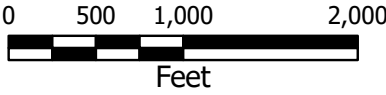


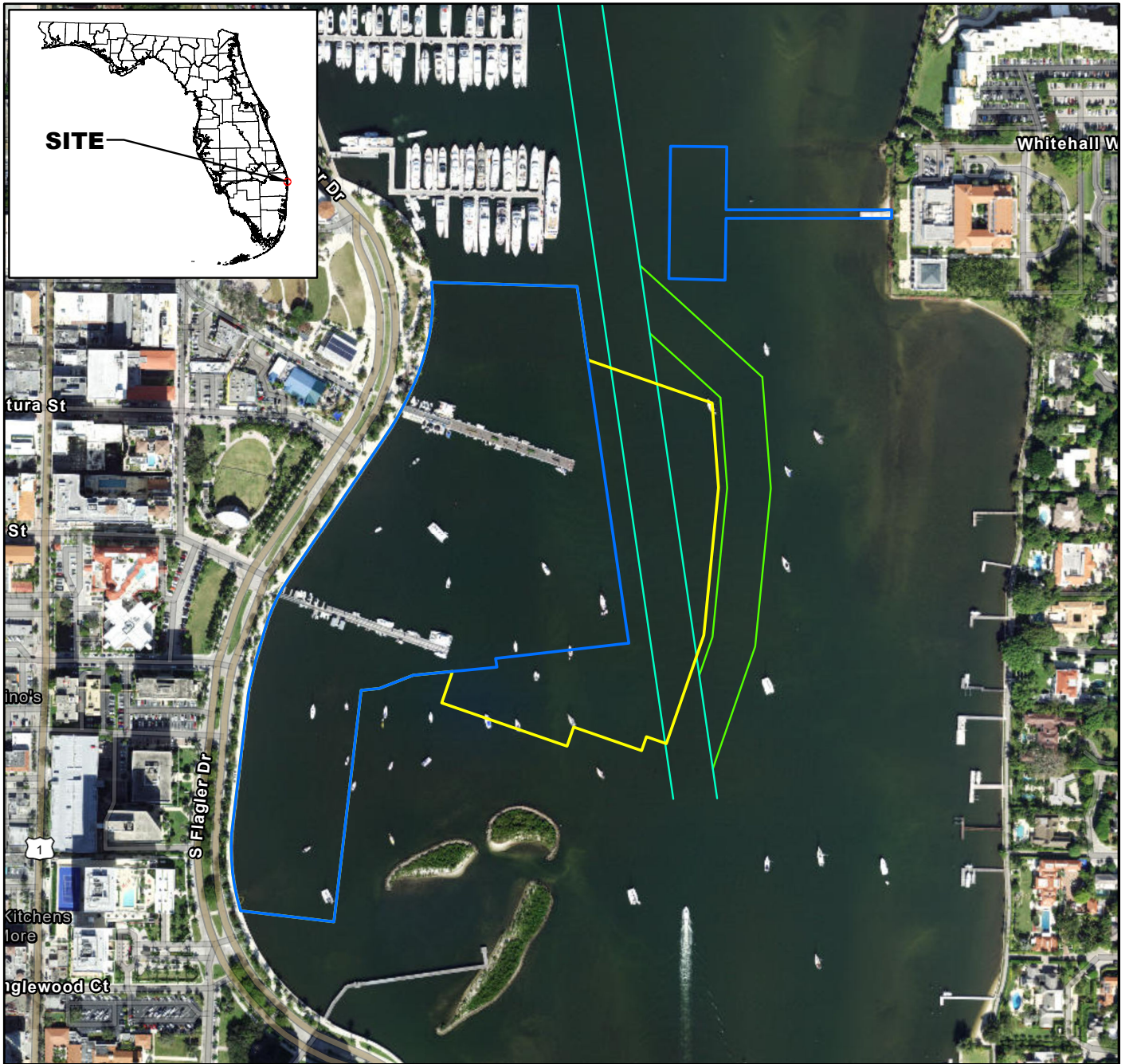
- Submerged Lands Lease No. 500028996
- Additional Lease Area
- Existing Channel
- Proposed Channel



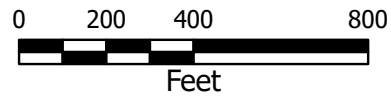
Palm Beach International Boat Show
 Applicant: Yachting Promotions, Inc.

Palm Beach County Florida

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- ▭ Submerged Lands Lease No. 500028996
- ▭ Additional Lease Area
- ▭ Existing Channel
- ▭ Proposed Channel



Palm Beach International Boat Show
 Applicant: Yachting Promotions, Inc.

Palm Beach County Florida

File Location: \\FLDEPI\GIS\Users\Pavlov_N\Desktop\Desktop Projects\Current Projects\Palm Beach Boat Show\GIS\Palm_Beach_Boat_Show.aprx
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PROJECT DESCRIPTION

1. Location: 26°42'39.6439" Lat/ -80°2'52.3004 Long
Aquatic Preserve: No
Lake Worth Lagoon, Class III waters: Not approved for shellfish harvesting.
Designated Manatee County: Yes, with an approved Manatee Protection Plan.
Manatee Aggregation Area: No
Manatee Protection Speed Zone: 68C-22.024(1)(a)9. Slow Speed All Year. 300' shoreline buffer, including islands.
2. Preempted area: 1,078,315 square feet existing, 323,535 square feet additional proposed; 1,401,850 square feet total
Structure dimensions: 253,900 square feet total
Number of slips: 628 existing and 39 additional proposed; 667 total (all on sovereign submerged lands)
Number of mooring pilings: 0 existing and 0 additional proposed; 0 total
Vessels: 667 display vessels.
3. Liveboards: temporary live-aboard accommodations are authorized as outlined in specific permit condition No. 20 of the permit.
4. Sewage pump-out facility: prohibited in the Department of Environmental Protection (Department) environmental resource permit.
5. Fueling facility: prohibited in the Department environmental resource permit.
6. Maintenance/New dredging: Dredging is not authorized.

