

# **35 NE Lofting Way**

3656

SEAWALL

(DENIED)

---

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING

3656

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs; plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner John Bourassa Present Address PO Box 1500  
Phone 283-5686 Stuart, FL

Contractor Robert Sandy Construction, Inc. Address 3452 NE Indian Drive  
Phone 407-334-3046 Jensen Beach, FL 34957

Where licensed State of Florida License number CGC040310

Electrical contractor \_\_\_\_\_ License number \_\_\_\_\_

Plumbing contractor \_\_\_\_\_ License number \_\_\_\_\_

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: construction of a 250' seawall using marine treated lumber

State the street address at which the proposed structure will be built: \_\_\_\_\_

Subdivision Plantation Lot number 344 Block number \_\_\_\_\_

Contract price \$ 45,000 Cost of permit \$ 360.00

Plans approved as submitted  Plans approved as marked \_\_\_\_\_

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing same from the area and from the Town of Sewall's Point. Failure to comply may result in a Building Inspector or Town Commissioner "red-tacking" the construction project.

Contractor Robert L. Sandy

I understand that this structure must be in accordance with the approved plans and that I will comply with all code requirements of the Town of Sewall's Point before final approval. Final approval will be given by the Building Inspector.

Owner  John Bourassa

TOWN RECORD

Date submitted \_\_\_\_\_ Approved: Debra Brown 9/15/94  
Building Inspector Date

Approved: Alan \_\_\_\_\_ Date Final Approval given: \_\_\_\_\_ Date  
Commissioner

Certificate of Occupancy issued (if applicable) \_\_\_\_\_ Date

SP1282

Permit No. \_\_\_\_\_

Approval of these plans in no way relieves the contractor or builder of complying with the Town of Sewall's Point Ordinances, the South Florida Building Code and the State of Florida Model Energy Efficiency Building Code.

NOTICE OF COMMENCEMENT

3656

State of Florida  
County of Martin

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

Legal Description of Property (include street address, if available)

NE Lofting Way in the Plantation of Jewall's Point  
Lots 3 & 4 Section 35 Township 37 Range 41

General Description of Improvements: construction of a 250' seawall using marine treated lumber with rip rap

Owner: John Bourassa

Address: 35 NE Lofting Way

Owner's interest in property: self

Fee Simple Title Holder (if other than owner): \_\_\_\_\_

Address: \_\_\_\_\_

Contractor: Robert Sandy Construction, Inc.

Address: 3452 NE Indian Drive, Jensen Beach, FL 34957

Surety Co. (if any) \_\_\_\_\_

Address: \_\_\_\_\_ Amt. of Bond \$ \_\_\_\_\_

Lender's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Persons within the State of Florida designated by Owner upon whom notices of other documents may be served as provided by Section 713.13(1)(a) 7., Florida Statutes:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

In addition to himself, Owner designates \_\_\_\_\_ of \_\_\_\_\_

to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified) \_\_\_\_\_

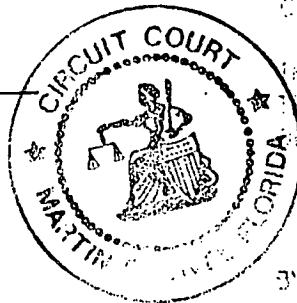
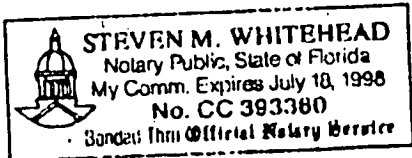
*[Handwritten Signature]*  
Signature of Owner

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 25 day of AUGUST, 1994, by JOHN BOURASSA, who is personally known to me or who has produced \_\_\_\_\_

STEVEN M. WHITEHEAD

*[Handwritten Signature]*



STATE OF FLORIDA  
COUNTY OF MARTIN

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL.

Notary Public  
*[Handwritten Signature]*  
DATE: 9.15.94

3776

SEAWALL, DOCK AND BOATLIFT

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#3776

TAX FOLIO NO. \_\_\_\_\_

DATE 3-1-95

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs, plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner JOHN E. BRITT Present address 6142 SE LANDINGS WAY  
Phone 407-288-2520 #10 STUART, FL. 34997

Contractor SHAUN D. JONES Address 5914 SE MITZI LN.  
Phone 407-220-2306 STUART, FL. 34997

Where licensed STATE- MARINE SPECIALTY License number SP02264

Electrical Contractor N/A License number \_\_\_\_\_

Plumbing Contractor N/A License number \_\_\_\_\_

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: WE WISH TO CONSTRUCT A 41'x 4' DOCK WITH A 8'x 31' PLATFORM AT THE END. ALSO TO INSTALL 4 BOATLIFT PILING.

State the street address at which the proposed structure will be built:

#35 NE LOFTING WAY SEWALLS POINT, FL.

Subdivision PLANTATION Lot Number 4 Block Number \_\_\_\_\_

Contract price \$ 23,500.00 Cost of permit \$ 200XX

Plans approved as submitted \_\_\_\_\_ Plans approved as marked \_\_\_\_\_

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing same from the area and from the Town of Sewall's Point. Failure to comply may result in a Building Inspector or Town Commissioner "Red-Tagging" the construction project.

Contractor Shaun Jones

I understand that this structure must be in accordance with the approved plans and that it must comply with all code requirements of the Town of Sewall's Point before final approval by a Building Inspector will be given.

Owner John Britt

TOWN RECORD

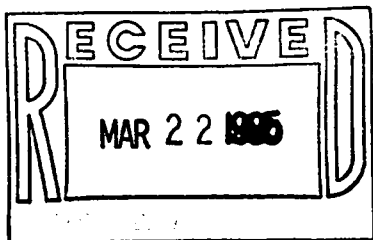
Approved: Deke Brown  
Building Inspector Date \_\_\_\_\_

Date submitted \_\_\_\_\_

Approved: [Signature]  
Commissioner Date \_\_\_\_\_

Final approval given: \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATE OF OCCUPANCY issued (if applicable) \_\_\_\_\_ Date \_\_\_\_\_



SP1282  
3/94

#3776  
PERMIT NO.

Comm. approved  
4-12-95

**DOCK RESOLUTION # 446**

A RESOLUTION OF THE TOWN OF SEWALL'S POINT, FLORIDA,  
GRANTING THE APPEAL OF JOHN E. BRITT FROM THE DENIAL OF A  
DOCK PERMIT FOR CONSTRUCTION OF A DOCK ADJACENT TO LOT  
4, THE PLANTATION AT SEWALL'S POINT.

WHEREAS, JOHN E. BRITT (the "Applicant") applied to the Town of Sewall's Point Building Department for a Dock Permit to construct a dock adjacent to Lot 4; and

WHEREAS, the Applicant's application was denied because the proposed dock did not meet the specifications of Chapter 4.5, Town of Sewall's Point Code of Ordinances; and

WHEREAS, the Applicant filed a Notice of Appeal pursuant to Section 4.5-4(d) of the Town Code; and

WHEREAS, the Town Commission held a public hearing on the appeal on April 12, 1995; and

WHEREAS, notice of the public hearing was posted at the Town Hall bulletin board and notice of the public hearing was sent by certified mail, return receipt requested, by the Applicant, to all record owners of upland riparian property located adjacent to the property involved in the appeal and the date of the mailing was at least fifteen (15) days before the date of the hearing (or notice was waived by the adjacent owners); and

WHEREAS, the Applicant at the public hearing presented proof of the identity and address of the persons entitled to receive notice by mail and of the mailing of the notice to those persons (or their waiver); and

WHEREAS, the Town Commission at the public hearing made the finding that the Applicant demonstrated an extreme hardship which justified a variance from Chapter 4.5 of the Town Code;

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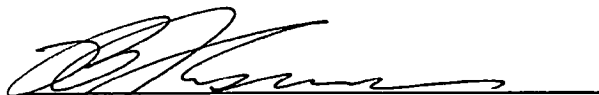
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, AS FOLLOWS:

1. The Applicant's appeal is hereby granted.
2. The Town Building Department, upon the payment of the appropriate permit application fee, shall issue a Dock Permit for the Applicant to construct the dock in accordance with the plans and specifications reviewed by the Town Commission at the public hearing.
3. This resolution shall not constitute permission or a license, either now or in the future, to conduct any activity other than the construction of the dock as proposed by the Applicant in its permit application. Any material deviation in construction from the Dock Permit, survey, drawings, plans, or other application materials provided to the Town Building Department by the Applicant, shall revoke the approval granted by this resolution and shall be a violation of the Town of Sewall's Point Code of Ordinances.

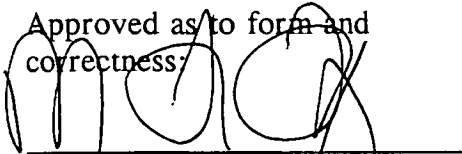
PASSED AND ADOPTED this 12<sup>th</sup> day of April 1995.


ATTEST:

  
JOAN BARROW, Town Clerk

  
B. J. ESCUE, Mayor - Commissioner

Approved as to form and  
correctness:

  
M. LANNING FOX  
Town Attorney

  
DAVID L. MILLARD, Vice-Mayor Commissioner

  
ERIC B. HOLLY, Commissioner



Resolution No. # 446  
Page 3

  
\_\_\_\_\_  
JOAN PERRY WILCOX, Commissioner

  
\_\_\_\_\_  
VINCENT A. VORRASO, Commissioner

kathy/tosp/resol/britt

TOWN OF SEWALL'S POINT, FLORIDA

NOTICE OF APPEAL FROM DENIAL OF DOCK PERMIT

NOTICE IS HEREBY GIVEN, pursuant to Section 4.5-4(d) of the Code of Ordinances of the Town of Sewall's Point, Florida, that the applicant identified below will appeal to the Town Commission of the Town of Sewall's Point, Florida, from the denial of a permit for the construction of a dock on the property located at the street address given below for the reasons indicated below at a meeting of the Sewall's Point Town Commission at the Sewall's Point Town Hall, One South Sewall's Point Road, Sewall's Point, Florida at the time and on the date set forth below, or as soon thereafter as is possible.

NAME OF APPLICANT: DR. JOHN E. BRITT

STREET ADDRESS OF PROPERTY: NE LOFTING WAY SEWALLS POINT

LOCATED IN THE PLANTATION (LOT 4)

REASON FOR DENIAL OF DOCK PERMIT:

- Failure to obtain letters of no objection from adjacent upland repairing and owners.
- Failure to comply with the standards and criteria for docks in the following respects:

Length: 411' X 4' WITH A 8'x 31' PLATFORM  
AT THE END. (TOWN CODE SEC. 4.5-5(1)a)

Design: \_\_\_\_\_  
\_\_\_\_\_

Construction: \_\_\_\_\_  
\_\_\_\_\_

Siting: \_\_\_\_\_  
\_\_\_\_\_


Other: \_\_\_\_\_  
\_\_\_\_\_

The completed application for the permit to construct the dock may be inspected at the Town Hall during regular business hours. All interested parties may appear at the meeting and may be heard with respect to the appeal. If any person decides to appeal any decision made by the Town Commission with respect to any matter considered at the meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This notice shall be posted on the Town Hall bulletin board and shall be sent by certified mail, return receipt requested, by the applicant and at the applicant's expense, to all record owners of upland riparian property located adjacent to the property involved in the appeal, with the date of mailing being at least fifteen (15) days before the date of the hearing. At or before the public hearing, the applicant shall present proof of the identity and address of the persons entitled to receive notice by mail and of the mailing of the notice to those persons.

Dated: APRIL 12, \_\_\_\_\_, 1995.

PUBLIC HEARING  
4/12/95 7:30 PM

  
JOAN H. BARROW, Town Clerk

LETTER OF NO OBJECTION

We, Michael Nostice-----and-----  
being the owner(s) of certain property adjacent to and abutting the  
property of DR. JOHN E. BRITT-----who have applied for a  
dock permit for construction, have read and reviewed the drawing of the  
dock and I have no objection to the proposed dock pursuant to the plan  
attached herein.

[Signature]  
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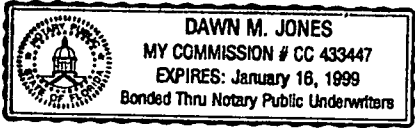
STATE OF FLORIDA

COUNTY OF MARTIN

SWORN TO AND SUBSCRIBED before me this 1st day of MARCH, 1995

[Signature]  
-----  
Notary Public

My Commission Expires: 1-16-99



This Instrument Prepared by and Return To:  
DAVID B. NORRIS, ESQUIRE  
Cohen, Chernay, Norris, Morici,  
Weinberger & Harris  
712 U. S. Highway One, 4th Floor  
North Palm Beach, Florida 33408

WARRANTY DEED

THIS INDENTURE, made this 4 day of August, 1994, by and between SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership (hereinafter called "Grantor"), and John E. Britt, a single man, whose address is 900 E. Ocean Blvd., Suite 330, Stuart, Florida 34994 (hereinafter called "Grantee").

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns, forever, the following described property, situate, lying and being in Martin County, Florida, to wit:

Lot 4, of THE PLANTATION AT SEWALL'S POINT, according to the plat thereof, recorded in Plat Book 12, page 70 of the Public Records of Martin County, Florida.

THIS IS VACANT LAND.

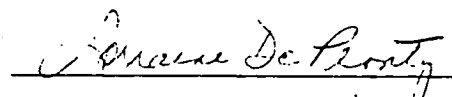
THIS CONVEYANCE is subject to and by accepting this Deed, the Grantee herein agrees to assume and abide by the following:

1. All matters as shown on the plat of the Plantation at Sewall's Point recorded in Plat Book 12, page 70 of the Public Records of Martin County, Florida; and
2. The Declaration of Covenants and Restrictions for the Plantation at Sewall's Point recorded in Official Record Book 882, page 351 of the Public Records of Martin County, Florida and all exhibits and all amendments thereto; and
3. Memoranda, conditions, limitations, restrictions, reservations and easements of record, if any; and
4. The Articles of Incorporation and By-Laws of the SEWALL'S POINT PLANTATION HOMEOWNERS ASSOCIATION, INC., as now or hereafter promulgated and amended which shall be covenants running with the land and the lien provisions thereof; and
5. Real estate taxes for the year 1995 and all subsequent years.

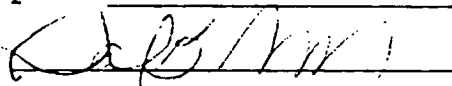
AND SAID GRANTOR does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SEWALL'S POINT PLANTATION PARTNERSHIP,  
a Florida general partnership

  
print LORRAINE DEPOUTY

BY: Sewall's Point Plantation, Inc., a  
Florida corporation as General  
Partner

  
print DAVID B. NORRIS

BY:   
JOHN H. BOURASSA, President

BY: Yendis Corporation, a Wisconsin corporation, as General Partner

Cheri Ezieman BY:

SIDNEY KOHL, President

print CHERI E ZIEMAN

Michael Burr

print MICHAEL BURR

STATE OF FLORIDA )

COUNTY OF Duval )

SS:

I hereby certify that the foregoing instrument was acknowledged before me this 13 day of DEC., 1994, by John H. Bourassa, as President of Sewall's Point Plantation, Inc., a Florida corporation as General Partner of Sewall's Point Plantation Partnership, a Florida general partnership, on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES AUG. 27/1995  
BONDED TEN GENERAL INS. UNDA

Sign: [Signature]  
Notary Public

Print: DAVID B. NORRIS

My commission expires: \_\_\_\_\_

STATE OF WISCONSIN )

COUNTY OF MILWAUKEE )

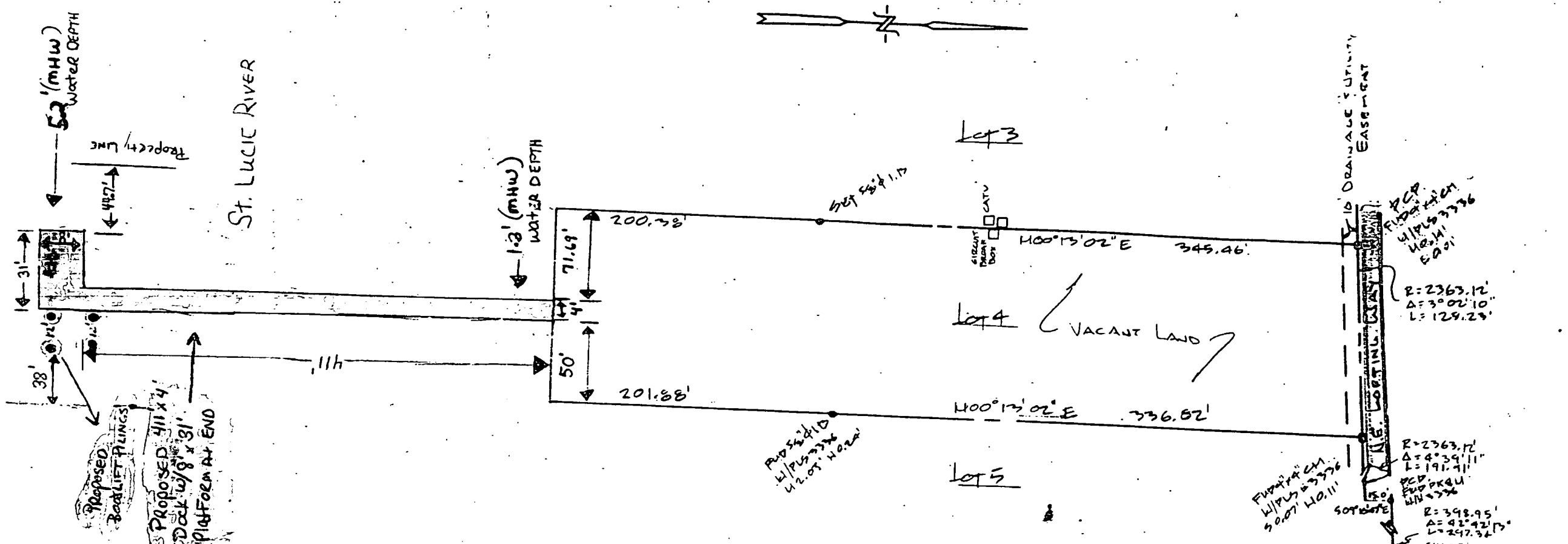
SS:

I hereby certify that the foregoing instrument was acknowledged before me this 14 day of Dec., 1994, by Sidney Kohl as President of Yendis Corporation, a Wisconsin corporation as General Partner of Sewall's Point Plantation Partnership, a Florida general partnership, on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.

Sign: Corrine A. Lockbram  
Notary Public

Print: CORRINE A. LOCKBRAM

My commission expires: 11/12/95



LOCATED WITHIN FLOOD ZONE: "C"  
 ADDRESS: NE LOFTING WAY

JOHN E. BRITT BARNETT BANK OF  
 MARTIN COUNTY, N. A. COMMONWEALTH  
 LAND TITLE INSURANCE COMPANY  
 COHEN, CHERNAX, NORRIS, MORICI,  
 WEINBERGER & HARRIS, P. A.

P.O.C. - POINT OF COMMENCEMENT  
 P.O.B. - POINT OF BEGINNING  
 ENC. - ENCROACHMENT

**NOTES:**

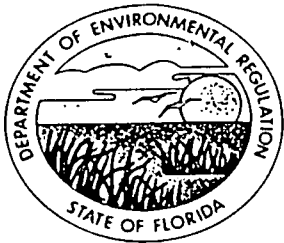
- Survey of description as furnished by Client
- Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
- (P) Denotes distance or bearing by description as furnished.
- (F) Denotes measured distance or bearing.
- (C) Denotes calculated distance or bearing.
- All bearings are referenced to the instrument of record as shown hereon, unless otherwise noted.
- Elevations shown hereon are relative to National Geodetic Vertical Datum of 1929, and are based on bench mark.
- There are no above ground encroachments, unless otherwise shown.

- SET I.B. - SET 5/8 IRON BAR & CAP #4049
- FND. - FOUND OBJECT
- I.P. - IRON PIPE
- C.M. - CONCRETE MONUMENT
- I.B. - IRON BAR
- P.K. - P.K. NAIL
- R.R.S. - RAILROAD SPIKE
- N. & W. - NAIL & WASHER
- N. & TT - NAIL & TIN TAB
- OHW - OVERHEAD WIRE
- DRAINAGE FLOW
- M.H. - MANHOLE
- P.P. - POWER POLE
- C.B. - CATCH BASIN
- B.50
- X - EXISTING

**SURVEYOR'S CERTIFICATE**

WE HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR DIRECTION. WE FURTHER CERTIFY THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS UNDER RULE 6G17-6 FLA. ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 FLA. STATUTES. NOT VALID, UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

STEPHEN J. BROWN INC.  
 Stephen J. Brown PROFESSIONAL LAND SURVEYOR  
 REGISTRATION No 4049, STATE OF FLORIDA



**FILE**

*Florida Department of Environmental Regulation*

Southeast District Branch Office • 2745 S.E. Morningside Blvd. • Port St. Lucie, FL 34952 • 407-878-3890/335-4310

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

JUN 12 1990

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
NOTICE OF PERMIT ISSUANCE

In the Matter of an Application  
for Permit by:

DER File No. 431772848  
WRM - Martin County

John Bourassa  
c/o Eric B. Holly  
Post Office Box 1500  
Stuart, Florida 34995-1500

Dear Mr. Bourassa:

Enclosed is Permit Number 431772848 to construct a private dock issued pursuant to Section 403 Florida Statutes.

A person whose substantial interests are affected by this permit may petition for an administration proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57 Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interest are affected by the Department's action of proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

Page Two  
John Bourassa  
Permit No. 431772848

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding office upon motion filed pursuant to Rule 28-5.207, F.A.C.

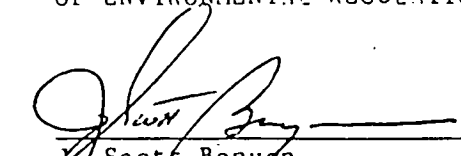
This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice fo Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

Any questions regarding this permit should be directed to Brad Rieck at (407) 878-3890.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

  
\_\_\_\_\_  
Scott Benyon  
Deputy Assistant Secretary  
1900 S. Congress Avenue, Suite A  
West Palm Beach, Florida 33406  
407-964-9668



Page Three  
John Bourassa  
c/o Eric Holly  
Post Office Box 1500  
Stuart, Florida 34995-1500

Permit No. 431772848

CERTIFICATE OF SERVICE

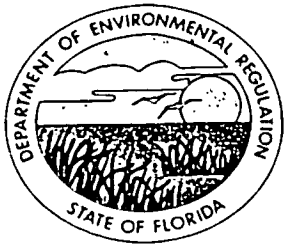
This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on JUN 12 1990 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to  
§120.52(9), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

Loretta Walsh      6-12-90  
(Clerk)                      (Date)

cc: U.S. Army Corps of Engineers  
Department of Natural Resources  
Martin County Property Appraiser  
Town of Sewall's Point



# Florida Department of Environmental Regulation

Southeast District Branch Office • 2745 S.E. Morningside Blvd. • Port St. Lucie, FL 34952 • 407-878-3890/335-4310

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

JUN 12 1990

PERMITTEE:

John Bourassa  
c/o Eric Holly  
Post Office Box 1500  
Stuart, Florida 34995-1500

I.D. Number: 5143P00955  
Permit/Certification Number: 431772848  
Date of Issue: June 12, 1990  
Expiration Date: June 12, 1995  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'02"  
Section/Township/Range: 26/37 South/41 East  
Project: Private Dock

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-3, 17-312 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

TO:

Construct a 1892 square foot dock consisting of a 411' by 4' access pier terminating in a 31' by 8' T-Platform.

IN ACCORDANCE WITH:

The three (3) stamped drawings which are attached and a part hereof and DER Application Form 17-1.203(1) dated March 8, 1990 and signed by John Bourassa (not attached).

LOCATED AT:

Lot 4 of Plantation at Sewall's Point, St. Lucie River, Class III waters, Sewall's Point, Martin County.

SUBJECT TO:

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through eleven (11).

PERMITTEE: John Bourassa

I.D. Number: 5143P00955  
Permit/Certification Number: 431772848  
Date of Issue: June 12, 1990  
Expiration Date: June 12, 1995

b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-1.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
  - ( ) Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
  - a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
  - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.
  - c. Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements;
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - the analytical techniques or methods used; and
    - the results of such analyses.
15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

PERMITEE:

John Bourassa  
c/o Eric Holly  
Post Office Box 1500  
Stuart, Florida 34995-1500

I.D. Number: 5143P00955  
Permit/Certification Number: 431772848  
Date of Issue: June 12, 1990  
Expiration Date: June 12, 1995  
County: Martin County  
Latitude/Longitude: 27°13'00"/80°13'02"  
Section/Township/Range: 26/37 South/41 East  
Project: Private Dock

SPECIFIC CONDITIONS:


10. "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
11. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 8<sup>th</sup> day of June, 1990

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

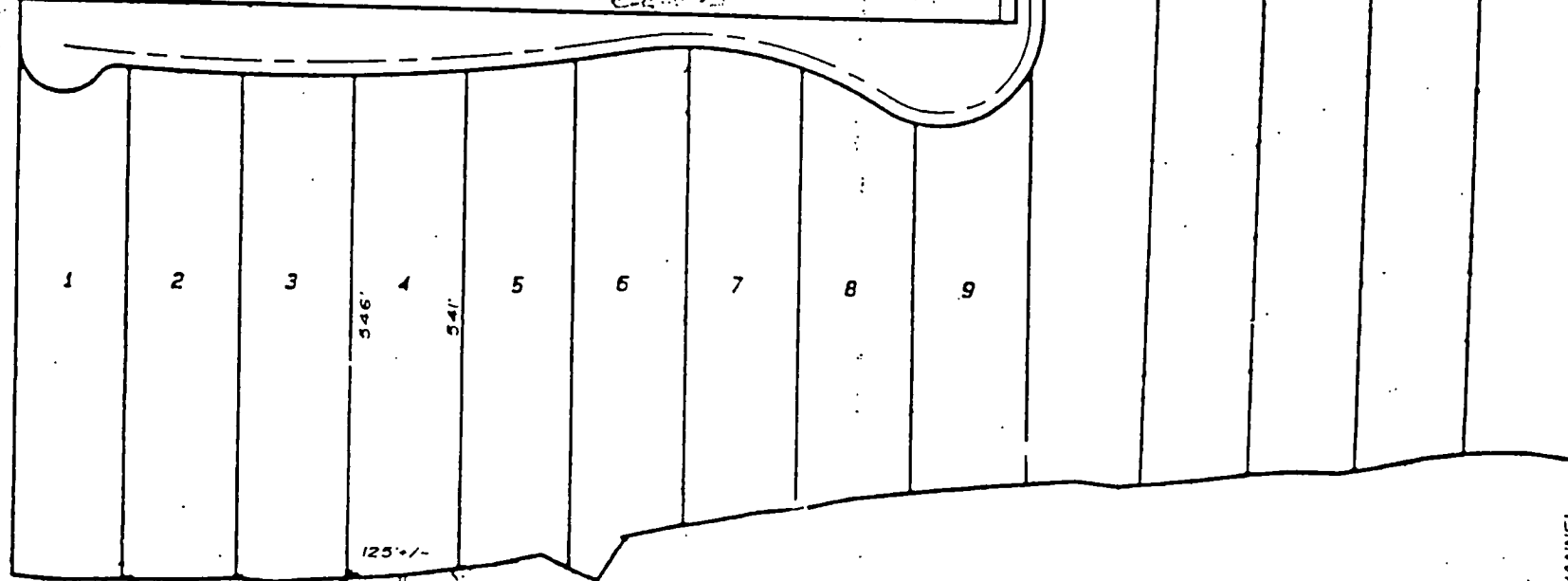
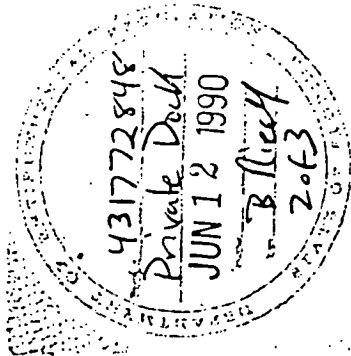
3 pages attached

JSB/brw/10

  
\_\_\_\_\_  
J. Scott Benyon  
Deputy Assistant Secretary

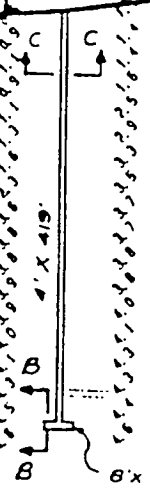


NORTH  
SCALE = 1"=200'



APPROX. RIPARIAN LINE & SET-BACK PER TOWN OF SEWALL'S POINT

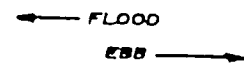
MEAN LOW WATER SOUNDINGS



8' x 31' TYPICAL TERMINAL PLATFORM

THIS DRAWING IS CERTIFIED AS A PRESENTATION FOR PERMITTING PURPOSES ONLY. THIS IS NOT A CONSTRUCTION DRAWING AND IS NOT TO BE USED AS SUCH.

