



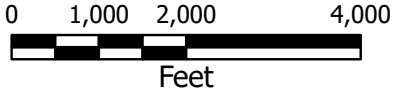


-  Proposed SSL Lease Area
-  Privately Owned SSL (Deed No. 23833)
-  City/County Managed Conservation Lands
-  Private Managed Conservation Lands



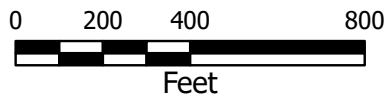
Atlantic Point Marina — Lease No. 430026158
Applicant: Middle Island Management and Development, LLC

Martin County Florida

File Location: \\floridadep\data\W\Counties\Martin\SSL-ATLANTIC POINT MARINA\SSL_Atlantic_Point_Marina\GIS\SSL_Atlantic_Point_Marina.aprx
 Date Saved: 11/2/2022 1:26 PM
 Map Created By: K. Wyko



- Proposed SSL Lease Area
- Previous SSL Lease Area
- Privately Owned SSL (Deed No. 23833)



Atlantic Point Marina — Lease No. 430026158
Applicant: Middle Island Management and Development, LLC

Martin County Florida

File Location: \\floridadep\data\W\Counties\Martin\SSL-ATLANTIC POINT MARINA\SSL_Atlantic_Point_Marina\GIS\SSL_Atlantic_Point_Marina.aprx
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 Map Created By: K. Wyko

PROJECT DESCRIPTION

1. Location: 27°12'24.1191" Lat / -80°15'38.5310" Long
Aquatic Preserve: No
Waterbody Name and Classification: St. Lucie River, Class III Waters, Not Approved Shellfish Harvesting Area
Designated Manatee County: Yes, with an approved Manatee Protection Plan
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Slow Speed All Year Within 200' of all faces of bridges, locks & water control structures.
2. Preempted area (square feet): 34,688 existing, 295,048 proposed; 329,736 total
Structure dimensions: Various dimensions of docks, finger piers, fixed platforms and gangways for a total square footage amount of approximately 29,382.3 square feet.
Dredge: 31,395 cubic yards of sovereignty material (41,233 cubic yards total)
Number of Slips: 121 (82 on sovereignty submerged lands).
Vessels: Commercial – recreational, water taxi and police vessels
3. Liveboards: Liveboards are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
4. Sewage pump-out facilities: Sewage pump-out facilities are authorized and required to be fixed and connected to a central sewage system; portable pump-outs are also authorized.
5. Fueling facilities: Fueling facilities are authorized in the Department's environmental resource permit.
6. Maintenance/New dredging: Dredging will be allowed on private submerged lands and in authorized areas of the lease to provide sufficient depth of -9 feet at mean low water for mooring of vessels. An approximately 31,395 cubic yards of sovereignty material will be dredged with 41,233 cubic yards dredged in total. Maintenance dredging will be 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. The proposed structure was reviewed by the Army Corps of Engineers' Navigation Division in June 2022, and no objections were found.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: Recommended the following on July 25, 2022: (1) The Standard Manatee Construction Conditions for In-water Work (2011) shall be followed for all in-water activity. (2) While performing backfilling between the bulkheads, it is important to ensure that manatees or sea turtles do not become entrapped during sheet pile installation or gain access after the sheet pile has been installed and before filling work has been completed. If a manatee or sea turtle becomes entrapped, the area shall be opened to allow the manatee or turtle to leave of its own volition. It shall not be herded or harassed into

leaving the area. (3) The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged, or faded.

4. Cultural 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, 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.
5. Riparian rights line setback: The proposed lease boundary complies with the required setbacks.
6. Compliance: The facility is in compliance and all fees are current through July 6, 2022. The last compliance site inspection was conducted on March 21, 2022. Staff noted that the existing dock structure has been removed from the lease area and that no structure has replaced it.
7. Noticing: Rule 18-21.004(1)(m), F.A.C., requires noticing for new leases. Fifty-three property owners within a 500-foot radius of the project were noticed and no objections were received by May 24, 2022, the end of the comment period.

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 required to demonstrate that it is “not contrary to the public interest,” pursuant to Rule 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 existing conditions and will not significantly impact fish, wildlife and other natural resources, including public recreation and navigation.

Therefore, it is the Department’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.

EXISTING FACILITIES

The existing facility and lease were granted for the use of sovereign submerged lands on October 1, 1997. This lease authorized a private docking facility for the mooring of test boats, which were to be used in conjunction with the upland marine engine and testing facility. Subsequent lease modifications were for renewals and lessee name changes until October 13, 2020, when Middle Island Management and

Development LLC became the new, and current, lessee. The proposed modification now consists of redeveloping the current lease and upland facility into a public commercial marina operation.

An ERP individual permit (43-204141-004) was issued on August 23, 2022. This permit authorized the Applicant to construct a stormwater management system as a part of proposed upland redevelopment.

SPECIAL LEASE CONDITION(S)

1. Lessee shall maintain in an active status all required state and federal permits during the term of this lease and during any subsequent renewals.
2. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition.
3. A minimum of ninety percent of the wet slips at the docking facility shall be made available for rent to the general public on a “first come, first served” basis, as defined in Rule 18-21.003, F.A.C., with no longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with and to assist in providing public awareness of this requirement, the lessee shall erect permanent signs at the waterward entrance to the docking facility that are clearly visible to passing boaters and at the upland entrance to the docking facility that are clearly visible to the general public. The signs shall contain language clearly indicating that a minimum of ninety percent of the wet slips at the docking facility are available for rent to the general public. Any dockage rate sheet publications and dockage advertising for the docking facility shall clearly state that a minimum of ninety percent of the wet slips at the docking facility are open to the general public on a “first come, first served” basis.
4. Vessels using the docking facility for temporary or permanent mooring shall be limited to those with a maximum draft of eight feet as measured from the water’s surface to either the bottom of the vessel’s propulsion unit, fully trimmed down, or to the deepest part of the vessel, whichever is deeper.

