



FLORIDA DEPARTMENT OF Environmental Protection

South District
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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 21, 2024

Ryan Michael Kunker & Katie Kunker
513 South Creek Dr
Osprey, Florida 34229

Re: In Compliance Letter
Site No. 289798 and 435918 / Project No. 417036
Self-Certification No. 435918-001
South Creek, Class III Florida Waters
Parcel No. 0158090024 – 513 South Creek Drive, Osprey, Florida 34229
Sarasota County – SLERC

Dear Ryan Michael Kunker & Katie Kunker:

Florida Department of Environmental Protection (department) personnel conducted a compliance inspection of the above-referenced site on April 5, 2024. Based on the information provided during the inspection, the site was determined to be in compliance. A copy of the inspection report is attached for your records.

The department appreciates your compliance efforts. Should you have any questions or comments, please contact Britney Verstraete at (239) -344-5638 or by via e-mail at:
britney.verstraete@floridaDEP.gov

Sincerely,

A handwritten signature in blue ink that reads "Qiara Perez".

Qiara Perez
Environmental Manager
South District Office
Florida Department of Environmental Protection

Enclosure(s): Inspection Report

cc: Triton Dock and Pier, LLC, Chad Hawbecker, chad@tritondockandpier.com

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Date of Inspection: April 5, 2024

DEP authorization #: 0435918-001EE

Inspector(s): Britney Verstraete

Owner Name: Katie Kunker

Site Location: 513 South Creek Dr, Osprey, Florida 34229

<p>At the time of inspection, what is the status of the project? (check one)</p> <p><input type="checkbox"/> Construction has not begun (proceed no further)</p> <p><input type="checkbox"/> Project appears to be under construction – Part 2a</p> <p><input checked="" type="checkbox"/> Project appears to have been fully constructed</p>	<p>What type of activity was authorized under the SPGP? (check all that apply)</p> <p><input type="checkbox"/> Shoreline stabilization (e.g. seawalls and riprap) – Part 1 & 2b</p> <p><input type="checkbox"/> Boat ramps and associated structures – Part 1 & 2c</p> <p><input checked="" type="checkbox"/> Single family docks, piers & other pile-supported structures – Part 1 & 2d</p> <p><input type="checkbox"/> Derelict Vessels – Part 1 & 2e</p> <p><input type="checkbox"/> Scientific Devices – Part 1 & 2f</p>
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Summary:

The authorization, design, and construction of the project adhere to the terms of the [SPGP V1-R1](#) Instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific conditions, Procedure and Work Authorized Sections.

The project fails to comply with all conditions of the [SPGP V1-R1](#).

If the project or construction activities are **not** in apparent compliance with the SPGP, describe the non-compliance issues, and whether the department is attempting to resolve them (if the apparent non-compliance is beyond the department's scope of authority, simply say state "referred to USACE" and send report to: SAJ-RD-Enforcement@usace.army.mil)

	<p>SPGP Comments:</p>
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Part 1 – Requirements for all projects

