



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, JANUARY 27, 2020
5:00 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) November 25, 2019 Minutes**
- 3. PUBLIC COMMENTS**
- 4. NEW BUSINESS**
 - A) 3813 Indian Trail - AFTER-THE-FACT permit for a ±70 LF of dock, with two (2) catwalks - one (1) 28' x 3' and one (1) 16' x 4' and a 28' x 13' covered boatlift with a 32' x 17' roof**
 - B) 437 Calhoun Avenue - Marine Construction Permit application for one (1) 18' x 28' Boathouse over an existing boatlift, with two (2) catwalks; one (1) 8' x 24' catwalk and one (1) 4' x 15'**
 - C) Board for Board & After-The-Fact Marine Construction Memorandum**
- 5. OLD BUSINESS**
- 6. COMMITTEE MEMBER REPORTS**
- 7. DIRECTOR'S REPORT**
 - A) Harbor Capacity Study Update**
 - B) Marina Siting Ordinance Update**
- 8. NEXT MEETING DATE: February 24, 2020**
- 9. ADJOURNMENT**

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)

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MINUTES HARBOR AND WATERWAYS BOARD MEETING DESTIN CITY HALL 5:00 P.M. – NOVEMBER 25, 2019

1. CALL TO ORDER:

Chairman Trammell called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, November 25, 2019 at Destin City Hall.

2. ROLL CALL:

Member Present:

Matt Trammell
Richard Hoey
Guy Tadlock
Jim Green
Casey Jones
Quinten Selby

Members Absent

Bill McKissick

Staff:

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Planner
Lauren Witt, Planning Manager
Louis Zunguze, Community Dev. Dir.
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES: September 23, 2019

Board member Green moved to approve of the September 23, 2019 minutes as written with Board member Jones providing the second; the motion passes with a 6-0 vote.

4. PUBLIC COMMENT: None

5. NEW BUSINESS:

❖ 3917 Indian Trail

Ms. Goodhart explained this is an after-the-fact permit by Mr. Chuck Lobello. She added that staff discovered and issued a stop work however, the work had already been completed. She explained the project includes 79± of dock, a boatslip with one 3' x 32' catwalk and one boatlift. Adding that the dock does not exceed the maximum length of 147 linear feet per code, the request is located on Choctawhatchee Bay and the total footprint of the project being just under 1,000 square feet.

Mrs. Goodhart also explained the permit meets all the requirements of the Land Development Code, both FDEP and the ACOE permits have been received, the dock meets the 25-foot riparian setback requirements, and staff recommends the approval of the after-the-fact request.

The Chairman spoke of how he met with staff last week regarding this ongoing problem of after-the-fact work and currently, there are no punitive fines that can be assessed against the

contractor for these types of cases. However, that is something that staff is working on for the future.

Board member Hoey moved for the Harbor and Waterways Board to recommend City Council approve the single family marine construction permit for the project located at 3917 Indian Trail; for the construction of 79± of dock, a boatslip with one 3'x32' catwalk and one boatlift subject to the permit requirements; with Board member Jones providing the second.

Board member Hoey pointed out that looking at the riparian lines for the dock on the drawings, the riparian lines should actually be perpendicular to the shoreline. Adding that even though there is still plenty of room on the lot and no issues with the setbacks. He then asked staff if the adjacent property owners were notified.

According to Mrs. Goodhart, abutter notification letters were sent out to the adjacent property owners and there are no objections from either owner.

With no further discussion, the Chairman called for the vote and the motion passed 6-0.

6. OLD BUSINESS: None

7. STAFF PRESENTATIONS:

❖ Marine Construction Review Process

➤ Purpose – Article 4.06.02, Land Development Code:

To monitor the conditions of; and to access the impact growth and development have on the tidally influenced waters within and surrounding the City of Destin.

• Powers – Article 4.06.03, Land Development Code:

○ Regulations and Prohibitions – Article 11.05.00, Marina Siting in addition to the Permitting Procedures, Article 11.05.02, Land Development Code

• Harbor and Waterways Board Article 4.06.03, City Land Development Code:

- Inventory all existing and potential sources of pollution and determine the relative contribution to the water quality of the Harbor and waterways of Destin.
- Monitor the overall condition of the Harbor and waterways, to include but not limited to, water depths, water quality, dredging activities, etc.

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- Recommend a current comprehensive plan for future growth and restoration of the Harbor and waterways. Review of public and private studies and recommendations of merit by the board are encouraged.
- Consult with City Boards and departments, the regional planning council and water management district for planning and performance purposes.
- Recommend to City Council needed actions respecting compliance with assurance programs by any governmental agency
- Recommend funding programs, securing grants or other public or private application funding.
- Recommend the purchase, lease, or other acquisition of real or personal property and disposal thereof.
- **Community Development Department Internal Review Process for Marine Construction Permits (MCP):**
 - Receive MCP Permit and Harbor Board Application
 - Marine Construction Permit and Harbor Board Application
 - LDC, 11.05.01.A – Requires a permit to construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conduct dredge or fill operations
 - LDC, 11.05.01.B - Boat lift or pilings within an existing “legal and conforming” boat slip does not require the review of the Harbor and Waterways Board or the City Council. 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.
 - Building Division Reviews MCP Permit
 - Building Division Review (< 1-week review time)
 - Review for Florida Building Code Compliance:
 - Dock Construction
 - Construction Materials
 - Structural Loads
 - Planning Division Reviews MCP Permit – (1-week review time)
 - Ordinance 197 Abolished the Harbor Master Department and transferred responsibility to Planning and Zoning
 - Review proposed dock location within City limits (LDC, 11.05.01.F; 11.05.01.M.1; 11.05.01.Q)
 - Review riparian setbacks (LDC, 11.05.01.S)

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- Review slip density (LDC, 11.05.01.N)
- Review Federal and/or State permits (LDC, 11.05.02.C)
- Abutter Notifications
 - Notify adjacent property owners and owners of property on the opposing shore
 - LDC, 11.05.01.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.
 - LDC 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.
- MCP Presented to the Harbor Board
 - Harbor and Waterways Board (1-month review time)
 - LDC, 11.05.02.F - The Harbor and Waterways Board shall review all timely received applications at the next regularly scheduled Harbor and Waterways Board meeting. The City Council shall take final action on the application within 30 days of receipt of all state and federal permits and the Board's recommendation.
- MCP presented to City Council
 - City Council (2-month review time)
 - LDC, 11.05.02.F - The Harbor and Waterways Board shall review all timely received applications at the next regularly scheduled Harbor and Waterways Board meeting. The City Council shall take final action on the application within 30 days of receipt of all state and federal permits and the Board's recommendation.
- Timeline Comparison for Internal Permit Review Process:
 - *MCP that requires Harbor Board Approval*
→MCP Dock Review →Harbor Board Approval →City Council Approval
→Average time for review – **3 Months**
 - *MCP that requires Staff Review Only*
→Internal Permit Review →Staff Approval →Permit Issued
→Average time for review – **3-weeks**

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- **Submittal Requirements for MCP and Harbor Board Application, Article 11.05.00 – Marina Siting, LDC:**
- **Issue** – Currently, the submittal requirements for MCP and Harbor Board Application do not include enough detail (*Article 11.02.02 (J)*).
Plans shall include scaled drawings, prepared and certified by a land surveyor or architect, if requested by the Harbor and Waterways Board at the public hearing, and said plans shall include at a minimum:
 1. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock.
 2. Channels, shoals, obstructions, docks, markers, and proposed improvements.
 3. Accurate location of the applicant's shoreline, and the opposing shoreline with corresponding measurements.
 2. Riparian lines
 3. And any other site-specific information, deemed necessary for review.
- **Staff recommendation** – Amend Article 11.05.02(J), removing language “if requested” and to include the following additional site plan requirements:
 - Location of the mean high-water line
 - Linear feet of water frontage
 - Riparian Setbacks (i.e., 25’ from adjacent property lines)
 - Opposing shoreline distance, if applicable. Additionally, the Harbor Board and MCP applications should be revised to list all site plan requirements.
- **Harbor Board Review - Article 11.05.00 – Marina Siting, LDC**
 - **Issue** – currently, there is NO policy language governing upland cuts in 11.05.02, Land Development Code. This could negatively impact adjacent property rights (i.e., riparian rights, encroachment, etc.)
- **Staff recommendation** – Amend Article 11.05.02 of the LDC to include policy language for submittal requirements and review of upland cuts, to include:
 - Boundary survey and scaled drawings
 - A minimum side setback of 7.5’ apply to upland cuts
 - Upland cuts require Harbor Board review, must be allowed in the designated zoning district, (currently only applies to Holiday Isle) and all federal and state permits submitted.
- **Timeline Comparison for Internal Permit Review Process (same as above):**
 - **MCP that requires Harbor Board Approval**
→MCP Dock Review →Harbor Board Approval →City Council Approval
→Average time for review – **3 Months**
 - **MCP that requires Staff Review Only**
→Internal Permit Review →Staff Approval →Permit Issued

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→ Average time for review – **3-weeks**

- **Harbor Board Review - Article 11.05.00 – Marina Siting, LDC**
 - **Issue** – Currently, the Harbor Board reviews new docks, boathouses, and boatlifts. However, new single-family dock permits that meet City Land Development requirements take an average of 3 months for approval.
 - **Staff Recommendation** – Amend Article 11.05.01 (B), to establish a threshold for permit applications that are reviewed by the Harbor Board, to include:
 1. **All commercial docks, marinas, upland cuts, and proposed new single-family projects of 1000 sq. ft or more.**
 2. **The recommendation helps to expedite single-family dock permits that are under 1000 sq. ft. and meet the City's LDC requirements.**

Summarization of Staff's Recommendations:

- **Marina Siting LDC, 11.05.00**
 - Minor changes, rearrange code placement, and consolidate
 - Amend Article 11.05.02 (J), removing language “***if requested***” making scaled drawings a submittal requirement for all MCP permits, and to include additional site plan requirements:
 - a) Location of the mean-high water line
 - b) Linear feet of water frontage
 - c) Riparian Setbacks (i.e., 25’ from adjacent property lines)
 - d) Opposing shoreline distance, if applicable
 - Amend Article 11.05.01 (B), establishing a threshold for Harbor Board review
 - a) Commercial docks, marinas, and proposed new single-family docks 1,000 sq. ft or more. This recommendation is to expedite single-family dock permitting.
 - Add language to Article 11.05.02, LDC for submittal requirements and review of upland cuts to include:
 - a) Boundary survey and scaled drawings
 - b) Minimum 7.5’ side set back requirement
 - c) Amend Article 11, to include site plan requirements
- **Harbor Board Application and Marine Construction Permit**
 - Add additional language outlining specific requirements for submitted site plans to both the marine construction permit requirements and the application so the applicant can understand what is required.

Motion by Committee member Green, second by Committee member Jones to recommend the amendment to the Land Development Code, Section 11.05.02(J) removing language “*if requested*” making scaled drawings a submittal requirement for all Marine Construction Permits and to include additional site plan requirements:

- a) **Location of the mean-high water line**

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- b) **Linear feet of water frontage**
- c) **Riparian Setbacks (i.e., 25' from adjacent property lines)**
- d) **Opposing shoreline distance, if applicable**

The members discussed the drawings and in what format should be submitted. Mr. Zunguze mentioned that the most challenges his staff has is generally the dimensions are not scalable and feels that if they add that language; it would help.

Board member Tadlock provided an amendment to the motion to include a scalable boundary and/or plat drawing to the requirements. With Board members Green and Jones agreeing to the amended motion. The motion passed with a 6-0 vote for approval.

Motion by Board member Green to amend Article 11.05.01 (B), to establish a threshold for Harbor Board review commercial docks, marinas, and proposed new single-family docks of 1000 sq. ft or more. This recommendation is to expedite single-family dock permitting; with Board member Jones providing the second.

In discussion, Chairman Trammell asked to amend the motion to add the language, **“or structures located within sensitive areas where objections have been received; or cases with potential riparian issues, concerns or conflicts.”** Board members Green and Jones agreed to amended motion. The motion passed with a 6-0 vote for approval.

Motion by Board member Green, second by Board member Jones to add language to 11.05.02 of the LDC for submittal requirements and review of upland cuts to include:

- a) **Boundary survey and scaled drawings**
- b) **Minimum 7.5' side set back requirement**
- c) **Amend Article 11, to include site plan requirements**

The Chairman pointed out that right now, they are just making recommendations for staff and if there is anything else that may come up; staff will bring it forward for them to review.

Board member Tadlock asked of canals would be included because the 7.5 setbacks may cause a problem with Holiday Isle. Board member Green pointed out that this is only for new construction and not existing structures. Board member Tadlock also asked what kind of handicap would this put on a property owner that may want to have something vertical built. According to the Chairman this is proposed for new construction only and the owner could go through the Board of Adjustment process.

The City Attorney agreed that potentially there could be certain procedures where they may be afforded relief; depending on the circumstance.

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With no further discussion, the Chairman called for the vote and **the motion passed with a 6-0 vote.**

Board member Green asked staff how the board for board within the same footprint is covered. According to Mrs. Goodhart, the way the code reads is, any replacement of a boatlift or a board-for-board, without the Harbor Board approval, may be done as long as an application is submitted for a permit.

Board member Tadlock asked, by definition, what is a board-for-board permit. According to Mr. Zunguze, that is a question that should be answered by the Building Official and he will get with her and provide the information to them.

Board member Tadlock spoke of instances in the past on Holiday Isle where projects were supposed to be board-for-board but when it was finished; it was discovered to have higher pilings or vinyl placed in front of a old wooden seawall; which to him, is not a board-for-board project. Or a jet ski lift that ends up having a dock.

❖ **Harbor Review – Joey Forgione, Code Compliance Manager**

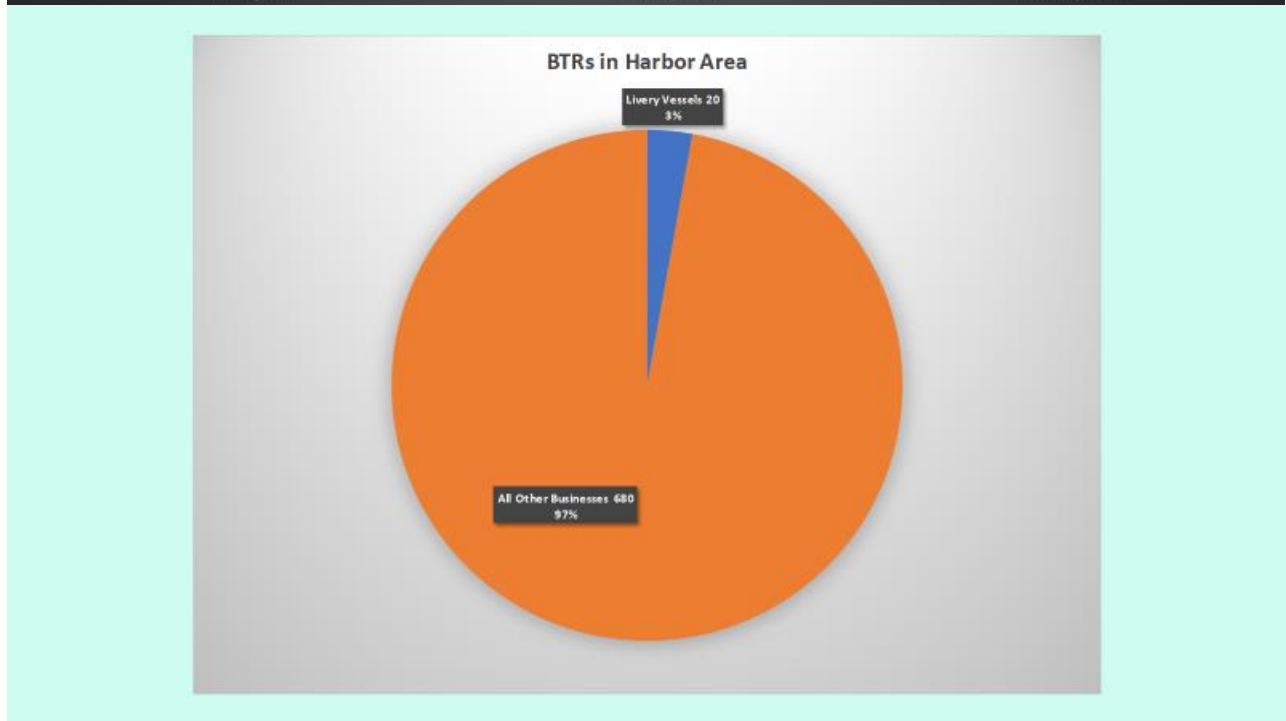
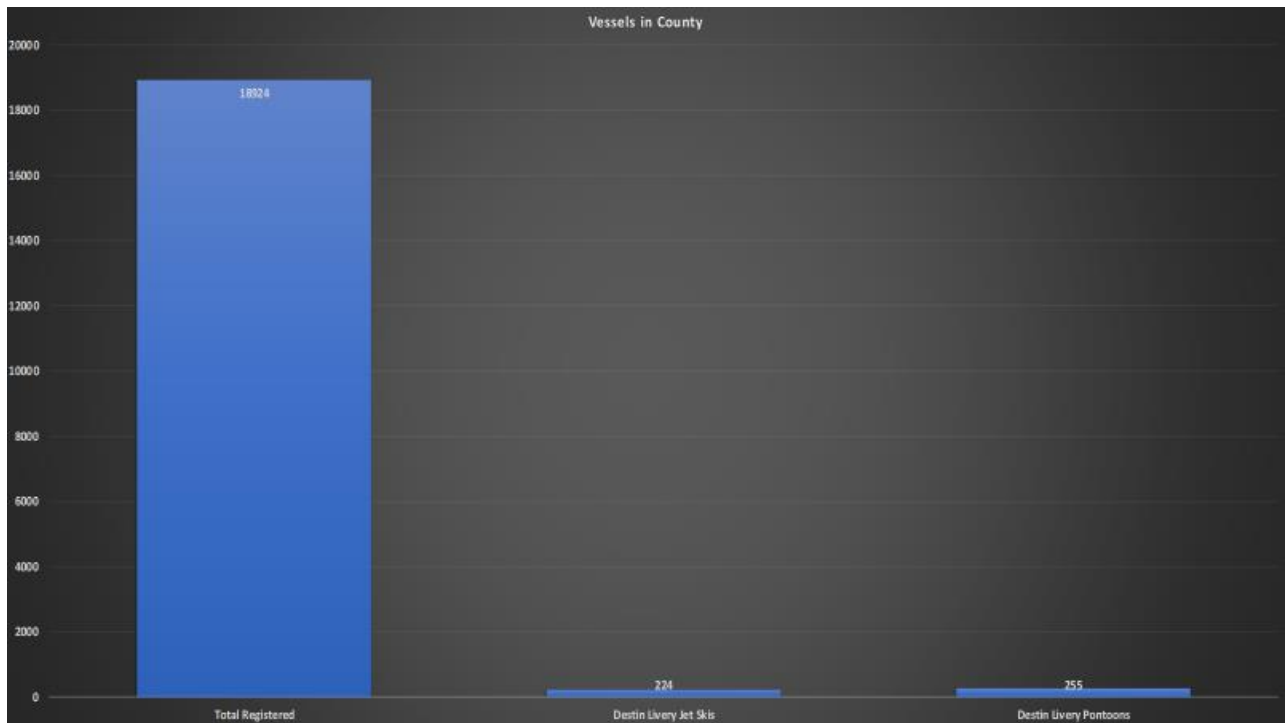
Mr. Forgione provided the members with the status of this summer's Code Compliance Report in a Power Point Presentation.

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City of Destin Code Compliance Harbor Review



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Livery Vessels By Type

2018

18 Businesses

245 Pontoons

169 Jet Skis

Registration Fees- \$28,500

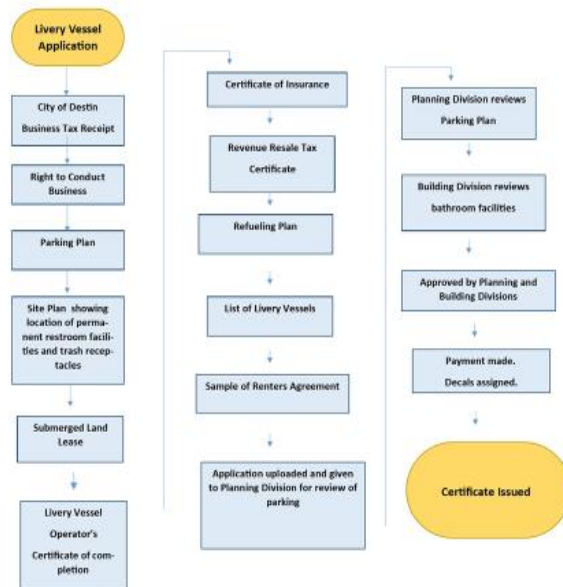
2019

20 Businesses

255 Pontoons

224 Jet Skis

Registration Fees- \$30,125



LIVERY REGISTRATION PROCESS

- Obtains a Current BTR
- Turns in a Completed Application
- Code ensures Application is Completed
- Code Uploads Application Packet into the City's Data Base
- Code Forwards Application to Planning
- Planning Reviews Parking & Zoning
- Planning then Forwards to Building Division
- Building Division Reviews Bathrooms & Trash receptacles
- Building Forwards Approved or Denied Application to Code
- Code Contacts Company with Findings
- Approved Company pays For Registration
- Code issues Certificate to Operate
- Code issues Registration Stickers
- Code then Inspects placement of Stickers

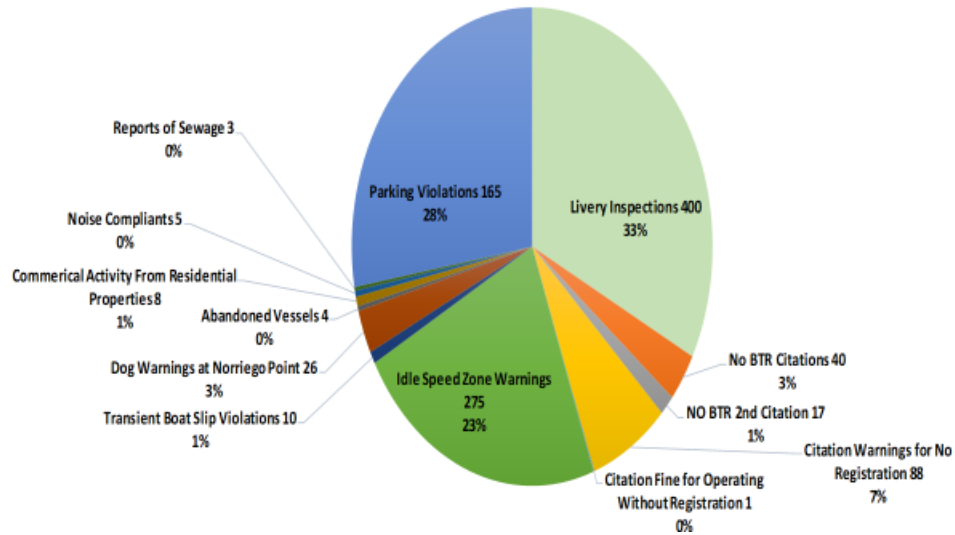
Harbor Waterways Enforcement

2018

0

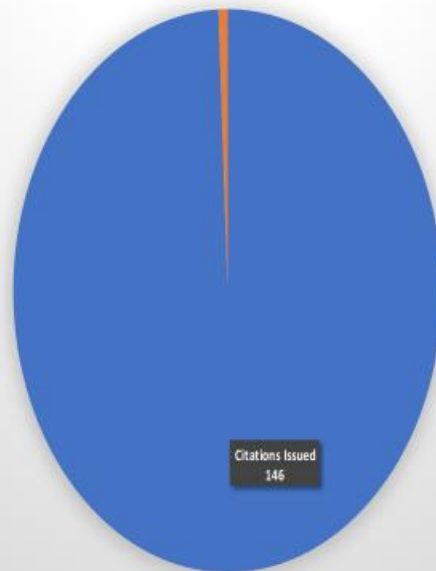
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2019 Enforcement
Harbor Water Ways
Total Activities 1029



Harbor Citations Compliance Rate

Monetary Citations Issued
1



99.8 Percent

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Challenges

- *Identify Cars Parked in Spaces Belong to Business
 - *Mark each parking space for which business on Property
 - * Mark each Parking for what business on Shared Parking agreements
- *Moving Targets
 - *Do not have the Statutorily Powers to pull over vessels
- *Vessels Rentals from Outside of City's Jurisdiction coming into Destin Waterways
- *Privately Owned Vessels Coming into Waterways
- *Capt. Vessels Rentals Do Not Registers
- *Manpower

Items Noted for Next Season

- *Follow through with Last Power Points Items Noted
 - *Quality of Submittal
 - *Quality of Review
 - *Review ALL Business on Property for Total Count
- *Engineer Parking Drawings Submitted from Property Owner
- *Engineer Fuel Plans
- *Signs Marked for Parking Spaces with Times (All Business)
- *Register Captained Pontoons
- * Not Allowing Storage of Excess Inventory on Property

The Chairman spoke of the fees involved when someone adds 10 more pontoon boats for a business on the harbor; they would have to pay \$420.00 per boat for the water quality fee and \$200.00 per additional jet ski to the State; which should come directly back to the city. Adding that he wants assurance that those funds are being distributed to the city from FDEP. Also, in regards to No Wake Zones, he asked how staff is working on modifying the Code so it can be enforced.

