



# Florida Department of Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

In the matter of an Application for a Permit and Authorization to Use Sovereign Submerged Lands by:

**APPLICANT:**

William Shafnacker  
Dames Point Workboats, LLC  
5100 Heckscher Drive  
Jacksonville, Florida 32226

**FILE No.: 16-0345934-003-EI**

**LEASE NO.:** 160354092

**COUNTY:** Duval

**PROJECT NAME: Dames Point Workboats**

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**NOTICE OF INTENT TO ISSUE  
ENVIRONMENTAL RESOURCE PERMIT  
LEASE TO USE SOVEREIGN SUBMERGED LANDS**

The Department of Environmental Protection (Department) gives notice of its intent to issue an Environmental Resource Permit (ERP) in accordance with Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the ERP constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act U.S.C. § 1341 and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456, unless expressly waived by the final permit.

The Department of Environmental Protection (Department) also gives notice of its intent to grant a lease to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions in the attached Recommended Proprietary Action document. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease.

**I. DESCRIPTION OF THE PROPOSED ACTIVITY**

The applicant, William Shafnacker, owner of Dames Point Workboats LLC, applied on June 15, 2018 to the Department of Environmental Protection for a permit and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to construct a tugboat operation, including two dock additions (950 sq ft and 520 sq ft, respectively) onto previously-permitted docks and a new 385 sq ft finger dock. Additionally, three wood pile dolphins will be constructed allowing for waterward tie-off of work boats. The final project will be in accordance with the attached drawings.

The activity is located 5100, 5110, 5118, and 5120 Heckscher Drive, Jacksonville, Florida 32226, Section 18, Township 1 S, Range 28 E, in Duval County, at latitude 30° 25' 12" N / longitude -81° 32' 16" W (parcel ID's: 159971-0000, 159972-0000, 159973-0000, and 159974-0000), on the St. Johns River, a Class III waterbody, not in an aquatic preserve or Outstanding Florida waterbody.

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The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 49,746 square feet, more or less, for a commercial tugboat operation, which requires payment of \$10,990.94, representing \$8,792.75 as the initial lease fee, computed at \$0.176753 per square foot.

## II. AUTHORITY FOR REVIEW

The Department is authorized to grant this permit pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C. The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

## III. BACKGROUND/BASIS FOR ISSUANCE

### A. General

**Background:** Dames Point Workboats LLC, mailing address 5100 Heckscher Drive, is a proposed tugboat operation. The Permit Application encompasses 4 lots (3 residential zoning and 1 industrial zoning), with William Shafnacker as owner. The Environmental Resource Permit Applicant handbook, Volume I, Part 1.5.3 Land Use Considerations, states in part, "The proposed land use to be served by an activity regulated under Chapter 62-330, F.A.C., does not have to be consistent with the local government's comprehensive plan or existing zoning."

Over the past year, William Shafnacker has been appealing to COJ Zoning to change the zoning of the three residential parcels to industrial.

Home owners within 500 feet were sent a Noticed of the Pending Lease in October 2017.

During the review process a State Land Title check discovered Disclaimer 22146 that, in 1957, relinquished State owned submerged land to County of Duval, that was transferred to William Shafnacker upon ownership.

Much of the area covered by the Disclaimer is a residential lot (Lot 9). On Lot 9, historic fill has taken place, that was impacted by 2017 hurricanes. The Application superseded expiration of the Governor's Final Orders, making Permittee eligible for restoration of lands lost to 2017 hurricanes. Therefore, corrective action Specific Conditions for approximately 3500 sq ft of fill landward of the MHWL is included in the Permit. Additionally, the restoration of 250 sq ft of cord grass waterward of the MHWL is also required, through a salt marsh restoration plan defined in the permit.

**Regulatory Basis of Issuance:** The proposed project impact has been minimized or reduced to the greatest extent possible while still making the project viable. The project has been reduced to eliminate wetland impacts. Salt March wetlands remain and will not be impacted. Though no mitigation will be provided, impact will be negligible. All construction and new activities will be waterward of the MHWL. Existing wetland function is high over most of the project area, however, no construction is proposed on Lot 6, and water activities on Lot 7 and 8 will not impact the salt marsh (wetlands), The marsh areas will be crossed by existing pier supported structures or like for like replacement of pre-existing structures, thus minimizing new or additional impacts. Most of Lot 9 has been determined to be uplands to be refilled and only a small wetland area will be crossed at the shoreline by four-foot-high elevated access pier, as indicated on Proposed Submerged Land Lease Drawing 1 of 2. The current condition and relative value of functions are not expected to be adversely impacted by the project.

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**Conditions for Issuance of Individual and Conceptual Approval Permits – Section 62-330.301, F.A.C –**

- I. An applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

- Site is currently developed, with pile supported structures in the salt marsh waterward of the MHWL. The uplands and MHWL are separated by a concrete bulkhead on Lots 6, 7, and 8, with two existing access piers through the salt marsh, leading to two existing dock structures. All new construction will be waterward of the shoreline and or MHWL, where the watershed being the St. Johns River (SJR).

Will not cause adverse flooding to on-site or off-site property;

- No landward structure is being constructed that will impede water flow, causing flooding.
- Best management practices will be used during the construction of the project to include silt fencing. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which is incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C.

Will not cause adverse impacts to existing surface water storage and conveyance capabilities;

- Watershed is within the tidally influenced area of the St Johns River.
- The project does not propose adverse impacts; therefore, the project is not anticipated to cause adverse impacts to existing surface water storage and conveyance capabilities

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

- As indicated above.

Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

- This project is not located near a Work of the District.

Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

- Site was designed by a Professional Engineer, and standard construction practices and BMP's will be adhered to.

Will comply with any applicable special basin or geographic area criteria;

- Applicant will comply with St. Johns River Water Management District's Surface Water Management Basin Criteria.
- Best management practices will be used during the construction of the project to include silt fencing. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which is incorporated by reference in subparagraph 62-330.050(9)(b)5.,F.A.C.

### **Environmental Conditions for Issuance**

#### **II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –**

- The proposed project impact has been eliminated or reduced to the greatest extent possible while still making the project viable. Project has been reduced to eliminate any and all wetland impacts. Wetlands will not be impacted. Most of Lot 9 has been determined to be uplands and only a small wetland will be crossed at the shoreline by four-foot-high elevated access pier, as indicated on Proposed Submerged Land Lease Drawing 1 of 2. The current condition and relative value of functions are not expected to be adversely impacted by the project. Pre-existing elevated access piers over the marsh will remain or be replaced "like for like".
- (Project 003) Applicant is directed to implement corrective actions according to the Permit Specific Condition. Applicant is authorized to fill a 3500 SF washout on lot 9, in accordance with Drawings, "Proposed Submerged Land Lease", sheet 1/2 and 2/2, and was requested prior to the expiration of Final Order 17-235, 17-287 and 17-330, additionally the Applicant is directed to plant no less than 250 SF of cord grass as shown on the aforementioned Plans.

#### **III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –**

- The Department of Environmental Protections GIS database, Map Direct, was reviewed for listed species within the project area and there were not any noted. No listed species were observed during the Department's site inspection. FWC did not provide comments.

#### **IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I**

- BMP' s will be used for all waterward construction; turbidity barriers, silt fence, additionally all construction material will be staged in uplands. Any and all existing wetlands will be crossed by existing pier supported structures or "like for like" replacement, thus minimizing impacts.
- Impacts to manatees would be minimized by the use of STANDARD MANATEE CONDITIONS FOR IN-WATER WORK, turbidity curtains as necessary around the general work area during placement of pilings and similar activities.
- The Applicant is required to Plant 250 SF of Cord grass in accordance with the Drawings mentioned above, thus providing a surface water filter to reduce impacts to the SJR

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V. **Public Interest Test** – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I–

Whether the activity will adversely affect public health, safety, or welfare or the property of others;

- Site design has maintained the 25-foot Riparian Rights setbacks.
- The project does not appear to pose an environmental hazard to public health or safety with respect to the environment.

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats;

- The project is not expected to have an adverse effect on the conservation of fish and wildlife and their habitat. No emergent vegetation or seagrasses are proposed to be impacted.
- The Map Direct database was reviewed for listed species within the project area and there were not any noted. Also, none were observed during the Department's site inspection.

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling;

- The project will have no impact to navigable waters. In addition, the project has been designed to maintain existing flows and prevent harmful erosion.
- The project does not propose any dredging activities.
- Construction limits meets the 25% maximum berth of a waterway width.
- Best management practices will be used during the construction of the project to include silt fencing. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which is incorporated by reference in subparagraph 62-330.050(9)(b)5.,F.A.C.

Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

- No dredging or filling is proposed; therefore, the project is not expected to adversely affect fishing or recreational values or marine productivity within the area.
- Seagrass beds that serve as fish nursery habitat and refugia are not found within the immediate project footprint. Emergent vegetation will not be directly impacted, and the potential for secondary impacts have been reduced by elevating the pile supported structures.

Whether the activity is temporary or permanent in nature;

- Permanent.

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Whether the activity will adversely affect or will enhance significant historical and archeological resources;

- Site is developed, and cumulating agencies were contacted at time of Application receipt and conditions will be placed in a Permit.
- At this time, DHR has not provided comments. The specific condition below is included within the permit.
- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

The current condition and relative value of functions being performed by areas affected by the proposed activity.

- All construction and new activities will be waterward of the MHWL (shoreline). Though the existing wetland is function is high, no construction is proposed on Lot 6, and water activities on Lot 7 and 8 will not impact the salt marsh (wetlands), due to access piers being  $\geq 4$  foot above the wetlands. While the majority of Lot 9 has been deemed upland's, a small wetland will be crossed at shoreline by an elevated access pier, as indicated on Proposed Submerged Land Lease Drawing 1 of 2. Impacts are expected to be minimal.

## VI. Water Quality – 10.2.4, A.H. Vol. I –

Short term water quality considerations – 10.2.4.1, A.H. Vol. I –

- In the short-term (during construction), the contractor will install silt fencing and turbidity barriers around the immediate work area to ensure that turbid waters do not escape the project area.
- In addition, specific conditions in the permit require the project to:
- To comply with applicable State Water Quality Standards in 62-302.400 Florida Administrative Code (F.A.C), and 62-302.500 F.A.C.
- Ensure that there shall be no discharge of construction debris into the waters of the state as conditioned by this permit enforceable under the Florida Litter Law 403.413, Florida Statute (F.S.), by all law enforcement officers.
- Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and*

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*Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.*

Long term water quality considerations – 10.2.4.2, A.H. Vol. I –

- None Expected.

