

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

**In re: Petitions for Declaratory
Statement by Turbeville,**

OGC CASE No: 19-1507

Petitioner.

_____ /

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

Statement of Facts¹

1. On September 20, 2019, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) received an Amendment to a Petition for Declaratory Statement to update and correct a Petition for Declaratory Statement received on September 4, 2019, from the Petitioner Shannon R. Turbeville. See Amended Petition (attached hereto as Attachment 1).

2. The petition seeks a declaratory statement, under section 120.565, Florida Statutes, as to whether the Department of Environmental Protection's Division of Recreation and Parks (Division) properly obtained authorization to construct a canoe/kayak takeout structure on the Weeki Wachee River at Weeki Wachee Springs State Park on land owned by the Board of the Trustees and managed by the Division pursuant to a lease agreement and management plan. See Amended Petition at 1-4.

3. The canoe/kayak takeout structure consists of a floating dock with a boardwalk stairway. The purpose of the structure is to provide an additional exit point on the Weeki Wachee River for canoes and kayaks. The additional exit point is intended to facilitate safe

¹ In taking action on the petition, the agency "may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts." Fla. Admin. Code Rule 28-105.003.

departure from the river and reduce congestion on the rivers and, in turn, provide ecological benefits to the ecosystem. See Amended Petition at Exhibit A.

4. The Petition alleges the Division inappropriately approved the canoe/kayak take-out structure via interim management approval because neither the proposed structure nor the acquisition of the land surrounding the structure is in the current, approved management plan for Weeki Wachee Springs State Park. See Amended Petition at 1-4.

5. Petitioner alleges the following facts in support of his standing to obtain a declaratory statement:

A. He owns real property located at 6193 Colony Cr., Weeki Wachee, FL, which abuts a canal system fed from the Mud River, a tributary of the Weeki Wachee River. Previous use of the location of the canoe/kayak takeout structure has resulted in critical erosion and accumulated sedimentation, which he believes has impeded flow of the canal system that his property abuts.

B. A state senator has proposed a project that would result in removing sedimentation from the Weeki Wachee River and if this project is approved, the petitioner will likely contribute to its funding as a Florida taxpayer.

See Amended Petition at 3.

6. The Board of Trustees published notices of receipt of the Petition and its amendment on Friday, September 20, 2019 and Wednesday, October 9, 2019, respectively. As of the date of this Order, no third-parties have petitioned for leave to intervene pursuant to Florida Administrative Code rule 28-105.0027. See Florida Administrative Register Volume 45, Issue 184, Notice ID 22367538 and Florida Administrative Register Volume 45, Issue 197, Notice ID 22459688 (attached hereto as Attachment 2).

Conclusions of Law

7. Section 120.565(1), F.S., states that “[a]ny substantially affected person may seek a declaratory statement regarding an agency’s opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner’s particular set of circumstances” (emphasis added).

8. A declaratory statement petition is not a vehicle to challenge an agency decision. B.J.L. v. Dep’t of Health & Rehab. Services, 558 So. 2d 1078 (Fla. 1st DCA 1990) (“A petition for a declaratory statement under Section 120.565 is not the appropriate means to challenge agency decisions.”); Citizens of State ex rel. Office of Pub. Counsel v. Florida Pub. Serv. Com’n & Utilities, Inc., 164 So. 3d 58, 61 (Fla. 1st DCA 2015) (“We agree that the declaratory statement petition is not a vehicle for testing the validity of the statute or agency actions about which the declaration is sought.”) (internal quotations omitted); Novick v. Dep’t of Health, Bd. of Med., 816 So. 2d 1237, 1240 (Fla. 5th DCA 2002) (“[A] petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied.”)

9. Also, as expressly stated in the Uniform Rules of Procedure, a declaratory statement petition is not a vehicle for determining the conduct of another person. Fla. Admin. Code R. 28-105.001.

10. Rather, “the purpose of a declaratory statement is to answer the petitioner’s questions about how the statutes or rules apply to his own circumstances so that he may select a proper course of action.” Carr v. Old Port Cove Prop. Owners Ass’n, Inc., 8 So. 3d 403, 404 (Fla. 4th DCA 2009). The specific rights, status, or other equitable or legal relations of the petitioners themselves must be in doubt. Sutton v. Dep’t of Env’tl. Prot., 654 So. 2d 1047, 1048 (Fla. 5th DCA 1995).

11. The petition seeks a declaration that the rules and statutes governing management plans for state parks preclude the Division of Recreation and Parks from obtaining interim management approval to construct a canoe/kayak takeout structure on the Weeki Wachee River at Weeki Wachee Springs State Park. This is improper because it is a challenge to an agency decision that has already occurred (i.e., the decision to construct a canoe/kayak takeout structure) as opposed to a request for a clarification of the law to enable the petitioner to select a proper course of action moving forward. See B.J.L., 558 So. 2d 1078 & Novick, 816 So. 2d 1237. Further, it seeks a determination regarding the conduct of the Division of Recreation and Parks, not the petitioner or a similarly situated entity. See Fla. Admin. Code R. 28-105.001. There are simply no allegations that the petitioner is in doubt of any “specific rights, status, or other equitable or legal relations” applicable “to his own circumstances so that he may select a proper course of action.” See Carr, 8 So. 3d 403 & Sutton, 654 So. 2d 1047.

DISPOSITION

IT IS THEREFORE ORDERED:

The Petitioners’ request for a declaratory statement is **DENIED**.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by filing a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of 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 thirty days from the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 19th day of December 2019, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JUSTIN G. WOLFE

General Counsel
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

Lea Randall 12-19-19
CLERK DATE

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was emailed to Shannon R. Turbeville
(lfd147@gmail.com) on this 19th day of December 2019.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Toni Sturtevant
Assistant General Counsel
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2257
Facsimile: (850) 245-2298
Email: Toni.Sturtevant@dep.state.fl.us

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TALLAHASSEE, FLORIDA

Re:

Amendment to Petition of Declaratory Statement

AMENDMENT TO PETITION OF DECLARATORY STATEMENT BEFORE THE FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Shannon R. Turbeville "Petitioner", hereby submits this amendment to the Petition for Declaratory Statement, received by the Florida Department of Environmental Protection on September 4, 2019 (OGC No. 19-1507).

AMENDMENT TO RULE APPLICABLE TO PETITIONER'S CASE

1. The petitioner referenced the incorrect Rule section in the petition (*see attached "Exhibit A"*).
2. The petitioner requests that any reference to Rule 18-2.021, Florida Administrative Code, be replaced with Rule 18-2.018, Florida Administrative Code.
3. The petitioner requests that the Florida Administrative Register be updated to reflect the correction.

Should this submission of amendment not be acceptable, the petitioner respectfully requests written notification so that an acceptable method may be re-submitted.




Shannon R. Turbeville

Date

Attached Exhibits

Exhibit A: Petition for Declaratory Statement submitted by Shannon R. Turbeville received by the Florida Department of Environmental Protection on September 4, 2019.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

TALLAHASSEE, FLORIDA

Re:

Petition of Declaratory Statement

PETITION OF DECLARATORY STATEMENT BEFORE THE DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Shannon R. Turbeville "Petitioner", hereby submits this Petition for Declaratory Statement, pursuant to Section 120.565, Florida Statutes, and Rule 28-105.002, Florida Administrative Code, and states as follows:

STATEMENT OF FACTS AND LAW

1. The petitioners name, mailing address and related information are:

Shannon R. Turbeville

Mailing Address: 1325 N Galloway Rd., Lakeland, FL 33810

Phone: (863) 370-9364

Email: LFD147@gmail.com

2. The statute for which interpretation and a declaratory statement is sought is:

Chapter 253.034 (5), Florida Statutes

3. Petitioner is a property owner of 6193 Colony Cr., Weeki Wachee FL. This property is on a canal system fed from the Mud River in Hernando County, FL. The Mud River is one of two principal tributaries of the Weeki Wachee River.
4. The Department of Environmental Protection, Division of Recreation and Parks, has requested interim management approval for the construction and use of a recreational facility on the Weeki Wachee River while the ten-year management plan update is in development for Weeki Wachee Springs State Park (*see attached "Exhibit A"*). Neither the proposed facility, nor the land acquisition for the facility was in the current, approved management plan for the park.

5. The Weeki Wachee River has documented excessive sedimentation accumulation identified in reports to the Florida Legislature that has "impeded river flow" (see attached "Exhibit B").
6. Page 52 of the current, approved management plan mentions the property where the facility is proposed prior to it being acquired by the Division of Recreation & Parks. It was previously regularly visited by recreationalists and identified as a "critical erosion area" (see attached "Exhibit C").
7. The petitioner requested the approved procedures that address planning needs in the interim period between finalized unit management plans (see attached "Exhibit D").
8. In response to the petitioner's request for approved procedures that address planning needs in the interim period between finalized unit management plans, the petitioner was provided interim management guidelines specifically limited to routine custodial care and maintenance of a site, not the construction and operation of a new facility (see attached "Exhibit E").
9. Statutory Provision, and Rule Applicable to Petitioner's Case
 - o The statutory provision on which a declaratory statement is sought is Chapter 253.034 (5) Florida Statutes, which specifies requirements for land management plans.
 - o Specifically, Chapter 253.034 (5) Florida Statutes, states "Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands". Emphasis added.
 - o Rule 18-2.021, Florida Administrative Code, specifies that "no physical alteration of leased premises shall occur unless such activity has been authorized via an approved management plan". Emphasis added.
10. Substantial Affect of Statutory Provisions in Petitioner's Case
 - o Petitioner has standing to petition the agency in this matter as a Florida tax payer and property owner along a tributary of the Weeki Wachee River.
 - o Petitioner would be substantially affected by the Department of Environmental Protection's declaratory statement on this matter, as previous regular recreational use at this location resulted in critical erosion. According to scientific studies, accumulated sedimentation from upstream of the Weeki Wachee River will not naturally dissipate (see attached "Exhibit F"). Additional activities resulting in sedimentation sources should be avoided.
 - o State Senator Wilton Simpson has proposed the appropriation of approximately \$6 million dollars to a waterway restoration project of the Weeki Wachee River, which

consists of the removal of accumulated sedimentation. The petitioner, a Florida tax payer, would likely be contributing to the funding of the removal of accumulated sedimentation via Senator Wilton Simpson's proposed waterway restoration project.

- o The petitioner believes that the waterway abutting the petitioner's property, which is a tributary of the Weeki Wachee River, is negatively impacted by impeded river flow due to accumulated sedimentation identified in reports to the Florida Legislature by the Citrus/Hernando Waterways Task Force.

NATURE OF DECLARATORY STATEMENT SOUGHT

WHEREFORE, Shannon R. Turbeville respectfully requests the Florida Department of Environmental Protection issue a Declaratory Statement providing clarification as to how the interim management approval obtained, pertaining to routine custodial care and maintenance, would allow for the construction and operation of a new facility prior to being authorized in an approved management plan, while Chapter 253.034 (5), Florida Statutes, requires the update of the management plan when a new facility is proposed, and associated Rule 18-2.021, F.A.C., prohibits physical alteration of the leased premises without being authorized via an approved unit management plan.



9-3-19

Shannon R. Turbeville

Date

Attached Exhibits

Exhibit A: Application for interim management approval by the Department of Environmental Protection, Division of Recreation and Parks

Exhibit B: Pages 18-20 of the 2015 Citrus/Hernando Waterways Task Force Report to the Legislature

Exhibit C: Page 52 of the current unit management plan for Weeki Wachee Springs State Park

Exhibit D: Public records request by petitioner for approved procedures authorizing new facility

Exhibit E: Interim Management Guidelines responsive to records request in Exhibit D

Exhibit F: Scientific study completed for the Southwest Florida Water Management District



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 13, 2019

The Division of State Lands (DSL) has received the following item for Acquisition and Restoration Council (ARC) review:

Request for interim management approval for a canoe/kayak takeout area at Weeki Wachee Springs State Park

DSL will approve the item unless at least three ARC members ask the Division to place the item on a future Council meeting agenda.

The deadline for ARC members to make this request is June 27, 2019.

If you have any questions, please contact

[James Parker](#)

850-245-3045

[Raymond.V.Spaulding](#)

850-245-2773

Summary of Request

Request for interim management approval for a canoe/kayak takeout area at Weeki Wachee Springs State Park.

To be determined ARC agenda item

APPLICANT

Department of Environmental Protection, Division of Recreation and Parks

LOCATION

Hernando County
Sections 27 and 34, Township 22 South, Range 17 East
and Section 3, Township 23 South, Range 17 East

STAFF REMARKS

The Division of Recreation and Parks (DRP) took over management of 389 acres as an addition to Weeki Wachee Springs State Park (Park) on March 16, 2018. The 389 acres is within the Florida's First Magnitude Springs Florida Forever Project-Weekiwachee Springs. This acreage was formerly managed by the Florida Fish and Wildlife Conservation Commission as part of the Chassahowitzka Wildlife Management Area. DRP entered into a direct lease with the Board of Trustees on March 16 for the 389 acres, and the proposed canoe/kayak takeout area is within this lease. The remainder of the Park is owned by the Southwest Florida Water Management District (SWFWMD), and DRP has a direct lease with SWFWMD for the remainder of the Park.