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According to Mr. Forgione, how the State Statutes read, something that is horrendous and irreversible, such as graffiti, a citation can be issued by staff. But normally, with the BTR's; right now, all they can do is issue warnings. But with non-registered livery vessels, they'll issue citations to the owners that don't want to properly register.

The Chairman asked for verification that the 2019 Livery Vessel registration, by type, is \$30k and if that is reoccurring every year. According to Mr. Forgione, it is reoccurring every year. The Chairman then asked is the fee per pontoon and jet ski. According to Mr. Forgione, its now \$100.00; making that increase approximately \$40k.

Board member Green thanked the staff for their hard work and the show of force that they have taken on this past year and noted the challenges they are experiencing with the lack of manpower. He asked Mr. Forgione if they would like a motion of support for additional staff. Mr. Forgione explained to the members how he plans to schedule the current staffing levels and how additional staff would help; if approved.

There was a discussion regarding the vessel storage issues and how it's already in the Code that they're not allowed to be used as such. As well as the businesses that are using their vessels as advertising for the businesses and how staff is working those violations in conjunction with the businesses parking requirements.

The members and staff also briefly discussed the health of the water in the harbor and protentional sites for stormwater runoff that may need to be addressed. Mr. Forgione informed the members that there are two harbor cleanups scheduled for 2020. One in February and a big one on Earth Day.

Motion to recommend City Council to allow the Code Compliance Department to hire two more fulltime individuals for the upcoming 2020 year. Board member Tadlock provided the second. A roll call vote of 6-0 was taken and the motion passed.

8. MEMBER REPORTS:
None

9. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR'S REPORT:

❖ Meeting Packet Distribution

Mr. Zunguze and Mrs. Witt informed the members of the new procedure that is coming forward regarding how they will start receiving their digital packets through the Civic Clerk software system.

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The City Attorney informed the members that they will all be getting individual email addresses for them to do all of their city business through, to keep them in line with the Florida Sunshine Law.

❖ **Harbor Capacity Study Status**

Mr. Zunguze informed that he has a meeting coming up next week with the Army Corp of Engineers regarding the Harbor Capacity Study and the funding concerns since the funds have still not been released by the Federal Government.

10. MEETING DATES: January 27, 2020

Motion to hold the next Harbor & Waterways Board meeting on January 27, 2020 was made by Board member Green and seconded by Bandmember Jones. The motion passed with a 6-0 vote.

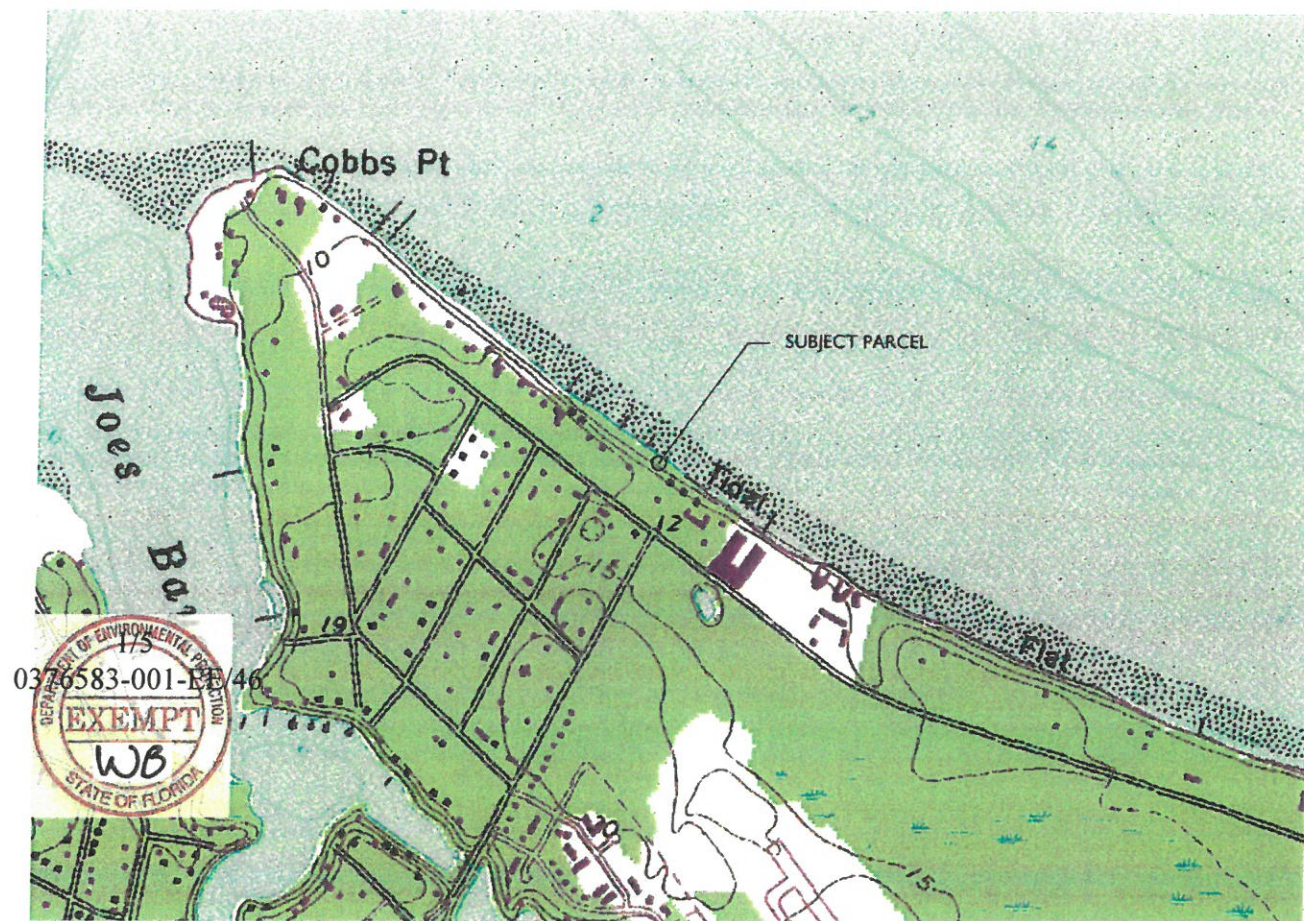
ADJOURNMENT:

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

Adopted and approved this _____ day of _____ 2020.

Matt Trammell, Chairman, Chairman

Kim Montgomery, Deputy City Clerk

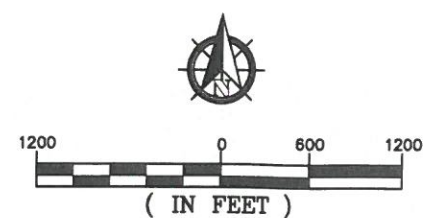


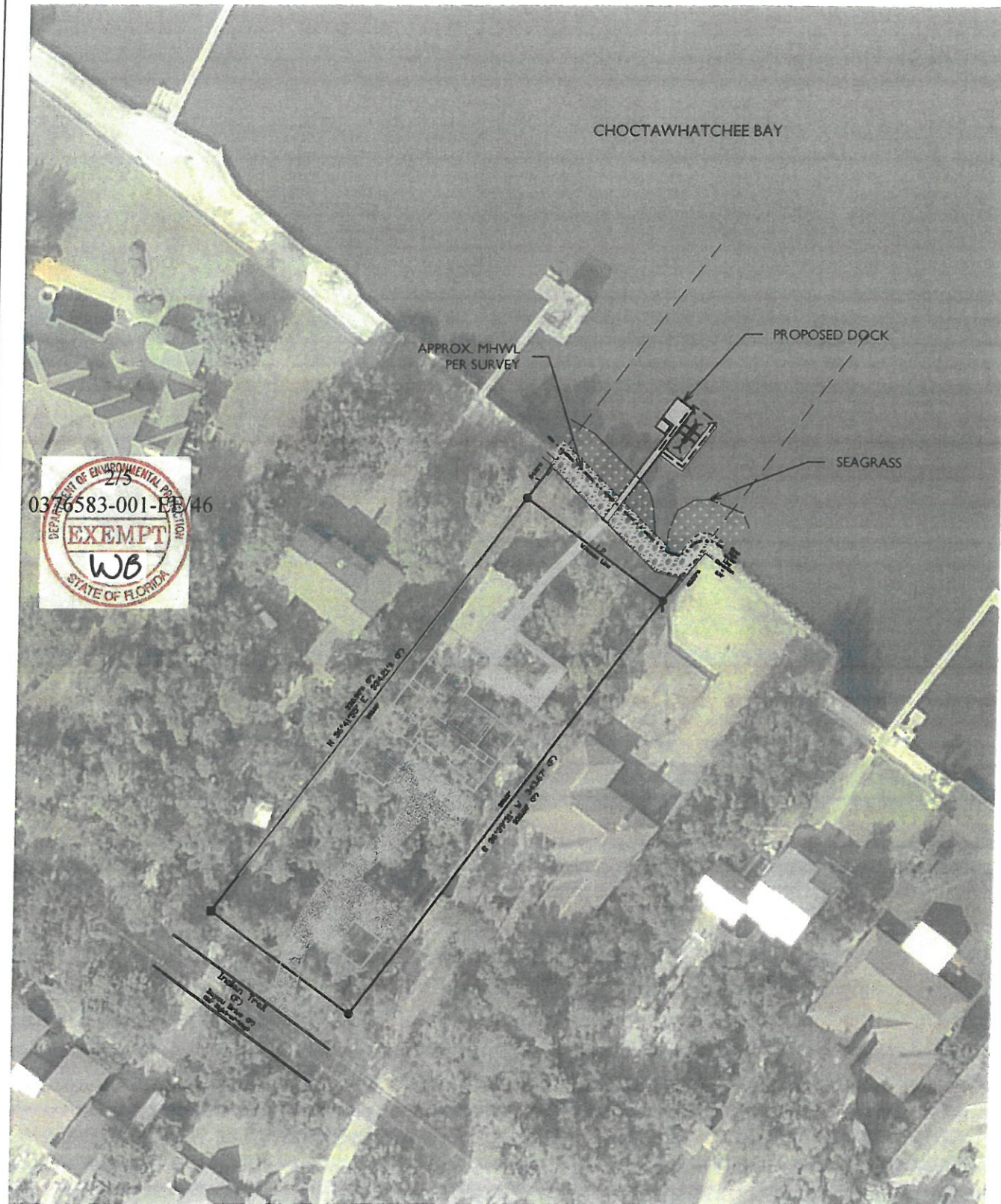
PARCEL ID#
00-25-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER
THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

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

PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
SITE LOCATION MAP & SHEET INDEX	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 1 OF 5	

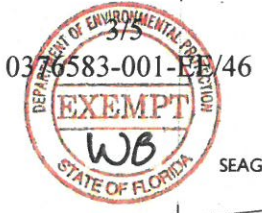
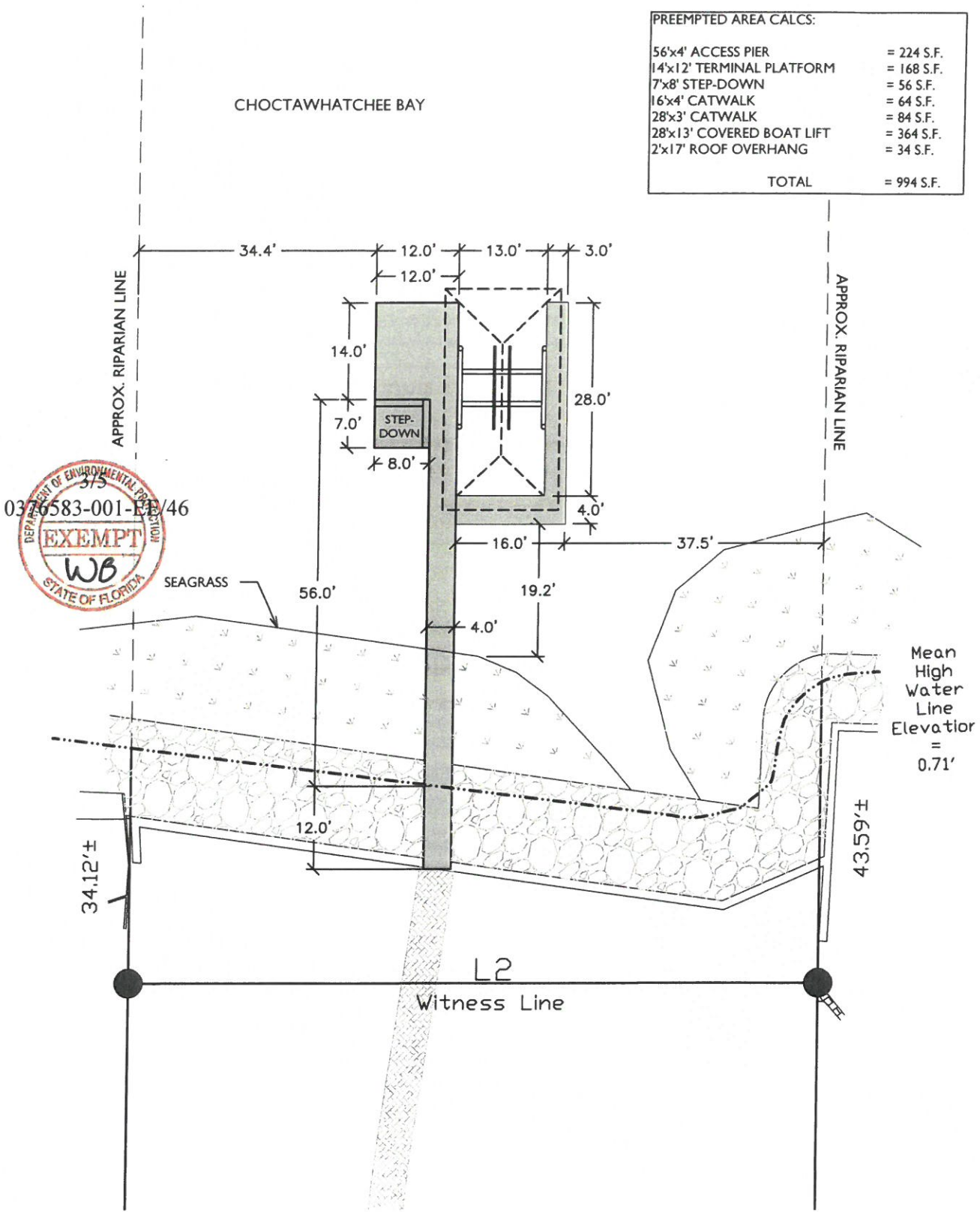




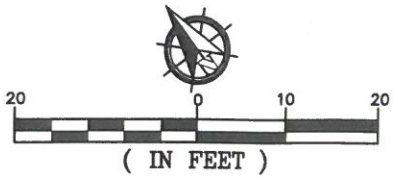
PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 2 OF 5	

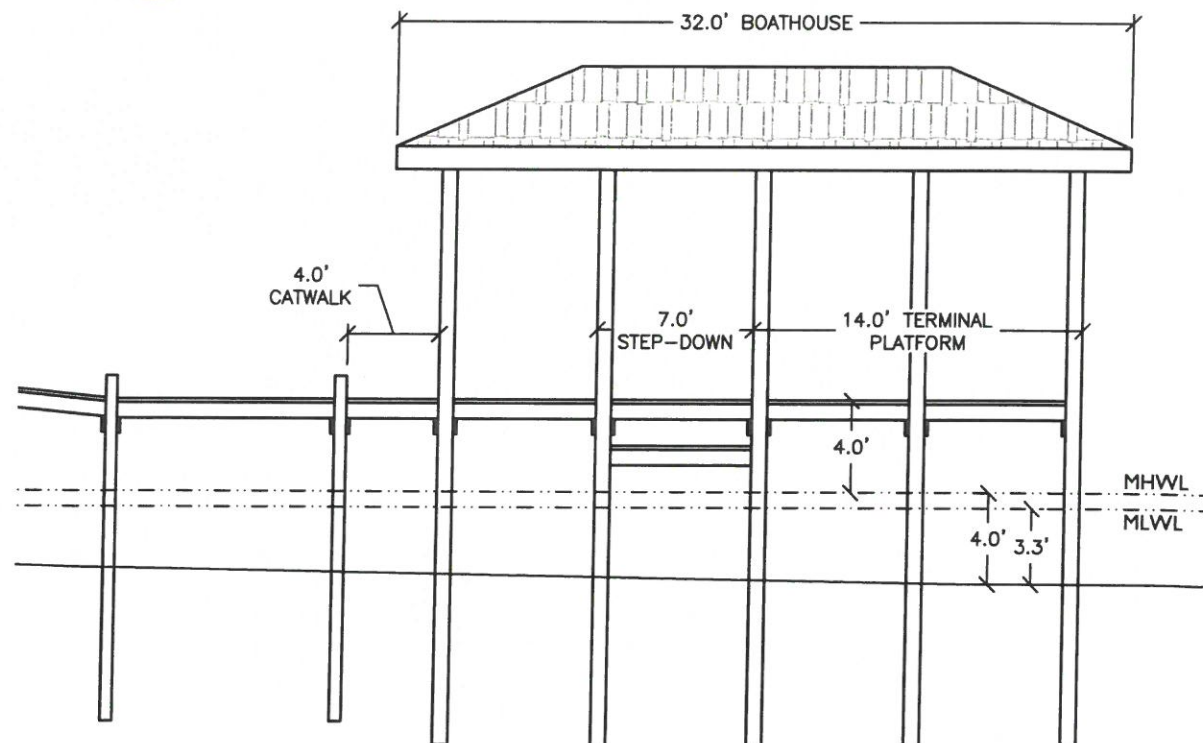
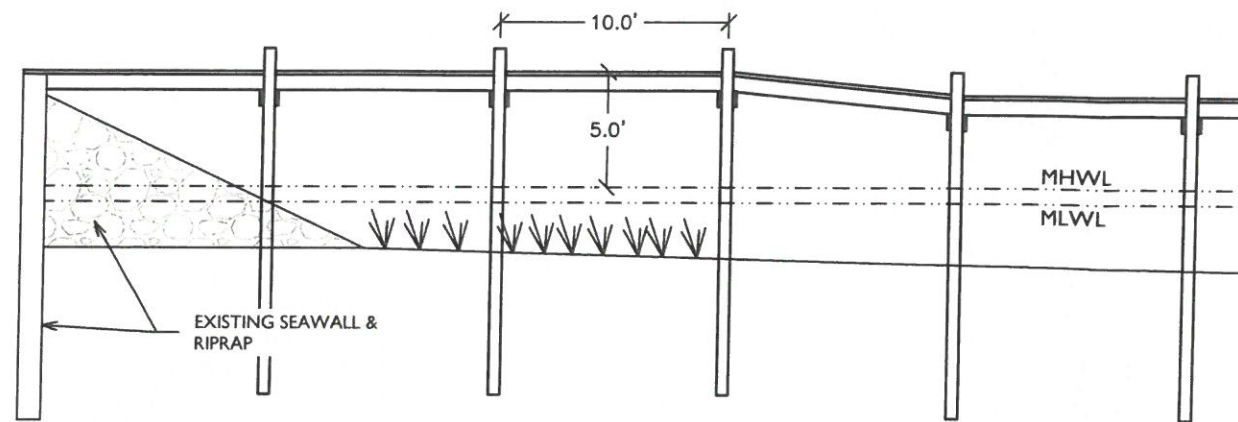


PREEMPTED AREA CALCS:	
56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.



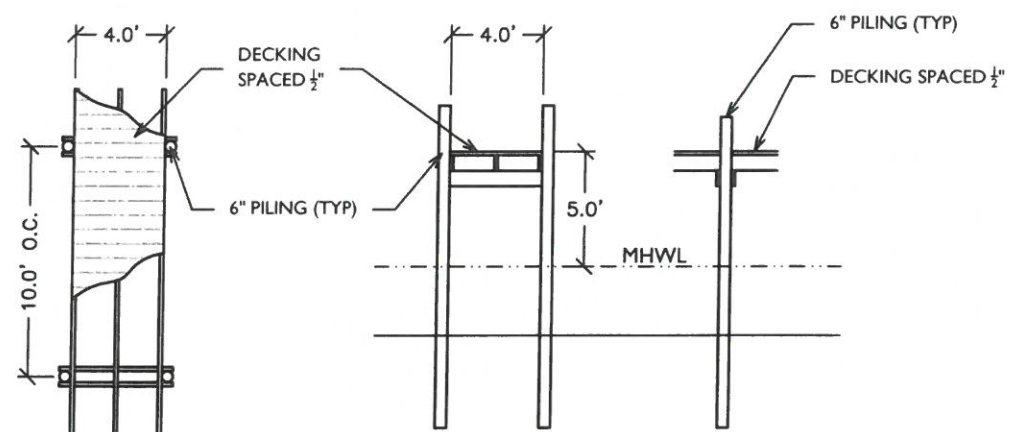
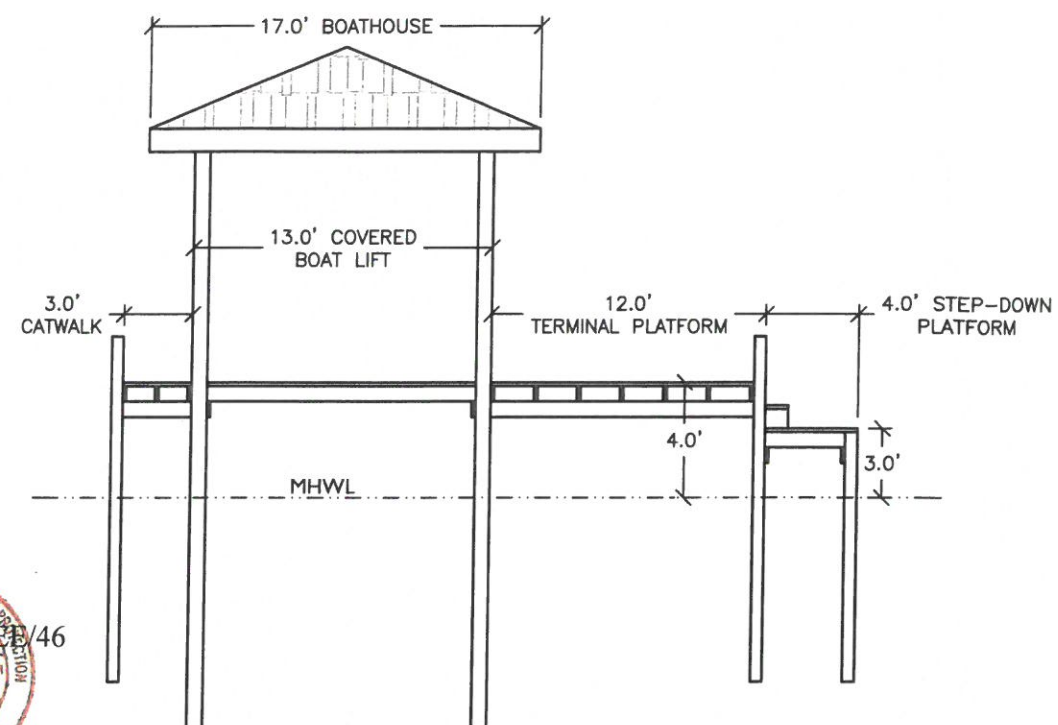
PROJECT NAME: 3813 INDIAN TRAIL, CARTER
PLAN VIEW - DOCK
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 5/13/19
SHEET: 3 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER
PROFILE (TYPICAL)
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 5/13/19
SHEET: 4 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER
SECTIONS (TYPICAL)
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 4/8/19
SHEET: 5 OF



Community Development

Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Fax: 850-460-2171 | www.cityofdestin.com

January 6, 2019

Subject: Notice of Public Hearing – 3813 Indian Trail
Proposed ±70 LF of dock, (2) catwalks, and a covered boatlift

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for ±70 LF of dock, two (2) catwalks, and a covered boatlift. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall, 4200 Indian Bayou Trail on Monday, January 27, 2020.** As an owner of property located adjacent of this project, Article 2.17.00 of the Destin Land Development Code (LDC) requires a written notice providing you the following information.

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

1. Name of Owner: Thomas & Jean Carter
2. Name of Agent: Frank Davis
3. Address of Project: 3813 Indian Trail
4. Parcel ID Number: 00-2S-22-1650-000J-0120
5. Project Description: This is an application for approval of ±70 LF of dock, two (2) catwalks, and a covered boatlift.

If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Traci Goodhart
Planner

cc: Project File, Letter Log & Receptionists



FLORIDA DEPARTMENT OF Environmental Protection

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

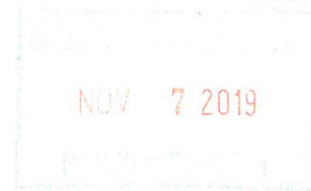
Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 27, 2019

Thomas Carter
3813 Indian Trail
Destin, Florida 32541
Nwfnative2777@yahoo.com



File No.: 0376583-001-EE/46, Okaloosa County

Dear Mr. Carter:

On May 28, 2019, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock with a step-down and a covered boat lift that is 1,000 square feet or less within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 3813 Indian Trail, Destin, Florida 32541, Parcel No. 00-2S-22-1650-000J-0230, in Section 18, Township 2 South, Range 22 West in Okaloosa County; 30°24'53.34" North Latitude, 86°28'58.07" West Longitude.

