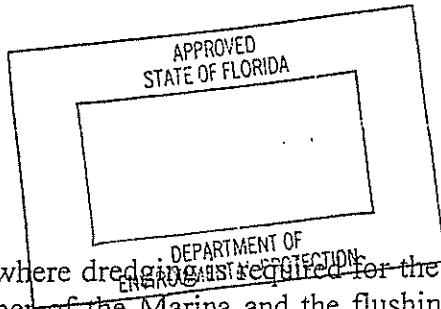
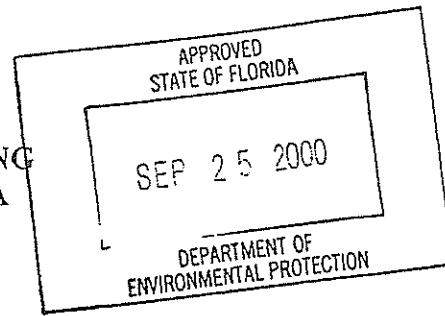


PROPOSED
CHANNEL ROCK DREDGING
RIVIERA DUNES MARINA
Palmetto, Florida



41-0172757

July 26, 2000

Introduction

There are two areas where dredging is required for the Marina. One is the navigational channel on the southeast corner of the Marina and the flushing channel at the southwest corner of the Marina.

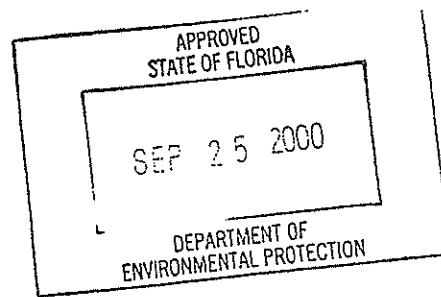
Hydrosystems Associates, Inc. performed a hydrological analysis, dated May 22, 2000, of the flushing mechanism for the Marina basin and a supplementary report, dated June 28, 2000, which deals with the design parameters for the channels (both of which are attached). The reports provide minimum cross sectional areas and projected velocities associated with the cross-sections within each channel. The proposed dredging will provide the required cross-sections for each channel with the adequate widths and depths to meet the navigational and flushing requirements.

Dredging Procedures

The bottom of the Marina is at an elevation of (-) 18.5 feet. An earthen plug of approximately 70 feet remains between the Manatee River and the dry Marina area. Once the Marina is refilled with water and the water levels equalize, then the earthen plug can be removed. Upon the basin reaching a water depth of six feet, the dredging mobilization can proceed.

The dredging equipment will be transported by truck and include a barge, backhoe and if required, a front-end loader. Using a crane, the barge will be placed in the Marina with the remaining equipment placed on the barge. Excavation will proceed from the inside of the basin, through the earthen plug and out into the river. Once the cut is open to the river, the excavation of the channels can then be completed.

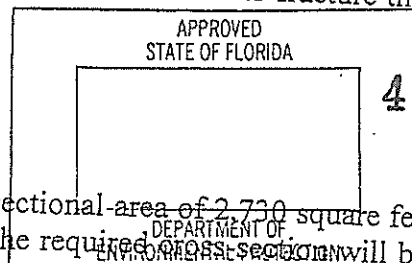
The revised permit requires the bottom of the basin to be at (-) 18.5 feet elevation. There is a depression located at the northeast corner of the Marina basin, which must also be filled to the required elevation. As the barge is filled, it will maneuver over the depression, and the material removed from the barge will be deposited into the depression. This operation will continue until the channels are dug to design depth and cross-section.



Should the channel excavation not provide sufficient material to fill the depression, additional material will be obtained from other sources. The additional material will be stockpiled on the northeast shore of the Marina and loaded on to the barge or by other means placed in the depression. This procedure will continue until the depression is filled.

Geotechnical borings were done at each of the channels. The boring reports indicated hard rock with blow counts ranging from 20 to 60 blows per foot of penetration. In the event that the rock becomes unyielding during the dredging operation, the dredge contractor will bring in a crane with a punch on a second barge. The punch will then be used to fracture the rock so that it can be removed.

