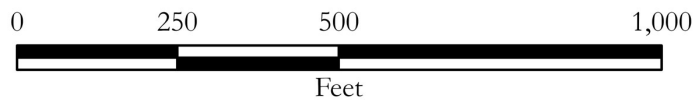


**Ocean Highway & Port Authority**  
 (Port of Fernandina)  
 Nassau County, Florida





 Subject Parcel



**Ocean Highway & Port Authority**  
(Port of Fernandina)  
Nassau County, Florida

**PROJECT DESCRIPTION**

1. Location: 30.67849795 Latitude / -81.46381343 Longitude  
Aquatic Preserve: No  
Waterbody Name and Classification: Amelia River, Class III Waters, Not Approved for Shellfish Harvesting  
Designated Manatee County: No  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: Idle Speeds All Year
2. Preempted area (square feet): 287,935  
Structure dimensions: 115,152 square feet of existing concrete docking structure  
Number of slips: Varies depending on the commercial vessels in port  
Vessels: Commercial vessels ranging from approximately 60 to 500 feet in length
3. Liveaboards: Liveaboards are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
4. Sewage Pumpout Facilities: Are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
5. Fueling Facilities: 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 "Consent Order with Temporary Use Agreement"
2. U.S. Army Corps of Engineer permit: A Department of the Army permit was issued in 1984 for the original port structure. 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 was notified on June 19, 2025, and no comments were received.
4. Department of State, Division of Historical Resources (DHR): DHR was notified on June 19, 2025, and no comments were received.
5. Navigation: The port facility that has been active for multiple decades and has not been an impediment to navigation.
6. Riparian rights line setback: The proposed sovereignty submerged lands lease boundary complies with the required setbacks.



7. Noticing: Three property owners within 500 feet of the existing project were noticed on May 11, 2023. No comments or objections were received by the end of the comment period on July 18, 2023.

### **PUBLIC INTEREST STATEMENT**

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

Based on the merits of the proposal, the Applicant has provided reasonable assurance that the existing structure will maintain essentially natural conditions; will not significantly impact fish and wildlife or other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the “Conceptual State Lands Management Plan;” is consistent with the local government’s comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department is of the opinion that the proposal is “not contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the direction of the Board of Trustees.

### **EXISTING FACILITY**

On April 18, 1985, the Florida Department of Environmental Regulation (DER) issued Permit No. 450823499 to the Fernandina Marine Terminal, Inc. This permit authorized the construction of an 80,000 square foot pier parallel to the shoreline with three 4,800 square foot entrance ramps extending to the shore from the middle and each end of the pier.

On July 2, 1991, DER issued Permit No. 45-1806479 to the current Applicant for dredging in the mooring berth; up to -40 at mean low water.

On October 23, 1997, the Department issued the original authorization, granting the Applicant proprietary authorization of Consent to Use along with Permit No. 45-277745-9. This permit authorized the construction of a 580-foot-long pier extension. This extension granted widths varying from 20 to 50 feet.

On July 10, 2019, the Department issued Permit No. 45-0377333-001-EE to the Applicant, which authorized maintenance dredging. The maintenance dredging was to return the mooring berth at the port to the previously authorized depth of -40 feet at mean low water. During the permit application review process, it was discovered that the original authorization, issued in 1997, should have been a lease pursuant to Rule 18.21.005(d), F.A.C., not a proprietary authorization of Consent to Use, which is why project is being brought under lease now.

On March 17, 2025, the Department issued a Consent Order with Temporary Use Agreement. The Temporary Use Agreement authorizes 287,935 square feet, more or less, of preemption for the continued operation of the deep-water port. The port consists of approximately 115,152 square



feet of concrete dockage with a mooring area used in conjunction with the upland commercial off-loading facility.

**SPECIAL LEASE CONDITIONS**

1. Lessee shall maintain in active status all required state and federal permits during the term of this lease and during any subsequent renewals.
2. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition.

---

**FEE CALCULATION**

---

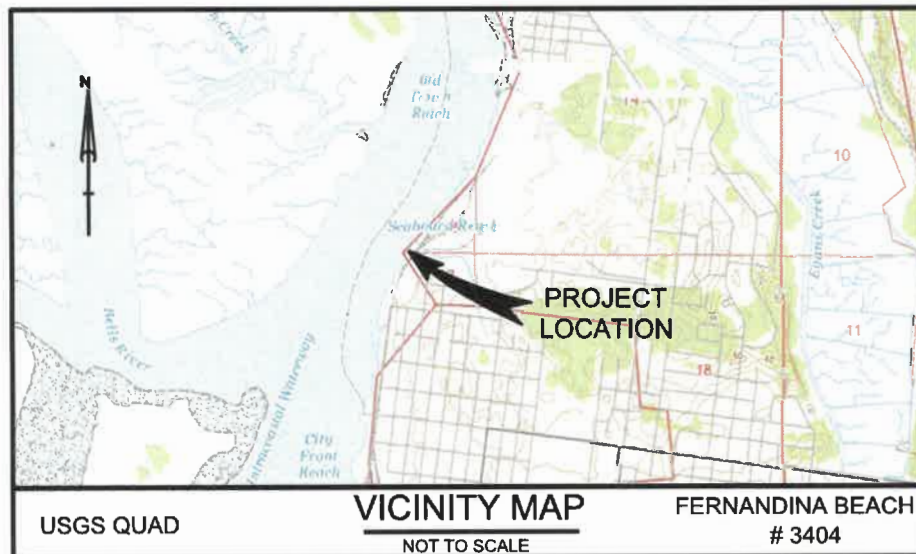
**CONSIDERATION DUE: \$ 0**

The Applicant qualifies for a waiver of lease fees pursuant to section 253.77(4), F.S., and Rule 18-21.011(1)(b)7, F.A.C.

# MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A SUBMERGED SOVEREIGN LANDS LEASE:

Exhibit E

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA



## SURVEY NOTES

NOTE: THIS MAP REPRESENTS A FIELD SURVEY DATED JUNE 03, 2020.

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF THE AMELIA RIVER CUT-5 (AIWW FEDERAL CHANNEL) HAVING A BEARING OF SOUTH 37°02'22" WEST.
2. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND IN TENTHS AND ARE BASED ON THE U.S. SURVEY FOOT.
3. A TITLE COMMITMENT HAS NOT BEEN PROVIDED FOR THIS SURVEY.
4. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. THERE IS APPROXIMATELY 1,565 +/- OF SHORELINE IN THE LEASE AREA ALONG THE MEAN HIGH WATER LINE.
6. ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM, 1988 (NAVD88).
7. THE MEAN HIGH WATER LINE IS LOCATED AS INSTRUCTED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING, APPROVAL FORM DATED: 05-26-20, AT ELEVATION 2.40'NAVD 1988.

## CERTIFIED TO

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE OF FLORIDA  
WORLD WIDE TERMINALS

THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 2-3.

FOR: WORLD WIDE TERMINALS  
PORT OF FERNANDINA

ARC SURVEYING & MAPPING, INC.