LEE BROCK, P.E.  
FLORIDA REGISTRATION NO. 11218  
DATE MAY 21 1990



ST. LUCIE RIVER  
(OKEECHOBEE WATERWAY)

APPROX. RIPARIAN LINE & SET-BACK PER TOWN OF SEWALL'S POINT 1,800' +/- TO OKEECHOBEE WATERWAY CHANNEL



**PLANDEV INC**  
ENGINEERS-PLANNERS-SURVEYORS  
957 CENTRAL PARKWAY  
STUART, FL 34994

407-286-2020

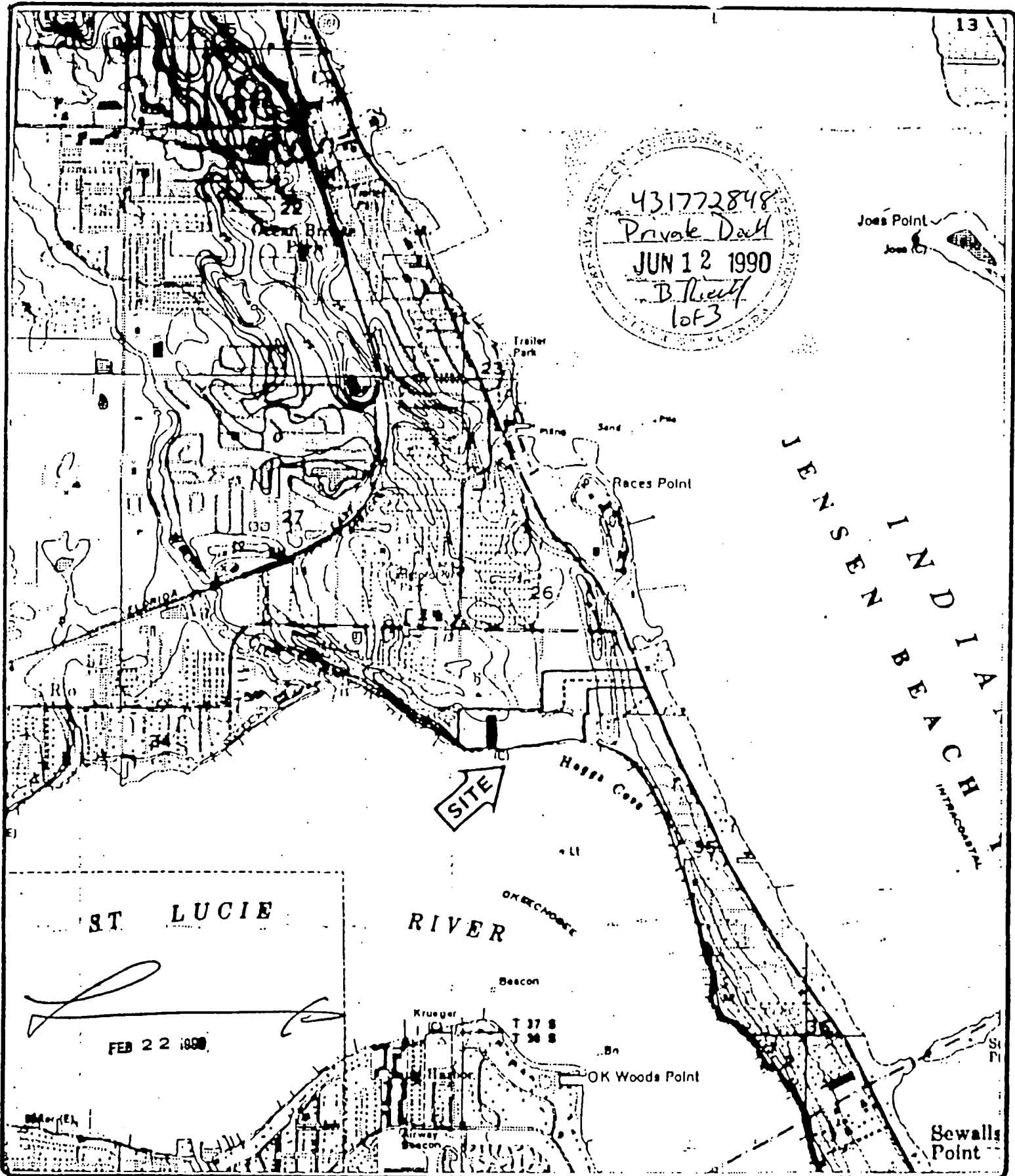
Prepared For: PLANTATION of SEWALL'S PT.

Drawn By: JBS  
Date: FEBRUARY 5, 1990  
Job No: 288-01-19

5,90 SHEET

of 6078

REV 5-15-90-4' DOCK - 73.



431772848  
 Private Data  
 JUN 12 1990  
 B. Smith  
 lot 3

Joes Point  
 Joes (C)

JENSEN BEACH  
 INTRACASTAL

SITE

ST LUCIE

RIVER

FEB 22 1990

Sewalls Point



**PLANDEV Inc**  
 ENGINEERS-PLANNERS-SURVEYORS  
 957 CENTRAL PARKWAY  
 STUART, FL 34994 407-286-2020

Prepared For: PLANTATION at SEWALL'S PT.

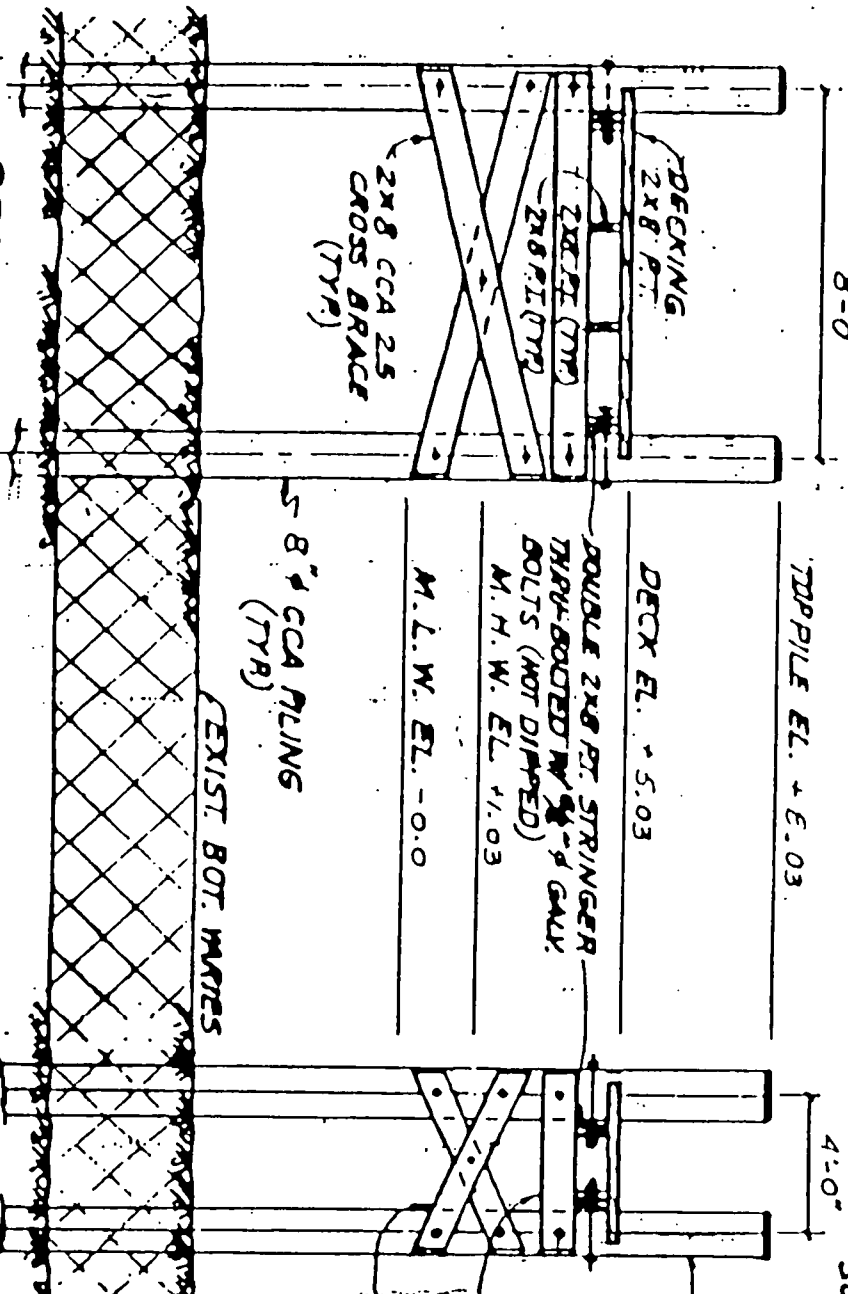
Drawn By: TPS  
 Date: FEBRUARY 6, 90 SHEET  
 Job No.: 288-01-19

of 1

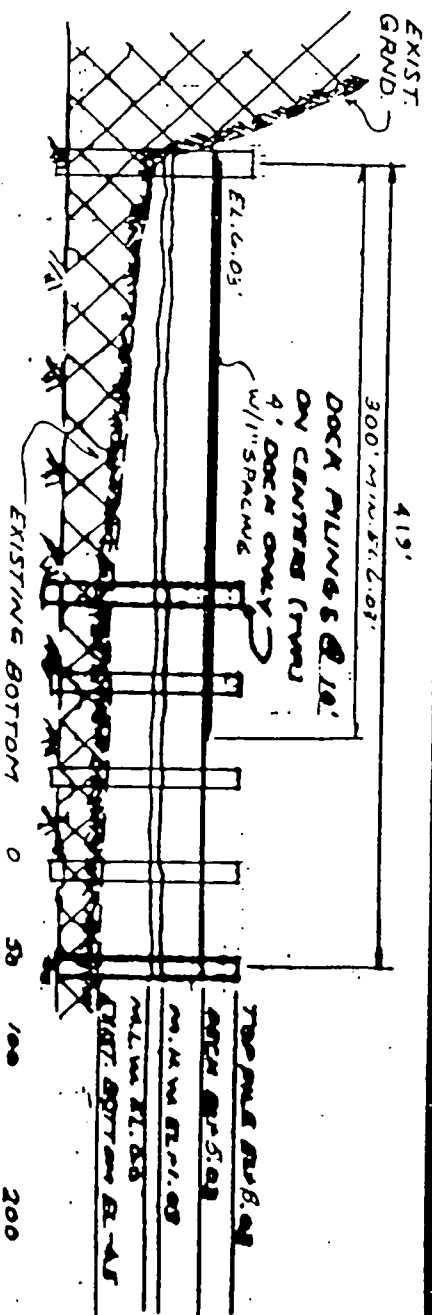
THIS DRAWING IS CERTIFIED AS A PRESENTATION FOR PERMITTING PURPOSES ONLY. THIS IS NOT A CONSTRUCTION DRAWING AND IS NOT TO BE USED AS SUCH.

LEE BROCK, P.E.  
 FLORIDA REGISTRATION NO. 11218  
 MAY 21 1990  
 DATE

SECT. B-B  
 1/4" = 1'-0"



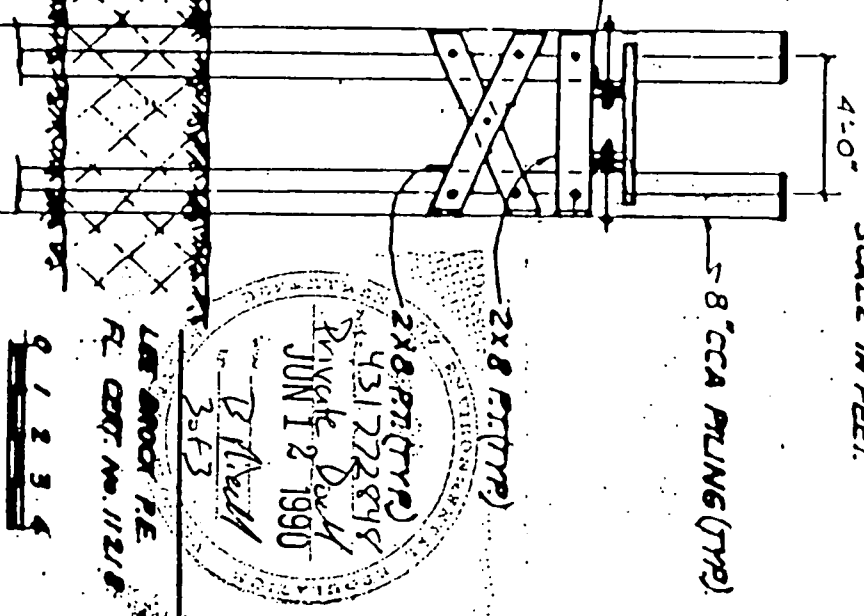
DOCK ELEVATION



SCALE IN FEET



SECT. C-C  
 N.T.S.



Professional Engineer Seal:  
 LEE BROCK, P.E.  
 REG. NO. 11218  
 JUN 12 1990  
 3543

SCALE IN FEET  
 0 1 2 3 4

REV. 5-15-90-A DOCK ELEV. TS

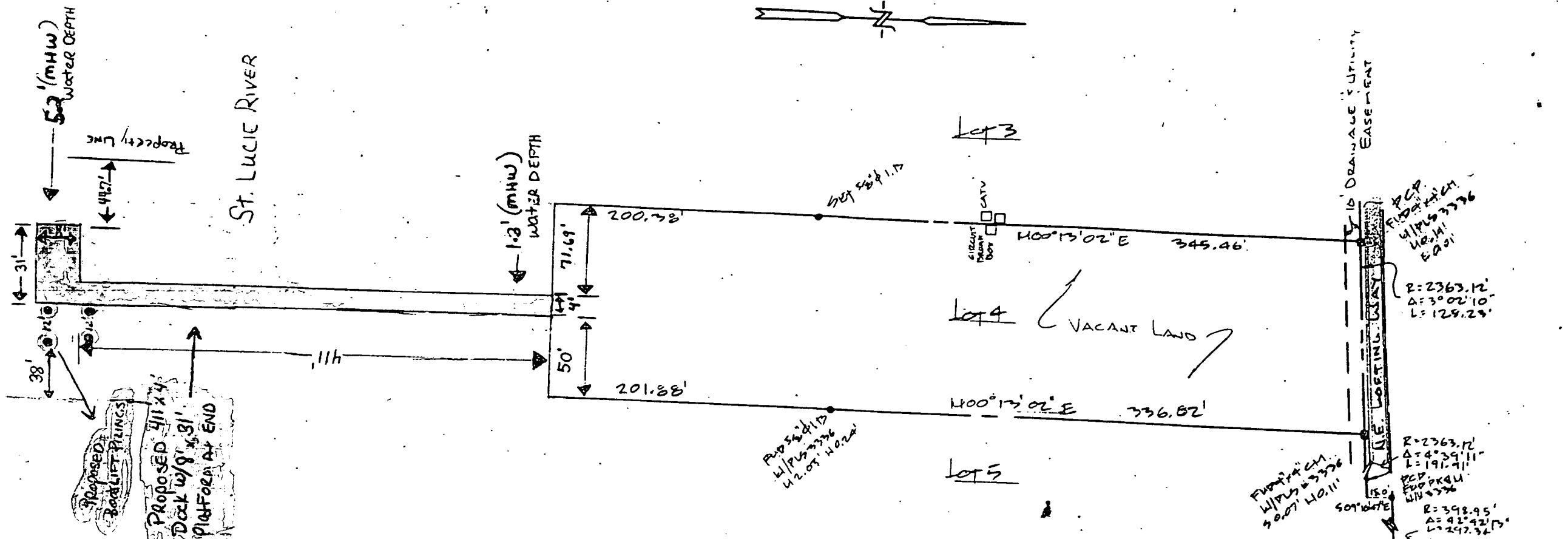
**PLANDEV Inc**  
 ENGINEERS-PLANNERS-SURVEYORS  
 957 CENTRAL PARKWAY  
 STUART, FL 34994

407-288-2020

LOT 4  
 Prepared For PLANTATION at SEWALL'S PT.

Drawn By: TPS  
 8.1.90  
 FEBRUARY 5, 90  
 Job No.: 288-01-19

SHEET 01



LOCATED WITHIN FLOOD ZONE: "C"  
 ADDRESS: NE LOFTING WAY

JOHN E. BRITT BARNETT BANK OF  
 MARTIN COUNTY, N. A. COMMONWEALTH  
 LAND TITLE INSURANCE COMPANY  
 COHEN, CHERNAX, NORRIS, MORICI,  
 WEINBERGER & HARRIS, P. A.

- NOTES:**
1. Survey of description as furnished by Client
  2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.  
 (P) Denotes distance or bearing by description as furnished.  
 (F) Denotes measured distance or bearing.  
 (C) Denotes calculated distance or bearing.
  3. All bearings are referenced to the instrument of record as shown hereon, unless otherwise noted.
  4. Elevations shown hereon are relative to National Geodetic Vertical Datum of 1929, and are based on bench mark.
  5. There are no above ground encroachments, unless otherwise shown.

P.O.C. - POINT OF COMMENCEMENT  
 P.O.B. - POINT OF BEGINNING  
 ENC. - ENCROACHMENT

- SET I.B. - SET 5/8 IRON BAR & CAP #4049  
 FND. - FOUND OBJECT  
 I.P. - IRON PIPE  
 C.M. - CONCRETE MONUMENT  
 I.B. - IRON BAR  
 P.K. - P.K. NAIL  
 R.R.S. - RAILROAD SPIKE  
 N. & W. - NAIL & WASHER  
 N. & TT - NAIL & TIN TAB  
 O.W. - OVERHEAD WIRE  
 D.F. - DRAINAGE FLOW  
 M.H. - MANHOLE  
 P.P. - POWER POLE  
 C.B. - CATCH BASIN  
 B. 50 - BENCH MARK  
 X - EXTENDING LINE

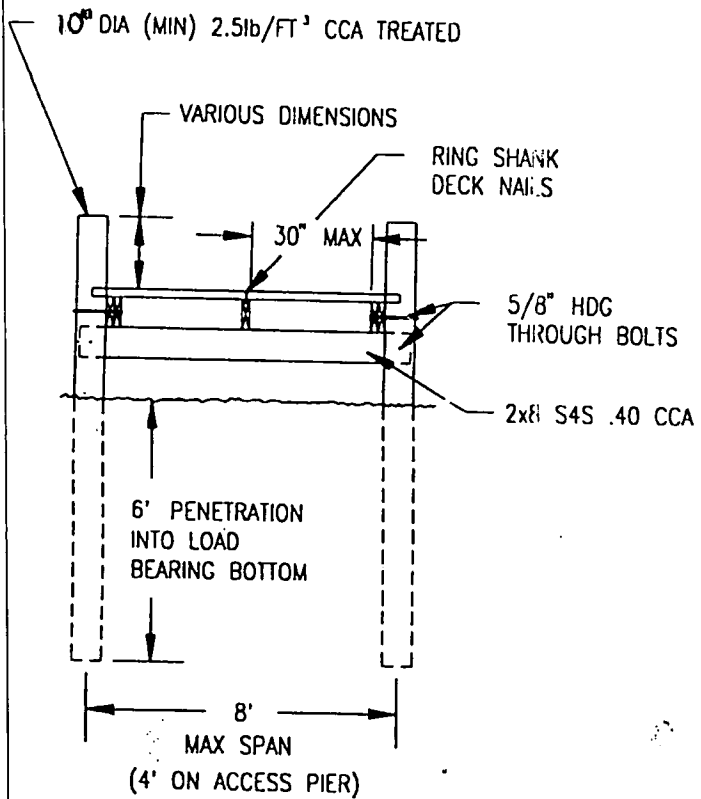
**SURVEYOR'S CERTIFICATE**

WE HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR DIRECTION. WE FURTHER CERTIFY THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS UNDER RULE 61G17-6 FLA. ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 FLA. STATUTES. NOT VALID, UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

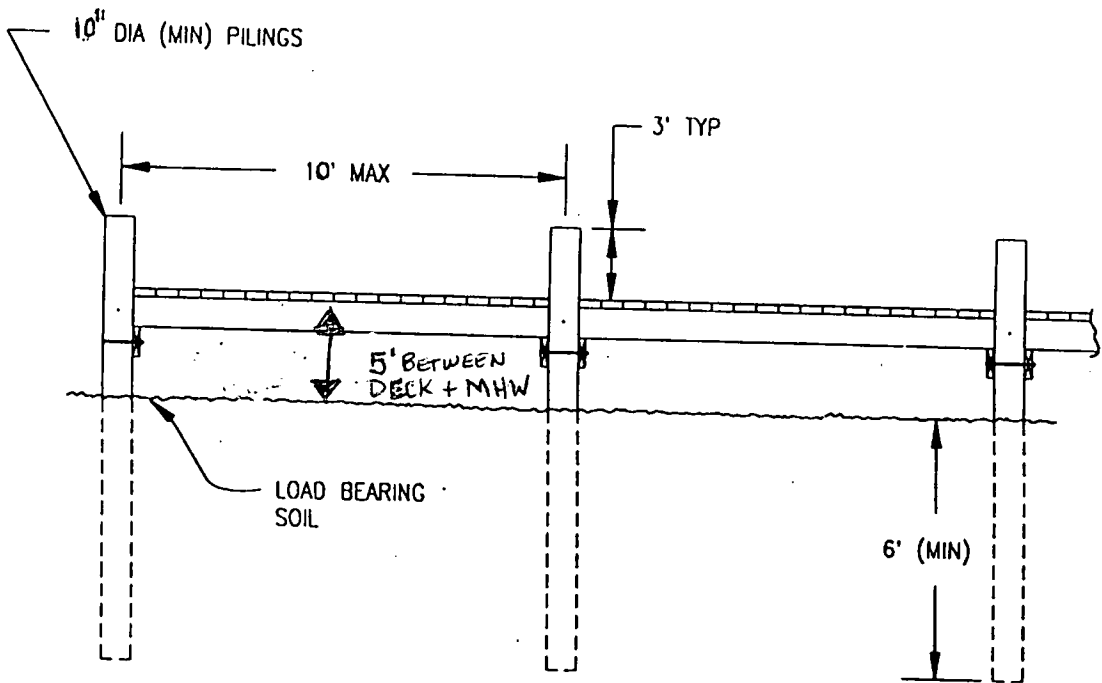
STEPHEN J. BROWN INC.

Stephen J. Brown PROFESSIONAL LAND SURVEYOR  
 REGISTRATION No. 4049, STATE OF FLORIDA





END VIEW



SIDE VIEW

MATERIAL SPECIFICATIONS

PILINGS: 10" DIA (MIN) MARINE TREATED (2.5lb/FT<sup>3</sup> CCA)  
 6' PENETRATION FOR STRUCTURE

LUMBER: 2x8 0.40lb/FT<sup>3</sup> CCA SOUTHERN YELLOW PINE. 2X6 MAY BE USED FOR DECKING

BOLTS: 5/8 DIAMETER THROUGH BOLTS STAINLESS STEEL

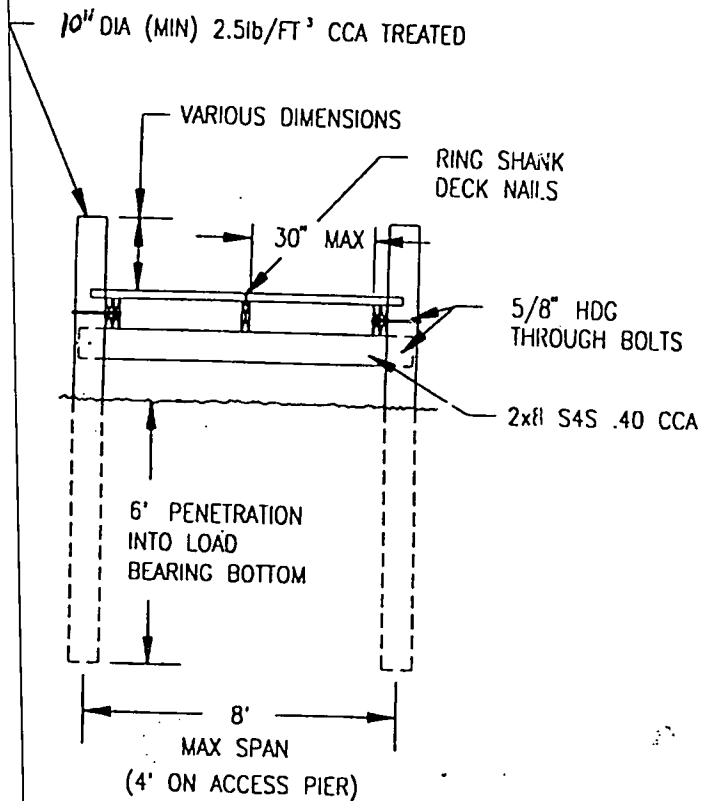
NAILS: 16d ON FRAMING. 12d ON DECKING. STAINLESS STEEL

OWNER INFORMATION:  
 JOHN E. BRITT  
 6142 SE LANDINGS WAY #10  
 STUART, FL. 34997  
 407-288-2520

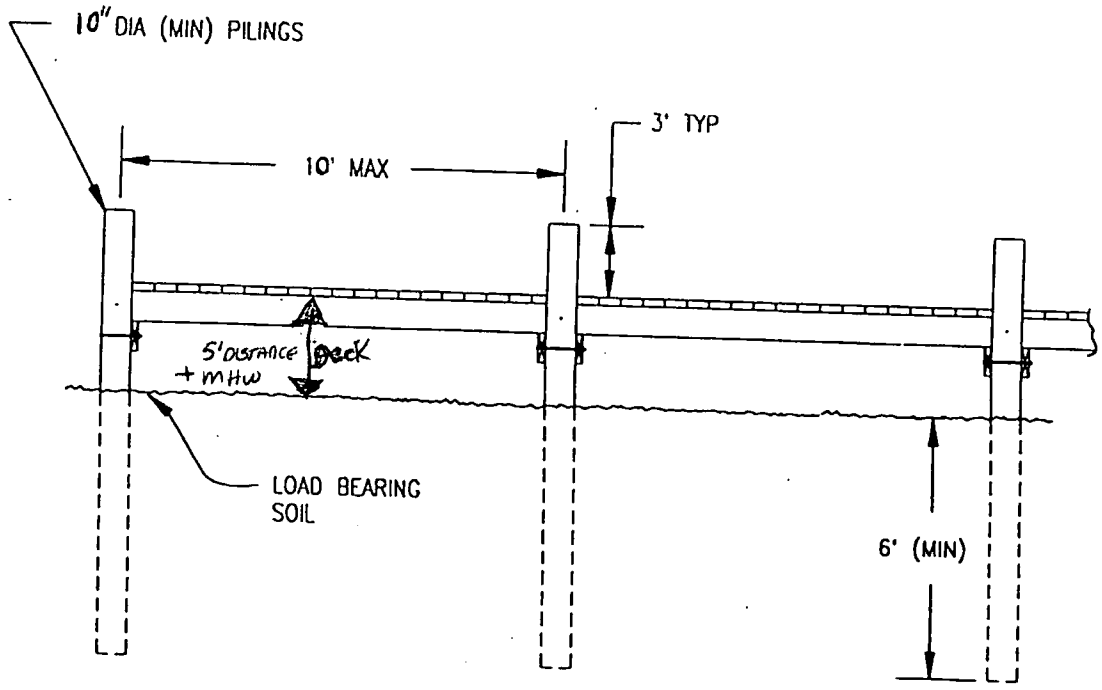
**STANDARD SPECIFICATIONS  
 FOR WOODEN DOCKS**

JOB SITE INFORMATION  
 N.E. LOFTING WAY  
 SEWALLS POINT, FL.  
 LOCATED IN THE PLANTATION

CONTRACTOR INFORMATION:  
 SUPERIOR MARINE CONSTRUCTION  
 5914 SE MITZI LN.  
 STUART, FL. 34997  
 407-220-2306  
 SCALE: NTS