Channel Cross-section Design



41-0172757

Navigational Channel

The hydrological report requires that a cross-sectional area of 2,730 square feet be maintained at station (-) 0+50 (the throat of the channel). The required cross-section will be an average width of 182 feet at a depth of (-) 15.0 feet. The report states "Seaward of the throat, the channel maximum depth can and should be reduced to account for the lateral converging flow from the adjacent tidal flat. Progressing offshore, there is an effectively larger cross-section provided by increasing river depth". Once you are beyond the throat, the effective cross-sectional width is infinite. At station 0+00 (the shoreline), the design width is to be 250 feet at the top and 210 feet at the bottom at an elevation of (-) 12.0 feet. At station 2+00, to provide the required navigational depths, a 100 foot wide channel will be excavated to a depth of (-) 10.0 feet. At station 1+00, the transition area, the bottom width will be approximately 150 feet at an elevation of (-) 11.0 feet. The 100 foot wide navigational channel shall continue out into the river until it intersects with the (-) 10.0 foot contour, at about station 5+50. Based on these design sections, the amount of rock to be excavated is estimated at about 13,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required to excavate the channel. Also attached are plan view and three-dimensional views of the proposed navigational channel.

Flushing Channel

The hydrological report requires a cross-sectional area of 659 square feet. The design depth in the channel is (-) 8.0 feet. At station 0+00 (the mouth of the channel), the cross-section is 85 feet wide at a depth of (-) 8.0 feet. This cross-section will continue out into the river until it intersects with the (-) 8.0 foot contour, at about station 4+00. Based on these design sections, the amount of rock to be excavated is estimated at about 4,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required in order to excavate the channel. Also attached are plan view and three-dimensional views of the proposed flushing channel.

Mary Ellen Edwards - DEP
813 632 7600 Ext 338
Maryellen. Edwards @ DEP, STATE, FL, US

JOINT APPLICATION DEPARTMENT OF THE ARMY/FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION For Activities in the Waters of the State of Florida	
CORPS APPLICATION NUMBER (official use only)	DER APPLICATION NUMBER (official use only)
1. APPLICANT'S NAME AND ADDRESS M A N A T E E G A T E W A Y N O. I NAME c/o NORD MANATEE LTD. CORP. 3 5 1 0 U N O C A L P L A C E STREET S A N T A R O S A C A 9 5 4 0 1 CITY STATE ZIP TELEPHONE NUMBER (Day) (707) 576-7515 (Night) ()	
2. Name, address, zip code and title of applicant's authorized agent for permit application coordination ROBERT J. LOMBARDO, P.E. C/O LOMBARDO & SKIPPER, INC. PCST OFFICE BOX 188 PALMETTO, FLORIDA, 34220 Telephone Number (813) 722-4561 RETURN TO BUREAU OF DIRECTOR OF DOCK COMMITTEE CHAIRMAN	
3. NAME OF WATERWAY AT LOCATION OF THE ACTIVITY. MANATEE RIVER	DER Code _____ W/V Code _____
4. LOCATION WHERE PROPOSED ACTIVITY EXISTS OR WILL OCCUR. HABEN BLVD., MANATEE RIVER 10, 13, 24 34-5 17-E Street, road or other descriptive location Section Township Range PALMETTO 27°30'40" 82°33'26" Incorporated city or town Latitude Longitude MANATEE County Tax Assessors Descriptions: (if known) Map No. Subdiv. No. Lot No.	
5. NAME AND ADDRESS INCLUDING ZIP CODE OF ADJOINING PROPERTY OWNERS WHOSE PROPERTY ALSO ADJOINS THE WATERWAY. SEE SHEET 1A OF 13 DOCK COPY	
6. PROPOSED USE Private Single Dwelling [] Private Multi-dwelling [XX] Public [] Commercial [] Other [] (Explain in remarks)	

RIVIERA DUNES MARINA PERMIT - FDE/1
RECORD COPY - DO NOT DISCARD

DESCRIPTION OF PROJECT (Use additional sheets, if necessary)

A. Structures: 1. New work ☒ Maintenance of existing structure ☐

2. Piers, docks and wharves: Commercial ☐ Private ☒ Public ☐

a. Single pier ☐ length _____ width _____

b. Number of piers [12] length 228, 328, 378 width 12'

c. Number of boat slips [400] length 20', 30', 40' width 10'

d. Number of finger piers [120] length 10', 15', 25' width 6'

e. Other (please describe) DOCK MASTER'S BUILDING

3. Seawalls, revetments, bulkheads: length 4,500' (RIVER); 7,000' (PIT AREA)

a. Type: Vertical ☒ Riprap ☐ Slopes: _____ Horizontal: _____ Vertical

b. Material to be used REINFORCED CONCRETE

4. Other type of structure _____

1. Excavation or Dredging: New Work ☒ Maintenance work ☐ Total acreage involved _____

1. Access Channel ☒ or Canal ☐ Length 1,180 ft. Width 250 ft. Depth -12MLW

2. Boat Basin ☐ or Boat Slip ☐ Length _____ ft. Width _____ ft. Depth _____ ft.

3. Other _____ Length _____ ft. Width _____ ft. Depth _____ ft.

4. Cubic yards: Total for project 118,670

a. 49,170 cyd. waterward/ 69,500 cyd. landward of ~~ordinary~~ mean high water

b. Type of material to be excavated/dredged RIVER BOTTOM FINE SANDS AND UPLAND SAND/CLAYS

