



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, FEBRUARY 24, 2020
5:00 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES** January 27, 2020
 - A) January 27, 2020**
- 3. PUBLIC COMMENTS**
- 4. NEW BUSINESS**
 - A) None**
- 5. OLD BUSINESS**
 - A) 437 Calhoun Avenue - Michelle Millikan, Property Owner**
- 6. COMMITTEE MEMBER REPORTS**
- 7. DIRECTOR'S REPORT**
 - A) Marina Siting Ordinance - Scheduled for Local Planning Agency on February 27, 2020**
 - B) Requirements for Commercial Marine Businesses to have dedicated docking facilities**
- 8. NEXT MEETING DATE: TBD**
- 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 OF THE HARBOR AND WATERWAYS BOARD MEETING DESTIN CITY HALL, JANUARY 27, 2020 - 5:00 P.M.

1. CALL TO ORDER:

Chairman Trammell called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, January 27, 2020 at Destin City Hall.

2. ROLL CALL:

Member Present:

Matt Trammell
Richard Hoey
Guy Tadlock
Bill McKissick

Members Absent

Quinten Selby
Casey Jones
Jim Green

Staff:

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Planner
Lauren Witt, Planning Manager
Steven Bauman, City Attorney

3. APPROVAL OF MINUTES: November 25, 2019

Board member Tadlock moved to approve of the November 25, 2019 minutes as written with Board member Hoey providing the second; the motion passes with a 4-0 vote.

4. PUBLIC COMMENT: None

5. 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.

Mrs. Goodhart explained that this project did meet all the requirements of the Land Development Code, even though it's an after-the-fact permit, and staff recommends approval.

Chairman Trammell spoke of how the drawings for this request should be used as a model for the type of drawings they would like to receive for all project requests. And everything looks to be cited correctly except for being an after-the-fact request.

Committee member Tadlock questioned how this project came to staff's attention. According to Mrs. Goodhart, staff was out in the field and noticed construction of the dock and after some investigation, it was determined the address did not have a permit and a stop work was issued. And although most of the work was already done; a permit was pulled, and staff was able to review the project.

There was a question about the fees associated for this project. According to Mrs. Witt only when there is a stop work issued, the marine construction permit fees are doubled, such as this case. But currently, there are no penalties written in the code.

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Board member McKissick mentioned he has spoke with several different people who've said they were under the impression that a dock permit is under their building permit and a separate marine construction permits wasn't necessary.

Motion by Board member Hoey, seconded by Board member McKissick; the members voted 4-0 to recommend that City Council approve the request located at 3813 Indian Trail for the 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. Subject to the applicant meeting all the applicable city permit requirements.

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'.

According to Mrs. Goodhart, the project request meets all the requirements of the Land Development Code and staff recommends the Board approval of the request subject to the applicant meeting all the permit requirements.

Chairman Trammel recognized the public in attendance.

Mr. Keaton Thiem of 441 Calhoun Avenue explained that he and his wife moved to Destin from Tacoma and spoke of how they purchased their home specifically for the view from their back porch. He stated he has not seen the plans for the project but is aware of where the boat lift is located. And if it is enclosed, it would eliminate their view and he is concerned that would affect the value of their home.

Chairman Trammell asked Mr. Thiem if he has tried to reach out to his neighbor to express their concerns. According to Mr. Thiem, the neighbor lives most of their time in Australia and it is hard it is to get in touch with the owners, especially since they are also not living full time at the house because of the renovations.

Board member Tadlock asked Mr. Thiem if the applicant put the boatlift and boathouse on the opposite side of the dock did he think that would help any. According to Mr. Thiem, he thinks it would.

The Chairman spoke of understanding their concerns but pointed out that at this time, the request meets code. Adding that it's up to the board, and the two options they have is to approve the request as proposed or table the request to allow Mr. Thiem a chance to get a hold of the property owner to try to work out an agreement.

Board member Tadlock asked if they approved the request conditionally would the applicant then be required to resubmit the request all over again. According to Mrs. Goodhart, if there are any modification to the permit, the applicant would have to resubmit with both the city and the State.

Motion by Board member McKissick to table the request with Board member Tadlock providing the second.

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Board member Hoey pointed out that this is essentially about a riparian view conflict and is something he needs to get with his neighbor about. Chairman Trammell also pointed out to Mr. Thiem that if his neighbor agrees to make the change there is an additional expense to his neighbor that he should take into consideration.

The Chairman called for the vote on the motion to table the request. A roll call vote of 4-0 was taken and the motion passed unanimously.

C) Board for Board & After-The-Fact Marine Construction Memorandum

According to Mrs. Goodhart, staff brought this discussion before them a few months ago at their last meeting and they requested staff to research what the city's position is on a board-for-board definition. She read the Building Division's definition is, ***"A project that proposes to replace like materials from previously approved permit application where no significant structural changes are proposed. In addition to meeting all applicable Building and Land Development Code requirements."*** Additionally, Mrs. Goodhart explained that she also went to the State and asked the Department of Environmental Protection how they defined and handled board-to-board permits. And their response was, they define board-for-board replacement, ***"As a project that replaces 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."*** Additionally, staff requests the Boards consideration to define board-for-board for the city's Land Development Code.

