



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, AUGUST 22, 2022
5:00 PM
DESTIN CITY HALL ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) August 8, 2022 Special Harbor & Waterways Board Meeting**
- 3. NEW BUSINESS**
 - A) Proposed single-family residential marine construction project at 10 Moreno Point Road**
 - B) Proposed single-family residential marine construction project at 518 Norriego Road**
- 4. OLD BUSINESS**
- 5. PUBLIC COMMENTS**
- 6. COMMITTEE MEMBER REPORTS**
 - A) Richard Hoey**
 - B) Guy Tadlock**
 - C) William McKissick**
 - D) Casey Jones**
 - E) Jim Green**
 - F) John Stephens**
 - G) Harvey Hurst**
- 7. NEXT MEETING DATE: September 26, 2022**

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

1. CALL TO ORDER:

Chairman Hoey called the Special Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, August 8, 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 Principal Planner
Sae More Planner
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **May 23, 2022**

Motion by Board member Jones, seconded by Board member Green to approve the May 23, 2022 minutes as written.

4. PUBLIC COMMENTS:

None

5. NEW BUSINESS:

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

Miss More explained the details of the request to the members.

Board member Jones made the motion to approve the marine construction request at 4145 Belcourt Drive subject to the applicant meeting all applicable city permit requirements, with Board member Green providing the second.

Board member McKissick asked if the existing dock that is present will be removed. Additionally, he asked if they are proposing to move it further inward to the waterway and away from riparian line. The applicant answered yes to both questions.

The Chairman called for the vote and the motion passed 6-0.

The applicant, Mr. John Loftis of Loftis Marine out of Pensacola, Florida thanked the staff and the Board members to accommodating them by having this special meeting to get their project request in process for final approval.

6. OLD BUSINESS:

➤ **Discussions**

Board member Tadlock inquired of staff if they are going to get a chance to review the Marina Siting Section of the Land Development Code.

According to Mr. O'Connor, when their suggestions went to the LPA, it was held up at that level with some concerns the LPA members addressed, then Covid hit and after that, the decision was made to have the entire LDC rewritten, and the Marina Siting will be a part of the entire rewrite. Therefore, this board will see the new article which will be a part of the Conservation Article. Additionally, this board will have heavy input on the draft of the new Marina Siting Regulations.

Board member McKissick spoke of how he had asked at their last meeting what the definition of a slip is and asked if they ever got that clarified. According to Mr. O'Connor, the definition per city code is a docking area for one vessel.

Vice Chairman Green stated the code defines a slip as a berthing place for one vessel, but the code doesn't restrict the slip to holding only one vessel. Additionally, the parking is what regulates how many vessels can have on the property.

Mr. O'Connor explained that he has discussed this topic with Mr. Zunguze and read the exact definition per the LDC for the members and into the record. In Article 3, "A slip is a parking, berthing, landing space for one boat at a dock or pier." Therefore, one parking space per boat or vessel.

Board member Green pointed out that the confusion comes in when there are more than one vessel docking in transient slips as well as at the end of the docks, and larger slips in the high season there will sometimes be 4 pontoon boats in them. Adding that when this code comes back to them for input is where they need to give it some teeth to regulate those issues.

The Chairman asked the individuals in the audience to add any comments.

Mr. John Loftis of Loftis Marine stated that the FDEP's code determines any boat other than a jet ski/wave runner is a vessel and 2 jet skis/wave runners can go into one slip. So, 2 jet skis is considered a slip and one is considered a slip and a half.

Mr. Tadlock referenced some past issues regarding a commercial project that came before them that was asking for more slips than what was depicted on the submitted drawings. Mr. O'Connor explained that the project he is referring to did submit the incorrect drawings and that project was pulled and at this time when the error was discovered, and at this time, it has not come back before this board for their review and recommendation.

Mr. Tadlock spoke of the definition of a transient slip and how they are not required to have a parking space, since a transient slip is considered a parking space. And in that respect, he asked for clarification if those type of slips cannot have a parasail boat docked. According to Mr. O'Connor that is correct, they cannot.

Mr. Tadlock also spoke of how he feels that dimensions and a final inspection should be included in the requirements of the Code. Stating that he has seen a lot of marine construction projects that are not built to what was approved and never got final inspections.

Mr. O'Connor explained that all marine construction projects are required to have a final inspection. He then spoke of the computer program, Energov that is now in place and explained how it is set up to notify staff that an inspection for the permit is required.

Chairman Hoey spoke of Certificate on Occupancies that are issued by the building dept. and asked if there is an error in the review process made by staff, would the owner have to remove the structure and build it to the specifications of the code.

Mr. O'Connor explained that any marine construction gets a Certificate of Completion, since you don't occupy a dock. Additionally, if there is an error made by staff, the project would be deemed a legal nonconforming structure and could stay in it's built state until the structure is damaged and has to be replaced.

Vice Chairman Green briefly spoke of the used oil drop off facility that he would like to see the city take on. He spoke of grant opportunities that the County can assist the city in obtaining. Additionally, he not brought this before the Council yet because of daily charters that he has been running all summer long.

Chairman Hoey asked him if there is any status on the Harbor Capacity Study. According to Vice Chairman Green the ACOE testing runs through Labor Day and once the data is compiled the Harbor Capacity Study Steering Committee's next scheduled meeting should be in November for them to review the results and make a recommendation to Council

According to Mr. O'Connor, in the first week of counting vessels, 6,500 went in and out of the Harbor, which equals to about a vessel a minute in a twelve hour day.

Lastly, Mr. O'Connor introduced the new planner, Christopher Willis to the Board members and explained that Mrs. Tunazzina Alam has moved to Iowa.

7. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:00 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 22, 2022

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 3.A.

TO: Harbor & Waterways Board

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney
Steve O'Connor, Principal Planner

FROM: Sae More, Planner

DATE: August 12, 2022

SUBJECT: Proposed single-family residential marine construction project at **10 Moreno Point Road**

I. BACKGROUND: Cliff Briggs has submitted an application for Harbor and Waterways Board review of a residential marine construction application to install four pilings to extend an existing dock and to create a new dock. The project also includes a 2' x 18' finger pier to access the new dock.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for the proposed marine construction project located at 10 Moreno Point Rd, located within Destin Harbor, a Class III Florida Waterbody.

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

- **11.01.06.B.3.a** – Construction of private seawalls
- **11.05.01.A & 11.05.01.G** – Construction of new pilings and piling addition
- **11.05.01.T** – Riparian rights of others.

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) Self-Certification (File No: 0423719001EE). City staff reviewed the application and determined that the plans comply with City Codes and regulations, including *Section 11.05.01, Marina Siting*.