Criterion – Project in Compliance (Yes/No)?	Yes	N/A	No
<p>III. Project was <u>not</u> authorized by FDEP or Designee as:</p> <ul style="list-style-type: none"> • 1. Individual Permit. • 2. Enforcement or compliance resolution action. • 3. Emergency Permitting. • 4. "After-the-fact". 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>III. 5. Project IS NOT:</p> <ul style="list-style-type: none"> • Located in Federal rights-of-way or easements. • Located between the shoreline and federally authorized navigational channels (Attachment 12) or within 300 feet of the design edge, whichever is less, or within such channels, including but not limited to the Intracoastal Waterways, channels and turning basins or a port or inlet, and wideners (where the width of the channel is widened, for example where the channel changes direction). • Located within or crossing a flood control channel/canal or the levees, dikes, dams, or other water retaining structures of a federally authorized project (either federally or locally maintained) or within those channels. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>III. 6. Project is <u>not</u> within the following geographic boundaries:</p> <ul style="list-style-type: none"> • Monroe County (except boat lifts and some minor structures to support mooring); • Timucuan Ecological and Historical Preserve (Duval County) • Wekiva River, from its confluence with the St. Johns River to Wekiva Springs • Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiva Springs Run • Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River • Projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County) • Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park • All Areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan located between the St. Lucie Lock (Martine County) and W.P. Franklin Lock (Lee County) • Biscayne Bay National Park Protection Zone (Miami-Dade County) • Harbor Isles (Pinellas County) • Faka Union Canal (Collier County) • Tampa Bypass Canal (Hillsborough County) • Canals in Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County) • Lake Miccosukee (Jefferson County) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>III. 7. Project is <u>not</u> located in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>III. 8. Project is <u>not</u> located on or contiguous to sea turtle nesting beaches on the Atlantic Ocean, Gulf of Mexico, or in the Florida Keys</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Criterion – Project in Compliance (Yes/No)?	Yes	N/A	No
III. 9. Project is <u>not</u> located within 2,500 feet of an active wood stork nesting colony	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 10. Project does <u>not</u> adversely affect any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 11. Project does <u>not</u> adversely impact Essential Fish Habitats: estuarine emergent vegetated wetlands, estuarine scrub/shrub, submerged (rooted) aquatic vegetation, oyster reefs and shell banks, tidal freshwater (palustrine) wetlands, tidal freshwater SAV, coral and live bottom habitat	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 12. Project is <u>not</u> located in a real estate parcel that is substantially submerged and largely covered by seagrass (unless owned by the U.S. Government or State of Florida)	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 13. Project is <u>not</u> located within the Smalltooth Sawfish Critical Habitat Limited Exclusion Zone	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 14. Project is <u>not</u> located within the Gulf Sturgeon Critical Habitat Migratory Restriction Zone	<input checked="" type="checkbox"/>		
III. 15. Project is <u>not</u> located within the Atlantic Sturgeon Critical Habitat Exclusion Zone	<input checked="" type="checkbox"/>		
III. 16. Project is <u>not</u> within shipping safety fairways and anchorage areas defined by 33 C.F.R. § 166.200	<input checked="" type="checkbox"/>		
III. 17. Project located on a channel or canal and does <u>not</u> have structures that extend to more than 25% of the canal/channel width (excluding dense areas of shoreline vegetation such as mangrove) as measured from the Project location to the opposite shoreline.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III. 18. Project does not have activities (other than pile-supported structures) with seagrass in the project's footprint. <i>Note: The presence or absence of seagrass was determined using SPGP procedure.</i>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 19. Project is <u>not</u> located in the Florida Panther Focus Area .	<input checked="" type="checkbox"/>		<input type="checkbox"/>
III. 20. Regarding coral and hard bottom habitat: <ul style="list-style-type: none"> • Project does not affect directly or indirectly species of coral listed under the ESA found in St. Lucie Inlet, Martin County south to the Dry Tortugas • Projects within the FKNMS complies with measure developed by FKNMS to avoid, minimize, and/or mitigate any effects to non-listed corals • Projects outside the boundaries of the FKNMS are not authorized if corals are found within the footprint • Projects are not authorized if hard bottom habitat is found within the project footprint 		<input checked="" type="checkbox"/>	
IV. 3. All activities performed during the daylight hours.	<input checked="" type="checkbox"/>		<input type="checkbox"/>
IV. 4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams: <ul style="list-style-type: none"> • Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer. However, use of impact hammer is limited to installing no more than 5 per day. • Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36" diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles • Any installation of metal pipe or sheet pile by impact hammer is not authorized • Project within the boundary of the NOAA Florida Keys National Marine Sanctuary received approval from the sanctuary 	<input checked="" type="checkbox"/>		<input type="checkbox"/>
IV. 5. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work-2011"	<input checked="" type="checkbox"/>		<input type="checkbox"/>
IV. 6. Project did <u>not</u> adversely affect or disturb properties listed on the National Register of Historic Places or those eligible for inclusion in the National Register	<input checked="" type="checkbox"/>		<input type="checkbox"/>
IV. 7. Permittee obtained any "take" permits as required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. 8. Regarding Mangroves: <ul style="list-style-type: none"> • Project sited and designed to avoid or minimize impacts. • Mangrove removal avoids any unnecessary removal. <ul style="list-style-type: none"> ○ Removal to install up to a 4 ft-wide walkway. ○ Removal of mangroves above the MHWL provided the tree does not have prop roots that extend into the water below the MHWL. • Trimming (removal by hand equipment of lateral branches in a manner that ensures survival of the tree). <ul style="list-style-type: none"> ○ Occurs within the area where the authorized structures are placed or will be placed. ○ Is necessary to provide temporary construction access. ○ Avoids unnecessary trimming. ○ Projects that removed red mangrove prop roots waterward of the MHWL only removed prop roots to install the dock walkway as described above. <p><i>Note to DEP reviewers: Mangrove trimming shall be strictly limited to minimal trimming necessary to perform the authorized work, in accordance with 403.9328(5), F.S.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. 10. Notifications were provided to the Corps: <ul style="list-style-type: none"> • Commencement Notification was provided 10 days before the work initiated. • Self-Certification Statement of Compliance form within 60 days of completion. • Permit Transfer when property is transferred to another owner. 			
IV. 12. The project complies with all additional special conditions imposed by the Corps (if any) which are deemed necessary to minimize adverse environmental impacts.			

