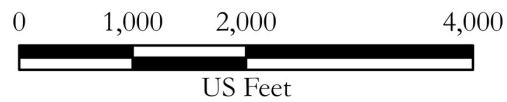




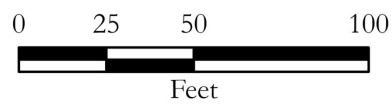
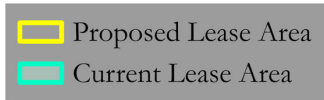
-  Proposed Lease Area
-  State Managed Conservation Lands



**Riviera Dunes Owners' Association, Inc.**

Lease No. 170030631

Escambia County, Florida



**Riviera Dunes Owners' Association, Inc.**

Lease No. 170030631

Escambia County, Florida

**PROJECT DESCRIPTION**

1. Location: 30°17'11.22" North Latitude/ 87°30'6.22" West Longitude  
Section 06, Township 04 South, Range 32 West  
16684 Perdido Key Drive, Pensacola, Florida 32507  
Aquatic Preserve: No  
Waterbody Name and Classification: Old River, Class III, Unclassified for Shellfish Harvesting  
Designated Manatee County: No  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: No
2. Preempted Area (square feet): 3,945 existing, 3,719 additional proposed; 7,664 total  
Structure Dimensions: 1,613 square feet  
Number of Slips: 14 existing, 7 additional proposed; 21 total  
Vessels: private recreational vessels up to 23 feet with a maximum draft of 3 feet  
Lifts: 17 in the waterward-most slips (slips 3-19)
3. Liveaboards: Are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
4. Sewage Pumpout Facility: Are not authorized in the Department's environmental resource permit and will not be authorized in the lease. The use of offsite or mobile sewage pumpout facilities is required in the lease and permit.
5. Fueling Facility: Are not authorized in the Department's environmental resource permit and will not be authorized in the lease.

**REQUIREMENTS/ASSESSMENTS/COMMENTS**

1. DEP Environmental Resource Permit: See attached "Consolidated Notice of Intent to Issue".
2. U.S. Army Corps of Engineers permit: A standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: FWC recommended on October 19, 2022, that the Applicant abide by the following conditions, which have been incorporated into the permit and/or lease:
  - a. Comply with the standard manatee protection construction conditions;
  - b. Install and maintain manatee awareness signs and informational displays.
4. Department of State, Division of Historical Resources (DHR): Was notified March 18, 2022, and no comments were received. The permit contains the following condition: If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such

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

5. Department of Agriculture and Consumer Services, Division of Aquaculture, Shellfish: The Division was notified on March 18, 2022, and did not provide comments. Location is an unclassified shellfish harvesting area.
6. Riparian Rights Line Setback: The proposed lease boundary complies with the required riparian setbacks pursuant to Rule 18-21.004(3)(d), F.A.C.
7. Noticing: The sovereignty submerged lands lease modification request was noticed to 31 property owners within a 500-foot radius of the project, and other interested parties, pursuant to Rule 18-21.004(1)(m), F.A.C. One objection was received by December 22, 2023, the end of the comment period.

The objection raised potential navigational concerns regarding access to the western slips, specifically the potential for vessels to cross the riparian line into an adjacent property owner's riparian area. The Applicant addressed this concern by implementing two key measures: restricting the two landward-most slips on each side of the docking facility to vessels less than 16 feet in length and prioritizing the occupancy of the eastern slips over the western slips.

Initially, the objector appeared to accept these modifications during an onsite meeting, along with additional proposed actions including the installation of protective pilings and "No Wake Zone" signs. However, the Applicant subsequently indicated that the revised drawings and actions did not alter the objector's position. Notwithstanding this, the Applicant has affirmed their willingness to accept permit stipulations dictating that the slips closest to the area of concern will be filled last.

The Department is of the opinion that the Applicant has adequately addressed the concerns, and that navigation will not be compromised. This assessment is based on the docking facility's 25-foot setback from the riparian line, the maximum vessel length of 23 feet, and the anticipated permit condition requiring the preferential filling of the eastern slips and the waterward-most western slips prior to those adjacent to the concerned area, to the extent practicable.

#### **NET PUBLIC BENEFIT STATEMENT**

The Applicant's riparian shoreline is approximately 104 linear feet and is used in the 40 square foot to one linear foot, or 40:1, ratio calculation, pursuant to Rule 18-21.004(4)(b)2, F.A.C., which allows the Applicant to preempt up to 4,160 square feet without requiring net positive public benefit (NPPB). The proposed lease area exceeds the 40 to one ratio by approximately 3,504 square feet and is required to provide NPPB, pursuant to Rule 18-21.004(4)(b)2.e., F.A.C.

As NPPB, Applicant has proposed to contribute \$17,255 to the Escambia County Marina Environmental Stewardship Fund for public access enhancements at Perdido Key Public Access 3. Specifically, the funds will help fund the installation of a mobility mat and conversion of the existing gravel parking lot to pervious concrete.

### **EXISTING FACILITIES**

The site features a 24-unit residential condominium with an associated docking structure for the mooring of recreational vessels, which is authorized by a sovereignty submerged lands lease. The original five-year lease, encompassing 3,945 square feet, was authorized on July 6, 1999. The lease was subsequently renewed by the Department for two additional five-year terms, on July 6th of 2004 and 2009, and two additional 10-year terms, on July 6th of 2014 and 2024. The increased term length was a result of a legislative change.

On April 19, 2024, a site inspection was conducted and confirmed that the facility is in compliance. There have been additional permitting related site visits that were performed on April 12, 2022, April 22, 2024, September 16, 2024, June 30, 2025, and June 29, 2026, all of which found the facility to be in compliance.

### **SPECIAL APPROVAL CONDITIONS**

The Applicant's NPPB required by Rule 18-21.004(4)(b)2, F.A.C., shall be:

1. A monetary contribution to the Escambia County Marine Environmental Stewardship Fund in the amount of \$17,255 for public access improvements at Perdido Key Public Access Three. The Applicant shall provide proof to the Department of Environmental Protection's Northwest District Office that the \$17,255 has been paid to the Escambia County Marine Environmental Stewardship Fund prior to the Applicant's receipt of a fully executed lease.

### **SPECIAL LEASE CONDITIONS**

Existing Special Lease Conditions will be replaced as configuration of dock is changing and existing special lease conditions will no longer be applicable.

1. The Lessee shall prohibit mooring, on either a temporary or permanent basis, along the sides of the main access pier to the point of mooring slips and along the waterward faces of the terminal platform as depicted on Attachment A. To ensure compliance, the Lessee shall place and maintain: (1) a 3-foot high railing along the waterward face of the structure, and (2) signs advising boaters that mooring at the above-described locations, on either a temporary or permanent basis, is prohibited.
2. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use sewage pumpout facilities provided at offsite or mobile sewage pumpout facilities. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises.