REQUIREMENTS/ASSESSMENTS/COMMENTS

1. DEP environmental resource permit: See attached "Consolidated Notice of Intent to Issue."
2. U.S. Army Corps of Engineers permit: a standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section provided recommendations on October 31, 2022, and have been addressed and included in the environmental resource permit. Palm Beach County is a designated manatee county with an approved manatee protection plan (MPP), and the FWC has determined that the proposed project is consistent with the MPP.
4. U.S. Coast Guard and the Florida Inland Navigation District (FIND) stated no objections to the project or proposed temporary relocation of the federal channel on July 8, 2022, and August 1, 2022, respectively.

5. Department of Agriculture and Consumer Services, Division of Aquaculture, Shellfish:
N/A
6. Department of State, Division of Historical Resources: The permit contains the following condition: If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, early colonial, or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work 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 notification shall be provided in accordance with Section 872.05, F.S.
7. Navigational data: The waterward extension of the structures will extend between 15% to 60% of the width of the waterway; however, approval for the temporary relocation of the navigation channel, including temporary navigation aids identifying the new temporary location, was given by the U.S. Coast Guard and FIND. The temporary location will still have the same width and depths for boaters, additionally temporary buoys will mark the channel and Marine Police Units will patrol during the event to ensure boaters know of the new location.
8. Riparian rights line setback: Meets the minimum 25-foot setback as outlined in Rule 18-21.004(3)(d), F.A.C.
9. Rule 18-21.004(1)(m), F.A.C., requires noticing for increases of preempted area by 10 percent or more. There were 521 property owners noticed within the 500-foot radius of the project, and one objection was received by the end of the comment period on November 23, 2022, while an additional letter was received after the commenting period ended.

A letter was received on November 16, 2022, by James Verrant. Mr. Verrant commented on the on-land security measures, negative noise impact from traffic, and environmental concerns of the lagoon bottom, flora and fauna, and wildlife from the Boat Show. A response to these comments, addressed by the Applicant, were sent to James J. Verrant on November 22, 2022, indicating that no dredging is proposed for the project, the channel relocation was approved by the U.S. Coast Guard (USCG) and the Florida Inland Navigation District (FIND), the temporary nature of the Boat Show (no more than 30 days total), manatee informational signs and the brief discussion of past benthic resource survey monitoring events that have occurred and no adverse impacts to benthic resources were observed.

A letter was also received on November 28, 2022, after the formal noticing period, by Henry Wulf, on behalf of Leisure Resorts LLC, with a concern related to navigation of the adjacent marina to the north. A response to this comment, addressed by the Applicant, was

sent to Mr. Wulf on December 5, 2022. This response detailed that the proposed lease modification is not extending any further towards the marina to the north than the current lease area footprint which is authorized under Lease No. 500028996 from April 4, 2019 to March 6, 2025. The proposed reconfiguration of the Boat Show footprint is being requested to extend further east, resulting in the relocation of the channel which has been approved by the USCG and FIND. The footprint was revised to include a minimum 25 foot setback from the northern riparian rights line. The Applicant has also offered to move the vessels located on the north side of the footprint in last before the Boat Show starts and have them be the first vessels to be moved out of the footprint once the show concludes, to ensure that the vessels along those northern most slips are there for the least amount, preventing any navigable concerns for the neighbor.

PUBLIC INTEREST STATEMENT

The subject project is not located within an aquatic preserve and will not result in the sale of sovereignty submerged lands. Therefore, to receive approval, the proposal is not specifically required by rule or statute to demonstrate that it is “in the public interest,” only that it is “not contrary to the public interest,” pursuant to 18-21.004(1) (a), F.A.C.

Based on the merits of the proposal, the applicant has given reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish, wildlife, or other natural resources, including public recreation and navigation. The proposal is consistent with the goals and objectives of the “Conceptual State Lands Management Plan” adopted by the Board of Trustees on March 17, 1981, and amended March 3, 1983, is consistent with the local government’s comprehensive plan, and will not interfere with the riparian rights of adjacent property owners.

Therefore, it is staff’s opinion that the proposal is not “contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the direction of the Board of Trustees.

EXISTING FACILITIES

- Term of lease: Five years; April 29, 2020 to March 6, 2025.
- Site inspection: April 17, 2022
- Compliance history: in compliance and all fees are current through April 17, 2022 (Rule 18-21.011, F.A.C.)
- Designated as a Clean Marina / Clean Boatyard / Clean Marine Retailer in the Clean Marina Program: No, facility is not a marina.
- Regulatory violations: Violation of 1995 regulatory permit; applicant expanded outside of previously deeded areas into sovereign submerged lands. Applicant conducted activities without a valid permit and lease in 2009.
- Regulatory fines or penalties: \$23,250 were collected in civil penalties for the violation of the 1995 regulatory permit and \$40,375 were collected in penalties for the 2009 violation.

SPECIAL LEASE CONDITION(S)

1. If the Lessee allows mooring at the leased facility of vessels occupied by a person or persons on an overnight basis, the Lessee shall notify the slip occupants in writing of the availability and requirements to use the sanitary facilities provide on the uplands.
2. The Lessee shall remove, and property dispose of all piling and docking structures by the end of the lease term.
3. All dock structures and vessels shall be contained within the boundaries of the leased premises and no portion of a vessel, including all parts and accessories such as outboard motors, bow pulpits, and swim platforms shall extent beyond the leased premises. Modification to the layout of the structures and vessels with the boundaries of the lease premises will be allowed; provided however, that on an annual basis the Lessee shall be required to provide the final layout to the State of Florida Department of Environmental Protection, Southeast District Office no later than 24 hours prior to the boat show's opening day. Any proposed changes to the layout which would alter or expand the boundaries of the leased premises shall require a permit modification and sovereign submerged lands lease modification, which shall be submitted, in the form of an application to the Southeast District Office, no later than 60 days prior to the commencement of construction.

FEE CALCULATION

CONSIDERATION DUE: **\$ 35,079.85**

(1)	Lease Fee: 1,401,850 sq. ft. x \$0.1919 / 365 days x 24 days =	\$33,166.23
(2)	Plus 25% Surcharge:	<u>\$1,913.62</u>

TOTAL CONSIDERATION DUE: \$ 35,079.85



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

In the matter of an Application for a Permit/Water Quality Certification and Authorization to Use Sovereign Submerged Lands by:

APPLICANT:

Yachting Promotions, Inc.
c/o Ricardo Strul, Vice President
1650th SE 17th Street, Suite 412
Fort Lauderdale, FL 33315

FILE No.: 50-0137959-009-EM

LEASE NO.: 500028996

COUNTY: Palm Beach

PROJECT NAME: Palm Beach International Boat Show

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND LEASE TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection (Department) gives notice of its intent to issue an Environmental Resource Permit (ERP) in accordance with Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the ERP constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act U.S.C. § 1341 and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456, unless expressly waived by the final permit.

