



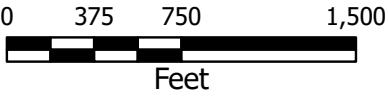




-  Proposed Lease Area
-  TUA Lease Area
-  Existing Lease Area
-  City/County Managed Conservation Lands






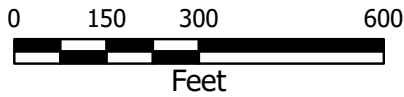
Tarpon Point Marina
Lease #410340783

Manatee County, Florida

File Location: \\FLDEP1\W3\Counties_GIS\Manatee\Tarpon Point Marina
Date Saved: 4/14/2023 4:00 PM
Map Created By: T. Barnes



-  Proposed Lease Area
-  TUA Lease Area
-  Existing Lease Area



Tarpon Point Marina
Lease #410340783

Manatee County, Florida

File Location: \\FLDEP1\WE\Counties_GIS\Manatee\Tarpon Point Marina
Date Saved: 4/14/2023 4:00 PM
Map Created By: T. Barnes

PROJECT DESCRIPTION

1. Location: 27.500235 Lat/ -82.557489 Long
Aquatic Preserve: No
Waterbody Name and Classification: Manatee River, Class III, Not Approved for Shellfish Harvesting
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Slow speed zone all year
2. Preempted area (square feet): 18,637 (does not include area authorized under TUA), 659,115 additional proposed; 679,936 total
Structure dimensions: Various dimensions of docks, finger piers, fixed platforms and gangways for a total square footage amount of approximately 78,175 square feet.
Dredge: 11,194 cubic yards of sovereignty material.
Number of slips: 420 total wet and dry slips (220 wet slips, 200 dry slips)
Number of mooring pilings: 0 existing, 87 additional proposed; 87 total
3. Liveaboards: Are prohibited in the Department environmental resource permit.
4. Sewage pumpout facility: Are authorized in the Department environmental resource permit.
5. Fueling facility: Are authorized in the Department environmental resource permit.
6. Maintenance/ New dredging: Dredging will be authorized on sovereignty submerged lands in areas of the lease to provide sufficient depth of -9 feet at mean low water for mooring of vessels. Approximately 11,194 cubic yards of sovereignty material will be dredged. Maintenance dredging will be authorized.

REQUIREMENTS/ASSESSMENTS/COMMENTS

1. DEP environmental/wetland resource permit: See “Consolidated Notice of Intent” attached.
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 9, 2022, that the Applicant: (1) comply with the standard manatee protection construction conditions; (2) the total number of boat slips and storage, inclusive of all temporary and permanent, wet and dry, shall be limited to 420; (3) One permanent wet slip shall be maintained for exclusive use by Florida Fish and Wildlife Conservation Commission (FWC) Law Enforcement and shall be signed appropriately; (4) A four-foot gap shall be maintained between the sheet piles and the river bottom beneath the combi-wall.; (5) The Applicant shall develop and implement a FWC approved marina educational program prior

to vessel occupancy of the permitted project. A proposal must be submitted to the FWC for approval, and guidelines for development can be found at: <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/> or can be obtained by contacting the FWC, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850-922-4330). The Applicant shall develop and maintain this educational program, including the location and types of signs and information, in a manner acceptable to the the Department and FWC for the life of the facility. The program must include, at a minimum: (a) Installation and maintenance of permanent educational signs regarding manatees; (b) Installation and maintenance of a permanent kiosk or display containing appropriate brochures (as determined by the FWC and the FDEP); (c) Development, installation and maintenance of customized permanent educational signs regarding manatee protection speed zones for the County; (d) Development and availability at the kiosk or display, of customized, laminated copies of navigational charts with the manatee speed zones depicted on the maps provided to boaters using the facility. Items 1-5(d) are included as specific conditions in the DEP environmental/wetland resource permit; items 2 and 3 are included as special lease conditions.

4. U.S. Coast Guard: Stated no objection on April 26, 2022.
5. Department of State, Division of Historical Resources: provided their comment on January 31, 2022, that the proposed project is unlikely to affect historic properties.
6. Riparian rights line setback: The proposed lease boundary complies with the required setback outlined in Rule 18-2.004(3)(d), F.A.C.
7. Compliance: The lease is currently in-compliance with terms and unauthorized is under an executed TUA.
8. Noticing: Twelve property owners were specifically noticed pursuant to section 253.115, F.S., and Rule 18-21.004(1)(m), F.A.C. and one (1) objection was received by July 4, 2022, the end of the comment period.
9. The objections concerned the following issues: (1) Dredging a substantial volume from the river bottom; (2) impacts to manatees, waterfowl, fish, oysters, and mangroves; (3) size of the marina and its encroachment into the river and safe passage for kayak and paddle boarders; (4) flooding impacts due to piles and steel sheet pile walls, as well as scouring caused from increased velocity; and (5) visual impacts to homeowners and new Riverwalk users.

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 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.

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

- Term of lease: 5 years from September 20, 2018 to September 11, 2023
- Site inspections: June 24, 2008, March 31, 2009, June 17, 2015, April 18, 2018, and February 21, 2023, March 21, 2023
 - Compliance history:
 - On October 18, 2006, the Department conducted a site inspection and discovered that the 18-slip temporary wet slip docking facility, used for staging vessels in conjunction with the upland dry boat storage facility, had been constructed without a permit and or active lease. The Department pursued formal enforcement at that time, and a consent Order and Temporary Use Agreement (TUA) were executed between the Department and the former applicant on October 12, 2007. The Consent Order required payment of \$1,500 in administratively fines and \$1,000 in costs and expenses for the unauthorized construction of the facility and the unauthorized use of sovereignty submerged lands. The TUA required payment of \$18,708.00 in lease fees in arrears, which were assessed from December 17, 2001 through February 28, 2008. All the fines, fees, and costs were paid as required by the Consent Order and TUA.
 - On April 06, 2011, a site inspection was conducted. The facility was found to be in-compliance.
 - On July 14, 2015, the Department conducted a site inspection and noted the site was out of compliance. The violations observed on site included; an unauthorized temporary floating platform and a vessel on a boatlift, connected to a piling both outside the lease area, required “open to public” signs were not posted, a floating platform within the mangroves, and a small unauthorized decking structure. There was also a lack of payment to the Department, of \$10,633.91, and missing Annual Wetslip Revenue Reporting Forms. Corrective Actions were proposed to resolve these violations. The Department also observed the unauthorized docking structure. On July 20, 2015, and August 27, 2015, Department came to an agreement with Mr. Tibbetts to use a Temporary Use Agreement (TUA) for the restaurant dock adjacent to the tiki bar, the piling and floating platform, while a lease modification is reassigned or processed.
 - On April 23, 2018, the Department conducted a site inspection and the lease was reported as in compliance.
 - On March 21, 2023, the Department conducted a site inspection and observed the unauthorized restaurant docking structure and temporary mooring area. The

Applicant entered into a TUA on April 25, 2023 and the payments of all applicable fees.

- Temporary Use Agreement (TUA): Issued April 25, 2023, to expire on April 25, 2024, for 2,184-square-feet of preempted area.
- Designated as a Clean Marina / Clean Boatyard / Clean Marine Retailer in the Clean Marina Program: No

SPECIAL LEASE CONDITIONS

1. A minimum of ninety percent (90%) 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, Florida Administrative Code, 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 Applicant 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 (90%) 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 (90%) of the wet slips at the docking facility are open to the general public on a “first come, first served” basis. [OGC modified 11/30/06, 4/21/08, 5/8/08, 1/28/2010, 12/11/15]
2. The Applicant shall provide and make available to all vessels utilizing the docking facility operational and well-maintained sewage pumpout facilities acceptable to the Department or State of Florida Department of Health, whichever agency has jurisdiction. [OGC modified 2/11/05, 4/21/08, 9/24/09, 8/24/11]
3. The Applicant shall provide recycling bins for the separation and recycling of monofilament line. [OGC modified 2/11/05]
4. The Applicant shall maintain the existing mangroves in a natural condition free and clear of manmade trash, debris, flotsam and jetsam for the term of this lease and all subsequent renewal terms. The Applicant shall not remove or cause to be removed natural seagrass litter, mangrove leaf litter or detritus. [OGC modified 2/11/05, 4/21/08, 8/24/11]
5. Prior to construction of the proposed modified docking facility authorized in this lease and no later than March 27, 2024, the Lessee shall remove the existing 557 square foot dock located outside these leased premises and adjacent to the upland restaurant. [OGC approved 4/24/2023]

FEE CALCULATION

CONSIDERATION DUE: \$152,929.46

(1)	Lease Fee 679,936 sq. ft. x \$0.1992 =	\$135,443.25
	Less 30% Discount (lease fee above x .30 =)	-\$40,632.98
(2)	Plus 25% Surcharge on the additional area (679,936 sq. ft. - 18,637 sq. ft. = 661,299 sq. ft. additional sq. ft. x \$0.1992 = \$131,730.76 x .25 = \$32,932.69)	\$32,932.69
(3)	Severance Fee of Sovereignty material 11,194 cubic yards x \$2.25 per cubic yard	+ \$25,186.50
	SUBTOTAL:	\$152,929.46

Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida

Submerged Lands Lease: As Written by SurvTech Solutions

That part of the sovereign submerged lands of the State of Florida that lie within a portion of the tidally influenced waters of the Manatee River, all lying and being in Section 25, Township 34 South, Range 17 East, Manatee County, Florida, being more particularly described as follows:

COMMENCE at a point marking the South quarter corner of Section 25, Township 34 South, Range 17 East, Manatee County, Florida, said point having a Northing of 1148293.97, and an Easting of 476317.34 per Florida Department of Environmental Protection, Certified Corner Record, document number 107038, based on the North American Datum of 1983 (NAD 1983), 1999 Adjustment, Florida State Plane West Zone; thence N 12°36'03" W a distance of 2830.95 feet to a point coincident with the Southerly Mean High Water Line of the Manatee River, said point being the POINT OF BEGINNING; said POINT OF BEGINNING further being described as: COMMENCE at a point marking the Northeast corner of Lot 1, Block B, BEAU VUE ESTATES, recorded in Plat Book 2, Page 93 of the Public Records of Manatee County, Florida; said point having a Northing of 1150939.17, and an Easting of 475356.21, based on the North American Datum of 1983 (NAD 1983), 2011 Adjustment, Florida State Plane West Zone; thence N 71°06'34" E a distance of 363.09 feet to the POINT OF BEGINNING, thence coincident with said Southerly Mean High Water line for the following eighteen (18) courses: 1.) N 31°58'57" W a distance of 40.91 feet; 2.) N 08°24'21" W a distance of 6.96 feet; 3.) N 16°24'55" W a distance of 83.10 feet; 4.) N 06°15'08" W a distance of 14.59 feet; 5.) N 26°06'58" W a distance of 9.92 feet; 6.) N 14°34'49" W a distance of 44.79 feet; 7.) N 22°31'12" W a distance of 25.24 feet; 8.) N 51°07'29" W a distance of 14.72 feet; 9.) N 00°04'37" E a distance of 28.10 feet; 10.) N 21°19'53" W a distance of 24.99 feet; 11.) N 32°14'12" W a distance of 18.54 feet; 12.) N 56°22'25" W a distance of 39.55 feet; 13.) N 40°36'48" W a distance of 22.31 feet; 14.) N 34°16'39" W a distance of 58.53 feet; 15.) N 42°31'43" W a distance of 16.89 feet; 16.) N 53°22'43" W a distance of 19.60 feet; 17.) N 75°34'42" W a distance of 14.88 feet; 18.) S 75°45'27" W a distance of 12.12 feet; thence departing said Northerly Boundary and Southerly Mean High Water line N 17°41'54" W a distance of 28.92 feet; thence S 72°18'54" W a distance of 400.58 feet; thence N 30°02'55" W a distance of 40.95 feet; thence N 17°41'54" W a distance of 391.48 feet; thence S 72°15'15" W a distance of 152.51 feet; Thence N 17°42'04" W a distance of 205.37 feet; thence N 72°17'57" E a distance of 1093.02 feet; thence S 17°42'03" E a distance of 149.38 feet; thence S 72°17'57" W a distance of 122.51 feet; thence S 17°41'54" E a distance of 487.38 feet; thence S 00°05'53" W a distance of 222.65 feet; thence S 20°51'56" W a distance of 173.23 feet; thence; S 13°45'42" E a distance of 106.97 feet; thence S 23°34'10" W a distance of 5.50 feet; thence S 60°54'10" W a distance of 119.58 feet to the Southerly Mean High Water line and the POINT OF BEGINNING.

Containing an area of 679,936.07 square feet, 15.609 acres, more or less.

Certifications:

Board of Trustees of the
 Internal Improvement Trust Fund
 of the State of Florida

Digitally
 signed by
 Stacy L Brown
 Date:
 2022.12.01
 07:18:45
 -05'00'



Stacy L. Brown PSM No. 6516
 SurvTech Solutions, Inc. LB No. 7340

BSM APPROVED

BY SEW

DATE 12/28/22

THIS IS A FIELD SURVEY.

SURVEYING TODAY WITH
 TOMORROW'S TECHNOLOGY



Project No.: 20210149
 Phase: 1
 Drawing Name: 20210149_ISK
 Last Field Date: 10/23/21
 Field Book/Page: 21-23/59

Drafted By: K. Bowman
 Date Drafted: 01/07/22
 Revision Date: 11/28/22
 Approved By: S. Brown
 Date Approved: 01/13/22

SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS

10220 U.S. Highway 92 East, Tampa, FL 33610
 phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340
 email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*

Surveyor's Notes

- 1.) Paper copies of this sketch & description are not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper. Digital copies are not valid without the digital signature of a Florida Licensed Surveyor and Mapper. Said sketch & description is in compliance with the Standards of Practice pursuant to Rules 5J-17.050 through 5J-17.052, Florida Administrative Code.
- 2.) The bearing structure for this sketch & description is based on a NAD 1983 Florida State Plane West Zone, bearing of N 14°37'07" W for the West line of a parcel described per official records instrument number 201941078742, of Manatee County, Florida and the East Right-of-Way Boundary of 6th Street Northeast.
- 3.) The horizontal datum utilized for this project is NAD 1983 Florida West Zone, 2011 Adjustment, U.S. Survey Feet. Said datum was established by utilizing the Florida Permanent Reference Network (FPRN).
- 4.) The vertical datum utilized for this project is NAVD 1988, U.S. Survey Feet. The benchmark utilized was National Geodetic Survey (NGS) Control Station "T 695" with an elevation of 3.60 feet.
- 5.) THIS IS NOT A BOUNDARY SURVEY.

Legend

E	Easting
LB	Licensed Business
N	Northing
PSM	Professional Surveyor and Mapper
●	Found Iron Pipe or Rod
TSWE	Top of Seawall Elevation
BSWE	Bottom of Seawall Elevation
MHWL	Mean High Water Line
(P)	Plat Reference
Id.	Identification

THIS IS A FIELD SURVEY.

PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21



SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS

10220 U.S. Highway 92 East, Tampa, FL 33610

phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340

email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 2 OF 11

Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida

Ownership Information

- | | | |
|---|---|---|
| <p>① Parcel ID: 3153700109
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑥ Parcel ID: 3154300002
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑪ Parcel ID: 3154700109
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> |
| <p>② Parcel ID: 3153400059
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑦ Parcel ID: 3154500007
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑫ Parcel ID: 3154701001
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> |
| <p>③ Parcel ID: 3153600059
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑧ Parcel ID: 3154700159
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑬ Parcel ID: 3154900009
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> |
| <p>④ Parcel ID: 3153700059
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑨ Parcel ID: 3154700209
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑭ Parcel ID: 3140600002
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> |
| <p>⑤ Parcel ID: 3153900059
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑩ Parcel ID: 3154700051
EB JV Opportunity Fund LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> | <p>⑮ Parcel ID: 3144500000
EB 212 7th Street E LLC
1440 Main St 4th Floor
Sarasota, FL 34236</p> |

Monumentation Legend

- Ⓐ Found 5/8 Capped Iron Rod "LB #5934"
- Ⓑ Point of Commencement (2) Found 3" Iron Pipe "No Id"

Index

- Sheet 1: Legal Description
- Sheet 2: Notes & Legends
- Sheet 3: Ownership & Monumentation Legend
- Sheet 4: Vicinity Map
- Sheet 5: Key Map & Overall
- Sheet 6-7: Parent Boundary and Existing Conditions
- Sheet 8-11: Lease Boundary & Proposed Structure

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PROJECT NO.: 20210149
 PHASE: 1
 LAST FIELD DATE:
 10/23/21



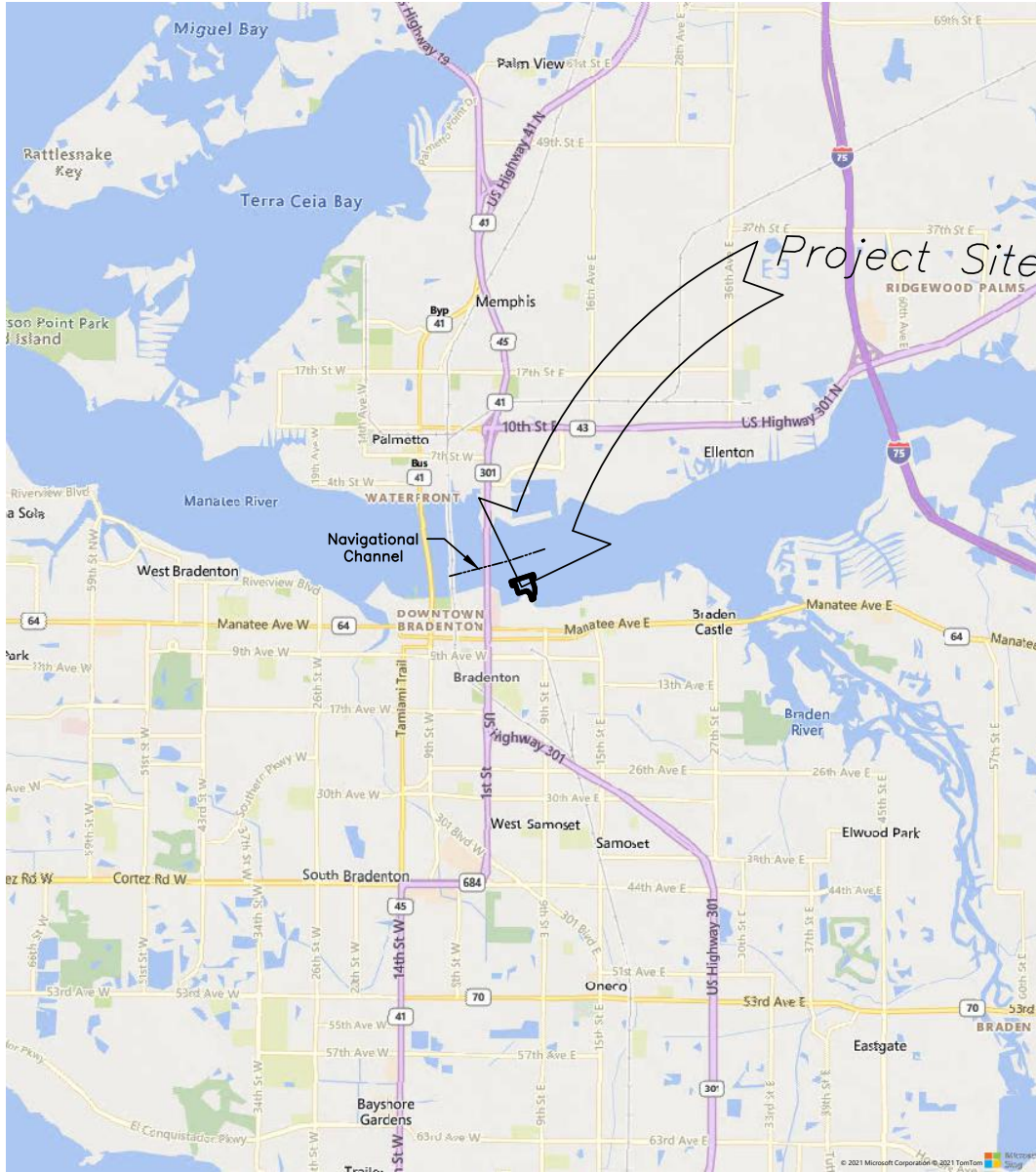
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Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 3 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*

Vicinity Map

Scale: 1" = 8000'



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PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21



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Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 4 OF 11

**Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida**

SEE SHEET 8
Lease Area Detail

Mean High Water
Elevation: 0.49'
(NAVD 1988)

MANATEE RIVER

N 72°17'57" E 1093.02'

Total Acreage
679936.07 Square Feet
15.609 Acres

SEE SHEET 9
Lease Area Detail

Riparian Line Perpendicular to Shoreline
N 67°10'00" W

Riparian Line to Thread of
Channel Deed Book 3, Page 37
N 01°03'57" W

Point of Commencement
Northeast Corner of
Lot 1, Block B
Found 5/8" Capped Iron
Rod "RLS #1735"
N: 1150939.17
E: 475356.21

MHWL

SEE SHEET 10
Lease Area Detail

N 71°06'34" E
363.09'

SEE SHEETS 6 & 7
FOR PARCEL
INFORMATION

Point of Beginning
Submerged
Land Lease
N: 1151056.72
E: 475699.74

Line Information:

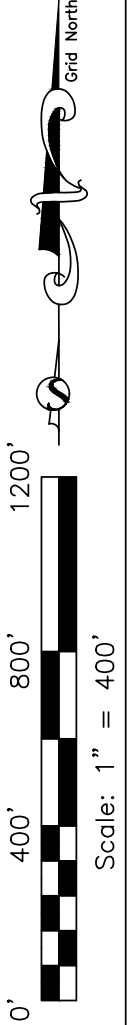
LINE	BEARING	DISTANCE
L20	S 72°18'54" W	400.58'
L21	N 30°02'55" W	40.95'
L22	N 17°41'54" W	391.48'
L23	S 72°15'15" W	152.51'
L24	N 17°42'04" W	205.37'
L25	S 17°42'03" E	149.38'
L26	S 72°17'57" W	122.51'
L27	S 17°41'54" E	487.38'
L28	S 00°05'53" W	222.65'
L29	S 20°51'56" W	173.23'
L30	S 13°45'42" E	106.97'
L31	S 23°34'10" W	5.50'
L32	S 60°54'10" W	119.58'

Point of Commencement
South 1/4 Corner
Section 25-34S-17E
per CCR#107038
N: 1148293.97
E: 476317.34

NOTE: Lease area coincides
with ±495.74 feet of
natural shoreline, being
relative to 11.8% of the
entire lease boundary.

NOTE: The Mean High Water Elevation
depicted hereon was established and
supplied by the Florida Department of
Environmental Protection, Bureau of
Survey and Mapping, with an approval
date of March 26, 2021.

THIS IS A FIELD SURVEY.



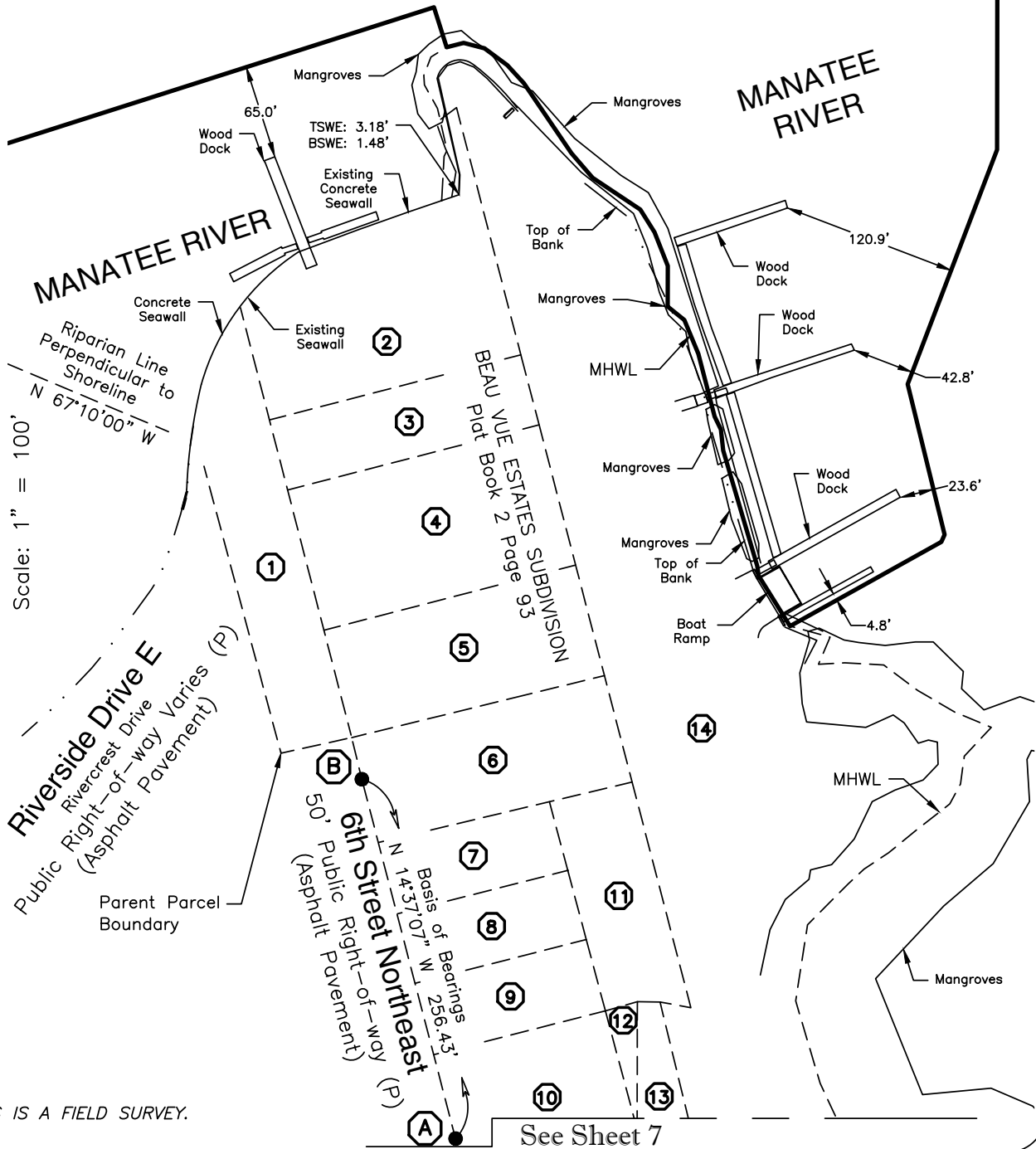
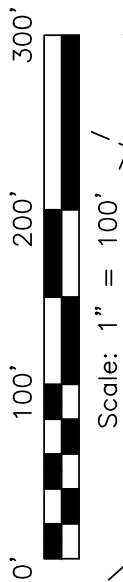
PROJECT NO.: 20210149
PHASE: 1
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10/23/21



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Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 5 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*



THIS IS A FIELD SURVEY.

See Sheet 7

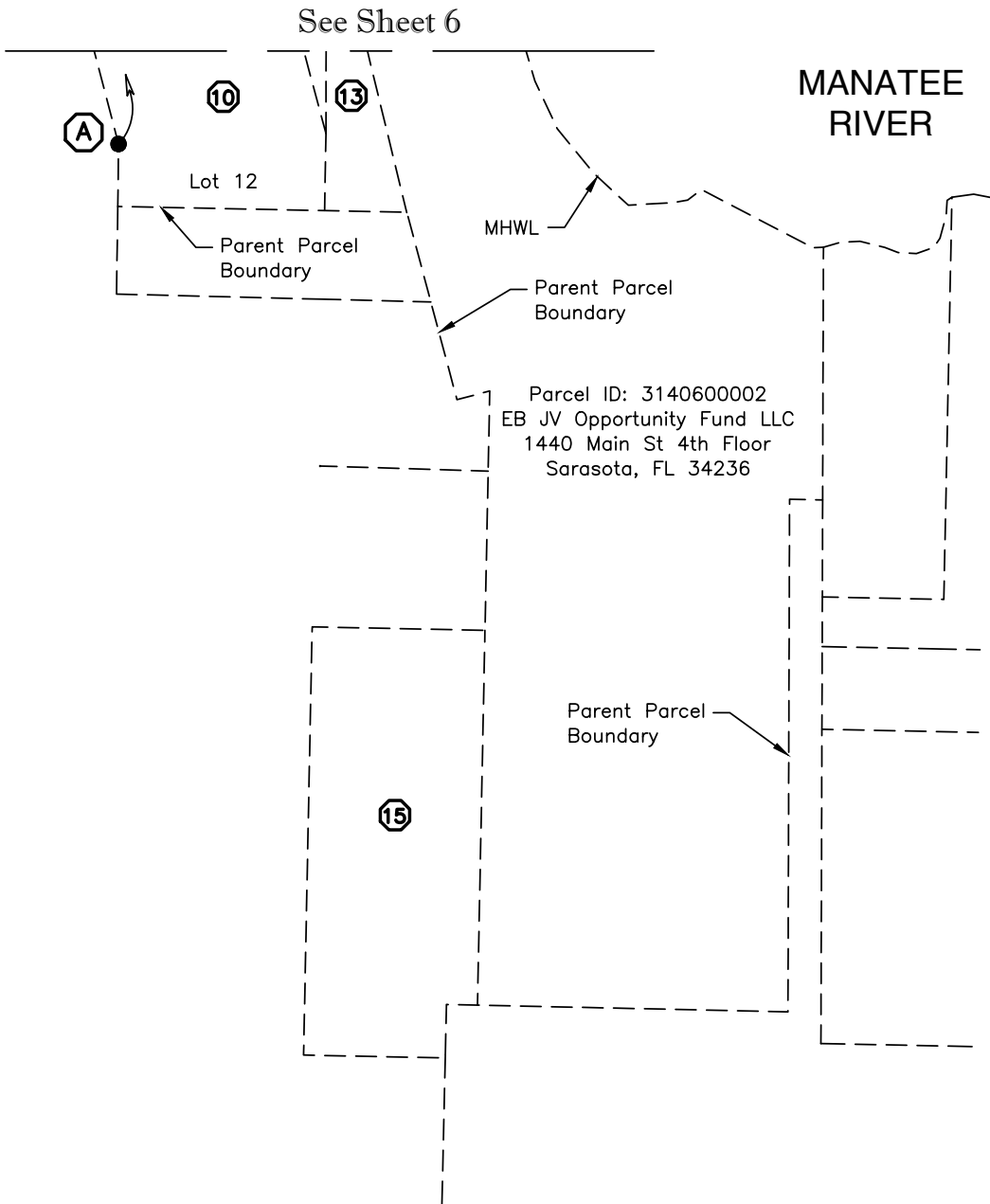
PROJECT NO.: 20210149
 PHASE: 1
 LAST FIELD DATE:
 10/23/21



SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS
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Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 6 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
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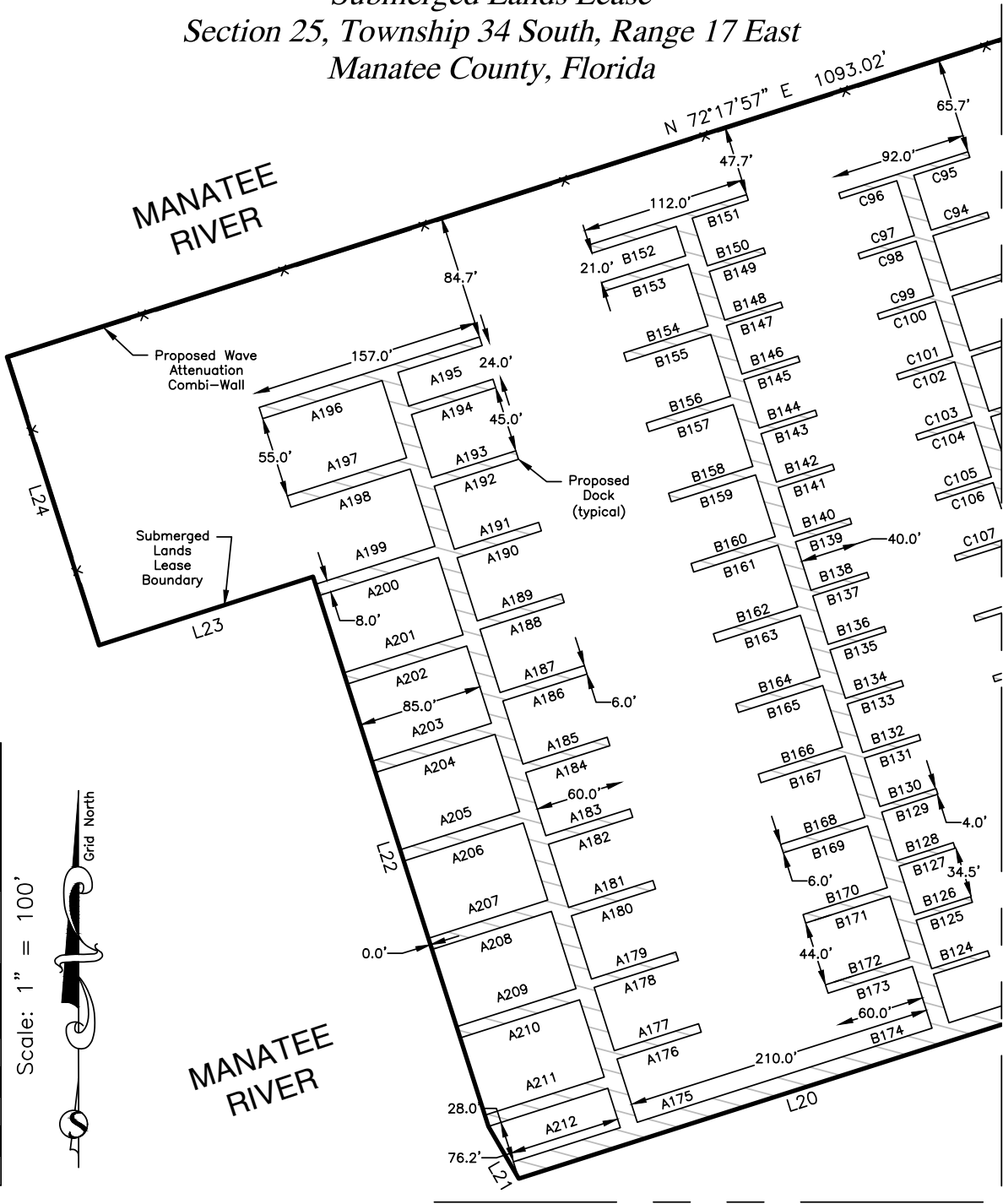
PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21



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Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 7 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*



See Sheet 9



THIS IS A FIELD SURVEY.