Historically, visitors would occasionally access this area, which is located about halfway between the canoe/kayak launch at the Park and Rogers Park (county park). The site is currently terraced down to the River's edge, and there are no support structures to actively monitor current visitor activity. This poses safety concerns for DRP; therefore, DRP proposes to install a floating dock with a boardwalk stairway that will facilitate safe departure from the River. Additionally, providing the canoe/kayak takeout area would help to reduce the number of visitors exiting the River at Rogers Park. Rogers Park is currently at capacity during peak hours. Early takeout at this halfway point would alleviate congestion on the River. It would also give visitors an option to enjoy a shorter canoe/kayak route. Also, importantly, decreasing congestion on the River would provide ecological benefits to the River's ecosystem.

Hernando County is in support of DRP constructing the canoe/kayak takeout area. DRP is requesting ARC approval of these interim management activities, as the Park's Ten-Year Land Management Plan is currently in development.

STAFF RECOMMENDATION

Approve

ARC RECOMMENDATION

APPROVE

APPROVE WITH MODIFICATIONS: _____

DEFER

WITHDRAW

NOT APPROVE

Supporting Materials

Map of Subject Area

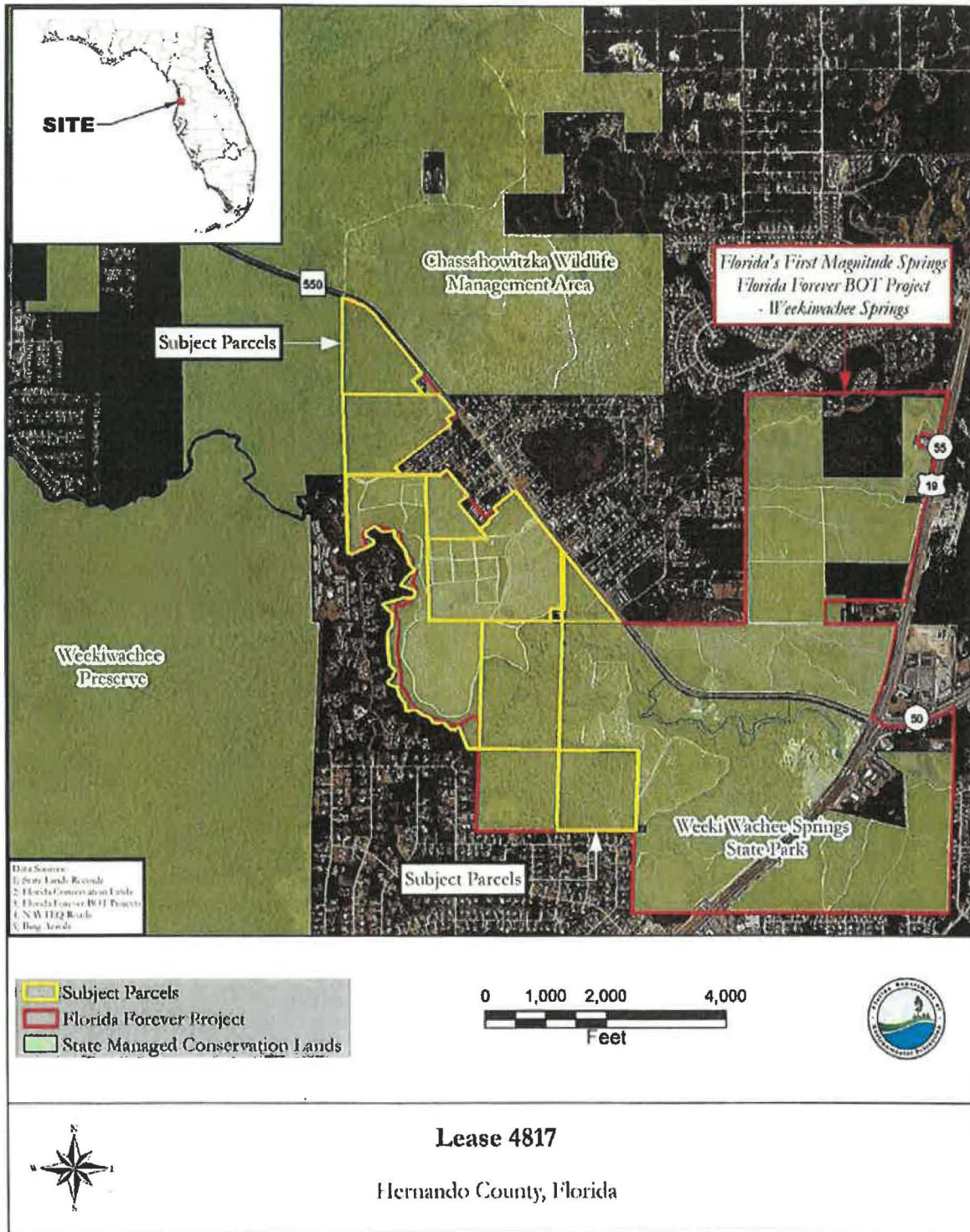


Figure 1

Proposed Take Out

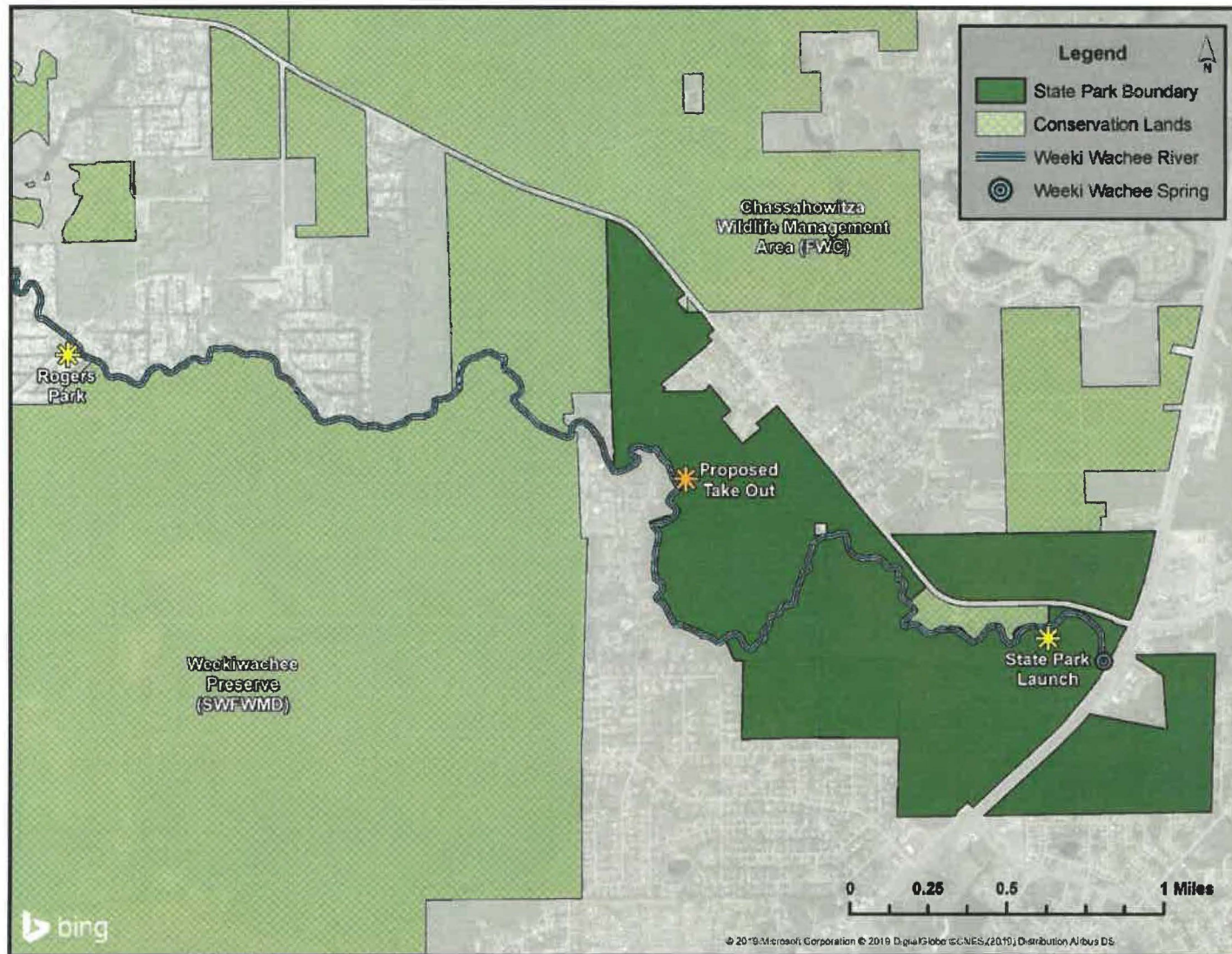
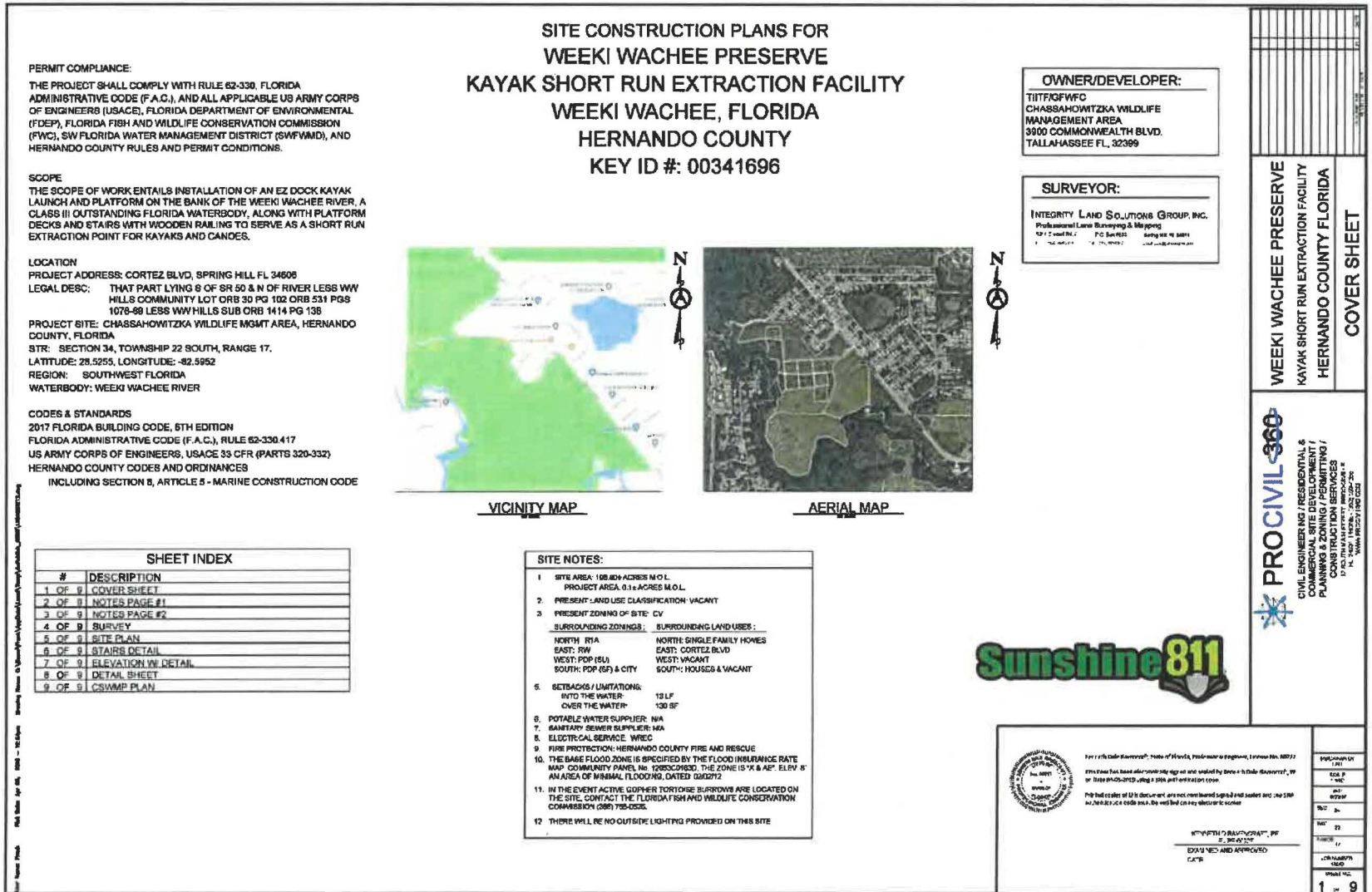


