



Florida Department of Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

March 9, 2012

Sent Via E-mail to:

jtaylor@wetlandsciences.com

Escambia County Board of County Commissioners
c/o Robert Turpin, Manager Escambia County Marine Resources Division
221 Palafox Place, Suite 400
Pensacola, Florida 32502

Dear Mr. Turpin:

On March 6, 2012, we received your application File No.: 17-0310566-002-EE to perform the following activities:

To perform maintenance dredging of 260 cubic yards, to minus five feet MLW, at the Navy Point Boat Ramp, Pensacola. The project is located at W. Sunset Avenue, Pensacola, Florida 32507, Class III Waters of the State, Prohibited Shellfish Harvesting Area, Section 50, Township 02S, Range 30W, Latitude N 30° 22' 51.28", Longitude W 87° 16' 55.45", Escambia County.

Your application has been reviewed to determine whether it qualifies for (1) regulatory authorization; and (2) any required authorization to use state-owned (sovereign) submerged lands owned by the state of Florida.

1. Regulatory Review - EXEMPTION VERIFIED

Based on the information submitted, the Department has determined that the maintenance dredge of 260 cubic yards, to minus 5 feet MLW, at the Navy Point Boat Ramp, W. Sunset Avenue, Pensacola, is exempt, under paragraph 62-346.051(7)(a), F.A.C., from the need to obtain a regulatory permit. This determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

Therefore, the Department grants an exemption for the proposed activity under paragraph 62-346.051(7)(a), F.A.C., and Section 403.813(1)(f), F.S.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification

will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Authorization to use state-owned (sovereign) submerged lands - Required

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, pursuant to 18-21.005(1)(c)(4), F.A.C., as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

Additional Information

This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

Please retain this letter. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

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 filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

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 Rule 28-106.201, 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. 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 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. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. 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, before the applicable 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.

Judicial Review

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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this 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 Barton Sessions at the letterhead address or at 850-595-0699.

Executed in Escambia County Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sincerely,



Diana Athnos
Environmental Manager
Submerged Lands and Environmental
Resources Program

Enclosures: Paragraph 62-346.051(7)(a), F.A.C.
Paragraph 403.813(1)(f) F.S.
Approved Map and Drawings

c: USACOE

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this exemption,

including all copies were mailed before the close of business on

March 9, 2012 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),

Florida Statutes, with the designated Department Clerk,

receipt of which is hereby acknowledged.

Clerk

Date

Brandy Bass

3/9/12

62-346.051 F.A.C.

(7) Maintenance and Restoration of Systems.