**END VIEW**



**SIDE VIEW**

**MATERIAL SPECIFICATIONS**

PILINGS: 10" DIA (MIN) MARINE TREATED  
(2.5lb/FT<sup>3</sup> CCA  
6' PENETRATION FOR STRUCTURE

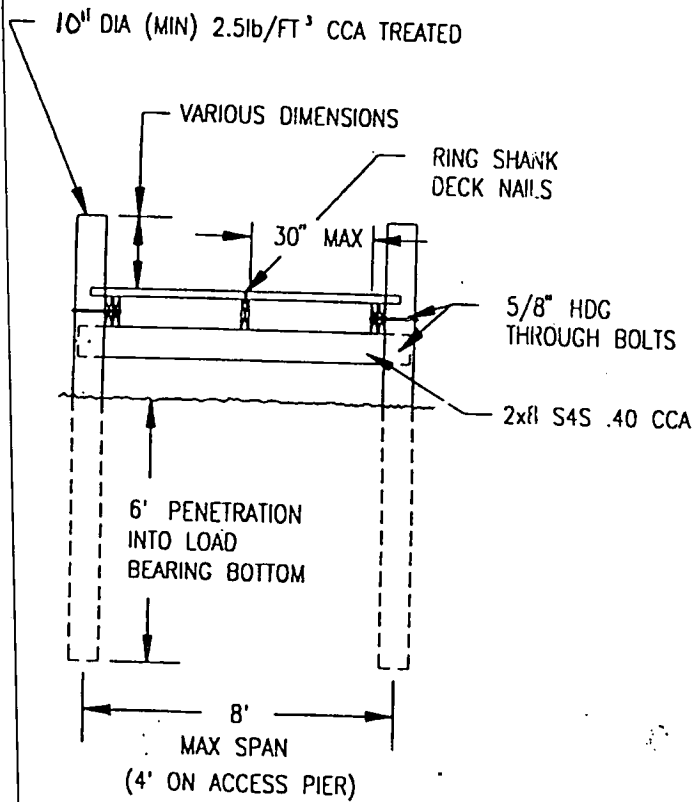
LUMBER: 2x8 0.40lb/FT<sup>3</sup> CCA SOUTHERN YELLOW  
PINE. 2X6 MAY BE USED FOR DECKING

BOLTS: 5/8 DIAMETER THROUGH BOLTS  
STAINLESS STEEL

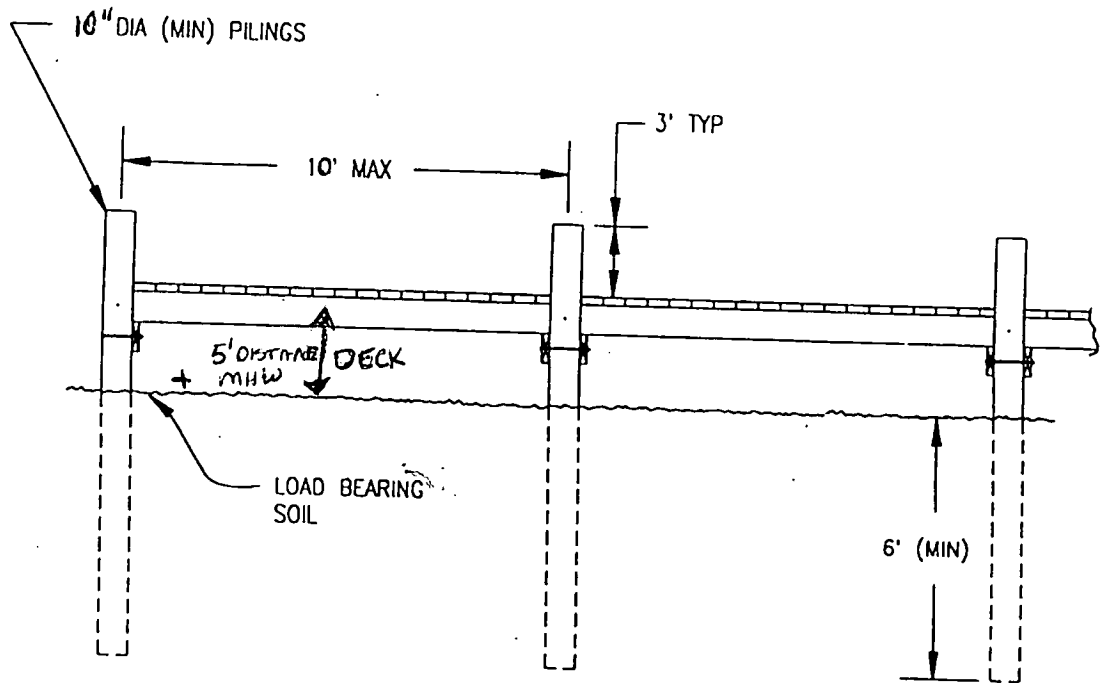
NAILS: 16d ON FRAMING. 12d ON DECKING.  
STAINLESS STEEL

<p><b>OWNER INFORMATION:</b> JOHN E. BRITT 6142 SE LANDINGS WAY #10 STUART, FL. 34997 407-288-2520</p>	
<p><b>JOB SITE INFORMATION</b> N.E. LOFTING WAY SEWALLS POINT, FL. LOCATED IN THE PLANTATION</p>	<p><b>CONTRACTOR INFORMATION:</b> SUPERIOR MARINE CONSTRUCTION 5914 SE MITZI LN. STUART, FL. 34997 407-220-2306 SCALE: NTS</p>

<p><b>STANDARD SPECIFICATIONS FOR WOODEN DOCKS</b></p>	
<p><b>JOB SITE INFORMATION</b> N.E. LOFTING WAY SEWALLS POINT, FL. LOCATED IN THE PLANTATION</p>	<p><b>CONTRACTOR INFORMATION:</b> SUPERIOR MARINE CONSTRUCTION 5914 SE MITZI LN. STUART, FL. 34997 407-220-2306 SCALE: NTS</p>



**END VIEW**



**SIDE VIEW**

**MATERIAL SPECIFICATIONS**

PILINGS: 10" DIA (MIN) MARINE TREATED (2.5lb/FT<sup>3</sup> CCA)  
6' PENETRATION FOR STRUCTURE

LUMBER: 2x8 0.40lb/FT<sup>3</sup> CCA SOUTHERN YELLOW PINE. 2X6 MAY BE USED FOR DECKING

BOLTS: 5/8 DIAMETER THROUGH BOLTS STAINLESS STEEL

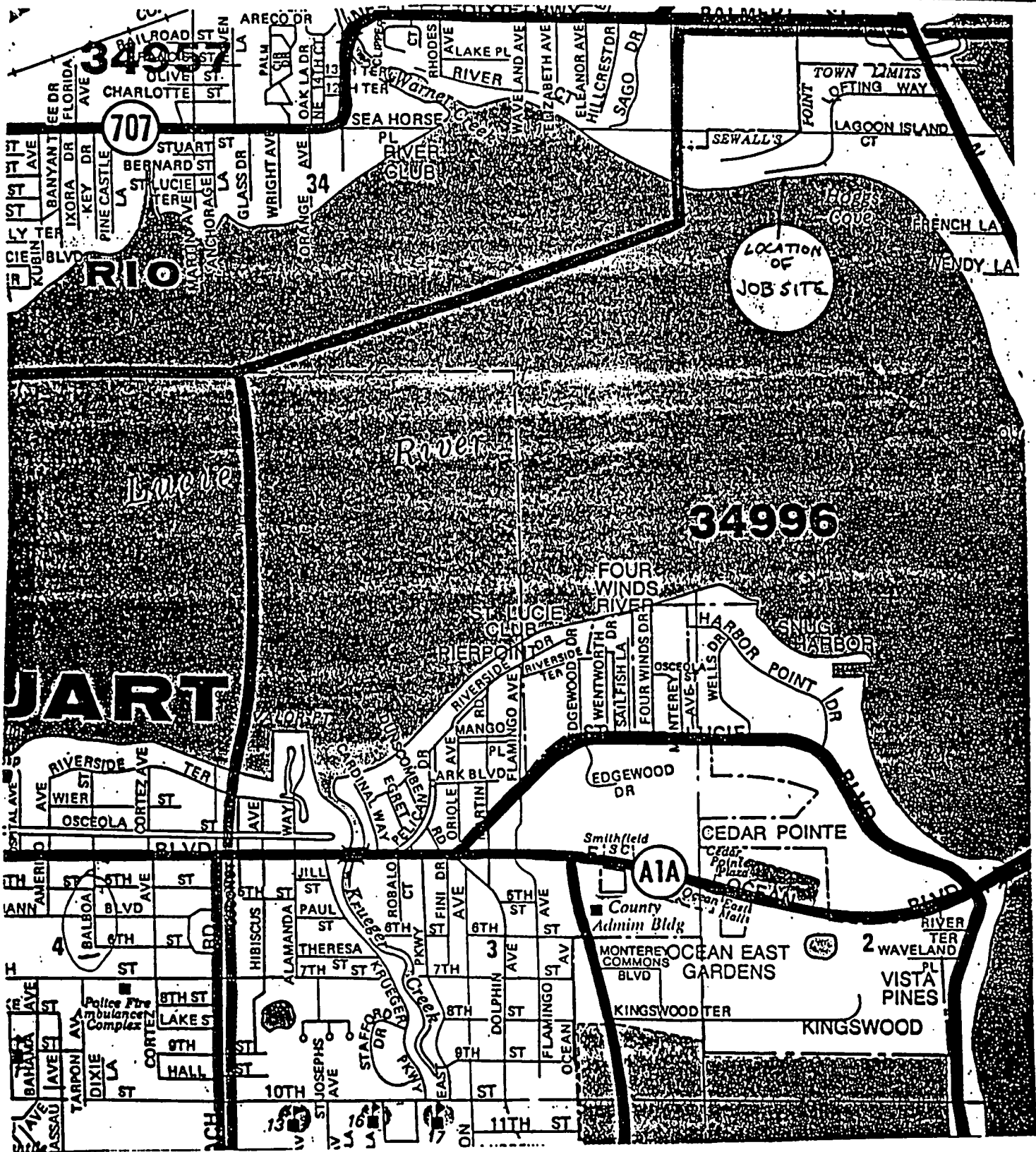
NAILS: 16d ON FRAMING. 12d ON DECKING. STAINLESS STEEL

**OWNER INFORMATION:**  
JOHN E. BRITT  
6142 SE LANDINGS WAY #10  
STUART, FL. 34997  
407-288-2520

**JOB SITE INFORMATION**  
N.E. LOFTING WAY  
SEWALLS POINT, FL.  
LOCATED IN THE PLANTATION

**STANDARD SPECIFICATIONS FOR WOODEN DOCKS**

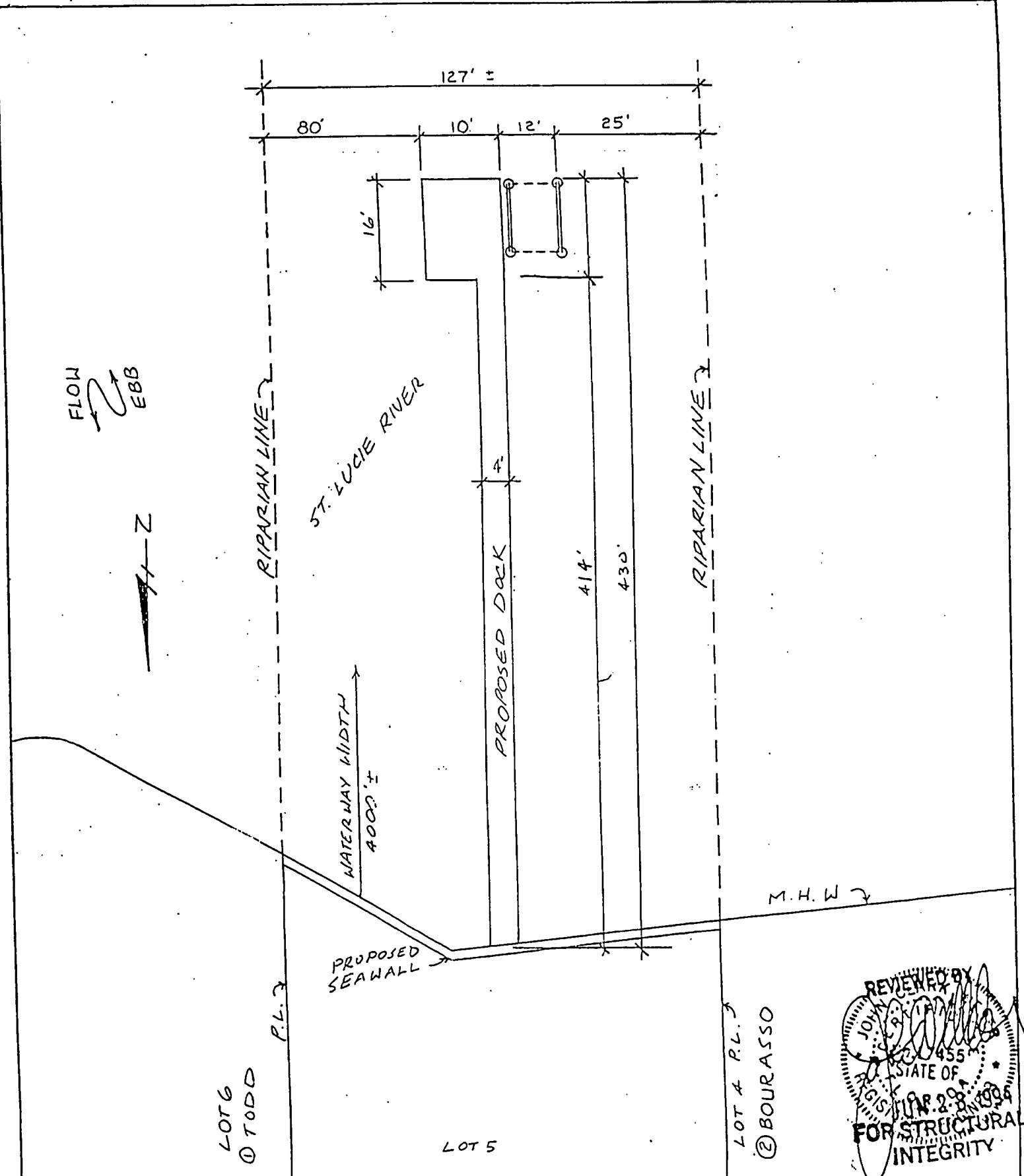
**CONTRACTOR INFORMATION:**  
SUPERIOR MARINE CONSTRUCTION  
5914 SE MITZI LN.  
STUART, FL. 34997  
407-220-2306  
SCALE: NTS



LEGAL DESCRIPTION : LOT 5 IN THE PLANTATION OF SEAWALL'S PT. SECTION 26,  
TOWNSHIP 37 S, RANGE 41 E

PROPOSED DOCK, BOATLIFT, SEAWALL,  
AND RIP-RAP FOR: MIKE NESTILO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046

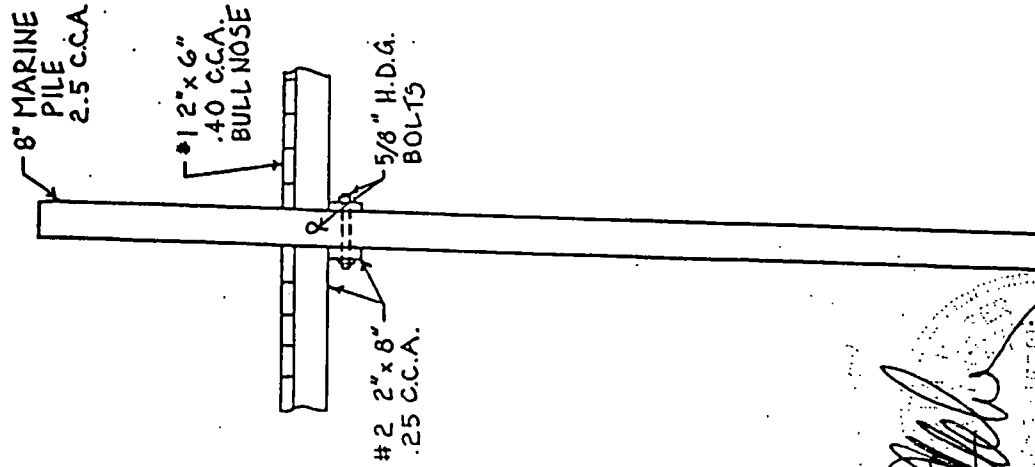


REVIEWED BY  
  
 JOHN R. BOURASSO  
 LICENSE NO. 455  
 STATE OF FLORIDA  
 REGISTERED PROFESSIONAL ENGINEER  
 10/28/1986  
 FOR STRUCTURAL  
 INTEGRITY

PROPOSED DOCK, BOATLIFT, SEAWALL,  
 AND RIP-RAP FOR: MIKE NESTICO

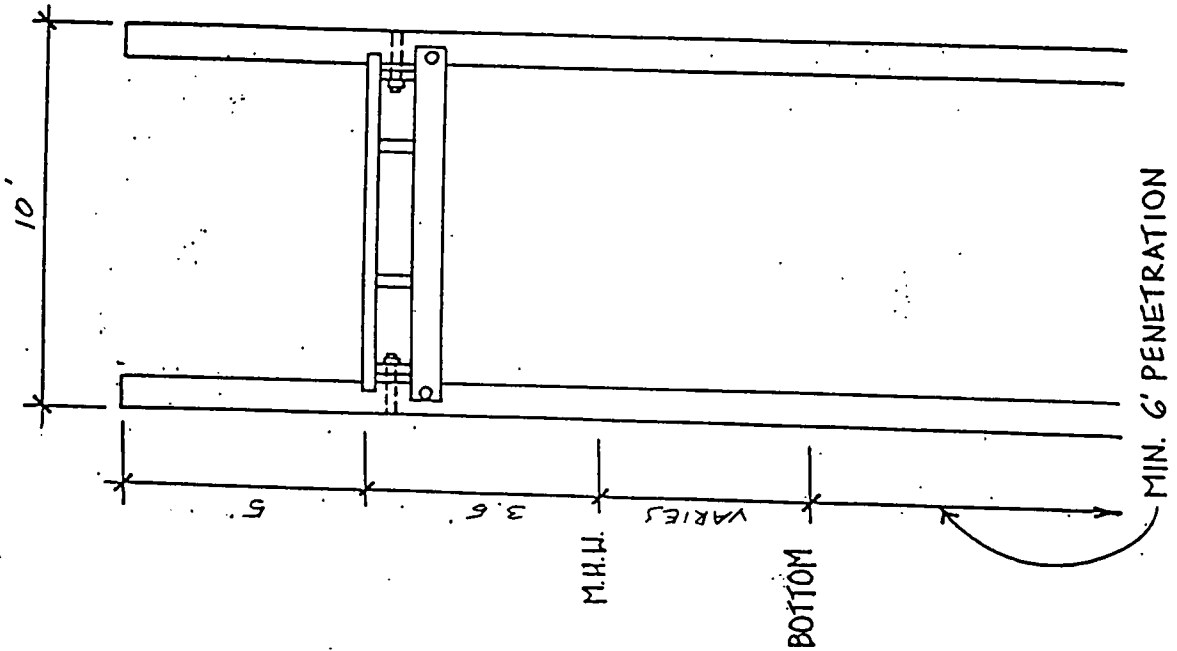
ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH., FLA. 34957 (407)334-3046

TYPICAL SECTION

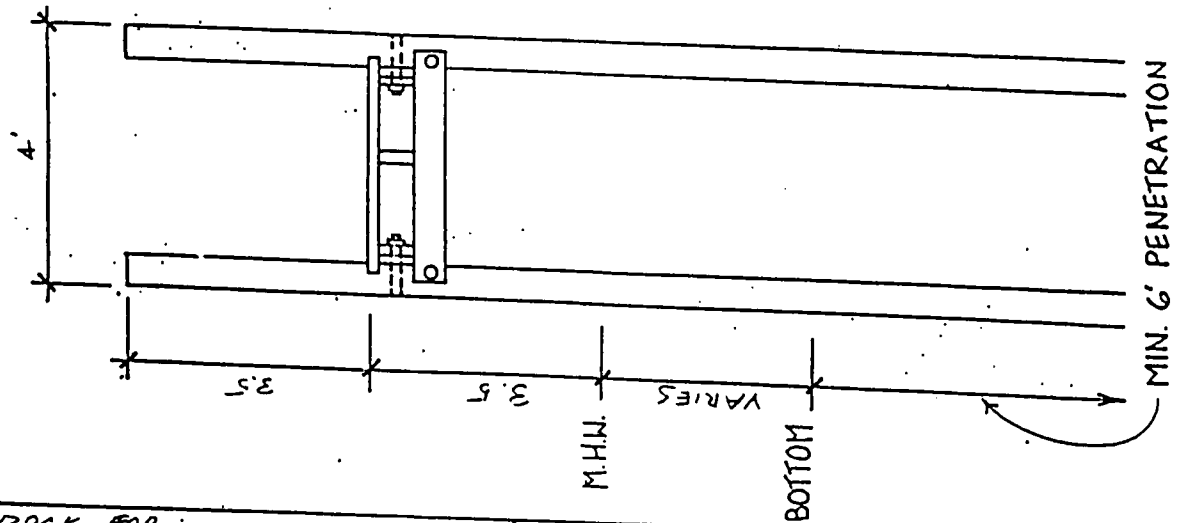


*[Signature]*  
 MAY 25 2004  
 FOR STRUCTURAL  
 IN HONOLULU SCALE

TERMINAL

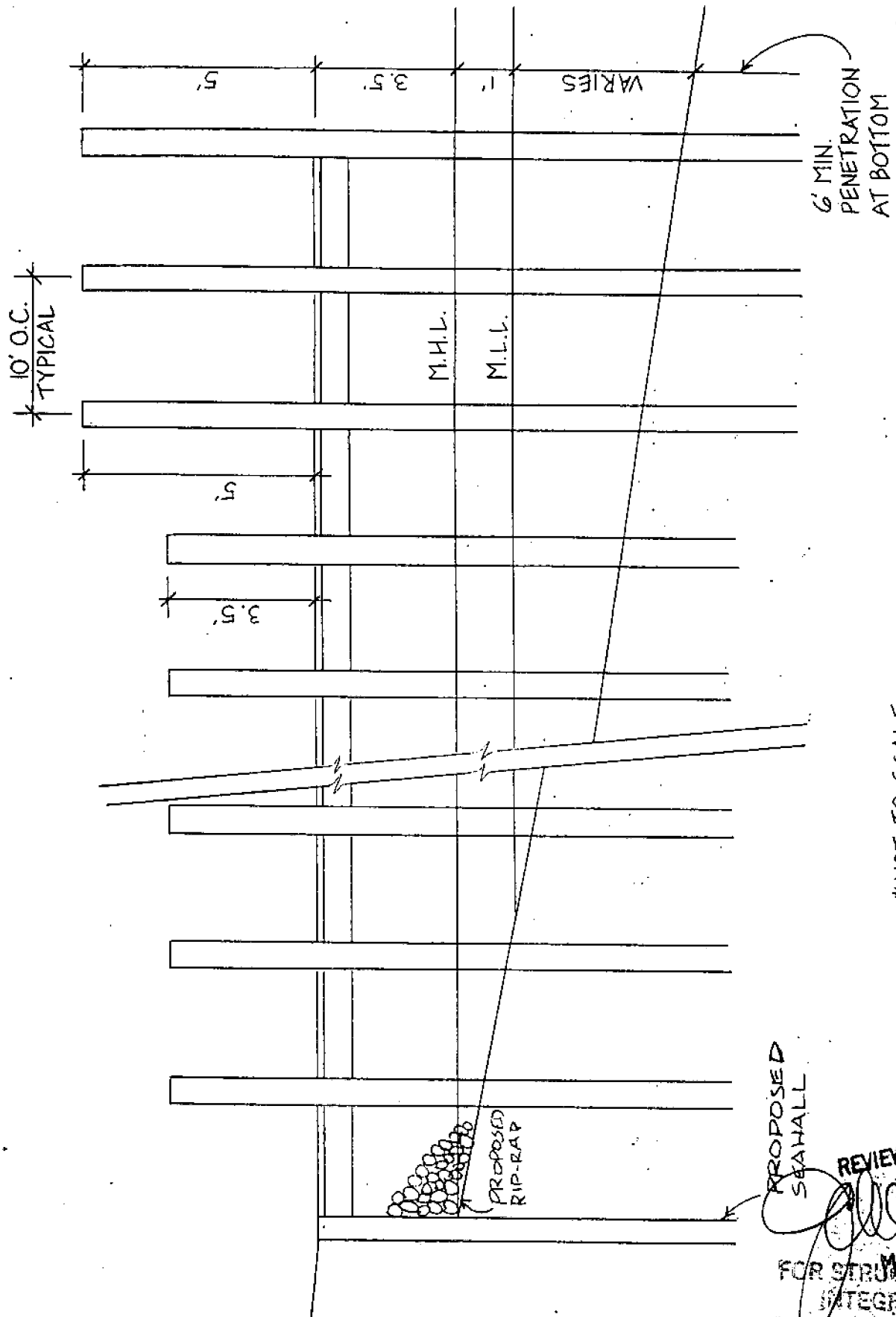


DOCK



PROPOSED DOCK FOR:  
 MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH., FLA. 34957 (407) 334-3046



\*NOT TO SCALE

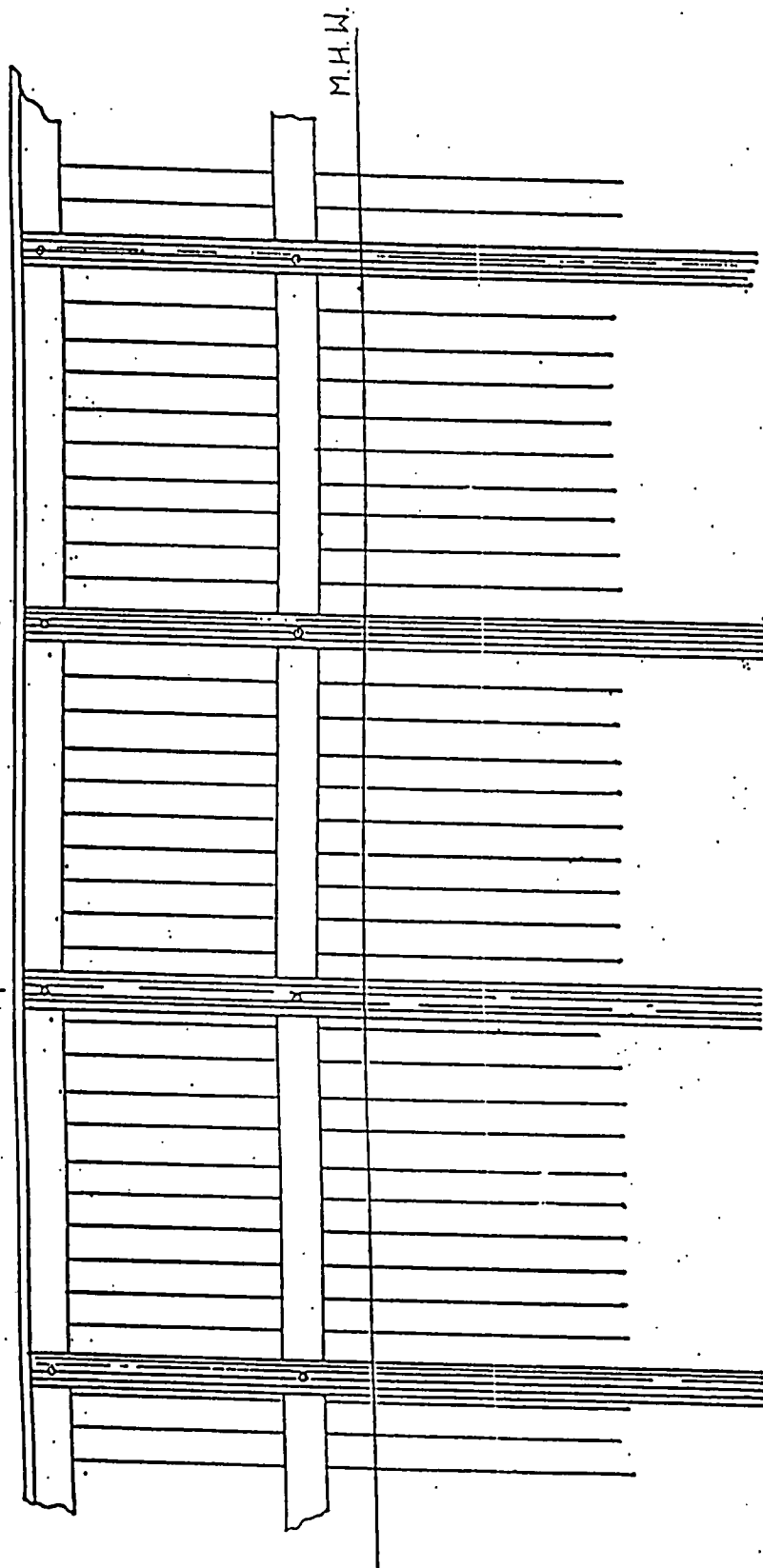
PROPOSED SEAWALL  
 REVIEWED BY  
*[Signature]*  
 MAY 25 1994  
 FOR STRUCTURAL INTEGRITY