Figure 2

Site Plans Overview



1 OF 9

Figure 3

Site Plan Notes 1




<p>GENERAL NOTES</p> <ol style="list-style-type: none"> CONTRACTOR'S WORK SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL CODES AND ORDINANCES. SPECIAL ATTENTION IS DIRECTED TO HERNANDO COUNTY CODES AND ORDINANCES, SECTION 8 ARTICLE 5 - MARINE CONSTRUCTION CODE INCLUDING SECTION 8-26. THE CONTRACTOR SHALL VISIT THE SITE AND BE RESPONSIBLE FOR HAVING ASCERTAINED LOCAL CONDITIONS SUCH AS LOCATION, ACCESSIBILITY AND GENERAL CHARACTER OF THE SITE AND EXTENT OF REMOVAL AND INSTALLATION WORK. THE CONTRACTOR SHALL FULLY EXAMINE ALL DRAWINGS RELATED TO THE WORK AND BECOME COMPLETELY INFORMED TO THE EXTENT AND CHARACTER OF THE WORK REQUIRED AND PREVAILING EXISTING CONDITIONS. NO ALLOWANCES SHALL BE MADE FOR THE CONTRACTOR'S FAILURE TO AVAIL HIMSELF OF INFORMATION. THE CONTRACTOR SHALL FURNISH ALL LABOR AND MATERIALS REQUIRED FOR THE CONSTRUCTION AND COMPLETION OF THE PROJECT. CONTRACTOR TO ASSUME RESPONSIBILITY TO CONFORM TO ALL GENERAL NOTES AND SPECIFICATIONS. TYPICAL DETAILS ARE SHOWN TO ILLUSTRATE THE ENGINEER'S INTENT AND ARE NOT PRESCRIBED AS DIRECTIVES OR MEANS AND METHODS OR AS A SOLUTION TO ALL CONSTRUCTION PROBLEMS ENCOUNTERED IN THE FIELD. THE CONTRACTOR MAY ALTER THE MEANS AND METHOD OF CONSTRUCTION TO SUIT FIELD CONDITIONS. IN THE EVENT OF A CONFLICT OR THE NEED FOR CLARIFICATION, THE CONTRACTOR SHALL CONTACT THE ENGINEER PRIOR TO COMMENCEMENT OF THE WORK. DEVIATIONS FROM THESE DRAWINGS ARE NOT PERMITTED WITHOUT THE CONSENT OF THE ENGINEER. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE DRAWINGS PRIOR TO PROCEEDING. THE DIMENSIONS AND LOCATIONS OF THE PROPOSED IMPROVEMENTS SHOWN HEREIN ARE APPROXIMATE. <p>SURVEY</p> <ol style="list-style-type: none"> EXISTING SHOWN HEREIN ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83). THE CONTRACTOR SHALL REPLACE ALL SURVEY STAKES DESTROYED. <p>SAFETY</p> <ol style="list-style-type: none"> THE CONTRACTOR IS SOLELY RESPONSIBLE FOR SITE SAFETY ASSOCIATED WITH THIS WORK AND SHALL PROVIDE SAFE ACCESS TO ALL WORK AREAS AND MAINTAIN A SAFE AND SOUND WORK ENVIRONMENT AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FOR CONSTRUCTION WORKING AND THE FULFILLMENT OF CONSTRUCTION SAFETY STANDARDS. THE CONTRACTOR SHALL RECOGNIZE AND ABIDE BY ALL OSHA SAFETY STANDARDS. <p>SITE WORK</p> <ol style="list-style-type: none"> ACCESS TO THE JOB SITE AND LOCATION OF STAGING AREAS FOR CONSTRUCTION PURPOSES AND RELATED ACTIVITIES SHALL BE AS DESIGNATED BY THE ENGINEER. SECURITY OF SITES SHALL BE THE CONTRACTOR'S RESPONSIBILITY. THE CONTRACTOR SHALL CONTAIN ALL CONSTRUCTION ACTIVITIES TO WITHIN THE STAGING AREA, AND PROJECT LOCATION AS INDICATED ON THE DRAWINGS. AT NO TIME SHALL THE CONTRACTOR DISTURB SURROUNDING PROPERTY. PROTECT ALL VEGETATION LOCATED INSIDE AND OUTSIDE THE PROJECT AREA. ALL CONSTRUCTION DEBRIS AND REFUSE FROM SITE OPERATIONS SHALL BE REMOVED TO LEGAL OFFSITE DISPOSAL AREAS. ANY PAVEMENT DISTURBED DURING CONSTRUCTION SHALL BE REPLACED TO AN EQUAL OR GREATER STANDARD UTILIZING SAME MATERIALS AS EXISTING. <p>UTILITIES COORDINATION</p> <ol style="list-style-type: none"> THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UTILITY COORDINATION DURING CONSTRUCTION, AS REQUIRED. THE CONTRACTOR IS TO CONTACT THE SUNSHINE STATE ONE CALL CENTER AT LEAST TWO (2) AND NO MORE THAN FIVE (5) WORKING DAYS PRIOR TO THE SPECIFIC CONSTRUCTION ACTIVITY FOR FIELD LOCATION. NOTE THAT NOT ALL UTILITIES PARTICIPATE IN THIS PROGRAM. THE CONTRACTOR SHALL PERFORM ALL WORK NECESSARY TO COORDINATE THE LOCATION, DISCONNECTION, RELOCATE, OR PROTECTION, AS NEEDED, OF ALL EXISTING UNDERGROUND, ABOVEGROUND, AND OVERHEAD UTILITIES WITHIN THE AREAS PRIOR TO COMMENCEMENT OF WORK. ALL EXPENSES INCURRED FOR THE COORDINATION WITH UTILITY COMPANIES AND AGENCIES SHALL BE AT NO COST TO THE COUNTY. GAS, POWER, TELEPHONE, INTERNET AND CABLE TELEVISION UTILITIES TO BE ADJUSTED BY THE RESPECTIVE UTILITY PROVIDER. <p>UTILITY OWNERS</p> <table border="1"> <thead> <tr> <th>UTILITY OWNERS</th> <th>TELEPHONE NUMBERS</th> </tr> </thead> <tbody> <tr> <td>TECO / FSC / FLS GAS</td> <td>(813) 275-3728</td> </tr> <tr> <td>DUKE ENERGY HOLDING</td> <td>(800) 670-6849</td> </tr> <tr> <td>FLORIDA POWER & LIGHT</td> <td>(352) 581-4000</td> </tr> <tr> <td>FLORIDA POWER & LIGHT</td> <td>(352) 388-6793</td> </tr> <tr> <td>AT&T DISTRIBUTION</td> <td>(352) 738-0176</td> </tr> <tr> <td>SONET/FLORIDA BELL</td> <td>(804) 784-3800</td> </tr> <tr> <td>ELECTRUM</td> <td>(352) 746-7864</td> </tr> </tbody> </table> <ol style="list-style-type: none"> THERE ARE NO KNOWN UTILITIES ON THE PROJECT SITE. 	UTILITY OWNERS	TELEPHONE NUMBERS	TECO / FSC / FLS GAS	(813) 275-3728	DUKE ENERGY HOLDING	(800) 670-6849	FLORIDA POWER & LIGHT	(352) 581-4000	FLORIDA POWER & LIGHT	(352) 388-6793	AT&T DISTRIBUTION	(352) 738-0176	SONET/FLORIDA BELL	(804) 784-3800	ELECTRUM	(352) 746-7864	<p>PERMIT REQUIREMENTS AND SIGNAGE</p> <ol style="list-style-type: none"> ALL WORK SHALL BE IN ACCORDANCE WITH THE FEDERAL, STATE AND LOCAL PERMITS. THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ANY STATE AND FEDERAL ENVIRONMENTAL PERMITS REQUIRED FOR THE WORK AS REQUIRED. THE CONTRACTOR WILL BE PROVIDED COPIES OF ANY PERMITS AND CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES. THE CONTRACTOR MUST KEEP COPIES OF ALL PERMITS AT THE WORK SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING HERNANDO COUNTY BUILDING PERMIT AND MOBILE SITE PERMIT. THE CONTRACTOR SHALL REVIEW AND COMPLY WITH THE APPLICABLE REGULATIONS, ORDINANCES, REQUIREMENTS AND LIMITATIONS SET FORTH IN THE PERMITS BY THE VARIOUS GOVERNMENT AGENCIES HAVING JURISDICTION OVER THE WORK. THE DOCKING STRUCTURE SHALL BE ADEQUATELY MARKED WITH APPROPRIATE SIGNAGE AND REFLECTORS VISIBLE FROM ALL DIRECTIONS, IN COMPLIANCE WITH CHAPTER 88C-23 FAC. <p>ENVIRONMENTAL PROTECTION</p> <ol style="list-style-type: none"> CONSTRUCTION SHALL BE CONDUCTED IN A MANNER NECESSARY TO MINIMIZE ADVERSE IMPACTS AND WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS INCLUDING ANY ANTIDEGRADATION PROVISIONS OF FEDERAL CLEAN WATER ACT AND US DEPARTMENT OF AGRICULTURE AND SOIL CONSERVATION SERVICE, P.L.C. AND ANY SPECIAL STANDARDS FOR OUTSTANDING FLORIDA WATERS AND OUTSTANDING NATIONAL RESOURCE WATERS. THE MONITORING OF WATER AREAS POTENTIALLY AFFECTED BY CONSTRUCTION ACTIVITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL KEEP CONSTRUCTION ACTIVITIES UNDER SURVEILLANCE, MANAGEMENT, AND CONTROL TO AVOID POLLUTION OF SURFACE WATER, GROUND WATER AND WETLANDS. THE CONTRACTOR'S CONSTRUCTION METHODS SHALL PROTECT WETLAND AND SURFACE WATER AREAS FROM DAMAGE DUE TO EROSION, SEDIMENTATION, AND TURBIDITY DISCHARGES. THERE SHALL BE NO STORAGE OR STOCKPILING OF EQUIPMENT, TOOLS, OR MATERIALS WITHIN WETLANDS OR ALONG THE SHORELINE UNLESS SPECIFICALLY AUTHORIZED. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AROUND THE INSTALLATION SITE AND AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO WETLANDS AND OTHER SURFACE WATERS EXISTS DUE TO THE PERMITTED ACTIVITY. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AND MAINTAINED IN A FUNCTIONAL CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED. THEREAFTER THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE CONTRACTOR SHALL CORRECT ANY EROSION OR SHOULDER THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES. THE CONTRACTOR SHALL KEEP CONSTRUCTION ACTIVITIES UNDER SURVEILLANCE, MANAGEMENT, AND CONTROL TO MINIMIZE INTERFERENCE WITH DISTURBANCE TO, AND DAMAGE OF FISH AND WILDLIFE. <p>EROSION AND SEDIMENT CONTROL</p> <ol style="list-style-type: none"> THE CONTRACTOR SHALL SUPPLY ALL TURBIDITY / EROSION / SEDIMENTATION BARRIERS TO PREVENT EROSION AND EXCESS QUANTITIES OF EARTH FROM BEING TRANSPORTED EITHER BY NATURAL DRAINAGE OR VEHICULAR TRAFFIC INTO ANY ADJACENT PROPERTIES, STREETS, STORM SEWERS, WATERWAYS, CONSERVATION AREAS AND SO FORTH. THE CONTRACTOR SHALL CLEAN AND REPAIR ANY AREAS AFFECTED BY EROSION / SEDIMENTATION. TURBIDITY AND SEDIMENT CONTROL MEASURES ARE TO BE IN PLACE AT START OF CONSTRUCTION AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED. FLOATING TURBIDITY BARRIERS TO BE DEPLOYED TO COMPLETELY SURROUND EACH PROPOSED ENCLOSURE SITE, PRIOR TO BEGINNING CONSTRUCTION ACTIVITIES. CONTRACTOR IS TO INSPECT DAILY DURING CONSTRUCTION, OR AFTER A RAIN EVENT, REMOVE ANY SEDIMENT BUILD UP, REPAIR AND REINSTATE ALL ANY DAMAGED OR MISSING CONTROL MEASURES. IF ANY ADDITIONAL MEASURES IN INSPECTION REVEAL AN ADDITIONAL TURBIDITY / SEDIMENTATION CONTROL IS NECESSARY. <p>STORMWATER POLLUTION PREVENTION PLAN (SWPPP)</p> <ol style="list-style-type: none"> SITE DESCRIPTION - THE AREA IS LOCATED ON THE WEEKI WACHEE RIVER IN THE CHARLESKONTZKA WILDLIFE MANAGEMENT AREA, HERNANDO COUNTY, FLORIDA, APPROXIMATELY 1.6 MILES DOWNSTREAM (UPR) OF THE WEEKI WACHEE SPRING. IT IS A PREVIOUSLY DISTURBED/IMPACTED AREA DUE TO THE INSTALLATION OF TERRACED RETAINING WALLS TO CONTROL EMBANKMENT EROSION IN THE AREA. NATURE OF CONSTRUCTION ACTIVITY - THE PROJECT INVOLVES THE INSTALLATION OF AN EZ DOCK LAUNCH AND FLOATING PLATFORM EXTENDING 12-19 INTO THE WATER (APPROX. 130 SF ON THE WATER), WOODEN FRAME PLATFORM DECKS AND STAIRS PROVIDING ACCESS AND EGRESS TO/FROM THE RIVER. THE WOODEN DECKS AND STAIRS ARE SUPPORTED BY ONE PRESERVATIVE TREATED PRESERVATIVE TREATED (PT) WOODEN POSTS EMBEDDED A MINIMUM OF 3 FEET ON GRADE AND SET IN CONCRETE. THE DECK HAS WOODEN HANDRAILS ON ALL SIDES, AS REQUIRED. SOIL DISTURBING ACTIVITIES - SOIL DISTURBANCE IS LIMITED TO THE FOOTINGS EXCAVATION FOR THE INSTALLATION OF THE SUPPORT POSTS. TOTAL AREA OF PROJECT - TOTAL DISTURBED AREA - EZ DOCK CONSTRUCTION IS APPROXIMATELY 180 SF; WITH W/W, DECK AND STAIRS, THE TOTAL FOOTPRINT IS APPROXIMATELY 770 SF. RAINFOFF DRAINAGE PATTERNS OR DRAINS BEFORE, DURING AND AFTER CONSTRUCTION WILL NOT BE AFFECTED AS A RESULT OF THE PROJECT. RECEIVING WATERS - WORK ON THIS PROJECT TAKES PLACE ON THE NORTH EMBANKMENT OF THE WEEKI WACHEE RIVER, HERNANDO COUNTY, FLORIDA. TYPICAL SEQUENCE OF CONSTRUCTION <ul style="list-style-type: none"> MOBILIZATION TO STAGING AREAS IMPLEMENTATION OF SITE TURBIDITY AND SEDIMENT CONTROL MEASURES INSTALLATION OF PT MARINE GRADE POSTS AND CONCRETE FOUNDATIONS DECK AND STAIR FRAMING AND HANDRAIL INSTALLATION DEPLOYMENT OF EZ DOCK INSTALLATION OF REQUIRED SIGNAGE SITE RESTORATION DEMOBILIZATION 	<p>HAZARDOUS MATERIAL DISCHARGES</p> <ol style="list-style-type: none"> WHEN THE CONTRACTOR ENCOUNTERS A SPILL, CONSTRUCTION WILL STOP AND WORK WILL NOT RESUME UNTIL DIRECTED BY THE PROJECT ENGINEER. DISPOSITION OF HAZARDOUS WASTE WILL BE MADE IN ACCORDANCE WITH ANY REQUIREMENTS AND REGULATIONS OF ANY LOCAL, STATE OR FEDERAL AGENCY HAVING JURISDICTION. 	<table border="1"> <tr> <td colspan="2">WEEKI WACHEE PRESERVE KAYAK SHORT RUN EXTRACTION FACILITY HERNANDO COUNTY FLORIDA</td> </tr> <tr> <td colspan="2">NOTE SHEET #1</td> </tr> <tr> <td colspan="2">  </td> </tr> <tr> <td colspan="2"> CIVIL ENGINEER NO. / RESIDENTIAL & COMMERCIAL SITE DEVELOPMENT / PAVING / CONSTRUCTION SERVICES 1234 MAIN STREET, SUITE 100 TAMPA, FL 33602-1000 TEL: 813-555-1234 </td> </tr> <tr> <td> PROJECT NO. / DRAWING NO. 1234 / 5678 </td> <td> DATE / SCALE 12/31/2023 / AS SHOWN </td> </tr> <tr> <td> SHEET NO. / TOTAL SHEETS 2 / 9 </td> <td> PROJECT MANAGER / DESIGNER J. SMITH / M. JONES </td> </tr> </table>	WEEKI WACHEE PRESERVE KAYAK SHORT RUN EXTRACTION FACILITY HERNANDO COUNTY FLORIDA		NOTE SHEET #1				CIVIL ENGINEER NO. / RESIDENTIAL & COMMERCIAL SITE DEVELOPMENT / PAVING / CONSTRUCTION SERVICES 1234 MAIN STREET, SUITE 100 TAMPA, FL 33602-1000 TEL: 813-555-1234		PROJECT NO. / DRAWING NO. 1234 / 5678	DATE / SCALE 12/31/2023 / AS SHOWN	SHEET NO. / TOTAL SHEETS 2 / 9	PROJECT MANAGER / DESIGNER J. SMITH / M. JONES
UTILITY OWNERS	TELEPHONE NUMBERS																														
TECO / FSC / FLS GAS	(813) 275-3728																														
DUKE ENERGY HOLDING	(800) 670-6849																														
FLORIDA POWER & LIGHT	(352) 581-4000																														
FLORIDA POWER & LIGHT	(352) 388-6793																														
AT&T DISTRIBUTION	(352) 738-0176																														
SONET/FLORIDA BELL	(804) 784-3800																														
ELECTRUM	(352) 746-7864																														
WEEKI WACHEE PRESERVE KAYAK SHORT RUN EXTRACTION FACILITY HERNANDO COUNTY FLORIDA																															
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SHEET NO. / TOTAL SHEETS 2 / 9	PROJECT MANAGER / DESIGNER J. SMITH / M. JONES																														

