



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, FEBRUARY 27, 2023
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) January 23, 2023 Minutes**
- 3. OLD BUSINESS**
- 4. NEW BUSINESS**
 - A) Single-Family Residential Marine Construction Proposed at 4136 Belcourt Dr (PARCEL ID: 00-2S-22-4600-0000-0020)**
 - B) Single-Family Residential Marine Construction Proposed at 783 Bayou Dr. (PARCEL ID: 00-2S-22-1320-0007-0000)**
 - C) Single-Family Residential Marine Construction Proposed at 523 Norriego Rd (PARCEL ID: 00-2S-24-2186-000F-0060)**
 - D) Single-Family Residential Marine Construction Proposed at 525 B Calhoun Ave (PARCEL ID: 00-2S-22-0630-0000-193D)**
- 5. COMMITTEE MEMBER REPORTS**
 - A) John Stephens**
 - Oil Abatement**
 - Coast Guard Discussion**
 - B) William McKissick**
 - C) Richard Hoey**
 - D) Jim Green**
 - E) Guy Tadlock**
 - F) Casey Jones**
 - G) Jerod Hayden**
- 6. PUBLIC COMMENTS**

7. NEXT MEETING DATE: April 5, 2023

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, JANUARY 23, 2023 - 5:30 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Monday, January 23, 2023, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

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

Staff:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Kyle Bauman City Attorney
Steven O'Connor Principal Planner
Daniel Butler Senior Planner

3. NOMINATION OF CHAIR & VICE CHAIR:

Board member Jones nominated Richard Hoey as Chairman. Board member Hoey declined the nomination.

Board member Jones nominated John Stephens as Chairman with Board member Stephens accepting the nomination.

Chairman Stephen nominated William McKissick for Vice Chairman. Board member McKissick accepted the nomination.

4. APPROVAL OF MINUTES:

- **November 28 , 2022**
- **December 19, 2022**

Board member Green moved to approve the minutes of the November 28, 2022 and the December 19, 2022 minutes as written, with Board member Jones providing the second; the motion passes with a 4-0 vote.

5. SUNSHINE LAW PRESENTATION:

Standards of Conduct for Public Officials – Mr. Bauman briefly explained to the members this is Chapter 112 of the Florida Statutes and covers accepting bribes, unauthorized compensation, as well as a provision that does not allow for any business with the city.

Public Records Law – Mr. Bauman explained how any comments that is made by them in relation to city business is a public record regardless if it's made on a personal device or social media account, it becomes a public record. He explained how a screen shot should be made and forwarded to their city email address so it can become searchable. He advised the members that it is best to just not comment on anything city related on social media but if they do, to not forget to screen shot the comment and email it to get it on the city server. He also covered the importance of text messages being captured, as those are the ones that seem to be the most problematic and encouraged phone conversations or city email that can be immediately captured. Additionally, he explained how it can easily be rectified by contacting him and having the issue placed on the agenda to bring into the sunshine if it should ever happen.

6. PUBLIC COMMENTS:

Mr. Mike Branson stated he had some questions about 4049 Indian Bayou and asked if he could just email the questions. Mr. O'Connor spoke up and informed Mr. Branson to email them or contact the planning staff for assistance.

Ms. Pati Stapleton spoke about issues she's encountered regarding people parking in the intersection of Gulfshore Drive and her street and the need for a sign that says don't block the intersection. Chairman Stephens suggested that she attend a Public Works/Public Safety meeting and also contact the Public Services Director to discuss the situation.

7. NEW BUSINESS:

➤ **530 Harbor Blvd.**

The City Attorney swore in the applicant, Mike Abadie, as well as staff members, Daniel Butler and Mr. Randy Taylor, a member of the public.

Mr. Butler explained the details and location of the request to the members. He did note that in FDEP's review the proposed square footage was portrayed as 4,189, however the plans show the proposed dock being at 4,353 square feet. Therefore, at the time of building permit submittal, the proposed submittal must match the same square footage approved by the FDEP and the ACOE. Additionally, the required water taxi stop is not illustrated and per code, the applicant is required to install the water taxi stop and signage. Once all the requirements are included per code, staff recommends approval of the commercial marine project.

The City Attorney asked staff and the applicant if they had any objections to the entering of the staff report and all attachments into the record. With no objections, Chairman Stephens accepted those items into the record.

Chairman Stephens opened the hearing to the public for comment.

Mr. Randy Taylor owner and President of the HOA for Destin Harbor Place Condominiums, which is the adjacent property to the west of the project, explained the expansion of the business has impacted their beach from the wave action of the vessels in the shared waterway, immediately adjacent to them, which causes a liability to their owners' vessels and their riparian right of way. He expressed concern over what type of boats this improvement will hold and how their quality of life has been impacted by the expansion of the business. He also spoke of an incident where the business had their slips dredged and some of the sand dredged was deposited near their slips and with the coming and going of their boats has pushed additional sand into their slips to the east and has made them too shallow to navigate.

Board member Green asked Mr. Taylor if there has been any boating wrecks as a result of the adjacent business. According to Mr. Taylor, there has not been any collisions, but they are still have concerns.

Board member Tadlock asked if they have any issues with parking from the adjacent property. Mr. Taylor stated that only during the summer and not all the time. Adding they have had some noise issues but mostly it's the concern for waterway access and the erosion of their beach caused by wave action from the vessels of this business.

Mr. Mike Dombroski of MRD Associates who is the Engineer of record for the applicant, Mike Abadie, explained to the members that their request is for an approval of a dock that is to the east of the applicants existing dock towards Harbor Docks and will not support jet skis or parasail boats. They are for permanent boat slips and not for livery vessels.

Board member Green asked what type of boats are planned for these slips. According to Mr. Dombroski, the vast majority of the boats will be yacht boats and possibly there could be the 6-pack type boats. Adding that they will be limited to the amount of parking spaces they can provide.

Mr. Abadie added that the project will be a commercial marina and will be private boats and as mentioned, based on available parking.

Mr. Glen Shelly of 642 Harbor Blvd. pointed out that from Ships Chandler to the west of this request is zoned South Harbor Mixed Use and how any of those private residents along that stretch could be sold and essentially come in and request the same type of use. He expressed that this request may set a precedent to allow these type of docks. He then asked how far out this request goes into the water.

According to Board member Green, the request is for 250-feet.

Mr. O'Connor added that the project encompasses Mr. Abadie's two vacant lots and per the Marine Siting in the South Harbor Mixed Use Zone, they get 1.5 linear feet per linear foot of waterfront property.

Mr. Shelly pointed out 6-pack type boat could be a pontoon boat with a captain, and therein lies his concern.

Mr. Paul Stewart 508 Harbor Blvd. asked for clarification if the plan is for additional pontoon boat rental slips or if its slips to rent for people to dock their boats fulltime. Adding that there are to him, entirely too many pontoon boats on the water as it is.

Mr. O'Connor explained that currently there is a moratorium on additional pontoon boat businesses. Additionally, each livery vessel operator has a limited number of vessels they are allowed and they cannot add anymore to their business, unless, said livery operator reduces the number that they have and their 'medallions' are sold to another livery vessel operator. Pointing out that still, the same number or vessels are only allowed and no more.

With no further discussion, the Chairman closed the public hearing and turned the discussion over to the members for additional comment or a motion.

Board member Jones made the recommended motion that the Harbor and Waterways Board recommends City Council approve the request to construct approval of the Commercial Marine Construction project located at 530 Harbor Blvd. with the condition provided, subject to the applicant meeting all applicable Federal, State, and City permitting requirements, with Board member Green providing the second.

Board member Green spoke in favor of the request stating that the need for projects such as this allows for more charter boats, which is a need because currently, the harbor is in a deficit for 40-feet and more boats.

Board member Jones also spoke in favor of the project and mentioned how everyday he has people inquiring for slip rentals at his restaurant in Niceville and the need is definitely there.

Board member Tadlock asked Mr. Dombroski why they are requesting 253-feet when the code states the maximum distance allowed for marine construction is 200-feet.

According to Mr. Dombroski, there is a provision in the code that allows for offset from the shoreline because of the shoal barrier preventing the project from getting the depth they need,

which was approved. Mr. Tadlock then asked if Mr. Abadie had any plans for a pump out to be installed.

According to Mr. Butler, they are not required to be installed as long as the boats do not have onboard toilets.

Mr. Tadlock then asked if the project will be assessed for the environmental fee and how much. According to Mr. O'Connor, all projects on the harbor are assessed the NPEB fee and at this time they do not have the cost estimate, which is determined and collected when the building permit is issued. Mr. Tadlock then questioned how close this project is to the navigational channel and was informed that the channel ends west of the project at Destin Yacht Club.

Board member Hoey spoke positively about the project regarding the bench, trash receptables and especially the lighting that is planned.

Board member McKissick asked for verification that only one boat is allowed per slip. According to Mr. Dombroski, that is correct only one boat is allowed per slip.

Chairman Stephens asked if there are to be any transient slips for the project. According to Mr. Dombroski, this dock project does not but the dock to the west does allow for them. Chairman Stephens then asked the applicant how many total vehicle parking spaces are planned for the project. Mr. Mike Abadie stated for the record that he will have a total of 25 additional parking spaces added after they tear down the current restaurant building located on the upland portion of the property as well as his approved addition he is currently building on Mountain Drive should provide a total of about 45-50 spaces total combined. The Chairman then mentioned the fire plan and asked if it was a new requirement.

According to Mr. O'Connor, it is a requirement of the Destin Fire Control District for commercial projects.

Board member Tadlock asked about restroom facilities. Mr. Abadie explained that when the project commences around November of this year, rest room public facilities are included in the plans for the new building.

With no further questions, **Chairman Stephens called for the vote and the motion passed 6-1 with Board member Tadlock dissenting.**

8. BOARD MEMBER COMMENTS:

- **Board member Hoey** – Board member Hoey spoke of making sure that everyone has a copy of their committee handbook and the Marine Siting code. He mentioned how the project they

just reviewed does not comply with the length allowed in the Code and asked staff when there is special circumstances that allow for additional length, if staff would explain the reasoning in the agenda packet so that they would know this before their meeting. Mr. O'Connor agreed.

➤ **Board member Green** - Asked what it would take to make this meeting start at 5:30 PM instead of 5:00 PM and spoke of how sometimes it's impossible to get to this meeting on time.

Motion by Committee member Green, seconded by Committee member Jones to change the starting time of the Harbor & Waterways Board meeting to start at 5:30 PM. In discussion, Committee member Hoey wanted to make certain that the change would not affect staff negatively.

According to Mr. O'Connor, it would not and, it would benefit him because it gives him more time to get ready for the meeting. With no further discussion, Chairman Stephens called for the vote and **the motion passed 7-0.**

Board member Green then stated that regarding the project they just reviewed, the adjacent property's dock looks to be in the riparian lines of the Gilligan's.

➤ **Board member Tadlock** – Suggested a joint meeting needs to be considered for this board, the Harbor CRA-AC and the Harbor Capacity Study Steering Committee. Mr. O'Connor stated that he would include them at the next Harbor Capacity Study Steering Committee meeting.

Mr. Tadlock spoke of the Federal Channel and requested the city staff look into the location of it and provide them with clarification stating that some of the GPS systems show it further into the harbor and spoke of how Sandpiper Cove has buoys.

Mr. O'Connor brought up on the screen for all to see where the Federal Navigational Channel is located and where it ends in comparison to the project they reviewed.

➤ **Board member Jones** – asked if there was a way to make all commercial projects required to install a pump out for the project to get approved. According to Mr. O'Connor, they can make that a recommendation to be included with the LDC rewrite for the Marina Siting Chapter and staff will ensure that it gets in the rewrite.

➤ **Chairman Stephens** – Stated that he would like to have included in the rewrite that all commercial docks require a transient slip.

Mr. O'Connor explained to the member they have the authority to make those recommendations and read from Article 4 the LDC the information that spells out their responsibilities and duties of serving on the Harbor & Waterways Board. He explained that the additions they want to see added to the Marina Siting they make in the form of a motion that is then added to the draft that staff works with the Consultant to be implemented into the LDC draft, which is then taken to Council once everything is implemented for staff and the consultant to discuss. Which after that step, will be brought to them for review, discussion, and guidance for a final recommendation to City Council for adoption.

Chairman Stephens informed the members of the Joint Water Safety meeting that will take place on February 8, 2023 at 1 PM located at the Convention Center on Okaloosa Island. The entities attending are the Watersport Coalition, cities of Destin and Fort Walton Beach, Okaloosa County, Okaloosa County Sheriff's Department, City of FWB Police Department, Coastguard, Coastguard Auxiliary, FWC and the local fire departments.

Board member Hayden asked why the project they heard is not required to provide a public pump out facility. According to Mr. O'Connor, the applicant has not specifically stated exactly if the vessels will have bathrooms on them at this point of the approval process. And if they do at the Development Order stage, then they can be required. If later on, the applicant decides to allow them, they can apply for a Deviation to a Development Order. There was also a brief discussion regarding locked bathroom requirements of the Coast Guard, once inside State Waters.

9. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 7:15 p.m.

Adopted and approved this _____ day of _____ 2023.

John Stephens, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 27, 2023

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
Steve O'Connor, Principal Planner

FROM: Chris Willis, Planner

DATE: February 17, 2023

SUBJECT: Single-Family Residential Marine Construction Proposed at 4136 Belcourt Dr
(PARCEL ID: 00-2S-22-4600-0000-0020)

I. BACKGROUND: William F. Davis Construction, Inc, on behalf of David Lee, has submitted an application for Harbor and Waterways Board review for the construction of a single-family residential marine construction project at 4136 Belcourt Dr (Parcel ID 00-2S-22-4600-0000-0020). The project proposes to construct a new dock with a boathouse and install a new boat lift.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for single-family marine construction located at 4136 Belcourt Dr, located within Choctawhatchee Bay, a Class II Florida Waterbody. The application includes the proposed construction of one (1) 71' x 4' access pier, one (1) 14' x 12' terminal platform, one (1) 14' x 4' step-down platform, one (1) 16' x 4' access walk, one (1) 32' x 3' catwalk, one (1) 32' x 13' covered boat lift one lift and one (1) 15'x1' roof overhang, comprising a total of ± 1,099 square feet.

The proposed marine construction project meets the following requirements of ***Section 11.05.00, City of Destin Land Development Code (LDC)***,

- ***11.05.01.A*** – Construction of new dock
- ***11.05.01.F, 11.05.01.G, and 11.05.01.M*** – Length of the pier
- ***11.05.01.N*** – Slip density
- ***11.05.01.S*** – Notifying adjacent property owner if project is proposed within 25' riparian setback.

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Comprehensive Plan **Goal: 6-1: Coastal Management Element, Objective 6-1.5: Land Use Controls and Construction Standards for Protecting the Natural Shoreline and the Natural Shoreline and the Beach/Dune System, and Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards.**

- A. Link to Strategic Goals / Objectives:** Enhance Quality of Life
- 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 a receipt of submittal from the Florida Department of Environmental Protection (FDEP) of Self-Certification, File # 0398519-001-EE/46. City Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with **LDC Section 11.05.01, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.5.5**).

IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend City Council approval of the single-family marine construction project located at 4136 Belcourt Dr, subject to the applicant meeting all applicable City, State and Federal permit requirements.

ALTERNATE MOTION: I move that the Harbor and Waterways Board recommend that the City Council deny the proposed single-family marine construction project located at 4136 Belcourt Drive.

Attachments:

- 1. A. Site Plan
- 2. B. FDEP Receipt of Submittal
- 3. C. Agent Affidavit
- 4. D. Warranty Deed
- 5. E. Cost Estimate
- 6. F. US Army Corps of Engineers
- 7. G. HOA Approval
- 8. H. Site Photos
- 9. I. Adjacent Property Notification

SHEET: 3 OF 4





FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 11, 2021

Scott Lee
4122 Indian Bayou N
Destin, FL 32541
scott@leenissanfwb.com

File No.: 0398519-001-EE/46, Okaloosa County

Dear Mr. Lee:

On February 9, 2021, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single family dock to include a 72-ft by 4-ft access pier, a 14-ft by 12-ft terminal platform, a 16-ft by 6-ft step-down platform, a 16-ft by 4-ft access walk, a 28-ft by 3-ft catwalk, 28-ft by 13-ft covered boat slip with lift and roof dimensions of 30-ft by 15-ft within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 4136 Belcourt Drive, Destin Florida 32541, Parcel No. 00-2S-22-4600-0000-0020, in Section 21, Township 2 South, Range 22 West of Okaloosa County; at approximately 30°24'22.33" North Latitude, 86°27'14.24" West Longitude.

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

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

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

1. Regulatory Review – Approved

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

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

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

2. Proprietary Review – Granted

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

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

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

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

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

3. Federal Review –Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps

permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

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

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Hali Troendle

Environmental Specialist

Submerged Lands and Environmental Resources Program

Attachments:

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

CERTIFICATE OF SERVICE

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

Jennifer Waltrip, DEP, Jennifer.Waltrip@floridadep.gov

Jason Taylor, Oakhurst Environmental, oakhurstenvironmental@gmail.com

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

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

City of Destin, 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

March 11, 2021

Date

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62-330.405 General Conditions for All General Permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

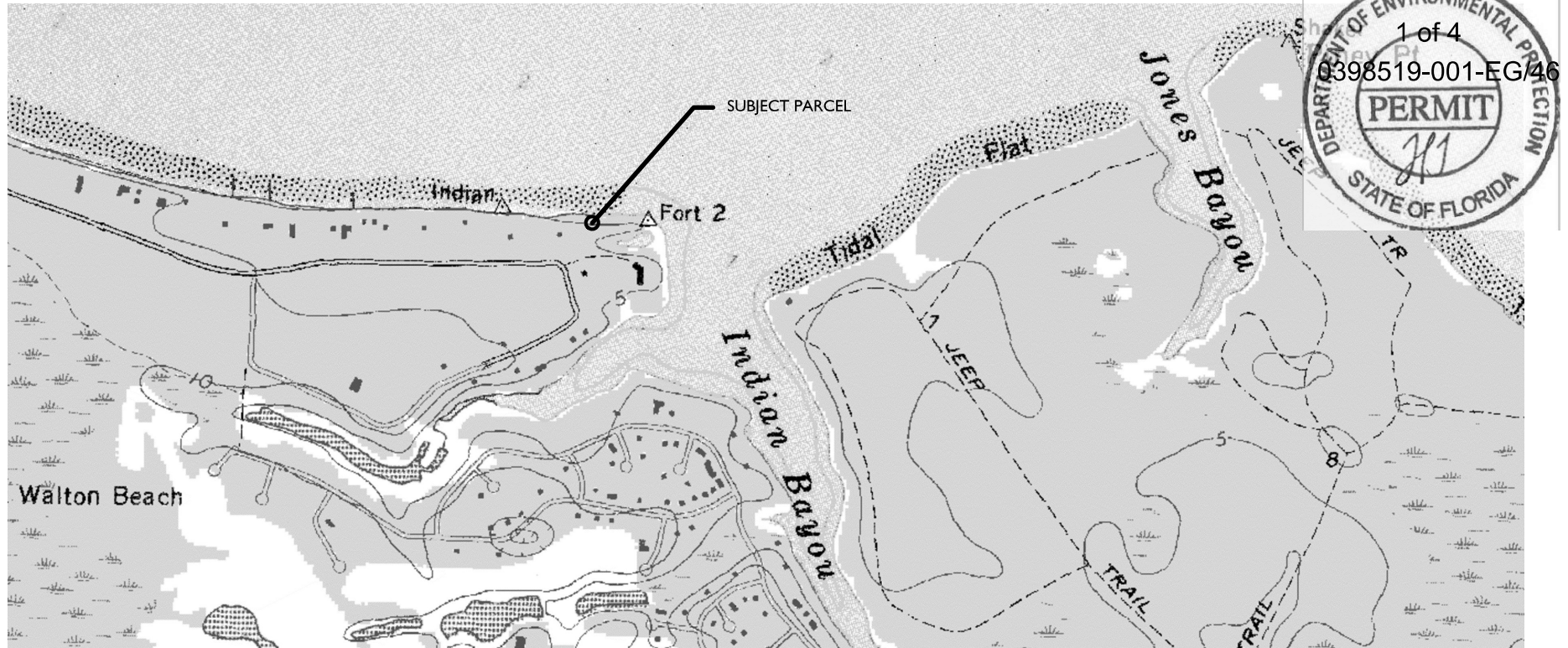
General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

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

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- (i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

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

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



PROPERTY INFO

PID: 00-2S-22-4600-0000-0020
SITUS: 41536 BELCOURT DRIVE
DESTIN, FL 32541
LAT: 30.406305
LONG: -86.453959

RECORD OWNER

LEE DAVID S JR
4122 INDIAN BAYOU N
DESTIN, FL 32541

INDEX OF SHEETS

1-SITE LOCATION & SHEET INDEX
2-PLAN VIEW DEPICTED ONTO AERIAL
3-PLAN VIEW OVERALL
4-DOCK PROFILE TYP.

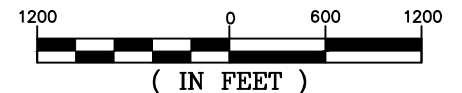
PROJECT NAME: 4136 BELOCOURT DRIVE, LEE

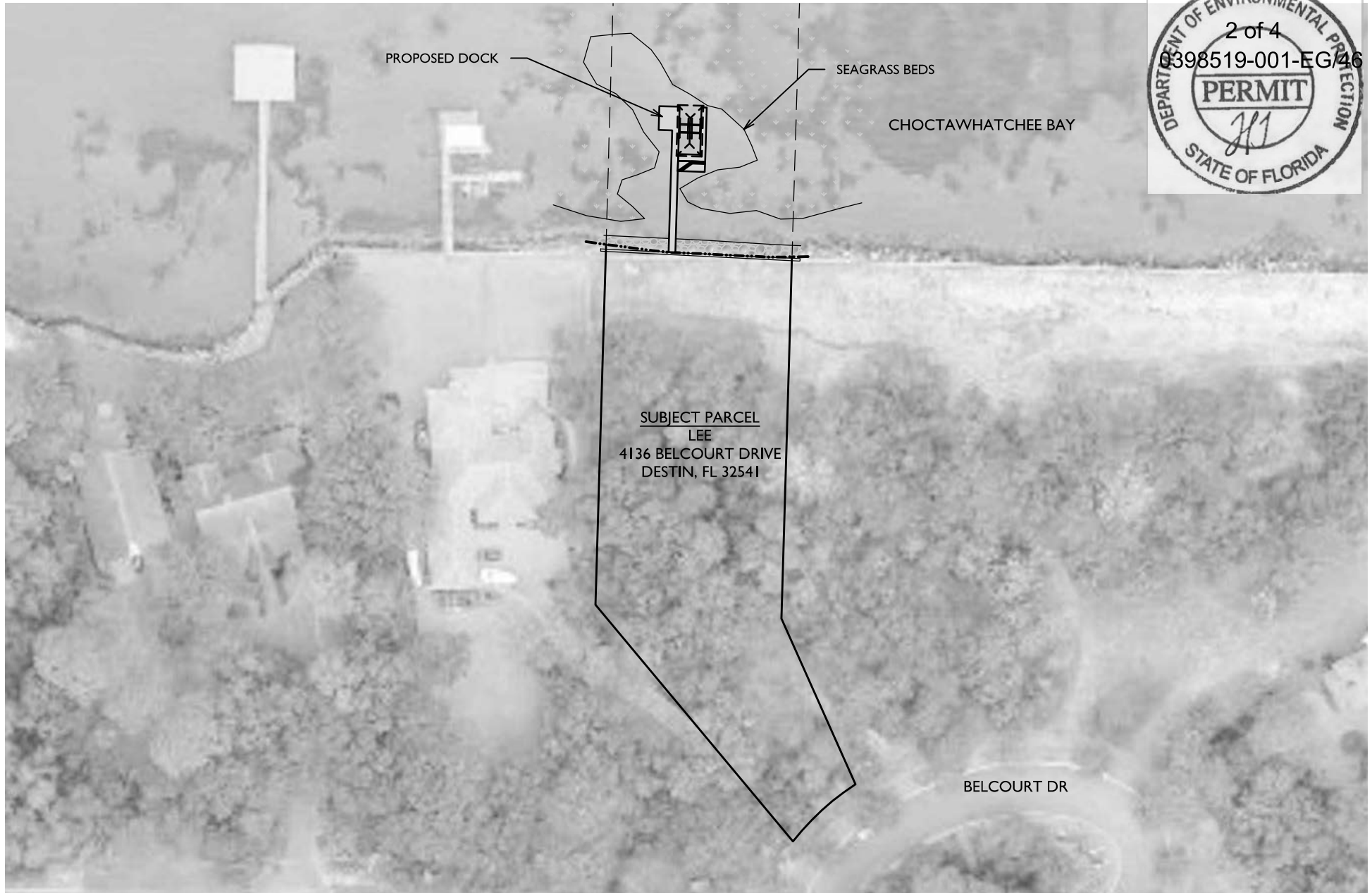
SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 2021-002

DRAWN BY: JAT DATE: 1/16/21

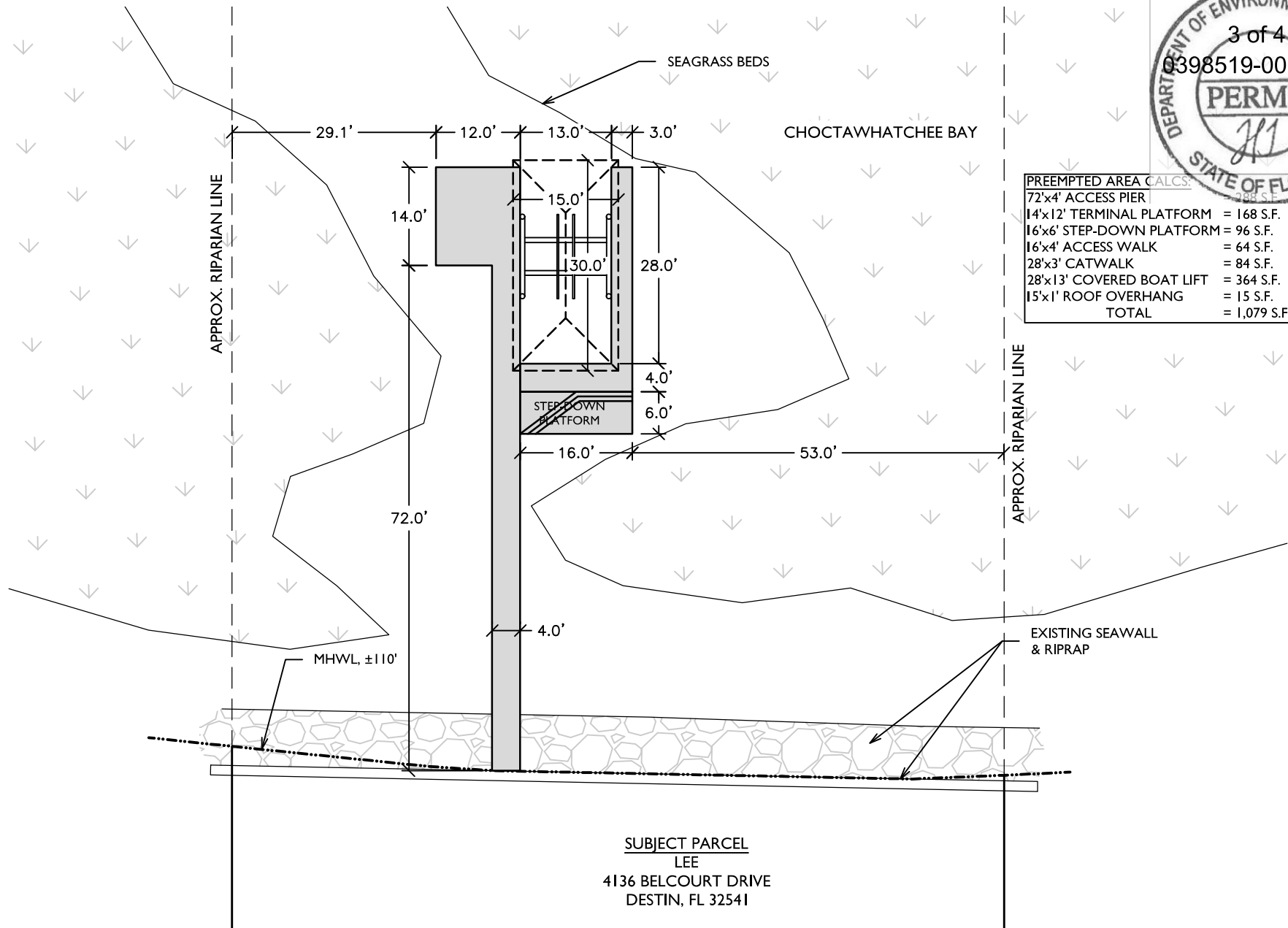
SHEET: 1 OF 4





PROJECT NAME: 4136 BELCOURT DRIVE, LEE	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 2021-002	
DRAWN BY: JAT	DATE: 1/16/21
SHEET: 2 OF 4	

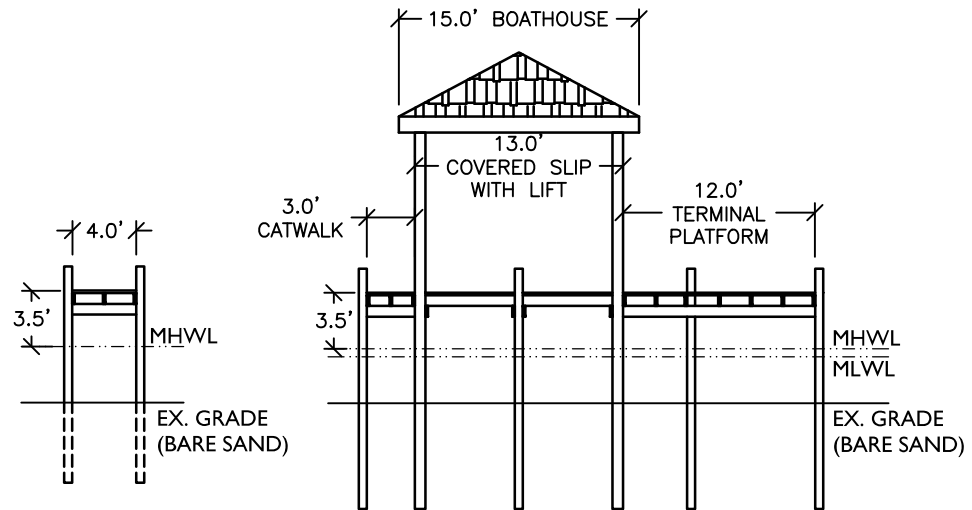
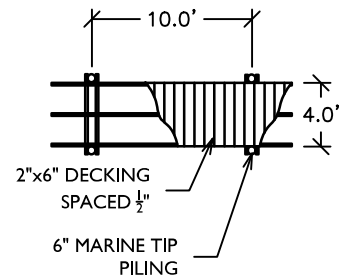
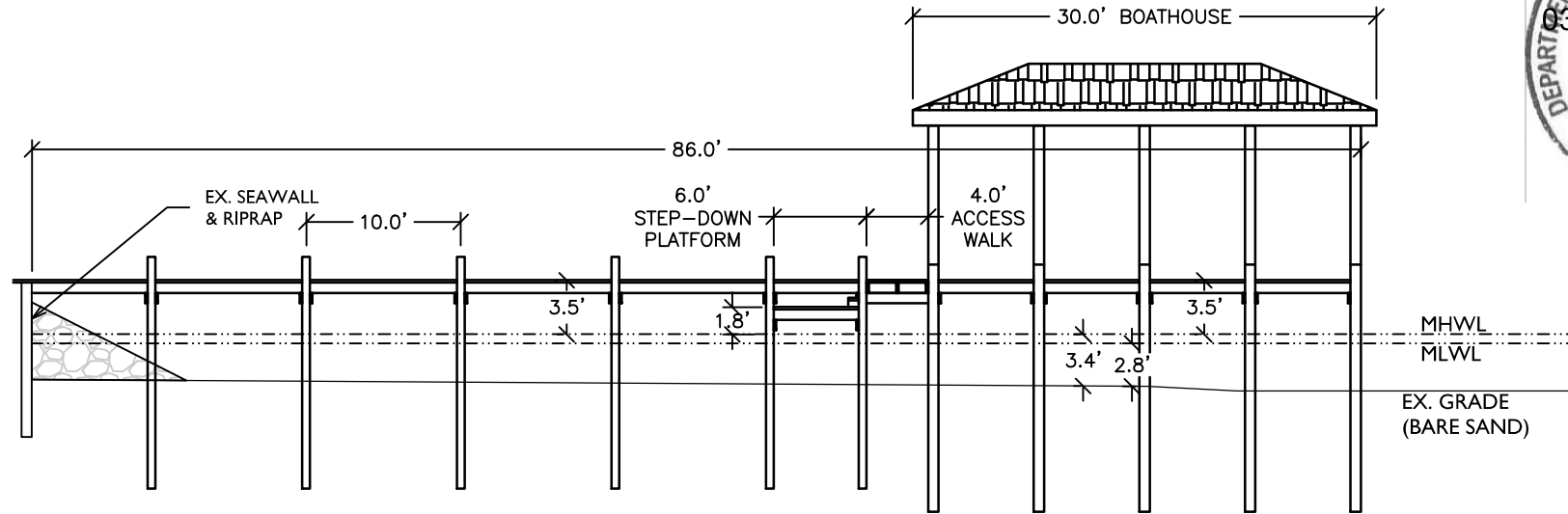




PREEMPTED AREA CALCS:	
72'x4' ACCESS PIER	288 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
16'x6' STEP-DOWN PLATFORM	= 96 S.F.
16'x4' ACCESS WALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
15'x1' ROOF OVERHANG	= 15 S.F.
TOTAL	= 1,079 S.F.

PROJECT NAME: 4136 BELCOURT DRIVE, LEE	
PLAN VIEW	
PROJECT NO.: 2021-002	
DRAWN BY: JAT	DATE: 1/16/21
SHEET: 3 OF 4	





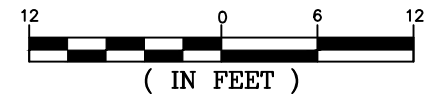
PROJECT NAME: 4136 BELCOURT DRIVE, LEE

DOCK PROFILE

PROJECT NO.: 2021-002

DRAWN BY: JAT DATE: 1/16/21

SHEET: 4 OF 4



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

David S Lee Jr

KNOWN ALL MEN BY THESE PRESENTS, THAT I, _____ am

4136 Belcourt Dr, Destin, FL 32541

presently the owner and/or leaseholder at _____, and desiring

to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do

William F Davis Construction, Inc.

make, constitute and appoint _____

PO Box 1690, Santa Rosa Bch

Walton

Florida

whose address is _____, County of _____, State of _____.

my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
building dock w/boathouse and installing boat lift

my agent in any and all matters pertaining to: _____.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

OWNER


Signature

David Scott Lee Jr
Printed Name

STATE OF Florida

COUNTY OF Walton

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization _____, this 29 day of December, 2022 by

(name of person acknowledging)

David S Lee Jr


Signature of Notary

Printed Name of Notary or Seal

Personally known ☒ OR Produced Identification _____

Type of Identification Produced _____



Corporate Warranty Deed

This Indenture, made , September 9, 2016 A.D.

Between

Provident Investments, LLC, a Louisiana limited liability company whose post office address is: 1598 Ochsner Blvd., Suite 100, Covington, Louisiana 70433 a corporation existing under the laws of the State of Louisiana, Grantor and **David Scott Lee, Jr.**, a married man as his separate non-homestead property whose post office address is: 4122 Indian Bayou N, Destin, Florida 32541, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Okaloosa, State of Florida, to wit:

Lot 2, of the ESTATES AT INDIAN POINTE, according to the plat thereof, as recorded in Plat Book 24, Page 73, of the Public Records of Okaloosa County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 00-2S-22-46000-000-0020

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written

SIGNATURES ON FOLLOWING PAGE

Provident Investments, LLC, a Louisiana limited liability company

Signed and Sealed in Our Presence:

By: William S. Sheffield, Jr.
 William S. Sheffield, Jr.
 Its: Authorized Manager

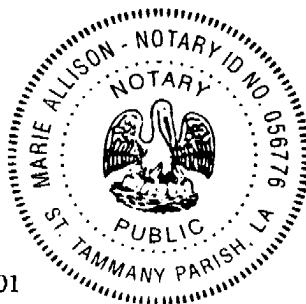
Witness Print Name: Jocelyn Briggs
 Witness Print Name: Laura Harrykoff

(Corporate Seal)

State of Louisiana
 Parish of St. Tammany

The foregoing instrument was acknowledged before me this 6th day of September, 2016, by William S. Sheffield, Jr., the Authorized Manager of Provident Investments, LLC, a Louisiana limited liability company A corporation existing under the laws of the State of Louisiana, on behalf of the corporation.

He/She is personally known to me or has produced a driver's license as identification.



Marie Allison (Seal)
 Notary Public
 Notary Printed Name: Marie Allison
 NP# 056776
 My Commission Expires: at my death

Prepared by:
 Aqua Title Services
 36150 Emerald Coast Parkway, Suite 101
 Destin, Florida 32541

File Number: 16-0424

Cost estimate \$ 49,200.00



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

REPLY TO
ATTENTION OF

March 17, 2021

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2021-00505 (RGP-MDZ)

David Lee
4122 Indian Bayou N
Destin, FL 32541

Dear Mr. Lee:

Your application for a Department of the Army permit has been assigned number SAJ-2021-00505. A review of the information and drawings provided shows the proposed work is to construct a new residential single-family dock. The dock will be comprised of a 5-foot by 90-foot access walkway measured from the Mean High Water Line (MHWL) and a 10-foot by 10-foot terminal platform. A 5-foot by 10-foot walkway will be constructed landward of the MHWL. The structure located waterward of the MHWL will measure 550 square feet. The project is located in Choctawhatchee Bay, at 4136 Belcourt Drive, Tax Parcel ID 00-2S-22-4600-0000-0020, in Section 00, Township 02 South, Range 22 West, Destin, Okaloosa County, Florida.

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

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

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

Enclosed is a list of the six General Conditions (Attachment 1), which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of

your project within the specified time limit, a separate application or re-verification may be required.

The following 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 address:
 - 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, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502.
 - c. The Permittee shall reference this permit number, SAJ-2021-00505 (RGP-MDZ), on all submittals.
- 2. Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall submit a completed "Commencement Notification" Form (Attachment 2).
- 3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment 3) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
- 4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
- 5. Material and Equipment Storage:** No building or fill materials, tools or other equipment shall be stockpiled within waters of the United States.

- 6. Copy Retention:** All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.
- 7. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
- 8. 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.
- 9. Turbidity Controls:**
 - a. Shall be used throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - b. Shall be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]), and shall be monitored to ensure listed species are not entangled or trapped in the project area.
 - c. Shall be removed promptly when the work is complete and the water quality in the project area has returned to background conditions.
 - d. Shall not block entry to or exit from designated critical habitat.
- 10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

- a. All Project PDCs: AP.1-14; S.2 (Attachment 4)
- b. Activity 2 - Pile-supported Structures and Anchored Buoys: A2.1-16 (Attachment 5)

11. Manatee Conditions: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 6).

12. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

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

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting

webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

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

Please note U.S. Coast Guard regulations may require you as permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact Mia Zarbo by telephone at 850-439-3474.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mia Zarbo". The signature is fluid and cursive, with the first name "Mia" and last name "Zarbo" clearly distinguishable.