. Fill:

1. Amount of material

a. Cubic yards placed waterward of ~~ordinary~~ mean high water _____

b. Cubic yards placed landward of ~~ordinary~~ mean high water 393,000

c. Total acreage to be filled 80± BASIN Total acreage of wetlands involved -0-
11.71 AREA WEST OF BASIN

2. Containment for fill

a. Dikes ☐ b. Seawall, etc. ☐ c. Other (please explain) FILL WILL BE PLACED IN THE EXISTING PIT AND ACCOMPLISHED PRIOR TO REMOVAL OF THE PLUGS BETWEEN THE CHANNELS AND THE PIT

3. Type of fill material to be used CLEAN FILL INCLUDING BUT NOT LIMITED TO SAND, ROCK OR CONCRETE RUBBLE

4. Source of fill material to be used ONSITE AND NEARBY SOURCES - OFFSITE SOURCES WILL REQUIRE PRIOR APPROVAL

8. Date activity is proposed to commence MID-1990 ; to be completed MID-2000

9. Previous permits for this project have been _____ DER # _____ Corps # _____

A. Denied (date) _____

B. Issued (date) 08/09/85 - 01/13/86

410536109

85IPR-20923

C. Other (please explain) _____

Differentiate between existing work and proposed work on the drawings.

10. Remarks (See Instruction Pamphlet for additional information required for all applications and certain activities. Use additional sheets if necessary.)

SEE ATTACHED

11. AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken

I CERTIFY THAT: (please check appropriate space)

☒ I am the record owner, lessee, or record easement holder of the property described below.

☐ I am not the record owner, lessee, or record easement holder of the property described below, but I will have before undertaking the proposed work the requisite property interest. (Please explain what the interest will be and how it will be acquired.)

LEGAL DESCRIPTION OF PROPERTY SITUATED IN MANATEE COUNTY, FLORIDA .
(Use additional sheets if necessary)

See Exhibit "A" of Attachment

MANATEE GATEWAY NO. 1, a Joint Venture

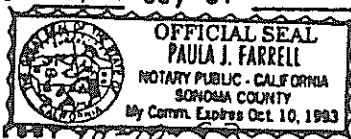
By: NORD MANATEE LTD. CORP., General Partner

By:

Richard L. Stenberg

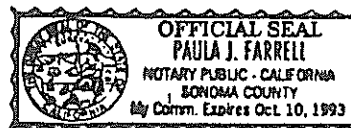
~~Signature~~: Vice Chairman

Sworn and subscribed before me at Sonoma County, California, this 22 day of February, 1990.



Paula J. Farrell
NOTARY PUBLIC

My commission expires 10-10-93



2. Application is made for a permit(s) to authorize the activities described herein.

- A. I authorize the agent listed in Item #2 to negotiate modifications or revisions, when necessary, and accept or assent to any stipulations on my behalf.
- B. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.
- C. In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work if a permit is granted.
- D. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of construction activities. I also understand that before commencement of this proposed project I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard, the Department of Environmental Regulation, and the Department of Natural Resources, as necessary.

I CERTIFY that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

MANATEE GATEWAY NO. I, a Joint Venture

By: Nord Manatee Ltd. Corp., General Partner

By: Richard L. Steing February _____, 1990
Signature of Applicant Date
Vice Chairman

NOTE: THIS APPLICATION MUST BE SIGNED by the person who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

18 U.S.C. Section 1001 provides that: Whoever in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

NOTICE TO PERMIT APPLICANTS

This is a Joint Application; it is NOT a Joint Permit!

You Must Obtain All Required Local, State, and Federal

Authorizations or Permits Before Commencing Work!!

