



# FLORIDA DEPARTMENT OF Environmental Protection

South District  
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Fort Myers FL 33902-2549  
SouthDistrict@FloridaDEP.gov

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

4/17/2019

Larry Herman  
c/o Rhonda Palmer  
Amberjack Marine  
PO Box 66  
Bokeelia, Florida 33922  
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[4larryherman@gmail.com](mailto:4larryherman@gmail.com)

File No.: 0247692-006-EM, Charlotte County  
Modification of Permit No(s): 0247692-005-EI

Dear Mr. Herman:

Your request to modify the Permit No. 0247692-005-EI has been received and reviewed by Department staff.

The proposed permit modification is to:

To reconfigure the dock and uncovered boat lift by removing 32-square feet of decking.

After review by staff, the proposed modification is not expected to adversely affect water quality and will not be contrary to the public interest.

Modifications to the permit are shown as follows: deletions are struck through (i.e. ~~abe~~) and additions are underlined (i.e. abc).

The permittee is authorized to install a ~~592~~ 560-square foot dock with one uncovered boat lift within the landward extent of Placida Harbor waterbody, a Class II Outstanding Florida Waterbody, prohibited for shellfish harvesting, and part of the Lemon Bay Aquatic Preserve.

2 Project drawings have been stamped void. 1 project drawing has been added.

Since the proposed modification(s) along with the above amended permit conditions and monitoring requirements are not expected to result in any adverse environmental impact and water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

**This letter does not alter the permit other than as described above. This letter and referenced enclosures must be attached to the original permit. A copy of the original permit can be obtained here:**

**[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=23.61118.1\]&\[profile=Permitting\\_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=23.61118.1]&[profile=Permitting_Authorization])**

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 Rule 28-106.201, 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 email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, 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. 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 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. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The 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.

#### 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, before the applicable 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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Schuyler Houfek at 239-344-5654 or via email at [Schuyler.houfek@floridadep.gov](mailto:Schuyler.houfek@floridadep.gov). When referring to this project, please reference the file number listed above.

Executed in Orlando, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart  
Director of District Management  
South District

#### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and authorization to use sovereignty submerged lands, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers: [fdep.other@usace.army.mil](mailto:fdep.other@usace.army.mil)  
Florida Coastal Office, Lemon Bay Aquatic Preserve, [Mary.McMurray@dep.state.fl.us](mailto:Mary.McMurray@dep.state.fl.us)  
Charlotte County Property Appraiser, [rp@ccappraiser.com](mailto:rp@ccappraiser.com)

#### **FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S(7)., with the designated Department Clerk, receipt of which is hereby acknowledged.



Syed Shabbir Azher Rizvi  
Clerk

April 17, 2019  
Date

#### **Enclosures:**

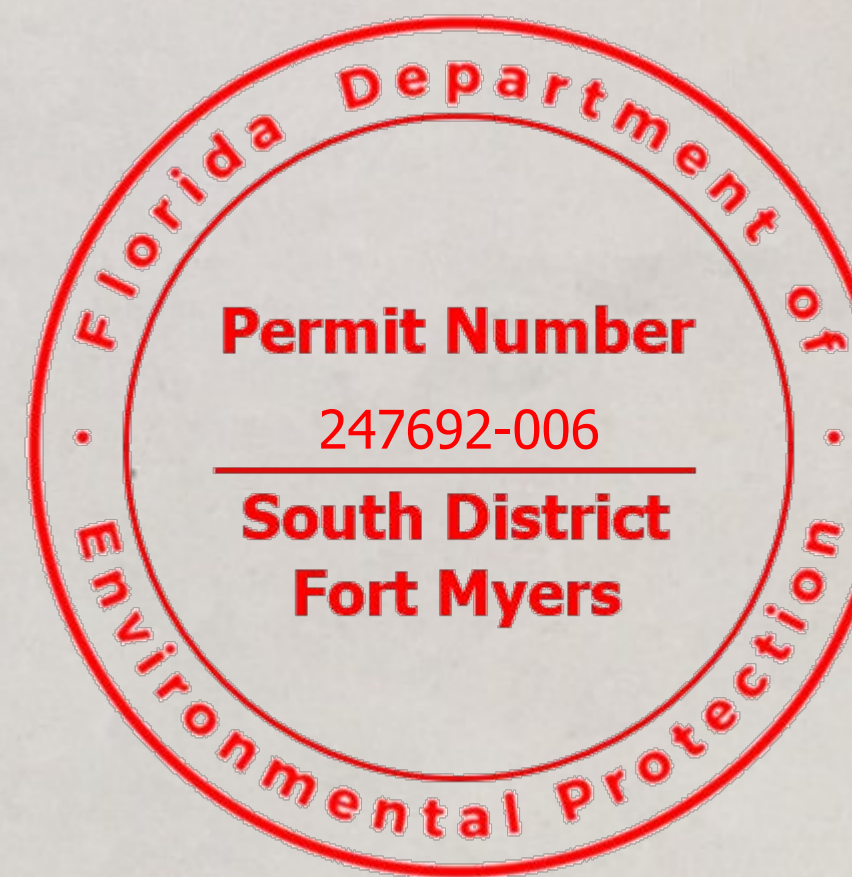
2 Voided Project drawings  
1 New Project drawing



