



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Permittee/Authorized Entity:

City of Freeport
c/o Russ Barley
PO Box 339
Freeport, Florida 32439
RBarley@freeportflorida.gov

Lafayette Creek Boardwalk Extension

Authorized Agent:

Greg Graham
Walton County Public Works
117 Montgomery Circle
DeFuniak Springs, Florida 32435
gragreg@co.walton.fl.us

Environmental Resource Permit State-owned Submerged Lands Authorization – Granted

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

Walton County
Permit No.: 0269475-008-EI/66

Permit Issuance Date: October 28, 2019
Permit Construction Phase Expiration Date: October 27, 2024

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: City of Freeport

Permit No: 0269475-008-EI/66

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at Marse Landing in Freeport, Florida 32439, Parcel ID 15-1S-19-23000-034-0000, in Section 15, Township 01 South, Range 19 West in Walton County; Latitude 30°29'15.65" North / Longitude 86°8'9.41" West.

PROJECT DESCRIPTION

The permittee is authorized to make improvements to the existing public landing and boat ramp along Lafayette Creek, a Class III Florida Waterbody, Unclassified Shellfish Harvesting Area. Those activities include the construction of a 113 square foot accessory dock adjacent to the existing boat ramp, as well as the construction of a 500 foot by 10-foot boardwalk with 4 viewing platforms and a 500 foot by 5 foot marginal dock for daytime use. The boardwalk and marginal dock will include 6,027 square feet of over-water structure and 0.13-acres (5,610 square feet) over wetlands. The total shoreline for this parcel is 2,063 linear feet. The entire facility, existing and proposed, will pre-empt 18,615 square feet of Sovereignty Submerged Lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Lafayette Creek Boardwalk Extension

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review – an agreement with the Corps entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit,” Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida’s Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the

Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES

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

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

4. Prior to construction, the limits of the proposed impact areas shall be clearly flagged and staked by the agent and/or the contractor. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

5. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
6. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.
7. The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
8. The following measures shall be taken by the permittee whenever siltation, sedimentation, or erosion occurs within wetlands outside of the limits of the authorized activities:
 - a. Immediately cease all work contributing to the violation.

- b. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation and install more erosion, sedimentation, and turbidity control devices.
- c. Notify the Department within 24 hours of the time the violation occurred at (850) 595-8300.

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

10. There shall be no storage or stockpiling of tools or materials (e.g., lumber, pilings, debris, etc.) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state.

11. This permit does not authorize any work in or the removal of any vegetation from wetlands or other surface waters outside of the authorized impact areas as depicted on the attached permit drawings. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within wetlands except as performed within the limits of construction authorized in this permit.

12. Every effort shall be made to minimize the amount of mature trees to be eliminated for the construction of the boardwalk.

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

14. No heavy equipment shall be used in wetlands.

15. No work is authorized in wetlands outside of the footprint of the permitted structures.

16. All cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands or waters of the state within 14 days of completion of the work authorized in this permit.

17. The boardwalk shall be built progressively. No more than three sets of pilings at a time shall be installed. The decking shall then be installed on those pilings, and the finished decking shall be used to transport the remaining tools and materials. No impacts shall occur outside the footprint of the permitted boardwalk.

18. Pilings within wetland areas shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within wetland areas shall be prohibited.

19. To protect wetland resources, the elevation of the boardwalk decking shall be maintained at a minimum of five feet above wetland grade for the life of the structure. If planks are used, there shall be a minimum of 1/2-inch spacing between deck planks maintained for the life of the structure.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

20. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

21. The dock shall be for the sole use of the general public and government agencies. Any fee charged for use of the approved facility shall be nominal and used exclusively for maintenance of the facility. Prior to any change in use of the approved facility to a revenue-generating/income-related activity as defined in Section 18-21.003(44), F.A.C., the grantee and/or successor will be required to obtain a submerged land lease and be assessed a fee for the use of the sovereignty submerged land. Failure to notify the Department could result in assessment of lease fees in arrears and an administrative fine.

22. The remaining unimpacted wetlands onsite shall be maintained in a natural state. Removal of existing vegetation shall be minimized, with the exception of invasive exotic or nuisance species such as popcorn trees, Japanese climbing fern, cogon grass, and Chinese privet. For a more extensive list of invasive exotic and nuisance species, please go to: www.fleppc.org/list/.htm

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

24. Temporary daytime mooring shall be allowed at the facility. Overnight mooring is strictly prohibited.

25. To protect wetland resources, the elevation of the decking shall be maintained at a minimum of five feet above grade for the life of the facility. There shall be a minimum of 1/2-inch spacing between deck planks maintained for the life of the facility.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

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

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered

binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

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

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

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

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

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

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

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

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

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

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

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

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

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

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant to Rule 62-110.106(10)(a), F.A.C.

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Ryan Godwin at the letterhead address, at (850)595-0559, or at Ryan.Godwin@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly R. Allen
Permitting Program Administrator

KRA:rg

Attachment:

Exhibit 1, Project Drawings and Design Specs., 12 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Walton County, carscott@co.walton.fl.us; gragreg@co.walton.fl.us carmac@co.walton.fl.us,
pilpatrick@co.walton.fl.us, craaron@co.walton.fl.us, shekristen@co.walton.fl.us
Cliff Knauer, Dewberry, cknauer@dewberry.com
Rudolph Mall, Dewberry, rmall@Dewberry.com

FILING AND ACKNOWLEDGMENT

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

Rachel Harris
Clerk

October 28, 2019
Date



PERMIT APPLICATION FOR:
FOUR MILE CREEK PARK
IMPROVEMENTS
PREPARED FOR:
CITY OF FREEPORT
WALTON COUNTY, FLORIDA

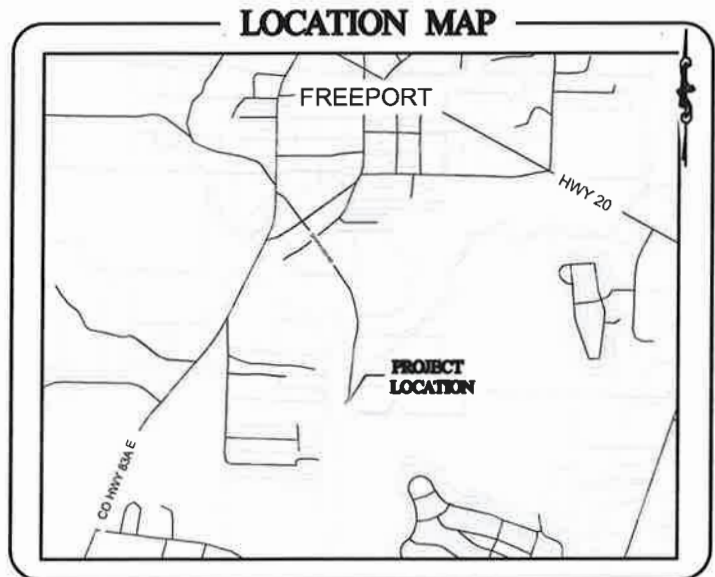


PREPARED BY:
 **Dewberry**
 877 CR 393 NORTH, SANTA ROSA BEACH, FL 32459
 (850) 267-0759

OCTOBER 2019



Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
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 EB 0008794

