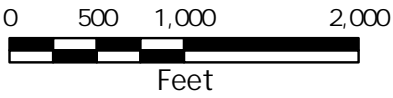


	Subject Parcel
	Previously Leased Area
	State Managed Conservation Lands
	City/County Managed Conservation Lands



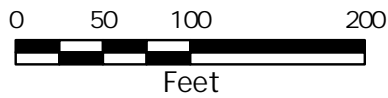
SSL Lease No. 440010025
Lessee: Dolphin Research Center, Inc.

Monroe County, Florida

File Location: \\FLDEP\1\Work\Countries\Monroe\SSL-Dolphin Research Center\Ink\GIS\SSL_DOLPHIN_RESEARCH_CENTER_INK.aprx
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Map Created By: K. Wlyko



- Subject Parcel
- Previously Leased Area



SSL Lease No. 440010025
Lessee: Dolphin Research Center, Inc.

Monroe County, Florida

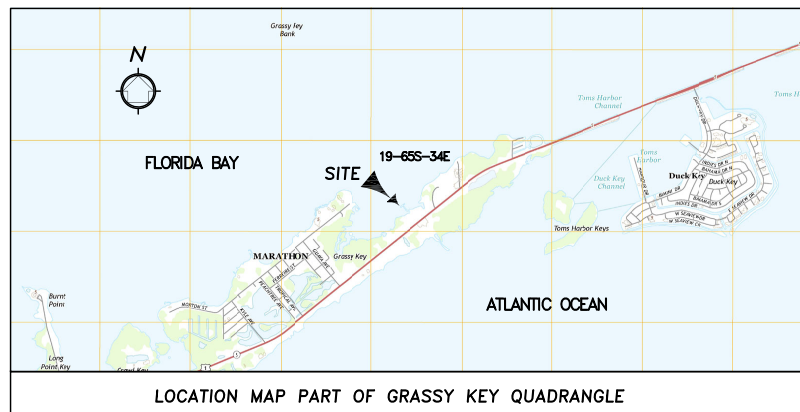
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Map Created By: K. Wlyko

SPECIFIC PURPOSE SURVEY
DOLPHIN RESEACH CENTER
Sovereignty Submerged Lands in Florida Bay
Section 19, Township 65 South, Range 34 East
Grassy Key, Monroe County, Florida

SURVEYOR'S NOTES:

1. THIS IS A FIELD SURVEY. LAST DATE OF FIELD WORK PERFORMED IS MAY 25, 2022 (REVISIONS TO FLOATING DOCKS IN BOAT BASIN), APRIL 25, 2020, AND DECEMBER 2, 2021.
2. THIS SURVEY IS CERTIFIED TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA AND THE DOLPHIN RESEARCH CENTER, INC.
3. UPLAND LEGAL DESCRIPTION ARE FURNISHED BY THE CLIENT AND ATTACHED HERETO. LEGAL DESCRIPTION OF PROPOSED LEASE AREA NEWLY AUTHORED BY THE UNDERSIGNED.
4. THIS SURVEY DOES NOT HAVE THE BENEFIT OF A CURRENT TITLE COMMITMENT, OPINION, OR ABSTRACT. DURING THE COURSE OF THE SURVEY SOME SEARCHES OF THE PUBLIC RECORDS WERE MADE, BUT THESE SEARCHES WERE NOT EXHAUSTIVE.
7. COORDINATES AND/OR BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/11). ESTABLISHED BY A REAL-TIME NETWORK (RTN) WHICH IS CERTIFIED TO A 2 CENTIMETER LOCAL ACCURACY, WITH THE THE EAST LINE OF THE UPLAND PARCEL HAVING A BEARING OF N39°06'16"E
8. STATE PLANE COORDINATE CONTROL WAS ESTABLISHED BY AVERAGING MULTIPLE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS USING SPECTRA PRECISION SP80 ROVER/RECEIVER AND TRIMBLE VRS NETWORK. HORIZONTAL MEASUREMENTS WERE THEN OBTAINED USING REAL-TIME KINEMATIC GLOBAL POSITIONING SYSTEM (RTK GPS) SPECTRA PRECISION BASE AND ROVER SURVEY METHODS AND / OR CONVENTIONAL SURVEY METHODS USING TRIMBLE S5 ROBOTIC TOTAL STATION, BOTH RUN WITH SPECTRA PRECISION RANGER3 WITH SURVEY PRO.
9. ALL ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
10. UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
11. BATHYMETRIC ELEVATIONS WERE COLLECTED WITH A FIXED SURVEY ROD AND ARE TO THE IMMEDIATE SUB MARINE SURFACE.
12. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). SAID ELEVATIONS ESTABLISHED BY NATIONAL GEODETIC SURVEY (NGS) CONTROL POINT "872 3921 H TIDAL" (PID AA1724) HAVING A PUBLISHED ELEVATION OF 4.85' NAVD88.
13. BAY BOTTOM ELEVATIONS ARE REFERENCED TO MEAN LOW WATER. MEAN LOW WATER EL. = -1.16' NAVD88 PER FDEP POINT IDENTIFICATION NUMBER 3096.
14. THE MEAN HIGH WATER LINE SHOWN FROM TIDAL WATER SURVEYS BY J.P. GRIMES, FLORIDA SURVEYOR AND MAPPER NO. 4906, FILED WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEY AND MAPPING SURVEY FILE NO.'S 4708 AND 5396.