FEE CALCULATION

CONSIDERATION DUE: \$97,692.12

(1)	Lease Fee 329,736 sq. ft. x \$0.1919 =	\$63,276.34
	Less 30% Discount (lease fee above x .30 =)	-\$18,982.90
(2)	Plus 25% Surcharge on the additional area (proposed 329,736 sq. ft. – 34,688 existing sq. ft. = 295,048 sq. ft. x \$0.1919 = \$56,619.71 x .25 =)	\$14,154.93
(3)	Dredge Severance Fee: 31,395 cu. ft. x \$1.25	\$ 39,243.75
	TOTAL CONSIDERATION DUE:	<hr/> \$ 97,692.12



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:

Middle Island Management and Development
LLC,c/o Jeff Hardin
75 NW Flagler Ave
Stuart, FL 34994-1147

FILE No.: 43-0204141-003-EI

LEASE NO.: 430026158

COUNTY: Martin

PROJECT NAME: Atlantic Point Yacht Club & Marina

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 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, Middle Island Management and Development LLC, applied on December 6, 2021, to the Department 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 following activities: 1) construction of a 576-slip (121 wet slips and 455 dry storage slips) commercial docking facility consisting of approximately 29,382 sq. ft. of dock

structure; 2) installation of a 23,693 sq. ft. wave attenuator; 3) installation of 619 cubic yards of new riprap to extend a maximum of 8 ft. waterward of the existing seawalls; 4) removal of 186 linear feet of existing seawall to match the new seawall alignment previously authorized under File No. 43-0204141-002-EE; and 5) dredging 41,233 cubic yards of material, 31,395 cubic yards on sovereign submerged lands, within an approximately 275,735 sq. ft. area to a maximum dredge depth of minus nine (-9) feet at mean low water.

The activity is located at 75 NW Flagler Avenue, Stuart, Section 32, Township 37 South, Range 41 East (27°12'24.1191" , -80°15'38.5310"), adjacent to the St. Lucie River, a Class III water.

The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 329,736 square feet, more or less for a commercial marina, which requires payment of \$97,692.12, representing (1) \$44,293.44 as the initial annual lease fee computed at the base rate of \$0.1919 per square foot for the total of 329,736 square feet, discounted 30 percent because 90 percent of the slips are open to the public for rent on a first-come, first served basis, pursuant to Rule 18-21.011(1)(b)2., F.A.C.; (2) \$14,154.93 as the one-time 25 percent surcharge payment for the new lease area of 295,048 square feet, pursuant to Rule 18-21.011(1)(b)3., F.A.C.; and (3) \$ 39,243.75 for the severance of 31,395 cubic yards of sovereignty material computed at the rate of \$1.25 per cubic yard pursuant to Rule 18-21.011(3)(a)3., F.A.C.. The lease fee shall be adjusted based on six percent of the annual income if it proves to be greater than the fee computed at the base rate, pursuant to Rule 18-21.011(1)(a)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.

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, 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. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, sections 253.002 and 253.77, F.S., sections 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 water management districts, 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:

A lease was granted for the use of sovereign submerged lands on October 1, 1997. This lease authorized a 10-slip private docking facility for the mooring of test boats, which were to be used in conjunction with the upland marine engine and testing facility. Subsequent lease modifications were for renewals and lessee name changes until October 13, 2020, when Middle Island Management and Development LLC became the new, and current, lessee. The proposed modification now consists of redeveloping the current lease and upland facility into a commercial marina operation.

The facility is in compliance and all fees are current through July 6, 2022. The last compliance site inspection was conducted on March 21, 2022. Staff noted that the existing dock structure has been removed from the lease area and that no structure has replaced it.

An exemption, pursuant to Rule 62-330.051(12)(b), F.A.C., was verified on October 1, 2021, for the replacement of 1,124 linear feet of existing seawall on site.

Under the current application, received on December 6, 2021, two (2) formal requests for additional information were sent, one on January 5, 2022 and one on June 24, 2022.

Noticing for the proposed use of sovereign submerged lands occurred between May 3, 2022 and concluded on May 24, 2022. No comments were received during that time.

B. Specific Regulatory Basis of 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
c/o John Tracey
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, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the 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 **West Palm Beach**, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jason Andreotta
District Director
Southeast District

Attachment(s):

Draft Permit
Survey and legal description
Project drawings

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:

Danielle Sattelberger, Norva Blandin, John Tracey, Robert Mullins

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: Atlantic Point Yacht Club & Marina

Permittee/Authorized Entity:

Middle Island Management and Development LLC
c/o Jeff Hardin
451 NW Federal Highway 1
Stuart, FL 34994-2801
Email: jeff.hardin@Straticon.com

Authorized Agent:

Terragon Engineering LLC
c/o Jeffrey P Anton
Email: antonpe@comcast.net

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.: 43-0204141-003-EI
Lease No.: 430026158

Permit Issuance Date:

Permit Construction Phase Expiration Date: 2027

**Consolidated Environmental Resource Permit and
Recommended Intent to Grant State-owned Submerged Lands Authorization**

Permit No.: 43-0204141-003-EI

PROJECT LOCATION

The activities authorized by this Permit and state-owned submerged lands authorization are located within the St. Lucie River, Class III Waters, adjacent to 75 NW Flagler Avenue, Stuart (Section 32, Township 37 South, Range 41 East), in Martin County (Latitude N 27°12'24.1191", Longitude W -80°15'38.5310").

PROJECT DESCRIPTION

This permit authorizes the following activities: 1) construction of a 576-slip (121 wet slips and 455 dry storage slips) commercial docking facility consisting of approximately 29,382 square feet of dock structure; 2) installation of a 23,693 square feet wave attenuator; 3) installation of 619 cubic yards of new riprap to extend a maximum of eight feet waterward of the existing seawalls; 4) removal of 186 square feet of existing seawall to match the new seawall alignment previously authorized under File No. 43-0204141-002-EE; and 5) dredging 41,233 cubic yards of material, of which 31,395 cubic yards is sovereignty material, within an approximately 275,735 square feet area to a maximum dredge depth of minus nine (-9) feet at mean low water .

This permit authorizes approximately 369,824 square feet of work within other surface waters. Submerged resources are not located within the project boundaries; therefore, there will be no adverse impacts to these resources. Mitigation is not required.

The dredge material shall be mechanically excavated and placed directly in a self-contained barge with a fully loaded draft of no more than three-feet. The barge shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging. All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge.

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 **December 13, 2022**, the Board of Trustees granted authority for the Department, acting as staff to the Board 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 will be sent to the Permittee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Recommended 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.**

Pursuant to Chapter 18-21.011(3)(a), F.A.C., severance fees shall be collected for removal of 31,395 cubic yards of sovereign material.

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

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 AND SOVEREIGNTY SUBMERGED LANDS CONDITONS

The activities described must be conducted in accordance with:

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

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

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit 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 9); 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).

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(3) 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.

(4) 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

(5) 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 (barge) to the submerged bottom) so as to preclude bottom scouring or prop dredging.

(6) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

(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 construction barges or uplands.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

(8) 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.

(9) Water turbidity levels shall be monitored and recorded at least every four hours during construction operations and upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- f. 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.)
- g. 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.)

(10) During dock construction, installation of riprap and dredging 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 ERP Compliance Assurance Program via email at SEDERP@dep.state.fl.us. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(11) Vessels utilizing this structure shall maintain a minimum of one-foot clearance between the deepest draft of the vessel with the engine in the down position and the submerged bottom so as to preclude bottom scouring or prop dredging.