According to Chairman Trammell, he does not like the word ***"slight"*** that the State has in their definition as it seems to subjective. However, he does like what staff outlined as board-for-board to be within the exact same footprint. However, he suggested changing or adding to ***"like materials or those with a reduced environmental footprint."*** Such as, replacing the following wording, ***"a treated timber piling and replace it with a concrete piling or a wood bulkhead and replace it with a fiberglass or something more environmentally friendly."***

Mr. Tadlock agreed with the verbiage of replacing the materials with composite materials that are more environmentally friendly and last longer. But to make sure that it's understood to be within the same footprint. He also asked for confirmation that a board-for-board replacement permit request would not come before them.

According to the Chairman, that is correct, as long as there is a strong enough definition in the Code, staff could make those determinations.

Mrs. Goodhart explained that after the permit request leaves the Building Department, it goes to Planning for their review and then on to Code Compliance for review prior to the issuance.

Chairman Trammell added that he wants to make sure it states in the definition that the project has to be within the same footprint. made the motion to adopt staff's verbiage, ***"A project that proposes to replace like materials"*** with the addition of ***"expanding like materials to also***

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include other environmentally friendly or materials from previously approved permit application where no significant structural changes are proposed. In addition to meeting all applicable Building and Land Development Code requirements.” With Board member Tadlock providing the second. The motion passes with a 4-0 vote.

According to Mrs. Goodhart, there is not any language in the code that doubles or triples the fees for after-the-fact permits and asked the Board for a recommendation for some kind of substantial deterrent in order to send a message that these after-the-fact permit requests are not acceptable practice.

The Chairman asked the City Attorney if they have an latitude or limitations that they need to be made aware of. According to Mr. Steve Bauman, they need to make sure that they don't go too high to where there could be an argument that the fee is more in the lines of a fine. And punitive versus a remediation. And a rationale to a perceived wrong that has been committed.

According to the Chairman, he feels that \$500.00 to \$1,000.00 is not asking too much. Mr. Bauman suggested having his firm do some research first and present their findings at their next before they make a decision. He then asked the Board members for their input.

Board member McKissick questioned why all of sudden is there so many after-the-fact permits. According to the Chairman, he is not going to single any one individual out however some of the contractors have been doing business in the city for a long time and they know.

The Board members discussed how Long Shoreman's Insurance requirements comes into play with the contractors and possibly they are hiring subcontractors to do the work since they are only required to have Workman's Comp Insurance.

Board member Hoey spoke of how the Army Corp of Engineers and the Florida Dept of Environmental Protections websites for self-certifications was for a time last year very convoluted. He spoke of how it's been remedied that they should start seeing more people following the rules.

Chairman Trammell made a motion to recommend staff research an increase in after-the-fact permit fees, preferably on the higher side, for justification of all the reasons they previously discussed. And look into other ways staff can provide a checklist to provide education to the homeowner and contractors. And to review if there are any other insurance requirements for subcontractors. With Board member Hoey providing the second. The motion passed with a vote of 4-0.

6. OLD BUSINESS: None

7. MEMBER REPORTS:
None

8. DIRECTOR'S REPORT:
A) Harbor Capacity Study Update

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Mrs. Witt informed the members that Council directed staff to create a Harbor Steering Committee with stakeholders from the community for members. A notice will be published to get applications from interested parties and Council will make their selections at their February 18th meeting.

B) Marina Siting Ordinance Update

Mrs. Witt explained to the Board that their recommendation they made at their last meeting will be going to the Local Planning Agency on the February 27, 2020 meeting.

9. MEETING DATES: February 24, 2020

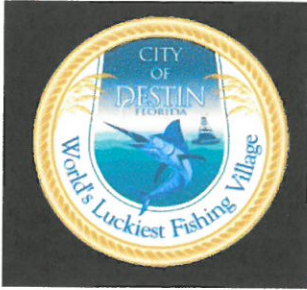
ADJOURNMENT:

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

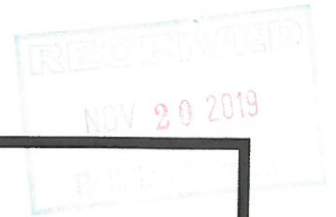
Adopted and approved this _____ day of _____ 2020.

Matt Trammell, Chairman

Kim Montgomery, Deputy City Clerk



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).

