**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING**

**COURTHOUSE ANNEX, COMMISSION MEETING ROOM**

**AUGUST 04, 2020**

**9:00 AM**

**AGENDA**

*The Board of County Commissioners asks that all cell phones are turned off or placed on silent (vibrate) mode.* ***Any handouts (information) for distribution to the Commission must be submitted to the Board Secretary (Clerk's Office) or to the County Coordinator on or before the Thursday prior to that Tuesday's meeting. Failure to do so will result in your removal from the agenda or a delay of any action relating to your request until a future meeting.***

## Call to Order

*A. Public Notice*

*To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore, this Board of County Commission regular meeting will be conducted via livestream and conference call. Those wanting to view the meeting can use the livestream link (https://www.youtube.com/user/SGIBeachLife) or go to Forgotten Coast TV's YouTube Page. The livestream feed will promptly start 5 minutes before the meeting commences. Those wanting to participate during "Public Comments" on the agenda should use the teleconference system by dialing 1-844-844-0014 and when prompted enter 540166#. Once the "Public Comments" agenda item is completed, the conference call will be disconnected.*

*Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.*

## Prayer and Pledge

## Approval of Minutes

B. July 7, 2020 Agenda Meeting Minutes

C. July 7, 2020 Workshop Minutes

## Payment of County Bills

D. Bill Lists for Payment

7/21/2020

8/4/2020

## Public Comments

*This is an opportunity for the public to comment on agenda or non-agenda items. When you are recognized to be heard by the Chairman, please sign the speaker's log and adhere to the time limit. An individual will be allowed to speak for three minutes whereas a designated representative of a group or faction will be allowed to speak for five minutes.*

**Department Directors Report**

**Superintendent of Public Works – Howard Nabors**

**E. Road Department Board Report**

**Action Items**

1. Mr. Robert Lolley's last day was Thursday, July 30, 2020. Mr. Lolley worked for Franklin County for 7.5 years as an Inmate Supervisor and reached the age for retirement.

Action: Asking for Board for approval to advertise for an Inmate Supervisor Position simultaneously in house and to the public with a starting salary of $25, 000.

**Information Items**

2. Detail of Work Performed and Material Hauled by District (see attached documents)

**Solid Waste Director – Fonda Davis**

F. Solid Waste Directors Report

**Emergency Management Director – Pam Brownell**

G. Action Items:

1. Request the Boards Approval to retroact the Non-Congregate Shelters (NCS) Plan extension request letter Signed on 07/21/20 by Chairman Lockley.

2. Request the Boards Approval and Signing of the Funding Agreement with FEMA for Public Assistance for COVID 19.

Information Items:

3. EOC Staff along with our CERT Volunteers continue to distribute washable & Reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.

4. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems, EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.

5. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with missions for PPE, Local State of Emergency, and SitReps.

6. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. (Please see attached report regarding Hurricane Michael Projects). This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. EOC Staff has also began the FEMA reimbursement claim process for COVID-19.

**Extension Office Director – Erik Lovestrand**

H. Extension Office Report

**Informational Items**

General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics interpretation of soil test results, murder hornets, bees, citrus and blueberry production, CARES Act funding for Fisheries-related businesses, rose pruning for better flowering, controlling invasive hydrilla in a private pond, and more.

Sea Grant Extension:

2. Extension Director worked with a team of five FL Sea Grant agents and two UF food safety professors to plan and co-host a two-day in-service training on the topic of Seafood Safety titled "How do you See Your Seafood." The primary audience was UF/IFAS faculty who work with seafood industry segments and State regulatory staff, primarily from FDACS. Interactive sessions and presentations were conducted via Zoom and provided information on a variety of topics focused around safe seafood handling practices, how the industry is regulated, and future anticipated challenges for seafood supply and demand.

3. The Extension Director participated on a planning team with other FL Sea Grant agents who work with clientele in aquaculture-related industry, regarding the initiation of a new intern program that will pair UF interns with various aquaculture businesses to provide an educational opportunity for interns, as well as providing staffing assistance to the businesses. Funding will be coming from FL Sea Grant to pay intern's salaries.

4-H Youth Development:

4. 4-H youth are participating in a virtual 4-H University program this year due to the COVID pandemic.

5. A virtual 4-H Plant Camp is being conducted and available to Franklin, Bay and Gulf County youth.

6. 4-H clubs are still not meeting in-person due to the virus but a large number of programs are being conducted online with great success and high numbers of youth participating.

Family and Consumer Sciences:

7. Transition to a distance learning platform continues for programs to use when school begins.

8. Yearly statistics for nutrition programming in the schools were provided to the Franklin County Health Department for their reporting purposes.

**Library Director - Whitney Roundtree**

I. Library Director Report

**Informational/Reference items:**

1. The job posting for the two FT Library Assistants closes July 30th, 2020. I will begin interviewing and vetting applicants the following week. Eight applications have been received.

2. We have extended the deadline for the Summer Reading Challenges by one week, until August 7th, to allow more time for entries. Prizes will be drawn August 10th.

3. The libraries have seen a slow, but steady increase in usage. From July 1st- July 27th the Carrabelle branch had 514 physical check outs (not including digital materials) and the Eastpoint branch had 511 (not including digital materials). We also added 153 new and donated items to combined collection.

**RFP / RFQ / Bids Opening**

J. The Franklin County Board of County Commissioners will receive sealed bids from any qualified Florida licensed general contractors of Florida licensed builder, company or corporation interested in constructing: St. George Island Restroom Design.

The project is located at 2 E. Gulf Beach Drive, St. George Island, Florida 32328 and consists of the construction of an elevated restroom building, handicap ramps, deck, water service connection, and septic sewer on St. George Island, Florida.

Sealed bids will be opened and read aloud at the August 4, 2020 Franklin County Board of County Commission regular meeting beginning at 9:00 a.m. (ET) at 34 Forbes Street, Apalachicola, Florida.

**TDC - John Solomon (Administrator) - Report**

K. TDC Administrator's Report

**Information Item:**

Collections:

1. The Collections for the month of May were $123,839.27. Which is a 25% decrease from May 2019. This is a much higher collection number than originally estimated. That being said lodging was only open for 12 days in May. Attached you will find the collections report as well as a screen shot of the Software the TDC uses KeyData Dashboard. The first screen shot is for January 1st 2020 to December 31st 2020. If you see from June 1st to September 30th which shows that the occupancy is higher than last year in the same time period and, in some instances, much higher. Taking into account that this same time period last year was a record for collections in Franklin County. Compared to Northwest Florida as whole and some major tourist destinations in North West Florida they are showing a decrease in bookings compared to last year. The second chart shows a comparison of how Franklin County looks compared to Northwest Florida and Florida as a whole.

**Langton Consultants - Melissa Beaudry - Update**

L. RESTORE Act- Direct Component Funding Update

Franklin County "Pot 1" projects approved in the MYP :

1. County-wide Dune Restoration: $110,000.00

Sixteen (16) miles of coastline including St. George Island residential area, the Carrabelle Beach area, Alligator Point, and Bald Point

2. St. George Island Storm water Drainage Improvement: $110,000.00

The commercial district on St. George Island, which runs from 3rd St. East to 3rd St. West, from Gorrie Drive to Bayshore Drive, and covers approximately 70 acres.

The process for getting funding through the RESTORE Act is a complex and frustratingly long process. A timeline of the main aspects of the process so far are as follows: Treasury approved the MYP on January 23, 2020 and the next stage in the process was to develop and submit full grant applications and submit those into the online system. In 2020 Treasury closed their open application system to transition to a different application format and reopened a new application portal in June 2020. In March 2020 the RFQs for both projects

were submitted to Treasury for desk review in anticipation of submitting them with the grant applications. On July 20, 2020 we received approval from Treasury for the RFQs and are now submitting the grant applications in the online system.

Once the applications are submitted, they will be reviewed through an iterative process and then approved by Treasury. A grant award is anticipated for the projects in October or November and work can begin on both projects immediately. As the grant award date approaches, we can release the RFQs for bid in anticipation of the grant award. We will continue to work with staff throughout the process and will continue to update the board of developments as we work toward grant award on these and future applications.

**Planning and Zoning – Amy Ham-Kelly – Report 10:00am**

**Critical Shoreline Applications**

M. Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block H, Magnolia Bluffs, 215 North Bayshore Drive, Eastpoint, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will be 269' x 4' with a 26' x 6' terminal platform and a 12' x 20' boatlift. Request submitted by Garlick Environmental Associates, agent for Charles Galloway, applicant. (Existing House)

**STAFF RECOMMENDATION**: This dock will extend into East Bay. Staff recommendation is to approve this item.

**BCC ACTION**: To Approve, Table or Deny

N. Consideration of a request to construct a Single Family Private Dock located at Lot 46, River's Edge, 208 Sand Bar Road, Apalachicola, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will have a 23' x 6' and a 10' x 40' fixed boardwalk, a 6' x 20' walkway and a 6' x 40' floating hinged dock. Request submitted by Dan Garlick, applicant. (Proposed House)

**STAFF RECOMMENDATION**: This dock will extend into the Apalachicola River. Staff recommends approval of this item.

**BCC ACTION**: To Approve, Table or Deny

O. Consideration of a request to construct a Single Family Private Dock located at Lot 25, Indian Bay Village, 2009 Seminole Lane, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The dock will have (2) 78' x 4' boardwalks over wetlands, 130' x 4' dock and a 20' x 6' terminal platform. Request submitted by Garlick Environmental Associates, agent for John Sims, applicant. (Proposed House)

**STAFF RECOMMENDATION**: This dock will extend into the Apalachicola Bay. The State and Federal Permits have been issued.

**BCC ACTION**: To Approve, Table or Deny

P. Consideration of a request to construct a Single Family Private Dock located at Lot 28, Indian Bay Village, 2023 Seminole Lane, St. George Island, Franklin County, Florida. The applicant has State permits and will need the Federal permits. The boardwalk over wetlands will be 199' x 4' and the dock will be 436' x 4' with (2) 10' x 20' boatlifts and a 6' x 20' terminal platform. Request submitted by Garlick Environmental Associates, agent for Timothy Padgett, applicant. (Proposed House)

**STAFF RECOMMENDATION**: This dock will extend into the Apalachicola Bay. The Federal permit has not been issued yet. Staff recommends approval of this dock subject to obtaining the Army Corps of Engineer Permit.

**BCC ACTION**: To Approve, Table or Deny

Q. Consideration of a request to construct a Single Family Private Dock located at Lot 16, Heron Bay Village, 2215 Sea Gull Way, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The boardwalk over wetlands will be 120' x 4', the dock will be 438' x 4' with (1) 30' x 13' Boatlift and (1) 12' x 20' Boatlift and a 20' x 8' terminal platform. Request submitted by Garlick Environmental Associates, agent for Hugh Whitehead, applicant. (Proposed House)

**STAFF RECOMMENDATION**: This dock will extend into the Apalachicola Bay. The State and Federal Permits have been issued. Staff recommends approving this item.

**BCC ACTION**: To Approve, Table or Deny

R. Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block R, Peninsular Point, Unit 5, 1545 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 229' x 4' with a 6' x 20' terminal platform and a 12' x 20' proposed boatlift. Request submitted by Garlick Environmental Associates, agent for Robert Kirby, applicant. (House Under Construction-#29097)

**STAFF RECOMMENDATION**: This dock will extend into Alligator Harbor. The State permit for the 40' extension has been received. Staff recommends approve of this item subject to obtaining the Federal permit.

**BCC ACTION**: To Approve, Table or Deny

S. Consideration of a request to construct a Single Family Private Dock located at Lots 5-6, Block M, Peninsular Point, Unit 3, 1529 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will have a 6' x 6' platform and the dock will be 225' x 5' with a 12' x 25' boat slip with lift, a 8' x 20' terminal platform, an 8' x 5' floating jet ski platform with a separate 4' x 10' stairs. (The 8' x 22' portable building would not be permitting in the VE Flood Zone nor in the Critical Habitat Zone). Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Michelle Darpel and Lonnie Davis, applicant. (Existing House)

**STAFF RECOMMENDATION**: The dock will extend into Alligator Harbor. Staff recommends approving the dock and stairway in this application.

**BCC ACTION**: To Approve, Table or Deny

T. Consideration of a request to construct a Single Family Private Dock located at Lot 5, Block 51, Unit 5, 309 Gander Street, St. George Island, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 5' x 28' with a 8' x 20' terminal platform and a 10' x 20' boat slip with lift. Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Rudy Rowe, applicant. (The proposed house is situated over wetlands.)

**STAFF RECOMMENDATION**: The dock will extend into a canal off of Apalachicola Bay. There is an isolated Corps of Engineers' wetland on the lot that will have to be filled to build the house. The applicant has a USACOE (Federal Permit) to fill this wetland for a house pad. Staff recommends approving this item.

**BCC ACTION**: To Approve, Table or Deny

**Final Plat Applications**

U. Consideration of a request to Final Re-Plat "Island Breeze" to "Island Breeze Phase II" a 4 lot subdivision lying in Section 28, Township 8 South, Range 6 West, Eastpoint, Franklin County,

Florida. Request submitted by Thurman Roddenberry, agent for Charles and Angela Overstreet, applicants.

**STAFF RECOMMENDATION**: The promised changes have been made to to the parcels south of Highway 98. Staff recommends approving this item.

**BCC ACTION**: To Approve, Table or Deny

**Commercial Site Plan Review**

V. Consideration of a request for Commercial Site Plan Review for an 8,000 square foot climate controlled self-storage facility located at 162 US Highway 98, Eastpoint, Franklin County, Florida. 32 Units will be conditioned and 8 non-conditioned unites. Request submitted by Wade Brown, Edwin Brown and Associates and Jonathan Barwick, Southeastern Engineering, agents for 98 Storage, LLC, applicant.

**STAFF RECOMMENDATION**: This project is located in front of the existing Seminole Self Storage buildings in Eastpont. This application appears to meet all the requirements for a commercial development. Staff recommends approving this items.

**BCC ACTION**: To Approve, Table or Deny

W. Consideration of a request for Commercial Site Plan Review for (5) 18' x 40' Recreation Boat Storage Units located on Lots 6 & 7, Block 1, David Brown Estates, 257 Creamer Street, Eastpoint, Franklin County, Florida. Request submitted by Christopher B. Varnes, applicant. (Building #5 will extend 2 feet onto Lot 6 which is also owned by Mr. Varnes and is currently zoned C-4 Mixed Use Residential)

**STAFF RECOMMENDATION**: Mr. Varnes ownes Lots 6 and 7, Block 1, David Brown Estates, except for a 30' x 40' parcel out of Lot 7 owned by Water Management Services (St. George Island Water System). The property is zoned C-4. This proposal meets the requirements for commercial development.

**BCC ACTION**: To Approve, Table or Deny

X. Consideration of a request to construct a Commercial Pool, Pole Barn Activity Center, Men/Women's Bath House, 4 Coastal Suites, Laundry and Check-In Center located at 909 US Highway 98, Eastpoint, Franklin County, Florida. Request submitted by Michael Seamon, Cox Pools, agent for Coastline Rentals, LLC, applicant.

**STAFF RECOMMENDATION**: There are 8 parking spaces shown on the site plan. The enclosed structure such as the restrooms, coastal suites and check-in will have to meet the flood elevation requirements. There is not indication on the site plan about how the stormwater will be taken care of. Staff recommends approve subject to receiving any required stormwater permit or exemptions.

**BCC ACTION**: To Approve, Table or Deny

**Land Use/Re-Zoning Applications**

Y. Consideration of a request for a Public Hearing to change 1.40 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 16 North Franklin Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.

**STAFF RECOMMENDATION**: A portion of the property in this request is located on the easement for the electrical transmission line through Eastpoint. I am uncertain what development Duke Energy will allow beneath their transmission line. The applicant has not

submitted any analysis to support this request. Staff recommends tabling this request until the applicant supplies more information about the requested change.

**BCC ACTION**: To Approve, Table or Deny Public Hearing Request

Z. Consideration of a request for Public Hearing to change .34 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 15-4th Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.

**STAFF RECOMMENDATION**: This property is located on the easement for the electrical transmission line through Eastpoint. I am uncertain what development Duke Energy will allow beneath their transmission line. It is located on 4th Street, which connects to Otterslide Road and carries more traffic than the average residential street in Eastpoint. The applicant has not submitted any analysis to support this request. Staff recommends tabling this request until the applicant supplies more information about the requested change.

**BCC ACTION**: To Approve, Table or Deny Public Hearing Request

**Department of Health - Sarah Hinds (Administrator) - Update**

**Weems Memorial Hospital - David Walker (CEO) - Update**

**CareerSource Workforce - Kim Bodine (Executive Director) - Request**

AA. Request:

The Florida Department of Economic Opportunity (DEO) and Federal Workforce Innovation and Opportunity Act require local workforce development areas to partner/work with specific entities within the community and to outline their commitments through the execution of a memorandum of understanding (MOU/IFA) between partners. It is also required that each MOU/IFA is approved by the chief elected officials in each county where CSGC serves. These documents were last written and approved in 2017 for a three year term; therefore, all must be renewed in 2020.

All one-stop partner programs must contribute to the infrastructure costs and certain additional costs of the one-stop delivery system based on their proportionate use, as required by 20 CFR 678.700 and 678.760, 34 CFR 361.700 and 361.760, and 34 CFR 463.700 and 463.760. A partner's contribution must be an allowable, reasonable, necessary, and allocable cost to the program, consistent with the Federal Cost Principles set forth in the Uniform Guidance.

Attachment1: Copy of the remaining mandatory MOU/IFA for:

1. Dept. of Education, Division of Blind Services

**CDBG Administrator – Deborah Belcher (Administrator) - Report**

BB. CDBG Administrator Report

**Action Items**

1. The County's CDBG grant expires 10/1/2020. The County should apply for a grant modification to extend the grant expiration date. DEO normally extensions in 6-month increments, and will support a request for a 6-month extension. This will allow plenty of time to finish the CDBG mobile home replacements. If the work is completed before the April 1, 2021 extended deadline, the County may close out the grant before the deadline.

**Requested Action:** Authorize a modification to the CDBG subgrant agreement with the Florida Department of Economic Opportunity, extending the grant expiration date from 10/1/2020 to 4/1/2021.

2. William Gordie, 608 Ridge Road, has applied for CDBG mobile home rehabilitation or replacement relating to the Eastpoint Wildfire. The age and condition of his damaged mobile home make replacement the appropriate type of assistance. Mr. Gordie is eligible for CDBG mobile home replacement assistance.

**Requested Action:** Approve the CDBG mobile home replacement application for William Gordie, 608 Ridge Road.

3. Billie Dalton, 658 Ridge Road, has applied for CDBG mobile home replacement assistance. Mr. Dalton received a donated mobile home but wants a CDBG-funded new mobile home. Mr. Dalton is eligible for the CDBG mobile home replacement. I recommend that Mr. Dalton's current mobile home be transferred to Charlie Golden and Allison Yowell. Mr. Charlie Golden (son of Charles Golden who received home replacement assistance from the County) was living in a camper at the time of the fire, and his camper was destroyed. Golden and Yowell have purchased a lot on Home Place Road (off Ridge Road) and are installing a septic tank, Eastpoint Water and Sewer Authority water connection, and power pole, to live in a camper with their 3 children. Mr. Dalton's used mobile home would give this struggling young couple a permissible permanent dwelling. CDBG funds can pay for the removal of the home from Dalton's property, and Capital Area Community Action can pay for additional setup costs of the home on the Golden-Yowell property.

**Requested Action:** Approve CDBG mobile home replacement application, Billy Dalton, 658 Ridge Road.

4. A third CDBG mobile home replacement bid package was developed and advertised, with a pre-bid meeting held. Bids for 7 specific homeowners previously approved by the County, and generic bids for potential sites, were received July 9, 2020 from Ironwood Homes of Perry. Clayton Homes (CMH) of Panama City did not get their proposal submitted to the County. **I submitted a report to the Board for the scheduled July 21, 2020 regular meeting, which was cancelled.** In that report, I recommend award of CDBG mobile home replacement funding for the following 7 homeowners, based on Ironwood Homes of Perry's bid. **Due to the urgent nature of the home replacement, County Coordinator Michael Morón authorized me to proceed with the home replacement mortgages and contracts. Those documents were executed July 23, 2020.**

**PLEASE RATIFY THE FOLLOWING:**

a. Approve CDBG mobile home replacement funding for Anna Creamer, 568 Wilderness Road, in the amount of $77,583.84 plus CDBG mortgage costs.

b. Approve CDBG mobile home replacement funding for Arlene King, 680 Wilderness Road, in the amount of $80,575.84 plus CDBG mortgage costs.

c. Approve CDBG mobile home replacement funding for William Gordie, 608 Ridge Road, in the amount of $75,923.52 plus CDBG mortgage costs.

d. Approve CDBG mobile home replacement funding for Billy Dalton, 658 Ridge Road, in the amount of $76,306.02 plus CDBG mortgage costs.

e. Approve CDBG mobile home replacement funding for Lucy Bettinger, 697 Ridge Road, in the amount of $77,484.22 plus CDBG mortgage costs.

f. Approve CDBG mobile home replacement funding for Steven Shiver, 700 Ridge Road, in the amount of $74,299.92 plus CDBG mortgage costs.

g. Approve CDBG mobile home replacement funding for Jim Joyner/Anita Kennett, 701 Ridge Road, in the amount of $69,577.88 plus CDBG mortgage costs.

**Information Items**

5. Bonnie Langley, 659 Ridge Road, has been approved for mobile home replacement. As confirmed by a professional land surveyor, the property where her existing mobile home is located is not the lot she actually owns. She owns the vacant lot (649 Ridge Road) to the left (south) of her present location. There are 2 more homes to the right (north) of Bonnie Langley's on the same block, and each of the 3 owners thought they were located correctly and do not want to move a lot south. The owners are trying to resolve the ownership situation. We received a bid to replace Bonnie Langley's damaged mobile home on her correct lot, including clearing some trees and making the utility connections. If the ownership situation remains the same, the County can fund the replacement home at the correct location and demolish the existing home. If Ms. Langley is able to obtain the 659 Ridge Road location, the cost of the replacement home will be reduced.

**SHIP Program - Lori Switzer (Administrator) - Request**

CC. SHIP Administrator's Report - 8/4/2020:

Action Items:

1. The Board approved 8 contracts, at your July 7, 2020 regular meeting, to purchase Hurricane Housing Recovery Program homes for qualified County residents. What was not included in those contract totals were tag/title cost, permit fees, and pump out fees/inspections, for some of the home recipients. Attachment #1 is a breakdown of each mobile home recipient amended cost.
Request: Board action to authorize the amended contracts, that include the original bid amount plus costs and fees, with Ironwood Homes for the 8 HHRP home recipients.

2. After performing the septic inspection, it was determined that four of the eight home recipients would need new septic systems. I got a list of certified septic installers for this area and requested quotes and of the four companies that I contacted, only Collins Construction of St. George Island provided estimates for the four home recipients that needs new septic systems. These estimates are based on visual inspections of the property, so Collins estimates are the "worst case scenario". Some of the installation costs could be slightly over the County's maximum bid amount, and one of the septic installations may put a home recipient over the $75,000 limit. The septic installations will be paid from the HHRP funds.
Request: Board action to proceed with Collins Construction for the installation of the four septic systems. If any of the installations are over the Board's $10,000 bid policy limit or causes any of the home recipients go over the $75,000 program limit per household, these projects will be paused and brough to you for your approval at the August 18th meeting.

3. Governor DeSantis authorized $120 million of the State of Florida's Coronavirus Relief Fund (CRF) allocation to Florida Housing Finance Corporation (Florida Housing) to assist Floridians that have been negatively impacted by the CORONA-19 pandemic and struggling to pay housing expenses such as: rent, mortgage payments, and emergency repairs that will keep families stably and safely housed.
In general, the CRF is a portion of the Coronavirus Aid, Relief, and Economic Security (CARES) Act passed by Congress into law by the President in March 2020 in response to the economic fallout of the COVID-19 pandemic. Florida Housing's CRF Fund for Impacted Homeowners and Renters will be administered by the local State Housing Initiatives Partnership (SHIP) Program housing office in your community. Florida Housing staff are working with the local

governments and SHIP Programs in preparation to begin the application process in each community as soon as possible.

Franklin County will receive $175,000.

The next step is for the Board of County Commissioners to approve and sign the CRF Sub-Recipient Agreement with the Florida Housing Finance Corporation (attached) and the CRF Sub-Grantee Agreement (attached) between the County and I.

Mortgage, rent, and utility assistance will be provided for very low, low, and moderate-income applicants. Each household will receive a maximum of $2500 in assistance.

We are required to advertise for 10 days before accepting applications. I plan to run the ad in the Times in the August 13th paper. Applications will be accepted on Monday, August 24th. The application period will be ongoing until the funds are spent. We will have packets available for pickup at the SHIP office on August 13th.

Request: Board action to authorize the Chairman's signature on the CRF SubRecipient and the CRF Sub-Grantee Agreements.

Request: Board action to authorize future payments of CRF funds, if awarded.

Request: Board action to revisit applicants, if the funds are available and pay future Rent, Mortgage or Utility Payments over the $2,500 limit. This would ensure that the funds are spent by the December 30, 2020 deadline.

**Clerk of Courts – Marcia M. Johnson – Report**

DD. Clerk of Courts Report

**Action Items:**

1. Board action is requested relative to the Value Adjustment Board (VAB):

a. Two county commissioners must be appointed;

b. A citizen member who owns homestead property within the county must be appointed. The citizen member cannot be a member or employee of any taxing authority. Mr. Donnie Gay has graciously agreed to serve should it be the desire of the Board.

Board action is requested to appoint two commissioners and to appoint Mr. Donnie Gay as the citizen member to the VAB.

**Information Item:**

2. For information, a copy of the county's audit reports for the year 18/19 has been provided to the Board and has been posted on the county's website.

**RESTORE Coordinator – Alan Pierce – Report**

**County Coordinator – Michael Morón – Report**

EE. County Coordinator's Report

**Action Items**

1. Local State of Emergency (COVID-19): As authorized by the Board, Chairman Lockley signed COVID-19 Local State of Emergency (LSE) Declarations for the weeks starting July 13th, July 20th, July 27th, and August 3rd.

Request: Board action to ratify the Chairman's signature on the stated COVID-19 LSE Declarations.

2. Local State of Emergency (Potential Tropical Cyclone 9): Mrs. Pam Brownell, Emergency Management Director, requested the Chairman's signature on a Local State of Emergency Proclamation for what was anticipated as becoming Tropical Cyclone 9 and became Hurricane Isaias.

Request: Board action to ratify the Chairman's signature on the Potential Tropical Cyclone LSE.

3. Dewberry FEMA Service Agreement: In 2018 the Board entered into a two-year professional services agreement with Dewberry Engineering for project management, engineering & environmental services for FEMA funded recovery. This agreement included options for renewals up to five years. I recommend renewing this contract for three additional years.

Request: Board action to authorize the Chairman's signature on the addendum extending this professional services contract for three years.

4. Dewberry Task Orders: Below are three (3) Task Orders from Dewberry for the Board's review and approval:

a. Assist with survey, design, bidding, and contract award and construction inspection of the repairs to County Road 30A East and West Washout areas. These professional services will be performed as described in the Task Order #4 for a lump sum amount of $59,250.00.

b. Assist with survey, design, bidding, and contract award and construction inspection of the repairs to the Eastpoint Fishing Pier and Parking Area / ADA Restrooms. These professional services will be performed as described in the Task Order #5 for a lump sum amount of $39,750.00.

c. Assist with design, bidding and contract award and construction inspection of the repairs to the St. George Island Fishing Pier Road. These professional services will be performed as described in the Task Order #6 for a lump sum amount of $9,600.00.

Request: Board action to approve and authorize the Chairman's signature on Dewberry's Task Orders #4, #5, and #6 for the amount stated and services described in each Task Order.

5. Highway 67 Striping Project: The Road Department has received numerous complaints of the lack of visible striping on Highway 67 while driving at night, especially when it is raining. Since Roberts and Roberts are in the County working on the Airport road project and the Board waived the County's bid policy to save on mobilization costs, we asked Roberts and Roberts for a proposal to stripe Highway 67. This striping will start at Crooked River Bridge (that where the FDOT paving project will end) and end at the County line. Roberts and Roberts provided quotes for the use of striping with paint or thermoplastic. I recommend using paint, as it is less expensive and FDOT has a future project to pave north of Crooked River Bridge.

Request: Board action to authorize Roberts and Roberts to stripe CR67 from Crooked River to the County line with paint for a total of $17,187.00.

6. Timber Island Bridge Repairs: A while back, FDOT did an inspection at the Timber Island Road bridge and forwarded their findings to the Road Department. Mr. Nabors, Road Superintendent, asked the local FDOT contractor, Ferrovial, for a quote to make the necessary repairs based on the FDOT inspection. Mr. Nabors received a $5,985.00 quote from Ferrovial for the repairs and recommends proceeding with this project.

Request: Board action to authorize Ferrovial to do the maintenance repair work on the Timber Island Road Bridge for $5,985.00.

7. Road Paving District 4: At an earlier meeting, the Board waived the County's bid policy to save on mobilization costs and authorized Roberts and Roberts to pave roads in the County. Commissioner Massey asked for a proposal to pave Sybil and Court Streets in his District. Roberts and Roberts submitted a $70,135 proposal to pave these streets which will be paid from District 4 paving funds.

Request: Board action to authorize Roberts and Roberts to pave Sybil and Court Streets for $70,135.

8. CR 30A CEI Advertisement: The Florida Department of Transportation has signed the agreement for the resurfacing of CR 30A from the Gulf County line to 13-Mile Road and returned it to the County along with the Notice to Proceed. The Board needs to authorize the Planning Department to advertise for a Construction Engineering and Inspection (CEI) consultant for this job.

Request: Board action to authorize CEI advertisement for the CR 30A project.

9. CR 67 CEI Advertisement: The Florida Department of Transportation has signed the agreement for the resurfacing of CR 67 from Highway 98 to the Crooked River Bridge and returned it to the County along with the Notice to Proceed. The Board needs to authorize the Planning Department to advertise for a Construction Engineering and Inspection (CEI) consultant for this job.

Request: Board action to authorize CEI advertisement for the CR 67 project.

10. Alligator Point Multi-Use Path Advertisement: The County Commission received the Coastal Construction Control Line permit from the Florida Department of Environmental Protection for construction of the Alligator Point Multi-Use Path. The next step in the process is to advertise for CEI services and construction bids for the portion of the multi-use path from the marina to Tom Roberts Road. Due to time constraints and the cancellation of the July 21 BOCC meeting, the Planning Office has already submitted the required advertisements to the newspaper. The CEI proposals will be opened on September 1 and the construction bids will be opened on September 15.

Request: Board action to ratify staff's submittal of the required advertisements to the newspaper.

11. CR 67/Tallahassee Street Sidewalk Project: The bid documents for the CR 67 Tallahassee Street Sidewalk inadvertently included the wrong wage decision for the contractor to follow. FDOT requires that Franklin County and the contractor, M of Tallahassee, Inc., amend the contract to reflect the new 2020 wage decision. M of Tallahassee has signed the amendment.

Request: Board action to authorize the Chairman's signature on the wage decision amended form.

12. Opportunity Florida Letter of Support: Opportunity Florida is working on the Regional Rural Development grant application of the 2020-21 year and is requesting a letter of support that states the County will continue our involvement with Opportunity Florida and intends to pay the 2020-21 annual investment $1,154.90 dues.

Request: Board action to authorize the Chairman's signature on the letter of support for Opportunity Florida.

13. Liberty County Letter of Support: The Liberty County Board of County Commissioners wrote a letter (attached to the agenda packet) to USDA Forest Service opposing the closing

and/or moving of the camping area adjoining the Whitehead's Lake boat landing on the Ochlocknee River, located in Liberty County. The Liberty County Board of County Commissioners would like Franklin County Board of County Commissioners to send a letter in support to the Forest Service.

Request: Board action to authorize a letter of support opposing the closing and/or moving of the camping area adjoining the Whitehead's Lake boat landing in Liberty County.

14. One Pay Credit Card Agreement: Mrs. Amy Kelly and I met with a representative from CIVITEK to discuss their online One Pay Credit Card service. Currently, any customer that needs to pay for a permit over the phone has to give all of their credit card information to one of the permitting clerks, a process I am not comfortable with. With the One Pay service, a customer would go to an online link to pay for a permit, armory rental, or other services, then receive the requested service. Currently, the Clerk of Courts uses this same service for her office as does the City of Carrabelle for water and sewer payments. Attorney Shuler has requested some changes to the contract, which was returned yesterday with the requested changes.

Request: Board action to authorize the Chairman's signature on the One Pay Credit Card Agreement after Attorney Shuler's approval of the final version.

15. Audio/Video Agreement: As discussed at a previous meeting, staff requested quotes from four companies to install multiple large screen televisions in the meeting room for virtual meetings. Of the four requests we received 2 quotes and went with the lower of the two. I signed a proposal with Inspired Technologies, an official Florida Association of Counties partner, for $7,250. This amount will be paid from the CARES Act funds received from the State.

Request: Board action to ratify my signature on the Inspired Technology $7,250 proposal for the installation of four (4) large sized monitors in the Commission Meeting room.

16. Tipping Fees: After some discussion at your July 30th Budget Workshop, the Board directed me to add increasing tipping fees for any out of town garbage, debris, trash or waste that came across the scales at the County's Landfill to today's agenda. Staff will need specific direction from the Board on how much to increase the tipping fees as Mr. Fonda Davis, Attorney Shuler and I attempt to provide some options to the Board.

Request: Board discussion and direction on how much to increase the tipping fees for out of town garbage, debris, trash or waste at the Landfill.

17. Assistant Planner: At your July 30th Budget Workshop, the Board discussed the importance of creating an assistant planner position as Mr. Mark Curenton, County Planner, is in the State's DROP program and can retire at any time. I discussed this matter with Mr. Curenton along with the option of working with the Apalachee Regional Planning Council (ARPC) for this service. Mr. Curenton suggested a meeting with ARPC to discuss the County's planning needs versus what ARPC could offer and then have a discussion with the Board at a future meeting.

Request: Board action to authorize staff to meet with ARPC to discuss future planning services for the County.

**Information Items**

18. Eastpoint/2 Mile Dredge Update: Inform the Board the staff received a letter from the US Army Corps of Engineers updating us on the status of the Eastpoint and Two-mile dredge project. A copy is attached to the agenda packet.

19. Inmate Labor: As I stated at the July 30th Budget Workshop, with the assistance of Mr. Fonda Davis, I was able to talk to Warden Duval a few weeks ago and he explained that the

prison was at Phase II at the time which did not allow non-DOC personnel to supervise inmates. He also stated that it was his last week and a new warden would be in place within a week or two. It is my intention to reach out to Warden Conner to an update.

20. CARES Act Funds update: Inform the Board that Mrs. Traci Buzbee, your CARES Act fund consultant, has been meeting, discussing, and working with Constitutional Officers, County Departments, Civic Groups, the Tourist Development Administrator, the Health Department administrator on the CARES program. She is collecting requests from these entities and creating an expense spreadsheet which will be converted to a spending plan. The Oversight Committee meets weekly via teleconference to discuss and review all related issues and request. Ms. Buzbee is in constant communication with FDEM regarding any new rules or questions posed to her locally and has also reached out to Opportunity Florida to serve as the business grant applications reviewer. Mrs. Buzbee is on the phone to answer questions from the Board.

21. Small County Grant (Solid Waste): Chairman Lockley signed the Solid Waste Small County Grant. No action is needed on the Chairman's signature as this is part of the County's approved budget.

22. USDA De-obligation Letter: County staff received the official notice from USDA de-obligating the $10,000,000.00 George E. Weems Memorial Hospital Improvement project that was obligated on June 22, 2015.

**County Attorney – Michael Shuler – Report**

**Commissioners' Comments**

**Adjournment**

**Board Information**

FF. ORDER APPROVING DUKE ENERGY FLORIDA, LLC'S PETITION TO REVISE UNDERGROUND RESIDENTIAL TARIFFS

B.

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS**
**REGULAR MEETING**
**COURTHOUSE ANNEX, COMMISSION MEETING ROOM**
**JULY 7, 2020**
**9:00 AM**
**MINUTES**

**Commissioners Present: Noah Lockley – Chairman, Ricky Jones-Vice-Chairman, Joseph Parrish, William Massey, Bert B. Boldt, II**

**Others Present: Marcia M. Johnson-Clerk of Court, Erin Griffith-Assistant Finance Director, Michael Moron-County Coordinator, Michael Shuler – County Attorney**

**Call to Order**

Chairman Lockley called the meeting to Order.

**Prayer and Pledge**

There was a prayer followed by the Pledge of Allegiance.

Mr. Moron explained he added a new location for the call-in information for all meetings so it will not be tied to a specific agenda. He reported the information is available on the agenda page. He stated this is a change and he wanted the public to know.

**Approval of Minutes**

A. Minutes for Approval

1. June 16, 2020

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meeting held on June 16, 2020.**

**Payment of County Bills**

B. Bill List for Payment

**On motion by Commissioner Boldt, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve payment of the County's bills.**

**Awards and Recognitions**

C. Resolution of Appreciation - Mrs. Pat O'Connell

Mrs. O'Connell appeared at the podium. Mr. Moron said Mrs. O'Connell has done a wonderful job as Chairman of the Complete Count Committee (CCC). Mrs. Cortni Bankston, acting CCC Chairman, read the proposed Resolution. Mrs. O'Connell thanked the Board for the Resolution and offered her assistance with the census in the fall. Mr. Moron stated Mrs. Bankston sent out an email blast yesterday to the CCC Committee so the members are listening on the phone. Commissioner Boldt said he appreciates Mrs. O'Connell and she has been a role model for him. Chairman Lockley asked about the census numbers at this time. Mrs. Bankston stated they are closer to 50% than they were before and the numbers are still coming in. Chairman Lockley said the numbers have not been that high in a long time. Commissioner Jones thanked Mrs. O'Connell for her work. Mrs. Bankston announced the following winners of the gift cards for the Census Contest:

District 1: Tom Loughridge
District 2: John Matey
District 3: Ajay Patel
District 4: Courtney Giddens
District 5: Jenny Myrick

**Public Comments**

*This is an opportunity for the public to comment on agenda or non-agenda items. When you are recognized to be heard by the Chairman, please sign the speaker's log and adhere to the time limit. An individual will be allowed to speak for three minutes whereas a designated representative of a group or faction will be allowed to speak for five minutes.*

Mr. Moron stated there are only 2 callers on the telephone. There were no public comments.

Ms. Sara Hinds, Franklin County Health Department, appeared via telephone. She reported they are still in Phase 2 of the Governor's reopening plan. She stated they are seeing more cases here and across the state. Ms. Hinds reported the goal is to slow the spread over time which is necessary to maintain the medical capacity for anyone needing medical care. She stated their priority remains the same to protect the most vulnerable population. She explained the age range has shifted now to people in their 20's and 30's. She stated mid to late March is when the hospitalizations were up and since that time the hospitalizations have gone down and the county is just showing a slow rise. She reported the positivity percentage over the last two weeks for the state has ranged from 10-16% so they are watching to see when it will be stabilizing. Ms. Hinds said Franklin County has a 1% positivity rate and still has the lowest case count in the state. She stated they cannot let their guard down and must still follow guidance from the Center for Disease Control and Prevention (CDC). She advised visitors not to wait until they are leaving the county to get tested but test before they arrive. She reported if they have been exposed they should test at their home county and wait for the test

results before traveling here. Ms. Hinds explained if you come from another county here to get tested the results will be sent back to that county health department for follow up and contact tracing. She reminded everyone the CDC still recommends social distancing and that everyone wear a mask in public. She said people should stay home if they are not feeling well. She reported if people think they have been exposed to a positive case then they should quarantine for 14 days. Ms. Hinds said Franklin County has 15 positive cases and 7 of those cases are no longer required to isolate. She stated they will continue to see more cases and are continuing to test. She reported the numbers on the dashboard are unduplicated tests and it is showing 1,327 tests. Ms. Hinds offered to answer any questions. Chairman Lockley asked what they will do if a person tests positive and does not quarantine. Ms. Hinds said Ms. Emerald Larkin, RN, is also on the telephone to address these questions. She explained they provide a voluntary agreement to isolate at home to individuals that test positive. Ms. Larkin said it depends on if the person develops symptoms, what those symptoms are, when their test was and if they have recovered. She explained this is not a blanket statement to say that in 10 days everyone will recovered but most people that are 10 days from their symptom onset and fever free are typically okay to go. She reported it does not mean you can go back to work because that decision is based on the patient's condition and the employer. She stated it helps to have a good relationship with your community and she feels like they have that and people trust their opinion and expertise. She explained sometimes they get reports about people being out that have tested positive but normally it is when people are no longer required to isolate. Mrs. Hinds stated they have agreements in place with people that are required to isolate. She reported if someone is not in compliance there is an involuntary order but they have not had to use one yet. Commissioner Boldt asked what the difference is between the COVID-19 virus and the common seasonal flu. Mrs. Larkin stated it is just a different virus and has various symptoms. Mr. Moron said information was circulating on social media that the Health Department stated Franklin County and Gulf County were hot spots in the state. Ms. Hinds stated they have not sent out any information that said there is a hot spot in their community. She explained they share their case counts every morning with the Commissioners and the positivity rating for Franklin County is still low at 1%. Mr. Moron reported he was just trying to clear this up with the public. Ms. Hinds reported they try to address any social media rumors because normally they are copied at some point on the information. She said they appreciate the public's response and if they hear something they should contact the Health Department.

**Department Directors Report**

**Superintendent of Public Works – Howard Nabors**

Mr. Nabors appeared before the Board. He said they are continuing to cut grass, clean ditches and grade roads. He stated they will start in Lanark Village this morning and then go to Alligator Point. He said they will cut grass across the county and then start over again. He presented the following items for the Board's consideration:

D. Superintendent's Report

**Action Items**

1. Mr. Robert Rickards has turned in his 2 weeks resignation.
Asking for Board approval to advertise for an Inmate Supervisor Position simultaneously in house and to the public with a starting salary of $25,000.

**Commissioner Massey made a motion to advertise for an Inmate Supervisor position. Commissioner Parrish seconded the motion.** Commissioner Massey stated Mr. Rickards has been a dedicated county employee and they hate losing him. Mr. Nabors agreed he has been a good employee. **Motion carried; 5-0.** Chairman Lockley said to thank Mr. Rickards for his service to the county.

2. Request to purchase a new 2020 Ford F-150 4x4 crew cab.
The Road Department had two employee vacancies for part of the fiscal year and has enough in regular salaries and benefits to fund the purchase of a new F150 crew truck from the State of Florida bid list. If the truck is ordered now, it will be here sometime in early September. (See attached document)
Action requested by the Board: Motion to approve the purchase of a 2020 Ford F150 Crew Pickup from the State of Florida Bid List and to approve the line item budget amendment below:
INCREASE 140.41.541.6401 Road & Bridge - Machinery & Equipment $30,570
DECREASE 140.41.541.1200 Road & Bridge - Regular Salaries $20,676
DECREASE 140.41.541.2200 Road & Bridge - Retirement $1,751
DECREASE 140.41.541.2100 Road & Bridge - FICA Taxes $1,581
DECREASE 140.41.541.2300 Road & Bridge - Health, Life, Dental $6,562

Chairman Lockley asked if the inmate crews are still staying in. Mr. Nabors answered yes. He said the Division of Forestry and the Parks & Recreation Department are still getting crews but they do not have a Road Department crew. Commissioner Massey asked if he has the money in the budget for this vehicle. Mr. Nabors answered yes, he worked with Mrs. Griffith on the budget. **Commissioner Massey made a motion to purchase a new 2020 Ford F-150 4 X 4 crew cab. Commissioner Boldt seconded the motion.** Chairman Lockley asked if they are purchasing the vehicle through the Sheriff's bid list. Mr. Nabors answered yes, through the state's bid list. Mrs. Griffith explained they had 2 vacancies in the Road Department that took 4 months to fill and that is how they are able to purchase the vehicle. Commissioner Massey said he wishes they could replace all the big trucks with little trucks to save the wear and tear. Mr. Nabors agreed the big trucks are good during storms but the smaller trucks are much cheaper. Clerk Johnson asked if the Board is also approving the line item budget amendment. **Commissioner Massey amended his motion to include approving the line item budget amendment. Commissioner Boldt amended his second. Motion carried; 5-0.**

Attorney Shuler asked to address the 8 Mile Road and 10 Mile Road situation in relation to the no trespassing signs. Mr. Nabors explained he talked with a Deseret Ranches representative and the signs were put up because of people dumping garbage in the area. He said he informed them the county picks up the garbage in this area and has been maintaining the road for more than 40 years. Chairman Lockley asked if this is a private or public road. Attorney

Shuler said he checked with Mr. Nabors and the county has been maintaining these roads for at least 40 years. Attorney Shuler informed the Board a letter was sent approximately 10 days ago to the landowner telling them these are public roads and asking them to voluntarily take down their no trespassing signs. He said the letter implied if they do not take the signs down voluntarily then the county will remove the signs. Mr. Nabors stated these are the only 2 access roads the county has left going to the beach in that area. Chairman Lockley asked how much time they need to give them to remove the signs. Attorney Shuler said he is not sure how much time he referenced in the letter but they will give them 30 days or less and if they have not removed the signs then the county will remove them. Attorney Shuler stated the signs have already been removed from 10 Mile Road so only the poles are remaining but the poles and signs are still up at 8 Mile Road. He said there is a lot of garbage in this area. Mr. Nabors reported they clean this area about every 2 weeks and mow the area when they make a pass through the county. He stated they have records going back for years where the county has been maintaining the roads. Attorney Shuler said they will allow them 30 days and then send a letter that the county is removing the signs. Chairman Lockley questioned if the Board needs to take action. Attorney Shuler said the letter has already been sent but if they can wait a little longer he feels like he has authority as the County Attorney based on the facts provided by Mr. Nabors to protect the public's access to this public road. Commissioner Parrish asked Mr. Nabors to clean up the garbage in this area before the next Board meeting. He stated they will give them a little more time and then the county can take action if they do not respond to the letter. Mr. Nabors reported this has never come up until they put the oyster pots out there. Attorney Shuler suggested Mr. Nabors check his local contact for Deseret Ranches to see if they are aware of the letter. Mr. Nabors agreed to contact the company. Commissioner Parrish said they also should let them know they are going to clean the area. Chairman Lockley asked if there are any no trash dumping signs in this area. Attorney Shuler said there are no signs. Chairman Lockley suggested they add some signs in this area. Commissioner Parrish suggested the signs include that they are trying to keep the roads open to the public so it might encourage people to keep the area clean. Mr. Nabors said he received a lot of calls about this matter. Commissioner Massey agreed everyone has received calls about these roads. Attorney Shuler said the STOP sign at 10 Mile is missing. Mr. Nabors reported they continuously steal the STOP signs and the street signs in these locations.

Mr. Moron read the following item from his report:

4. Road Department Administrative Building: On Tuesday, May 19th, bids were opened for the Road Department Administration Building. The bids came in as follows: Duncan Home Construction, Inc. $416,239.13, OliverSperry Renovation $393,508, Storm Construction, Inc. $321,465, Certus Builders $364,168. On Thursday, June 18th the review committee met and as a competitive price-based bid, the lowest bidder Storm Construction was confirmed to be the lowest "responsive and responsible bidder" and met all of the bid specifications. Franklin County does not have any sort of local preference bid policy in place and this was a price-based solicitation, pursuant to bid practices and Florida law as confirmed by County Attorney Michael Shuler - Storm Construction is the lowest responsive and responsible bidder.

Request: Board action to award the bid to the lowest qualified bidder Storm Construction. The county also has the right to reject all bids, rebid or elect to not proceed with the project at this time.

Chairman Lockley asked where Storm Construction is from. Mr. Moron said Carrabelle. Mrs. Griffith clarified the company has a Carrabelle address and a Georgia address as well. Commissioner Parrish asked if the money is available for this bid amount. Mrs. Griffith answered yes. She explained $298,000 was budgeted and the county received $200,000 in unanticipated FEMA reimbursements for equipment hours and material reimbursements from Hurricane Michael. She reported they will use an additional $20,000 that is needed for the new building project but the other $180,000 remaining of the FEMA funds will be held until they see how it works out with the gas tax proceeds with the effects of the coronavirus and travel restrictions. Mrs. Griffith said she estimated their worst case scenario to be about $160,000 with the closures but she does not think it is going to be that bad. She reported this is how they will make it through if necessary. **On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to accept the bid and proceed.** Chairman Lockley stated the county does not have a local bid policy but he would like a motion to get a local bid policy. He explained they need to consider the local businesses first if there is any possible way. **Commissioner Massey made a motion to get a local bid policy set up. Commissioner Jones seconded the motion.** Chairman Lockley said he thought there was already a local bid policy. Mr. Moron reported he will check but he thinks most counties in this area do 10%. He explained the policy will depend on the funding sources they use to do a project. He said this will only be based on using local funds that are unrestricted. Mrs. Griffith stated it will also be mentioned in the bid specifications if that project is eligible for local bid preference. Commissioner Massey asked if they can go over the bid amount with change orders. Mrs. Griffith stated that would have to be approved by the Board. Commissioner Massey explained he has seen that happen before and then the project goes over the amount of the local bidder. Mr. Moron said there are rules in place now and all change orders come to the Board for approval. Commissioner Parrish stated once the bids are submitted they are not allowed to come in and lower their bids. He explained there may be some companies that do not bid if the Board has this local bid policy so this could reduce the number of bids received which could lead to higher prices. Commissioner Massey stated they can only use this policy for certain funds. Mrs. Griffith explained it can only be used for county funded projects and not for state and federal grants. Commissioner Boldt asked if they could encourage Storm Construction to use local labor and help when possible. Mr. Moron said there is a statement in the bid documents about using local subcontractors. **Motion carried; 5-0.** Mr. Nabors reported the clay is there for the building and they will get it leveled so the contractors can start building when they are ready. Chairman Lockley stated they will have to wait until the clay is dry. Attorney Shuler stated he will get the local bid preference ordinance drafted and bring it back for the Board's consideration before they schedule a public hearing. He explained they do not do very many locally funded projects so it will not be presented at the next meeting unless the Board has other instructions.

**Information Item**

3. Detail of Work Performed and Material Hauled by District (See attached document)

**Solid Waste Director – Fonda Davis**

Mr. Albert Floyd, Assistant Solid Waste Director, read the following request:

E. Solid Waste Director's Report

**Action Item**
1. Equal Shot Program: In the past, the Board has contributed to the basketball program for the youth of Franklin County. This year the Equal Shot program is offering a completely free of charge program at the Matchbox. They are asking the Board for support in the amount of $2,500 to help keep this program free. Please see the attached Equal Shot flyer.
Request: Board approval for monetary support for the Equal Shot program at the Matchbox.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve support in the amount of $2,500 for the Equal Shot Program at the Matchbox.**

Chairman Lockley asked Mr. Floyd to check with the travel ball team that has been winning. Mr. Floyd said they have 2 girls' softball teams going to state. Commissioner Jones reported it is the Sandlot travel team. Chairman Lockley explained they have asked to have the field lined so they can practice. He requested Mr. Floyd contact their coach about this request. Mr. Floyd agreed to contact the coach.

Mr. Moron provided the following item from his report:

6. Tillman Cellular Tower Location: County staff was contacted by a Tillman Infrastructure representative to discuss possible site locations for a new cell tower in the area referred to as Green Point. One of these locations under consideration is the Landfill and the other is at the Sheriff's Department (see maps in agenda packet). If the Board has no objections to a tower at any of these locations, Tillman asked that the Board approve and execute a non-binding Business Terms Agreement (BTA) for each of these locations. Tillman would make a decision on the best location and then contact the County to negotiate the principle terms and execute a lease. Attorney Shuler has reviewed both BTAs.

Request: Board discussion and possible authorization of the Chairman's signature on the Business Terms Agreement for one or both locations.

Attorney Shuler informed the Board this company is not just looking at these 2 locations but at multiple locations in the area. Chairman Lockley asked if this will help cell reception on Highway 65. Mr. Moron was not sure. Commissioner Jones questioned if this is a 5G tower. Mr. Moron responded Tillman was not specific about the type of service. Mr. Moron clarified both of these locations are county property so the agreements would be with the county even

though one location is at the Sheriff's Department. He stated he sent a question to the Sheriff 2 weeks ago and again yesterday to check and make sure the tower would not be a security risk for the jail. He said he also wanted Mr. Davis to make sure the Department of Environmental Protection (DEP) would not have an issue with putting a tower this close to the landfill. He reported he is checking on these 2 items and still talking with the representative about the towers. Commissioner Parrish stated he has talked with Mr. Moron and the Sheriff about possibly relocating the fire repeater that is on the tower at the Sheriff's Department. He explained this equipment is hard wired into the new console and if lightning strikes that tower it will blow up the new console the county purchased for the jail. He pointed out this console controls the 911 system. He reported in the negotiations they need to see if Tillman will allow them to relocate the fire repeater to the proposed tower they are going to build and then the tower can be removed at the Sheriff's Department because the Sheriff does not use this tower. Commissioner Parrish said they need to take this action because if lightning strikes again they will lose the console and the 911 capability. He explained if the repeater location is in the same general area it will not cause a problem. Commissioner Boldt reported the tower leases are sometimes for 20-40 years so this is a permanent structure. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to authorize the Chairman's signature on the Business Terms Agreements for both locations.** Commissioner Jones reported in relation to cell phone reception up Highway 65 he has talked with Mr. Walter Armistead who received an agreement to put up a cell tower. He explained they are still planning to construct the tower but COVID-19 has delayed the project.

**Information Item**

2. Right of Way Debris Pickup/Recycled Material Hauled: (See attached document)

**Emergency Management Director – Pam Brownell**

Mrs. Brownell provided the following report for the Board:

F. Emergency Management Director's Report

**Action Items**

1. Request the Boards approval and signing of the following extensions:

   a. Emergency Management Performance Grant Extension Modification #1.

**On motion by Commissioner Jones, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to approve and sign the Emergency Management Performance Grant Extension Modification #1.**

b. Hurricane Loss Mitigation Program Extension.

**On motion by Commissioner Parrish, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve and sign the Hurricane Loss Mitigation Program Extension.**

2. Request the Boards approval and signing of the EOC Design Contract with Dewberry.

**On motion by Commissioner Massey, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve and sign the EOC design contract with Dewberry.**

3. Request the Boards approval and signing of the Inter-local Agreement with Franklin County School Board for Transporting our Transportation Disadvantaged Citizens out of the county during a storm when they evacuate.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve and sign the Interlocal Agreement with the Franklin County School Board for transporting the Transportation Disadvantaged Citizens.** Chairman Lockley questioned what will happen with the citizens who have COVID-19 and are disadvantaged. Mrs. Brownell stated they would have to be transported separately. She reported this agreement is for people that do not have a way out of the county and do not have COVID-19. She explained if a person has COVID-19 and needs to be transported then they will contact the state and the state will move them.

Mr. Moron said there have been some emails about the status of Island View Park. He also asked for an update on the bathrooms for the fishing pier on the Eastpoint side. Mrs. Brownell reported Island View is still in the process of FEMA's environmental historical review and they cannot do anything until FEMA goes through the process and obligates the money. She explained in relation to the fishing pier and bathrooms she met last week with Commissioner Jones and Dewberry and the project has been obligated so they will be moving forward with that project. She reported they will go out for bid to fix the damages and complete mitigation. Commissioner Jones said part of the wait was getting money to mitigate the project so in future storms the infrastructure will still be there. He explained it is not just a problem with the walkway to the bathrooms being destroyed but also with the parking lot being undermined. Mr. Moron pointed out getting money from the federal government for mitigation is difficult. He stated Alligator Drive is an example of this struggle.

Mrs. Brownell said in relation to Patton Drive the boat ramp and floating dock have just been obligated so this project can move forward. Mr. Moron asked how long this has taken. Mrs. Brownell stated these were damages from Hurricane Michael.

Mr. Moron read the following item from his report:

5. CARES Act Agreement & Spending Plan: At your last meeting I explained that the County was slated to receive $528,930, which was 25% of the total allocation of CARES Act funding for counties that fell below the 500,000-population threshold. Since your June 16th meeting the County received the CARES Act agreement and was strongly urged by the Florida Association of Counties and the Small County Coalition to execute this agreement and upload it into the State system as soon as possible, which was done last week. The next step is to create a spending plan that would dictate how the County would spend the funds and would be submitted to U. S. Treasury for review. Ms. Traci Buzbee of The Management Experts, LLC, currently your Emergency Management consultant, is willing to create the spending plan and manage the program for the County. Her task order is attached to the agenda packet. Mr. Ben Chandler of the Apalachee Regional Planning Council is willing to partner with Ms. Buzbee on the creation of the spending plan but doesn't have the staff to manage the program for the County. The County's other option would be to advertise for Request for Proposals, however, keep in mind that the total amount of CARES Act funding, approximately $2 million must be spent by December 31, 2020.

Request: Board action on two items. The first action item is to ratify the Chairman's signature on the CARES Act agreement. The second action item is to engage Ms. Traci Buzbee to create the spending plan and manage the overall Cares Act Program with Mr. Ben Chandler assistance or advertise for Request for Proposals to create the spending plan and manage the overall Cares Act Program.

Chairman Lockley questioned what percentage people are paid to handle these funds. Commissioner Boldt replied 5%. Mr. Moron agreed there is a 5% administration fee for Ms. Buzbee and Mr. Chandler is working under an ARPC grant. He explained if possible Mr. Chandler would not charge the county because he is already being paid under the ARPC grant but he will verify that. He reported the 5% that is paid for the administration would come out of the CARES funding. Chairman Lockley said he wanted to know if 2 people were being paid. Mr. Moron explained it will be like a service Mr. Chandler is offering free of charge because he is working under the other grant. Commissioner Parrish said they previously discussed the county being responsible if the city applies for funding and spends it wrong. He asked if the county can have a separate agreement with the cities so they are responsible for paying the money back and not the county if the city spends the money in the wrong way. Attorney Shuler stated they could have a contract if the city agrees to it. Commissioner Parrish reported if they do not agree to the contract then they do not get the money. He said he does not want the county to be responsible for paying money back on projects that the county is not even involved in. Mr. Moron said on the telephone calls relating to the CARES Act they do suggest the county create an agreement with the cities and the county would have to go after the cities if the money was spent incorrectly. He reported the state will take the money from the county but will not go after the cities. Commissioner Parrish stated this is complicated because the county sets a budget and there is no money to pay for mistakes that other people make. He questioned if the consultant will make sure what they are asking for complies with the

protocols. He inquired who makes sure the money is going to that certain project and spent appropriately. Mr. Moron agreed it is the responsibility of the consultant to get all the reports and make sure the money is spent appropriately. He explained the consultant also has to make sure the expenditures have not been paid with other funds. He explained they need someone who understands this program because the same people that are running the FEMA program are running this program. Attorney Shuler said Mr. Moron has attended the zoom meetings but he has not so unless there is a provision stating the county cannot require the city to be financial responsible then the county can have a separate contract with the city. He explained it would be a contract where if they did not spend the money correctly the county would have to sue the city to replace the claw back that the state will take from the county. Commissioner Parrish stated he does not want the county to be responsible for this if they are not overseeing the project. He said they have also seen a time when the county was responsible and not a consultant because they were working for the county. Commissioner Parrish reported he is concerned about this situation. Chairman Lockley agreed he is concerned too. Mrs. Brownell suggested this be handled like any other FEMA project and documentation is required to be submitted to the county before a check is cut. Commissioner Parrish stated it would be a reimbursement. Mrs. Brownell agreed just like any other FEMA project. Mr. Moron said that is how this program is set up. Chairman Lockley stated that is better but what if they do not have any money to put up first. Mr. Moron reported he is worried about this and that is why he would prefer to have someone who is experienced with this matter. Chairman Lockley said this program is not set up well and he questioned what limits they have for the cities and the county. Commissioner Parrish reported it is better when it is handled as reimbursement so the consultant can review what is being done and make sure it complies with the rules. Chairman Lockley explained they need to know how much they can spend before they waste time setting up a project. Mr. Moron reported this $528,000 is only 25% of the funding so they will have a little over $2 million but the other 75% is based on reimbursement. He said the administration fee is based on how much money is spent and any money that is not spent must be returned to the federal government. Mrs. Brownell stated the projects must be tied to COVID-19 so that will limit the projects. **On motion by Commissioner Jones, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to ratify the Chairman's signature on the CARES Act agreement.** Mr. Moron said the Board needs to make a decision about the consultant because this money must be spent by the end of the year. Commissioner Boldt agreed they only have 5 ½ months to get everything done. Commissioner Parrish agreed they must select someone to administer the program, come up with a spending plan and spend the money by December 31, 2020. He stated if they advertise for consultants they will lose another 30 days of this time. **Commissioner Parrish made a motion to go with Ms. Traci Buzbee contingent upon Mr. Moron making her aware of their concerns he has heard today from the Board and that she is willing to comply with all of those items. Commissioner Boldt seconded**

**the motion.** Commissioner Jones said he talked with Mr. Chris Rietow, ARPC, and some of his staff is still not working full time and are working from home. He stated that is why they do not have the ability to complete the program at this time. Chairman Lockley asked if Ms. Buzbee has the staff for this project. Mrs. Brownell answered yes. **Motion carried; 5-0.**

Chairman Lockley asked Mrs. Brownell if her staff goes to school. Mrs. Brownell responded yes, they attend training every year. She reported she and Mrs. Daniels have completed their Advanced Professional Development. Chairman Lockley asked if they take a leadership class. Mrs. Brownell said they have taken the director's course. Chairman Lockley stated he has received a lot of complaints. Mrs. Brownell explained she is working on this issue. Chairman Lockley reported the problem is people are already in an emergency situation when her department is involved. Chairman Lockley suggested Mrs. Brownell contact Mr. Moron about scheduling a class.

**Information Items**

4. EOC along with our CERT Volunteers are now distributing washable & reusable cloth mask that were distributed to us by FDEM throughout the County.
5. EOC Staff continues to monitor the stages of the HLMP (Hurricane Loss Mitigation Program) Grant. The HLMP grant has allowed us to mitigate numerous homes throughout Franklin County over the past 5 years.
6. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Department & Weems, EMS, Conference Calls, pushing out messaging from DOH on Facebook and our EOC Website.
7. EOC Staff continue to participate in conference calls (Approximately 10 calls weekly) with the State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with missions for PPE, Local State of Emergency, and SitReps.
8. EOC advertised for the SPN Coordinator/Office Admin position. We interviewed 5 applicants and have hired Amanda Anthony from Apalachicola.
9. FCEM Staff continues to work on FEMA reimbursement claims from Hurricane Michael. (Please see the Report below regarding Hurricane Michael Projects). This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. Attached is an update of FEMA projects. EOC Staff has begun the FEMA reimbursement claim process for COVID 19.
10. 06/25/20 monthly IPAWS (Integrated Public Alert and Warning System) Testing successful.
11. EOC Staff plan to attend FEPA Midyear Virtually this year.
12. EOC Staff have uploaded the CARES Act Agreement.
13. Franklin County now has 9 Total Cases of COVID-19. Attached is a copy of the DOH dashboard as of 07/02/20 12:00pm.

The meeting recessed at 10:28 a.m.

The meeting reconvened at 10:41 a.m.

**Extension Office Director – Erik Lovestrand**

Mr. Lovestrand appeared before the Board but did not have any action items. The following report was submitted to the Board:

G. County Extension Director's Report

**Information Items**
General Extension Activities:
1. During this period, the Extension office assisted citizens on the topics of soil tests, injured wildlife, wooly aphid damage on live oak, citrus greening, invasive species, banana trees, sooty mold on longleaf pine, and more.
Sea Grant Extension:
2. Extension Director participated in a scalloping webinar series by hosting and presenting during a Zoom program for the Wakulla/Franklin county region. Experts on the topics of scallop life history and biology, seagrasses, food-safety when preparing scallops, and boating/harvesting rules and safety presented short talks, followed by a question/answer session. The event was also broadcast via Facebook Live to a larger audience.
3. The Extension office hosted the oyster harvester video that is required for harvesters annually before buying their licenses. There were 138 people that viewed the video in-person, rather than using the online option. All UF guidelines for sanitation and safety related to COVID-19 were in effect (no groups larger than 10 people, spaced more than 6-feet apart, regularly sanitized surfaces, etc.).
4-H Youth Development:
4. 4-H clubs are still not meeting in-person due to the virus but a large number of programs are being conducted online with great success and high numbers of youth participating.
Family and Consumer Sciences:
5. Transition to a distance learning platform is taking place so programs will be ready to use when school begins, as many schools will likely not be allowing outside people to come into the classroom setting.
Horticulture/Agricultures:
6. The new Wakulla County Extension Director visited with the Franklin County Master Gardener group at the Extension office and shared his vision for developing the program further. He will be coming to Franklin County at least two days/month for training, teaching and volunteer management.

**Library Director - Whitney Nixon-Roundtree**

Mrs. Nixon-Roundtree provided the following report:

H. Library Director's Report
**Action Item**
1. Requesting approval from the Board of County Commissioners to advertise for 2 FT Library Assistant positions at an annual salary of $25,000. This request is to fill the FT Library Assistant position that is now vacant after my recent promotion to Director. She explained the second position is to fill a position left vacant by the resignation yesterday of Ms. Teresa Jackson in Carrabelle. She reported currently the libraries are operating with

one full time staff assistant and 2 part time staff assistants and that does not leave her with enough coverage for their current hours of operation at both locations.
Request: Board action to authorize advertisement for a 2 Full-Time Library Assistant positions simultaneous in house and to the public with an annual salary of $25,000.

Chairman Lockley asked if the money is in the budget. Mrs. Nixon-Roundtree answered yes. **Commissioner Massey made a motion to advertise for 2 full time Library Assistant positions. Commissioner Jones seconded the motion.** Chairman Lockley asked if she has enough staff now to operate. Mrs. Nixon-Roundtree responded she is traveling back and forth covering both branches. Mr. Moron explained he informed Mrs. Nixon-Roundtree if she runs short of coverage to let him know and they will reduce the hours and provide notice on the website. He stated that may happen until they are able to advertise and fill these positions. Mr. Moron pointed out they have to keep the libraries open the hours required by the consortium for the grant funding. Mrs. Nixon-Roundtree agreed one branch is required to stay open for 40 hours. Chairman Lockley questioned how long it will take to advertise and get someone hired. Mr. Moron stated they will advertise for 2 weeks and place the advertisement on the county website and send it to the county departments. Mrs. Griffith estimated they will have someone hired within the month. **Motion carried; 5-0.**

**Information Items**
Monthly Update Programs and Resources:
2. The Summer Reading theme this year is "Imagine Your Story". The staff has been working diligently to bring virtual programming to our patrons. Each week the libraries host virtual story time, crafts and contest via the branches' Facebook pages. All Summer Reading events and programs are sponsored by our partners at Rock by the Sea and the Friends of the Franklin County Libraries.
3. Reading challenge sheets and logs are available for pick up at the Eastpoint and Carrabelle locations. Each completed sheet or log grants one entry into the prize drawing. The prizes this year are Fire HD 8 Tablets, 2 prizes per library and 1 per person. This event is open to all students grades K-12. The deadline is July 31, 2020.
Upcoming Virtual Events:
4. Animal Tales presents "Fantastic Creatures and Where they are Found" ZOOM! Live event- Thursday, July 9th at 1:30 PM – 2:30 PM.
5. Didgeridoo Down Under- Video will be available on the libraries' Facebook pages for a 7 day viewing period. July 19 -25th.
6. Florida Public Archaeology Network - North Central Region presents "Puzzles of Our Past Virtual Youth Program" ZOOM! live event- Thursday, July 30, 2020 at 10 AM – 11 AM

**Weems Memorial Hospital – David Walker-CEO**

Mr. Walker thanked the Board for their support. He said their mission for COVID-19 is to prepare, prevent and respond. He discussed the pre-screening done for anyone that enters the hospital and clinics. He stated visitation is limited in the Emergency Department and inpatient wings of the hospital. Mr. Walker reported employees are required to undergo pre-screening and wear masks in all their facilities. He stated COVID-19 antibody testing has been offered in various areas of the county. He said they have conducted targeted testing on the front line

workers. He reported they have tested over 550 individuals and out of those 6 tested positive. Mr. Walker explained very soon they will have the capability to conduct and read an antibody test in one of the machines in their lab at the hospital. He stated one of their lab machines just received FDA emergency utilization authorization to complete this testing. He explained instead of sending the antibody testing out they will be able to process the tests and have results within 16 minutes. Mr. Walker stated they have ordered the new COVID-19 testing machine and that machine will allow them to have the results within 45 minutes. He reported the delivery date for this equipment is 6-8 weeks. He explained this is important for the county so they can build infrastructure for testing. He stated this equipment will be certified and the Department of Health (DOH) will recognize this testing equipment. He explained this will help the county so they can identify and isolate positive individuals. Mr. Walker reported right now it takes 3-5 days to get results. He said building up this infrastructure will also help when school starts back. He reported they will have a joint testing event with the Health Department next Tuesday from 8:00 a.m. until 1:00 p.m. at the hospital and they will conduct the COVID-19 nasal swab test and antibody testing. He said there will be an announcement about this event. Mr. Walker stated they have ordered 3 EKG machines and 2 will be placed at the clinics and 1 will be placed at the hospital. He said currently there are 2 EKG machines at the clinics. He stated they will have 3 EKG machines at the hospital when they add the new one. Mr. Walker reported they continue to upgrade IT equipment to be more efficient utilizing telemedicine. He stated they are looking at additional telehealth funding opportunities for the hospital. He explained they are trying to diversify funding opportunities and if they can get more funding for IT telehealth medicine then they will not have to use the COVID-19 funding they received and can use it for other items. He stated they should be hearing soon about another funding opportunity they may receive. He explained they have implemented telemedicine between the clinics and EMS. He reported the EMS Community Paramedicine Program is also up and running. Mr. Walker explained this program shows that EMS can do more in the community than just transport people to the hospital. He stated EMS is also working on screening people for chronic diseases. He reported the EMS Community Paramedicine Program will be looked at as a pilot program by the Rural Health Office. He said they will watch what is being done in this county and then roll the program out to other communities in the state. Mr. Walker stated they are participating in statewide calls and receiving daily updates in relation to COVID-19. He reported the Agency for Health Care Administration (AHCA) and DOH are monitoring bed census at each hospital and health care facility in the state for surge capacity. He said Intensive Care Unit (ICU) bed capacity is very important and the monitoring is ongoing. He explained the ICU beds used for Franklin County are in Bay County and Leon County so they are paying close attention to the utilization of these beds. Mr. Walker explained they monitor all these items to determine how well the county is handling the situation. He said they know cases will increase but they are watching hospitalizations and ICU bed availability. He reported they are working with the Health Department and the communication has been good. Mr. Walker thanked Mrs. Brownell and said they received 30,000 procedural masks last Thursday and 1,000 face shields. He stated they put in a request and that is what they received. Mr. Walker reported they welcomed Dr. David Harris as a new Weems Memorial Hospital Board member. He explained Dr. Harris lives at Alligator Point and came in and toured the hospital and attended a Board

meeting. He said Dr. Harris will be a good addition to the Board. Mr. Walker reported staff is doing a great job handling medical issues as well as COVID-19 and EMS, the clinics and the hospital are working in unity. He stated they are utilizing Tallahassee Memorial Hospital (TMH) and their COVID-19 Rural Health website set up for providers in the area. Commissioner Parrish reported the news said Bay County has no ICU beds available and the last information he received was that Leon County had 8 ICU beds available. He said that information was a week ago and the ICU beds Franklin County would use are already reaching capacity or already full. Commissioner Parrish questioned if the ventilators that were ordered have been received. Mr. Walker said they were received and now a company has to come in and certify the ventilators. Commissioner Parrish asked if people are trained to use this equipment. Mr. Walker stated they will provide the training at the time they certify the machines. He explained the purchase of the ventilators was approved out of the Health Care Trust Fund but they are using COVID-19 money to purchase the equipment. Commissioner Parrish questioned if some of the COVID funding coming to the county can be used to help the hospital with the COVID response. He explained the county is doing some response but the hospital will be the main entity responding. He asked if there is some way to use this money without duplicating the funding sources. Mr. Walker reported he looked briefly at the criteria for the county CARES funding but will look again. He said EMS was included in their request but no money on the federal level was specifically allocated for EMS. Commissioner Parrish stated it says the money is for response to COVID-19 and does not have to say specifically EMS because it does not exclude it. Mr. Moron said that is strange because the county is required to have EMS services in the county but they are not required to have a hospital. Commissioner Parrish suggested they get with the consultant and see if some of those funds can be used for EMS. Chairman Lockley asked about a bracelet he heard about that can detect COVID-19. Mr. Walker was not familiar with this item but will research it. Chairman Lockley stated it would be good for front line workers. Commissioner Boldt asked how negotiations are coming along with the management contract with Mr. Jim Coleman, Alliant. Mr. Walker reported he and Mr. Moron have done their part and the next step is for Attorney Shuler to meet with Mr. Coleman. He said the negotiations have gone well. He stated they are having conversations with TMH but are not waiting for the contract to be signed with Mr. Coleman to bring services into the county. He said they met with some representatives of TMH and Dr. Patrick Conrad about orthopedic services, wound care and a sleep center. He reported they also discussed a doctor that is interested in coming to the county. Mr. Walker explained it would be better at this time if TMH hires the doctor instead of the hospital. He reported the doctor will come down next week to take a tour of the hospital but he will probably not start until November. Mr. Walker explained he is a young doctor and has been following Weems Memorial Hospital for 5 years. He stated originally when the doctor came out of residency school he spoke with Mr. Mike Cooper, previous CEO, about coming here but at the time the situation was not right for him. Mr. Walker said he has worked previously at a critical access hospital in Montana. He reported the doctor had a lot of ideas to enhance the clinics and inpatient unit at the hospital. Mr. Walker said they are open to getting any clinical services they can while waiting for the management agreement if TMH agrees and they have been very helpful. Commissioner Massey stated if TMH hires the doctor then TMH would rent office space from the hospital. Mr. Walker agreed

they would pay fair market value for the space and the hospital would contract with the doctor to oversee the nurse practitioners in the clinics. Mr. Walker said they are in the early stages of the discussion now but it is looking favorable and would be a great asset to the community. Chairman Lockley asked how often front line workers should be tested. Mr. Walker said every 2 weeks or each month depending on the supplies available. He stated they can also do the antibody testing for quick results. Mr. Walker explained the virus is so infectious a person could be clear today and pick up the virus in the next few days. Commissioner Boldt stated in relation to the management contract he wants to make sure they are taking a comprehensive look at the health care system and not just the hospital. He explained he would like to see expansion of the EMT services across the county particularly with outreach to the east. He said he would like to see more medical personnel brought in on all levels and upgrade of the outpatient facilities. Chairman Lockley said this is good and makes sense.

**CareerSource Gulf Coast – Kim Bodine (Executive Director) – Request**

Ms. Bodine appeared via telephone. She presented the following item for the Board's consideration:

I. Executive Director's Request

**Action Items**
1. Grantee-Subgrantee agreement between the Florida Department of Economic Opportunity (DEO) and your Local Workforce Development Board (Board)
Request: Board action to authorize Chairman's signature on the agreement.

Ms. Bodine explained these agreements are signed periodically and the last time they signed this agreement was in 2012. She reported she worked with Mr. Moron and Attorney Shuler on the agreement because they felt it still needed work. She reported DEO received over 400 comments about the agreement. She said the agreement is still not where they would like it to be but there is not statewide consensus to hold up the agreement so they are recommending approval. She stated much of the agreement is redundant and also included in their 4 year plan. She commented the agreement also outlines the roles and responsibilities of the workforce boards, local boards and DEO. Ms. Bodine said the local elected officials' assignment has been changed and reduced to an acknowledgement of the agreement. She reported in the future the agreement may be revisited but for now they have requested the agreements be signed before July 17, 2020. She stated the Executive Committee has approved the agreement and it went into effect July 1, 2020. **Commissioner Parrish made a motion to approve the Grantee-Subgrantee agreement between the Florida DEO and the Local Workforce Development Board. Commissioner Jones seconded the motion.** Chairman Lockley asked if Attorney Shuler has reviewed this agreement. Attorney Shuler stated he reviewed the first draft but is not sure he reviewed the current draft. He explained in the county wants their assistance they must sign the agreement or decide not to take their assistance. **Motion carried; 5-0.**

2. Nomination of Mrs. Elinor Mount-Simmons to the CareerSource Gulf Coast Board of Directors as a private sector partner.
Request: Board action to appoint Mrs. Mount-Simmons to the CareerSource Gulf Coast Board of Directors.

**Commissioner Jones made a motion to appoint Mrs. Elinor Mount-Simmons to the CareerSource Gulf Coast Board of Directors. Commissioner Massey seconded the motion.** Chairman Lockley inquired about the process for these nominations. Ms. Bodine reported they ask for recommendations from people in the community and their Board members. She said two names came up but the other individual declined. **Motion carried: 5-0.**

**Clerk of Courts – Marcia M. Johnson – Report**

Clerk Johnson offered the following report for the Board:

J. Clerk of Courts' Report
**Action Items**
1. County Held Tax Certificates: Pursuant to F.S. 197.502(7), the Clerk is tasked to notify the County Commission when there were no bidders on county-held tax certificates that went to public tax deed sale. The list of 3 attached are the third batch of county-held tax certificates that have been advertised for sales. Sales were held on June 29, 2020, and nobody bid on them. These properties are available should the county wish to purchase them or you can waive your rights to purchase them at this time, and they will be placed on a List of Lands Available for sale. If not purchased, they will escheat to the County after 3 years. I have attached the list plus a copy of the forms on each for the Chairman to sign on whether you elect to purchase or not. These properties are within the same area as the properties I presented to you on April 9th that you elected not to purchase.
Action requested by the Board: a motion to either elect to purchase or elect not to purchase these properties.

**On motion by Commissioner Massey, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed not to elect to purchase the properties.**

2. The budget workshop is scheduled for 9:00 a.m. on Thursday, July 30th. If additional time is needed, we will continue to Friday, July 31st. All constitutional offices, departments and non-governmental agencies have been asked to keep their requests at the same funding level as last year with the exception of state mandated increases.
Action requested by the Board: a motion to tentatively approve the same funding as the current year for the non-governmentals and not require their attendance on Thursday and to formally approve the Thursday, July 30th date for the budget workshop with the constitutionals, departments and other governmental offices.

Commissioner Parrish said if they ask the non-governmentals not to appear on that Thursday and tentatively approve their budgets that does not stop the Board from reducing the amount but they cannot increase the amount. Mrs. Griffith agreed that is correct. **Commissioner Parrish made a motion to tentatively approve the same funding as the current year for the non-governmental agencies and not require their attendance on Thursday and to formally**

**approve the Thursday, July 30th date for the budget workshop with the constitutionals, departments and other governmental offices. Commissioner Jones seconded the motion.** Chairman Lockley said the non-governmental agencies need to understand they are in hard times and he cannot give money to a non-governmental agency and cut a county worker or not give them a raise. Mr. Moron reported he will work with the Clerk's Office to schedule people to appear via telephone and limit the number of in person appearances. He stated they will take public comment at the beginning of the budget workshop. Commissioner Parrish agreed and said they may need to set time slots rather than have a lot of people in the room at the same time. Mr. Moron explained the budget workshop is an opportunity for this Board to talk to the department heads, constitutional officers and other governmental agencies about their budgets. He pointed out this is not the public hearing on the budget. He stated the public will have their chance to express their opinion at the public hearings. **Motion carried; 5-0.** Clerk Johnson reported Mrs. Griffith has prepared an update on the financials for the county. Mrs. Griffith read the following statement:

REVENUE UPDATE – During the partial months of March and May and all of April, many non-essential businesses and bars during this time were closed, travel was discouraged by the closure of beaches and transient rentals, and restaurants were limited to carry out only by the State of Florida to try and slow the spread of COVID-19. The Board has asked for revenue status updates for the months of the closures. Franklin County has just received the distribution of sales taxes from the Florida Department of Revenue for the month of April sales. The local tourist development tax, which is a 2% sales tax levied on transient rentals within the county, had sales tax proceeds of $20,066.60 for the month of April 2020 and April of 2019 had sales tax proceeds of $82,258.08. The April proceeds for transient rentals came in at just 24% of the prior year period. This reduction is attributed to the closure of the entire month to new arrivals and check-ins at transient rentals. Hotels and motels were still allowed to rent and existing vacation rentals that extended into the closure period were permitted. Franklin County also levies a 1% discretionary sales surtax on ALL taxable sales in Franklin County which is used to fund the Health Care Trust Fund. The 1% sales tax proceeds for the month of April 2020 were $92,809.48 and April of 2019 had sales tax proceeds of $152,507.82. The April proceeds for ALL taxable sales within the county (not just transient rentals) came in at 61% of the amount collected for the prior year period. This is better than the worst case scenario for all taxable sales estimate of 50% that we expected one month ago. I will update the Board on the May proceeds at your first meeting in August.

At this point in time, the State of Florida has not released any official county revenue estimates for the upcoming fiscal year. Per the State of Florida's Office of Economic and Demographic Research, those estimates may be available mid to late this month. As the county budget year begins in October and ends in September, we are optimistic that sales tax proceeds will not be heavily impacted next fiscal year.

Our office has also received the 2020 certified taxable value from the Franklin County Property Appraiser for next year's budget. The certified value for 2020 is $2.14 billion. This amount is an increase of 5.4% over the prior year. This is the 7th year of a steady, sustainable increase in property values. This taxable value is far below the county's market peak of $4.112 billion dollars in 2006 during the real

estate boom. Our office will have the proposed budget to the commissioners on July 15th and the budget workshops will begin on July 30th.

**Information Item**

3. For information, I presented a draft Travel and Expense Policy at your last meeting. You voted to have Attorney Shuler review the policy before adoption. At this time, the review has not been completed, so the Policy is on hold until that review can be done.

**RESTORE Coordinator – Alan Pierce – Report**

Mr. Pierce was not present and did not submit a report.

**County Coordinator – Michael Morón – Report**

Mr. Moron provided the following report for the Board:

**Action Item(s)**

1. Local State of Emergency: As authorized by the Board, Chairman Lockley signed the COVID-19 Local State of Emergency (LSE) Declarations for the weeks starting June 22nd, June 29th, & July 6th.

Request: Board action to ratify the Chairman's signature on the stated COVID-19 LSE Declarations.

**On motion by Commissioner Jones, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to ratify the Chairman's signature on the LSE Declarations for the weeks of June 22nd, June 29th and July 6th.**

2. FWC Suspending Oyster Harvesting: As the Board is aware, the Florida Fish and Wildlife Conservation (FWC) has an action item on their July 22-23 FWC Commission meeting seeking approval of draft rules to suspend harvest of wild oysters in Apalachicola Bay. This is the first step, of a two-step process, to request permission from the FWC Commission to advertise a rule. The second step would be to take the final rule to the FWC Commission at their September meeting for approval. This draft rule will include language to suspend harvesting effective August 1, 2020 but if the FWC Commission does not approve the final rule in September, the order would be suspended. There is a five-year sunset provision in the rule, however if the restoration is successful prior to the five years based on FWCs monitoring that requires at least 300 bags of harvestable-sized oysters in a significant portion of the Bay, there would be consideration to reopen for commercial fishery of oysters prior to the five year sunset. This meeting will be held by video and telephonic participation (Communications Media Technology) and also allows for comments to be sent prior to the meeting. Will the Board send a letter stating the County's concerns and/or have a designated Commissioner speak to the Fish and Wildlife Commission directly during the meeting?

Request: Board discussion and direction on commenting to the FWC Commission on this agenda item.

Chairman Lockley said he does not have a problem with the bay closing but does not like the way they are doing it. He explained there are people working in the bay and they are not offering to help them economically when they are putting them out of work. Chairman Lockley said these people either need some help or retraining. He stated it may not take 5 years for the bay to recover because it did not take 5 years in 1985. Commissioner Massey reported it takes 18 months for an oyster to grow. Commissioner Parrish agreed that is how long it takes if the environmental conditions are right. Commissioner Massey suggested they close the bay for 18 months and then check and see if it is ready to open back up. He said they can regulate it but 5 years is too long for the bay to close. Commissioner Massey stated they need to provide money to help these people. Commissioner Parrish reported they are not going to help with any money. He said he asked them to close the bay before there was nothing left but they waited. He said there are some oysters starting to grow in some locations but most of the bay has nothing left and now they are going to close the bay. Commissioner Parrish stated he does not know if the bay is going to come back like they want it to because the bay is not getting the fresh water flow it needs and there is too much salt water coming in. He explained whenever anything closes like redfish or trout season it never reopens and that concerns him. Commissioner Parrish stated he was told by one of the legislators if the bay does not come back in 5 years then they may need to extend the time. He said that is the beginning and then the bay may never reopen. He explained leaving it open is not an option because there is nothing there. Commissioner Parrish said if the oysters start to grow and the oystermen catch them all then they never will return. He reported one of the state senators has requested a copy of any letter the Board sends and Representative Jason Shoaf also needs a copy of the letter. He explained he hates for the legacy of this Board to be that the bay closed and then 20 years from now the bay is still closed. Commissioner Parrish reported people think the Board wrote the letter that closed the bay but this Board is not writing a letter asking for the bay to close. He said the state is also not asking their permission to close the bay but does want the Board's comments on the proposed rule. He stated the bay is part of our heritage, history and way of life and 2,500-3,000 people are directly affected by the oyster industry. Commissioner Parrish commented he feels they need to restore the bay but he is not sure how they are going to do it. He explained he hates to see the bay close and never reopen. Commissioner Massey suggested they consider closing the bay for 18 months. He expressed concern that Tampa Bay was going to close for 4 years and now it has been closed for 35 years. Commissioner Parrish stated in the proposal it says they will look at it as they go and part of that is the Florida State University (FSU) project and their recommendations to rebuild the bay. He said enforcement will be easy if they close the bay because no one can be out there oystering. He questioned how long it will take to get 300 bags of harvestable oysters in a significant amount of the bay as referenced in the proposed rule. Commissioner Parrish explained Cat Point in the east end of the bay seems to be producing some oysters but the west end of the bay does not have any oysters so what is

considered a significant portion of the bay. He reported if they look at these areas in 2-3 years and some of the bars are producing then why couldn't they consider a short work week for oyster harvesting. Commissioner Parrish stated Apalachicola Bay has been producing 90% of oysters in Florida and 10% of oysters nationwide and that is the county's brand and he hates to see it go away. He said he does not want to shut the bay down for 5 years and if it is not all filled up with oysters then the time will be extended. Chairman Lockley stated they want to regulate the bay but not put people out there to enforce it. He reported they sold these people a license to oyster and now they are going to shut down the bay. He said in the letter they need to include that the people need some help. Chairman Lockley reported they need to put these people on a program working. He stated the county's legislators are supposed to be fighting for the county not getting a copy of the county's letter. Commissioner Massey asked if they are catching any amount of oysters. Commissioner Parrish replied no. He explained in the veto bill they cut out SHIP housing money so he does not see a fund being set up for this but they can ask for it. Commissioner Parrish stated he would like Chairman Lockley to be available to speak at that FWC meeting. Chairman Lockley agreed he would like to speak and he is going to ask for help for these people. Commissioner Boldt said he supports asking for economic help for those individuals that will be displaced from work. He stated it is wise to indicate the criteria for opening up the bay in the letter. Commissioner Massey said it may take some time for the oysters to come back but questioned if the state will reopen the bay when the oysters come back. Commissioner Parrish stated when he discussed it with them he suggested a time frame of 18 months like they did after Hurricane Dennis and they would not do it. He explained they always wanted to do it by the bushels per acre. He said they could never agree and that was why it was never done. He questioned why they would close the bay with no protocols in place to reopen. Commissioner Parrish discussed replanting oyster shells in permanently closed waters in the river channel so they can release spat down the bay to help reset some of the oyster bars to the west. He said this was suggested but never done and could be done while FSU is conducting their study. Commissioner Jones reported he is opposed to closing the bay. He stated it does not matter who it is going to affect the FWC Commission just think it needs to be done. Commissioner Jones explained the state just bought 17,000 acres of Franklin County land that is not on the tax roll which is further limiting the economy and he has a problem with that. He reported when the Apalachicola Bay Initiative Group first talked with him they said it was not a closure but a temporary suspension. Commissioner Jones stated the metrics for opening the bay are so vague it could mean many different things. He said he will be representing the county with this group and he wants the Board to know how he feels. He stated they need a solid metric because it just says they are closing for 5 years and he is opposed to the way it is worded. Commissioner Jones explained he is not saying there is not validity to what they are trying to do but if they close the bay he does not know if it will open again. Commissioner Massey agreed if the bay closes it will not reopen. Chairman Lockley said

the state stopped enforcing rules on the bay and stopped putting shells back. He stated they asked how many oystermen the county has but they know because they sold the oyster licenses. Commissioner Parrish said he also received the message that they should not fight this closure but make recommendations on how to improve it. Commissioner Boldt suggested Chairman Lockley and Commissioner Parrish speak at this meeting. Commissioner Parrish said Chairman Lockley can handle this because he understands the situation and has oystered. He said he has never oystered for a living but has always worked in the seafood industry and the company he works for owns an oyster company. Commissioner Parrish reported Chairman Lockley has oystered for a living and he has complete confidence in him speaking for the Board. He said they can send a letter, let the Chairman speak or do both. He explained at some point someone needs to say what the letter will contain. Mr. Moron read a summary of the rule sent from an FWC staff member. He said their statement about reopening is broad and he questioned what the monitoring is and how large the area is they mentioned. He suggested the Board needs to fight for clarification. Mr. Moron said he asked the City of Apalachicola how many oyster licenses they issued and their response was 300. He questioned if the state will have to refund this money. Commissioner Massey stated the number of oyster licenses went down from 2,100 to 300. Chairman Lockley reported they will not spend money to help people but they spent millions on the water wars and lost. Commissioner Boldt said the August 1st deadline causes a lot of pressure too and they need some relief because this is a huge decision. Commissioner Parrish stated it goes to the FWC Commission before then. Mr. Moron explained they meet for the first time on July 21st-22nd and a week and a half later the draft rule takes effect. He reported in September if the FWC Commission does not approve the rule then it stops. He agreed the timing is terrible. Chairman Lockley said they heard about this but the state did not tell them about it. Commissioner Parrish pointed out FWC is one of the few agencies in the state that does not answer to the Legislature. He said the representatives and senators have no influence on decisions made by FWC except through the budgetary process. He reported FWC has their own constitutional authority. Mr. Moron said the Governor only appoints the Board members if their term comes up for renewal. Chairman Lockley stated he wants to add in the letter that the people need some help. Commissioner Jones reported if they do a letter they need to know what the metrics will be for possible reopening of the bay before the 5 year period expires and how the public will be aware of FWC monitoring the bay. The Board discussed the deadline for the letter. Mr. Moron outlined the items to be included in the letter as some kind of displacement funding or training, an alternate rule to check the bay in 2 years rather than waiting the full 5 years to see if there are enough oysters to open for a short work week, and specifics for monitoring the bay. Commissioner Boldt said it is also important that communications are ongoing with the Board during this process and should be automatic. He reported the Board should receive a progress report every quarter. Chairman Lockley stated he agrees with closing the bay but the people need help. Commissioner Massey

agreed they need some help. Commissioner Boldt said they need to include in the letter that they are also looking for alternate funding for displaced workers. He stated copies of the letter need to be sent to Representative Shoaf because they are going to be talking to him about infrastructure money relative to the 17,000 acres the state just purchased. Chairman Lockley suggested they partner with CareerSource to provide jobs and training. Commissioner Parrish reported a copy of the letter needs to go to Senator Bill Montford and Representative Shoaf. Mr. Moron said they will include this and also have the Chairman on the Agenda to speak directly to the FWC Commission. Chairman Lockley stated this is a 3rd disaster for the county as there has been a hurricane and COVID-19. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to send a letter to the FWC Commission.**

3. SHIP Report: Attached to agenda packet is the SHIP report that includes a request to award eight (8) contracts to purchase mobile homes to Ironwood Homes of Perry for the Hurricane Housing Recovery Program (HHRP) clients. Four (4) septic systems will be replaced for an additional cost. The HHRP home repair projects are moving slowly due to the COVID-19.

Last Monday, Governor DeSantis vetoed the 2020-2021 fiscal year appropriation for the SHIP Program. After the 2019-2020 funds are expended and if there isn't a reversal on the 2020-21 funding there will be no down-payment assistance, emergency repair or full rehabilitation projects.

Request: Board action to award the eight (8) contracts for replacement mobile homes for the Hurricane Housing Recovery Program to Ironwood Homes of Perry.

**Commissioner Massey made a motion to award the eight (8) contracts for replacement mobile homes for the Hurricane Housing Recovery Program to Ironwood Homes of Perry. Commissioner Parrish seconded the motion.** Chairman Lockley asked how long it will take to get the mobile homes ready. Mr. Moron estimated 30-60 days. He stated Ironwood Homes is the same company that is working with the Community Development Block Grant (CDBG) program. Commissioner Jones asked if this will delay the people getting homes under the CDBG program. Mr. Moron replied no, the CDBG order should already be submitted and Mrs. Debbie Belcher, CDBG Administrator, has 1 more item for Board approval. **Motion carried; 5-0. Commissioner Parrish made a motion to send a letter to the Governor letting him know the detrimental effects of not funding the SHIP Program.** He stated a lot of people were using the funds for down payment assistance and emergency repairs. He said they are still working on repairs from Hurricane Michael but they ran out of money in SHIP and there are still needs. **Commissioner Boldt seconded the motion.** Chairman Lockley suggested amending the motion to ask some other small counties to join them. Commissioner Parrish said Mr. Moron can contact the other counties and suggest they take the same action. **Motion carried; 5-0.**

4. This item was handled earlier in the meeting.

5. The Board addressed this item during the Emergency Management Department report.

6. The Board handled this item during the Solid Waste Director's report.

7. ARPC Letter of Support: The Apalachee Regional Planning Council is seeking funding from the Department of Economic Opportunity (DEO) through the Community Planning Technical Assistance Grant for 2020-2021 to conduct workshops on community planning activities and create a Community Planning Toolkit. ARPC would like a letter of support for this grant proposal. Your support will play a major role in securing funding for the project.

Request: Board action to authorize a letter of support for ARPC for the Community Planning Technical Assistance Grant.

**On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize a letter of support for ARPC for the Community Planning Technical Assistance Grant.**

8. Nature Conservancy Letter of Support: Mr. Alan Pierce the County's RESTORE Coordinator received a request for a letter of support from for a planning study that is being proposed jointly by The Nature Conservancy and the Water Management District. The deadline for the letter proposal was towards the end of June so Mr. Pierce signed the letter. There is no obligation from the County.

Request: Board action to ratify Mr. Pierce's signature on the letter of support.

**On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to ratify Mr. Pierce's signature on the letter of support.**

9. CMT Policy: As a means of protecting the public, county staff, and the members of the Board of County Commissioners, the County has followed Governor DeSantis extended Executive Order 20-69, which allows local government bodies to utilize communications media technology (CMT), such as the use of telephonic and video conferencing, during public meetings. This policy has worked well by allowing the public to participate during meetings via a teleconference system and view the meetings as it is happing via livestream. For a number of reasons, especially with the recent rise in positive COVID-19 cases here in the County and Statewide, the Board should consider a local CMT policy as other Florida counties are doing. If the Board is interested, Attorney Shuler and I would present a draft CMT policy for your review and approval.

Request: Board action to authorize Attorney Shuler and I to present a local CMT policy for your review and consideration.

**Commissioner Parrish made a motion to authorize Attorney Shuler and Mr. Moron to present a local CMT policy for the Board's review and consideration. Commissioner Jones seconded the motion.** Commissioner Boldt stated the public needs to be aware this decision is not to shut out the public. He said this action is good common sense based on good science and health and is the best decision at this time. Commissioner Boldt went on to say the Board spent $12,000 to get equipment to have a better view of the County Commission meetings. Mr. Moron stated Attorney Shuler is a good resource and has shown him some things other counties are doing that may be added here to allow the public to have other avenues to participate. Chairman Lockley agreed with Commissioner Boldt and said this is not a game and some people do recover but some people have died from the virus. He stated some people in higher authority should be taking action and this would not be going on but they are putting it on the local level. Mr. Moron said if they look at the number of public comments and livestream participation since March it probably equals the amount of all public comments received last year. **Motion carried; 5-0.**

**Information Item(s)**

10. Ethics Training: I have contacted Attorney Dan Cox about scheduling the required Ethics Class here in your meeting room. Attorney Cox is available any Saturday in July, but if the Board has no objections, I would like to ask the attorney if he is available in August, taking into consideration the current COVID-19 status and positive cases in the County.

Mr. Moron stated when Commissioner Parrish saw this item yesterday he called and asked if this training could be done virtually. He explained this may also allow the cities to participate without bringing everyone to the room. Commissioner Parrish stated they could put the class on the screen in this room for the County Commissioners and the city or anyone else could do the same. Mr. Moron said he will have Attorney Shuler decide if this is legal and then he will approach Attorney Cox. Attorney Shuler agreed to look into this matter.

11. P&Z/BOA Consent Agenda: In an effort to move the meetings along and if the Board has no objections, I would like to group the Planning & Zoning items such as Critical Shoreline Applications, Final Plat Applications, Commercial Site Plan Applications, Re-Zoning & Land Use Change Applications, in a consent agenda format so that the Board will approve those items by groups unless there is a particular item that a commissioner would like removed to discuss in more detail. I would like to treat Board of Adjustment items in the same manner. Let me know if you have any questions with this new proposed format.

Commissioner Parrish said there are always questions on these requests. He stated the only way he would be in favor of this is if the report was submitted to him a week before the meeting so he has time to review each one of the projects. He reported his opinion may be different than county staff. Mr. Moron stated Mr. Mark Curenton, County Planner, is reviewing

the applications so they will work out a schedule so Mr. Curenton presents the report and then the Commissioners have enough time to ask questions. Commissioner Boldt stated he wants to review these items also. The Board discussed the process of pulling the applications if they have questions. Mr. Moron reported they still need to have all the applicants on the telephone to answer questions.

Mr. Moron stated he received the Lanark Village/St. James Volunteer Fire Department review from the auditor. He reported the Certified Public Accountant (CPA) wants the Commissioners to call him if they have any questions. Mr. Moron stated he knows some of the Commissioners wants to know what is next and they need to speak with the CPA and then let him know so he can place this item on his report for the next meeting. He reported there are also some items the CPA wants the Board to incorporate. Mr. Moron said Attorney Shuler will need to let him know whether these things need to be done by ordinance or resolution. Commissioner Parrish stated he read the whole report and he has more than a few questions and this report is not good. He explained just changing the rules is not going to work for him. Commissioner Parrish reported there are a lot of unallowable expenses. He stated these are taxpayers' dollars and someone needs to be held accountable. Commissioner Parrish questioned who the person is that represents the Franklin County United Firefighters' Association. Mr. Moron said Mr. George Pruett was the Chairman of the Association but he will have to verify if he still is Chairman. Commissioner Parrish explained there was money raised by fundraising and then there are taxpayers' dollars and they can be spent different ways but when the funds are co-mingled there is no way to say all those expenses were spent out of the fundraising portion and not the taxpayers' dollars. He said something needs to be done about this and not just make policies. **Commissioner Boldt made a motion to continue this report on the accounting services of the fire department of Lanark Village picking up and getting a full report through the current time.** He explained this report ends on June, 2019 and they need a report from July, 2019 to current times. Commissioner Boldt reported they need to find out about this and get these items reconciled. Commissioner Parrish said that is a report for another year and asked if in the meantime they will come up with some policies and procedures to prevent this from happening. Commissioner Boldt responded yes and the policies are outlined in this report. Commissioner Parrish stated it aggravates him that these taxpayers' dollars are being misused. Chairman Lockley asked if the individual is still working there. Commissioner Massey answered yes. Commissioner Boldt explained there was one fire chief that is gone that had improprieties and now there is a new one and they have no idea how the money is being spent. Commissioner Parrish reported if it is another year that would be $70,000 that could have been used for fire equipment. Chairman Lockley asked if they can suspend the card they are using. Commissioner Parrish stated this is a volunteer fire department and he does not know if someone will be responsible for monitoring this. He reported the volunteer fire department has a board and they need to do a better job of making sure these funds are not misused. Mr. Moron asked if Commissioner Boldt will allow him to get a proposal from the CPA firm and then they can approve it based on the price. He said he wants to make sure everyone is clear about the cost of the audit. Mrs. Griffith reported they probably need to set a time stipulation because it took a long time to get this report. Mr. Moron explained the auditor had trouble

tracking down people because the administration at the fire department had changed. Clerk Johnson pointed out her office does not do anything with the volunteer fire departments and is not responsible for monitoring the fire departments. Mrs. Griffith agreed all they do is distribute the Municipal Service Benefit Unit (MSBU) funds to the departments. Mr. Moron stated each fire department is supposed to have a Board that controls how the money is spent. Commissioner Massey said he has talked with Mr. Moron regularly about what is going on in this fire department. Chairman Lockley asked Attorney Shuler for advice on what they should do. Attorney Shuler stated he has not completed an entire review of the report but has looked at it and talked with some of the Commissioners about the questionable expenditures. He reported his initial opinion is that it should be referred to the State Attorney's Office for a potential criminal investigation and prosecution if necessary. Chairman Lockley stated that is what they need to do since they are aware of what is happening. Commissioner Boldt questioned if they are going to standby until they get a proposal on what it would cost for the audit to continue through 2020. Mr. Moron stated they are talking about 2 different administrations. Commissioner Massey reported the current administration has been there for a couple of years. Mr. Moron agreed this should be sent to the State Attorney's Office. Attorney Shuler commented the motion should be to refer the report over to the State Attorney's Office without recommendation. He explained it is not the Board's responsibility to determine whether it should or should not be prosecuted but it is their responsibility to govern public funds. He stated the Board has an audit report that has created questions that the Board would like the State Attorney's Office to look at and make the decision about whether or not they think a crime has or has not been committed. **Commissioner Boldt made a motion that this report be referred to the State Attorney's Office for their opinion on any further action. Commissioner Jones seconded the motion.** Commissioner Boldt said it is sad that they have to do this. He said if there is a state association of volunteer fire departments he would encourage them to help with some new standards of practice with the fire departments. Commissioner Parrish explained this is why he asked who is over the United Volunteer Firefighters Association so they could see how most of the volunteer fire departments operate. He reported a lot of these expenditures were done with a debit card and the card was passed around to anyone that needed it. He suggested when they look at policies they may need to consider two people signing each check. Commissioner Parrish reported he does not think every volunteer fire department in the county operates this way but he does not know. Mr. Moron agreed to contact Chief Pruett. Commissioner Parrish stated there have been a lot of issues with this particular fire department and no one is watching what is going on there. He questioned if they have a functioning board, have regular meetings or are reviewing the financials. He asked if anyone has looked into this before the Board ordered an audit. Commissioner Massey said no. Commissioner Parrish stated the volunteer fire department seems to be dysfunctional. **Motion carried; 5-0.**

Commissioner Boldt stated they have a lot of dysfunctional issues concerning code compliance in his district and he explained the situations. He reported he met with the Building Inspector, Mr. Moron and the County Attorney about these issues. Commissioner Boldt stated he would like Mr. Moron to look into the options for a code compliance officer or some entity that can

begin to look at how they can enforce their ordinances and zoning laws. He reported Mr. Moron can look at similar counties in Florida and what they are doing about compliance. **Commissioner Boldt made a motion for Mr. Moron to look at various counties in Florida and see what they are doing about compliance. Commissioner Jones seconded the motion.** Chairman Lockley asked if he is asking for a code officer. Commissioner Boldt explained he would like a report because he would like to see enforceability of the zoning issues and what options they have. He stated this would be just in time for budget planning. **Motion carried; 5-0.**

**County Attorney – Michael Shuler – Report**

Attorney Shuler stated he is entering the letter for 8 Mile Road and 10 Mile Road that was mentioned earlier into the record.

Attorney Shuler reported in reference to the Dollar General litigation he is required by statute to send certain statutory required notices to the surrounding property owners and the notice sent to Mr. Greg Yancey at the address he has on file with the Property Appraiser's Office has been returned undelivered. He said these items will be placed in the Board file maintained by the Clerk's Office.

Commissioner Jones stated there have been some discussions about COVID1-9 and the potential rise in cases. He said he would like Attorney Shuler to prepare something for them to consider about masks or no masks. Commissioner Jones explained enough of the citizens want to know what their stance is on this issue and they need to decide what they are going to do. He asked Attorney Shuler to have something ready at the next meeting. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to prepare something concerning masks or no masks for the Board to consider at the next meeting.**

**Commissioners' Comments**

Commissioner Boldt said he is having a meeting soon with Representative Shoaf relative to what type of infrastructure the state would consider in exchange for the huge amount of land they are buying. Chairman Lockley said they need to pay for all the land they are taking off the tax rolls. Commissioner Boldt reported the impending disaster of shutting down the bay in addition to putting up with a washed out road for 30 years and the state buying 17,000 acres of prime property makes it time to start talking about infrastructure.

Mr. Moron said they will come back in an hour for discussions on beach access and parking issues at Alligator Point and St. George Island.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 12:37 p.m.

Noah Lockley - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts

C.

# FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS WORKSHOP
# COURTHOUSE ANNEX, COMMISSION MEETING ROOM
# JULY 7, 2020
# 1:30 PM
# MINUTES

**Commissioners Present: Noah Lockley – Chairman, Ricky Jones-Vice-Chairman, Joseph Parrish, William Massey, Bert B. Boldt, II**

**Others Present: Marcia M. Johnson-Clerk of Court, Erin Griffith-Assistant Finance Director, Michael Moron-County Coordinator, Michael Shuler – County Attorney**

## Call to Order

Chairman Lockley called the meeting to Order.

A. To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore, this Board of County Commission regular meeting will be conducted via livestream and conference call. Those wanting to view the meeting can use the livestream link (https://www.youtube.com/user/SGIBeachLife) or go to Forgotten Coast TV's YouTube Page. The livestream feed will promptly start 5 minutes before the meeting commences. Those wanting to participate during "Public Comments" on the agenda should use the conference call system by dialing 1-844-844-0014 and when prompted enter 540166#. Once the "Public Comments" agenda item is completed, the conference call will be disconnected.

Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.

Mr. Moron explained this workshop is to address Alligator Point parking and beach access issues and St. George Island parking and traffic issues. He reported originally there was a plan to address the Tourist Development Council (TDC) 1 cent sales tax increase but the TDC Board is not meeting at this time so it makes no sense for this Board to forward information to them. He stated when the TDC Board lets him know they are meeting again then this Board can discuss rescheduling that discussion. Mr. Moron said they will take public comment and then Commissioner Boldt can start the discussion about Alligator Point. He explained the beach access points are the biggest issue.

## Public Comments

This is an opportunity for the public to comment on agenda or non-agenda items. When you are recognized to be heard by the Chairman, please sign the speaker's log and adhere to the

time limit. An individual will be allowed to speak for three minutes whereas a designated representative of a group or faction will be allowed to speak for five minutes.

Mr. Pierce Withers, a resident of Alligator Point, thanked the Board for hosting this workshop. He invited the Board members to visit Alligator Point because there are many citizens who are interested in having a better working relationship with the Board.

Mr. Mike Booders, a resident of Alligator Point, thanked the Board for holding this workshop. He said if they look at the dedications in the plats to Alligator Point, access to the beaches is for the public. He explained the public is defined as property owners and their guests including people renting property from an owner. He stated the general public is people other than the property owners and their guests. He reported the general public was granted access to the road in 2001 and the beach walkovers were built giving access to the beaches and the general public and not just the public or the property owners. Mr. Booders asked the County Attorney if the county has any documentation outlining the legal basis for granting access to the beaches at Alligator Point to the general public when the dedications in the plat seems to indicate that access to the beaches are only for the public or the property owners and their guests and the general public access is only to the roads. He questioned if the County Attorney can provide any documentation showing the legal basis for acquiring the property from property owners to create general public beach access walkovers in 2001. Attorney Shuler reported the dedications of the beaches and roads to the public is based on the recorded plats so there is no separate dedication he is aware of. Attorney Shuler explained as far as the distinction between the general public versus public he does not support that as a legal position of the county because the public is a known term of art and would include not only the property owners at Alligator Point, their guests and their invitees, the general public and the public because there is no distinction between the two categories of entities. Mr. Booders stated it seems like there is a distinction between the public and general public in the plats. Attorney Shuler reported some of the plats at Alligator Point have private beaches and the platted lots run all the way to the water's edge and the general public and public are not allowed on those beaches. He stated other plats have general public beach access and public beaches and those are the ones he is referring to. Attorney Shuler clarified he is not referring to any of the private beaches at Alligator Point. He reported in other plats the lots stop short of the water's edge and there is a beach designated between the water's edge and the seaward boundary of the platted lots and those are the areas he is referring to as the public beaches and public beach accesses. He explained the public accesses are the public streets that lead onto the public beach. Mr. Booders stated Attorney Shuler is saying there is some distinction between some of the plats and the lots that are considered private and others and they are based upon the unit distinction in the plats. Attorney Shuler answered yes and the analogy he has drawn is to the plats on St. George Island. He explained on behalf of the county he engaged in litigation in the early 2000's that lasted years over this exact issue. He reported there was a beach that was shown on about 5 or 6 miles of the public beach and the lots were platted landward of the water's edge so there

was a road, the gulf front lots and a beach between the gulf front lots and the water's edge. Attorney Shuler reported that is the case with many of the plats but not all the plats at Alligator Point. Attorney Shuler said in the prior litigation the court agreed with the county that those beaches were in fact public beaches open for the use of the public. He reported there are other places in the county such as the Plantation where ownership of the private land runs all the way down to the water's edge and includes the area they would consider a beach but it is private property. He explained it depends on the plat you are looking at and the language and dedication on the plat. Mr. Moron said Mr. Booders should contact Attorney Shuler if he has any more questions.

Mrs. Barbara Sanders, a resident of St. George Island, said she appreciates the difficulties they have at Alligator Point but they are different from St. George Island. She discussed the accesses and alleys between platted lots in the old subdivisions. She said there should be no confusion about the public beach being anything from mean high water into the water no matter what property is in front of it. Mrs. Sanders reported technically everything in the State of Florida is public beach from mean high water. She stated it is a good thing to allow people access to the beach and she encouraged them not to prohibit access to the public for the beaches.

Mrs. Susan Booders, a resident of 1407 Alligator Drive, stated there are multiple individual actions that are occurring on the point that need to be separately addressed. She explained this situation has been steadily worsening and they are a small community that is continually inundated with hundreds of people. She reported they do not have any type of infrastructure that can effectively handle what is happening for the property owners or the day trippers. She detailed the issues as walkovers, trash, parking, human waste, canine waste, trespassing and theft. She reported as residents and property owners they and their guests should be able to park at their own beach walkovers. Mrs. Booders said they should feel comfortable that strangers are not parking at their homes and using their property as bathrooms in addition to using their outside showers and spigots. She stated what they are experiencing is a public safety issue and it should be pursued. She reported there are also verbally abusive altercations that are happening with daily visitors who are driving in from Wakulla County and Leon County. Mrs. Booders explained she believes parking facilities that have been placed in residential communities should be closed to the general public. She reported once they build the parking lot they have discussed at the old KOA property then the general public can be invited to return. Mrs. Booders stated then issues would be the responsibility of the county and not the residents of Alligator Point. She asked the Board to make the necessary changes they need to protect their homes, their lives and lifestyles at the point. She thanked the Board for giving them the opportunity to speak.

Ms. Betty Cummins, a resident of Alligator Point, thanked Sheriff A.J. Smith and his deputies for their enforcement on Alligator Point during the pandemic. She reported Alligator Point is at increased risk of COVID exposure because of its close proximity to Wakulla County and Leon County where infection rates are higher. She pointed out most of the day trippers causing

problems on Alligator Point are from these areas. Mrs. Cummins said Franklin County receives no benefit from continuing to encourage these visitors. She reported the County Commission is responsible for protecting the residents of Alligator Point from these health and safety risks. Mrs. Cummins stated the County Commission needs to understand that the Alligator Point Taxpayers Association (APTA) does not represent many of the residents on Alligator Point and only a small percentage are APTA members. She said APTA often makes decisions without proper notification and consent of the Alligator Point community at large. She reminded the Board that an APTA leader tried to promote getting Alligator Point annexed to Wakulla County against the will of a majority of the Alligator Point residents. Mrs. Cummings stated the Board listened to the residents at a meeting and upheld their desire to stay in Franklin County. She said the Board promised in the future Alligator Point would be represented by the County Commission and not APTA. She asked the Board to keep this promise and stop referring to APTA. She requested the Board help Alligator Point as they are not equipped to handle the influx of day trippers and they are negatively affecting life at Alligator Point. She said they are experiencing a health and safety issue that requires solutions at the county level.

Mr. David Lupoli, a property owner at Alligator Point, stated there is a growing number of day trippers and the problem is they do not have the resources. He suggested the Board consider community pass parking that could be enforced and in the upcoming budgets allocate more money to facilitate parking and have safety and security at Alligator Point.

Ms. LeAnn Hewitt, a property owner at Alligator Point, discussed the problems that have occurred with people throwing trash on their property and trespassing. She said the board walk that was placed at the public access did not follow the plat lines and her mother has sent an email and hopefully this boardwalk can be re-routed or removed. Ms. Hewitt reported this board walk is actually on their property and concerns them because it is in bad shape. She said they appreciate the Board listening to them and they hope to come to a resolution.

Mr. Moron reported that is the last call so he is going to disconnect the call and advised everyone to move to the livestream.

Chairman Lockley said he is listening to their comments but some people have been misinformed about Alligator Point being on the bottom of the list. He stated $8-$9 million has been spent on the road just for people to get to their houses. He said he knows they need parking but they have not been left out. Chairman Lockley reported the county tried to help and will be helping in the future.

**Workshop Items**

B. Alligator Point - Beach Access Points & Parking

Commissioner Boldt said the recent concern about public access to the access points on Alligator Drive has increased due to the surge of people returning from quarantine relative to

COVID-19. He stated there has been a big strain on the county resources relative to the beach access areas. Commissioner Boldt reported parking abuses have strained the Sheriff's Department resources. He explained trash has accumulated beyond the capacity of the receptacles in these areas. He stated there has been human waste and animal waste across the beaches and concerns with people trespassing through residential property onto the beaches. He explained he took a tour of the entire point with a Sheriff's deputy and noticed the mass of people walking along a crowded road with indiscriminate parking and no awareness of what was around them. Commissioner Boldt reported the multi-use path is also being developed which is a wonderful structure but another factor that must be reckoned with. He stated the biggest issue is the resources of this community are being strained beyond the capacity of the public resources. He reported Bald Point State Park has facilities for the public. He said the county owns 30 acres known as the old KOA property and they have plans to develop a 100 spot parking area and a beach in this location. Commissioner Boldt suggested the county consider closing the public beach accesses at Alligator Point and diverting the public to Bald Point State Park while they focus on designing a future beach access at Alligator Point at the county owned 30 acre property. He stated the beach access points are obsolete and becoming less user friendly. He inquired what the other Commissioners think about this idea. He said he will talk with Representative Jason Shoaf about their plans for the parking places and beach access. Chairman Lockley stated they cannot close the public access because it belongs to the public and is not a private beach. He said the county would have problems if they close these areas. Commissioner Boldt reported they are closing the areas but with an accelerated plan of building a new exchange. Chairman Lockley said they do not know how long that will take and he will not agree to that suggestion. Commissioner Boldt agreed they do not know how long it will take but there is a strain now. Chairman Lockley said that is happening everywhere but they cannot close the areas because of complaints. He stated this is public property and it is against the law to close this area to the public. Commissioner Boldt reported closing the beach accesses is protecting the public health and safety. Chairman Lockley said if these areas are closed people will start going across private property and that will be worse. He stated people are not going to stop coming to this area if the beach accesses are closed. Commissioner Boldt suggested they put signage on Alligator Drive directing people to Bald Point State Park and saying the other beaches to the west are closed. Commissioner Jones stated the biggest problem they will have if they close these areas is enforcement. He explained right now too many people are parking in the wrong areas even though they have some parking but if they shut it down completely they must remove everyone because they are not going to stop people from coming down a county road. Commissioner Jones reported they can try to re-direct traffic to the state park but the state park charges an entry fee. He explained it is not that he is not supportive but this would compound the issue. Commissioner Jones stated they could create 2,000 more parking spaces on St. George Island but they would still have an enforcement issue and the situation at Alligator Point is an enforcement issue. Commissioner Parrish suggested they place a gate across the road south of Bald Point and let them make this a private

community on Alligator Point similar to the Plantation on St. George Island. He said then the citizens of Alligator Point would be responsible for all the roads and infrastructure. He stated the county would have to abandon the county road and the citizens would take care of everything. Commissioner Jones agreed the public cannot go in the Plantation. Commissioner Parrish stated the county does not go in the Plantation to fix roads or do anything. He explained they have a homeowner's association and take care of themselves and that is what Alligator Point would have to do. He explained they would pay their fees and hire a security officer for the gate and then no one would go down there. Commissioner Parrish said the issue is the residents do not want anyone down there. He explained the Board has asked the Florida Cabinet twice to give them the old Florida State University (FSU) Marine Lab so they would have a place to launch boats for the oyster leases and the first reply was the citizens do not want people down there with the boats. Commissioner Parrish explained they do not want anyone there but the homeowners and their invitees and at the Plantation you can only enter if you are a homeowner or an invitee. Commissioner Parrish said is feels the same way Chairman Lockley does about shutting down public property. He explained he understands the issues with the trash but trespassing on private property is another issue and they need to call the police and have the person locked up. He reported there are laws about some of the things that are going on down there and someone must call and report them. Commissioner Parrish stated if they are going to stop parking on public right-of-ways at Alligator Point then they cannot park on public right-of-ways at St. George Island either. He explained the beach walkovers on St. George Island have been there about 10-15 years and he has not heard of a lot of problems. Commissioner Parrish said the end result has to be putting a gate up and saying the only beach access is Bald Point State Park but then the county is blocking people from publicly owned lands. He questioned how they can do this and not block people off on St. George Island. He explained they cannot have a different set of laws for different areas and there is more traffic on St. George Island than Alligator Point. Commissioner Parrish said he understands it is an enforcement problem but he is not sure how to address it. He agreed with Chairman Lockley's comments about the Board putting resources at Alligator Point. Commissioner Parrish explained they are still waiting to put resources at Alligator Point but have been held up by FEMA and in the meantime the road washes out. He said the county is doing the best they can. Commissioner Parrish asked how large the old KOA property the county purchased is because it is not 30 acres. Attorney Shuler said the property is 7 to 7 ½ acres. Commissioner Parrish stated they have talked about putting a parking area on that property but there is no beach because it eroded away with the road. He said a restroom should also be placed in this area but that will encourage visitors and he questioned if that is what the community wants. He questioned how visitors will get to the public beach accesses if they park in this area. Commissioner Parrish said they talked about temporarily closing the road but they need to know what the community wants there and how they expect the county to accomplish that goal. He reported the county agreed to put $4 million along with some state funds into beach renourishment in front of the road if they get the road fixed but FEMA will only pay 50% of the

cost to replace the beach if it washes away. Commissioner Parrish explained they must have a mechanism to come up with the other 50% to put the beach back. He stated he is not willing to put a $4 million beach there if there is not a mechanism in place. He explained it is not that the county does not want to put resources into Alligator Point but it must be done in partnership with the community. Commissioner Massey said the only way to stop the people going down there is to put a gate. Commissioner Parrish stated if the road is a public road then the public has a right to travel the road. He reported closing the beach access will not stop people from coming to this area. Commissioner Jones said the other problem is this is a tourism state and the economy is a tourist economy. He agreed closing the beach accesses will not work. Commissioner Boldt said the people at Alligator Point are not interested in abandoning the county or having the county abandon them. He explained the county has different living environments and he thinks they need to be specific about the issues relative to the living environments throughout the county. He stated Alligator Point has obsolete beach accesses facilities that are overused beyond their capacity and they need a customized decision for this area. Commissioner Boldt said they need to close the beach accesses as they plan on future development of the old KOA site. He stated the public can still come to the area but they will have to go to Bald Point State Park. Commissioner Jones reported the state park does not have a beach. Commissioner Boldt said they have a couple of beaches. He explained signs can be placed right at the intersection of Alligator Drive and Bald Point Road directing them to the state park. Commissioner Boldt reported this cascades back to the state needing to help the county with infrastructure. Commissioner Parrish asked if they have a plat of Alligator Point at the meeting. Attorney Shuler stated there are a couple of partial maps showing the county public access points for Bald Point. He said they do not have a map showing Bald Point State Park. He described the easements on Bald Point. Commissioner Parrish asked if there are restroom facilities at Bald Point State Park. Commissioner Boldt answered yes. Chairman Lockley stated the people are going to continue to come here so the best thing they can do is figure out where to put some parking and bathrooms. Commissioner Massey asked if the Grouper Lane and Tarpon Lane areas would close too. He explained all these roads have a way to walk right to the beach. Commissioner Boldt agreed these would need to be closed too but while they develop a proper parking and beach facility in the land the county owns at the old KOA property. Chairman Lockley said this is not going to happen and they need another plan. Commissioner Parrish reported the KOA property is miles from the beach access areas they are discussing. Commissioner Boldt stated in the future there will be a beach at the old KOA property and it will be county owned and there will be a beach at Bald Point State Park. He stated after these are in place then everything else can be shut down. Commissioner Parrish asked if all the public accesses would then only be used by the resident of Alligator Point. Commissioner Boldt agreed they would be utilized by the residents of Alligator Point when they have good beach facilities for the public. Commissioner Boldt said he would like to build 100 parking places, bathroom facilities and a beach in front of it. Commissioner Parrish stated they will not have a beach until there is a mechanism in place to rebuild it when it washes away and

the residents of Alligator Point have resisted that. Commissioner Parrish reported he is not against building a facility at the old KOA property but without the mechanism there will never be a beach in front of this area. Commissioner Boldt stated part of the beach is what they build to protect the new rebuilt road. Commissioner Parrish reported that will be sheet pile. Commissioner Boldt said beyond the sheet pile will be a nourished beach. Commissioner Parrish asked who is building that beach. Commissioner Boldt said a Municipal Service Benefit Unit (MSBU) is being considered. Commissioner Parrish pointed out the property owners have resisted the MSBU twice. He explained he is committed to the $4 million for the beach but will pull his support without the mechanism because the beach will wash into the Gulf of Mexico. Commissioner Massey agreed with the right wind the beach will wash out. Commission Parrish reported there needs to be a lot of discussion in the community of Alligator Point on how they are going to help come up with the other 50% if the engineered beach washes away. He stated they have not ever reached an agreement because there is always opposition. Commissioner Parrish reported that some of the residents do not want the Board to believe APTA and there are different views in the community so there is no consensus. He explained in other places there are volunteer organizations that get involved and come up with solutions and common goals. Commissioner Parrish stated there are a lot of issues and the citizens need to see what they can do to help solve the issues because the county cannot do it all alone. He reported they cannot expect the Sheriff to put a lot of deputies down there but he is the enforcement mechanism and has a role to play too. Commissioner Boldt asked how they get some relief at Alligator Point. Chairman Lockley said at the next meeting they can vote to charge the people at Alligator Point a fee and they can fix some of these problems. He reported they have to come up with a solution to take care of some of the parking and bathrooms and there will still be problems because they do not want the people down there. He pointed out the parking and bathrooms will bring in more people. Chairman Lockley said they cannot close these areas because it will cause problems in other areas. Commissioner Massey reported they need to ask them if they want to be a gated community because that is the only way to solve this issue. He explained once they open the facilities at the old KOA property people will go down near the end of the point. Commissioner Parrish stated problems have already occurred between the old KOA property and the marina. Commissioner Boldt stated they need to determine what is county property and what is private property relative to the beach access points is. Attorney Shuler said the information he referenced was a study county staff put together in 2001 identifying public beaches and public beach accesses in many parts of the county. He presented the Alligator Point areas on maps and pointed out the beach access points. The Board discussed the old FSU marine lab property at Alligator Point. Commissioner Parrish asked if there are restrooms on this site. Commissioner Boldt answered yes, but the area is gated. Commissioner Parrish reported if the county could obtain this property they would have restrooms, parking and visitors could walk across Alligator Drive to the beach. He said the state may not be interested in the county obtaining this property. Attorney Shuler presented a map showing the private lots and the public beach areas. Mr. Moron stated the first step is to get a

consensus of what the majority of residents at Alligator Point want and then the county can move forward to get a solution to the problem. He reported APTA placed portable bathrooms at the beach access points and some residents were okay with that and some residents wanted them removed. Mr. Moron explained the Board was trying to use APTA as the lead but he does not think that is working out. Commissioner Parrish stated they need some civic group or organization that everyone trusts to move forward on these issues. He reported the consensus of the Board is not to shut down these beach accesses until they have a better understanding of where they are going with this matter. Chairman Lockley agreed and said the public has a right to be there. Commissioner Boldt stated the public has a right to public lands but the Board also has a responsibility to respect the life, health and safety of their people. He explained during the shutdown with the COVID crisis everyone had rights that were timed out for the circumstances at the time. Commissioner Boldt said this is a unique issue on Alligator Drive with these 4-5 access points that are really stressed. He explained that is why he is suggested closing down this area but he does hear what the Board is saying. Commissioner Massey reported if these areas are closed then people will move to other areas like Grouper Lane and the other roads that dead end. He stated the last time he was there both sides of Grouper Lane and Tarpon Lane were full of people and so were the other roads. Commissioner Boldt asked if the county wants to discuss obtaining the old FSU Marine Lab property. Commissioner Parrish stated last time the county tried that the citizens responded they did not want anyone down there. Mr. Moron said since they are in a workshop setting they cannot make motions but Commissioner Boldt may need to find out what the consensus is and then they could have a short focused discussion at the next meeting on what the plan would be. He reported it is obvious the Board does not want to close the beach access points but does want a solution. Commissioner Boldt stated the feedback at the workshop has been valuable to him and he appreciates it. Commissioner Massey reported if they put signs up closing these areas people will still come there unless there are law enforcement there all the time and the county cannot afford to do that. The Board agreed for Commissioner Boldt to contact his constituents and try to obtain information to bring to the Board. Chairman Lockley said he should also ask if they want a private gated community. Commissioner Jones stated if they put in a parking lot for 100 cars they probably will not have enough beach. Chairman Lockley reported the area has grown and this situation is going to get worse. Commissioner Boldt assured the Board the people at Alligator Point will work with him and they are willing to partner with the Commission so he will work toward getting that consensus. Commissioner Parrish said they may need to mention the old FSU Marine Lab to Senator Bill Montford and Representative Jason Shoaf. He stated this would alleviate some of the issues the state has caused with issuing the oyster leases without any infrastructure being in place and it would also help with parking and restrooms. The Board agreed they need to come up with a solution and work together.

C. St. George Island Beach – Parking

Mr. Moron said he was looking for a plan from the Board that he can discuss with the St. George Island Business Association and the St. George Island Civic Club. He explained Commissioner Parrish asked if they can get civic help with this project. Mr. Moron presented a map of the St. George Island parking area. He explained years ago he presented a plan designed by Preble-Rish (Dewberry) for 20 parking places with drainage. Mr. Moron said the plan would be to go back to this design for parking, approach the bank to see if they would sell the other lots for additional parking and contact USDA for a grant/loan. He reported this is a plan he could take to these organizations. Commissioner Jones stated that is good but there are several other pieces of land the county owns in the business district that Mr. Alan Pierce, RESTORE Coordinator, included in the stormwater plan they are trying to develop for the St. George Island business district. He went on to say they did this to create additional parking without creating stormwater problems. Commissioner Jones reported they have another problem that is county wide but also right in this area and that is what to do with people that are vending. He explained if they increase the parking and additional vendors come in then that will take away the additional parking. Commissioner Jones discussed a u-shaped piece of property the county owns in this area and questioned if they could make a vendor's area. He explained if there is only room for 6 vendors then the county could receive bids for the spaces. Chairman Lockley asked how much the vendors are paying. Commissioner Jones said $300 a year. Mr. Moron explained vendors only pay when they go on county property. He asked how the Board feels about this design and allowing him to meet with the St. George Island Civic Club and the St. George Island Business Association. Commissioner Parrish reported the vendors will not want to be in this area because they are not visible. Chairman Lockley questioned why they are making space available for vendors. Commissioner Parrish inquired about the size of the property and if there is enough room for the vendors to park in this area. Mr. Moron was not sure about the size of the property. He explained if they do a true vendor's plaza then they would number the spaces and conduct a lottery to see which vendors get the spaces. Commissioner Parrish asked if he is talking about taking all the vendors off all the county right-of-ways. Mr. Moron said he is not going to take vendors off any right-of-ways. He explained he is just suggesting they have a dedicated area for parking. Commissioner Jones stated that is just a suggestion and if the Board wanted to pave the area and make more parking he is fine with that too. He said he was trying to explain if they are not careful they will make parking lots and increase vendors in parking lots. Mr. Moron reported they do not allow vending in the main parking lot. Attorney Shuler agreed they can prevent that from happening. Commissioner Jones stated in speaking with Mr. Curenton about the beach access points on St. George Island he thinks the county owns 100 ft. and most of the areas have a decent area around them but not the entire 100 ft. He said the problem is when these areas are full people are parking on the right-of-way of adjacent streets and walking to the beach access point. He explained they would still need parking enforcement even if they had 2,000 additional parking spaces. Commissioner Jones reported it has been a problem especially this year after people were free of the COVID-19 lockdown. Mr. Moron asked the Board if they are interested in him talking

with the St. George Island Civic Club and the St. George Island Business Association. Commissioner Jones stated he is fine with that because he knows parking is an issue in this district. Chairman Lockley said parking and bathrooms are going to be the biggest issues near the beach. Commissioner Jones reported the current bathroom building at St. George Island is out for bid now. Commissioner Massey agreed Mr. Moron should talk with these organizations. Mr. Moron stated Commissioner Parrish brought up the vendors and that must be part of the conversation. The Board agreed Mr. Moron can talk with these organizations and bring back information to the Board. Commissioner Parrish mentioned they also have the property they bought from Mr. Walter Armistead and it could be used for parking.

**Commissioners' Comments Adjournment**

There were no Commissioners' comments.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 3:26 p.m.

Noah Lockley - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts

E.

**MEETING DATE:** August 4 2020

**NAME/DEPARTMENT/AGENCY:** Howard Nabors, Road Department

**TOTAL ATTACHMENTS:** 21

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**Road Department Board Report**

**Action Items**

1. Mr. Robert Lolley's last day was Thursday, July 30, 2020. Mr. Lolley worked for Franklin County for 7.5 years as an Inmate Supervisor and reached the age for retirement.

Action: Asking for Board for approval to advertise for an Inmate Supervisor Position simultaneously in house and to the public with a starting salary of $25, 000.

**Information Items**

2. Detail of Work Performed and Material Hauled by District (see attached documents)

August 4, 2020

E.

Franklin County Road Department

Detail of Work Performed and Material Hauled by District

Detail from 7/2/2020 - 7/29/2020

**District 1**

| **Work Performed:** | **Date** | **Road** |
|---|---|---|
| Weed Eat & Cut Grass around signs & Culverts | 7/2/2020 | Franklin Blvd (State Road) |
| Pot hole Repair (Fill) | 7/2/2020 | W Bay Shore Drive |
| Pot hole Repair (Fill) | 7/2/2020 | W Bay Shore Drive |
| Shoulder Work | 7/2/2020 | W 12th Street |
| Shoulder Work | 7/2/2020 | W Gorrie Drive |
| Pot hole Repair (Fill) | 7/2/2020 | W Bay Shore Drive |
| Weed Eat & Cut Grass around signs & Culverts, Litter Pickup | 7/2/2020 | Franklin Blvd (State Road) |
| Weed Eat & Cut Grass around signs & Culverts | 7/2/2020 | Franklin Blvd (State Road) |
| Litter Pickup | 7/2/2020 | Franklin Blvd (State Road) |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Avenue D |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | N Bay Shore Drive |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Creamer Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Hatfield Street |
| Trim Trees | 7/7/2020 | Old Ferry Dock Boat Ramp |
| Trim Trees | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | N Bay Shore Drive |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Avenue D |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Hatfield Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Creamer Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Old Ferry Dock Road |
| Trim Trees | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Hatfield Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Old Ferry Dock Boat Ramp |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | 3rd Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Creamer Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Hatfield Street |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Avenue D |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | N Bay Shore Drive |
| Weed Eat & Cut Grass around signs & Culverts | 7/7/2020 | Creamer Street |
| Trim Trees | 7/7/2020 | Old Ferry Dock Boat Ramp |
| Sign Maintenance | 7/8/2020 | E Gulf Beach Drive |
| Sign Maintenance | 7/8/2020 | E Gulf Beach Drive |
| Pot hole Repair (Fill) | 7/8/2020 | South Franklin Street |
| Sign Maintenance | 7/8/2020 | E Pine Avenue |
| Sign Maintenance | 7/8/2020 | W 8th Street |
| Sign Maintenance | 7/8/2020 | E Bay Shore Drive |
| Sign Maintenance | 7/8/2020 | E Gulf Beach Drive |
| Sign Maintenance | 7/8/2020 | E Pine Avenue |
| Pot hole Repair (Fill) | 7/8/2020 | N Franklin Street |
| Sign Maintenance | 7/8/2020 | W 8th Street |
| Sign Maintenance | 7/8/2020 | E Bay Shore Drive |

**District 1**

| **Work Performed:** | **Da** *E.* | **Road** |
|---|---|---|
| Sign Maintenance | 7/8/2020 | W 8th Street |
| Sign Maintenance | 7/8/2020 | E Gulf Beach Drive |
| Sign Maintenance | 7/8/2020 | W Pine Avenue |
| Sign Maintenance | 7/8/2020 | E Gulf Beach Drive |
| Sign Maintenance | 7/8/2020 | W Bay Shore Drive |
| Box drag | 7/15/2020 | Wing Street |
| Box drag | 7/15/2020 | Baine Street |
| Box drag | 7/15/2020 | Gunn Street |
| Box drag | 7/15/2020 | Quinn Street |
| Box drag | 7/15/2020 | Bledsoe Street |
| Box drag | 7/15/2020 | Palmer Street |
| Box drag | 7/15/2020 | W 12th Street |
| Box drag | 7/15/2020 | E 1st Street |
| Box drag | 7/15/2020 | E 2nd Street |
| Box drag | 7/15/2020 | McCloud Street |
| Box drag | 7/15/2020 | E 4th Street |
| Box drag | 7/15/2020 | W Sawyer Street |
| Box drag | 7/15/2020 | E 7th Street |
| Box drag | 7/15/2020 | Akel Street |
| Box drag | 7/15/2020 | E Bay Shore Drive |
| Box drag | 7/15/2020 | E 8th Street |
| Box drag | 7/15/2020 | E 9th Street |
| Box drag | 7/15/2020 | E 10th Street |
| Box drag | 7/15/2020 | E 11th Street |
| Box drag | 7/15/2020 | Bell Street |
| Box drag | 7/15/2020 | Brinkley Street |
| Box drag | 7/15/2020 | E 6th Street |
| Box drag | 7/15/2020 | W 3rd Street |
| Graded Road(s) | 7/15/2020 | Bruce Street |
| Box drag | 7/15/2020 | Pruett Road |
| Graded Road(s) | 7/15/2020 | W Pine Avenue |
| Graded Road(s) | 7/15/2020 | Buck Street, St. George Island |
| Graded Road(s) | 7/15/2020 | Land Street |
| Graded Road(s) | 7/15/2020 | Randolph Street |
| Graded Road(s) | 7/15/2020 | Patton Drive |
| Graded Road(s) | 7/15/2020 | Howell Street |
| Graded Road(s) | 7/15/2020 | Cook Street |
| Box drag | 7/15/2020 | Brown Street |
| Graded Road(s) | 7/15/2020 | E Pine Avenue |
| Box drag | 7/15/2020 | Porter Street |
| Box drag | 7/15/2020 | W 4th Street |
| Box drag | 7/15/2020 | W 5th Street |
| Box drag | 7/15/2020 | W 6th Street |
| Box drag | 7/15/2020 | W 8th Street |
| Box drag | 7/15/2020 | W 9th Street |
| Box drag | 7/15/2020 | Marks Street |
| Box drag | 7/15/2020 | W 10th Street |
| Box drag | 7/15/2020 | Bradford Street |
| Box drag | 7/15/2020 | Nedley Street |

**District 1**

| Work Performed: | Da | Road |
|---|---|---|
| Graded Road(s) | 7/15/2020 | W Bay Shore Drive |
| Graded Road(s) | 7/15/2020 | Gibson Street |
| Pot hole Repair (Fill) | 7/16/2020 | 2nd Street |
| Pot hole Repair (Fill) | 7/16/2020 | Dunlap Road |
| Pot hole Repair (Fill) | 7/16/2020 | 2nd Street |
| Pot hole Repair (Fill) | 7/16/2020 | Dunlap Road |
| Pot hole Repair (Fill) | 7/16/2020 | 2nd Street |
| Pot hole Repair (Fill) | 7/16/2020 | Dunlap Road |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Avenue A (District 1) |
| Litter Pickup | 7/20/2020 | Old Ferry Dock Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Barber St |
| Flagged | 7/21/2020 | Pond Away Court |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Tip Tucker Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 3rd Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 2nd Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 1st Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | School Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Shuler Avenue |
| Flagged | 7/21/2020 | N Bay Shore Drive |
| Litter Pickup | 7/21/2020 | N Franklin Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Bull Street |
| Culvert installation | 7/21/2020 | N Bay Shore Drive |
| Culvert installation | 7/21/2020 | Pond Away Court |
| Litter Pickup | 7/21/2020 | Washington Street |
| Litter Pickup | 7/21/2020 | Jefferson Street |
| Litter Pickup | 7/21/2020 | Adams Street |
| Litter Pickup | 7/21/2020 | N Franklin Street |
| Litter Pickup | 7/21/2020 | Norvell Street |
| Litter Pickup | 7/21/2020 | Washington Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Segree Street |
| Litter Pickup | 7/21/2020 | Adams Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Dunlap Road |
| Litter Pickup | 7/21/2020 | Jefferson Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | C. A. Gillespie |
| Litter Pickup | 7/21/2020 | Washington Street |
| Litter Pickup | 7/21/2020 | Jefferson Street |
| Litter Pickup | 7/21/2020 | Adams Street |
| Litter Pickup | 7/21/2020 | N Franklin Street |
| Litter Pickup | 7/21/2020 | Norvell Street |

**District 1**

| Work Performed: | Da | Road |
|---|---|---|
| Sign Maintenance | 7/21/2020 | Buck Street, St. George Island |
| Sign Maintenance | 7/21/2020 | Smith Street |
| Sign Maintenance | 7/21/2020 | Smith Street |
| Sign Maintenance | 7/21/2020 | Buck Street, St. George Island |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Gilbert Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Old Ferry Dock Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Washington Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Tallahassee Street |
| Litter Pickup | 7/21/2020 | Norvell Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Daisey Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Norvell Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Power Drive |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Lucius Crum Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | N Franklin Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Adams Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Jefferson Street |
| Sign Maintenance | 7/21/2020 | Smith Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Hickory Dip Road |
| Litter Pickup | 7/22/2020 | N Bay Shore Drive |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Smith Street |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Apple Way Street |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Carroll Street |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Twin Lakes Road |
| Litter Pickup | 7/22/2020 | N Bay Shore Drive |
| Litter Pickup | 7/22/2020 | N Bay Shore Drive |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Lily Circle |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Daisey Drive |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Gladiola Way |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Magnolia Court |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Gardenia Trail |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Blue Heron Drive |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Sago Drive |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Pond Away Court |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Ridgecrest Parkway |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | South Franklin Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Pruett Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | N Bay Shore Drive |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Cedar Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Live Oak Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Hatfield Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Begonia Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Millender Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Moore Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | David Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Bay Street |
| Graded Road(s), Road Repair | 7/27/2020 | Alley between Franklin BLVD and W 1st Stre |
| Graded Road(s), Road Repair | 7/27/2020 | Alley between E 1st and E 3rd Street |
| Graded Road(s), Road Repair | 7/27/2020 | Alley behind Express Lane between W Baysh Gulf Beach Drive |

**District 1**

| **Work Performed:** | **Da** | **Road** |
|---|---|---|
| Cut grass along shoulders of road on county right of way | 7/2[illegible]/2020 | Creamer Street |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | South Bay Shore Drive |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | N Bay Shore Drive |
| Graded Road(s), Road Repair | 7/28/2020 | W Pine Avenue |
| Graded Road(s), Road Repair | 7/28/2020 | Bradford Street |
| Graded Road(s), Road Repair | 7/28/2020 | Nedley Street |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | N Bay Shore Drive |
| Parking lot repair | 7/28/2020 | Indian Creek Boat Ramp |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | Palm Street |
| Graded Road(s), Road Repair | 7/28/2020 | Alley between E 1st and E 3rd Street |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | Palm Street |
| Cut grass along shoulders of road on county right of way | 7/28/2020 | South Bay Shore Drive |
| Graded Road(s), Road Repair | 7/28/2020 | Brown Street |
| Cut grass along shoulders of road on county right of way | 7/29/2020 | South Bay Shore Drive |
| | | **0** |

| **Material HAUL From:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Dirty 89 Lime Rock | 7/28/2020 | Indian Creek Boat Ramp | 1 | 0 |
| **Dirty 89 Lime Rock** | | **TOTAL** | **1** | **0** |
| Lime Rock Road Base | 7/21/2020 | Norvell Street | 0.200000003 | 0 |
| Lime Rock Road Base | 7/21/2020 | Washington Street | 0.5 | 0 |
| Lime Rock Road Base | 7/21/2020 | Jefferson Street | 0.5 | 0 |
| Lime Rock Road Base | 7/21/2020 | Adams Street | 0.5 | |
| Lime Rock Road Base | 7/21/2020 | N Franklin Street | 0.200000003 | 0 |
| **Lime Rock Road Base** | | **TOTAL** | **1.900000006** | **0** |
| Litter | 7/20/2020 | Avenue A (District 1) | 1 | 0 |
| Litter | 7/20/2020 | Old Ferry Dock Road | 1 | 0 |
| Litter | 7/20/2020 | Avenue A (District 1) | 1 | 0 |
| Litter | 7/20/2020 | Old Ferry Dock Road | 1 | 0 |
| Litter | 7/22/2020 | N Bay Shore Drive | 1 | 0 |
| Litter | 7/22/2020 | N Bay Shore Drive | 1 | 0 |
| **Litter** | | **TOTAL** | **6** | **0** |
| Sand | 7/2/2020 | W 3rd Street | 18 | 0 |
| **Sand** | | **TOTAL** | **18** | **0** |
| Trees | 7/7/2020 | 3rd Street | 3 | 0 |
| Trees | 7/7/2020 | Old Ferry Dock Boat Ramp | 6 | 0 |
| **Trees** | | **TOTAL** | **9** | **0** |

| **Material HAUL To:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| 50# Bagged Asphalt | 7/2/2020 | W Bay Shore Drive | 2 | 0 |
| **50# Bagged Asphalt** | | **TOTAL** | **2** | **0** |
| Black Dirt | 7/21/2020 | N Bay Shore Drive | 18 | 0 |
| **Black Dirt** | | **TOTAL** | **18** | **0** |
| Cold Mix, Asphalt | 7/8/2020 | N Franklin Street | 3 | 0 |
| Cold Mix, Asphalt | 7/16/2020 | Dunlap Road | 2 | 0 |
| Cold Mix, Asphalt | 7/16/2020 | 2nd Street | 2 | 0 |
| **Cold Mix, Asphalt** | | **TOTAL** | **7** | **0** |

**District 1**

| **Material HAUL To:** | **Da** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Dirty 89 Lime Rock | 7/2/2020 | W 12th Street | 27 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | Land Street | 18 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | E Pine Avenue | 9 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | W Pine Avenue | 18 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | Buck Street, St. George Island | 18 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | W Pine Avenue | 36 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | W 9th Street | 9 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | W 6th Street | 9 | 0 |
| Dirty 89 Lime Rock | 7/15/2020 | E 9th Street | 9 | 0 |
| Dirty 89 Lime Rock | 7/21/2020 | N Bay Shore Drive | 18 | 0 |
| Dirty 89 Lime Rock | 7/21/2020 | Pond Away Court | 36 | 0 |
| Dirty 89 Lime Rock | 7/27/2020 | W 2nd Street | 36 | 0 |
| Dirty 89 Lime Rock | 7/27/2020 | Gunn Street | 18 | 0 |
| Dirty 89 Lime Rock | 7/27/2020 | Alley behind Express Lane between W Baysh Gulf Beach Drive | 72 | 0 |
| Dirty 89 Lime Rock | 7/28/2020 | Nedley Street | 27 | 0 |
| Dirty 89 Lime Rock | 7/28/2020 | W Pine Avenue | 18 | 0 |
| Dirty 89 Lime Rock | 7/28/2020 | Brown Street | 9 | 0 |
| Dirty 89 Lime Rock | 7/28/2020 | Indian Creek Boat Ramp | 54 | 0 |
| **Dirty 89 Lime Rock** | | **TOTAL** | **441** | **0** |
| Milled Asphalt | 7/28/2020 | Alley between E 1st and E 3rd Street | 18 | 0 |
| **Milled Asphalt** | | **TOTAL** | **18** | **0** |
| Sand | 7/2/2020 | Stock Pile, W 3rd Street | 18 | 0 |
| **Sand** | | **TOTAL** | **18** | **0** |

**District 2**

| **Work Performed:** | **Date** | **Road** |
|---|---|---|
| Litter Pickup | 7/2/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/2/2020 | CR67 |
| Litter Pickup | 7/2/2020 | CR67 |
| Litter Pickup | 7/2/2020 | CR67 |
| Inmate School | 7/6/2020 | Franklin County Corrections Facility |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Hinton Street |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Florida Avenue (East) |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Putnal Street |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Hinton Street |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Florida Avenue (East) |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Putnal Street |
| Cut grass along shoulders of road on county right of way | 7/7/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Collins Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Heffernan Drive |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Florida Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Florida Avenue (East) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Jeff Sanders Road |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Titi Street |

**District 2**

| Work Performed: | Da | Road |
|---|---|---|
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Carl King Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Palmetto Terrace |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Gulf Court |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Florida Avenue (East) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Duvall Road |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Florida Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Newman Drive |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Titi Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Oleander Terrace |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Apalachee Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Elder Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Oleander Terrace |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Elder Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Infeild Drive (Bluewayer Bay BLVD) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Warren Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Infeild Drive (Bluewayer Bay BLVD) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Spring Drive |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | East Pine Street (Lanark) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | East Pine Street (Lanark) |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Warren Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Newman Drive |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Carl King Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Spring Drive |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Collins Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Parker Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Holland Avenue |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Apalachee Street |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Gulf Court |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Palmetto Terrace |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | North Gate Road |
| Cut grass along shoulders of road on county right of way | 7/8/2020 | Heffernan Drive |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Massachusetts Avenue |
| Flagged | 7/9/2020 | Bayview Drive |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | BlueWater Beach Circle |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Fields on Oak Street (Lanark) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | US HWY 98 (Lanark) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Rio Vista Drive |
| Litter Pickup | 7/9/2020 | Lake Morality Road |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Maine Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Florida Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Litter Pickup | 7/9/2020 | Lake Morality Road |
| Litter Pickup | 7/9/2020 | Lake Morality Road |
| Box drag | 7/9/2020 | Jeff Sanders Road |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Florida Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Maine Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Kansas Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Indiana Street |

**District 2**

| Work Performed: | Da | Road |
|---|---|---|
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Illinois Street |
| Litter Pickup | 7/9/2020 | Lake Morality Road |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Rio Vista Drive |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Idaho Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Delaware Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Arizona Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Kansas Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Connecticut Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Colorado Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Carolina Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | California Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Arizona Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Massachusetts Avenue |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Indiana Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Carolina Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Illinois Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | California Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Colorado Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Connecticut Street |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Delaware Street |
| Box drag | 7/9/2020 | I Avenue NE (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Idaho Street |
| Cut bushes back, Cut grass in ditches | 7/12/2020 | Elder Street |
| Cut bushes back, Cut grass in ditches | 7/12/2020 | Carolina Street |
| Cut bushes back, Cut grass in ditches | 7/12/2020 | Heffernan Drive |
| Cut bushes back, Cut grass in ditches | 7/12/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut bushes back, Cut grass in ditches | 7/12/2020 | Collins Avenue |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Delaware Street |
| Flagged | 7/13/2020 | Elder Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | CR30A |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Lake Morality Road |
| Flagged | 7/13/2020 | Heffernan Drive |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Flagged | 7/13/2020 | Carolina Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Kentucky Ave |
| Weed Eat & Cut Grass around signs & Culverts, Cut grass in ditches | 7/13/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Carolina Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Alabama Street |
| Flagged | 7/13/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Weed Eat & Cut Grass around signs & Culverts, Cut grass in ditches | 7/13/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Maryland Avenue |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Kentucky Ave |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Delaware Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Carolina Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Alabama Street |
| Weed Eat & Cut Grass around signs & Culverts, Cut grass in ditches | 7/13/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Maryland Avenue |
| Weed Eat & Cut Grass around signs & Culverts, Cut grass in ditches | 7/13/2020 | CR67 |

**District 2**

| Work Performed: | Da | Road |
|---|---|---|
| Weed Eat & Cut Grass around signs & Culverts, Cut grass in ditches | 7/1[illegible]/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Donax Place |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Bayview Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Peninsula Street (circle) |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Angus Morrison |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Tom Roberts Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Harry Morrison Island Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Harbor Circle |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Fiesta Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Clemens Street |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Alligator Drive (Temporary Road) |
| Flagged | 7/14/2020 | Florida Avenue (East) |
| Flagged | 7/14/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Flagged | 7/14/2020 | Hinton Street |
| Flagged | 7/14/2020 | Putnal Street |
| Flagged | 7/14/2020 | Apalachee Street |
| Litter Pickup | 7/14/2020 | Alligator Drive |
| Litter Pickup | 7/14/2020 | Alligator Drive (Temporary Road) |
| Litter Pickup | 7/14/2020 | Bald Point Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Carnival Lane |
| Litter Pickup | 7/14/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Carousel Terrace |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Bay Front Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Cypress Street |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | George Vause Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Sea Shell Avenue |
| Litter Pickup | 7/14/2020 | Bald Point Road |
| Litter Pickup | 7/14/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Carnival Lane |
| Litter Pickup | 7/14/2020 | Bald Point Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Fiesta Drive |
| Litter Pickup | 7/14/2020 | Bald Point Road |
| Litter Pickup | 7/14/2020 | Alligator Drive |
| Cut bushes back, Cut grass in ditches | 7/14/2020 | Florida Street |
| Cut bushes back, Cut grass in ditches | 7/14/2020 | Putnal Street |
| Cut bushes back, Cut grass in ditches | 7/14/2020 | Hinton Street |
| Cut bushes back, Cut grass in ditches | 7/14/2020 | Apalachee Street |
| Cut bushes back, Cut grass in ditches | 7/14/2020 | Oak Street (Louisiana Ave/Pinewood Ave) |
| Litter Pickup | 7/14/2020 | Alligator Drive (Temporary Road) |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Carousel Terrace |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Bay Front Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Donax Place |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Cypress Street |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Sea Shell Avenue |
| Litter Pickup | 7/14/2020 | Bald Point Road |
| Litter Pickup | 7/14/2020 | Alligator Drive (Temporary Road) |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Mardi Gras Way |

**District 2**

| Work Performed: | Da | Road |
|---|---|---|
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Alligator Drive (Temporary Road) |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Mardi Gras Way |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Bayview Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Peninsula Street (circle) |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Angus Morrison |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Clemens Street |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Tom Roberts Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Harry Morrison Island Road |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | Harbor Circle |
| Litter Pickup | 7/14/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/14/2020 | George Vause Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Gulf Shore BLVD |
| Pot hole Repair (Fill) | 7/16/2020 | Baywood Drive (City of Carrabelle) |
| Box drag | 7/16/2020 | David Patton park (City of Carrabelle) |
| Box drag | 7/16/2020 | Avenue D NE (City of Carrabelle) |
| Box drag | 7/16/2020 | 9th Street E (City of Carrabelle) |
| Box drag | 7/16/2020 | 4th Street E (City of Carrabelle) |
| Box drag | 7/16/2020 | I Avenue NE (City of Carrabelle) |
| Box drag | 7/16/2020 | McIntyre Road |
| Flagged | 7/16/2020 | West Drive |
| Graded Road(s) | 7/16/2020 | Lakeview Drive |
| Pot hole Repair (Fill) | 7/16/2020 | West Drive |
| Pot hole Repair (Fill) | 7/16/2020 | West Drive |
| Pot hole Repair (Fill) | 7/16/2020 | Baywood Drive (City of Carrabelle) |
| Cut bushes back, Cut grass in ditches | 7/16/2020 | West Drive |
| Cut bushes back, Cut grass in ditches | 7/16/2020 | Kendrick Road |
| Flagged | 7/16/2020 | Kendrick Road |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Lakeview Drive |
| Pot hole Repair (Fill) | 7/16/2020 | Baywood Drive (City of Carrabelle) |
| Pot hole Repair (Fill) | 7/16/2020 | West Drive |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Sun N Sands Blvd |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Maple Street |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Oak Street |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Magnolia Street |
| Graded Road(s) | 7/16/2020 | Alligator Drive (Temporary Road) |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Fernway Road |
| Graded Road(s) | 7/16/2020 | Surf Drive |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Dunes Boulevard |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Alligator Drive |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Bald Point Road |
| Graded Road(s) | 7/16/2020 | Mariner Circle |
| Graded Road(s) | 7/16/2020 | Donax Place |
| Graded Road(s) | 7/16/2020 | Harry Morrison Island Road |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Mariner Circle |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Pine Street |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Surf Drive |
| Flagged | 7/20/2020 | I Avenue NE (City of Carrabelle) |
| Box drag | 7/20/2020 | Arizona Street |

**District 2**

| Work Performed: | Da | Road |
|---|---|---|
| Box drag | 7/20/2020 | Iowa Street |
| Box drag | 7/20/2020 | Kansas Street |
| Box drag | 7/20/2020 | Maine Street |
| Box drag | 7/20/2020 | Titi Street |
| Box drag | 7/20/2020 | Oleander Terrace |
| Box drag | 7/20/2020 | Miller Street |
| Flagged | 7/20/2020 | CR67 |
| Cut bushes back, Cut grass in ditches | 7/20/2020 | Baywood Drive (City of Carrabelle) |
| Cut bushes back, Cut grass in ditches | 7/20/2020 | CR67 |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Apalachee Street |
| Inmate School | 7/21/2020 | Franklin County Corrections Facility |
| Flagged | 7/22/2020 | Baywood Drive (City of Carrabelle) |
| Flagged | 7/22/2020 | Lake Morality Road |
| Flagged | 7/22/2020 | CR67 |
| Flagged | 7/22/2020 | David Patton park (City of Carrabelle) |
| Loaded Trucks, Washout Repair | 7/22/2020 | Alligator Drive (Temporary Road) |
| Cut bushes back, Cut grass in ditches | 7/22/2020 | David Patton park (City of Carrabelle) |
| Cut bushes back, Cut grass in ditches | 7/22/2020 | Lake Morality Road |
| Cut bushes back, Cut grass in ditches | 7/22/2020 | CR67 |
| Flagged | 7/22/2020 | Alligator Drive (Temporary Road) |
| Flagged | 7/22/2020 | Alligator Drive (Temporary Road) |
| Inmate School | 7/23/2020 | Franklin County Corrections Facility |
| Checked county roads for safety of traveling for public | 7/23/2020 | CR67 |
| Road Repair, Washout Repair, Graded Road(s) | 7/23/2020 | Alligator Drive (Temporary Road) |
| Checked county roads for safety of traveling for public | 7/23/2020 | Jeff Sanders Road |
| Checked county roads for safety of traveling for public | 7/23/2020 | Jeff Sanders Road |
| Checked county roads for safety of traveling for public | 7/23/2020 | Duvall Road |
| Checked county roads for safety of traveling for public | 7/23/2020 | McIntyre Road |
| Checked county roads for safety of traveling for public | 7/23/2020 | CR67 |
| Litter Pickup | 7/23/2020 | Bayview Drive |
| Checked county roads for safety of traveling for public | 7/23/2020 | Duvall Road |
| Loaded Trucks | 7/23/2020 | Alligator Drive (Temporary Road) |
| Checked county roads for safety of traveling for public | 7/23/2020 | McIntyre Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Lake Morality Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Jeff Sanders Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Lake Morality Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Jeff Sanders Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Lake Morality Road |
| Weed Eat & Cut Grass around signs & Culverts | 7/27/2020 | Jeff Sanders Road |
| Box drag | 7/28/2020 | Avenue D NE (City of Carrabelle) |
| Box drag | 7/28/2020 | 11th Street E (City of Carrabelle) |
| Box drag | 7/28/2020 | 9th Street E (City of Carrabelle) |
| Box drag | 7/28/2020 | David Patton park (City of Carrabelle) |
| Box drag | 7/28/2020 | Jeff Sanders Road |
| Box drag | 7/28/2020 | I Avenue NE (City of Carrabelle) |
| Box drag | 7/28/2020 | 5th Street E (City of Carrabelle) |
| Box drag | 7/28/2020 | 4th Street E (City of Carrabelle) |
| Sign Maintenance | 7/28/2020 | CR67 |
| Weed Eat & Cut Grass around signs & Culverts | 7/28/2020 | Jeff Sanders Road |

**District 2**

| **Work Performed:** | **Da** | **Road** |
|---|---|---|
| Sign Maintenance | 7/2[illegible]/2020 | CR67 |
| Weed Eat & Cut Grass around signs & Culverts | 7/28/2020 | Jeff Sanders Road |
| Sign Maintenance | 7/28/2020 | CR67 |
| Weed Eat & Cut Grass around signs & Culverts | 7/28/2020 | Jeff Sanders Road |
| | | **0** |

| **Material HAUL From:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Dirty 89 Lime Rock | 7/22/2020 | Stock Pile, CR 370 - Alligator Drive - Alligator | 18 | 0 |
| Dirty 89 Lime Rock | 7/23/2020 | Stock Pile, CR 370 - Alligator Drive - Alligator | 72 | 0 |
| **Dirty 89 Lime Rock** | | **TOTAL** | **90** | **0** |
| Litter | 7/2/2020 | CR67 | 4 | 0 |
| Litter | 7/9/2020 | Lake Morality Road | 2 | 0 |
| Litter | 7/14/2020 | Bald Point Road | 1 | 0 |
| Litter | 7/14/2020 | Alligator Drive | 2 | 0 |
| **Litter** | | **TOTAL** | **9** | **0** |
| Sand | 7/22/2020 | Stock Pile, CR 370 - Alligator Drive - Alligator | 54 | 0 |
| Sand | 7/23/2020 | Stock Pile, CR 370 - Alligator Drive - Alligator | 108 | 0 |
| **Sand** | | **TOTAL** | **162** | **0** |

| **Material HAUL To:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Cold Mix, Asphalt | 7/16/2020 | West Drive | 2 | 0 |
| Cold Mix, Asphalt | 7/16/2020 | Baywood Drive (City of Carrabelle) | 2 | 0 |
| **Cold Mix, Asphalt** | | **TOTAL** | **4** | **0** |
| Dirty 89 Lime Rock | 7/16/2020 | Surf Drive | 18 | 0 |
| Dirty 89 Lime Rock | 7/16/2020 | Alan Lane | 18 | 0 |
| Dirty 89 Lime Rock | 7/16/2020 | Alligator Drive (Temporary Road) | 18 | 0 |
| Dirty 89 Lime Rock | 7/22/2020 | Alligator Drive (Temporary Road) | 18 | 0 |
| Dirty 89 Lime Rock | 7/23/2020 | Alligator Drive (Temporary Road) | 72 | 0 |
| **Dirty 89 Lime Rock** | | **TOTAL** | **144** | **0** |
| Sand | 7/22/2020 | Alligator Drive (Temporary Road) | 18 | 0 |
| Sand | 7/22/2020 | Alligator Drive (Temporary Road) | 54 | 0 |
| Sand | 7/23/2020 | Alligator Drive (Temporary Road) | 108 | 0 |
| **Sand** | | **TOTAL** | **180** | **0** |

**District 3**

| **Work Performed:** | **Date** | **Road** |
|---|---|---|
| Litter Pickup | 7/2/2020 | Coach Wagner Blvd (14th Street) (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | Avenue G (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | Avenue I (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | 9th Street (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | Martin Luther King Jr. Ave. (City of Apalachic |
| Litter Pickup | 7/2/2020 | Avenue G (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | Avenue I (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | 9th Street (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | Martin Luther King Jr. Ave. (City of Apalachic |
| Litter Pickup | 7/2/2020 | Avenue I (City of Apalachicola) |
| Litter Pickup | 7/2/2020 | 10th Street (City of Apalachicola) |

E.

**District 3**

| Work Performed: | Da | Road |
|---|---|---|
| Litter Pickup | 7/2/2020 | Coach Wagner Blvd (14th Street) (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 8th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Avenue G (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Martin Luther King Jr. Ave. (City of Apalachic |
| Litter Pickup | 7/28/2020 | Avenue K (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Avenue L (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Dr. Fredrick Humpry St *7th Street* (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 8th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Dr. Fredrick Humpry St *7th Street* (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 9th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 11th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Avenue L (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Martin Luther King Jr. Ave. (City of Apalachic |
| Litter Pickup | 7/28/2020 | Avenue K (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 9th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | Avenue G (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 11th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 10th Street (City of Apalachicola) |
| Litter Pickup | 7/28/2020 | 10th Street (City of Apalachicola) |
| | | **0** |

| Material HAUL From: | Date | Road | Cubic Yards | Tons |
|---|---|---|---|---|
| Litter | 7/28/2020 | 11th Street (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | Avenue L (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | 10th Street (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | Dr. Fredrick Humpry St *7th Street* (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | Avenue G (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | 8th Street (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | 9th Street (City of Apalachicola) | 0.100000001 | 0 |
| Litter | 7/28/2020 | Martin Luther King Jr. Ave. (City of Apalachic | 0.100000001 | 0 |
| **Litter** | | **TOTAL** | **0.800000012** | **0** |

**District 4**

| Work Performed: | Date | Road |
|---|---|---|
| Cut grass along shoulders of road on county right of way, Cut bushes back | 7/2/2020 | Waddell Road |
| Picked up roots, Removed debris and toss | 7/2/2020 | 26th Avenue |
| Flagged | 7/2/2020 | Melanie Lane |
| Cut bushes back, Cut grass in ditches | 7/2/2020 | Melanie Lane |
| Flagged | 7/2/2020 | Melanie Lane |
| Cut bushes back, Cut grass in ditches | 7/2/2020 | Waddell Road |
| Flagged | 7/2/2020 | Waddell Road |
| Flagged | 7/2/2020 | Waddell Road |
| Flagged | 7/6/2020 | Magnolia Lane |
| Flagged | 7/6/2020 | Bluff Road |
| Flagged | 7/6/2020 | Paradise Lane |
| Flagged | 7/6/2020 | Highland Park Road |
| Cut bushes back, Cut grass in ditches | 7/6/2020 | Paradise Lane |

**District 4**

| Work Performed: | Da | Road |
|---|---|---|
| Cut bushes back, Cut grass in ditches | 7/6/2020 | Magnolia Lane |
| Cut bushes back, Cut grass in ditches | 7/6/2020 | Highland Park Road |
| Pot hole Repair (Fill) | 7/8/2020 | Timberwood Court |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 10 Mile |
| Pot hole Repair (Fill) | 7/8/2020 | CR30A |
| Pot hole Repair (Fill) | 7/8/2020 | Timberwood Court |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 8 Mile |
| Pot hole Repair (Fill) | 7/8/2020 | CR30A |
| Litter Pickup | 7/8/2020 | 8 Mile |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 10 Mile |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 8 Mile |
| Flagged | 7/8/2020 | Pine Drive |
| Flagged | 7/8/2020 | Cypress Street |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 10 Mile |
| Flagged | 7/8/2020 | Pinewood Street |
| Flagged | 7/8/2020 | Timberwood Court |
| Litter Pickup | 7/8/2020 | 10 Mile |
| Flagged | 7/8/2020 | Bluff Road |
| Cut bushes back, Cut grass in ditches | 7/8/2020 | Pine Drive |
| Cut bushes back, Cut grass in ditches | 7/8/2020 | Highland Park Road |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 10 Mile |
| Cut bushes back, Cut grass in ditches | 7/8/2020 | Bluff Road |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 8 Mile |
| Picked up Debris, Litter Pickup, Sign Maintenance | 7/8/2020 | 8 Mile |
| Flagged | 7/8/2020 | Highland Park Road |
| Flagged | 7/9/2020 | Deason Street |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Deason Street |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Marks Street |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Bayshore Drive |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Chapman Road |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Kevin Road |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Jackie Whitehurst Street |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | 26th Avenue |
| Cut bushes back, Cut grass in ditches | 7/9/2020 | Brownsville Road |
| Flagged | 7/9/2020 | Jackie Whitehurst Street |
| Flagged | 7/9/2020 | Bluff Road |
| Flagged | 7/9/2020 | Marks Street |
| Flagged | 7/9/2020 | Air Port Road |
| Flagged | 7/9/2020 | BayShore Drive |
| Flagged | 7/9/2020 | 26th Avenue |
| Litter Pickup | 7/14/2020 | Magnolia Circle |
| Litter Pickup | 7/14/2020 | 26th Avenue |
| Litter Pickup | 7/14/2020 | Highland Park Road |
| Litter Pickup | 7/14/2020 | Pinewood Street |
| Litter Pickup | 7/14/2020 | Squire Road |
| Litter Pickup | 7/14/2020 | Rosemont Street |
| Litter Pickup | 7/14/2020 | Connector Road |
| Litter Pickup | 7/14/2020 | Cypress Street |
| Litter Pickup | 7/14/2020 | Bluff Road |

**District 4**

| Work Performed: | Da | Road |
|---|---|---|
| Litter Pickup | 7/15/2020 | Rosemont Street |
| Litter Pickup | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Squire Road |
| Litter Pickup | 7/15/2020 | Highland Park Road |
| Litter Pickup | 7/15/2020 | Magnolia Circle |
| Litter Pickup | 7/15/2020 | Magnolia Lane |
| Litter Pickup | 7/15/2020 | Pinewood Street |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Melanie Lane |
| Litter Pickup | 7/15/2020 | Cypress Street |
| Litter Pickup | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Highland Park Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Peachtree Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Long Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Linden Road |
| Litter Pickup | 7/15/2020 | Magnolia Circle |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Pinewood Street |
| Litter Pickup | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Highland Park Road |
| Litter Pickup | 7/15/2020 | Pinewood Street |
| Litter Pickup | 7/15/2020 | Cypress Street |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Squire Road |
| Litter Pickup | 7/15/2020 | Rosemont Street |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Long Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Melanie Lane |
| Litter Pickup | 7/15/2020 | Pinewood Street |
| Litter Pickup | 7/15/2020 | Brownsville Road |
| Litter Pickup | 7/15/2020 | Rosemont Street |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Squire Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Peachtree Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Brownsville Road |
| Litter Pickup | 7/15/2020 | Squire Road |
| Litter Pickup | 7/15/2020 | Magnolia Lane |
| Litter Pickup | 7/15/2020 | 26th Avenue |
| Litter Pickup | 7/15/2020 | Cypress Street |
| Litter Pickup | 7/15/2020 | Cypress Street |
| Litter Pickup | 7/15/2020 | Connector Road |
| Litter Pickup | 7/15/2020 | Pal Rivers Road |
| Litter Pickup | 7/15/2020 | Highland Park Road |
| Cut grass along shoulders of road on county right of way | 7/15/2020 | Linden Road |
| Litter Pickup | 7/15/2020 | Rosemont Street |
| Litter Pickup | 7/15/2020 | Squire Road |
| Litter Pickup | 7/15/2020 | Bluff Road |
| Litter Pickup | 7/15/2020 | Brownsville Road |
| Litter Pickup | 7/15/2020 | Pal Rivers Road |
| Litter Pickup | 7/15/2020 | Pal Rivers Road |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Pinewood Street |
| Pot hole Repair (Fill) | 7/16/2020 | Paradise Lane |

**District 4**

| Work Performed: | Da | Road |
|---|---|---|
| Cut grass along shoulders of road on county right of way | 7/16/2020 | 26th Avenue |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Magnolia Circle |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Cypress Street |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Rosemont Street |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Connector Road |
| Pot hole Repair (Fill) | 7/16/2020 | Paradise Lane |
| Pot hole Repair (Fill) | 7/16/2020 | Paradise Lane |
| Cut grass along shoulders of road on county right of way | 7/16/2020 | Highland Park Road |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | 26th Avenue |
| Graded Road(s) | 7/20/2020 | 13 Mile |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Brownsville Road |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Jackie Whitehurst Street |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Oyster Road |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Pine Drive |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Oak Drive |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | 26th Avenue |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Brownsville Road |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Bayview Drive |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Jackie Whitehurst Street |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Pine Drive |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Bayview Drive |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Oak Drive |
| Graded Road(s) | 7/20/2020 | 10 Mile |
| Graded Road(s) | 7/20/2020 | 8 Mile |
| Graded Road(s) | 7/20/2020 | Teat Road |
| Graded Road(s) | 7/20/2020 | Magnolia Circle |
| Graded Road(s) | 7/20/2020 | Buddy Ward Park |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Oyster Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Alan Drive |
| Sign Maintenance | 7/21/2020 | Pal Rivers Road |
| Sign Maintenance | 7/21/2020 | Pal Rivers Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Emergency Management (Apalachicola) |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | BayShore Drive |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Chapman Road |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Thomas Drive |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Marks Street |
| Remove Trees, Cut bushes back | 7/22/2020 | Chapman Road |
| Culvert installation | 7/22/2020 | Hathcock Road |
| Culvert installation | 7/22/2020 | Hathcock Road |
| Culvert installation | 7/22/2020 | Peachtree Road |
| Culvert installation | 7/22/2020 | Peachtree Road |
| Litter Pickup | 7/23/2020 | Bay City Road |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Bluff Road |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Bay City Road |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Magnolia Circle |
| Litter Pickup | 7/23/2020 | Oyster Road |
| Litter Pickup | 7/23/2020 | Oyster Road |
| Litter Pickup | 7/23/2020 | Bayview Drive |
| Litter Pickup | 7/23/2020 | Jackie Whitehurst Street |

**District 4**

| Work Performed: | Da | Road |
|---|---|---|
| Litter Pickup | 7/23/2020 | Thomas Drive |
| Litter Pickup | 7/23/2020 | Kevin Road |
| Litter Pickup | 7/23/2020 | Brownsville Road |
| Litter Pickup | 7/23/2020 | Kevin Road |
| Litter Pickup | 7/23/2020 | Jackie Whitehurst Street |
| Litter Pickup | 7/23/2020 | Oyster Road |
| Litter Pickup | 7/23/2020 | 26th Avenue |
| Litter Pickup | 7/23/2020 | Thomas Drive |
| Litter Pickup | 7/23/2020 | 26th Avenue |
| Litter Pickup | 7/23/2020 | Thomas Drive |
| Litter Pickup | 7/23/2020 | Bayview Drive |
| Litter Pickup | 7/23/2020 | Jackie Whitehurst Street |
| Litter Pickup | 7/23/2020 | 26th Avenue |
| Litter Pickup | 7/23/2020 | Kevin Road |
| Litter Pickup | 7/23/2020 | Brownsville Road |
| Litter Pickup | 7/23/2020 | Bluff Road |
| Litter Pickup | 7/23/2020 | Brownsville Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Peachtree Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Abercrombie Lane |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Johnson Lane |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Linden Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Hathcock Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Timberwood Court |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Gibson Road |
| Litter Pickup | 7/27/2020 | Jackie Whitehurst Street |
| Litter Pickup | 7/27/2020 | Smith Road |
| Litter Pickup | 7/27/2020 | Bay City Road |
| Litter Pickup | 7/27/2020 | Bluff Road |
| Litter Pickup | 7/27/2020 | Sacagawea Trail |
| Litter Pickup | 7/27/2020 | Oyster Road |
| Litter Pickup | 7/27/2020 | Bayview Drive |
| Litter Pickup | 7/27/2020 | 26th Avenue |
| Litter Pickup | 7/27/2020 | Paradise Lane |
| Litter Pickup | 7/27/2020 | Waddell Road |
| Litter Pickup | 7/27/2020 | Melanie Lane |
| Litter Pickup | 7/27/2020 | Pal Rivers Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Timberwood Court |
| Litter Pickup | 7/27/2020 | Bayview Drive |
| Litter Pickup | 7/27/2020 | 26th Avenue |
| Litter Pickup | 7/27/2020 | Melanie Lane |
| Litter Pickup | 7/27/2020 | Oyster Road |
| Litter Pickup | 7/27/2020 | Jackie Whitehurst Street |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Hathcock Road |
| Litter Pickup | 7/27/2020 | Brownsville Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Linden Road |
| Litter Pickup | 7/27/2020 | Brownsville Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Johnson Lane |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Abercrombie Lane |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Peachtree Road |

**District 4**

| **Work Performed:** | **Da** | **Road** |
|---|---|---|
| Litter Pickup | 7/2[illegible]/2020 | Magnolia Lane |
| Litter Pickup | 7/27/2020 | Bay City Road |
| Litter Pickup | 7/27/2020 | Smith Road |
| Litter Pickup | 7/27/2020 | Sacagawea Trail |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Gibson Road |
| Cut grass along shoulders of road on county right of way | 7/29/2020 | Field on Pal Rivers Road |
| Cut grass along shoulders of road on county right of way | 7/29/2020 | Fence Line Apalachicola Air Port |
| Cut grass along shoulders of road on county right of way | 7/29/2020 | Pal Rivers Road |
| | | **0** |

| **Material HAUL From:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Busted Broken Concrete | 7/22/2020 | Chapman Road | 18 | 0 |
| **Busted Broken Concrete** | | **TOTAL** | **18** | **0** |
| Litter | 7/15/2020 | Squire Road | 0.5 | 0 |
| Litter | 7/15/2020 | Cypress Street | 0.5 | 0 |
| Litter | 7/15/2020 | Connector Road | 0.5 | 0 |
| Litter | 7/15/2020 | Magnolia Circle | 0.5 | 0 |
| Litter | 7/15/2020 | Pinewood Street | 0.5 | |
| Litter | 7/15/2020 | 26th Avenue | 0.5 | 0 |
| Litter | 7/15/2020 | Bluff Road | 1 | 0 |
| Litter | 7/15/2020 | Rosemont Street | 0.5 | 0 |
| Litter | 7/23/2020 | Brownsville Road | 0.5 | 0 |
| Litter | 7/23/2020 | Bluff Road | 1.5 | 0 |
| Litter | 7/23/2020 | 26th Avenue | 0.5 | 0 |
| Litter | 7/23/2020 | Jackie Whitehurst Street | 0.5 | 0 |
| Litter | 7/23/2020 | Bayview Drive | 0.5 | 0 |
| Litter | 7/23/2020 | Oyster Road | 0.5 | 0 |
| Litter | 7/23/2020 | Thomas Drive | 0.5 | 0 |
| Litter | 7/23/2020 | Kevin Road | 0.5 | 0 |
| Litter | 7/23/2020 | Bay City Road | 1.5 | 0 |
| Litter | 7/27/2020 | Brownsville Road | 0.200000003 | 0 |
| Litter | 7/27/2020 | Sacagawea Trail | 0.200000003 | 0 |
| Litter | 7/27/2020 | Smith Road | 0.200000003 | 0 |
| Litter | 7/27/2020 | Bay City Road | 0.200000003 | 0 |
| Litter | 7/27/2020 | Magnolia Lane | 0.200000003 | 0 |
| Litter | 7/27/2020 | Melanie Lane | 0.200000003 | 0 |
| Litter | 7/27/2020 | 26th Avenue | 0.200000003 | 0 |
| Litter | 7/27/2020 | Oyster Road | 0.200000003 | 0 |
| Litter | 7/27/2020 | Jackie Whitehurst Street | 0.200000003 | 0 |
| Litter | 7/27/2020 | Bayview Drive | 0.200000003 | 0 |
| **Litter** | | **TOTAL** | **13.00000003** | **0** |
| Trees | 7/2/2020 | 26th Avenue | 9 | 0 |
| Trees | 7/22/2020 | Chapman Road | 9 | 0 |
| Trees | 7/29/2020 | Brownsville Road | 36 | 0 |
| **Trees** | | **TOTAL** | **54** | **0** |

| **Material HAUL To:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Black Dirt | 7/22/2020 | Peachtree Road | 18 | 0 |

**District 4**

| Material HAUL To: | Da | E. | Road | Cubic Yards | Tons |
|---|---|---|---|---|---|
| **Black Dirt** | | | **TOTAL** | **18** | **0** |
| Cold Mix, Asphalt | 7/8/2020 | | CR30A | 3 | 0 |
| Cold Mix, Asphalt | 7/8/2020 | | Timberwood Court | 3 | 0 |
| Cold Mix, Asphalt | 7/16/2020 | | Paradise Lane | 2 | 0 |
| **Cold Mix, Asphalt** | | | **TOTAL** | **8** | **0** |
| Dirty 89 Lime Rock | 7/22/2020 | | Hathcock Road | 18 | 0 |
| Dirty 89 Lime Rock | 7/22/2020 | | Peachtree Road | 18 | 0 |
| **Dirty 89 Lime Rock** | | | **TOTAL** | **36** | **0** |

**District 5**

| Work Performed: | Date | Road |
|---|---|---|
| Pot hole Repair (Fill) | 7/9/2020 | Timber Island Boat Ramp (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Georgia Street |
| Pot hole Repair (Fill) | 7/9/2020 | Timber Island Boat Ramp (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/9/2020 | Georgia Street |
| Pot hole Repair (Fill) | 7/9/2020 | Timber Island Boat Ramp (City of Carrabelle) |
| Pot hole Repair (Fill) | 7/9/2020 | Timber Island Boat Ramp (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Bayou Drive (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Timber Lane (City of Carrabelle) |
| Flagged | 7/13/2020 | Lighthouse Road (Paved Portion) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Bayou Drive (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Timber Lane (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Georgia Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Georgia Street |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Timber Island Road (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/13/2020 | Timber Island Road (City of Carrabelle) |
| Graded Road(s) | 7/14/2020 | Brick Yard Road (Forestry Road #129) |
| Flagged | 7/16/2020 | Carlton Millender Road |
| Pot hole Repair (Fill) | 7/16/2020 | Bear Creek Rd |
| Cut bushes back, Cut grass in ditches | 7/16/2020 | Carlton Millender Road |
| Pot hole Repair (Fill) | 7/16/2020 | Bear Creek Rd |
| Pot hole Repair (Fill) | 7/16/2020 | Bear Creek Rd |
| Box drag | 7/16/2020 | Avenue G NW (City of Carrabelle) |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Tricia's Way |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | CC Land |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | 8th Street |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Wylonda Avenue |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Michael Way |
| Cut grass along shoulders of road on county right of way | 7/20/2020 | Teresa Avenue |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |

**District 5**

| Work Performed: | Da | Road |
|---|---|---|
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | Otterslide Road |
| Litter Pickup | 7/20/2020 | CC Land |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |
| Litter Pickup | 7/20/2020 | Avenue A (District 5) |
| Litter Pickup | 7/21/2020 | Teresa Avenue |
| Litter Pickup | 7/21/2020 | Power Line Road (Forestry Road #166) |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 4th Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 6th Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 7th Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | 10th Street |
| Cut grass along shoulders of road on county right of way | 7/21/2020 | Garrett Lane |
| Litter Pickup | 7/21/2020 | Teresa Avenue |
| Litter Pickup | 7/22/2020 | Bear Creek Rd |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Bear Creek Rd |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Bear Creek Rd |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Otterslide Road |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Bear Creek Rd |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Cut grass along shoulders of road on county right of way | 7/22/2020 | Ridge Road |
| Litter Pickup | 7/22/2020 | Bear Creek Rd |
| Litter Pickup | 7/22/2020 | Bear Creek Rd |
| Litter Pickup | 7/22/2020 | Ridge Road |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Litter Pickup | 7/22/2020 | Wilderness Road |
| Cut grass along shoulders of road on county right of way | 7/23/2020 | Hibiscus Lane |
| Checked county roads for safety of traveling for public | 7/23/2020 | River Road |
| Checked county roads for safety of traveling for public | 7/23/2020 | River Road |
| Cut grass along shoulders of road on county right of way | 7/27/2020 | Plum Street |
| Litter Pickup | 7/27/2020 | Pine Log Road |
| Flagged | 7/27/2020 | Timber Island Road (City of Carrabelle) |
| Cut bushes back, Cut grass in ditches | 7/27/2020 | Mill Road |
| Flagged | 7/27/2020 | River Road |
| Cut bushes back, Cut grass in ditches | 7/27/2020 | Timber Island Road (City of Carrabelle) |
| Flagged | 7/27/2020 | Mill Road |
| Box drag | 7/28/2020 | 4th Street W (City of Carrabelle) |

**District 5**

| **Work Performed:** | **Da** | **Road** |
|---|---|---|
| Box drag | 7/2[illegible]/2020 | Avenue G NW (City of Carrabelle) |
| Box drag | 7/28/2020 | Cape Street |
| Box drag | 7/28/2020 | Pinnacle Street |
| Box drag | 7/28/2020 | Lighthouse Road (Unpaved Portion) |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Flagged | 7/29/2020 | Mill Road |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cemetery, Cut, Raked & Cleaned | 7/29/2020 | Eastpoint Cemetery |
| Cut bushes back, Cut grass in ditches | 7/29/2020 | Mill Road |
| | | **0** |

| **Material HAUL From:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Lime Rock Road Base | 7/21/2020 | Power Line Road (Forestry Road #166) | 0.200000003 | 0 |
| Lime Rock Road Base | 7/21/2020 | Teresa Avenue | 0.200000003 | 0 |
| **Lime Rock Road Base** | | **TOTAL** | **0.400000006** | **0** |
| Litter | 7/20/2020 | Otterslide Road | 1 | 0 |
| Litter | 7/20/2020 | Avenue A (District 5) | 1 | 0 |
| Litter | 7/20/2020 | CC Land | 1 | 0 |
| Litter | 7/20/2020 | Avenue A (District 5) | 1 | 0 |
| Litter | 7/20/2020 | Otterslide Road | 1 | 0 |
| Litter | 7/20/2020 | CC Land | 1 | 0 |
| Litter | 7/22/2020 | Ridge Road | 1 | 0 |
| Litter | 7/22/2020 | Wilderness Road | 2 | 0 |
| Litter | 7/22/2020 | Wilderness Road | 1 | 0 |
| Litter | 7/22/2020 | Ridge Road | 1 | 0 |
| Litter | 7/22/2020 | Bear Creek Rd | 2 | 0 |
| Litter | 7/22/2020 | Ridge Road | 2 | 0 |
| Litter | 7/22/2020 | Wilderness Road | 1 | 0 |
| Litter | 7/22/2020 | Bear Creek Rd | 1 | 0 |
| Litter | 7/27/2020 | Pine Log Road | 0.200000003 | 0 |
| **Litter** | | **TOTAL** | **17.20000000** | **0** |

| **Material HAUL To:** | **Date** | **Road** | **Cubic Yards** | **Tons** |
|---|---|---|---|---|
| Black Dirt | 7/8/2020 | Sheriff's Office ( Jail ) | 18 | 0 |
| Black Dirt | 7/15/2020 | Cook Street | 9 | 0 |
| **Black Dirt** | | **TOTAL** | **27** | **0** |
| Cold Mix, Asphalt | 7/16/2020 | Bear Creek Rd | 2 | 0 |
| **Cold Mix, Asphalt** | | **TOTAL** | **2** | **0** |
| Dirty 89 Lime Rock | 7/9/2020 | Timber Island Boat Ramp (City of Carrabelle) | 9 | 0 |
| Dirty 89 Lime Rock | 7/14/2020 | Brick Yard Road (Forestry Road #129) | 18 | 0 |
| **Dirty 89 Lime Rock** | | **TOTAL** | **27** | **0** |

F.

**MEETING DATE:** August 4, 2020

**NAME/DEPARTMENT/AGENCY:** Fonda D. Davis

Solid Waste & Recycling, Animal Control, Parks & Recreation

**TOTAL ATTACHMENTS:** 0

==========

**FOR BOARD INFORMATION**:

**Right-of-Way Debris Pickup/Recycle Material Hauled**
**July 15, 2020-July 31, 2020**

**RIGHT–OF–WAY DEBRIS PICKUP**

| Apalachicola | Eastpoint | St George Island | Carrabelle | Lanark | Alligator Point |
|---|---|---|---|---|---|
| 30.80 TONS | 92.66 TONS | 55.29 TONS | 48.94 TONS | 15.02 TONS | -0- TONS |

**RECYCLE MATERIAL HAULED**

| | Apalachicola | Eastpoint | St George Island | Carrabelle | Lanark | Alligator Point | St James |
|---|---|---|---|---|---|---|---|
| Cardboard | 9.01 TONS | 11.24 TONS | 3.04 TONS | 3.13 TONS | -0- TONS | -0- TONS | .27 TONS |
| Plastic,Paper,Glass, Aluminum | -0- TONS | -0- TONS | -0- TONS | -0 TONS | -0- TONS | -0- TONS | -0-TONS |

**REQUESTED ACTION: None**

G.

**MEETING DATE:** August 4, 2020

**NAME/DEPARTMENT/AGENCY:** Pamela Brownell, Director, Franklin County Emergency Management

**TOTAL ATTACHMENTS:** Enter Text Here

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Action Items:

1. Request the Boards Approval to retroact the Non-Congregate Shelters (NCS) Plan extension request letter Signed on 07/21/20 by Chairman Lockley.
2. Request the Boards Approval and Signing of the Funding Agreement with FEMA for Public Assistance for COVID 19.

Information Items:

1. EOC Staff along with our CERT Volunteers continue to distribute washable & Reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.
2. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems, EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.
3. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with missions for PPE, Local State of Emergency, and SitReps.
4. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. (Please see below report regarding Hurricane Michael Projects). This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. EOC Staff has also began the FEMA reimbursement claim process for COVID-19.

7. Below is a copy of the DOH Dashboard regarding COVID 19 Cases in Franklin County as of 07/30/20 at 4:00 PM

G.


Florida's COVID-19 Data and Surveillance Dash...
Florida Department of Health, Division of Disease Control and Health Protection
Select a County
FRANKLIN
Cases by Race
White
Black
Other
Unknown
Cases by Gender
Male: 43
Female: 62
Median Age
Franklin : 50
Age Distribution of Cases
0-4
15-24
35-44
55-64
75-84
Use the drop down menu above to select a county
Positive Residents
103
Hospitalizations
4
Deaths
1
2
Cases by Ethnicity
Unknown/ No Data
New Cases in Florida Residents by Day
Florida Cases
Florida Testing
Cases by County
Cases by Zip Code
Health Metrics
USA and World

| Project # | Category | Title | Process Step | % Cost Share | Federal Share | Non-Federal Share | Best Available Cost |
|---|---|---|---|---|---|---|---|
| | | TOTAL PAID TO DATE | | | $1,231,800.80 | $328,037.99 | $1,559,838.19 |
| 76655 | C - Roads and Bridges | Alligator Point Road Damage; Combined Michael & Hermine | Pending EHP Review | 75% | $4,187,647.50 | $1,395,882.50 | $5,583,530.00 |
| 83669 | G - Parks, Recreational Facilities, and Other Items | SGI Park - BB Court and Fishing Pier | Pending EHP Review | 75% | $21,683.91 | $7,227.97 | $28,911.88 |
| 81073 | G - Parks, Recreational Facilities, and Other Items | Island View Park E of Carrabelle | Pending EHP Review | 75% | $994,103.09 | $331,367.69 | $1,325,470.78 |
| 79199 | G - Parks, Recreational Facilities, and Other Items | Alligator Point Dunes Walkovers | Pending EHP Review | 75% | $24,867.23 | $8,289.07 | $33,156.30 |
| 132465 | Z - Management Costs | Franklin County Management costs | Pending Formulation Completion | 100% | $0.00 | $0.00 | $31,644.50 |
| 79475 | A - Debris Removal | Franklin County Debris 10-10 thrus 11/24 | Pending Recipient Final Review | 100% | $241,333.94 | $0.00 | $241,333.94 |
| 81069 | E - Buildings and Equipment | WEEMS Hosp Bldg | Pending Recipient Final Review | 75% | $112,500.00 | $37,500.00 | $150,000.00 |

H.

**MEETING DATE:** August 4, 2020

**NAME/DEPARTMENT/AGENCY:** UF/IFAS Franklin County Extension Program

**TOTAL ATTACHMENTS:** None

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## Informational Items

### General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics interpretation of soil test results, murder hornets, bees, citrus and blueberry production, CARES Act funding for Fisheries-related businesses, rose pruning for better flowering, controlling invasive hydrilla in a private pond, and more.

### Sea Grant Extension:

2. Extension Director worked with a team of five FL Sea Grant agents and two UF food safety professors to plan and co-host a two-day in-service training on the topic of Seafood Safety titled "How do you See Your Seafood." The primary audience was UF/IFAS faculty who work with seafood industry segments and State regulatory staff, primarily from FDACS. Interactive sessions and presentations were conducted via Zoom and provided information on a variety of topics focused around safe seafood handling practices, how the industry is regulated, and future anticipated challenges for seafood supply and demand.
3. The Extension Director participated on a planning team with other FL Sea Grant agents who work with clientele in aquaculture-related industry, regarding the initiation of a new intern program that will pair UF interns with various aquaculture businesses to provide an educational opportunity for interns, as well as providing staffing assistance to the businesses. Funding will be coming from FL Sea Grant to pay intern's salaries.

### 4-H Youth Development:

4. 4-H youth are participating in a virtual 4-H University program this year due to the COVID pandemic.
5. A virtual 4-H Plant Camp is being conducted and available to Franklin, Bay and Gulf County youth.
6. 4-H clubs are still not meeting in-person due to the virus but a large number of programs are being conducted online with great success and high numbers of youth participating.

### Family and Consumer Sciences:

7. Transition to a distance learning platform continues for programs to use when school begins.
8. Yearly statistics for nutrition programming in the schools were provided to the Franklin County Health Department for their reporting purposes.

I.

**MEETING DATE:** August 4th, 2020

**NAME/DEPARTMENT/AGENCY:** Franklin County Public Library

**TOTAL ATTACHMENTS:** 0

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Informational/Reference items:

1. The job posting for the two FT Library Assistants closes July 30th, 2020. I will begin interviewing and vetting applicants the following week.

2. We have extended the deadline for the Summer Reading Challenges by one week, until August 7th, to allow more time for entries. Prizes will be drawn August 10th.

3. The libraries have seen a slow, but steady increase in usage. From July 1st- July 27th the Carrabelle branch had 514 physical check outs (not including digital materials) and the Eastpoint branch had 511 (not including digital materials). We also added 153 new and donated items to combined collection.

# Bid Opening Update

Recently, the Franklin County Board of County Commissioner's office had two staff members positive for Covid-19. To ensure the safety of our Board members, remaining staff members, and the public from possible exposure, the July 21st BOCC meeting has been cancelled.

**All bids will remain sealed until the next Board of County Commissioners meeting that will be held on August 4, 2020 and will be opened and read aloud at that time.**

**SAINT GEORGE ISLAND RESTROOM DESIGN PROJECT # 50112840**

## NOTICE TO RECEIVE SEALED BIDS

The Franklin County Board of County Commissioners will receive sealed bids from any qualified Fl licensed general contractor or Fl licensed builder, company or corporation interested in constructing:

**SAINT GEORGE ISLAND RESTROOM DESIGN**

Project is located at 2 E. Gulf Beach Drive, Saint George Island, Florida 32328 and consists of the construction of an elevated restroom building, handicap ramps, deck, water service connection, and septic sewer on Saint George Island, Florida.

Plans and specifications can be obtained by contacting Cortni Bankston, Administrative Assistant, at cortnib@franklincountyflorida.com or 850-653-9783 x-180. The bid must conform to Section 287.133(3) Florida Statutes, on public entity crimes.

Completion date for this project will be 180 days from the date of the Notice to Proceed presented to the successful bidder.

A 5% bid bond will be required from any firm submitting a proposal in excess of $150,000. For contracts of $250,000 or more, a performance and payment bond for 100% of the contract amount will be required to be maintained and in effect throughout the life of the contract.

Liquidated damages for failure to complete the project on the specified date will be set at $500.00 per day.

Bids will be received until 4:30 p.m. (EST), on Monday, July 20, 2020, at the Franklin County Clerk's Office, Franklin County Courthouse, 33 Market Street, Suite 203, Apalachicola, Florida 32320, and will be opened and read aloud on Tuesday, July 21, 2020, at the County Commission meeting beginning at 9:00 a.m. (EST) at 34 Forbes Street, Apalachicola, Florida. The outside of the envelope should be marked "**Sealed Bid – SAINT GEORGE ISLAND RESTROOM DESIGN**".

The Board of County Commissioners reserves the right to waive informalities in any bid, to accept and/or reject any and all bids. If the contract is to be awarded, it will be awarded to the lowest responsive bidder. All bids shall remain firm for a period of sixty days after the opening.

All bidders shall comply with all applicable State and local laws concerning licensing, registration and regulation of contractors doing business in the State of Florida.

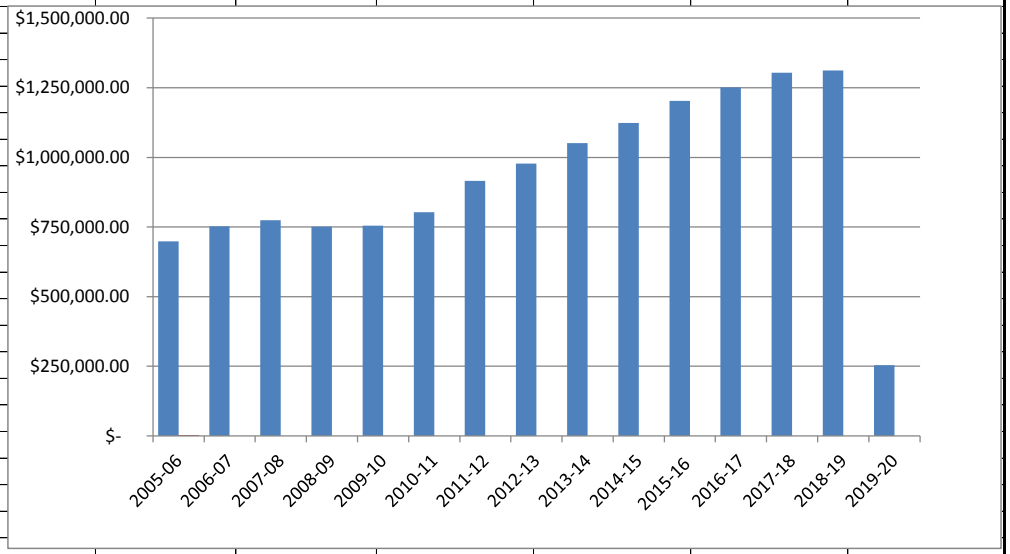
All technical questions must be addressed in writing and emailed to Cortni Bankston at cortnib@franklincountyflorida.com no later than July 13, 2020.

K.

# FCTDC Collections Report for
# 2019-20 Year to Date Report
# Through May 2020

| Month | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| October | $ 35,408.91 | $ 32,809.57 | $ 39,697.19 | $ 38,597.69 | $ 39,568.32 | $ 36,996.34 | $ 48,383.10 | $ 53,543.22 | $ 57,651.88 | $ 58,875.87 | $ 75,084.59 | $ 95,107.96 |
| November | $ 24,824.38 | $ 24,717.35 | $ 27,182.76 | $ 25,888.92 | $ 25,863.47 | $ 26,438.49 | $ 34,441.98 | $ 40,334.08 | $ 34,740.65 | $ 40,065.78 | $ 44,449.24 | $ 46,043.65 |
| December | $ 20,421.74 | $ 16,055.89 | $ 22,986.95 | $ 23,167.33 | $ 16,530.96 | $ 19,936.19 | $ 21,597.00 | $ 21,510.93 | $ 29,747.90 | $ 30,978.80 | $ 24,692.82 | $ 41,580.49 |
| January | $ 19,681.48 | $ 26,489.68 | $ 22,911.37 | $ 22,960.20 | $ 26,170.57 | $ 23,359.12 | $ 30,392.62 | $ 33,657.09 | $ 34,707.03 | $ 38,805.36 | $ 47,001.63 | $ 41,668.57 |
| February | $ 29,294.47 | $ 44,900.59 | $ 40,835.29 | $ 39,452.32 | $ 33,678.97 | $ 34,980.88 | $ 52,045.79 | $ 49,365.87 | $ 52,883.10 | $ 42,754.53 | $ 64,493.95 | $ 60,422.61 |
| March | $ 51,243.40 | $ 45,643.22 | $ 61,090.70 | $ 49,778.57 | $ 53,116.79 | $ 61,989.52 | $ 66,597.90 | $ 80,880.36 | $ 78,180.12 | $ 83,626.43 | $ 80,017.67 | $ 84,583.19 |
| April | $ 69,608.73 | $ 70,430.06 | $ 66,135.24 | $ 73,880.65 | $ 53,934.68 | $ 70,610.82 | $ 81,641.55 | $ 90,242.68 | $ 81,115.14 | $ 101,310.37 | $ 103,120.37 | $ 89,949.68 |
| May | $ 100,486.16 | $ 114,100.71 | $ 123,221.80 | $ 104,769.28 | $ 120,470.95 | $ 90,634.75 | $ 140,203.97 | $ 115,589.54 | $ 135,897.45 | $ 143,700.44 | $ 131,348.44 | $ 110,484.59 |
| June | $ 107,484.39 | $ 166,403.90 | $ 138,839.79 | $ 143,507.76 | $ 151,640.61 | $ 172,029.99 | $ 143,805.29 | $ 195,838.11 | $ 210,505.76 | $ 195,093.30 | $ 213,948.96 | $ 226,795.48 |
| July | $ 149,857.23 | $ 95,128.02 | $ 128,027.35 | $ 131,276.62 | $ 114,121.18 | $ 147,874.24 | $ 140,000.40 | $ 153,197.77 | $ 164,199.99 | $ 182,235.52 | $ 253,603.30 | $ 242,036.51 |
| August | $ 51,353.14 | $ 69,863.99 | $ 57,497.82 | $ 56,312.21 | $ 71,377.70 | $ 60,698.01 | $ 93,912.12 | $ 86,742.96 | $ 107,783.56 | $ 129,879.50 | $ 82,664.07 | $ 121,808.90 |
| September | $ 38,597.72 | $ 46,282.27 | $ 45,739.57 | $ 41,298.87 | $ 47,760.09 | $ 57,592.93 | $ 63,037.18 | $ 57,170.58 | $ 64,199.48 | $ 75,778.00 | $ 81,869.35 | $ 90,214.19 |
| **Totals** | **$ 698,261.75** | **$ 752,825.25** | **$ 774,165.83** | **$ 750,890.42** | **$ 754,234.29** | **$ 803,141.28** | **$ 916,058.90** | **$ 978,073.19** | **$ 1,051,612.06** | **$ 1,123,103.90** | **$ 1,202,294.39** | **$ 1,250,695.82** |
| | | | | | | | | | | | | |
| **YOY %** | | **$ 54,563.50** | **$ 21,340.58** | **$ (23,275.41)** | **$ 3,343.87** | **$ 48,906.99** | **$ 112,917.62** | **$ 62,014.29** | **$ 73,538.87** | **$ 71,491.84** | **$ 79,190.49** | **$ 48,401.43** |
| | | **7.8%** | **2.8%** | **-3.0%** | **0.4%** | **6.5%** | **14.1%** | **6.8%** | **7.5%** | **6.8%** | **7.1%** | **4.0%** |

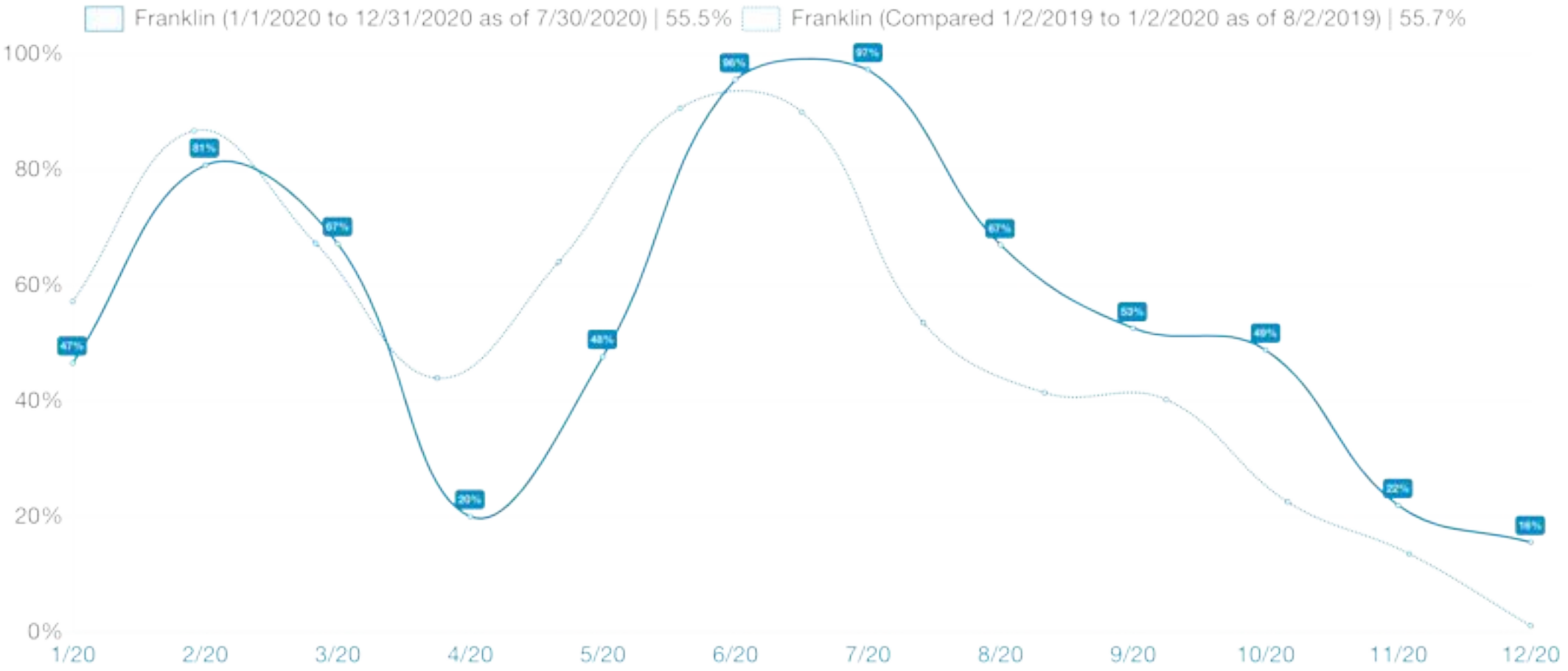
| Month | 2017-18 | 2018-19 | 2019-20 | Increase/Decrease | % of Change |
|---|---|---|---|---|---|
| October | $ 85,823.35 | $ 38,416.89 | $ 89,660.28 | $ 51,243.39 | 133% |
| November | $ 49,440.74 | $ 87,784.31 | $ 57,067.01 | $ (30,717.30) | -35% |
| December | $ 37,182.43 | $ 46,715.00 | $ 52,526.91 | $ 5,811.91 | 12% |
| January | $ 51,388.51 | $ 52,063.46 | $ 54,422.25 | $ 2,358.79 | 5% |
| February | $ 58,337.94 | $ 66,632.44 | $ 95,017.02 | $ 28,384.58 | 43% |
| March | $ 111,947.32 | $ 127,975.20 | $ 71,946.84 | $ (56,028.36) | -44% |
| April | $ 103,422.44 | $ 82,258.08 | $ 20,066.60 | $ (62,191.48) | -76% |
| May | $ 140,130.14 | $ 166,129.65 | $ 123,839.27 | $ (42,290.38) | -25% |
| June | $ 269,049.32 | $ 300,092.38 | | | 0% |
| July | $ 215,933.34 | $ 209,374.07 | | | 0% |
| August | $ 111,322.92 | $ 134,238.67 | | | 0% |
| September | $ 70,419.47 | $ 90,051.57 | | | 0% |
| **Totals** | **$ 1,304,397.92** | **$ 1,401,731.72** | **$ 564,546.18** | **$ (103,428.85)** | -7% |
| | | | | | |
| **YOY %** | **$ 53,702.10** | **$ 97,333.80** | **$ (837,185.54)** | | |
| | 4.3% | **7.5%** | **-59.7%** | | |




*** October and November 2018 due to Hurricane Michael statistically are outliers.**
**October and November 2019 compared with 2017-18 amounts are more representative, thus, these months show increases of 10% and 9% respectively, or YTD increase of 31%.**
*** Coronoviris-19 March 1 - May 18 2020**

KEYDATA

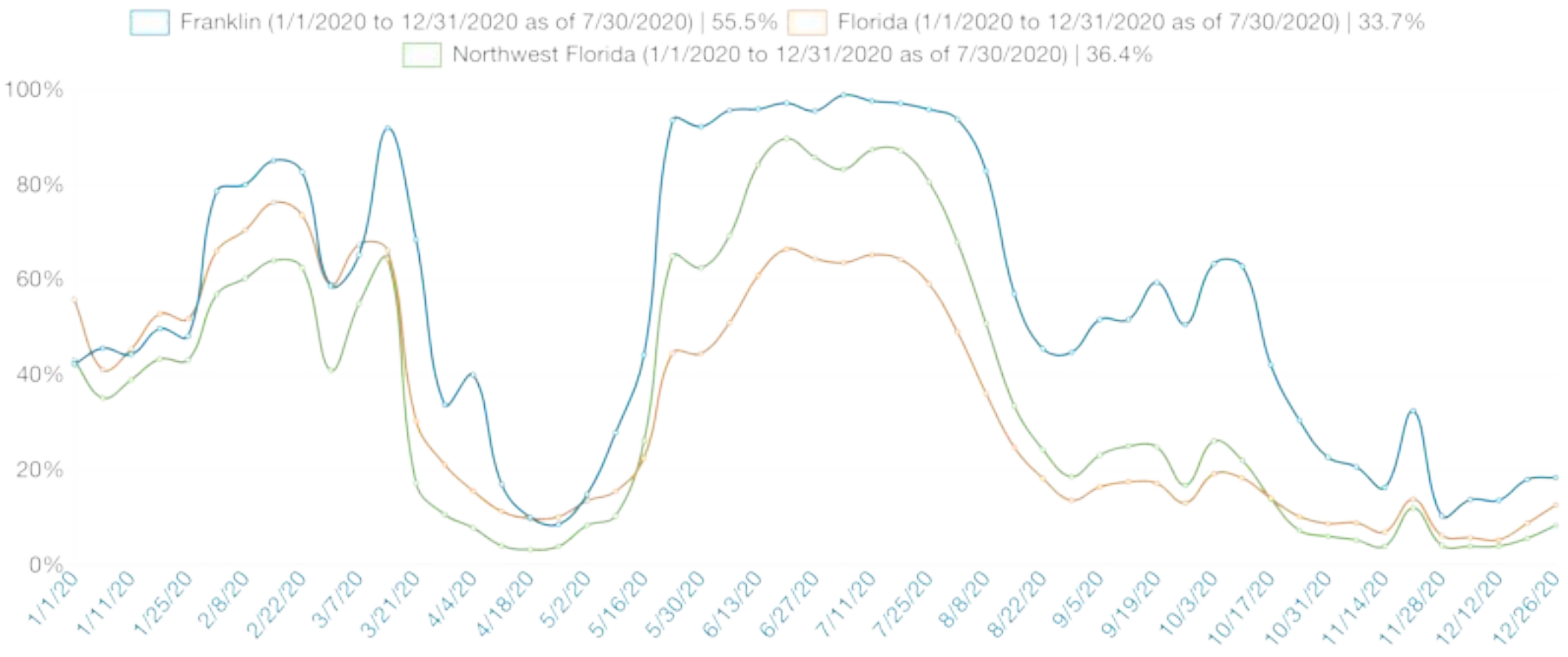
# Franklin Adjusted Paid Occupancy %




Copyright Key Data, LLC 2020
Created: 7/31/20 15:07 PM

KEYDATA

# Florida, Northwest Florida, Franklin Adjusted Paid Occupancy %




Copyright Key Data, LLC 2020
Created: 7/31/20 15:07 PM

K.

**MEETING DATE:** August 4th 2020

**NAME/DEPARTMENT/AGENCY:** Franklin County TDC

**TOTAL ATTACHMENTS:** 3

==========

No Action Items

Informational Items:

1. **Collections:**

   The Collections for the month of May were $123,839.27. Which is a 25% decrease from May 2019. This is a much higher collection number than originally estimated. That being said lodging was only open for 12 days in May. Attached you will find the collections report as well as a screen shot of the Software the TDC uses KeyData Dashboard. The first screen shot is for January 1st 2020 to December 31st 2020. If you see from June 1st to September 30th which shows that the occupancy is higher than last year in the same time period and, in some instances, much higher. Taking into account that this same time period last year was a record for collections in Franklin County. Compared to Northwest Florida as whole and some major tourist destinations in North West Florida they are showing a decrease in bookings compared to last year. The second chart shows a comparison of how Franklin County looks compared to Northwest Florida and Florida as a whole.

# APPLICATION FOR SINGLE FAMILY/MULTI-FAMILY & COMMERCIAL DOCKS OR PIERS

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: CHARLES GALLOWAY
Contact Information: Home #: _____ Cell #: 850-323-0357
Mailing Address: 215 NORTH BAYSHORE DRIVE City/State/Zip: EASTPOINT, FL 32328
EMAIL Address: C.GALLOWAY@MCHSI.COM

Agent Name: DAN GARLICK Business Name: GARLICK ENVIRONMENTAL
Contact Information: Office #: 850-653-8899 Cell #: 850-899-5252
Mailing Address: PO BOX 385 City/State/Zip: APALACHICOLA, FL 32329
EMAIL Address: DAN@GARLICKENV.COM

**PROPERTY DESCRIPTION**: 911 Address: 215 NORTH BAYSHORE DRIVE, EASTPOINT, FL 32328
Lot/s: 3 Block: H Subdivision: MAGNOLIA BLUFFS Unit: _____
Parcel Identification #: 25-08S-07W-6300-00H0-0030
**JURISDICTION**: X Franklin County
□ Apalachicola X Eastpoint □ St. George Island □ Carrabelle □ Dog Island □ Lanark/ St. James □ St. Teresa □ Alligator Point

**Applicant Signature:** _____ **Date:** _____

**Agent Signature:** _____ **Date:** _____

_X_ **SINGLE FAMILY DOCK or PIER**
_____ **MULTI-FAMILY DOCK**
_____ **COMMERCIAL DOCK**

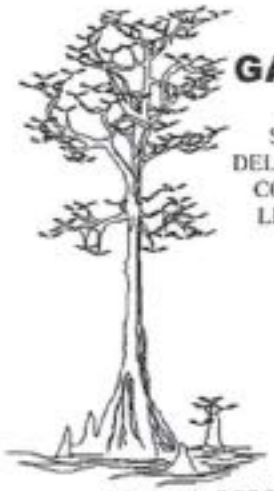
**ITEMS REQUIRED:**
_____ **Signed Application**
_X_ **DEP Permit/Exemption**
_X_ **Army Corps of Engineer Permit**
_X_ **Site Plan**
_X_ **Dock Plans**
_X_ HAS HOUSE

RECEIVED
JUN 04 2020
BY: AK

**RECOMMENDATION FROM COUNTY PLANNER:** _____

**PLANNER SIGNATURE:** _____ **DATE:** _____

**BOARD APPROVAL DATE:** _____



# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

June 4, 2020

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commeree Street
Apalachicola, FL 32320

Re: Planning and Zoning Agenda
GEA File No. 20-038
Charlie Galloway

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020.for the construction of a Single Family Residential Dock.

The proposed project is located in Section 25, Township 8 South, Range 7 West, in Franklin County, FL, in East Bay, Class II, OFW, not an Aquatic Preserve. The parcel is a developed lot. The following information should aid you in your review:

The project consists of construction a Single-Family Residential Dock with an access walkway 269 ft. in length and 4 ft in width for a total square footage of 1076 square feet. The terminus will be constructed 6 ft. in width and 26 ft. in length for a total square footage of 156 sq. ft. The total square footage of proposed dock and terminus is 1232 sq. ft. The no submerged grass beds are within the alignment of the proposed dock; however, 10 ft. wide emergent vegetation exist landward of the existing rock revetment. The access walkway will be elevated 5 ft. above mean high water. The terminus will be elevated 5 ft. above mean high water. The water depth of at the proposed terminus is -3 ft. Turbidity curtains will be placed around the area of the proposed work and will remain in place until turbidity is well within the limits of the State Water Quality Standards.

GARLICK ENVIRONMENTAL ASSOCIATES, INC. POST OFFICE BOX 385 APALACHICOLA, FL 32329-0385
PHONE: (850) 653-8899 FAX: (850) 653-9656
BRANCH OFFICE IN PORT ST JOE

If you have any questions, please let us know.

Sincerely,

Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

M.

# APPLICATION FOR DEVELOPMENT

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #_____

FEE: $_____
RADON: $_____
FLOOD: $_____
C.S.I.: $_____
TOTAL: $_____

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
**VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:**
**ISSUANCE DATE:** _____ **EXPIRES:** _____

- ☐ New Constuction
  - ☐ Commercial
  - ☐ Residential
- ☐ Substantial Improvement
- ☐ Less than Substantial

**APPLICATION MUST BE COMPLETE:** (We will no longer accept incomplete applications)

Property Owner/s: Charlie Galloway
Contact Information: Home #: _____ Cell #: 850-323-0357
Mailing Address: 215 N. Bayshore Dr. City/State/Zip: East Point, FL 32328
EMAIL Address: c.galloway@mchsi.com

Contractor Name: _____ Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

**PROPERTY DESCRIPTION:** 911 Address: 215 N. Bayshore Drive, Eastpoint
Lot/s: 3 Block: H Subdivision: Magnolia Bluffs Unit: _____
Parcel Identification #: [redacted]25-08S-07W-6300-00H0-0030
**JURISDICTION:** ☑ Franklin Coun ☐ City of Carrabelle
☐ Apalachicola ☑ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**DESCRIPTION OF DEVELOPMENT:** Dock
ZONING DISTRICT: _____ CONTRACT COST: _____

HEATED SQ FT: _____ UN-HEATED SQ FT: _____ TOTAL SQUARE FOOT: _____
ROOF MATERIAL: _____ FOUNDATION TYPE: _____ LOT DEMENSION: _____
NO. OF STORIES: _____ UNDERNEATH STORAGE SQ FOOTAGE: _____
**(Requires Building or General Contractor if over 3 habitable stories including mezzanines.)**
**(VE Zones: 299 Sq. Foot or Less and MUST be certified breakaway construction by Engineer)**

SEPTIC TANK PERMIT # _____ OR SEWER DISTRICT: _____
WATER DISTRICT: _____ OR PRIVATE WELL: _____

WATER BODY: _____
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

**FLOOD ZONE INFORMATION:** EFFECTIVE DATE: February 5, 2014

**PANEL NUMBER:** _____ **FIRM ZONE/S:** _____
**ELEVATION REQUIREMENTS AS PER SURVEY:** _____
☐ Requires V-Zone Certification ☐ Requires Elevation Certificates ☐ Requires Smart Vents ☐ Requires Breakaway Walls

**BUILDING OFFICIAL** **DATE** **FLOODPLAIN ADMIN.** **DATE** **OWNER/CONTRACTOR** **DATE**

M.

# SUPPLEMENTAL APPLICATION

1- Proposed Alteration of the Land:
- Determination of COE & DEP Wetlands: _____
- Amount and location of Fill to be placed on property: _____
- Percentage of land to be placed in impervious surface: _____

2- Critical Shoreline Inspection:
- Construction to be a minimum of 50 feet from the mean high water or wetland: _____ (Must be indicated on submitted site plan)
- Construction within 50 feet of the mean high water or wetlands: _____
- Attach the Board of Adjustment Approval: Date of Approval: _____ (Expires One Year From Approval Date)

3- Elevation Requirements:
- FLOOD ZONE: _____ BASE FLOOD ELEVATION: _____
- LOWEST BASE FLOOD ELEVATION AT BUILDING SITE: _____
- A/AE/AH/AO ZONES: Elevation of bottom of the first floor: _____
- VE Zones: Elevation of the first floor horizontal support structure: _____

# DEVELOPMENT APPLICATION CHECKLIST

**RESIDENTIAL:**

✓ Application
_____ Supplemental Application
_____ Boundary Survey (Non-Flood Zones)
✓ Site Plan
_____ Septic Tank Permit
_____ Energy Code Form
_____ 2 Complete Sets of Building Plans
□ Wind Load Analysis □ Engineered
_____ State Permits
□ DEP Permits □ COE Permits □ FDOT Permits
_____ Structure Height & Number of Stories Affidavit
_____ Portable Toilet Agreement
_____ Owner/Builder Affidavit
_____ Dumpster Affidavit
_____ Termite Affidavit
_____ Turtle Light Affidavit (If Applicable)
_____ Recorded Notice of Commencement

**FORMS REQUIRED IN FLOOD ZONES: (Additional)**

_____ Topographical Survey
_____ Flood Plain Management Review (Requires Permit)
_____ V Zone Certification (If Applicable)
_____ Smart Vent Certification (If Applicable)
_____ Elevation Affidavit

**COMMERCIAL: (Additional to Residential)**

_____ P&Z Approval Notice
_____ BOA Approval Notice
_____ BCC Approval Notice
_____ DEP Storm Water Permit/Exemption
_____ DBR Approval
_____ Parking Plan
_____ Flood Proofing Certification (If Applicable)

# SUB-CONTRACTOR LIST

PLEASE BE ADVISED THAT ALL CONTRACTORS DOING WORK IN FRANKLIN COUNTY MUST BE REGISTERED IN FRANKLIN COUNTY PRIOR TO PERFORMING ANY WORK IN THIS COUNTY. ALL GENERAL, RESIDENTIAL & BUILDING, ELECTRICAL, PLUMBING, HVAC & ROOFING CONTRACTOR'S ARE REQUIRED TO PULL PERMITS ON ALL NEW, RENOVATIONS, REMODEL PROJECTS.

CONTRACTOR OR OWNER HAS CONTRACTED WITH THE FOLLOWING (OWNER/BUILDERS ARE NOT ALLOWED TO HIRE SPECIALTY FRAMING CONTRACTORS) ALL CONTRACTOR'S & SUBCONTRACTOR'S MUST BE REGISTERED WITH FRANKLIN COUNTY AND ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE COMMENCING WORK.

Contractor: _____ □Registered
Electrical: _____ □Registered
Plumbing: _____ □Registered
HVAC: _____ □Registered
Roofing: _____ □Registered
Piling: _____ □Registered
Concrete: _____ □Registered
Siding: _____ □Registered
Insulation: _____ □Registered
Painting: _____ □Registered
Framing: _____ □Registered
Masonry: _____ □Registered
Tile: _____ □Registered
Other: _____ □Registered
Other: _____ □Registered
Other: _____ □Registered

M.

# FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 19, 2020

Charles Galloway
215 North Bayshore Drive
Eastpoint, Florida 32328
c.galloway@mchsi.com

File No.: 0388087-001-EG/19, Franklin County

Dear Mr. Galloway:

On June 9, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock and boatlift totaling less than 2,000 square feet within East Bay, Apalachicola Bay Aquatic Preserve, Class II Outstanding Florida Waters, Conditionally Approved 1652 Shellfish Harvesting Area. The project is located at 215 North Bayshore Dive, Eastpoint, Florida 32328, Parcel No. 25-08S-07W-6300-00H0-0030, in Section 25, Township 08 South, Range 07 West of Franklin County; at approximately 29°45'21.79" North Latitude, 84°53'23.04" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

**1. Regulatory Review – Approved**

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter(s) 253 and 258, F.S., Chapter(s) 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review – SPGP Approved**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book.

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

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

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

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at Hali.Troendle@FloridaDEP.gov

**EXECUTION AND CLERKING**
Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Hali Troendle

Hali Troendle
Environmental Specialist
Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Special Conditions for Federal Authorization for SPGP V-R1, 7 pages
6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
7. Standard Manatee Conditions for In-Water Work, 2 pages
8. Project Drawings, 4 pages

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

Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
Apalachicola Bay Aquatic Preserve, Jonathan.Brucker@dep.state.fl.us, Ann.Lazar@dep.state.fl.us, Kim.Wren@dep.state.fl.us, Jennifer.Harper@dep.state.fl.us
Franklin County, michael@franklincountyflorida.com

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

Mandakini Patel — June 22, 2020
Clerk — Date

**62-330.427 General Permit for Docks, Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

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*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History–New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.*

**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after

construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at https://www.flrules.org/Gateway/reference.asp?No=Ref-04227, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific

principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

**Special Consent Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.*

**Special Conditions for Federal Authorization for SPGP V-R1**

**Note:** JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577.
The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at https://www.saj.usace.army.mil/SPGP/

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

**Special Conditions for All Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.

2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).

3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).

4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).

5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).

6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
   a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
   b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
   c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of

this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

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

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such

activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

**Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures**

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
   a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must

be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

(1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

   a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

      (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

      (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 27) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/ (Reference: JAXBO PDC A2.8.).

7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
   a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
      (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).
      (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
   b. For all other Projects,
      (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
      (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
      (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).
      (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast

of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c.,below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

(i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
  (a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,
  (b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,

(ii) New docks or dock expansions and:
  (a) within Johnson's seagrass critical habitat; or,
  (b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

(1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
  (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
  (ii) Over any area that contains Johnson's seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
  (iii)If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
  (iv)Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
  (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
  (vi)No covered boat lifts are allowed over any Johnson's seagrass.

(2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
  (i) For grated decking:
    (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.

(b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.

(c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

(ii) For plank decking:

(a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.

(b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.

(c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

**General Conditions for Federal Authorization for SPGP V-R1**

1. The time limit for completing the work authorized ends on July 26, 2021.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

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

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
   d. Design or Construction deficiencies associated with the permitted work.
   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
   a. You fail to comply with the terms and conditions of this permit.
   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the

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

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

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

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

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

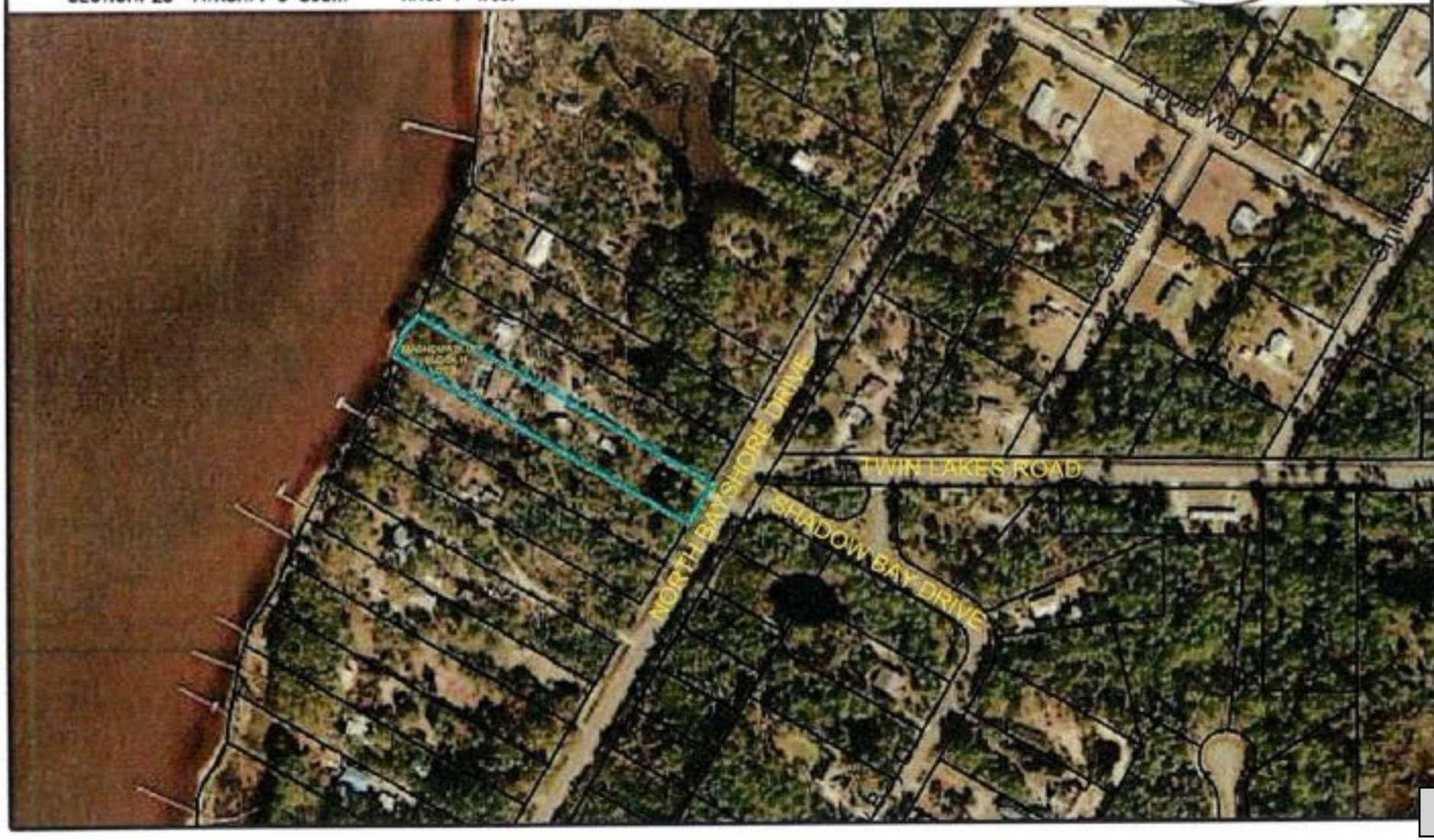
cell *FWC or #FWC

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Charlie Galloway
WATERBODY/CLASS: East Bay / ClassII / Not an AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Eastpoint / Franklin County
LATITUDE: 29° 45' 21.02"
LONGITUDE: 84° 53' 22.01"
SECTION: 25 TWNSHP: 8 South RNG: 7 West

JOB: 20-038
DEP:
COE:
OTHER:
DATE: May 19, 2020
SHEET: 1/4

DEPARTMENT OF ENVIRONMENTAL PROTECTION
1 of 4
PERMIT
STATE OF FLORIDA



M.

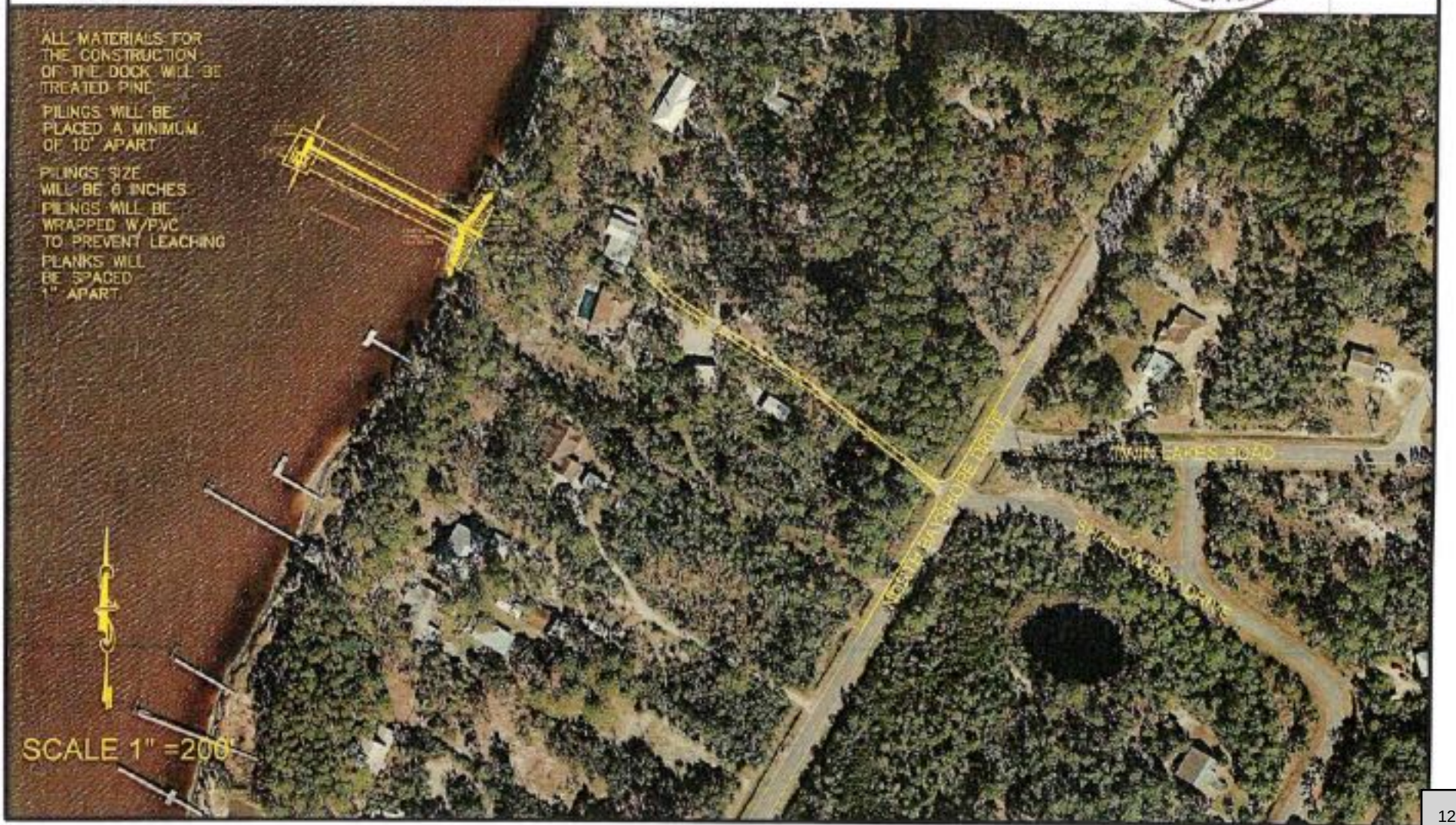
# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

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DEP:
COE:
OTHER:
DATE: May 19, 2020
SHEET: 2/4

DEPARTMENT OF ENVIRONMENTAL PROTECTION
0388087-002-EG/19
2 of 4
PERMIT
STATE OF FLORIDA



M.

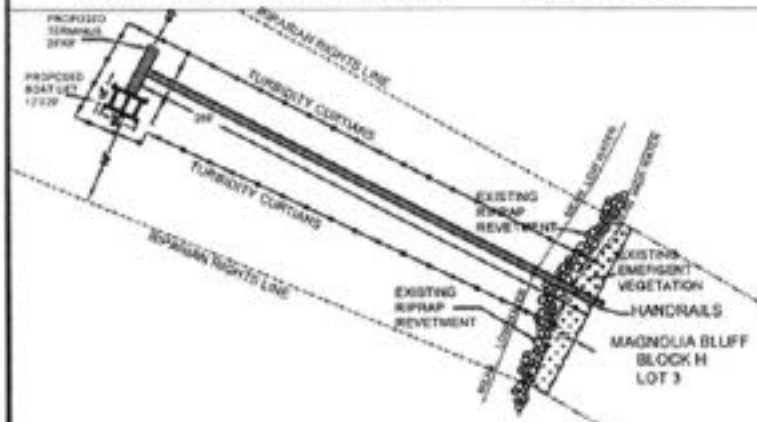
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0388087-002-EG/19
DEPARTMENT OF ENVIRONMENTAL PROTECTION
3 of 4
PERMIT
STATE OF FLORIDA




ALL MATERIALS FOR THE CONSTRUCTION OF THE DOCK WILL BE TREATED PINE

PILINGS WILL BE PLACED A MINIMUM OF 10' APART

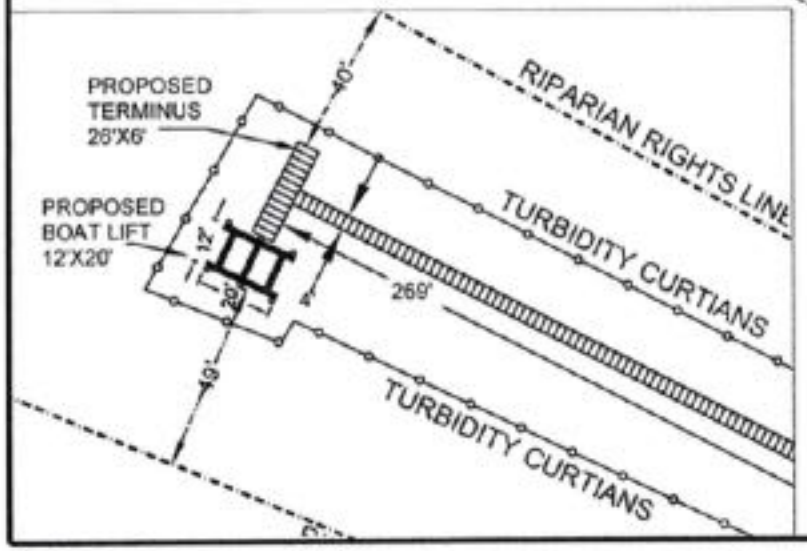
PILINGS SIZE WILL BE 6 INCHES

PILINGS WILL BE WRAPPED W/PVC TO PREVENT LEACHING

PLANKS WILL BE SPACED 1" APART.

SCALE 1" =100'

CLOSEUP OF TERMINUS AREA NTS



M.

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

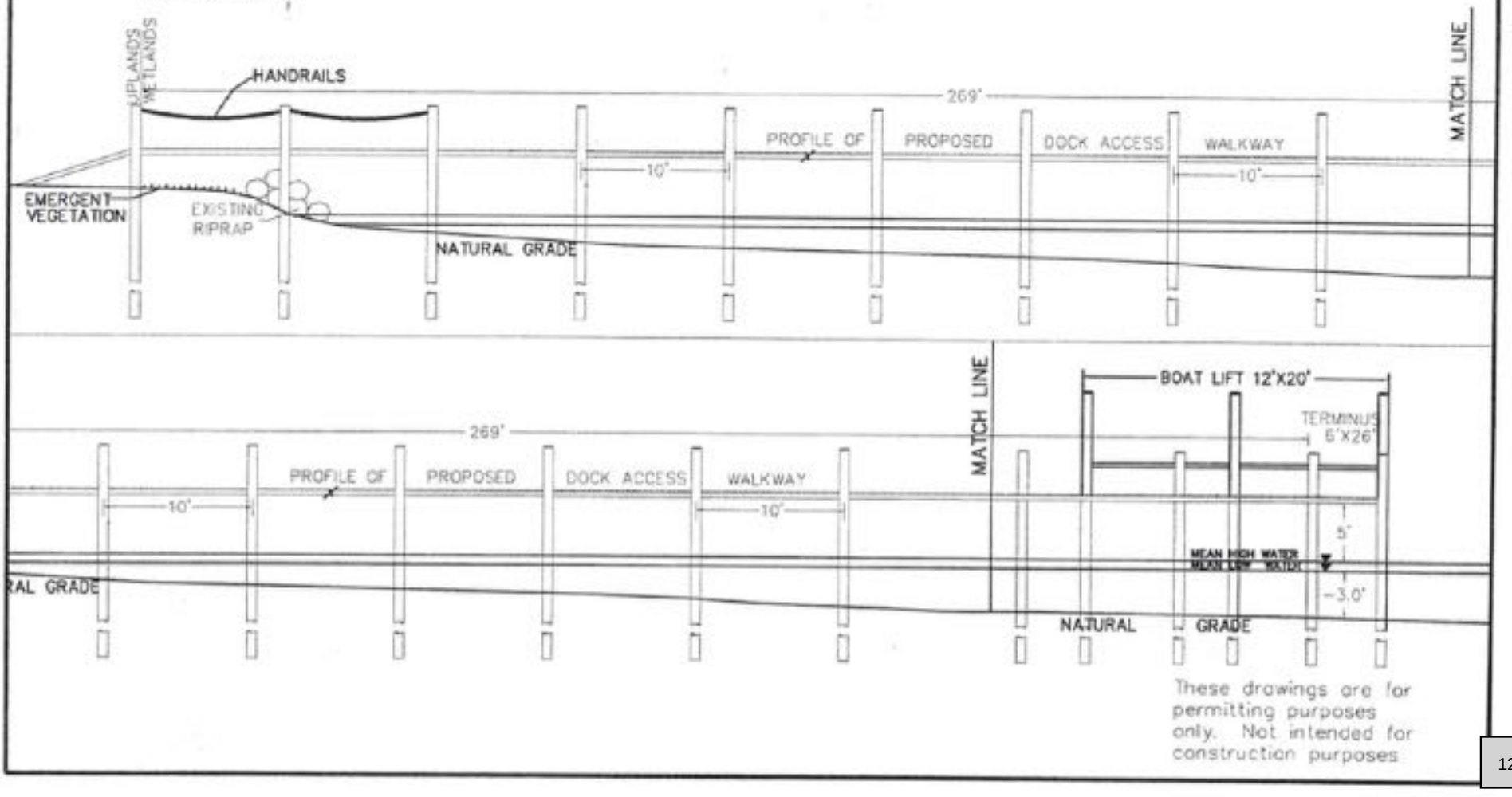
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JOB: 20-038
DEP:
COE:
OTHER:
DATE: May 19, 2020
SHEET: 4/4

DEPARTMENT OF ENVIRONMENTAL PROTECTION
0388087-002-EG/19
4 of 4
PERMIT
STATE OF FLORIDA

PROFILE DRAWING
OF PROPOSED DOCK
Not To Scale




These drawings are for permitting purposes only. Not intended for construction purposes

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block H, Magnolia Bluffs, 215 North Bayshore Drive, Eastpoint, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will be 269' x 4' with a 26' x 6' terminal platform and a 12' x 20' boatlift. Request submitted by Garlick Environmental Associates, agent for Charles Galloway, applicant. (Existing House)

This dock will extend into East Bay.

**I recommend approving this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 1, 2020

# APPLICATION FOR SINGLE FAMILY/MULTI-FAMILY & COMMERCIAL DOCKS OR PIERS

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: DANIEL GARLICK
Contact Information: Home #: _____ Cell #: 850-899-5252
Mailing Address: PO BOX 385 City/State/Zip: APALACHICOLA, FL 32329
EMAIL Address: DAN@GARLICKENV.COM

Agent Name: SELF Business Name: _____
Contact Information: Office #: _____ Cell #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

**PROPERTY DESCRIPTION:** 911 Address: 208 Sand Bar Road, Apalachicola, FL 32320
Lot/s: 46 Block: _____ Subdivision: River's Edge Unit: Ph. 2
Parcel Identification #: 27-08S-08W-1001-0000-0460
**JURISDICTION:** X Franklin County
X Apalachicola ☐ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**Applicant Signature:** _____ **Date:** _____

**Agent Signature:** _____ **Date:** _____

_X_ **SINGLE FAMILY DOCK or PIER**
____ **MULTI-FAMILY DOCK**
____ **COMMERCIAL DOCK**

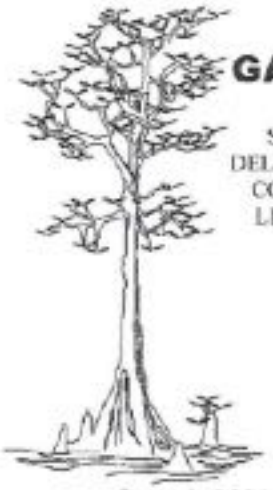
RECEIVED
JUN 04 2020
BY: ak

**ITEMS REQUIRED:**
____ **Signed Application**
_X_ **DEP Permit/Exemption**
_X_ **Army Corps of Engineer Permit**
_X_ **Site Plan**
_X_ **Dock Plans**
✓ House proposed

**RECOMMENDATION FROM COUNTY PLANNER:** _____

**PLANNER SIGNATURE:** _____ **DATE:** _____

**BOARD APPROVAL DATE:** _____



# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

June 4, 2020

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Planning and Zoning Agenda
GEA File No. 19-075
Dan Garlick

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020.for the construction of a Single Family Residential Dock with (1) one boat slip for the referenced project, as shown on the attached drawings..

The water body at the project site is the Apalachicola River, Class II, OFW, not an Aquatic Preserve. The proposed project is located on Lot 46, River's Edge Phase II, in Section 27, Township 8 South, Range 8 West, Apalachicola, Franklin County, FL.

The proposed location of the dock is located on a sandy substrate spoil mound. The soils consist of coarse sand with virtually no organics. The proposed dock will not be located over emergent nor submerged grass beds, coral communities or wetlands. The proposed dock will be located 75 ft. from the Federal Channel, as noted on the attached drawings. The river's Ordinary High Water line is indicated on the attached drawings, as well. No sewage pump out facilities, fish cleaning facilities or liveaboards are proposed.

The type of wood that will be used for the decking of the proposed dock will consist of treated wood. The decking will be no greater than 8 inches in width and will be spaced no less than one-half inch apart after shrinkage. The spacing between the piling will be a minimum of 10 ft. The floating portion will be constructed of "TREX" material. The piles will be jetted. Provisions will include maintain State Water Quality Standards for turbidity by installing turbidity curtains.

GARLICK ENVIRONMENTAL ASSOCIATES, INC. POST OFFICE. BOX 385 APALACHICOLA, FL 32329-0385
PHONE: (850) 653-8899 FAX: (850) 653-9656
BRANCH OFFICE IN PORT ST JOE

If you have any questions, please let us know.

Sincerely,

Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

# APPLICATION FOR DEVELOPMENT

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #_____

FEE: $_____
RADON: $_____
FLOOD: $_____
C.S.I.: $_____
TOTAL: $_____

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
**VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:**
**ISSUANCE DATE:** _____ **EXPIRES:** _____

- ☐ New Constuction
  - ☐ Commercial
  - ☐ Residential
- ☐ Substantial Improvement
- ☐ Less than Substantial

**APPLICATION MUST BE COMPLETE:** (We will no longer accept incomplete applications)

Property Owner/s: Dan GARLick
Contact Information: Home #: ~~P.O. Box 385~~ Cell #: 850-899-5252
Mailing Address: P.O. Box 385 City/State/Zip: APALACHicola. FL 32329
EMAIL Address: dan@garlickENV.com

Contractor Name:_____ Business Name:_____
Contact Information: Office #:_____ Cell #:_____
State License #:_____ County Registration #:_____
Mailing Address:_____ City/State/Zip:_____
EMAIL Address:_____

**PROPERTY DESCRIPTION:** 911 Address:_____
Lot/s: 46-47 Block:_____ Subdivision: River Edge Ph. II Unit:_____
Parcel Identification #: 27-08S-08W-1001-0000-0460/27-08S-08W-1001-0000-0470
**JURISDICTION:** ☒ ~~Franklin Coun~~ ☐ City of Carrabelle
☐ Apalachicola ☐ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**DESCRIPTION OF DEVELOPMENT:** Dock
ZONING DISTRICT:_____ CONTRACT COST:_____

HEATED SQ FT:_____ UN-HEATED SQ FT:_____ TOTAL SQUARE FOOT:_____
ROOF MATERIAL:_____ FOUNDATION TYPE:_____ LOT DEMENSION:_____
NO. OF STORIES:_____ UNDERNEATH STORAGE SQ FOOTAGE:_____
**(Requires Building or General Contractor if over 3 habitable stories including mezzanines.)**
**(VE Zones: 299 Sq. Foot or Less and MUST be certified breakaway construction by Engineer)**

SEPTIC TANK PERMIT #_____ OR SEWER DISTRICT:_____
WATER DISTRICT:_____ OR PRIVATE WELL:_____

WATER BODY:_____
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

**FLOOD ZONE INFORMATION:** EFFECTIVE DATE: February 5, 2014

**PANEL NUMBER:**_____ **FIRM ZONE/S:**_____
**ELEVATION REQUIREMENTS AS PER SURVEY:**_____
☐ Requires V-Zone Certification ☐ Requires Elevation Certificates ☐ Requires Smart Vents ☐ Requires Breakaway Walls

**BUILDING OFFICIAL** **DATE** **FLOODPLAIN ADMIN.** **DATE** **OWNER/CONTRACTOR** **DATE**

N.

# SUPPLEMENTAL APPLICATION

1- Proposed Alteration of the Land:
- Determination of COE & DEP Wetlands: _____
- Amount and location of Fill to be placed on property: _____
- Percentage of land to be placed in impervious surface: _____

2- Critical Shoreline Inspection:
- Construction to be a minimum of 50 feet from the mean high water or wetland: _____ (Must be indicated on submitted site plan)
- Construction within 50 feet of the mean high water or wetlands: _____
- Attach the Board of Adjustment Approval: Date of Approval: _____ (Expires One Year From Approval Date)

3- Elevation Requirements:
- FLOOD ZONE: _____ BASE FLOOD ELEVATION: _____
- LOWEST BASE FLOOD ELEVATION AT BUILDING SITE: _____
- A/AE/AH/AO ZONES: Elevation of bottom of the first floor: _____
- VE Zones: Elevation of the first floor horizontal support structure: _____

# DEVELOPMENT APPLICATION CHECKLIST

**RESIDENTIAL:**

✓ Application
_____ Supplemental Application
_____ Boundary Survey (Non-Flood Zones)
✓ Site Plan
_____ Septic Tank Permit
_____ Energy Code Form
_____ 2 Complete Sets of Building Plans
□ Wind Load Analysis □ Engineered
_____ State Permits
✓ DEP Permits ✓ COE Permits □ FDOT Permits
_____ Structure Height & Number of Stories Affidavit
_____ Portable Toilet Agreement
_____ Owner/Builder Affidavit
_____ Dumpster Affidavit
_____ Termite Affidavit
_____ Turtle Light Affidavit (If Applicable)
_____ Recorded Notice of Commencement

**FORMS REQUIRED IN FLOOD ZONES: (Additional)**

_____ Topographical Survey
_____ Flood Plain Management Review (Requires Permit)
_____ V Zone Certification (If Applicable)
_____ Smart Vent Certification (If Applicable)
_____ Elevation Affidavit

**COMMERCIAL: (Additional to Residential)**

_____ P&Z Approval Notice
_____ BOA Approval Notice
_____ BCC Approval Notice
_____ DEP Storm Water Permit/Exemption
_____ DBR Approval
_____ Parking Plan
_____ Flood Proofing Certification (If Applicable)

# SUB-CONTRACTOR LIST

PLEASE BE ADVISED THAT ALL CONTRACTORS DOING WORK IN FRANKLIN COUNTY MUST BE REGISTERED IN FRANKLIN COUNTY PRIOR TO PERFORMING ANY WORK IN THIS COUNTY. ALL GENERAL, RESIDENTIAL & BUILDING, ELECTRICAL, PLUMBING, HVAC & ROOFING CONTRACTOR'S ARE REQUIRED TO PULL PERMITS ON ALL NEW, RENOVATIONS, REMODEL PROJECTS.

CONTRACTOR OR OWNER HAS CONTRACTED WITH THE FOLLOWING (OWNER/BUILDERS ARE NOT ALLOWED TO HIRE SPECIALTY FRAMING CONTRACTORS) ALL CONTRACTOR'S & SUBCONTRACTOR'S MUST BE REGISTERED WITH FRANKLIN COUNTY AND ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE COMMENCING WORK.

| | | | |
|---|---|---|---|
| Contractor: _____ | □Registered | Insulation: _____ | □Registered |
| Electrical: _____ | □Registered | Painting: _____ | □Registered |
| Plumbing: _____ | □Registered | Framing: _____ | □Registered |
| HVAC: _____ | □Registered | Masonry: _____ | □Registered |
| Roofing: _____ | □Registered | Tile: _____ | □Registered |
| Piling: _____ | □Registered | Other: _____ | □Registered |
| Concrete: _____ | □Registered | Other: _____ | □Registered |
| Siding: _____ | □Registered | Other: _____ | □Registered |

FLORIDA DEPARTMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Wednesday, February 5, 2020

Dan Garlick
PO Box 385
Apalachicola, Florida 32329
dan@garlickenv.com

File No.: 0377913-002-EG/19, Franklin County

Dear Mr. Garlick:

On December 5, 2019, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock totaling less than 2,000 square feet within the Apalachicola River, Class III Outstanding Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at River's Edge Phase II Lot 46, Apalachicola, Florida 32320, Parcel No. 27-08S-08W-1001-0000-0460, in Section 27, Township 08 South, Range 08 West of Franklin County; at approximately 29°45'46" North Latitude, 85°01'45" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

**1. Regulatory Review – Approved**
Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter 253, F.S., Chapter 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review –SPGP Not Approved**

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

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

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

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

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and

by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

**EXECUTION AND CLERKING**
Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jacob Hullett
Environmental Specialist
Submerged Lands and Environmental Resources Program

**Attachments:**
1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Project Drawings, 6 pages

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

Wade Dandridge, DEP, Wade.Dandridge@FlordiaDEP.gov
Waylon Register, US Army Corps of Engineers, Waylon.T.Register@usace.army.mil
Franklin County, rnalley@cityofapalachicola.com, michael@franklincountyflorida.com

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

**Clerk** **Date** February 5, 2020

**62-330.427 General Permit for Docks, Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.
*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History–New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.*

**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at https://www.flrules.org/Gateway/reference.asp?No=Ref-04227, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

**Special Consent Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

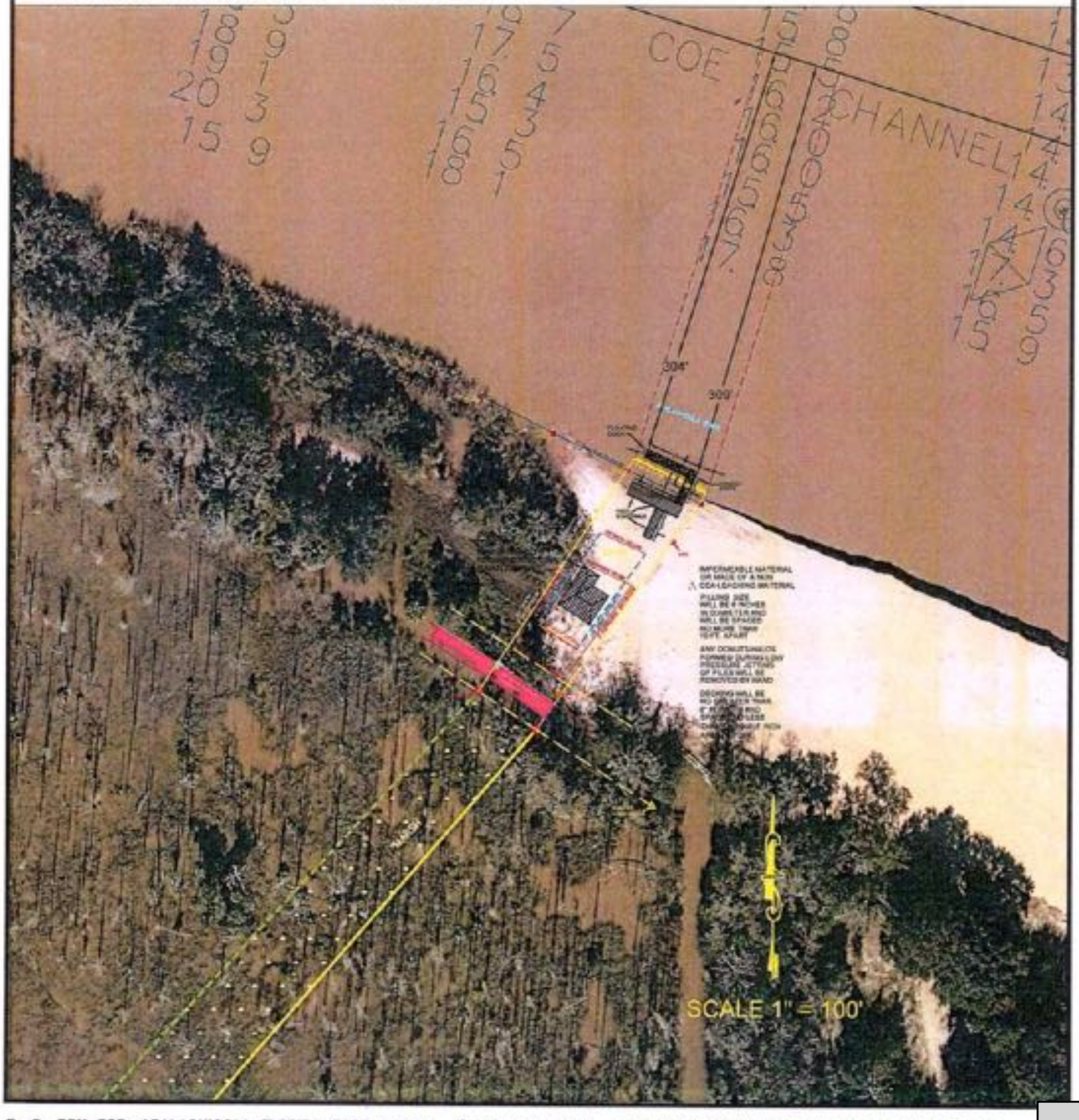
*Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82,*

*Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.*

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / OFW
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Apalachicola / Franklin County
LATITUDE: 29° 45' 46.63"
LONGITUDE: 85° 1' 44.93"
SECTION: 27 TWNSHP: 8 South RNG: 8 West

JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2020
SHEET: 2/4

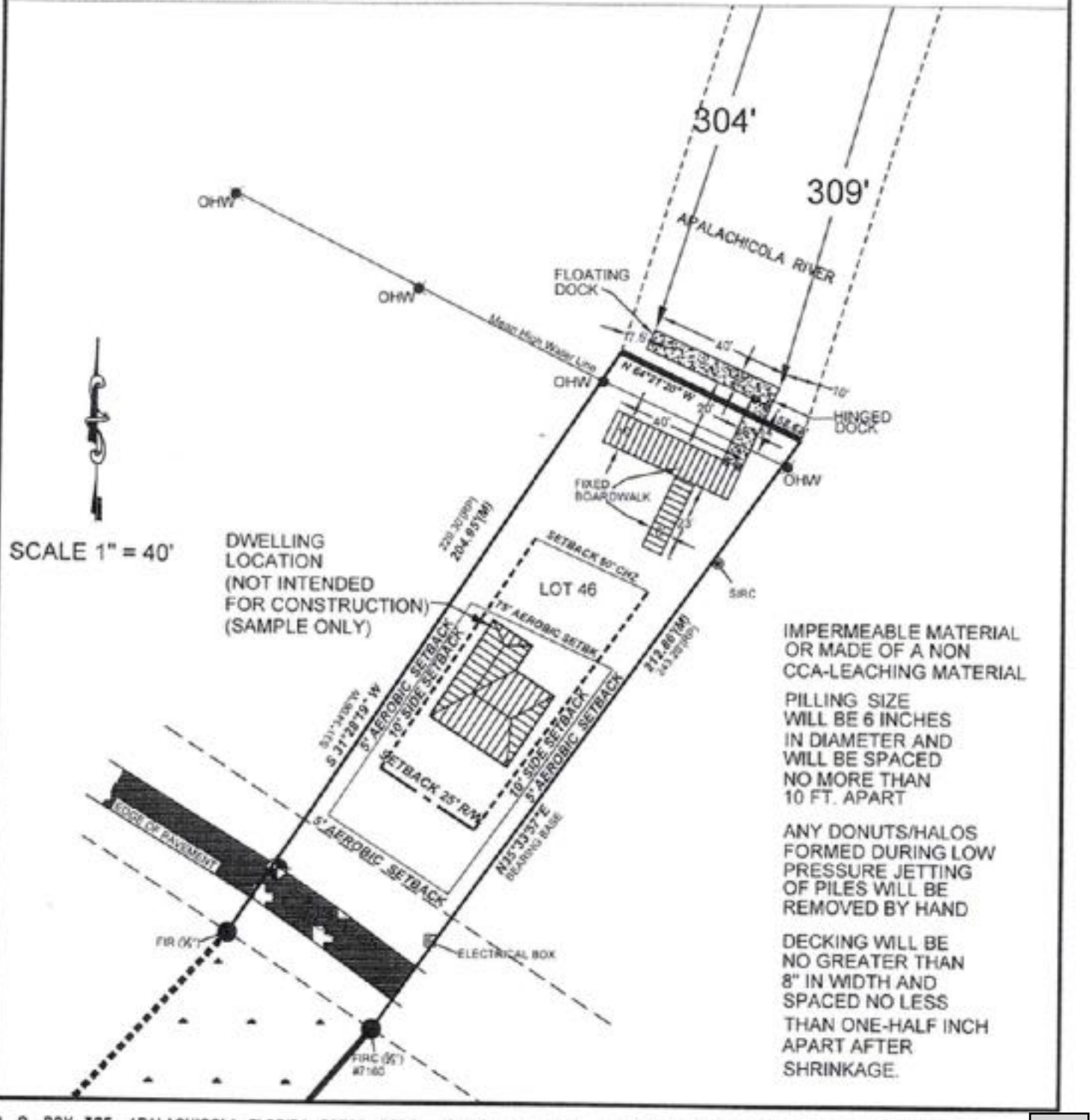



P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

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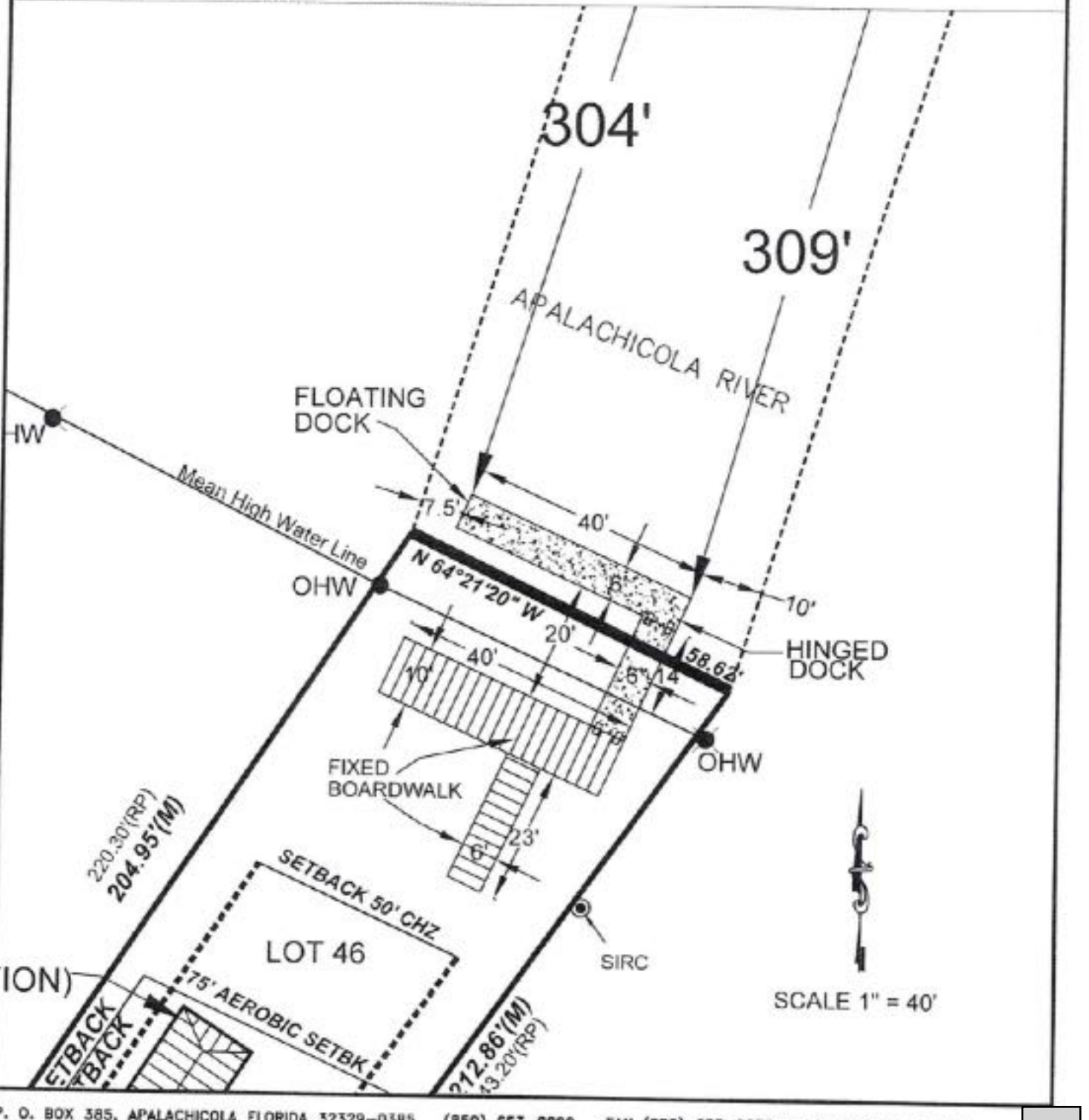



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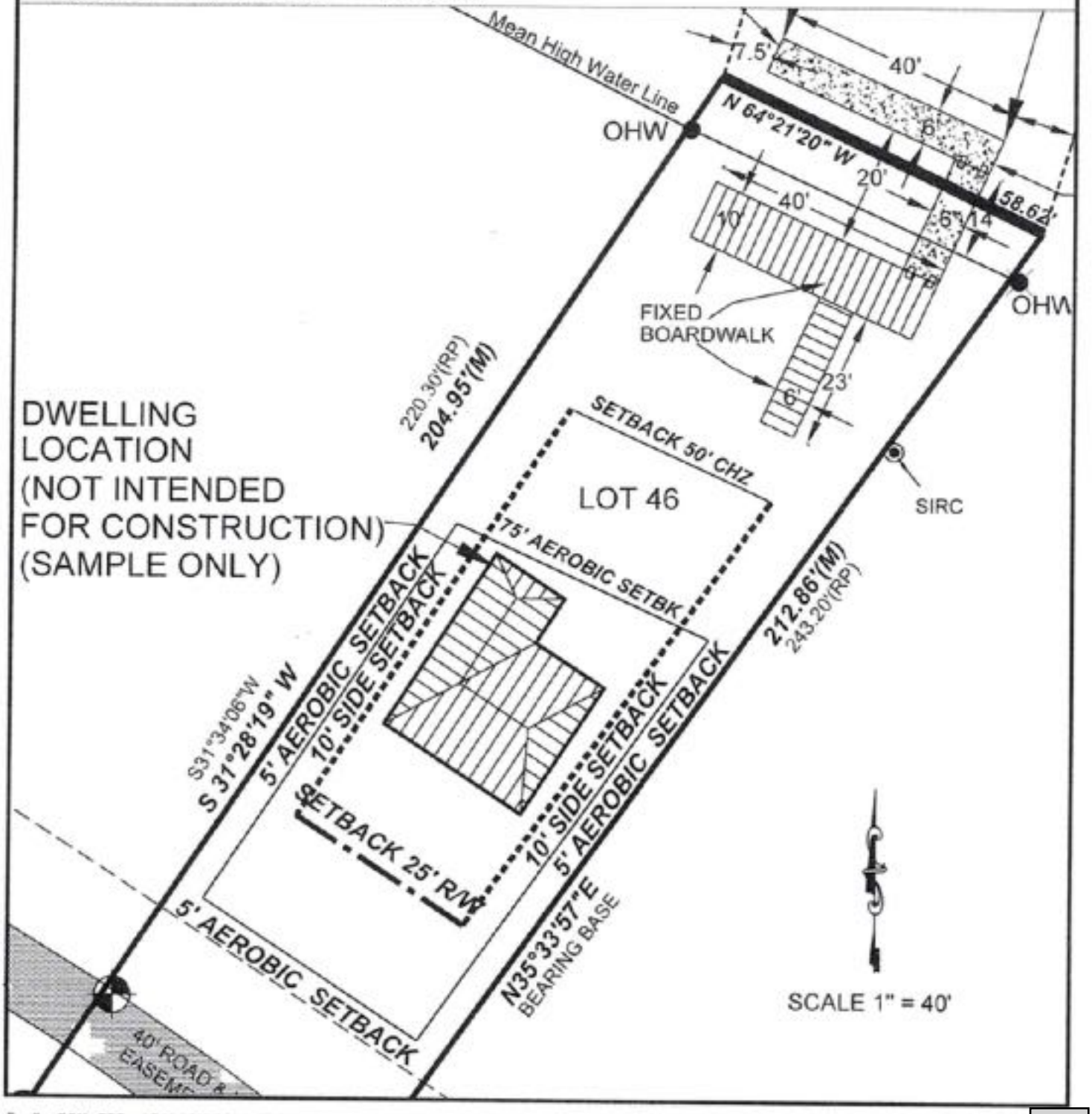



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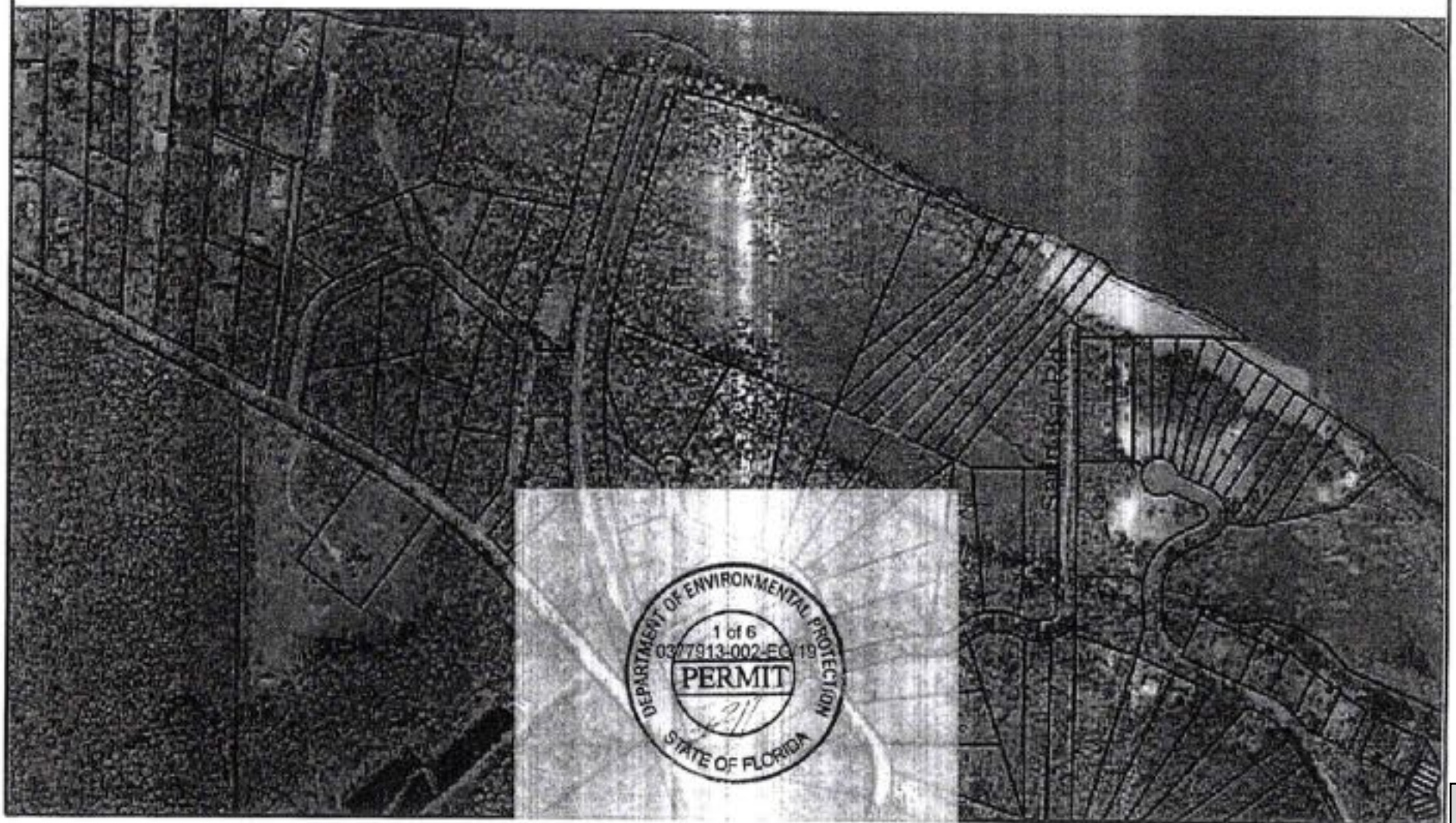

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N.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / ClassII / OFW
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Apalachicola
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SHEET: 1/4



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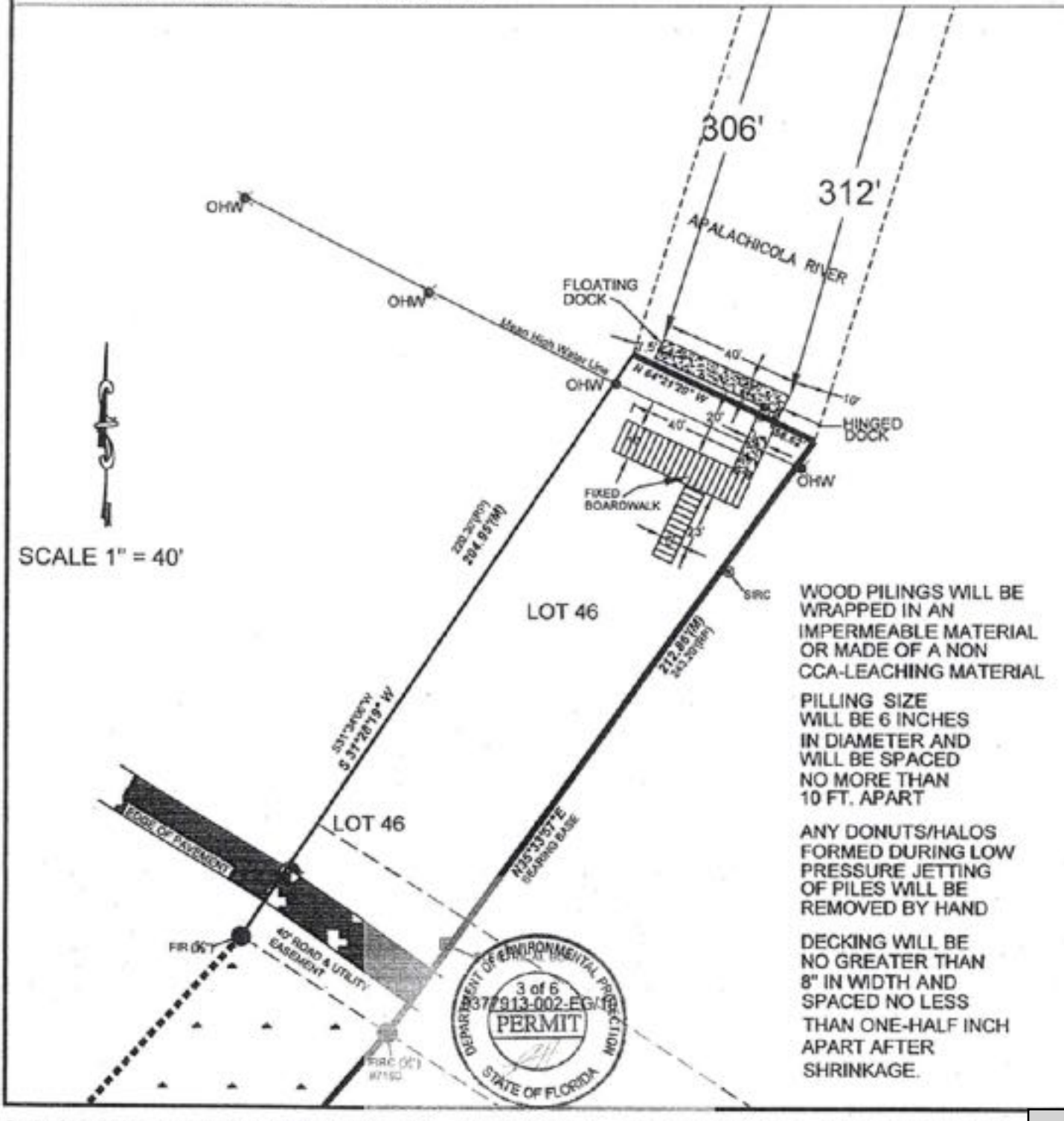



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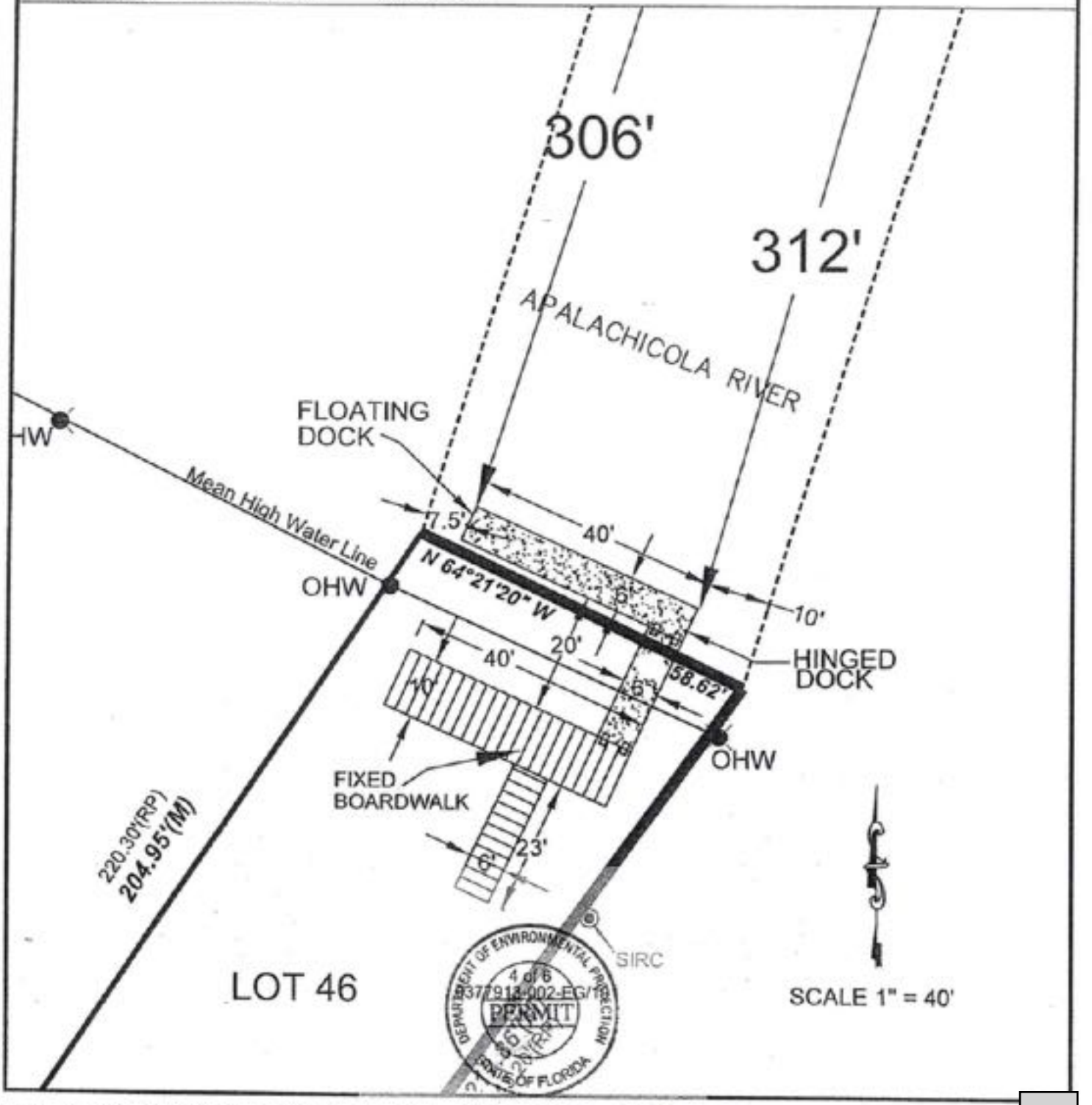



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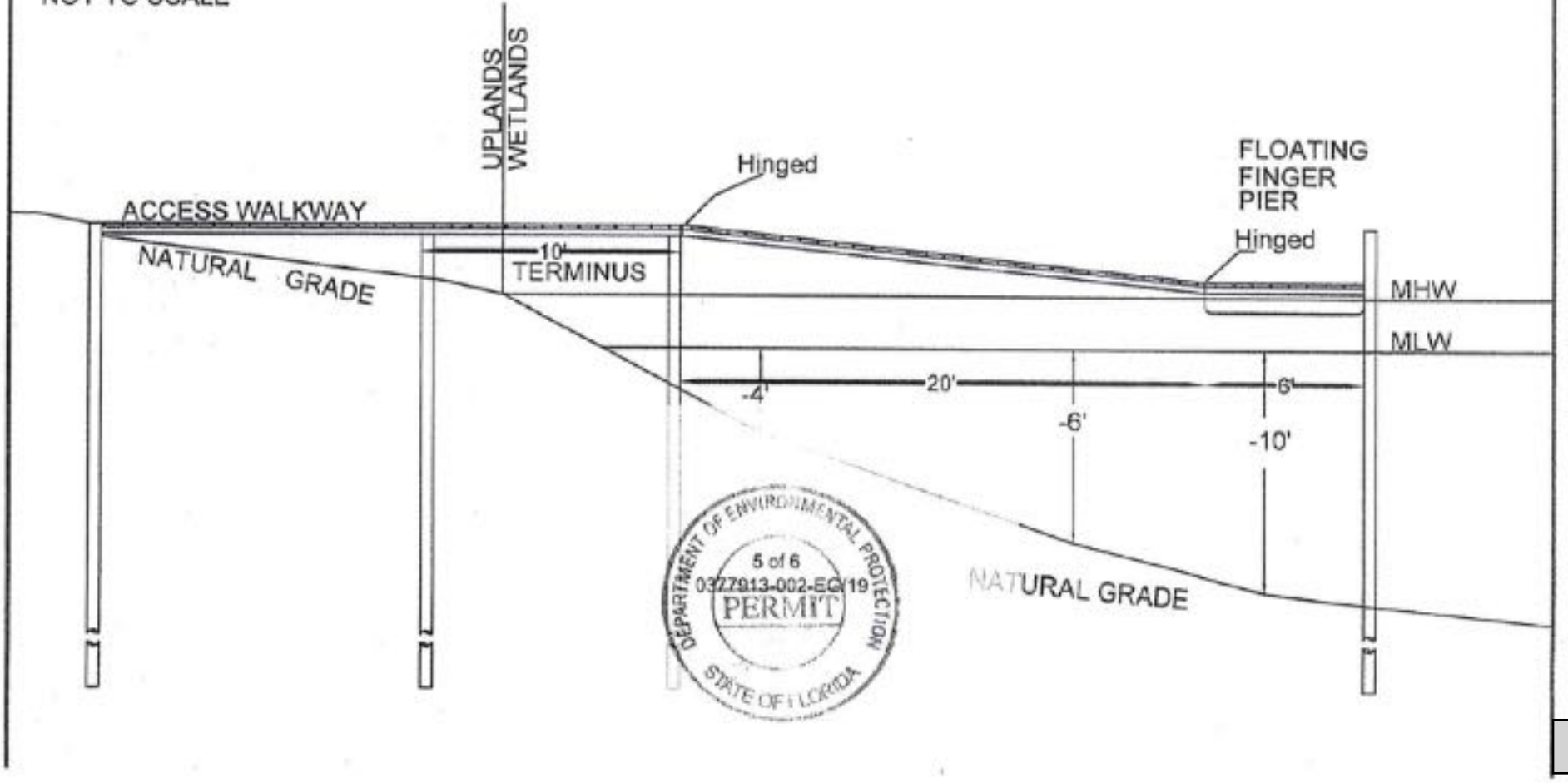

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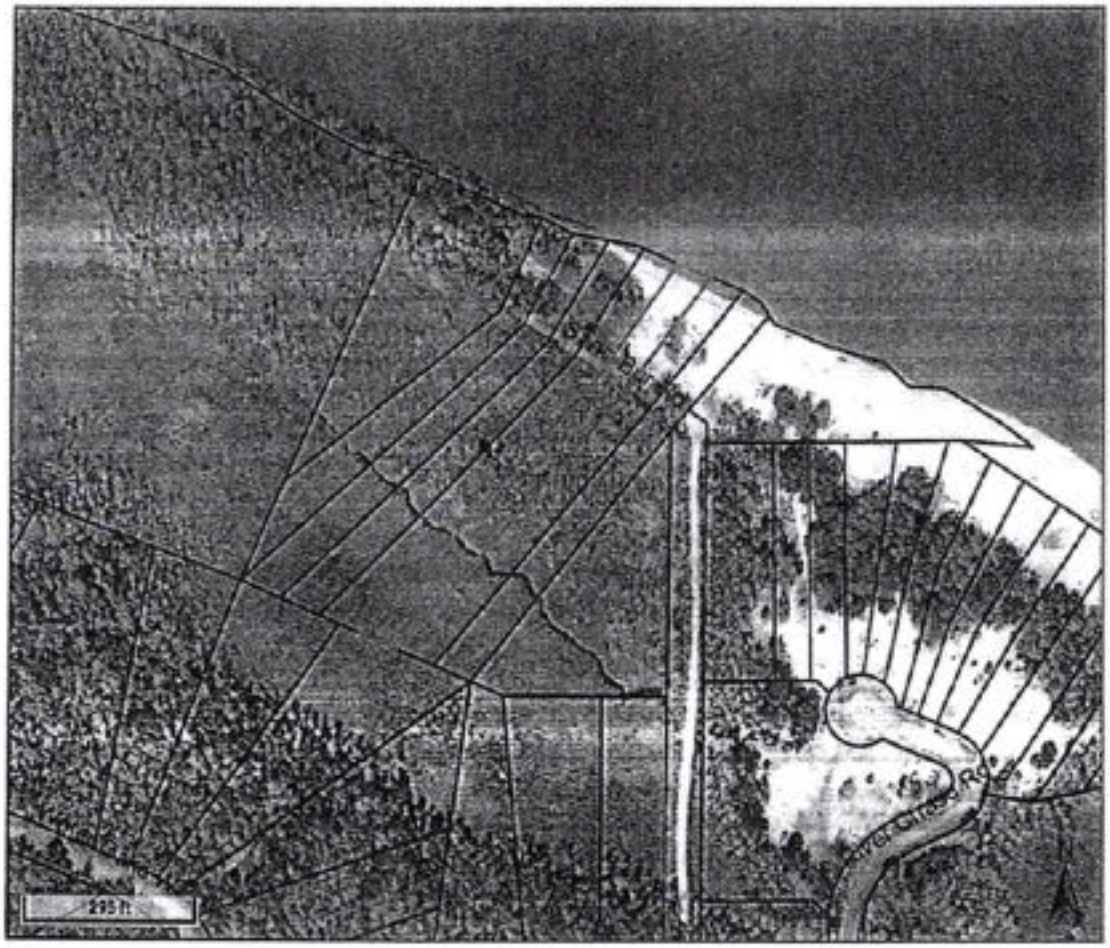
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SHEET: 4/4

CROSS SECTION
PROPOSED DOCK
NOT TO SCALE




DEPARTMENT OF ENVIRONMENTAL PROTECTION
5 of 6
0327913-002-EG 19
PERMIT
STATE OF FLORIDA

# qPublic.net™ Franklin County, FL







Legend

- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 27-08S-08W-1001-0000-0460 | **Alternate ID** | 08W08S271001000000460 | **Owner Address** | GARLICK DANIEL W. |
| **Sec/Twp/Rng** | -- | **Class** | VACANT | | PO BOX 385 |
| **Property Address** | | **Acreage** | 1 | | APALACHICOLA, FL 32320 |
| **District** | 1 | | | | |
| **Brief Tax Description** | RIVER'S EDGE PHASE II LOT 46 (Note: Not to be used on legal documents) | | | | |

**Date created:** 6/27/2019
**Last Data Uploaded:** 6/27/2019 7:11:11 AM

Developed by Schneider GEOSPATIAL

DEPARTMENT OF ENVIRONMENTAL PROTECTION
6 of 6
0377913-002-EG
PERMIT
STATE OF FLORIDA

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

June 3, 2020

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02090(GP-LSL)

Mr. Dan Garlick
Post Office Box 385
Apalachicola, Florida 32329

Dear Mr. Garlick:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 29, 2020, the file number SAJ-2020-02090. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 324 square foot (over mean high water line) single family dock with open mooring area. Specifically, the dock will include a 6' by 14' hinged access dock and 6' by 40' floating dock. Turbidity curtains will be utilized. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at Lot 46, River's Edge Phase II in Section 27, Township 8 south, Range 8 west, Apalachicola, Franklin County, Florida.

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

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

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

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-02090 (GP - LSL), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment B) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**5. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to

the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. **Cultural Resources/Historic Properties:**

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33

CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**8. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**9. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a

flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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

Sincerely,

Digitally signed by LOVVORN.LISA.SMITH.1260961310
Date: 2020.06.03 14:19:48 -05'00'

Lisa S. Lovvorn
Project Manager

Enclosures

## GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

N.

## DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

**PERMIT NUMBER: SAJ-2020-02090(GP-LSL)**

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

_____ _____

**(TRANSFEREE-SIGNATURE)** **(SUBDIVISION)**

_____ _____ _____

**(DATE)** **(LOT)** **(BLOCK)**

_____ _____

**(NAME-PRINTED)** **(STREET ADDRESS)**

_____

_____

**(MAILING ADDRESS)**

_____

**(CITY, STATE, ZIP CODE)**

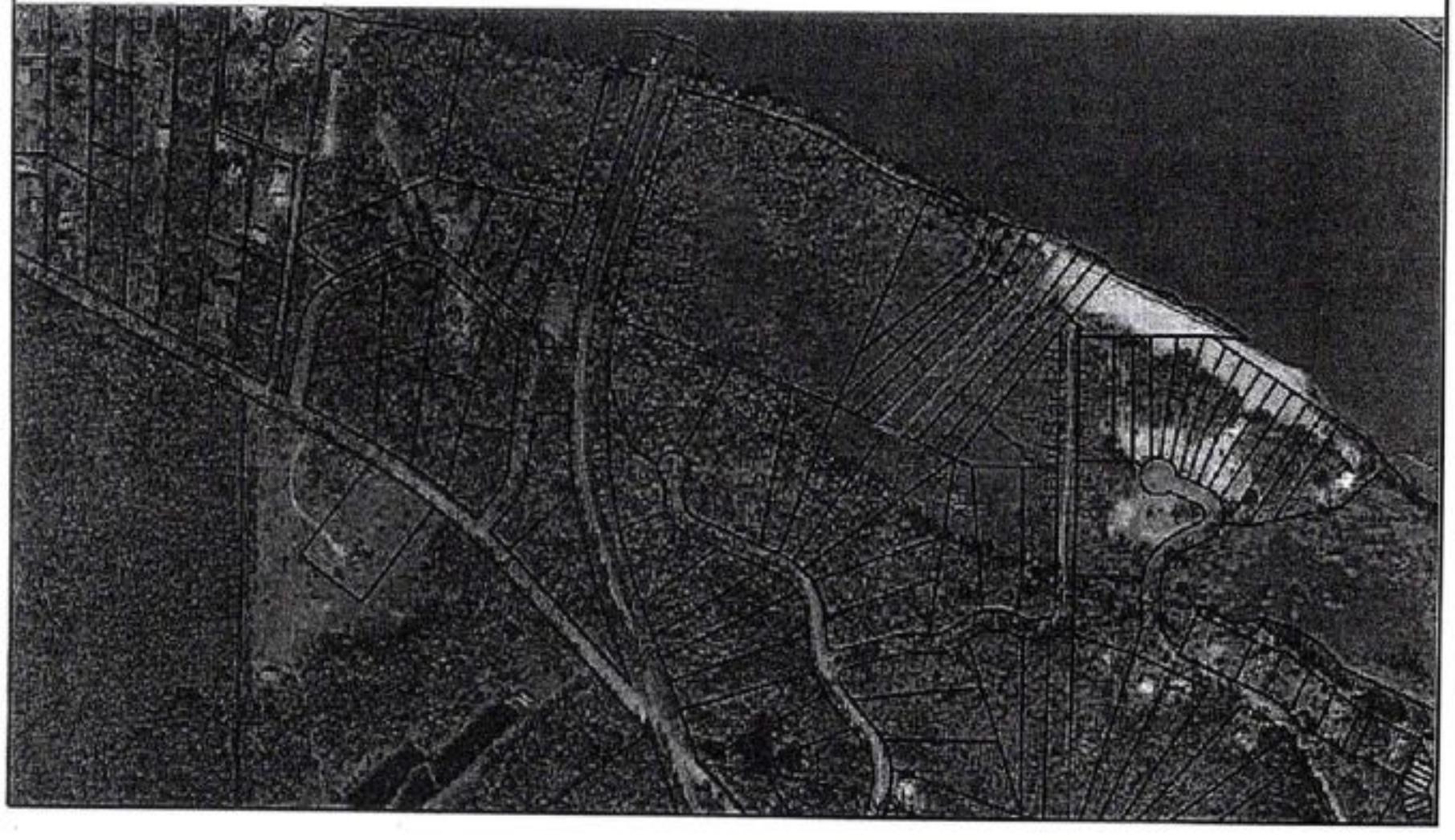
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# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / ClassII / OFW
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Apalachicola
LATITUDE: 29° 45' 46.63
LONGITUDE: 85° 1' 44.93"
SECTION: 27 TWNSHP: 8 South RNG: 8 West

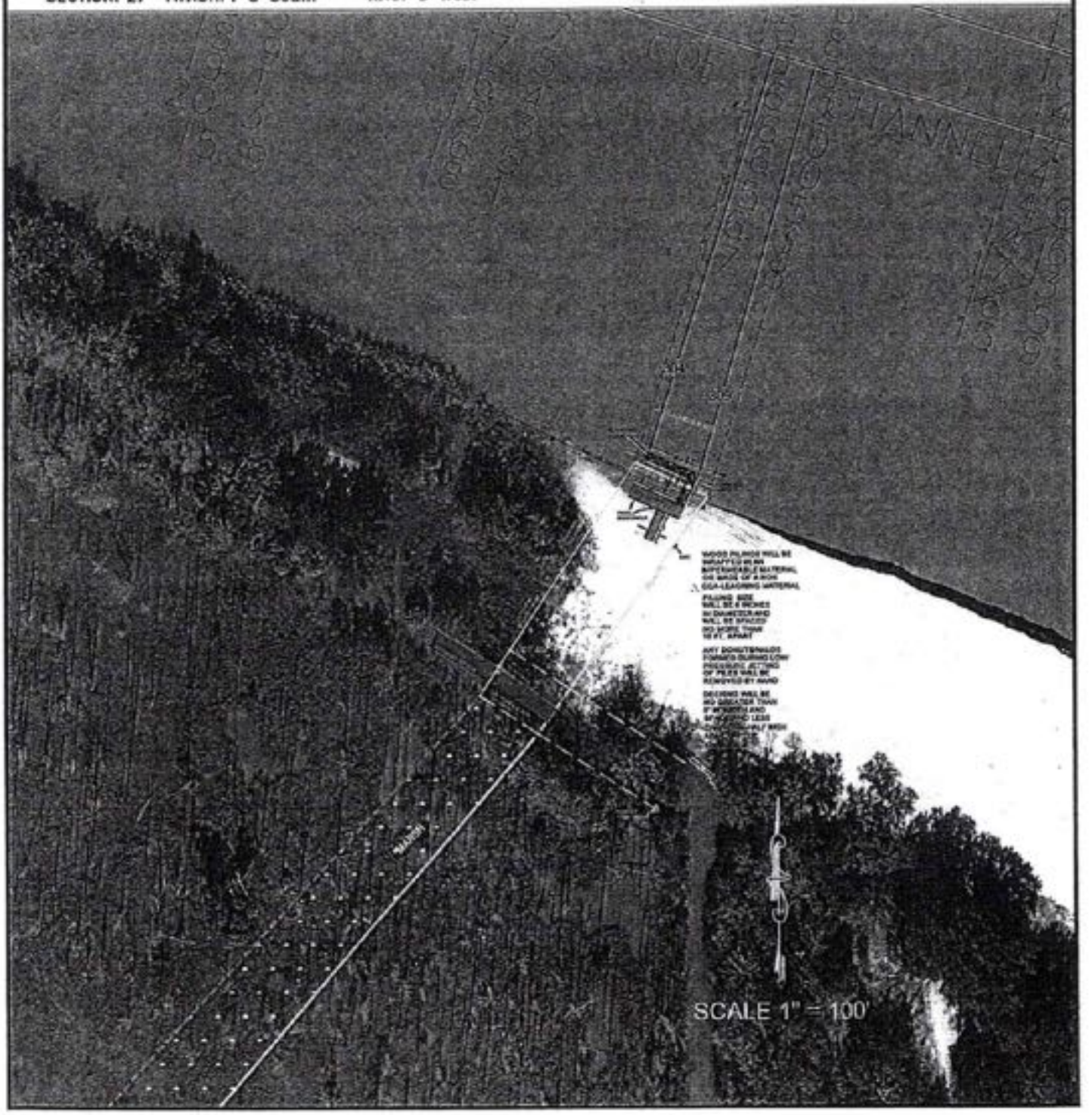
JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2020
SHEET: 1/4



# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / OFW
PURPOSE: Environmental Permitting
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JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2020
SHEET: 2/4

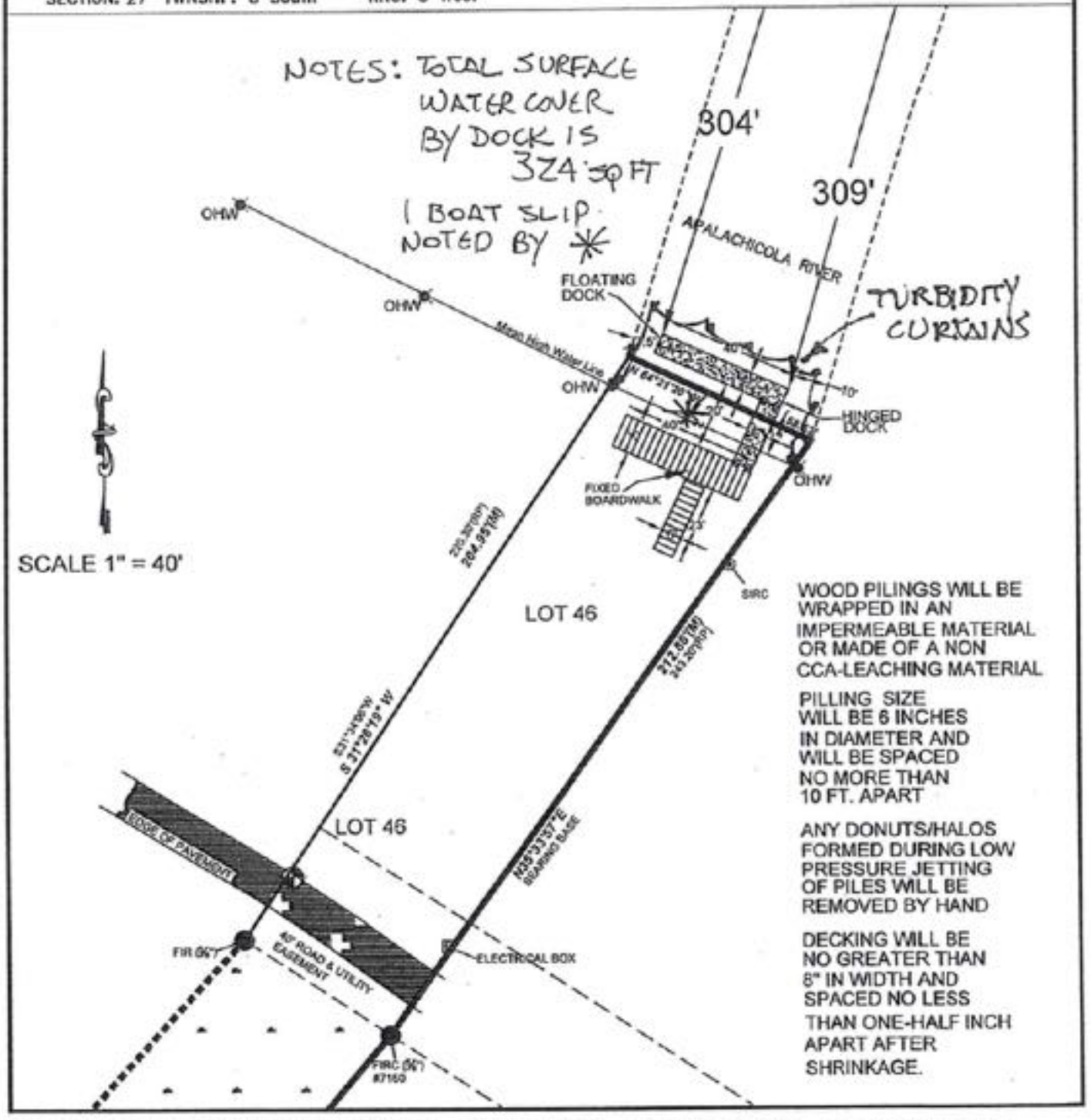



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JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2020
SHEET: 3/4

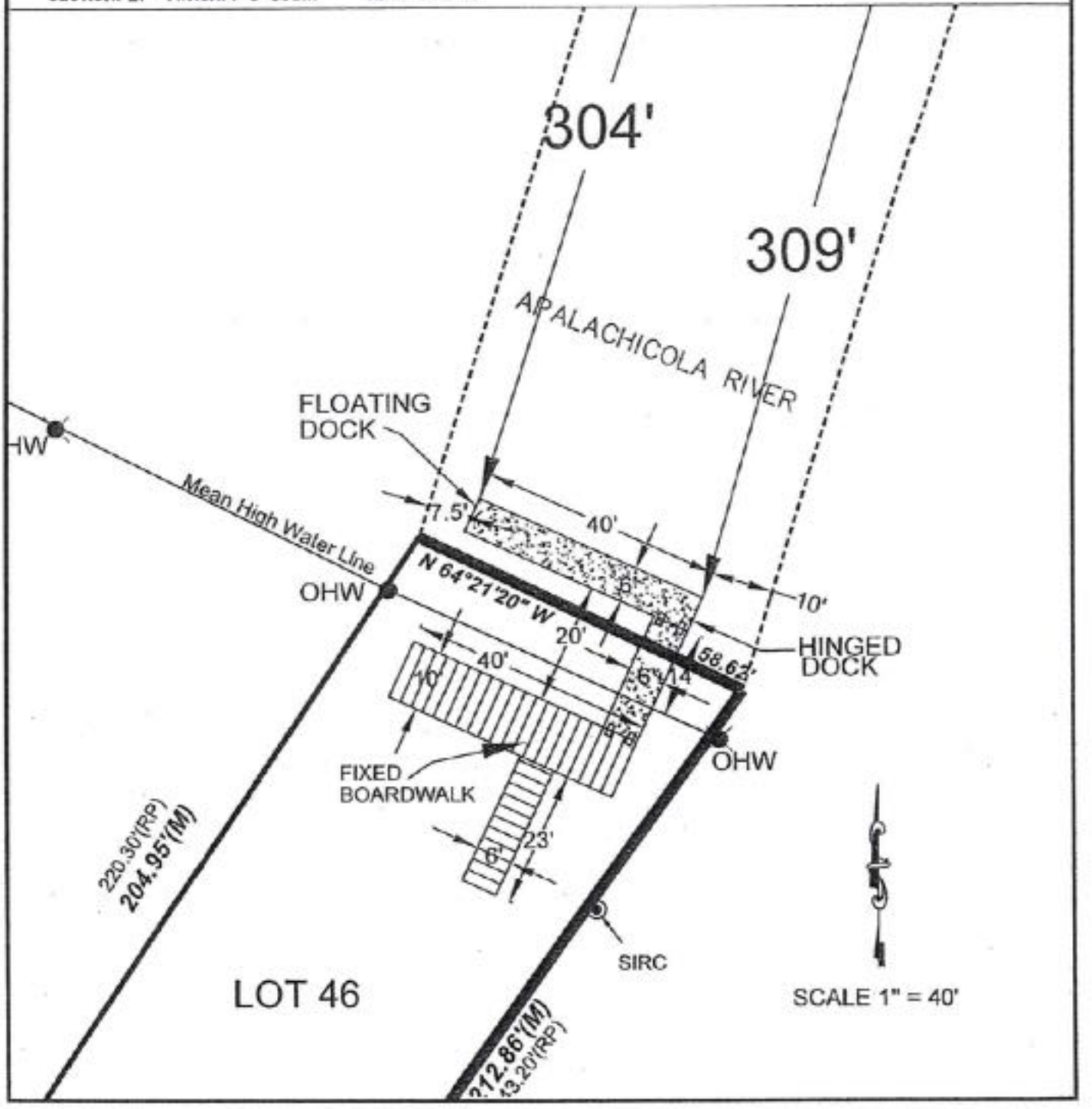



P. O. BOX 365, APALACHICOLA FLORIDA 32329-0365 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Dan Garlick
WATERBODY/CLASS: Apalachicola River / OFW
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Apalachicola / Franklin County
LATITUDE: 29° 45' 46.63"
LONGITUDE: 85° 1' 44.93"
SECTION: 27 TWNSHP: 8 South RNG: 8 West

JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2020
SHEET: 3A/4




P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

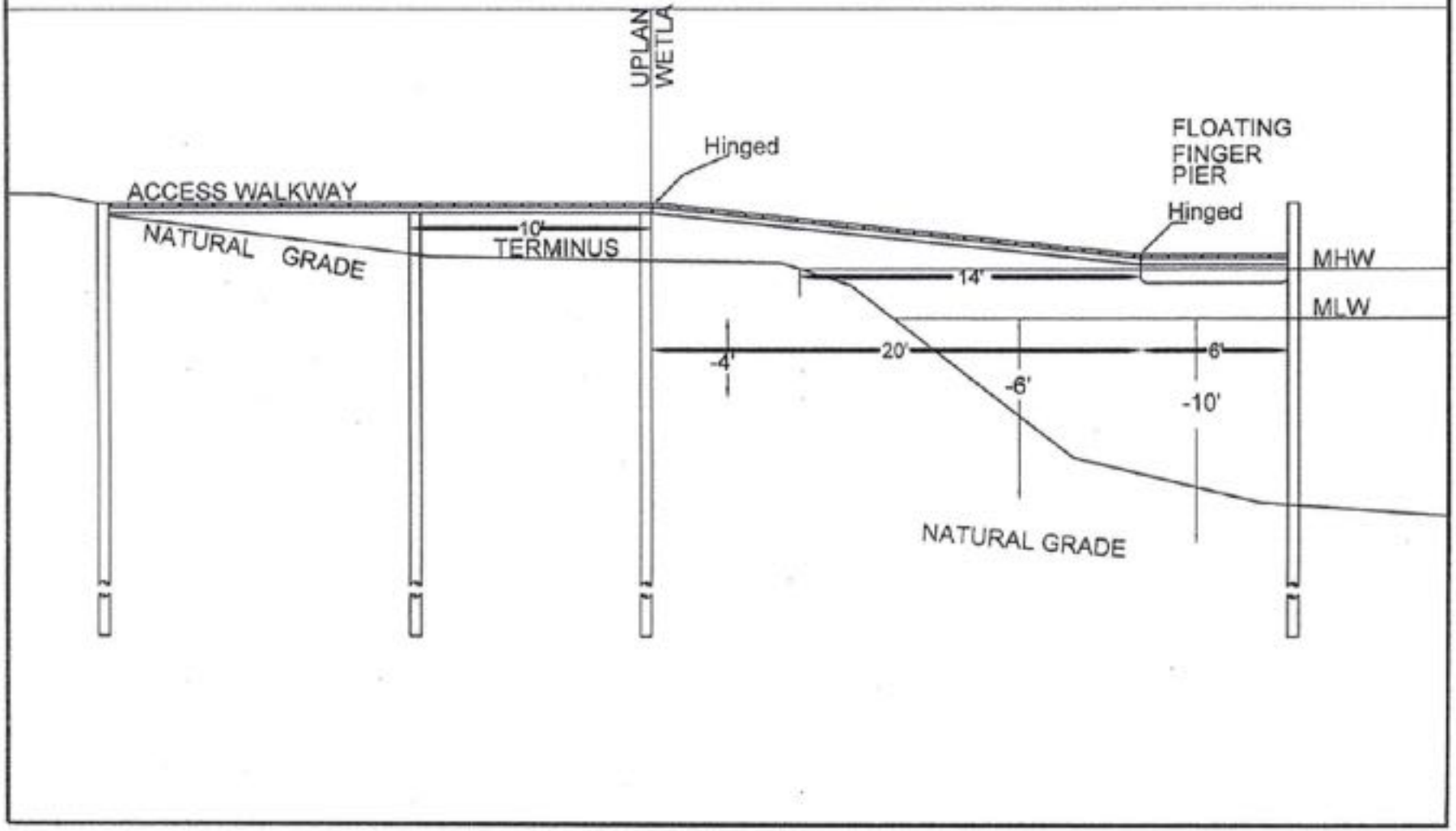
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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Dan Garlick
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SECTION: 27 TWNSHP: 8 South RNG: 8 West

JOB: 19-075
DEP:
COE:
OTHER:
DATE: February 5, 2019
SHEET: 4/4



N.

## COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-02090(GP-LSL)

2. **Permittee Information**:

   Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

   Name: _____

   Email: _____

   Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

ATTACHMENT A (1 PAGE)
Dated 9/18/2019

## SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-02090(GP-LSL)

2. **Permittee Information:** Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

   Email: _____

   Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

   _____

   _____

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

7. **Describe Mitigation completed (if applicable):** _____

   _____

   _____

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

   _____

   _____

**********

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

_____
Signature of Permittee

_____
Printed Name of Permittee

_____

ATTACHMENT B (1 PAGE)
Dated 9/18/2019

N.

Date

ATTACHMENT B (1 PAGE)
Dated 9/18/2019

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

ATTACHMENT C (1 PAGE)

N.

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single Family Private Dock located at Lot 46, River's Edge, 208 Sand Bar Road, Apalachicola, Franklin County, Florida. The applicant has all State and Federal Permits. The dock will have a 23' x 6' and a 10' x 40' fixed boardwalk, a 6' x 20' walkway and a 6' x 40' floating hinged dock. Request submitted by Dan Garlick, applicant. (Proposed House)

This dock will extend into the Apalachicola River.

**I recommend approving this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 1, 2020

**GARLICK ENVIRONMENTAL ASSOCIATES, INC.**

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

May 7, 2020

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Dock Approval
GEA File No. 20-032 / John T. Sims
FDEP File No. 0387344-001-EG/19

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on June 9, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on June 16, 2020.for the construction of a Single Family Residential Dock. Attached is a copy of the permit for the referenced project. Please note the FDEP permit also includes approval from the COE.

If you have any questions, please let us know.

Sincerely,

Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899 FAX (850) 653-9656
garlick@garlickenv.com

FLORIDA DEPARTMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Wednesday, May 6, 2020

John T. Sims
380 Red Oak Ln.
Pine Mountain, Georgia 31822
Johnts1234@att.net

File No.: 0387344-001-EG/19, Franklin County

Dear Mr. Sims:

On April 29, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock totaling less than 2,000 square feet within Apalachicola Bay Aquatic Preserve, Class II Outstanding Florida Waters, Approved (1621) Shellfish Harvesting Area. The project is located at 2009 Seminole Ln., St. George Island, Florida 32328, Parcel No. 29-09S-06W-7337-0000-0250, in Section 29, Township 09 South, Range 06 West of Franklin County; at approximately 29°37′40″ North Latitude, 84°56′24″ West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

**1. Regulatory Review – Approved**
Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue

this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter(s) 253 and 258, F.S., Chapter(s) 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review – SPGP Approved**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book.

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

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

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

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

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

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

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

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

Mediation
Mediation is not available in this proceeding.

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

Judicial Review
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and

by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

**EXECUTION AND CLERKING**
Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



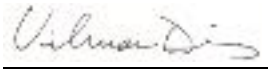
_____
Jacob Hullett
Environmental Specialist
Submerged Lands and Environmental Resources Program

**Attachments:**
1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Special Conditions for Federal Authorization for SPGP V-R1, 8 pages
6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
7. Standard Manatee Conditions for In-Water Work, 2 pages
8. Project Drawings, 5 pages

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

Wade Dandridge, DEP, Wade.Dandridge@FlordiaDEP.gov
Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
Mary Ann Wasmund, Garlick Environmental Associates, Inc., maryann@garlickenv.com
Jonathan Brucker, Aquatic Preserve Manager, Jonathan.Brucker@dep.state.fl.us
Franklin County, michael@franklincountyflorida.com

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

 May 6, 2020
**Clerk** **Date**

**62-330.427 General Permit for Docks, Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state “No Boat Mooring Allowed.”

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.
*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History–New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.*

**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at https://www.flrules.org/Gateway/reference.asp?No=Ref-04227, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

**Special Consent Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82,*

*Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.*

**Special Conditions for Federal Authorization for SPGP V-R1**

**Note:** JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577.
The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at https://www.saj.usace.army.mil/SPGP/

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

**Special Conditions for All Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.

2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).

3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).

4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).

5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).

6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
   a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
   b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
   c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit

will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
   (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
   (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.
    a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

**Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures**

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
   a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:
      (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
      (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
      (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
   a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
      (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.
      (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 27) describes the presence of North Atlantic right whales in the area and the

Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/ (Reference: JAXBO PDC A2.8.).

7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
   a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
      (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).
      (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
   b. For all other Projects,
      (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the

east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.

(2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).

(4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c.,below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

(i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:

(a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,

(b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,

(ii) New docks or dock expansions and:

(a) within Johnson's seagrass critical habitat; or,

(b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

(1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
   (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
   (ii) Over any area that contains Johnson's seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
   (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
   (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
   (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
   (vi) No covered boat lifts are allowed over any Johnson's seagrass.

(2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
   (i) For grated decking:
      (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
      (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
      (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
   (ii) For plank decking:
      (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
      (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
      (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

**General Conditions for Federal Authorization for SPGP V-R1**

1. The time limit for completing the work authorized ends on July 26, 2021.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

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

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
   c. Damages to persons, property, or to other permitted or unpermitted activities or

structures caused by the activity authorized by this permit.
d. Design or Construction deficiencies associated with the permitted work.
e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
   a. You fail to comply with the terms and conditions of this permit.
   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

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

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

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

O.


PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415


APPLICANT/CLIENT: John Sims

WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.

PURPOSE: Development Feasibility Assessment

PROJECT LOCATION / USGS: Franklin County

LATITUDE: 29° 37' 34.68"

LONGITUDE: 84° 56' 24.70"

SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-032

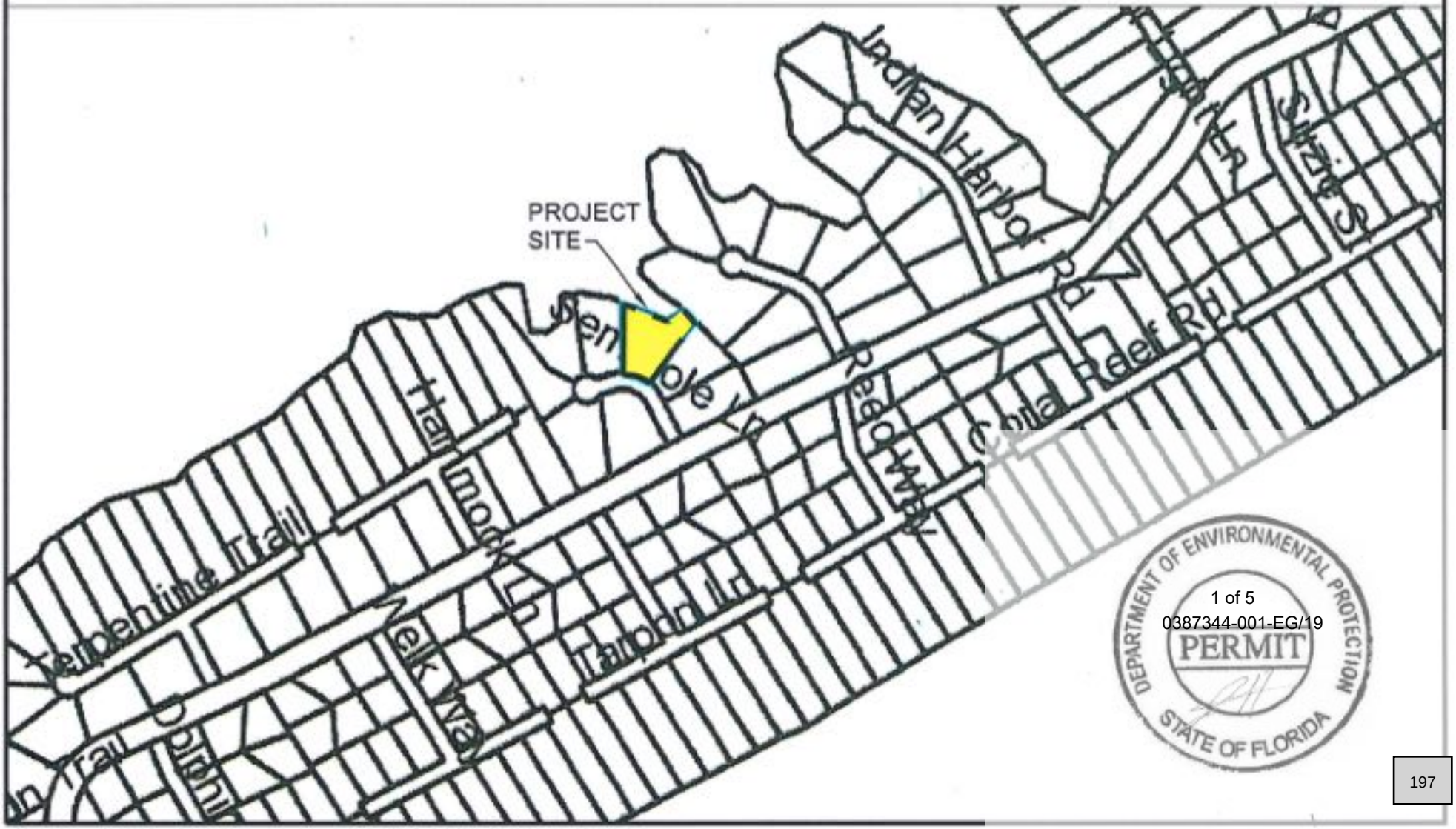
DEP:

COE:

OTHER:

DATE: May 1, 2020

SHEET: 1/4



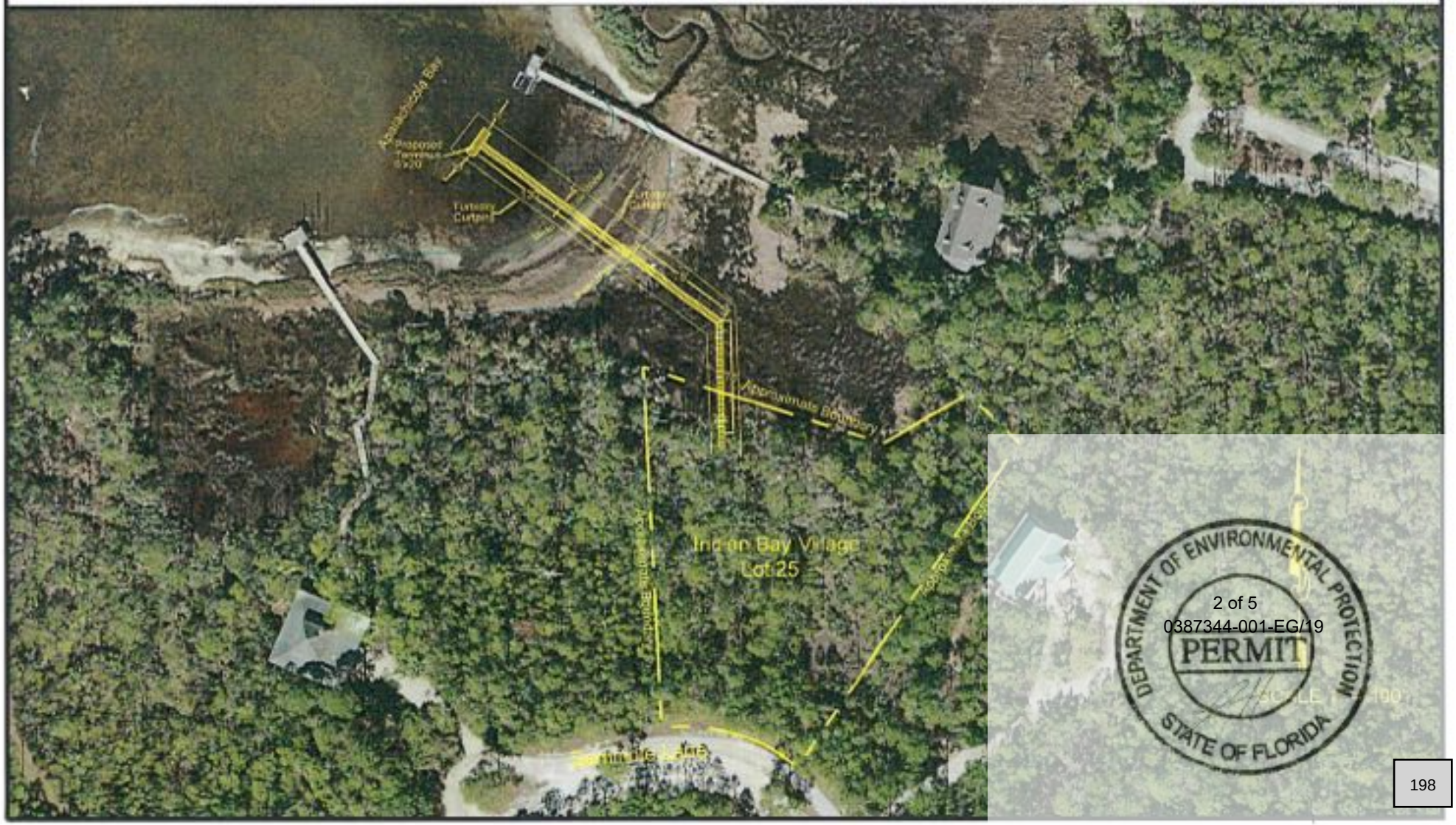

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA

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0387344-001-EG/19

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: John Sims
WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Franklin County
LATITUDE: 29° 37' 34.68"
LONGITUDE: 84° 56' 24.70"
SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-032
DEP:
COE:
OTHER: Revised 5-5-20
DATE: May 1, 2020
SHEET: 2/4

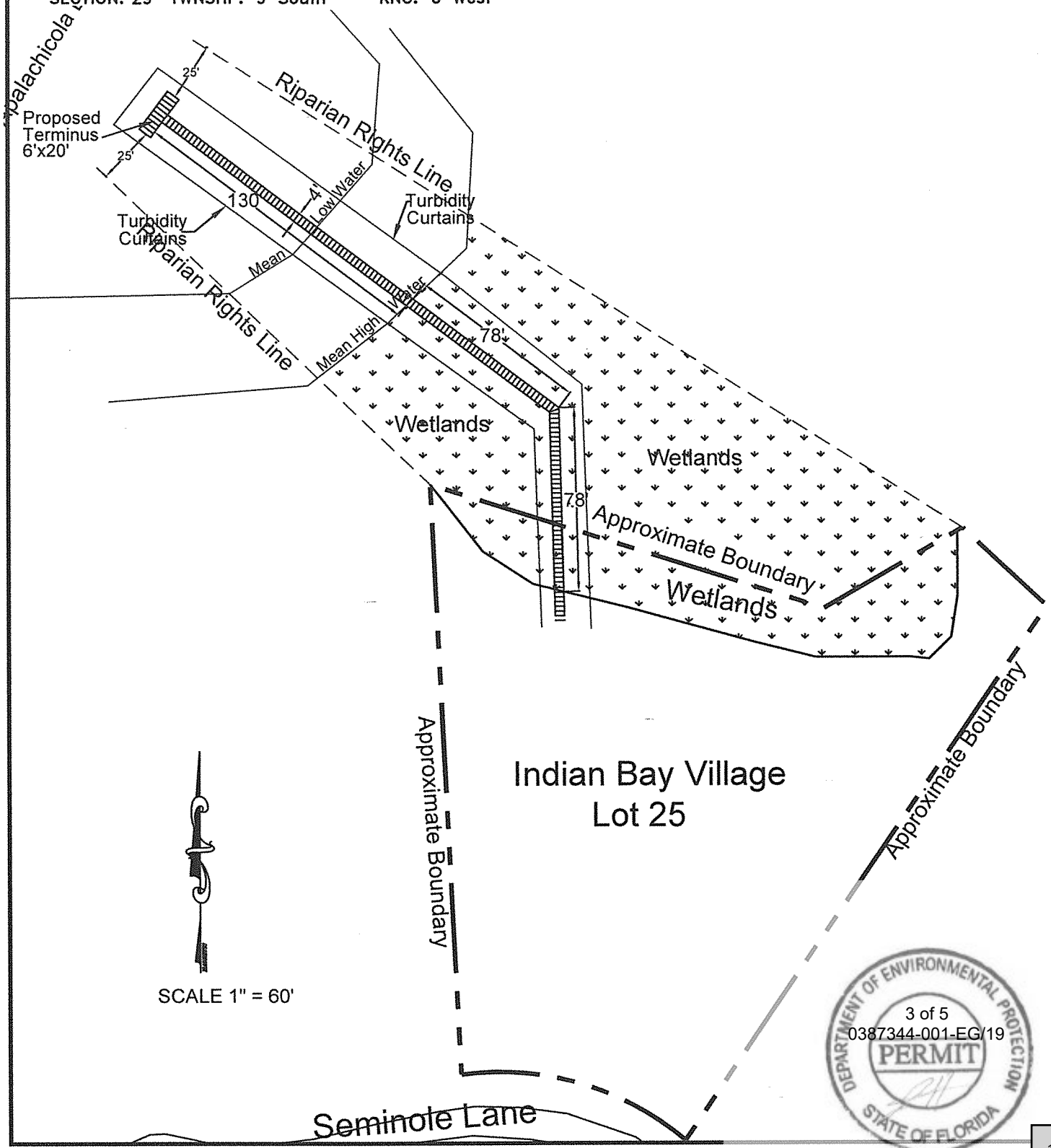



DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA
2 of 5
0387344-001-EG/19

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: John Sims
WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS:
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LONGITUDE: 84° 56' 24.70"
SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-032
DEP:
COE:
OTHER: Revised 5-5-20
DATE: May 1, 2020
SHEET: 3/4




DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA
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0387344-001-EG/19

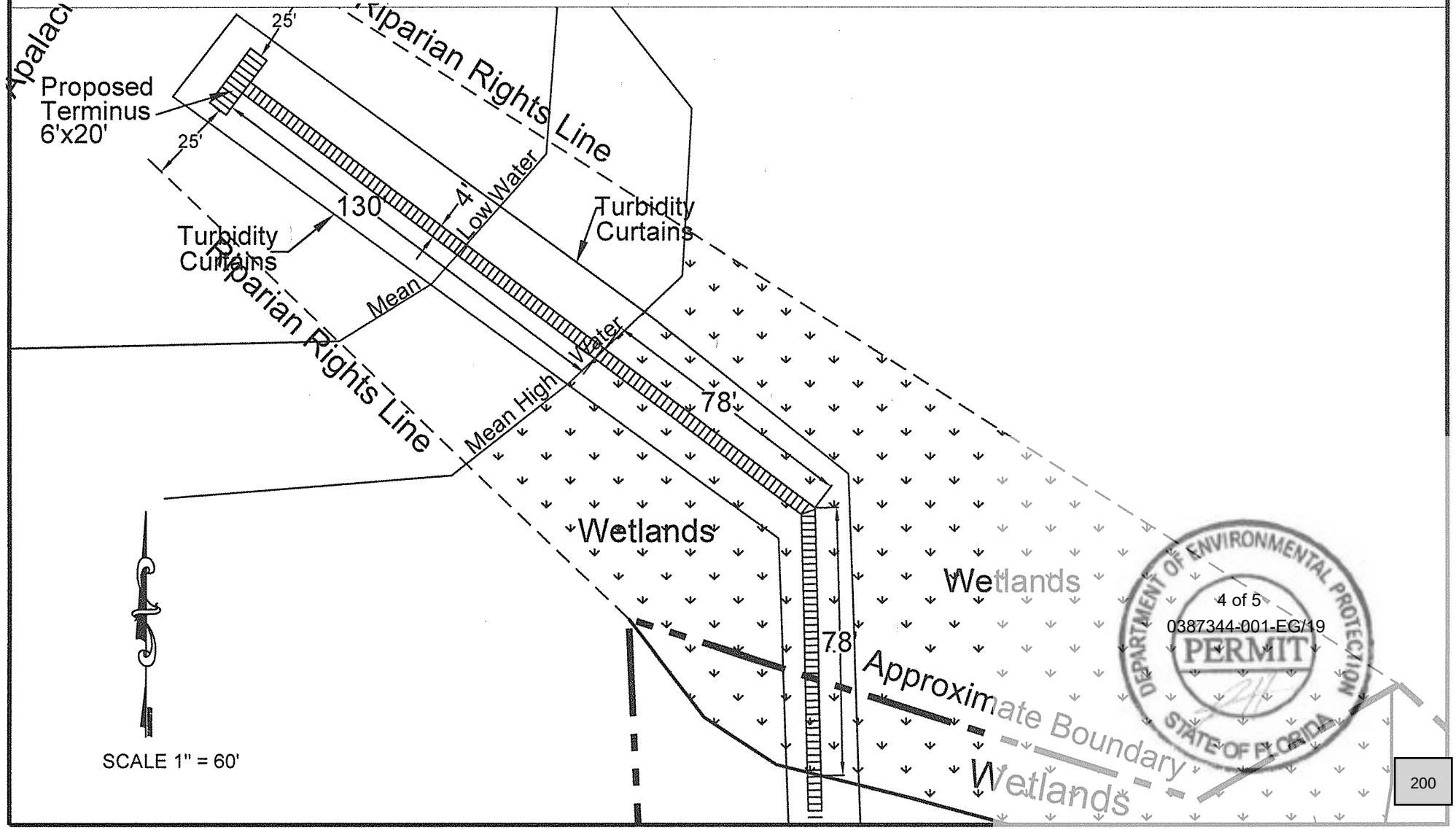


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LB No. 7415

APPLICANT/CLIENT: John Sims
WATERBODY/CLASS: Apalachicola Bay/ClassII/OFW/A.P.
PURPOSE: Development Feasibility Assessment
PROJECT LOCATION / USGS: Franklin County
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LONGITUDE: 84° 56' 24.70"
SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-032
DEP:
COE:
OTHER: Revised 5-5-20
DATE: May 1, 2020
SHEET: 3a/4



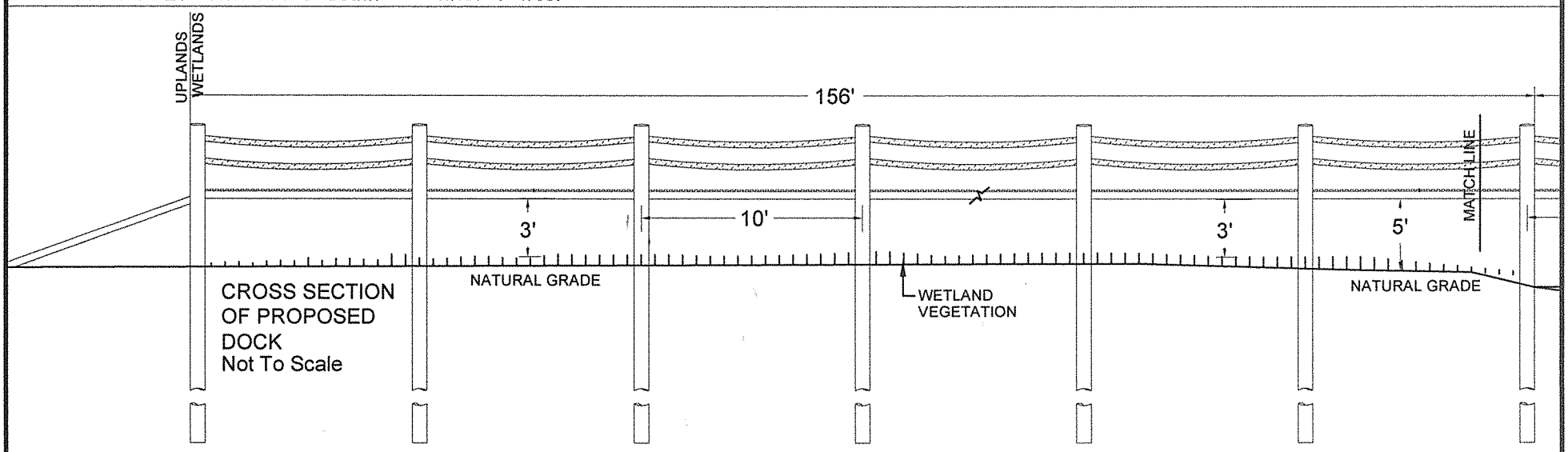

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
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PERMIT

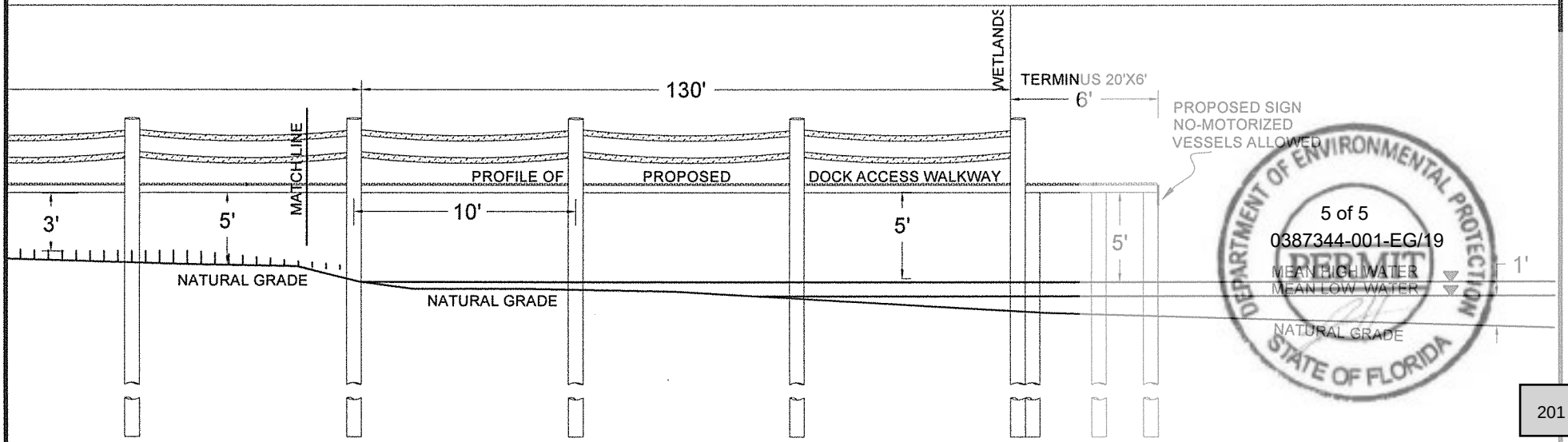
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JOB: 20-032
DEP:
COE:
OTHER: Revised 5-5-20
DATE: May 1, 2020
SHEET: 4/4

# CROSS SECTION OF PROPOSED DOCK NTS




DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
5 of 5
0387344-001-EG/19
PERMIT

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single-Family Private Dock located at Lot 25, Indian Bay Village, 2009 Seminole Lane, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The dock will have (2) 78' x 4' boardwalks over wetlands, 130' x 4' dock and a 20' x 6' terminal platform. Request submitted by Garlick Environmental Associates, agent for John Sims, applicant. (Proposed House)

This dock will extend into Apalachicola Bay. The FDEP and USACOE permits have been issued.

**I recommend approving this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 1, 2020

FLORIDA DEP P. TMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

**Permittee/Authorized Entity:**
Timothy D. Padgett
5573 Long Island Drive
Atlanta, Georgia 30327, Fulton County
Tim.padgett@padgettlawgroup.com

**Padgett Dock**

**Authorized Agent:**
Garlick Environmental Associates, Inc.
c/o Mary Ann Wasmund
P.O. Box 385
Apalachicola, Florida 32329
maryann@garlickenv.com

**Environmental Resource Permit**
**State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required**

Franklin County
Permit No.: 0385752-001-EI/19

**Permit Issuance Date: June 2, 2020**
**Permit Construction Phase Expiration Date: June 2, 2025**

# Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

**Permittee/Grantee: Timothy D. Padgett**
**Permit No: 0385752-001-EI/19**

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 2023 Seminole Lane, St. George Island, Florida 32328, Parcel ID 29-09S-06W-7337-0000-0280, in Section 29, Township 09 South, Range 06 West in Franklin County, at 29°37′34″ North Latitude, 84°56′30″ West Longitude.

## PROJECT DESCRIPTION

The permittee is authorized to construct a new single-family dock consisting of a 199'x4' wetland boardwalk, a 436'x4' access pier, a 6'x20' terminal platform, and two 10'x20' uncovered boatlifts within the Apalachicola Bay Aquatic Preserve and adjacent wetlands, a Class II Outstanding Florida Waterbody, Approved 1621 Shellfish Harvesting Area. Those activities include the preemption of approximately 2,264 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

**Padgett Dock**

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S., and Chapter 258, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

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

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

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 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 Special Consent 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 – ADMINISTRATIVE/EMERGENCIES**

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

3. The mailing address for submittal of forms for the "Construction Commencement Notice", "As-Built Certification …", "Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase", or other correspondence is FDEP, SLERP, 470 Harrison Avenue Panama City, Florida 32401.

**SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of the ambient turbidity levels of the surrounding Outstanding Florida Waters. Methods shall include, but are not limited to, the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

**SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

6. A floating turbidity curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.

7. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

8. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of

construction, and the Department shall be notified of its completion within that same 30-day period.

9. The following construction sequence shall be adhered to for all piers and docking structures. Structures shall be built progressively, commencing at the shoreline and continuing waterward. No more than three sets of pilings shall be installed at a time. The decking will then be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials. No impacts shall occur outside the footprint of the permitted dock and boardwalk.

10. Pilings within wetlands or areas containing seagrasses shall be spaced at lest ten feet apart and shall be installed by vibrating, pounding, or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

11. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimum of 5 feet above mean high water and wetland grade and shall have a minimum of 1/2-inch spacing between deck planks.

12. The boardwalk and access pier shall be limited to a maximum width of four (4) feet.

13. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel and the top of any submerged resources or submerged bottom.

14. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high-water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.

15. The permittee shall install and maintain reflective markers and lighted aids to navigation on both waterward corners of the structure. The reflective markers and lighted aids to navigation shall be maintained for the life of the facility.

**SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

16. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

**SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

17. Restroom facilities will be constructed on the uplands and fully operational before the mooring of any vessels at the dock.

18. No more than two boats are authorized to be moored at the dock.

19. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at mean low water.

20. Overboard or through hull discharges of trash, human or animal waste, gray water, or fuel shall not occur at the docking facility.

21. All future replacement pilings for navigational aids, support of the docking structures and for boat mooring shall be non-CCA-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves).

**GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

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

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

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of 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. 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.

**SPECIAL CONSENT CONDITIONS**

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

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

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

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

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

**GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions, which 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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of

this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant to Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

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Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at Jacob.Hullett@FloridaDEP.gov

**EXECUTION AND CLERKING**
Executed in Pensacola, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kimberly R. Allen
Permitting Program Administrator

KRA:jh

**Attachment:**
Project Drawings and Design Specs., 6 pages

Copies of 62-330 forms may be obtained at: https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource

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

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Jonathan Brucker, AP Manager, Jonathan.Brucker@dep.state.fl.us
Franklin County, michael@franklincountyflorida.com
Department of Economic Opportunity, Ray.Eubanks@deo.myflorida.com, DCPPermits@deo.myflorida.com

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

**Clerk** **Date**

June 2, 2020

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Tim Padgett

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: DFA / WD

PROJECT LOCATION / USGS: SGI - Plantation / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 29 TWNSHP: 8 South RNG: 6 West

JOB: 20-011

DEP:

COE:

OTHER: 5-25-20

DATE: March 9, 2020

SHEET: 1/4




DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA

1 of 6
0385752-001-EI/19

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-88[illegible] FAX (850) 653-9656 garlick@garlickenv.com
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COE:
OTHER: Revised 4-24-20
DATE: March 9, 2020
SHEET: 2A/4




DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA

2 of 6
0385752-001-EI/19

P.

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JOB: 20-011
DEP:
COE:
OTHER: Revised 4-29-20 / 5-1
DATE: March 9, 2020
SHEET: 2/4




DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT
3 of 6
0385752-001-EI/19



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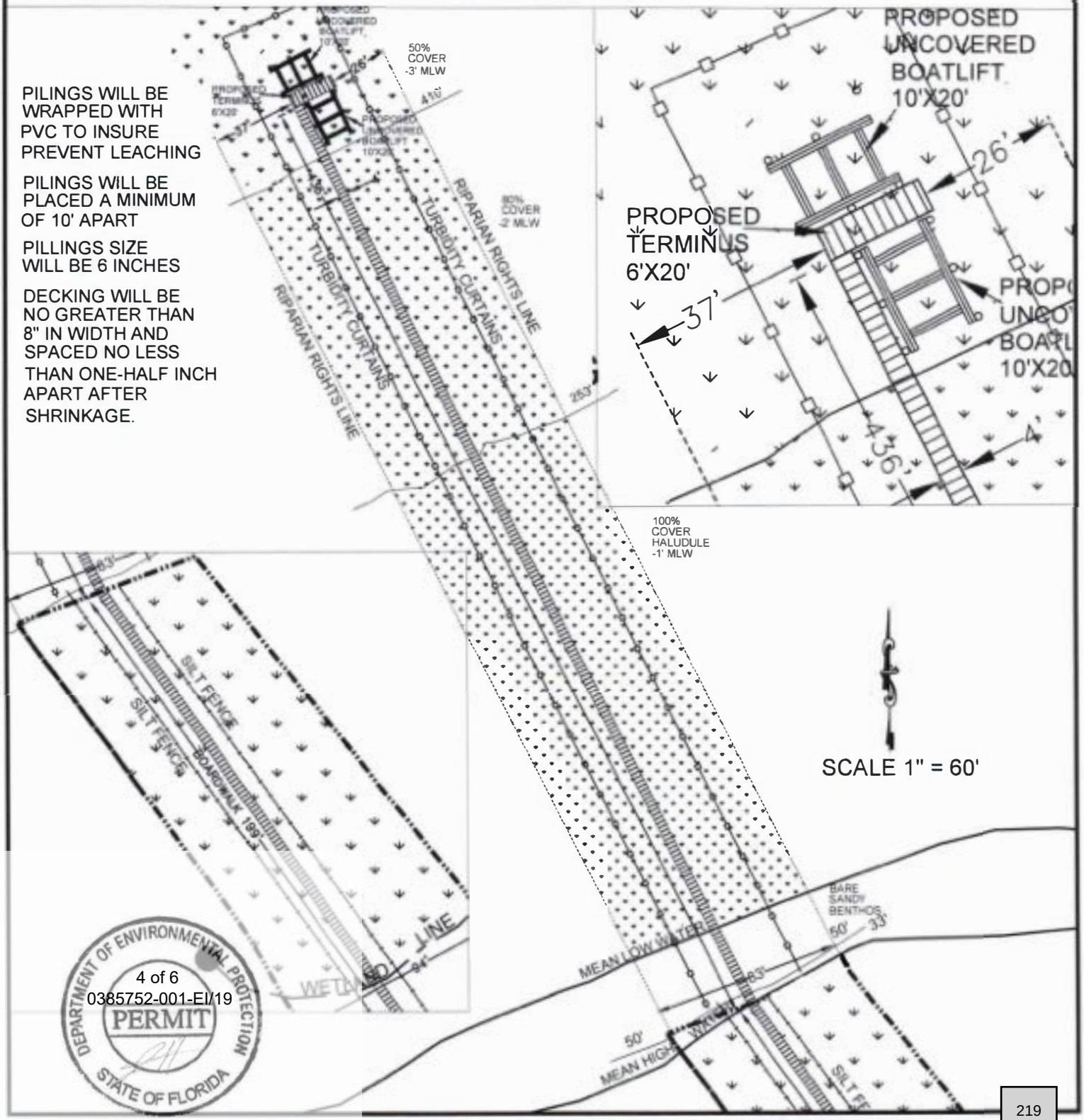
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COE:
OTHER: Rev 4-29-20 /5-15-20
DATE: March 9, 2020
SHEET: 3/4

PILINGS WILL BE WRAPPED WITH PVC TO INSURE PREVENT LEACHING

PILINGS WILL BE PLACED A MINIMUM OF 10' APART

PILLINGS SIZE WILL BE 6 INCHES

DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.




DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA
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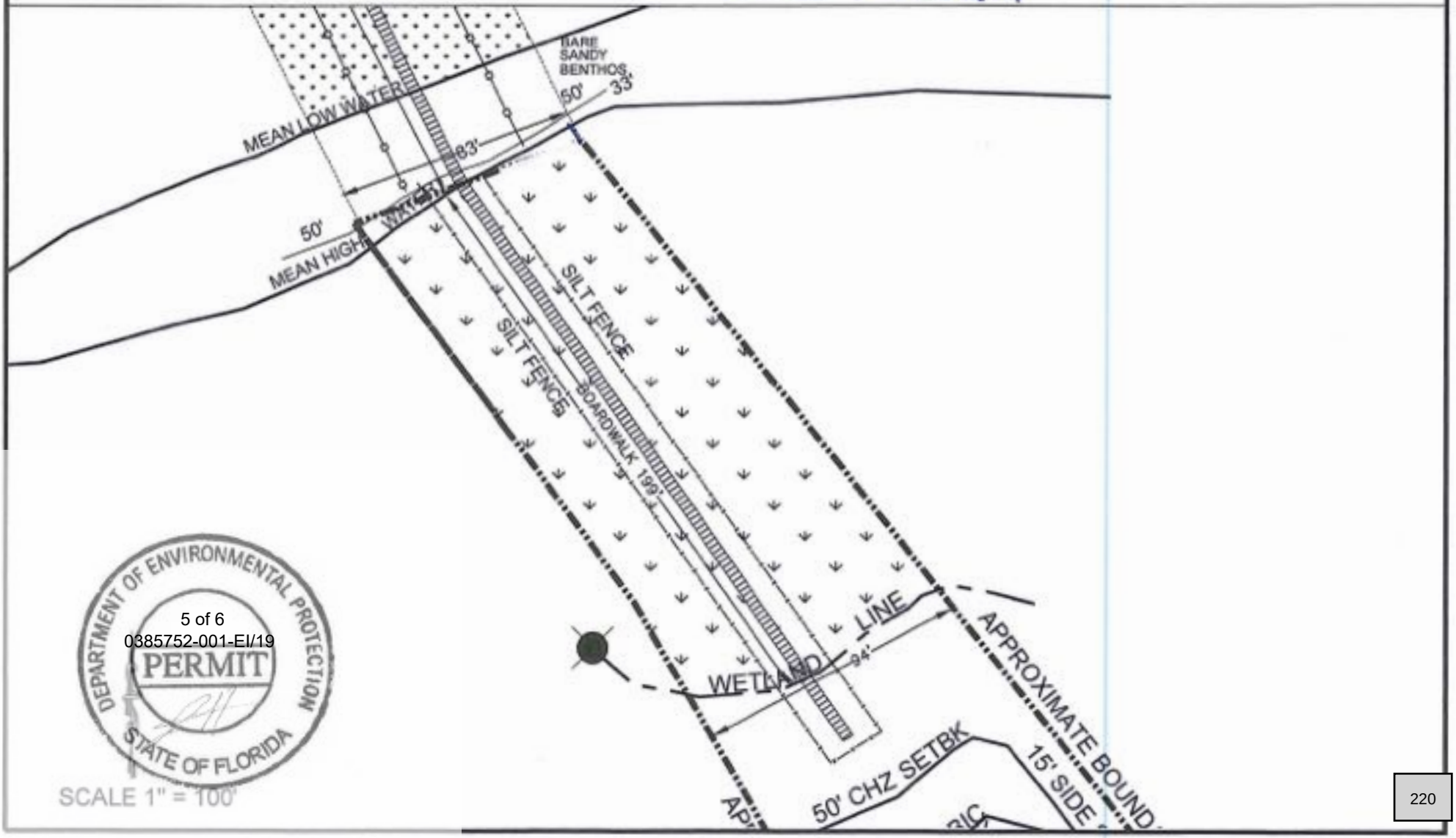
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SECTION: 29 TWNSHP: 8 South RNG: 6 West

JOB: 20-011
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OTHER: Rev. 4-24-20
DATE: March 9, 2020
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REVISED 5-25-20




DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT

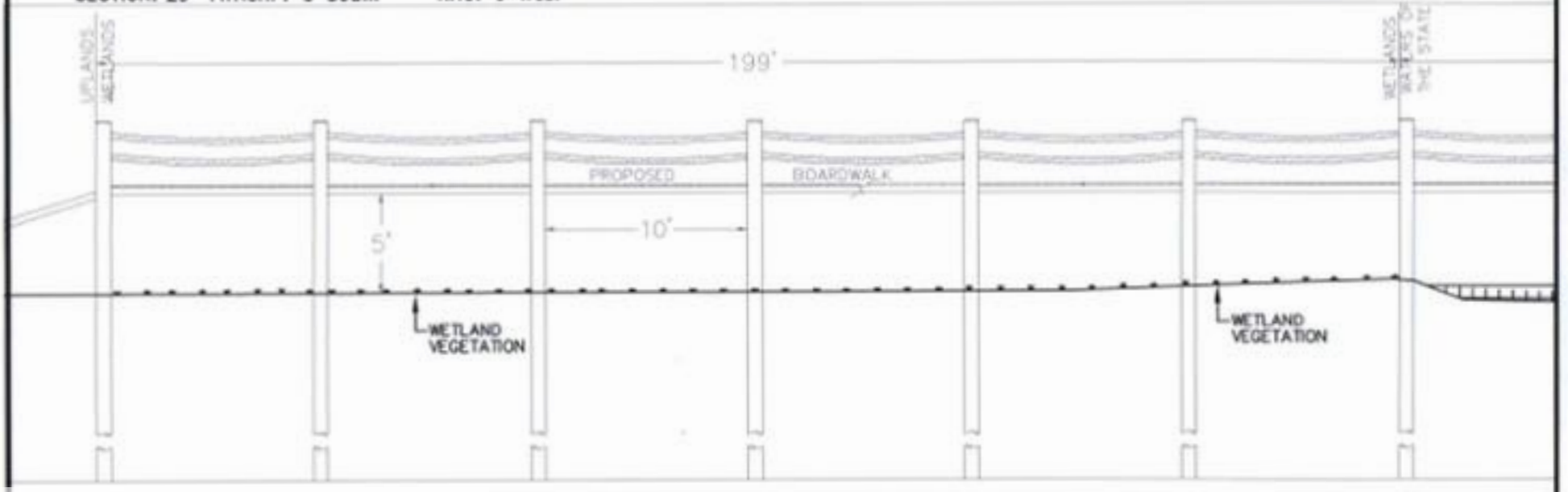
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0385752-001-EI/19

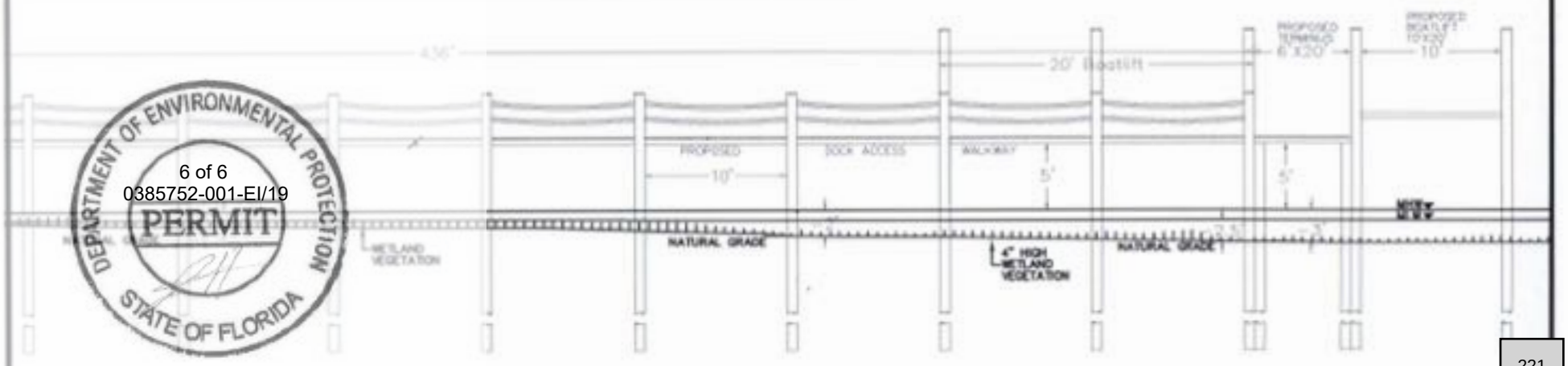
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Cross Section
Proposed Dock/
Boardwalk
NTS




DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT
STATE OF FLORIDA
6 of 6
0385752-001-EI/19

P.

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single Family Private Dock located at Lot 28, Indian Bay Village, 2023 Seminole Lane, St. George Island, Franklin County, Florida. The applicant has State permits and will need the Federal permits. The boardwalk over wetlands will be 199' x 4' and the dock will be 436' x 4' with (2) 10' x 20' boatlifts and a 6' x 20' terminal platform. Request submitted by Garlick Environmental Associates, agent for Timothy Padgett, applicant. (Proposed House)

This dock will extend into Apalachicola Bay. The Corps of Engineers permit has not been issued yet.

**I recommend approving this Critical Shoreline Application, subject to receiving the permit from the Corps of Engineers.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 8, 2020

GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

# LETTER OF TRANSMITTAL

May 4, 2020

Tracey L. Wheeler
Regulatory Project Manager
US Army Corps of Engineers
415 Richard Jackson Boulevard
Suite 411
Panama City Beach, FL 32407

RE: Construction of a Dock / 2-Boat Lifts
Franklin County, 2215 Sea Gull Way
GEA File No. 20-030 / Hugh P. Whitehead III

The proposed project is located in Section 29, Township 9 South, Range 6 West, 2215 Sea Gull Way, St George Island, Franklin County, FL. The waterbody at the project site is Apalachicola Bay, Class II, OFW, AP. The existing conditions at the project is an undeveloped parcel. The attached application is for the construction of a Single-Family Residential Dock.

The proposed access walkway of the dock will be constructed 438 ft. in length and 4 ft. in width. The proposed project will also include a boardwalk over an existing wetland area, which will be constructed 149 ft. in length and 4 ft. in with. The proposed boardwalk will be constructed 5 ft. above the wetland area. The proposed dock will include a terminus, which will be constructed 8 ft. in width and 20 ft. in length. At and near the location of the terminus, two (2) uncovered boat lifts will be constructed on side of the proposed access walkway and adjacent to the terminus. One boat lift will be constructed 30' x 14', adjacent to the terminus and the other will be constructed 20' x 12', adjacent to the access walkway. Submerged vegetation occurs within the alignment of the proposed dock, as shown on the attached drawings. The proposed dock, boardwalk and terminus consists of 2508 sq. ft.

The uplands of the parcel will have a toilet facility before any vessel will be moored at the proposed dock. There will be no overnight occupancy at the proposed dock, nor vessel overnight occupancy.

The materials to be used to construct the proposed dock will be transported to the site by truck. The piles will be jetted. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will assist in the construction of the proposed dock and piling placements. The depth of water at the location of the proposed mooring areas and terminus is -4.00 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings.

Q.

Attached is a copy of the contract between Benjamin F. Johnson VI and Hugh P. Whitehead III indicating purchase of the subject riparian upland property. The upland area is presently zoned as residential and no changes are proposed.

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us dan@garlickenv.com or maryann@garlickenv.com,

Sincerely,

Mary Ann Wasmund, Permit Specialist
Garlick Environmental Associates, Inc.

Attachments

cc: Hugh P. Whitehead III

Q.

U.S. Army Corps of Engineers (USACE)

**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**

33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved - OMB No. 0710-0003 Expires: 01-08-2018*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

| 1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED | 4. DATE APPLICATION COMPLETE |
|---|---|---|---|
| | | | |

***(ITEMS BELOW TO BE FILLED BY APPLICANT)***

5. APPLICANT'S NAME
First - Hugh Middle - P Last - Whitehead III
Company -
E-mail Address - Scott@whiteheadassoc.com

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - DAN Middle - Last - GARLICK
Company - GARLICK Environmental Assoc. Inc
MaryAnn@garlickenv.com
E-mail Address - dan@garlickenv.com

6. APPLICANT'S ADDRESS:
Address - 3209 Chateau Court NW
City - Atlanta State - GA Zip - 30805 Country - USA

9. AGENT'S ADDRESS:
Address - P.O. Box 385
City - APALachicola State - FL Zip - 32328 Country - USA

7. APPLICANT'S PHONE NOs. w/AREA CODE
a. Residence b. Business c. Fax
404-510-8770

10. AGENTS PHONE NOs. w/AREA CODE
a. ~~Residence~~ Cell b. Business c. Fax
850-899-5252 850653-8899 653-9656

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, GARLICK Environ- to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT — DATE: 05-05-2020

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions)
Whitehead Single Family Dock

13. NAME OF WATERBODY, IF KNOWN (if applicable)
APALachicola Bay

14. PROJECT STREET ADDRESS (if applicable)
Address 2215 Sea Gull Way
City - ST George Island State - FL Zip - 32328

15. LOCATION OF PROJECT
Latitude: °N Longitude: °W

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID 29-09S-06W-7339-0000-0160 Municipality
Section - 29 Township - 9 South Range - 6 West

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17. DIRECTIONS TO THE SITE
Coming off bridge onto St George Island, turn right and continue for 6 .5 miles. The Site is on the right side within St George Island Plantation.

18. Nature of Activity (Description of project, include all features)
Construction of a Single Family Residential Dock with (2) boat lifts (see attached drawings)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)
To have access to the water.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge
N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

| Type<br>Amount in Cubic Yards | Type<br>Amount in Cubic Yards | Type<br>Amount in Cubic Yards |
|---|---|---|
| N/A | | |

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)
Acres N/A
or
Linear Feet N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)
N/A

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24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Robert Ramsey 2113 Woodley Circle

City - Lexington State - Ky Zip - 40502

b. Address- Stephanie A. Mason Trustee 6961 County Road 20

City - Mount Gilead State - OH Zip - 43338

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

| AGENCY | TYPE APPROVAL* | IDENTIFICATION NUMBER | DATE APPLIED | DATE APPROVED | DATE DENIED |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT — 05-05-2020 DATE — SIGNATURE OF AGENT — 5-5-20 DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

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 any trick, scheme, or disguises 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 statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

US Army Corps of Engineers.

**Project Design Criteria Checklist for the U.S. Army Corps of Engineer** Q. **ille District's Programmatic Biological Opinion**
**Summary Checklist (Must be subn** **all projects)**

**Permitting Agency's Internal Use Only:**

| | | | | |
|---|---|---|---|---|
| | Date checklist sent to NMFS (MM/DD/YY) | | Reviewer Last Name | Application # (for Corps: SAJ-XXXX-XXXXX) | Checklist Version[1] |

Indicate the agency issuing the permit/authorization.

◯ Yes ◯ No Is this a re-verification, edit, or modification to a consultation previously submitted under JaxBO?

If yes to above, enter date of previous Tier II consultation

If another NMFS programmatic BO was used for the proposed project, please select name of programmatic BO used.

The Corps Project Manager or Delegated Authority has reviewed and confirmed that the proposed project meets all PDCs. It is the responsibility of the reviewer to ensure the proposed project complies with all the applicable PDCs. Please enter initials of reviewer.

| | | | |
|---|---|---|---|
| 2215 Sea Gull Way | Project Street Address | 29 37' 16.91" | Latitude (decimal degrees, centroid of the project) |
| St George Island | City | 84 57" 4.35 | Longitude (decimal degrees, centroid of the project. Please include the negative symbol) |
| Franklin | County (Florida) | | Municipality (Puerto Rico & USVI) |

Select all activities used for the entire proposed project:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Superseding Process

| Geographic Area | Is the project located in the geographic area? | Select DCH Unit | Are Essential Features Present? | If Essential Features are present, enter area of impact |
|---|---|---|---|---|
| Smalltooth Sawfish DCH Limited Exclusion Zones (AP.4) | ◯ Yes ◉ No | N/A | N/A | N/A |
| Gulf Sturgeon DCH Migratory Restriction Zones (AP.4) | ◯ Yes ◉ No | N/A | N/A | N/A |
| Atlantic Sturgeon DCH Exclusion Zone (AP.4) | ◯ Yes ◉ No | N/A | N/A | No activities allowed here! |
| North Atlantic Right Whales Educational Sign Zones (AP.4) | ◯ Yes ◉ No | N/A | N/A | N/A |
| U.S. Caribbean Sea Turtle Critical Habitat Restriction Zones (AP.4) | ◯ Yes ◉ No | N/A | N/A | N/A |
| Bryde's Whale Exclusion Zone (AP.4) | ◯ Yes ◉ No | N/A | N/A | No activities allowed here! |
| Smalltooth sawfish DCH | ◯ Yes ◉ No | | ◯ Yes ◯ No | LF of Red Mangroves; SF of shallow euryhaline water |
| Gulf sturgeon DCH | ◉ Yes ◯ No | | ◯ Yes ◯ No | SF of essential features |
| Loggerhead sea turtle (NWA DPS) DCH[2] | ◉ Yes ◯ No | | ◯ Yes ◯ No | SF of essential features |
| Green sea turtle (NA DPS) DCH | ◯ Yes ◉ No | N/A | ◯ Yes ◯ No | SF of essential features |
| Hawksbill sea turtle DCH | ◯ Yes ◉ No | N/A | ◯ Yes ◯ No | SF of essential features |
| Leatherback sea turtle DCH | ◯ Yes ◉ No | N/A | ◯ Yes ◯ No | SF of essential features |
| Staghorn and elkhorn (Acropora) coral DCH | ◯ Yes ◉ No | | ◯ Yes ◯ No | No impacts to essential features allowed. |
| Johnson's seagrass DCH | ◯ Yes ◉ No | | ◯ Yes ◯ No | SF of essential features |
| North Atlantic right whale DCH | ◯ Yes ◉ No | | ◯ Yes ◯ No | SF of essential features |
| Atlantic sturgeon DCH | ◯ Yes ◉ No | | N/A | No activities allowed here! |

No/No Is the Project in or near areas with mangroves, seagrasses, corals, or hard bottom habitat? Does it comply with PDCs for Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects (AP.3)

| Resource | Present in the project footprint? | Square Feet of Impact |
|---|---|---|
| Mangroves | ◯ Yes ◉ No | |
| Nonlisted Seagrass | ◯ Yes ◉ No | |
| Johnson's Seagrass | ◯ Yes ◉ No | |
| Listed Corals | ◯ Yes ◉ No | |
| Nonlisted Corals | ◯ Yes ◉ No | |
| Hardbottom | ◯ Yes ◉ No | |

2,508.00 SF of Overwater Impacts (area of structure over/above the water surface, e.g., docks or canopies)

15.00 SF of Total In-water Impacts (area of substrate that is permanantly changed below MHW, e.g., by seawall, riprap, or cross-sectional area of piles)

☑ Yes Applicant agrees to adhere to PDCs for *In-Water Activities* (AP.1) as described in AP.7 through AP.11

☑ Yes Applicant agrees to perform all activities during daylight hours (AP.6).

◯ Yes ◉ No Is the project within the boundary of the Florida Keys National Marine Sanctuary (FKNMS)?

☐ Yes If within the boundaries of FKNMS, received NOAA authorization?

To be completed by applicant or agent if permit is issued by a delegated authority (FDEP, Miami-Dade, etc.) Please enter full name of applicant or applicant's representative:

Dan Garlick The applicant or applicant's representative ensures the project complies with the PDCs and all information in this form and individual checklist(s) is correct

Comments:

Construction of a single family residential dock with 2 boat lifts.

[1] Checklist Version: Select 1 if it is the first time you are submitting the consultation. Select 2 if you made an error or the project has changed and you need to resubmit the checklist.
[2] The project may be located in two different Loggerhead DCH Units. Select all that apply. If there are more than two, please add to the Comments section.

US Army Corps of Engineers

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**Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)**
**Activity 2: Pile Supported**

**Agency internal use:**

| Date checklist sent to NMFS (MM/DD/YY) | PM Last Name | Application # | Checklist Version |
|---|---|---|---|
| | | | |

**Proposed Activity (Select all that apply):**

- [✓] Dock New
- [ ] Dock Repair
- [ ] Dock Replacement
- [ ] Mooring/Dolphin piles
- [ ] Mooring buoys
- [ ] Mooring fields
- [ ] Chickees
- [ ] ATONS/PATONS
- [ ] Boatlift
- [ ] Temporary structures/buoys
- [ ] Other (Provide description in Comments box at bottom)

[Single-family] Select the type/use of the strucure

**Enter information about the proposed activity:**

[0] Total number of existing dry slips
[0] Total number of existing wet slips
[0] Total number of proposed dry slips
[2] Total number of proposed wet slips

Piling Installation Data: Enter data as appropriate for different pile types used. JAXBO does not cover installation of metal piles or sheet piles with impact hammer (AP 2: Section 2.2).

| Pile Type 1 | Pile Type 2 | Pile Type 3 | Pile Type 4 |
|---|---|---|---|
| [Pile] | [ ] | [ ] | [ ] |
| [79] Number of Piles | [ ] Number of Piles | [ ] Number of Piles | [ ] Number of Piles |
| [0] Size of each Pile (sq.ft.) | [ ] Size of each Pile (sq.ft.) | [ ] Size of each Pile (sq.ft.) | [ ] Size of each Pile (sq.ft.) |
| [Wood] Pile Material | [ ] Pile Material | [ ] Pile Material | [ ] Pile Material |
| [Jetting] Installation Method | [ ] Installation Method | [ ] Installation Method | [ ] Installation Method |

[Open-Water] Project in Open-Water or Confined-Space Environment (AP.2: Section 2.2)?
[NA] Select Noise PDC Category (AP.2.) as detailed in (Section 2.2).

For commercial/multi-family/public facilities and marine events which of the following signs will be posted (A2.2.) Select all that apply:

[ ] Save Sea Turtle/ Sawfish/ and Dolphin Sign [ ] Help Protect North American Right Whale [ ] Report Sturgeon [ ] U.S. Caribbean

[ ] For commercial/multi-family/public docking facilities/monofilament recycling bins will be installed. (A2.3)
[ ] North Atlantic Right Whale Educational Sign Zone: Is the North Atlantic right whales handout included as special condition of permit (A2.4.)?
[ ] Does the project include a municipal or commercial fishing pier?
[ ] Is dock within visible distance of an ocean beach? [ ] If yes: is turtle-friendly lighting installed as required by JAXBO (A2.8)?
[ ] Will project construction take place from uplands or from floating equipment (e.g. barge) as required (A2.9)?
[ ] Dock Construction Scenario included as a special condition (A2.17)?

**For projects located in Designated Critical Habitat; please complete applicable section below:**

[No] **Is the project located in the geographic area of Smalltooth Sawfish Critical Habitat?**
[ ] Is project located in smalltooth sawfish limited exclusion zone?

[Yes] **Is the project located in the geographic area of Gulf Sturgeon Critical Habitat?**
[501-1,400 ft] Enter width of the area (e.g. channel/ bay) if in a the Gulf sturgeon critical habitat migratory restriction zone (Section 2.1.1.2)
[1. Creating a pilot] Select additional noise restrictions required as special condition in Gulf sturgeon critical habitat migratory restriction zones (A2.11).

[No] **Is the project located in the geographic area of Acropora Critical Habitat?**
[ ] Are essential features present?
[ ] Is hardbottom present in project footprint? (AP.14).

[No] **Is the project located in the geographic area of Johnson's Seagrass Critical Habitat?**
[ ] Water depths (insert range of water depths where project will occur as minus MLW)
[ ] Project includes a new marina or multifamily facility (A2.14)?
[ ] Does the project include repair/replacement and reconfiguration of existing marinas or multi-family facilities?
If project is repair/replacement and reconfiguration of existing marinas or multi-family facilities then select all that apply under JAXBO (A2.14):
[ ] Occurs within same overall footprint (out to the perimeter of the facility including the outer limits of the structure and permitted mooring locations).
[ ] Does not increase the total aerial extent (i.e. area of coverage from the dock structures) of the existing facility.
[ ] Does not affect Johnson's seagrass.

[No] **Is the project located in the geographic area of Nearshore Reproductive Habitat of NWA DPS of Loggerhead Sea Turtle Critical Habitat?**
[ ] Does the project include the installation of a structure other than ATONs (A2.15)?

[No] **Is the project located near sea turtle nesting beaches in the geographic area of U.S. Caribbean Sea Turtle Critical Habitat?**
[ ] Does the project include the installation of a structure other than ATONs near sea turtle nesting beaches (A2.16)?

Comments:

Construction of a Single Family Residential Dock

Please note this checklist does not contain all of the PDCs. Please refer to the Biological Opinion to confirm the project meets all PDCs prior to completing this checklist. Notes in parenthesis refer to corresponding section of JAXBO.

GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

FIELD WORKSHEET

GEA JOB:20-030
DATE:4-30-20
TIME:3PM
SITE:whitehead 2215 Seagull Franklin
INSPECTOR:D garlick

JOB TYPE:
EA/LPS/SAV/HCP-dock

AMBIENT CONDITIONS REPORT:

Temp 72F/water level 0.05 MLW weather clear

TRANSECTS: see map

FLORA: Halodule

DEPTH: 0—4 ft at proposed terminus

MAP SOURCE: google earth, drone and wading

NOTES: see map

ATTACH MAP: yes/no

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899
FAX (850) 653-9656
garlick@garlickenv.com

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415


APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030

DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 1/5

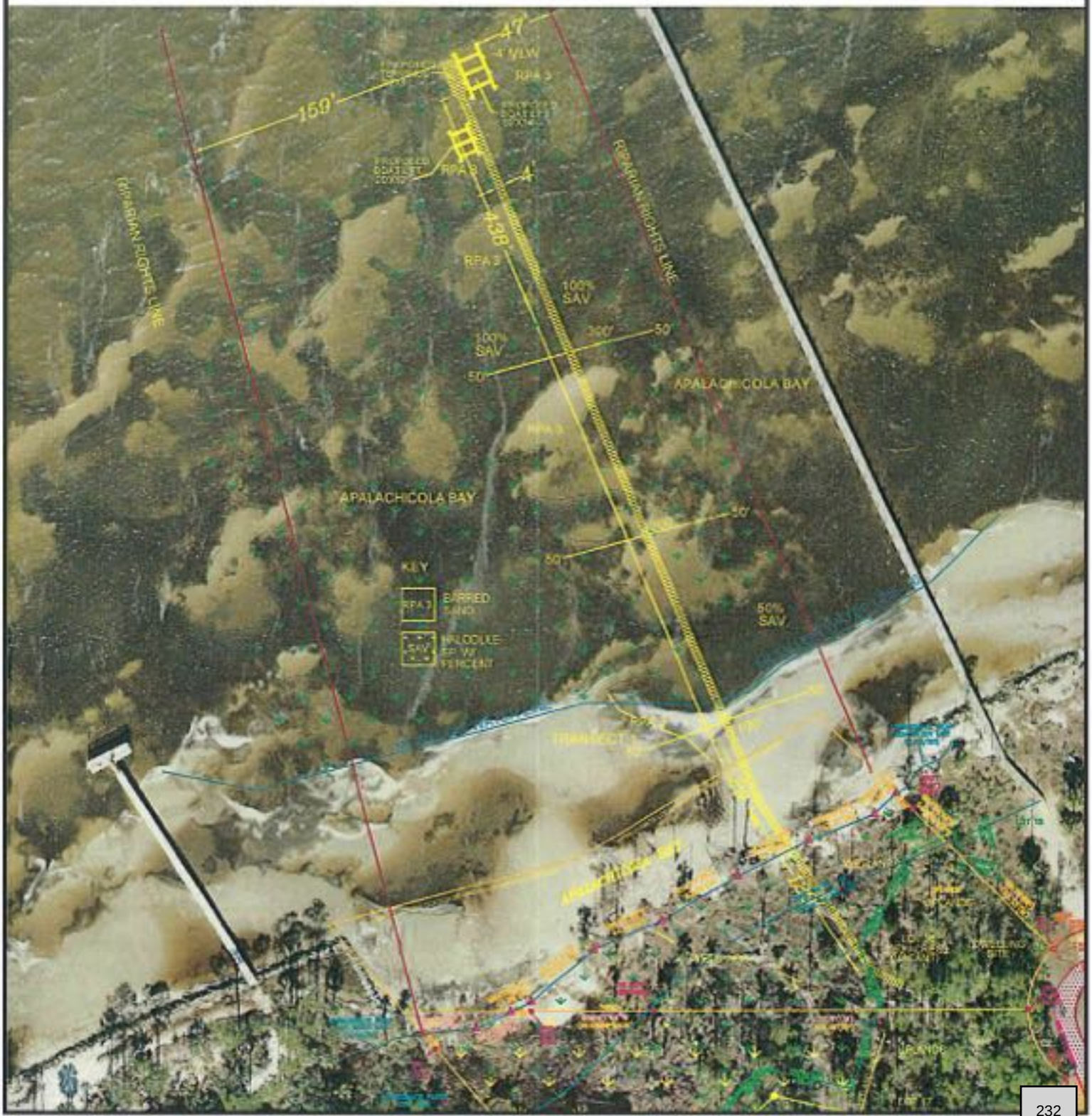


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APPLICANT/CLIENT: Hugh P. Whitehead III
WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP
PURPOSE: Environmental Permitting
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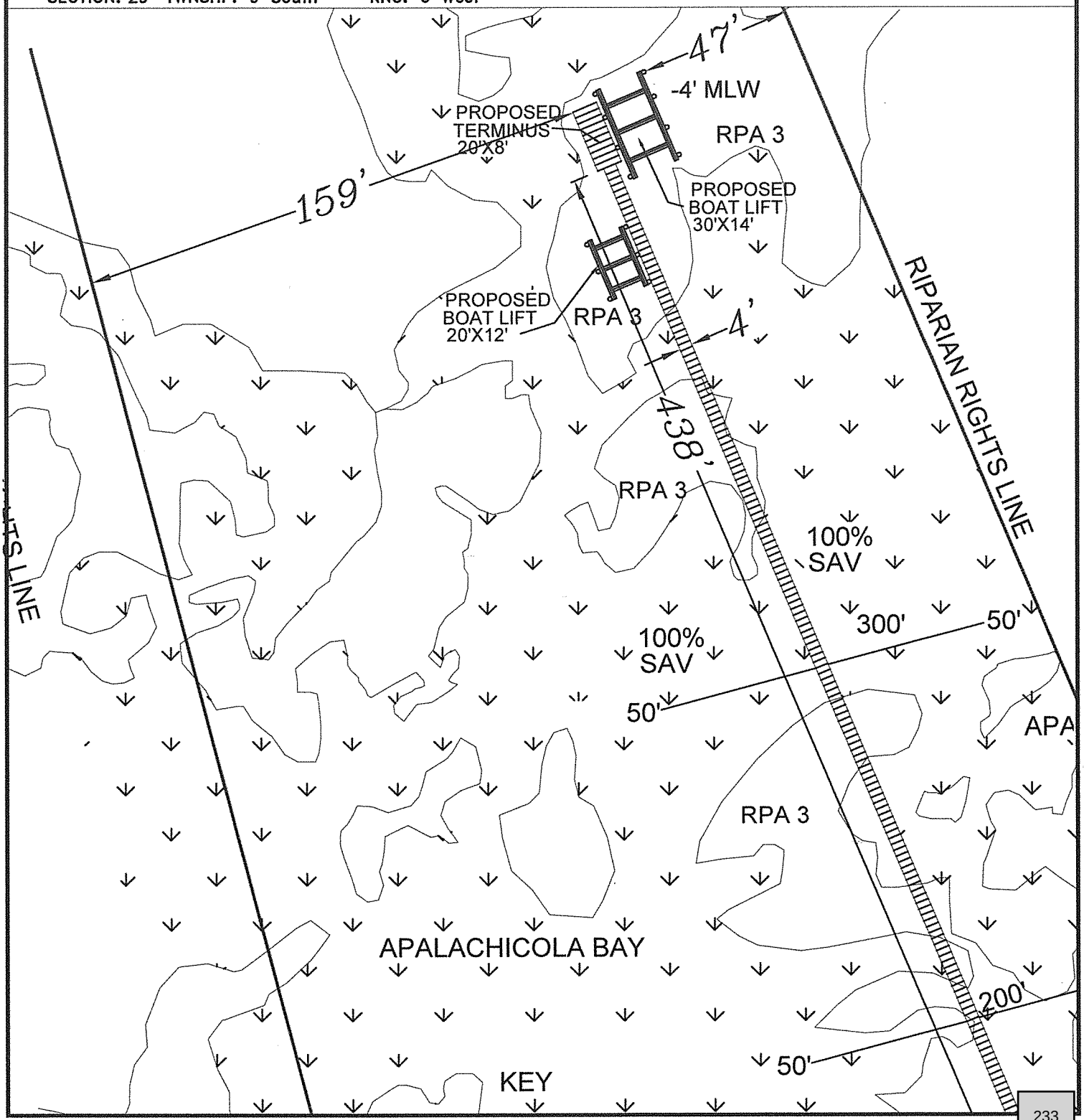



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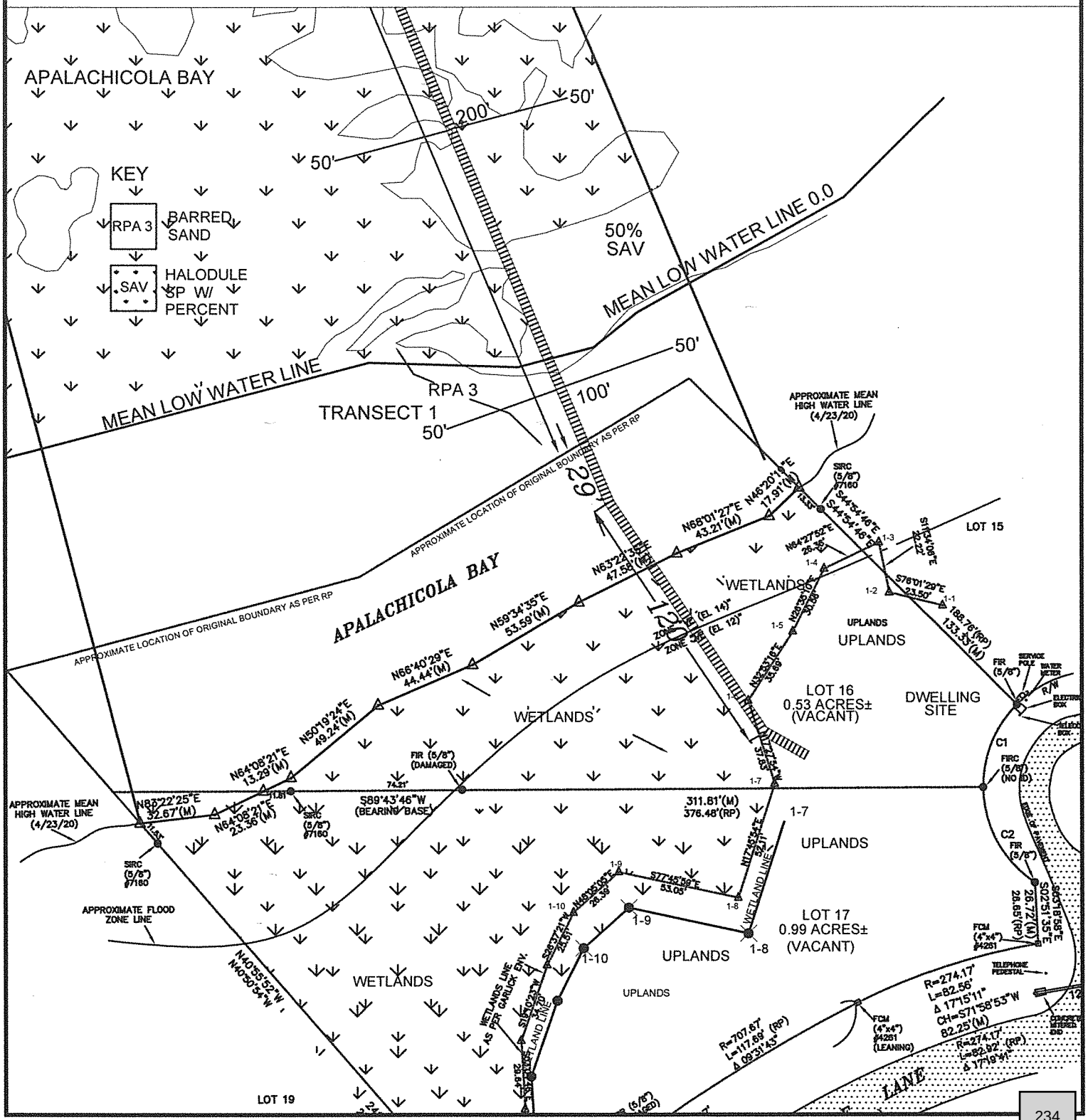



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# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Hugh P. Whitehead III
WATERBODY/CLASS: Apalachicola Bay Class II / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: St George Island / FranklinCounty
LATITUDE:
LONGITUDE:
SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030
DEP:
COE:
OTHER:
DATE: May 4, 2020
SHEET: 4/5






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P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415




APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / ClassII / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030

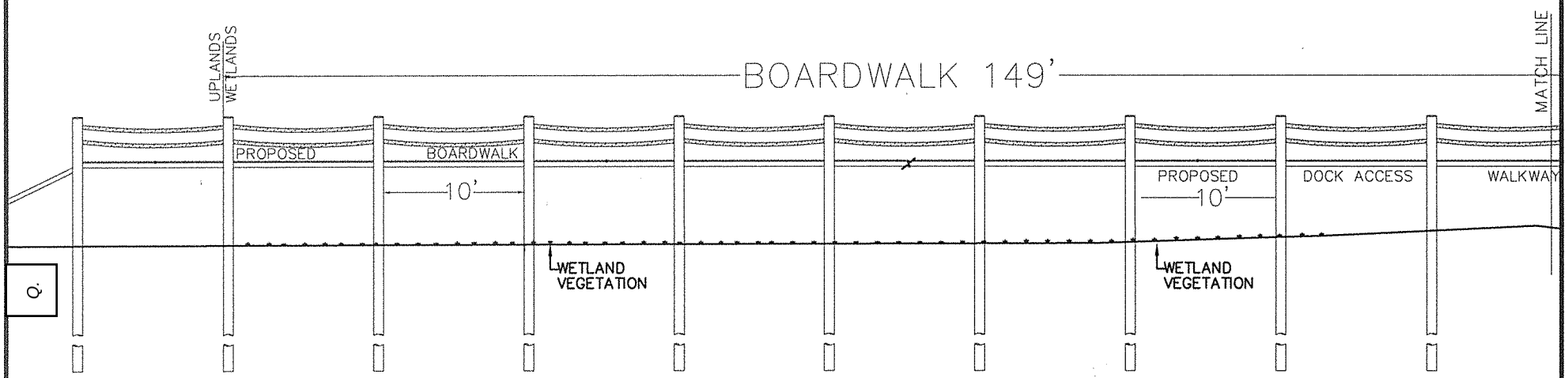
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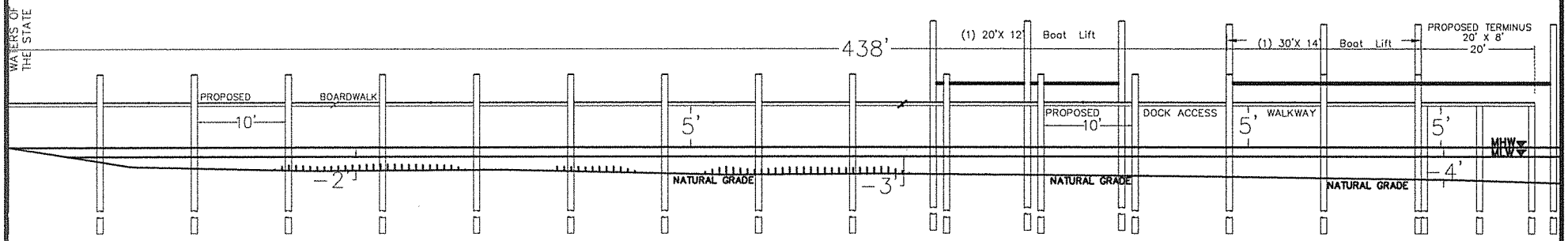
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OTHER:

DATE: May 4, 2020

SHEET: 5/5



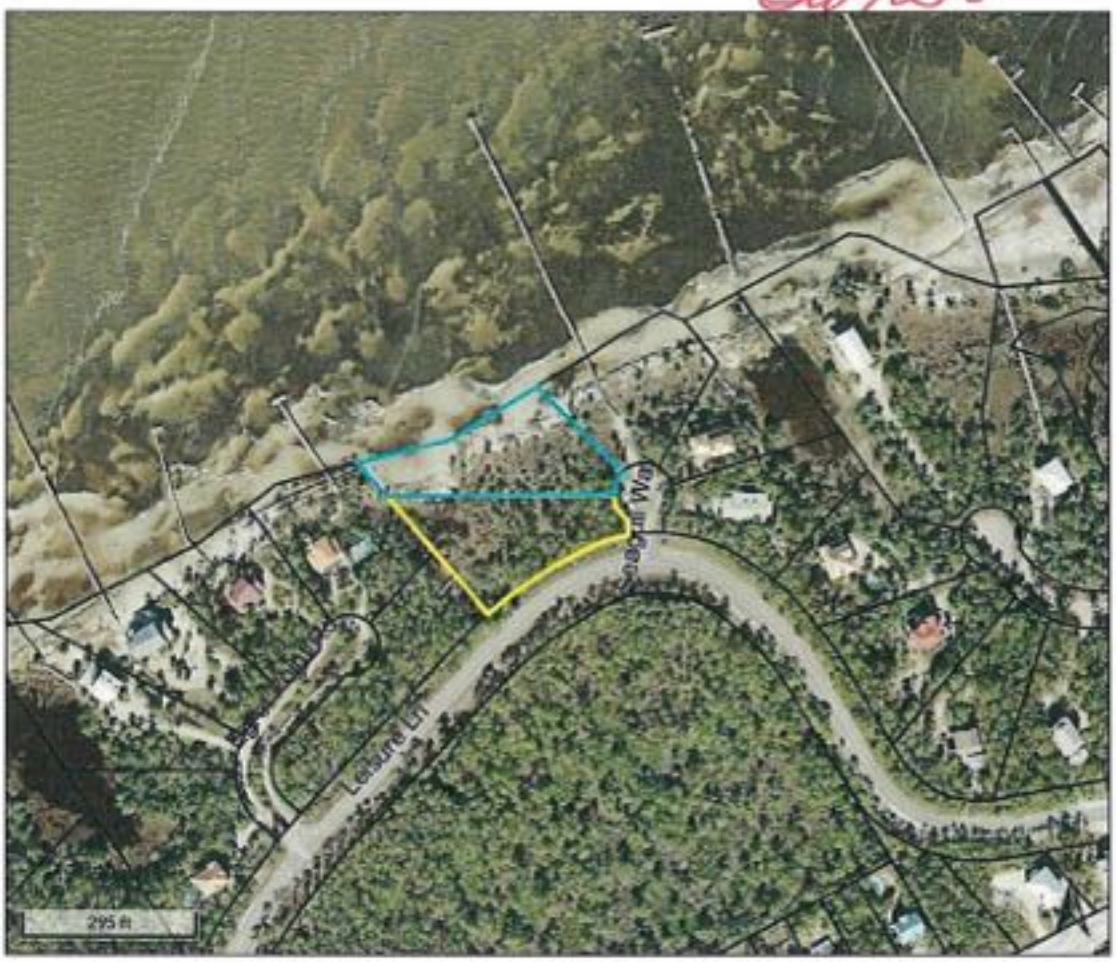




These drawing
permitting pur
only. Not int
construction d

Q.

# qPublic.net™ Franklin County, FL

Owner







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0160 | **Alternate ID** | 06W09529733900000160 | **Owner Address** | JOHNSON BENJAMIN FRANKLIN VI |
| **Sec/Twp/Rng** | 29-9S-6W | **Class** | VACANT | | 5600 PIMLICO DR |
| **Property Address** | 2215 SEA GULL WAY | **Acreage** | n/a | | TALLAHASSEE, FL 32308 |
| **District** | 1 | | | | |
| **Brief Tax Description** | LOT 16 HERON BAY VILL | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 5/4/2020
Last Data Uploaded: 5/4/2020 7:40:33 AM

Developed by Schneider GEOSPATIAL

qPublic.net™ Franklin County, FL

## Parcel Summary

| | |
|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0160 |
| **Location Address** | 2215 SEA GULL WAY<br>32328 |
| **Brief Tax Description*** | LOT 16 HERON BAY VILL OR 228/154 ORB 236 PAGE 223 1146/463-EASEMENT<br>*The Description above is not to be used on legal documents. |
| **Property Use Code** | VACANT (000000) |
| **Sec/Twp/Rng** | 29-9S-6W |
| **Tax District** | County (District 1) |
| **Millage Rate** | 11.5391 |
| **Acreage** | 0.000 |
| **Homestead** | N |

View Map

## Owner Information

**Primary Owner**
Johnson Benjamin Franklin Vi
5600 Pimlico Dr
Tallahassee, FL 32308

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 000121 | BAY FRONT | 1.00 | UT | 0 | 0 |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $0 | $0 | $0 | $0 | $0 |
| Land Value | $250,000 | $250,000 | $250,000 | $180,000 | $180,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | **$250,000** | **$250,000** | **$250,000** | **$180,000** | **$180,000** |
| Assessed Value | $217,800 | $239,580 | $198,000 | $180,000 | $180,000 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $217,800 | $239,580 | $198,000 | $180,000 | $180,000 |
| Maximum Save Our Homes Portability | $32,200 | $0 | $52,000 | $0 | $0 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

**No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sales, Sketches.**

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# qPublic.net™ Franklin County, FL

## Parcel Summary

| | |
|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0170 |
| **Location Address** | 2219 SEAGULL WAY<br>32328 |
| **Brief Tax Description*** | LOT 17 HERON BAY VILL OR 228/154 318/192 369/7 1146/463-EASEMENT<br>*The Description above is not to be used on legal documents. |
| **Property Use Code** | VACANT (000000) |
| **Sec/Twp/Rng** | 29-9S-6W |
| **Tax District** | County (District 1) |
| **Millage Rate** | 11.5391 |
| **Acreage** | 0.000 |
| **Homestead** | N |

View Map

## Owner Information

**Primary Owner**
Matwiczyk Thomas & Melanie
3880 Peabody Drive
Bloomfield Hill, MI 48302

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 000135 | RD BAYSIDE PLANTATIO | 1.00 | UT | 0 | 0 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 02/13/1992 | $21,250 | WD | 369 | 7 | Qualified (Q) | Vacant | A JACKSON S & L | MATWICZYK |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $0 | $0 | $0 | $0 | $0 |
| Land Value | $55,000 | $55,000 | $42,500 | $42,500 | $50,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | **$55,000** | **$55,000** | **$42,500** | **$42,500** | **$50,000** |
| Assessed Value | $46,750 | $51,425 | $42,500 | $42,500 | $50,000 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $46,750 | $51,425 | $42,500 | $42,500 | $50,000 |
| Maximum Save Our Homes Portability | $8,250 | $0 | $0 | $0 | $0 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

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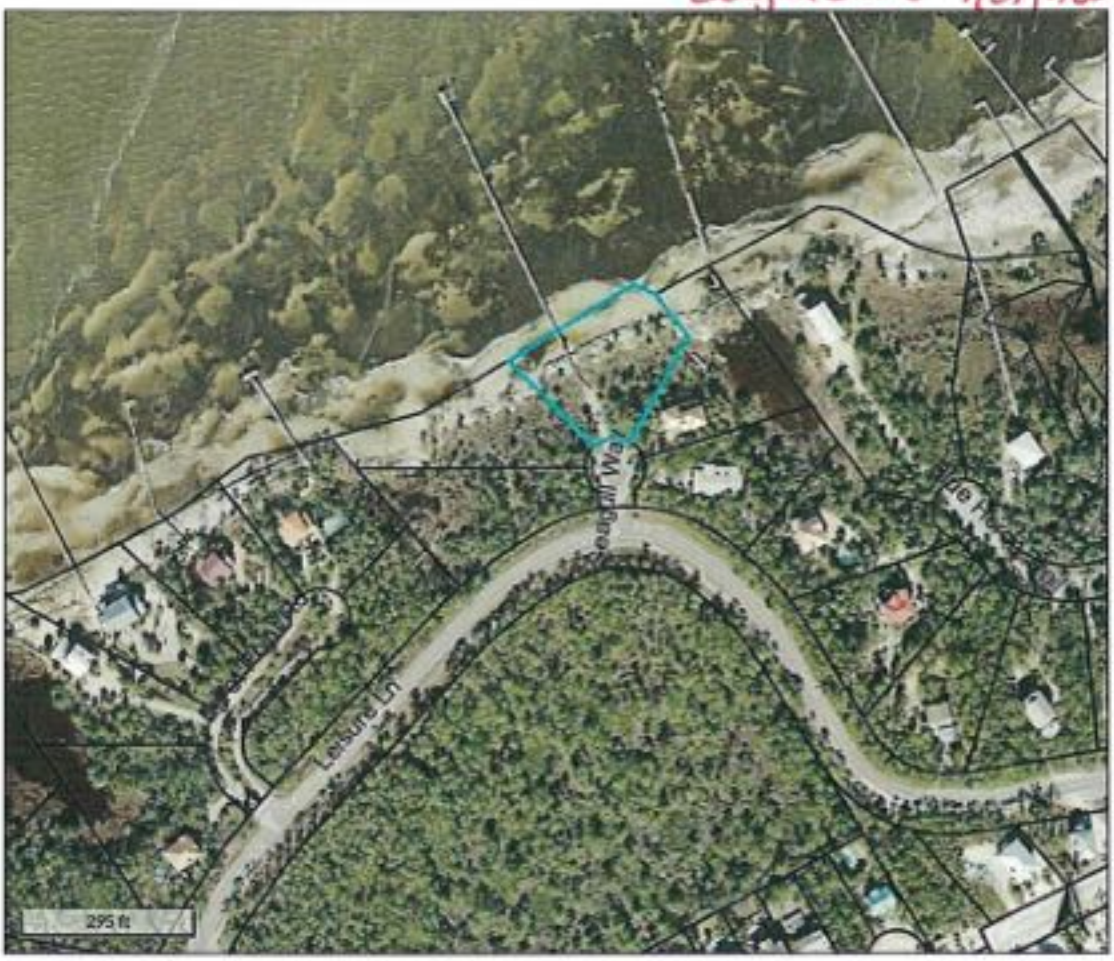
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Q.

# qPublic.net™ Franklin County, FL

Adjacent Neighbor







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0150 | **Alternate ID** | 06W09S29733900000150 | **Owner Address** | RAMSEY ROBERT |
| **Sec/Twp/Rng** | 29-9S-6W | **Class** | VACANT | | 2113 WOODLEY CIRCLE |
| **Property Address** | 2209 SEAGULL WAY | **Acreage** | n/a | | LEXINGTON, KY 40502 |
| **District** | 1 | | | | |
| **Brief Tax Description** | LOT 15 HERON BAY VILL | | | | |
| | (Note: Not to be used on legal documents) | | | | |

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# qPublic.net™ Franklin County, FL

## Parcel Summary

| | |
|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0150 |
| **Location Address** | 2209 SEAGULL WAY<br>32328 |
| **Brief Tax Description*** | LOT 15 HERON BAY VILL OR 228/154 ORB 236 PAGE 223 852/93 1043/551 1146/463-EASEMENT 1167/683 1168/561 1188/233<br>*The Description above is not to be used on legal documents. |
| **Property Use Code** | VACANT (000000) |
| **Sec/Twp/Rng** | 29-9S-6W |
| **Tax District** | County (District 1) |
| **Millage Rate** | 11.5391 |
| **Acreage** | 0.000 |
| **Homestead** | N |

View Map

## Owner Information

**Primary Owner**
Ramsey Robert
2113 Woodley Circle
Lexington, KY 40502

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 000121 | BAY FRONT | 1.00 | UT | 0 | 0 |

## Extra Features

| Code | Description | Number of Items | Length x Width x Height | Units | Unit Type | Effective Year Built |
|---|---|---|---|---|---|---|
| 0430 | DOCK | 1 | 0 x 0 x 0 | 2,284 | SF | 2016 |
| 1000 | BOATLIFT | 1 | 0 x 0 x 0 | 1 | UT | 2016 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 03/15/2017 | $100 | QC | 1188 | 233 | Unqualified (U) | Vacant | RAMSEY | RAMSEY |
| N | 05/18/2016 | $100 | QC | 1168 | 561 | Unqualified (U) | Vacant | TAMRAM,LLC | RAMSEY |
| N | 05/05/2016 | $240,000 | WD | 1167 | 683 | Qualified (Q) | Vacant | MONTPELIER HOLDINGS,LLC | TAMRAM,LLC |
| N | 08/15/2011 | $100 | WD | 1043 | 551 | Unqualified (U) | Vacant | MONTFORT JR | MONTPELIER HOLDINGS,LLC |
| N | 05/20/2005 | $927,500 | WD | 852 | 93 | Qualified (Q) | Vacant | JOHNSON VI | MONTFORT JR |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $20,630 | $20,630 | $20,630 | $0 | $0 |
| Land Value | $250,000 | $250,000 | $250,000 | $180,000 | $180,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | **$270,630** | **$270,630** | **$270,630** | **$180,000** | **$180,000** |
| Assessed Value | $225,280 | $247,808 | $204,800 | $180,000 | $180,000 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $225,280 | $247,808 | $204,800 | $180,000 | $180,000 |
| Maximum Save Our Homes Portability | $45,350 | $0 | $65,830 | $0 | $0 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

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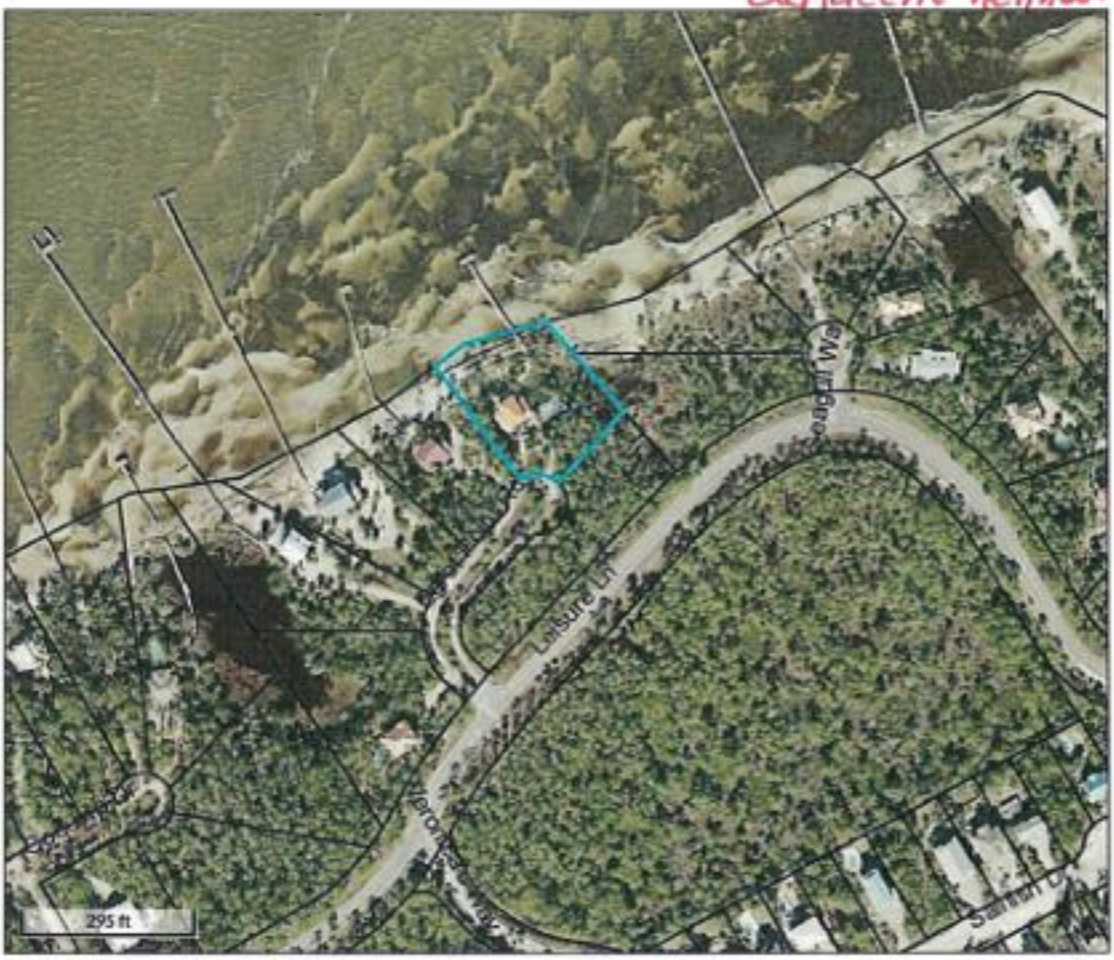
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# qPublic.net™ Franklin County, FL

Adjacent Neighbor







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0190 | **Alternate ID** | 06W09S29733900000190 | **Owner Address** | MASON STEPHANIE A |
| **Sec/Twp/Rng** | 29-9S-6W | **Class** | SINGLE FAM | | TRUSTEE |
| **Property Address** | 2205 EGRET POINT RD | **Acreage** | n/a | | 6961 COUNTY ROAD 20 |
| | | | | | MOUNT GILEAD, OH 43338-9647 |

**District** 1
**Brief Tax Description** LOT 19 HERON BAY VILL
(Note: Not to be used on legal documents)

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## Parcel Summary

| | |
|---|---|
| **Parcel ID** | 29-09S-06W-7339-0000-0190 |
| **Location Address** | 2205 EGRET POINT RD<br>32328 |
| **Brief Tax Description*** | LOT 19 HERON BAY VILL OR 228/154 ORB 307/173 OR 406/82 939/492 1146/463-EASEMENT<br>*The Description above is not to be used on legal documents. |
| **Property Use Code** | SINGLE FAM (000100) |
| **Sec/Twp/Rng** | 29-9S-6W |
| **Tax District** | County (District 1) |
| **Millage Rate** | 11.5391 |
| **Acreage** | 0.000 |
| **Homestead** | N |

View Map

## Owner Information

**Primary Owner**
Mason Stephanie A
Trustee
6961 County Road 20
Mount Gilead, OH 433389647

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 000121 | BAY FRONT | 1.00 | UT | 0 | 0 |

## Residential Buildings

**Building 1**

| | |
|---|---|
| **Type** | SGI PILING |
| **Total Area** | 3,464 |
| **Heated Area** | 2,162 |
| **Exterior Walls** | CB STUCCO |
| **Roof Cover** | CLAY TILE |
| **Interior Walls** | DRYWALL |
| **Frame Type** | WOOD FRAME |
| **Floor Cover** | SHT VINYL; CARPET |
| **Heat** | AIR DUCTED |
| **Air Conditioning** | CENTRAL |
| **Bathrooms** | 3.5 |
| **Bedrooms** | 3 |
| **Stories** | 1.5 |
| **Effective Year Built** | 1993 |

## Extra Features

| Code | Description | Number of Items | Length x Width x Height | Units | Unit Type | Effective Year Built |
|---|---|---|---|---|---|---|
| 0080 | DECK | 1 | 9 x 26 x 0 | 234 | UT | 1993 |
| 0320 | CONCRETE | 1 | 0 x 0 x 0 | 1,784 | UT | 0 |
| 0300 | STEPS | 1 | 0 x 0 x 0 | 183 | UT | 0 |
| 0080 | DECK | 1 | 26 x 6 x 0 | 156 | UT | 0 |
| 0340 | SHOWER | 1 | 6 x 6 x 0 | 36 | UT | 0 |
| 0310 | WD WALK | 1 | 296 x 4 x 0 | 1,184 | UT | 0 |
| 0280 | POOL RES ABOVE AVER | 1 | 0 x 0 x 0 | 1 | UT | 2000 |
| 0980 | POOL CAGE | 1 | 0 x 0 x 0 | 1,260 | UT | 2000 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 06/25/2007 | $100 | WD | 939 | 492 | Unqualified (U) | Improved | WALKER | MASON TRUSTEE |
| N | 03/10/1993 | $59,500 | WD | 406 | 82 | Qualified (Q) | Vacant | ROSSER | WALKER |
| N | 11/17/1989 | $68,000 | WD | 307 | 173 | Unqualified (U) | Vacant | PONDER | ROSSER |

## Valuation

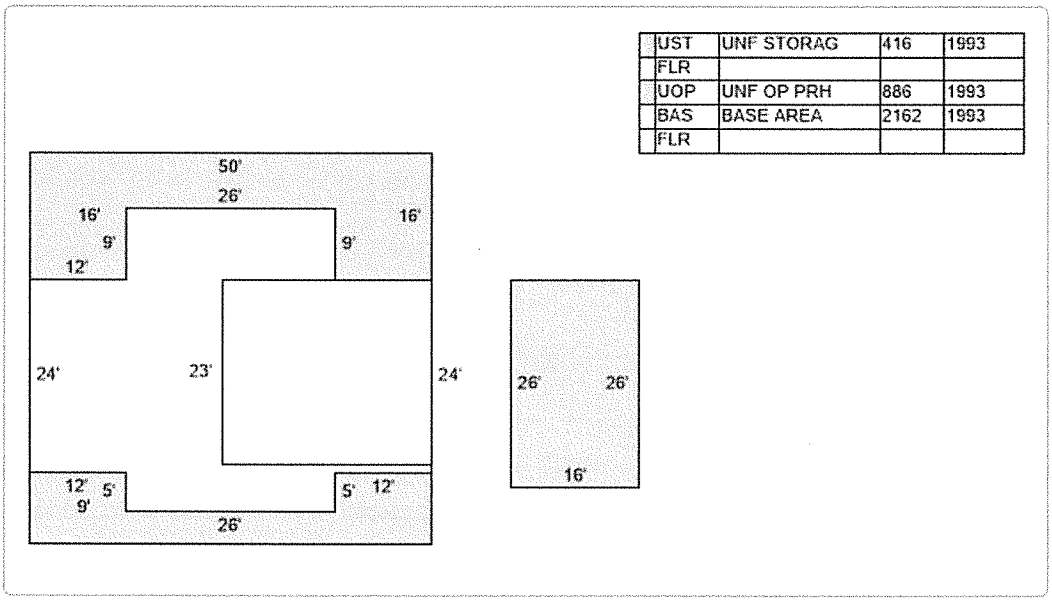
| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $367,608 | $364,107 | $255,416 | $204,333 | $208,152 |
| Extra Features Value | $32,780 | $32,780 | $32,780 | $32,780 | $32,780 |
| Land Value | $250,000 | $250,000 | $250,000 | $180,000 | $180,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | **$650,388** | **$646,887** | **$538,196** | **$417,113** | **$420,932** |
| Assessed Value | $504,706 | $555,177 | $458,824 | $417,113 | $420,932 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $504,706 | $555,177 | $458,824 | $417,113 | $420,932 |
| Maximum Save Our Homes Portability | $145,682 | $0 | $79,372 | $0 | $0 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

## Sketches




| | | | |
|---|---|---|---|
| UST | UNF STORAG | 416 | 1993 |
| FLR | | | |
| UOP | UNF OP PRH | 886 | 1993 |
| BAS | BASE AREA | 2162 | 1993 |
| FLR | | | |

**No data available for the following modules:** Commercial Buildings.

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## Vacant Land Contract

Realtors

1. **Sale and Purchase:** Benjamin Franklin Johnson, VI, Thomas Matwiczyk, and Melanie Matwiczyk ("**Seller**") and Hugh P Whitehead, III ("**Buyer**") (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property") described as:
Address: 2215 Seagull Way, St. George Island, FL 32328
Legal Description: Lot 16 and Lot 17 Heron Bay Village

SEC 29 /TWP 9S /RNG 6W of Franklin County, Florida. Real Property ID No.: 29-09S-06W07339-0000-0160 including all improvements existing on the Property and the following additional property:

2. **Purchase Price:** (U.S. currency) ..... $ 260000
All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
Escrow Agent's Name: Padgett Law Group - Lori Powell
Escrow Agent's Contact Person: Lori Powell
Escrow Agent's Address: 6267 Old Water Oak Rd, Ste 203, Tallahassee, FL 32312
Escrow Agent's Phone: 850-422-2520
Escrow Agent's Email: lori.powell@padgettlawgroup.com

(a) Initial deposit ($0 if left blank) (**Check if applicable**)
☐ accompanies offer
☑ will be delivered to Escrow Agent within 3 days (3 days if left blank)
after Effective Date ..... $ 2500
(b) Additional deposit will be delivered to Escrow Agent (**Check if applicable**)
☐ within _____ days (10 days if left blank) after Effective Date
☐ within _____ days (3 days if left blank) after expiration of Feasibility Study Period..... $ _____
(c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage)..... $ _____
(d) Other: _____ ..... $ _____
(e) Balance to close (not including **Buyer's** closing costs, prepaid items, and prorations) to be paid at closing by wire transfer or other Collected funds..... $ 257500

(f) ☐ (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The unit used to determine the purchase price is ☐ lot ☐ acre ☐ square foot ☐ other (specify): _____ prorating areas of less than a full unit. The purchase price will be $_____ per unit based on a calculation of total area of the Property as certified to **Seller** and **Buyer** by a Florida licensed surveyor in accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the calculation: _____

3. **Time for Acceptance; Effective Date:** Unless this offer is signed by **Seller** and **Buyer** and an executed copy delivered to all parties on or before 04/10/2020, this offer will be withdrawn and **Buyer's** deposit, if any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is delivered. **The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter-offer.**

4. **Closing Date:** This transaction will close on 05/11/2020 ("Closing Date"), unless specifically extended by other provisions of this contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday, Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business day. In the event insurance underwriting is suspended on Closing Date and **Buyer** is unable to obtain property insurance, **Buyer** may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If this transaction does not close for any reason, **Buyer** will immediately return all **Seller** provided documents and other items.

5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

("CFPB Requirements), if applicable, then Closing Date shall be extended for such period necessary to satisfy CFPB Requirements, provided such period shall not exceed 10 days.

6. **Financing: (Check as applicable)**
(a) ☐ **Buyer** will pay cash for the Property with no financing contingency.
(b) ☑ This contract is contingent on **Buyer** qualifying for and obtaining the commitment(s) or approval(s) specified below ("Financing") within 30 days after Effective Date (Closing Date or 30 days after Effective Date, whichever occurs first, if left blank) ("Financing Period"). **Buyer** will apply for Financing within 5 days after Effective Date (5 days if left blank) and will timely provide any and all credit, employment, financial, and other information required by the lender. If **Buyer**, after using diligence and good faith, cannot obtain the Financing within the Financing Period, either party may terminate this contract and **Buyer's** deposit(s) will be returned.
(1) ☑ **New Financing:** **Buyer** will secure a commitment for new third party financing for $ 208,000 or 80 % of the purchase price at **(Check one)** ☑ a fixed rate not exceeding _____% ☐ an adjustable interest rate not exceeding _____% at origination (a fixed rate at the prevailing interest rate based on **Buyer's** creditworthiness if neither choice is selected). **Buyer** will keep **Seller** and Broker fully informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all such information to **Seller** and Broker.
(2) ☐ **Seller Financing:** **Buyer** will execute a ☐ first ☐ second purchase money note and mortgage to **Seller** in the amount of $_____, bearing annual interest at _____% and payable as follows:
_____
The mortgage, note, and any security agreement will be in a form acceptable to **Seller** and will follow forms generally accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the mortgagee's option if **Buyer** defaults; will give **Buyer** the right to prepay without penalty all or part of the principal at any time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous parcels, if applicable; and will require **Buyer** to keep liability insurance on the Property, with **Seller** as additional named insured. **Buyer** authorizes **Seller** to obtain credit, employment, and other necessary information to determine creditworthiness for the financing. **Seller** will, within 10 days after Effective Date, give **Buyer** written notice of whether or not **Seller** will make the loan.
(3) ☐ **Mortgage Assumption:** **Buyer** will take title subject to and assume and pay existing first mortgage to
_____
LN#_____ in the approximate amount of $_____ currently payable at $_____ per month, including principal, interest. ☐ taxes and insurance, and having a ☐ fixed ☐ other (describe) _____ interest rate of _____% which ☐ will ☐ will not escalate upon assumption. Any variance in the mortgage will be adjusted in the balance due at closing with no adjustment to purchase price. **Buyer** will purchase **Seller's** escrow account dollar for dollar. If the interest rate upon transfer exceeds _____% or the assumption/transfer fee exceeds $_____, either party may elect to pay the excess, failing which this contract will terminate; and **Buyer's** deposit(s) will be returned. If the lender disapproves **Buyer**, this contract will terminate; and **Buyer's** deposit(s) will be returned.

7. **Assignability: (Check one)** **Buyer** ☐ may assign and thereby be released from any further liability under this contract, ☐ may assign but not be released from liability under this contract, or ☑ may not assign this contract.

8. **Title:** **Seller** has the legal capacity to and will convey marketable title to the Property by ☑ statutory warranty deed ☐ special warranty deed ☐ other (specify) _____, free of liens, easements, and encumbrances of record or known to **Seller**, but subject to property taxes for the year of closing; covenants, restrictions, and public utility easements of record; existing zoning and governmental regulations; and (list any other matters to which title will be subject) _____; provided there exists at closing no violation of the foregoing.
(a) **Title Evidence:** The party who pays for the owner's title insurance policy will select the closing agent and pay for the title search, including tax and lien search (including municipal lien search) if performed, and all other fees charged by closing agent. **Seller** will deliver to **Buyer**, at
**(Check one)** ☐ **Seller's** ☑ **Buyer's** expense and
**(Check one)** ☑ within 30 days after Effective Date ☐ at least 3 days before Closing Date,
**(Check one)**
(1) ☑ a title insurance commitment by a Florida licensed title insurer setting forth those matters to be discharged by **Seller** at or before closing and, upon **Buyer** recording the deed, an owner's policy in the

amount of the purchase price for fee simple title subject only to the exceptions stated above. If **Buyer** is paying for the owner's title insurance policy and **Seller** has an owner's policy, **Seller** will deliver a copy to **Buyer** within 15 days after Effective Date.

(2) ☐ an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm. However, if such an abstract is not available to **Seller**, then a prior owner's title policy acceptable to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will include copies of all policy exceptions and an update in a format acceptable to **Buyer** from the policy effective date and certified to **Buyer** or **Buyer's** closing agent together with copies of all documents recited in the prior policy and in the update. If such an abstract or prior policy is not available to **Seller**, then (1) above will be the title evidence.

(b) **Title Examination:** After receipt of the title evidence, **Buyer** will, within 10 days (10 days if left blank) but no later than Closing Date, deliver written notice to **Seller** of title defects. Title will be deemed acceptable to **Buyer** if (i) **Buyer** fails to deliver proper notice of defects or (ii) **Buyer** delivers proper written notice and **Seller** cures the defects within 30 days (30 days if left blank) ("Cure Period") after receipt of the notice. If the defects are cured within the Cure Period, closing will occur within 10 days after receipt by **Buyer** of notice of such cure. **Seller** may elect not to cure defects if **Seller** reasonably believes any defect cannot be cured within the Cure Period. If the defects are not cured within the Cure Period, **Buyer** will have 10 days after receipt of notice of **Seller's** inability to cure the defects to elect whether to terminate this contract or accept title subject to existing defects and close the transaction without reduction in purchase price.

(c) **Survey:** **Buyer** may, at **Buyer's** expense, have the Property surveyed and must deliver written notice to **Seller**, within 5 days after receiving survey but not later than 5 days before Closing Date, of any encroachments on the Property, encroachments by the Property's improvements on other lands, or deed restriction or zoning violations. Any such encroachment or violation will be treated in the same manner as a title defect and **Seller's** and **Buyer's** obligations will be determined in accordance with Paragraph 8(b).

(d) **Ingress and Egress:** **Seller** warrants that the Property presently has ingress and egress.

9. **Property Condition:** **Seller** will deliver the Property to **Buyer** at closing in its present "as is" condition, with conditions resulting from **Buyer's** Inspections and casualty damage, if any, excepted. **Seller** will not engage in or permit any activity that would materially alter the Property's condition without the **Buyer's** prior written consent.

(a) **Inspections: (Check (1) or (2))**

(1) ☑ **Feasibility Study:** **Buyer** will, at **Buyer's** expense and within 30 days (30 days if left blank) ("Feasibility Study Period") after Effective Date and in **Buyer's** sole and absolute discretion, determine whether the Property is suitable for **Buyer's** intended use. During the Feasibility Study Period, **Buyer** may conduct a Phase 1 environmental assessment and any other tests, analyses, surveys, and investigations ("Inspections") that **Buyer** deems necessary to determine to **Buyer's** satisfaction the Property's engineering, architectural, and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state, and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that **Buyer** deems appropriate. If the Property must be rezoned, **Buyer** will obtain the rezoning from the appropriate government agencies. **Seller** will sign all documents **Buyer** is required to file in connection with development or rezoning approvals. **Seller** gives **Buyer**, its agents, contractors, and assigns, the right to enter the Property at any time during the Feasibility Study Period for the purpose of conducting Inspections, provided, however, that **Buyer**, its agents, contractors, and assigns enter the Property and conduct Inspections at their own risk. **Buyer** will indemnify and hold **Seller** harmless from losses, damages, costs, claims, and expenses of any nature, including attorneys' fees, expenses, and liability incurred in application for rezoning or related proceedings, and from liability to any person, arising from the conduct of any and all Inspections or any work authorized by **Buyer**. **Buyer** will not engage in any activity that could result in a construction lien being filed against the Property without **Seller's** prior written consent. If this transaction does not close, **Buyer** will, at **Buyer's** expense, (i) repair all damages to the Property resulting from the Inspections and return the Property to the condition it was in before conducting the Inspections and (ii) release to **Seller** all reports and other work generated as a result of the Inspections.

Before expiration of the Feasibility Study Period, **Buyer** must deliver written notice to **Seller** of **Buyer's** determination of whether or not the Property is acceptable. **Buyer's** failure to comply with this notice requirement will constitute acceptance of the Property as suitable for **Buyer's** intended use in its "as is" condition. If the Property is unacceptable to **Buyer** and written notice of this fact is timely delivered to **Seller**, this contract will be deemed terminated, and **Buyer's** deposit(s) will be returned.



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(2) ☐ **No Feasibility Study:** **Buyer** is satisfied that the Property is suitable for **Buyer's** purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a well and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management, and environmental conditions, are acceptable to **Buyer**. This contract is not contingent on **Buyer** conducting any further investigations.

(b) **Government Regulations:** Changes in government regulations and levels of service which affect **Buyer's** intended use of the Property will not be grounds for terminating this contract if the Feasibility Study Period has expired or if Paragraph 9(a)(2) is selected.

(c) **Flood Zone:** **Buyer** is advised to verify by survey, with the lender, and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required, and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(d) **Coastal Construction Control Line ("CCCL"):** If any part of the Property lies seaward of the CCCL as defined in Section 161.053, Florida Statutes, **Seller** will provide **Buyer** with an affidavit or survey as required by law delineating the line's location on the Property, unless **Buyer** waives this requirement in writing. The Property being purchased may be subject to coastal erosion and to federal, state, or local regulations that govern coastal property, including delineation of the CCCL, rigid coastal protection structures, beach nourishment, and the protection of marine turtles. Additional information can be obtained from the Florida Department of Environmental Protection, including whether there are significant erosion conditions associated with the shore line of the Property being purchased.

☑ **Buyer** waives the right to receive a CCCL affidavit or survey.

**10. Closing Procedure; Costs:** Closing will take place in the county where the Property is located and may be conducted by mail or electronic means. If title insurance insures **Buyer** for title defects arising between the title binder effective date and recording of **Buyer's** deed, closing agent will disburse at closing the net sale proceeds to **Seller** (in local cashier's check if **Seller** requests in writing at least 5 days before closing) and brokerage fees to Broker as per Paragraph 21. In addition to other expenses provided in this contract, **Seller** and **Buyer** will pay the costs indicated below.

(a) **Seller Costs:**
Taxes on deed
Recording fees for documents needed to cure title
Title evidence (if applicable under Paragraph 8)
Estoppel Fee(s)
Other: _____

(b) **Buyer Costs:**
Taxes and recording fees on notes and mortgages
Recording fees on the deed and financing statements
Loan expenses
Title evidence (if applicable under Paragraph 8)
Lender's title policy at the simultaneous issue rate
Inspections
Survey
Insurance
Other: _____

(c) **Prorations:** The following items will be made current and prorated as of the day before Closing Date: real estate taxes (including special benefit tax liens imposed by a CDD), interest, bonds, assessments, leases, and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(d) **Special Assessment by Public Body:** Regarding special assessments imposed by a public body, **Seller** will pay (i) the full amount of liens that are certified, confirmed, and ratified before closing and (ii) the amount of the last estimate of the assessment if an improvement is substantially completed as of Effective Date but has not resulted in a lien before closing; and **Buyer** will pay all other amounts. If special assessments may be paid in installments, ☐ **Seller** ☑ **Buyer** (**Buyer** if left blank) will pay installments due after closing. If **Seller** is checked, **Seller** will pay the assessment in full before or at the time of closing. Public body does not include a Homeowners' or Condominium Association.

(e) **PROPERTY TAX DISCLOSURE SUMMARY: BUYER** SHOULD NOT RELY ON THE **SELLER'S** CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT **BUYER** MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY

IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR FURTHER INFORMATION.

(f) **Foreign Investment in Real Property Tax Act ("FIRPTA"):** If **Seller** is a "foreign person" as defined by FIRPTA, **Seller** and **Buyer** will comply with FIRPTA, which may require **Seller** to provide additional cash at closing.

(g) **1031 Exchange:** If either **Seller** or **Buyer** wish to enter into a like-kind exchange (either simultaneously with closing or after) under Section 1031 of the Internal Revenue Code ("Exchange"), the other party will cooperate in all reasonable respects to effectuate the Exchange including executing documents, provided, however, that the cooperating party will incur no liability or cost related to the Exchange and that the closing will not be contingent upon, extended, or delayed by the Exchange.

11. **Computation of Time:** Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays specified in 5 U.S.C. 6103(a). Other than time for acceptance and Effective Date as set forth in Paragraph 3, any time periods provided for or dates specified in this Contract, whether preprinted, handwritten, typewritten or inserted herein, which shall end or occur on a Saturday, Sunday, or national legal holiday (see 5 U.S.C. 6103) shall extend until 5:00 p.m. (where the Property is located) of the next business day. **Time is of the essence in this contract.**

12. **Risk of Loss; Eminent Domain:** If any portion of the Property is materially damaged by casualty before closing or **Seller** negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings or an eminent domain proceeding is initiated, **Seller** will promptly inform **Buyer.** Either party may terminate this contract by written notice to the other within 10 days after **Buyer's** receipt of **Seller's** notification, and **Buyer's** deposit(s) will be returned, failing which **Buyer** will close in accordance with this contract and receive all payments made by the governmental authority or insurance company, if any.

13. **Force Majeure: Seller** or **Buyer** will not be required to perform any obligation under this contract or be liable to each other for damages so long as the performance or non-performance of the obligation is delayed, caused, or prevented by an act of God or force majeure. An "act of God or "force majeure" is defined as hurricanes, earthquakes, floods, fire, unusual transportation delays, wars, insurrections, and any other cause not reasonably within the control of **Seller** or **Buyer** and which by the exercise of due diligence the non-performing party is unable in whole or in part to prevent or overcome. All time periods, including Closing Date, will be extended for the period that the act of God or force majeure is in place. However, in the event that such act of God or force majeure event continues beyond 30 days, either party may terminate this contract by delivering written notice to the other; and **Buyer's** deposit(s) will be returned.

14. **Notices:** All notices will be in writing and delivered to the parties and Broker by mail, personal delivery, or electronic means. **Buyer's failure to timely deliver written notice to Seller, when such notice is required by this contract, regarding any contingency will render that contingency null and void, and this contract will be construed as if the contingency did not exist. Any notice, document, or item delivered to or received by an attorney or licensee (including a transactions broker) representing a party will be as effective as if delivered to or received by that party.**

15. **Complete Agreement; Persons Bound:** This contract is the entire agreement between **Seller** and **Buyer. Except for brokerage agreements, no prior or present agreements will bind Seller, Buyer, or Broker unless incorporated into this contract.** Modifications of this contract will not be binding unless in writing, signed or initialed, and delivered by the party to be bound. Electronic signatures will be acceptable and binding. This contract, signatures, initials, documents referenced in this contract, counterparts, and written modifications communicated electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or attached to this contract prevail over preprinted terms. If any provision of this contract is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. **Seller** and **Buyer** will use diligence and good faith in performing all obligations under this contract. This contract will not be recorded in any public record. The terms "**Seller,**" "**Buyer,**" and "Broker" may be singular or plural. This contract is binding on the heirs, administrators, executors, personal representatives, and assigns, if permitted, of **Seller**, **Buyer**, and Broker.

16. **Default and Dispute Resolution:** This contract will be construed under Florida law. This Paragraph will survive closing or termination of this contract.

(a) **Seller Default:** If **Seller** fails, neglects, or refuses to perform **Seller's** obligations under this contract, **Buyer** may elect to receive a return of **Buyer's** deposit(s) without thereby waiving any action for damages resulting


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| | |
|---|---|
| hspohrer@stgeorgeisland.com | cynthiamiller@kw.com |
| **Seller's** Sales Associate Email Address | **Buyer's** Sales Associate Email Address |
| 850-899-1262 | 850-509-7970 |
| **Seller's** Sales Associate Phone Number | **Buyer's** Sales Associate Phone Number |
| Berkshire Hathaway Home Services - SGI | Tallahassee |
| **Listing Brokerage** | **Buyer's Brokerage** |
| FL | 1520 Killearn Center Blvd., Suite 100, Tallahassee, FL 32309 |
| **Listing Brokerage Address** | **Buyer's Brokerage Address** |

22. **Addenda:** The following additional terms are included in the attached addenda and incorporated into this Contract (**Check if applicable**):
☐ A. Back-up Contract
☐ B. Other _____

23. **Additional Terms:** Parcel ID #29-09S-06W-7339-0000-0170 is included in this contract for sale.

## COUNTER-OFFER/REJECTION

☐ Seller counters Buyer's offer (to accept the counter-offer, Buyer must sign or initial the counter-offered terms and deliver a copy of the acceptance to Seller).
☐ Seller rejects Buyer's offer

**This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney before signing.**

**Buyer:** Hugh P Whitehead III dotloop verified 04/09/20 6:54 PM CDT OFEM-IWVY-ONAL-EKVC Date: _____
Print name: Hugh P Whitehead, III
**Buyer:** _____ Date: _____
Print name: _____
**Buyer's** address for purpose of notice:
Address: 3209 Chateau Ct. NW, Atlanta, GA 30305
Phone: 4045108770 Fax: _____ Email: scott@whiteheadassoc.com
**Seller:** Benjamin Franklin Johnson, VI Date: 4/10/20
Print name: Benjamin Franklin Johnson, VI
**Seller:** Thomas J Matwiczyk Melanie H. Matwiczyk Date: 10 APR 20
Print name: Thomas Matwiczyk Melanie H. Matwiczyk


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383 **Seller's address for purpose of notice:**

384* Address: 5600 Pimlico Dr. Tallahassee, FL 32308

385* Phone: _____ Fax: _____ Email: _____

386* **Effective Date:** 04/10/2020 **(The date on which the last party signed or initialed and delivered the**
387 **final offer or counter-offer.)**

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FLORIDA DEP Q. TMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

**Permittee/Authorized Entity:**
Scott Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805
Scott@whiteheadassoc.com

**Whitehead Dock**

**Authorized Agent:**
Dan Garlick
P.O. Box 385
Apalachicola, Florida 32329
Dan@garlickenv.com

**Environmental Resource Permit**
**State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required**

Franklin County
Permit No.: 0387512-001-EI/19

**Permit Issuance Date: June 15, 2020**
**Permit Construction Phase Expiration Date: June 15, 2025**

# Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

**Permittee/Grantee: Scott Whitehead**
**Permit No: 0387512-001-EI/19**

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 2215 Sea Gull Way St. George Island, Florida 32328, Parcel ID 29-09S-06W-7339-0000-0160, in Section 09, Township 10 South, Range 07 West in Franklin County, at 29°37′17.5368″ North Latitude, 84°57′4.6076″ West Longitude.

## PROJECT DESCRIPTION

The permittee is authorized to construct a single-family dock that consists of an 87 foot by 4 foot wetland boardwalk, a 500 foot by 4 foot access pier, a 20 foot by 8 foot terminal platform, and 2 uncovered boatlifts. The project is within the Apalachicola Bay Aquatic Preserve, a Class II Outstanding Florida Waterbody, Approved Shellfish Harvesting Area. Those activities include the preemption of approximately 2,820 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

**Whitehead Dock**

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. and Chapter 258, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Q.

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

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

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 Special Consent 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 – ADMINISTRATIVE/EMERGENCIES**

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

3. The mailing address for submittal of forms for the "Construction Commencement Notice", "As-Built Certification …", "Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase", or other correspondence is FDEP, SLERP, 160 W. Government Street, Suite 308, Pensacola Florida, 32502.

**SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. Prior to installation of turbidity screens or initiation of construction activities, the permittee shall use PVC pipes to clearly delineate the extent of seagrass beds in the vicinity of the construction area. The PVC pipes shall be removed within 72 hours of construction completion and once turbidity have returned to background.

5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend within 1 ft. of the bottom shall be placed around the active construction area of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters outside of the turbidity screens occurs. Turbidity shall be monitored as described in the monitoring portion of this permit.

6. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

**SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

7. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.

8. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of

construction, and the Department shall be notified of its completion within that same 30-day period.

9. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed the ambient water quality levels of the Outstanding Florida Waters:

a. Immediately cease all work contributing to water quality violation.
b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair ant non-functioning turbidity containment devices.
c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time of the violation is first detected.

10. There shall be no stock piling of tools, materials, (i.e. lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within the water/waters of the state.

11. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depths so as to preclude bottom scouring and prop dredging.

12. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

13. All cleared vegetation, 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.

14. No dredging or filling of submerged grass beds is authorized by this permit.

15. The following construction sequence shall be adhered to for all boardwalks, piers and docking structures. Structures shall be built progressively, commencing at the shoreline and continuing waterward. No more than three sets of pilings shall be installed at a time. The decking then will be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials. No impacts shall occur outside the footprint of the permitted dock.

16. All pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean/ordinary high water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.

17. Pilings within areas containing seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited. Sediments that accumulate on top of the adjacent seagrasses shall be removed by hand to prevent burial of the plants.

18. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimal of 5 feet above mean high water and/or wetland grade. If planks are used, there shall be a minimum of 1/2-inch spacing between deck planks.

19. This permit does not authorize the construction of additional structures not illustrated on the permit drawings. Examples of additional structures, which are not authorized by this permit include but not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile-supported structures.

**SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

20. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

**SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

21. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

22. Fish cleaning stations, boat repair facilities and fueling facilities on structures over the water are prohibited.

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

24. To protect benthic and wetland resources when present, the elevation of the decking shall be maintained at a minimum of five feet above mean high and/or wetland grade for the life of the facility. If planks are used, there shall be a minimum of ½-inch spacing between deck planks maintained for the life of the facility.

25. All future replacement pilings shall be non-CCA-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves).

26. All future authorized replacement pilings for support of the docking structures shall be spaced at least ten feet apart and shall be installed by vibrating, pounding, or hand-auguring them in place. Jetting of pilings within seagrass area shall be prohibited.

27. After restroom facilities are located in the uplands, mooring is allowed under the following conditions:

a. No more than two boats are authorized to be moored at the dock
b. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at mean low water.

**GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

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

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

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of 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. 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.

**SPECIAL CONSENT CONDITIONS**

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

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

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

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

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

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

**GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions, which 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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

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

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

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

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time.

Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation
Mediation is not available in this proceeding.

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

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

Q.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Una Johnson at the letterhead address, at (850) 595-0585, or at Martha.U.Johnson@FloridaDEP.gov.

**EXECUTION AND CLERKING**
Executed in Pensacola, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:muj

**Attachment:**
Project Drawings and Design Specs., 5 pages

Copies of 62-330 forms may be obtained at: https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource

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

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Jonathan Brucker, Apalachicola Bay Aquatic Preserve, Jonathan.Brucker@FloridaDEP.gov
Mary Ann Wasmund, maryann@garlickenv.com
Franklin County, michael@franklincountyflorida.com

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



**Clerk** **Date**

June 15, 2020

Q.

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Hugh P. Whitehead III
WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: St George Island / Franklin County
LATITUDE: 29° 37' 16.91"
LONGITUDE: 84° 57' 4.35"
SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030
DEP:
COE:
OTHER:
DATE: May 4, 2020
SHEET: 1/5

1/5
0387512-001-EI/19



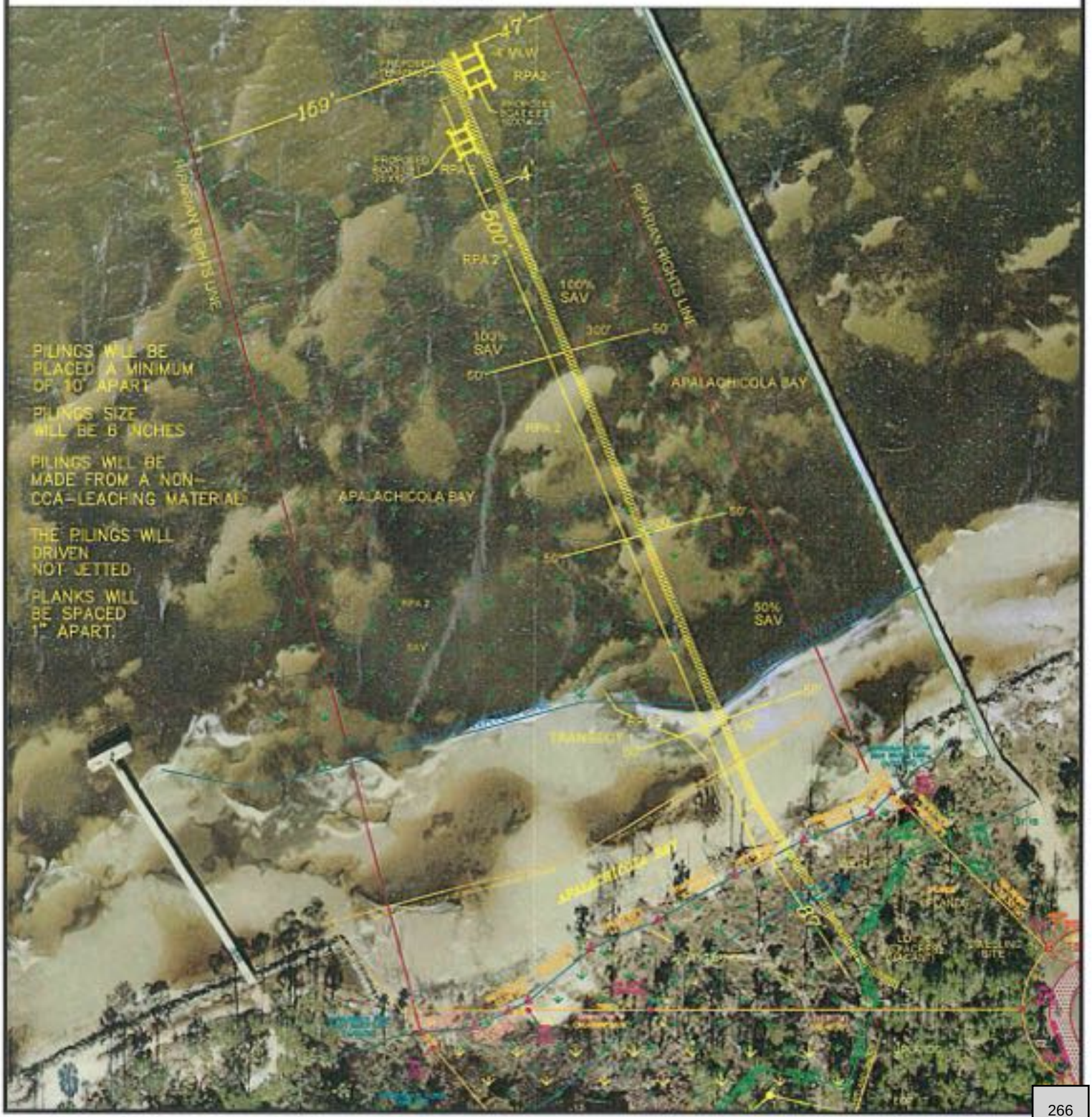
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COE:
OTHER: Rev. 5-28-20
DATE: May 4, 2020
SHEET: 2/5






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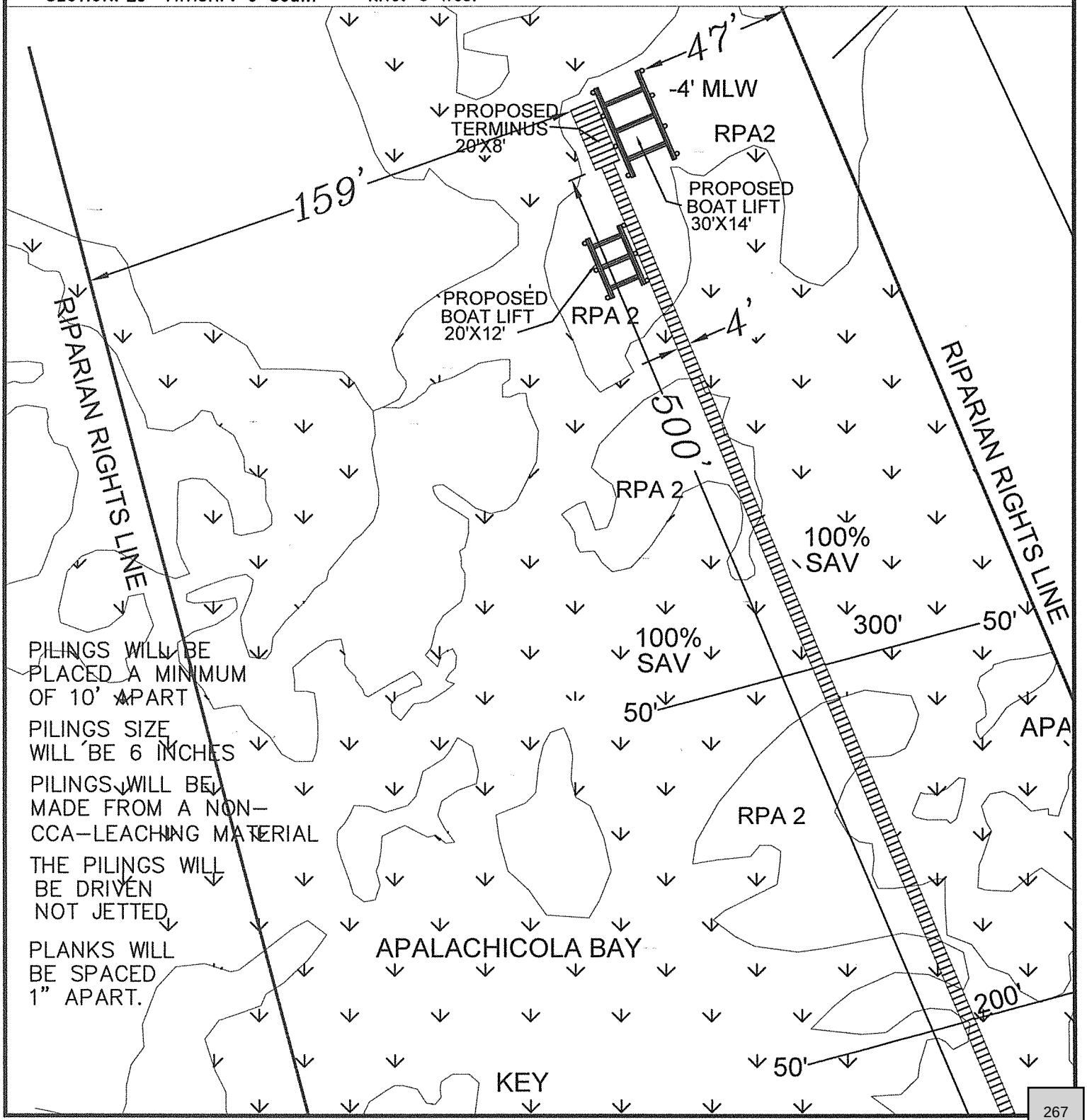
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PERMIT





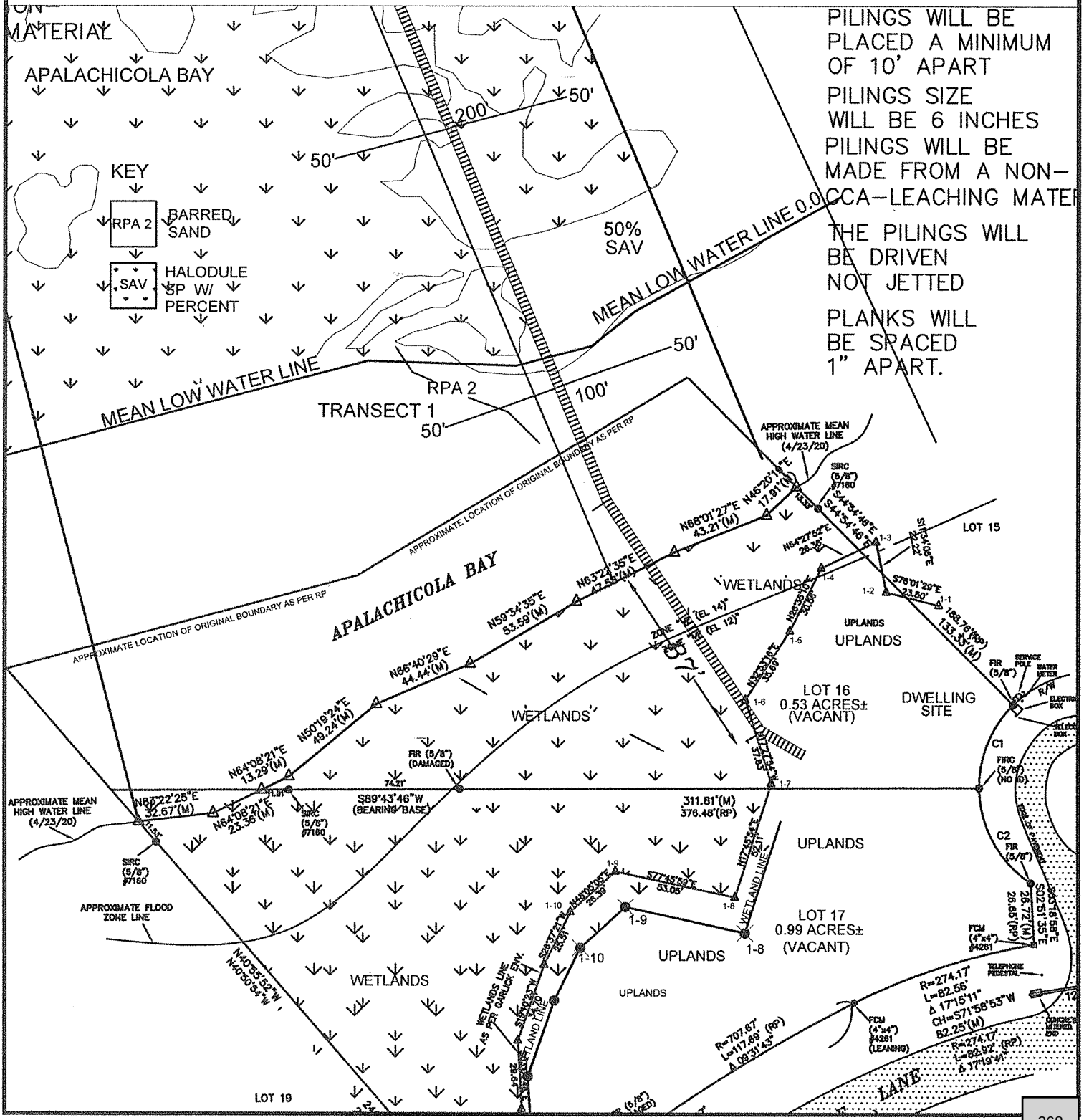

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0387512-001-EI/19
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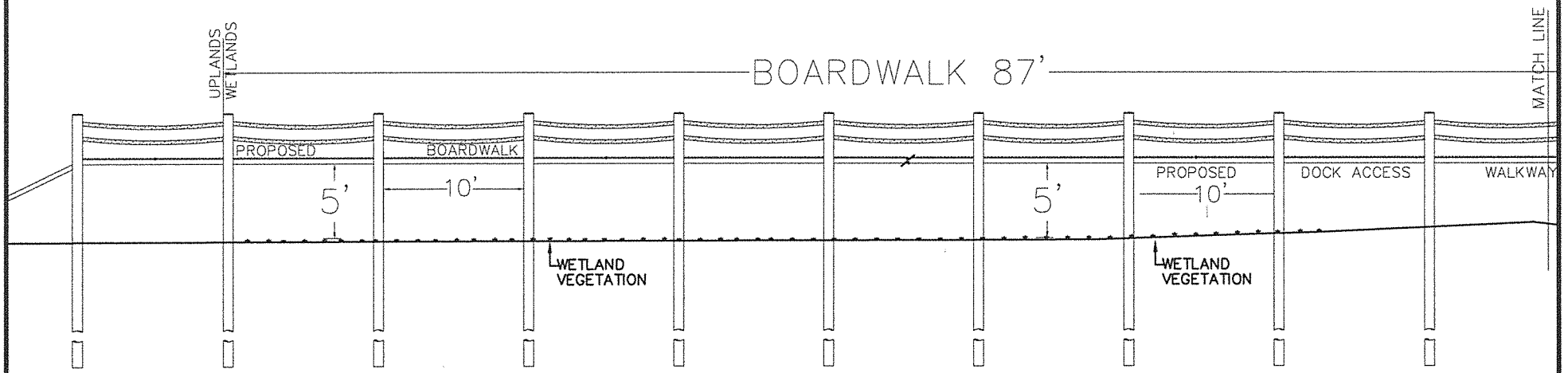


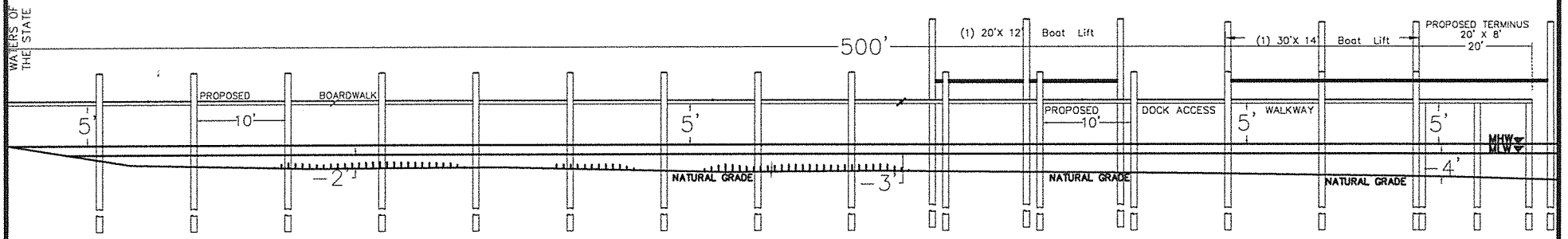
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5/5
0387512-001-EI 19




These drawings are for permitting purposes only. Not intended for construction purposes

Q.

**DEPARTMENT OF THE ARMY**
**CORPS OF ENGINEERS JACKSONVILLE DISTRICT,**
**415 RICHARD JACKSON BOULEVARD, SUITE 411**
**PANAMA CITY BEACH, FLORIDA 32407**

**June 10, 2020**

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02168(GP-LSL)

Mr. Hugh Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805

Dear Mr. Whitehead:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on June 3, 2020, the file number SAJ-2020-02168. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 2,160 square foot single family dock. Specifically, the dock will include a 4' by 500' access dock, 8' by 20' terminal platform, and 2 uncovered boat lifts (14' by 30' adjacent to terminus and 12' by 20' adjacent to access dock). This project also includes a 4' by 87' boardwalk over wetlands which is not a regulated activity for the Corps. This authorization addresses the single family docking structure and boat slips. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 2215 Sea Gull Way in Section 29, Township 9 South, Range 6 West, Franklin County, Florida.

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

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

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

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-02168(GP - LSL), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment B) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**5. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to

the United States. No claim shall be made against the United States on account of any such removal or alteration.

**6. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**7. Cultural Resources/Historic Properties**:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33

CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**8. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**9. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

**10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

**11. Dock Construction Guidelines:** The Permittee shall comply with the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat – U.S. Army Corps of Engineers/National Marine Fisheries Service – November 2017 (Attachment E).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/) also maintains updated lists, by county, of documented occurrences of those species.

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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

Sincerely,

Lisa S. Lovvorn
Project Manager

Enclosures

cc:
Ms. Mary Ann Wasmund, Garlick Environmental Associates, Inc.

Q.

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Q.

## DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

**PERMIT NUMBER: SAJ-2020-02168(GP-LSL)**

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

_____ _____
**(TRANSFEREE-SIGNATURE)** **(SUBDIVISION)**

_____ _____ _____
**(DATE)** **(LOT)** **(BLOCK)**

_____ _____
**(NAME-PRINTED)** **(STREET ADDRESS)**

_____

_____
**(MAILING ADDRESS)**

_____
**(CITY, STATE, ZIP CODE)**

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415


APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030

DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 1/5



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DEP:
COE:
OTHER: Rev. 5-28-20
DATE: May 4, 2020
SHEET: 2/5





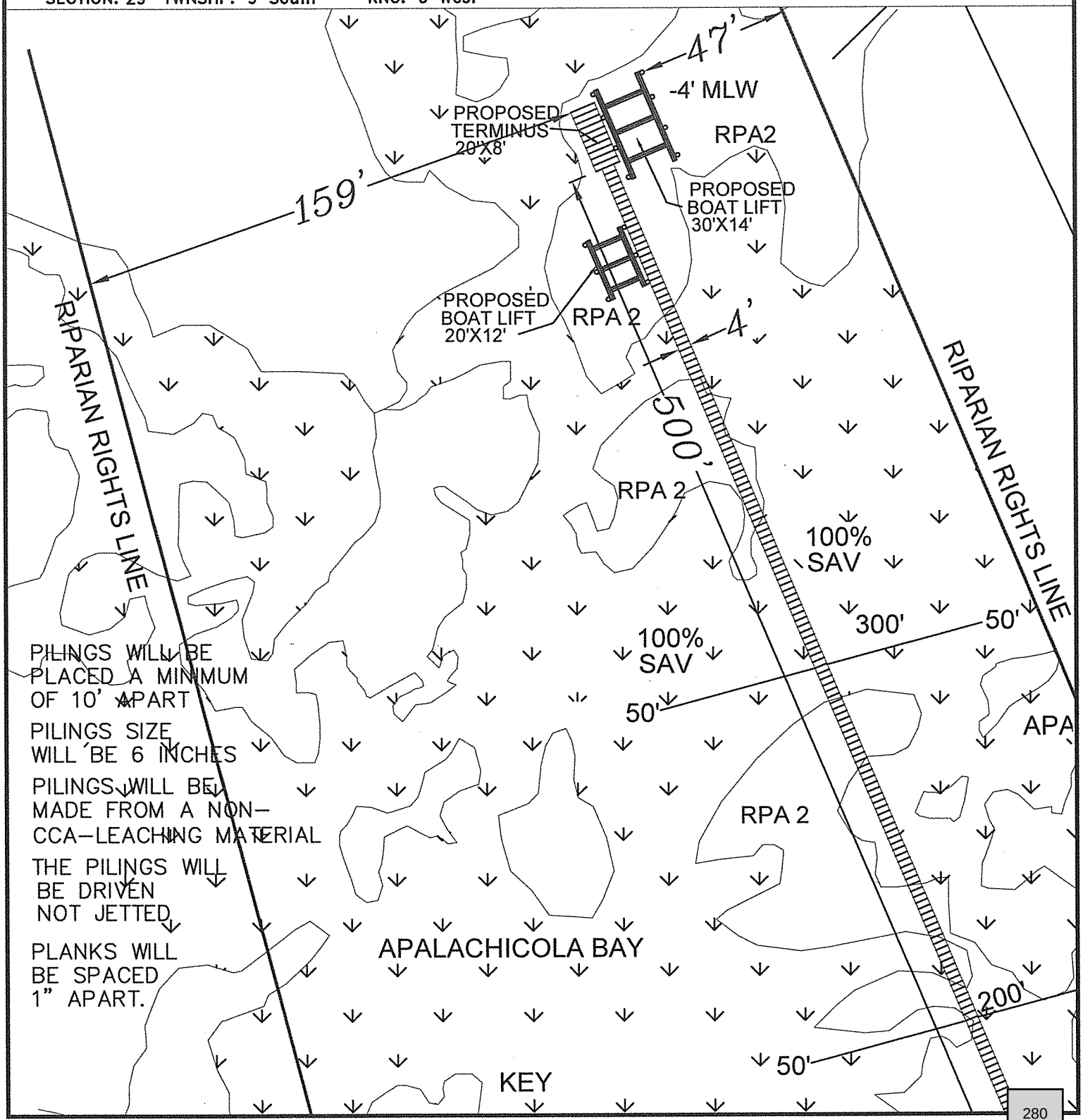

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SHEET: 3/5





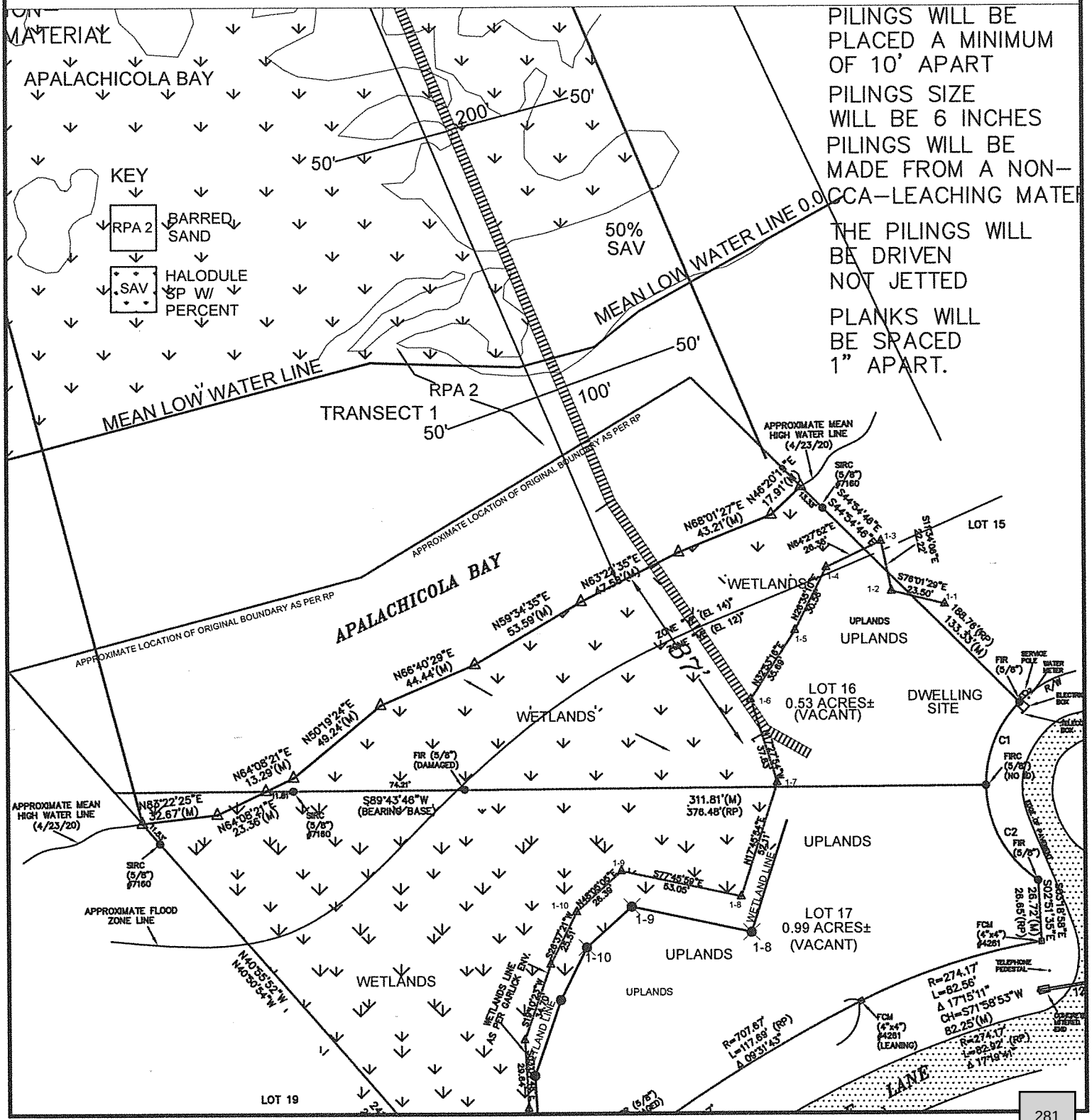

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Q.

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SHEET: 4/5






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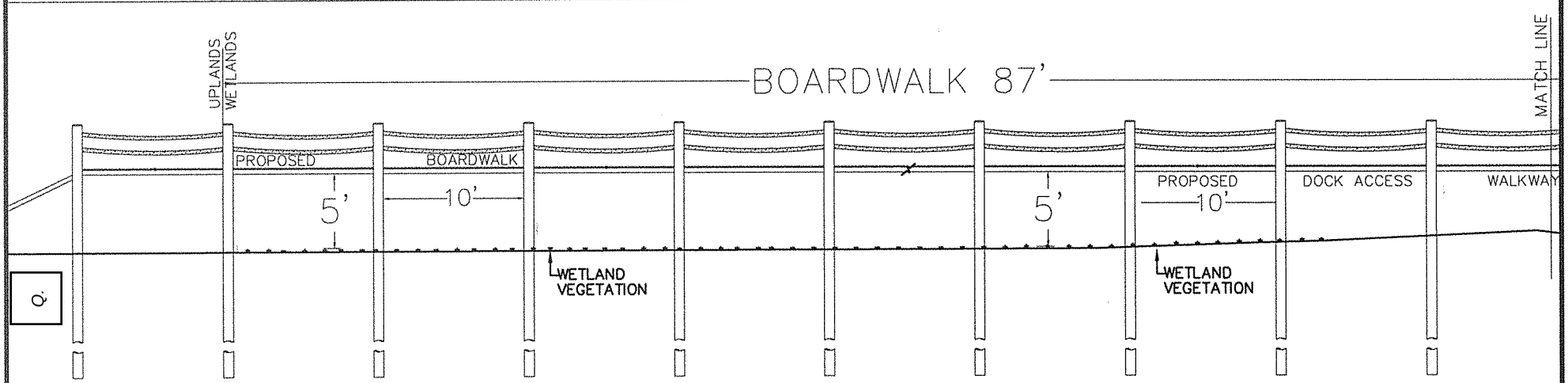
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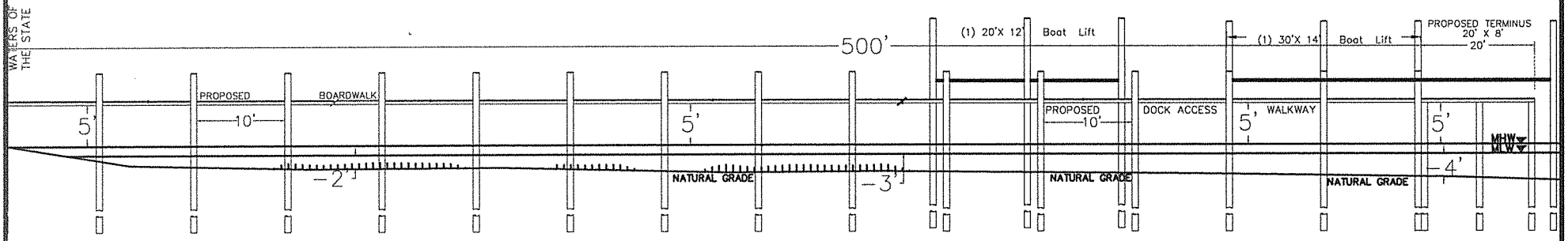
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OTHER:

DATE: May 4, 2020

SHEET: 5/5




These drawings are for permitting purposes only. Not intended for construction purposes

Q.

## COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB)* ***or*** *by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-02168 (GP-LSL)

2. **Permittee Information**:

   Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

   Name: _____

   Email: _____

   Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Q.

## SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-02168(GP-LSL)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

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

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

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

_____

_____

**********

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

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

# STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

## Project Design Criteria (PDCs) Applicable to All Projects

**NOTE** - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

**AP.1.** The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

**AP.2.** All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

**AP.3.** All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

**AP.4.** For every project, the USACE must determine if the project is located within:

a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

**AP.5.** This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

**AP.6.** All activities must be completed during daylight hours.

## Project Design Criteria (PDCs) for In-Water Activities

**AP.7. Education and Observation**: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

**AP.8. Reporting Interactions with Protected Species**:

a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. .

b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com

c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov

d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).

e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

**AP.9. Vessel Traffic and Construction Equipment**: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

a) *Construction Equipment*:

i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.

ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.

iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.

iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

Q.

b) *All Vessels*:
   i) Sea turtles: Maintain a minimum distance of 150 ft.
   ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
   iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (http://www.fisheries.noaa.gov/pr/shipstrike/).
   iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
   v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
   vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
   vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

**AP.10.** **Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
   i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
   ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

**AP.11.<u>Entanglement</u>:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

## Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass* (*Halophila johnsonii*), dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

**AP.12. Mangroves**:

a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
   i. Removal to install up to a 4-ft-wide walkway for a dock.
   ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
   iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
   iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
   i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
   ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

**AP.13. <u>Seagrass</u>**:

a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17**,** Section 2.2.2)

**Johnson's seagrass**:

b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
   i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
   ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 $ft^2$) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
   iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

**Non-listed seagrasses:**

a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.

b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.

c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

**AP.14. <u>Coral and Hard Bottom Habitat</u>**:

a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot ($ft^2$) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:

   i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.

   ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

## Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

**A2.1.** Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.

A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.

A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).

A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.

A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).

A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below*).

**The following PDCs apply to all the activities described in PDC A2.1 above:**

**A2.2.** For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

**A2.3**. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

A2.3.2. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

**A2.4**. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

**A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

**A2.6.** Chickees must be less than 500 $ft^2$ and support no more than 2 slips.

**A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.

**A2.8**. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/

**A2.9**. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

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**Additional PDCs for Activity 2 applicable in Critical Habitat**

**A2.10**. *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

**A2.11**. Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.

**A2.12**. Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.

**A2.13**. North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.

**A2.14**. Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).

**A2.15**. NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.

**A2.16**. U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

**Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones**

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.

2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).

3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.

4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.

5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. Creating a pilot hole for any type of pile using an auger or drop punch
    b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
    c. Installing any type of piles and sheet piles by jetting.

6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-3 above, and
    b. Installing any type of piles and sheet piles by vibratory hammer.

7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-4 above, and
    b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

## Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

### Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less in open | A | A | A | A | B |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Concrete slab wall- any size | A | A | A | A | B |
| Vinyl sheet pile- any size | A | A | A | A | B |
| Metal sheet pile- any size | A | A | A | A | E |

### Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less (5 piles | A | A | A | A | C |
| Concrete pile 24-in diameter/width or less (6-10 | A | A | A | A | D |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Vinyl sheet pile – any size | A | A | A | A | B |
| Concrete slab wall- any size (5 slabs or less | A | A | A | A | C |
| Concrete slab wall- any size (6-10 slabs installed/day) | A | A | A | A | D |
| Metal sheet pile- any size | A | A | A | A | E |

**A. The Projects identified as <u>A</u> above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**

1. All work must occur during daylight hours only (PDC AP.6).

2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).

**B. The projects identified as <u>B</u> above must follow <u>all of the conditions under A</u>, above, <u>AND</u> also must limit the maximum number of piles installed per day to no more than 10 piles per day.**

**C. The projects identified as <u>C</u> above must follow <u>all of the conditions under A</u>, above, <u>AND</u> also must limit the maximum number of piles installed per day to no more than 5 piles per day.**

**D. The projects identified as <u>D</u> above must follow <u>all of the conditions under A and B</u>, above, <u>AND</u> also must abide by one of the noise abatement measures below, as chosen by the applicant**:

1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.

2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.

3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.

**E. The projects identified as <u>E</u> are not covered under this Opinion.**

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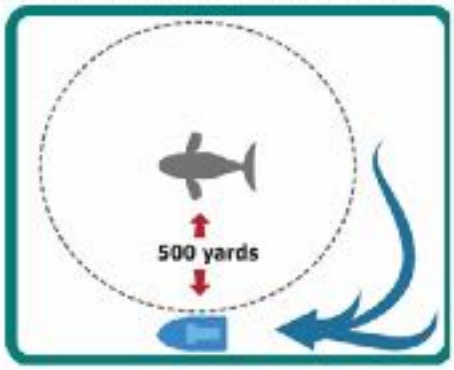
**Attachment X**

**North Atlantic Right Whale Federal Regulations Information Handout**

**Federal Regulations Governing the Approach to North Atlantic Right Whales**



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.




Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

*(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*

*(ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*

2. Updates can be downloaded from:
   a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
   b. www.ecfr.gov

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

**Submerged Aquatic Vegetation:**

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.

2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.

3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.

4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.

5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3feet above MHW section is constructed with grating material, it may be 3 feet wide.

6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used ) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).

7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.

8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.

9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

**Marsh**:

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.

2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.

3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

**Mangroves.**

1. The width of the piling-supported structure is limited to a maximum of 4 feet.

2. Mangrove clearing is restricted to the width of the piling-supported structure.

3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

## Grid Specifications and Suppliers

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

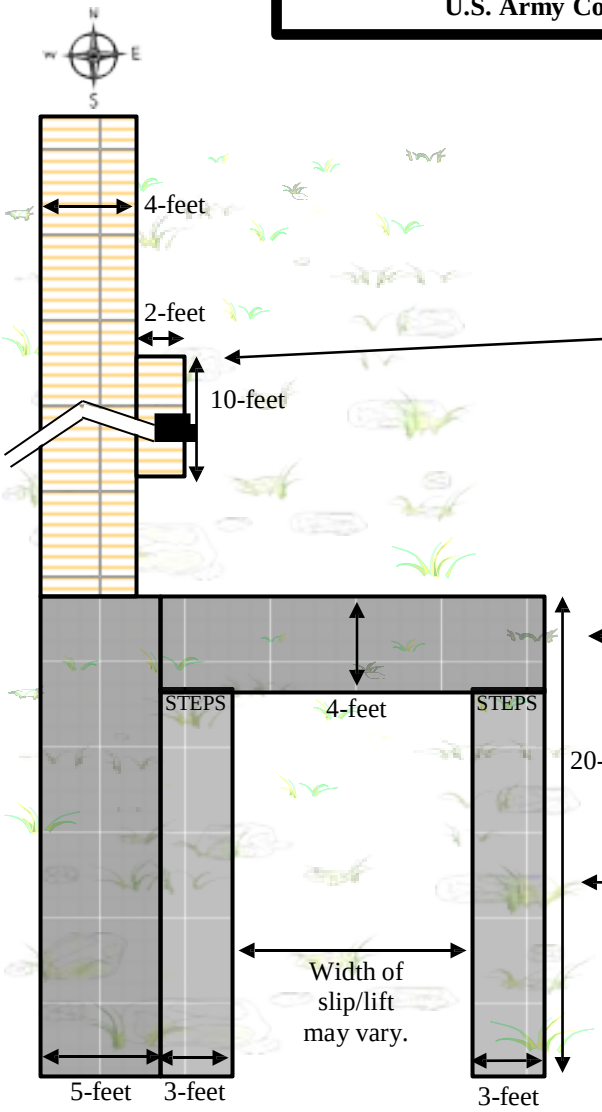
A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart,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

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

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# DOCK EX AMPLE — GRATED TERMINA L PLATFO RM

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat**
**U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001**




OVERHEAD PLAN VIEW

"GRATED DECKING"
Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

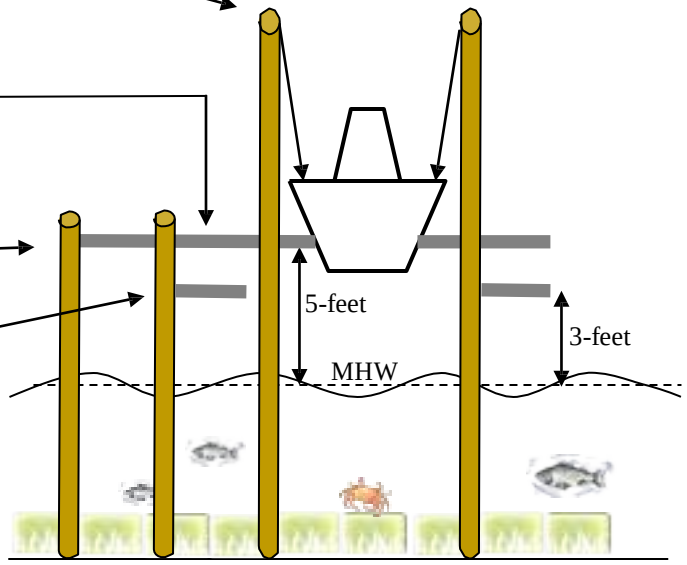
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
3-feet wide if grated decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

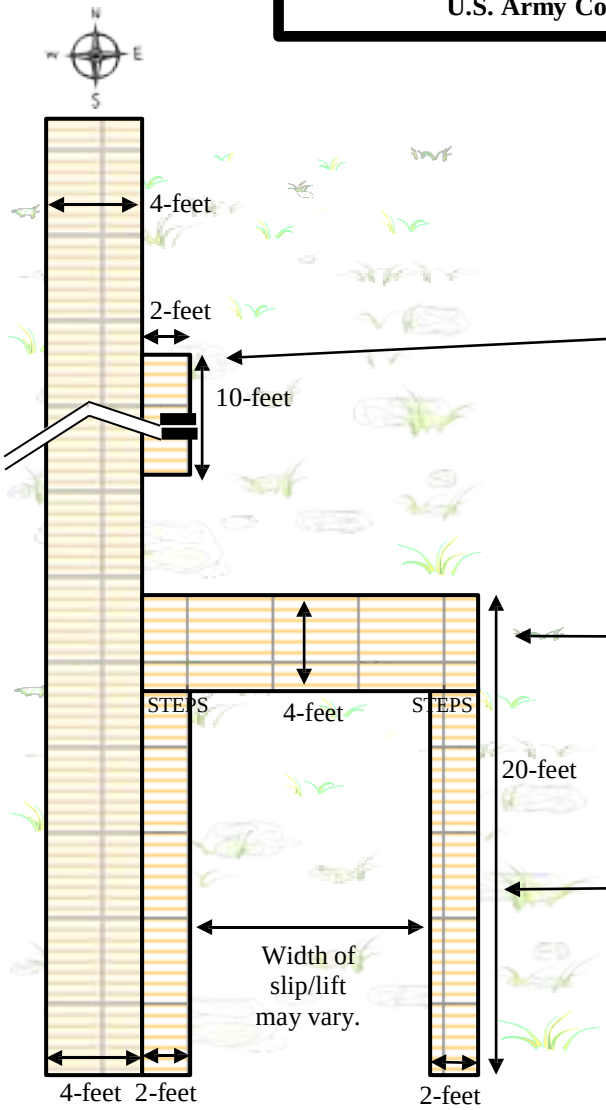



FRONT PLAN VIEW

VER: 201407

# DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat**
**U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001**




OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

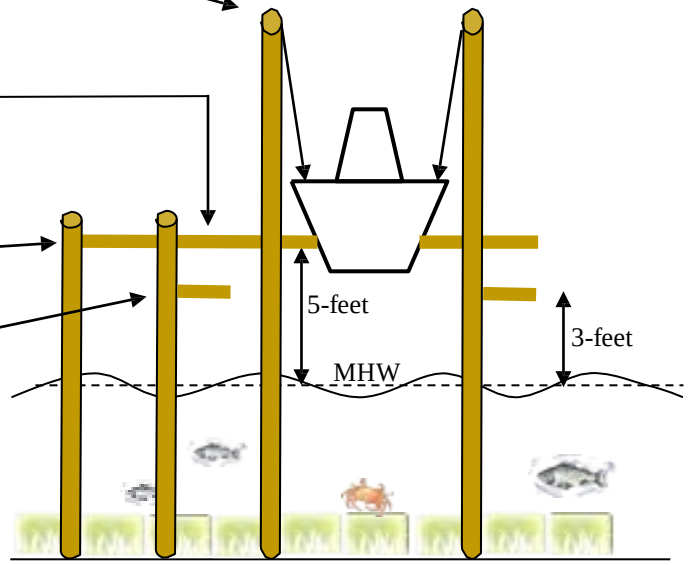
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
2-feet wide if wood decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water




FRONT PLAN VIEW

VER: 201407

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

Q.

**June 10, 2020**

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-02168(GP-LSL)

Mr. Hugh Whitehead
3209 Chateau Court NW
Atlanta, Georgia 30805

Dear Mr. Whitehead:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on June 3, 2020, the file number SAJ-2020-02168. A review of the information and drawings provided indicates that the proposed work will result in the construction of a 2,160 square foot single family dock. Specifically, the dock will include a 4' by 500' access dock, 8' by 20' terminal platform, and 2 uncovered boat lifts (14' by 30' adjacent to terminus and 12' by 20' adjacent to access dock). This project also includes a 4' by 87' boardwalk over wetlands which is not a regulated activity for the Corps. This authorization addresses the single family docking structure and boat slips. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 2215 Sea Gull Way in Section 29, Township 9 South, Range 6 West, Franklin County, Florida.

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

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

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

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-02168(GP - LSL), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment B) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**5. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to

the United States. No claim shall be made against the United States on account of any such removal or alteration.

**6. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**7. Cultural Resources/Historic Properties**:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33

CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**8. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**9. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

**10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

**11. Dock Construction Guidelines:** The Permittee shall comply with the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat – U.S. Army Corps of Engineers/National Marine Fisheries Service – November 2017 (Attachment E).

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/) also maintains updated lists, by county, of documented occurrences of those species.

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

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

Sincerely,

Lisa S. Lovvorn
Project Manager

Enclosures

cc:
Ms. Mary Ann Wasmund, Garlick Environmental Associates, Inc.

Q.

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Q.

## DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

**PERMIT NUMBER: SAJ-2020-02168(GP-LSL)**

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

_____ _____

**(TRANSFEREE-SIGNATURE)** **(SUBDIVISION)**

_____ _____ _____

**(DATE)** **(LOT)** **(BLOCK)**

_____ _____

**(NAME-PRINTED)** **(STREET ADDRESS)**

_____

_____

**(MAILING ADDRESS)**

_____

**(CITY, STATE, ZIP CODE)**

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415


APPLICANT/CLIENT: Hugh P. Whitehead III

WATERBODY/CLASS: Apalachicola Bay / Class II / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: St George Island / Franklin County

LATITUDE: 29° 37' 16.91"

LONGITUDE: 84° 57' 4.35"

SECTION: 29 TWNSHP: 9 South RNG: 6 West

JOB: 20-030

DEP:

COE:

OTHER:

DATE: May 4, 2020

SHEET: 1/5



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JOB: 20-030
DEP:
COE:
OTHER: Rev. 5-28-20
DATE: May 4, 2020
SHEET: 2/5





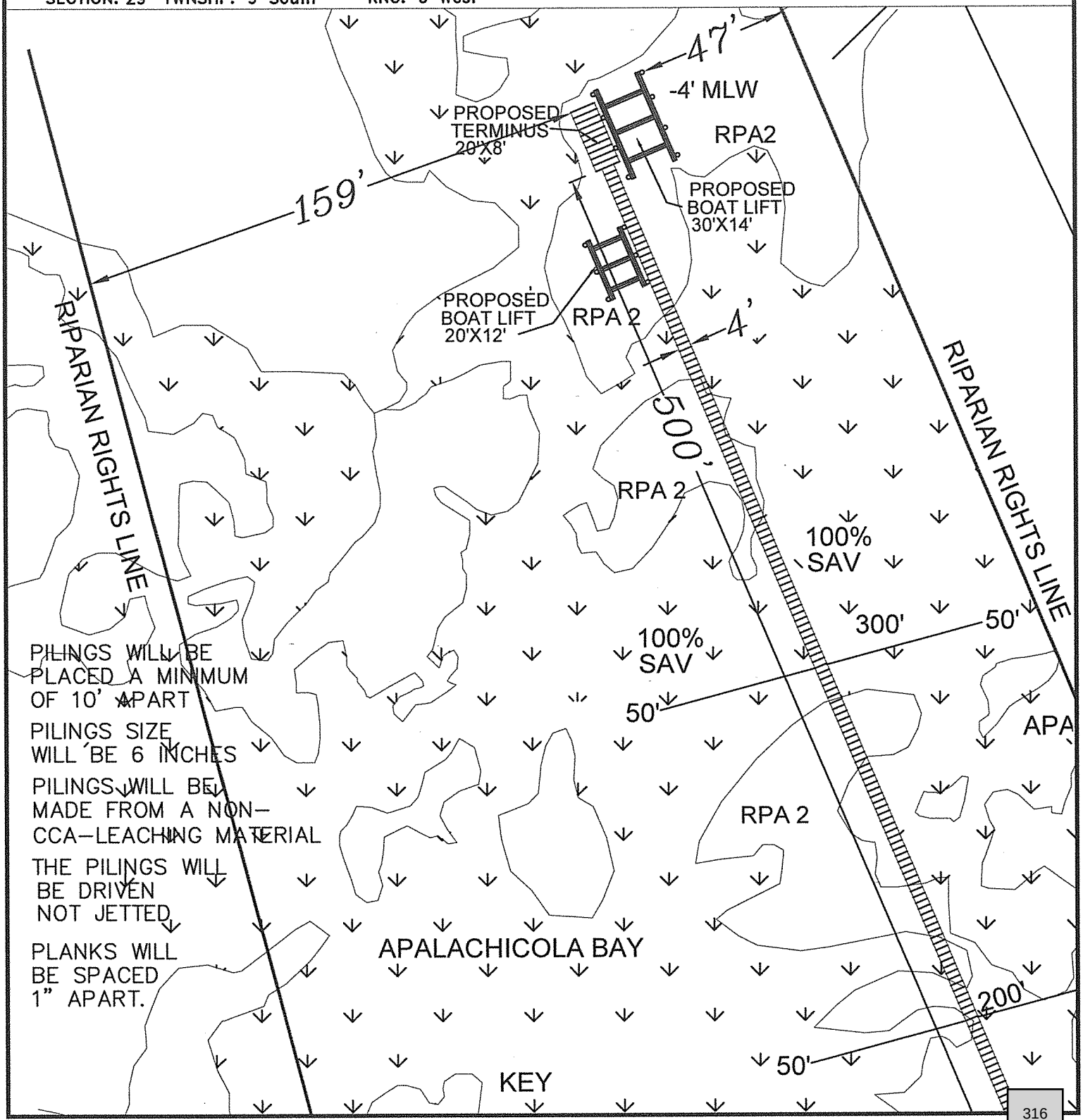

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SHEET: 3/5





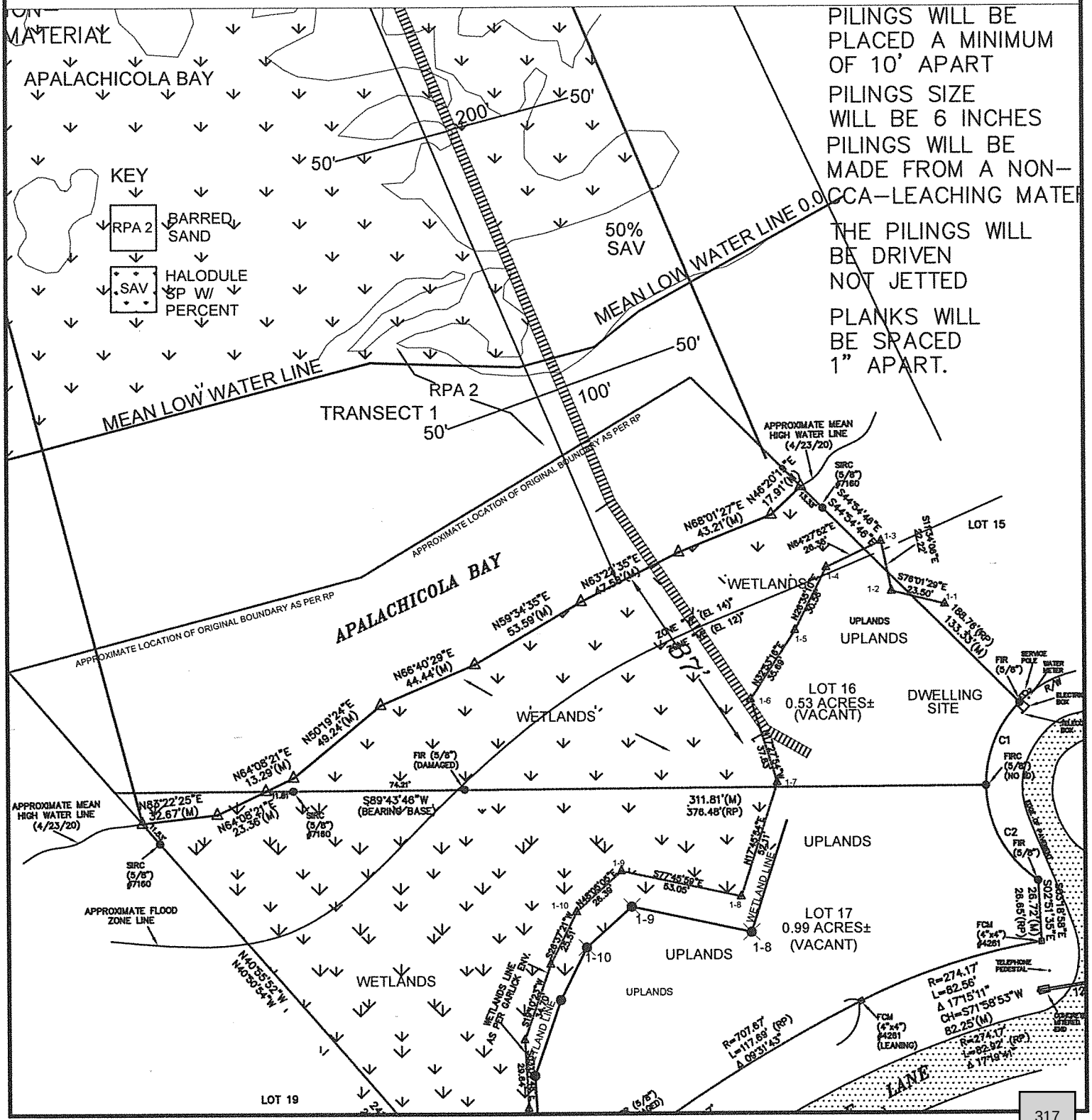

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SHEET: 4/5




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LB No. 7415




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JOB: 20-030

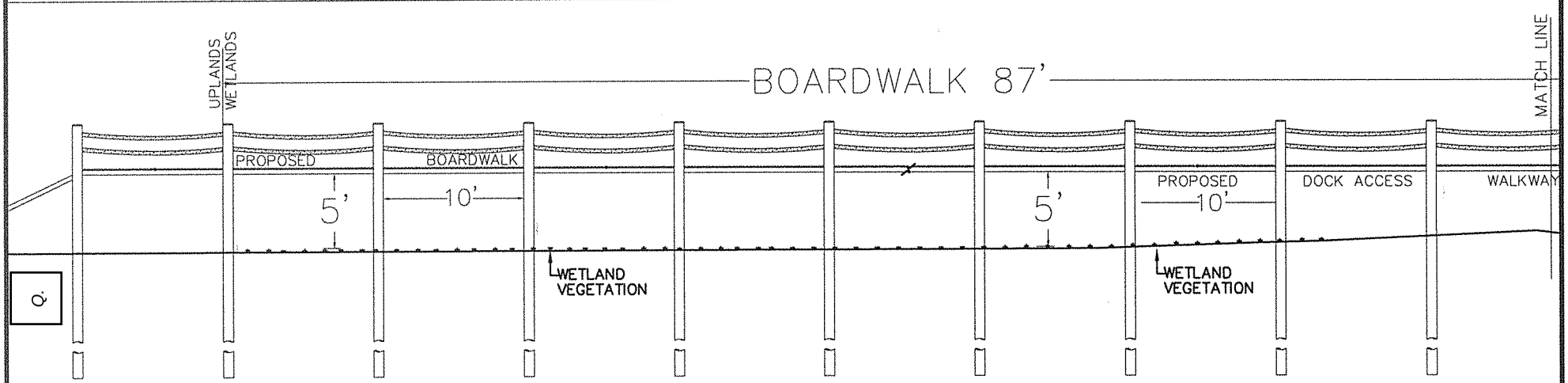
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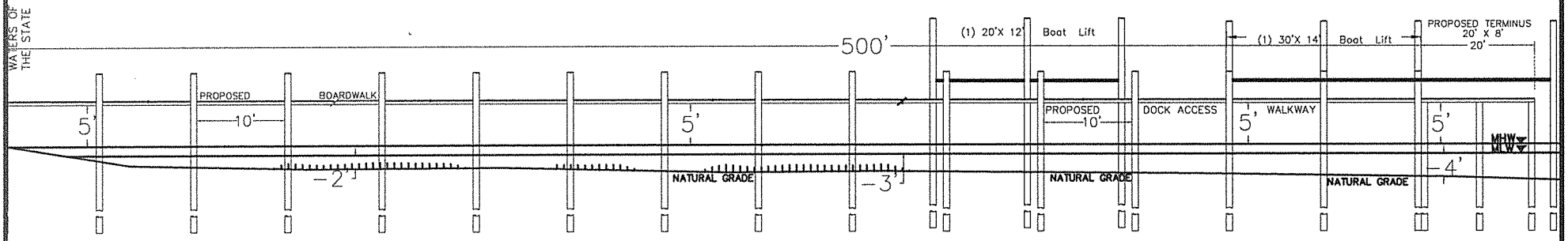
COE:

OTHER:

DATE: May 4, 2020

SHEET: 5/5




These drawings are for permitting purposes only. Not intended for construction purposes

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## COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB)* ***or*** *by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-02168 (GP-LSL)

2. **Permittee Information**:

   Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

   Name: _____

   Email: _____

   Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Q.

## SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-02168(GP-LSL)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

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

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

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

_____

_____

**********

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

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

# STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

## Project Design Criteria (PDCs) Applicable to All Projects

**NOTE** - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

**AP.1.** The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

**AP.2.** All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

**AP.3.** All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

**AP.4.** For every project, the USACE must determine if the project is located within:

a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

**AP.5.** This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

**AP.6.** All activities must be completed during daylight hours.

## Project Design Criteria (PDCs) for In-Water Activities

**AP.7. Education and Observation**: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

**AP.8. Reporting Interactions with Protected Species**:

a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. .

b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com

c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov

d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).

e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

**AP.9. Vessel Traffic and Construction Equipment**: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

a) *Construction Equipment*:

i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.

ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.

iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.

iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

Q.

b) *All Vessels*:
   i) Sea turtles: Maintain a minimum distance of 150 ft.
   ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
   iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (http://www.fisheries.noaa.gov/pr/shipstrike/).
   iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
   v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
   vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
   vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

**AP.10.** **Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
   i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
   ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

**AP.11.<u>Entanglement</u>:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

## Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass* (*Halophila johnsonii*), dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

**AP.12. Mangroves**:

a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
   i. Removal to install up to a 4-ft-wide walkway for a dock.
   ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
   iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
   iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
   i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
   ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

**AP.13. <u>Seagrass</u>**:

a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17**,** Section 2.2.2)

**Johnson's seagrass**:

b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
   i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
   ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 $ft^2$) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
   iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

**Non-listed seagrasses:**

a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.

b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.

c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

**AP.14. <u>Coral and Hard Bottom Habitat</u>**:

a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot ($ft^2$) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:

   i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.

   ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

## Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

**A2.1.** Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.

A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.

A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).

A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.

A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).

A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below*).

**The following PDCs apply to all the activities described in PDC A2.1 above:**

**A2.2.** For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

**A2.3**. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

A2.3.2. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

**A2.4**. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

**A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

**A2.6.** Chickees must be less than 500 $ft^2$ and support no more than 2 slips.

**A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.

**A2.8**. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/

**A2.9**. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Q.

**Additional PDCs for Activity 2 applicable in Critical Habitat**

**A2.10**. *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

**A2.11**. Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.

**A2.12**. Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.

**A2.13**. North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.

**A2.14**. Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).

**A2.15**. NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.

**A2.16**. U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

**Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones**

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.

2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).

3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.

4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.

5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. Creating a pilot hole for any type of pile using an auger or drop punch
    b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
    c. Installing any type of piles and sheet piles by jetting.

6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-3 above, and
    b. Installing any type of piles and sheet piles by vibratory hammer.

7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-4 above, and
    b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Q.

## Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

**Open Water**

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less in open | A | A | A | A | B |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Concrete slab wall- any size | A | A | A | A | B |
| Vinyl sheet pile- any size | A | A | A | A | B |
| Metal sheet pile- any size | A | A | A | A | E |

**Confined Space**

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less (5 piles | A | A | A | A | C |
| Concrete pile 24-in diameter/width or less (6-10 | A | A | A | A | D |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Vinyl sheet pile – any size | A | A | A | A | B |
| Concrete slab wall- any size (5 slabs or less | A | A | A | A | C |
| Concrete slab wall- any size (6-10 slabs installed/day) | A | A | A | A | D |
| Metal sheet pile- any size | A | A | A | A | E |

**A. The Projects identified as <u>A</u> above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**

1. All work must occur during daylight hours only (PDC AP.6).

2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).

**B. The projects identified as <u>B</u> above must follow <u>all of the conditions under A</u>, above, <u>AND</u> also must limit the maximum number of piles installed per day to no more than 10 piles per day.**

**C. The projects identified as <u>C</u> above must follow <u>all of the conditions under A</u>, above, <u>AND</u> also must limit the maximum number of piles installed per day to no more than 5 piles per day.**

**D. The projects identified as <u>D</u> above must follow <u>all of the conditions under A and B</u>, above, <u>AND</u> also must abide by one of the noise abatement measures below, as chosen by the applicant**:

1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.

2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.

3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.

**E. The projects identified as <u>E</u> are not covered under this Opinion.**

Q.

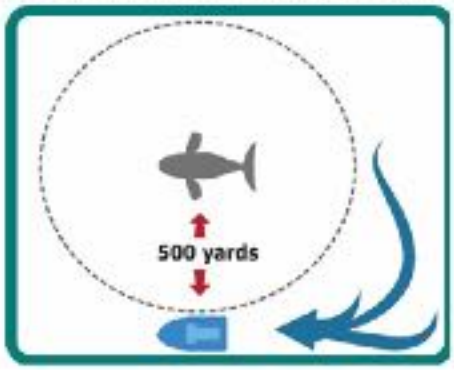
**Attachment X**

**North Atlantic Right Whale Federal Regulations Information Handout**

**Federal Regulations Governing the Approach to North Atlantic Right Whales**



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.




Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

*(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*

*(ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*

2. Updates can be downloaded from:
   a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
   b. www.ecfr.gov

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

**Submerged Aquatic Vegetation:**

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.

2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.

3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.

4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.

5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3feet above MHW section is constructed with grating material, it may be 3 feet wide.

6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used ) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).

7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.

8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.

9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

**Marsh**:

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.

2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.

3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

**Mangroves.**

1. The width of the piling-supported structure is limited to a maximum of 4 feet.

2. Mangrove clearing is restricted to the width of the piling-supported structure.

3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

## Grid Specifications and Suppliers

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

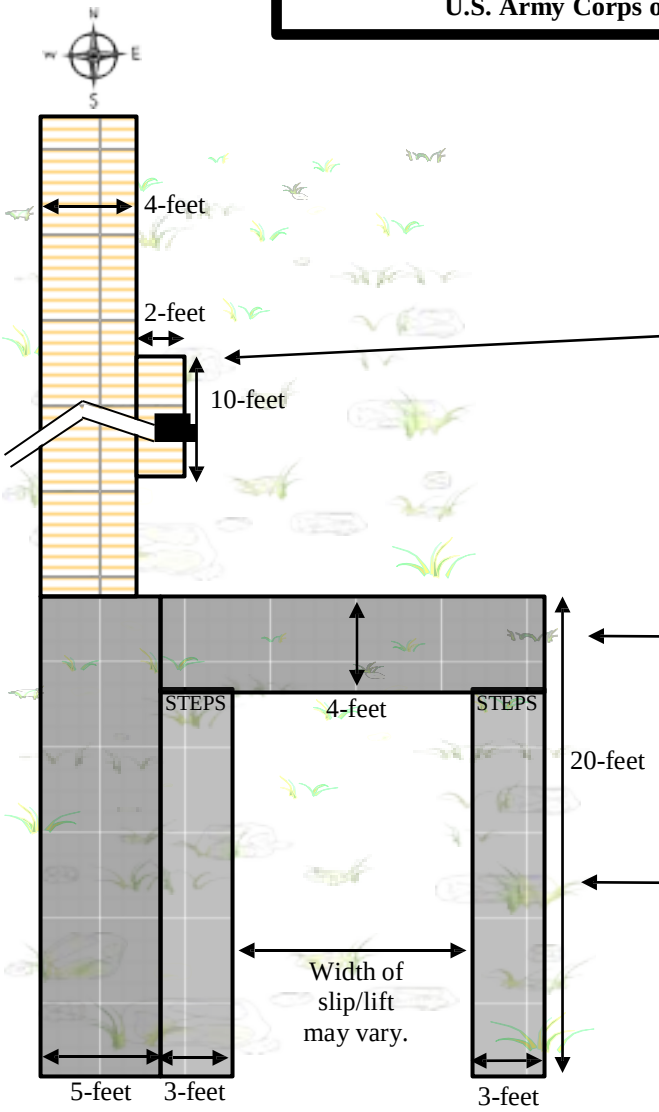
A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart,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

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Q.

# DOCK EX AMPLE — GRATED TERMINA L PLATFO RM

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat**
**U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001**




OVERHEAD PLAN VIEW

"GRATED DECKING"
Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

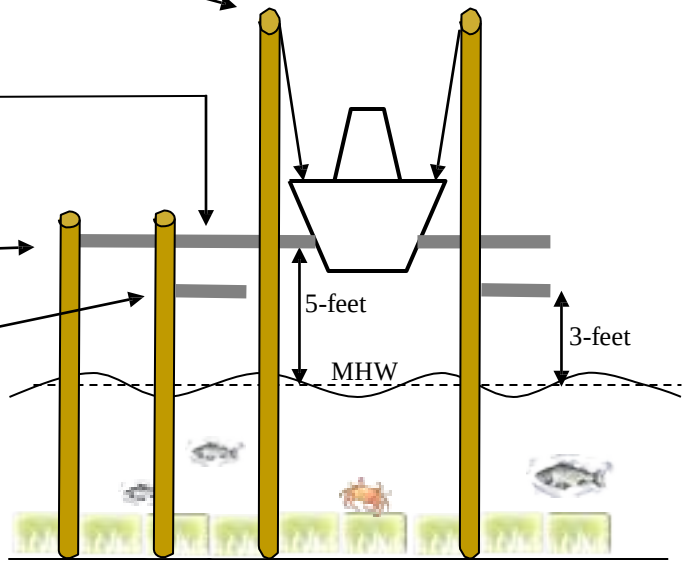
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
3-feet wide if grated decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

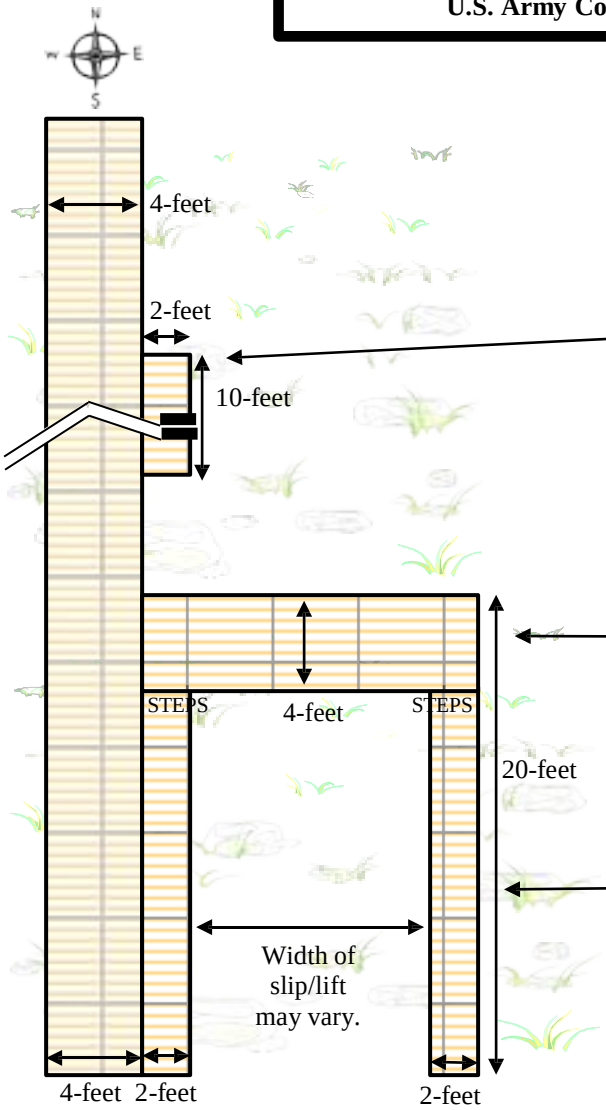



FRONT PLAN VIEW

VER: 201407

# DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat**
**U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001**




OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

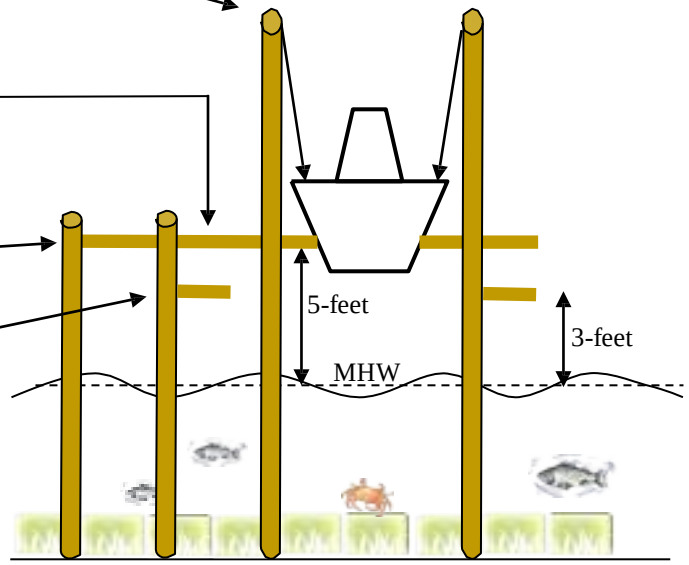
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
2-feet wide if wood decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water




FRONT PLAN VIEW

VER: 201407

Q.

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single Family Private Dock located at Lot 16, Heron Bay Village, 2215 Sea Gull Way, St. George Island, Franklin County, Florida. The applicant will need State and Federal Permits. The boardwalk over wetlands will be 120' x 4', the dock will be 438' x 4' with (1) 30' x 13' Boatlift and (1) 12' x 20' Boatlift and a 20' x 8' terminal platform. Request submitted by Garlick Environmental Associates, agent for Hugh Whitehead, applicant. (Proposed House)

This dock will extend into Apalachicola Bay. The State and Federal permits have been issued.

**I recommend approving this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 10, 2020



# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

June 9, 2020

RECEIVED
JUN 09 2020
BY: AK

Ms Amy Kelly
Franklin County Planning & Zoning
33 Commerce Street
Apalachicola, FL 32320

Re: Dock Approval
GEA File No. 20-035 / Robert (Rip) Kirby
FDEP File No. 0369382-001-EG/19

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on July 14, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on July 21, 2020.for the construction of a Single Family Residential Dock. Attached is a copy of the permit for the referenced project. Please note the FDEP permit also includes approval from the COE.

Also, attached is a request to FDEP/COE for a 40 ft. extension of the proposed permitted dock. We have not as of this date received approval for the extension, however, I have received an email from FDEP stating that she is working on the permit draft for Kirby. Hopefully it will be here by the meeting date.

If you have any questions, please let us know.

Sincerely,

Dan Garlick, President
Garlick Environmental Associates, Inc.

Attachments

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899 FAX (850) 653-9656
garlick@garlickenv.com

R.

# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

## LETTER OF TRANSMITTAL

April 16, 2020

Mr. Wade Dandridge
FDEP / Pensacola Office
160 West Government Street
Suite 308
Pensacola, FL 32502

RE: Extension of an Existing Dock
Additional Boat Lift
Alligator Drive / Franklin County
GEA File No. 18-113 – Robert Kirby
FDEP 0369382-001-EG-19, Franklin County

The proposed project is located in Section 2, Township 7 South, Range 2 West, in Franklin County, FL. The waterbody at the project site is Alligator Harbor, Class II, an OFW, and an Aquatic Preserve.

The attached application is for an extension of 40 ft. to the already permitted access walkway of the dock, as well as, an additional boat lift, 11 ft. in width and 25 ft. in length. The extension also includes increasing the size of the already permitted boat lift to 12'x30', as well as, increasing the terminus to 8 ft. by 20 ft. The purpose of extending the access walkway is to allow our client additional room to access his boat lift without encroaching into the existing neighbor's dock. Please see Sheet 3A/4 for further clarification.

The materials to be used to construct the proposed dock and boat lifts will be transported to the site by truck. The piles will be jetted. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will assist in the construction of the proposed boat lift and dock. The depth of water at the location of the proposed dock and boatlifts is -3.00 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings. No emergent nor submerged vegetation exists within the alignment of the proposed dock, nor the boat lifts.

Evidence of title to the subject riparian upland property is attached in the form of a Warranty Deed. The upland area is presently zoned as residential and no changes are proposed.

GARLICK ENVIRONMENTAL ASSOCIATES, INC. POST OFFICE BOX 385 APALACHICOLA, FL 32329-0385
PHONE: (850) 653-8899 FAX: (850) 653-9656

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us dan@garlickenv.com or maryann@garlickenv.com.

Sincerely,



Mary Ann Wasmund, Permit Specialist
Garlick Environmental Associates, Inc.

Attachments

cc: Robert Kirby

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

APPLICANT/CLIENT: Robert Kirby
WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:
SECTION: 2 TWNSHP: 7 South RNG: 2 West

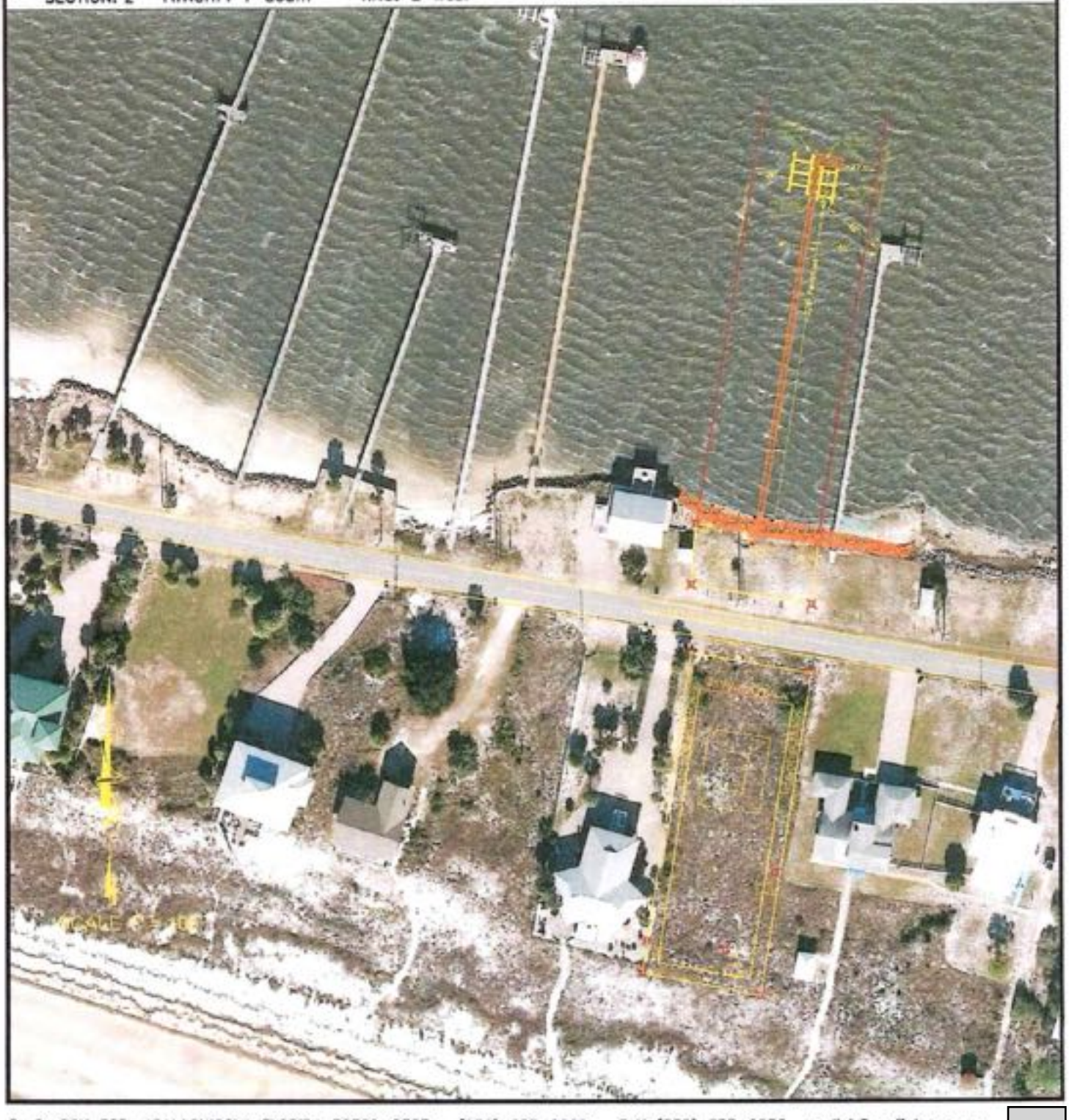
JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 1/4



# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Robert Kirby
WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:
SECTION: 2 TWNSHP: 7 South RNG: 2 West

JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 2/4

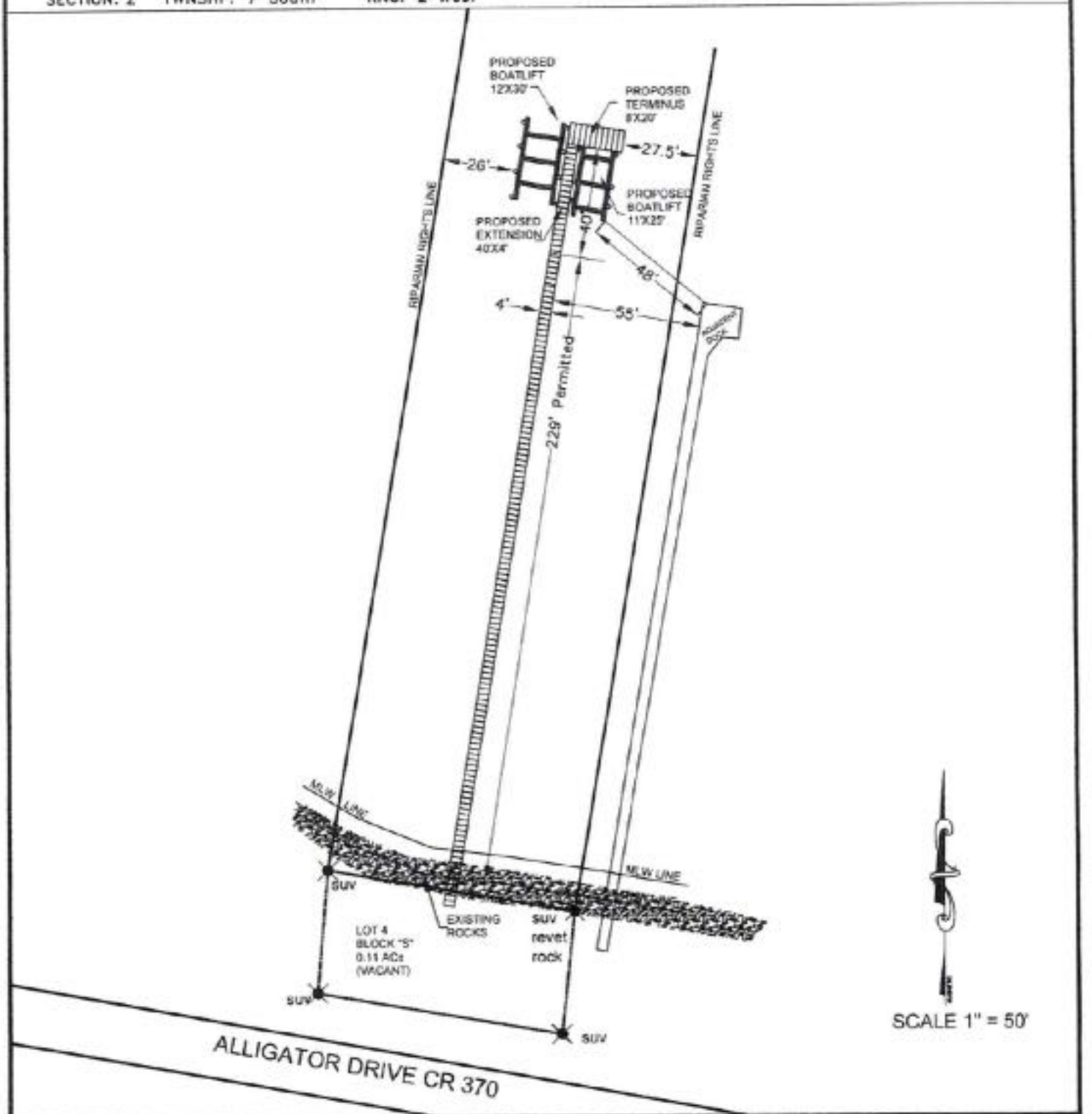


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PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:
SECTION: 2 TWNSHP: 7 South RNG: 2 West

JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 3/4




SCALE 1" = 50'

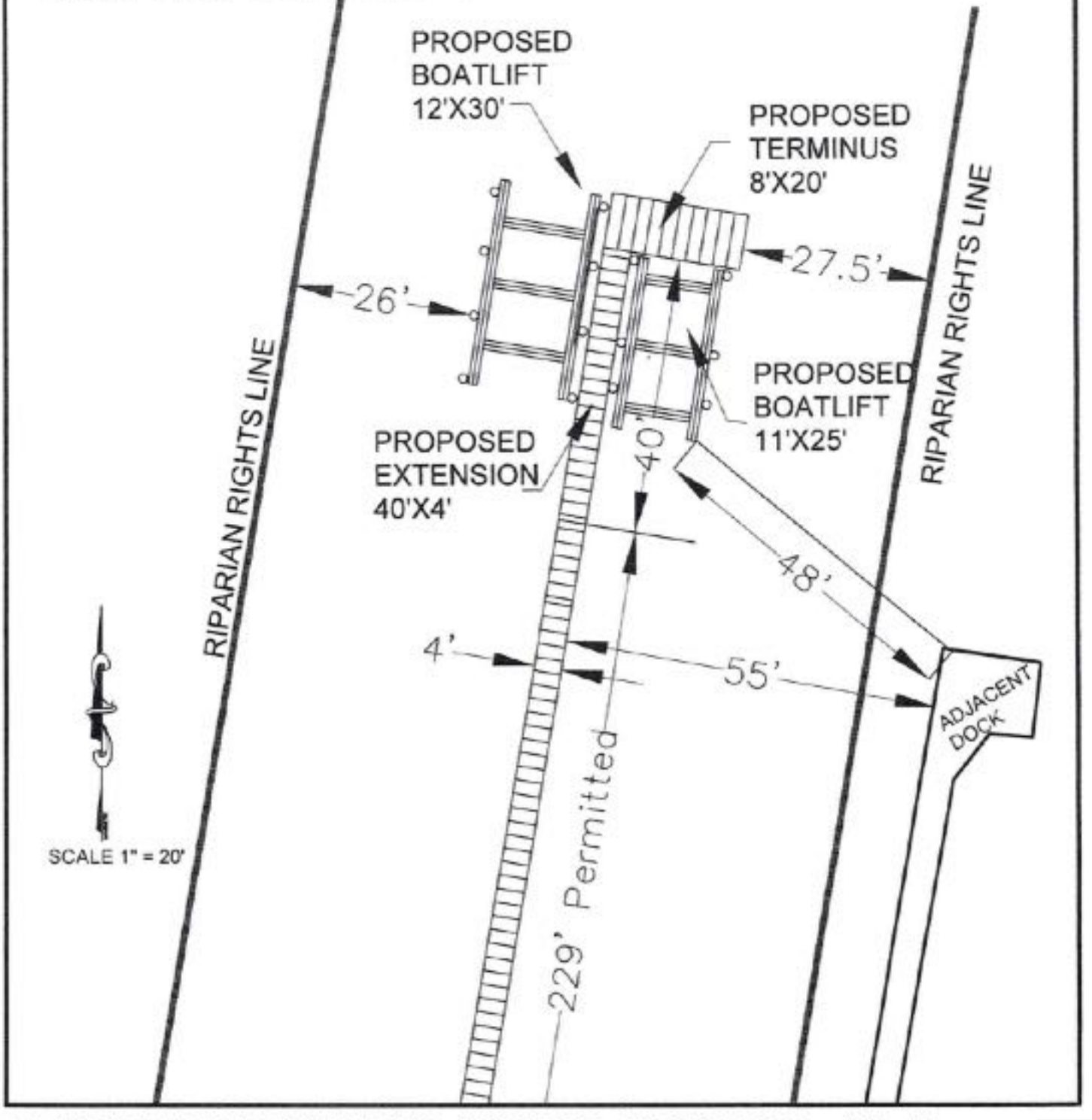
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Robert Kirby
WATERBODY/CLASS: Alligator Harbor / Classll / OFW / AP
PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:

JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 3A/4

SECTION: 2 TWNSHP: 7 South RNG: 2 West



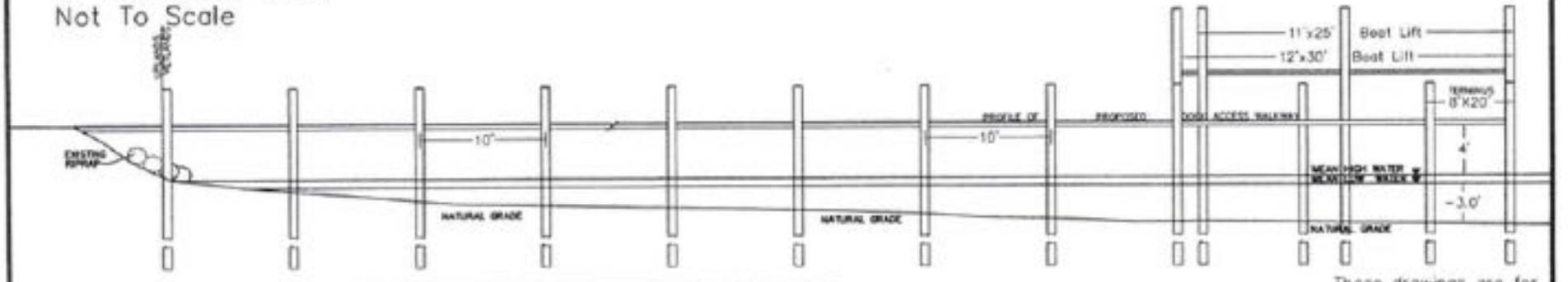

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com
LB No. 7415

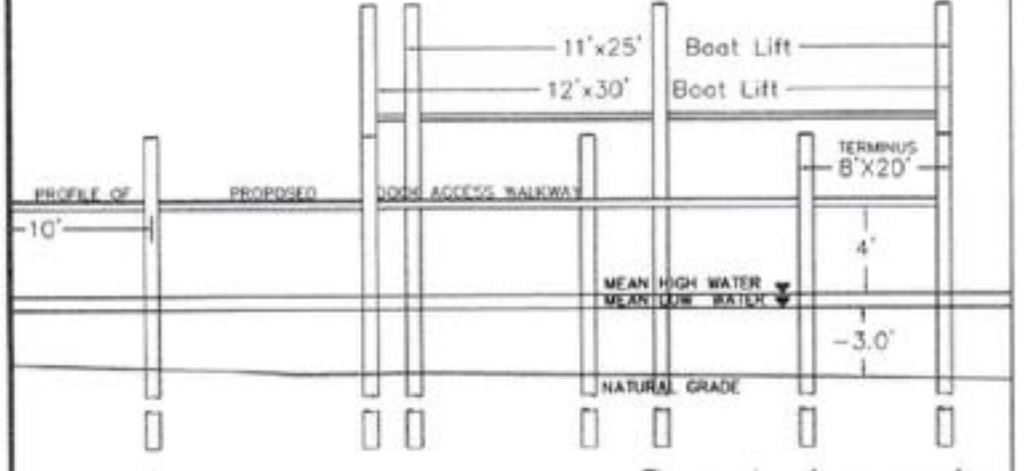
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PURPOSE: Environmental Permitting
PROJECT LOCATION / USGS: Alligator Point / Franklin County
LATITUDE:
LONGITUDE:
SECTION: 2 TWNSHP: 7 South RNG: 2 West

JOB: 18-113
DEP:
COE:
OTHER:
DATE: April 15, 2020
SHEET: 4/4

CROSS SECTION
OF PROPOSED DOCK
Not To Scale




These drawings are for permitting purposes only. Not intended for construction purposes




These drawings are for permitting purposes only. Not intended for construction purposes

R.

qPublic.net Franklin County, FL







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 02-07S-02W-1045-000R-0030 | **Alternate ID** | 02W07S021045000R0030 | **Owner Address** | KIRBY ROBERT H |
| **Sec/Twp/Rng** | 2-7S-2W | **Class** | VACANT | | 2755 MILLSTONE PLANTATION RD |
| **Property Address** | 1545 ALLIGATOR DR | **Acreage** | 0.568 | | TALLAHASSEE, FL 32312 |
| **District** | 7 | | | | |
| **Brief Tax Description** | UNIT 5 BL R LOT 3 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 4/17/2020
Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by Schneider GEOSPATIAL

# qPublic.net™ Franklin County, FL

## Parcel Summary

| | |
|---|---|
| Parcel ID | 02-07S-02W-1045-0005-0040 |
| Location Address | 1544 ALLIGATOR DR<br>32346 |
| Brief Tax Description* | UNIT 5 BL 5 LOT 4 OR 171/62 OR 171/69 PENN POINT 647/477 1179/192<br>*The Description above is not to be used on legal documents. |
| Property Use Code | VACANT (000000) |
| Sec/Twp/Rng | 2-7S-2W |
| Tax District | Alligator Point (District 7) |
| Millage Rate | 12.4617 |
| Acreage | 0.000 |
| Homestead | N |

View Map

## Owner Information

**Primary Owner**
Kirby Robert H
2755 Millstone Plantation Rd
Tallahassee, FL 32312

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 999910 | DOCK PERMISSIV | 1.00 | UT | 0 | 0 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 10/20/2016 | $390,000 | WD | 1179 | 192 | Qualified (Q) | Vacant | THORNBERRY AKA DEEB LONG | KIRBY |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $0 | $0 | $0 | $0 | $0 |
| Land Value | $35,000 | $35,000 | $25,000 | $15,000 | $15,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | $35,000 | $35,000 | $25,000 | $15,000 | $15,000 |
| Assessed Value | $18,150 | $19,965 | $16,500 | $15,000 | $5,500 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $18,150 | $19,965 | $16,500 | $15,000 | $5,500 |
| Maximum Save Our Homes Portability | $16,850 | $0 | $8,500 | $0 | $9,500 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

**No data available for the following modules:** Residential Buildings, Commercial Buildings, Extra Features, Sketches.

The Franklin County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. The assessment information is from the current certified tax roll. All data is subject to change before the next certified tax roll is produced.

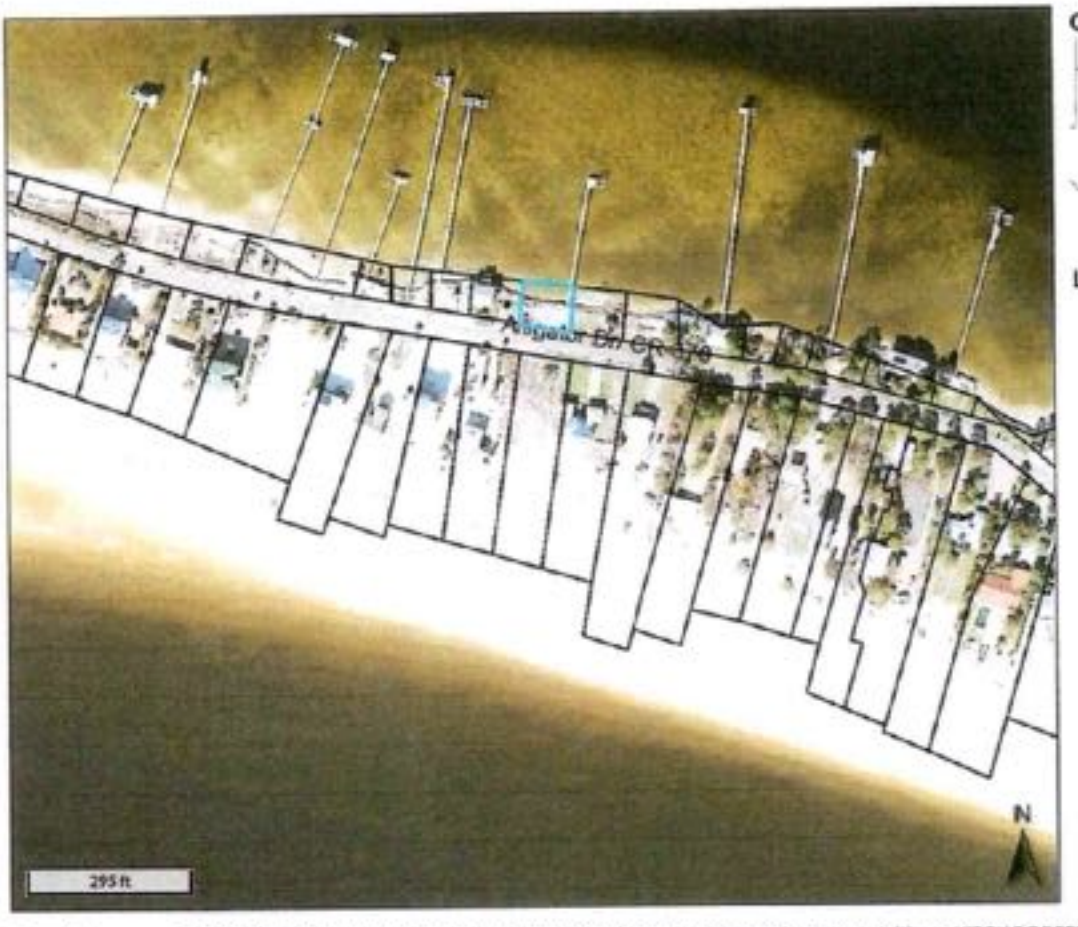
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Version 2.3.54

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Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 02-07S-02W-1045-0005-0040 | **Alternate ID** | 02W07S021045000S0040 | **Owner Address** | KIRBY ROBERT H |
| **Sec/Twp/Rng** | 2-7S-2W | **Class** | VACANT | | 2755 MILLSTONE PLANTATION RD |
| **Property Address** | 1544 ALLIGATOR DR | **Acreage** | n/a | | TALLAHASSEE, FL 32312 |
| **District** | 7 | | | | |
| **Brief Tax Description** | UNIT 5 BL 5 LOT 4 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 4/17/2020
Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by Schneider GEOSPATIAL

# qPublic.net™ Franklin County, FL

## Parcel Summary

| | |
|---|---|
| **Parcel ID** | 02-07S-02W-1045-000R-0030 |
| **Location Address** | 1545 ALLIGATOR DR<br>32346 |
| **Brief Tax Description*** | UNIT 5 BL R LOT 3 OR 171/62 PENN POINT 774/579 1179/192<br>*The Description above is not to be used on legal documents. |
| **Property Use Code** | VACANT (000000) |
| **Sec/Twp/Rng** | 2 7S 2W |
| **Tax District** | Alligator Point (District 7) |
| **Millage Rate** | 13.4617 |
| **Acreage** | 0.568 |
| **Homestead** | N |

View Map

## Owner Information

**Primary Owner**
Kirby Robert H
2755 Millstone Plantation Rd
Tallahassee, FL 32312

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 000125 | GULF FRONT ALLI PT | 24,750.00 | SF | 90 | 275 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 10/20/2016 | $390,000 | WD | 1179 | 192 | Qualified (Q) | Vacant | THORNBERRY | KIRBY |
| N | 02/02/2004 | $100 | WD | 774 | 579 | Unqualified (U) | Vacant | LONG | THORNBERRY |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $0 | $0 | $0 | $0 | $0 |
| Land Value | $371,250 | $371,250 | $297,000 | $228,937 | $228,937 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | $371,250 | $371,250 | $297,000 | $228,937 | $228,937 |
| Assessed Value | $277,014 | $304,715 | $251,831 | $228,937 | $228,937 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $277,014 | $304,715 | $251,831 | $228,937 | $228,937 |
| Maximum Save Our Homes Portability | $94,236 | $0 | $45,169 | $0 | $0 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

2019 TRIM Notice

**No data available for the following modules:** Residential Buildings, Commercial Buildings, Extra Features, Sketches.

The Assessor's Office is continually updating the database and while every effort is made to provide accurate and reliable information, we cannot guarantee the accuracy of the data contained herein and assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. All rights reserved.

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Version 2.3.54

R.

Inst. Number: 201619005057 Book: 1179 Page: 192 Page 1 of 2 Date: 10/24/2016 Time: 4:00 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 2,730.00

*This Instrument Prepared by & return to:*
*Name:* *W. Cris Smith, Esq.*
*Susan S. Thompson, Esq.*
*Frank S. Shaw, III, Esq.*

*Smith, Thompson & Shaw*
*Address:* *Fourth Floor, 3520 Thomasville Rd.*

*20163245ANH*
*Parcel I.D. #:* *02-07S-02W-1043-000R-0030*
02-07S-02W-1045-000S-0040

Inst: 201619005057 Date: 10/24/2016 Time: 4:00PM
Page 1 of 2 B: 1179 P: 192, Marcia Johnson, Clerk of Court
Franklin, County, By: AM Deputy Clerk
Doc Stamp-Deed: 2730.00

*SPACE ABOVE THIS LINE FOR PROCESSING DATA* — *SPACE ABOVE THIS LINE FOR RECORDING DATA*

***THIS WARRANTY DEED*** *Made the 20th day of* **October**, *A.D. 2016, by* **MARCIA DEEB THORNBERRY**, *a/k/a* **MARCIA DEEB LONG**, *A MARRIED WOMAN, hereinafter called the grantor, to* **ROBERT H. KIRST**, *A MARRIED MAN, whose post office address is* **2755 MILESTONE PLANTATION ROAD, TALLAHASSEE, FL 32312**, *hereinafter called the grantee:*

*(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument, singular and plural, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)*

***Witnesseth:*** *That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in* **Franklin County**, **State of Florida**, *viz:*

*SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.*
*The grantor does herein affirm that the above described property is not homestead property.*
*Subject to taxes for the year 2016 and subsequent years, restrictions, reservations, covenants and easements of record, if any.*

***Together*** *with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining*
***To Have and to Hold*** *the same in fee simple forever.*

***And*** *the grantor hereby covenants with said grantee that she is lawfully seized of said land in fee simple; that she has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2015.*

***In Witness Whereof,*** *the said grantor has signed and sealed these presents, the day and year first above written.*

*Signed, sealed and delivered in the presence of:*

*Witness Signature*

*Printed Name*

*Witness Signature*

*Printed Name*

***MARCIA DEEB THORNBERRY***
*Address:*
***2810 CLINE STREET, TALLAHASSEE, FL 32308***

*State of Florida*
*County of Leon*

*I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared MARCIA DEEB THORNBERRY, A MARRIED WOMAN, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he/she executed the same, and that I relied upon the following form of identification of the above-named person:*

*and that an oath was not taken.*

*Witness my hand and official seal in the County and State last aforesaid this 20th day of October, A.D. 2016.*

*Notary Public Rubber Stamp Seal*

*Notary Signature*

*Printed Notary Signature*

SUSAN S. THOMPSON
MY COMMISSION # FF 227965
EXPIRES: June 16, 2019

R.



EXHIBIT "A"

The land referred to herein below is situated in the County of Franklin, State of Florida, and is described as follows:

Parcel 1

Lot 3, Block "R" of PENINSULAR POINT UNIT NO. 5, according to the Plat thereof as recorded in Plat Book 1, Page(s) 29, of the Public Records of Franklin County, Florida.

Parcel 2

Lot 4, Block "S" of PENINSULAR POINT UNIT NO. 5, according to the Plat thereof as recorded in Plat Book 1, Page(s) 29, of the Public Records of Franklin County, Florida.

qPublic.net™ Franklin County, FL







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 02-07S-02W-1045-0005-0050 | **Alternate ID** | 02W07S021045000S0050 | **Owner Address** | RB ASSET MANAGEMENT,LLC |
| **Sec/Twp/Rng** | 2-7S-2W | **Class** | VACANT | | 1843 COMMERCE BLVD |
| **Property Address** | 1542 ALLIGATOR DR | **Acreage** | n/a | | MIDWAY, FL 32343 |
| **District** | 7 | | | | |
| **Brief Tax Description** | UNIT 5 BL 5 LOT 5 PEN POINT | | | | |

(Note: Not to be used on legal documents)

Date created: 4/17/2020
Last Data Uploaded: 4/17/2020 7:38:29 AM

Developed by Schneider GEOSPATIAL

This is Mr Deeb's Dock - Property Appraiser's drawing indicates it's on Mr Kirby's parcel - Spoke w/ Wade Dandridge - He said it is okay, they deal with this from time to time -

R.

qPublic.net Franklin County, FL

## Parcel Summary

| | |
|---|---|
| Parcel ID | 02-07S-02W-1045-000S-0050 |
| Location Address | 1542 ALLIGATOR DR<br>32346 |
| Brief Tax Description* | UNIT S BL S LOT 5 PEN POINT OR 171/69 647/477 1237/288<br>*The Description above is not to be used on legal documents. |
| Property Use Code | VACANT (000000) |
| Sec/Twp/Rng | 2-7S-2W |
| Tax District | Alligator Point (District 7) |
| Millage Rate | 13.4617 |
| Acreage | 0.000 |
| Homestead | N |

View Map

## Owner Information

Primary Owner
RB Asset Management LLC
1843 Commerce Blvd
Midway, FL 32343

## Land Information

| Code | Land Use | Number of Units | Unit Type | Frontage | Depth |
|---|---|---|---|---|---|
| 999910 | DOCK PERMISSIV | 1.00 | UT | 0 | 0 |

## Sales

| Multi Parcel | Sale Date | Sale Price | Instrument | Book | Page | Qualification | Vacant/Improved | Grantor | Grantee |
|---|---|---|---|---|---|---|---|---|---|
| N | 01/07/2019 | $50,000 | WD | 1237 | 288 | Qualified (Q) | Vacant | LONG | RB ASSET MANAGEMENT,LLC |

## Valuation

| | 2019 Preliminary Certified | 2019 Certified | 2018 Certified | 2017 Certified | 2016 Certified |
|---|---|---|---|---|---|
| Building Value | $0 | $0 | $0 | $0 | $0 |
| Extra Features Value | $0 | $0 | $0 | $0 | $0 |
| Land Value | $35,000 | $35,000 | $25,000 | $15,000 | $15,000 |
| Land Agricultural Value | $0 | $0 | $0 | $0 | $0 |
| Agricultural (Market) Value | $0 | $0 | $0 | $0 | $0 |
| Just (Market) Value | $35,000 | $35,000 | $25,000 | $15,000 | $15,000 |
| Assessed Value | $7,321 | $8,053 | $6,655 | $6,050 | $5,500 |
| Exempt Value | $0 | $0 | $0 | $0 | $0 |
| Taxable Value | $7,321 | $8,053 | $6,655 | $6,050 | $5,500 |
| Maximum Save Our Homes Portability | $27,679 | $0 | $18,345 | $8,950 | $9,500 |

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## TRIM Notices

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

Schneider GEOSPATIAL

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Last Data Upload: 4/17/2020, 7:38:29 AM

Version 2.3.54

FLORIDA DEPARTMENT OF
Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

November 28, 2018

Robert Kirby
2755 Millstone Road
Tallahassee, Florida 32312
ripkirby@rhmgt.us

File Name: Kirby Single-Family Dock
File No.: 0369382-001-EG-19, Franklin County

Dear Mr. Kirby:

On October 5, 2018, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a 1,036 square-foot single-family dock consisting of a 229-foot by 4-foot access walkway and a 6-foot by 20-foot terminal platform with a single uncovered boatlift within Alligator Harbor, Class II Outstanding Florida Waters, Alligator Harbor Aquatic Preserve, Prohibited Shellfish Harvesting Area. The project is located at 1544 Alligator Drive, Alligator Point, Florida, 32346, Parcel No. 02-07S-02W-1045-000S-0040, in Section 2, Township 7 South, Range 2 West of Franklin County; at approximately 29°54'5.0" North Latitude, 84°24'4.68" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

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

**1. Regulatory Review – Approved**

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Authority for review – Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review – SPGP Approved**

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

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

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

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

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

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

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

Time Period for Filing a Petition

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Jared Searcy at the letterhead address or at (850) 245-7625 or via email at Jared.Searcy@dep.state.fl.us.

**EXECUTION AND CLERKING**
Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jared W. Searcy

Jared Searcy
Environmental Specialist II
Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
4. General Conditions for Federal Authorization for SPGP V, 2 pages
5. SPGP V: Special Conditions Related to All Review and Authorizations, 6 pages
6. Department of the Army Permit Transfer for SPGP V, 1 page
7. Project Drawings, 4 pages

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

Tanya McHale, FDEP Northwest District, Tanya.McHale@dep.state.fl.us
Michael Fuller, FDEP Northwest District, Michael.Fuller@dep.state.fl.us
Dan Garlick, Garlick Environmental Associates, Inc., dan@garlickenv.com
Mary Ann Wasmund, Garlick Environmental Associates, Inc., maryann@garlickenv.com

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

Stacy Gardiner

November 28, 2018

**Clerk** **Date**

**62-330.427 General Permit for Docks, Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges

of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History–New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.*

**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at https://www.flrules.org/Gateway/reference.asp?No=Ref-04227, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or

other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

## GENERAL CONSENT CONDITIONS FOR USE OF SOVEREIGNTY SUBMERGED LANDS

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapters 253 and 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.

## General Conditions for Federal Authorization for SPGP V

1. The time limit for completing the work authorized ends on July 26, 2021.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

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

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
    a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
    b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
    c. Damages to persons, property, or to other permitted or unpermitted activities or

structures caused by the activity authorized by this permit.

d. Design or Construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

   a. You fail to comply with the terms and conditions of this permit.

   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

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

## Special Conditions Related to All Review and Authorizations

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

1. The District Engineer reserves the right to require that any request for authorization under this SPGP V be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V does not automatically guarantee Federal authorization.

2. On a case-by-case basis the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

3. Failure to comply with all conditions of the Federal authorizations under the SPGP V would constitute a violation of the Federal authorization.

4. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

b. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

5. No work shall be authorized under the SPGP V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement except as allowed in Special Condition 17 for *Living Shorelines* of the *Shoreline Stabilization* category.

6. The Design and construction of a Project must comply with the following.

a. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the

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

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

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

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

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

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

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

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

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

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

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

e. All work must occur during daylight hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. (*For multi-family residential docks (e.g., condos, trailer parks, apartment complexes) designated for fishing or vessel storage, for temporary marine event pile-supported structures involving high speed vessel traffic or fishing, and for commercial or public boat ramps.*) Install educational signs as follows in a visible location to alert boaters of listed species in the area susceptible to vessel strikes or hook-and-line captures. NMFS website

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html) provides sign installation guidance and most current version of the signs.

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

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

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

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

16. (For *Transient activities*.)

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

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

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

a. Only native plant species will be planted.

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

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

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

e. (For oyster breakwaters.)

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

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

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

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

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

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

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

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

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

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

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

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

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

b. If an item cannot be removed without causing harm to surrounding coral, the item will be disassembled as much as practicable so that it no longer can accidently harm or trap species.

c. Monofilament debris will be carefully cut loose from coral so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.

d. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

20. For concrete piles installed by impact hammer:

a. The piles will be less than or equal to than 24 inches in diameter; and

b. Not more than 10 piles will be installed per day if in open water; or,

c. Not more than 5 piles will be installed per day in a *confined space*. A *confined space* is defined as any area that has a solid object (e.g., shoreline, seawall, jetty) or structure within

150 feet of the pile installation site that would effectively serve as a barrier or otherwise prevent animals from moving past it to exit the area. This does not include objects such as docks or other pile-supported structures that would not stop animal movement or significantly reflect noise.

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

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

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

24. No blasting is authorized.

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

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

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

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

**Department of the Army Permit Transfer for SPGP V**

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

_____

_____

(Subdivision) (Lot) (Block)

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

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

_____ _____

(Transferee Signature) (Date)

_____

(Name Printed)

_____

(Street address)

_____

(Mailing address)

_____

(City, State, Zip Code)

R.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P.O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

7415

APPLICANT/CLIENT: Robert Kirby

WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP

PURPOSE: Environmental Permitting

PROJECT LOCATION / USGS: Alligator Point / Franklin County

LATITUDE:

LONGITUDE:

SECTION: 2 TWNSHP: 7 South RNG: 2 West

JOB: 18-113

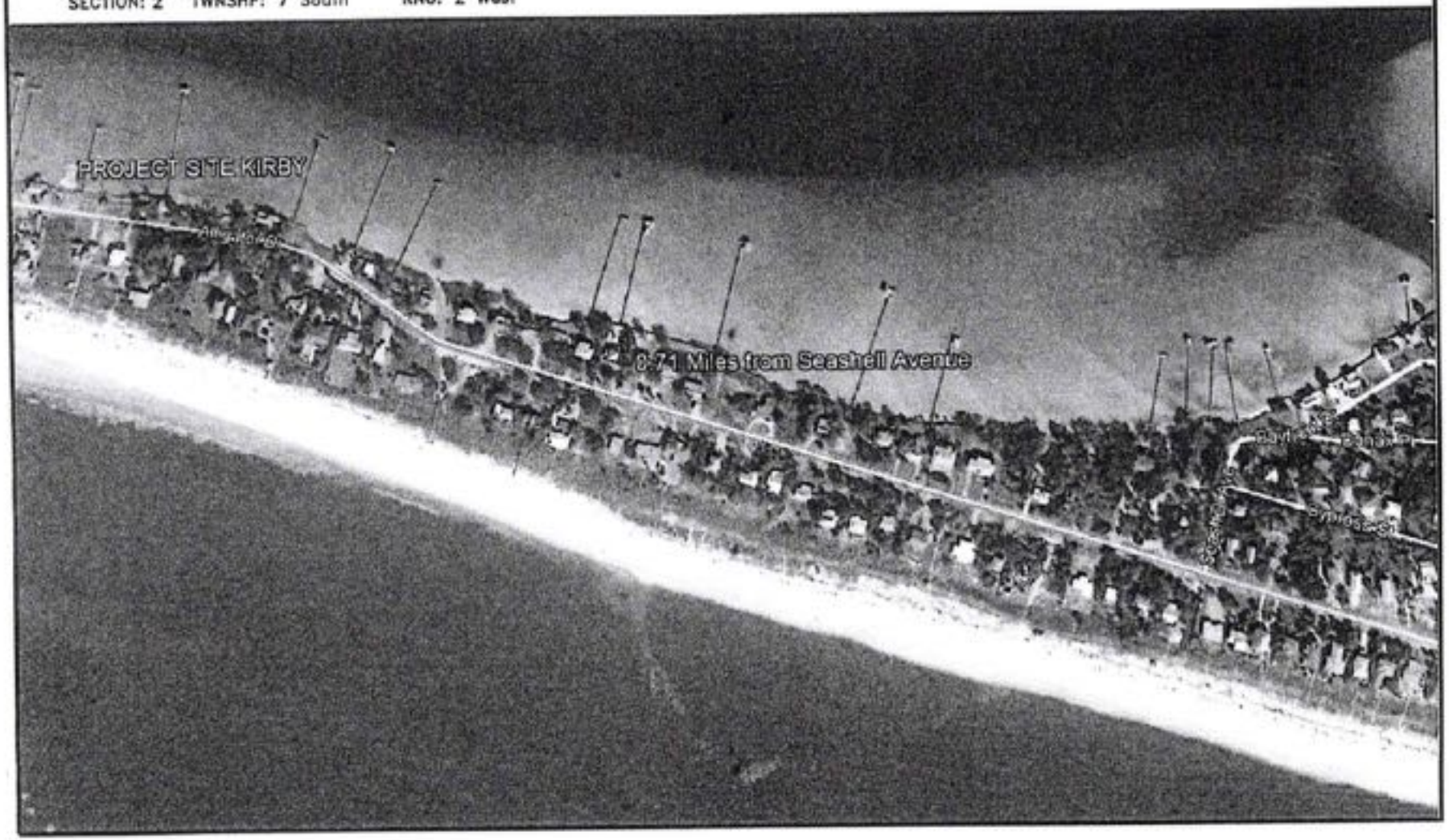
DEP:

COE:

OTHER:

DATE: October 2, 2018

SHEET: 1/4



R.

2 of 4 11/28/18
0350032-001-EG-19
PERMIT
STATE OF FLORIDA

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: Robert Kirby
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COE:
OTHER:
DATE: October 2, 2018
SHEET: 2/4



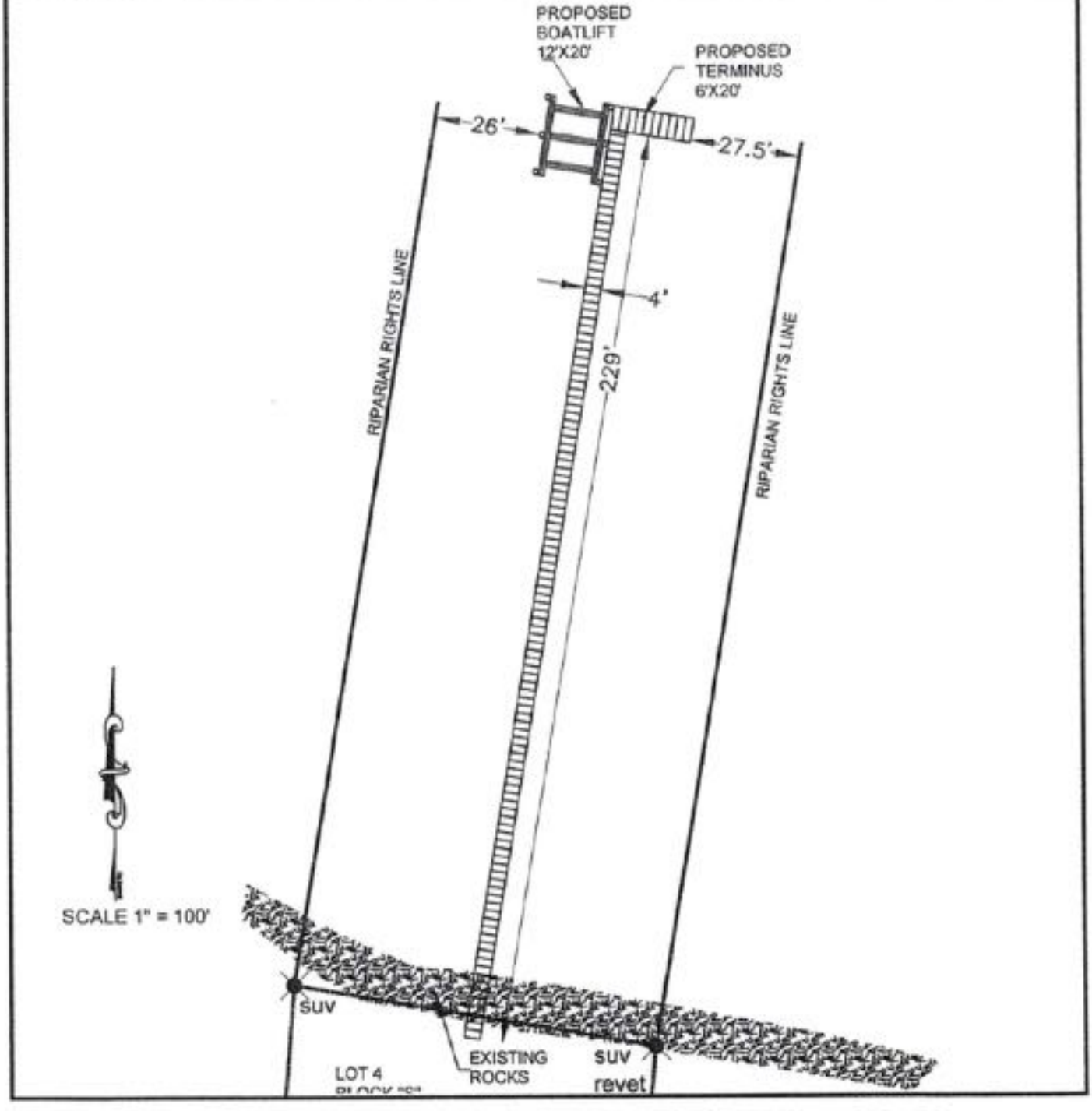
P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

R.

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DATE: October 2, 2018
SHEET: 3/4




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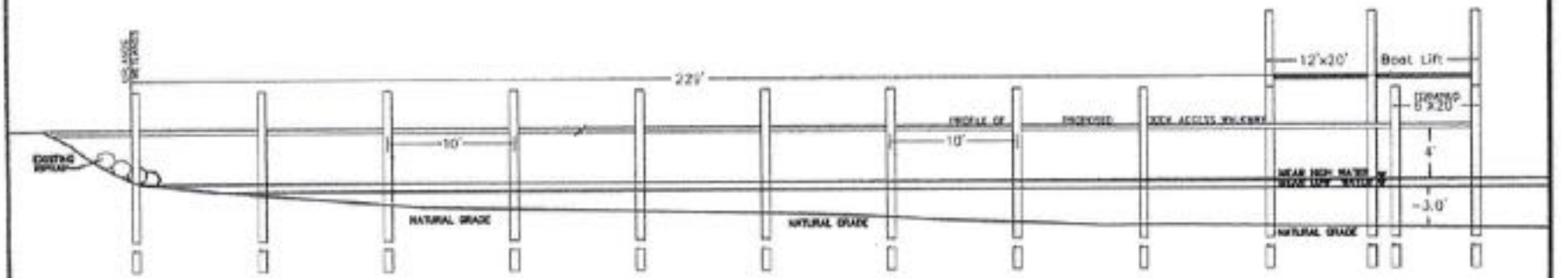
R.

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7415

APPLICANT/CLIENT: Robert Kirby
WATERBODY/CLASS: Alligator Harbor / ClassII / OFW / AP
PURPOSE: Environmental Permitting
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LATITUDE:
LONGITUDE:
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JOB: 18-113
DEP:
COE:
OTHER:
DATE: October 2, 2018
SHEET: 4/4

CROSS SECTION
OF PROPOSED DOCK
Not To Scale




These drawings

R.

**REVIEW OF PLANNING AND ZONING COMMISSION APPLICATIONS**

- Consideration of a request to construct a Single Family Private Dock located at Lot 3, Block R, Peninsular Point, Unit 5, 1545 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 229' x 4' with a 6' x 20' terminal platform and a 12' x 20' proposed boatlift. Request submitted by Garlick Environmental Associates, agent for Robert Kirby, applicant. (House Under Construction- #29097)

This dock will extend into Alligator Harbor. The FDEP permit for the 40' extension has been received.

**I recommend approving this Critical Shoreline Application, subject to receiving the Corps of Engineers permit for the 40' extension**

Mark C. Curenton

Mark C. Curenton
County Planner
July 10, 2020

S.

# DOCK PERMIT APPLICATION

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #_____
FEE: $_____
C.S.I : $_____
TOTAL: $_____

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
**VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:**
**ISSUANCE DATE:** _____ **EXPIRES:** _____

**EXISTING HOUSE:** ☒ Yes ☐ No
**DEP PERMIT:** ☒ Yes ☐ No
**ARMY COE PERMIT:** ☒ Yes ☐ No
**APPROVED:** ☐ Yes ☐ No

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: Michelle Darpel
Contact Information: Home #: 859-358-5756 Cell #: _____
Mailing Address: 1529 Alligator Drive City/State/Zip: Alligator Point FL 32346
EMAIL Address: michelledwean @ att.net

Contractor Name: TBD Business Name: _____
Contact Information: Office #: _____ Cell #: _____
State License #: _____ County Registration #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____ @ _____

**PROPERTY DESCRIPTION:** 911 Address: 1529 Alligator Drive Alligator Point 32346
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 02-07S-02W-1043-000M-0050

**JURISDICTION:** ☐ Franklin County ☐ City of Apalachicola ☐ City of Carrabelle
☐ Apalachicola ☐ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☒ Alligator Point

☒ **SINGLE FAMILY DOCK/PIER** ☐ **MULTI-FAMILY DOCK/PIER** ☐ **COMMERCIAL**

**DESCRIPTION:** 1,365 sq ft dock 5ft x 225 ft access pier to the terminal platform 12ft x 25ft uncovered slip. 15 ft by 8ft floating platform, and 5ft by 8ft jet ski platform

ZONING DISTRICT: _____ CONTRACT COST: _____

TOTAL SQUARE FOOT: 1365 FOUNDATION TYPE: _____
ROOF MATERIAL: No Roof

**APPROVED BY:** ☐ **Planning & Zoning Date:** _____ ☐ **County Commissioners Date:** _____
☐ **City of Carrabelle Date:** _____ ☐ **City of Apalachicola Date:** _____

WATER BODY: Alligator Harbor
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

Michelle Darpel 5-29-20

**BUILDING OFFICIAL** **Date** **OWNER** (Required) **Date** **CONTRACTOR** (Required) **Date**

FLORIDA DEPARTMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 25, 2020

FROM:
Scott Carswell
1051 Seminole Drive
Tallahassee, Florida 32301
scott@moonevents.com

TO:
Lonnie Joe Davis and Michelle Darpel
1529 Alligator Point
Alligator Point, Florida 32349
lonniejoedavis@gmail.com

Re: File No. 0339947-002-EMTO/19
Transfer from File No. 19-0339947-001-EI

Dear Mr. Carswell, Mr. Davis and Ms. Darpel:

Enclosed is a copy of the executed transfer of permit for the referenced project. The transfer of this permit to Lonnie Joe Davis and Michelle Darpel is hereby approved and effective as of the date of this letter. Please attach a copy of this letter and the enclosed transfer of permit to your permit and make them available on site during construction. When referring to this project, please use the permit number indicated.

This notice of transfer does not alter the original expiration date, Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

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

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

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

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

Mediation
Mediation is not available in this proceeding.

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

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

If you have any questions regarding this matter, please contact Tanya Alvarez McHale at the letterhead address, at 850-595-0614, or at tanya.mchale@floridadep.gov.

**EXECUTION AND CLERKING**
Executed in Orlando, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

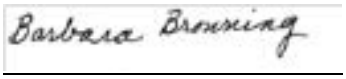
KRA:tam

**Attachments:**
1. Permit File No. 19-0339947-001, 24 pages
2. Permit Transfer Request, 6 pages

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

Amy Kelly, Franklin County Planning & Zoning, amyh@fairpoint.net
Ray Eubanks, Department of Economic Opportunity, ray.eubanks@deo.myflorida.com, dcppermits@deo.myflorida.com
Kim Wren, FDEP Aquatic Preserves, kim.wren@dep.state.fl.us
Tanya McHale, FDEP Northwest District, tanya.mchale@dep.state.fl.us
Kevin Easton, Florida Environmental and Land Services, Inc., keaston@felsi.org
Elva Peppers, Florida Environmental and Land Services, Inc., elvapeppers@felsi.org

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



**Clerk** **Date**

February 25, 2020

S.

# Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

**Permittee/Authorized Entity:**
Scott Carswell
1051 Seminole Drive
Tallahassee, Florida 32301
scott@moonevents.com

**Carswell Single-Family Dock**

**Authorized Agent:**
Florida Environmental and Land Services, Inc.
Kevin Easton
221-4 Delta Court
Tallahassee, Florida 32303
keaston@felsi.org

**Environmental Resource Permit**
**State-owned Submerged Lands Authorization – Granted**

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

Franklin County
Permit No.: 19-0339947-001-EI

**Permit Issuance Date:** January 13, 2016
**Permit Construction Phase Expiration Date:**
January 13, 2021

# Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

**Permittee/Grantee:** Scott Carswell
**Permit No:** 19-0339947-001-EI

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 1529 Alligator Drive, Alligator Point, Florida, 32346, in Section 2, Township 7 South, Range 2 West, in Franklin County, at Latitude 29°54'1.32" N / Longitude 84°23'56.18" W.

## PROJECT DESCRIPTION

The permittee is authorized to construct a 1,365 square-foot single-family dock with of a 5-foot by 225-foot access walkway, a 5-foot by 16-foot gangway connecting the walkway to the terminal platform, a 12-foot by 25-foot uncovered boat slip with lift beside the access walkway, and a terminal platform consisting of a 15-foot by 8-foot floating platform and a 5-foot by 8-foot floating jet ski platform within the landward extent of Alligator Harbor, Class II Outstanding Florida Waterbody, Prohibited Shellfish Harvesting Area, part of the Alligator Harbor Aquatic Preserve. Per Paragraph 18-20.004(5)(e), Florida Administrative Code, the width of the dock access pier is authorized at 5-feet wide. The above described activity includes the preemption of 1,365 square-foot of state-owned sovereignty submerged lands along approximately 151-linear foot of shoreline. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

**Carswell Single-Family Dock**

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S., and Chapter 258, F.S. As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you

agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization
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 U.S. Army Corps of Engineers (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/Missions/Regulatory/Sourcebook.aspx.

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

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 - PRIOR TO ANY CONSTRUCTION**

1. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

2. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.

3. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the project area. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed the ambient water quality levels of the Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

**SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

4. All cleared vegetation, 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.

5. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in the permit.

**6.** All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit, and all state owned waterbodies in the vicinity, shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.

7. All chemically-treated pilings associated with the permitted docking structures and mooring piles shall be wrapped with impermeable plastic or PVC sleeves in such a manner as to reduce the leaching of deleterious substances from the pilings. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6” below the level of the substrate to at least 1’ above the seasonal high water line and shall be maintained over the life of the structure.

8. There shall be no boat repair facilities on any structure that is over the water. No overboard discharges of trash, human or animal waste, or fuel shall occur at the pier.

9. Construction equipment shall not be repaired or refueled in wetlands or other surface waters.

10. 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. Should the shallowness of the work area preclude watercraft access that meets these criteria, then the pier shall be built progressively from the shoreline. Material or equipment not immediately being utilized in progressive building shall not be stored on the unfinished structure and no material or equipment shall be stored on the unfinished structure overnight.

11. There shall be no enclosed sides constructed on the dock.

12. Handrails shall be installed along both sides of the access pier.

13. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is **800-320-0519** (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

14. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit, unless an application for extension is received and approved pursuant to Rule 62-330.320, F.A.C.

15. The mailing address for submittal of forms for the "Construction Commencement Notice" or other correspondence is FDEP, SLERP, 470 Harrison Avenue, Panama City, Florida 32401

**SPECIFIC CONDITIONS – OPERATION**

16. All future authorized replacement pilings for support of the docking structures and for boat mooring shall be non-chemical-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves in such a manner as to eliminate the leaching of deleterious substances from the pilings into the water column and sediments). The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6" below the level of the substrate to at least 1' above the seasonal high water line and shall be maintained over the life of the structure.

17. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water as to preclude bottom scouring or prop dredging.

18. Handrails shall be maintained for the life of the facility in order to discourage mooring.

**GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

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

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

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of 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. 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 and 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, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

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

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, Florida Administrative Code.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to 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 Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



For Andrew Joslyn
Interim Permitting Program Administrator

**Attachments:**
Exhibit 1, Project Drawings and Design Specs., 7 pages
Exhibit 2, SPGP General Conditions, 3 pages
Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit/Form 62-330.310(3)

**Copies furnished to:**
Sue Maxwell, U.S. Army Corps of Engineers, susanna.r.maxwell@usace.army.mil
Amy Kelly, Franklin County Planning & Zoning, amyh@fairpoint.net
Ray Eubanks, Department of Economic Opportunity, ray.eubanks@deo.myflorida.com and dcppermits@deo.myflorida.com
Kim Wren, FDEP Aquatic Preserves, kim.wren@dep.state.fl.us
Tanya McHale, FDEP Northwest District, tanya.mchale@dep.state.fl.us
Kevin Easton, Florida Environmental and Land Services, Inc., keaston@felsi.org
Elva Peppers, Florida Environmental and Land Services, Inc., elvapeppers@felsi.org
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on January 13, 2016, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

January 13, 2016

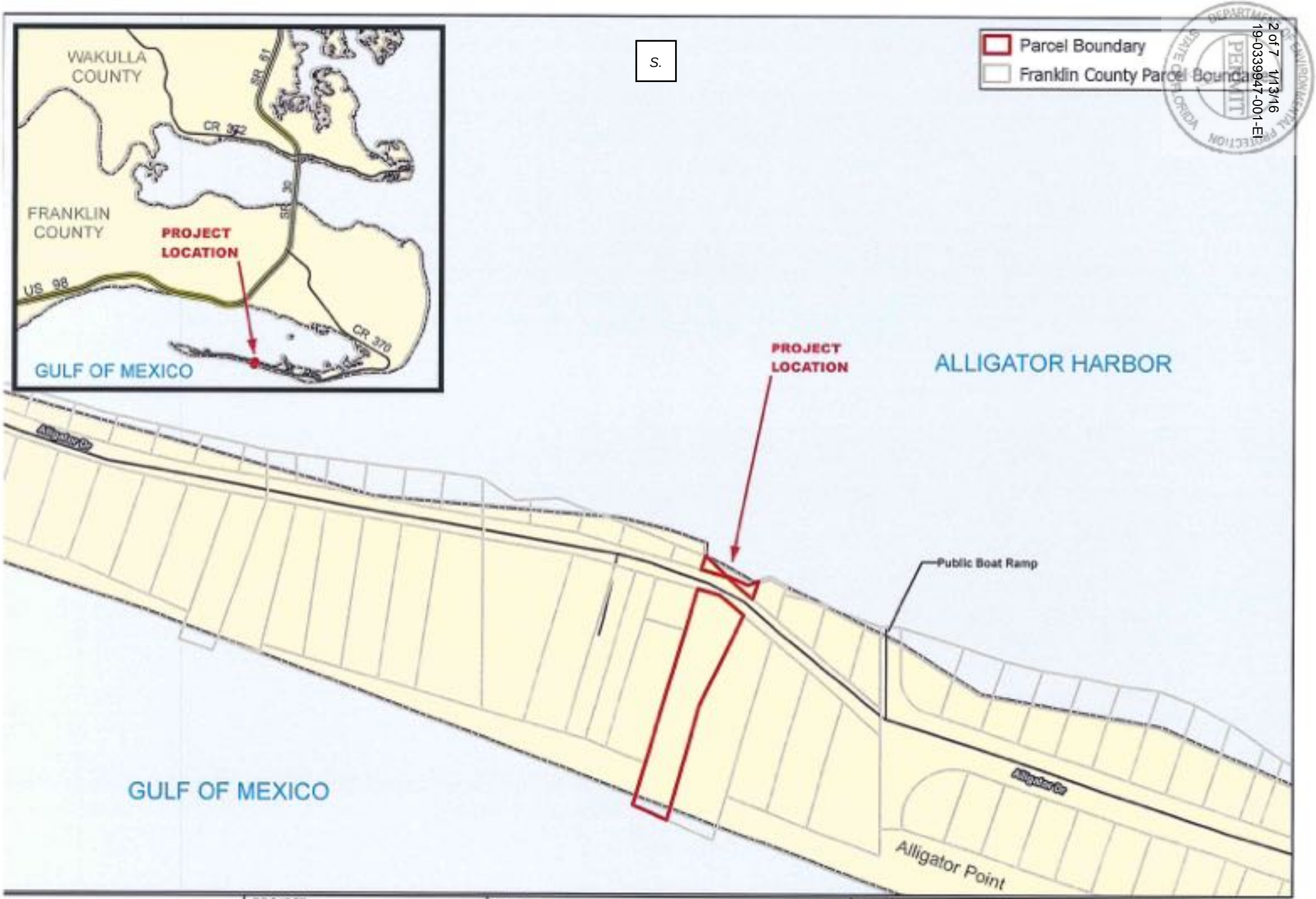
Clerk Date



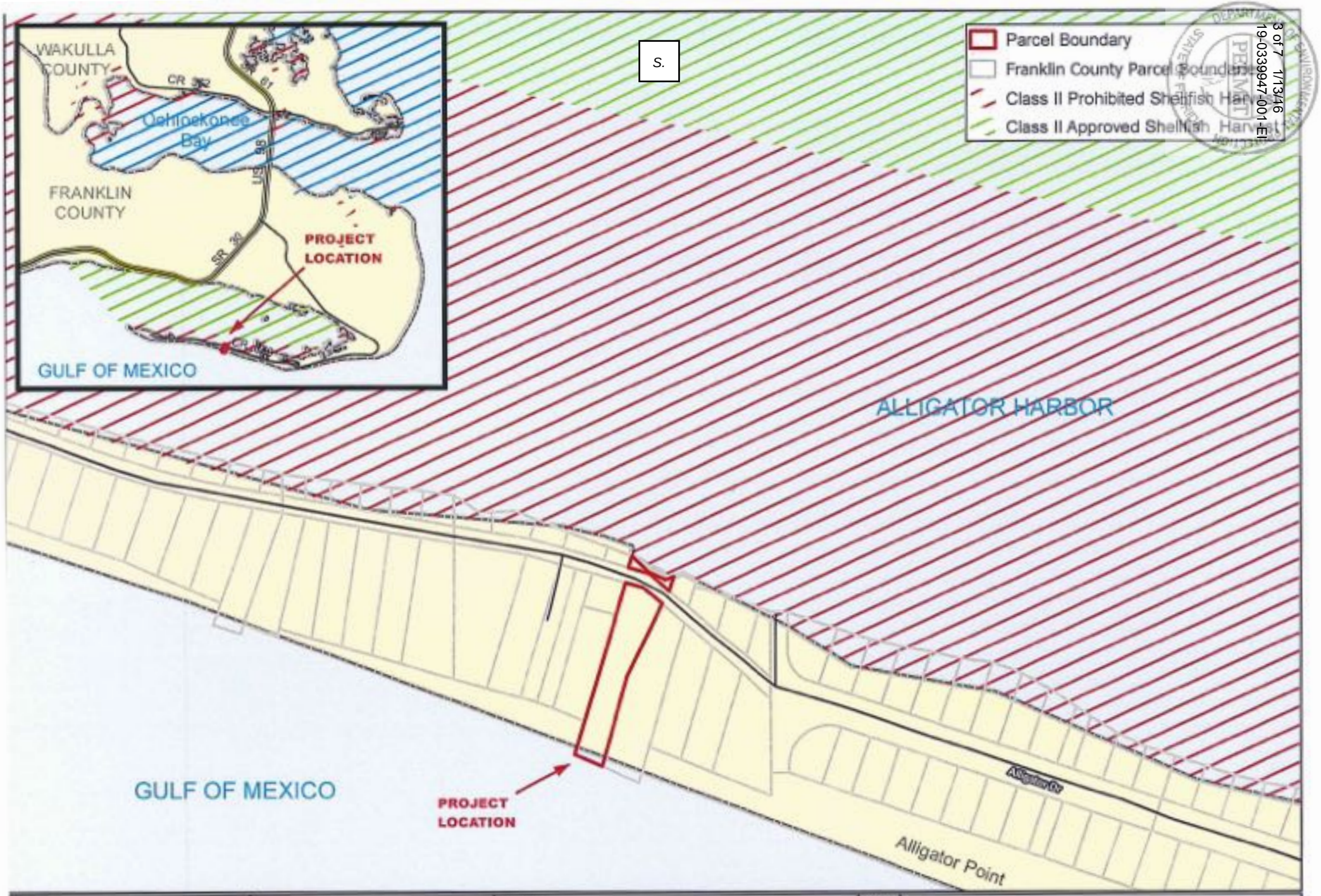

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT
1 of 7 1/13/16
19-033947-001-EI

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FL 32303<br>(850) 385-6255 (850) 385-6355 (FAX) | PROJECT:<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FLORIDA | TITLE:<br>FIGURE 2 AERIAL MAP | | | | Page: 1 Of: 1 | 0 150 300 Feet<br>N<br>403 |
| | | DATE:<br>JUL-13-2015 | BY:<br>KE | CHECK:<br>EP | FELSI PROJECT #<br>15-1219 | | |

2 of 7 1/13/16
19-0339947-001-EI



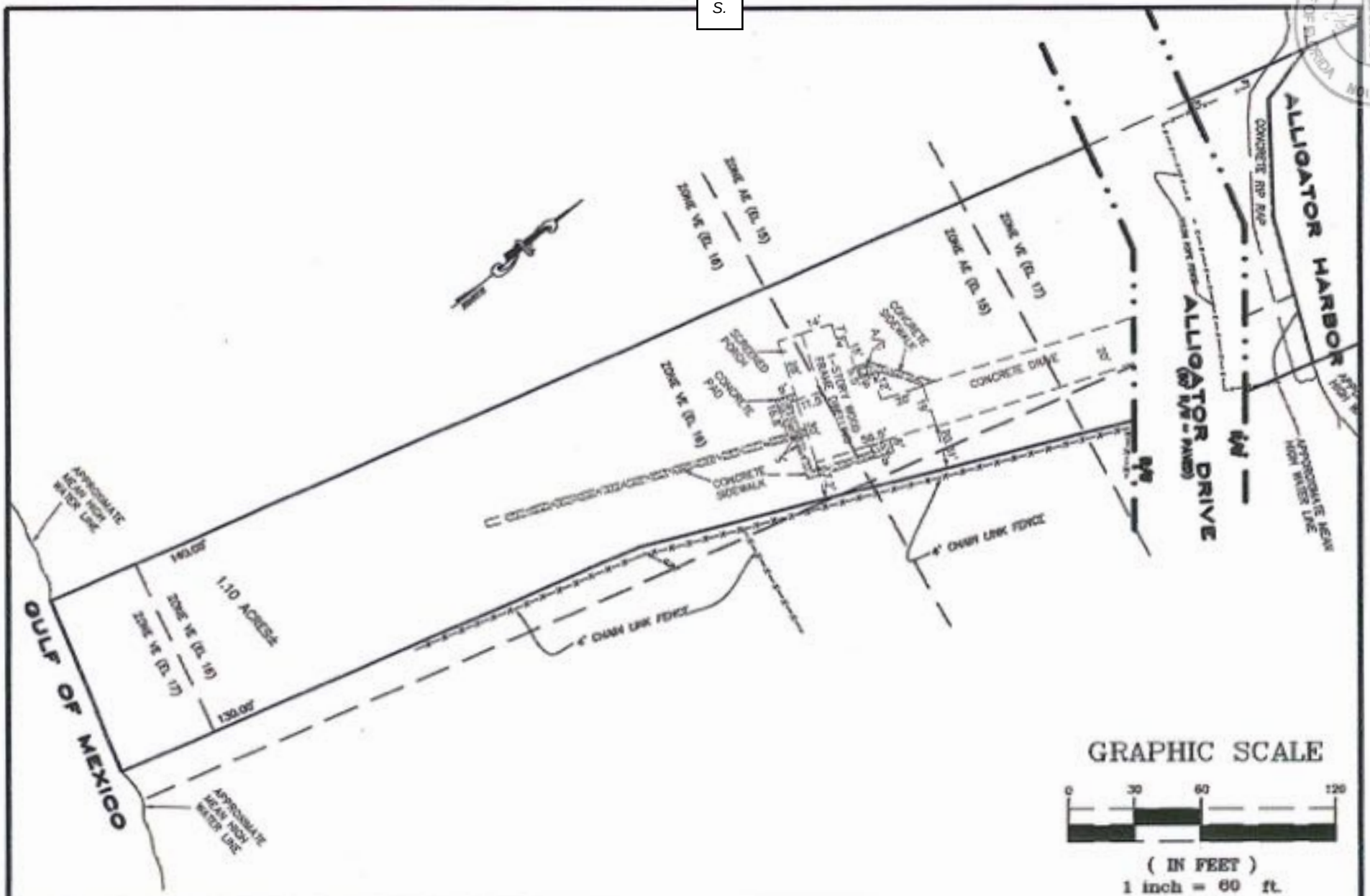

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FL 32303<br>(850) 385-6255 (850) 385-6355 (FAX) | PROJECT:<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FLORIDA | TITLE:<br>FIGURE 1 LOCATION MAP | | | | Page: 1 of: 1 | 0 250 500 Feet<br>N |
| | | DATE: JUN-24-2015 | BY: JLB | CHECK: EP | FELSI PROJECT # 15-1219 | | |



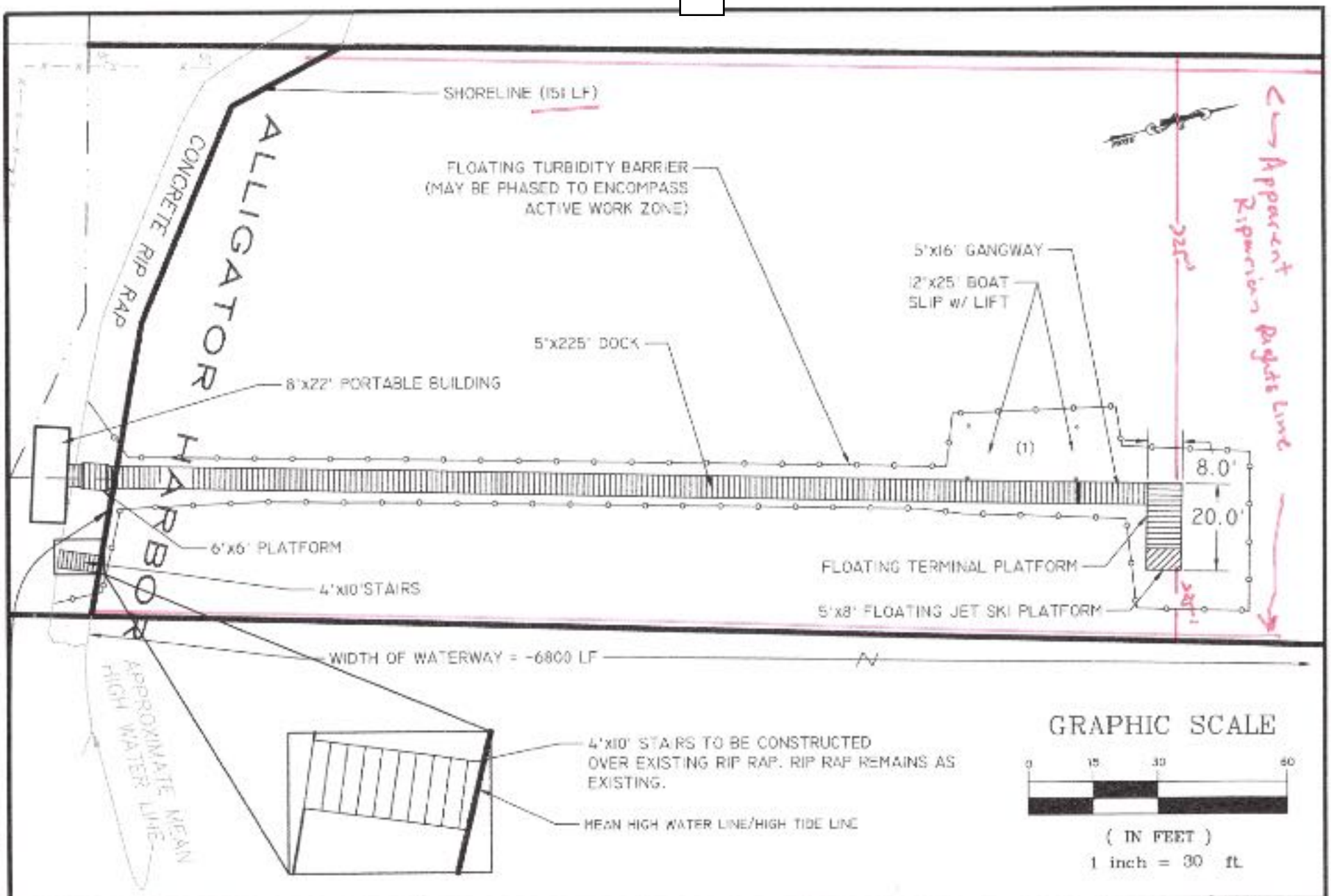

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FL 32303<br>(850) 385-6255 (850) 385-6355 (FAX) | PROJECT:<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FLORIDA | TITLE:<br>FIGURE 3 SHELLFISH HARVEST | | | | Page: 1 Of: 1 | 0 250 500 Feet<br>N |
| | | DATE: JUL-06-2015 | BY: KE | CHECK: EP | FELSI PROJECT # 15-1219 | | |

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19-0339947-001-EI
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FLORIDA 32303<br>850-385-6255 (VOICE) 850-385-6355 (FAX) | PROJECT<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FL | TITLE<br>PLAN VIEW<br>EXISTING CONDITIONS | PAGE:<br>1 |
| | | DATE: 7-14-2015 BY: BCW CHK: EP PROJ: 15-1219 | OF: 3 |




FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
DAVIS DOCK
FRANKLIN COUNTY, FL

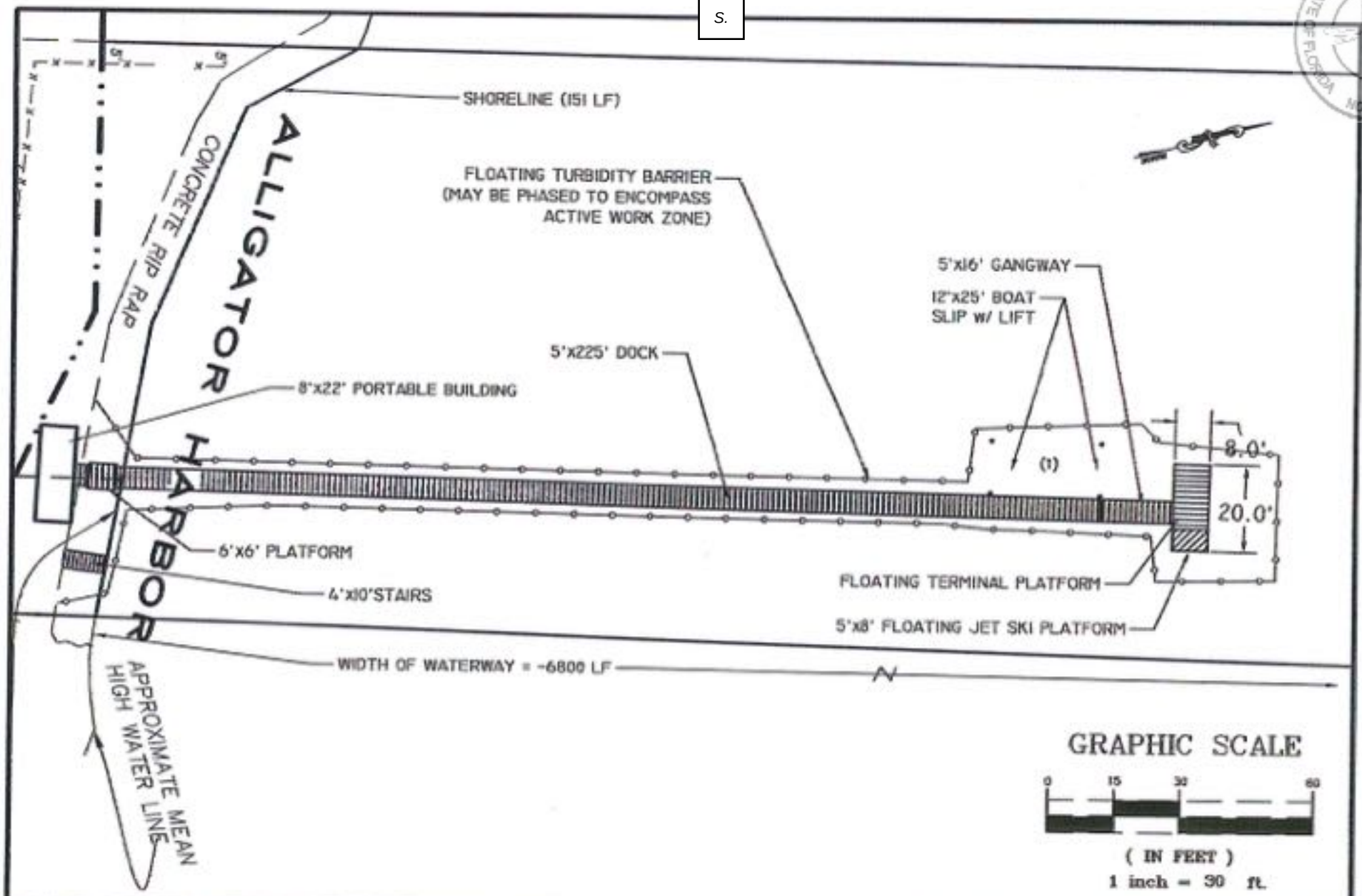
TITLE
DOCK PLAN VIEW
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
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| 5-13-2020 | BCW | EP | 20-1707 |

PAGE: 2 OF: 4

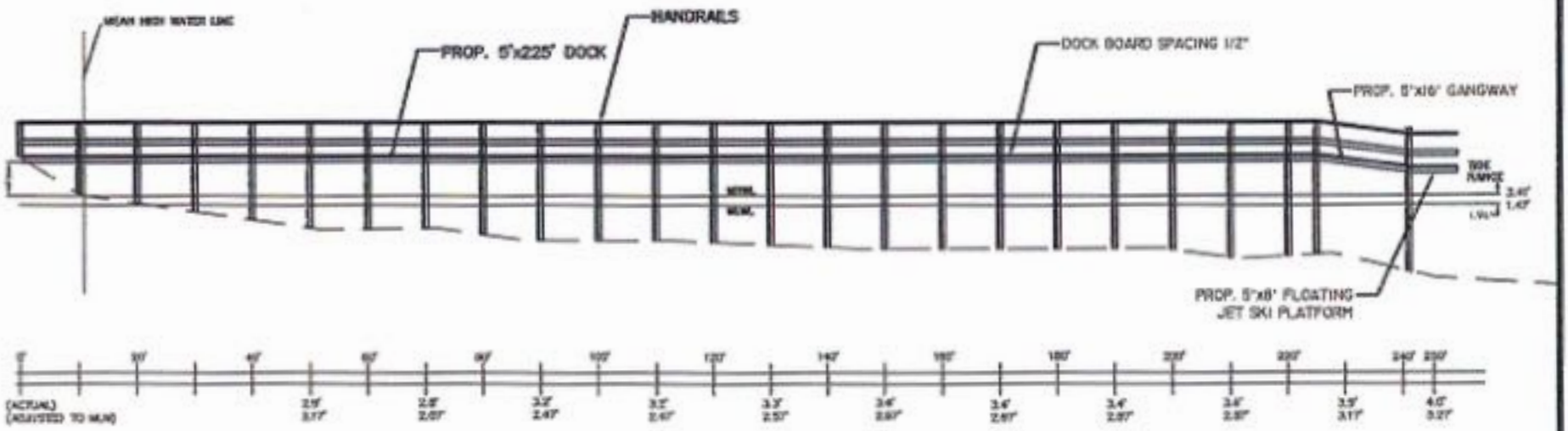
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FLORIDA 32303<br>850-385-6255 (VOICE) 850-385-6355 (FAX) | PROJECT<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FL | TITLE<br>DOCK PLAN VIEW<br>PROPOSED CONDITIONS | PAGE:<br>2 |
| | | DATE: 7-17-2015 BY: BCW CHK: EP PROJ: 15-1219 | OF: 3 |

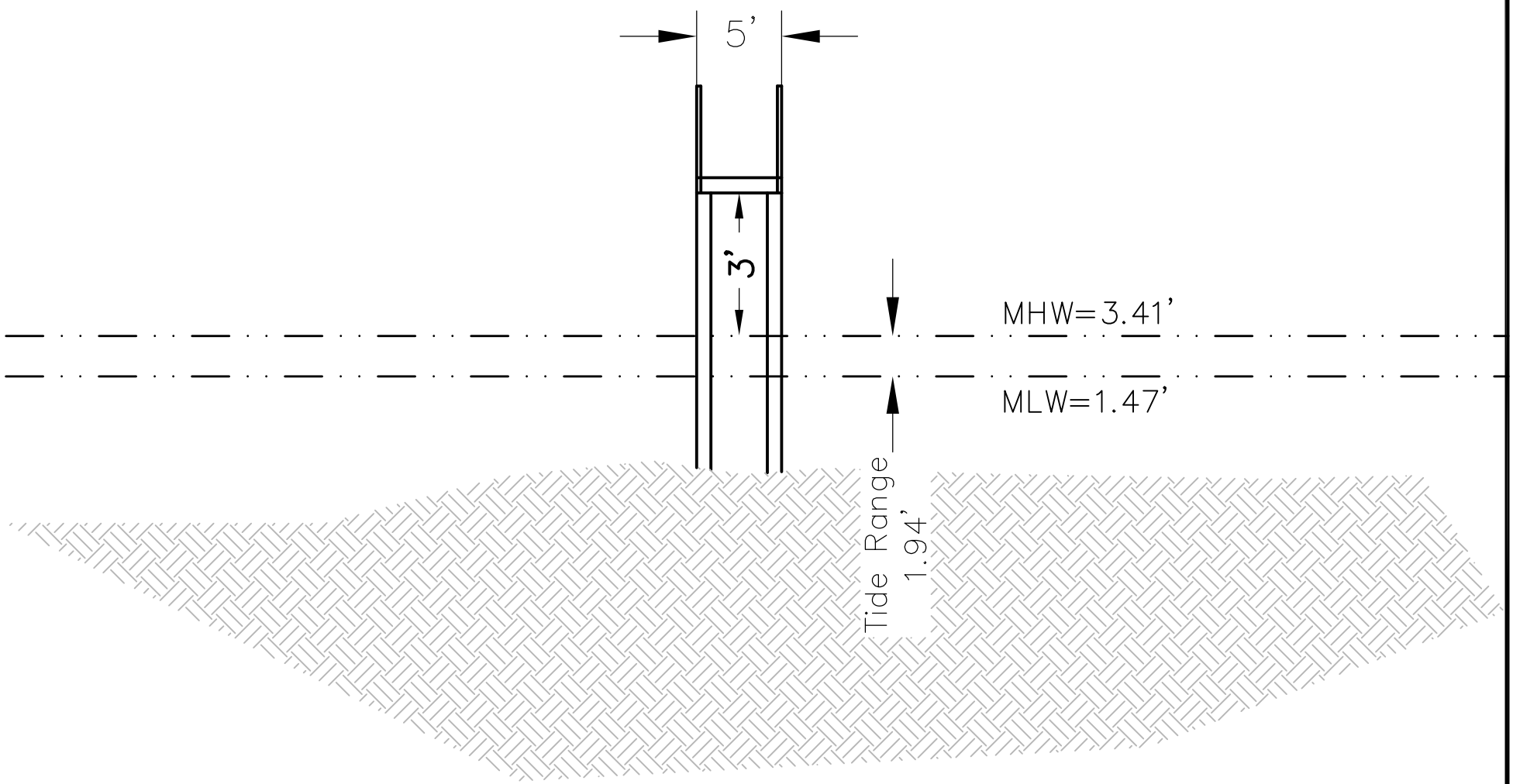
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
PERMIT
6 of 7 1/13/16
19-0339947-001-EI




NOT TO SCALE

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| FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.<br>221-4 DELTA COURT<br>TALLAHASSEE, FLORIDA 32303<br>850-385-6255 (VOICE) 850-385-6355 (FAX) | PROJECT<br>CARSWELL DOCK<br>FRANKLIN COUNTY, FL | TITLE<br>DOCK CROSS SECTION<br>PROPOSED CONDITIONS | | | | PAGE:<br>3 |
| | | DATE: 7-17-2015 | BY: BCW | CHK: EP | PROJ: 15-1219 | OF: 3 |

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NOT TO SCALE

FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
CARSWELL DOCK
FRANKLIN COUNTY, FL

TITLE
PROPOSED CONDITIONS
TYPICAL SECTION

| DATE: | BY: | CHK: | PROJ: |
|---|---|---|---|
| 12-21-15 | BCW | EP | 15-1219 |

PAGE: 1 OF: 1

S.

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.

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)

S.

# CONSTRUCTION COMPLETION AND INSPECTION CERTIFICATION FOR ACTIVITIES ASSOCIATED WITH A PRIVATE SINGLE-FAMILY DWELLING UNIT

Instructions: This form is intended to be used solely by or for the permittee of a private single-family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger plan of development proposed by the applicant/permittee. ***Complete the information on this form, sign at the bottom of Page 2, and submit this form within 30 days of the inspection.***

Permit No.: _____ Application No.: _____

Name of Permittee: _____

Location of Project: _____

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

☐ The undersigned hereby certifies that all components of the structures and ***activities authorized by the above permit have been conducted and/or built substantially in accordance with the terms and conditions of the permit,*** that the system is functioning as permitted, and that the system is ready for inspection. Any minor deviations (noted below) from the permit will not prevent the system from functioning and operating as designed, subject to routine custodial maintenance. This certification is based upon on-site inspection of the system conducted by me or my designee under my direct supervision and my review of the permit. If the undersigned is not the permittee, I further certify that I am acting for, and on behalf of the permittee.

Upon receipt of this form, and verification by the Permitting Agency that any modifications are noted, the construction phase of this permit shall automatically convert to an operation and maintenance phase.

☐ The undersigned hereby certifies that I or my designee under my direct supervision has inspected the system located at the above location and have determined that the system ***does NOT appear to have been built or conducted substantially in accordance with the permit,*** or is not functioning in accordance with the requirements of the permit. One of the following applies:

☐ The system was constructed or conducted with substantial design changes that are not in conformance with the permit (attach description and permit drawings showing all changes), and either:

☐ I, the permittee, am aware that additional work is required to bring the system into compliance with the terms and conditions of the permit; or

☐ I, the agent inspecting the system on behalf of and for the permittee, have informed the permittee of the following:
(a) That the system does not appear to be functioning properly; and
(b) That additional construction or work is required to bring the system into compliance.

S.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):

Any components of the system that are not in conformance with the permit must either be brought into compliance with the permit within 30 days of the inspection, or the permittee must request a modification of the permit in accordance with Rule 62-330.315, F.A.C., within 30 days of the inspection. If the modification request is not approved, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S. If modifications are approved and implemented by the permittee, the permittee shall resubmit this form within 30 days of completion of the remedial work on the permitted system.

Name of Inspector: _____ who is: ☐ the permittee; ☐ the agent for the permittee

Company Name (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

_____ _____

Signature of Inspector Date

If at any time the Permitting Agency determines that the above work or activity was not built or conducted in conformance with the terms and conditions of the permit, the permittee shall be subject to enforcement by the Permitting Agency, and for all measures required to bring the system into compliance with the permit. The permittee shall remain liable for ensuring that that system remains in full and complete compliance with the terms of the permit for the life of the system, unless such permit is transferred in accordance with Rule 62-330.340, F.A.C.

**Reset Form** **Save & Print**

# Request to Transfer
# Environmental Resource Permit

Instructions: To be completed, executed, and submitted by the new owner to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be by letter or e-mail, or through use of this form, and must be sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2013). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No: 19-0339947-001 Application No(s).: Acres to be Transferred:

Permitted Project: Carswell Dock

Proposed Project Name (if different): DAVIS Dock

Phase of Project (if applicable): N/A

I hereby notify the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3(d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permittee: Lonnie Joe Davis

Mailing Address: 1529 Alligator Drive

City: Alligator Point State: FL Zip: 32346

Telephone: (859) 358-5756 E-mail: lonniejoedavis@gmail.com

Lonnie Davis
Signature of Proposed Permittee

09/30/2019 8:40 PM EDT
Date:

Name and Title



Electronically Signed using eSignOnline™ [ Session ID : b8a3ca5a-424f-473b-bba9-1422475e68ff ]

Enclosures:

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



Electronically Signed using eSignOnline™ [ Session ID : b8e3ca5e-424f-473b-bba9-1422475e58ff ]

S.

*This Instrument Prepared by & return to:*
*Name:* *W. Crit Smith, Esq.*
*Susan S. Thompson, Esq.*
*Frank S. Shaw, III, Esq.*

*Address:* *Fourth Floor, 3520 Thomasville Rd.*
*Tallahassee, Florida 32309*
*20193212LAW*
*Parcel I.D. #:* *R 02-07S-02W-1043-000M-0050*

Inst: 201919004504 Date: 10/03/2019 Time: 5:03PM
Page 1 of 4 B: 1250 P: 642, Marcia Johnson,
Clerk of Court Franklin County, By: BM
Deputy ClerkDoc Stamp-Deed: 4340.00

*SPACE ABOVE THIS LINE FOR PROCESSING DATA* — *SPACE ABOVE THIS LINE FOR RECORDING DATA*

***THIS WARRANTY DEED*** *Made the* ***1st*** *day of* ***October****, A.D.* ***2019****, by* ***SCOTT S. CARSWELL*** *and* ***JULIA CARLSON CARSWELL****, HUSBAND AND WIFE, and* ***MARVIN W. CARLSON****, UNREMARRIED SURVIVING SPOUSE OF* ***MARGARET B. CARLSON****, DECEASED, hereinafter called the grantors, to* ***LONNIE JOE DAVIS****, A SINGLE MAN and* ***MICHELLE DARPEL****, A MARRIED WOMAN ,* ***AS JOINT TENANTS WITH FULL RIGHT OF SURVIVORSHIP****, whose post office address is* ***383 Avawam Drive, Richmond, KY 40475-9193****, hereinafter called the grantee:*

*(Wherever used herein the terms "grantors" and "grantee" include all the parties to this instrument, singular and plural, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)*

***Witnesseth:*** *That the grantors, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in* ***Franklin County, State of Florida****, viz:*

*SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.*

*Subject to taxes for the year 2019 and subsequent years, restrictions, reservations, covenants and easements of record, if any.*

***Together*** *with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.*
***To Have and to Hold*** *the same in fee simple forever.*

***And*** *the grantors hereby covenant with said grantee that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.*

***In Witness Whereof,*** *the said grantors have signed and sealed these presents, the day and year first above written.*

*Signed, sealed and delivered in the presence of:*

*Witness Signature*

James Thompson
*Printed Name*

*Witness Signature*

Paul B Parker
*Printed Name*

*L.S.*
***SCOTT S. CARSWELL***
*Address: 1051 Seminole Drive, Tallahassee, FL 32301*

*L.S.*
***JULIA CARLSON CARSWELL***
*Address: 1051 Seminole Drive Tallahassee, FL 32301*

*L.S.*
***MARVIN W. CARLSON***
*Address: 3733 Tom John Lane, Tallahassee, FL 32309*

*State of Florida*
*County of Leon*

*I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared SCOTT S. CARSWELL and JULIA CARLSON CARSWELL, HUSBAND AND WIFE and MARVIN W. CARLSON, unremarried surviving spouse of MARGARET B. CARLSON, deceased, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same. The Grantor(s) ( ) are personally known to me; or (X) produced* Drivers' Licenses *as identification.*



Inst. Number: 201919004504 Book: 1250 Page: 642 Page 1 of 4 Date: 10/3/2019 Time: 5:03 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 4,340.00

S.

## EXHIBIT "A"

A PART OF LOTS 5 AND 6, BLOCK "M", PENINSULAR POINT UNIT NO, 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LOT 5, BLOCK "M", PENINSULAR POINT UNIT NO, 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND THENCE RUN SOUTH 73 DEGREES 56 MINUTES 18 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF ALLIGATOR DRIVE 52.02 FEET TO A CONCRETE MONUMENT, THENCE RUN SOUTH 50 DEGREES 06 MINUTES 07 SECONDS EAST ALONG SAID RIGHT-OF-WAY BOUNDARY 77.50 FEET, THENCE RUN SOUTH 25 DEGREES 39 MINUTES 03 SECONDS WEST 230.84 FEET, THENCE RUN SOUTH 16 DEGREES 03 MINUTES 41 SECONDS WEST 274.90 FEET TO THE APPROXIMATE MEAN HIGHWATER LINE OF THE GULF OF MEXICO,. THENCE RUN NORTH 67 DEGREES 28 MINUTES 39 SECONDS WEST ALONG SAID APPROXIMATE MEAN HIGHWATER LINE 85.00 FEET, THENCE RUN NORTH 16 DEGREES 03 MINUTES 42 SECONDS EAST 524.27 FEET TO THE POINT OF BEGINNING.

AND ALSO;

A PART OF LOTS 5 AND 6, BLOCK "N", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 5, BLOCK "N", PENINSULAR POINT UNIT NO. 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 22, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA, AND THENCE RUN NORTH 16 DEGREES 03 MINUTES 42 SECONDS EAST 30.77 FEET TO THE APPROXIMATE MEAN HIGHWATER LINE OF ALLIGATOR HARBOR, THENCE RUN ALONG SAID APPROXIMATE MEAN HIGHWATER LINE AS FOLLOWS: SOUTH 48 DEGREES 09 MINUTES 28 SECONDS EAST 64.14 FEET, THENCE SOUTH 68 DEGREES 10 MINUTES 00 SECONDS EAST 55.00 FEET, THENCE NORTH 68 DEGREES 37 MINUTES 58 SECONDS EAST 24.46 FEET, THENCE LEAVING SAID APPROXIMATE MEAN HIGHWATER LINE RUN SOUTH 16 DEGREES 35 MINUTES 36 SECONDS WEST 42.88 FEET TO THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF ALLIGATOR DRIVE, THENCE RUN NORTH 50 DEGREES 06 MINUTES 07 SECONDS WEST ALONG SAID RIGHT-OF-WAY BOUNDARY 76.31 FEET, THENCE RUN NORTH 74 DEGREES 05 MINUTES 40 SECONDS WEST ALONG SAID RIGHT-OF-WAY BOUNDARY 61.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE PROPERTY IS ALSO DESCRIBED AS:



Inst. Number: 201919004504 Book: 1250 Page: 643 Page 2 of 4 Date: 10/3/2019 Time: 5:03 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 4,340.00

S.

**Thurman Roddenberry and Associates, Inc.**
***Professional Surveyors and Mappers***

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103

September 30, 2019

Legal Description of a 1.17 Acre Tract
Certified To: Lonnie Davis,
Smith, Thompson, Shaw, Minacci, Colon & Power, P.A.,
First American Title Insurance Co.

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 5J-17.051, Florida Administrative Code).

A portion of Lots 5 & 6, Block "M" Peninsular Point Unit No: 3, a subdivision as per map or plat thereof recorded in Plat Book 1, Page 22, of the Public Records of Franklin County, Florida and being more particularly described as follows:

Begin at a concrete monument marking the Northwest corner of Lot 5, Block "M" of said Peninsular Point Unit No: 3 said point also lying on the Southerly right-of-way boundary of Alligator Drive. From said POINT OF BEGINNING run South 73 degrees 56 minutes 18 seconds East along said right-of-way boundary 52.00 feet to a concrete monument, thence run South 50 degrees 06 minutes 01 seconds East along said right-of-way boundary 77.49 feet to a re-rod, thence leaving said right-of-way boundary run South 25 degrees 41 minutes 26 seconds West 230.92 feet to a re-rod (marked #6475), thence run South 16 degrees 07 minutes 13 seconds West 251.68 feet to a point lying on the approximate mean high water line of the Gulf of Mexico, thence run North 68 degrees 26 minutes 54 seconds West along said mean high water line a distance of 84.83 feet, thence leaving said mean high water line run North 16 degrees 06 minutes 46 seconds East 502.55 feet to the POINT OF BEGINNING containing 1.09 acres more or less.

AND ALSO:

A portion of Lots 5 & 6, Block "N" Peninsular Point Unit No: 3, a subdivision as per map or plat thereof recorded in Plat Book 1, Page 22, of the Public Records of Franklin County, Florida and being more particularly described as follows:





Inst. Number: 201919004504 Book: 1250 Page: 644 Page 3 of 4 Date: 10/3/2019 Time: 5:03 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 4,340.00

S.

1.17 ac. trt. (Con't)

Begin at a re-rod (marked #7160) marking the Southwest corner of Lot 5, Block "N" of said Peninsular Point Unit No: 3 said point also lying on the Northerly right-of-way boundary of Alligator Drive. From said POINT OF BEGINNING and leaving said right-of-way boundary run North 15 degrees 49 minutes 45 seconds East 57.98 feet to a point lying on the approximate mean high water line of Alligator Harbor, thence run South 13 degrees 25 minutes 11 seconds East along said mean high water line 28.65 feet, thence run South 52 degrees 26 minutes 29 seconds East along said mean high water line 54.19 feet, thence run South 65 degrees 01 minutes 57 seconds East 68.47 feet, thence leaving said mean high water line run South 16 degrees 35 minutes 36 seconds West 32.97 feet to a re-rod (marked #7160) lying on the Northerly right-of-way boundary of Alligator Drive, thence run North 50 degrees 06 minutes 01 seconds West along said right-of-way boundary 76.31 feet to an iron rod and cap (marked #7160), thence run North 74 degrees 05 minutes 34 seconds West along said right-of-way boundary 61.71 feet to the POINT OF BEGINNING containing 0.08 acres more or less.

The aggregate of the above described parcels being 1.17 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261

04-965





Inst. Number: 201919004504 Book: 1250 Page: 645 Page 4 of 4 Date: 10/3/2019 Time: 5:03 PM
Marcia Johnson Clerk of Courts, Franklin County, Florida Doc Deed: 4,340.00

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT,
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

**May 14, 2020**

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-01669(GP-LSL)

Mr. Lonnie Davis
383 Avawam Drive
Richmond, Kentucky 40475

Dear Mr. Davis:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 17, 2020, the file number SAJ-2020-01669. A review of the information and drawings provided indicates that the proposed work will result in the construction of a single family dock with a 12' by 25' boat slip with lift. The project consists of a 5' wide by 225' long access walkway, constructed 3' above mean high water, extending out to an 8' long by 15' wide floating terminal platform with a 5' by 8' floating jet ski platform. The platform will be accessed by a 5' wide and 16' long gangway. The structure will have handrails or guard runners spanning the entire perimeter to ensure safety. The construction of a 4' by 10' set of wooden stairs is proposed on the eastern edge of the property to allow for beach access. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 1529 Alligator Drive in Section 2, Township 7 south, Range 2 west, Alligator Point, Franklin County, Florida.

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

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

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

enforcement action. The following project-specific conditions are included with this authorization:

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-01669 (GP - LSL), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment A).

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment B) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**5. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the

Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**6. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**7. Cultural Resources/Historic Properties**:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the

circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**8. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**9. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

**10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/) also maintains updated lists, by county, of documented occurrences of those species.

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware

this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Lisa S. Lovvorn
Project Manager

Enclosures

cc:
Mr. Aaron Sarchet, FELSI

S.

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

S.

## DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

**PERMIT NUMBER: SAJ-2020-01669(GP-LSL)**

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

_____ _____

**(TRANSFEREE-SIGNATURE)** **(SUBDIVISION)**

_____ _____ _____

**(DATE)** **(LOT)** **(BLOCK)**

_____ _____

**(NAME-PRINTED)** **(STREET ADDRESS)**

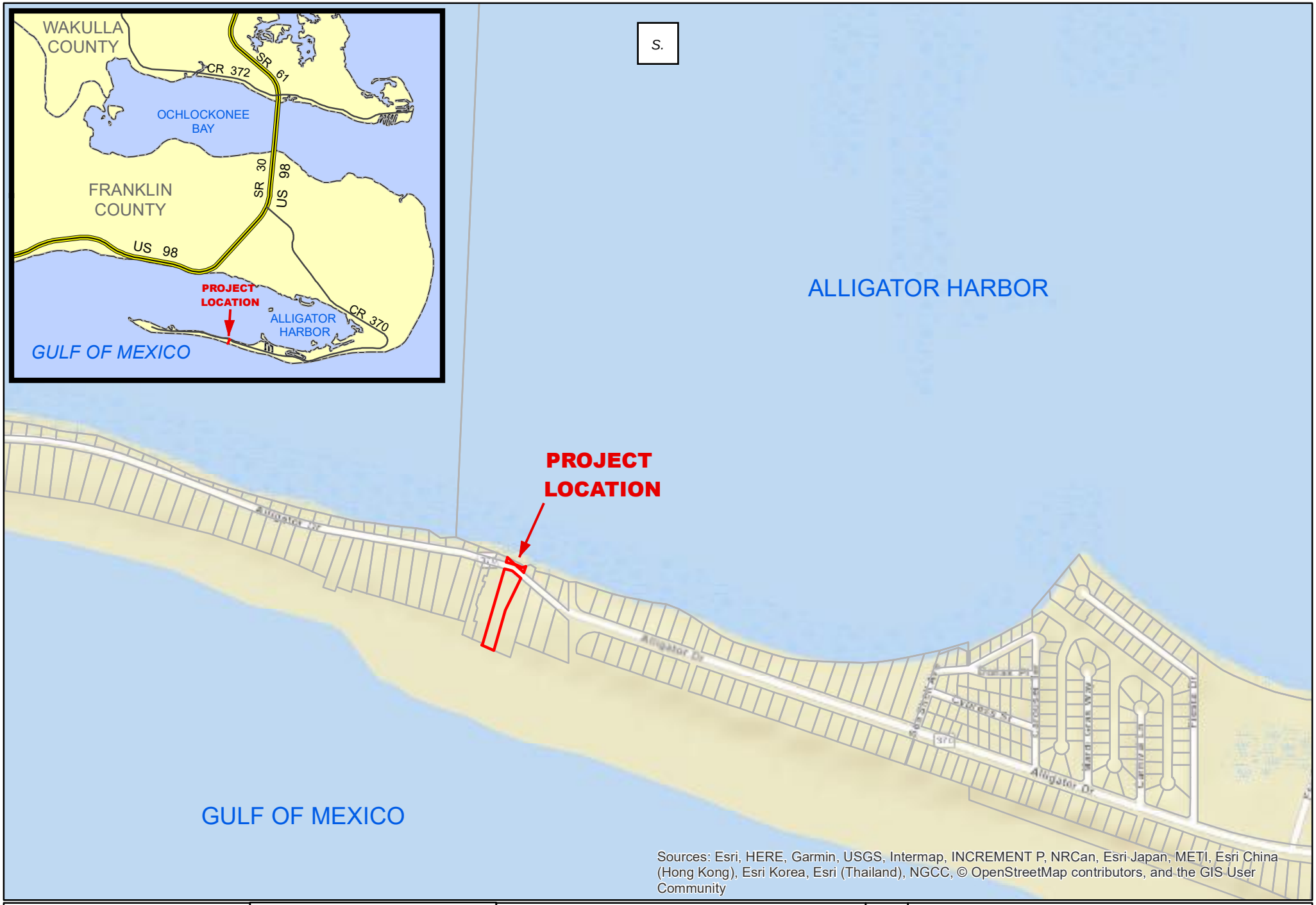
_____

_____

**(MAILING ADDRESS)**

_____

**(CITY, STATE, ZIP CODE)**




FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.

221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255 (850) 385-6355 (FAX)

PROJECT:

**Carswell Dock**

FRANKLIN COUNTY, FLORIDA

TITLE:

**Figure 1- Location Map**

| DATE: | BY: | CHECK: | FELSI PROJECT # |
|---|---|---|---|
| SEP-13-2019 | JLB | EP | 15-1219A |

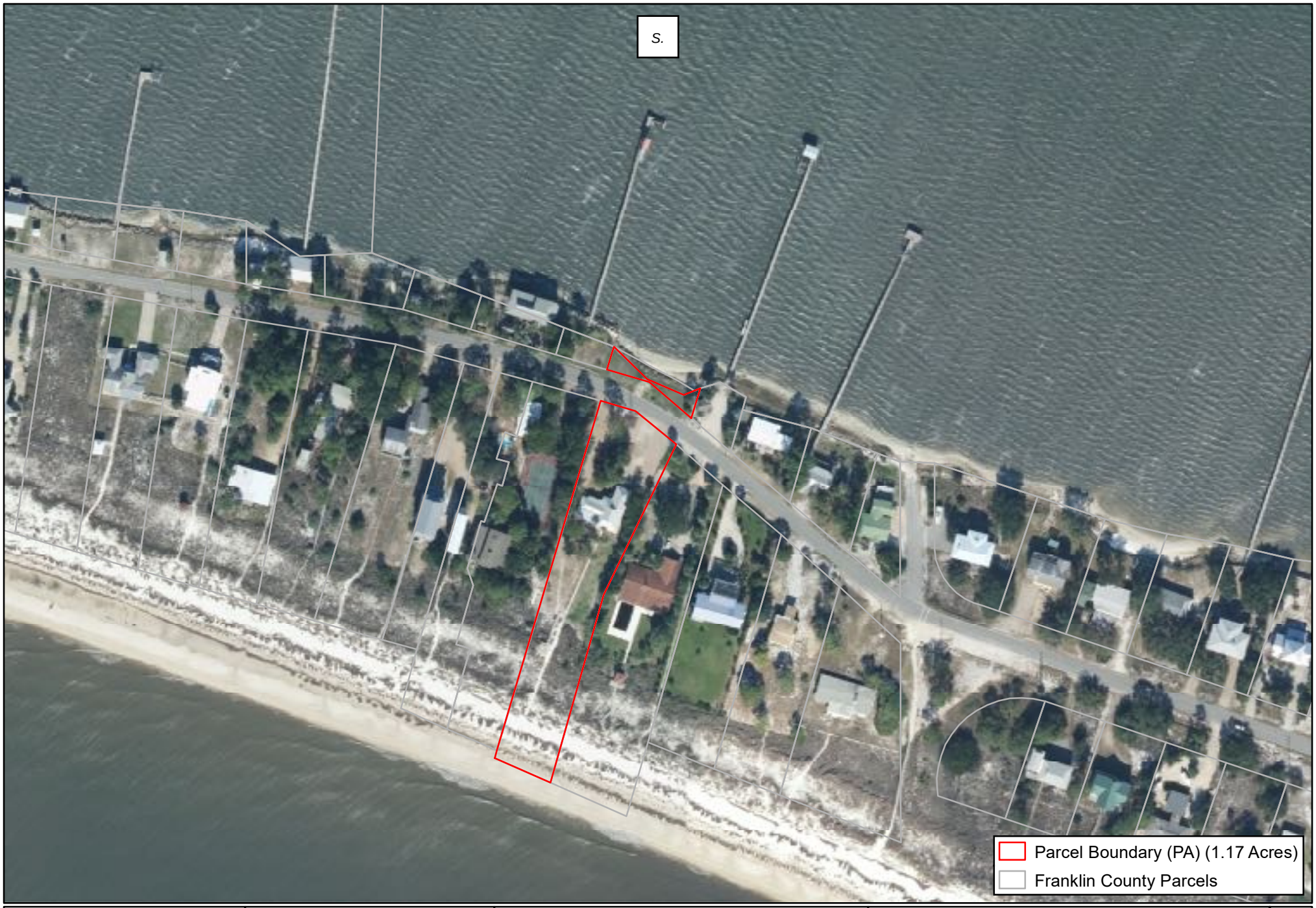
Page: 1 Of: 1

Parcel Boundary (PA) (1.17 Acres)

Franklin County Parcels

429

0 300 600 1,200 Feet




FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255 (850) 385-6355 (FAX)

PROJECT:
**Carswell Dock**
FRANKLIN COUNTY, FLORIDA

TITLE:
**Figure 2 - Aerial Map**

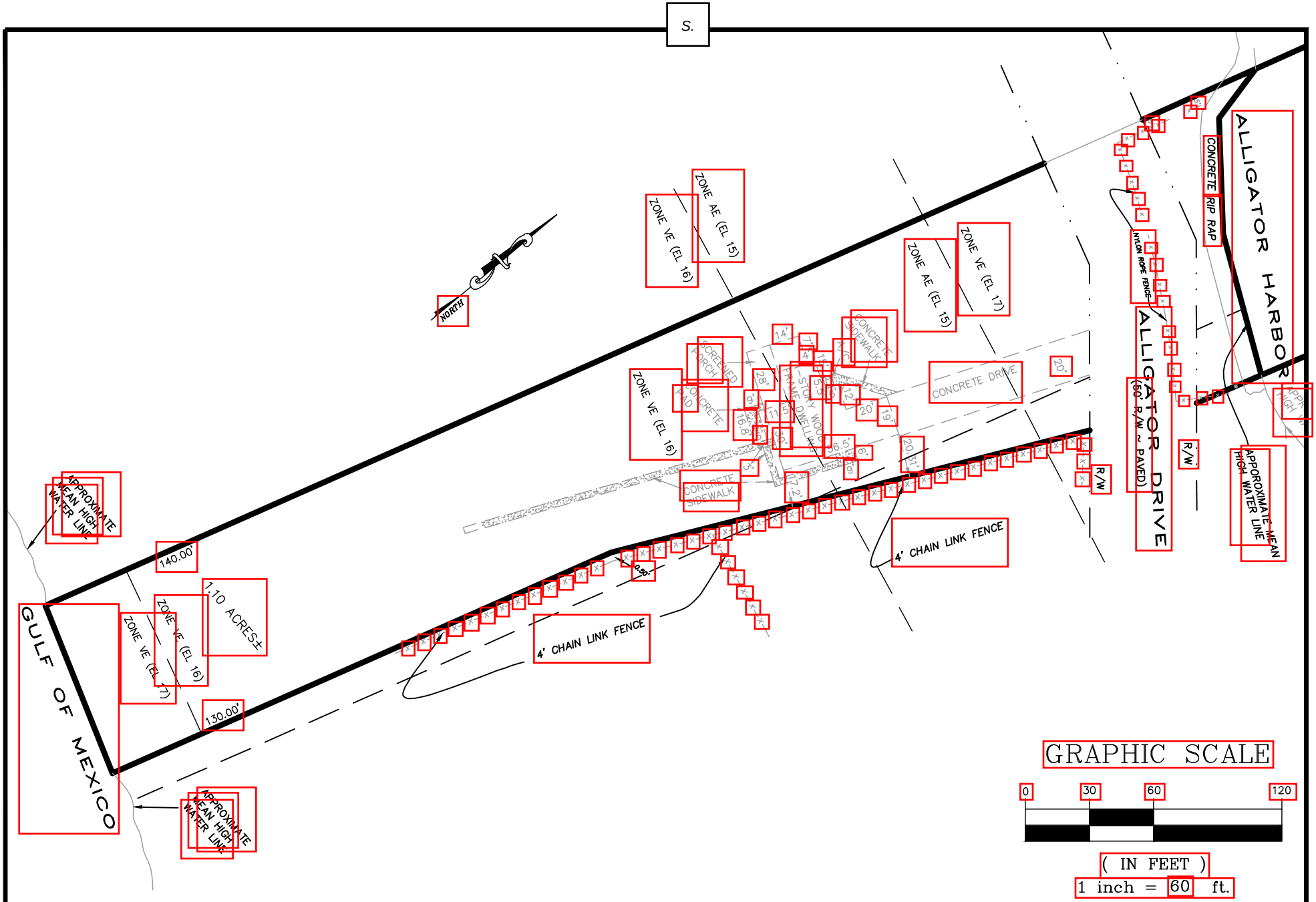
| DATE: | BY: | CHECK: | PROJECT # |
|---|---|---|---|
| SEP-13-2019 | JLB | EP | 15-1219A |

0 75 150 300 Feet

N

430

FDOT AERIALS FRANKLIN 2016




GRAPHIC SCALE

0 30 60 120

( IN FEET )

1 inch = 60 ft.

FLORIDA ENVIRONMENTAL AND LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

DAVIS DOCK

FRANKLIN COUNTY, FL

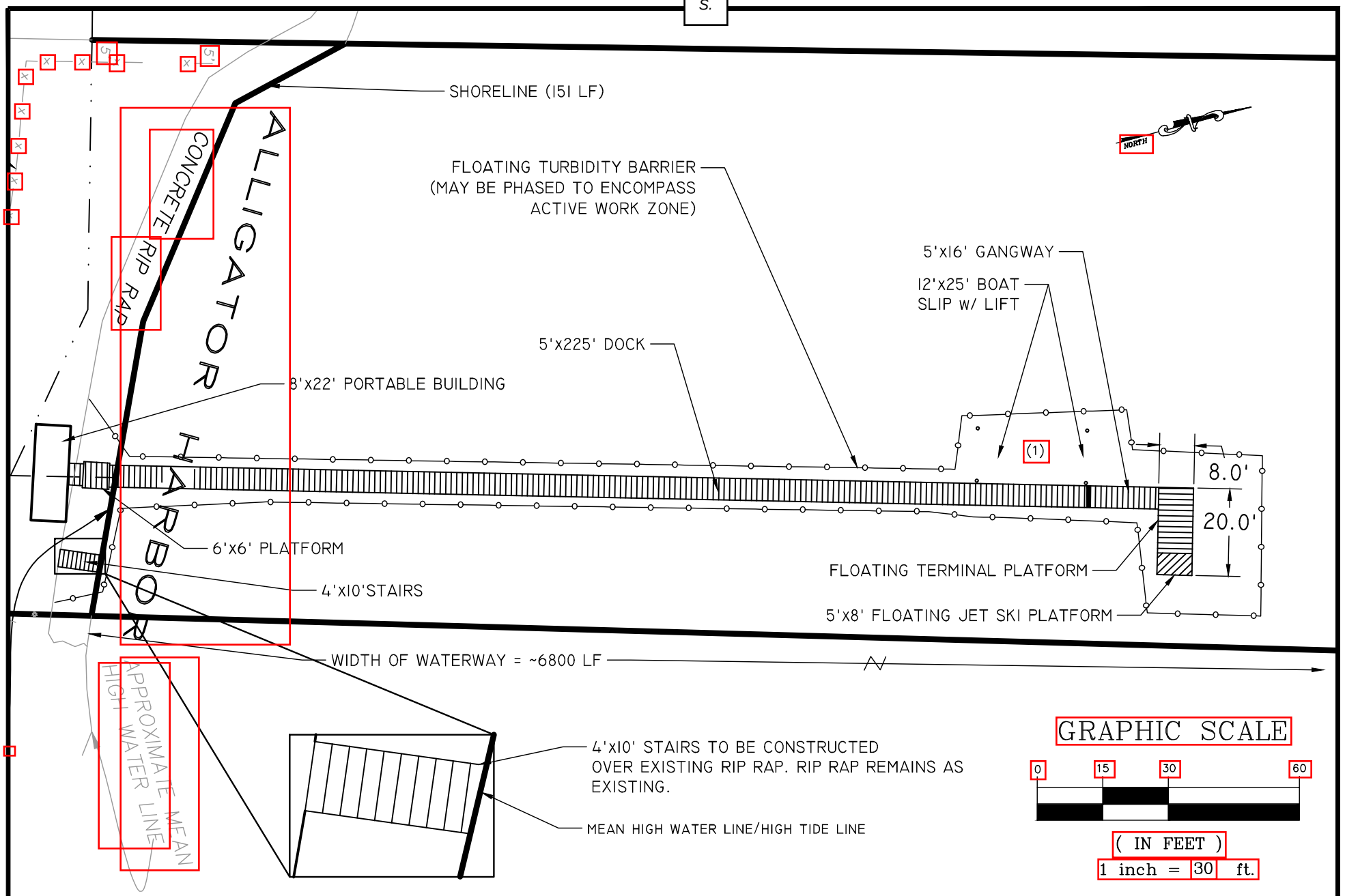
TITLE

PLAN VIEW

EXISTING CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-13-2020 | BCW | EP | 20-1707 |

PAGE: 1 OF: 4




FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

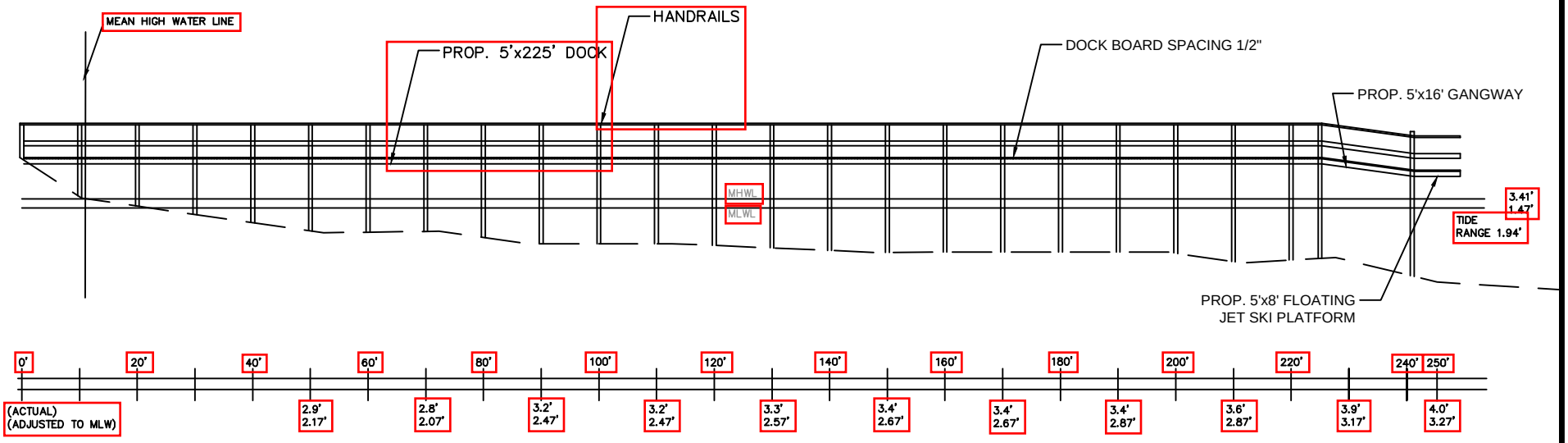
PROJECT
DAVIS DOCK
FRANKLIN COUNTY, FL

TITLE
DOCK PLAN VIEW
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-13-2020 | BCW | EP | 20-1707 |

PAGE: 2
OF: 4

S.




NOT TO SCALE


FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)


PROJECT

DAVIS DOCK

FRANKLIN COUNTY, FL

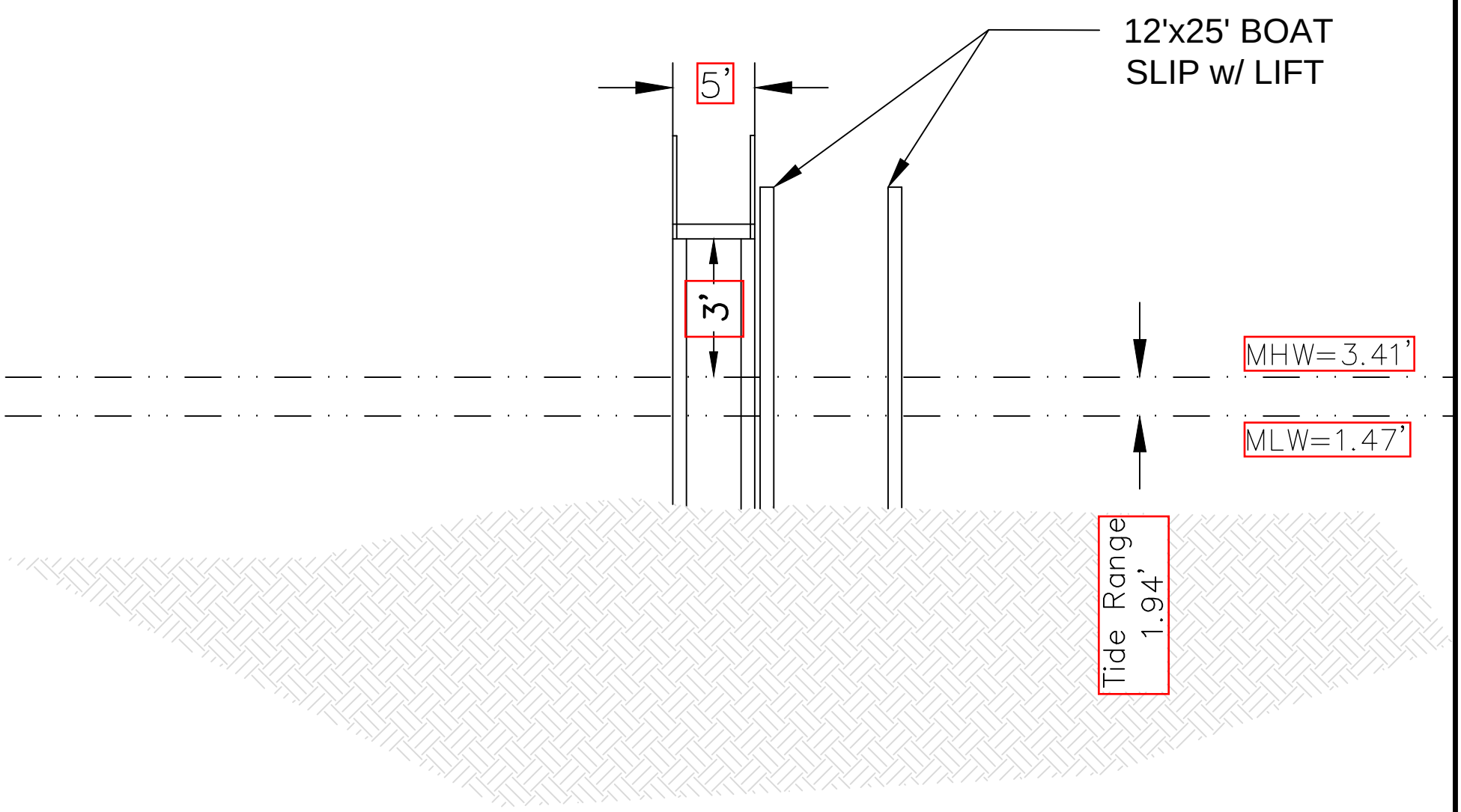
TITLE

DOCK CROSS SECTION
PROPOSED CONDITIONS

| DATE: | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-13-2020 | BCW | EP | 20-1707 |

PAGE: 3 OF: 4

S.




NOT TO SCALE

FLORIDA ENVIRONMENTAL
AND
LAND SERVICES, INC.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT

DAVIS DOCK

FRANKLIN COUNTY, FL

TITLE

PROPOSED CONDITIONS
TYPICAL SECTION

| DATE: | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-13-2020 | BCW | EP | 20-1707 |

PAGE: 4

OF: 4

S.

## COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB)* ***or*** *by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-01669(GP-LSL)

2. **Permittee Information**:

   Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

   Name: _____

   Email: _____

   Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

S.

## SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-01669(GP-LSL)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

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

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

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

_____

_____

**********

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

_____
Signature of Permittee

_____
Printed Name of Permittee

_____

S.

Date

S.

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

## Project Design Criteria (PDCs) Applicable to All Projects

**NOTE** - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

**AP.1.** The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

**AP.2.** All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

**AP.3.** All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

**AP.4.** For every project, the USACE must determine if the project is located within:

a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

**AP.5.** This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

**AP.6.** All activities must be completed during daylight hours.

## Project Design Criteria (PDCs) for In-Water Activities

**AP.7. Education and Observation**: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

**AP.8. Reporting Interactions with Protected Species**:

a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. .

b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com

c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov

d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).

e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

**AP.9. Vessel Traffic and Construction Equipment**: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

a) *Construction Equipment*:

i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.

ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.

iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.

iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels*:
   i) Sea turtles: Maintain a minimum distance of 150 ft.
   ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
   iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (http://www.fisheries.noaa.gov/pr/shipstrike/).
   iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
   v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
   vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
   vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

**AP.10.** **Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
   i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
   ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

**AP.11.<u>Entanglement</u>:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

## Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass* (*Halophila johnsonii*), dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

**AP.12. Mangroves**:

a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
   i. Removal to install up to a 4-ft-wide walkway for a dock.
   ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
   iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
   iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
   i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
   ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

**AP.13. <u>Seagrass</u>**:

a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17**,** Section 2.2.2)

**Johnson's seagrass**:

b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
   i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
   ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 $ft^2$) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
   iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

**Non-listed seagrasses:**

a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.

b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.

c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

**AP.14. Coral and Hard Bottom Habitat**:

a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot ($ft^2$) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:

   i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.

   ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

## Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

**A2.1.** Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.

A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.

A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).

A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.

A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).

A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below*).

**The following PDCs apply to all the activities described in PDC A2.1 above:**

**A2.2.** For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

**A2.3**. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

A2.3.2. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

**A2.4**. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

**A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

**A2.6.** Chickees must be less than 500 $ft^2$ and support no more than 2 slips.

**A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.

**A2.8**. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/

**A2.9**. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

**Additional PDCs for Activity 2 applicable in Critical Habitat**

**A2.10**. *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

**A2.11**. Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.

**A2.12**. Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.

**A2.13**. North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.

**A2.14**. Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).

**A2.15**. NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.

**A2.16**. U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

**Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones**

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.

2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).

3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.

4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.

5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. Creating a pilot hole for any type of pile using an auger or drop punch
    b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
    c. Installing any type of piles and sheet piles by jetting.

6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-3 above, and
    b. Installing any type of piles and sheet piles by vibratory hammer.

7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-4 above, and
    b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

## Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

**Open Water**

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less in open | A | A | A | A | B |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Concrete slab wall- any size | A | A | A | A | B |
| Vinyl sheet pile- any size | A | A | A | A | B |
| Metal sheet pile- any size | A | A | A | A | E |

**Confined Space**

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less (5 piles | A | A | A | A | C |
| Concrete pile 24-in diameter/width or less (6-10 | A | A | A | A | D |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Vinyl sheet pile – any size | A | A | A | A | B |
| Concrete slab wall- any size (5 slabs or less | A | A | A | A | C |
| Concrete slab wall- any size (6-10 slabs installed/day) | A | A | A | A | D |
| Metal sheet pile- any size | A | A | A | A | E |

**A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**

1. All work must occur during daylight hours only (PDC AP.6).

2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).

**B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**

**C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**

**D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant**:

1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.

2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.

3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.

**E. The projects identified as E are not covered under this Opinion.**

S.

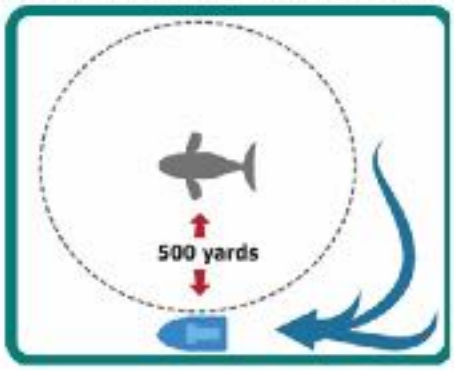
**Attachment X**

## North Atlantic Right Whale Federal Regulations Information Handout

### Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.




Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

*(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*

*(ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*

2. Updates can be downloaded from:
   a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
   b. www.ecfr.gov

- Consideration of a request to construct a Single Family Private Dock located at Lots 5-6, Block M, Peninsular Point, Unit 3, 1529 Alligator Drive, Alligator Point, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will have a 6' x 6' platform and the dock will be 225' x 5' with a 12' x 25' boat slip with lift, a 8' x 20' terminal platform, an 8' x 5' floating jet ski platform with a separate 4' x 10' stairs. (The 8' x 22' portable building would not be permitted in the VE Flood Zone nor in the Critical Habitat Zone). Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Michelle Darpel and Lonnie Davis, applicant. (Existing House)

The dock will extend into Alligator Harbor.

**I recommend approving the dock and stairway in this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 1, 2020

T.

# DOCK PERMIT APPLICATION

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #_____
FEE: $_____
C.S.I : $_____
TOTAL: $_____

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
**VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:**
**ISSUANCE DATE:** _____ **EXPIRES:** _____

**EXISTING HOUSE:** ☐Yes ☒ No
**DEP PERMIT:** ☒Yes ☐ No
**ARMY COE PERMIT:** ☒Yes ☐ No
**APPROVED:** ☐Yes ☐ No

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: Rudy Rowe
Contact Information: Home #: 850-251-3080 Cell #: 850-562-5742
Mailing Address: 1701 Hermitage BLVD #100 City/State/Zip: Tallahassee
EMAIL Address: RRR @ Southlandcontracting.com

Contractor Name: Rudy Rowe Business Name: Rowe Companies, Inc.
Contact Information: Office #: 850-562-8278 x3 Cell #: 850-562-3080
State License #: _____ County Registration #: _____
Mailing Address: 1843 Commerce Blvd City/State/Zip: Midway FL 32343
EMAIL Address: RRR @ southlandcontracting.com

**PROPERTY DESCRIPTION:** 911 Address: 309 Gander Street St. George Island 32328
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 29-09S-06W-7315-0051-0050

**JURISDICTION:** ☐ Franklin County ☐ City of Apalachicola ☐ City of Carrabelle
☐ Apalachicola ☐ Eastpoint ☒ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

☒ **SINGLE FAMILY DOCK/PIER** ☐ **MULTI-FAMILY DOCK/PIER** ☐ **COMMERCIAL**

**DESCRIPTION:** 300 sq ft single family dock 5 ft by 28 ft access pier 8 ft by 20 ft terminal platform, and 10 ft by 20 ft boat slip w/ lift

ZONING DISTRICT: _____ CONTRACT COST: _____

TOTAL SQUARE FOOT: 300 FOUNDATION TYPE: _____
ROOF MATERIAL: No Roof

**APPROVED BY:** ☐ **Planning & Zoning Date:** _____ ☐ **County Commissioners Date:** _____
☐ **City of Carrabelle Date:** _____ ☐ **City of Apalachicola Date:** _____

WATER BODY: unnamed canal
CRITICAL SHORELINE DISTRICT: YES OR (NO) CRITICAL HABITAT ZONE: YES OR (NO)

05/29/20

**BUILDING OFFICIAL** **Date** **OWNER (Required)** **Date** **CONTRACTOR (Required)** **Date**

FLORIDA DEPARTMENT OF
Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 26, 2020

West Haven Mortgage, LLC
c/o Mr. Rudy Rowe
1701 Hermitage Blvd.
Tallahassee, Florida 32308
rrr@southlandcontracting.com

File No.: 0386484-002-EE/19, Franklin County

Dear Mr. Rowe:

On June 3, 2020, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock measuring 1,000 square feet or less of over-water surface area within a manmade canal, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 309 Gander Street, St. George Island, Florida 32328, Parcel No. 29-09S-06W-7315-0051-0050, in Section 29, Township 9-South, Range 6-West in Franklin County; 29°39'49.0436" North Latitude, -84°52'13.6953" West Longitude.

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

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

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

**1. Regulatory Review – Verified**

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

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

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

**2. Proprietary Review – Not Required**

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

**3. Federal Review – SPGP Not Approved**

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

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

**Additional Information**

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

**NOTICE OF RIGHTS**

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

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

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

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Tanya Alvarez McHale at the letterhead address, at (850)595-0614, or at tanya.mchale@FloridaDEP.gov

**EXECUTION AND CLERKING**
Executed in Pensacola, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



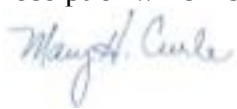
Tanya Alvarez McHale
Environmental Consultant
Submerged Lands and Environmental Resources Program

**Attachments:**
1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
2. Standard Manatee Conditions for In-Water Work, 2 pages
3. Project Drawings, 5 pages

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

Aaron Sarchet, FELSI, asarchet@felsi.org
Daniel Manausa, danny@manausalaw.com
Wade Dandridge, DEP, Wade.Dandridge@floridadep.gov
Ann Lazar, DEP, Ann.Lazar@floridadep.gov
Kim Wren, DEP, Kim.Wren@floridadep.gov
Jennifer Harper, DEP, Jennifer.Harper@floridadep.gov
Jonathan Brucker, DEP, Jonathan.Brucker@floridadep.gov
Franklin County, michael@franklincountyflorida.com

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



**Clerk** June 26, 2020 **Date**

**62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

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

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

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

**403.813 Permits issued at district centers; exceptions.—**

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;

2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;

3. Shall not substantially impede the flow of water or create a navigational hazard;

4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

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

T.

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**

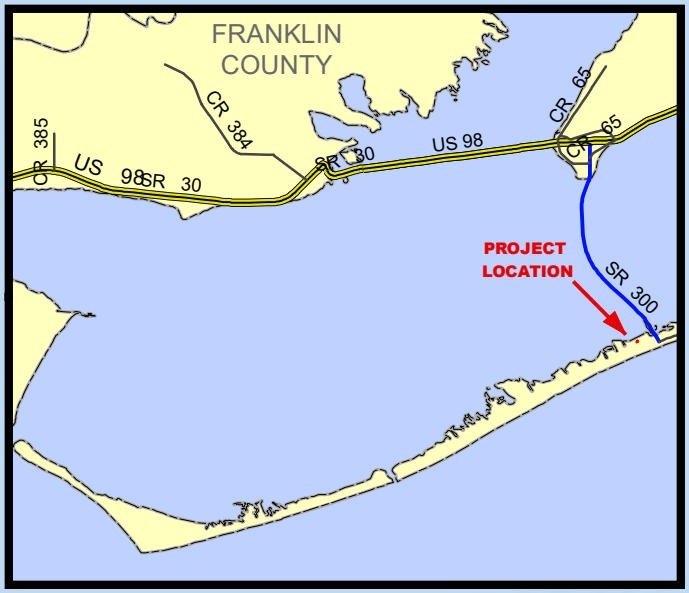
Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC




T.

pg 1/5
0386484-002-EE/19
EXEMPT
STATE OF FLORIDA

**PROJECT LOCATION**

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255

PROJECT:
**309 Gander Street**
FRANKLIN COUNTY, FLORIDA

TITLE:
**Figure 1- Location Map**

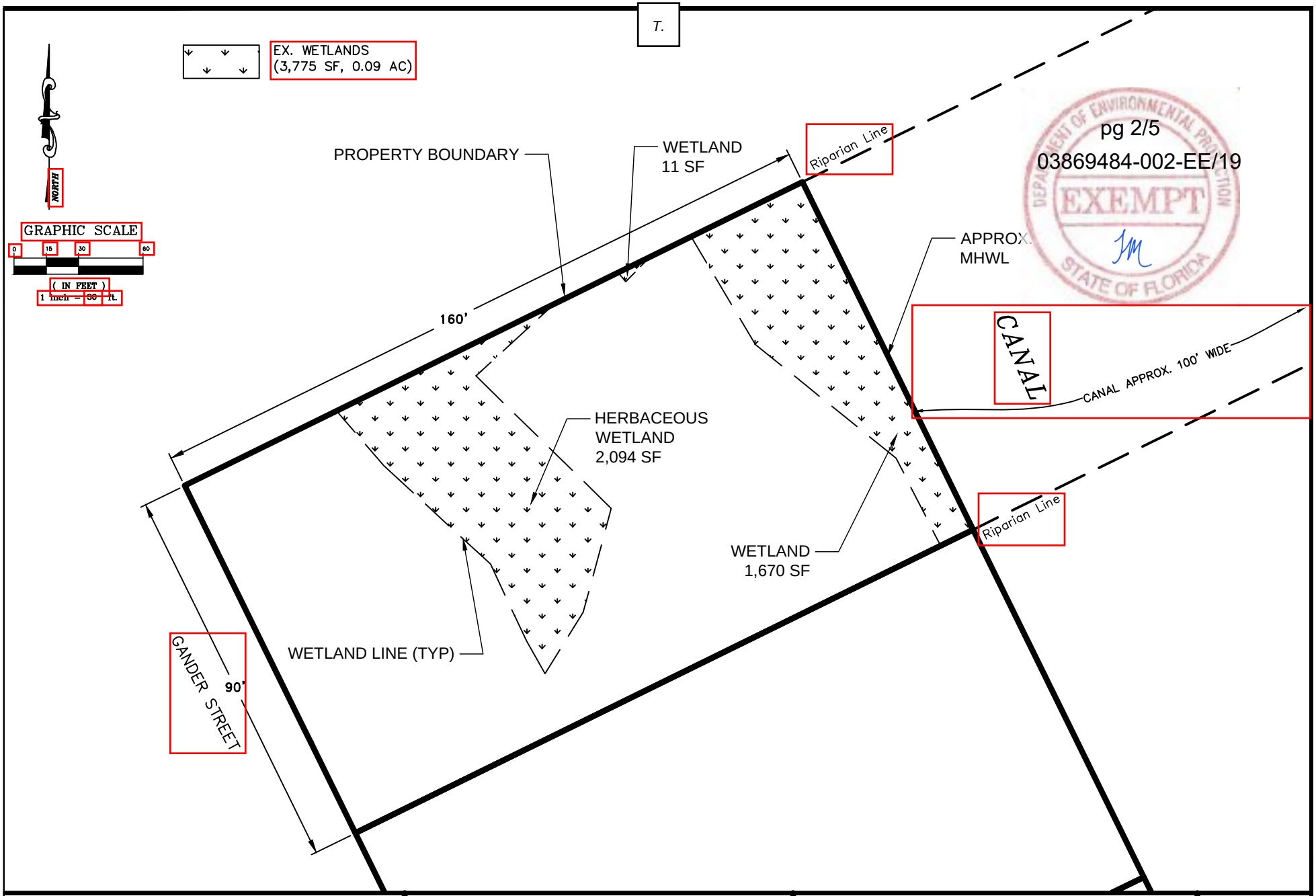
| DATE: | BY: | CHECK: | FELSI PROJECT # |
|---|---|---|---|
| 3/9/2020 | NC | EP | 19-1641 |

Parcel Boundary

0 180 360 720 1,080 1,440 Feet

PIN # 29-09S-06W-7315-0051-0050

Page: 1



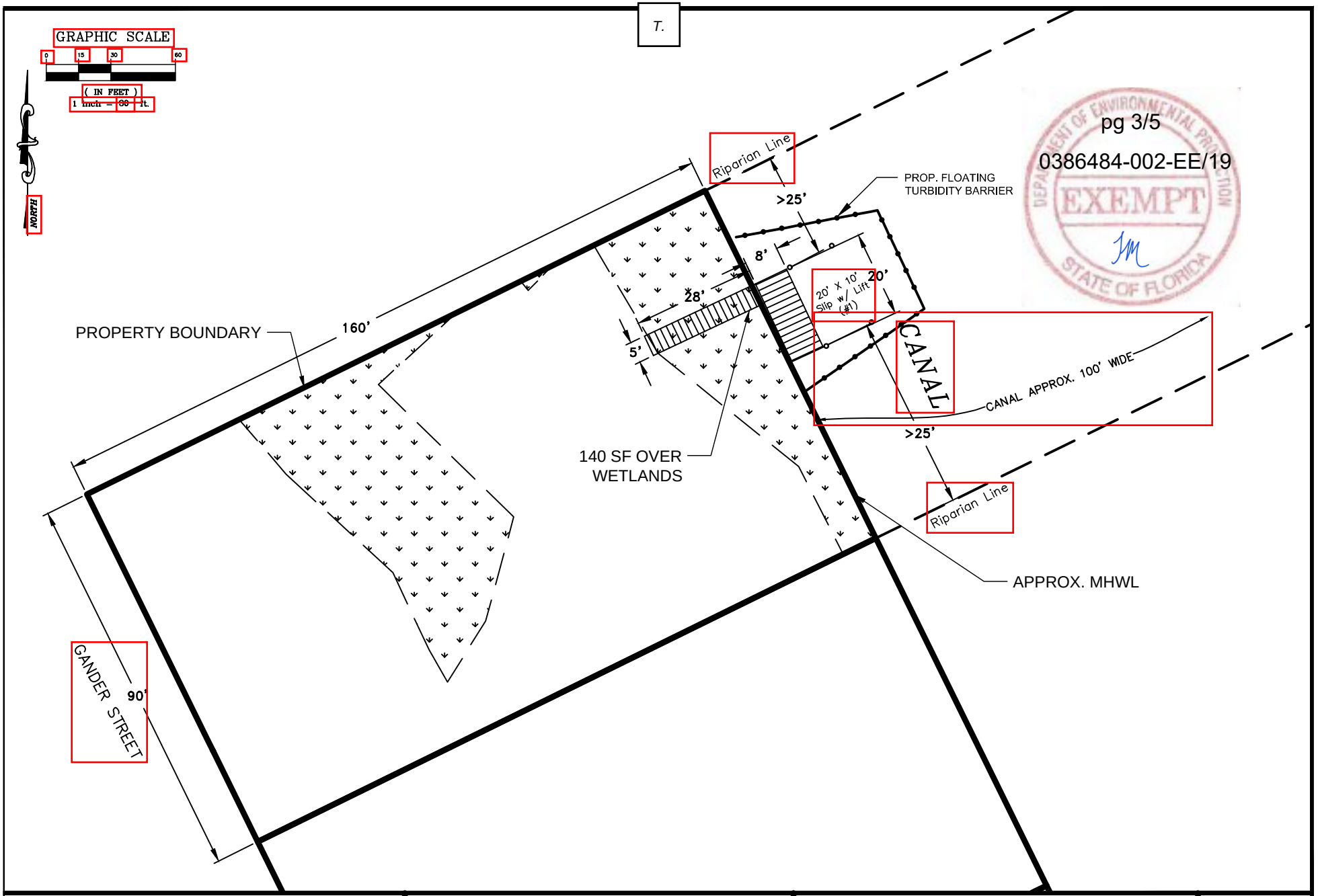

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
EXISTING CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-29-2020 | BCW | EP | 19-1641 |

PAGE: 1 OF: 4




Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

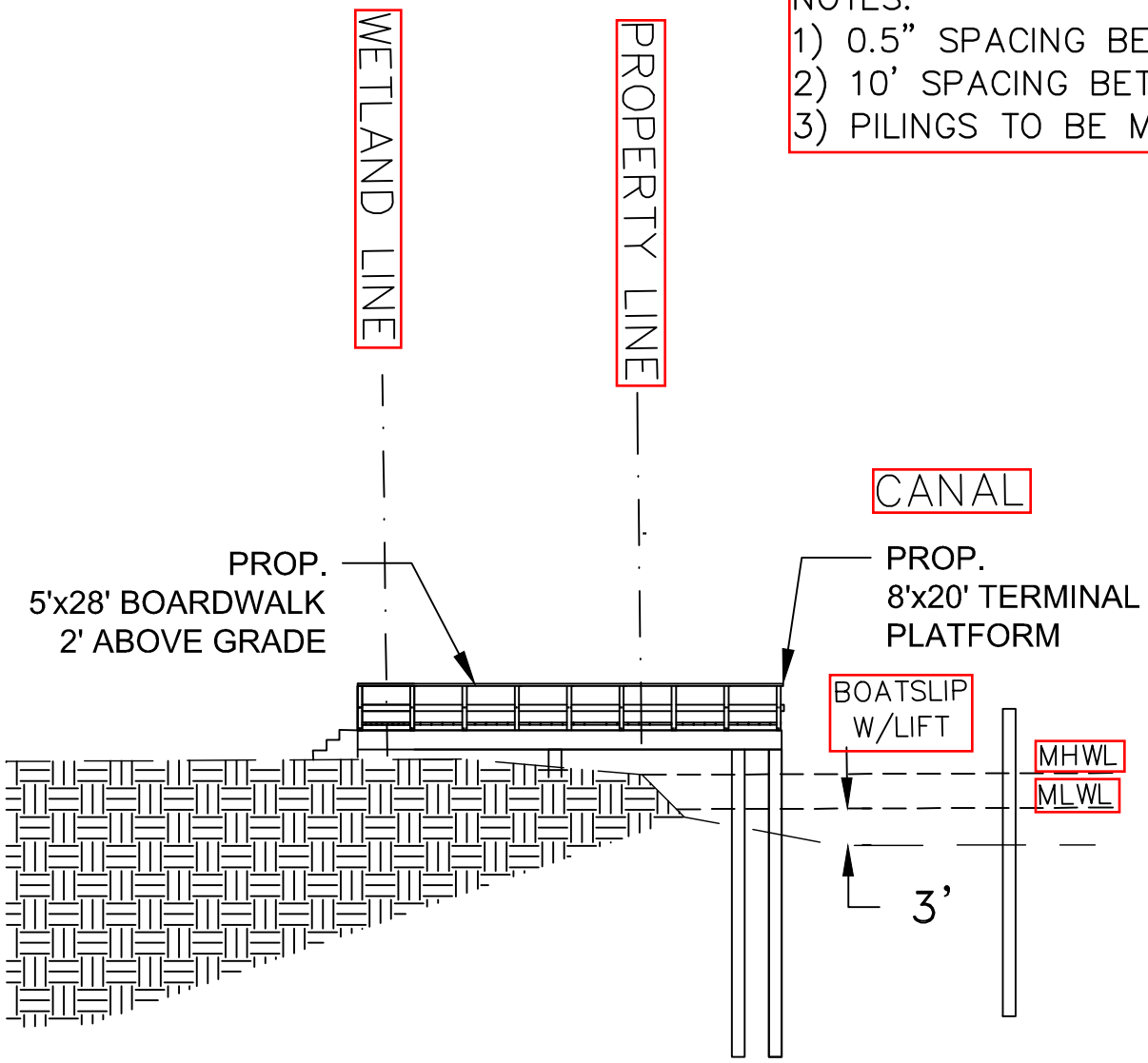
TITLE
PLAN VIEW
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 5-29-2020 | BCW | EP | 19-1641 |

PAGE: 2
OF: 4

T.

NOTES:
1) 0.5" SPACING BETWEEN BOARDS
2) 10' SPACING BETWEEN PILINGS
3) PILINGS TO BE MARINE TREATED WOOD




pg 4/5

0386484-002-EE/19

DEPARTMENT OF ENVIRONMENTAL PROTECTION
EXEMPT
STATE OF FLORIDA

N.T.S


Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)


PROJECT: 309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE: SECTION VIEW
~~PROPOSED CONDITIONS~~

DATE: 5-29-2020
BY: BCW
CHK: EP
PROJ: 19-1641

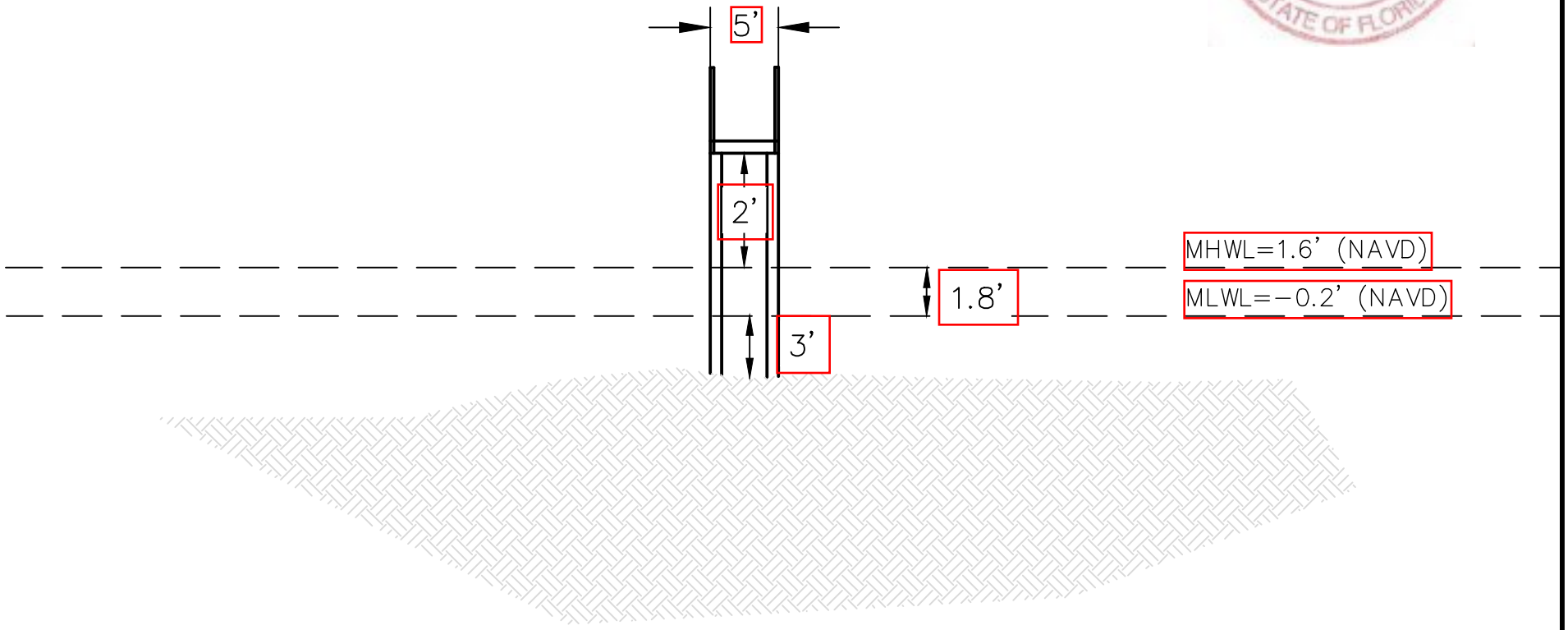
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OF: 4

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0386484-002-EE/19

EXEMPT




N.T.S

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
TYPICAL SECTION
PROPOSED CONDITIONS

DATE 5-29-2020 | BY: BCW | CHK: EP | PROJ: 19-1641

PAGE: 4 OF: 4

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
415 RICHARD JACKSON BOULEVARD, SUITE 411
PANAMA CITY BEACH, FLORIDA 32407

**May 26, 2020**

Regulatory Division
North Permit Branch
Panama City Permits Section
SAJ-2020-01671(NWGP-LSL)

Mr. Rudy Rowe
West Haven Mortgage, LLC
1701 Hermitage Boulevard, Suite 100
Tallahassee, Florida 32308

Dear Mr. Rowe:

Your application for a Department of the Army permit received on April 3, 2020, has been assigned number SAJ-2020-01671. A review of the information and drawings provided shows the proposed work is to fill 0.0389 acre of herbaceous wetland for a single family residential pad and to construct a 300 square foot single family dock in a manmade canal. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in Apalachicola Bay at 309 Gander Street in Section 29, Township 9 south, Range 6 west, St. George Island, Franklin County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 18. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is:

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

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on “Source Book”; and, then click on “Nationwide Permits.” These files contain the description of the Nationwide Permit

authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 18. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

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

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

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

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-01671(NW/GP - LSL), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” Form (Attachment A).

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment B) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

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

**6. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**7. Cultural Resources/Historic Properties**:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and

ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**8. Wetland Avoidance Areas:** The Permittee shall avoid the remaining 0.09 acre of onsite wetlands, as detailed on Drawings 4 and 5 of 7. These wetland areas were avoided as part of this permit application review process; and, therefore, the remaining wetland areas will not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided wetland areas.

**9. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**10. Erosion Control**: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**11. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**12. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

**13. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4) (Attachment D)

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/ ) also maintains updated lists, by county, of documented occurrences of those species.

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

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP and RGP, please contact Mrs. Lisa S. Lovvorn by telephone at 850-285-9533.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We

strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Lisa S. Lovvorn
Project Manager

Enclosures

cc:
Mr. Aaron Sarchet, FELSI

T.

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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 of if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

T.

## DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

**PERMIT NUMBER: SAJ-2020-01671(NW/GP-LSL)**

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

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

_____ _____
**(TRANSFEREE-SIGNATURE)** **(SUBDIVISION)**

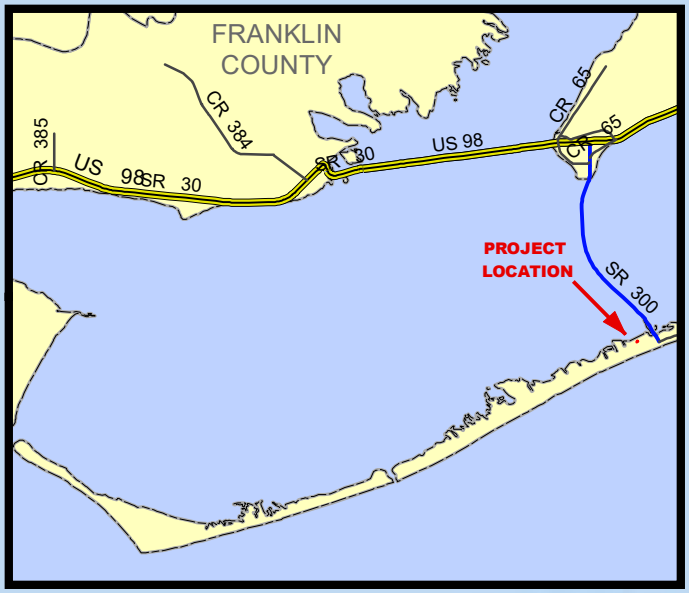
_____ _____ _____
**(DATE)** **(LOT)** **(BLOCK)**

_____ _____
**(NAME-PRINTED)** **(STREET ADDRESS)**

_____

_____
**(MAILING ADDRESS)**

_____
**(CITY, STATE, ZIP CODE)**




T.

PROJECT
LOCATION

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255

PROJECT:

**309 Gander Street**

FRANKLIN COUNTY, FLORIDA

TITLE:

**Figure 1- Location Map**

| DATE: | BY: | CHECK: | FELSI PROJECT # |
|---|---|---|---|
| 3/9/2020 | NC | EP | 19-1641 |

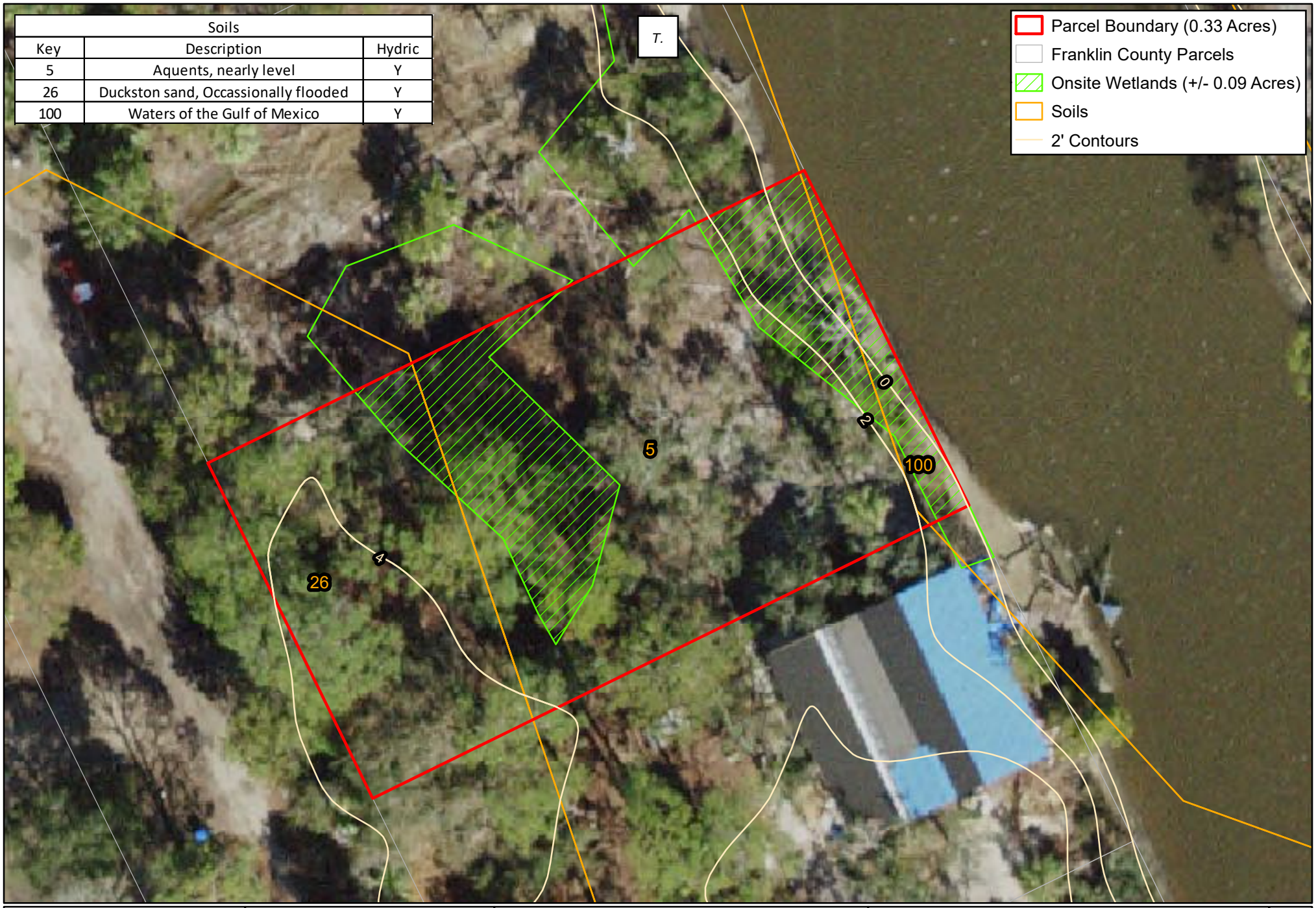
Parcel Boundary

0 180 360 720 1,080 1,440 Feet

PIN # 29-09S-06W-7315-0051-0050

Page: 1

478




Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FL 32303
(850) 385-6255

PROJECT:
**309 Gander Street**
FRANKLIN COUNTY, FLORIDA

TITLE:
**Figure 2 - Aerial**

DATE: 3/13/2020 | BY: NC | CHECK: EP | PROJECT # 19-1641

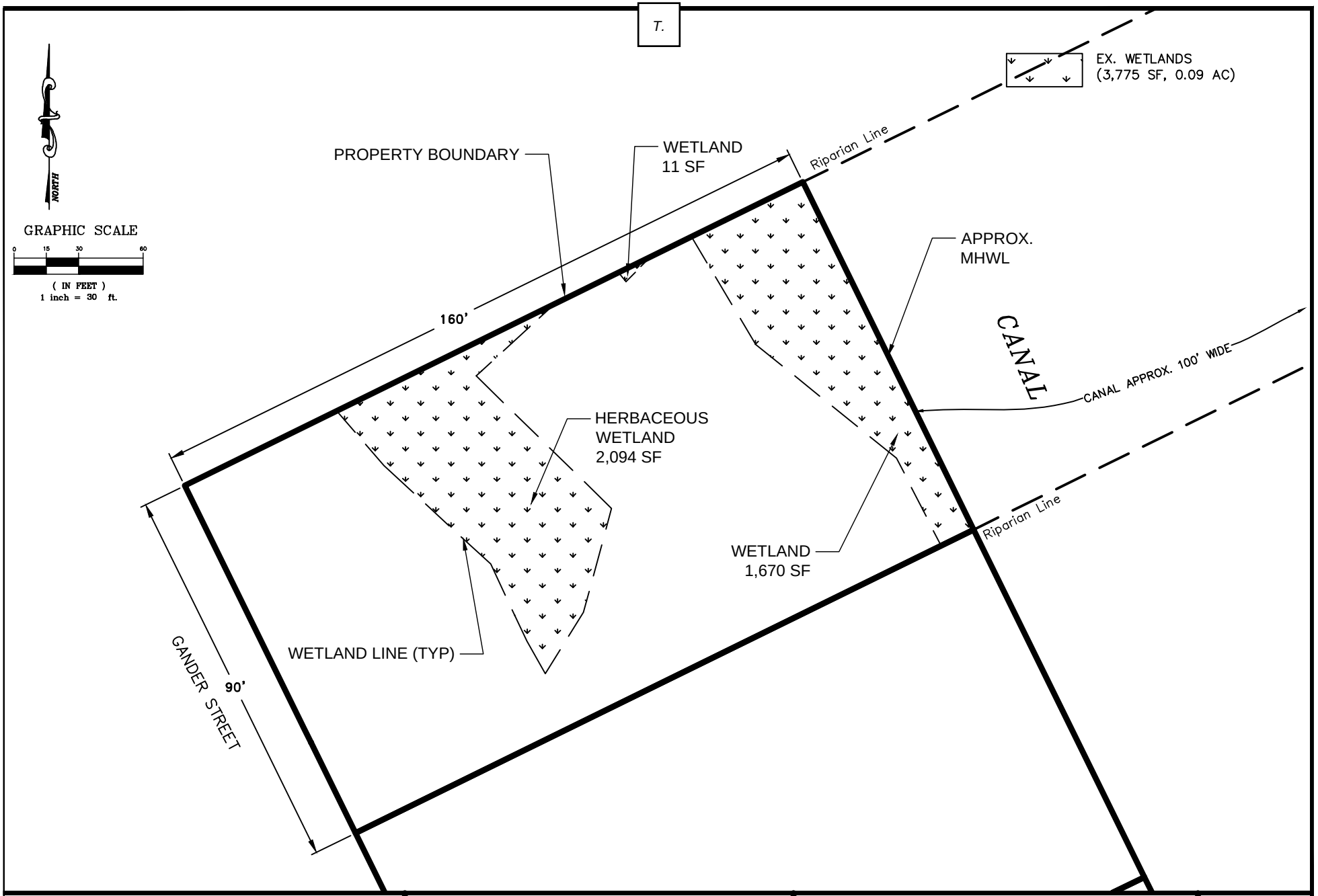
N

0 5 10 20 30 40 Feet

PIN # 29-09S-06W-7315-0051-0050
FDOT AERIALS 2019

PAGE: 1

T.




Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

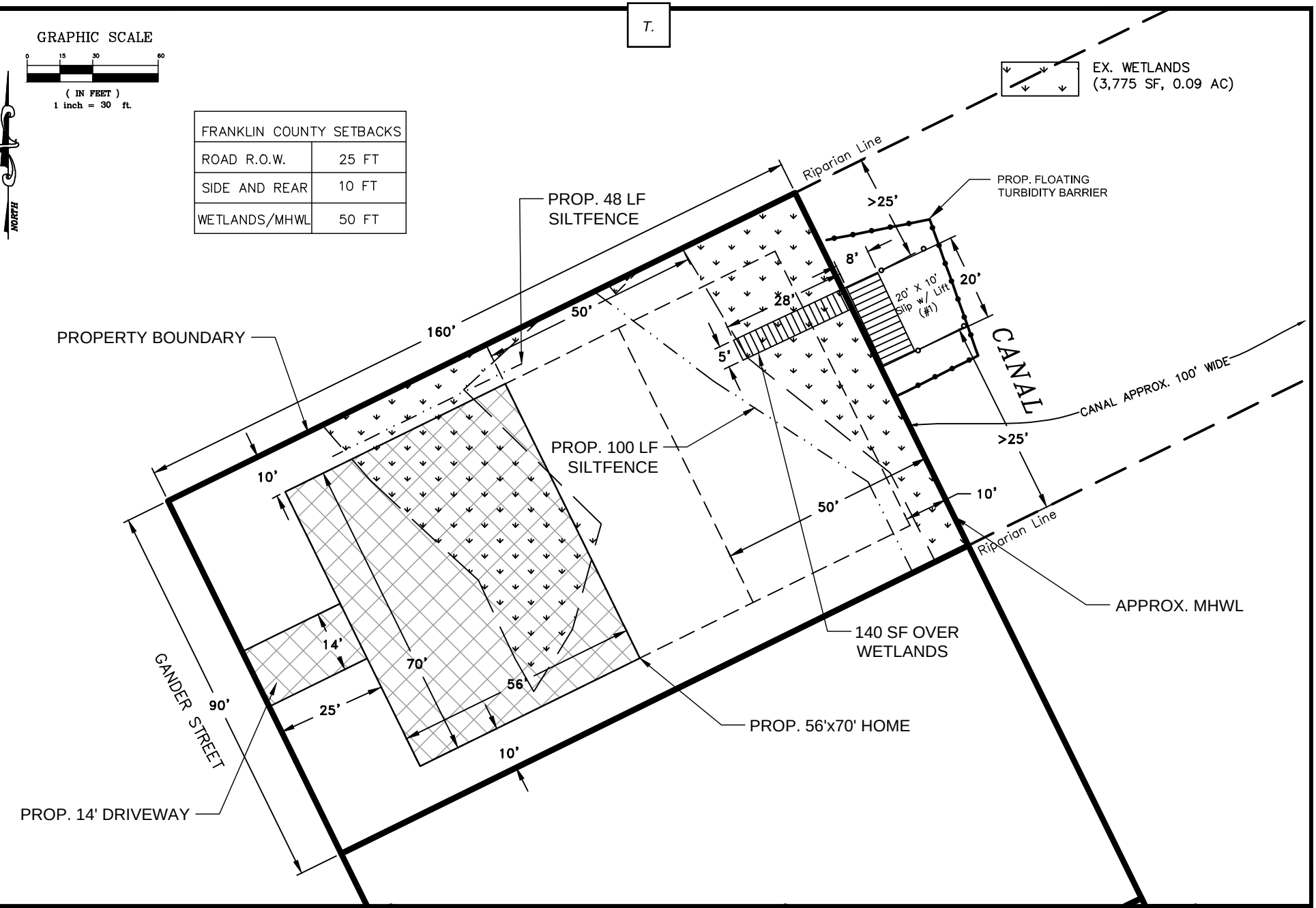
PROJECT
309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
EXISTING CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 3-11-2020 | BCW | EP | 19-1641 |

PAGE: 1 OF: 5




Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 3-11-2020 | BCW | EP | 19-1641 |

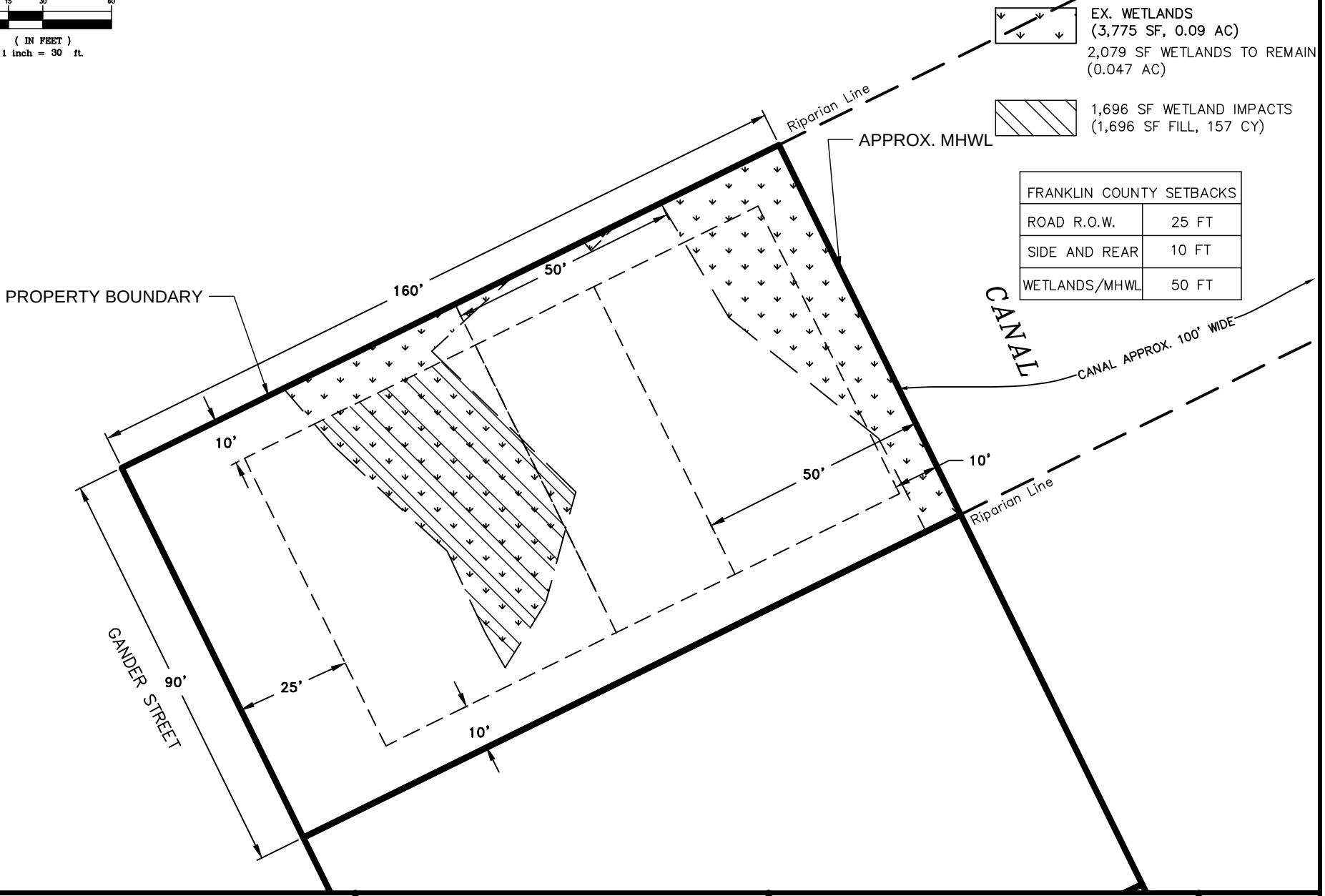
T.

GRAPHIC SCALE

0 15 30 60

( IN FEET )
1 inch = 30 ft.

NORTH




| FRANKLIN COUNTY SETBACKS | |
|---|---|
| ROAD R.O.W. | 25 FT |
| SIDE AND REAR | 10 FT |
| WETLANDS/MHWL | 50 FT |


Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

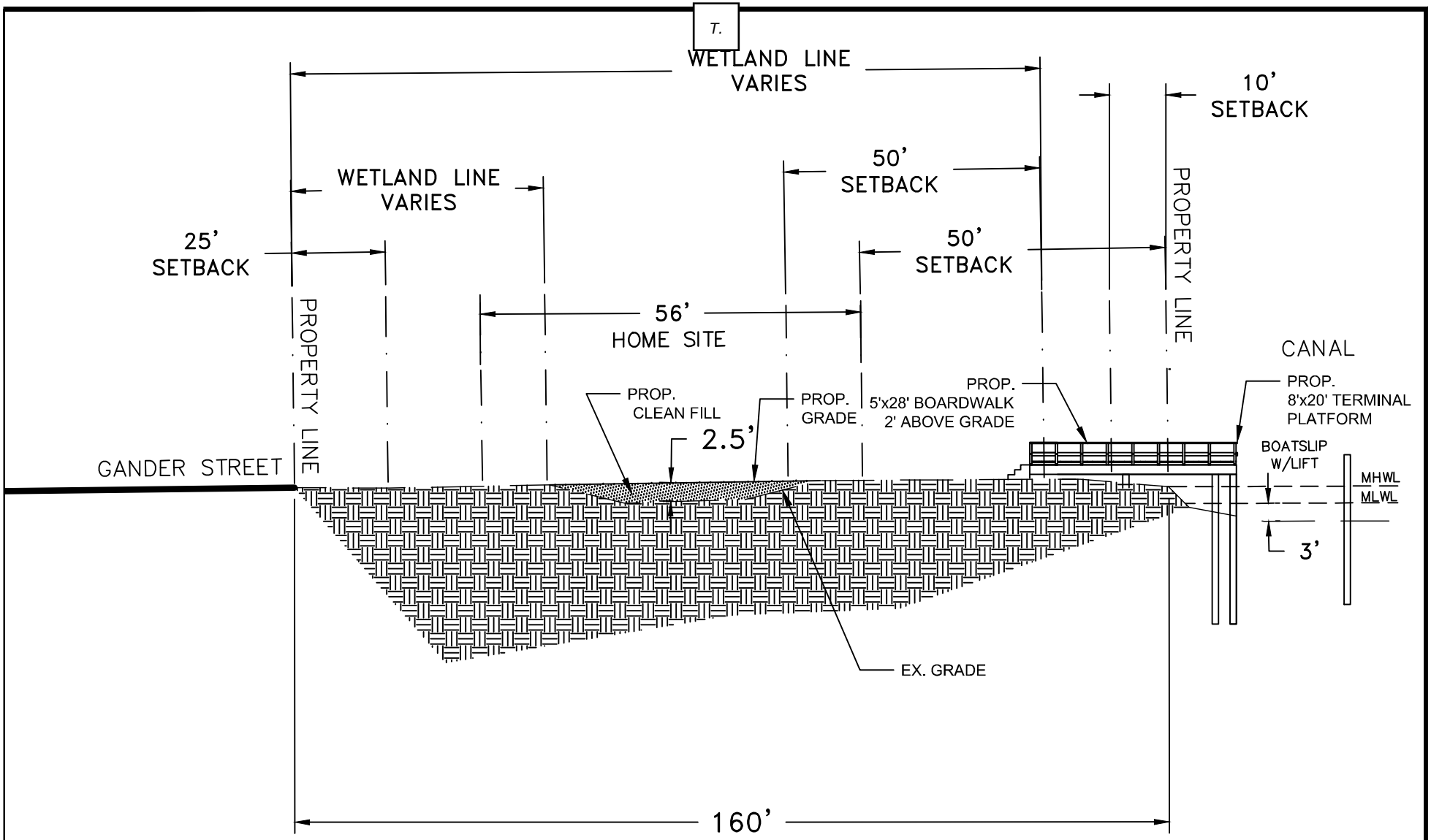

PROJECT
309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE
PLAN VIEW
FILL AREAS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 3-11-2020 | BCW | EP | 19-1641 |

PAGE: 3 OF: 5




N.T.S

NOTES:
1) 0.5" SPACING BETWEEN BOARDS
2) 10' SPACING BETWEEN PILINGS
3) PILINGS TO BE MARINE TREATED WOOD

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

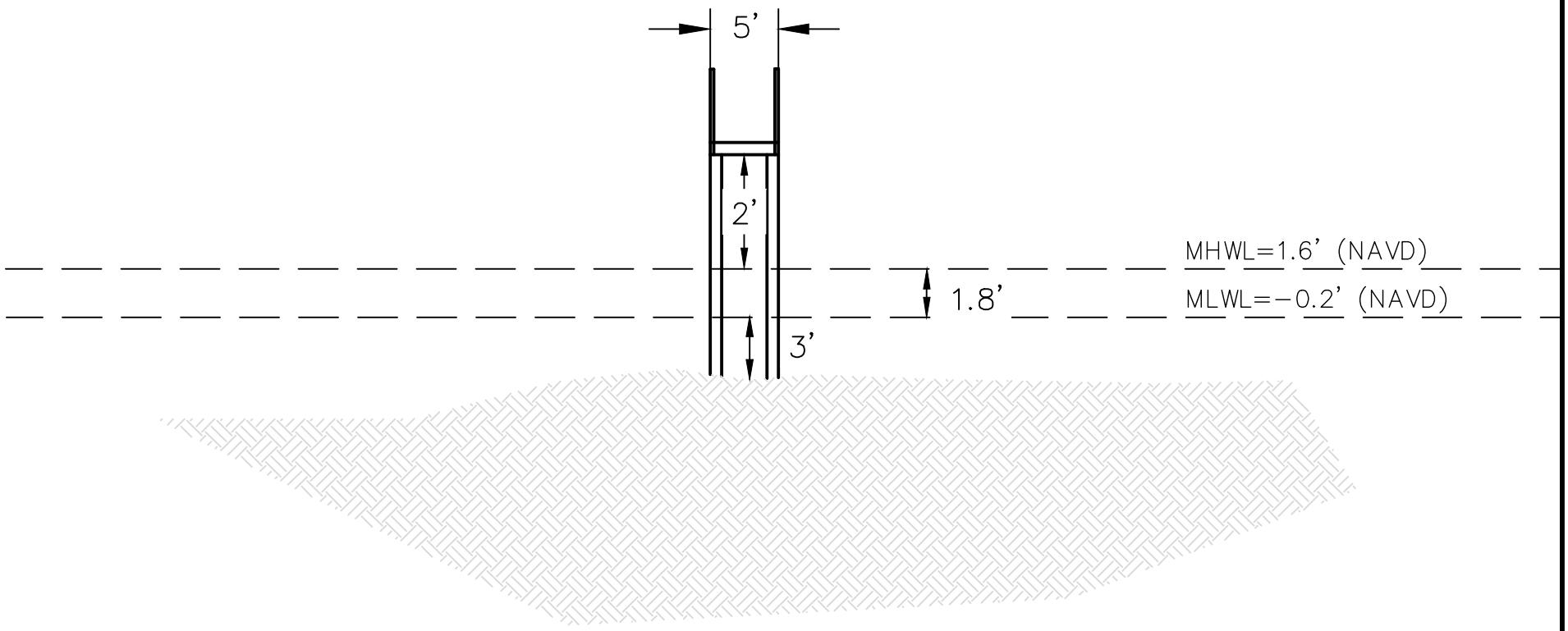
PROJECT
309 GANDER STREET
ST. GEORGE ISLAND, FL

TITLE
SECTION VIEW
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 3-11-2020 | BCW | EP | 19-1641 |

PAGE: 4 OF: 5

T.




N.T.S

Florida Environmental & Land Services Inc.
221-4 DELTA COURT
TALLAHASSEE, FLORIDA 32303
850-385-6255 (VOICE) 850-385-6355 (FAX)

PROJECT
309 GANDER STREET

ST. GEORGE ISLAND, FL

TITLE
TYPICAL SECTION
PROPOSED CONDITIONS

| DATE | BY: | CHK: | PROJ: |
|---|---|---|---|
| 3-11-2020 | BCW | EP | 19-1641 |

PAGE: 5
OF: 5

T.

## COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB)* ***or*** *by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-01671(NW/GP-LSL)

2. **Permittee Information**:

Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

Name: _____

Email: _____

Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

T.

# SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2020-01671(NW/GP-LSL)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

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

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

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

_____

_____

**********

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

_____
Signature of Permittee

_____
Printed Name of Permittee

_____

T.

Date

# STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

## Project Design Criteria (PDCs) Applicable to All Projects

**NOTE** - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

**AP.1.** The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

**AP.2.** All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

**AP.3.** All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

**AP.4.** For every project, the USACE must determine if the project is located within:

a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

**AP.5.** This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

**AP.6.** All activities must be completed during daylight hours.

## Project Design Criteria (PDCs) for In-Water Activities

**AP.7. Education and Observation**: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

**AP.8. Reporting Interactions with Protected Species**:

a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. .
b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

**AP.9. Vessel Traffic and Construction Equipment**: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

a) *Construction Equipment*:
   i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
   ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
   iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
   iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels*:
   i) Sea turtles: Maintain a minimum distance of 150 ft.
   ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
   iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (http://www.fisheries.noaa.gov/pr/shipstrike/).
   iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
   v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
   vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
   vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

**AP.10.** **Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
   i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
   ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

**AP.11.<u>Entanglement</u>:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

## Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass* (*Halophila johnsonii*), dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

**AP.12. Mangroves**:

a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
   i. Removal to install up to a 4-ft-wide walkway for a dock.
   ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
   iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
   iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
   i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
   ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

**AP.13. <u>Seagrass</u>**:

a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17**,** Section 2.2.2)

**Johnson's seagrass**:

b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
   i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
   ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 $ft^2$) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
   iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

**Non-listed seagrasses:**

a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.

b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.

c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

**AP.14. <u>Coral and Hard Bottom Habitat</u>**:

a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.

b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot ($ft^2$) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:

   i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.

   ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

## Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

**A2.1.** Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.

A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.

A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).

A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.

A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).

A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion (see below*).

**The following PDCs apply to all the activities described in PDC A2.1 above:**

**A2.2.** For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

**A2.3**. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

A2.3.2. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

**A2.4**. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

**A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

**A2.6.** Chickees must be less than 500 $ft^2$ and support no more than 2 slips.

**A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.

**A2.8**. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/

**A2.9**. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

**Additional PDCs for Activity 2 applicable in Critical Habitat**

**A2.10**. *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

**A2.11**. Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.

**A2.12**. Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.

**A2.13**. North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.

**A2.14**. Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).

**A2.15**. NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.

**A2.16**. U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

**Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones**

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.

2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).

3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.

4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.

5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. Creating a pilot hole for any type of pile using an auger or drop punch
    b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
    c. Installing any type of piles and sheet piles by jetting.

6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-3 above, and
    b. Installing any type of piles and sheet piles by vibratory hammer.

7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

    a. The activities described in 1-4 above, and
    b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

## Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

### Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less in open | A | A | A | A | B |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Concrete slab wall- any size | A | A | A | A | B |
| Vinyl sheet pile- any size | A | A | A | A | B |
| Metal sheet pile- any size | A | A | A | A | E |

### Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

| | Trench and | Pilot hole (auger or | Jetting | Vibratory | Impact hamme |
|---|---|---|---|---|---|
| Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods | A | A | A | A | B |
| Concrete pile 24-in diameter/width or less (5 piles | A | A | A | A | C |
| Concrete pile 24-in diameter/width or less (6-10 | A | A | A | A | D |
| Metal pipe pile 36-in diameter or less | A | A | A | A | E |
| 2 metal boatlift I-beams | A | A | A | A | B |
| Vinyl sheet pile – any size | A | A | A | A | B |
| Concrete slab wall- any size (5 slabs or less | A | A | A | A | C |
| Concrete slab wall- any size (6-10 slabs installed/day) | A | A | A | A | D |
| Metal sheet pile- any size | A | A | A | A | E |

**A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**

1. All work must occur during daylight hours only (PDC AP.6).

2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).

**B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**

**C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**

**D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant**:

1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.

2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.

3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.

**E. The projects identified as E are not covered under this Opinion.**

T.

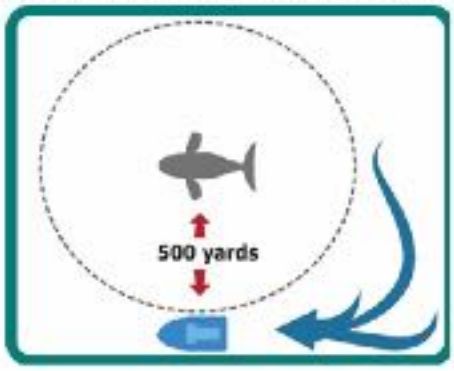
**Attachment X**

## North Atlantic Right Whale Federal Regulations Information Handout

**Federal Regulations Governing the Approach to North Atlantic Right Whales**



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.




Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

*(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*

*(ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*

2. Updates can be downloaded from:
   a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
   b. www.ecfr.gov

- Consideration of a request to construct a Single Family Private Dock located at Lot 5, Block 51, Unit 5, 309 Gander Street, St. George Island, Franklin County, Florida. The applicant has both State and Federal Permits. The dock will be 5' x 28' with a 8' x 20' terminal platform and a 10' x 20' boat slip with lift. Request submitted by Aaron Sarchet, Florida Environmental Land Services, agent for Rudy Rowe, applicant.

The dock will extend into a canal off of Apalachicola Bay. There is an isolated Corps of Engineers' wetland on the lot that will have to be filled to build the house. The applicant has a USACOE permit to fill this wetland for a house pad.

**I recommend approving this Critical Shoreline Application.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 10, 2020

qPublic.net™ Franklin County, FL




Overview



Legend

- Parcels
- Roads
- City Labels

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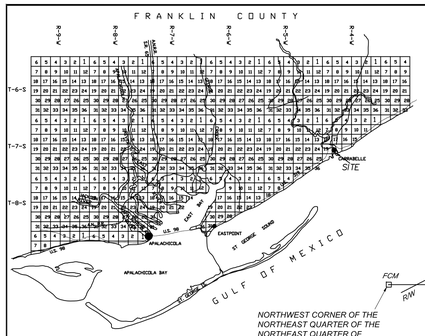
# ISLAND BREEZE, PHASE II

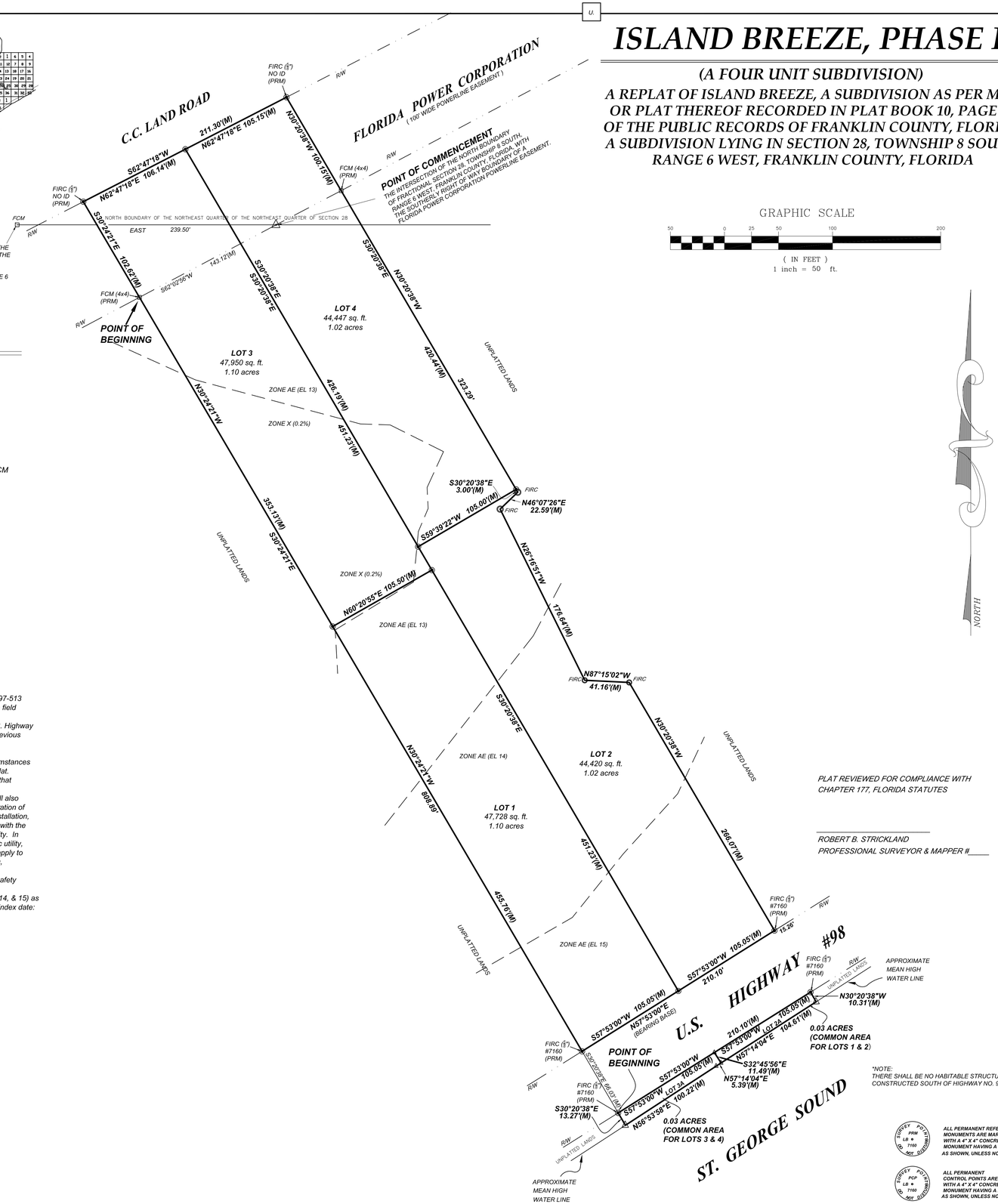
## (A FOUR UNIT SUBDIVISION)

### A REPLAT OF ISLAND BREEZE, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 14 OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA A SUBDIVISION LYING IN SECTION 28, TOWNSHIP 8 SOUTH, RANGE 6 WEST, FRANKLIN COUNTY, FLORIDA

PLAT BOOK____PAGE____

# "PRELIMINARY"




## LEGEND

| | |
|---|---|
| SN&C | SET NAIL & CAP |
| FND | FOUND |
| FCM | FOUND CONCRETE MONUMENT (3"x3") |
| SCM | SET CONCRETE MONUMENT #7160 (4"X4") |
| IRC | IRON ROD AND CAP |
| SIRC | SET 5/8" IRON ROD AND CAP #7160 |
| FIRC | FOUND 5/8" IRON ROD AND CAP |
| IP | IRON PIPE |
| CIP | CRIMPED TOP IRON PIPE |
| IR | IRON ROD (N0 I.D.) |
| ■ | = POP = PERMANENT CONTROL POINT = SCM |
| (M) | MEASURED |
| (D) | DEED |
| (RP) | RECORD PLAT |
| (UP) | UNRECORDED PLAT |
| (FT) | FLAT TOP |
| POB | POINT OF BEGINNING |
| POC | POINT OF COMMENCEMENT |
| R/W | RIGHT-OF-WAY |
| R | RADIUS |
| △ | CORNER NOT SET OR FOUND |
| L | LENGTH |
| CD | CHORD |
| N.T.S. | NOT TO SCALE |

ALL INTERIOR LOT CORNERS ARE MARKED WITH 5/8" IRON ROD & CAP #7160 (UNLESS NOTED OTHERWISE)

PLAT NOTES:
1. SURVEY SOURCE: Previous survey performed by this firm (Job #97-513 Dated: 10-30-97), record deed, special instructions as per client and a field survey performed by the undersigned surveyor.
2. BEARING BASE: The Northeasterly right-of-way boundary of U.S. Highway No. 98 being North 57 degrees 53 minutes 00 seconds East as per previous above mentioned survey.
3. "NOTICE" This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that maybe found in the public records of this county.
4. All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance and operation of cable television services; provided, however, no such construction, installation, maintenance and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas or other public utility. Such construction, installation, maintenance and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
5. Subject property is located in Zone "X" (0.2%), Zone "AE" (EL 13, 14, & 15) as per Flood Insurance Rate Map Community Panel No: 120088 414E, index date: June 17, 2002, Franklin County, Florida.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this survey was made under my responsible direction and supervision, is a correct representation of the land surveyed, that the Permanent Reference Monuments and Permanent Control Points have been set and that the survey data and monumentation complies with both Chapter 177 of the Florida Statutes and standards for practice for Land Surveying (F.A.C. 5J–17.051).

_____ DATE

*JAMES T. RODDENBERRY*
*Surveyor & Mapper Fl. Certificate No. 4261*

GRAPHIC SCALE

50 0 25 50 100 200

( IN FEET )
1 inch = 50 ft.

PLAT REVIEWED FOR COMPLIANCE WITH CHAPTER 177, FLORIDA STATUTES

_____
ROBERT B. STRICKLAND
PROFESSIONAL SURVEYOR & MAPPER #_____

*NOTE:
THERE SHALL BE NO HABITABLE STRUCTURES CONSTRUCTED SOUTH OF HIGHWAY NO. 98.

ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 4" X 4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.

ALL PERMANENT CONTROL POINTS ARE MARKED WITH A 4" X 4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.

ALL INTERIOR CORNERS ARE MARKED WITH A 5/8" REBAR WITH A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE.

### DEDICATION
### STATE OF FLORIDA
### COUNTY OF FRANKLIN

KNOWN BY ALL THESE PRESENT THAT ANGELA MICHELLE OVERSTREET, THE OWNER AND FEE SIMPLE, OF THE LANDS SHOWN HEREON PLATTED AS ISLAND BREEZE, PHASE IIA SUBDIVISION AS PER MAP P OR PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 14 OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA AND WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the intersection of the North boundary of Fractional Section 28, Township 8 South, Range 6 West, Franklin County, Florida with the Southerly boundary of a 100 foot wide Florida Power Corporation Powerline Easement and run South 62 degrees 02 minutes 56 seconds West along said Southerly boundary 143.12 feet to a concrete monument marking the POINT OF BEGINNING. From said POINT OF BEGINNING and leaving said Southerly easement boundary run South 30 degrees 24 minutes 21 seconds East 808.89 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of U.S. Highway No: 98, thence run North 57 degrees 53 minutes 00 seconds East along said Northerly right of way boundary 210.10 feet to a re-rod (marked #4261), thence leaving said right of way boundary run North 30 degrees 20 minutes 38 seconds West 266.07 feet to a re-rod (marked #4261), thence run North 87 degrees 15 minutes 02 seconds West 41.16 feet to a re-rod (marked #4261), thence run North 26 degrees 16 minutes 51 seconds West 176.64 feet to a rerod (marked #4261), thence run North 46 degrees 07 minutes 26 seconds East 22.59 feet to a re-rod (marked #4261), thence run North 30 degrees 20 minutes 38 seconds West 323.29 feet to a concrete monument lying on the Southerly easement boundary of aforementioned Florida Power Corporation Easement, thence leaving said Southerly easement boundary continue North 30 degrees 20 minutes 38 seconds West 100.15 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of said easement, thence run South 62 degrees 47 minutes 18 seconds West along said Northerly right of way boundary 210.31 feet to a re-rod (marked #4261), thence leaving said Northerly right of way boundary run South 30 degrees 24 minutes 21 seconds East 102.62feet to the POINT OF BEGINNING containing 4.24 acres, more or less.

AND ALSO:

Commence at the intersection of the North boundary of Fractional Section 28, Township 8 South, Range 6 West, Franklin County, Florida with the Southerly boundary of a 100.00 foot wide Florida Power Corporation Powerline Easement and run South 62 degrees 02 minutes 56 seconds West along said Southerly boundary 143.12 feet to a concrete monument, thence leaving said Southerly easement boundary run South 30 degrees 24 minutes 21 seconds East 808.89 feet to a re-rod (marked #4261) lying on the Northerly right of way boundary of U.S. Highway No: 98, thence leaving said Northerly right of way boundary run South 30 degrees 20 minutes 38 seconds East 66.03 feet to a re-rod (marked #4261) lying on the Southerly right of way boundary of said U.S. Highway No: 98 for the POINT OF BEGINNING. From said POINT OF BEGINNING and leaving said right of way boundary continue South 30 degrees 20 minutes 38 seconds East 13.27 feet to the approximate mean high water line of St. George Sound, thence run North 56 degrees 53 minutes 58 seconds East along said mean high water line 100.22 feet, thence continue along mean high water line North 57 degrees 14 minutes 04 seconds East 109.99 feet, thence leaving said mean high water line run North 30 degrees 20 minutes 38 seconds West 10.31 feet to a re-rod (marked #4261) lying on the Southerly right of way boundary of U.S. Highway No: 98, thence run South 57 degrees 53 minutes 00 seconds West along said right of way boundary 210.10 feet to the POINT OF BEGINNING containing 0.06 acres, more or less.

The aggregate of the two above described parcels having a total acreage of 4.30 acres, more or less.
Having caused said lands to be divided and subdivided as shown hereon and do hereby dedicate to the following:

1.) To the Island Breeze Homeowners Association, Inc., all easements for utilities, drainage and other (if any) purposes incident thereto as shown hereon.

Reserving, in all cases however, the reversions thereof should the same be renounced, disclaimed, abandoned or the use thereon discontinued as prescribed by the law by appropriate official action of the proper officials having charge of jurisdiction thereof.

This _____ day of _____, A.D. 2020.

"IMPORTANT NOTICE" The roads and other infrastructures - if any - contained within this subdivision are not owned or maintained by Franklin County, should the roads or other improvements ever be maintained by Franklin County, it will be done at the expense of the property owners within this subdivision.

### ACKNOWLEDGMENT
### STATE OF FLORIDA
### COUNTY OF FRANKLIN

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____DAY OF _____, 2020 BY ANGELA MARIE OVERSTREET, (OWNER)

SHE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED_____AS IDENTIFICATION.
WITNESS MY HAND AND SEAL AT_____ ,FLORIDA, THIS_____DAY OF _____, 2020

_____
NOTARY MY COMMISSION EXPIRES:

NOTARY SEAL

### CONFIRMATION
### STATE OF FLORIDA
### COUNTY OF FRANKLIN

APPROVED BY THE FRANKLIN BOARD OF COUNTY COMMISSIONERS THIS _____ DAY OF_____, 2020.

_____
NOAH LOCKLEY, JR. -- CHAIRMAN

_____
THOMAS M. SHULER -- COUNTY ATTORNEY

ACCEPT FOR FILES AND RECORDED THIS_____DAY OF_____, 2020 IN PLAT BOOK _____, PAGE_____, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA.

_____
MARCIA M. JOHNSON
CLERK OF THE CIRCUIT COURT


THURMAN RODDENBERRY & ASSOCIATES, INC.
Professional Surveyors and Mappers
LB. NO 7160
P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358–0100 • (850) 962–2538


| | | | |
|---|---|---|---|
| DATE: 01/20/20 | DRAWN BY: MMD | | COUNTY: FRANKLIN |
| FILE: 97513RP.DWG | DATE OF LAST FIELD WORK: | | JOB NUMBER: 97–513 |

- Consideration of a request to Final Re-Plat "Island Breeze" to "Island Breeze Phase II" a 4 lot subdivision lying in Section 28, Township 8 South, Range 6 West, Eastpoint, Franklin County, Florida. Request submitted by Thurman Roddenberry, agent for Charles and Angela Overstreet, applicants.

The promised changes have been made to the parcels south of Highway 98.

**I recommend approving this final plat of Island Breeze, Phase II.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 10, 2020

V.

# APPLICATION FOR DEVELOPMENT

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #:
FEE: $
RADON: $
C.S.L: $
TOTAL: $

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:
ISSUANCE DATE: EXPIRES:

- ✓ New Constuction
- ✓ Commercial
- ☐ Residential
- ☐ Substantial Improvement
- ☐ Less than Substantial

RECEIVED
MAY 29 2020
BY:

**APPLICATION MUST BE COMPLETE:** (We will no longer accept incomplete applications)

Property Owner/s: 98 Storage, LLC
Contact Information: Home #: (850) 254-5874 Cell #:
Mailing Address: 3 Blue Crab Lane City/State/Zip: Panacea, FL 32346
EMAIL Address: T. Baroody@comcast.net

Contractor Name: TBD Business Name:
Contact information: Office #: Cell #:
State License #: County Registration #:
Mailing Address: City/State/Zip:
EMAIL Address:

**PROPERTY DESCRIPTION:** 911 Address: TBD
Lot/s: N/A Block: N/A Subdivision: N/A Unit: N/A
Parcel Identification #: 36-08S-07W-0000-0240-0020
**JURISDICTION:** ✓ Franklin County ☐ City of Carrabelle
☐ Apalachicola ✓ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**DESCRIPTION OF DEVELOPMENT:** New Climate Controlled Storage Building
ZONING DISTRICT: C-4 CONTRACT COST: TBD

HEATED SQ FT: 6,400 sqft UN-HEATED SQ FT: 1,600 sqft TOTAL SQUARE FOOT: 8,000 sqft
ROOF MATERIAL: Metal FOUNDATION TYPE: Stem Wall LOT DEMENSION: 165'x 126'
NO. OF STORIES: 1 STORAGE SQ FOOTAGE: 8,000 sqft GAS UTILITIES: N/A
(Requires Building or General Contractor if over 3 habitable stories including mezzanines.) (VE Zones: 299 Sq. Foot or Less and MUST BE certified breakaway construction by Engineer)

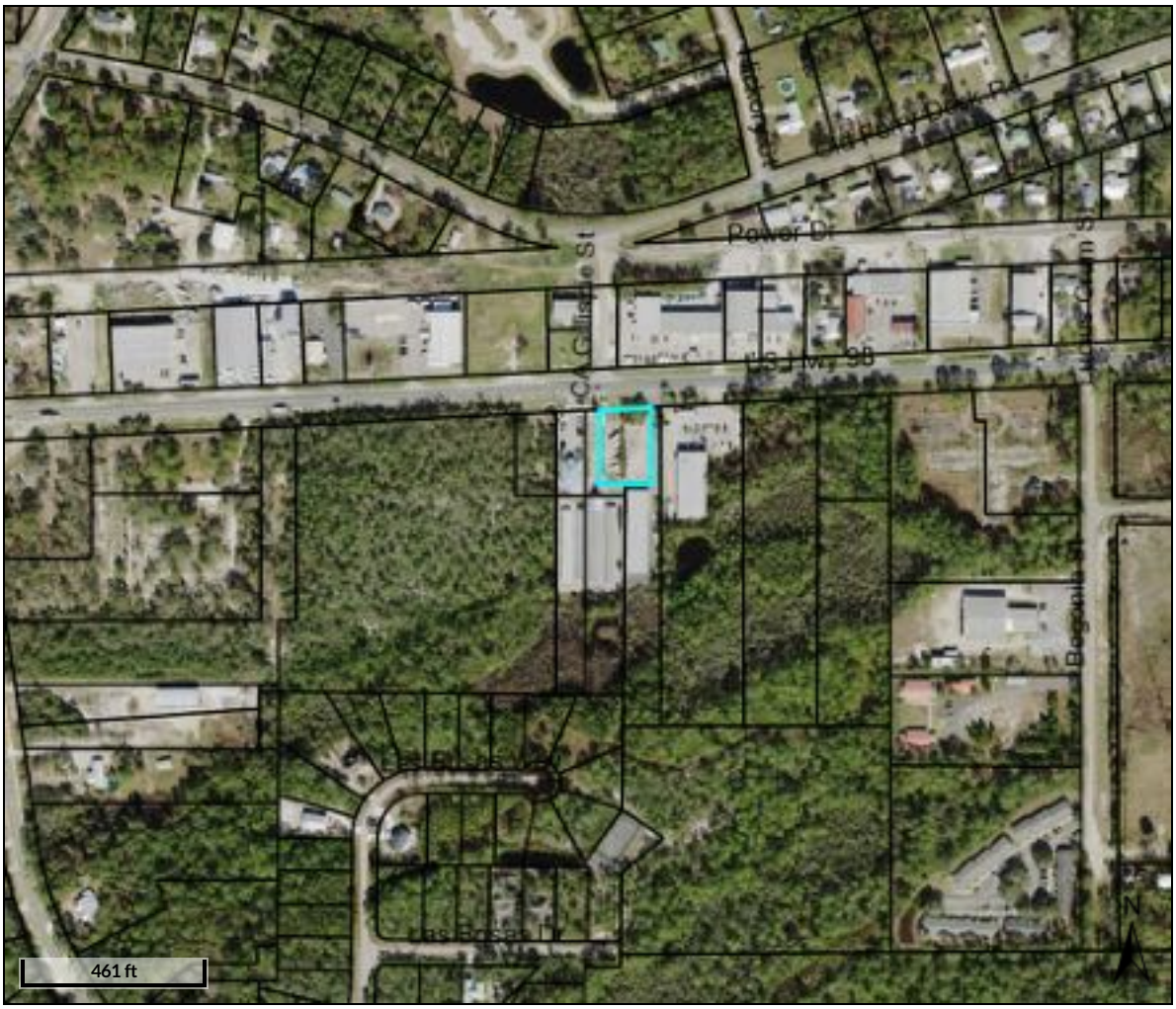
SEPTIC TANK PERMIT #: N/A OR SEWER DISTRICT: N/A
WATER DISTRICT: N/A OR PRIVATE WELL: N/A

WATER BODY: N/A
CRITICAL SHORELINE DISTRICT: YES OR (NO) CRITICAL HABITAT ZONE: YES OR (NO)

**FLOOD ZONE INFORMATION:** EFFECTIVE DATE: February 5, 201-
PANEL NUMBER: Panel 532 of 650 FIRM ZONE/S: Zone X
**ELEVATION REQUIREMENTS AS PER SURVEY:**
☐ Requires V-Zone Certification ☐ Requires Elevation Certificates ☐ Requires Smart Vents ☐ Requires Breakaway Walls

BUILDING OFFICIAL DATE FLOODPLAIN ADMIN. DATE OWNER/CONTRACTOR DATE

# qPublic.net™ Franklin County, FL




**Overview**



**Legend**

- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 36-08S-07W-0000-0240-0020 | **Alternate ID** | 07W08S36000002400020 | **Owner Address** | 98 STORAGE, LLC |
| **Sec/Twp/Rng** | 36-8S-7W | **Class** | VACANT COM | | P.O. BOX 1054 |
| **Property Address** | | **Acreage** | n/a | | EASTPOINT, FL 32328 |
| **District** | 5 | | | | |
| **Brief Tax Description** | A PARCEL BEING .52 AC M/L IN<br>(Note: Not to be used on legal documents) | | | | |

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by Schneider GEOSPATIAL

SCE
SOUTHEASTERN
CONSULTING ENGINEERS, INC.

# SEMINOLE SELF STORAGE
# FRANKLIN COUNTY SITE PLAN REVIEW

| SECTION | 30 | TOWNSHIP | 08S | RANGE | 07W |
|---|---|---|---|---|---|

PROJECT COUNTY, FLORIDA
FOR

98 STORAGE, LLC
3 BLUE CRAB LANE
PANACEA, FL 32346

NOT FOR CONSTRUCTION

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE SHEETS LISTED IN THE SHEET INDEX BELOW IN ACCORDANCE WITH RULE 61G15-23.004, F.A.C.

| PROJECT VICINITY | LOCATION MAP | SHEET INDEX |
|---|---|---|







SHEET INDEX

| SHEET NUMBER | SHEET TITLE |
|---|---|
| C-00 | COVER SHEET |
| C-01 | GENERAL NOTES AND LEGEND |
| C-02 | EXISTING CONDITIONS |
| C-03 | SITE PLAN |
| C-04 | GRADING PLAN |
| C-05 | STORMWATER POLLUTION PREVENTION PLAN |
| C-06 | EROSION CONTROL PLAN |
| C-07 | DETAILS |

NOTE:
THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

SCE SOUTHEASTERN

COVER SHEET

SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

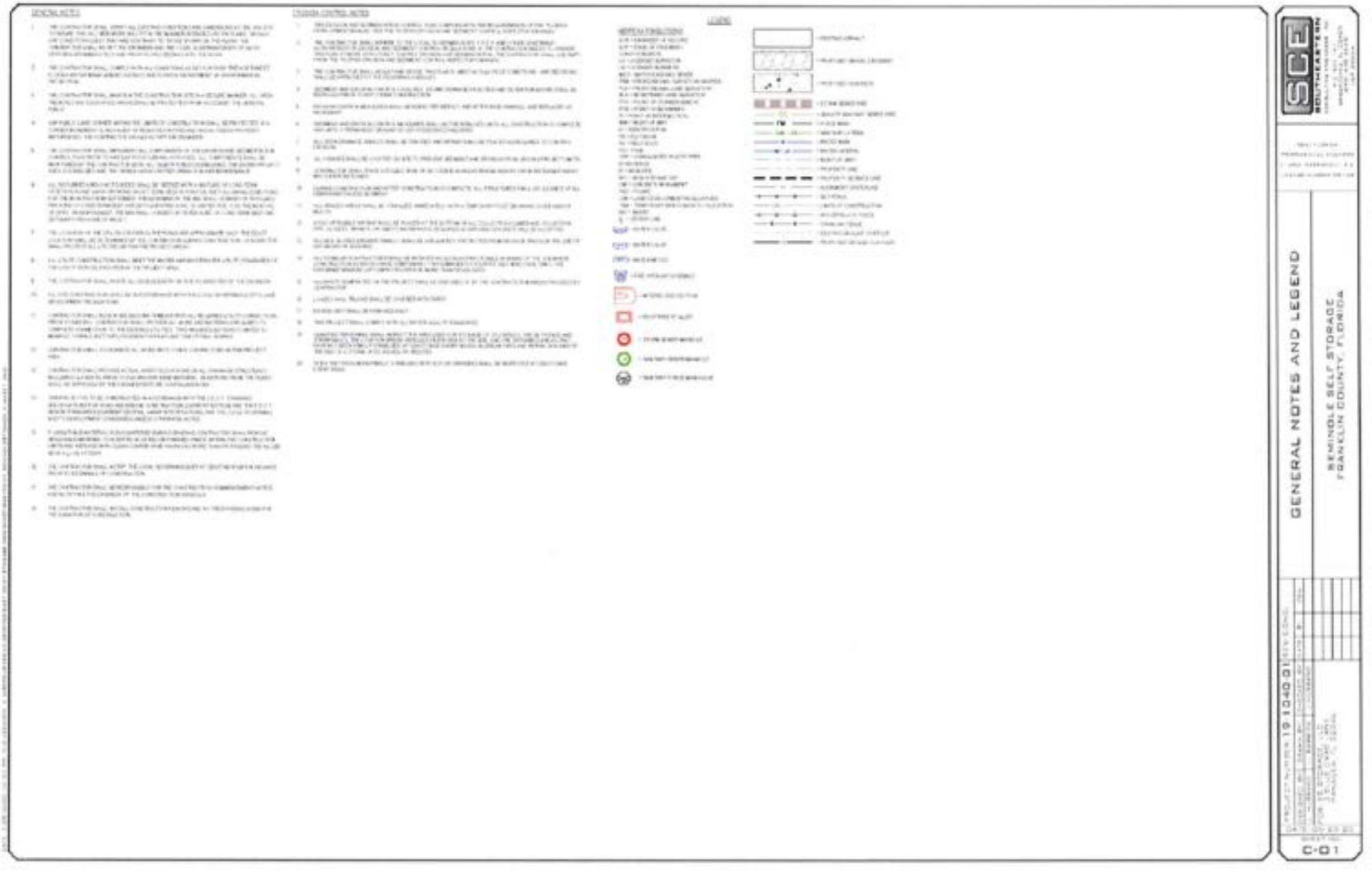
PROJECT NUMBER 19-040-01

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|

98 STORAGE, LLC
3 BLUE CRAB LANE
PANACEA, FL 32346

C-00

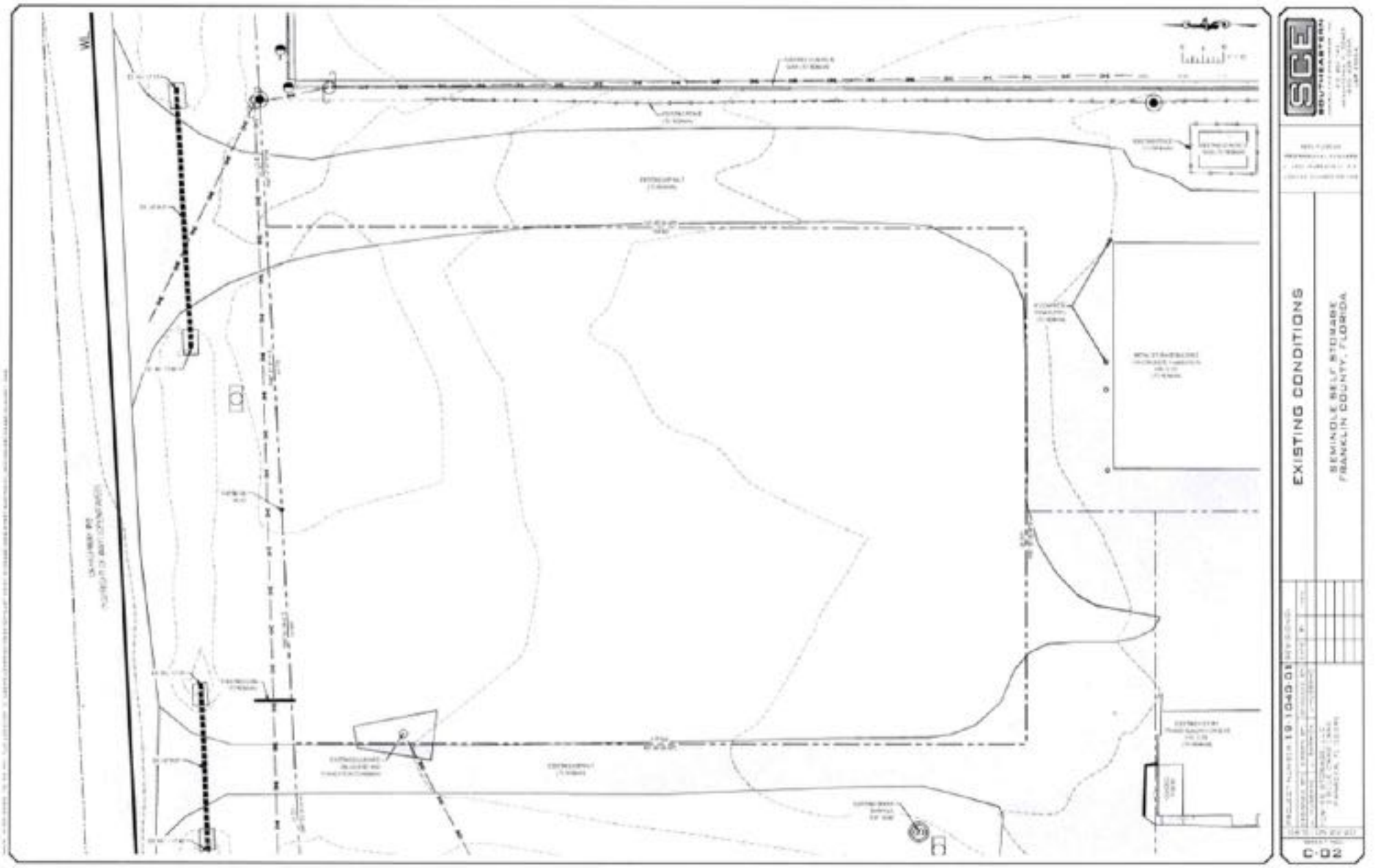


GENERAL NOTES AND LEGEND

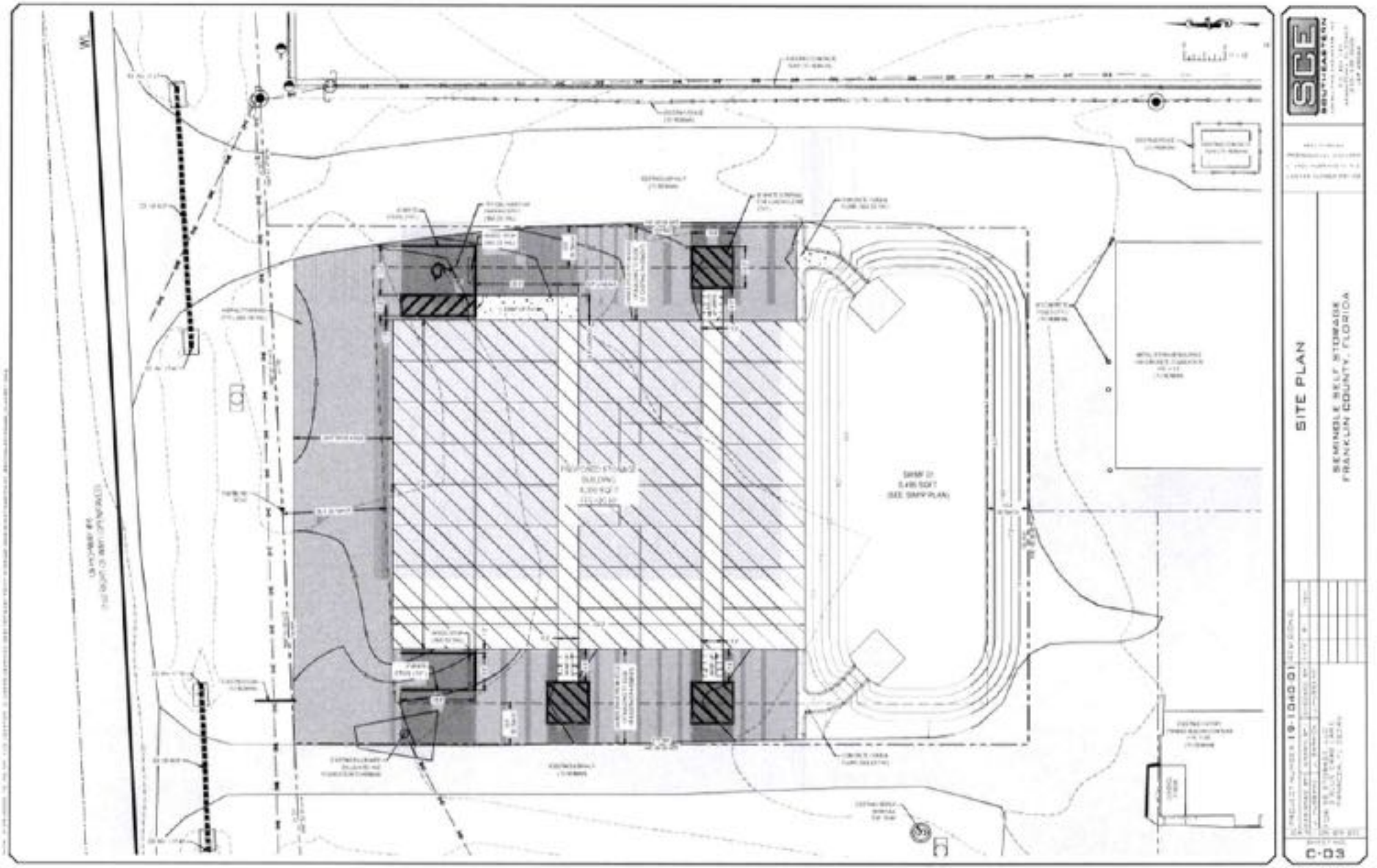
BEMINGLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

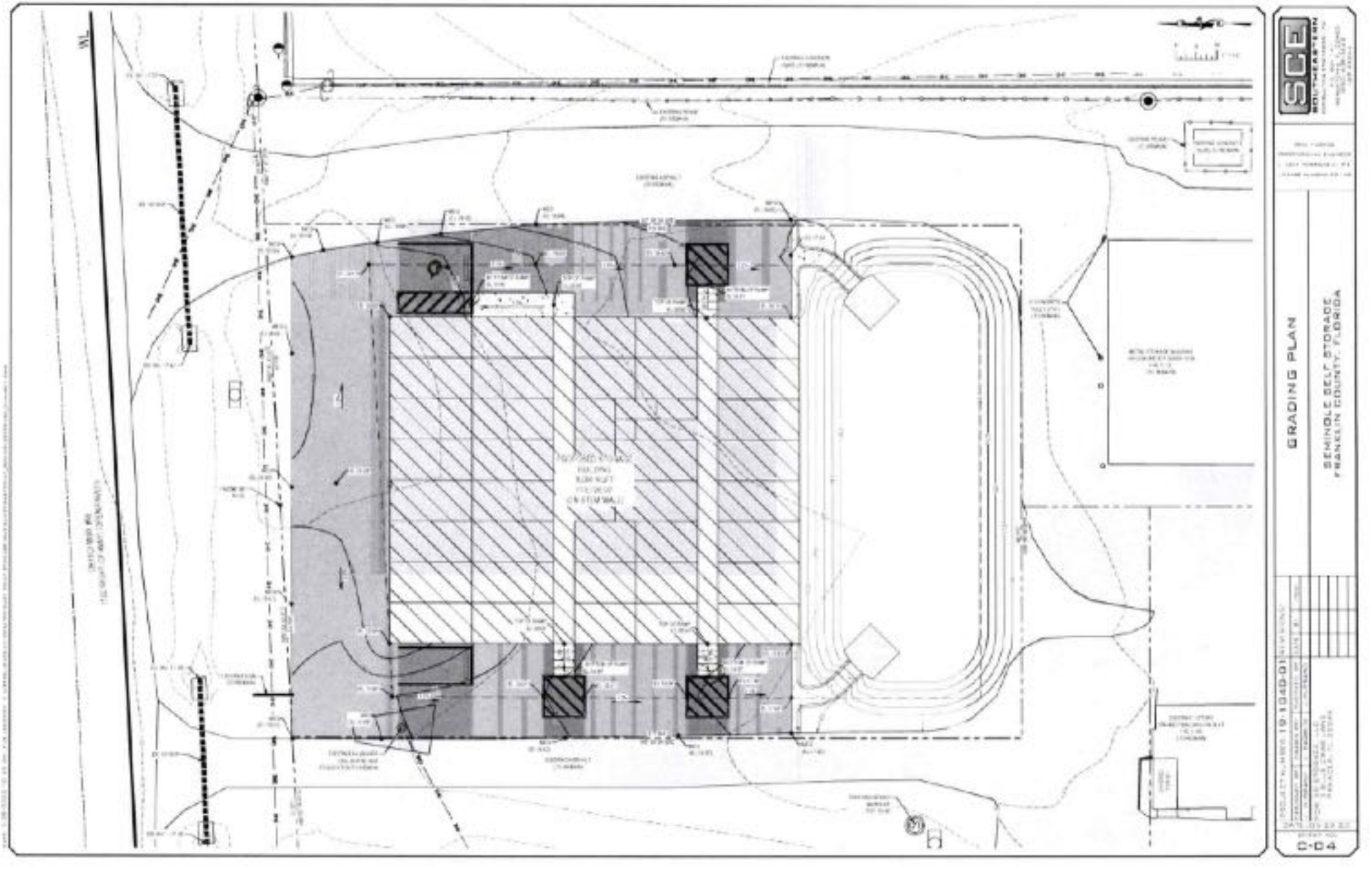
C-01

V.

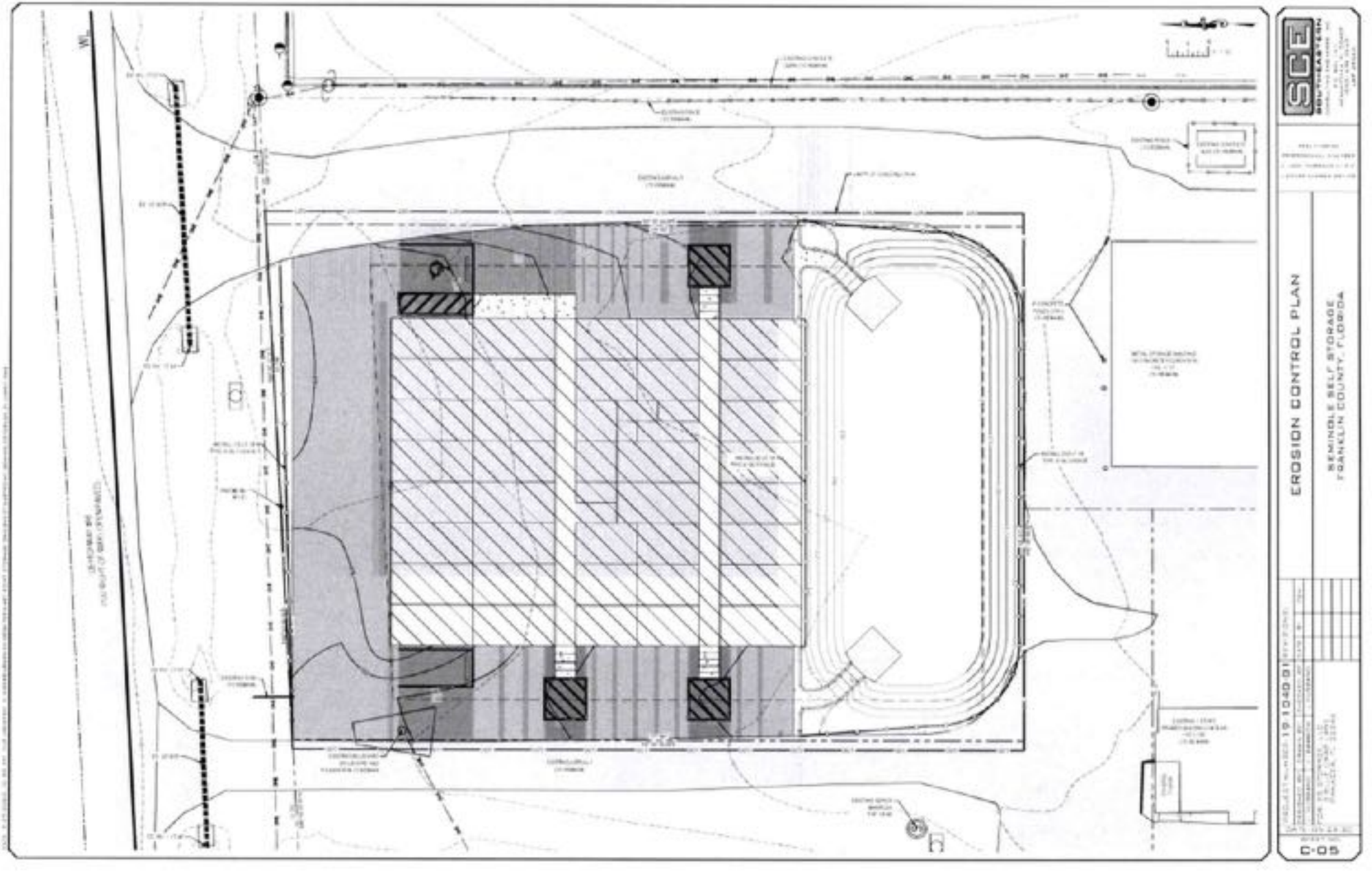

SCE
SOUTHEASTERN
EXISTING CONDITIONS
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA
C-02

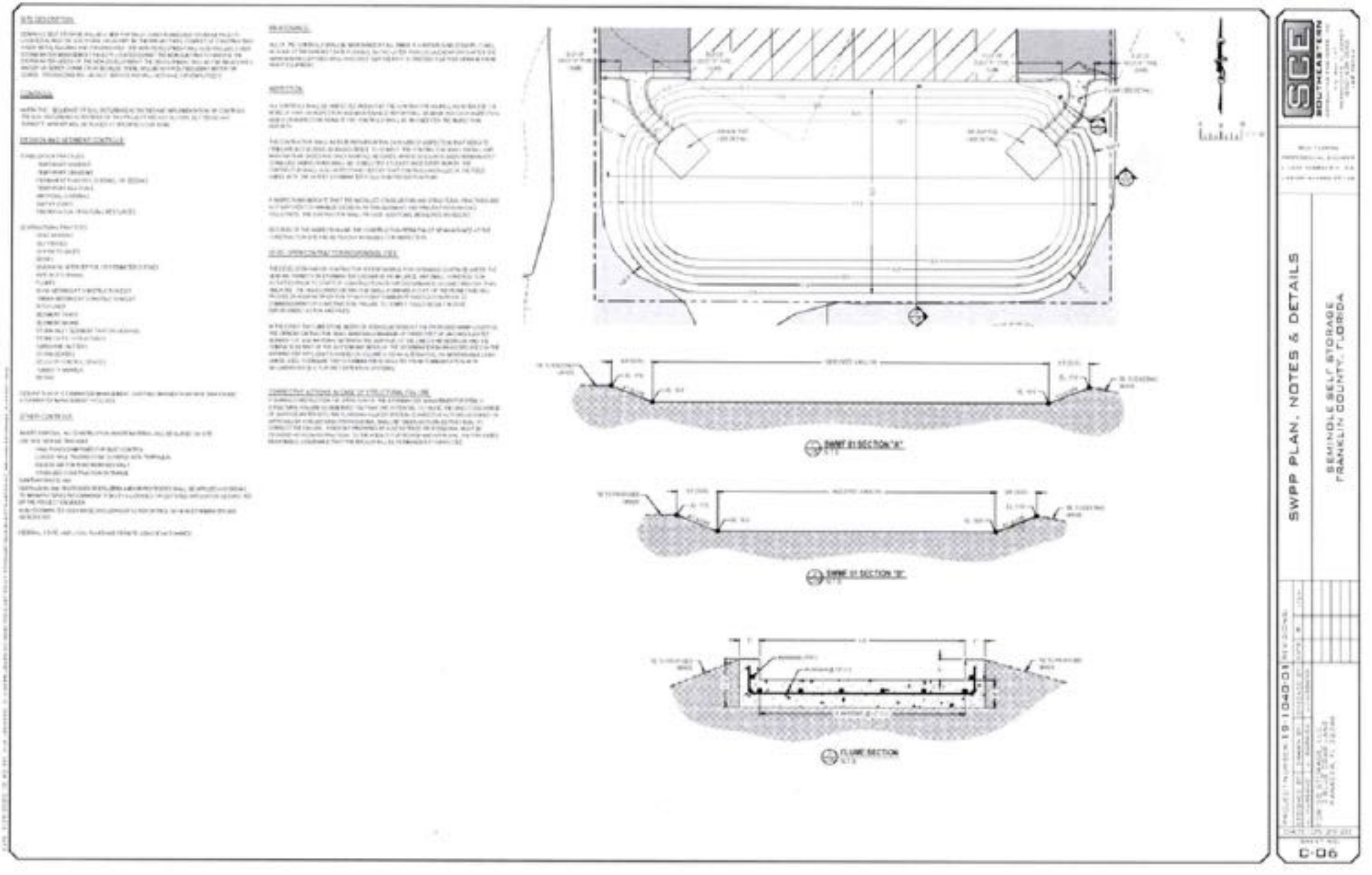
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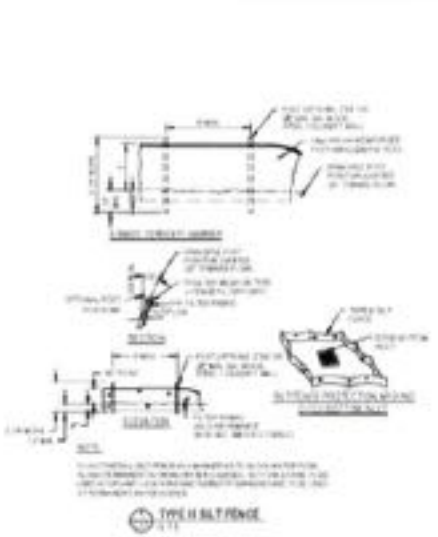

SITE PLAN
SEMINOLE RV LLC #700606
FRANKLIN COUNTY, FLORIDA
C-03


GRADING PLAN
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA
C-04

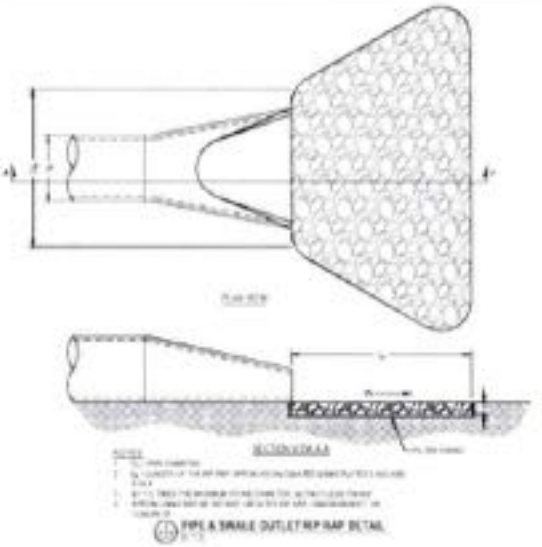
V.


EROSION CONTROL PLAN
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA
C-05

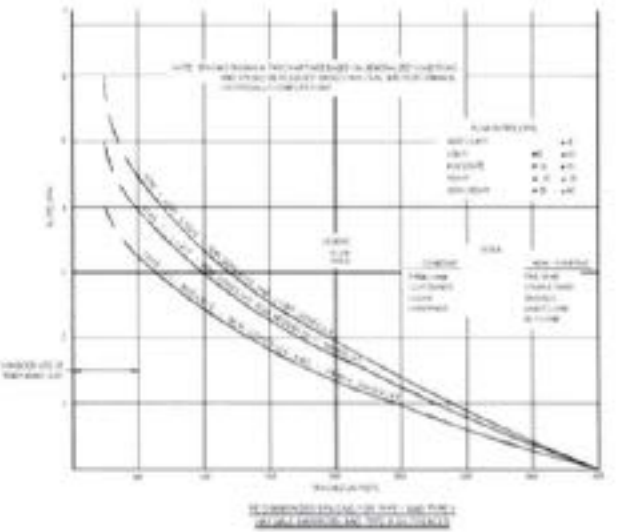

SWPP PLAN, NOTES & DETAILS
SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA
C-06

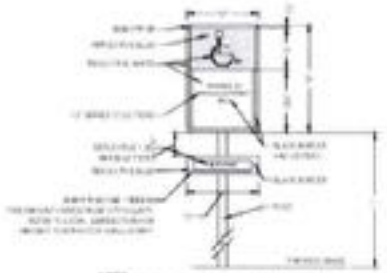


TYPE II SILT FENCE

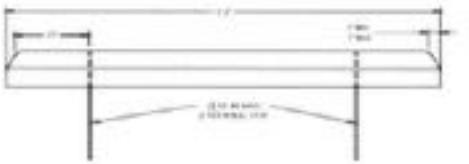


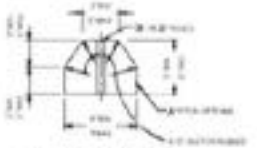
PIPE & SWALE OUTLET RIP RAP DETAIL





DISABLED PARKING SIGN





WHEEL STOP DETAIL



DISABLED PARKING STALL DETAIL



TYPICAL ASPHALT PAVING DETAIL

SCE
SOUTHEASTERN CIVIL ENGINEERING, INC.

DETAILS

SEMINOLE SELF STORAGE
FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER: 19104001

C-07

- Consideration of a request for Commercial Site Plan Review for an 8,000 square foot climate controlled self-storage facility located at 162 US Highway 98, Eastpoint, Franklin County, Florida. 34 Units will be conditioned and 8 non-conditioned unites. Request submitted by Wade Brown, Edwin Brown and Associates and Jonathan Barwick, Southeastern Engineering, agents for 98 Storage, LLC, applicant.

This project is located in front of the existing Seminole Self Storage buildings in Eastpoint. This application appears to meet all the requirements for a commercial development.

**I recommend approving this commercial site plan.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 10, 2020

# APPLICATION FOR COMMERCIAL SITE PLAN REVIEW

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: Christopher B Varnes
Contact Information: Home #: 850-653-4355 Cell #: 850-653-6700
Mailing Address: 12 Marks st City/State/Zip: Apalachicola, Fl 32320
EMAIL Address: CVMaintenance LLC@Hotmail.com

Agent Name: _____ Business Name: Recreational Storage
Contact Information: Office #: _____ Cell #: _____
Mailing Address: _____ City/State/Zip: _____
EMAIL Address: _____

**PROPERTY DESCRIPTION:** 911 Address: 257 Creamer st 32320
Lot/s: 7 Block: 1 Subdivision: David Brown Est Unit: _____
Parcel Identification #: 31-08S-06W-6290-0001-0060
**JURISDICTION:** ☑ Franklin County
☐ Apalachicola ☑ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**Applicant Signature:** Christopher B Varnes **Date:** June 22 2020

**Agent Signature:** _____ **Date:** _____

**TYPE OF ESTABLISHMENT:** Recreational Storage

**ITEMS REQUIRED:**

RECEIVED
JUN 22 2020
BY: .....

- ✓ Signed Application
- ✓ Site Plan
- ✓ Parking Plan
- ____ Elevations of Building
- ✓ Water & Sewer Letter
- ____ Stormwater

**RECOMMENDATION FROM COUNTY PLANNER:** _____

**PLANNER SIGNATURE:** _____ **DATE:** _____

**BOARD APPROVAL DATE:** _____

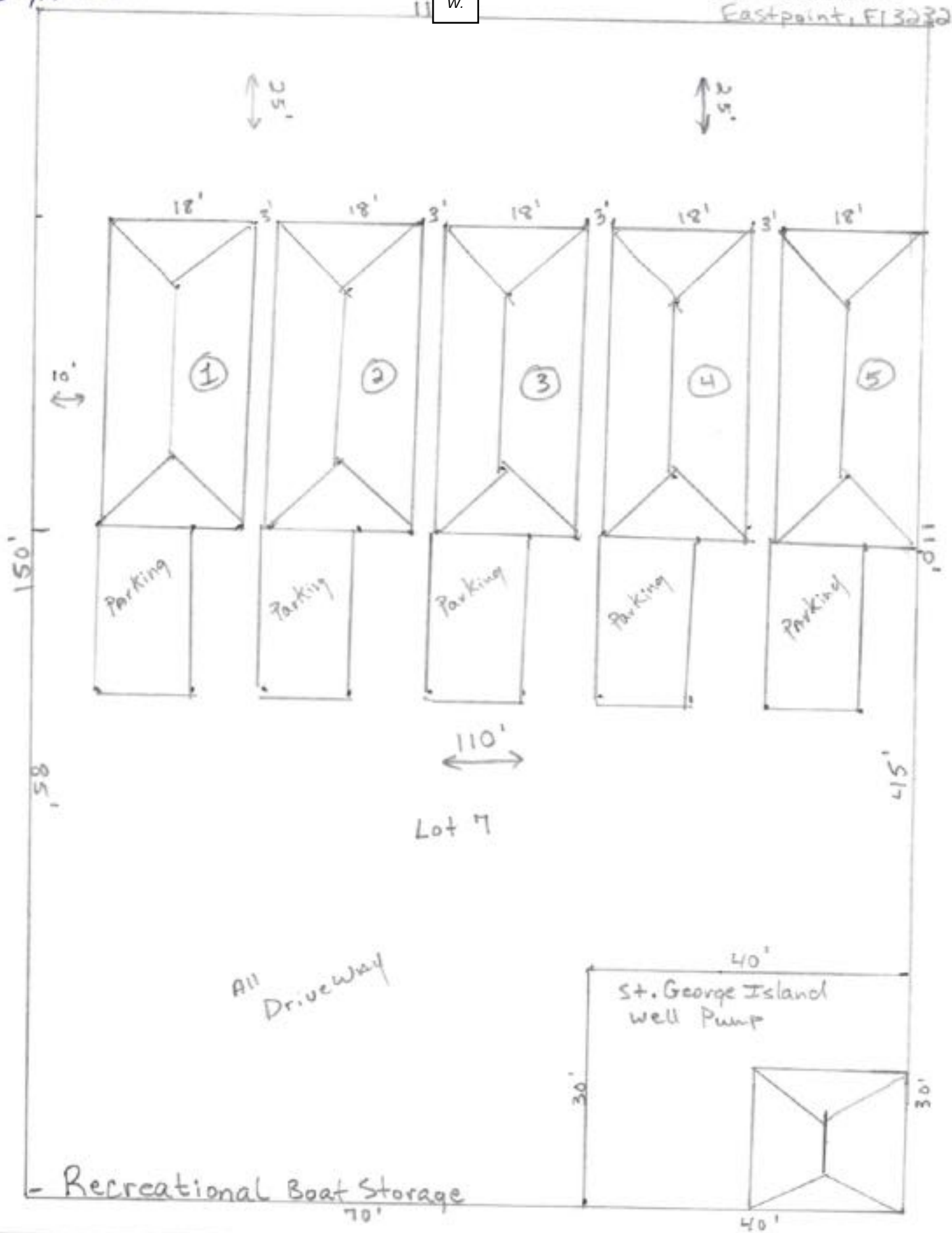
PID: 31-08S-06W-0040-0001-0060

Site Plan

Scale: 1/16 Per Foot

W.

Chris Varnes
257 Creamer St
Eastpoint, FL 32328




Creamer St.

W.

Asset No.10316001646

Recording requested by,
and when recorded, return to:

Christopher B. Varnes
12 Mark Street
Apalachicola, FL 32320

Inst:201619003854 Date:8/11/2016 Time:1:38 PM
Doc Stamp-Deed:0.70
DC,Marcia Johnson,Franklin County B:1174 P:471

Prepared by:
FDIC Legal Division
1601 Bryan Street
Dallas, Texas 75201

_____ space above this line for Recorder's use only

QUITCLAIM DEED
(Florida)
(Without Covenant, Representation, or Warranty)

STATE OF FLORIDA §
§
COUNTY OF FRANKLIN §

RECITALS

WHEREAS, Gulf State Community Bank of Franklin County, Avenue C, Eastpoint, FL 32303 (the "Institution") acquired the Property by that certain Corporate Warranty Deed recorded in the Official Public Records of Franklin County, Florida at Instrument No. 2007000023, Volume 924, Page 226, dated January 1, 2007,

WHEREAS, the Institution was closed by the Florida Office of Financial Regulation on November 19, 2010, and the Federal Deposit Insurance Corporation (the "FDIC") was appointed as receiver for the Institution (the "Receiver"), and

WHEREAS, as a matter of federal law, 12 U.S.C. §1821(d)(2)(A)(i), the Receiver succeeded to all of the right, title, and interest of the Institution in and to, among other things, the Property.

NOW, THEREFORE, the Receiver (hereinafter, "Grantor"), whose address is 1601 Bryan Street, Dallas, Texas 75201, for and in consideration of TEN AND NO/100 DOLLARS ($10.00), the receipt and sufficiency of which are hereby acknowledged, hereby RELEASES, CONVEYS and QUITCLAIMS to Christopher B. Varnes, and individual, ("Grantee"), whose address is12 Mark Street, Apalachicola, FL 32320, WITHOUT COVENANT, REPRESENTATION, OR

W.

WARRANTY OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, AND ANY AND ALL WARRANTIES THAT MIGHT ARISE BY COMMON LAW AND ANY WARRANTIES CREATED BY STATUTE, AS THE SAME MAY BE HEREAFTER AMENDED OR SUPERSEDED, ARE EXCLUDED, all of Grantor's right, title and interest, if any, in and to that certain real property situated in Franklin County, Florida, as described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), subject however to any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, liens, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Property, whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and prior and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Quitclaim Deed, assumes and agrees to perform any and all obligations of Grantor or the Institution under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS QUITCLAIM DEED, ACKNOWLEDGES AND AGREES THAT (i) GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE TITLE, DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE

W.

PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING, WITHOUT LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE RELEASE AND QUITCLAIM HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS QUITCLAIM DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Quitclaim Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor, the Institution, and the FDIC in any and all of its various other capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor, the Institution, and the FDIC in any and all of its various other capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in the Property, if any, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its heirs, personal representatives, successors and assigns, without covenant, representation, or warranty whatsoever and subject to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be construed or deemed as a waiver by Grantor or

W.

Grantee of its respective rights, if any, but without obligation, to challenge or enforce the existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Quitclaim Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for any tax year or assessment period prior or subsequent to the date of this Quitclaim Deed, including, without limitation, taxes or assessments becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

IN WITNESS WHEREOF, this Quitclaim Deed is executed on August 9th, 2016

FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for Gulf State Community Bank

By: Kent Withers Witness: Ernestine Jenkins

Name: Kent Withers Witness: Leslie Skenandore

Title: Attorney in Fact attorney in fact

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 9 day of August, 2016, by Kent Withers, Attorney in Fact of the Federal Deposit Insurance Corporation, as Receiver for Gulf State Community Bank, on behalf of said entity.

LARRY D. HEATH
MY COMMISSION EXPIRES
October 16, 2017

Notary Public, State of Texas

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## EXHIBIT "A" to Quitclaim Deed

[Legal Description of the Property]

A portion of Lot 7, Block 1 of David H. Brown Estates, Inc., Addition to Eastpoint, Florida, a subdivision as per map or plat thereof recorded in Plat Book 3, Page 4 of the Public Records of Franklin County, Florida, and being more particularly described as follows:

Begin at an iron rod and cap (marked 6475) marking the Southwest corner of Lot 7, Block 1 of David H. Brown Estates, Inc. Addition to Eastpoint, Florida, a subdivision as per map or plat thereof recorded in Plat Book 3, Page 4 of the Public Records of Franklin County, Florida, said point also lying on the Northerly right-of-way boundary of Avenue C. From said POINT OF BEGINNING run East along said right-of-way boundary 69.99 feet to an iron rod and cap (marked #7160), thence leaving said right-of-way boundary run North 00 degrees 10 minutes 34 seconds West 30.00 feet to an iron rod and cap (marked #7160), thence run East 40.00 feet to an iron rod and cap (marked #7160), thence run North 00 degrees 10 minutes 34 seconds West 120.21feet to a concrete monument (marked #2919) lying on the Northeasterly corner of said Lot 7, thence run South 89 degrees 51 minutes 34 seconds West 109.84 feet to an iron rod and cap marked #6475) lying on the Northwesterly corner of said Lot 7, thence run South 00 degrees 07 minutes 09 seconds East 149.94 feet to the POINT OF BEGINNING.

Parcel Identification Number: 31-08S-06W-6290-0001-0070

S:\2FDOCS 16\Gulf State Community Bank\David H. Brown Estates, Inc\Christopher B Varnes QCD 7-28-16.doc



- Consideration of a request for Commercial Site Plan Review for (5) 18' x 40' Recreational Boat Storage Units located at Lots 6 & 7, Block 1, David Brown Estates, 257 Creamer Street, Eastpoint, Franklin County, Florida. Request submitted by Christopher B. Varnes, applicant.

Mr. Varnes owns Lots 6 and 7, Block 1, David Brown Estates, except for a 30' by 40' parcel out of Lot 7 owned by Water Management Services (St. George Island Water System). The property is zoned C-4. This proposal meets the requirements for commercial development.

**I recommend approving this commercial development.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 14, 2020

# POOL PERMIT APPLICATION

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PERMIT #_____
FEE: $_____
TOTAL: $_____

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE.

**APPLICATION MUST BE COMPLETE:** (We will no longer accept incomplete applications)

Property Owner/s: Coastline Rentals LLC
Contact Information: Home #: _____ Cell #: _____
Mailing Address: PO Box 1064 City/State/Zip: Eastpoint FL 32328
EMAIL Address: _____

Contractor Name: Michael Seamen Business Name: Cox Building Cap dba Cox Pools
Contact Information: Office #: 850.819.8230 Cell #: 850.819.8230
State License #: CPC-058441 County Registration #: _____
Mailing Address: 17687 Ashley Drive City/State/Zip: Panama City, FL 32413
EMAIL Address: Commercialpools@Coxpools.com

**PROPERTY DESCRIPTION:** 911 Address: 909 US Highway 98
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 28-08S-06W-0000-0180
**JURISDICTION:** Franklin County
☐ Apalachicola ☐ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**DESCRIPTION OF DEVELOPMENT:** Commercial Pool
ZONING DISTRICT: District 1 CONTRACT COST: 122,500.00
WATER BODY: 28,798 Gallons
CRITICAL SHORELINE DISTRICT: YES OR NO CRITICAL HABITAT ZONE: YES OR NO

**FLOOD ZONE INFORMATION:** EFFECTIVE DATE: February 5, 2014

**PANEL NUMBER:** _____ **FIRM ZONE/S:** _____
**ELEVATION REQUIREMENTS AS PER SURVEY:** _____
☐ Requires V-Zone Certification ☐ Requires Elevation Certificates ☐ Requires Smart Vents ☐ Requires Breakaway Walls

| BUILDING OFFICIAL | DATE | FLOODPLAIN ADMIN. | DATE | OWNER/CONTRACTOR | DATE |
|---|---|---|---|---|---|
| | | | | | 6.22.20 |

## REQUIRED DOCUMENTS:

_____ Application
_____ 2 Sets of Plans
_____ Site Plan
_____ Notice to Pool Affidavit
_____ If located in a VE Flood Zone- VE Zone Certificate
_____ Signed Contract with Contract Cost
_____ Recorded Notice of Commencement

# NOTICE TO SWIMMING POOLS AFFIDAVIT

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

Property Owner/s: Coastline Rentals LLC
Contact Information: Home #: _____ Cell #: _____
Mailing Address: PO Box 1064 City/State/Zip: Eastpoint FL 32328
EMAIL Address: _____

Contractor Name: Michael Seamon Business Name: Cox Building Corp dba CoxPools
Contact Information: Office #: 850.819.8230 Cell #: 850.819.8230
State License #: CPC-058661 County Registration #: _____
Mailing Address: 17187 Ashley Drive City/State/Zip: Panama City FL 32413
EMAIL Address: Commercialpools@coxpools.com

**PROPERTY LOCATION**: 911 Address: 909 US Highway 98
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 28-08S-06W-0000-0130

**I have been informed by my contractor that prior to the final inspection and use of my pool, I will need all inspections and fencing required in accordance with applicable state and local regulations. The Standard Swimming Pool Code requires pools to be completely enclosed within an approved wall, fence or other substantial structure not less than four feet in height. The enclosure shall completely surround the pool and shall be of sufficient material to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors/gates.**

**Additionally, the 2000 Legislature has amended the Florida Statutes to require that effective October 1, 2000, local jurisdictions cannot approve a final pool inspection for a residential swimming pool over 24 inches deep unless it meets at least one of the following pool safety features requirements.**

- **The pool must be isolated from access to the home by a barrier at least 4 feet high installed around the perimeter of the pool. The barrier shall not have any gaps or openings that can allow a child to crawl under, squeeze through or climb over the barrier and must be placed sufficiently away from the waters edge to prevent a person from immediately falling into the pool when the barrier is breached. Gates located in the pool barrier must open outwards away from the pool and be self-closing and self-latching. The barrier must be separated from any fence, wall, or other enclosure surrounding the yard unless the fence, wall or other enclosure or portion thereof is situated on the perimeter of the pool and meets the pool barrier requirements.**
- **The pool must be equipped with a safety cover complying with the specifications of the American Society for Testing and Materials Standards F-1346-91.**
- **All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 decibels at 10 feet, or:**
- **All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism at least 54 inches above the floor.**

**Swimming pool means any structure, located in a residential area that is intended for swimming or recreational bathing and contains water over 24 inches deep. Including, but not limited to, in-ground, above ground and on-ground swimming pools; hot tubes; and non-portable spas. According to Florida Statutes, failure to comply with these requirements is a misdemeanor of the second degree, punishable by imprisonment for up to 60 days or a fine of up to $500, except that no penalty shall be imposed if within 45 days after arrest or issuance of a summons or notice to appear, the pool is equipped with at least one of the aforementioned safety features and the responsible person attends a drowning prevention education program developed by the Florida Department of Health.**

**I also understand that a rough-in wall inspection as well as an electrical grounding inspection is required in addition to the final inspection.**

Owner's Signature: _____ 6.2.2020 Date

Witness Signature: Bethany Riordan 6.2.2020 Date

# qPublic.net™ Franklin County, FL




**Overview**



**Legend**

- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 28-08S-06W-0000-0130-0010 | **Alternate ID** | 06W08S280000001300010 | **Owner Address** | COASTLINE RENTALS, LLC |
| **Sec/Twp/Rng** | 28-8S-6W | **Class** | RV RESORT | | PO BOX 1064 |
| **Property Address** | 909 US HIGHWAY 98 CAMP 2 | **Acreage** | 6.407 | | EASTPOINT, FL 32328 |
| **District** | 1 | | | | |

**Brief Tax Description** 4 ACRES IN NE 1/4 OF 28-8S-6W
(Note: Not to be used on legal documents)

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by Schneider GEOSPATIAL

Micheal E. Seamon
Vice President of Operations
License # CPC 056661

P.O. Box 9088
Panama City Beach, FL 32417
Phone: (850)-234-7800

**Commercial Pool Proposal**

Date: Friday, January 31, 2020

To: Garrett Creamer

Phone:

Email: creamer126@yahoo.com

Re: East Point Campground

Attn: Garrett Creamer

Cox Building Corporation (a registered Florida commercial swimming pool contractor for over 60 years) is pleased to submit a proposal to construct a pool for the above referenced project as per plans and specifications and to the State of Florida Health Department regulations.

## GENERAL SPECIFICATIONS

### Pool

| | | | |
|---|---|---|---|
| SIZE: | 20' x 55' | Approximately 1,100 | SQ.FT. |
| SHAPE: | | Rectangle | |
| DEPTH: | | 3' to 5' | |
| COPING: | | 12" Cast in Place Concrete | |
| TILE: | | Frost proof tile, (1 ) row - (stock tile selection) | |
| INTERIOR FINISH: | | Marcite plaster with Blue Quartz | |
| GUTTER FINISH: | | Marcite plaster with Blue Quartz | |
| HANDICAP LIFT: | | Scout 2 | |

### Pool Equipment Specifications

| | | |
|---|---|---|
| FILTER: | | High rate sand filters |
| MAIN DRAIN: | | 12" X 12" VGBA compliant as required |
| RETURNS: | | 1 1/2" adjustable on 20' centers as required |
| VACUUM FITTINGS: | | 1 1/2" as required |
| SANITATION: | | Liquid chlorine with Stenner pump |
| pH CONTROL: | | Muriatic acid with Stenner pump |
| LADDER: | | 3 tread stanless steel with crossbar as required |
| HANDRAIL: | | Stainless steel as required |
| LIGHTS: | 4 | 300w, 12v with transformer as required |
| HEATING: | 0 | 400,000 BTU Natural Gas |

Sub Total: $125,683

## Plumbing

All Plumbing to be done with schedule 40 PVC, 200PSI minimum, NSF approved.

## Safety and Cleaning Equipment

(Typical of each separate body of water, If applicable)

| | |
|---|---|
| VACUUM HEAD: | 12" Flex |
| VACUUM HOSE: | 40' x 1 1/2" commercial |
| VACUUM POLE: | 16' |
| LEAF SKIMMER: | |
| BRUSH HEAD: | |
| TEST KIT: | State approved |
| SHEPHEARD'S HOOK: | With 16' handle |
| LIFE BUOY: | With 20' rope |
| DEPTH MARKERS: | As required by the State of Florida |
| POOL RULES SIGN: | As required by the State of Florida |

## NOT included in this Proposal

1. Bond
2. Deck
3. Pillings
4. Fence
5. 1" Fresh water line to make-up valve and hook-up at filter
6. 6" min hub and backwash line to an approved location
7. Storm water or sanitary system engineering and/of design
8. Electrical service
9. Filter room
10. Sanitary facilities, hose bibs, drinking fountain and shower
11. Compaction testing
12. Land clearing, tree removal, and hauling off stumps
13. Retaining walls, bringing in dirt, and hauling dirt off site
14. Venting of heaters and installation of gas line
15. Geotechnical soil testing
16. Saftey shower or eyewash station

Credit for Excavation and Customer Discount

COMPLETE FOR THE SUM OF: $122,566

Additional Options:

| | | |
|---|---|---|
| Deck Jets: | $750 ea. | QTY |
| Bubblers: | $350 ea. | QTY |
| Lighted Bubblers: | $700 ea. | QTY |
| Laminars: | $1,600 ea. | QTY |
| Led Light Upgrage: | $900 ea. | QTY |

This proposal includes submittal of plans to the State for approval, LICENSES and BUILDING PERMIT FEES. Owner will pay for the operating permit to the State of Florida.

Please see the attached insurance certificate. This is our standard insurance coverage. All contracts signed will be contingent upon your insurance requirements.

Prices are good for 60 days from the date of this proposal

A copy of this Proposal shall be included in the contract documents and scope of work.

Payment Terms

| | | |
|---|---|---|
| Engineering / Permitting | 5% | $6,128 |
| Mobilization | 15% | $18,385 |
| Shotcrete | 60% | $73,540 |
| Tile | 10% | $12,257 |
| Plumbing and Filter | 5% | $6,128 |
| Final Inspection | 5% | $6,128 |

After final payments , State of Florida Operating Permit will be submitted.

If we can assist you or if you have any questions regaurding this proposal, please feel free to contact us at (850) 234 - 7800

Sincerely,

Drew Schaarschmidt

Commercial Project Manager / Estimator

Lars Karlson

Commercial Drafting and Design

Accepted By:

Title: OWNER

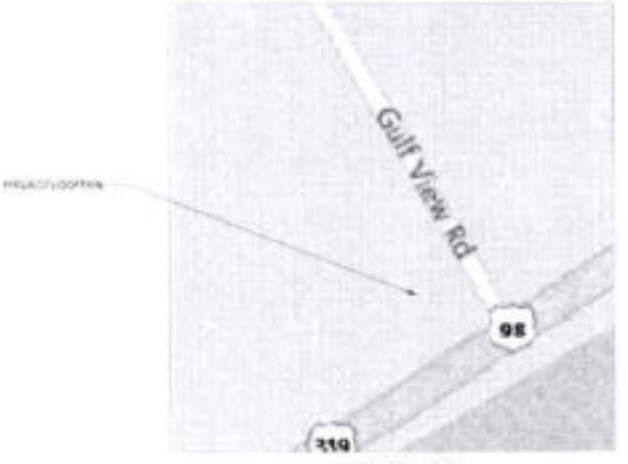
Date: 3/10/20

## PROJECT LOCATION

EASTPOINT CAMPGROUND
897 GULFVIEW ST.
EASTPOINT, FL 32328

## OWNER

GARRETT CREAMER




LOCATION MAP
SCALE N.T.S.

## POOL CONTRACTOR

COX POOLS
17687 ASHLEY DRIVE
PANAMA CITY BEACH, FL 32413

## POOL ENGINEER

COASTLINE ENGINEERING & CONSTRUCTION INC.
1905 CAULEY AVE.
PANAMA CITY, FL 32407

SHEET INDEX

| SHEET NO. | SHEET DESCRIPTION | DATE | REVISIONS |
|---|---|---|---|
| C-1 | COVER SHEET | 2/06/20 | REV 1 |
| C-2 | NOTES & LEGEND | 2/06/20 | REV 1 |
| SP-1 | SITE PLAN | 2/06/20 | REV 1 |
| P-1 | POOL PLAN | 2/06/20 | REV 1 |
| P-2 | POOL SECTIONS & DETAILS | 2/06/20 | REV 1 |
| P-2.1 | POOL DETAILS | 2/06/20 | REV 1 |
| P-3 | POOL PLUMBING | 2/06/20 | REV 1 |
| P-4.1 | EQUIPMENT AND CAGE | 2/06/20 | REV 1 |

ALL PLANS SUBMITTED ARE INTENDED TO MEET ALL REQUIREMENTS OF CHAPTER 5 SECTION 454 OF THE 2017 FLORIDA BUILDING CODE 6TH EDITION.

COX POOLS
17687 Ashley Dr
Panama City Beach, FL
Tel: (850) 234-7600

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

COVER SHEET
SCALE: NTS

CV-2
1 OF 8

## GENERAL POOL NOTES

1. ALL CORNERS SHALL HAVE A MINIMUM OF 30 DEGREE ANGLE.

2. ALL PROTRUDING CORNERS SHALL HAVE A MINIMUM RADIUS OF 3 INCHES.

3. THE UPPER INLET OF POOL WALL SHALL BE WITHIN 1 DEGREE OF VERTICAL FOR A MINIMUM DEPTH OF 2.5 FEET.

4. THE RADIUS JOINING THE POOL WALLS AND FLOOR SHALL NOT EXCEED 2.5 FEET.

5. THE MAXIMUM STEPS SHALL BE UNIFORM, WITHIN +/- INCHES IN THE WIDTH AND HEIGHT.

6. NO OBSTRUCTION SHALL BE OVER THE POOL (2.5) THINK FOOT FROM THE POOL FLOOR AND AT LEAST 4 FOOT ABOVE THE POOL WATER SURFACE.

7. POOL PERIMETER OBSTRUCTION SHALL NOT EXCEED 10 PERCENT OF TOTAL POOL PERIMETER AND USE PROTECTED BY A BARRIER TO DISCOURAGE PATRON ACCESS.

8. PLUMBING LAY OUT SHALL BE SUBMITTED TO ENSURE PROPER INSTALLATION PROVIDE ADDITIONAL PLUMBING, FITTINGS, OR VALVE NECESSARY FOR COMPLETION. ALL EQUIPMENT SHALL BE INSTALLED TO MANUFACTURES REQUIREMENTS.

9. ALL PLASTIC PLUMBING THAT IS EXPOSED TO DIRECT SUNLIGHT SHALL BE CONSTRUCTION PROTECTION.

10. A & F (S.) SHALL BE LOCATED WITHIN 20 FEET OF THE POOL AND NO CLOSER THAN 10 FEET.

11. PROVISIONS OR SERVICE AREAS FOR FOOD OF DRINKING SHALL NOT BE LOCATED WITHIN 10 FEET OF WATERS EDGE.

12. ALL PLUMBING SHALL BE SCHEDULE 40, AND NSF APPROVED FOR POTABLE WATER, UNLESS OTHERWISE NOTED.

13. A RINSE SHOWER SHALL BE PLACED ON THE POOL DECK, WITHIN 20 FEET OF POOL.

14. THE INTERIOR OF THE POOL SHALL BE FINISHED WITH A WHITE IMPERVIOUS MATERIAL, LIGHT IN COLOR, NON-TOXIC, SMOOTH, AND SUFFICIENTLY IMPERVIOUS PLASTER.

15. THE POOL WALLS AND FLOORS SHALL BE CONSTRUCTED OF ASBESTOS BASED CONCRETE.

16. A BARRIER/OPEN FENCING SHALL ENCLOSE THE POOL AREA PERIMETER. THE GATE SHALL BE OF SELF-CLOSING, SELF-LATCHING. DESIGN THE LATCH SHALL BE LOCATED 54 INCHES ABOVE THE BOTTOM BOARD OR RAIL OF 3 INCHES BELOW THE TOP OF HORIZONTAL RAIL.

17. FENCE DOES NOT ALLOW PASSAGE OF A 4 INCH DIAMETER SPHERE.

18. ALL ACCESS GATES TO POOL AREA SHALL OPEN AWAY FROM THE POOL.

19. ACCESS SHALL HAVE THE BARRIER FOR FORCE FROM DWELLING UNITS SUCH AS HOMES, APARTMENTS, MOTEL ROOMS AND HOTEL ROOMS SHALL BE THROUGH SELF CLOSING, SELF LATCHING LOCKABLE GATES OF MINIMUM HEIGHT FROM THE FLOOR OR GROUND WITH THE LATCH LOCATED A MINIMUM OF 54 INCHES FROM THE BOTTOM OF THE GATE OR AT LEAST 3 INCHES BELOW THE TOP OF THE GATE ON THE POOL SIDE.

20. ALL RECIRCULATION AND TREATMENT EQUIPMENT SHALL BE TESTED AND APPROVED USING THE N.S.F. STANDARD NUMBER 50 FOR CIRCULATION SYSTEM COMPONENTS AND RELATED MATERIALS FOR SWIMMING POOLS SPAS HOT TUBS IN APPROPRIATE TESTING FACILITY I.E. FILTERS, RECESSED AUTOMATIC SWIMMERS, IONIZERS, OZONE GENERATORS, HEATERS, DISINFECTION FEEDERS, AND CHLORINE GENERATORS.

## BATHROOM NOTES

1. SWIMMERS SANITARY FACILITIES SHALL BE PROVIDED AND LABELED FOR EACH SEX AND MUST BE LOCATED WITHIN A 200 RADIUS OF THE NEAREST WATERS EDGE OF EACH POOL SERVED BY THE FACILITIES.

2. MINIMUM TOILET FACILITIES SHALL BE PROVIDED BY THE GENERAL CONTRACTOR.

3. TOILET FLOORS SHALL HAVE NON-SLIP FINISH, SLIP RESISTANT FINISH AND POSITIVE SLOPE TO FLOOR DRAINS. THE INTERSECTION BETWEEN THE FLOOR AND THE WALLS MUST BE COVED.

4. POST ROOM FACILITIES ARE THE MINIMUM REQUIRED PER CHAPTER 10-D OF THE FLORIDA ADMINISTRATIVE CODE AND DO NOT NECESSARILY MEET A.D.A. HANDICAP REQUIREMENTS OR ANY OTHER CODES.

5. PROVIDE A 4000 SQ FT WITH MINIMUM DRAINAGE NEAR TOILETS FOR FREQUENT CLEANING.

6. PROVIDE A SIGN AT POOL SIDE SHOWING DIRECTION TO TOILETS IF TOILETS ARE NOT VISIBLE FROM POOL DECK.

7. PROVIDE AN IMPERVIOUS, SLIP RESISTANT FINISH FOR WALKWAY FOR 10 MINIMUM FROM WATERS EDGE TO WARD TOILETS.

8. 1 WC - 1 URINAL PT REQUIRES MENS TOILETS, & 2 WC, WOMENS 1 LAVATORY & WC.

## DEPTH MARKER NOTES

1. DEPTH MARKERS SHALL INDICATE THE ACTUAL DEPTH WITHIN 6 INCHES.

2. ALL DEPTH AND "NO DIVING" MARKERS SHALL BE TILE.

3. DEPTH MARKERS SHALL BE VISIBLE FROM INSIDE THE POOL AND FROM THE POOL DECK.

4. ALL MARKINGS THAT ARE ON POOL HORIZONTAL SURFACES SHALL BE SLIP RESISTANT.

5. DEPTH MARKERS SHALL CONSIST OF 4 INCH NUMERALS AND NUMBERING TO CONSTANT THE FULL OR ABBREVIATED WORDS "FEET" UP TO 2 INCHES.

6. DEPTH MARKERS SHALL BE LOCATED ON BOTH SIDES OF THE POOL AT THE SHALLOW END, SLOPE BREAK, DEEP END WALL, AND DEEP POINT.

7. DEPTH MARKERS SHALL BE AT A MAXIMUM 25 FOOT INTERVALS ALONG THE POOL PERIMETER.

8. DEPTH MARKERS SHALL BE LOCATED ON THE INSIDE VERTICAL POOL WALL 12" OR ABOVE THE WATER.

9. DEPTH MARKERS ON OPEN GUTTER POOL SHALL BE LOCATED ON THE BACK OF THE GUTTER WALL.

10. DEPTH MARKERS SHALL BE LOCATED ON THE HORIZONTAL POOL DECK WITHIN 2 FEET OF WATERS EDGE.

11. DEPTH MARKERS SHALL BE LOCATED ON THE POOL INSIDE AND OUTSIDE DARK RIGHT. A DEPTH MARKER SHALL BE LOCATED ON TOP OF THE CURB TO REPLACE THE OUTSIDE RISER.

12. "NO DIVING" WARNINGS SHALL BE LOCATED ON THE BOTH SIDES OF THE POOL (8) CURB TOP OR DECK WITHIN 2 FEET OF WATERS EDGE WITH A MAXIMUM SPACING OF 25 FEET.

13. ON NO DIVING MARKERS THE LETTERS "NO DIVING" SHALL BE AT LEAST 4 INCH HIGH AND CONTRASTING, OR 4 1/2 INCH TILE WITH A MINIMUM 4 INCH RED DISTINCTIONAL "SLOPING" SYMBOL.

## EQUIPMENT ROOM NOTES

1. EQUIPMENT ROOM SHALL BE PROTECTED FROM UNAUTHORIZED ENTRY AND HEATER ON AT LEAST 3 SIDES WITH HOSEBIBB PROTECTION.

2. THE EQUIPMENT ROOM SHALL BE CONSTRUCTED OUT OF CONCRETE OR OTHER NON-ABSORBENT MATERIAL HAVING A SMOOTH, SLIP RESISTANT FINISH.

3. THE EQUIPMENT ROOM SHALL BE SLOPED UNIFORMLY TO A FLOOR DRAINAGE OF 1/8 INCH PER FOOT IF NEEDED.

4. THE EQUIPMENT ROOM SHALL HAVE FORCED DRAFT VENTILATION OR ADEQUATE DRAIN VENTILATION.

5. EQUIPMENT ROOM BELOW GRADE SHALL HAVE FORCED DRAFT VENTILATION OF FAULT LOUVERED DOOR WITH VENT LOUVERS ON AT LEAST ONE OTHER SIDE OF THE ROOM.

6. EQUIPMENT ROOM SHALL HAVE A MINIMUM ACCESS OF 4 FEET BY 4 FEET AND SHALL PROVIDE EASY ACCESS TO THE EQUIPMENT.

7. EQUIPMENT ROOM SHALL HAVE A HOSE BIBB WITH A VACUUM BREAKER FOR FREQUENT CLEANING.

8. EQUIPMENT ROOM SHALL HAVE A MINIMUM 8 FEET CEILING HEIGHT OF 7 FEET.

9. EQUIPMENT ROOM SHALL HAVE LIGHTING THAT PROVIDES A 10 FOOT-CANDLES OF ILLUMINATION AT THE FLOOR LEVEL.

10. CHEMICAL STORAGE SHALL BE PROTECTED FROM UNAUTHORIZED ENTRY AND PLACED IN A WELL VENTILATED AREA.

## POOL ELECTRICAL NOTES

1. ELECTRICAL WORK SHALL COMPLY WITH N.E.C. CODES AND LOCAL COUNTY/CITY CODES.

2. ELECTRICAL BONDING INSTALLATION AND GROUNDING OF POOL COMPONENTS SHALL BE DONE BY A LICENSED ELECTRICAL CONTRACTOR.

3. AN ELECTRICAL POOL PERMIT AND INSPECTION IS NEEDED FOR THE POOL GROUNDING AND BONDING.

4. OVERHEAD SERVICE WIRING SHALL NOT BE WITHIN 15 FEET HORIZONTALLY OF POOL WALLS OR DECK UNLESS IN CONDUIT.

5. POOL UNDERWATER LIGHTING SHALL BE 42 WATTS PER WATER SURFACE SQUARE FEET IF POOL IS TO BE USED FOR NIGHT SWIMMING.

6. OVERHEAD LIGHTING FOR NIGHT SWIMMING SHALL BE 3 FOOT CANDLES AT WATER AND EDGE LEVEL.

7. ELECTRICAL CONDUIT RUNS SHALL NOT BE LONGER THAN 50 FEET TO THE TRANSFORMER.

8. TRANSFORMERS SHALL BE MOUNTED AT LEAST 8" ABOVE THE WATER LEVEL IN THE POOL.

9. UNDERWATER LIGHTS SHALL NOT EXCEED 100 WATTS AND 12 VOLTS.

10. A SWITCH FOR THE LIGHTS SHALL BE SPECIFIED BY OWNER (I.E. PHOTOCELL SWITCH OR TIMER).

11. ALL EQUIPMENT IS RATED FOR (208/230) VOLTS.

12. TRANSFORMER SHALL BE PROVIDED BY POOL CONTRACTOR AND INSTALLED BY ELECTRICAL CONTRACTOR.

13. CHEMICAL PUMPS SHALL BE WATER SOLID WITH ICE PUMP TO RUN AND SHUT DOWN WHEN FILTER PUMP GOES ON.

## POOL RULE SIGN

1. POOL RULE SHALL BE POSTED IN 1 INCH HIGH LETTERING AND MUST BE LEGIBLE FROM THE POOL DECK AND CONTAIN THE FOLLOWING:
   1. NO FOOD, DRINK, GLASS OR ANIMALS IN POOL OR ON POOL DECK
   2. BATHING LOAD ____ PERSONS
   3. POOL HOURS ____ A.M. TO ____ P.M.
   4. SHOWER BEFORE ENTERING
   5. DO NOT SWALLOW THE POOL WATER
   6. * IF POOLS IS NOT APPROVED FOR DIVING, 4 INCH HIGH LETTERS STATING "NO DIVING" SHALL BE POSTED ALONG WITH OTHER RULES.

## DECK NOTES

1. POOL DECK SHALL HAVE A MINIMUM SLOPE OF 1/4 INCH A MAXIMUM OF 1/2 INCH UNIFORM SLOPE AWAY FROM THE POOL OR TO DECK DRAINS.

2. POOL DECK SHALL BE CONSTRUCTED OF IMPERVIOUS MATERIAL WITH A SLIP RESISTANT FINISH.

3. THE POOL DECK IS NOT MORE THAN 12" BELOW THE CURB OF THE POOL IF CURB IS REQUIRED.

4. POOL DECK SHALL HAVE A MINIMUM OF 4 WIDTH OF UNOBSTRUCTED DECK AROUND THE PERIMETER OF THE POOL UNLESS HANDRAILS, HANDGRIPS, DIVING BOARDS, SLIDES, FOUNTAINS AND RAISED WALLS.

5. OBSTRUCTIONS AROUND THE POOL PERIMETER SHALL BE KEPT TO A MAXIMUM OF 10% OF THE POOL PERIMETER. OBSTRUCTIONS SHALL BE DESIGNED OR PROVIDED WITH A BARRIER TO PREVENT ACCESS.

6. OBSTRUCTION SHALL HAVE A 4-6 WALKWAY SPACE OR THROUGH THOW WITHIN 10' OF WATERS EDGE.

7. A HOSE BIBB WITH VACUUM BREAKER SHALL BE INSTALLED IN THE VICINITY OF THE POOL DECK WITH A POTABLE WATER SOURCE FOR FREQUENT CLEANING.

8. VERTICAL CLEARANCE ABOVE THE ENTIRE POOL DECK SHALL BE A MINIMUM OF 7 FEET.

9. THE POOL DECK SHALL HAVE 3 FOOT CANDLES OF ILLUMINATION IF POOL IS USED AT NIGHT.

10. WOOD IS NOT ALLOWED FOR DECKING OF EXPANSIVE JOINTS IN POOL DECK.

| ABBREVIATIONS | |
|---|---|
| MARKER | MKR |
| BENCH MARK | BM |
| DEPOSIT TO MAIN DIST | $ TO |
| CENTER LINE | CL |
| CHECK VALVE | CV |
| CLEANING | CLN |
| CONCRETE | CONC |
| DECK DRAIN | DRAIN |
| DUAL FLUE | DU FLT |
| DEPARTMENT OF HEALTH | DOH |
| EAST | E |
| FOOT | FT |
| ELEVATION | EL |
| ENVIRONMENTAL PROTECTION AGENCY | EPA |
| FILTRATION | FILT |
| FAHRENHEIT | F |
| FEET | FT ( ' ) |
| FOOT | FT ( ' ) |
| GALLONS PER MINUTE | GPM |
| GAUGE | GA |
| GALLON | GAL |
| GENERAL | GEN |
| GOVERNMENT | GOVT |
| HEAT | HT |
| HORSEPOWER | HP |
| HYDRANT | HYD |
| INCH | IN ( " ) |
| INSIDE DIAMETER | I.D. |
| INFORMATION | INFO |
| LABORATORY | LAB |
| LAVATORY | LAV |
| LIGHT | L |
| MAINTENANCE | MTN |
| MINIMUM | MIN |
| NORTH | N |
| NOISE | N |
| NUMBER | NO |
| OUNCE | OZ |
| OUTSIDE DIAMETER | O.D. |
| OVER FLOW | O.F. |
| POUNDS PER SQUARE INCH | P.S.I. |
| PUMP | P |
| PRESSURE | PRESS |
| PLUMBING | PLMB |
| RETURN | RTN |
| REFERENCE LINE | RL |
| RETAIN | R |
| SUMMER | SM |
| SOUTH | S |
| SQUARE | SQ |
| SQUARE FEET | SF |
| SUCTION | SUC |
| SUPPLY | SU |
| TOP OF DECK | T.O.D. |
| TOTAL DYNAMIC HEAD | TDH |
| THICK | THK |
| UNION | U |
| VOLT | V |
| VOLUME | VOL |
| WATER CLOSET | WC |
| WEST | W |
| WEIR | W |
| YARD | YD |

| LEGEND | |
|---|---|
| | FLOOR RETURN INLET |
| | GUTTER FITTING |
| | STATIC INLET |
| | VACUUM INLET |
| | WALL RETURN INLET |
| | SKIMMER |
| | MAIN DRAIN |
| | DEPTH MARKER |
| | NO DIVING MARKER |
| | UNDERWATER LIGHT |
| | LADDER |
| | HAND RAIL |
| | SAFETY EQUIPMENT |
| | FLOW METER |
| | PRESSURE GAUGE |
| | THERMOMETER |
| | 3-WAY VALVE |
| | 2-WAY VALVE |
| | CHECK VALVE |
| | FLOW DIRECTION |
| | WATER DEPTH INDICATOR |

COX POOLS

17587 Ashley Dr
Panama City Beach, FL
Tel 850 234 7666

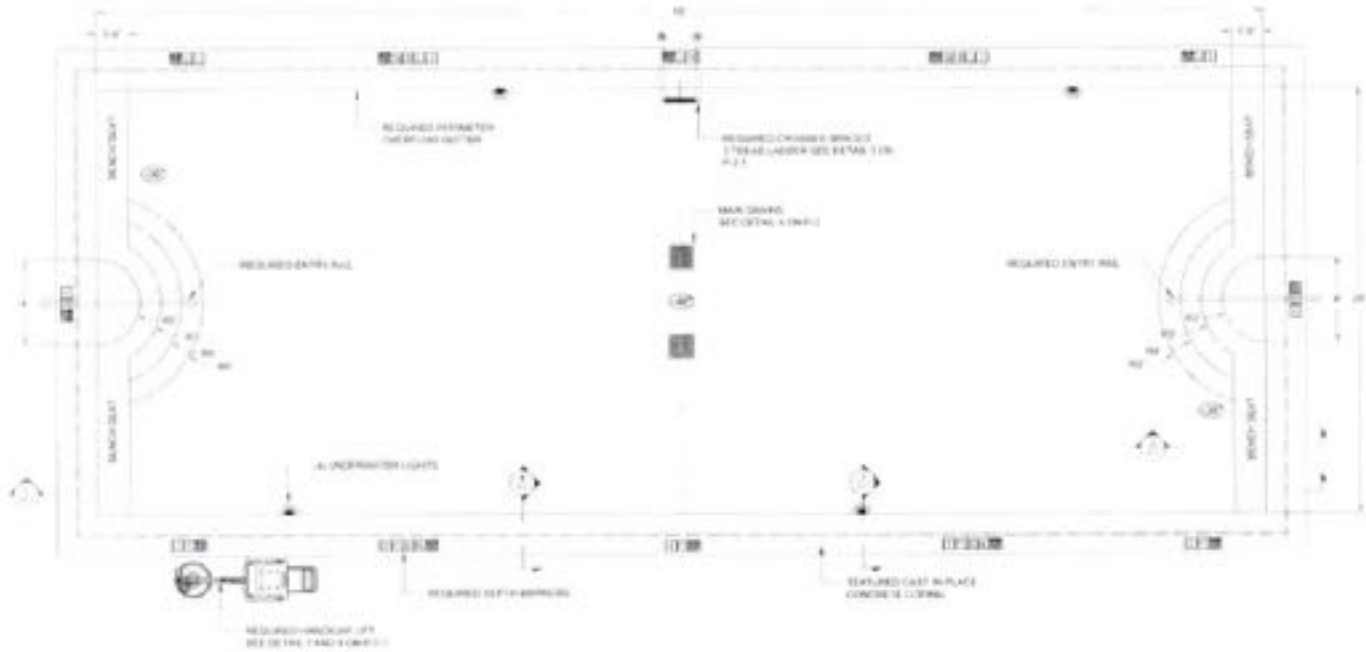
EASTPOINT CAMP GR.
EAST POINT
FRANKLIN COUNTY, FL

GENERAL NOTES
SCALE: NTS

CV-2
2 OF 8


COX POOLS
EASTPONT CAMP GR.
EAST POINT
FRANKLIN COUNTY, FL
SITE PLAN
SCALE: AS SHOWN
SP-1
BBALL COURT
WOMENS BATH
MENS BATH
LAUNDRY
COASTAL SUITE #4
COASTAL SUITE #3
COASTAL SUITE #2
COASTAL SUITE #1
ARM "ITY AREA"
PROPANE FILLING STATION
FENCE BARRIER
CHECK IN
COTTAGE
39.00'
12.00'
41.38'
39.65'
30.06'
846.49'
851.
70.18'
71.96
42.14'
SCALE: 3/32" = 1'-0"
1 SITE PLAN

POOL SPECIFICATIONS



1 POOL PLAN

SCALE: 3/8" = 1'-0"

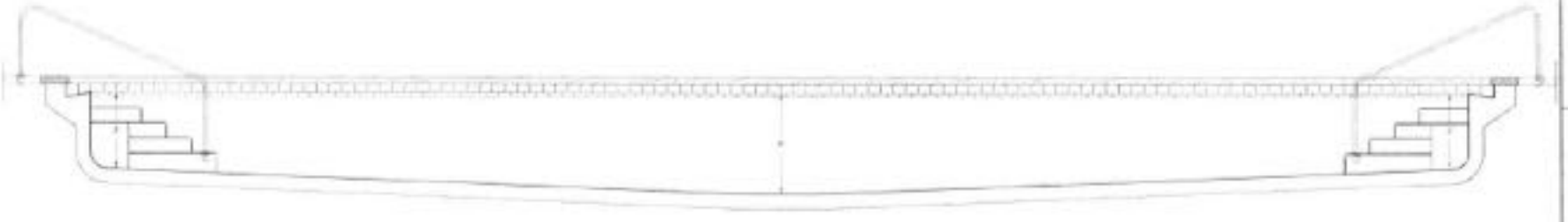
COX POOLS

17687 Ashley Dr
Panama City Beach, FL
Tel: 850.234.7600

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

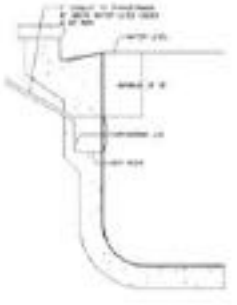
POOL PLAN
SCALE: AS SHOWN

P-1
4 OF 5



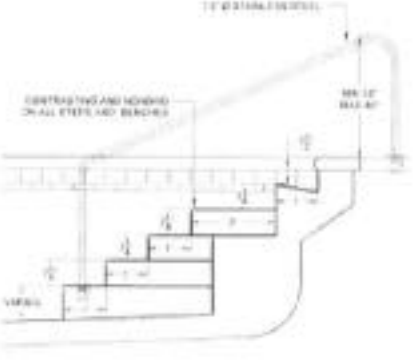
1 POOL SECTION

SCALE: 1/2" = 1'-0"



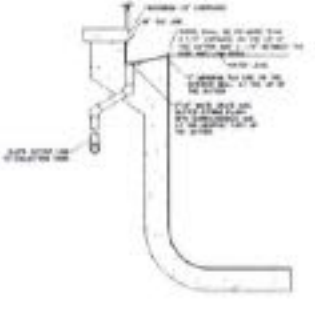
1 LIGHT NICHE DETAIL

SCALE: 3/4" = 1'-0"



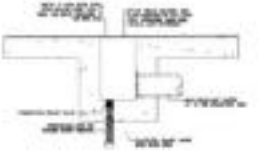
2 STAIR / RAIL DETAIL

SCALE: 3/4" = 1'-0"



3 GUTTER DETAIL

SCALE: 3/4" = 1'-0"



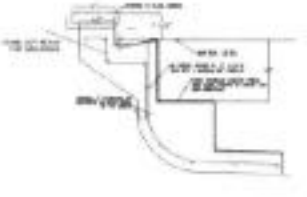
4 MAIN DRAIN DETAIL

SCALE: 3/4" = 1'-0"



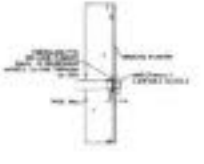
5 SUMP DETAIL

SCALE: 3/4" = 1'-0"



6 BENCH DETAIL

SCALE: 3/4" = 1'-0"



7 WALL INLET DETAIL

SCALE: 1" = 1'-0"



8 STEEL DETAIL

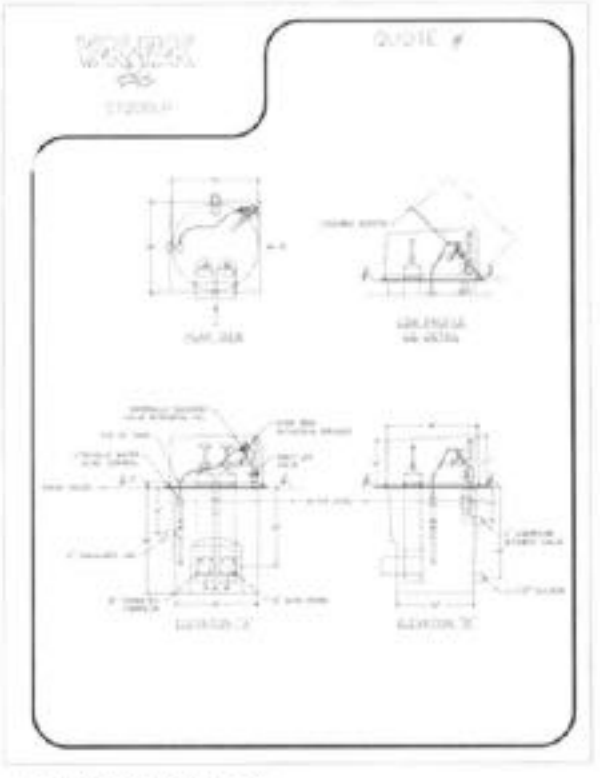
SCALE: 3/4" = 1'-0"

COX POOLS

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

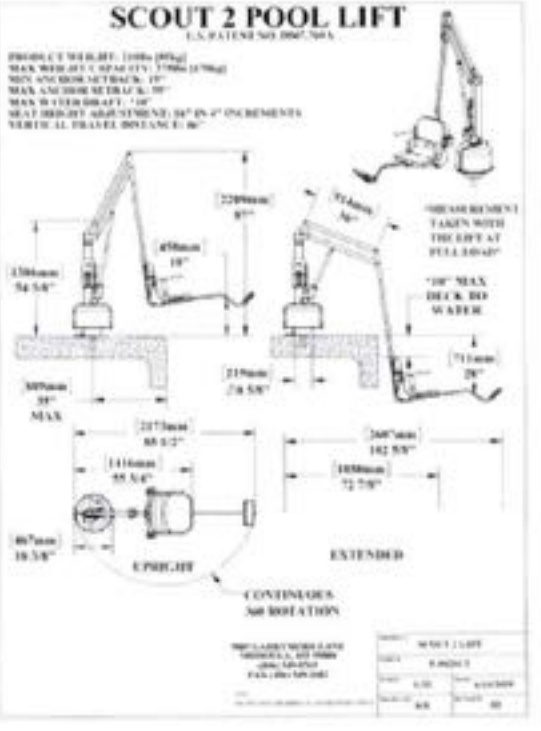
DETAILS
SCALE: AS SHOWN

P-2
5 OF 6



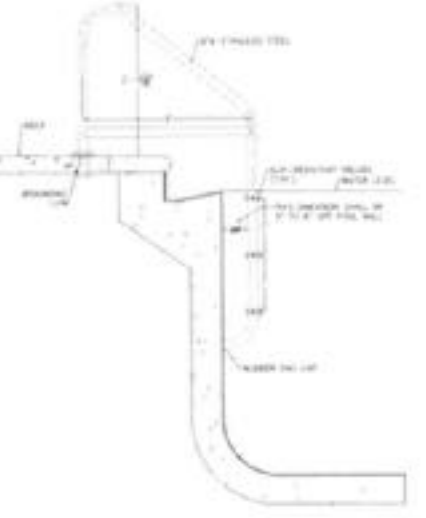
1 COLLECTION TANK DETAIL

SCALE: N.T.S.



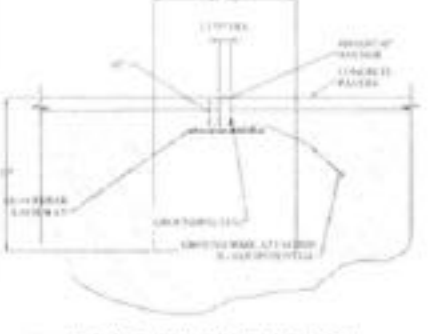

2 HANDICAP LIFT DETAIL

SCALE: N.T.S.



3 3 TREAD LADDER DETAIL

SCALE: 1" = 1'



4 HANDICAP LIFT ANCHOR DETAIL

SCALE: 1" = 1'

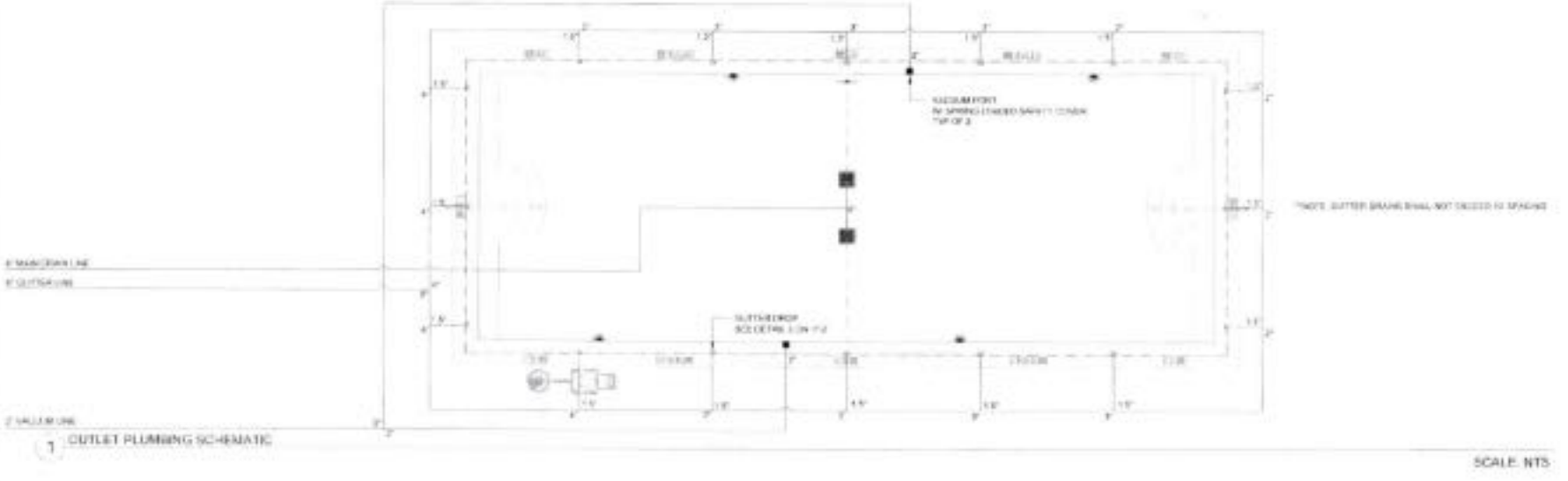
COX POOLS

13607 Ashley Dr
Panama City Beach, FL
Tel 850.234.7800

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

DETAILS
SCALE: AS SHOWN

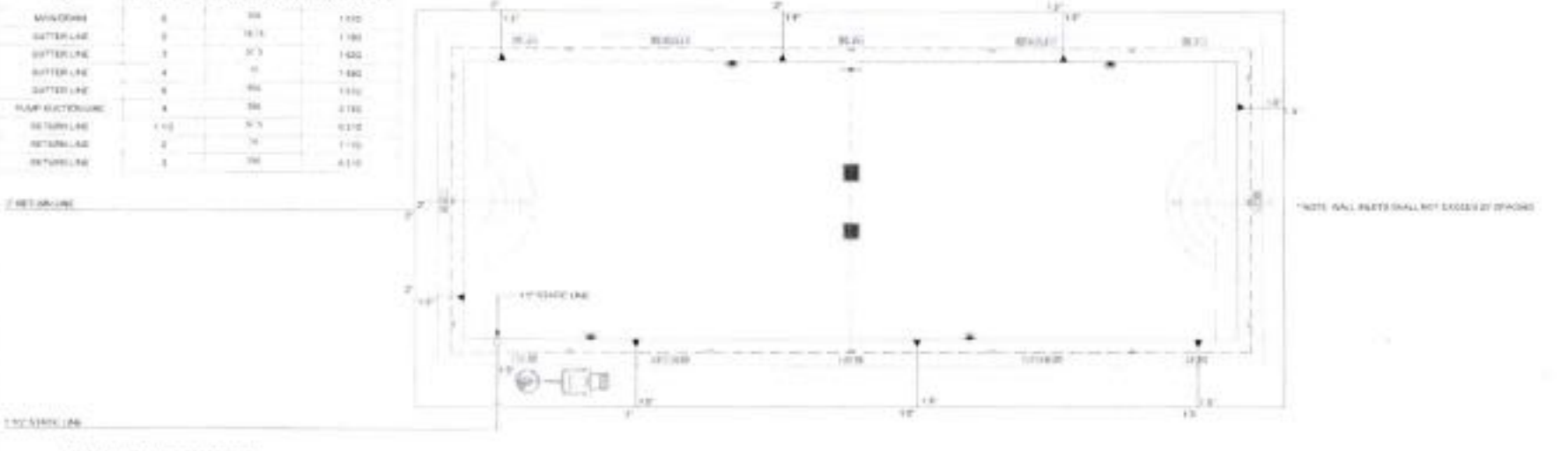
P-2.1
6 OF 9



1 OUTLET PLUMBING SCHEMATIC

SCALE: NTS

| TYPE | PIPE SIZE INCH | DESIGN FLOW (GPM) | VELOCITY (FT/SEC) |
|---|---|---|---|
| MAIN DRAIN | 6 | 304 | 1.55 |
| GUTTER LINE | 3 | 76.5 | 1.56 |
| GUTTER LINE | 3 | 57.3 | 1.63 |
| GUTTER LINE | 4 | 77 | 1.56 |
| GUTTER LINE | 6 | 304 | 1.55 |
| PUMP SUCTION LINE | 6 | 304 | 2.55 |
| RETURN LINE | 1-1/2 | 76.5 | 6.24 |
| RETURN LINE | 2 | 76 | 3.92 |
| RETURN LINE | 3 | 304 | 4.24 |



2 INLET PLUMBING SCHEMATIC

SCALE: NTS

COX POOLS

17067 Ashley Dr
Panama City Beach, FL
Tel: (850) 234-7665

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

PLUMBING PLAN
SCALE AS SHOWN

P-3
7 OF 8

## PUMP SCHEDULE

| APPLICATION | QTY. | PRODUCT CLASS | MODEL # | HP | GPM | TDH | H.P. | PHASE | VOLTAGE | AMP |
|---|---|---|---|---|---|---|---|---|---|---|
| CIRCULATION PUMP | 2 | SELF PRIMING | SUPERMAX | 1.5 | 60 | 50 | 1.5 | 1 | 208/230 | 13.9/12.1 |

* ALL PUMPS SHALL BE SELF PRIMING (UNLESS OTHERWISE NOTED) AND EQUIPPED WITH STRAINER.

## FILTER SCHEDULE

| APPLICATION | FILTER MODEL | QTY. | PRODUCT CLASS | MODEL # | SIZE | TOTAL AREA (SQ.FT.) | FILTRATION CAPACITY (GPM) | DESIGNED FLOW RATE (GPM) | GPM PER SQ.FT. |
|---|---|---|---|---|---|---|---|---|---|
| POOL FILTER | SAND | 2 | SELF CLEANING | S.S. | SLOTTED | 7.5 | 150 | 120 | 16 |

## DISINFECTANT & SANITATION

| APPLICATION | QTY. | PRODUCT CLASS | MODEL # | TYPE | FEED RATE | DESIRED FLOW RATE (GPM) | PPM | GPM | NOTES |
|---|---|---|---|---|---|---|---|---|---|
| CHLORINE GAS CHLORINATOR (WHERE APPLICABLE) | 1 | ELECTRIC | AUTOMATIC | LIQUID | AUTOMATIC | 1.0 | 1.5 | N/A | FLOW PACED SOLUTION FEEDER |
| PH ADJUSTMENT SYSTEM | 1 | ACID SOLUTION | AUTO | CHEMICAL | MANUAL/AUTO | 0.25 | 0.4 | 0.1 | N/A |

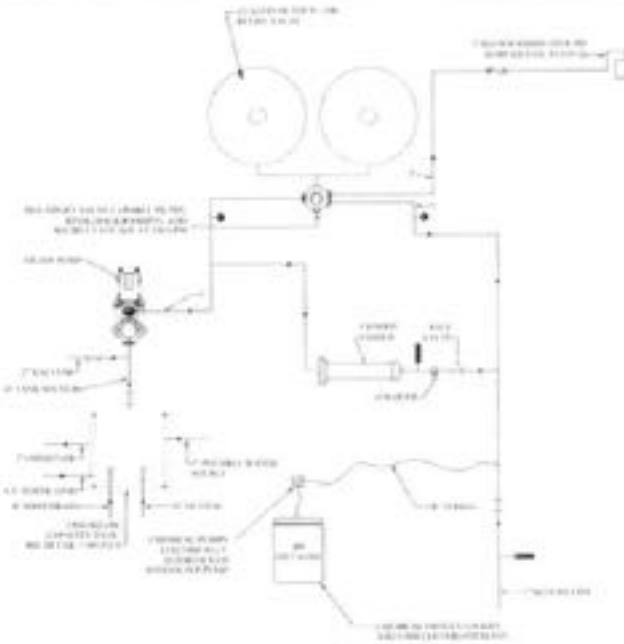
* ALL EQUIPMENT TO COMPLY WITH LOCAL & STATE CODES AND REGULATIONS.

## GEN. EQUIPMENT LIST

| APPLICATION | QTY. | PRODUCT CLASS | MODEL # | TYPE | DESCRIPTION |
|---|---|---|---|---|---|
| POOL MAIN DRAIN | 1 | N/A | N/A | CIRCUIT | 12"x12"x12" SUMP W/ 4" PVC S x S & 2" STAINLESS STEEL GRATE |
| MULTIPORT VALVE | 1 | DE VALVE | N/A | ELECTRIC | 72" MAGNUM MULTIPORT VALVE |
| POOL FILTER SYSTEM(S) | 10 | TANK | N/A | GENERAL | 2'6" X 12' (30") D.E.PREAD & GRAVEL WASH, & BACKWASH @ 15 GPM/SQ.FT. |
| POOL MAIN DRAIN GRATE | 1 | GRATE | N/A | WATERWAY | 12"x12" DRAIN, & GRATE, WATER PERFORMING, MAX 250 GPM @ 1.5 FEET/SEC. & 60 GPM/SQ. FT. AREA ASSUMED AT 1.5 FEET/SEC. APPROVED |
| HYDROSTATIC RELIEF VALVE | 1 | VALVE | N/A | DECORATIVE | 2" S.S. VALVE, BUILT-IN GATE, WHITE |
| POOL LIGHTS | 2 | 400 LT | 120/208/230 | INSTALL | 320v, 400W, 30' W.S.A. Cord, Bonding Lug, Underwater |
| WATER PRESSURE GAUGES | 6 | N/A | N/A | 1-1/4 GAUGE | 1-1/4" Face W. Gauge Ft. Bourdon |
| POOL CHEMICAL FEEDER | 1 | TANK | N/A | FEEDER, 15 GALLON | 15 Gallon Capacity & Stainless Contruction |
| CHLORINATOR | 1 | GAS | CHLORINE | WITH ANTI SIPHON | With 4" PVC Solid Sched 40 Pipe |
| VACUUM SYSTEM | 1 | LIFETIME | N/A | INSTALL | 1.5 HP Self Priming Trash Pump |
| DEICER | 1 | N/A | 4-2000 | 1 STAGE | 2000 W & 4 Outlets 208-230 Volts, 60 Hz, 4 Amps |
| POOL CLEANER | 1 | FLEX HOSE | N/A | AS NEEDED | 1 Valve Vac Control, Suction Side Automatic Pool Cleaner |
| POOL SKIMMER | 2 | SKIMMER | N/A | AS NEEDED | 8" Throat, 14" Dia. Stainless Steel Cover Ring, 12" Wall Thickness |
| VACUUM HOSE | 1 | N/A | SERVICE KING | PLASTIC | 30 Meter W. 1.5" Dia. |
| VACUUM POLE | 1 | TELESCOPIC | N/A | INSTALL | 8 Section Telescopic Pole, Black |
| VACUUM HEAD | 1 | BRUSH | DELUXE 3 Vac | INSTALL | 14" Vac Pressure Relief |
| SKIMMER BASKET | 1 | BASKET | N/A | INSTALL | Molded Frame Suction Side Basket W. Handle |
| LIFE RING | 2 | N/A | N/A | SET | 30" Diameter W. Rope |
| SAFETY HOOK | 1 | EXTENDS 8 FEET | 4" | INSTALL | 30 Foot W. Breakaway Base |
| SAFETY POLE | 1 | POLE | EXTEN. | INSTALL | 30 Foot Adjustable Length |
| POOL BRUSH | 1 | BRUSH | 18" | INSTALL | 18" Wide Nylon |
| POOL RULE TILE | 1 | RULE | N/A | INSTALL | 18"x24" Complete W. Numbers Meets Requirements |
| WALL RULE TILE | 6 | RULE | N/A | SUBMERGED | 1 Set Required, 6 Sets Min. Meets Requirements |

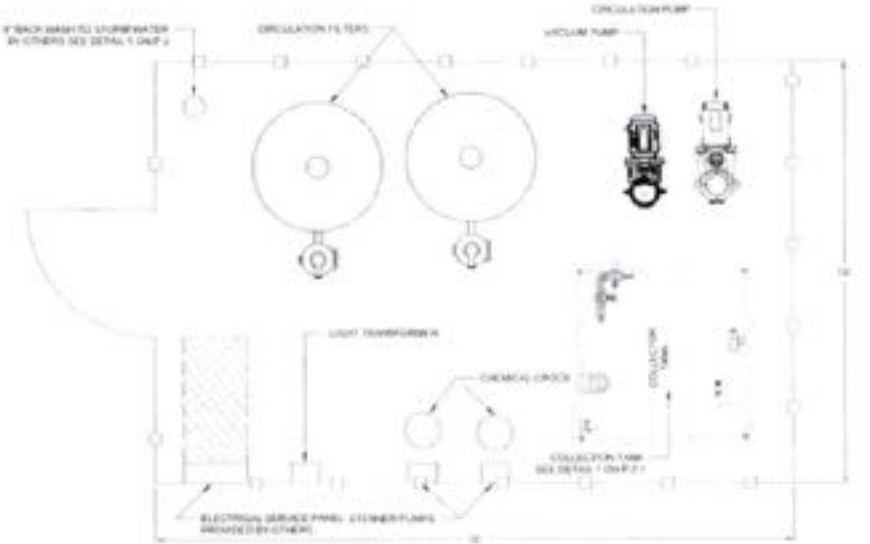
1 EQUIPMENT SCHEDULE

SCALE: N.T.S.



2 EQUIPMENT SCHEMATIC

SCALE: N.T.S.




3 EQUIPMENT LAYOUT

SCALE: 3/4" = 1'-0"

COX POOLS

1 1867 Aubrey Dr
Panama City Beach, FL
Tel 850 234 7600

EASTPOINT CAMPGR.
EAST POINT
FRANKLIN COUNTY, FL

EQUIPMENT PLAN
SCALE: AS SHOWN

P-3.1
5 OF 8

X.

**permits@franklincountyflorida.com**

**From:** commercialpools coxpools.com <commercialpools@coxpools.com>
**Sent:** Thursday, June 25, 2020 5:01 PM
**To:** permits@franklincountyflorida.com
**Subject:** FW: Commercial Pool Application
**Attachments:** Pool Application.pdf; Signed Proposal.pdf; Eastpoint Campground Engineered.pdf

**From:** commercialpools coxpools.com
**Sent:** Thursday, June 11, 2020 9:39 AM
**To:** permits@franklincounty.com
**Subject:** Commercial Pool Application

Hello,

Please find the attached permit application and supporting documents for review. Please forward any questions or concerns.

Sincerely,

*Gina DiMartino*
Executive Assistant
Commercial Construction
Cox Bldg Corp dba Cox Pools
Office: 850-234-7800 ext. 236
Fax: 850-235-7945
License# CPC-056661

- Consideration of a request to construct a Commercial Pool, Pole Barn Activity Center, Men/Women's Bath House, 4 Coastal Suites, Laundry and Check-In Center located at 909 US Highway 98, Eastpoint, Franklin County, Florida. Request submitted by Michael Seamon, Cox Pools, agent for Coastline Rentals, LLC, applicant.

There are 8 parking spaces shown on the site plan. The enclosed structure such as the restrooms will have to meet the flood elevation requirements. There is no indication on the site plan about how the stormwater will be taken care of.

**I recommend approving this commercial site plan subject to receiving any required stormwater permits or exemptions.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 13, 2020

# APPLICATION FOR RE-ZONING & LAND USE CHANGE

**FRANKLIN COUNTY BUILDING DEPARTMENT**

34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PROPERTY OWNER'S NAME: East Point Lands, LLC
MAILING ADDRESS: 183 N. Bayshore Drive City/State/Zip: East Point Fla. 32328
PHONE #: 850-899-3030 CELL #: SAME EMAIL: info@seaguestseafood.com

AGENT'S NAME: Bruce Millender
MAILING ADDRESS: 183 N. Bayshore, Drive City/State/Zip: East Point, Fla. 32328
PHONE #: 850-899-3030 CELL #: 850-899-3030 EMAIL: info@seaguestseafood.com

**PROPERTY DESCRIPTION**: 911 Address: 16 N. Franklin St.
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: 31-08S-06W-0000-1640-0010

**JURISDICTION**: ☑ Franklin County
☐ Apalachicola ☑ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**ACREAGE**: 1.40

**CURRENT ZONING**: _____ **CURRENT LAND USE**: _____

**REQUESTED ZONING**: C-3 **REQUESTED LAND USE**: _____

**LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description)**

**PLANNING & ZONING DATE**: _____

**RECOMMENDED APPROVAL**: ____ **RECOMMENDED DENIAL**: ____ **RECOMMENDED TO TABLE**: ____
**CONDITIONS**: _____

**BOARD OF COUNTY DATE**: _____
**RECOMMENDED APPROVAL**: ____ **RECOMMENDED DENIAL**: ____ **RECOMMENDED TO TABLE**: ____
**CONDITIONS**: _____

**PUBLIC HEARING DATE**: _____
☐ **APPROVED** ☐ **DENIED** ☐ **TABLED**
**CONDITIONS**: _____

**Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of $250.00 for Re-Zoning and $250.00 for Land Use Change. Return to the following address:**

**Franklin County**
**34 Forbes Street, Suite 1**
**Apalachicola, FL 32320**

RECEIVED
JUN 30 2020
BY: AK

# qPublic.net™ Franklin County, FL







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 31-08S-06W-0000-1640-0010 | **Alternate ID** | 06W08S310000164000010 | **Owner Address** | EASTPOINT LANDS, LLC |
| **Sec/Twp/Rng** | -- | **Class** | VACANT | | 185 NORTH BAYSHORE DRIVE |
| **Property Address** | 16 N FRANKLIN ST | **Acreage** | n/a | | EASTPOINT, FL 32328 |
| **District** | 5 | | | | |
| **Brief Tax Description** | A PARCEL BEING 197X107 FRONT<br>(Note: Not to be used on legal documents) | | | | |

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by Schneider GEOSPATIAL

EXHIBIT "B"

Y.

DESCRIPTION:

A parcel of land in Block 102 of an Unrecorded Plat in the Northeast Quarter of Fractional Section 31, T 8 S, R 6 W, Franklin County, Florida, described as follows:

Commence at the Southwest Corner of the Northwest Quarter of said Fractional Section 31, and thence run North along the West boundary of said Northwest Quarter for 407.50 feet to a point on the Northern right of way of U. S. Highway 319; thence North 86°53' East along said right of way line for 700.00 feet; thence Due North along the west right of way line of Franklin Street for 200.00 feet to the Point of Beginning. Thence continue North along said West right of way line for 100.00 feet; thence South 86° 53' West along the Northern right of way line of an Electric Power Line Easement for 150.00 feet; thence Due South for 100.00 feet; thence North 86° 53' East along the Southern boundary of said Power Line Easement for 150.00 feet to the Point of Beginning.

Franklin St

FURTHER DESCRIBED ON EXHIBIT "B" ATTACHED, Survey dated October 13, 2004, Job No. 04-904, by Thurman Roddenberry & Associates, Surveyor:

EXHIBIT "B"

Inst:0200409836 Date:10/21/2004 Time:14:19
Doc Stamp-Deed : 0.70
DC,Kendall Wade,FRANKLIN County B:817 P:701

Y.


# James "Thurman" Roddenberry
## Professional Land Surveyor

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103


October 13, 2004

Legal Description of a 1.40 Acre Tract
For: Bruce Millender

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

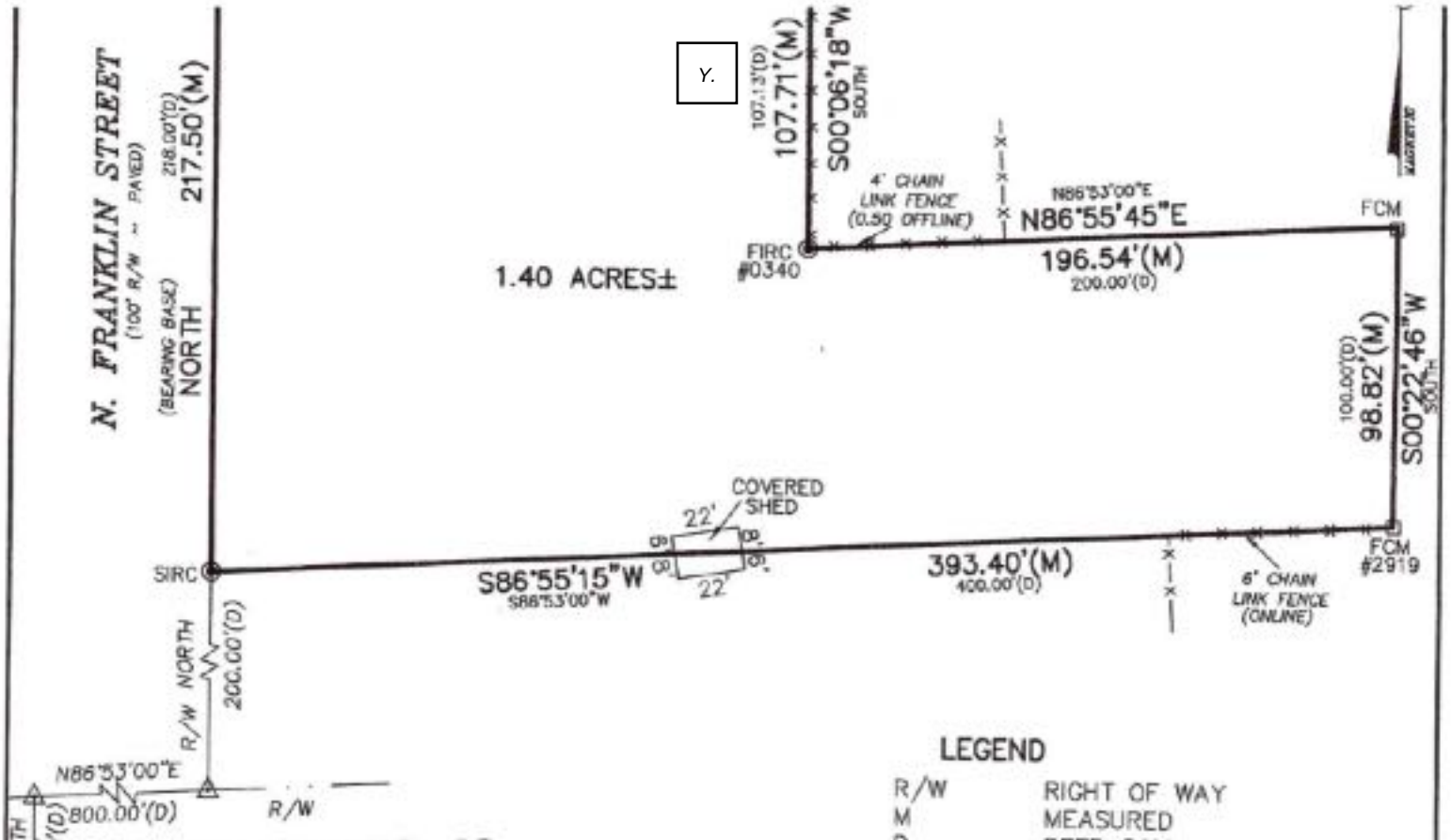
Commence at the Southwest corner of the Northwest quarter of Section 31, Township 8 South, Range 6 West, Franklin County, Florida and run North 407.50 feet to a point lying on the Southerly right-of-way boundary of U.S. Highway No. 319, thence run North 86 degrees 53 minutes 00 seconds East along said right-of-way boundary 800.00 feet to a point lying on the Easterly right-of-way boundary of North Franklin Street, thence run North along said Easterly right-of-way boundary 200.00 feet to an iron and cap (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run North along said right-of-way boundary 217.53 feet to an iron and cap (marked #6475), thence leaving said right-of-way boundary run South 89 degrees 53 minutes 37 seconds East 197.42 feet to an iron and cap (marked #0340), thence run South 00 degree 06 minutes 18 seconds West 107.71 feet to an iron and cap (marked #0340), thence run North 86 degrees 55 minutes 45 seconds East 196.54 feet to a concrete monument, thence run South 00 degrees 22 minutes 46 seconds West 98.82 feet to a concrete monument (marked #2919), thence run South 86 degrees 55 minutes 15 seconds West 393.90 feet to the POINT OF BEGINNING containing 1.40 acres, more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

James T. Roddenberry
Surveyor and Mapper
Florida Certificate No. 4261

04-905

Y.




U.S. HIGHWAY NO: 98
(R/W - PAVED - U.S. HIGHWAY NO: 319)

## POINT OF COMMENCEMENT

SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 8 SOUTH, RANGE 6 WEST FRANKLIN COUNTY, FLORIDA

## LEGEND

| | |
|---|---|
| R/W | RIGHT OF WAY |
| M | MEASURED |
| D | DEED CALL |
| FIRC | FOUND IRON ROD & CAP |
| FCM | FOUND CONCRETE MONUMENT |
| SIRC | SET IRON ROD & CAP #7160 |
| SN&C | SET NAIL & CAP #7160 |
| △ | POINT NOT SET OR FOUND |

NOTES:

1. SURVEY SOURCE: Deed of record and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Easterly right-of way boundary of N. Franklin Street being North as per deed.
3. NO IMPROVEMENTS have been located in this survey as per clients special request.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. See attached sheet for legal description.

FLOOD ZONE INFORMATION:
Subject property is located in Zone X as per Flood Insurance Rate Map Community Panel No: 120088 0532E, Index date: June 17, 2002, Franklin County, Florida

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

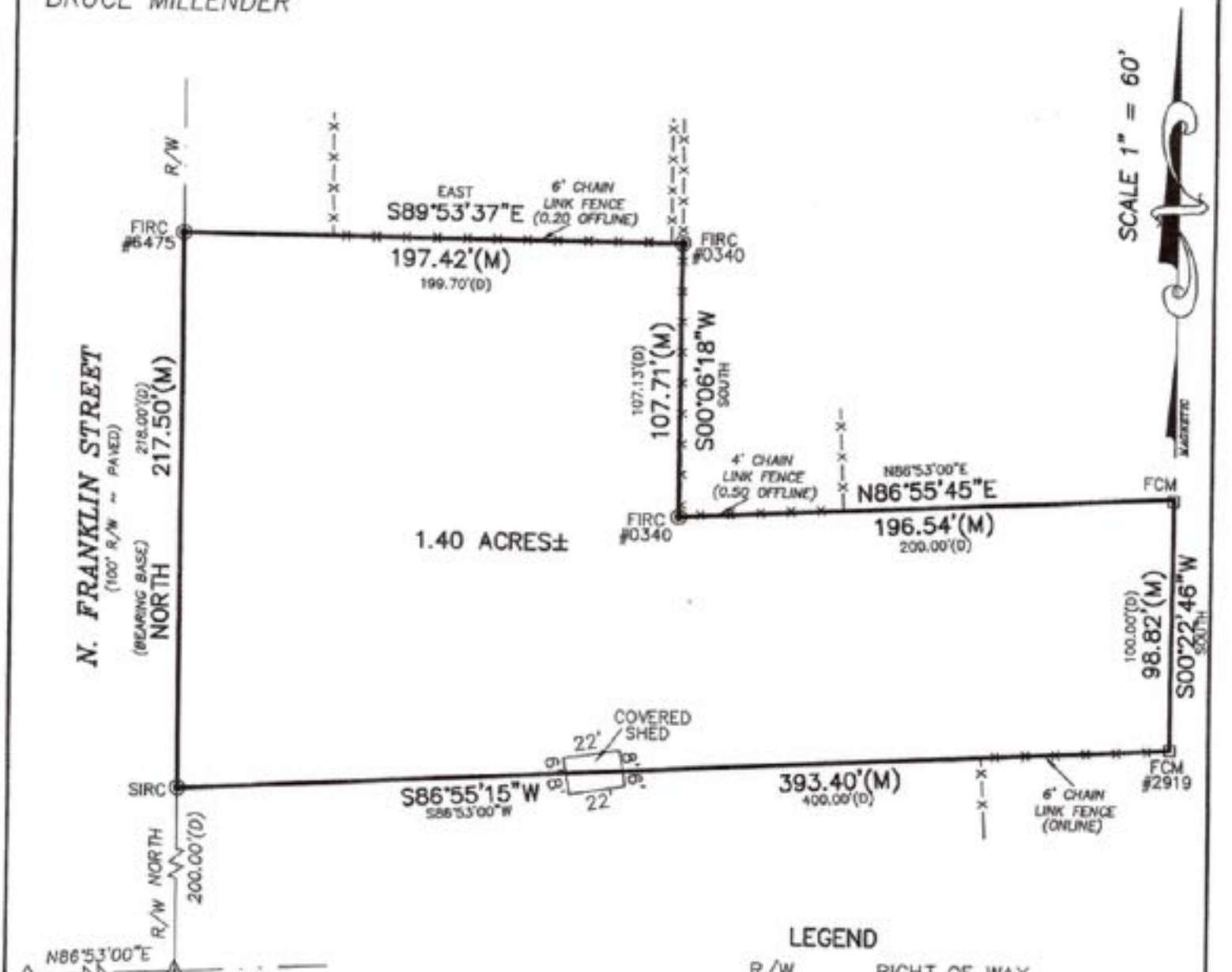
The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4261


Thurman Roddenberry & Associates
Professional Surveyor & Mappers
LB No. 7160
P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358-0100 • (850) 962-2538


| | | | |
|---|---|---|---|
| DATE: 10/13/04 | DRAWN BY: JHR | N.B. 406 pg. 61 | COUNTY: FRANKLIN |
| FILE: 04907.DWG | DATE OF LAST FIELD WORK: 10/12/04 | JOB NUMBER: 04-907 | |

# PLAT OF BOUNDARY SURVEY FOR:
# BRUCE MILLENDER




## POINT OF COMMENCEMENT

SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 8 SOUTH, RANGE 6 WEST FRANKLIN COUNTY, FLORIDA

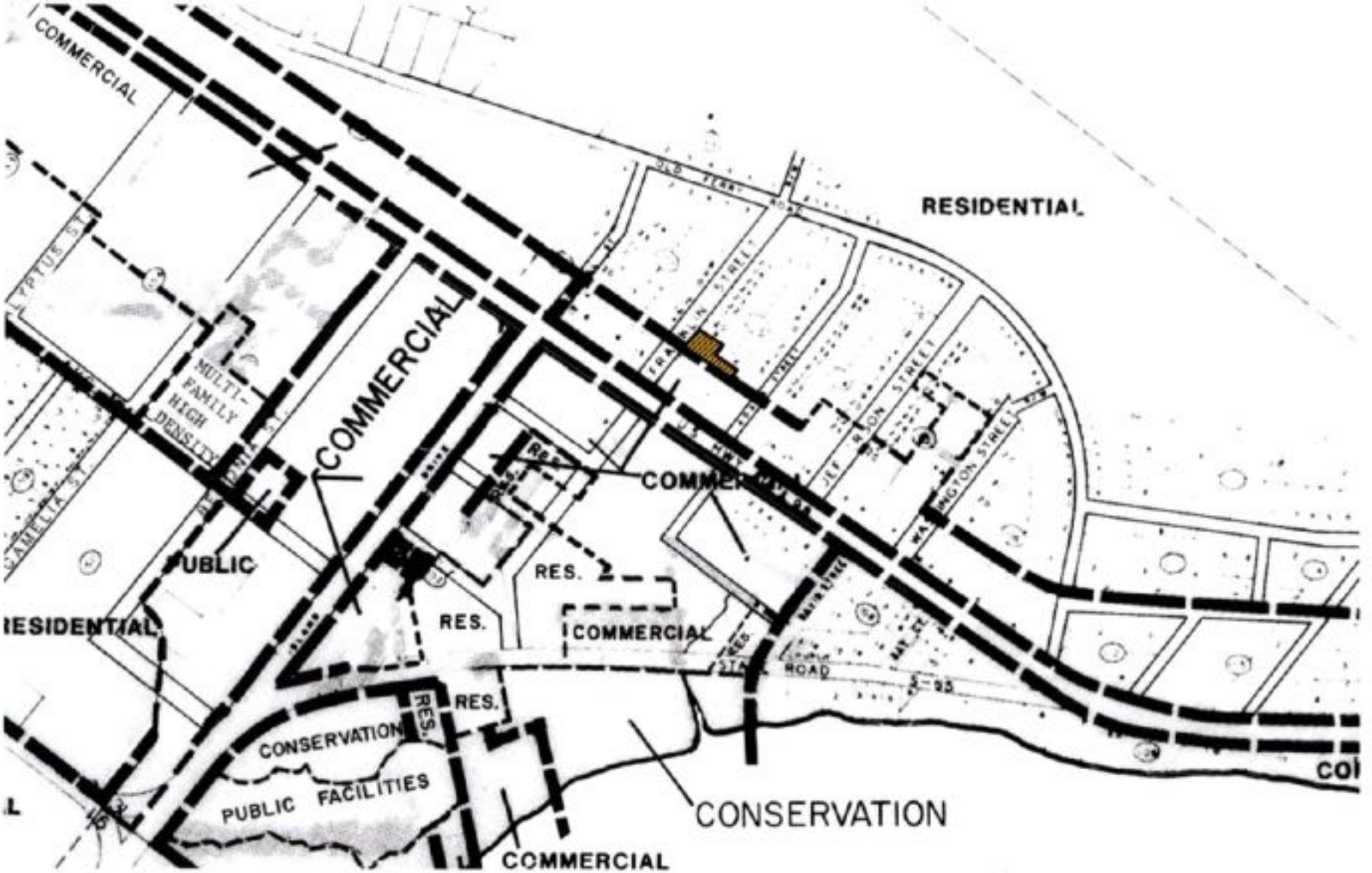
## LEGEND

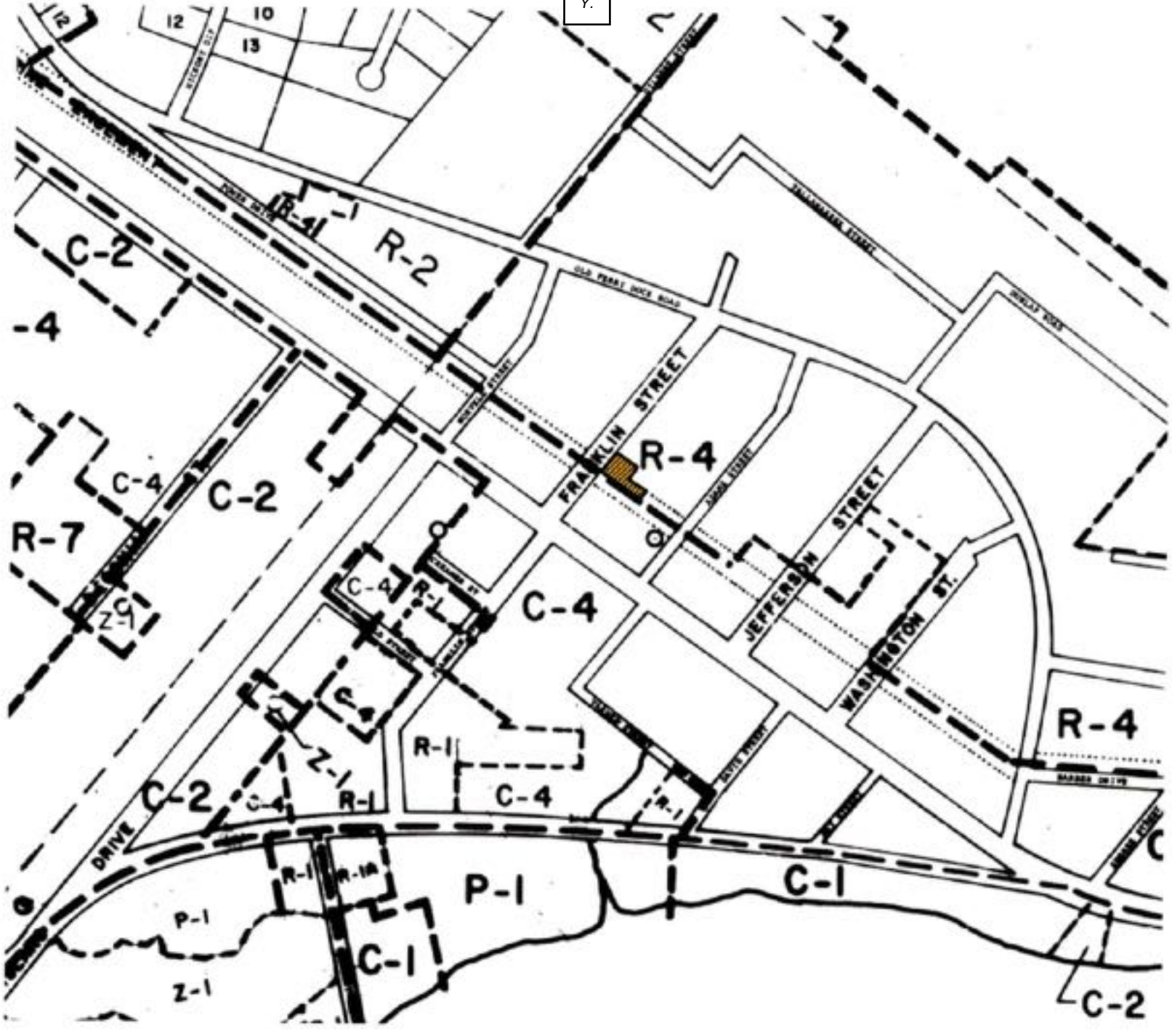
| | |
|---|---|
| R/W | RIGHT OF WAY |
| M | MEASURED |
| D | DEED CALL |
| FIRC | FOUND IRON ROD & CAP |
| FCM | FOUND CONCRETE MONUMENT |
| SIRC | SET IRON ROD & CAP #7160 |
| SN&C | SET NAIL & CAP #7160 |
| △ | POINT NOT SET OR FOUND |

NOTES:

1. SURVEY SOURCE: Deed of record and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Easterly right-of way boundary of N. Franklin Street being North as per deed.
3. NO IMPROVEMENTS have been located in this survey as per clients special request.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.

Y.


COMMERCIAL
RESIDENTIAL
COMMERCIAL
MULTI-FAMILY HIGH DENSITY
RES.
COMMERCIAL
RES.
RES.
RES.
CONSERVATION
PUBLIC FACILITIES
CONSERVATION
COMMERCIAL


12
10
13
R-1
R-2
C-2
C-4
R-7
Z-1
FRANKLIN STREET
R-4
JEFFERSON STREET
WASHINGTON ST.
C-4
R-1
C-2
Z-1
P-1
C-1
DRIVE

- Consideration of a request for a Public Hearing to change 1.40 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 16 North Franklin Street, Eastpoint, Franklin County, Florida. Request submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.

A portion of the property in this request is located on the easement for the electrical transmission line through Eastpoint. I am uncertain what development Duke Energy will allow beneath their transmission line. The applicant has not submitted any analysis to support this request.

**I recommend tabling this request until the applicant supplies more information about the requested change.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 14, 2020

Z.

# APPLICATION FOR RE-ZONING & LAND USE CHANGE

**FRANKLIN COUNTY BUILDING DEPARTMENT**
34 Forbes Street, Suite 1, Apalachicola, Florida 32320
Phone: 850-653-9783 Fax: 850-653-9799
http://www.franklincountyflorida.com/planning_building.aspx

PROPERTY OWNER'S NAME: East Point Lands, LLC
MAILING ADDRESS: 183 N. Bayshore Dr. City/State/Zip: East Point, Fla. 32328
PHONE #: 850-899-3020 CELL #: SAME EMAIL: info@seagwestseafood.com

AGENT'S NAME: Bruce Millender
MAILING ADDRESS: 183 N. Bayshore Dr. City/State/Zip: Eastpoint, Fla 32328
PHONE #: Same CELL #: 850-899-3020 EMAIL: info@seagwestseafood.com

**PROPERTY DESCRIPTION**: 911 Address: 15 - 4th Street, Eastpoint, FL 32328
Lot/s: _____ Block: _____ Subdivision: _____ Unit: _____
Parcel Identification #: R 29-08S-06W-0000-0230-0000
**JURISDICTION**: ☑ Franklin County
☐ Apalachicola ☑ Eastpoint ☐ St. George Island ☐ Carrabelle ☐ Dog Island ☐ Lanark/ St. James ☐ St. Teresa ☐ Alligator Point

**ACREAGE:** .35 acre +/-

**CURRENT ZONING:** R-4 SF Home Ind. **CURRENT LAND USE:** Residential

**REQUESTED ZONING:** C-3 Com. Recreation **REQUESTED LAND USE:** Commercial

**LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description)**

**PLANNING & ZONING DATE:** _____

**RECOMMENDED APPROVAL:** ____ **RECOMMENDED DENIAL:** ____ **RECOMMENDED TO TABLE:** ____
**CONDITIONS:** _____

**BOARD OF COUNTY DATE:** _____
**RECOMMENDED APPROVAL:** ____ **RECOMMENDED DENIAL:** ____ **RECOMMENDED TO TABLE:** ____
**CONDITIONS:** _____

**PUBLIC HEARING DATE:** _____
☐ **APPROVED** ☐ **DENIED** ☐ **TABLED**
**CONDITIONS:** _____

**Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of $250.00 for Re-Zoning and $250.00 for Land Use Change. Return to the following address:**

**Franklin County**
**34 Forbes Street, Suite 1**
**Apalachicola, FL 32320**

RECEIVED
JUN 30 2020
BY: AK

qPublic.net™ Franklin County, FL







Legend
- Parcels
- Roads
- City Labels

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 29-08S-06W-0000-0230-0000 | **Alternate ID** | 06W08S290000002300000 | **Owner Address** | EASTPOINT LANDS LLC |
| **Sec/Twp/Rng** | 29-8S-6W | **Class** | VACANT | | 185 NORTH BAYSHORE DRIVE |
| **Property Address** | | **Acreage** | n/a | | EASTPOINT, FL 32328 |
| **District** | 5 | | | | |
| **Brief Tax Description** | 150X130 FT IN SW 1/4 (Note: Not to be used on legal documents) | | | | |

Date created: 6/30/2020
Last Data Uploaded: 6/30/2020 7:47:58 AM

Developed by Schneider GEOSPATIAL

EXHIBIT "B"

Z.

**James "Thurman" Reddenberry**
**Professional Land Surveyor**

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1005

October 13, 2004

Legal Description of a 0.34 Acre Tract
For: Bruce Millender

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

Commence at the Southwest corner of the Northwest quarter of Section 31, Township 8 South, Range 6 West, Franklin County, Florida and run North 407.50 feet to a point lying on the Southerly right-of-way boundary of U.S. Highway No. 319, thence run North 86 degrees 53 minutes 00 seconds East along said right-of-way boundary 700.00 feet to a point lying on the Westerly right-of-way boundary of North Franklin Street, thence run North along said Westerly right-of-way boundary 200.00 feet to a re-rod (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run North along said right-of-way boundary 100.00 feet to a re-rod (marked #6475), thence leaving said right-of-way boundary run South 86 degrees 54 minutes 37 seconds West 150.07 feet to a re-rod (marked #6475), thence run South 00 degrees 05 minutes 00 seconds West 100.18 feet to a re-rod (marked #6475), thence run North 86 degrees 50 minutes 40 seconds East 150.22 feet to the POINT OF BEGINNING containing 0.34 acres, more or less.

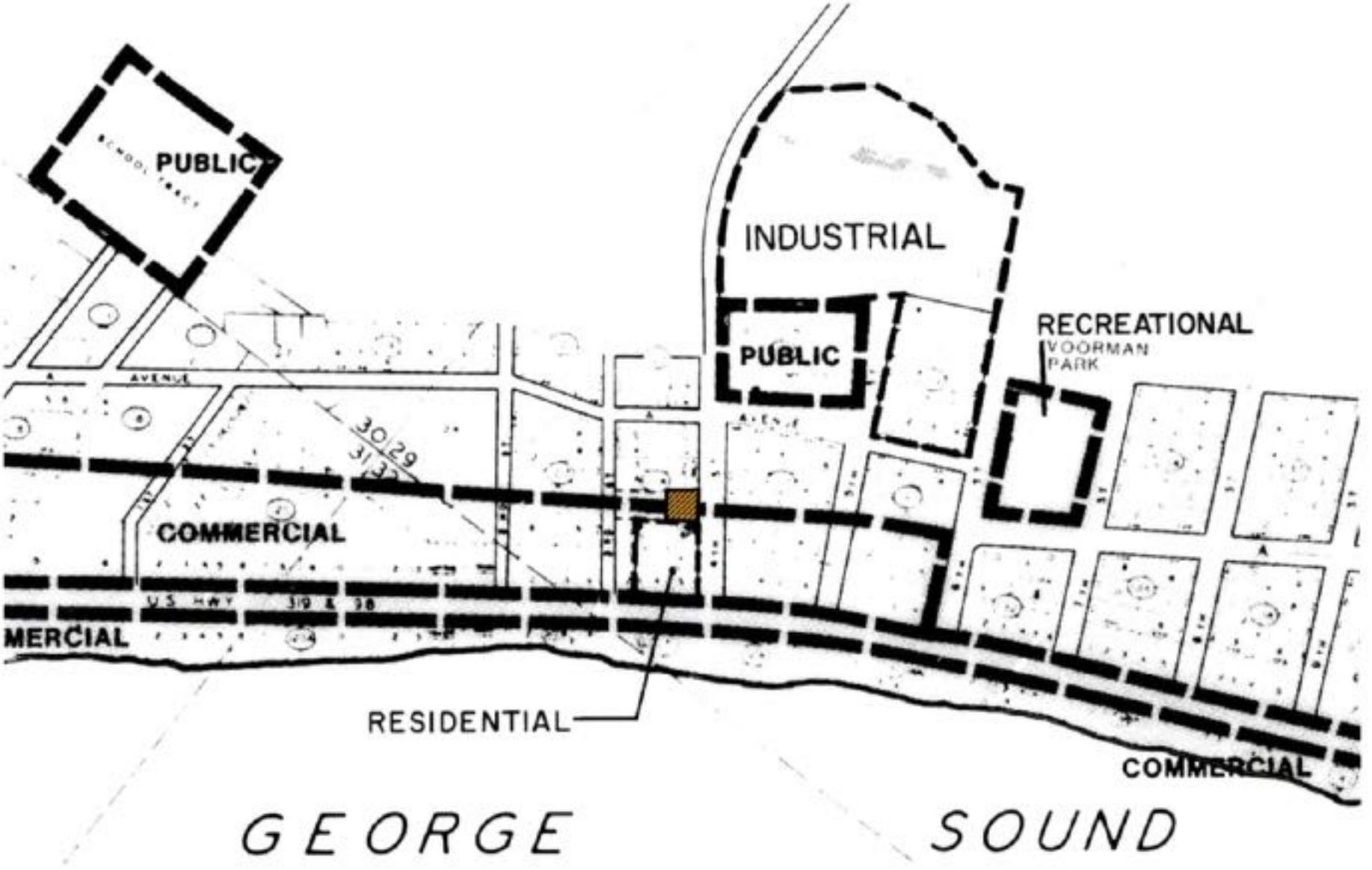
The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

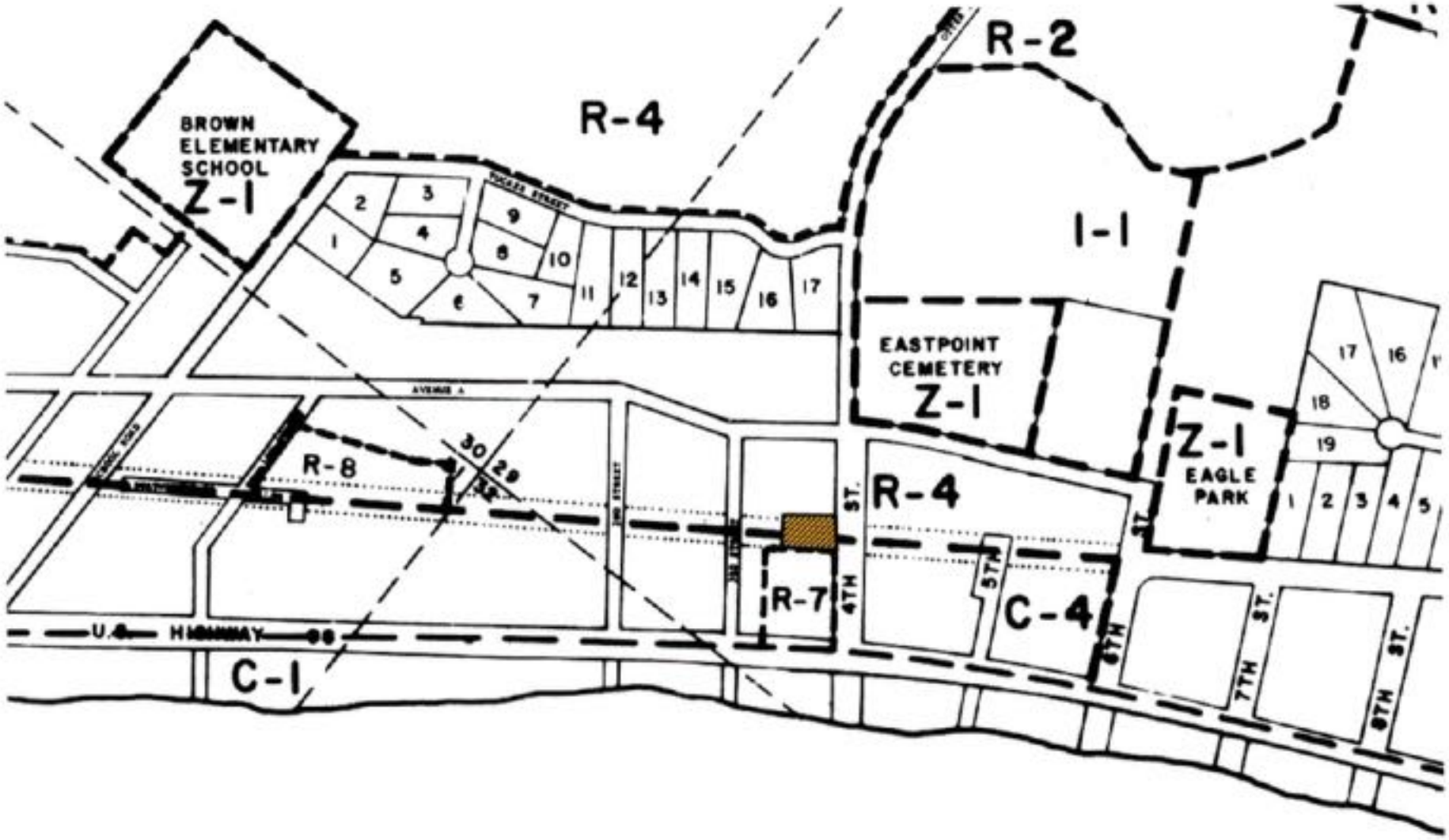
James T. Reddenberry
Surveyor and Mapper
Florida Certificate No. 4261

EXHIBIT "B"

04-504

Inst:0200409836 Date:10/21/2004 Time:14:19
Doc Stamp-Deed : 0.70
DC,Kendall Wade,FRANKLIN County B:817 P:702


PUBLIC
INDUSTRIAL
PUBLIC
RECREATIONAL
VOORMAN PARK
AVENUE
30
29
31
COMMERCIAL
U.S. HWY 319 & 98
MERCIAL
RESIDENTIAL
COMMERCIAL
GEORGE
SOUND




GEORGE SOUND

- Consideration of a request for Public Hearing to change .34 (+/-) acres parcel for a Land Use Change from Commercial and Residential to Commercial and a Re-Zoning from C-4 Residential Mixed Use and R-4 Single Family Home Industry to C-3 Commercial Recreation on property described as 15-4th Street, Eastpoint, Franklin County, Florida. Request Submitted by (Eastpoint Lands LLC) Bruce Millender, applicant.

This property is located on the easement for the electrical transmission line through Eastpoint. I am uncertain what development Duke Energy will allow beneath their transmission line. It is located on 4th Street, which connects to Otter Slide Road and carries more traffic than the average residential street in Eastpoint. The applicant has not submitted any analysis to support this request.

**I recommend tabling this request until the applicant supplies more information about the requested change.**

Mark C. Curenton

Mark C. Curenton
County Planner
July 14, 2020

**MEMORANDUM OF UNDERSTANDING**
**BETWEEN**
**CAREERSOURCE GULF COAST AND**
**FLORIDA DEPARTMENT OF EDUCATION**
**DIVISION OF BLIND SERVICES**
**SA-120**

## I. Parties

This Memorandum of Understanding (MOU) is hereby entered into by and between CareerSource Gulf Coast hereafter referred as CSGC, as the duly appointed and certified Workforce Development Board for the Workforce Investment and Opportunity Act (WIOA) and the Division of Blind Services (hereafter referred to as DBS). Pursuant to PL 113-128, Chapter 121, the programs authorized under Title I of the Rehabilitation Act of 1973 (Florida Divisions of Vocational Rehabilitation and Blind Services) are required one stop partners and must be participants in a memorandum of understanding with the local board.

## II. Background

The vision for the One-Stop Delivery System is to align a wide range of publicly and privately funded education, employment, and job training programs while also providing high-quality customer service to job seekers, workers, and businesses. One-stop centers (currently branded as American Job Centers) continue to be a valued community resource, known both locally and nationally as an important source of assistance for those looking for work or workers, and those looking for opportunities to grow their careers.

This agreement is intended to coordinate resources and to prevent duplication and ensure the effective and efficient delivery of workforce services in the counties represented by CSCG. In addition, the Agreement will establish joint processes and procedures that will enable the Partner Agency to integrate with the current job center service delivery system resulting in a seamless and comprehensive array of education, human service, job training, and other workforce development services to persons with within the CSGC area.

The parties to this document shall coordinate and perform the activities and services described herein within the scope of legislative requirements governing the parties' respective programs, services, and agencies.

## III. Purpose

The purpose of this MOU is to further codify the existing relationship for service provision and the infrastructure funding agreement between CareerSource Gulf Coast and the Division of Blind Services.

## IV. Responsibilities

A. CareerSource Gulf Coast will:

1. Coordinate with the DBS to ensure that the needs of job seekers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the job center delivery system.

2. Identify the quantity of informational materials needed to the DBS and distribute the materials in each job center as needed.

3. Identify clients who are blind and/or visually impaired and refer those clients through Direct Linkage to DBS, using electronic or telephonic means.

4. Provide training and access to the State of Florida's employment matching system, Employ Florida, in order to allow DBS to track client progress.

5. Provide an area for DBS meetings and/or co-location as space permits.

6. Abide by all policies, rules, and procedures and applicable Florida statutes and rules.

B. Division of Blind Services agrees to:

1. Provide informational materials that identify local points of contact, contact phone numbers, description of services and website addresses for prospective clients. The informational materials will be available in the following formats: regular print, large print, Braille and electronic format on CD.

2. Provide the specified quantities of informational materials to the job centers.

3. Provide feedback to CSGC management regarding the performance of the partnership, including its effectiveness and success.

4. Participate in job center periodic meetings to provide updates on the DBS's programs and procedures to CSGC staff.

5. Maintain the confidentiality required to have access to workforce information systems.

6. Model DBSs' core values and maintain a professional working environment.

7. Abide by all policies, rules, and procedures and applicable Florida statutes and rules.

8. Provide an acceptable client authorization form that may be used so that client information

may be shared between the job center and DBS.

DBS services include:

| | |
|---|---|
| • Activities of Daily Living (Personal & Home Management)<br>• Assessments<br>• Assistive Technology Training<br>• Rehabilitation technology and Engineering<br>• Communication Skills Training<br>• Community Integration<br>• Counseling Services (Adjustment to Blindness) | • Information and Referral<br>• Job-site assessment and accommodations<br>• Job placement<br>• Job coaching<br>• On-the-job training<br>• Supported employment<br>• Time-limited medical and/or psychological treatment |

DBS will provide services to individuals who have a visual impairment in both eyes and require vocational rehabilitation services to obtain, maintain, or retain an employment outcome. The goal of Vocational Rehabilitation (VR) is to assist an individual in achieving or maintaining an employment outcome that is consistent with his/her unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Ticket to Work is a Social Security Administration program available to Floridians. For those who qualify for social security benefits, tickets will be issued and may be taken to Employment Network participants. These participants offer access to employment and rehabilitation services necessary to help a person secure and retain employment. This program is voluntary. The DBS Transition Program involves a number of activities to help students with disabilities prepare and plan for employment success after high school. DBS coordinates services with available mental health centers, programs, and service providers to assist individuals with mental or emotional disabilities in becoming employed.

Supported Employment serves people with the most significant disabilities who have not been successful in competitive employment. The program helps individuals become employed in their community by using services such as job coaching and follow-up to promote employment stability.

## V. Cost / Resource Sharing

Costs of the infrastructure of CareerSource Gulf Coast's comprehensive Job Center will be funded in accordance with the requirements of the Workforce Innovation and Opportunity Act; federal cost principles and all other applicable legal requirements. As a Direct Linkage partner, Division of Blind Services will pay its share of infrastructure costs as outlined in the Infrastructure Funding Agreement. Please see attached One Stop operating budget (Attachment A-One Stop Budget) which details the infrastructure cost of the one stop delivery system and the assigned cost to the required

partners based upon their proportionate use of the system and relative benefit received.

## VI. Infrastructure Funding Agreement (IFA) – See Attachment A

In compliance with WIOA and its implementing regulations and consistent with the Uniform Guidance, funding provided by the one-stop partners to cover the operating costs, including infrastructure cost of the one-stop delivery system must be based on the partner program's proportionate use of the system and relative benefit received (WIOA sec. 121 (h)(1)(B)(i) and 121 (h)(2)(C)(i), 20 CFR 678.700 through 678.760, 34 CFR 361.700 through 361.760, and 34 CFR 463.700 through 463.760).

Payment Method: CareerSource Gulf Coast will prepare and send a quarterly invoice for each partner's share. For year one, the invoice will be pro-rated based upon the number of months left in the current program year. The One Stop operating budget is subject to change based upon increases or decreases in the infrastructure costs contained within. The actual infrastructure costs will be reconciled with those projected.

DBS estimated annual cost is $75.00. Cost of sharing one phone line and IT contract and related software with all other direct linkage partners.

Required Partners in Local Workforce Development Area 4 (CareerSource Gulf Coast region) are:

SCSEP (Senior Comm. Svc. Employment Program.) - NCBA
VR (Vocational Rehabilitation)
Division of Blind Services
Adult Ed (Bay District Schools)
Career Tech (Bay District Schools)
Career Tech (Gulf Coast State College)
CSBG (Comm. Svc Block Grant) Tri-County Community Council, Inc.

The following programs are administered by CareerSource Gulf Coast:

| | |
|---|---|
| WIOA Adult | RA/UC |
| WIOA Youth | Vets DVOP |
| WIOA Disl. Wkr. | Vets LVER WT |
| TANF | Military Spouse |
| SNAP | RESEA 17 |
| SNAP ERS | RESEA 18 |
| Wagner-Peyser | Wagner-Peyser Perf. Inc. |

Chief Elected Officials: Bay County Board of Commissioners
Gulf County Board of Commissioners
Franklin County Board of Commissioners

## VII. Modification

CareerSource Gulf Coast or Division of Blind Services may propose to modify this MOU at any time. Any such modification will not be effective until a written amendment to this MOU is executed by both parties. Modifications made solely due to changes in infrastructure costs will not require approval of local elected officials.

## VIII. Dispute and Impasse Resolution

All Parties will actively participate in local IFA negotiations in a good faith effort to reach agreement. Any disputes shall first be attempted to be resolved informally. Should informal resolution efforts fail, then the following Dispute Resolution process must be followed.

1. If an issue arises involving this MOU, both parties will make every effort to reach a resolution in a timely and efficient manner. Either partner may request a face-to-face meeting of the local partners to identify and discuss the issue. If resolved and no further action is deemed necessary by the partners, the issue and the resolution will be documented in writing.
2. If issues regarding MOUs and/or IFAs remain unresolved, LWDBs shall document the issue and efforts at resolution. Documentation is forwarded to the Department of Economic Opportunity, Division of Workforce Services (DEO) and the Director of the Division of Blind Services or the executive administrator(s) of agencies responsible for administering the partner's program. DEO and the appropriate division will work to resolve the impasse and secure an executed agreement. A joint decision shall be transmitted within 30 calendar days of receipt. Issues will be remanded back to the local partners to execute recommended action.
3. If issues remain unresolved, the LWDB must notify CareerSource Florida and include the details of the impasse. CareerSource Florida will work with the Commissioner of Education, the Executive Director of the Department of Economic Opportunity or other agency heads to resolve the impasse and provide a resolution response to the all parties. Decisions are considered final.

## IX. Confidentiality of Records

In the event that either party to this MOU obtains access to any records, files, or other information of the other party in connection with, or during the performance of this MOU, then that party shall keep all such records, files or other information confidential, and shall comply with all laws and regulations concerning the confidentiality of such records, files or other information to the same extent as such laws and regulations apply to the other party.

## X. Terms of Contract

The term of this MOU shall commence on the date last executed by both parties, whichever is later, through June 30, 2023, and may be renewed for an additional three-year term. This MOU may be terminated for convenience at any time by either party upon thirty (30) days written notice.

Neither this MOU nor any provision hereof may be changed or amended orally, but only by an instrument in writing signed by all of the parties to this Agreement.

## XI. MOU Management

Listed below are the individuals identified as the MOU Managers. These individuals are responsible for enforcing performance of the MOU terms and conditions and shall serve as liaison/contact regarding issues arising out of this MOU.

IN WITNESS WHEREOF, the parties hereto cause this MOU to be executed by their undersigned officials as duly authorized.

| | |
|---|---|
| **CAREERSOURCE GULF COAST**<br>Name: Kimberly L. Bodine<br>Title: Executive Director<br>Address: 5230 W. US 98, Panama City, FL 32401<br>Phone: (850) 913-3285<br>Fax: (850) 913-3269<br>Email: kbodine@careersourcegc.com<br><br>BY: _____<br><br>Date: _____ | **APPROVED BY**<br>**FLORIDA DEPT. OF EDUCATION**<br>**DIVISION OF BLIND SERVICES**<br><br>NAME: ROBERT L. DOYLE III<br>TITLE: DIRECTOR<br><br>BY:_____<br><br>DATE: _____ |
| **APPROVED BY**<br>**FLORIDA DEPT. OF EDUCATION DIVISION**<br><br>NAME: RICHARD CORCORAN<br>TITLE: COMMISSIONER OF EDUCATION<br><br>BY:_____<br><br>DATE: _____ | |

**Authority and Signature Local Elected Official**

- One completed, signed, and dated Authority and Signature page is required for each signatory official.

By signing my name below, I Philip Griffitts, Chair of Bay BOCC I have read the above information. All of my questions have been discussed and answered satisfactorily.

My signature certifies my understanding of the terms outlined herein and agreement with:

I understand that this MOU may be executed in counter parts, each being considered an original, and that this MOU expires either in three years or upon amendment, modification or termination or on June 30, 2023, whichever occurs earlier. The effective period for this MOU is 3 annual periods: 7/1/20-6/30/21, 7/1/21-6/30/22, and 7/1/22-6/30/23.

Signature

Date

Philip Griffitts, Chair
Printed Name and Title

Bay County Board of County Commissioners Agency Name

Agency Contact Information

**Authority and Signature Local Elected Official**

- One completed, signed, and dated Authority and Signature page is required for each signatory official.

By signing my name below, I Sandy Quinn, Chair of Gulf BOCC, certify that I have read the above information. All of my questions have been discussed and answered satisfactorily.

My signature certifies my understanding of the terms outlined herein and agreement with:

I understand that this MOU may be executed in counter parts, each being considered an original, and that this MOU expires either in three years or upon amendment, modification or termination or on June 30, 2023, whichever occurs earlier. The effective period for this MOU is 3 annual periods: 7/1/20-6/30/21, 7/1/21-6/30/22, and 7/1/22-6/30/23.

Signature

Date

Sandy Quinn, Chair
Printed Name and Title

Gulf County Board of County Commissioners
Agency Name

Agency Contact Information

**Authority and Signature Local Elected Official**

- One completed, signed, and dated Authority and Signature page is required for each signatory official.

  By signing my name below, I Noah Lockley, Jr., Chair of Franklin BOCC, certify that

- I have read the above information. All of my questions have been discussed and answered satisfactorily.

  My signature certifies my understanding of the terms outlined herein and agreement with:

- I understand that this MOU may be executed in counter parts, each being considered an original, and that this MOU expires either in three years or upon amendment, modification or termination or on June 30, 2023, whichever occurs earlier. The effective period for this MOU is 3 annual periods: 7/1/20-6/30/21, 7/1/21-6/30/22, and 7/1/22-6/30/23.

Signature Date

Noah Lockley, Jr. , Chair
Printed Name and Title

Franklin County Board of County Commissioners
Agency Name

INFRASTRUCTURE FUNDING AGREEMENT FOR ONE-STOP CAREER CENTER SYSTEM
BETWEEN THE DEPARTMENT OF EDUCATION DIVISION OF BLIND SERVICES
AND CAREERSOURCE GULF COAST

## I. PARTIES

This Infrastructure Funding Agreement {"IFA"), is made pursuant to the Workforce Innovation and Opportunity Act of 2014 ("WIOA") and is entered into by the Florida Department of Education, Division of Blind Services (hereafter referred to as the Partners) and CareerSource Gulf Coast (hereafter referred to as "CareerSource").

## II. PURPOSE

The Workforce Innovation and Opportunity Act of 2014 is an affirmation of the work that has been done in Florida to build the workforce development system. The cornerstone of the Act is its one- stop customer service delivery system. The one-stop system assures coordination between the activities authorized in and linked to this Act.

The purpose of this IFA is to describe the infrastructure cost responsibilities of the Parties to provide for the maintenance of an effective and successful one-stop system. This agreement is intended to coordinate resources and to prevent duplication and ensure the effective and efficient delivery of workforce services in three counties.

The parties to this document agree to coordinate and perform the responsibilities described herein within the scope of legislative requirements governing the parties' respective programs, services, and agencies.

## Ill. INFRASTRUCTURE COST BUDGET

SEE ATTACHMENT "A"

## IV. COST ALLOCATION METHODOLOGY

CareerSource selected FTE as the allocation basis to determine overall Partner contributions. This was done in an effort:

a) To remedy the imbalance of non-physically represented Partners, and

b) To comply with the requirement of Partners' contributions having to be in proportion to the Partners' use of the one-stop center(s) and relative benefit received.

**V.** ALLOCATION BASIS PER COST

ITEM N/A

**VI.** PARTNER CONTRIBUTION AMOUNTS

SEE ATTACHMENT "A"

## VII. COST RECONCILIATION AND ALLOCATION BASE UPDATE

All Parties agree that a quarterly reconciliation of budgeted and actual costs and update of the allocation bases will be completed in accordance with the following process:

1. Partners will provide CareerSource with the following information no later than fifteen (15) days after the end of each quarter, as applicable:
   - Updated staffing information (per the 1st day of the 1st month of each quarter)
2. Upon receipt of the above information, CareerSource will:
   - Compare budgeted costs to actual costs,
   - Update the allocation bases, and
   - Apply the updated allocation bases, as described in the Cost Allocation Methodology section above, to determine the actual costs allocable to each partner.
3. CareerSource will prepare an updated budget document showing cost adjustments and will prepare an invoice for each Partner with the actual costs allocable to each Partner for the quarter.
4. CareerSource will submit the invoices to the Partners and send a copy of the updated budget to all Parties no later than forty-five {45) days after the end of each quarter. The Partners understand that the timeliness of CareerSource's preparation and submission of invoices and adjusted budgets is contingent upon the timeliness of each Partner ln providing the necessary cost Information. For Partners that advance funds to the local area, CareerSource will only send a copy

of the updated budget.

5. Upon receipt of the invoice and adjusted budget, each Partner will review both documents and will submit payment to CareerSource no later than fifteen (15) days following receipt. Payment of the invoice signifies agreement with the costs in the adjusted budget. For Partners that advance funds to the local area, CareerSource may draw down funds for quarterly payments upon approval via email of the reconciled budget.
6. Partners will communicate any disputes with costs in the invoice or the adjusted budget to CareerSource in writing. CareerSource will review the disputed cost items and respond accordingly to the Partner within ten (10) days of receipt of notice of the disputed costs. When necessary, CareerSource will revise the invoice and the adjusted budget upon resolution of the dispute.

## VIII. STEPS UTILIZED TO REACH CONSENSUS

The Partners and CareerSource conferred regarding the involvement of each partner at the CareerSource Centers. The appropriate allocation bases were discussed, and those bases included in this IFA were agreed upon as the most appropriate. CareerSource proposed the Initial Partner Contribution Amounts as described above and the Partners concurred with their proposal. Finally, the parties discussed the best mechanisms by which to review and reconcile actual expenses in the future and agreed to the term included in the Cost Reconciliation and Allocation Base Update section above.

## IX. DISPUTE AND IMPASSE RESOLUTION

Any disputes shall first be attempted to be resolved informally. Should informal resolution efforts fail, then the following Dispute Resolution process must be followed.

1. If an issue arises involving this MOU, both parties will make every effort to reach a resolution in a timely and efficient manner. Either partner may request a face-to-face meeting of the local partners to identify and discuss the issue. If resolved and no further action is deemed necessary by the partners, the issue and the resolution will be documented in writing.

2. If issues regarding MOUs and/or IFAs remain unresolved, LWDBs shall document the issue and efforts at resolution. Documentation is forwarded to the Department of Economic Opportunity, Division of Workforce Services (DEO) and the Director of the Division of Blind Services or the executive administrator(s) of agencies responsible for

Administering the partner's program. DEO and the appropriate division will work to resolve the impasse and secure an executed agreement. A joint decision shall be transmitted within 30 calendar days of receipt. Issues will be remanded back to the local partners to execute recommended action.

3. If issues remain unresolved, the LWDB must notify CareerSource Florida and include the details of the impasse. CareerSource Florida will work with the Commissioner of Education, the Executive Director of the Department of Economic Opportunity or other agency heads to resolve the impasse and provide a resolution response to the all parties. Decisions are considered final.

## X. MODIFICATION PROCESS

This IFA may be amended or modified with review and consent of all parties. Amendments and modifications must be issued in writing to all parties. All parties must be given a minimum of 30 days to comment prior to the inclusion of any amendment or modification. Oral amendments or modifications shall have no effect.

## XI. EFFECTIVE PERIOD

This IFA is entered into on the date executed by all parties. This IFA will become effective as of the date of signing by the final signatory below and must terminate on June 30, 2023.

## XII. PAYMENT METHODOLOGY

Career Source shall submit to the Partners quarterly invoices such that the Partners will have covered all costs agreed to in this IFA by the end of the program year, June 30 annually. The Parties to this IFA intend to be bound by this agreement and agree to make payment of all such funds as indicated in Section VL Upon receipt of the above described invoices, the Partners shall process payment within 30 days.

| | |
|---|---|
| **CAREERSOURCE GULF COAST**<br>Name: Kimberly L. Bodine<br>Title: Executive Director<br>Address: 5230 W. US 98, Panama City, FL 32401<br>Phone: (850) 913-3285<br>Fax: (850) 913-3269<br>Email: kbodine@careersourcegc.com<br><br>BY: _____<br><br>Date: _____ | **APPROVED BY**<br>**FLORIDA DEPT. OF EDUCATION**<br>**DIVISION OF BLIND SERVICES**<br><br>NAME: ROBERT L. DOYLE III<br>TITLE: DIRECTOR<br><br>BY:_____<br><br>DATE: _____ |
| **APPROVED BY**<br>**FLORIDA DEPT. OF EDUCATION**<br>**DIVISION OF BLIND SERVICES**<br><br>NAME: RICHARD CORCORAN<br>TITLE: COMMISSIONER OF EDUCATION<br><br>BY:_____<br><br>DATE: _____ | |

Att[ ]t A

AA.

**Attachment A**

## One-Stop Operating Budget

Revised for 7-1-20

Cost Allocation Methodology: Costs will be allocated by FTE for partners/programs that are physically located in the Job Center.

Partners/Programs with only a virtual presence/"direct linkage" will only share in the cost of 1 phone line, IT Contract, and any related software costs.

Resource sharing with SCSEP. We provide space & technology and SCSEP provides part-time SCSEP workers to greet our customers and assist in the resource room.

Resource sharing with Bay District Schools & GCSC. We provide phone, internet, & technology and Bay District & GCSC provide office space on campus for our case managers to meet with program participants.

Resource sharing with Tri-County. We provide phone & technology and Tri-County provides a part-time worker to assist in the resource room.

Voc Rehab and Div of Blind Services will remit quarterly payments to CareerSource Gulf Coast.

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| FTE Estimate | 27.725 | 4.0000 | 3.0000 | 3.5000 | 4.0000 | 1.0000 | 2.0000 | 3.0000 | 0.5000 | 3.0000 | 1.0000 | 1.0000 | 0.5000 | 0.5000 | 0.6250 | 0.1000 | | | | | | | |
| FTE Percentage | 100.0000% | 14.4274% | 10.8206% | 12.6240% | 14.4274% | 3.6069% | 7.2137% | 10.8206% | 1.8034% | 10.8206% | 3.6069% | 3.6069% | 1.8034% | 1.8034% | 2.2543% | 0.3607% | | | | | | | |
| **Infrastructure Costs** | **Annual Budget** | **WIOA Adult** | **WIOA Youth** | **WIOA DisWkr** | **WT TANF** | **SNAP** | **WP** | **WP Inc** | **RA/UC** | **Vets DVOP** | **Vets LVER** | **Military Spouse** | **RESEA 1** | **RESEA 2** | **SCSEP NCBA** | **VR** | **Div Blind Svcs *** | **Adult Ed Bay Distr *** | **Career Tech * BayDistr** | **Career Tech* GCSC** | **CSBG Tri- * County** | **TAA** |
| Lease/Utilities | **252,000** | 36,357 | 27,268 | 31,812 | 36,357 | 9,089 | 18,179 | 27,268 | 4,545 | 27,268 | 9,089 | 9,089 | 4,545 | 4,545 | 5,681 | 909 | | | | | | |
| Phones/Internet | **11,000** | 1,587 | 1,190 | 1,064 | 1,587 | 397 | 794 | 1,190 | 198 | 1,190 | 397 | 397 | 198 | 198 | 248 | 40 | 65 | 65 | 65 | 65 | 65 | |
| Repairs & Maint. | **1,000** | 144 | 108 | 126 | 144 | 36 | 72 | 108 | 18 | 108 | 36 | 36 | 18 | 18 | 23 | 4 | | | | | | |
| Supplies | **1,000** | 144 | 108 | 126 | 144 | 36 | 72 | 108 | 18 | 108 | 36 | 36 | 18 | 18 | 23 | 4 | | | | | | |
| Insurance Liab | **1,600** | 231 | 173 | 202 | 231 | 58 | 115 | 173 | 29 | 173 | 58 | 58 | 29 | 29 | 36 | 6 | | | | | | |
| Insurance Prop | **3,400** | 491 | 368 | 429 | 491 | 123 | 245 | 368 | 61 | 368 | 123 | 123 | 61 | 61 | 77 | 12 | | | | | | |
| Insurance Flood | **2,900** | 418 | 314 | 366 | 418 | 105 | 209 | 314 | 52 | 314 | 105 | 105 | 52 | 52 | 65 | 10 | | | | | | |
| Technology: | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | | |
| Prof Svcs IT Contract | **10,000** | 1,443 | 1,082 | 1,212 | 1,443 | 361 | 721 | 1,082 | 180 | 1,082 | 361 | 361 | 180 | 180 | 225 | 36 | 10 | 10 | 10 | 10 | 10 | |
| Software | **2,400** | 346 | 260 | 303 | 346 | 87 | 173 | 260 | 43 | 260 | 87 | 87 | 43 | 43 | 54 | 9 | 0 | 0 | 0 | 0 | 0 | |
| subtotal | **285,300** | 41,161 | 30,871 | 35,641 | 41,161 | 10,290 | 20,581 | 30,871 | 5,145 | 30,871 | 10,290 | 10,290 | 5,145 | 5,145 | 6,432 | 1,029 | 75 | 75 | 75 | 75 | 75 | 0 |

| **Additional Costs** | **Annual Budget** | **WIOA Adult** | **WIOA Youth** | **WIOA DisWkr** | **WT TANF** | **SNAP** | **WP** | **WP Inc** | **RA/UC** | **Vets DVOP** | **Vets LVER** | **Military Spouse** | **RESEA 17** | **RESEA 18** | **SCSEP NCBA** | **VR** | **Div Blind Svcs** | **Adult Ed Bay Distr** | **Career Tech BayDist** | **Career Tech GCSC** | **CSBG Tri- County** | **TAA** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Career Services** | **242,680** | 96,695 | 39,750 | 56,926 | 7,500 | 3,750 | 0 | 0 | 4,875 | 0 | 0 | 5,364 | 11,000 | 11,000 | 5,471 | 349 | | | | | | |
| **Shared Services **** | **314,840** | 65,617 | 33,250 | 55,598 | 2,500 | 1,250 | 10,000 | 24,000 | 1,625 | 16,000 | 8,000 | 75,000 | 11,000 | 11,000 | | | | | | | | |
| **Shared Operating Costs** | | | | | | | | | | | | | | | | | | | | | | |
| Travel | **12,000** | 2,391 | 1,373 | 1,602 | 1,373 | 458 | 915 | 1,373 | 229 | 915 | 458 | 458 | 229 | 229 | | | | | | | | |
| Meeting Expense | **1,000** | 199 | 114 | 133 | 114 | 38 | 76 | 114 | 19 | 76 | 38 | 38 | 19 | 19 | | | | | | | | |
| Storage Lease | **2,400** | 478 | 275 | 320 | 275 | 92 | 183 | 275 | 46 | 183 | 92 | 92 | 46 | 46 | | | | | | | | |
| Copier 1 | **2,580** | 514 | 295 | 344 | 295 | 98 | 197 | 295 | 49 | 197 | 98 | 98 | 49 | 49 | | | | | | | | |
| Copier 2 | **6,240** | 1,243 | 714 | 833 | 714 | 238 | 476 | 714 | 119 | 476 | 238 | 238 | 119 | 119 | | | | | | | | |
| Postage Meter Rent | **350** | 70 | 40 | 47 | 40 | 13 | 27 | 40 | 7 | 27 | 13 | 13 | 7 | 7 | | | | | | | | |
| Advertising/Outreach | **10,000** | 1,992 | 1,144 | 1,335 | 1,144 | 381 | 763 | 1,144 | 191 | 763 | 381 | 381 | 191 | 191 | | | | | | | | |
| Software/IT Fees | **1,000** | 199 | 114 | 133 | 114 | 38 | 76 | 114 | 19 | 76 | 38 | 38 | 19 | 19 | | | | | | | | |
| Sonitrol Alarm Service | **4,000** | 797 | 458 | 534 | 458 | 153 | 305 | 458 | 76 | 305 | 153 | 153 | 76 | 76 | | | | | | | | |
| Prof Svcs Website | **3,000** | 598 | 343 | 400 | 343 | 114 | 229 | 343 | 57 | 229 | 114 | 114 | 57 | 57 | | | | | | | | |
| Allocated Supv Sal/Ben | **84,000** | 16,736 | 9,609 | 11,211 | 9,609 | 3,203 | 6,406 | 9,609 | 1,602 | 6,406 | 3,203 | 3,203 | 1,602 | 1,602 | | | | | | | | |
| Allocated IT Sal/Ben | **39,000** | 7,770 | 4,461 | 5,205 | 4,461 | 1,487 | 2,974 | 4,461 | 744 | 2,974 | 1,487 | 1,487 | 744 | 744 | | | | | | | | |
| **TANF SNAP program** | **235,000** | | | | 195,000 | 40,000 | | | | | | | | | | | | | | | | |
| **WIOA Youth program** | **172,500** | 16,200 | 152,500 | 3,800 | | | | | | | | | | | | | | | | | | |
| subtotal | **1,130,590** | 211,499 | 244,440 | 138,421 | 223,940 | 51,314 | 22,627 | 42,940 | 9,657 | 28,627 | 14,314 | 86,678 | 25,157 | 25,157 | 5,471 | 349 | 0 | 0 | 0 | 0 | 0 | 0 |

| **Grand Total** | **1,415,890** | 252,660 | 275,312 | 174,062 | 265,102 | 61,604 | 43,208 | 73,812 | 14,802 | 59,498 | 24,604 | 96,968 | 30,302 | 30,302 | 11,902 | 1,378 | 75 | 75 | 75 | 75 | 75 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

* Direct linkage partners not physically co-located in the One-Stop center.

** Shared Services include: Business services, front desk staffing, staff training/travel, referrals to other One-Stop partners and operational costs in the Job Center contract.

CareerSource GULF COAST

5230 West Highway 98 Panama City FL 32401
P: 850.913.3285 F: 850.913.3269
careersourcegc.com

July 22, 2020

Mr. Michael Morón, County Coordinator
34 Forbes Street, Ste. 1
Apalachicola, FL 32320

Dear Mr. Moron:

Please find attached the CareerSource Gulf Coast 2020-2021 budget and ITA Waiver request. We are requesting approval at the August 4, 2020 board meeting. State law requires that these items be approved by our respective county commissions in the workforce area that we serve.

Thanks for your continued support.

Sincerely,

Kimberly L. Bodine

Kimberly L. Bodine

Executive Director

CareerSource GULF COAST

5230 West Highway 98 Panama City FL 32401
P: 850.913.3285 F: 850.913.3269
careersourcegc.com

## CareerSource Gulf Coast 2020-2021 Budget

| | |
|---|---|
| Admin Salaries/Benefits | 525,253 |
| Operational Expenses | 216,201 |
| Direct Svcs Salary/Benefits | 1,299,726 |
| Direct Services | 12,081,205 |
| Job Center Lease | 260,285 |
| Job Center Operational | 294,971 |
| Contracted to Svc Prov | 828,000 |
| **Total** | **15,505,641** |

**Prior Year Comparison:**

| **2019-2020** Beginning Budget | **2020-2021** Beginning Budget | Increase/ (Decrease) | Percentage |
|---|---|---|---|
| **13,065,785** | **15,505,641** | **2,439,856** | **19%** |

Law requires that 50% of WIOA Adult and Dislocated Worker funds (estimated at 488,234) must be used on tuition, books, training, case management, and training program management. The above Direct Services line contains 49% of the WIOA Adult and Dislocated Worker allocation including estimated carryforward.

**A waiver request to 30% is recommended.**

As required by law, no more than 10% of our budget that can be spent on Admin expenses.

Salaries/Benefits include 30 full-time & 18 seasonal positions, FICA, Retirement, Health & Life Insurance, and Compensated Absences. Some of the salary/benefit category will include Admin expenses.

Operational Expenses include supplies, equipment, phone, internet, cell phone, postage, maintenance/repair, travel, meeting expenses, insurance (directors & officers' liability), printing, audit fees, dues/memberships, software, copier leases, professional development, subscriptions, advertising, legal/professional/temp services. Some of the operational expense category will include Admin expenses.

Direct Services include tuition, books, food, food related, participant travel, supportive services, lease/rent, utilities, supplies, equipment, phone, internet, cell phone, postage, maintenance/repair, fees, travel, meeting expenses, insurance (participant/liability/property/flood/auto), dues/memberships, software, copier leases, professional development, printing, subscriptions, advertising, legal/professional/temp services.

Job Center Lease includes lease of CareerSource Gulf Coast Job Center (utilities included).

Job Center Operational includes supplies, equipment, phone, internet, cell phone, maintenance/repair, travel, meeting expenses, insurance (liability/property/flood), legal/professional services, dues/memberships, software, copier leases, postage meter rent, advertising.

Contracted to Service Providers includes:

| | | |
|---|---|---|
| Gulf Coast State College | 366,000 | One-Stop/Job Center Operator |
| Royal American Management | 244,000 | Welfare Transition, SNAP E & T |
| Gulf Coast State College | 103,000 | Out of School Youth Program |
| ARC of the Bay | 115,000 | Estimated carry forward |
| | 828,000 | |

CareerSource GULF COAST

5230 West Highway 98 | Panama City FL 32401
P: 850.913.3285 | F: 850.913.3269
careersourcegc.com

# ITA Waiver Approval

Passage of the Workforce Accountability Act (Ch. 2012-29, L.O.F.) created several major policy changes for CareerSource Florida (formerly Workforce Florida) and regional workforce boards. One of those is that the new law requires that 50% of WIA Adult and Dislocated Worker funds be spent on Individual Training Accounts (ITAs).

The new law reduced the types of expenditures authorized from ITAs. New definition of “authorized training expenditures” is limited to only tuition, “books” and fees of training providers and “other training services prescribed and authorized by the Workforce Investment Act.” Following a narrow interpretation of the new law was estimated to reduce local one stop staff by approximately one hundred employees statewide.

The Law authorizes waivers from the 50% ITA reserve requirement. Workforce Boards can request a reduction in the statutorily required ITA reserve to address their specific regional need with the approval of their Chief Elected Officials. Workforce Boards must substantiate this need with documentation, to the satisfaction of the CareerSource Florida Board.

To be cautious and safe, we would like to request a waiver to 30% expenditures on ITA’s primarily because we cannot estimate an exact number of training participants. Other non-ITA expenses such as rent, phones, and salaries are set and will be spent, but student demand for training requests are uncertain. This creates a problem in that we can't spend the rent portion if we don't spend the tuition portion. It puts us in a position where we must spend all of the funds, and we typically don't. We carry forward funds every year. The amount of carry forward is very unpredictable. Factors out of our control such as economic conditions and disaster events tend to affect the number of students able to attend training.

We need the Board of Commissioners approval to request a waiver from CareerSource Florida.

CareerSource GULF COAST

5230 West Highway 98 Panama City FL 32401
P: 850.913.3285 F: 850.913.3269
careersourcegc.com

To the Attention of Budget Review
CareerSource Florida, Inc.
1580 Waldo Palmer Lane – Ste. 1
Tallahassee, FL 32308

This budget and ITA Waiver request has been approved by the designated chief elected official of Workforce Region 4 – Franklin County and the chair of Regional Workforce Board 4 on:

August 4, 2020 (date).

_____
Signature–Chief Elected Official, Franklin County Board of Commissioners

Printed Name: Noah Lockley, Jr.

_____
Signature – Board Chair, CareerSource Gulf Coast (RWB04)

Printed Name: Jennifer Conoley

_____
Signature – Executive Director, CareerSource Gulf Coast (RWB04)

Printed Name: Kimberly L. Bodine

Contact Name and phone number for
questions related to submitted budget: Deb Blair, Finance Director
CareerSource Gulf Coast
850-913-3285

BB.

# FRANKLIN COUNTY

REPLY TO: □
BOARD OF COUNTY COMMISSIONERS
33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320
(850) 653-8861, EXT. 100
(850) 653-4795 FAX

REPLY TO: X
PLANNING & BUILDING DEPARTMENT
34 FORBES STREET, SUITE 1
APALACHICOLA, FL 32320
(850) 653-9783
(850) 653-9799 FAX

August 4, 2020

Ted Court
Florida Small Cities CDBG Program
Florida Department of Economic Opportunity
107 East Madison Street, MSC-400
Tallahassee, FL 32399-6508

RE: Modification #4 to Subgrant Agreement
Franklin County 16DB-OK-02-29-01-H08

Dear Mr. Court:

During our August 4, 2020 meeting, the Franklin County Board of County Commissioners authorized a request for Modification #4 to our above-referenced CDBG Subgrant Agreement. We are requesting an extension of the period of agreement expiration date from October 1, 2020 to May 1, 2021. In addition, our source of leverage has changed, from SHIP funds to homeowner contributions.

We have had difficulty with getting homeowners determined eligible for CDBG home replacement after destruction/damage from the Eastpoint Wildfire. This problem is related to the fact that many individuals had informal, unrecorded agreements for deeds, or other title problems that had to be resolved before they could be determined "homeowners". We have also had some delay related to the COVID-19 pandemic, including the cancellation of our regularly scheduled July 21, 2020 Board meeting. Another issue has been the fact that mobile home dealers and factories have been overwhelmed with demand due to Hurricane Michael. Even when the factories can produce, there is a shortage of licensed mobile home installers, which causes delays in completing the home replacements.

We will be trying to complete the grant work by the end of 2020, because we intend to reapply for Small Cities CDBG funds in the FFY 2020 application cycle. However, with uncertainty regarding contractors, homeowners, and weather, we think it is prudent to request a six-month grant extension.

RICKY JONES DISTRICT ONE | BERT BOLDT DISTRICT TWO | NOAH LOCKLEY, JR. DISTRICT THREE | JOSEPH PARRISH DISTRICT FOUR | WILLIAM MA DISTRICT FI

Ted Court
August 4, 2020

Our budget, accomplishments, beneficiaries, cost per unit, and application score will not change as a result of this requested grant modification #4. We do expect a reduction in beneficiaries and accomplishments from the current numbers. This is primarily due to the fact that several targeted households were either not income-eligible, chose not to accept the terms of the forgivable deferred payment loan, or did not obtain ownership of the property. We do not know the exact number of households that will be served, so we propose to adjust the numbers at grant closeout. We are not proposing those changes at this time.

If you need any additional items or information, please contact our consultant, Deborah Belcher. Thank you for processing this grant modification request.

Sincerely,

Noah Lockley, Jr.
Chairman, Board of County Commissioners

SUMMARY OF FRANKLIN COUNTY EASTPOINT WILDFIRE CDBG GRANT MOBILE HOME REPLACEMENT BID PACKAGE #3

Bid Advertisement: June 10, 2020, Panama City News Herald

Pre-Bid Meeting: June 18, 2020, 10:30 a.m., attended by Ironwood Homes of Perry and Clayton Homes of Panama City

Bid Deadline: July 9, 2020, 10:00 a.m.

Bids Received: Ironwood Homes of Perry, Inc. was the only bidder
Bids opened and recorded by Deborah Belcher, witnessed by Mark Curenton

Bid Amounts, as submitted by Ironwood Homes of Perry:

| | | | |
|---|---|---|---|
| 658 Wilderness Road | Anna and M. Devin Creamer | $77,583.84 | 3 bedroom, 2 bath, demolition of existing mobile home |
| 680 Wilderness Road | Arlene (Thompson) King | $80,575.84 | 3 bedroom, 2 bath, new utility connections including sewer bore |
| 608 Ridge Road | William F. Gordie | $75,923.52 | 3 bedroom, 2 bath, demolition of existing mobile home |
| 649 Ridge Road | Bonnie Langley | $84,227.02 | 3 bedroom, 2 bath, demolition of existing mobile home, tree removal and new utilities |
| 697 Ridge Road | Lucy Bettinger | $77,484.22 | 3 bedroom, 2 bath, removal of existing home, flood elevation, fill |
| 700 Ridge Road | Steven Shiver | $74,299.82 | 3 bedroom, 2 bath |
| 701 Ridge Road | James Joyner & Anita Kennett | $69,577.88 | 2 bedroom, 2 bath, flood elevation |
| Unspecified address, generic bid | | $3,000 | Demolition of singlewide mobile home, no special conditions |
| Unspecified address, generic bid | | $73,306.02 | Generic 3/2 bid, no special setup |
| Unspecified address, generic bid | | $68,727.88 | Generic 2/2 bid, no special setup |

Billy Dalton's home, 658 Ridge Road, was not included as a specific location in the bid package due to the incomplete nature of his application and condition of his yard. However, the 2 dealers were asked to view the site. The recommended CDBG funding for this project is based on the generic bids for a 3 bedroom 2 bath home plus demolition.

BB.

**MEETING DATE:** August 4, 2020

**NAME/DEPARTMENT/AGENCY:** Deborah Belcher, CDBG Grant

**TOTAL ATTACHMENTS:** 2, CDBG Mobile Home Replacement Bid Package #3 Summary, Letter Requesting CDBG Grant Mod#4

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Action Items

1. The County's CDBG grant expires 10/1/2020. The County should apply for a grant modification to extend the grant expiration date. DEO normally extensions in 6-month increments, and will support a request for a 6-month extension. This will allow plenty of time to finish the CDBG mobile home replacements. If the work is completed before the April 1, 2021 extended deadline, the County may close out the grant before the deadline.

   **Requested Action: Authorize a modification to the CDBG subgrant agreement with the Florida Department of Economic Opportunity, extending the grant expiration date from 10/1/2020 to 4/1/2021.**

2. William Gordie, 608 Ridge Road, has applied for CDBG mobile home rehabilitation or replacement relating to the Eastpoint Wildfire. The age and condition of his damaged mobile home make replacement the appropriate type of assistance. Mr. Gordie is eligible for CDBG mobile home replacement assistance.

   **Requested Action:** Approve the CDBG mobile home replacement application for William Gordie, 608 Ridge Road.

3. Billie Dalton, 658 Ridge Road, has applied for CDBG mobile home replacement assistance. Mr. Dalton received a donated mobile home but wants a CDBG-funded new mobile home. Mr. Dalton is eligible for the CDBG mobile home replacement. I recommend that Mr. Dalton's current mobile home be transferred to Charlie Golden and Allison Yowell. Mr. Charlie Golden (son of Charles Golden who received home replacement assistance from the County) was living in a camper at the time of the fire, and his camper was destroyed. Golden and Yowell have purchased a lot on Home Place Road (off Ridge Road) and are installing a septic tank, Eastpoint Water and Sewer Authority water connection, and power pole, to live in a camper with their 3 children. Mr. Dalton's used mobile home would give this struggling young couple a permissible permanent dwelling. CDBG funds can pay for the removal of the home from Dalton's property, and Capital Area Community Action can pay for additional setup costs of the home on the Golden-Yowell property.

**Requested Action:** Approve CDBG mob BB. ne replacement application, Billy Dalton, 658 Ridge Road.

4. A third CDBG mobile home replacement bid package was developed and advertised, with a pre-bid meeting held. Bids for 7 specific homeowners previously approved by the County, and generic bids for potential sites, were received July 9, 2020 from Ironwood Homes of Perry. Clayton Homes (CMH) of Panama City did not get their proposal submitted to the County. **I submitted a report to the Board for the scheduled July 21, 2020 regular meeting, which was cancelled.** In that report, I recommend award of CDBG mobile home replacement funding for the following 7 homeowners, based on Ironwood Homes of Perry's bid. **Due to the urgent nature of the home replacement, County Coordinator Michael Morón authorized me to proceed with the home replacement mortgages and contracts. Those documents were executed July 23, 2020.**
**PLEASE RATIFY THE FOLLOWING:**

   A. Approve CDBG mobile home replacement funding for Anna Creamer, 568 Wilderness Road, in the amount of $77,583.84 plus CDBG mortgage costs.

   B. Approve CDBG mobile home replacement funding for Arlene King, 680 Wilderness Road, in the amount of $80,575.84 plus CDBG mortgage costs.

   C. Approve CDBG mobile home replacement funding for William Gordie, 608 Ridge Road, in the amount of $75,923.52 plus CDBG mortgage costs.

   D. Approve CDBG mobile home replacement funding for Billy Dalton, 658 Ridge Road, in the amount of $76,306.02 plus CDBG mortgage costs.

   E. Approve CDBG mobile home replacement funding for Lucy Bettinger, 697 Ridge Road, in the amount of $77,484.22 plus CDBG mortgage costs.

   F. Approve CDBG mobile home replacement funding for Steven Shiver, 700 Ridge Road, in the amount of $74,299.92 plus CDBG mortgage costs.

   G. Approve CDBG mobile home replacement funding for Jim Joyner/Anita Kennett, 701 Ridge Road, in the amount of $69,577.88 plus CDBG mortgage costs.

Information Items

5. Bonnie Langley, 659 Ridge Road, has been approved for mobile home replacement. As confirmed by a professional land surveyor, the property where her existing mobile home is located is not the lot she actually owns. She owns the vacant lot (649 Ridge Road) to the left (south) of her present location. There are 2 more homes to the right (north) of Bonnie Langley's on the same block, and each of the 3 owners thought they were located correctly and do not want to move a lot south. The owners are trying to resolve the ownership situation. We received a bid to replace Bonnie Langley's damaged mobile home on her correct lot, including clearing some trees and making the utility connections. If the ownership situation remains the same, the County can fund the replacement home at the correct location and demolish the existing home. If Ms. Langley is able to obtain the 659 Ridge Road location, the cost of the replacement home will be reduced.

CC.

## Franklin County SHIP Report 8/4/2020 ATTACHMENT #1

## Mobile Home Totals

| Applicant | Bid amount | Permit Agent Fee | Tag/Title | Septic Pump Out/ Inspection | Reported Error ** | Sq. Ft Error ** | Transport Fee | New Total |
|---|---|---|---|---|---|---|---|---|
| David Burke | $42,800.00 | $250.00 | $112.10 | $350.00 | $10,000.00 | | | **$53,512.10** |
| David Wilson | $54,517.00 | | | | | $8,277.10 | | **$62,794.10** |
| Holly Taylor | $60,652.00 | $250.00 | $129.60 | | | | | **$61,031.60** |
| Joseph White | $54,417.00 | $250.00 | $112.10 | | | | | **$54,779.10** |
| John Harris | $55,517.00 | $250.00 | $112.10 | $350.00 | | | | **$56,229.10** |
| Buddy Butler | $60,793.05 | $250.00 | $112.10 | $350.00 | | | $2,250.00 | **$63,755.15** |
| Regina Tindell | $54,917.00 | | | | | | | **$54,917.00** |
| Margaret Gay | $64,826.00 | $250.00 | $112.10 | $350.00 | | | $2,268.30 | **$67,806.40** |

****David Burke**

At the Commission meeting on August 7, 2020 I reported the total for David Burke in error. See attachments # 2 & 3 Burke Bid I did not realize when I reported the amount that Ironwood mobile homes had an error on the total. I reported the wrong amount.

****David Wilson:**

There was an error in the price of the mobile home. The City of Apalachicola requires a minimum of 800 sq. ft. mobile home. In trying to get the best price possible we chose to go with the lower priced models so hopefully we will be able to serve more applicants that applied. In doing so, Ironwood Mobile Homes, in error gave us the price for a 728 sq. ft. mobile home instead of 800 Sq. ft.

**Permit Agent Fee**

This is an additional fee for the permit agent: attended the contract signing, pulled appropriate permits, draw site plans etc.

**Transport Fee**

These two applicants were required to have Exposure D homes. These are coming from a different builder through Ironwood Mobile Homes and this amount is the cost to transport them from the factory.

Attachment #2

CC.

Time for completion: 180 days from contract execution by Owner as approved by County
Schedule of deliverables will be provided to the SHIP Program.
Address for Delivery and Set-up: **1207 Hill Road, Apalachicola, Fl 32320**
Homeowner Name: **David Burke** Phone: 850-653-7401

**Mandatory Features:**
Energy Star qualified (insulation, ductwork, HVAC, appliances, windows, doors, etc.)
Wind Zone 3
All lights with fluorescent or LED bulbs
Elevation Certificate: Pre-construction & Final and boundary survey
Hose bib and electrical outlet, front and rear
Plywood floors (or ¾" OSB tongue and groove)
Ductwork in ceiling, minimum R6
Flooring upgrade, Vinyl Plank
Pitched shingle roof
Laundry room, with washer and dryer connections
Heavy duty skirting, vented, with access door
Door stops on all doors
Energy Star refrigerator standard size, lighted 30" range hood, and 30" self-cleaning range
Window treatments
Stud mounted electrical outlets and boxes
Deep stainless-steel kitchen sink, porcelain bathroom lavatory sink, metal faucets
Wood cabinets

**Specific features for this location:**
Energy Star Refrigerator-Minimum 25 cf
No dishwasher, swap for additional cabinet/drawer space

**Set-Up Items:**
Connect to power, modifying and/or relocating pole as necessary
Connect to existing sewer and water
Flood zone elevation-AE 11(Panel 507G) (Bottom of frame must be 12 feet above sea level)
6' x 8' landing and site-built steps at each door, with rails per code

| | | |
|---|---|---|
| Price for home, delivered | $ 42,000 | sales tax exempt |
| Basic set-up | $ 10,000.00 | Skirting/siding, connect to water/sewer, etc. Steps, Dirt Pad, & AC |
| Additional setup | $ 800.00 | Demolition, engineered foundation, survey, ramp, etc. |
| TOTAL PRICE | $ 42,800.00 | ← Was added wrong Should have been $52,800. was reported on 7/7/20 meeting |

MH — General Manager — 6/15/2020 — 95 42,800.

Authorized signature — Title — Date

**David Burke-1207 Hill Road, Apalachicola, Fl 32320**

David Burke

Attachment #3

CC.

# IRONWOOD HOMES OF PERRY

3483 S. Byron Butler Parkway
Perry, FL 32348 (850)838-9090

DATE 6/15/2020
Sales Person: Felicia Ethridge C# 850-843-0428
DOB Buyer:
DOB Co Buyer:

CONTRACT DATE
Drivers License
Buyer:
Co Buyer:

| Last | First and Middle | Last | First |
|---|---|---|---|
| Buyer: Burke | David | Co Buyer: | |

Cell # 850-653-7401
Co Work:
Home#
Work #
email

Address: 1207 Hill Road Apalachjabla Fl 32320
Delivery Address: 1207 Hill Road Apalachicola Fl 32320
COUNTY: Franklin
CO BUYER C#

Make Live Oak Model: NEW

| year | Bedrooms | Floor Size | Hitch Size | Stock # |
|---|---|---|---|---|
| 2021 | 2 | 16X56 | 16X80 | |

Serial Number

| Location | R-Value | Thickness | Type of Insulation |
|---|---|---|---|
| Ceiling | 22 | 7 1/4 | ROCKWOOL |
| Exterior | 11 | 3 1/2 | FIBERGLASS |
| Floors | 27 | 3 1/2 | FIBERGLASS |

WE BUILD, AND SELL, LIVE OAK HOMES WHICH IS A DEBT FREE COMPANY. CONSTRUCTION FAR EXCEEDS HUD REQUIREMENTS. OUR HOMES HAVE THE STRONGEST ROOF BEAM IN THE INDUSTRY, AND A STRONG STEEL FRAME. IT IS MY JOB AS YOUR SALES PERSON TO EARN YOUR BUSINESS. IF MY PERFORMANCE IS UNSATISFACTORY YOU CAN REQUEST MICHAEL MORRISON TO ASSIGN ANOTHER SALES PERSON. I LOOK FORWARD TO SERVING YOU!

HOME ONLY PRICE
$ 42,000.00
NON TAXABLE $9,850.00

| | |
|---|---|
| Base Price of Unit: | $42,000.00 |
| Factory options | $0.00 |
| Total Allowances | $6,800.00 |
| Discount | $0.00 |
| Sub Total: | $48,800.00 |
| County Tax: | $0.00 |
| Sales Tax 6%: | $0.00 |
| TAG AND TITLE | $0.00 |
| NON TAXABLE ITEMS | $4,000.00 |
| CASH PURCHASE PRICE | $52,800.00 |

OVER-HEIGHT? YES

IRONWOOD COMPANY MOTTO: TO PROVIDE IN WRITING A FULL DISCLOSURE OF ALL COSTS SO YOU, THE CUSTOMER, HAS NO HIDDEN COSTS.

| | | |
|---|---|---|
| PERMITS | NO | |
| 8 Loads/Build Off Pad | $1,800.00 | |
| PUMP SEPTIC | NO | |
| set up | $5,850.00 | |
| attach porch | NO | |
| Elevation & Survey | $800.00 | |
| tiers | NO | |
| POLE WIRING | $1,400.00 | |
| TOTAL NON TAXABLE | $9,850.00 | |
| DELIVER & SET | included | |
| TRIM | no | |
| PLUMBING | no | |
| Skirting Color: | TYPE | $1,200.00 |
| Type of A/C | SIZE TON | $3,400.00 |
| STEPS | QTY | $2,200.00 |

| | |
|---|---|
| Trade in allowance | $0.00 |
| Less bal due on above | |
| Net trade | $0.00 |
| DOWN PAYMENT | $0.00 |
| LESS TOTAL CREDITS | $0.00 |
| BALANCE DUE TO IRONWOOD | $52,800.00 |
| LAND PAYOFF | $0.00 |
| CLOSING COST FINANCED BY LENDER | $0.00 |
| INSURANCE | $0.00 |
| ESTIMATED FINAL LOAN AMOUNT | $52,800.00 |
| Seller will pay up to | $0.00 |
| OF BUYERS CLOSING COST AND PREPAIDS | |

LAND PAYOFF TO:
79,041.00 ACRES:

POWER COMPANY

TYPE OF LOAN
OTHER
LENDER
Other

TOTAL ESTIMATED ALLOWANCES NON TAXABLE AND TAXABLE: $16,850.00

TRADE INFORMATION MUST BE 1977 OR NEWER

| Make | Size | Br/Ba | Serial Number |
|---|---|---|---|
| | N/A | N/A | N/A |

| Title Number | Trade in Year | Model | Curtains | A/C |
|---|---|---|---|---|
| N/A | N/A | N/A | N/A | N/A |

| Lien Holder | Phone | Payoff |
|---|---|---|
| N/A | N/A | N/A |

ANY DEBT BUYER OWES ON THE TRADE IN IS TO BE PAID BY

| | |
|---|---|
| Est Interest: | 0.000% |
| Years Term: | 0 |
| Payment: | |
| est insurance | $75.00 |
| est taxes | $75.00 |
| est pmi | $42.24 |
| total payment | $192.24 |

Ins Coverage: Southern Homes (Mandy) 386-362-6330

THIS AGREEMENT CONTAINS THE ENTIRE UNDERSTANDING BETWEEN DEALER AND BUYER. ARE NO OTHER REPRESENTATION OR INDUCEMENT, VERBAL OR WRITTEN HAS BEEN MADE WHICH IS NOT CONTAINED
DOWNPAYMENTS WILL NOT BE REFUNDED ON ORDERED HOMES, AND ANY PROCESSING FEES APPRAISAL, TITLE SEARCH, OR SURVEY FEES WILL BE SUBTRACTED FROM REFUNDS
AGREEMENTS ON THIS FORM PREVAIL IF ANY INFORMATION ON ANY OTHER FORM DIFFERS FROM WHAT IS ON THIS SHEET.

THIS FORM IS ONLY VALID IF SIGNED BY MANAGEMENT

IRONWOOD HOMES OF PERRY

SIGNED X
SOCIAL SECURITY NO.

By Michael Morrison

SIGNED X
SOCIAL SECURITY NO.

ADVISORY: IN FLORIDA, A MFG HOME OLDER THAN 1977 IS NOT A HUD HOME AND WILL NOT BE PERMITTED

Special notes: WE ARE ESTIMATING SERVICES ONLY. ON FINANCED DEALS WE RECOMMEND ESTIMATING HIGH, SO YOU ARE NOT REQUIRED TO PAY OUT OF YOUR POCKET

Land legal:

PRICING QUOTED IS FOR THE LOT MODEL ONLY. ORDERED HOMES ARE SUBJECT TO FACTORY PRICE INCREASES UNTIL ACTUAL ORDER IS PLACED.

Printed on: 6/15/2020

| *Coronavirus Relief Funds (CRF)* | |
|---|---|

**a.** **Summary of Strategy:** The funds will be distributed to applicants who have or are currently experiencing a financial hardship due to the COVID-19 emergency between the dates of March 1, 2020 and December 30, 2020.

**b.** The assistance provided will be:

**1) Rent and utility assistance**

a) Must have a signed, notarized lease with landlord

b) Must have a notarized letter from landlord showing balance owed

c) Must provide copies of utility bills

2) **Mortgage and utility assistance**

a) Must have a current mortgage statement showing balance owed.

b) Must provide copies of utility bills.

**c.** **Fiscal Years Covered:** 2020-2021

**d.** **Income Categories to be served:** Very Low, Low and Moderate

**e.** **Maximum award:** $2,500

**f.** **Terms:** Assistance provided will be in the form of a grant.

**g.** **Recipient Selection Criteria:** Applicants will be served on a first come, first served basis if they meet all of the selection criteria.

**h.** **Additional Information:** Applicants must show that they have been or are currently unemployed or underemployed due to the COVID-19 emergency.
Utilities include Electric, Water, Sewer and Garbage
**All payments will go directly to the Landlord, Mortgage Holder and Utility Companies.**

**CORONAVIRUS RELIEF FUND (CRF)**
**SUBRECIPIENT AGREEMENT**

**THIS FUNDING AGREEMENT** ("Agreement") is entered into by and among FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS ("Subrecipient"), a local government that meets the State Housing Initiatives Partnership ("SHIP") Program eligibility requirements, and FLORIDA HOUSING FINANCE CORPORATION ("Florida Housing"), a public body corporate and politic duly created and existing under the laws of the State of Florida. Upon execution by both parties, this Contract shall become effective as of the date the last party signs ("Effective Date").

**WITNESSETH:**

**WHEREAS**, the Coronavirus (COVID-19) emergency has caused disruption in Florida's economy leading to high rates of unemployment and business closures;

**WHEREAS**, Many Floridians are in need of assistance with rental payments, mortgage payments and home repairs;

**WHEREAS,** the State of Florida has been awarded funds pursuant to, section 601(d) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020);

**WHEREAS,** a portion of the CARES Act Funds (designated the "Coronavirus Relief Funds or CRF funds") will be distributed by Florida Housing to and administered by Eligible Local Governments (as defined herein) and expended only for purposes authorized by this Agreement;

**WHEREAS**, the Subrecipient and Florida Housing wish to enter into this Agreement which will govern the disbursement and expenditure of CRF funds;

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereto agree as follows:

A. Recitals: The recitals stated above are true and correct, are incorporated herein, and form an integral part of this Agreement.

B. Definitions:

1. "Administrative Expenditures" means funds, not to exceed 10% of the allocation, expended by Subrecipient to carry out the activities of CRF. This expense may include salaries and benefits of staff, office supplies and equipment, required travel, advertising, recording costs.

2. "Annual income" means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes..

3. "Eligible Housing" means any real and personal property located within the county or eligible municipality which is designed and intended for the primary purpose of providing decent,

safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, Fla. Stat., or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for Eligible Persons as designated by Subrecipient.

4. "Eligible Local Government" means a local government in Florida that meets the SHIP Program eligibility requirements.

5. "Eligible Persons" or "Households" means one or more natural persons or a family determined by Subrecipient to be earning not more than 120% of the area median income according to the income limits adjusted to family size published annually by Florida Housing.

6. "Eligible Sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under CRF for the purpose of providing Eligible Housing for Eligible Persons.

7. "Expended" means the affordable housing activity is complete.

8. "Program Income" means proceeds derived from interest earned on or investment of the funds, proceeds from loan repayments, recycled funds, and all other income derived from use of CRF funds.

9. "Project Delivery Costs" means those costs related to the delivery of housing related services to an eligible applicant that are not included as part of Administrative Expenditures.

10. "Sub-Grantee" means a person or organization contracted by a Subrecipient that is compensated with CRF funds to provide administration of any portion of the CRF.

C. Allocation and Use of Funds:

1. Amount of Funds Available to Subrecipient: The total funds made available to Subrecipient under this Agreement is: $175,000.

2. Disbursement of Funds to Eligible Subrecipients: The available funds will be disbursed to Subrecipient for activities described in Item C.4., below. Funds will be disbursed in up to two payments, the amount of each to be determined by Florida Housing. The first payment for the full amount In Item C.1. above will occur upon execution of this Agreement. Subject to the terms of this paragraph, a second payment may be disbursed no later than October 1, 2020. If Florida Housing determines that the Subrecipient has failed to make satisfactory progress in meeting the requirements of this Agreement or has otherwise failed to satisfactorily perform under the terms of this Agreement, the funds representing the second payment may be withheld by Florida Housing pending resolution of the issues giving rise to the lack of progress or failure to perform satisfactory to Florida Housing which may include a written plan to address the issues prepared by the Subrecipient and submitted to Florida Housing for approval.

3. Establishment of CRF Trust Fund: Subrecipient must establish and maintain a CRF trust fund or a pooled account where CRF funds are clearly designated.

4. Expenditure of Funds by Subrecipient: CRF funds shall be Expended by Subrecipient for the following:
   a. Direct CRF Administrative Expenditures and Project Delivery Costs incurred on or after March 1, 2020 in an amount no more than a cumulative 10 percent of CRF funds incurred by Subrecipient, a consultant to Subrecipient, and/or a Sub-Grantee. CRF funds shall not be used to pay for Administrative Expenditures and Project Delivery Costs incurred prior to March 1, 2020.

   b. Housing counseling services, direct rental assistance, relocation costs and awards to assist Eligible Housing for Eligible Persons or Households or Eligible Sponsors.

   c. CRF funds may be used for the following pre-approved program purposes or activities:
      i. Rental assistance payments (including back rent, deposits and utility payments);
      ii. Mortgage payments and buydowns;
      iii. Emergency repair of housing;
      iv. Assistance to homeowners to pay insurance deductibles;
      v. Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;
      vi. Foreclosure or eviction prevention, including monthly rent and associated fees; and
      vii. Homeownership counseling.

      All other activities must be presented in writing to Florida Housing and approved in writing prior to implementation.

5. Term: The period of performance for this grant is March 1, 2020 – December 30, 2020. In executing this Agreement, Subrecipient is certifying that all CRF funds will be Expended by December 30, 2020. The term of this agreement will be from the Effective Date through March 31, 2021.

6. Advertisement of Availability of Funds: U CRF funding availability shall be advertised by Subrecipient in both a newspaper of general circulation and, where available, periodicals serving racially, ethnically and income diverse neighborhoods, at least 10 days before the beginning of the application period. This 10-day period does not prevent assistance to applicants that have already applied and been determined eligible prior to the application period. At a minimum, the advertisement shall contain:
   a. The amount of funds projected to be received from the state for the fiscal year(s).
   b. The beginning and ending date of the application period;
   c. The name of the contact person and other pertinent information where applicants may apply for assistance (phone number, address, email, and hours of operation);

7. Repayments:
   a. The Subrecipient shall only expend funding under this Agreement for allowable costs resulting from obligations incurred during the eligible period of performance. The Subrecipient shall ensure that its contractors, subcontractors, and consultants only

expend funding under this Agreement for allowable costs resulting from obligations incurred during the period of performance.

b. The Subrecipient shall refund to Florida Housing any unobligated funds which have been advanced or paid to the Subrecipient upon termination of this Agreement.
c. Any unexpended funds under this Agreement, including unexpended program income earned, must be returned to Florida Housing upon termination of this Agreement.
d. Upon termination of this Agreement, or upon any determination made indicating such, the Subrecipient shall refund to Florida Housing any funds paid in excess of the amount to which the Subrecipient or its contractors, subcontractors, or consultants are entitled under the terms and conditions of this Agreement.
e. The Subrecipient shall refund to Florida Housing any funds not spent in accordance with the conditions of this Agreement or applicable law. Such reimbursement shall be sent to Florida Housing within 30 calendar days from Subrecipient's receipt of notification of such non-compliance.
f. The Subrecipient's obligations under this section will survive the termination of the Agreement.

8. Performance under this Agreement is subject to 2 C.F.R Part 200, entitled "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards."

9. Single Audit Act: Funds payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance. The Subrecipient shall conduct a single or program-specific audit in accordance with the provisions of 2 C.F.R. Part 200 and the related provisions of the Uniform Guidance, if it expends more than $750,000 or more in Federal awards from all sources during its fiscal year. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 21.019.

D. Application for CRF Eligible Person or Household Assistance: Subrecipient shall establish criteria for CRF assistance and develop an application for CRF eligibility.

a. The application for assistance should contain all the necessary information to determine whether an applicant household is potentially eligible for CRF assistance. In accordance with the provisions of Sections 760.20-760.37, Fla. Stat., it is unlawful to discriminate on the basis of race, religion, color, sex, familial status, national origin, or handicap in the award application process for Eligible Housing.

b. At a minimum, an application for program assistance should contain the following items for each household members:
   i. The number of people residing in the household including name, age, relationship to head of household, current address and home phone number;
   ii. Name and address of employer(s), work phone number(s), position title and number of years on job with employer;
   iii. Sources of annual income, including earned, unearned and asset income, and a statement signed by all of the adults who reside in the household consenting to the disclosure of information for the purpose of verifying income and assets for determining income eligibility for program assistance.
   iv. A signed statement indicating that the applicant understands that all information provided is subject to Florida's public records laws.

v. A statement that it is a first-degree misdemeanor to falsify information for the purpose of obtaining assistance.

E. Allowable Rental Assistance (Subsidies): Assistance may be provided as direct rental assistance to Eligible Persons in any of the following manners:

1. Security and utility deposit assistance to secure temporary or permanent rental housing; or

2. Eviction prevention not to exceed 10 months' rent; or

3. A rent subsidy program for income eligible households that are displaced from rental units that are uninhabitable; or

F. Allowable Mortgage Payments: Mortgage payment assistance may be awarded to eligible applicants. This may include principle and interest, insurance, and homeowner association fees. Real Estate taxes paid to a government entity are not eligible.

G. Income Categories: All households assisted must be at or below 120% of the area median income.

H. CRF Eligible Person Award Terms: CRF funds awarded directly to Eligible Persons must be in the form of a grant, deferred loan or hard pay loan.

I. Reporting Requirements: The Subrecipient must provide Florida Housing with monthly reports beginning on October 1, 2020 and a closeout report by February 15, 2021. These funds must include the current status and progress of the expenditure of funds under this Agreement, in addition to any other information requested by Florida Housing. All funds must be accounted for on the CRF Data Upload Form as provided by Florida Housing. Quarterly reports are due to Florida Housing no later than 15 days after the end of each quarter. The first quarterly report due pursuant to this agreement is due for the quarter ending September 30, 2020.

J. Program Compliance

1. File Management and Record Retention relating to CRF Eligible Persons or Sponsors: Subrecipient must maintain a separate file for every applicant, Eligible Person, Sub-Grantee or Sponsor, regardless of whether the request was approved or denied.
   a. Contents of File: Each file must contain sufficient and legible documentation. Documents must be secured within the file and must be organized systematically.
   b. Record and File Retention: Local governments are required to retain records and other relevant documentation for each applicant, Eligible Person, Sub-Grantee or Sponsor for five fiscal years after funds have been expended or five years after the expiration of a use restriction agreement. and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released.
      i. The minimum requirements for documentation of award depend upon the type of assistance awarded and the funding sources. Every file should contain a section of notes and a file checklist, which tracks the efforts and progress of obtaining necessary documents. The checklist is a useful tool for all persons who must have access to the file. However, this checklist may be modified to accommodate a local government's need for additional documentation.

ii. Eligible Sponsors(developers) who are awarded funds have the responsibility for maintaining clear and accurate files on project recipients and activities. Subrecipient must monitor the Eligible Sponsors files on a regular basis to ensure that all information is collected that will be needed for reporting. Subrecipient's housing administrator must also review the file documentation to ensure that assistance is awarded to Eligible Persons and that all project activities conform to program requirements.

iii. In cases where a Sub-Grantee is used to administer CRF, Subrecipient is ultimately responsible for program compliance.

iv. All other records that document the award or expenditure of CRF funds must be retained for five fiscal years after the funds have been expended or five years after the expiration of a use restriction agreement and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released. This means that for cases that were assisted Subrecipient must retain all records no less than five years after the loan has been satisfied, provided audits have been released, whichever is later. Housing records of this type include, but are not limited to:

1) applications;
2) program and set-aside records;
3) housing agreements;
4) income verifications and
5) other records as required by Florida Housing or federal, state and local law or regulations.

v. Records must be retained in electronic form. The standards used must comply with the Florida Administrative Code. Local record retention requirements may be stricter than the State.

c. Access to Files: Florida Housing or any duly authorized representative shall be permitted to inspect any files relating to CRF Eligible Person or Sponsors including but not limited to advertisements, applications, income verifications and certifications, plan participation contracts, financial records, tracking system records, construction cost verification including receipts and contracts, rental development annual reviews, Eligible Sponsor reviews, Eligible Sponsor award lists, CRF fund recipient lists, and any other applicable documents at any reasonable time with or without notice. Such records shall be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

2. <u>Files Management and Record Retention relating to Subrecipient and Administration of this Agreement</u>:

a. The Subrecipient shall maintain books, records, and documents in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided by Florida Housing under this Agreement.

b. Contents of the Files: Subrecipient must maintain files containing documentation to verify all compensation to Subrecipient in connection with this Agreement, as well as reports, records, documents, papers, letters, computer files, or other material received, generated, maintained or filed by Subrecipient in connection with this Agreement. Subrecipient must also keep files, records, computer files, and reports that reflect any compensation it receives or will receive in connection with this Agreement.

c. Record and File Retention: Subrecipient must maintain these files for five years after the end of the applicable fiscal year, except that, if any litigation, claim or audit is commenced with respect to the transactions documented by such files before the end of the aforementioned five-year period and extends beyond the expiration of the five-year period, these files must be retained until all litigation, claims, or audit findings involving the files have been resolved.
d. Access to the Files: As a condition of receiving state or federal financial assistance, and as required by sections 20.055(6) and 215.97(5), Fla. Stat., Florida Housing, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives shall enjoy the right to access any documents, financial statements, papers, or other records of the Subrecipient that are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. Upon reasonable notice, Subrecipient and its employees shall allow Florida Housing or its agent(s) access to its files and personnel for interview purposes during normal business hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, provided such day is not a holiday.
e. Return of the Files: In the event this Agreement is terminated, all finished or unfinished documents, data, studies, computer files, correspondence, and other products prepared by or for Subrecipient under this Agreement must be submitted to Florida Housing within 15 days of such termination at the expense of Subrecipient.

3. Compliance Monitoring: Subrecipient must be subject to compliance monitoring during the period of performance in which funds are Expended and up to three years following the closeout of all funds. In order to assure that the program can be adequately monitored, the following is required of Subrecipient:
   a. Subrecipient must maintain a financial tracking system provided by Florida Housing that ensures that CRF funds are Expended in accordance with the set-aside requirements, deadlines, and other requirements in this agreement.
   b. Subrecipient must maintain records on all awards to Eligible Persons or Sponsors. These records must include, but are not limited to:
      i. Proof of income compliance;
      ii. Proof of homeownership;
      iii. Proof of use of FEMA proceeds;
      iv. Documentation of all required inspections including mold remediation and wood destroying organisms;
      v. Documentation of any required remediation;
      vi. Certificate of Occupancy;
      vii. Placed in Service documentation;
      viii. Proof of contract or eligibility;
      ix. Documentation of payments made on the award; and
      x. Documentation of the value/sales price of the unit, as applicable.

4. Cooperation with Inspector General: Subrecipient understands its duty, pursuant to Section 20.055(5), Fla. Stat., to cooperate with Florida Housing's Inspector General in any investigation, audit, inspection, review, or hearing. Subrecipient will comply with this duty and ensure that any contracts issued under this Agreement impose this requirement, in writing, on its subcontractors.

5. Technical Assistance: Training and technical assistance is available to Subrecipient to assist in the development and implementation of the CRF. This technical assistance shall be provided by Florida Housing staff and Florida Housing's Catalyst contractor.

6. Program Income: Program Income realized by Subrecipient prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, funds realized as Program Income must be returned to Florida Housing.

7. Recaptured Funds: Recaptured Funds realized by Subrecipient prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, Recaptured Funds must be returned to Florida Housing.

K. Contacts

1. Florida Housing's contract administrator for this Agreement is:
   Contract Administrator
   Florida Housing Finance Corporation
   227 North Bronough St., Suite 5000
   Tallahassee, Florida 32301-1329
   Phone: 850.488.4197
   E-mail: Contract.Admin@floridahousing.org

2. The Florida Housing program contact for this Contract is:
   Robert Dearduff, Assistant Director of Special Programs
   Florida Housing Finance Corporation
   227 North Bronough St., Suite 5000
   Tallahassee, Florida 32301-1329
   Phone: 850.488.4197
   E-mail: Robert.Dearduff@floridahousing.org
   or the designated successor.

3. The Grantee's contract administrator for this Contract is:
   Lori Switzer, SHIP Administrator
   66-4th Street
   Apalachicola, Florida 32320
   Phone: 850.653.8199
   E-mail: franklincountyship@yahoo.com
   or the designated successor.

L. 2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards - In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

**(A)** Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach

contract terms, and provide for such sanctions and penalties as appropriate.

**(B)** All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

**(C)** Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

**(D)** Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

**(E)** Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**(F)** Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the

substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

**(G)** Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

**(H)** Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**(I)** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**(J)** See § 200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

M. Default and Remedies

1. If any of the events listed in subparagraph 2. of this section occur, all obligations on the part of Florida Housing to continue doing business with Subrecipient or assign any future transaction to Subrecipient shall, if Florida Housing so elects, terminate and Florida Housing may, at its option, exercise any of its remedies set forth herein, or as otherwise provided by law. However, Florida Housing may continue doing business with the Subrecipient as a participant after the happening of any event listed in subparagraph 2. of this section without waiving the right to exercise such remedies, without constituting a course of dealing, and without becoming liable to include the Subrecipient in the transaction or any future transaction.

2. The Events of Default shall include, but not be limited to, the following:

   a. If any report, information or representation provided by Subrecipient in this Contract is inaccurate, false or misleading in any respect;

b. If any warranty or representation made by Subrecipient in this Contract or any other outstanding agreement with Florida Housing is deemed by Florida Housing to be inaccurate, false or misleading in any respect;

c. If Subrecipient fails to keep, observe, or perform any of the terms or covenants contained in this Contract, or is unable or unwilling to meet its obligations as defined in this Contract;

d. If, in the sole discretion of Florida Housing, Subrecipient has failed to perform or complete any of the services identified in the attachments;

e. If Subrecipient has not complied with all Florida laws, federal laws, Florida Housing rules or Florida Housing policies applicable to the work;

f. If Subrecipient has discriminated on the grounds of race, color, religion, sex, national origin, or disability in performing any service identified in the attachments;

g. If Subrecipient does not comply with the terms and conditions set forth in Section 420.512(5), Fla. Stat.;

h. If Subrecipient commits fraud in the performance of its obligations under this Contract; or

i. If Subrecipient refuses to permit public access to any document, paper, letter, computer files, or other material subject to disclosure under Florida's Public Records Law.

Upon the occurrence of any Event of Default listed in subparagraph 2. above, Florida Housing will provide written notice of the Default detailing the grounds that constitute the Event of Default.

3. Upon the occurrence of any Event of Default listed in subparagraph 2. above, Florida Housing may provide Subrecipient a reasonable period of time to cure the Event of Default (Cure Period). If Florida Housing provides a Cure Period, Florida Housing will notify the Subrecipient of the length of the Cure Period in the Notice of Default.

4. If Florida Housing provides a Cure Period and if the Subrecipient is unable or unwilling to cure the Event of Default within the Cure Period, Florida Housing may exercise any remedy permitted by law. The pursuit of any one of the following remedies shall not preclude Florida Housing from pursuing any other remedies contained herein or otherwise provided at law or in equity. The remedies include, but are not limited to the following:

   a. Florida Housing may terminate the Contract on the 10th day after Subrecipient receives the Notice of Default or upon the conclusion of any applicable Cure Period, whichever is later;

   b. Florida Housing may commence an appropriate legal or equitable action to enforce performance of the terms and conditions of this Contract;

   c. Florida Housing may exercise any corrective or remedial actions including, but not limited to, requesting additional information from Subrecipient to determine the reasons for or

the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Subrecipient to suspend, discontinue or refrain from incurring fees or costs for any activities in question or requiring the Subrecipient to reimburse Florida Housing for the amount of costs incurred; or

d. Florida Housing may exercise any other rights or remedies that may be otherwise available under law.

N. Termination

1. Florida Housing may terminate the Agreement, without cause, at any time upon 24-hour written notice delivered by courier service or electronic mail to the Subrecipient, from the date sent from Florida Housing.

2. The Subrecipient may terminate this Agreement, without cause, at any time upon 10 days written notice delivered by courier service or electronic mail to Florida Housing at the physical or electronic address, as applicable, of Florida Housing's Contract Administrator, Contract.Admin@floridahousing.org. The Subrecipient shall be responsible for all costs arising from the resignation of the Subrecipient.

3. Upon expiration or termination of this Agreement, the Subrecipient shall transfer to Florida Housing any CRF funds on hand at the time of expiration or termination, and any accounts receivable attributable to the use of CRF funds.

O. General Provisions

1. Compliance with all Applicable Laws and Regulations: Subrecipient must comply with all applicable federal, state and local laws, rules, regulations, and ordinances in administering CRF under this Agreement. Subrecipient acknowledges that this requirement includes, but is not limited to, compliance with all applicable federal, state, and local health and safety rules and regulations. Subrecipient further agrees to include this provision in all contracts with Eligible Persons, Sub-Grantees, Sponsors or subcontracts issued as a result of this Agreement. Subrecipient's failure to comply with any part of this provision is material and must be grounds for termination of this Agreement for cause by Florida Housing.

2. Indemnification: Nothing contained in this Agreement shall be construed to be a waiver by either party of any protections under sovereign immunity, Section 768.28 Florida Statutes, or any other similar provision of law. Nothing contained herein must be construed to be a consent by either party to be sued by third parties in any matter arising out of this Agreement or any other contract.

3. Insurance: Subrecipient agrees to carry liability and other appropriate forms of insurance. Florida Housing shall have no liability except as specifically provided in this Agreement.

4. Severability: If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.

5. Entire Agreement: This Agreement, and all exhibits annexed hereto which are incorporated herein by reference, collectively represent the entire agreement of the parties and the same supersedes any and all previous agreements of any kind. Any alterations, variations, changes, modifications, or waivers of provisions of this Agreement shall be valid only if reduced to writing, duly signed by all of the parties hereto, and attached to the original of this Agreement.

6. Lobbying: In accordance with Section 216.347, Fla. Stat., Subrecipient is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency. Further, in accordance with Section 11.062, Fla. Stat., no state funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes.

7. Files Subject to Florida's Public Records Law: Any file, report, record, document, paper, letter, or other material received, generated, maintained or sent by Subrecipient in connection with this agreement is subject to the provisions of Section 119.01-.15, Fla. Stat., as may be amended from time to time (Florida's Public Records Law). Subrecipient represents and acknowledges that it has read and understands Florida's Public Records Law and agrees to comply with Florida's Public Records Law.

**If Subrecipient has questions regarding the application of Chapter 119, Florida Statutes, to Subrecipient's duty to provide public records relating to this contract, contact the Corporation Clerk at:**
**Corporation Clerk**
**227 N. Bronough Street, Suite 5000**
**Tallahassee, Florida 32301-1329**
**Phone: 850.488.4197**
**E-mail: Corporation.Clerk@floridahousing.org**

8. Personally Identifiable Information (PII); Security:
   a. If Subrecipient or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Subrecipient must provide for the security of such PII, in a form acceptable to Florida Housing, without limitation, non-disclosure, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections and audits. Subrecipient shall take full responsibility for the security of all data in its possession or in the possession of its subcontractors and shall hold Florida Housing harmless for any damages or liabilities resulting from the unauthorized disclosure of loss thereof.
   b. If Subrecipient or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Subrecipient shall provide Florida Housing with insurance information for stand-alone cyber liability coverage, including the limits available and retention levels. If Subrecipient does not carry stand-alone cyber liability coverage, Subrecipient agrees to indemnify costs related to notification, legal fees,

judgments, settlements, forensic experts, public relations efforts, and loss of any business income related to this Agreement.

c. Subrecipient agrees to maintain written policies and procedures for PII and/or data classification. This plan must include disciplinary processes for employees that violate these guidelines.
d. Subrecipient agrees at all times to maintain reasonable network security that, at a minimum, includes a network firewall.
e. Subrecipient agrees to protect and maintain the security of data with protection security measures that include maintaining secure environments that are patched and up to date with all appropriate security updates as designated by a relevant authority (e.g. Microsoft notifications, Common Vulnerabilities and Exposures (CVE) database, etc.) Subrecipient agrees that PII shall be appropriately destroyed based on the format stored upon the expiration of any applicable retention schedules.
f. Subrecipient agrees that any and all transmission or exchange of system application data with Florida Housing and/or any other parties shall take place via secure Advanced Encryption Standards (AES), e.g. HTTPS, FTPS, SFTP or equivalent means. All data stored as a part of backup and recovery processes shall be encrypted, using AES.
g. If Subrecipient reasonably suspects that a cybersecurity event or breach of security has occurred, they must notify Florida Housing's Contract Administrator within 48 hours.
h. In the event of a breach of PII or other sensitive data, Subrecipient must abide by provisions set forth in Section 501.171, Fla. Stat. Additionally, Subrecipient must immediately notify Florida Housing in writing of the breach and any actions taken in response to such a breach. As the information becomes available the statement must include, at a minimum, the date(s) and number of records affected by unauthorized access, distribution, use, modification or disclosure of PII; Subrecipient's corrective action plan; and the timelines associated with the corrective action plan.

9. Other Provisions:
   a. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County.
   b. No waiver by Florida Housing of any right or remedy granted hereunder or failure to insist on strict performance by Subrecipient shall affect or extend or act as a waiver of any other right or remedy of Florida Housing hereunder or affect the subsequent exercise of the same right or remedy by Florida Housing for any further or subsequent default by Subrecipient. A waiver or release with reference to any one event shall not be construed as continuing or as constituting a course of dealing.
   c. Any power of approval or disapproval granted to Florida Housing under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.
   d. The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

IN WITNESS WHEREOF, the parties have executed this Agreement Number 052-2020, each through a duly authorized representative, effective on the Effective Date.

FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____

Name/Title: _____

Date: _____

FEIN: _____

FLORIDA HOUSING FINANCE CORPORATION

By: _____

Name/Title: _____

Date: _____

**CORONAVIRUS RELIEF FUND (CRF)**
**SUB-GRANTEE AGREEMENT**

**THIS FUNDING AGREEMENT** ("Agreement") is entered between **Lori Switzer Mills** ("Sub-Grantee"), a public/private non-profit/for-profit corporation operating under the laws of the State of Florida, whose corporate headquarters' mailing address is PO Box 722, Apalachicola, Fl 32329, and **Franklin County Board of County Commissioners** ("LG"), a political subdivision organized under the laws of the State of Florida. Upon execution by both parties, this Contract shall become effective as of the date the last party signs ("Effective Date").

**WITNESSETH:**

WHEREAS, the Coronavirus (COVID-19) emergency has caused disruption in Florida's economy leading to high rates of unemployment and business closures;

WHEREAS, Many Floridians are in need of assistance with rental payments, mortgage payments and home repairs;

WHEREAS, the State of Florida has been awarded funds pursuant to, section 601(d) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020);

WHEREAS, a portion of the CARES Act Funds (designated the "Coronavirus Relief Funds" or "CRF funds") has been distributed to the City/County under a written Subrecipient Agreement with the Florida Housing Finance Corporation;

WHEREAS, the Sub-grantee has legal authority to enter into this agreement and possesses the experience and ability necessary to conduct and perform the services which is the subject of this Agreement and agrees to use such experience and ability in its execution and completion of this Agreement for the benefit of the City/County and has been selected as a qualified Sub-Grantee to carry out the scope of work identified in this agreement;

WHEREAS, the Sub-Grantee and City/County wish to enter into this Agreement which will govern the disbursement and expenditure of CRF funds;

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereto agree as follows:

A. Recitals: The recitals stated above are true and correct, are incorporated herein, and form an integral part of this Agreement.

B. Definitions:

1. "Administrative Expenditures" means funds, not to exceed 10% of the contract award, expended by Sub-Grantee to carry out the activities of CRF. This expense may include salaries and benefits of staff, office supplies and equipment, required travel, advertising, recording costs.

2. "Annual income" means annual income as defined under the Section 8 housing assistance

payments programs in 24 C.F.R. part 5.

3. "Eligible Housing" means any real and personal property located within the county or eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, Fla. Stat., or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles. Properties that receive rehabilitation or repair under this program must meet the definition of eligible housing.

4. "Eligible Persons" or "Households" means one or more natural persons or a family determined by Sub-Grantee to be earning not more than 120% of the area median income according to the income limits adjusted to family size published annually by Florida Housing.

5. "Eligible Sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under CRF for the purpose of providing Eligible Housing for Eligible Persons.

6. "Expended" means the affordable housing activity is complete.

7. "Program Income" means proceeds derived from interest earned on or investment of the funds, proceeds from loan repayments, recycled funds, and all other income derived from use of CRF funds that must be returned to the local government by the Sub-Grantee or sponsor.

8. "Project Delivery Costs" means those costs related to the delivery of housing related services to an eligible applicant that are not included as part of Administrative Expenditures.

9. "Sub-Grantee" means a person or organization contracted by the City/County that is compensated with CRF funds to provide administration of any portion of the CRF.

3. Allocation and Use of Funds:

a. Amount of Funds Available to Sub-Grantee: The total funds made available to Sub-Grantee under this Agreement is: **$17,500**.

b. Disbursement of Funds to Sub-Grantee: The available funds will be disbursed to Sub-Grantee for activities described in Item 3.d., below. Funds will be disbursed on a reimbursement basis. 50% of the funds provided must be expended by _____ and 100% of the funds provided must be expended no later than **December 30, 2020**. If the local government determines that the Sub-Grantee has failed to make satisfactory progress in meeting the requirements of this Agreement or has otherwise failed to satisfactorily perform under the terms of this Agreement, the local government may terminate this agreement providing 10 days written notice to the Sub-Grantee for failure to comply with the terms of the agreement and/or the projected accomplishments defined in Attachment A. The Sub-Grantee, at the discretion of the City/County may provide a written plan to address the issues prepared by the Sub-Grantee and submitted to City/County for approval.

c. Establishment of CRF Trust Fund: Sub-Grantee must establish and maintain a CRF trust fund or a pooled account where CRF funds are clearly designated.

d. Expenditure of Funds by Sub-Grantee: CRF funds shall be Expended by Sub-Grantee for the following:

i. Direct CRF Administrative Expenditures and Project Delivery Costs incurred on or after March 1, 2020 in an amount no more than a cumulative **10%** percent of CRF funds incurred by Sub-Grantee, a consultant to Sub-Grantee, and/or a Sponsor. CRF funds shall not be used to pay for Administrative Expenditures and Project Delivery Costs incurred prior to March 1, 2020.

ii. Housing counseling services, direct rental assistance, relocation costs and awards to assist Eligible Housing for Eligible Persons or Households or Eligible Sponsors.

iii. CRF funds may be used for the following pre-approved program purposes or activities:

1. Rental assistance payments (including back rent, deposits and utility payments);
2. Mortgage payments and buydowns;
3. Emergency repair of housing;
4. Assistance to homeowners to pay insurance deductibles;
5. Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;
6. Foreclosure or eviction prevention, including mortgage payments, monthly rent and associated fees; and
7. Homeownership, foreclosure and eviction prevention counseling.

All other activities must be presented in writing to the City/County and approved in writing prior to implementation.

e. Term: The period of performance for this grant is March 1, 2020 – December 30, 2020. In executing this Agreement, Sub-Grantee is certifying that all CRF funds will be Expended by December 30, 2020. The term of this agreement will be from the Effective Date through March 31, 2021.

f. Advertisement of Availability of Funds: CRF funding availability shall be advertised by Sub-Grantee in newspaper, website, Facebook, flyers or other method with outreach to as many eligible persons as possible reaching racially, ethnically and income diverse neighborhoods, at least 10 days before the beginning of the application period. This 10-day period does not prevent assistance to applicants that have already applied and been determined eligible prior to the application period. At a minimum, the advertisement shall contain:

I. The amount of funds projected to be received from the state for the fiscal year(s).
II. The beginning and ending date of the application period;
III. The name of the contact person and other pertinent information where applicants may apply for assistance (phone number, address, email, and hours of operation);
IV. Copies of all outreach shall be retained and provided the City/County upon request.

g. Repayments:

i. The Sub-Grantee shall only expend funding under this Agreement for allowable costs resulting from obligations incurred during the eligible period of performance. The Sub-Grantee shall ensure that its contractors, subcontractors, and consultants only expend funding under this Agreement for allowable costs resulting from obligations incurred during the period of performance.

ii. The Sub-Grantee shall refund to the City/County any unobligated funds which have been advanced or paid to the Sub-Grantee upon termination of this Agreement.

iii. Any unexpended funds under this Agreement, including unexpended program income earned, must be returned to the City/County upon termination of this Agreement.

iv. Upon termination of this Agreement, or upon any determination made indicating such, the Sub-Grantee shall refund to City/County any funds paid in excess of the amount to which the Sub-Grantee or its contractors, subcontractors, or consultants are entitled under the terms and conditions of this Agreement.

v. The Sub-Grantee shall refund to the City/County any funds not spent in accordance with the conditions of this Agreement or applicable law. Such reimbursement shall be sent to the City/County within 15 calendar days from Sub-Grantee's receipt of notification of such non-compliance.

vi. The Sub-Grantee's obligations under this section will survive the termination of the Agreement.

h. Performance under this Agreement is subject to 2 C.F.R Part 200, entitled "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards."

i. Single Audit Act: Funds payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance. The Sub-Grantee shall conduct a single or program-specific audit in accordance with the provisions of 2 C.F.R. Part 200 and the related provisions of the Uniform Guidance, if it expends more than $750,000 or more in Federal awards from all sources during its fiscal year. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 21.019.

4. Application for CRF Eligible Person or Household Assistance: Sub-Grantee shall establish criteria for CRF assistance and develop an application for CRF eligibility.

a. The application for assistance should contain all the necessary information to determine whether an applicant household is potentially eligible for CRF assistance. In accordance with the provisions of Sections 760.20-760.37, Fla. Stat., it is unlawful to discriminate on the basis of race, religion, color, sex, familial status, national origin, or handicap in the award application process for Eligible Housing.

b. At a minimum, an application for program assistance should contain the following items for each household members:

i. The number of people residing in the household including name, age, relationship to head of household, current address and home phone number;

ii. Name and address of employer(s), work phone number(s), position title and number of years on job with employer;

iii. Sources of annual income, including earned, unearned and asset income, and a statement signed by all of the adults who reside in the household consenting to the disclosure of information for the purpose of verifying income and assets for determining income eligibility for program assistance.

iv. A signed statement indicating that the applicant understands that all information provided is subject to Florida's public records laws.

v. A statement that it is a first-degree misdemeanor to falsify information for the purpose of obtaining assistance.

5. Allowable Rental Assistance (Subsidies): Assistance may be provided as direct rental assistance to Eligible Persons in any of the following manners:

   a. Security and utility deposit assistance to secure temporary or permanent rental housing; or

   b. Eviction prevention not to exceed 10 months' rent; or

   c. A rent subsidy program for income eligible households that are displaced from rental units that are uninhabitable.

6. Allowable Mortgage Payments: Mortgage payment assistance may be awarded to eligible applicants. This may include principle and interest, insurance, and homeowner association fees. Real Estate taxes can be part of PITI to the lender.

7. Income Categories: All households assisted must be at or below 120% of the area median income.

8. CRF Eligible Person Award Terms: CRF funds awarded directly to Eligible Persons must be in the form of a grant, deferred loan or hard pay loan.

9. Reporting Requirements: The Sub-Grantee must provide City/County with monthly reports beginning on September 15, 2020 and a closeout report by February 5, 2021. These funds must include the current status and progress of the expenditure of funds under this Agreement, in addition to any other information requested by the City/County. All funds must be accounted for on the CRF Data Upload Form as provided by City/County. Quarterly reports are due to City/County no later than 10 days after the end of each quarter. The first quarterly report due pursuant to this agreement is due for the quarter ending September 15, 2020.

10. Program Compliance

    a. File Management and Record Retention relating to CRF Eligible Persons or Sponsors: Sub-Grantee must maintain a separate file for every applicant, Eligible Person, subrecipient or Sponsor, regardless of whether the request was approved or denied.

       i. Contents of File: Each file must contain sufficient and legible documentation. Documents must be secured within the file and must be organized systematically.

       ii. Record and File Retention: The Sub-Grantee is required to retain records and other relevant documentation for each applicant, Eligible Person, Subrecipient or Sponsor for five fiscal years after funds have been expended or five years after the expiration of a use restriction agreement. and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released.

1. The minimum requirements for documentation of award depends upon the type of assistance awarded and the funding sources. Every file should contain a section of notes and a file checklist, which tracks the efforts and progress of obtaining necessary documents. The checklist is a useful tool for all persons who must have access to the file. However, this checklist may be modified to accommodate the need for additional documentation.
2. Eligible Sponsors(developers) who are awarded funds have the responsibility for maintaining clear and accurate files on project recipients and activities. Sub-Grantee must monitor the Eligible Sponsors files on a regular basis to ensure that all information is collected that will be needed for reporting. Sub-Grantee's housing administrator must also review the file documentation to ensure that assistance is awarded to Eligible Persons and that all project activities conform to program requirements.
3. In cases where a Sub-Grantee is used to administer CRF, Sub-Grantee is ultimately responsible for program compliance.
4. All other records that document the award or expenditure of CRF funds must be retained for five fiscal years after the funds have been expended or five years after the expiration of a use restriction agreement and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released. This means that for cases that were assisted Sub-Grantee must retain all records no less than five years after the loan has been satisfied, provided audits have been released, whichever is later. Housing records of this type include, but are not limited to:
    a. applications;
    b. program and set-aside records;
    c. housing agreements;
    d. income verifications and
    e. other records as required by the City/County, Florida Housing or federal, state and local law or regulations.
5. Records must be retained in electronic form. The standards used must comply with the Florida Administrative Code. Local record retention requirements may be stricter than the State.

iii. Access to Files: Florida Housing Finance Corporation, the City/County or any duly authorized representative shall be permitted to inspect any files relating to CRF Eligible Person or Sponsors including but not limited to advertisements, applications, income verifications and certifications, plan participation contracts, financial records, tracking system records, construction cost verification including receipts and contracts, rental development annual reviews, Eligible Sponsor reviews, Eligible Sponsor award lists, CRF fund recipient lists, and any other applicable documents at any reasonable time with or without notice. Such records shall be maintained within the participating county or eligible municipality at a place accessible to the City/County staff or its designated monitoring agent.

b. <u>Files Management and Record Retention relating to Sub-Grantee and Administration of this Agreement</u>:

i. The Sub-Grantee shall maintain books, records, and documents in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided by the City/County under this Agreement.

ii. Contents of the Files: Sub-Grantee must maintain files containing documentation to verify all compensation to Sub-Grantee in connection with this Agreement, as well as reports, records, documents, papers, letters, computer files, or other material received, generated, maintained or filed by Sub-Grantee in connection with this Agreement. Sub-Grantee must also keep files, records, computer files, and reports that reflect any compensation it receives or will receive in connection with this Agreement.

iii. Record and File Retention: Sub-Grantee must maintain these files for five years after the end of the applicable fiscal year, except that, if any litigation, claim or audit is commenced with respect to the transactions documented by such files before the end of the aforementioned five-year period and extends beyond the expiration of the five-year period, these files must be retained until all litigation, claims, or audit findings involving the files have been resolved.

iv. Access to the Files: As a condition of receiving state or federal financial assistance, and as required by sections 20.055(6) and 215.97(5), Fla. Stat., the City/County, Florida Housing, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives shall enjoy the right to access any documents, financial statements, papers, or other records of the Sub-Grantee that are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. Upon reasonable notice, Sub-Grantee and its employees shall allow the City/County, Florida Housing or its agent(s) access to its files and personnel for interview purposes during normal business hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, provided such day is not a holiday.

v. Return of the Files: In the event this Agreement is terminated, all finished or unfinished documents, data, studies, computer files, correspondence, and other products prepared by or for Sub-Grantee under this Agreement must be submitted to the City/County within 10 days of such termination at the expense of Sub-Grantee.

c. Compliance Monitoring: Sub-Grantee must be subject to compliance monitoring during the period of performance in which funds are Expended and up to three years following the closeout of all funds. In order to assure that the program can be adequately monitored, the following is required of Sub-Grantee:

i. Sub-Grantee must maintain a financial tracking system provided by City/County that ensures that CRF funds are Expended in accordance with program requirements, deadlines, and other requirements in this agreement.

ii. Sub-Grantee must maintain records on all awards to Eligible Persons or Sponsors. These records must include, if applicable, but are not limited to:

1. Proof of income compliance;
2. Proof of homeownership;
3. Proof of use of FEMA proceeds;
4. Documentation of all required inspections including mold remediation and wood destroying organisms;
5. Documentation of any required remediation;
6. Certificate of Occupancy;
7. Placed in Service documentation;
8. Proof of contract or eligibility;
9. Documentation of payments made on the award; and
10. Documentation of the value/sales price of the unit, as applicable.

d. Cooperation with Inspector General: Sub-Grantee understands its duty, pursuant to Section 20.055(5), Fla. Stat., to cooperate with the City/County, Florida Housing's Inspector General in any investigation, audit, inspection, review, or hearing. Sub-Grantee will comply with this duty and ensure that any contracts issued under this Agreement impose this requirement, in writing, on its subcontractors.

e. Technical Assistance: Training and technical assistance is available to Sub-Grantee to assist in the development and implementation of the CRF. This technical assistance shall be provided by City/County staff and Florida Housing's Catalyst contractor.

f. Program Income: Program Income realized by Sub-Grantee prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, funds realized as Program Income must be returned to the City /County.

g. Recaptured Funds: Recaptured Funds realized by Sub-Grantee prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, Recaptured Funds must be returned to the City/County.

11. Contacts

City

Sub-Grantee

12. 2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards - In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

**(A)** Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
**(B)** All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
**(C)** Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
**(D)** Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards

Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or Sub-Grantee must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

**(E)** Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or Sub-Grantee wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or Sub-Grantee must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

**(F)** Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

**(G)** Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p.

235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**(H)** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**(I)** See § 200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

13. Default and Remedies

a. If any of the events listed in subparagraph 2. of this section occur, all obligations on the part of City/County to continue doing business with Sub-Grantee or assign any future transaction to Sub-Grantee shall, if City/County so elects, terminate and City/County may, at its option, exercise any of its remedies set forth herein, or as otherwise provided by law. However, the City/County may continue doing business with the Sub-Grantee as a participant after the happening of any event listed in subparagraph 2. of this section without waiving the right to exercise such remedies, without constituting a course of dealing, and without becoming liable to include the Sub-Grantee in the transaction or any future transaction.

b. The Events of Default shall include, but not be limited to, the following:

i. If any report, information or representation provided by Sub-Grantee in this Contract is inaccurate, false or misleading in any respect;

ii. If any warranty or representation made by Sub-Grantee in this Contract or any other outstanding agreement with City/County is deemed by City/County to be inaccurate, false or misleading in any respect;

iii. If Sub-Grantee fails to keep, observe, or perform any of the terms or covenants contained in this Contract, or is unable or unwilling to meet its obligations as defined in this Contract;

iv. If, in the sole discretion of City/County, Sub-Grantee has failed to perform or complete any of the services identified in the attachments;

v. If Sub-Grantee has not complied with all Florida laws, federal laws, City/County rules or City/County policies applicable to the work;

vi. If Sub-Grantee has discriminated on the grounds of race, color, religion, sex, national origin, or disability in performing any service identified in the attachments;

vii. If Sub-Grantee does not comply with the terms and conditions set forth in Section

420.512(5), Fla. Stat.;

viii. If Sub-Grantee commits fraud in the performance of its obligations under this Contract; or

ix. If Sub-Grantee refuses to permit public access to any document, paper, letter, computer files, or other material subject to disclosure under Florida's Public Records Law.

Upon the occurrence of any Event of Default listed in subparagraph 2. above, City/County will provide written notice of the Default detailing the grounds that constitute the Event of Default.

c. Upon the occurrence of any Event of Default listed in subparagraph 2. above, City/County may provide Sub-Grantee a reasonable period of time to cure the Event of Default (Cure Period). If City/County provides a Cure Period, City/County will notify the Sub-Grantee of the length of the Cure Period in the Notice of Default.

d. If City/County provides a Cure Period and if the Sub-Grantee is unable or unwilling to cure the Event of Default within the Cure Period, City/County may exercise any remedy permitted by law. The pursuit of any one of the following remedies shall not preclude City/County from pursuing any other remedies contained herein or otherwise provided at law or in equity. The remedies include, but are not limited to the following:

i. City/County may terminate the Contract on the 10th day after Sub-Grantee receives the Notice of Default or upon the conclusion of any applicable Cure Period, whichever is later;

ii. City/County may commence an appropriate legal or equitable action to enforce performance of the terms and conditions of this Contract;

City/County may exercise any corrective or remedial actions including, but not limited to, requesting additional information from Sub-Grantee to determine the reasons for or the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Sub-Grantee to suspend, discontinue or refrain from incurring fees or costs for any activities in question or requiring the Sub-Grantee to reimburse City/County for the amount of costs incurred; or

iii. City/County may exercise any other rights or remedies that may be otherwise available under law.

14. Termination

a. City/County may terminate the Agreement, without cause, at any time upon 24-hour written notice delivered by courier service or electronic mail to the Sub-Grantee, from the date sent from City/County.

b. The Sub-Grantee may terminate this Agreement, without cause, at any time upon 10 days written notice delivered by courier service or electronic mail to City/County at the physical or electronic address, as applicable, of

_____ The Sub-Grantee shall be responsible for all costs arising from the resignation of the Sub-Grantee.

c. Upon expiration or termination of this Agreement, the Sub-Grantee shall transfer to City/County any CRF funds on hand at the time of expiration or termination, and any accounts receivable attributable to the use of CRF funds.

15. General Provisions

a. Compliance with all Applicable Laws and Regulations: Sub-Grantee must comply with all applicable federal, state and local laws, rules, regulations, and ordinances in administering CRF under this Agreement. Sub-Grantee acknowledges that this requirement includes, but is not limited to, compliance with all applicable federal, state, and local health and safety rules and regulations. Sub-Grantee further agrees to include this provision in all contracts with Eligible Persons, Subrecipients, Sponsors or subcontracts issued as a result of this Agreement. Sub-Grantee's failure to comply with any part of this provision is material and must be grounds for termination of this Agreement for cause by City/County.

b. Indemnification: Nothing contained in this Agreement shall be construed to be a waiver by either party of any protections under sovereign immunity, Section 768.28 Florida Statutes, or any other similar provision of law. Nothing contained herein must be construed to be a consent by either party to be sued by third parties in any matter arising out of this Agreement or any other contract.

c. Insurance: Sub-Grantee agrees to carry liability and other appropriate forms of insurance. City/County shall have no liability except as specifically provided in this Agreement.

d. Severability: If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.

e. Entire Agreement: This Agreement, and all exhibits annexed hereto which are incorporated herein by reference, collectively represent the entire agreement of the parties and the same supersedes any and all previous agreements of any kind. Any alterations, variations, changes, modifications, or waivers of provisions of this Agreement shall be valid only if reduced to writing, duly signed by all of the parties hereto, and attached to the original of this Agreement.

f. Lobbying: In accordance with Section 216.347, Fla. Stat., Sub-Grantee is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency. Further, in accordance with Section 11.062, Fla. Stat., no state funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes.

g. Files Subject to Florida's Public Records Law: Any file, report, record, document,

paper, letter, or other material received, generated, maintained or sent by Sub-Grantee in connection with this agreement is subject to the provisions of Section 119.01-.15, Fla. Stat., as may be amended from time to time (Florida's Public Records Law). Sub-Grantee represents and acknowledges that it has read and understands Florida's Public Records Law and agrees to comply with Florida's Public Records Law.

h. If Sub-Grantee has questions regarding the application of Chapter 119, Florida Statutes, to Sub-Grantee's duty to provide public records relating to this contract, contact _____

i. Personally Identifiable Information (PII); Security:

1. If Sub-Grantee or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Sub-Grantee must provide for the security of such PII, in a form acceptable to City/County , without limitation, non-disclosure, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections and audits. Sub-Grantee shall take full responsibility for the security of all data in its possession or in the possession of its subcontractors and shall hold City/County harmless for any damages or liabilities resulting from the unauthorized disclosure of loss thereof.
2. If Sub-Grantee or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Sub-Grantee shall provide City/County with insurance information for stand-alone cyber liability coverage, including the limits available and retention levels. If Sub-Grantee does not carry stand-alone cyber liability coverage, Sub-Grantee agrees to indemnify costs related to notification, legal fees, judgments, settlements, forensic experts, public relations efforts, and loss of any business income related to this Agreement.
3. Sub-Grantee agrees to maintain written policies and procedures for PII and/or data classification. This plan must include disciplinary processes for employees that violate these guidelines.
4. Sub-Grantee agrees at all times to maintain reasonable network security that, at a minimum, includes a network firewall.
5. Sub-Grantee agrees to protect and maintain the security of data with protection security measures that include maintaining secure environments that are patched and up to date with all appropriate security updates as designated by a relevant authority (e.g. Microsoft notifications, Common Vulnerabilities and Exposures (CVE) database, etc.) Sub-Grantee agrees that PII shall be appropriately destroyed based on the format stored upon the expiration of any applicable retention schedules.
6. Sub-Grantee agrees that any and all transmission or exchange of

system application data with City/County and/or any other parties shall take place via secure Advanced Encryption Standards (AES), e.g. HTTPS, FTPS, SFTP or equivalent means. All data stored as a part of backup and recovery processes shall be encrypted, using AES.

7. If Sub-Grantee reasonably suspects that a cybersecurity event or breach of security has occurred, they must notify City/County Contract Administrator within 48 hours.
8. In the event of a breach of PII or other sensitive data, Sub-Grantee must abide by provisions set forth in Section 501.171, Fla. Stat. Additionally, Sub-Grantee must immediately notify City/County in writing of the breach and any actions taken in response to such a breach. As the information becomes available the statement must include, at a minimum, the date(s) and number of records affected by unauthorized access, distribution, use, modification or disclosure of PII; Sub-Grantee's corrective action plan; and the timelines associated with the corrective action plan.

J. Other Provisions:

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in _____ County.
2. No waiver by City/County of any right or remedy granted hereunder or failure to insist on strict performance by Sub-Grantee shall affect or extend or act as a waiver of any other right or remedy of City/County hereunder or affect the subsequent exercise of the same right or remedy by City/County for any further or subsequent default by Sub-Grantee. A waiver or release with reference to any one event shall not be construed as continuing or as constituting a course of dealing.
3. Any power of approval or disapproval granted to City/County under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.
4. The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

IN WITNESS WHEREOF, the parties have executed this Agreement, each through a duly authorized representative, effective on the Effective Date.

City/County

By: _____

Name/Title: _____

Date: _____

FEIN: _____

Sub-Grantee

By: _____

Name/Title: _____

ATTACHMENT A
PROJECT INFORMATION, DESCRIPTION AND SCOPE OF WORK

PROJECTED ACCOMPLISHMENTS

| ACTIVITY | NUMBER OF HOUSEHOLDS ENCUMBERED | PROJECT ENCUMBERED AMOUNTS | ENCUMBERED END DATE | NUMBER OF HOUSEHOLDS EXPENDED | PROJECTED EXPENDED AMOUNTS | END DATE |
|---|---|---|---|---|---|---|
| Rent | | | | | | |
| Mortgage | | | | | | |
| Utilities | | | | | | |
| TOTAL | | | | | | |

This following chart demonstrates the goals of program expenditures by month. Per the Agreement, if the Sub-grantee fails to meet these goals, the City/County may terminate the Agreement and exercise any legal action authorized by the Agreement.

| MONTH | TOTAL NUMBER OF HOUSEHOLDS ASSISTED | RENTERS ASSISTED | HOMEOWNERS ASSISTED | TOTAL AMOUNT EXPENDED ($) | RENTAL ASSISTANCE PROVIDED ($) | MORTGAGE ASSISTANCE PROVIDED ($) |
|---|---|---|---|---|---|---|
| August 2020 | | | | | | |
| September 2020 | | | | | | |
| October 2020 | | | | | | |
| November 2020 | | | | | | |
| December 2020 | | | | | | |

SECTION 1 – Project.

A. Subject to the terms of this Agreement, the City/County shall pay to the Sub-grantee a sum of money not to exceed $_____ hereinafter referred to as a GRANT of which $_____ shall be used by the Sub-grantee to provide Rental Assistance to eligible and qualified persons.

B. Rental Assistance Program:

*In this subsection, list the terms of the program. Include items such as income eligibility, amount paid per applicant, grant terms, prioritization of funds (if any), and other items. For example, renters at ____% or below AMI will be eligible for a grant not to exceed $_____ for a period of _____ months.*

C. Mortgage Assistance Program

D. Additional activities to be performed shall include:

1. Accept and process applications, verify income and assets in accordance with 24 CFR Part 5.609. Staff is encouraged to view pre-recorded webinars on determining income eligibility and income certification provided by the Florida Housing Coalition on their website www.flhousing.org and attend free training as may be available from time to time.

2. Create a file for each eligible applicant and maintain all applicant documentation related to client eligibility, agreements, and closeout documents.

3. Submit a complete file including the application (ATTACHMENT D), file checklist (ATTACHMENT E), income and assets documentation or self certification, for each eligible applicant to the City/County for approval of file.

4. Submit copy of tenant lease or other proof of tenancy, if applicable

5. Submit proof on unemployment or underemployment.

6. Submit proof of rent paid.

7. Submit proof of utilities paid.

8. Submit monthly and quarterly reports (see Agreement for reporting requirement details) on the progress of each case including client name, address, status, income category, household size, expenditures and comments.

9. Identify what steps are to be taken in each case to mitigate any problem(s) detected.

10. The City/County will monitor the progress of the Sub-grantee on a monthly and quarterly basis to ensure that the agency is encumbering and expending funds and complying with set aside requirements. The City/County has a right to review all files, conduct monitoring visits and request documents associated with the file during review. Reviews can be remote or on site.

SECTION 2 – GRANT PAYMENT PROCEDURES
*In this subsection, specify additional grant payment procedures, if any additional items are not included elsewhere in the Agreement.*

CC.

ATTACHMENT B
REQUEST FOR PAYMENT

| | |
|---|---|
| Sub-grantee Name | |
| Sub-grantee Address | |
| Sub-grantee Contact Name | |
| Sub-grantee Contact e-mail | |
| Sub-grantee contact phone | |
| | |
| | |

| | |
|---|---|
| Activity | COVID-19 Disaster Assistance |
| Funding Source | CRF |
| FY | |
| Total Grant Awarded | |
| Payments Request to date | |
| Amount of this request | |
| Balance of Grant as of this invoice | |

| | |
|---|---|
| Applicant Name | |
| Applicant Address | |
| File No | |
| Activity Type | |
| Amount paid to date for this file | |
| | |
| Contract Amount | |
| Total case budget | |
| Total Paid to date | |
| Balance | |

| Payment Request Number | Amount of request | Activity |
|---|---|---|
| | | |
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ATTACHMENT C
INSURANCE REQUIREMENTS

ATTACHMENT D
APPLICATION

ATTACHMENT E
FILE CHECKLIST

ATTACHMENT F
INCOME CERTIFICATION

DD.

**MEETING DATE:** August 4, 2020

**NAME/DEPARTMENT/AGENCY:** Clerk of Court

**TOTAL ATTACHMENTS:** 0

==========

1. Board action is requested relative to the Value Adjustment Board (VAB):

   a. Two county commissioners must be appointed;

   b. A citizen member who owns homestead property within the county must be appointed. The citizen member cannot be a member or employee of any taxing authority. Mr. Donnie Gay has graciously agreed to serve should it be the desire of the Board.

   Board action is requested to appoint two commissioners and to appoint Mr. Donnie Gay as the citizen member to the VAB.
2. For information, a copy of the county's audit reports for the year 18/19 has been provided to the Board and has been posted on the county's website.

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**MEETING DATE:** 8/4/2020

**NAME/DEPARTMENT/AGENCY:** County Coordinator

**TOTAL ATTACHMENTS:**

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County Coordinator's Report

**Action Items**

Local State of Emergency (COVID-19): As authorized by the Board, Chairman Lockley signed COVID-19 Local State of Emergency (LSE) Declarations for the weeks starting July 13th, July 20th, July 27th, and August 3rd.
Request: Board action to ratify the Chairman's signature on the stated COVID-19 LSE Declarations.

Local State of Emergency (Potential Tropical Cyclone 9): Mrs. Pam Brownell, Emergency Management Director, requested the Chairman's signature on a Local State of Emergency Proclamation for what was anticipated as becoming Tropical Cyclone 9 and became Hurricane Isaias.
Request: Board action to ratify the Chairman's signature on the Potential Tropical Cyclone LSE.

Dewberry FEMA Service Agreement: In 2018 the Board entered into a two-year professional services agreement with Dewberry Engineering for project management, engineering & environmental services for FEMA funded recovery. This agreement included options for renewals up to five years. I recommend renewing this contract for three additional years.
Request: Board action to authorize the Chairman's signature on the addendum extending this professional services contract for three years.

Dewberry Task Orders: Below are three (3) Task Orders from Dewberry for the Board's review and approval:

a. Assist with survey, design, bidding, and contract award and construction inspection of the repairs to County Road 30A East and West Washout areas. These professional services will be performed as described in the Task Order #4 for a lump sum amount of $59,250.00.

b. Assist with survey, design, bidding, and contract award and construction inspection of the repairs to the Eastpoint Fishing Pier and Parking Area / ADA Restrooms. These professional services will be performed as described in the Task Order #5 for a lump sum amount of $39,750.00.

c. Assist with design, bidding and contract award and construction inspection of the repairs to the St. George Island Fishing Pier Road. These professional services will be performed as described in the Task Order #6 for a lump sum amount of $9,600.00.

Request: Board action to approve and authorize the Chairman's signature on Dewberry's Task Orders #4, #5, and #6 as stated above and described in each Task Order.

Highway 67 Striping Project: The Road Department has received numerous complaints of the lack of visible striping on Highway 67 while driving at night especially when it is raining. Since Roberts and Roberts are in the County working on the Airport road project and the Board waived the bid policy to save on mobilization costs, we asked them for a proposal to stripe Highway 67. This striping will start at Crooked River Bridge (that where the FDOT paving project will end) and end at the County line. Roberts and Roberts provided quotes for the use of striping with paint or thermoplastic. I recommend using paint, as it is less expensive and FDOT has a future project to pave north of Crooked River Bridge.
Request: Board action to authorize Roberts and Roberts to stripe CR67 from Crooked River to the County line with paint for a total of $17,187.00.

Timber Island Bridge Repairs: A while back FDOT did an inspection at the Timber Island Road bridge and forwarded their findings to the Road Department. Mr. Nabors, Road Superintendent, asked the local FDOT contractor, Ferrovial, for a quote to make the necessary repairs based on the FDOT inspection. Mr. Nabors received a $5,985.00 quote from Ferrovial for the repairs and recommends proceeding with this project.
Request: Board action to authorize Ferrovial to do the maintenance repair work on the Timber Island Road Bridge for $5,985.00.

Road Paving District 4: At an earlier meeting, the Board waived the County's bid policy to save on mobilization costs and authorized Roberts and Roberts to pave roads in the County. Commissioner Massey asked for a proposal to pave Sybil and Court Streets in his District. Roberts and Roberts submitted a $70,135 proposal to pave these streets which will be paid from District 4 paving funds.
Request: Board action to authorize Roberts and Roberts to pave Sybil and Court Streets for $70,135.

CR 30A CEI Advertisement: The Florida Department of Transportation has signed the agreement for the resurfacing of CR 30A from the Gulf County line to 13-Mile Road and returned it to the County along with the Notice to Proceed. The Board needs to authorize the Planning Department to advertise for a Construction Engineering and Inspection (CEI) consultant for this job.
Request: Board action to authorize CEI advertisement for the CR 30A project.

CR 67 CEI Advertisement: The Florida Department of Transportation has signed the agreement for the resurfacing of CR 67 from Highway 98 to the Crooked River Bridge and returned it to the County along with the Notice to Proceed. The Board needs to authorize the Planning Department to advertise for a Construction Engineering and Inspection (CEI) consultant for this job.
Request: Board action to authorize CEI advertisement for the CR 67 project.

Alligator Point Multi-Use Path Advertisement: The County Commission received the Coastal Construction Control Line permit from the Florida Department of Environmental Protection for construction of the Alligator Point Multi-Use Path. The next step in the process is to advertise for CEI services and construction bids for the portion of the multi-use path from the marina to Tom Roberts Road. Due to time constraints and the cancellation of the July 21 BOCC meeting, the Planning Office has already submitted the required advertisements to the newspaper. The CEI proposals will be opened on September 1 and the construction bids will be opened on September 15.
Request: Board action to ratify staff's submittal of the required advertisements to the newspaper.

CR 67/Tallahassee Street Sidewalk Project: The bid documents for the CR 67 Tallahassee Street Sidewalk inadvertently included the wrong wage decision for the contractor to follow. FDOT requires that Franklin County and the contractor, M of Tallahassee, Inc., amend the contract to reflect the new

EE.

2020 wage decision. M of Tallahassee has signe amendment. Due to time constraints Planning staff asked Chairman Lockley to sign the amendment.
Request: Board action to ratify the Chairman's signature on the wage decision amended form.

Opportunity Florida Letter of Support: Opportunity Florida is working on the Regional Rural Development grant application of the 2020-21 year and is requesting a letter of support that states the County will continue our involvement with Opportunity Florida and intends to pay the 2020-21 annual investment $1,154.90 dues.
Request: Board action to authorize the Chairman's signature on the letter of support for Opportunity Florida.

Liberty County Letter of Support: The Liberty County Board of County Commissioners has written a letter (attached to the agenda packet) to USDA Forest Service opposing the closing and/or moving of the camping area adjoining the Whitehead's Lake boat landing on the Ochlocknee River, located in Liberty County. The Board of County Commissioners would like Franklin County Board of County Commissioners to send a letter in support to the Forest Service.
Request: Board action to authorize a letter of support opposing the closing and/or moving of the camping area adjoining the Whitehead's Lake boat landing in Liberty County.

One Pay Credit Card Agreement: Mrs. Amy Kelly and I met with a representative from CIVITEK to discuss their online One Pay Credit Card service. Currently, any customer that needs to pay for a permit over the phone has to give all of their credit card information to one of the permitting clerks, a process I am not comfortable with. With the One Pay service, a customer would go to an online link to pay for a permit, armory rental, or other services, then receive the requested service. Currently, the Clerk of Courts uses this same service for her office as does the City of Carrabelle for water and sewer payments. Attorney Shuler has requested some changes to the contract, which was returned yesterday with the requested changes.
Request: Board action to authorize the Chairman's signature on the One Pay Credit Card Agreement after Attorney Shuler's approval of the final version.

Audio/Video Agreement: As discussed at a previous meeting, staff requested quotes from four companies to install multiple large screen televisions in the meeting room for virtual meetings. Of the four requests we received 2 quotes and went with the lower of the two. I signed a proposal with Inspired Technologies, an official Florida Association of Counties partner, for $7,250. This amount will be paid from the CARES Act funds received from the State.
Request: Board action to ratify my signature on the Inspired Technology $7,250 proposal for the installation of four (4) large sized monitors in the Commission Meeting room.

Tipping Fees: After some discussion at your July 30th Budget Workshop, the Board directed me to add increasing tipping fees for any out of town garbage, debris, trash or waste that came across the scales at the County's Landfill to today's agenda. Staff will need specific direction from the Board on how much to increase the tipping fees as Mr. Fonda Davis, Attorney Shuler and I attempt to provide some options to the Board.
Request: Board discussion and direction on how much to increase the tipping fees for out of town garbage, debris, trash or waste at the Landfill.

Assistant Planner: At your July 30th Budget Workshop, the Board discussed the importance of creating an assistant planner position as Mr. Mark Curenton, County Planner, is in the State's DROP program and can retire at any time. I discussed this matter with Mr. Curenton along with the option of working with the Apalachee Regional Planning Council (ARPC) for this service. Mr. Curenton

suggested a meeting with ARPC to discuss the C[EE.]s planning needs versus what ARPC could offer and then have a discussion with the Board at a future meeting.
Request: Board action to authorize staff to meet with ARPC to discuss future planning services for the County.

**Information Items**

Eastpoint/2 Mile Dredge Update: Inform the Board the staff received a letter from the US Army Corps of Engineers updating us on the status of the Eastpoint and Two-mile dredge project. A copy is attached to the agenda packet.

Inmate Labor: As I stated at the July 30th Budget Workshop, with the assistance of Mr. Fonda Davis, I was able to talk to Warden Duval a few weeks ago and he explained that the prison was at Phase II at the time which did not allow non-DOC personnel to supervise inmates. He also stated that it was his last week and a new warden would be in place within a week or two. It is my intention to reach out to Warden Conner to an update.

CARES Act Funds update: Inform the Board that Mrs. Traci Buzbee, your CARES Act fund consultant, has been meeting, discussing, and working with Constitutional Officers, County Departments, Civic Groups, the Tourist Development Administrator, the Health Department administrator on the CARES program. She is collecting requests from these entities and creating an expense spreadsheet which will be converted to a spending plan. The Oversight Committee meets weekly via teleconference to discuss and review all related issues and request. Ms. Buzbee is in constant communication with FDEM regarding any new rules or questions posed to her locally and has also reached out to Opportunity Florida to serve as the business grant applications reviewer. Mrs. Buzbee is on the phone to answer questions from the Board.

Small County Grant (Solid Waste): Chairman Lockley signed the Solid Waste Small County Grant. No action is needed on the Chairman's signature as this is part of the County's approved budget.

USDA De-obligation Letter: County staff received the official notice from USDA de-obligating the $10,000,000.00 George E. Weems Memorial Hospital Improvement project that was obligated on June 22, 2015.

Representative Jason Shoaf Meeting:

Code Enforcement (Update):

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**DEPARTMENT OF THE ARMY**
MOBILE DISTRICT, CORPS OF ENGINEERS
PANAMA CITY SITE OFFICE
1706 EAST FIFTH ST.
PANAMA CITY, FL. 32401

July 20, 2020

**REPLY TO**
**ATTENTION OF:**

US Army Corps of Engineers,
Panama City Site Office

Mr. Noah Lockley, Jr.
33 Market Street, Suite 305
Apalachicola, FL 32320

Dear Mr. Lockley:

This letter is in response to Mr. Pierce's phone call on 17 July requesting an update on the status of the Memorandum of Agreement (MOA) between Franklin County and the US Army Corps of Engineers for the purpose of maintaining the Eastpoint and Two Mile channels. The MOA signed by the County has been reviewed and approved by our District staff in Mobile and forwarded on to our South Atlantic Division office in Atlanta on 2 July, 2020 for signature. After it is signed by Division, it will go to Headquarters in Washington, D.C. for final approval. The overall process generally takes about 3 months for completion.

In the meanwhile, Mobile District is moving forward using existing resources in order to expedite the process. We are currently in negotiations with the State of Florida Department of Environmental Protection regarding permit modifications to use an improved dredge material placement area design for Eastpoint. Our Coastal Environmental team has also been working on performing sediment testing and other actions in order to renew the dredging permit for the Two Mile channel.

If you have any questions or would like to discuss further, feel free to give me a call at 850-784-4573 or email at waylon.t.register@usace.army.mil.

Sincerely,

REGISTER.WAYLON.T.1256607278
Digitally signed by REGISTER.WAYLON.T.1256607278
Date: 2020.07.20 13:23:40 -05'00'

Waylon T. Register, P.E.
Site Manager, Panama City Site Office

EE.

# Liberty County Board of County Commissioners

P.O. Box 399
Bristol, FL 32321
Phone: (850) 643-5404

July 15, 2020

Forest Supervisor Kelly Russell
USDA Forest Service
Southern Region (R8)
1720 Peachtree St, NW
Atlanta, GA 30309

Dear Ms. Russell:

We the undersigned citizens and constitutional officers of Liberty County, FL are writing you to express our opposition to the closing and/or moving of the camping area adjoining the Whitehead's Lake boat landing on the Ochlocknee River, located in Liberty County, FL.

We are of course aware of the "discovery" of the Native America Artifacts near the camp site and are very respectful of the history and traditions they represent, as many of us share in the Native American Heritage – Seminole, Creek, and Cherokee. However, this "discovery" was first represented as though it was something new - unearthed by Hurricane Michael. It seemed a little suspicious that the interruption in service/use from Hurricane Michael by a few downed trees coincided with the "discovery" of these artifacts. Imagine our disappointment upon learning from the Florida Secretary of State's Office that these artifacts have been known about and documented by the Forest Service since 1998 (one of your retired employees has affirmed agency knowledge of the artifacts since at least the early 1980's). It therefore appears that the Forest Service has waited for an opportune time, an appropriate interruption, to play this card.

Furthermore, this site is not a pristine site. The historic Graves Brothers Mill logged this area in the early 1900's, using tram tracks near the camp site vicinity for transporting logs to the Apalachicola Northern Railroad. This site was again logged over by the Harlow and Miller Lumber Company beginning in 1927 and into the 1930's.

Of course, the proposal to move the camp site more than a mile away to an area with no source of water – a mile from the existing site, which has an artesian well, and over a mile from the boat ramp – defies all reason and common sense. The reason the camp site is there to begin with is its proximity to the boat ramp/landing. Camping at this site preexisted the Apalachicola National Forest. The Forest Service itself has documented camping there in the 1930's, but the family for which it is named – the Whitehead family – came to Liberty County in the 1800's, establishing a landing and boat ramp on the lake bearing their name. The site was owned and established by their family patriarch, Ervin Whitehead. The Whitehead's currently reside only a few miles from Whitehead's Lake. While we greatly respect the history and traditions of Native Americans, we have equal respect for the history and traditions of our pioneer families. This camp site and the Native American artifacts have coexisted for over 100 years, and there is no legitimate reason, having any basis in fact, that they cannot continue to coexist. It should not be overlooked that this camp site and boat landing serves residents of Franklin, Wakulla, Leon, Calhoun, and other neighboring counties, as well as users travelling from central and south Florida and other states. (One of our Commissioners has observed that many poor or low-income families camp with their children in tents and enjoy the free-flowing water from the artesian well.)

We have also observed that the Fort Gadsden Historic Site and Museum (formerly Fort Gadsden State Park) – a place where school children enjoyed annual field trips – has been closed for 4 to 5 years. We are advised and have observed that it has become overgrown and untended. Likewise, the historic Langston House and the Wood Lake Recreational Area have been closed – post Hurricane Michael – despite your receipt of $75,000,000 for hurricane repair

and cleanup. Your lack of stewardship of taxpayer assets and taxpayer money reveals that you do not value local history and traditions.

Finally, one of our elected Constitutional Officers has related that he has repeatedly called your office, asking for a return call to discuss possible solutions to this problem. Several Liberty County citizens have called your office, hoping to find a win-win solution. As of this date, none have received a return call. What an upside-down optic this presents: you, a bureaucrat, salaried by taxpayer money, having no elected credibility nor elected accountability, failing to return a phone call to a Constitutional Officer elected "of, by, and for the people." Public servants, funded by taxpayer money, should serve elected taxpayer representatives – not condescend. Unfortunately, condescension is the public perception of how your agency does business with Liberty County.

While we do not relish conflict and desire a win-win solution to this problem, please do not underestimate our resolve to preserve the history and cherished traditions of our county.

Sincerely,

We The People
of
Liberty County, FL

Cc:
U.S. Secretary of Agriculture Sonny Perdue
U.S. Secretary of Dept of Interior David Bernhardt
Regional Forester Ken Arney
U.S. Senator Marco Rubio
U.S. Senator Rick Scott
U.S. Congressman Neal Dunn
Florida Governor Ron DeSantis
Senator Bill Montford
Florida Representative Jason Shoaf
Honorable Marcellus W. Osceola Jr. – The Chairman of the Seminole Tribe of Florida

Dewayne Branch, Chairman of the Liberty County Board of County Commissioners

Jim Johnson, Liberty County Commissioner

Dexter Barber, Liberty County Commissioner

Scotty Phillips, Liberty County Commissioner

Doyle Brown

Doyle Brown, Liberty County Commissioner

Kathleen Brown, Liberty County Clerk of Court

Kenneth L. Hosford

Marie Goodman

Marie Goodman, Liberty County Tax Collector

Cindy Walker

Cindy Walker, Liberty County Property Appraiser

Grant Conyers, Liberty County Supervisor of Elections

Eddie Joe White, Liberty County Sheriff

David Summers, Liberty County Superintendent of Schools

James Flowers, Liberty County School Board

Doobie Hayes, Liberty County School Board

Tina Tharpe, Liberty County School Board

Kyle Peddle, Liberty County School Board

Name: Jessica Branch
Address: 4935 NW CR 370 Bristol, FL

Name: Lisa A Rast
Address: 20588 NE Burlington Rd
Hosford FL 32334

Name: Thomas F Rast
Address: 20588 NE Burlington Rd
Hosford, FL 32334

Name:
Address: P.O. Box 61

Telogia FLH

Name:
Address:

Name: Sybil Arnold
Address: P O. Box 61
Telogia, FL 3236

Name:
Address:

Name: RENNIE ALFORD
Address: 20751 NW CR 69
HOSFORD FLA 32334

Name: James Edward Brown
Address: Hosford, FL 32334

Name: ROBERT L HILL
Address: P.O. BOX 605
BRISTOL, FL 32321

Name:
Address: Betty Miles
13233 NW SR 20
Bristol Fla 32321

Name:
Address:

Name: Tommy Wise
Address: 20456 NE Telogia Circle, Hosford, FL

Name: Patsie WISE
Address: 20456 NE Telogia Circle, Hosford FL

Name: Joseph Brown
Address: PO Box 248 Hosford, FL

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Name: Harrell Revell
Address: 17444 NW CR 379 N

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FILED 7/27/2020
DOCUMENT NO. 04055-2020
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | |
|---|---|
| In re: Petition for approval of revised underground residential distribution tariffs, by Duke Energy Florida, Inc. | DOCKET NO. 20200110-EI<br>ORDER NO. PSC-2020-0266-TRF-EI<br>ISSUED: July 27, 2020 |

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman
ART GRAHAM
JULIE I. BROWN
DONALD J. POLMANN
ANDREW GILES FAY

ORDER APPROVING DUKE ENERGY FLORIDA, LLC'S PETITION TO REVISE UNDERGROUND RESIDENTIAL TARIFFS

BY THE COMMISSION:

## I. Background

On April 1, 2020, Duke Energy Florida, LLC (Duke or utility) filed a petition for approval of revisions to its underground residential distribution (URD) tariffs. The URD tariffs apply to new residential subdivisions and represent the additional costs, if any, Duke incurs to provide underground distribution service in place of overhead service. The proposed (legislative version) URD tariffs, approved herein, are contained in Attachment A.

Duke's current URD charges were approved by Order No. PSC-2019-0443-TRF-EI.[1] Duke waived the 60-day file and suspend provision pursuant to Section 366.06(3), Florida Statutes (F.S.), in an email dated April 8, 2020.[2] We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, F.S.

## II. Decision

Rule 25-6.078, Florida Administrative Code (F.A.C.), defines investor-owned utilities' (IOU) responsibilities for filing updated URD tariffs. Duke has filed the instant petition pursuant to subsection (3) of the rule, which requires IOUs to file supporting data and analyses for updated URD tariffs if the cost differential, using current labor and material costs, varies from the Commission-approved differential by more than ten percent. On October 15, 2019, pursuant to Rule 25-6.078, F.A.C., Duke stated that its differential for the low density subdivision would

[1]Order No. PSC-2019-0443-TRF-EI, issued November 19, 2019, in Docket 20190076-EI, *In re: Petition for approval of revised underground residential distribution tariffs, by Duke Energy Florida, LLC.*
[2] Document No. 01824-2020.

change by more than 10 percent from the differential approved in the 2019 order, requiring Duke to file the instant petition.

The URD tariffs provide charges for underground service in new residential subdivisions and represent the additional costs, if any, the utility incurs to provide underground service in place of overhead service. The cost of standard overhead construction is recovered through base rates from all ratepayers. In lieu of overhead construction, customers have the option of requesting underground facilities. Any additional cost is paid by the customer as a contribution-in-aid-of-construction (CIAC). Typically, the URD customer is the developer of a subdivision.

Traditionally, three standard model subdivision designs have been the basis upon which each IOU submits URD tariff changes for our approval: low density, high density, and a high density subdivision where dwelling units take service at ganged meter pedestals (groups of meters at the same physical location). While actual construction may differ from the model subdivisions, the model subdivisions are designed to reflect average overhead and underground subdivisions.

Costs for underground construction have historically been higher than costs for standard overhead construction and the additional cost is paid by the customer as a CIAC. However, as shown on Table 1, Duke's proposed URD differential charges remain $0 per lot for the low density and ganged meter subdivisions. For the high density subdivision, the proposed differential decreased from the current $34 to $0 per lot. The decrease in the differentials is primarily attributable to changes in Duke's labor, material, and operational costs.

Table 1 shows the current and proposed URD differentials for the low density, high density, and ganged meter subdivisions. The charges shown are per-lot charges.

**Table 1**
**Comparison of URD Differential per Lot**

| Types of Subdivision | Current URD Differential | Proposed URD Differential |
|---|---|---|
| Low Density | $0 | $0 |
| High Density | $34 | $0 |
| Ganged Meter | $0 | $0 |

Source: Order PSC-2019-0443-TRF-EI and Duke's 2020 Petition

The calculations of the proposed URD charges include (1) updated labor and material costs along with the associated loading factors and (2) operational costs. The costs are discussed below.

Labor and Material Costs

The installation costs of both overhead and underground facilities include the labor and material costs to provide primary, secondary, and service distribution lines, as well as

transformers. The costs of poles are specific to overhead service while the costs of trenching and backfilling are specific to underground service. The utilities are required by Rule 25-6.078(5), F.A.C., to use current labor and material costs.

Duke's labor costs for overhead and underground construction are comprised of costs associated with work performed by both in-house employees and outside contractors. Duke's in-house labor rates are based upon actual labor costs negotiated in bargaining unit contracts and labor rates with contractors are negotiated. Table 2 compares total 2019 and 2020 labor and material costs for the three subdivision models.

**Table 2**
**Duke Trench and Install Conduit**
**Labor and Material Costs per Lot**

| | 2019 Costs | 2020 Costs | Difference |
|---|---|---|---|
| **Low Density** | | | |
| Underground Labor/Material costs | $1,620 | $2,263 | $643 |
| Overhead Labor/Material costs | $1,323 | $2,343 | $1,020 |
| Per lot Differential | $297 | $(80) | $(377) |
| **High Density** | | | |
| Underground Labor/Material Costs | $1,484 | $1,978 | $494 |
| Overhead Labor/Material Costs | $1,009 | $1,642 | $633 |
| Per Lot Differential | $475 | $336 | $(139) |
| **Ganged Meter** | | | |
| Underground Labor/Material Costs | $581 | $774 | $193 |
| Overhead Labor/Material Costs | $750 | $1,295 | $545 |
| Per lot Differential | $(169) | $(521) | $(352) |

Source: 2019 Order and Duke's 2020 Petition.

As Table 2 shows, the majority of overhead and underground total labor and material costs increased since the 2019 petition. The utility stated that it identified an error in its cost estimating tool which did not allow the system to sufficiently account for the actual costs paid for overhead contract labor, specifically in the area of setting poles and overhead transformers. As such, after adjusting for these changes, the cost of pole setting increased from $164 to $644 and single-phase transformers increased from $90 to $643. The correction of these costs contribute to the majority of increased labor costs in this petition. Duke stated that the utility will continue to monitor the labor cost data to ensure their accuracy and that material costs have fluctuated minimally since 2019.

Operational Costs

Rule 25-6.078(4), F.A.C., requires that the differences in net present value (NPV) of operational costs between overhead and underground systems, including average historical storm restoration costs over the life of the facilities, be included in the URD charge. The inclusion of the operational cost is intended to capture longer term costs and benefits of undergrounding.

Operational costs include operations and maintenance costs along with capital costs[3] and represent the cost differential between maintaining and operating an underground versus an overhead system over the life of the facilities. The inclusion of the storm restoration cost in the URD calculations lowers the differential, since an underground distribution system generally incurs less damage than an overhead system as a result of a storm, and therefore, less restoration costs when compared to an overhead system.

The utility used a 5-year average of historical operational costs (2015-2019) for its calculations in this docket. The methodology used by Duke in this filing for calculating the NPV of operational costs was approved in Order No. PSC-12-0348-TRF-EI.[4] We note that operational costs may vary among IOUs due to multiple factors, including differences in size of service territory, miles of coastline, regions subject to extreme winds, age of the distribution system, or construction standards.

**Table 3**
**NPV of Operational Costs Differential per Lot**

| Type of Subdivision | Pre-Operational Costs (A) | Non-Storm Operational Costs (B) | Avoided Storm Costs (C) | Proposed URD Differentials (A)+(B)+(C) |
|---|---|---|---|---|
| Low Density | $(80) | $60 | $(960) | $0 |
| High Density | $336 | $64 | ($547) | $0 |
| Ganged Meter | ($521) | ($69) | ($418) | $0 |

Source: 2020 Petition.

Table 3 presents the pre-operational, non-storm operational, and the avoided storm restoration cost differentials between overhead and underground systems. The proposed differential is $0 when the calculation results in a negative number.

According to Duke, the average non-storm operational costs did not change significantly from 2019 to 2020. The data shows that avoided storm restoration costs increased when compared to the 2019 petition. Duke's 2019 petition included the 5-year average of historical operational costs for 2014 to 2018, while this petition includes operational costs for 2015 to 2019.

Additional Customer Options

In October 2019, the utility adopted a "cable in conduit" approach, similar to other utilities in Florida. This change required that all cable be included in conduit at installation, rather than cable being pulled through separately installed conduit. The utility asserted that this

[3] Operational capital costs are the costs associated with replacement equipment needed during the lifespan of the facilities.
[4] Order No. PSC-12-0348-TRF-EI, issued July 5, 2012, in Docket No. 110293-EI, *In re: Petition for approval of revised underground residential distribution tariffs, by Progress Energy Florida, Inc.*

approach would reduce outages, as well as reduce repair and replacement times when failures occur. Under the "cable in conduit" approach, the utility removed certain costs associated with cable installation, splicing and pulling boxes. However, as a result of this change, the utility is proposing additional undergrounding construction options to developers in this petition, which could impact the overall cost of installing underground facilities. The two additional options are discussed below:

- *Customer Mainline-Duke Services: Customer supply and install conduit for primary, secondary and street lights.* This option allows the developer to purchase and install primary and secondary conduit in the subdivision; therefore, the material and labor costs associated with the installation of primary and secondary conduit, including trenching, have been excluded from the differential calculation. Duke continues to install services and transformers. The developer-purchased conduit will have to be installed meeting Duke guidelines.

- *Customer Trench, Provide and Install Conduit: Customer supply and install conduit for primary, secondary and street lights.* This option allows the developer to purchase and install services, primary, and secondary conduit. Therefore, the associated costs have been excluded from the differential calculation. Duke continues to install the transformers.

The utility noted that while the current NPV operational costs, including avoided storm restoration, result in a $0 URD differential for these new options, Duke recognized that a shift in the operational costs could allow the differential costs for these two new line costs to differ from the traditional *Duke Trench and Install Conduit* tariff, under which Duke performs the full installation.

**III. Conclusion**

After reviewing the entire record in this docket, we find the proposed URD tariffs and associated charges are reasonable. We hereby approve Duke's proposed URD tariffs and associated charges as shown in Attachment A, effective July 7, 2020.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Duke Energy Florida, LLC's proposed Underground Residential tariffs and associated charges as shown in Attachment A, are approved effective July 7, 2020. It is further

ORDERED that if a protest is filed within 21 days of issuance of the Order, the tariff shall remain in effect with any charges held subject to refund pending resolution of the protest. It is further

ORDERED that if no timely protest is filed, this docket shall be closed upon the issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 27th day of July, 2020.

ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

WLT

## NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 17, 2020.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

DUKE ENERGY.

SECTION NO. IV
~~THIRD~~ FOURTH REVISED SHEET NO. 4.110
CANCELS ~~SECOND~~ THIRD REVISED SHEET NO. 4.110



## PART XI

## UNDERGROUND RESIDENTIAL DISTRIBUTION POLICY

**11.01 Definitions:**

The following words and terms used under this policy shall have the meaning indicated:

(1) Applicant: Any person, partnership, association, corporation, or governmental agency controlling or responsible for the development of a new subdivision or dwelling unit and applying for the construction of underground electric facilities.

(2) Building: Any structure, within subdivision, designed for residential occupancy and containing less than five (5) individual dwelling units.

(3) Commission: Florida Public Service Commission.

(4) Company: Duke Energy Florida, LLC

(5) Customer Provided and Installed Conduit: Schedule 40 PVC grey electrical grade conduit purchased by the customer on the open market and installed meeting Duke Energy guidelines. Diameter is to be specified by Duke Energy based upon the type of conductor

(~~56~~) Direct Burial: A type of construction involving the placing of conductors in the ground without the benefit of conduit or ducts. Other facilities, such as transformers, may be above ground.

(~~67~~) Distribution System: Electric service facilities consisting of primary and secondary conductors, service laterals, transformers, and necessary accessories and appurtenances for the furnishing of electric power at utilization voltage.

(~~78~~) Feeder Main: A three-phase primary installation which serves as a source for primary laterals and loops through suitable overcurrent devices.

(9) Mainline: Portions of the subdivision including primary and secondary voltage conductors but excluding services running to a dwelling.

(~~910~~) Mobile Home (Trailer): A non-self propelled vehicle or conveyance, permanently equipped to travel upon the public highways, that is used either temporarily or permanently as a residence or living quarters.

(~~1011~~) Multiple-Occupancy Building: A structure erected and framed of component structural parts and designed to contain five (5) or more individual dwelling units.

(~~1112~~) Point of Delivery: The point where the Company's wires or apparatus are connected to those of the Customer.

(~~1213~~) Primary Lateral: That part of the electric distribution system whose function is to conduct electricity at the primary level from the feeder main to the transformers serving the secondary street mains. It usually consists of a single-phase conductor or insulated cable, together with necessary accessory equipment for supporting, terminating and disconnecting from the primary mains by a fusible element.

(~~1314~~) Service Lateral: The underground service conductors between the street or rear property main, including any risers at a pole or other structure or from transformers, and the first point of connection to the service entrance conductors in a terminal or meter box on the exterior building wall.

(~~1415~~) Subdivision: The tract of land which is divided into five (5) or more building lots or upon which five (5) or more separate dwelling units are to be located, or the land on which is to be constructed new multiple-occupancy buildings.

(~~1516~~) Townhouse: A one(1)-family dwelling unit of a group of three (3) or more such units separated only by firewalls. Each townhouse unit shall be constructed upon a separate lot and serviced with separate utilities and shall otherwise be independent of one another.

(Continued on Next Page)

ISSUED BY: Javier J. Portuondo, ~~Managing Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~October 3, 2019~~

DUKE ENERGY.

SECTION NO. IV
~~SECOND~~ THIRD REVISED SHEET NO. 4.112
CANCELS ~~FIRST~~ SECOND REVISED SHEET NO. 4.112

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(7) **Rights of Way and Easements (Continued):**

(c) Public Rights of Way: Where underground distribution facilities are located in dedicated road or street right-of-way, no easement is required.

(d) Recorded Public Easements: Where underground distribution facilities are located on private property, wholly within an area covered by a recorded subdivision utility easement, namely a reservation, and recorded plat of an easement for public utility purposes, no other easement is required.

(e) Service Laterals: Where underground service conductors are located on private property and portions not covered by recorded subdivision utility easement are wholly within the private property they service no easement is required.

(f) Other Locations: Where underground distribution facilities are located on private property other than as described in Part 11.02(7)(a) or 11.02(7)(e), easements are required and shall be prepared as outlined in instructions prepared by the Real Estate Department.

(g) Blanket Easements: Where underground primary and secondary distribution facilities for service to a mobile home park or a multiple occupancy project are located on a tract of land having one ownership and the easement area cannot be described without a detailed survey, a blanket easement covering the entire premises may be utilized at the discretion of the Division Engineer.

(8) **Damage to Company's Equipment:**

The Applicant shall be responsible to ensure that the Company's distribution system, once installed, is not damaged, destroyed, or otherwise disturbed during the construction of the project. This responsibility shall extend not only to those in his employ, but also to his subcontractors, and he shall be responsible for the full cost of repairing such damage.

(9) **Charges:**

The Company shall not be obligated to install any facilities within a subdivision until satisfactory arrangements for the payment of applicable charges, if any, have been completed.

11.03 **UNDERGROUND DISTRIBUTION FACILITIES FOR RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS.**

(1) Availability:

When requested by the Applicant, the Company will provide underground electric distribution facilities in accordance with ~~its~~ standard practices in:

(a) recognized residential subdivisions of five or more building lots;

(b) tracts of land upon which five or more separate dwelling units are to be located;

(c) tracts of land upon which new multiple-occupancy buildings are to be constructed.

For building containing five or more dwelling units, see Part 11.06 of these Rules.

(Continued on Next Page)

ISSUED BY: Javier J. Portuondo, ~~Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~April 29, 2013~~

DUKE ENERGY.

SECTION NO. IV
~~TWENTIETH~~ TWENTY-FIRST REVISED SHEET NO. 4.113
CANCELS ~~NINETEENTH~~ TWENTIETH REVISED SHEET NO. 4.113

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(2) Contribution by Applicant:

(a) Schedule of Charges:

Company standard design underground residential distribution 120/240 volt single-phase service (see also Part 11.03(7)):

To subdivisions with a density of 1.0 or more but less than six (6) dwelling units per acre: ~~$0.00 per dwelling unit~~
Duke Provided and Installed Conduit: $0.00 per dwelling unit
Customer Provided and Installed Conduit for Mainline: $0.00 per dwelling unit
Customer Provided and Installed Trench and Conduit: $0.00 per dwelling unit

To subdivisions with a density of six (6) or more dwelling units per acre: ~~$34.00 per dwelling unit~~
Duke Provided and Installed Conduit: $0.00 per dwelling unit
Customer Provided and Installed Conduit for Mainline: $0.00 per dwelling unit
Customer Provided and Installed Trench and Conduit: $0.00 per dwelling unit

To subdivisions with a density of six (6) or more dwelling units per acre taking service at ganged meter pedestals: ~~$0.00 per dwelling unit~~
Duke Provided and Installed Conduit: $0.00 per dwelling unit
Customer Provided and Installed Conduit for Mainline: $0.00 per dwelling unit
Customer Provided and Installed Trench and Conduit: $0.00 per dwelling unit

To multi-occupancy buildings: See Part 11.09(2)

(b) The above costs are based upon arrangements that will permit serving the local underground distribution system within the subdivision from overhead feeder mains. If feeder mains within the subdivision are deemed necessary by the Company to provide and/or maintain adequate service and are required by the Applicant or a governmental agency to be installed underground, the Applicant shall pay the Company the average differential cost between such underground feeder mains within the subdivision and equivalent overhead feeder mains as follows:

Three-phase primary main or feeder charge per trench-foot within subdivision:

(U.G. - Underground, O.H. - Overhead)

#1/0 AWG U.G. vs. #1/0 AWG O.H.: ~~$0.00 per foot~~
Duke Provided and Installed Conduit: $0.00 per foot
Customer Provided and Installed Trench and Conduit: $0.00 per foot

500 MCM U.G. vs. 336 MCM O.H.: ~~$0.00 per foot~~
Duke Provided and Installed Conduit: $0.00 per foot
Customer Provided and Installed Trench and Conduit: $0.00 per foot

1000 MCM U.G. vs. 795 MCM O.H.: ~~$0.00 per foot~~
Duke Provided and Installed Conduit: $0.00 per foot
Customer Provided and Installed Trench and Conduit: $0.00 per foot

~~The above costs are based on underground feeder construction using the direct burial method. If conduit is required, the following additional charge(s) will apply:~~

~~3 inch conduit: $3.08 per foot~~
~~4 inch conduit: $3.55 per foot~~
~~6 inch conduit: $5.74 per foot~~
~~Cable pulling – single phase: $2.34 per foot~~
~~Cable pulling – 3 phase small wire: $3.97 per foot~~
~~Cable pulling – 3 phase feeder: $4.69 per foot~~

The above costs do not require the use of pad-mounted switchgear(s), or terminal pole(s). ~~pull boxes or feeder splices~~. If such facilities are required, a differential cost for same will be determined by the Company on an individual basis and added to charges determined above.

(Continued on Next Page)

ISSUED BY: Javier J. Portuondo, ~~Managing Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~October 3, 2019~~

DUKE ENERGY.

SECTION NO. IV
~~NINETEENTH~~ TWENTIETH REVISED SHEET NO. 4.114
CANCELS ~~EIGHTEENTH~~ NINETEENTH REVISED SHEET NO. 4.114



(2) Contribution by Applicant (continued):

(c) Credits (not to exceed the "average differential costs" stated above) will be allowed where, by mutual agreement, the Applicant provides trenching and backfilling for the use of the Company's facilities in lieu of a portion of the cash payment described above. These credits, based on the Company's design drawings, are:

Primary and/or Secondary Systems,
for each Foot of Trench ..... ~~$3.543.39~~

Service Laterals,
for each Foot of Trench ..... ~~$3.643.38~~

(3) Point of Delivery:

The point of delivery shall be determined by the Company and will be on the front half of the side of the building that is nearest the point at which the underground secondary electric supply is available to the property. The Company will not install a service on the opposite side of the building where the underground secondary electric supply is available to the property. The point of delivery will only be allowed on the rear of the building by special exception. The Applicant shall pay the estimated full cost of service lateral length required in excess of that which would have been needed to reach the Company's designated point of service.

(4) Location of Meter and Socket:

The Applicant shall install a meter socket at the point designated by the Company in accordance with the Company's specifications. Every effort shall be made to locate the meter socket in unobstructed areas in order that the meter can be read without going through fences, etc.

(5) Development of Subdivisions:

The above charges are based on reasonably full use of the land being developed. Where the Company is required to construct underground electric facilities through a section or sections of the subdivision or development where service will not be required for at least two (2) years, the Company may require a deposit from the Applicant before construction is commenced. This deposit, to guarantee performance, will be based on the estimated total cost of such facilities rather than the differential cost. The amount of the deposit, without interest, in excess of any charges for underground service will be returned to the Applicant on a prorata basis at quarterly intervals on the basis of installations to new customers. Any portion of such deposit remaining unrefunded, after five (5) years from the date the Company is first ready to render service from the extension, will be retained by the company.

(6) Relocation or Removal of Existing Facilities:

If the Company is required to relocate or remove existing overhead and/or underground distribution facilities in the implementation of these Rules, all costs thereof shall be borne exclusively by the Applicant. These costs shall include costs of relocation or removal, the in-place value (less salvage) of the facilities so removed, and any additional costs due to existing landscaping, pavement or unusual conditions.

(7) Other Provisions:

If soil compaction is required by the Applicant at locations where Company trenching is done, an additional charge may be added to the charges set forth in this tariff. The charge will be estimated based on the Applicant's compaction specifications.

(Continued on Next Page)

ISSUED BY: Javier J. Portuondo, ~~Managing Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~October 3, 2019~~

DUKE ENERGY.

SECTION NO. IV
~~NINETEENTH~~ TWENTIETH REVISED SHEET NO. 4.115
CANCELS ~~EIGHTEENTH~~ NINETEENTH REVISED SHEET NO. 4.115

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**11.04 UNDERGROUND SERVICE LATERALS FROM EXISTING SECONDARY ELECTRIC DISTRIBUTION SYSTEMS.**

(1) New Underground Service Laterals:

When requested by the Applicant, the Company will install underground service laterals from overhead systems to newly constructed residential buildings containing less than five (5) separate dwelling units.

(2) Contribution by Applicant:

(a) The Applicant shall pay the Company the following average differential cost between an existing secondary service and an underground service lateral:

For Service Lateral up to 80 feet Duke Supplied and Installed Conduit ..... ~~$944.00~~941.00
For Service Lateral up to 80 feet Customer Supplied and Installed Conduit ..... $339.00

For each foot over 80 feet up to 300 feet Duke Supplied and Installed Conduit ..... ~~$0.00~~ per foot
For each foot over 80 feet up to 300 feet Customer Supplied and Installed Conduit ..... $0.00 per foot

Service laterals in excess of 300 feet shall be based on a specific cost estimate.

(b) Credits will be allowed where, by mutual agreement, the Applicant provides trenching and backfilling in accordance with the Company specifications and for the use of the Company facilities, in lieu of a portion of the cash payment described above. These credits, based on the Company's design drawings, are as follows:

For each Foot of Trench ..... $ ~~3.64~~3.35

The provisions of Paragraphs 11.03(3) and 11.03(4) are also applicable.

**11.05 UNDERGROUND SERVICE LATERALS REPLACING EXISTING RESIDENTIAL OVERHEAD SERVICES:**

Applicability:

When requested by the Applicant, the Company will install underground service laterals from existing overhead lines as replacements for existing overhead services to existing residential buildings containing less than five (5) separate dwelling units.

Rearrangement of Service Entrance:

The Applicant shall be responsible for any necessary rearranging of his existing electric service entrance facilities to accommodate the proposed underground service lateral in accordance with the Company's specifications.

Trenching:

The Applicant shall also provide, at no cost to the Company, a suitable trench and perform the backfilling and any landscaping, pavement, or other suitable repairs. If the Applicant requests the Company to supply the trench or remove any additional equipment other than the Service Lateral, the charge to the Applicant for this work shall be based on a specific cost estimate.

Contribution by Applicant:

The charge excluding trenching costs shall be as follows:

For Service Lateral ..... $~~1,237.00~~1,762.00 per service

The Applicant may elect to provide and install conduit meeting current Duke Energy construction specifications at no cost to Duke Energy in lieu of an open trench. The charge shall be as follows:

For Service Lateral ..... $1,522.00 per service

(Continued on Next Page)

ISSUED BY: Javier J. Portuondo, ~~Managing Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~October 3, 2019~~

DUKE ENERGY.

SECTION NO. IV
~~THIRD~~ FOURTH REVISED SHEET NO. 4.116
CANCELS ~~SECOND~~ THIRD REVISED SHEET NO. 4.116



11.06 UNDERGROUND DISTRIBUTION FACILITIES TO MULTIPLE-OCCUPANCY RESIDENTIAL BUILDINGS:

(1) Availability:

Underground electric distribution facilities may be installed within the tract of land upon which multiple-occupancy residential buildings containing five (5) or more separate dwelling units will be constructed.

(2) Contribution by Applicant:

There will be no contribution from the Applicant so long as the Company is free to construct the extension in the most economical manner, and reasonably full use is made of the tract of land upon which the multiple-occupancy buildings will be constructed. Other conditions will require a contribution from the Applicant.

(3) Responsibility of Applicant:

(a) Furnish details and specifications of the proposed building or complex of buildings. The Company will use these in the design of the electric distribution facilities required to render service.

(b) Where the Company determines that transformers are to be located inside the building, the Applicant shall provide:

i. The vault or vaults necessary for the transformers and the associated equipment, including the ventilation equipment.

ii. The necessary raceways or conduit for the Company's supply cables from the vault or vaults to a suitable point five (5) feet outside the building in accordance with the Company's plans and specifications.

iii. Conduits underneath all buildings when required for the Company's supply cables. Such conduits shall extend five (5) feet beyond the edge of the buildings for joining to the Company's facilities.

iv. The service entrance conductors and raceways from the Applicant's service equipment to the designated point of delivery within the vault.

(3) Responsibility of Applicant (Continued):

(c) Where the Company determines that transformers are to be located outside the building, the Applicant shall provide:

i. The transformer enclosure or space for pad-mounted equipment, if required.

ii. The service entrance conductors and raceway from the Applicant's service equipment to the point of delivery designated by the Company at or near the building.

(4) Responsibility of the Company:

(a) The Company will:

i. Provide the Applicant with the Company's plans to supply the proposed building or complex of buildings, and specifications for the facilities to be provided by the Applicant.

ii. Furnish and install the primary or secondary conductors from existing or proposed facilities adjoining the property to the point of delivery.

iii. Furnish and install the necessary transformers and associated equipment located either outside the building or in the vault(s) within the building.

iv. Be solely responsible for the installation, operation, and maintenance of all of its facilities.

(5) Service Voltage:

The Company will supply service at one of the several secondary voltages available as mutually agreed upon between the Applicant and the Company.

ISSUED BY: Javier J. Portuondo, ~~Director~~Vice President, Rates & Regulatory Strategy – FL
EFFECTIVE: ~~April 29, 2013~~