





Lease No. 580578403 Sarasota County, Florida

#### **PROJECT DESCRIPTION**

1. Location: 27.32193530 Lat/-82.56750486 Long

Aquatic Preserve: No

Waterbody Classification: Class II

Designated Manatee County: Yes, with an approved Manatee Protection Plan

Manatee Aggregation Area: No Manatee Protection Speed Zone: No

- 2. Preempted Area (square feet): 285,264 existing, 47,315.8 proposed, 332,579.8 total. Structure Dimensions: Four T-docks, three transient docks, and one sailboat access dock totaling 40,929.6 square feet with 128 wet slips.
  - Dock 1: 10,365.4 square feet with 34 wet slips
  - Dock 2: 10,780.3 square feet with 34 permanent wet slips and two transient slips
  - Dock 3: 10,043.9 square feet with 32 wet slips
  - Dock 4: 7,501 square feet with 20 wet slips
  - Transient Dock 1: 390 square feet with two wet slips
  - Transient Dock 2: 227 square feet with one wet slip
  - Transient Dock 3: 400 square feet with two wet slips
  - Sailboat Access Dock: 1,222 square feet with one wet slip

Number of slips: 108 existing, 20 additional proposed; 128 total

Vessels: Private vessels ranging from 25 to 80 in length with a draft of one to eight feet.

- 3. Liveaboards: Are currently authorized and will continue to be authorized in the Department's environmental resource permit and in the lease.
- 4. Sewage Pumpout Facility: Fixed and portable pumpouts are currently authorized and will continue to be authorized in the Department's environmental resource permit and in the lease.
- 5. Fueling facility: Are currently authorized and will continue to be authorized in the Department's environmental resource permit and in the lease.

#### **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, Manatees: Recommended on September 27, 2023 that the Applicant: (1) comply with the Standard Manatee

Conditions for In-water Work (2011) for all in-water activity; (2) install and maintain manatee awareness signs and informational displays; (3) limit the number of wet slips (for the Sarasota Yacht Club) to 120 including the 112 permanent wet slips and 8 transient slips; (4)install bins for the disposal or recycling of monofilament line or other used fishing gear, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. Educational signs encouraging the use of the bins shall be posted. A proposal for the location of the bin and the signs shall be submitted to <a href="maintainedSpecies@MyFWC.com">ImperiledSpecies@MyFWC.com</a>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded; (5) 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.

- 4. Department of State, Division of Historical Resources (DHR): DHR was notified March 13, 2023. The permit contains the following condition: If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.
- 5. Riparian rights line setback: The proposed lease boundary complies with the required riparian setbacks.
- 6. Noticing: On August 27, 2021, the lease modification request was noticed to four property owners within a 500-foot radius of the project, and other interested parties, pursuant to Rule 18-21.004(1)(m), F.A.C., and no objections were received by 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 not specifically required by rule or statute to demonstrate that it is "in the public interest," only that it be "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 natural conditions; will not significantly impact fish and

wildlife and other natural resources, including public recreation and navigation; is consistent with the local government's comprehensive plan; and will not interfere with the riparian rights of adjacent property owners.

Therefore, the Department's opinion is 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**

On October 18, 1983, the Board of Trustees approved the issuance of the original sovereignty submerged lands lease (BOT No. 580578403). This lease authorized the preemption of 40,935 square feet for a 4,880 square foot marina facility with 31 wet slips, without fuel or sewage facilities.

On October 18, 1988, the lease was modified and renewed. The modification reduced the preempted area from 40,935 square feet to 39,100 square feet for a private docking facility.

On October 18, 1993, the lease was again modified and renewed. This modification authorized a boat ramp, fueling and sewage facilities, as well as liveaboards.

On February 11, 1997, a lease modification was issued to increase the preempted area, to 182,086 square feet, and to authorize non-water dependent office space to be used in conjunction with the upland private yacht club. This lease was renewed without modification for an additional five-year period on October 18, 1998.

On November 29, 2000, the Board of Trustees approved a lease modification, which authorized 108-slips and the construction of additional docking structures. The area of preemption was increased to 244,137 square feet for Docks 1 through 3. The permit (ERP 162087-001), for the construction of the additional 24 wet slips and docking structures, was issued on October 16, 2001. This lease was renewed on October 18, 2003, without modification.

On September 9, 2005, a Consent Order (OGC Case No. 05-1824) was issued for the 1,015 square feet access pier (Dock B), and on December 19, 2006, the lease was modified to increase the preempted area to 285,264 square feet. This lease was renewed on October 18, 2013, and again on October 18, 2018, without modification.

On November 19, 2021, the Department issued a Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization, which allowed the existing docking structure to be reconfigured. The modified preempted area was approximately 333,363 square feet, and the reconfiguration included 46,401 square feet of overwater structure consisting of 134 permanent slips, 15 transient slips, and eight sailboat slips for a total of 157 slips. However, this authorization should have been presented to the Board of Trustees for approval prior to issuance. Additionally, the Applicant did not have sufficient upland interest for the project as proposed at

that time. Thus, the Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization from November 19, 2021, was not executed.

On March 8, 2023, the Applicant submitted the current lease modification and permit application. Their request is to replace 858 linear feet of seawall, within 18 inches waterward of the existing seawall; remove and replace the fixed and floating docks; and construct an additional dock on the south side of the property within the riparian area of Plymouth Harbor Incorporated via a Reciprocal Access and Easement Agreement. From their November 2021 request, the Applicant is reducing the number of requested wet slips to 128, the total over water structure to 40,929.6 square feet, and the preempted area to 332,579 square feet.

On September 15, 2023, an on-site inspection was conducted and unauthorized structures were discovered. The Department issued a compliance assistance offer letter on October 11, 2023, and the existing lease was recommended for non-renewal until the identified issues were resolved. The Applicant has since removed the unauthorized structures and are back in compliance with their existing lease.

On January 16, 2025, the lease, authorizing 108-wet slips with 285,264 square feet of preemption, was renewed without modification. The lease term is October 18, 2023, through October 18, 2028.

On February 4, 2025, the sufficient upland interest issues, identified in connection with the November 19, 2021 authorization, were resolved. The Department provided approval of sufficient upland interest for the proposed project upon the review of Warranty Deed contained in Deed Book 162 page 109 and the unrecorded Reciprocal Access and Easement Agreement dated February 4, 2025, between the Applicant and Plymouth Harbor Incorporated.

#### **SPECIAL LEASE CONDITIONS**

No changes are proposed to the existing conditions:

- A. Liveaboards as defined in this lease shall be confined to the 84-slips constructed prior to the issuance of the State of Florida Department of Environmental Protection Environmental Resource Permit No. 58-0162087-001, dated October 16, 2001.
- B. Unless authorized in writing by the Lessor, the Applicant shall not rebuild or restore the non-water dependent structures included in this lease if 50 percent or more of the area encompassed by a structure is destroyed or if use of a structure has been discontinued and 50 percent or more of the area encompassed by a structure must be replaced in order to restore the structure to a safely useable condition. In addition, the use of the non-water dependent structures included in this lease shall not be converted to a new use except as authorized in writing by the Lessor.

## **FEE CALCULATION**

**CONSIDERATION DUE: \$67,270.80** 

TOTAL CONSIDERATION DUE:	\$67,270.80
(2) Payment for the New Lease Area (47,315.8 sq. ft. x \$0.2162 = \$10,229.68 x 0.25 = \$2,557.42)	+\$2,557.42
10% Clean Marina Discount (\$71,903.75 x .10 = \$7,190.37)	-\$7,190.37
(1) Lease Fee: $332,579.8$ sq. ft. x $\$.0.2162 =$	\$71,903.75



## FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Alexis A. Lambert Secretary

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

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

**APPLICANT:** 

Sarasota Yacht Club, Inc. 1100 John Ringling Blvd. Sarasota, FL 34236 **FILE No.:** 162087-012 LEASE NO.: 580578403

COUNTY: Sarasota

**PROJECT NAME: Marina Modification** 

## 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. Additionally, issuance of the ERP permit also constitutes 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.

The Department of Environmental Protection (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 in the attached Recommended Proprietary Action document.

#### I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Sarasota Yacht Club, Inc., applied on March 8, 2023 to the Department of Environmental Protection for a permit, water quality certification Xand authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to remove three (3) existing docks and pilings and replace them with fixed and floating docks within a similar footprint (Docks 1-3), to replace the Plymouth Harbor fixed dock and construct a new floating dock addition (Dock 4), to expand the existing sailboat access dock for a total of 41,957 square feet, and to install a new seawall within 18 inches of the

Page 2 of 7

existing seawall. 112 permanent wet slips and 8 transient wet slips are proposed, for a total of 120 wet slips at this facility. Eight (8) wet slips are associated with the Plymouth Harbor fixed dock and will not be utilized by Sarasota Yacht Club vessels. Total slips within lease area 128. This project is located at 1100 John Ringling Blvd., Sarasota, Fl. in Sarasota County.

The activity is located 1100 John Ringling Blvd., Sarasota, FL 34236 Sarasota Bay, Class II Waters, Sarasota County.

The activity includes consideration of an application for a 5-year sovereignty, submerged land lease containing 332,579.80 square feet, more or less for a 128-slip private yacht club, which requires payment of \$68,977.05, computed at \$0.2074 per square foot.

#### 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, XX 18-18, 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**

On October 16, 2006, DEP Permit 5801620873001 and Lease issued.

On October 18, 2018, Division of State Lands issued Lease BOT #580578403 authorizing 108-slip commercial docking facility with a boat ramp and non-water dependent office to be used for mooring of recreational vessels in conjunction with an upland private yacht club, with fueling facilities, with a sewage pumpout facility. 84-slips with liveaboards, 24-slips without liveaboards were authorized through lease term till October 18, 2023.

On November 19, 2021, South District issued an Individual Environmental Resource permit (File No. 162087-010) authorizing the existing marina to be reconfigured to allow for 46,401 square feet of over water structure pre-empting approximately 333,363 square feet for 134 permanent slips, 15 transient slips and 8 sailboat slips for a total of 157 slips. Liveaboards as defined in this

Page 3 of 7

lease were confined to the 84-slips constructed prior to the issuance of the State of Florida Department of Environmental Protection Environmental Resource Permit No. 58-0162087-001, dated October 16, 2001.

