



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803  
[DEP\\_CD@dep.state.fl.us](mailto:DEP_CD@dep.state.fl.us)

**Permittee/Authorized Entity:**

Ocean Support Inc.  
c/o John Hinton  
4950 S Peninsula Dr.  
Ponce Inlet, FL 32129  
[deermeat308@gmail.com](mailto:deermeat308@gmail.com)

**4950 S Peninsula Dr.**

**Authorized Agent:**

Melody Santos  
No Address Provided  
[metmel@aol.com](mailto:metmel@aol.com)

**Consolidated Environmental Resource Permit and Sovereignty Submerged  
Lands Authorization**

**State-owned Submerged Lands Authorization – Pending**

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

Volusia County  
Permit No.: ERP\_0304398-001-EI  
BOT#: 640021104

**Permit Issuance Date: September 13, 2023**  
**Permit Construction Phase Expiration Date: September 13, 2028**

## **Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization**

**Permittee: Ocean Support Inc.**

**Permit No: ERP\_304398-001**

### **PROJECT LOCATION**

The activities authorized by this permit are located at 4950 S Peninsula Drive, Ponce Inlet, Florida 32129, in Section 37, Township 16S, Range 34E in Volusia County.

### **PROJECT DESCRIPTION**

The permittee is authorized to modify an existing facility to replace +/-950sf existing marginal docking system with floating dock system and add (3)120' x 5' floating dock finger piers for a total of +/-1800sf of docking system within the Halifax River, Class III Waters. Authorized activities are depicted on the attached exhibits.

### **AUTHORIZATIONS**

Critter Fleet

#### 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, the Department has reviewed the activity described above, and has determined that the appropriate form of proprietary authorization is a lease. Based on the information submitted, we have begun processing your application to use sovereign submerged lands (BOT# 640021104). Please contact Imirio Perez at [Imirio.Perez@FloridaDEP.gov](mailto:Imirio.Perez@FloridaDEP.gov) for additional information.

The final documents required to execute the lease will be sent to the permittee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the attached permit. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps

regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:  
(<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a: water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **PERMIT CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

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

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

1. Best management practices (primarily turbidity screens and floating turbidity barriers) for erosion 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.

2. 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 one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.
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.
4. The project shall comply with applicable state water quality standards listed in Chapter 62-302.500, Florida Administrative Code.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

5. A floating turbidity apron/curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.
6. There shall be no stockpiling of tools or materials (i.e., lumber pilings, debris, etc.) within wetlands, along the shoreline, the littoral zone, or 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.
7. There shall not be any excess lumber, scrap wood, trash, garbage, etc., within the wetlands, surface waters, or other waters of the State.
8. Construction equipment shall not be repaired or refueled in wetlands, surface waters, or elsewhere within waters of the State.
9. Watercraft associated with the construction of the pier shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.
10. 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 regrading the damaged areas back to the natural preconstruction 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.

11. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion of the project.
12. Impacts to wetland vegetation and submerged aquatic vegetation are prohibited under this authorization.

#### **SPECIFIC CONDITIONS – FWC**

1. The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.
2. The total number of slips, inclusive of all mooring and upland storage, shall be limited to eighteen (18).
3. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com) in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded. Information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

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

1. 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](mailto:ConservationPlanningServices@MyFWC.com).
2. 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.

3. 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).

#### **SPECIFIC CONDITIONS – HISTORIC RESOURCES**

4. 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 during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

5. This permit does not authorize enclosed structures.
6. Any non-water dependent structures shall be located on the uplands.
7. No overboard discharges of trash, human or animal waste, or fuel shall occur at the dock.
8. In the event of a spill immediately contact the State Watch Office at 1-800-320-0519
9. 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 one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.
10. The permittee shall be responsible for correcting any deviations to the authorized activities [and providing verification by a new certification using Form 62-330.310(1)]. If the deviations require a modification of the permit under Rule 62-330.315, F.A.C., the permittee shall separately request a modification to the permit, which must be issued by the Department prior to the Department approving the request to convert to operation.

#### **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:
- 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.;
  - Convey to the permittee or create in the permittee any interest in real property;
  - Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - 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:
- Immediately if any previously submitted information is discovered to be inaccurate; and
  - 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.