COVER SHEET
 FOUR MILE CREEK PARK IMPROVEMENTS

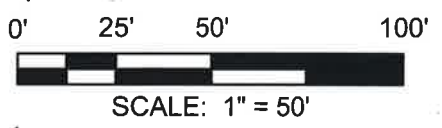
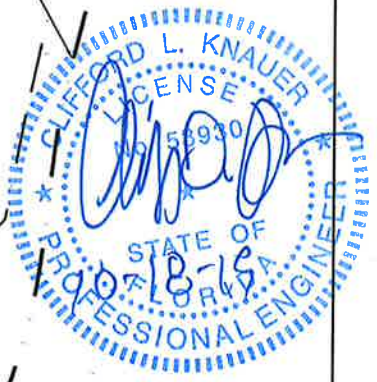
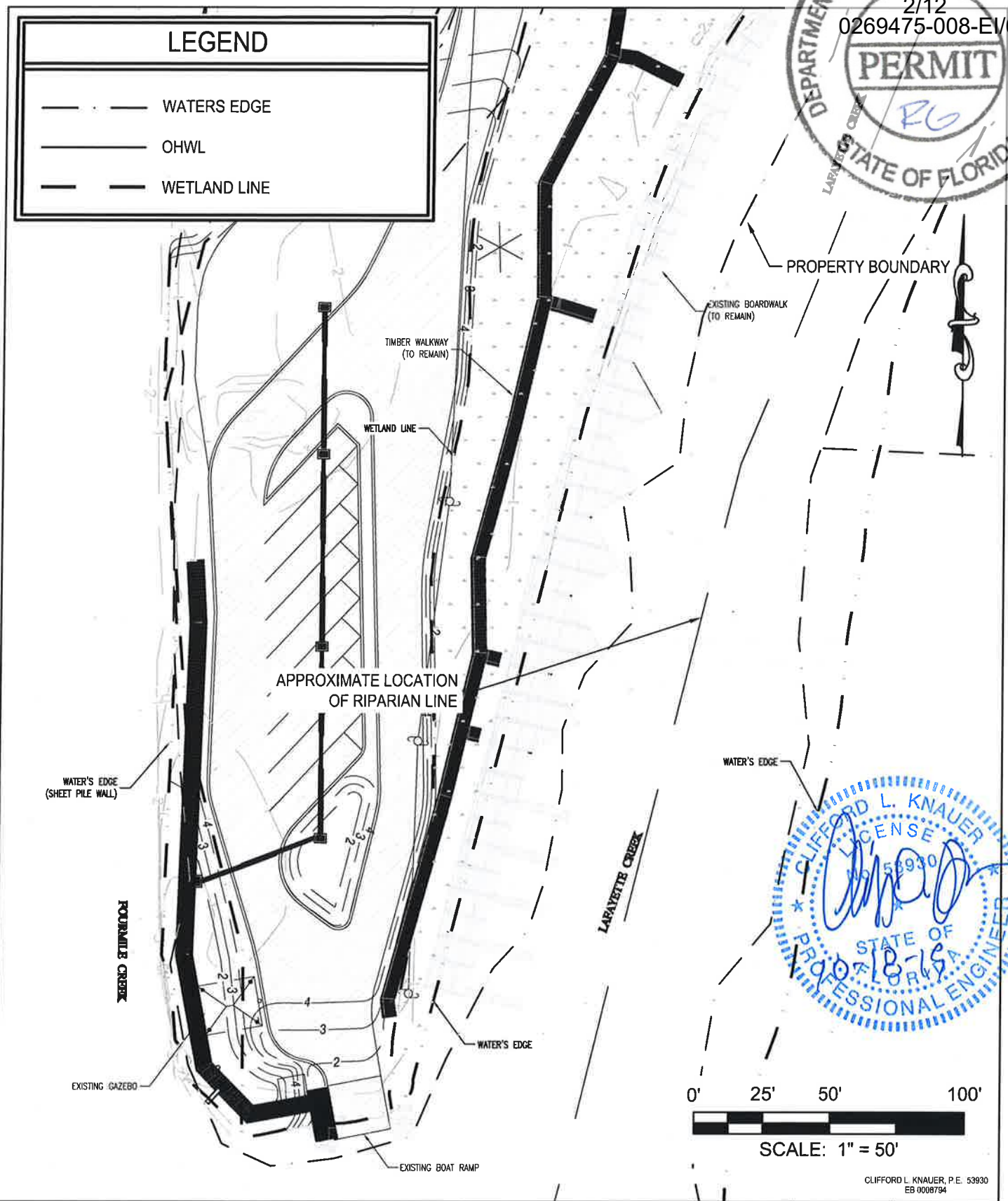
Date: OCTOBER 2019	Revision:	Sketch No.:
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LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE



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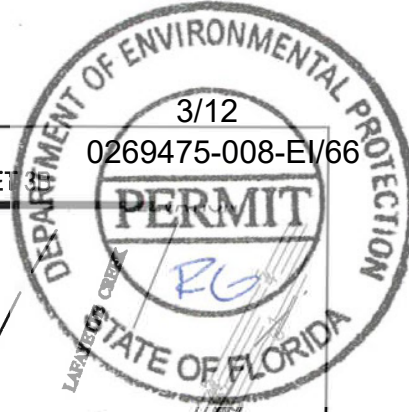
EXISTING CONDITIONS
FOUR MILE CREEK PARK IMPROVEMENTS



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Date: OCTOBER 2019	Revision:	Sketch No.:
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October 17, 2019 (October 2019)
S:\Projects\2019\20190417_Four Mile Creek Park Improvements\Drawings\2019-10-17_Four Mile Creek-Existing.dwg



LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE

MATCHLINE - SEE SHEET 3

PROPERTY BOUNDARY

APPROXIMATE LOCATION OF RIPARIAN LINE

LARAYETTE CREEK

FOURMILE CREEK

MATCH EXISTING WALKWAY ELEVATION

PROPOSED NEW TIMBER DOCK

113 SF OF DOCK AREA WATERWARD OF OHWL



SCALE: 1" = 50'

