



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
THURSDAY, OCTOBER 24, 2024
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) June 27, 2024 Minutes**
- 3. NEW BUSINESS**
 - A) 503 Norriego Road, Residential Marine Construction, HWB-001463-2024**
 - B) 526 Norriego Road, Residential Marine Construction, HWB-001441-2024**
 - C) 531 Norriego Road, Residential Marine Construction, HWB-001398-2024**
- 4. PUBLIC COMMENTS**
- 5. NEXT MEETING DATE: November 28, 2024**

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, JUNE 27, 2024 - 5:30 P.M.**

1. CALL TO ORDER:

Chairman Green called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Thursday, June 27, 2024, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

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

Staff:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Tina Deater Planner
Kim Kopp City Attorney

3. APPROVAL OF MINUTES:

- **April 25, 2024 Minutes**
- **May 23, 2024 Minutes**

Motion by Chairman Green, seconded by Board member Tadlock providing the second, to approve the April 25, 2024 and the May 25, 2024 minutes as corrected. The motion passed 6-0.

4. OLD BUSINESS:

- **Draft Land Development Code Marina Siting Section of the Draft Article 7 – Resource Conservation & Protection**

According to Mr. Butler, staff needs to clarify their request for letters that are sent out to adjacent property owner, noting that currently and always letters have been send out to adjacent property owners and with the rewrite they have included for the 25-foot riparian line setback to the graphics, and certified letter notifications are to be sent, as well as to owners that are within 100 feet or less of bodies of water, and staff is just verifying with them that is what they requested to be included. The members agreed.

- **Livery Definition**

Mr. O'Connor explained to the members that this has been to the Harbor CRA and City Council however the definition of a Livery excludes vessels that are captioned by a US Coastguard Captain. Additionally, bare boats is, the renting of a vessel without a captain and the charterer is taking on the liability, not the captain of the vessel. Therefore, whoever has chartered the vessel is who is responsible for it and therefore it is not under the control of a US Coastguard Captain,

even if the person that is piloting it is a licensed US Coastguard Captain. The loophole being, if shown that the vessel is captained by a licensed captain, staff had the understanding that it was under control and therefore, that is where the bare boats got in the loophole. However now that staff has better understanding of what they are, and they are not controlled by a US Coastguard Captain, they do not carry the liability of the vessel. Additionally, the proposed definition now provide the clarity, they are livery and are beholden to the moratorium.

The Chairman opened the hearing to the public.

Mr. Mike Abadie, 530 Harbor Blvd. noted that in the agenda packet it says there is ambiguiene with the State and the Coastguard, however there is not, the only ambiguiene, is with the city and the way the regulations are worded in the code but that can easily be corrected. Additionally, is says that all boats must be captained by a licensed captain, however it can't be under a licensed captain. He continued to explain that there are three conditions that a bare boat charter can be under a licensed captain those are:

- Inspected Vessel
- Uninspected Vessel or 6-packs, similar to a taxi
- Bare Boat Charters, the US Coast Guard does not use the term Livery Vessels

According to Mr. Abadie, he recommends that the city avoid getting into the Coast Guard regulations and strictly say that all livery vessels are rented to the customer and all bare boat charters are livery vessels. He also stated that if they open this up to the yachts, there are pontoon boats out there that will fall into the category and opening this up to about for forty to fifty different vessels as well.

Mr. Matt Condon who manages Destin Private Yachts spoke of how he just heard that Destin is the number two harbor in the country and restricting yachts to being designated as Livery Vessels which would effectively bane them would be detrimental to the city. He explained how he asked himself, how could he assist in eliminating the loophole without ensnaring all the captained vessels who are operating through the authority of , and to him, the solution would be to larger vessels that have a US licensed captain onboard would be exempt from the ruling, and that would effectively solve all the problems, better regulate the pontoon boats and creates a waiver for all the boats that are captain operated. Especially since what is being discussed is directly in contradiction to the law that specifically states that captioned boats are excluded. By simply stating in the Code that licensed and Captained vessels 32-feet and larger would be excluded and not considered livery vessels.

With no one else coming forward to speak, Chairman Green closed the public.

Board member McKissick asked if the vessel is captioned and of the size, why does it fall under an inspected vessel, like all the others that have passengers?

Chairman Green explained how with a livery charter, operating as a Bare Boat, carrying more than six passengers, the client who rents the boat, rents without the crew. However, if there is a crew provided by the boat owner, then it falls under a six-pack, uninspected passenger vessel or it falls under a COI vessel. Additionally, the way the definition reads, is it says it doesn't have a captain under command at all times, in the process to become an actual bare boat and has to go through the bare boat paperwork process, and at some point, it has to be given fully over to the client, no crew, and that triggers the, not being under the command of a captain. When the boat goes out, their insurance requires a captain, the bare boat agreement says, that if they have to hire a captain.

Board member Tadlock stated that he feels that if something is not worked out, the city is going to miss out and that something needs to be worked out. He spoke of how there is a clientele of people that like to come to Destin and enjoy being on a big boat. He also spoke of how those that hold a BTR now are being grandfathered in and feels there should be a way for it to work. He also mentioned that he feels that anyone that charter a boat larger than 32 feet there should be cap where there need to be an experienced person in the helm of the vessel.

Board member Jones spoke of how he is against the moratorium and feels there has to be a way around it, to allow proper businesses, who are bringing in good clients into our area to visit the restaurants, our hotels, and charter fish too while they're here.

Board member Hoey asked Mr. Condon if the vessels he manages are full-time or are they just seasonal. He also wanted to know if they are vessels registered with the state, and are they commercial, private, or pleasure boats. According to Mr. Condon, the majority of vessels are privately owned, and they are renting them out some of the time. He explained further that when he works as a broker, they would register the boat as a commercial vessel, and all those vessels have to have commercial, debt insurance, and some of them are registered recreational and some are registered commercial.

There was a discussion regarding these vessels being parked at private slips. Mr. O'Connor clarified that they are considered a home occupation, which are allowed and means they can park their boats at their residence, however, the owners cannot operate them out of their residence, they cannot have customers come to their residence, park their vehicles and board the boats from the private slip.

Chairman Green clarified for the record that he does not want Yachts outlawed, however, it's a growing business and the moratorium for Livery vessels which is pontoon, boats jet skis, and bare boat because it's any rental vessel. The point of it was to cap the amount of growth. In the rental market, for a short period of time. As the chairman of the harbor, her capacity study we did an extension of the moratorium until the 107 study was done, if the harbor and the infrastructure

can take it, and we get improvements, the moratorium gets lifted, that's what the moratorium was for. Additionally, he explained that at the last Harbor CRA meeting, the motion that past was how to accept the definition of bare boats and to look into how to include them into the definition and the moratorium and not to grandfather them. Chairman Green listed all of the regulations that he has to follow for carrying more than 6 passengers and how he feels that any boat that does should have to follow the same regulations.

Motion by Chairman Green for the Harbor and Waterways Board recommend to City Council adopt the definition of Livery as proposed and presented. The motion died for a lack of a second.

Chairman Green then explained to all that the reasoning behind the motion is he feels they should be included in the livery, not that they should not be able to operate.

Mr. O'Connor briefly explained the motions that were made at the Harbor CRA meeting and the reasoning why they made multiple motions at that meeting was a request by staff so that it would be clearly understood what was needed so that there would not be any confusion.

Chairman Green made the motion to recommend to the City Council to adopt the definition of Livery as proposed and presented and to look into how to include existing bare boat/yacht charter businesses into the moratorium from a time certain, with Board member McKissick providing the second.

Board member Tadlock stated that he agrees with Mr. Condon and feels that they need to define it in such a way that they are referring to Yacht Charters. He then spoke of how the price of the “medallions” have gone up significantly and how there is concern regarding if they can be resold or if they have an expiration date and compared them to the medallions for taxi cabs in the City of New York.

Board member Jones pointed out that if there never was a moratorium in the first place, they would never be in this situation with their value being an issue.

Chairman Green stated that in his opinion the growth does need to be capped and yachts should be included because it is a growing business, and a limit needs to be placed to a time certain from the past.

Mr. McKissick stated that in his viewpoint, the moratorium was placed because, the harbor is only so big, and the capacity study says that it's over utilized now. Additionally, the harbor is not going to get any bigger and he does not see the moratorium going away but he does see yachts

need to be included in the market and questioned if there is some way to cap the smaller and the larger vessels because, the harbor can't handle any further businesses.

Chairman Green reminded everyone that the last extension of the moratorium was for the Section 107 Study to be performed, and reminded all that the results of the Capacity Study that there is a tremendous number of boats for the infrastructure. He then explained the environmental effects that are taking place that are inhibiting the natural flush needed for the harbor and how the results are necessary in order to get the approval and funding needed to move the channel to where it needs to be relocated to flush the harbor as well as being able to correctly be able to handle the amount of traffic that moves through the harbor daily, which in turn give the property owners a way to expand their slippage and parking.

Board member McKissick clarified that the motion would apply only to the yachts that are now operating and not any others. Chairman Green verified his question.

According to Mr. O'Connor, if this is approved by City Council, the existing yacht/bare boat operations would have to come into compliance with the existing livery regulations in the terms of dockage, parking, bathrooms, etc.

With no further discussion on the motion, the motion passed 5-1 with Board member Jones dissenting.

Chairman Green asked Mr. Abadie to come up and provide the board with some suggestions.

According to Mr. Abadie, there are several businesses that are operating illegally out of private docks in the harbor and feels that if the city could somehow stop those operations, which can be done if they are proven to not have a livery license. Additionally, if grandfathering is considered he feels that the verbiage needs to be outlined for those vessels regarding their length, a head with a shower, galley and a bedroom. In that, those large double decker pontoon boats and any smaller boats will not have those requirements. They also should have to follow all Coast Guard regulations.

Mr. Condon stated that he disagrees and to him, a livery vessel is a rented vessel that operates without a Captain. Additionally, he spoke of all the rules of a Livery Vessel that they would have to meet in order to be grandfathered in, such as bathroom and parking requirements. Adding that none of the values that apply to a pontoon rental match in any way for private Yacht Charters.

Chairman Green informed him that they are the same rules that Charter boats have to abide by.

Board member McKissick asked if there was a way for the staff to write a definition of a yacht so that they could understand the difference from the larger pontoon boats to be able to work around if there is nothing. According to Chairman Green, he feels that the board should make a motion to that effect, instead of asking staff to, and provided some items that normally apply to those type of boats to consider for a motion.

Motion by McKissick to recommend to the City Council for yachts to be designated at a minimum of 33-feet in length, having a shower and head, a galley and at least one stateroom, seconded by Board member Tadlock.

Board member Tadlock stated that he agrees with the definition but feels more length should be added and is concerned that certain types of boats could be converted. Mr. O'Connor explained how Mr. Condon did comment about Yacht Classifications at the last Harbor CRA meeting, and pontoons would never be able to get those type of classifications. **With no further discussion, Chairman Green called for the vote and the motion passed with a unanimous vote of 6-0.**

5. DIRECTOR'S REPORT:

➤ Mooring Field Discussion

Mr. O'Connor explained how on page 10 of the graphic in their packet there is one proposed location in Joe's Bayou and two in the harbor. Additionally, if established the city would be able to regulate random mooring of vessels in the harbor, which would help eliminate the issues of the sunken vessels that create hazards. Also, more transient customers can come in and it would provide public an opportunity to come in and enjoy the harbor more and have a Harbor Master as well.

Mr. Tadlock feels that with the current situation with the harbor at this time, he does not agree that there should be a mooring field added, unless they are not considering too many and limit it to just transient, which he doesn't think they can limit it to just a few and not 40-50.

According to Chairman Green it was recommended to be added by the Harbor Capacity but agrees that it should not be too many and should be limited.

Bandmember McKissick asked if there is a plan to add mooring buoys.

Council member John Stephens approached the dais and explained that the information that he has gathered, they can establish however many the city council agrees to. They will be managed, and he recommends that they have a management group by either this committee or the Harbor CRA Committee as well as having a Harbor Master who can determine who goes to what mooring field to anchor to as well as a standard that has to be abided by regarding to the worthiness of the vessel. Additionally, if there is a storm coming, the Harbor Master can tell all that are moored to get out of the harbor, and that is the only way that the city can control the harbor. He also mentioned that he was in Tallahassee and there is definitely an alley for funding assistance available and the rules would be set up in accordance to a Harbor Master Plan.

Board member Hoey spoke of how Destin Water Users is not in the position to agree with the idea because of the fact that they cannot at this time be able to service the pump out stations.

According to Mr. Stephens, it would have to be managed by an individual company that would take the waste off to another location.

➤ **Harbor Water Testing Report**

Mr. O'Connor provided the members with the latest water testing analysis he obtained from the Public Services Director, Michael Burgess.

Mr. Tadlock thanked staff and asked for run time and the percentage of operation information, based on current data from when the new pump was rebuilt and installed. He also asked if staff could also obtain the information from the Chem Lab to show historical information as well.

6. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:50 p.m.

Adopted and approved this _____ day of _____ 2024.

Jim Green, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 24, 2024

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 3.A.

TO: Harbor & Waterways Board

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Daniel Butler, Senior Planner
Steve O'Connor, Principal Planner

DATE: September 12, 2024

SUBJECT: 503 Norriego Road, Residential Marine Construction, HWB-001463-2024

I. BACKGROUND: William F. Davis Construction, Inc., on behalf of A R Blossman, has applied for Harbor and Waterways Board review for the removal of an existing boat lift and surrounding catwalk (totaling approximately 117 sq ft) and replacing that area with a newly constructed 3' x 36' (approximately 108 sq ft) straight catwalk, with the installation of five (5) new tie off piles.

Project Details: The applicant seeks a recommendation of approval from the Harbor and Waterways Board for a Residential Marine Construction project proposing a dock with:

Total Square Feet:	108 (-9 SF net square footage)
Total Number of Piers or Docks:	1 Pier
Total Length:	36'
Total Slip Density:	4
Located in the Destin Harbor:	Yes

II. DISCUSSION: The applicant requests Harbor and Waterways Board review for residential marine construction located at 503 Norriego Road, within the Destin Harbor.

The Harbor and Waterways Board is being asked to review the proposed marine project per Land Development Code ***Section 11.05.01 - General regulations; prohibitions*** and ***Section 11.05.02 – Permitting procedures***. Below are the Staff's findings with respect to ***Section 11.05.01*** and ***Section 11.05.02***; items not applicable to this project are marked "Not Applicable."

11.05.01. General regulations; prohibitions. *This article establishes and regulates*

procedures and standards by which the City controls and regulates development, construction and activities within and contiguous to the Harbor and waterways of Destin. The following regulations and prohibitions shall apply to the Harbor and waterways of Destin:

A. No person shall construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in, or contiguous to, the Harbor or waterways of Destin without first obtaining the proper authorization from the appropriate federal, state and City agencies.

Staff response: *The applicant has submitted for authorization from all appropriate agencies.*

B. The addition or modification of a boat lift or pilings within an existing legal and conforming boat slip shall not require the review of the Harbor and Waterways Board or the City Council. Rather, a copy of the U.S. Army Corps of Engineers permit, DEP permit, and a homeowner's association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created.

Staff response: *Not applicable.*

C. No fish carcasses and debris shall be discharged into the Harbor or waterways of Destin.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

D. No person who maintains or operates a dock shall allow or permit the disposal of fish carcasses, litter, waste petroleum products or other pollutants into the Harbor or waterways of Destin. Trash disposal receptacles shall be anchored to each dock to ensure compliance with the provisions of this article.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

E. No fuel or oil shall be willfully or knowingly discharged in the Harbor or waterways of Destin. No dock which sells fuel or oil shall be constructed, operated or maintained in the Harbor or waterways of Destin unless an oil abatement plan, in accordance with Coast Guard guidelines, is available at each dock. The Destin Harbor and Waterways Board shall review and recommend approval or disapproval of each oil abatement plan to the City Council, which shall have approval authority. Each existing dock which sells fuel or oil shall develop and have approved an oil abatement plan acceptable to the City. All new docks which sell fuel or oil shall develop and have an approved oil abatement plan, which is acceptable to the City, prior to receiving a building permit from the City.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to. This is a residential dock; therefore, no fuel or oil will be sold, and an oil abatement plan is not required.*

F. No new or existing dock shall be constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay.

Staff response: *Not applicable, as the existing dock complies with this regulation and there is no proposed expansion of length to the dock.*

G. No piling(s) shall be added to the waterward end of any pier which piling(s) would make the total length of the dock more than 200 feet, or 20 percent of the waterway, whichever is less, except in Choctawhatchee Bay.