The Department also gives notice of its intent to grant a lease modification to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described below, subject to any fees, special lease, easement, or consent of use conditions. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The Applicant, Yachting Promotions Inc., applied on June 17, 2022, for a permit, water quality certification, and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) for the reconfiguration of the Palm

Beach International Boat Show at the Flagler Drive location to annually construct and subsequently remove floating docks, dock ramps, and pilings and the release of the Flagler Museum location from the existing special event permit. The reconfiguration at the Flagler Drive location includes authorization of: 1) 667 slips available for the display of vessels; 2) installation of five buoys to temporarily shift the location of the federal channel further east; and 3) increasing the total preempted area from 1,078,315 square feet to approximately 1,401,850 square feet.

The activity is located within the Lake Worth Lagoon, Class III Waters, appurtenant to the City of West Palm Beach's riparian shoreline along Flagler Drive, between Royal Palm Way and Flagler Memorial Bridge, West Palm Beach (Section 22, Township 43 South, Range 43 East, in Palm Beach County (Latitude N 26°42'39.6439", Longitude W -80°2'52.3004").

The activity includes consideration of an application for a five-year sovereignty submerged land lease containing 1,401,850 square feet, more or less, for a special events lease, which requires payment of \$35,079.85, representing (1) \$33,166.23 as the initial prorated annual lease fee computed at the base rate of \$0.1919 per square foot, pursuant to section 253.0345(1)(b), F.S., and (2) \$1,913.62 as the one-time 25 percent surcharge payment for the new lease area of 323,535 square feet, pursuant to Rule 18-21.011(1)(b)1., F.A.C. Sales tax and county discretionary sales surtax will be assessed, pursuant to sections 212.031, and 212.054, F.S., if applicable.. Additionally, a \$716.66 lease processing fee was received on October 7, 2022.

II. AUTHORITY FOR REVIEW

The Department is authorized to grant this permit pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C. The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts (WMD), as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Rules 18-21.0040, 18-21.0051, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the WMD, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

Background

The Applicant first obtained a permit from the Department of Environmental Protection (Department) to operate the boat show in 1995. At the time, the Boat Show was only preempting City owned submerged lands; therefore a lease was not required to operate the temporary docking facility.

In 1998 it was discovered by Department in a newspaper article promoting the Boat Show that the temporary docks may have expanded onto sovereign submerged lands during the 1997 and 1998 shows. The Department met with Yachting Promotions where it acknowledged that the Boat Show expanded into the boundaries of sovereign submerged lands during the 1997 and 1998 shows, beyond what had been authorized through the original 1995 regulatory permit. After Yachting Promotions submitted surveys of the 1997 and 1998 Boat Shows, it was confirmed that the Boat Show had exceeded the City owned submerged land boundaries and had preempted 200,100 square feet (4.594 acres) of sovereign submerged lands during the 1997 and 1998 shows. Civil penalties for the regulatory violations were collected in the amount of \$23,250.

On March 9, 1999, the Board of Trustees approved assessing Yachting Promotions lease fees and arrears with interest in the amount of \$4,111.86 and a \$5,000 administrative fine for the 1997 and 1998 Boat Shows. The Board of Trustees also approved a 5-year Class IV special events lease containing 435,045 square feet (9.987 acres) to conduct the 621 slip Boat Show.

On October 3, 2003, Yachting Promotions submitted an application for a five-year lease renewal and to expand the Boat Show area by an additional 40,154 square feet from 435,045 square feet to 475,199 square feet (10.909 acres), a nine percent expansion. On March 13, 2004 the lease was renewed under delegation for a five-year term.

On July 31, 2007, the Board of Trustees accepted the conveyance of 370,695.6 square feet (8.51 acres) of City owned submerged lands back to the state. As a result of this conveyance, Yachting Promotions was required to obtain a lease modification to incorporate the previously City owned submerged lands into the lease.

On April 14, 2008, the Boat Show lease expired and on January 29, 2009 the special event permit expired. On March 3, 2009, DEP received a construction commencement notice that stated the dock installation would commence March 13, 2009 and breakdown on April 4, 2009.

On March 6, 2009, three days after receiving the construction commencement notice and approximately seven days prior to set up for the 2009 show, Yachting Promotions submitted an application to DEP requesting a time extension of the old permit. Since the permit and lease had already expired, the application initiated the processing of a new lease and permit.

The proposed lease modification would result in a net increase of greater than ten percent in the preempted area as the majority of submerged land within the proposed lease area was conveyed back to the state, as part of a July 31, 2007, Board of Trustees action. Based on the timing of the application submittal it was impossible to prepare a permit and an item to be reviewed by the Board of Trustees for approval and therefore the Boat Show was held without a valid permit or lease. Yachting Promotions was assessed \$26,250 in civil penalties for the regulatory violations, \$13,125 in administrative fines for the proprietary violations, and \$1,000 for costs and expenses, for a total of \$40,375. A consent order was executed on December 17, 2009, and all penalties had been paid.

On December 19, 2011, Yachting Promotions submitted an application to modify the previously issued regulatory permit to increase the amount of floating dock structure, increase the slip count,

revise permit conditions and incorporate portions of Lease No. 501708759 into their existing Lease No. 500028996

On November 14, 2014, Yachting Promotions submitted an application to modify the expiration date of their permit and an additional five years to the expiration from March 14th, 2015 to March 14th, 2020. A modification of the lease boundaries was also approved on August 5th, 2015.

On September 13, 2018, Yachting Promotions submitted an application that was withdrawn on October 1st, 2018.

On December 20, 2018, Yachting Promotions submitted an application to modify the configuration of the boat show including the removal of area previously apart of Lease No. 501708759 and the inclusion of area on the western side of the Intracoastal Waterway.

On February 27, 2020, Yachting Promotion submitted an application to modify the configuration of structures and authorization for the temporary relocation of the federal navigation channel for the duration of the event.