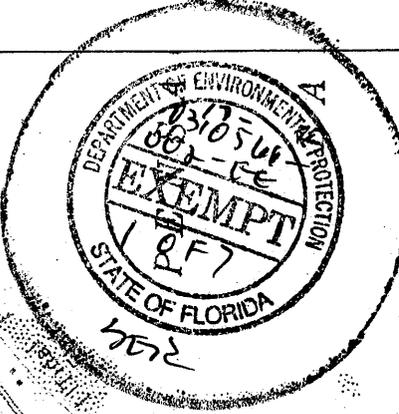
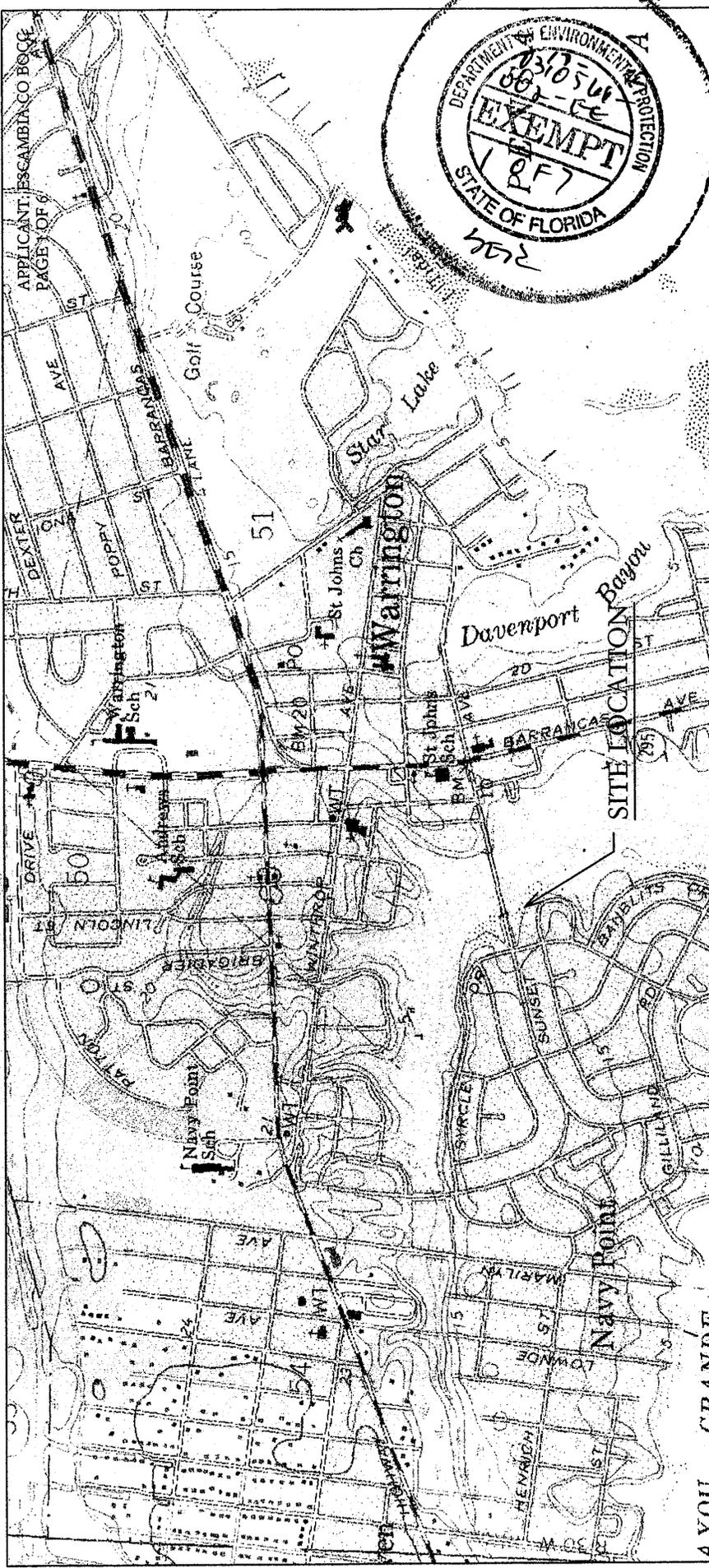
(a) Maintenance activities in accordance with Sections 403.813(1)(f) and (g), F.S., including the notification requirements of Section 403.813(1)(f), F.S. The Department's interpretation and implementation of these exemptions is explained in section 3.4.3.5 of the Applicant's Handbook Volume I.

403.813 F.S.

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. 370.12(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This

exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.



A YOU GRANDE
 DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START BY HEADING WEST ON GARDEN STREET/US-98. MAKE A SLIGHT LEFT ONTO BARRANCAS AVE/FL-292. TURN LEFT ONTO NAVY BLVD. TURN RIGHT ONTO WEST SUNSET AVENUE. TURN LEFT ONTO SE SYRACLE DRIVE. NAVY POINT PUBLIC BOAT RAMP IS LOCATED IMMEDIATELY ON LEFT HAND SIDE OF ROAD. PLEASE CALL 453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID # 50-25-30-6090-748-035
 PROPERTY OWNER
 ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
 221 PALAFOX PLACE, SUITE 400
 PENSACOLA, FL 32502