For your information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information, contact the Chief of the Bureau of Licensee and Motorboat Registration, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32303. Telephone Number 904/488-1195. THIS IS NOT A REQUIREMENT FOR A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

C E R T I F I E D

In the Matter of an
Application for Permit by:

Manatee Gateway No. 1
c/o Robert Lombardo, P.E.
Post Office Box 188
Palmetto, Florida 34220

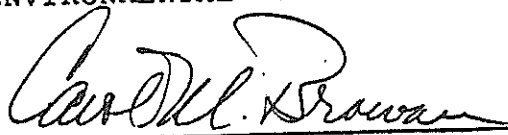
DER File No. 411783719
Manatee County

Enclosed is Permit No. 411783719, issued pursuant to Chapter 403,
Florida Statutes.

Any party to the Order (Permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION


Carol M. Browner, Secretary

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

C E R T I F I E D

In the Matter of an
Application for Permit by:

Manatee Gateway No. 1
c/o Robert Lombardo, P.E.
Post Office Box 188
Palmetto, Florida 34220

DER File No. 411783719
Manatee County

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
2. If historical or archaeological artifacts, such as Native American, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250.
3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation, Bureau of Wetland Resource Management in Tallahassee, and the Southwest District office in Tampa, in writing of this commencement.
4. Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management, Tallahassee, and the Southwest District office indicating the status of the project and shall include the following information:

Notice of Permit
Manatee Gateway No. 1
File No. 411783719
Page 2

Copies furnished to:

Ken Huntington, DER, Southwest District
Florida Marine Patrol
U.S. Army Corps of Engineers, Jacksonville
Game and Fresh Water Fish Commission
Wetland Resource Permit File
Leigh O'Sheilds, DNR, State Lands
Manatee County Property Appraiser

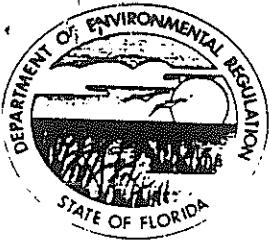
CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed to the listed persons before the close of business on this 26th day of February, 1991.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Sabrina Cannon 2-26-91
Clerk Date



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

PERMITTEE:

Manatee Gateway No. 1
c/o Robert Lombardo, P.E.
Post Office Box 188
Palmetto, Florida 34220

Permit No. 411783719

Date of Issue: February 26, 1991

Expiration Date: February 26, 2001

County: Manatee

Project: Wetland Resource, 10
year

This permit is issued under the provisions of Chapter 403, Florida Statutes, Public Law 92-500, Title 17, and Rule 17-312, Florida Administrative Code. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

PROJECT DESCRIPTION:

To connect an 80 ac. borrow pit to the Manatee River to create a marina basin with up to 400 slips, by: placing 393,000 cu. yds. of fill to shallow the basin to -15 ft. MLW; constructing 7,000 linear ft. of vertical seawall around the inside of the basin (in addition, 4,500 ft. seawall will be constructed in uplands adjacent to the Manatee River); excavating 49,170 cu. yds. of material from the Manatee River (including 0.27 ac. of intertidal zone and 1.1 ac. of shallow bottom habitat) to create an access channel approximately 1,180 ft. long, 250 ft. wide with a depth of -12 ft MLW and a flushing channel approximately 800 ft. long, 100 ft. wide with a depth of -8 ft. MLW; placing a concrete barrier (bridge) in the flushing channel to prevent boat access; filling 0.02 ac. of mangrove-lined ditch; and mitigating for excavation in the Manatee River and ditch fill by creating 4.5 ac. of intertidal shelf in the basin and planting it with Spartina alterniflora, planting 1,000 linear ft. along the Manatee River with mangroves, and creating 6 ac. of shallow water habitat in the basin.

LOCATION:

Manatee Gateway, south of U.S. 301, east of U.S. 41/301, north of the Manatee River, City of Palmetto, Manatee County, Section 10, 13 and 24, Township 34 South, Range 17 East, Class III waters.

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 2

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 3

required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 4

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.
- c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 5

- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

2. If historical or archaeological artifacts, such as Native American, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250.

3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation, Bureau of Wetland Resource Management in Tallahassee, and the Southwest District office in Tampa, in writing of this commencement.

4. Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management, Tallahassee, and the Southwest District office indicating the status of the project and shall include the following information:

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 6

- a. Date permitted activity was begun; if work has not begun on-site, please so indicate.
- b. Brief description and extent of work (dredge, fill, construction, mitigation) completed since the previous report or since permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of work (dredge, fill, construction, mitigation) anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.

The status reports may be incorporated into the semi-annual narrative report of the mitigation monitoring. The first semi-annual report is due six months from the date of permit issuance.

5. All submissions to the Bureau of Wetland Resource Management required by this permit shall be copied to the Southwest District Office in Tampa.