Mia Zarbo
Project Manager

Enclosures:

General Conditions
Commencement Notification Form
Self-Certification Statement of Compliance Form
JAXBO PDCs for All Projects: AP.1-14; S.2
JAXBO Activity 2 PDCs: A2.1-16
Standard Manatee Conditions for In-Water Work
Drawings
Transfer Request Form

Copies Furnished:

CESAJ-SE

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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-2021-00505 (RGP-MDZ)

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-2021-00505 (RGP-MDZ)

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

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.
- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.
- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson's seagrass:

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.
- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion* (see below).

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

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

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

A2.3. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

A2.4. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

A2.5. ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

A2.6. Chickees must be less than 500 ft² and support no more than 2 slips.

A2.7. No activities associated with municipal or commercial fishing piers are covered under this Opinion.

A2.8. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>

A2.9. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

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

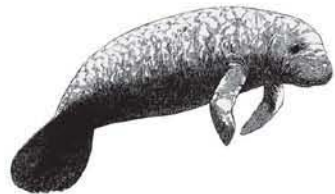
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

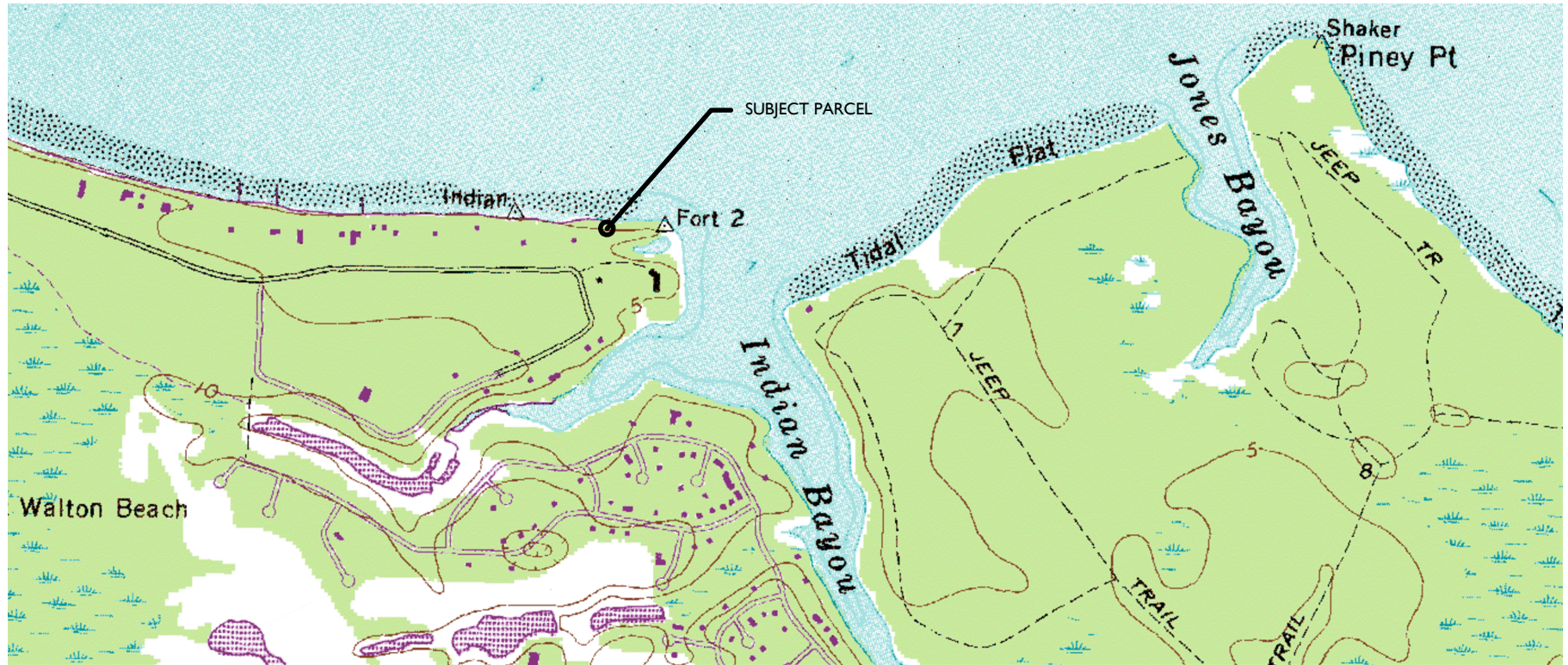
Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

PROPERTY INFO

PID: 00-2S-22-4600-0000-0020
 SITUS: 41536 BELCOURT DRIVE
 DESTIN, FL 32541
 LAT: 30.406305
 LONG: -86.453959

RECORD OWNER

LEE DAVID S JR
 4122 INDIAN BAYOU N
 DESTIN, FL 32541

INDEX OF SHEETS

1-SITE LOCATION & SHEET INDEX
 2-PLAN VIEW DEPICTED ONTO AERIAL
 3-PLAN VIEW OVERALL
 4-DOCK PROFILE TYP.

PROJECT NAME: 4136 BELOCOURT DRIVE, LEE
SITE LOCATION MAP & SHEET INDEX
PROJECT NO.: 2021-002
DRAWN BY: JAT DATE: 1/16/21
SHEET: 1 OF 4





PROJECT NAME: 4136 BELCOURT DRIVE, LEE

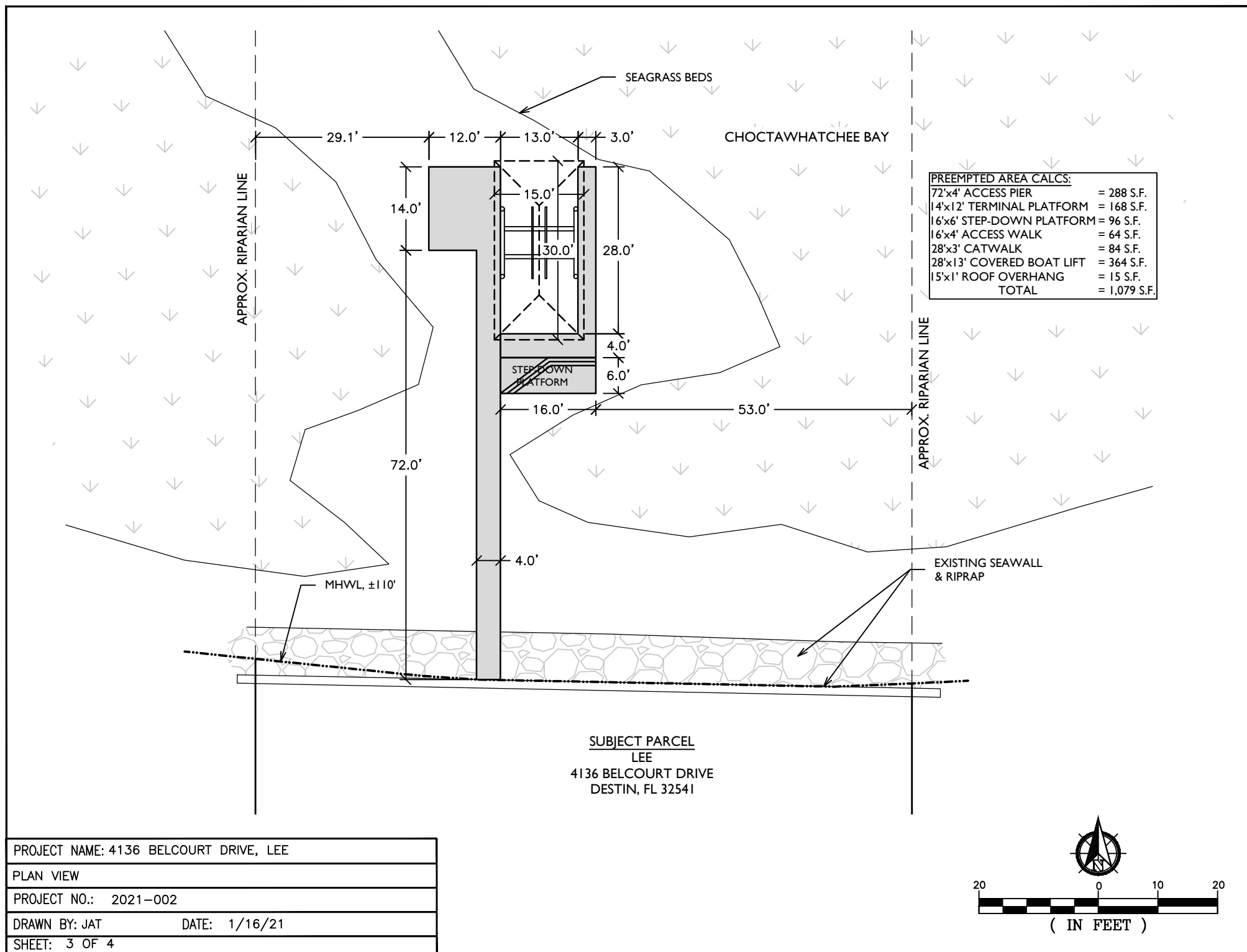
PLAN VIEW DEPICTED ONTO AERIAL

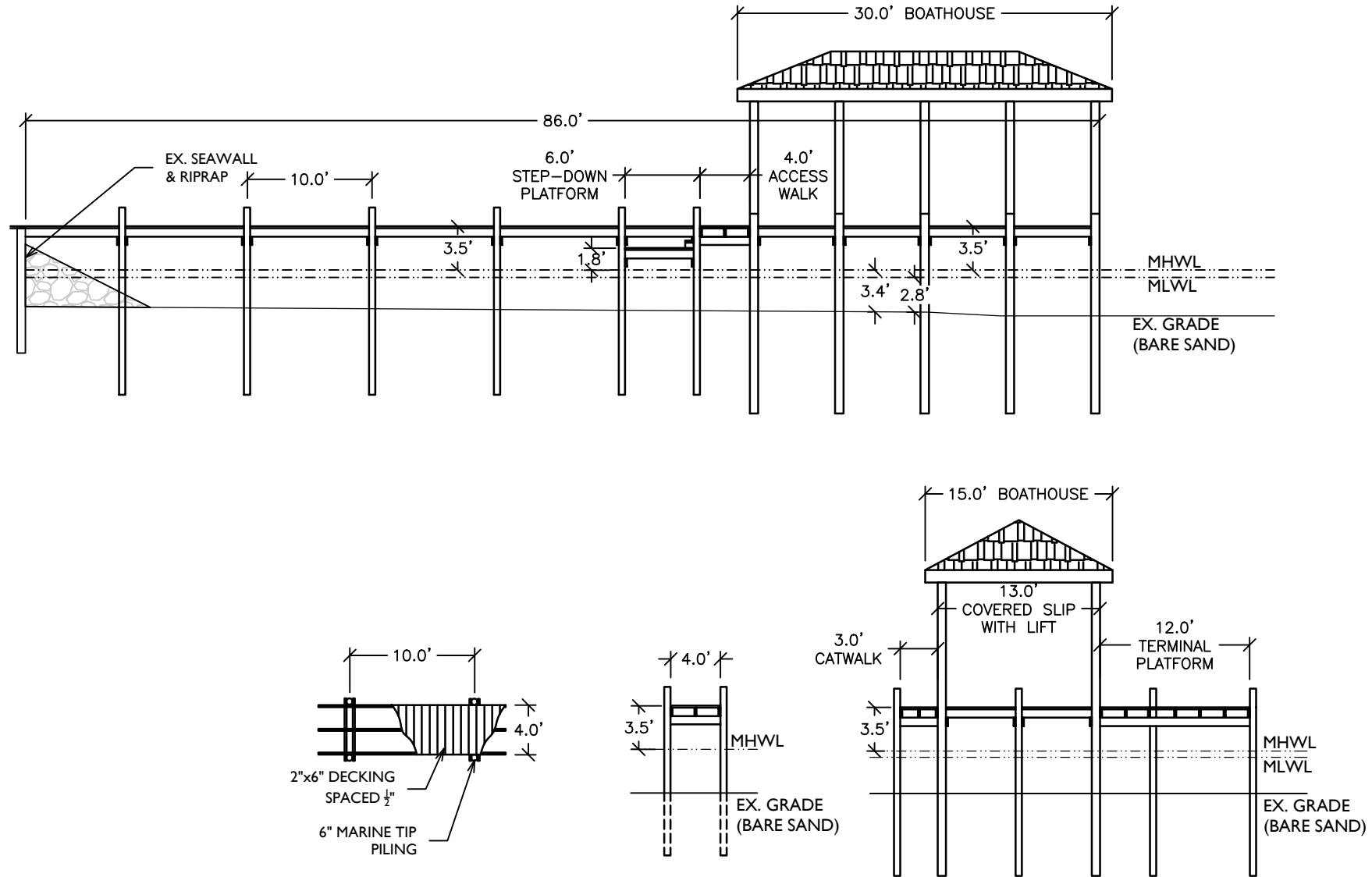
PROJECT NO.: 2021-002

DRAWN BY: JAT DATE: 1/16/21

SHEET: 2 OF 4







PROJECT NAME: 4136 BELCOURT DRIVE, LEE

DOCK PROFILE

PROJECT NO.: 2021-002

DRAWN BY: JAT DATE: 1/16/21

SHEET: 4 OF 4

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2021-00505 (RGP-MDZ)

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, Regulatory Division, Enforcement Section, Terry Wells, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

THE ESTATES AT INDIAN POINTE HOMEOWNERS ASSOCIATION, INC.

10221 Emerald Coast Parkway West, Suite 5

Miramar Beach, FL 32550

Tel: (850) 654-8660 Fax (850) 654-5590

E-mail: assoc@ecam.net

Web Page: www.ecam.net

August 27, 2021

Scott & Amanda Lee
4122 Indian Bayou N
Destin, FL 32541

RE: **Architectural Request Approval**
Lot 2 – Dock Plans

Dear Scott and Amanda,

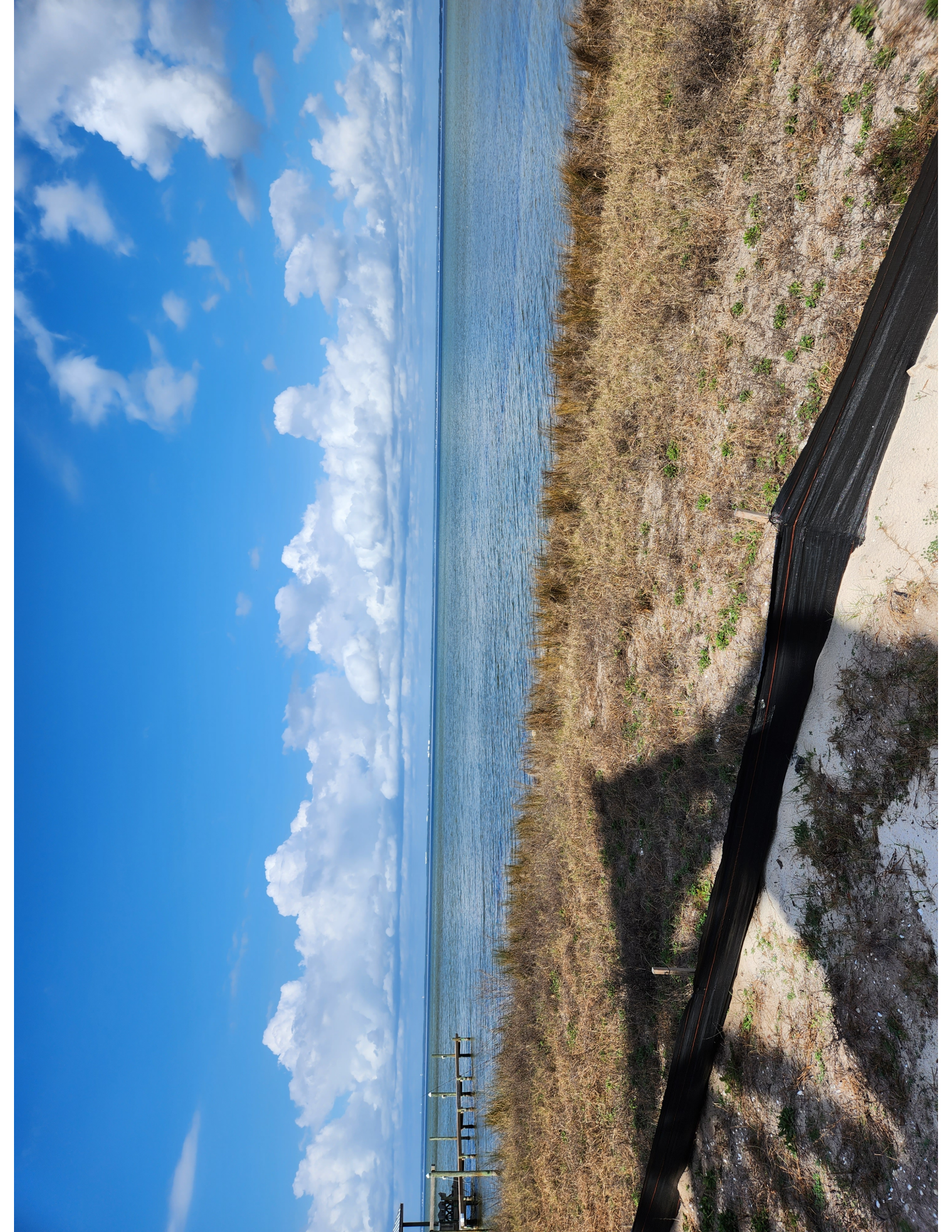
On behalf of the Estates at Indian Pointe Board of Directors, I have been asked to contact you regarding your recent Architectural Review application submitted on 8/23/2021. The Board has approved the following:

- **Your request to install a dock as presented in your plans**

If you have any questions regarding this matter, please call our office Monday through Thursday between the hours of 9:00am and 4:00pm, or on Friday between 9:00am and 1:00pm, and we will be happy to help.

Sincerely,

Maranda Montilla
Community Association Manager





Community Development Planning Division

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

January 31, 2023

**Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal
Residential Marine Construction – 4136 Belcourt Dr.**

Dear Property Owner:

This letter is to notify you of a proposed marine construction project proposed at **4136 Belcourt Drive**. The Marine Construction application requires Harbor and Waterways Board review and recommendation. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, February 27, 2023.**

As an owner of property located adjacent of this project, *Destin Land Development Code (LDC) Section 2.17.00* requires a written notice providing you the following information.

This notice is for informational purposes only and no action is required of you. However, citizens are encouraged to provide a response to email address provided below.

1. Name of Owner: David S. Lee, Jr.
2. Name of Agent: William F. Davis Construction, Inc.
3. Address of Project: 4136 Belcourt Drive
4. Parcel ID Number: 00-2S-22-4600-0000-0020
5. Project Description: The application includes to construct a new residential dock with a covered boat lift, consisting of a 71' x 4' access pier, a 14' x 12' terminal platform, a 14' x 4' stepdown platform, a 16' x 4' access walk, a 32' x 3' catwalk, a 32' x 13' covered boat lift, and a 15' x 1' roof overhang, totaling $\pm$ 1,099 SF.
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 concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Daniel Butler
Senior Planner



CC: Louis Zunguze, MURP, Community Development Director
Planning Division

Community Development Department Project File



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 27, 2023**BOARD/COMMITTEE:** Harbor & Waterways Board**TYPE OF AGENDA ITEM:** Action Item**OUTLINE NUMBER:** 4.B.**TO:** Harbor & Waterways Board**THRU:** Lance Johnson, City Manager
Kyle Bauman, City Attorney
Louis Zunguze, Community Development Director**FROM:** Chris Willis, Planner**DATE:** February 17, 2023**SUBJECT:** Single-Family Residential Marine Construction Proposed at 783 Bayou Dr.
(PARCEL ID: 00-2S-22-1320-0007-0000)

I. BACKGROUND: Compass Marine Group, LLC, on behalf of Victor and Barbara Barrett, has submitted an application for Harbor and Waterways Board review for the construction of a single-family residential marine construction project at 783 Bayou Dr (Parcel ID: 00-2S-22-1320-0007-0000). The project proposes the modification of an existing dock and the construction of two finger piers, one access pier, and a boat slip w/ overhang.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for single-family marine construction located at 783 Bayou Dr, located within Joe's Bayou, a Class II Florida Waterbody, and tributary of Choctawhatchee Bay. The application includes the removal of the existing boat slip and pilings and replace with new/modified boat slips. This replacement includes constructing two (2) 46' x 4' finger piers, a 31' x 6' access pier, and a 39' x 50' covered boat lift, comprising ± 2,504 SF. The shared dock will remain as is.

The proposed marine construction project meets the following requirements of ***Section 11.05.00, City of Destin Land Development Code (LDC)***,

- ***11.05.01.A, 11.05.01.B*** – Construction of new dock
- ***11.05.01.F, 11.05.01.G, and 11.05.01.M*** – Length of the pier
- ***11.05.01.N*** – Slip density
- ***11.05.01.S*** - Notifying adjoining landowners when a dock is placed within 25-foot riparian setback

- **11.05.01.U** – *Installation of white navigation/security night-light*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Comprehensive Plan **Goal: 6-1: Coastal Management Element, Objective 6-1.5: Land Use Controls and Construction Standards for Protecting the Natural Shoreline and the Natural Shoreline and the Beach/Dune System**, and **Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards**.

- A. **Link to Strategic Goals / Objectives:** Enhance Quality of Life
- 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:**

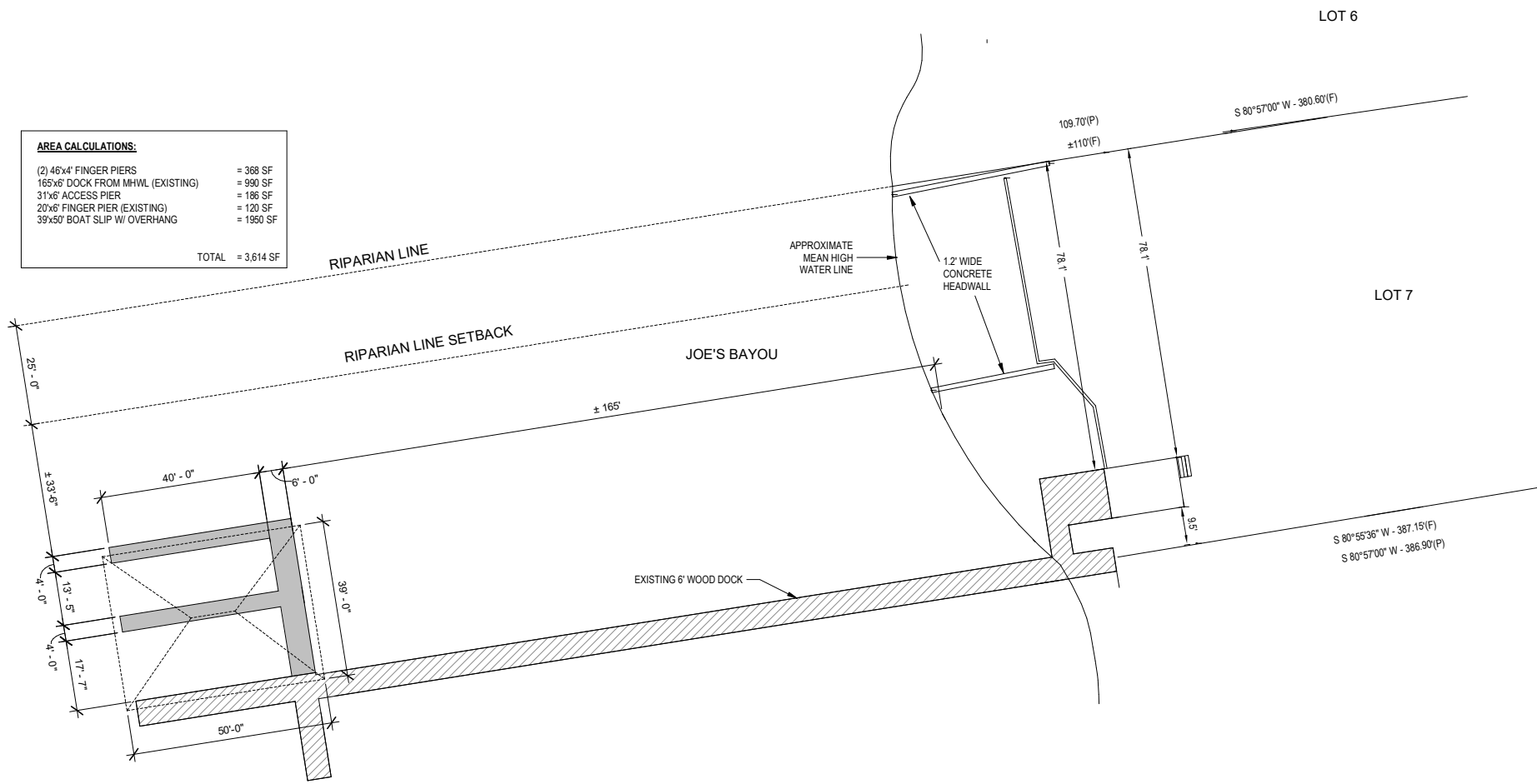
III. CONCLUSION: The applicant provided a receipt of submittal from the Florida Department of Environmental Protection (FDEP) of Self-Certification, File # 0428299001EE. City Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with **LDC Section 11.05.01, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.5.5**).

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of the single-family marine construction project located at 783 Bayou Dr, subject to the applicant meeting all applicable City, State and Federal permit requirements.

ALTERNATE MOTION: I move that the Harbor and Waterways Board recommend that the City Council deny the proposed single-family marine construction project located at 783 Bayou Drive.

Attachments:

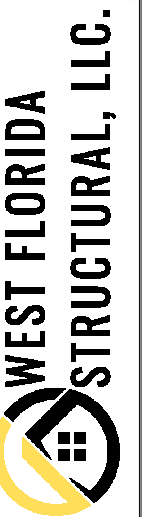
1. A. Site Plan
2. B. Structural Plans
3. C. FDEP Receipt of Submittal
4. H. Warranty Deed
5. D. FDEP Construction Submittal
6. E. Agent Affidavit
7. F. Cost Estimate & Scope of Work
8. G. Site Photos
9. I. Adjacent Property Notification



1 PROPOSED SITE PLAN
1" = 20'-0"



Date: 01/2023
Designed By: M. CULLENS
Drawn By: M. CULLENS
Checked By: M. CULLENS



DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
SITE PLAN

SHEET NUMBER
G-1

STRUCTURAL NOTES

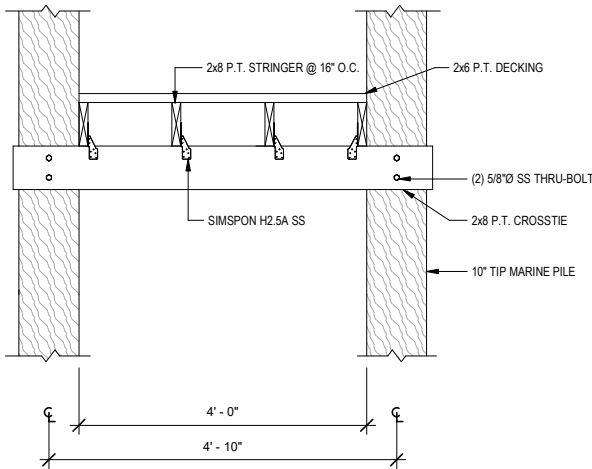
GENERAL

- DESIGN CODE DATA
 - 2018 INTERNATIONAL BUILDING CODE
 - 2020 FLORIDA STATE BUILDING CODE
 - ASCE 7-16: MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES
 - ANSI/AF&PA NDS-2005: NATIONAL DESIGN SPECIFICATION FOR WOOD STRUCTURE
- DESIGN LOADS:
 - DEAD LOADS:
 - ROOF: 15 PSF
 - LIVE LOADS: 20 PSF
 - WIND DESIGN CRITERIA:
 - WIND SPEED: 150 MPH (ULT)
 - EXPOSURE: D
 - RISK CATEGORY: I
 - ENCLOSURE CLASSIFICATION: OPEN
- MAXIMUM ALLOWABLE DEFLECTION CRITERIA:
 - ROOF: L/360 LIVE LOAD; L/240 TOTAL LOAD
- THE CONTRACTOR IS RESPONSIBLE FOR LIMITING THE AMOUNT OF CONSTRUCTION LOAD IMPOSED UPON OR EXISTING STRUCTURAL FRAMING. CONSTRUCTION LOADS SHALL NOT EXCEED THE DESIGN CAPACITY OF THE FRAMING AT THE TIME THE LOADS ARE IMPOSED.
- THE STRUCTURE IS DESIGNED TO FUNCTION AS A UNIT UPON COMPLETION. THE CONTRACTOR IS RESPONSIBLE FOR DESIGNING AND FURNISHING ALL TEMPORARY BRACING AND/OR SUPPORT THAT MAY BE REQUIRED AS THE RESULT OF THE CONTRACTOR'S CONSTRUCTION METHODS AND/OR SEQUENCES. THE STRUCTURAL ENGINEER ASSUMES NO LIABILITY FOR THE STRUCTURE DURING CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION AND ALL JOB SITE SAFETY. VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS PRIOR TO THE START OF CONSTRUCTION - RESOLVE ANY DISCREPANCY WITH ARCHITECT. DO NOT SCALE DRAWINGS.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO CONSTRUCTING. NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCY IMMEDIATELY. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ALL BUILDING MATERIALS AND COMPONENTS COMPONENT LOCATIONS ARE SHOWN FOR DESIGN INTENT, NOT EXACT LOCATION. SPECIFICALLY INDEPENDENTLY PREPARED SHOP DRAWINGS ARE REQUIRED OF ALL TRADES FOR COORDINATION AND BEST PRACTICE. ERRORS OR OMISSIONS IN INSTALLATION DUE TO THE CONTRACTOR'S FAILURE TO COORDINATE THE WORK WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

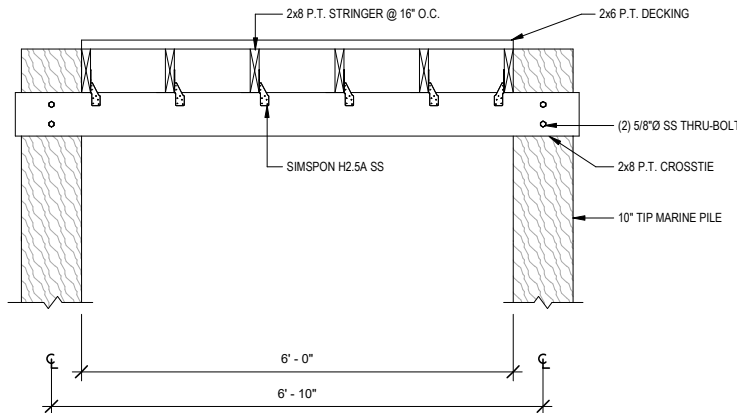
WOOD CONSTRUCTION

- ALL DIMENSIONAL LUMBER SHALL BE #2 SYP TREATED OR EQUAL.
- ALL STRAPS & TIES & NAILS SHALL BE STAINLESS STEEL.
- ALL PILES TO BE TREATED TO MAXIMUM ALLOWED BY DEP.
- ALL BOLTS AND HARDWARE SHALL BE STAINLESS STEEL.
- BOLT HOLES IN WOOD SHALL BE DRILLED 1/16" MAXIMUM OVERSIZE. HOLES FOR SCREWS AND LAG SCREWS SHALL BE FIRST BORED FOR THE SAME DEPTH AND DIAMETER OF THE SHANK, THEN THE REMAINDER OCCUPIED BY THE THREADED PORTION SHALL BE BORED NOT LARGER IN DIAMETER THAN THE ROOT OF THE THREAD. ALL SCREWS SHALL BE SCREWED, NOT DRIVEN INTO PLACE.
- PROVIDE SS WASHERS UNDER ALL NUTS AND HEADS OF BOLTS AND LAG SCREWS, WASHERS ARE NOT NEEDED UNDER CARRIAGE BOLT HEADS

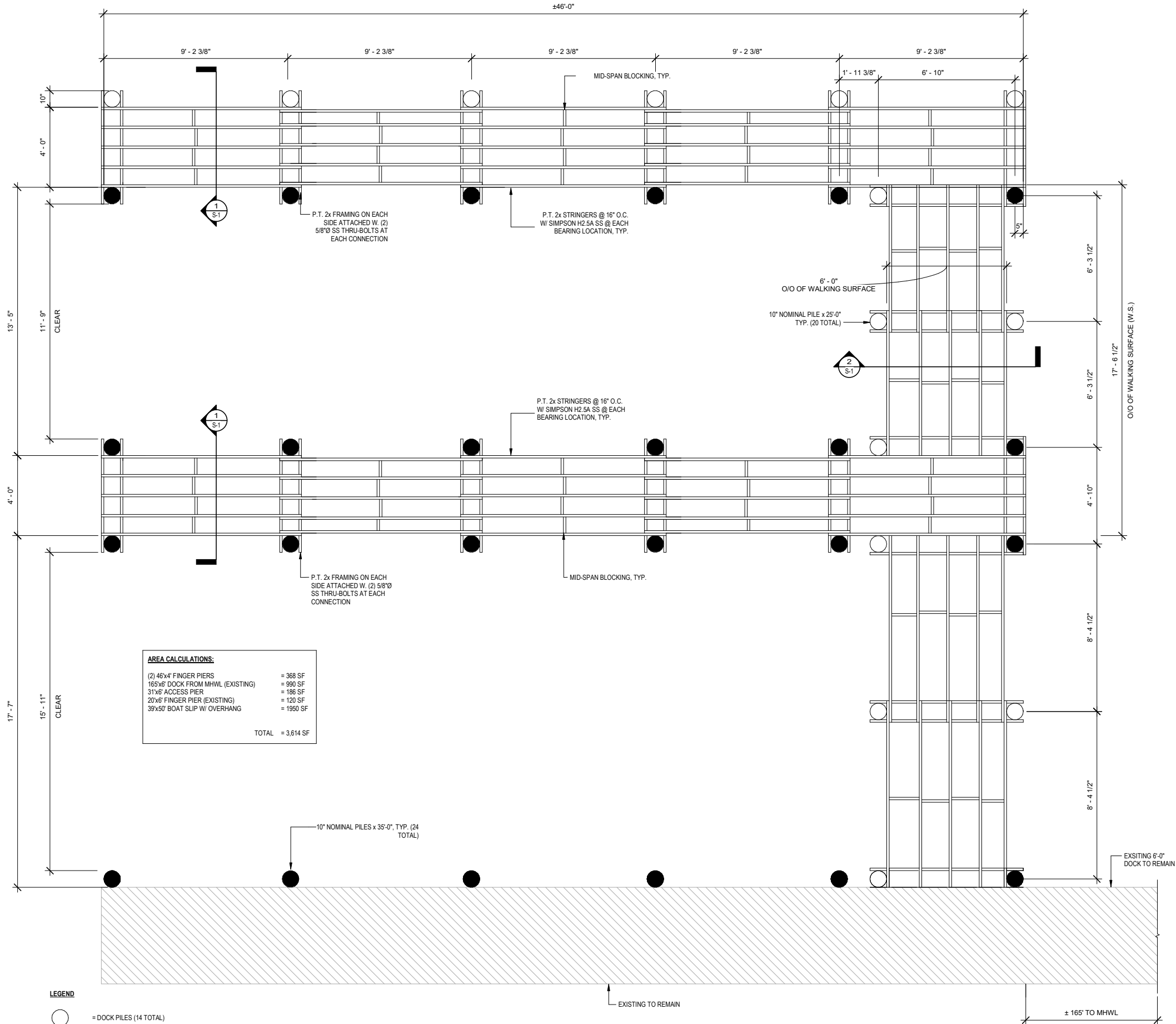
NOTE: THESE PLANS ARE FOR BOAT LIFT ROOF ONLY. SOIL CONDITIONS WERE NOT PROVIDED THUS EMBEDMENT DEPTH COULD NOT BE CALCULATED.



1 4'-0" DOCK SECTION
3/4" = 1'-0"



2 6'-0" DOCK SECTION
3/4" = 1'-0"



3 PILE LAYOUT & DECK PLAN
3/8" = 1'-0"



Date: 10/2022
Designed By: M. CULLENS
Drawn By: M. CULLENS
Checked By: M. CULLENS

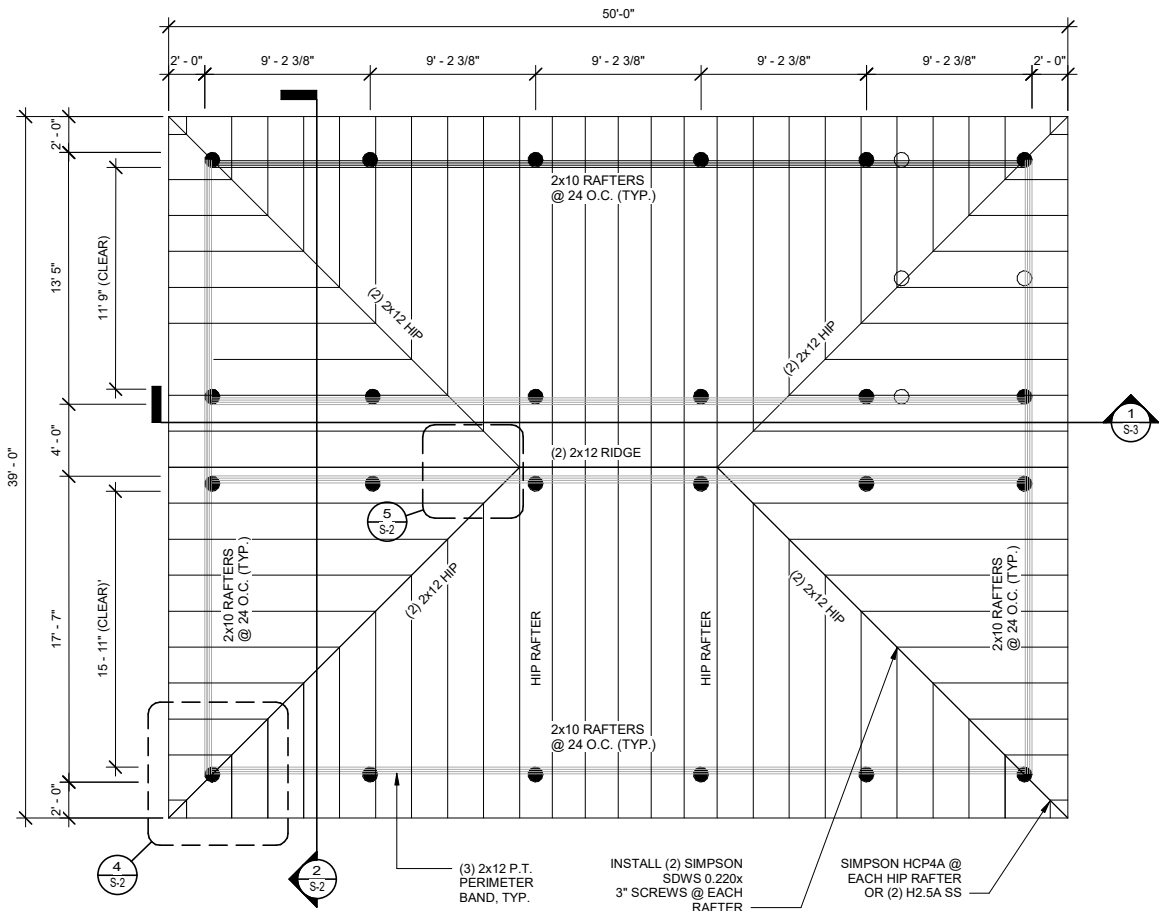
WEST FLORIDA
STRUCTURAL, LLC.

DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

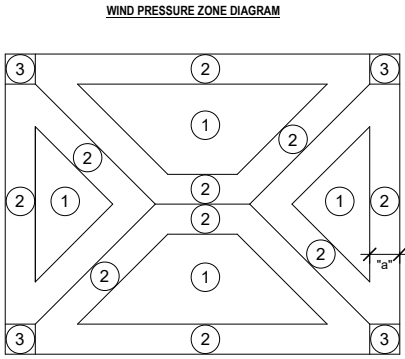
783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
OVERALL
PLAN/
DETAILS

SHEET NUMBER
S-1



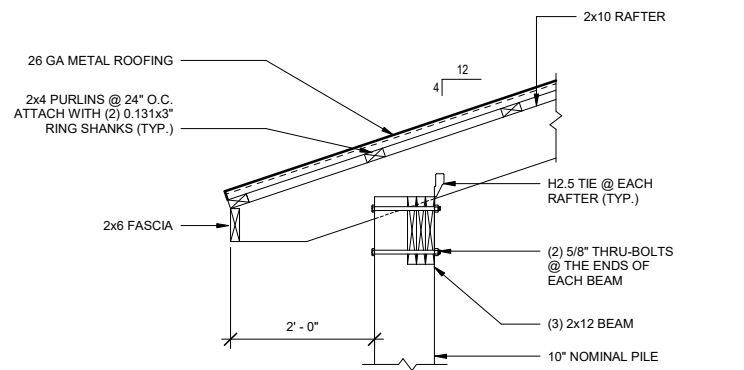
1 ROOF PLAN
3/16" = 1'-0"



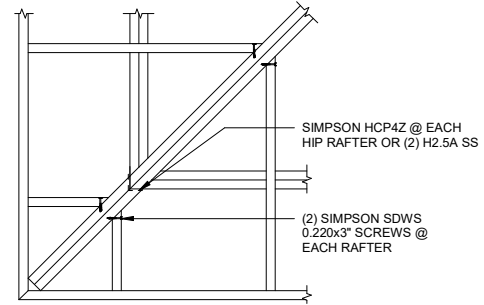
COMPONENTS & CLADDING DESIGN PRESSURES (PSF)			
ROOF			
AREA	≤ 12.3 SF	>12.3 SF ≤ 49 SF	>49 SF
ZONE 1	33.4, -30.7	33.4, -30.7	33.4, -30.7
ZONE 2	51.6, -47.6	51.6, -47.6	33.4, -30.7
ZONE 3	66.8, -61.5	51.6, -47.6	33.4, -30.7

ROOF UPLIFT ARE ULTIMATE. PRESSURES MAY BE MULTIPLIED BY 0.6 FACTOR FOR ASD PRESSURES.
"a" = 3'-6"

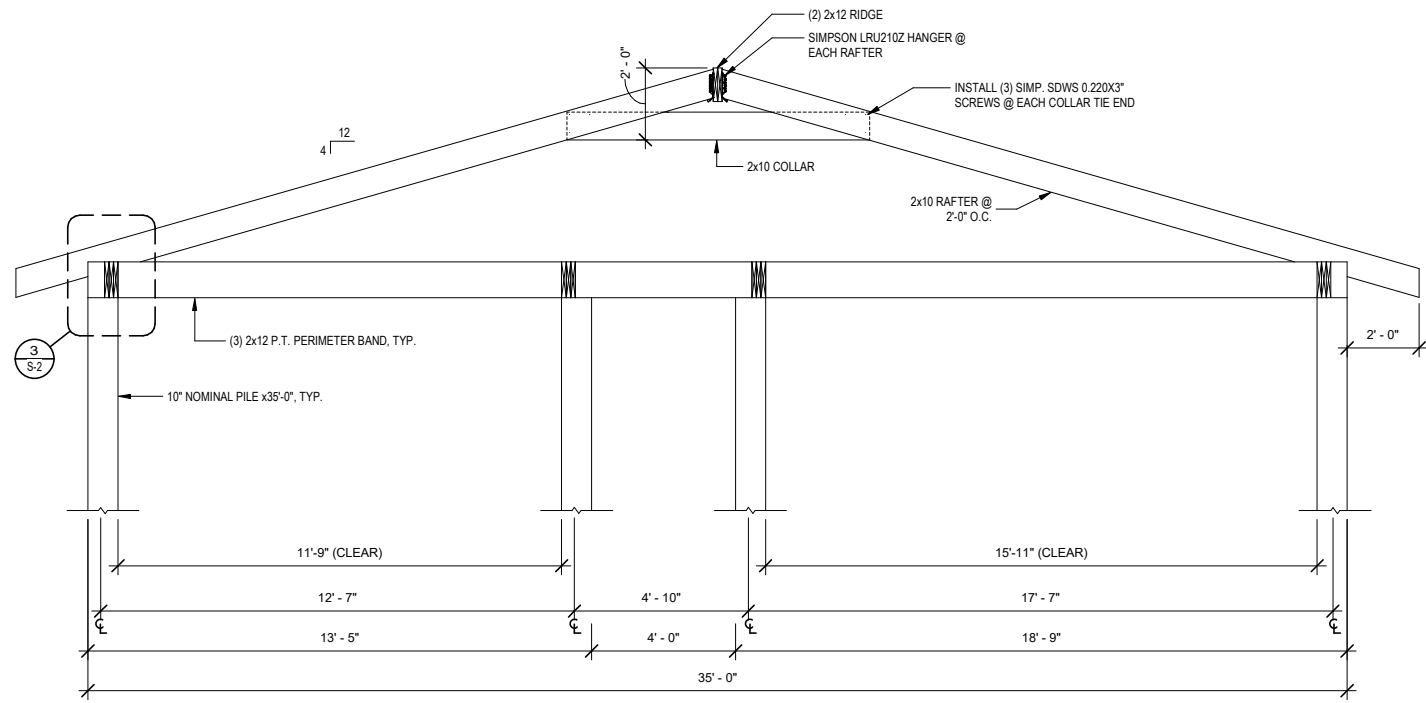
- LEGEND**
- = DOCK PILES (14 TOTAL)
 - = PILES TO ROOF (24 TOTAL)



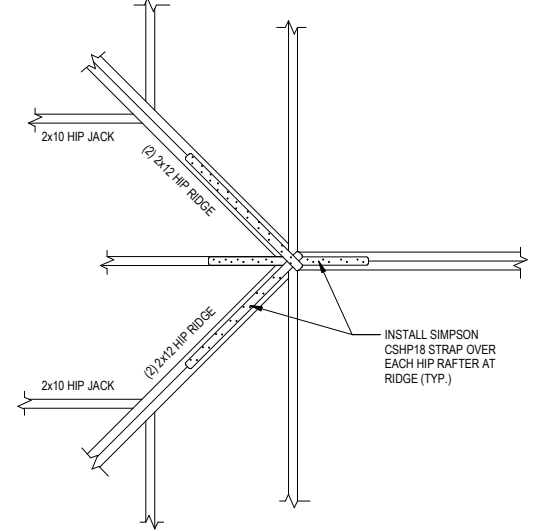
3 TRUSS CONNECTION DETAIL
3/4" = 1'-0"



4 HIP JACK CONNECTION DETAIL
3/4" = 1'-0"



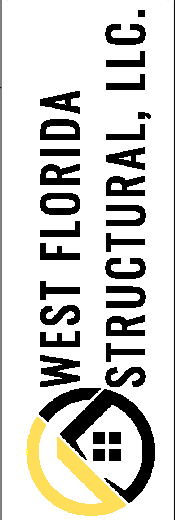
2 TYPICAL TRUSS SECTION
3/8" = 1'-0"



5 HIP TO RIDGE CONNECTION DETAIL
3/4" = 1'-0"



Date: 10/2022
Designed By: M. CULLENS
Drawn By: B. TA
Checked By: M. CULLENS

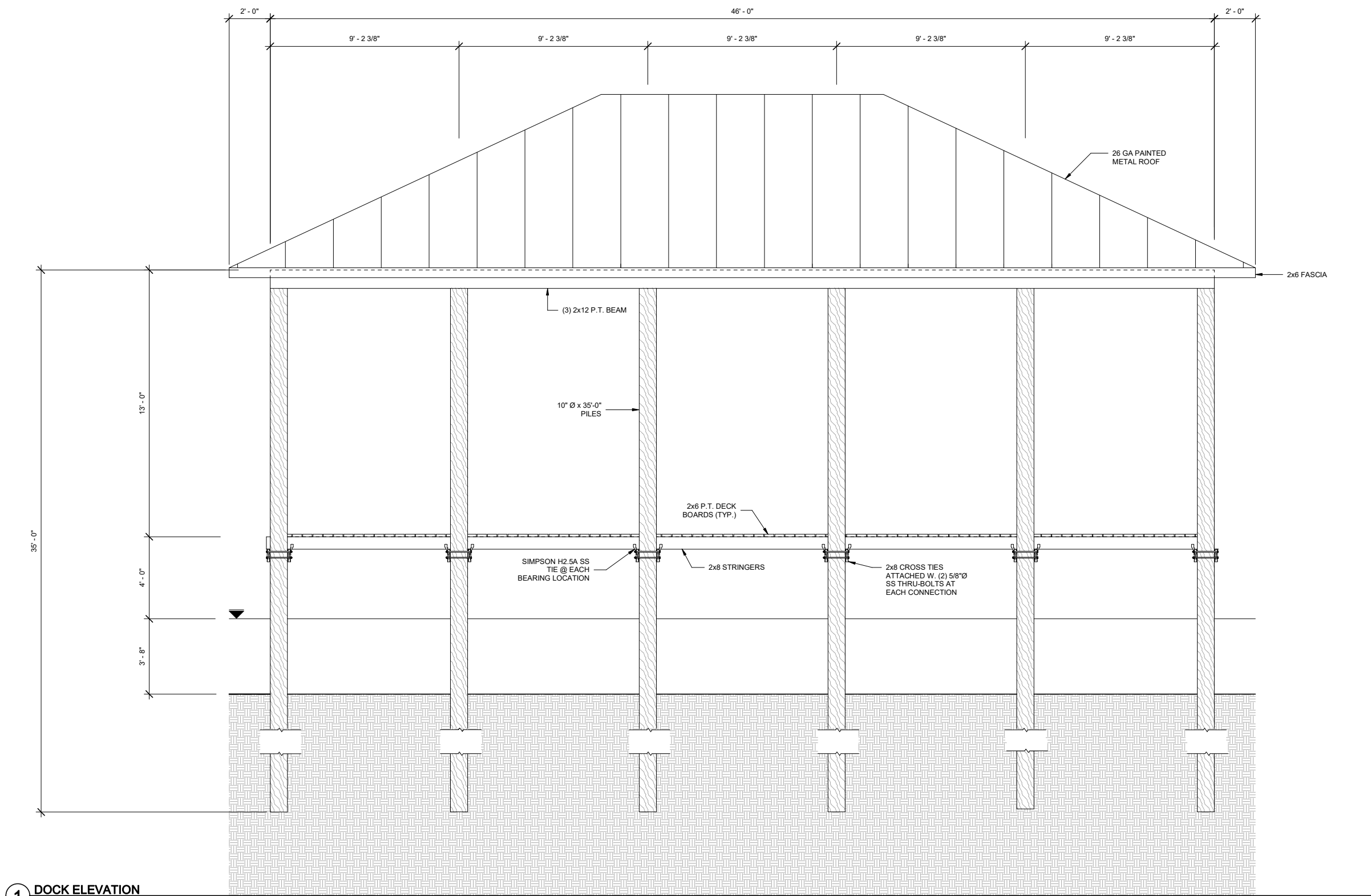


DRAWINGS ON 12"x18" SHEET ARE HALF SCALE

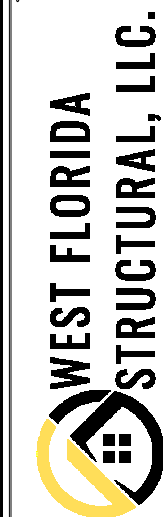
783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
ROOF PLAN & DETAILS

SHEET NUMBER
S-2



Date: 10/2022
Designed By: M. CULLENS
Drawn By: B. TA
Checked By: M. CULLENS



DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
DOCK
ELEVATION

SHEET NUMBER
S-3

STRUCTURAL NOTES

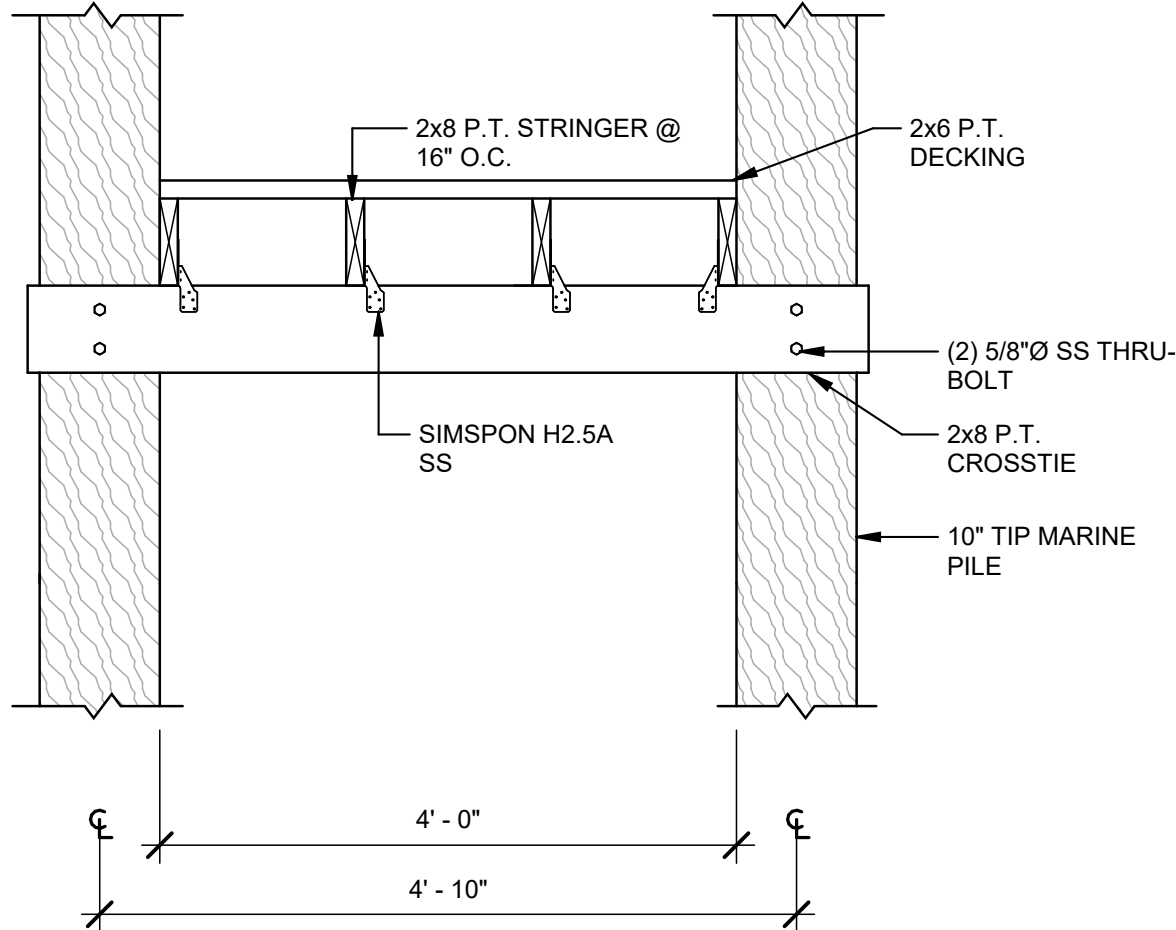
GENERAL

- DESIGN CODE DATA
 - 2018 INTERNATIONAL BUILDING CODE
 - 2020 FLORIDA STATE BUILDING CODE
 - ASCE 7-16: MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES
 - ANSI/AF&PA NDS-2005: NATIONAL DESIGN SPECIFICATION FOR WOOD STRUCTURE
- DESIGN LOADS:
 - DEAD LOADS:
 - ROOF: 15 PSF
 - LIVE LOADS: 20 PSF
 - WIND DESIGN CRITERIA
 - WIND SPEED: 150 MPH (ULT)
 - EXPOSURE: D
 - RISK CATEGORY: I
 - ENCLOSURE CLASSIFICATION: OPEN
- MAXIMUM ALLOWABLE DEFLECTION CRITERIA:
 - ROOF: L/360 LIVE LOAD; L/240 TOTAL LOAD
- THE CONTRACTOR IS RESPONSIBLE FOR LIMITING THE AMOUNT OF CONSTRUCTION LOAD IMPOSED UPON OR EXISTING STRUCTURAL FRAMING. CONSTRUCTION LOADS SHALL NOT EXCEED THE DESIGN CAPACITY OF THE FRAMING AT THE TIME THE LOADS ARE IMPOSED.
- THE STRUCTURE IS DESIGNED TO FUNCTION AS A UNIT UPON COMPLETION. THE CONTRACTOR IS RESPONSIBLE FOR DESIGNING AND FURNISHING ALL TEMPORARY BRACING AND/OR SUPPORT THAT MAY BE REQUIRED AS THE RESULT OF THE CONTRACTOR'S CONSTRUCTION METHODS AND/OR SEQUENCES. THE STRUCTURAL ENGINEER ASSUMES NO LIABILITY FOR THE STRUCTURE DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION AND ALL JOB SITE SAFETY.
- VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS PRIOR TO THE START OF CONSTRUCTION - RESOLVE ANY DISCREPANCY WITH ARCHITECT. DO NOT SCALE DRAWINGS.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO CONSTRUCTING. NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCY IMMEDIATELY. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ALL BUILDING MATERIALS AND COMPONENTS. COMPONENT LOCATIONS ARE SHOWN FOR DESIGN INTENT, NOT EXACT LOCATION, SPECIFICALLY INDEPENDENTLY PREPARED SHOP DRAWINGS ARE REQUIRED OF ALL TRADES FOR COORDINATION AND BEST PRACTICE. ERRORS OR OMISSIONS IN INSTALLATION DUE TO THE CONTRACTOR'S FAILURE TO COORDINATE THE WORK WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

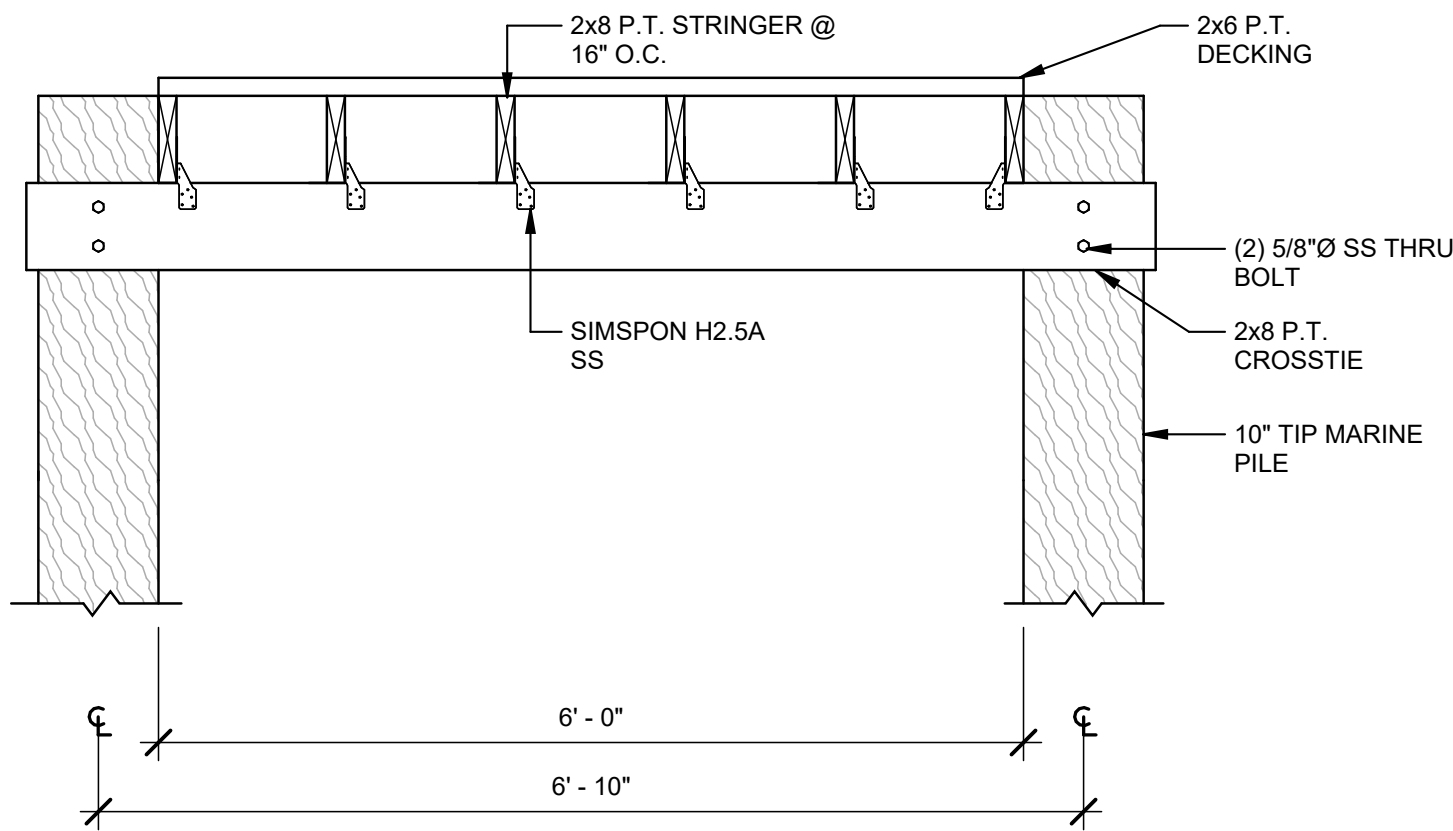
WOOD CONSTRUCTION

- ALL DIMENSIONAL LUMBER SHALL BE #2 SYP TREATED OR EQUAL.
- ALL STRAPS & TIES & NAILS SHALL BE STAINLESS STEEL.
- ALL PILES TO BE TREATED TO MAXIMUM ALLOWED BY DEP.
- ALL BOLTS AND HARDWARE SHALL BE STAINLESS STEEL.
- BOLT HOLES IN WOOD SHALL BE DRILLED 1/16" MAXIMUM OVERSIZE. HOLES FOR SCREWS AND LAG SCREWS SHALL BE FIRST BORED FOR THE SAME DEPTH AND DIAMETER OF THE SHANK, THEN THE REMAINDER OCCUPIED BY THE THREADED PORTION SHALL BE BORED NOT LARGER IN DIAMETER THAN THE ROOT OF THE THREAD. ALL SCREWS SHALL BE SCREWED, NOT DRIVEN INTO PLACE.
- PROVIDE SS WASHERS UNDER ALL NUTS AND HEADS OF BOLTS AND LAG SCREWS, WASHERS ARE NOT NEEDED UNDER CARRIAGE BOLT HEADS

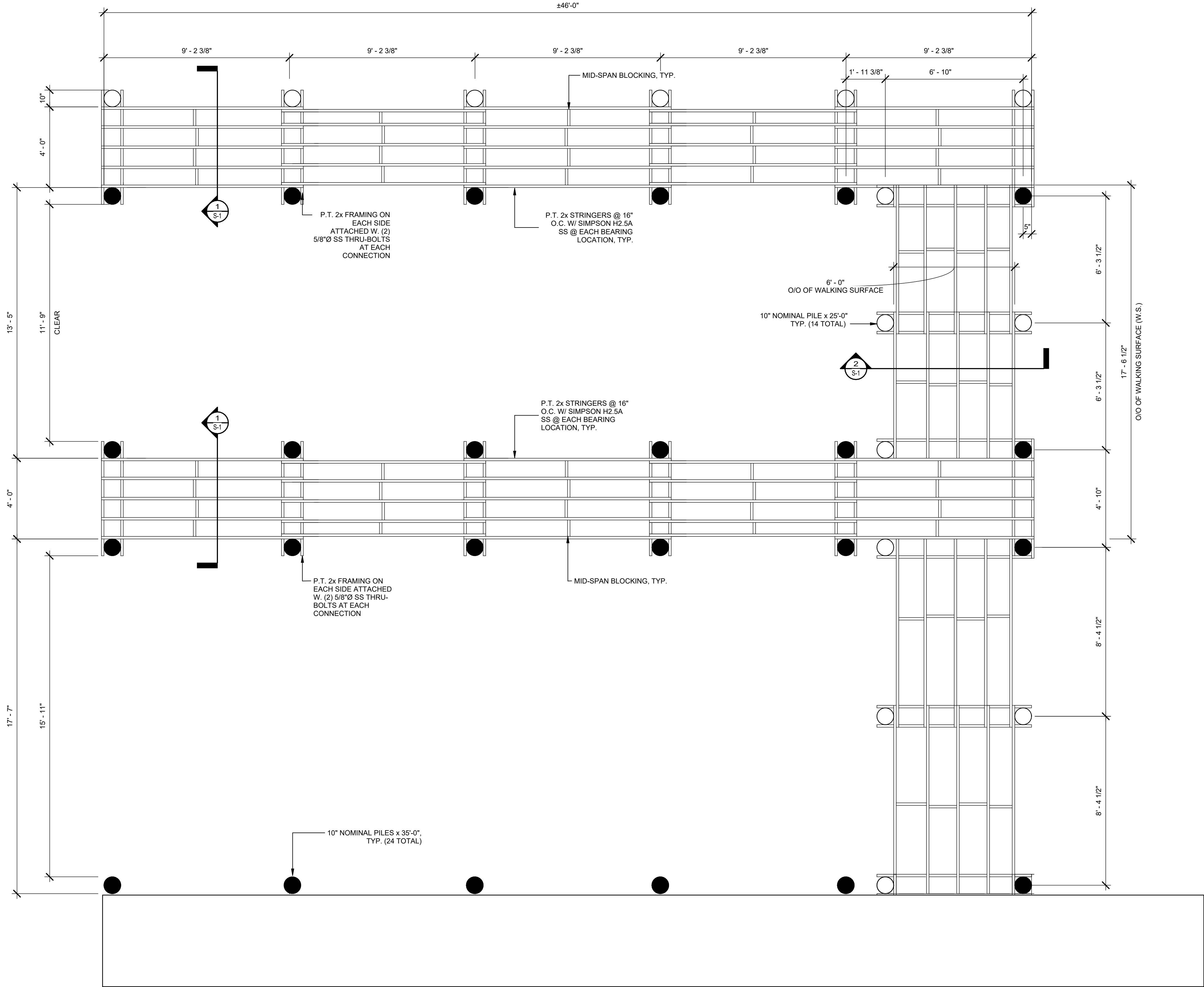
NOTE: THESE PLANS ARE FOR BOAT LIFT ROOF ONLY. SOIL CONDITIONS WERE NOT PROVIDED THUS EMBEDMENT DEPTH COULD NOT BE CALCULATED.



1 4'-0" DOCK SECTION
3/4" = 1'-0"



2 6'-0" DOCK SECTION
3/4" = 1'-0"



LEGEND

- DOCK PILES (14 TOTAL)
- = PILES TO ROOF (24 TOTAL)



PILE LAYOUT & DECK PLAN
3/8" = 1'-0"



Date: 10/2022
Designed By: M. CULLENS
Drawn By: M. CULLENS
Checked By: M. CULLENS

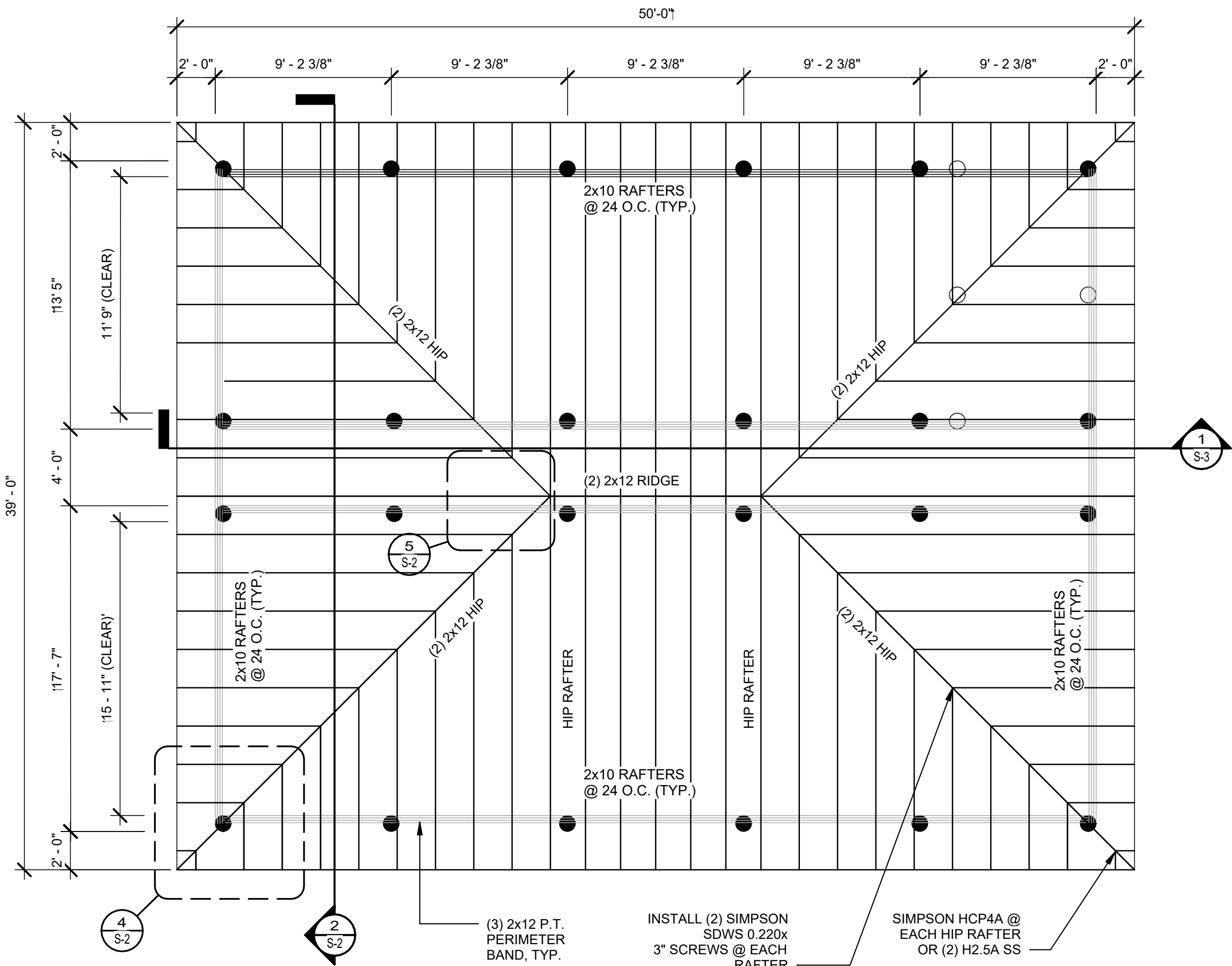


DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

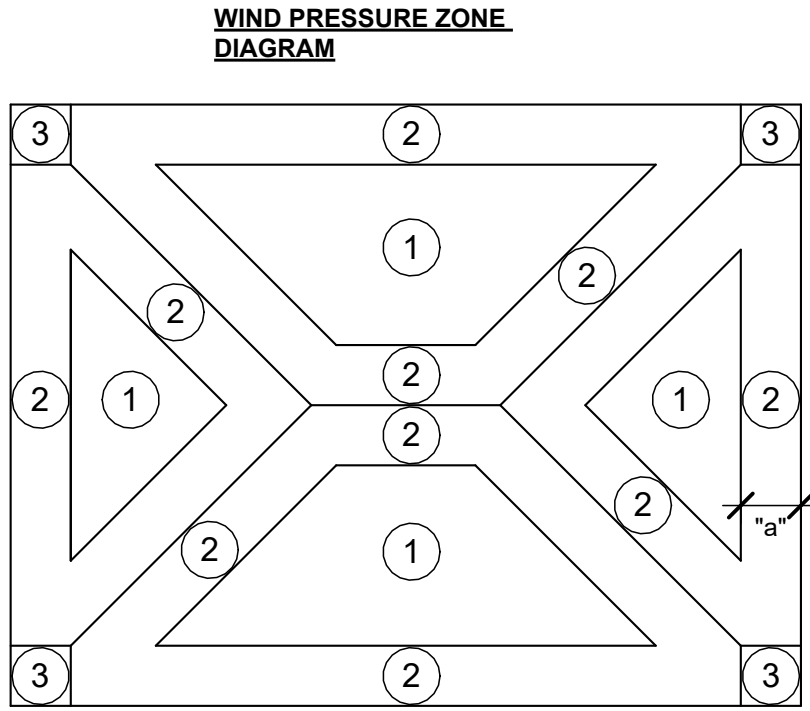
783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
OVERALL
PLAN/
DETAILS

SHEET NUMBER
S-1



1 ROOF PLAN
3/16" = 1'-0"

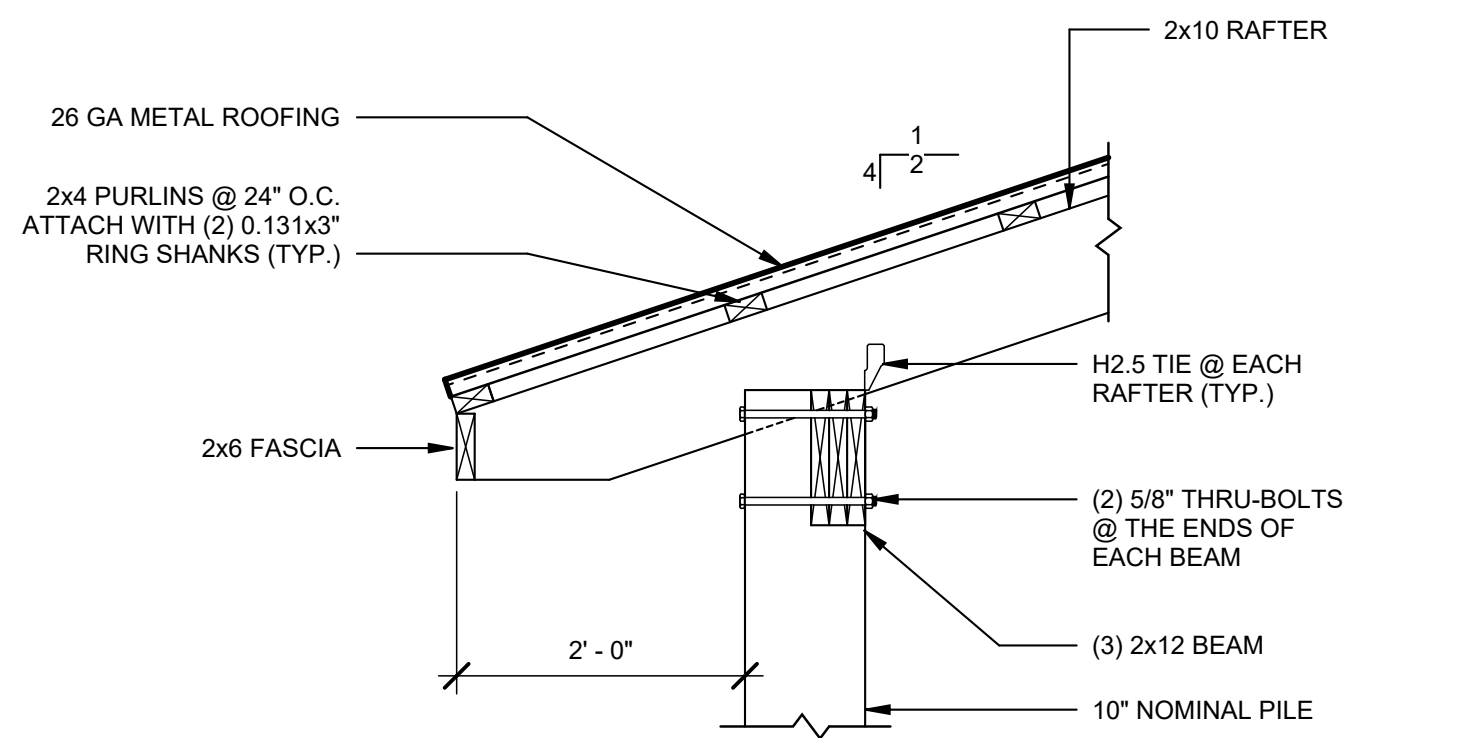


COMPONENTS & CLADDING DESIGN PRESSURES (PSF)				
AREA	≤ 12.3 SF	>12.3 SF ≤ 49 SF	>49 SF	
ZONE 1	33.4, -30.7	33.4, -30.7	33.4, -30.7	
ZONE 2	51.6, -47.6	51.6, -47.6	33.4, -30.7	
ZONE 3	66.8, -61.5	51.6, -47.6	33.4, -30.7	

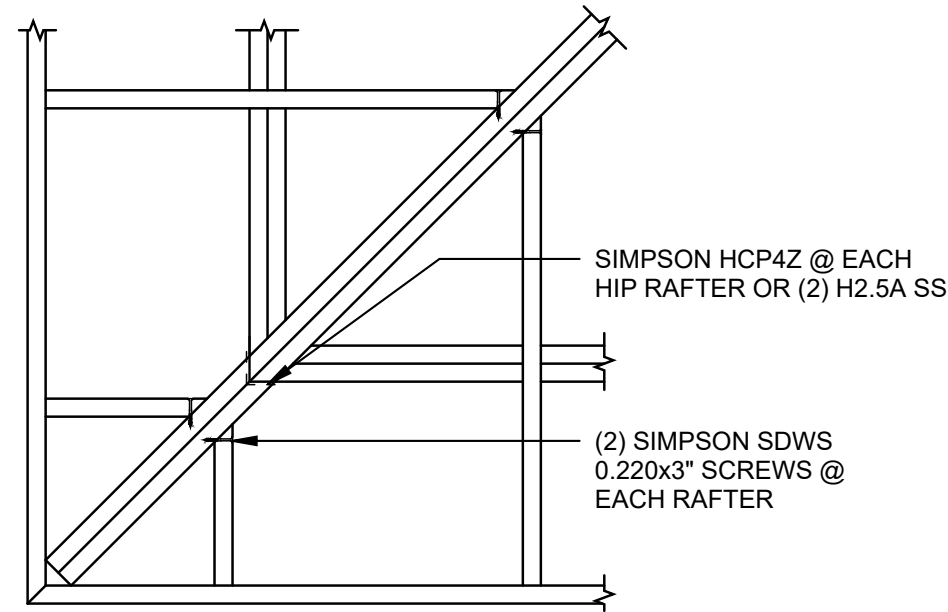
ROOF UPLIFT ARE ULTIMATE. PRESSURES MAY BE MULTIPLIED BY 0.6 FACTOR FOR ASD PRESSURES.