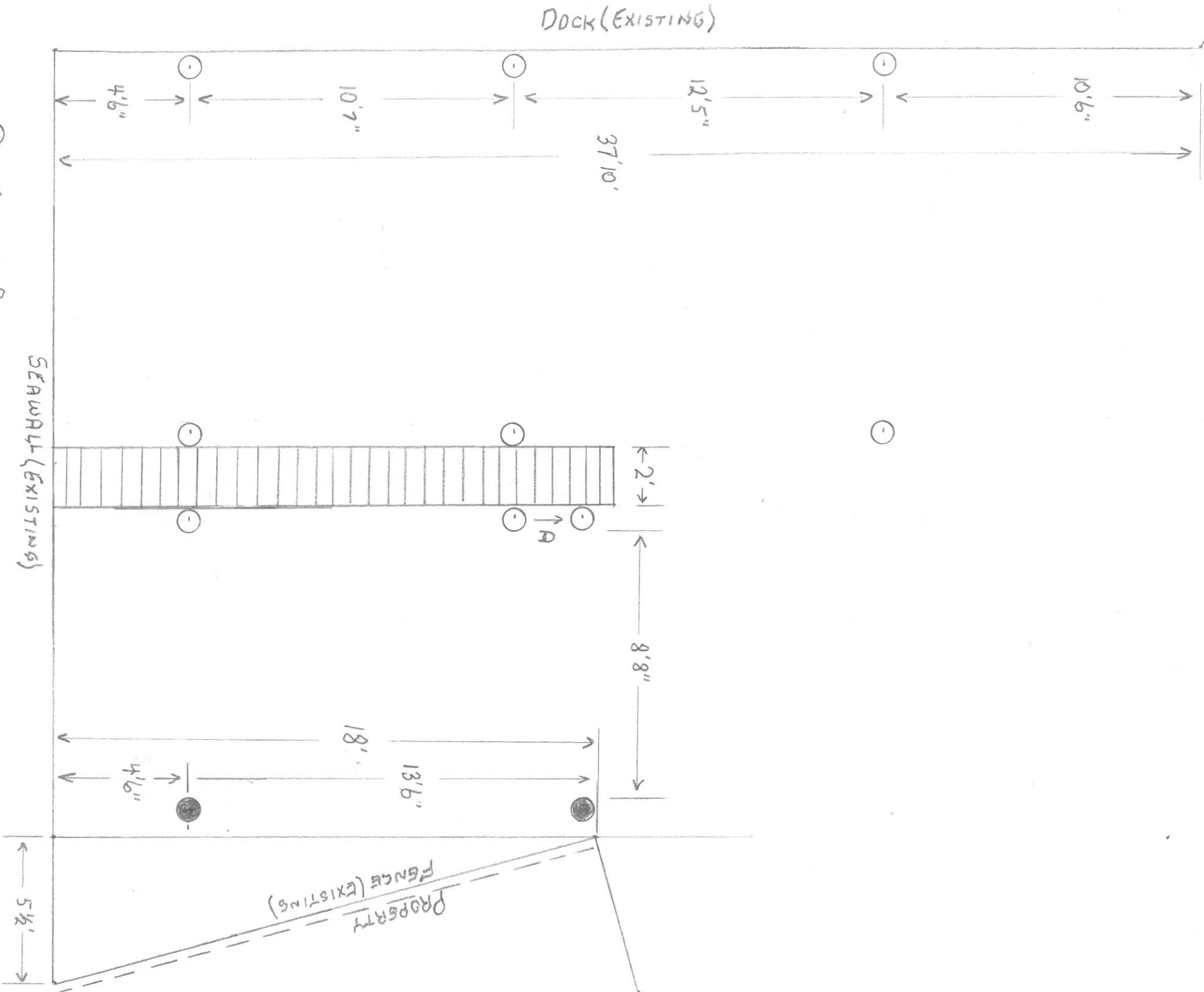
STAFF RECOMMENDATION: Staff recommends approval of a single-family marine construction project proposed at 10 Moreno Point Rd, consisting of four pilings and a finger pier, subject to the applicant meeting all applicable City permit requirements.

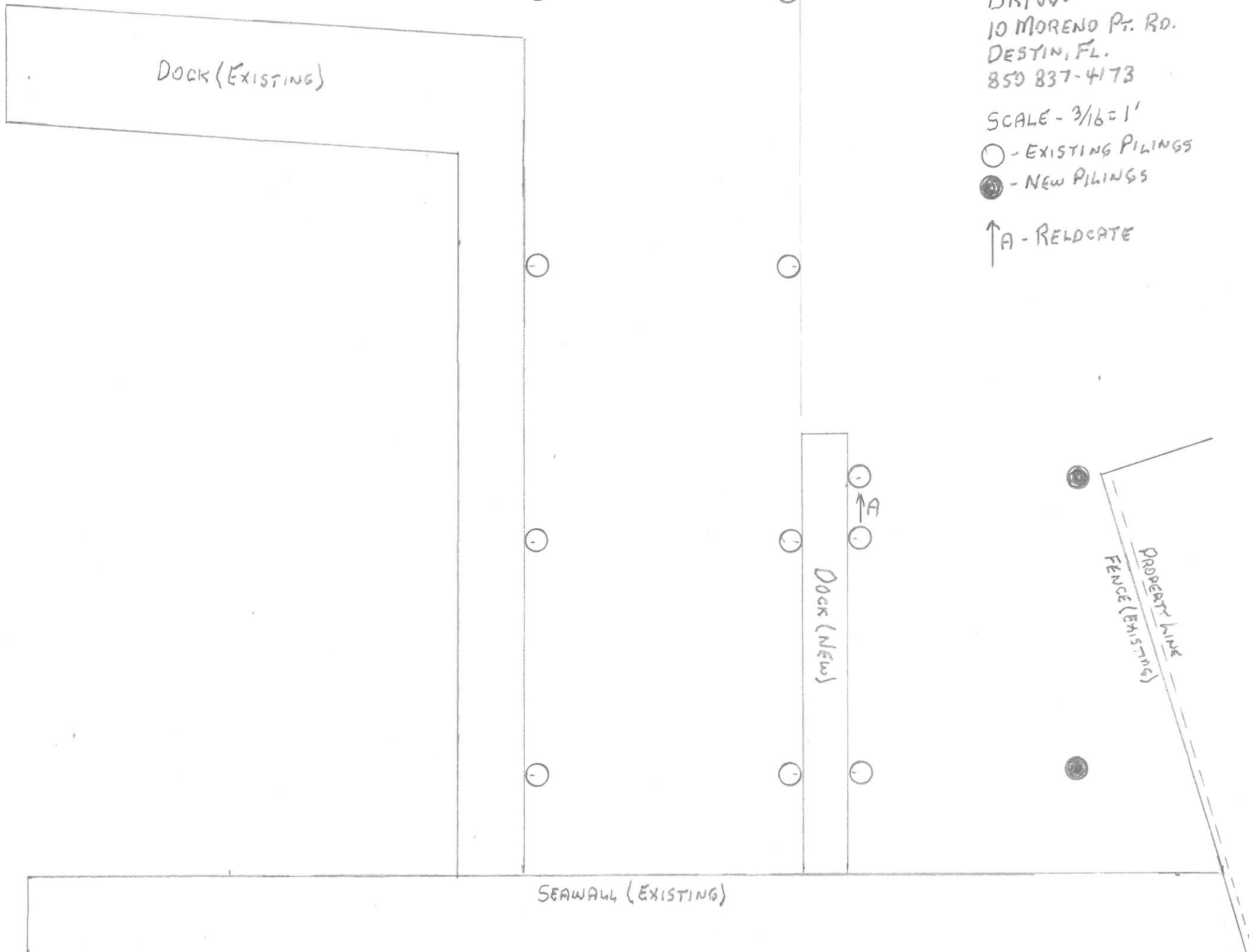
IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend City Council approval of a single-family marine construction project located at 10 Moreno Point Rd, subject to the applicant meeting all applicable City permit requirements.