On November 22, 2021, DOA submitted to Division in error without prior board (BOT) approval and without sufficient upland interest.

On March 8, 2023, a new application (012) to modify Permit #162087-010 was received by the South District to replace 858 linear feet of seawall within 18 inches waterward of the existing seawall, remove and replace the fixed and floating docks, and construct an additional dock on the south side of the property within the riparian area of Plymouth Harbor Incorporated via a Reciprocal Access and Easement Agreement. The applicant will reduce the previously permitted 134 slips to 124 permanent slips, 15 transient slips to 8, and 8 sailboat slips, for a total of 140 slips and reduce the total over water structure from 46,401 square feet to 32,957 square feet. The proposed project is located in Sarasota Bay, Class II Waters. The docking facility would pre-empt approximately 333,363 square feet.

On October 11, 2023, a compliance assistance offer letter (ERPce 413518) was sent to owner based on inspection completed on September 15, 2023. The existing lease was recommended not to be renewed until issues were resolved through the application received March 8th, 2023.

On October 15, 2024, the Division of State Lands provided approval of sufficient upland interest for the proposed project after review of the provided Warranty Deed in DB 162 PG 109 and unrecorded Reciprocal Access and Easement Agreement dated March 28, 2024, between Sarasota Yacht Club, Inc., and Plymouth Harbor Incorporated.

#### Regulatory Basis of Issuance

The applicant has provided the following reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of the projects regulated under this chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands (Part III, A.H. Vol II).

• Piling supported structures not anticipated to effect water quantity

Will not cause adverse flooding to on-site or off-site property (Part III, A.H. Vol II)

• Piling supported structure not anticipated to effect on or off-site water levels

Will not cause adverse impacts to existing surface water and storage and conveyance capabilities (Part III, A.H Vol II)

• The proposed over water structure piling supported docking facility is not considered to have an effect.

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S. (Part II, IV, and V, A.H. Vol II)

Page 4 of 7

• The proposed over water structure piling supported docking facility is not considered to have an effect.

Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.

• Proposed project is not part of any previous District permit.

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

• No issues anticipated if all permit conditions are followed. The project has been designed and certified by a certified Florida Engineer.

Will comply with any special basin or geographic area criteria (SFWMD - 40E-41, 40E-61 and 40E-63, SWFMD - N/A)

• Not appliable. Project is located within the SWFWMD.

Proprietary Basis of Issuance

No changes are proposed to the existing conditions, reproduced below:

- A. Liveaboards as defined in this lease shall be confined to the 84-slips constructed prior to the issuance of the State of Florida Department of Environmental Protection Environmental Resource Permit No. 58-0162087-001, dated October 16, 2001.
- B. Unless authorized in writing by the Lessor, the Lessee shall not rebuild or restore the non-water dependent structures included in this lease if 50 percent or more of the area encompassed by a structure is destroyed or if use of a structure has been discontinued and 50 percent or more of the area encompassed by a structure must be replaced in order to restore the structure to a safely useable condition. In addition, the use of the non-water dependent structures included in this lease shall not be converted to a new use except as authorized in writing by the Lessor.

#### **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

Page 5 of 7

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 XX 18-18, 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 area 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 South District Office, P.O. Box 2549, Fort Myers, Florida 33902

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.

#### VI. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) and lease to use sovereign submerged lands, subject to the applicant's compliance with the requirement to publish notice in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative proceeding (hearing) is filed pursuant to sections 120.569 and 120.57, F.S. 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. If a timely petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application(s), subject

Page 6 of 7

to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit and authorization to use sovereign submerged lands will be issued as a ministerial action, and any required lease will be executed.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. The failure of any person 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 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or at Agency Clerk@dep.state.fl.us.

Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by Petitioner, if any;
- e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process will constitute a renewed determination of the Department's decision on the application. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent, in the Office of General Counsel at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as

Project: Marina Modification Permit No.: 162087-012 Page 7 of 7 a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rules 28-5.207 and 60Q-2.010, F.A.C. Executed in Lee County, Florida STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Elizabeth Sweigert Director of District Management South Florida District cc: U.S. Army Corps of Engineers, Tampa Corp Sarasota County Property Appraiser, pa@sc-pa.com DEP, Office of General Counsel, (agency clerk@dep.state.fl.us) FWC, Imperiled Species Management Section FWCConservationPlanningServices@myfwc.com; Department of Economic Opportunity, dccppermits@deo.myflorida.com CERTIFICATE OF SERVICE The undersigned duly designated deputy clerk hereby certifies that this document, including all copies, was mailed before the close of business on \_\_\_\_\_\_, 20\_\_, to the above listed person(s). FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Date

Permittee: Sarasota Yacht Club, Inc.

Clerk



## FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Alexis A. Lambert Secretary

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

## **Permittee/Authorized Entity:**

Sarasota Yacht Club, Inc.

% Ben Wagner
1100 John Ringling Blvd.
Sarasota, FL. 34236
ben.wagner@sarasotayachtclub.org

Marina Reconfiguration and Lease

### **Authorized Agent:**

Turrell, Hall and Assoc., Inc. % Jeff Rogers
3584 Exchange Ave.
Naples, FL. 34104
jeff@thanaples.com

# Environmental Resource Permit State-owned Submerged Lands Authorization – Granted Pending Document Execution

**U.S. Army Corps of Engineers Authorization – Not Included** 

Permit No.: 162087-012 EI Lease No.: 580578403

Permit Issuance Date: TBD
Permit Construction Phase Expiration Date: TBD

## Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

Permittee: Sarasota Yacht Club, Inc. Permit No: 162087-012 EI BOT No: 580578403

#### PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 1100 John Ringling Blvd, Parcel ID #201402 0001, Sarasota, FL 34236, in Section 26, Township 36 South, Range 17 East, in Sarasota County.

#### PROJECT DESCRIPTION

The permittee is authorized to remove three (3) existing docks and pilings and replace them with fixed and floating docks within a similar footprint (Docks 1-3), to replace the Plymouth Harbor fixed dock and construct a new floating dock addition (Dock 4), to expand the existing sailboat access dock for a total of 41,957 square feet TOW, and to install a new seawall within 18 inches of the existing seawall. 112 permanent wet slips and 8 transient wet slips are proposed, for a total of 120 wet slips at this facility. Eight (8) wet slips are associated with the Plymouth Harbor fixed dock and will not be utilized by Sarasota Yacht Club vessels. Total slips within lease area 128 in Sarasota Bay, Class II Waters, Unclassified for shellfish harvesting. Those activities include the construction and use of 41,957 square feet of and 332,579.8 square feet of preemption of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

#### **AUTHORIZATIONS**

Marina Reconfiguration and Lease

#### **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

On (TBD), 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 modification 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 Recommended Consolidated Intent to Issue lease modification. You may not begin construction of the activities described until you receive a copy of the executed lease modification from the Department.

#### Federal Authorization

Permittee: Sarasota Yacht Club, Inc.

Permit No: 162087-012 EI

Page 2 of 12

Permit Expiration: TBD

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: <a href="https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/">https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/</a>.

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

#### Coastal Zone Management

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

#### Water Quality Certification

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

#### Other Authorizations

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

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

#### PERMIT CONDITIONS

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 3 of 12

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 – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP\_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

2. The project shall comply with applicable State Water Quality Standards, namely: Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria; and, Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria – Class II Waters.

#### SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES

- 3. Floating turbidity curtains with weighted skirts that extend to within 1 ft. of the bottom shall be placed prior to the initiation of work authorized by this permit. The screens shall be maintained and remain in place for the duration of the construction to ensure turbidity levels outside the construction area do not exceed 29 NTU's above background levels. The permittee shall be responsible for inspecting and maintaining turbidity control devices so no degradation of the ambient water quality outside of the turbidity screens occurs. Turbidity shall be monitored as described in the monitoring portion of this permit.
- 4. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.
- 5. 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

Permittee: Sarasota Yacht Club, Inc. Permit Expiration: TBD

Permit No: 162087-012 EI

Page 4 of 12

shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

#### **SPECIFIC CONDITIONS LISTED SPECIES**

- 6. 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.
- 7. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.
- 8. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

### SPECIFIC MANATEE PROTECTION CONDITIONS

- 9. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- 10. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
- 11. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
- 12. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every

Permittee: Sarasota Yacht Club, Inc. Permit Expiration: TBD

Permit No: 162087-012 EI

Page 5 of 12

- manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- 13. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
- 14. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of inwater operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: http://www.myfwc.com/docs/WildlifeHabitats/Manatee EducationalSign.pdf
- 15. 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 the Florida Fish and Wildlife Conservation Commission (FWC) prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@myfwc.com in accordance with information provided at FWC's website: 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 FOR OTHER LISTED SPECIES

- 16. The Permittee shall install bins for the disposal or recycling of monofilament line or other used fishing gear, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. Educational signs encouraging the use of these bins shall be posted. A proposal for the location of the bin and the sign shall be submitted to ImperiledSpecies@myfwc.com. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.
- 17. 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.

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 6 of 12

#### SPECIFIC CONDITIONS - OPERATION AND MAINTENANCE ACTIVITIES

- 18. The total number of wet slips shall be limited to 120 which includes 112 permanent wet slips and 8 transient wet slips.
- 19. The permittee shall adhere to the attached Marina Operation and Management Plan (or a Department approved modification of the same), all signage, including signs posted at the fuel dock providing information on fueling procedures, emergency action required in case of a spill, and emergency contacts and phone numbers. The information of this sign shall be updated immediately if procedures for fueling, emergency actions, or emergency contacts and phone numbers change. This sign shall be placed in a location at the fuel dock so that it is clearly visible to all users of the fuel dock. This sign shall be maintained and replaced as necessary due to fading or damage for the life of the facility.

#### 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.,

Permittee: Sarasota Yacht Club, Inc. Permit Expiration: TBD

Permit No: 162087-012 EI

Page 7 of 12

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.

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 8 of 12

- 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.