*a" = 3'-6"

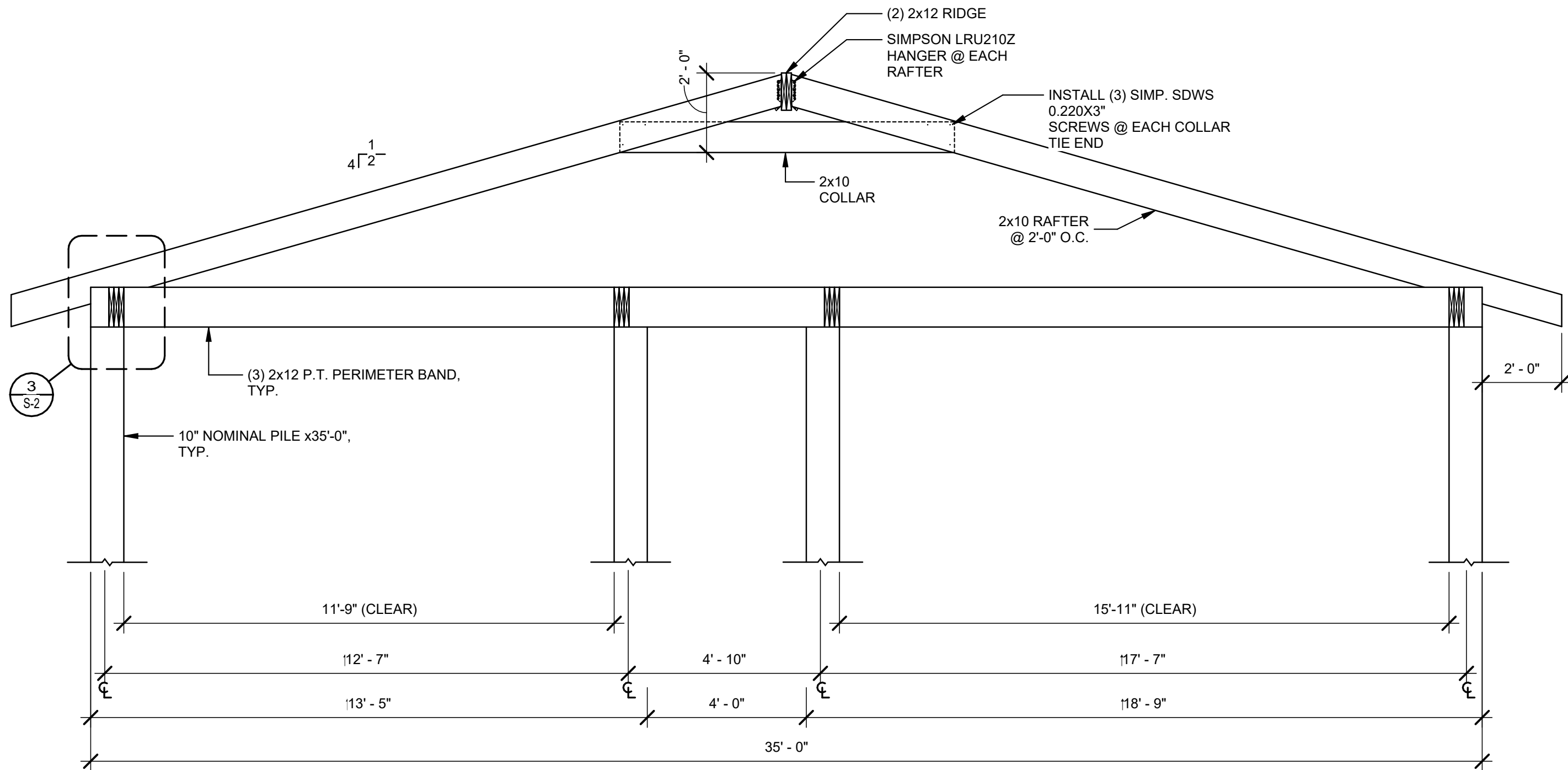
LEGE
ND
● = DOCK PILES (6 TOTAL)
● = PILES TO ROOF (24 TOTAL)



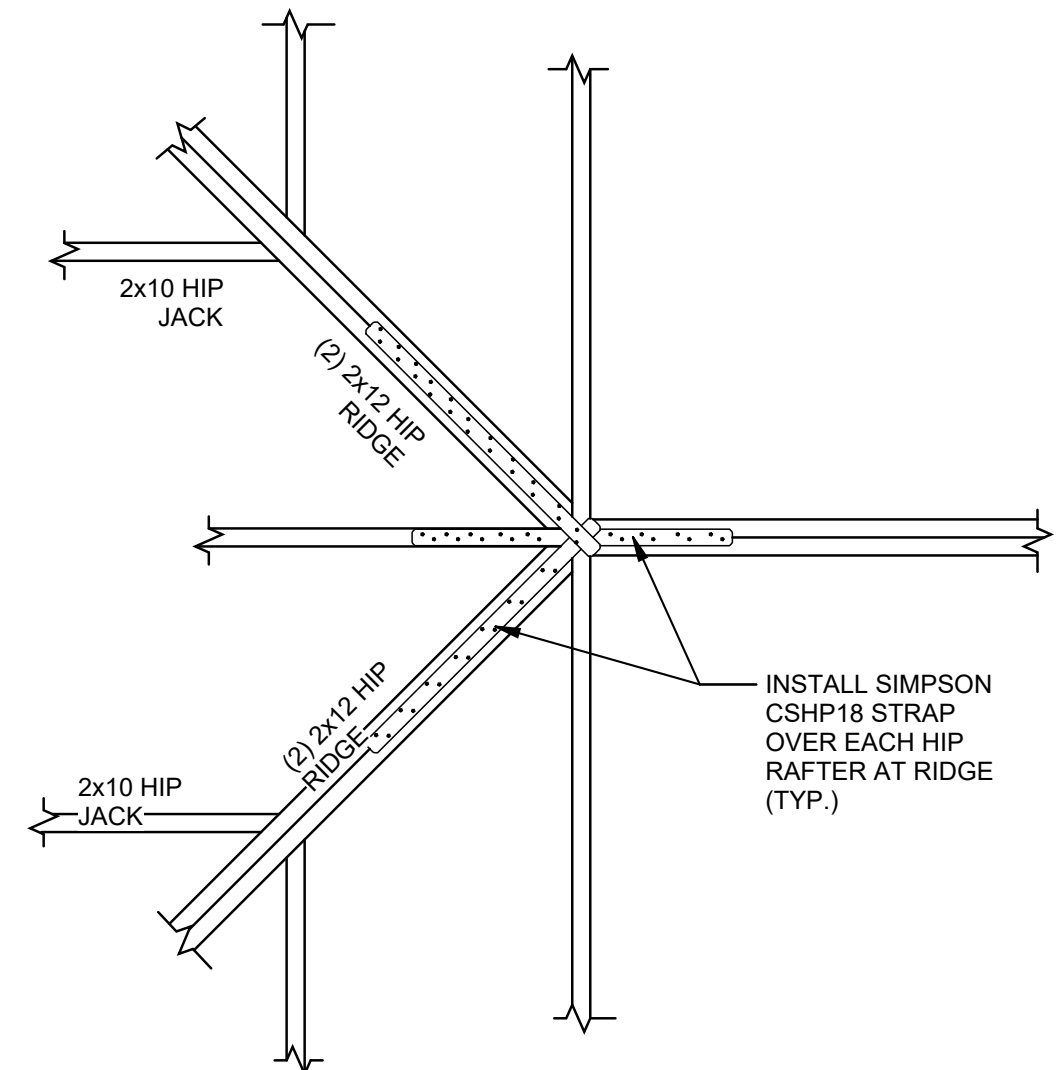
3 TRUSS CONNECTION DETAIL
3/4" = 1'-0"



4 HIP JACK CONNECTION DETAIL
3/4" = 1'-0"



2 TYPICAL TRUSS SECTION
3/8" = 1'-0"



5 HIP TO RIDGE CONNECTION DETAIL
3/4" = 1'-0"



Date: 10/2022
Designed By: M. CULLENS
Drawn By: B. TA
Checked By: M. CULLENS

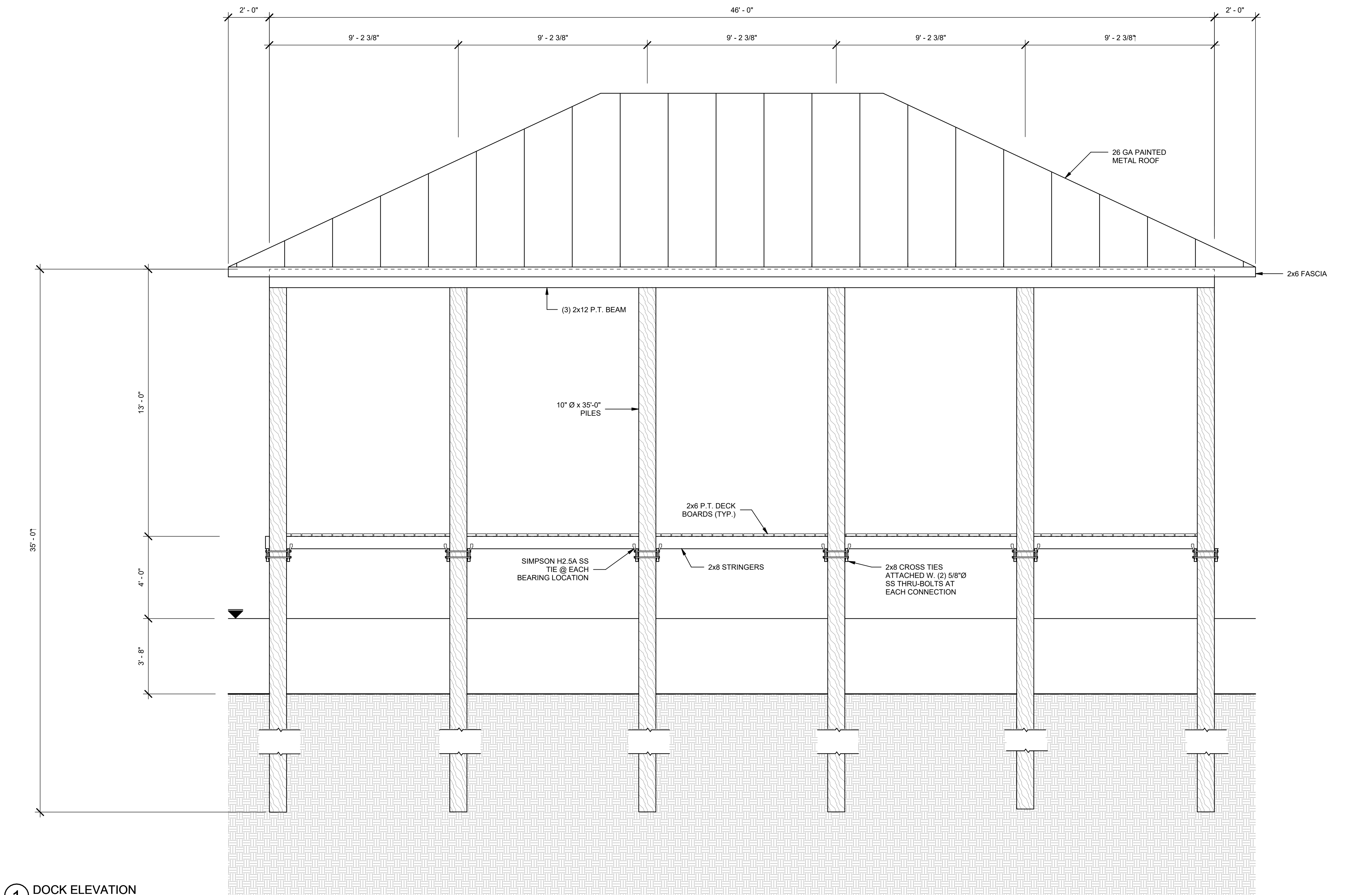


DRAWINGS ON 12"x18" SHEET ARE HALF SCALE

783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
ROOF PLAN & DETAILS

SHEET NUMBER
S-2



1 DOCK ELEVATION
3/8" = 1'-0"



Date: 10/2022
Designed By: M. CULLENS
Drawn By: B. TA
Checked By: M. CULLENS



DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

783 BAYOU DRIVE
DESTIN, FL 32541
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
DOCK
ELEVATION

SHEET NUMBER
S-3



FLORIDA DEPARTMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

**CONDITIONS FOR DEPARTMENT OF THE ARMY SELF-CERTIFIED STATE
PROGRAMMATIC GENERAL PERMIT FOR A PROJECT AT A PRIVATE, SINGLE-FAMILY
RESIDENCE**

Self Certification File No.: **0428299001EE**

Verification that the project meets the Project Design Criteria:

You have verified that the project meets the Project Design Criteria (attached in a separate document), and have authorized FDEP to send a copy of this verification to the Corps on your behalf.

General Conditions:

1. The time limit for completing the work authorized on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any

liability for the following:

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

Manatee Conditions:

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will 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.
2. All vessels associated with the construction project will 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.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

4. 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.
5. 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**.
6. 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.

This Instrument Prepared By:
MCGILL ESCROW & TITLE, LLC
36008 EMERALD COAST PARKWAY, SUITE 301-A
DESTIN, FLORIDA 32541
13357

Property Appraisers Tax I.D. Number:
002S22132000070000

CORPORATE WARRANTY DEED

THIS WARRANTY DEED, made February 17, 2022 A.D., by **Maram Family Limited Partnership, a Florida limited Partnership**, whose post office address is: 1138 New York Ave, Saint Cloud, Florida 34769, Grantor and **Victor Lynn Barrett, Trustee of the Victor Lynn Barrett Revocable Trust Dated March 19, 2004, as to a 50% undivided interest and Barbara Louise Newton Barrett, Trustee of the Barbara Louise Newton Barrett Revocable Trust dated September 30, 2021, as to a**, whose post office address is: 1180 Scenic Hwy 98, Unit 709, Destin, Florida 32541, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Okaloosa, State of Florida, to wit:

Lot 7, of FIRST JOE'S BAYOU ADDITION TO TOWN OF DESTIN, Okaloosa County, Florida, according to Plat thereof, as recorded in Plat Book 1, Page 19 1/2, of the Public Records of said County.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

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

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

And the Grantor hereby covenants with said grantee that the grantor is lawfully seized of saidland in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

MARAM FAMILY LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP

Signed Sealed and delivered
in Our Presence:

X By: [Signature]
Karen N Woods, Managing Member of Prevalence, LLC, a Florida LLC
Its: General Partner

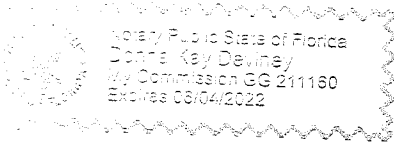
Witness Print Name: [Signature]

Witness Print Name: Joni Burgess

State of Florida
County of Okaloosa

The foregoing instrument was acknowledged before me by means of { ☒ } physical presence or { ☐ } online notarization this 16 day of Feb, 2022 by Karen N Woods, Managing Member of Prevalence, LLC, a Florida LLC, the General Partner of Maram Family Limited Partnership, who is/are personally known to me or who produced [Signature] as identification.

[Signature] (Seal)
Notary Public
Notary Printed Name: [Signature]
My Commission Expires: [Signature]





FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

TERMS AND CONDITIONS

Self Certification File No.: **0428299001EE**

Construction Conditions:

Private residential single family docks are subject to the following criteria in accordance with [Section 403.813\(1\)\(b\), F.S.](#) The dock to be constructed:

1. Has 1,000 square feet or less over water surface (includes adjacent wetlands) in accordance with Chapter 62-340, F.A.C.;
2. Is constructed on or held in place by pilings and is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Is used **ONLY** for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia;
5. Is the sole dock on the parcel; and
6. Must not be subject to any conservation easement or restrictive covenant of record prohibiting the activity.

Boat lifts are subject to the following additional conditions:

1. Is to be installed in a proposed slip or, at or adjacent to the waterward end of the dock;
2. With other mooring will not result in the mooring of more than two vessels (including jet skis);
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Will not be located in areas prohibited for mooring by a previously issued permit or other form of authorization issued by a local government;

General Conditions for Sovereignty/State-Owned Submerged Lands Authorizations:

Any use of sovereignty/state-owned submerged lands is subject to the following general conditions that are binding upon the applicant and are enforceable under [Chapters 253, F.S.](#) or [258, F.S.](#)

1. Sovereignty/state-owned 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/state-owned submerged lands unless cured to the satisfaction of the Board of Trustees of the Internal Improvement Trust Fund (Board).
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty/state-owned 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. or Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.;
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty/state-owned submerged lands or the applicant's use and construction of structures on sovereignty/state-owned submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board to enforce any violation of the authorization or waiver by the Board of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure or waiver prevent the Board from enforcing the waived or unenforced provision in the event of a future violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board 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 in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant of record that prohibits the activity.

Manatee Conditions:

The following conditions are intended to protect manatees from direct project effects; THESE CONDITIONS APPLY ONLY IN WATERS THAT ARE ACCESSIBLE TO MANATEES:

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will 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.
2. All vessels associated with the construction project will 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.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
 4. 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.
 5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. 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.
 6. Temporary signs concerning manatees will 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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" 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.

Self-Certification Requirements:

The user agrees to the following:

1. The information provided herein is true and accurate.
2. **Construction of the project must be completed within one year from the self-certification date.** If the project cannot be completed within that time frame, or the project is to be modified, the Department must be contacted for authorization requirements.
3. Any substantial modifications in the plans for this project must be submitted to the Department for review, as changes may result in a permit being required.
4. This self-certification will automatically expire if site conditions materially change; if the terms, conditions, and limitations of the self-certification are not followed; or if the governing statutes or rules are amended before the project is completed.
5. Department personnel will be allowed to enter the property for purposes of inspecting the project for compliance with the terms and conditions of this self-certification.

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Victor Barrett am
presently the owner and/or leaseholder at 783 Bayou Drive, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Compass Marine Group, Kimberly Cole, & Elise Whittenburg
whose address is 326 Smith Road, County of Walton, State of Florida,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
my agent in any and all matters pertaining to: marine construction / dock modification project.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER

Victor Barrett

Signature

Victor Barrett

Printed Name

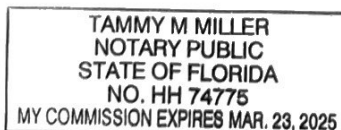
STATE OF FLORIDA

COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization, this 18th day of January, 2023, by
(name of person acknowledging)

VICTOR L. BARRETT



Tammy M Miller

Signature of Notary

TAMMY M MILLER

Printed Name of Notary or Seal

Personally known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL

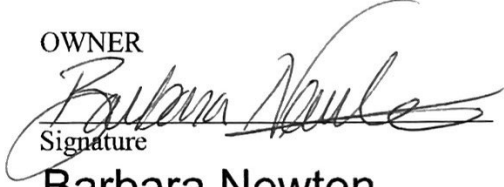
**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Barbara Newton am
presently the owner and/or leaseholder at 783 Bayou Drive, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Compass Marine Group, Kimberly Cole, & Elise Whittenburg
whose address is 326 Smith Road, County of Walton, State of Florida,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
my agent in any and all matters pertaining to: marine construction / dock modification project.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER


Signature

Barbara Newton

Printed Name

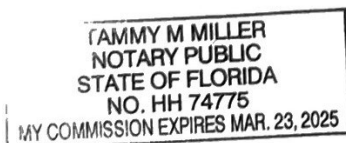
STATE OF FLORIDA

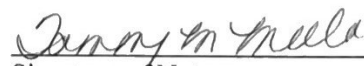
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization, this 18th day of January, 2023, by
(name of person acknowledging)

BARBARA L. NEWTON




Signature of Notary

Tammy M. Miller
Printed Name of Notary or Seal

Personally known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL



January 25, 2023

City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

Harbor and Waterways Board Application (22-74-HWB)
Residential Marine Construction – 783 Bayou Drive

Dear Mr. Willis,

We have received your Completeness Letter regarding the proposed modifications to the dock at 783 Bayou Drive.

1. Site Photo uploaded to COMPASS portal.
2. The scope of work is as follows:
Remove the existing boat slip and mooring pilings. Replace with new/modified boat slips (as seen on structural plans and aerial view) and galvanized metal roof.

(NOTE: Main access walkway is shared between 781 and 783 Bayou Drive as depicted on survey. There will be no changes to the access walkway.)

3. Construction Cost is \$117,800
4. Agent Affidavit uploaded to COMPASS portal.

If you have any additional questions, please let us know.

Sincerely,

Kimberly C. Cole











Community Development Planning Division

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

January 31, 2023

**Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal
Residential Marine Construction – 783 Bayou Dr.**

Dear Property Owner:

This letter is to notify you of a proposed marine construction project proposed at **783 Bayou Drive**. The Marine Construction application requires Harbor and Waterways Board review and recommendation. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, February 27, 2023.**

As an owner of property located adjacent of this project, *Destin Land Development Code (LDC) Section 2.17.00 & 11.05.01.S* requires a written notice providing you the following information. This project proposes new marine construction within *twenty-five (25) feet* of the south property line. Therefore, The City is requesting your input on the matter specifically. If you would like to provide any comments you may respond by sending an email to the email listed below, or by appearing before the Harbor and Waterway Board.

This notice is for informational purposes only and no action is required of you. However, citizens are encouraged to provide a response to email address provided below.

1. Name of Owner: Victor & Barbara Barrett (Life Estate).
2. Name of Agent: Compass Marine Group, LLC
3. Address of Project: 783 Bayou Drive
4. Parcel ID Number: 00-2S-22-1320-0007-0000
5. Project Description: The application includes to remove the existing boat slip and pilings and replace with new/modified boat slips. This replacement includes constructing two (2) 46' x 4' finger piers, a 31' x 6' access pier, and a 39' x 50' covered boat lift, comprising ± 2,504 SF. The shared dock will remain as is.
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 concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.



Sincerely,

Daniel Butler

Daniel Butler

Senior Planner

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



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 27, 2023**BOARD/COMMITTEE:** Harbor & Waterways Board**TYPE OF AGENDA ITEM:** Action Item**OUTLINE NUMBER:** 4.C.**TO:** Harbor & Waterways Board**THRU:** Kyle Bauman, City Attorney
Louis Zunguze, Community Development Director
Lance Johnson, City Manager**FROM:** Chris Willis, Planner**DATE:** February 17, 2023**SUBJECT:** Single-Family Residential Marine Construction Proposed at 523 Norriego Rd
(PARCEL ID: 00-2S-24-2186-000F-0060)

I. BACKGROUND: William F. Davis Construction, Inc, on behalf of C-Side Properties LLC, has submitted an application for Harbor and Waterways Board review for the construction of a single-family residential marine construction project at 523 Norriego Rd (Parcel ID 00-2S-24-2186-000F-0060). The project proposes the reconstruction of a dock that was originally approved in the 1990s, also increasing the width from approximately 51 to 54 feet, and adding a rooftop deck where the covered slip was before over the eastern slip.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for single-family marine construction located at 523 Norriego Rd, located within Destin Harbor, a Class II Florida Waterbody. Currently, the site and structural plans do not match. The site plan provided by the applicant shows the correct width dimensions of 54' wide. However, the structural plans provided show an incorrect width of 52' but include the stairs and handrails that are part of the project. The stairs and handrails are not included in the site plan. The application includes the proposed reconstruction of one (1) ±1,406 square foot dock and the new construction of one (1) 1,400 square foot upper deck, one (1) 120 square foot staircase, and 210 linear feet of handrails, comprising a total of ± 2, 926 square feet.

The proposed marine construction project meets the following requirements of Section 11.05.00, City of Destin Land Development Code (LDC),

- 11.05.01.A, 11.05.01.B – Construction of new dock
- 11.05.01.F, 11.05.01.G, and 11.05.01.M – Length of the pier

- 11.05.01.N – Slip density
- 11.05.01.S – Notifying adjoining landowners when a dock is placed within 25-foot riparian setback

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Comprehensive Plan Goal: 6-1: Coastal Management Element, Objective 6-1.5: Land Use Controls and Construction Standards for Protecting the Natural Shoreline and the Natural Shoreline and the Beach/Dune System, and Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards.

- A. Link to Strategic Goals / Objectives:** Enhance Quality of Life
- 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 an email claiming exemption from the Florida Department of Environmental Protection (FDEP) of Self-Certification due to the scope of work being a repair and replacement; however, the proposed dock is slightly wider than previously approved. At the time that the applicant applies for a building permit, documented proof of approval from FDEP for the widened dock must be provided. City Staff has reviewed the application and determined that the plans comply with all applicable City Codes and regulations. Specifically, the proposed dock complies with **LDC Section 11.05.01, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.5.5**).

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of the single-family marine construction project located at 523 Norriego Rd, subject to the following conditions:

- 1) The submittal of State approval or exemption for the expansion of the
- 2) Payment of the Net Positive Environmental Benefit (NPEB) per LDC Section 11.05.02.N., to the Community Development Department before the Stop Work order is released and a Certificate of Completion is requested.
- 3) Resubmittal of both the Site Plans and Structural plans showing no discrepancy in square footage before the Stop Work order is released.

ALTERNATE MOTION: I move that the Harbor and Waterways Board recommend that the City Council deny the proposed single-family marine construction project located at 523 Norriego Rd.

Attachments:

1. A. Site Plan
2. B. Structural Plans
3. C. FDEP Receipt of Submittal
4. D. Warranty Deed
5. E. Site Photos
6. F. Agent Affidavit
7. G. Adjacent Property Notification

A hand-drawn diagram of a rectangular frame. The frame is composed of 10 vertical members and 4 horizontal members. The top horizontal member is shaded with diagonal lines. The frame is labeled with dimensions: 70 for the height and 4 for the width. The corners are marked with small circles.

-17'9"-

LO

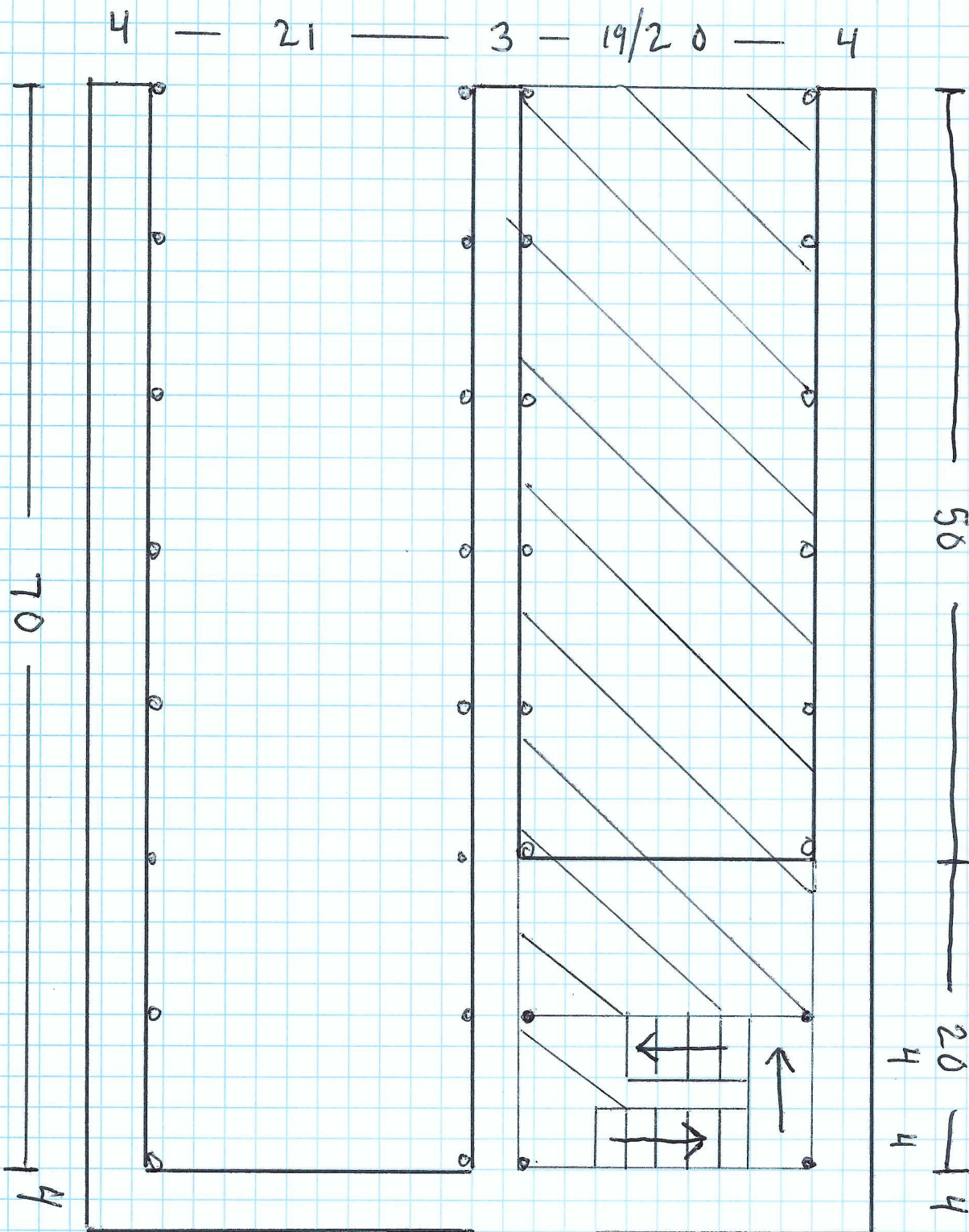
riparian

Tiparian

Deck 1406 sq ft
Roof 1400

523 Norriego Rd

Robbie Champagne



Dock 1406 sq ft

Upper Deck 1400

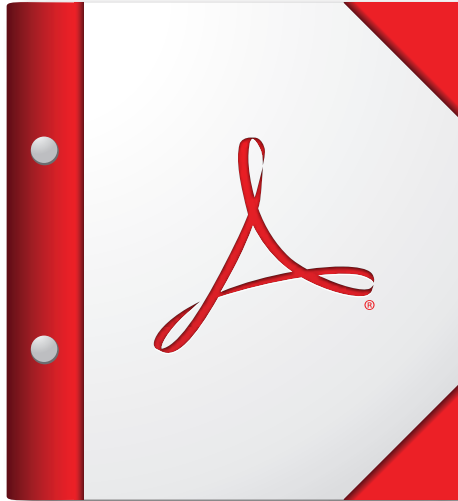
Stairs 120

Handrail 210 LF

Tie off Piles in Slip 16

523 Norriego Rd

Robbie Champagne



**For the best experience, open this PDF portfolio in
Acrobat X or Adobe Reader X, or later.**

[Get Adobe Reader Now!](#)

This Instrument Prepared By:
Travis M. Morock, Esq.
Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, L.L.C.
151 W. Main Street, Suite 200
Pensacola, FL 32502
850-266-2300
File Number: 5785.46542

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 30th day of June, 2021 between **Charles R. Thomson, Jr. and Libbie S. Thomson, husband and wife** ("Grantor"), whose address is 4070 Paces Ferry Road, Atlanta, GA 30327, and **C-Side Destin Properties LLC, a Florida Limited Liability Company** ("Grantee"), whose address is 1011 Saadi Street, Houma, LA 70363:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, companies, trusts and trustees)

Witneseth, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$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 said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **Okaloosa County, Florida** to-wit:

LOT 6, BLOCK F, HOLIDAY ISLE ON THE GULF OF MEXICO AT DESTIN, INC. RESIDENTIAL. SECTION NO. 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 39, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

The above-described property is not the homestead of Grantor, nor is it contiguous to the homestead of Grantor, under the laws and constitution of the State of Florida.

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

To Have and to Hold, the same in fee simple forever.

And subject to taxes for the current year and later years and all valid easements and restrictions or record, if any, which are not hereby reimposed; and also subject to any claim, right, title, or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And Grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

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

Maurice Poole
 WITNESS
 Print Name: Maurice Poole

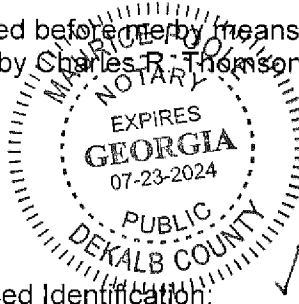
Charles R. Thomson, Jr.
 Charles R. Thomson, Jr.
Libbie S. Thomson
 Libbie S. Thomson

Elijah Martinez
 WITNESS
 Print Name: Elijah Martinez

STATE OF Georgia
 COUNTY OF DeKalb

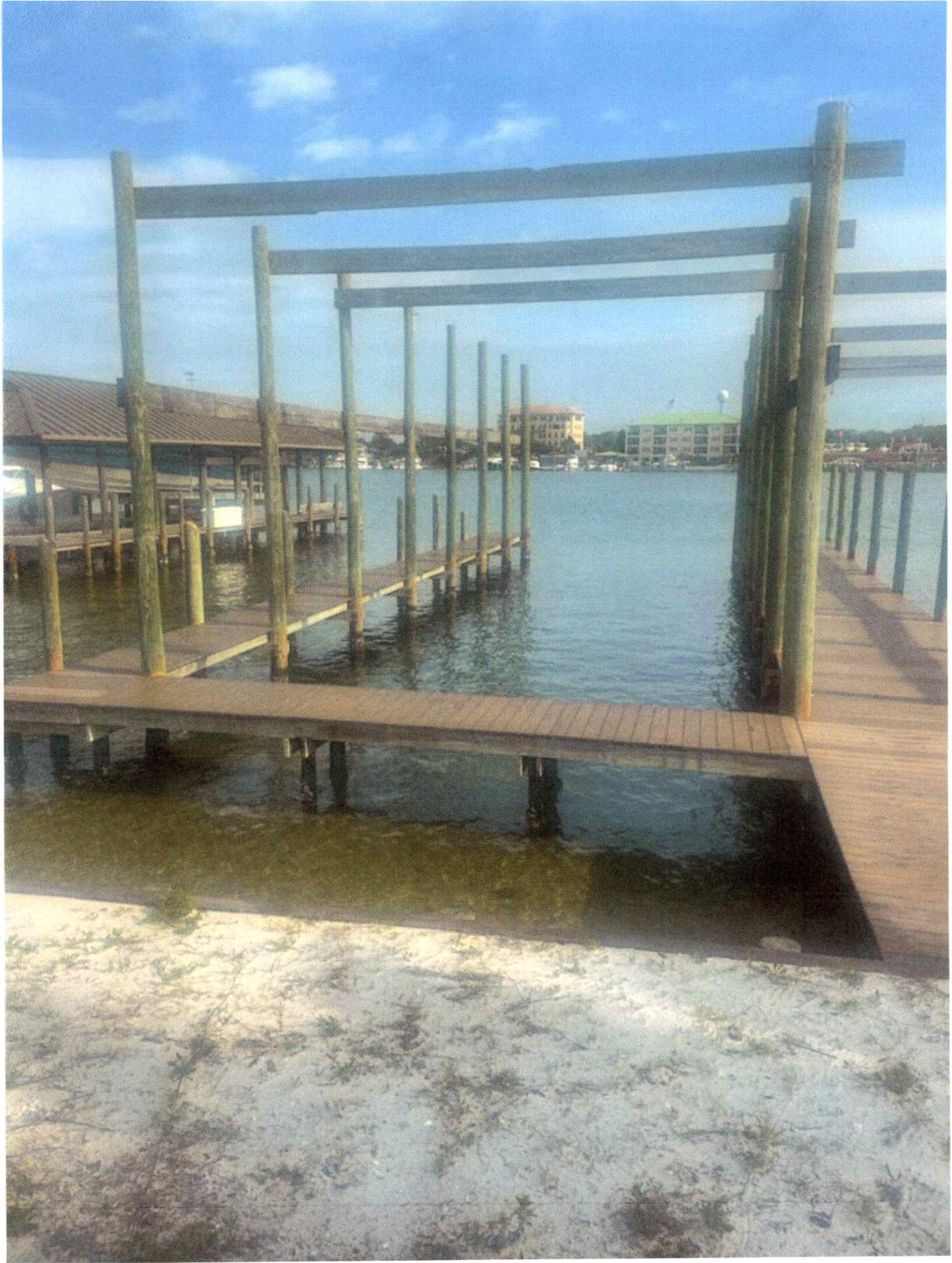
The foregoing instrument was acknowledged before me by means of (✓) physical presence or () online notarization this 29th day of June, 2021, by Charles R. Thomson, Jr. and Libbie S. Thomson.