## **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](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver 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](mailto: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., 8 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)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)  
Request to Transfer Permit/Form 62-330.340(1)  
Operation and Maintenance Inspection Certification/Form 62-330.311(1)

**Copies furnished to:**

Volusia County, [enviopermit@volusia.org](mailto:enviopermit@volusia.org)  
FFWCC, [FWCCConservationPlanningServices@myfwc.com](mailto:FWCCConservationPlanningServices@myfwc.com)  
DOS, [CompliancePermits@dos.state.fl.us](mailto:CompliancePermits@dos.state.fl.us)  
DEO, [dcpermits@deo.myflorida.com](mailto:dcpermits@deo.myflorida.com)  
Imirio Perez, FDEP, [imirio.perez@floridadep.gov](mailto:imirio.perez@floridadep.gov)  
Jill Farris, FDEP, [jill.farris@floridadep.gov](mailto:jill.farris@floridadep.gov)  
Reggie Phillips, FDEP, [Reggie.Phillips@floridadep.gov](mailto:Reggie.Phillips@floridadep.gov)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit including all copies, were mailed before the close of business on September 13, 2023, 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

September 13, 2023  
Date

### 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](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the 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](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

## CAUTION: MANATEE HABITAT

**All project vessels**

**IDLE SPEED / NO WAKE**

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

**SHUT DOWN**

Report any collision with or injury to a manatee:

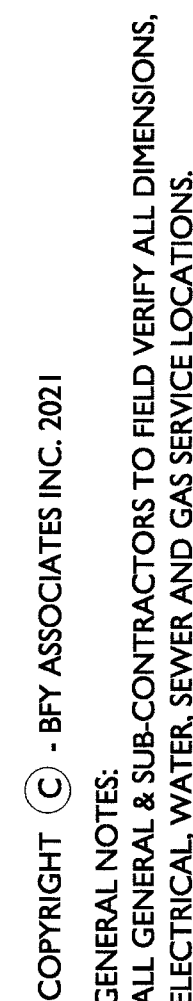


**Wildlife Alert:**

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

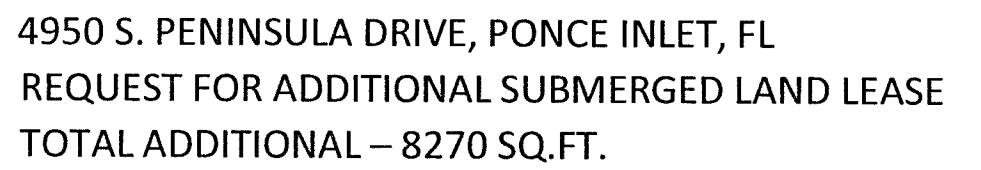
cell \*FWC or #FWC





DATE:
SHEET TITLE
SHEET NUMBER

Roman Yurkiewicz  
FLORIDA REGISTERED ARCHITECT  
FL Reg. No. AR 0015612

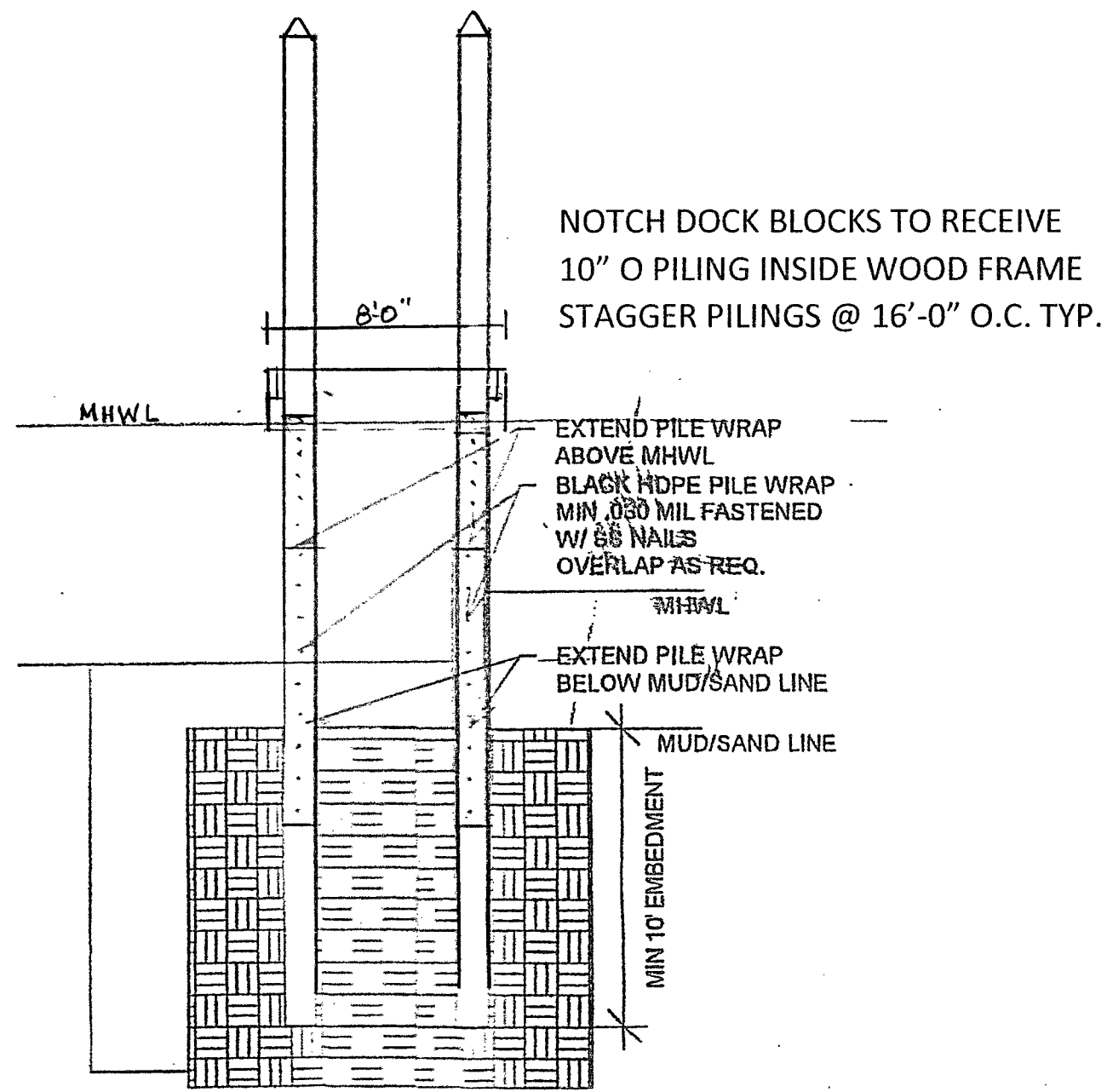
[illegible]

**DAVID C LEE TE**  
ARCHITECT & PLANNER    DAVID C. LEE TE AR0007131  
140 SOUTH GRANDVIEW AVENUE, DAYTONA BEACH, FLORIDA 32118 386/253-1785

