



Jeb Bush  
Governor

# Department of Environmental Protection

FILE

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952  
(561)398-2806

David B. Struhs  
Secretary

JUL 26 2000

Gary Price  
1899 NW River Trail  
Stuart, FL 34994

File No.: 43-0169595-001/002  
Martin County

Dear Mr. Price:

On May 4, 2000, we received your notice of intent to use a Noticed General Permit (NGP) pursuant to Rule 62-341.427, Florida Administrative Code (F.A.C.) to perform the following activities: construct a 4-foot by 350-foot access dock with an 8-foot by 20-foot terminal platform and to install 211 linear feet of riprap 5-foot landward of mean high water in the North Fork St. Lucie River Aquatic Preserve, Class III waters of the state. The project is located at Lot 22 and Lot 23 NW Shore Dr. (Section 30, Township 37 South, Range 41 East) Stuart, Martin County.

Your intent to use a NGP has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for works in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your project may not have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

### Regulatory Review - Granted

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance to operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. Based on the information you submitted, we have determined that the construction of a 4-foot by 350-foot access dock with an 8-foot by 20-foot terminal platform meets the requirements for and is hereby granted the noticed general permit listed above (Rule 62-341.427, F.A.C.).

Activities performed under the NGP are subject to the general conditions required in Rule 62-341.215, F.A.C. (attached), and to the specific conditions of the permit for which notice was given (62-341.427, F.A.C.) (attached). Deviations from the general and specific conditions may subject the permittee to enforcement action and penalties. Project drawings and vicinity map are attached.

Please be advised that the construction phase of the NGP must be completed within 5 years from the date the notice to use the NGP was received by the Department. If you wish to continue this noticed general permit beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Based on the information you submitted, we have determined that the installation of 211 linear feet of riprap 5-foot landward of mean high water is not within the jurisdiction of the Department, pursuant to Chapter 373, Florida Statutes (F.S.), because all of the construction will take place on uplands. Therefore, no further authorization is required.

*"More Protection, Less Process"*

Applicant: Price, Gary  
File No.: 43-0169595-001/002  
Page 2

**Proprietary Review (related to state-owned lands) - Granted**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., Chapters 18-20 and 18-21; F.A.C., and Section 62-343.075, F.A.C.

Your project will occur on sovereign submerged land and will require authorization from the Board of Trustees to use public property. As staff to the Board of Trustees, we have reviewed the proposed project and have determined that, as long as it is located within the described boundaries and is consistent with the attached general consent conditions, the project qualifies for consent to use sovereign submerged lands. Therefore, pursuant to Chapter 253.77, Florida Statutes, you may consider this letter as authorization from the Board of Trustees for the upland riparian owner to perform the project.

**Federal Review (State Programmatic General Permit) - Granted**

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (the Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.*

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is consistent with the SPGP program. The attached U.S. Army Corps of Engineers (the Corps) general conditions apply to your project. No further permitting for this activity is required by the Corps.

If you change the project from what you submitted, the authorizations granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

**Notice of Rights of Substantially Affected Persons**

This letter acknowledges that the proposed activity may be conducted under noticed general permit rule 62-341.427. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This determination constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.


If you revise your project after submitting the initial joint application, please contact us as soon as possible. Also, if you have any questions, please contact Lisa Perrone of this office, at telephone (561) 398-2806. When referring to this project, please use the FDEP file name and number listed above.

Sincerely,

*Domino Civetti*

for Gary N. Roderick  
Environmental Administrator

GNR/LP

Enclosures:  NGP General Conditions, 62-341.215, F.A.C.  
NGP Specific Conditions, 62-341.427, F.A.C.  
General Consent Conditions  
Attachment A- Newspaper Publication Notice  
Attachment C- Criteria For Single Family Docks Located Within an Aquatic Preserve  
Federal General/Specific Conditions for SPGP III- R1 and Transfer Request  
Federal Manatee Conditions  
Project Drawings

cc: U.S. Army Corps of Engineers, Stuart [without enclosures]  
Dredge and Marine Inc., (Agent) [without enclosures]