Received  
Electronically

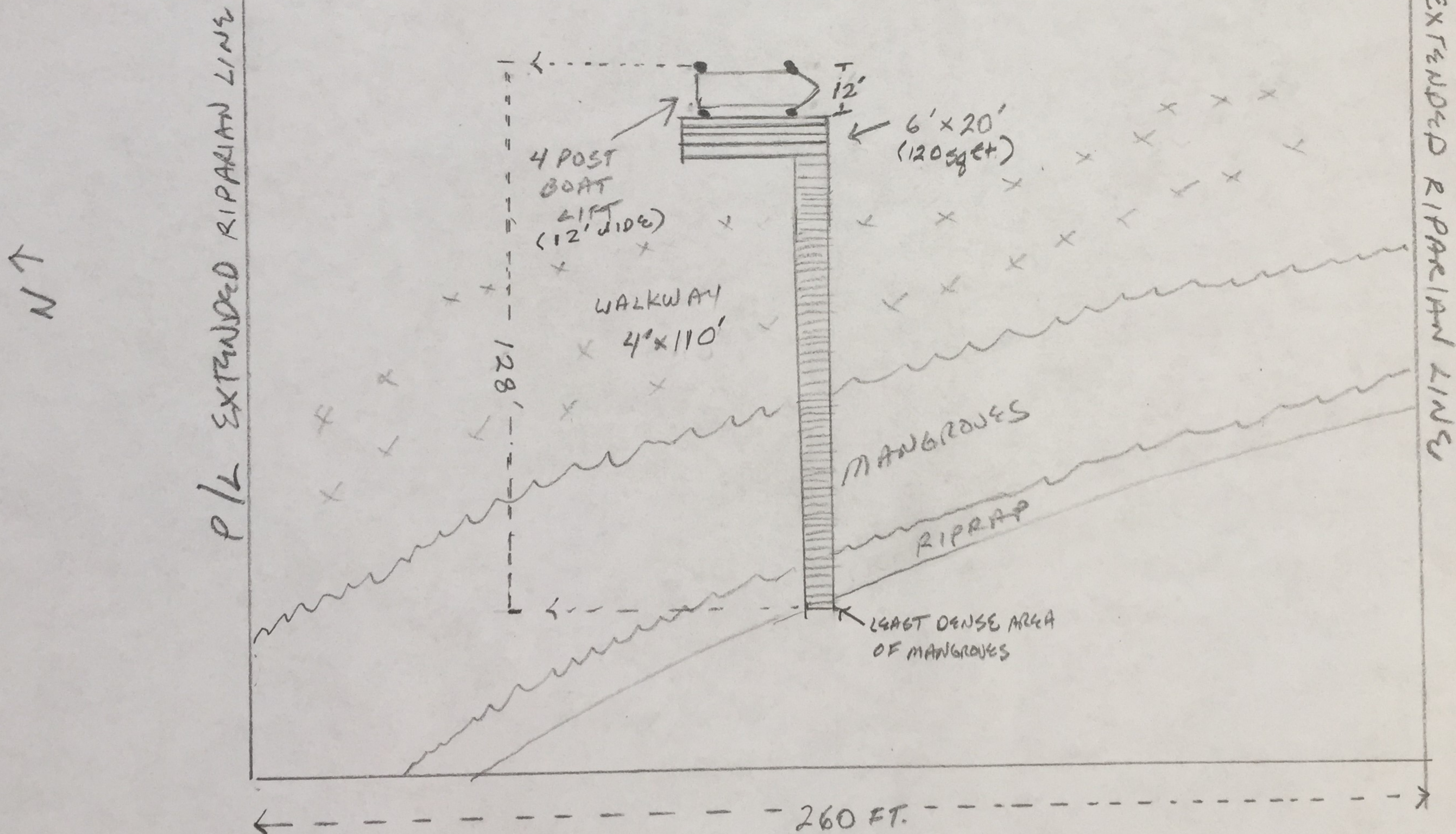
3/26/19

South District