PROJECT LOCATION

SEC 50 - TWN 2 SOUTH - RING 30 WEST
 SE CORNER OF W SUNSET AVE AND SE SYRACLE DRIVE INTERSECTION
 PENSACOLA, FL 32507

LAT 30°22'51.17" N/LONG 87°16'55.47" W

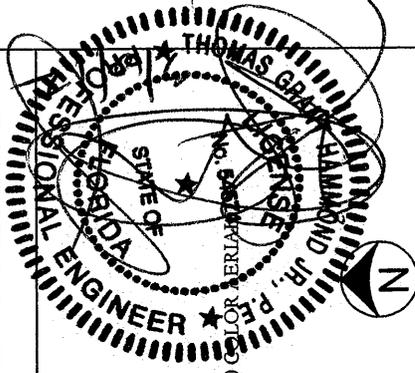
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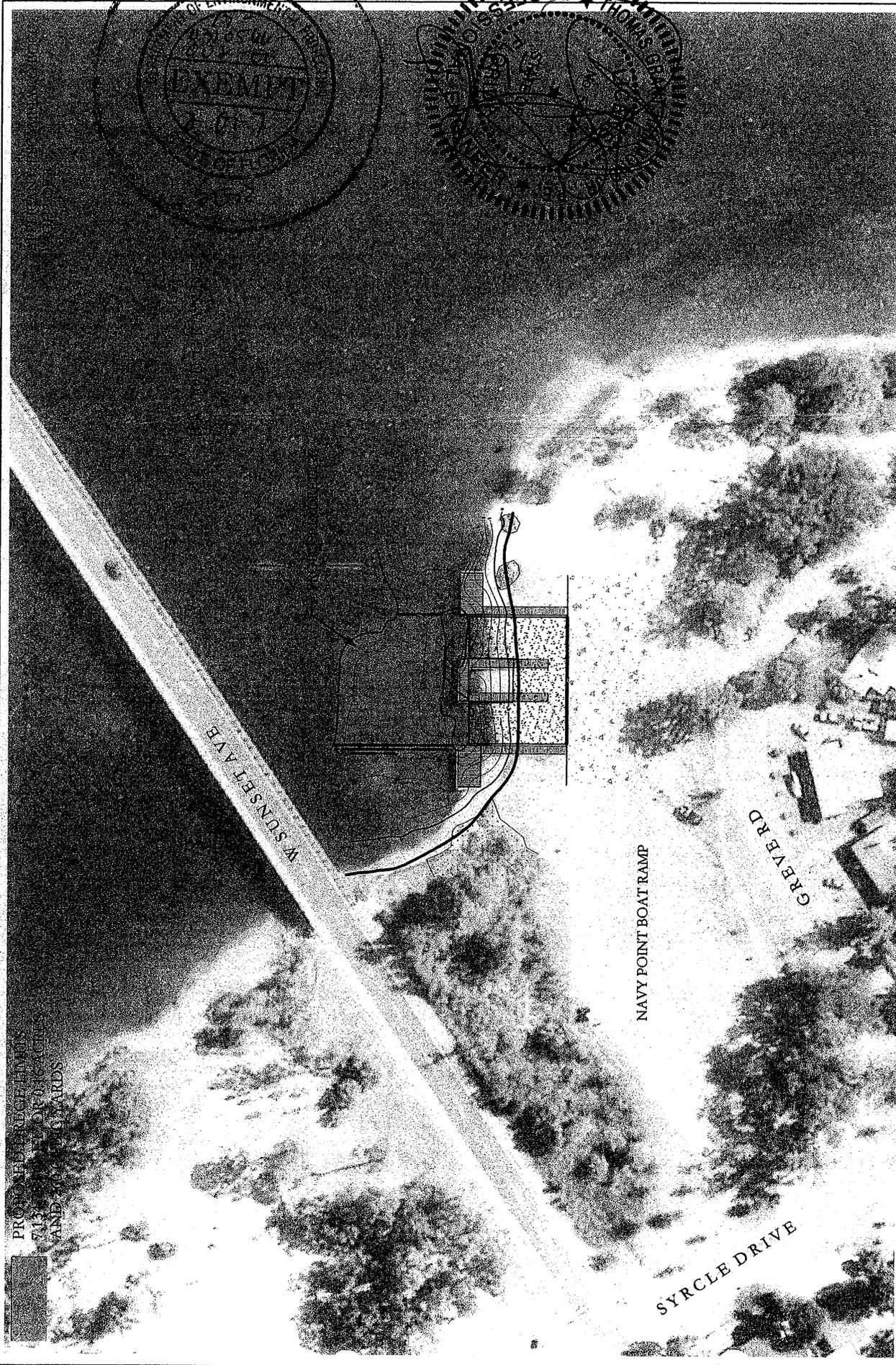
SHEET NO.	DESCRIPTION
1	SITE LOCATION MAP
2	EXISTING SITE CONDITIONS
3	PROPOSED SITE CONDITIONS OVERLAID ONTO 2010 COLOR RELIEF
4	PROPOSED SITE CONDITIONS
5	DREDGE PROFILE A-A
6	DREDGE PROFILE B-B