Additional Water Quality considerations for docking facilities – 10.2.4.3, A.H. Vol. I –

- No impacts are expected using customary BMP's.
- All terminal platforms and tie off dolphins are placed in deep water to avoid potential prop washing.

Mixing Zones – 10.2.4.4, A.H. Vol. I –

- There are no mixing zones proposed for this project.

Where Ambient Water Quality Does Not Meet Standards – 10.2.4.4, A.H. Vol. I –

- Not applicable, a Basin Management Action Plan is in affect for impacts caused by excessive nutrients in the Lower St. Johns River. This project is not expected to have any nutrient impacts or additional loading.

**VII. Class II Waters; Waters Approved for Shellfish Harvesting** – 10.2.5 A.H. Vol. I –

- Not in Shellfish Harvesting waters.

**VIII. Vertical Seawalls** – 10.2.6 A.H. Vol. I –

- *This project does not propose the construction of seawalls.*

**IX. Secondary Impacts** – 10.2.7 A.H. Vol. I –

- With elevated structures over water resources and/or marsh grass there is not expected to be any secondary impacts.

**X. Cumulative Impacts**– 10.2.8 A.H. Vol. I –

- There are no adverse impacts proposed; therefore; the project will not cause any unacceptable cumulative impacts upon wetlands and other surface waters within the St. Johns River.

**XI. Mitigation** – 10.3 A.H. Vol. I –

- *No adverse impacts are proposed therefor no mitigation is required.*

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- Applicant is directed to plant no less than 250 SF of cord grass as shown on the aforementioned Plans.

#### **Proprietary Basis of Issuance:**

The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 49,746 square feet, more or less, for a commercial tugboat operation, including two dock additions (950 sq ft and 520 sq ft, respectively) and a new 385 sq ft finger dock. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

#### **B. Specific Regulatory Basis for Issuance**

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

#### **C. Specific Proprietary Basis for Issuance**

Through the above and based on the general and/or specific conditions to the lease, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated rule 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest";
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

#### **IV. PUBLICATION OF NOTICE**

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Florida Department of Environmental Protection  
Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256  
[DEP\\_NED@floridadep.gov](mailto:DEP_NED@floridadep.gov)

The proof of publication shall be provided to the above address within 30 days of issuance of intended agency action, or within 21 days of the date of publication, whichever occurs sooner. Failure to publish the notice and

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provide proof of publication within the allotted time shall be grounds for denial of the permit and lease to use sovereign submerged lands.

## **V. RIGHTS OF AFFECTED PARTIES**

The Department will issue the environmental resource permit (draft permit attached) and lease to use sovereign submerged lands, subject to the applicant's compliance with the requirement to publish notice in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051, Florida Statutes, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, 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. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

### 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, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, 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 at [Agency\\_Clerk@dep.state.fl.us](mailto: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), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. 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, Florida Statutes, 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, Florida Administrative Code.

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Extension of Time

Under Rule 62-110.106(4), Florida Administrative Code, 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, before the applicable 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.

Executed in Jacksonville, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Thomas G. Kallemeyn  
Permitting Program Administrator

**ATTACHMENTS:**

Public Notice  
Draft Permit

Copies furnished to:

Chad Drury, LG2 Environmental Solutions, [chaddrury@lg2es.com](mailto:chaddrury@lg2es.com)  
Bobby Baker, Baker Klein Engineering, [bbaker@bakerklein.com](mailto:bbaker@bakerklein.com)  
Susan Grandin, COJ, [sgrandin@coj.net](mailto:sgrandin@coj.net)  
Janie Thomas, Executive Director Shrimp Producers Association, [fecspi@aol.com](mailto:fecspi@aol.com)  
Robert Wood, [pwoodjr@yahoo.com](mailto:pwoodjr@yahoo.com)  
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Office of General Counsel, FDEP  
Thomas Kallemeyn, FDEP NED  
Brian Durden, FDEP NED  
Timothy Freeman, FDEP NED  
Kim Pearce, FDEP NED

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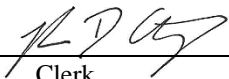
Permittee: William Shafnacker  
Project: Dames Point Workboats  
Permit No.: 16-0345934-003-EI  
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### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on July 20, 2018, to the above listed persons and on the Notice mailing list.

### FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

July 20, 2018  
Date

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# Florida Department of Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

Rick Scott  
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Noah Valenstein  
Secretary

## **Permittee:**

William Shafnacker  
Dames Point Workboats, LLC  
5100 Heckscher Drive  
Jacksonville, Florida 32226  
[bill@damespointworkboats.com](mailto:bill@damespointworkboats.com)

## **Consultant:**

Chad Drury  
LG2 Environmental Solutions, Inc.  
10475 Fortune Parkway, Suite 201  
Jacksonville, Florida 32256  
[chaddrury@lg2es.com](mailto:chaddrury@lg2es.com)

## **Engineer:**

Bobby Baker, P.E.  
Baker Klein Engineering  
219 North Newman Street  
Jacksonville, Florida 32202  
[bbaker@bakerdesign.build](mailto:bbaker@bakerdesign.build)

**Dames Point Workboats – Lease**

**Environmental Resource Permit**

**State-owned Submerged Lands Authorization – Granted with Document Execution**

**U.S. Army Corps of Engineers Authorization – Not Approved**

**Permit No.: 16-0345934-003-EI**  
**BOT No.: 160354092**

**Permit Issuance Date: July 13, 2018**  
**Expiration Date: July 13, 2023**

**JULY 20, 2018**

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# Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

Permittee: William Shafnacker  
Permit No: 16-0345934-003-EI

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 5100, 5510, 5118, and 5120 Heckscher Drive, Jacksonville, Florida 32226, Section 18, Township 1 S, Range 28 E, in Duval County, at latitude 30° 25' 12" N / longitude -81° 32' 16" W (parcel ID Numbers: 159971-0000, 159972-0000, 159973-0000, and 159974-0000), with BOT Lease Number 160354092.

## PROJECT DESCRIPTION

The permittee is authorized to construct a tug boat and barge operating facility within the waterward extent of the St. Johns River, a Class III Waterbody, not in an Outstanding Florida Waterbody, not in an Aquatic Preserve or Shellfish Harvesting Area. Those activities include the construction of:

Dock A – Located on Lot 7, a 9.5 ft by 100 ft concrete floating dock with a 5 ft gangway attached to an existing 150.8 ft by 8 ft wooden dock;

Dock B – Located on Lot 8, a 10.3 ft by 40 ft concrete floating dock with a 6 ft by 18 ft platform and a 4 ft gangway, attached to an existing 125.2 ft by 5 ft wooden dock; and

Dock C – Located on Lot 9, a 4 ft by 71 ft wooden finger pier with a 4 ft by 26 ft finger dock perpendicular to the pier near the shore totaling 385 square ft.

Additionally, three 3-pile mooring dolphins will flank the southern boundary of the lease area and four wood pilings (20 ft off-center) will flank the eastern boundary of the lease area. The total lease area of preempted sovereign state lands is 49,746 sq ft. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

### **Dames Point Workboats with Lease**

#### Environmental Resource Permit

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

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. The final documents required to execute the lease will be sent to the permittee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Consolidated Intent to Issue lease. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

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### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

### Coastal Zone Management

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

### Water Quality Certification

This permit also constitutes a: water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

### Other Authorizations

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

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

## **PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the

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facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

1. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

**2. You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

3. This permit does not authorize the removal of any vegetation within the jurisdictional area. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within the wetlands other than that performed within the specifically authorized work corridor.

4. Outside the specific limits of construction authorized by this permit, any disturbance of or damage to wetlands shall be corrected by restoring pre-construction elevations as to maintain natural hydrology, drainage patterns, and planting vegetation of the same species, size, and density that exist in adjacent undisturbed wetland areas.

5. The project shall comply with applicable State Water Quality Standards, namely: Surface Waters, Minimum Criteria, General Criteria – Rule 62-302.500, F.A.C.

6. There shall be no storage or stockpiling of tools, equipment, materials (e.g., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.

7. There shall be no discharge of construction debris into the waters of the state as conditioned by this permit enforceable under the Florida Litter Law 403.413, F.S., by all law enforcement officers.

8. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization.

9. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05,

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*Florida Statutes*

10. Within one year of issuance of DEP permit # 16-0345934-002-EI, the permittee must have an executed sovereign submerged lands lease.

**SPECIFIC CONDITIONS – DOCKS**

11. Water depth at the mooring area shall be sufficient to prevent bottom scouring by boat propellers.

12. No portion of the boat slip/mooring area shall be constructed over submerged grass beds.

13. The waterward end of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall **not** be green or red in color.

14. Any non-water dependent structures shall be located on the uplands.

15. This permit does not authorize enclosures.

16. No overboard discharges of trash, human or animal waste, or fuel shall occur at the dock. The work shall be done during periods of average or low water.

**SPECIFIC CONDITIONS – CONSTRUCTION COMPLETION**

17. Within 30 days after completion of construction of the permitted or authorized activity, and prior to transfer to operation, the permittee shall submit an As-Built Survey [Form 62-330.310(1)] signed, sealed and dated by a Florida licensed Surveyor and Mapper in accordance with Chapter 61G17-7, Florida Administrative Code. The Survey shall depict the boundaries of the lease, including the entire preempted area and shall show the size and dimensions of all existing overwater structures and activities, including mooring pilings, located within the lease area. The Survey shall contain a statement that all of the depicted structures and activities occur within the lease boundary, if applicable. If the surveyor observes that structures or activities are occurring outside of the lease area, the surveyor shall document the condition in the statement and note the deviations on the Survey. Constructed deviations may require a permit or lease modification.

**SPECIFIC CONDITIONS – CORRECTIVE ACTIONS**

18. Within 30 days of the issuance of this permit, Permittee shall submit to the Department a Salt Marsh Restoration Plan (Restoration Plan) for the re-establishment of smooth cord grass (*Spartina alterniflora*) within the landward extent of the St. Johns River on lot 9 (Restoration Area), as identified on the attached survey, as “CHORD GRASS PLANTING AREA”.

19. The unvegetated areas of the Restoration Area shall be planted with plant stock of *Spartina alterniflora*, on 12-inch centers. Plant stock should originate from within 50 miles of the Restoration Area.

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20. Planting of the Restoration Area shall be completed within six months of permit issuance. The permittee shall notify, in writing, the DEP Northeast District office within 14 days of completion of the planting.

21. The Restoration Action shall be determined to be successful when cover by *Spartina alterniflora* is 95% or more, and the plants are reproducing naturally, either by normal vegetative spread, or through seedling establishment, growth and survival (Success Criteria).