THIS IS A FIELD SURVEY
 Not valid without SHEETS 1 TO 5 attached



LEGEND:

- | | |
|--------------------------------|--------------------------------|
| (C) = CALCULATED | PG. = PAGE |
| CB = CONCRETE BRIDGE | POB = POINT OF BEGINNING |
| (D) = DEED | POC = POINT OF COMMENCEMENT |
| EL. = ELEVATION | NTS = NOT TO SCALE |
| FD = FLOATING FIBERGLASS DOCK | R/W = RIGHT-OF-WAY |
| FND = FOUND | SFD = SUBMERGED DOCK |
| IP = IRON PIPE | FIBERGLASS DOCK |
| (M) = MEASURED | SN&D = SET NAIL & DISK, LB7846 |
| MHWL = MEAN HIGH WATER LINE | TYP = TYPICAL |
| NTS = NOT TO SCALE | WD DK = WOOD DOCK |
| O.R.B. = OFFICIAL RECORDS BOOK | WDF = WOOD FENCE |
| P.B. = PLAT BOOK | |

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

SIGNED _____

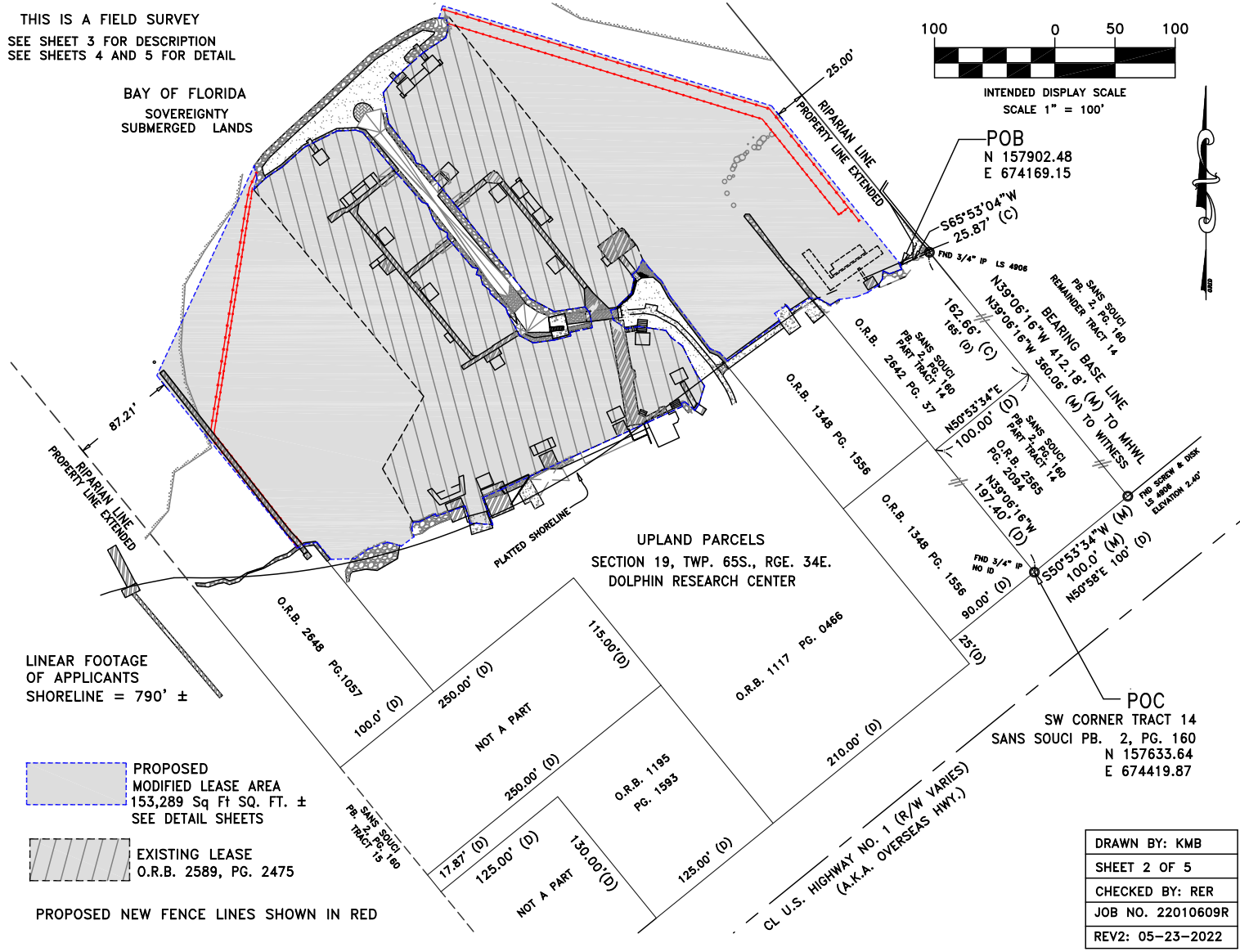
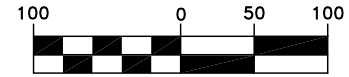
ROBERT E. REECE, PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO. 5632, STATE OF FLORIDA



DRAWN BY: KMB
SHEET 1 OF 5
CHECKED BY: RER
JOB NO. 22010609R
REV2: 05-23-2022

THIS IS A FIELD SURVEY
 SEE SHEET 3 FOR DESCRIPTION
 SEE SHEETS 4 AND 5 FOR DETAIL

BAY OF FLORIDA
 SOVEREIGNTY
 SUBMERGED LANDS



LINEAR FOOTAGE
 OF APPLICANTS
 SHORELINE = 790' ±

PROPOSED
 MODIFIED LEASE AREA
 153,289 Sq Ft SQ. FT. ±
 SEE DETAIL SHEETS

EXISTING LEASE
 O.R.B. 2589, PG. 2475

PROPOSED NEW FENCE LINES SHOWN IN RED

POB
 N 157902.48
 E 674169.15

SANS SOUCI
 PG. 2, PG. 160
 REMAINDER TRACT 14
 BEARING BASE LINE
 N39°06'16" W 412.18' (M) TO WITNESS
 N39°06'16" W 360.06' (M)