PROPOSED DOCK & SEAWALL FOR:  
 MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH, FLA. 34957 (407) 334-3046

RETAINING WALL

5'-4" O.C.  
TYPICAL



\*NOT TO SCALE

REVIEWED BY  
*[Signature]*  
MAY 25 1994  
FOR STRUCTURAL  
INTEGRITY

PROPOSED SEAWALL FOR:  
MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

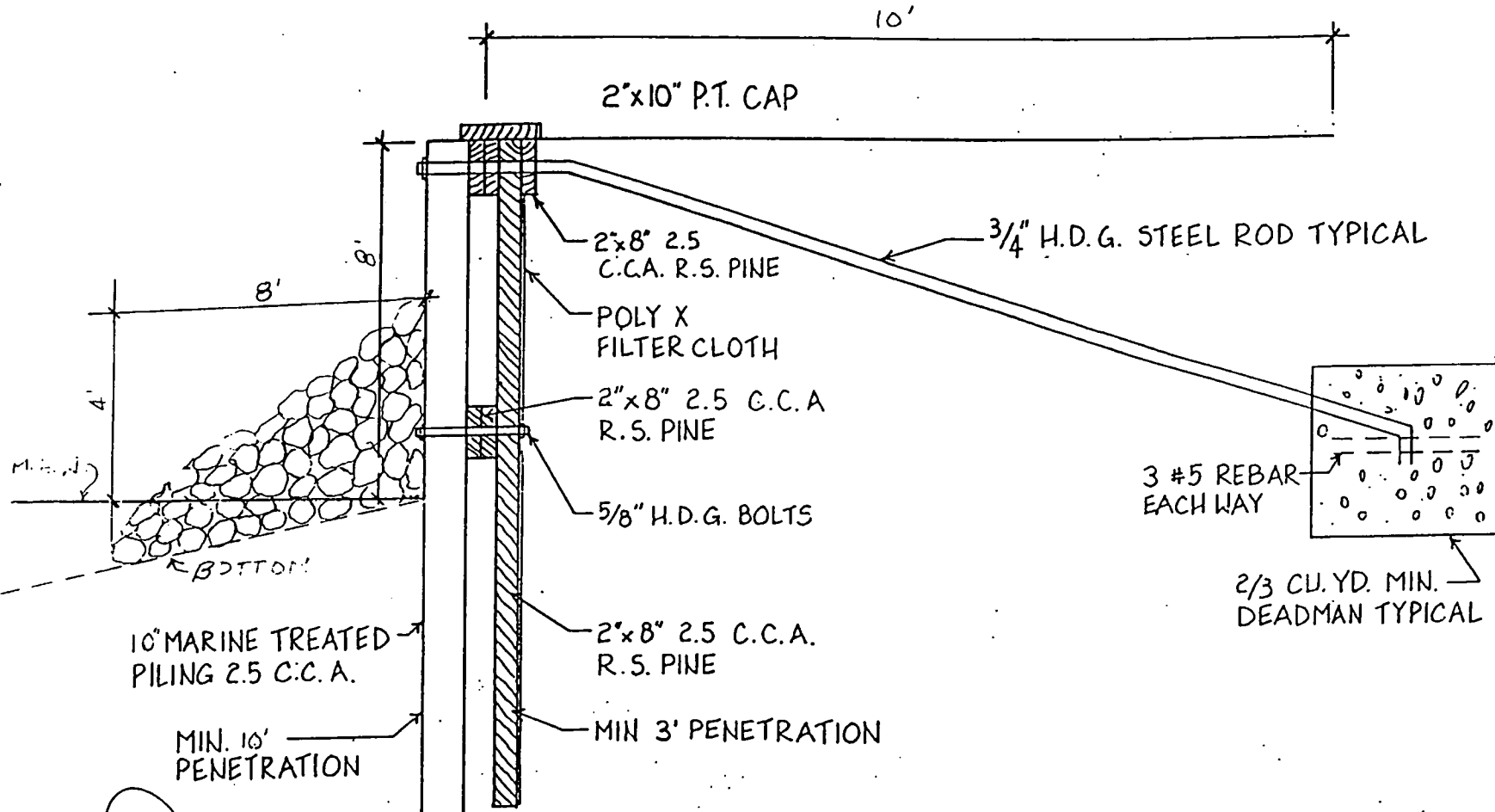


PROPOSED SEAWALL FOR:

MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.

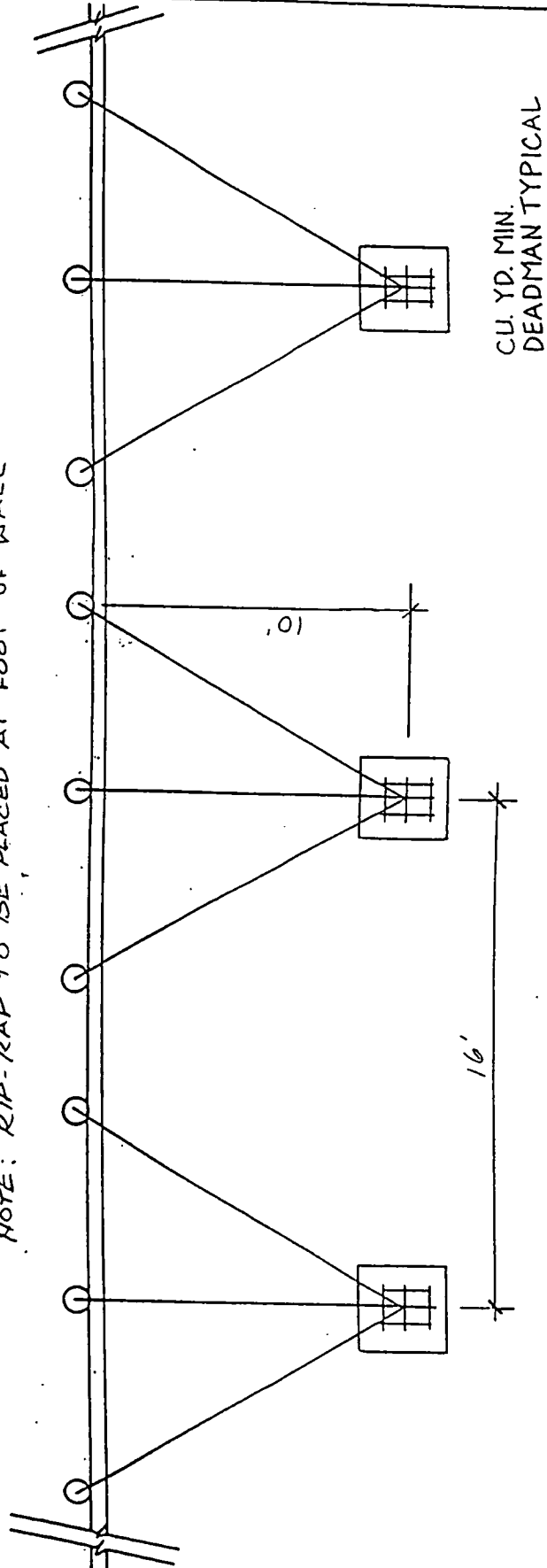
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046



REVIEWED BY  
  
 MAY 25 1994  
 FOR STRUCTURAL INTEGRITY

\*NOT TO SCALE

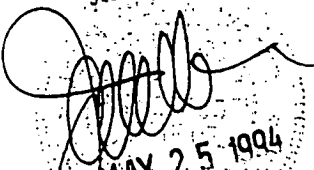
NOTE: RIP-RAP TO BE PLACED AT FOOT OF WALL



C.U. YD. MIN.  
DEADMAN TYPICAL

TYPICAL ANCHORING DETAIL

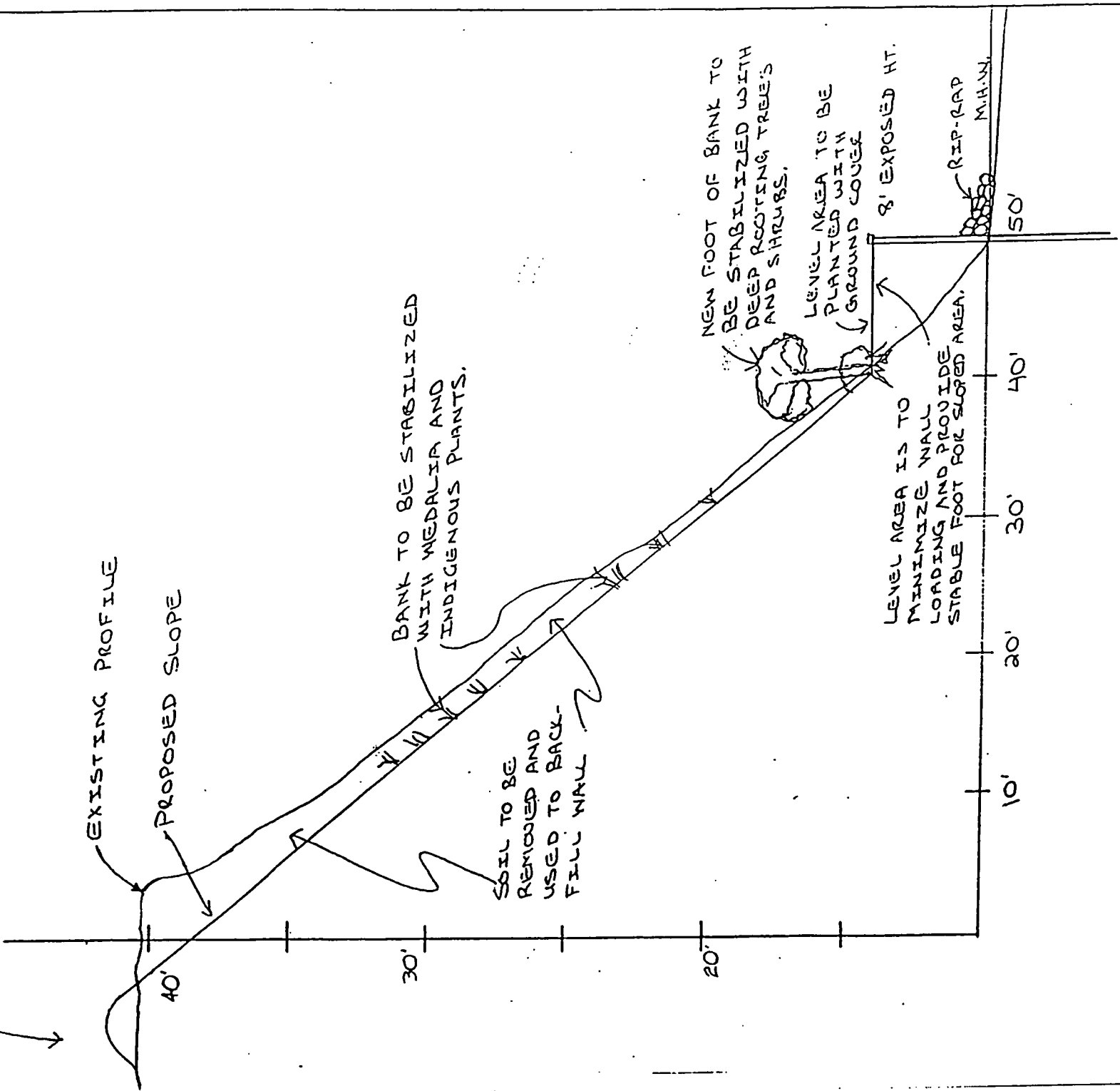
\* NOT TO SCALE

REVIEWED BY  
  
 MAY 25 1994  
 FOR STRUCTURAL INTEGRITY

PROPOSED SEAWALL FOR:  
MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

PLANTED BERM TO MINIMIZE  
POTENTIAL RUNOFF



NOT TO SCALE

PROPOSED SLOPE PROFILE FOR:  
MIKE NESTICO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407)334 - 3046

RESOLUTION NO. 433

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, GRANTING A WAIVER FOR CONSTRUCTION OF A SEAWALL WITHIN AN UPLAND BUFFER ON LOTS 3, 4, 5 AND 6, PLANTATION AT SEWALL'S POINT, PURSUANT TO SECTION 11-67 OF THE TOWN CODE.

WHEREAS, Section 11-59 of the Code of Ordinances of the Town of Sewall's Point (the "Code") establishes an upland buffer immediately adjacent to a shoreline extending landward a distance of ten (10) feet from the mean high waterline within which placement of structures, fill with dirt, and excavation is prohibited; and

WHEREAS, Section 11-67 of the Code provides that the Town Commission may, upon appropriate application, vary or waive the foregoing prohibition in specific cases due to unreasonable hardship, overriding public interest, or general public welfare; and

WHEREAS, Robert Sandy Construction, Inc., on behalf of the owners of Lots 3, 4, 5 and 6, Plantation at Sewall's Point, has requested a waiver for the construction of a seawall with rip-rap in front of the wall at the mean high waterline within the upland buffer; and

WHEREAS, the Town Commission of the Town of Sewall's Point has held a public hearing regarding the application and received the presentation of the applicant and the comments of the public; and

WHEREAS, the Town Commission has determined that the waiver of the upland buffer restrictions on Lots 3, 4, 5 and 6,

Plantation at Sewall's Point, is necessary and appropriate because of the unreasonable hardship created by the unusual topography of the property and because of the overriding public interest and general public welfare to prevent further erosion and migration of sand over the seagrass beds adjacent to the property.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, THAT:

1. The applicant's request for variance and waiver from Section 11-57 of the Code to permit the construction of a seawall 127 feet in length and 8 feet high with rip-rap in front of the wall at the mean high waterline on Lots 3, 4, 5, and 6, Plantation at Sewall's Point, is hereby approved.

2. This variance and waiver is granted for the seawall only, with necessary excavation, and shall not constitute permission or license, either now or in the future, to conduct further activities within the upland buffer on the subject property without further application and approval.


3. Before proceeding, the applicant shall obtain a building permit from the Town Building Department and all other

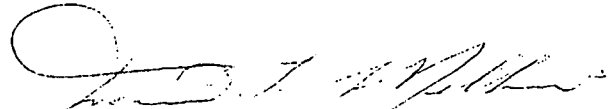
permits as may be required from other agencies having jurisdiction.

PASSED AND ADOPTED this 14th day of September, 1994.

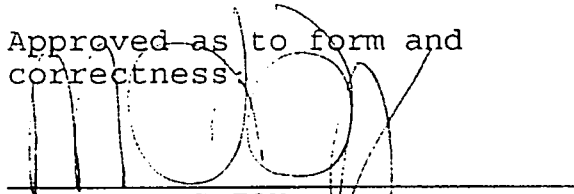
ATTEST:

  
\_\_\_\_\_  
JOAN BARROW, Town Clerk

  
\_\_\_\_\_  
B. J. ESCUE, Mayor -  
Commissioner

  
\_\_\_\_\_  
DAVID L. MILLARD, Vice-Mayor -  
Commissioner

Approved as to form and  
correctness.

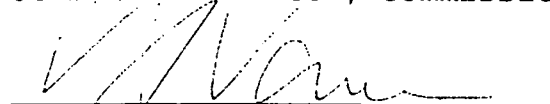
  
\_\_\_\_\_  
M. LANNING FOX,  
Town Attorney

abstain

\_\_\_\_\_  
ERIC B. HOLLY, Commissioner

voted against

\_\_\_\_\_  
JOAN PERRY WILCOX, Commissioner

  
\_\_\_\_\_  
VINCENT A. VORRASO,  
Commissioner



DEPARTMENT OF THE ARMY  
TAMPA REGULATORY FIELD OFFICE, JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P. O. BOX 19247  
TAMPA, FLORIDA 33686-9247

REPLY TO  
ATTENTION OF

June 14, 1994

Tampa Regulatory  
Field Office  
199402561  
NW13

Mr. John Bourassa  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

Dear Mr. Bourassa:

Reference is made to your joint permit application received 31 May, 1994 requesting authorization to install a 250' seawall with riprap, for bank stabilization along the Indian River at Sewall's Point, located at Section 26, Township 37 South, Range 41 East, Martin County, Florida.

This verifies that your proposal is authorized by Nationwide Permit number NW13, in accordance with the enclosed copy of our regulations as stated in 33 CFR Part 330, Appendix A. This verification is valid for a period of 2 years from the date of this letter. If the work authorized herein is not completed within the 2-year period, this verification, if not previously revoked or specifically extended, shall automatically expire.

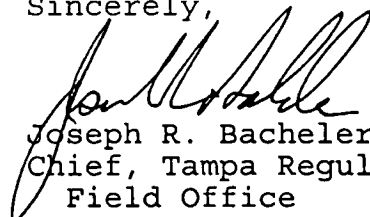
A separate Department of the Army permit is not required providing the work is done in accordance with the enclosed drawings/information submitted, the conditions listed in 33 CFR 330, Appendix A, Subparagraph C and any appropriate regional conditions (copy enclosed).

The permittee shall be advised that Florida law prohibits any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the Department of Natural Resources (DNR) under Chapter 253, until such person has received from the Board of Trustees the required lease, easement, or other form of consent authorizing the proposed use. The Board of Trustees or DNR may require siting, design standards, and mitigation different from that of other Florida or Federal law.

This letter does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide a letter with a small scale map showing the location of the site, requesting a flood-hazard evaluation of the site. The request should be addressed to the Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, Post Office Box 4970, Jacksonville, Florida 32232-0019. This letter authorization does not obviate the necessity to obtain any other Federal, State, and local permits which may be necessary for your proposed work. You should check State permitting requirements with the Florida Department of Environmental Regulation. A list of addresses of the appropriate State office is enclosed for your information and use.

Thank you for your cooperation with the permit program.

Sincerely,



Joseph R. Bachelier  
Chief, Tampa Regulatory  
Field Office

Enclosures



NOTICE

This letter does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the national Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide our District Office a letter with a small scale map showing the location of the site, requesting a flood-hazard evaluation for the site. The request should be addressed to the Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, Post Office Box 4970, Jacksonville, Florida 32232-0019.

include a statement that the verification will remain valid for the specified period of time, if during that time period, the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. Furthermore, the response should include a statement that the provisions of § 330.6(b) will apply, if during that period of time, the NWP authorization expires, or is suspended or revoked, or is modified, such that the activity would no longer comply with the terms and conditions of an NWP. Finally, the response should include any known expiration date that would occur during the specified period of time. A period of time less than two years may be used if deemed appropriate.

(iii) For activities where a state has denied 401 water quality certification and/or did not agree with the Corps consistency determination for an NWP the DE's response will state that the proposed activity meets the terms and conditions for authorization under the NWP with the exception of a state 401 water quality certification and/or CZM consistency concurrence. The response will also indicate the activity is denied without prejudice and cannot be authorized until the requirements of §§ 330.4(c)(3), 330.4(c)(6), 330.4(d)(3), and 330.4(d)(6) are satisfied. The response will also indicate that work may only proceed subject to the terms and conditions of the state 401 water quality certification and/or CZM concurrence.

(iv) Once the DE has provided such verification, he must use the procedures of 33 CFR 330.5 in order to modify, suspend, or revoke the authorization.

(b) *Expiration of nationwide permits.* The Chief of Engineers will periodically review NWPs and their conditions and will decide to either modify, reissue, or revoke the permits. If an NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was

completed continue to be authorized by that NWP.

(c) *Multiple use of nationwide permits.* Two or more different NWPs can be combined to authorize a "single and complete project" as defined at 33 CFR 330.2(i). However, the same NWP cannot be used more than once for a single and complete project.

(d) *Combining nationwide permits with individual permits.* Subject to the following qualifications, portions of a larger project may proceed under the authority of the NWPs while the DE evaluates an individual permit application for other portions of the same project, but only if the portions of the project qualifying for NWP authorization would have independent utility and are able to function or meet their purpose independent of the total project. When the functioning or usefulness of a portion of the total project qualifying for an NWP is dependent on the remainder of the project, such that its construction and use would not be fully justified even if the Corps were to deny the individual permit, the NWP does not apply and all portions of the project must be evaluated as part of the individual permit process.

(1) When a portion of a larger project is authorized to proceed under an NWP, it is with the understanding that its construction will in no way prejudice the decision on the individual permit for the rest of the project. Furthermore, the individual permit documentation must include an analysis of the impacts of the entire project, including related activities authorized by NWP.

(2) NWPs do not apply, even if a portion of the project is not dependent on the rest of the project, when any portion of the project is subject to an enforcement action by the Corps or EPA.

(e) *After-the-fact authorizations.* These authorizations often play an important part in the resolution of violations. In appropriate cases where the activity complies with the terms and conditions of an NWP, the DE can elect to use the NWP for resolution of an after-the-fact permit situation following a consideration of whether the violation being resolved was knowing or intentional and other indications of the need for a penalty. For example, where an unauthorized fill meets the terms and conditions of NWP 13, the DE can consider the appropriateness of allowing the residual fill to remain, in situations where said fill would normally have been permitted under NWP 13. A knowing, intentional, willful violation should be the subject of an enforcement action leading to a penalty, rather than

an after-the-fact authorization. Use of after-the-fact NWP authorization must be consistent with the terms of the Army/EPA Memorandum of Agreement on Enforcement. Copies are available from each district engineer.

#### Appendix A to Part 330—Nationwide Permits and Conditions

##### A. Index of the Nationwide Permits and Conditions

###### Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Backfill and Bedding
13. Bank Stabilization
14. Road Crossing
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. 25 Cubic Yard Dredging
20. Oil Spill Cleanup
21. Surface Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharge
26. Headwaters and Isolated Waters Discharges
27. Wetland Restoration Activities
28. Modifications of Existing Marinas
29. Reserved
30. Reserved
31. Reserved
32. Completed Enforcement Actions
33. Temporary Construction and Access
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection
38. Cleanup of Hazardous and Toxic Waste
39. Reserved
40. Farm Buildings

###### Nationwide Permit Conditions

###### General Conditions

1. Navigation
2. Proper Maintenance
3. Erosion and Siltation Controls
4. Aquatic Life Movements
5. Equipment
6. Regional and Case-By-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality Certification
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification

**Section 404 Only Conditions**

1. Water Supply Intakes
2. Shellfish Production
3. Suitable Material
4. Mitigation
5. Spawning Areas
6. Obstruction of High Flows
7. Adverse Impacts From Impoundments
8. Waterfowl Breeding Areas
9. Removal of Temporary Fills

**B. Nationwide Permits**

1. **Aids to Navigation.** The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard. (See 33 CFR part 66, chapter I, subchapter C). (section 10)

2. **Structures in Artificial Canals.** Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (section 10)

3. **Maintenance.** The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the environmental impacts resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. This nationwide permit authorizes the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced or under contract to commence within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the District Engineer, provided the permittee can demonstrate funding, contract, or other similar delays. Maintenance dredging and beach restoration are not authorized by this nationwide permit. (sections 10 and 404)

4. **Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.** Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging; and small fish attraction devices such as open water fish concentrators (sea kites, etc). This nationwide permit authorizes shellfish seeding provided this activity does not occur in wetlands or vegetated shallows. This nationwide permit does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of nontoxic species such as lobster. (sections 10 and 404)

5. **Scientific Measurement Devices.** Staff gages, tide gages, water recording devices, water quality testing and improvement devices and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards and further for discharges of 10 to 25 cubic yards provided the permittee notifies the district engineer in accordance with "Notification" general condition. (sections 10 and 404)

6. **Survey Activities.** Survey activities including core sampling, seismic exploratory operations, and plugging of seismic shot holes and other exploratory-type bore holes. Drilling and the discharge of excavated material from test wells for oil and gas exploration is not authorized by this nationwide permit; the plugging of such wells is authorized. Fill placed for roads, pads and other similar activities is not authorized by this nationwide permit. The discharge of drilling muds and cuttings may require a permit under section 402 of the Clean Water Act. (sections 10 and 404)

7. **Outfall Structures.** Activities related to construction of outfall structures and associated intake structures where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted, or are otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (section 402 of the Clean Water Act), provided that the nationwide permittee notifies the district engineer in accordance with the "Notification" general condition. (Also see 33 CFR 330.1(e)). Intake structures per se are not included—only those directly associated with an outfall structure. (sections 10 and 404)

8. **Oil and Gas Structures.** Structures for the exploration, production, and transportation of oil, gas, and minerals

on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Minerals Management Service. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). (Where such limits have not been designated, or where changes are anticipated, district engineers will consider asserting discretionary authority in accordance with 33 CFR 330.4(e) and will also review such proposals to ensure they comply with the provisions of the fairway regulations in 33 CFR 322.5(l)). Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334; nor will such structures be permitted in EPA or Corps designated dredged material disposal areas. (section 10)

9. **Structures in Fleeting and Anchorage Areas.** Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose by the U.S. Coast Guard. (section 10)

10. **Mooring Buoys.** Non-commercial, single-boat, mooring buoys. (section 10)

11. **Temporary Recreational Structures.** Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually. (section 10)

12. **Utility Line Backfill and Bedding.** Discharges of material for backfill or bedding for utility lines, including outfall and intake structures, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. The term "utility line" does not include activities which drain a water of the United States, such as drainage tile, however, it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States provided that the material is not placed in such a manner that it is

dispersed by currents or other forces. The DE may extend the period of temporary side-casting up to 180 days, where appropriate. The area of waters of the United States that is disturbed must be limited to the minimum necessary to construct the utility line. In wetlands, the top 6" to 12" of the trench should generally be backfilled with topsoil from the trench. Excess material must be removed to upland areas immediately upon completion of construction. Any exposed slopes and streambanks must be stabilized immediately upon completion of the utility line. The utility line itself will require a Section 10 permit if in navigable waters of the United States. (See 33 CFR part 322). (section 404)

**13. Bank Stabilization.** Bank stabilization activities necessary for erosion prevention provided:

a. No material is placed in excess of the minimum needed for erosion protection;

b. The bank stabilization activity is less than 500 feet in length;

c. The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line;

d. No material is placed in any special aquatic site, including wetlands;

e. No material is of the type or is placed in any location or in any manner so as to impair surface water flow into or out of any wetland area;

f. No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and,

g. The activity is part of a single and complete project.

Bank stabilization activities in excess of 500 feet in length or greater than an average of one cubic yard per running foot may be authorized if the permittee notifies the district engineer in accordance with the "Notification" general condition and the district engineer determines the activity complies with the other terms and conditions of the nationwide permit and the adverse environmental impacts are minimal both individually and cumulatively. (sections 10 and 404)

**14. Road Crossing.** Fills for roads crossing waters of the United States (including wetlands and other special aquatic sites) provided:

a. The width of the fill is limited to the minimum necessary for the actual crossing;

b. The fill placed in waters of the United States is limited to a filled area of no more than 1/2 acre. Furthermore, no

more than a total of 200 linear feet of the fill for the roadway can occur in special aquatic sites, including wetlands;

c. The crossing is culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and tidal flows, and to prevent the restriction of low flows and the movement of aquatic organisms;

d. The crossing, including all attendant features, both temporary and permanent, is part of a single and complete project for crossing of a water of the United States; and,

e. For fills in special aquatic sites, including wetlands, the permittee notifies the district engineer in accordance with the "Notification" general condition. The notification must also include a delineation of affected special aquatic sites, including wetlands.