No further compliance or enforcement measures have been taken since. The last inspection by Department staff took place during February, 2021 and found no violations.

The current proposed modification now consists of removing portions of the lease area along the western side of the Intracoastal Waterway and expanding the lease area to accommodate the proposed reconfiguration of structures.

Under the current application, received on June 17, 2022, one formal request for additional information was sent on July 15, 2022. The response to the RAI was received on October 14, 2022, and included all items requested. However, it was considered a draft RAI response as noticing had not yet begun.

1. Noticing: Rule 18-21.004(1)(m), F.A.C., requires noticing for increases of preempted area by 10 percent or more. There were 521 property owners within the 500-foot radius of the project noticed and one objection was received by the end of the comment period; November 23, 2022, another objection was received after the formal noticing period.

A letter was received on November 16, 2022, by James J. Verrant. Mr. Verrant commented on the unsightly on-land security measures, negative noise impact from traffic and the associated grounds, and environmental concerns of the lagoon bottom, flora and fauna, and wildlife from the Palm Beach Boat Show. A response to these comments, addressed by the applicant, were sent to James J. Verrant on November 22, 2022 demonstrating that no dredging is proposed, the channel relocation was approved by the US Coast Guard (USCG) and the Florida Inland Navigation District (FIND), the temporary nature of the boat show (no more than 30 days total), manatee informational signs and the brief discussion of past benthic resource survey monitoring events that have occurred and no adverse impacts to benthic resources were observed. In addition upgrades by the applicant were also mentioned such as the replacement of the older Styrofoam floating

docks with new polyform docks, trash pick and disposal during and after the show, and trash receptacles with lids.

A letter was also received on November 28th 2022, after the formal noticing period, by Henry S. Wulf, on behalf of Leisure Resorts LLC with a concern related to navigation of the adjacent marina to the north. A response to this comment, addressed by the applicant, was sent to Henry S. Wulf on December 5, 2022. This response provided justification how the proposed lease modification is not extending any further north towards the neighbor's property than the current boat show footprint which is authorized under Lease No. 500028996 from April 4, 2019 to March 6, 2025. The proposed reconfiguration of the boat show footprint is being requested to extend further east, resulting in the relocation of the channel which has been approved by the USCG and FIND. The footprint was revised to include a minimum 25' setback from the northern riparian rights line. In addition, prior to 2015, the north neighbors existing structures extended approximately 220' from the northern extent of the boat show footprint. Additional finger piers were installed that are approximately 160' in length that extended further south, closer to the boat show footprint that is in place every year. The boat show also gave up their original lease boundaries to accommodate Leisure Resorts to build those additional docks to the south. The applicant also offered to move the vessels located on the north side of the footprint in last before the show starts and have them be the first vessels to be moved out of the footprint once the show concludes, to ensure that the vessels along those northern most slips are there for the least amount, preventing any navigable concerns for the neighbor.

Regulatory Basis of Issuance:

An Applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and/or abandonment of the projects regulated under this Chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands.
No impacts to water quantity to receiving waters and adjacent lands are expected under this application. Part III, A.H. Vol. II

Will not cause adverse flooding to on-site or off-site property.
No adverse flooding is expected to occur on or off-site. Part III, A.H. Vol. II

Will not cause adverse impacts to existing surface water storage and conveyance capabilities.
No adverse impacts as it related to surface water storage or conveyance capabilities are proposed with this project. Part III, A.H. Vol. II

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S.
This project is not expected to adversely affect the maintenance of surface or ground water levels or water flows. Part III, IV, and V, A.H. Vol. II, for SFWMD

Will not cause adverse impacts to a work of the District established pursuant to section 373.086, F.S..
No adverse impacts to works of the District are proposed with this project.

Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed.

Yes, the project is capable based on generally accepted engineering and scientific principles.

Will comply with any applicable special basin or geographic area criteria.

Yes, the project will comply with any applicable special basin or geographic area criteria. NFWFMD- Sections 13.0- 13. of Vol. II, Including Appendix A; SFWMD- 40E-41, 40E-61, and 40E-63; SWFWMD- N/A; SJWMD – Section 5.9 Vol. II; SRWMD- 40C-41, Sections 13.0-13.8.3 A.H. Vol. II, Part VI, Vol. II.

Environmental Conditions for Issuance

II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –

Halophila decipiens (paddle grass) with densities ranging from one to seventy-five percent coverage is located within the proposed project footprint; however, the applicant has proposed a temporary installment of floating dock structures for the Palm Beach Boat Show. Furthermore, all vessels will operate within sufficient depths and no dredging is proposed. The boat show is temporary in nature; therefore, no permanent impacts are expected. Turbidity curtains are proposed to be used during construction and I-beams associated with the floating docks shall be utilized to further reduce turbid conditions.

III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –

This project was forwarded to the Florida Fish and Wildlife Commission for their review and comments. The following conditions shall be included in the permit:

1. The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.
2. No vessel sea-trials (test or demonstration rides) associated with the boat show are authorized.
3. The permittee shall install and maintain manatee informational signs at each of the event locations to inform the boating public of the habitat and behavior of manatees and of the dangers boats can impose on them. The signs shall be installed in areas of high foot traffic and located so that event attendees have clear view of the signs. The on-site locations and types of signs must be acceptable to the Florida Fish and Wildlife Conservation Commission, which should be contacted at ImperiledSpecies@myfwc.com. The types of signs, sign vendors, and the process for FWC approval can be found at: <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. The signs shall be installed within five days prior to beginning of construction activities and remain in place until the end of the event.
4. Temporary wet slips associated with the event shall be deconstructed and removed as to not contribute to future permanent docking/mooring at this location.

IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I

Best management practices for erosion and turbidity control shall be implemented and maintained at all times during the project to ensure the turbidity levels do not exceed the state water quality standard in Class III waters (29 NTUs above background levels). Prior to the start of work, turbidity curtains will be deployed to isolate the proposed activity from ambient waters.

