



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Alexis A. Lambert**  
Secretary

Southeast District  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

December 20, 2024

In the Matter of an  
Application for Permit/Water Quality Certification  
by:

APPLICANT: River Watch  
Property Owners Association Inc.  
c/o Scott Florence  
Aqua Ra Drive  
Jensen Beach, FL 34957

PROJECT NAME: Aqua Ra Dredge  
File No: 56-0173825-005-EI  
County: Saint Lucie

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## NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT

The Department of Environmental Protection gives notice of its intent to:

(a) issue an Environmental Resource Permit under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the environmental resource permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341;

Where applicable (such as activities in coastal counties), issuance of the environmental resource permit also constitutes a finding of consistency with Florida's Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act.

### I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Riverwatch Property Owner's Association, applied on November 21, 2023 to the Department of Environmental Protection for a permit/water quality certification to selectively dredge 314 cubic yards of material within a channel and basin to a depth of -2.4 feet at mean low water and the installation of 1-inch diameter PVC pipes spaced twenty feet apart that will serve as a marker for the dredge area and current extent of on-site resources. Only those areas shallower than -2.4 ft. at mean low water (MLW) are to be dredged; therefore, an approximate area of 14,120 square feet is expected to be dredged.

These areas were previously authorized to be dredged under Permit No. 56-19663 to a depth of -2 feet and -3 at mean sea level.

The activity is located adjacent to Aqua Ra Drive, Jensen Beach (Section 11, Township 37 South, Range 41 East), in Saint Lucie County (Latitude N 27°15'54.1944", Longitude W - 80°12'30.3481").

## II. AUTHORITY FOR REVIEW

This project requires an Environmental Resource Permit. Under the operating agreements between the Department and the water management districts, the Department has the authority to issue this permit. References: Part IV of Chapter 373, Florida Statutes; Title 62, Florida Administrative Code; Operating Agreements with the water management districts in Chapter 62-113, Florida Administrative Code.

## III. BACKGROUND/BASIS FOR ISSUANCE

### A. General

On **December 6, 1979**, the Department issued Permit No. 56-19663 to Aqua Rabella Associates to authorize the construction of stormwater retention areas and a non-navigable tidal basin in a mosquito impoundment area.

On **July 3, 1986**, the Department issued Permit No. 5601095728 to William Schulman which allowed the unauthorized filling of 1.5 acres of wetlands to remain and required on-site mitigation through planting of mangroves in a 0.5 acre area.

A draft conservation easement (CE) was included in this permit to prohibit the removal or destruction of trees, shrubs, or other vegetation, excavation, dredging or removal of loam, peat, gravel soil, rock or other material substance in such a manner as to affect the surface construction of any man-made structure. The conservation easement was made by William Schulman, Trustee (Grantor) to State of Florida, Department of Environmental Regulation (Grantee)

On **November 26, 1991**, Dale W. Alexander and Adnan K. Alghita (Grantor) granted the CE to the Department. The CE prohibited the construction of any docks, piers, or boat landings on the property or operation of motor-powered vessels within the water portions of the property.

On **January 26, 2003**, the conservation easement was restated. Agreements were made between the Department and the River Watch Property Owner's Association to not pursue past violations; this replaced the previous 1991 conservation easement.

The purpose and intent of this conservation easement was to ensure the subject lands will be retained and maintained in perpetuity predominately in the natural vegetative and hydrologic condition existing at the time of execution. However, the Grantee shall have the right to enhance the ecological function of the property as it deems appropriate. Any wetlands which are enhanced or created shall be maintained in perpetuity in the enhanced or created condition.

This conservation easement prohibits the operation of vessels powered by gasoline or diesel engines and, except by permit issued by FDEP, excavation, dredging, or removal of loam, peat, gravel, soil, rocks or other material substances in such manner as to affect the surface are prohibited in the CE.

On **August 11, 2009**, the Department was in receipt of Application No. 56-0173825-003-ES from Riverwatch HOA to conduct new dredging activities to deepen the channel and modify the conservation easement to allow for gasoline powered motorized vessels.

A preliminary evaluation letter was issued by the Department on September 10, 2009 in regards to the submittal which stated the Departments concerns. The Department's concerns were primarily in regard to the conditions of the conservation easement not being followed, impacts to resources, impacts to fish and wildlife, impacts to water quality in and outside of the adjacent aquatic preserve, failure to demonstrate public interest criteria and failure to provide assurances that modification of the conservation easement would not be against its original intent. The application was denied on January 26, 2011.

On **February 21, 2023**, the Department received an application for Permit No. 56-0173825-004-EE for the maintenance dredging of the channel and basin and on **May 11, 2023**, the Department denied it. The reasons for the denial was due to the conservation easement requiring a permit for these activities and the application was submitted for an exemption verification.

On **November 11, 2023**, the applicant submitted a separate request to amend the conservation easement to allow for gas powered motors within the conservation easement (Application No. 56-0433560-001) which is still under review.

### **B. Regulatory Basis of Issuance**

An applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of projects regulated under this chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands:  
Water quantity impacts are not proposed with this project as no wetland fill is proposed. No impacts to the adjacent on-site wetlands are proposed or authorized under this permit including but not limited to the filling of mangrove wetlands, Part III, A.H. Vol. II

Will not cause adverse flooding to on-site or off-site property:  
No adverse flooding is expected to occur as a result of the proposed activities within tidal surface waters. No wetland fill is proposed and the dredging activities are not anticipated to cause flooding on or off-site, Part III, A.H. Vol. II

Will not cause adverse impacts to existing surface water storage and conveyance capabilities;  
The project is not expected to cause adverse impacts to water storage or conveyance. All work shall be performed within tidal surface waters., Part III, A.H. Vol. II

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

This project is not expected to adversely affect the maintenance of surface or ground water levels or water flows due to the minimal change of water depths; no filling or impoundments are proposed to be done which could alter surface water or ground water levels and flow, Part III, IV, and V, A.H. Vol. II, for SFWMD

Will not cause adverse impacts to a work of the District established pursuant to Section 373.086, F.S.;

No adverse impacts to works of the District are proposed.

Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed:

The project is capable based on generally accepted engineering and scientific principles.

Will comply with any applicable special basin or geographic area criteria:

Yes, the project will comply with any applicable special basin or geographic area criteria; NFWMD- Sections 13.0- 13. of Vol. II, Including Appendix A; SFWMD- 40E-41, 40E-61, and 40E-63; SWFWMD- N/A; SJWMD – Section 5.9 Vol. II; SRWMD- 40C-41, Sections 13.0-13.8.3 A.H. Vol. II, Part VI, Vol. II.

## **Environmental Conditions for Issuance**

### **II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –**

Department staff conducted a site inspection on April 15<sup>th</sup>, 2024 to verify the applicant's submitted benthic survey. Low tide was approximately 11:43 AM at time of inspection. Department staff observed seagrasses, *Halophila decipiens*, *Halophila johnsonii* and *Halodule wrightii*, located within the project boundaries with densities ranging from 0-40%. Feather algae was also observed throughout the project footprint.

The applicant revised the scope of work to exclude work within areas containing seagrass. In addition, the applicant has proposed to install PVC pipes that will be installed and remain once work is complete to demark the outer limits of resources to ensure that the proposed dredging and vessels traversing through the channel do not impact resources. The Permit shall be conditioned to prohibit impacts to any on-site resources (benthic or wetland).

Additionally, the applicant initially proposed to dredge the area to a depth of -5 ft. mean low water (MLW). The dredge depth was amended to align with previously authorized dredge depths authorized by the Department, minimizing the amount of work within surface waters.

No impacts are proposed or authorized to occur to any on-site wetlands (including the trimming or alteration of mangroves). All spoil material will be stored in upland areas.

Therefore, the applicant has demonstrated that impacts to wetlands and other surface waters have been reduced and eliminated to the furthest extent practicable. 10.2.1.1, A.H. Vol. I

### **III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –**

The proposed activity does not propose impacts to wetlands or other surface waters or their functions as related to the abundance and diversity of fish, wildlife, listed species, and the bald eagle, or the habitats of fish wildlife and listed species.

The Florida Fish and Wildlife Conservation Commission provided permit conditions that shall be made a part of the permit:

(18) The Standard Manatee Conditions for In-water Work (2011) shall be followed for all in-water activity.