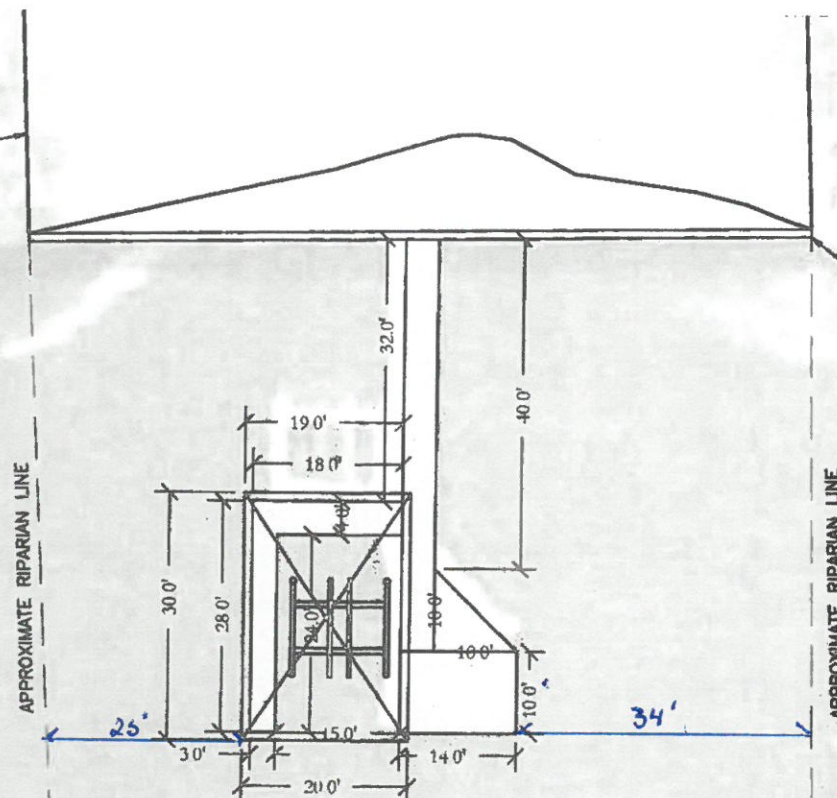
APPLICANT'S SIGNATURE: [Signature]

DATE: 20 NOV 2019

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 PLATFORM	=	50 S.F.
24'x14' BOATHOUSE	=	360 S.F.
15'x4' BOATHOUSE	=	60 S.F.
28'x3' BOATHOUSE	=	84 S.F.
1' ROOF	=	69 S.F.
TOTAL	=	963 S.F.



600 SF 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

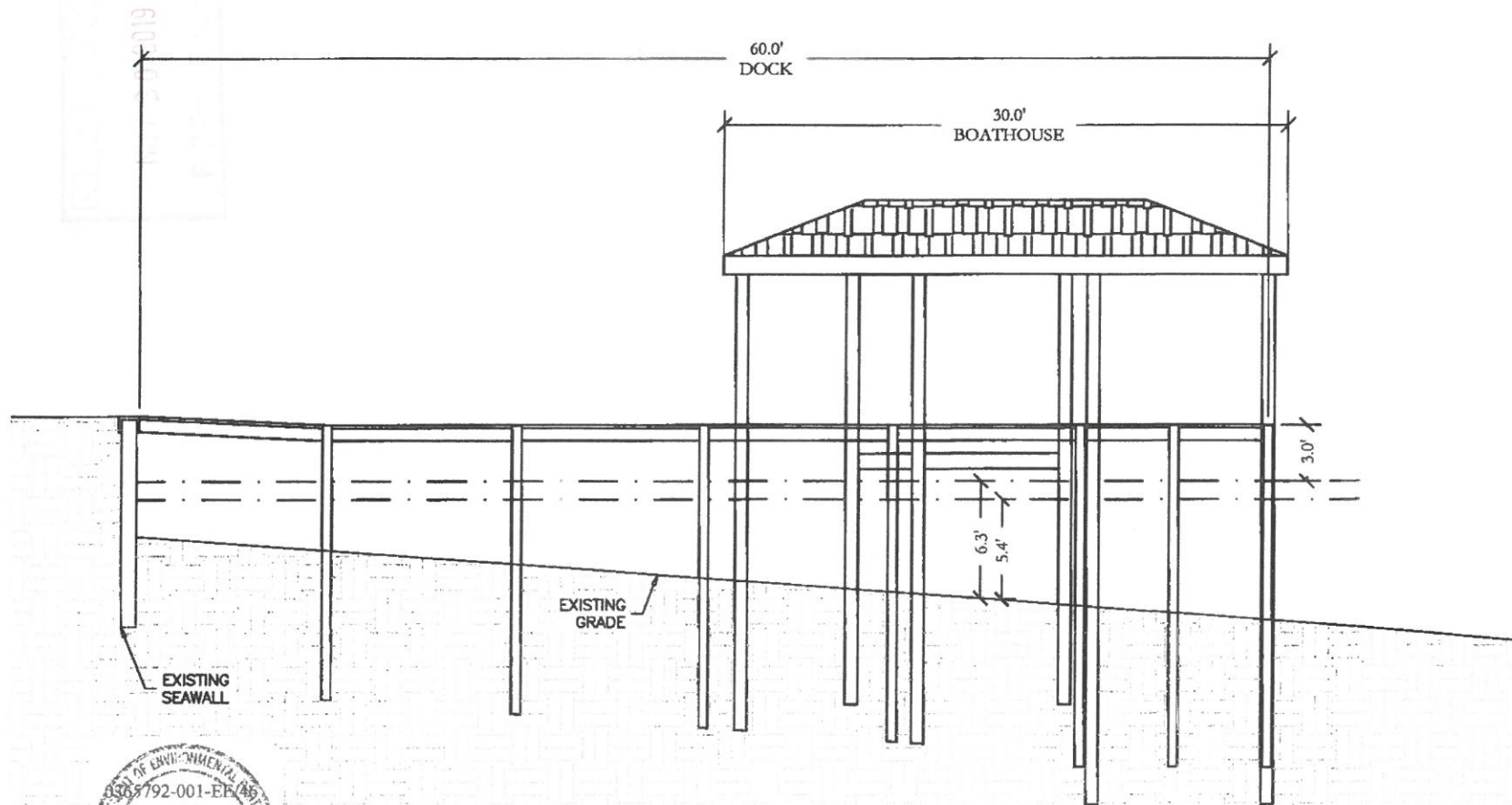
DRAWN BY: DDH

DATE: 06/21/2018

SHEET: 4



SCALE: 1" = 20 Feet



WETLAND
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PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
DAVID.WETLANDSCIENCES@GMAIL.COM