V. Public Interest Test – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C. 10.2.3, A.H. Vol. I –

Whether the activity will adversely affect public health, safety, or welfare or the property of others;

This proposed activity will not adversely affect public health, safety or welfare of the property of others. 10.2.3.1 A.H. Vol. I

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats;

All impacts are expected to be temporary. To ensure that the resources are unaffected by the proposed boat show, the permit has been conditioned to require a pre- and post-show seagrass survey along with an annual seagrass survey conducted in the middle of the growing season (May through August). If the seagrass surveys indicate that the operation of the boat show or the installation of pilings is causing a significant impact to the seagrasses, the boat show's layout, operation, or construction procedure shall be changes or modified to eliminate this impact and a mitigation plan shall be submitted to offset the impact from the prior show. If the impacts to seagrasses cannot be significantly reduced or eliminated, the Environmental Resource Permit and Special Events Lease may not be renewed or extended. The Department shall have the sole determination on whether significant impacts to seagrass have occurred and both the Department and the Applicant shall determine whether the show's layout, operation, and/or construction procedure needs to be changed or modified to allow the current configuration to continue. 10.2.3.2, A.H. Vol. I.

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling;

The federal channel was approved to be temporarily relocated by the United States Coast Guard on July 8, 2022, and by the Florida Inland Navigation District (FIND) on August 1, 2022. The proposed activity will not adversely affect navigation or the flow of water or cause harmful erosion or Shoaling. 10.2.3.3, A.H. Vol. I

Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

The proposed activity will not adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity. 10.2.3.4, A.H. Vol. I

Whether the activity is temporary or permanent in nature;

The activity will be temporary (30 days on an annual basis). 10.2.3.5, A.H. Vol. I

Whether the activity will adversely affect or will enhance significant historical and archeological resources;

The activity will not involve any dredging or excavating of submerged lands or uplands. Therefore, the project is not expected to adversely affect significant historical and archeological resources. 10.2.3.6, A.H. Vol. I

The current condition and relative value of functions being performed by areas affected by the proposed activity;

The current condition and relative value of functions are not expected to be adversely impacted by the project as all impacts shall be temporary. 10.2.3.7, A.H. Vol. I

VI. Water Quality – 10.2.4, A.H. Vol. I –

Short term water quality considerations – 10.2.4.1, A.H. Vol. I – Specific conditions in the permit require the use of turbidity curtains during construction and require BMPs such as requiring all watercraft associated with the construction operate in waters of sufficient depth to preclude bottom scouring or prop dredging.

Long term water quality considerations – 10.2.4.2, A.H. Vol. I – Long term water quality conditions are not anticipated to be affected by this project. The project is temporary in nature and is expected to have only temporary impacts. All vessels will be moored at sufficient depth to eliminate prop scouring. Additionally, the permit has been conditioned to require turbidity curtains to be installed during all installation and removal procedures of structures, limiting the storage of materials on site and limiting only to uplands, maintaining best erosion management practices at all times, requiring removal of all debris, detritus, and oil residue from the water body before, during, and after the boat show, minimizing impact of vessels on water quality such as limiting movement of vessel during show, and limiting liveaboard vessels, prohibiting fish cleaning stations, boat repairs, fueling facilities, pump-out stations, and restroom facilities over surface waters.

Additional Water Quality considerations for docking facilities – 10.2.4.3, A.H. Vol. I – The boat show shall be served by upland restroom facilities that are open 24 hours a day and are designated and operated in accordance with the requirements of the appropriate county and state health agencies. Vessel sewage pumpout facilities are prohibited at the boat show and the lessee shall notify all slip occupants in writing of the availability and requirement to use the sanitary facilities provided on the uplands. The discharge of marine toilets from vessels moored at the boat show is prohibited by the permit. Fueling facilities are also prohibited.

VII. Class II Waters; Waters Approved for Shellfish Harvesting – 10.2.5 A.H. Vol. I –

The project is not located within Class II waters. No impacts to shellfish or the ability to harvest shellfish is expected.

VIII. Vertical Seawalls – 10.2.6 A.H. Vol. I –

No vertical seawalls are being proposed under this application.

IX. Secondary Impacts – 10.2.7 A.H. Vol. I –

The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in subsection 10.2.7, ERP A.H. Volume I. Any secondary impacts from the dock installation will be temporary.

The upland portions of the proposed project do not contain habitats that are critical for the breeding, nesting and denning of wetland-dependent, threatened or endangered species, pursuant to Section 10.2.7(b), ERP A.H. Volume I.

No adverse unacceptable impacts to cultural resources are anticipated to result from this proposed project, pursuant to Section 10.2.7(c), ERP A.H. Volume I.

Adverse wetland impacts that may be caused by future phases of the project or activities that are closely linked and causally related to the project will not occur since there are no known future phases. Therefore, this project is not anticipated to cause adverse secondary impacts to wetlands, pursuant to Section 10.2.7(d), ERP A.H. Volume I.

Therefore, it has been determined that the Applicant has provided reasonable assurances that the proposed activities will not result in unacceptable secondary impacts, as defined in subsection 10.2.7, ERP A.H. Volume I.

X. Cumulative Impacts – 10.2.8 A.H. Vol. I –

The project proposes only temporary impacts. Therefore, the activity will have no unacceptable cumulative impacts upon wetlands and other surface waters.

XI. Mitigation – 10.3 A.H. Vol. I –

Mitigation is not required due to impacts being only temporary. However, the permit has been conditioned to require a pre- and post-show seagrass survey along with an annual seagrass survey conducted in the middle of the growing season (May through August). If the seagrass surveys indicate that the operation of the boat show or the installation of pilings is causing a significant impact to the seagrasses, the boat show's layout, operation, or construction procedure shall be changes or modified to eliminate this impact and a mitigation plan shall be submitted to offset the impact from the prior show. If the impacts to seagrasses cannot be significantly reduced or eliminated, the environmental resource permit and special events lease may not be renewed or extended.

B. Specific Regulatory Basis for Issuance

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the Applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction

and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The Applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and/or specific conditions to the lease, the Applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., associated Rule(s) 18-21, F.A.C., and the policies of the Board of Trustees. The Applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest";
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the Applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The Applicant shall provide proof of publication to:

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406

The proof of publication shall be provided to the above address within 30 days of issuance of intended agency action, or within 21 days of the date of publication, whichever occurs sooner. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and lease to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) and lease to use sovereign submerged lands, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, 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 subsequent order may modify or take a different position than this action.