## **Rule 62-341.215, Florida Administrative Code- General Conditions for All Noticed General Permits**

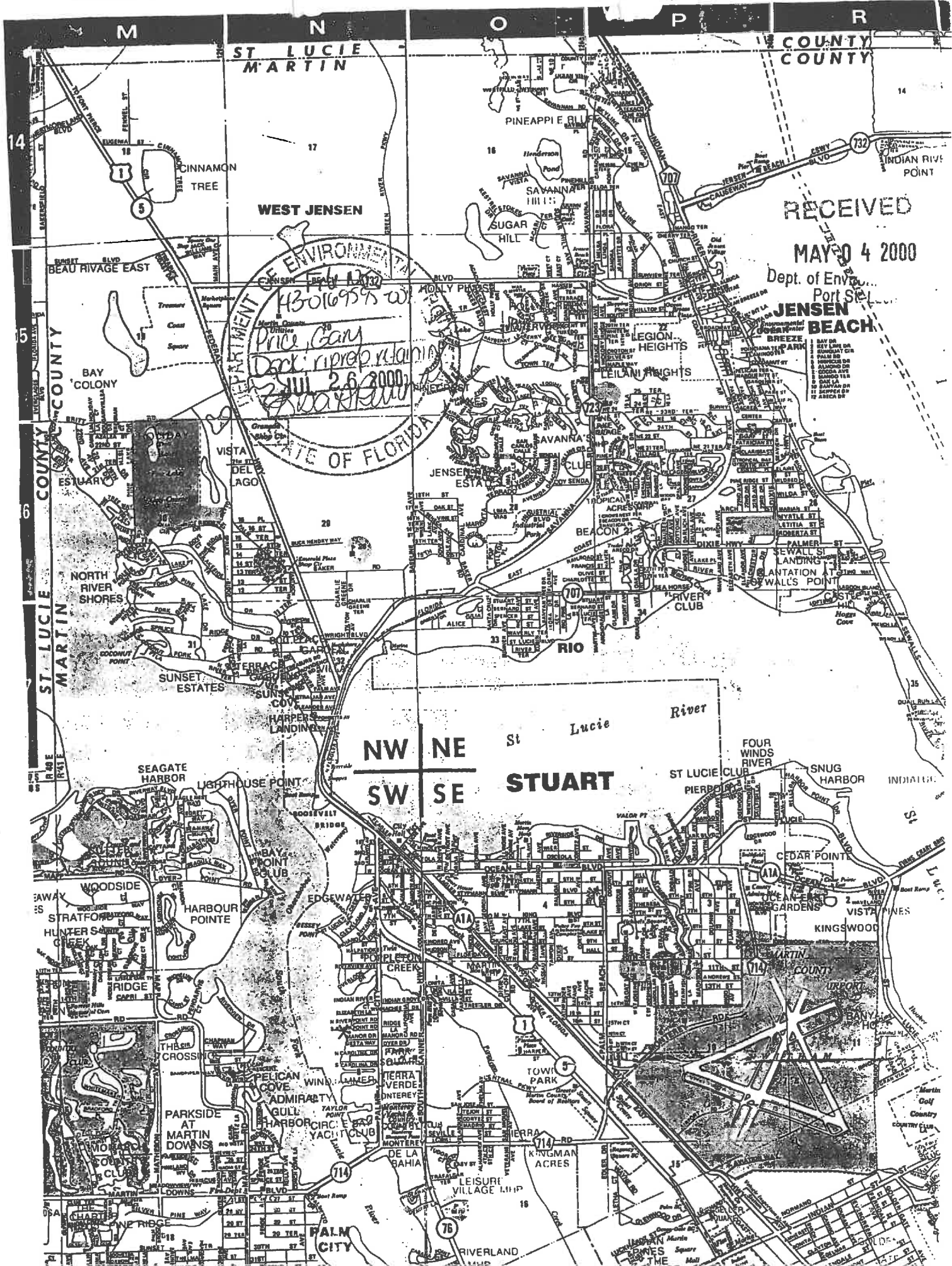
1. The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.
2. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.
3. This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.
4. This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit as provided by Chapter 62-330, F.A.C.
5. The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.
6. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
7. The authorization to conduct activities pursuant to a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.
8. This permit shall not be transferred to a third party except pursuant to Section 62-343.130, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.
9. Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.
10. The permittee shall maintain any permitted system in accordance with the plans submitted to the Department and authorized in this general permit.
11. A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.
12. Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of Sections 62-4.242(1)(a) and (b), 62-4.242(2) and (3), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
13. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.
14. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SUBMERGED LANDS & ENVIRONMENTAL RESOURCES PROGRAM  
GENERAL CONSENT CONDITIONS**

Applicant: Price, Gary  
File No.: 43-0169595-001/002

1. No activities other than those set forth in the referenced letter are authorized. Any additional activities on state-owned sovereign submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have 30 days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereign submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after five years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.





DEPARTMENT OF ENVIRONMENTAL PROTECTION  
43016954 w  
Price Gary  
Dark riprap retaining wall  
2 JUL 26 2000

RECEIVED  
MAY 04 2000  
Dept. of Environmental Protection  
Port St. Lucie  
JENSEN BEACH

NW NE  
SW SE  
St Lucie River  
STUART

## **ATTACHMENT C**

### **CRITERIA FOR DOCK CONSTRUCTION FOR SINGLE FAMILY DOCKS LOCATED WITHIN AN AQUATIC PRESERVE**

Thank you for applying to the Department of Environmental Protection for authorization to construct your single-family dock on sovereign submerged lands. Listed below are the specific criteria which your marine construction contractor must meet in order for the dock structure to be in compliance with the requirements of Chapter 18-20, Florida Administrative Code (F.A.C.). Thank you for your interest in protecting Florida's environment.

#### **DOCK SIZES AND LOCATION**

The access walkway, which starts at the shoreline and ends at the terminal platform, can be no wider than 4 feet. The access walkway may be a maximum of 6 feet wide to accommodate persons with disabilities.

The terminal platform, located at the waterward end of the access walkway, can be no larger than 160 square feet.

The overall dock length, as measured from the shoreline to the waterward end of the terminal platform can be no longer than 500 feet or 20% of the width of the waterbody, or to a depth of greater than -4 feet mean low water line, whichever is less.

#### **SITING REQUIREMENTS**

Although the administrative codes do not prohibit single family dock construction where seagrasses are located, there are specific design requirements which help protect the seagrasses.

If at all possible, have your marine construction contractor design the location of your dock to avoid seagrasses.