Attachments:

- 1. A. Proposed Site Plan
- 2. B. FDEP Self-Certification Receipt
- 3. C. Abutters Notice

BRIGGS
10 MORENO PT. RD.
DESTIN, FL.
850 837-4173





BRIGGS
10 MORENO PT. RD.
DESTIN, FL.
850 837-4173

SCALE - 3/16" = 1'

○ - EXISTING PILINGS

● - NEW PILINGS

↑A - RELOCATE



Cliff Briggs <mcliftonbriggs@gmail.com>

FDEP ERP Self-Certification Receipt

1 message

no-reply@dep.state.fl.us <no-reply@dep.state.fl.us>

Wed, Jul 13, 2022 at 4:02 PM

To: mcliftonbriggs@gmail.com

Cc: ERP.SELFCERTS@dep.state.fl.us, SPGP@usace.army.mil, NMFS.SER.PROGRAMMATICREVIEW@noaa.gov, NWD_ERP_APPLICATIONS@floridadep.gov

**FLORIDA DEPARTMENT OF
Environmental Protection****Ron DeSantis**

Governor

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**Jeanette Nuñez**

Lt. Governor

Shawn Hamilton

Secretary

Receipt for Submission**SELF-CERTIFICATION FOR A PROJECT AT A
PRIVATE, RESIDENTIAL SINGLE-FAMILY DOCK****07/13/2022**Self-Certification File No.: **0423719001EE**File Name: **10 Moreno Point Road Destin, FL 32541 - Self Cert Exempt Dock with Boat Lift(s) (General)**

Dear **Cliff Briggs**: On **07/13/2022** you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Single-Family Dock ERP Exemption Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: **30** Minutes: **23** Seconds: **11.0595**
LONG - Degrees: **-86** Minutes: **29** Seconds: **20.954**
SITE ADDRESS: **10 Moreno Point Road Destin, FL 32541**
COUNTY: **Okaloosa**

For:

Cliff Briggs**10 Moreno Point Road Destin, FL 32541**

You have certified that the project you propose to construct at the above location meets all the conditions of the Self-Certification Process. A project that is built in conformance to those conditions (attached for reference) will:

1. Qualify for a regulatory exemption under Section 403.813(1)(b) of the Florida Statutes (F.S.) and Chapter 62-330, Florida Administrative Code (F.A.C.). As such, it is exempt from the need to obtain a DEP Environmental Resource Permit;
2. Qualify for Consent by Rule or Letter of Consent (as applicable) under Chapter 253, F.S. and Chapter 18-21, F.A.C. (and Chapter 258, F.S. and Chapter 18-20, F.A.C., if applicable), when the project is located on submerged lands owned by the State of Florida.

Your Self-Certification is based solely on the information you provided under this process and applies only to the statutes and rules in effect when your certification was completed. The certification is effective only for the specific project proposed, and only if the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the Self-Certification Process. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required.

You have acknowledged that this Self Certification will automatically expire if:

1. Construction of the project is not completed within one year from the self-certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

Receipt of this Self-Certification constitutes authorization to use sovereignty/state-owned submerged lands, as required by rule 18-21.005, F.A.C.

The authorization must be visibly posted during all construction activities.

In waters that are accessible to manatees, obtain information on your mandatory Manatee Protection sign by [clicking here](#).

FEDERAL STATE PROGRAMMATIC GENERAL PERMIT (SPGP)

You have certified that the project you propose to construct at the above location meets all the conditions of the SPGP Self-Certification Process and will be built in conformance to those conditions (attached for reference). Your proposed activity as certified is in compliance with the SPGP program. U.S. Army Corps of Engineers (Corps) Specific conditions apply to your project, attached. **No further permitting for this activity is required by the Corps. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.**

Notifications to the Corps. For all authorizations under this SPGP VI, 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 (attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
- 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.
- 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-2015-2575 on all submittals.

This SPGP Self-Certification is based solely on the information you provided under this process and applies only to the statutes and rules in effect when your certification was completed. You have recognized that your certification is effective only for the specific project proposed, and provided the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the SPGP Self-Certification Process. This Self-Certification will not apply if any substantial modifications are made to the project. You agree to contact the Department for review of any plans to construct additional structures or to modify the project, as changes may result in a permit being required.

You have acknowledged that this Self-Certification will automatically expire if:

1. construction of the project is not completed by midnight, July 27, 2026, unless construction commenced or a contract to construct was executed before July 27, 2026, in which case the time limit for completing the work authorized by the SPGP ends at midnight, July 27, 2027. However, in no case can construction continue for more than one year beyond the Self-Certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self-Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self-Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

If you have any questions, please contact your local Department District Office. Contact information can be found at: https://floridadep.gov/sites/default/files/SLERC_contacts_web_map_01-2017_0.pdf.

For further information, contact the Corps directly at: <https://www.saj.usace.army.mil/Missions/Regulatory.aspx>. When referring to your project, please use the SPGP Self-Certification file number listed above.

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

ADDITIONAL INFORMATION

This Self-Certification Process does not relieve you from the responsibility of obtaining other permits or authorizations from other agencies (federal, state, Water Management District, or local) that may be required for the project. Failure to obtain all applicable authorizations prior to construction of the project may result in enforcement.