22. The permittee shall monitor the success of the vegetated Restoration Area and shall submit a written description of the Restoration Area (Monitoring Report), including percentage of vegetative cover and supporting photographs, to the Department of Environmental Protection Northeast District Compliance Assistance Program staff at six-month intervals, commencing within six months of the issuance date of the permit and continuing for a period of three years or until the project is deemed successful and terminated.

23. The permittee shall include in each Monitoring Report an evaluation of the long-term survival potential of the Restoration Area. The permittee shall take such remedial measures as recommended by the Department to insure the long-term survival of this area based upon its comparison with the surrounding salt marsh ecosystem.

24. In the event that modifications, replanting, or other measures are required in order to meet the Success Criteria, the permittee shall resume monitoring for a further period of three years.

25. Within six months of the issuance of this permit, the permittee shall remove the floating concrete dock structures, as identified on the attached survey as "FLOATING DOCK TO BE REMOVED FROM MARSH (HURRICANE DEBRIS)", from the salt marsh on Lot 8.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of*

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*Transportation June 2007*), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;

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- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

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

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

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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact **Timothy Freeman** at the letterhead address, (904) 256-1580, or [timothy.freeman@FloridaDEP.gov](mailto:timothy.freeman@FloridaDEP.gov).

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Sincerely,

**DRAFT**

Thomas Kallemeyn  
Program Administrator

TK/bd/kp/tjf

**Attachments:**

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat  
Standard Manatee Construction Conditions 2011  
Construction Commencement Notice/ Form 62-330.350(1)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request to Transfer Permit/ Form 62-330.340(1)  
Project Drawings, 4 pages

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**Copies furnished to:**

Chad Drury, LG2 Environmental Solutions, [chaddrury@lg2es.com](mailto:chaddrury@lg2es.com)  
Bobby Baker, Baker Klein Engineering, [bbaker@bakerklein.com](mailto:bbaker@bakerklein.com)  
Susan Grandin, COJ, [sgrandin@coj.net](mailto:sgrandin@coj.net)  
Janie Thomas, Executive Director Shrimp Producers Association, [fecspi@aol.com](mailto:fecspi@aol.com)  
Robert Wood, [pwoodjr@yahoo.com](mailto:pwoodjr@yahoo.com)  
Bob Remm, [remm@comcast.net](mailto:remm@comcast.net)  
Nancy Altman, [n\\_altman@comcast.net](mailto:n_altman@comcast.net)  
Scott O'Connor, [captscottjax@gmail.com](mailto:captscottjax@gmail.com)  
Glenda O'Connor, [g.s.oconnor@comcast.net](mailto:g.s.oconnor@comcast.net)  
Amanda LeBron, [agkw1206@aol.com](mailto:agkw1206@aol.com)  
Ms. Charles, [bcharles@ccoj.net](mailto:bcharles@ccoj.net)  
Office of General Counsel, FDEP  
Thomas Kallemeyn, FDEP NED  
Brian Durden, FDEP NED  
Timothy Freeman, FDEP NED  
Kim Pearce, FDEP NED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on \_\_\_\_\_, 2018, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_, 2018  
Clerk Date

**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**

**Submerged Aquatic Vegetation:**

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.
  - b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
  - c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used ) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

**Marsh:**

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.  
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate  
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.  
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating. -

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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). 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.

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.  
February 2003 - Manufacturer name changed from ChemGrate to FiberGrate  
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.  
March 2008 - Added requirement for 43% open space in grids; added additional manufacturer of grating, -

## 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](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

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## 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

DK



## As-Built Certification And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: \_\_\_\_\_ Application No: \_\_\_\_\_ Permittee: \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Phase or Independent Portion (if applicable): \_\_\_\_\_

I HEREBY CERTIFY THAT (please check only one box):

- To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

**For activities that require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name) (Fla. Lic. or Reg. No.)  
Signature

(Company Name) (Company Address)

(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

**For activities that do not require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name)  
Signature

(Company Name) (Company Address)



(Telephone Number)

(Email Address)

(Date)



## Drawings and Information Checklist

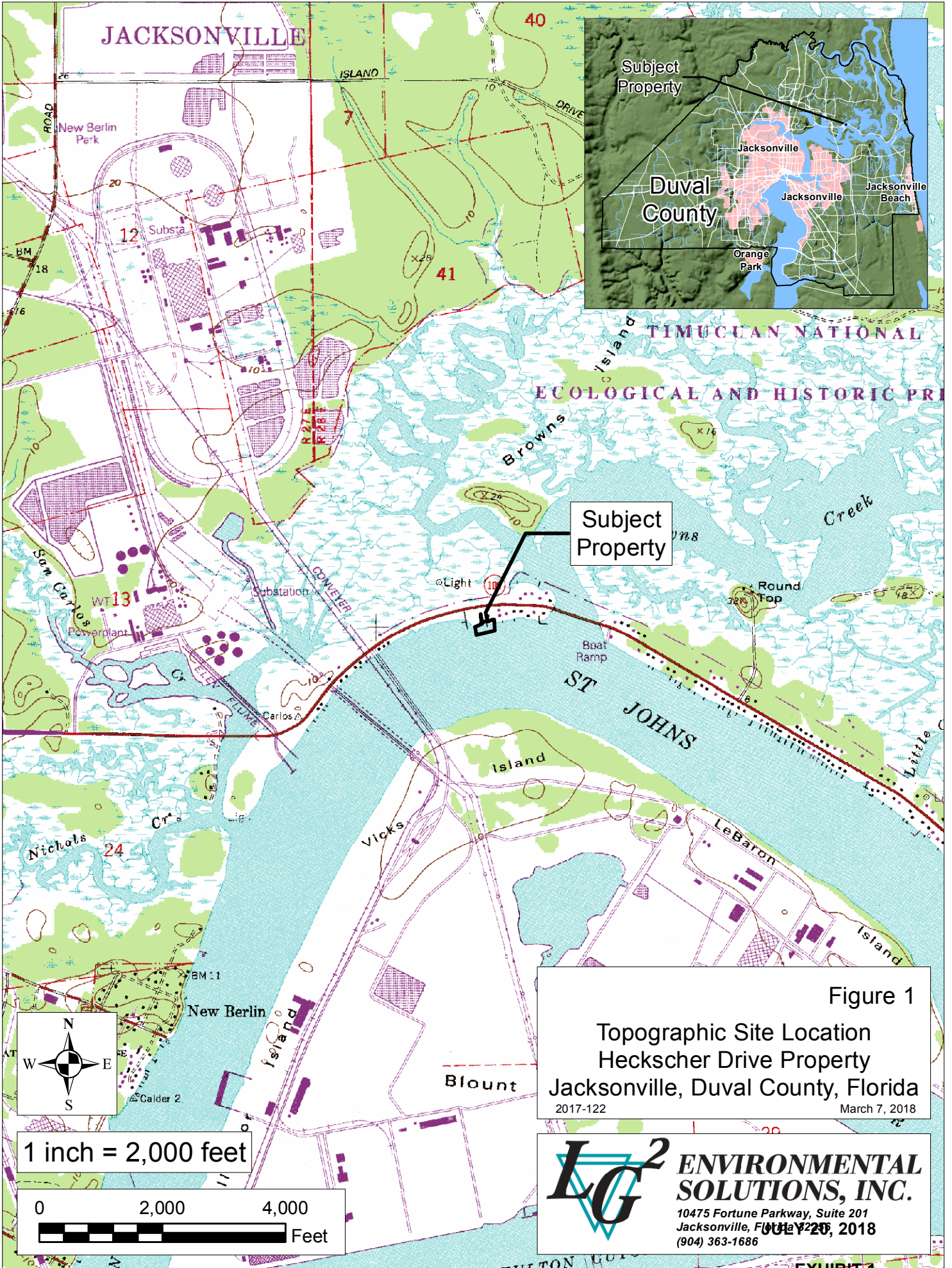
**Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:**

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
  - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
  - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
  - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
  - d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
  - e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
  - f. Benchmark(s) - location and description (minimum of one per major water control structure);
  - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.



Enclosures:

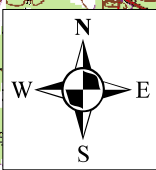
- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other



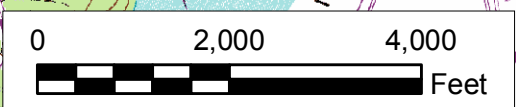
Subject Property

Figure 1  
 Topographic Site Location  
 Heckscher Drive Property  
 Jacksonville, Duval County, Florida  
 2017-122 March 7, 2018

**LG<sup>2</sup> ENVIRONMENTAL SOLUTIONS, INC.**  
 10475 Fortune Parkway, Suite 201  
 Jacksonville, Florida 32216  
 (904) 363-1686



1 inch = 2,000 feet







HECKSCHER DRIVE

Subject Property



2016 True Color Orthophotos  
From Florida DOT

1 inch = 100 feet

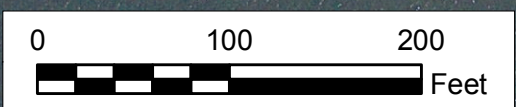


Figure 2  
2016 Aerial Location  
Heckscher Drive Property  
Jacksonville, Duval County, Florida  
2017-122 March 7, 2018

**LG<sup>2</sup> ENVIRONMENTAL SOLUTIONS, INC.**  
10475 Fortune Parkway, Suite 201  
Jacksonville, Florida 32216  
(904) 363-1686