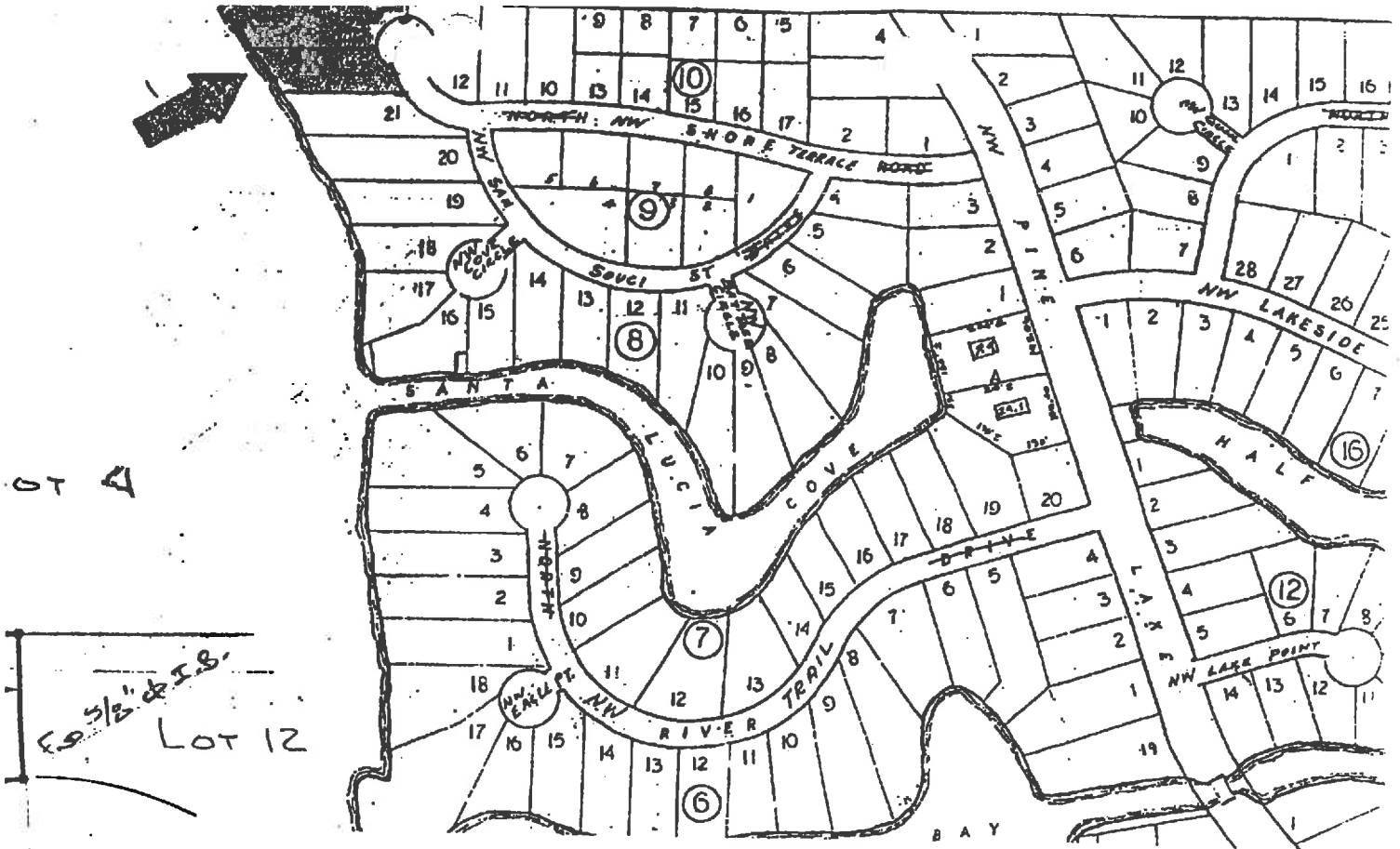
If the access walkway is built through seagrasses, it must be elevated 5 feet above the mean or ordinary high waterline.

If the terminal platform is built over seagrasses, then it must be elevated 5 feet above the mean or ordinary high waterline. Up to 25% of the surface of the terminal platform may be lower than 5 feet for safe ingress and egress from a boat.

If either the access walkway or the terminal platform is built over seagrasses, than the material used to construct the walkway surface shall be no wider than 8 inches and shall be spaced a minimum of 1/2 inch apart.

The access walkway must be located at least 25 feet away from your property lines as measured along the shoreline. If your property is less than 65 feet in width, center the dock on your property.