SANS SOUCI
 PG. 2, PG. 160
 O.R.B. 2094
 PG. 2365
 N39°06'16" W
 197.40' (D)
 SANS SOUCI
 PG. 2, PG. 160
 O.R.B. 2094
 PG. 2365
 N39°06'16" W
 100.00' (M)
 N50°53'34" W
 100.00' (M)
 N50°58' E 100' (D)

POC
 SW CORNER TRACT 14
 SANS SOUCI PB. 2, PG. 160
 N 157633.64
 E 674419.87

DRAWN BY: KMB
SHEET 2 OF 5
CHECKED BY: RER
JOB NO. 22010609R
REV2: 05-23-2022

LEGAL DESCRIPTION PROPOSED MODIFIED LEASE AREA:

A PARCEL OF BAY BOTTOM LAND IN THE BAY OF FLORIDA AT GRASSY KEY, MONROE COUNTY, FLORIDA, NORTHERLY OF AND ADJACENT TO THE PLAT OF SANS SOUCI, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 160 AND THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1117, PAGE 0467, OFFICIAL RECORDS BOOK 1348, PAGE 1556, OFFICIAL RECORDS BOOK 2648, PAGE 1057, OFFICIAL RECORDS BOOK 2642, PAGE 37, ALL OF THE AFORESAID RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND LYING AND BEING IN GOVERNMENT LOT 2, SECTION 19, TOWNSHIP 65 SOUTH, RANGE 34 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF SOUTHWEST CORNER OF SAID TRACT 14, SANS SOUCI AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 THENCE BEAR N39°06'16"W FOR A DISTANCE OF 197.40 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2642, PAGE 37; THENCE BEAR N50°53'34"E FOR A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE BEAR N39°06'16"W FOR A DISTANCE OF 162.66 FEET TO AN IRON PIPE AND CAP LABELED LS 4906; ML1) THENCE BEAR S65°53'04"W FOR A DISTANCE OF 25.87 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE BAY OF FLORIDA AS SHOWN ON A SURVEY PERFORMED BY JOHN PAUL GRIMES, LS 4906, RECORDED IN THE PUBLIC REPOSITORY OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEY AND MAPPING AS MEAN HIGH WATER SURVEY FILE NO. 5396, SAID POINT BEING THE POINT OF BEGINNING;

ML2) THENCE LEAVING SAID MEAN HIGH WATER LINE, BEAR N39°06'16"W ALONG THE SURFACE WATERS OF FLORIDA BAY FOR A DISTANCE OF 170.53 FEET TO A POINT;

ML3) THENCE BEAR N73°04'50"W FOR A DISTANCE OF 285.77 FEET TO A POINT;

ML4) THENCE BEAR S16°55'10"W FOR A DISTANCE OF 10.83 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF A BOULDER AND LIMEROCK FILL JETTY; THENCE MEANDERING SOUTHERLY WESTERLY AND NORTHERLY ALONG SAID MEAN HIGH WATER LINE OF SAID JETTY FOR THE FOLLOWING 46 COURSES AND DISTANCES;

ML5) N89°32'39"E, 6.09 FEET; ML6) S13°35'12"E, 8.11 FEET;
ML7) S15°19'21"W, 8.52 FEET; ML8) S56°11'45"W, 22.72 FEET;
ML9) S48°23'47"W, 29.95 FEET; ML10) S38°31'34"W, 17.16 FEET;
ML11) S09°53'55"E, 25.59 FEET; ML12) S37°26'18"E, 34.62 FEET;
ML13) S18°15'46"E, 5.90 FEET; ML14) S69°17'22"E, 6.68 FEET;
ML15) S39°06'19"E, 46.03 FEET; ML16) S38°29'08"E, 95.23 FEET;
ML17) S61°47'32"E, 23.01 FEET; ML18) N81°34'38"E, 25.93 FEET;
ML19) S39°21'33"E, 6.02 FEET; ML20) S09°21'15"E, 12.73 FEET;
ML21) S78°00'33"W, 18.73 FEET; ML22) S11°28'12"E, 3.00 FEET;
ML23) S75°42'56"W, 14.02 FEET; ML24) S82°30'16"W, 17.89 FEET;
ML25) N61°53'01"W, 12.50 FEET; ML26) N28°37'41"W, 21.06 FEET;
ML27) N18°06'36"W, 4.85 FEET; ML28) N47°18'40"W, 17.53 FEET;
ML29) N12°53'53"W, 3.10 FEET; ML30) N50°48'02"W, 7.61 FEET;
ML31) N13°17'48"W, 6.90 FEET; ML32) N68°55'29"W, 3.88 FEET;
ML33) N16°51'15"E, 5.29 FEET; ML34) N80°11'36"W, 4.70 FEET;
ML35) N40°03'48"W, 32.66 FEET; ML36) N04°59'15"E, 3.56 FEET;
ML37) N59°55'59"W, 8.00 FEET; ML38) N34°04'49"W, 9.13 FEET;
ML39) N20°33'36"W, 13.53 FEET; ML40) N71°33'25"W, 4.57 FEET;
ML41) N41°18'05"W, 30.65 FEET; ML42) N39°49'23"W, 45.47 FEET;
ML43) N70°48'20"W, 5.92 FEET; ML44) S87°25'38"W, 15.86 FEET;
ML45) S63°38'00"W, 29.98 FEET; ML46) S48°26'40"W, 24.83 FEET;
ML47) S56°10'47"W, 16.58 FEET; ML48) S46°06'04"W, 13.96 FEET;
ML49) N15°42'19"E, 9.76 FEET; ML50) N11°56'11"W, 10.69 FEET;