(19) Due to the project's location in a narrow waterway, at least one (1) observer shall be present onsite and dedicated to watching for manatees during all in-water operations. Observers must have prior on-the-job experience observing for manatees during previous in-water work, in accordance with the criteria outlined in the Observer Guidelines for Protected Species Monitoring Programs in Florida State Waters manual. In-water work must not be performed after dusk or before dawn, when the possibility of spotting manatees is negligible.

(20) Due to the ephemeral nature of submerged aquatic vegetation (SAV), FWC staff recommend that a field survey be conducted to identify any benthic resources within the project footprint prior to commencing construction. Dredging activities shall avoid all impacts to native submerged aquatic vegetation and habitat, to the greatest extent practical. Adjustments to construction activities may be required based on environmental conditions present at the time of construction.

(21) The installation of the in-water markers may require a Florida Uniform Waterway Marker Permit from this office to ensure compliance with Chapter 68D-23, Florida Administrative Code, and Section 327.40, Florida Statutes. Please contact the FWC's Division of Law Enforcement, Boating and Waterways Section Waterway Management Unit at (850) 488-5600, email [Waterway.Management@MyFWC.com](mailto:Waterway.Management@MyFWC.com) to determine if a permit is needed.

**IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I**

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The project involves the dredging of submerged bottom within tidal surface waters. Therefore, adverse water quantity impacts to wetlands and other surface waters shall not occur.

**V. Public Interest Test – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I –**

Whether the activity will adversely affect public health, safety, or welfare or the property of others:

This proposed activity will not adversely affect public health, safety or welfare of the property of others. 10.2.3.1 A.H. Vol. I

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats:  
The proposed activity will not adversely affect the conservation of fish and wildlife and their habitats based on review from the Department and comments received from FWC. 10.2.3.2, A.H. Vol. I

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling:

The proposed activity will not adversely affect navigation or the flow of water or cause harmful erosion or Shoaling. Dredge depths are approved to a depth of -2.4 ft. at mean low water as previously authorized. 10.2.3.3, A.H. Vol. I

Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity:

The proposed activity will not adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity. On-site wetlands and benthic resources are not permitted to be impacted; therefore, resources will remain on-site and continue to provide function. 10.2.3.4, A.H. Vol. I

Whether the activity is temporary or permanent in nature:

The proposed activity is permanent in nature, however, future dredging must receive authorization from the Department due to the conditions of the existing conservation easement. 10.2.3.5, A.H. Vol. I

Whether the activity will adversely affect or will enhance significant historical and archeological resources:

The proposed activity will not adversely affect historical and archeological resources. 10.2.3.6, A.H. Vol. I

The current condition and relative value of functions being performed by areas affected by the proposed activity:

The current condition and relative value of functions are not expected to be adversely impacted by the project. 10.2.3.7, A.H. Vol. I

**VI. Water Quality – 10.2.4, A.H. Vol. I –**

Specific conditions in the permit will require the use of turbidity curtains during construction and require best management practices such as requiring all watercraft associated with the construction operate in waters of sufficient depth to preclude bottom scouring or prop dredging.

The use of hand-suction dredging will allow for more precision during in-water activities. Operators will more easily be able to conduct the selective dredging and avoid adjacent areas not authorized to be dredged. In addition, turbidity curtains will be installed around seagrass beds to protect from sediment.

11.0, A.H. Vol. I

**VII. Class II Waters; Waters Approved for Shellfish Harvesting – 10.2.5 A.H. Vol. I –**

The project shall not occur within Class II Waters

**VIII. Vertical Seawalls – 10.2.6 A.H. Vol. I –**

The project does not include the construction of vertical seawalls.

**IX. Secondary Impacts – 10.2.7 A.H. Vol. I –**

The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in subsection 10.2.7, ERP A.H. Volume I. While both submerged resources and wetlands are directly adjacent to the project area, secondary impacts are not expected to occur.

Suction dredging will be utilized to allow for greater control of material removal. In addition, turbidity curtains and PVC pipes will be installed to mark the outer edge of seagrass beds on site. The dredging is not expected to directly or secondarily impact the mangroves on site, and specific conditions shall be included in the permit that prohibits dredging with the footprint of mangroves, including their root structures.

No adverse unacceptable impacts to cultural resources are anticipated to result from this proposed project, pursuant to Section 10.2.7(c), ERP A.H. Volume I.

Adverse wetland impacts that may be caused by future phases of the project or activities that are closely linked and causally related to the project will not occur since there are no known future phases. Therefore, this project is not anticipated to cause adverse secondary impacts to wetlands, pursuant to Section 10.2.7(d), ERP A.H. Volume I.

Therefore, it has been determined that the applicant has provided reasonable assurances that the proposed activities will not result in unacceptable secondary impacts, as defined in subsection 10.2.7, ERP A.H. Volume I.

**X. Cumulative Impacts– 10.2.8 A.H. Vol. I –**

There are no adverse impacts proposed or authorized; therefore, the project will not cause any unacceptable cumulative impacts upon wetlands and other surface waters within the Saint Lucie drainage basin.

**XI. Mitigation – 10.3 A.H. Vol. I –**

The applicant has demonstrated that impacts to submerged resources and mangrove wetlands will be avoided. Due to the reasons above, the Department does not anticipate adverse impacts to these resources and mitigation will not be required.

Through the above and based on the general/limiting and specific conditions to the permit, the applicant has provided affirmative reasonable assurance that the construction and operation of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance or Additional Conditions for Issuance of an environmental resource permit, pursuant to Part IV of Chapter 373, F.S., Chapters 62-330, and Sections 40E-4.301 and 40E-4.302, F.A.C. The construction and operation of the activity will not result in violations of the water quality standards set forth in Chapters 62-3, 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of

the direct, secondary, and cumulative impacts, is not contrary to the public interest, pursuant to paragraph 373.414(1)(a), F.S.

#### **IV. PUBLICATION OF NOTICE**

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Under section 403.815 of the Florida Statutes and rule 62-103.150 of the Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to:

Department of Environmental Protection  
Southeast District Environmental Resources Permitting  
c/o John Tracey  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, Florida 33406

The proof of publication shall be provided to the above address within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit.

#### **V. RIGHTS OF AFFECTED PARTIES**

Under this intent to issue, the permit is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department 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. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines



noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the permit been executed and delivered.

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 of the Florida Statutes. 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.

Under rule 62-110.106(4) of the 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. 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.

If 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. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), 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) of the 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) of the 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 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.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, 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 intent to issue constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, 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 order is filed with the Clerk of the Department.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Norva Blandin, MSEM  
Program Administrator  
Permitting Program  
Southeast District

**Attachment(s):**  
Draft Permit  
Project Drawings

### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Sirena Davila, Norva Blandin MSEM, Danielle C. Sattelberger, John Tracey,  
[SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov)  
Abigayle Sewell, Merseas Company, [merseas.co@gmail.com](mailto:merseas.co@gmail.com)

Frank Mockus and Patty Barlow, [mockus89@yahoo.com](mailto:mockus89@yahoo.com)  
Shari Anker, Conservation Alliance of St. Lucie County, [slcconservtaionalliance@gmail.com](mailto:slcconservtaionalliance@gmail.com)  
Diane Goldberg, Audubon of St. Lucie County, [Digoldberg@bellsouth.net](mailto:Digoldberg@bellsouth.net)  
Drew Martin, Sierra Club-Loxahatchee, [DMandCH@aol.com](mailto:DMandCH@aol.com)  
Jim Moir, Indian Riverkeeper, [benchcat@aol.com](mailto:benchcat@aol.com)  
Charles Grande, Presidents Council on Hutchinson Island, [Chasgrande@bellsouth.net](mailto:Chasgrande@bellsouth.net)

### **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.

*Danielle Lucido*  
**Clerk**

December 20, 2024  
**Date**



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Alexis A. Lambert**  
Secretary

**Project Name:** Aqua Ra Dredge

**Permittee/Authorized Entity:**

River Watch Property Owners Association Inc.  
c/o Scott Florence  
Aqua Ra Drive  
Jensen Beach, FL 34957  
Email: [dennisscott5734@gmail.com](mailto:dennisscott5734@gmail.com)

**Authorized Agent:**

Merseas Company  
c/o Abigayle Sewell  
Email: [merseas.co@gmail.com](mailto:merseas.co@gmail.com)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization – Not Applicable**

**U.S. Army Corps of Engineers – Separate Authorization Required**

**Permit No.:** 56-0173825-005-EI

**Permit Issuance Date:**

**Permit Construction Phase Expiration Date:**

## Environmental Resource Permit

Permit No.: 56-0173825-005-EI

### PROJECT LOCATION

The activities authorized by this Permit are located within an unnamed basin and channel, adjacent to the Indian River, Class III Waters, adjacent to Aqua Ra Drive, Jensen Beach (Section 11, Township 37 South, Range 41 East), in Saint Lucie County (Latitude N 27°15'54.1944", Longitude W - 80°12'30.3481").