Permittee: Sarasota Yacht Club, Inc. Permit Expiration: TBD

Permit No: 162087-012 EI

Page 9 of 12

- 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

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 10 of 12

3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 11 of 12

action is filed with the Clerk of the Department. Executed in Lee County, Florida. STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Elizabeth Sweigert Director of District Management South District Office **Attachments:** 21 project drawing(s) Marina Management Plan 'Post Issuance' forms: https://floridadep.gov/water/submerged-lands-environmentalresources-coordination/content/forms-environmental-resource CERTIFICATE OF SERVICE The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons: U.S. Army Corps of Engineers, Tampa Office, tampareg@usace.army.mil Sarasota County Property Appraiser, pa@sc-pa.com Jenny Hecheverria, jenny.hecheverria@sarasotayachtclub.org FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged. Clerk Date

District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this

Permittee: Sarasota Yacht Club, Inc.

Permit Expiration: TBD

Permit No: 162087-012 EI

Page 12 of 12

Terraquatic, Inc. 1200 Tangelo Terr., Unit A12 Delray Beach, FL 33444



**Project: Sarasota Yacht Club Submerged Land Lease** 

Project No: 24-1936

Date: 9/6/24

#### **LEGAL DESCRIPTIONS**

#### **LEASE PARCEL**

A PARCEL OF SOVEREIGN SUBMERGED LAND WITHIN THE WATERS OF SARASOTA BAY. SAID PARCEL LYING IN SECTION 26, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 421, AT PAGE 247 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S31°11'00"E, ALONG THE WESTERN LINE OF SAID CERTAIN PARCEL OF LAND, FOR 617.83 FEET, MORE OR LESS, TO A POINT ON THE MEAN HIGH WATER LINE OF SARASOTA BAY AND THE POINT OF BEGINNING; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING FOUR CALLS: N56°46'36"E FOR 25.36 FEET; THENCE N2°24'47"E FOR 323.40 FEET; THENCE N5°43'01"E FOR 112.57 FEET; THENCE N17°26'04"E FOR 294.47 FEET; THENCE, DEPARTING SAID MEAN HIGH WATER LINE, S76°04'00"E FOR 405.73 FEET; THENCE S13°53'36"W FOR 839.63 FEET; THENCE N79°04'32"W FOR 346.99 FEET, MORE OR LESS, TO A POINT ON SAID MEAN HIGH WATER LINE; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING TWO CALLS: N2°50'46"E FOR 111.48 FEET; THENCE N56°46'33"E FOR 10.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 332,579.80 SQUARE FEET OR 7.635 ACRES, MORE OR LESS.

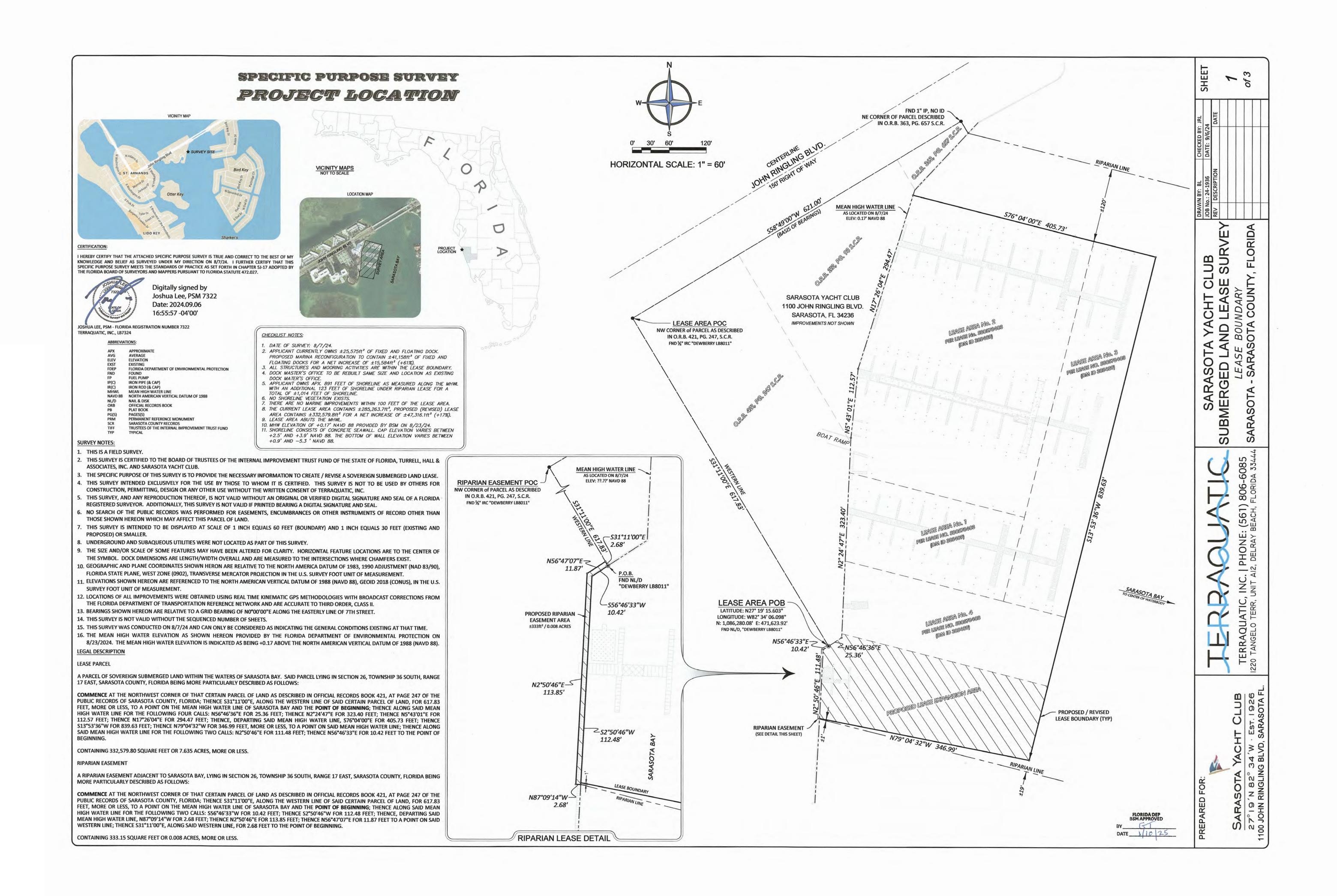
#### **RIPARIAN EASEMENT**

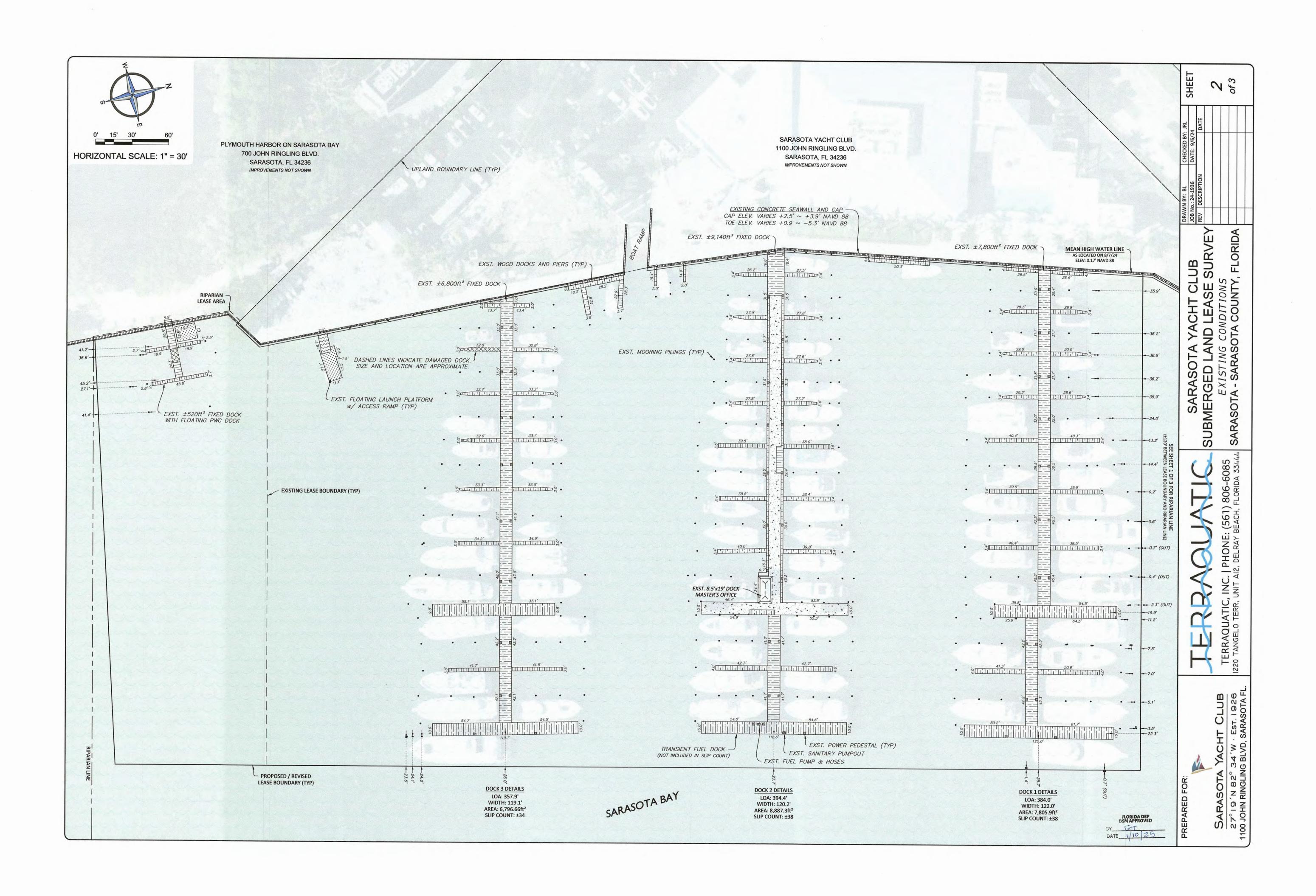
A RIPARIAN EASEMENT ADJACENT TO SARASOTA BAY, LYING IN SECTION 26, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