(12) Vessels shall only be docked within the approved in-water mooring areas and shall be limited to a maximum of 121 slips.

(13) The slips shall not be occupied by liveaboards. A liveboard vessel shall be defined as a vessel docked at a facility that is inhabited by a person or persons for any 5 consecutive days or a total of 10 days within a 30-day period.

(14) 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 repair or 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; or (e) any discharges or release of metal based bottom paints associated with hull scraping, cleaning, and painting. 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 or (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 vessels owner or qualified marine mechanics).

(15) Sewage pump-out facilities shall be installed at the locations shown on the attached permit drawing, Sheet No. 4. All sewage pump-out devices shall be connected to an authorized sewage treatment system. The Permittee shall ensure that personnel, who have been trained to operate the sewage pump-out facilities, are available to assist boaters in operating the facilities during standard business hours (at a minimum) for the life of the facility. The sewage pump-out facility shall be in working order prior to any slip occupancy and be maintained in accordance with the requirements of this condition for the life of the facility.

(16) Fueling facilities shall be installed at locations shown on the attached permit drawings. The fuel spill contingency plan included as Attachment A shall govern the operation of the fueling facilities and the procedures to be followed in the event of a spill. The fuel spill contingency plan shall include:

- a. The type and storage location of absorbent booms, and other equipment used to contain an accident spill;
- b. The training program for spill response provided to marina personnel; and
- c. The name, address, and telephone number of the company contracted to provide clean-up services

SPECIFIC CONDITIONS – MANATEE CONDITIONS

(17) The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.

(18) While performing backfilling between the bulkheads, it is important to ensure that manatees or sea turtles do not become entrapped during sheet pile installation or gain access after the sheet pile has been installed and before filling work has been completed. If a manatee or sea turtle becomes entrapped, the area shall be opened to allow the manatee or turtle to leave of its own volition. It shall not be herded or harassed into leaving the area.

(19) The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.

SPECIFIC CONDITIONS – LISTED SPECIES

(20) 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 Agency staff. The Permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the Permittee shall submit to the Agency a fully executed Form 62-330.350(1), “Construction Commencement Notice,” [October 1, 2013], 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 Agency 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 Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to 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 Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- 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 Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The Permittee shall notify the Agency in writing:

- 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, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If 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 Agency will require the Permittee to eliminate the cause,

obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

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 – Norva Blandin, Danielle Sattelberger, John Tracey, Ashley Lyon
Martin County, env@martin.fl.us

Jeffrey P. Anton, Terragon Engineering LLC, antonpe@comcast.net
FWC Imperiled Species Management, Imperiled@myfwc.com
FWC Waterway Management waterway.management@myfwc.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 Drawings and Design Specs., 9 pages

Attachment "A"

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)*

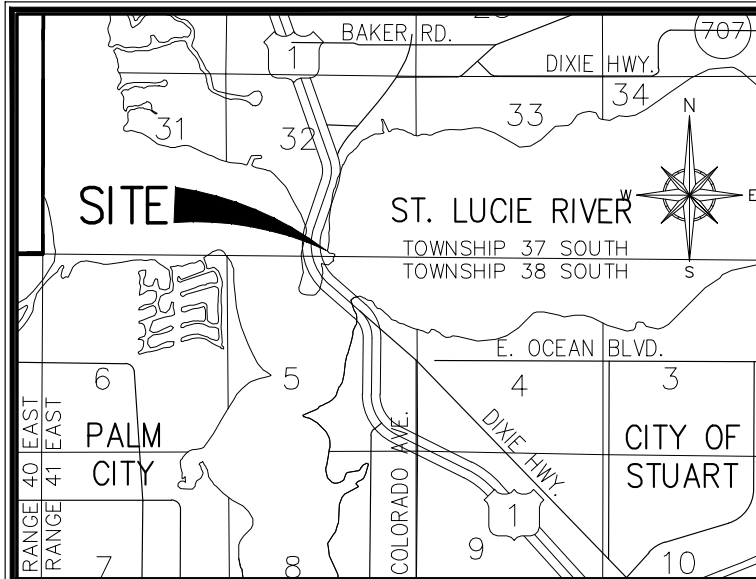
Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)*

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>

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LOCATION MAP
(SCALE: 1" = 5000')

SURVEYOR'S NOTES

1. THE BEARINGS AS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, U.S. SURVEY FEET, NORTH AMERICAN DATUM OF 1983/1990 (N.A.D. 83/90), FLORIDA EAST ZONE, REFERENCE A BEARING OF SOUTH 87°09'26" EAST ALONG THE NORTH LINE OF LOT 11, BLOCK 20, RIVERSIDE PARK.
2. THE ELEVATIONS AS SHOWN HEREON REFERENCE THE NORTH AMERICAN DATUM OF 1988, REFERENCE MARTIN COUNTY BENCHMARK "D-2", ELEVATION = 5.00 FEET.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH AND LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF SHEETS 1 THROUGH 10.
5. THIS DRAWING WAS BASED ON A BOUNDARY SURVEY PERFORMED BY ENGINEERING, DESIGN AND CONSTRUCTION, INC., 10250 VILLAGE PKY., PORT ST. LUCIE, FLORIDA 34987, REFERENCE JOB NO. 20-290, LATEST REVISION DATE OF 11/19/21 AND WAS PROVIDED BY THE CLIENT.
6. THE MEAN HIGH WATER LINE SURVEY DEPICTED HEREON COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES AND IS RECORDED IN THE PUBLIC REPOSITORY OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF SURVEYING AND MAPPING AS MEAN HIGH WATER SURVEY FILE NUMBER _____.

THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT www.martin.fl.us/accessibility-feedback

CERTIFIED TO:

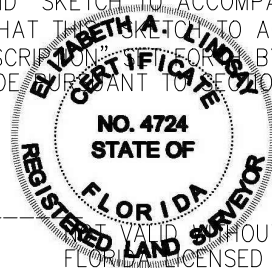
- THIS SURVEY IS CERTIFIED TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
- MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT LLC
- BANESCO USA, A FLORIDA STATE CHARTERED BANK, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" AS SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND CHARGE ON MARCH 23, 2022, AND THAT SAID "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, SUBJECT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.
SURVEYORS AND MAPPERS

ELIZABETH A. LINDSAY, P.L.S.
FLORIDA REGISTRATION NO. 4724



WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER UNLESS DIGITALLY SIGNED

APPROVED
By Marcus Ashman at 9:06 am, Aug 11, 2022
THIS IS A FIELD SURVEY

SHEET NO. <u>1</u>
OF <u>8</u> SHEETS
PROJECT NO. <u>22-17</u>

DATE	REVISIONS
03/29/2022	REVISED PER COMMENTS
05/02/2022	REVISED CERTIFICATIONS
06/20/2022	REVISED SLIPS PER CLIENT, ADDED RIPARIAN LINE RECORDATION
07/25/2022	REVISED COUNT PER CLIENT
08/10/2022	REVISED PER COMMENTS