### PROJECT DESCRIPTION

This permit authorizes the selective dredging of 314 cubic yards of material within the channel and basin to a depth of -2.4 feet at mean low water and the installation of 1-inch diameter PVC pipes spaced twenty feet apart that will serve as a marker for the dredge area and current extent of on-site resources. Only those areas shallower than -2.4 ft. at mean low water (MLW) are authorized to be dredged; therefore, an approximate area of 14,120 square feet is expected to be dredged. These areas were previously authorized to be dredged under Permit No. 56-19663.

This permit authorizes 14,120 ft<sup>2</sup> of work within other surface waters. Seagrasses (*Halophila decipiens*, *Halophila johnsonii* and *Halodule wright*) and mangrove wetlands are located immediately adjacent to the project boundaries. However, this permit does not authorize impacts to these resources and no impacts to resources are proposed under this application. Seagrasses will be isolated from the proposed activities via weighted turbidity curtains that will surround the extent of any seagrass beds prior to work commencing. Additionally, 13 PVC pipes will be installed to mark the boundaries of the on-site seagrass beds during construction in addition to the weighted turbidity curtains. These PVC pipes will remain after construction to mark the boundaries of the dredged area and current extent of seagrass beds.

No trimming or alteration to mangroves is proposed or permitted to occur. Dredging will not occur within the footprint of any mangrove branches, trunks or root systems. The trimming or alteration of mangroves is not authorized by this permit. Mitigation is not required.

The dredge material shall be removed via suction and placed directly in a self-contained upland container. Any barges shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging. All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways or barge and all equipment/tools and materials shall be stored on uplands or the barge.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

## **AUTHORIZATIONS**

### Environmental Resource Permit

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

### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

### 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 Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook: (<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.

### 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 CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General 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 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.

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

(1) The attached project drawings (sheets 1 through 11); the Standard Manatee Conditions for In-Water Work, 2011; and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

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

(2) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

(3) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site (i.e. dredge area and return water discharge point), and areas with submerged resources (i.e. seagrass beds) and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens.

(4) The perimeter of on-site submerged grassbeds shall be marked with PCV pipes prior to the commencement of any in-water activities. The number of PVC pipes used and their GPS location(s) shall be provided to the Department by email at [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov) prior to dredging.

## **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

(5) No portion of the dredge pipeline, nor any related equipment, shall be stored, anchored on, or laid on or over seagrass beds or wetlands without prior Department approval. Anchoring done to secure the dredge or equipment shall be done within areas where seagrass beds are not present during dredging and related activities.

(6) Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.

(7) 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.

(8) During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.

(9) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings. The dredging will be conducted within a 14,120 sq. ft. area to a depth no greater than -2.4 ft. MLW, resulting in removal of approximately 314 cubic yards of dredged material. The dredge material will be transported to a Class I Landfill.

(10) A fully enclosed truck shall transport the excavated materials to an approved landfill. Within 30 days, receipts shall be scanned and sent to the Department's compliance assistance program at [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov). The subject line of the email shall include the project name, permit number, and the title "Landfill Receipts."

(11) No dredging or filling of submerged grassbeds or live bottom communities is authorized by this permit.

(12) Trimming or alteration of mangroves is not authorized by this permit.

(13) Dredging or filling is not authorized to occur on sovereign submerged lands without prior authorization from the Department.

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

(14) After dredging activities are completed, a topographic survey of the final dredge area shall be completed and a certified copy shall be forwarded to the Department to indicate whether the elevations conform to those permitted.

(15) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.



- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTU's.

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

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

(17) During dredging activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

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

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

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

(18) The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.

(19) Due to the project's location in a narrow waterway, at least one (1) observer shall be present onsite and dedicated to watching for manatees during all in-water operations. Observers must have prior on-the-job experience observing for manatees during previous in-water work, in accordance with the criteria outlined in the Observer Guidelines for Protected Species Monitoring

Programs in Florida State Waters manual. In-water work must not be performed after dusk or before dawn, when the possibility of spotting manatees is negligible.

(20) Due to the ephemeral nature of submerged aquatic vegetation (SAV), FWC staff recommend that a field survey be conducted to identify any benthic resources within the project footprint prior to commencing construction. Dredging activities shall avoid all impacts to native submerged aquatic vegetation and habitat, to the greatest extent practical. Adjustments to construction activities may be required based on environmental conditions present at the time of construction.

(21) The installation of the in-water markers may require a Florida Uniform Waterway Marker Permit from this office to ensure compliance with Chapter 68D-23, Florida Administrative Code, and Section 327.40, Florida Statutes. Please contact the FWC's Division of Law Enforcement, Boating and Waterways Section Waterway Management Unit at (850) 488-5600, email [Waterway.Management@MyFWC.com](mailto:Waterway.Management@MyFWC.com) to determine if a permit is needed.

### **SPECIFIC CONDITIONS – LISTED SPECIES**

(22) 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 [conservationplanningservices@myfwc.com](mailto:conservationplanningservices@myfwc.com).

### **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.

### **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 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@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.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Norva Blandin, MSEM  
Program Administrator  
Permitting Program  
Southeast District

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin MSEM, Danielle C. Sattelberger, John Tracey,  
SED\_Compliance@FloridaDEP.gov

Abigayle Sewell, Merseas Company, [merseas.co@gmail.com](mailto:merseas.co@gmail.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.

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**Clerk**

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**Date**

**Attachments:**

Project Name: Aqua Ra Dredge  
Permit No.: 56-0173825-005-EI  
Page 12 of 12

Project Drawings and Design Specs., 11 pages

Standard Manatee Conditions for In-Water Work, 2011

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)\*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)\*

Request to Transfer Permit Form 62-330.340(1)\*

Commencement Notice Form 62-330.350(1)\*

\*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

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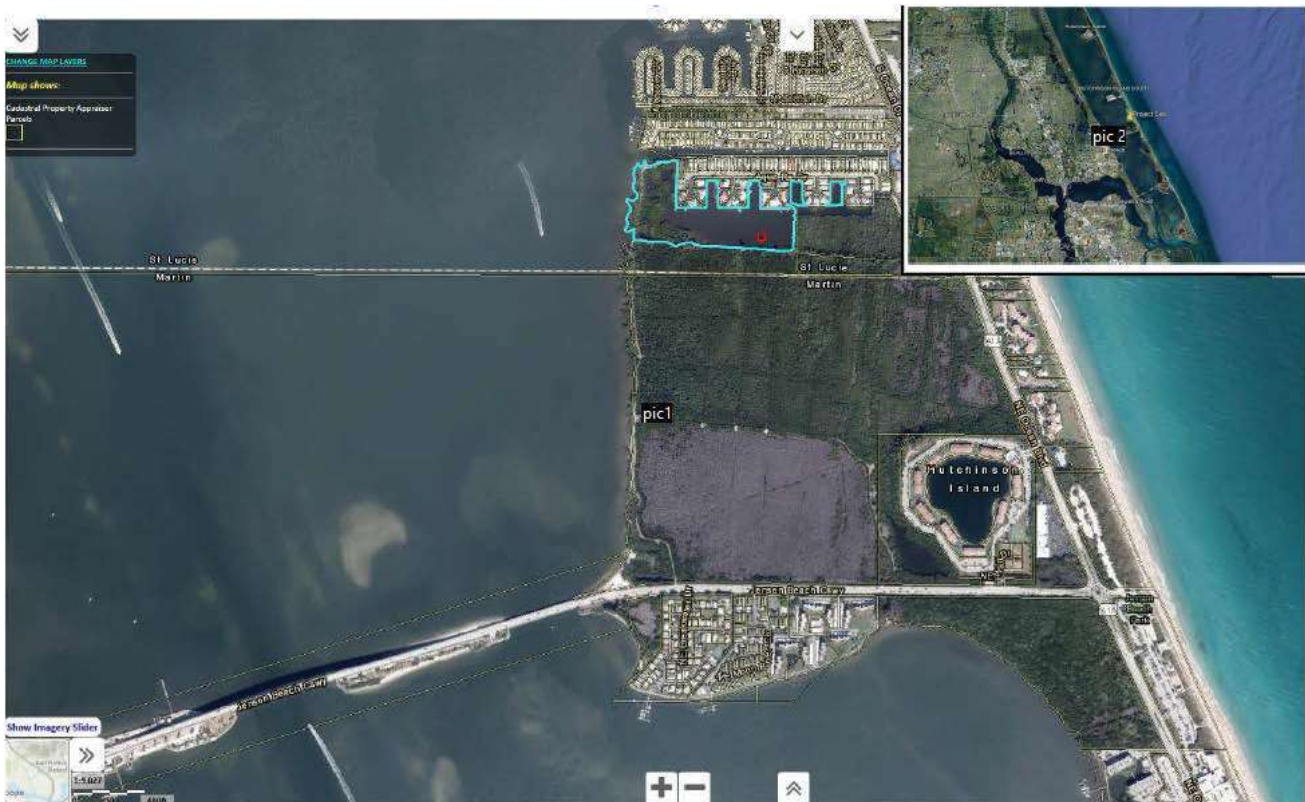
# MERSEAS COMPANY, INC.