PROJECT NAME: 437 CALHOUN AVE

PROFILE (TYPICAL)

PROJECT NO.: 2018-284

DRAWN BY: DDH

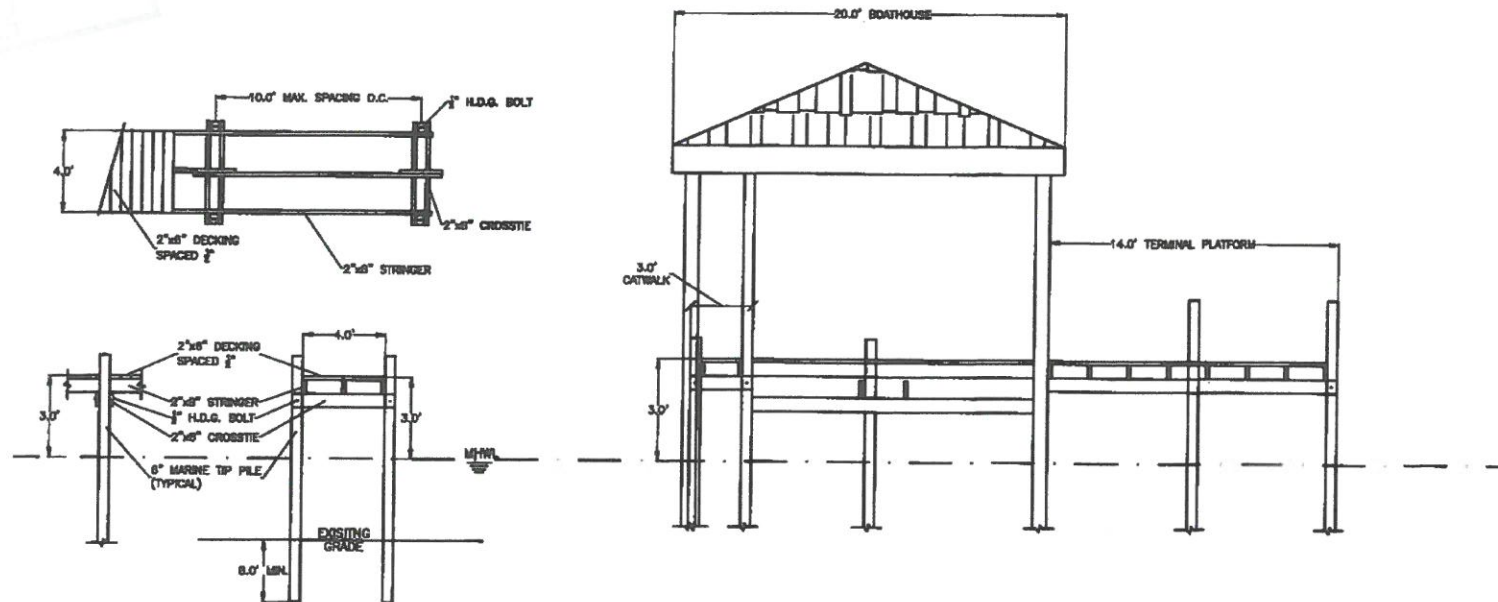
DATE: 06/21/2018

SHEET: 5



SCALE: 1" = 8 Feet

REVISED
10/20/2019



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INCORPORATED

ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700

DAVID.WETLANDSCIENCES@GMAIL.COM

PROJECT NAME: 437 CALHOUN AVE

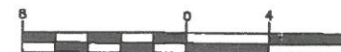
DETAILS (TYPICAL)

PROJECT NO.: 2018-284

DRAWN BY: DDH

DATE: 06/21/2018

SHEET: 6



SCALE: 1" = 8 Feet



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.