Maurice Poole
 Signature of Notary Public
 Print, Type/Stamp Name of Notary

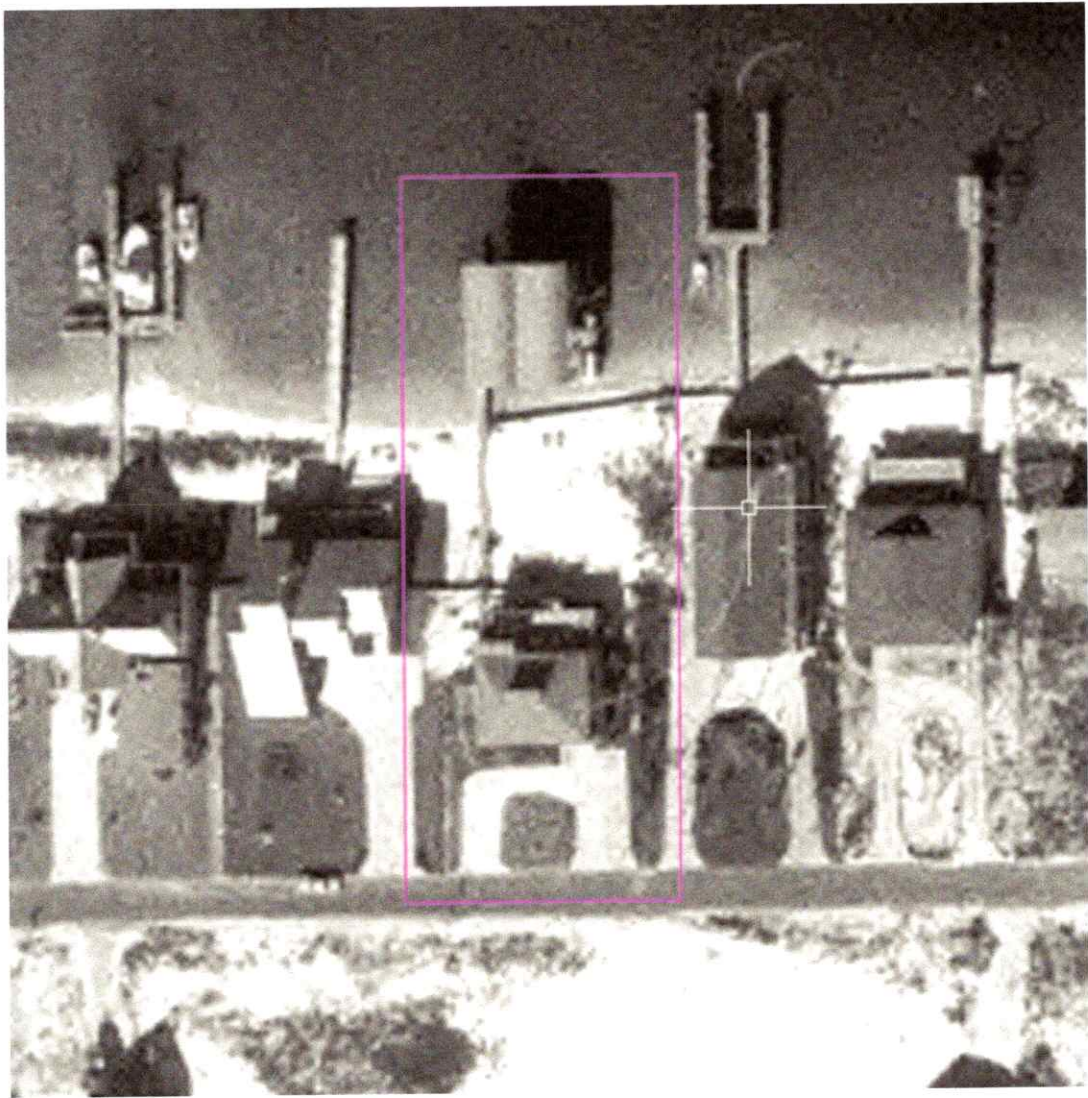


Personally Known: _____ OR Produced Identification: ✓
 Type of Identification
 Produced: Drivers license

Witness: John Anderson
6-29-2021







**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

Robert M. Champagne III
KNOWN ALL MEN BY THESE PRESENTS, THAT I, _____ am
523 Norriego Rd, Destin
presently the owner and/or leaseholder at _____, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
William F Davis Construction, Inc
make, constitute and appoint _____
PO Box 1690, SRB
whose address is _____, County of Walton, State of FL,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
permitting & city board meetings
my agent in any and all matters pertaining to: for r/t of dock w/ upper deck.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

OWNER

Signature

Robert M. Champagne III

Printed Name

STATE OF Florida
COUNTY OF Walton

The foregoing instrument was acknowledged before me by means of physical presence X or online

notarization, this 5 day of January, 2023, by
(name of person acknowledging)

Robert Champagne III

Signature of Notary

Printed Name of Notary or Seal

Personally known X OR Produced Identification _____

Type of Identification Produced _____





Community Development Planning Division

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

February 2, 2023

**Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal
Residential Marine Construction – 523 Norriego Rd.**

Dear Property Owner:

This letter is to notify you of a proposed marine construction project proposed at **523 Norriego Road**. The Marine Construction application requires Harbor and Waterways Board review and recommendation. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, February 27, 2023.**

As an owner of property located adjacent of this project, *Destin Land Development Code (LDC) Section 2.17.00 & 11.05.01.S* requires a written notice providing you the following information. This project proposes new marine construction within *twenty-five (25) feet* of the south property line. Therefore, The City is requesting your input on the matter specifically. If you would like to provide any comments you may respond by sending an email to the email listed below, or by appearing before the Harbor and Waterway Board.

This notice is for informational purposes only and no action is required of you. However, citizens are encouraged to provide a response to email address provided below.

1. Name of Owner: Robert Champagne
2. Name of Agent: William F. Davis Construction, Inc.
3. Address of Project: 523 Norriego Rd
4. Parcel ID Number: 00-2S-24-2186-000F-0060
5. Project Description: The application includes reconstructing the existing dock structure, including increasing the width from approximately 51 feet to 54 feet. Also, the applicant is proposing to construct a rooftop deck. The total square footage of proposed improvements is $\pm$ 3,136 SF.
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 concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.



Sincerely,

Christopher Willis

Christopher Willis

Planner

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



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 27, 2023**BOARD/COMMITTEE:** Harbor & Waterways Board**TYPE OF AGENDA ITEM:** Action Item**OUTLINE NUMBER:** 4.D.**TO:** Harbor & Waterways Board**THRU:** Kyle Bauman, City Attorney
Louis Zunguze, Community Development Director
Lance Johnson, City Manager**FROM:** Chris Willis, Planner**DATE:** February 17, 2023**SUBJECT:** Single-Family Residential Marine Construction Proposed at 525 B Calhoun Ave (PARCEL ID: 00-2S-22-0630-0000-193D)

I. BACKGROUND: William F. Davis Construction, Inc., on behalf of Joshua Kline, has submitted an application for Harbor and Waterways Board review for the construction of a single-family residential marine construction project at 525 B Calhoun Ave (Parcel ID: 00-2S-22-0630-0000-193D). The project proposes the construction of a new residential dock with an uncovered boat slip and the installation of a new boat lift.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for single-family marine construction located 525 B Calhoun Ave, located within the Choctawhatchee Bay, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. The application includes the proposed construction of one (1) 110' x 4' access pier, one (1) 20' x 8' terminal platform, one (1) 16' x 4' access walk, and one (1) 32' x 3' catwalk, comprising a total of ± 760 square feet.

The proposed marine construction project meets the following requirements of ***Section 11.05.00, City of Destin Land Development Code (LDC)***,

- ***11.05.01.A, 11.05.01.B*** – Construction of new dock
- ***11.05.01.C, 11.05.01.D*** – Waste Disposal into the Harbor and Waterways of Destin
- ***11.05.01.F, 11.05.01.G, and 11.05.01.M*** – Length of the pier
- ***11.05.01.N*** – Slip density

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction

project is consistent with Comprehensive Plan **Goal: 6-1: Coastal Management Element, Objective 6-1.5: Land Use Controls and Construction Standards for Protecting the Natural Shoreline and the Natural Shoreline and the Beach/Dune System**, and **Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards**.

- A. **Link to Strategic Goals / Objectives:** Enhance Quality of Life
- 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:**

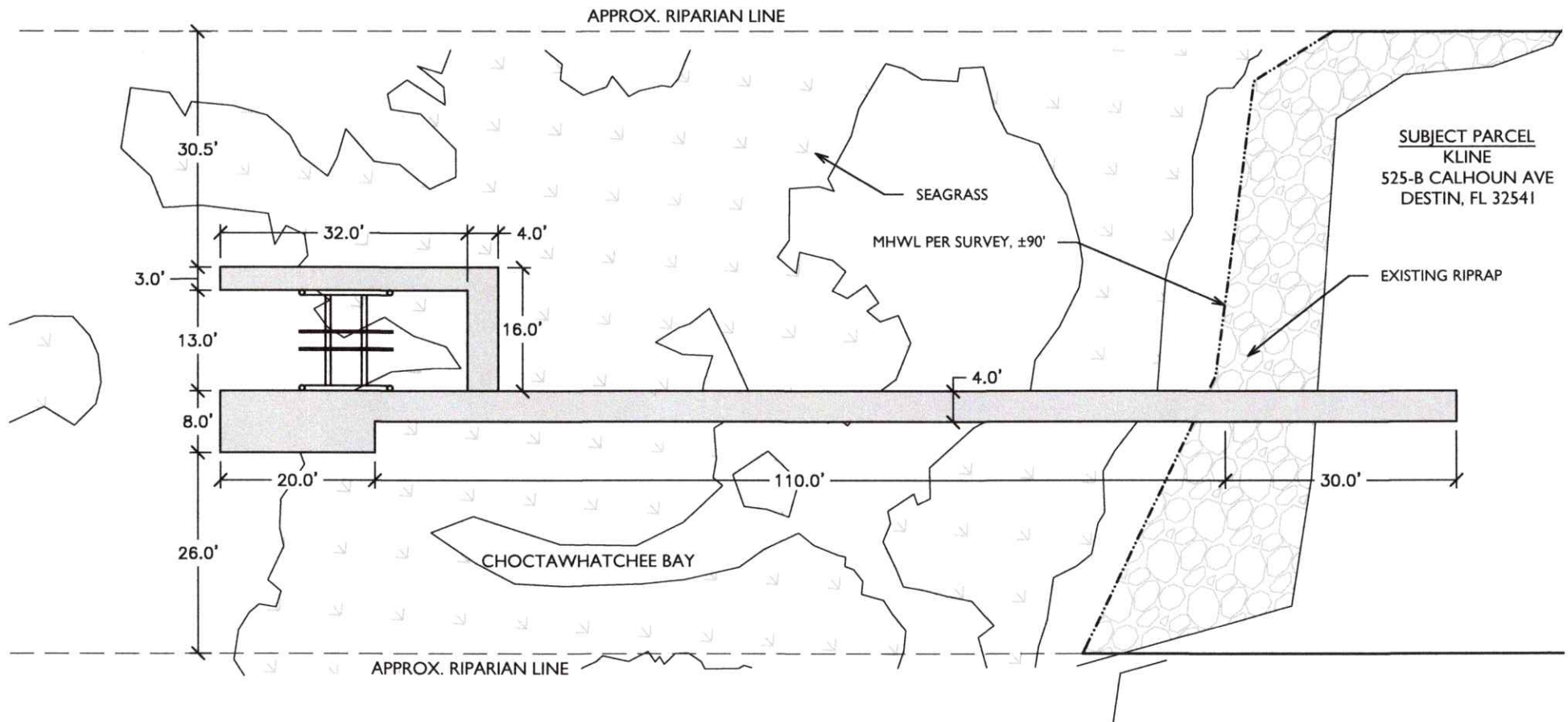
III. CONCLUSION: The applicant provided a receipt of submittal from the Florida Department of Environmental Protection (FDEP) of Self-Certification, File # 0427684-001-EE/46. City Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with **LDC Section 11.05.01, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.5.5**).

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of the single-family marine construction project located at 525 B Calhoun Ave, subject to the applicant meeting all applicable City, State and Federal permit requirements.

ALTERNATE MOTION: I move that the Harbor and Waterways Board recommend that the City Council deny the proposed the single-family marine construction project located at 525 B Calhoun Ave.

Attachments:

- 1. A. Site Plan
- 2. B. FDEP Receipt of Submittal
- 3. C. Agent Affidavit
- 4. D. Cost Estimate
- 5. E. Warranty Deed
- 6. F. Site Photos
- 7. G. US Army Corps of Engineers



PREEMPTED AREA CALCS:	
110'x4' ACCESS PIER	= 440 S.F.
20'x8' TERMINAL PLATFORM	= 160 S.F.
16'x4' ACCESS WALK	= 64 S.F.
32'x3' CATWALK	= 96 S.F.
TOTAL	= 760 S.F.

NOTES:

1. ACCESS PIER WILL USE 2"x6" DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.

525-B CALHOUN AVE, KLINE DOCK

PLAN VIEW

JOB NO.: 2022.043

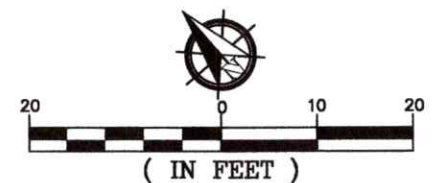
DRAWN BY: JAT

DRAWING DATE: 10.22.2022

SHEET: 3 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM





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

November 2, 2022

Josh Kline
525B Calhoun Ave
Destin, FL 32541 1610
Josh@ecvr.com

File No.: 0427684-001-EE/46, Okaloosa County

Dear Mr. Kline:

On October 24, 2022, we received your request for verification of exemption to perform the following activities:

To construct a new 760 square foot dock with an uncovered boat lift within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 525B Calhoun Ave, Destin, Florida 32541, Parcel No. 00-2S-22-0630-0000-193D, in Section 13, Township 2 South, Range 23 West in Okaloosa County; 30°24'33.4754" North Latitude, - 86°30'1.0764" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

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

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

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.) under Section 403.813(1)(b), Florida Statutes (F.S.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 1821.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

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

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

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

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

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

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

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

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

[\(https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/\)](https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/).

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Emma Fields at the letterhead address, at (850)595-0556, or at Emma.Fields@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Blake Chapman
Environmental Manager

Attachment(s):

1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 1 page
2. Project Drawings, 5 pages

CERTIFICATE OF SERVICE

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

Blake Chapman, DEP, Blake.A.Chapman@FloridaDEP.gov
Emma Fields, DEP, Emma.Fields@FloridaDEP.gov
Josh Kline, Applicant, Josh@ecvr.com
Jason Taylor, Agent, Jason@oakhurtconsult.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com
City of Destin, 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

November 2, 2022

Date

62-330.051 Exempt Activities.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

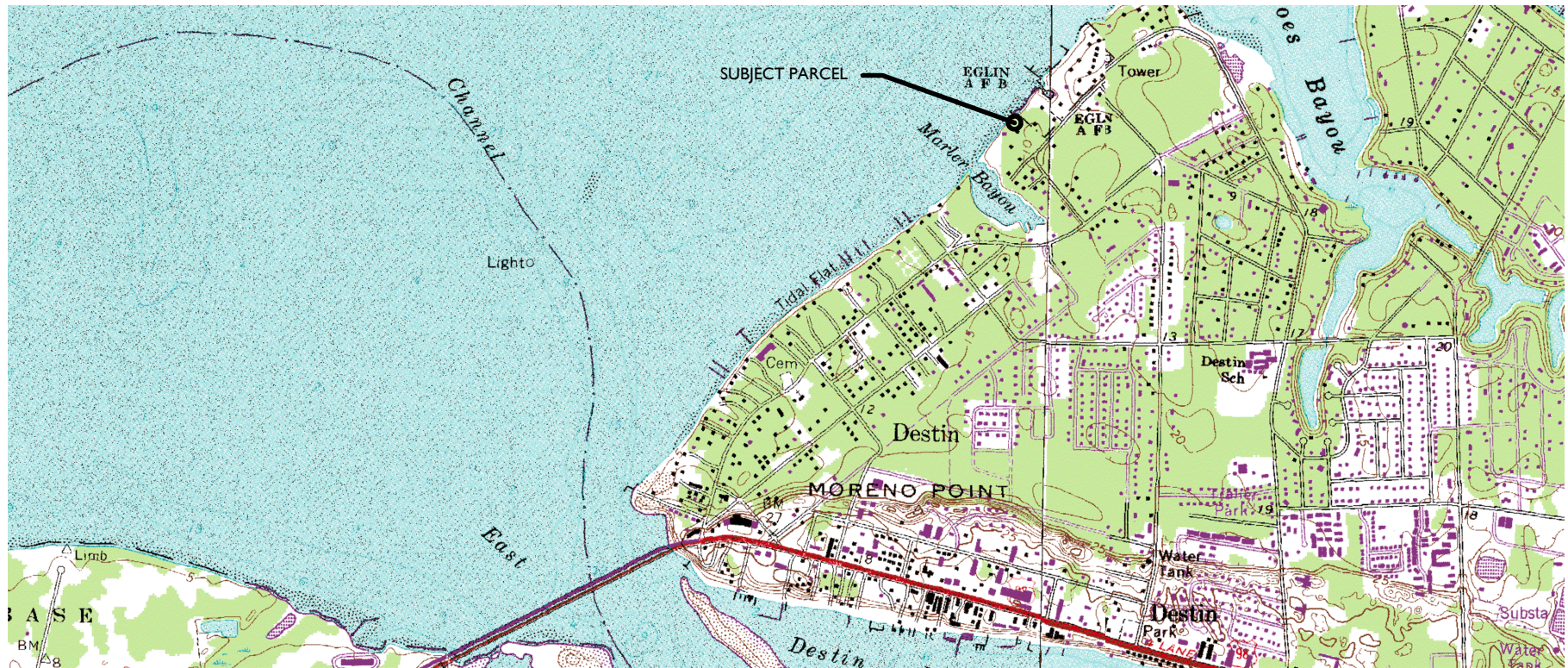
1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock located in an area that is not designated as Outstanding Florida Waters;
 2. Is constructed on or held in place by pilings or is a floating dock constructed so as not to involve filling or dredging other than that necessary to install the pilings;
 3. May not substantially impede the flow of water or create a navigational hazard;
 4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
 5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case one exempt dock may be allowed per parcel or lot.
- This paragraph does not prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

PROPERTY INFO

PID: 00-2S-22-0630-0000-193D

SITUS: 525-B CALHOUN AVE

DESTIN, FL 32541

LAT: 30.409340

LONG: -86.501470

DRAWING INDEX

1- SITE LOCATION & SHEET INDEX

2-PLAN VIEW DEPICTED ONTO AERIAL

3-PLAN VIEW

4-PROFILE TYP.

5-SECTIONS TYP.

RECORD OWNER

KLINE JOSHUA & NATALIE

527 CALHOUN AVE

DESTIN, FL 32541

525-B CALHOUN AVE, KLINE DOCK

SITE LOCATION & DRAWING INDEX

JOB NO.: 2022.043

DRAWN BY: JAT

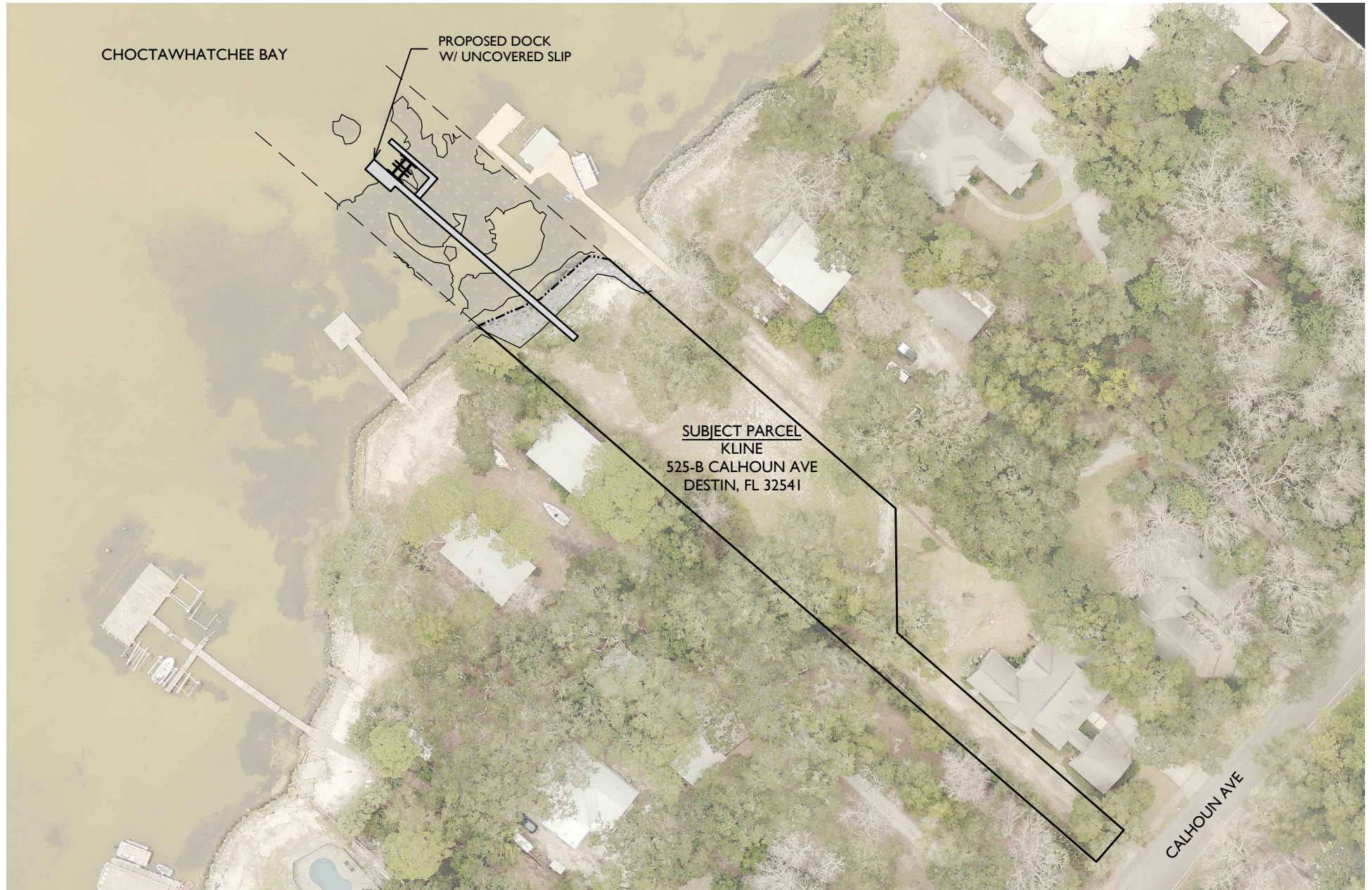
DRAWING DATE: 10.22.2022

SHEET: 1 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM



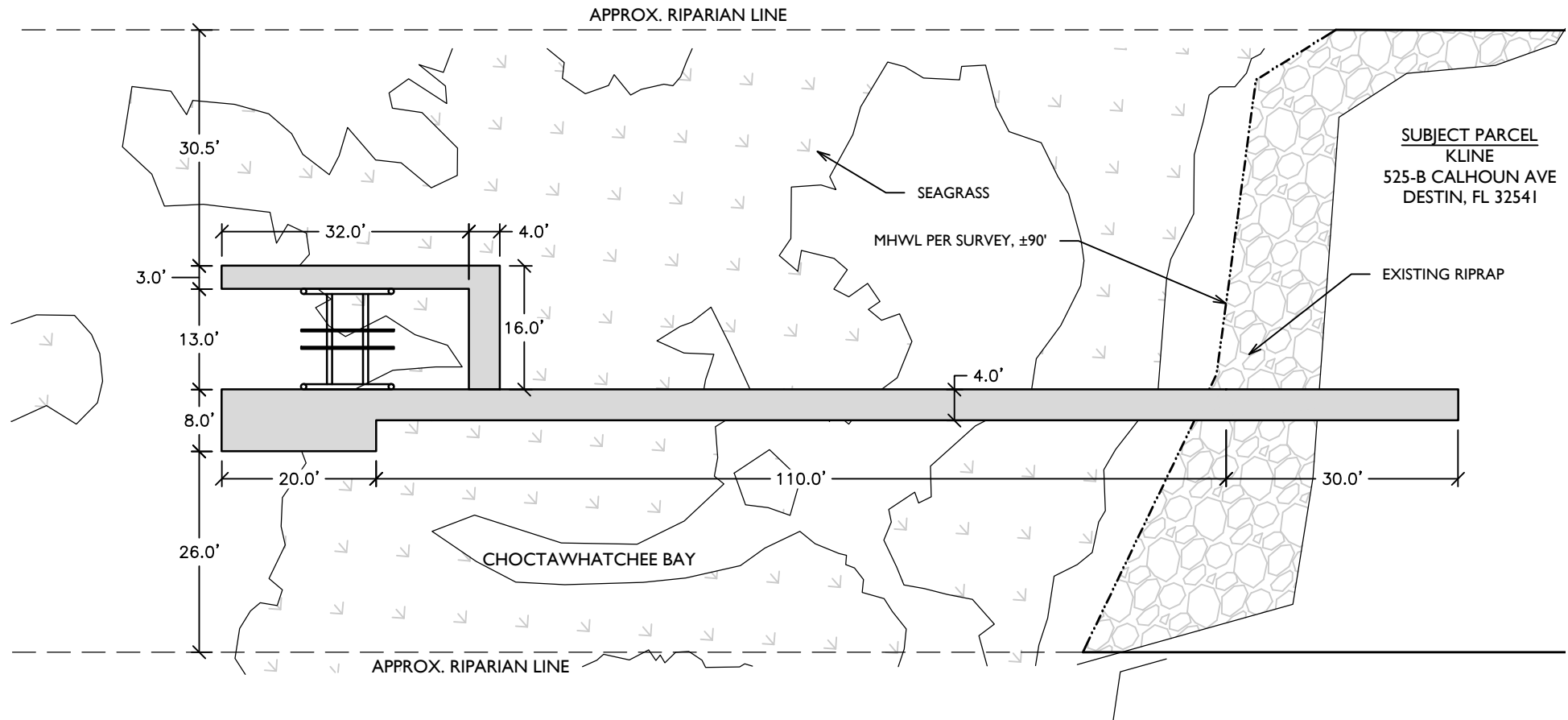


525-B CALHOUN AVE, KLINE DOCK
PLAN VIEW DEPICTED ONTO AERIAL
JOB NO.: 2022.043
DRAWN BY: JAT
DRAWING DATE: 10.22.2022
SHEET: 2 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM



**PREEMPTED AREA CALCS:**

110'x4' ACCESS PIER	= 440 S.F.
20'x8' TERMINAL PLATFORM	= 160 S.F.
16'x4' ACCESS WALK	= 64 S.F.
32'x3' CATWALK	= 96 S.F.
TOTAL	= 760 S.F.

NOTES:

1. ACCESS PIER WILL USE 2"x6" DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.

525-B CALHOUN AVE, KLINE DOCK

PLAN VIEW

JOB NO.: 2022.043

DRAWN BY: JAT

DRAWING DATE: 10.22.2022

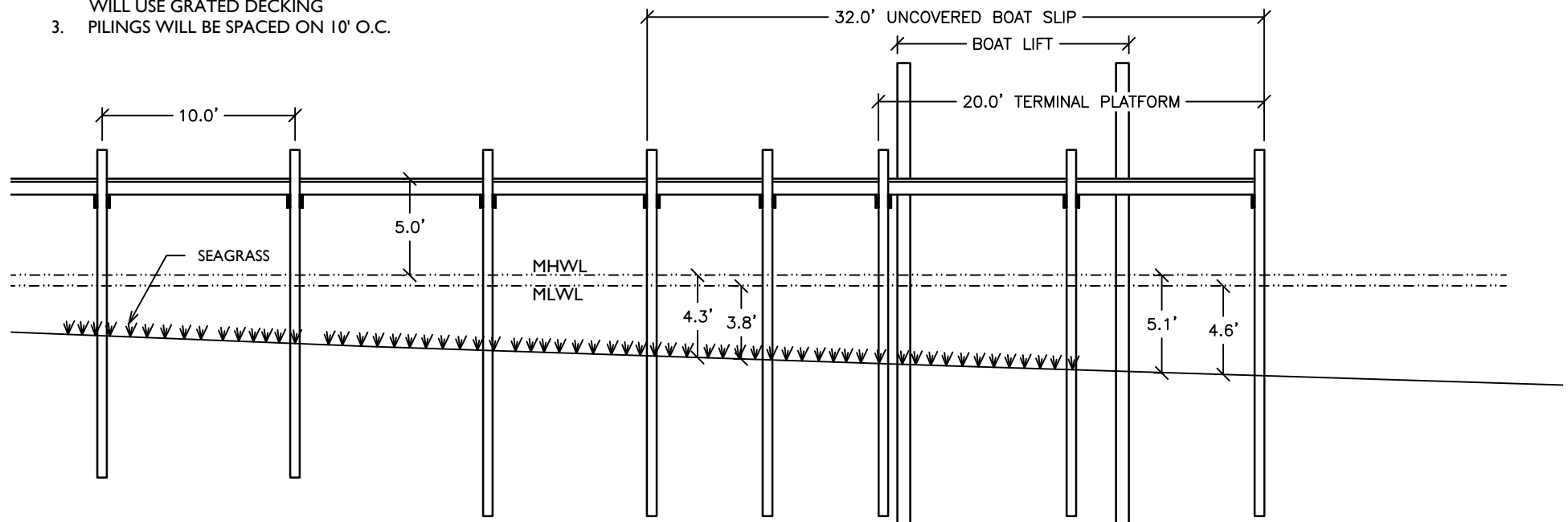
SHEET: 3 OF 5

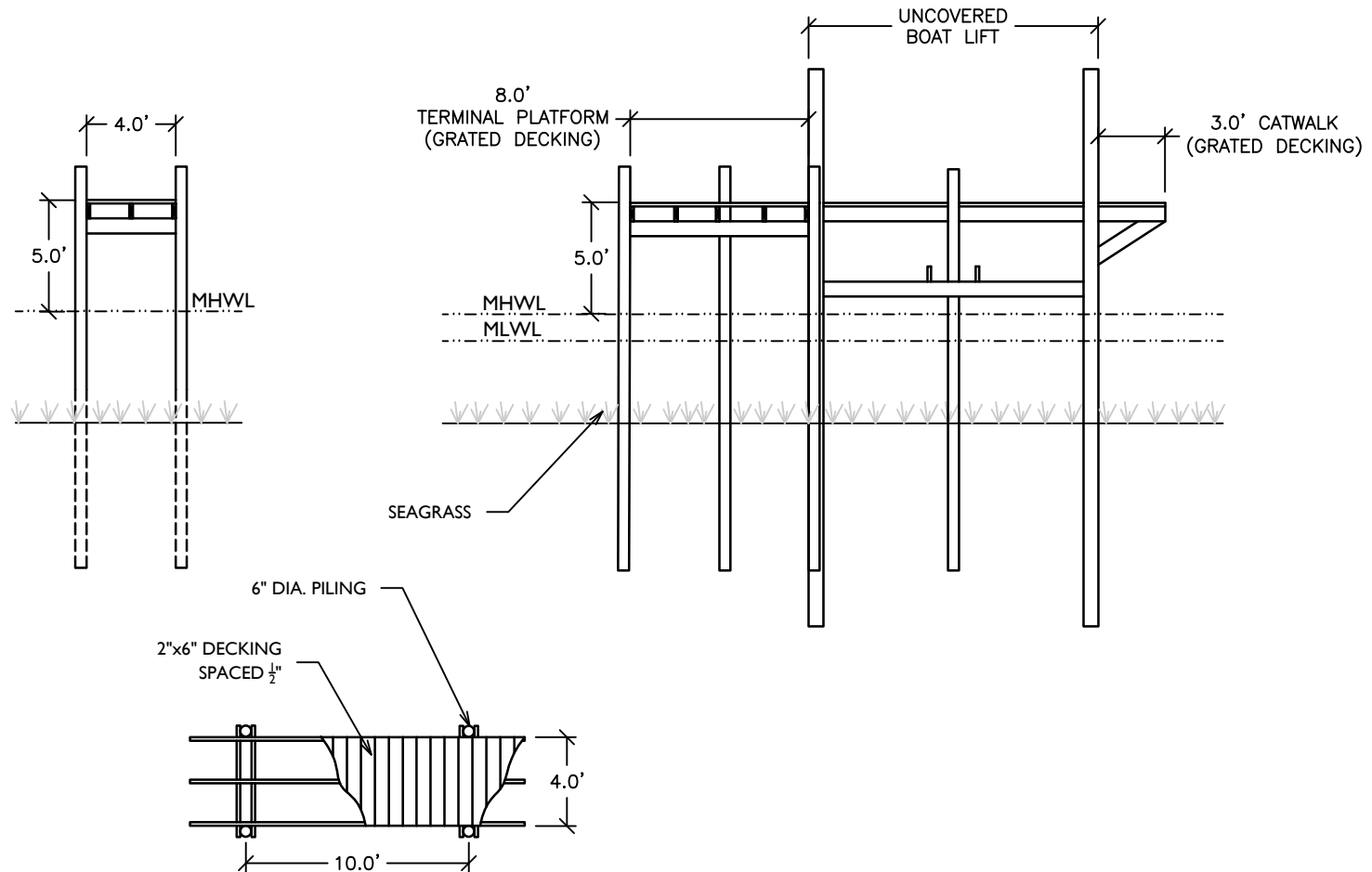
**OAKHURST
CONSULTING**

JASON@OAKHURSTCONSULT.COM



1. ACCESS PIER WILL USE 2"x6"
DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK
WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.





NOTES:

1. ACCESS PIER WILL USE 2"x6"
DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK
WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.

525-B CALHOUN AVE, KLINE DOCK

PROFILE (TYP.)

JOB NO.: 2022.043

DRAWN BY: JAT

DRAWING DATE: 10.22.2022

SHEET: 5 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Joshua Kline am
525B Calhoun Ave, Destin
presently the owner and/or leaseholder at _____, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
William F Davis Construction, Inc
make, constitute and appoint _____
whose address is PO Box 1690, SRB, County of Walton, State of FL,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
dock construction and boat lift installation
my agent in any and all matters pertaining to: _____.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER

Joshua Kline
Signature

Joshua Kline

Joshua Kline
Printed Name

STATE OF Florida

COUNTY OF Walton

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization, this 5 day of January, 2023, by

Joshua Kline
(name of person acknowledging)

Kelce Shackley
Signature of Notary

Printed Name of Notary or Seal

Personally known ☒ OR Produced Identification _____

Type of Identification Produced _____



Cost estimate \$ 30,000.00

Prepared By and Return to:

Nautilus Title & Escrow
12273 Emerald Coast Parkway, Suite 201
Miramar Beach, Florida 32550

File No. 2021010989A

Property Appraiser's Parcel I.D (folio) Number(s):

Warranty Deed

THIS WARRANTY DEED dated **February 24, 2021** by **Sandra D. Blaser, a single woman**, whose address is: 1452 NW 132nd Boulevard, Newberry, Florida 32669 hereinafter called the grantor, to **Joshua Kline and Natalie Kline, husband and wife**, whose address is: 411 Admiral Court, Destin, FL 32541 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants bargains, sells aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in **OKALOOSA** County, Florida:

SEE ATTACHED EXHIBIT "A"

Subject to easements, restrictions, reservations and limitations recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee Simple and Forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2020.

Signed, sealed and delivered in the presence of:

① [Signature]

② Witness Print Name: Max Palmer

✓ [Signature]

Sandra D. Blaser

③ [Signature]

④ Witness Print Name: Andrea Beckman

⑤ STATE OF FLORIDA
COUNTY OF Alachua

The foregoing instrument was acknowledged before me by means of (x) physical presence or () online notarization, this *23rd day of February, 2021 by Sandra D. Blaser, a single woman, who is/are personally known to me or who has/have produced a driver's license as identification.

⑨



Maximillian I. Palmer
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG964843
Expires 3/3/2024

⑥

[Signature]

⑦

Notary Public

⑦

Print Name: Max Palmer

⑧

My Commission Expires: 3/3/2024

(seal)

EXHIBIT "A"**PARCEL A:**

A PORTION OF LOT 19, MORENO POINT MILITARY RESERVATION, AS RECORDED IN DEED BOOK 25, AT PAGE 573, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, LYING IN TOWNSHIP 2 SOUTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN IRON PIPE MARKING THE EASTERNMOST CORNER OF LOT 19, MORENO POINT MILITARY RESERVATION; THENCE GO SOUTH 35°34'00" WEST, A DISTANCE OF 470.00 FEET; THENCE GO NORTH 54°26'00" WEST, A DISTANCE OF 3.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CALHOUN AVE (66' R/W) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 54°26'00" WEST, A DISTANCE OF 478.51 FEET TO A REFERENCE POINT ON THE MEAN HIGH WATER LINE OF CHOCTAWHATCHEE BAY; THENCE MEANDER NORTHERLY ALONG THE AFORESAID MEAN HIGH WATER LINE TO A REFERENCE POINT WHICH LIES NORTH 47°13'47" EAST, A DISTANCE OF 81.69 FEET FROM THE PRECEEDING POINT; THENCE GO SOUTH 54°26'00" EAST, A DISTANCE OF 297.00 FEET; THENCE GO SOUTH 9°26'00" EAST, A DISTANCE OF 21.21 FEET; THENCE GO SOUTH 35°34'00" WEST, A DISTANCE OF 40.00 FEET; THENCE GO SOUTH 54°26'00" EAST, A DISTANCE OF 150.00 FEET TO AFORESAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CALHOUN AVE (66' R/W); THENCE GO SOUTH 35°34'00" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PORTION OF LOT 19, MORENO POINT MILITARY RESERVATION, AS RECORDED IN DEED BOOK 25, AT PAGE 573, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, LYING IN TOWNSHIP 2 SOUTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN IRON PIPE MARKING THE EASTERNMOST CORNER OF LOT 19, MORENO POINT MILITARY RESERVATION; THENCE GO SOUTH 35°34'00" WEST, A DISTANCE OF 470.00 FEET; THENCE GO NORTH 54°26'00" WEST, A DISTANCE OF 3.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF CALHOUN AVENUE (66' R/W); THENCE CONTINUE NORTH 54°26'00" WEST, A DISTANCE OF 178.07 FEET; THENCE GO NORTH 35°40'18" EAST, A DISTANCE OF 25.17 FEET TO THE POINT OF BEGINNING; THENCE GO NORTH 06°03'47" WEST, A DISTANCE OF 73.50 FEET; THENCE GO SOUTH 54°23'11" EAST, A DISTANCE OF 62.00 FEET; THENCE GO SOUTH 08°47'27" EAST, A DISTANCE OF 21.34 FEET; THENCE GO SOUTH 35°41'41" WEST, A DISTANCE OF 39.68 FEET; THENCE GO NORTH 54°19'42" WEST, A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.





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

November 22, 2022

Regulatory Division
North Branch
Pensacola Permits Section
SAJ-2022-03290 (GP-RDS)

Josh Kline
525-B Calhoun Ave
Destin, FL 32541
Sent via email: josh@ecvr.com

Dear Mr. Kline:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit, which the Corps received on November 3, 2022. Your application was assigned file number SAJ-2022-03290. A review of the information and drawings provided indicates that the proposed work is construction of a single-family dock over seagrasses. The new dock will consist of a 4-foot by 110-foot access pier, an 8-foot by 20-foot terminal platform, a 4-foot by 16-foot access walk, and a 3-foot by 32-foot catwalk with an uncovered boatlift. The access pier will be constructed of wood decking with ½-inch gaps between planks and the decking will be elevated 5 feet above the Mean High Water Line (MHWL). The terminal platform, access walk, and catwalk will be constructed of grated material and elevated 5 feet above the MHWL. The total area of the dock will be 760 square feet. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located in Choctawhatchee Bay, at 525-B Calhoun Ave, Parcel ID 00-2S-22-0630-0000-193D, in Section 00, Township 02 South, Range 22 West, Destin, Okaloosa County, Florida.

This letter verifies your project, as described above and depicted on the enclosed drawings, is authorized by Regional General Permit (RGP) SAJ-20 and any subsequent modifications, if applicable. **This RGP authorization is valid until March 27, 2023.** Please access the Corps' Jacksonville District Regulatory Division Source Book web page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Once there, select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with all the general and special conditions of the 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 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 or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the 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.
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, P.O. Box 4970, Jacksonville, FL 32232-0019.
 - c. The Permittee shall reference this permit number, SAJ-2022-03290 (GP-RDS), 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 submit a completed "Commencement Notification" form (Attachment 1).
- 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 (Attachment 2) 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. 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 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 Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. 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 SHPO and from the Corps.
- 7. 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 U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 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. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. 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 the JAXBO must be utilized during the design and construction of the permitted work.