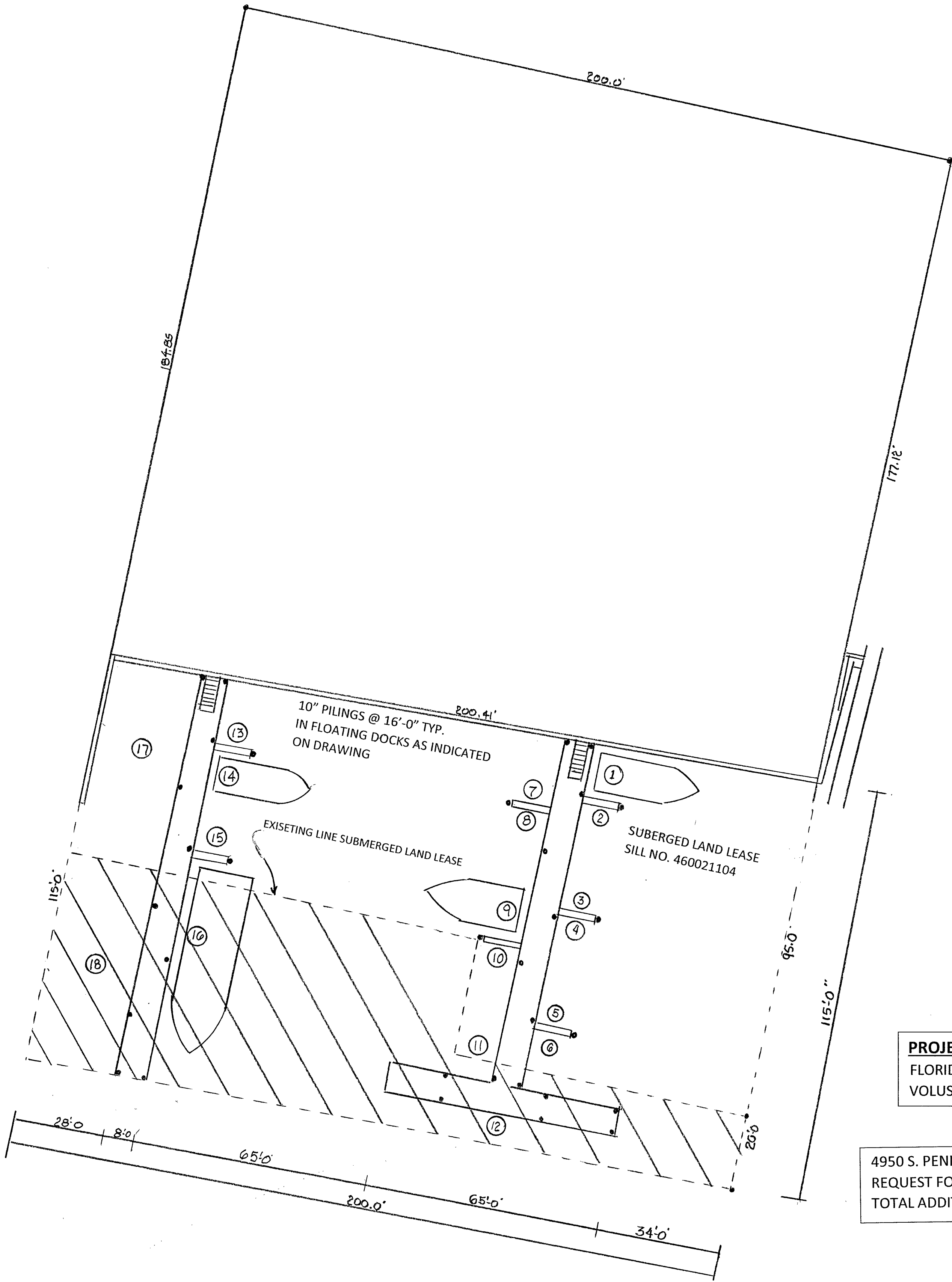
OCEAN SUPPORT INC.
FLOATING DOCKS & SUBMERGED LAND LEASE
4950 S. PENINSULAR DRIVE
PONCE INLET, FL 32129

DRAWN W. SMITH	
CHECKED DAVID LEEPE	
DATE OCTOBER 28, 2022	
SCALE 1" = 20'-0"	
JOB NO. 4450 S. PENINSULA	
SHEET 1	
OF 2	SHEETS





TYPICAL 8'-0" FINGER DOCKS  
DETAIL – FLOATING DOCK & N.T.S.



**PROJECT DESIGN CRITERIA**  
FLORIDA BUILDING CODE 2020<sup>7TH</sup> EDITION ASCE7  
VOLUSIA COUNTY ENVIROMENTAL MANAGEMENT

4950 S. PENINSULA DRIVE, PONCE INLET, FL  
REQUEST FOR ADDITIONAL SUBMERGED LAND LEASE  
TOTAL ADDITIONAL – 8270 SQ.FT.

REVISIONS	BY

**DAVID C LEETE**  
ARCHITECT & PLANNER  
140 SOUTH GRANDVIEW AVENUE, DAYTONA BEACH, FLORIDA 32118 386/253-1785

OCEAN SUPPORT INC.  
FLOATING DOCKS & SUBMERGED LAND LEASE  
4950 S. PENINSULA DRIVE  
PONCE INLET, FL 32129

DRAWN W. SMITH
CHECKED DAVID LEETE
DATE OCTOBER 28, 2022
SCALE 1" = 20'-0"
JOB NO. 4950 S. PENINSULA DR.
SHEET 2
OF 2 SHEETS