See Sheet 10

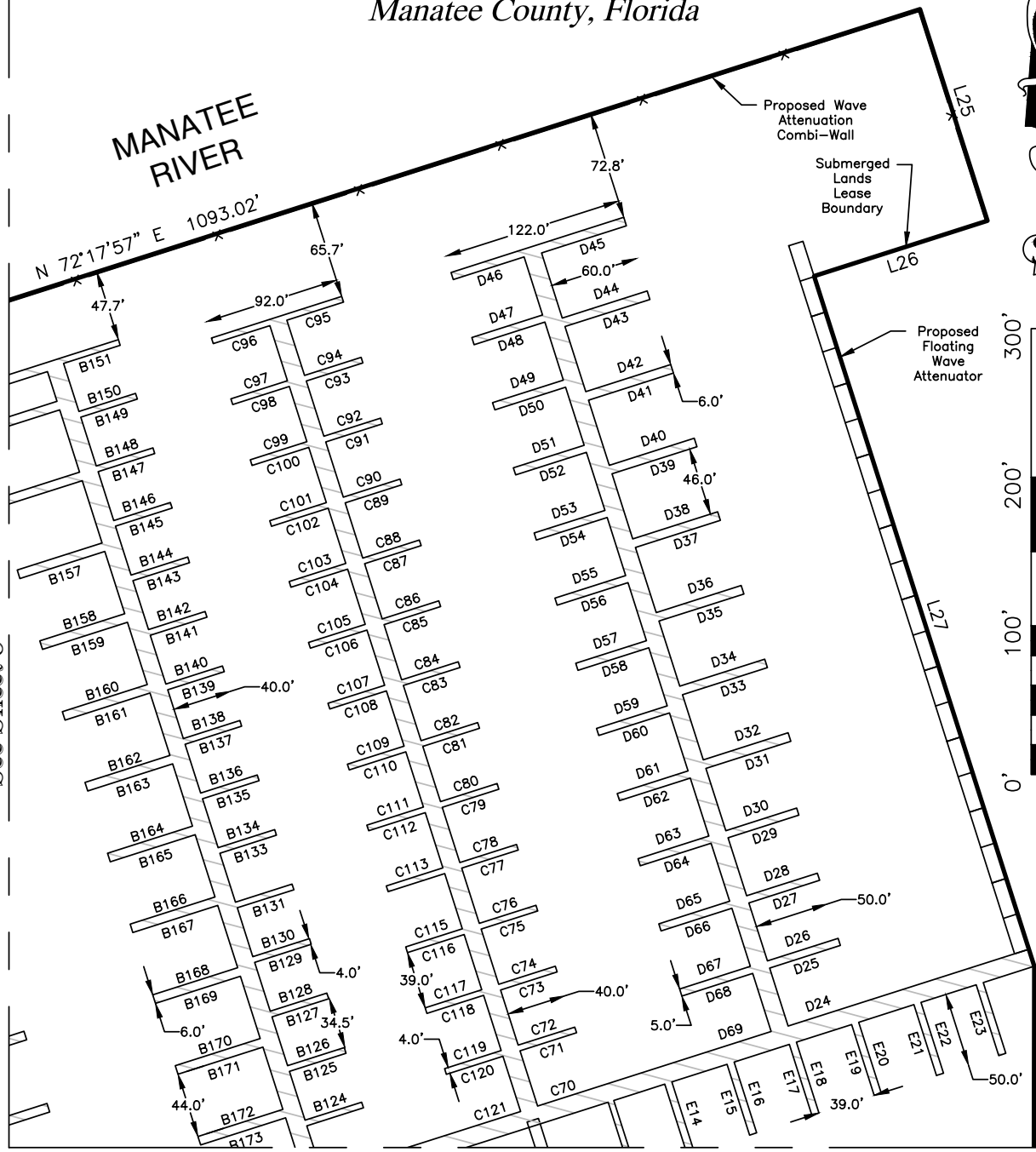
PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21



SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS
10220 U.S. Highway 92 East, Tampa, FL 33610
phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340
email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 8 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*



See Sheet 8

See Sheet 10

THIS IS A FIELD SURVEY.

PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21

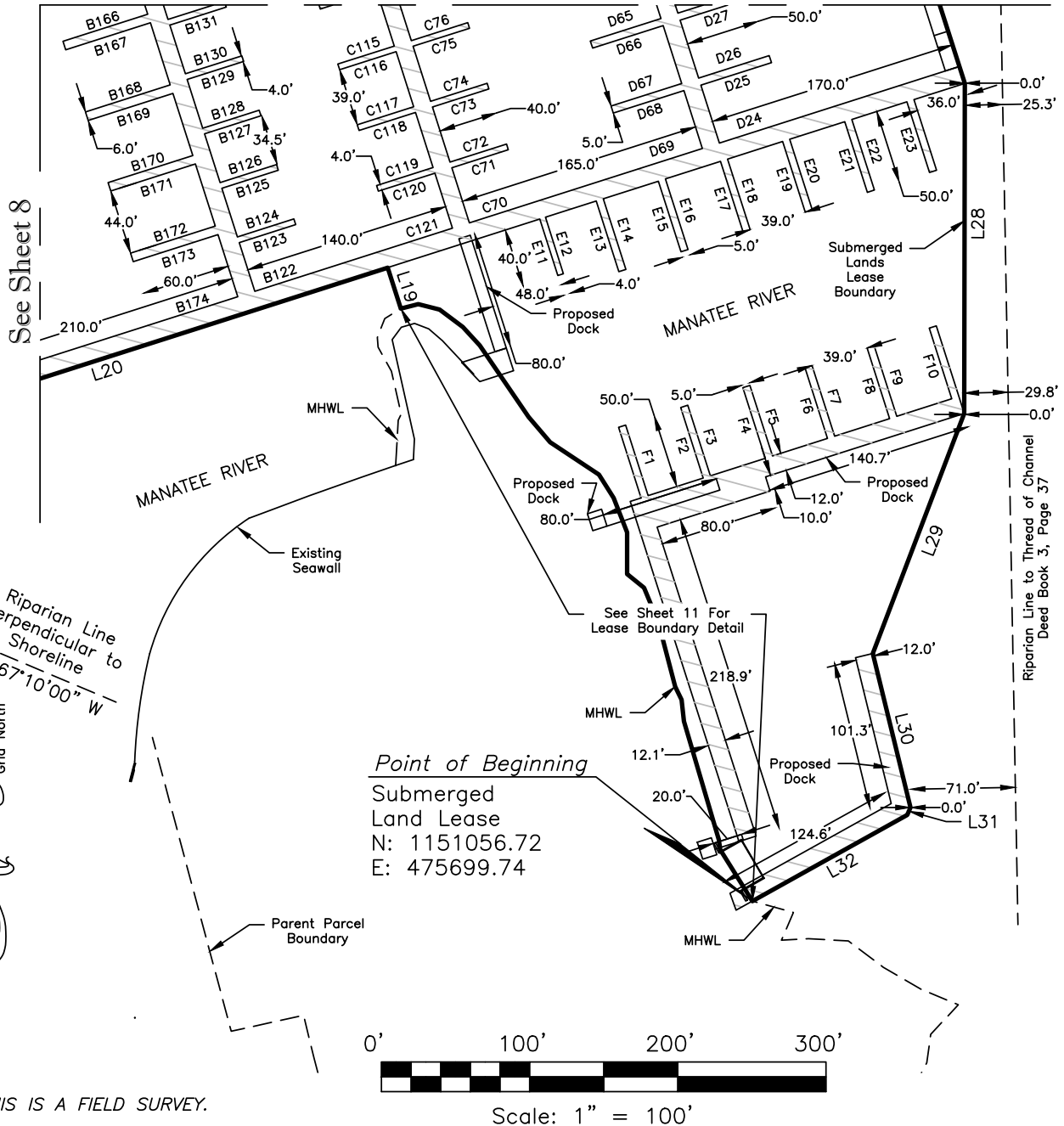


SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS
10220 U.S. Highway 92 East, Tampa, FL 33610
phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340
email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 9 OF 11

*Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida*

See Sheet 9



THIS IS A FIELD SURVEY.

PROJECT NO.: 20210149
PHASE: 1
LAST FIELD DATE:
10/23/21

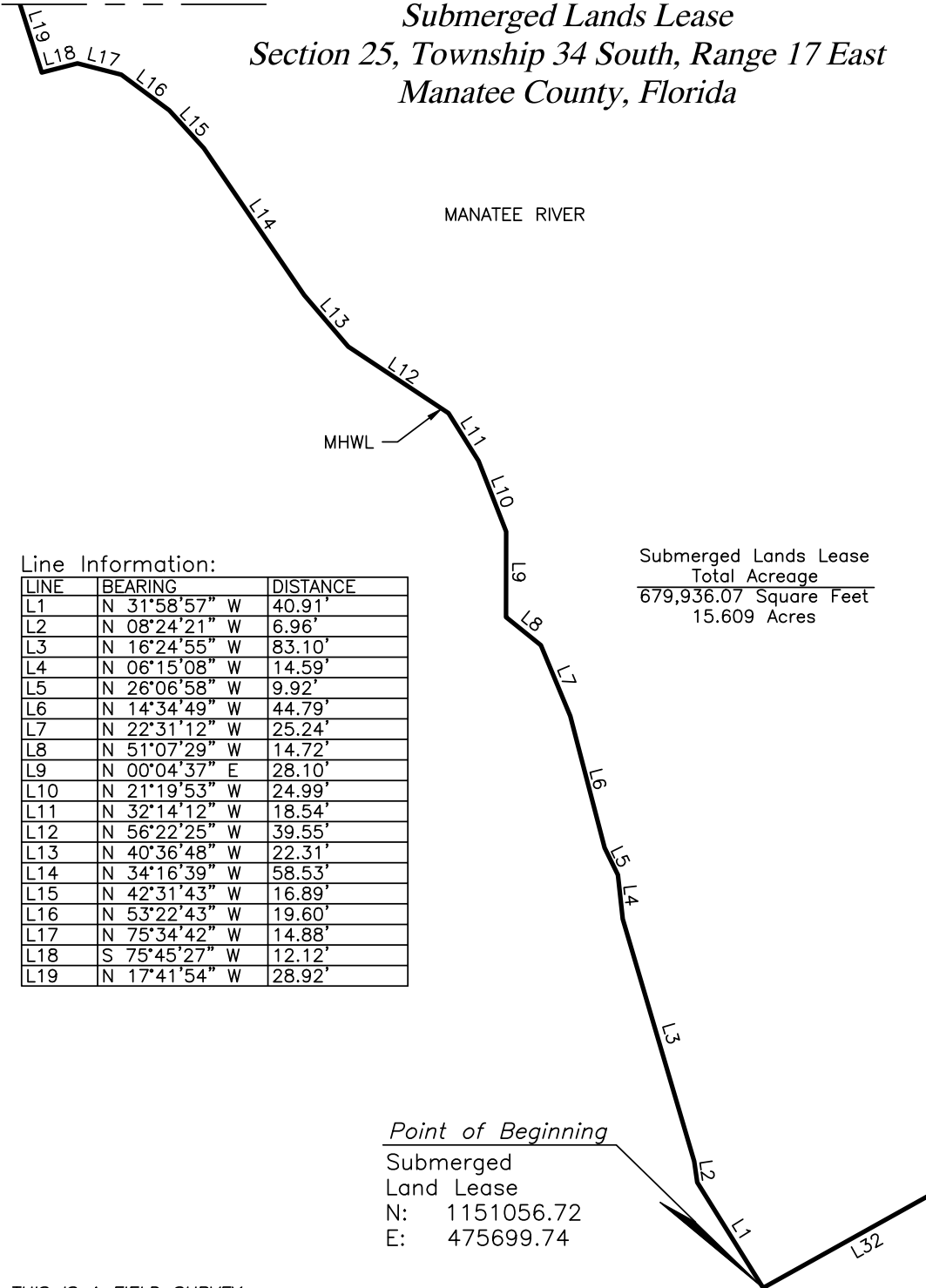


SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS
10220 U.S. Highway 92 East, Tampa, FL 33610
phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340
email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 10 OF 11

See Sheet 10

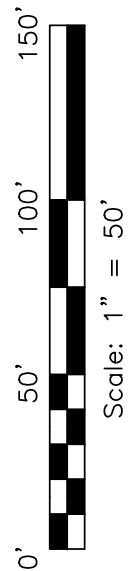
Sketch & Description
Submerged Lands Lease
Section 25, Township 34 South, Range 17 East
Manatee County, Florida



Line Information:

LINE	BEARING	DISTANCE
L1	N 31°58'57" W	40.91'
L2	N 08°24'21" W	6.96'
L3	N 16°24'55" W	83.10'
L4	N 06°15'08" W	14.59'
L5	N 26°06'58" W	9.92'
L6	N 14°34'49" W	44.79'
L7	N 22°31'12" W	25.24'
L8	N 51°07'29" W	14.72'
L9	N 00°04'37" E	28.10'
L10	N 21°19'53" W	24.99'
L11	N 32°14'12" W	18.54'
L12	N 56°22'25" W	39.55'
L13	N 40°36'48" W	22.31'
L14	N 34°16'39" W	58.53'
L15	N 42°31'43" W	16.89'
L16	N 53°22'43" W	19.60'
L17	N 75°34'42" W	14.88'
L18	S 75°45'27" W	12.12'
L19	N 17°41'54" W	28.92'

Submerged Lands Lease
 Total Acreage
 679,936.07 Square Feet
 15.609 Acres



Point of Beginning

Submerged
 Land Lease
 N: 1151056.72
 E: 475699.74

See Sheet 10

THIS IS A FIELD SURVEY.