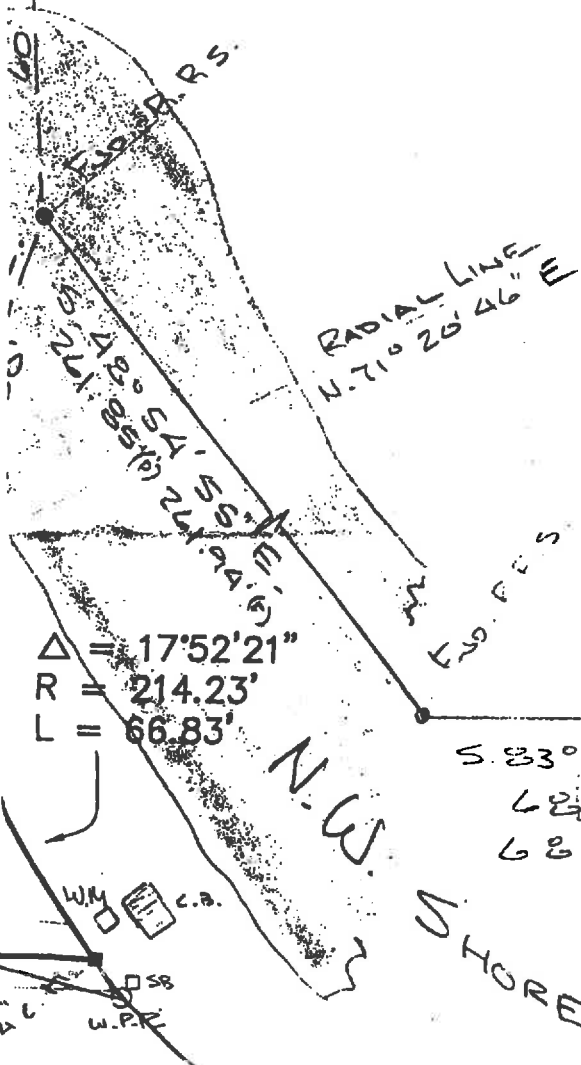
LOT 4

69 5/8' x 158'  
LOT 12

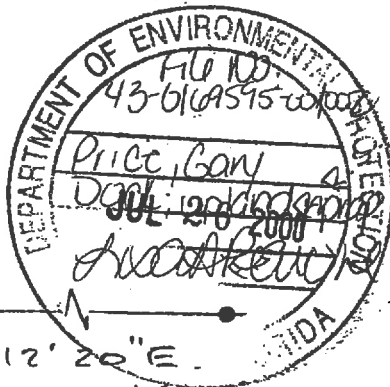
## LOCATION MAP

## LEGAL DESCRIPTION

LOTS 22, AND 23, BLOCK 8, NORTH RIVER SHORES SECTION 3B, AS RECORDED IN PLAT BOOK 3, PAGE 1 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.



$\Delta = 17'52'21''$   
 $R = 214.23'$   
 $L = 66.83'$

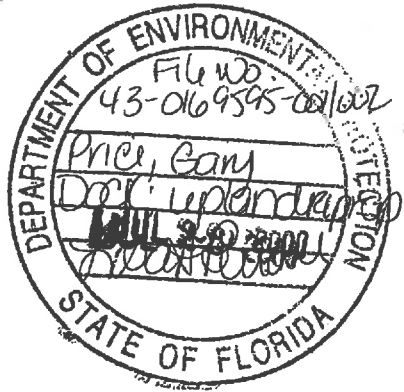
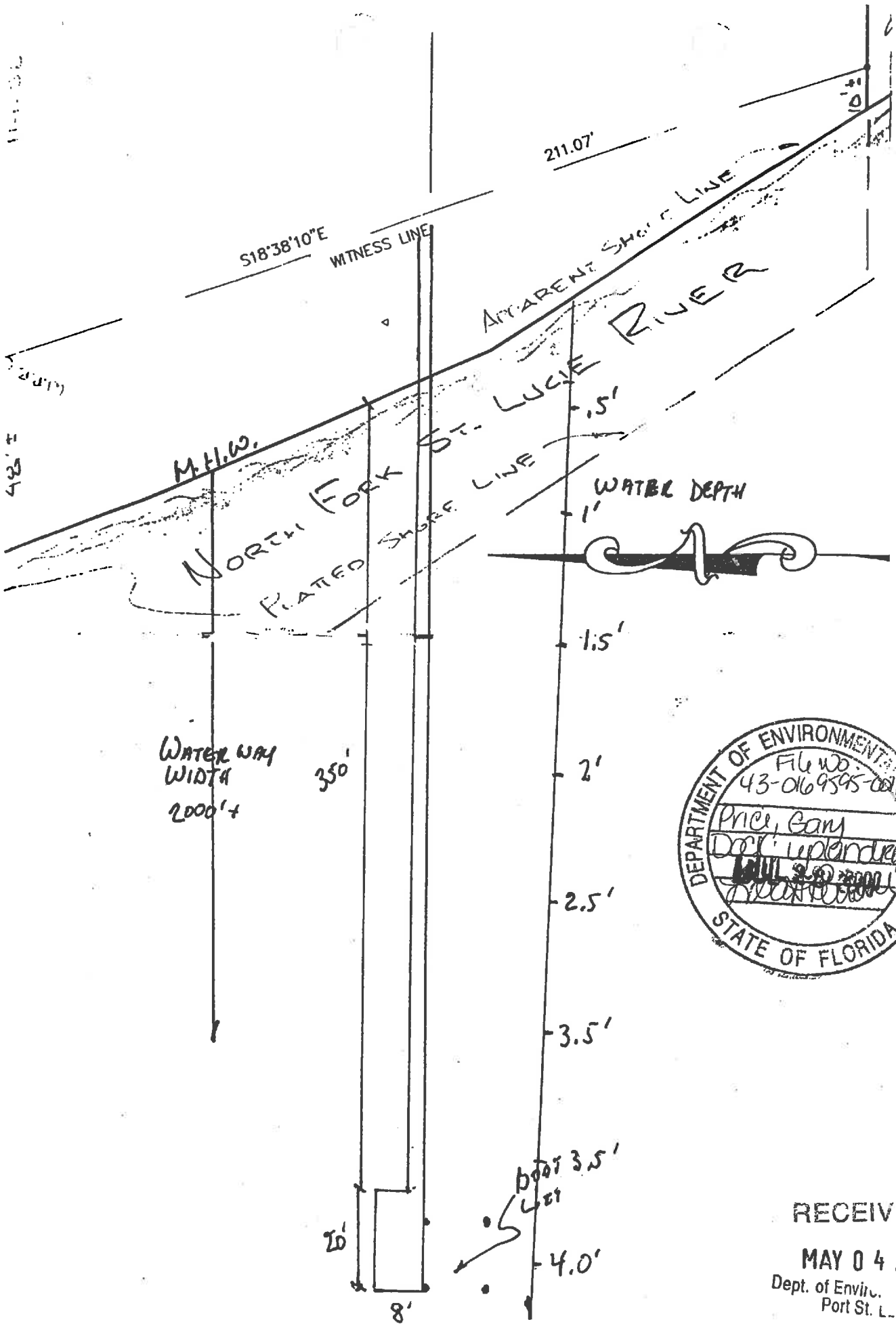