Some road fills may be eligible for an exemption from the need for a Section 404 permit altogether (see 33 CFR 323.4). Also, where local circumstances indicate the need, district engineers will define the term "expected high flows" for the purpose of establishing applicability of this nationwide permit. (sections 10 and 404)

**15. U.S. Coast Guard Approved Bridges.** Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided such discharges have been authorized by the U.S. Coast Guard as part of the bridge permit. Causeways and approach fills are not included in this nationwide permit and will require an individual or regional section 404 permit. (section 404)

**16. Return Water From Upland Contained Disposal Areas.** Return water from an upland, contained dredged material disposal area. The dredging itself requires a section 10 permit if located in navigable waters of the United States. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d) even though the disposal itself occurs on the upland and thus does not require a section 404 permit. This nationwide permit satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. (section 404)

**17. Hydropower Projects.** Discharges of dredged or fill material associated with (a) small hydropower projects at existing reservoirs where the project,

which includes the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; and has a total generating capacity of not more than 5000-KW; and the permittee notifies the district engineer in accordance with the "Notification" general condition; or (b) hydropower projects for which the FERC has granted an exemption from licensing pursuant to section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and section 30 of the Federal Power Act, as amended; provided the permittee notifies the district engineer in accordance with the "Notification" general condition. (section 404)

**18. Minor Discharges.** Minor discharges of dredged or fill material into all waters of the United States provided:

a. The discharge does not exceed 25 cubic yards;

b. The discharge will not cause the loss of more than 1/10 acre of a special aquatic site, including wetlands. For the purposes of this nationwide permit, the acreage limitation includes the filled area plus special aquatic sites that are adversely affected by flooding and special aquatic sites that are drained so that they would no longer be a water of the United States as a result of the project;

c. If the discharge exceeds 10 cubic yards or the discharge is in a special aquatic site, including wetlands, the permittee notifies the district engineer in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)); and

d. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project and is not placed for the purpose of stream diversion. (sections 10 and 404)

**19. Minor Dredging.** Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States as part of a single and complete project. This nationwide permit does not authorize the dredging or degradation through siltation of coral reefs, submerged aquatic vegetation, anadromous fish spawning areas, or wetlands or, the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). (section 10)

**20. Oil Spill Cleanup.** Activities required for the containment and

cleanup of oil and hazardous substances which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan, (40 CFR part 300), provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing State contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. (sections 10 and 404)

**21. Surface Coal Mining Activities.** Activities associated with surface coal mining activities provided they are authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 and provided the permittee notifies the district engineer in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)). (sections 10 and 404)

**22. Removal of Vessels.** Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This nationwide permit does not authorize the removal of vessels listed or determined eligible for listing on the National Register of Historic Places unless the district engineer is notified and indicates that there is compliance with the "Historic Properties" general condition. This nationwide permit does not authorize maintenance dredging, shoal removal, or river bank snagging. Vessel disposal in waters of the United States may need a permit from EPA (see 40 CFR 229.3). (sections 10 and 404)

**23. Approved Categorical Exclusions.** Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN:

CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Prior to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit. (sections 10 and 404)

**24. State Administered Section 404 Program.** Any activity permitted by a state administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to section 10 of the Rivers and Harbors Act of 1899. Those activities which do not involve a section 404 state permit are not included in this nationwide permit, but certain structures will be exempted by section 154 of Public Law 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.3(a)(2)). (section 10)

**25. Structural Discharge.** Discharges of material such as concrete, sand, rock, etc. into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as piers and docks; and for linear projects, such as bridges, transmission line footings, and walkways. The NWP does not authorize filled structural members that would support buildings, homes, parking areas, storage areas and other such structures. Housepads or other building pads are also not included in this nationwide permit. The structure itself may require a section 10 permit if located in navigable waters of the United States. (section 404)

**26. Headwaters and Isolated Waters Discharges.** Discharges of dredged or fill material into headwaters and isolated waters provided:

a. The discharge does not cause the loss of more than 10 acres of waters of the United States;

b. The permittee notifies the district engineer if the discharge would cause the loss of waters of the United States greater than one acre in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. (Also see 33 CFR 330.1(e)); and

c. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project.

For the purposes of this nationwide permit, the acreage of loss of waters of

the United States includes the filled area plus waters of the United States that are adversely affected by flooding, excavation or drainage as a result of the project. The ten-acre and one-acre limits of NWP 26 are absolute, and cannot be increased by any mitigation plan offered by the applicant or required by the DE.

**Subdivisions:** For any real estate subdivision created or subdivided after October 5, 1984, a notification pursuant to subsection b. of this nationwide permit is required for any discharge which would cause the aggregate total loss of waters of the United States for the entire subdivision to exceed one (1) acre. Any discharge in any real estate subdivision which would cause the aggregate total loss of waters of the United States in the subdivision to exceed ten (10) acres is not authorized by this nationwide permit; unless the DE exempts a particular subdivision or parcel by making a written determination that: (1) The individual and cumulative adverse environmental effects would be minimal and the property owner had, after October 5, 1984, but prior to January 21, 1992, committed substantial resources in reliance on NWP 26 with regard to a subdivision, in circumstances where it would be inequitable to frustrate his investment-backed expectations, or (2) that the individual and cumulative adverse environmental effects would be minimal, high quality wetlands would not be adversely affected, and there would be an overall benefit to the aquatic environment. Once the exemption is established for a subdivision, subsequent lot development by individual property owners may proceed using NWP 26. For purposes of NWP 26, the term "real estate subdivision" shall be interpreted to include circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof. (section 404)

**27. Wetland and Riparian Restoration and Creation Activities.** Activities in waters of the United States associated with the restoration of altered and degraded non-tidal wetlands and creation of wetlands on private lands in accordance with the terms and conditions of a binding wetland restoration or creation agreement between the landowner and the U.S. Fish and Wildlife Service (USFWS) or the Soil Conservation Service (SCS); or

activities associated with the restoration of altered and degraded non-tidal wetlands, riparian areas and creation of wetlands and riparian areas on U.S. Forest Service and Bureau of Land Management lands, Federal surplus lands (e.g., military lands proposed for disposal), Farmers Home Administration inventory properties, and Resolution Trust Corporation inventory properties that are under Federal control prior to being transferred to the private sector. Such activities include, but are not limited to: installation and maintenance of small water control structures, dikes, and berms; backfilling of existing drainage ditches; removal of existing drainage structures; construction of small nesting islands; and other related activities. This nationwide permit applies to restoration projects that serve the purpose of restoring "natural" wetland hydrology, vegetation, and function to altered and degraded non-tidal wetlands and "natural" functions of riparian areas. For agreement restoration and creation projects only, this nationwide permit also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its prior condition and use (i.e., prior to restoration under the agreement) within five years after expiration of the limited term wetland restoration or creation agreement, even if the discharge occurs after this nationwide permit expires. The prior condition will be documented in the original agreement, and the determination of return to prior conditions will be made by the Federal agency executing the agreement. Once an area is reverted back to its prior physical condition, it will be subject to whatever the Corps regulatory requirements will be at that future date. This nationwide permit does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed. (sections 10 and 404)

**28. Modifications of Existing Marinas.** Reconfigurations of existing docking facilities within an authorized marina area. No dredging, additional slips or dock spaces, or expansion of any kind within waters of the United States are authorized by this nationwide permit. (section 10)

29. Reserved

30. Reserved

31. Reserved

**32. Completed Enforcement Actions.** Any structure, work or discharge of dredged or fill material undertaken in accordance with, or remaining in place in compliance with, the terms of a final Federal court decision, consent decree,

or settlement agreement in an enforcement action brought by the United States under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899. (sections 10 and 404)

**33. Temporary Construction, Access and Dewatering.** Temporary structures and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites; provided the associated permanent activity was previously authorized by the Corps of Engineers or the U.S. Coast Guard, or for bridge construction activities not subject to Federal regulation. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must be of materials and placed in a manner that will not be eroded by expected high flows. Temporary fill must be entirely removed to upland areas following completion of the construction activity and the affected areas restored to the pre-project conditions. Cofferdams cannot be used to dewater wetlands or other aquatic areas so as to change their use. Structures left in place after cofferdams are removed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322). The permittee must notify the district engineer in accordance with the "Notification" general condition. The notification must also include a restoration plan of reasonable measures to avoid and minimize impacts to aquatic resources. The district engineer will add special conditions, where necessary, to ensure that adverse environmental impacts are minimal. Such conditions may include: limiting the temporary work to the minimum necessary; requiring seasonal restrictions; modifying the restoration plan; and requiring alternative construction methods (e.g. construction mats in wetlands where practicable). This nationwide permit does not authorize temporary structures or fill associated with mining activities or the construction of marina basins which have not been authorized by the Corps. (sections 10 and 404)

**34. Cranberry Production Activities:** Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing cranberry production operations provided:

a. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing,

does not exceed 10 acres of waters of the United States, including wetlands;

b. The permittee notifies the District Engineer in accordance with the notification procedures; and

c. The activity does not result in a net loss of wetland acreage.

This nationwide permit does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this nationwide permit, the cumulative total of 10 acres will be measured over the period that this nationwide permit is valid. (section 404)

**35. Maintenance Dredging of Existing Basins.** Excavation and removal of accumulated sediment for maintenance of existing marina basins, canals, and boat slips to previously authorized depths or controlling depths for ingress/ egress whichever is less provided the dredged material is disposed of at an upland site and proper siltation controls are used. (section 10)

**36. Boat Ramps.** Activities required for the construction of boat ramps provided:

a. The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or placement of pre-cast concrete planks or slabs. (Unsuitable material that causes unacceptable chemical pollution or is structurally unstable is not authorized);

b. The boat ramp does not exceed 20 feet in width;

c. The base material is crushed stone, gravel or other suitable material;

d. The excavation is limited to the area necessary for site preparation and all excavated material is removed to the upland; and

e. No material is placed in special aquatic sites, including wetlands.

Dredging to provide access to the boat ramp may be authorized by another NWP, regional general permit, or individual permit pursuant to section 10 if located in navigable waters of the United States. (sections 10 and 404)

**37. Emergency Watershed Protection and Rehabilitation.** Work done by or funded by the Soil Conservation Service qualifying as an "exigency" situation (requiring immediate action) under its Emergency Watershed Protection Program (7 CFR part 824) and work done or funded by the Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 569.13) provided the district engineer is notified in accordance with the notification general

condition. (Also see 33 CFR 330.1(e). (sections 10 and 404)

**38. Cleanup of Hazardous and Toxic Waste.** Specific activities required to effect the containment, stabilization or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority provided the permittee notifies the district engineer in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. Court ordered remedial action plans or related settlements are also authorized by this nationwide permit. This nationwide permit does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste. (sections 10 and 404)

**39. Reserved.**

**40. Farm Buildings.** Discharges of dredged or fill material into jurisdictional wetlands (but not including prairie potholes, playa lakes, or vernal pools) that were in agricultural crop production prior to December 23, 1985 (i.e., farmed wetlands) for foundations and building pads for buildings or agricultural related structures necessary for farming activities. The discharge will be limited to the minimum necessary but will in no case exceed 1 acre (see the "Minimization" section 404 only condition). (section 404)

### C. Nationwide Permit Conditions

**General Conditions:** The following general conditions must be followed in order for any authorization by a nationwide permit to be valid:

**1. Navigation.** No activity may cause more than a minimal adverse effect on navigation.

**2. Proper maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

**3. Erosion and siltation controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.

**4. Aquatic life movements.** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

**5. Equipment.** Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.

**6. Regional and case-by-case conditions.** The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and any case specific conditions added by the Corps.

**7. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the National Park Service and the U.S. Forest Service.

**8. Tribal rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**9. Water quality certification.** In certain states, an individual state water quality certification must be obtained or waived (see 33 CFR 330.4(c)).

**10. Coastal zone management.** In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived. (see 33 CFR 330.4(d)).

**11. Endangered Species.** No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the district engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the district engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service. (see 33 CFR 330.4(f))

**12. Historic properties.** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR 325, appendix C. The prospective permittee must notify the district engineer if the authorized activity may affect any historic properties listed, determined to

be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).

**13. Notification.** (a) Where required by the terms of the NWP, the prospective permittee must notify the District Engineer as early as possible and shall not begin the activity:

(1) Until notified by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) If notified by the District or Division engineer that an individual permit is required; or

(3) Unless 30 days have passed from the District Engineer's receipt of the notification and the prospective permittee has not received notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) The notification must be in writing and include the following information and any required fees:

(1) Name, address and telephone number of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s) or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity;

(4) Where required by the terms of the NWP, a delineation of affected special aquatic sites, including wetlands; and

(5) A statement that the prospective permittee has contacted:

(i) The USFWS/NMFS regarding the presence of any Federally listed (or proposed for listing) endangered or threatened species or critical habitat in the permit area that may be affected by the proposed project; and any available information provided by those agencies. (The prospective permittee may contact Corps District Offices for USFWS/NMFS agency contacts and lists of critical habitat.)



(ii) The SHPO regarding the presence of any historic properties in the permit area that may be affected by the proposed project; and the available information, if any, provided by that agency.

(c) The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PDN and must include all of the information required in (b) (1)-(5) of General Condition 13.

(d) In reviewing an activity under the notification procedure, the District Engineer will first determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or will be contrary to the public interest. The prospective permittee may, at his option, submit a proposed mitigation plan with the pre-discharge notification to expedite the process and the District Engineer will consider any optional mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed work are minimal. The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the nationwide permits and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. The district engineer will upon receipt of a notification provide immediately (e.g. facsimile transmission, overnight mail or other expeditious manner) a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 5 calendar days from the date the material is transmitted to telephone the District Engineer if they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 10 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification. If the District Engineer determines that the activity complies with the terms and conditions of the

NWP and that the adverse effects are minimal, he will notify the permittee and include any conditions he deems necessary. If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; or (2) that the project is authorized under the nationwide permit subject to the applicant's submitting a mitigation proposal that would reduce the adverse effects to the minimal level. This mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee elects to submit a mitigation plan, the DE will expeditiously review the proposed mitigation plan, but will not commence a second 30-day notification procedure. If the net adverse effects of the project (with the mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant informing him that the project can proceed under the terms and conditions of the nationwide permit.

(e) *Wetlands Delineations:* Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 30-day period will not start until the wetland delineation has been completed.

(f) *Mitigation:* Factors that the District Engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(1) To be practicable the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of overall project purposes;

(2) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds, which contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands.

Furthermore, examples of mitigation that may be appropriate and practicable include but are not limited to: reducing the size of the project; establishing buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring,

and enhancing similar functions and values. In addition, mitigation must address impacts and cannot be used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the nationwide permits (e.g. 5 acres of wetlands cannot be created to change a 6 acre loss of wetlands to a 1 acre loss; however, the 5 created acres can be used to reduce the impacts of the 6 acre loss).

#### *Section 404 Only Conditions*

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material and must be followed in order for authorization by the nationwide permits to be valid:

1. *Water supply intakes.* No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. *Shellfish production.* No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by nationwide permit 4.

3. *Suitable material.* No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

4. *Mitigation.* Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site), unless the DE has approved a compensation mitigation plan for the specific regulated activity.

5. *Spawning areas.* Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. *Obstruction of high flows.* To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. *Adverse impacts from impoundments.* If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

8. *Waterfowl breeding areas.* Discharges into breeding areas for



migratory waterfowl must be avoided to the maximum extent practicable.

9. *Removal of temporary fills.* Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

[FR Doc. 81-27573 Filed 11-21-91; 8:45 am]

BILLING CODE 3810-01-M



DEPARTMENT OF THE ARMY  
TAMPA REGULATORY FIELD OFFICE, JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P. O. BOX 19247  
TAMPA, FLORIDA 33686- 9247

REPLY TO  
ATTENTION OF

June 30, 1994

Tampa Regulatory  
Field Office  
199403122  
SAJ20 & NW13

Michael Nestico  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

Dear Applicant:

Reference is made to your joint permit application received June 24, 1994, requesting authorization to construct a dock and seawall in the St. Lucie River located at Section 26, Township 37S, Range 41E, Martin County, Florida.

Your request for authorization to construct a 430' dock with boat lift in accordance with the enclosed plans is authorized by General Permit SAJ20, a copy of which is attached for your information and use. You are authorized to proceed with construction subject to all conditions of the permit. This letter does not obviate the need for any other Federal, State, or local permits which may be required.

If the work authorized herein is not completed by March 1, 1999, no further work may be undertaken and you should contact this office. A determination of the status of the General Permit will be made and you will be advised. If the General Permit has been reissued with no substantive change(s), a request for an extension of your previous authorization will be considered. If the General Permit has not been reissued or was reissued with new conditions, a new application and drawings may need to be submitted.

This verifies that your request for authorization to construct a 127' seawall is authorized by Nationwide Permit number 13, in accordance with the enclosed copy of our regulations as stated in 33 CFR Part 330, Appendix A. This verification is valid for a period of 2 years from the date of this letter. If the work authorized herein is not completed within the 2-year period, this verification, if not previously revoked or specifically extended, shall automatically expire.

A separate Department of the Army permit is not required providing the work is done in accordance with the enclosed


drawings/information submitted, the conditions listed in 33 CFR 330, Appendix A, Subparagraph C and any appropriate regional conditions (copy enclosed).

The permittee shall be advised that Florida law prohibits any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the Department of Natural Resources (DNR) under Chapter 253, until such person has received from the Board of Trustees the required lease, easement, or other form of consent authorizing the proposed use. The Board of Trustees or DNR may require siting, design standards, and mitigation different from that of other Florida or Federal law.

This letter does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide a letter with a small scale map showing the location of the site, requesting a flood-hazard evaluation of the site. The request should be addressed to the Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, Post Office Box 4970, Jacksonville, Florida 32232-0019. This letter authorization does not obviate the necessity to obtain any other Federal, State, and local permits which may be necessary for your proposed work. You should check State permitting requirements with the Florida Department of Environmental Regulation. A list of addresses of the appropriate State office is enclosed for your information and use.

Thank you for your cooperation with the permit program.

Sincerely

  
Joseph R. Bachelier  
Chief, Tampa Regulatory  
Field Office

Enclosures

SAT-20 10/401  
NW-13



# Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form # 17-312(9001)

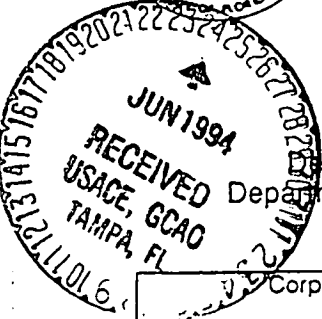
Form Title: Joint App. for Works in the Waters of Florida

Effective Date: RECEIVED

DER Application No.: JUN 16 1994

## Joint Application for Works in the Waters of Florida

Dept. of Environ. Protection  
Port St. Lucie



Department of the Army (Corps)/Florida Department of Environmental Regulation (DER)/  
Department of Natural Resources (DNR)/Delegated Water Management District (Delegated WMD)

199403122 Type or Print Legibly

Corps Application Number (official use only)	DER Application Number (official use only) <u>180527658</u>
--	--

1. Applicant's Name and Address

Name Nestico Michael  
Last Name, First name (if individual); Corporate Name; Name of Gov. Agency

Street 64 Ridge Rd

City Sparta State NJ Zip 07571

Telephone ( ) (Day) ( ) (Night)

2. Name, Address, Zip Code, Telephone Number and Title of Applicant's Authorized Agent

Name ROBERT SANDY CONSTRUCTION, INC.  
Last Name, First Name

Corporate Name; Name of Gov. Agency \_\_\_\_\_

Street 3452 N.E. INDIAN DRIVE

City JENSEN BEACH State FLA. Zip 34957

Telephone (407) 334-3046 (Day) ( ) (Night)

3. Name of Waterway at Work Site: ST. LUCIE RIVER

4. Street, Road or Other Location of Work LOT # 5 IN THE PLANTATION OF SEWALLS PT.

Incorporated City or Town SEWALLS PT.

Section 26 Township 375 Range 41E

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

County(ies) MARTIN

Coordinates in Center of Project:

Latitude 27 ° 13 ' 00 " Longitude 80 ° 13 ' 04 "

Lot 5 Block \_\_\_\_\_ Subd \_\_\_\_\_ Plat Bk \_\_\_\_\_ Pg \_\_\_\_\_

Directions to Locate Site: GO SOUTH ON INDIAN RIVER DRIVE TO SEWALLS PT. MAKE A RIGHT AT THE PLANTATION. GO TO LOT 5

5. Names, Addresses, and Zip Codes of Adjacent Property Owners Whose Property Also Adjoins the Water (Excluding Applicant). Show Numbers or Names of These Owners on Plan Views. If More Than Six (6) Owners Adjoin the Project, You May Be Required to Publish a Public Notice for the DER.

1. <u>FRANK TODD</u> <u>1815 HIGH RIDGE RD</u> <u>LAKE WORTH, FLA 33461</u>	2. <u>JOHN BOURASSO</u> <u>P.O. BOX 1500</u> <u>STUART, FLA. 34995-1500</u>	3. _____
4. _____	5. _____	6. _____

6. Proposed Use (Check one or more as applicable) Private Single Family  Multi Family   
 Public  Commercial  New Work  Alteration of Existing Works  Maintenance  Other (Explain) \_\_\_\_\_  
 7. Desired Permit Duration (see Fee Schedule)  
 5 Yr  10 Yr  Other (Specify) \_\_\_\_\_  
 8. General Permit or Exemption Requested  
 DER General Permit FAC Rule 17-312.  DER Exemption FAC Rule 17-312. \_\_\_\_\_ Section 403. \_\_\_\_\_ F.S.

9. Total Extent of Work In Jurisdictional Open Waters or Wetlands: (Use additional sheets and provide complete breakdown of each category if more space is needed.)

a. Within Corps Jurisdiction:  
 Fill: 1016 Sq. Ft. .023 Acres 75.25 Cu. Yds.  
 Excavation: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.

b. Within DER Jurisdiction:  
 Fill: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.  
 Excavation: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.  
 Excavation Waterward of MHW \_\_\_\_\_ cu. yds. (Information needed for DNR)

c. DER Jurisdictional Area Severed (Area Landward of Fill Structures which will be Severed):  
 \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres

d. DER Jurisdictional Area Created (New Excavation from Uplands, Exclusive of Mitigation):  
 \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres

e. Docks, Piers, and Over Water Structures:  
 Total Number of Slips \_\_\_\_\_ Total Number of Mooring Pilings \_\_\_\_\_  
 Length 419' Width 4' Height above MHW 3.5"  
 T- Length 16' Width 10' Height above MHW 3.5'  
 Number of Finger Piers \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_  
 Number of Finger Piers \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_  
 Total area of structure over waters & wetlands 1836 sq. ft.  
 Use of structure \_\_\_\_\_

Will the docking facility provide:	No	Yes	Number
Liveboard Slips	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Fueling Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Sewage Pump-out Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Other Supplies or Services Required for Boating (Excluding refreshments, bait and tackle)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

f. Seawall length 127'± ft. Seawall material MARINE TREATED LUMBER  
 Riprap revetment length 127'± ft. Slope 2 H: 1 V Toe width: \_\_\_\_\_ ft.  
 Riprap at toe of seawall length \_\_\_\_\_ ft. Slope \_\_\_\_\_ H: \_\_\_\_\_ V Toe width \_\_\_\_\_ ft.  
 Size of riprap 2' TO 3'  
 Type of riprap or seawall material NATURAL FLORIDA STONE

g. Other (See Item 10).

RECEIVED

JUN 17 1994

Dept. of Environ. Protection  
Port St. Lucia

DER Form #	17-312.900(1)
Form Title	Joint App. for Work in the Waters of Fla
Effective Date	October 30, 1991
DER Application No.	(Filed in by DER)

10. Description of Work (be specific; use additional sheets as necessary). CONSTRUCTION OF A 419" X 4' DOCK WITH A 16' X 10' TERMINAL AND A CRADLE STYLE BOAT LIFT.

11. Turbidity, Erosion, and Sedimentation Controls Proposed: AN EFFECTIVE MEANS OF TURBIDITY CONTROL SUCH AS BUT NOT LIMITED TO TURBIDITY CURTAINS, SHALL BE EMPLOYED DURING ALL OPERATIONS THAT MAY CREATE TURBIDITY IN EXCESS OF 29 NTU'S ABOVE BACKGROUND AS PROVIDED IN CHAPTER 17-3 OF THE FLORIDA ADMINISTRATIVE CODE. TURBIDITY CONTROL SHALL REMAIN IN PLACE UNTIL ALL TURBIDITY HAS SUBSIDED.

12. Date Activity is Proposed to Commence ASAP ; to be Completed ASAP  
Total Time Required to Construct 8 WEEKS

13. Previous Applications for this Project have been:	DER No.	Corps No.
A. Denied (date) _____	_____	_____
B. Issued (date) <u>JUNE 12, 1990</u>	<u>431772858</u>	<u>906P30295</u>
C. Other (please explain) _____	_____	_____

Differentiate between existing work and proposed work on the drawings.

14. Certification. Application is hereby made for a permit or permits to authorize the activities described herein.

A. I Certify That: (Please check appropriate space)

1. I am the record owner  ; lessee  , or the record easement holder  of the property on which the proposed project is to be undertaken, as described in the attached legal document.

2. I am not  the record owner, lessee, or record easement holder of the property on which the proposed project is to be undertaken, as described in the attached legal document, but I will have, before undertaking the proposed work, the requisite property interest. (Please explain what the interest will be and how it will be acquired.)

Attach legal description of property or copy of deed to the property on which project is to occur (must be provided)

B. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.

C. In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of inspecting the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work, if a permit is granted.

D. This is a Joint Application and is not a Joint Permit. I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of construction. I also understand that before commencement of this proposed project, I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard, the Department of Environmental Regulation, the Delegated Water Management District (where applicable), and the Department of Natural Resources, as necessary.

E. I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant. I understand that knowingly making any false statement or representation in this application is a violation of Section 403.161, F.S. and Chapter 837, F.S.

ROBERT L. SANDY  
 Typed/Printed Name of Applicant or Agent  
PRESIDENT  
 (Corporate Title if applicable)

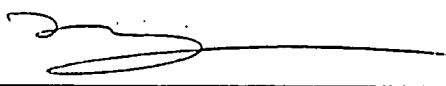
  
 Signature of Applicant or Agent

6-15-94  
 Date

AN AGENT MAY SIGN ABOVE IF APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

Michael Nestico  
 Typed/Printed Name of Applicant  
 \_\_\_\_\_  
 (Corporate Title if applicable)

  
 Signature of Applicant

6-12-94  
 Date

15. For your information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information, contact the Chief of the Bureau of Saltwater Licenses and Permits, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Telephone No. (904) 487-3122. This is not a requirement for a permit from the Department of Environmental Regulation.

18 U.S.C. Section 1001 provides that, Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

16. Please submit this completed form, with attached drawings and the complete DER processing fee (see Fee Schedule in Rule 17-4.050, F.A.C., copy attached) to the appropriate DER or Delegated WMD office with jurisdiction over the project site.



# Florida Department of Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

JULY 8, 1994

Virginia B. Wetherell  
Secretary

ADDRESS REPLY TO:  
Division of State Lands  
SE Florida Field Office  
7400-H So. Georgia Ave.  
West Palm Beach, FL 33405

Mr. John Bourassa  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

File No.: 432513428  
Applicant: Bourassa, John

Dear Sir:

You are hereby granted authorization from the Division of State Lands for the construction of approximately 250 linear feet of seawall, noting that the proposed seawall shall be located at or landward of the mean high water line and the placement of 250 linear feet of riprap, noting that the riprap is placed within 10 feet of the mean high water line, and have a slope not greater than 2 horizontal: 1 vertical, as shown in the Department of Environmental Protection / Division of Water Management Application (No. 432513428), in the St. Lucie River, Martin County, Section 26, Township 32 South, Range 41 East. This authorization is conditioned upon acceptance of and compliance with the attached General Consent Conditions.

Please consider this the conditional authority sought under Section 253.77, Florida Statutes, to pursue this project. Your rights pursuant to Chapter 120, Florida Statutes, are described in the enclosed notice.

This letter of consent in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply. Authorization may be required from the DEP, Division of Water Management.

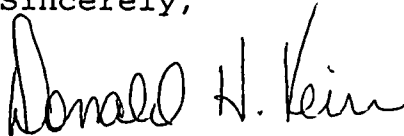
Please retain this letter, as it constitutes consent by the Division of State Lands. Your project may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If your project is not in compliance, you may be subject to penalties under Chapter 18-14, F.A.C.



File No.: 432513428  
Applicant: Bourassa, John  
Page Two

Thank you for your cooperation. We hope the information provided in this package will be useful. If you have any questions, please contact Diane Willoughby at 7400 South Georgia Avenue, Unit H, West Palm Beach, Florida 33405 or at (407) 540-1125.

Sincerely,



Donald H. Keirn, Planning Manager  
Bureau of Submerged Lands & Preserves  
Division of State Lands

Enclosures 120 Notice  
General Consent Conditions

cc: DEP,DSL - SE Florida Field Office - Diane Willoughby  
DEP,DWM - Dredge and Fill Section - Jackie Kelly

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

NOTICE

To: Mr. John Bourassa  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

July 8, 1994

BOT File No. 432513428

The applicant (Lessee/Grantee) and any other person whose interest may be affected by this decision has the right to request an administrative hearing pursuant to Chapter 120, Florida Statutes. However, any request must be received by the Department no later than 21 days from the date of receipt of this notification and should be directed to:

Office of the General Counsel  
Department of Environmental Protection  
Mail Station 35, Twin Towers  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400.

This request for hearing must contain a petition setting forth the factual and legal grounds for contesting this decision. Upon receipt, the petition will be filed by the Department with the Division of Administrative Hearings and notification of all future proceedings will come from that agency.

Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving notice, pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(c) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes.