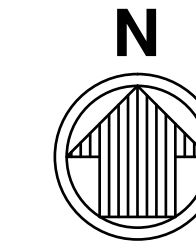
PROJECT NO.: 20210149
 PHASE: 1
 LAST FIELD DATE:
 10/23/21



SURVTECH SOLUTIONS, INC. SURVEYORS AND MAPPERS
 10220 U.S. Highway 92 East, Tampa, FL 33610
 phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340
 email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

Drawing Name: 20210149_1SK (Last Revised 11/28/22) SHEET: 11 OF 11

PROPOSED 212 SLIP MARINA WITH 8 TEMPORARY STAGING SLIPS. ALL FLOATING DOCKAGE

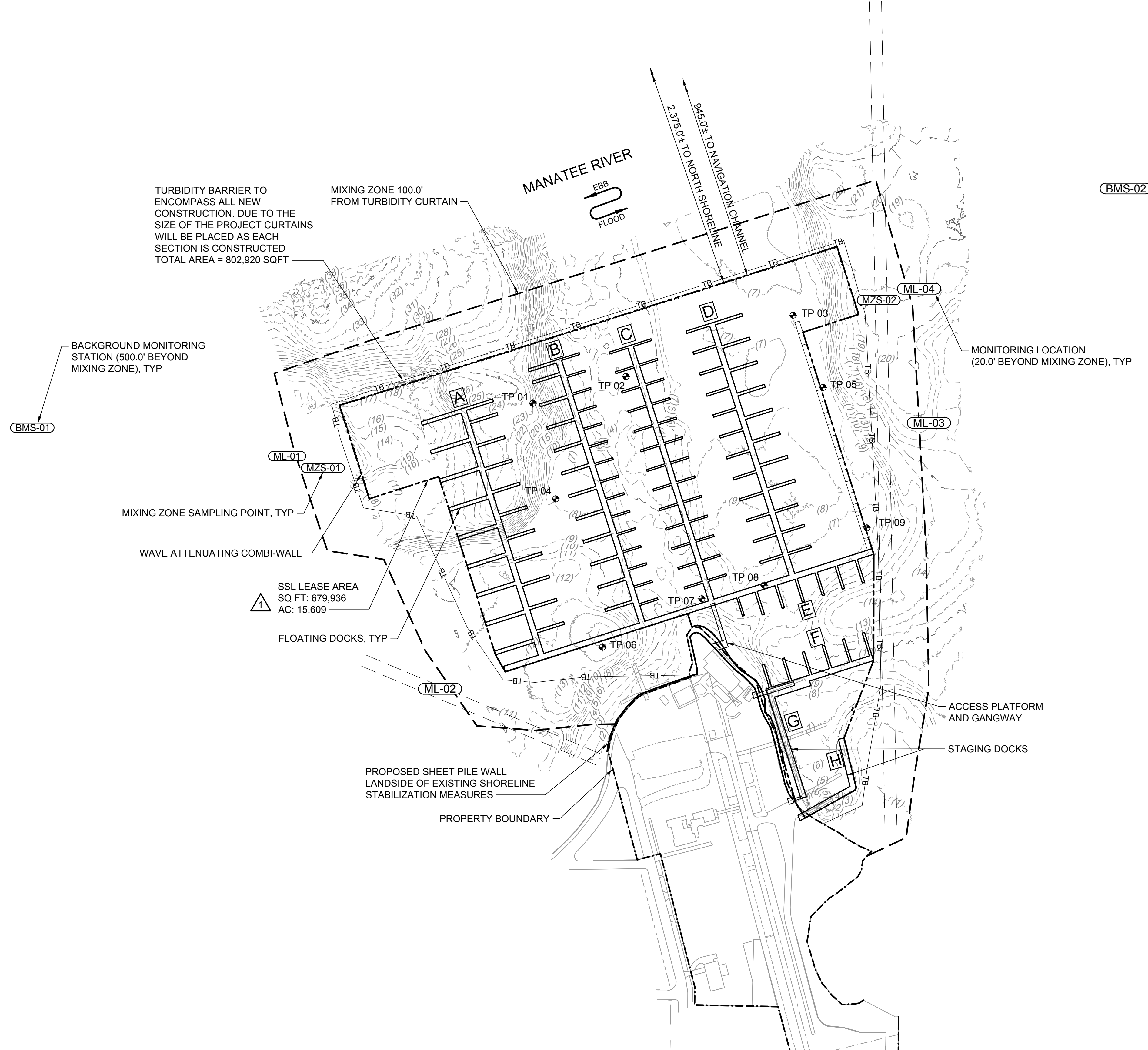


NOTE:
TURBIDITY BARRIERS TO BE MANUFACTURED IN ACCORDANCE WITH FOOT ROADWAY AND TRAFFIC DESIGN STANDARD INDEX NO. 103.

- LEGEND:**
- A DOCK DESIGNATION
 - TB— TURBIDITY BARRIER
 - PROPERTY BOUNDARY
 - SUBMERGED LAND LEASE BOUNDARY
 - MIXING ZONE
 - BMS-## BACKGROUND MONITORING LOCATION
 - ML-## MONITORING LOCATION
 - MZS-## MIXING ZONE SAMPLING POINT

- PERMIT QUANTITY SUMMARY:**
1. MARINA QUANTITIES:
 - A. FLOATING DOCK AREA: 76,371 SF
 - B. GANGWAY: 1,360 SF
 - C. PLATFORM: 444 SF
 - D. TOTAL MARINA AREA: 78,175 SF
 2. COMBI-WALL AREA:
 - A. TOTAL: 5,050 SF
 3. WAVE ATTENUATOR AREA:
 - A. TOTAL: 5,000 SF
 4. DREDGE VOLUMES:
 - A. TOTAL: 6,547 CY
 5. DREDGE AREAS:
 - A. TOTAL: 3.2 AC
 6. SHEET PILE WALL:
 - A. LENGTH: 789 FT
 7. MANGROVE IMPACT/SHADING AREA:
 - A. FIXED ACCESS PLATFORM SHADING: 263 SF
 - B. GANGWAY IMPACT: 141 SF
 - C. TOTAL AREA: 404 SF

BORING LOCATION TABLE		
POINT NO.	NORTHING	EASTING
TP 01	1151924.00	475129.70
TP 02	1151980.00	475324.50
TP 03	1152108.00	475674.20
TP 04	1151724.00	475177.50
TP 05	1151957.00	475736.70
TP 06	1151414.00	475275.30
TP 07	1151515.00	475483.20
TP 08	1151543.00	475613.60
TP 09	1151663.00	475828.80



TURBIDITY BARRIER TO ENCOMPASS ALL NEW CONSTRUCTION. DUE TO THE SIZE OF THE PROJECT CURTAINS WILL BE PLACED AS EACH SECTION IS CONSTRUCTED
TOTAL AREA = 802,920 SQFT

BACKGROUND MONITORING STATION (500.0' BEYOND MIXING ZONE), TYP

MIXING ZONE SAMPLING POINT, TYP

WAVE ATTENUATING COMBI-WALL

SSL LEASE AREA
SQ FT: 679,936
AC: 15.609

FLOATING DOCKS, TYP

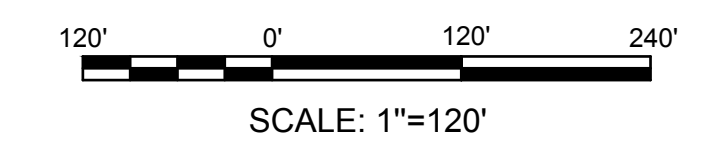
PROPOSED SHEET PILE WALL
LANDSIDE OF EXISTING SHORELINE
STABILIZATION MEASURES

PROPERTY BOUNDARY

MONITORING LOCATION
(20.0' BEYOND MIXING ZONE), TYP

ACCESS PLATFORM
AND GANGWAY

STAGING DOCKS



ISSUED FOR PERMIT
ISSUED: 2021-11-12
NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	Description
4	2022-11-14	ISSUED FOR PERMIT
1	2022-11-12	RESPONSE TO DBP
0	2021-11-12	ISSUED FOR PERMIT

TARPON POINTE MARINA
GENERAL ARRANGEMENT PLAN

Designed by: V. BENZECRY	Drawn by: WMM	Checked by: MB	Reviewed by: MAP
Date: 2022-02-01	M&N Project No. 212314	Drawing Code:	Drawing Scale: AS SHOWN
Submitted by: MOPFATT & NICHOL			Per Scale: 1:1 (D SHEET)

501 EAST HANSEN BLVD., STE 1910
TAMPA, FL 33602
813-258-8818

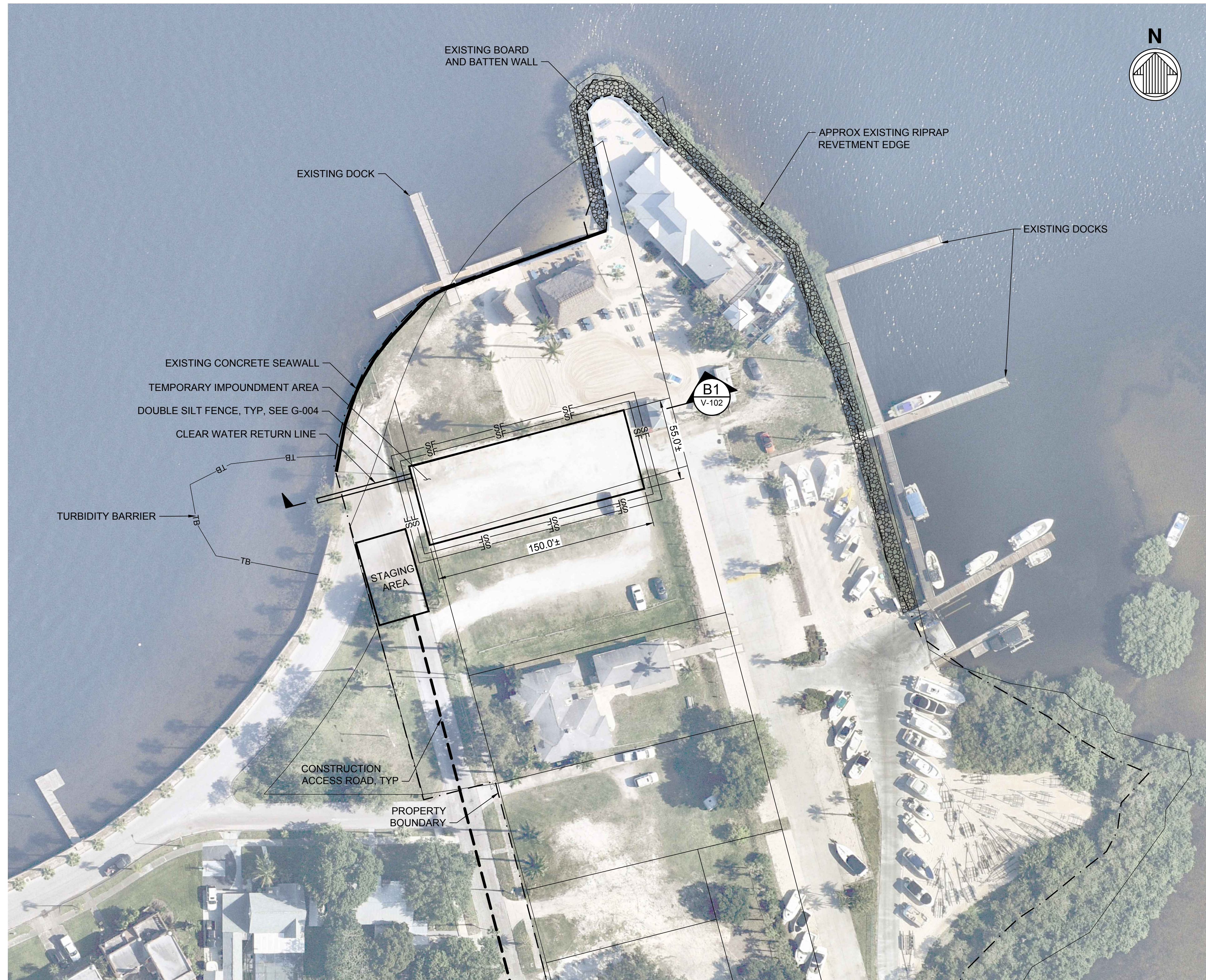
1440 MAIN ST., 4TH FLOOR
SPRINGTOWN, FL 34789

moffatt & nichol

BAIRD INC

SEAL

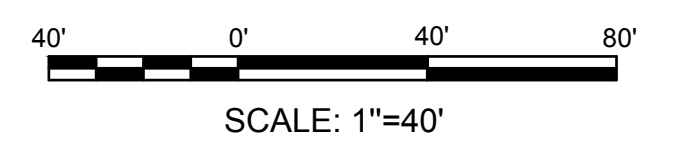
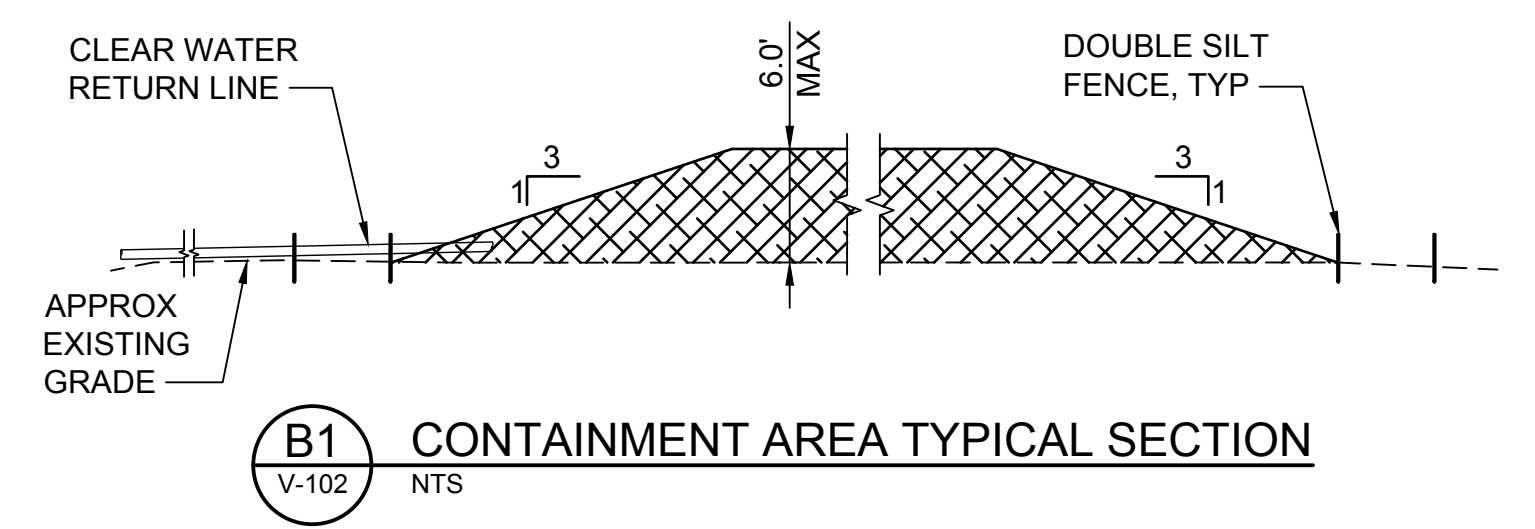
Sheet Reference No.
G-100
INDEX: 5 OF 24



- NOTES:**
1. TURBIDITY AND SEDIMENT CONTROL MEASURES PER GENERAL NOTES AND DREDGING PLAN.
 2. IF CONTAMINANTS ARE FOUND IN DREDGE MATERIAL, INSTALL IMPERVIOUS BARRIER IN IMPOUNDMENT AREA TO PREVENT CONTAMINATION OF EXISTING SOIL.
 3. COORDINATE LOCATION OF THE TEMPORARY IMPOUNDMENT AREA WITH THE OWNER OR THE OWNER'S REPRESENTATIVE.
 4. TURBIDITY BARRIERS TO BE MANUFACTURED IN ACCORDANCE WITH FDOT ROADWAY AND TRAFFIC DESIGN STANDARD INDEX NO. 103.
 5. LOCATION AND FINAL DIMENSIONS OF CONTAINMENT AREA IS APPROXIMATE. CONTRACTOR TO CONFIRM LOCATION WITH THE OWNER OR OWNER'S REPRESENTATIVE. IN ADDITION, FINAL DIMENSIONS TO BE BASED ON DREDGE RATES.
 6. FINAL DESIGN OF CONTAINMENT AREA TO BE PROVIDED BY THE CHOSEN DREDGING CONTRACTOR BASED ON CURRENT SITE CONDITIONS.