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PROPOSED SITE PLAN
FOUR MILE CREEK PARK IMPROVEMENTS



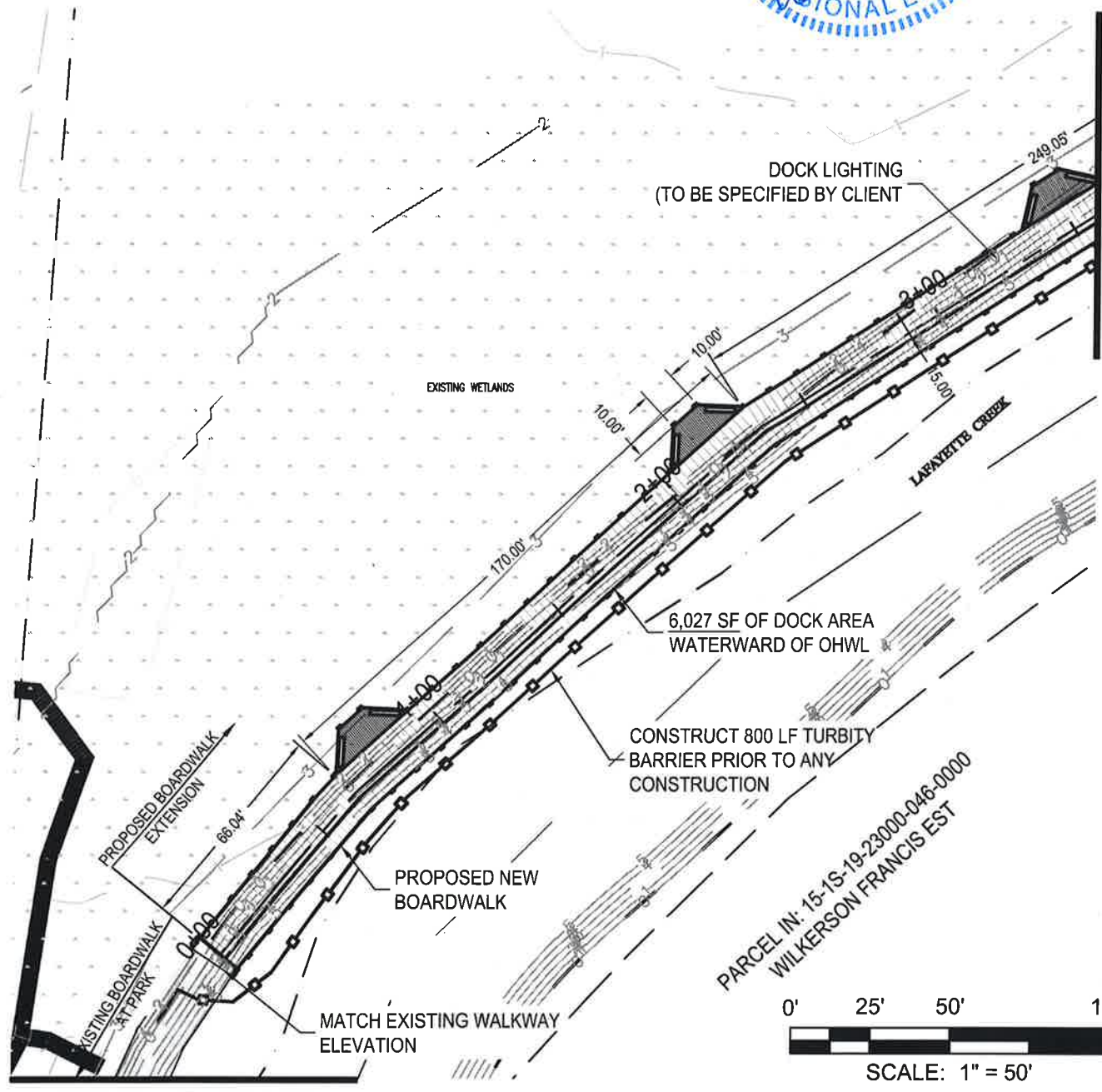
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Project No.:	Drawing No.:	
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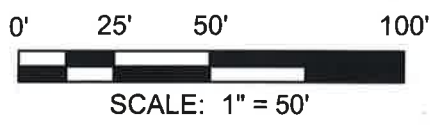
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LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE



MATCHLINE - SEE SHEET 3A



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PROPOSED SITE PLAN
FOUR MILE CREEK PARK IMPROVEMENTS



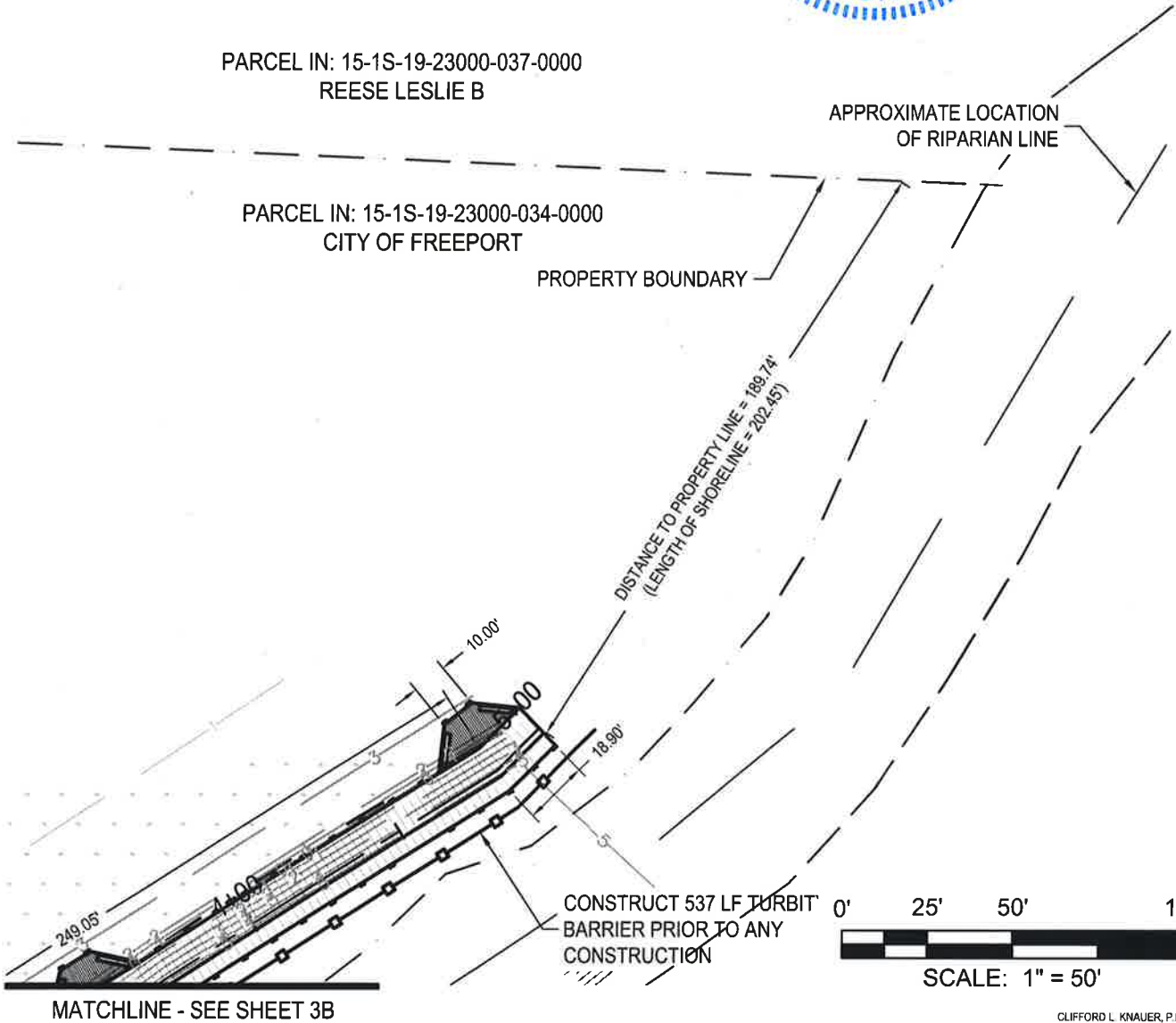
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Date: OCTOBER 2019	Revision:	Sketch No.:
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LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE



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PROPOSED SITE PLAN
FOUR MILE CREEK PARK IMPROVEMENTS

Date: OCTOBER 2019	Revision:	Sketch No.:
Scale:		
Project No.:	Drawing No.:	
	3C	



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October 18, 2019 (Revised 10/17/19)
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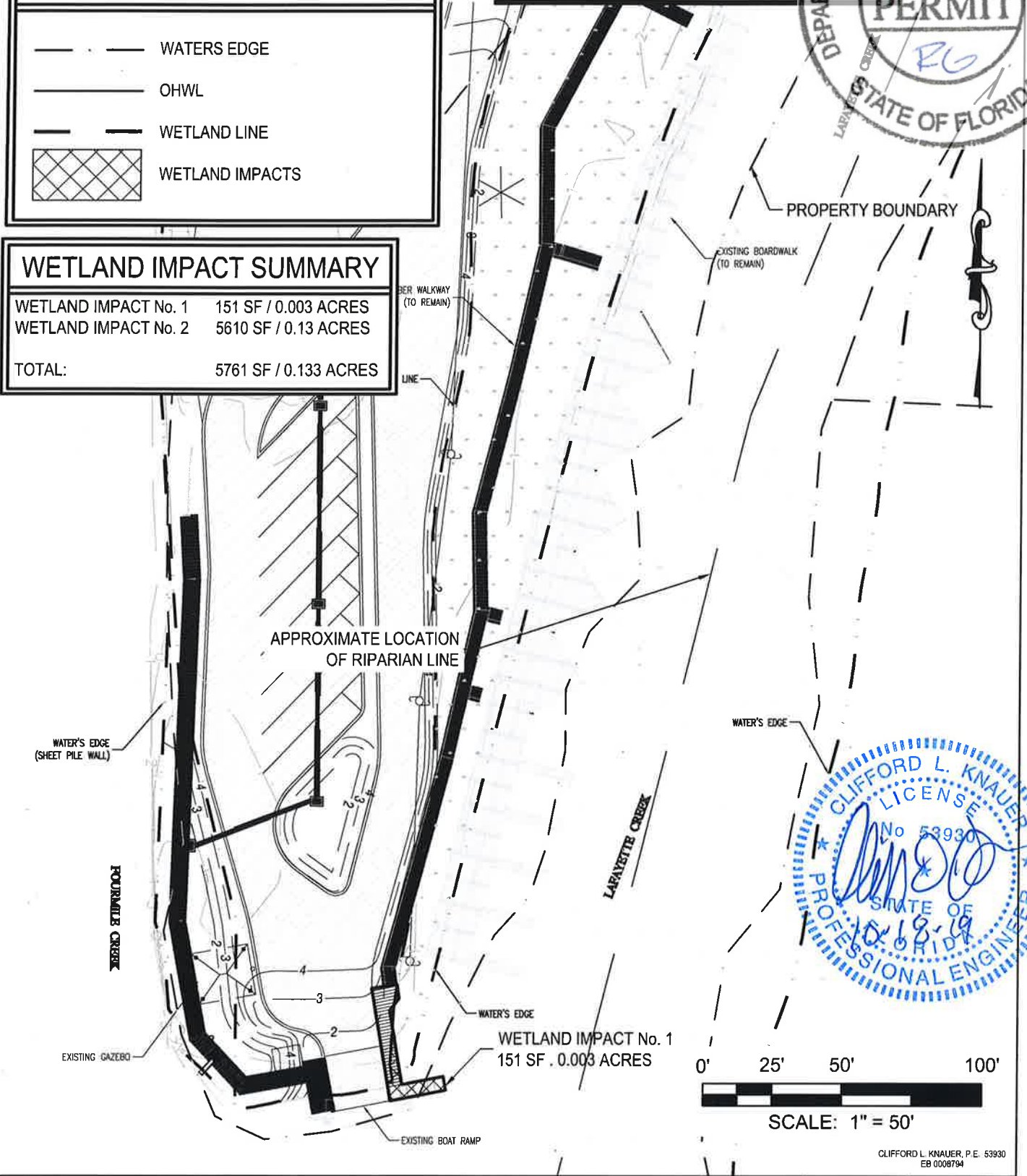
LEGEND

- WATERS EDGE
- OHWL
- WETLAND LINE
- WETLAND IMPACTS

WETLAND IMPACT SUMMARY

WETLAND IMPACT No. 1	151 SF / 0.003 ACRES
WETLAND IMPACT No. 2	5610 SF / 0.13 ACRES
TOTAL:	5761 SF / 0.133 ACRES

MATCHLINE - SEE SHEET 3



SCALE: 1" = 50'