A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S., RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E. MARTIN COUNTY, FL

SKETCH AND LEGAL DESCRIPTION
SOVEREIGN SUBMERGED LAND LEASE

DATE <u>03/23/2022</u>
SCALE <u>NOT TO SCALE</u>
FIELD BK. _____
DRAWING BY <u>D.B.</u>
CHECKED BY <u>E.A.L.</u>

B BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987
(772)286-5753 (772)286-5939 FAX
LICENSED BUSINESS NO. 6852

S:\2022 PROJECTS\22-17 atlantic yachting-dock\SUB LEASE\BL_20-290 FLAGLER BT_REV4.dwg, 2-LEGAL_8/10/2022 9:02:43 AM, DWG To PDF.pc3, 1:1, DB-2018VS, DB-2018VS

LEGAL DESCRIPTION

SOVEREIGN SUBMERGED LAND LEASE

A PARCEL OF LAND BEING A PORTION OF THE ST. LUCIE RIVER IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST AND SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID (PARCEL/STRIP OF LAND) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 11, BLOCK 20 OF THE PLAT OF RIVERSIDE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 98, PUBLIC RECORDS OF ST. LUCIE (NOW MARTIN) COUNTY FLORIDA; THENCE SOUTH 87°09'26" EAST ALONG THE NORTH LINE OF SAID LOT 11, 266.45 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER AND THE POINT OF BEGINNING; THENCE, DEPARTING SAID MEAN HIGH WATER LINE, CONTINUE SOUTH 87°09'26" EAST ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE, A DISTANCE OF 249.36 FEET; THENCE SOUTH 7°15'52" WEST, 25.07 FEET TO AN INTERSECTION WITH A LINE BEING 25.00 FEET SOUTHERLY OF AND PARALLEL WITH THE AFOREMENTIONED EASTERLY EXTENSION OF THE NORTH LINE OF LOT 11; THENCE SOUTH 87°09'26" EAST ALONG SAID PARALLEL LINE, 72.14 FEET; THENCE SOUTH 7°03'50" EAST, 724.63 FEET; THENCE SOUTH 39°16'09" WEST, 583.28 FEET; THENCE NORTH 50°43'51" WEST, 355.99 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING FIVE (5) COURSES; (1) NORTH 0°13'53" WEST, 44.67 FEET; (2) NORTH 3°24'21" EAST, 54.32 FEET; (3) NORTH 6°29'02" EAST, 46.54 FEET; (4) NORTH 12°12'41" EAST, 28.48 FEET; (5) NORTH 10°33'49" EAST, 23.79 FEET; THENCE, DEPARTING SAID MEAN HIGH WATER LINE, SOUTH 87°21'51" EAST, 226.19 FEET; THENCE NORTH 43°15'47" EAST, 126.73 FEET; THENCE NORTH 40°42'45" EAST, 124.52 FEET; THENCE NORTH 44°21'57" EAST, 9.14 FEET; THENCE NORTH 4°34'21" EAST, 446.37 FEET; THENCE NORTH 86°55'10" WEST, 197.67 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING NINE (9) COURSES; (1) NORTH 10°09'41" WEST, 13.41 FEET; (2) NORTH 31°16'43" WEST, 19.29 FEET; (3) NORTH 2°41'57" EAST, 24.93 FEET; (4) NORTH 85°39'00" WEST, 7.42 FEET; (5) NORTH 15°11'40" WEST, 5.26 FEET; (6) NORTH 3°29'12" WEST, 17.87 FEET; (7) NORTH 4°01'05" EAST, 23.01 FEET; (8) NORTH 7°52'54" WEST, 22.80 FEET; (9) NORTH 6°12'53" EAST, 28.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 328,011 SQUARE FEET OR 7.53 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, OR DEDICATIONS.

(SEE SHEETS 3 AND 4 OF 8 FOR LEASE LIMITS.)