- LEGEND:**
- SF— SILT FENCE
 - TB— TURBIDITY BARRIER
 - - - - - PROPERTY BOUNDARY
 - — — — — EXISTING CONCRETE SEAWALL
 - - - - - EXISTING BOARD AND BATTEN WALL
 - - - - - CONSTRUCTION ACCESS ROAD
 - [Pattern] EXISTING RIPRAP REVETMENT EDGE



ISSUED FOR PERMIT
ISSUED: 2021-11-12
NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	Description	Mark	Appr.
1	2022-02-01	RESPONSE TO DBEP	MAP	
0	2021-11-12	ISSUED FOR PERMIT	MAP	

TARPON POINTE MARINA

STOCKPILE AREA PLAN

Designed by: V. BENZECRY	Drawn by: WMM	Checked by: MB	Reviewed by: MAP
Date: 2022-02-01	M&N Project No. 212314	Drawing code:	Drawing Scale: AS SHOWN
Submitted by: MOFFATT & NICHOL	Per scale: 1:1 (D SHEET)		

601 EAST HENRY BLVD., STE 1910
TAMPA, FL 33604
813-258-8818

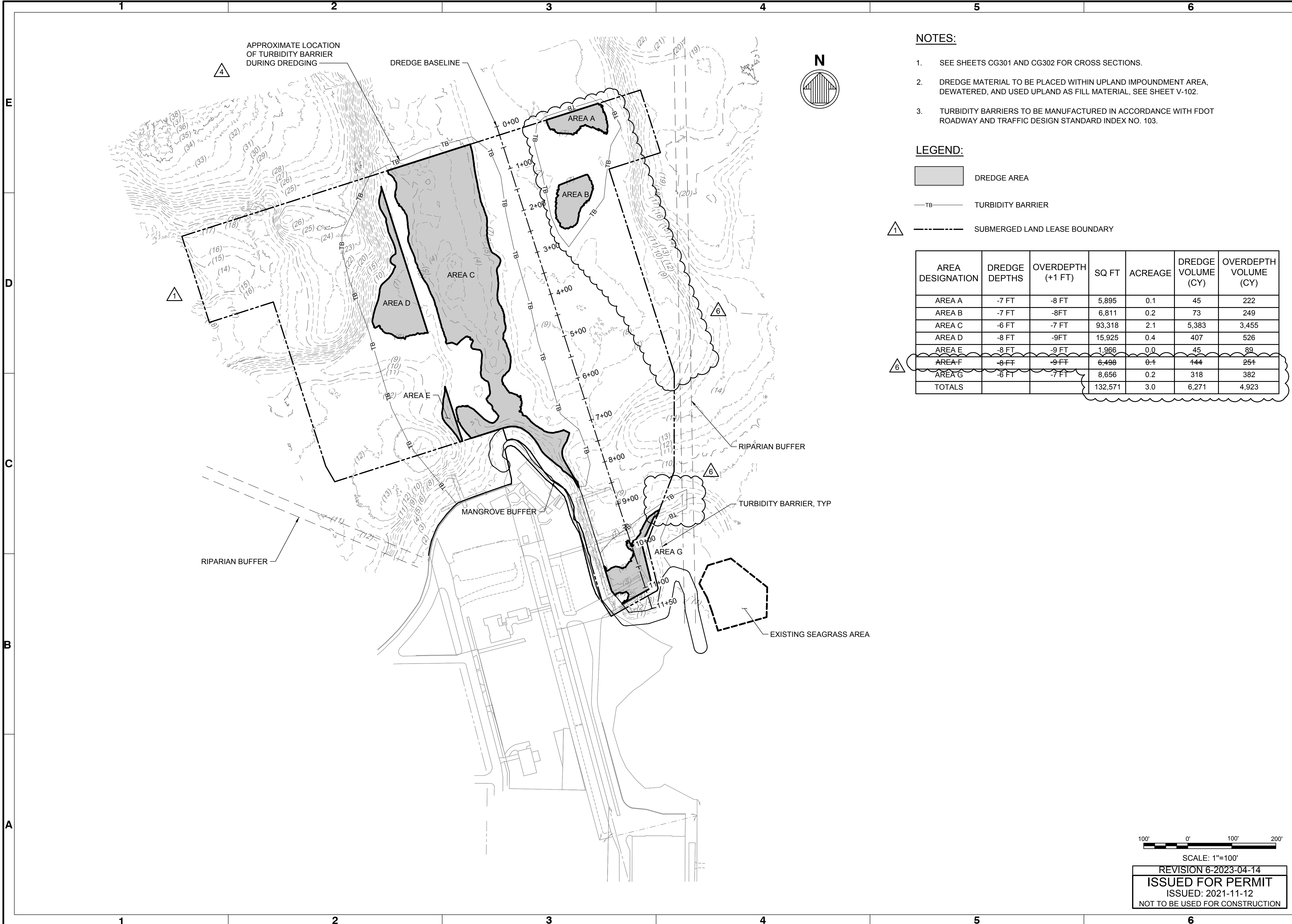
moffatt & nichol

1440 MAIN ST., 4TH FLOOR
SARASOTA, FL 34230

BAIRD INC

SEAL

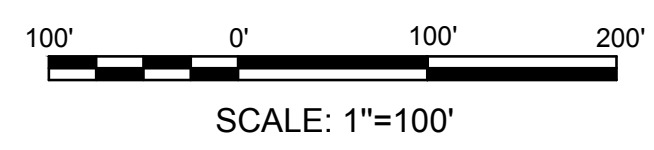
Sheet Reference No.
V-102
INDEX: 7 OF 24



- NOTES:**
- SEE SHEETS CG301 AND CG302 FOR CROSS SECTIONS.
 - DREDGE MATERIAL TO BE PLACED WITHIN UPLAND IMPOUNDMENT AREA, DEWATERED, AND USED UPLAND AS FILL MATERIAL, SEE SHEET V-102.
 - TURBIDITY BARRIERS TO BE MANUFACTURED IN ACCORDANCE WITH FDOT ROADWAY AND TRAFFIC DESIGN STANDARD INDEX NO. 103.

- LEGEND:**
- DREDGE AREA
 - TB— TURBIDITY BARRIER
 - SUBMERGED LAND LEASE BOUNDARY

AREA DESIGNATION	DREDGE DEPTHS	OVERDEPTH (+1 FT)	SQ FT	ACREAGE	DREDGE VOLUME (CY)	OVERDEPTH VOLUME (CY)
AREA A	-7 FT	-8 FT	5,895	0.1	45	222
AREA B	-7 FT	-8 FT	6,811	0.2	73	249
AREA C	-6 FT	-7 FT	93,318	2.1	5,383	3,455
AREA D	-8 FT	-9 FT	15,925	0.4	407	526
AREA E	-8 FT	-9 FT	1,966	0.0	45	89
AREA F	-8 FT	-9 FT	6,498	0.1	144	251
AREA G	-6 FT	-7 FT	8,656	0.2	318	382
TOTALS			132,571	3.0	6,271	4,923



REVISION 6-2023-04-14
ISSUED FOR PERMIT
 ISSUED: 2021-11-12
 NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	Description
6	2023-04-14	DREDGE & BLUOY UPDATES
4	2022-11-14	CORRECTIONS & UPDATES PER USACE RFI
1	2022-02-01	UPDATED SSL BOUNDARY
0	2021-11-12	ISSUED FOR PERMIT

TARPON POINTE MARINA
DREDGING PLAN

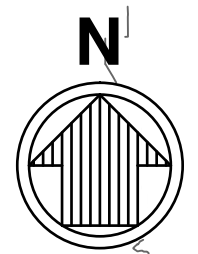
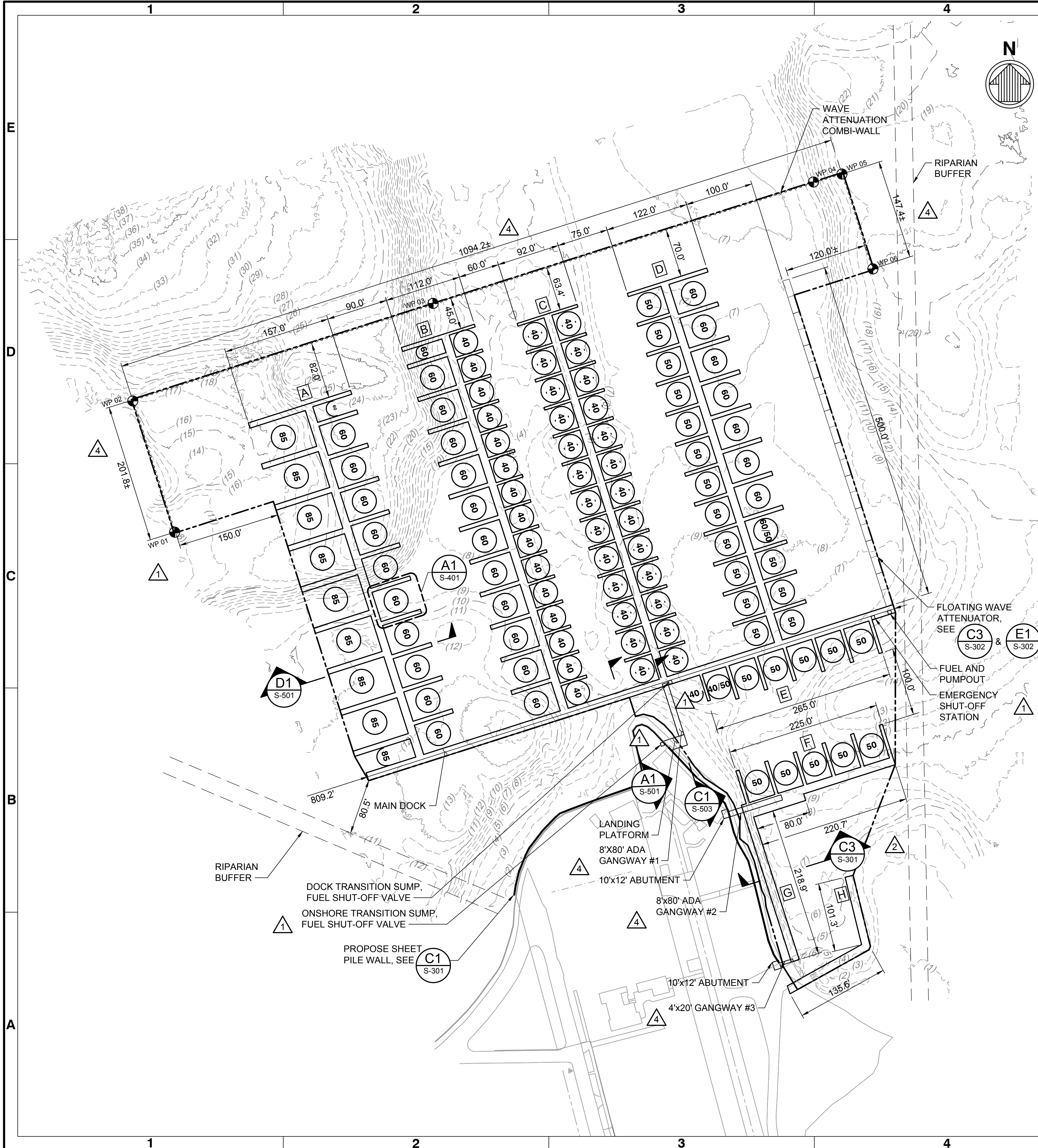
Designed by: V. BENZECRY
 Date: 2022-02-01
 M&N Project No.: 212314
 Drawing code:
 Drawing Scale: AS SHOWN
 Plot scale: 1:1 (D SHEET)

501 EAST HENNEY BLVD., STE 1910
 TAMPA, FL 33602
 813-258-8818
moffatt & nichol

1440 MAIN ST., 4TH FLOOR
 SARASOTA, FL 34230
BAIRD INC

SEAL

Sheet Reference No.
CG101
 INDEX: 8 OF 24



NOTES:

1. CONTOURS DO NOT DEPICT DREDGED CONDITION.
2. ALL SLIPS ON DOCK C CONTAIN BOAT LIFTS.

LEGEND:

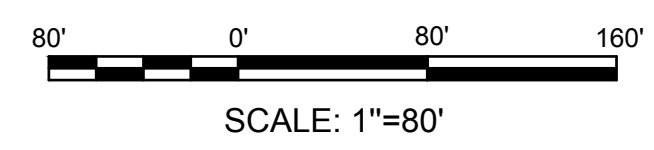
- SUBMERGED LAND LEASE LINE
- RIPARIAN BUFFER
- DOUBLE SLIP + SIZE
- SINGLE SLIP + SIZE
- DOUBLE SLIP + SIZE/SIZE
- DOCK DESIGNATION
- WORK POINT

SLIP MIX		
SIZE	NO.	%
40	84	38%
50	52	24%
60	59	27%
85	17	8%
STAGING	8	4%
TOTAL:	220	100%

COMBI-WALL WORK POINTS		
WP #	NORTHING	EASTING
WP 01	1,151,725.81	474,788.16
WP 02	1,151,917.74	474,726.92
WP 03	1,152,060.45	475,166.32
WP 04	1,152,238.01	475,723.04
WP 05	1,152,249.66	475,764.70
WP 06	1,152,110.85	475,809.98

MARINA QUANTITIES	
DESCRIPTION	AREA (SF)
FLOATING DOCK A	16,560
FLOATING DOCK B	13,644
FLOATING DOCK C	10,868
FLOATING DOCK D	13,254
FLOATING DOCK E & MAIN DOCK	11,371
FLOATING DOCK F	5,213
STAGING DOCK G	2,636
STAGING DOCK H	2,825
PLATFORM	444
GANGWAYS (3 TOTAL)	1,360
TOTAL:	78,175

DESIGNATION	18" Ø STEEL GUIDE PILES		12" Ø TIMBER MOORING PILE #	14" SQUARE CONCRETE BOAT LIFT PILE #	14"Ø CONCRETE LANDING PLATFORM PILE #	30" Ø STEEL COMBI-WALL PILE #
	FINGER PILE #	PIER PILE #				
A	29	5	26			
B	27	6	26			
C	26	5		208		
D	23	7	23			
E & MAIN	7	10	7			
F	6	3	5			
G		4	0			
H		3	0			
FLOATING ATTENUATOR COMBI-WALL		20				187
PLATFORM			0		12	
TOTAL	118	63	87	208	12	187



ISSUED FOR PERMIT
 ISSUED: 2021-11-12
 NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	Description
4	2022-11-14	MAP
3	2022-04-22	MAP
2	2022-04-22	MAP
1	2021-11-12	MAP
0		MAP

TARPON POINTE MARINA
MARINA LAYOUT PLAN

Designed by:	V. BENZECRY	Checked by:	MB
Date:	2022-02-01	MKN Project No.:	212314
Drawn by:	WMM	Drawing code:	
Reviewed by:	MAP	Drawing Scale:	AS SHOWN
Submitted by:	MOPFATT & NICHOL	Plot scale:	1:1 (D SHEET)

501 EAST HANSEN BLVD., STE 1910
 TAMPA, FL 33602
 813-258-8818

1440 MAIN ST., 4TH FLOOR
 SARASOTA, FL 34230

mofatt & nichol

BAIRD INC

SEAL

Sheet Reference No.
S-101
 INDEX: 14 OF 24



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

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:

EB JV Opportunity Fund, LLC
c/o Eric Baird
1440 Main Street, 4th Floor
Sarasota, Florida 34236

FILE No.: 41-0169753-013-EI
LEASE NO.: 410340783

COUNTY: Manatee

PROJECT NAME: Tarpon Pointe 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 253, Title 18, F.A.C., and the policies of the Board of Trustees of the Internal Improvement Trust Fund (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, EB JV Opportunity Fund, LLC, applied on November 29, 2021, to the Department for a permit, water quality certification and authorization to use sovereign submerged lands owned

by the Board of Trustees for the following activities: (1) removal of the existing 18-slip docking facility and a dock serving an upland restaurant; (2) construction of a 78,175-square-foot, 220 wet-slip marina in addition to the existing 200-unit high-and-dry storage facility; (3) installation of a combi-wall breakwater with a total length of 1443.4 linear feet and a 500-linear-foot floating wave attenuator ; (4) relocation of approximately 0.47 acres of live oyster clusters; (5) dredging approximately 11,194 cubic yards of sovereignty material to an elevation of minus 9 feet at MLW (6) installation of a 789-linear-foot sheetpile wall landward of the existing concrete seawall, mangrove fringe, and riprap revetment. Those activities include consideration of an application for a ten-year sovereignty submerged lands lease containing 679,936 square feet, 15.609 acres, for a commercial, open-to-the-public marina.

The activity is located located within the Manatee River, a Class III, Florida Waterbody adjacent to 215 8th Street East, Bradenton, Florida 34208, in Section 25, Township 34 South, Range 17 East in Manatee County, at latitude 27°30'1.2582" /longitude -82°33'26.8551".

The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 679,936 square feet, more or less for a commercial marina, which requires payment of \$152,929.46, representing (1) \$94,810.27 as the initial annual lease fee computed at the base rate of \$0.1992 per square foot, discounted 30 percent because a minimum of 90 percent of the slips are open to the public for rent on a first-come, first-served basis; (2) \$32,932.69 as the 25 percent surcharge payment for the additional area; and (3) \$25,186.50 for the severance of 11,194 cubic yards of sovereignty material computed at the rate of \$2.25 per cubic yard pursuant to section 18-21.011(3)(a)2, F.A.C. The lease fee may be adjusted based on six percent of the annual income pursuant to section 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 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., Rules 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: The property historically consisted of an old railroad loading/unloading site and weigh station for shell dredging that was previously owned by the City of Bradenton. The old rail line extended along the eastern portion of the property and across the Manatee River to the north.

On October 13, 2006, a predecessor in title submitted a proposal to the Department for the removal of an 18-slip docking facility and the construction of a 205-slip docking facility preempting 1,014,948 square feet. At the time, the Department assisted the applicant in modifying the proposal to eliminate the need for dredging, and impacts to seagrass and mangroves, along with reducing the preempted area by approximately 40 percent. During the application review, the Department conducted a site inspection which revealed an unauthorized 18-slip docking facility. Lease fees in arrears, fines were assessed and paid by the applicant prior to the sovereignty submerged lands lease being issued and subsequently executed on April 3, 2009.

On June 30, 2009, the Board of Trustees approved a request to construct 603,638 square feet, 220-slip docking slip associated with an existing upland 200-unit dry boat storage facility. A sovereignty submerged lands lease was never executed in concurrence with the regulatory approval for the expansion of the existing facility due to funding matters.

On August 2, 2019, the Applicant acquired title to the upland property, and on March 21, 2023, a site inspection revealed an unauthorized temporary-mooring dock, preempting approximately 2,184 square feet of sovereign submerged land. The Applicant entered a Temporary Use Agreement (TUA) on April 25, 2023, which authorizes the use of the dock and adjacent temporary mooring areas through April 25, 2024. The Applicant was assessed applicable fees in the amount of \$2,289.91.