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WETLAND IMPACTS

FOUR MILE CREEK PARK IMPROVEMENTS



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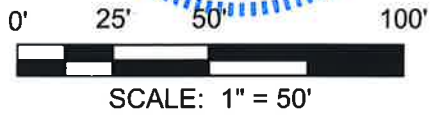
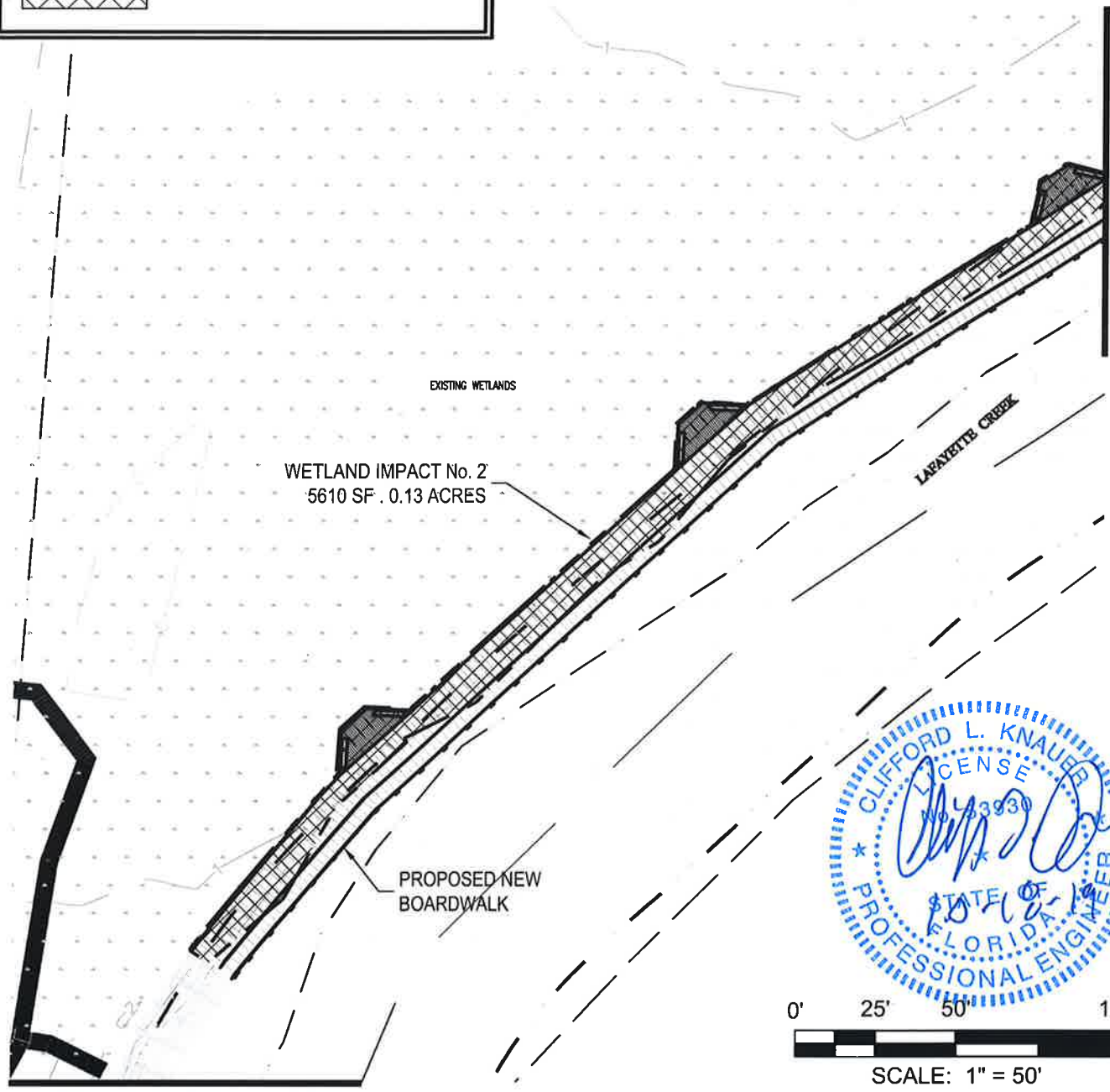
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Scale:		
Project No.:	Drawing No.:	4A

October 17, 2019 (Revised 10/18/19)
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LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE
	WETLAND IMPACTS

WETLAND IMPACT SUMMARY	
WETLAND IMPACT No. 1	151 SF / 0.003 ACRES
WETLAND IMPACT No. 2	5610 SF / 0.13 ACRES
TOTAL:	5761 SF / 0.133 ACRES



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WETLAND IMPACTS
FOUR MILE CREEK PARK IMPROVEMENTS



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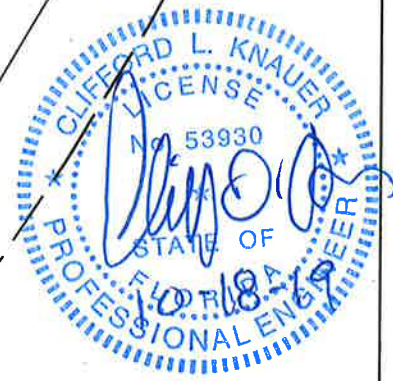
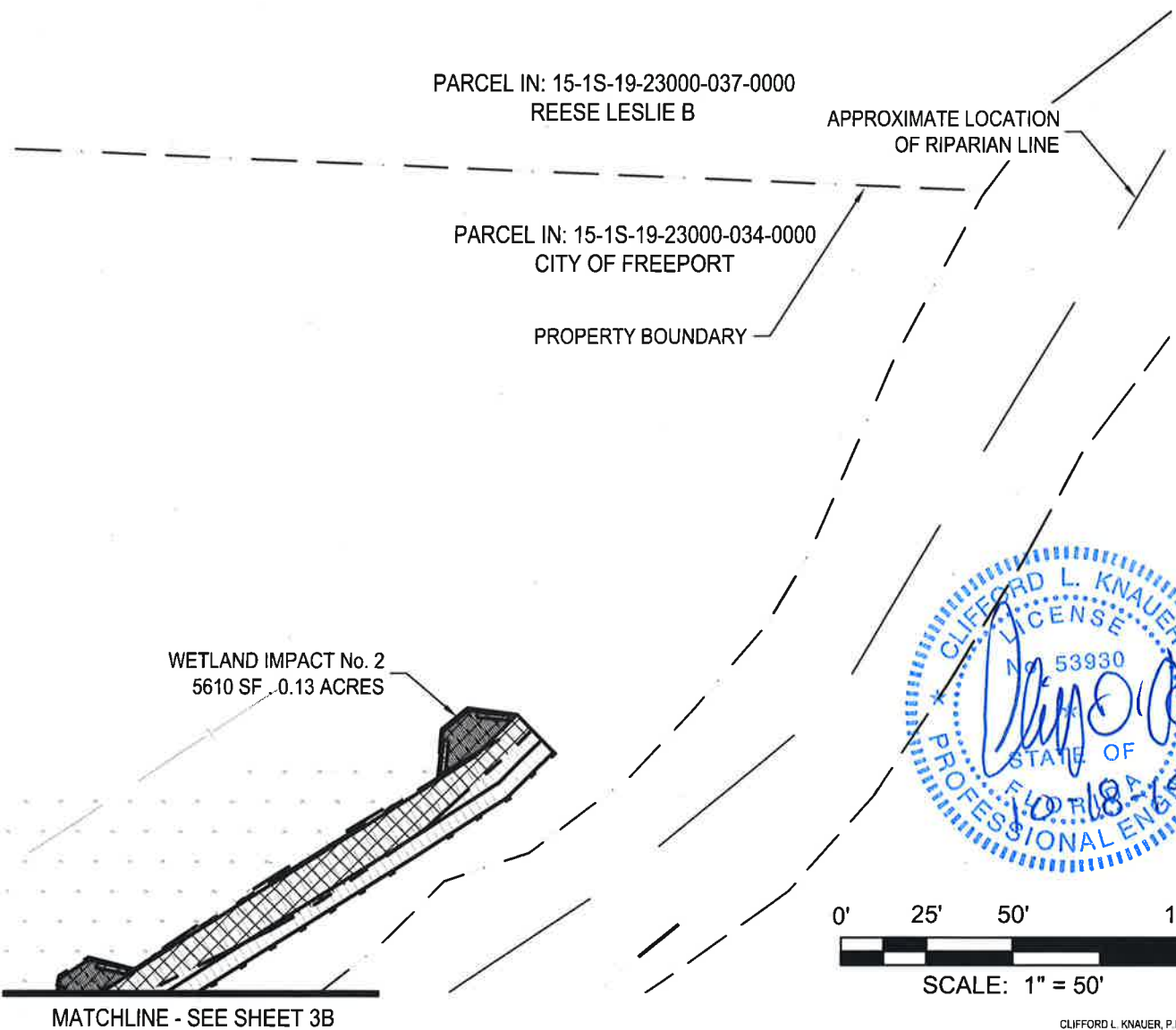
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Project No.:	Drawing No.:	
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October 11, 2019 (October 2019)
 45393
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 53930
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LEGEND	
	WATERS EDGE
	OHWL
	WETLAND LINE
	WETLAND IMPACTS