5202 SAN JUAN AVENUE,  
JACKSONVILLE, FLORIDA 32210  
PHONE: 904/384-8377  
LICENSED BUSINESS NO. 6487

Richard J Sawyer,  
PSM

Digitally signed by Richard J  
Sawyer, PSM  
Date: 2023.07.06 08:52:50 -04'00'

Richard J. Sawyer  
Professional Surveyor and Mapper  
Florida Certificate No. 6131

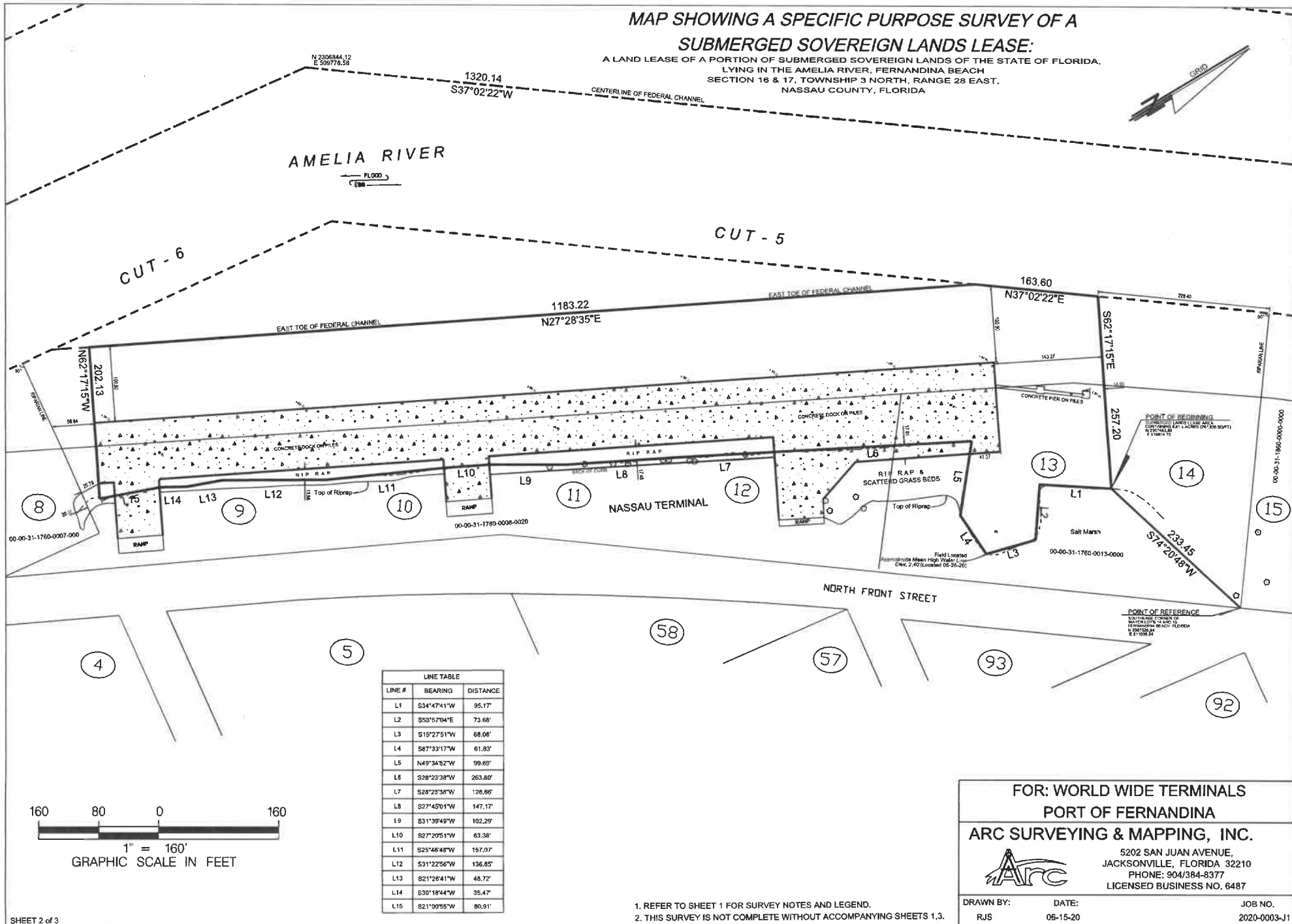
DRAWN BY:  
RJS

DATE:  
06-15-20

JOB NO.  
2020-0003

# MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A SUBMERGED SOVEREIGN LANDS LEASE:

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA



1. REFER TO SHEET 1 FOR SURVEY NOTES AND LEGEND.  
2. THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 1,3.



**MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A  
SUBMERGED SOVEREIGN LANDS LEASE:**

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA


A PARCEL OF SUBMERGED SOVEREIGN LANDS LYING IN THE AMELIA RIVER AND IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 3 NORTH, RANGE 28 EAST, AND A PORTION OF WATER LOTS 8, 9, 10, 11, 12, 13, 14 AS DESCRIBED IN OFFICIAL RECORDS BOOK 586, PAGE 611 OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FOR A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF WATER LOTS 14 AND 15 AND PROCEED SOUTH 74°20'48" WEST A DISTANCE OF 233.45 FEET TO THE INTERSECTION OF THE MEAN HIGH WATER LINE (MEAN HIGH WATER LINE HAVING A ELEVATION OF 2.40 FEET NAVD88 DATUM AS DESCRIBED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING APPROVAL FORM DATED MAY 26, 2020) AND THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING CONTINUE ALONG THE AFOREMENTIONED MEAN HIGH WATER LINE THE FOLLOWING COURSES; THENCE SOUTH 34°47'41" WEST, A DISTANCE OF 95.17 FEET; THENCE SOUTH 53°57'04" EAST, A DISTANCE OF 73.68 FEET; THENCE SOUTH 15°27'51" WEST, A DISTANCE OF 68.08 FEET; THENCE SOUTH 87°33'17" WEST, A DISTANCE OF 61.83 FEET; THENCE NORTH 49°34'52" WEST, A DISTANCE OF 99.69 FEET; THENCE SOUTH 28°23'38" WEST, A DISTANCE OF 263.80 FEET; THENCE SOUTH 28°23'38" WEST, A DISTANCE OF 128.66 FEET; THENCE SOUTH 27°45'01" WEST, A DISTANCE OF 147.17 FEET; THENCE SOUTH 31°39'49" WEST, A DISTANCE OF 102.29 FEET; THENCE SOUTH 27°20'51" WEST, A DISTANCE OF 63.38 FEET; THENCE SOUTH 25°46'48" WEST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 31°22'56" WEST, A DISTANCE OF 136.85 FEET; THENCE SOUTH 21°26'41" WEST, A DISTANCE OF 48.72 FEET; THENCE SOUTH 30°18'44" WEST, A DISTANCE OF 35.47 FEET; THENCE SOUTH 21°00'55" WEST, A DISTANCE OF 81.98 FEET; THENCE DEPARTING THE AFOREMENTIONED MEAN HIGH WATER LINE NORTH 62°17'15" WEST, A DISTANCE OF 202.27 FEET TO THE INTERSECTION OF THE EAST TOE OF CHANNEL OF THE AMELIA RIVER FEDERAL CHANNEL; THENCE CONTINUE ALONG THE EAST TOE OF AFOREMENTIONED FEDERAL CHANNEL NORTH 27°28'35" EAST, A DISTANCE OF 1183.22 FEET; THENCE CONTINUE ALONG THE EAST TOE OF AFOREMENTIONED FEDERAL CHANNEL NORTH 37°02'22" EAST, A DISTANCE OF 163.60 FEET; THENCE DEPARTING THE EAST TOE OF THE AFOREMENTIONED FEDERAL CHANNEL SOUTH 62°17'15" EAST, A DISTANCE OF 257.20 FEET TO THE INTERSECTION OF THE AFOREMENTIONED MEAN HIGH WATER AND THE POINT OF BEGINNING. CONTAINING 6.61 ACRES (287,935 SQUARE FEET) MORE OR LESS.

THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 2-3.