- 9. Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 3). The most recent version of the Manatee Conditions must be utilized.
- 10. 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.
- 11. Dock Construction Guidelines:** The Permittee shall comply with the Submerged Aquatic Vegetation section of the “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat”, U.S. Army Corps of Engineers/National Marine Fisheries Service – November 2017 (Attachment 4).

Jurisdictional Determination:

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 RGP verification or have issues accessing the documents referenced in this letter, please contact Rylee Simon at the letterhead address above, via e-mail at Rylee.D.Simon@usace.army.mil.

Sincerely,

SIMON.RYLEE.DANIELLE.1616875317

Digitally signed by
SIMON.RYLEE.DANIELLE.1616875
317
Date: 2022.11.22 08:29:04 -06'00'

Rylee Simon
Project Manager

Enclosures

Cc:
CESAJ-SE
Oakhurst Consulting., Agent

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2022-03290 (GP-RDS)

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)

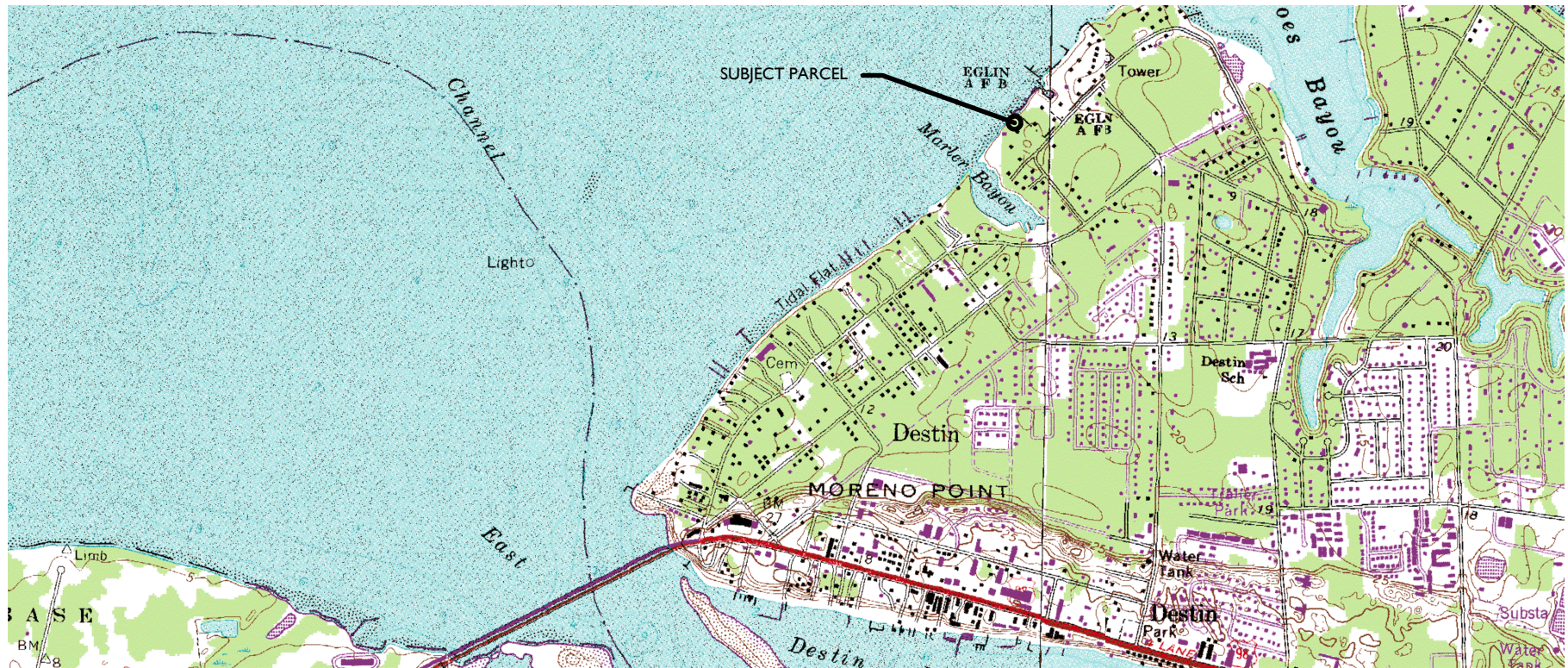
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PROPERTY INFO

PID: 00-25-22-0630-0000-193D
 SITUS: 525-B CALHOUN AVE
 DESTIN, FL 32541
 LAT: 30.409340
 LONG: -86.501470

RECORD OWNER

KLINE JOSHUA & NATALIE
 527 CALHOUN AVE
 DESTIN, FL 32541

DRAWING INDEX

1- SITE LOCATION & SHEET INDEX
 2-PLAN VIEW DEPICTED ONTO AERIAL
 3-PLAN VIEW
 4-PROFILE TYP.
 5-SECTIONS TYP.

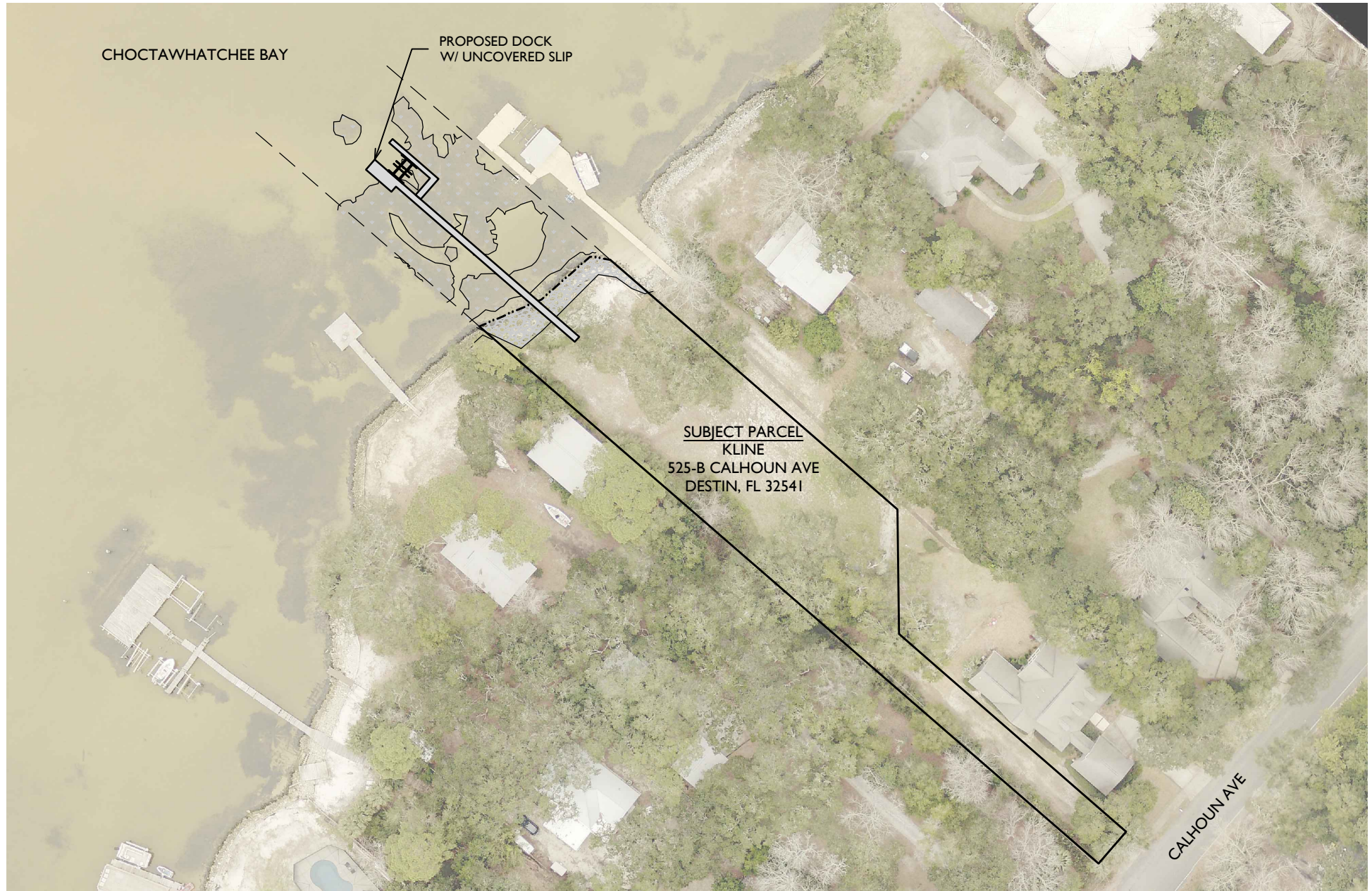
525-B CALHOUN AVE, KLINE DOCK
 SITE LOCATION & DRAWING INDEX
 JOB NO.: 2022.043
 DRAWN BY: JAT
 SHEET: 1 OF 5

DRAWING DATE: 10.22.2022

OAKHURST
 CONSULTING

JASON@OAKHURSTCONSULT.COM



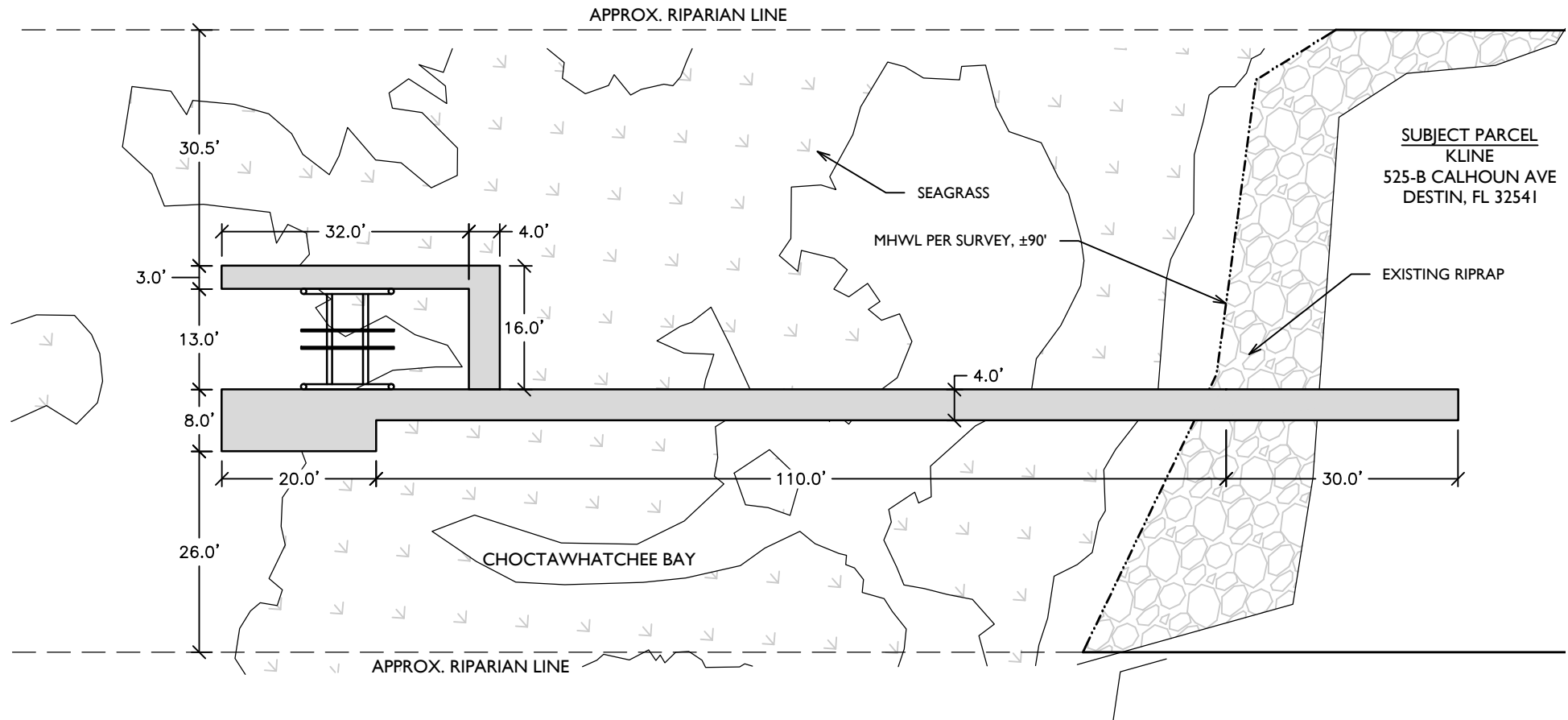


525-B CALHOUN AVE, KLINE DOCK
PLAN VIEW DEPICTED ONTO AERIAL
JOB NO.: 2022.043
DRAWN BY: JAT
DRAWING DATE: 10.22.2022
SHEET: 2 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM



**PREEMPTED AREA CALCS:**

110'x4' ACCESS PIER	= 440 S.F.
20'x8' TERMINAL PLATFORM	= 160 S.F.
16'x4' ACCESS WALK	= 64 S.F.
32'x3' CATWALK	= 96 S.F.
TOTAL	= 760 S.F.

NOTES:

1. ACCESS PIER WILL USE 2"x6" DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.

525-B CALHOUN AVE, KLINE DOCK

PLAN VIEW

JOB NO.: 2022.043

DRAWN BY: JAT

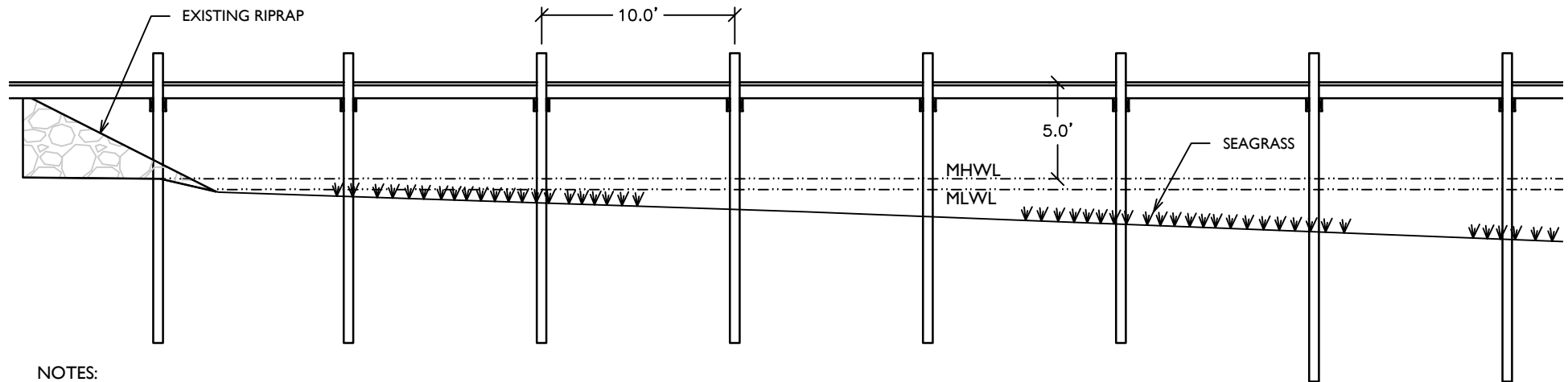
DRAWING DATE: 10.22.2022

SHEET: 3 OF 5

**OAKHURST
CONSULTING**

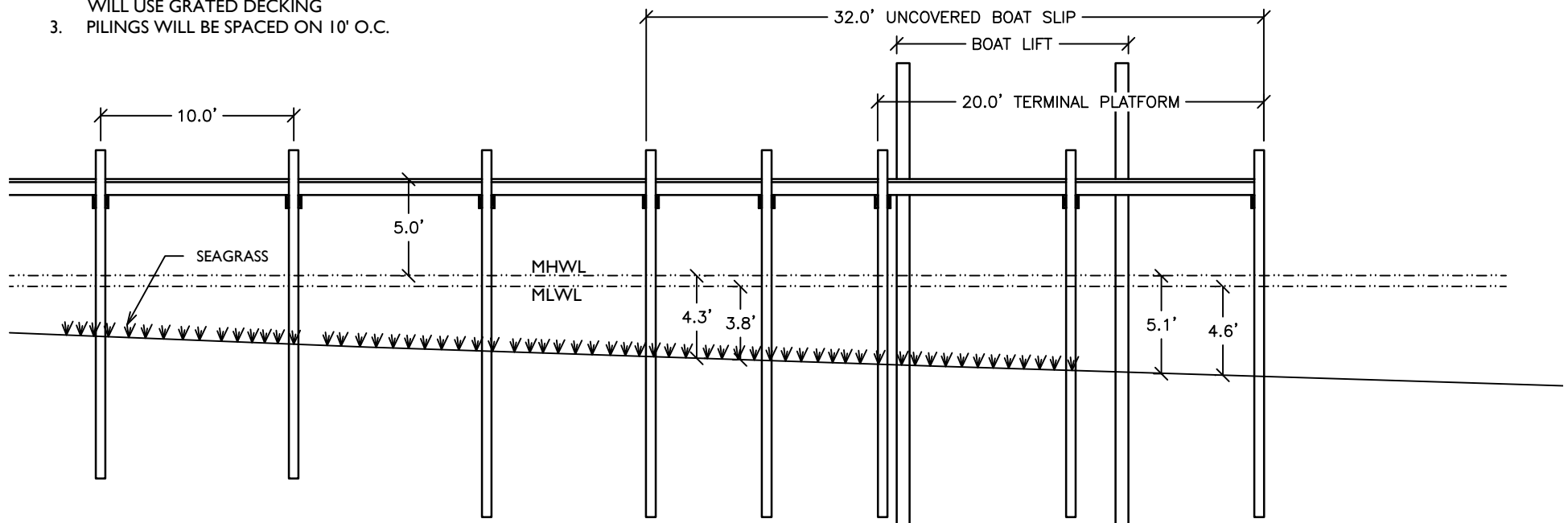
JASON@OAKHURSTCONSULT.COM





NOTES:

1. ACCESS PIER WILL USE 2"x6" DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.



525-B CALHOUN AVE, KLINE DOCK

PROFILE (TYP.)

JOB NO.: 2022.043

DRAWN BY: JAT

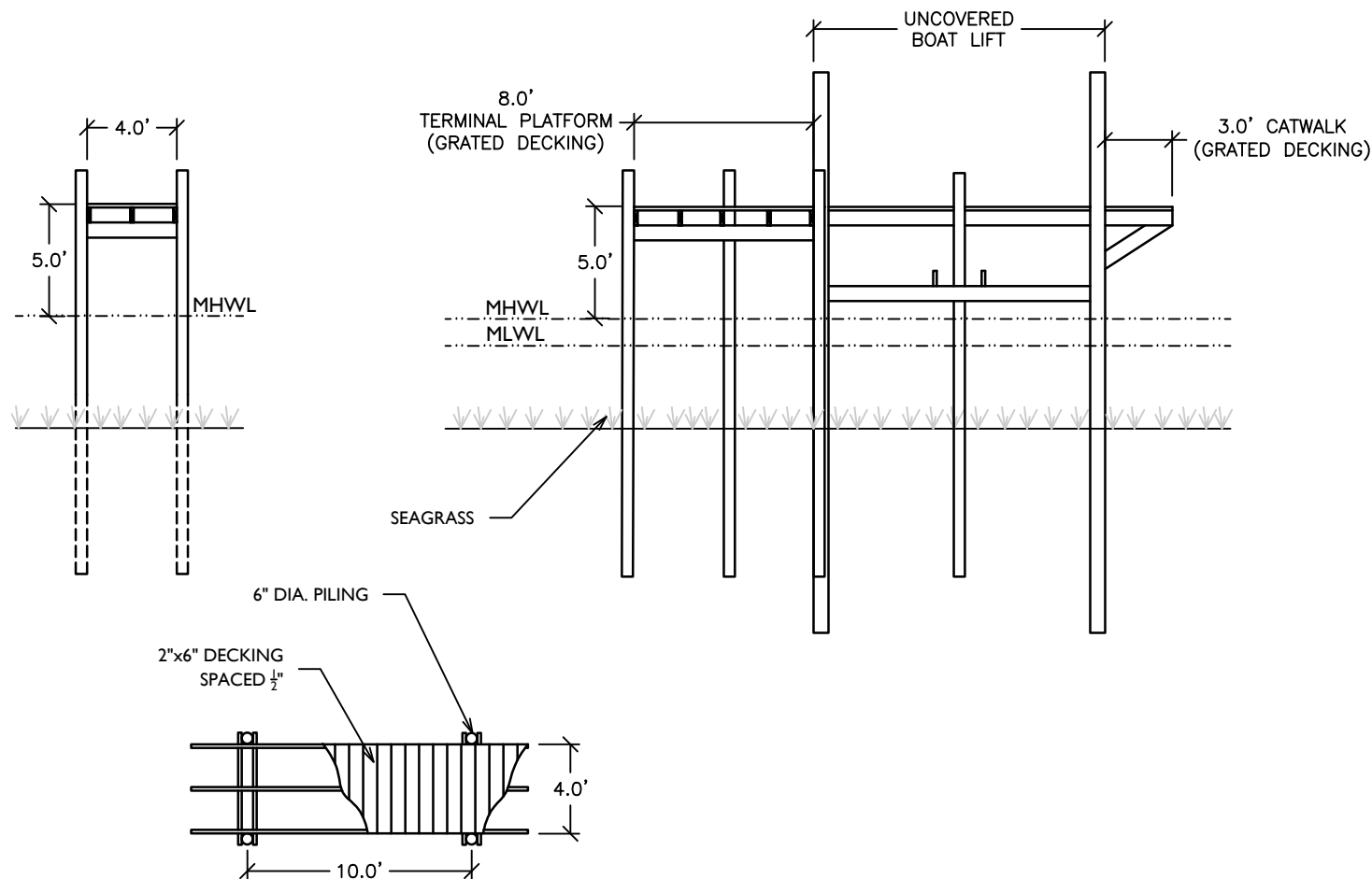
DRAWING DATE: 10.22.2022

SHEET: 4 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM





NOTES:

1. ACCESS PIER WILL USE 2"x6"
DECKING SPACED $\frac{1}{2}$ "
2. TERMINAL PLATFORM & CATWALK
WILL USE GRATED DECKING
3. PILINGS WILL BE SPACED ON 10' O.C.

525-B CALHOUN AVE, KLINE DOCK

PROFILE (TYP.)

JOB NO.: 2022.043

DRAWN BY: JAT

DRAWING DATE: 10.22.2022

SHEET: 5 OF 5

OAKHURST
CONSULTING

JASON@OAKHURSTCONSULT.COM



COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form to 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-2022-03290 (GP20-RDS)

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) 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-2022-03290 (GP20-RDS)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

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

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

7. **Describe Mitigation completed (if applicable):** _____

8. **Describe any Deviations from Permit (attach drawing(s) depicting the deviations):**

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or 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

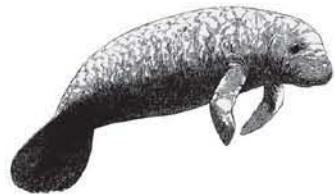
All project vessels

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

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in
or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service
November 2017**

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Marsh:

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.
3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the piling-supported structure is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the piling-supported structure.
3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.**

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; www.titandeck.net). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

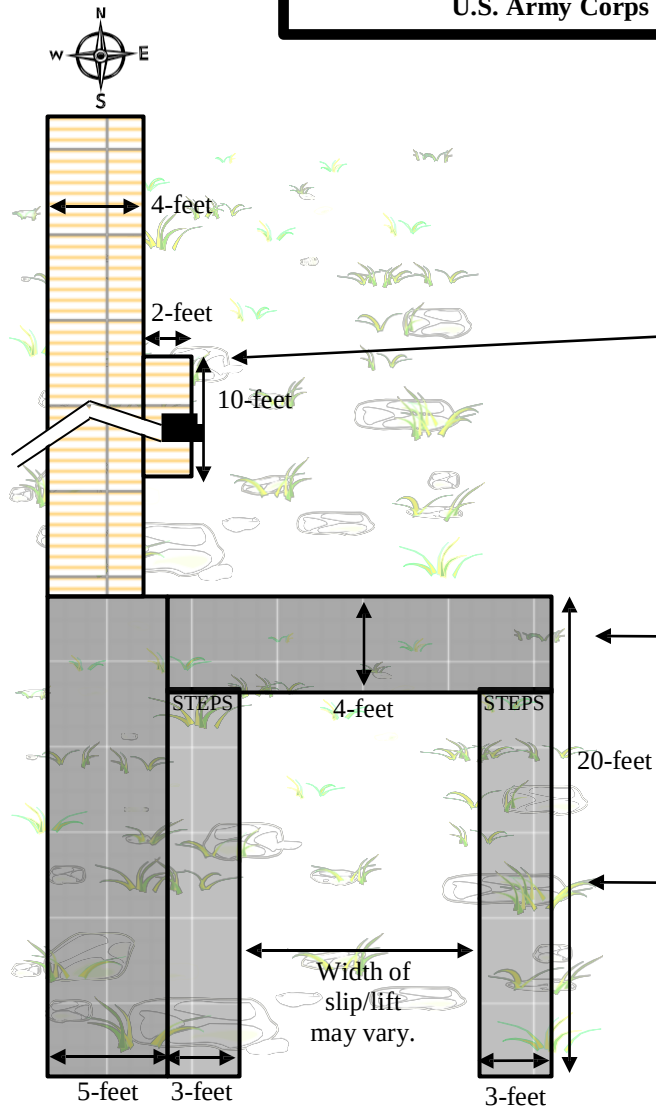
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

DOCK EXAMPLE — GRATED TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



OVERHEAD PLAN VIEW

“GRATED DECKING”
 Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
 Only for docks over 200-feet long.

LIFT ONLY
 No roof.
 Vessel should be stored as high above MHW as possible.

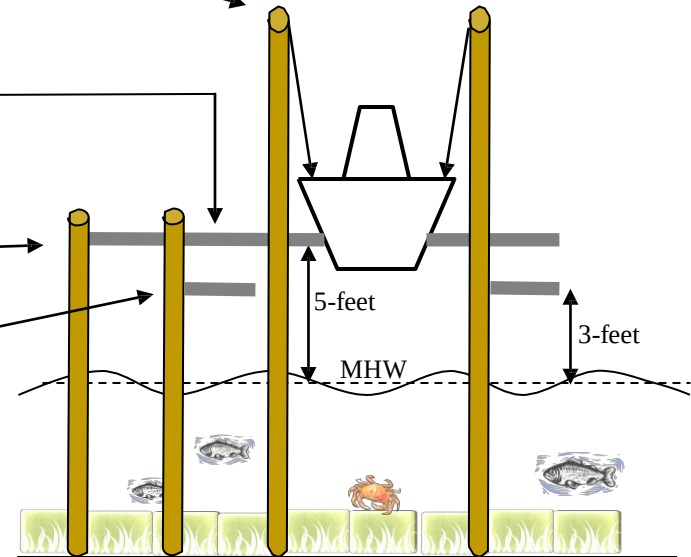
STERN WALKWAY
 Allowed if lift constructed.
 May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
 No less than 5-feet above MHW

ACCESS CATWALKS
 3-feet wide if grated decking.
 3-feet above MHW to facilitate boat access.
 Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

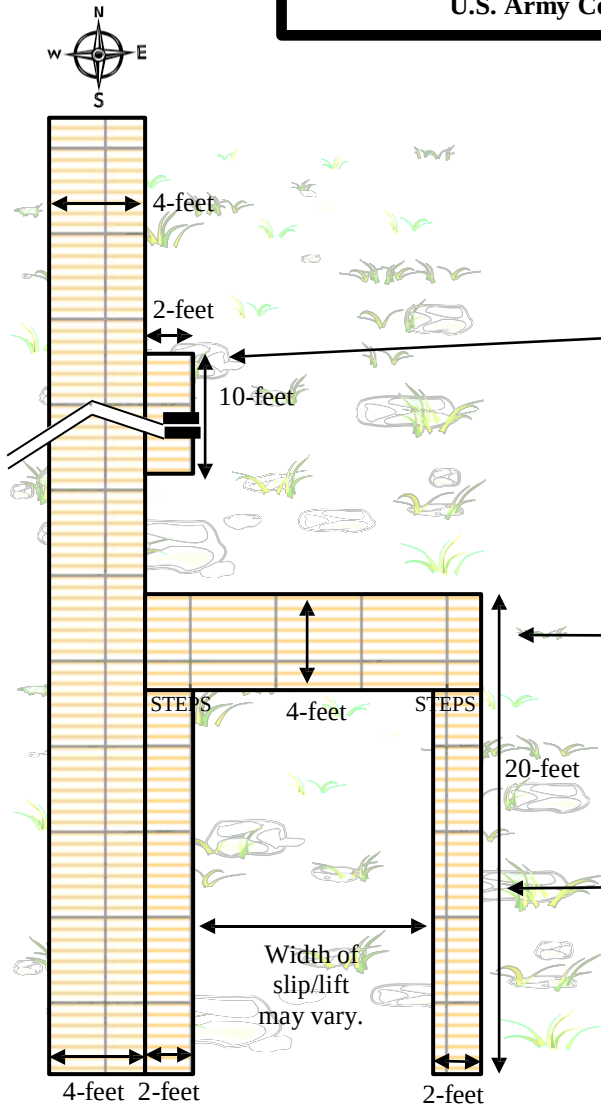


FRONT PLAN VIEW

VER: 201407

DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND

Only for docks over 200-feet long.

LIFT ONLY
No roof.

Vessel should be stored as high above MHW as possible .

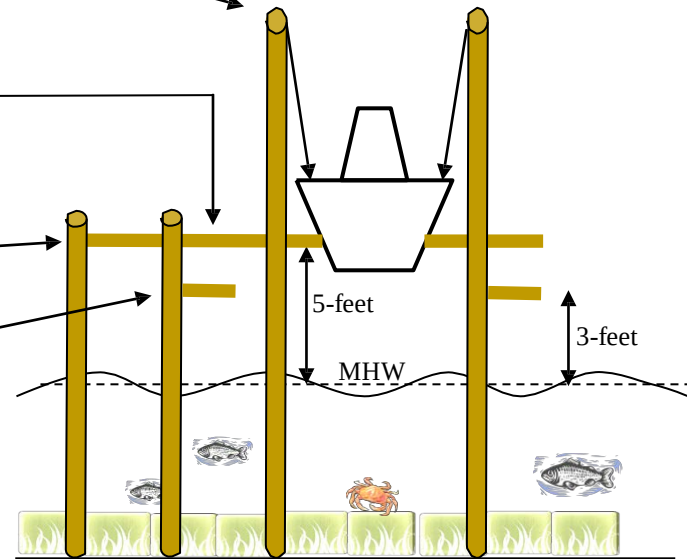
— STERN WALKWAY —
Allowed if lift constructed.
May be less than 4-feet wide
if longer slip is needed.

MINIMUM HEIGHT —
No less than 5-feet above MHW

— ACCESS CATWALKS —
2-feet wide if wood decking.
3-feet above MHW to facilitate
boat access.
Cantilevered off main structures;
no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water



FRONT PLAN VIEW



VESSEL STRIKE AVOIDANCE MEASURES, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

Background

Vessel strikes can injure or kill species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD) recommends implementing the following identification and avoidance measures to reduce the risk of vessel strikes and disturbance from vessels to protected species under our jurisdiction.¹

Protected Species Sightings

All vessel operators and crews should be informed about the potential presence of species protected under the ESA and the MMPA and any critical habitat in a vessel transit area. All vessels should have personnel onboard responsible for observing for the presence of protected species. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant [marine mammal](https://www.fisheries.noaa.gov/find-species) and [ESA-listed species](https://www.fisheries.noaa.gov/find-species) at Find A Species (<https://www.fisheries.noaa.gov/find-species>) and any ESA Section 7 consultation documents if applicable.

Vessel Strike Avoidance

The following measures should be taken when they are consistent with safe navigation to avoid causing injury or death of a protected species:

1. Operate at the minimum safe speed when transiting and maintain a vigilant watch for protected species to avoid striking them. Even with a vigilant watch, most marine protected species are extremely difficult to see from a boat or ship, and you cannot rely on detecting them visually and then taking evasive action. The most effective way to avoid vessel strikes is to travel at a slow, safe speed. Whenever possible, assign a designated individual to observe for protected species and limit vessel operation to only daylight hours.
2. Follow deep-water routes (e.g., marked channels) whenever possible.
3. Operate at “Idle/No Wake” speeds in the following circumstances:
 - a. while in any project construction areas
 - b. while in water depths where the draft of the vessel provides less than four feet of clearance from the bottom, or
 - c. in all depths after a protected species has been observed in and has recently departed the area.

¹ Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

4. When a protected species is sighted, attempt to maintain a distance of 150 feet or greater between the animal and the vessel. Reduce speed and avoid abrupt changes in direction until the animal(s) has left the area.
5. When dolphins are bow- or wake-riding, maintain course and speed as long as it is safe to do so or until the animal(s) leave the vicinity of the vessel.
6. If a whale is sighted in the vessel's path or within 300 feet from the vessel, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area. *Please see below for additional requirements for North Atlantic right whales.*
7. If a whale is sighted farther than 300 feet from the vessel, maintain a distance of 300 feet or greater between the whale and the vessel and reduce speed to 10 knots or less. *Please see below for additional requirements for North Atlantic right whales.*

Injured or Dead Protected Species Reporting

Vessel crews should report sightings of any injured or dead protected species immediately regardless of whether the injury or death is caused by your vessel. Please see [How to Report a Stranded or Injured Marine Animal](https://www.fisheries.noaa.gov/report) (<https://www.fisheries.noaa.gov/report>) for the most up to date information for reporting injured or dead protected species.

If the injury or death is caused by your vessel, also report the interaction to NOAA Fisheries SERO PRD at takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the animal involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports if a consultation has been completed.

Reporting Violations

To report any suspected ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

NOAA Fisheries Enforcement Hotline: (800) 853-1964

Additional Transit and Reporting Requirements for North Atlantic Right Whales

1. Federal regulation prohibits approaching or remaining within 500 yards of a North Atlantic right whale (50 CFR 224.103 (c)). All whales sighted within North Atlantic right whale critical habitat should be assumed to be right whales. Please be aware and follow restrictions for all Seasonal Management Areas along the U.S. east coast. These areas have vessel speed restrictions to reduce vessel strikes risks to migrating or feeding whales. More information can be found at [Reducing Vessel Strikes to North Atlantic Right Whales](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales) (<https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>).
2. Ships greater than 300 gross tons entering the WHALESOUTH reporting area are required to report to a shore-based station. For more information on reporting procedures consult 33 CFR Part 169, the Coast Pilot, or at [Reducing Vessel Strikes to North Atlantic](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales)

[Right Whales](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales) (<https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>).

3. From November through April, vessels approaching/departing Florida ports of Jacksonville and Fernandina Beach as well as Brunswick Harbor, Georgia are **STRONGLY RECOMMENDED** to use Two-Way Routes displayed on nautical charts. More information on [Compliance with the Right Whale Ship Strike Reduction Rule](https://media.fisheries.noaa.gov/2021-06/compliance_guide_for_right_whale_ship_strike_reduction.pdf) can be found at (https://media.fisheries.noaa.gov/2021-06/compliance_guide_for_right_whale_ship_strike_reduction.pdf)
4. Mariners shall check with various communication media for general information regarding avoiding vessel strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard Broadcast to Mariners, Local Notice to Mariners, and NAVTEX. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled “A Prudent Mariner’s Guide to Right Whale Protection” (contact the NOAA Fisheries SERO, Protected Resources Division for more information regarding the CD).
5. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16 and the NOAA Fisheries Southeast Marine Mammal Stranding Hotline at (877) WHALE HELP (877-942-5343).

For additional information, please contact NOAA Fisheries SERO PRD at:

NOAA Fisheries Service

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701

Visit us on the web at [Protected Marine Life in the Southeast](https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

(<https://www.fisheries.noaa.gov/region/southeast#protected-marine-life>)

Revised: May 2021

Oil Abatement Plan Discussion

Florida Clean Marina Program - Staff Discussion (Website: <https://floridadep.gov/rcp/clean-marina/content/clean-marina-program>)

Florida DEP Oil spill containment & contingency plan

The following Conditions must be met before the Department can approve a lease modification to authorize fueling at the docking facility:

1. Applicants should develop and implement an Oil/Fuel Spill Contingency Plan. See attached examples.
2. Purchase required Fuel Spill kit and keep on site at all times.
3. Train your staff in how to properly handle a fuel spill as spelled out in your Fuel Spill Contingency Plan. Department staff will talk with your staff to verify they are adequately trained for a fuel spill.
4. **Fuel Spill Emergency Kit should have, at the minimum:**
 1. Oil sorbent hydrocarbon containment boom*
 2. Hydrocarbon absorbent pads
 3. Granular absorbent
 4. Container to put granules, boom and pads in after use
 5. Firefighting equipment

*The length of containment boom should represent a factor of five times the length of the largest vessel expected to utilize the facility and the quantity of absorbent pads represents the largest potential spill expected within the marina facility.
5. **Contingency Plan requires the following:**
 1. Facility location (include lat/long) and contact information
 2. Owner/Operator/Facility Manager contact information
 3. Type of storage tank & contents (both on uplands and used over water)
 4. Facility description (docks/piers/slips)
 5. Description of largest vessel on site used for fueling
 6. Emergency procedure & contact information for spill
 7. Discharge notification procedure & contacts
 8. List & location of containment/cleanup equipment (show on map)
 9. Directions for boom deployment
 10. List of local cleanup contractors and equipment sources

Please be advised that over water fueling cannot be authorized at a docking facility that does not have a current valid lease agreement or any other compliance concerns.

Examples are:

1. [Marina Management Plan](#)
2. [Oil Spill Containment & Contingency Plan example 1](#)
3. [Oil Spill Containment & Contingency Plan example 2](#)

If you are proposing to install fueling pumps at the dock they must be shown on the lease survey. They applicant must provide the Department reasonable assurances that the regulated activity will not cause or contribute to violations of water quality standards. Reasonable assurances regarding water quality must be provided both for the short term and the long term, addressing the proposed construction, alteration, operation, maintenance, removal and abandonment of the project. In accordance with Chapters 62-761 and 62-762, F.A.C., applicants are advised that fueling facilities must have secondary containment equipment and shall be located and operated so that the potential for spills or discharges to surface waters and wetlands is minimized. If fuel pumps are proposed, the applicant will need to provide an updated lease survey showing the pumps.

Please be advised that over water fueling cannot be authorized at a docking facility that does not have a current valid lease agreement or any other compliance concerns.

CHAPTER 62S-6 POLLUTANT DISCHARGE ACT

62S-6.009	Application of Definitions
62S-6.012	Discharge Cleanup Organization; Approval
62S-6.022	Notification of Pollutant Discharge
62S-6.032	Terminal Facility Discharge Prevention and Response Certificates; Inspections
62S-6.033	Terminal Facility Discharge Contingency Plan
62S-6.034	Additional Equipment to Cleanup a 10,000 Gallon Pollutant Discharge

62S-6.009 Application of Definitions.