## Proposal for Maintenance Dredging

merseas.co@gmail.com

772-403-3011

Prepared for: River Watch POA



### Site Description:

Proposed activities are located within an artificially constructed tidal pond and finger canal system adjacent to the Indian River Lagoon wholly within Parcel ID:4511-815-001-000-0 which is owned by the Property Owners Association (applicant). The adjacent parcels 4511-815-0001-010-3 and 4511444-0001-000-2 are also owned by the POA and paved road also owned by the POA provides access directly south and adjacent to the project area. Upland areas along this road shall be used to provide transportation of spoil material offsite for disposal at the county landfill.

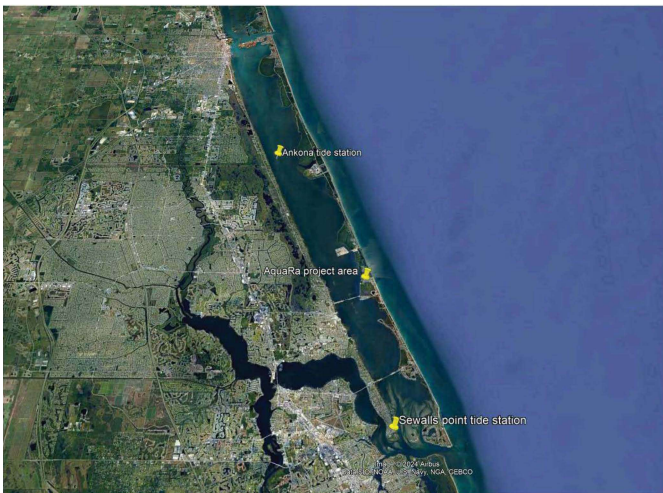
Project Overview:

The original authorization for this tidal pond was a depth of 3' MWL (Mean Water Level) Currently there is a conservation easement recorded requiring the applicant to maintain the hydrology of this tidal pond. Sedimentation and shoaling are now also threatening previously enjoyed navigability. The applicant seeks authorization to preform dredging activities consistent with the states definition under FAC 62-312.050. Additionally the applicant is making every effort to preform this work in such a way to cause no direct impacts to sensitive resources. Merseas Company, Inc was hired by the applicant to provide consulting services, identify sensitive resources and demonstrate feasibility of how such dredging activities can occur without direct impacts and meet all requirements for permitted dredging activities. Any selected dredging vendor should be free to deviate in methodology so long as the requirements herein are met.

Project Description:

Applicant seeks to dredge to the previously authorized 3' MWL which corresponds to an agreed upon -2.4 MLWL (Mean Low Water Level) based on an average of NOAA tidal datum from the nearest stations within the same water body. Applicant seeks to dredge existing channel for a length of approximately 650' through at a width of 20' to allow for safe passage of vessels in a head-on situation. Additional dredging Within the tidal pond, where obvious shoaling threatens navigability and previous hydrology, for a total project area of ~19,000 sf or .44 acres is proposed. Impacts shall be limited to areas free of sensitive benthic resources and no mangrove trimming is requested. As the project scope is proposed, there will be no impacts to aquatic resources.

Tide station locations:



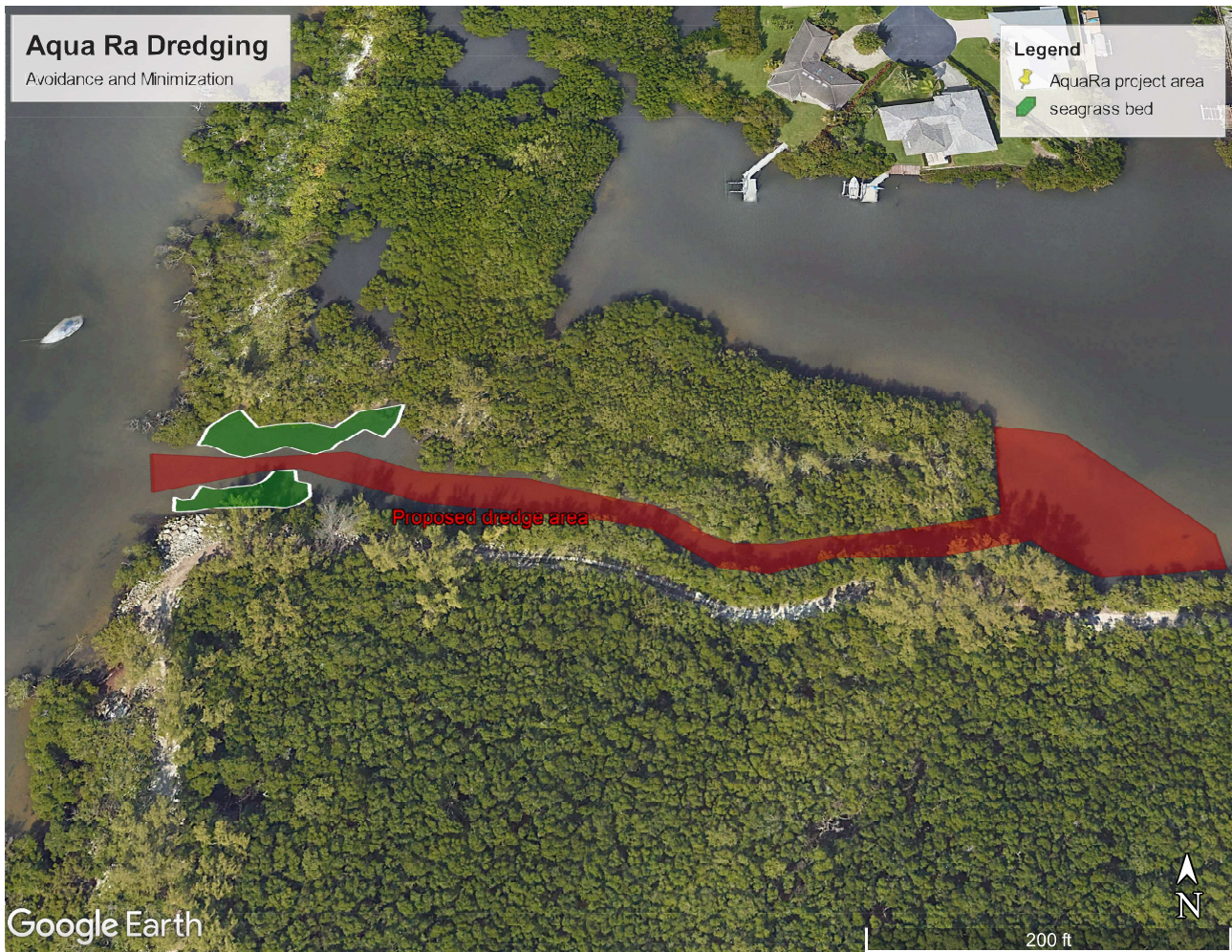
TIDAL INFORMATION

PLACE		Height referred to datum of soundings (MLLW)		
NAME	(LAT/LONG)	Mean Higher High Water	Mean High Water	Mean Low Water
		feet	feet	feet
Sebastian	(27°48.7'N/80°27.8'W)	0.5	0.4	0.1
Vero Beach	(27°40.2'N/80°21.6'W)	3.9	3.6	0.2
Vero Beach, Indian River	(27°37.9'N/80°22.3'W)	0.9	0.8	0.1
Fort Pierce Inlet, South Jetty	(27°28.2'N/80°17.3'W)	3.0	2.8	0.2
Binney Dock	(27°28.1'N/80°17.8'W)	2.2	2.0	0.2
Fort Pierce, Indian River	(27°27.4'N/80°19.4'W)	1.5	1.4	0.2
Ankona	(27°21.3'N/80°16.5'W)	1.3	1.2	0.1
Seminole Shores	(27°11.0'N/80°09.5'W)	3.4	3.2	0.2
Sewall Point	(27°10.5'N/80°11.3'W)	1.2	1.1	0.1
Hole Sound Bridge	(27°03.8'N/80°07.4'W)	1.8	1.7	0.1
A1A Highway Bridge	(26°56.8'N/80°05.4'W)	2.3	2.2	0.2
PGA Boulevard Bridge	(26°50.6'N/80°04.0'W)	3.0	2.8	0.1
Port of Palm Beach	(26°46.2'N/80°03.1'W)	3.1	2.9	0.2
Lake Worth Pier	(26°36.7'N/80°02.0'W)	3.0	2.9	0.1
Lake Worth Intracoastal Waterway	(26°36.8'N/80°02.8'W)	3.1	2.9	0.1