**PROJECT LOCATION DEPICTED ONTO
 USGS 7.5' QUAD MAP**

PROJECT #2012-015	DATE: JANUARY 30, 2012
DRAWN BY: JAT	SCALE: 1" = 1500'

**WETLAND
 SCIENCES
 INCORPORATED**





**PROPOSED SITE CONDITIONS
DEPICTED ONTO AERIAL**

PROJECT #2012-015 DATE: JANUARY 30, 2012

DRAWN BY: JAT SCALE: 1" = 100'

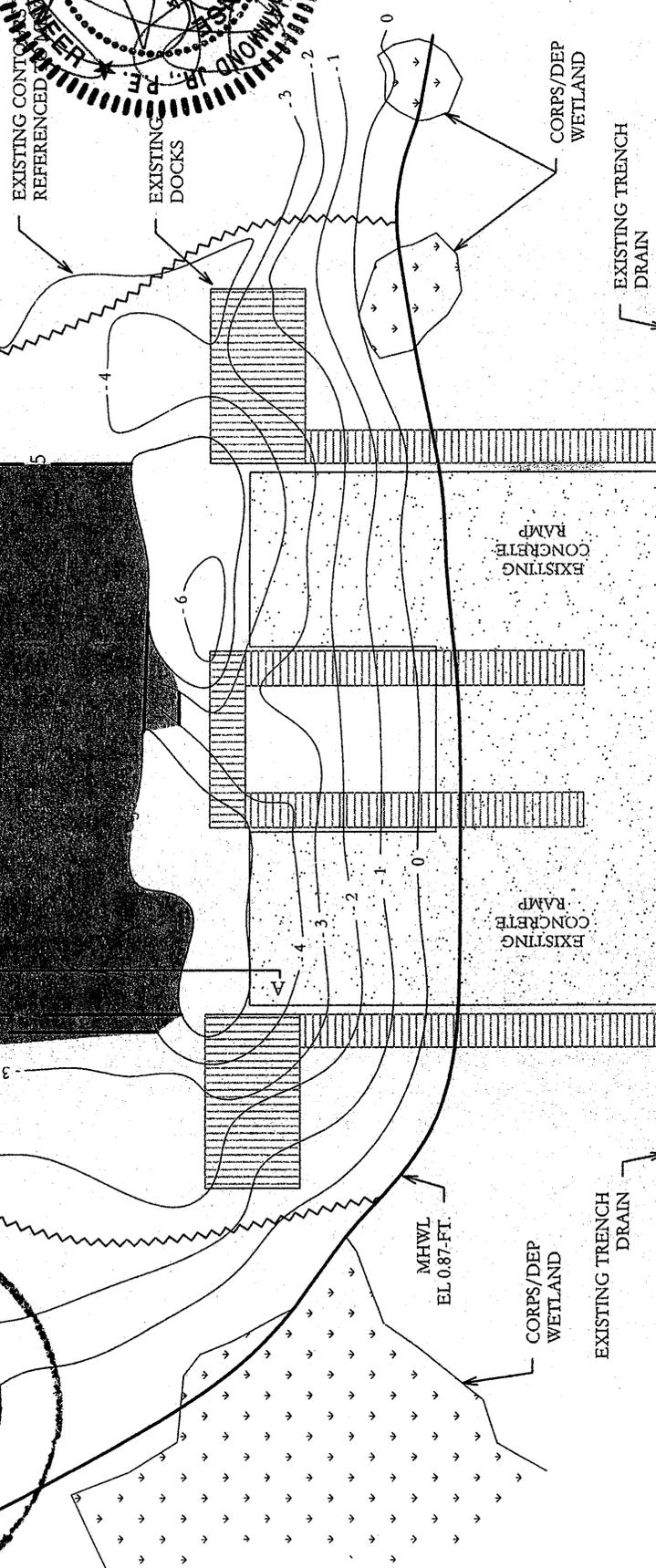
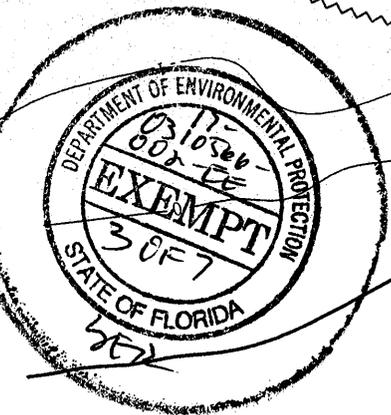
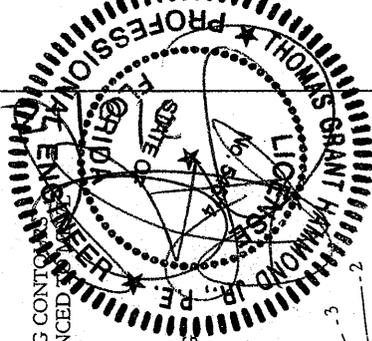
**WETLAND
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PROJECTS, ENGINEERING,
7132 W. WILSON AVENUE
AND SURVEYING