Staff response: *Not applicable, as the existing dock complies with this regulation and there is no proposed expansion of length to the dock.*

H. No vessel shall be moored or docked on the waterward end of any pier of the maximum legal length, as determined pursuant to subsection F above, for more than 72 hours.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

I. No dock shall be constructed which permits the commercial docking of boats with on-board toilets unless such the dock is equipped with a sewage pump-out.

Staff response: *Not applicable.*

J. No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

K. No boat shall be moored in the Harbor or waterways of Destin such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

L. No dock shall be constructed such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

M. Excepting docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, no dock shall be longer than the width, at the mean high-water line, of the lot to which the dock is attached.

Staff response: *Not applicable, as the existing dock complies with this regulation and there is no proposed expansion of length to the dock.*

- i. For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of the property at the mean high-water line, provided the length of the dock does not exceed the maximum length established by paragraphs F and G above.

Staff response: *Not applicable, as the existing dock complies with this regulation and there is no proposed expansion of length to the dock.*

- ii. For the purpose of this subsection, lots may be combined with neighboring lots. However, no dock may exceed the limitations specified in subsection F above.

Staff response: *Not applicable, as the existing dock complies with this regulation and there is no proposed expansion of length to the dock.*

N. No dock shall be constructed or modified such that slip density exceeds one slip per eight linear feet of waterfront footage except that, on canals, no lot may have more than one slip per 45 linear feet of waterfront. However, all lots riparian to a canal shall be entitled to at least two slips on the canal.

Staff response: *The proposed dock alteration complies with this regulation.*

O. No boat or vessel, entering into, exiting or operating within the Destin Harbor shall operate at such speed that would create a wake that endangers other boats or vessels, swimmers or other persons within the Destin Harbor, or would contribute to any adjacent land erosion.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

P. No heated or cooled water may be emitted into the Harbor, waterways, or the Harbor canals other than from a boat.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Q. No pier shall extend more than six feet into a canal right-of-way.

Staff response: *The proposed dock complies with this regulation.*

R. No discharge of water shall contain phosphorous or any other substance likely to cause a violation of the water quality standards specified in Chapter 17-302, Florida Administrative Code.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

S. No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.

Per Land Development Code **Section 11.05.02 K.**, in water bodies of less than 100 feet in width, owners of property on the opposing shore to the proposed construction shall be provided with written notification of the proposed construction. Any objections received will be provided to the Harbor and Waterways Board and the City Council.

Staff response: *Staff sent the attached Property Owner's Notice on September 3, 2024.*

T. No dock shall unreasonably interfere with the riparian rights of others.

Staff response: *Staff sent the attached Property Owner's Notice on September 3, 2024. As proposed, the riparian rights of others are not interfered with.*

U. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection. Each light shall be installed within 90 days after adoption of this Code.

Staff response: *Not applicable.*

V. No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.

Staff response: *Not applicable.*

W. No construction shall be allowed which violates any provision of the Standard Building Code, as adopted by the City.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

X. No electrical or water service upon any dock shall be installed unless a permit is obtained from the Planning Department and Building Department for that service.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

Y. No person, while operating a boat within the or waterways of Destin shall allow or permit the disposal of fish carcasses, litter, waste, petroleum products or other pollutants into the Harbor or waterways of Destin from such boats.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Z. No lot, or multi-contiguous lots, with less than 50 feet of waterfront footage shall be allowed individual docks, unless they are parallel to the shoreline. However, docks may be allowed under the provisions of subsection 11.05.01.M.2.

Staff response: Not applicable.

Pursuant to **Section 11.05.03, Land Development Code (LDC)**, all construction shall be inspected by the City Building Inspector for compliance with applicable building codes. The applicant shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

PUBLIC COMMENT:

Staff have received no comments from the public to date.

- A. **Link to Strategic Goals / Objectives:** IV. Enhanced quality of life and safety for families.
- B. **Effect on Budget (EOB):** N/A
- C. **Level of Service (LOS):** N/A
- D. **Legislative Sponsor:**

III. CONCLUSION: The applicant requests Harbor and Waterways Board approval for a residential marine construction project located at 503 Norriego Road. Additionally, the applicant provided a receipt of submittal from the Florida Department of Environmental Protection (FDEP), Self-Certification File No: 0451100001EE.

City Staff reviewed the application and determined that the plans comply with **LDC Section 11.05.00, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.1.6**).

IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend approval of the marine construction project proposed at 503 Norriego Road, for the removal of an existing boat lift and surrounding catwalk (totaling approximately 117 sq ft) and replacing that area with a newly constructed 3' x 36' (approximately 108 sq ft) straight catwalk, with the installation of five (5) new tie off piles, with the following conditions:

1. All applicable Federal or State approvals shall be submitted with the Marine Construction Permit application; and
2. All regulations of the City's Marina Siting **LDC Section 11.05.00** shall be adhered to and followed at all times.

ALTERNATIVE MOTION:

I move that the Harbor and Waterways Board deny the proposed marine construction project at 503 Norriego Road.

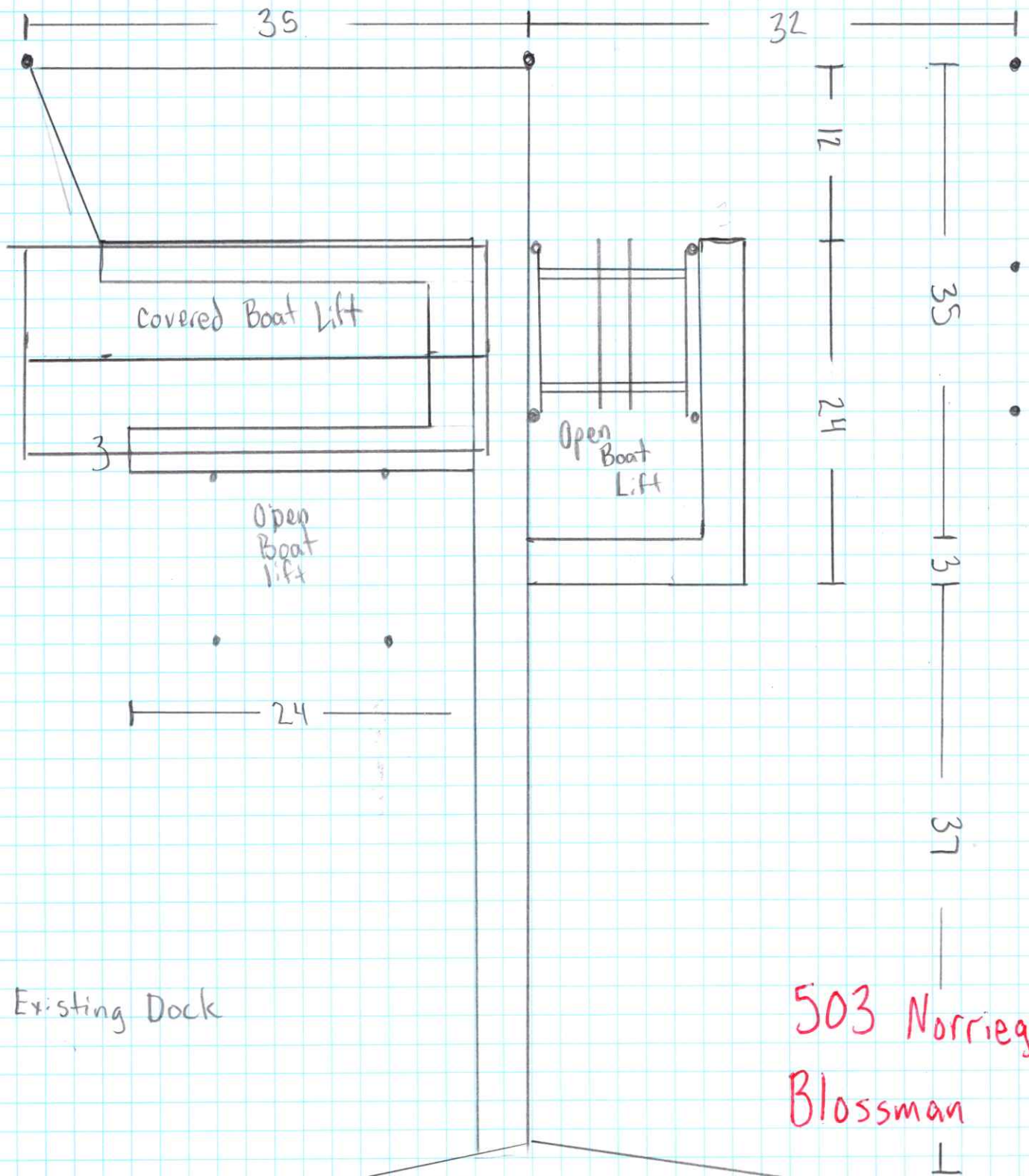
Attachments:

1. 1. 503 Norriego Existing Conditions

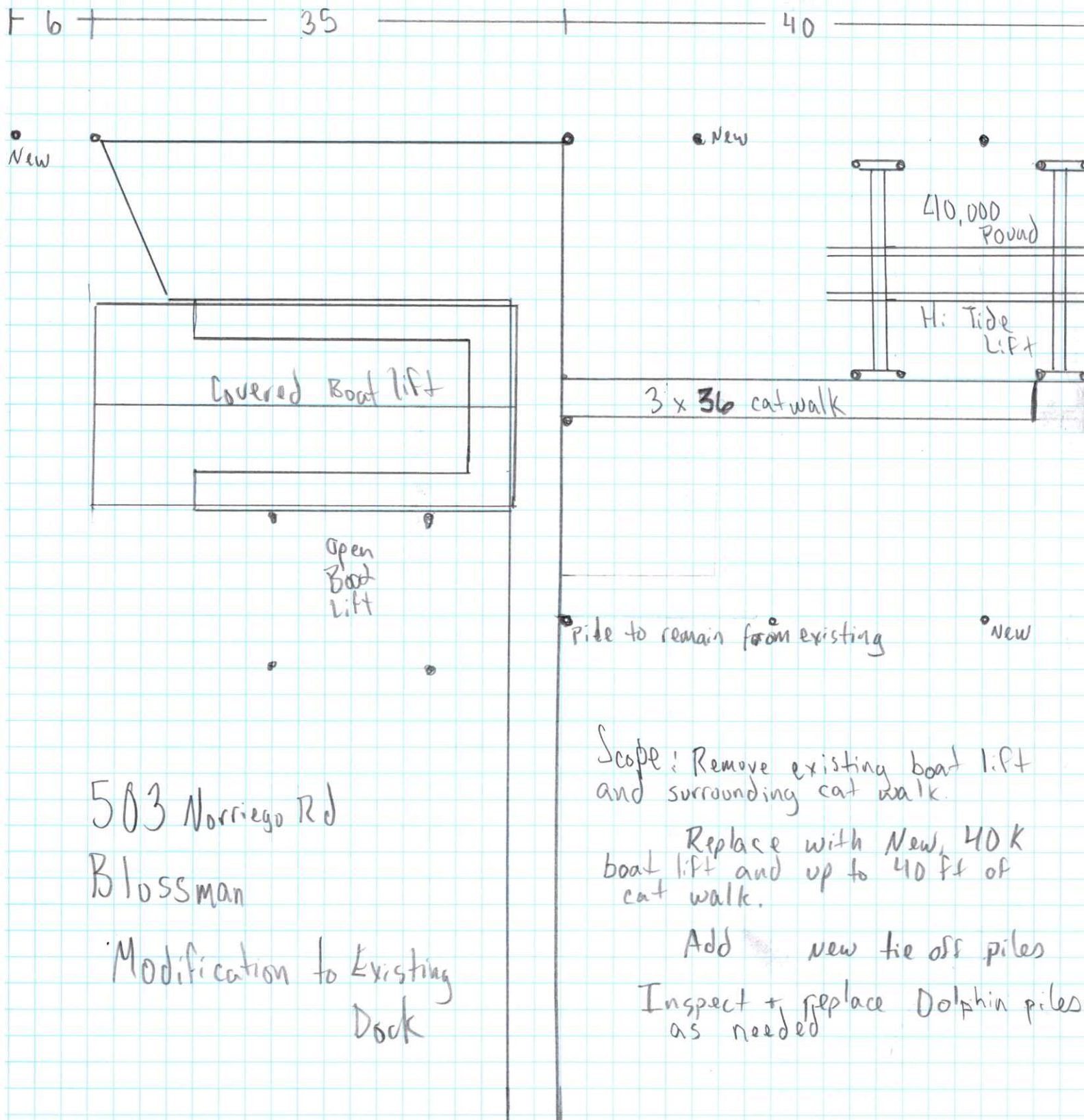
ITEM # 2024-616

2. 2. 503 Norriego Proposed Conditions
3. 3. FDEP Self-Certification Submittal
4. 4. 503 Norriego HOA Approval
5. 5. Adjacent Property Notification
6. 6. Boundary Survey
7. 7. Agent Affidavit
8. 8. Proof of Ownership
9. 9. 503 Norriego Location
10. 10. 503 Norriego FLUM & Zoning
11. 11. 503 Norriego Site Map

• Tie off piles not to scale •



• Replace if needed



From: no-reply@dep.state.fl.us 
Subject: FDEP ERP Self-Certification Receipt
Date: July 17, 2024 at 8:24 AM
To: kelce.wfdconstruction@yahoo.com
Cc: ERP.SELFCERTS@DEP.STATE.FL.US, SPGP@USACE.ARMY.MIL, NMFS.SER.PROGRAMMATICREVIEW@NOAA.GOV, <401_WQC_NOTIFICATIONS@usace.army.mil> 401_WQC_NOTIFICATIONS@USACE.ARMY.MIL, NWD_ERP_APPLICATIONS@FLORIDADEP.GOV



Mail Attachment

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

Receipt for Submission

SELF-CERTIFICATION FOR A PROJECT AT A PRIVATE, RESIDENTIAL SINGLE-FAMILY DOCK

07/17/2024

Self-Certification File No.: **0451100001EE**

File Name: **503 Norriego Rd Destin, FL 32541 - Self-Certification Modify With Boat Lift (General)**

Dear **Kelce Shackley**: On **07/17/2024** you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Single-Family Dock ERP Exemption Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: **30** Minutes: **23** Seconds: **21.7606**
LONG - Degrees: **-86** Minutes: **29** Seconds: **51.7303**
SITE ADDRESS: **503 Norriego Rd Destin, FL 32541**
COUNTY: **Okaloosa**

For:

A R Blossman
503 Norriego Rd Destin, FL 32541

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

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

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

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

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

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

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

The authorization must be visibly posted during all construction activities.

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

FEDERAL STATE PROGRAMMATIC GENERAL PERMIT (SPGP)

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

Notifications to the Corps. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

1. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps
2. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
3. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
4. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
 - a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
 - b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

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

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

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

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

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

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

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

ADDITIONAL INFORMATION

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

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

Sincerely,
Florida Department of Environmental Protection.

Attachments:
FDEP Terms and Conditions

SPGP Terms and Conditions
Project Design Criteria



46a31e2937541
6cc3f6...83.pdf



ed6dda79a1af2
5cbffdf...23.pdf



ProjectDesignCr
iteria_1_01.pdf

From: Becky Carver admin@holidayisleimprovement.com
Subject: Re: 503 Norriego
Date: July 25, 2024 at 11:56 AM
To: Kelce Shackley kelce.wfdconstruction@yahoo.com

BC

The ARB met on Wednesday, 7/24/2024 and has approved the application for the project at 503 Norriego Rd to remove the existing boat lift and 136 sf of the surrounding dock, and replace with new boat lift and 120 sf dock in a new configuration; add 5 new pilings, and replace additional pilings as needed. The HIIA permit fee is \$40.00; if a dumpster will be on the property at any time during the project, a \$2,000.00 refundable Construction Deposit will be required. The HIIA permit can be issued once a copy of the building permit issued by the City of Destin and the HIIA permit fee have been submitted to our office.

Becky Carver
Administrative Assistant
Holiday Isle Improvement Association, Inc.
225 Main Street #19
Destin, FL 32541

P: 850-837-4753
F: 850-837-4984

On Fri, Jul 19, 2024 at 9:46 AM Kelce Shackley <kelce.wfdconstruction@yahoo.com> wrote:

[Yahoo Mail: Search, Organize, Conquer](#)

On Fri, Jul 19, 2024 at 9:11 AM, Becky Carver
<admin@holidayisleimprovement.com> wrote:

thank you!