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, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

EXECUTION AND CLERKING

Executed in [Insert City], Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

[Name of Signatory]

[Title of Signatory]

Attachment(s):

1. Draft Permit No. X

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Name, company, email address

(FDEP employees can be listed here OR in the email routing template to mail centralization.)

FILING AND ACKNOWLEDGMENT

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

Clerk

Date



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Project Name: Palm Beach International Boat Show

Permittee/Authorized Entity:

Yachting Promotions, Inc.
c/o Ricardo Strul, Vice President
1650th SE 17th Street, Suite 412
Fort Lauderdale, FL 33315
Email: Ricardo.Strul@informa.com

Authorized Agent:

The Chappell Group Inc.
c/o Tyler Chappell, Vice President
Email: tyler@thechappellgroup.com

Environmental Resource Permit - Granted

**State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

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

Permit No.: 50-0137959-009-EM
Modification of Permit No.: 50-0137959-003, 004, 005, 007, 008
Lease File No.: 500028996

Permit Issuance Date:

Permit Construction Phase Expiration Date: 2028

Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization

Permit No.: 50-0137959-009-EM

PROJECT LOCATION

The activities authorized by this permit and state-owned submerged lands authorization are located within the Lake Worth Lagoon, Class III Waters, appurtenant to the City of West Palm Beach's riparian shoreline along Flagler Drive, between Royal Palm Way and Flagler Memorial Bridge, West Palm Beach (Section 22, Township 43 South, Range 43 East, in Palm Beach County (Latitude N 26°42'39.6439", Longitude W -80°2'52.3004").

PROJECT DESCRIPTION

This permit authorizes the reconfiguration of the Palm Beach International Boat Show at the Flagler Drive location to annually construct and subsequently remove floating docks, dock ramps, and pilings and the release of the Flagler Museum location from the existing special event permit. The reconfiguration at the Flagler Drive location includes authorization of: 1) 667 slips available for the display of vessels; 2) installation of five (5) buoys to temporarily shift the location of the federal channel further east, as depicted on the attached plans; and 3) increasing the total preempted area from 1,078,315 square feet to approximately 1,401,850 square feet. The total duration of the event, including installation of structures, the boat show, and removal of structures, shall not exceed 30 days. The temporary structures are to be located as shown on the attached permit drawings and are indexed as follows:

Number of Structures	Description
12	5 ft. x 20 ft. temporary floating dock
15	10 ft. x 10 ft. temporary floating dock
240	10 ft. x 20 ft. temporary floating dock
3	10 ft. x 25 ft. temporary floating dock
480	10 ft. x 40 ft. temporary floating dock
10	4 ft. x 22 ft. dock ramp (with platforms)
12	Temporary floating triangles (various sizes)
32	10 ft. x 20 ft. temporary electrical floating dock
18	Fire pumps
76	Fire extinguisher
2	Terminator
180	Steel 12w48 I-beam piling
667	Exhibitor boat

This permit authorizes approximately 253,900 square feet of work within other surface waters. *Halophila decipiens* (paddle grass) with densities ranging from one to seventy-five percent coverage is located within the proposed project footprint. However, this permit does not anticipate any permanent impacts to the existing submerged resources located within the project boundaries due to the temporary nature of the event, construction methodologies and assurances provided by the submitted pre, post, and in-season benthic resource surveys from previous show events.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work.

Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

AUTHORIZATIONS

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.,

On **January 17, 2023**, the Board of Trustees granted authority for the Department, acting as staff to the Board of Trustees, in accordance with sections 253.002, F.S., to proceed with issuance of a lease for the use for the activity described.

The final documents required to execute the lease modification will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the lease modification, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Consolidated Intent to Issue. **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 their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <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

Project Name: Palm Beach Boat Show
Permit No.: 50-0137959-009-EM
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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 & SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**
- **The limits, conditions and locations of work shown in the attached drawings, and**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – EXECUTION OF PROPRIETARY DOCUMENTS

(1) The terms, conditions, and provisions of the required lease shall be met. **Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease agreement documents have been executed to the satisfaction of the Department.**

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(2) The attached project drawings (sheets 1 through 4); the attached 10-year Boat Show Calendar, the Standard Manatee Conditions for In-Water Work, 2011, which can be downloaded at http://myfwc.com/media/415448/Manatee_StdCondIn_waterWork.pdf; and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this

permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

(3) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(4) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600, to schedule the pre-construction conference.

(5) The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 18-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

(6) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. Additionally, staked erosion control devices shall be placed around the upland project area and any upland staging areas. All submerged resources, and surface waters outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring. Staked erosion control devices shall also be maintained and shall remain in place for the duration of the project construction to ensure that turbid discharges into wetlands or surface waters do not occur. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(7) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via upland roadways and barges and all equipment/tools and materials shall be stored on the uplands.

(8) All watercraft associated with the construction of the permitted activities shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged bottom) so as to preclude bottom scouring or prop dredging.

(9) The following construction requirements shall be adhered to:

- a. The installation of the pilings and temporary floating docks shall begin no sooner than 14 days prior to the first scheduled day of each event.
- b. The assembly of the floating dock and access ramps with staging area shall take place in the uplands. The pilings shall be installed by pile driving. All material and equipment access shall be by barge with a maximum draft of two feet and tug with a maximum draft of 3.5 feet.
- c. No dredging, including any associated with barge access, is authorized by this permit.

(10) Temporary pilings shall not be treated with any chemical compounds. All temporary pilings shall be pulled out during the facility breakdown. Removal of the pilings done by any other method is specifically not authorized by this permit.

(11) No fueling facilities shall be installed or operated on the temporary docking facilities that are authorized herein.

(12) There shall be no fish cleaning stations, boat repair facilities and fueling facilities on any structure that is over water.

(13) There shall be no restroom facilities installed or operated on the docking facilities authorized in this permit. The boat show shall be served by upland restroom facilities which are designated and operated in accordance with the requirements of the appropriate county and state health agencies.

(14) All dock structures and vessels shall be contained within the boundaries of the leased premises and no portion of a vessel, including all parts and accessories such as outboard motors, bow pulpits, and swim platforms may extend beyond the leased premises. Modifications to the layout of the structures and vessels within the boundaries of the leased premises will be allowed; provided however, that on an annual basis the Lessee shall be required to provide the final layout to the State of Florida Department of Environmental Protection, Southeast District Office no later than 24 hours prior to the boat show's opening day. Any proposed changes to the layout which would alter or expand the boundaries of the leased premises shall require a permit modification and sovereign submerged lands lease modification, which shall be submitted, in the form of an application, to the Southeast District Office no later than 60 days prior to commencement of construction.