DATE RECEIVED  
BY SEW DATE 7/13/23

|   |                   |                      |
|---|-------------------|----------------------|
| FOR: WORLD WIDE TERMINALS<br>PORT OF FERNANDINA   |                   |                      |
| ARC SURVEYING & MAPPING, INC.   |                   |                      |
|                      |                   |                      |
| 5202 SAN JUAN AVENUE,<br>JACKSONVILLE, FLORIDA 32210<br>PHONE: 904/384-8377<br>LICENSED BUSINESS NO. 6487 |                   |                      |
| DRAWN BY:<br>RJS  | DATE:<br>06-15-20 | JOB NO.<br>2020-0003 |



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Alexis A. Lambert**  
Secretary

March 17, 2025

*Sent electronically to: [ohpanc@gmail.com](mailto:ohpanc@gmail.com)*

Ocean Highway and Port Authority (Port of Fernandina)  
Attn of: Justin M. Taylor  
516 S. 10<sup>th</sup> Street, Suite 103  
Fernandina Beach, Florida 32034

**SUBJECT: Department of Environmental Protection v. Ocean Highway and Port  
Authority of Nassau County Florida**  
**OGC File No. 23-1615**  
**Facility ID No. 377333**  
**Nassau County**

Dear Mr. Taylor:

Enclosed is a copy of the executed Consent Order to resolve Case Number 23-1615. The effective date of this Order is March 17, 2025 and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact the case manager, Aron Hamilton at (904) 256-1555, or at [aron.hamilton@floridadep.gov](mailto:aron.hamilton@floridadep.gov). Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T.G. Kallemeyn".

Thomas G. Kallemeyn  
Assistant Director

Enclosure: Executed Consent Order #23-1615

ec: FDEP-OGC: Lea Crandall  
FDEP-NED: Aron Hamilton, Keri Armstrong, Thomas Kallemeyn, Sarah Harris  
Justin Taylor [jtaylor@portoffernandina.org](mailto:jtaylor@portoffernandina.org)  
Patrick Krechowski/Port Attorney [pkrechowski@balch.com](mailto:pkrechowski@balch.com)

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| STATE OF FLORIDA DEPARTMENT     | ) | IN THE OFFICE OF THE  |
| OF ENVIRONMENTAL PROTECTION     | ) | NORTHEAST DISTRICT    |
| and BOARD OF TRUSTEES OF THE    | ) |                       |
| INTERNAL IMPROVEMENT TRUST FUND | ) |                       |
| OF THE STATE OF FLORIDA,        | ) |                       |
|                                 | ) |                       |
| Complainants.                   | ) |                       |
|                                 | ) | OGC FILE NO.: 23-1615 |
| vs.                             | ) |                       |
|                                 | ) |                       |
| OCEAN HIGHWAY AND PORT          | ) |                       |
| AUTHORITY OF NASSAU COUNTY,     | ) |                       |
| FLORIDA,                        | ) |                       |
|                                 | ) |                       |
| Respondent.                     | ) |                       |
|                                 | ) |                       |

This Consent Order and Temporary Use Agreement (Order) is entered into between the State of Florida Department of Environmental Protection (Department), the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board), and OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA (Respondent) pursuant to Section 120.57(4), Florida Statutes (Fla. Stat.), to settle certain matters at issue between the Department, the Board and Respondent.

1. The Board is responsible for overseeing state-owned lands and ensuring that they are managed in trust for the citizens of the State of Florida pursuant to Chapter 253, Fla. Stat., and the rules promulgated and authorized thereunder in Title 18, Florida Administrative Code (Fla. Admin. Code).

ATTACHMENT 2A  
PAGE 10



use pursuant to Section 253.05, Fla. Stat. The Department is also the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 403 and 373 Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code. In addition to its authority under Chapter 403, Fla. Stat., the Department is specifically authorized to administer and enforce the management and storage of surface waters and the environmental resource permitting programs in Chapter 373-Part IV, Fla. Stat.<sup>1</sup>

3. Respondent is a body politic and corporate and a subdivision of the State of Florida, which owns and operates a deep-water maritime port in Nassau County, and is a "person" within the meaning of Sections 253.04 and 373.019(15), Fla. Stat.<sup>2</sup> Respondent's corporate headquarters are located at 516 South 10<sup>th</sup> Street, Suite 103, Fernandina Beach, Florida 32034. Respondent's Chairman is Commissioner Danny Fullwood, whose mailing address is 516 South 10<sup>th</sup> Street, Suite 103, Fernandina Beach, Florida 32034.

4. Respondent is the owner of real property located at N. Front Street, Fernandina Beach, Florida 32034 (Latitude 30°40'41.4245", Longitude -81°27'50.4709"), further identified by Nassau County Property Appraiser Parcel ID No. 00-00-31-1760-0008-0020 and Department Site ID No. 377333/BOT No. 450355292 (Upland Property) and located directly adjacent to the Amelia River, waters of the state, in Nassau County.

5. Associated with the Upland Property are overwater, concrete docking facilities, located on and over approximately 115,152 square feet sovereign submerged lands (SSLs) of the state within the Ameilia River, which are used for the mooring of commercial vessels in conjunction with an upland commercial off-loading facility

<sup>1</sup> In part, the Department has implemented these statutes through Chapter 62-330, Fla. Admin. Code, and the *Environmental Resource Permit Applicant's Handbook* ("Applicant Handbook"), incorporated by reference in Rule 62-330.010, Fla. Admin. Code.

<sup>2</sup> The Ocean Highway and Port Authority was created by special act of the Legislature in 1941 (Chapter 21418 (No. 1210) SB 874, Laws of Florida) and codified as a Special District by the Legislature in Chapter 2005-293, Laws of Florida, and subsequent amendments thereto.

(Facility). In total, the Facility currently preempts approximately 287,935 square feet of SSLs within the Amelia River, waters of the state, as defined by Florida Law, adjacent to Respondent's riparian Upland Property.

6. On June 17, 2019, the Department received a permit application on behalf of Respondent for maintenance dredging of a previously dredged mooring berth at the port Facility to return to the depth of -40 feet mean low water (MLW) previously authorized by the Department/Board. The proposed maintenance dredging included excavating approximately 5,515 cubic yards of material over a span of 29,987 square feet.

7. During its review and processing of the permit application, the Department noted that the Facility had not received regulatory authorization from the Department for construction/operation of the Facility within the Amelia River nor received proprietary authorization from the Board for the use and preemption of the approximate 287,935 square feet of SSLs within the Amelia Reiver, in violation of violated Rules 62-330.020(2)(a) and 18-21.005(1)(d)(5), Fla. Admin. Code.

8. Respondent desires to enter into this Order to resolve the violations set out herein and to obtain:

(i) Regulatory Authorization from the Department to operate and maintain the Facility in its current configuration, consisting of approximately 115,152 square feet of concrete dockage and a mooring area, for a total preemption of 287,935 square feet of deep water port, in conjunction with the upland commercial off-loading facility at the Upland Property described in Paragraph 4 herein and depicted in EXHIBIT A, attached hereto and incorporated herein; and

(ii) Proprietary Authorization from the Board to use the approximately 287,935 square feet of preempted SSLs within the Amelia River and adjacent water column adjacent to Respondent's riparian Upland Property described in Paragraph 5 herein and depicted in EXHIBIT B, attached hereto and incorporated herein.

9. The parties acknowledge that the Proprietary Authorization application and approval process may require a time period of several months to complete. Therefore, Respondent requests temporary use of the SSLs within the Ameila River upon which the Facility's structures are located during the Department's processing and review of Respondent's application for Proprietary Authorization to use the SSLs depicted in EXHIBIT B.

