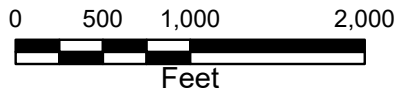


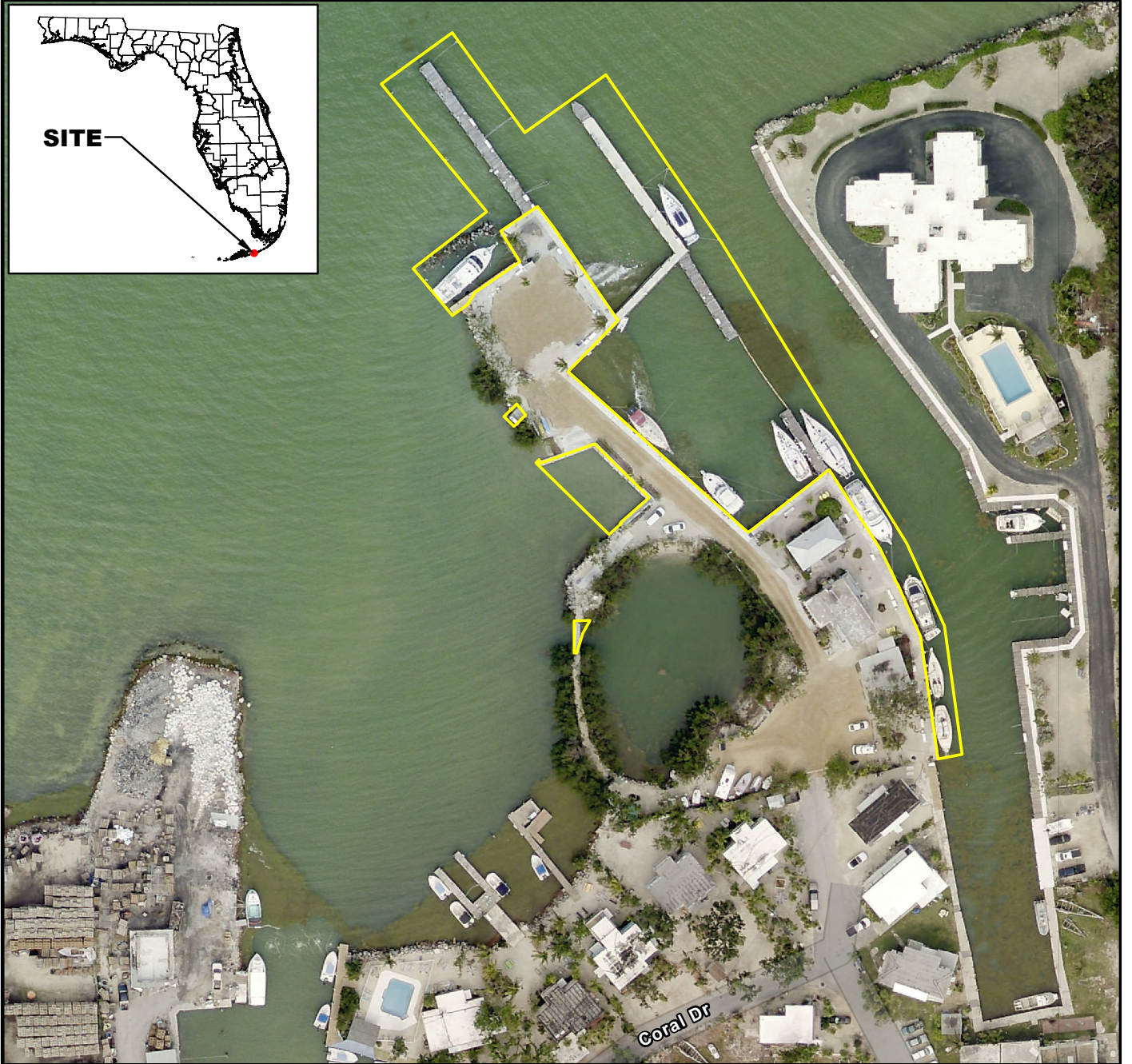
- Subject Parcels
- Florida Forever Project Boundaries
- State Managed Conservation Lands



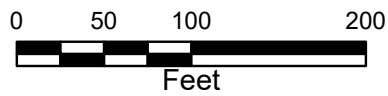
Harbour Cay Club, Inc

Monroe County, Florida

File Location: \\FLDEP\tech_esd\Counties\Monroe\SSL-HARBOR CAY CLUB, INC\GIS\Agenda_Harbour_Cay_Club_Inc.aprx
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 Subject Parcels



Harbour Cay Club, Inc

Monroe County, Florida

File Location: \\FLDEP\tech_esd\Counties\Monroe\SSL-HARBOUR CAY CLUB, INC\GIS\Agenda_Harbour_Cay_Club_Inc.aprx
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PROJECT DESCRIPTION