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

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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

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



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

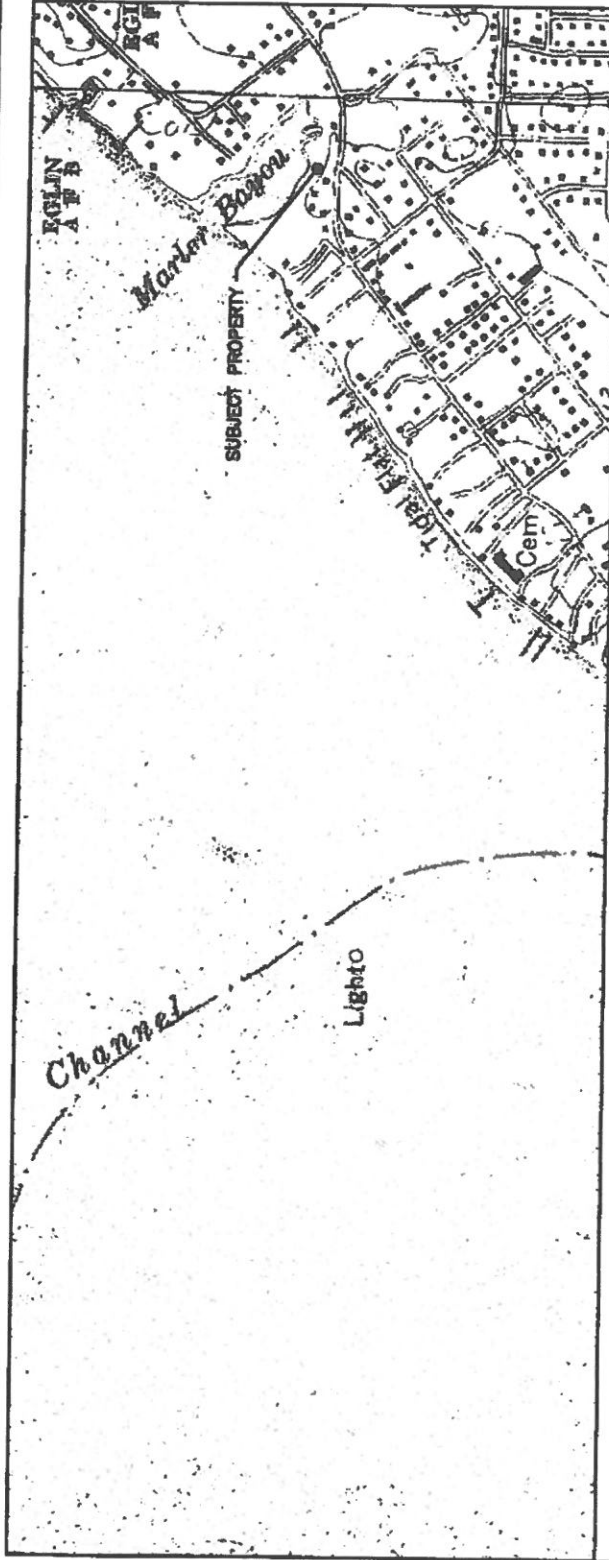
Report any collision with or injury to a manatee:

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

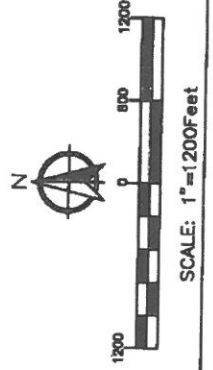
PROJECT LOCATION

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

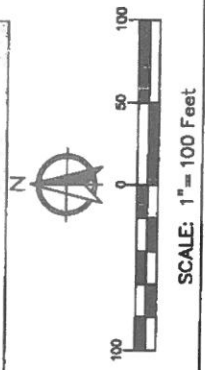
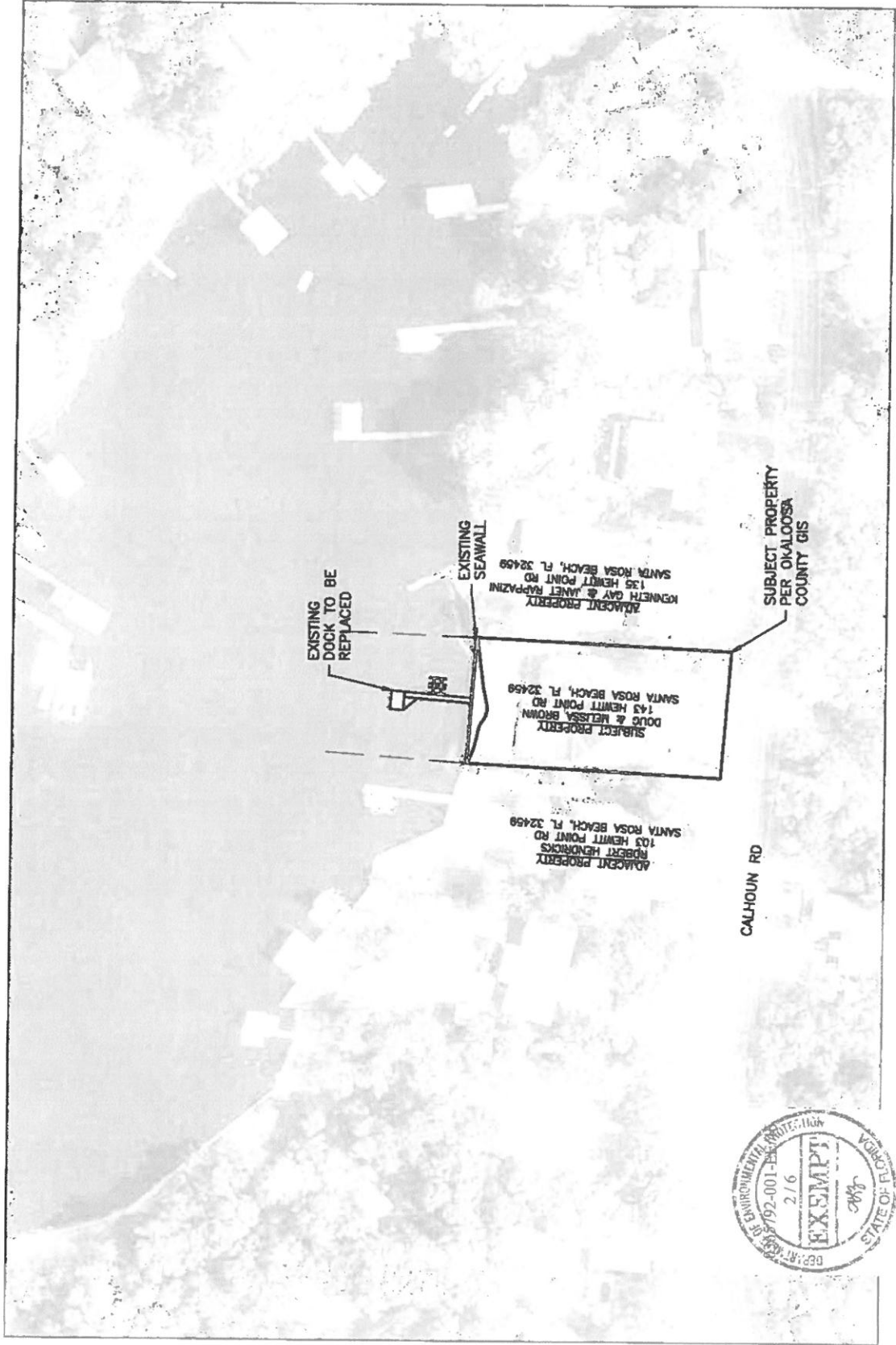
PROJECT NAME: 437 CALHOUN AVE