Becky Carver
Administrative Assistant
Holiday Isle Improvement Association, Inc.
225 Main Street #19
Destin, FL 32541

P: 850-837-4753
F: 850-837-4984

On Fri, Jul 19, 2024 at 8:52 AM Kelce Shackley <kelce.wfdconstruction@yahoo.com> wrote:

I forgot y'all needed a survey with the permit app. I'll get it over as soon as I can.

Thank you,

Kelce Shackley
William F Davis Construction, Inc.



Community Development Planning Division

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

September 3, 2024

Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal for Residential Marine Construction – 503 Norriego Rd.

Dear Property Owner:

This letter is to notify you of a proposed marine construction project at **503 Norriego Rd.** The Marine Construction application requires Harbor & Waterways Board review and recommendation. **The Application will be heard by the Harbor & Waterways Board at 5:30 p.m. at the Destin City Hall Annex, 4100 Indian Bayou Trail on Thursday, October 24, 2024.**

As an owner of property located near this project, *Destin Land Development Code (LDC) Sections 2.17.00 & 11.05.01.S* require a written notice providing you with the following information. This project proposes new marine construction in proximity to your property line; therefore, The City is requesting your input on the matter. If you would like to provide any comments you may respond by sending an email to the email address listed below, or by appearing before the Harbor & Waterways Board.

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

1. Name of Owner: Blossman A R JR
2. Name of Agent: William Davis, William F. Davis Construction, Inc.
3. Address of Project: 503 Norriego Rd.
4. Parcel ID Number: 00-2S-24-2186-000F-0160
5. Project Description: Remove existing boat lift and surrounding catwalk totaling 108 sq ft. Replace with 108 sq ft of straight catwalk and new 40k boat lift. Inspect and replace dolphin piles as needed. Install 5 new tie off piles.
6. Location of Application Package: To request that a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concerns regarding this letter, please do not hesitate to contact us at (850) 842-4669 or via email at planning@cityofdestin.com.

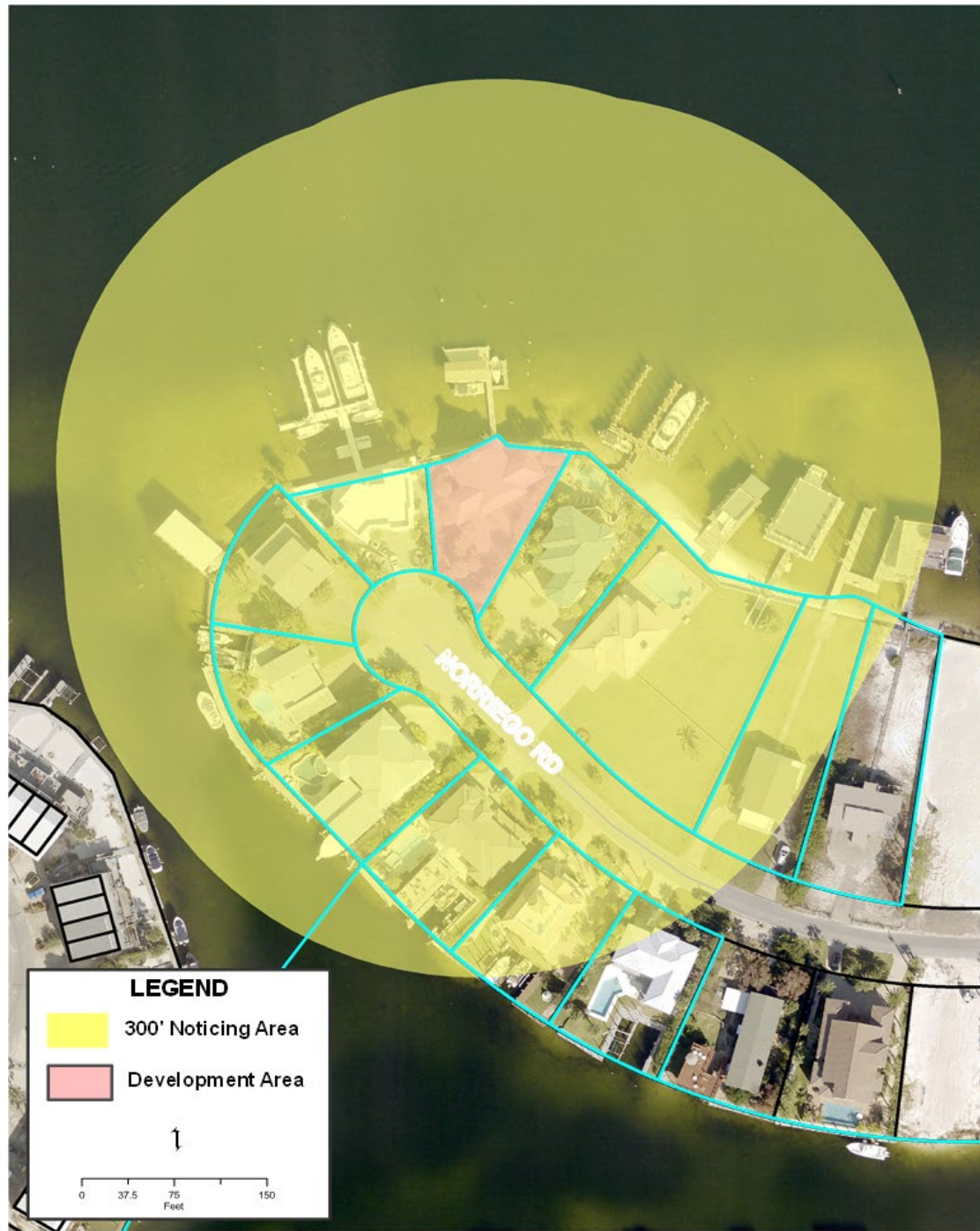
Sincerely,

Ashley Dominguez

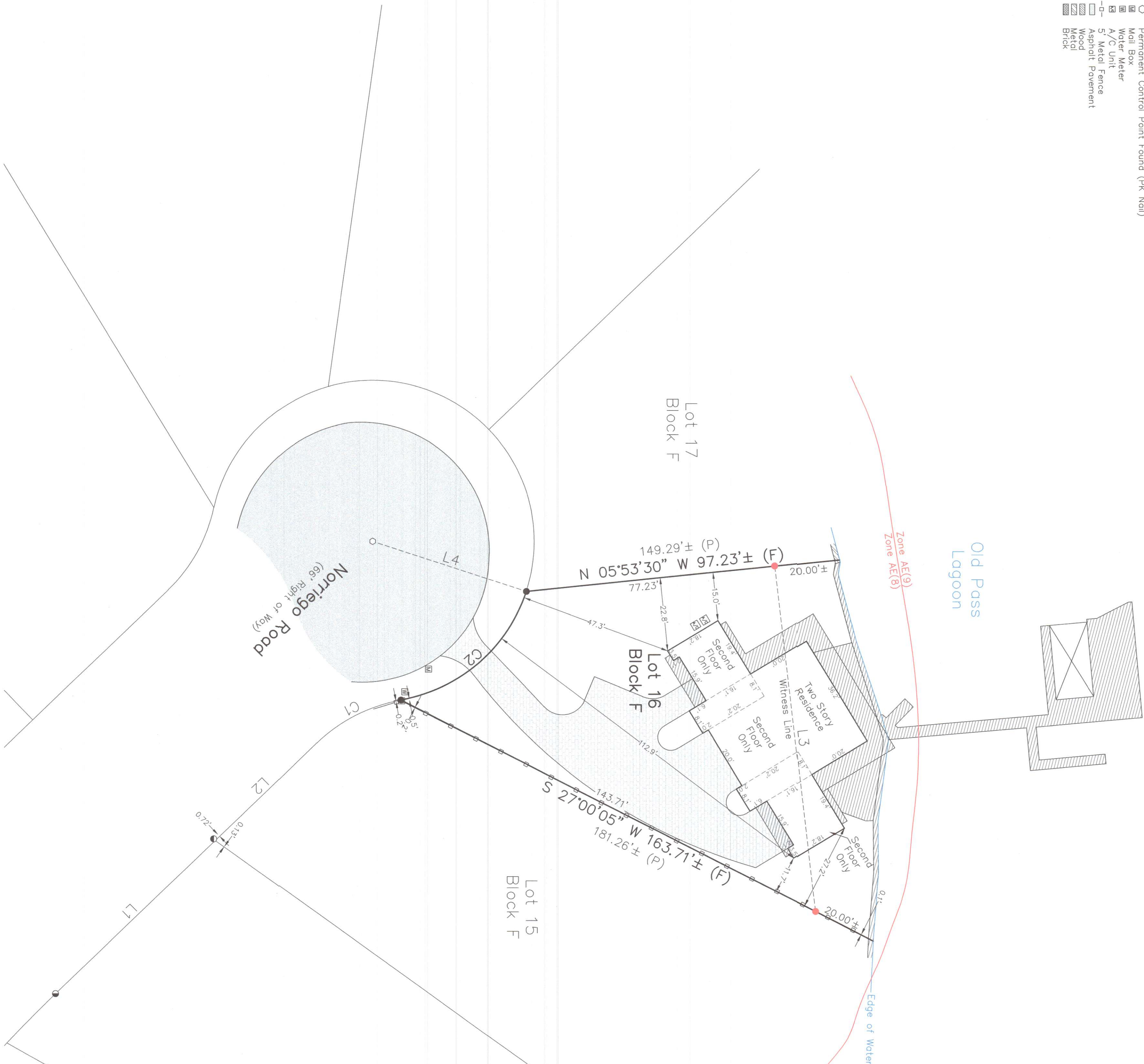
Ashley Dominguez
Planner



CC: Tina Deater, AICP, Community Development Director
Planning
Project File

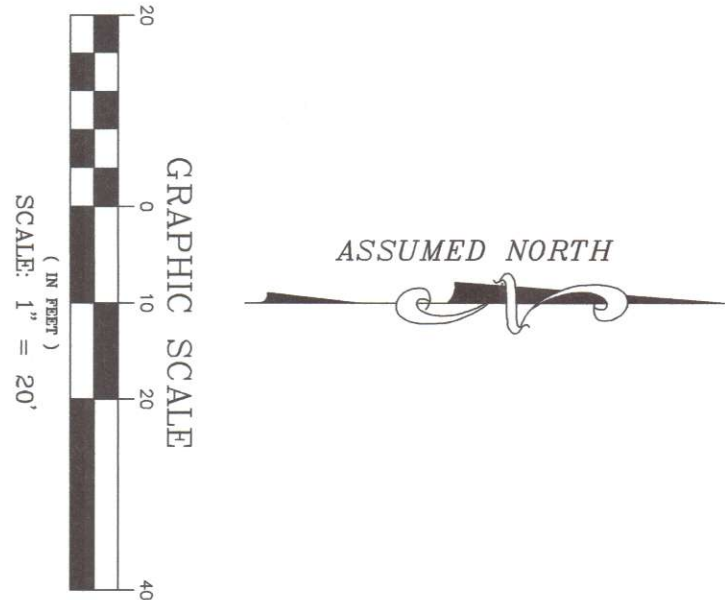


- LEGEND**
- (F) Field Distance and/or Bearing
 - (P) Property and/or Boundary
 - 1/2" Capped Iron Rod Set (LB 7584) Witness
 - 1/2" Capped Iron Rod Set (LB 7584)
 - 1/2" Capped Iron Rod Found (LB 3724)
 - 1/2" Capped Iron Rod Found (LB 2535)
 - Deficient Control Point Found (PK Nail)
 - Metal
 - Water Meter
 - A/C Unit
 - S Metal Fence
 - Asphalt Pavement
 - Metal
 - Brick



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD DELTA
L1 (F)	28.92'	N 28.92° 08' W	28.92'	30.16°
C1 (P)	28.92'	50.00'	N/A	N/A
C2 (F)	54.06'	N 41°00'42" W	51.47'	61°56'54"
C2 (P)	54.06'	50.00'	N/A	N/A

LINE TABLE			
LINE	BEARING	LENGTH	DELTA
L1 (F)	N 43°33'35" E	68.56'	68.81°
L1 (P)	N 43°36'00" E	68.81'	68.81°
L3 (P)	N 83°23'41" E	107.66'	107.66°
L4 (F)	N 18°00'31" E	50.00'	50.00°



SURVEYORS' REPORT:

F.E.M.A. FLOOD INSURANCE RATE MAP NO. 12091C0488 J, DATED MARCH 9, 2021 INDICATES THAT THIS PROPERTY IS LOCATED IN ZONE X-1. FLOOD ZONE(S) SCALED TO THE FLOOD INSURANCE RATE MAP. THIS SURVEY WAS PREPARED FOR THE CLIENT'S USE AND PURPOSE AS SHOWN.

USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

NO ATTEMPT HAS BEEN MADE BY VOELKER SURVEYING TO VERIFY TITLE. ACTUAL, LEGAL OR BENEFICIAL INTERESTS IN THE PROPERTY SHOWN ARE NOT GUARANTEED BY THIS SURVEY. OTHER THAN THAT FURNISHED BY THE CLIENT OR HIS REPRESENTATIVE, NOTICE THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.

UTILITIES, BOTH OVERHEAD AND UNDERGROUND SHOWN, HAVE BEEN LOCATED FROM VISIBLE UTILITY FEATURES, AND PREVIOUS CONSTRUCTION DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN, COMPRISE ALL, SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION OR DEPTH AS SHOWN. THE SURVEYOR HAS NOT ATTEMPTED TO LOCATE THE UNDERGROUND UTILITIES, EXCEPT FOR ABOVE GROUND VISIBLE UTILITY FEATURES.

THIS COMPANY AND ITS EMPLOYEES HAVE MADE NO ATTEMPT TO PHYSICALLY LOCATE UNDERGROUND FEATURES, SUCH AS FOOTINGS AND OTHER UNDERGROUND IMPROVEMENTS.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ALL TIES TO PUBLIC LAND SURVEY SYSTEM MONUMENTS ARE PURPORTED.

BEARINGS BASED ON THE NORTH RIGHT OF WAY OF NORTIEGO ROAD BEING N 43°36'00" W

REFERENCE MAPS:
O. A BOUNDARY SURVEY OF LOT 23, BLOCK F, HOLIDAY ISLE BY VOELKER SURVEYING, DATED APRIL 29, 2021.

LEGAL DESCRIPTION:

LOT 16, BLOCK F, HOLIDAY ISLE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 39, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

Voelker Surveying

110 Logan Lane, Suite 4
Phone: 850.231.6300 Fax: 850.231.6305

Santa Rosa Beach, Florida 32459
LB 7584 web: voelkersurvey.com

A BOUNDARY SURVEY
FOR
ALFRED AND ROYANNE BLOSSMAN

Lot 16, Block F, Holiday Isle, Okaloosa County, Florida

Job# 15344

Field Book: 716

Field Date: 23 May 2022

APPROVED BY: RV

DRAWN BY: DLG

DATE: 24 May 2022

SCALE: 1"=20'

SHEET 1 OF 1

[Signature]
Rogard J. Voelker, Jr.
Florida Licensed Professional Surveyor and Mapper #6628



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, A R Blossman, Jr am
presently the owner and/or leaseholder at 503 Norriego Rd, Destin, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint William F Davis Construction, Inc
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
my agent in any and all matters pertaining to: permitting & city board meetings for dock additio.

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

A R Blossman, Jr. Agent & Attorney in
Fact for A.R. Blossman, Jr.

Signature

A R Blossman, Jr

Printed Name

STATE OF LA

COUNTY OF Orleans

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online
notarization, this 7 day of August, 2024, by
(name of person acknowledging)

Roy B. Blossman

M. Susan Judd
Signature of Notary

M. Susan Judd
Printed Name of Notary or Seal
Notary Public

Bar # 18971

My commission is for life.