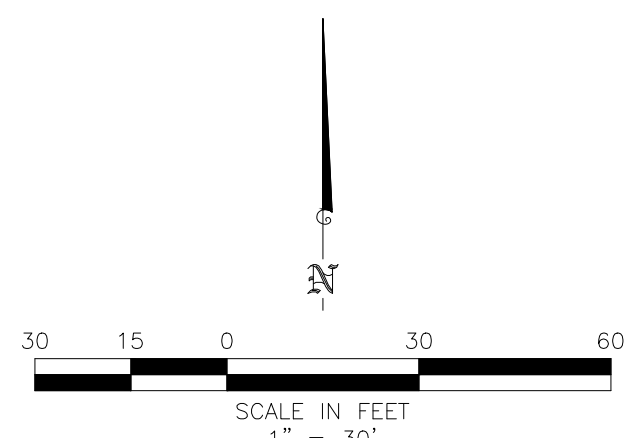
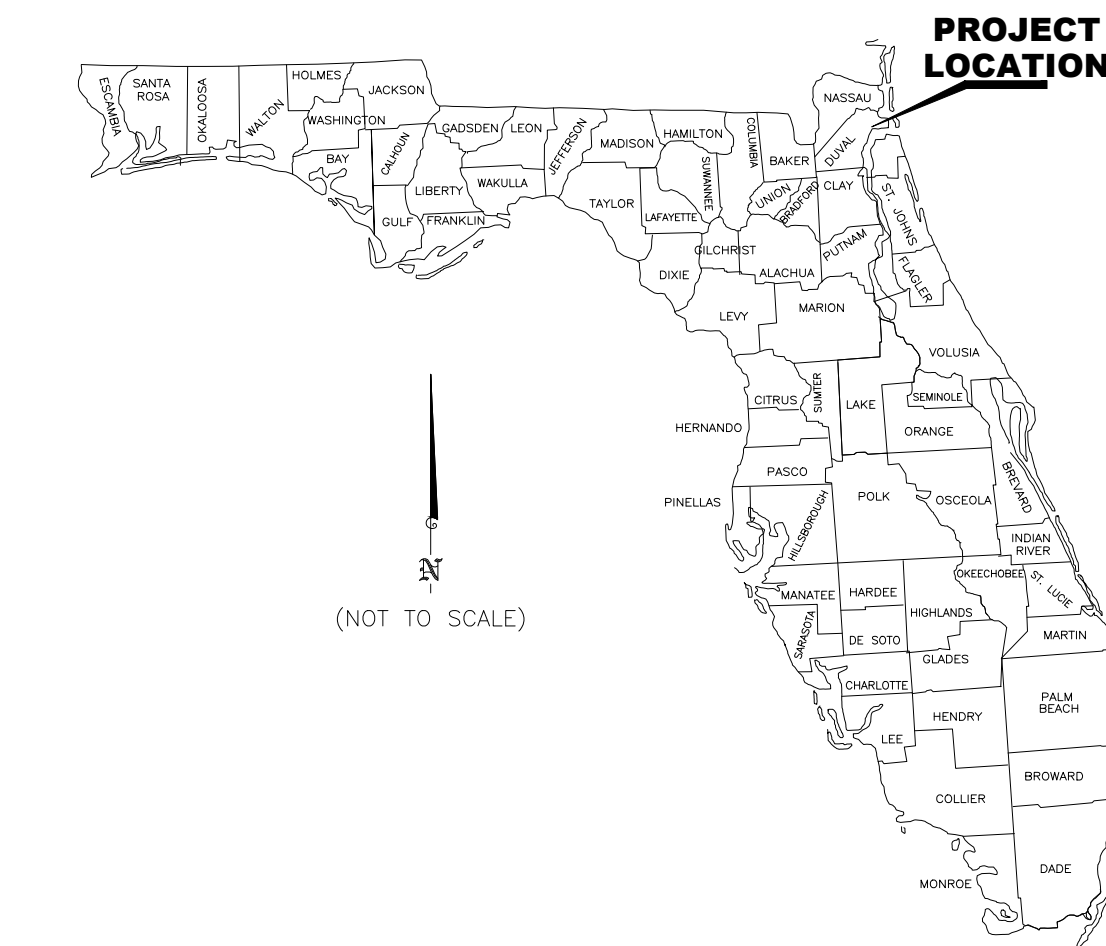
Description:  
A portion of those lands lying Southerly of Section 18, Township 1 South, Range 28 East, Duval County, Florida in the St. Johns River (Back River) and being a portion of those lands lying Southerly of Lots 6 and 8 in the St. Johns River (Back River) and a portion of Lots 7, 8 and 9, Block 3 of San Carlos Estates which lies waterward of the Mean high Water line according to the Plat shown hereon as recorded in Plat Book 18, Page 44, 44A and 44B of the current public records of Duval County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of Lot 6, Block 3 of San Carlos Estates according to the Plat shown hereon as recorded in Plat Book 18, Page 44, 44A and 44B of the current public records of Duval County, Florida; thence on the West line of said Lot 6 and the Southerly prolongation thereof, S 08°13'03" E, a distance of 295.03 feet; thence departing said Southerly prolongation of Lot 6, N 67°31'52" E, a distance of 25.68 feet to the Point of Beginning; thence continue N 67°31'52" E, a distance of 114.83 feet; thence N 08°06'36" W, a distance of 41.91 feet to a point on the Southerly line of Trustees of the Internal Improvement Trust Fund disclaimer (Sec. 253.129 Florida Statutes 1957) No. 22146; thence on said Southerly line, N 89°28'27" E, a distance of 8.07 feet; thence departing said Southerly line, S 08°06'36" E, a distance of 20.69 feet; thence N 89°26'09" E, a distance of 19.33 feet; thence N 63°02'13" E, a distance of 26.28 feet; thence N 82°33'52" E, a distance of 17.65 feet; thence N 87°23'40" E, a distance of 28.24 feet; thence N 11°11'15" W, a distance of 4.37 feet to a point on the aforesaid Southerly line of Trustees of the Internal Improvement Trust Fund disclaimer; thence on said Southerly line, N 89°28'27" E, a distance of 5.09 feet; thence departing said Southerly line, S 11°11'38" E, a distance of 4.24 feet; thence N 88°00'12" E, a distance of 4.79 feet; thence N 73°28'03" E, a distance of 14.67 feet to a point on the aforesaid Southerly line of Trustees of the Internal Improvement Trust Fund disclaimer; thence on said Southerly line, N 89°28'27" E, a distance of 90.59 feet; thence S 02°58'04" E, a distance of 151.64 feet; thence S 78°01'07" W, a distance of 307.86 feet; thence N 09°13'03" W, a distance of 129.68 feet to the Point of Beginning.

Containing 1.142 acres, more or less (49746 square feet).

## MAP SHOWING A BOUNDARY, MEAN HIGH WATER SURVEY, AND DOCK CROSS SECTIONS & PROFILES

OF  
LOTS 6, 7, 8 AND 9, BLOCK 3, SAN CARLOS ESTATES  
ACCORDING TO THE PLAT SHOWN HEREON AS RECORDED IN  
PLAT BOOK 18, PAGES 44, 44A AND 44B  
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA  
A PORTION OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 28 EAST  
DUVAL COUNTY, FLORIDA



LINE	BEARING	LENGTH
L1	N 77°12'58" E	1.83'
L2	N 46°13'30" E	19.18'
L3	N 60°41'00" E	29.86'
L4	N 78°40'19" E	32.78'
L5	N 71°53'36" E	12.42'
L6	S 50°19'17" E	38.58'
L7	S 53°39'03" E	48.54'
L8	N 71°19'41" E	16.88'
L9	S 44°23'00" E	15.00'
L10	N 80°36'49" E	19.94'
L11	N 1°20'24" E	16.17'
L12	N 22°36'51" E	24.34'
L13	N 53°52'26" E	28.32'
L14	N 80°36'49" E	19.94'
L15	S 67°16'12" E	20.45'
L16	N 70°11'36" E	21.34'
L17	S 86°30'17" E	16.00'
L18	S 87°00'37" E	18.44'
L19	N 69°26'52" E	13.18'
L20	N 79°22'26" E	21.51'
L21	N 70°23'59" E	16.61'
L22	N 80°22'38" E	3.97'
L23	S 04°14'54" E	25.58'
L24	S 76°34'30" W	0.60'
L25	S 59°15'27" W	23.17'
L26	S 27°53'46" W	22.40'
L27	N 72°08'58" E	21.53'
L28	N 79°22'40" E	18.55'
L29	N 89°10'24" E	21.33'
L30	S 87°06'15" E	2.18'
L31	N 69°28'52" E	8.19'
L32	N 89°28'09" E	19.33'
L33	N 83°02'13" E	26.08'
L34	N 80°33'52" E	17.65'
L35	N 87°23'40" E	28.24'
L36	N 81°42'23" E	5.91'
L37	N 88°00'12" E	4.79'
L38	N 73°28'03" E	21.44'
L39	N 72°08'58" E	14.37'
L40	N 77°45'17" E	18.09'
L41	N 69°24'23" E	17.87'
L42	N 36°27'08" E	10.36'
L43	N 72°08'58" E	21.53'
L44	N 27°53'46" E	14.79'

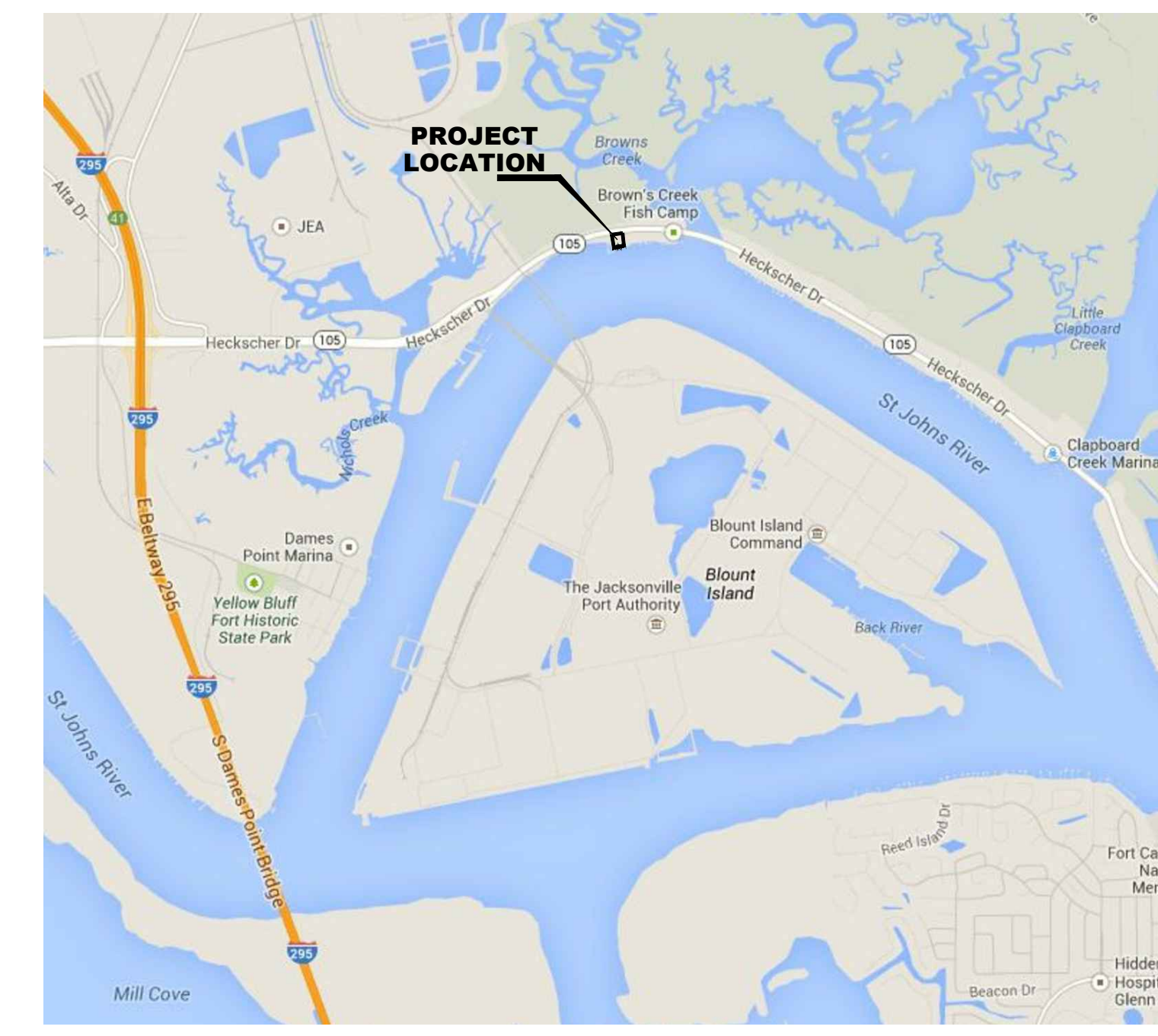
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	4°00'11"	3890.20'	271.80'	135.96'	S 82°55'07" W	271.74'
C2	2°02'41"	3600.83'	128.50'	64.25'	S 89°56'33" W	128.49'
C3	1°28'22"	3890.20'	99.99'	50.00'	S 81°39'12" W	99.99'
C4	1°28'21"	3890.20'	99.98'	49.99'	S 83°07'34" W	99.98'
C5	1°03'28"	3890.20'	71.82'	35.91'	S 84°23'28" W	71.82'
C6	0°27'12"	3600.83'	28.49'	14.25'	S 89°08'48" W	28.49'
C7	1°35'28"	3600.83'	100.00'	50.01'	S 86°10'09" W	100.00'