At present, the site contains an upland restaurant (Caddy's at the Point), shell parking area, a high and dry facility which accommodates 200 vessels, upland fueling facilities, marina office, boat trailer parking area, and a loadout area and 18-slip temporary docking structure that are used in conjunction with the existing high and dry facility. A mangrove fringe extends along the northern and eastern shoreline of the property. An existing concrete seawall extends 266 feet along the western portion of the parcel and a 156 linear foot upland board and batten wall with 523 linear feet of riprap is located along the shoreline of the point.

B. Specific Regulatory Basis for Issuance

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the Applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The Applicant has also demonstrated

that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to section 373.414(1)(a), F.S.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and/or specific conditions to the lease, the Applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., associated rule(s) 18-21 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 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
Southwest District – Temple Terrace
c/o Heather McClurg
13051 North Telecom Parkway #101
Temple Terrace, FL 33637

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 lease to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) 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, 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 32399-3000, 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 Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kelley M. Boatwright
District Director
Permitting and Waste Cleanup Program
Southwest District

Attachment(s):

1. Draft Permit No. 41-0169753-013-EI
2. Survey and Legal Description, 11 pages
3. Notice of Intent Newspaper Publication Notice, 2 pages

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:

Heather McClurg, Southwest District, Heather.McClurg@floridadep.gov
Gerald "J.J." Loesch, Southwest District, Gerald.Loesch@floridadep.gov
Shannon Lenhart, Southwest District, Shannon.Lenhart@floridadep.gov
Kelley M. Boatwright, Southwest District, Kelley.M.Boatwright@dep.state.fl.us
ERP Permitting, Southwest District, sw_erp@floridadep.gov

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

DRAFT



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Permittee/Authorized Entity:

EB JV Opportunity Fund, LLC
c/o Eric Baird
1440 Main Street, 4th Floor
Sarasota, Florida, 34236

Tarpon Pointe Marina

Authorized Agent:

Patel, Greene and Associates, LLC
c/o Terry Cartwright
12570 Telecom Drive
Temple Terrace, Florida, 33637

Individual Environmental Resource Permit - Approved

State-owned Submerged Lands Authorization – Approved/ Pending Document Execution

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

Permit No.: 41-0169753-013-EI

Permit Issuance Date: TBD

Permit Construction Phase Expiration Date: TBD



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

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

Permittee: EB JV Opportunity Fund, LLC
Permit No: 41-0169753-013-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located within the Manatee River, a Class III, Florida Waterbody adjacent to 215 8th Street East, Bradenton, Florida 34208, in Section 25, Township 34 South, Range 17 East in Manatee County, at latitude 27°30'1.2582" /longitude -82°33'26.8551".

PROJECT DESCRIPTION

The permit authorizes the following activities: (1) removal of the existing 18-slip docking facility and a dock serving an upland restaurant; (2) construction of a 78,175-square-foot, 220 wet-slip marina associated with the existing 200-unit high-and-dry storage facility; (3) installation of a combi-wall breakwater with a total length of 1443.4 linear feet and a 500-linear-foot floating wave attenuator ; 4) relocation of approximately 0.47 acre of live oyster clusters; (5) dredging approximately 11,194 cubic yards of sovereignty material to an elevation of minus 9 feet at MLW; (6) removal of 404-square-feet of mangroves associated with construction of a gangway and landing platform shading and; (7) installation of a 789-linear-foot sheetpile wall landward of the existing concrete seawall, mangrove fringe, and riprap revetment. Those activities include consideration of an application for a ten-year sovereignty submerged lands lease containing 679,936-square-feet, 15.609 acres, for a commercial, open-to-the-public marina. Authorized activities are depicted on the attached exhibits.

To offset unavoidable impacts that will occur from these activities traversing mangrove swamp, the permittee shall purchase 0.01 of state estuarine forested wetland mitigation credits from the Mangrove Point Mitigation Bank.

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 **May 23, 2023**, the Board of Trustees granted authority for the Department, acting as staff to the Board of Trustees, in accordance with section 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.**

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 SOVEREIGNTY SUBMERGED LANDS 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 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

1. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the permittee's name and permit number 41-0169753-013-EI and shall be directed by e-mail to SW_ERP_CAP@floridadep.gov with a subject line of "Compliance: permit number 41-0169753-013-EI", or by mail to:

Department of Environmental Protection
Southwest District
ATTN: ERP Compliance Assurance
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

2. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
3. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.
4. 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.

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

5. Prior to construction commencement, the permittee shall provide to the Department a Special Activity License issued from Florida Fish & Wildlife Conservation Commission for the removal of Oysters within the project area.
6. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards (>29 NTU's above background, pursuant to Rule 62-302, F.A.C. Methods may include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site. Erosion control methods shall be implemented as depicted in Sheets G-100 & CG101 of the attached permit drawings.
7. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department. State Lands and Environmental Resource Program staff. It shall be the responsibility of the Permittee to contact the Department's Compliance Assistance Program, by email SW_ERP_CAP@FloridaDEP.gov, or by phone (813) 470-5700, to schedule the pre-construction conference.
8. 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 (BOT No: 410340783) have been executed to the satisfaction of the Department and severance fee payment of \$26,590.50 is made.
9. At least 60 days prior to dredging, the permittee shall submit for Department review and approval, drawings that clearly show the locations of the proposed equipment staging areas, pipeline corridors and the mapped extent of seagrass beds in the vicinity of these areas.
10. Prior to installation of turbidity screens or initiation of dredging activities, the permittee shall use PVC pipes to clearly delineate the extent of seagrass beds in the vicinity of the dredge area. The pipes shall be removed within 14 days of completion of the dredge activities.
11. Prior to depositing any spoil materials into the dewatering/disposal area, the permittee shall submit engineered, signed, sealed as-built drawings of the spoil dewatering/disposal area to the Department for review and approval. The following information shall be verified on the as-built drawings:

Plan View
Stockpile Area Plan

Page Number
V-102

No spoil material shall be deposited into the dewatering/disposal area without specific written authorization from the Department to proceed.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

12. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.
13. Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during construction and operation of permitted activities.
14. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
15. All areas to be dredged shall be in accordance with attached permit drawings and shall not exceed the areas and depths indicated on those drawings.
16. A floating turbidity apron/curtain shall be installed around the waterward boundary of the construction area prior to construction and shall remain in place until construction is complete and turbidity levels within the work area have returned to background levels.
17. Floating turbidity curtains with weighted skirts that extend to within one foot 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 violate state water quality standards (>29 NTU's over background). The permittee shall be responsible for inspecting and maintaining turbidity control devices so turbidity does not exceed state water quality standards (>29 NTU's over background) outside of the turbidity screens. Turbidity shall be monitored as described in the monitoring portion of this permit.
18. The relocated oysters shall be monitored within 1 week of placement to ensure that they are within an appropriate elevation and tidal regime for oyster survival.
19. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
 - a. Immediately cease work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
 - c. Notify the Department within 24 hours of the time the violation is first detected.
20. The mixing zone is granted exclusively for the duration of the dredging activities, not to exceed 30 days.

21. Monitoring for turbidity shall be conducted for the duration of the dredging portion of the project. Sampling will commence prior to initiation of any dredging or filling activities. Samples shall be taken every four hours during dredging activities as described below.
 - a. A minimum of two sampling sites shall be established within the mixing zones. The first site will be located at the mixing zone boundary down-current of the turbidity source within the most visible plume. This site will be used to collect the Compliance Samples (CS); second site shall also be located at the mixing zone boundary up current from the turbidity source so that samples may be collected during each tidal cycle.
 - b. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
 - c. Background samples shall be collected at two sites as indicated on Sheet 5 of Attachment W on the permit submittals. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department. Within 10-days of the completion of the dredge activity the temporary buoys shall be removed.
 - d. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs).
22. The permittee shall comply with the following Quality Assurance/ Quality Control (QA/QC) requirements:
 - a. The instrument shall be calibrated each morning and each time the instrument is turned on, and recalibrated every four hours thereafter.
 - b. Calibrations shall be performed against a blank, and at least one formazin or gel-type standard. The standard value shall be in the same range as the sample readings.
 - c. Calibration procedures shall be recorded in a permanent QA/QC logbook, and copies shall be submitted with the data.
23. Turbidity monitoring reports shall be submitted to the Department's ERP Compliance Program via email at SW_ERP_CAP@dep.state.fl.us each Monday following project commencement. The reports shall include the permittee's name and permit number, and a cover page that states: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 41-0169753-013-EI." Failure to submit reports in a timely manner shall constitute a violation of the permit and shall be grounds for revocation.

Monitoring data shall contain the following information:

- a. Permit number
- b. Dates of sampling and analysis
- c. A statement describing the methods used in collection and analysis of the samples
- d. A map showing the sampling locations, along with the latitude and longitude of the sampling locations
- e. Copies of the QA/QC log, and
- f. A statement by the individual responsible for implementation of the sampling program certifying the authenticity, precision and accuracy of the data

Monitoring reports shall also include the following information for each sample that is taken:

- a. Time of day samples were taken
 - b. Depth of water body
 - c. Depth of sample
 - d. Tidal stage and direction of flow, and
 - e. Antecedent weather conditions, including wind direction and velocity at the time the sample was taken
24. Turbidity levels outside the mixing zone described in specific condition 19 shall not exceed 29 NTU's above background. If monitoring reveals turbidity levels outside of the mixing zone are greater than or equal to 29 NTU's above background, the permittee shall take the following measures:
- a. Immediately cease all work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
 - c. Increase monitoring frequency to every two hours until turbidity levels no longer exceed 29 NTU's above background. Interim samples collected following the violation(s) shall be collected in the same manner and locations as the routine monitoring. Dredging activities may not resume until the turbidity levels meet the above water quality standards.
 - d. Immediately report turbidity violations to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

- Failure to report violation(s) or to follow corrective procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.
25. Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.
 26. No portion of the dredge pipeline, nor any related equipment, shall be temporarily stored, anchored, or laid on or over seagrass beds without prior Department approval. Anchoring done to secure the dredge pipeline or equipment shall be done within the navigation channel or in areas where seagrass beds are not present during dredging and related activities.
 27. The dredged material shall be placed in a self-contained, upland disposal site, which will prevent the escape of dredged material and associated effluent into wetlands and surface waters as shown on Sheet V-102 of the attached permit drawings. The dredged material in the self-contained, upland disposal site must be maintained with proper best management practices until the material is utilized or disposed in a Class I Landfill.
 28. 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. The dewatering/disposal area shall be constructed in a manner which shall prevent the escape of dredged material and associated effluent into wetlands and surface waters. Discharge of water or dredged material to waters of the State shall not be allowed during transport.
 29. The permittee shall report any damage to wetland areas as a result of construction to the Department within 24 hours.
 30. Dredging within waters of the State for the purpose of providing backfill is specifically prohibited.
 31. This permit does not authorize the construction of additional structures not illustrated on the permit drawings. Examples of additional structures that are not authorized by this permit include but are not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile supported structures. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.
 32. Wood or concrete pilings shall be entirely wrapped with High Density Polyethylene or vinyl sheeting with a minimum of 30-mil thickness from below the mud line to two feet above the mean high water line. Pilings that have to be replaced during the life of the facility shall meet the requirements of this condition.
 33. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources as measured at mean low water.
 34. Handrails shall be installed, as depicted on sheet C-501 attached, concurrently with dock construction. Handrails shall be constructed to eliminate access by boaters and shall be maintained for the life of the facility.

35. Mooring is not authorized in certain areas as depicted on Sheet C-501 attached. In order to ensure compliance with this condition, "No Mooring" signs shall be posted in such a manner as to be clearly visible by boaters using the facility.
36. This permit does not authorize the installation of water, sewer, cable or utility lines within wetlands or waterbodies.
37. Unauthorized impacts to wetlands and the shoreline as a result of the authorized construction shall be reported to the Department within 24 hours.
38. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris) within wetlands or other surface waters is prohibited.

SPECIFIC MANATEE CONDITIONS

39. 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.
40. 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.
41. 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.
42. 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 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.
43. 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.
44. 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 in-water 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

45. The total number of boat slips and storage, inclusive of all temporary and permanent, wet and dry, shall be limited to 420.
46. One (1) permanent wet slip shall be maintained for exclusive use by Florida Fish and Wildlife Conservation Commission (FWC) Law Enforcement and shall be signed appropriately.
47. A four-foot gap shall be maintained between the sheet piles and the river bottom beneath the combiwall.
48. The Permittee shall develop and implement a Florida Fish and Wildlife Conservation Commission (FWC)-approved marina educational program prior to vessel occupancy of the permitted project. A proposal must be submitted to the FWC for approval, and guidelines for development can be found at <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/> or can be obtained by contacting the FWC, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850-922-4330). The Permittee shall develop and maintain this educational program, including the location and types of signs and information, in a manner acceptable to the FDEP and FWC for the life of the facility. The program must include, at a minimum:
 - a. Installation and maintenance of permanent educational signs regarding manatees;
 - b. Installation and maintenance of a permanent kiosk or display containing appropriate brochures (as determined by the FWC and the FDEP);
 - c. Development, installation and maintenance of customized permanent education signs regarding manatee protection speed zones for the County;
 - d. Development and availability at the kiosk or display, of customized, laminated copies of navigational charts with the manatee speed zones depicted on the maps provided to boaters using the facility.

SPECIFIC CONDITIONS – SUBMERGED AQUATIC RESOURCES

49. During oyster relocation, oysters will be removed from the project area as individuals or clusters and be transplanted to the recipient site within 24 hours of removal. If removal and relocation of the oysters is greater than 5 hours, the oysters should be kept wet or damp.
50. Avoid the use of plastic materials (i.e., mesh oyster bags, oyster mats) for the oyster habitat establishment wherever possible.
51. A total of six (6) monitoring events shall occur at both the relocation site and the reference site, biannually for a period of three (3) years. During these monitoring events, biological and physical parameters shall be collected and compiled into reports that will be submitted to regulatory agencies.

SPECIFIC CONDITIONS – CONSTRUCTION COMPLETION

The permittee shall comply with the following conditions prior to the transfer to operation phase of the facility. All documentation required below shall be included with the permittee’s request to transfer the project to the operation phase [Form No. 62-330.310(2), F.A.C.].

52. The permittee shall submit one set of signed, dated and sealed as-built drawings to the Department via email at SW_ERP_CAP@dep.state.fl.us for review and approval within 30 days of completion of construction. (Please contact the Department for files that are too large to email for alternative means of submitting electronically.) The as-built drawings shall be based on the Department permitted construction drawings and any pertinent specific conditions, which should be revised to reflect changes made during construction. Both the original design and constructed elevations must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered professional. *As-builts shall be submitted to the Department regardless of whether or not deviations are present. In addition, the permittee shall submit the “As-Built Certification and Request for Conversion to Operation Phase” form (Ch. 62-330.310(1), F.A.C.); as required in General Condition #6.*

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Mark A. Pirrello, P.E., No. 54367, on March 30, 2023:

Plan View/ Cross Section Name	Drawing Number
Dredging Plan	CG101
Dredge Sections	CG301 & CG302
Signage & Railing Layout	C-501
Marina Layout Plan	S-101
Sheet Pile Wall Section	S-301
Floating Wave Attenuator Sections	S-302
Combi-Wall Details	S-502

53. Sewage pump-out facilities shall be installed at the locations shown on the attached permit drawings and shall be in working order prior to any slip occupancy and transfer to operations of the facility. The sewage pump-out facilities shall be maintained in accordance with the requirements of this condition for the life of the facility as described in specific condition #67 of this permit.
54. To demonstrate compliance with the above condition, record drawings of the sewage pump-out system depicted on Sheet S-101 of the attached permit drawings shall be submitted to the Department for review and approval prior to the use of slips at the marina and transfer to operations of the facility.
55. The permittee shall submit a final report within 14 days of completion of the dredging event, which includes the following information:
- a. The dates of commencement and completion of construction;
 - b. A description of the dredging and disposal locations, methods and equipment used,

- c. A copy of the final turbidity monitoring report required in specific condition #23.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

56. The permittee shall comply with permit #41-0169753-009. This permit does not supersede permit #41-0169753-009 associated with the stormwater management system for the upland facilities.
57. The waterward end of the dock shall be marked with a sufficient number of reflectors (not red or green) so as to be visible from the water at night by reflected light. The reflective markers shall be maintained for the life of the facility.
58. Vessels shall be only docked within the approved in-water mooring areas and shall be limited to a maximum of 220 slips as detailed on Sheet S-101 of the attached permit drawings.
59. There shall be no mooring cleats along the northern edge of finger piers A, B, C, and D as depicted in the attached project drawings.
60. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources for all vessels associated with the use of the docking facility as measured at mean low water.
61. Fish cleaning stations shall not be allowed on structures over the water unless sufficient measures are in place (i.e., signage, sink screens, waste receptacles, etc.) to ensure that overboard discharges of trash and/or animal waste do not occur at the dock. The permittee shall submit a plan for Department review and approval prior to installation of any fish cleaning stations.
62. The handrails and no mooring signs required in Special Conditions # 34 & 35 shall be maintained for the life of the facility.
63. Boat maintenance or repair activities that require the removal of a vessel from the water, or removal of major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site are prohibited over water at the facility, except where such activities are necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull scraping, stripping, sanding, painting, recoating, and other maintenance or repair activities that may result in degradation of water quality from discharges or release of potential contaminants into waters of the state.
64. The slips shall not be occupied by liveaboards. A liveaboard is defined as a vessel docked at a facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within any thirty (30) day period.
65. The permittee shall ensure marina 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.
66. Sewage pump-out facilities shall be installed at the locations shown on the attached permit drawing, Sheet No. S-101. All sewage pump-out devices shall be connected to an authorized sewage treatment system.

