

Florida Department of Environmental Protection

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Lynn Haven Bayou Park 0346190-002-EI/03

Authorized Agent:
Meghan Mick, Wood and Partners, Inc.
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**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted**

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

Bay County
Permit No.: 0346190-002-EI/03

Permit Issuance Date: December 8, 2017

Permit Construction Phase Expiration Date: December 8, 2022

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Trust for Public Land, Peter Fodor
Permit No: 0346190-002-EI/03

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at parcel no. 08710-025-000, Lynn Haven, Florida 32444, in Section 01, Township03 South, Range 14 West in Bay County, at 30°15'27.50" North Latitude, 85°36'11.90" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to construct a public use park including parking areas, culverted roads, amenities, stormwater management facilities, day use boat dock, fishing pier, personal water craft launches and wetland boardwalks. The total project area comprises of 97.83 acres providing stormwater treatment for 11.32 acres in three stormwater retention ponds and multiple swales. The multiple boardwalk structures will be 6.5-foot wide and vary in length, accounting for a total of 4341 square feet over wetlands. The project includes 0.41 acres of direct impacts and 0.868 acres of secondary impacts to wetlands and surface waters of the State for a total of 0.29 functional loss to predominantly Basin Swamp/Bottomland Hardwood habitats (FLUCCS 611). The project includes the construction of several day use recreational structures over water. The dimensions of these structures are as follows:

P1 Floating dock with gangway, 6.5-foot by 133-foot access, 4.5-foot by 26-foot gangway, 10-foot by 40-foot terminal platform, three 8-foot by 20-foot finger piers and two 10.5-foot by 20-foot boat slips for total of 1912 square feet of surface and 2332 square feet of pre-emption.

P2 Paddlecraft launch and platform, 6.5-foot by 16-foot access, 17-foot by 21.5-foot platform, 3.5-foot by 23-foot gangway, 12-foot by 25-foot terminal platform, three 6-foot by 12-foot finger piers, two 3.5-foot by 12-foot access slips, for a total of 1058 square feet of surface area and 1142 square feet of pre-emption.

P3 Viewing deck, 6.5-foot by 21.5-foot access, 16-foot by 20-foot platform for a total of 460 square feet of structure and pre-emption.

P4 Bayou interaction dock, 3.2-foot by 6.5-foot access, 16-foot by 24-foot platform for a total of 405 square feet and pre-emption.

P5 Paddlecraft floating dock, 6.5-foot by 7-foot access, 4.5-foot by 11-foot gangway, 16-foot by 24-foot floating platform for a total of 479 square feet and pre-emption.

The project is located along North Bay Bayou, a Class II Florida Waterbody, Conditionally Restricted Shellfish Harvesting Area. Those activities include the construction of multiple access piers and docks comprising of 2402 square feet of total structure and 4818 square feet of pre-emption to Sovereign Submerged State Lands. Permittee owns approximately 6635 linear feet of shoreline. Authorized activities are depicted on the attached exhibits.

To offset the 0.29 functional loss due to unavoidable impacts that will occur from these authorized activities, the permittee shall purchase of 0.29 credits of Cypress/Mixed Forested Wetland credits from Breakfast Point Mitigation Bank.

AUTHORIZATIONS

Lynn Haven Bayou Park 0346190-002-EI/03

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

Access piers and docks – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for federal authorization pursuant to the State Programmatic General Permit (SPGP) V, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers (Corps). Please note that the federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition B.27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required

for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook.

Boardwalk and Wetland impacts – SPGP Not Approved

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain onsite at all times during the activities.
2. Prior to construction, turbidity control devices shall be placed at all pond outfall locations to prevent turbid discharges in excess of State water quality standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity control devices and 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.
3. 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.
4. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
5. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.

SPECIFIC CONDITIONS – MITIGATION

6. To offset impacts to 1.278 acres of Basin Swamp wetlands, the permittee has reserved 0.29 Cypress, Mixed Forested wetland credits from Breakfast Point Mitigation Bank. Prior to any construction or impacts authorized by this permit, the DEP must have documentation that 0.29 Cypress, Mixed Forested wetland credits have been deducted from the FDEP credit ledger of the Breakfast Point Mitigation Bank.

SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES

7. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
8. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

9. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit.
10. All disturbed upland areas shall be stabilized at all times during and after construction so as to prevent any erosion, sedimentation, siltation, or scouring.
11. Culvert placement shall occur at the location that is indicated on the permit drawings. The diameter of the culverts shall not be decreased in size nor shall the length of the culverts that are indicated on the permit drawings be increased or decreased.
12. Any damage to wetlands outside the permitted area shall be restored to pre-construction elevations and conditions within 30 days of completion of the project and the Department shall be notified in writing of said incident.
13. Any damage to wetlands or the littoral zone as a result of the dock construction shall be corrected by restoring pre-construction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas. The restoration shall be completed and the Department so notified within 30 days of completion of the structure.
14. If any construction de-watering is required, which results in an offsite discharge of groundwater, the permittee and/or the contractor shall ensure that the requirements of pertinent portions of Chapter 62-621, F.A.C. are met. Please contact Bill Armstrong, P.E., at 850-595-0554, for more information.
15. 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.
16. Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
 - a. Notify the Department at 850-595-8300 at the time the violation is first detected.
 - b. Immediately cease all work contributing to the water quality violation.
 - c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
 - d. As required, perform turbidity monitoring per Specific Conditions.
 - e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

17. If construction of the stormwater management system authorized by this environmental resource permit has not been completed and continued use of the system formally transferred to the operating phase before the expiration date of the permit, then at least 60 days before such expiration date, the permittee shall apply for another environmental resource permit for construction, using the forms and accompanied by the fee required by rules in effect at that time. The application shall be timely and sufficient, as defined in subsection 62-4.090(1), F.A.C.

18. The constructed swales shall have a top width to depth ratio of the cross-section equal or greater than 6:1 or side slopes equal to 3:1 (horizontal to vertical) or flatter.

19. After the drainage area contributing to the swale system has been fully stabilized, the interior side slopes and swale bottoms shall be excavated to final design specifications. The excess soil and undesirable material must be carefully excavated and removed from the swales so that all accumulated silts, clays, organics, and other fine sediment material has been removed. The excavated material shall be disposed of in a manner that prevents re-introduction of the material into the stormwater swale treatment system.

20. Once the swale system has been excavated to final grade, the entire swale bottom shall be deep-raked and loosened for optimal infiltration.

21. The swale system shall be stabilized with vegetative cover suitable for soil stabilization, stormwater treatment, and nutrient uptake.

SPECIFIC CONDITIONS – ACCESS PIERS, DOCKS AND BOARDWALKS

22. There shall be no enclosed sides constructed on the access piers and docks.

23. Handrails shall be installed along both sides of the access piers concurrently during construction. Handrails shall be constructed to eliminate access by boaters and shall be maintained for the life of the facility. Mooring is prohibited along the access pier. "No Mooring" signs shall be posted on both sides of the access pier. No mooring signs must be installed prior to operation.

24. Boardwalk structures where wetland resources are present, the elevation of the decking shall be a minimum of 5 feet ground level of wetland vegetation and shall have a minimum of 1/2-inch spacing between deck planks.

25. Overboard or through hull discharges of trash, human or animal waste, gray water, or fuel shall not occur at the docking facility.

26. Unauthorized impacts to wetlands or the littoral zone as a result of the dock construction activities shall be reported immediately to the Department.

27. A floating turbidity curtain shall be installed around the in-water construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.

28. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the top of any submerged resources or submerged bottom.

SPECIFIC CONDITIONS – RIP RAP

29. Riprap shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and any toxic or otherwise deleterious substance.

SPECIFIC CONDITIONS - CONSTRUCTION COMPLETION

30. Upon construction completion, the permittee must provide the Department proof of ownership transfer to the City of Lynn Haven.

31. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...” or other correspondence is FDEP, SLERP, 160 West Government Street, Pensacola, Florida, 32502-5740.

32. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

33. 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.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

34. The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. The registered professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however, any report must be signed and sealed by the registered professional. Submittal of the inspection report to the Department is not required; but the report shall be made available to the Department upon request. Inspections shall be made by the registered professional in accordance with this schedule:

35. Dry Retention and Swales

- a. On the first anniversary of the date of conversion to Operation and Maintenance Phase.
- b. Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.

36. The Stormwater Operation/Maintenance Plan, as approved and enclosed with this permit, shall be implemented.

37. The swale system shall be fertilized only as needed to maintain vegetation, and shall be mowed regularly in order to kept at a manageable length as required for system functionality, maintenance, and safety.

38. Percolation performance shall be evaluated within the pond at least every third year. If there is evidence of inadequate percolation, the pond bottom must be re-scarified or deep-raked to restore percolation characteristics. If reworking the pond bottom fails to restore adequate percolation, additional retention area restoration shall be performed as follows:

- a. Remove the top layer of the retention area bottom material to a depth of 2 to 3 inches and scarify or deep-rake the excavated bottom.
- b. Replace excavated bottom material with suitably permeable material and restore the pond bottom to design grade.

39. Inspections by the Permittee.

- a. The stormwater system shall be inspected periodically for accumulation of debris and trash. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
- b. The stormwater system shall be inspected periodically for silt accumulation. Accumulations of silt that negatively affect the function of the system shall be removed.

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

41. If construction of the stormwater management system authorized by this environmental resource permit has not been completed and continued use of the system formally transferred to the operating phase before the expiration date of the permit, then at least 60 days before such expiration date, the permittee shall apply for another environmental resource permit for construction, using the forms and accompanied by the fee required by rules in effect at that time. The application shall be timely and sufficient, as defined in subsection 62-4.090(1), F.A.C.

42. Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the Department on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation. This report shall be signed and sealed by a registered professional.

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 further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

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@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, 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

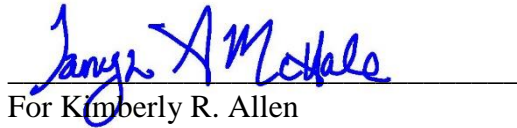
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 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 Scott Casey at the letterhead address, at 850-595-0574, or at scott.casey@dep.state.fl.us.

EXECUTION AND CLERKING

Executed in Pensacola/Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



For Kimberly R. Allen
Permitting Program Administrator

tm/sc

Attachment(s):

SPGP V: Special Conditions Related to All Review and Authorizations, 6 pages

General Conditions for Federal Authorization for SPGP V, 2 pages

Department of the Army Permit Transfer for SPGP V, 1 page

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over
Exhibit 1, Post Basin Map, 1 pages

Exhibit 2, Stormwater Plans, 23 pages

Exhibit 3, Stormwater Maintenance Plan, 4 pages

Exhibit 4, Wetland Impact, Dock, Pier and Boardwalk Plans, 39 pages

Exhibit 5, Mitigation Reservation Letter, 6 pages

Copies of 62-330 forms may be obtained at:

<http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

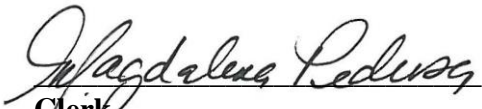
CERTIFICATE OF SERVICE

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:

U.S. Army Corps of Engineers Lisa.S.Lovvorn@usace.army.mil
FWC, Imperiled Species Management Section, jane.chabre@MyFWC.com
Bay County, citymanager@cityoflynnhaven.com, lbrunson@baycountyfl.gov,
mstouttate@cityoflynnhaven.com, leisureservices@cityoflynnhaven.com,
Department of Community Affairs, Ray.Eubanks@deo.myflorida.com
DCPPermits@deo.myflorida.com
Agent, cameron.snipes@kimley-horn.com, elvapeppers@felsi.org, Doug.hattaway@tpl.org
City of Lynn Haven, Maria Stout-Tate, leisureservices@cityoflynnhaven.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.


Clerk

December 8, 2017
Date