- LEGEND:
- = FOUND 1/2" IRON PIPE UNLESS OTHERWISE NOTED
  - = FOUND IRON ROD UNLESS OTHERWISE NOTED
  - = SET 1/2" IRON PIPE & CAP STAMPED LB 6888
  - = FOUND 4"x4" CONCRETE MONUMENT UNLESS OTHERWISE NOTED
  - = CALCULATED CORNER
  - = FENCE
  - = OVERHEAD UTILITY LINES
  - = UTILITY POLE
  - = GUY POLE
  - = GUY ANCHOR
  - = UNDERGROUND TELEPHONE RISER BOX
  - = WELL
  - = MAIL BOX
  - R.L.S. = REGISTERED LAND SURVEYOR
  - P.L.S. = PROFESSIONAL LAND SURVEYOR
  - L.S. = LICENSED SURVEYOR
  - D.B. = DEED BOOK
  - O.R.B. = OFFICIAL RECORD BOOK
  - PL = PLAT
  - (F) = FIELD MEASURED
  - (C) = CALCULATED
  - ID = IDENTIFICATION
  - LB = LICENSED BUSINESS
  - WL = WETLAND FLAG
  - P.C.C. = POINT OF COMPOUND CURVE

MEAN HIGH WATER LINE 1.30 FEET NAVD 88  
3.43 FEET  
MEAN LOW WATER LINE -2.13 FEET NAVD 88

DOCK	EXISTING	PROPOSED
DOCK "A"	1,450 SF	950 SF
DOCK "B"		520 SF
DOCK "C"		388 SF