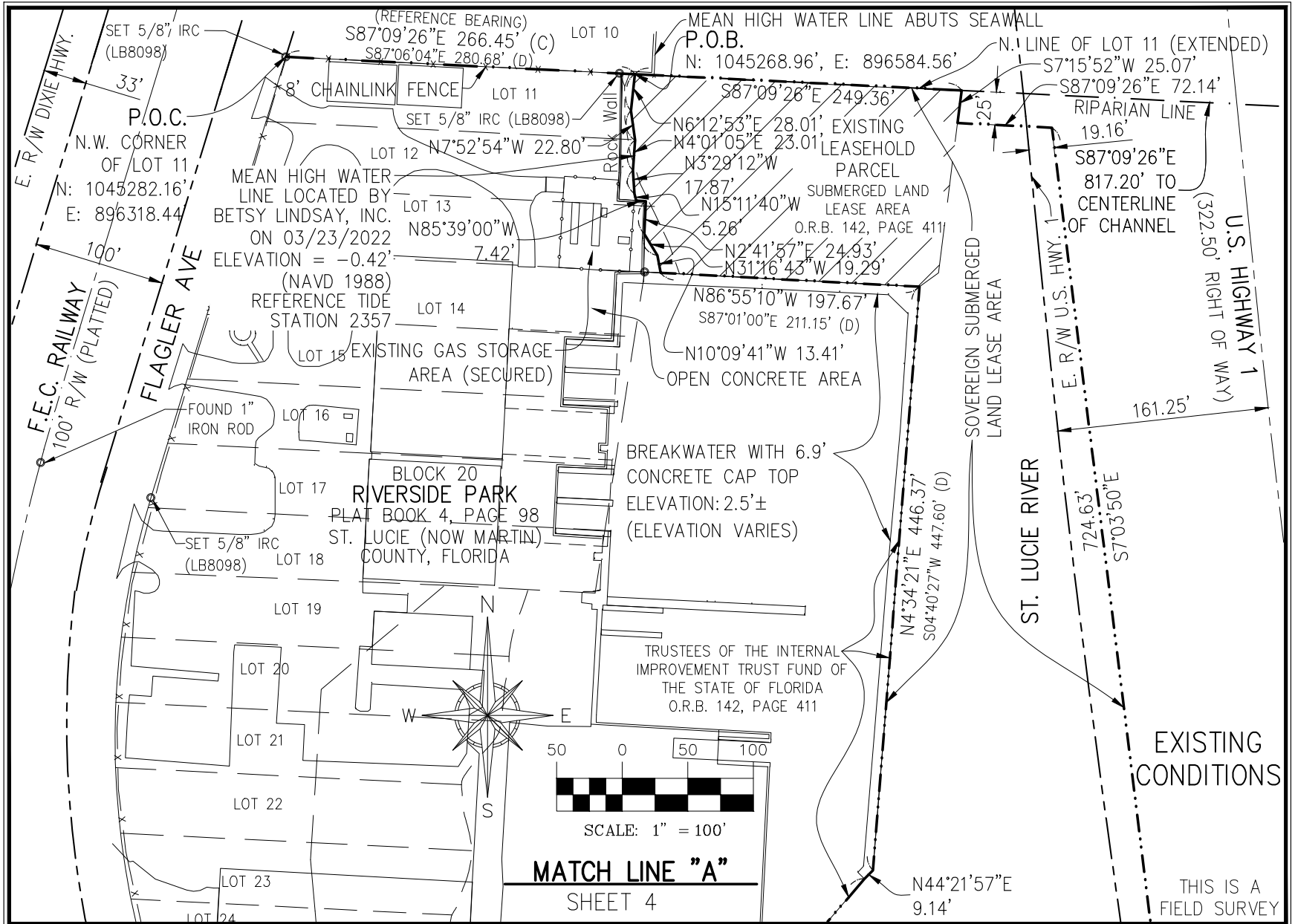
ABBREVIATIONS

BL	BETSY LINDSAY, INC.	P.L.S.	PROFESSIONAL LAND SURVEYOR
CM	CONCRETE MONUMENT	P.O.B.	POINT OF BEGINNING
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	P.O.C.	POINT OF COMMENCEMENT
F.E.C.	FLORIDA EAST COAST	PVC	POLY VINYL CHLORIDE
FND.	FOUND	PT	PRESSURE TREATED
IRC	IRON ROD & CAP	RNG.	RANGE
LB	LICENSED BUSINESS	R/W	RIGHT OF WAY
NAVD	NORTH AMERICAN VERTICAL DATUM	SEC.	SECTION
NO.	NUMBER	S/S	STAINLESS STEEL
O.R.B.	OFFICIAL RECORDS BOOK	TWP.	TOWNSHIP

THIS IS A FIELD SURVEY

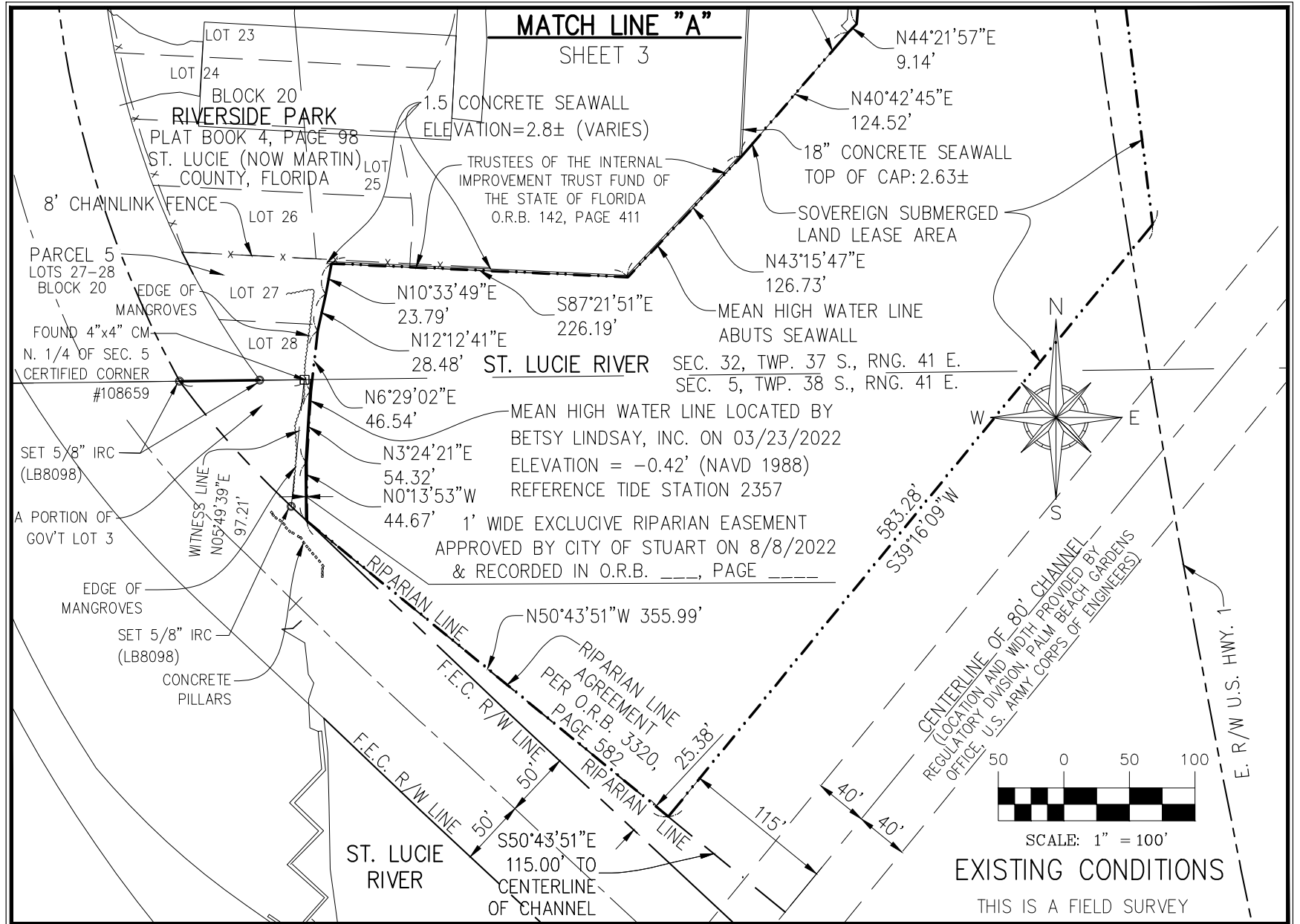
SHEET NO. <u>2</u>	DATE <u>03/29/2022</u>	REVISIONS	A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S., RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E. MARTIN COUNTY, FL	DATE <u>03/23/2022</u>	B BETSY LINDSAY, INC. SURVEYING AND MAPPING <small>7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987 (772)286-5753 (772)286-5933 FAX LICENSED BUSINESS NO. 6852</small>
OF <u>8</u> SHEETS	<u>06/20/2022</u>	REVISED PER COMMENTS REVISED SLIPS PER CLIENT, ADDED RIPARIAN LINE RECORDATION	SKETCH AND LEGAL DESCRIPTION	SCALE <u>NOT TO SCALE</u>	
PROJECT NO. <u>22-17</u>	<u>07/25/2022</u> <u>08/10/2022</u>	REVISED COUNT PER CLIENT REVISED PER COMMENTS	SOVEREIGN SUBMERGED LAND LEASE	DRAWING BY <u>D.B.</u> CHECKED BY <u>E.A.L.</u>	