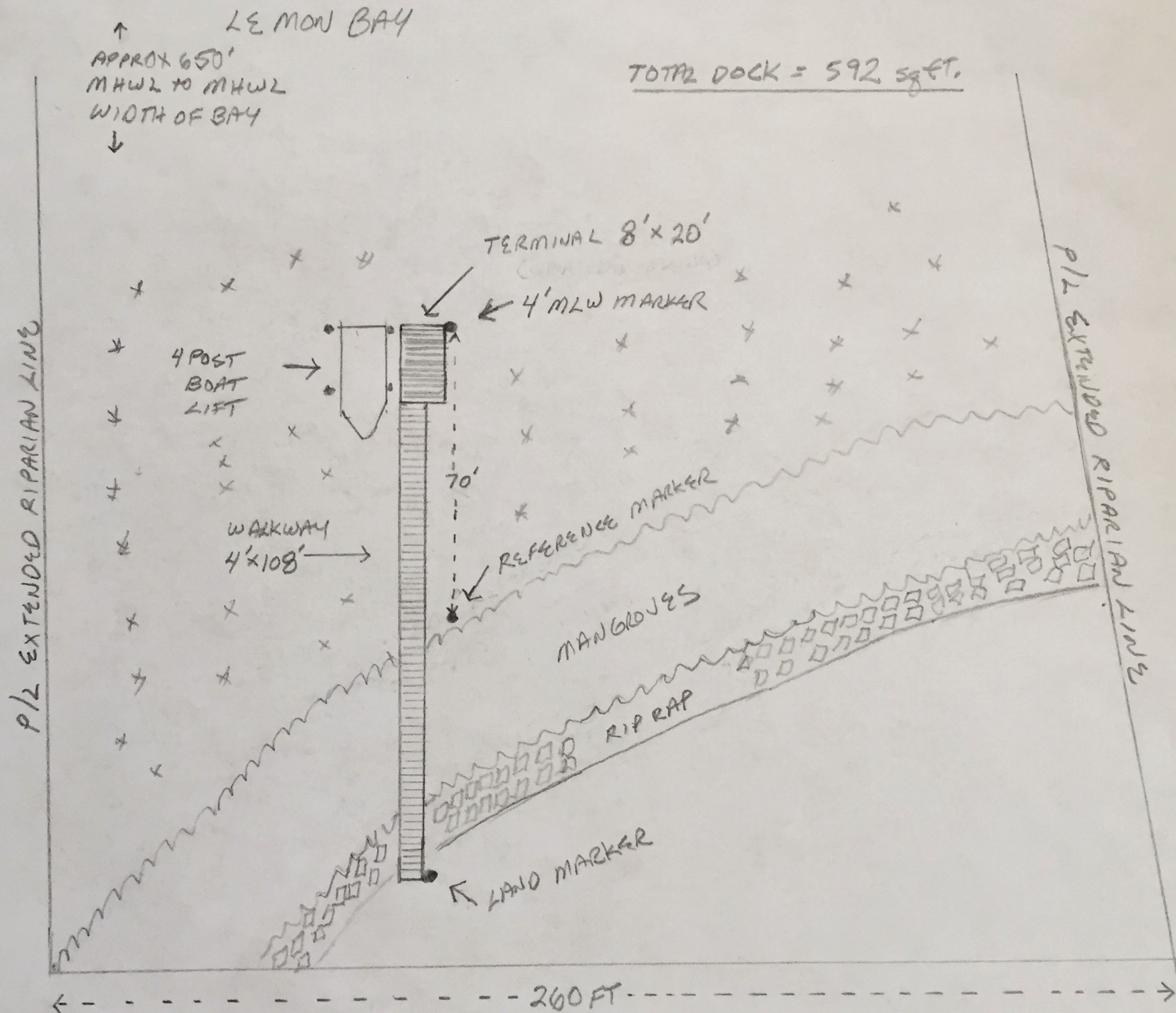


↑  
APPROX 650'  
MHWL TO MHWL  
WIDTH OF BAY  
↓

TOTAL DOCK = 560 sq ft.