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Part 2a – Requirements During Construction Activities

Applicable? Yes No

Criterion – Project in Compliance (Yes/No)?	Yes	No
<p>IV. 2. Permittee adhered to the PDCs for In-Water Activities:</p> <ul style="list-style-type: none"> • Permittee ensured all personnel associated with the project were instructed about the potential presence of protected species and are responsible for observing water-related activities for the presence of protected species. • Permittee reported interactions with protected species: any collision with and or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction; any sightings of Smalltooth sawfish; any dead sturgeon; any stranded, injured, or dead sea turtles and marine mammals; any injured, dead, or entangled North Atlantic right whales. • Permittee followed guidelines regarding Vessel Traffic and Construction Equipment (below). • Permittee followed guidelines regarding turbidity control measures (below). • Permittee ensured all turbidity curtains and other in-water equipment were properly secured with materials that reduced the risk of entanglement of marine species. • In-water lines (rope-chain, and cable, including the lines to secure turbidity chains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances no excess line is allowed in the water. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Prior to initiating work the Permittee shall install turbidity curtains as described below:</p> <ul style="list-style-type: none"> • Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters. • Turbidity barriers are made of materials that reduce the risk of entanglement of marine species and placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area. • Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions. • Position turbidity barriers in a way that does not block species entry to or exit from designated critical habitat. • Monitor and maintain turbidity barriers in place until the work has been completed and the water quality in the project area has returned to background conditions. • In the range of ESA listed corals and Johnson’s seagrasses: Projects that include upland earth moving must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters; the turbidity curtain requirement cannot be waived for any project that moves or removes sediment. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Vessel Traffic and Construction Equipment: vessel operators must avoid interactions with protected species and operate in accordance with the following protective measures:</p> <ul style="list-style-type: none"> • Construction equipment <ul style="list-style-type: none"> ○ All vessels shall operate at “Idle Speed/No Wake” at all times while operating in water depths where the draft of the vessel provides less than a 4-foot clearance from the bottom. And in all depths after a protected species has been observed in and has departed the area. ○ All vessels will follow marked channels and/or routes using the maximum water depth whenever possible. ○ Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-foot radius of construction equipment and shall not resume until this species has departed the area on its own volition. ○ If the detection of species is not possible during certain weather conditions (e. g. fog, rain, wind) the in-water operations will cease until weather conditions improve and detection is again feasible. • All vessels: <ul style="list-style-type: none"> ○ Sea Turtles: maintain a minimum distance of 150 feet. ○ North Atlantic right whale: maintain a minimum 1500-foot distance (500 yards). ○ Vessels 65 feet in length or longer must comply with the Right Whale Ship Strike Reduction Rule which includes reducing speed to 10 knots or less in Seasonal Management Areas. ○ Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and notices to Mariners. ○ Marine mammals: maintain a minimum distance of 300 feet. ○ When these animals are sighted while the bustle is underway attempt to remain parallel to the animal’s course. Avoid excessive speed or abrupt changes in direction until they have left the area. ○ Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Prior to initiating work the Permittee shall install turbidity curtains as described below:</p> <ul style="list-style-type: none"> • Install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all areas that are in, or adjacent to, surface waters. • Turbidity barriers are made of materials that reduce the risk of entanglement of marine species and placed in the manner that does not entrap species within the construction area or block access for them to navigate around the construction area. • Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions. • Position turbidity barriers in a way that does not block species entry to or exit from designated critical habitat. • Monitor and maintain turbidity barriers in place until the work has been completed and the water quality in the project area has returned to background conditions. • In the range of ESA listed corals and Johnson’s seagrasses: Projects that include upland earthmoving must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters; the turbidity curtain requirement cannot be waived for any project that moves or removes sediment. 	<input type="checkbox"/>	<input type="checkbox"/>