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SHEET NO. <u>3</u> OF <u>8</u> SHEETS PROJECT NO. <u>22-17</u>	DATE <u>03/29/2022</u> REVISIONS REVISED PER COMMENTS	A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S., RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E. MARTIN COUNTY, FL	DATE <u>03/23/2022</u> SCALE <u>1" = 100'</u> FIELD BK.	B BETSY LINDSAY, INC. SURVEYING AND MAPPING 7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987 (772)286-5753 (772)286-5938 FAX LICENSED BUSINESS NO. 6852
	DATE <u>07/25/2022</u> REVISIONS REVISED COUNT PER CLIENT		DRAWING BY <u>D.B.</u> CHECKED BY <u>E.A.L.</u>	
	DATE <u>08/10/2022</u> REVISIONS REVISED PER COMMENTS	SKETCH AND LEGAL DESCRIPTION SOVEREIGN SUBMERGED LAND LEASE		

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SHEET NO. <u>4</u>
OF <u>8</u> SHEETS
PROJECT NO.
<u>22-17</u>

DATE	REVISIONS
03/29/2022	REVISED PER COMMENTS
06/20/2022	REVISED SLIPS PER CLIENT, ADDED RIPARIAN LINE RECORDATION
07/25/2022	REVISED COUNT PER CLIENT
08/10/2022	REVISED PER COMMENTS

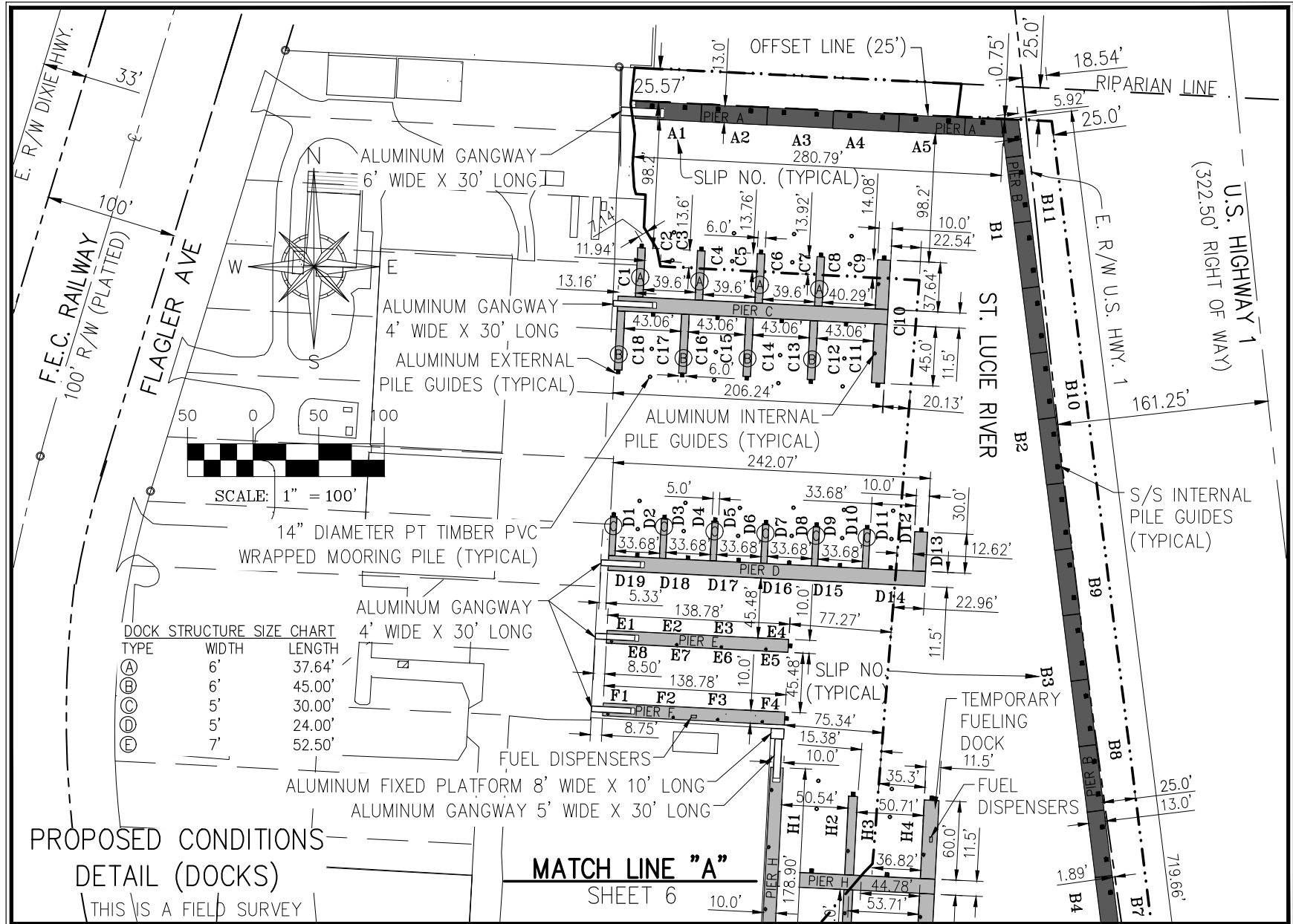
A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S., RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E. MARTIN COUNTY, FL

SKETCH AND LEGAL DESCRIPTION
SOVEREIGN SUBMERGED LAND LEASE

DATE <u>03/23/2022</u>
SCALE <u>1" = 100'</u>
FIELD BK.
DRAWING BY <u>D.B.</u>
CHECKED BY <u>E.A.L.</u>

B BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

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PROPOSED CONDITIONS
 DETAIL (DOCKS)
 THIS IS A FIELD SURVEY

DOCK STRUCTURE SIZE CHART

TYPE	WIDTH	LENGTH
(A)	6'	37.64'
(B)	6'	45.00'
(C)	5'	30.00'
(D)	5'	24.00'
(E)	7'	52.50'

SHEET NO. <u>5</u>
OF <u>8</u> SHEETS
PROJECT NO. <u>22-17</u>

DATE	REVISIONS
03/29/2022	REVISED PER COMMENTS
06/20/2022	REVISED SLIPS PER CLIENT, ADDED RIPARIAN LINE RECORDATION
07/25/2022	REVISED COUNT PER CLIENT
08/10/2022	REVISED PER COMMENTS