Personally known ☒ OR Produced Identification ☐

Type of Identification Produced _____

WFT

ASSIGNMENT OF SUBLEASE

STATE OF FLORIDA)
COUNTY OF OKALOOSA)

WHEREAS, C. B. S. DEVELOPMENT CORPORATION was the Lessee under a certain Master Ground Lease dated September 9, 1961, recorded in Official Records Book 209, Page 123, of the Public Records of Okaloosa County, Florida, as amended by amendment heretofore recorded in Official Records Book 244, Page 348, of the Public Records of Okaloosa County, Florida, in which Master Ground Lease Okaloosa Island Authority was the Lessor; and

WHEREAS, said C. B. S. Development Corporation did heretofore sub-let to Destin Development Company, a certain portion of the land and property included in the aforesaid Master Ground Lease, as amended, which property so sub-let to Destin Development has been platted by Destin Development Company as a subdivision, according to the plat thereof recorded in Plat Book 4, Page 39, of the Public Records of Okaloosa County, Florida; and

96.00
35.20
10.00
141.20

WHEREAS, on the 29th day of March, 1974, DESTIN DEVELOPMENT COMPANY, a Florida Corporation, herein and therein called "DESTIN", entered into a Lease Agreement with RAY BROTHERS, INC., as recorded in Official Records Book 746, Page 755, of the Public Records of Okaloosa County, Florida; and

NOW, THEREFORE, RAY BROTHERS, INC., hereinafter referred to as "Assignor" desires to assign and transfer the same:

KNOW ALL MEN BY THESE PRESENTS: That RAY BROTHERS, INC. for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which Assignor does hereby acknowledge, said Assignor does hereby assign, transfer, set over and convey unto A. R. BLOSSMAN, JR. and wife, ROYANNE H. BLOSSMAN, as joint tenancy with right of survivorship, hereinafter referred to "Assignee", whose address is: 129 Riverwood Drive, Covington, Louisiana 70433, all right, title and interest in and to the following described property, to-wit:

Lot 16, Block F, HOLIDAY ISLE, RESIDENTIAL SECTION NO. 5, according to the plat thereof recorded in Plat Book 4, Page 39, of the Public Records of Okaloosa County, Florida.

AND for the considerations aforesaid, Assignor does hereby release, remise, quit claim and confirm unto Assignee, and their heirs, personal representatives and assigns, the real estate described hereinabove, together with all buildings and improvements thereon.

THIS INSTRUMENT PREPARED BY

James T. Edgfield
an officer of West Florida
Title Company
P. O. Box 728
Ft. Walton Beach, Florida 32548
in connection with the
issuance of Title Insurance

OFFICIAL RECORDS

IT is the intent and purpose of this instrument for Assignor to transfer to the Assignees all right, title, claim, equity, interest and ownership of Assignor in and to the above described property, the above described lease and the benefits accruing therefrom.

TO HAVE AND TO HOLD the same unto the Assignees, their heirs, personal representatives, successors and assigns.

BY acceptance of this instrument, Assignees covenant and agree to do and perform each and all of the commitments and covenants of the Assignors contained in the aforesaid agreement, including but not limited to the payment of all amounts required to be paid thereunder promptly and when due.

IN WITNESS WHEREOF this instrument has been executed this 13th day of July, 1978.

Signed, Sealed & Delivered in the presence of:

[Signature]
[Signature]

"ASSIGNOR"

RAY BROTHERS, INC.

[Signature]
WILLIAM RAY, JR., PRESIDENT

Signed, Sealed & Delivered in the presence of:

[Signature]
[Signature]

"ASSIGNEES"

A. R. BLOSSMAN, JR.

[Signature]
ROYANNE H. BLOSSMAN

STATE OF FLORIDA

COUNTY OF ESCAMBIA

I hereby certify that on this day, before me, an officer duly authorized in the State and the County aforesaid to take acknowledgments, personally appeared WILLIAM RAY, JR. as PRESIDENT OF RAY BROTHERS, INC., to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State last aforesaid, this 13th day of July, 1978.

[Signature]
NOTARY PUBLIC

My Commission Expires November

STATE OF FLORIDA

COUNTY OF OKALOOSA

I hereby certify that on this day, before me, an officer duly authorized in the State and the County aforesaid to take acknowledgments, personally appeared A. R. BLOSSMAN, JR. and wife, ROYANNE H. BLOSSMAN, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

Witness my hand and official seal in the County and State last aforesaid, this 14th day of July, 1978.

[Signature]
NOTARY PUBLIC

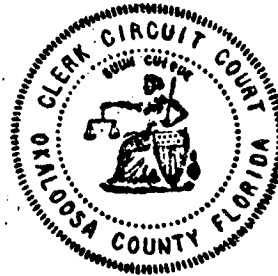
Notary Public, State of Florida
My Commission Expires July 12, 1980
Bonded by American Fire & Casualty Company

BOOK 984 PAGE 585

OFFICIAL RECORDS

[illegible]

FLORIDA
JUL 19 1967
35.20



FILED
NEWMAN C. BRACKIN
CLERK CIRCUIT COURT
OKALOOSA COUNTY, FLA.
78 JUL 17 AM 11 42

527670



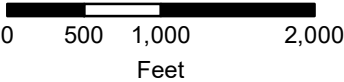
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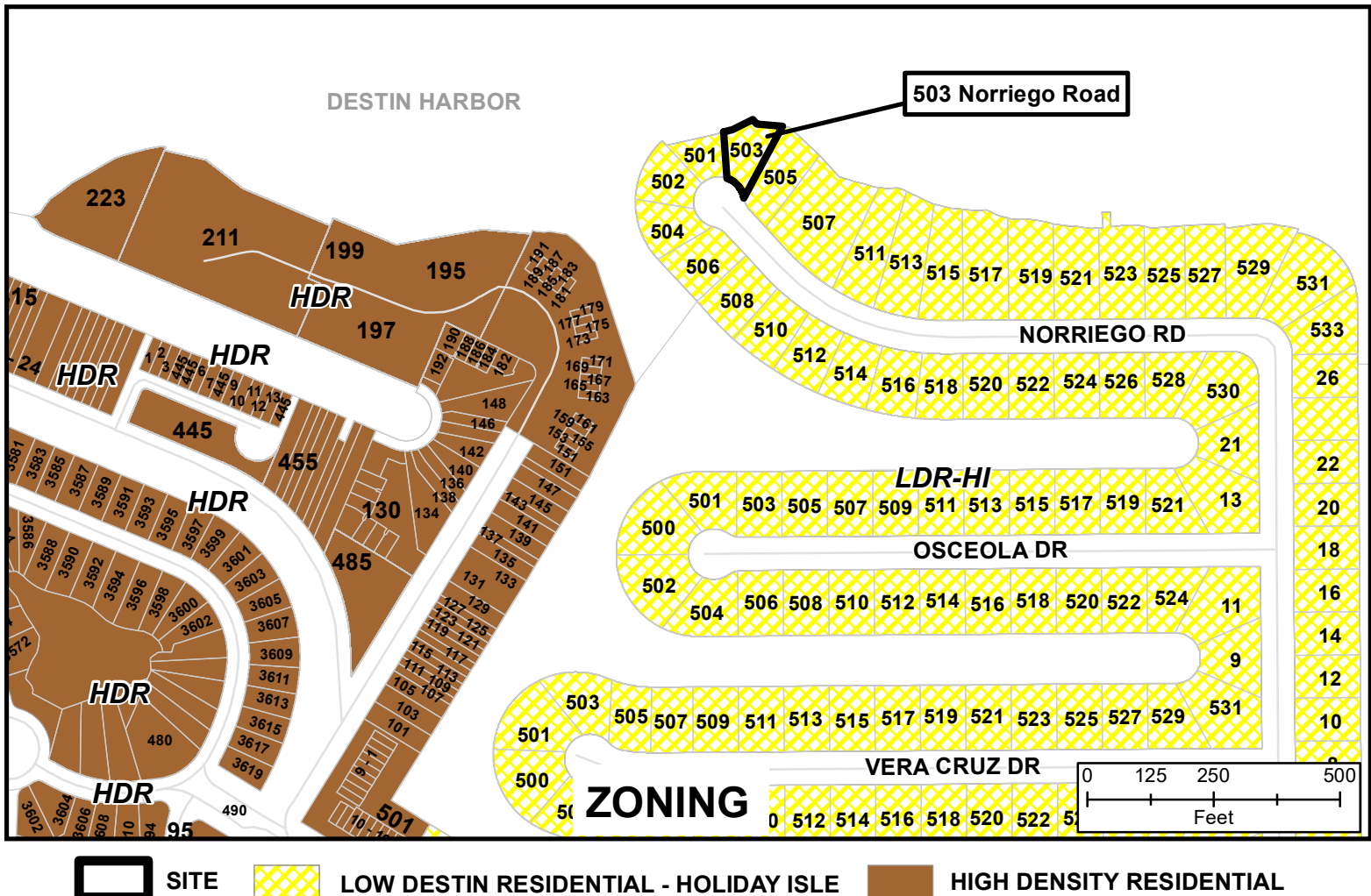
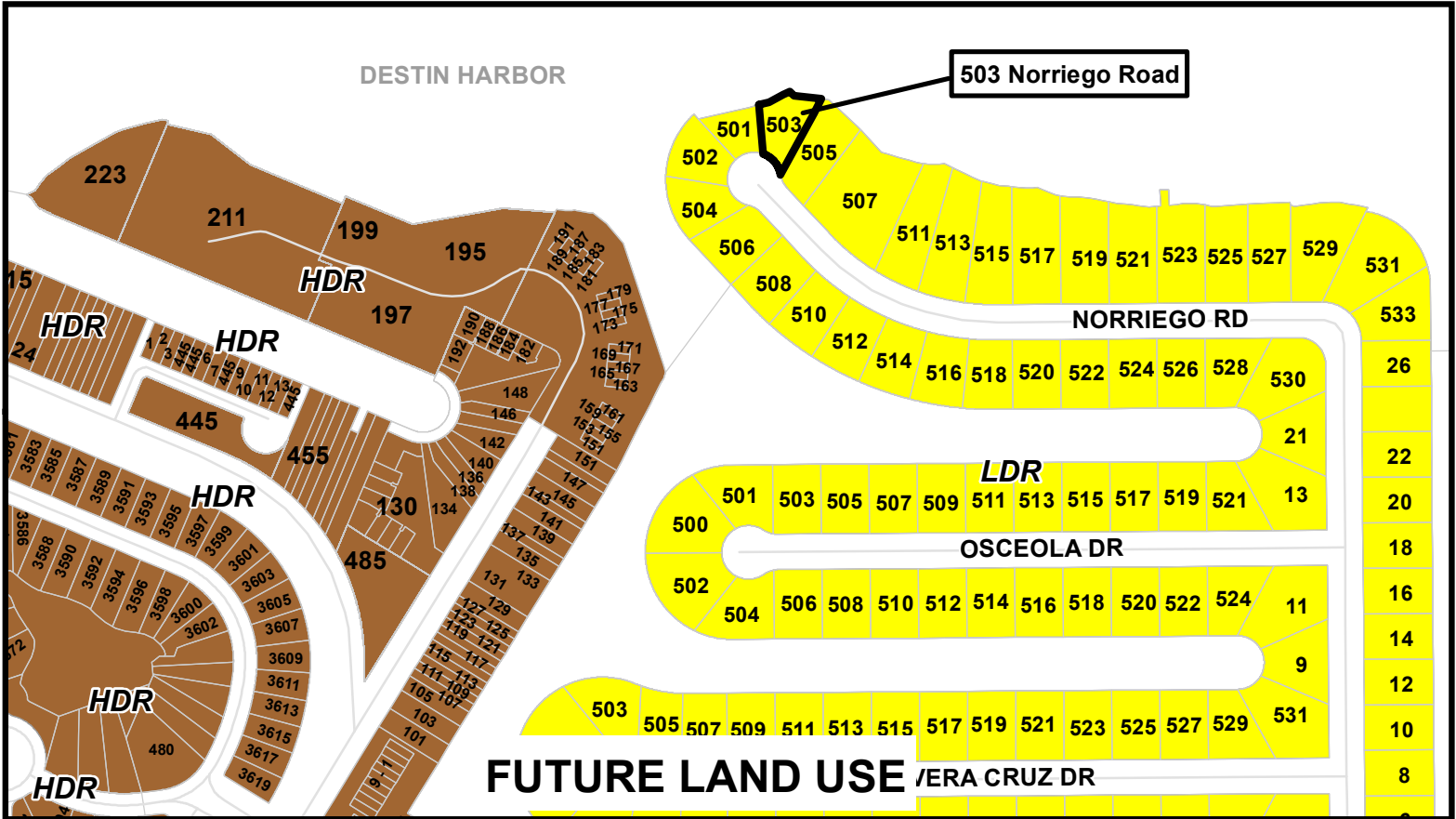
Site

HWB-001463-2024
503 Norriego Road

N



HWB-001463-2024



DESTIN HARBOR



Parcels



Site

HWB-001463-2024
503 Norriego Road



0 37.5 75 150
Feet

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 24, 2024

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 3.B.

TO: Harbor & Waterways Board

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Daniel Butler, Senior Planner
Steve O'Connor, Principal Planner

DATE: September 12, 2024

SUBJECT: 526 Norriego Road, Residential Marine Construction, HWB-001441-2024

I. BACKGROUND: Maraman Construction Inc., on behalf of Daniel & Tara Laborde, has applied for a Harbor and Waterways Board review for the construction of approximately 168 linear feet of seawall and approximately 60 linear feet of six foot (6') wide marginal dock.

Project Details: The applicant seeks a recommendation of approval from the Harbor and Waterways Board for a Residential Marine Construction project proposing a dock with:

Total Square Feet:	360
Total Number of Piers or Docks:	1 Dock
Total Length:	60' along MHWL, no more than 6' into the canal
Total Slip Density:	2 (Upland Cuts)
Located in the Destin Harbor:	Yes

II. DISCUSSION: The applicant requests Harbor and Waterways Board review for residential marine construction located at 526 Norriego Road, on a canal of the Destin Harbor.

The Harbor and Waterways Board is being asked to review the proposed marine project per Land Development Code **Section 11.05.01 - General regulations; prohibitions** and **Section 11.05.02 – Permitting procedures**. Below are Staff's findings with respect to **Section 11.05.01** and **Section 11.05.02**; items not applicable to this project are marked "Not Applicable."

11.05.01. General regulations; prohibitions. *This article establishes and regulates procedures and standards by which the City controls and regulates development, construction and activities within and contiguous to the Harbor and waterways of Destin. The following regulations and prohibitions shall apply to the Harbor and waterways of Destin:*

A. No person shall construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in, or contiguous to, the Harbor or waterways of Destin without first obtaining the proper authorization from the appropriate federal, state and City agencies.

Staff response: *The applicant has submitted for authorization from all appropriate agencies.*

B. The addition or modification of a boat lift or pilings within an existing legal and conforming boat slip shall not require the review of the Harbor and Waterways Board or the City Council. Rather, a copy of the U.S. Army Corps of Engineers permit, DEP permit, and a homeowner's association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created.

Staff response: *Not applicable.*

C. No fish carcasses and debris shall be discharged into the Harbor or waterways of Destin.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

D. No person who maintains or operates a dock shall allow or permit the disposal of fish carcasses, litter, waste petroleum products or other pollutants into the Harbor or waterways of Destin. Trash disposal receptacles shall be anchored to each dock to ensure compliance with the provisions of this article.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

E. No fuel or oil shall be willfully or knowingly discharged in the Harbor or waterways of Destin. No dock which sells fuel or oil shall be constructed, operated or maintained in the Harbor or waterways of Destin unless an oil abatement plan, in accordance with Coast Guard guidelines, is available at each dock. The Destin Harbor and Waterways Board shall review and recommend approval or disapproval of each oil abatement plan to the City Council, which shall have approval authority. Each existing dock which sells fuel or oil shall develop and have approved an oil abatement plan acceptable to the City. All new docks which sell fuel or oil shall develop and have an approved oil abatement plan, which is acceptable to the City, prior to receiving a building permit from the City.

Staff response: *This regulation applies to all users of the harbor and waterways of*

Destin and shall be adhered to. This is a residential dock; therefore, no fuel or oil will be sold, and an oil abatement plan is not required.

F. No new or existing dock shall be constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay.

Staff response: *The proposed dock complies with this regulation. The canal is approximately 100' feet wide at this location, and the dock will extend a maximum of 6' into the canal.*

G. No piling(s) shall be added to the waterward end of any pier which piling(s) would make the total length of the dock more than 200 feet, or 20 percent of the waterway, whichever is less, except in Choctawhatchee Bay.

Staff response: *The proposed dock complies with this regulation.*

H. No vessel shall be moored or docked on the waterward end of any pier of the maximum legal length, as determined pursuant to subsection F above, for more than 72 hours.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

I. No dock shall be constructed which permits the commercial docking of boats with on-board toilets unless such the dock is equipped with a sewage pump-out.

Staff response: *Not applicable.*

J. No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

K. No boat shall be moored in the Harbor or waterways of Destin such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

L. No dock shall be constructed such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

M. Excepting docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, no dock shall be longer than the width, at the mean high-water line,

of the lot to which the dock is attached.

Staff response: *Not applicable.*

- i. For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of the property at the mean high-water line, provided the length of the dock does not exceed the maximum length established by paragraphs F and G above.

Staff response: *Not applicable.*

- ii. For the purpose of this subsection, lots may be combined with neighboring lots. However, no dock may exceed the limitations specified in subsection F above.

