



FLORIDA DEPARTMENT OF Environmental Protection

**CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803**

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Elizabeth Schiedel
865 S. Tropical Trail
Merritt Island, Florida 32952, Brevard County
Bethschiedel@gmail.com

Schiedel Residence

Environmental Resource Permit

State-owned Submerged Lands Authorization – Granted

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

Brevard County
Permit No.: 0438972-002-EI

Permit Issuance Date: January 11, 2024
Permit Construction Phase Expiration Date: January 11, 2029



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Elizabeth Schiedel
Permit No: 438972-002-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at parcel ID: 25-36-02-00-274, 865 South Tropical Trail, Merritt Island, Florida 32952, in Section 02, Township 25 South, Range 36 East in Brevard County, at latitude 28.341886 and longitude -80.703148.

PROJECT DESCRIPTION

The permittee is authorized to construct a 129.5 linear-foot vinyl seawall with 10-foot returns at the property lines and 130 linear-feet of riprap revetment. The activity takes place along a 130 linear-foot shoreline within the Indian River, a Class II water, and Shellfish Harvesting Area. The new seawall will not extend more than 18 inches waterward from the face of the existing seawall. The riprap revetment will be installed no more than 10 feet waterward of the mean high water line. Those activities include the preemption of 1,300-square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Schiedel Residence

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

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

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date

of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **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 Granted

This permit also constitutes a *grant* of water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341. Pursuant to Rule 62-330.062, F.A.C. issuance of the individual or conceptual approval permit under this chapter shall constitute certification of compliance with water quality standards.

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 AND SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department 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.
2. Best management practices for erosion control and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
3. The limits of construction shall be delineated by silt fencing or a floating turbidity barrier. The permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

4. The project shall comply with applicable state water quality Standards (62-302, F.A.C.), including:
 - a. 62-302.500 - Minimum criteria for all surface waters at all places and at all times,
 - b. 62-302.500 - Surface waters: general criteria, and
 - c. 62-302.400 - Class II Waters-Shellfish Propagation or Harvesting.
5. The permittee shall report any damage to the Department within 24 hours that occurs to the wetlands/littoral zone area as a result of construction. If any damage occurs to wetlands or surface waters as a result of any construction activities, the permittee shall be required to restore the wetland area by re-grading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
6. Dredging within waters of the state for the purpose of providing backfill is prohibited.

7. There shall not be any excess lumber, scrap wood, trash, garbage, etc. within wetlands or waters of the State.
8. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the State.
9. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, and debris) within waters/waters of the state unless specifically approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.
10. This permit does not authorize the construction of any additional structures/fill not illustrated on the permit drawings.
11. The seawall shall be fully constructed as shown on the attached permit drawings prior to the placement of backfill material. Fill material used behind the bulkhead wall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or other unsuitable materials.
12. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion of the project.
13. No filling of submerged grassbeds is authorized by this permit.
14. Riprap shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.
15. The slope of the riprap shall be no steeper than 2:1 (Horizontal/Vertical) and the distance the riprap extends waterward from the top of slope shall be no more than ten (10) feet. Minor adjustments from the distance waterward from the top of slope will be allowed to attain the appropriate slope.
16. In accordance with 62-330.350(1)(q), F.A.C., if the proposed activity authorized under this permit causes any adverse impacts, 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.

SPECIFIC CONDITIONS - OTHER LISTED SPECIES

17. 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 permittee 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, Florida Fish and Wildlife Conservation Commission (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.

18. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).
19. If new information (e.g., listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

SPECIFIC CONDITIONS- HISTORIC ARTIFACTS

16. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered

SPECIFIC CONDITIONS - CONSTRUCTION COMPLETION

17. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the permittee will be responsible for the removal of the turbidity barriers. The turbidity control devices shall be removed no later than two weeks from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.
18. Within 30 days of completion of work authorized by this permit, the permittee shall provide notification of completion of construction to the Central District Office of the Florida Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.
19. 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)]
20. In accordance with 62-330.350(1)(q), F.A.C., if the proposed activity authorized under this permit causes any adverse impacts, 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.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

21. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
22. Turbidity shall not be caused by operational activities. For in-water maintenance activities, a floating turbidity apron/curtain shall be installed around the work area and will remain in place until turbidity levels within the work area have returned to background levels prior to maintenance.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under this chapter, 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), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, 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., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small

Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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.

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
9. 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.
10. 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.
11. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments

or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

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

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

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

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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

Extension of Time

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

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Reggie Phillips
Program Administrator
Permitting and Waste Cleanup Program

Attachments:

Exhibit 1, Project Drawings and Design Specs., 6 pages
Standard Manatee Construction Conditions 2011
Construction Commencement Notice/Form 62-330.350(1)
Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit/Form 62-330.310(3)
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
Request to Transfer Permit/Form 62-330.340(1)

Copies furnished to:

Alexandra Davis, FDEP, Alexandra.K.Davis@FloridaDEP.gov
Teayann Duclos, FDEP, Teayann.Duclos@FloridaDEP.gov
FWC, ConservationPlanningServices@MyFWC.com
DOS, CompliancePermits@dos.state.fl.us
DEO, Dcppermits@deo.myflorida.com

Brevard County, LeeAnn.McCullough-Wham@Brevardfl.gov
DOACS, Portia.Sapp@FreshFromFlorida.com
Barry Schiedel, Co-applicant, Blsfish1@gmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **January 11, 2024**, 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.