S. 83° 12' 20" E.  
 688.69' (R)  
 688.82' (E)

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 Dept. of Environ...  
 Port St. Lucie

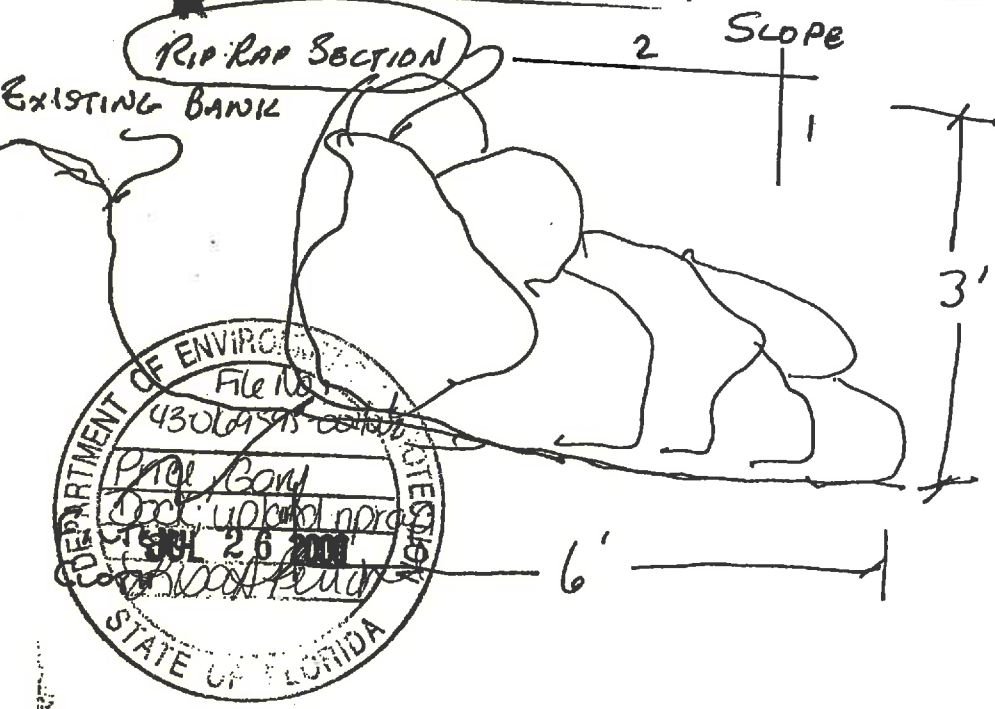
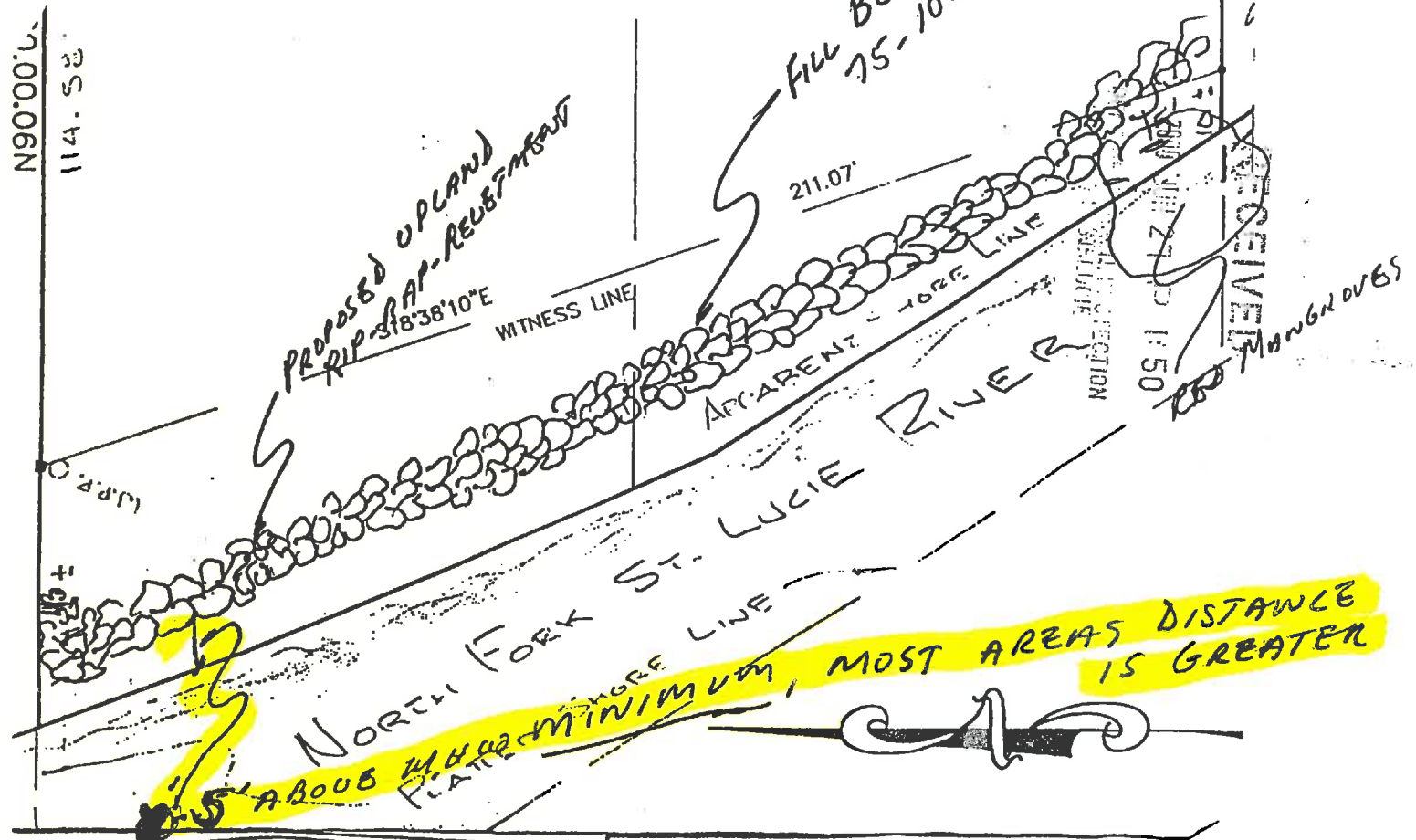
SHORE TERRACE