--- located in datum columns indicate unavailable datum values for a tide station. Real-time water levels, tide predictions, and tidal current predictions are available on the Internet from <http://tidesandcurrents.noaa.gov>.

(Jan 2014)

Plan view:

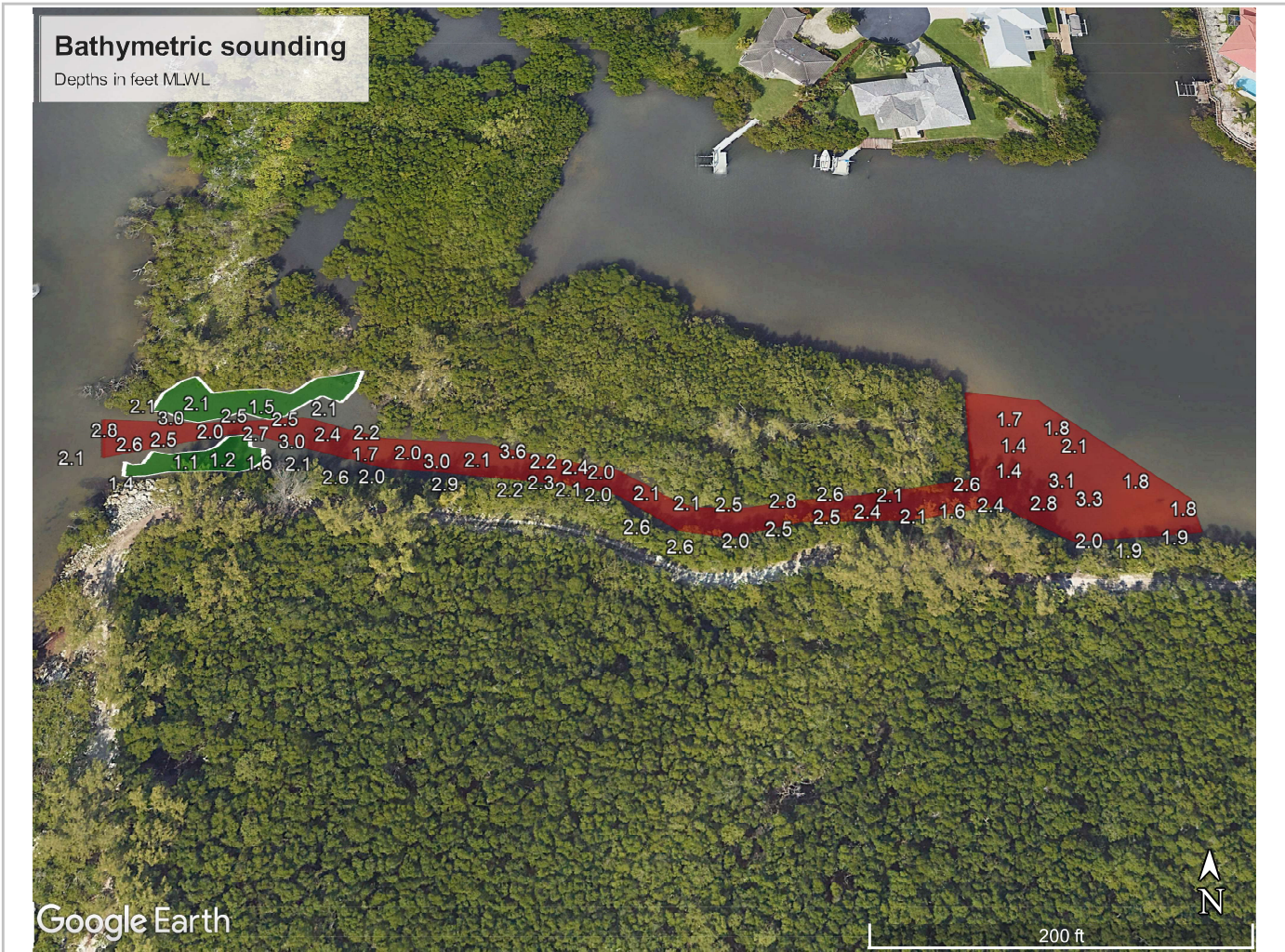


Avoidance and minimization:

A submerged resource survey was performed and is included as a separate report. Findings of the survey are that there are two discrete seagrass beds near the west end of the proposed dredge area. Proposed methodology for dredging will be by hand placed suction dredging with utmost care to avoid submerged resources.

No seagrass occurs within the middle of the existing channel area and ~20' exists between the extents of the two seagrass beds. Dredging will be able to follow a continuous and uniform width from the edge of the parcel on the west side through mangroves and into the tidal pond. Out of an abundance of caution, proposed work will utilize floating turbidity curtain at the edge of seagrass beds during dredging activities to prevent secondary impacts.

Extents of the seagrass beds shall be marked with 1" dia PVC pipes extending 3' above MHWL minimum and shall stay after dredge activities. Florida Statute requires all vessel traffic to be at minimum speed within 600' of shore and the project area is posted as a no-motor zone per conservation easement requirements.



**Bathymetric Survey and Dredge volume:**

In order to best characterize water depths within the proposed dredge area; bathymetric soundings were hand collected in conjunction with sub-meter accurate GPS equipment and then overlaid onto aerial imagery. Depths were measured in tenths of feet at Mean Low Water Level. Bathymetric soundings were taken haphazardly at regular intervals to provide a meaningful and representative dataset of current conditions. A total of 74 soundings were taken with a maximum depth observed of 3.6' MLWL and a minimum depth of 1.1' MLWL.

Of the 74 total soundings taken, 19 of the soundings were at a depth greater than or equal to the proposed dredge depth and therefore no dredging would occur. This corresponds to ~4880 sf out of the proposed total of 19000sf.

The remaining 55 soundings have a depth less than the proposed dredge depth and dredging is expected to occur. A calculated average depth 2.00' and corresponds to 14120 sf of dredge area. This gives an expected total dredge volume of 314 cubic yards.