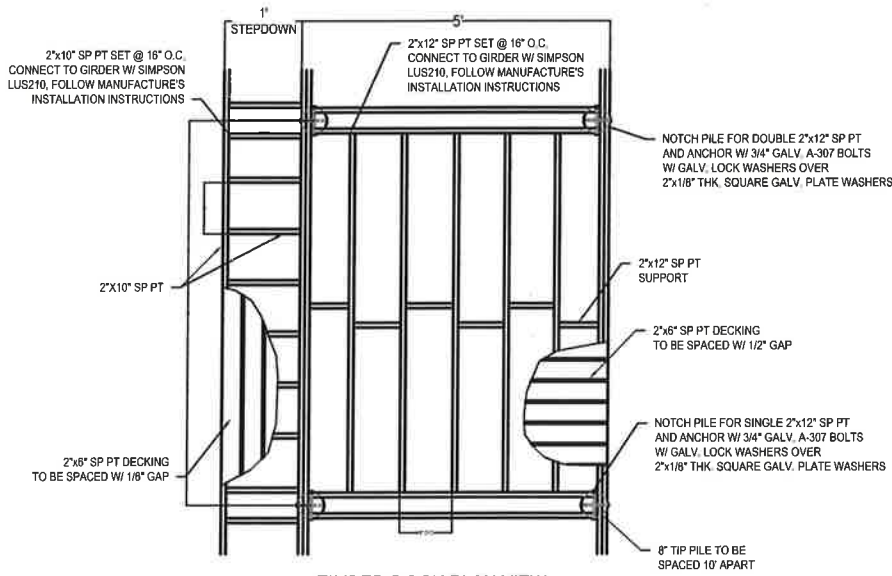
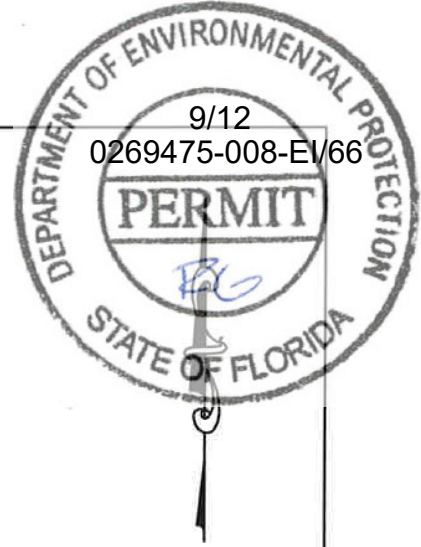
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WETLAND IMPACT No. 2	5610 SF / 0.13 ACRES
TOTAL:	5761 SF / 0.133 ACRES



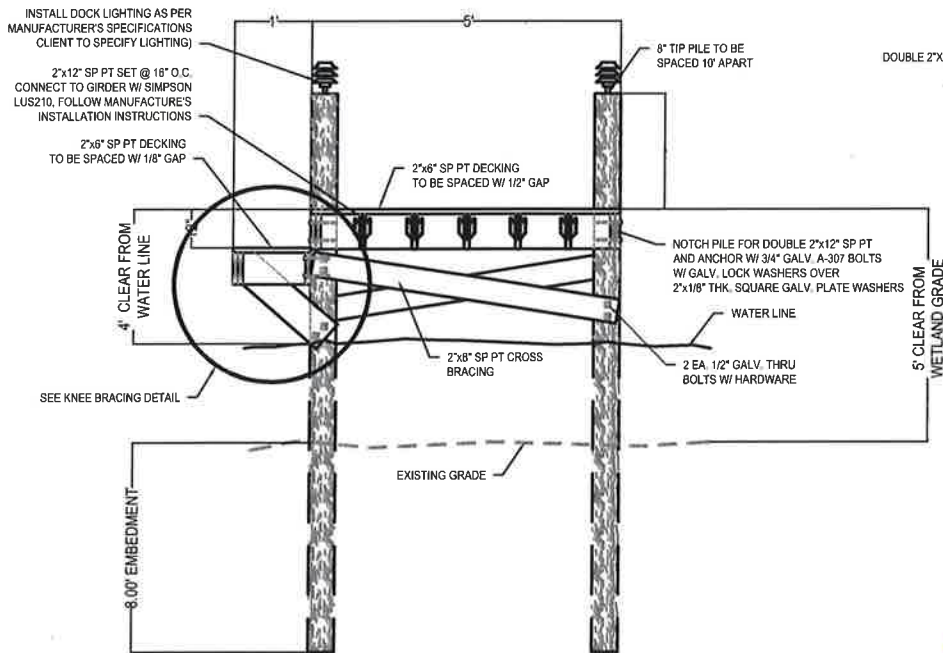
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WETLAND IMPACTS FOUR MILE CREEK PARK IMPROVEMENTS	Date: OCTOBER 2019	Revision:	Sketch No.:
	Scale:		
	Project No.:	Drawing No.:	
	877 CR 393 North Santa Rosa Beach, FL 32459 850.267.0759	4C	

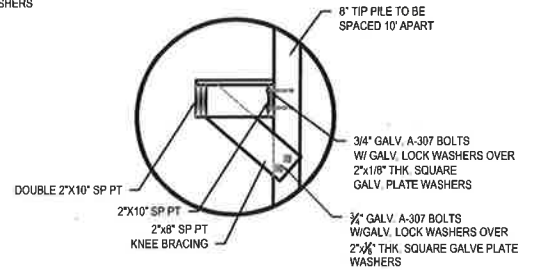
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TIMBER DOCK PLAN VIEW



