

**128 North Sewall's Point Road**



# CORRESPONDENCE



**PAMELA M. BUSHA**  
Mayor

**PAUL LUGER**  
Vice Mayor

**VINCENT N. BARILE**  
Commissioner

**THOMAS BAUSCH**  
Commissioner

**JACQUI THURLOW-LIPPISCH**  
Commissioner

# TOWN OF SEWALL'S POINT



**PAMELA MAC'KIE WALKER**  
Town Manager

**ANN-MARIE S. BASLER**  
Town Clerk

**TINA CIECHANOWSKI**  
Chief of Police

**JOHN ADAMS**  
Building & Facilities Director

**JOSE TORRES**  
Maintenance

August 25, 2014

William Solomon  
10175 S. Ocean Drive  
Jensen Beach, FL 34957

RE: FDEP DOCK PERMIT REVIEW

Dear Mr. Solomon,

The purpose of this letter is to review Environmental Resource Permit No. 43-0219059-002 issued to you on January 23, 2014 for a dock at 128 N. Sewall's Point Road, a vacant lot.

The permit specifies a dock 530 ft. by 4 ft. access walkway and a 20 ft. by 8 ft. terminal platform. Sect. 62-171(1); Town Ordinances, limits a dock's total projection into the Indian River to 500 ft. This permit would need to be modified to comply with the 500 ft. requirement.

It also should be noted that a dock is considered an accessory structure to a single family residence, and could not be issued without a residence present or under construction on this lot.

Aside from the length modification required, and that there is no residence yet on this lot, based on the documentation you provided the Building Department would be able to issue a permit for a dock on this property at such time that the above described conditions were met.

If you require any additional information, please contact my office.

With best regards,

John R. Adams, CBO  
Building & Facilities Director  
Town of Sewall's Point



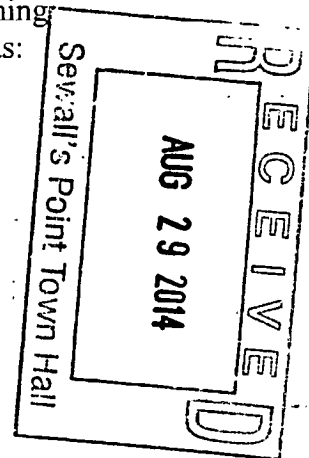
One South Sewall's Point Road, Sewall's Point, Florida 34996  
Town Hall (772) 287-2455 • Fax (772) 220-4765 • E-Mail: [pwalker@sewallspoint.org](mailto:pwalker@sewallspoint.org)  
Police Department (772) 781-3378 • Fax (772) 286-7669 • E-Mail: [sppd@sewallspoint.org](mailto:sppd@sewallspoint.org)

APPLICATION TO THE TOWN OF SEWALL'S POINT  
BOARD OF ZONING ADJUSTMENT

~~128 N. SEWALL'S POINT~~  
~~VARIANCE NOT APPLICABLE~~  
A

I, William Solomon of 10175 S. Ocean Drive, D-1, Jensen Beach, FL 34957, do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment regarding the following property in Sewall's Point, legally described as:

LOT 2, INDIAN RIVER HAMMOCKS, SECTION 35,  
TOWNSHIP 37 SOUTH, RANGE 41 EAST; BEG 150.27' S/O  
N/LN GOVT LOT 1 & E R/W SEWALL'S POINT RD, E 418'  
M/L TO WATER, SLY ALG WATER 139' M/L, W 428' TO R/W  
& N 135.18' TO POB  
(128 N. SEWALL'S POINT ROAD)



for the purpose of: *To obtain the variance described in Exhibit "A".*

Variance

To authorize upon appeal such Variance from the terms of the zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize a Variance, an application must be submitted and a public hearing must be held which demonstrates to the satisfaction of the Board of Zoning Adjustment that the following six criteria, as contained in the Code of the Town of Sewall's Point, have been met:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*This lot is unique because it is one of approximately six properties adjacent to the Indian River, north of Baytree Island, which has a mangrove fringe greater than 50 feet in width from the most landward mangroves to the most waterward mangroves. The mean high water line is located within the mangrove fringe.*

*In addition to the width of the mangrove fringe, there is a sandbar located adjacent to the property which results in a large area with water depths of less than 2-feet at mean low water and contains seagrass beds which are protected by the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE). The seagrass beds and the shallow depths extend approximately 500' waterward of mean high water.*

*The mangrove fringe width and the sandbar result in a scenario in which no dock can be approved by the FDEP and the ACOE for the property unless it extends beyond 500-feet. This is a unique set of circumstances which do not appear to be applicable to other lands in this same area.*

*This unique situation is supported by the fact that FDEP authorized the dock to extend beyond the 500-foot limit identified in Chapter 18-20, F.A.C. in recognition that the minor extension of 30-feet met the minimum length and size necessary for the dock. This same set of circumstances is not present for the docks located at 130 N. Sewall's Point Road and 120 N. Sewall's Point Road even though these two properties are in the immediate vicinity of the applicant's property. This is evidenced by the recently issued permits from FDEP (copies of these permits are attached which depict these docks meeting the 500-foot limit identified in Chapter 18-20, F.A.C.*

2. That the special conditions are circumstances do not result from the actions of the applicant.

*The mangroves, seagrass, and depths are all items beyond the applicant's control.*

3. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

*The granting of the Variance does not give the applicant any special privilege but grants the applicant the same privilege as other lands in the same zoning district.*

4. The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

*The literal interpretation of the provisions of the ordinance would deprive the applicant of a dock which is a right enjoyed by other properties in the same zoning district. This results in an unnecessary and undue hardship considering the applicant's property is a waterfront lot and the value of the waterfront lot is significantly reduced if the property is not allowed to have a dock.*

5. That the Variance granted is the minimum Variance that will make possible the reasonable use of the land, building or structure.

*The Variance granted is the minimum necessary to allow for the construction of a dock at the applicant's property.*

6. That the grant of the Variance will be in harmony with the general intent and purpose of the ordinance and that such Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

*The granting of the Variance will allow an additional 30-feet of dock waterward of mean high water. When the overall length of 500-feet allowed by the ordinance without a Variance is taken into account, the additional 30-feet will not be injurious or detrimental to the public welfare. The dock will visually appear to be consistent with others in the vicinity and the same zoning district which extend 500-feet from mean high water since the first 30 feet is within the mangrove area. In addition, the overall dock length does not affect navigation in any manner since no specific navigation channel exists in the area and other docks are of similar length.*

In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be begun or completed or completed or both.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the Variance is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered for the issuance of a Variance.