Having reached a resolution of the matter Respondent, the Department and the Board mutually agree and it is,

**ORDERED:**

10. Respondent shall comply with the following corrective actions within the stated time periods:

- (a) With the exception of the activities described in this Order, effective immediately and henceforth, Respondent shall not conduct any dredging, filling, or construction activities on or within the landward extent of waters of the state without the issuance of a permit from the Department or written notification from the Department that the activities appear to be exempt from Department permitting requirements; nor shall Respondents conduct any activities on state owned lands below the ordinary or mean high water lines without first obtaining a lease, easement, or other consent of use from the Board. Any future violations by Respondent for dredging, filling, or construction activities conducted without authorization from the Department and/or the Board may be deemed a "subsequent" offense (i.e., not first offenses) by the Department and/or the Board;
- (b) **Within 30 days of the effective date of this Order**, Respondent shall submit a Billing Information Form and Financial Affidavit, attached hereto as EXHIBIT C, to the Board for Proprietary Authorization to use the 287,935 square feet of SSLs within the Amelia River, as depicted in EXHIBIT B attached hereto, to operate and maintain Respondent's Facility, and shall have submitted a "complete" application no later than 90 days of the effective date of this Order.



### **Temporary Proprietary Use Authorization**

11. The Board hereby grants Respondent the temporary exclusive use of the approximately 287,935 square feet of SSLs within the Amelia River, as depicted in **EXHIBIT B** attached hereto, waterward of Respondent's riparian Upland Property to operate and maintain Respondent's Facility. This temporary exclusive use is for a term **not to exceed one (1) year** from the effective date of this Order, or until the date of execution by the Board and Respondent of valid Proprietary Authorization for the use the SSL identified herein, whichever occurs first. Respondents shall make no claim of title to or interest in the 287,935 square feet of SSLs depicted in **EXHIBIT B** herein, solely by reason of occupancy or use thereof under this Order. A copy of this Order will be furnished to the Department's Division of State Lands.

12. The Facility, as described in Paragraph 5 and depicted in **EXHIBIT B** herein, shall only be utilized as it was on the effective date of this Order. In the event any part(s) of any of the Facility's structures are determined by a final adjudication issued by a court of competent jurisdiction to encroach or interfere with the riparian rights of an adjacent upland riparian owner(s), Respondent agrees to either obtain written consent for the offending structure [or use] from the affected adjacent upland riparian owner(s) or remove the interference or encroachment within **60 days** from the date of the court's adjudication. **Failure to comply with this Paragraph shall constitute a material breach of this Order and be grounds for immediate termination of this Order at the sole option of the Board.**

13. In the event that Respondent's application for Proprietary Authorization to use the 287,935 square feet of SSLs, as described in Paragraph 5 and depicted in **EXHIBIT B**, is not approved by the Board, or the Respondent fails to execute a sovereign submerged lands lease prior to the expiration or termination of this temporary use agreement, whichever occurs first, Respondent shall remove **any and all** structures from [on] the identified SSL at Respondent's sole expense. The complete removal of the structures required by this Paragraph shall be accomplished within

180 days following the expiration or termination of the temporary use agreement, whichever occurs first.

14. In the event that Respondent asserts title to any of the SSLs depicted in EXHIBIT B and either (i) fail to timely submit the information demonstrating their title to the SSL as required herein or (ii) the Board denies Respondent's claim of title and the Respondent has not commenced an action to quiet title as specified herein, Respondent shall remove any and all structures from [on] the identified SSL at the Respondent's sole expense. The complete removal of the structures required by this Paragraph shall be accomplished within 60 days following the expiration or termination of the temporary use agreement, whichever occurs first.

15. **Respondent acknowledges and understands that the granting of temporary use of the SSLs depicted in EXHIBIT B by the Board pursuant to this Order and Respondent's payment of the consideration required by this Order does not guarantee that the Board will grant the Respondent's Proprietary Authorization to use the SSLs identified herein or that the Department will recommend that the appropriate form of Proprietary Authorization be granted.**

16. By execution of this Order, Respondent waives any claim it may have against the Department or the Board concerning the SSLs depicted in EXHIBIT B. Respondent shall save and hold harmless and indemnify the Board, the Department, and the State of Florida against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of, any person or persons and for loss or damage to any property arising out of or connected with Respondent's occupation and use of the SSLs depicted in EXHIBIT B and/or the port Facility structures located thereon.

#### **Regulatory Authorization**

17. This Order provides after-the-fact authorization by the Department to operate and maintain the approximately 115,152 square feet of concrete dockage and a mooring area, for a total preemption of 287,935 square feet of deep water port in

conjunction with an upland commercial off-loading facility, as depicted in EXHIBIT A, pursuant to Part IV of Chapter 373, Fla. Stat., and Chapter 62-330, Fla. Admin. Code. The regulatory authorization set out in this Order is conditioned upon the following terms:

- i. Respondent and Respondent's port Facility structures shall adhere to the conditions set out in ATTACHMENT I, attached hereto and incorporated herein, and any activity authorized herein shall be conducted in accordance with the terms and conditions and attachments contained in this Order.
- ii. The regulatory authorization granted herein, including all conditions set out in ATTACHMENT I, shall continue into perpetuity upon the Department and Board termination of this enforcement action, provided that Respondent satisfies all of the requirements of this Order.
- iii. Failure to comply with any of the attached conditions, including any mitigation requirements, or any other requirements of this Order shall be grounds for the Department to revoke the authorization(s) provided herein and take appropriate enforcement action.
- iv. The granting of the authorization(s) herein do not infer, guarantee, nor imply that any future permits, authorizations, or modifications will be granted by the Department.
- v. Operation of the port Facility is not authorized except when determined by the Department to be in conformance with all applicable terms of this Order, rules, statutes, and/or any SSL authorization given by the Board.



18. **Within 15 days after the effective date of this Order**, Respondent shall publish one time only the notice set out below, in a newspaper of daily circulation in Nassau County, Florida. Respondents shall submit documentation of publication to the Department within **7 days** of publishing the notice.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION and  
BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND  
NOTICE OF ORDER NO. 23-1615

The Florida Department of Environmental Protection (Department) and the Board of Trustees of the Internal Improvement Trust Fund (Board) give notice of agency action of entering into a Consent Order and Temporary Use Agreement (COTUA) with OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA, pursuant to Section 120.57(4), F.S. The COTUA provides: (i) after-the-fact regulatory authorization for an approximately 115,152 square feet of over water-structures associated with an upland commercial port Facility within the sovereign submerged lands of the Amelia River, adjacent to the upland real property located at N. Front Street, Fernandina Beach, Florida 32034 (Nassau County Property Appraiser Parcel ID No. 00-00-31-1760-0008-0020); and (ii) temporary proprietary authorization for the use of approximately 287,935 square feet of preempted sovereign submerged lands within the Amelia River. The COTUA is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

Persons whose substantial interests are affected by the COTUA have a right to petition for an administrative hearing on the COTUA. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, or received via e-mail at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), **within 21 days** of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. The petition shall contain the following information:

- a. The COTUA number (23-1615) and the county in which the subject matter or activity is located (Nassau County);
- b. The name, address, and telephone number of each petitioner;

- c. The name, address, telephone number, and email address of the petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;
- d. An explanation of how the petitioner's substantial interests will be affected by the COTUA;
- e. A statement of when and how the petitioner received notice of the COTUA;
- f. A statement of all material facts disputed by petitioner (if any);
- g. A statement of the specific facts the petitioner contends warrant reversal or modification of the COTUA;
- h. A statement of which rules or statutes the petitioner contends require reversal or modification of the COTUA; and
- i. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department and/or the Board to take with respect to the COTUA.

If a timely petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department and the Board's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department and the Board with regard to the subject COTUA 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 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. **Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 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 petition filed pursuant to Rule 28- 106.205, Fla. Admin. Code.

A person whose substantial interests are affected by the COTUA may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., or may choose to pursue mediation as an alternative remedy under Section 120.573, Fla. Stat., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

19. Respondent agrees to pay the Department stipulated penalties in the amount of \$50.00 per day, per violation, for each and every day the Respondent fails to timely comply with any of the requirements set out in this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Any stipulated penalties

assessed under this Paragraph shall be in addition to the penalties, fees and/or costs agreed to in this Order. Within 30 days of a written demand from the Department, the Respondents shall submit payment of the appropriate stipulated penalties in accordance with Paragraph 23 herein. The Department may demand stipulated penalties at any time after violations occur. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Should the Department be required to initiate a lawsuit to recover stipulated penalties under this Paragraph, the Department shall not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties set out in this Paragraph.