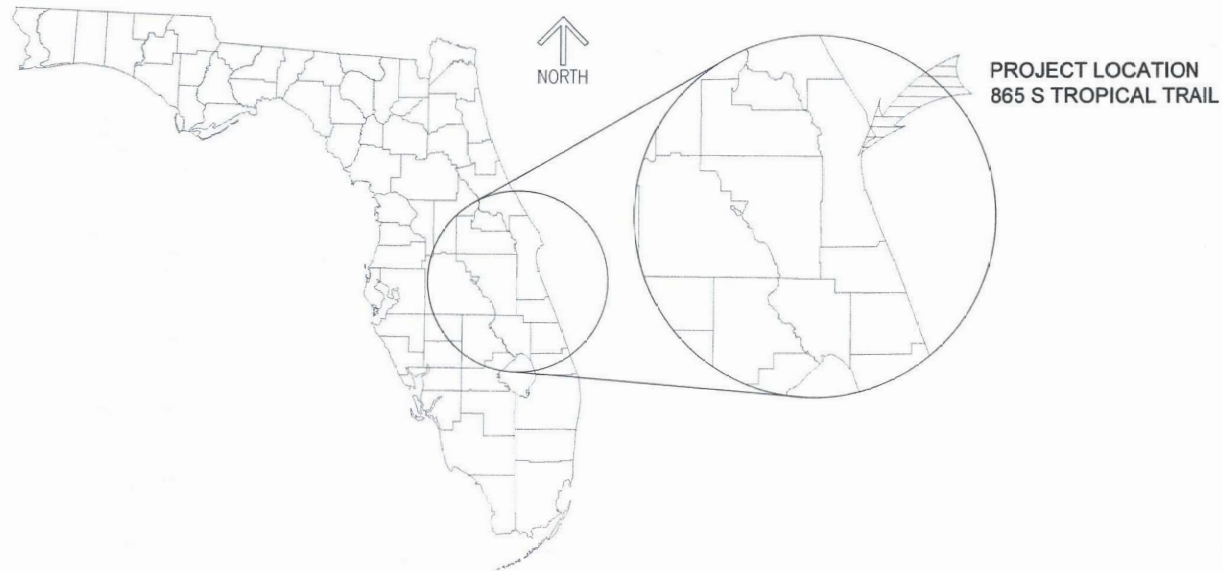


Clerk

January 11, 2024

Date

PROPOSED SEAWALL FOR
865 S TROPICAL TRAIL
MERRITT ISLAND, FL



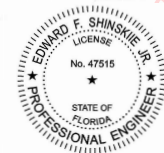
ENGINEER

EDWARD SHINSKIE
RKE ENTERPRISES LLC
4707 WILD TURKEY ROAD
MIMS, FL 32754
FLORIDA PE# 47515
PH. 321-863-3223

SHEET INDEX

S1 COVER
S2 DETAILS
S3 SHEETPILE DATA

Revised 6/23/23



Digitally signed
by Edward F
Shinskie Jr.
Date:
2023.06.23
15:13:28 -04'00'

ENGINEER OF RECORD
RKE ENTERPRISES LLC
4707 WILD TURKEY ROAD
MIMS, FL 32754
FLORIDA PE# 47515
PH. 321-863-3223
THIS ITEM HAS BEEN ELECTRONICALLY
SIGNED AND SEALED BY EDWARD F.
SHINSKIE, JR. ON THE DATE AND/OR
THE STAMP SHOWN USING A DIGITAL
SIGNATURE. PRINTED COPIES OF THIS
DOCUMENT ARE NOT CONSIDERED SIGNED
AND SEALED UNLESS THE SIGNATURE MUST
BE VERIFIED IN ANY ELECTRONIC COPY.