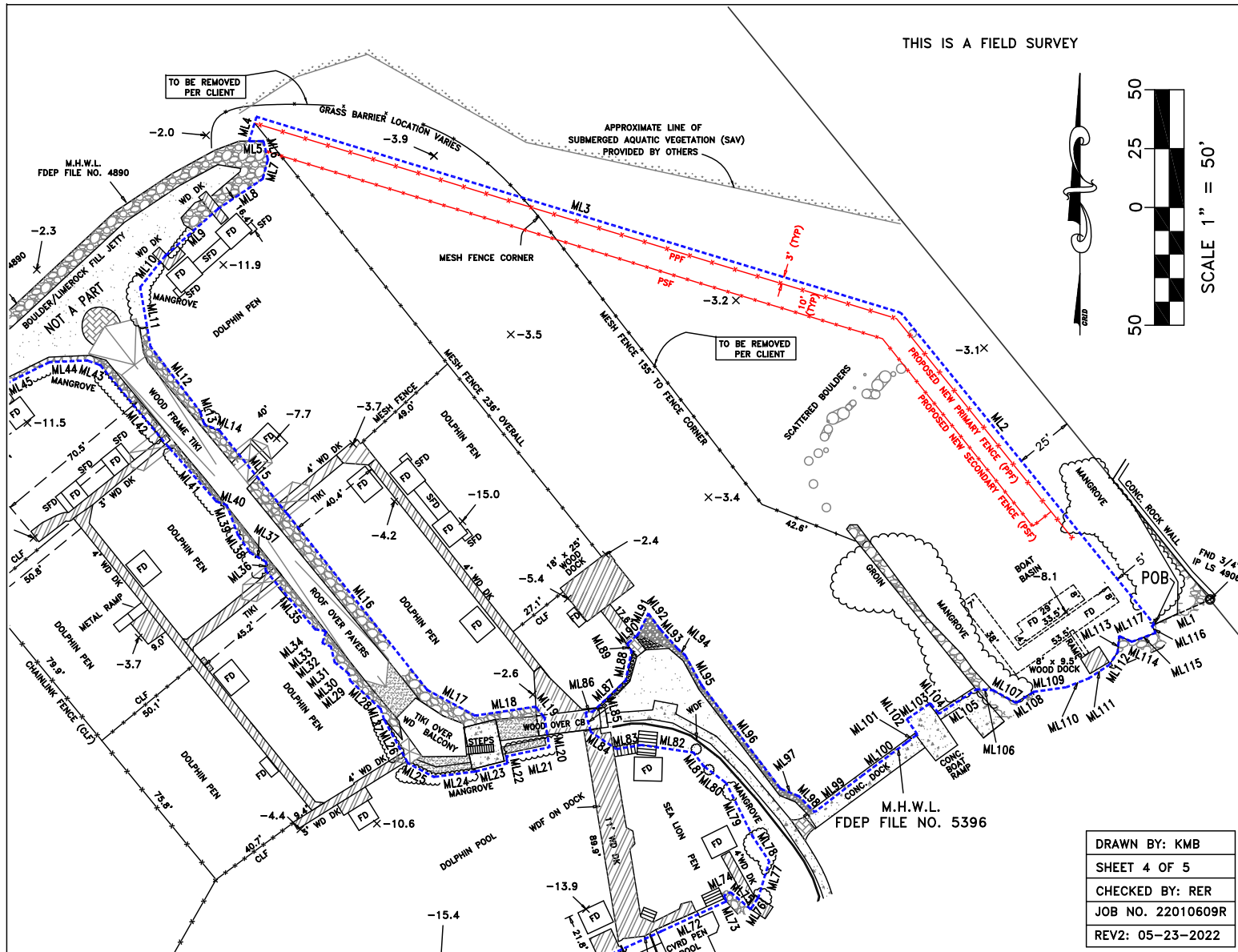
ML51) THENCE LEAVING SAID MEAN HIGH WATER LINE, BEAR S24°53'37"W ALONG THE SURFACE WATERS OF FLORIDA BAY FOR A DISTANCE OF 192.35 FEET TO A POINT;
ML52) THENCE BEAR S39°10'47"W FOR A DISTANCE OF 184.94 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF FLORIDA BAY AS AFORESAID; THENCE MEANDERING EASTERLY ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING 65 COURSES AND DISTANCES;

ML53) N63°32'49"E, 7.70 FEET; ML54) N82°59'03"E, 9.77 FEET;
ML55) S39°14'22"E, 18.06 FEET; ML56) N88°19'37"E, 20.11 FEET;
ML57) N53°41'44"E, 13.45 FEET; ML58) N70°25'29"E, 16.77 FEET;
ML59) S74°51'54"E, 12.14 FEET; ML60) N53°16'36"E, 13.13 FEET;
ML61) N15°39'40"W, 6.84 FEET; ML62) N12°28'26"E, 5.50 FEET;
ML63) N84°11'33"E, 5.85 FEET; ML64) N63°06'17"E, 14.11 FEET;
ML65) S22°39'12"E, 2.09 FEET; ML66) N70°27'27"E, 25.36 FEET;
ML67) S16°11'28"E, 14.84 FEET; ML68) S86°26'34"E, 18.93 FEET;
ML69) N20°23'10"W, 23.84 FEET; ML70) N65°56'42"E, 17.76 FEET;
ML71) N65°22'20"E, 134.09 FEET; ML72) N65°18'08"E, 30.72 FEET;
ML73) N24°50'43"W, 2.65 FEET; ML74) N64°31'19"E, 3.25 FEET;
ML75) S49°47'33"E, 11.04 FEET; ML76) N33°31'07"E, 6.00 FEET;
ML77) N16°44'45"E, 15.94 FEET; ML78) N33°36'19"W, 12.73 FEET;
ML79) N26°21'37"W, 25.30 FEET; ML80) N53°08'47"W, 11.97 FEET;
ML81) N36°36'09"W, 7.15 FEET; ML82) N81°46'07"W, 22.38 FEET;
ML83) S80°38'32"W, 10.73 FEET; ML84) N56°10'57"W, 13.06 FEET;
ML85) N15°21'46"W, 8.58 FEET; ML86) N82°52'04"E, 3.15 FEET;
ML87) N46°35'33"E, 19.20 FEET; ML88) N11°10'49"E, 12.65 FEET;
ML89) N29°29'41"W, 3.65 FEET; ML90) N49°06'14"E, 6.00 FEET;
ML91) N26°28'22"E, 9.95 FEET; ML92) S36°47'03"E, 8.14 FEET;
ML93) S41°50'52"E, 11.63 FEET; ML94) S49°52'39"E, 3.81 FEET;
ML95) S28°48'13"E, 14.35 FEET; ML96) S37°17'38"E, 55.47 FEET;
ML97) S67°36'01"E, 8.49 FEET; ML98) S44°36'10"E, 9.49 FEET;
ML99) N52°20'28"E, 24.97 FEET; ML100) N53°16'06"E, 23.73 FEET;
ML101) N53°20'43"W, 5.94 FEET; ML102) N34°40'22"W, 7.86 FEET;
ML103) N55°49'32"E, 12.05 FEET; ML104) S39°58'15"E, 5.80 FEET;
ML105) N56°53'06"E, 19.05 FEET; ML106) S86°41'48"E, 6.97 FEET;
ML107) S61°06'37"E, 11.19 FEET; ML108) N58°03'21"E, 8.90 FEET;
ML109) N81°54'55"E, 13.87 FEET; ML110) N68°29'36"E, 10.39 FEET;
ML111) N56°17'27"E, 10.31 FEET; ML112) N33°30'21"E, 6.41 FEET;
ML113) N05°25'53"E, 6.88 FEET; ML114) S65°51'13"E, 5.95 FEET;
ML115) N69°14'14"E, 10.74 FEET; ML116) N27°41'51"W, 3.44 FEET;
ML117) N64°53'53"E, 1.12 FEET, BACK TO THE POINT OF BEGINNING,
CONTAINING 153,289 SQ. FT. MORE OR LESS.