6. Shallowing of the basin and its connection to the Manatee River shall occur in the sequence described below. A permit modification shall be required for any change to the sequence.

- a. Prior to connection of the basin to the Manatee River, the basin is required to be shallowed to -15 ft. MLW by placement of fill. Existing water in the basin shall be pumped from the basin into the adjacent canal. To accommodate hoses associated with the pumping equipment, a decant pipe shall be installed between the basin and the existing canal, as shown on Exhibit 1 and Sheet 13F of 13. Pump hoses shall be routed through this pipe. There shall be no uncontrolled discharge from the basin through the decant pipe. Fill may be placed in the basin prior to pumping provided no water is discharged from the basin.
- b. To provide assurance that water quality standards will not be violated during the initial pumping of water from the basin, water quality monitoring shall be required prior to pumping. Any subsequent pumping shall require a permit modification and may require additional monitoring.

The monitoring regime required prior to the initial pumping is detailed in Part I of the monitoring section of this permit. No fill shall be placed in the basin

after Part I water quality monitoring begins and prior to completion of the initial pumping. The Department shall review the monitoring data from the basin and river to evaluate potential water quality impacts of the initial pumping and determine appropriate measures to ensure that water quality standards in waters of the State adjacent to the basin will not be violated. The Department shall review the monitoring data within 60 days of receiving it and ask for additional information or make a determination within that time period. Protective measures may include but are not limited to additional monitoring in the basin and river and, regulation of pumping rate. Pumping shall not begin until such measures have been determined and the Department has approved the pumping in writing.

- c. Prior to pumping, the pump hose shall be routed through the decant pipe, down the berm, through the mangrove fringe and into the canal. The hose shall be secured along the berm and through the mangrove fringe. In securing the hose through the mangrove fringe, the mangrove trees shall not be damaged. In the canal, the hose shall be suspended on floats which are anchored to the bottom of the canal such that the jet remains just below the surface and is directed toward the Manatee River, along the long axis of the canal. This arrangement will minimize the potential for erosion. Prior to the start of pumping, the permittee shall arrange for a site inspection by personnel from the Southwest District office to confirm that the hose is aligned to minimize damage to the mangrove fringe and the potential for erosion during pumping. The permittee shall ensure that the district office personnel may direct realignment of the hose as necessary. The permittee shall obtain written confirmation from the district office personnel and Bureau of Wetland Resource Management that the requirements of this condition have been fulfilled prior to the start of pumping.
- d. Any fill material to be placed in the basin which is not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management, pursuant to the criteria outlined in Specific Condition No. 7 below, prior to its placement in the basin.
- e. Material excavated to construct the flushing and access channels shall be placed in the basin. Earthen plugs shall remain between the channels and the basin until

the basin has been shallowed and recontoured. Prior to excavation of the flushing channel, the extent of the adjacent seagrass beds shall be monitored for the one year period prior to excavation and the appropriateness of the proposed flushing channel alignment confirmed pursuant to Specific Condition No. 9. The channel excavation shall occur no more than one year prior to completion of the recontouring and connection of the basin to the Manatee River.

- f. After sufficient fill has been placed within the basin, the basin shall be graded to the contours shown on Sheet 2 of 13, and seawalls in the basin, as shown on Sheet 9, 10 and 13E of 13, shall be constructed.
- g. After the basin recontouring has been approved by the Bureau of Wetland Resource Management pursuant to Specific Condition No. 10, the channel plugs shall be removed using motorized pans, bulldozers and draglines. Silt barriers shall be placed on the river side of the plugs to control turbidity and shall remain in place until the turbidity within the barriers is within 29 NTU's of the turbidity values in the Manatee River.
- h. Those portions of the access and flushing channels created via removal of the plugs shall be armored within 30 days as shown on Sheets 6 and 7 of 13.

7. Any fill material not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management prior to its placement in the basin. All fill material shall consist of clean fill, including, but not limited to, sand, natural rock or concrete rubble. The fill material shall not contain materials that will degrade or leach pollutants, such as metal or asphalt, nor contain significant quantities of organics. Gypsum is specifically prohibited from use as fill. In order to obtain approval of a fill source, the permittee shall submit a report to the Bureau of Wetland Resource Management identifying the source, type and grain size of material. Chemical analyses may also be required at the discretion of the Bureau of Wetland Resource Management. Within 30 days of receiving information the Bureau shall provide specific written approval for the use of proposed fill material or shall request additional information needed to evaluate the fill material.