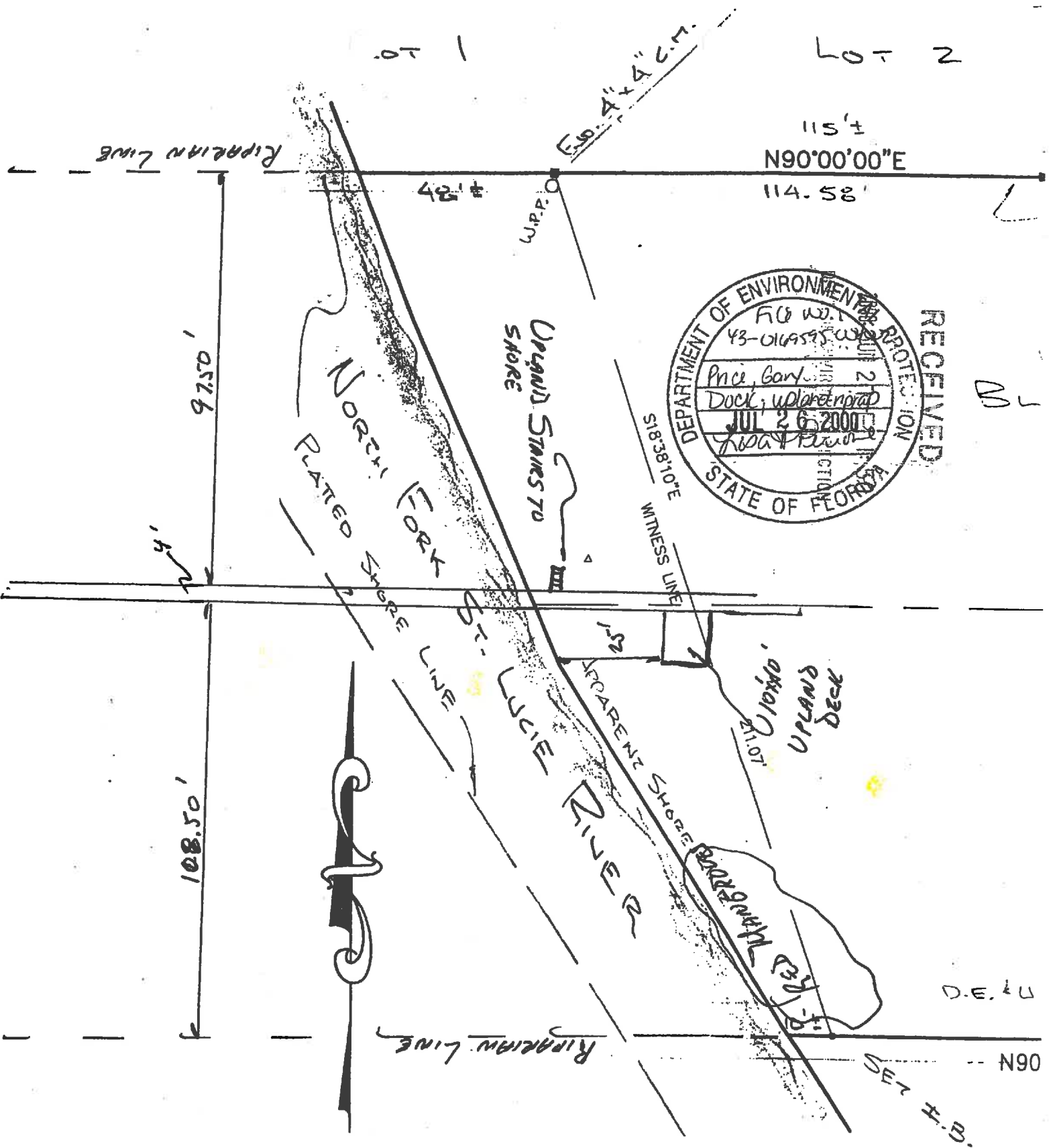
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MAY 04 2001  
 Dept. of Envir.  
 Port St. L...