If you have any questions or issues with the attached documents, please contact your local Department District Office:
Northwest District
NWD_ERP_Applications@FloridaDEP.gov

Sincerely,
Florida Department of Environmental Protection.

Attachments:

FDEP Terms and Conditions
SPGP Terms and Conditions
Project Design Criteria



4 attachments

8f473193316e48da93c97c621d7223ee.pdf
50K

ee917b53fcc0f2a1e6849d3ef5ae9132.pdf
50K

ProjectDesignCriteria_1_01.pdf
2622K

noname
50K



Community Development Planning Division

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

August 11, 2022

Subject: Notification of Application Submittal – Residential Marine Construction: 10 Moreno Point Rd

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 four pilings to extend an existing dock. **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, August 22, 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: Cliff Briggs
2. Name of Agent: Bayou Builders of Walton County, Inc.
3. Address of Project: 10 Moreno Point Rd
4. Parcel ID Number: 00-2S-24-2186-000C-0100
5. Project Description: The proposed project includes the installation of four pilings to extend an existing dock and to create a new dock. The project also includes a 2' x 18' finger pier to access the new dock.
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,

Sae More

Sae More
Planner

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



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: August 22, 2022

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 3.B.

TO: Harbor & Waterways Board

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

FROM: Sae More, Planner

DATE: August 12, 2022

SUBJECT: Proposed single-family residential marine construction project at **518 Norriego Road**

I. BACKGROUND: Kimberly Cole, Compass Marine Group, LLC, on behalf of Kevin McCann has submitted an application for Harbor and Waterways Board review of a residential marine construction application to construct a 55' x 6' marginal dock and modify an existing upland cut to accommodate the construction of a 35' x 3' finger pier, a 43' x 3' finger pier, and a 147' linear vinyl sheet pile seawall.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for the proposed marine construction project located at 518 Norriego Road, located within Holiday Isle manmade canal system, a Class III Florida Waterbody. The proposed marine construction project meets the requirements of **Article 11.05.00**, City of Destin Land Development Code, including the following section:

11.01.06.B.3.a – Construction of private seawalls

11.05.01.C, 11.05.01.D – Waste Disposal into the Harbor and Waterways of Destin

11.05.01.T – Riparian rights of others.

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 Permit (FDEP) File No: 0394592-003-EM/46. 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 518 Norriego Road, consisting of a marginal dock, two finger piers and a seawall, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend City Council approval of a single-family marine construction project located at 518 Norriego Road, subject to the applicant meeting all applicable City permit requirements.

Attachments:

- 1. A. Proposed Site Plan
- 2. B. FDEP File No 0394592-003-EM46
- 3. C. Abutters Notice



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

June 9, 2022
FROM:
Stephen Hill
5 Calhoun Ave, 506
Destin, FL 32541
hibshill@cox.net

TO:
Kevin J. McCann
5945 Whitestone Lane
Suwanee, GA 30024

Re: File No. 0394592-003-EM/46
Transfer from File No. 0394592-002-EI/46

Dear Mr. Hill and Mr. McCann:

Enclosed is a copy of the executed transfer of permit for the referenced project. The transfer of this permit to Mr. McCann 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 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 Linda Ivey at the letterhead address, at (850) 595-0629, or at Linda.Ivey@FloridaDEP.gov.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Blake Chapman
Environmental Manager

Attachments:

1. Permit File No. 0394592-002-EI/46, 20 pages
2. Permit Transfer Request, 1 page

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:

Blake Chapman, FDEP, Blake.A.Chapman@FloridaDEP.gov

Linda Ivey, FDEP, Linda.Ivey@FloridaDEP.gov

Stephen Hill, applicant, hibshill@cox.net

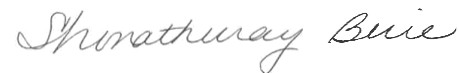
Jason Taylor, agent, oakhurstenvironmental@gmail.com

Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,

sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com, planning@cityofdestin.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 9, 2022

Date



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Stephen Hill
PO Box 5218
Destin, FL 32540
hibshill@cox.net

Hill Upland Cut

Authorized Agent:

Jason Taylor
1225 Oakview Road
Decatur, Georgia 30030
oakhurstenvironmental@gmail.com

Environmental Resource Permit

State-owned Submerged Lands Authorization –Not Applicable

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

Okaloosa County
Permit No.: 0394592-002-EI/46

Permit Issuance Date: October 29, 2021
Permit Construction Phase Expiration Date: October 29, 2026

Environmental Resource Permit

Permittee: Stephen Hill
Permit No: 0394592-002-EI/46

PROJECT LOCATION

The activities authorized by this permit are located at 518 Norriego Road, Destin, Florida 32541, Parcel ID 00-2S-24-2186-000F-0260, in Section 25, Township 2 South, Range 23 West in Okaloosa County, at 30°23'15.30" North Latitude, 86°29'47.22" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to modify an existing upland cut; perform a maintenance dredge within a man-made canal; and construct two uncovered boat lifts, a 55-foot by 6-foot marginal dock, one 35-foot by 3-foot finger pier, one 43-foot by 3-foot finger pier and a 147 linear foot vinyl sheet pile seawall. The irregular-shaped 43-foot by 40-foot upland cut and maintenance dredge consists of excavating approximately 241 cubic yards of material below the mean high waterline from 1,909 square feet of uplands and canal. Dredged material will be placed in an upland spoil cell on the adjacent property. The project is located within in the Holiday Isles manmade canal system, a Class III Florida Waterbody, Prohibited Shellfish Harvesting Area. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Hill Upland Cut

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

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

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 (USACOE).

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 CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **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, 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. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.

5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts 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 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.

The following measures shall be taken by the permittee whenever turbidity levels within waters of the state exceed 29 NTUs above background:

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the violation, 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 Northwest District Office at (850) 595-8300 within 24 hours of the time the violation is first detected.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

6. 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.

7. 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.

8. 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.

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

11. 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 surface waters.

12. 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.

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

14. Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.

15. Areas to be dredged shall be dredged in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

16. Spoil material shall not be disposed in wetlands.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

17. 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

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

19. All structures authorized by this permit shall remain in operable condition and shall not be allowed to deteriorate or otherwise contribute to a water quality violation for the life of the facility.

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.

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 Whitney Bretana at the letterhead address, at (850)595-0658, or at Whitney.Bretana@FloridaDEP.gov.