Staff response: *Not applicable.*

N. No dock shall be constructed or modified such that slip density exceeds one slip per eight linear feet of waterfront footage except that, on canals, no lot may have more than one slip per 45 linear feet of waterfront. However, all lots riparian to a canal shall be entitled to at least two slips on the canal.

Staff response: *The property complies with the slip density requirement, as it has two (2) slips within the upland cut.*

O. No boat or vessel, entering into, exiting or operating within the Destin Harbor shall operate at such speed that would create a wake that endangers other boats or vessels, swimmers or other persons within the Destin Harbor, or would contribute to any adjacent land erosion.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

P. No heated or cooled water may be emitted into the Harbor, waterways, or the Harbor canals other than from a boat.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Q. No pier shall extend more than six feet into a canal right-of-way.

Staff response: *The proposed dock complies with this regulation.*

R. No discharge of water shall contain phosphorous or any other substance likely to cause a violation of the water quality standards specified in Chapter 17-302, Florida Administrative Code.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

S. No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.

Per Land Development Code **Section 11.05.02 K.**, in water bodies of less than 100 feet in width, owners of property on the opposing shore to the proposed construction shall be provided with written notification of the proposed construction. Any objections received will be provided to the Harbor and Waterways Board and the City Council.

Staff response: *Staff sent the attached Property Owner's Notice on July 26, 2024.*

T. No dock shall unreasonably interfere with the riparian rights of others.

Staff response: *Staff sent the attached Property Owner's Notice on July 26, 2024. As proposed, the riparian rights of others are not interfered with.*

U. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection. Each light shall be installed within 90 days after adoption of this Code.

Staff response: *Not applicable.*

V. No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.

Staff response: *Not applicable.*

W. No construction shall be allowed which violates any provision of the Standard Building Code, as adopted by the City.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

X. No electrical or water service upon any dock shall be installed unless a permit is obtained from the Planning Department and Building Department for that service.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

Y. No person, while operating a boat within the or waterways of Destin shall allow or permit the disposal of fish carcasses, litter, waste, petroleum products or other pollutants into the Harbor or waterways of Destin from such boats.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Z. No lot, or multi-contiguous lots, with less than 50 feet of waterfront footage shall be allowed individual docks, unless they are parallel to the shoreline. However, docks may be allowed under the provisions of subsection 11.05.01.M.2.

Staff response: Not applicable.

Pursuant to **Section 11.05.03, Land Development Code (LDC)**, all construction shall be inspected by the City Building Inspector for compliance with applicable building codes. The applicant shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

PUBLIC COMMENT:

Staff have received no comments from the public to date.

- A. **Link to Strategic Goals / Objectives:** IV. Enhanced quality of life and safety for families.
- B. **Effect on Budget (EOB):** N/A
- C. **Level of Service (LOS):** N/A
- D. **Legislative Sponsor:**

III. CONCLUSION: The applicant requests Harbor and Waterways Board approval for a residential marine construction project located at 526 Norriego Road. Additionally, the applicant provided a receipt of submittal from the Florida Department of Environmental Protection (FDEP), Self-Certification File No: 0440547001EE.

City Staff reviewed the application and determined that the plans comply with **LDC Section 11.05.00, Marina Siting**, and the Coastal Management Element of the City's Comprehensive Plan (**Coastal Management Element Policy 6-1.1.6**).

IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend approval of the marine construction project proposed at 526 Norriego Road, for the construction of approximately 168 linear feet of seawall and approximately 60 linear feet of six foot (6') wide marginal dock, with the following conditions:

- 1. All applicable Federal or State approvals shall be submitted with the Marine Construction Permit application; and
- 2. All regulations of the City's Marina Siting **LDC Section 11.05.00** shall be adhered to and followed at all times.

ALTERNATIVE MOTION:

I move that the Harbor and Waterways Board deny the proposed marine construction project at 526 Norriego Road.

Attachments:

- 1. 1. 526 Norriego Road Site Plan
- 2. 2. FDEP Self-Certification Submittal

3. 3. 526 Norriego Road Boundary
Survey
4. 4. Adjacent Property Notification
5. 5. Proof of Ownership
6. 6. 526 Norriego Location
7. 7. 526 Norriego FLUM & Zoning
8. 8. 526 Norriego Site Map

DEP ERP Notification of Request for Water Quality Certification, ERP_440547 - Okaloosa county

1 message

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

Fri, Sep 29, 2023 at 8:07 AM

To: maramangc.steve@gmail.com

Cc: ERP.SELFCERTS@dep.state.fl.us, 401_WQC_NOTIFICATIONS@usace.army.mil

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

Governor

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

Lt. Governor

Shawn Hamilton

Secretary

Receipt for Submission**NOTIFICATION OF REQUEST FOR WATER QUALITY CERTIFICATION**

09/29/2023

Laborde

Self Certification File No.: 0440547001EE
File Name: 526 Norriego Road Destin, FL 32541
County: Okaloosa

The Department has received self_certification of exemption from, ERP ERP_440547 Stephen Weech at 526 Norriego Road Destin, FL 32541. The Department expressly waives state water quality certification for activities that are exempt under Rule 62-330.051 or 62-330.0511 F.A.C. in accordance with 62-330.062, F.A.C.

**Customer
Service
Survey** noname
50K

DEP ERP Self-Certification Receipt

1 message

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

Fri, Sep 29, 2023 at 8:07 AM

To: maramangc.steve@gmail.com

Cc: ERP.SELFCERTS@dep.state.fl.us, SPGP@usace.army.mil, NMFS.SER.PROGRAMMATICREVIEW@noaa.gov, CORPSJAXREG-NL@usace.army.mil, 401_WQC_NOTIFICATIONS@usace.army.mil, NWD_ERP_APPLICATIONS@floridadep.gov

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

Governor

Jeanette Nuñez

Lt. Governor

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

Secretary

Receipt for Submission**SELF-CERTIFICATION FOR A PROJECT AT A
PRIVATE, RESIDENTIAL SINGLE-FAMILY DOCK****09/29/2023**

Self-Certification File No.: 0440547001EE

File Name: 526 Norriego Road Destin, FL 32541 - Self Cert Exempt Dock (General)

Dear **Stephen Weech**: On **09/29/2023** you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Single-Family Dock ERP Exemption Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: 30 Minutes: 23 Seconds: 15.2597
LONG - Degrees: -86 Minutes: 29 Seconds: 43.4663
SITE ADDRESS: 526 Norriego Road Destin, FL 32541
COUNTY: Okaloosa

For:

Tara Laborde
111 North Oak Street Hammond, LA 70401

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

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

submerged lands owned by the State of Florida.

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

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

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

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

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

The authorization must be visibly posted during all construction activities.

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

FEDERAL STATE PROGRAMMATIC GENERAL PERMIT (SPGP)

Your project does not qualify for Federal Authorization under the State Programmatic General Permit. In addition to the Self-Certification process, you need to apply for federal authorization, unless your project was disqualified due to being in State-Assumed Waters. However, some projects in state-assumed waters may still need federal Section 10 authorization. Please contact the U.S. Army Corps of Engineers at <https://www.saj.usace.army.mil/Missions/Regulatory.aspx> for further information about how to receive authorization in order to proceed with your project.

ADDITIONAL INFORMATION

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

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

NWD_ERP_Applications@FloridaDEP.gov

Sincerely,
Florida Department of Environmental Protection

Attachments:
FDEP Terms and Conditions



2 attachments

[a34321d19ef45a37fa2f2fc3ead8793.pdf](#)
50K

 noname
50K

Foundation.dwg

T.B.M. #1

Norriego Road

(66' Right of Way)

Centerline Elevation=7.18'

T.B.M. #2

ASSUMED NORTH

GRAPHIC SCALE



SCALE: 1" = 20'

SURVEYOR'S REPORT:

F.E.M.A. FLOOD INSURANCE RATE MAP NO. 12091C0488 J, DATED MARCH 9, 2021 INDICATES THAT THIS PROPERTY IS LOCATED IN "ZONE AE(8)". FLOOD ZONE(S) SCALED FROM THE AFOREMENTIONED FLOOD INSURANCE RATE MAP.

THIS SURVEY WAS PREPARED FOR THE CLIENT'S USE AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

NO ATTEMPT HAS BEEN MADE BY VOELKER SURVEYING TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIPS, DEED RESTRICTIONS, EASEMENTS, OR OTHER BURDENS ON THE PROPERTY OTHER THAN THAT FURNISHED BY THE CLIENT OR HIS REPRESENTATIVE.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.

UTILITIES, BOTH OVERHEAD AND UNDERGROUND SHOWN, HAVE BEEN LOCATED FROM VISIBLE UTILITY FEATURES, AND PREVIOUS CONSTRUCTION DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN, COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, EXCEPT FOR ABOVE GROUND VISIBLE UTILITY FEATURES.

THIS COMPANY AND ITS EMPLOYEES HAVE MADE NO ATTEMPT TO PHYSICALLY LOCATE UNDERGROUND FEATURES; SUCH AS FOOTINGS AND OTHER UNDERGROUND IMPROVEMENTS.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ALL TIES TO PUBLIC LAND SURVEY SYSTEM MONUMENTS ARE PURPORTED, UNLESS OTHERWISE NOTED.

ALL ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM (1988), NATIONAL GEODETIC SURVEY, OPUS STATIC SOLUTION (GEOID 09)

T.B.M. #1 PK NAIL & DISK (VOELKER BENCHMARK), ELEVATION=7.04'

T.B.M. #2 PK NAIL & DISK (VOELKER BENCHMARK), ELEVATION=7.07'

BEARINGS BASED ON THE SOUTH RIGHT OF WAY OF NORRIEGO AVENUE BEING N 88°34'00" E

REFERENCE MAPS:

- A PLAT OF HOLIDAY ISLE RESIDENTIAL SECTION NO. 5 BY PATTERSON ASSOCIATES, INC.
- A BOUNDARY SURVEY OF LOT 27, BLOCK F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5 BY VOELKER SURVEYING, DATED AUGUST 20, 2015.
- A BOUNDARY & TOPOGRAPHIC SURVEY OF LOT 31, BLOCK F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5 BY VOELKER SURVEYING, DATED FEBRUARY 15, 2019.
- A BOUNDARY SURVEY OF LOT 26, BLOCK F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5 BY VOELKER SURVEYING, DATED SEPTEMBER 8, 2023.

LEGAL DESCRIPTION:

LOT 30, BLOCK F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 39 OF THE PUBLIC RECORDS OF WALTON COUNTY, FLORIDA.

LEGEND

- (F) Field Distance and/or Bearing
(P) Plat Distance and/or Bearing
● 1/2" Capped Iron Rod Found (LB 7584)
○ 1/2" Capped Iron Rod Found (LB 3724)
● 1/2" Capped Iron Rod Found (LB 3724) Witness
● 1/2" Capped Iron Rod Found (LB 7768)
● 1/2" Capped Iron Rod Found (LB 3501)
● Permanent Control Point Found (Voelker Benchmark)
⊕ 1/2" Iron Rod Found
⊗ 3/8" Iron Rod Found
▨ Asphalt Pavement
▨ Wood

LINE TABLE

LINE	LENGTH	BEARING
L1 (F)	32.94'	N 01°25'21" W

Voelker Surveying

110 Logan Lane, Suite 4

Phone: 850.231.6300 Santa Rosa Beach, Florida 32459

Fax: 850.231.6305

LB 7584
web: voelkersurvey.com

A BOUNDARY & TOPOGRAPHIC SURVEY

FOR

DUKE MARAMAN

Lot 30, Block F, Holiday Isle Residential Section No. 5, Okaloosa County, Florida

Job #: 16447

Field Date: 11 April 2024

Drawn By: DLG

Approved By: RV

Scale: 1"=20'

Date: 16 April 2024

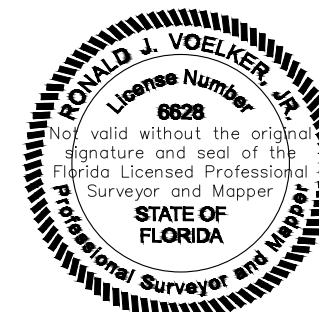
Field book: 758

Sheet 1 of 1

Ronald Voelker

Digitally signed by Ronald Voelker
Date: 2024.04.17 16:53:11 -05'00'

Ronald J. Voelker, Jr.
Florida Licensed Professional Surveyor and Mapper #6628



16 April 2024

Date



Community Development Planning Division

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

July 26, 2024

Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal for Residential Marine Construction – 526 Norriego Rd.

Dear Property Owner:

This letter is to notify you of a proposed marine construction project at **526 Norriego Rd.** The Marine Construction application requires Harbor & Waterways Board review and recommendation. **The Application will be tentatively heard by the Harbor & Waterways Board at 5:30 p.m. at the Destin City Hall Annex, 4100 Indian Bayou Trail on Thursday, August 22, 2024.**

As an owner of property located near this project, *Destin Land Development Code (LDC) Sections 2.17.00 & 11.05.01.S* require a written notice providing you with the following information. This project proposes new marine construction within twenty-five (25) feet of your property line, or your property is located across a waterbody from the proposed construction and the waterbody is less than one hundred (100) feet in width.; therefore, the City is requesting your input on the matter. If you would like to provide any comments you may respond by sending an email to the email address listed below, or by appearing before the Harbor & Waterways Board.

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

1. Name of Owner: Daniel & Tara Laborde
2. Name of Agent: Jonathan Maraman, of Maraman Construction, Inc.
3. Address of Project: 526 Norriego Rd.
4. Parcel ID Number: 00-2S-24-2186-000F-0300
5. Project Description: Construction of approximately 168 linear feet of seawall and approximately 60 linear feet of six foot (6') wide marginal dock.
6. Location of Application Package: To request that 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 regarding this letter, please do not hesitate to contact us at (850) 842-4669 or via email at planning@cityofdestin.com.

Sincerely,

Daniel Butler
Senior Planner



CC: Tina Deater, AICP, Community Development Director
Planning
Project File

THIS DOCUMENT PREPARED BY:
Davage J. Runnels, III
Hall & Runnels
4399 Commons Dr East Ste 300
Destin, FL 32541

THE ABOVE SPACE IS RESERVED FOR RECORDING INFORMATION

LEASE ASSIGNMENT

THIS ASSIGNMENT made this 28 day of September, 2021, by C-Side Destin Properties, LLC, a Florida limited liability company whose address is 1520 Nina Hwy, Breau Bridge, Louisiana 70517 (hereinafter referred to as "Assignor") to Daniel J Laborde and Tara Monteleone Laborde, husband and wife (hereinafter referred to as "Assignee") whose mailing address is 111 N Oak St, Hammond, Louisiana 70401.

WITNESSETH

Assignor, for and in total consideration of \$10.00 and other valuable considerations, receipt of which is hereby acknowledged, hereby quitclaims, demises, assigns, grants, sells, bargains, aliens, remises, conveys and confirms unto the Assignee, all leasehold interest in that certain land situate in Okaloosa County, Florida, viz:

Lot 30, Block F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5, according to the map or plat thereof, as recorded in Plat Book 4, Page 39 of the Public Records of Okaloosa County, Florida.

Parcel Identification Number: 002S242186000F0300

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

TO HAVE AND TO HOLD the said premises unto the Assignee, their successors and assigns, for and during the full term and period of said Lease and any renewal periods, unless sooner terminated, upon the terms and conditions set forth below:

1. This Assignment is made subject to any and all restrictive covenants, lease conditions, assessments, if any, and other matters affecting the above-described real estate and leasehold interest therein, according to documents heretofore recorded in the public records of the county in which the property is situate.
2. By acceptance hereof, Assignee covenants that they will perform all of the terms and conditions under the recorded subleases, leases, and assignments as they relate to the subject property.

Assignor hereby covenants with Assignee that Assignor is lawfully seized of said leasehold interest; that Assignor has good right and lawful authority to sell and convey said leasehold interest; that the Assignor hereby fully warrants the title to said leasehold and will defend the same against the lawful claims of all persons whomsoever; and that said leasehold is free from all liens and encumbrances, except as stated above and taxes accruing subsequent to December 31, 2021.

IN WITNESS WHEREOF Assignors have set their hands and seal this 28th day of September, 2021.