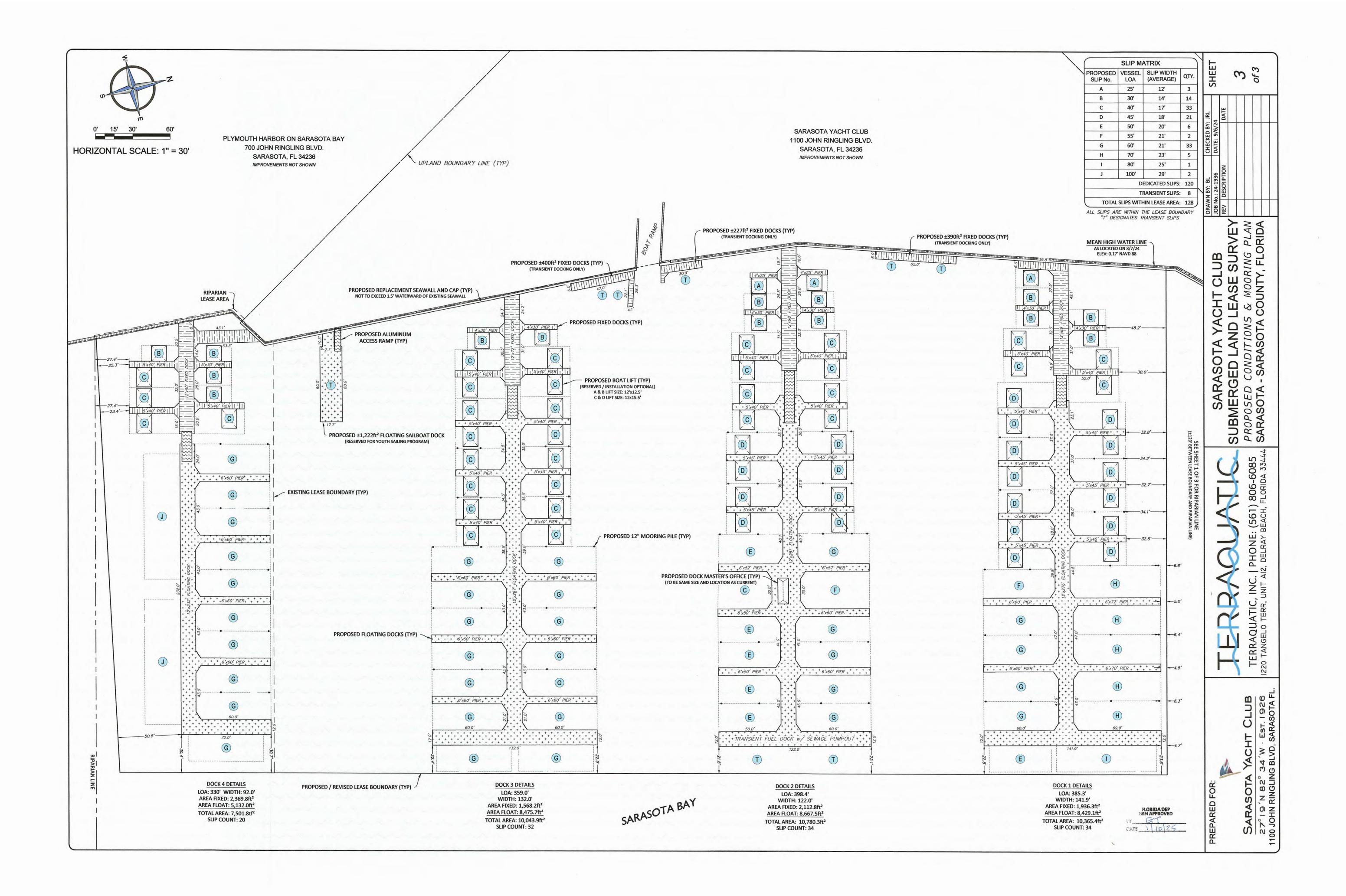
**COMMENCE** AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 421, AT PAGE 247 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S31°11'00"E, ALONG THE WESTERN LINE OF SAID CERTAIN PARCEL OF LAND, FOR 617.83 FEET, MORE OR LESS, TO A POINT ON THE MEAN HIGH WATER LINE OF SARASOTA BAY AND THE **POINT OF BEGINNING**; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING TWO CALLS: S56°46'33"W FOR 10.42 FEET; THENCE S2°50'46"W FOR 112.48 FEET; THENCE, DEPARTING SAID MEAN HIGH WATER LINE, N87°09'14"W FOR 2.68 FEET; THENCE N2°50'46"E FOR 113.85 FEET; THENCE N56°47'07"E FOR 11.87 FEET TO A POINT ON SAID WESTERN LINE; THENCE S31°11'00"E, ALONG SAID WESTERN LINE, FOR 2.68 FEET TO THE POINT OF BEGINNING.

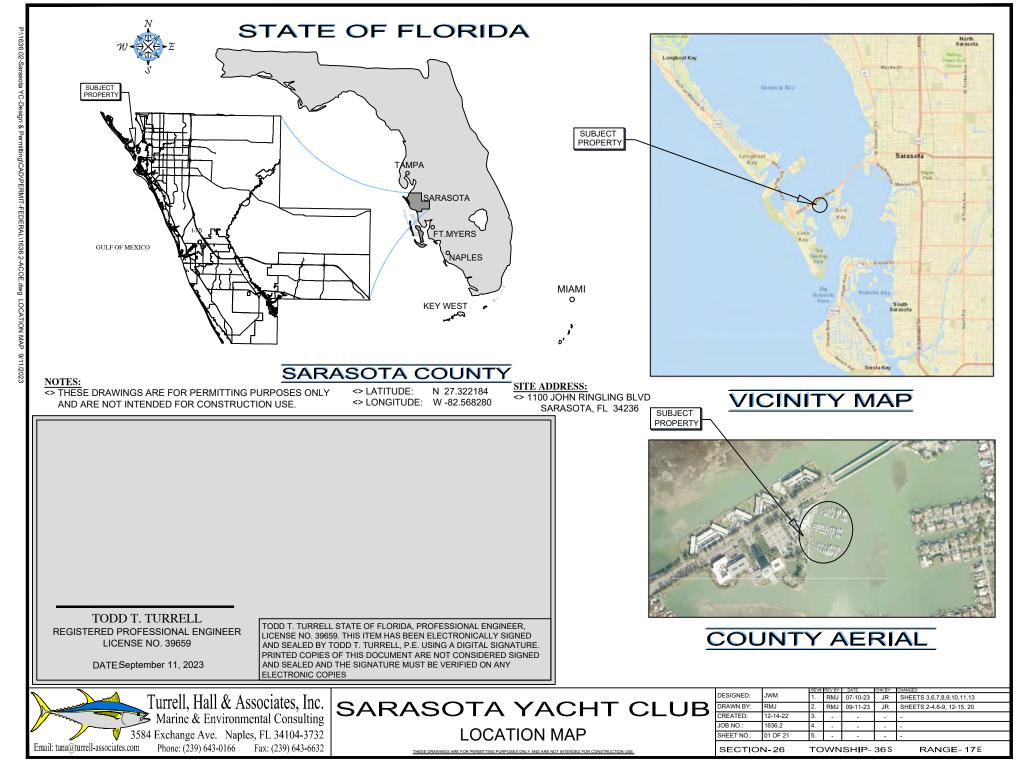
CONTAINING 333.15 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