TIMBER DOCK SECTION VIEW



KNEE BRACING DETAIL



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TYPICAL DETAILS
FOUR MILE CREEK PARK IMPROVEMENTS

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Scale:		
Project No.:	Drawing No.:	
	5A	



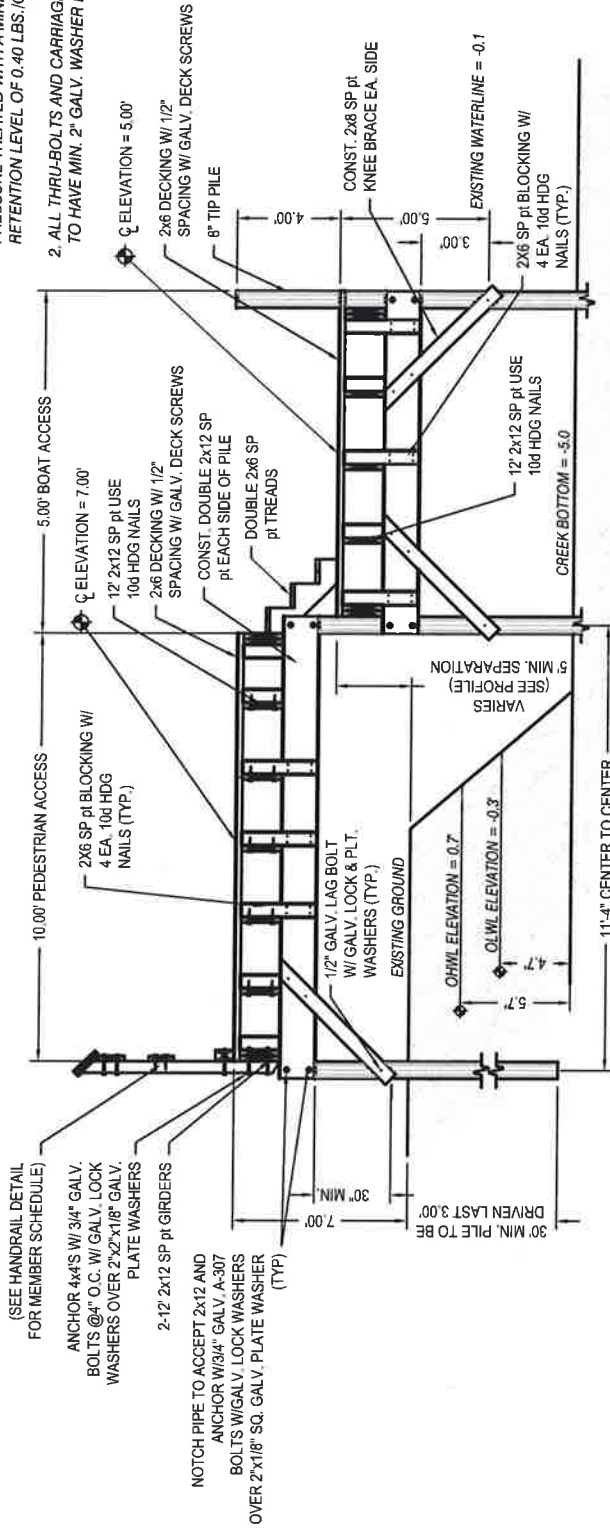
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October 17, 2019 (October 2019)
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CONSTRUCTION NOTE:

1. ALL WOOD FRAMING MEMBERS SHALL BE PRESSURE TREATED WITH A MINIMUM RETENTION LEVEL OF 0.40 LBS./CU. FT.
2. ALL THRU-BOLTS AND CARRIAGE BOLTS ARE TO HAVE MIN. 2" GALV. WASHER EACH SIDE.



TYPICAL BOARDWALK SECTION
N.T.S.



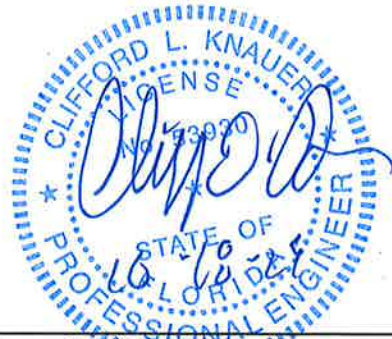
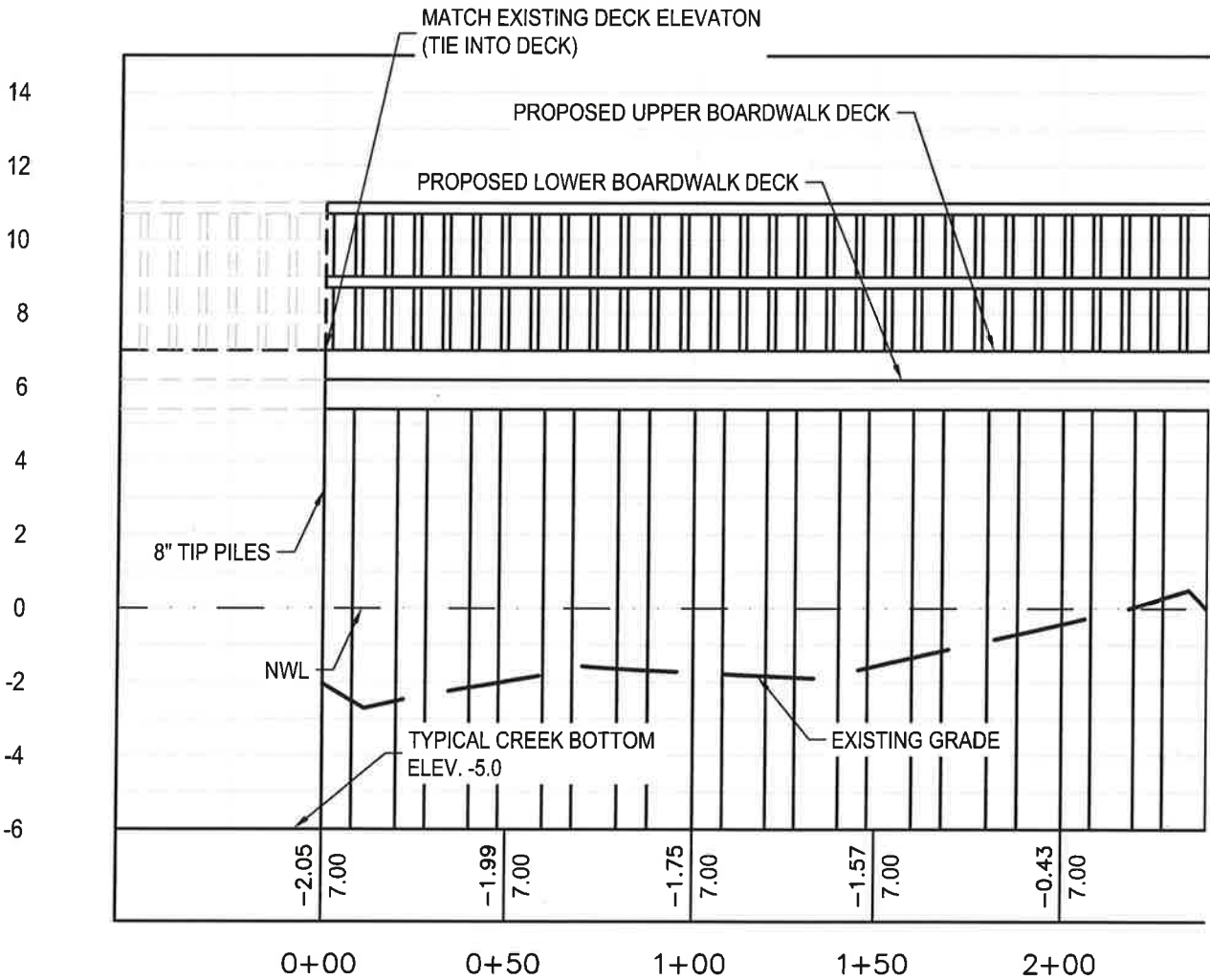
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TYPICAL DETAILS
FOUR MILE CREEK PARK IMPROVEMENTS