MS



- PROPOSED SLOPS OF WORK
- ① CLEAN UP SHOUBLINE
  - ② REMOVE ROOT BALLS, DEBRIS & CONSTRUCTION DEBRIS (CONCRETE & OTHER DEBRIS DUMPED IN PAST)
  - ③ PLACE FILTER CLOTH
  - ④ PLACE RIP-RAP @ TOE OF EXISTING BANK, BACK FILL VOID
  - ⑤ CONTROL TURBIDITY WITH TURBIDITY CURTAIN

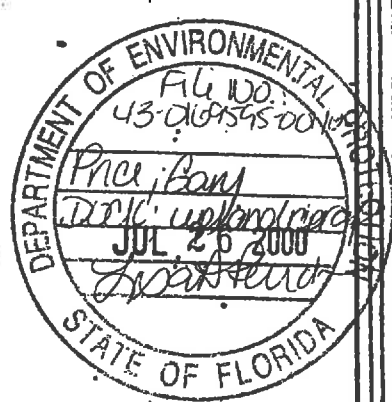
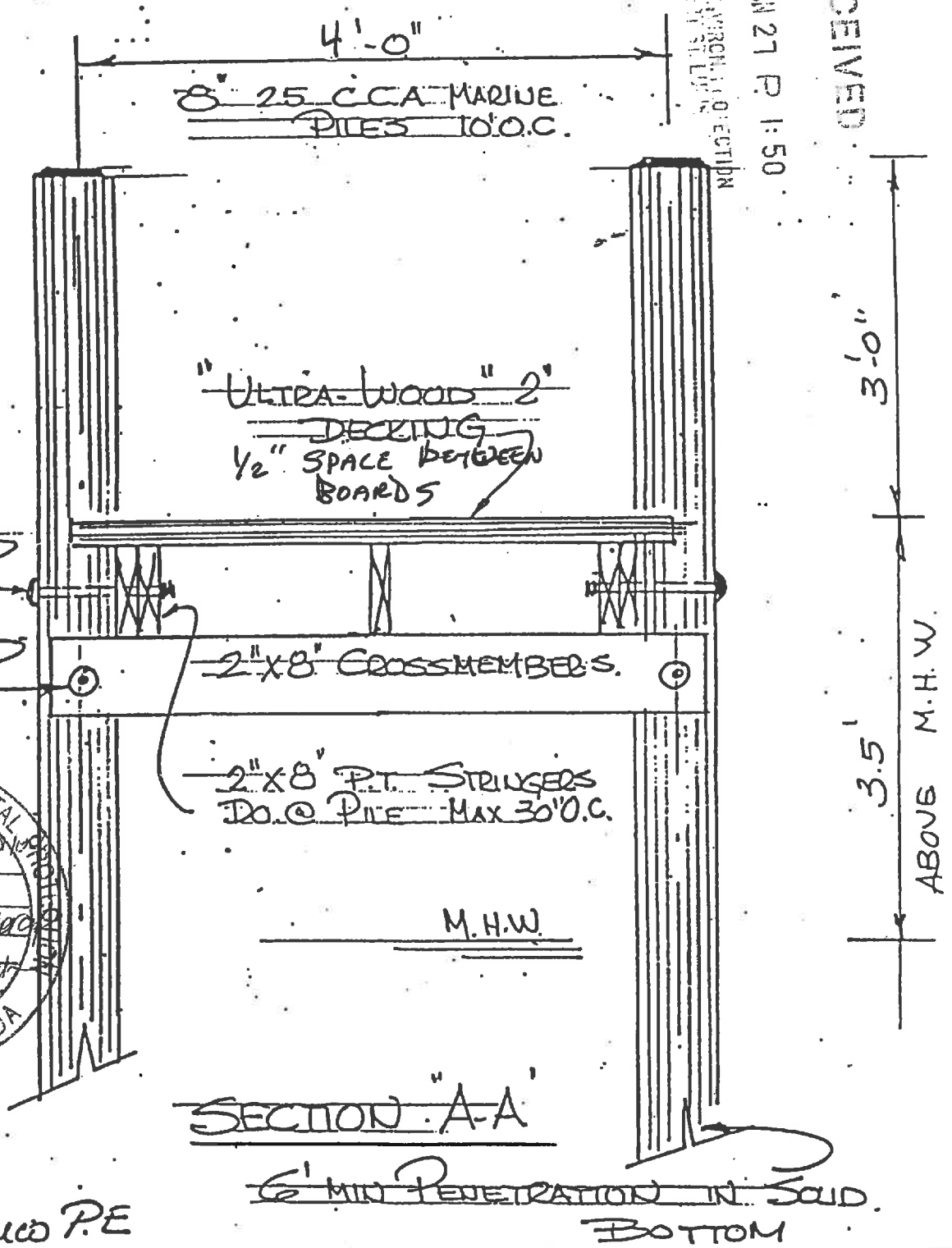


AC	ACRE	CHD	CHORD	EP	EDGE C
A/C	AIR CONDITIONER	CONC	CONCRETE	EW	EDGE C
ALUM	ALUMINUM	CBS	CONC. BLOCK STRUCTURE	EM	ELECTR.
ANC	ANCHOR	CM	CONCRETE MONUMENT	ES	ELECTR.
APPROX	APPROXIMATE	CNR	COULD NOT READ	ELEV	ELEVAT.
AVE	AVENUE	CPP	CONCRETE POWER POLE	ENCL	ENCLOS.
BRG	BEARING	COR	CORNER	X 17.00	EXISTIN.
BLK	BLOCK	COV	COVERED	FT	FEET
BLVD	BOULEVARD	CMP	CORRUGATED METAL PIPE	F	FIELD &
BLDG	BUILDING	CVG	CONCRETE VALLEY GUTTER	FNC	FENCE
BM	BENCHMARK	D	DEED	FFE	FINISH
CATV	CABLE TELEVISION BOX	D/F	DRAINFIELD	FH	FIRE H.
C	CALCULATED	DE	DRAINAGE EASEMENT	FPL	FLORIDA