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Part 2d – Requirements for Piling Supported Structures

Applicable? Yes No

Criterion – Project in Compliance (Yes/No)?	Yes	N/A	No
<p>In-water construction of the docks, piers or piling-supported structures is limited to the following activities authorized under SPGP (<i>check all that apply</i>):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Installation or repair of pilings and dolphins associated with private docking facilities or piers. <i>Exempt - Rule 62-330.051(5)(a), F.A.C. / Section 403.813(1)(b), F.S.</i> <input type="checkbox"/> Installation of private and government docks where the cumulative square footage does not exceed 1000 square feet (or 500 square feet in Outstanding Florida Waters). <i>Exempt - Rule 62-330.051(5)(b), F.A.C. / Section 403.813(1)(b), F.S.</i> <input type="checkbox"/> Construction of private docks of 1,000 square feet or less in artificial waters and residential canal systems. <i>Exempt - Rule 62-330.051(5)(c), F.A.C. / Section 403.813(1)(i), F.S.</i> <input checked="" type="checkbox"/> Replacement or repair of existing docks and piers, including mooring piles. <i>Exempt - Rule 62-330.051(5)(d), F.A.C. / Section 403.813(1)(d), F.S.</i> <input type="checkbox"/> Installation of aids to navigation (ATONs) and buoys associated with such aids. <i>Exempt - Rule 62-330.051(8), F.A.C. / Section 403.813(1)(k), F.S.</i> <input type="checkbox"/> Construction, extension, and removal of certain piers and associated structures. <i>General Permit – Rule 62-330.427, F.A.C.</i> <input type="checkbox"/> Piling Supported Structures, other than docks and piers, provided the structure is not used for mooring, cumulative total size less than 1,000 square feet (or 500 square feet in Outstanding Florida Waters). <i>General Permit – Rule 62-330.474(1)(a), F.A.C.</i> <input type="checkbox"/> Floating vessel platforms and floating boat lifts. <i>Exempt - Rule 62-330.051(5)(f), F.A.C. / Section 403.813(1)(s), F.S.</i> <input type="checkbox"/> Installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence. <i>Exempt - Rule 62-330.051(5)(h), F.A.C.</i> 	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>III. 23. a. Project is not located in the designated critical habitat (DCH), where essential physical and biological features (PBFs) are present for:</p> <ul style="list-style-type: none"> • American crocodile. • Piping Plover. • North Atlantic right whale. 	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>III. 23. b. Project is not located in the Florida panther focus area.</p>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>III. 23. c. The project does not consist of or include a municipal or commercial fishing pier.</p>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>III. 23. d. Within Acropora Critical Habitat, if essential features present:</p> <ul style="list-style-type: none"> • No new or extended pile supported structures. • Repair replacement within existing footprint is allowed. <p>The distance from ATONs to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals for the essential feature of Acropora critical habitat from the movement of buoys and tackle.</p> <ul style="list-style-type: none"> • The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. • In all cases, buoy tackle will include floatation to ensure there is no contact between the anchor chain or line and the marine bottom. 		<input checked="" type="checkbox"/>	
<p>III. 23. e. Within Johnson’s seagrass Critical Habitat:</p> <ul style="list-style-type: none"> • New marinas or multifamily facilities are not allowed. <p>Repair replacement and reconfiguration of existing marinas or multifamily facilities may be allowed if it:</p> <ul style="list-style-type: none"> • occurs within the same overall footprint out to the perimeter of the facility, including the outer limits of the structure and location. • Does not increase the total areal extent of the existing facility. • Does not affect Johnson seagrass. 		<input checked="" type="checkbox"/>	
<p>IV. 21. If present, the Chickee less than 500 sq.ft. and supports no more than 2 slips.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Criterion – Project in Compliance (Yes/No)?	Yes	N/A	No