3. Vessels moored at the docking facility, on either a temporary or permanent basis, shall not exceed 23 feet in length for slips 3 through 19 and 16 feet for slips 1, 2, 20, and 21. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.
4. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within its designated wet slip as depicted on Attachment A and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.
5. Vessels using the docking facility for temporary or permanent mooring shall be limited to those with a maximum draft of 3 feet as measured from the water's surface to either the bottom of the vessel's propulsion unit fully trimmed down or to the deepest part of the vessel, whichever is deeper.
6. The Lessee shall install and maintain, during the term of this lease and all subsequent renewal terms, reflective markers and lighted aids to navigation at all distant corners of the facility. The lighted aids are required to be on at night and during limited visibility conditions.
7. Amendment to Conservation Easement: The Deed of Conservation Easement recorded in Official Records Book 4575, Page 1633, Public Records of Escambia County, Florida, is hereby amended to read as follows: "Lessee is authorized to construct, operate, repair and maintain the docking facility described in Lease No. 170030631 and depicted in Attachment A to said lease rather than the docking facility depicted in the exhibit(s) attached to the Deed of Conservation Easement."
8. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition.

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**FEE CALCULATION**

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**CONSIDERATION DUE: \$5,403.93**

- |     |                                                                                                                                                                                       |            |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (1) | Plus 25% Surcharge on the additional area<br>(7,664 proposed sq. ft. – 3,945 existing sq. ft. = 3,719 additional sq. ft.<br>3,719 additional sq ft. x \$0.2259 = \$840.1221 x 0.25) = | \$210.03   |
| (2) | One-time Premium on the total area<br>3 x \$1,731.30 Lease Fee (7,664 sq ft x \$0.2259) =                                                                                             | \$5,193.90 |

|                                 |                         |
|---------------------------------|-------------------------|
| <b>TOTAL CONSIDERATION DUE:</b> | <hr/> <b>\$5,403.93</b> |
|---------------------------------|-------------------------|



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jay Collins**  
Lt. Governor

**Alexis A. Lambert**  
Secretary

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

**APPLICANT:**

Riviera Dunes Owners' Association  
c/o Danna Schwab, HOA President  
16684 Perdido Key Drive, Unit 106  
Pensacola, Florida 32507

**FILE No.:**

0130704-002-EI/17

**LEASE NO.:**

170030631

**COUNTY:** Escambia

**PROJECT NAME:** Riviera Dunes

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## 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 of Environmental Protection (Department) also gives notice of its intent to grant a lease to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions.

### I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Riviera Dunes Owners' Association, applied on March 18, 2022 to the Department of Environmental Protection for a permit, water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to redesign and expand an existing 14 slip multi-family dock by 7 slips for a total of 21 slips.

The activity is located at 16684 Perdido Key Drive, Pensacola, Florida 32507, Parcel ID 064S322500106001, in Section 6, Township 4 South, Range 32 West in Escambia County, at 30°17'11.22" North Latitude, 87°30'6.22" West Longitude within Old River, a Class III Florida Waterbody, Unclassified Shellfish Harvesting Area.

The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 7,664 square feet, more or less for a private, multi-family docking facility, which requires an annual lease fee in accordance with 18-21.011(1)(a), F.A.C.

## **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 proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

## **III. BACKGROUND/BASIS FOR ISSUANCE**

### **A. General**

#### **Background**

Riviera Dunes Owners' Association is proposing to reconfigure and expand an existing multi-family docking facility from 14 slips to 21 slips with the option of installing boatlifts in the waterward most 17 slips within Old River.

An application (0130704-002-EI/17) with supporting documentation was received on March 18, 2022, for the reconfiguration and expansion of a multi-family docking facility from 14 slips to 21 slips. Commenting agencies were notified on March 18, 2022, with 30 days to provide comments. The commenting agencies included: the Florida Fish & Wildlife Conservation Commission (FWC), the Florida Department of State's Division of Historical Resources (DHR), the Florida Department of Agriculture and Consumer Services (DACS), and the Florida Department of Economic Opportunity (DEO).

A Request for Additional Information (RAI) was issued on April 15, 2022. A complete response to the RAI was received on June 19, 2026, with the exception of Board approval.

Site visits were performed by Northwest District staff on April 12, 2022, April 22, 2024, June 30, 2025, and June 29, 2026. Lease inspections were performed by Northwest District compliance staff on April 9, 2019, and April 19, 2024. DACS did not provide comments or conditions.

FWC submitted questions that were included in the RAI. A complete response to the questions was received on October 11, 2022, and permit conditions were received on October 19, 2022 and included in the permit.

DHR did not provide comments or conditions. A permit condition has been included regarding unexpected and inadvertent discoveries.

A hydrographic report was submitted and reviewed by a Department engineer. The report was approved on April 13, 2023.

Water quality analysis was completed by a NELAC certified laboratory. Department staff reviewed and approved the analysis. The waterbody is impaired for bacteria therefore no overboard discharges are permitted at the facility, and the permit is conditioned to require the use of offsite or mobile pumpout facilities.

A proprietary notice was drafted by the Department and mailed out by the Department in accordance with 18-21.005(3), F.A.C. on December 1, 2023. One comment was received from the western adjacent property owner (concerned party) with concerns about navigation in relation to their dock. The applicant and concerned party had discussions to address these concerns. The Department met with all parties on April 22, 2024, on site to discuss resolutions and received revised drawings on July 22, 2024. However, the drawings included a note stating that the adjacent property owner's concerns were still outstanding. The adjacent property owner was presented with options for resolution including installing guard pilings, providing that the slips closest to the area of concern would be filled last, reducing the length of the landward most two slips on each side (four total), and installing a cautionary "No Wake Zone" sign in the concerned party's riparian area. Despite the adjacent property owner's concerns not being alleviated with the options provided, the applicant elected to move forward with stipulations in the permit requiring the slips closest to the area of concern to be filled last if practicable. As the applicant has met the requirements of the rule and the rule does not further stipulate remedies other than the right of the concerned party to seek judicial review pursuant to 120.68 F.S., the Department is moving forward with issuance of the permit.

### **Regulatory Basis of Issuance**

**Conditions for Issuance of Individual and Conceptual Approval Permits – Section 62-330.301, F.A.C. –**

- I. An applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

**Will not cause adverse water quantity impacts to receiving waters and adjacent lands;**

- The project does not include impervious surfaces beyond the decking and does not require review under A.H.Vol II. The project is not expected to cause adverse water quantity impacts to receiving waters and adjacent lands.

**Will not cause adverse flooding to on-site or off-site property;**

- The project is not expected to cause adverse flooding to on-site or off-site property.

**Will not cause adverse impacts to existing surface water storage and conveyance capabilities;**

- The project is not expected to cause adverse impacts to existing surface water storage and conveyance capabilities.

**Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.**

- The project is not expected to adversely impact the maintenance of surface or ground water levels or surface water flows.

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

- The project is not expected to cause adverse impacts to a Work of the District.

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

- The project is expected to perform and function as proposed.

**Will comply with any applicable special basin or geographic area criteria;**

- The proposed project is not located within a special basin or special geographic area listed in Applicant's Handbook, Volume II.

**Environmental Conditions for Issuance**

**II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –**

- The project adequately reduced impacts to wetland resources by locating the dock and mooring areas waterward of the submerged aquatic vegetation and changing the decking type from wood planks to grated decking since the access pier traverses emergent vegetation. The grated decking will allow for sunlight penetration if submerged aquatic vegetation or emergent vegetation expand into new areas.

**III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –**

- The permit application was provided to the Florida Fish and Wildlife Conservation Commission for review and an opportunity to provide comments or specific conditions. Questions were received and included in the Request for Additional Information. Questions were fully addressed and specific conditions were received and included in the permit.

**IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I –**

- The project is not expected to cause adverse water quantity impacts to receiving waters and adjacent lands.

V. **Public Interest Test** – Ch 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I –

**Whether the activity will adversely affect public health, safety, or welfare or the property of others;**

- The project is not expected to adversely affect public health, safety, or welfare or the property of others. The structure is setback 25 feet from each riparian rights line and vessels to be moored will be no longer than 23 feet in length which provides sufficient room for ingress/egress to slips without crossing riparian lines. The southwestern corner of the lease area is located 32 feet from the adjacent western dock boat slip and 51 feet from the adjacent western terminal platform. The southwestern most slips, slips 20 and 21, have been reduced to 16 feet which will allow for additional room for ingress/egress. Additionally, the permit is conditioned to have eastern slips to be filled prior to western slips and waterward western slips shall be filled prior to landward western slips to reduce navigation concerns with the adjacent western dock.

**Whether the activity will adversely affect the conservation of fish and wildlife and their habitats;**

- The permit application was provided to the Florida Fish and Wildlife Conservation Commission for review and an opportunity to provide comments or specific conditions. Questions were received and included in the Request for Additional Information. Questions were fully addressed and specific conditions were received and included in the permit. Impacts to emergent and submerged resources are adequately reduced.

**Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling;**

- The project will not adversely affect navigation or the flow of water or cause harmful erosion or shoaling. The dock will be required to have reflective aids to navigation installed on the waterward corners of the facility to assist with safe navigation during times of reduced visibility. The structure is setback 25 feet from each riparian rights line and vessels to be moored will be no longer than 23 feet in length which provides sufficient room for ingress/egress to slips without crossing riparian lines. The southwestern corner of the lease area is located 32 feet from the adjacent western dock boat slip and 51 feet from the adjacent western terminal platform. The southwestern most slips, slips 20 and 21, have been reduced to 16 feet which will allow for additional room for ingress/egress. Additionally, the permit is conditioned to have eastern slips to be filled prior to western slips and waterward western slips shall be filled prior to landward western slips to reduce navigation concerns with the adjacent western dock.

**Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;**

- The project is not expected to affect marine productivity in the vicinity. The permit application was provided to the Florida Fish and Wildlife Conservation Commission for review and an opportunity to provide comments or specific conditions. Questions

were received and included in the Request for Additional Information. Questions were fully addressed and specific conditions were received and included in the permit. Impacts to emergent and submerged resources are adequately reduced.

**Whether the activity is temporary or permanent in nature;**

- The activity is permanent in nature.

**Whether the activity will adversely affect or will enhance significant historical and archeological resources;**

- The permit application was provided to the Division of Historic Resources for review and an opportunity to provide comments or specific conditions. No comments or specific conditions were received. A special condition is included in the permit regarding inadvertent discoveries.

**The current condition and relative value of functions being performed by areas affected by the proposed activity.**

- The project is proposed in an area of residential development bordering the State of Alabama. The value of functions performed by the project area is relatively low.

**VI. Water Quality – 10.2.4, A.H. Vol. I –**

**Short term water quality considerations – 10.2.4.1, A.H. Vol. I –**

- The project is not expected to affect short term water quality. The project will include appropriate BMPs to control potential turbidity concerns.

**Long term water quality considerations – 10.2.4.2, A.H. Vol. I –**

- Long-term water quality concerns are not expected as a result of the multi-family dock project. The waterbody is impaired for bacteria and therefore the applicant was required to address how the project would not cause or contribute to violations of water quality standards. The applicant voiced concerns about having a pumpout at the property: the lack of a location for a fixed pumpout and the inability of residents to properly operate a portable pumpout. The applicant stated that most of the vessels that will be moored at the facility will not have marine heads given the limited size of the slips and that there are public pumpout locations in the nearby vicinity that residents can utilize. The permit is conditioned to prohibit overboard discharges of trash, human or animal waste, or fuel at the dock and to require vessels with marine heads to utilize offsite or mobile pumpout facilities.

**Additional Water Quality considerations for docking facilities – 10.2.4.3, A.H. Vol. I –**

- The multi-family dock project does not propose fueling, pump outs, or liveaboards. A hydrographic analysis for the facility was reviewed and approved by Department engineers. A water quality analysis was performed for the facility and was reviewed and approved by Department staff.

**Mixing Zones – 10.2.4.4, A.H. Vol. I –**

- A temporary mixing zone was not needed for this project.

**Where Ambient Water Quality Does Not Meet Standards – 10.2.4.5, A.H. Vol. I –**

- A water quality analysis was performed for the facility and was reviewed and approved by Department staff. The waterbody is impaired for bacteria and the permit is conditioned to prohibit overboard discharges of trash, human or animal waste, or fuel at the dock and to require vessels with marine heads to utilize offsite or mobile pumpout facilities.

**VII. Class II Waters; Waters Approved for Shellfish Harvesting – 10.2.5 A.H. Vol. I –**

- The project is not located in Class II waters. The project was sent to Florida Division of Aquaculture for comments or permit conditions. No comments or specific conditions were received.

**VIII. Vertical Seawalls – 10.2.6 A.H. Vol. I –**

- The project does not propose a vertical seawall.

**IX. Secondary Impacts – 10.2.7 A.H. Vol. I –**

- Minimal secondary impacts are expected. The mooring slips are located in waters of sufficient depths to prevent scouring and/or prop-dredging.

**X. Cumulative Impacts – 10.2.8 A.H. Vol. I –**

- The project is located within an area surrounded by residential development. Future projects of similar size and scope are expected.

**XI. Mitigation – 10.3 A.H. Vol. I –**

- The project adequately eliminated and reduced impacts to resources – mitigation is not required for the project.

**PROPRIETARY CONSIDERATIONS**

- The upland parcel has 104 linear feet of riparian shoreline.
- The total preemption exceeds the 40:1 limitation and requires BOT approval.

**Proprietary Basis of Issuance**

The upland parcels associated with the marina are owned by Riviera Dunes Owners' Association. The project qualifies for a lease to use sovereign submerged lands pursuant to 18-21.005(1)(d)5., F.A.C. Proprietary notices were sent to property owners within a 500-foot radius of the proposed lease area on December 1, 2023, and one objection was received. The objection concerned potential navigation to the western slips outside of the applicant's riparian area and in the adjacent property owner's riparian area. The applicant addressed these concerns by restricting the 2 landward most slips on each side to vessels less than 16 feet in length, and prioritizing filling the eastern slips over the western slips. The objector appeared to accept these modifications, however, contacted the applicant stating that the revised drawings did not change his position.