The Town shall post Notice of Public Hearing upon the Town Hall bulletin board and shall also see to the publication of the Notice of Hearing in a newspaper of general circulation printed in Martin County, Florida, at least fifteen (15) days prior to the date of the public hearing. All costs thereby incurred by the Town shall be reimbursed to the Town by the applicant prior to the Public Hearing. The applicant shall post Notice of Public Hearing on the property for which the Exception is sought, and shall at the Applicant's expense, send written notice to property owners of record within 300 feet of the subject property, to be mailed by certified mail, return receipt requested, no later than fifteen (15) days PRIOR TO THE DATE OF THE HEARING.

PAMELA M. BUSHA  
Mayor

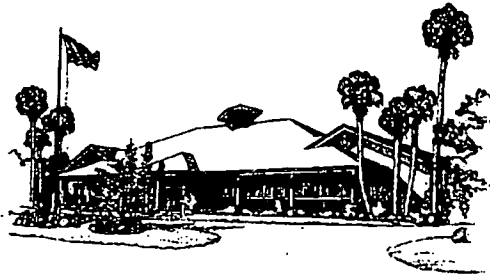
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Maintenance

August 25, 2014

William Solomon  
10175 S. Ocean Drive  
Jensen Beach, FL 34957

RE: FDEP DOCK PERMIT REVIEW

Dear Mr. Solomon,

The purpose of this letter is to review Environmental Resource Permit No. 43-0219059-002 issued to you on January 23, 2014 for a dock at **123 N. Sewall's Point Road**, a vacant lot.

The permit specifies a dock 530 ft. by 4 ft. access walkway and a 20 ft. by 8 ft. terminal platform. Sect. 62-171(1); Town Ordinances, limits a dock's total projection into the Indian River to 500 ft. This permit would need to be modified to comply with the 500 ft. requirement.

It also should be noted that a dock is considered an accessory structure to a single family residence, and could not be issued without a residence present or under construction on this lot.

Aside from the length modification required, and that there is no residence yet on this lot, based on the documentation you provided the Building Department would be able to issue a permit for a dock on this property at such time that the above described conditions were met.

If you require any additional information, please contact my office.

With best regards,



John R. Adams, CBO  
Building & Facilities Director  
Town of Sewall's Point



One South Sewall's Point Road, Sewall's Point, Florida 34996  
Town Hall (772) 287-2455 • Fax (772) 220-4765 • E-Mail: [pwalker@sewallspoint.org](mailto:pwalker@sewallspoint.org)  
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**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
SOUTHEAST DISTRICT BRANCH OFFICE  
337 N US HIGHWAY 1, SUITE 307  
FT. PIERCE, FL 34950-4255  
(772) 467-5500

RICK SCOTT  
GOVERNOR  
HERSCHEL T. VINYARD JR.  
SECRETARY

January 23, 2014

Lincoln Trust Company  
c/o William Solomon  
10175 S. Ocean Drive  
Jensen Beach, FL 34957  
Sent via e-mail: [William.solomon52@yahoo.com](mailto:William.solomon52@yahoo.com)

Dear Mr. Solomon:

Enclosed is Environmental Resource Permit No. 43-0219059-002, issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the attached drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

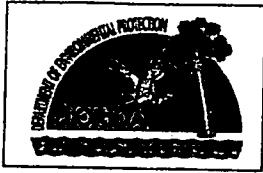
In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at (863) 462-5891 or by email at [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us).

Sincerely,

John Renfranz  
Environmental Specialist II  
Submerged Lands & Environmental  
Resources Program





## Permit Review Checklist

*(A summary of the required monitoring and reporting activities for your project)*

### Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to Schedule Pre-construction Meeting	Prior to construction	_____
<input type="checkbox"/> Submit Pre-Construction Notice Form to DEP	48 Hrs. Before Construction	_____
<input type="checkbox"/> Temporary Erosion & Turbidity Control Structures in Place	Prior to construction	_____

### Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Permit with All Attachments Kept at the Work Site	Permit shall be available on-site for DEP inspector at all times	_____
<input type="checkbox"/> Permanent Erosion & Turbidity Control Structures in Place	Structures should be inspected daily	_____
<input type="checkbox"/> Turbidity Monitoring	As necessary, submitted weekly	_____
<input type="checkbox"/> Report Changes to Permitted Drawings / Plans / Activities	Contact DEP <b>before</b> any changes	_____

### Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Restore Construction / Staging Areas	14 days after construction	_____
<input type="checkbox"/> Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit	30 days after construction	_____
<input type="checkbox"/> Transfer Form Submitted to DEP	Within 30 days Sale of property (if property sold)	_____

*For the above criteria that require you to contact Department, please contact the FDEP- Southeast District Branch Office, Environmental Resources Permitting Section, 337 N 4th Street, Suite 307, Fort Pierce, FL 34950-4206; Attention: John Renfranz; Phone: (863) 462-5891; E-mail: [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)*

**PLEASE NOTE:** As the property owner/permittee, you are ultimately responsible for ensuring that the required conditions of your permit are complied with and timely reported to the Department. Please ensure that any designated contractors or agents acting on your behalf are familiar with these requirements.



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
SOUTHEAST DISTRICT BRANCH OFFICE  
337 N US HIGHWAY 1, SUITE 307  
FT. PIERCE, FL 34950-4255  
(772) 467-5500

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Permittee/Authorized Entity:**

Lincoln Trust Company  
c/o William Solomon  
10175 S. Ocean Drive  
Jensen Beach, FL 34957  
E-mail: [William.solomon52@yahoo.com](mailto:William.solomon52@yahoo.com)

**Project Name:**  
Lincoln Trust Dock

**Authorized Agent:**

DLS Environmental Services, Inc.  
c/o Danna Small, President  
Phone: (772) 215-3997; E-mail: [danna@dlsenvironmentalservices.com](mailto:danna@dlsenvironmentalservices.com)

**ERP Processor:**

John Renfranz, Environmental Specialist II  
Phone: (863) 462-5891; E-mail: [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)

**Environmental Resource Permit – Granted**

**State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers Authorization – Granted per State Programmatic General Permit**

**Permit No.:** 43-0219095-002

**Permit Issuance Date:** January 23, 2014

**Permit Construction Phase Expiration Date:** January 22, 2019

**Consolidated Environmental Resource Permit  
and  
State-owned Submerged Lands Authorization**

**Permittee: Lincoln Trust Company  
Permit No: 43-0219095-002**

**PROJECT LOCATION**

The activities authorized by this Permit and state-owned submerged lands authorization are located within the Indian River, within the Jensen Beach to Jupiter Inlet Aquatic Preserve, Outstanding Florida Waters, Class III Waters, adjacent to 128 N. Sewall's Point Road, Stuart (Section 35, Township 37 South, Range 41 East), in Martin County (Latitude N 27° 13' 7.20", Longitude W 80° 12' 33.19").