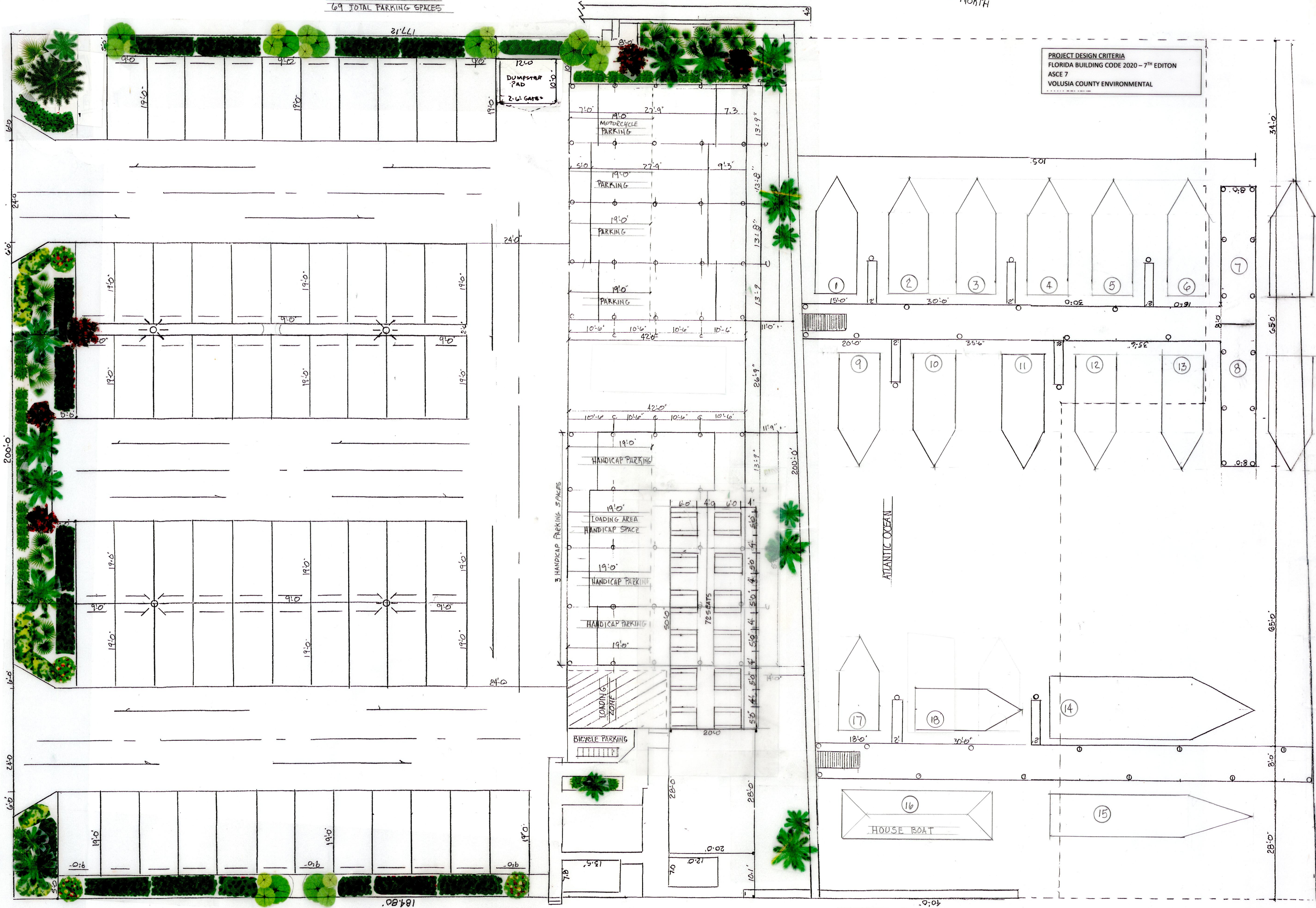


SOUTH PENINSULA DRIVE

NORTH

62-9X19 PARKING  
4-12X19 COVERED PARKING  
3-12X19 COVERED HANDICAP  
69 TOTAL PARKING SPACES

PROJECT DESIGN CRITERIA  
FLORIDA BUILDING CODE 2020 - 7<sup>TH</sup> EDITION  
ASCE 7  
VOLUSIA COUNTY ENVIRONMENTAL





**Call Toll Free 877-868-6220**

**DockGear.com**  
One-stop for Boating & Docking accessories!



**Image 1 of 4**

Lake Lite Solar Piling Lights, 3 Color LED, WHITE Powder Coat

♥ ADD TO WISHLIST

DESCRIPTION

REVIEWS



LETTER OF COORDINATION FOR  
MANATEE PLAN COMPLIANCE

April 21, 2023

Ms. Debbie Wright  
Manatee Protection Program Manager,  
County of Volusia  
Thomas C. Kelly Administration Center  
123 West Indiana Avenue  
DeLand, FL 32720