FLORIDA DEP BSM APPROVED EY GT LATE 1 10 \ 25

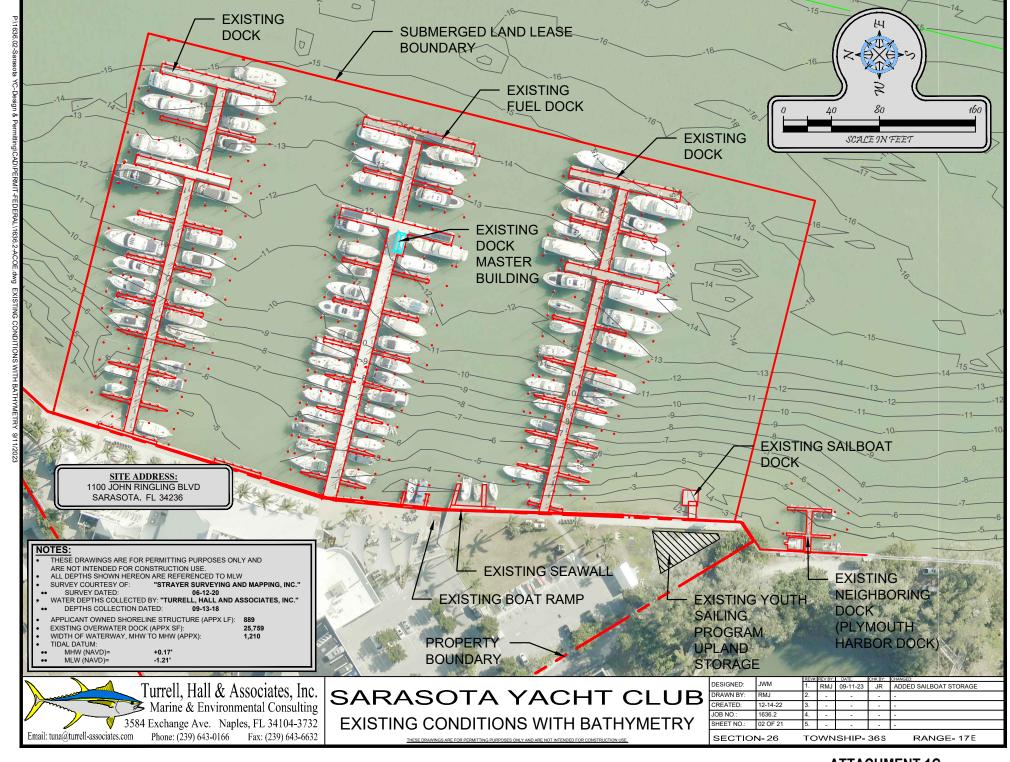


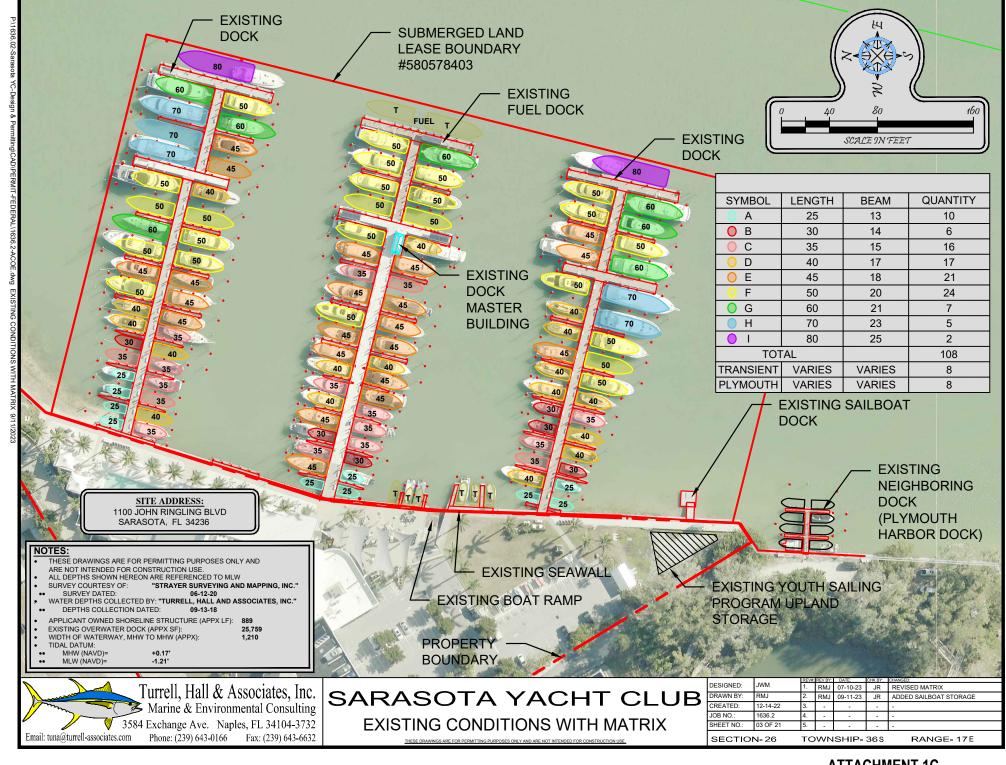


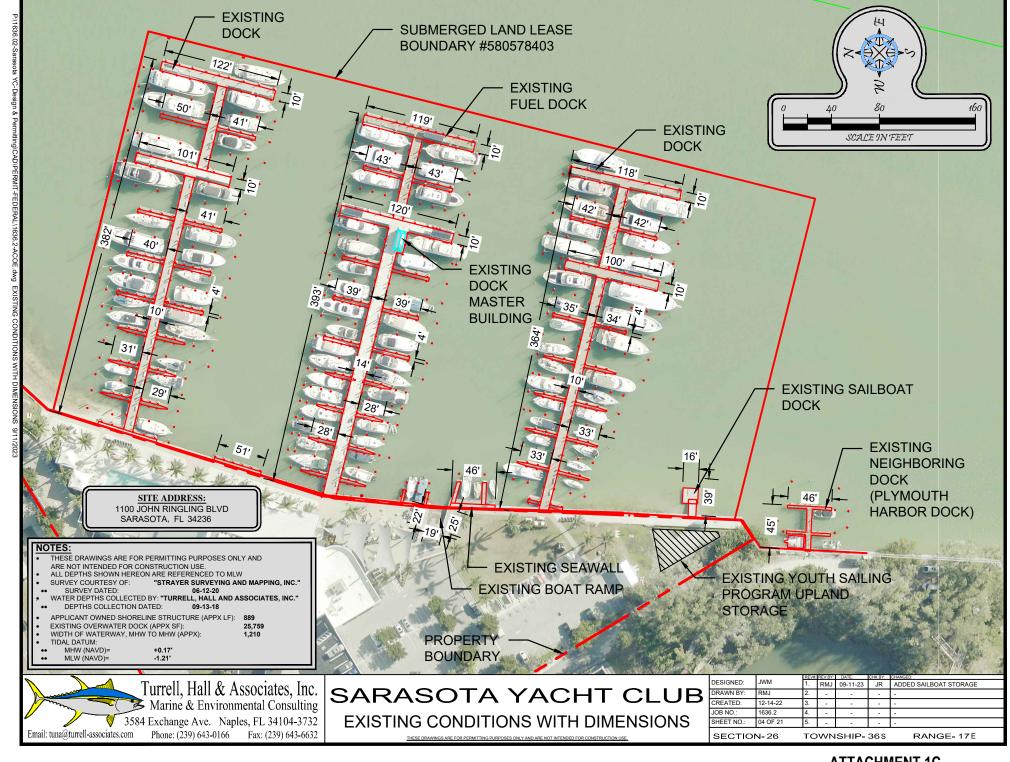


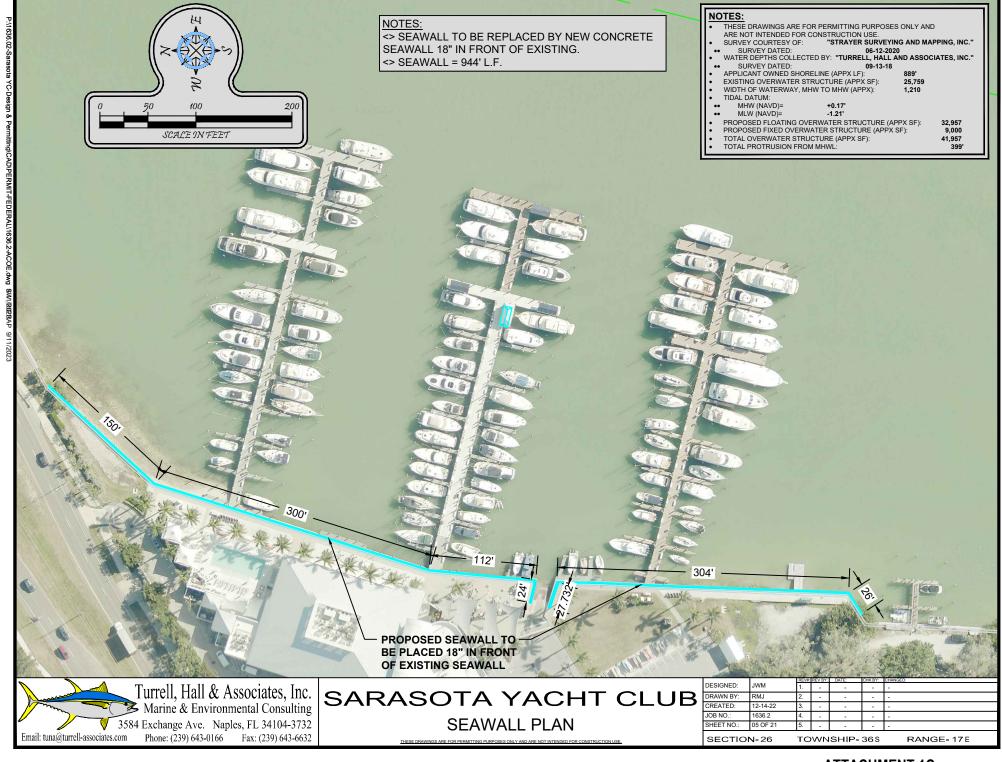


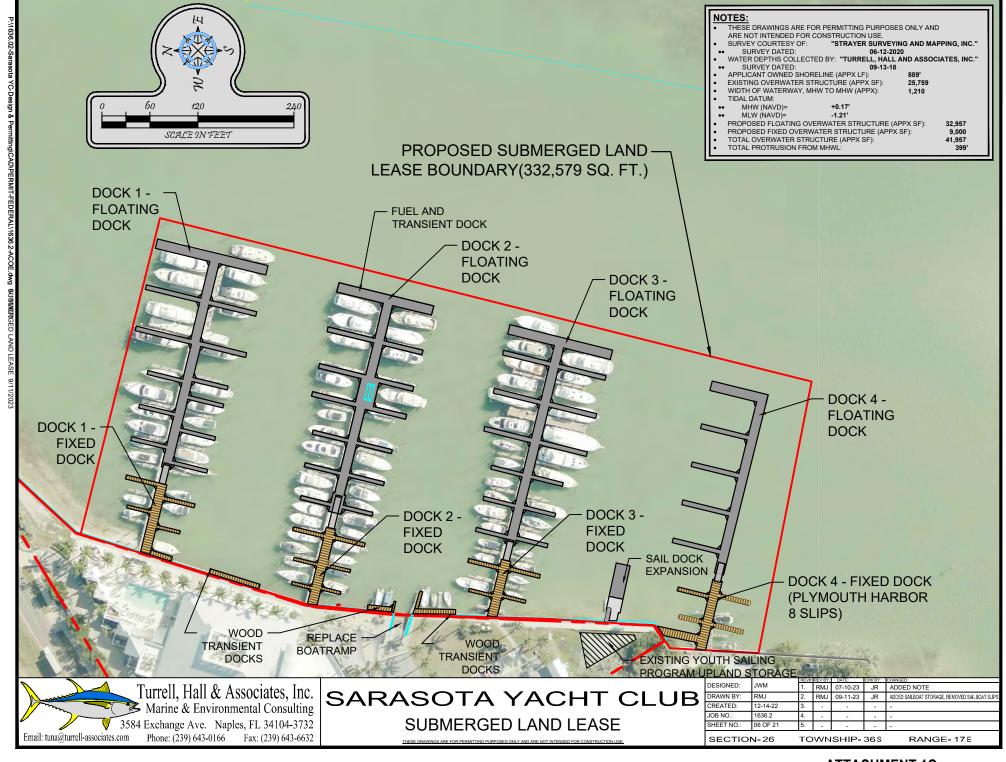
ATTACHMENT 1C PAGE 31

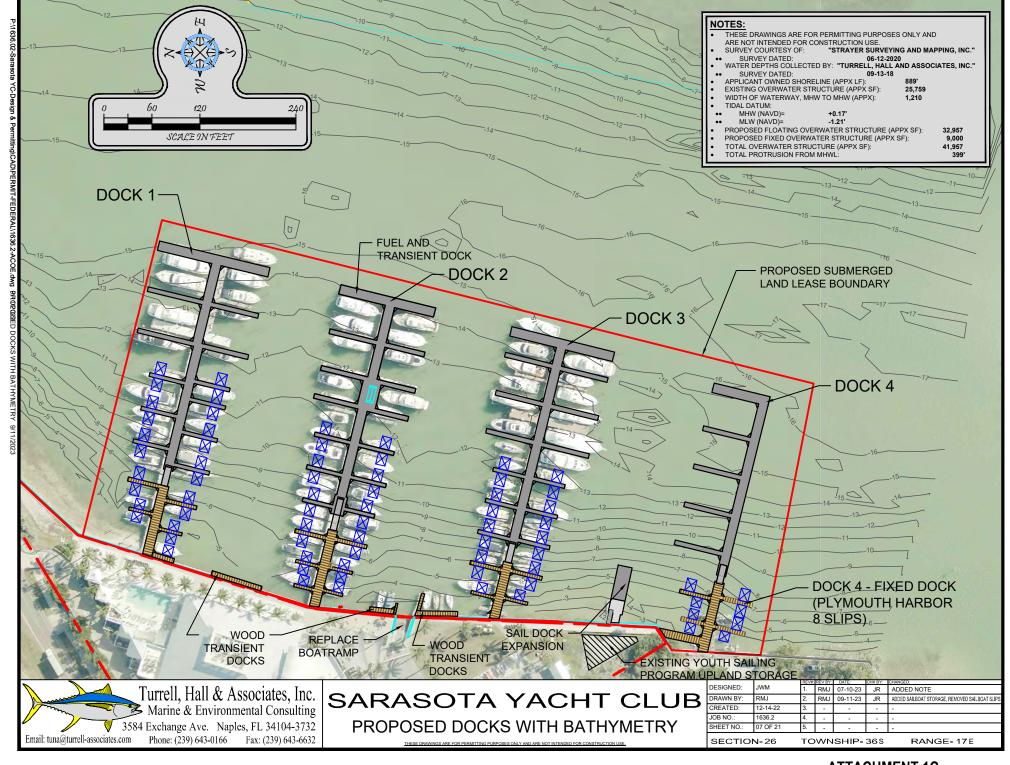