### **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 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest;"
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

## **IV. PUBLICATION OF NOTICE**

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Florida Department of Environmental Protection  
160 W Government Street, Suite 308  
Pensacola, Florida 32502  
c/o Whitney Bretana

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

## **V. RIGHTS OF AFFECTED PARTIES**

The Department will issue the environmental resource permit (draft permit attached) and lease to use sovereign submerged lands, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto: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](mailto: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 Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Elizabeth Mullins Orr  
Northwest District Director

EMO:wb

### Attachments:

Notice of Publication, 2 pages

Draft Permit No. 0130704-002-EI/17, 17 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:

Elizabeth Orr, FDEP, [Elizabeth.Orr@FloridaDEP.gov](mailto:Elizabeth.Orr@FloridaDEP.gov)

Kimberly Allen, FDEP, [Kim.Allen@FloridaDEP.gov](mailto:Kim.Allen@FloridaDEP.gov)

Russell Sullivan, FDEP, [Russell.Sullivan@FloridaDEP.gov](mailto:Russell.Sullivan@FloridaDEP.gov)

Una Cole, FDEP, [Una.Cole@FloridaDEP.gov](mailto:Una.Cole@FloridaDEP.gov)

Whitney Bretana, FDEP, [Whitney.Bretana@FloridaDEP.gov](mailto:Whitney.Bretana@FloridaDEP.gov)

USACE, [Terry.S.Hayes@usace.army.mil](mailto:Terry.S.Hayes@usace.army.mil)

## 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.

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Clerk

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Date



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jay Collins**  
Lt. Governor

**Alexis A. Lambert**  
Secretary

**Permittee/Authorized Entity:**  
Riviera Dunes Owners' Association, Inc.  
c/o Danna Schwab, HOA President  
16684 Perdido Key Drive, Unit 106  
Pensacola, Florida 32507  
[dschwab@theschwablawnfirm.com](mailto:dschwab@theschwablawnfirm.com)

## **Riviera Dunes**

**Authorized Agent:**  
EcoSolutions, Inc.  
c/o Lewis Cassidey  
PO Box 361  
Montrose, Alabama 36559  
[lewis@ecosolutionsinc.net](mailto:lewis@ecosolutionsinc.net)

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

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

Escambia County  
Permit No.: 0130704-002-EI/17  
Lease File No.: 170030631

**Permit Issuance Date: [DATE], 2026**  
**Permit Construction Phase Expiration Date: [DATE], 2031**

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

**Permittee/Grantee: Riviera Dunes Owners' Association**  
**Permit No: 0130704-002-EI/17**

### **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located at 16684 Perdido Key Drive, Pensacola, Florida 32507, Parcel ID 064S322500106001, in Section 6, Township 4 South, Range 32 West in Escambia County, at 30°17'11.22" North Latitude, 87°30'6.22" West Longitude.

### **PROJECT DESCRIPTION**

The permittee is authorized to remove the existing dock and construct a new 21 slip, multi-family dock consisting of a 4 foot by 200 foot access pier, a 50-foot-long terminal platform that is 4 feet wide on the western side of the access pier and 9 feet wide on the eastern side, nine (9) 2 foot by 23 foot finger piers, two (2) 2 foot by 16 foot finger piers, and optional boat lifts in slips 3 through 19. The project is located within Old River, a Class III Florida Waterbody, Unclassified Shellfish Harvesting Area. Those activities include preemption of 7,664 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

The permittee's net positive public benefit required by rule 18-21.004(4)(b)2.e., F.A.C., shall be a contribution to the Escambia County Marine Environmental Stewardship Fund in the amount of \$17,255 for public access improvements at Perdido Key Public Access 3. The permittee shall provide proof to the Department's Northwest District Office that \$17,255 has been paid to the Escambia County Marine Environmental Stewardship Fund prior to the permittee's receipt of a fully executed lease.

### **AUTHORIZATIONS**

#### **Riviera Dunes**

#### 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. As staff to the Board of Trustees under Section 253.002, F.S., the Department has determined that the activity qualifies for and requires a lease modification, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease modification will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the lease modification, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Consolidated Intent to Issue lease. **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 the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook: (<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 Granted

This permit also constitutes *grant* of water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341. Pursuant to Rule 62-330.062, F.A.C. issuance of the individual or conceptual approval permit under this chapter shall constitute certification of compliance with water quality standards.

#### 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 – ADMINISTRATIVE/EMERGENCIES**

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 160 W Government Street, Suite 308, Pensacola, Florida 32502.

#### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. If the approved permit drawings and/or narrative conflict with the specific conditions, then the specific conditions shall prevail.
5. 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 pursuant to Rule 62-302, F.A.C. Methods shall include, but not limited to the use of staked haybales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.
6. Prior to installation of turbidity screens or initiation of construction activities, the permittee shall use PVC pipes to clearly delineate the extent of seagrass beds in the vicinity of the construction area. The PVC pipes shall be removed within 72 hours of construction completion and once turbidity levels have returned to background.
7. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the

duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

8. The permittee's net positive public benefit project [pursuant to rule 18-21.004(4)(b)2.e., F.A.C.] is a contribution of \$17,255 to the Escambia County Marine Environmental Stewardship Fund for public access improvements at Perdido Key Public Access 3. Prior to receipt of a fully executed lease, the permittee shall submit proof to the Department's Northwest District Office that the \$17,255 has been paid to the Escambia County Marine Environmental Stewardship Fund.

### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

9. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to impervious surfaces, walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.

10. The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

11. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.

12. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTU's above background:

- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.

13. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

14. This permit does not authorize the entrenchment of water, sewer, cable, or utility line within wetlands or waterbodies outside the authorized impact area.

15. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within water/waters of the state.

16. All watercraft associated with the construction of the permitted activities shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel/barge to the top of any submerged resources or submerged bottom) so as to preclude bottom scouring or prop dredging.

17. Boat lifts may be installed in slips 3-19 as shown on the project drawings.

18. The following construction sequence shall be adhered to the piers and docking structures located over submerged aquatic vegetation:

- a) Structures shall be built progressively, commencing at the shoreline and continuing waterward.
- b) The decking will then be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials.
- c) No impacts shall occur outside the footprint of the permitted dock.

19. Grated/flow-through decking shall be used as notated on the project drawings.

20. To protect benthic and wetland resources when present, the elevation of the fixed dock shall be a minimum of 4 feet above mean high water.

21. "No Mooring" signs shall be installed adjacent to all non-mooring areas concurrently with pier construction.

22. The permittee shall install and maintain reflective markers and lighted aids to navigation at the waterward corners of the facility.

23. Slips shall not be occupied by liveaboards.

#### **SPECIFIC CONDITIONS – MANATEE**

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

25. The Permittee shall install permanent handrails to prevent boat mooring along the sections of the dock not permitted for mooring. A sign, acknowledging no mooring, shall be installed and maintained for the life of the facility, no later than 60 days after construction commencement. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged, or faded.

26. The Permittee shall install one (1) permanent manatee educational sign at the entrance to the boat ramp, facing land. This sign shall be maintained for the life of the facility and installed no later than 30 days after construction commencement. Signs shall be replaced by the Permittee in accordance with FWC guidance if outdated, damaged or faded. Information on how to obtain

this sign can be found at the FWC's website:

<http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>, and questions regarding this requirement can be sent to [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com).

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

27. 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 permittee 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, Florida Fish and Wildlife Conservation Commission (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 [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

28. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

29. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

30. All structures authorized by this permit shall remain in operable condition and shall not be allowed to deteriorate or otherwise contribute to a water quality violation for the life of the facility.

31. To protect benthic and wetland resources when present, the elevation of the fixed dock decking shall be maintained at a minimum of 4 feet above mean high for the life of the facility. Grated /flow through decking shall be used for the life of the facility.

32. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

33. Pumpouts are not available at the facility, therefore, offsite or mobile sewage pumpout facilities are to be used.

34. No fueling facilities or fuel storage shall be allowed at the facility or within the associated uplands.

35. Mooring shall occur only at locations identified on the enclosed drawings.

36. "No Mooring" signs on the dock adjacent to non-mooring areas shall be maintained for the life of the facility.
37. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and top of the outstretched submerged aquatic vegetation at mean low water so as to preclude bottom scouring or prop dredging.
38. Waterborne craft moored over sovereign submerged lands at the docking facility, on either a temporary or permanent basis, shall not extend beyond the limits of the sovereignty submerged land lease. The slip sizes shown on the attached permit drawings and on the survey to be attached to the sovereignty submerged land lease indicate a length over all (LOA) for the slips designated. The permittee shall take all measures necessary to ensure all boats moored over sovereign submerged lands at the docking facility are completely within the limits of the submerged land lease.
39. All vessels that moor, dock, or otherwise use the permitted docking facility shall be maintained in a fully operational condition.
40. There shall be no boat repair facilities on any structure that is over the water.
41. 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.
42. Eastern slips shall be filled prior to western slips and waterward western slips shall be filled prior to landward western slips as much as practicable to reduce navigation concerns with the adjacent western dock.
43. The reflective markers and lighted aids to navigation at the waterward corners of the facility shall be maintained for the life of the facility.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

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

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

## **NOTICE OF RIGHTS**

### 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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

## EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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Elizabeth Mullins Orr  
Northwest District Director

EMO:wb

### Attachments:

Standard Manatee Construction Conditions 2011, 2 pages  
Project Drawings and Design Specs., 2 pages  
Net Positive Public Benefit, 1 page

### Copies furnished to:

FDEP, [Elizabeth.Orr@FloridaDEP.gov](mailto:Elizabeth.Orr@FloridaDEP.gov), [Kim.Allen@FloridaDEP.gov](mailto:Kim.Allen@FloridaDEP.gov),  
[Russell.Sullivan@FloridaDEP.gov](mailto:Russell.Sullivan@FloridaDEP.gov), [Una.Cole@FloridaDEP.gov](mailto:Una.Cole@FloridaDEP.gov),  
[Whitney.Bretana@FloridaDEP.gov](mailto:Whitney.Bretana@FloridaDEP.gov), [agency\\_clerk@FloridaDEP.gov](mailto:agency_clerk@FloridaDEP.gov),  
[Dist\\_CE\\_Submittal@FloridaDEP.gov](mailto:Dist_CE_Submittal@FloridaDEP.gov)  
USACE, [Terry.S.Hayes@usace.army.mil](mailto:Terry.S.Hayes@usace.army.mil)  
FWC, [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com), [Tyler.Turner@MyFWC.com](mailto:Tyler.Turner@MyFWC.com)  
Escambia County, [jtkirsche@myescambia.com](mailto:jtkirsche@myescambia.com), [bdschneider@myescambia.com](mailto:bdschneider@myescambia.com),  
[trday@myescambia.com](mailto:trday@myescambia.com)  
Gordon Armstrong, [gga3@arserv.com](mailto:gga3@arserv.com)  
Steve Earle, [swearle1@gmail.com](mailto:swearle1@gmail.com)  
Lee Yokel, [lee@ecosolutionsinc.net](mailto:lee@ecosolutionsinc.net)

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, 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