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

Your project did not qualify for the federal review portion of this verification request.

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

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

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.), under Section

403.813(1)(b), Florida Statutes (F.S.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

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

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

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

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

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

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

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

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

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

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

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

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

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

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

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

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

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

3. Federal Review – SPGP Not Approved

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

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

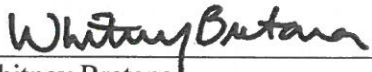
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35,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

If you have any questions regarding this matter, please contact Whitney Bretana at the letterhead address, at (850)595-0658, or at Whitney.Bretana@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Whitney Bretana
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

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

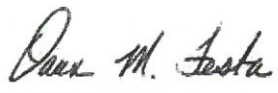
CERTIFICATE OF SERVICE

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

Jason Taylor, Consultant, Oakhurst Environmental, oakhurstenvironmental@gmail.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com

FILING AND ACKNOWLEDGMENT

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



Clerk

June 27, 2019
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

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

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

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

403.813(1)(b)

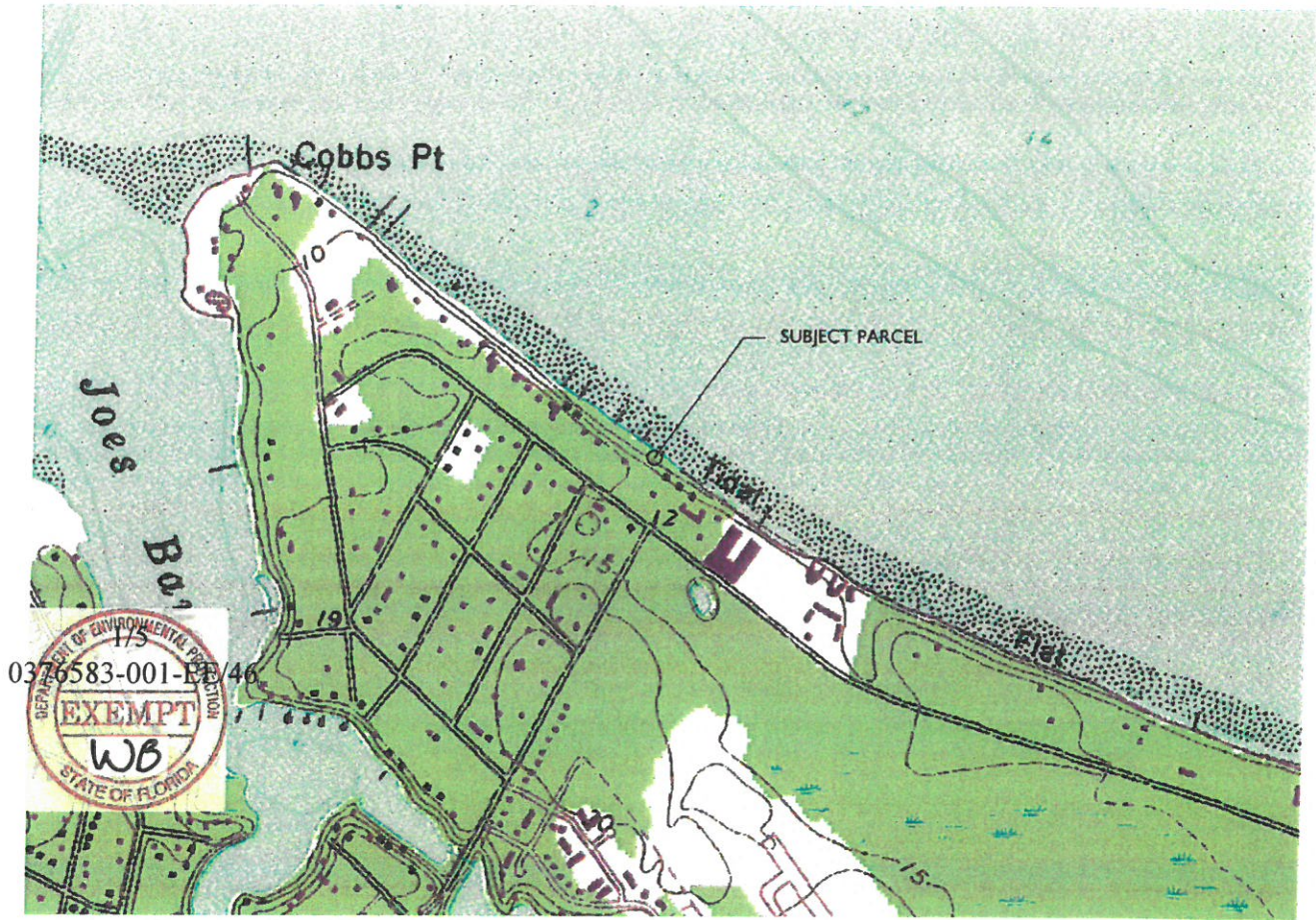
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve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

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

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting

pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

INDEX OF SHEETS

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

NOV 7 2019



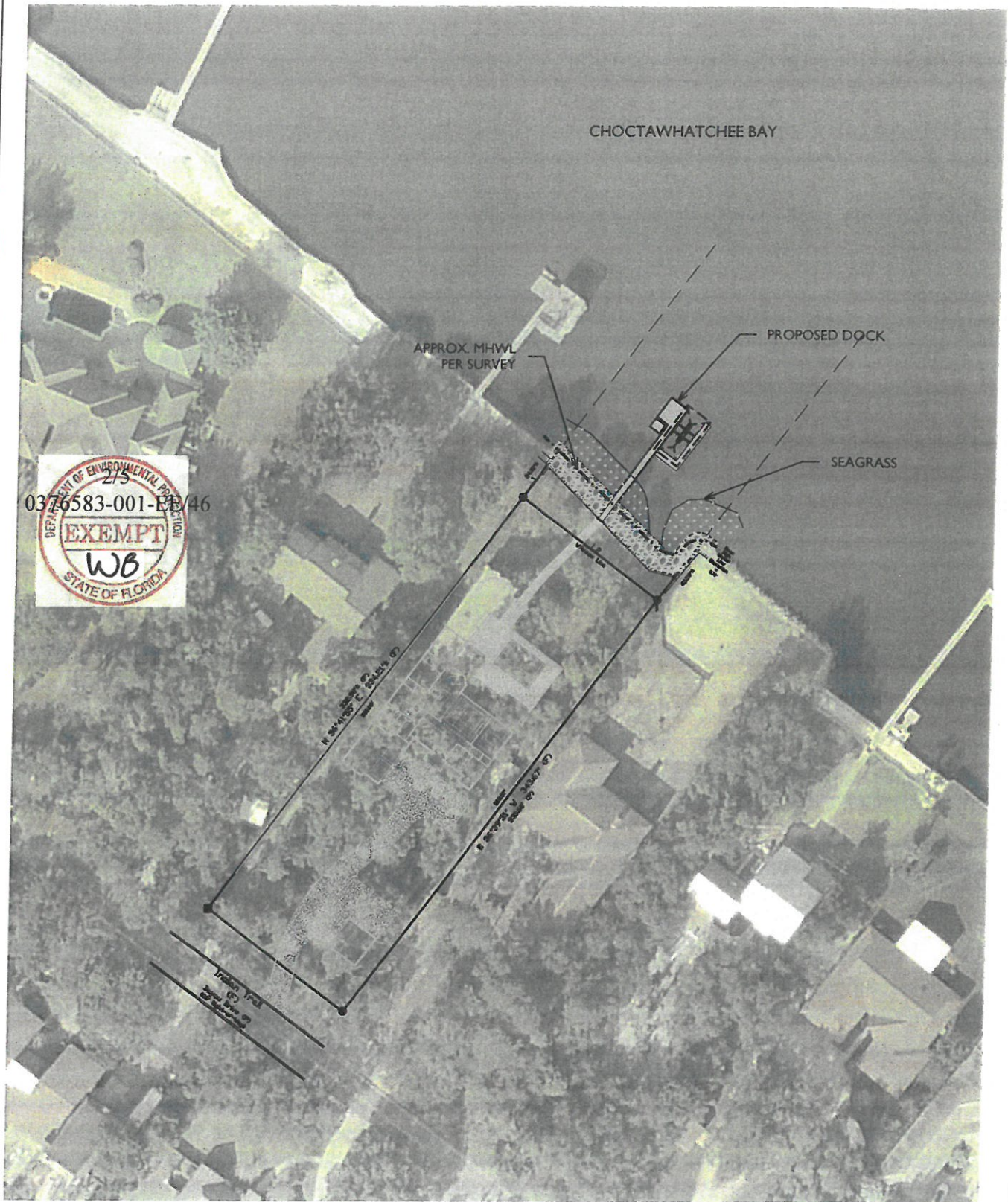
PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 19-013

DRAWN BY: JAT DATE: 5/13/19

SHEET: 1 OF 5



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 19-013

DRAWN BY: JAT

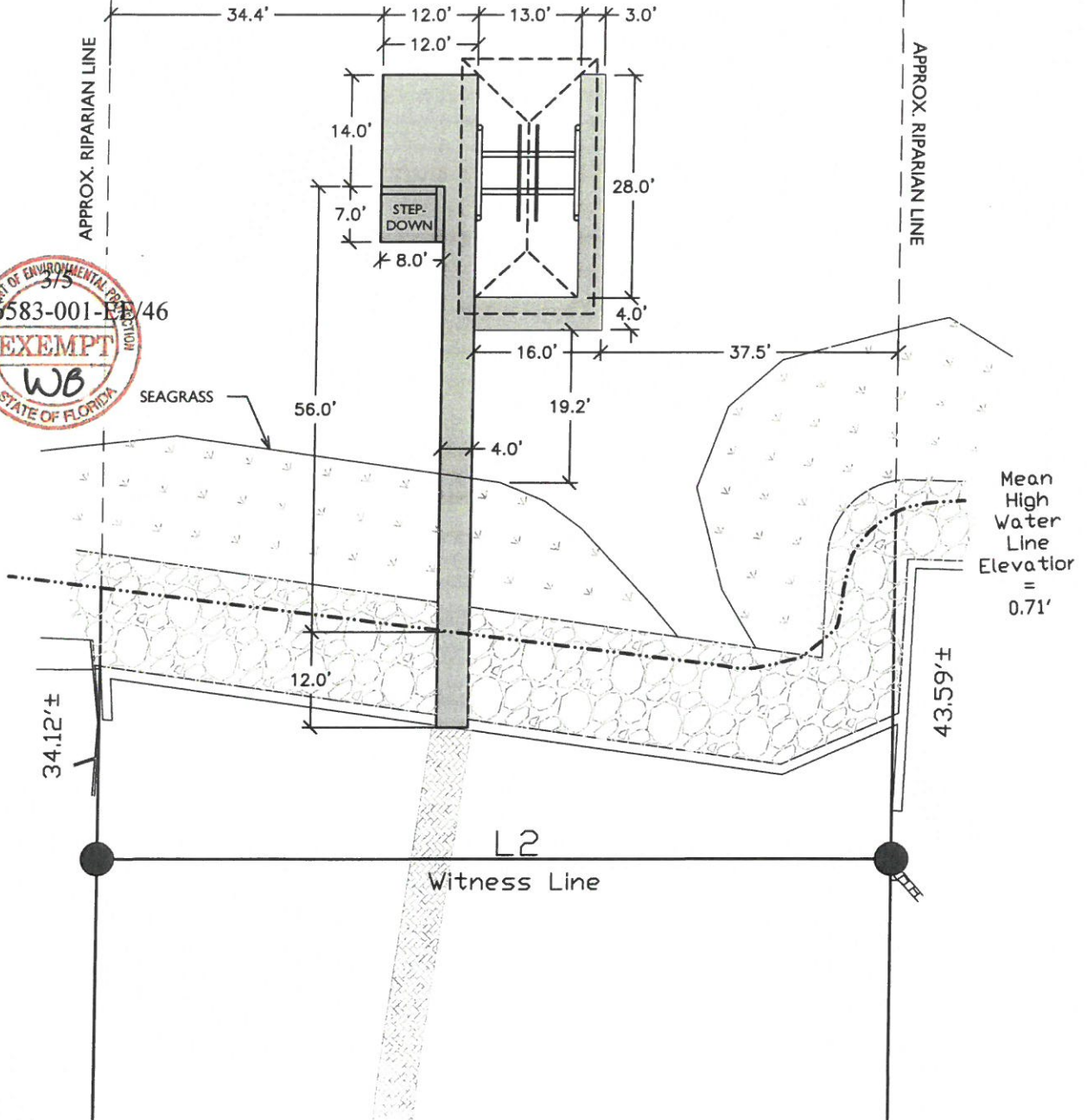
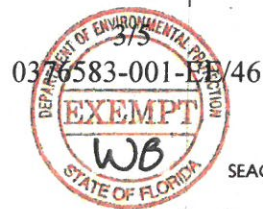
DATE: 5/13/19

SHEET: 2 OF 5



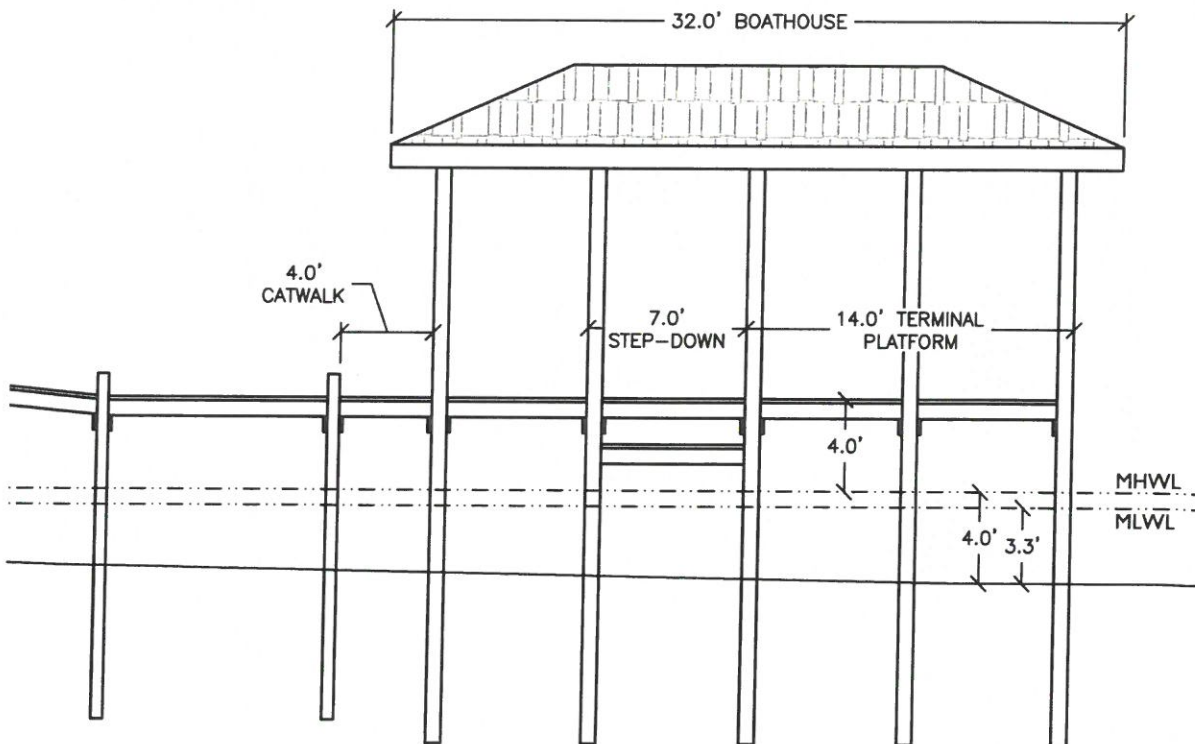
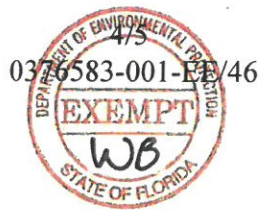
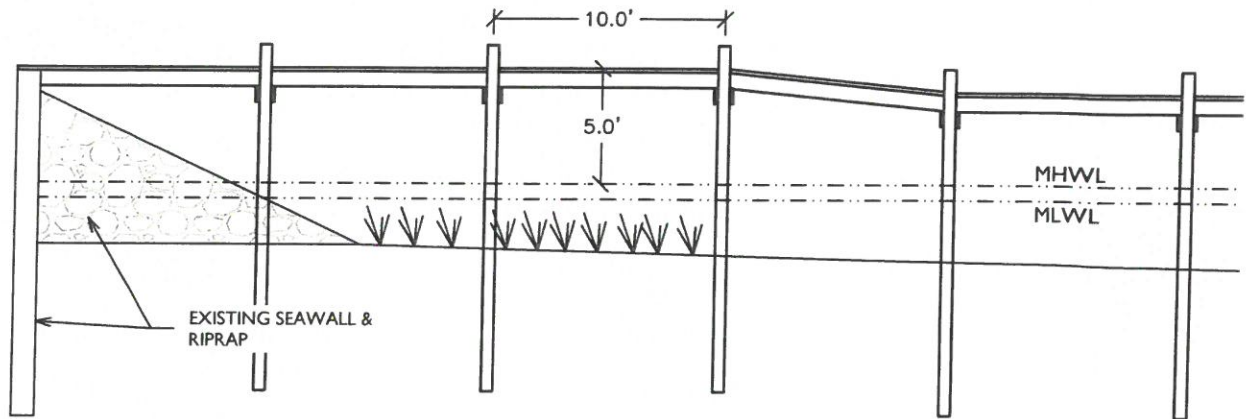
CHOCTAWHATCHEE BAY

PREEMPTED AREA CALCS:	
56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.

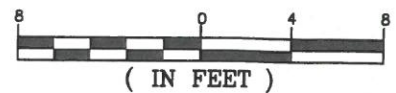


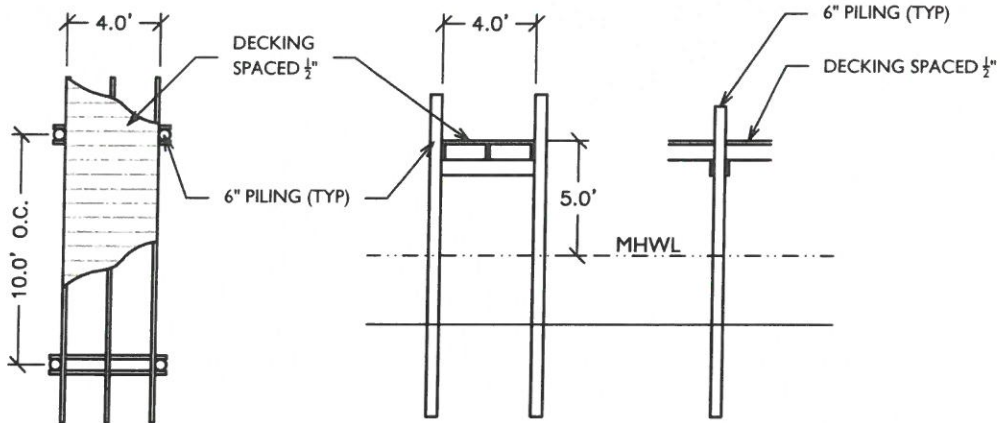
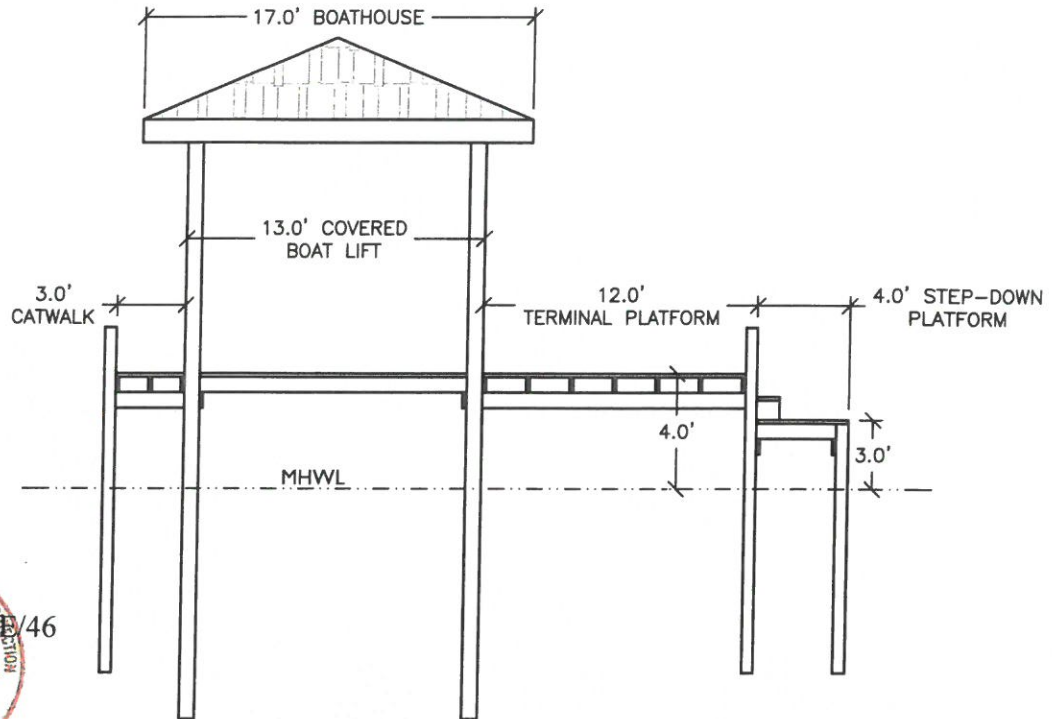
PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
PLAN VIEW - DOCK	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 3 OF 5	



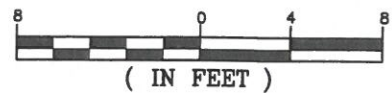


PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
PROFILE (TYPICAL)	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 4 OF 5	





PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
SECTIONS (TYPICAL)	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 4/8/19
SHEET: 5 OF	





REPLY TO
ATTENTION OF

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

July 25, 2019

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2019-01884 (GP-HMM)

Thomas Carter
3813 Indian Trail
Destin, Florida 32541

Dear Mr. Carter:

Your application for a Department of the Army permit has been assigned number SAJ-2019-01884 (GP-HMM). A review of the information and drawings provided shows the proposed work is to construct a 56-foot by 4-foot access pier, a 14-foot by 12-foot terminal platform, a 7-foot by 8-foot step-down, a 16-foot by 4-foot catwalk, and a 28-foot by 3-foot catwalk forming a 28-foot by 13-foot covered boatlift with a 32-foot by 17-foot roof. The project is located at 3813 Indian Trail, in Indian Bayou, Latitude 30.414570° North, Longitude 86.482979° West, Section 00, Township 2 South, Range 22 West, in Destin, in Okaloosa County, Florida.

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

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

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

The following special conditions are included with this verification:

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

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson St., Suite 301, Pensacola, FL 32502.

b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2019-01884 (GP-HMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
5. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".
6. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
7. No building or fill materials, tools or other equipment shall be stockpiled within the waters of the United States.
8. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
9. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the

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

10. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact Holly Millsap by the letterhead address, by email at Holly.M.Millsap@usace.army.mil or by telephone at 850-470-9823.