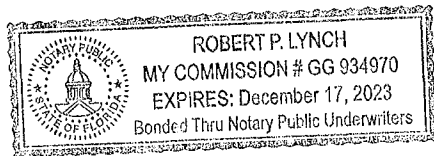

 witness #1 signature
Dwayne J Rouse
 type witness #1 name


 witness #2 signature
Robert M. Lynch
 type witness #2 name

(Witnesses as to both signatures)

STATE OF FL
 COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 17 day of Sept, 2021, by Elizabeth Champagne and Robert M. Champagne, the Members/Managers of C-Side Destin Properties, LLC, a Florida limited liability company, on behalf of the company, who () is/are personally known to me or who (☒) produced Dr. Liane as identification and did not take an oath.

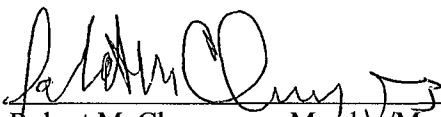


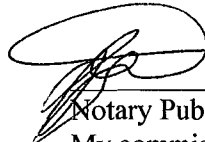
(Affix Seal)

ASSIGNOR:

C-Side Destin Properties, LLC, a Florida limited liability company


 Elizabeth Champagne, Member/Manager


 Robert M. Champagne, Member/Manager


 Notary Public
 My commission expires:
 Print Name: _____

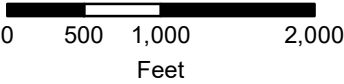


Parcels

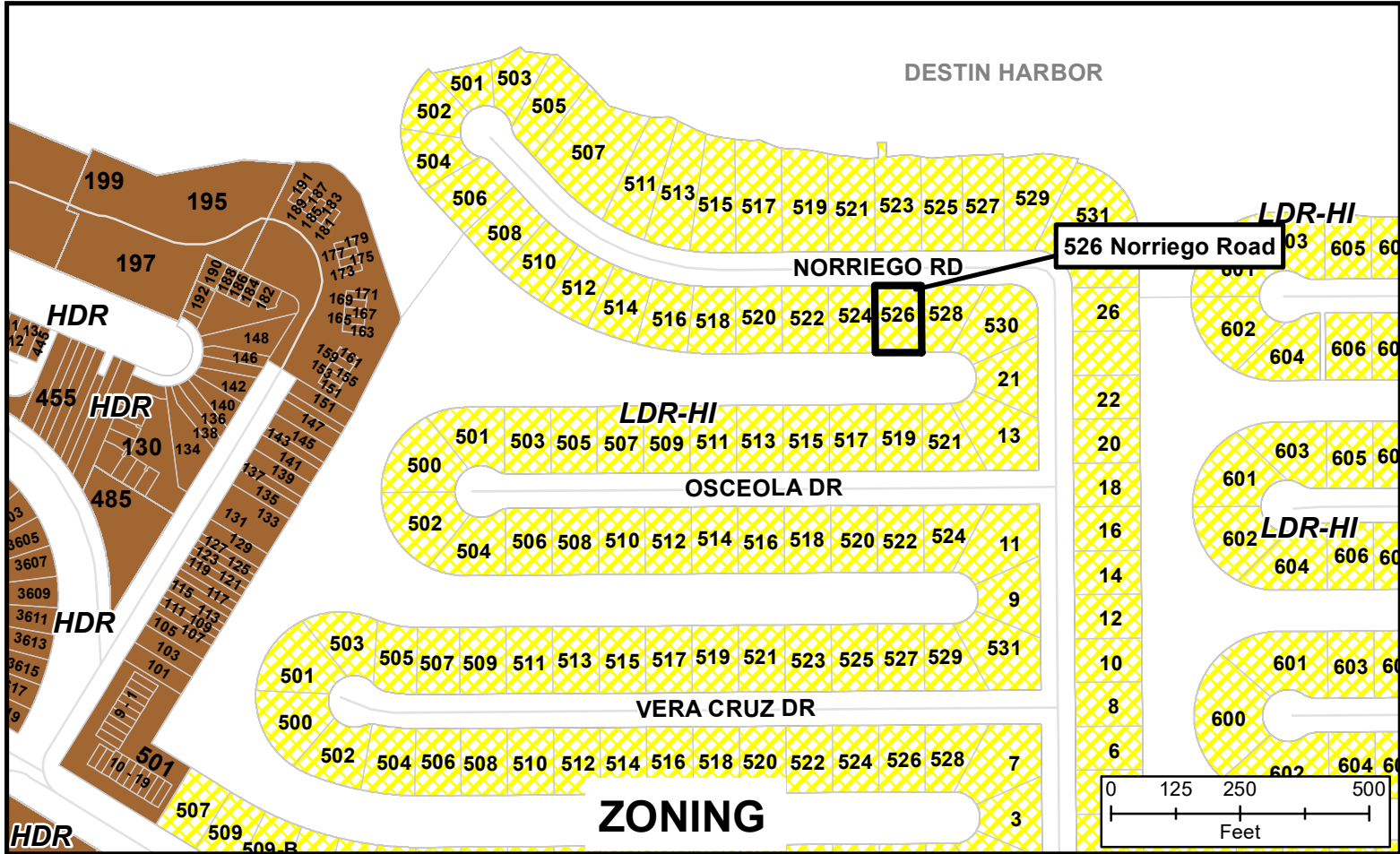
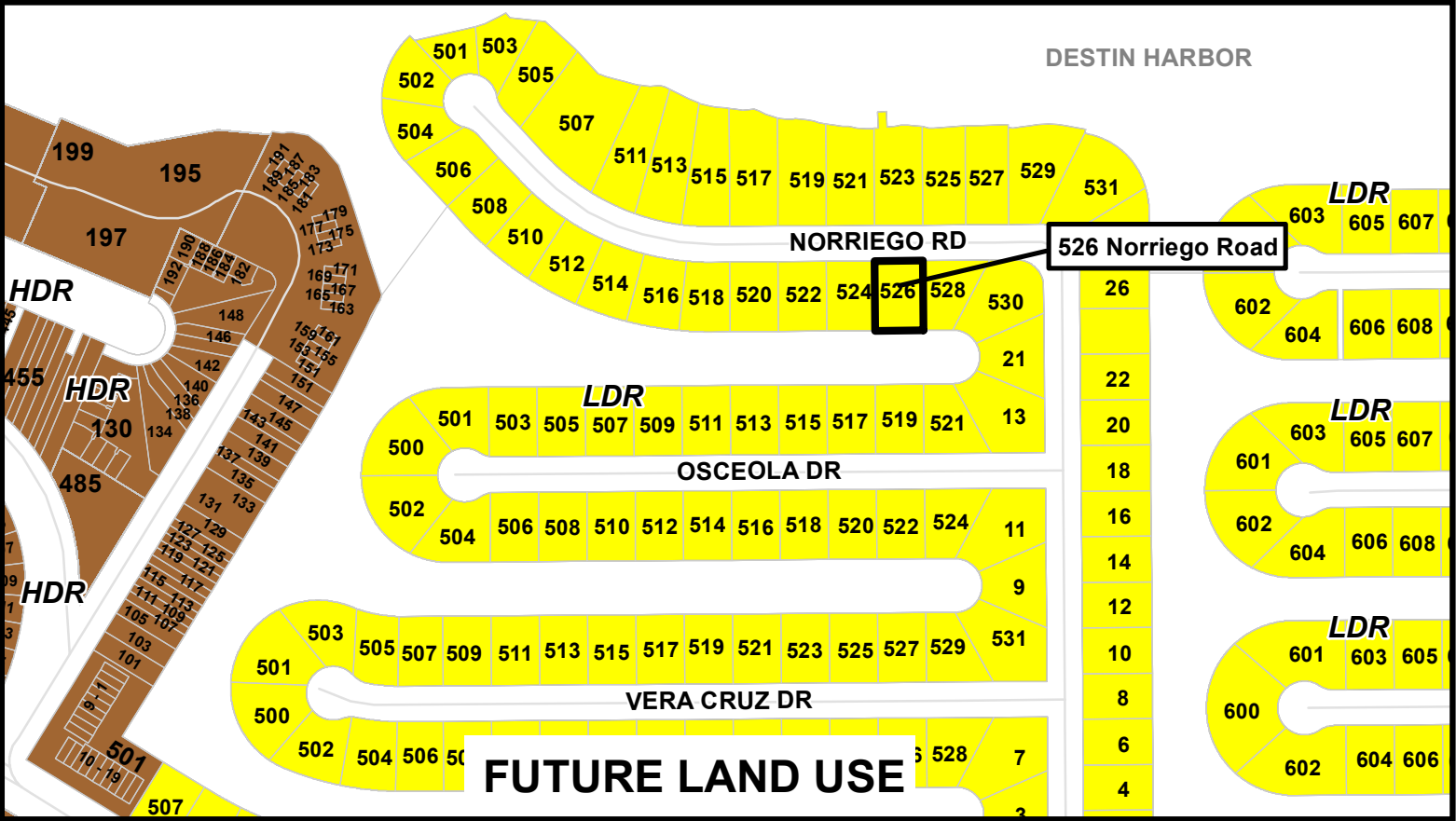


Site

HWB-001441-2024
526 Norriego Road



HWB-001441-2024





Parcels



Site

HWB-001441-2024
526 Norriego Road



0 37.5 75 150
Feet

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 24, 2024

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 3.C.

TO: Harbor & Waterways Board

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Daniel Butler, Senior Planner
Steve O'Connor, Principal Planner

DATE: September 12, 2024

SUBJECT: 531 Norriego Road, Residential Marine Construction, HWB-001398-2024

I. BACKGROUND: Compass Marine Group, LLC, on behalf of Michael Lawler, has applied for Harbor and Waterways Board review for the replacement and partial expansion of an existing seawall, with a portion of the new seawall to be moved 8'9" waterward of the existing seawall.

Project Details: The applicant seeks a recommendation of approval from the Harbor and Waterways Board for a Residential Marine Construction project proposing to replace the existing seawall by expanding the seawall area. Most of the expansion is within 18" waterward of the existing seawall; however, along the eastern edge of the property, the new seawall is proposed approximately 8' 9" waterward of the existing seawall and backfilled, tying into the neighbor's existing seawall.

II. DISCUSSION: The applicant requests Harbor and Waterways Board review for residential marine construction located at 531 Norriego Road, within the Destin Harbor.

The Harbor and Waterways Board is being asked to review the proposed marine project per Land Development Code ***Section 11.05.01 - General regulations; prohibitions*** and ***Section 11.05.02 – Permitting procedures***. Below are Staff's findings with respect to ***Section 11.05.01*** and ***Section 11.05.02***; items not applicable to this project are marked "Not Applicable."

11.05.01. General regulations; prohibitions. *This article establishes and regulates procedures and standards by which the City controls and regulates development, construction and activities within and contiguous to the Harbor and waterways of Destin.*

The following regulations and prohibitions shall apply to the Harbor and waterways of Destin:

A. No person shall construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in, or contiguous to, the Harbor or waterways of Destin without first obtaining the proper authorization from the appropriate federal, state and City agencies.

Staff response: *The applicant has submitted for authorization from all appropriate agencies.*

B. The addition or modification of a boat lift or pilings within an existing legal and conforming boat slip shall not require the review of the Harbor and Waterways Board or the City Council. Rather, a copy of the U.S. Army Corps of Engineers permit, DEP permit, and a homeowner's association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created.

Staff response: *Not applicable.*

C. No fish carcasses and debris shall be discharged into the Harbor or waterways of Destin.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

D. No person who maintains or operates a dock shall allow or permit the disposal of fish carcasses, litter, waste petroleum products or other pollutants into the Harbor or waterways of Destin. Trash disposal receptacles shall be anchored to each dock to ensure compliance with the provisions of this article.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

E. No fuel or oil shall be willfully or knowingly discharged in the Harbor or waterways of Destin. No dock which sells fuel or oil shall be constructed, operated or maintained in the Harbor or waterways of Destin unless an oil abatement plan, in accordance with Coast Guard guidelines, is available at each dock. The Destin Harbor and Waterways Board shall review and recommend approval or disapproval of each oil abatement plan to the City Council, which shall have approval authority. Each existing dock which sells fuel or oil shall develop and have approved an oil abatement plan acceptable to the City. All new docks which sell fuel or oil shall develop and have an approved oil abatement plan, which is acceptable to the City, prior to receiving a building permit from the City.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to. This is a residential seawall; therefore, no fuel or oil will be sold, and an oil abatement plan is not required.*

F. No new or existing dock shall be constructed or modified such that the length of any

pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay.

Staff response: *Not applicable, as the scope only includes a seawall.*

G. No piling(s) shall be added to the waterward end of any pier which piling(s) would make the total length of the dock more than 200 feet, or 20 percent of the waterway, whichever is less, except in Choctawhatchee Bay.

Staff response: *Not applicable, as the scope only includes a seawall.*

H. No vessel shall be moored or docked on the waterward end of any pier of the maximum legal length, as determined pursuant to subsection F above, for more than 72 hours.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

I. No dock shall be constructed which permits the commercial docking of boats with on-board toilets unless such the dock is equipped with a sewage pump-out.

Staff response: *Not applicable.*

J. No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

K. No boat shall be moored in the Harbor or waterways of Destin such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

L. No dock shall be constructed such that it constitutes a hazard to navigation.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

M. Excepting docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, no dock shall be longer than the width, at the mean high-water line, of the lot to which the dock is attached.

Staff response: *Not applicable.*

i. For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of

the property at the mean high-water line, provided the length of the dock does not exceed the maximum length established by paragraphs F and G above.

Staff response: *Not applicable.*

ii. For the purpose of this subsection, lots may be combined with neighboring lots. However, no dock may exceed the limitations specified in subsection F above.

Staff response: *Not applicable.*

N. No dock shall be constructed or modified such that slip density exceeds one slip per eight linear feet of waterfront footage except that, on canals, no lot may have more than one slip per 45 linear feet of waterfront. However, all lots riparian to a canal shall be entitled to at least two slips on the canal.

Staff response: *This property complies with the slip density requirement of the LDC, as there is one (1) slip within the upland cut.*

O. No boat or vessel, entering into, exiting or operating within the Destin Harbor shall operate at such speed that would create a wake that endangers other boats or vessels, swimmers or other persons within the Destin Harbor, or would contribute to any adjacent land erosion.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

P. No heated or cooled water may be emitted into the Harbor, waterways, or the Harbor canals other than from a boat.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Q. No pier shall extend more than six feet into a canal right-of-way.

Staff response: *Not applicable, as the scope only includes a seawall and is not located on a canal.*

R. No discharge of water shall contain phosphorous or any other substance likely to cause a violation of the water quality standards specified in Chapter 17-302, Florida Administrative Code.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

S. No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.

Staff response: *Staff sent the attached Property Owner's Notice on August 26, 2024.*

T. No dock shall unreasonably interfere with the riparian rights of others.

Staff response: *Staff sent the attached Property Owner's Notice on August 26, 2024 and has not received any feedback. As proposed, the riparian rights of others are not interfered with.*

U. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection. Each light shall be installed within 90 days after adoption of this Code.

Staff response: *Not applicable.*

V. No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.

Staff response: *Not applicable.*

W. No construction shall be allowed which violates any provision of the Standard Building Code, as adopted by the City.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

X. No electrical or water service upon any dock shall be installed unless a permit is obtained from the Planning Department and Building Department for that service.

Staff response: *Applicant must obtain an approved Marine Construction Permit prior to any construction.*

Y. No person, while operating a boat within the or waterways of Destin shall allow or permit the disposal of fish carcasses, litter, waste, petroleum products or other pollutants into the Harbor or waterways of Destin from such boats.

Staff response: *This regulation applies to all users of the harbor and waterways of Destin and shall be adhered to.*

Z. No lot, or multi-contiguous lots, with less than 50 feet of waterfront footage shall be allowed individual docks, unless they are parallel to the shoreline. However, docks may be allowed under the provisions of subsection 11.05.01.M.2.

Staff response: *Not applicable.*

Pursuant to **Section 11.05.03, Land Development Code (LDC)**, all construction shall be inspected by the City Building Inspector for compliance with applicable building codes. The applicant shall be responsible for the condition and repair of permitted docks and

failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

PUBLIC COMMENT:

Staff have received no comments from the public to date.

- A. **Link to Strategic Goals / Objectives:** IV. Enhanced quality of life and safety for families.
- B. **Effect on Budget (EOB):** N/A
- C. **Level of Service (LOS):** N/A
- D. **Legislative Sponsor:**

III. CONCLUSION: The applicant requests Harbor and Waterways Board approval for a residential marine construction project located at 531 Norriego Road. Additionally, the applicant provided a permit from the Florida Department of Environmental Protection (FDEP), Permit #0430234-003-EI/46. Additionally, the applicant provided Staff with the required United States Army Corps of Engineers (USACE) proof of submittal. USACE approval shall be submitted with the Building Permit application.