SHEET 1 OF 3

S1

SCALE: NTS

Foundation Survey

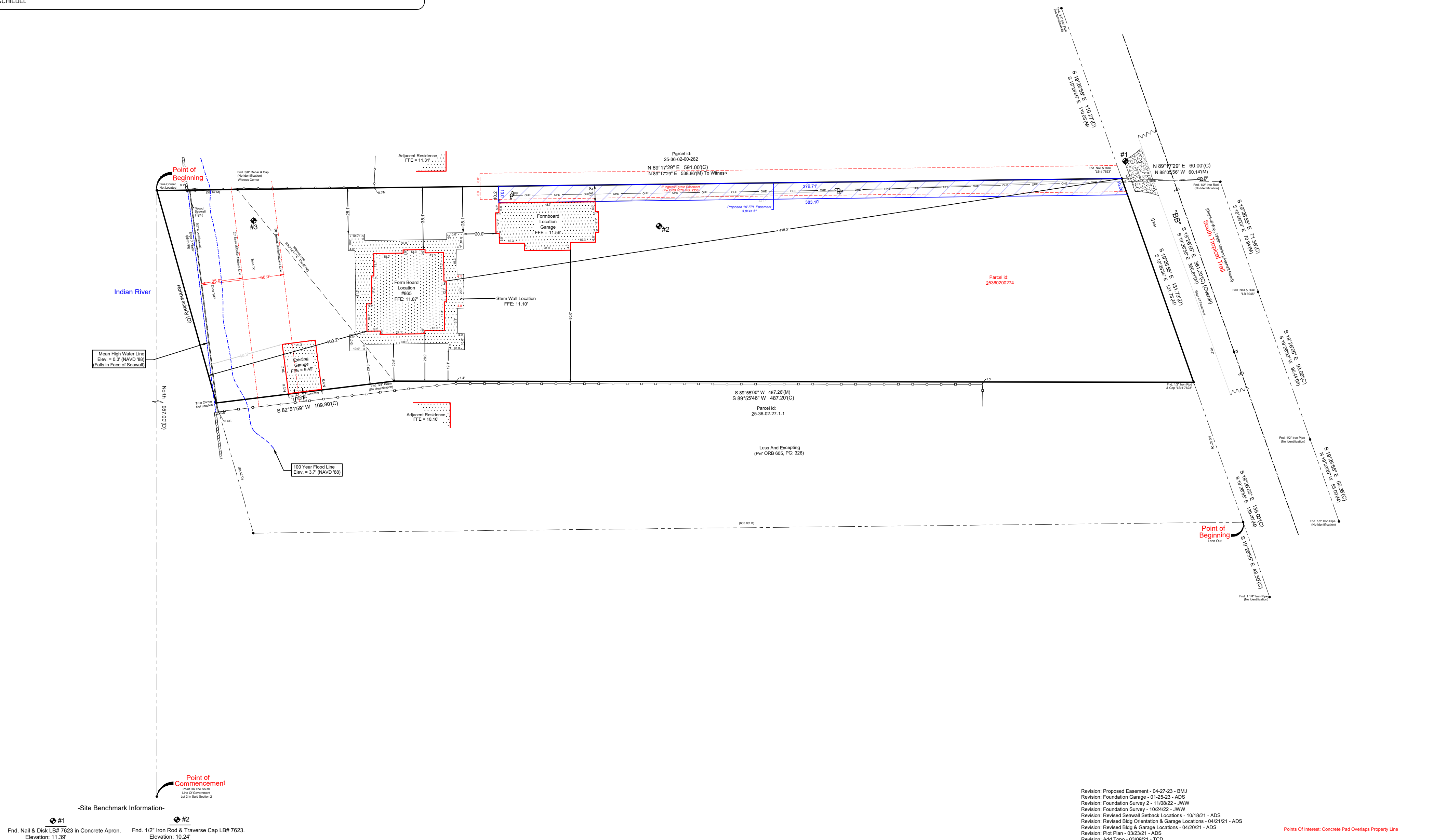
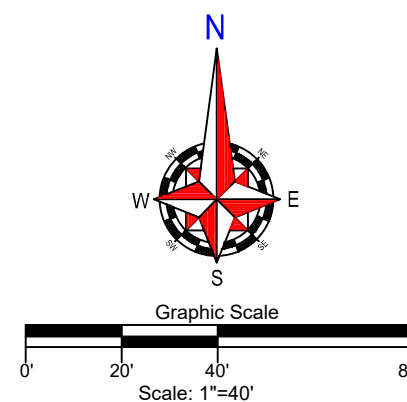
Legal Description:

THE PART OF GOVERNMENT LOT 2 OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 36 EAST, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BANK OF THE INDIAN RIVER AT A POINT WHICH IS 957.00 FEET NORTH OF THE SOUTH LINE OF GOVERNMENT LOT 2 IN SAID SECTION 2; THENCE DUE EAST 591.00 FEET TO AN IRON PIPE SET ON THE WESTERLY SIDE LINE OF THE 30 FOOT RIGHT-OF-WAY OF THE COUNTY ROAD; THENCE SOUTH 19°26'55" EAST ALONG SAID WESTERLY SIDE LINE OF THE COUNTY ROAD 222.23 FEET TO AN IRON PIPE SET ON THE NORTH LINE OF RIVER CLIFF SUBDIVISION; THENCE DUE WEST ALONG THE NORTH LINE OF SAID RIVER CLIFF SUBDIVISION 605.00 FEET TO THE WATERS OF THE INDIAN RIVER; THENCE NORTHWESTERLY ALONG THE WESTERLY BANK OF THE INDIAN RIVER TO THE POINT OF BEGINNING BEING LANDS DESCRIBED IN DEED BOOK 195, PAGE 155, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPTING LANDS DESCRIBED IN OR BOOK 605, PAGE 362, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Flood Disclaimer:

Flood Disclaimer:
By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X & AE. This Property was found in BREVARD COUNTY, community number 125092, dated 03/17/2014.