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

Sincerely,



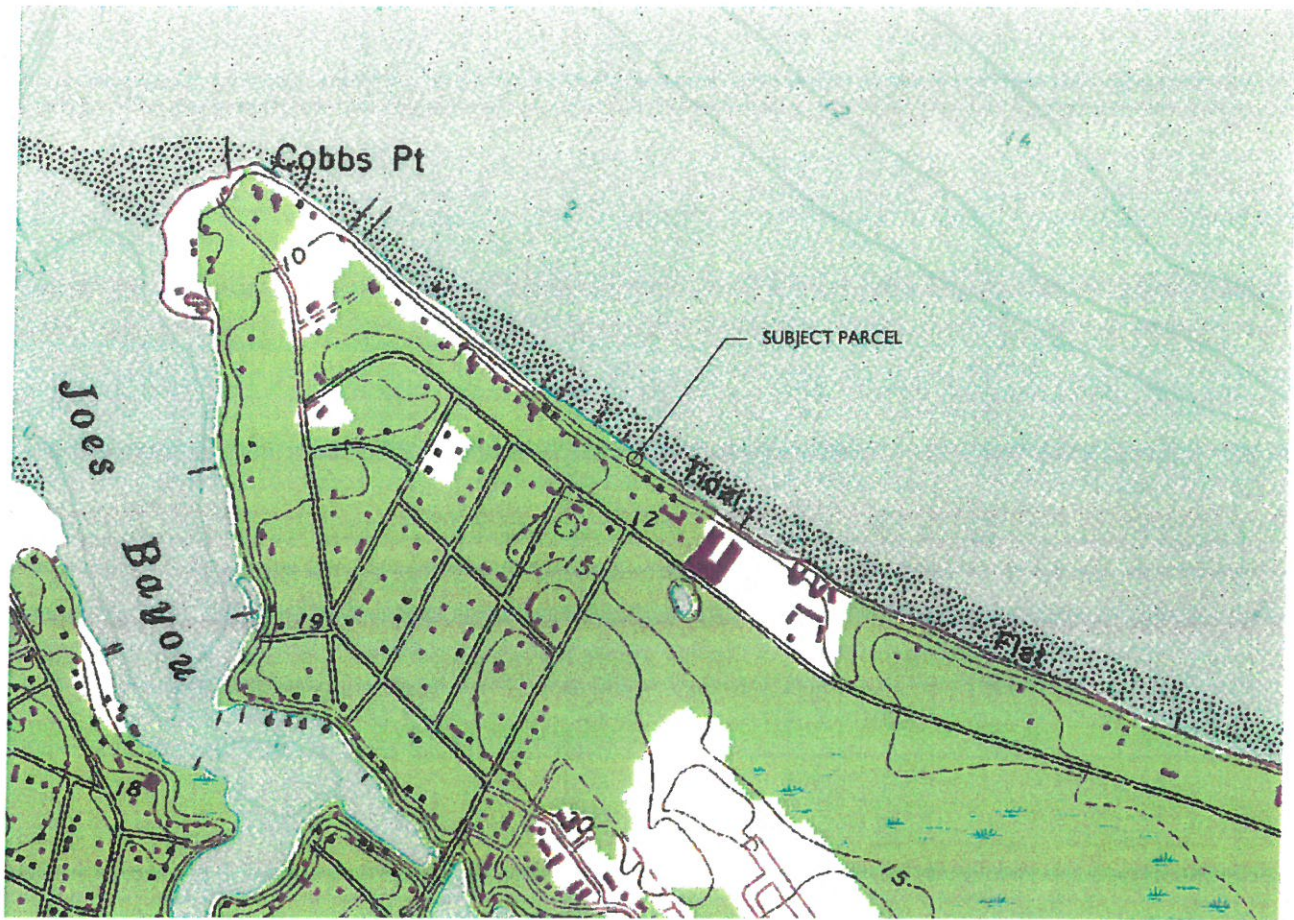
Holly Millsap
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Manatee Conditions
- Sea Turtle/Smalltooth Sawfish Conditions
- Self-Certification Statement of Compliance
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- CESAJ-RD-SE
- Oakhurst Consulting, Agent



PARCEL ID#

00-2S-22-1650-000J-0120

3813 INDIAN TRAIL

DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER

3813 INDIAN TRAIL

DESTIN, FL 32541

INDEX OF SHEETS

1- SITE LOCATION

2-PLAN VIEW DEPICTED ONTO AERIAL

3-PLAN VIEW

4-PROFILE TYP.

5-SECTIONS TYP.



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 1 OF 5



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

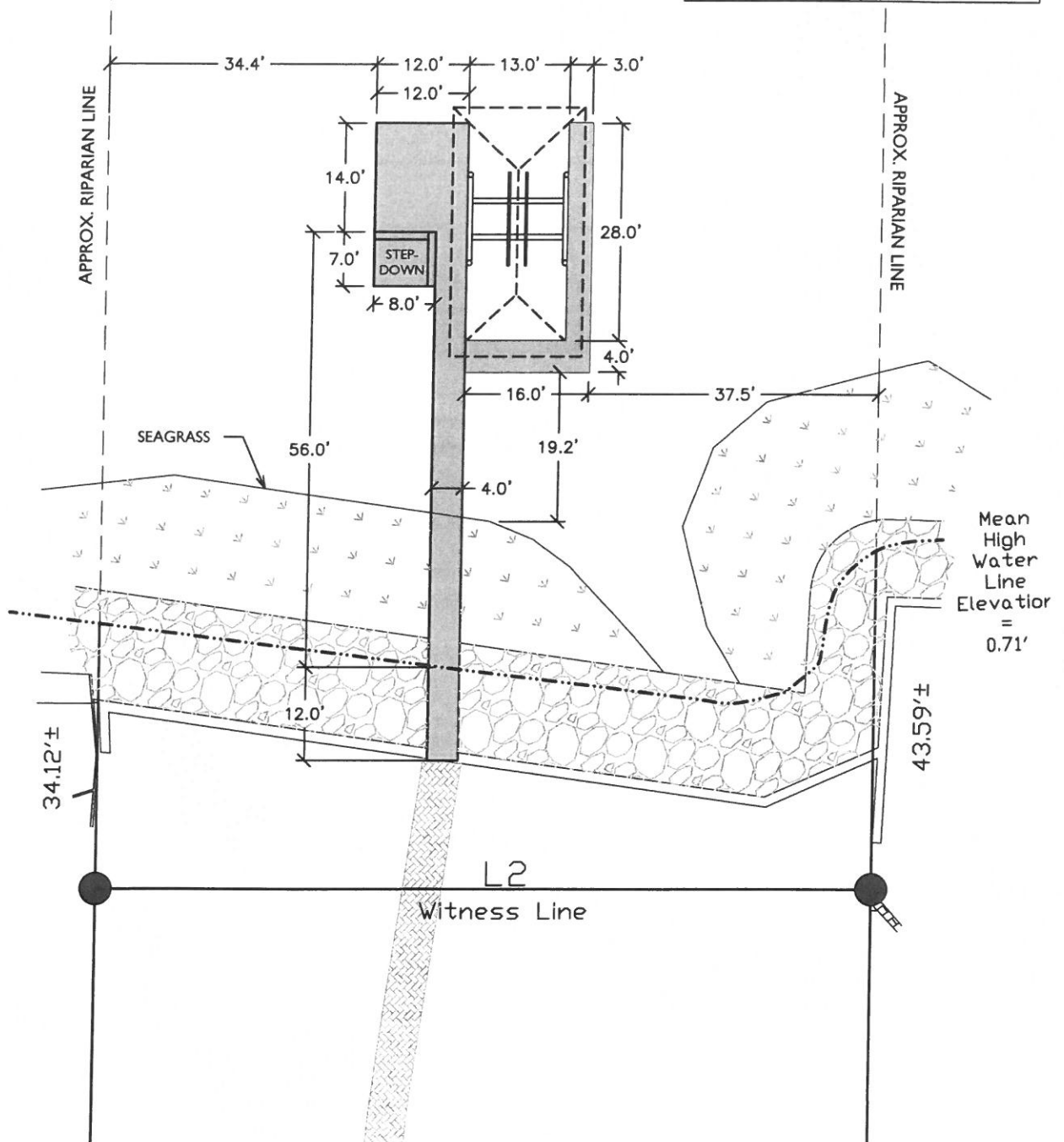
SHEET: 2 OF 5



CHOCTAWHATCHEE BAY

PREEMPTED AREA CALCS:

56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

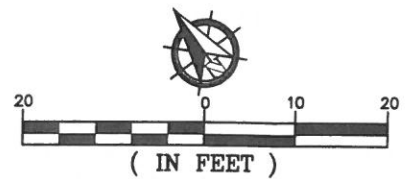
PLAN VIEW - DOCK

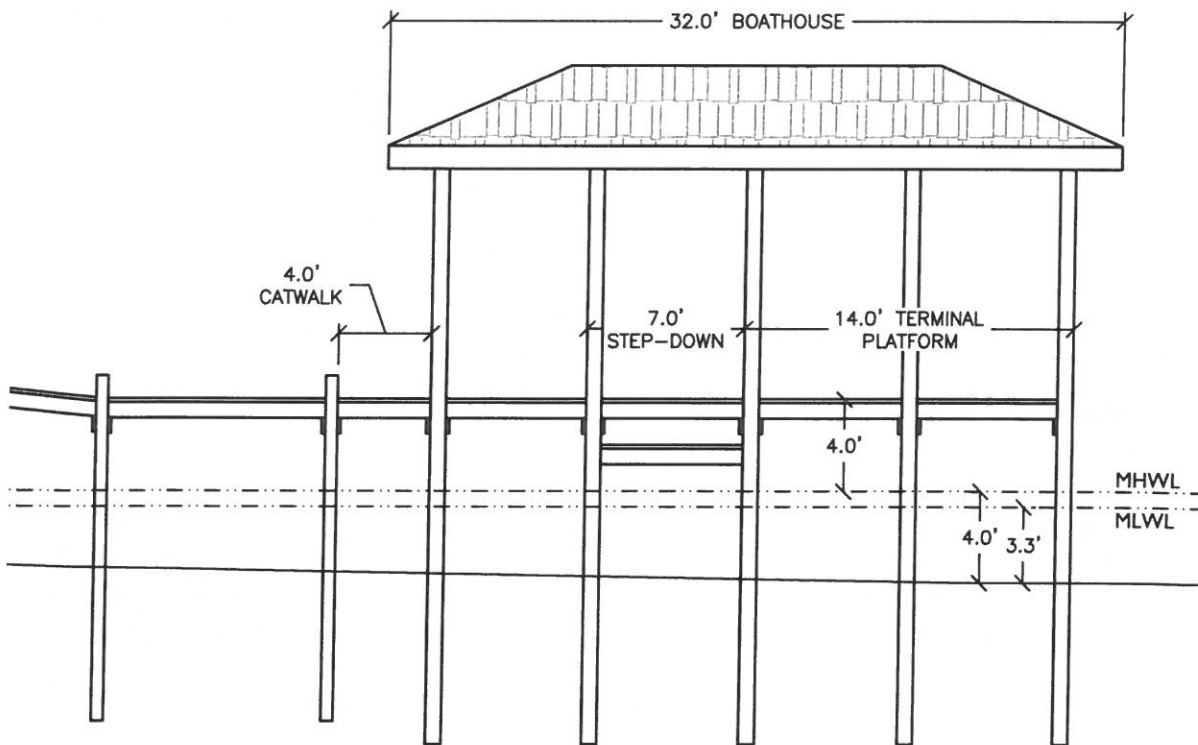
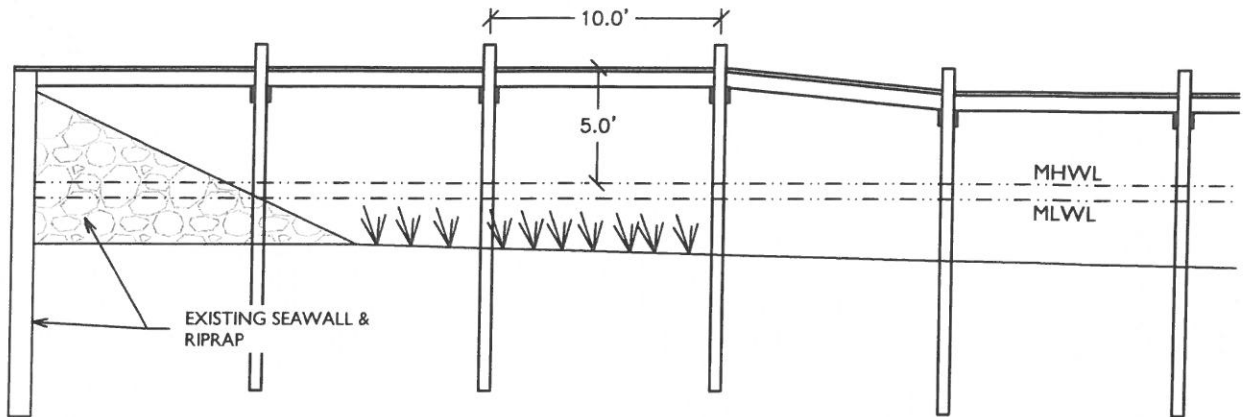
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 3 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PROFILE (TYPICAL)

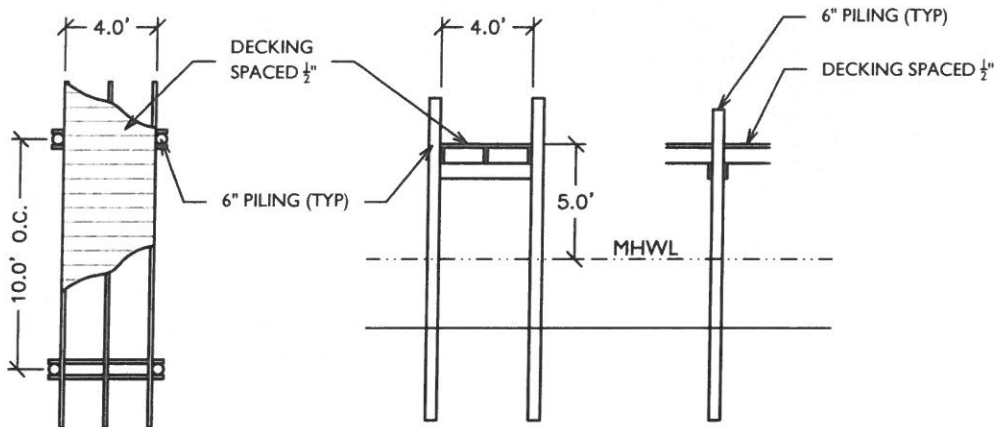
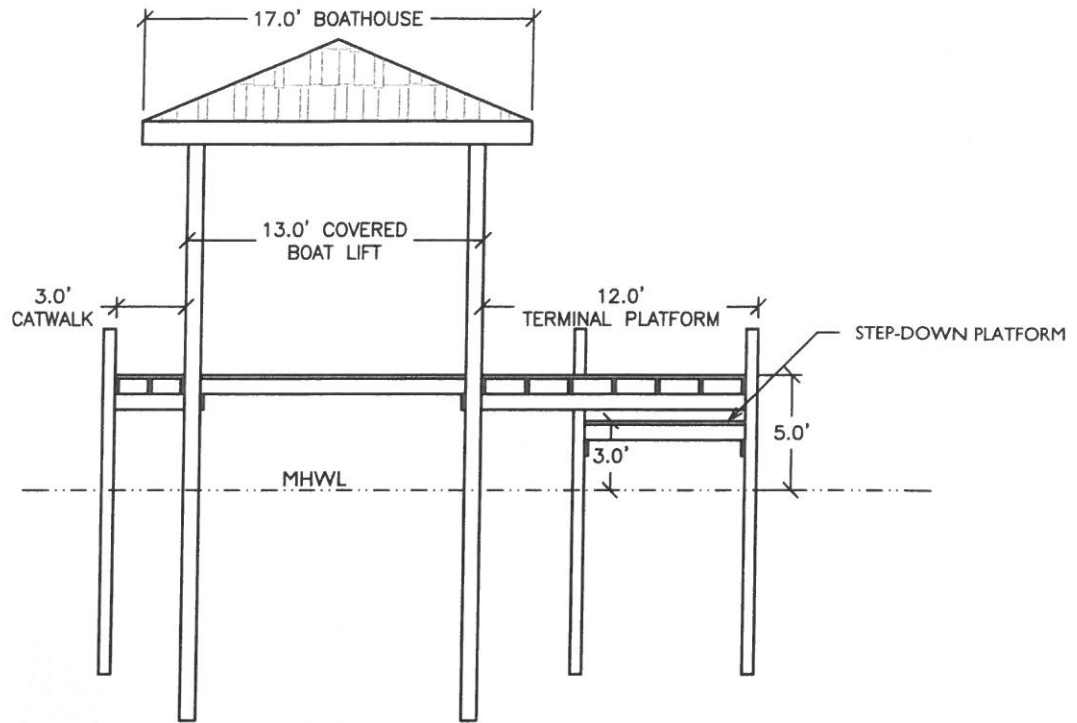
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 4 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SECTIONS (TYPICAL)

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 5 OF 5



GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2019-01884 (GP-HMM)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

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

Describe Mitigation completed (if applicable): _____

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

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

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: SAJ- SAJ-2019-01884 (GP-HMM)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEEE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



Community Development Department
Building Division

4200 Indian Bayou Trail, Destin, FL 32541
Phone: (850) 654-1119 Fax: (850) 460-2171



Marine Construction Permit Application

DATE: _____

JOB SITE ADDRESS: 3813 INDIAN TRAIL

PARCEL ID: 00-2S-22-1650-000J-0120 LOT: 12

OWNER OF PROPERTY: TOMMY & JEAN CARTER

ADDRESS: 719 MARS STREET

CITY, STATE, ZIP: DESTIN, FL 32541

PHONE: _____ FAX: _____

MOBILE/CELL: (850)650-3847

FEE SIMPLE TITLEHOLDER (If other than owner): _____

ADDRESS: _____

CITY, STATE, ZIP: _____

NAME OF PROJECT: CARTER

BLOCK: J SUBDIVISION: MORENO ACRES

CONTRACTOR COMPANY NAME: FRANK DAVIS

QUALIFIER NAME: _____

STATE LICENSE #: _____ COMP#: _____

ADDRESS: 1765 WEST HEWITT

CITY, STATE, ZIP: SANTA ROSA BEACH, FL 32459

PHONE: (850)2592255 FAX: _____

CONTACT PERSON: _____

MOBILE/CELL: (850)259-2255

EMAIL: WFDAVIS.CONSTRUCTION@GMAIL.COM

All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.

HARBOR & WATERWAYS BOARD HEARING DATE: 12/23/19 CITY COUNCIL APPROVAL DATE: _____ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE:

Construct 1,000 Sq.Ft. of dock plus Boatlift

CATEGORY TYPE: ☐ Residential ☒ Commercial

CURRENT CODE: _____

PERMIT TYPE: ☐ Bulkhead(seawall) ☒ Dock/Pier ☐ Piles ☐ Boatlift ☒ Boathouse ☐ Boat Ramp ☐ Other: _____

CONSTRUCTION TYPE: ☐ New ☐ Repair ☐ Replace ☐ Remove ☐ Relocate ☐ Addition DEP Permit required: ☐ Yes ☐ No

Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.

TOTAL VALUE (MATERIAL & LABOR): 28,000.00
(excluding lot)

FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.

Applicants Signature: _____ Date: _____

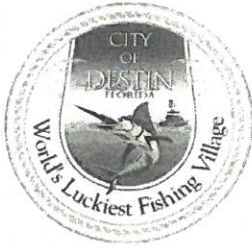
Applicants Printed Name: Frank Davis Date: _____

Reviewed by: (Building Division) Date: _____

Reviewed By: (Planning Division) Date: _____

Reviewed By: (Code Compliance Dept.) Date: _____

Received By: KSS 11/7/19 (Initials) Date: _____



City of Destin
Community Development Department
Planning & Zoning Division
City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 837-4242 • Fax (850) 460-2171
planning@cityofdestin.com

APPLICATION for HARBOR BOARD

Harbor Board meets the 4th Monday of each month, all applications must be submitted at least one month prior.

Description of work: Construct 1000' of dock and boatlift

1. APPLICANT INFORMATION:

Name: Tommy and Jean Carter

Mailing Address: 719 Mars Street

Phone: (850) 650-3847

Fax: _____

Email: Wfdavis.construction@gmail.com (contractor)

2. PROPERTY TO BE REVIEWED:

Street Address: 3813 Indian Trail

Parcel ID #: 00-25-22-1650-000J - 0120

3. **FEE:** \$50.00 Residential Cash, Check, MasterCard or Visa
 \$100.00 Commercial

Fees must be paid when submitting an application.

4. ADDITIONAL DOCUMENTATION REQUIRED:

- Complete detailed drawings and site plan.
- Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).

APPLICANT'S SIGNATURE: _____

DATE: 11-7-19

CITY OF DESTIN-WEBTRAC
4100 INDIAN BAYOU TRL
DESTIN, FL 325414303

11/07/2019

16:13:47

MID: XXXXXXXXXXXX752

TID: XXXXX353

CREDIT CARD

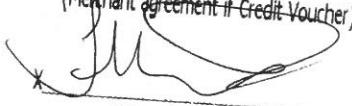
VISA SALE

Card #	XXXXXXXXXXXX9645
Chip Card:	VISA CREDIT
AID:	A0000000031010
ATC:	0009
ARQC:	298C6C21EEC19419
SEQ #:	20
Batch #:	1086
INVOICE	20
CLERK	0634
Approval Code:	003226
Entry Method:	Chip Read
Mode:	Issuer
Tax Amount:	\$0.00

SALE AMOUNT

\$50.00

I agree to pay above total amount
according to card issuer agreement.
(Merchant agreement if Credit Voucher)


WILLIAM FRANK DAVIS

MERCHANT COPY



FLORIDA DEPARTMENT OF Environmental Protection

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

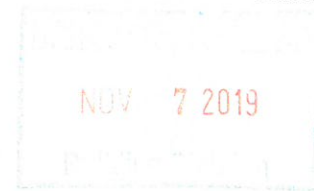
Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 27, 2019

Thomas Carter
3813 Indian Trail
Destin, Florida 32541
Nwfnative2777@yahoo.com



File No.: 0376583-001-EE/46, Okaloosa County

Dear Mr. Carter:

On May 28, 2019, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock with a step-down and a covered boat lift that is 1,000 square feet or less within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 3813 Indian Trail, Destin, Florida 32541, Parcel No. 00-2S-22-1650-000J-0230, in Section 18, Township 2 South, Range 22 West in Okaloosa County; 30°24'53.34" North Latitude, 86°28'58.07" West Longitude.

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

Your project did not qualify for the federal review portion of this verification request.

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

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

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.), under Section

403.813(1)(b), Florida Statutes (F.S.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

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

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

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

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

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

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

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

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

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

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

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

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

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

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

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

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

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

3. Federal Review – SPGP Not Approved

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

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Whitney Bretana at the letterhead address, at (850)595-0658, or at Whitney.Bretana@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Whitney Bretana

Environmental Specialist

Submerged Lands and Environmental Resources Program

Attachments:

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

CERTIFICATE OF SERVICE

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

Jason Taylor, Consultant, Oakhurst Environmental, oakhurstenvironmental@gmail.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com

FILING AND ACKNOWLEDGMENT

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



Clerk

June 27, 2019

Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

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

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

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

403.813(1)(b)

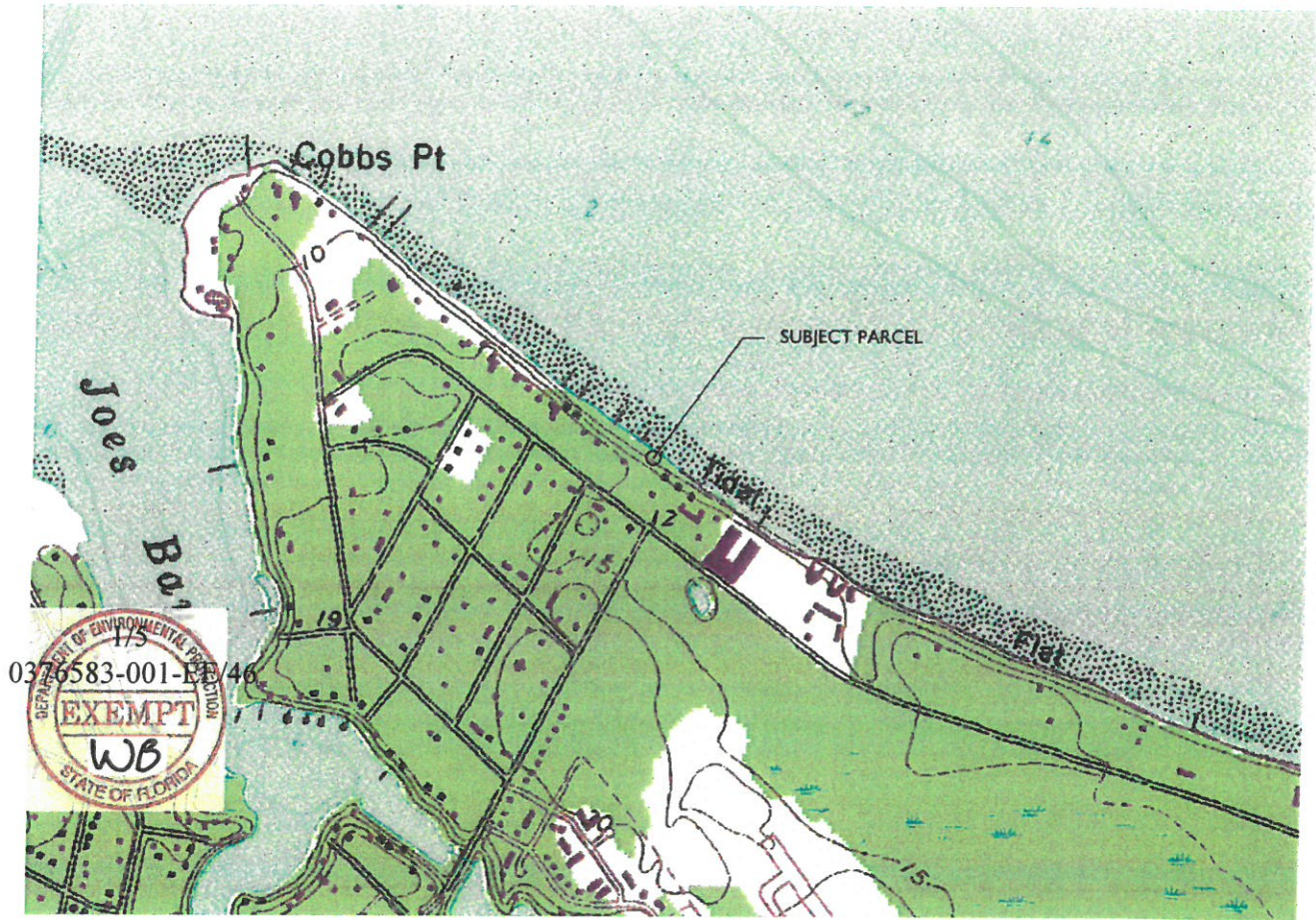
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve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