20. Except as noted otherwise, all submittals and/or documentation required under this Order shall be sent to: State of Florida Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256 and shall include the notations "OGC No. 23-1615 and BOT No. 450355292."

21. Respondent shall allow all authorized representatives of the Department access to the Upland Property and Facility overwater structure at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department and the Board.

22. The sale or conveyance of the Upland Property does not relieve Respondent of the obligations imposed in this Order. In the event of a sale or conveyance of the upland Property, if all of the requirements of this Order have not been fully satisfied, Respondent shall: (i) notify the Department of such sale or conveyance of the Upland Property, at least 30 days prior to the sale or conveyance; (ii) provide the name and address of the purchaser/grantee, operator, or person(s) in control of the Upland Property; and (iii) provide a copy of this Order with all attachments to the purchaser/grantee, operator, or person(s) in control of the Upland Property.

23. If any event, including administrative or judicial challenges by third parties unrelated to the Respondent, occurs which causes delay or the reasonable

likelihood of delay, in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondents, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department and the Board orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Departments and the Board, notify the Department and the Board in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. **Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Order.**

24. This Order only addresses violations of the rules and statutes of the Department and the Board. Entry of this Order does not constitute a permit or other authorization from the Department or the Board to conduct any activities other than those specifically set out in this Order. Nor does entry of this Order convey any authority from the Board for the use of sovereignty submerged or other lands of the



State, other than those lands depicted in EXHIBIT B. In order to ascertain whether any authority is needed to use sovereign lands other than the lands described herein, the Respondent must contact the Department's Division of State Lands. The Respondent is hereby advised that Florida law states:

"No person shall commence any excavation, construction or other activity involving the use of sovereign or other lands of the State, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253, Fla. Stat., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement or other form of consent authorizing the proposed use."

If such work is done without consent, a fine for each offense in an amount of up to \$10,000.00 per day, may be imposed.

25. This Order is a settlement of the Department's and the Board's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

26. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 253.04, 373.129, and 403.121, Fla. Stat. Failure to comply with the terms of this Order shall constitute a violation of Sections 253.04, 373.430, and 403.161, Fla. Stat.

27. The terms of this Order pertaining to the Respondent's use of the approximately 287,935 square feet of SSL depicted in EXHIBIT B may be enforced by the Board notwithstanding that the temporary proprietary authorization granted hereunder expired.

28. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties of up to \$15,000.00 per day, per violation and administrative fines of up to \$10,000.00 per day, per violation, as well as criminal penalties.

29. The Department and the Board hereby expressly reserve the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Order.

30. The Department and the Board, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Order, hereby waive their right to seek judicial imposition of damages or civil penalties for alleged violations addressed in this Order.

31. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent acknowledges its right to appeal the terms of this Order pursuant to Section 120.68, Fla. Stat., and waives that right upon signing this Order.

32. This Order is a final order of the Department and Board pursuant to Section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department, unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition this Order will not be effective until further order. **NOTE: The Board's actions relating to Proprietary requirements contained in this Order are not subject to challenge under Chapter 120, Fla. Stat. Any litigation involving these Proprietary requirements shall be initiated and maintained only in Leon County.**

33. Persons who are not parties to this Consent Order and Temporary Use Agreement, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat. Because the administrative hearing process is designed to formulate final agency action, the

filing of a petition concerning this Order means that the Department or the Board's final action may be different from the position it has taken in the Order. The petition for administrative hearing must contain all of the following information:

- a. The Consent Order and Temporary Use Agreement identification number (23-1615) and the county (Nassau) in which the subject matter or activity is located;
- b. The name, address, e-mail address, and telephone number of the petitioner;
- c. The name, address, telephone number, and e-mail address of the petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;
- d. A statement of when and how the petitioner received notice of the agency decision;
- e. An explanation of how the petitioner's substantial interests will be affected by the agency determination;
- f. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- g. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- h. A statement of the specific rules or statutes 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
- i. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida, 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. **Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569**

**and 120.57, Fla. Stat.** Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under Section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Fla. Stat., and Rule 62- 110.106(12), Fla. Admin. Code.

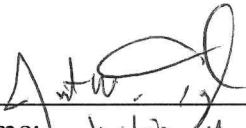
34. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order shall be effective until reduced to writing and executed by Respondent, the Department, and the Board.

35. Rules referenced in this Order may be examined at any Department Office or may be obtained by written request to the District Office referenced in Paragraph 21 above. The rules referenced in this Order are also available at: <https://floridadep.gov/ogc/ogc/content/rules>.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**FOR THE RESPONDENT: OCEAN HIGHWAY AND PORT AUTHORITY  
OF NASSAU COUNTY, FLORIDA**

The undersigned certifies that as the Chairman of OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA, any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Respondent and the State of Florida Department of Environmental Protection.


  
\_\_\_\_\_  
Name: Justin M. Taylor  
Title: Chairman

3/5/2025  
\_\_\_\_\_  
Date

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]


DONE AND ORDERED this 17th of March, 2025, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Gregory J. Strong, Director  
Northeast District  
8800 Baymeadows Way West  
Suite 100  
Jacksonville, FL 32256.

TK

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

  
\_\_\_\_\_  
Gregory J. Strong, Director  
Northeast District  
Department of Environmental Protection,  
*as agent for and on behalf of the Board of Trustees  
of the Internal Improvement Trust Fund  
of the State of Florida*

Filed, on this date, pursuant to Section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
Clerk

March 17, 2025  
Date

Executed Copies To:

Lea Crandall, FDEP Agency Clerk ([Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov))  
Kelley F. Corbari, Esq., FDEP-Litigation ([Kelley.Corbari@FloridaDEP.gov](mailto:Kelley.Corbari@FloridaDEP.gov))  
Starla Wagner, DSL ([Starla.Wagner@FloridaDEP.gov](mailto:Starla.Wagner@FloridaDEP.gov))



## ATTACHMENT I

### **ERP & SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described in Order No. 23-1615 must be conducted in accordance with:

- **The Specific Conditions;**
- **The General Conditions;**
- **The General Conditions for Sovereignty Submerged Lands Authorization;**
- **The limits, conditions and locations of work shown in the attached drawings; and**
- **The term limits of this authorization.**

Respondent is advised to read and understand these conditions and approved drawings prior to beginning or modifying any of the activities authorized herein, and to ensure any work or activity is conducted in conformance with all the terms, conditions, and drawings authorized herein. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the after-the-fact regulatory authorization granted by Order No. 23-1615 and to take appropriate enforcement action. Operation of the port Facility is not authorized except when determined to be in conformance with all applicable permitting rules and sovereignty submerged lands authorization, as described herein.

#### GENERAL CONDITIONS FOR ALL ACTIVITIES AUTHORIZED PURSUANT TO ORDER NO. 23-1615

The following general conditions are binding on all activities authorized by Order No. 23-1615, that would have required a Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization issued by the Department, pursuant to Chapters 373, Part IV, Fla. Stat., and 62-330, Fla. Admin. Code, 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 Order No. 23-1615. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, Fla. Admin. Code. Any deviations that are not so authorized may subject Respondent or its successors to enforcement action and revocation of this authorization under Chapter 373, Fla. Stat. Respondent shall immediately notify the Department in writing, if any information previously submitted to the Department for review and consideration in the issuance of Order No. 23-1615, is discovered to be inaccurate.