<p>IV. 22. Construction Guidelines when marsh (emergent herbaceous/shrub) vegetation is present:</p> <ul style="list-style-type: none"> • The structure shall be aligned to have the smallest over-marsh footprint as practicable. • The over-marsh portion of dock shall be elevated to at least 4 feet above the marsh floor. • The width of the dock is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>IV. 23. Construction Guidelines when mangrove vegetation is present:</p> <ul style="list-style-type: none"> • The width of the dock is limited to a maximum of 4 feet. • Mangrove clearing is restricted to the width of the structure. • The location and alignment of the structure should be through the narrowest area of the mangrove fringe. • Mangroves have not been dredged or removed. <p><i>Note to DEP reviewers: Mangrove trimming shall be strictly limited to minimal trimming necessary to perform the authorized work, in accordance with 403.9328(5), F.S.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>IV. 24. Regarding SAV, the design and construction of a project must comply with the following: (identify the construction scenario):</p> <p><input checked="" type="checkbox"/> a. A pile supported structure within the range of seagrass that is <u>outside</u> the range of Johnson seagrass will be constructed following standards:</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> If <u>no</u> survey is performed, then SAV is <i>presumed present</i>, and the pile supported structure must comply with the “Construction Guidelines...”. For the purposes of SPGP, two uncovered boatlifts are allowed. <ul style="list-style-type: none"> ○ Repair and replacement of a currently serviceable piling supported structure in the same footprint can occur without an SAV survey. ○ Boatlifts (and minor structures in Monroe County) can be installed within existing boat slips without an SAV survey. <li style="padding-left: 20px;"><i>*Boat lift accessory structures, like catwalks, shall adhere to “Construction Guidelines...” if SAV survey has not been completed.</i> ○ A marginal dock constructed a maximum of five feet over water, as measured from the waterward face (wet face) of the seawall (without an SAV survey). • <input type="checkbox"/> If a <u>survey</u> is performed and SAV is <i>present</i>, then the pile supported structure must comply with the “Construction Guidelines...”. For the purposes of SPGP, two uncovered boatlifts are allowed. <ul style="list-style-type: none"> ○ Repair and replacement of a currently serviceable piling supported structure in the same footprint can occur without an SAV survey. ○ Boatlifts can be installed within existing boat slips without an SAV survey. ○ A marginal dock constructed a maximum of five feet over water, as measured from the waterward face (wet face) of the seawall (without an SAV survey). • <input type="checkbox"/> If a <u>survey</u> is performed, and SAV is <i>absent</i>, then no design restrictions are required, and boatlifts may include a cover. <p><small>Note: Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. This limit is cumulative: existing and proposed/new, wet and dry slips. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number. A wet slip is defined as a space designated for storing or keeping a boat in or over the water. A dry slip is defined as a space designated for storing or keeping a boat on land.</small></p> <p><input type="checkbox"/> b. A pile supported structure within the range of Johnson’s seagrass, but not within Johnson’s seagrass Critical Habitat, will be constructed following standards:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> If <u>no</u> survey is performed, then SAV is <i>presumed present</i>, and the pile supported structure must comply with the “Construction Guidelines...” with the sole exception of the number of allowable boatlifts. For the purposes of SPGP, two uncovered boatlifts are allowed. • <input type="checkbox"/> If a survey is performed and SAV is <i>present</i>, then the pile supported structure must comply with the “Construction Guidelines...”. For the purposes of SPGP, two uncovered boatlifts are allowed. • <input type="checkbox"/> If a survey is performed, and SAV is <i>absent</i>, then no design restrictions are required, and boatlifts may include a cover. <p><input type="checkbox"/> c. A pile supported structure within Johnson’s seagrass Critical Habitat, will be constructed following standards:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> If <u>no</u> survey is performed, then seagrass is <i>presumed present</i>, and the pile supported structure must comply with the “Construction Guidelines...” with the sole exception of the number of allowable boatlifts. For the purposes of SPGP, two uncovered boatlifts are allowed. • <input type="checkbox"/> If a survey is performed, and SAV is <i>absent</i>, and the project is <ul style="list-style-type: none"> ○ A dock replacement in the same footprint, no design restrictions are required. ○ A new dock or dock expansion: the pile supported structure must comply with, or provide a higher level of protection than the “Construction Guidelines...”. For the purposes of SPGP, two uncovered boatlifts are allowed. • <input type="checkbox"/> If a survey is performed and SAV is <i>present</i>, then the pile supported structure must comply with, or provide a higher level of protection than the “Construction Guidelines...”. For the purposes of SPGP, two uncovered boatlifts are allowed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