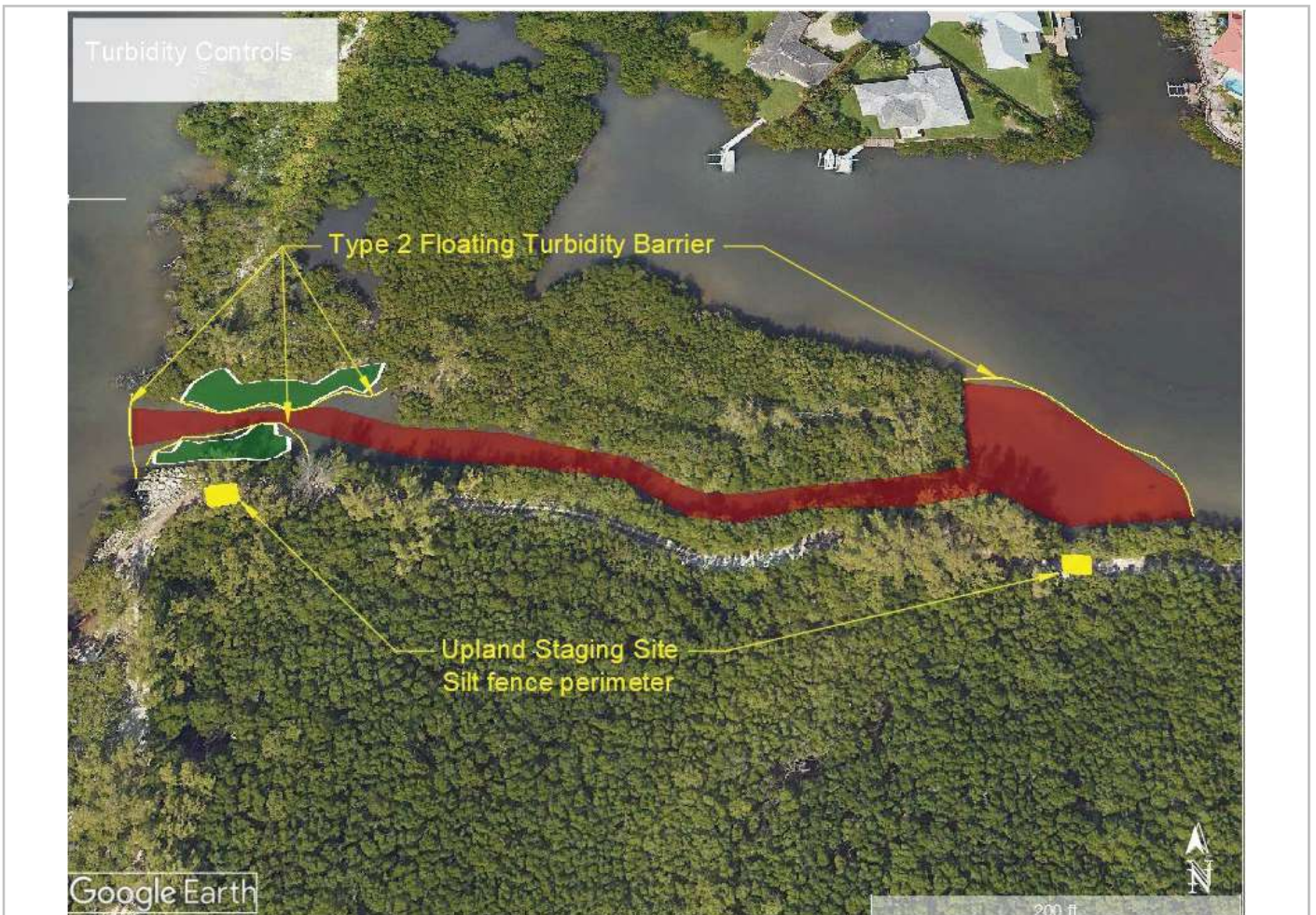
Spoil material handling and turbidity control:

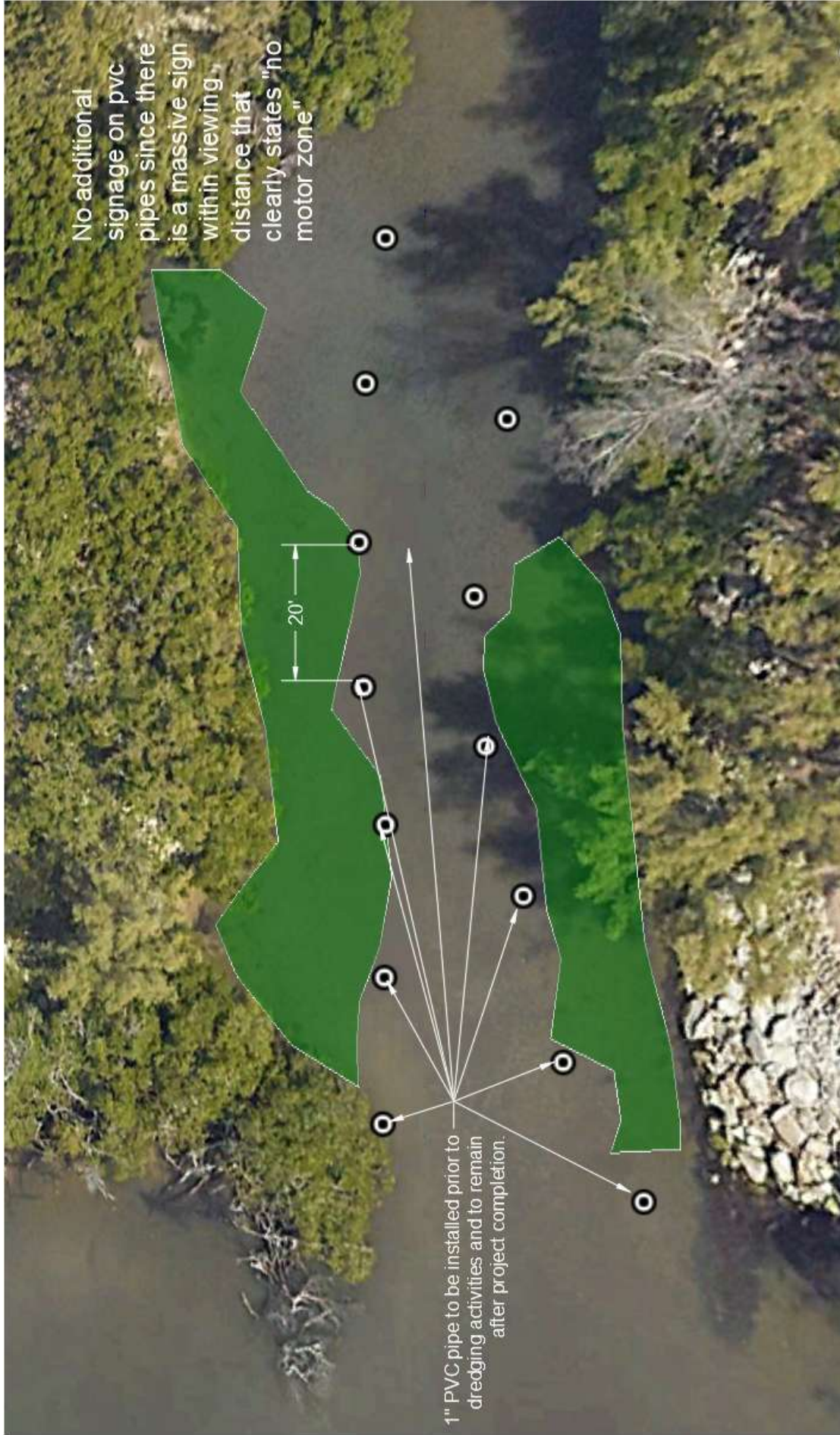
Spoil material is to be removed from the site and shall be disposed of in the county landfill or other such disposal facility. Temporary staging of dredge material will occur onto self contained upland spoil sites owned by the applicant and are directly adjacent to proposed work locations. Products such as the 30yard Dewatering Roll-Off box from Iron Clad Enviromental (spec sheet included) allows for retention of dredge material from return water and will allow for dredging activities to occur without return water entering surface waters. Roll-Off boxes are able to be picked up like a standard dumpster and brought to the designated disposal site using public roads with no special consideration. Excess water can be removed by vac-truck as needed.

Proximity to surface waters and wetlands recommends the use of secondary containment turbidity controls as per the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual and shall be installed around equipment in case of incidental release of turbid water.

Suction dredging without return water is not expected to cause any degradation in water quality however, Type-2 Floating Turbidity Barrier shall be installed at edge of seagrass beds to further prevent any impacts to sensitive resources. Additional Turbidity barrier shall be installed along both Eastern and Western extents of the project area and shall remain in place if tubidity is above background levels.