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:wb

Attachments:

Standard Manatee Construction Conditions 2011, 2 pages

Project Drawings and Design Specs., 7 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

Jennifer Waltrip, Jennifer.Waltrip@FloridaDEP.gov

Whitney Bretana, Whitney.Bretana@FloridaDEP.gov

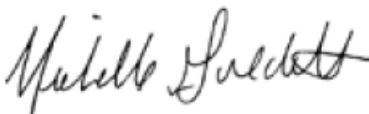
Martha Johnson, Martha.U.Johnson@FloridaDEP.gov

Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,

sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com, planning@cityofdestin.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

October 29, 2021

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 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

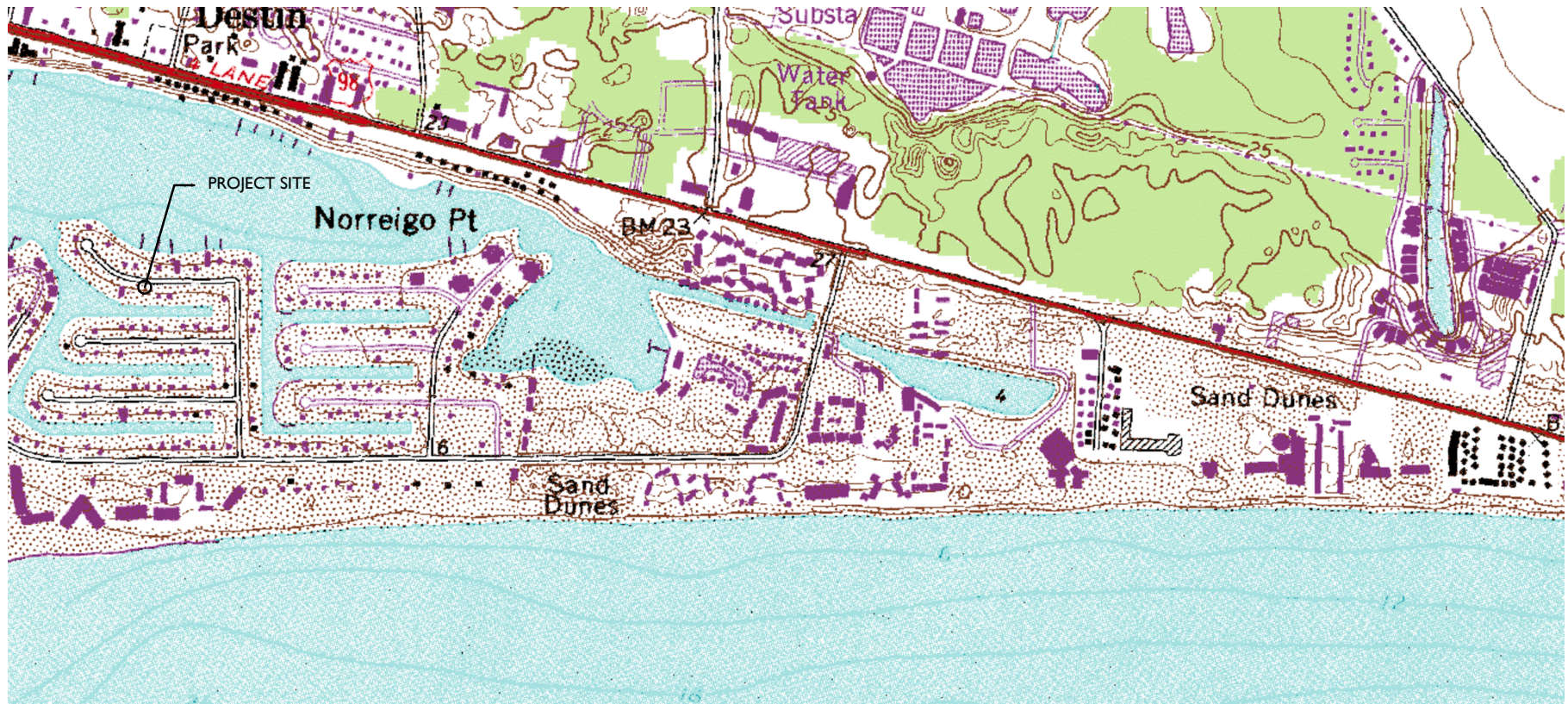
Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



PARCEL ID#

PID: 00-2S-24-2186-000F-0260
 SITUS: 518 NORRIEGO ROAD
 DESTIN, FL 32541
 LAT: 30.387645
 LONG: -86.496478

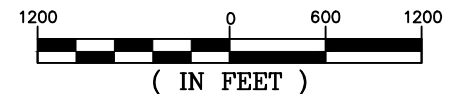
RECORD OWNER

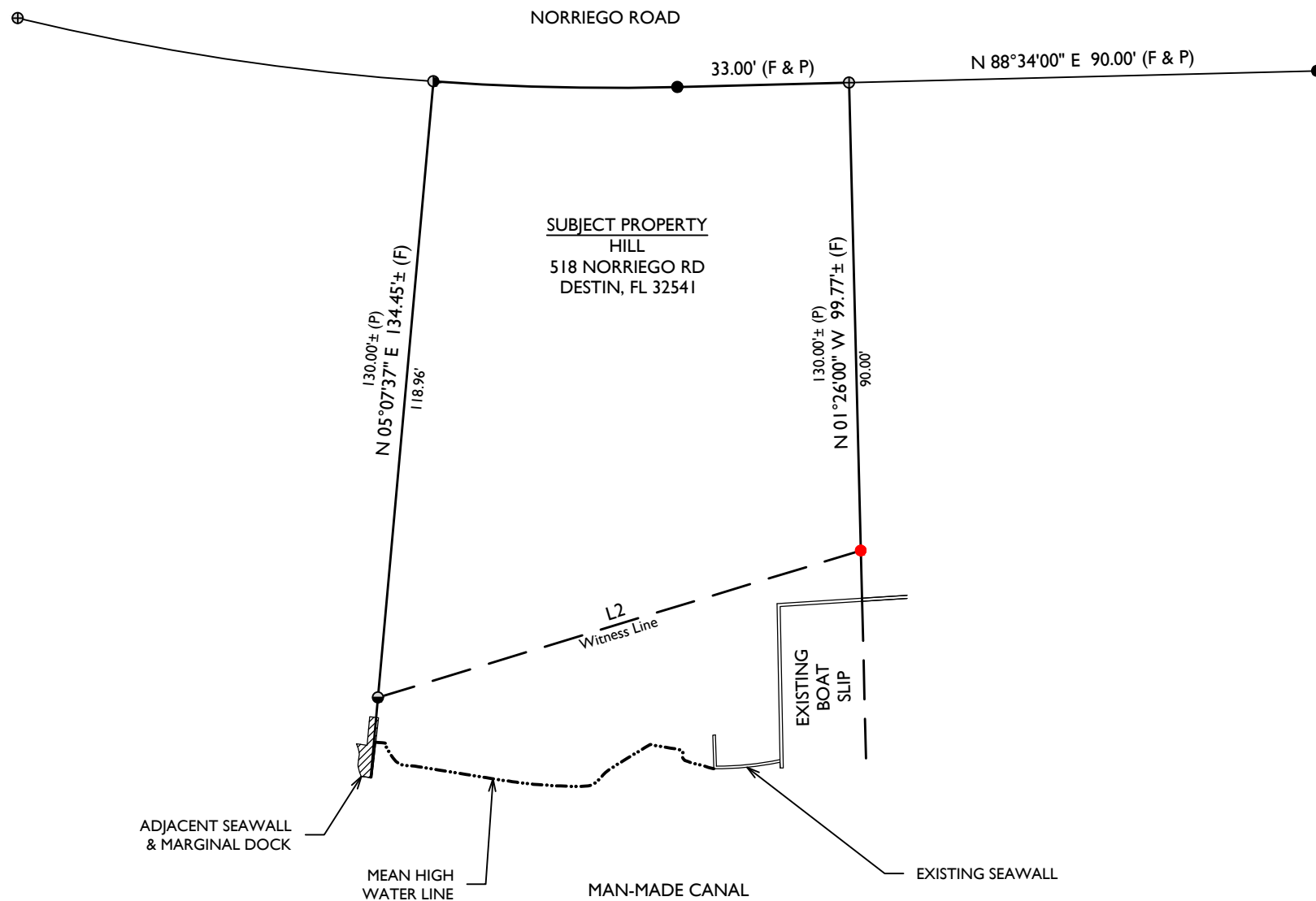
HILL STEPHEN
 PO BOX 5218
 DESTIN, FL 32540