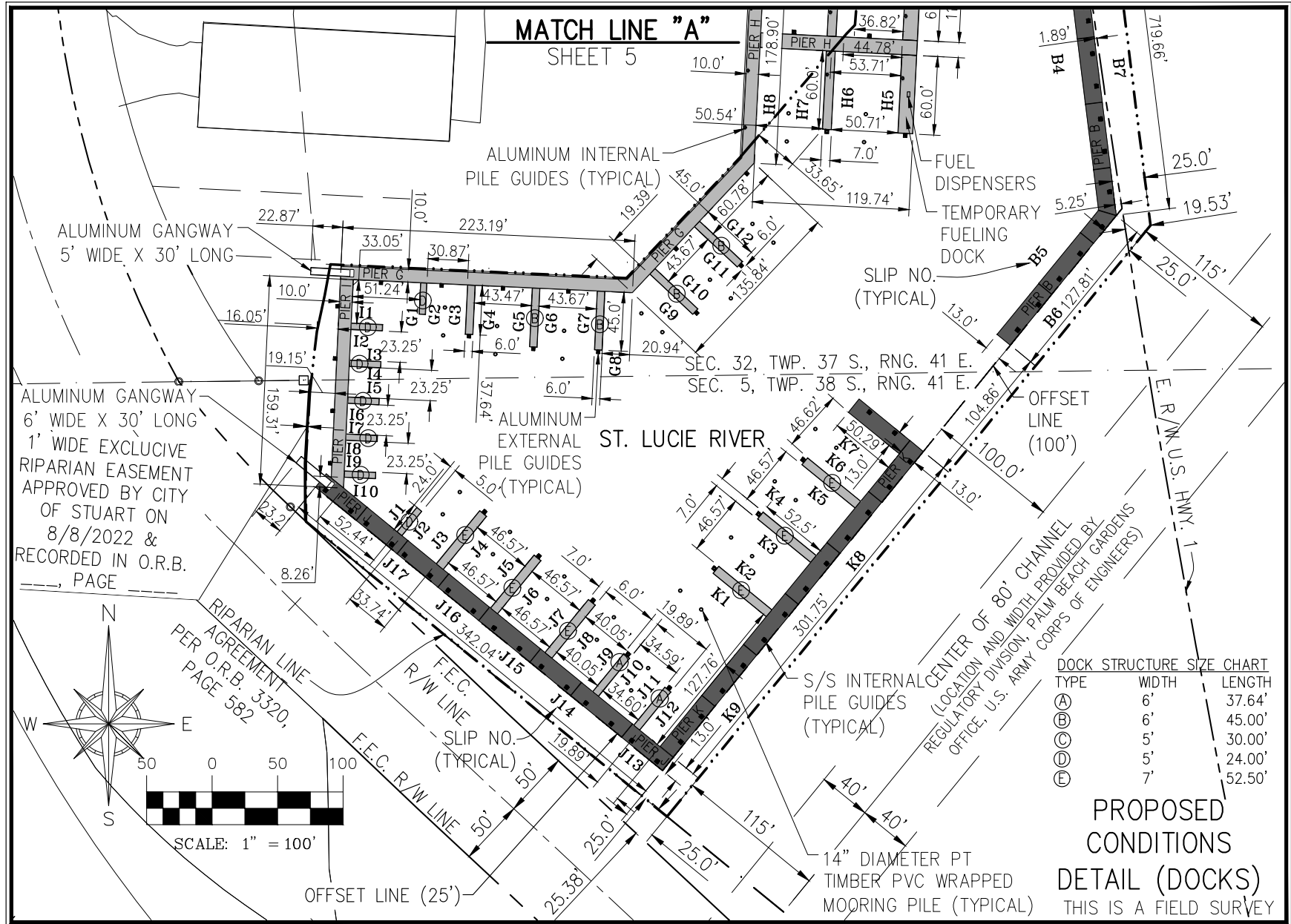
A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S.,
 RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E.
 MARTIN COUNTY, FL

SKETCH AND LEGAL DESCRIPTION
 SOVEREIGN SUBMERGED LAND LEASE

DATE <u>03/23/2022</u>
SCALE <u>1" = 100'</u>
FIELD BK.
DRAWING BY <u>D.B.</u>
CHECKED BY <u>E.A.L.</u>

B BETSY LINDSAY, INC.
 SURVEYING AND MAPPING
 7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
 (772)286-5753 (772)286-5933 FAX
 LICENSED BUSINESS NO. 6852

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DOCK STRUCTURE TYPE	WIDTH	LENGTH
⊙	6'	37.64'
⊖	6'	45.00'
⊗	5'	30.00'
⊕	5'	24.00'
⊙	7'	52.50'

**PROPOSED CONDITIONS
DETAIL (DOCKS)**
THIS IS A FIELD SURVEY

SHEET NO. 6
OF 8 SHEETS
PROJECT NO. 22-17

DATE	REVISIONS
03/29/2022	REVISED PER COMMENTS
06/20/2022	REVISED SLIPS PER CLIENT, ADDED RIPARIAN LINE RECORDATION
07/25/2022	REVISED COUNT PER CLIENT
08/10/2022	REVISED PER COMMENTS

A PORTION OF THE ST. LUCIE RIVER IN SEC. 32, TWP. 37 S., RNG. 41 E. & SEC. 5, TWP. 38 S., RNG. 41 E. MARTIN COUNTY, FL




SKETCH AND LEGAL DESCRIPTION
SOVEREIGN SUBMERGED LAND LEASE




DATE <u>03/23/2022</u>
SCALE <u>1" = 100'</u>
FIELD BK.
DRAWING BY <u>D.B.</u>
CHECKED BY <u>E.A.L.</u>

B BETSY LINDSAY, INC.
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7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

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BERTHING		SLIP SIZE	NUMBER	TOTAL FEET
SLIP NO.	LENGTH			
A1-A5	40'	25'	14	350'
B1	140'	30'	15	450'
B2	150'	40'	24	960'
B3-B4	160'	50'	17	750'
B5-B6	100'	60'	16	960'
B7	160'	70'	13	910'
B8-B9	120'	80'	9	720'
B10	150'	100'	2	200'
B11	120'	120'	4	480'
C1	40'	140'	1	140'
C1-C9	50'	150'	2	300'
C10	80'	160'	4	320'
C11-C18	60'			
D1-D12	40'			
D13-D14	50'			
D15-D19	30'			
E1-E2	30'	TOTALS	121	6540'
E3	40'			
E4-E8	30'			
F1-F2	30'			
F3	40'			
F4	30'			
G1-G2	25'			
G3-G4	50'			
G5-G12	60'			
H1-H8	80'			
I1-I10	25'			
J1-J2	25'			
J3-J8	70'			
J9-J12	40'			
J13-J17	50'			
K1-K7	70'			
K8	160'			
K9	120'			