2. Respondent shall maintain the approximate 115,152 square feet of over-water concrete docking Facility (and approximate 287,935 square feet of preempted SSLs) authorized by Order No. 23-1615, in good condition and in conformance with the terms and conditions attached to and incorporated in Order No. 23-1615. Respondent is not relieved of this requirement if it abandons the port Facility or otherwise sell, transfer or assign their interest in Respondent's Upland Property. (*See, General Condition 3 below.*)

3. The after-the-fact permitting authorization for the approximate 115,152 square feet of over-water concrete docking Facility (and approximate 287,935 square feet of preempted SSLs) and activity granted by Order No. 23-1615, including all terms and conditions incorporated therein, shall continue to bind Respondent and any new owner(s) or assignee(s) of the upland property pursuant to Rule 62-330.340, Fla. Admin. Code. Respondent shall notify the Department electronically or in writing, within **30 days** of a change in ownership interest or control of any portion of the real Upland Property or the dock structure authorized herein, in accordance with Rule 62-330.340, Fla. Admin. Code. Unless the after-the-fact authorization granted by Order No. 23-1615 is transferred under Rule 62-330.340, Fla. Admin. Code, or transferred to an operating entity under Rule 62-330.310, Fla. Admin. Code, Respondent shall remain jointly liable with any new owner(s) or assignee(s) to comply with the plans, terms, and conditions of Order No. 23-1615 for the life of the project or activity authorized therein.

4. All activities authorized herein 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 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 Rule 62-330.050(9)(b)5, Fla. Admin. Code, unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the authorization provided herein.

5. If a conditioned water quality certification has been issued for the project, Respondents shall comply with the conditions specified in the certification as special conditions to Order No. 23-1615.

6. Neither Order No. 23-1615 nor any of the conditions set out herein and, incorporated into Order No. 23-1615:

- i. Convey to Respondent any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, Fla. Admin. Code.
- ii. Convey to Respondent or create in the Respondent any interest in real property;
- iii. Relieve Respondent from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance;
- iv. Authorize interference with any existing or proposed Federal projects;
- v. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the Respondent; or
- vi. Authorize any injury to or interference with the property or rights of others.

7. Respondent shall notify the Department in writing of changes required by any other regulatory agency that require changes to the dock structure authorized by Order No. 23-1615, and any required modification of the authorizations set out herein, must be obtained prior to implementing any such changes.

8. 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 (Board), Respondent must receive all necessary approvals and authorizations under Chapters 253 and 258, Fla. Stat. Written authorization that requires formal execution by the Board shall not be considered received until it has been fully executed by both the Board and Respondent.

9. Respondent shall hold and save the Department and/or the Board 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 Order No. 23-1615.

10. Upon reasonable notice to Respondent, 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 by Order No. 23-1615.

11. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, 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 Respondent or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, Fla. Stat. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

12. If Respondent discovers any previously unknown historic or archeological remains while accomplishing any activity authorized by Order No. 23-1615, Respondents shall immediately notify the Department's Northeast District office of what has been found. The Department will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

13. Any delineation of the extent of a wetland or other surface water submitted as part of Order No. 23-1615, including plans or other supporting documentation, shall not be considered binding unless a specific condition of Order No. 23-1615 or a formal determination under Rule 62-330.201, Fla. Admin. Code, provides otherwise.

14. In addition to those general conditions set out 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, Fla. Admin. Code, Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

15. The authorizations granted by Order No. 23-1615 are based on the information submitted by the Respondent and obtained by the Department during its enforcement and compliance investigation that reasonably demonstrate that adverse water resource-related impacts will not be caused by the completed activity authorized herein. If any adverse impacts result, the Agency will require the Respondent to eliminate the cause, obtain any necessary permits, and take any necessary corrective actions to resolve the adverse impacts.

16. Reliance on Respondent's Data and Reevaluation of Issuance of Order: The determination of the Department's Northeast District office that issuance of Order No. 23-1615 is not contrary to the public interest was made in reliance on the information provided by the Respondent. The Department and/or the Board of Trustees may reevaluate its decision regarding the authorization(s) provided by Order No. 23-1615 at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- i. Respondent's failure to comply with any of the terms and conditions incorporated in Order No. 23-1615;
- ii. The information provided to the Department by the Respondent to support of the issuance of Order No. 23-1615 proves to have been false, incomplete, or inaccurate; or
- iii. New information surfaces, which was not considered by and/or not made known to the Department or the Board in reaching the original public interest decision.

17. A fully executed copy of Order No. 23-1615, including the Conditions attached hereto, maybe recorded in the county public records.

#### SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES:

1. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, debris, etc.) within wetlands, along the shoreline, the littoral zone, or waters of the state unless specifically approved by Order No. 23-1615.
2. Order No. 23-1615 does not authorize the construction of any additional structures/fill which are not depicted on the drawings attached to and incorporated in Order No. 23-1615.
3. There shall not be any excess lumber, scrap wood, trash, garbage, etc. within the wetlands and waters of the State.
4. Watercraft associated with the construction shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.
5. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

6. Respondent shall report any damage to the Department within 24 hours that occurs to the wetlands/littoral zone area as a result of construction. If any damage occurs to wetlands or surface waters as a result of any construction activities, the Respondents shall be required to restore the wetland area by regrading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to an Order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
7. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion the project.
8. Impacts to wetland vegetation and submerged aquatic vegetation are prohibited under this authorization.

SPECIFIC CONDITIONS - OPERATION AND MAINTENANCE ACTIVITIES:

1. Water depth at the mooring area shall be sufficient to prevent bottom scouring by boat propellers. A minimum of one-foot clearance must be maintained between the deepest draft of any vessel (including the vessel propulsion unit) moored in the water at the dock and the top of any submerged resources (which includes rooted aquatic macrophyte communities, attached macro-marine algae communities, sponge beds, coral communities, and oyster communities) in the mooring location, as measured at mean low water.
2. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the over-water Dock Structure.
3. The main access pier of the dock structure shall remain elevated at least 4 feet above marsh floor.
4. The pile-supported dock decking, design and construction shall ensure maximum light penetration, with full consideration of safety and practicality.
5. Other than the areas depicted on the drawings attached to and incorporated in Order No. 23-1615, no portion of the boat slip/mooring area shall be constructed over submerged grass beds. Any structures located over grass beds shall be designed so as to allow for the maximum practicable amount of light penetration.



6. The waterward end of the dock structure shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.
7. The dock structure shall be constructed, operated, and maintained solely for water dependent purposes. Any non-water dependent structures shall be located on Respondent's Upland Property.
8. Order No. 23-1615 does not authorize the construction or maintenance of additional structures not illustrated on Exhibit B. Examples of additional structures, which are not authorized by this Order include, but are not limited to, additional roofs/coverings, catwalks, floating docks, or decking, and/or overwater enclosures.

GENERAL CONDITIONS FOR  
SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the Respondents and are enforceable under Chapter 253, Fla. Stat.

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 Respondents' use of the sovereignty submerged lands unless cured to the satisfaction of the Board.
2. Authorization under Rule 18-21.005, Fla. Admin. Code, 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, Fla. Admin. Code, may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, Fla. Stat. and Chapter 18-14, Fla. Admin. Code, resources.
4. 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, Fla. Admin. Code.

5. 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.
  6. Structures or activities will not create a navigational hazard.
  7. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, Fla. Stat.
  8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, Fla. Admin. Code, within one (1) year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
  9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18- 21.004(1)(g), Fla. Admin. Code, or any other applicable law.
- All non-water dependent structures shall be located on the uplands. ,
10. The Respondent 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 Respondent'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 to enforce any violation of a provision of the authorization or waiver by the Board 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 from enforcing the unenforced or waived provision in the event of a violation of that provision.
  12. Respondent binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the Respondent or its successors or assigns fail or refuse to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the Respondent

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 in enforcing the terms and conditions of the authorization will be paid by the Respondent. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The Respondents will notify the Board in writing of any change of address at least ten (10) 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.