Turbidity control:





DRAWINGS PROVIDED BY MERSEAS COMPANY, INC. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE ALL SPECIFICATIONS/DIMENSIONS OF PILINGS, BOAT LIFTS, DOCKS AND OTHER STRUCTURES ARE ACCURATE AND ALL STRUCTURES BEING ATTACHED TO ARE ARCHITECTURALLY SOUND. MERSEAS COMPANY, INC. IS NOT A CONTRACTOR OR ENGINEERING COMPANY AND CANNOT CERTIFY ANY STRUCTURES. FUTURE OR EXISTING TO BE SOUND. IT IS CONTRACTOR'S RESPONSIBILITY TO VERIFY PLANS ARE COMPLIANT WITH LOCAL BUILDING CODE AND 8th EDITION FLORIDA BUILDING CODE 2023



# AQUA RA

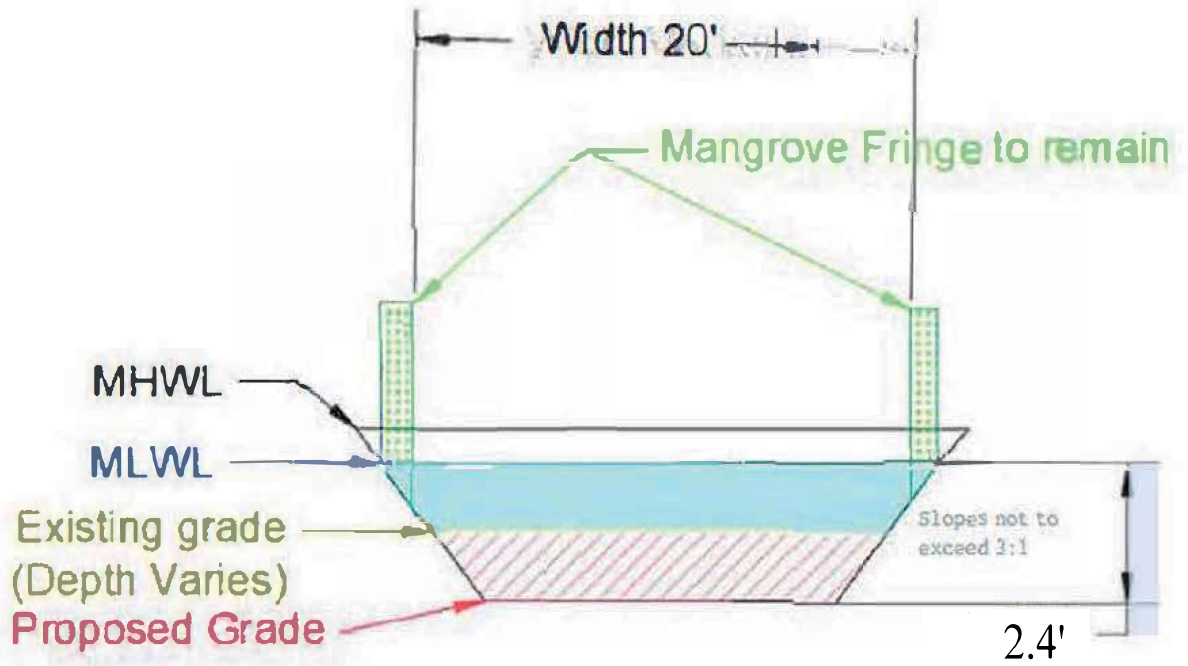
AQUA RA DR, JENSEN BEACH, FL

SCALE

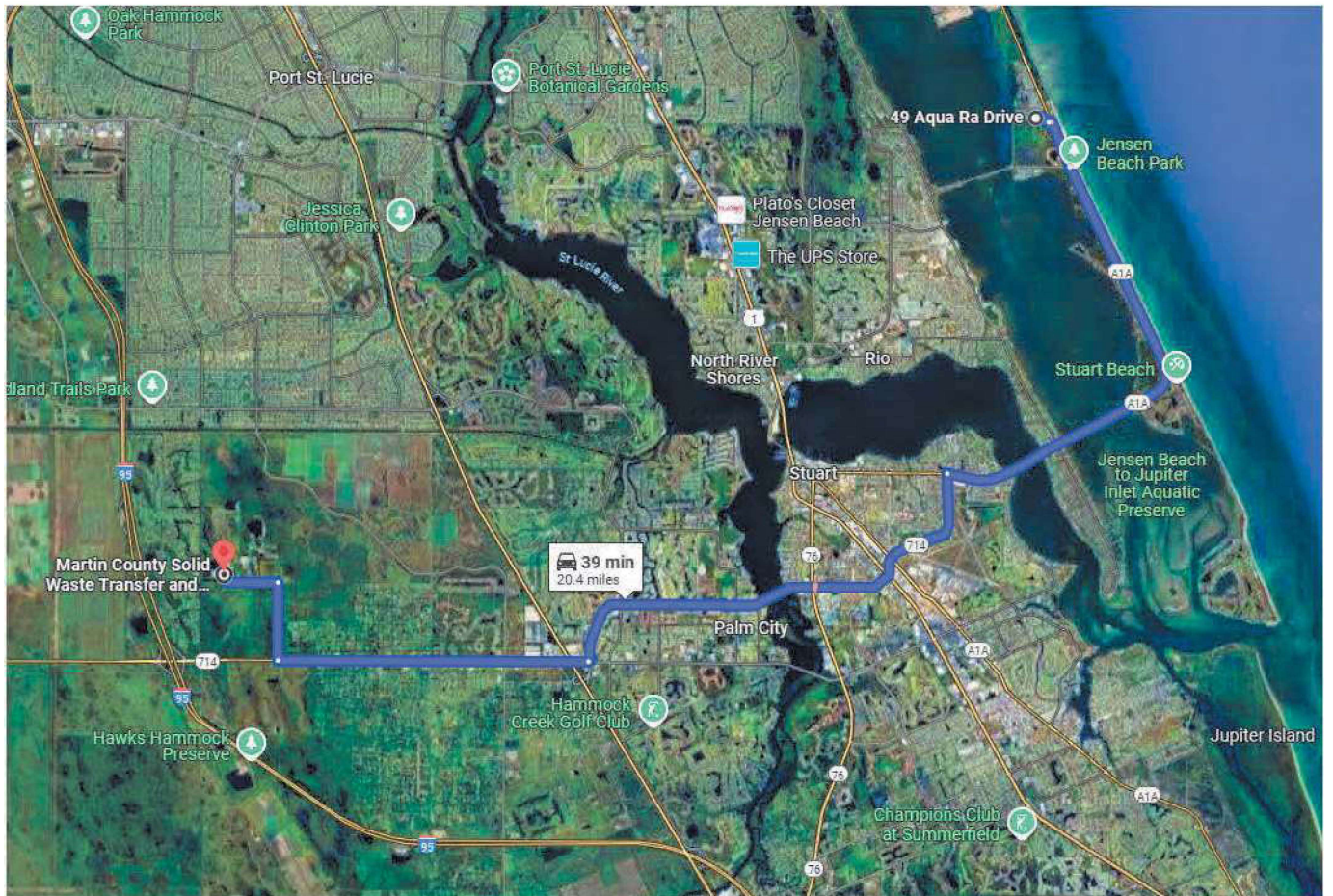
REV

SHEET

Cross sectional view:

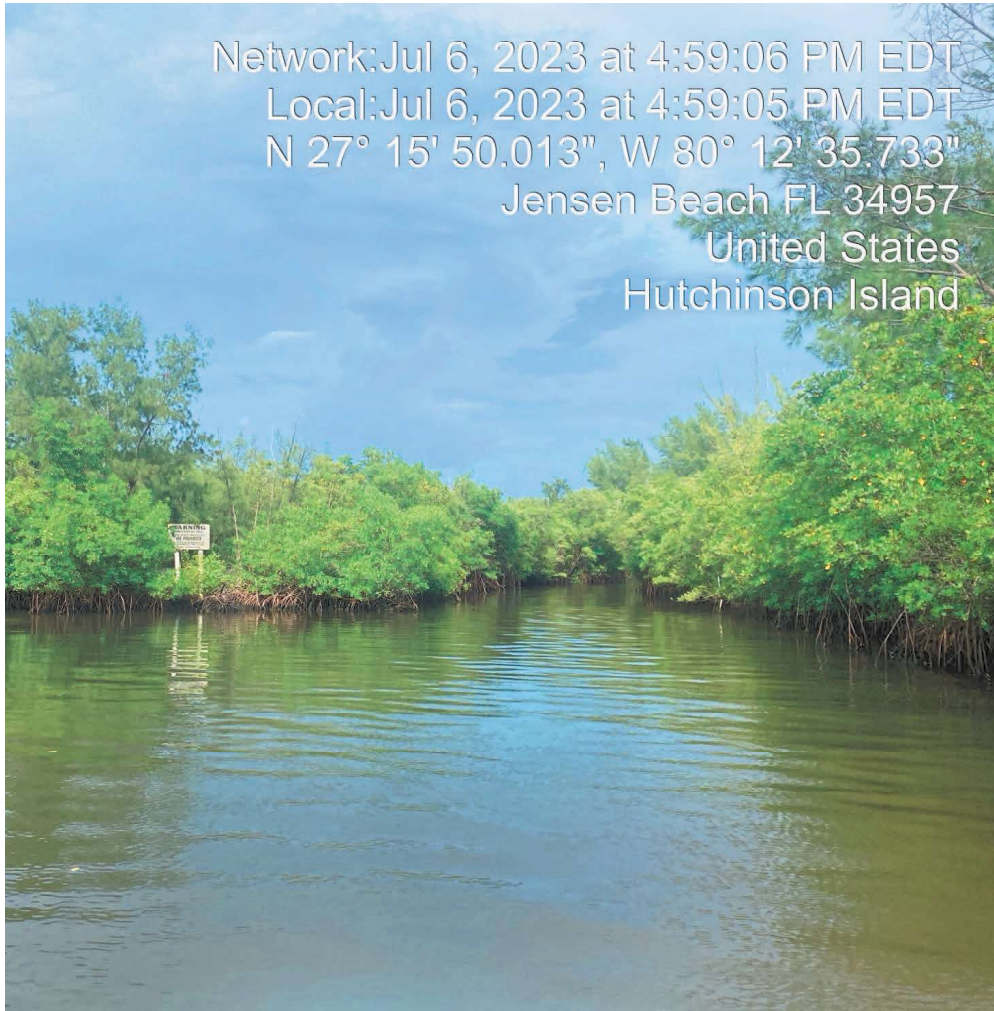


Disposal Route:

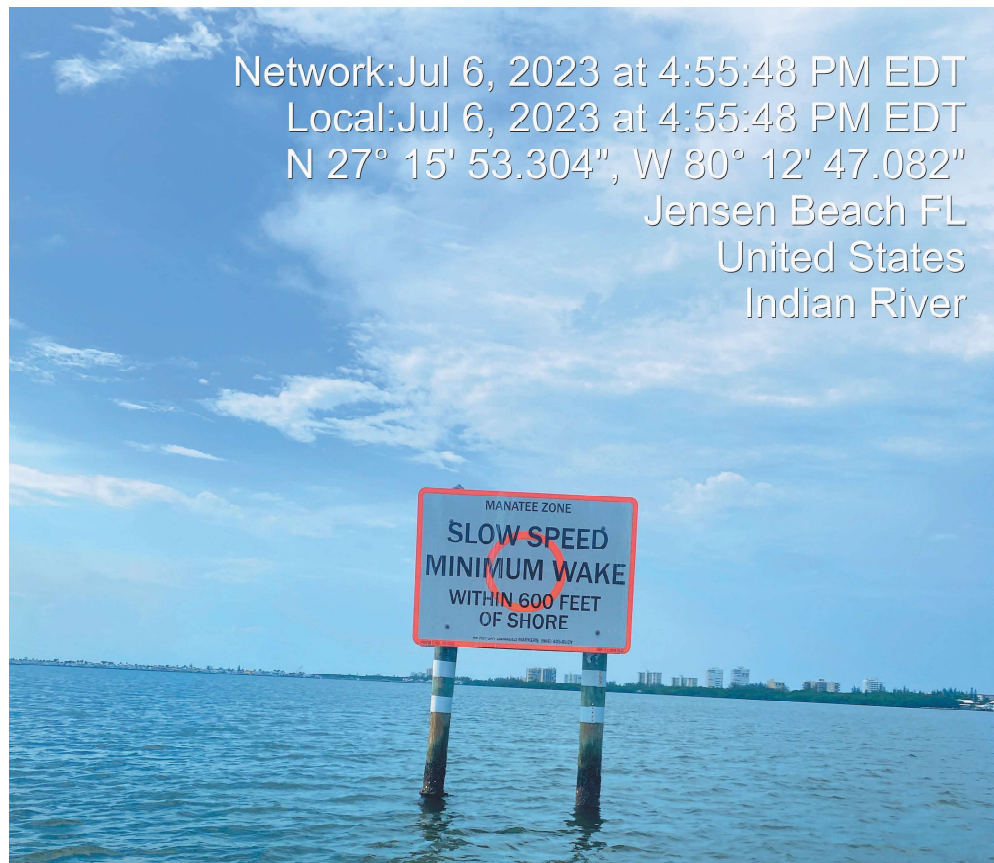




Existing Signage prohibiting motors:



Existing Signage Requiring slow speed:



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**30 YARD**

# Dewatering Roll Off Box

Dewatering Box rentals from Ironclad Environmental Solutions are passive-gravity dewatering containers available in all three of the roll-off box configurations: Roll-tarp, Metal-Lid and Vacuum. Each roll-off box is equipped with a steel-frame screen-insert which creates a French drain system within the individual containers interior. Dewatering boxes are available to separate liquid from sludge and slurry and to simplify waste disposal.



\*Photos are representational; actual products vary. Additional product plans and specifications may vary from those shown and are subject to in-stock availability.

## Dimensions and Weights

Length: 23' 1 5/8"

Width: 8' 1/2"

Height: 6' 4 1/8"

Capacity: 30 cubic yard  
(6,048 gallons)

Tare Weight: 10,050 lbs

## Construction

Floor: 1/4" A36 plate

Walls: 3/16" A36 plate

Long Sill: 6 x 2 x 1/4" tubing

## Features

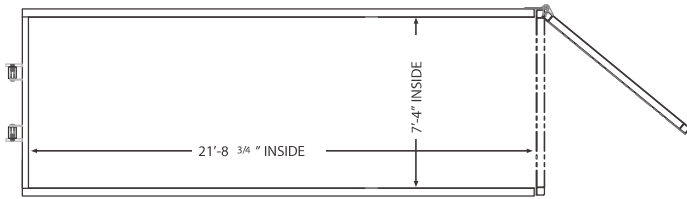
Drain: Two 4" flanged drain  
(curb and street)

Liner hooks: 24" all around

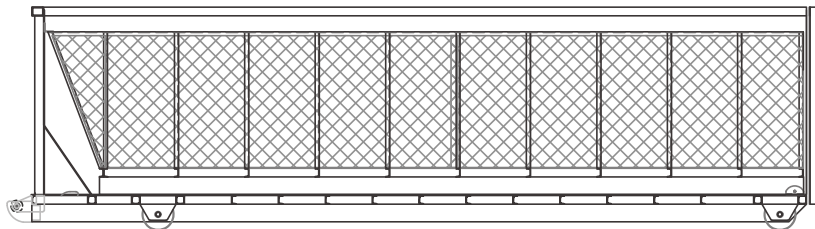
Wheels: 10" steel

ROLL OFF BOX

# Dewatering Box Drawing

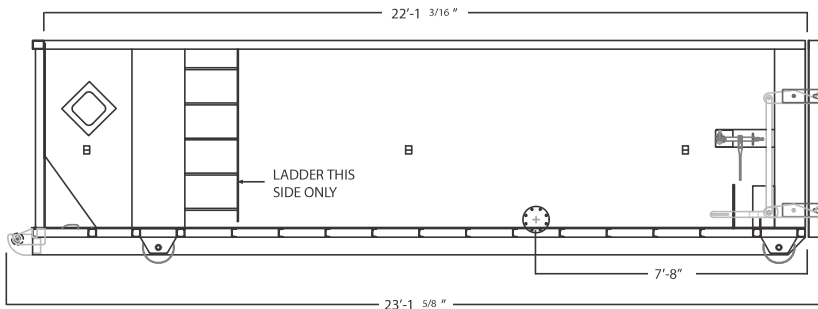


Top View

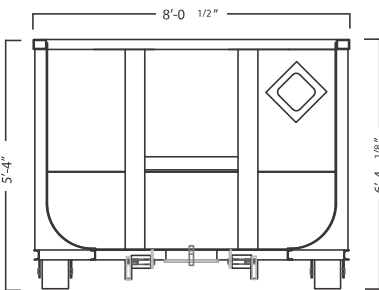


\*Some details not shown in all views. Overall dimensions are normal.

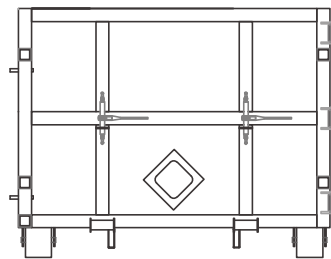
\*Photos are representational; actual products vary. Additional product plans and specifications may vary from those shown and are subject to in-stock availability.



Side View



Front View



Rear View:

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

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

# CAUTION: MANATEE HABITAT

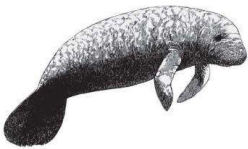
All project vessels

**IDLE SPEED / NO WAKE**

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

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

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

cell \*FWC or #FWC