67. 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.
68. The permittee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided on the southeast end of the main dock. The permittee 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.
69. Fueling facilities shall be installed at locations shown on the attached permit drawings. The fuel spill contingency plan included as Attachment I 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.

The Department shall be notified when a change in the designation of the clean up company occurs and shall be provided with the name, address and telephone number of the new company within 14 days. The recommended fuel spill response equipment referenced in Attachment I shall be stored at the site throughout the life of the facility. The fuel spill response equipment shall be maintained in working condition and replaced as necessary for the life of the facility. The dockmaster shall be trained in the use and deployment of the equipment and shall be responsible for marina staff receiving training in the use and deployment of fuel spill equipment. The fuel spill contingency plan and requirements for its implementation shall be adhered to for the life of the facility.

70. Wetland buffers shall remain in an undisturbed condition.

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 Department staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Department a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Department, as described in subsection 62-330.010(5), F.A.C. If available, an Department website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Department, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Department 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 Department website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Department in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Department in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of

Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Rule 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Department will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

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 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 District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Shannon Herbon
Permitting Program Administrator
Permitting and Waste Cleanup
Southwest District

Attachments:

- Project Drawings and Design Specs., 24 pages
- Attachment I: Fuel Spill Contingency Plan, 8 pages
- Attachment W: Turbidity and Mixing Zone Plan, 5 pages
- Construction Commencement Notice/Form 62-330.350(1), 1 page
- As-Built Certification and Request for Conversion to Operation Phase/Form 62-330.310(1), 3 pages
- Operation and Maintenance Inspection Certification/Form 62-330.311(1), 2 pages
- Request for Transfer of Permit to the Perpetual Operation Entity/Form 62-330.310(2), 1 page
- Request to Transfer Permit/Form 62-330.340(1), 2 pages

Copies furnished to:

- Heather McClurg, Southwest District, Heather.McClurg@floridadep.gov
- ERP Permitting, Southwest District, sw_erp@floridadep.gov
- U.S. Army Corps of Engineers, tampareg@usace.army.mil
- FWC, fwcconservationplanningservices@myfwc.com
- Gerry Poye, Baird Inc., gerry@bairdinc.com
- Susan Durrance, Patel, Greene and Associates, LLC, Susan.Durrance@patelgreene.com
- Terry Cartwright, Patel, Greene and Associates, LLC, terry.cartwright@patelgreene.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on _____, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 25, 2023

EB JV Opportunity Fund, LLC
c/o Eric Baird
1440 Main St. 4th Floor
Sarasota, FL 34236
Eric@Bairdinc.com

Re: Executed Temporary Use Agreement
234 NE 6th Street, Bradenton, FL 34208, Property ID No. 3153400059
ERP Site ID: 169753 / BOT No. 410340783
Manatee County

Dear Mr. Baird:

Enclosed is the Temporary Use Agreement (TUA) to provide temporary authorization for existing structures and mooring areas on state-owned submerged lands adjacent to the riparian upland property referenced above. Please note the effective date of the TUA is **April 25, 2023**.

If you have any questions regarding this matter, please contact Maggie Kratzer by email at Maggie.Kratzer@floridadep.gov or by phone at 813-470-5867. Your continued cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelley M. Boatwright".

For Ms. Kelley M. Boatwright
Southwest District Director
Florida Department of Environmental Protection

Enclosure: TUA - Executed (9 pages)

cc: Hannah Westervelt; DEP-SWD; Hannah.Westervelt@floridaDEP.gov
Maggie Kratzer; DEP-SWD; Maggie.Kratzer@FloridaDEP.gov
Heather McClurg; DEP-SWD; Heather.McClurg@FloridaDEP.gov
Gerald "J.J." Loesch; DEP-SWD; Gerald.Loesch@FloridaDEP.gov
Gerry Poye; EB JV Opportunity Fund; gerry@bairdinc.com
Susan Durrance; Patel, Greene & Associates, LLC; Susan.Durrance@patelgreene.com
Terry Cartwright; Patel, Greene & Associates, LLC; Terry.Cartwright@patelgreene.com

TEMPORARY USE AGREEMENT

BOT No. 410340783

This Temporary Use Agreement (hereinafter referred to as the "Agreement") is entered into this 25 day of April, 2023, by and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter referred to as the "Board") and EB JV Opportunity Fund, LLC., (hereinafter referred to as the "Applicant").

RECITALS:

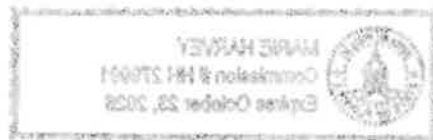
- A. The Applicant desires to enter into this Agreement for the sovereign lands (hereinafter referred to as "lands") and water column adjacent to the Applicant's upland real property located at 215 8th Street E., Bradenton, Manatee, Florida, 34205.
- B. An unauthorized docking structure has been constructed on these lands adjacent to Applicant's upland real property without the Board's approval or authorization.
- C. Applicant desires to obtain the consent of the Board to maintain and use the structures located on these lands.
- D. The parties acknowledge that the application, approval and issuance of a sovereign lands lease may require a time period of several months.
- E. The Applicant desires to have the temporary use of the structures located on these lands during the processing and review of the Applicant's sovereign lands lease application.

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants set forth herein, the Applicant agrees to pay to the Board a total of \$2,289.91 for deposit into the Internal Improvement Trust Fund as compensation for the past and current use of these lands without the approval or authorization of the Board. Such payment, which shall be paid online by check, credit card or debit card at <http://www.fldepportal.com/go/pay-invoices/> or paid by a cashier's check, certified check or money order payable to the Department of Environmental Protection, has been delivered along with this signed Agreement. The parties hereto, then, agree as follows:

1. **The Applicant acknowledges and understands that the grant of this Agreement and the payment of the amount herein does not guarantee that the Board will grant the Applicant a lease or that the Department of Environmental Protection will recommend that a lease be granted.**
2. The Applicant is hereby granted the temporary exclusive use of the structures [performance of the activities] located on these lands as depicted in Exhibit "A", consisting of approximately 2,184 square feet, waterward of Applicant's upland real property described above. This temporary exclusive use is for a term not to exceed one year from the date of execution of this Agreement through the 25 day of April, 2024 or until the date of execution of a sovereign lands lease between the Board and the Applicant, whichever occurs first. The Applicant shall make no claim of title to or interest in the sovereign lands identified in Exhibit "A" solely by reason of occupancy or use thereof under this Agreement.
3. The existing structures can only be utilized as they were on the date of execution of this Agreement, which was as 25 day of April, 2023. In the event any part of any of these structures is determined by a final adjudication issued by a court of competent jurisdiction to encroach or interfere with riparian rights of the adjacent upland riparian owner, Applicant agrees to either obtain written consent for the offending structure from the affected adjacent upland riparian owner or remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this Agreement and be grounds for immediate termination of this Agreement at the sole option of the Board.
4. The consideration paid for this Agreement includes the lease fees due for these lands from January 2023 through January 2024 [plus interest payable on past due lease fees]. This consideration is not refundable, notwithstanding the denial of a sovereign lands lease by the Board.

14. The terms of this Agreement may be enforced by the Board notwithstanding that the authorization granted hereunder has expired.

Executed on the date first written above.



BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

WITNESSES:

Hannah Westwell
Original Signature

Hannah Westwell
Printed/Typed Name

Pamela Vazquez
Original Signature

Preston Graves
Printed/Typed Name

By: Pamela Vazquez
Director of District Management,
Department of Environmental Protection, as
agent for and on behalf of the Board of
Trustees of the Internal Improvement Trust
Fund of the State of Florida

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 25 day of April, 2023, by Kelley M. Boatwright, Director of District Management, Southwest District, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He/She is personally known to me.

Pamela Vazquez
on behalf
Kelley Boatwright

Marie Harvey
Notary Public, State of Florida
Marie Harvey
Printed, Typed or Stamped Name

My Commission Expires: HH 279991
Commission/Serial No.: 10-23-2026



EB JV OPPORTUNITY FUND, a Florida limited liability Corporation

WITNESSES:

[Signature]
Original Signature
GERARD K. POYE
Printed/Typed Name
[Signature]
Original Signature
Edwards Anaya
Printed/Typed Name

By: [Signature]
Original Signature
ERIC BAIRD
Printed/Typed Name
manager
Title

STATE OF FL
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 24 day of April, 2023, by Eric Baird as manager of EB JV OPPORTUNITY FUND a Florida limited liability corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.



Caroline Cullen
Notary Public, State of Florida
Caroline Cullen
Printed/Typed or Stamped Name

My Commission Expires: 3/7/25
Commission/Serial No.: HH 101378

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Receipts Section
 Post Office Box 3070
 Tallahassee, FL, 32315-3070



INVOICE

Bill To:

EB JV Opportunity Fund, LLC
 1991 Main Street, Fourth Floor
 Attn: Austin Morris
 Sarasota, FL 34236

**** INVOICE / INSTRUMENT INFORMATION ****

Invoice #: 129939 **Instrument #:** 410340783
Invoice Date: 04/20/2023 **Expiration Date:** 09/11/2023
Due Date: 05/20/2023 **Extended Term Fee:** N
Lessee Name: EB JV Opportunity Fund, LLC
Rate: Base Rate
Location: Manatee Landing Dry Storage/Docking

**** IMPORTANT REMINDER ****

If paying by mail, please return invoice with your payment to the above address.
 Online payment by check, credit card or debit card is available at
<http://www.fdeportal.com/go/pay-invoices/>
 Late payments are subject to a 12% Interest fee pursuant to FAC 18-21.011(1)(b)13.

INFORMATION			LEASE FEE DATA					
Description	Memo	Object	Net Square Feet	Rate	Discount	Extended Term Fee	*Amount	
Arrears 2023/2024 Commercial	From 3/28/23 to 3/27/24	21017	2184.0	0.0	0	N	\$435.05	
Arrears 2022/2023 Commercial	From 3/28/22 to 3/27/23	21017	2184.0	0.0	0	N	\$419.11	
Arrears Commercial 2021/2022	From 3/28/21 to 3/27/22	21017	2184.0	0.0	0	N	\$407.10	
Arrears 2020/2021	From 3/28/20 to 3/27/21	21017	2184.0	0.0	0	N	\$399.02	
Arrears 2019/2020 NT3 Commercial	From 3/28/19 to 3/27/20	21017	2184.0	0.0	0	N	\$391.90	
25% Initial Surcharge 2019/2020 NT	On First Full Year	21017	2184.0	0.0	0	N	\$97.97	
Note: Agent: M. Kratzer (SSR)							Subtotal	\$2,150.15
							Sales Tax	\$118.26
							County Tax	\$21.50
							Credit Applied	(\$0.00)
							Payment Applied	\$0.00
							Total	\$2,289.91
							Invoice Balance Due	\$2,289.91
							Instrument Lease Balance Due	\$2,289.91

ANNUAL LEASE FEE FORMULA = BASE FEE - DISCOUNT + EXTENDED TERM FEE
 *BASE FEE = Base Rate x Net Square Feet OR

Memorandum

Florida Department of
Environmental Protection

NOTICE OF BOARD ACTION

TO: Office of the Secretary _____
 Office of Coastal and Aquatic Managed Areas _____
 Office of General Counsel _____
 Office of Greenways and Trails _____
 District Office - Southwest District X
 Division of Recreation and Parks _____
 Division of Water Resource Management _____
 Division of State Lands _____

FROM: Katie Flanagan, Director
 Office of Cabinet Affairs

ITEM # **Substitute Item 1**

TITLE: **Scott and Patricia Tibbetts, Trustees, (Tarpon Point Marina) Recommended Consolidated Intent/Lease Modification**

CABINET MEETING DATE: May 27, 2009

ACTION: Approved without objection.

Future Board of Trustees' Action Required
 If required, date to be taken to Board of Trustees: _____

Action/Follow-Up Needed
 Comments: _____

MEMBERS:

	Present	Absent
GOVERNOR	X	
ATTORNEY GENERAL	X	
CHIEF FINANCIAL OFFICER	X	
COMMISSIONER OF AGRICULTURE	X	

The above action was taken on the subject division agenda item at today's meeting. Will you please see that the information is provided to appropriate staff for further processing/handling of the matter and that the formal action as noted is made a part of the division's master file.

Please contact me immediately if you have any questions relating to the item's action as noted (245-2024). Thank you for your cooperation.

KF/jm



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

STATE OF FLORIDA

COUNTY OF LEON

CERTIFICATE

I, Katie Flanagan, do hereby certify that the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, met on May 27, 2009 and approved the following Substitute Item 1 on the agenda for that date.

**Substitute Item 1 Scott and Patricia Tibbetts, Trustees, (Tarpon Pointe Marina)
Recommended Consolidated Intent/Lease Modification**

REQUEST: Consideration of an application for a modification of a ten-year term sovereignty submerged lands lease to increase the preempted area from 18,637 square feet to 603,638 square feet, more or less, for a 220-slip commercial docking facility.

APPLICANTS: Scott and Patricia Tibbetts, Trustees, Tibbetts Family Revocable Trust
(d/b/a Tarpon Pointe Marina; a/k/a Manatee Landings Marina)
Lease No. 410340783
Application No. 41-0169753-005

LOCATION: 215 8th Street East
Bradenton, Manatee County
Section 25, Township 34 South, Range 17 East
Aquatic Preserve: No
Waterbody/Classification: Manatee River, Class III, not approved for shellfish harvesting
Outstanding Florida Water: No
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Slow speed outside channel, 25 mph in channel

CONSIDERATION: \$85,009.53, representing: (1) \$63,151.70 as the initial annual lease fee computed at the base rate of \$0.149455 per square foot, discounted 30 percent because a minimum of 90 percent of the slips are open to the public for rent on a first-come, first-served basis; and (2) \$21,857.83 as the 25 percent surcharge payment for the additional area. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)1, F.A.C.

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STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

Project Synopsis

The applicants are proposing to construct a 220-slip commercial docking facility to be used in conjunction with an existing upland 200-unit dry boat storage facility.

Background

On October 13, 2006, the applicants submitted their initial proposal to the Department of Environmental Protection (DEP) for: (1) removal of an 18-slip temporary docking facility and construction of a 205-slip docking facility, preempting a total of 23.3 acres of sovereignty submerged lands, to be used in conjunction with the existing 200-unit dry boat storage facility; and (2) relocation of an existing boat load-out platform to an area directly adjacent to the boat storage buildings. In a separate application, the applicants applied for a maintenance dredge exemption that involved substantial impacts to seagrasses to create ingress and egress to the proposed relocation of the load-out platform. Other impacts included the removal of mangroves to clear the area for the new load-out platform. After DEP denied the maintenance dredge exemption, the proposed relocation of the load-out platform was removed from the application, and the dock design was reconfigured to allow the continued use of the existing load-out platform. These modifications eliminated all of the dredging, seagrass impacts, and the majority of the mangrove impacts (leaving minimal lateral trimming only), in addition to reducing the preempted area from 23.3 acres to 13.9 acres.

On October 18, 2006, DEP conducted a site inspection and discovered that the 18-slip temporary wet slip docking facility, used for staging vessels in conjunction with the upland dry boat storage facility, had been constructed without a permit and lease from DEP.

DEP pursued formal enforcement, at that time, and a Consent Order and Temporary Use Agreement (TUA) were executed between DEP and the applicants on October 12, 2007. The Consent Order required payment of \$12,500 in administrative fines and \$1,000 in costs and expenses for the unauthorized construction of the facility and the unauthorized use of sovereignty submerged lands. The TUA required payment of \$18,708.00 in lease fees in arrears, which were assessed from December 17, 2001 through February 28, 2008. All of the fines, fees, and costs have been paid as required by the Consent Order and TUA. The Consent Order also required the applicants to apply for and obtain an operation and maintenance permit and a sovereignty submerged lands lease for the existing facility. The operation and maintenance permit was issued on September 11, 2008 and the sovereignty submerged lands lease was executed on April 3, 2009.