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

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting

pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

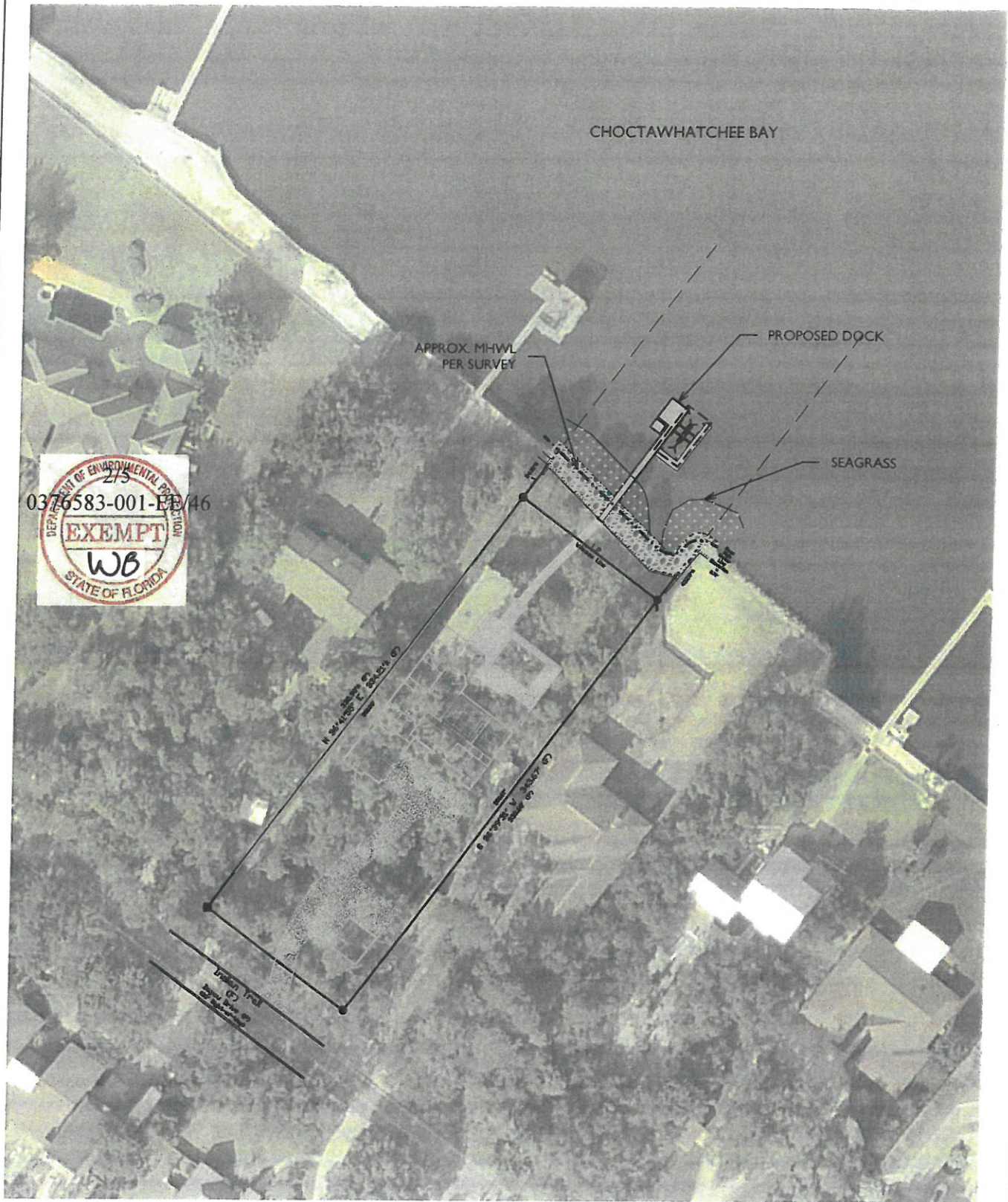
INDEX OF SHEETS

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

W/ 7 2019

PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
SITE LOCATION MAP & SHEET INDEX	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 1 OF 5	





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

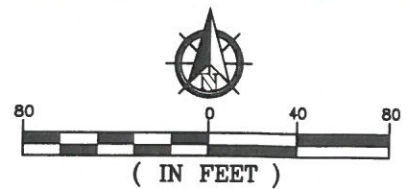
PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

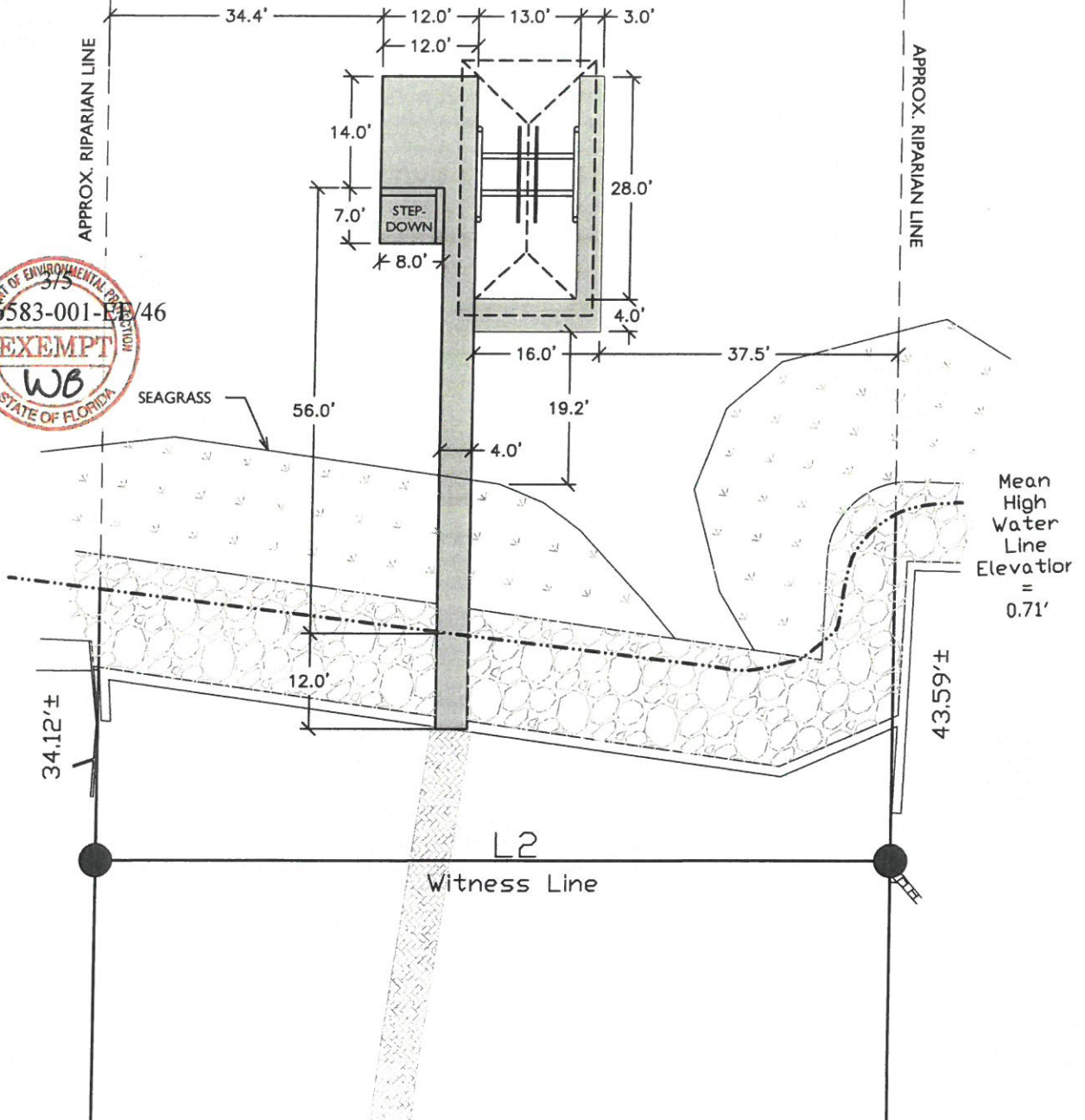
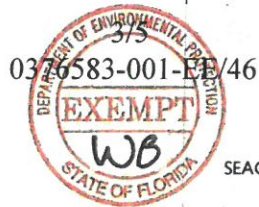
SHEET: 2 OF 5



CHOCTAWHATCHEE BAY

PREEMPTED AREA CALCS:

56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

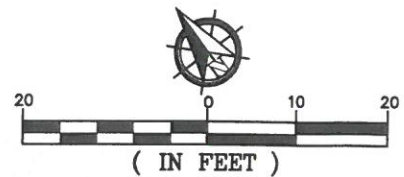
PLAN VIEW - DOCK

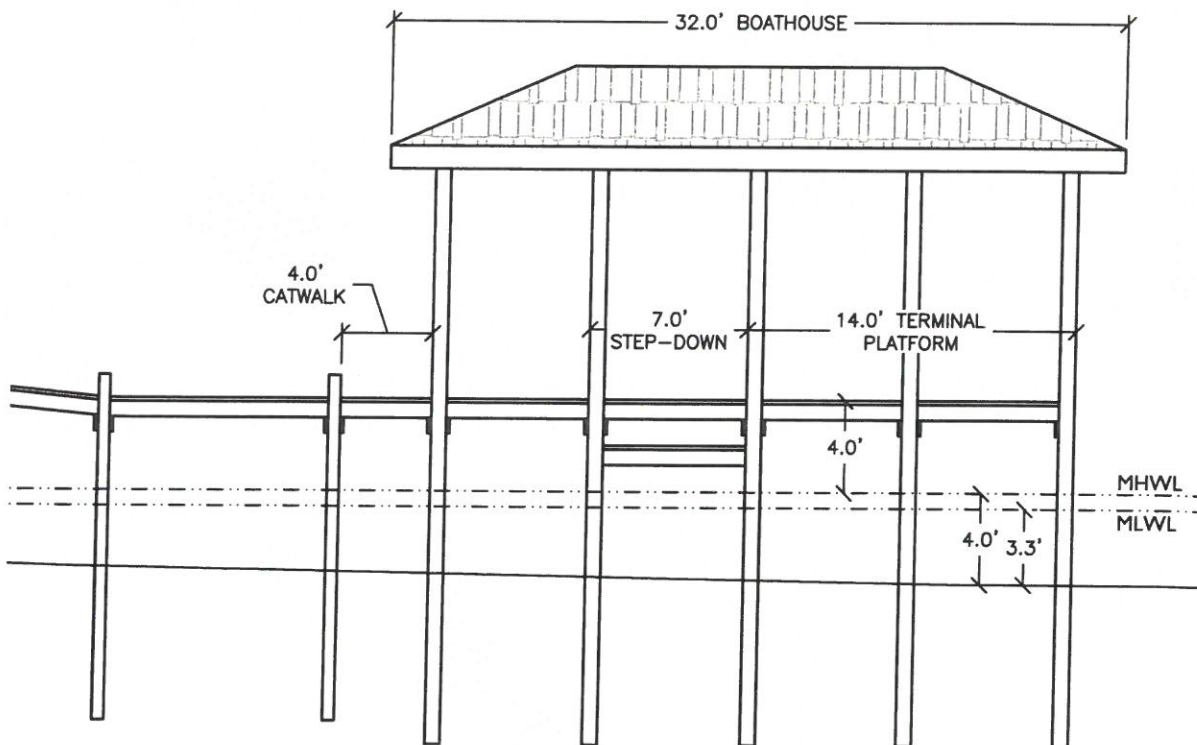
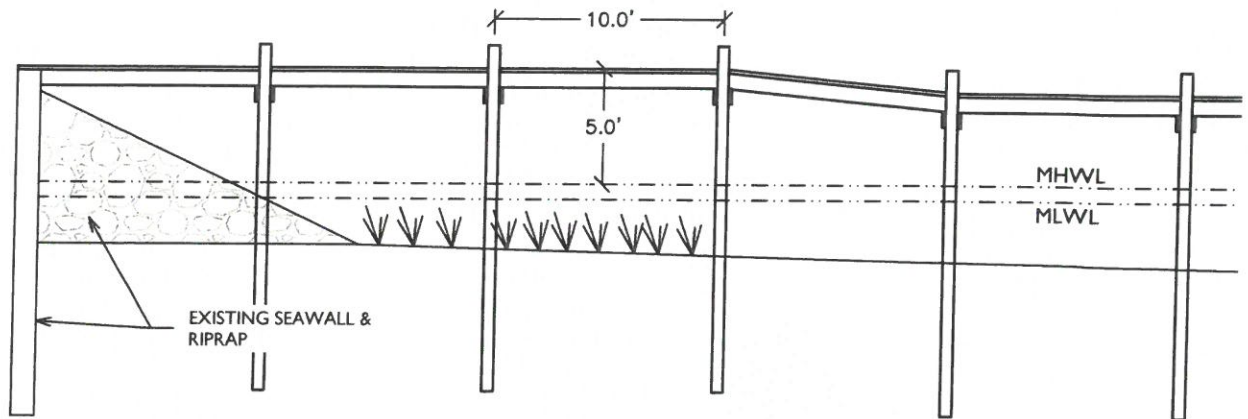
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 3 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

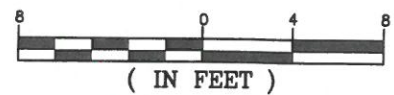
PROFILE (TYPICAL)

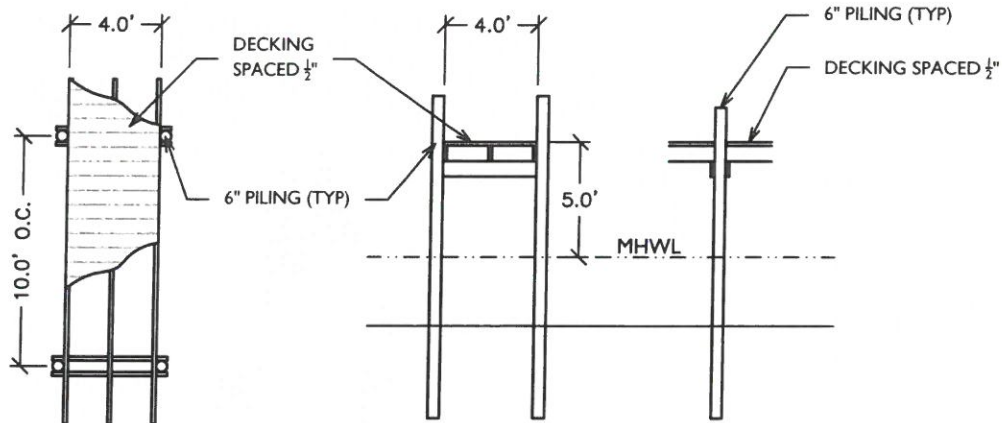
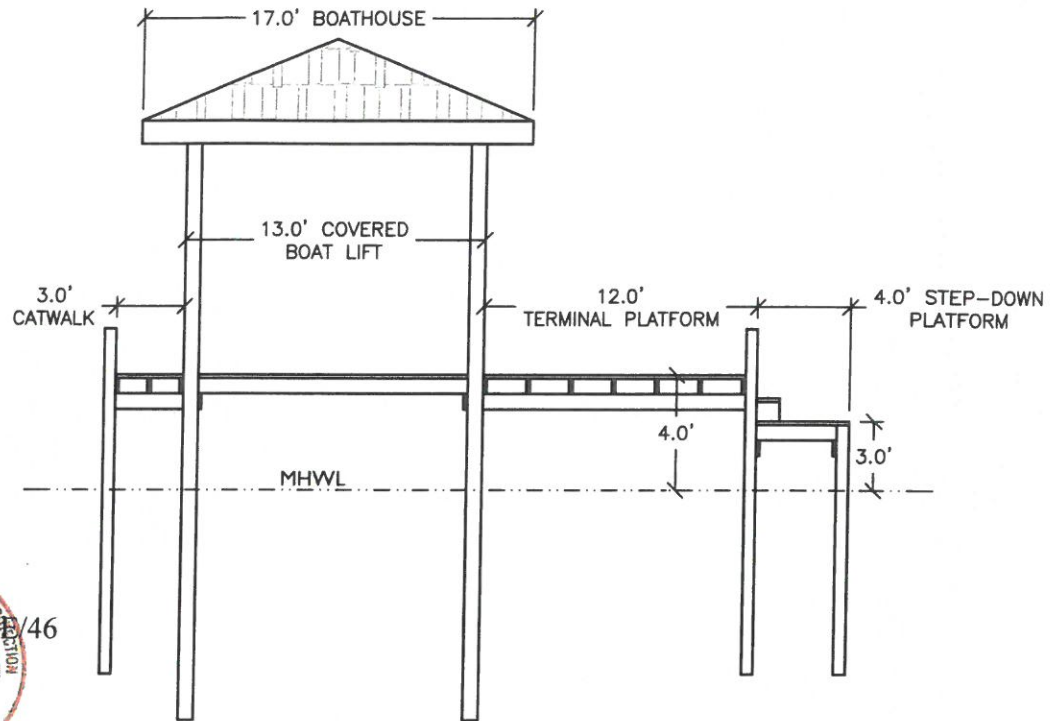
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 4 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SECTIONS (TYPICAL)

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 4/8/19

SHEET: 5 OF





REPLY TO
ATTENTION OF

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

July 25, 2019

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2019-01884 (GP-HMM)

Thomas Carter
3813 Indian Trail
Destin, Florida 32541

Dear Mr. Carter:

Your application for a Department of the Army permit has been assigned number SAJ-2019-01884 (GP-HMM). A review of the information and drawings provided shows the proposed work is to construct a 56-foot by 4-foot access pier, a 14-foot by 12-foot terminal platform, a 7-foot by 8-foot step-down, a 16-foot by 4-foot catwalk, and a 28-foot by 3-foot catwalk forming a 28-foot by 13-foot covered boatlift with a 32-foot by 17-foot roof. The project is located at 3813 Indian Trail, in Indian Bayou, Latitude 30.414570° North, Longitude 86.482979° West, Section 00, Township 2 South, Range 22 West, in Destin, in Okaloosa County, Florida.

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

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

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

The following special conditions are included with this verification:

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

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson St., Suite 301, Pensacola, FL 32502.

b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2019-01884 (GP-HMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
5. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".
6. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
7. No building or fill materials, tools or other equipment shall be stockpiled within the waters of the United States.
8. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
9. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the

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

10. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

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

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact Holly Millsap by the letterhead address, by email at Holly.M.Millsap@usace.army.mil or by telephone at 850-470-9823.

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

Sincerely,



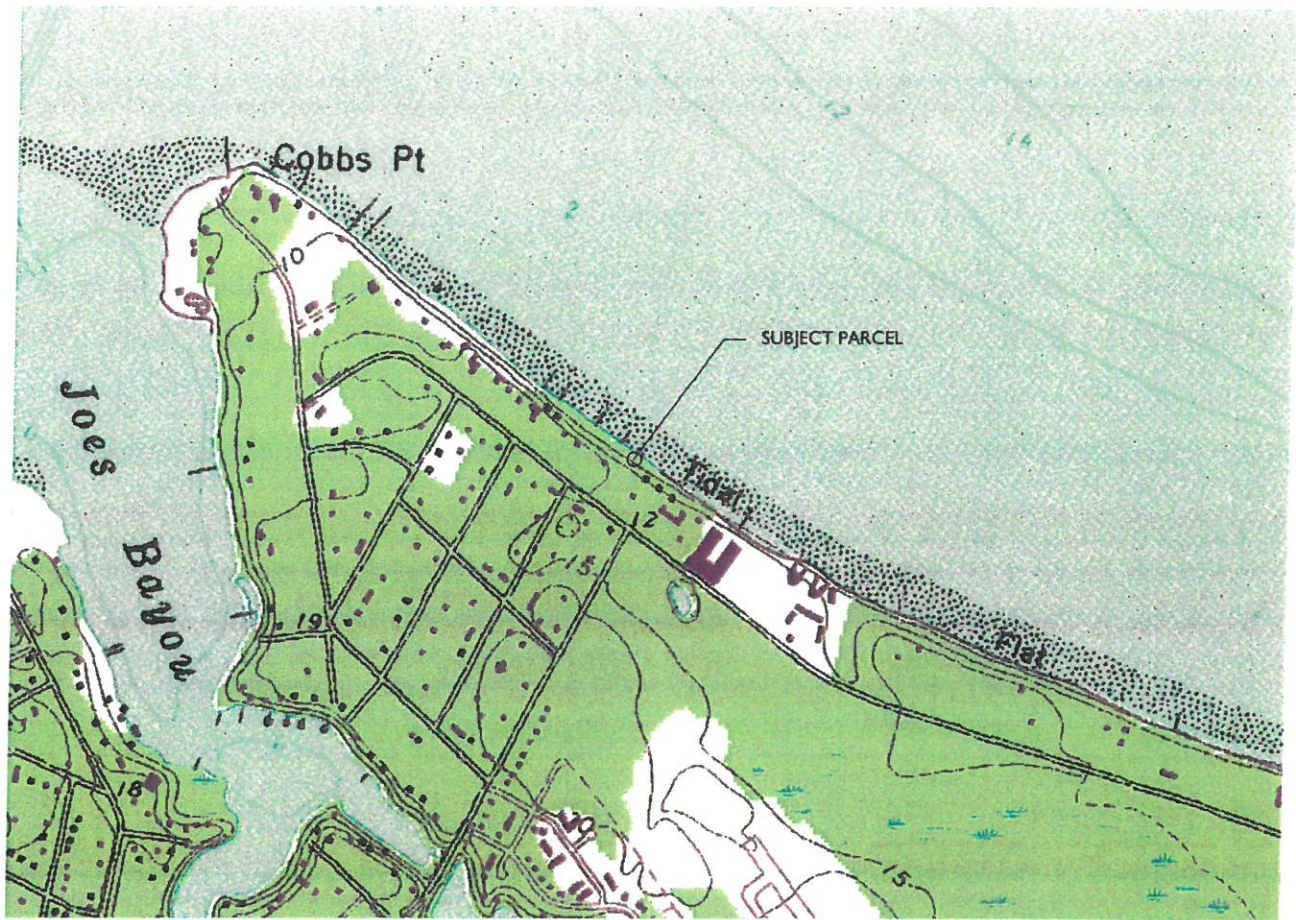
Holly Millsap
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Manatee Conditions
- Sea Turtle/Smalltooth Sawfish Conditions
- Self-Certification Statement of Compliance
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- CESAJ-RD-SE
- Oakhurst Consulting, Agent



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

INDEX OF SHEETS

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- 2-PLAN VIEW DEPICTED ONTO AERIAL
- 3-PLAN VIEW
- 4-PROFILE TYP.
- 5-SECTIONS TYP.