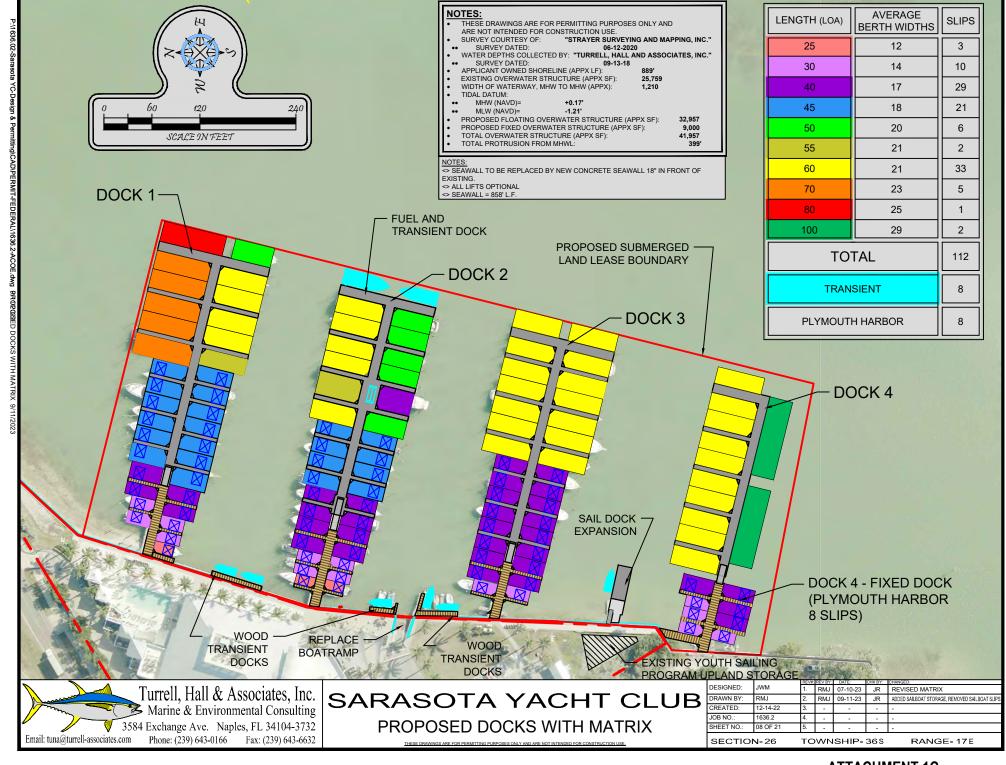


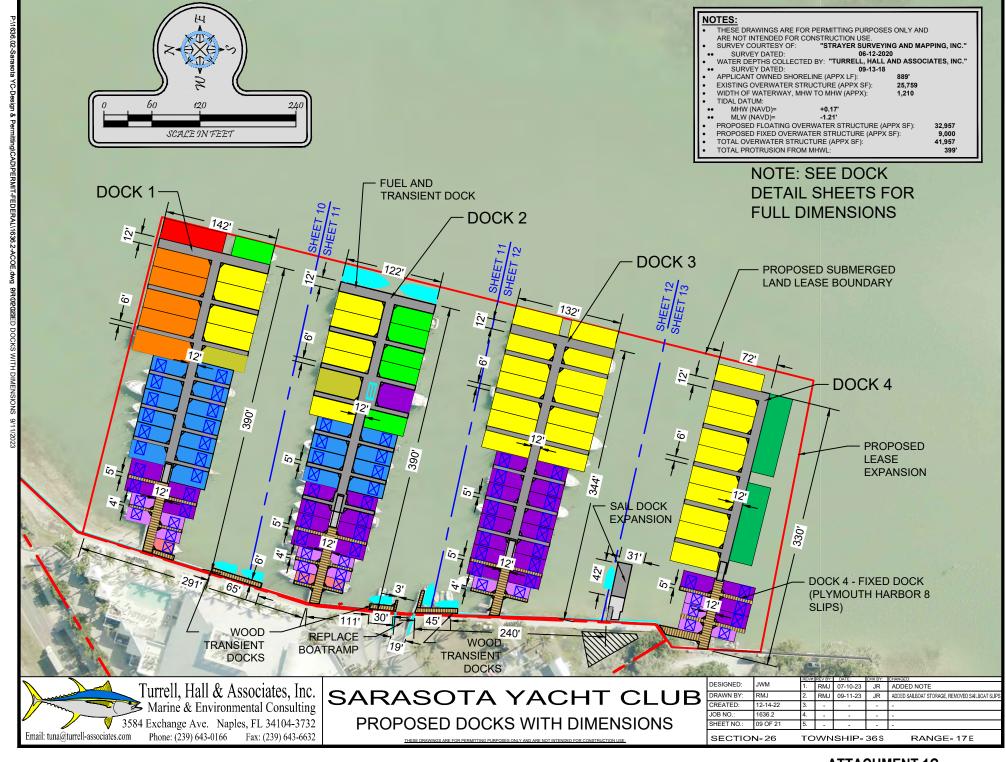


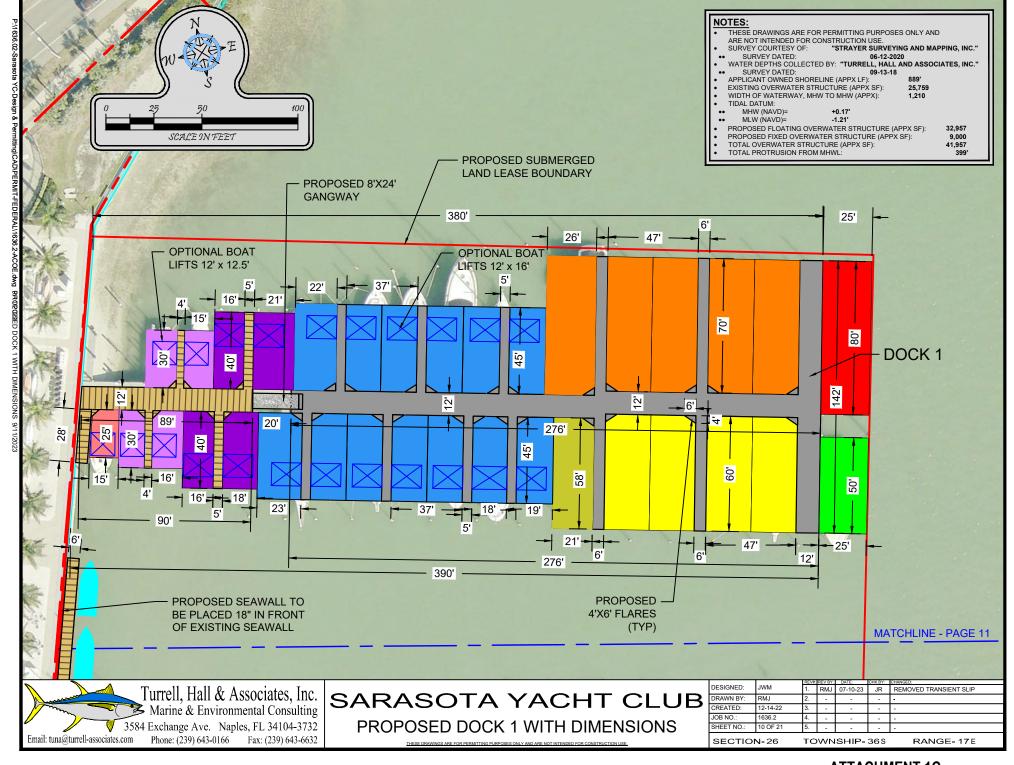


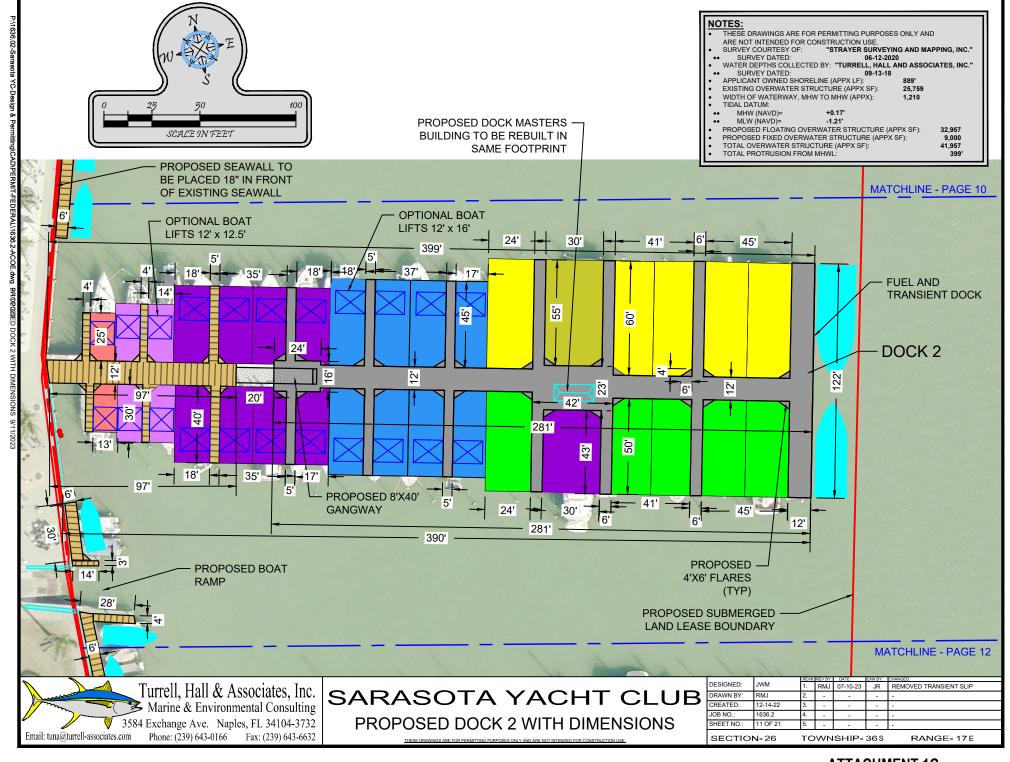


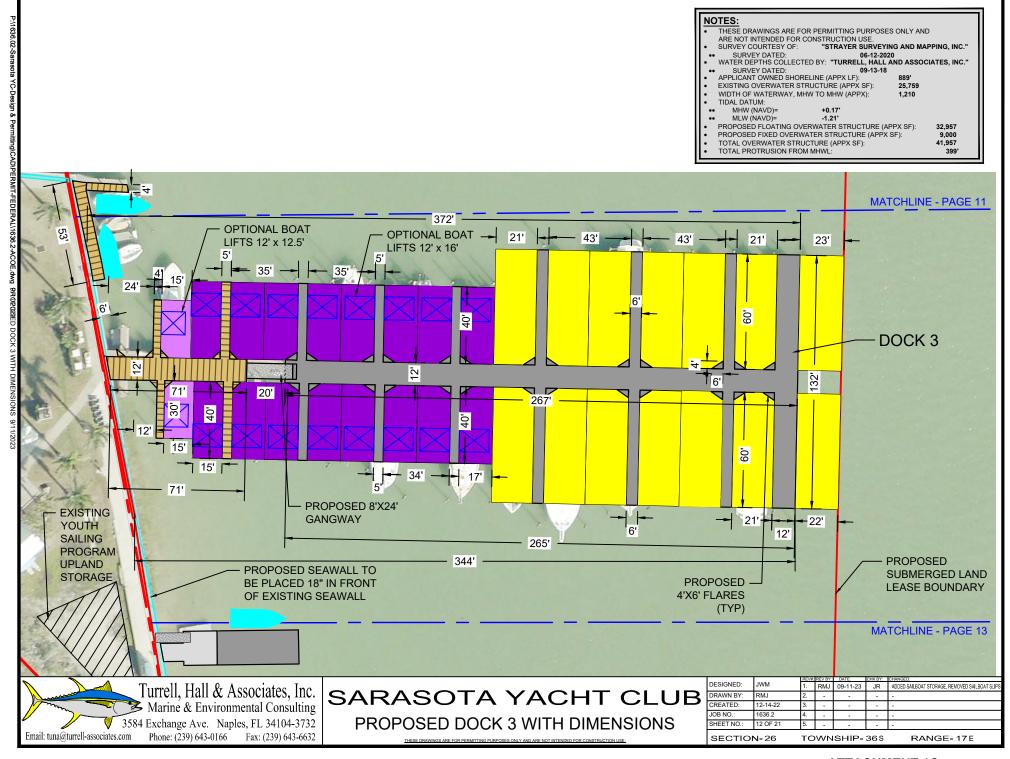


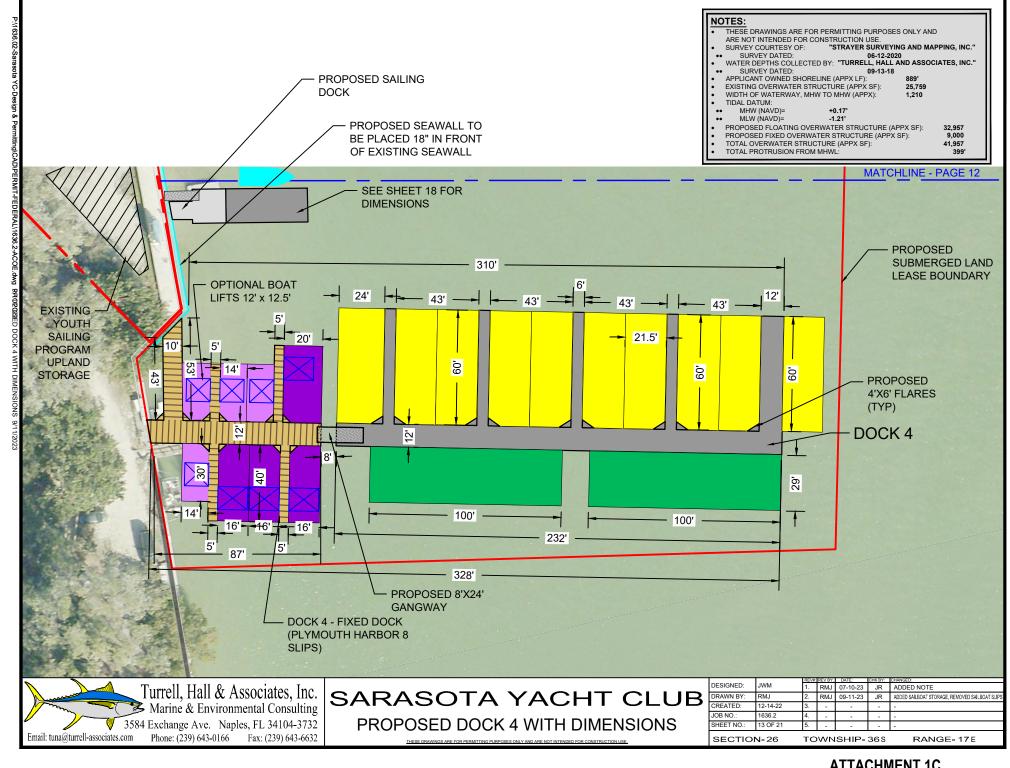


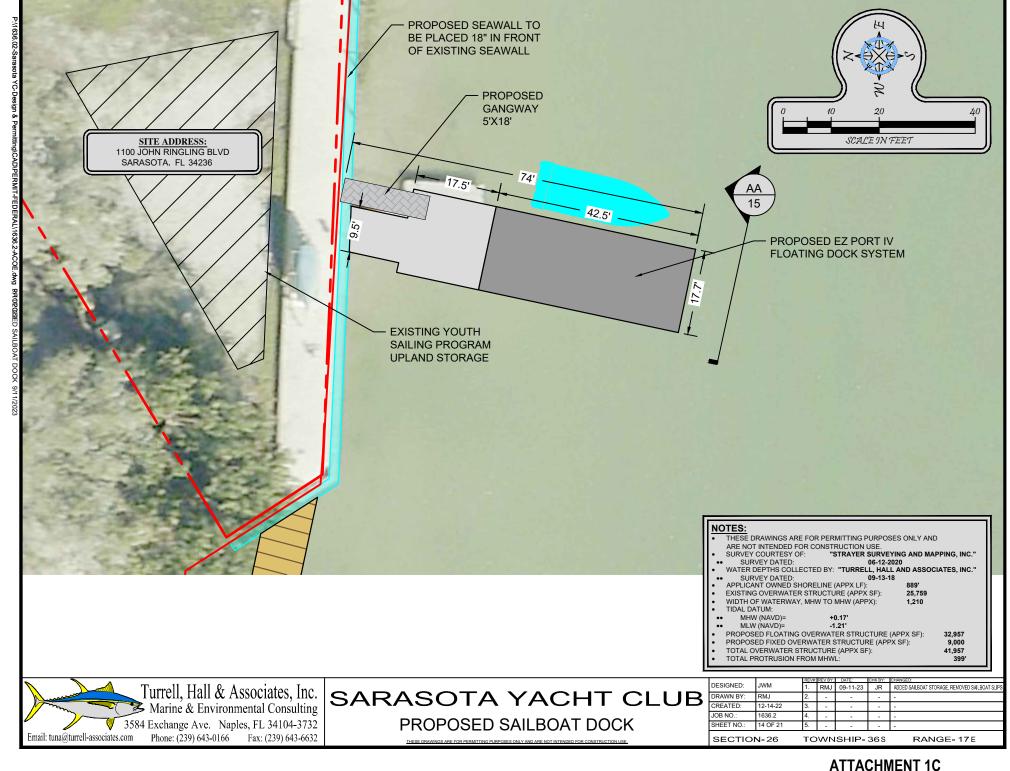