Figure 4

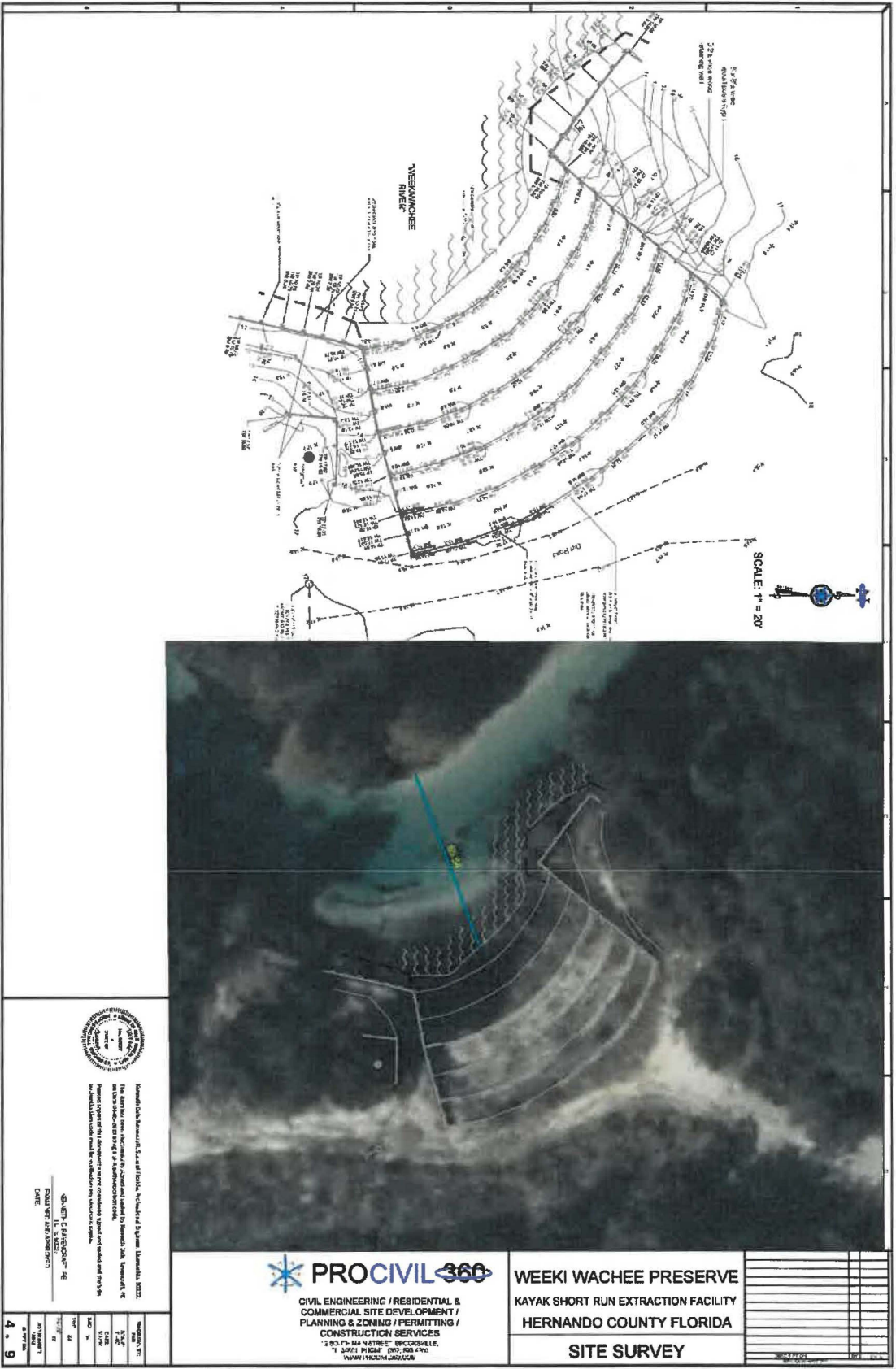


Figure 6

Site Plan

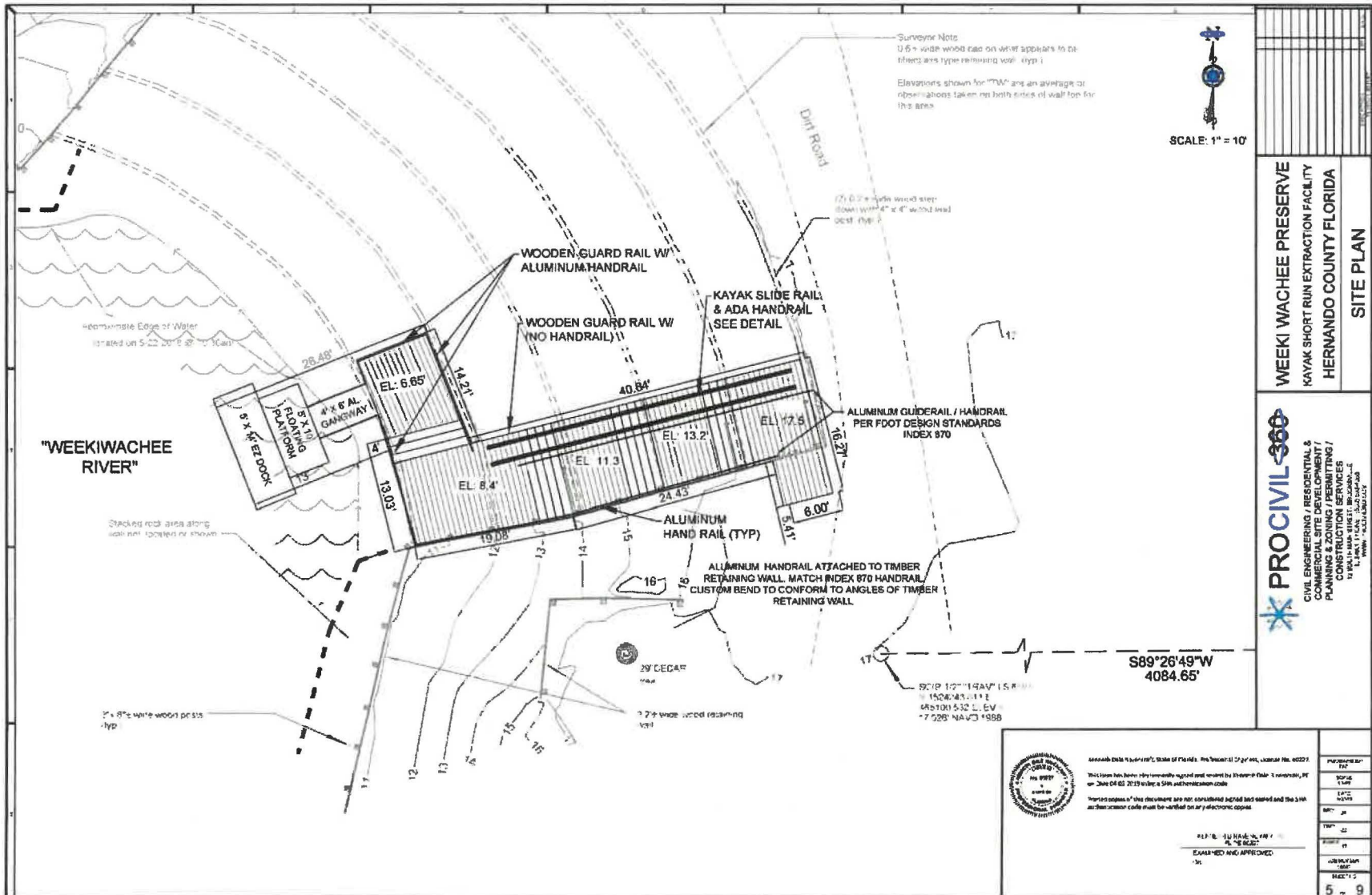


Figure 7

Elevation Stairs

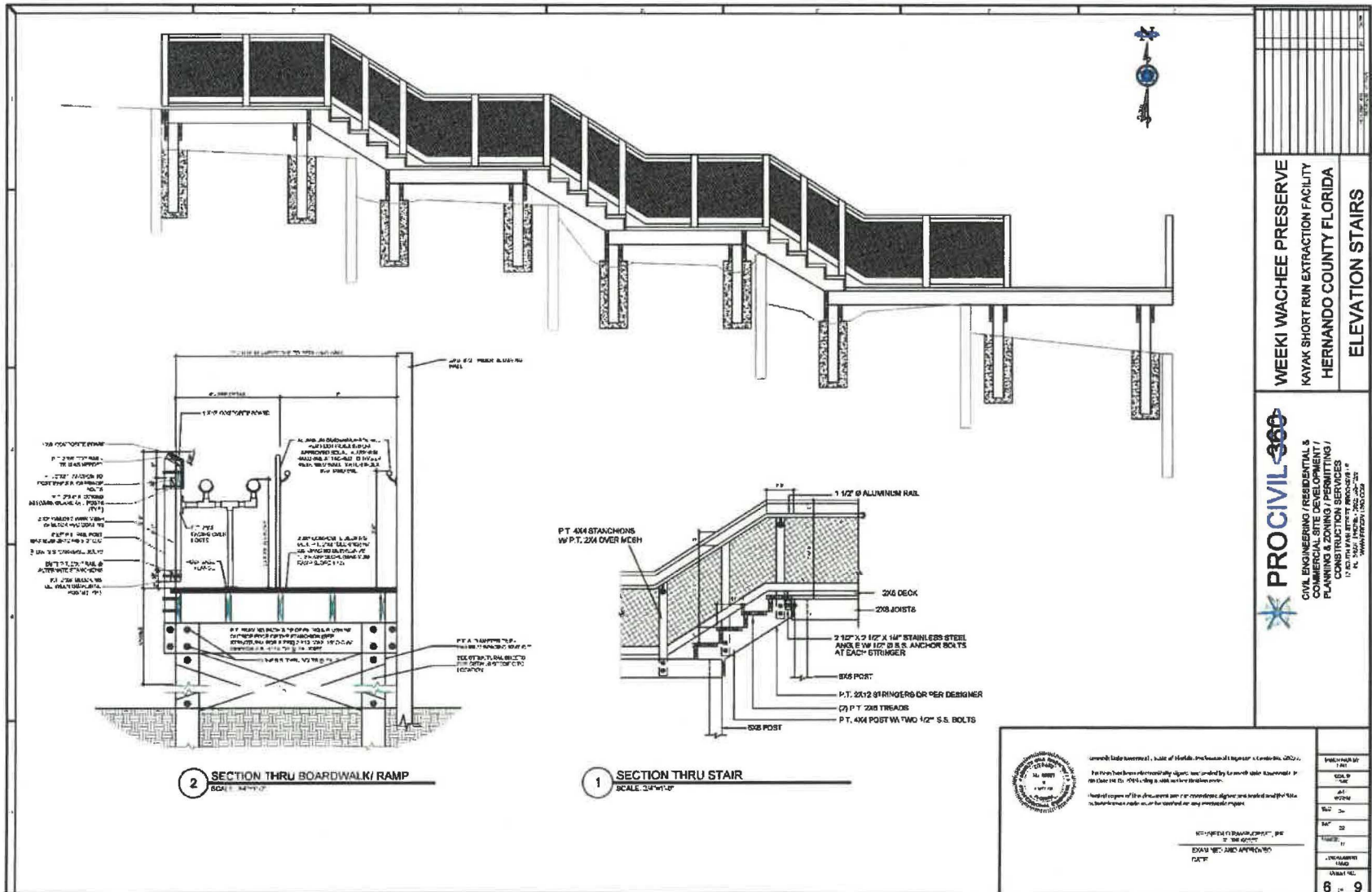


Figure 8

Framing Plan with Details

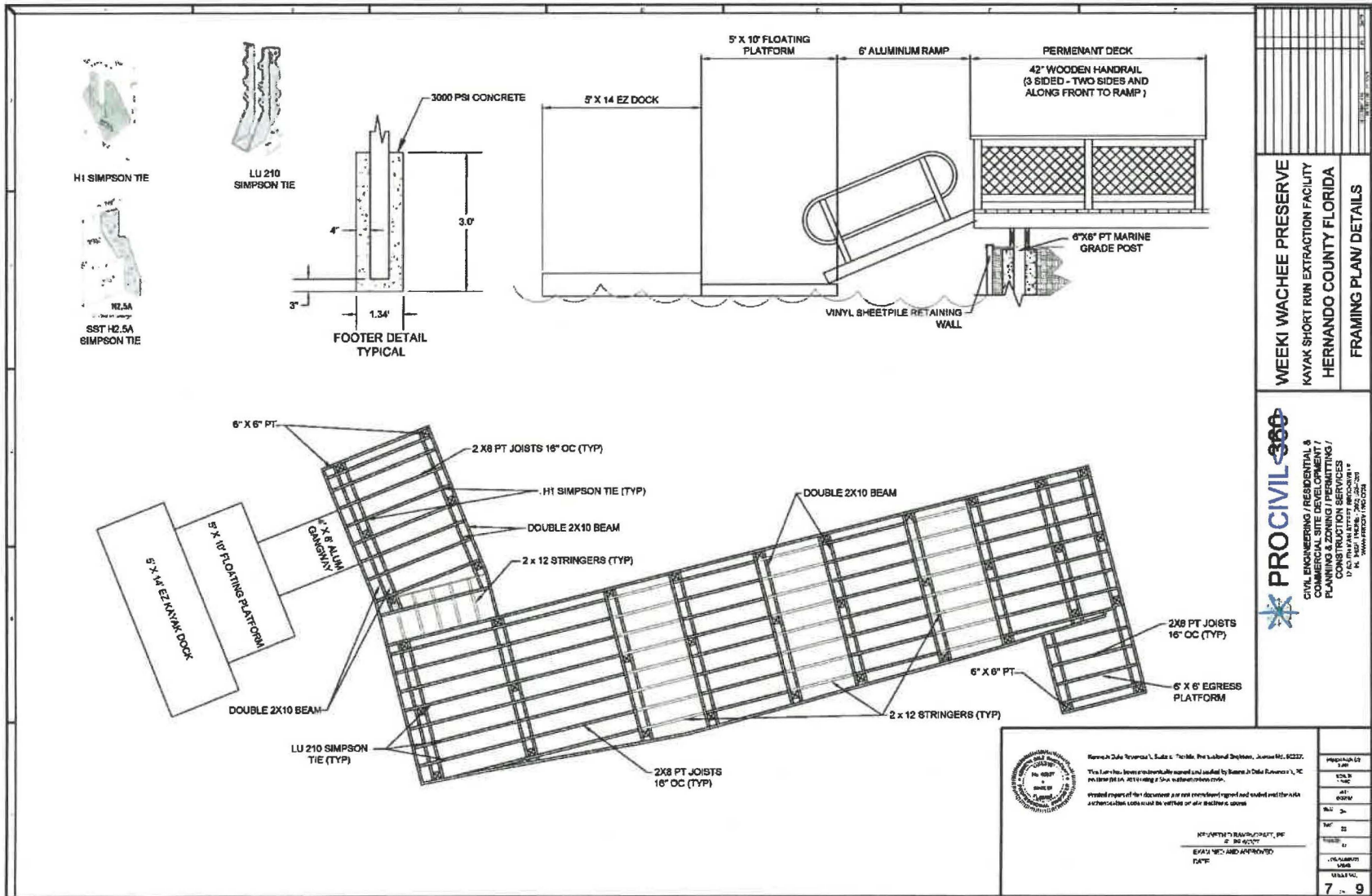


Figure 9

Elevation View with Details

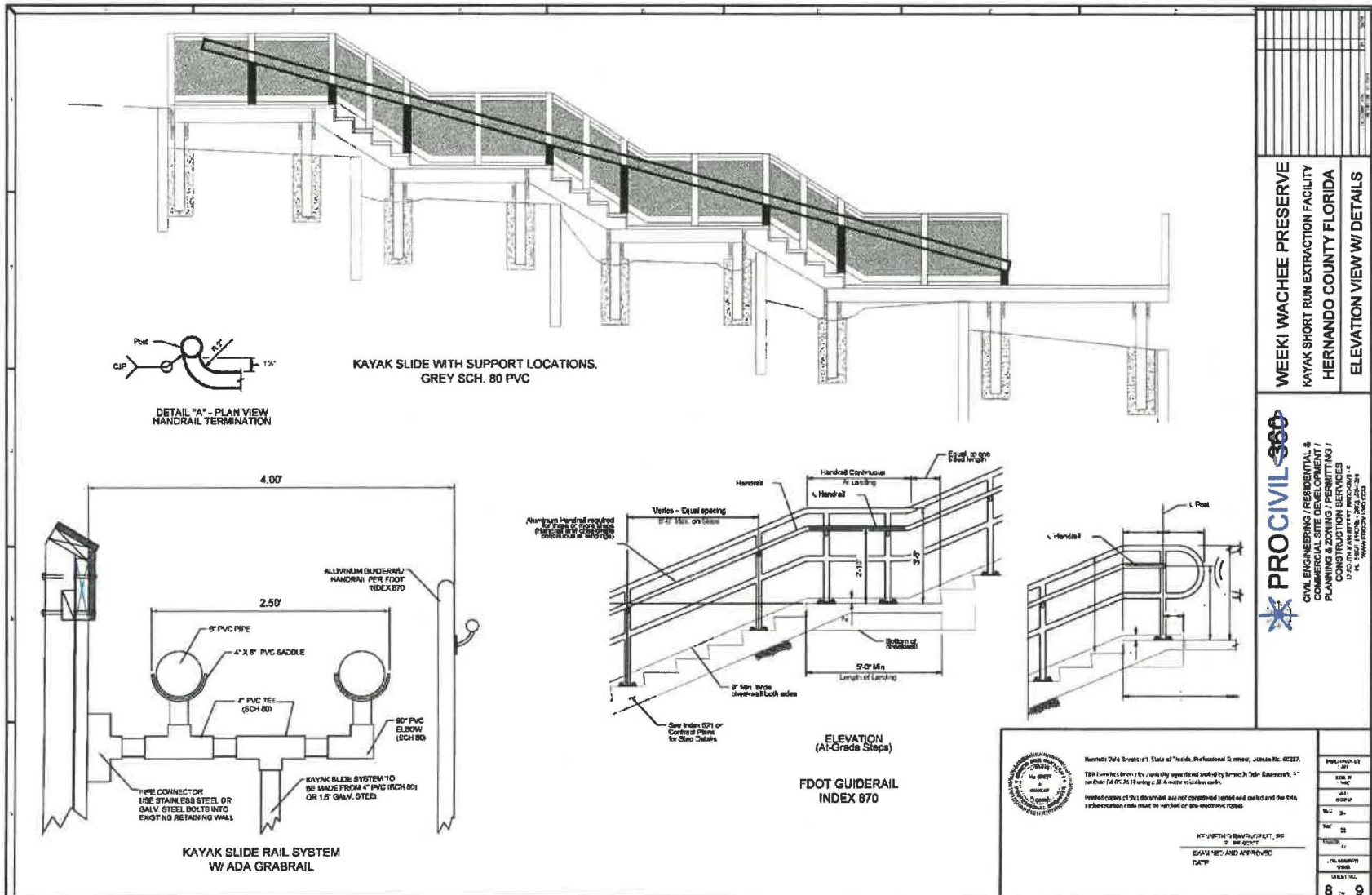


Figure 10

Elevation Control Plan

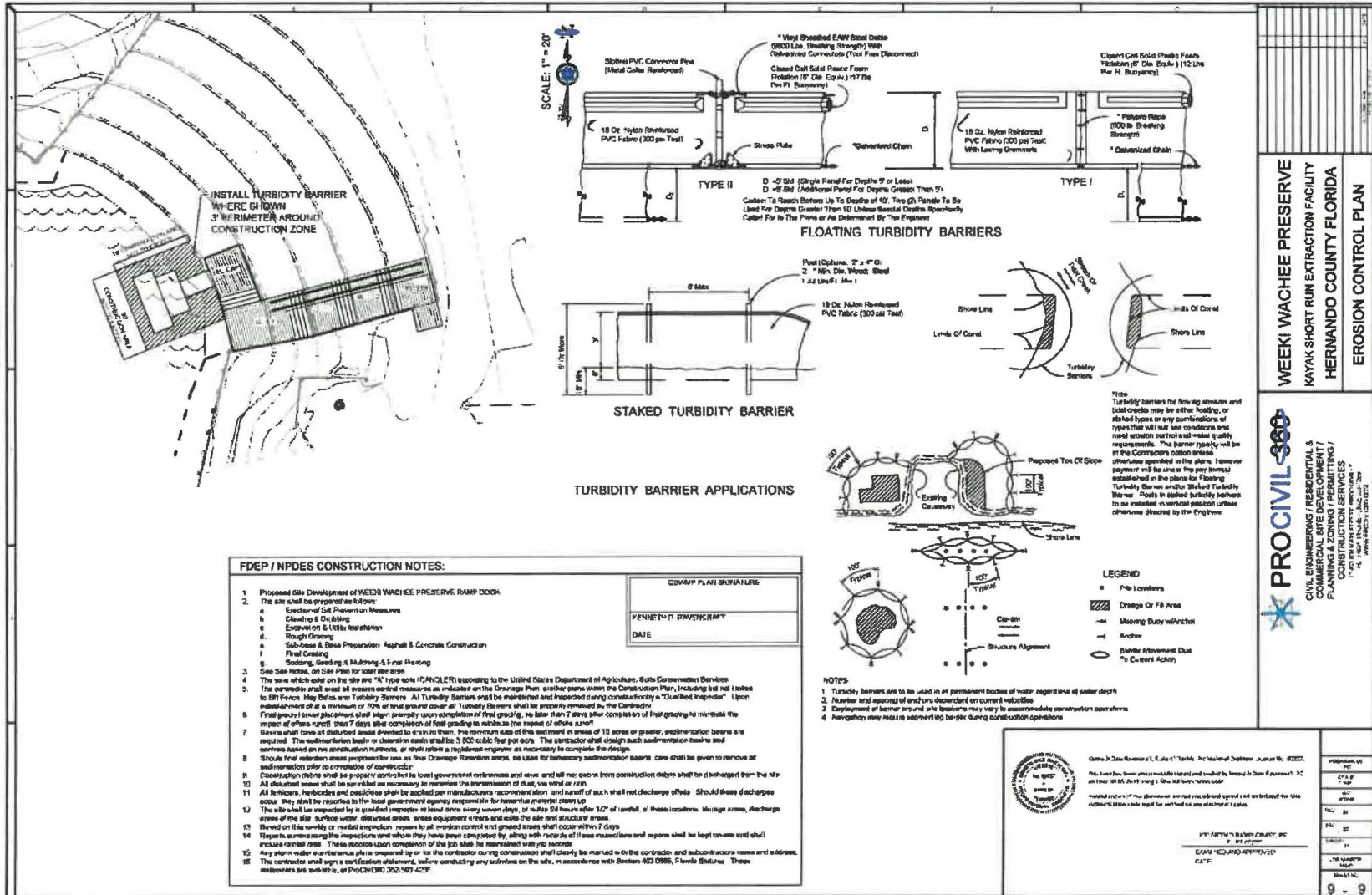


Figure 11

Parsons Letter of June 5, 2019



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Engy Samaan
FDEP – Bureau of Design and Construction
3800 Commonwealth Blvd., MS 525
Tallahassee, Florida 32399

June 5, 2019

Re DHR Project File No. 2019-3034B / Additional Information Received by DHR: June 4, 2019
Project: Weeki Wachee Kayak Take-out, Chassahowitzka Wildlife Management Area
Hernando County

Ms. Samaan,

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

Based on additional information this office has received regarding archaeological site 8HE00309 (Military Landing), the scope of the project, and the probable presence of fill, we are changing our recommendation from a cultural resource assessment survey to professional archaeological monitoring of the project. The purpose of monitoring will be to identify archaeological deposits or significant artifacts that may be encountered. Should significant archaeological deposits, features or artifacts be encountered, the archaeologist must be empowered to direct the project activities to shift away from such resources. This discretionary power would enable the monitor to contact this office and to determine measures that must be taken to avoid, minimize adverse effects to the site, or to proceed to recover the archaeological resources in a professional manner. When the archaeologist has completed recordation and/or recovery measures the project activities would be allowed to continue as planned. At completion of the project, the archaeological monitor must compile a report and an updated archaeological site form to be forwarded to this office. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

In addition, because the project will occur on state lands, it will require a 1A-32 permit. Contact Brandon Ackerman at the Bureau of Archaeological Research (850-245-6334) for further information and see link: <https://dos.myflorida.com/historical/archaeology/public-lands/research-permits/>

If you have any questions, please contact Robin Jackson, Historic Preservationist, Compliance and Review by email at robin.jackson@dos.myflorida.com. or by telephone at 850.245.6496 or 800.847.7278.

Sincerely,

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources and
State Historic Preservation Officer

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



Southwest Florida Water Management District Letter of May 13, 2019



Attn: Michael Foster
 Deputy Director
 Environmental Protection

Southwest Florida
 Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
 (352) 796-7211 or 1-800-423-1476 (FL only)
 TDD only 1-800-231-6103 (FL only)
 On the Internet at WaterMatters.org

Barrow Service Office
 170 Century Boulevard
 Barrow, Florida 33650-1700
 (853) 534-1448 or
 1-800-492-7862 (FL only)

Sarasota Service Office
 5750 Fruitville Road
 Sarasota, Florida 34240-9711
 (941) 377-3722 or
 1-800-320-3503 (FL only)

Tampa Service Office
 7601 Highway 301 North
 Tampa, Florida 33637-6759
 (813) 985-7481 or
 1-800-836-0797 (FL only)

May 08, 2019



MAY 13 2019

Florida Department of Environmental Protection
 Attn: Michael Foster
 3900 Commonwealth Blvd, MS520
 Tallahassee, FL 32399

Bureau Design & Construction

Subject: Notice of Intended Agency Action Letter
 Sovereignty Lands Letter of Consent
 DEP Instrument No.: N/A
 Assoc. Application/Permit No.: 781131
 SOV Record No.: 40270.000
 Project Name: Weeki Wachee Springs Kayak Takeout
 County: Hernando
 Sec/Twp/Rge: S34/T22S/R17E
 Expiration Date: N/A

Dear Mr. Foster:

The project referenced above includes activities on state-owned submerged lands which require a Proprietary 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 Sections 253.002 and 253.77, Florida Statutes, (F.S.). As staff to the Board of Trustees, the District has the responsibility to review and take final action on requests for a Proprietary Authorization in accordance with Rules 18-21.0051 and 40D-1.602, Florida Administrative Code, (F.A.C.).

Project Description

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Dock, Marginal	144 square feet	0 cubic feet	0
TOTALS:	144 square feet	0 cubic feet	0

Waterbody Name: **Weeki Wachee River**
 Shoreline Length: **3570 feet**
 Aquatic Preserve: **N/A**
 Rule Citation: **18-21.005(1)(c)(10), F.A.C.**

Authorization is granted to use state-owned submerged lands as shown by the application, approved drawings, plans, and other documents kept on file at the District under the provisions of Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., Title 18, F.A.C., and the policies of the Board of Trustees. This approval does not disclaim any title interest that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as

Figure 13

other applicable statutory or rule requirements implemented by Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

The proposed construction is subject to the enclosed general conditions.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's intended action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of intended agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of intended agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit or other agency action, for retention in the File of Record for this agency action.

The information received by the District will be kept on file to support the District's determination regarding your application. This information is available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

If you have any questions concerning the permit, please contact David Sauskojus at the Tampa Service Office, extension 4370. Please reference the Project Name and Inquiry Number in future communications concerning this project

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures Notice of Rights
 Proprietary General Conditions
cc: File of Record

Notice of Rights

Administrative Hearing

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is

deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.

2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of sovereignty submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C., can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 US Hwy 301, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

Judicial Review

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

Proprietary Authorization General Conditions

Proprietary Authorization General Conditions

1. Authorizations are valid 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 shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, FAC.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A27.005, FAC.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
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, FAC., within one 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)(f), F.A.C., or any other applicable law.

Southwest Florida Water Management District Letter of May 02, 2019



An Equal
Opportunity
Employer

Southwest Florida
Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
TDD only: 1-800-231-6103 (FL only)
On the Internet at WaterMatters.org

May 02, 2019

Florida Department of Environmental Protection
Attn: Michael Foster
3900 Commonwealth Blvd, MS520
Tallahassee, FL 32399

Subject: **Project Evaluation - Project Exempt**
Project Name: Weeki Wachee Springs Kayak Takeout
File Number: 781131
County: Hernando
Sec/Twp/Rge: S34/T 22S/R17E

Reference: Rule 62-330, Florida Administrative Code (F.A.C.)

Dear Mr. Foster:

The District has reviewed the information you submitted for the project referenced above and has determined that an Environmental Resource Permit (ERP) **will not be required** for the proposed construction of a floating dock with associated upland wooden decking to facilitate kayak/canoe user egress from the waterway. A part of the proposed activities are located within sovereign submerged lands and will require a Letter of Consent to authorize these activities pursuant to Rule 18-21.005(1)(c)(10), F.A.C. The proprietary authorization is not linked to the regulatory authorization; therefore, the Letter of Consent will be authorized separately from this Exemption. The SOV number for the Letter of Consent is 40270.000. [Rule 62-330.051(2), F.A.C.].

The information received by the District will be kept on file to support the District's determination regarding your application. This information is available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes. Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District. Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

This letter constitutes notice of Intended Agency Action of the project referenced above. The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section

of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit or other agency action, for retention in the File of Record for this agency action.

The proposed activity described in your application and attached drawings does not qualify for Federal Authorization pursuant to the State Programmatic General Permit V-R1 and a SEPARATE permit or authorization is required from the U.S. Army Corps of Engineers. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>

If you have questions regarding this matter, please contact Brett Bjornberg in the Tampa Service Office, extension 2247. Please reference the Project Name and Inquiry/Permit Number in future communications concerning this project.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Notice of Rights
cc: Kenneth D. Ravencraft, P.E.
Pro Civil 360

Notice of Rights

Administrative Hearing

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Hipes Email of June 12, 2019

From: Daniel Hipes
To: [Martin, Diane](mailto:Martin_Diane); [Colleen Kruk](mailto:Colleen.Kruk); Carmen.Saunders@swfwmd.state.fl.us
Cc: [Spaulding, Raymond V](mailto:Spaulding_Raymond_V); [Cutshaw, Steven](mailto:Cutshaw_Steven); [Alsentzer, Daniel](mailto:Alsentzer_Daniel); [Maldonado, Tyler](mailto:Maldonado_Tyler)
Subject: RE: Weeki Wachee draft ARC negative response item
Date: Wednesday, June 12, 2019 2:26:09 PM
Attachments: [image001.png](#)

Diane (and others):

We have reviewed the proposed short trip take out site at Weeki Wachee Springs State Park. We have two rare species mapped for the general location: Gopher tortoise and Florida black bear. Neither of these species is likely to be affected by the proposed project. The project site is located in a previously altered area, thus we see no rare species habitat concerns related to the proposed project. Thank you for your review request and good luck with your project.

Dan Hipes, Director
Florida Natural Areas Inventory
1018 Thomasville Rd. 200-C
Tallahassee, FL 32303
850-224-8207 x213
850-509-1857 (cell)

[FNAI – Science for Conservation](#)

[Florida Resources and Environmental Analysis Center at Florida State University](#)

From: Martin, Diane <Diane.Martin@dep.state.fl.us>
Sent: Wednesday, June 12, 2019 12:46 PM
To: [Colleen Kruk <Colleen.Kruk@swfwmd.state.fl.us>](mailto:Colleen.Kruk@swfwmd.state.fl.us); Carmen.Saunders@swfwmd.state.fl.us; [Daniel Hipes <dhipes@fnaifsu.edu>](mailto:Daniel.Hipes@fnaifsu.edu)
Cc: [Spaulding, Raymond V <Raymond.V.Spaulding@dep.state.fl.us>](mailto:Spaulding_Raymond_V); [Cutshaw, Steven <Steven.Cutshaw@dep.state.fl.us>](mailto:Cutshaw_Steven); [Alsentzer, Daniel <Daniel.Alsentzer@dep.state.fl.us>](mailto:Alsentzer_Daniel); [Maldonado, Tyler <Tyler.Maldonado@dep.state.fl.us>](mailto:Maldonado_Tyler)
Subject: FW: Weeki Wachee draft ARC negative response item

All:

This is a follow up to yesterday's email (see below) requesting comments on the attached proposed mini-ARC item. Our Office of Environmental Services is asking for comments on this item, and it would be appreciated if you could respond, via email is fine, by tomorrow morning at the latest.