SITE LOCATION MAP

PROJECT NO.: 2018-284

DRAWN BY: DDH DATE: 06/21/2018

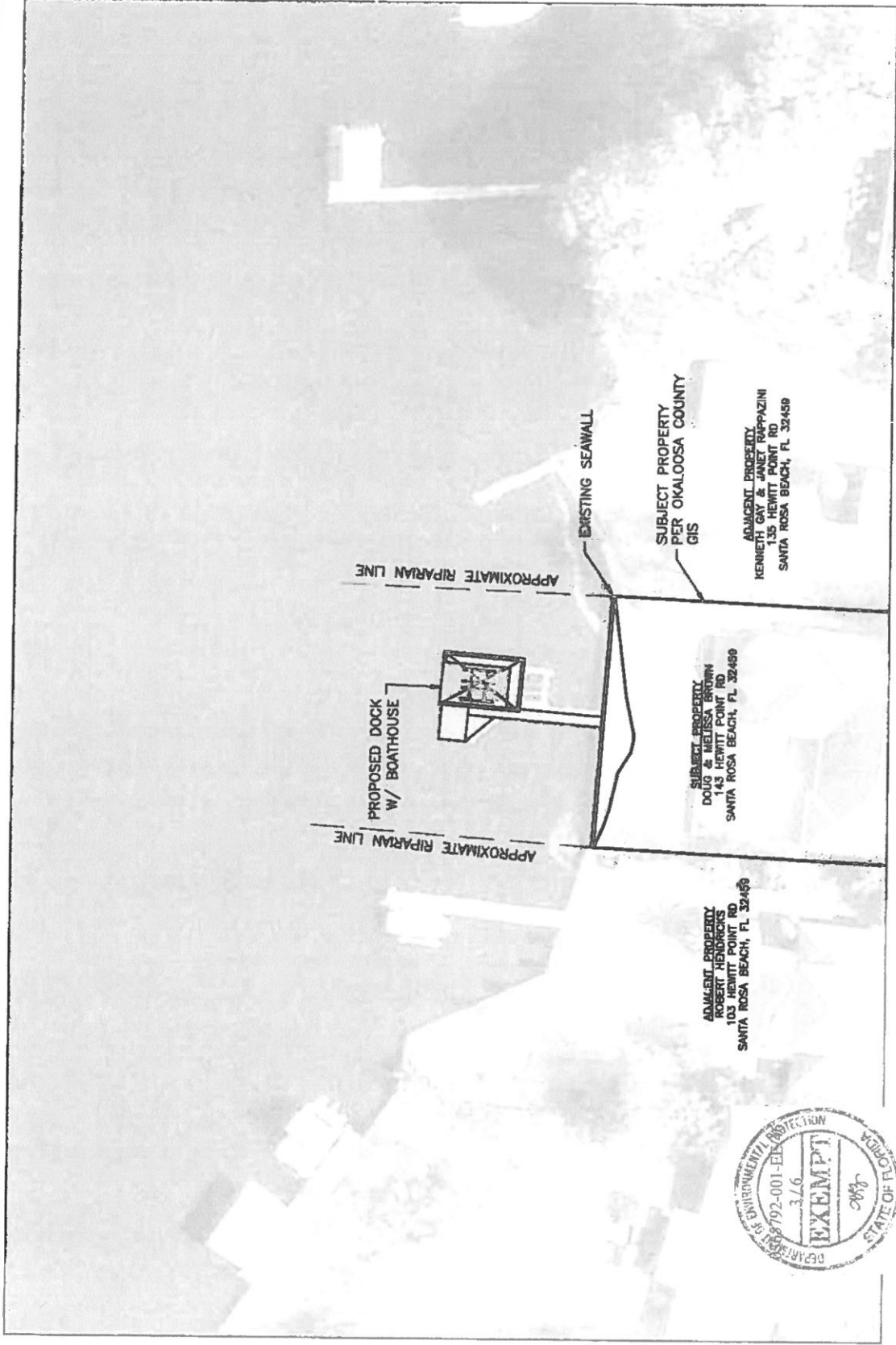
SHEET: 1



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

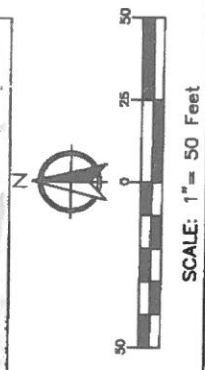
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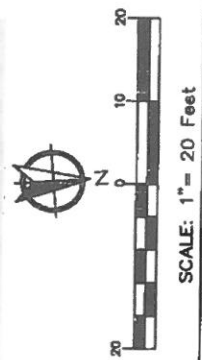


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3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