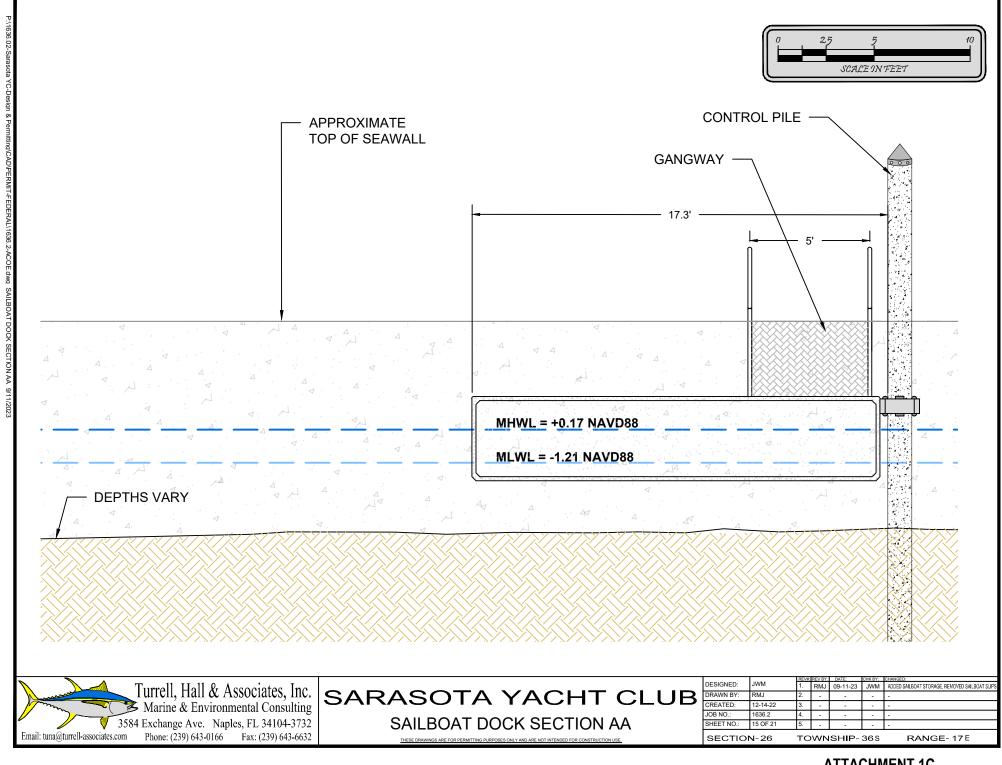


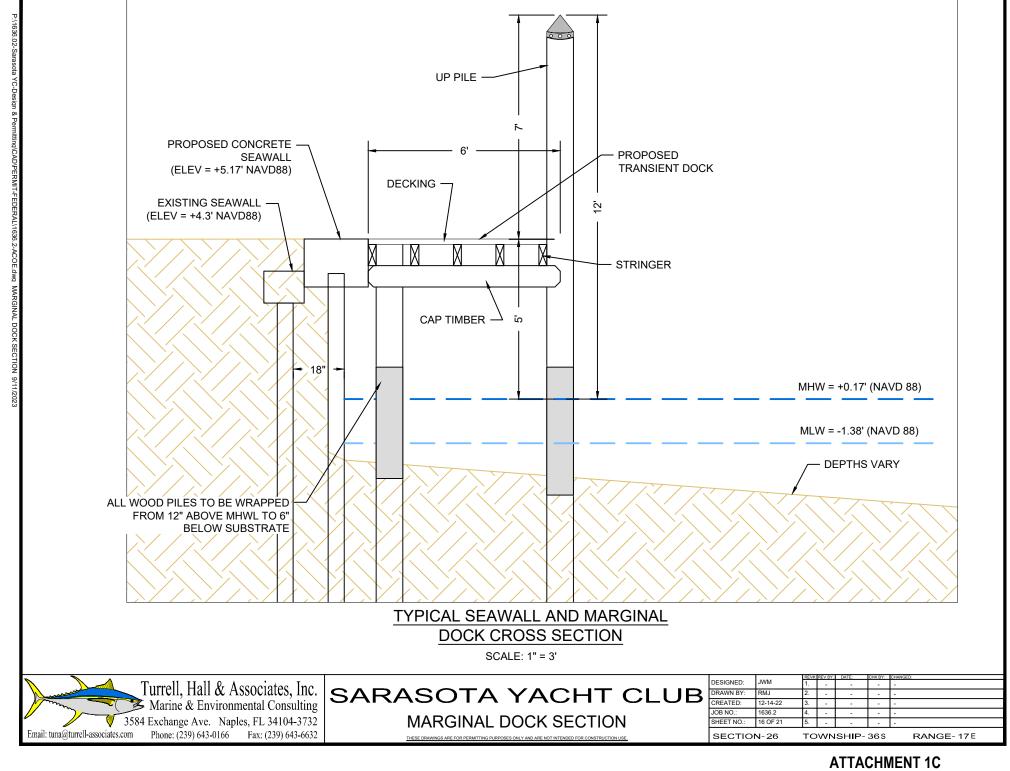


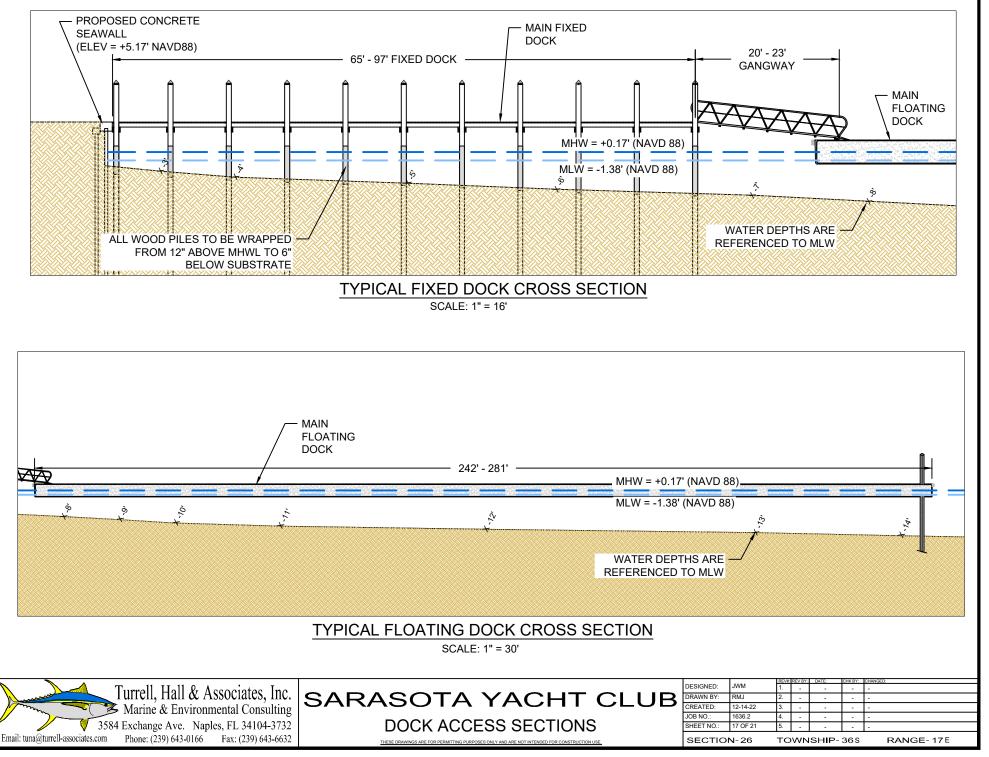








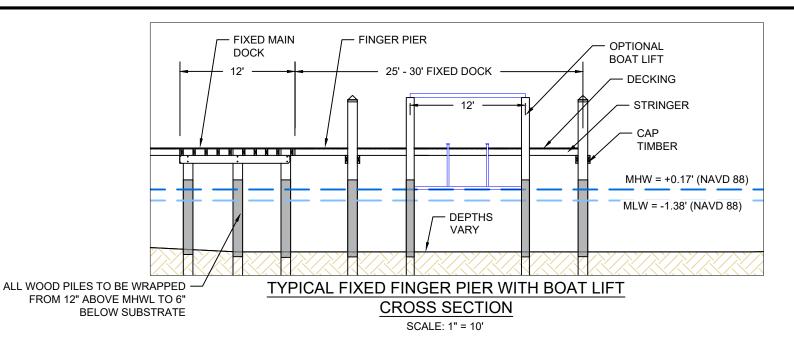


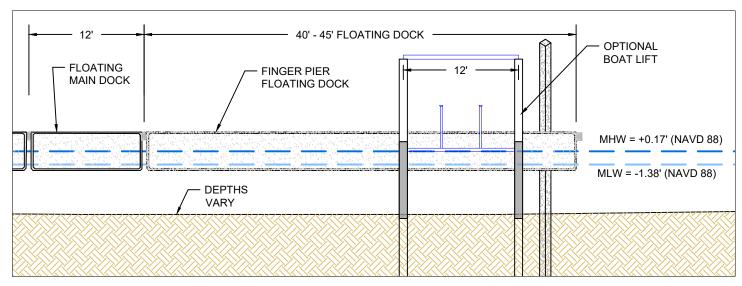


RANGE- 17E

TOWNSHIP-368

SECTION-26





## TYPICAL FLOATING FINGER PIER WITH BOAT LIFT CROSS SECTION SCALE: 1" = 10'



## SARASOTA YACHT CLUB

FINGER PIER SECTIONS WITH BOAT LIFTS

	DESIGNED: J	JWM	REV#:	REV BT:	DATE:	CHK BT:	CHANGED:
			1.			-	-
2	DRAWN BY:	RMJ	2.			-	-
•	CREATED:	12-14-22	3.	-	-	-	-
	JOB NO.:	1636.2	4.				-
	SHEET NO.:	19 OF 21	5.	-		-	-
	SECTION-26			TOWNSHIP-368			RANGE- 17E