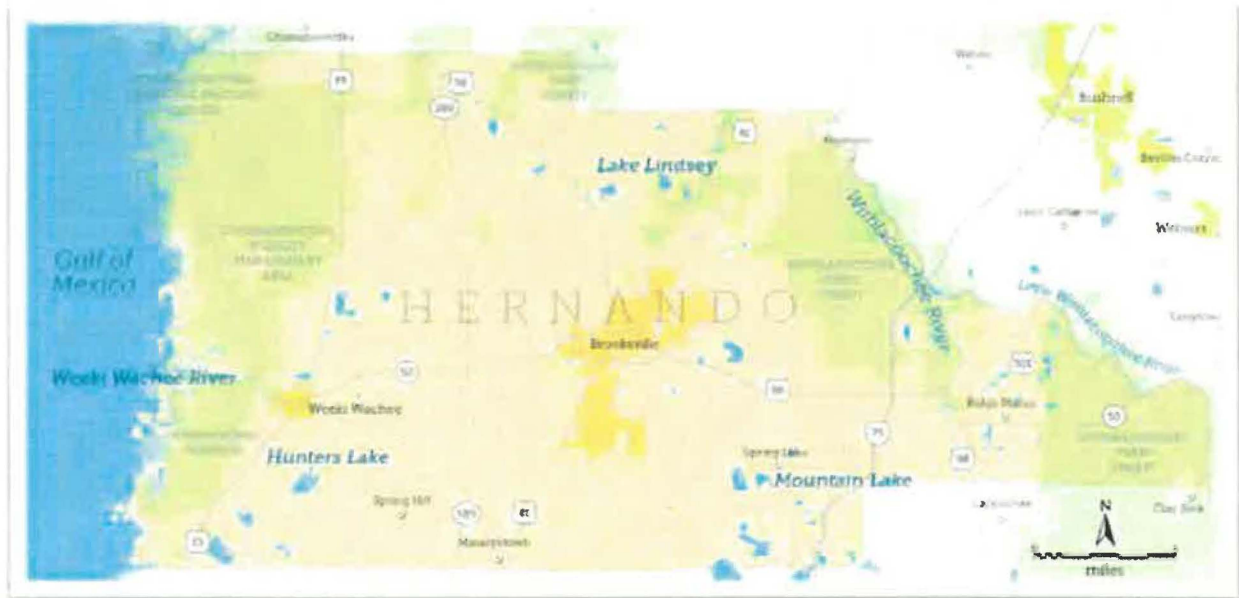
Thanks, and feel free to call me if you have any questions.

*Diane "Rogo" Martin
Office of Park Planning
Land Administration Manager
(850) 245-2080*

Hernando County Task Force Recommendations to the Legislature

Introduction

Despite a great deal of growth, Hernando County still retains a rural character. Covered by coastal swamps, dense woodlands, lakes, rivers and pastures, the county is rapidly changing as residential development expands. Continued population growth in the county, fueled by the development of the Suncoast Parkway, will continue to create issues between land use and water resource conservation. Of paramount concern is the need to maintain the quality and biological health of the waters and aquatic resources within the county to ensure their continued use and enjoyment for current and future residents.



In 2003, the Florida Legislature enacted legislation which directed the Hernando County Task Force (HCTF), as members of the Council, to develop plans for the restoration of Hernando County waterways. As part of their plan development, the TAG presented information to the HCTF on the hydrologic conditions of the region, the status of the restoration of Weeki Wachee Springs, and activities related to shoreline stabilization, navigation and sand transport within the Weeki Wachee River.

At their July 2007 meeting, the HCTF solicited proposals for restoration projects from both the general public and federal/state/local agencies. In total, seven project proposals were received. The HCTF adopted four of the projects. Several lakes within the county that once supported robust recreational opportunities for fishing and boating have become unusable due to the build-up of sediments and proliferation of non-native plants. Therefore, the Hernando County Task Force recommended that three of the larger lakes in the county be restored for the purpose of improving the fisheries habitat and the Weeki Wachee River have sediment removed to restore fish and wildlife habitat and improve recreation.

The three remaining projects, which included bank stabilization in the Withlacoochee River, dredging of a water body with no public access, and improvements to an existing boat ramp, were rejected by the HCTF because they were found to be either ongoing maintenance programs or were not public resources and therefore not candidates for public funding.

The HCTF reviewed and agreed to resubmit the projects identified in 2007, with one addition, to the legislature for funding in 2016. The four projects recommended for funding are shown in priority order in the table on page 2. The two highest priority projects reflect the acknowledgement of economic benefit and the noteworthy State and local support shown toward restoring springs and significant public interest in the restoration of Hunters Lake.

Goals

- **Shoreline restoration**
- **Sediment control and removal**
- **Exotic species management**
- **Floating tussock management or removal**
- **Recreation, water quality, and fish and wildlife habitat improvement**



Weeki Wachee River

The Seminole Indians named the Weeki Wachee River, which translates to “winding waters.” This spring-fed river is located in southwestern Hernando County, where it flows approximately seven and one-half miles from its headspring to the Gulf of Mexico. Recognizing the need to provide some protection of the waters, the state designated the Weeki Wachee River as an Outstanding Florida Water (OFW) in 2003.

The headspring of the Weeki Wachee River discharges some of the clearest water in the world, and the Weeki Wachee River itself contains a healthy mixture of freshwater, estuarine and saltwater species of fish. The Weeki Wachee River is heavily used for recreation, especially in the summer and early fall. Approximately 30 percent of the Weeki Wachee River’s shoreline is altered for waterfront housing, and most waterfront residents use the Weeki Wachee River for swimming, boating and fishing. Five boat ramps and three county parks allow public access to the Weeki Wachee River. Shoreline alterations have allowed sand to accumulate within the Weeki Wachee River bed. The sand accumulation at times creates a navigational risk to the public and has altered/smothered natural riverine habitat and river bed contours.

PROJECT: Weeki Wachee River Fish & Wildlife Habitat Restoration

Timeline: 18–24 months

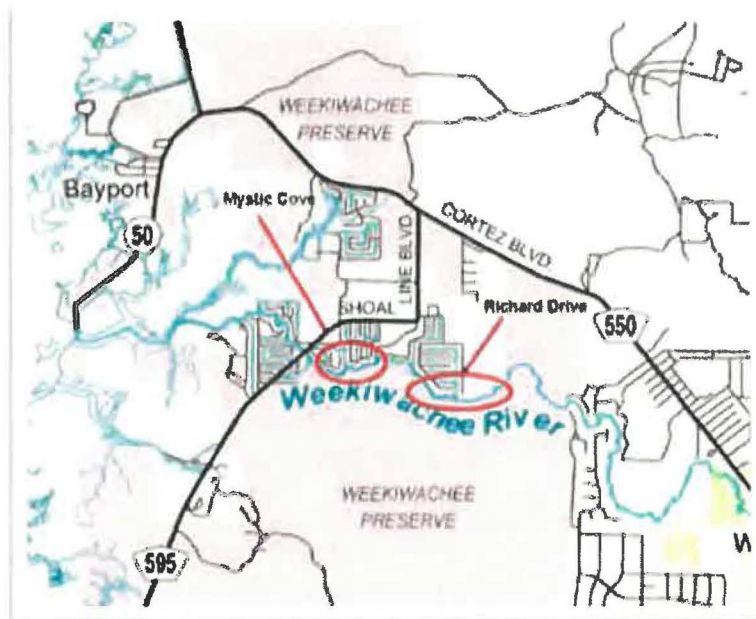
Funding Request: \$100,000 (Feasibility Study)

Several environmental problems have developed over time within the headspring and upper reaches of the Weeki Wachee River. The immediate area surrounding the headspring had become infested with *Lyngbya* algae. In addition, the introduction of silts and organics into the spring and river system via untreated stormwater runoff and other external sources has caused additional concerns due to their conveyance downstream.

Erosion of sand from the riverbanks has caused the river to become shallower than it would naturally be, and as such, velocities have been reduced as well as the ability of submerged aquatic vegetation to establish. Aforementioned projects removed primary sources of sand and sediment; however, a significant volume remains within the lower river. In summer 2009, FFWCC Aquatic Habitat Conservation and Restoration Section personnel surveyed the river and found it adequate for manatee passage. They did note habitat restoration was needed in some areas however.

To improve navigation and fish and wildlife habitat, the Hernando County Task Force recommends the removal of shoaling sand in the lower river which has accumulated over historical limerock river bottom substrate, and in some places, impeded river flow.

Various locations, including “Mystic Cove” and “Richard Drive,” are proposed for study for potential hydraulic dredging of sand. The amount of sand accumulated is unknown but a reasonable starting cost for dredging, based on visual estimates, is \$5,000,000.



and potential response of algae growth to changes in water quality, primarily any reductions in nitrate levels.

Objective: Assess the impact of stormwater run-off and erosion from adjacent highways, on-site development and recreational use.

Stormwater run-off from adjacent development into the spring and river has been an ongoing problem. A 2004 assessment of the attraction site, pinpointed a number of areas that will require attention to improve water quality in the headspring and river (Stevens 2004). Several of the improvements have been made by SWFWMD by installation of a water retention pond adjacent to the parking lot and improving water retention swales adjacent to U.S. Highway 19 and State Road 50.

A culvert under the U.S. Highway 19 highway that empties at the northwest corner of the parcel east of U.S. Highway 19 has created a deep washout. SWFWMD staff report the washout occurred during the heavy rain events of the 2004 hurricane season. Attempts to restore the site using groundcover cloth and rip rap have not been successful. Coordination with Florida Department of Transportation (FDOT) should be done to explore options for altering the point of discharge for the culvert. Methods of restoration and stabilization of the site should be studied and implemented.

Currently, the stormwater run-off from roofs, concrete walkways and use areas in the park flow directly into the river. Improvements such as gutter diversions, planted swales and walkway drainage need to be investigated and implemented. Stormwater diversion and highly erosive areas such as the parking lot and walkway from the kayak/canoe rental office to the river and the use area north of the river need to be addressed.

One historic park road through the mesic flatwoods is identifiable by remnant concrete and curbs for a distance. The concrete has been partially covered by topsoil, but is present just below the soil surface. This roadbed holds surface water following rain and could be affecting movement of surface water to or between the basin marsh and the hydric hammock. Restoration of the mesic flatwoods will include removal of the concrete and re-grading of the road to historical elevations.

Critical erosion areas tend to occur along the river at sites regularly visited by recreational users. Within the state park, there are only a few small spots that show signs of foot traffic. A high use area accessible from the adjacent Chassahowitzka Management Area is just outside the downstream boundary of the park. Other areas with high erosion potential will be noted and monitored and corrective action taken if monitoring determines that negative impacts are occurring. Additional training will be provided to tour boat operators at the attraction to help watch for and monitor areas of concern.



Shannon Turbeville <lfd147@gmail.com>

Public Records Request

Shannon Turbeville <lfd147@gmail.com>

Wed, Jun 26, 2019 at 8:04 PM

To: Office of Public Services <Public.Services@dep.state.fl.us>, "Calhoun, John" <John.Calhoun@dep.state.fl.us>

Cc: "Goodman, Barbara" <Barbara.Goodman@floridadep.gov>, Fritz Musselmann <fritzlandwater@tampabay.rr.com>, Barbara Behrendt-Weeki Wachee <bbehrendt@tampabay.com>, editor@hernandosun.com, "Spaulding, Raymond V" <Raymond.V.Spaulding@dep.state.fl.us>, "Parker, James" <james.parker@dep.state.fl.us>

To Whom it May Concern-

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to inspect or obtain electronic copies of:

1. Approved Acquisition and Restoration Council procedures that address planning needs in the interim period between finalized Unit Management Plans

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07 (1) (d), F.S.

Please advise me on necessary payment of any statutory prescribed fees prior to fulfillment. If you have any questions in the interim, you may contact me at (863) 370-9364.

Thanks,

Shannon Turbeville

ITEM 7:

REQUEST: Consideration of a request to approve the ARC/DSL list of approved and potentially-approved interim management activities to include other management issues not already addressed.

COUNTY: Multiple

LOCATION: Statewide

DSL Staff Remarks: To keep ARC and the public well informed of various changes to management on conservation lands by land managers, and to provide the public opportunity to comment on changes in management on public lands, DSL staff proposes a new procedure for approving minor changes to land management plans not addressed in the current Interim Management Activities. This procedure would be used to guide agencies that have either entered into a lease with the Board of Trustees, or have been issued an Interim Management Letter for new acquisitions. These activities are considered to be in compliance with chapters 253 & 259, Florida Statutes. They are considered necessary for routine custodial care and maintenance of a site during the time between its acquisition and approval of its initial land management plan or between approval of a management plan and its 10-year update.

There will be three review levels. Level (A) considers that the original management concepts in Ch. 253 and 259 are applied, and are accepted as necessary. For these activities, no further review is required. In levels (B) and (C), the Department of State's Division of Historical Resources (DHR) the Florida Natural Areas Inventory (FNAI), the applicable water management district, and the Department of Environmental Protection (DEP) may review a proposed activity prior to its implementation. The agency requiring such additional review has been indicated following the activity. Where a specific water management district has requested review, that district has also been indicated – **district review applies only when land subject to the interim management activity is located within the jurisdiction of the requesting district.** Level (C) further requires that ARC will be publicly notified at one of its meetings. This action also serves as notification to the public at large that an activity which the manager believes to have minimal impacts is being proposed without undergoing the full management plan development process.

Like management plans for lands less than 160 acres in size, for minor changes to management plans that meet the Level (C) review are submitted to the Division, the ARC will be provided a list of these amendments in an ARC agenda item, as well as posting this list on the Division of State Lands website. If members of the general public have concerns about an amendment they can contact the appropriate managing agency to address their questions or contact ARC members to discuss their concerns. At the request of three or more ARC members, the amendment will be considered at the next scheduled ARC meeting.

DSL Staff Recommendation: Approve revised guidelines for interim management activities.