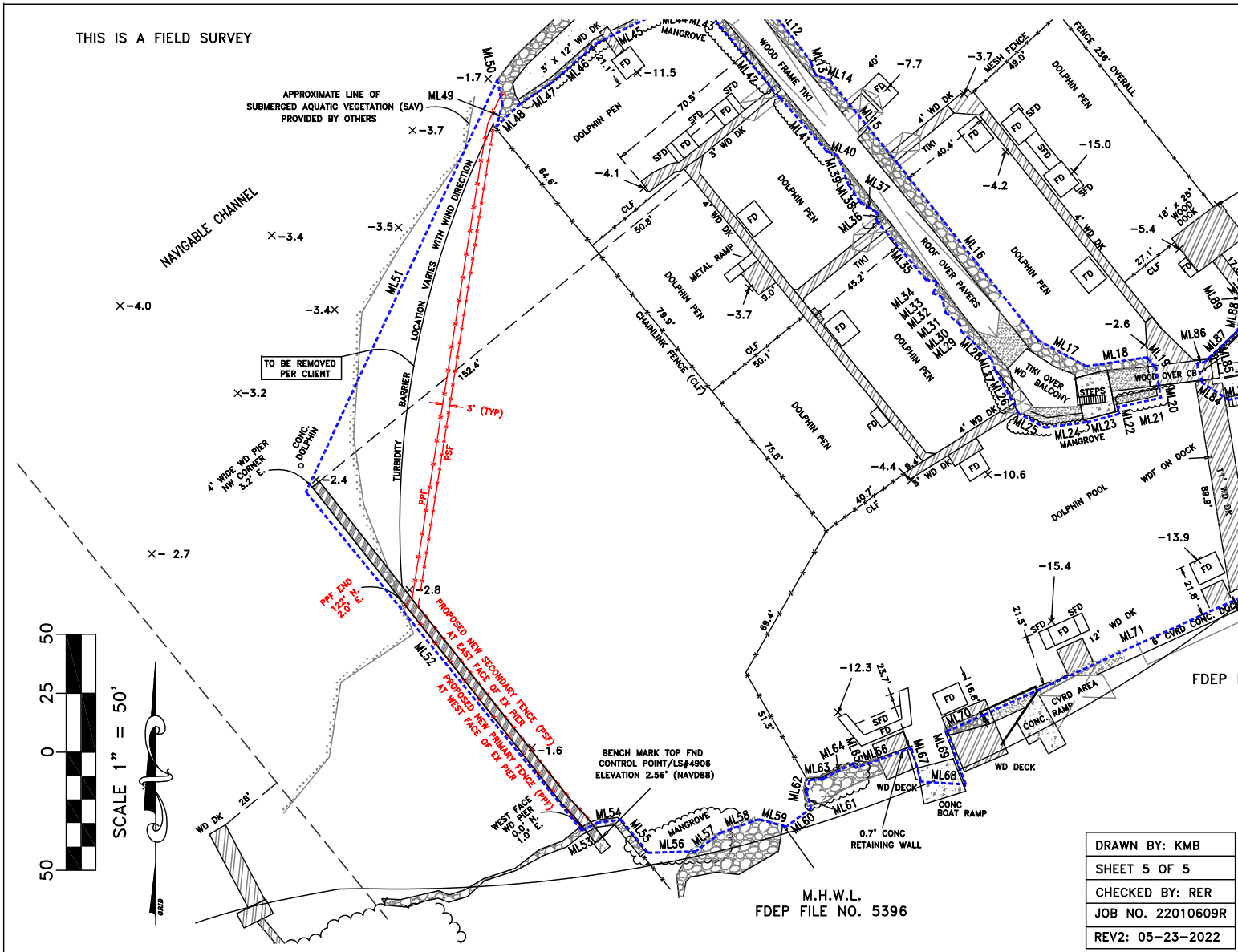
UPLAND LEGAL DESCRIPTIONS:

OR. 1117, PG. 0466;
OR. 1195, PG. 1593;
OR. 1348, PG. 1556;
OR. 2648, PG. 1057;
OR. 2642, PG. 37
OR. 2565, PG. 2094.