BAYOU GRANDE

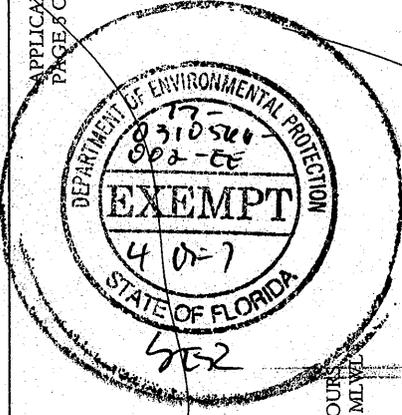
PROPOSED DREGE LIMITS
7,134.75 SQ. FT. OR 0.16 ACRES
AND 260 CUBIC YARDS

WEIGHTED TURBIDITY
CURTAIN TO EXTEND AT LEAST
1.0-FT FROM THE EXISTING
BOTTOM



PROPOSED SITE CONDITIONS	
PROJECT #2012-015	DATE: JANUARY 30, 2012
DRAWN BY: JAT	SCALE: 1" = 30'

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A

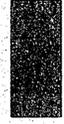
A

EXISTING DOCK

EXISTING CONTOURS
REFERENCED TO MLWL

PROPOSED CONTOURS
REFERENCED TO MLWL

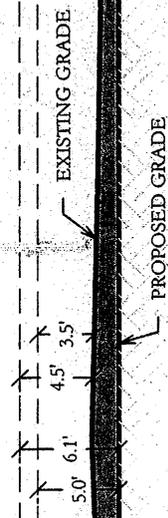
PROPOSED DREGE LIMITS
7,134.75 SQ. FT. OR 0.16 ACRES
AND 260 CUBIC YARDS