### DAMES POINT WORK BOATS - PROPOSED SUBMERGED LANdleASE SHEET 1 OF 2



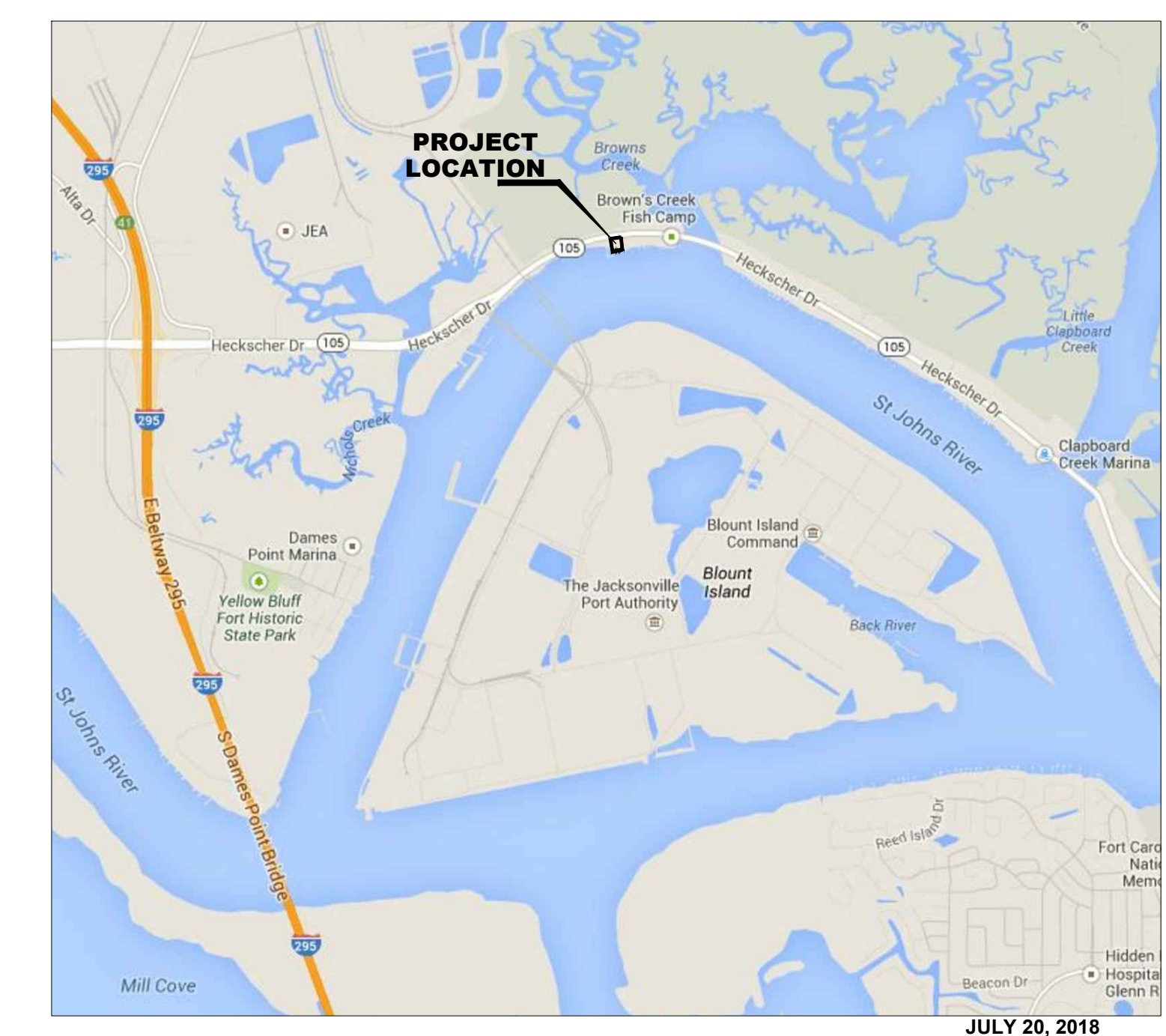
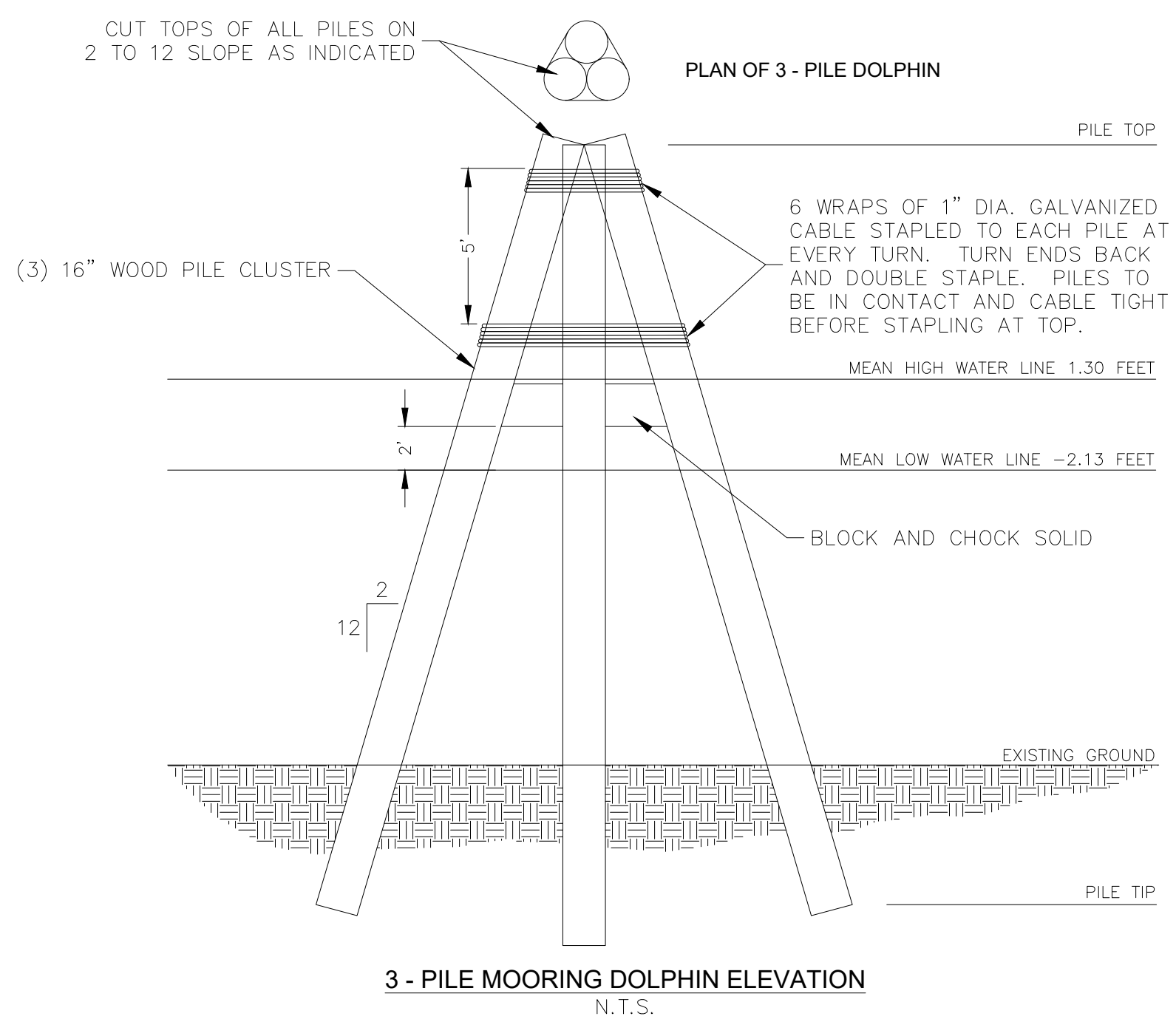
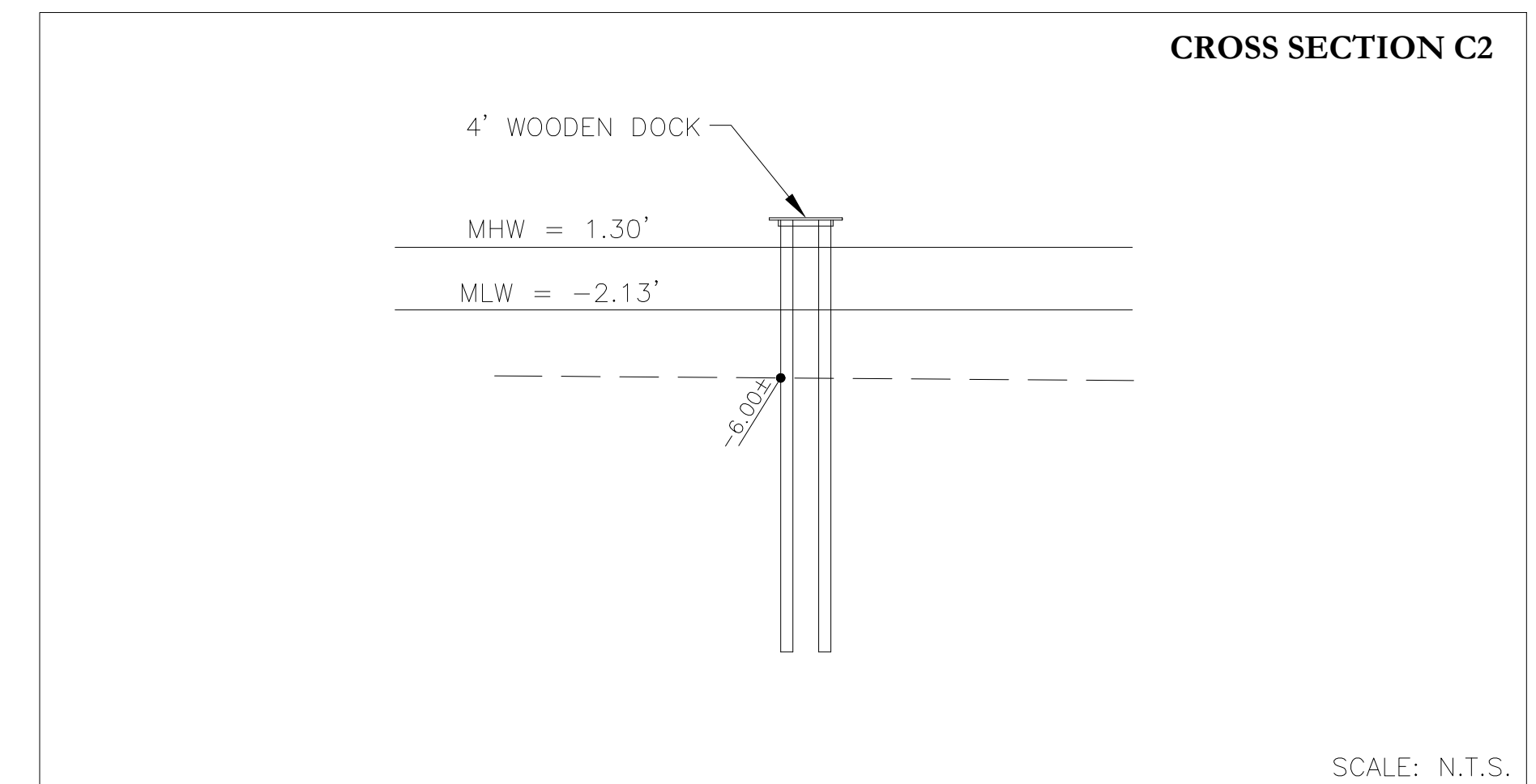
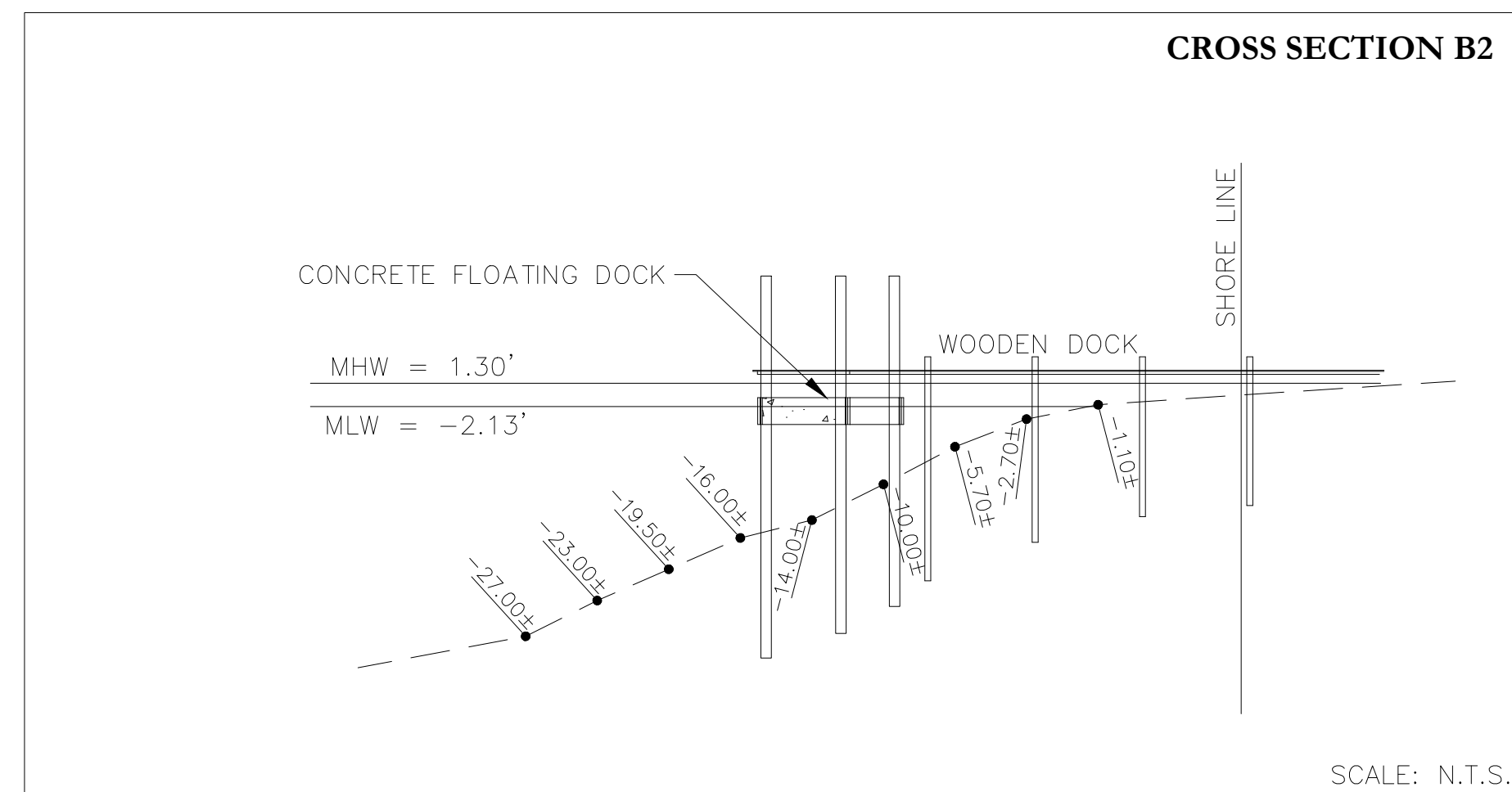
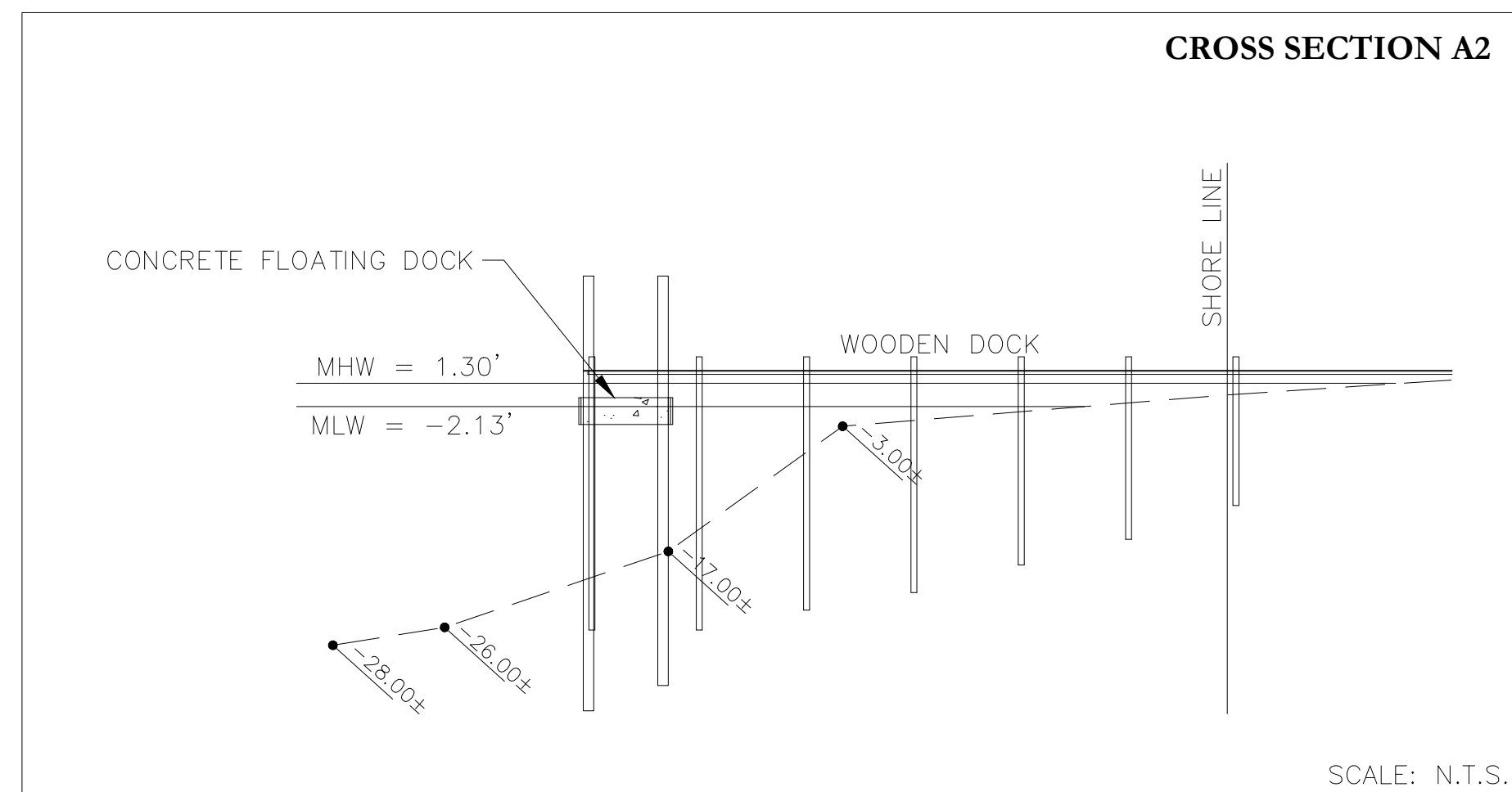
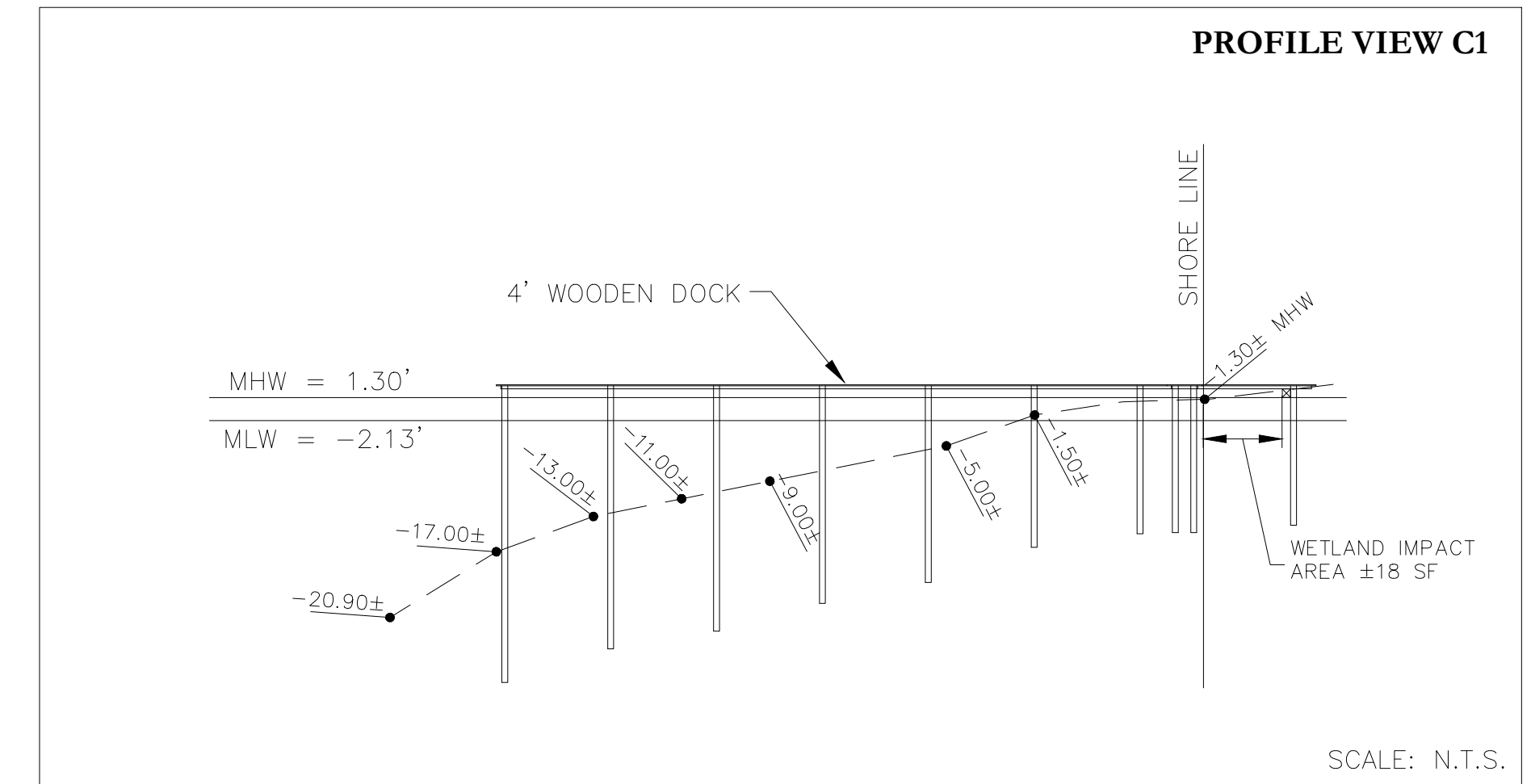
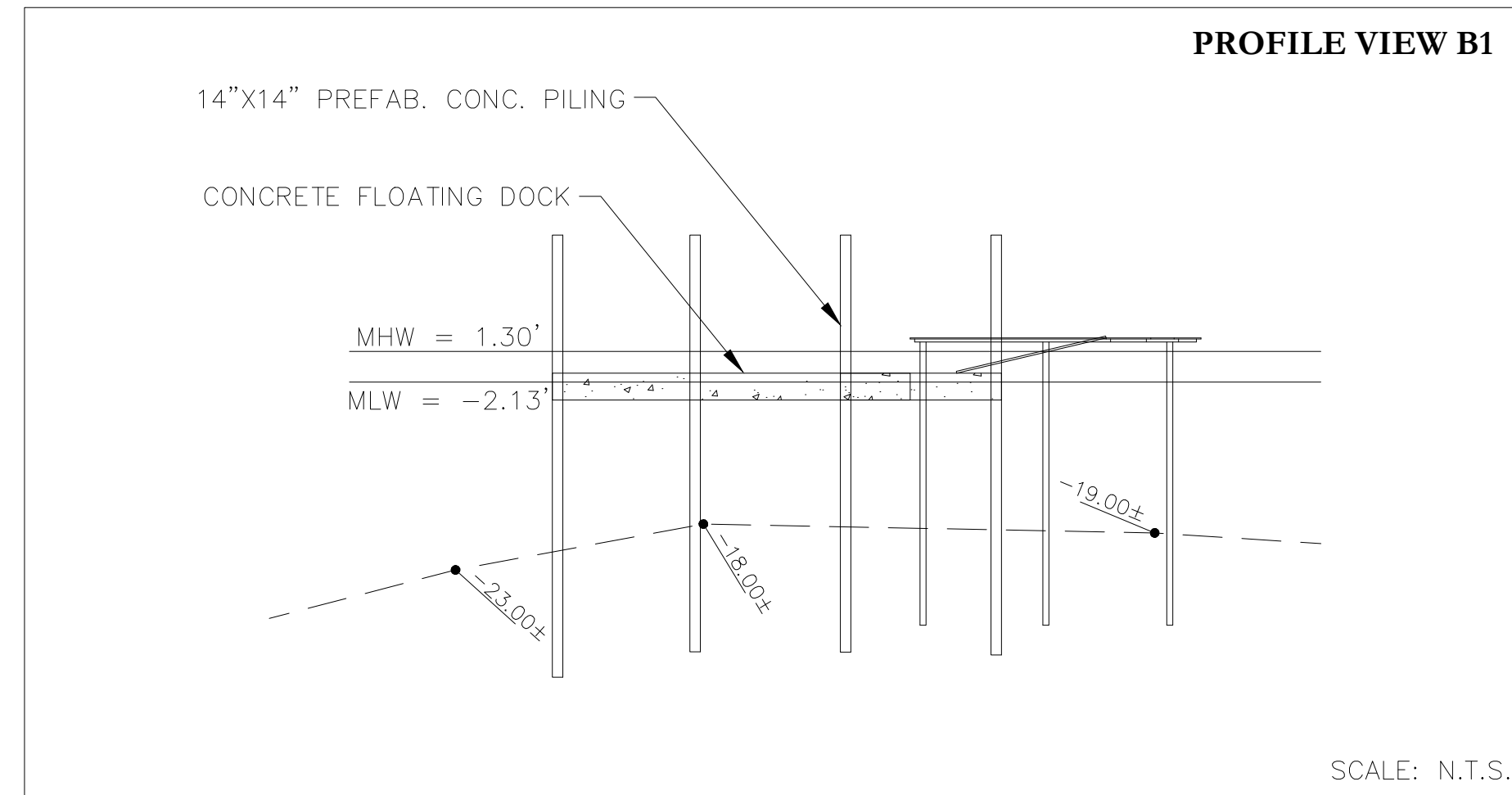
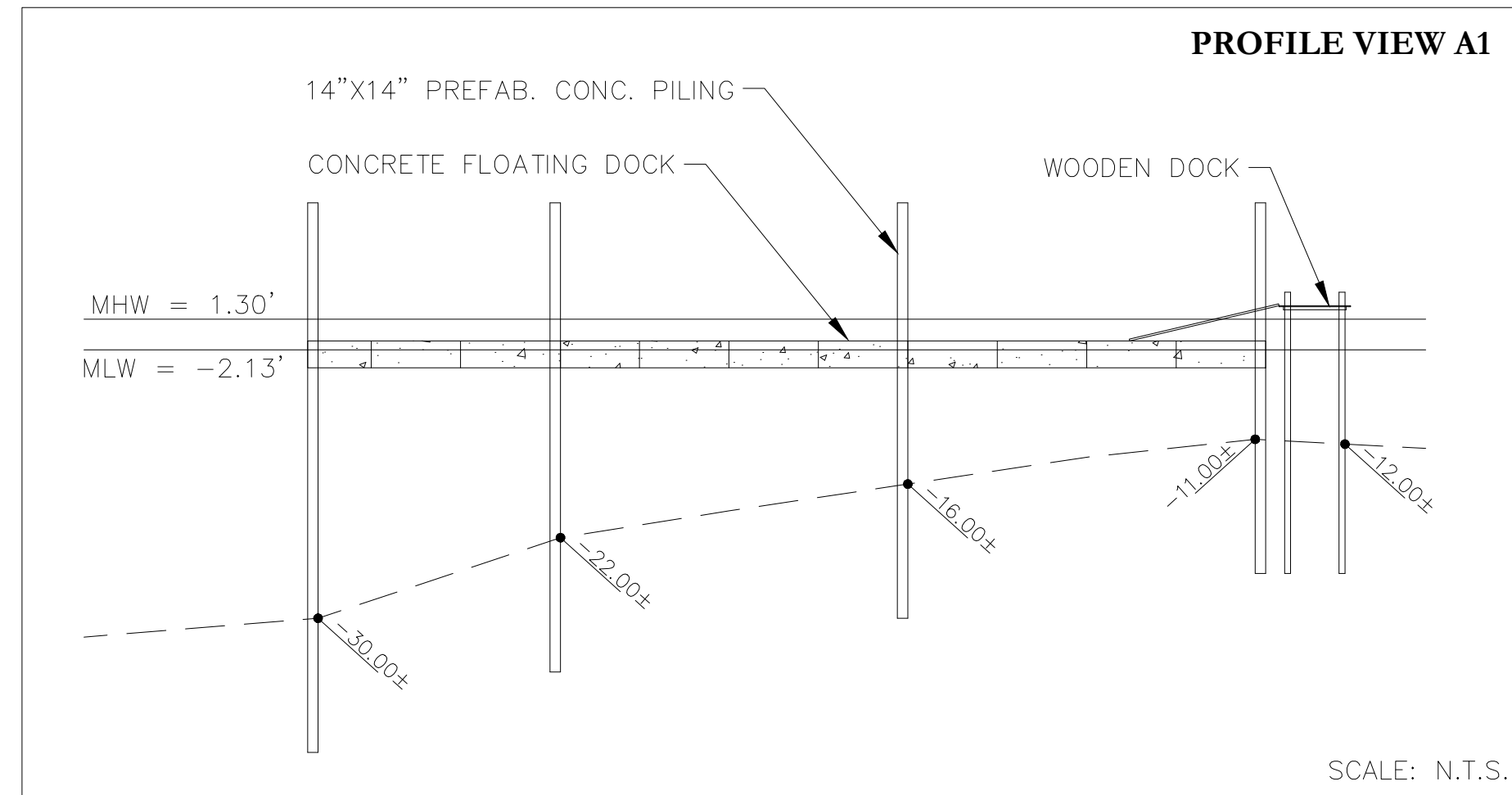
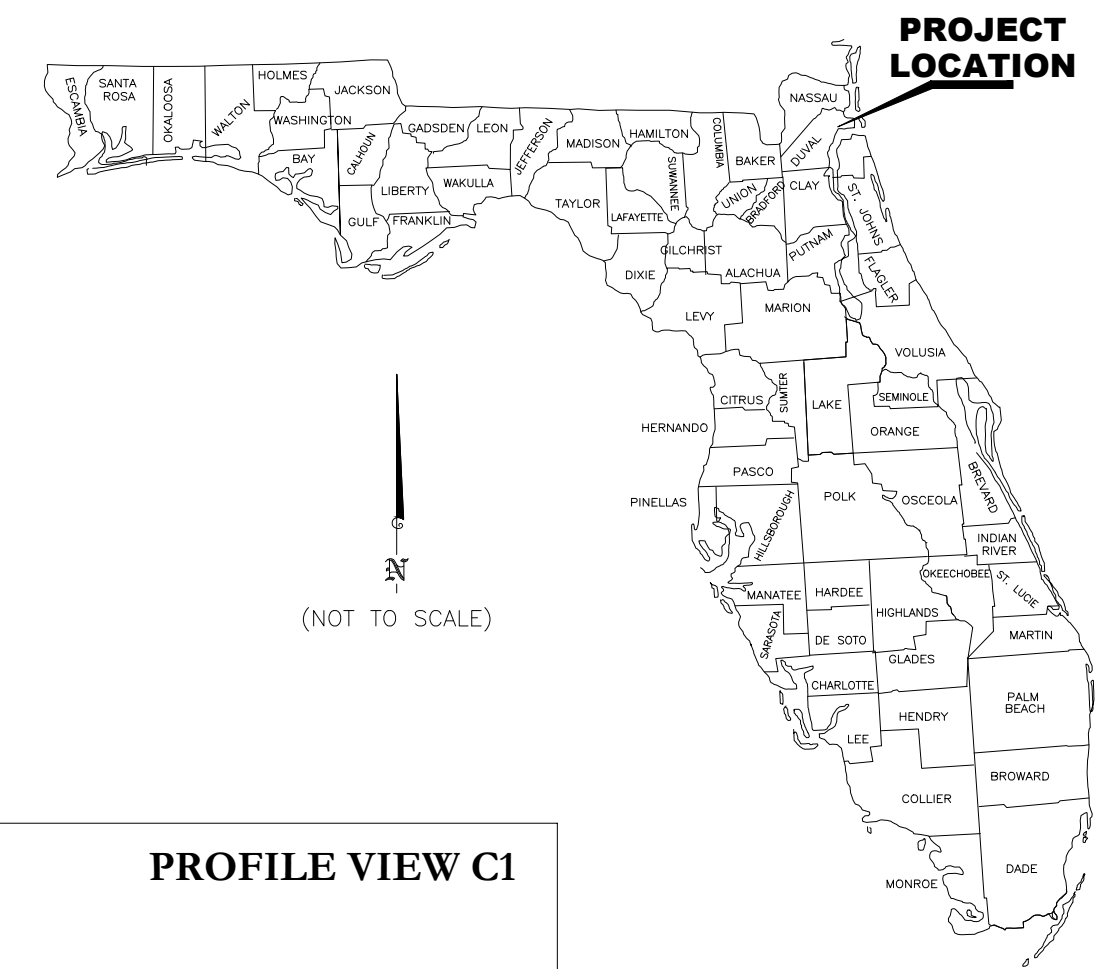
- SURVEYOR'S NOTES:
- BEARINGS REFER TO THE EAST LINE OF LOT 7, PLAT OF SAN CARLOS ESTATES, PLAT BOOK 18, PAGES 44, 44A & 44B, HOLDING MONUMENTATION SHOWN FOUND IN PLACE, BEARING BEING S 06°37'56" E.
  - PROPERTY HEREON LIES IN FLOOD ZONE "A" (ELEVATION 5) AND "A2" (ELEVATION 7) AS SCALED FROM FLOOD INSURANCE RATE MAP 12031C0216H, DATED JUNE 3, 2013.
  - UNDERGROUND IMPROVEMENTS SUCH AS FOUNDATIONS AND UTILITIES WERE NOT LOCATED OTHER THAN SHOWN.
  - WETLANDS FLAGS WERE PLACED BY LG2 ENVIRONMENTAL SOLUTIONS, INC.