DRAWN BY: KMB
SHEET 3 OF 5
CHECKED BY: RER
JOB NO. 22010609R
REV2: 05-23-2022



THIS IS A FIELD SURVEY



DRAWN BY: KMB
SHEET 5 OF 5
CHECKED BY: RER
JOB NO. 22010609R
REV2: 05-23-2022

M.H.W.L.
FDEP FILE NO. 5396

PROJECT DESCRIPTION

1. Location: 24° 46' 04.6160" Latitude, 80° 56' 48.7341" Longitude
Aquatic Preserve: No
Waterbody Name and Classification: Gulf of Mexico, Class III Outstanding Florida Waters
Not an Approved Shellfish Harvesting Area
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Yes
2. Preempted Area (square feet): 70,581 existing, 82,708 additional proposed; 153,289 total
Structure Dimensions: See attached survey.
Number of Slips: 3 permanent designated existing, 0 additional proposed; 3 permanent designated total.
Vessels: Private research vessels
3. Liveboards: Are prohibited in the lease as well as in the Department's draft permit and will not be authorized in the lease modification.
4. Sewage pump out facilities: Are authorized in the lease, are not addressed in Department's draft permit and will be authorized in the lease modification.
5. Fueling facilities: Are prohibited in the lease, and in Department's draft permit, and will not be authorized in the lease modification or permit.
6. Maintenance/New dredging: N/A

REQUIREMENTS/ASSESSMENTS/COMMENTS

1. Department of Environmental Protection's (Department) Environmental Resource Program permit: See attached "Consolidated Notice of Intent to Issue."
2. U.S. Army Corps of Engineers permit: A standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: Recommended the following on March 14, 2022: The Standard Manatee Construction Conditions for In-water Work (2011) shall be followed for all in-water activity. This has been included as a specific condition in the Department's draft permit.
4. Department of State, Division of Historical Resources: Recommended the following condition on May 5, 2021: "If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization.

In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with section 872.05, Florida Statutes.” This has been included as a condition in the Department’s draft permit.

5. City of Marathon: On May 10, 2021, the City of Marathon stated it has no comments on the Applicant’s lease request.
6. Riparian Rights Line Setback: The proposed lease boundary complies with the required setbacks.
7. Noticing: In accordance with Chapter 253.115(5)(g), F.S., noticing is not required for this lease; however, Rule 18-21.004(1)(m), F.A.C., requires noticing for lease modifications that increase the lease by more than 10 percent. Thus, two property owners within a 500-foot radius of the project were noticed and no objections were received by May 8, 2021, the end of the comment period.

PUBLIC INTEREST STATEMENT

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

Based on the merits of the proposal, the applicant has given reasonable assurance that the proposal will maintain essentially existing conditions, and will not significantly impact fish, wildlife or 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 meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

EXISTING FACILITIES

- Term of Lease: 5 years
- Site Inspections: September 4, 2015 (in compliance), January 29, 2020 (not in compliance), and June 8, 2022 (in compliance).
- Compliance History: The Board of Trustees approved the initial 5-year sovereignty submerged lands on August 14, 1990. This lease was renewed and modified pursuant to a delegation of authority. The lease expired on August 14, 2020, and Temporary Use Agreements (TUA) were executed on April 1, 2020, April 8, 2021, and March 28, 2022. The TUAs temporarily authorized existing dolphin pens, docks, and associated mooring areas on sovereignty submerged lands that are riparian to upland properties obtained by the lessee on July 25, 2013 (east parcel) and August 28, 2013 (west parcel), until the Board of Trustees approves the lease renewal and modification. The dock at the east parcel provides three boat slips, and the dock at the west parcel, which was formerly used as a private residential single-family dock, provides an undetermined number of boat mooring areas. The TUA Addendum expires on April 1, 2023.
- Designated as a Clean Marina / Clean Boatyard / Clean Marine Retailer in the Clean Marina Program: No

SPECIAL LEASE CONDITION(S)

1. Lessee shall maintain, in an active status, all required state and federal permits during the term of

this lease and during any subsequent renewals. [Existing condition from expired lease.]

2. Vessels that either do not possess a current vessel registration and title, as required by Chapters 327 and 328, Florida Statutes, or do not have a current vessel registration and title, as required in another state or country, are prohibited within the leased premises. [SC56 New10/1/08]
3. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition. [SC57 New 10/1/08]
4. The Lessee shall install two permanent manatee educational signs, the “Caution Boaters” sign, at the entrances to the docks, facing land. The signs shall be maintained for the life of the facility and installed no later than 30 days after the effective date of this lease. Signs shall be replaced by the Lessee in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidance if outdated, damaged, or faded. Information on how to obtain this sign(s) can be found at the FWC’s website: <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>, and questions regarding this requirement can be sent to ImperiledSpecies@MyFWC.com.
5. The Lessee shall prohibit mooring, on a temporary or permanent basis, along the west side of the dock waterward of Monroe County Property No. 00100070-000300 as shown on sheets 2 and 5 of the Lessee’s submerged lands lease survey, which was signed and sealed by Lessee’s surveyor on March 24, 2022. This survey shall be attached to the submerged lands lease modification as Attachment A. To ensure compliance, the Lessee shall place, prior to construction of the permitted structures, and maintain: (1) a 3-foot high railing along the west face of the dock, and (2) signs advising boaters that mooring at the above described location, on a temporary or permanent basis, is prohibited. [SC01; OGC modified 2/11/05; 8/24/11 SC01]

FEE CALCULATION

CONSIDERATION DUE: \$0.00

Lease Fee (n/a, fee waived pursuant to Rule 18-21.011(1)(b)7, F.A.C.