DAVID.WETLANDSCIENCES@GMAIL.COM

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

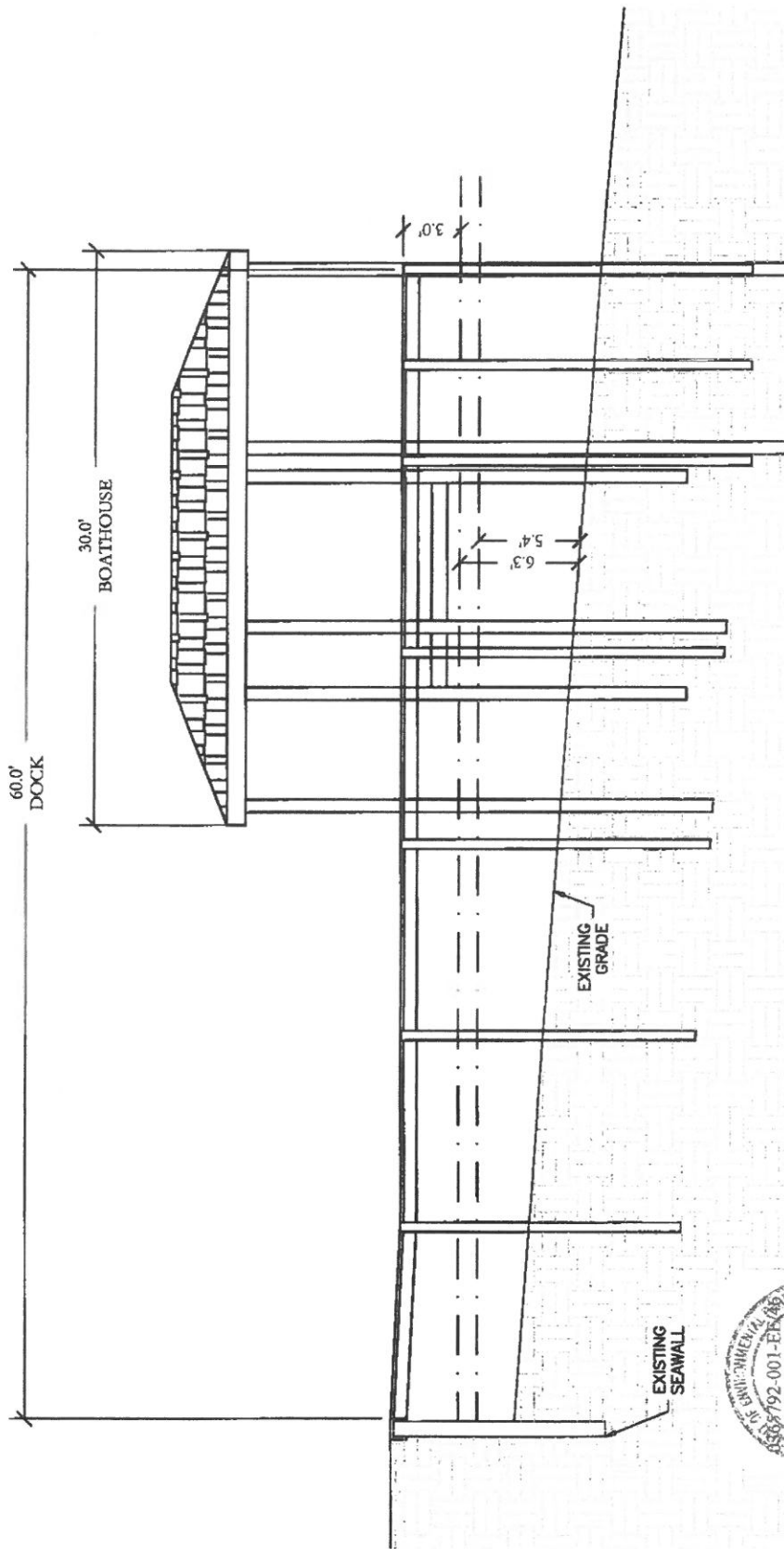
50"x4"	ACCESS PIER	200 S.F.
14"x10"	TERMINAL PLATFORM	140 S.F.
10"x10"	Access	50 S.F.
24"x15"	Access	360 S.F.
15"x4"	Access	60 S.F.
28"x3"	Access	84 S.F.
1" ROE	Access	69 S.F.
TOTAL		963 S.F.