  - BENCH MARK ORIGIN: CONTROL POINT D0925, DESIGNATION 872 0203 B TIDAL, ELEVATION 12.91 FEET NAVD 88. ELEVATIONS SHOWN HEREON REFER TO NAVD 1988 AND ARE IN FEET. SITE BENCHMARKS ARE BASED ON THIS CONTROL POINT AND ARE SHOWN ON THIS SURVEY.
  - THIS MEAN HIGH WATER LINE SURVEY MEETS THE REQUIREMENTS OF CHAPTER 177, PART II, FLORIDA STATUTES AND IS RECORDED IN THE PUBLIC REPOSITORY OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING AS A MEAN HIGH WATER LINE SURVEY, FILE NO. 6528.
  - THE MEAN HIGH WATER LINE SHOWN ON THIS SURVEY WAS ESTABLISHED BY TIDE STATION, ID 0203, MEAN HIGH WATER ELEVATION 1.28 NAVD 88 AND TIDE INTERPOLATION POINT, ID 4711, MEAN HIGH WATER ELEVATION 1.34 NAVD 88 AND WAS INTERPOLATED AT THE SITE BEING ELEVATION 1.30 FEET NAVD.
  - STATE PLANE COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT AND ARE BASED ON GEODETIC SURVEY PERFORM BY THIS FIRM, DATED 05/17/2017.
  - SOURCES OF INFORMATION:

\* BOUNDARY SURVEY BY ANTHONY PAUL O'NEIL, DATED 10/17/2011  
CERTIFIED TO:  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
DAMES POINT WORK BOATS LLC.  
JULY 20, 2018

**CROSS SECTIONS, PROFILES, AND DETAIL**

OF  
 LOTS 6, 7, 8 AND 9, BLOCK 3, SAN CARLOS ESTATES  
 ACCORDING TO THE PLAT SHOWN HEREON AS RECORDED IN  
 PLAT BOOK 18, PAGES 44, 44A AND 44B  
 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA  
 A PORTION OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 28 EAST  
 DUVAL COUNTY, FLORIDA

MEAN HIGH WATER LINE 1.30 FEET NAVD 88  
 3.43 FEET  
 MEAN LOW WATER LINE -2.13 FEET NAVD 88



## NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit (16-0345934-003-EI) to William Shafnacker, Dames Point Workboats, 5100 Hecksher Drive, Jacksonville Florida 32226 to construct a tug boat operation, at the above mentioned address, constructing a 950 square foot and a 520 square foot dock additions both to previously permitted docks and new 385 square foot finger dock. Tug Boat operations will be housed in a 49,746 square foot lease of Sovereign Submerged State Lands.

The Department will issue the environmental resource permit and lease, unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57, F.S. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease. 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.

The application file is available online and can be accessed through the Department's Information Portal at: <https://www.fldepportal.com/go/home/>. If you have any questions or are experiencing difficulty viewing the electronic application, please call Timothy Freeman, Florida Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, [timothy.freeman@floridadep.gov](mailto:timothy.freeman@floridadep.gov), or 904-256-1580.

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, 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.

**JULY 20, 2018**

**EXHIBIT 1  
PAGE 36 OF 37**

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. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. 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.

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, before the applicable 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 is not available in this proceeding.

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.

**JULY 20, 2018**

**EXHIBIT 1  
PAGE 37 OF 37**