TOTAL CONSIDERATION DUE:

\$0.00



FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

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:

Dolphin Research Center, Inc.
58901 Overseas Highway
Marathon, Florida 33050

FILE No. 0141030-008-EI

LEASE No. 440010025

COUNTY: M o n r o e

PROJECT NAME: Dolphin Research Center, Inc. Marine Mammal Enclosures Expansion

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

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

The Department also gives notice of its intent to grant a sovereignty submerged lands lease modification to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., Title 18, F.A.C., and the procedures of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees), as described, below. The actual terms of lease modification 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 modification.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The Applicant, Dolphin Research Center, Inc., applied on April 2, 2021 to the Department for a permit, water quality certification and authorization to use sovereign submerged lands owned by

the Board of Trustees to expand marine mammal enclosures, install four seagrass barriers and refurbish riprap along a portion of the applicant's shoreline.

The activity is located in the Gulf of Mexico, Class III Outstanding Florida Waters, and is associated with the upland non-profit marine mammal research and educational facility (Dolphin Research Center) at 58901 Overseas Highway, Parcel Nos. 00100070-000300, 00100080-000000, 00100060-000100 and 00376020-000000, Marathon, Section 19, Township 65 South, Range 34 East, 24° 46' 04.6160", 80° 56' 48.7341", Monroe County.

The activity includes consideration of an application for a 5-year sovereignty, submerged land fee-waived lease modification to contain 153,289 square feet, more or less for the proposed expansion of the existing marine mammal enclosures. The lease modification will also include after-the-fact authorization for (a) an unauthorized single-family dock constructed by a predecessor in title, and (b) an unauthorized multi-slip dock originally constructed by a predecessor in title.

II. AUTHORITY FOR REVIEW

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

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.00401, 18-21.0051, 62-330.075, F.A.C., the procedures of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

Background

On August 14, 1990, the Board of Trustees approved (1) issuance of a five-year sovereignty submerged lands lease containing 77,537 square feet, more or less, for an existing education, research and marine mammal rehabilitation activities area, and (2) a partial waiver of lease fees. The lease was issued and subsequently renewed and modified and expired on August 14, 2020. The lease was not renewed because of non-compliance discovered during a January 29, 2020 inspection. The non-compliance consists of the unauthorized docks and associated mooring areas on sovereignty submerged lands riparian to upland properties obtained by the lessee on July 25, 2013 (east parcel) and August 28, 2013 (west parcel).

On April 1, 2020, April 8, 2021 and March 28, 2022, the Department and the Applicant entered into Temporary Use Agreements (TUAs) for approximately 192,695 square feet. The TUA grants the Applicant temporary authorization for the structures and preempted area authorized by the expired lease, and the docks and associated mooring areas on sovereignty submerged lands riparian to upland properties obtained by the Applicant on July 25, 2013 (east parcel) and August 28, 2013 (west parcel).

The Applicant is proposing to modify and expand the marine mammal habitat to provide enhanced living conditions for marine mammals currently used for 24 Atlantic bottlenose dolphins, one Atlantic spotted dolphin and three California sea lions. The project will include construction of overwater boardwalks and installation of PVC fencing to separate sections of the dolphins' habitat. Best management practices will continue to be followed to minimize impacts to water quality and the species that inhabit the facility. The facility is licensed by the U.S. Department of Agriculture and accredited by the Alliance of Marine Mammal Parks and Aquariums. Its Dolphin Research Center Training Institute is fully licensed by Florida's Commission for Independent Education and accredited by the Accrediting Commission of Career Schools & Colleges.

On April 8, 2021, the lease modification request was noticed to two property owners within a 500-foot radius of the project, pursuant to Rule 18-21.004(1)(m), F.A.C. No objections were received by May 8, 2021, the end of the comment period.

Between 1998 and 2020, the Department issued exemption verifications and general permit verifications to maintain the structures in surface waters, maintenance dredge, previously dredged areas and trim mangroves along the shoreline.

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, that 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. and will not degrade ambient water quality in Outstanding Florida Waters pursuant to Rule 62-4.242, 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 clearly in the public interest pursuant to Section 373.414(1)(a), F.S.

Environmental Conditions for Issuance

Elimination or Reduction of Impacts – This proposed project does not authorize any adverse impacts to submerged aquatic resources. The Applicant has designed and modified the project to address the Department’s concerns regarding protection of benthic resources.

Fish, Wildlife, Listed Species and their Habitat – The application was reviewed by the Florida Fish and Wildlife Conservation Commission (FWC) which recommended on March 14, 2022, that the Applicant comply with The Standard Manatee Construction Conditions for In-water Work (2011) for all in-water activity. This has been included as a specific condition in the draft permit for protection of manatees.

The project is limited to surface waters and does not propose any impacts to jurisdictional wetlands, littoral zones, nor areas otherwise reasonably expected to be breeding habitat for listed species. The proposed project is not expected to have an adverse impact on the habitat or abundance or diversity of fish within surrounding waters.

Public Interest Test – The activity is within the Applicant’s riparian area and is not reasonably expected to adversely affect the public health, safety, welfare, or property of others. Further, the activity has been evaluated by the Florida Fish and Wildlife Conservation Commission in conjunction with the Department’s review and there is no expectation that the conservation of fish and wildlife and their habitats, the fishing and recreational values of the area, nor marine productivity will be affected by the proposed project.

Water Quality – Short term water quality considerations include potential turbidity concerns during the installation of the marine mammal enclosures. The permit has been conditioned to require use of turbidity curtains during all construction activities.

No long term water quality impacts are expected from the proposed project.