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The existing sovereignty submerged lands lease, approved by DEP under delegation, authorizes the preemption of 18,637 square feet. A March 31, 2009 site inspection confirmed that the existing facility is in compliance with the sovereignty submerged lands lease.

The upland consists of two dry storage buildings that house 200 vessels, an open area where boat trailers are stored, and a small house that was converted to a marina office/ship's store. There is an existing 3,000 gallon gasoline fuel tank, on the uplands adjacent to the load-out platform, for fueling vessels by using a long hose that can be transported out onto the temporary staging dock.

The applicants have indicated that the proposed future use of the uplands will include a combination commercial/residential development, although no applications have been submitted to any regulatory agency for upland development at this time. The applicants have further stated that the marina will continue to operate independently of the upland residential/commercial complex, and will remain open to the public on a first-come, first-served basis, should such development be approved and constructed.

Project Details

The applicants are proposing to remove the existing 18-slip docking facility and construct a 220-slip (212 permanent and 8 temporary) docking facility and increase the preempted area by 585,001 square feet for a new total preemption of 603,638 square feet. Of the 220 wet slips, 8 will be used for temporary staging of vessels 18 to 35 feet in length associated with the dry storage facility. The remaining 212 wet slips will accommodate power and sailing vessels up to 90 feet in length with drafts up to 7 feet.

A minimum of 90 percent of all the wet slips will be maintained on an open to the public, first-come, first-served basis, pursuant to section 18-21.003(25), F.A.C. This requirement has been included as a special lease condition.

The water depths in the wet slips and areas of ingress/egress at the site range from 4.5 feet to 25 feet mean low water. Specific restrictions on vessel drafts have been incorporated into the permit to ensure a one-foot clearance between the bottom of the boat propeller and the river bottom to avoid prop dredging. The only seagrasses in the project area are on a shallow shoal adjacent to the access channel for the existing load-out platform. These resources will be protected from impacts by the installation of two shallow-water buoys that will mark the channel and direct boaters away from the area.

A proposed 1,010-foot-long by 14-foot-wide floating wave attenuator system will run parallel to the thread of the channel and is attached to the bottom through a combination of large screw anchors, cables, and elastic rubber hawsers that allow the attenuator to effectively protect the marina from wave action in variable weather conditions. The wave attenuator will be attached to the main docking structure and will be accessible by pedestrians for passive recreation activities such as fishing or wildlife viewing. Mooring of vessels will be prohibited along the structure.

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Noticing

The project was noticed as required pursuant to section 253.115, F.S., and section 18-21.005(3), F.A.C. Approximately 15 property owners were specifically noticed and one objection was received. The objector's concerns are as follows:

- (1) size of the marina and its encroachment into the river;
- (2) questionable need for another large marina in the area;
- (3) potential impacts to water quality caused during construction and by vessels moored at the facility;
- (4) impacts to manatees; and
- (5) encroachments on the objector's riparian rights.

DEP is of the opinion that the objector's concerns are addressed as follows:

- (1) the size, location and configuration of the marina were addressed through avoidance and minimization of impacts to resources and consideration of secondary and cumulative impacts required by DEP regulations during DEP's application review;
- (2) as to whether there is a need for another large marina in the area, it was determined that the facility will help increase public access to sovereignty submerged lands for recreation. The marina is also a key component in the City of Bradenton's Riverwalk Development Plan, which will enhance public enjoyment of the downtown area;
- (3) the potential impacts to water quality are being addressed by specific conditions in the permit that require sewage pumpout facilities, slip rental agreements requiring regular pumpouts of vessels, and draft restrictions placed on vessels to preclude prop dredging;
- (4) impacts to manatees have been addressed through specific conditions in the permit that are the recommendations of the Florida Fish and Wildlife Conservation Commission (FWC) upon its review of the project; and
- (5) regarding any encroachment on the objector's riparian rights, DEP staff, in consultation with the DEP Office of General Counsel, determined that the objector's property deed does not convey riparian rights.

Permit Summary

DEP's environmental resource permit requires sewage pumpout facilities, prohibits liveboards, and prohibits fueling facilities from being placed on over-the-water structures.

Commenting Agency

The recommendations of FWC regarding protection of manatees have been addressed in the permit.

Comprehensive Plan

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan is in compliance.

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The proposed action is consistent with the adopted plan according to a letter received from the City of Bradenton.

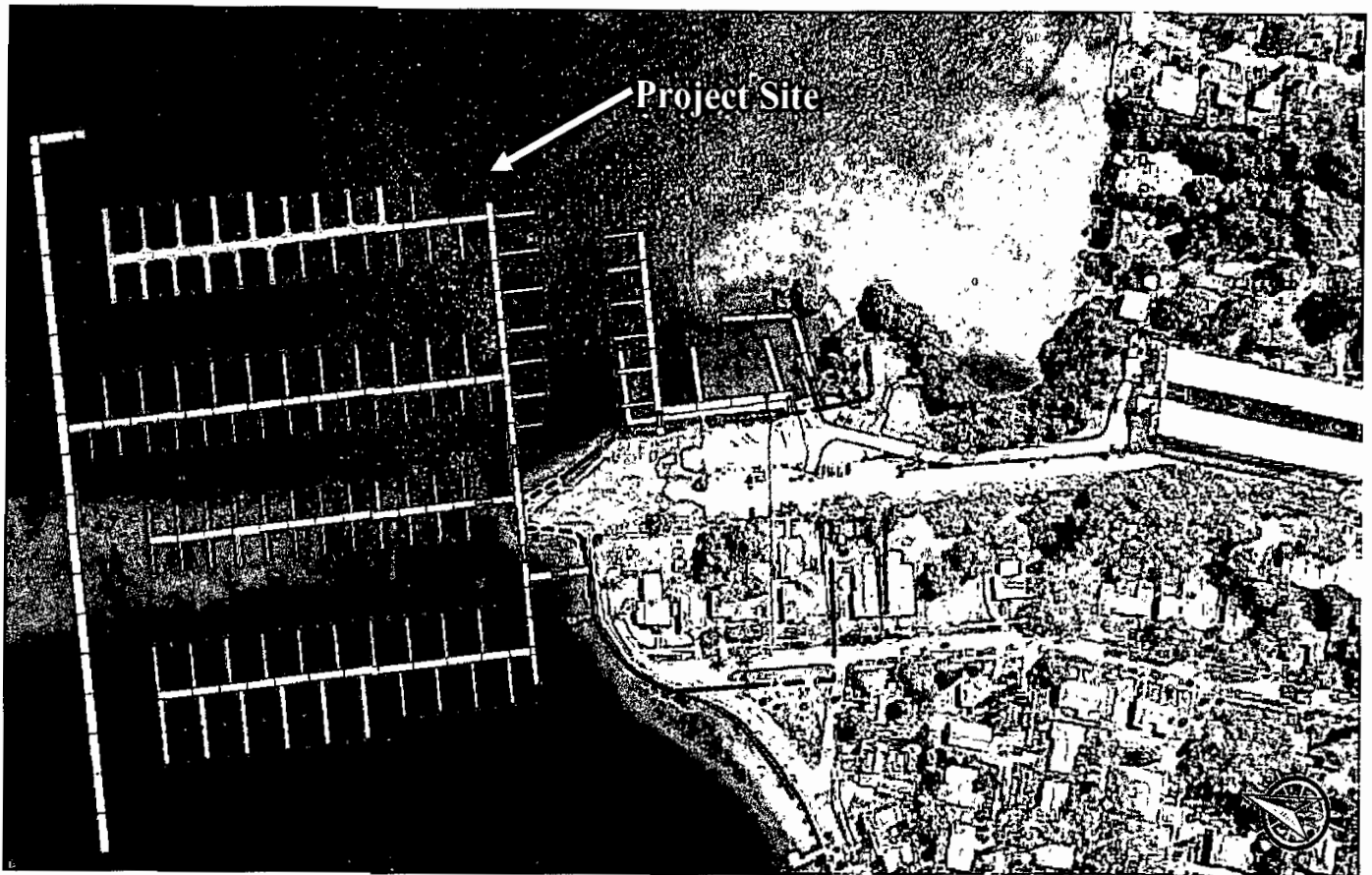
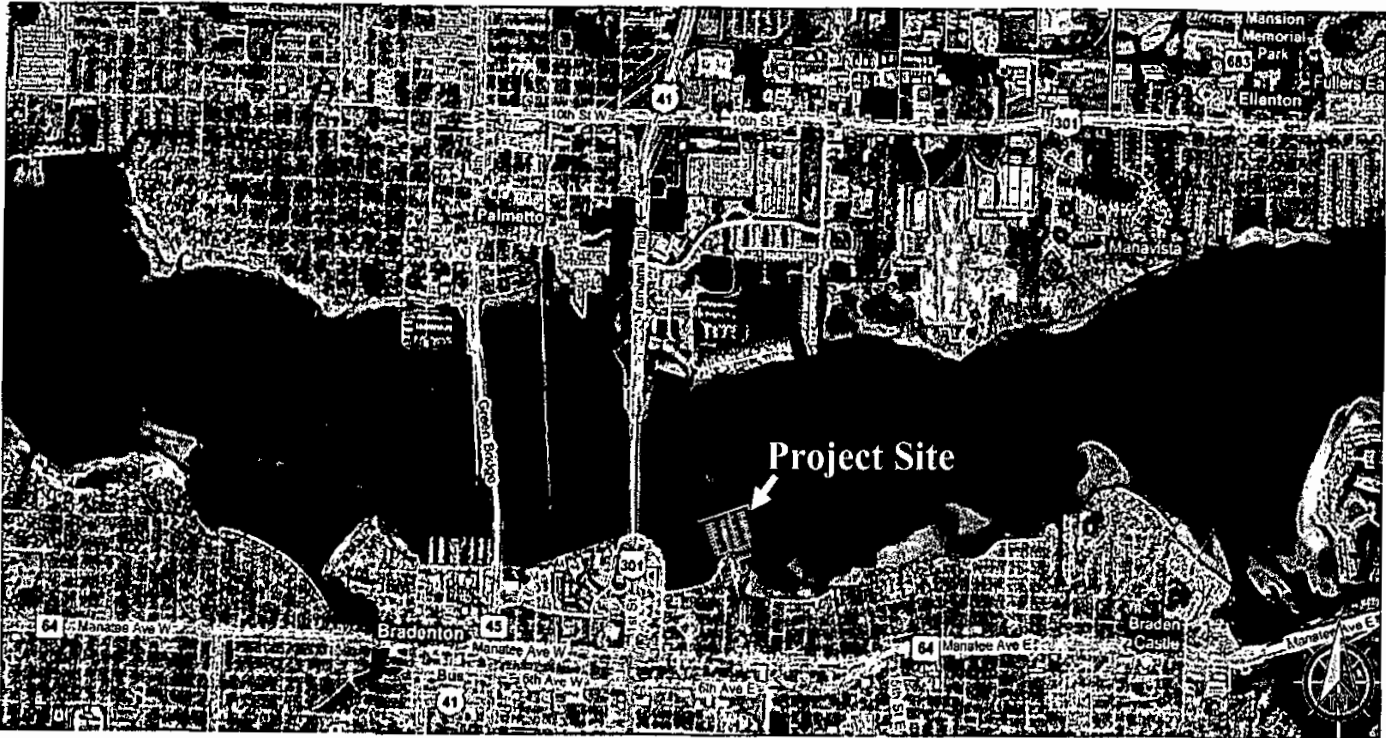
(See Attachment 1, Pages 1-33)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL LEASE CONDITIONS
AND PAYMENT OF \$85,009.53**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Board of Trustees of the Internal Improvement Trust Fund on this 27th day of May A.D., 2009.


Katie Flanagan, Director
Office of Cabinet Affairs

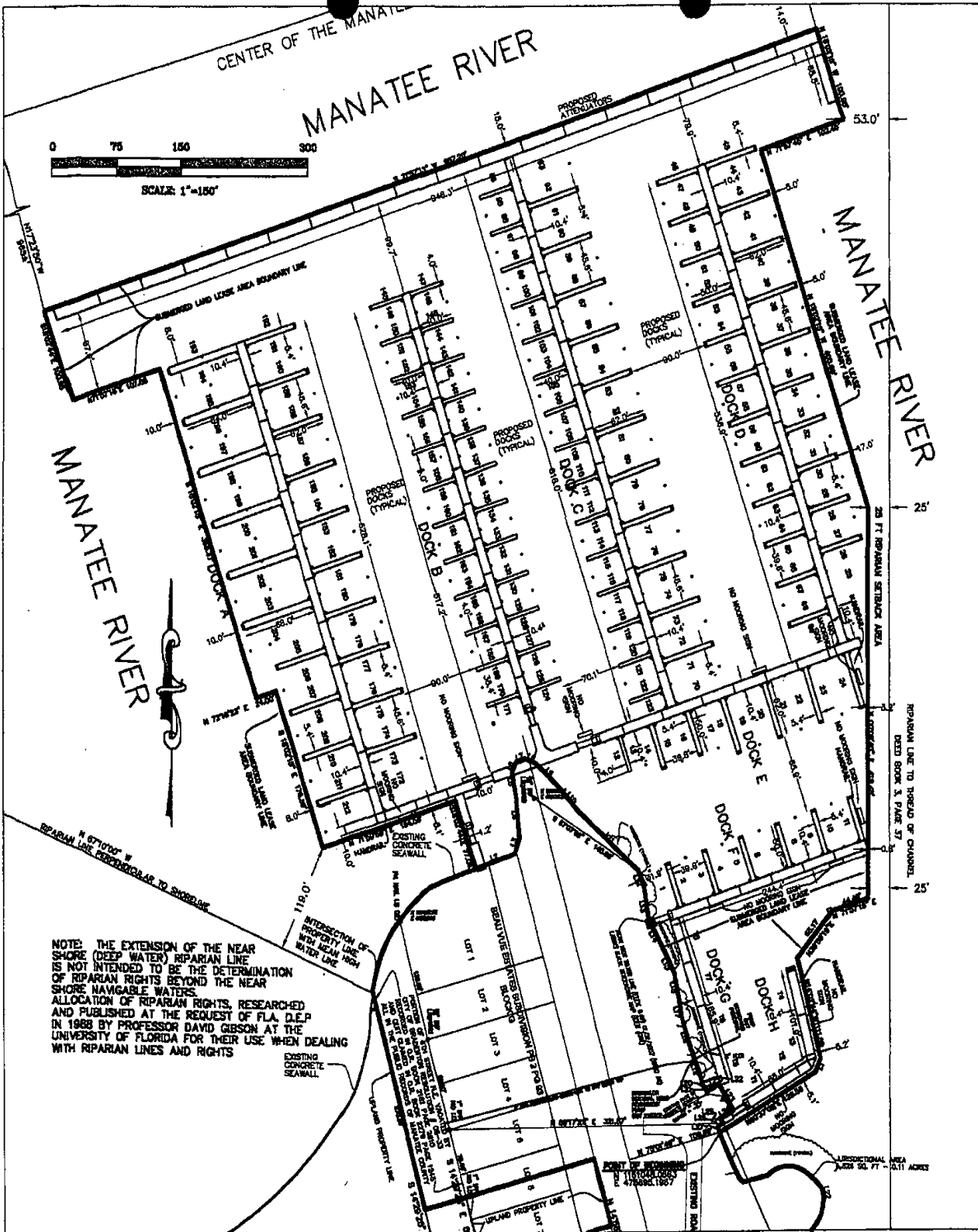
SEAL



Tarpon Point Marina Manatee County

This map was produced by the Office of Cabinet Affairs for display purposes only. Any other use is not advised. This is not a survey. Map Date 5/6/09

ATTACHMENT 1
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NOTE: THE EXTENSION OF THE NEAR SHORE (DEEP WATER) RIPARIAN LINE IS NOT INTENDED TO BE THE DETERMINATION OF RIPARIAN RIGHTS BEYOND THE NEAR SHORE NAVIGABLE WATERS. ALLOCATION OF RIPARIAN RIGHTS, RESEARCHED AND PUBLISHED AT THE REQUEST OF FLA. D.E.P IN 1988 BY PROFESSOR DAVID GIBSON AT THE UNIVERSITY OF FLORIDA FOR THEIR USE WHEN DEALING WITH RIPARIAN LINES AND RIGHTS

GLOBAL SURVEYING P.A.

CERTIFICATE OF AUTHORIZATION LB 0008432

BRADENTON

4455 STATE ROAD 84

P.O. BOX 20755 BRADENTON, FLORIDA 34204

(841) 748-1512 (841) 747-2450 FAX

Dept. of Environmental Protection

JAN 05 2008



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Scale: 1" = 150'

Drawn by: TP

FB/PG: NON

ATTACHMENT 1

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