The logo for Wetland Sciences Incorporated. It features the company name in a stylized, serif font. "WETLAND" is on the top line, "SCIENCES" is on the second line, and "INCORPORATED" is on the third line. A graphic of a bird, possibly a heron or egret, is integrated into the letter "L" of "WETLAND".

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

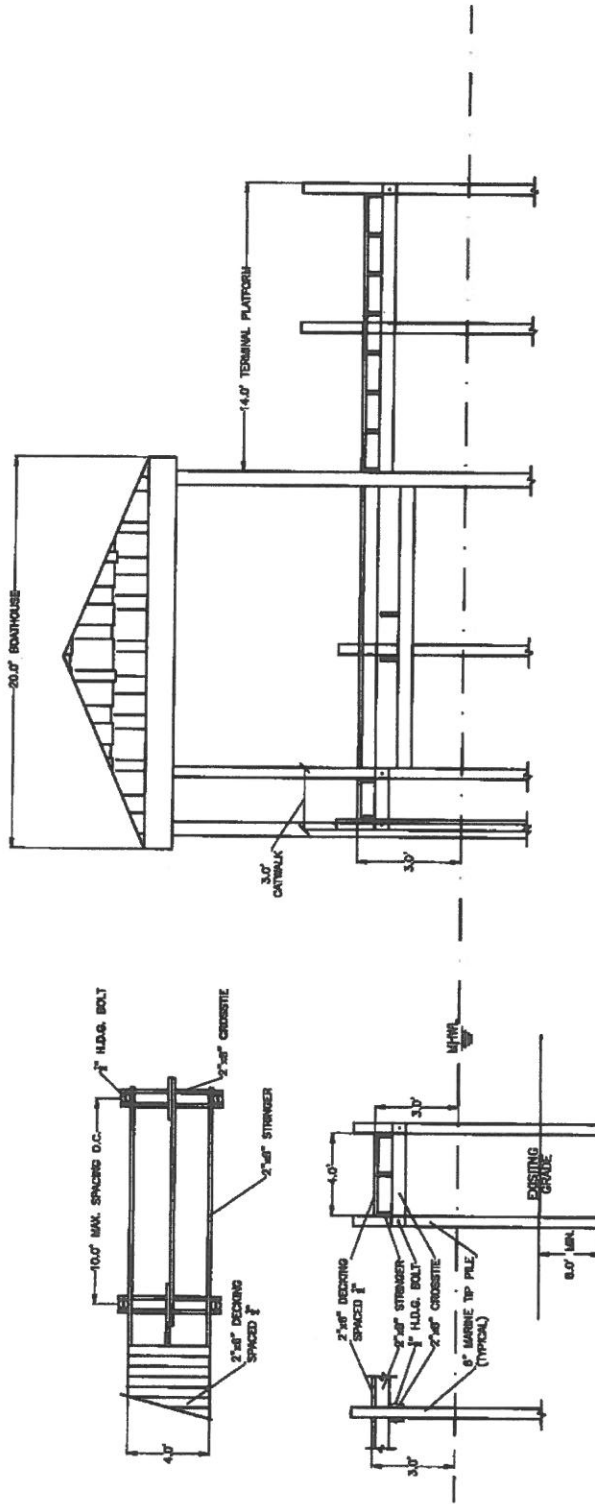
PROJECT NAME: 437 CALHOUN AVE
 PLAN VIEW
 PROJECT NO.: 2018-284
 DRAWN BY: DDH
 DATE: 06/11/2018
 SHEET: 4

SCALE: 1" = 20 Feet



SCALE: 1" = 8 Feet

PROJECT NAME: 437 CALHOUN AVE	ENVIRONMENTAL CONSULTANTS	 WETLAND SCIENCES INCORPORATED
PROFILE (TYPICAL)	3308 GULF BEACH HIGHWAY	
PROJECT NO.: 2018-284	PENSACOLA, FLORIDA 32507	
DRAWN BY: DDH	TEL: 850.453.4700	
DATE: 06/21/2018	DAVID.WETLANDSCIENCES@GMAIL.COM	
SHEET: 5		



SCALE: 1"= 8 Feet

WETLAND SCIENCES INCORPORATED	ENVIRONMENTAL CONSULTANTS	PROJECT NAME: 437 CALHOUN AVE
	3308 GULF BEACH HIGHWAY	DETAILS (TYPICAL)
	PENSACOLA, FLORIDA 32507	PROJECT NO.: 2018-284
	TEL: 850.453.4700	DRAWN BY: DDH
	DAVID.WETLANDSCIENCES@GMAIL.COM	DATE: 06/21/2018
		SHEET: 6



Community Development

Planning Division

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

January 30, 2020

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, February 24, 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