Bureau of Submerged Lands and Preserves

08/13/93

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF STATE LANDS  
GENERAL CONSENT CONDITIONS

Project No. 432513428

1. No activities other than those set forth in the attached letter dated 7/8/94 are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
  2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
  3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.
  4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
  5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
  6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
  7. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
  8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
  9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
  10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
  11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
  12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.
-



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form # 17-312.900(1)
Form Title: Joint Ap. for Works in the Waters of Florida
Effective Date: October 10, 1990
DER Application No. (Filed in by DER)

Joint Application for Works in the Waters of Florida

Department of the Army (Corps)/Florida Department of Environmental Regulation (DER)/
Department of Natural Resources (DNR)/Delegated Water Management District (Delegated WMD)

Type or Print Legibly

Corps Application Number (official use only) DER Application Number (official use only)

1. Applicant's Name and Address.

Name: BOURASSA, JOHN
Street: P.O. BOX 1500
City: STUART State: FLA. Zip: 34995-1500
Telephone: ( ) (Day) ( ) (Night)

2. Name, Address, Zip Code, Telephone Number and Title of Applicant's Authorized Agent

Name: Robert Sandy Construction, Inc.
Street: 3452 NE Indian Drive
City: Jensen Beach State: FL Zip: 34957
Telephone: (407) 334-3046 (Day) ( ) (Night)

3. Name of Waterway at Work Site: ST. LUCIE RIVER

4. Street, Road or Other Location of Work: N.E. LOFTING WAY

Incorporated City or Town: SEWALLS POINT
Section: 26 Township: 37S Range: 41E
Section: Township: Range:
Section: Township: Range:

County(ies):
Coordinates in Center of Project:
Latitude: 27° 0' 13" Longitude: 80° 0' 13" 04"
Lot: 3, 4 Block: Subd: Plat Bk: Pg:
Directions to Locate Site: INDIAN RIVER DRIVE SOUTH TO PLANTATION GO RIGHT TO LOTS 3, 4

5. Names, Addresses, and Zip Codes of Adjacent Property Owners Whose Property Also Adjoins the Water (Excluding Applicant). Show Numbers or Names of These Owners on Plan Views. If More Than Six (6) Owners Adjoin the Project, You May Be Required to Publish a Public Notice for the DER.

- 1. DON MCKINNON 41 N.E. LOFTING WAY STUART FLA. 34996
2. MIKE NESTICO 142 MAIN ST. BLOOMINGDALE, NJ.
3.
4.
5.
6.

6. Proposed Use (Check one or more as applicable) Private  Single Family  Multi Family   
 Public  Commercial  New Work  Alteration of Existing Works  Maintenance  Other (Explain) \_\_\_\_\_

7. Desired Permit Duration (see Fee Schedule)  
 5 Yr  10 Yr  Other (Specify) \_\_\_\_\_

8. General Permit or Exemption Requested  
 DER General Permit FAC Rule 17-312.  DER Exemption FAC Rule 17-312. \_\_\_\_\_ Section 403 \_\_\_\_\_ FS

9. Total Extent of Work in Jurisdictional Open Waters or Wetlands: (Use additional sheets and provide complete breakdown of each category if more space is needed.)

a. Within Corps Jurisdiction:  
 Fill: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.  
 Excavation: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.

b. Within DER Jurisdiction:  
 Fill: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.  
 Excavation: \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Cu. Yds.  
 Excavation Waterward of MHW \_\_\_\_\_ cu. yds. (Information needed for DNR)

c. DER Jurisdictional Area Severed (Area Landward of Fill Structures which will be Severed):  
 \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres

d. DER Jurisdictional Area Created (New Excavation from Uplands, Exclusive of Mitigation):  
 \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Acres

e. Docks, Piers, and Over Water Structures:  
 Total Number of Slips \_\_\_\_\_ Total Number of Mooring Pilings \_\_\_\_\_  
 Length \_\_\_\_\_ Width \_\_\_\_\_ Height above MHW \_\_\_\_\_  
 Length \_\_\_\_\_ Width \_\_\_\_\_ Height above MHW \_\_\_\_\_  
 Number of Finger Piers \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_  
 Number of Finger Piers \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_  
 Total area of structure over waters & wetlands \_\_\_\_\_  
 Use of structure \_\_\_\_\_

Will the docking facility provide:

Liveboard Slips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Number _____
Fueling Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Number _____
Sewage Pump-out Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Number _____
Other Supplies or Services Required for Boating (Excluding refreshments, bait and tackle)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Number _____

f. Seawall length 250' ± ft. Seawall material MARINE TREATED LUMBER  
 Riprap revetment length 250' ± ft. Slope 2 H: 1 V Toe width \_\_\_\_\_  
 Riprap at toe of seawall length \_\_\_\_\_ ft. Slope \_\_\_\_\_ H: \_\_\_\_\_ V Toe width \_\_\_\_\_  
 Size of riprap 2' TO 3'  
 Type of riprap or seawall material NATURAL FLORIDA STONE

g. Other (See Item 10).

10. Description of Work (be specific; use additional sheets as necessary).

A 250' ± MARINE TREATED LUMBER SEAWALL WITH 250' OF RIP-RAP

11. Turbidity, Erosion, and Sedimentation Controls Proposed:

An effective means of turbidity control such as but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of 29 NTU's above background as provided in Chapter 17-3 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.

12. Date Activity is Proposed to Commence ASAP ; to be Completed ASAP

Total Time Required to Construct 18 WEEKS

13. Previous Applications for this Project have been:

	DER No.	Corps No.
A. Denied (date) _____	<u>43177283B</u>	<u>904P30296</u>
B. Issued (date) <u>JUNE 12, 1990</u>	<u>43177284B</u>	<u>904P30297</u>
C. Other (please explain) _____		

Differentiate between existing work and proposed work on the drawings.

14. Certification. Application is hereby made for a permit or permits to authorize the activities described herein.

A. I Certify That: (Please check appropriate space)

- I am the record owner  ; lessee  , or the record easement holder  of the property on which the proposed project be undertaken, as described in the attached legal document.
- I am not  the record owner, lessee, or record easement holder of the property on which the proposed project is to be undertaken, as described in the attached legal document, but I will have, before undertaking the proposed work, the requisite pr interest. (Please explain what the interest will be and how it will be acquired.)

Attach legal description of property or copy of deed to the property on which project is to occur (must be provided)

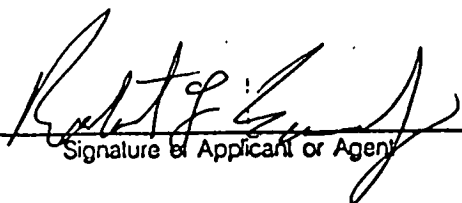
B. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance evidence that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.

C. In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law the environmental agencies for the purpose of inspecting the site. Further, I agree to provide entry to the project site for such inspection to monitor permitted work, if a permit is granted.

D. This is a Joint Application and is not a Joint Permit. I hereby acknowledge the obligation and responsibility for obtaining all required state, federal or local permits before commencement of construction. I also understand that before commencement of proposed project, I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard Department of Environmental Regulation, the Delegated Water Management District (where applicable), and the Department of Natural Resources, as necessary.

E. I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the authorized agent of the applicant. I understand that knowingly making any false statement or representation in this application is a violation of Section 403.161, F.S. and Chapter 837, F.S.

ROBERT L. SANDY  
Typed/Printed Name of Applicant or Agent

  
Signature of Applicant or Agent

5-14-94  
Date

PRESIDENT  
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE IF APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

John Bourcassi  
Typed/Printed Name of Applicant

  
Signature of Applicant

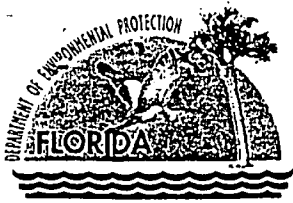
2-11-97  
Date

(Corporate Title if applicable)

15. For your information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment, you may wish to determine if this requirement has been met. For further information, contact the Chief of the Bureau of Saltwater Licenses and Permits, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Telephone No. (904) 487-1111. This is not a requirement for a permit from the Department of Environmental Regulation.

18 U.S.C. Section 1001 provides that, Whoever, in any manner within the jurisdiction of any department or agency of The United States Government, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

16. Please submit this completed form, with attached drawings and the complete DER processing fee (see Fee Schedule in Rule 17-4050, F.A.C. copy attached) to the appropriate DER or Delegated WMD office with jurisdiction over the project site.



# Department of Environmental Protection

Division of Environmental Resources Permitting  
SOUTHEAST DISTRICT  
1900 South Congress Avenue  
P.O. Box 15425  
West Palm Beach, Florida 33416  
(407) 433-2650

Lawton Chiles  
Governor

Virginia B. Wetherell  
Secretary

AUG 15 1994

Mr. Mike Nestico  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

File No.: 432527658  
Applicant: Nestico, Mike

Dear Sir:

You are hereby granted authorization from the Division of Environmental Resource Permitting for the construction of approximately 127 linear feet of seawall, noting that the proposed seawall shall be located at or landward of the mean high water line, the placement of riprap at the toe of the seawall, providing that all riprap is placed within 10 feet of the mean high water line, and have a slope not greater than 2 horizontal: 1 vertical, the construction of a single family dock 4 feet by 414 feet with a terminal platform 10 feet by 16 feet and a boat lift as shown in the Department of Environmental Protection / Division of Water Management Application (No. 432527658), in the St. Lucie River, Martin County, Section 26, Township 37 South, Range 41 East. This authorization is conditioned upon the acceptance of and compliance with the attached General Consent Conditions.

Please consider this the conditional authority sought under Section 253.77, Florida Statutes, to pursue this project. Your rights pursuant to Chapter 120, Florida Statutes, are described in the enclosed notice.

This letter of consent in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply. Authorization may be required from the DEP, Division of Water Management.

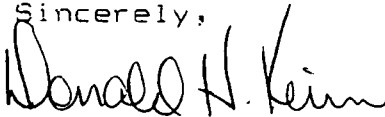


File No.: 432527658  
Applicant: Nestico, Mike  
Page Two

Please retain this letter, as it constitutes consent by the Division of Environmental Resource Permitting. Your project may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If your project is not in compliance, you may be subject to penalties under Chapter 18-14, F.A.C.

Thank you for your cooperation. We hope the information provided in this package will be useful. If you have any questions, please contact Diane Willoughby at 1900 South Congress Avenue, West Palm Beach, Florida 33416 or at (407) 433-2650.

Sincerely,



Donald H. Keirn  
Planning Manager

Enclosures 120 Notice  
General Consent Conditions

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF ENVIRONMENTAL RESOURCES PERMITTING  
GENERAL CONSENT CONDITIONS**

Project No. 432527658

1. No activities other than those set forth in the attached letter dated 8/15/94 are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

NOTICE

To: Mr. Mike Nestico  
c/o Robert Sandy Construction, Inc.  
3452 NE Indian Drive  
Jensen Beach, Florida 34957

AUG 15 1994

DEP File No. 432527658

The applicant (Lessee/Grantee) and any other person whose interest may be affected by this decision has the right to request an administrative hearing pursuant to Chapter 120, Florida Statutes. However, any request must be received by the Department no later than 21 days from the date of receipt of this notification and should be directed to:

Office of the General Counsel  
Department of Environmental Protection  
Mail Station 35, Twin Towers  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400.

This request for hearing must contain a petition setting forth the factual and legal grounds for contesting this decision. Upon receipt, the petition will be filed by the Department with the Division of Administrative Hearings and notification of all future proceedings will come from that agency.

Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving notice, pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(c) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes.

DIVISION OF ENVIRONMENTAL RESOURCES PERMITTING  
SOUTHEAST DISTRICT



# Department of Environmental Protection

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952

Virginia B. Wetherell  
Secretary

Lawton Chiles  
Governor

(407)871-7662 (407)335-4310

AUG 15 1994

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PERMIT ISSUANCE

In the Matter of an Application  
for Permit by:

DEP File No. 432513428

Mr. John Bourassa  
Post Office Box 1500  
Stuart, FL 34994-1500

Dear Mr. Bourassa:

Enclosed is Permit Number 432513428 from the Division of Environmental Resource Permitting, to stabilize the shoreline, issued pursuant to Chapters 403 and 373, Florida Statutes (F.S.).

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The Petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative proceeding (hearing) under Section 120.57, F.S.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

Page Two  
John Bourassa  
Permit No. 432513428

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interest will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further order of the Department.

Page Three  
John Bourassa  
Permit No. 432513428


When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

Any questions regarding this permit should be directed to Mary Figueira at (407)871-7662.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 8/12/94  
Ernest E. Frey (Date)  
Acting Director of District Management  
Post Office Box 15425  
West Palm Beach, Florida 33416  
(407) 433-2650

Page Four  
John Bourassa  
Permit No. 432513428

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on AUG 15 1994 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT: FILED**, on this date, pursuant to §120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

*Loretta Walsh*  
(Clerk)

AUG 15 1994  
(Date)

cc: U.S. Army Corps of Engineers, Tampa  
Department of Env. Protection, State Lands, WPB  
Martin County property Appraiser's Office  
Town of Sewall's Point  
Robert Sandy Construction, Inc. (Agent)



# Department of Environmental Protection

Lawton Chiles  
Governor

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952  
(407)871-7662 (407)335-4310

Virginia B. Wetherell  
Secretary

AUG 15 1994

**PERMITTEE:**

John Bourassa  
Post Office Box 1500  
Stuart, FL 34995-1500

I.D. Number: 5143P01641  
Permit/Certificate: 432513428  
Issuance Date: August 15, 1994  
Expiration Date: August 15, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Shoreline Stabilization

This permit is issued under the provisions of Chapter 403 and 373, Florida Statutes (F.S.), Public Law 92-500 and Title 17, Florida Administrative Code Rules (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**TO:**

Stabilize the shoreline with the construction of a 250 linear foot seawall faced with riprap. The riprap will be placed along the toe of the wall at a 2 horizontal to 1 vertical slope.

**IN ACCORDANCE WITH:**

The seven (7) stamped drawings which are attached and a part hereof and DEP Application Form 17-312.900(1) dated February 11, 1994, and signed by John Bourassa (not attached).

**LOCATED AT:**

Lots #3 and 4, NE Lofting Way, Plantation of Sewall's Point, St. Lucie River, Class III Waters, Section 26, Township 37 South, Range 41 East, Town of Sewall's Point, Martin County.

**SUBJECT TO:**

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through nine (9).

DEP Form 17-312.900(1) Effective October 30, 1991

Page 1 of 6



GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

**GENERAL CONDITIONS:**

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 17-302.500 Florida Administrative Code (F.A.C.) shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

GENERAL CONDITIONS:

14. The permittee shall comply with the following:

- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- (c) Records of monitoring information shall include:
  - 1. the date, exact place, and time of sampling or measurements;
  - 2. the person responsible for performing the sampling or measurements;
  - 3. the dates analyses were performed;
  - 4. the person responsible for performing the analyses;
  - 5. the analytical techniques or methods used; and
  - 6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:

John Bourassa  
Post Office Box 1500  
Stuart, FL 34995-1500

I.D. Number: 5143P01641  
Permit/Certificate: 432513428  
Issuance Date: August 15, 1994  
Expiration Date: August 15, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Shoreline Stabilization

SPECIFIC CONDITIONS:

1. At least forty-eight (48) hours prior to commencement of work authorized by this permit, the permittee shall provide written notification to the Department of Environmental Protection, Division of Environmental Resource Permitting, Southeast Florida District Branch Office in Port St. Lucie, of this commencement. Written notification shall also be provided within forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of twenty-nine (29) NTU's above background as provided in Chapter 17-302 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. The level area located just landward of the seawall being disturbed by filling or equipment access, shall be stabilized within 14 days of final grading.
4. Rip rap shall consist only of natural boulders six (6) inches to three (3) feet in diameter in average dimensions.
5. The slope of the rip rap shall be no steeper than 2 ft.H:1 ft.V and the horizontal distance shall be no more than eight (8) feet waterward of the mean high water line.
6. All other necessary State, Federal, or local permits must be applied for and received prior to the start of work.
7. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, 500 S. Bronough, Tallahassee, Florida 32399-0250.

PERMITTEE:

John Bourassa  
Post Office Box 1500  
Stuart, FL 34995-1500

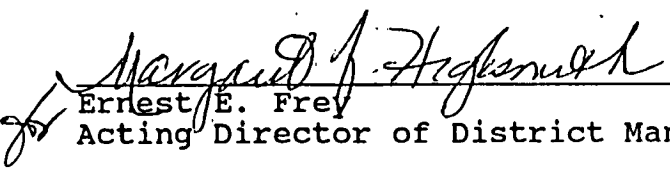
I.D. Number: 5143P01641  
Permit/Certificate: 432513428  
Issuance Date: August 15, 1994  
Expiration Date: August 15, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Shoreline Stabilization

SPECIFIC CONDITIONS:

8. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253 Florida Statutes (F.S.), until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Rule 160-14, Florida Administrative Code (F.A.C.) if such work is done without consent, or if a person otherwise damages State land or products of State land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
9. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

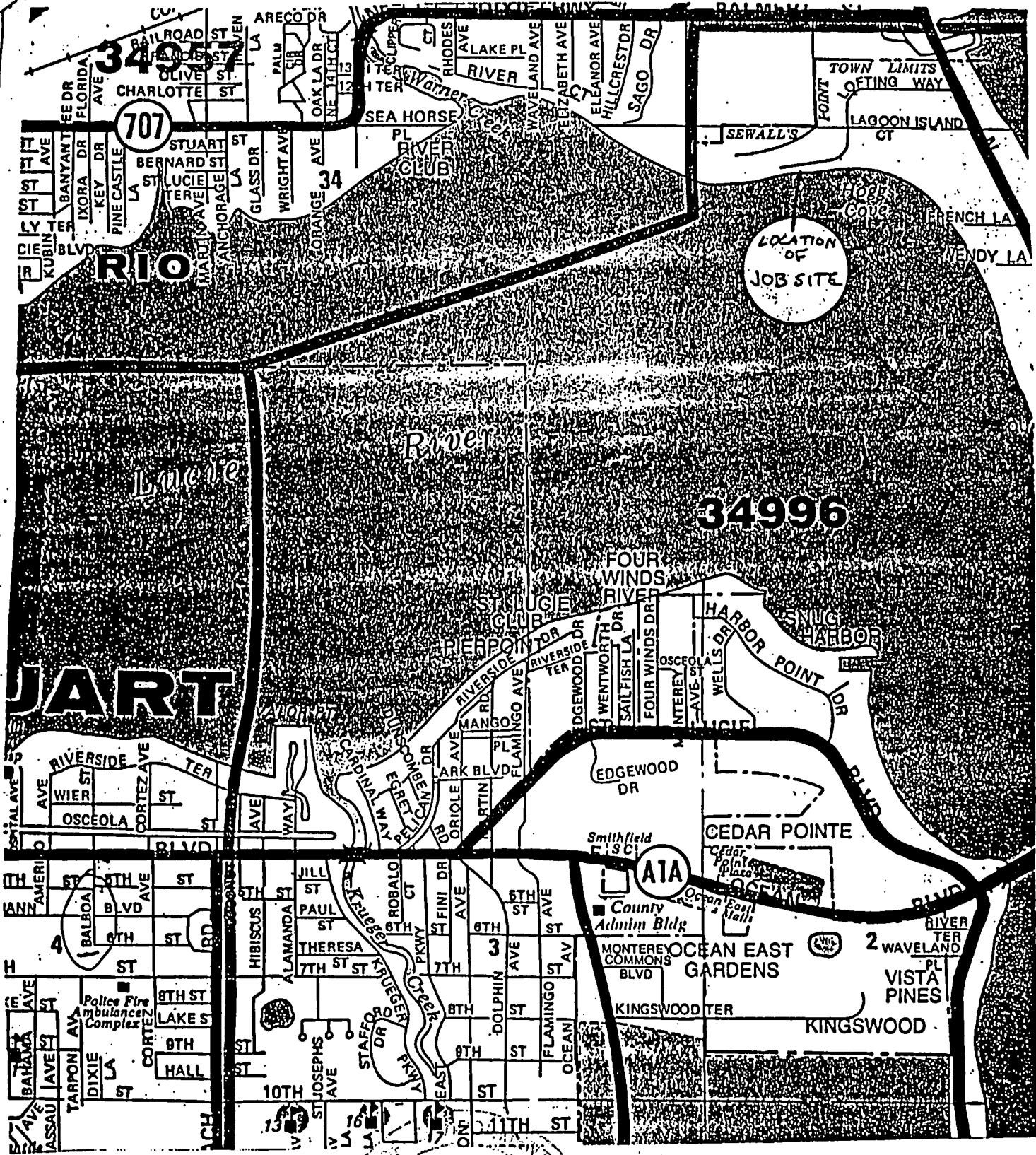
Issued this 12<sup>th</sup> day of August, 1994.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

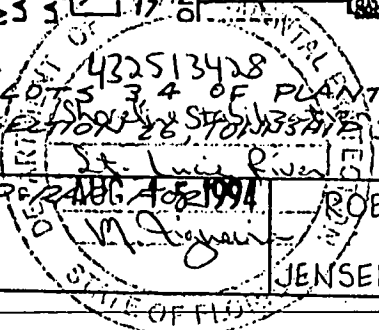
  
Ernest E. Frey  
Acting Director of District Management

EEF:mfw

7 pages attached



LEGAL DESCRIPTION: 4 LOTS 3 & 4 OF PLANTATION OF SEWALLS PT. SECTION 26, TOWNSHIP 37 S, RANGE 41 E

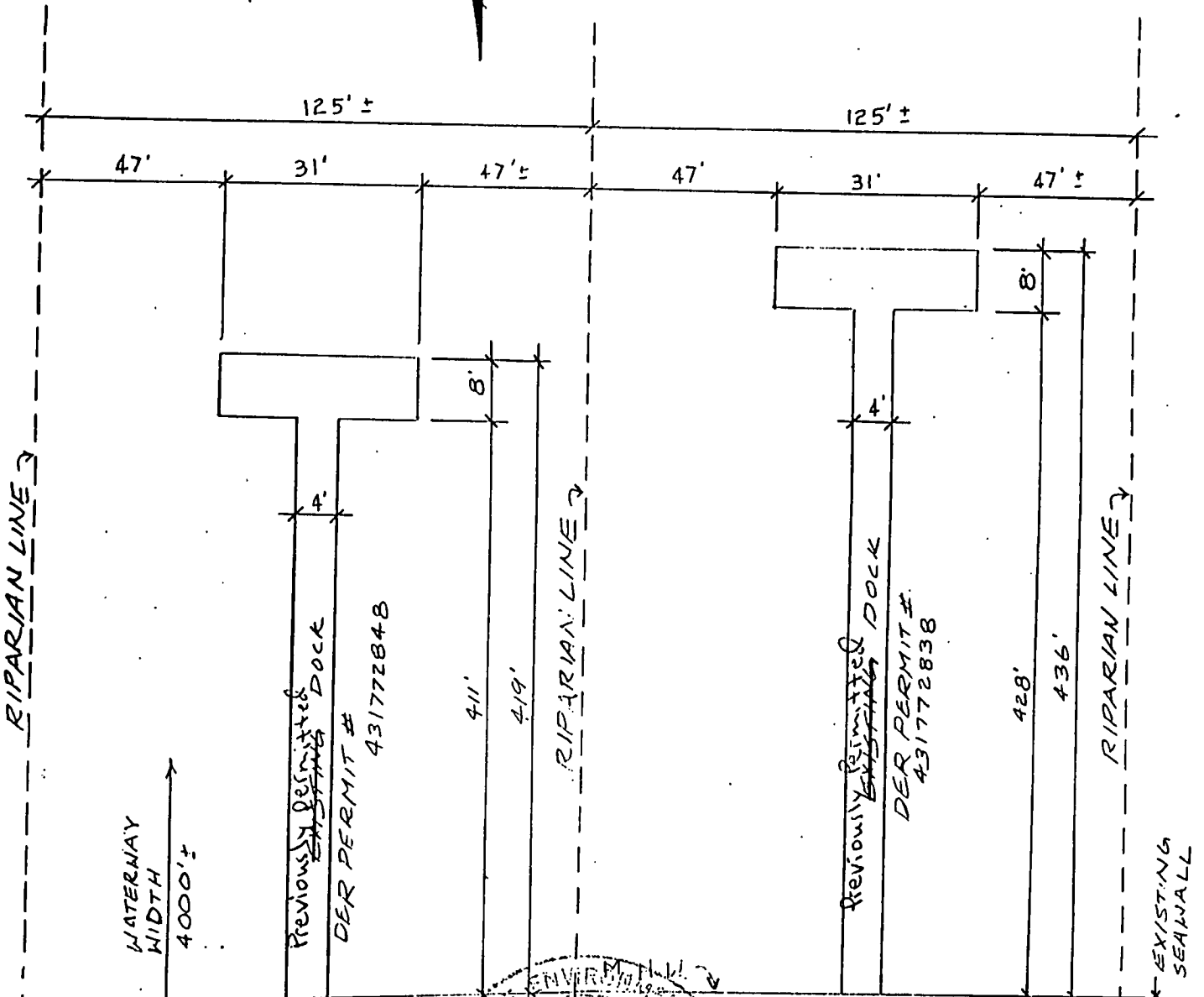


PROPOSED SEWALL RIVER RAMP  
JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

FLOW ↻ EBB

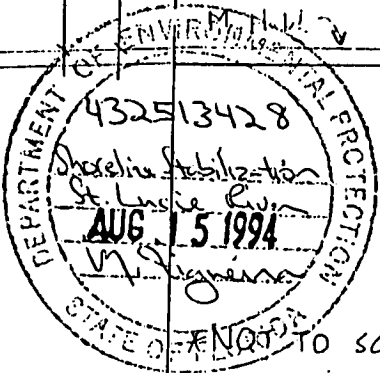
ST. LUCIE RIVER



WATERWAY WIDTH 4000'±

Previously Permitted Dock  
DER PERMIT # 431772848

Previously Permitted Dock  
DER PERMIT # 431772838



REVIEWED BY  
*[Signature]*  
MAY 25 1994

LOT 5  
FRANK TODD

LOT 4

LOT 3

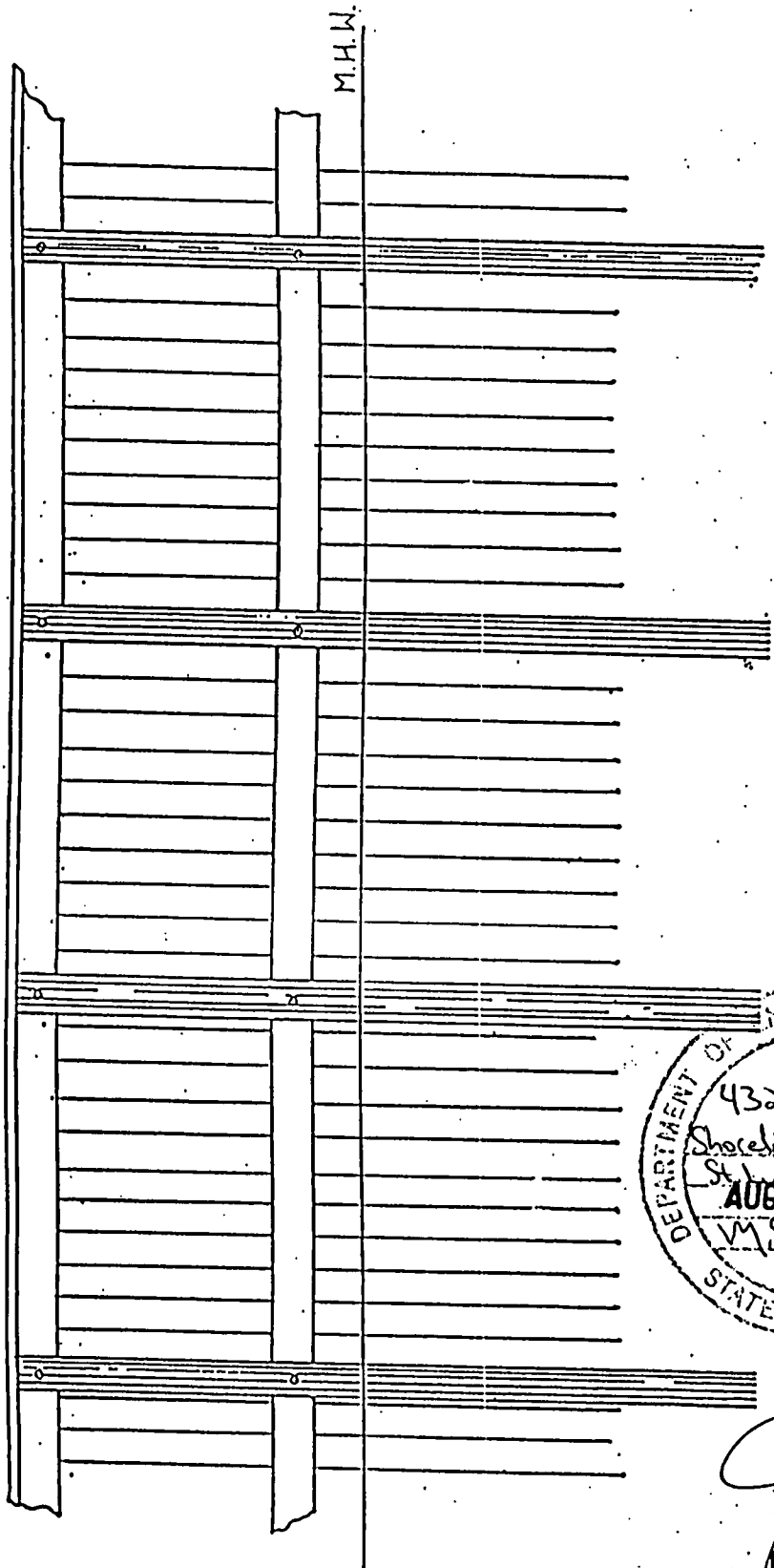
LOT 2  
ODON MCKINNON

PROPOSED SEAWALL & RIP-RAP FOR:  
JOHN BOURASSO

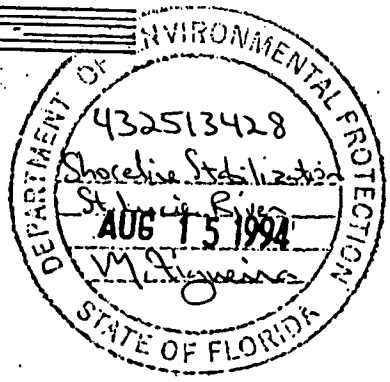
FOR STRUCTURAL  
ROBERT SANDY CONSULTING, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