City Staff reviewed the application and determined that the plans comply with ***LDC Section 11.05.00, Marina Siting***, and the Coastal Management Element of the City's Comprehensive Plan (***Coastal Management Element Policy 6-1.1.6***).

IV. RECOMMENDED MOTION: I move that the Harbor and Waterways Board recommend approval of the marine construction project proposed at 531 Norriego Road, for the replacement and partial expansion of an existing seawall, with a portion of the new seawall to be moved 8'9" waterward of the existing seawall, with the following conditions:

- 1. All applicable Federal or State approvals shall be submitted with the Marine Construction Permit application; and
- 2. All regulations of the City's Marina Siting ***LDC Section 11.05.00*** shall be adhered to and followed at all times.

ALTERNATIVE MOTION:

I move that the Harbor and Waterways Board deny the proposed marine construction project at 531 Norriego Road.

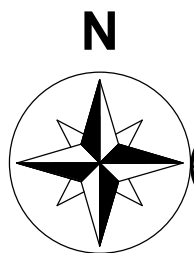
Attachments:

- 1. 1. 531 Norriego Road Site Plan
- 2. 2. Seawall Cross Section
- 3. 3. FDEP Permit
- 4. 4. USACE Proof of Submittal
- 5. 5. HOA Approval
- 6. 6. Agent Affidavit
- 7. 7. Adjacent Property Notification
- 8. 8. Proof of Ownership
- 9. 9. 531 Norriego Location
- 10. 10. 531 Norriego FLUM and Zoning

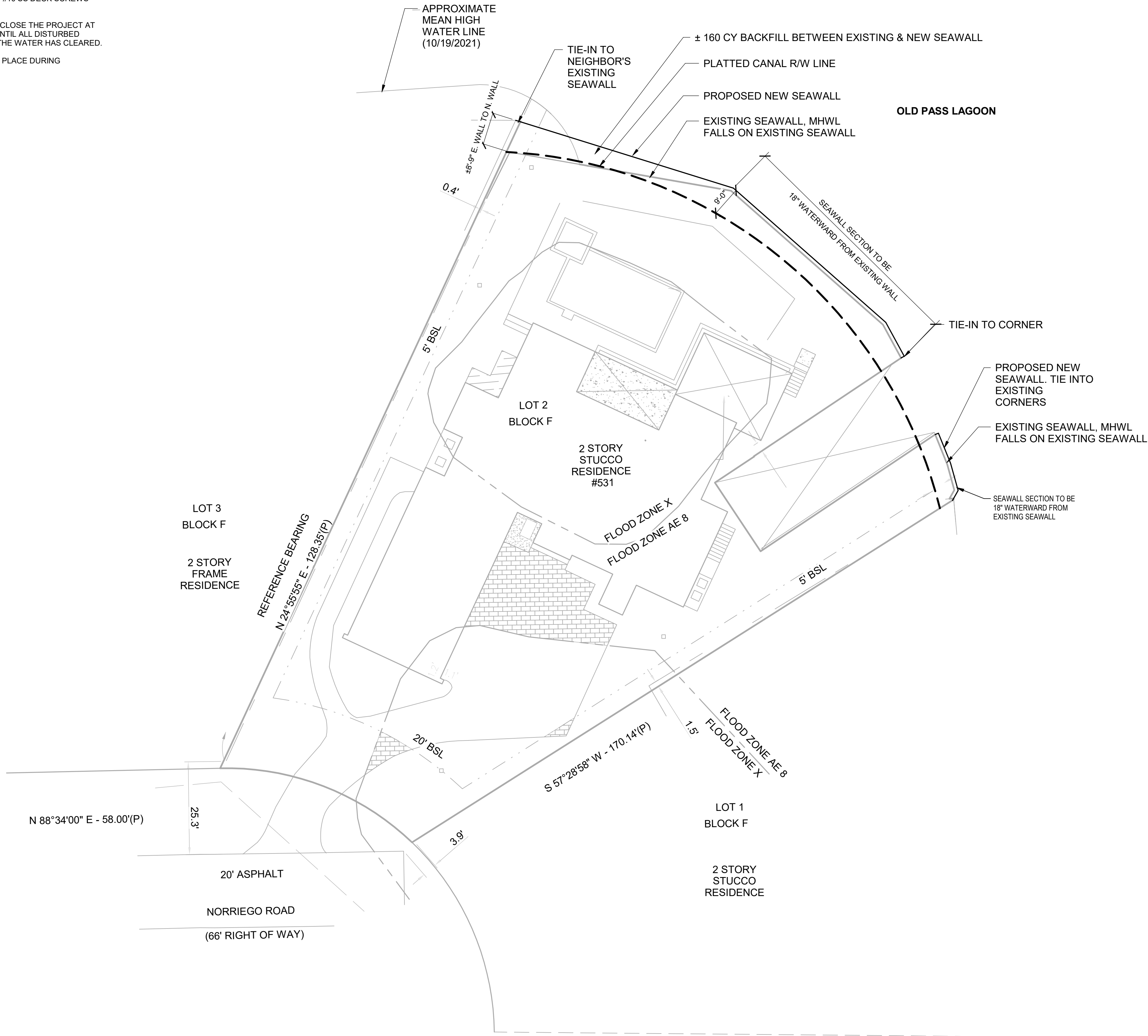
11. 11. 531 Norriego Site Map

GENERAL NOTES

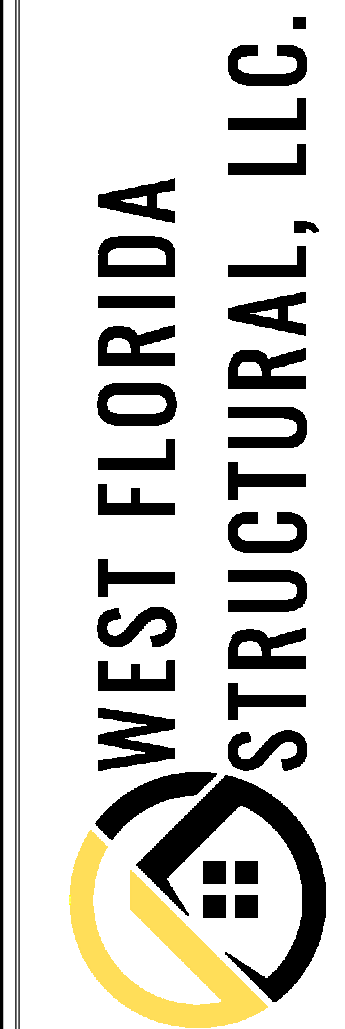
1. ALL P.T. LUMBER SHALL BE TREATED TO A MAXIMUM ALLOWABLE BY DEP.
2. VINYL SHEET PILES SHALL BE DRIVEN ONE FOOT BELOW MUDLINE FOR EACH FOOT ABOVE MUDLINE.
3. PILE CAP TO WHALER ATTACHMENTS SHALL BE (2) 3" #10 SS DECK SCREWS EACH END.
4. TURBITY CURTAIN TO BE PLACED TO COMPLETELY ENCLOSE THE PROJECT AT ALL TIMES. THE BARRIER SHALL NOT BE REMOVED UNTIL ALL DISTURBED SEDIMENT WITHIN THE BARRIER HAS SETTLED AND THE WATER HAS CLEARED.
5. ALL BEST MANAGEMENT PRACTICES WILL REMAIN IN PLACE DURING CONSTRUCTION.



1 531 NORRIEGO SITE PLAN
3/4" = 1'-0"



Date: 5/2023
Designed By: M. CULLENS
Drawn By: M. CULLENS
Checked By: M. CULLENS



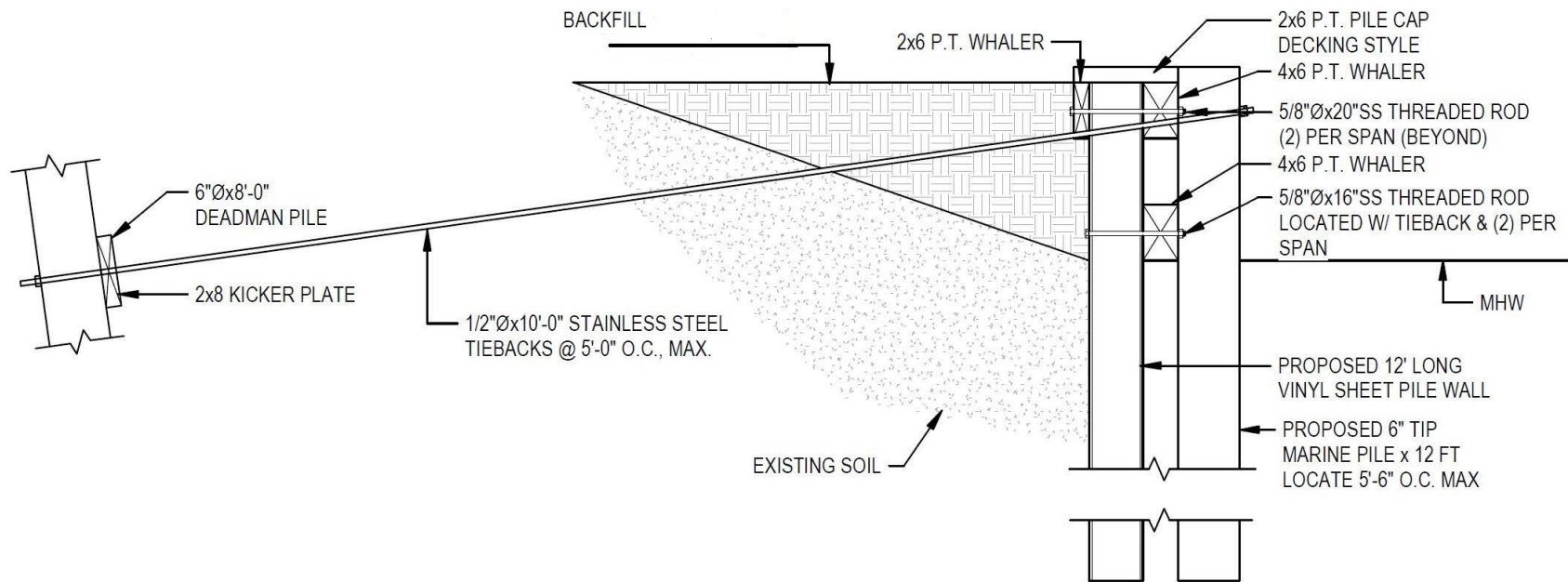
DRAWINGS ON
12"x18" SHEET ARE
HALF SCALE

531 NORRIEGO RD
OKALOOSA COUNTY, FLORIDA

SHEET TITLE
OVERALL
PLAN/
DETAILS

SHEET NUMBER
S-1

Cross Section - Typical Seawall





FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5794

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Michael Lawler
531 Norriego Rd
Destin, FL 32541
lawler@mindsprig.com

Lawler Seawall

Authorized Agent:

Kimberly Cole
326 Smith Rd
Freeport, FL 32439
Elise@MyCompassMarine.com

Environmental Resource Permit State-owned Submerged Lands Authorization – Granted

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

Okaloosa County
Permit No.: 0430234-003-EI/46

Permit Issuance Date: August 1, 2024
Permit Construction Phase Expiration Date: August 1, 2029

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: Michael Lawler
Permit No: 0430234-003-EI/46

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 531 Norriego Road, Destin, Florida 32541, Parcel No. 00-2S-24-2186-000F-0020, Section 00, Township 02 South, Range 24 West, Okaloosa County: 30°23'18.8091" North Latitude, 86°29'38.8546" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to construct a new seawall in front of an existing seawall where the north section has a length of 127 ft. 10 in., where the south section has a length of 19 ft. 9 in., and where approximately 160 cu. yd. of backfill will be placed between the existing seawall and the new seawall. The seawall will extend no farther than 18 in. waterward of the mean high water line of Destin Harbor, a Class II Florida Waterbody and Prohibited Shellfish Harvesting Area. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Lawler Seawall

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

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

Federal Authorization

Your proposed activity as outlined 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/>).

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

Coastal Zone Management Consistent

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification Granted

This permit also constitutes a grant of water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341. Pursuant to Rule 62-330.062, F.A.C. issuance of the individual or conceptual approval permit under this chapter shall constitute certification of compliance with water quality standards.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, 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 applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

3. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.

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

5. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.

6. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.
7. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
 - a. Immediately cease work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
 - c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.
8. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
9. The seawall shall be fully constructed prior to the placement of any backfill material.
10. All material used as backfill for construction of the of the seawall shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable construction within waters of the State as so determined by the department.
11. Dredging within waters of the State for the purpose of providing backfill is prohibited.

SPECIFIC CONDITIONS - OTHER LISTED SPECIES

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

13. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are

likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

14. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of

commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities – “As-Built Certification and Request for Conversion to Operation Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

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

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

12. The permittee shall notify the Agency in writing:

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

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

14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be

disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-330, F.A.C., or cause violations of state water quality standards.

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

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

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

SPECIAL CONSENT CONDITIONS

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

of Trustees in writing of any change of address at least ten days before the change becomes effective.

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

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
9. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005,

F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

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

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

12. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

13. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

14. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the

presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

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.

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:re

Attachments:

Project Drawings and Design Specs., 1 page

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

CERTIFICATE OF SERVICE

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

Micheal Lawler, Applicant, lawler@mindsprig.com
Kimberly Cole, Agent, Elise@MyCompassMarine.com
Kimberly R. Allen, FDEP, Kim.Allen@FloridaDEP.gov
Russell Sullivan, FDEP, Russell.Sullivan@FloridaDEP.gov
Blake Chapman, FDEP, Blake.A.Chapman@FloridaDEP.gov
Richard Earle, FDEP, Richard.Earle@FloridaDEP.gov
Okaloosa County, mmartinex@myokaloosa.com; jautrey@myokaloosa.com;
sbitterman@myokaloosa.com; propertyappraiser@okaloosapa.com;
City of Destin, planning@cityofdestin.com

FILING AND ACKNOWLEDGMENT

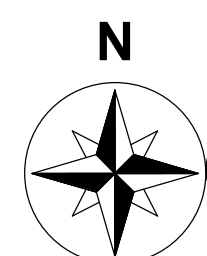
FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 1, 2024
Date

1. ALL P.T. LUMBER SHALL BE TREATED TO A MAXIMUM ALLOWABLE BY DEP.
2. VINYL SHEET PILES SHALL BE DRIVEN ONE FOOT BELOW MUDLINE FOR EACH FOOT ABOVE MUDLINE.
3. PILE CAP TO WHALER ATTACHMENTS SHALL BE (2) 3" #10 SS DECK SCREWS EACH END..
4. TURBIDITY CURTAIN TO BE PLACED TO COMPLETELY ENCLOSE THE PROJECT AT ALL TIMES. THE BARRIER SHALL NOT BE REMOVED UNTIL ALL DISTURBED SEDIMENT WITHIN THE BARRIER HAS SETTLED AND THE WATER HAS CLEARED
5. ALL BEST MANAGEMENT PRACTICES WILL REMAIN IN PLACE DURING CONSTRUCTION.



**WEST FLORIDA
STRUCTURAL, LLC.**

OKALOOSA COUNTY, FLORIDA

SHEET NUMBER

-1

From: Elise@mycompassmarine.com
To: [Daniel Butler](#)
Cc: [Planning; "Tina Ward"](#)
Subject: FW: [Non-DoD Source] FW: Application for Permit - 531 Norreigo Rd, Destin FL 32541 (Lawler Seawall)
Date: Thursday, August 15, 2024 9:39:46 AM
Attachments: [image001.png](#)

Hi Daniel,

Please see below. The corps has assigned this a project number but my processor is unavailable for an update until next week. Is the communication below sufficient for us to present to HWB?

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



From: Luna, Forrest D CIV USARMY CESPA (USA) <Forrest.Luna@usace.army.mil>
Sent: Tuesday, August 13, 2024 1:52 PM
To: Elise@mycompassmarine.com
Subject: RE: [Non-DoD Source] FW: Application for Permit - 531 Norreigo Rd, Destin FL 32541 (Lawler Seawall)

Hello Elise

That is project number SAJ-2005-6262 it looks there are using the project number from when a dock was put in. The project manager is Holly Millsap holly.m.millsap@usace.army.mil (850) 470-9823 X 1004. She is at a meeting this week so you may not hear back from her until next week.