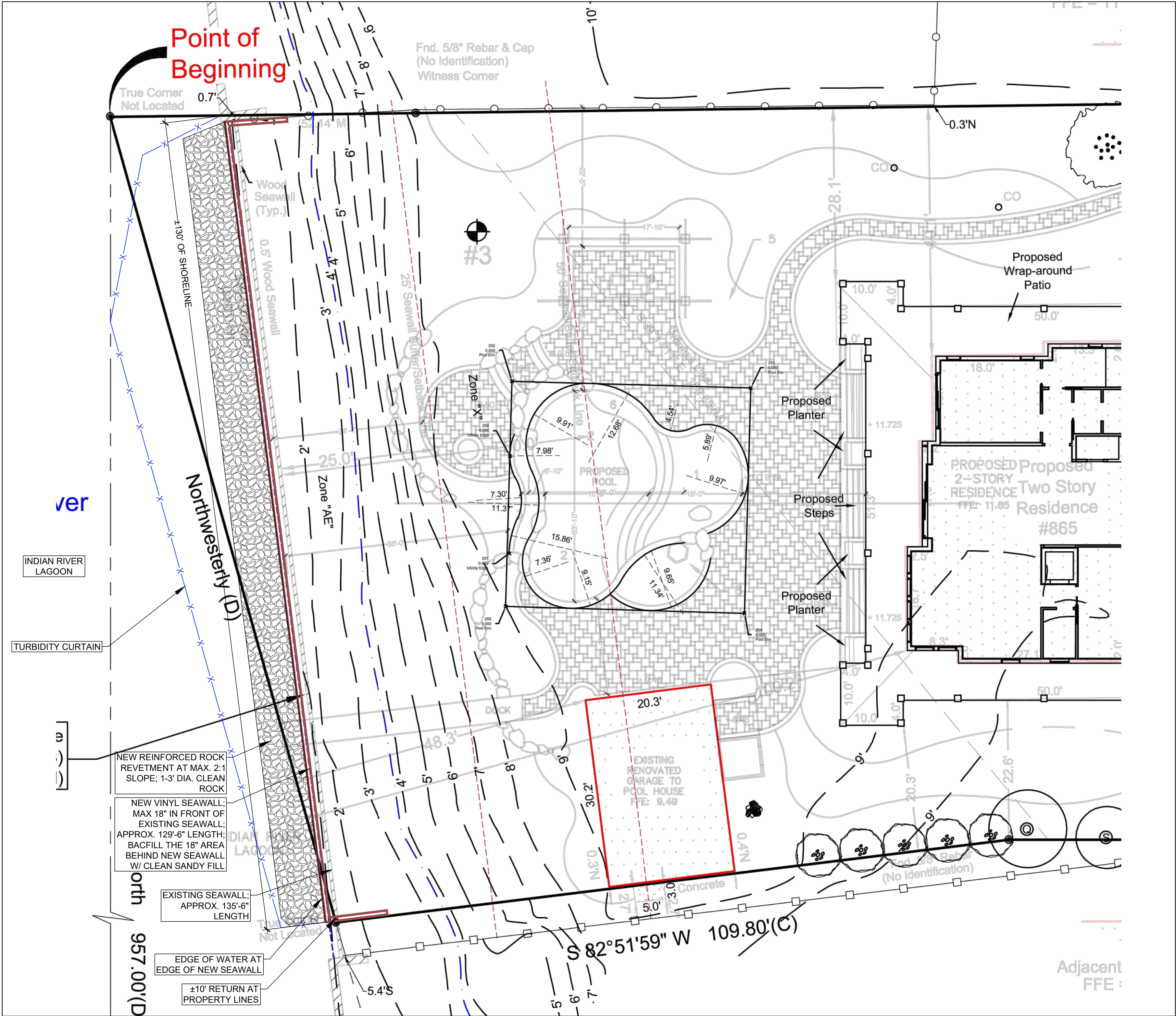
CERTIFIED TO:
BARRETT SCHIED



Revision: Proposed Easement - 04-27-23 - BMJ
Revision: Foundation Garage - 01-25-23 - ADS
Revision: Foundation Survey 2 - 11/08/22 - JWW
Revision: Foundation Survey - 10/24/22 - JWW
Revision: Revised Seawall Setback Locations - 10/18/21 - ADS
Revision: Revised Bldg Orientation & Garage Locations - 04/21/21 - ADS
Revision: Revised Bldg & Garage Locations - 04/20/21 - ADS
Revision: Plot Plan - 03/23/21 - ADS
Revision: Add Topo - 03/09/21 - TCD