For purposes of this chapter, the following terms shall be defined to mean:

(1) “Pollutant” in accordance with Section 376.031(7), F.S., is interpreted to mean “oil of any kind and in any form” and “derivatives thereof” to include, but not be limited to, crude petroleum or liquid products that are derived from crude petroleum by distillation, cracking, hydroforming, and/or other petroleum refinery processes to include “gasoline”. “Pesticides” means liquid chemical preparations intended for use in killing or regulating the growth of any living organism; “ammonia” and “derivatives thereof” include, but are not limited to anhydrous liquid ammonia (NH₃), ammonia in aqueous solution (NH₄OH), ammonium salts or other liquid chemical preparations which when discharged release free ammonia (NH₃), or ammonium ion (NH₄); and “chlorine” and “derivatives thereof”, include, but are not limited to, anhydrous liquid chlorine (Cl₂), chlorine in aqueous solution (HOCl + Cl⁻), compounds containing hypochlorite (ClO⁻), chlorite (ClO₂⁻), chlorate (ClO₃⁻) perchlorate (ClO₄⁻) ions, other liquid chemical preparations which, when discharged, release free chlorine (Cl or Cl₂) or any of the above chlorine-containing ions.

(2) “Cargo” means goods or materials on board a vessel for purposes of transportation, in bulk, and regardless of whether transported under proprietary or non-proprietary shipping documents. Pollutants recovered and transported as the direct result of cleanup activities in response to a given discharge shall not be considered cargo.

Rulemaking Authority 376.07 FS. Law Implemented 376.031, 376.065, 376.07 FS. History—New 8-23-74, Formerly 16B-16.09, Amended 11-5-80, 11-21-83, 10-3-85, 11-11-85, Formerly 16N-16.09, Amended 8-27-92, Formerly 16N-16.009, Amended 10-17-94, Formerly 62N-16.009, Amended 1-9-14.

62S-6.012 Discharge Cleanup Organization; Approval.

(1) For approval as a discharge cleanup organization, an applicant shall apply to the department on a Form 62S-6.012(1), Application for Approval as a Discharge Cleanup Organization, dated 1-9-14, hereby adopted and incorporated by reference. The completed form can be either mailed to the Department of Environmental Protection, Office of Emergency Response, 3900 Commonwealth Boulevard, M.S. 659, Tallahassee, Florida 32399-3000 or it can be electronically submitted to the following email address, OER@dep.state.fl.us. Copies of this form are available from Department of Environmental Protection, Office of Emergency Response, 3900 Commonwealth Boulevard, M.S. 659, Tallahassee, Florida 32399-3000 or <https://www.flrules.org/Gateway/reference.asp?No=Ref-03630> or <http://www.dep.state.fl.us/oer/contractors.html/>.

(2) There are two categories of discharge cleanup organizations. Category one is for organizations providing discharge containment only; category two is for organizations providing containment and cleanup of a 10,000 gallon pollutant discharge. The department shall approve discharge cleanup organizations that meet the following criteria:

(a) Category one applicants shall have access to the containment equipment equal to five times the length of the largest vessel docking at or the largest vessel providing service from the terminal facility, whichever is larger, for the terminal facility for which the applicant will provide service.

(b) Category two applicants shall have access to the equipment required, pursuant to Rule 62S-6.034, F.A.C., to begin cleaning up a 10,000 gallon discharge within 4 hours of discharge notification to their organization.

(3) Once a discharge cleanup organization has been initially certified, it shall be the organization’s responsibility to notify the department in writing of any changes to the information contained in its original application. Failure to notify the department is grounds for suspension or revocation of the certification.

Rulemaking Authority 376.07 FS. Law Implemented 376.065, 376.09 FS. History—New 8-23-74, Formerly 16B-16.12, Amended 11-5-80, Formerly 16N-16.12, Amended 6-17-92, Formerly 16N-16.012, 62N-16.012, Amended 1-9-14.

62S-6.022 Notification of Pollutant Discharge.

(1) The “person-in-charge” master of any vessel or the “person-in-charge” of any terminal facility that suffers a pollutant discharge which enters or threatens to enter waters of the state within the jurisdiction of the department shall, within one hour of discovery of the discharge, notify the State Watch Office at (850) 413-9911 or the United States Coast Guard at the National Response Center.

(2) The person making notification to the State Watch Office shall provide at least the following information regarding the spill.

(a) Name, occupation, title and telephone number of person making notification.

(b) Type of pollutant spilled.

(c) Location of spill (nearest city, river, bay, miles, etc.).

(d) Type of installation or carrier involved in the spill.

(e) Estimated amount of pollutant spilled.

(f) Date and time (local) of spill.

(g) Persons and agencies already contacted.

(h) Size and characteristics of area already affected by the spill.

(i) Containment and cleanup efforts to date.

(j) Cause of spill if known.

(k) Person or firm in charge of source.

Rulemaking Authority 376.07 FS. Law Implemented 376.12 FS. History—New 11-5-80, Formerly 16N-16.22, Amended 6-17-92, Formerly 16N-16.022, 62N-16.022, Amended 1-9-14.

62S-6.032 Terminal Facility Discharge Prevention and Response Certificates; Inspections.

(1) An owner or operator of a terminal facility shall provide to the department, the information required pursuant to Section 376.065, F.S., for the issuance of a discharge prevention and response certificate.

(2) The department shall inspect each terminal facility required to have a discharge prevention and response certificate and;

(a) Verify the information required to be provided by the applicant under Section 376.065(2), F.S.

(b) Inspect and verify access to the containment and cleanup equipment required for terminal facilities which store or service vessels having a capacity to carry 10,000 gallons or more of pollutants as fuel or cargo as provided under Section 376.065(3), F.S.

(c) Review and verify the contents of the terminal facility site specific discharge contingency plan to ensure it contains the minimum information required pursuant to Rule 62S-6.033, F.A.C.

(3) For purposes of preparing a terminal facility discharge contingency plan, a reasonable time for having additional cleanup equipment at the location of the discharge shall be presumed to be four hours after initial discovery of the discharge.

Rulemaking Authority 376.07 FS. Law Implemented 376.065 FS. History—New 8-27-92, Formerly 16N-16.032, Amended 4-12-95, Formerly 62N-16.032.

62S-6.033 Terminal Facility Discharge Contingency Plan.

(1) An owner or operator of a terminal facility shall have a discharge contingency plan which is site specific for reporting discharges and detailing the methods, means and equipment to be used in the removal of such pollutants in the event of a discharge which enters or threatens to enter waters of the state. An adequate discharge contingency plan shall be one of the following:

(a) A plan in compliance with the federal Oil Pollution Act of 1990, Section 4202 requirements, which is hereby incorporated by reference, for an oil transfer facility contingency plan; or,

(b) For terminal facilities which store or service vessels with the capacity to carry 10,000 gallons or greater of pollutants as fuel or cargo, excluding motor fuel, a plan which includes as a minimum, the following details:

1. Terminal Facility Description.

a. The terminal facility name, location (including latitude, longitude and street address), telephone numbers, radio frequencies, if any, terminal facility size and storage capacities, hours of operation, pollutants handled, and types of transfers conducted.

b. Description of the terminal facility’s waterfront including any docks or wharves and the length and capacity of the largest vessel serviced at or providing service from the terminal facility.

c. Description of prevailing tides, currents, water depths, shorelines, and any structures located in adjacent waters within 100 yards of the terminal facility.

d. Description of seasonal weather to include wind directions and speeds, air and water temperatures and potential visibility problems.

2. Organization.

a. The name of the designated spill response officer or “person in charge” and the facility manager and a description of the designated individuals’ training and discharge response duties. If the duties of the spill response officer are assumed by an individual with a different title, that individual’s title also may be used in the plan.

b. The names or positions of terminal facility employees assigned to the terminal facility discharge response team.

c. The names and telephone numbers of the owners, operators, facility manager and an alternate individual designated to be in charge of the facility when the facility manager is not present at the facility.

d. Location of the current list of the names and telephone numbers of additional personnel available to respond to a discharge.

3. Notification

a. The responsibility and procedure for the immediate telephone and radio notification of a discharge to the U.S. Coast Guard at the National Response Center or the State Watch Office at (850) 413-9911.

b. The responsibility, procedure and telephone numbers for the timely notification of a discharge to the terminal facility’s management, off-duty personnel, cleanup contractors, oil spill cooperative, local emergency response governmental agencies.

c. Description of systems, measures, and devices used to detect discharges such as routine patrols, alarms, monitors and inspections.

4. Verification. The organizational procedure for verifying the source or cause of the discharge, the type, volume, and characteristics of the discharged pollutant, and the flow rate of discharge.

5. On-scene Assessment

a. Provide the name or title of the terminal facility personnel responsible for the initial determination of the size and projected threat of a discharge; movement of the pollutant; waters, shorelines and structures that may be affected; any anticipated environmental damage and observations of wind velocity and direction; currents and other such data that may assist in making discharge movement projections.

b. A plan or table of tank capacities to enable the volume estimation of a discharge or threat of a discharge from specific tanks or lines.

6. Response to a Discharge

a. List of all discharge containment or cleanup equipment at the terminal facility and the physical storage location of the equipment.

b. Procedures for terminal facility or contracted personnel to begin deploying containment boom within one hour of discovery of a discharge. Identify response team members by name or position and their specific responsibilities. The plan shall provide for initial containment response within one hour after discovery of a discharge and a secondary cleanup response using additional cleanup equipment within four hours after initial deployment of containment boom.

c. A list of cleanup contractors and local sources of cleanup equipment and materials available to the terminal facility. Detail the procedure and responsibility for obtaining and transporting the additional cleanup equipment required by Rule 62S-6.034, F.A.C., if the equipment is not stored at the terminal facility.

7. Discharge Mitigation. Provide piping and tank diagrams showing the location of items, including valves, vents, and lines necessary to determine the source and cause of a discharge. Also include a description of the measures that can be taken to stop, control, mitigate and contain the discharged pollutant.

8. Protection of Sensitive or Critical Locations

a. Identify all known sensitive or critical locations most likely to be subjected to potential damage by a discharge including but not limited to, marshes, marinas, power plants, and parks. Include name of the location and telephone number of a contact person at each such location (park manager, marina manager, power plant manager, etc.), if any, and distance from the terminal facility.

b. Describe the methods and procedures to be used in protecting these identified areas.

9. Recovery and Disposal.

a. Identify spill recovery equipment and systems available for deployment.

b. Identify available locations for deployment of this equipment.

c. Identify the available staging and temporary storage areas for recovered pollutants.

d. Identify potential waste disposal facilities or sites for permanent disposal of recovered pollutant waste.

(c) For terminal facilities which store or service vessels with the capacity to carry less than 10,000 gallons of pollutants as fuel or cargo, excluding motor fuel, a plan which includes as a minimum, the following details:

1. Terminal Facility Description.

a. The terminal facility name, physical location and street address, telephone numbers, radio frequencies, if any, terminal facility size and pollutant storage capacities, hours of operation, pollutants handled, and types of transfers conducted.

b. Description of the terminal facility's waterfront including any docks or wharves and the length and capacity of largest vessel serviced at or providing service from the terminal facility.

2. Organization. The name, address and telephone numbers of the owner, operator, terminal facility manager, and person designated to be in charge of the terminal facility when the terminal facility manager is not present at the facility.

3. Notification

a. The responsibility and procedure for the immediate telephone and radio notification of any discharge to the U.S. Coast Guard at the National Response Center or the State Watch Office at (850) 413-9911, including, but not limited to, telephone numbers and radio frequencies of the U.S. Coast Guard and state contact point.

b. The responsibility, procedure and telephone numbers for the timely notification of a discharge to persons listed in 2. above, off-duty personnel, cleanup contractors, oil spill cooperative, local emergency response governmental agencies and other response and cleanup forces.

4. Response to a Discharge.

a. List of all discharge containment or cleanup equipment at the terminal facility and the physical location of the equipment.

b. Procedures for terminal facility or contracted personnel to begin deployment of containment boom within one hour of discovery of a discharge.

c. A list of cleanup contractors and local sources of cleanup equipment and materials available to the terminal facility.

(2) All terminal facility discharge contingency plans must be revised within 30 days of any significant change affecting the discharge response preparedness or capabilities of the facility. The plan shall be made available for inspection by the department upon request.

(3) The terminal facility owner or operator shall provide for the annual spill response training of all terminal facility personnel who are identified in the discharge contingency plan by name, title or position as having duties or responsibilities for response in the event of a discharge. In addition, the owner or operator shall insure that all such terminal facility discharge response personnel are required to review the facility's discharge contingency plan on an annual basis or when significant changes or revisions have been made to the plan. Records of the required training and review shall be kept at the facility and made available for inspection upon request by the department.

Rulemaking Authority 376.07 FS. Law Implemented 376.07 FS. History--New 8-27-92, Formerly 16N-16.033, Amended 4-12-95, Formerly 62N-16.033, Amended 1-9-14.

62S-6.034 Additional Equipment to Cleanup a 10,000 Gallon Pollutant Discharge.

(1) The additional cleanup equipment to be available to a terminal facility as required under Section 376.065(3), F.S., shall be as follows:

(a) Twenty-five hundred feet of sorbent boom.

(b) Two each 2000 gallon per hour mechanical removal or skimming devices and two each 2000 gallon capacity holding or storage devices and a minimum of 200 feet of suction hose.

(c) A sufficient quantity of sorbents based on their rated sorption capacity for 1000 gallons of pollutants.

(d) One thousand each heavy duty 30 gallon or larger garbage bags or the equivalent, for containment of soiled sorbents.

(e) Three boats (16 feet or larger), each with a minimum of a 25 horsepower engine suitable for deploying and retrieving boom and transporting discharge clean up equipment.

(f) Hand tools – 10 each yard rakes, 10 each square point shovels, 10 each round pointed shovels and 3 each wheelbarrows.

(g) Two each portable gasoline powered blowers (yard type).

(h) Two each portable trash pumps with at least 100 feet of discharge hose and 50 feet of suction hose with a nozzle. Pumps shall have a lift capacity of 25 feet and discharge capacity of 50 psi.

(i) Ten each portable two-way communication radios or cellular telephones.

(j) One thousand feet of ½" line or rope.

(k) Nautical charts of the terminal facility site.

(l) Fifty sets of protective clothing.

(m) Twenty-five pairs of protective footwear.

(2) A terminal facility shall not be required to provide for permanent or sorbent boom in response to a discharge of chlorine, ammonia or pesticides in a form which cannot be contained by such booming equipment.

(3) A terminal facility may request a waiver or substitution for any specific equipment required by this section. The department shall grant the waiver or substitution provided the item is not required due to specific environmental or operational features or characteristics at the terminal facility and that the waiver or substitution will not be detrimental to the discharge cleanup capabilities of the facility.

Rulemaking Authority 376.07 FS. Law Implemented 376.065 FS. History—New 8-27-92, Formerly 16N-16.034, 62N-16.034, Amended 1-9-14.

Terminal Facility Discharge Contingency Plan

Facilities greater than 10,000 gallons with Bunkering

A terminal facility is required to submit information to the Department in order to obtain a Discharge Prevention and Response Certificate (DPRC) under Section 376.065 F. S. A terminal facility contingency plan is defined in Chapter 62S-6.033 F.A.C. The information provided below should fulfill the requirements of these regulations for facilities with more than 10,000 gallons of pollutants on site.

I. FACILITY INFORMATION

Facility Name: _____

Facility Address: _____

City, State, Zip _____

Latitude / Longitude _____

Facility Phone Number: _____ **Storage Tank Facility ID:** _____

Radio Frequencies Used: _____

Hours of Operation: _____

Pollutant Storage Capacity:

# of Tanks or Vessels	Pollutant Type	Diesel (gallons)	Heavy Oil (gallons)	Lube Oil (gallons)	Waste Oil (gallons)	Other (gallons)	All Pollutants Total Gallons
	Aboveground tanks						
	Underground tanks						
	Non-DEP regulated tanks						
	Vessel - Bunkering						
	Vessel - Receiving						
TOTAL CAPACITY							

Types of bunkering:	Description	License # / DOC#	Capacity (gallons)	Pollutant Type
☐ Vehicle ☐ Vessel				
☐ Vehicle ☐ Vessel				
☐ Vehicle ☐ Vessel				
☐ Vehicle ☐ Vessel				
☐ Vehicle ☐ Vessel				

Description of Docks/Wharves: _____

# of Slips	# of Docks or Piers	Square Footage

Largest Vessel Information:

Length (feet)	Width (feet)	Fuel Capacity (gallons)

Hydrography:

Tides (<i>height & frequency</i>)	
Currents (<i>speed & direction</i>)	
Water Depths (<i>range</i>)	
Shorelines	
Adjacent Structures	

Seasonal Weather:	Winter	Spring	Summer	Fall
Wind Directions & Speeds				
Air Temperatures				
Water Temperatures				
Potential Visibility Problem				

II. ORGANIZATION

OWNER

Name:			
Address:			
Phone Number:		Email:	

OPERATOR

Name:			
Address:			
Phone Number:		Email:	

FACILITY MANAGER

Name:			
Address:			
Phone Number:		Email:	

OTHER CONTACT IN CHARGE

Name:			
Address:			
Phone Number:		Email:	

SPILL RESPONSE OFFICER

Name:		Title:	
Duties:			
Training:			

DISCHARGE RESPONSE TEAM

Name	Position	Date Training Received or Reviewed

III. NOTIFICATION

Describe procedure for discharge notification: _____

Notification Schedule: (Facility Management, Cleanup Contractors, Local/State/Federal Emergency Response)

Name	Position	Phone Number
1.		
2.		
3.		
4.		

	Phone Number	Radio Frequency	Other
U.S. Coast Guard - National Response Center	800-424-8802		https://www.epa.gov/emergency-response/national-response-center
DEP State Watch Office	800-320-0519		https://www.floridadisaster.org/dem/response/operations/
Local Emergency Response			

IV. RESPONSE TO A DISCHARGE

Containment/ Cleanup Equipment

Equipment

Location

(requires a boom of no less than 5 times the length of your longest vessel)

Directions for Boom Deployment (within 1 hour of discovery of discharge): _____

Do you have an Agreement or Contract for Discharge Response and/or Removal? ☐ Yes ☐ No

Contractor
 Contact Name: _____ Phone Number: _____

Local Cleanup Contractors or Equipment Sources:

Name	Phone Number

VII. DISCHARGE MITIGATION

DRAWING:

Provide piping and tank diagrams showing the locations of valves, vents and lines necessary to determine the source and cause of a discharge. Use another sheet of paper if needed.

DESCRIBE: the measures taken to **Stop**, **Control**, **Mitigate** and **Contain** the discharged pollutant.

VIII. PROTECTION OF SENSITIVE OR CRITICAL LOCATIONS

IDENTIFY: the nearby sensitive or critical locations that may be impacted by a potential discharge, such as marshes, marinas, power plants, parks.

Location	Contact Person	Phone Number	Distance from Facility

IX. RECOVERY AND DISPOSAL

Available Spill Recovery Equipment:

Deployment Locations:

Staging/Temporary Storage Area for Recovered Pollutants:

Potential Waste Disposal Facilities or Sites for Permanent Waste Disposal of Recovered Pollutants:

Location	Phone Number
1.	
2.	
3.	
4.	
5.	

Terminal Facility Discharge Contingency Plan

Facilities Less than 10,000 gallons

A terminal facility can submit information to the Department in order to obtain a Discharge Prevention and Response Certificate (DPRC) under Section 376.065 F. S. A terminal facility contingency plan is defined in Chapter 62S-6.033 F.A.C. The information provided below should fulfill the requirements for facilities with less than 10,000 gallons of pollutants on site.

I. FACILITY INFORMATION

Facility Name: _____

Facility Address: _____

City, State, Zip: _____

Facility Phone Number: _____ **Facility ID:** _____

Radio Frequencies Used: _____

Hours of Operation: _____

Pollutant Storage Capacity:

# of Tanks	Pollutant Type	Diesel (gallons)	Heavy Oil (gallons)	Lube Oil (gallons)	Waste Oil (gallons)	Other (gallons)	All Pollutants Total Gallons
	Aboveground tanks						
	Underground tanks						
	Non-DEP regulated tanks						
	TOTAL CAPACITY						

Types of Transfers: _____

Description of Docks/Wharves: _____

# of Slips	# of Docks or Piers	Square Footage

Largest Vessel Information:

Length (feet)	Width (feet)	Fuel Capacity (gallons)

II. ORGANIZATION

OWNER

Name:			
Address:			
Phone Number:		Email:	

OPERATOR

Name:			
Address:			
Phone Number:		Email:	

FACILITY MANAGER			
Name:			
Address:			
Phone Number:		Email:	

OTHER CONTACT IN CHARGE			
Name:			
Address:			
Phone Number:		Email:	

III. NOTIFICATION			
	Phone Number	Radio Frequency	Other
U.S. Coast Guard - National Response Center	800-424-8802		http://www.nrc.uscg.mil/
State Watch Office (FDEP)	800-320-0519		850-413-9911
Local Emergency Response			

IV. RESPONSE TO A DISCHARGE		
Containment / Cleanup Equipment <i>(requires a boom of no less than 5 times the length of your longest vessel)</i>	Equipment	Location

Directions for Boom Deployment (within 1 hour of discovery of discharge): _____ _____ _____ _____

Local Cleanup Contractors or Equipment Sources:

Name	Phone Number

Oil Spill Containment and Contingency Plan

Bay Vue Marina
Bay County, Florida

February 2009



Ecological Resource
Consultants, Inc.

RECEIVED

MAR 16 2009

NORTHWEST FLORIDA
DEP

Oil Spill Containment and Contingency Plan

**Project: Bay Vue Marina
ERC #08-160**

Prepared for:
Mr. Jack Fiorella
3800 Corporate Woods Drive
Birmingham, Alabama 35242

Prepared by:
Ecological Resource Consultants, Inc.
Corporate Office
120 Beckrich Road, Suite 140
Panama City Beach, FL 32407

Tallahassee
410 E. 6th Ave.
Tallahassee, FL 32303
tel 850-224-0041
fax 850-224-0017

Panama City Beach
120 Beckrich Road, Suite 140
Panama City Beach, FL 32407
tel 850-230-1882
fax 850-230-1883

TABLE OF CONTENTS

1.0	Site Information	2
2.0	Description of Fueling Facilities and General Operating Policies	2
3.0	Response Procedures	2
3.1	Information Requirements.....	4
3.1.1	Location of Spill.....	4
3.1.2	Type of Pollutant Spilled	4
3.1.3	Source of Spill	4
3.1.4	Quantity of Spill	4
3.1.5	Actions Taken	4
3.1.6	Witnesses.....	4
4.0	Available Clean-Up Equipment and Materials.....	5
5.0	Oil Spill Contingency Plan Response Notice.....	5
6.0	Oil Spill Incident Log Sheet	5
7.0	General	5
8.0	Penalty.....	6
	FIGURE 1: Location Map	7
	FIGURE 2: Marina Facility Site Map	8
	EXHIBIT A: Oil Spill Contingency Plan Response Notice	9
	EXHIBIT B: Oil Spill Incident Log Sheet	10

1.0 Site Information

The project site is located in St. Andrew Bay adjacent to undeveloped uplands in Section 8, Township 4 South, Range 14 West, Bay County, Florida. The site can be accessed from Beach Drive at the intersection of Mercer Avenue. The marina is located between the Chevron Terminal and the Panama City Marina (See Figure 1 for a location map).

The developers propose to develop a marina to include 28 wet slips and upland boat storage. The proposed Bay Vue Marina is commercial and will be associated with commercial buildings located landward of the marina. Due to the proposed fueling facilities to be located at the marina, there is potential for fuel and/or oil spillage as a result of the number of boats expected to utilize the facilities. Therefore, the Florida Department of Environmental Protection's (FDEP) Clean Marina Program requires a site-specific Oil Spill Containment and Contingency Plan to be constructed. This Oil Spill Containment and Contingency Plan for the Bay Vue Marina was developed to fulfill this requirement.

2.0 Description of Fueling Facilities and General Operating Policies

The proposed fueling facility will be located on the terminal end of the floating boat launch piers, which are adjacent to the proposed boat launch platform. The pumps are located to be fully accessible to boaters utilizing the available boatslips and upland storage facility, as well as local boaters passing through St. Andrews Bay. An automatic shutoff and an emergency shutoff switch will be located at the fuel pumps. A Dockmaster will be onsite at all times and will personally supervise and control all fueling operations. As a matter of marina policy, enforced by the Dockmaster, all boat engines will be required to be shut down during the fueling process and blowers will be required to be turned on. The Dockmaster will supervise fueling operations and provide verbal instructions to all boaters dispensing fuel. The marina will establish a no smoking policy during fueling operations or at any time when in proximity to the fueling operation. Portable extinguishers will be conveniently located to service the fueling station and all areas of the marina in the event of fire. Upon completion of pumping and prior to any further transactions, the Dockmaster will shut the pump off and render it inaccessible to further pumping without staff supervision.

The location of the fueling facility is shown on Figure 2. All fueling equipment will comply with the Best Management Practices.

3.0 Response Procedures

The potential of a fuel spill or spill of petroleum products into the waters of St. Andrews Bay may include overtopping of fuel tanks of receiving vessels, fuel/oil line ruptures or leaks, bilge pumping, tank ruptures, or a sunken vessel.

In the event of a spill, the following procedures will be initiated immediately:

1. Stop all engines and electrical devices within the vicinity of the spill.
Secure all ignition sources.

2. In the event of spillage due to a known source, take the necessary action to terminate such source, *i.e.* shut off pumps, activate emergency shutdown of dockside fuel pumps, block flow, repair leak, etc.
3. Prepare hoses and nozzles for “misting” or application of light spray over the water surface and the waterline of berthed vessels.
4. In the event of a spill of flammable materials, notify the City of Panama City Fire Department of spill and fire potential. In the event that the spill is life threatening or potentially destructive to property call 911.

Panama City Fire Department: 850-872-3000

5. Initiate the appropriate containment procedures including deployment of sorbent materials and/or containment barriers to minimize the extent of the spill and damage to the environment. Every effort must be made to contain the spillage within the confines of the marina basin.

The Bay Vue Marina may contract with a spill management service to provide clean-up services in the event of a spill. If so, the selected firm will be notified immediately by marina personnel.

6. Notify Corporate designee:

Dockmaster: 850-XXX-XXX

Bay Vue Marina: 850-XXX-XXX

7. Notify the **United States Coast Guard Marine Safety Detachment in Panama City, Florida: 850-233-0366**
Note: Notification of the United States Coast Guard is required by Federal Law (33 USC 466, 18 CFR, Part 610). Failure to do so is a criminal offense with conviction carrying a mandatory \$10,000 fine and a mandatory prison sentence of one year.
8. Notify the **Florida Marine Patrol: 850-233-5150**
Note: Agency facility or vessel that suffers a pollutant discharge shall within one hour of discovery of the discharge, notify the Florida Marine Patrol or the United States Coast Guard. (Florida Administrative Code 16N-16 022)
9. Notify the **Bay County Health Department: 850-872-4455**
10. Notify these constituents within one hour, if necessary:

U.S. Coast Guard National Response Center: 800-424-8802

State Warning Point 24 Hour: 800-320-0519

**Florida Fish & Wildlife Commission: 800-342-5367, *367 (mobile),
VHF – Channel 16**

3.1 Information Requirements

The following information should be reported as part of the notification process to the entities listed in Section 3.0, Response Procedures,

3.1.1 Location of the Spill

The Bay Vue Marina will be located on the north shore of St. Andrews Bay, north of the channel entrance. The facility is located south of Panama City, Florida at Latitude 30° 9' 21"N and Longitude 85° 39' 54"W, Section 8, Township 4 South, Range 14 West, Bay County, Florida. It is adjacent to the intersection of Beach Drive and Mercer Avenue. The marina is located between the Chevron Terminal and the Panama City Marina (see Figure 1).

3.1.2 Type of Pollutant Spilled

The type of petroleum products potentially subject to spillage may include gasoline, diesel fuel, bilge oil, crankcase oil, and hydraulic fluid.

3.1.3 Source of Spill

The source of the spill may include fuel pumps, ruptured or leaking lines or hoses, leaking storage tanks, sunken vessels, bilge pumps, or overtopping of boating vessels. The name or registration number of the vessel responsible for the discharge shall be recorded.

3.1.4 Quantity of Spill

Estimates of the quantity of material in the water as well as an estimate of the continuing rate of discharge should be provided. The total amount which may ultimately be released should also be estimated. Description of small quantity spillage may be reported as "light" (sheen on water with rainbow colors), "moderate" (silver sheen on water not exhibiting conspicuous rainbow colors), or "heavy" (observable accumulation of product in the water).

3.1.5 Actions Taken

Actions taken may include notifications, deployment of adsorbents or containment booms, mobilization of clean-up contractor, termination of source of discharge, etc.

3.1.6 Witnesses

The names and telephone numbers of any witnesses which may be able to provide information on the circumstances surrounding the spill may be helpful.

4.0 Available Clean-Up Equipment and Materials

The Bay Vue Marina will provide trained personnel and fire fighting equipment, an oil spill containment boom and hydrocarbon absorbent pads on the premises to respond to spills. The fire fighting equipment, including wall-mounted, high pressure fire hoses and wall-mounted ABC extinguishers will be located at the fueling facility and at several other accessible locations on-site. A 360 foot oil spill containment boom and 1000 hydrocarbon absorbent pads will be stored in an easily accessible container near the fueling dock. The length of containment boom represents a factor of five times the length of the largest vessel expected to utilize the facility and the quantity of adsorbent pads represents the largest potential spill expected within the marina facility. Fire equipment and spill containment equipment shall be inspected once a month and replaced every 5 years, or as necessary.

5.0 Oil Spill Contingency Plan Response Notice

An Oil Spill Contingency Plan Response Notice is a brief set of instructions to be followed in the event of a spill. The Response Notice is conspicuously located and accessible by all persons utilizing the marine facilities. Response Notices will be provided to all tenants and distributed to all shoreside retail and professional business operators. A copy of the Oil Spill Contingency Plan Response Notice is included as Exhibit A.

6.0 Oil Spill Incident Log Sheet

The Oil Spill Incident Log Sheet must be completed as soon as possible after reporting a spill and taking the necessary actions to contain the spill and minimize environmental damage. A copy of the Oil Spill Incident Log Sheet is provided as Exhibit B. It is the responsibility of the Dockmaster or his assistant to report and log the time of the spill and the time that the U.S. Coast Guard was notified of the spill.

7.0 General

All marina personnel must familiarize themselves with all procedures outlined herein to allow for an efficient and effective response to any spill. In addition, all marina personnel must have a clear understanding of the following:

- ☐ The inventory, location, and operation of all fire fighting equipment.
- ☐ The location of all circuit breakers and emergency cut-off switches.
- ☐ The location and routing of the fuel distribution lines.
- ☐ The inventory, location, and operation of all spill containment equipment and adsorption materials.

This Oil Spill Containment and Contingency Plan and its components shall be reviewed annually by marina personnel and updated to include any new technology or equipment according to Best Management Practices.

8.0 Penalty

It is a criminal offense by United States law for the person operating a fueling facility to fail to report a spill of petroleum products into the waters of the United States. Conviction carries a mandatory fine related to the extent of damage, the cost of cleanup, and the effectiveness of the control measures taken by the operator and his employees in obviating damage in the environment. The mandatory fine for conviction for spilling oil may be as low as \$1.00 if the operator's contingency plan and responsive actions are effective in mitigating environmental damage.

FIGURE 1:
LOCATION MAP

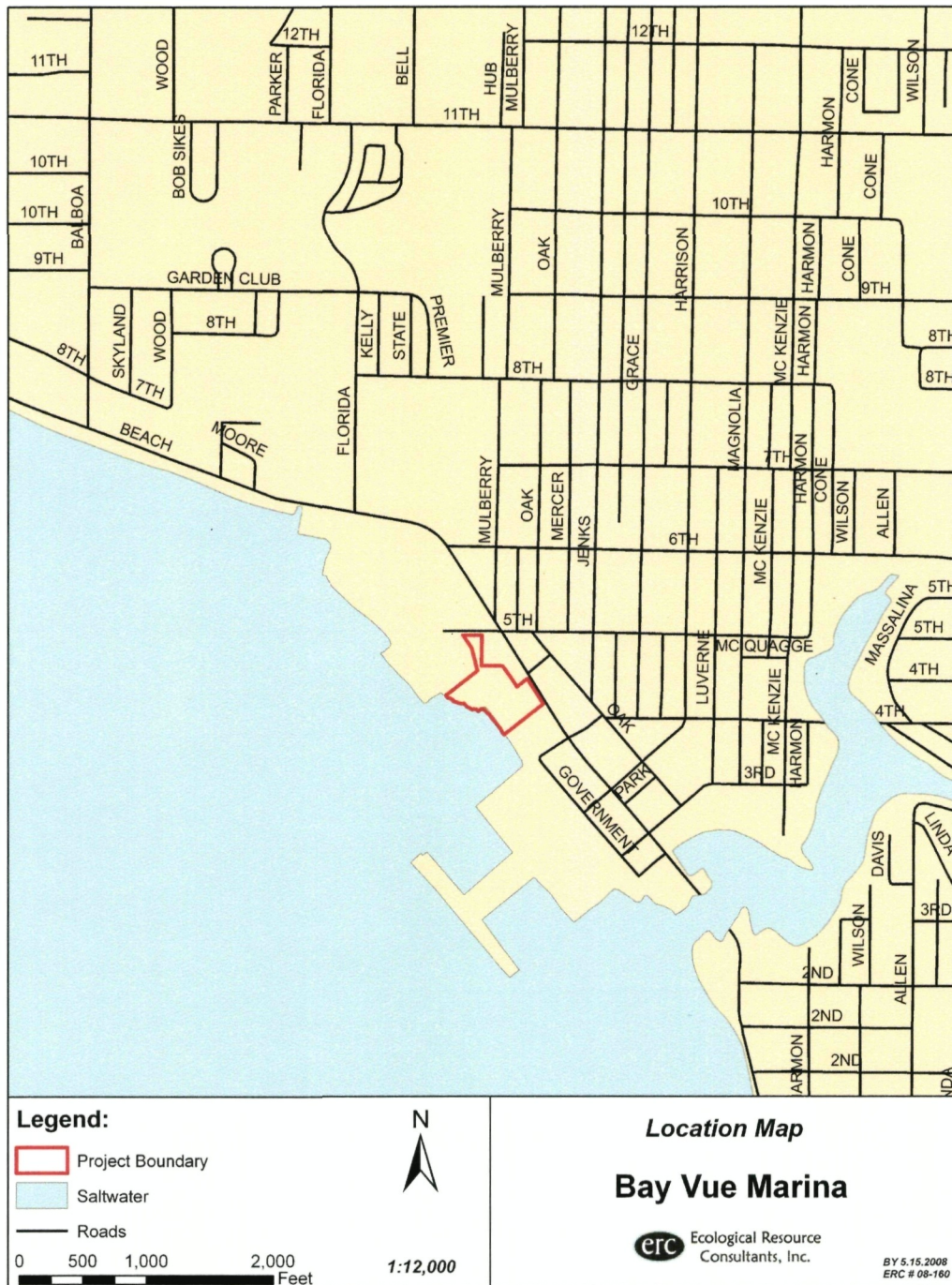
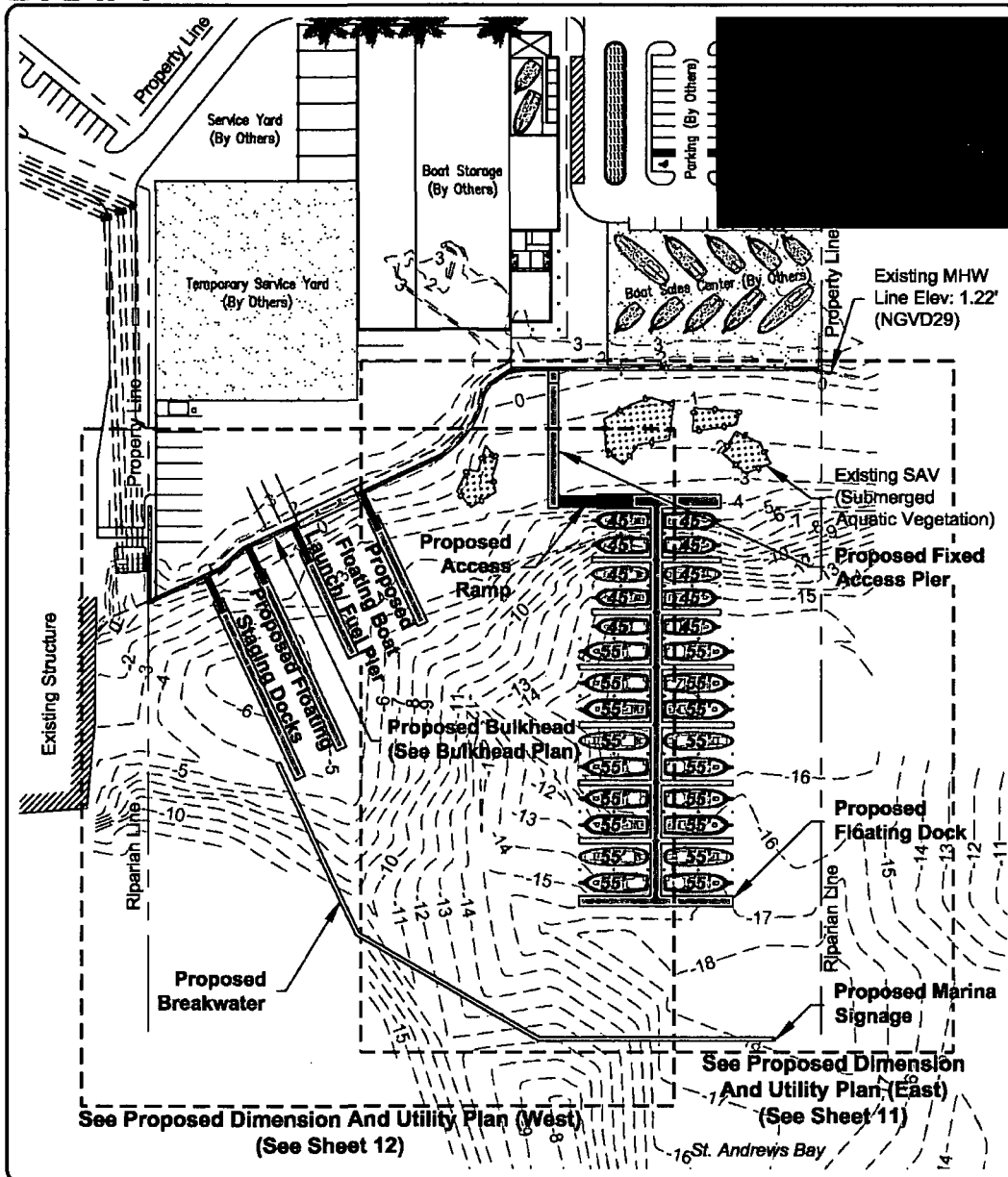


FIGURE 2:
MARINA FACILITY SITE MAP

DRAFT

THESE DRAWINGS ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.



mrd
mrd associates, inc.
Civil, Marine & Water Resources Engineering
543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.854.1556 (voice) • 850.854.0550 (fax)
www.mrd-associates.com

PROPOSED SITE PLAN WITH INDEX KEY
Beach Drive Development, LLC

Beach Drive Development, LLC
3800 Corporate Drive, Birmingham, AL 35242

Michael R. Dombrowski, P.E.
Florida P.E. Number 65268
Date: July 18, 2008
Sheet Rev Date:
PROJECT NUMBER
07-305
SHEET NUMBER
3

S:\Projects\07-305 Bay Vue\Drawings\Permit\2008-07-18 Permit Set 07-305.dwg

DRAFT

EXHIBIT A:**OIL SPILL CONTINGENCY PLAN
RESPONSE NOTICE**

IN THE EVENT OF ANY SPILL OF PETROLEUM PRODUCTS INTO THE WATERS OF THIS MARINA, THE FOLLOWING ACTIONS MUST BE IMMEDIATELY TAKEN.