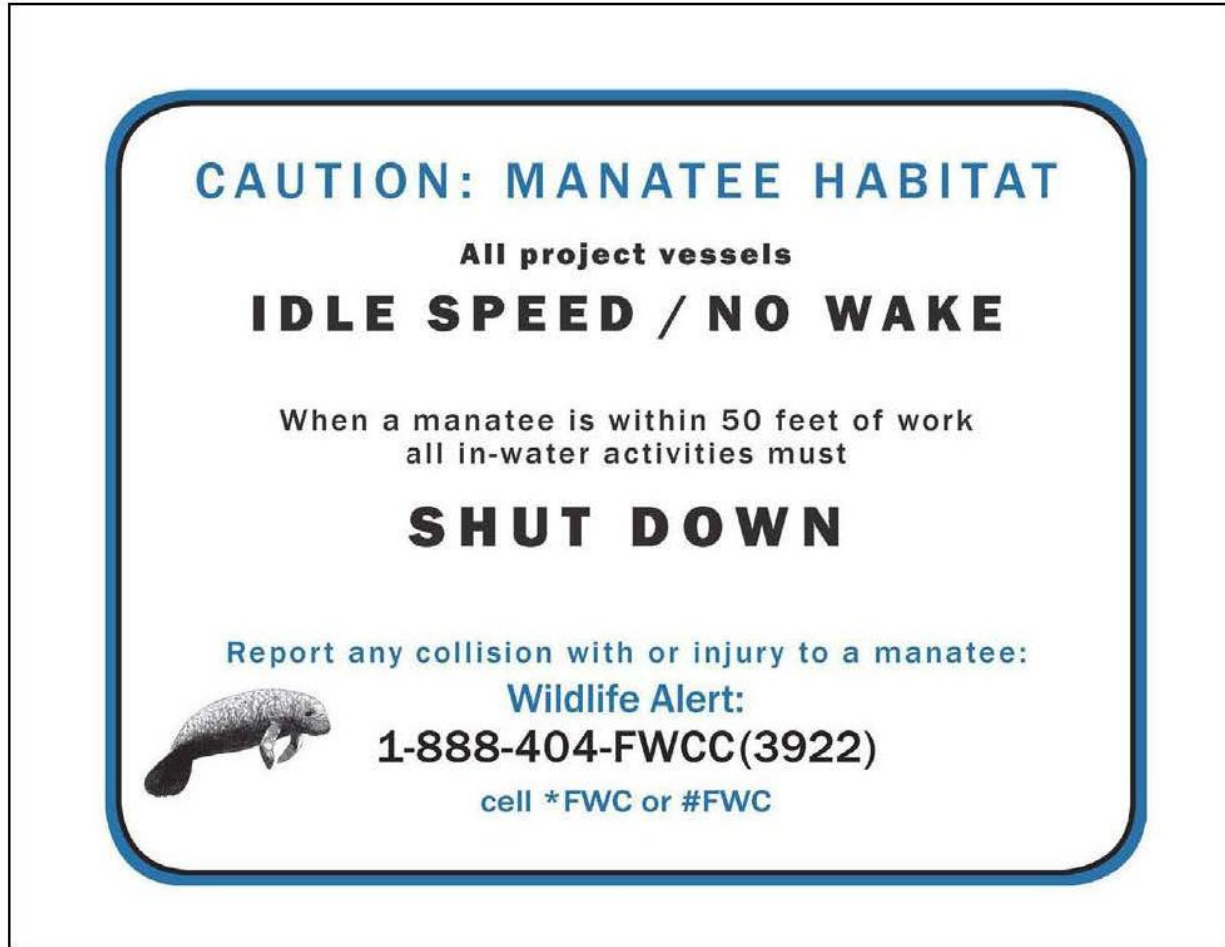
Date

### STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

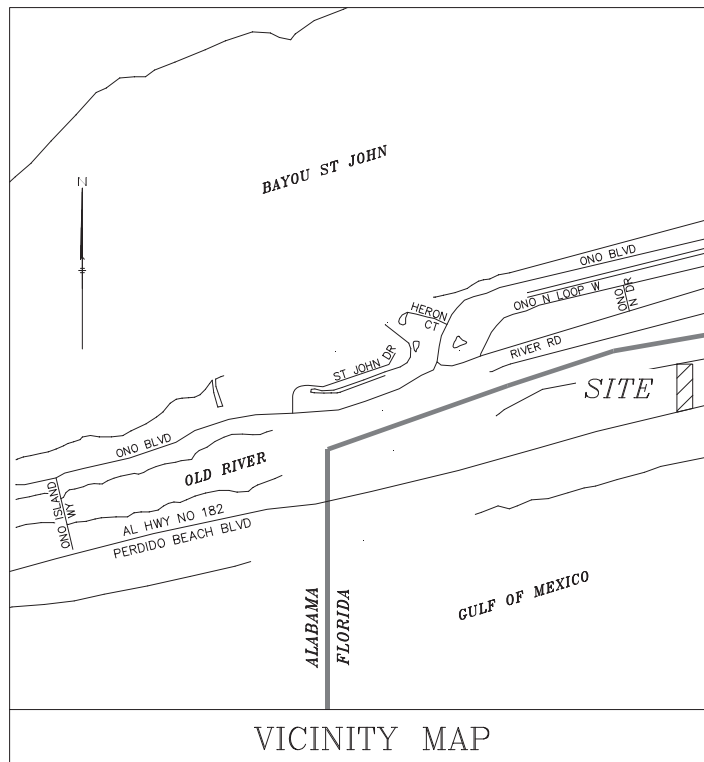
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. 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.
- b. 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 will follow routes of deep water whenever possible.
- c. 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 must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. 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, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. 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. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.



DRAFT



#### DRIVING DIRECTIONS

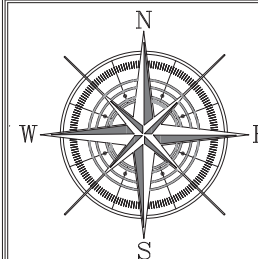
Beginning at the Welcome Alabama Signal at the end of Perdido Beach Boulevard and the beginning of FL-292 E (Perdido Key Drive), head East towards Key Largo Place for 1.1 miles to property located on the North side of road.

BSM: *May Lewis*

DATE: June 19, 2026

## *PROPOSED PIER VICINITY MAP*

*RIVIERA DUNES CONDOMINIUMS*



**ROWE**  
ENGINEERING & SURVEYING  
CONSULTING ENGINEERS

3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693  
PHONE 251-666-2766 • FAX 251-660-1040

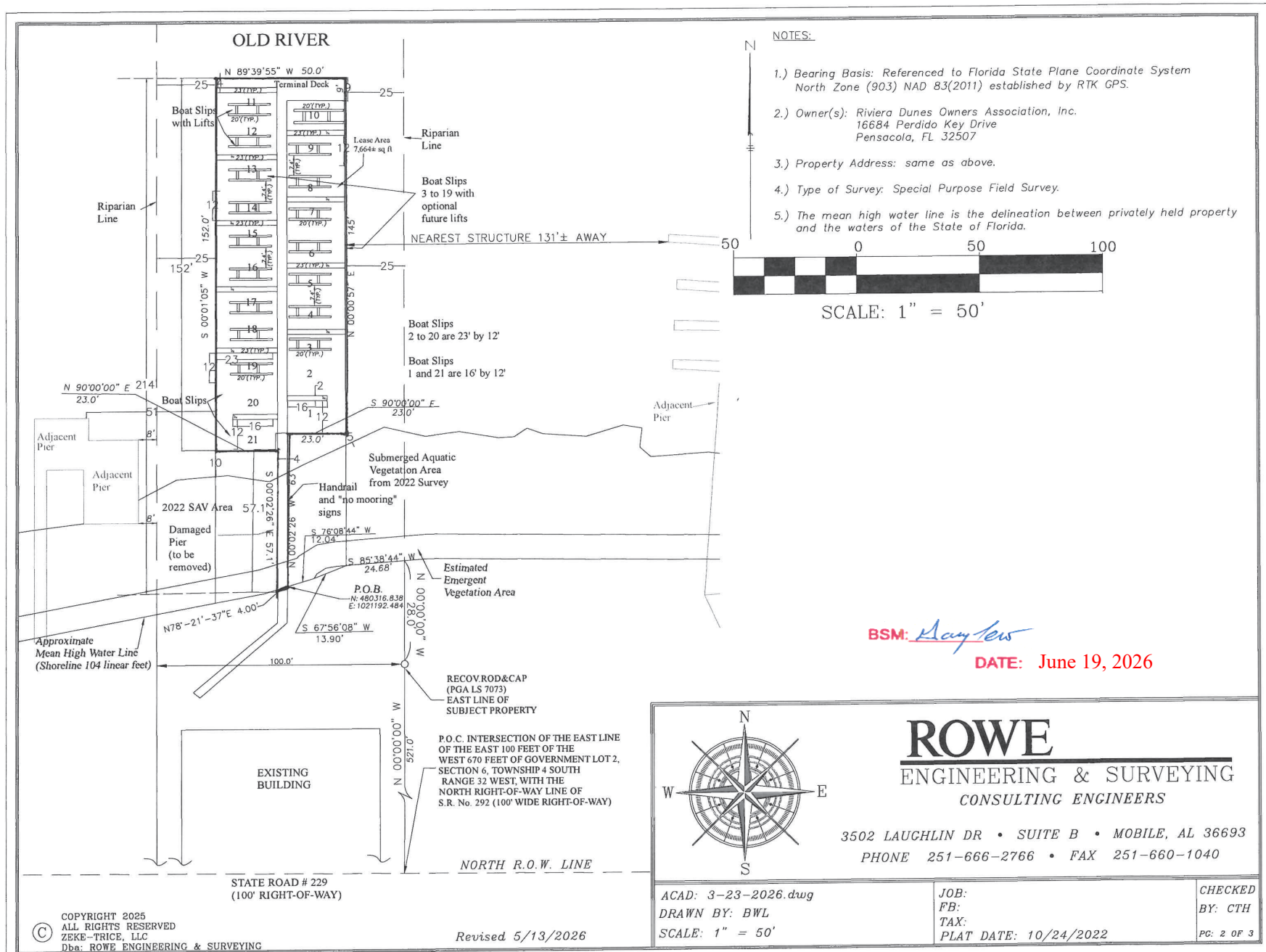
Revised 05/13/2026

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ALL RIGHTS RESERVED  
ZEKE-TRICE, LLC  
Dba: ROWE ENGINEERING & SURVEYING

ACAD: Drawing2.dwg  
DRAWN BY: BWL  
SCALE: none

JOB:  
FB:  
TAX:  
PLAT DATE: 10/24/2022

CHECKED  
BY: CTH  
PG: 1 OF 3



NOTES:

- 1.) Vertical control: TBM Top of pile west side of damaged pier at, N=480508.37 E=1021189.15 Elevation = 4.56 (NAVD 88 Datum) established by RTK utilizing FDOT Network as a continuously operating reference station.
- 2.) Horizontal control: Horizontal coordinates on this plat are referenced to Florida State Plane Coordinate System North Zone (0903) NAD 83(2011) established by RTK utilizing FDOT Network as a continuously operating reference station.
- 3.) "North" is referenced to Grid North as established by FDOT's continuously operating reference station network".
- 4.) Type of survey: Sovereign submerged land lease.
- 5.) Field work was performed on June 10, 2022
- 6.) This drawing reflects a field survey.
- 7.) Mean High Water Elevation 0.83 feet NAVD 88, 1983-2001 Tidal Epoch, was provided by the Florida Department of Environmental Protection, Bureau of Survey and Mapping, in the Tidal Datum Elevations dated 01/06/2023 for 16684 Perdido Key Drive, Pensacola Florida.
- 8.) Proposed Sovereign Submerged land Lease Area contains: 7,664± Square Feet.
- 9.) Water Body: Old River