Points Of Interest: Concrete Pad Overlaps Property Line

[illegible]




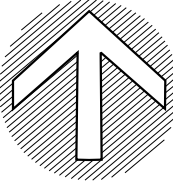
NOTE: THE AREA BETWEEN THE EXISTING SEAWALL AND THE NEW WALL SHALL BE FILLED & COMPACTED AS REQUIRED

SCHIEDEL RESIDENCE
865 S. TROPICAL TRAIL
MERRITT ISLAND, FL
ENLARGED SEAWALL PLAN FOR FDEP
10/25/2023

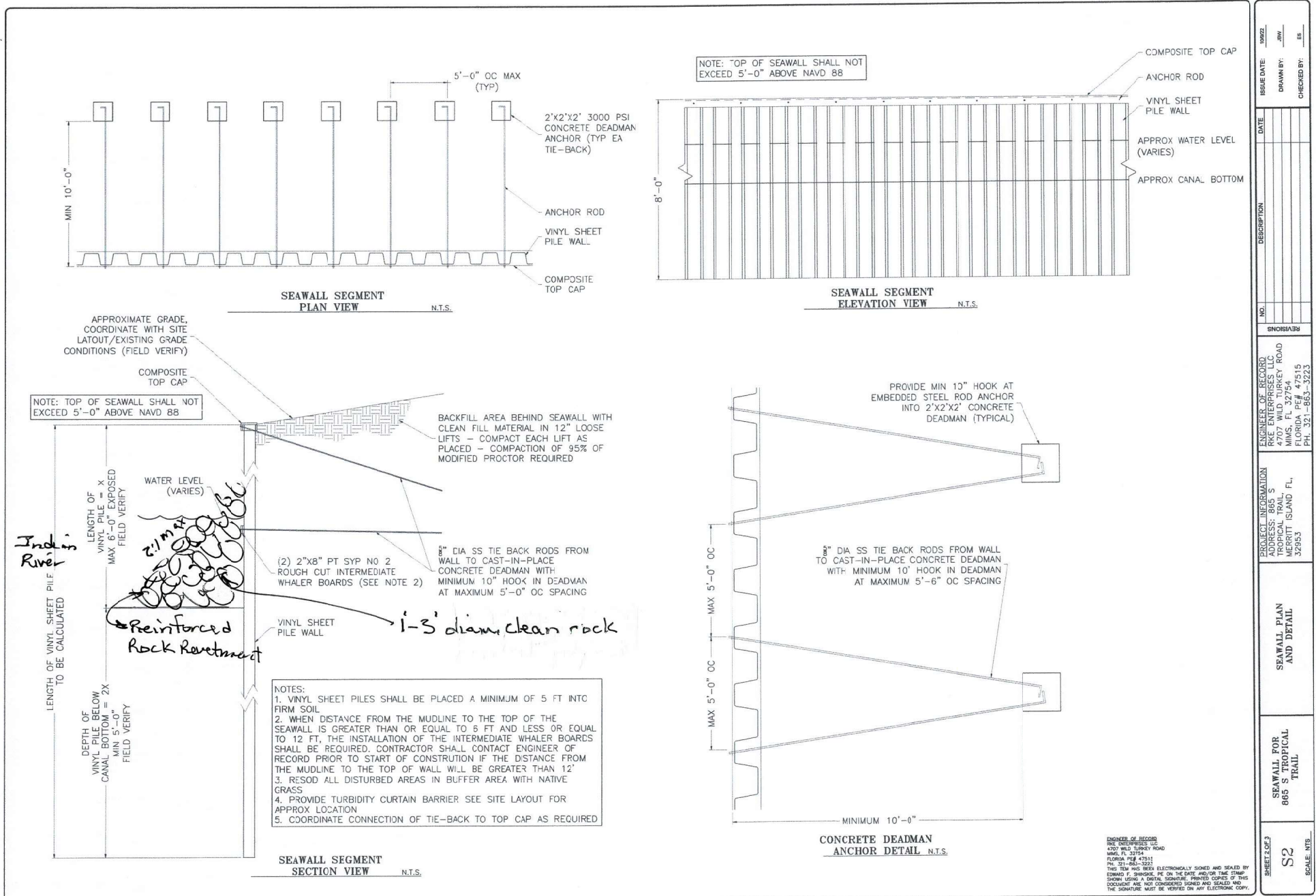


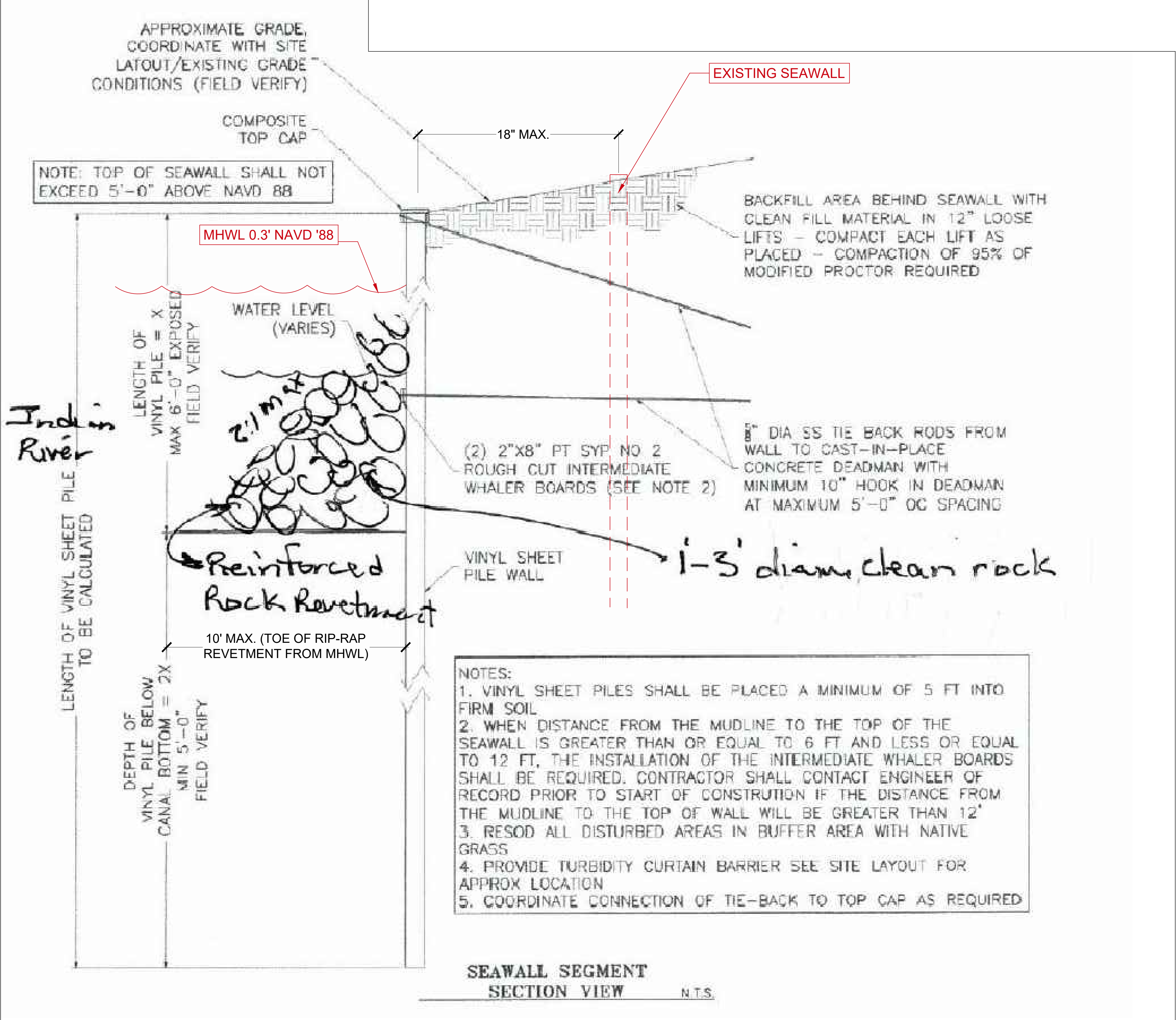
KNOW WHAT'S BELOW
ALWAYS CALL 811
BEFORE YOU DIG

It's fast, it's free, it's the law.
Call 811 two business days
before digging



SCALE: 1" = 10'-0"





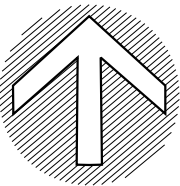
SCHIEDEL RESIDENCE

865 S. TROPICAL TRAIL

MERRITT ISLAND, FL

REVISED SEAWALL SECTION DETAIL

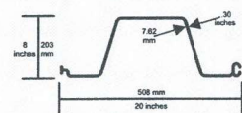
10/25/2023



SCALE: N.T.S.



TW50 Technical Data Sheet



Constituent Material	PVC, Exterior Grade rigid only	PVC, Exterior Grade rigid only
Section Width (W)	20 inches	508 mm
Section Depth (D)	8 inches	203 mm
Section Thickness (T)	7.62 mm	7.62 mm
Weight	6.5 lbs/linear foot	9.41 kg/linear meter
Moment of Inertia	70.7 in ⁴ /ft	5.65 cm ⁴ /m
Torsion Modulus	18.1 in ⁴ /ft	66 cm ⁴ /m
Ultimate Moment	8,720 ft-lb/ft	4,000 kg-m/m
Ultimate Torsion	4,360 ft-lb/ft	2,000 kg-m/m
Tensile Strength	6,500 psi	44.8 MPa
Flexural Strength	ASTM D698	11,360 Psi
Modulus of Elasticity	ASTM D790	300,000 Psi
Notched Load Impact	ASTM D256	13.75 ft-lb/ft
Heat Deflection Temperature	ASTM D648	150 degrees F

Available Colors: Tidewall Vinyl Sheet Piling comes in a standard color of light gray, but it is also available in clay, slate, tan, brown, and other custom colors upon request.

