 3' Catwalk = 120 sq. ft.
16' x 40' Slip = 640 sq. ft.
22' x 12.5' Slip/Overhang = 275 sq. ft.
+18 sq. ft. Overhang

Total: 1469.5 sq. ft.

Client/Owner:	~ SIDE VIEW ~ Scale: Dimensioned	Contractor/Agent:
Red Elk Exchange LLC 4145 Belcourt Dr. Destin, FL 32541		Loftis Marine Division, Inc. Date: 11/25/21 Initials: <i>g</i>







DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

April 20, 2022

Regulatory Division
North Branch
Pensacola Section
SAJ-2021-03981 (NW/GP-SWA)

Marty Harrell
4145 Belcourt Drive
Destin, Florida 32541
Sent via email: martyharrell@icloud.com

Dear Mr. Harrell:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on December 7, 2021. Your application was assigned file number SAJ-2021-03981. A review of the information and drawings provided indicates that the proposed project is to remove an existing dock and construct a new single-family dock consisting of a 5-foot by 37.5-foot access pier, a 23-foot by 3-foot catwalk, a 40-foot by 4-foot catwalk, a 40-foot by 3-foot catwalk, a 40-foot by 16-foot covered boat slip and a 22-foot by 12.5-foot covered boat slip. Additionally, maintenance will be conducted on the existing riprap revetment with the placement of supplemental riprap within the existing footprint. 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 Indian Bayou at 4145 Belcourt Drive, Latitude: 30.40486°; Longitude: -86.45188°, Destin, Okaloosa County, Florida.

The aspect of your project involving the maintenance of 147 linear feet of existing riprap, as depicted on the attached drawings, is authorized by Nationwide Permit 13 (NWP-13), Bank Stabilization. **This verification is valid until March 14, 2026.** In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the Nationwide Permit General Conditions, the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP 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 NWP. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to select "Source Book" and then select "Nationwide Permits." These

files contain the description of the NWP authorization, the NWP general conditions, and the regional conditions, which apply specifically to this NWP verification.

The aspect of your project involving the construction of a single-family dock, as depicted on the attached drawings, is authorized by Regional General Permit (RGP) SAJ-20 and its subsequent modifications, if applicable. **This RGP authorization is valid until March 27, 2023.** Please access the Corps' Jacksonville District Regulatory Division Source Book webpage 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 select "Source Book" and then select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with all of the special and general conditions for the NWP and RGP, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized by NWP 13 ends on **March 14, 2026**. The time limit for completing the work authorized by RGP SAJ-20 ends on **March 27, 2023**.
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 of 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 transfer form attached to this letter and forward a copy 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.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

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, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407.

The Permittee shall reference this permit number, SAJ-2021-03981 (NW/GP-SWA), on all submittals.

2. Permit Conditions Prevail: If information in the permit attachments conflict with the special conditions of this permit, the requirements of the permit special conditions shall prevail.

3. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall complete and submit the attached "*Commencement Notification*" Form.

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

5. 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 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.

6. 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.

7. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1-foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

8. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

9. Manatee Conditions: The Permittee shall comply with the attached “*Standard Manatee Conditions for In-Water Work – 2011*”. The most recent version of the Manatee Conditions must be utilized.

10. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her

employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

11. Section 401 Water Quality Certification and Coastal Zone Consistency

Concurrence: Prior to the initiation of any construction, projects qualifying for this DA permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the

Florida Department of Environmental Protection or the appropriate water management district.

12. Listed Species Incident Reporting: Incidents where Johnson's seagrass, or any individuals of whale, sea turtle, sturgeon, sawfish, coral, or other species listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Jacksonville District of the U.S. Army Corps of Engineers at 904-232-1177. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of 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.

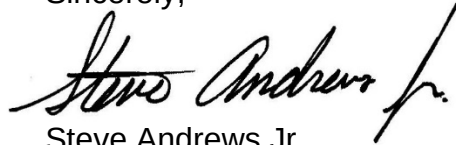
This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits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

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

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 <https://regulatory.ops.usace.army.mil/customer-service-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.

