



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

SOUTHWEST DISTRICT OFFICE
13051 NORTH TELECOM PARKWAY
TEMPLE TERRACE, FLORIDA 33637-0926

RICK SCOTT
GOVERNOR
HERSCHEL T. VINYARD JR.
SECRETARY

**Standard General
Environmental Resource Permit and State-owned Submerged Lands Authorization
Permittee: Peter Politis
Permit No: 52-0315893-001-ES09
Permit Issuance Date: July 1, 2013
Permit Construction Phase Expiration Date: July 1, 2018**

AUTHORIZATIONS

Project Description

The permittee is authorized to fill approximately 0.56 acres of freshwater marsh (FLUCCS Code 641) and surface waters for the construction of a single-family home within the landward extent of Alligator Lake, a Class III Florida Waterbody, above the mean high water line. The home will be constructed adjacent to two existing single-family homes on the same parcel. The permittee shall remove Brazilian pepper from the entire property.

In addition, the permittee is authorized to construct an approximately 760 square foot single-family dock within Old Tampa Bay, a Class II Outstanding Florida Waterbody and part of the Pinellas County Aquatic Preserve. Authorized activities are depicted on the attached exhibits.

To mitigate for the filling of 0.56 acres of freshwater marsh (FLUCCS Code 641), the permittee shall purchase 0.23 freshwater marsh credits from the Tampa Bay Mitigation Bank (TBMB).

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

State-owned Submerged Lands Authorization

As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent pursuant to rule 18-21.005(1)(c), Florida Administrative Code (F.A.C.), as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

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

Water Quality Certification

The State of Florida herein notifies the U.S. Army Corps of Engineers and any other interested parties that this permit is issued under the "net improvement" provision of Section 373.414(1)(b)3, F.S. Therefore, federal water quality certification is waived under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities, including the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

PROJECT LOCATION

The activities authorized by this permit and authorization to use state-owned submerged lands are located at 967 S. Bayshore Boulevard, Safety Harbor, in Section 03, Township 29 South, Range 16 East, in Pinellas County. The single-family home will be constructed on Parcel ID No. 03-29-16-10188-005-0150, the dock will be installed on Parcel ID No. 03-29-16-10188-005-0070.

PERMIT/STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure that the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor should also read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and state-owned submerged lands authorization as specifically described herein.

SPECIFIC CONDITIONS

1. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the permittee's name and permit number 52-0315893-001-ES09 and shall be directed by e-mail to SW_ERP@dep.state.fl.us with a subject line of "Compliance: permit number 52-0315893-001-ES09", or by mail to:

Department of Environmental Protection
Southwest District
ATTN: ERP Compliance Assurance
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

2. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
3. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

PRIOR TO CONSTRUCTION CONDITIONS (The permittee shall comply with the following conditions prior to commencement of any construction activities)

4. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's ERP Compliance Assurance Program.
5. To mitigate for impacts to 0.56 acres of freshwater marsh (FLUCCS Code 641) and surface waters, the permittee shall purchase 0.23 credits of freshwater marsh credits from the Tampa Bay Mitigation Bank (TBMB).
6. Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that 0.23 freshwater marsh credits have been deducted from the credit ledger of the Tampa Bay Mitigation Bank (DEP/WMD permit number 43020546.000).

GENERAL CONSTRUCTION CONDITIONS

7. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than ambient background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.
8. Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during construction and operation of permitted activities.
9. Grass seed, or sod shall be installed and maintained on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands.
10. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
11. Staked filter cloth shall be positioned at the edge of the permitted fill slopes adjacent to wetlands to prevent turbid run-off and erosion.

SEAWALL AND HOME CONSTRUCTION CONDITIONS

12. The seawall shall be fully constructed as shown on Sheets C-4, C-5.1, and C-5.2 of the attached permit drawings prior to the placement of backfill material. Fill material used behind the seawall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or other unsuitable materials.
13. The seawall shall be fully constructed prior to the placement of any backfill material. Any fill material used behind the seawall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other unsuitable materials.
14. The revetment shall be installed so that it is tied into and does not extend waterward of the existing seawall to the southwest of the project and the seawall to the northeast of the project site.
15. Dredging within waters of the State for the purpose of providing backfill is specifically prohibited.

16. All Brazilian pepper (*Schinus terebinthifolius*) shall be removed from the property as shown on the project drawings.

DOCK CONSTRUCTION CONDITIONS

17. Floating turbidity curtains with weighted skirts shall be installed as depicted on sheet C-5.1 prior to the initiation of dock construction. The curtains shall be maintained and remain in place for the duration of the construction to ensure turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for inspecting and maintaining turbidity control devices so there is no degradation of the ambient water quality of Outstanding Florida Waters outside of the turbidity screens.
18. The following measures shall be taken immediately by the permittee when 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 work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
 - c. Notify the Department within 24 hours of the time the violation is first detected.
19. The elevation of the decking shall be a minimum of 5 feet above mean high water. There shall be a minimum of 1/2-inch spacing between deck planks.
20. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging. 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 as measured at mean low water.
21. Handrails shall be installed along the access walkway and southwest side of the terminal platform concurrently with dock construction. Handrails shall be constructed as shown on Sheet C1 of the attached permit drawings to eliminate access by boaters and shall be maintained for the life of the facility.
22. Unauthorized impacts to wetlands as a result of the authorized construction shall be reported to the Department within 24 hours.
23. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris) within wetlands or other surface waters is prohibited.

MANATEE CONDITIONS

24. 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.
25. 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.
26. 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.
27. 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.
28. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
29. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CONSTRUCTION COMPLETION CONDITIONS (The permittee shall comply with the following conditions prior to the transfer to operation phase of the facility. All documentation required below shall be included with the permittee's request to transfer the project to the operation phase [Form No. 62-343.900(7),F.A.C.])

30. The permittee shall submit two copies of signed, dated and sealed as-built drawings to the Department for review and approval within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer. *As-builts shall be submitted to the Department regardless of whether or not deviations are present. In addition to the "As-built Certification" form; the permittee shall submit the "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" form as required in General Condition #13.*

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Braulio Grajales, P.E., #58626 PE number, on May 13, 2013:

<u>Plan View/Cross-Section</u>	<u>Drawing Number</u>
Site Layout and Geometry Plan	C-4
Paving, Grading, and Drainage Plan	C-5.1
Cross Sections	C-5.2

31. The permittee shall submit color photographs along with the as-built drawings required in Specific Condition 30 (above), to accurately depict the entire dock including the handrails required to be installed in accordance with Specific Condition 21.

OPERATING CONDITIONS (The permittee shall comply with the following operation conditions for the life of the facility.)

32. The property shall be maintained free of Brazilian pepper (*Schinus terebinthifolius*) in perpetuity.
33. The docking facility is limited to the mooring of 2 vessels within the slips defined on Sheet C1 of the attached permit drawings.
34. 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 for all vessels associated with the use of the docking facility as measured at mean low water.
35. Fish cleaning stations shall not be allowed on structures over the water unless sufficient measures are in place (i.e., signage, sink screens, waste receptacles, etc.) to ensure that overboard discharges of trash and/or animal waste do not occur at the dock. The permittee shall submit a plan for Department review and approval prior to installation of any fish cleaning stations.
36. The handrails required in Special Condition No. 21 shall be maintained for the life of the facility.

GENERAL CONDITIONS

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit modification prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This 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 permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign 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 lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. 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 section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

AUTHORIZATION TO USE STATE OWNED LANDS

You are hereby granted authorization from the Submerged Lands and Environmental Resources Program, as staff to the Board of Trustees of the Internal Improvement Trust Fund, for the construction and operation of the proposed docking facility and associated activities, as shown and described herein, pursuant to Section 253.77, F.S., and Chapter 18-21, F.A.C. This authorization is subject to the following general proprietary conditions. Your rights pursuant to Chapter 120, F.S., are described in the enclosed notice.

GENERAL PROPRIETARY CONSENT CONDITIONS

(Chapter 18-21.004(7), F.A.C.)

1. 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.
2. 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.
3. 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.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. 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.
6. 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.
7. Structures or activities shall not create a navigational hazard.
8. 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.
9. 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.

This consent to use state-owned lands in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements.

NOTICE OF RIGHTS

This permit is hereby final unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

Permittee: Peter Politis – Single-family Home and Dock

Permit No.: 52-0315893-001ES09

Page 12 of 17

Mediation is not available.

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. The petition must contain the information set forth below and 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.

Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention 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.

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

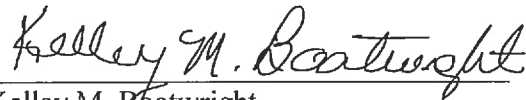
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1),

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 the final order is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kelley M. Boatwright
Program Administrator
Submerged Lands and Environmental
Resource Program
Southwest District

KMB/bab

Attachments:

Commencement notice /62-343.900(3) (1 page)
As-built certification/62-343.900(5) (1 page)
Transfer construction to operation phase/62-343.900(7) (1 page)
Application for transfer of an ERP /62-343.900(8) (1 page)
Exhibit 1, Project Drawings and Design Specs., (6 pages)
Exhibit 2, Manatee Caution Sign, 1 page

Copies furnished to:

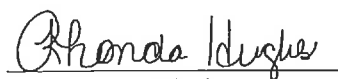
Birkett Environmental Services, c/o Rob Toth, Project Scientist, rtoh@birkitt.com
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands , including all copies, was mailed before the close of business on 7/1/2013, 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.


Clerk

7/1/2013
Date