RETAINING WALL

5'-4" O.C.  
TYPICAL



\*NOT TO SCALE



REVIEWED BY  
*[Signature]*  
MAY 25 1994  
FOR STRUCTURAL  
INTEGRITY

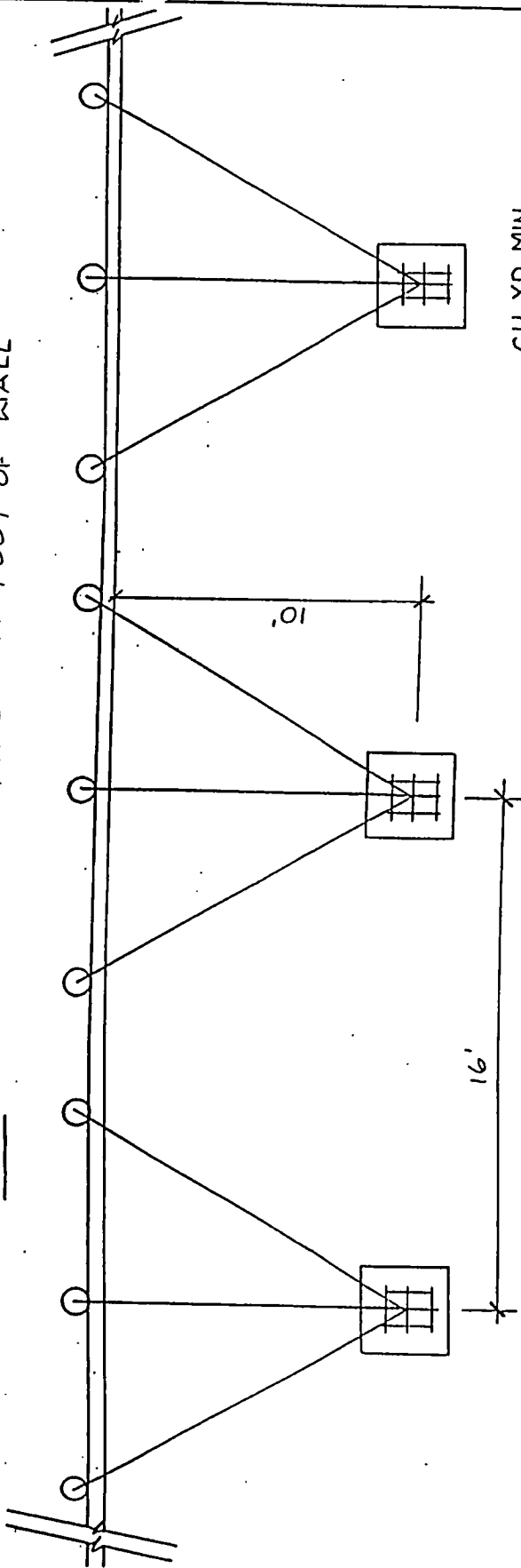
PROPOSED SEAWALL FOR:  
JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046





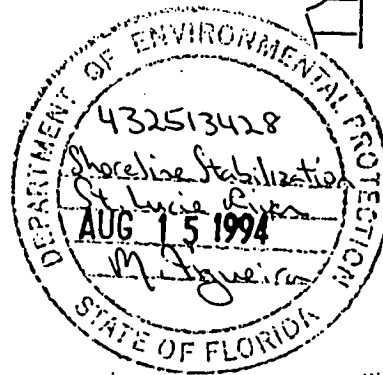
NOTE: RIP-RAP TO BE PLACED AT FOOT OF WALL



CU. YD. MIN.  
DEADMAN TYPICAL

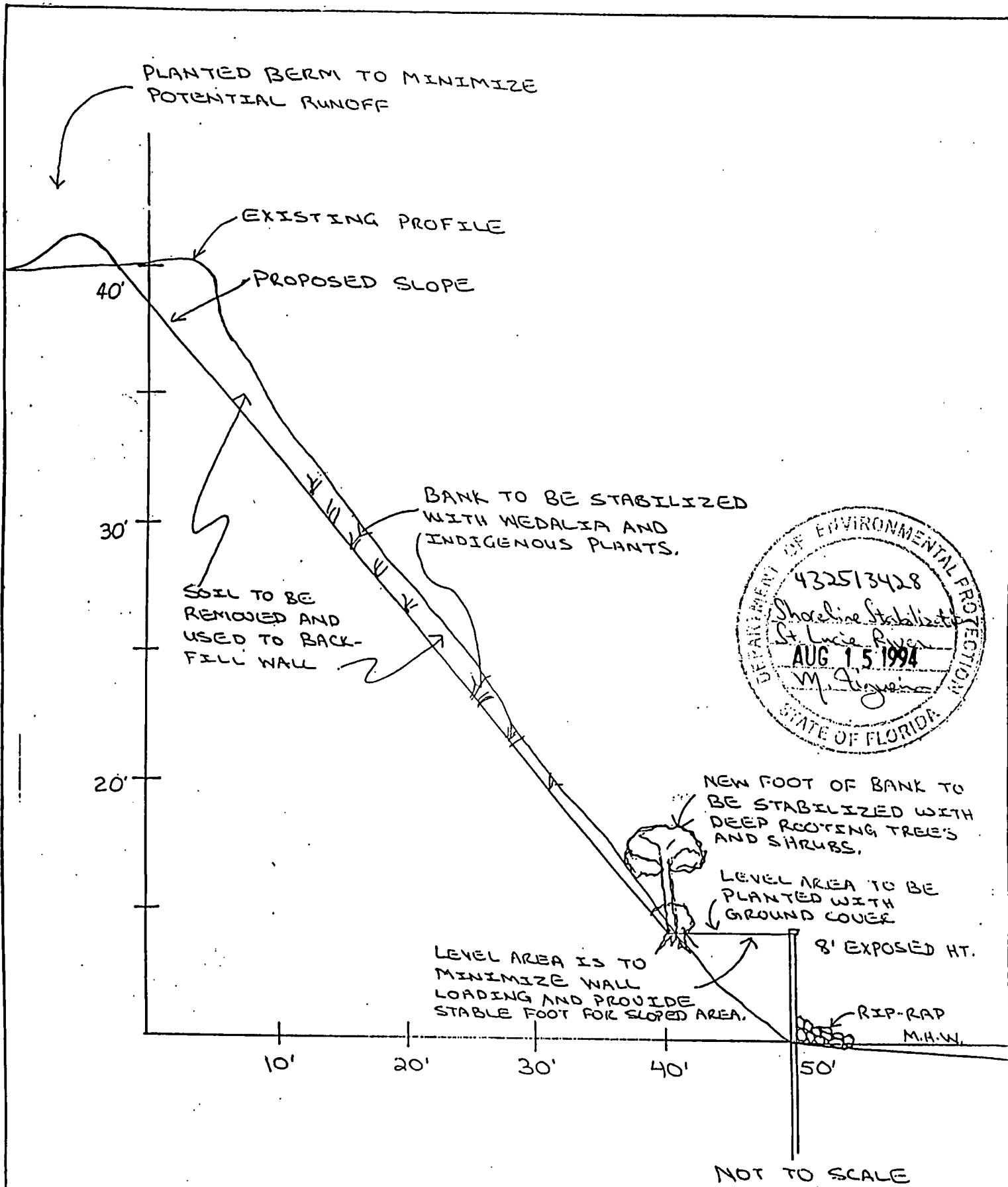
TYPICAL ANCHORING DETAIL

\* NOT TO SCALE



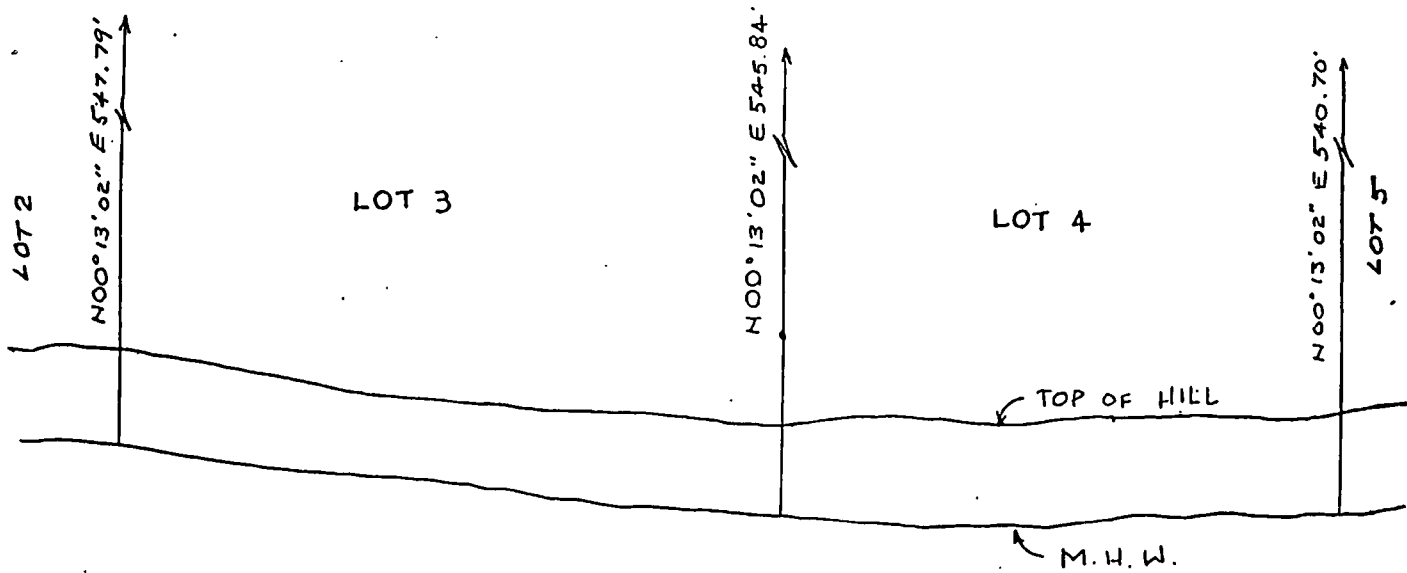
PROPOSED SEAWALL FOR  
JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

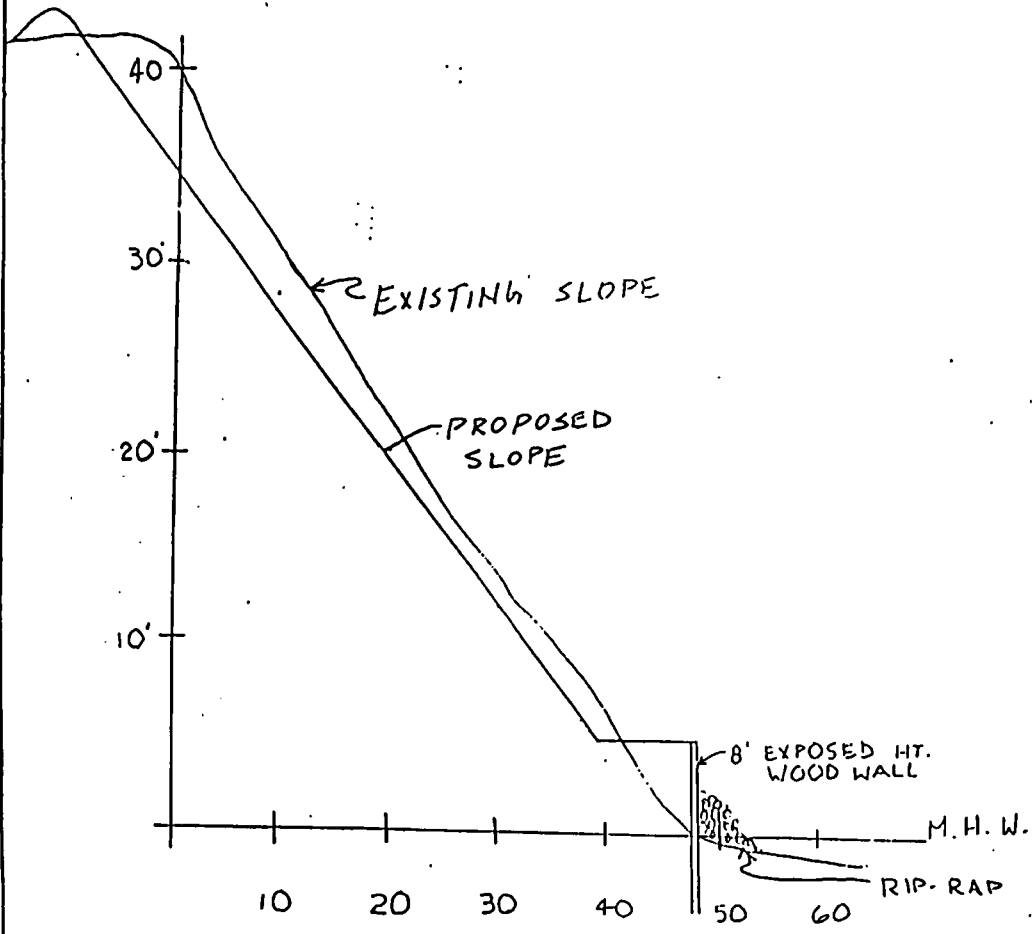


PROPOSED SLOPE PROFILES AND STABILIZATION FOR: JOHN BOURASSO

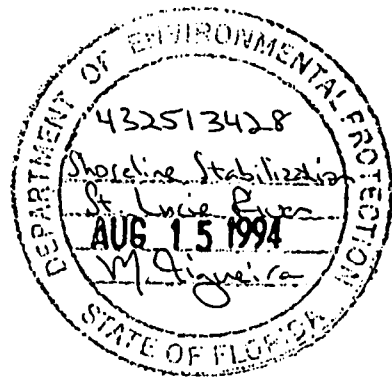
ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH. FLA. 34957 (407)334-3046



SITE PLAN  
\*NOT TO SCALE



PROFILE VIEW \*NOT TO SCALE



PROPOSED SLOPE PROFILE; SITE PLAN  
FOR: JOHN

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407)334-3046



# Department of Environmental Protection

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204

Port St. Lucie, FL 34952

(407)871-7662 (407)335-4310

Lawton Chiles  
Governor

AUG 16 1994

Virginia B. Wetherell  
Secretary

AUG 15 1994

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PERMIT ISSUANCE

In the Matter of an Application  
for Permit by:

DEP File No. 432513428

Mr. John Bourassa  
Post Office Box 1500  
Stuart, FL 34994-1500

Dear Mr. Bourassa:

Enclosed is Permit Number 432513428 from the Division of Environmental Resource Permitting, to stabilize the shoreline, issued pursuant to Chapters 403 and 373, Florida Statutes (F.S.).

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The Petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative proceeding (hearing) under Section 120.57, F.S.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

Page Two  
John Bourassa  
Permit No. 432513428

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interest will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further order of the Department.

---

Page Three  
John Bourassa  
Permit No. 432513428

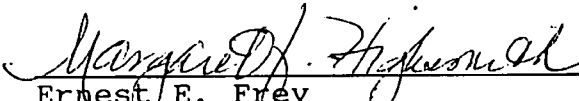
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The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Any questions regarding this permit should be directed to Mary Figueira at (407)871-7662.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 8/12/94  
Ernest E. Frey (Date)  
Acting Director of District Management  
Post Office Box 15425  
West Palm Beach, Florida 33416  
(407) 433-2650

Page Four  
John Bourassa  
Permit No. 432513428

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on AUG 15 1994 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT: FILED**, on this date, pursuant to §120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

*Loretta Wabel*  
(Clerk)

AUG 15 1994  
(Date)

cc: U.S. Army Corps of Engineers, Tampa  
Department of Env. Protection, State Lands, WPB  
Martin County property Appraiser's Office  
Town of Sewall's Point  
Robert Sandy Construction, Inc. (Agent)





# Department of Environmental Protection

Lawton Chiles  
Governor

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952  
(407)871-7662 (407)335-4310

Virginia B. Wetherell  
Secretary

AUG 15 1994

PERMITTEE:

John Bourassa  
Post Office Box 1500  
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I.D. Number: 5143P01641  
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TO:

Stabilize the shoreline with the construction of a 250 linear foot seawall faced with riprap. The riprap will be placed along the toe of the wall at a 2 horizontal to 1 vertical slope.

IN ACCORDANCE WITH:

The seven (7) stamped drawings which are attached and a part hereof and DEP Application Form 17-312.900(1) dated February 11, 1994, and signed by John Bourassa (not attached).

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GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through nine (9).

DEP Form 17-312.900(1) Effective October 30, 1991

Page 1 of 6

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3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
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5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
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7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
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9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 17-302.500 Florida Administrative Code (F.A.C.) shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

GENERAL CONDITIONS:

14. The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

(b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:

John Bourassa  
Post Office Box 1500  
Stuart, FL 34995-1500

I.D. Number: 5143P01641  
Permit/Certificate: 432513428  
Issuance Date: August 15, 1994  
Expiration Date: August 15, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Shoreline Stabilization

SPECIFIC CONDITIONS:

1. At least forty-eight (48) hours prior to commencement of work authorized by this permit, the permittee shall provide written notification to the Department of Environmental Protection, Division of Environmental Resource Permitting, Southeast Florida District Branch Office in Port St. Lucie, of this commencement. Written notification shall also be provided within forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of twenty-nine (29) NTU's above background as provided in Chapter 17-302 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. The level area located just landward of the seawall being disturbed by filling or equipment access, shall be stabilized within 14 days of final grading.
4. Rip rap shall consist only of natural boulders six (6) inches to three (3) feet in diameter in average dimensions.
5. The slope of the rip rap shall be no steeper than 2 ft.H:1 ft.V and the horizontal distance shall be no more than eight (8) feet waterward of the mean high water line.
6. All other necessary State, Federal, or local permits must be applied for and received prior to the start of work.
7. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, 500 S. Bronough, Tallahassee, Florida 32399-0250.

PERMITTEE:

John Bourassa  
Post Office Box 1500  
Stuart, FL 34995-1500

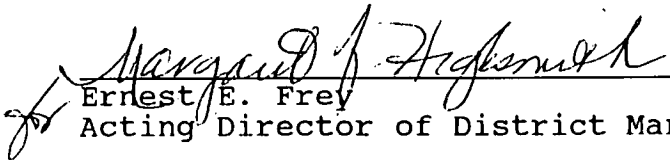
I.D. Number: 5143P01641  
Permit/Certificate: 432513428  
Issuance Date: August 15, 1994  
Expiration Date: August 15, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Shoreline Stabilization

SPECIFIC CONDITIONS:

8. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253 Florida Statutes (F.S.), until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Rule 160-14, Florida Administrative Code (F.A.C.) if such work is done without consent, or if a person otherwise damages State land or products of State land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
9. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

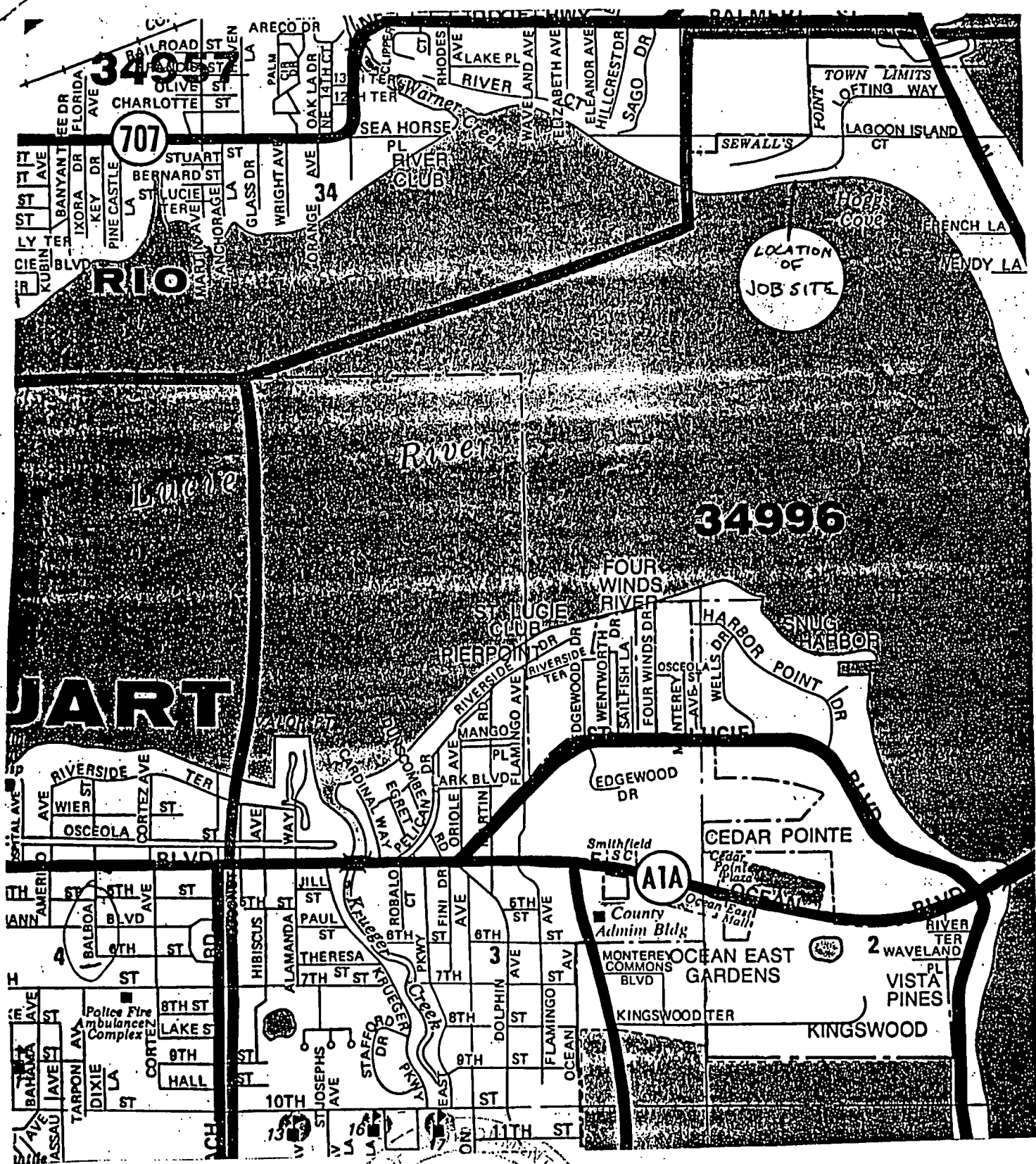
Issued this 12<sup>th</sup> day of August, 1994.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Ernest E. Frey  
Acting Director of District Management

EEF:mfw

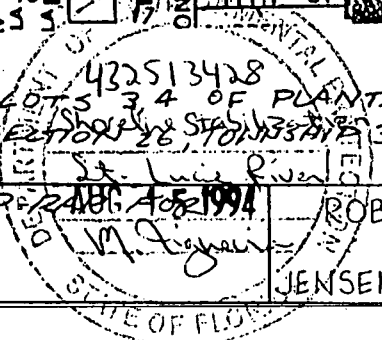
7 pages attached



LEGAL DESCRIPTION: LOTS 3, 4 OF PLANTATION OF SEWALLS PT.  
 SECTION 26, TOWNSHIP 37 S, RANGE 41 E

PROPOSED SEAWALL RIVER PILING  
 JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH., FLA. 34957 (407) 334-3046



FLOW EBB

ST. LUCIE RIVER



125' ±

125' ±

47'

31'

47' ±

47'

31'

47' ±

RIPARIAN LINE

RIPARIAN LINE

RIPARIAN LINE

WATERWAY WIDTH 4000' ±

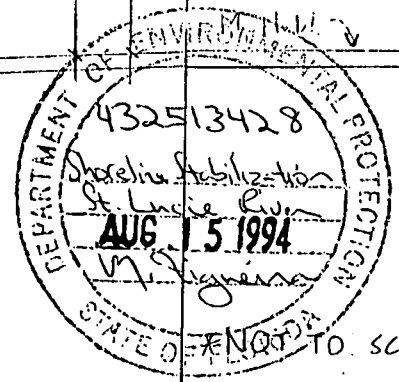
Previously Permitted Dock  
DER PERMIT # 431772848

Previously Permitted Dock  
DER PERMIT # 431772838

EXISTING SEAWALL

PROPOSED SEAWALL

PROPOSED SEAWALL



REVIEWED BY:   
MAY 25 1994  
FOR STRUCTURAL INTEGRITY

LOT 5  
FRANK TODD

LOT 4

LOT 3

LOT 2  
DON MCKINNON

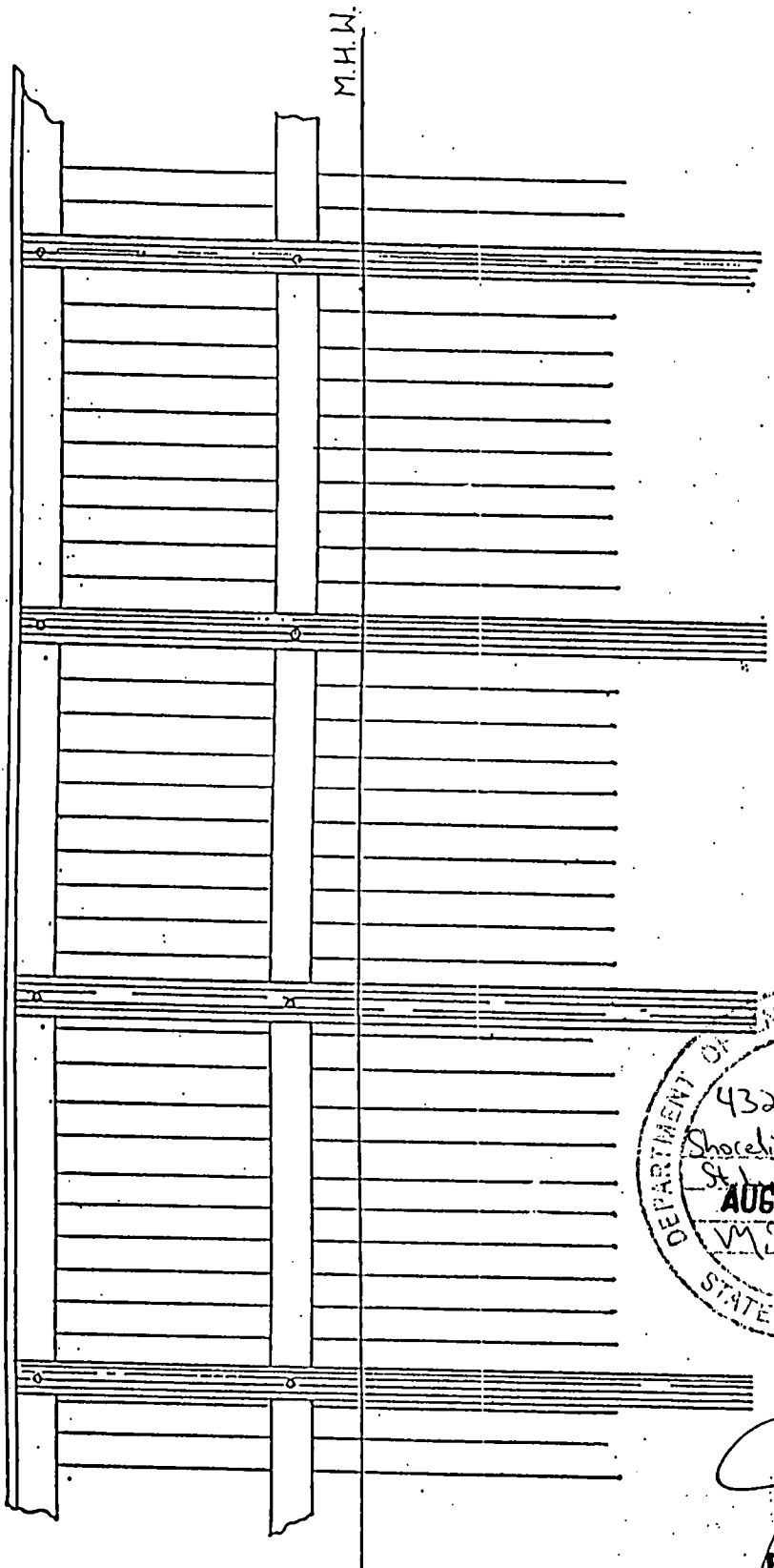
PROPOSED SEAWALL; RIP-RAP FOR:  
JOHN BOURASSO