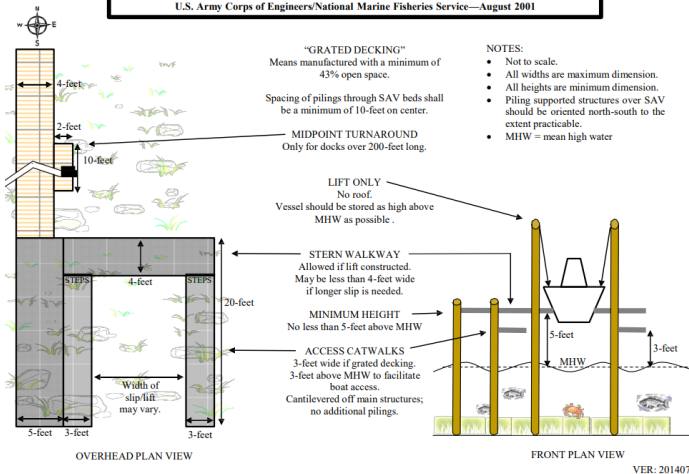
SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Criterion – Project in Compliance (Yes/No)?	Yes	N/A	No
IV. 25. Did the Agency attach the North Atlantic Right Whale Information Form to the authorization/permit for a dock project (new repair or replacement) at a private residence located within 11 nautical miles of the North Atlantic Right whale critical habitat ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 26. EDUCATIONAL SIGNS: For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook and line captures. The signs required to be posted by area are stated below: <ul style="list-style-type: none"> • All Projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign • Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign • Report Sturgeon sign: <ul style="list-style-type: none"> ○ On the east coast of Florida, projects located with the St. John’s River and those occurring north of the St. Johns River to the Florida-Georgia line. ○ On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 27. Monofilament Recycling Bins: For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris, as described below: <ul style="list-style-type: none"> • Be constructed and labeled according to the approved instructions. • Be maintained in working order and emptied frequently. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 28. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 29. Has construction taken place from uplands or from floating equipment (prop or wheel washing is prohibited)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. 30. Are Aids to Navigation (ATONs) approved by and installed in accordance with the requirements of the US Coast Guard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 31. The distance from ATONS to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. <ul style="list-style-type: none"> • The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. • In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. 32. Within Loggerhead sea turtle critical habitat : <ul style="list-style-type: none"> • ATONS are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment of loggerhead sea turtle critical habitat. • No other pile supported structures are allowed in nearshore reproductive habitat. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction Guidelines in Florida for Minor Piling-Supported Structures...