# APPROACH SECTION

DEPT. of ENVIRONMENTAL PROTECTION  
2000 JUN 27 P. 1:50

RECEIVED



*S. J. Amico P.E.*

SCALE: 3/4" DATE: \_\_\_\_\_ REVISIONS: \_\_\_\_\_ SHEET \_\_\_\_\_ OF \_\_\_\_\_

Design & Engineering Consultant  
**SALVATORE J. AMICO P.E.**  
 Licensed Professional Engineer  
 STATE OF FLORIDA P.E. NO. 25140

DREDGE & MARINE CONSTRUCTION  
 P.O. BOX 399 PORT SALERNO, FLA.

## **Manatee Conditions for Federal Authorization**

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
2. 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
3. Siltation barriers shall be installed and shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.
4. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.
5. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-800-DIAL-FMP (1-800-342-5367). **Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Vero Beach (1-561-562-3909) in south Florida.**
7. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All signs are to be removed by the lessee/grantee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches which reads:

*Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-343-5367) and the U.S. Fish and Wildlife Service at (1-561-562-3909) for south Florida.*



## GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP III-R1

### General Conditions

1. The time limit for completing the work authorized ends on December 17, 2003.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### Further Information:

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.



In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 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) of the Florida Statutes 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) of the Florida Statutes, 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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit modification constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

Sincerely,

---

John P. Mitnik, P.E.                      Date  
Environmental Administrator

Enclosure

cc: U.S. Army Corps. of Engineers, Stuart  
Gary Price



Jeb Bush  
Governor

# Department of Environmental Protection

Port St. Lucie Branch Office  
1801 SE Hillmoor Drive  
Suite C-204  
Port St. Lucie, FL 34952  
(772)398-2806 Fax # (772)398-2815

FILE COPY

David B. Struhs  
Secretary

**MAR 14 2002**

Peter Upton and Marianne Ireland  
P.O. Box 217  
Indiantown, FL 34956

RE: Construct a 1,560 square foot dock; install a 211 linear foot riprap retaining wall  
Transfer of Permit No.: 43-0169595-001/002  
File No.: 43-0169595-003

Dear Mr. Upton and Ms. Ireland:

Enclosed is a copy of the executed transfer of permit for the referenced project. The transfer of this permit to Peter Upton and Marianne Ireland is hereby approved and effective as of March 14, 2002. Please attach a copy of this letter and the enclosed transfer of permit to your permit and make them available on site during construction. When referring to this project, please use the file numbers indicated.

This notice of transfer does not alter the expiration date, the specific or general conditions, or the monitoring requirements of the permit. This letter must be attached to the original permit.

This permit transfer is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

*"More Protection, Less Process"*

*Printed on recycled paper.*

APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION  
OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM

Permit No. 43-0169595-001/002 Date Issued 7/26/00 Date Expires 12/17/03

FROM (Name of Current Permit Holder) Gary Price

Mailing Address 3191 SE St. Lucie Boulevard

City Stuart State FL Zip Code 34997

Telephone: (772) 283-1205

RECEIVED  
MAR 12 2002

Dept of Environ. Protection  
Port St. Lucie

Identification of Name of Facility/Surface Water Management System: \_\_\_\_\_

Phase of Facility/Surface Water Management System (if applicable): \_\_\_\_\_

The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.

Signature of the current permittee: [Signature]

Title (if any): \_\_\_\_\_ Date: 3/11/02

TO (Name of Proposed Permit Transferee): Peter M. Upton & Marianne M. Ireland

Mailing Address PO Box 217

City Indiantown State FL Zip Code 34956

Telephone: (772) 597-3828

The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.

Signature of the applicant (Transferee): [Signature]

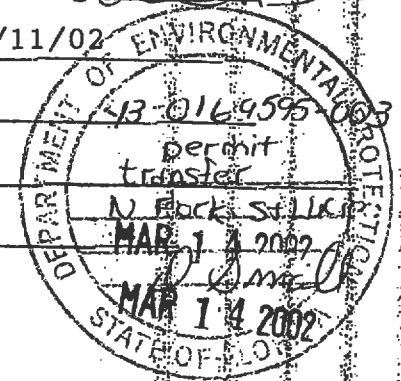
Title (if any): \_\_\_\_\_ Date: 3/11/02

Project Engineer Name (if applicable) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_



### SITE Permit

Site Name **UNION, PLANT N.A. HILL, 6887** Site # **8901026**

County **MARTIN** Comments  RPAs  # Cases **3**

#### Project

Permit# **- -** Project# **1003** Received **03/12/2002** CRA#

Permit Office **CPDE BRANCH** Agency Action **Pending**

Project Name **UPTON, PETER** Desc **transfer of NGP**

Type/Sub/Disp **EM TO** Indicate Product or Activity CCE#

Logged  Issued  Expires  OGC

Fee  **SL01** Fee Recd  Date  Overage **NONE**

#### Related Party

Role **APPLICANT** Begin **03/12/2002** End

Name **UPTON, PETER JR** Company

Addr **PO BOX 787**

City **WISCONSIN** State **IN** Zip **46126** Country **U.S.A.**

Phone **771-287-3028** Fax

#### Processors

Processor **SMALL D**  Y  Active **03/12/2002** Inactive  Events