LEGAL DESCRIPTION

STATE OF FLORIDA)  
COUNTY OF ESCAMBIA)

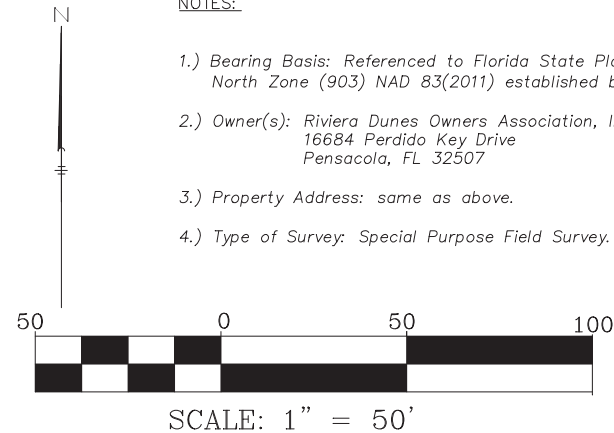
Sovereign Submerged Lands:

Commencing at the intersection of the East line of the East 100 feet of the West 670 feet of Government Lot 2, Section 6, Township 4 South, Range 32 West, with the North Right-of-Way line of State Road 292, (100' right-of-way), run North 00°-00'-00" West and along the East line of said East 100 feet of the West 670 feet of Government Lot 2, 521.0 feet to a capped rod (LS7073) on the East line of Riviera Dunes Condominiums as recorded in Official Records Book 7957, Page 1017, Clerk of Court, Escambia County, Florida, thence run Northwardly and along said East line 28.0 feet to the intersection of said East line and the Mean High Waterline of Old River; thence South 85°-38'-44" West and along said Mean High Waterline, 24.68 feet; thence South 67°-56'-08" West, 13.90 feet; thence South 76°-08'-44" West, 12.04 feet to the Point of Beginning of the Lease herein described; thence leaving said Mean High Water Line, run North 00°-02'-26" West, 63 feet; thence North 90°-00'-00" East, 23.0 feet; thence North 00°-00'-57" East, 145 feet; thence North 89°-39'-55" West, 50 feet; thence South 00°-01'-05" West, 152.0 feet; thence North 90°-00'-00" East, 23.0 feet; thence South 00°-02'-26" East, 57.1 feet to the Mean High Water Line; thence North 78°-21'-37" East and along said Mean High Water line 4.00 feet to the Point of Beginning. Said property located in Section 6, Township 4 South, Range 32 West, Escambia County, Florida. Said property contains 7,664 square feet more or less.

Revised 5/13/2026

NOTES:

- 1.) Bearing Basis: Referenced to Florida State Plane Coordinate System North Zone (903) NAD 83(2011) established by RTK GPS.
- 2.) Owner(s): Riviera Dunes Owners Association, Inc.  
16684 Perdido Key Drive  
Pensacola, FL 32507
- 3.) Property Address: same as above.
- 4.) Type of Survey: Special Purpose Field Survey.



BSM: *May Lewis*

DATE: June 19, 2026

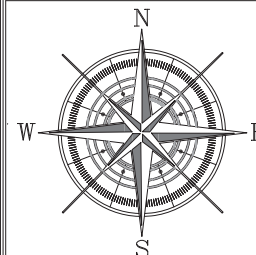
I hereby certify to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, that:  
The above survey was made under my direction and meets the Standards of Practice as per Chapter 5J-17.051 & 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Chaison A. Johnson*  
Chaison A. Johnson, PSM  
Professional Surveyor and Mapper

Florida Licensure No. LS7378

Prints not valid unless they bear an original seal

Date: REVISED 5/13/2026



**ROWE**  
ENGINEERING & SURVEYING  
CONSULTING ENGINEERS

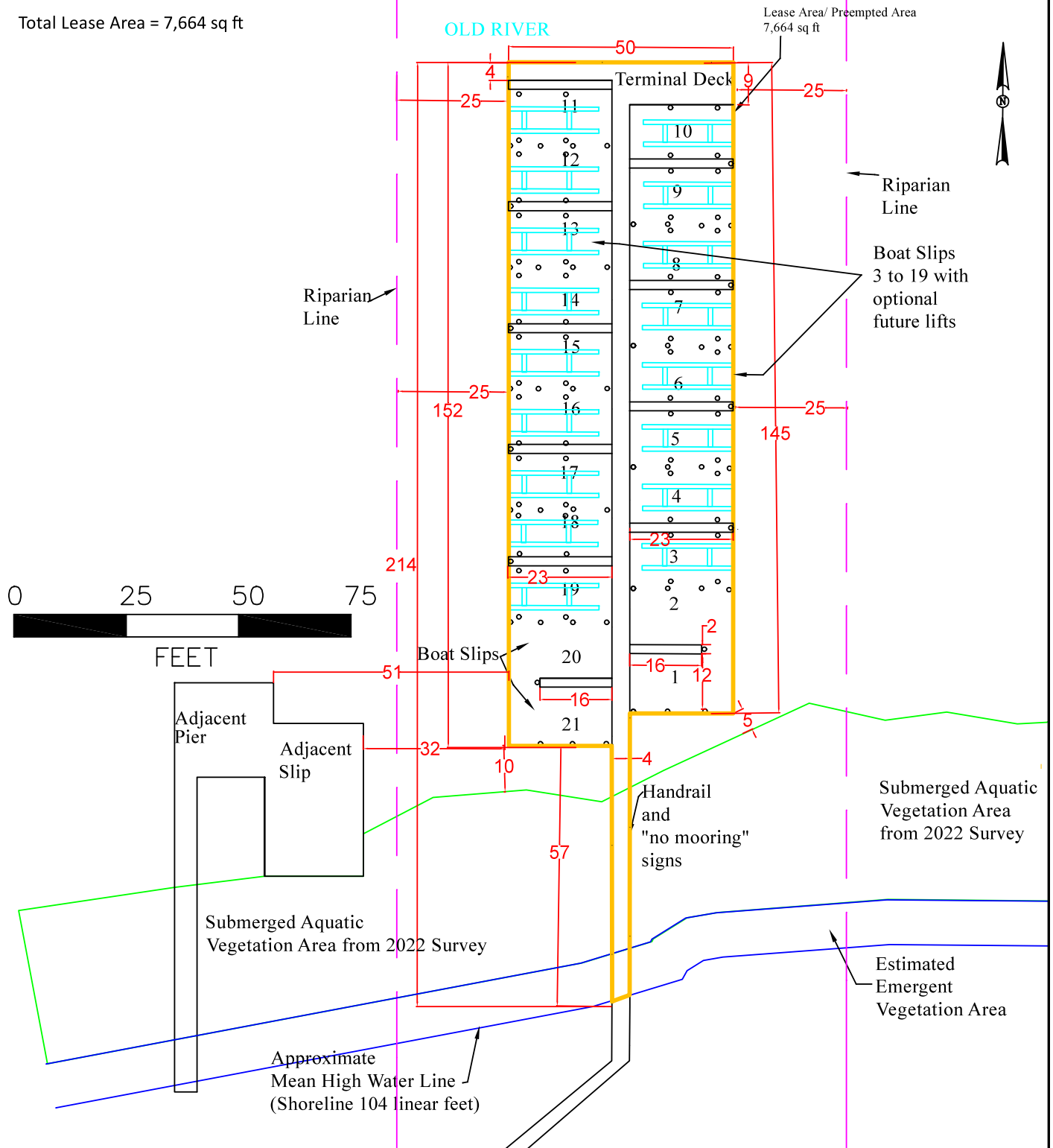
3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693  
PHONE 251-666-2766 • FAX 251-660-1040