**PROJECT DESCRIPTION**

The permittee is authorized to construct a 2,280 ft.<sup>2</sup> dock, consisting of a 530 ft. by 4 ft. (2,120 ft<sup>2</sup>) access walkway and a 20 ft. by 8 ft. (160 ft<sup>2</sup>) terminal platform with two associated mooring piles. The project shall occur within the landward extent of the Indian River, within the Jensen Beach to Jupiter Inlet Aquatic Preserve, Class III Waters, Outstanding Florida Waterbody. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of various densities of seagrass resources. The wooden decking shall have a minimum of ½ inch plank spacing and permanent rope handrails shall be constructed along both sides of the access walkway to prevent unauthorized mooring. The surface of the dock shall be elevated a minimum of 5 ft. above Mean High Water (MHW) and the dock shall terminate in water at a depth of -2.0 ft. Mean Low Water (MLW). To allow for at least one foot of clearance between the top of the resources and the bottom of the boat/propeller at all times, the maximum draft (with the engine in the down position) of vessels to be moored in the slip is ten inches. Due to the design of the authorized dock structure, adverse impacts to the mangroves and seagrasses are not anticipated.

The enclosed Standard Manatee Conditions for In-Water Work within Exhibit A shall be adhered to during all construction activities. Best management practices for turbidity control shall be implemented during all phases of the project. To ensure adequate clearance during all inshore/shallow water construction, work shall be conducted when sufficient water depths are present to avoid prop dredging, scouring, or damage to the river bottom and/or seagrass beds.

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

**AUTHORIZATIONS**

Environmental Resource Permit

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

#### State-owned Submerged Lands Authorization

The activity is located on submerged lands owned by the State of Florida. It therefore also requires authorization, from the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.77, Florida Statutes (F.S.) and Chapter 258, F.S.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for an exception to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, the Letter of Consent is hereby granted, pursuant to Ch. 18-21.005(1)(c)(1), Florida Administrative Code, to perform the activity on the specified submerged lands owned by the State of Florida. This Letter of Consent is conditioned upon acceptance of and compliance with the specific conditions contained in this permit and the attached General Consent Conditions.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Although the docking facility exceeds 10:1, pursuant to Chapter 18-21.005(1)(a)1, the project will qualify for a Letter of Consent as it is no more than the minimum size and length necessary to provide reasonable access to navigable water. **If future requests are submitted to the Department that will increase the preempted area of the docking facility, a lease may be required.** Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

#### Federal Authorization

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

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit or authorization will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

#### Coastal Zone Management

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

### Water Quality Certification

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

### Other Authorizations

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

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

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

The activities described must be conducted in accordance with:

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

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

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

### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 6); the attached 6-page "SPGP General Conditions" (Exhibit A); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (863) 462-5891 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact this project's compliance project manager, John Renfranz, by email [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us), or by phone (863) 462-5891 to schedule the pre-construction conference.

(4) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site. Additionally, staked erosion control devices shall be placed around the upland project area and any upland staging areas. All submerged resources, and surface waters outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

(5) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

(6) Prior to installation, all chemically treated wooden piles shall be wrapped with an impervious membrane one-foot above the mean high water line to one-foot below the substrate.

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

(7) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without prior written approval of that property owner.

(8) Except as authorized herein, additional impacts to mangroves or seagrasses are not authorized by this permit.

(9) To minimize impacts to seagrasses and mangroves, the decking shall be elevated a minimum of five feet above mean high water (MHW). The wooden decking shall have a minimum of ½ in. plank spacing.

(10) Floating turbidity curtains shall be maintained and shall remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. Staked erosion control devices shall also be maintained and shall remain in place for the duration of the project construction to ensure that turbid discharges into wetlands or surface waters do not occur. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

(11) All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the top of submerged resources) so as to preclude bottom scouring, prop dredging, or damage to submerged resources.

(12) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All storage or stockpiling of tools or materials (i.e. lumber, pilings, pipes, casings, etc.) shall be limited to adjacent uplands and the construction barge adjacent to and with direct access to the project site. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

#### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

(13) Turbidity levels outside the construction area shall not exceed 0 NTU's above ambient levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed ambient turbidity levels of the surrounding Outstanding Florida Waters:

- a. Notify the Department at (863) 462-5891 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions below.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.

(14) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(15) Turbidity Monitoring Reports. During dredging activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition #14:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's compliance project manager, John Renfranz, by email at [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us). The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

(16) Within 10 days of completion of dock construction, permanent rope handrails shall be installed along all portions of the of the entire access walkway adjacent to non-mooring areas. Handrails shall be maintained for the life of the facility.

(17) Fish cleaning stations shall not be allowed on structures over the water unless sufficient measures are in place (i.e., signage, sink screens, waste receptacles, etc.) to ensure that overboard discharges of trash and/ or animal waste do not occur at the dock. Overboard discharges of trash, human or animal waste, or fuel shall NOT occur at this facility.

(18) The slips shall not be occupied by liveaboards. A liveboard vessel shall be defined as a vessel docked at a facility that is inhabited by a person or persons for any 5 consecutive days or a total of 10 days within a 30-day period.

(19) No more than two vessels shall be moored at the dock at any time, and vessels utilizing this structure shall maintain a minimum of one foot clearance between the deepest draft of the vessel with the engine in the down position and the submerged bottom so as to preclude bottom scouring or prop dredging.

#### **SPECIFIC CONDITIONS – MANATEE CONDITIONS**

(20) During all in-water work, the permittee shall comply with the standard manatee protection construction conditions listed in the attached 1-page "Standard Manatee Conditions for In-Water Work, 2011".

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

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

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

Permittee: Lincoln Trust Company

Permit No: 43-0219095-002

Page 7



(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

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

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

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

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

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

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

documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

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

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

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

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

(12) The permittee shall notify the Agency in writing:

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

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

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If

unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

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

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

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

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

#### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S.

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

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

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

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

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

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

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

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

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

## **NOTICE OF RIGHTS**

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

### Petition for Administrative Hearing

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

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

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

### Time Period for Filing a Petition

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

request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

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

#### Mediation

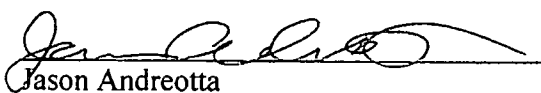
Mediation is not available in this proceeding.

#### Judicial Review

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

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jason Andreotta  
Program Administrator  
Submerged Lands & Environmental  
Resource Program

#### **Attachments:**

Permit checklist, 1 page  
Project Drawings and Design Specs., 7 pages  
Exhibit A, SPGP General Conditions, 6 pages  
Construction Completion and Inspection Certification for Activities Associated With a Private Commencement Notice Form 62-330.350(1)\*  
Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)\*  
Single-Family Dwelling Unit/Form 62-330.310(3)\*

\*Can be downloaded at: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

**Copies furnished to:**

John Renfranz, FDEP- Compliance and Enforcement, [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)  
Mike Carothers, USACOE- Palm Beach Gardens, [FDEP-SP@usace.army.mil](mailto:FDEP-SP@usace.army.mil)  
Sewall's Point Building Department, Valerie Camlet, [vcamlet@sewallspoint.org](mailto:vcamlet@sewallspoint.org)

**FILING AND ACKNOWLEDGMENT**

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

Lillianha Martin      1/23/14  
Clerk                              Date

## GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP IV-R1

1. The time limit for completing the work authorized ends on July 25, 2016.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.

**Exhibit A**  
**(6 pages)**



2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

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

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

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be

binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

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

# CAUTION: MANATEE HABITAT

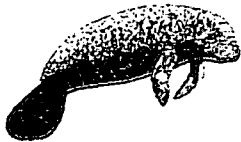
All project vessels

**IDLE SPEED / NO WAKE**

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

**SHUT DOWN**

Report any collision with or injury to a manatee:



Wildlife Alert:

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



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

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

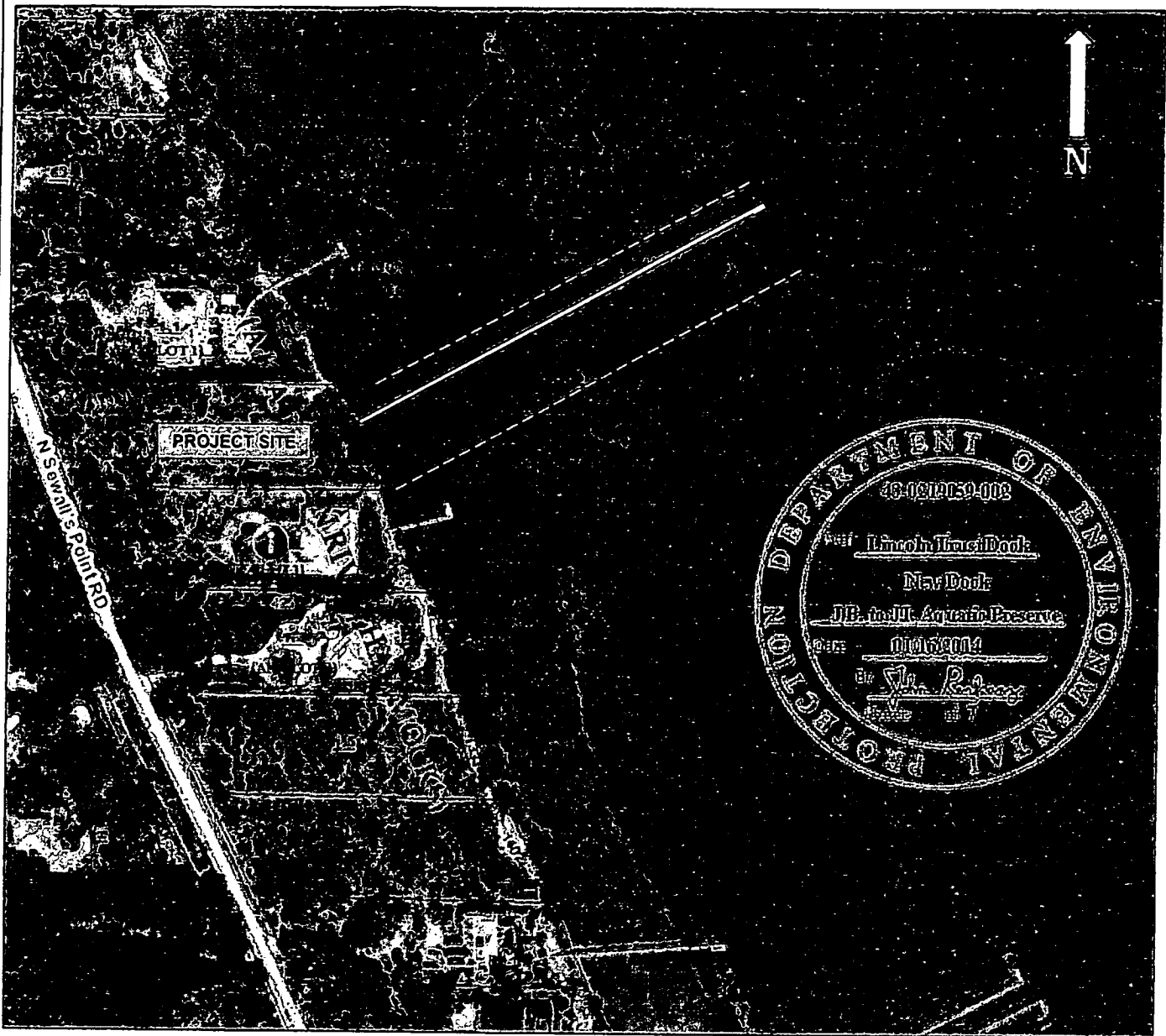
The permittee shall comply with the following protected species construction conditions:

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

Revised: March 23, 2006

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





**DS Environmental Services, Inc.**

1901 SW Yellowtail Avenue  
Port Saint Lucie, FL 34953

Phone: 772-215-3997 Fax: 772-879-4520  
www.dsenvironmentalservices.com

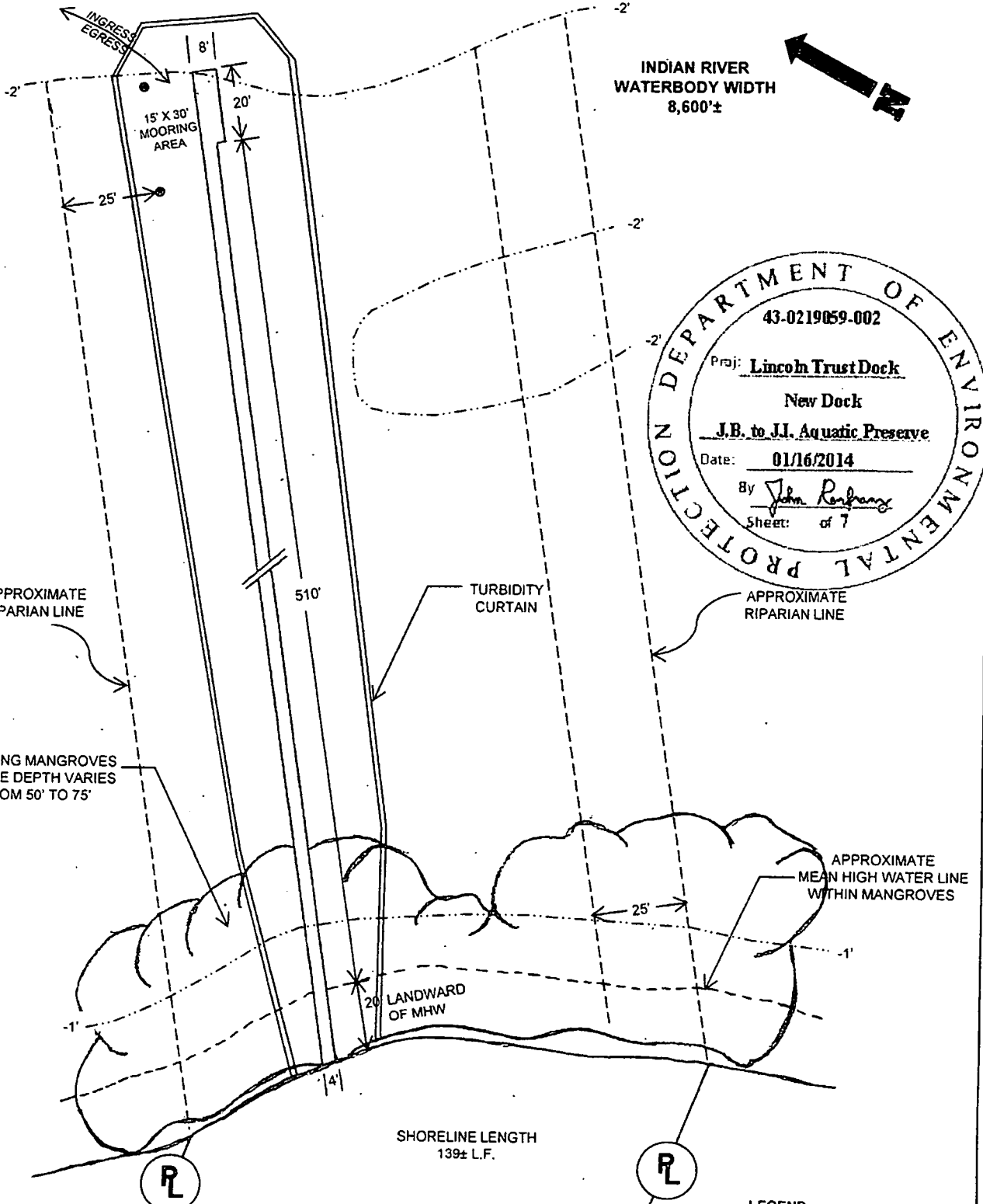
**2013 Aerial**

Lincoln Trust Company  
128 N. Sewall's Point Road  
Stuart, Florida  
PCN# 35-37-41-000-000-00012-0

SCALE: N.T.S.

DEC 2013

SHEET 2 of 6



**NOTES:**

- ELEVATION DATUM IS MLW  
MLW = -1.57 NAVD 88 MHW = -0.53 NAVD 88
- PROPOSED DOCK STRUCTURE TOTALS 2,280 SQ. FT. (INCLUDES 20' SECTION THROUGH MANGROVES LANDWARD OF MHW)

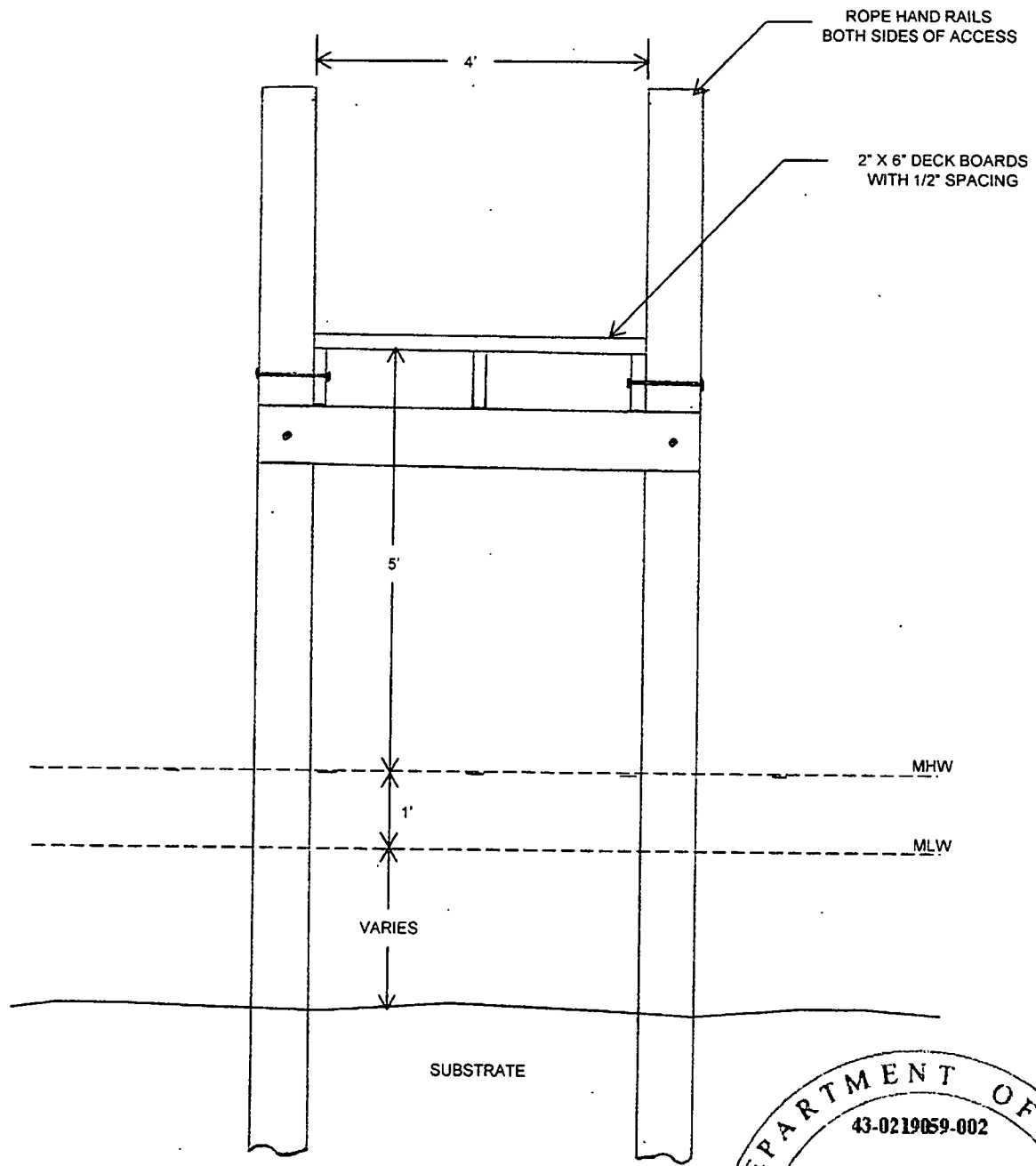
**DLS Environmental Services, Inc.**  
1901 SW Yellowtail Avenue  
Port Saint Lucie, FL 34953

Phone: 772-215-3997 Fax: 772-879-4520  
www.dlsevenvironmentalservices.com

**Proposed Plan View**

Lincoln Trust Company  
128 N. Sewall's Point Road  
Stuart, Florida  
PCN# 35-37-41-000-000-00012-0

SCALE: 1" = 40'	DEC 2013	SHEET 3 of 6
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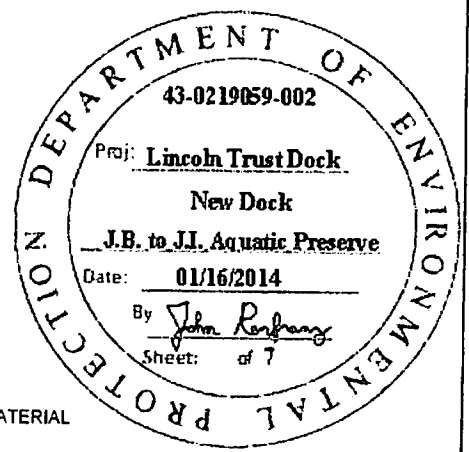
ROPE HAND RAILS  
BOTH SIDES OF ACCESS

2" X 6" DECK BOARDS  
WITH 1/2" SPACING

MHW

MLW

SUBSTRATE



**NOTES:**

1. ELEVATION DATUM IS MLW  
MLW = -1.57 NAVD 88 MHW = -0.53 NAVD 88
2. ALL DOCK PILINGS TO BE WRAPPED IN INDUSTRY STANDARD, INERT, NON-LEACHING, SYNTHETIC MATERIAL
3. ROPE HAND RAIL (MIN. 1 1/2" DIAMETER) ALONG BOTH SIDES OF ACCESS WITH "NO MOORING" SIGNS
4. ALL DECKING TO BE 2" X 6" DECK BOARDS WITH 1/2" SPACING

**DLS Environmental Services, Inc.**  
1901 SW Yellowtail Avenue  
Port Saint Lucie, FL 34953

Phone: 772-215-3997 Fax: 772-879-4520  
www.dlsevenvironmentalservices.com

**Dock Access Cross Section View**

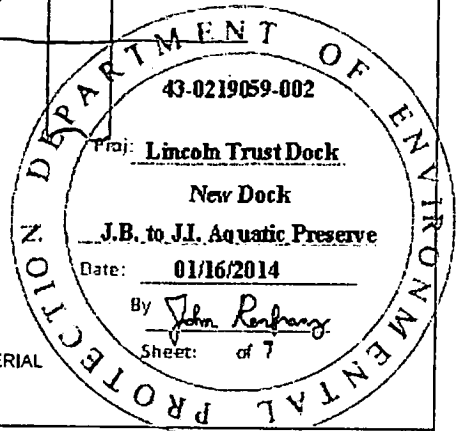
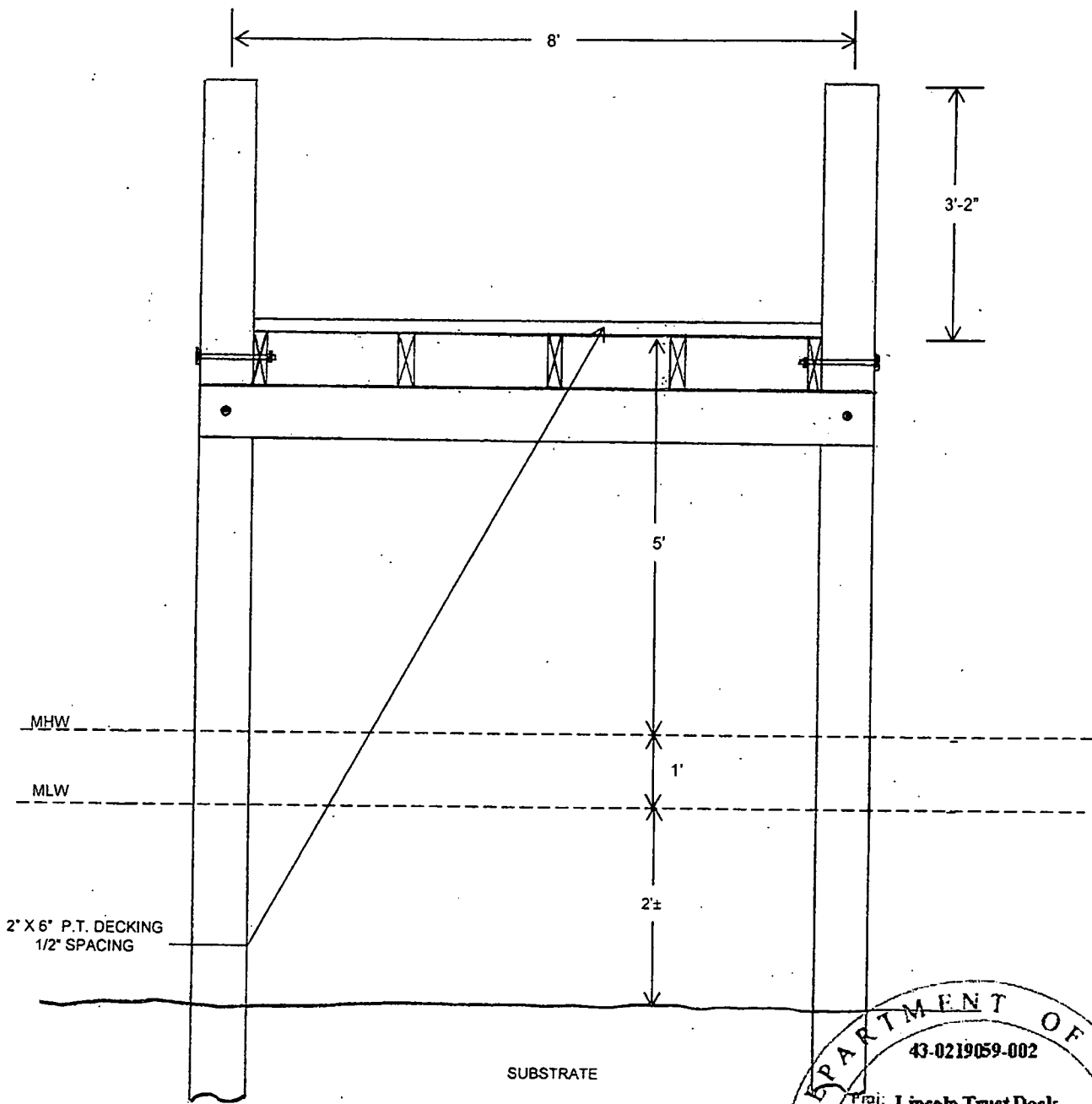
Lincoln Trust Company  
128 N. Sewall's Point Road  
Stuart, Florida  
PCN# 35-37-41-000-000-00012-0

SCALE: 1" = 2'

DEC 2013

SHEET 4 of 6





**NOTES:**

1. ELEVATION DATUM IS MLW  
MLW = -1.57 NAVD 88 MHW = -0.53 NAVD 88
2. ALL DOCK PILINGS TO BE WRAPPED IN INDUSTRY STANDARD, INERT, NON-LEACHING, SYNTHETIC MATERIAL
3. ROPE HAND RAIL (MIN. 1½" DIAMETER) ALONG BOTH SIDES OF ACCESS WITH "NO MOORING" SIGNS
4. ALL DECKING TO BE 2" X 6" DECK BOARDS WITH 1/2" SPACING

**DS Environmental Services, Inc.**  
 1901 SW Yellowtail Avenue  
 Port Saint Lucie, FL 34953

Phone: 772-215-3997 Fax: 772-879-4520  
 www.dsenvironmentalservices.com

**Platform Cross Section View**

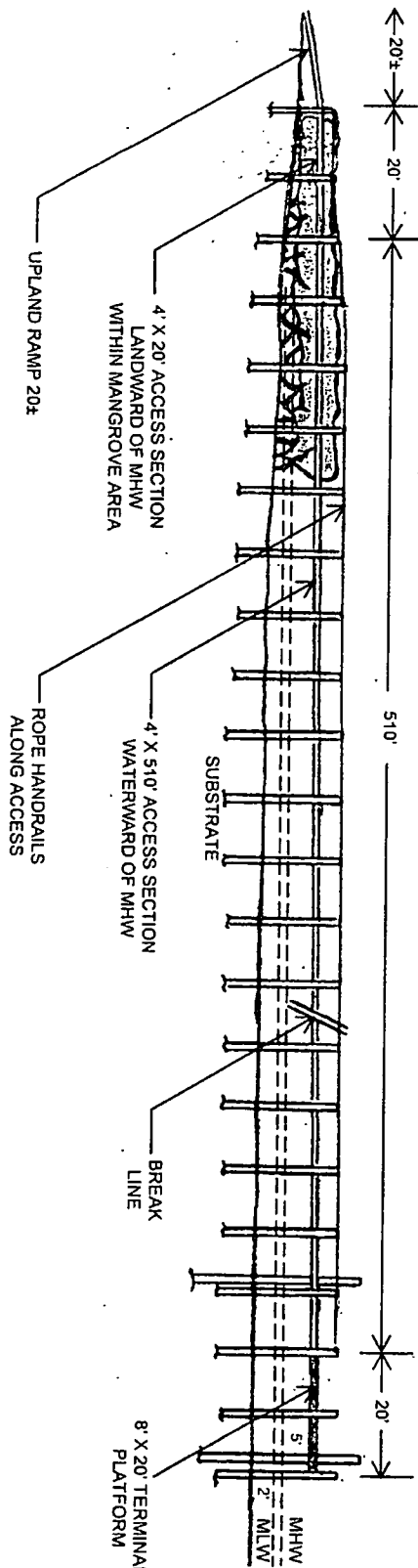
Lincoln Trust Company  
 128 N. Sewall's Point Road  
 Stuart, Florida  
 PCN# 35-37-41-000-00012-0

SCALE: 1" = 2'

DEC 2013

SHEET 5 of 6

- NOTES:
- ELEVATION DATUM IS MLW  
MLW = -1.57 NAVD 88 MHW = -0.53 NAVD 88
  - ALL DOCK PILING TO BE WRAPPED IN INDUSTRY STANDARD, INERT, NON-LEACHING, SYNTHETIC MATERIAL
  - ROPE HAND RAIL (MIN. 1 1/2" DIAMETER) ALONG BOTH SIDES OF ACCESS WITH NO MOORING SIGNS
  - ALL DECKING TO 2" X 8" DECK BOARDS WITH 1/2" SPACING
  - PILING SPACING TO BE 10' O.C. (TYP)



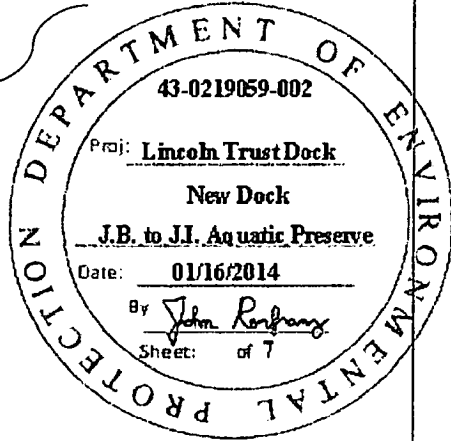
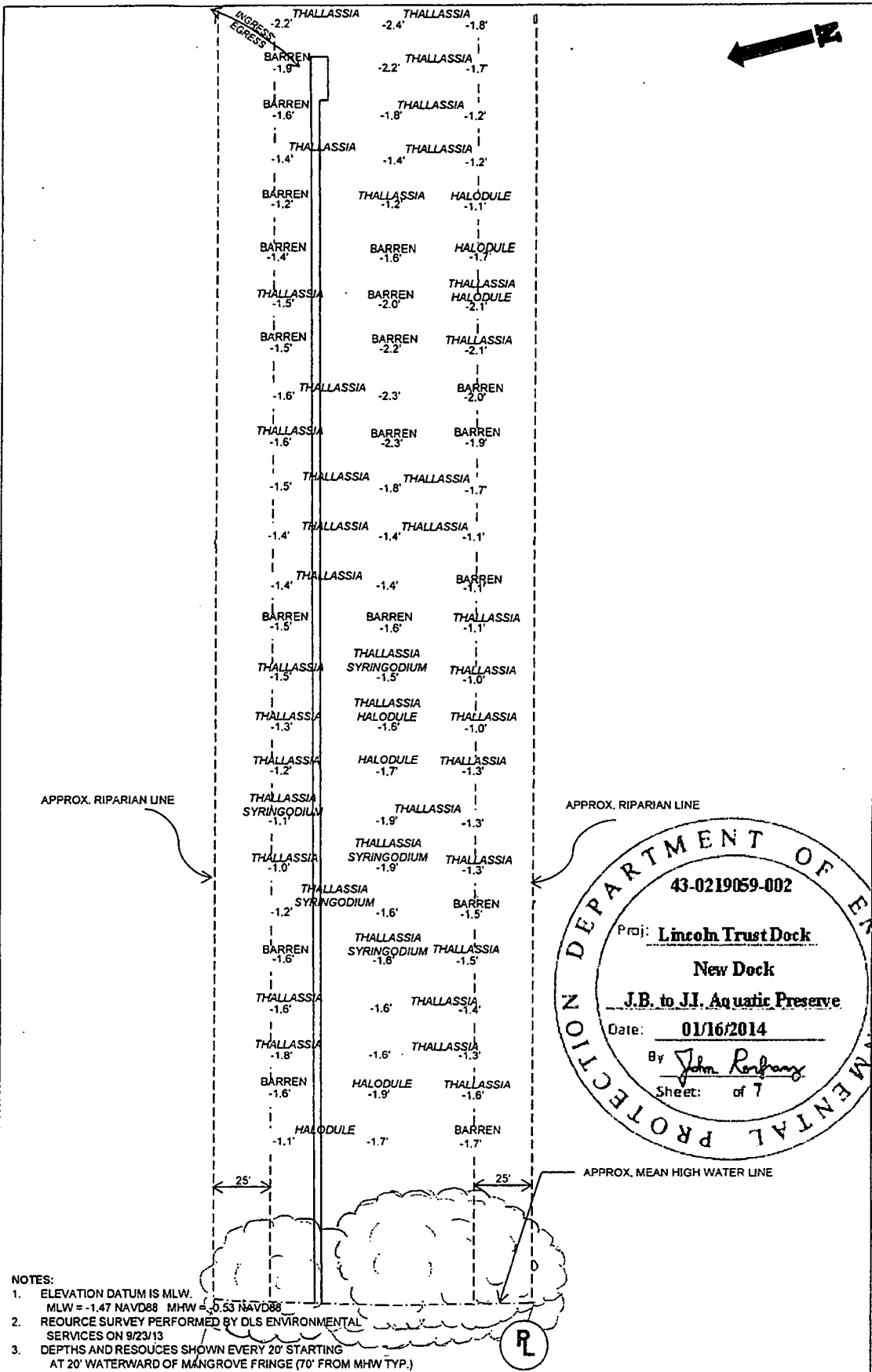
**DS Environmental Services, Inc.**  
 1901 SW Yellowtail Avenue  
 Port Saint Lucie, FL 34953