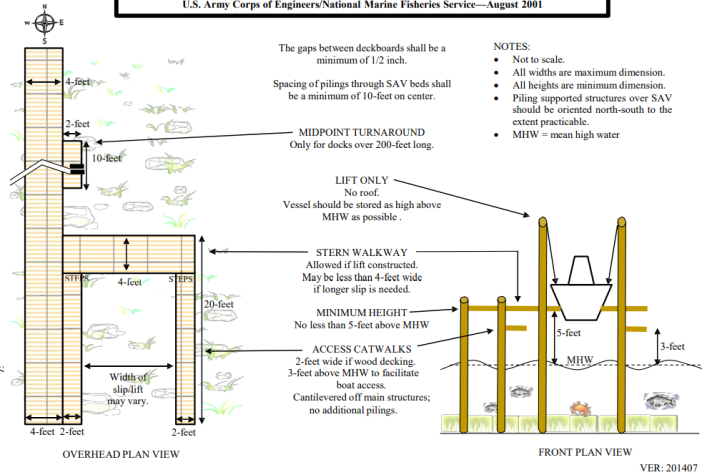
DOCK EXAMPLE — GRATED TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Construction Guidelines in Florida for Minor Piling-Supported Structures...

Applicable? Yes No

Criterion – Project in Compliance (Yes/No)?	Yes	No
1. The dock/pier is aligned so as to minimize the size of the footprint over SAV beds. 2. The height of dock/pier is at least 5 feet above MHW/OHW as measured from the top surface of the decking. 3. The width of the dock/pier is no more than 4 feet . A dock/pier of more than 200 feet in length may have a single turnaround area of no more than 10 feet in length and no more than 6 feet in width, located at the (approximate) midpoint of the pier. 4. Portions of the dock/pier located over SAV beds are oriented in a northsouth orientation to the maximum extent that is practicable.	<input type="checkbox"/>	<input type="checkbox"/>
5. If possible, the terminal platforms are be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds (otherwise, <i>identify the construction scenario</i>): <ul style="list-style-type: none"> a. <input type="checkbox"/> If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform does not exceed 160 square feet. The grated deck material shall conform to the specifications stipulated below: <ul style="list-style-type: none"> • The configuration of the platform shall be a maximum of 8 feet by 20 feet. • A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement. • A 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. • The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. b. <input type="checkbox"/> If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. <ul style="list-style-type: none"> • The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. • A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. • The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide. 	<input type="checkbox"/>	<input type="checkbox"/>
6. See IV. 24. to determine # Boatlifts and if covers are allowed: <input type="checkbox"/> Two uncovered boatlifts are allowed <input type="checkbox"/> Boatlifts may include a cover (if survey says absent) <ul style="list-style-type: none"> • A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift. • A 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart). 	<input type="checkbox"/>	<input type="checkbox"/>
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation but jetting with a low-pressure pump may be used.	<input type="checkbox"/>	<input type="checkbox"/>
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.	<input type="checkbox"/>	<input type="checkbox"/>
9. The gaps between deck boards shall be a minimum of ½ inch	<input type="checkbox"/>	<input type="checkbox"/>

ERPce Data Entry Information					
Compliance Rating	Program Area				
	SP	SC	DF	SL	MA
IN Compliance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Minor Out of Compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Significant Out of Compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Inspector's Signature: Britney Verstraete

Title: Environmental Specialist I Date: April 22, 2024

Manager's Signature: Liana Perry

Title: Environmental Manager Date: May 20, 2024

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

Part 3 – Comments

Investigation:

08/01/2008: The department issued a Verification of Exemption (File No. 0289798-001). The department does not have a copy of File No. 0289798-001 or a description of the project.

05/21/2012: The department issued a Verification of Exemption letter for File No. 58-0289798-002 for the following activity exempt under 40D-4.051(8)(d), F.A.C from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes: *“maintenance dredging of 900 square feet (70 cubic yards) to a depth of five feet below mean low water in South Creek contiguous to Sarasota Bay, a Class III Florida Water Body.”* Proprietary review was not approved as the payment of \$157.50 in severance fees had not yet been submitted to the department's Division of State Lands. Based on Division of State Lands records, the payment of \$157.50 was received on 07/26/2012.

05/26/2023: Ryan Michael Kunker and Katie Kunker obtained ownership of the above-referenced property (Property per Sarasota County Clerk of Circuit Court (Instrument #: 2023085684).

06/01/2023: Chad Hawbecker of Trinton Dock and Pier, on behalf of Katie Kunker, used the Florida Department of Environmental Protection's (department) electronic Self-Certification process to certify compliance with the terms and conditions for an exempt modification with a boatlift (Self-Certification file no. 0435918-001EE) at a private, single-family residence.