INDEX OF SHEETS

- 1- SITE LOCATION & SHEET INDEX
- 2-EXISTING SITE CONDITIONS
- 3-PLAN VIEW DEPICTED ONTO AERIAL
- 4-PLAN VIEW UPLAND CUT & SPOIL CELL
- 5-PLAN VIEW DREDGE CLOSE-UP
- 6-DREDGE/SPOIL CELL SECTION VIEW (TYPICAL)
- 7-SECTION VIEW (TYPICAL)

PROJECT NAME: 518 NORRIEGO ROAD, HILL
SITE LOCATION & SHEET INDEX
PROJECT NO.: 2021-031
DRAWN BY: JAT DATE: 5/24/2021
SHEET: 1 OF 7





PROJECT NAME: 518 NORRIEGO ROAD, HILL

EXISTING SITE CONDITIONS

PROJECT NO.: 2021-031

DRAWN BY: JAT DATE: 5/24/2021

SHEET: 2 OF 7



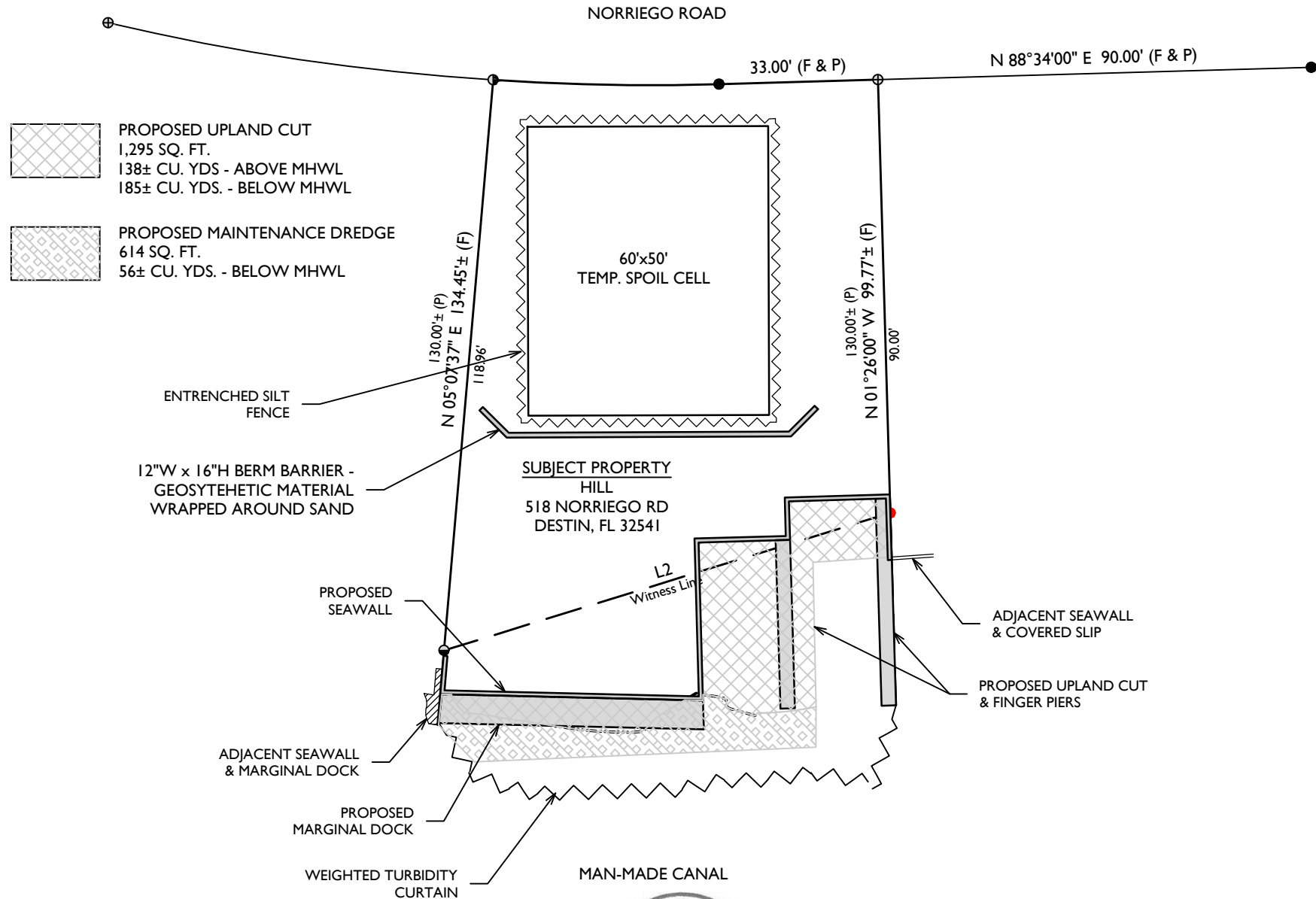
SHEET: 3 OF 7

3/7
0394592-002-EE4



DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT
WB





PROJECT NAME: 518 NORRIEGO ROAD, HILL

PLAN VIEW UPLAND CUT

PROJECT NO.: 2021-031

DRAWN BY: JAT DATE: 5/24/2021

SHEET: 4 OF 7