Should you have any questions related to this verification letter or have issues accessing the documents reference in this letter, please contact Steve Andrews Jr. at the letterhead address above, via telephone at 850-439-0707, or via e-mail at stephen.w.andrews@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Andrews Jr.", with a stylized flourish at the end.

Steve Andrews Jr.
Project Manager

Enclosures
Transfer Request
Permit Drawings
Commencement Notification
Self-Certification
Standard Manatee Conditions

Copy Furnished:
Loftis Marine

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2021-03981 (NW/GP-SWA)

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 submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

Client/Owner:

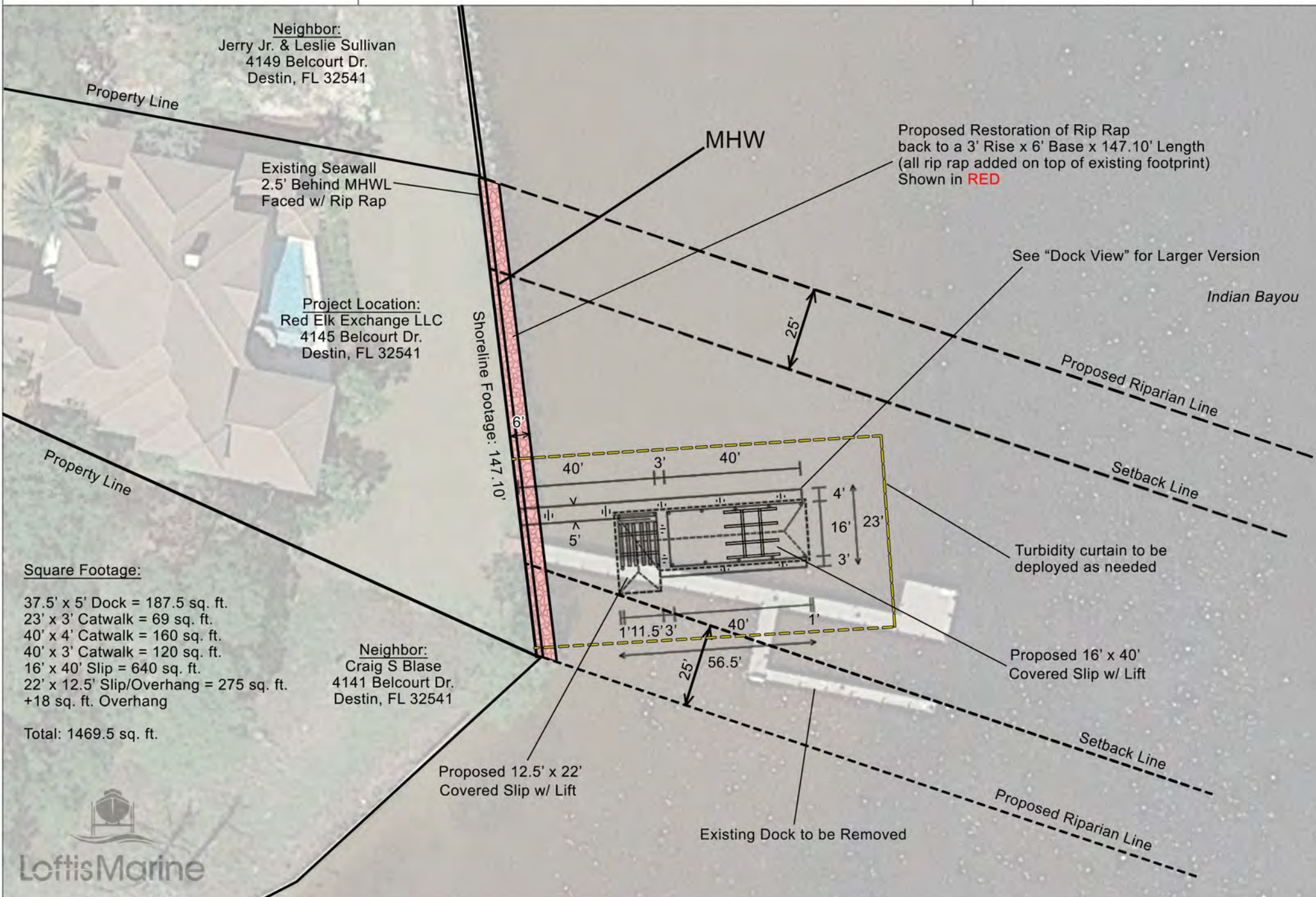
Red Elk Exchange LLC
4145 Belcourt Dr.
Destin, FL 32541