RE: Boat Slip Allocation for Parcel # 6437-01-00-0092  
4950 S. Peninsula Drive, Ponce Inlet, FL

Dear Ms. Wright:

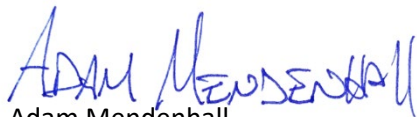
This letter of coordination serves to confirm that the subject parcel qualifies for boat slip allocation pursuant to Section 3.9 of the Ponce Inlet Land Use and Development Code (LUDC), **subject to compliance with all applicable zoning and development requirements of the LUDC and comprehensive plan**. The proposed development includes a total of 18 wet slips and 0 dry slips. The proposal involves adjusting the ratio of wet slips and dry slips approved under Ordinance 2007-08 by a maximum of 20%, pursuant to LUDC Section 3.9.4.E., resulting in 3 additional potential wet slips and 3 fewer potential dry slips. The number of wet and dry slips existing, proposed, and remaining for future allocation for this parcel are as follows:

Total Potential Allotment of Wet Slips for Parcel	Grandfathered (Existing) Wet Slips	New Wet Slips Requested for Permitting	Wet Slips Adjusted from Dry Slips	Total Number of Wet Slips Proposed for Development	Remaining Wet Slips for Future Allocation
15	9	9	+3	18	0

Total Potential Allotment of Dry Slips for Parcel	Grandfathered (Existing) Dry Slips	New Dry Slips Requested for Permitting	Dry Slips Adjusted from Wet Slips	Total Number of Dry Slips Proposed for Development	Remaining Dry Slips for Future Allocation
12	0	0	-3	0	9

Please feel free to contact me at [AMendenhall@ponce-inlet.org](mailto:AMendenhall@ponce-inlet.org) if you have any questions.

Sincerely,



Adam Mendenhall  
Principal Planner,  
Planning and Development Department

CC: Ocean Support, Inc.  
Mr. John Hinton

**LETTER OF COMPLIANCE**

With the Mitigation Fee Provisions of the Manatee Protection Plan for Volusia County

April 27, 2023

Ocean Support Inc.  
Attn: Melody Santos  
949 Beville Rd.  
South Daytona Beach, FL 32119

RE: Project Address: 4950 S. Peninsula Dr., Ponce Inlet, FL 32127  
Parcel ID #: 6437-01-00-0092  
Permit #: 20230425011  
Property Owner: Ocean Support Inc.

Dear Mrs. Santos:

This Letter of Compliance is for the rebuilding of 9 commercial boat slips and the addition of 9 new slips. The permit applicant has complied with the mitigation fee provisions, as outlined under Phase II, B.4.A, of the Manatee Protection Plan for Volusia County. Payment of the mitigation fee does not absolve the applicant from any other permit conditions which may be required by the County of Volusia, a municipality within the County of Volusia, or any state or federal agency with permitting jurisdiction. It is the applicant's responsibility to fulfill all other required permit conditions, and comply with all local, state and federal regulations.

State and federal regulatory agencies will forward permit applications to the appropriate wildlife agencies for consultation on impacts to manatees and their habitat. The Florida Fish and Wildlife Conservation Commission and the United States Fish and Wildlife Service will provide comments on manatee impacts as a component of the environmental permitting process.

In the event that a local, state or federal permitting agency decides not to authorize a valid permit for boat docks, slips, dry storage units, or boat trailer parking spaces for any reason, Volusia County Environmental Management Division (VCEMD) will refund the mitigation fee to the applicant if notified within one year from the date of this signed document. A \$25 handling fee for single family residences, or \$100 for all other application types will be deducted from the amount refunded.

**This letter does not constitute a permit. Project requirements and the resulting permit may change after local, state or federal review.**

Upon completion of the build/project, the applicant must contact VCEMD to schedule a final inspection. Failure to pass inspection will nullify current Letters of Exemption or Compliance and will result in enforcement action including applicable fines. Please email me at [dwright@volusia.org](mailto:dwright@volusia.org) if you have any questions.

Respectfully,

---

Debbie Wright  
Manatee Protection Program Manager  
[dwright@volusia.org](mailto:dwright@volusia.org)