UV Protection: All Tidewall Products are produced from highly weatherable, UV-stabilized rigid PVC.

Lifetime Warranty: Tidewall Vinyl Sheet Piling products are covered by a transferable 6 year Limited Warranty that protects against manufacturing defects.

The information provided are nominal values and are believed to be accurate. To insure that you select the proper Tidewall Vinyl Sheet Piling product for your particular application, Tidewall recommends that you consult with a qualified local engineer and/or contractor. Tidewall makes no warranty of any kind as to the suitability of Tidewall Vinyl Sheet Pile for a particular application, or the results obtained therefrom. Tidewall Vinyl Sheet Piling is engineered for the sheet piling construction industry according to United States Army Corps of Engineers design guidelines and tested to ASTM material specifications.

sales@tidewall.com | 724-528-5900 | 724-523-5903 | www.tidewall.com

BLEACHER SHAPES

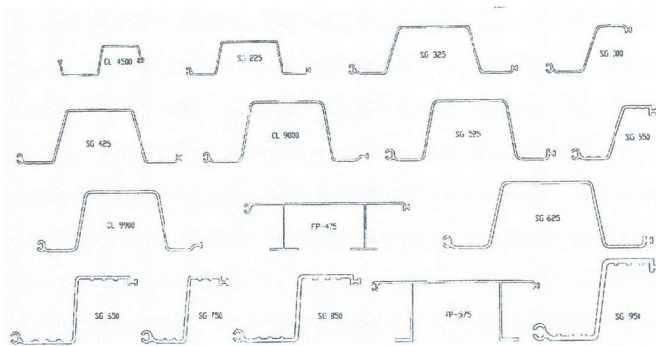
9.5" Bleacher Plank 52-53-7632 x 21' 52-53-5888 x 30' w/R: 1.932 6063 T6 MF	11.5" Bleacher Plank 52-63-4283 x 16' 52-63-4118 x 20' 52-63-3384 x 24' w/R: 2.13 6063 T6 MF	Bleacher Plank End Cap x 12' 52-62-5785 6063 T6 Mill Finish
6" Tee Kick Board x 30' 52-53-5882 w/R: 1.082 6063 T6 MF	6" Tee Kick Board MILL ORDER 52-63-13572 w/R: 1.274	2 x 1.28 Slotted Bleacher Clip BLEACHER-CLIP 6063 T6 Mill Finish 500 pc box For 9.5" Bleacher Plank

SEAWALL CAPS & SLEEVES

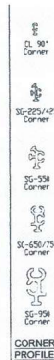
7" Bulkhead Cap x 20' 52-61-2780 (Serrated Top) 6005-T5	7" Bulkhead Sleeve x 2' 52-61-2781 6005-T5 90° Corners available upon request	8" Bulkhead Cap x 20' 52-61-2781 (Serrated Top) 6005-T5	8" Bulkhead Sleeve x 2' 52-61-2781 6005-T5 90° Corners available upon request
9" Bulkhead Cap x 20' MILL ORDER 32-61-220 (Serrated Top)	9" Bulkhead Sleeve x 2' MILL ORDER 32-61-222	2" x 12" Self Mating Seawall MILL ORDER EM32/325	



EMS FL 1-800-432-2204 (813) 588-4780 - fax
EMS MO 1-800-343-8154 (813) 381-2247 - fax
EMS TX 1-800-896-6061 (214) 656-2297 - fax
EMS MO 1-888-322-6061 (314) 344-3349 - fax
 Additional Locations: West Palm Beach & Lakeland, FL; New York, DE and Birmingham, AL
 Eastern Metal Supply website: www.EasternMetal.com email: info@EasternMetal.com fax: 08/10/16



VINYL PILE PROFILES



CORNER PROFILES

ENGINEER OF RECORD
 RKE ENTERPRISES, LLC
 4707 MILL TURKEY ROAD
 MIMS, FL 32754
 FLORIDA REG. #215
 PH. 321-463-3215
 This form has been electronically signed and sealed by
 EDWARD F. SHIMMER, PE on the date and/or time stamp
 shown using a digital signature. PRINTED COPIES OF THIS
 DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND
 THE SIGNATURE MUST BE VIEWED ON ANY ELECTRONIC COPY.