ROBERT SANDY CONSULTING, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046

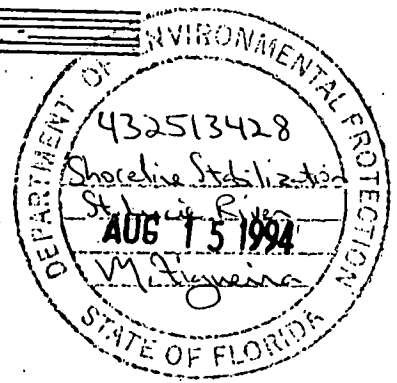


RETAINING WALL

5'-4" O.C.  
TYPICAL



\*NOT TO SCALE



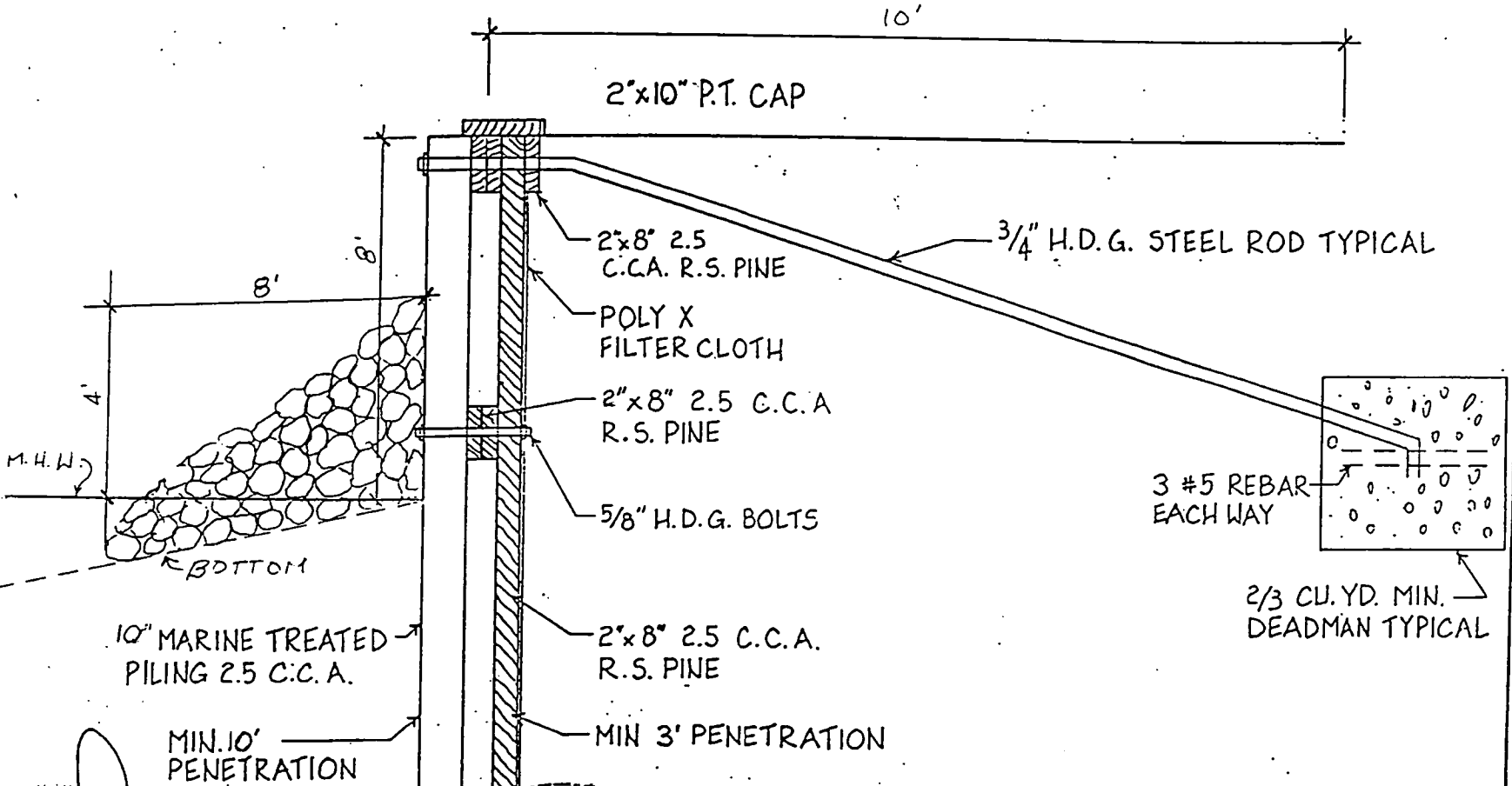
REVIEWED BY  
*[Signature]*  
MAY 25 1994  
FOR STRUCTURAL  
INTEGRITY

PROPOSED SEAWALL FOR:  
JOHN BOURASSO

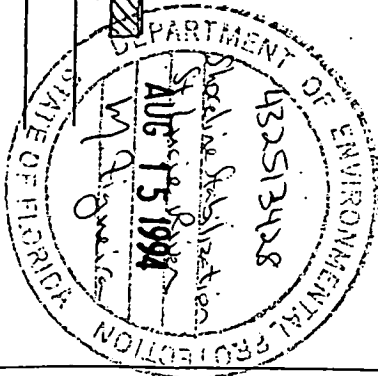
ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046

PROPOSED SEAWALL FOR:  
JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046

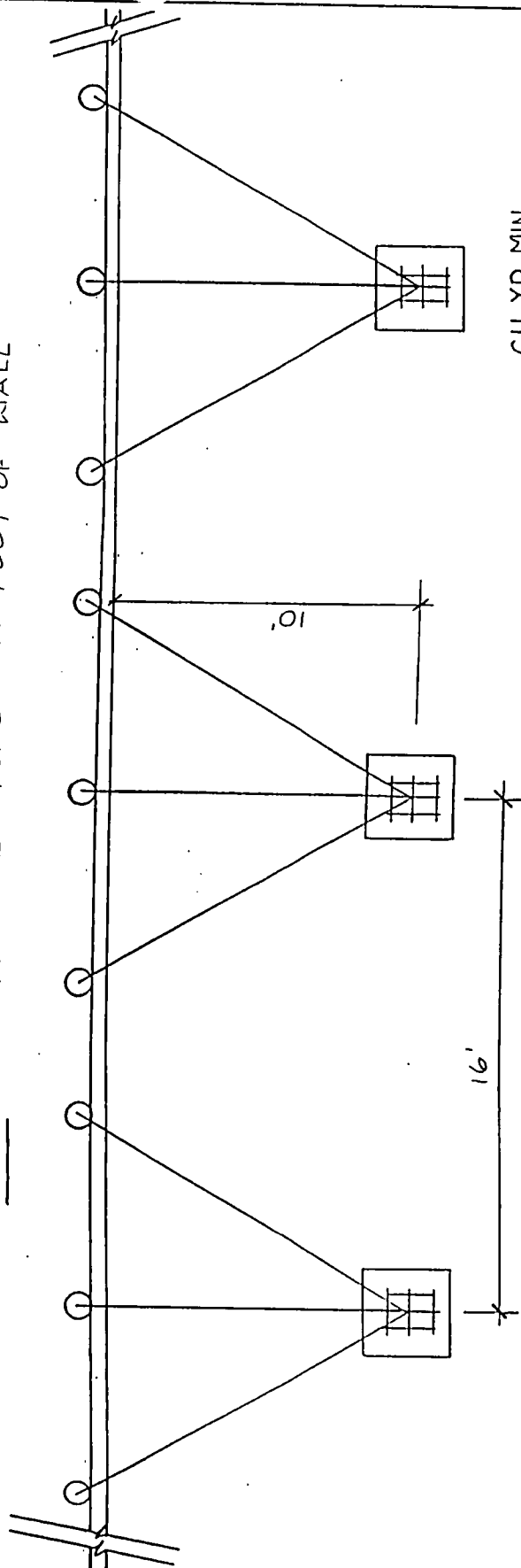


REVIEWED BY  
MAY 25 1994  
INTEGRITY



\*NOT TO SCALE

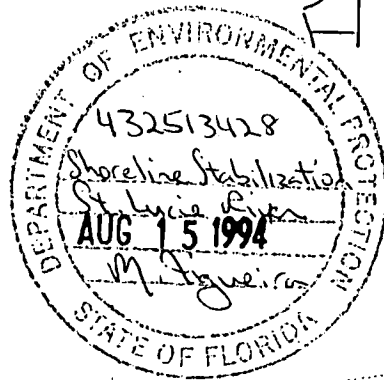
NOTE: RIP-RAP TO BE PLACED AT FOOT OF WALL



CU. YD. MIN.  
DEADMAN TYPICAL

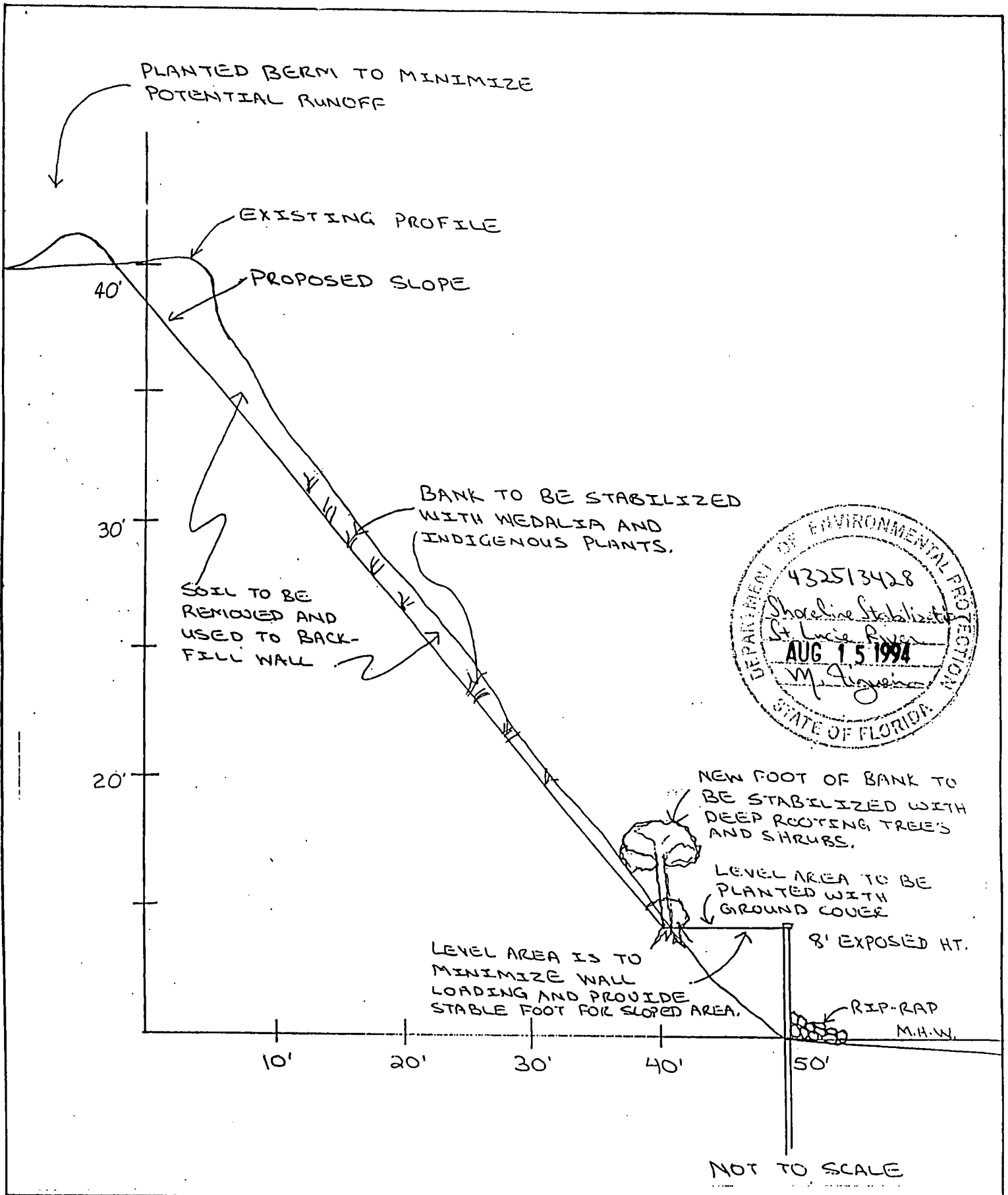
TYPICAL ANCHORING DETAIL

\* NOT TO SCALE



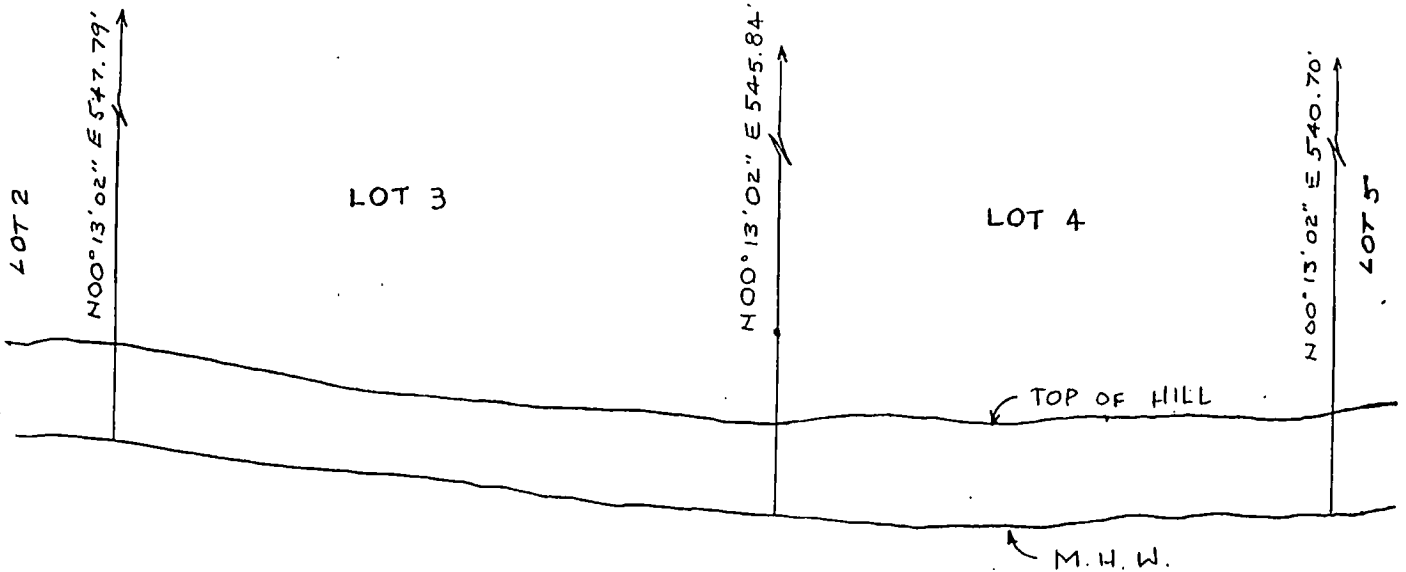
PROPOSED SEAWALL FOR  
JOHN BOURASSO

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH., FLA. 34957 (407) 334-3046

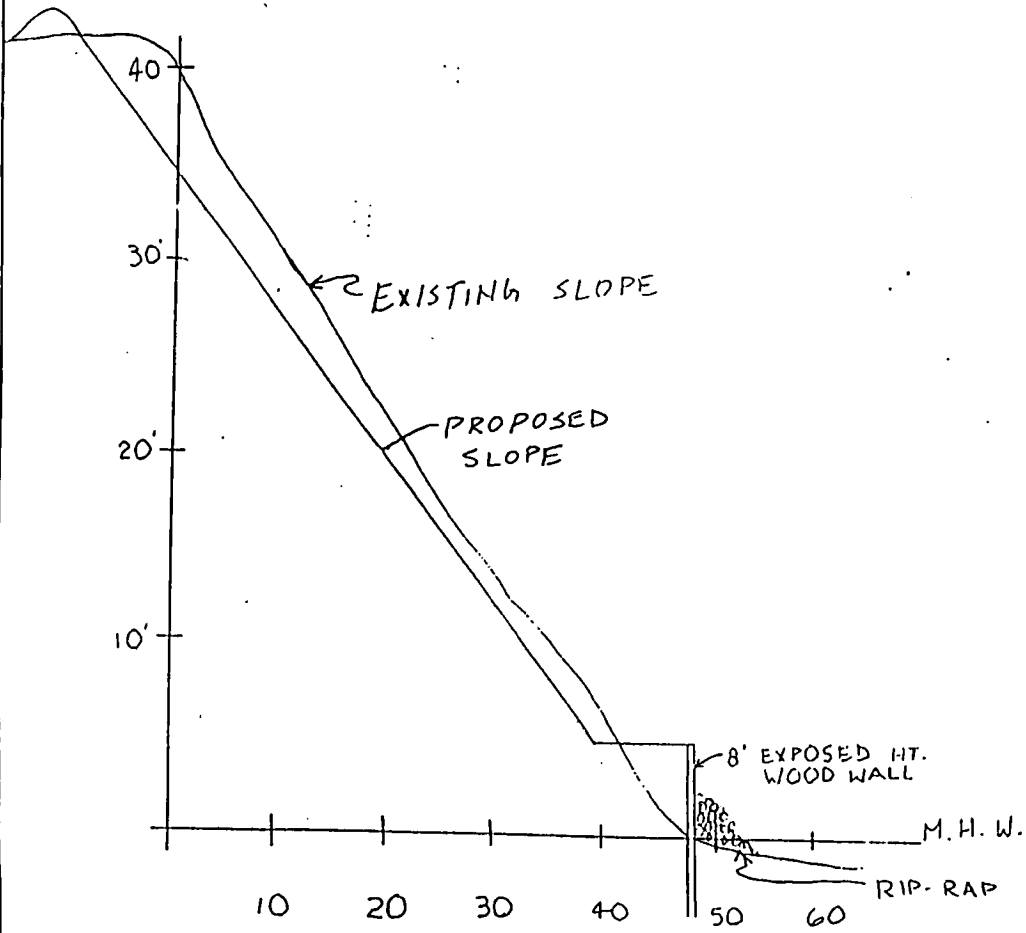


PROPOSED SLOPE PROFILES AND STABILIZATION FOR: JOHN BOURASSO

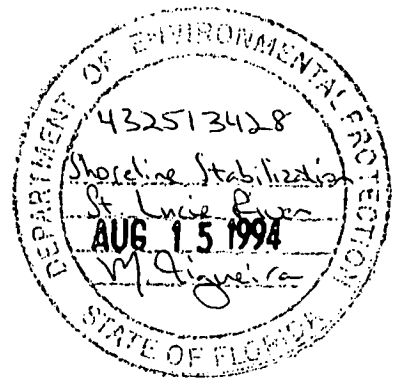
ROBERT SANDY CONSTRUCTION, INC.  
 3452 N.E. INDIAN DR.  
 JENSEN BCH., FLA. 34957 (407) 334-3046



SITE PLAN  
\*NOT TO SCALE



PROFILE VIEW \*NOT TO SCALE



PROPOSED SLOPE PROFILE; SITE PLAN  
FOR: JOHN

ROBERT SANDY CONSTRUCTION, INC.  
3452 N.E. INDIAN DR.  
JENSEN BCH, FLA. 34957 (407) 334-3046

12  
23  
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36  
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32  
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12  
1  
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13  
54  
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65  
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80



# Department of Environmental Protection

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952

(407)871-7662 (407)335-4310

Virginia B. Wetherell  
Secretary

Lawton Chiles  
Governor

SEP 13 1994

CERTIFIED MAIL #P 738 272 352  
RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PERMIT ISSUANCE

In the Matter of an Application  
for Permit by:

DEP File No. 432527658

Michael Nestico  
64 Ridge Road  
Sparta, NJ 07871

Gentlemen:

Enclosed is Permit Number 432527658 from the Division of Environmental Resource Permitting to construct a dock and shoreline stabilization, issued pursuant to Chapters 403 and 373, Florida Statutes (F.S.).

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The Petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative proceeding (hearing) under Section 120.57, F.S.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

Page Two  
Michael Nestico  
Permit No. 432527658

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interest will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further order of the Department.



Page Three  
Michael Nestico  
Permit No. 432527658

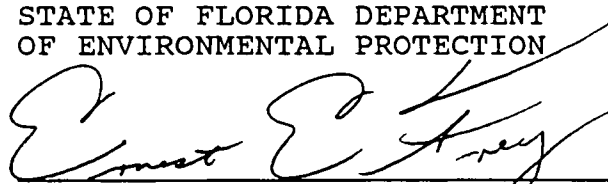
When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

Any questions regarding this permit should be directed to Mary Figueira at (407)871-7662.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 SEP 13 1994  
Ernest E. Frey (Date)  
Acting Director of District Management  
Post Office Box 15425  
West Palm Beach, Florida 33416  
(407)433-2650

Page Four  
Michael Nestico  
Permit No. 432527658

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on SEP 13 1994 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT: FILED**, on this date, pursuant to §120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Loretta Walsh  
(Clerk)

SEP 13 1994  
(Date)

cc: U.S. Army Corps of Engineers, Tampa  
Department of Env. Protection, State Lands, WPB  
Martin County Property Appraisers Office  
Town of Sewall's Point  
Robert Sandy Construction, Inc. (Agent)  
John Bourassa



# Department of Environmental Protection

Lawton Chiles  
Governor

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952  
(407)871-7662 (407)335-4310

Virginia B. Wetherell  
Secretary

SEP 13 1994

PERMITTEE:

Michael Nestico  
64 Ridge Road  
Sparta, NJ 07871

I.D. Number: 5143P01662  
Permit/Certificate: 432527658  
Issuance Date: September 13, 1994  
Expiration Date: September 13, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Dock/Shoreline Stabilization

This permit is issued under the provisions of Chapter 403 and 373, Florida Statutes (F.S.), Public Law 92-500 and Title 17, Florida Administrative Code Rules (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO:

Construct a 1,816 square foot private dock with a 414' long by 4' wide access pier terminating in a 16' long by 10' wide L-shaped platform. A boatlift will be constructed along the west side of the terminus. A 127 linear foot seawall faced with riprap will be constructed along the shoreline. The issuance of this permit supersedes a previously issued permit (D.E.P. #431772858) to John Bourassa (previous property owner) for the lot described below.

IN ACCORDANCE WITH:

The nine (9) stamped drawings which are attached and a part hereof and DEP Application Form 17-312.900(1) dated June 12, 1994, and signed by Michael Nestico (not attached).

LOCATED AT:

Lot #5, Plantation of Sewall's Point, St. Lucie River, Class III Waters, Section 26, Township 37 South, Range 41 East, Sewall's Point, Martin County.

SUBJECT TO:

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through seventeen (17).

DEP Form 17-312.900(1) Effective October 30, 1991

Page 1 of 7

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

GENERAL CONDITIONS:

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 17-302.500 Florida Administrative Code (F.A.C.) shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

GENERAL CONDITIONS:

14. The permittee shall comply with the following:

- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- (c) Records of monitoring information shall include:
  - 1. the date, exact place, and time of sampling or measurements;
  - 2. the person responsible for performing the sampling or measurements;
  - 3. the dates analyses were performed;
  - 4. the person responsible for performing the analyses;
  - 5. the analytical techniques or methods used; and
  - 6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:

Michael Nestico  
64 Ridge Road  
Sparta, NJ 07871

I.D. Number: 5143P01662  
Permit/Certificate: 432527658  
Issuance Date: September 13, 1994  
Expiration Date: September 13, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Dock/Shoreline Stabilization

SPECIFIC CONDITIONS:

1. At least forty-eight (48) hours prior to commencement of work authorized by this permit, the permittee shall provide written notification to the Department of Environmental Protection, Division of Environmental Resource Permitting, Southeast Florida District Branch Office in Port St. Lucie, of this commencement. Written notification shall also be provided within forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of twenty-nine (29) NTU's above background as provided in Chapter 62-302 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. Reflective devices shall be installed on the dock terminus in such a way that will alert night boat traffic of its presence.
4. Decking boards shall be spaced a minimum of one (1) inch apart to allow for light penetration to seagrasses below.
5. No liveboards shall be allowed at this facility at any time. For the purpose of this condition, a liveboard is considered to be any boat which is occupied overnight for two or more consecutive nights.
6. Structures that could be considered to be a livable abode or any part thereof shall not be incorporated into the dock.
7. All access pier decking shall be constructed to provide a minimum of five (5) feet clearance from mean high water to the bottom of the dock deck with the exception of the last 30' which may ramp down to the terminal platform. The terminal platform shall be constructed to provide a minimum of three and one half (3.5) feet clearance from mean high water to the bottom of the dock deck.

PERMITTEE:

Michael Nestico  
64 Ridge Road  
Sparta, NJ 07871

I.D. Number: 5143P01662  
Permit/Certificate: 432527658  
Issuance Date: September 13, 1994  
Expiration Date: September 13, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Dock/Shoreline Stabilization

SPECIFIC CONDITIONS:

8. The level area located just landward of the seawall being disturbed by filling or equipment access, shall be stabilized within fourteen (14) days of final grading.
9. All oyster/mussel clusters in the proposed pathway of the dock shall be hand-relocated to adjacent river bottom prior to piling installation.
10. The seawall/riprap shall be carefully placed landward of the mangrove to avoid any damage to the mangrove.
11. Rip rap shall consist only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter in average dimensions. There shall be no reinforcing rods or other protrusions in the concrete rubble.
12. The slope of the rip rap shall be no steeper than 2 ft.H:1 ft.V and the horizontal distance shall be no more than eight (8) feet.
13. Vessels utilizing this structure shall at all times maintain a minimum of one (1) foot clearance between the deepest draft of the vessel/motor and the submerged bottom.
14. All other necessary State, Federal, or local permits must be applied for and received prior to the start of work.
15. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, 500 S. Bronough, Tallahassee, Florida 32399-0250.



PERMITTEE:

Michael Nestico  
64 Ridge Road  
Sparta, NJ 07871

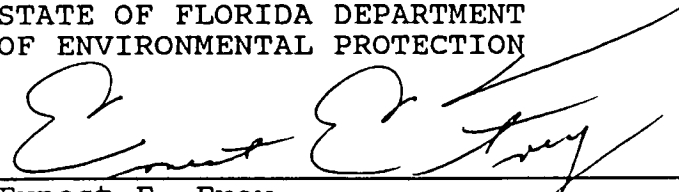
I.D. Number: 5143P01662  
Permit/Certificate: 432527658  
Issuance Date: September 13, 1994  
Expiration Date: September 13, 1999  
County: Martin  
Latitude/Longitude: 27°13'00"/80°13'04"  
Section/Township/Range: 26/37S/41E  
Project: Dock/Shoreline Stabilization

SPECIFIC CONDITIONS:

16. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253 Florida Statutes (F.S.), until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Rule 160-14, Florida Administrative Code (F.A.C.) if such work is done without consent, or if a person otherwise damages State land or products of State land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
17. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 9 day of SEPT., 1994.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Ernest E. Frey  
Acting Director of District Management

EEF:mfw

9 pages attached