~ PLAN VIEW ~

Scale: Dimensioned

Contractor/Agent:

Loftis Marine Division, Inc.
Date: 11/25/21
Initials: *g*



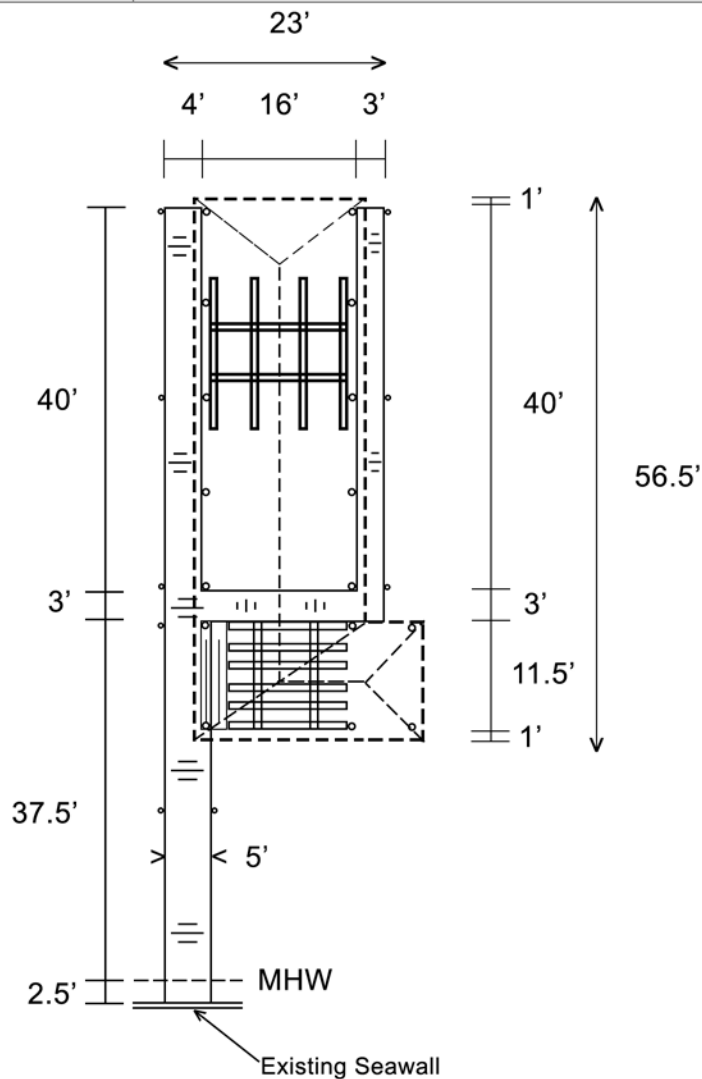
Client/Owner:

Red Elk Exchange LLC
4145 Belcourt Dr.
Destin, FL 32541

~ DOCK VIEW ~
Scale: Dimensioned

Contractor/Agent:

Loftis Marine Division, Inc.
Date: 11/25/21
Initials: *g*



Square Footage:

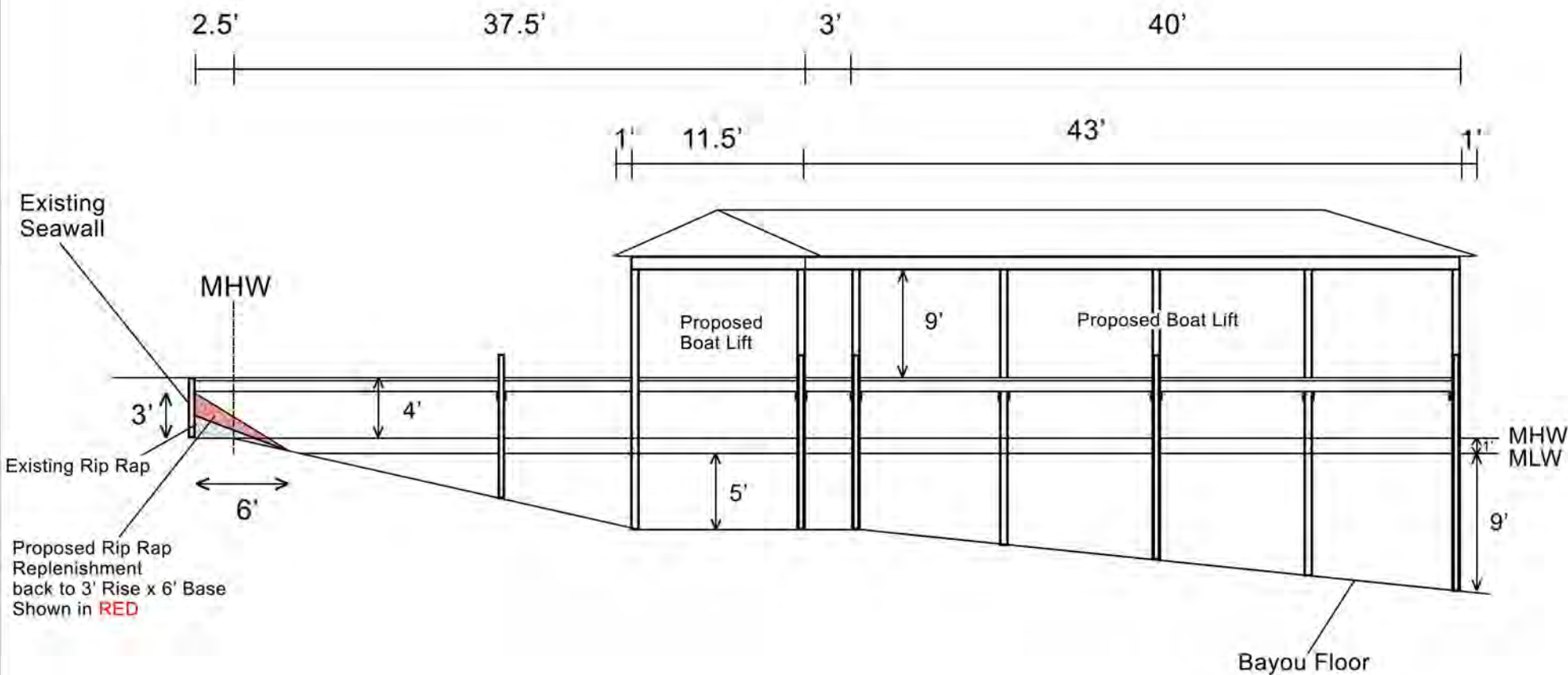
37.5' x 5' Dock = 187.5 sq. ft.
23' x 3' Catwalk = 69 sq. ft.
40' x 4' Catwalk = 160 sq. ft.
40' x 3' Catwalk = 120 sq. ft.
16' x 40' Slip = 640 sq. ft.
22' x 12.5' Slip/Overhang = 275 sq. ft.
+18 sq. ft. Overhang