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0' 25' 50' 100'



SCALE: 1" = 50'

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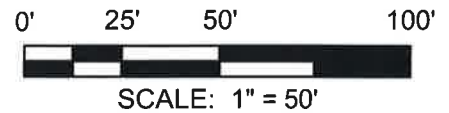
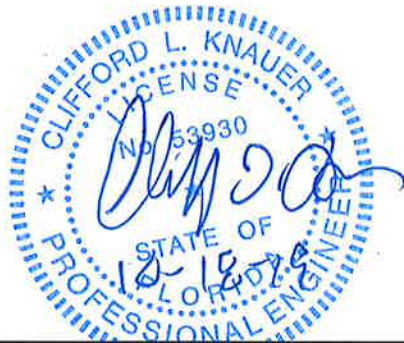
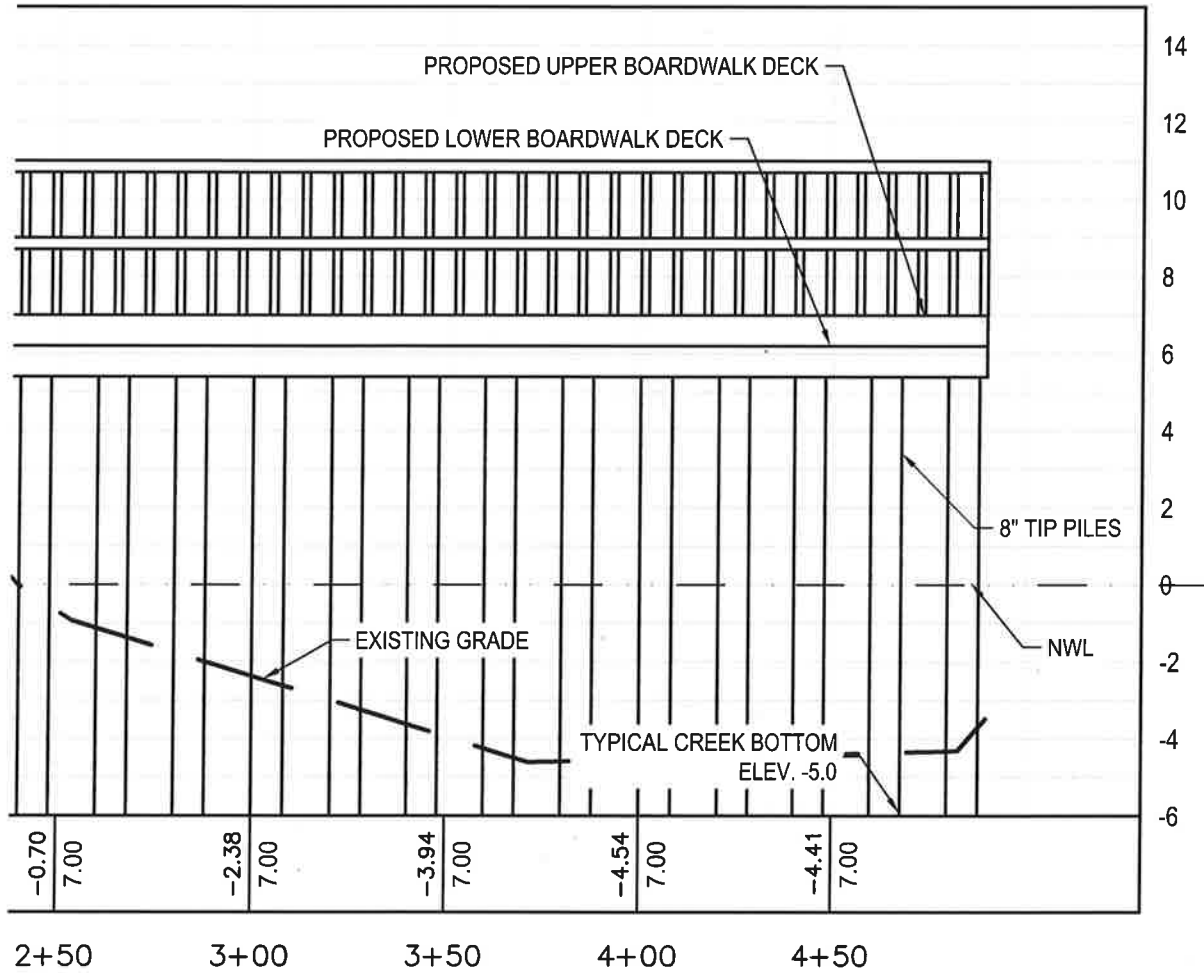
PLAN AND PROFILE
FOUR MILE CREEK PARK IMPROVEMENTS

Date: OCTOBER 2019	Revision:	Sketch No.:
Scale:		
Project No.:	Drawing No.:	5C



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October 11, 2019 (March 2020)
 Systematic City of Redwood City
 10/11/2019 10:00 AM



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PLAN AND PROFILE
FOUR MILE CREEK PARK IMPROVEMENTS

Date: OCTOBER 2019	Revision:	Sketch No.:
Scale:		
Project No.:	Drawing No.:	5D



877 CR 393 North
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October 14, 2019 (March 2019)
 Statewide City of Panama City or Panama City Area
 Project: Four Mile Creek Park Improvements, Panama City, Florida
 Drawing: 5D