SHEET 1 OF 3	SEAWALL FOR 865 S TROPICAL TRAIL	BOAT LIFT AND SHEET PILE DATA	PROJECT INFORMATION ADDRESS: 865 S TROPICAL TRAIL MERRITT ISLAND FL, 32953	ENGINEER OF RECORD RKE ENTERPRISES, LLC 4707 WILD TURKEY ROAD MIMS, FL 32754 FLORIDA REG. #215 PH. 321-463-3215	REVISIONS	NO.	DESCRIPTION	DATE	ISSUE DATE: 10/22
					DRAWN BY: JMW	CHECKED BY: LB			

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CONSTRUCTION COMMENCEMENT NOTICE

Instructions: In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. _____ Application No. _____
Project _____
Name _____ Phase _____

Construction of the system authorized by the above referenced Environmental Resource
Permit and Application, is expected to commence on _____, 20 _____
and will have an estimated completion date of _____, 20 _____

PLEASE NOTE: If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

Permittee's or Authorized Agent's Signature Company _____

Print Name Title _____ Date _____

E-mail Phone Number _____



Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit

Instructions: This form is intended to be used solely by or for the permittee of a private single-family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger plan of development proposed by the applicant/permittee. **Complete the information on this form, sign at the bottom of Page 2, and submit this form within 30 days of the inspection.**

Permit No.:

Application No.:

Name of Permittee:

Location of Project:

I Hereby Certify That (please check only one box):

- ☐ The undersigned hereby certifies that all components of the project **authorized by the above permit have been conducted and/or built substantially in accordance with the terms and conditions of the permit**, that the project is functioning as permitted; and that the project is ready for inspection. Any minor deviations (noted below) from the permit will not prevent the project from functioning and operating as designed, subject to routine custodial maintenance. This certification is based upon on-site inspection of the project conducted by me or my designee under my direct supervision and my review of the permit. If the undersigned is not the permittee, I further certify that I am acting for, and on behalf of, the permittee.

Upon receipt of this form, and verification by the Permitting Agency that any modifications are noted, the construction phase of this permit shall automatically convert to an operation and maintenance phase.

- ☐ The undersigned hereby certifies that I or my designee under my direct supervision has inspected the project located at the above location and have determined that the project **does NOT appear to have been built or conducted substantially in accordance with the permit** or is not functioning in accordance with the requirements of the permit. One of the following applies:

- ☐ The project was constructed or conducted with substantial design changes that are not in conformance with the permit (attach description and permit drawings showing all changes), and either:
- ☐ I, the permittee, am aware that additional work is required to bring the project into compliance with the terms and conditions of the permit; or
 - ☐ I, the agent inspecting the project on behalf of and for the permittee, have informed the permittee of the following:
 - (a) That the project does not appear to be functioning properly; and
 - (b) That additional construction or work is required to bring the project into compliance.



The following components of the project do not appear to be functioning properly (attach additional pages if needed):

Any components of the project that are not in conformance with the permit must either be brought into compliance with the permit within 30 days of the inspection, or the permittee must request a modification of the permit in accordance with Rule 62-330.315, F.A.C., within 30 days of the inspection. If the modification request is not approved, the components of the project that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S. If modifications are approved and implemented by the permittee, the permittee shall resubmit this form within 30 days of completion of the remedial work on the permitted project.

Name of Inspector: _____ who is: ☐ the permittee; ☐ the agent for the permittee

Company Name (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Signature of Inspector Date: _____

If at any time the Permitting Agency determines that the above project was not built or conducted in conformance with the terms and conditions of the permit, the permittee shall be subject to enforcement by the Permitting Agency for all measures required to bring the project into compliance with the permit. The permittee shall remain liable for ensuring that the project remains in full and complete compliance with the terms of the permit for the life of the system, unless such permit is transferred in accordance with Rule 62-330.340, F.A.C.

As-Built Certification And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: _____ Application No: _____ Permittee: _____
Project Name: _____ Phase or Independent Portion (if applicable): _____

I HEREBY CERTIFY THAT (please check only one box):

- ☐ To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- ☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- ☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

For activities that require certification by a registered professional:

By: _____ (Print Name) (Fla. Lic. or Reg. No.)
Signature
(Company Name) (Company Address)
(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

For activities that do not require certification by a registered professional:

By: _____ (Print Name)
Signature
(Company Name) (Company Address)



(Telephone Number)

(Email Address)

(Date)



Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: _____ Application No(s): _____
Project Name: _____ Phase (if applicable): _____

A. **Request to Transfer:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: _____
Signature of Permittee _____ Name and Title _____
Company Name _____ Company Address _____
Phone/email address _____ City, State, Zip _____

B. **Agreement for System Operation and Maintenance Responsibility:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: _____
Signature of Representative of O&M Entity _____ Name of Entity for O&M _____
Name and Title _____ Address _____
Email Address _____ City, State, Zip _____
Phone _____ Date _____

Enclosed are the following documents, as applicable:

- ☐ Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- ☐ Copy of all recorded plats
- ☐ Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- ☐ Copy of filed articles of incorporation (if filed before 1995)
- ☐ A Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)



Enclosures:

- ☐ Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- ☐ Copy of current plat(s) (if any), as recorded in the Public Records
- ☐ Copy of current recorded restrictive covenants and articles of incorporation (if any)
- ☐ Other