0394592-002-EE46



12"W x 16"H BERM BARRIER -
GEOSYNTHETIC MATERIAL
WRAPPED AROUND SAND

SUBJECT PROPERTY
HILL
518 NORRIEGO RD
DESTIN, FL 32541

PROPOSED UPLAND CUT
1,295 SQ. FT.
138± CU. YDS. - ABOVE MHWL
185± CU. YDS. - BELOW MHWL

PROPOSED MAINTENANCE DREDGE
614 SQ. FT.
56± CU. YDS. - BELOW MHWL

ADJACENT SEAWALL
& MARGINAL DOCK

PROPOSED
SEAWALL

WEIGHTED TURBIDITY
CURTAIN

PROPOSED
MARGINAL DOCK

MAN-MADE CANAL

ADJACENT
SEAWALL
& COVERED SLIP

L2
Witness Line

PROJECT NAME: 518 NORRIEGO ROAD, HILL

PLAN VIEW UPLAND CUT CLOSE UP

PROJECT NO.: 2021-031

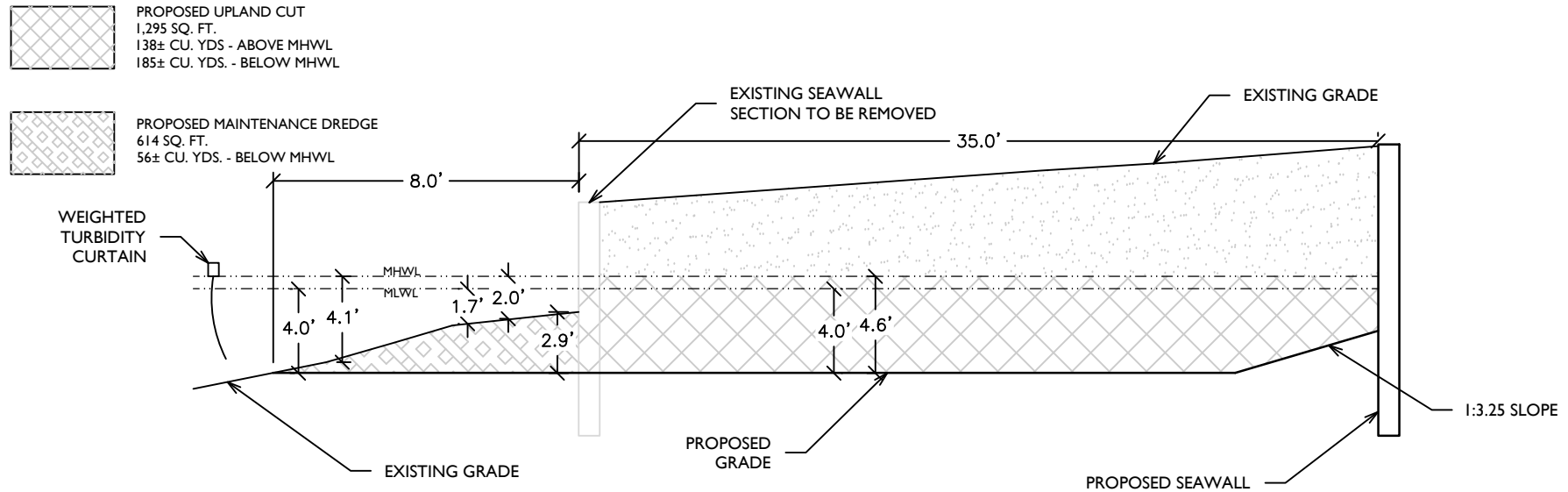
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DATE: 5/24/2021

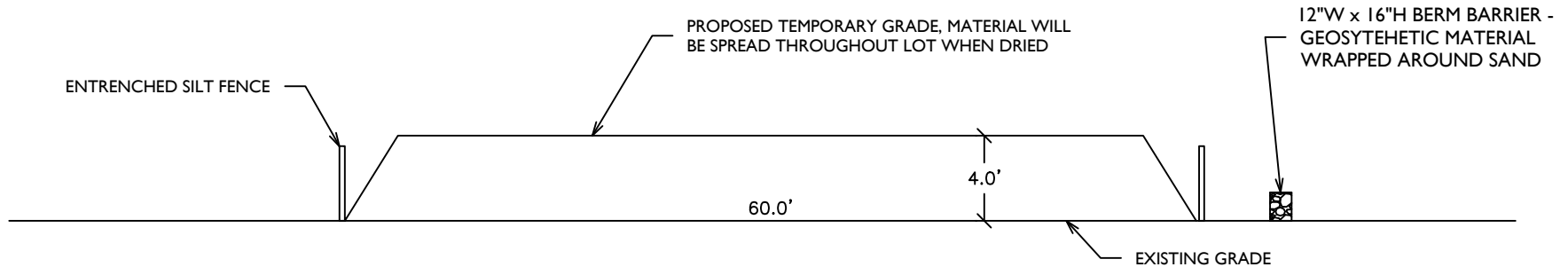
SHEET: 5 OF 7

0394592-002-EE46





PROPOSED DREDGE SECTION A-A' TYP.



SPOIL CELL SECTION TYP.