# EXHIBIT A

## PORT FACILITY CONFIGURATION



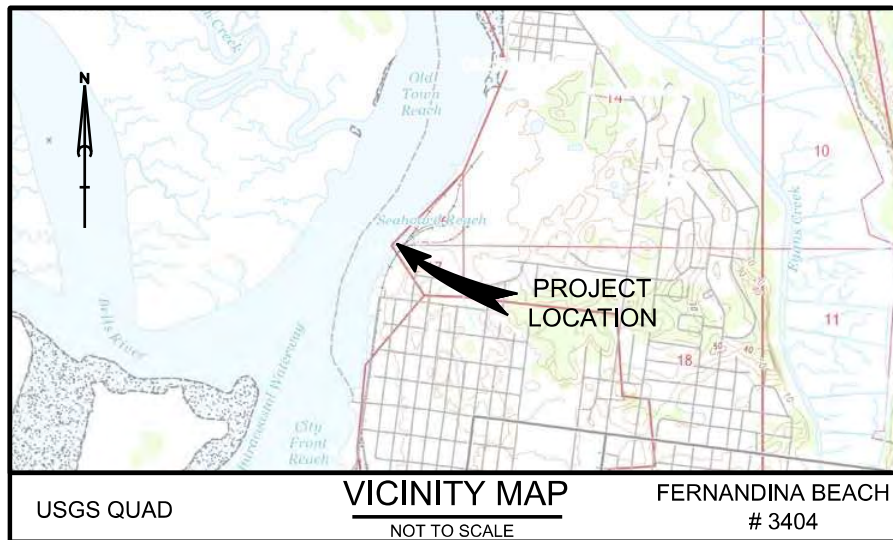
## **EXHIBIT B**

### **SOVEREIGN SUBMERGED LANDS SURVEY**

**(3 PAGES)**

## MAP SHOWING A SUBMERGED SOVEREIGN LANDS LEASE:

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA



### SURVEY NOTES

NOTE: THIS MAP REPRESENTS A FIELD SURVEY DATED JUNE 03, 2020.

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF THE AMELIA RIVER CUT-5 (AIWW FEDERAL CHANNEL) HAVING A BEARING OF SOUTH 37°02'22" WEST.
2. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND IN TENTHS AND ARE BASED ON THE U.S. SURVEY FOOT.
3. A TITLE COMMITMENT HAS NOT BEEN PROVIDED FOR THIS SURVEY.
4. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. THERE IS APPROXIMATELY 1,565 +/- OF SHORELINE IN THE LEASE AREA ALONG THE MEAN HIGH WATER LINE.
6. ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM, 1988 (NAVD88).
7. THE MEAN HIGH WATER LINE IS LOCATED AS INSTRUCTED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING, APPROVAL FORM DATED: 05-26-20, AT ELEVATION 2.40'NAVD 1988.

### CERTIFIED TO

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE OF FLORIDA  
WORLD WIDE TERMINALS

THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 2-3.

Richard J.  
Sawyer, PSM

Digitally signed by Richard  
J. Sawyer, PSM  
Date: 2020.06.15 14:44:52  
-04'00'

Richard J. Sawyer  
Professional Surveyor and Mapper  
Florida Certificate No. 6131

FOR: WORLD WIDE TERMINALS  
PORT OF FERNANDINA

ARC SURVEYING & MAPPING, INC.



5202 SAN JUAN AVENUE,  
JACKSONVILLE, FLORIDA 32210  
PHONE: 904/384-8377  
LICENSED BUSINESS NO. 6487

DRAWN BY:  
RJS

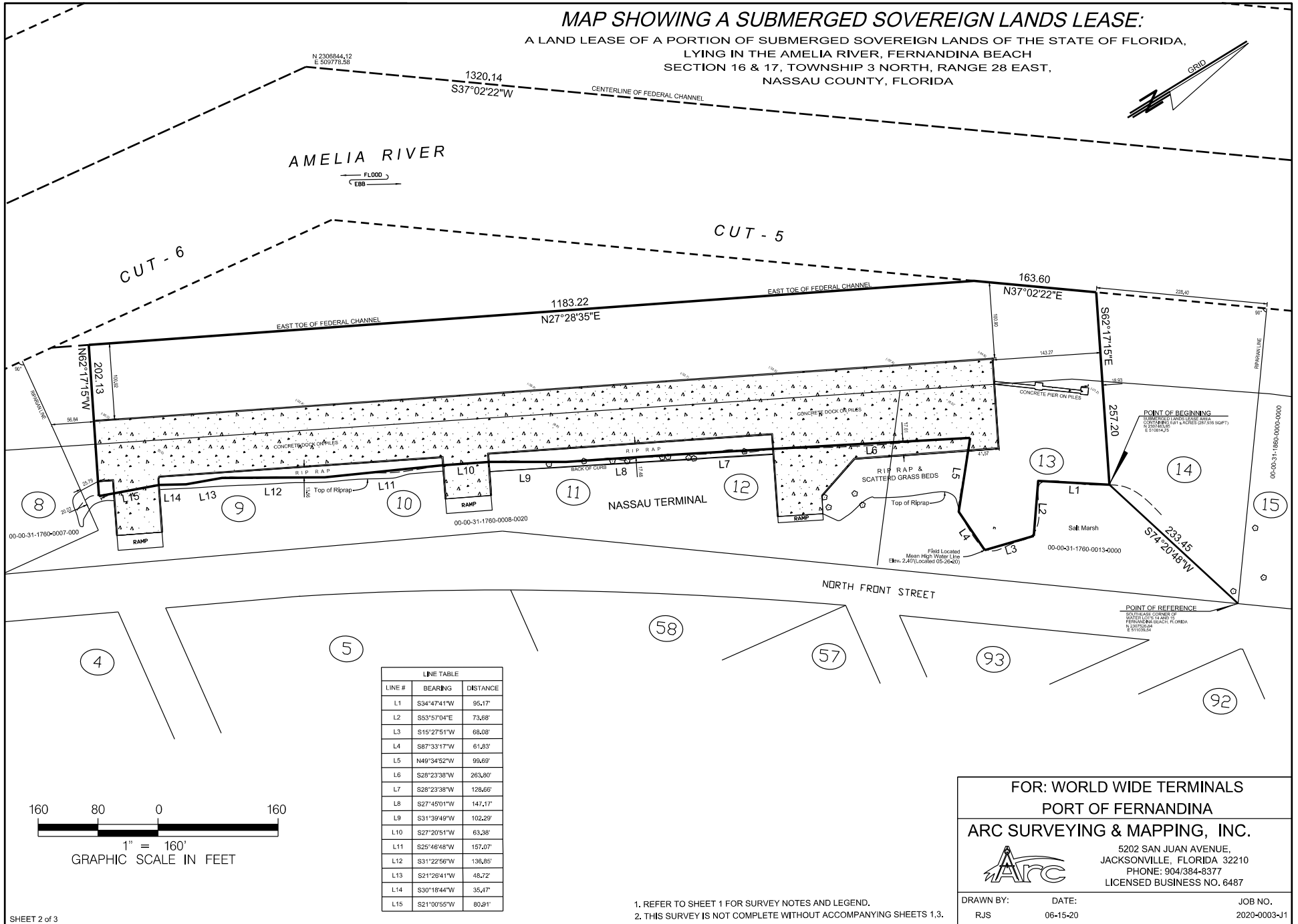
DATE:  
06-15-20

JOB NO.  
2020-0003



# MAP SHOWING A SUBMERGED SOVEREIGN LANDS LEASE:

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA



1. REFER TO SHEET 1 FOR SURVEY NOTES AND LEGEND.  
2. THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 1,3.

## MAP SHOWING A SUBMERGED SOVEREIGN LANDS LEASE:

A LAND LEASE OF A PORTION OF SUBMERGED SOVEREIGN LANDS OF THE STATE OF FLORIDA,  
LYING IN THE AMELIA RIVER, FERNANDINA BEACH  
SECTION 16 & 17, TOWNSHIP 3 NORTH, RANGE 28 EAST,  
NASSAU COUNTY, FLORIDA