Forrest

From: Elise@mycompassmarine.com <Elise@mycompassmarine.com>
Sent: Tuesday, August 13, 2024 12:39 PM
To: Luna, Forrest D CIV USARMY CESPA (USA) <Forrest.Luna@usace.army.mil>
Subject: [Non-DoD Source] FW: Application for Permit - 531 Norreigo Rd, Destin FL 32541 (Lawler Seawall)

Hi Forrest,

I haven't heard back from anyone on this permit application I submitted back in April. Is there any way you can check on this please?

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



From: Elise@mycompassmarine.com <Elise@mycompassmarine.com>

Sent: Friday, May 31, 2024 10:24 AM

To: 'Pohlmann, Lauren K CIV USARMY CESAJ (USA)' <Lauren.K.Pohlmann@usace.army.mil>

Subject: FW: Application for Permit - 531 Norreigo Rd, Destin FL 32541 (Lawler Seawall)

Hi Lauren,

Its been quite a while since I've sent this in and haven't heard anything back. Can you tell if its been assigned to someone yet?

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



From: Elise@mycompassmarine.com <Elise@mycompassmarine.com>

Sent: Tuesday, April 16, 2024 3:56 PM

To: 'corpsjaxreg-nl@usace.army.mil' <corpsjaxreg-nl@usace.army.mil>

Subject: Application for Permit - 531 Norreigo Rd, Destin FL 32541 (Lawler Seawall)

Good Afternoon,

Please see attached permit application for the replacement of an existing seawall.

Thank You,

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



From: Becky Carver <admin@holidayisleimprovement.com>
Sent: Thursday, February 15, 2024 1:35 PM
To: Elise@mycompassmarine.com
Subject: Re: HIIA Building Permit Application - 531 Norriego Road

The ARB met on Wednesday, 2/14/2024 and has approved the application for the project at 531 Norriego Rd to install new seawall; board for board replacement of the existing dock (no change to footprint). The HIIA permit fee is \$93.00; if a dumpster will be on the property at any time during the project, a \$2,000.00 refundable Construction Deposit will be required. The HIIA permit can be issued once the permit fee, a copy of the City of Destin building permit, and FDEP approval have been provided to our office.

Becky Carver
Administrative Assistant
Holiday Isle Improvement Association, Inc.
225 Main Street #19
Destin, FL 32541

P: 850-837-4753
F: 850-837-4984

On Thu, Feb 8, 2024 at 3:40 PM <Elise@mycompassmarine.com> wrote:

Hi Becky,

I would like to request to replace the previously submitted site plan with the attached. The owner decided to move forward with one additional section of seawall.

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



From: Elise@mycompassmarine.com <Elise@mycompassmarine.com>

Sent: Tuesday, February 6, 2024 8:50 AM

To: 'Becky Carver' <admin@holidayisleimprovement.com>

Subject: HIIA Building Permit Application - 531 Norriego Road

Hi Becky,

Attached please find a building permit application for replacement of a seawall. Please note our request includes a board for board replacement of the dock as well. There will be no changes in square footage or layout of the dock.

Let me know if you have any questions.

Elise Whittenburg

Office Manager

Compass Marine Group

850-797-8428



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Michael Lawler am
presently the owner and/or leaseholder at 531 Norriego Road, 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, LLC
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: seawall replacement.

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

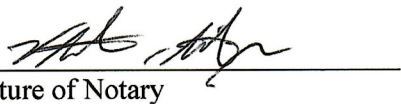
Michael Lawler
Printed Name

STATE OF Florida

COUNTY OF Walton

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

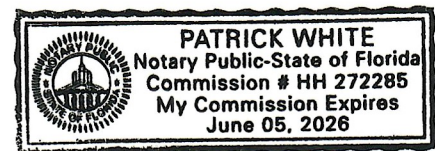
notarization, this 25 day of April, 2024, by
(name of person acknowledging)
Michael Lawler.


Signature of Notary

Patrick White Sr
Printed Name of Notary or Seal

Personally known ☐ OR Produced Identification ☒

Type of Identification Produced Driver's license





Community Development Planning Division

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

August 26, 2024

Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal for Residential Marine Construction – 531 Norriego Rd.

Dear Property Owner:

This letter is to notify you of a proposed marine construction project at **531 Norriego Rd.** The Marine Construction application requires Harbor & Waterways Board review and recommendation. **The Application will be heard by the Harbor & Waterways Board at 5:30 p.m. at the Destin City Hall Annex, 4100 Indian Bayou Trail on Thursday, September 26, 2024.**

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

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

1. Name of Owner: Michael & Linda Lawler
2. Name of Agent: Kimberly Cole, of Compass Marine Group, LLC
3. Address of Project: 531 Norriego Rd.
4. Parcel ID Number: 00-2S-24-2186-000F-0020
5. Project Description: Replacement of an existing seawall, with a portion moved 8'9" waterward of the existing seawall.
6. Location of Application Package: To request that a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concerns regarding this letter, please do not hesitate to contact us at (850) 842-4669 or via email at planning@cityofdestin.com.

Sincerely,

CC: Tina Deater, AICP, Community Development Director
Planning
Project File



File #: 3660839 12/07/2023 10:50 AM
Fees: \$18.50 DeedDocTax: \$61,565.00

THIS DOCUMENT PREPARED BY:
Robert P. Lynch, an employee of
Beach and Land Title Services, Inc.
4399 Commons Dr East Ste 300
Destin, FL 32541

DC TWilcox
JD Peacock II Clerk of Circuit Court Okaloosa County, FL

THE ABOVE SPACE IS RESERVED FOR RECORDING INFORMATION

LEASE ASSIGNMENT

THIS ASSIGNMENT made this 5th day of December, 2023, by Eric H. Wolfson, a married person whose address is 481 Jordan Dr, Biloxi, Mississippi 39531 (hereinafter referred to as "Assignor") to Michael A. Lawler and Linda P Lawler, husband and wife (hereinafter referred to as "Assignee") whose mailing address is 2630 Danbury Drive, Auburn, Alabama 36830.

WITNESSETH

Assignor, for and in total consideration of \$10.00 and other valuable considerations, receipt of which is hereby acknowledged, hereby quitclaims, demises, assigns, grants, sells, bargains, aliens, remises, conveys and confirms unto the Assignee, all leasehold interest in that certain land situate in Okaloosa County, Florida, viz:

Lot 2, Block F, HOLIDAY ISLE RESIDENTIAL SECTION NO. 5, according to the Plat thereof as recorded in Plat Book 4, at Page 39, of the Public Records of Okaloosa County, Florida; said Lot being that Lot, without any Lot Number, lying immediately Easterly of, and adjacent to Lot 3 of said Block F, and which Lot has a Road Frontage of 57.33 feet, all as shown on said recorded Plat.

Parcel Identification Number: 00-2S-24-2186-000F-0020

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

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

TO HAVE AND TO HOLD the said premises unto the Assignee, their successors and assigns, for and during the full term and period of said Lease and any renewal periods, unless sooner terminated, upon the terms and conditions set forth below:

1. This Assignment is made subject to any and all restrictive covenants, lease conditions, assessments, if any, and other matters affecting the above-described real estate and leasehold interest therein, according to documents heretofore recorded in the public records of the county in which the property is situate.
2. By acceptance hereof, Assignee covenants that they will perform all of the terms and conditions under the recorded subleases, leases, and assignments as they relate to the subject property.

12/07/2023 10:50 AM

Assignor hereby covenants with Assignee that Assignor is lawfully seized of said leasehold interest; that Assignor has good right and lawful authority to sell and convey said leasehold interest; that the Assignor hereby fully warrants the title to said leasehold and will defend the same against the lawful claims of all persons whomsoever; and that said leasehold is free from all liens and encumbrances, except as stated above and taxes accruing subsequent to December 31, 2023.

IN WITNESS WHEREOF Assignors have set their hands and seal this 5th day of December, 2023.

Dana M. Bahr
 Witness 1 Signature
 Print Name: Dana M. Bahr
 Address: 19066 Eldridge Dr
Saucier, MS 39574

Eric H. Wolfson
 Eric H. Wolfson

Tomieko Threadgill
 Witness 2 Signature
 Print Name: Tomieko Threadgill
 Address: 549 E. Passard St
Gulfport MS 39507

(witnesses as to both signatures)

STATE OF Mississippi
 COUNTY OF Harrison

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization this 4th day of December, 2023, by Eric H. Wolfson, a married
 person who: (Notary must check applicable box)

☐ is personally known to me.
☒ produced a current _____ (state) driver's license as identification.
☐ produced _____ as identification.

(notary seal)



Tomieko Threadgill
 Notary Public
Tomieko Threadgill
 print Notary Name
 My Commission Expires: May 17, 2024

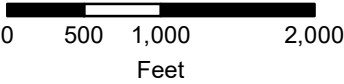


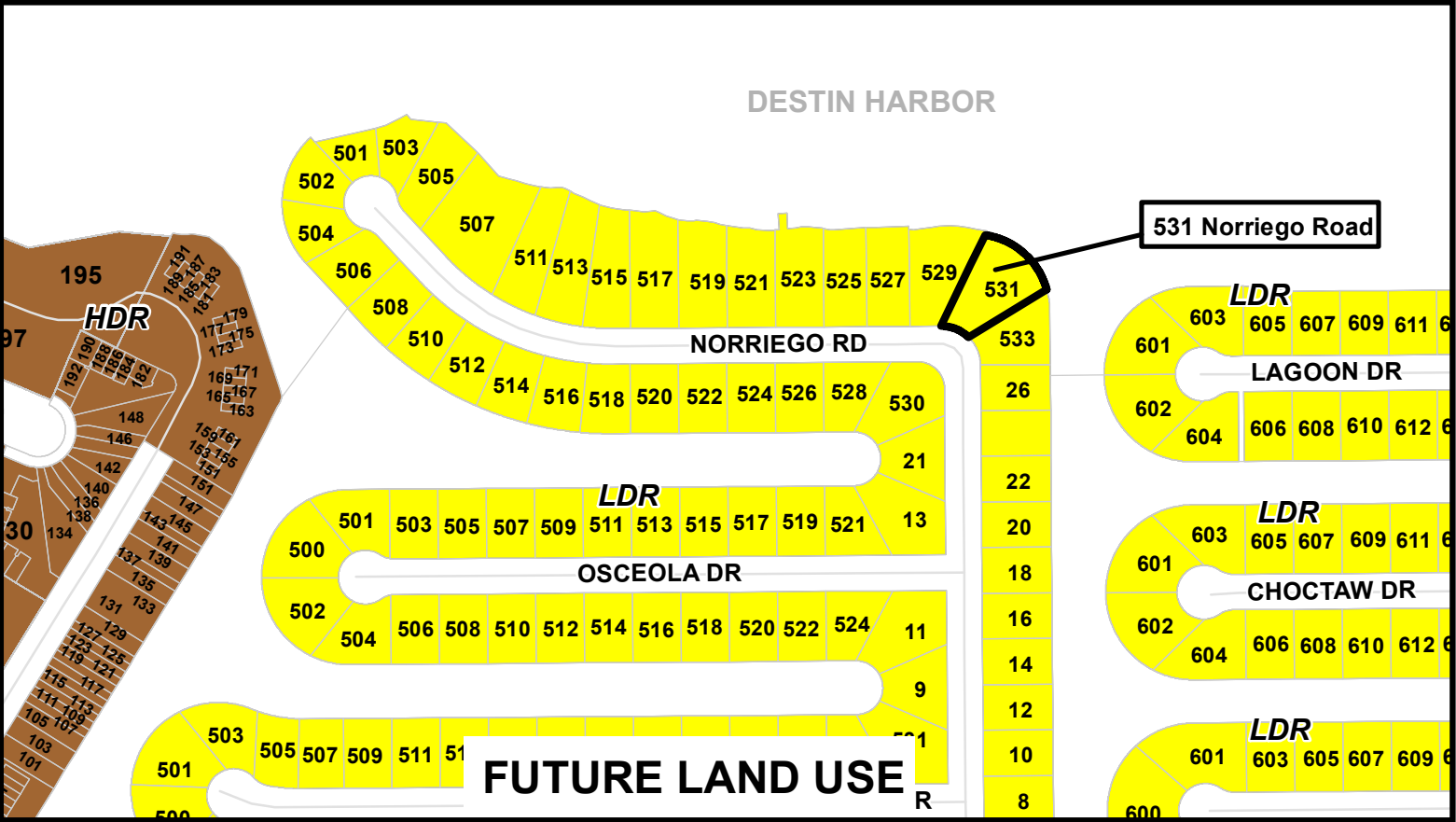
Parcels



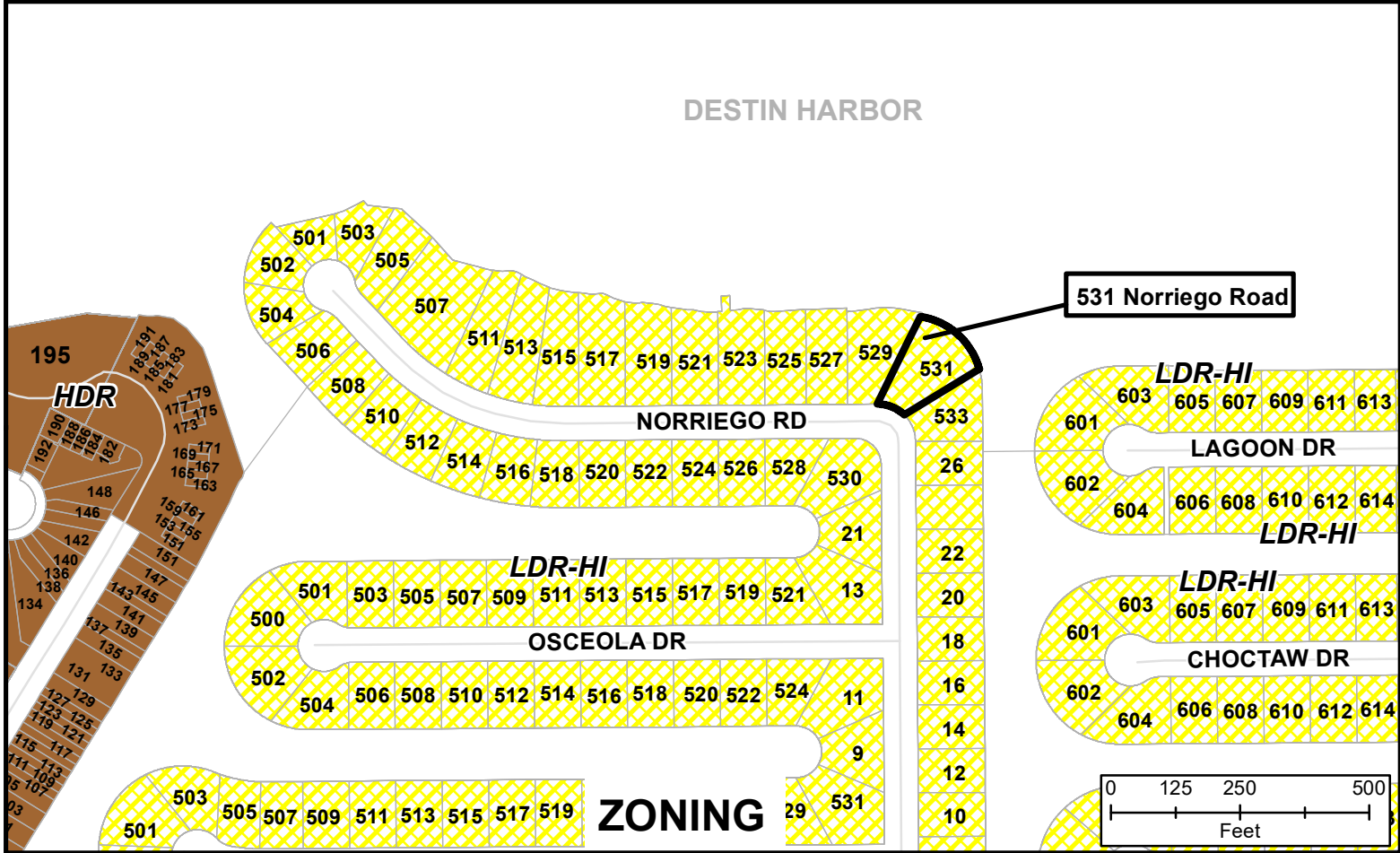
Site

HWB-001398-2024
531 Norriego Road

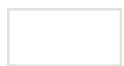




 SITE  LOW DENSITY RESIDENTIAL  HIGH DENSITY RESIDENTIAL



 SITE  LOW DESTIN RESIDENTIAL - HOLIDAY ISLE  HIGH DENSITY RESIDENTIAL



Parcels



Site

HWB-001398-2024
531 Norriego Road



0 37.5 75 150
Feet