LEGEND	
	ALUMINUM FLOATING DOCKS
	CONCRETE WAVE ATTENUATOR
	ALUMINUM GANGWAY

LEGEND	
	S/S INTERNAL PILE GUIDES = 74X
	ALUMINUM EXTERNAL PILE GUIDES = 58X
	ALUMINUM INTERNAL PILE GUIDES = 18X

FLOATING DOCKS TOTAL AREA

DOCK TYPES			Revision 0	
ALUMINUM	Ft ²	M ²		
MAIN DOCKS	18795.47 Ft ²	1746.16 m ²		
FINGER PIERS	9366.83 Ft ²	870.21 m ²		
FIXED PLATFORM	80.00 Ft ²	7.43 m ²		
GANGWAY	1140.00 Ft ²	105.91 m ²		
CONCRETE				
WAVE ATTENUATOR	23692.70 Ft ²	2201.12 m ²		
TOTAL =	53075.00 Ft²	4930.83 m²		

PROPOSED CONDITIONS LEGEND

THIS IS A FIELD SURVEY

SHEET NO. <u>7</u>
OF <u>8</u> SHEETS
PROJECT NO.
<u>22-17</u>

DATE	REVISIONS
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07/25/2022	REVISED COUNT PER CLIENT
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MARTIN COUNTY, FL

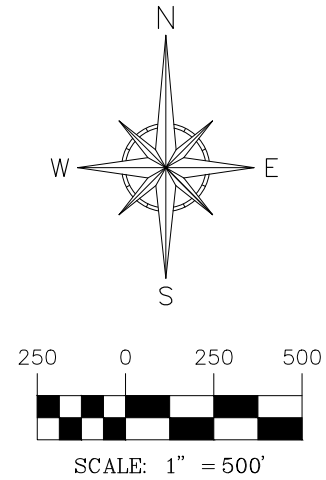
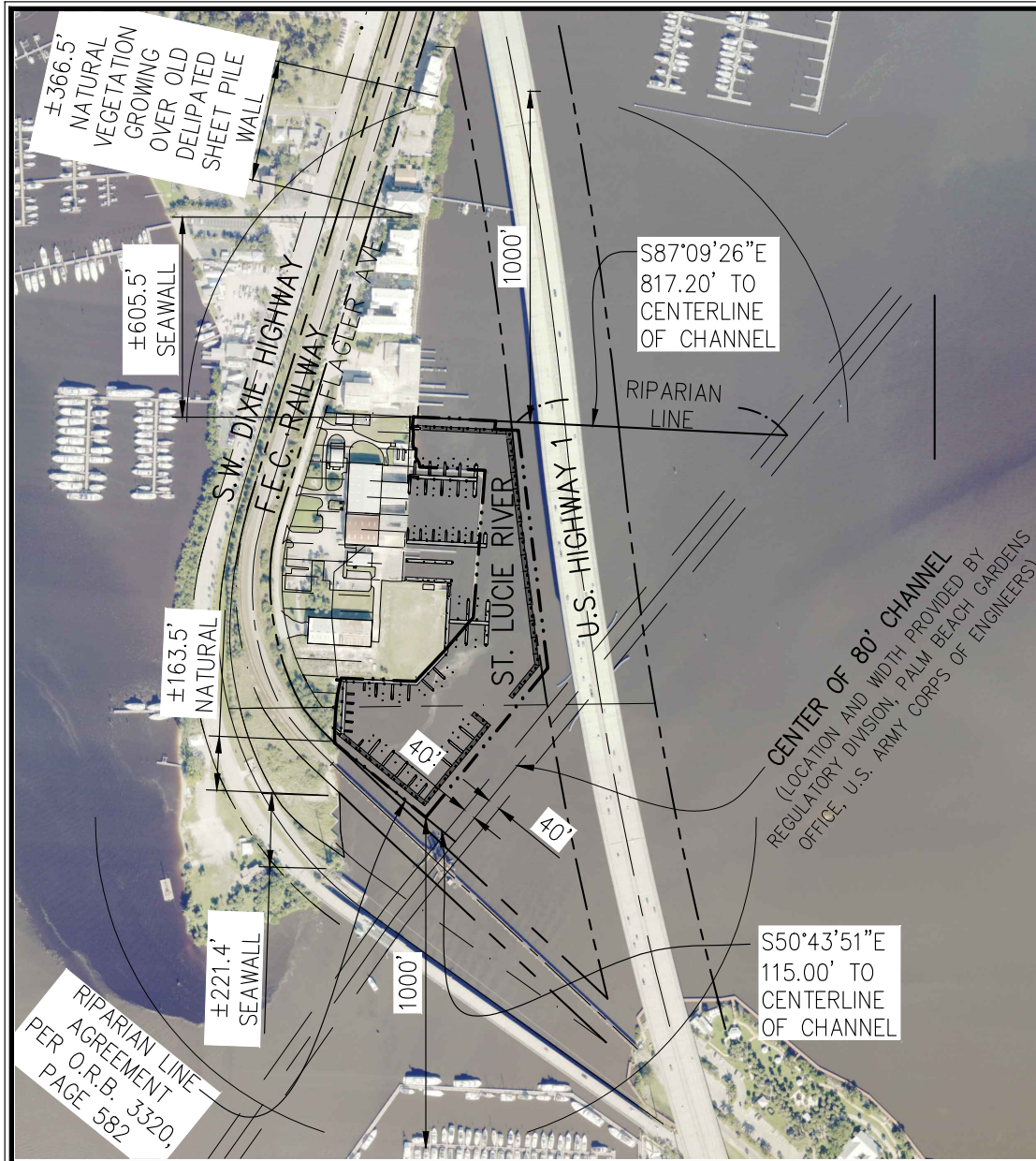
SKETCH AND LEGAL DESCRIPTION
SOVEREIGN SUBMERGED LAND LEASE

DATE <u>03/23/2022</u>
SCALE <u>NOT TO SCALE</u>
FIELD BK.
DRAWING BY <u>D.B.</u>
CHECKED BY <u>E.A.L.</u>

B BETSY LINDSAY, INC.
SURVEYING AND MAPPING

7987 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

S:\2022 PROJECTS\22-17 atlanticyachtbig-dock\SUB LEASE\BL-MTI - 0316 - Layouts Rev 14.dwg, 8 SHORELINE, 8/10/2022 9:07:30 AM, DWG To PDF.pc3, 1:1, DB-2018VS, DB-2018VS



LENGTH OF SHORELINE BETWEEN
RIPARIAN LINES = ±1358'
(80% SEAWALL, 20% NATURAL)

EXISTING
SHORELINE
CONDITIONS
THIS IS A FIELD SURVEY

SHEET NO. 8
OF 8 SHEETS
PROJECT NO. 22-17

DATE	REVISIONS
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MARTIN COUNTY, FL

SKETCH AND LEGAL DESCRIPTION
SOVEREIGN SUBMERGED LAND LEASE

DATE <u>03/23/2022</u>
SCALE <u>1" = 500'</u>
FIELD BK.
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