1. Location: 24° 42' 37.1863" Latitude, 81° 06' 36.1984" Longitude
Aquatic Preserve: No
Waterbody Name and Classification: Gulf of Mexico, Class III Outstanding Florida Waters, not approved shellfish harvesting area
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Yes
2. Preempted area (square feet): 51,154 existing, 0 additional proposed; 51,154 total
Structure dimensions: See attached survey.
Number of Slips: 24 permanent designated existing, 4 undesignated temporary mooring for club members' dinghies and recreational boats existing, 0 additional proposed; 28 permanent designated total.
Vessels: Private recreational vessels.
3. Liveboards: Year-round currently and proposed.
4. Sewage pump out facilities: Yes, fixed and connected to City of Marathon wastewater collection and treatment system.
5. Fueling facility: No, and will not be authorized in the lease.
6. Dredging: N/A

REQUIREMENTS/ASSESSMENTS/COMMENTS

1. DEP environmental resource permit: No environmental resource permit is required since no structures are being constructed under this application.
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: For converting this former registered grandfathered structure to a lease, recommended the following on September 2, 2021: (1) the total number of boats, inclusive of all mooring (permanent and temporary) and upland storage, shall be limited to twenty-eight (28); and (2) the lessee shall install two (2) permanent manatee educational signs, the "Caution Boaters" sign, at the entrances to the docks, facing land. The signs shall be maintained for the life of the facility and installed no later than 30 days after construction commencement. Signs shall be replaced by the Permittee in accordance with FWC guidance if outdated, damaged or faded. Information on how to obtain this sign can be found at the FWC's website: <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>, and questions regarding this requirement can be sent to ImperiledSpecies@MyFWC.com. This

has been included as a special lease condition.

4. Department of State, Division of Historical Resources: Recommended the following condition on August 17, 2021, “If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.” This has been included as a special lease condition.
5. City of Marathon: On August 18, 2021, the City of Marathon stated it has no comments on the Applicant’s lease request.
6. Riparian rights line setback: The proposed lease boundary complies with the required setbacks, since the current structure and mooring configuration has existed since prior to inclusion of the setback requirement in Rule 18-21, F.A.C.
7. Noticing: In accordance with section 253.115(5)(g), F.S., noticing is not required for this lease.

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 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

1. Term of lease: 5 years
2. Site inspections: January 19, 1990, June 1, 2004, February 10, 2010, and August 26, 2021, and was determined to be in compliance, with the exception of not being under lease since

January 1, 1998.

3. Compliance history: A lease has been required since the January 1, 1998 Grandfather Structure Registration expired. TUA's were executed on August 27, 2019, September 15, 2020 and August 27, 2021 to temporarily authorize the docking facility until a lease is approved by the Board of Trustees. The TUA Addendum expires on August 27, 2022.
4. Designated as a Clean Marina / Clean Boatyard / Clean Marine Retailer in the Clean Marina Program: No

SPECIAL LEASE CONDITION(S)

1. The Lessee shall provide and make available to all vessels utilizing the docking facility operational and well-maintained sewage pumpout facilities acceptable to the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction. [SC08; OGC modified 2/11/05, 4/21/08, 9/24/09, 8/24/11]
2. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises. [SC47; OGC approved 4/16/07, 4/21/08, 10/20/08]
3. Vessels that either do not possess a current vessel registration and title as required by Chapters 327 and 328, Florida Statutes, or do not have a current vessel registration and title as required in another state or country are prohibited within the leased premises. [SC56 New 10/1/08]
4. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition. [SC57 New 10/1/08]
5. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within the lease area and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms. [SC55 4/21/08]
6. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains

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

7. The total number of boats, inclusive of all mooring (permanent and temporary) and upland storage, shall be limited to twenty-eight (28).

8. The lessee shall install two (2) permanent manatee educational signs, the “Caution Boaters” sign, at the entrances to the docks, facing land. The signs shall be maintained for the life of the facility and installed no later than 30 days after the effective date of this lease. Signs shall be replaced by the Permittee in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidance if outdated, damaged or faded. Information on how to obtain this sign(s) can be found at the FWC’s website: <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>, and questions regarding this requirement can be sent to ImperiledSpecies@MyFWC.com.

FEE CALCULATION

CONSIDERATION DUE: \$9,556.41

| | |
|---|------------|
| Lease Fee | |
| (51,154 sq. ft. x \$0.1864) | \$9,535.11 |
| Plus 25% Surcharge (for additional lease area) | |
| (51,154 sq. ft. – 50,697 sq. ft. = 457 sq. ft., 457 sq. ft. x \$0.1864 = \$85.18 x 0.25) +\$21.30 | |

| | |
|--------------------------------|-------------------|
| TOTAL CONSIDERATION DUE | \$9,556.41 |
|--------------------------------|-------------------|