1. SHUT OFF FUEL EMERGENCY CIRCUIT BREAKERS LOCATED NEAR FUEL PUMPS AND/OR DOCKMASTER STATION.
2. SECURE ALL IGNITION SOURCES AND ELECTRICAL DEVICES IN THE VICINITY OF THE FUEL SPILL.
3. TURN OFF FUEL VALVES LOCATED AT THE FUEL PUMP AND/OR DOCKMASTER STATION.
4. NOTIFY THE **CITY OF PANAMA CITY FIRE DEPARTMENT: 850-872-3000**. IN THE EVENT THAT SPILL IS LIFE THREATENING OR POTENTIALLY DESTRUCTIVE TO PROPERTY, CALL 911.
5. IF POSSIBLE, TERMINATE THE SOURCE OF THE SPILL AND IMPLEMENT CONTAINMENT PROCEDURES.
6. CALL THE **U.S. COAST GUARD MARINE SAFETY DETACHMENT IN PANAMA CITY, FLORIDA: 850-233-0366**.

BE PREPARED TO GIVE THE FOLLOWING INFORMATION

A. LOCATION:

- ☐ THIS IS BAY VUE MARINA IN BAY COUNTY, FLORIDA.
- ☐ WE ARE LOCATED ON THE NORTH SHORE OF ST. ANDREWS BAY, DIRECTLY NORTH OF THE BAY CHANNEL PASS. THE SITE IS LOCATED AT THE INTERSECTION OF BEACH DRIVE AND MERCER AVENUE. THE MARINA IS LOCATED BETWEEN THE CHEVRON TERMINAL AND THE PANAMA CITY MARINA.
- ☐ LATITUDE 30° 9' 21"N, LONGITUDE 85° 39' 54"W
- ☐ SECTION 8, TOWNSHIP 4 SOUTH, RANGE 14 WEST

**EXHIBIT B:
OIL SPILL INCIDENT
LOG SHEET**

Date			Time	
Spill Location				
Vessel(s) Involved				
Advised By				
Wind			Dock Level	
Spill Drift Direction & Estimated Recovery Area				
Health & Safety Issues	Has source of spill been isolated?	YES	NO	
	Are any odors detectable from spill?	YES	NO	
	Are flammability checks required?	YES	NO	
Type of Spill	Diesel Fuel ___ Gasoline ___ Oil ___			
Approximate Amount of Spill	Gallons _____			
Area Affected	Length _____ ft x Width _____ ft			
	= _____ ft ²			
Physical Appearance	1. Rows Small Patches Large Patches Continuous Slick			
	2. Light (rainbow colored sheen) Moderate (silver colored sheen) Heavy (observable quantities visible)			
Other Considerations	Verification of spill by marina staff?			☐
	Is there a hazard to navigation?			☐
	Should an exclusion zone be established?			☐
	Weather forecast known?			☐
	Do any vessels in vicinity require notification?			☐
Notifications	Panama City Fire Department:		Time: _____	
	Contracted Spill Management Service:		Time: _____	
	U.S. Coast Guard Marine Safety:		Time: _____	
	Florida Marine Patrol:		Time: _____	
	Bay County Health Department:		Time: _____	
	Within 1 hour:			
	U.S. Coast Guard National Response Center		Time: _____	
Dockmaster on Duty	State Warning Point 24 Hour		Time: _____	
	Florida Fish & Wildlife Commission		Time: _____	

Oil Spill Containment and Contingency Plan

Bridge Harbor Commercial Marina Bay County, Florida

September 2009



Prepared by

*Ecological Resource Consultants, Inc.
100 Amar Place
Panama City Beach, FL 32413*



Ecological Resource
Consultants, Inc.

TABLE OF CONTENTS

1.0	Site Information.....	2
2.0	Description of Fueling Facilities and General Operating Policies	2
3.0	Response Procedures	3
3.1	Information Requirements	4
3.1.1	Location of Spill.....	4
3.1.2	Type of Pollutant Spilled.....	4
3.1.3	Source of Spill	4
3.1.4	Quantity of Spill	5
3.1.5	Actions Taken	5
3.1.6	Witnesses.....	5
4.0	Available Clean-Up Equipment and Materials	5
5.0	Oil Spill Contingency Plan Response Notice.....	5
6.0	Oil Spill Incident Log Sheet	6
7.0	General	6
8.0	Penalty	6
	FIGURE 1: Location Map	7
	FIGURE 2: Marina Facility Site Map.....	9
	EXHIBIT A: Oil Spill Contingency Plan Response Notice	11
	EXHIBIT B: Oil Spill Incident Log Sheet.....	13

1.0 Site Information

The Bridge Harbor Commercial Marina is located adjacent on Callaway Bayou in Section 20, Township 4 South, Range 13 West, City of Callaway, Bay County, Florida. It is situated south of the intersection of Boatrace Road and Berthe Avenue (Figure 1).

The proposed marina includes 194 wet slips of which 141 will be constructed on floating structures and the remaining 47 slips will be on fixed piers. The marina is associated with an upland commercial parcel owned by HCI Marina, LLC. No live-aboards will be permitted within the marina. Due to the proposed fueling facilities to be located at the marina, there is potential for fuel and/or oil spillage as a result of the number of boats expected to utilize the facilities. Therefore, the Florida Department of Environmental Protection's (FDEP) requires a site-specific Oil Spill Containment and Contingency Plan to be constructed. This Oil Spill Containment and Contingency Plan for the Bridge Harbor Commercial Marina was developed to fulfill this requirement.

2.0 Description of Fueling Facilities and General Operating Policies

The proposed fueling facility will be located on the terminal end of the northernmost mooring platform on the east side of the peninsula separating Callaway Bayou from the internal basin (Osprey Inlet). The pumps are located to be fully accessible to boaters utilizing the available boatslips as well as local boaters passing by the mouth of Callaway Bayou. An automatic shutoff and an emergency shutoff switch will be located at the fuel pumps. Once the commercial marina is constructed and under operation, a dock master will be onsite at all times and will personally supervise and control all pumping and other fueling operations. As a matter of marina policy, enforced by the dock master, all boat engines will be required to shut down during the fueling process and blowers will be required to be turned on. The dock master will control these operations by personal supervision and by providing verbal instructions to all boaters dispensing fuel. The marina will establish an absolute no smoking policy during fueling operations or at any time when in proximity to the fueling operation. Portable extinguishers will be conveniently located to service the fueling station and all areas of the marina in the event of fire. Upon completion of pumping and prior to any further transactions, the dock master will shut the pump off and render it inaccessible to further pumping without staff supervision.

The location of the fueling facility is shown on Figure 2. All fueling equipment will be compliant with the Clean Marina Best Management Practices.

3.0 Response Procedures

The potential of a fuel spill or spill of petroleum product into the waters of Callaway Bayou include overtopping fuel tanks of receiving vessels, fuel/oil line ruptures or leaks, bilge pumping, tank ruptures, or a sunken vessel.

In the event of a spill, the following procedures will be initiated immediately:

1. Stop all engines and electrical devices within the vicinity of the spill. Secure all ignition sources.
2. In the event of spillage due to a known source, take the necessary action to terminate such source, *i.e.* shut off pumps, activate emergency shutdown of dockside fuel pumps, block flow, repair leak, *etc.*
3. Prepare hoses and nozzles for “misting” or application of light spray over the water surface and the waterline of berthed vessels.
4. In the event of a spill of flammable materials, notify the City of Callaway Fire Department of spill and fire potential: **850-871-0666**

In the event that the spill is life threatening or potentially destructive to property call 911.

5. Initiate the appropriate containment procedures including deployment of sorbent materials and/or containment barriers to minimize the extent of the spill and damage to the environment. Every effort must be made to contain the spillage within the confines of the marina basin.

The Bridge Harbor Commercial Marina may contract with a spill management service to provide clean-up services in the event of a spill. If so, the selected firm will be notified immediately by marina personnel.

6. Notify Corporate designee:

HCI Marina, LLC:

913-481-5279

7. Notify the United States Coast Guard Marine Safety Office in Panama City, Florida: **850-233-0366**

Note: Notification of the United States Coast Guard is required by Federal Law (33 USC 466, 18 CFR, Part 610). Failure to do so is a criminal offense with conviction carrying a mandatory \$10,000 fine and a mandatory prison sentence of one year.

8. Notify the Florida Marine Patrol: **850-233-5150**
Note: Agency facility or vessel that suffers a pollutant discharge shall within one hour of discovery of the discharge, notify the Florida Marine Patrol or the United States Coast Guard. (Florida Administrative Code 16N-16 022)
9. Notify the Bay County Health Department: **850-872-4455**
10. Notify these constituents within one hour, if necessary:
U.S. Coast Guard National Response Center: **800-424-8802**
State Warning Point 24 Hour **800-320-0519**
Florida Fish & Wildlife Commission: **800-342-5367**
***367 (mobile)**
VHF – Channel 16

3.1 Information Requirements

In providing notification to the above-called entities, the information outlined below should be reported, if available.

3.1.1 Location of Spill

The Bridge Harbor Commercial Marina will be located on the northwestern shoreline of the mouth of Callaway Bayou, approximately east of the Bailey Bridge. The facility is located at Latitude 30°7'36"N and Longitude 85°33'50"W, Section 20, Township 4 South, Range 13 West, Bay County, Florida. It is southeast of the intersection of Boatrace Road and Berthe Avenue in the City of Callaway (Figure 1).

3.1.2 Type of Pollutant Spilled

The type of petroleum products potentially subject to spillage may include gasoline, diesel fuel, bilge oil, crankcase oil, or hydraulic fluid.

3.1.3 Source of Spill

The source of the spill may include fuel pumps, ruptured or leaking lines or hoses, leaking storage tanks, sunken vessel, bilge pumping, overtopping, or upland storm drain. The name or registration number of the vessel responsible for the discharge shall be recorded.

3.1.4 Quantity of Spill

Estimates of the quantity of material presently in the water as well as an estimate of the continuing rate of discharge should be provided. The total amount which may ultimately be released should also be estimated. Description of small quantity spillage may be reported as “light” (sheen on water with rainbow colors), “moderate” (silver sheen on water not exhibiting conspicuous rainbow colors), or “heavy” (observable accumulation of product within water).

3.1.5 Actions Taken

Actions taken may include notifications, deployment of adsorbents or containment booms, mobilization of clean-up contractor, termination of source of discharge, *etc.*

3.1.6 Witnesses

The names and telephone numbers of any witnesses which may be able to provide information on the circumstances surrounding the spill may be helpful.

4.0 Available Clean-Up Equipment and Materials

The Bridge Harbor Commercial Marina will provide trained personnel and material on-site to respond to certain types of spills. Fire fighting equipment, including pole-mounted, high pressure fire hoses, and wall-mounted ABC extinguishers, will be located at the fueling facility and at several other convenient locations on-site. The marina will stock on the premises 360 feet of oil sorbent hydrocarbon containment boom, and 1000 hydrocarbon sorbent pads for immediate deployment. The spill containment equipment will be stored in an easily accessible container near the fueling dock. The length of containment boom represents a factor of five times the length of the largest vessel expected to utilize the facility, and the amount of adsorbent pads represents the largest potential spill expected within the marina facility. Fire equipment and spill containment equipment shall be inspected once a month and replaced every 5 years, or as necessary, depending on the circumstances.

5.0 Oil Spill Contingency Plan Response Notice

An Oil Spill Contingency Plan Response Notice is a brief set of instructions to be taken in the event of a spill. The Response Notice is conspicuously located and accessible by all persons utilizing the marine facilities. Response Notices are

provided to all tenants and distributed to all shoreside retail and professional business operators. A copy of the Oil Spill Contingency Plan Response Notice is presented herein as Exhibit A.

6.0 Oil Spill Incident Log Sheet

The Oil Spill Incident Log Sheet must be completed as soon as possible after reporting the spill and taking the necessary actions to contain the spill and minimize environmental damage. A copy of the Oil Spill Incident Log Sheet is provided herein Exhibit B. It is the responsibility of the dock master or their assistant to report and log the time of the spill and log the time that the U.S. Coast Guard was notified of the spill.

7.0 General

All marina personnel must familiarize themselves with all procedures outlined herein to allow an efficient and effective response to any spill. In addition, all marina personnel must have a clear understanding of the following:

- The inventory, location, and operation of all fire fighting equipment and materials.
- Location of all circuit breakers and emergency cut-off switches.
- Location and routing of the fuel distribution lines.
- The inventory, location, and operation of all spill containment and adsorption materials and equipment.

This Oil Spill Containment and Contingency Plan and its components shall be annually reviewed by marina personnel and updated for any new technology or equipment to maintain the marina's status within the FDEP's Clean Marina Program.

8.0 Penalty

It is a criminal offense by United States law for the person operating a fueling facility to not report a spill of petroleum products into the waters of the United States. Conviction carries a mandatory fine related to the extent of damage, the cost of cleanup, and the effectiveness of the control measures taken by the operator and his employees in obviating damage in the environment. The mandatory fine for conviction for spilling oil may be as low as \$1.00 if the operator's contingency plan and responsive actions are effective in mitigating environmental damage.

FIGURE 1:
LOCATION MAP



FIGURE 2:

MARINA FACILITY SITE MAP

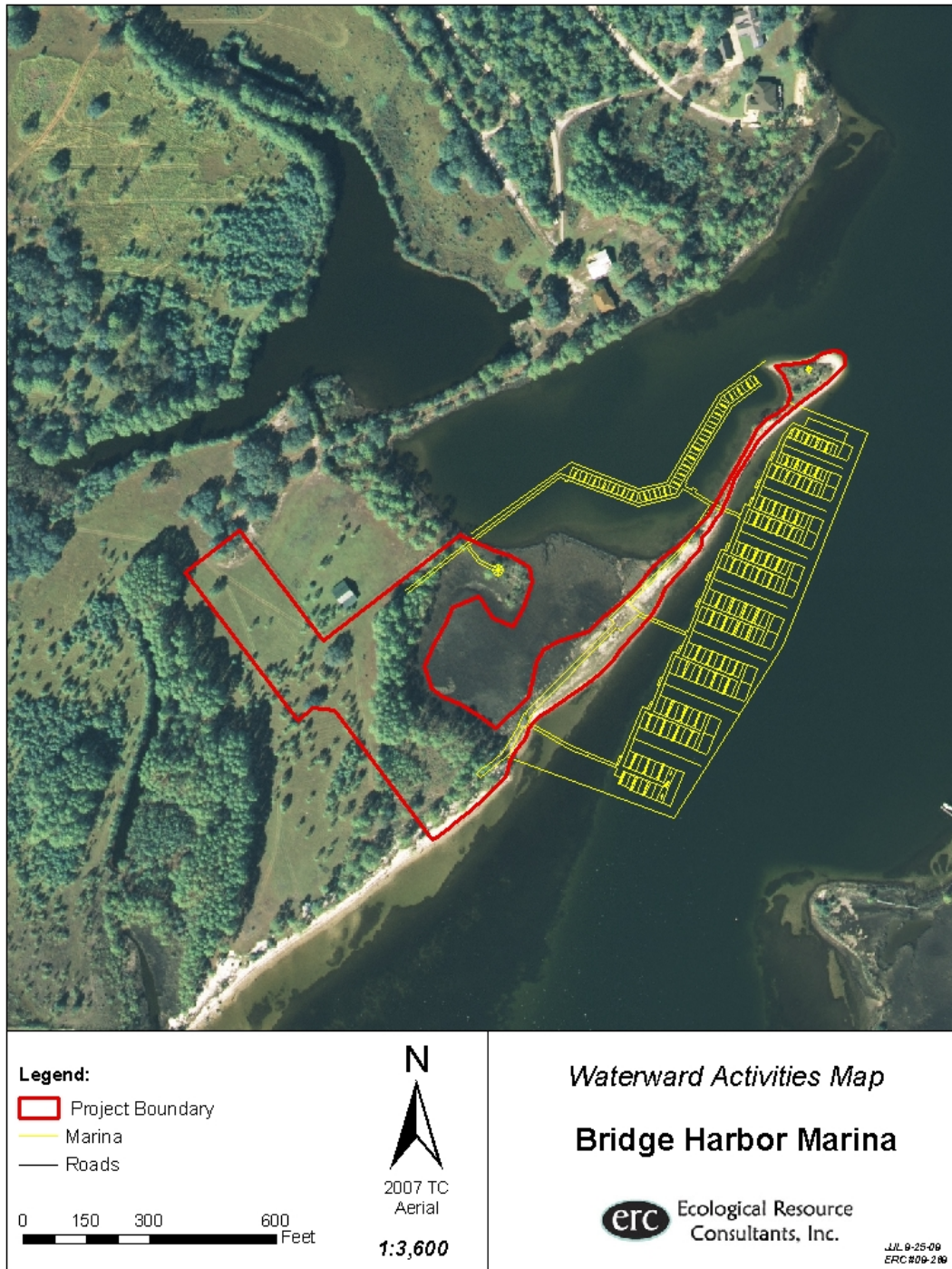


EXHIBIT A:
OIL SPILL CONTINGENCY PLAN
RESPONSE NOTICE

OIL SPILL CONTINGENCY PLAN RESPONSE NOTICE

IN THE EVENT OF ANY SPILL OF PETROLEUM PRODUCTS INTO THE WATERS OF THIS MARINA, THE FOLLOWING ACTIONS MUST BE IMMEDIATELY TAKEN.

1. SHUT OFF FUEL EMERGENCY CIRCUIT BREAKERS LOCATED NEAR FUEL PUMPS AND/OR DOCKMASTER STATION.
2. SECURE ALL IGNITION SOURCES AND ELECTRICAL DEVICES IN THE VICINITY OF THE FUEL SPILL.
3. TURN OFF FUEL VALVES LOCATED AT THE FUEL PUMP AND/OR DOCKMASTER STATION.
4. NOTIFY THE CITY OF CALLAWAY FIRE DEPARTMENT: 850-871-0666. IN THE EVENT THAT SPILL IS LIFE THREATENING OR POTENTIALLY DESTRUCTIVE TO PROPERTY, CALL 911.
5. IF POSSIBLE, TERMINATE SOURCE OF SPILL AND IMPLEMENT CONTAINMENT PROCEDURES.
6. CALL THE U.S. COAST GUARD MARINE SAFETY OFFICE IN PANAMA CITY, FLORIDA: 850-233-0366.

BE PREPARED TO GIVE THE FOLLOWING INFORMATION

A. LOCATION:

- ☐ THIS IS BRIDGE HARBOR COMMERCIAL MARINA IN BAY COUNTY, FLORIDA.
- ☐ WE ARE LOCATED ON THE NORTHWEST SHORELINE AT THE MOUTH OF CALLAWAY BAYOU. THE ADDRESS IS: THE INTERSECTION OF BOATRACE ROAD AND BERTHE AVENUE.
- ☐ LATITUDE 30°7'36"N, LONGITUDE 85°33'50"W
- ☐ SECTION 20, TOWNSHIP 4 SOUTH, RANGE 13 WEST

EXHIBIT B: OIL SPILL INCIDENT LOG SHEET

Date		Time	
Spill Location			
Vessel(s) Involved			
Advised By			
Wind		Dock Level	
Spill Drift Direction & Estimated Recovery Area			
Health & Safety Issues	Has source of spill been isolated?	YES	NO
	Are any odors detectable from spill?	YES	NO
	Are flammability checks required?	YES	NO
Type of Spill	Diesel Fuel _____ Gasoline _____ Oil _____		
Approximate Amount of Spill	Gallons _____		
Area Affected	Length _____ ft x Width _____ ft		
	= _____ ft ²		
Physical Appearance	1. Rows Small Patches Large Patches Continuous Slick 2. Light (rainbow colored sheen) Moderate (silver colored sheen) Heavy (observable quantities visible)		
Other Considerations	Verification of spill by marina staff?		☐
	Is there a hazard to navigation?		☐
	Should an exclusion zone be established?		☐
	Weather forecast known?		☐
	Do any vessels in vicinity require notification?		☐
Notifications	Callaway Fire Department:		Time: _____
	Contracted Spill Management Service:		Time: _____
	U.S. Coast Guard Marine Safety:		Time: _____
	Florida Marine Patrol:		Time: _____
	Okaloosa County Health Department:		Time: _____
	Within 1 hour:		
	U.S. Coast Guard National Response Center		Time: _____
Dockmaster on Duty	State Warning Point 24 Hour		Time: _____
	Florida Fish & Wildlife Commission		Time: _____



Marina Management Plan Including Oil Spill Containment and Contingency Plan

Prepared for:

**Sandestin Marina
9300 Emerald Coast Parkway
Destin, FL 32550**

Prepared by:

**Emerald Coast Associates, Inc.
179 CR 393 South
Santa Rosa Beach, Florida 32459
ECA Job No. 12-073**

April 27, 2012

Revised September, 2013

TABLE OF CONTENTS

	Section
1.0	SITE INFORMATION
2.0	FUELING FACILITIES, PUMP OUT FACILITIES AND OPERATING POLICY
3.0	SPILL RESPONSE POLICY AND PROCEDURES
	3.1 Reporting Information
4.0	EQUIPMENT AND TRAINING
5.0	OIL SPILL CONTINGENCY PLAN RESPONSE NOTICE
6.0	OIL SPILL INCIDENT LOG SHEET
7.0	TRASH AND FISH CLEANING SYSTEMS
8.0	PENALTY

List of Figures

- Figure 1 Site and Marina Location Map
Figure 2 Marina Facility Site Map

List of Appendices

- Appendix A Oil Spill Contingency Plan Response Notice
Appendix B Oil Spill Incident Log Sheet

1.0 SITE INFORMATION

The Sandestin Marina is located within the Sandestin resort in Section 26, Township 2S, Range 21 W of Destin (Miramar Beach), Walton County, Florida. More specifically, the marina is located at Latitude 30.3878, Longitude 86.3278 to a central point within the marina. Figure 1 illustrated the location of the marina in relation to surrounding areas and streets.

The proposed marina expansion includes 131 new wet slips in addition to the existing 102 slips. No liveaboards will be allowed in the marina. The facility proposes to expand its existing 2 fueling dispenser areas to include a third dispenser area. Due to the fueling operations at the marina, there is a potential for fuel spills or discharges to waters of the State. This Oil Spill Containment and Contingency Plan was prepared to instruct marina personnel what to do in the event of a spill.

2.0 FUELING FACILITIES, PUMP OUT FACILITIES AND OPERATING POLICY

The two existing fueling facilities and one proposed dispenser are located as shown on Figure 2. Marina personnel only are permitted to fuel vessels; no vessel owners are allowed to transfer fuel. No fueling will be conducted until the vessel's engines have been shut off. The Dockmaster is responsible for conducting, training personnel, and/or overseeing all fueling operations at the marina. No smoking signs will be posted and enforced by the dockmaster in fueling areas. Portable fire extinguishers will be located at all fueling areas. All fueling equipment will comply with Clean Marina Best Management Practices.

Two sewage pump-out stations will be located at the marina, along the western docks, south of Pier-1. The locations of the pump-out stations are shown in Figure 2. The northern pump-out station is existing, and the southern station is proposed to be constructed. Both stations will utilize a vacuum removal system and a grinder pump that pumps the sewage under pressure into the municipal sanitary sewer system. The Dockmaster is responsible for performing the pump out operations, or training personnel on pump out procedures.

3.0 SPILL RESPONSE POLICY AND PROCEDURES (FOR GASOLINE, DIESEL OR LUBRICATING OILS)

The following occurrences constitute a spill of petroleum product and include but are not limited to:

- Overtopping fuel tanks during fueling
- Marina fuel/oil supply line leaks
- Vessel fuel tank ruptures
- Fuel discharge from bilge pumps
- Sunken vessels
- Fuel discharge from vent lines during fueling.

In the event of a fuel spill, the following actions are to be taken immediately:

- 1) Evaluate if the spill source is contained. If it is safe to shut off the fuel source (stop pump, have boat owner shut off bilge, activate emergency shutoff, etc.) proceed with stopping the source of the spill. Fuel shut off valves are located as shown in Figure 2.
- 2) Stop all ignition sources if the spill is flammable. If flammable, Call South Walton Fire Department: 267-1090. **If the spill is life threatening, call 911.**
- 3) Assess the approximate volume and extent of spill.
- 4) Deploy the appropriate containment procedures from the onsite spill kits located at each fueling area to contain the spill. This includes sorbent booms and pads, containment booms. It is important to contain the spill before attempting to clean it up.
- 5) Contact SWS (spill management contractor) to clean up the spill: **800-852-8878 or 850-563-0822.** Continue effort to contain/cleanup spill until SWS arrives onsite.
- 6) Notify the United States Coast Guard: Local (Destin): 850-244-7147 or 800-424-8802

Note: Notification of the United States Coast Guard is required by Federal Law (33 USC 466, 18 CFR, Part 610). Failure to do so is a criminal offense with conviction carrying a mandatory \$10,000 fine and a mandatory 1-year prison sentence.

- 7) Notify the Florida Fish and Wildlife Conservation Commission: 850-233-5150.

Note: A facility or vessel that experiences a spill must notify the Florida Fish and Wildlife Conservation Commission or US Coast Guard within 1 hour. (Florida Administrative Code 16N-16 022.

3.1 REPORTING INFORMATION

The following is important information that responders will need in order to provide prompt service in the event of a spill:

- 1) Location of Sandestin Marina: Latitude: N 30.3878 degrees (decimal degree system)
Longitude: W 86.3278 degrees (decimal degree system)
Section 26, Township 2 South, Range 21 West.
- 2) Type of pollutant spilled: The type of pollutants that can potentially be spilled at this location are diesel, unleaded gasoline, crankcase oil, or hydraulic oil.
- 3) Source of spill: Be prepared to state if the source is from fuel pumps, fuel transfer lines from storage tanks to fuel dispensers, vessel overflow, bilge discharge, sunken vessel. **If the discharge is from a vessel, record the registration number of the vessel.**
- 4) Quantity of Spill: Estimate the quantity of the spill. If the spill source is not contained, estimate the rate of spill discharge and time until discharge is stopped.
- 5) Classify spill by area and category: Estimate the area on top of the water of the spill. Then categorize the spill as
 - a) light – sheen (rainbow) on water
 - b) moderate – silver colored sheen on water without rainbow colors.
 - c) Heavy – observed depth of product on the water.
- 6) Action Taken: Log the information into the Oil Spill Incident Log Sheet in Appendix B of this report.
- 7) Witnesses: Take the names and telephone numbers of witnesses that may be able to offer information related to the cause of the spill, duration of spill, or other useful information.

4.0 EQUIPMENT AND TRAINING

The Dockmaster is responsible for training all marina personnel on the spill response program, where the spill response plan is kept, and procedures to be followed in the event of a spill. Employees shall receive training upon hire, with annual refresher training. The Sandestin Marina will maintain a total of 700 linear feet of oil sorbent containment boom and 1500 hydrocarbon sorbent pads within the three spill kits located within the marina. The amount of sorbent containment boom represents 5 times the length of the largest vessel that is expected to be fueled at the facility. The number of sorbent pads is sized to accommodate the largest estimated spill at the marina. Equipment shall be inspected once a month and replaced every 5 years.

5.0 OIL SPILL CONTINGENCY PLAN RESPONSE NOTICE

Appendix A includes a copy of the Oil Spill Contingency Plan Response Notice. All employees of the marina are to be given a copy of the Response Notice and educated on the proper procedures in the event of a spill. A copy of the Notice shall be posted in the Dockmaster's office.

6.0 OIL SPILL INCIDENT LOG SHEET

Appendix B includes a copy of the Oil Spill Incident Log Sheet. This log is to be completed following response actions in the event of a spill. The Dockmaster is responsible for completing the Log Sheet and providing it to appropriate agencies upon request. A copy of the log sheet is to be kept in the files on the marina property. Environmental characteristics including topography, geology, and hydrogeology were evaluated based on site observations, published literature, and available maps.

7.0 TRASH AND FISH CLEANING SYSTEMS

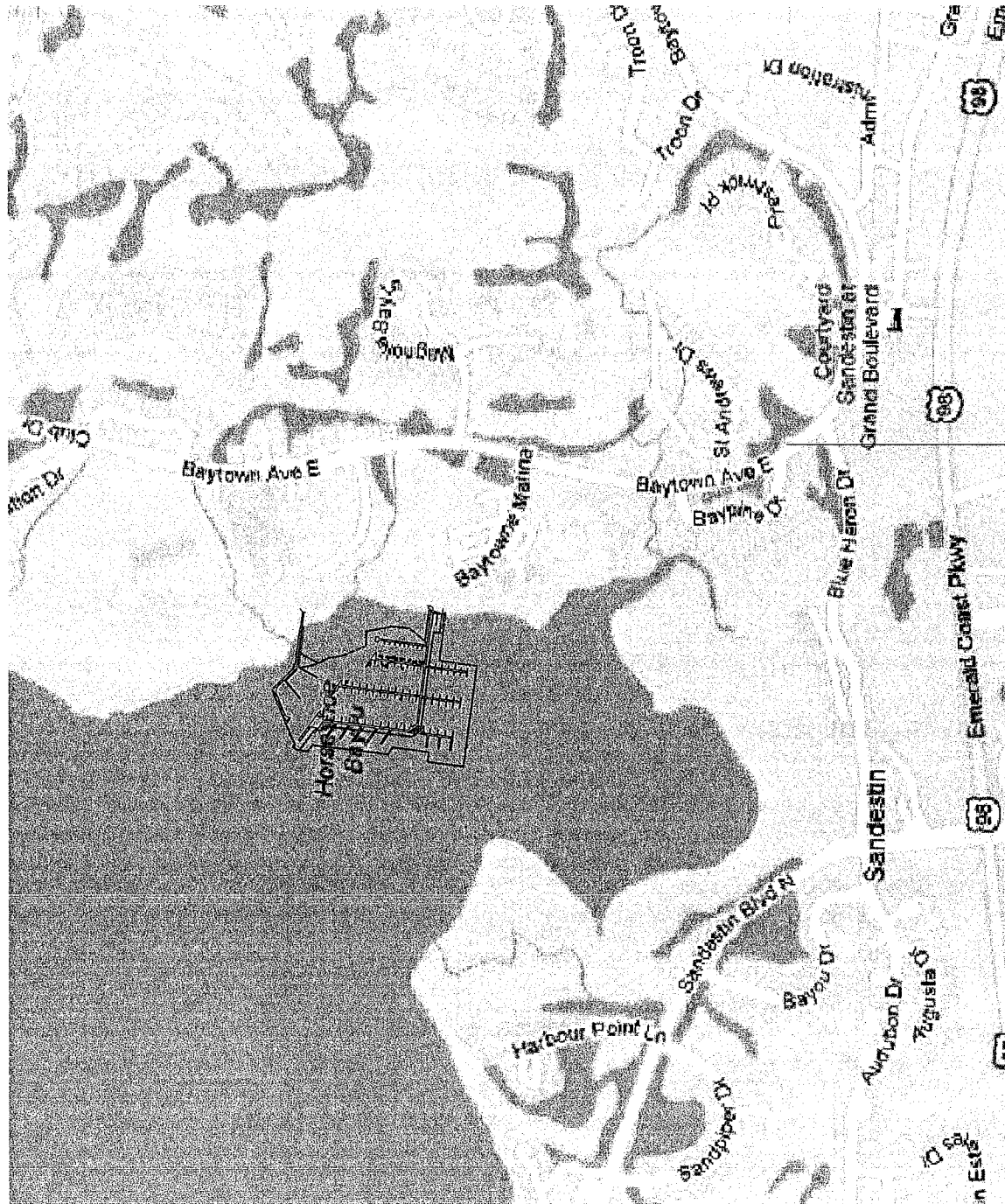
Disposal of trash or fish cleaning waste is not permitted. Trash receptacles are provided along the docks at convenient locations. All trash receptacles are to include a trash can with securable lid placed inside of a wooden structure to prevent the receptacle from moving or overturning due to wind.

A fish cleaning station is located north of the Dockside Café, as shown on Figure 2. The fish cleaning station is connected to a macerator that finely grinds the remains and is connected to the sanitary sewer system. No fish carcasses or trash will be disposed of into the water.

8.0 PENALTY

It is a criminal offense under Federal Law for the operator of a fueling facility to fail to report a spill of petroleum products into waters of the United States. Conviction carries a fine related to the extent of damage, cost of cleanup, and effectiveness of the control measures taken by the operator and his employees in obviating damage in the environment. The mandatory fine may be as low as \$1.00 if the operator's contingency plan and response are effective in mitigating environmental damage.

FIGURES



GRAPHIC SCALE
(IN FEET)
1 inch = 1000 ft.

LEGEND:

- PROJECT BOUNDARY
- EXISTING MARINA
- PROPOSED MARINA EXPANSION

FIGURE 1: SITE AND MARINA LOCATION MAP

**SANDESTIN MARINA
DOCK EXPANSION**
SECTION 26, TOWNSHIP 2 SOUTH, RANGE 21 WEST
WALTON COUNTY, FLORIDA

PROJECT: 98-476
ORDER: 12-1031
SCALE: 1"=1000'
DATE: 09/25/13

FILE: 98-476 ENG 5.dwg

REQUESTED BY: DAMON BECNEL

DEAN A. F. BURGOS
REGISTERED ENGINEER No. 50705

179 HIGHWAY 393 SOUTH
SANTA ROSA BEACH, FLORIDA 32459
(850) 267-0473 - www.eco-fl.com
Emerald Coast Associates Inc.
Land Planning • Engineering • Surveying
Since 1979

THESE PLANS AND THE IDEAS AND CONCEPTS CONTAINED HEREIN INCLUDING DIGITAL INFORMATION ARE THE PROPERTY OF ECA, INC. AND ARE NOT TO BE REPRODUCED, COPIED, MODIFIED, OR CHANGED IN ANY FORM OR MANNER WITHOUT THE EXPRESS WRITTEN PERMISSION AND CONSENT OF ECA, INC.



LEGEND:

- PROJECT BOUNDARY
- EXISTING MARINA
- PROPOSED MARINA EXPANSION

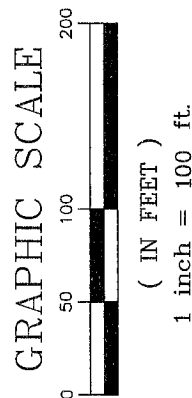


FIGURE 2:
MARINA FACILITY
SITE MAP

**SANDESTIN MARINA
DOCK EXPANSION
SECTION 26, TOWNSHIP 2 SOUTH, RANGE 21 WEST
WALTON COUNTY, FLORIDA**

REQUESTED BY: DAMON BECNEL

PROJECT: 98-476

ORDER: 12-1091	CHECKED BY:
----------------	-------------

CHECKED BY: DAFB

SCALE: 1"=100'	DRAWN BY: DLL
----------------	---------------

DRAWN BY: DLL

DATE: 09/25/13

FILE: 98-476 ENG 5.dwg

DATE	REVISION	BY
------	----------	----

179 HIGHWAY 393 SOUTH

Emerald Coast Associates Inc.

Land Planning & Programming • Summer 1990

THESE PLANS AND THE IDEAS AND CONCEPTS CONTAINED HEREIN INCLUDING DIGITAL INFORMATION ARE THE PROPERTY OF ECA, INC. AND ARE NOT TO BE REPRODUCED, COPIED, MODIFIED, OR CHANGED IN ANY FORM OR MANNER WITHOUT THE EXPRESS WRITTEN PERMISSION AND CONSENT OF ECA, INC.

APPENDIX A
OIL SPILL CONTINGENCY PLAN RESPONSE NOTICE

OIL SPILL CONTINGENCY PLAN RESPONSE NOTICE

In the event of a fuel spill, the following actions are to be taken immediately:

- 1) Evaluate if the spill source is contained. If it is safe to shut off the fuel source (stop pump, have boat owner shut off bilge, activate emergency shutoff, etc.) proceed with stopping the source of the spill.
- 2) Stop all ignition sources if the spill is flammable. If flammable, Call South Walton Fire Department: 267-1090. **If the spill is life threatening, call 911.**
- 3) Assess the approximate volume and extent of spill.
- 4) Deploy the appropriate containment procedures from the onsite spill kits located at each fueling area to contain the spill. This includes sorbent booms and pads, containment booms. It is important to contain the spill before attempting to clean it up.
- 5) Contact SWS (spill management contractor) to clean up the spill: **800-852-8878 or 850-563-0822**. Continue effort to contain/cleanup spill until SWS arrives onsite.
- 6) Notify the United States Coast Guard: Local (Destin): 850-244-7147 or 800-424-8802

Note: Notification of the United States Coast Guard is required by Federal Law (33 USC 466, 18 CFR, Part 610). Failure to do so is a criminal offense with conviction carrying a mandatory \$10,000 fine and a mandatory 1-year prison sentence.

- 7) Notify the Florida Fish and Wildlife Conservation Commission: 850-233-5150.

Note: A facility or vessel that experiences a spill must notify the Florida Fish and Wildlife Conservation Commission or US Coast Guard within 1 hour. (Florida Administrative Code 16N-16 022.

APPENDIX B
OIL INCIDENT LOG SHEET

OIL SPILL INCIDENT LOG SHEET - SANDESTIN MARINA

DATE:		TIME:	
WIND DIRECTION			
WIND SPEED			
WAVE HEIGHT			
SPILL LOCATION WITHIN MARINA			
VESSEL INVOLVED?		YES	NO
VESSEL REGISTRATION			
ESTIMATED VOLUME (gallons)			
ESTIMATED AREA (feet)		LENGTH	WIDTH
TYPE OF SPILL		Diesel	Gas Oil
TIME SPILL SOURCE STOPPED			
SPILL APPEARANCE		LIGHT	MODERATE HEAVY
NOTIFICATIONS		COAST GUARD (required) TIME:	
		FISH AND WILDLIFE: Y N TIME:	
		FIRE DEPARTMENT: Y N TIME:	
		EMERGENCY 911: Y N TIME:	
ACTIONS TAKEN		FUEL SHUT OFF? Y N	
		SORBENT PADS DEPLOYED? Y N	
		SORBENT BOOMS DEPLOYED? Y N	
		SWS CONTACTED? Y N	
NOTES			
DOCKMASTER ON DUTY		NAME:	SIGNATURE: