



James Arnold
618 Sunset Drive S
St. Petersburg, Florida 33707

CERTIFIED MAIL: 7019 1640 0002 0284 5764

February 10, 2022

RE: County Dock Permit Application WND-21-01528

Dear Mr. Arnold,

The purpose of this notice is to inform you that the above referenced County permit application (the "Application") for a private dock (the "Proposed Dock") extending from 618 Sunset Drive S, St. Petersburg is denied. This determination has been made pursuant to the following sections of Pinellas County Code ("Code"), Chapter 58, Article XV:

Section 58-504(b) states, "It is the intent of the board to protect, through sound management and the judicious issuance of permits, the natural resources and scenic beauty of the county." The proposed dock structure was designed to be constructed through an area consisting of large mangroves, which would require these mangroves to be permanently removed. There is an existing area to the south side of the existing parcel, which is devoid of any mangroves, and would thus avoid permanent impacts to the mangrove fringe. Therefore, the application is inconsistent with Section 58-504(b).

Section 58-530(b) states, "The board and its staff shall consider, in its review of permit applications under this article, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:

- (1) Would the project have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences?
- (2) Would the project restrict the free use of the waterways and navigable waters?
- (3) Would the project have a material adverse effect upon the flow of water or tidal currents in the surrounding waters?
- (4) Would the project have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area?

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- (5) Would the project have a material adverse effect upon the natural beauty and recreational advantages of the county?
- (6) Would the project have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest?
- (7) Would the project have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development?
- (8) Would the project have a material adverse effect on the safety, health and welfare of the general public?
- (9) Would the project be inconsistent with adopted state plans (e.g., manatee protection, SWIM plans), county and municipal comprehensive plans, other formally adopted natural resource management plans, or any other county ordinances or regulations?"

More specifically, items #5, #6 and #9 cannot be answered in the affirmative by staff. An alternative design has been proposed to the applicant by staff which would eliminate permanent impacts to the mangrove fringe. The applicant has declined to move forward with the alternate design. Therefore, the application is inconsistent with Section 58-530(b).

Section 58-533(c) states, "In order to provide protection for those habitats having a high degree of ecological value, proposed projects shall be specifically reviewed for adverse impacts to vegetated wetland areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species in providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the county, such as natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, bird sanctuaries, manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting sites; commercial or sport fisheries or shell fisheries areas; habitats desirable as juvenile fish habitat." The proposed project would permanently impact the mangrove fringe, thus removing an area for fish and wildlife to use. County Staff have proposed an alternative design which would eliminate these impacts; however, the applicant is not agreeable to this revision. Therefore, the application is inconsistent with Section 58-533(c).

Section 58-531(c) states, "The county shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant." County Staff has presented the applicant with an alternative design which would avoid mangrove impacts; however, the applicant is not agreeable to this design. Therefore, the application is inconsistent with Section 58-531(c).

Section 58-553 states, "The county shall use the criteria as contained in sections 58-530(b) and 58-533 in the issuance of dock permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified." Section 58-530(b)(5), (6) and (9) are not able to be answered in the affirmative. Therefore, the application is inconsistent with Section 58-553.

Notwithstanding prior e-mail correspondence and phone conversations between James Arnold and County Water and Navigation Staff concerning the Application, the above referenced Code Sections constitutes the grounds by which the Application is denied. To that end, this notice satisfies Code Section 58-530(c).

County Water and Navigation Staff appreciates your desire for the Proposed Dock and is sorry that it must deny the Application.

Pursuant to Section 58-536(c), you have thirty (30) days from receipt of this letter to file a petition for a hearing before the County Commission appealing this permit denial. Please submit such petition to me at jsims@pinellascounty.org or 22211 U.S. Highway 19 N, Building 10, Clearwater, Florida 33765.

Sincerely,

Julee Sims

Julee Sims
Environmental Program Manager
Water and Navigation