A PARCEL OF SUBMERGED SOVEREIGN LANDS LYING IN THE AMELIA RIVER AND IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 3 NORTH, RANGE 28 EAST, AND A PORTION OF WATER LOTS 8, 9, 10, 11, 12, 13, 14 AS DESCRIBED IN OFFICIAL RECORDS BOOK 586, PAGE 611 OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENSE FOR A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF WATER LOTS 14 AND 15 AND PROCEED SOUTH 74°20'48" WEST A DISTANCE OF 233.45 FEET TO THE INTERSECTION OF THE MEAN HIGH WATER LINE (MEAN HIGH WATER LINE HAVING A ELEVATION OF 2.40 FEET NAVD88 DATUM AS DESCRIBED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING APPROVAL FORM DATED MAY 26, 2020) AND THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING CONTINUE ALONG THE AFOREMENTIONED MEAN HIGH WATER LINE THE FOLLOWING COURSES; THENCE SOUTH 34°47'41" WEST, A DISTANCE OF 95.17 FEET; THENCE SOUTH 53°57'04" EAST, A DISTANCE OF 73.68 FEET; THENCE SOUTH 15°27'51" WEST, A DISTANCE OF 68.08 FEET; THENCE SOUTH 87°33'17" WEST, A DISTANCE OF 61.83 FEET; THENCE NORTH 49°34'52" WEST, A DISTANCE OF 99.69 FEET; THENCE SOUTH 28°23'38" WEST, A DISTANCE OF 263.80 FEET; THENCE SOUTH 28°23'38" WEST, A DISTANCE OF 128.66 FEET; THENCE SOUTH 27°45'01" WEST, A DISTANCE OF 147.17 FEET; THENCE SOUTH 31°39'49" WEST, A DISTANCE OF 102.29 FEET; THENCE SOUTH 27°20'51" WEST, A DISTANCE OF 63.38 FEET; THENCE SOUTH 25°46'48" WEST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 31°22'56" WEST, A DISTANCE OF 136.85 FEET; THENCE SOUTH 21°26'41" WEST, A DISTANCE OF 48.72 FEET; THENCE SOUTH 30°18'44" WEST, A DISTANCE OF 35.47 FEET; THENCE SOUTH 21°00'55" WEST, A DISTANCE OF 81.98 FEET; THENCE DEPARTING THE AFOREMENTIONED MEAN HIGH WATER LINE NORTH 62°17'15" WEST, A DISTANCE OF 202.27 FEET TO THE INTERSECTION OF THE EAST TOE OF CHANNEL OF THE AMELIA RIVER FEDERAL CHANNEL; THENCE CONTINUE ALONG THE EAST TOE OF AFOREMENTIONED FEDERAL CHANNEL NORTH 27°28'35" EAST, A DISTANCE OF 1183.22 FEET; THENCE CONTINUE ALONG THE EAST TOE OF AFOREMENTIONED FEDERAL CHANNEL NORTH 37°02'22" EAST, A DISTANCE OF 163.60 FEET; THENCE DEPARTING THE EAST TOE OF THE AFOREMENTIONED FEDERAL CHANNEL SOUTH 62°17'15" EAST, A DISTANCE OF 257.20 FEET TO THE INTERSECTION OF THE AFOREMENTIONED MEAN HIGH WATER AND THE POINT OF BEGINNING. CONTAINING 6.61 ACRES (287,935 SQUARE FEET) MORE OR LESS.

THIS SURVEY IS NOT COMPLETE WITHOUT ACCOMPANYING SHEETS 2-3.

FOR: WORLD WIDE TERMINALS  
PORT OF FERNANDINA

ARC SURVEYING & MAPPING, INC.



5202 SAN JUAN AVENUE,  
JACKSONVILLE, FLORIDA 32210  
PHONE: 904/384-8377  
LICENSED BUSINESS NO. 6487

DRAWN BY:  
RJS

DATE:  
06-15-20

JOB NO.  
2020-0003

## **EXHIBIT C**

### **DIVISION OF STATE LANDS BILLING INFORMATION FORM & FINANCIAL AFFIDAVIT**

**(3 PAGES)**



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF STATE LANDS**  
Bureau of Public Lands Administration  
**BILLING INFORMATION FORM**

Payments for Lease Number: \_\_\_\_\_

Lessee Name: \_\_\_\_\_

Management Company: \_\_\_\_\_

Billing/Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Facility Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**SALES TAX CERTIFICATION/EXEMPTION**

Sales tax is due on each lease fee payment unless the Lessee can claim an ownership exemption. I/We are exempt from sales tax for the reason checked below.

☐ Government Agency: \_\_\_\_\_ (Exemption Number)

☐ Exempt Organization: \_\_\_\_\_ (Exemption Number)

☐ Lease and collect sales tax on all available dock spaces.

\_\_\_\_\_ (Sales Tax Number)

☐ Lease and collect sales tax on some available dock spaces but fully assume the responsibility to remit sales tax on that portion of space on which no sales tax is charged.

\_\_\_\_\_ (Sales Tax Number)

☐ None of the above can be claimed.

**A copy of the Florida Annual Resale Certificate for Sales Tax or the Certificate of Exemption must accompany this form to claim this exemption pursuant to Section 212.07(1)(b), F.S.**



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF STATE LANDS**  
Bureau of Public Lands Administration  
**BILLING INFORMATION FORM**

I/We certify that the above information is correct and agree to **NOTIFY THE BUREAU OF PUBLIC LAND ADMINISTRATION'S ACCOUNTING SECTION AT (850) 245-2720 within 30 days of the date of any change in the above designated billing agent, phone number, fax number or Lessee's tax status.**

Signed: \_\_\_\_\_  
Lessee / Authorized Entity

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

For Recurring Revenue Section Use Only

Billing Form to Accountant: \_\_\_\_\_, \_\_\_\_ / \_\_\_\_  
Originator's signature

Data Entered by Accountant: \_\_\_\_\_, \_\_\_\_ / \_\_\_\_  
Accountant's signature

**FINANCIAL ASSURANCE AFFIDAVIT**  
**(OTHER)**

I \_\_\_\_\_ (insert name), swear or affirm:

1. \_\_\_\_\_ (insert the Lessee's name) ("Lessee"), has applied to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") for a sovereignty submerged lands lease ("Lease") for the sovereignty submerged lands located adjacent to \_\_\_\_\_ (facility address) ("Leased Premises").
2. I am the \_\_\_\_\_ (insert title) of the Lessee.
3. The Lessee is not the subject of a pending bankruptcy proceeding.
4. The Lessee has no unsatisfied judgments entered against it in the State of Florida.
5. The Lessee has satisfied all state and local taxes for which it is responsible in the State of Florida.
6. There are no other matters pending or threatened against or affecting the Lessee or the Lessee's interest in the riparian upland property adjacent to the Leased Premises that would impair the Lessee's financial capability to undertake and operate the facility authorized by the Lease.
7. This affidavit is made as an inducement for the Board of Trustees to grant a Lease to the Lessee, and the Lessee intends for the Board of Trustees to rely on these representations.

\_\_\_\_\_, a \_\_\_\_\_  
Corporation

By: \_\_\_\_\_  
Original Signature

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
Title