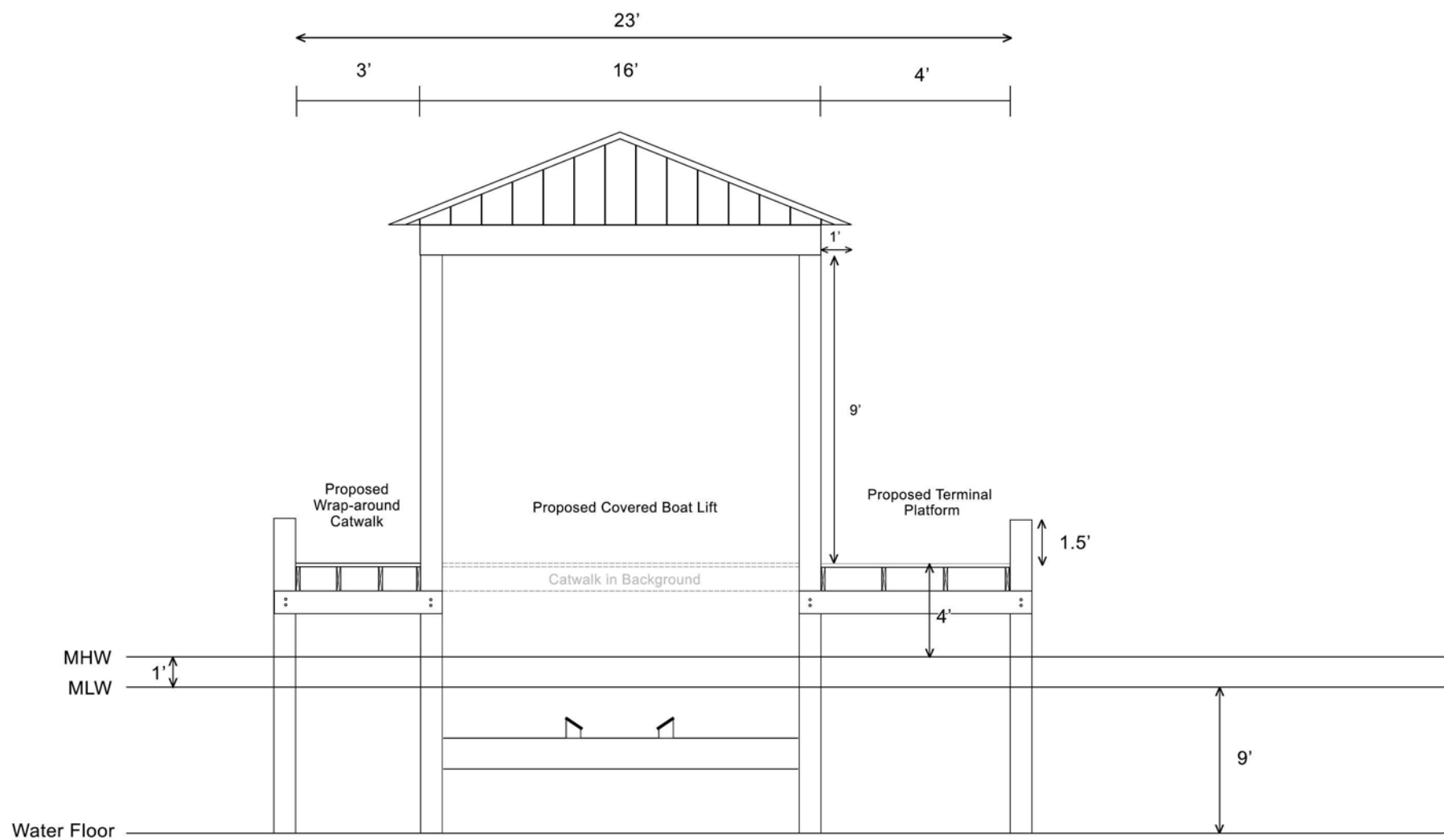
Total: 1469.5 sq. ft.

Client/Owner:
Red Elk Exchange LLC
4145 Belcourt Dr,
Destin, FL 32541

~ SIDE VIEW ~
Scale: Dimensioned

Contractor/Agent:
Loftis Marine Division, Inc.
Date: 11/25/21
Initials: *g*





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-2021-03981 (NW/GP-SWA)

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-2021-03981 (NW/GP-SWA)

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

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 Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com