PROJECT NAME: 3813 INDIAN TRAIL, CARTER

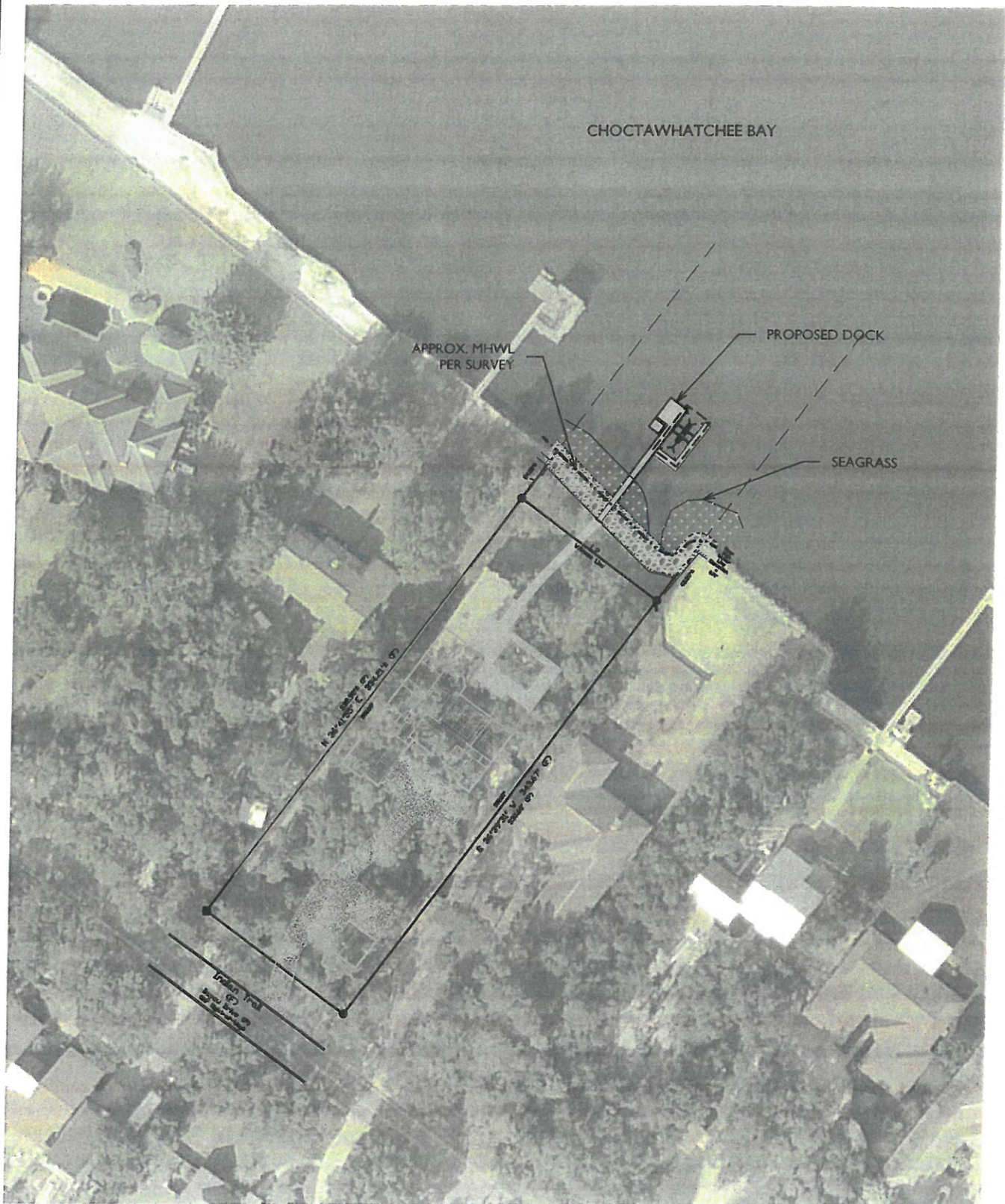
SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 19-013

DRAWN BY: JAT DATE: 5/13/19

SHEET: 1 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

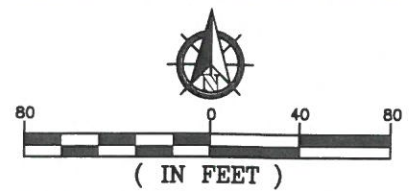
PLAN VIEW DEPICTED ONTO AERIAL

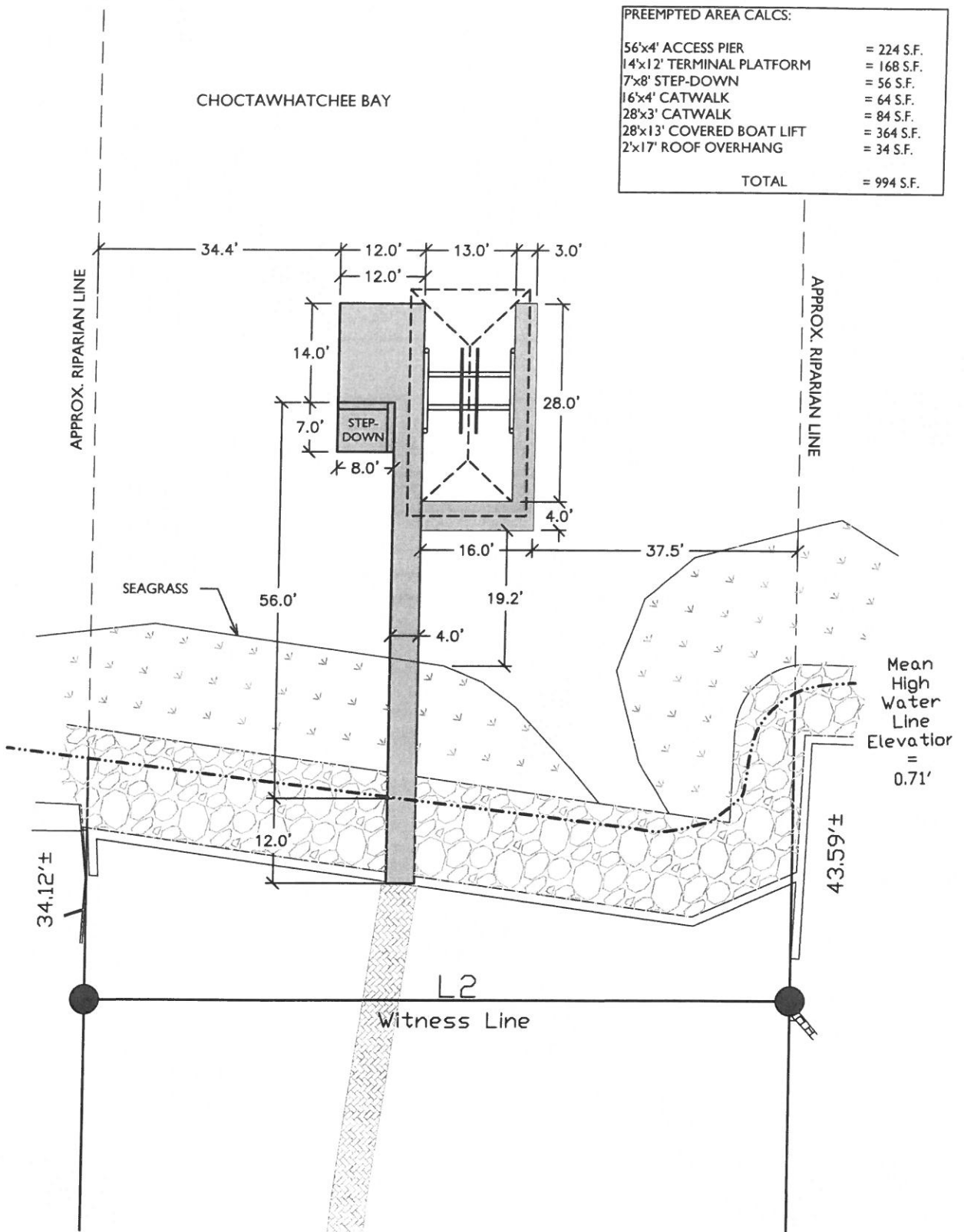
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DRAWN BY: JAT

DATE: 5/13/19

SHEET: 2 OF 5





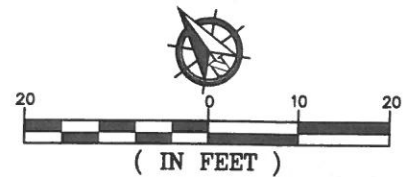
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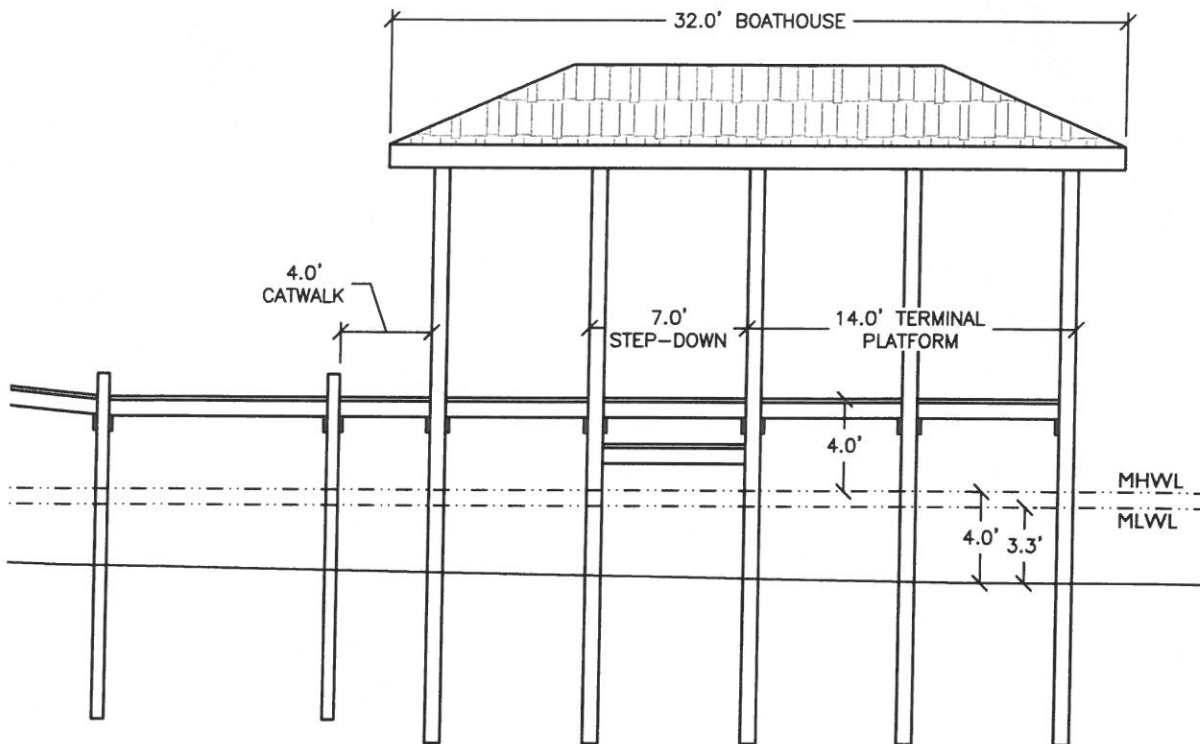
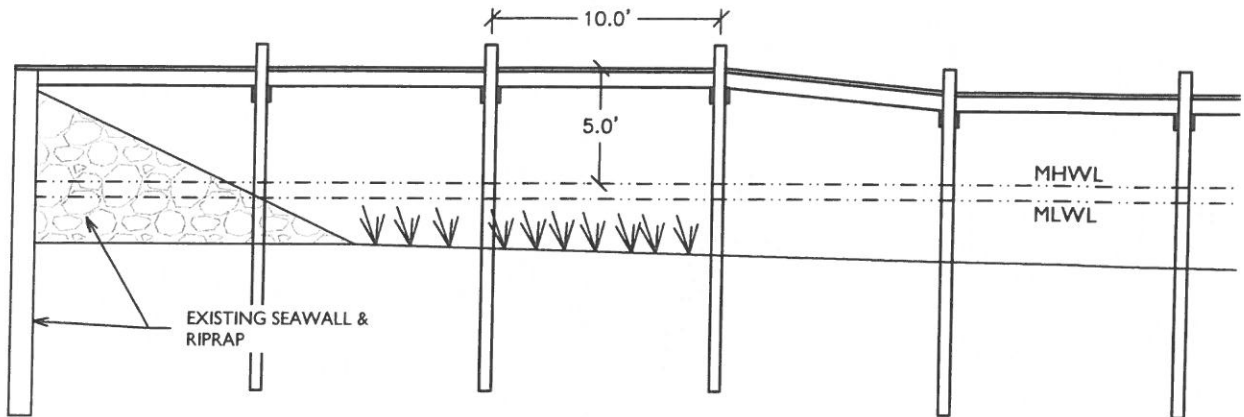
PLAN VIEW - DOCK

PROJECT NO.: 19-013

DRAWN BY: JAT DATE: 5/13/19

SHEET: 3 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PROFILE (TYPICAL)

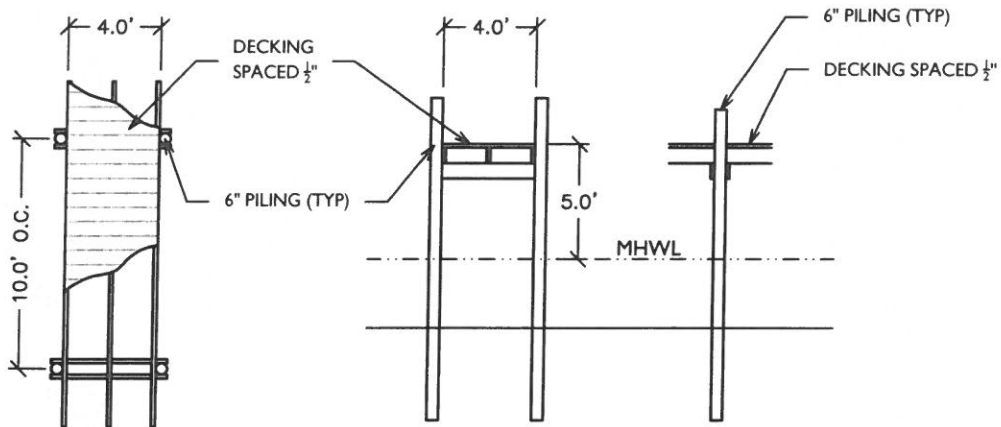
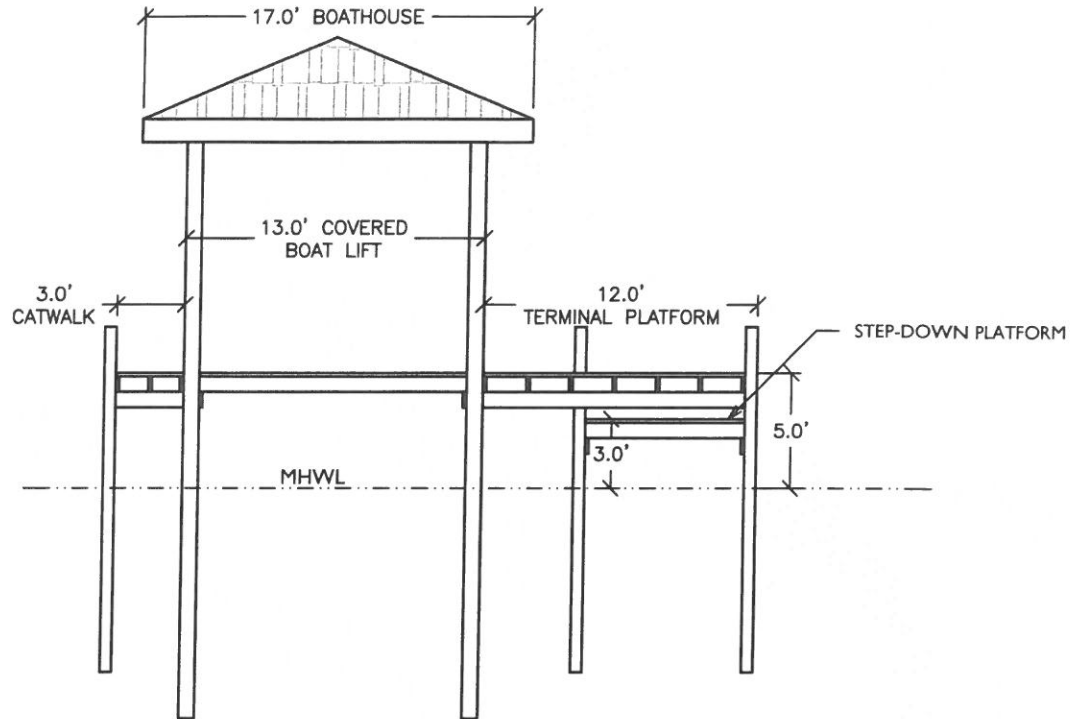
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 4 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SECTIONS (TYPICAL)

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 5 OF 5



GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2019-01884 (GP-HMM)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

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

Describe Mitigation completed (if applicable): _____

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

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

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: SAJ- SAJ-2019-01884 (GP-HMM)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



Community Development Department
Building Division

4200 Indian Bayou Trail, Destin, FL 32541
Phone: (850) 654-1119 Fax: (850) 460-2171

RECEIVED
City of Destin

OCT 29 2019

Marine Construction Permit Application

Building Department

DATE: 29 OCT 2019

JOB SITE
ADDRESS: 437 CALHOUN AVE

NAME OF
PROJECT: LEWIS

PARCEL ID: 00-25-22-0310-000D-0880 LOT: 88 BLOCK: D SUBDIVISION: CALHOUN

OWNER OF
PROPERTY: MICHELLE L. MILLIKAN

CONTRACTOR
COMPANY NAME: WHAT'S UP DOCKS

ADDRESS: 437 CALHOUN AVE

QUALIFIER NAME: DONALD DAVID WEBER

CITY, STATE, ZIP: DESTIN, FL. 32541

STATE LICENSE #: MS2006 COMP#: 29835-DO

PHONE: _____ FAX: _____

ADDRESS: 6534 LAKESHORE DR

MOBILE/CELL: 850-974-4821

CITY, STATE, ZIP: MILTON, FL. 32570

FEE SIMPLE TITLEHOLDER (If other than owner): _____

PHONE: 850-628-2132 FAX: N/A

ADDRESS: _____

CONTACT PERSON: DONALD DAVIS

CITY, STATE, ZIP: _____

MOBILE/CELL: 850 291-0357

EMAIL: WHATS UP DOCKS 2 @ GMAIL.COM

All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.

HARBOR & WATERWAYS BOARD HEARING DATE: _____ CITY COUNCIL APPROVAL DATE: _____ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE:

BUILD A 18' X 28' BOATHOUSE OVER AN EXISTING LIFT w/ a 4' X 15' CATWALK IN FRONT AND A 8' X 24' CATWALK ON THE FAR SIDE

CATEGORY TYPE: ☒ Residential ☐ Commercial CURRENT CODE: _____

PERMIT TYPE: ☐ Bulkhead(seawall) ☐ Dock/Pier ☐ Piles ☐ Boatlift ☒ Boathouse ☐ Boat Ramp ☐ Other: _____

CONSTRUCTION TYPE: ☒ New ☐ Repair ☐ Replace ☐ Remove ☐ Relocate ☐ Addition DEP Permit required: ☒ Yes ☐ No

Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.

TOTAL VALUE (MATERIAL & LABOR): \$20,626.00
(excluding lot)

FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.

Applicants Signature: [Signature] Date: 29 OCT 19

Reviewed by: _____ (Building Division) Date: _____

Applicants Printed Name: DONALD W. DAVIS Date: 29 OCT 19

Reviewed By: _____ (Planning Division) Date: _____

Reviewed By: _____ (Code Compliance Dept.) Date: _____

Received By: [Signature] (Initials) 10/29/19 Date: _____

CITY OF DESTIN - BUILDING DIVISION

PERMIT APPLICATION

NOTICE TO OWNER / CONTRACTOR

RECEIVED
City of Destin
OCT 29 2019
Building Department

JOB SITE
ADDRESS: 437 CALHOUN AVE

NAME OF
PROJECT: LEWIS

PARCEL ID: 00-25-22-0310-0000-0880 LOT: 88 BLOCK: D SUBDIVISION: CALHOUN

Application is hereby made to obtain a permit to do the work and installation as indicated. **I certify that no work or installation has been commenced prior to issuance of a permit** and that all work will be performed to meet all codes, standards and laws governing construction in this jurisdiction. I also certify that all required insurances for me and any trades are in accordance with state laws. I understand that a separate permit must be secured for **BUILDING, ELECTRICAL WORK, PLUMBING, MECHANICAL, ROOFING, SIGNS, POOLS and Right of Way (ROW) CONSTRUCTION**, etc.

OWNER / CONTRACTOR AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning per State and City of Destin.

If the direct contract is greater than \$2500, the applicant/owner must file a NOTICE OF COMMENCEMENT.

“WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.”

FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.

Must be signed in presence of a Notary

Signature

Owner or Agent (including contractor)

**STATE OF FLORIDA
COUNTY OF OKALOOSA**

Sworn to (or affirmed) and subscribed before me this

_____ day of _____, 20____

Personally known _____ OR

Produced Identification _____

Notary Signature as to Owner

SEAL:

RECEIVED
NOV 20 2019
B-103-2019

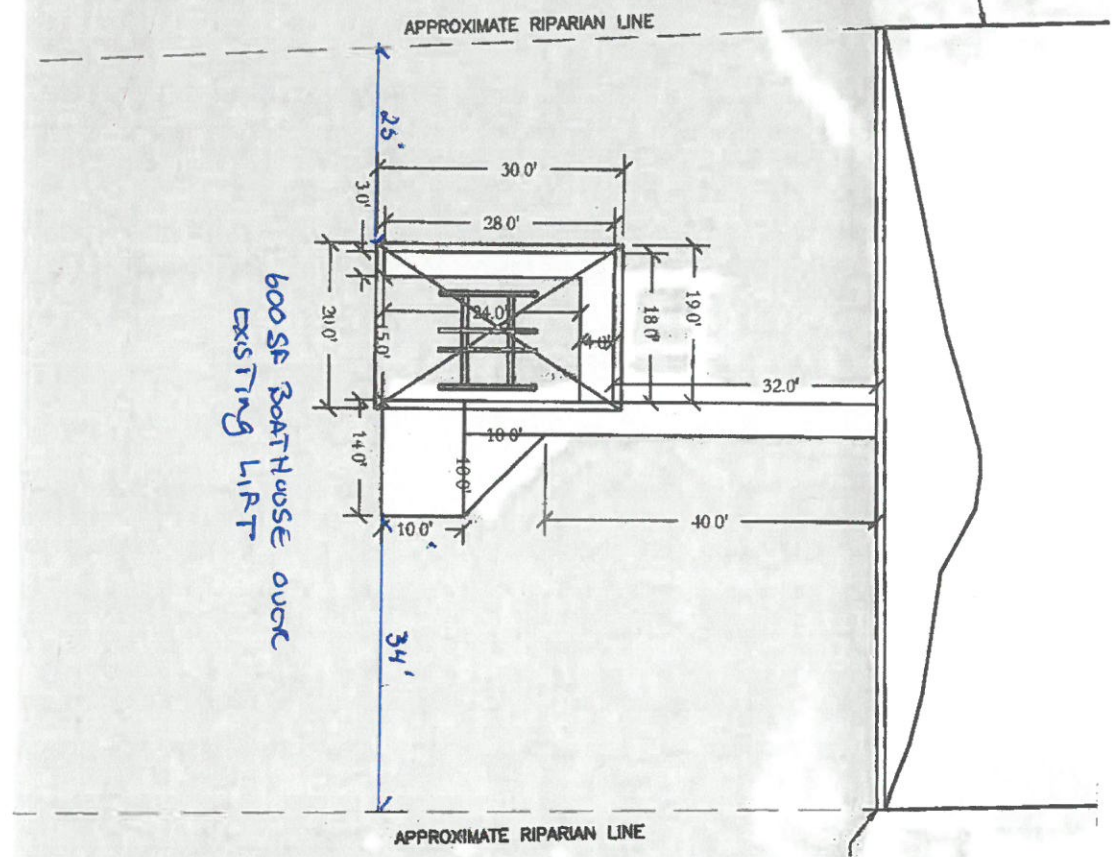
SUBJECT PROPERTY
PER WALTON COUNTY GIS

PREEMPTED AREA CALCS:

50'x4' ACCESS PIER	= 200 S.F.
14'x10' TERMINAL PLATFORM	= 140 S.F.
10'x10'	= 50 S.F.
24'x15'	= 360 S.F.
15'x4'	= 60 S.F.
28'x3'	= 84 S.F.
1' ROE	= 69 S.F.
TOTAL	= 963 S.F.