EXISTING DOCK

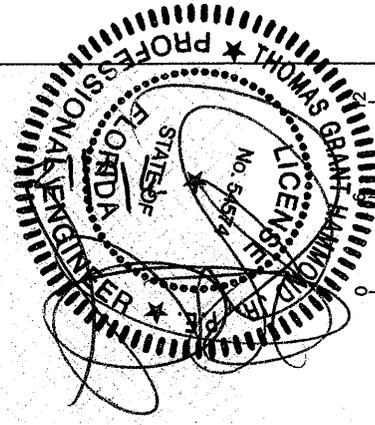
EXISTING BOAT RAMP

MHWL ELEV. +0.87
MLWL ELEV. -0.23



PROPOSED GRADE

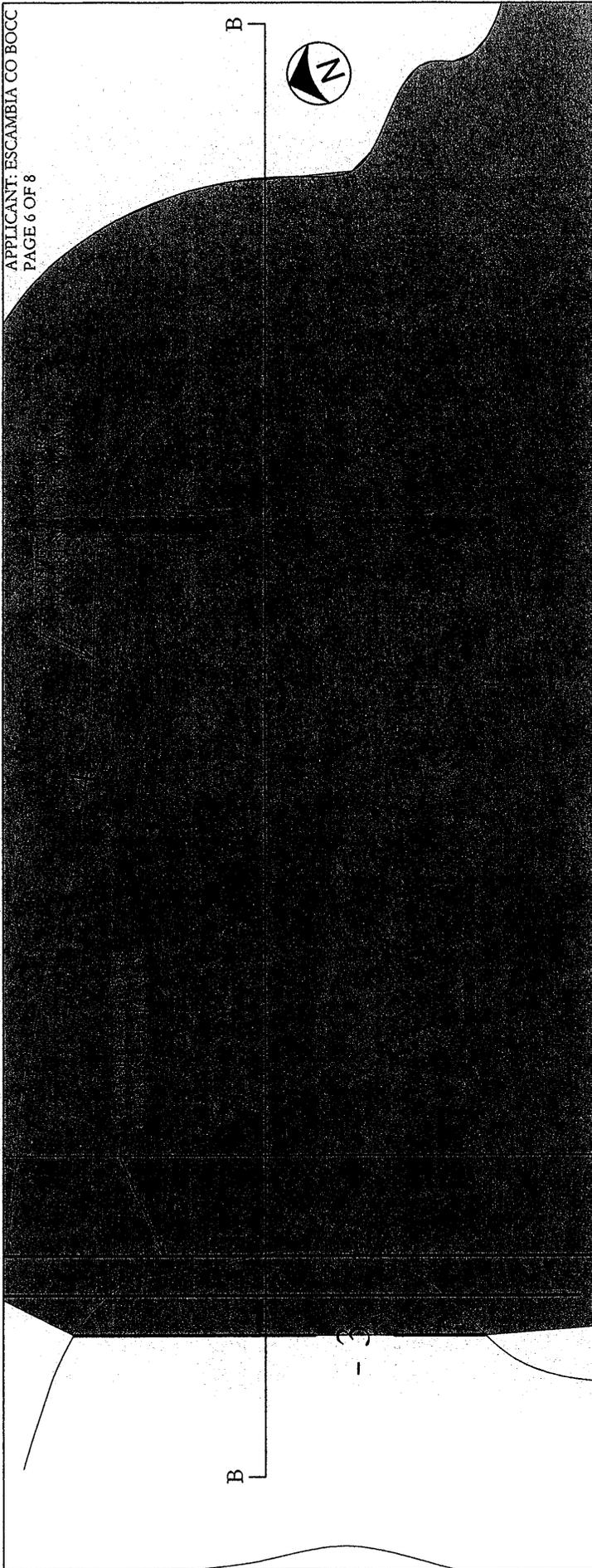
EXISTING GRADE



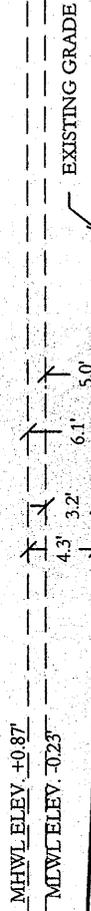
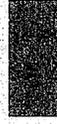
DREDGE PROFILE A-A

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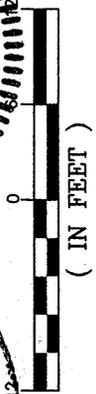
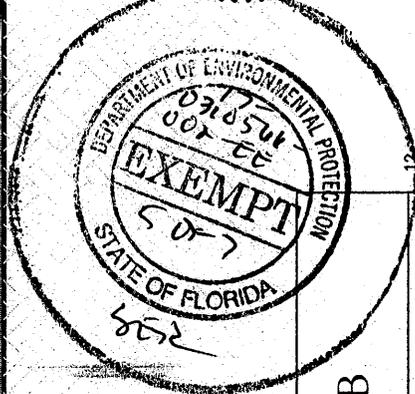
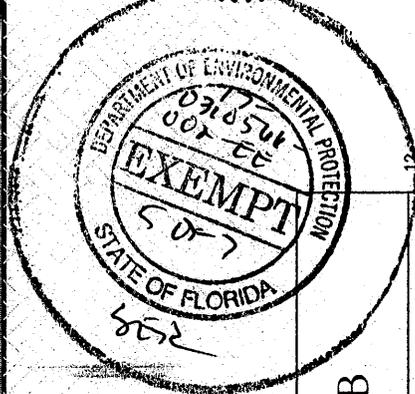
PROJECT #2012-015	DATE: JANUARY 30, 2012
DRAWN BY: JAT	SCALE: 1" = 12'