PROJECT NAME: 518 NORRIEGO ROAD, HILL

PROFILES (TYPICAL)

PROJECT NO.: 2021-031

DRAWN BY: JAT DATE: 5/24/2021

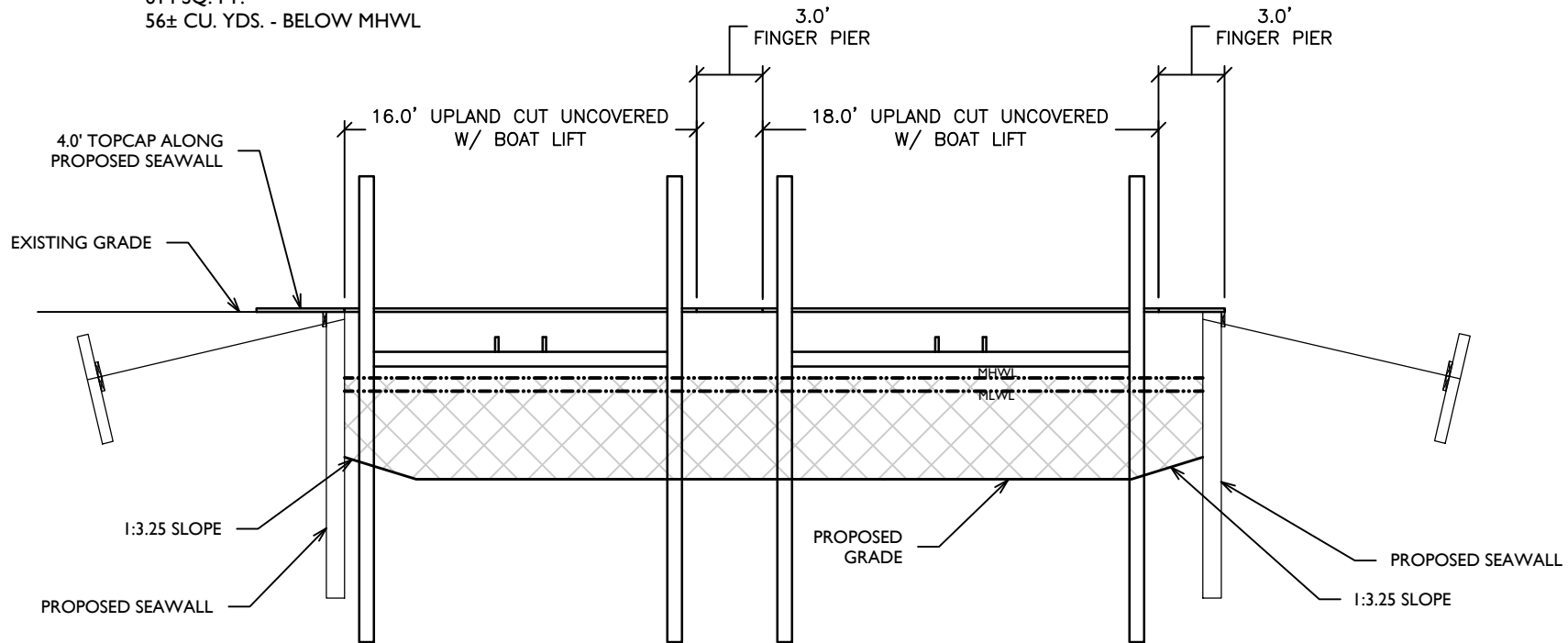
SHEET: 6 OF 7





PROPOSED UPLAND CUT
1,295 SQ. FT.
138± CU. YDS. - ABOVE MHWL
185± CU. YDS. - BELOW MHWL

PROPOSED MAINTENANCE DREDGE
614 SQ. FT.
56± CU. YDS. - BELOW MHWL



PROPOSED DOCK/DREDGE SECTION B-B' TYP.

PROJECT NAME: 518 NORRIEGO ROAD, HILL

PROFILES (TYPICAL)

PROJECT NO.: 2021-031

DRAWN BY: JAT DATE: 5/24/2021

SHEET: 7 OF 7



0394592-002-EE46



From: [Stephen hill](#)
To: [Ivey, Linda](#)
Subject: Re: McCann Marine Project 0394592-003-EM/46 modification/transfer
Date: Wednesday, May 25, 2022 9:52:16 AM
Attachments: [image002.png](#)
[image003.png](#)

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

yes

Sent from my iPhone

On May 25, 2022, at 9:51 AM, Ivey, Linda <Linda.Ivey@floridadep.gov> wrote:

Hello Jason and Stephen,

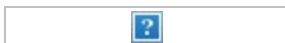
I have been assigned the permit modification for this project. I wanted to confirm with both of you that you are seeking to transfer this permit from Stephen Hill's name into Kevin McCann's.

Thank you,
Linda



Linda Ivey

Florida Department of Environmental Protection
Northwest District
Environmental Specialist I
Linda.Ivey@FloridaDEP.gov
Office: 850-595-0629
Fax: 850-595-8417



Prepared by and return to:

Tiffany S. Gonzales
SETCO Services, LLC
2930 West County Highway 30A
Suite 101
Santa Rosa Beach, FL 32459
(850) 650-6161
File No BMB-22-2440

Parcel Identification No 00-2S-24-2186-000F-0260

Documentary Stamp Taxes were collected in the amount of 7,700.00 based on the purchase price of 1,100,000.00.

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

STATE OF FLORIDA
COUNTY OF OKALOOSA

This indenture made the **10th day of May, 2022** between **Stephen Hill, a single man**, whose post office address is **5 Calhoun Ave, 506, Destin, FL 32541**, Grantor, to **Kevin J. McCann, a single man**, whose post office address is **5945 Whitestone Lane, Suwanee, GA 30024**, Grantee:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Okaloosa, Florida, to-wit:

Lot 26, Block F, Holiday Isle on The Gulf of Mexico at Destin, Inc. Residential Section No. 5, according to the map or plat thereof, as recorded in Plat Book 4, Page(s) 39, of the Public Records of Okaloosa County, Florida.

Said property is not the homestead property of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1

Signature: *Skylar McQueen*
 Print name: SKYLAR McQUEEN

Witness #2

Signature: *Amy Scott*
 Print name: Amy Scott

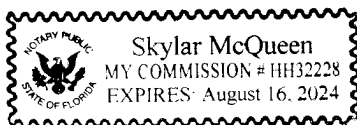
Stephen Hill
 Stephen Hill

STATE OF Florida
 COUNTY OF Walton

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of May, 2022, by Stephen Hill, who is known to me or who has produced FL DL as photo identification.

(AFFIX NOTARY SEAL HERE)

Skylar McQueen
 Notary Public
 Printed Name: _____
 My Commission Expires: _____





Community Development Planning Division

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

August 11, 2022

Subject: Notification of Application Submittal – Residential Marine Construction: 518 Norriego Road (Parcel ID: 00-2S-24-2186-000F-0260)

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 a marginal dock and modify existing upland cut to accommodate two finger piers and a seawall. **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, August 22, 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: Kevin McCann
2. Name of Agent: Compass Marine Group, LLC
3. Address of Project: 518 Norriego Road
4. Parcel ID Number: 00-2S-24-2186-000F-0260
5. Project Description: The proposed project includes modification to an existing upland cut to accommodate the construction of a 35' x 3' finger pier, a 43' x 3' finger pier, a 147' linear vinyl sheet pile seawall, and a 55' x 6' marginal dock.
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,

Sae More

Sae More
Planner

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