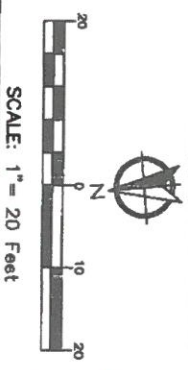
600SF BOATHOUSE OVER
EXISTING LIFT



**WETLAND
SCIENCES**
INCORPORATED

ENVIRONMENTAL CONSULTANTS
3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
DAVID.WETLANDSCIENCES@GMAIL.COM

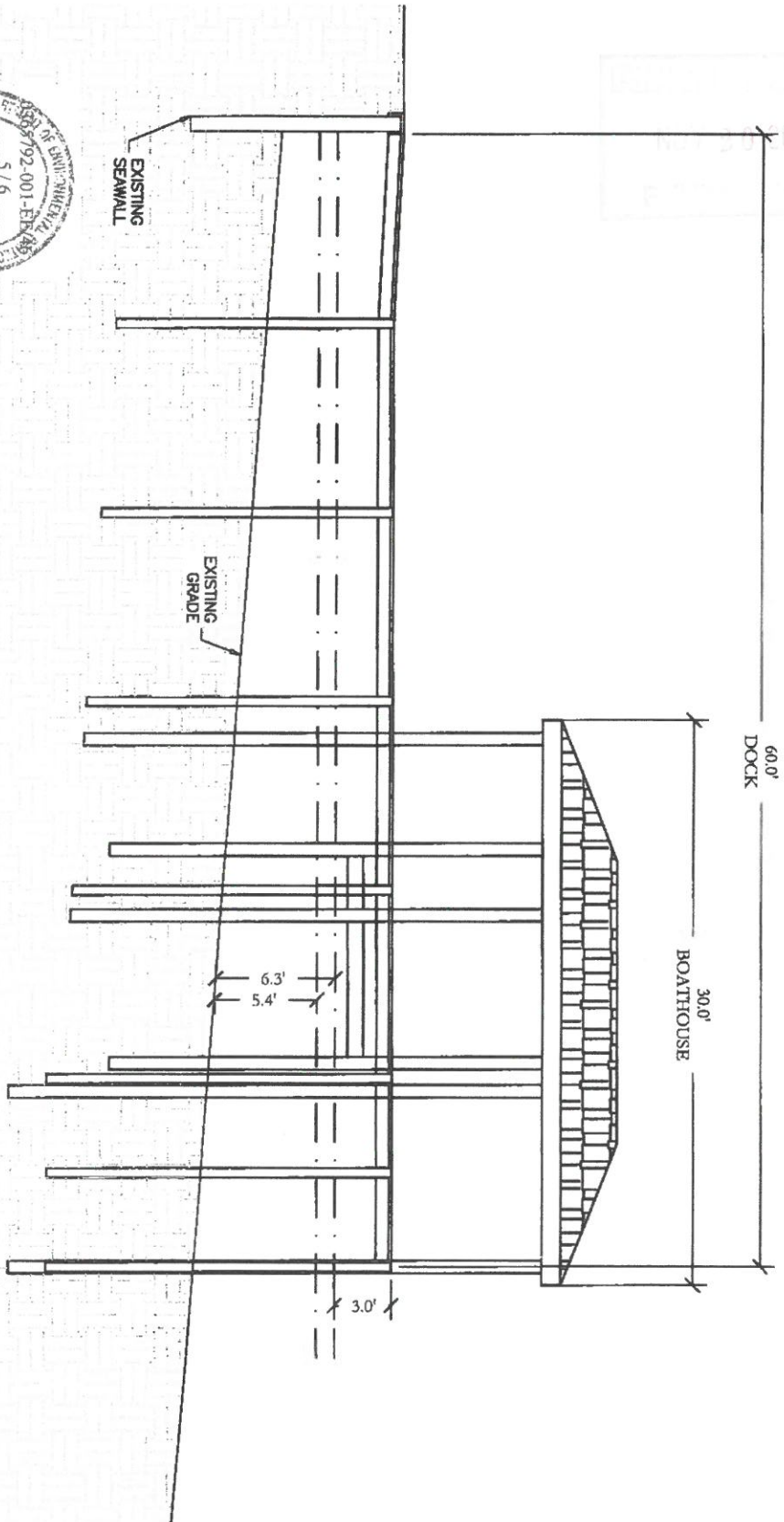
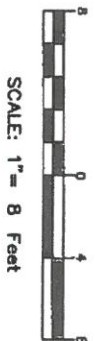
PROJECT NAME: 437 CALHOUN AVE
PLAN VIEW
PROJECT NO.: 2018-284
DRAWN BY: DDH
DATE: 06/21/2018
SHEET: 4



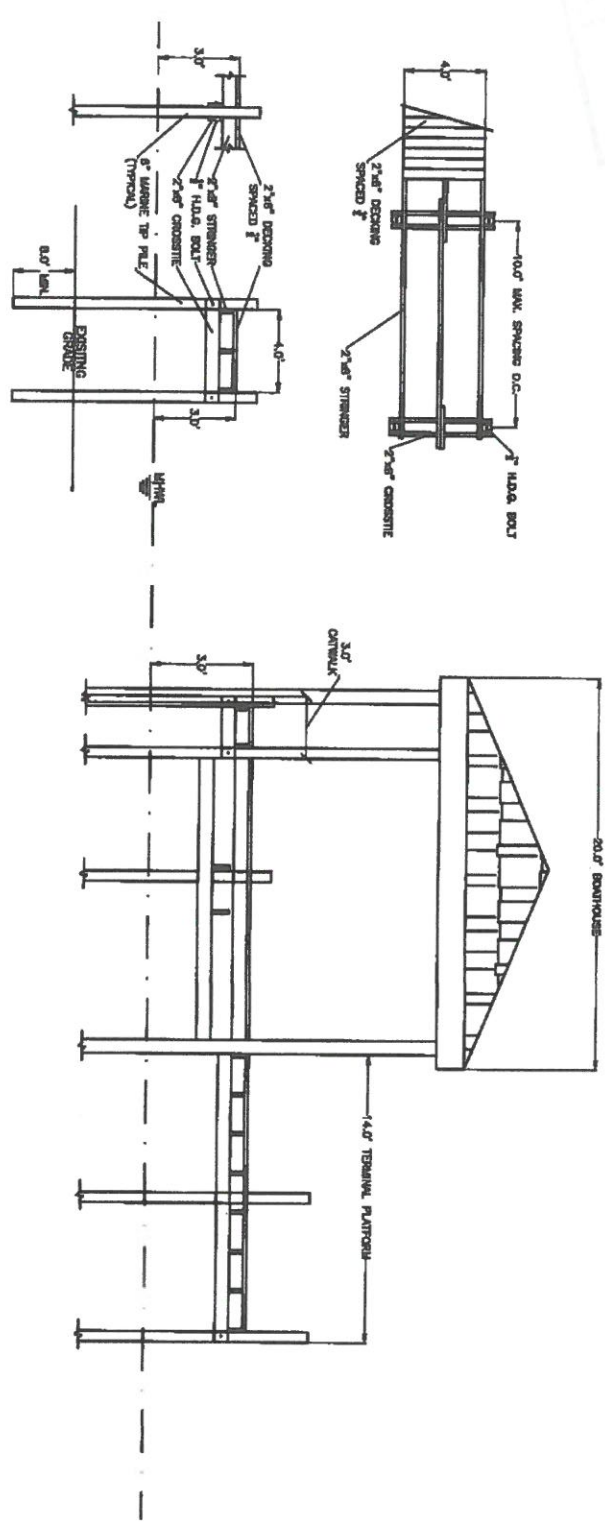
WETLANDS SCIENTIFICS INCORPORATED

ENVIRONMENTAL CONSULTANTS
3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
DAVID.WETLANDSCIENTIFICS@GMAIL.COM

PROJECT NAME: 437 CALHOUN AVE
PROFILE (TYPICAL)
PROJECT NO.: 2018-284
DRAWN BY: DDH
DATE: 06/21/2018
SHEET: 5



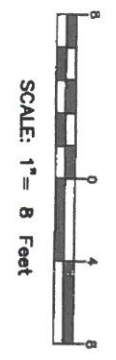
RECEIVED
NOV 20 2019
COUNTY OF FLA

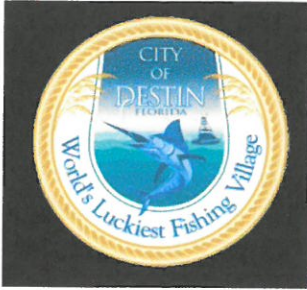


**WETLAND
SCIENTISTS**
INCORPORATED

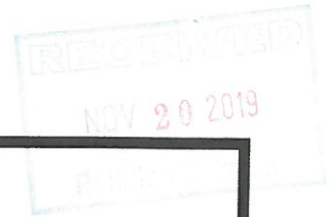
ENVIRONMENTAL CONSULTANTS
3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
DAVID.WETLANDSCIENTISTS@GMAIL.COM

PROJECT NAME: 437 CALHOUN AVE
DETAILS (TYPICAL)
PROJECT NO.: 2018-284
DRAWN BY: DDH DATE: 06/21/2018
SHEET: 6





City of Destin
Community Development Department
Planning & Zoning Division
City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 837-4242 • Fax (850) 460-2171
planning@cityofdestin.com



APPLICATION for HARBOR BOARD

Harbor Board meets the 4th Monday of each month, all applications must be submitted at least one month prior.

Description of work: BUILD A BOATHOUSE OVER AN EXISTING LIFT

1. APPLICANT INFORMATION:

Name: DONALD DAVIS, WHAT'S UP DOCKS

Mailing Address: 6534 LAKE SHORE DR. MILTON FL 32570

Phone: 850-623-2132

Fax: N/A

Email: WHATSUPDOCKS1@GMAIL.COM

2. PROPERTY TO BE REVIEWED:

Street Address: 437 CALHOUN AVE

Parcel ID #: 00-25-22-0310-000D-0880

3. **FEE:** \$50.00 Residential Cash, Check, MasterCard or Visa
\$100.00 Commercial

Fees must be paid when submitting an application.



4. ADDITIONAL DOCUMENTATION REQUIRED:

- a. Complete detailed drawings and site plan.
- b. Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).

APPLICANT'S SIGNATURE: [Signature]

DATE: 20 NOV 2019



Community Development

Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Fax: 850-460-2171 | www.cityofdestin.com

January 6, 2019

Subject: Notice of Public Hearing – 437 Calhoun Avenue
Proposed Boathouse over an existing boat lift with two (2) catwalks

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for boathouse over an existing boat lift with two (2) catwalks. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall, 4200 Indian Bayou Trail on Monday, January 27, 2020.** As an owner of property located adjacent of this project, Article 2.17.00 of the Destin Land Development Code (LDC) requires a written notice providing you the following information.

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

1. Name of Owner: Michelle Millikan
2. Name of Agent: Not Applicable
3. Address of Project: 437 Calhoun Avenue
4. Parcel ID Number: 00-2S-22-0310-000D-0880
5. Project Description: This is an application for approval of a boathouse over an existing slip with two (2) catwalks.

If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Traci Goodhart
Planner

cc: Project File, Letter Log & Receptionists



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

July 9, 2018

Michelle Millikan
437 Calhoun Ave
Destin, Florida 32541
Terrylewis34@gmail.com



File No.: 0365793-001-EE/46, Okaloosa County

Dear Ms. Millikan:

On June 22, 2018, we received your request for verification of exemption to perform the following activities:

To remove an existing dock and replace with a new single-family dock and covered boat lift that cumulatively preempts less than 1,000 square feet of over-water surface area within Marler Bayou, Class III Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 437 Calhoun Ave, Parcel No. 00-2S-22-0310-000D-0880, in Destin, Florida 32541, Section 24, Township 2 South, Range 23 West in Okaloosa County; 30°24'20.9223" North Latitude, 86°30'5.6807" West Longitude.

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

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

1. Regulatory Review – Verified

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

2. Proprietary Review – Granted

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

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

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

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

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

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

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

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

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

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

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

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

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

(h) 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.

(i) 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)(f), F.A.C., or any other applicable law.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for federal authorization pursuant to the State Programmatic General Permit (SPGP) V, and a **SEPARATE permit or authorization will not be required** from the U.S. Army Corps of Engineers (Corps). Please note that the federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to one (1) additional year if provisions of Special Condition B.27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook.

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

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules

28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

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

If you have any questions regarding this matter, please contact Andrea L. Zern at the letterhead address, at 850-595-0562, or at Andrea.L.Zern@floridadep.gov.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Andrea L. Zern

Environmental Specialist

Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 1 page
2. General Conditions for Federal Authorization for SPGP V, 2 pages
3. SPGP V: Special Conditions Related to All Review and Authorizations, 7 pages
4. Department of the Army Permit Transfer for SPGP V, 1 page
5. SPGP V: Sea Turtle and Smalltooth Sawfish Construction Conditions, 2 pages
6. SPGP V: Standard Manatee Conditions for In-Water Work, 2 pages
7. Project Drawings, 6 pages

CERTIFICATE OF SERVICE

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

David Hunter, Agent, david.wetlandsciences@gmail.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

July 9, 2018
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

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

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

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

403.813 Permits issued at district centers; exceptions.—

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

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

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

General Conditions for Federal Authorization for SPGP V

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

Further Information:

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

caused by the activity authorized by this permit.

- d. Design or Construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

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

Special Conditions Related to All Review and Authorizations

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

1. The District Engineer reserves the right to require that any request for authorization under this SPGP V be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V does not automatically guarantee Federal authorization.
2. On a case-by-case basis the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
3. Failure to comply with all conditions of the Federal authorizations under the SPGP V would constitute a violation of the Federal authorization.
4. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.
 - b. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
5. No work shall be authorized under the SPGP V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement except as allowed in Special Condition 17 for *Living Shorelines* of the *Shoreline Stabilization* category.
6. The Design and construction of a Project must comply with the following.

a. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*," U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June 2008). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP V must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Mangrove impacts are limited to the removal of mangroves along 4 linear feet of shoreline to accommodate a 4-ft wide access walkway associated with a dock that meets the above guidelines.

b. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*) in the lagoon and canal systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County), the following requirements must be met:

(1) Piling-supported structures must comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "*Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (Halophila johnsonii)*," National Marine Fisheries Service/U.S. Army Corps of Engineers – February 2002 (updated October 2002).

(2) Removal of derelict vessels must comply with the practices of Special Condition 19.

(3) All other activities will have no effect on Johnson's seagrass, i.e., no seagrass is present.

c. The presence of seagrass will be determined utilizing the attached "*Submerged Aquatic Vegetation Survey Guidelines*."

7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the Permittee will utilize the "*Sea Turtle and Smalltooth Sawfish Construction Conditions*" and the following additions:

a. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).

b. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takeareport.nmfs@noaa.gov.

c. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.

d. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

e. All work must occur during daylight hours.

8. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

9. The Permittee is responsible for compliance with 50 CFR 224.103(c) prohibiting approach within 500 yards of a right whale, with limited exceptions.

10. Turbidity control measures shall be used throughout construction to control erosion and siltation to ensure there are no violations of state or federal water quality standards. Turbidity control measures shall be: (1) for the smallest practicable area; (2) monitored daily to ensure listed species are not entangled or trapped in the project area; (3) shall be removed promptly upon project completion and the return of water quality conditions; (4) and shall not block entry to or exit from designated critical habitat. Siltation barriers shall be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]).

a. Turbidity curtains are not required where not practical in dynamic systems such as surf zones and could actually do more harm than good if the curtains become detached (e.g., they could entrap pelagic organisms and become entangled around benthic organisms, such as coral).

b. Turbidity barriers are not required if installation of single piling in deep water since is unlikely to adversely affect water quality.

11. In-water rope or chain must meet the following requirements: Industrial grade metal chains or heavy cables that do not readily loop and tangle; All in-water lines (rope and cable) must be thick and taut and cannot have excess line in the water; Lines can be enclosed in a plastic or rubber sleeve/tube to add rigidity.

12. No work shall occur where hard bottom or any hard or coral including ESA-listed coral species are present within the footprint of the project.

13. No work shall occur that results in removal of mangroves (including prop roots), except:

a. as provided by Special Condition 6.a.; or,

b. for removal of mangroves growing at the foot or from an existing seawall whose removal needed to repair the seawall.

14. No work shall occur that results in impacts to seagrass except as provided by Special Condition 6.

15. (For *Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures and Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.*)

a. Aids to Navigation and Private Aids to Navigation (e.g. attached to the structures authorized by the SPGP) must be approved by and installed in accordance with U.S. Coast Guard requirements.

b. Temporary structures associated with marine events will be removed and the site restored upon completion of the event.

c. (For multi-family residential docks (e.g., condos, trailer parks, apartment complexes) designated for fishing or vessel storage, for temporary marine event pile-supported structures involving high speed vessel traffic or fishing, and for commercial or public boat ramps.) Install educational signs as follows in a visible location to alert boaters of listed species in the area susceptible to vessel strikes or hook-and-line captures. NMFS website (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html) provides sign installation guidance and most current version of the signs.

(1) All commercial and public boat ramps shall install the Save Sea Turtle, Sawfish, and Dolphin sign.

(2) If the Project occurs within the range of Gulf, Atlantic, or Shortnose sturgeon, the Permittee will install and maintain the *Report Sturgeon* sign.

(3) If the Project occurs within 14 miles of North Atlantic Right Whale critical habitat, the Permittee will install and maintain the *Help Protect North Atlantic Right Whales* sign.

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

16. (For *Transient activities*.)

a. Temporary structures shall not block access of species to an area such as preventing movement in or out of a river or channel.

b. (For *Scientific sampling, measurement, and monitoring devices*.) No later than 24 months from initial installation, or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction elevations.

17. (For *Living Shorelines* of the *Shoreline Stabilization* category.)

a. Only native plant species will be planted.

b. Not more than 500 linear feet in length, not more than 35 ft waterward of the hightide line (note that FAC 62-330 limits to 10 feet of the mean high water line) or result in more than 0.5 ac area between the natural shoreline and the structure.

c. No discharge of earthen fill material, other than earthen material associated with vegetative planting, is not authorized.

d. Construction, maintenance and removal of approved permanent, shore-parallel wave attenuation structures are authorized. Approved permanent wave attenuation materials include oyster breakwaters (described below), clean limestone boulders, and prefabricated structures made of concrete and rebar that are designed in a manner that cannot trap sea turtles, Smalltooth sawfish, or sturgeon. Reef balls that are not open on the bottom, triangle structures with a top opening of at least 3 feet between structures, and reef discs stacked on a pile may be used.

e. (For oyster breakwaters).

(1) Reef materials shall be placed in a manner to ensure that materials (e.g., bagged oyster shell, oyster mats, loose cultch surrounded and contained by a stabilizing feature, reef balls, and reef cradles) will remain stable and prevent movement of materials to surrounding areas.

(2) Materials must be placed in designated locations (i.e., shall not be indiscriminately/randomly dumped) and shall not be placed outside of the total project limits.

18. (For *Subaqueous Utility Lines* of the *Transient Activities* category.)

a. A Frac-out Contingency Plan similar to the attached plan will be developed, submitted with the application and then followed.

b. All subaqueous transmission lines crossing over, under, or in flood control channels/canals in Federal projects (either federally or locally maintained) which are installed with horizontal direction drilling (HDD) shall comply with the following:

(1) The project shall ensure the top of the HDD boring is a minimum of 10 feet beneath the bottom of the channel including a minimum 25 feet outside the channel edges and the estimated total drilling fluid pressure is less than 10 psi.

(2) Construction of directional boring vaults, junction boxes, and/or pads are not allowed within 25 feet of the top of the bank of any federal project.

(3) Projects not in compliance with these criteria shall not be eligible for authorization under SPGP V.

(4) Any activity within a Federal right-of-way shall require the Permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

(5) The Permittee shall, upon completion of work, provide an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88) of the object below the channel as it enters and exits the design edges of the authorized width of the channel, plus a minimum of 25 feet outside the channel edges.

c. Where the proposed subaqueous utility or transmission line is to be installed in navigable waters of the United States, at least 2 weeks prior to the start of the authorized work, the permittee must notify the National Oceanic and Atmospheric Administration (NOAA) and the Corps in writing that the work is commencing; and, again, upon completion of the work. The permittee shall notify the District Engineer in writing at the letterhead address, attention Regulatory Division; and, the NOAA, either in mailed correspondence to Nautical Data Branch Office of Coast Survey N/CS26, 1315 East-West Highway, Silver Spring, MD 20910-3282 or by electronic mail correspondence, with scans of the requisite documents attached, through osc.ndb@noaa.gov and spgp@usace.army.mil. The postconstruction notification will include "as-built plans," signed and sealed by a registered surveyor/engineer licensed in the State of Florida, that certify the project is constructed as authorized; and must include an accurate depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water.

19. (For *Removal of Derelict Vessels* of the *Transient Activities* category.)

a. Removal of marine debris shall require visual confirmation (e.g., divers, swimmers, camera) that the item can be removed without causing further damage to aquatic resources.

- b. If an item cannot be removed without causing harm to surrounding coral, the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.
- c. Monofilament debris will be carefully cut loose from coral so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
- d. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

20. For concrete piles installed by impact hammer:

- a. The piles will be less than or equal to than 24 inches in diameter; and
- b. Not more than 10 piles will be installed per day if in open water; or,
- c. Not more than 5 piles will be installed per day in a *confined space*. A *confined space* is defined as any area that has a solid object (e.g., shoreline, seawall, jetty) or structure within 150 feet of the pile installation site that would effectively serve as a barrier or otherwise prevent animals from moving past it to exit the area. This does not include objects such as docks or other pile-supported structures that would not stop animal movement or significantly reflect noise.

21. Metal piles will NOT be installed by impact hammer.

22. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary.

23. The Permittee shall use only clean fill material. The fill material shall be upland sources and be free of items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

24. No blasting is authorized.

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

26. The SPGP V will be valid for five (5) years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If

revocation occurs, all future applications for activities covered by the SPGP V will be evaluated by the Corps.

27. If the SPGP V expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V will remain in effect provided the activity is completed within twelve (12) months of the date the SPGP V expired or was revoked.

28. The General Conditions attached hereto are made a part of this SPGP V and must be attached to all authorizations processed under this SPGP V.

Department of the Army Permit Transfer for SPGP V

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

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

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
 5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.
 - b. If a terminal platform is placed over SAV areas and constructed of grating, the total size of the platform shall be limited to 160 square feet. The grating deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
 - c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of 1/4 inch.

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

February 2003 - Manufacturer name changed from ChemGrate to FiberGrate

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

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

November 2017 - Manufacturer of grating material updated to include Voyager Industries.

Marsh:

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

Mangroves.

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

Grid Specifications and Suppliers

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

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

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

February 2003 - Manufacturer name changed from ChemGrate to FiberGrate

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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Additions
to the
"Sea Turtle and Smalltooth Sawfish Construction Conditions"
for SPGP V

- a. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- b. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- c. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- d. Smalltooth sawfish encounters shall be reported to <http://www.fimnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- e. All work must occur during daylight hours.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

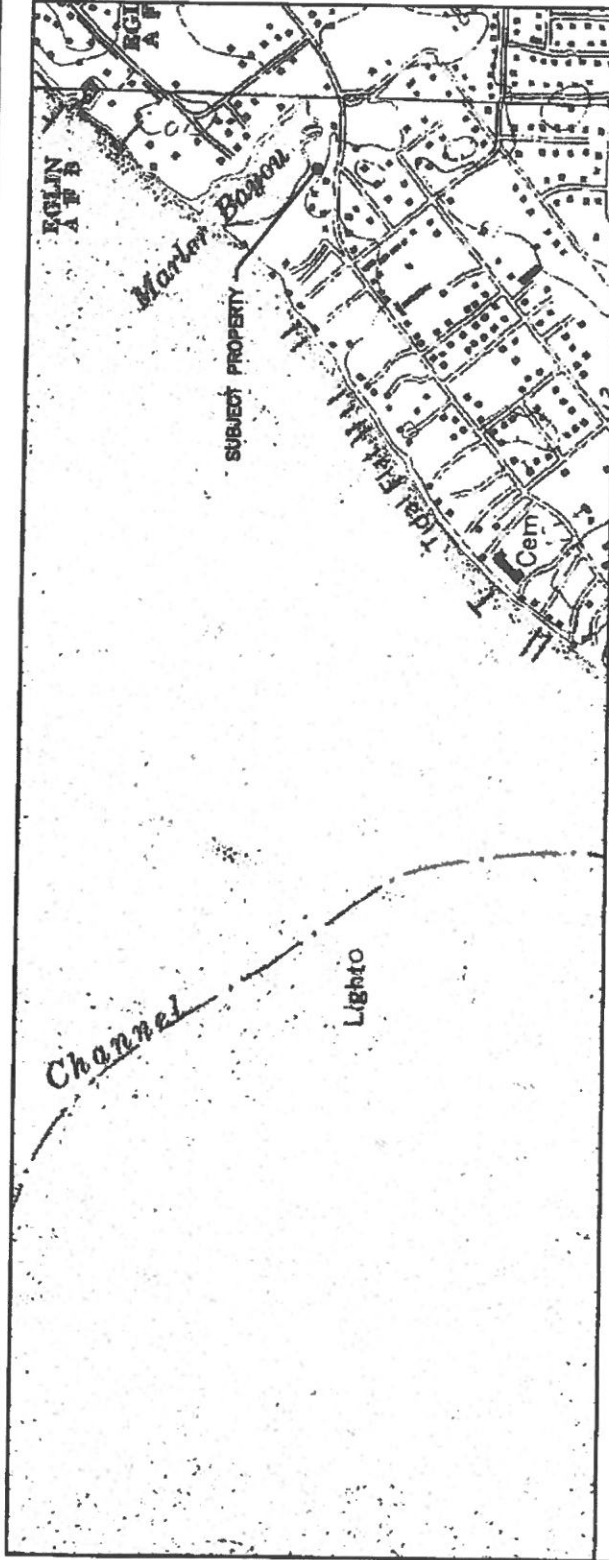
Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC





DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 4.4 MILES. TURN LEFT ONTO CALHOUN AVE. SUBJECT PROPERTY WILL BE LOCATED ON THE LEFT HAND SIDE OF THE ROAD IN ~1 MILE WITH AN ADDRESS OF 437 CALHOUN AVE. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
00-2S-22-0310-000D-0880

PROPERTY OWNER
MICHELLE MILLIKAN
437 CALHOUN AVE
DESTIN, FL 32541

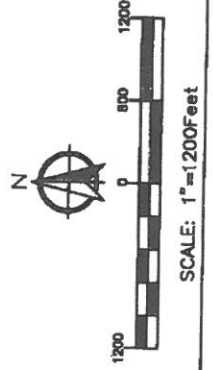
PROJECT LOCATION

437 CALHOUN AVE
DESTIN, FL 32541
LAT: 30.405738
LONG: -86.501552



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	SITE LOCATION MAP
2	PLAN VIEW DEPICTED ONTO AERIAL
3	PLAN VIEW OF PROPOSED DEVELOPMENT PLAN
4	DOCK PROFILE (TYPICAL)
5	DOCK DETAILS (TYPICAL)