(15) The permittee shall conduct pre-event and post-event seagrass surveys within 30 days prior to the event and 30 days following the event respectively. The pre- and post-seagrass surveys and report shall be submitted to the Department within 45 days after the breakdown of the show. In addition, the permittee shall submit a third seagrass survey conducted in the middle of the

growing season (May through August) to provide an accurate representation of the seagrass habitat at the boat show site and submitted to the Department within 30 days of the date of the survey. If the post-event seagrass survey or summer seagrass survey indicate that there was direct damage to seagrass as a result of boat show activities (eg. prop dredging, annual pile installation and removal), mitigation may be required. The permittee shall coordinate with the Southeast District Office and submit a mitigation plan to the Department for review and approval within 60 days of the breakdown of the show.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(16) Test driving of vessels (demonstration rides) associated with the boat show is prohibited. The displayed vessels will be secured to the docks for the term of the boat show.

(17) The following activities are prohibited at the facility:

- a. Boat maintenance or repair activities requiring removal of a vessel from the water or removal of any major portions of the vessel, including the engine, for purposes of routine maintenance on site.
- b. Hull cleaning involving the scraping or jet washing of fouling organisms.
- c. Hull painting.
- d. Any discharges or release of oils or greases associated with engine and hydraulic repairs.

(18) The following activities are authorized at the facility:

- a. Removal of a vessel that is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel.
- b. Minor repairs and boat maintenance that will not cause or contribute to the release of water pollutants (these activities must be performed by the vessel's owner or qualified marine mechanics).

(19) The permittee shall remove all debris, detritus, and oil residue from the water body before, during, and after the boat show in accordance with all applicable federal, state, and local regulations.

(20) This permit authorizes temporary live-aboard accommodations for crews during the boat show for safety/security purposes only. The vessels that house the crews as temporary live-aboard crew shall have sufficient holding tank capacity to accommodate overnight usage without having to discharge for the duration of the boat show event.

(21) Vessel sewage pump-out facilities are prohibited at the boat shows and the lessee shall notify all slip occupants in writing of the availability and requirement to use the sanitary facilities provided on the uplands. The discharge of marine toilets from vessels moored at the boat show is prohibited.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

(22) All pilings associated with the floating docks shall be I-Beams in order to minimize turbidity. The permittee shall be responsible for controlling erosion and turbidity during all phases of the installation and the breakdown of the facility authorized by this permit. Monitoring for turbidity shall be conducted for the duration of the project. Samples shall be taken every four hours. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities. Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions. e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

(23) Water turbidity levels shall be monitored for the duration of the project and samples shall be taken every four hours at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(24) During construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations

- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's Compliance Assistance Program at SED_Compliance@FloridaDEP.gov. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

- (25) Narrative progress reports shall be submitted within 45 days after the breakdown of the facility, on an annual basis to the Department indicating the annual status of the shows. The cover page shall indicate the permit number, project name, and the permittee name. The first report shall be submitted within 45 days after the breakdown of the facility and reports shall continue to be submitted on an annual basis as described above. The reports shall include the following information:
- a. Dates of the show; dates of installation and breakdown of the facility;
 - b. Turbidity monitoring information;
 - c. Seagrass survey and report;
 - d. Any proposed or anticipated changes for next year's show; and
 - e. This report shall include, on the first page just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the annual period covered by this report."

SPECIFIC CONDITIONS- OPERATION & MAINTENANCE

(26) No vessel sea-trials (test or demonstration rides) associated with the boat show are authorized.

(27) Temporary wet slips associated with the event shall be deconstructed and removed as to not contribute to future permanent docking/mooring at this location.

(28) The permittee shall remove all debris, detritus, and oil residue from the water body before, during, and after the boat show in accordance with all applicable federal, state, and local regulations.

(29) The scheduled dates for the next ten years of the Palm Beach Boat Show are provided as an attachment. Dock and piling installation shall commence two weeks prior to the start of the show. Temporary mooring of the approximate 667 display vessels for the show shall commence one week prior to the start of the show. Docks and pilings shall be removed one week after the last day of the show. Construction activities associated with the Boat Show, from start to finish, shall not exceed 30 days.

(30) If the permittee proposes to deviate from the scheduled dates or from the permitted design of any of the temporary docking facilities, a request to modify the permit must be submitted

to the Submerged Lands & Environmental Resources Program -Southeast District at least 90 days prior to the intended date of use. If the permittee proposes to increase the square footage of the lease boundary, a request to modify the permit must be submitted to the Submerged Lands & Environmental Resources Program -Southeast District at least 180 days prior to the intended date of use of the project and shall be required to be reviewed by the Board of Trustees (BOT).

(31) A renewal request for this permit shall be submitted to the Submerged Lands & Environmental Resource Program - Southeast District at least 60 days prior to the expiration date, regardless of whether or not any changes to temporary structures or designs have been made.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

(32) The permittee shall install and maintain manatee informational signs at each of the event locations to inform the boating public of the habitat and behavior of manatees and of the dangers boats can impose on them. The signs shall be installed in areas of high foot traffic and located so that event attendees have clear view of the signs. The on-site locations and types of signs must be acceptable to the Florida Fish and Wildlife Conservation Commission, which should be contacted at ImperiledSpecies@myfwc.com. The types of signs, sign vendors, and the process for FWC approval can be found at: <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. The signs shall be installed within 5 days prior to beginning of construction activities and remain in place until the end of the event.

(33) The permittee shall comply with the standard manatee protection construction conditions listed in the attached “2011 Standard Manatee Conditions for In-Water Work”.

SPECIFIC CONDITIONS – LISTED SPECIES

(34) 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 applicant 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, 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 FWCConservationPlanningServices@MyFWC.com.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., 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

Department 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 Department a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., 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. If available, an Department website that fulfills this notification requirement may be used in lieu of the form.

(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 Department, 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 Operational 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 12.3.3 of Volume I) as filed with the 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 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 Department in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Department 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 Department in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Department 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 any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work 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 notification shall be provided in accordance with section 872.05, F.S.