ARC RECOMMENDATIONS:

- APPROVE
- APPROVE WITH MODIFICATIONS: _____
- DEFER
- WITHDRAW

() NOT APPROVE

() OTHER: _____

Jim Fuller
Cecilya Dindell

move to two for further review (modifications)

Revision
8/17/07

PROPOSED REVISED LIST OF ARC / DIVISION OF STATE LANDS
APPROVED & POTENTIALLY APPROVED INTERIM MANAGEMENT ACTIVITIES

The attached list describes three levels of land management activities that an agency may initiate on state-owned conservation lands without the requirement of submitting a specific management plan or plan amendment to the Acquisition and Restoration Council (ARC) for public discussion. The first two levels (A & B) of activity requires neither review by ARC nor any further approval from the Division of State Lands (DSL). This list applies to agencies that have either executed a lease with the Board of Trustees, or have submitted an executed Interim Management Letter for new acquisitions. These activities are considered approved in concept by chapters 253 & 259, Florida Statutes, and are accepted as necessary for routine custodial care and maintenance of a site between its acquisition and approval of its land management plan, or between approval of a management plan and its 10-year update. In the last two levels (B & C), the applicable water management district, the Florida Natural Areas Inventory (FNAI), the Department of State's Division of Historical Resources (DHR) and/or the Department of Environmental Protection (DEP) may review a proposed activity prior to its initiation. The agency requiring such additional review has been indicated following the activity. Where a specific water management district has requested review, that district has also been indicated. **District review applies only when land subject to the interim management activity list is located within the jurisdiction of the requesting district.** Level C further requires that ARC will be publicly notified at one of its meetings, and the public thereby apprised, that an activity, which the manager believes to have minimal impacts, is proposed without undergoing the full management plan or update process of advisory groups, local public hearings, etc. Each interim management activity has been designated as follows:

- A No review required.
- B DEP, WMD, DHR, or FNAI review required.
- C Review required as in B above, and ARC public notification required.

Activities identified as level C and any activity not specifically listed must be submitted to both the DSL and ARC for review.

1. **Posting**

A Posting areas that are deemed by the manager to be potentially hazardous to the public, and posting those areas where public use may result in damage to state-owned lands.

2. **Law Enforcement and Protection**

A Providing appropriate law enforcement and resource protection.

3. **Management Plan Development**

A Developing a property's land management plan.

4. **Bridge or Culvert Replacement and/or Repair**

B Repair or replacement of any wooden trestle bridge or poured culvert, regardless of age, or any bridge built after 1945 (WMD).

B Repair or replacement of any other bridges or culverts (DHR/WMD).

5. **Road Repairs**

A Repairing existing roadbeds, when such repairs are minor and necessary to assure safe and reasonable access.

C Widening existing roads necessary to assure safe and reasonable access (DHR/FNAI/WMD).

6. **Establishing Parking Areas**

A Establishing temporary parking areas along existing access ways when a disturbed area is available and subsurface ground disturbance will not exceed 6 inches. Such parking should represent the minimum square footage necessary to provide public access.

B Establishing temporary parking locations along existing access ways when a disturbed area is available and subsurface ground disturbance will exceed 6 inches (DHR). Such parking should represent the minimum square footage necessary to provide public access.

C Establishing temporary parking locations along existing access ways in a non-disturbed area where and subsurface ground disturbance may exceed 6 inches (DHR/FNAI). Such parking should represent the minimum square footage necessary to provide public access and should only be considered when no disturbed areas are available nearby.

7. **Exotic or Off-site Species Control**

B Controlling invasive, exotic, or off-site species using methods that do not require ground disturbance, such as prescribed burning, girdling, sale, or herbicide injection. (FNAI) (Note: removal of exotic pasture grasses represents an approved exception to the ground disturbance prohibition.)

8. **Timber Harvesting**

B Harvesting of offsite or onsite timber species for forest health, habitat restoration and wildfire risk reduction

9. **Prescribed Burning**

A Implementing prescribed burning using existing fire lines. Improvement of existing lines is limited to reworking with a re-work harrow.

B Implementing prescribed burning using new fire lines (DHR/DEP/WMD/FNAI).

10. **Fences and Gates**

A Installing fences and gates or removing deteriorated or unneeded fences, gates or signs.

11. Archaeological Sites and Historic Structures

- B** Conducting archaeological surveys. (DHR)
- B** Stabilizing existing structures. (DHR)
- B** Removal of old, deteriorated, or unsafe structures (DHR).

12. Existing Water Control Structures or Devices

- B** Capping artesian wells. (WMD)
- B** Removing or replacing existing water control structures, including culverts, wellheads, flashboard risers, etc. provided that the activity is properly permitted and clearly consistent with the project assessment or design documents prepared during the land acquisition process (WMD).

13. Wildlife or Native Habitat Enhancement

- A** Enhancing wildlife habitat using methods that do not include alteration of native habitat. Such activities shall include installing nest structures or towers for raptors such as osprey or eagles.
- A** Conducting plant and animal surveys
- B** Installation of food plots in disturbed areas (DHR/DEP/WMD/FNAI).
- B** Any ground disturbing activity greater than 6 inches deep

14. Trash

- A** Removal of trash and debris.

15. Personnel

- A** Establishing personnel on site in existing facilities.
- B** Relocating or adding new mobile home or mobile office facilities in disturbed areas along existing access ways (DHR/DEP/WMD/FNAI).
- C** Relocating or adding new mobile home or mobile office facilities in other areas along existing access ways when necessary for site security or management and no disturbed sites are available (DHR/DEP/WMD/FNAI).

Activities requiring review by the DHR should be directed to:

Susan Harp, Historic Preservation Planner
Department of State
Division of Historical Resources
R. A. Gray Building, Room 423
Tallahassee, Florida 32399 (850) 487-2333.
sharp@dos.state.fl.us

Activities requiring review by the FNAI should be directed to:

Carolyn Kindell
Florida Natural Areas Inventory
1018 Thomasville Road, Suite 200-C

Tallahassee, Florida 32302 (850) 224-8207
ckindell@fnai.org

Activities requiring review by the DEP should be directed to:

Paula L. Allen
Division of State Lands
Department of Environmental protection
Mail Station 140
3900 Commonwealth Blvd.
Tallahassee, Florida 32399 (850) 245-2784
paula.l.allen@dep.state.fl.us

Activities requiring review by a water management district should be sent to the senior land resources planner in that water management district.

Please provide copies of all correspondence to:

Keith Singleton
Office of Environmental Services
Division of State Lands
Department of Environmental Protection
Mail Station 140
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000 (850) 245-2784
keith.singleton@dep.state.fl.us

The authority granted herein in no way waives the authority or jurisdiction of any governmental entity. Implementation of upland activities may require permits or authorizations from other federal or state agencies with jurisdiction over those particular activities. Please forward a copy of all permits for our files upon issuance.

Approved / /

Weeki Wachee River Sand Assessment Phase II Project Report

January 2017

Prepared for:



2379 Broad Street

Brooksville, FL 34604

Prepared by:



15711 Mapledale Boulevard, Suite B

Tampa, FL 33624

6. CONCLUSIONS

The goal of the Weeki Wachee Sand Assessment – Phase II (WW02) Project is to better understand sediment transport throughout the river and to opine on whether sedimentation observed near Weeki Wachee Retreat (Reach 4) will naturally dissipate. In other words, is the channel aggrading, degrading, or stable? This was accomplished through volumetric analysis, sediment transport measurements, and sediment transport computational analysis.

Overall, there is little evidence the accumulated sediments in Reach 4 will naturally dissipate. It appears that, close to Reach 4, the river is behaving like a naturally forming river delta with sediment being transported from the upper reaches and deposited in the vicinity of Reach 4 during periods of low energy. In addition, the river channel appears to be *dynamically stable*. Dynamic stability occurs when there are no evidence of un-natural behavior in the river such as excessive erosion or deposition. Sediment is transported in a natural riverine system with some naturally occurring deposition and erosion. Under certain extreme conditions, the river's geomorphology could substantially change (horizontal or vertical movement). For example, under extreme tidal events, sediments could be moved upstream and in large storm events sediments could be transported downstream.

Following are the main findings of the study:

- Bedload was the predominantly observed mechanism of sediment transport, even within the control Reach 1.
- Although measured suspended sediment load was minimal, boat traffic was observed to increase suspended sediment concentration temporarily.
- Reaches 1 and 2 are more susceptible to erosion and transport than Reach 4 given their minimal influence by tide and closer proximity to the spring flow with low sediment concentration.
- Reach 4 reflects substantial tidal influence and is susceptible to sedimentation during incoming and high-tide conditions.

Computing the sediment gain/loss using the cross-sectional changes accounts for the dynamic nature of sediment transport in the river in response to various conditions (i.e., hydrodynamic, anthropogenic, etc.) that occurred between the winter and summer season – in contrast with the sediment transport computations that provide an understanding of the system response to specific conditions. Sediment was lost from Reaches 1 and 3 while Reaches 2 and 4 exhibited slight gain between the Winter and Summer 2016 measurements. Additional long-term geomorphic measurements, however, would be needed at the same locations to assess changes in the river and to evaluate temporal sedimentation trends.

Based on measured sediment transport rates in the river, there is little evidence the accumulated sediments in Reach 4 will naturally dissipate or move through the system. Sediment is moving from the upper reaches of the river (the sections that are not tidally influenced) into the tidally influenced section of the river (in the vicinity of Reach 4) and then being deposited during high tide. During winter low tide conditions, the measured bedload sediment transport in Reach 4 was higher than in other reaches of

the river; however, those measured rates were not large enough to transport the sediment depositing during high tide conditions when little to no sediment transport is occurring.

Sediment transport computational analysis included using Hjulstrom's diagram for sediment motion and sediment transport equations to evaluate the system. Hjulstrom's diagram suggests that the tidally influenced areas will experience decreased sediment transport and be subject to sedimentation during high tide. Bedload computations suggest Reach 4 sediment transport is similar to upstream reaches at low tide and less than upstream reaches at high tide. Total sediment transport calculations based on stream power indicate Reach 4 sediment transport will be less than the upstream reaches. Total sediment transport calculations based on unit stream power indicate Reach 4 sediment transport will be similar to the upstream reaches at low tide but less at high tide.

All methods used for evaluating sediment transport in the Weeki Wachee River suggest the accumulated sediments in Reach 4 will not dissipate naturally because of decreased sediment transport rates during high tide conditions. During the study, Reach 4 exhibited little overall increase in sediment with localized aggradation and degradation, a behavior similar to a river in dynamic equilibrium.

To better understand the relationship between recreation and sediment transport in the river, turbidity or suspended solids data could be gathered at Reaches 1 and 2 (both reaches are not tidally impacted). The difference between the two reaches, especially during high traffic events, would provide an indication of the impact of recreation. In addition, long term geometric measurements at Reaches 3 and 4 would provide additional data regarding the volumetric change within a tidally affected portion of the river resulting from the various natural and anthropogenic influences throughout the river. The volumetric change could be used to estimate a rate at which the sediment could re-accumulate in case it was removed by dredging or as a result of an extreme event.

Notice of Declaratory Statement

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE NO.: RULE TITLE:

18-2.021 Land Management Planning and Land Use Evaluation Procedures of the Acquisition and Restoration Council

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection, in its role as staff to the Board of Trustees of the Internal Improvement Trust Fund, has received the petition for declaratory statement from Shannon R. Turbeville, on September 4, 2019 (OGC No. 19-1507). The petition seeks the agency's opinion as to the applicability of subsection 253.034(5), Florida Statutes, and Rule 18-2.021, Florida Administrative Code, as it applies to the petitioner.

Petitioner asserts that the Division of Recreation and Parks' plans to construct facilities at Weeki Wachee State Park violate subsection 253.034(5), Florida Statutes, and Rule 18-2.021, Florida Administrative Code, which require such facilities to be included in an approved land management plan.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lea Crandall, Agency Clerk, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000; (850)245-2242; Agency_Clerk@dep.state.fl.us during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays).

Please refer all comments to: Toni Sturtevant, Senior Assistant General Counsel, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000; (850)245-2242

Persons whose substantial interests may be affected by the requested declaratory statement may file a motion to intervene or a petition for administrative hearing within 21 days from the date of the publication of this notice. A motion or 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.

Notice of Declaratory Statement

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE NO.: **RULE TITLE:**

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection, in its role as staff to the Board of Trustees of the Internal Improvement Trust Fund, has received the petition for declaratory statement from Shannon R. Turbeville, on September 20, 2019 (OGC No. 19-1507). The petition seeks the agency's opinion as to the applicability of subsection 253.034(5), Florida Statutes, and Rule 18-2.018, Florida Administrative Code, as it applies to the petitioner.

This petition amends the petition filed by this petitioner on September 4, 2019, receipt of which was noticed in the Florida Administrative Register on September 20, 2019, by replacing all references to Rule 18-2.021 with Rule 18-2.018. Petitioner asserts that the Division of Recreation and Parks' plans to construct facilities at Weeki Wachee State Park violate subsection 253.034(5), Florida Statutes, and Rule 18-2.018, Florida Administrative Code, which require such facilities to be included in an approved land management plan.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lea Crandall, Agency Clerk, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000; (850)245-2242; Agency_Clerk@dep.state.fl.us during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays).

Please refer all comments to: Toni Sturtevant, Senior Assistant General Counsel, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000; (850)245-2242.

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