Phone: 772-215-3997 Fax: 772-879-4520  
 www.dlsevenvironmentalservices.com

**Overall Dock Cross Section View**

Lincoln Trust Company  
 128 N. Sewall's Point Road  
 Stuart, Florida  
 PCN# 35-37-41-000-000-00012-0

SCALE: 1" = 30'	DEC 2013	SHEET 6 of 6
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**DLS Environmental Services, Inc.**  
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 Port Saint Lucie, FL 34953  
 Phone: 772-215-3997 Fax: 772-879-4520  
 www.dlsevenvironmentalservices.com

**Resource Survey**

Lincoln Trust Company  
 128 N. Sewall's Point Road  
 Stuart, FL

SCALE: 1" = 50'

SEP 2013

**TOWN OF SEWALL'S POINT, FLORIDA**

Date 11-27 2002 TREE REMOVAL PERMIT No 1236

APPLIED FOR BY William FRICK (Contractor or Owner)

Owner ALL CLEAR TRACTOR SUP, INC.

Sub-division 128 N. Sewall Pt Rd, Lot \_\_\_\_\_, Block \_\_\_\_\_

Kind of Trees Multiple Pines, Punktrees, Brazil Peppers

No. Of Trees: REMOVE \_\_\_\_\_

No. Of Trees: RELOCATE \_\_\_\_\_ WITHIN 30 DAYS (NO FEE)

No. Of Trees: REPLACE \_\_\_\_\_ WITHIN 30 DAYS

REMARKS Pls SEE Attached drawings

Signed, \_\_\_\_\_ Applicant FEE \$ 0  
Signed, Gene Summers Town Clerk

**TOWN OF SEWALL'S POINT**

Call 287-2455 - 8:00 A.M.-12:00 Noon for Inspection  
WORK HOURS 8:00 A.M. - 5:00 P.M.—NO SUNDAY WORK.

**TREE REMOVAL PERMIT**

RE: ORDINANCE 103


PROJECT DESCRIPTION \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REMARKS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TOWN OF SEWALL'S POINT

APPLICATION FOR TREE REMOVAL, RELOCATION, REPLACEMENT

Permit # \_\_\_\_\_

Date Issued: \_\_\_\_\_

This application shall include a written statement giving reasons for removal, relocation, or replacement and a site plan which shall include the dimensional location on a survey, scale drawing, or aerial photograph, superimposed with lot lines to scale, of all existing or proposed structures, improvements and site uses, location of affected trees identified with an estimated size and number, etc.

Owner MR. William Frick Address 128 N. Sewalls Pt Rd Phone 772-781-2112

Contractor All Clear Tractor Service, Inc. Address 1875 SE St Lucie Blvd Stuart 34996 Phone 772-223-9595

Number of trees to be removed (list kinds of trees) Australian Pines, Punk Trees (Melaleuca), none Brazilian Peppers & Strangler Fig, Rose myrtle (Daisy)

Number of trees to be relocated within 30 days (no fee) (list kinds of trees):

none

Number of trees to be replaced: \_\_\_\_\_ (list kinds of trees): \_\_\_\_\_

Permit Fee \$ 0

~~\$15.00~~

(No permit fee for trees which are relocated on property or lie within a utility easement and are required to be removed in order to provide utility service, nor for a tree which is dead, diseased, injured or hazardous to life or property.)

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

Permit good for one year. Fee for renewal of expired permit is \$5.00.

Signature of applicant William Frick Certified Arborist FL-1060A Plans approved as marked \_\_\_\_\_

Approved by Building Inspector [Signature] Date submitted: 11/26/12

Completed \_\_\_\_\_ Date \_\_\_\_\_ Checked by \_\_\_\_\_

THE FOLLOWING TREES MAY BE REMOVED OR DESTROYED WITHOUT A FEE. BRAZILIAN PEPPER, FLORIDA HOLLY TREE, AUSTRALIAN PINE AND STRANGLER FIG. FOR THE PURPOSE OF THIS PERMIT, A TREE IS DEFINED AS ANY SELF-SUPPORTING WOODY OR FIBROUS PERENNIAL PLANT WHICH HAS A MINIMUM HEIGHT OF TWELVE (12) FEET.

THE FOLLOWING TREES MUST BE REMOVED BEFORE CONSTRUCTION BEGINS: BRAZILIAN PEPPER, FLORIDA HOLLY TREE, AUSTRALIAN PINE AND MELALEUCA

See attached Tree Species List

WATER EAST



DECAY & ROT

Pepper

Pepper  
ROSE  
MYRTLE

Pepper

Pepper

Pepper

FILL  
DIRT  
Pepper

Pepper

Pepper  
Schefflera

SOUTH

STRANGLER  
fig

FILL  
DIRT

SMALL  
AUSTRALIANS

SMALL  
AUSTRALIANS

FILL DIRT

mow and or clear ALL under Brush

BIG  
AUSTRALIAN

STRANGLER  
fig

LIVE OAK  
BUFFER

LIVE OAK  
BUFFER

Pepper

ROAD  
ACCESS

ROAD

WEST

ROAD