(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 Department 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.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the Applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The Applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the Applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

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

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

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

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

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 West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jason Andreotta
District Director
Southeast District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Jason Andreotta, Danielle Sattelberger, John Tracey, David Carey-Kearney

Matt Mitchell, Palm Beach County, Environmental Resources, mmitchell@pbcgov.org

FFWCC- Boating and Waterways Section, Waterway Management Unit,
waterway.management@myfwc.com

Tyler Chappell, The Chappell Group Inc, tyler@thechappellgroup.com

Jena Robbins, The Chappell Group Inc, jena@thechappellgroup.com

Kathryn Bongarzone, The Chappell Group Inc, kathryn@thechappellgroup.com

FILING AND ACKNOWLEDGMENT

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

Clerk

Date

Attachments:

Project Name: Palm Beach Boat Show
Permit No.: 50-0137959-009-EM
Page 15 of 16

Project Drawings and Design Specs., 4 pages

Standard Manatee Conditions for In-Water Work, 2011, can be downloaded at

http://myfwc.com/media/415448/Manatee_StdCondIn_waterWork.pdf

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)*

Commencement Notice Form 62-330.350(1)*

*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

DRAFT

McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309
PHONE (954) 763-7611 * FAX (954) 763-7615

LEGAL DESCRIPTION
PALM BEACH BOAT SHOW
IN LAKE WORTH SECTION 22-43S-43E
SHEET 3 OF 4 SHEETS
Legal Description Proposed Lease Area

A portion of sovereign submerged land lying in Lake Worth Lagoon in Section 22, Township 43 South, Range 43 East, and lying East of MAP OF THE TOWN OF WEST PALM BEACH, according to the plat thereof recorded in Plat Book 1, Page 2, of the public records Palm Beach County, Florida, more fully described as follows:

Commencing(1) at the intersection of the centerline of Datura Street and the centerline of Olive Street, as shown on said MAP OF THE TOWN OF WEST PALM BEACH; thence South 88°48'26" East, on the said centerline of Datura Street, and the Easterly extension thereof, a distance of 1015.16 feet to a point on the Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon and a point on a curvature, being the Point of Beginning; thence Northeasterly on the Easterly wetface of a seawall and on the mean high water line of Lake Worth Lagoon being a curve to the left, whose chord bears North 26°58'32" East, with a radius of 810.07 feet and a central angle of 05°03'08", an arc distance of 71.43 feet to a point of compound curvature; thence Northeasterly on said Easterly wetface of a seawall and on the mean high water line of Lake Worth Lagoon, being a curve to the left, whose chord bears North 15°36'46" East, with a radius of 601.86 feet and a central angle of 23°11'15", an arc distance of 243.57 feet to a point of compound curvature; thence Northwesterly on the Easterly wetface of said seawall and the mean high water line of Lake Worth Lagoon, being a curve to the left, whose chord bears North 03°39'44" West, with a radius of 424.34 feet and a central angle of 15°21'46", an arc distance of 113.78 feet; thence South 88°20'27" East, on the South line of that certain Submerged Land Lease, Number 501808759, Prepared 3/11/16 a distance of 419.81 feet; thence South 08°14'59" East, on a line 125.00 feet Westerly of and parallel with the centerline of the channel (Cut P-39) in the Intracoastal Waterway, a distance of 240.97 feet; thence South 70°55'34" East, a distance of 378.28 feet; thence South 04°20'45" East, a distance of 244.10 feet; thence South 05°39'20" West, a distance of 426.34 feet; thence South 19°04'26" West, a distance of 329.99 feet; thence North 70°55'34" West, a distance of 60.74 feet; thence South 19°04'26" West, a distance of 41.88 feet; thence North 70°55'34" West, a distance of 206.89 feet; thence South 19°04'26" West, a distance of 58.45 feet; thence North 70°55'34" West, a distance of 381.57 feet; thence North 19°04'26" East, a distance of 95.76 feet to a point on the Northerly line of the Corp of Engineers, U.S. Army Permit Line; thence Westerly on said North line the following three (3) courses and distances; 1) thence South 84°22'36" West, a distance 114.08 feet; 2) thence South 68°41'40" West, a distance of 103.79 feet; 3) thence South 83°45'23" West, a distance of 53.07 feet to the end of the said three (3) courses and distances; thence South 06°42'12" West, a distance of 669.79 feet; thence North 83°17'25" West, a distance of 270.30 feet to a point on the Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon being a point on a curve; thence Northeasterly on the Easterly wetface of a seawall and mean high water line of Lake Worth Lagoon, being a curve to the right, whose chord bears North 04°35'37" West, with a radius of 601.25 feet and a central angle of 25°14'31", an arc distance of 264.88 feet to a point of tangency; thence North 06°51'20" East on the said Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon, a distance of 208.74 feet; thence North 06°55'39" East, on the Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon, a distance of 129.63 feet to a point of curve; thence Northeasterly on the Easterly wetface of a seawall and mean high water line of Lake Worth Lagoon, being a curve to the right, whose chord bears North 07°59'43" East, with a radius of 271.26 feet and a central angle of 09°21'21", an arc distance of 44.29 feet to a point of tangency; thence North 12°40'24" East, a distance of 78.52 feet; thence North 16°27'21" East, a distance of 99.18 feet to a point on a curvature; thence Northeasterly on the Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon, and on a curve to the right, whose chord bears North 25°19'15" East, with a radius of 500.00 feet and a central angle of 17°43'49", an arc distance of 154.73 feet to a point of tangency; thence North 34°11'10" East, a distance of 502.28 feet; thence Northeasterly on the Easterly wetface of a seawall and the mean high water line of Lake Worth Lagoon, being a curve to the left, whose chord bears North 31°50'38" East, with a radius of 810.07 feet and a central angle of 04°41'04", an arc distance of 66.23 feet to the Point of Beginning.

Said land situate, lying and being the City of West Palm Beach, Palm Beach County, Florida, and containing 1,401,850 square feet or 32.1820 acres more or less.

CERTIFIED TO:
THE BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BSM APPROVED

FIELD BOOK NO. SEW

BY

DRAWN BY: JMMjr

JOB ORDER NO. V-4009

CHECKED BY:

DATE

12/8/22

C: JMMjr/2019/V4009 (BASE)