PROPOSED DREGE LIMITS
7,134.75 SQ. FT. OR 0.16 ACRES
AND 260 CUBIC YARDS



NOT RELEASED FOR CONSTRUCTION
FOR PERMITTING PURPOSES ONLY.

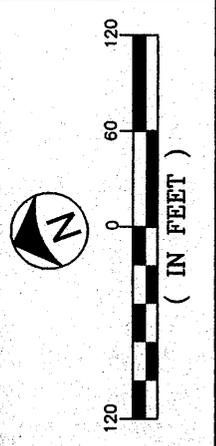
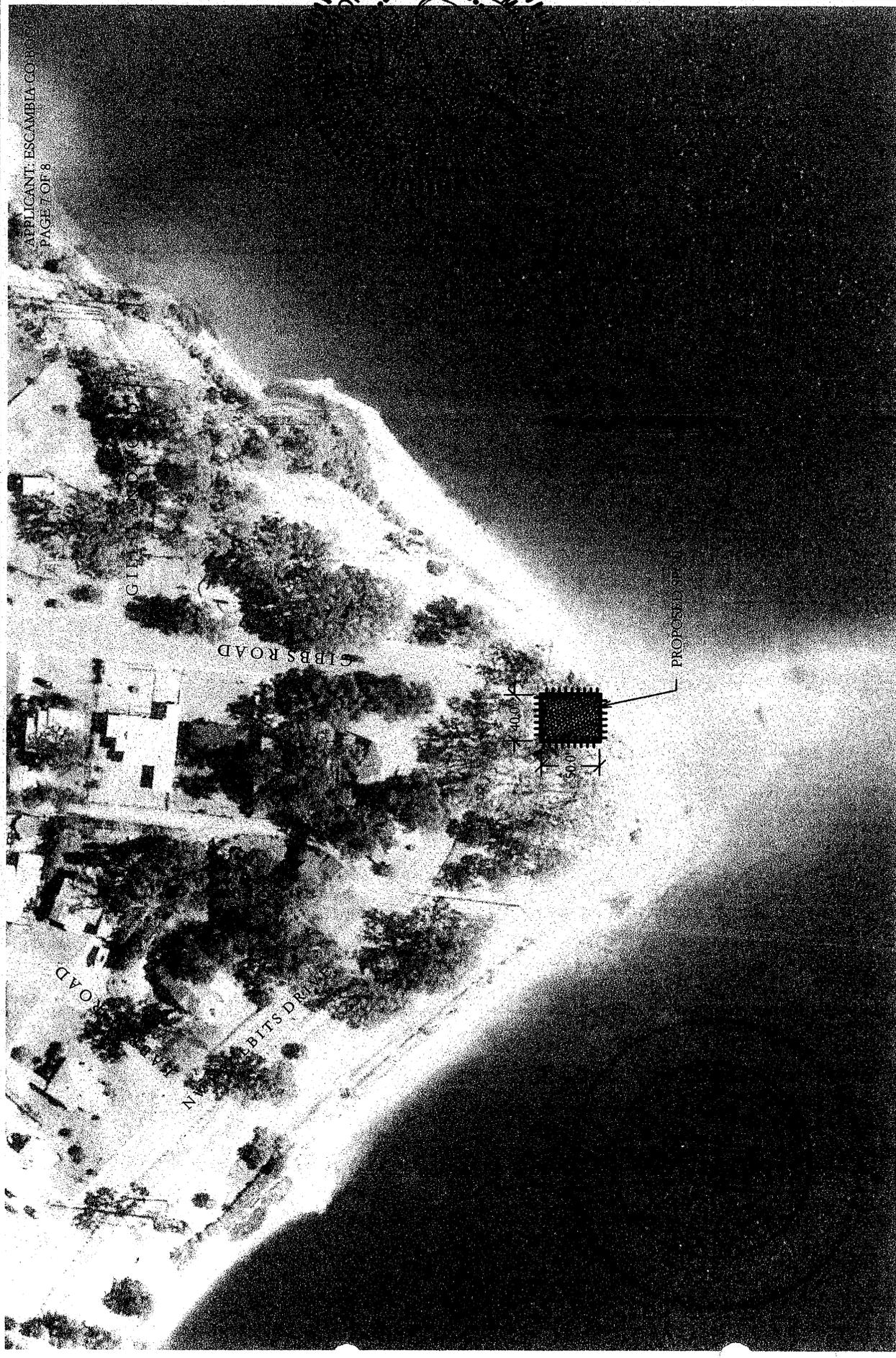