Secondary Impacts – There are no authorized direct impacts nor anticipated secondary impacts which are reasonably expected to contribute to violations of water quality standards or adverse impacts to the functions of surface waters, nor cause impacts to significant historical or archeological resources associated with this proposed authorization. On May 5, 2021, the Department of State, Division of Historical Resources recommended the following condition: “If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The Applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.” This has been included as a specific condition in the draft permit.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and/or specific conditions in the lease modification, 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 253, F.S., associated Rule 18-21, F.A.C., and the procedures 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
South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

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

VI. RIGHTS OF AFFECTED PARTIES

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

modification 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 modification. If a timely petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application(s), subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit and authorization to use sovereign submerged lands will be issued as a ministerial action, and any required lease modification will be executed.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Petitions filed by the permit Applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F. S., or to intervene in this proceeding and participate as a party to it. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or at Agency_Clerk@FloridaDEP.gov .

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

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

If a petition is filed, the administrative hearing process will constitute a renewed determination of the Department's decision on the application. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent, in the Office of General

Counsel at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rules 28-5.207 and 60Q-2.010, F.A.C.

Executed in XXXXXXXX, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jon M. Iglehart
District Director
South District Office

Attachments:

Draft Permit
Survey and legal description
4 project drawings

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil
FWC, Imperiled Species Management Section, FWCConservationPlanningServices@myfwc.com
Monroe County Property Appraiser, rshaw@mcpafl.org

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Clerk

Date

Permittee/Authorized Entity:

Dolphin Research Center, Inc.
58901 Overseas Highway
Marathon, Florida 33050
rita@dolphins.org

Marine Mammal Enclosures Expansion,
Seagrass Barriers, and Riprap Refurbishment

Authorized Agent:

Jason Evert, Senior Associate
Johnson Mirmiran & Thompson
The Renaissance at Riverside Bldg.
2008 Riverside Ave., Suite 200
Jacksonville, FL 32204
(904) 476-9571
jevvert@jmt.com

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

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

Permit No. 44-0141030-008
Lease No. 440010025

**Permit Issuance Date:
Permit Construction Phase Expiration Date:**

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Dolphin Research Center, Inc.
Permit No.: 44-0141030-008

PROJECT LOCATION

The activities authorized by this permit are located in the Gulf of Mexico, Class III Outstanding Florida Waters, and is associated with the upland non-profit marine mammal research and educational facility (Dolphin Research Center) at 58901 Overseas Highway, Parcel Nos. 00100070-000300, 00100080-000000, 00100060-000100 and 00376020-000000, Marathon, Section 19, Township 65 South, Range 34 East, 24° 46' 04.6160", 80° 56' 48.7341", Monroe County.

PROJECT DESCRIPTION

The permittee is authorized to: (1) modify and expand the marine mammal habitat to provide enhanced living conditions for marine mammals currently used for 24 Atlantic bottlenose dolphins, one Atlantic spotted dolphin and three California sea lions; (2) refurbish riprap along a portion of the shoreline; (3) install four seagrass barriers (two primary and two secondary) to reduce accumulation of floating dead seagrass in the marine mammal habitats; and (4) operate (a) an unauthorized single-family dock constructed by a predecessor in title, and (b) an unauthorized multi-slip dock originally constructed by a predecessor in title. The marine mammal enclosures expansions will consist of installation of new plastic link fencing supported by 3" PVC pipes imbedded into the bay bottom, with fencing suspended 2" above the bay bottom and having 3" openings. A total of 440 linear feet of riprap will be refurbished by the addition of additional boulders. Authorized activities are depicted on the attached exhibits.

Liveaboard vessels and fueling facilities are specifically prohibited by this permit.

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 Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

The proposed project is on sovereign submerged lands owned by the Board of Trustees and is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a sovereignty submerged lands lease modification under Rule 18-21.005(1)(d), F.A.C., and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands and as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

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 Special Lease Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **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, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

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

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

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. The project shall comply with applicable State Water Quality Standards of Chapter 62-302, F.A.C., namely:
 - 62-302.500 – Minimum Criteria for All Waters at All Times and All Places
 - 62-302.530 – Surface Water Quality Criteria
 - 62-4.242 - Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

SPECIFIC CONDITIONS LISTED SPECIES

3. 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 MANATEE PROTECTION CONDITIONS

4. 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.
5. 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.
6. 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.
7. 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 shut down 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.
8. 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.
9. 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

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

10. The Permittee, Dolphin Research Center, Inc., is responsible for the operation and maintenance of the permitted structures and associated activities.
11. If the permitted structures result in unexpected water quality violations, the Permittee shall immediately remove the structures determined by the Department to cause the unexpected water quality violations.
12. The Permittee shall maintain the permitted structures in working condition for as long as they remain. The permitted structures shall be removed if they are no longer operable.

SPECIAL PROPRIETARY CONDITIONS

1. The Permittee agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the Permittee's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structures or activity including special assessments or taxes that are now or in the future assessed against the structures or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Permittee binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the Permittee or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the Permittee or its successors or assigns. Upon receipt of such notice, the Permittee or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the Permittee. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The Permittee will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

SPECIAL PROPRIETARY CONDITIONS FOR LEASE MODIFICATION

6. The Lessee shall prohibit mooring, on either a temporary or permanent basis, along the west side of the dock waterward of Monroe County Property No. 00100070-000300 shown on Sheets 2 and 5 of Permittee's submerged lands lease survey signed and sealed by Permittee's surveyor on March 24, 2022 to be attached to the submerged lands lease modification as Attachment A. To ensure compliance, the Lessee shall place – prior to construction of the permitted structures – and maintain: (1) a 3-foot high railing along the west face of the dock, and (2) signs advising boaters that mooring at the above described location, on either a temporary or permanent basis, is prohibited. [SC01; OGC modified 2/11/05; 8/24/11 SC01]

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The Permittee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333. Project activities shall not resume without verbal or written authorization. If unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The Permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the Permittee's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

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

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The Applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of

structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

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

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

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

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jon M. Iglehart
District Director
South District Office

Attachments:

project drawings

Survey and legal description

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil
FWC, Imperiled Species Management Section, FWCConservationPlanningServices@myfwc.com
Monroe County Property Appraiser, rshaw@mcpafl.org

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Clerk

Date

DRAFT