



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

FINAL ORDER GRANTING VARIANCE

PETITIONER:

Boston Whaler, Inc.
Attn: Nicholas Stickler, President
100 Whaler Way
Edgewater, FL 32141
RCrews@whaler.com

PROJECT INFORMATION:

Variance No.: 0022548-004-EV
Date of Issue: January 9, 2019
Expiration Date: January 9, 2021
County: Volusia
Project: Boston Whaler

AGENT:

Michael Savage
Environmental Consulting & Technology, Inc.
6440 Southpoint Parkway, Suite 130
Jacksonville, FL 32216
msavage@ectinc.com

FINAL ORDER BY THE DEPARTMENT:

The Department of Environmental Protection (Department) hereby grants, to Boston Whaler, Inc., a variance from the requirements of Rule 62-330.302(1), Florida Administrative Code (F.A.C.), and from Section 10.2.5, Applicant's Handbook Volume I, to allow Boston Whaler, Inc. to expand the in-water structures at its commercial boat manufacturing facility at 100 Whaler Way, Edgewater, Florida 32141.

This variance will temporarily allow the construction of a travel lift, boat ramp, and dock to the northwest of the existing boat ramp and associated docking structure. It will also allow five (5) new temporary slips along the new dock, which will result in a total of 10 temporary slips at this facility.

This variance shall only be valid for two (2) years from the date of issuance.

The associated Individual Permit (No.: 0022548-003-EI) authorizes the expansion of the in-water structures at the commercial boat manufacturing facility. The expansion includes the construction of a travel lift, boat ramp, and dock to the northwest of the existing boat ramp and associated docking structure. In addition, this permit authorizes five (5) new temporary slips along the new dock, which will result in a total of 10 temporary slips at this facility. A portion of the existing vertical seawall will be removed for the construction of the new boat ramp and travel lift.

After reviewing the Petition for Variance, the Department concluded the Petitioner demonstrated that the hardship asserted as a basis for the need for a variance is peculiar to the affected property and not self-imposed and that the grant of this variance is consistent with the general intent and purpose of Chapter 403, Florida Statutes. Additionally, the Petitioner demonstrated that there is a need to relieve or prevent hardship, such as imposed by these provisions: namely that (1) the current boat ramp is unable to accommodate launching and testing of increasing numbers of larger manufactured vessels and attempts to do so will cause production delays and an unsafe work environment from traffic congestion, and (2) there is a lack of roadway transportation for delivery of the larger vessels to their owners, requiring the delivery be made by water using the current boat ramp which is not structurally designed and engineered to accommodate them.

The Notice of Intent to Grant a Consolidated Permit and Intent to Grant a Lease Modification for the use of Sovereign, Submerged Lands notified Boston Whaler, Inc. of the Department's proposed agency action and advised them of their right to a hearing pursuant to Sections 120.569 and 120.57, F.S. On November 10, 2018, notice was given in The News-Journal and on November 16, 2018, notice was given in the Florida Administrative Register informing the public of the Department's intended action and offering an opportunity for a hearing pursuant to Sections 120.569 and 120.57, F.S.

The Petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a Petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof. It is therefore:

ORDERED by the State of Florida, Department of Environmental Protection, that the Petition of Boston Whaler, Inc. requesting a variance be and is hereby granted, subject to the conditions specified by the Department in Permit No.: 0022548-003-EI.

Any Party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of the Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 9th day of January, 2019, in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

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



Clerk

January 9, 2019
Date

Copies furnished to:
Stephanie Gray, DEP OGC
Nicole Martin, DEP