DREDGE PROFILE B-B

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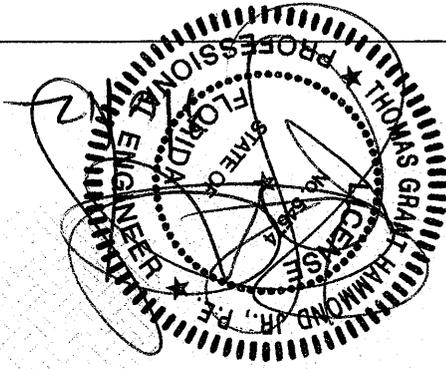
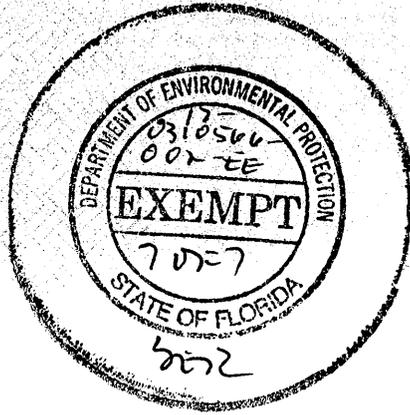
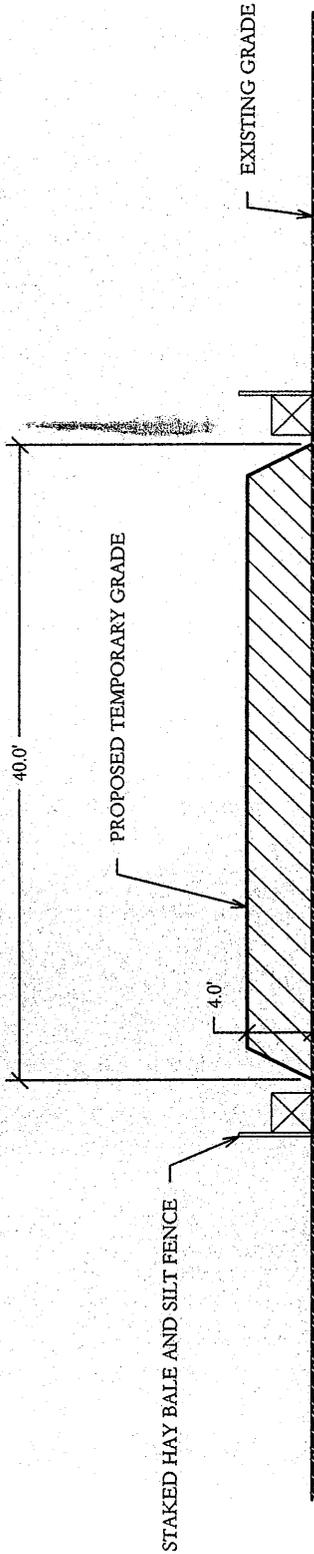
PROJECT #2012-015
DRAWN BY: JAT

DATE: JANUARY 30, 2012
SCALE: 1"= 12'



PROPOSED SPOIL CELL SITE	
PROJECT #2012-015	DATE: JANUARY 30, 2012
DRAWN BY: JAT	SCALE: 1" = 120'

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PROPOSED SPOIL CELL PROFILE	
PROJECT #2012-015	DATE: JANUARY 30, 2012
DRAWN BY: JAT	SCALE: 1" = 12'

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