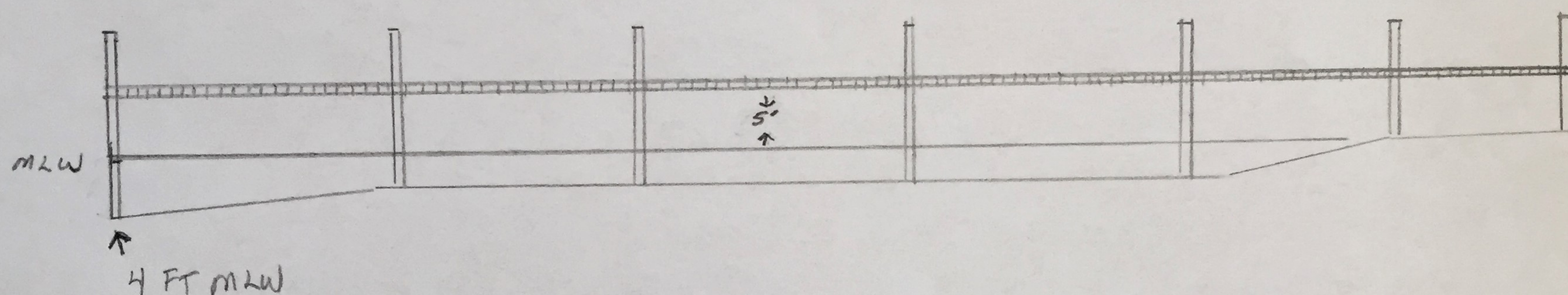


SCALE 1" = 35'





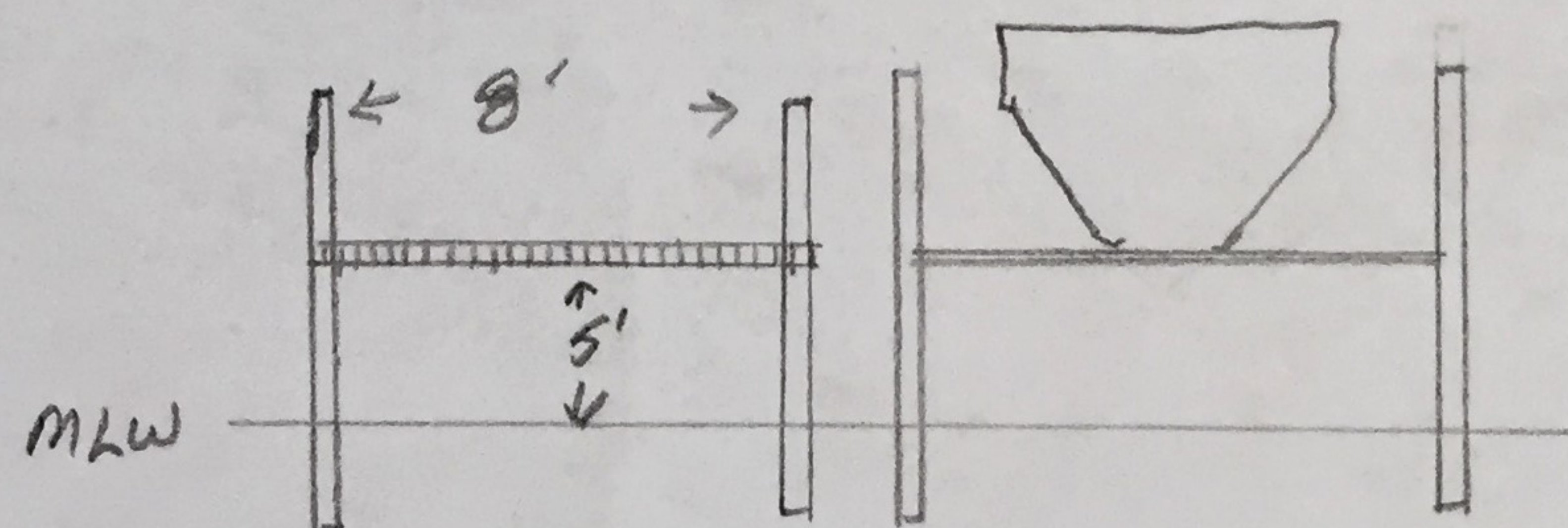
## PROFILE VIEW



## CROSS SECTION VIEW

RIPARIAN  
RIGHTS SETBACK

← GREATER  
THAN  
25' →



RIPARIAN RIGHTS  
SETBACK

← GREATER  
THAN  
25' →

HERMAN DOCK