04/01/2024: A state lands title determination was requested by the Department for the subject site. The determination (Worksheet ID 131232) stated: “Based on records within the title and land records section the BOT holds title to the lands below the MHWL of south creek at the project site.”

04/05/2024: Department staff conducted a site inspection in reference to Self-Certification file no. 0435918-001EE. Department staff observed a dock, an uncovered boatlift, and mangroves. The total overwater surface area of the dock was measured to be approximately 260 square feet.

- Construction of a dock and boatlift with an overwater area of **1,000 square feet or less** (or 500 square feet in Outstanding Florida Waters) is exempt from the need to obtain an Environmental Resource Permit (ERP) under Section 403.813(1)(b), F.S. / Rule 62-330.051(5)(b), F.A.C. Additionally, the replacement or repair of existing docks and piers in the same location, configuration, and dimensions as the dock being replaced is exempt from the need to obtain an ERP under Section 403.813(1)(d), F.S. / Rule 62-330.051(5)(d). The dock appears to be in the same configuration as that in the site plans submitted as part of File No. 289798-002 EE. **The dock is in compliance.**

MA – In Compliance

Additionally, department staff observed red, black, and white mangroves along the shoreline. During the inspection, the mangrove fringe depth was measured to extend approximately 15 feet into the canal on the west side of the dock, and 13 feet into the canal on the east side of the dock. Pursuant to Section 403.9325(7), F.S. a Riparian Mangrove Fringe (RMF) is defined as “mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree.”

Using Map Direct for aerial photography, the shoreline length was measured to be approximately 93 feet. Pursuant to Section 403.9326 F.S., owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline. Additionally, mangrove trimming in a riparian mangrove fringe area, that does not exceed 10 feet in pretrimmed height as measured from substrate, is considered exempt if the mangroves are not reduced so that the overall height of the mangroves is less than 6 feet as measured from the substrate. The red and white mangroves within the fringe were measured to have a height of 9 feet, as measured from substrate. The black mangroves within the fringe were measured to have a height of 16 feet, as measured from the substrate. **Therefore, trimming of the areas of the mangrove fringe that exceeds 10 feet in pretrimmed height associated with the property must be supervised or conducted exclusively by a professional**

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist

mangrove trimmer, as defined in Section 403.9325, and meet all criteria of Section 403.9326(1)(b), F.S. to be considered exempt trimming. To view the 1996 Mangrove Trimming & Preservation Act, please use the following link:

https://floridadep.gov/sites/default/files/mtpa96_0.pdf

The mangrove trim configuration observed is considered exempt.



Figure 2. Site plan submitted as part of File No. 58-0289798-002. The dock appears to be in the same configuration.



Photo 1: View of the dock facing south.



Photo 2: View of the dock facing west.

SPGP V1-R1 (& Self-Certification) Field Inspection Checklist



Photo 3: View of the dock and uncovered boatlift facing east.



Photo 4: View of mangroves height being measured on the east side of the dock (approximately 9 ft in height).



Photo 5: View of mangroves height being measured on the west side of the dock (approximately 9 ft. in height).

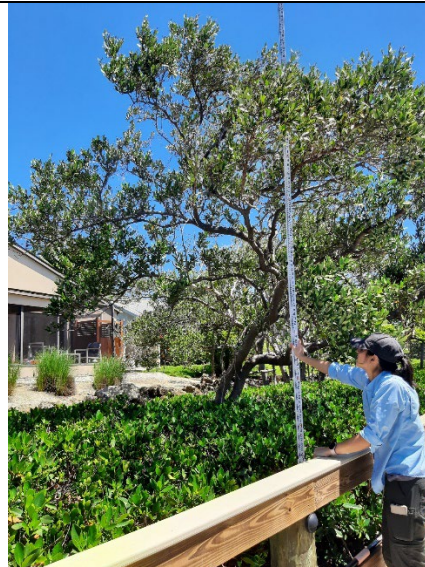


Photo 6: View of black mangrove measured to be over 10 feet in height (approximately 16 ft. in height).