**WETLAND
SCIENCES**
INCORPORATED

ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700

DAVID.WETLANDSCIENCES@GMAIL.COM

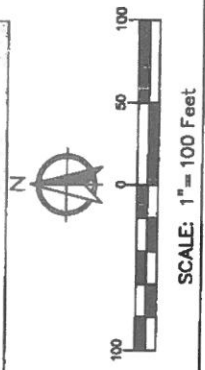
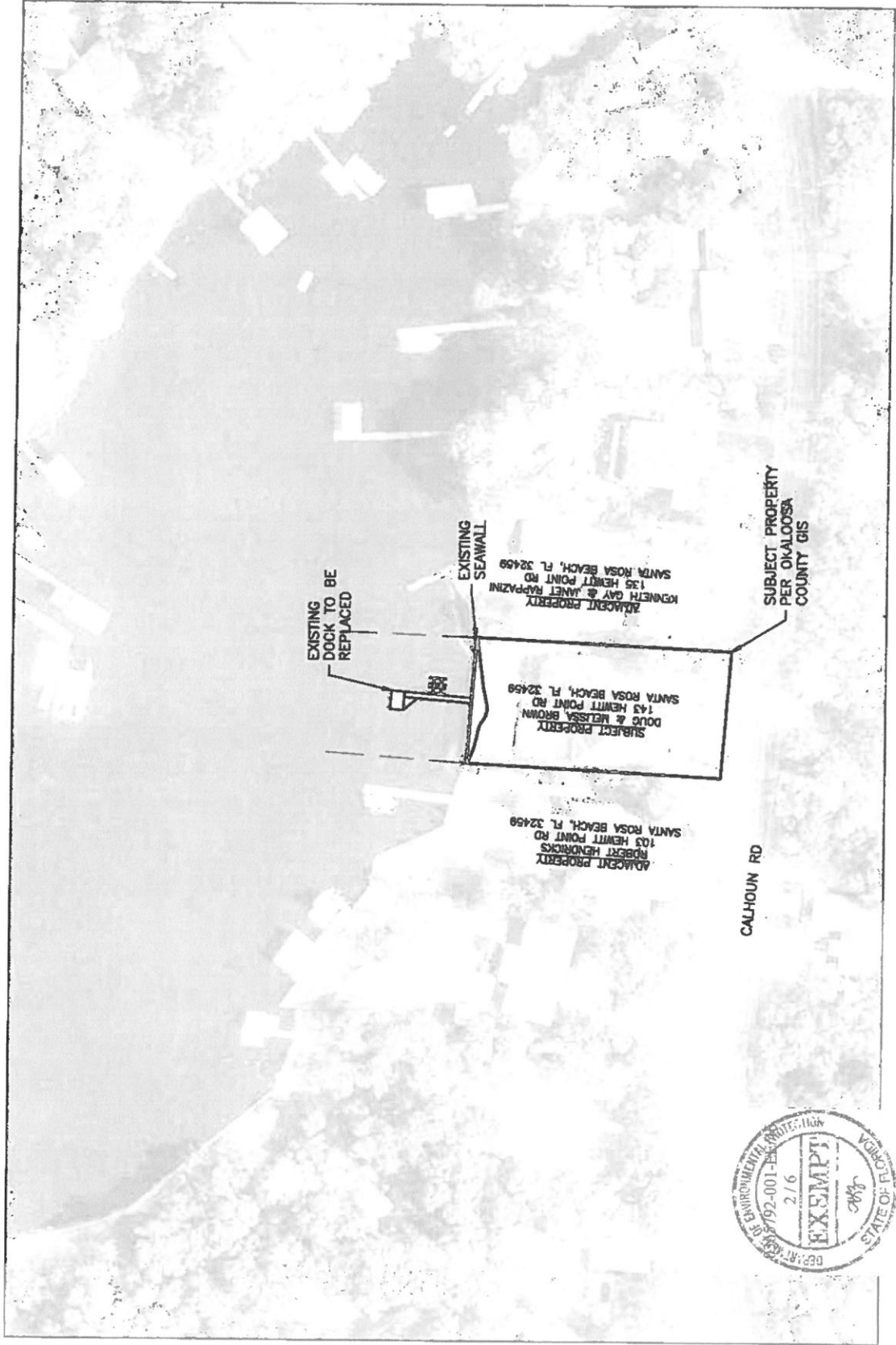
PROJECT NAME: 437 CALHOUN AVE

SITE LOCATION MAP

PROJECT NO.: 2018-284

DRAWN BY: DDH DATE: 06/21/2018

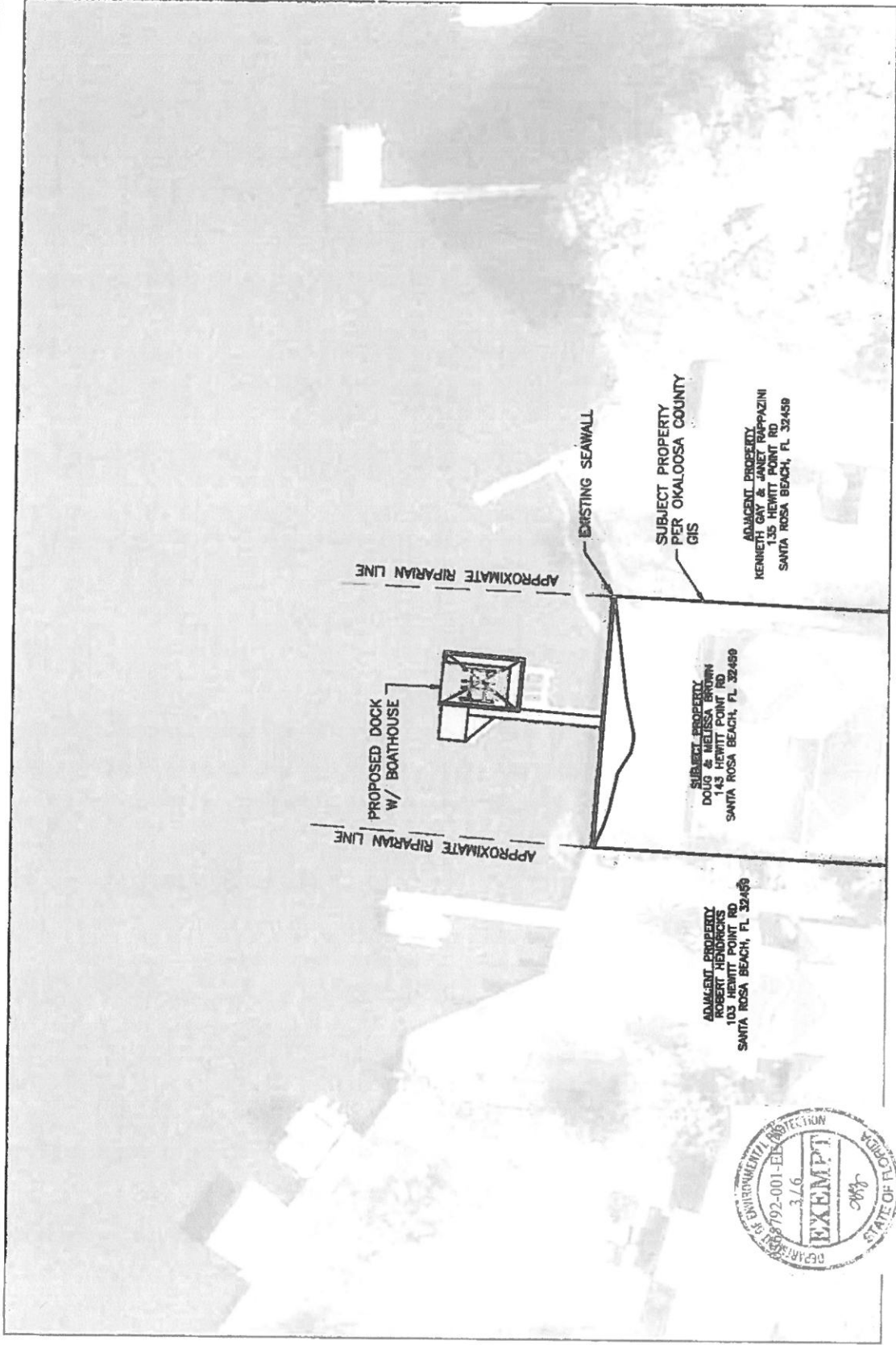
SHEET: 1



PROJECT NAME: 437 CALHOUN AVE
EXISTING CONDITIONS
PROJECT NO.: 2018-284
DRAWN BY: DDH
DATE: 06/21/2018
SHEET: 2

ENVIRONMENTAL CONSULTANTS
 3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 DAVID.WETLANDSCIENCES@GMAIL.COM

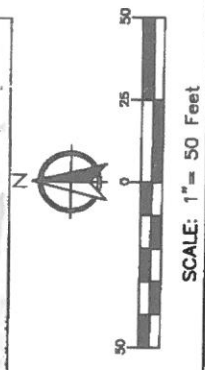
WETLAND
SCIENCES
 INCORPORATED

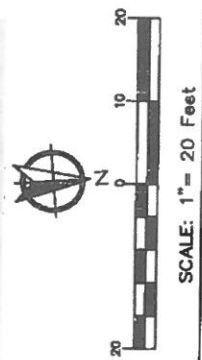


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PROJECT NAME: 437 CALHOUN AVE
PLAN VIEW DEPICTED ONTO AERIAL
PROJECT NO.: 2018-284
DRAWN BY: DDH
DATE: 06/21/2018
SHEET: 3





**MHWL RUNS ALONG
EXISTING SEAWALL**

APPROXIMATE RIPARIAN LINE

APPROXIMATE RIPARIAN LINE

50"x4"	ACCESS PIER	200 S.F.
14"x10"	TERMINAL PLATFORM	140 S.F.
10"x10"	Access	50 S.F.
24"x15"	Access	360 S.F.
15"x4"	Access	60 S.F.
28"x3"	Access	84 S.F.
1' ROE	Access	69 S.F.
TOTAL		963 S.F.

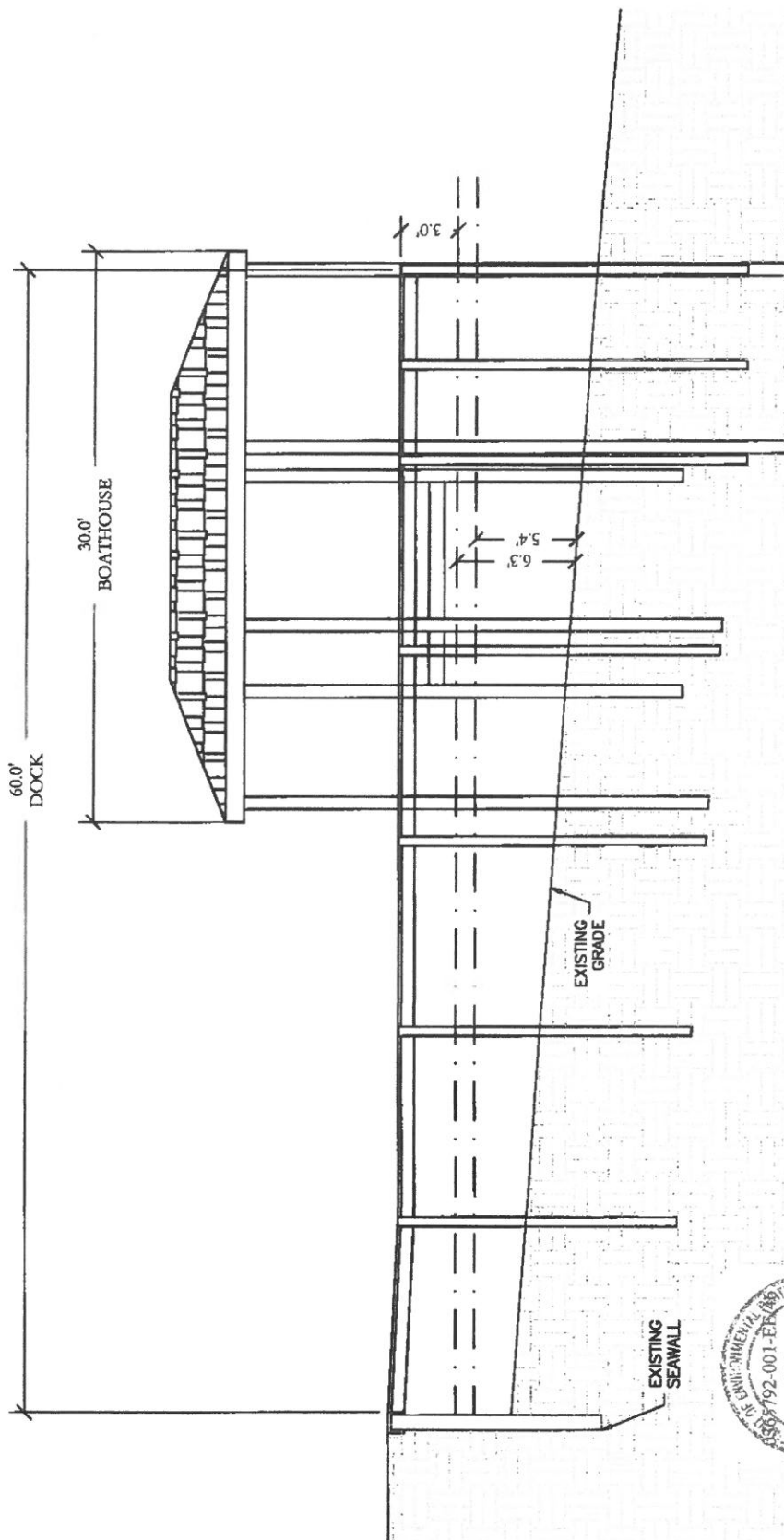


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PROJECT NAME: 437 CALHOUN AVE
 PLAN VIEW
 PROJECT NO.: 2018-284
 DRAWN BY: DDH
 DATE: 06/11/2018
 SHEET: 4

SCALE: 1" = 20 Feet



**WETLAND
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PROJECT NAME: 437 CALHOUN AVE
PROFILE (TYPICAL)
PROJECT NO.: 2018-284
DRAWN BY: DDH
DATE: 06/21/2018
SHEET: 5

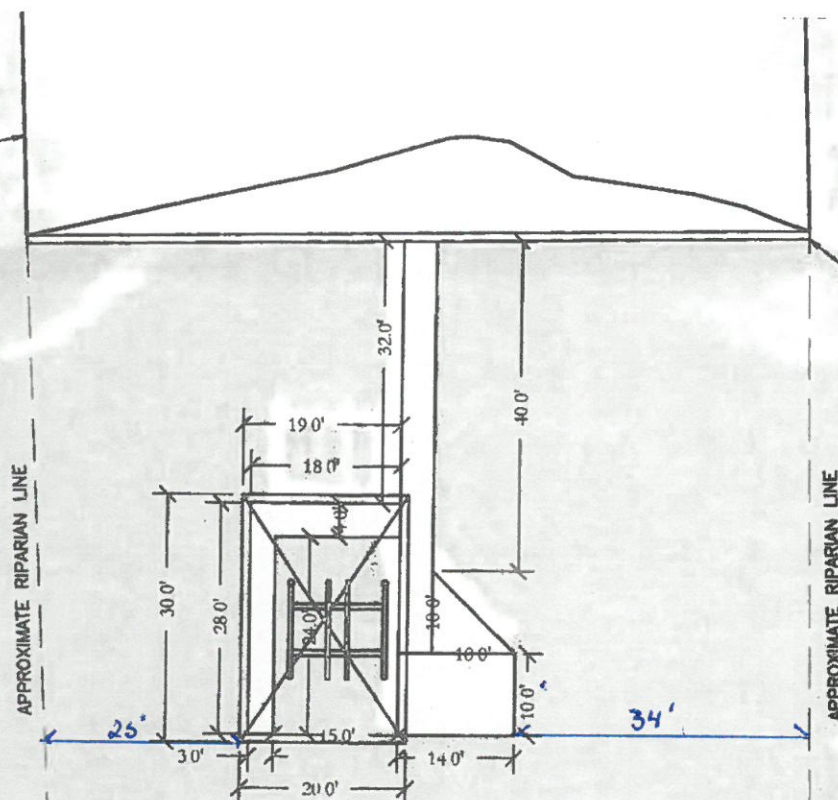


SCALE: 1"= 8 Feet

NOV 20 2019

SUBJECT PROPERTY
PER WALTON COUNTY GIS

MHWL RUNS ALONG
EXISTING SEAWALL



PREEMPTED AREA CALCS:

50'x4' ACCESS PIER	=	200 S.F.
14'x10' TERMINAL PLATFORM	=	140 S.F.
10'x10' ACCESS PIER	=	50 S.F.
24'x14' ACCESS PIER	=	360 S.F.
15'x4' ACCESS PIER	=	60 S.F.
28'x3' ACCESS PIER	=	84 S.F.
1' ROE	=	69 S.F.
TOTAL	=	963 S.F.



600 SF BOATHOUSE OVER
EXISTING LIFT

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PROJECT NAME: 437 CALHOUN AVE

PLAN VIEW

PROJECT NO.: 2018-284

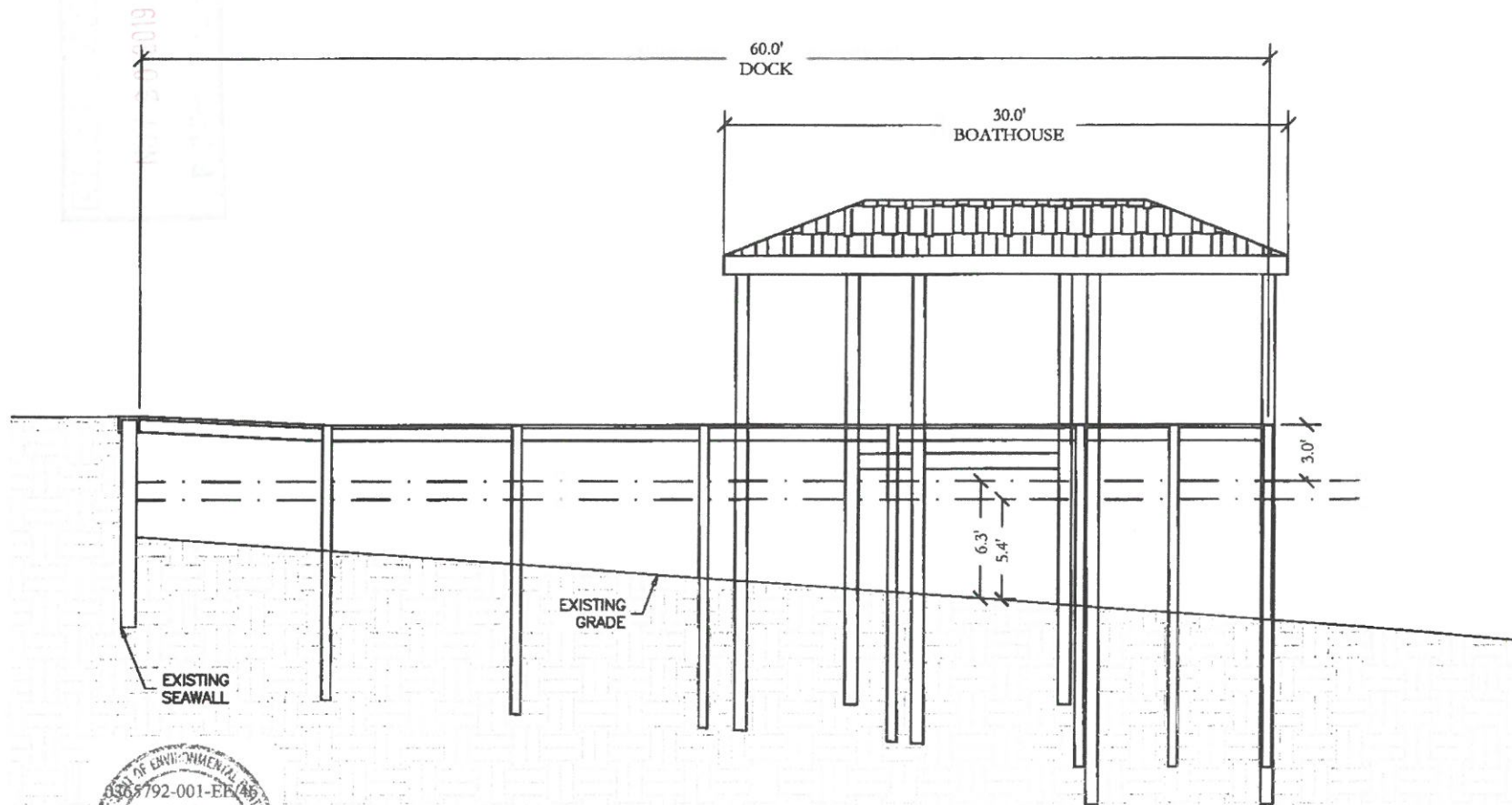
DRAWN BY: DDH

DATE: 06/21/2018

SHEET: 4



SCALE: 1" = 20 Feet



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DAVID.WETLANDSCIENCES@GMAIL.COM

PROJECT NAME: 437 CALHOUN AVE

PROFILE (TYPICAL)

PROJECT NO.: 2018-284

DRAWN BY: DDH

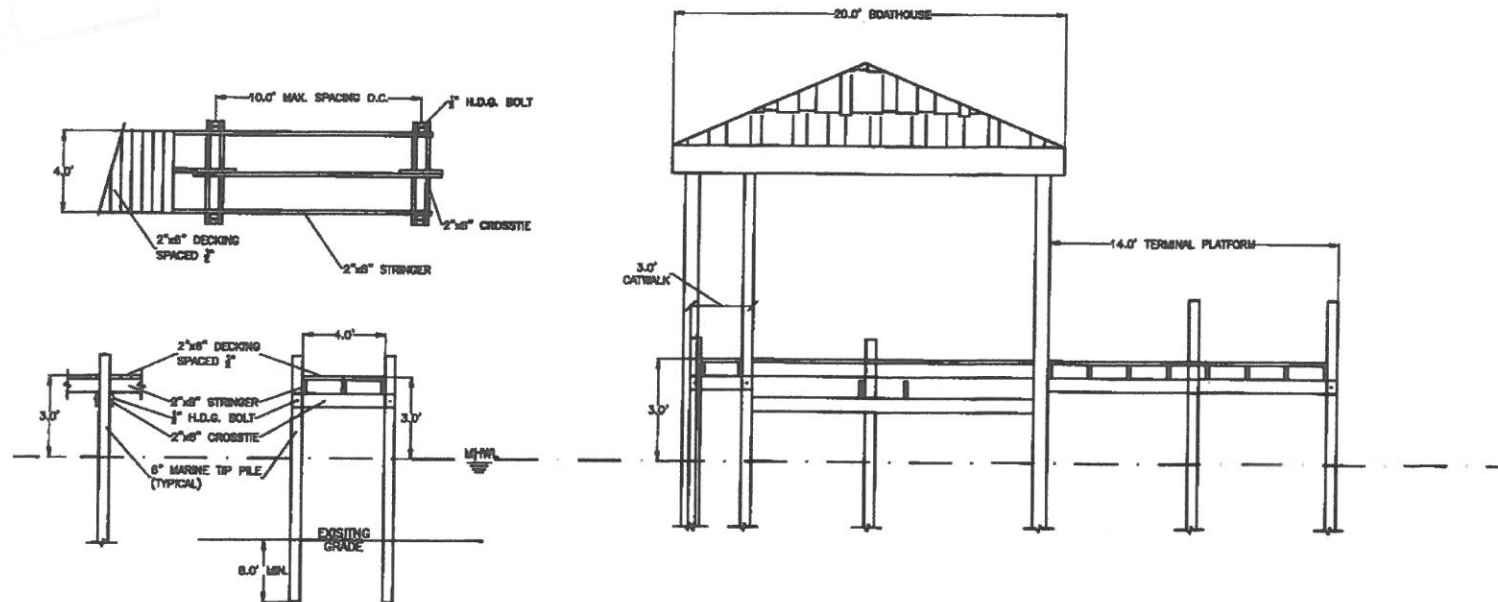
DATE: 06/21/2018

SHEET: 5



SCALE: 1" = 8 Feet

REVISED
10/20/2019



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PROJECT NAME: 437 CALHOUN AVE

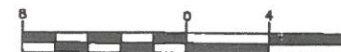
DETAILS (TYPICAL)

PROJECT NO.: 2018-284

DRAWN BY: DDH

DATE: 06/21/2018

SHEET: 6



SCALE: 1" = 8 Feet



**Community
Development
Planning and
Zoning Division**

Phone: 850-654-1119

Fax: 850-460-2171

MEMORANDUM

DATE: January 21, 2020

TO: Harbor and Waterways Board Members

THRU: Louis Zunguze, Community Development Director
Lauren Witt, Principal Planner

FROM: Traci Goodhart, Planner

SUBJECT: Board for Board Definition
AFTER-THE-FACT Marine Construction Permit Applications

At the last Harbor and Waterways Board meeting on November 25, 2019, Board members asked Staff to research and report on a couple of items: 1) the City's position on marine construction permits requesting "Board for Board" replacement and 2) determine an appropriate deterrent for AFTER-THE-FACT marine construction permit submittals.

(1) BOARD FOR BOARD DEFINITION

The City's Building Division defines "Board for Board" as a project that proposes to replace like materials within the same footprint of a previously approved permit application and where no significant structural changes are proposed, in addition to meeting all applicable Building and Land Development Code (LDC) requirements.

The Florida Department of Environmental Protection defines "Board for Board" replacement as a project that proposes to replace like materials within the same footprint or proposes a "slight" change from the original footprint, and where no significant structural changes are proposed, in addition to meeting all applicable State permitting requirements.

Staff requests Board consideration to define "Board for Board" in the City's Land Development Code.

(2) ESTABLISH ADDITIONAL HARBOR BOARD APPLICATION FEES FOR AFTER -THE-FACT MARINE CONSTRUCTION PERMIT (MCP) APPLICATIONS

There has been an increase in AFTER-THE-FACT marine construction permits that require Harbor Board and City Council approval.

Staff requests Board consideration to establish additional Harbor Board Application fees for AFTER-THE-FACT MCP applications that are submitted to the City for review.