ACAD: 9-25-2025.dwg  
DRAWN BY: BWL  
SCALE: 1" = 50'

JOB:  
FB:  
TAX:  
PLAT DATE: 8/28/2023

CHECKED  
BY: CTH  
PG: 3 OF 3

Total Lease Area = 7,664 sq ft



## FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction.

A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

### RIVIERA DUNES MARINA



P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

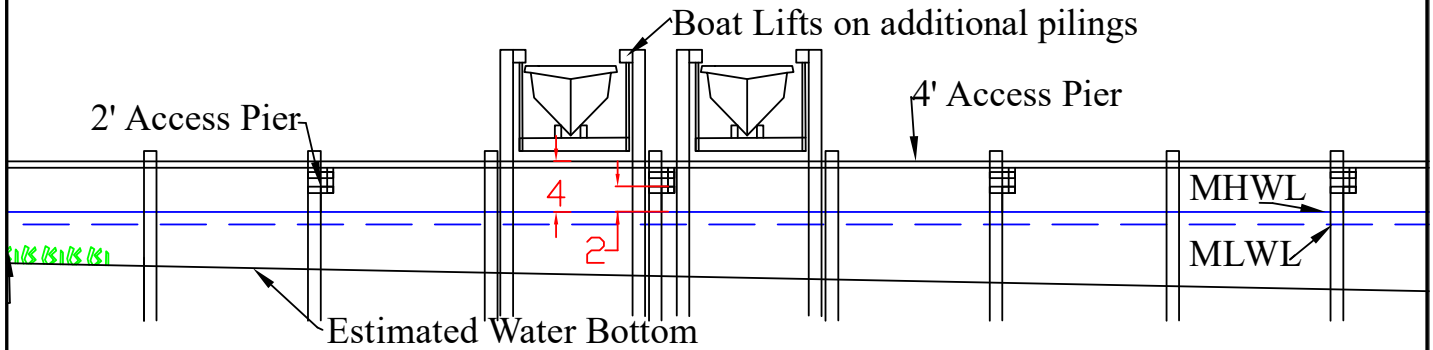
PREPARED FOR  
Riviera Dunes Condo  
16685 Perdido Key Drive  
Perdido Key, FL

DRAWN BY  
L. Cassidy  
CHECKED BY  
K. Burmeister

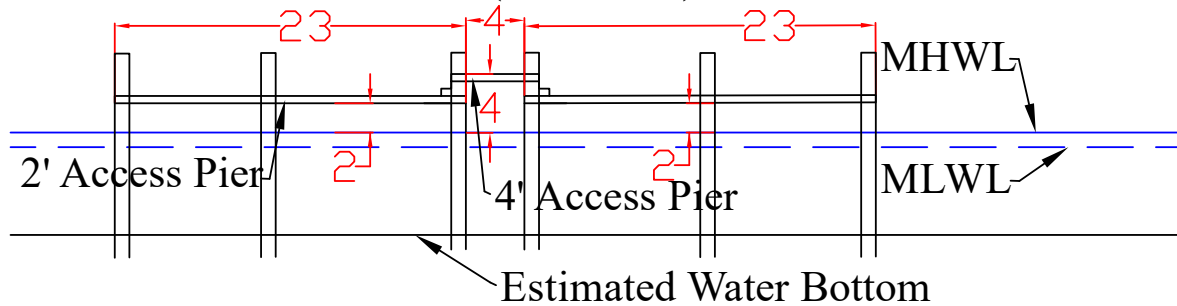
DATE OF LAST REVISION  
3/18/26  
SCALE AS STATED

FILE  
Riviera Dunes Piers 10.6.20  
SHEET 1

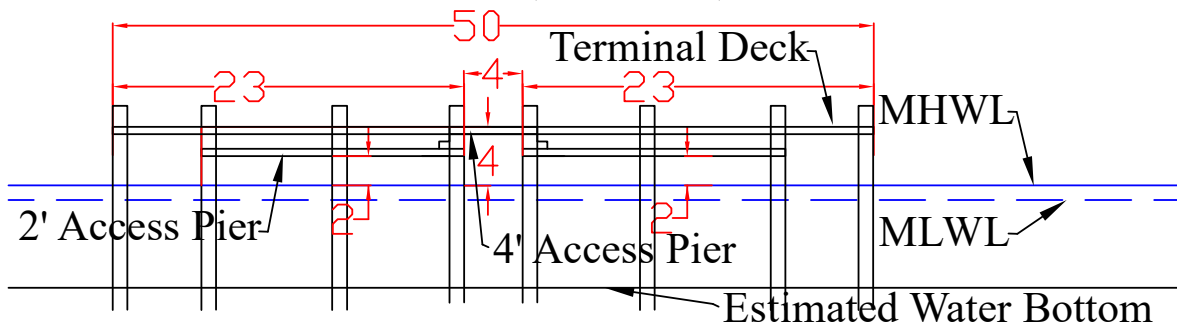
### Boat Lift West to East Section (not to scale)



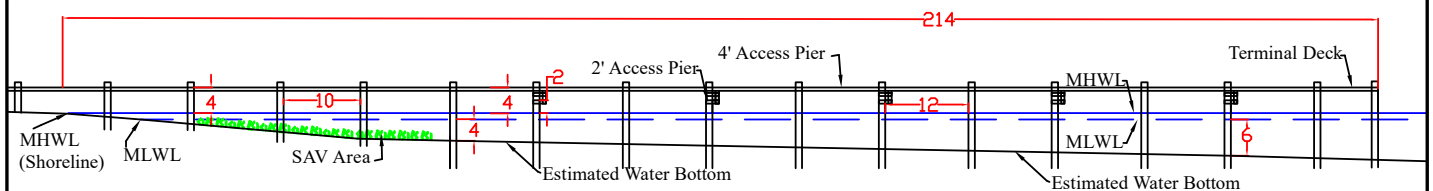
### Access Piers North to South Section (not to scale)



### Terminal deck North to South Section (not to scale)



### Overall Marina Section (not to scale)



## FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction.

A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Note: The decking on the access piers will be open cell (Thru-Flow or similar)

### Riveria Dunes Marina Section



P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

PREPARED FOR  
Riveria Dunes Condo  
16655 Perdido Key Drive  
Perdido Key, FL

DRAWN BY  
L. Cassidy  
CHECKED BY  
T. Hutchings

DATE OF LAST REVISION  
8/21/23  
SCALE AS STATED

FILE  
Riveria Dunes Piers 10.6.20  
SHEET 1