8. The excavation of the access and flushing channels waterward of the approximate line of mean high water shall be by hydraulic dredge. Excavation of the channels shall begin at the waterward

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end and move landward. Turbidity shall be monitored during excavation as described in the monitoring section of this permit. Plugs at the northern terminus of the channels shall be left between the excavated channels and the basin until all activities associated with filling, contouring, piling installation and mitigation in the basin are complete.

9. The permittee shall monitor species composition, and areal coverage of the seagrass bed west of the flushing channel quarterly for the year prior to excavation of the channel. Within 30 days of each monitoring event the permittee shall submit to the Bureau of Wetland Resource Management monitoring reports, including maps, showing the limit of the seagrass bed and the flushing channel alignment. If the seagrass bed encroaches into the channel alignment, the permittee shall propose a new alignment, which is moved sufficiently eastward to provide a minimum buffer of 50 ft. between the eastern edge of the channel and the western limit of the grass bed. Realignment of the channel shall require a minor modification to this permit. The permittee shall submit a permit modification request, supported by revised drawings and hydrographic information, to the Bureau of Wetland Resource Management. Within 60 days of receiving the modification request the Bureau shall determine if the proposed channel realignment will have a significant negative impact on flushing or shall request additional information needed for an evaluation. If the new alignment does not have such an impact, the permit shall be modified to utilize the new alignment. If the proposed new alignment does have a significant negative effect on flushing, then the alignment authorized at the time of permit issuance shall be retained. However, the permit shall be modified to require that, prior to construction, the seagrasses in the permitted alignment and within 50 ft. to either side of the alignment be transplanted to a part of the seagrass bed beyond the influence of the construction activities.

10. Within 120 days of completion of filling and recontouring the basin, the permittee shall submit a certified bathymetric survey of the basin. The survey shall show 1 ft. contours based on a 50 ft. grid. The engineer of record shall certify that the basin and mitigation areas are contoured in accordance with the design shown on Sheet 2 of 13 and that the maximum depth in the basin is no greater than -15 ft. MLW. The plugs isolating the basin from the Manatee River shall not be removed until written approval regarding the adequacy of the survey has been received from the Bureau of Wetland Resource Management. The Bureau shall determine the adequacy of the survey within 30 days or request additional information needed to make the determination.

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11. All activities related to construction of bulkheads along the Manatee River shall occur entirely landward of DER jurisdiction. In areas where the mangrove fringe exists at the landward limit of DER jurisdiction, the waterward edge of trenches to be dug for bulkhead installation shall be at least 3 ft. landward of the mangrove dripline or rootline, whichever extends furthest landward, to ensure that damage to mangroves will be avoided. Prior to construction, the waterward edge of the trench shall be field staked and the permittee shall arrange a site inspection by Southwest District office personnel. Bulkhead construction shall not proceed until written approval from district office personnel is received. The district office shall provide written approval within 30 days of inspecting an appropriate alignment. The district personnel shall adjust the alignment as necessary to comply with this condition and shall copy the Bureau of Wetland Resource Management on all correspondence.

12. Riprap shall be placed waterward of the bulkhead along the Manatee River within 90 days of completion of bulkhead construction. Riprap shall be placed by hand and shall be placed in such a way as to avoid damage to mangroves. The riprap shall consist of boulders or clean concrete rubble with no reinforcing rods or similar protrusions.

13. a. The permittee agrees that the contractor will instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.
- b. The permittee agrees that all construction personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The permittee and or contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
- d. The permittee agrees that all vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel

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provides less than a four foot clearance from the bottom and that vessels will follow routes of deep water whenever possible.

- e. The permittee shall ensure that all construction activities in open water will cease upon the sighting of a manatee(s) within 100 yards of the project area. Construction activities will not resume until the manatee(s) has departed the project area.
- f. The permittee agrees that any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-800/DIAL-FMP) and to the U.S. Fish and Wildlife Service, Jacksonville Field Office (904/791-2580).
- g. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period.
- h. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the Florida Department of Natural Resources (FDNR), Marine Mammals Section (100 Eighth Avenue S.E., St. Petersburg, Florida 33701-5095) and to the U.S. Fish and Wildlife Service (3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216).
- i. A minimum of two 3 ft. by 4 ft. temporary construction manatee signs ("Manatee Habitat-Idle Speed in construction areas") shall be installed prior to construction and maintained during construction at prominent locations within the construction area/facility. One construction sign will be located prominently adjacent to the construction permit(s). The other sign will be installed in a location prominently visible to water related construction crews. Photos of signs in place must be sent to the Florida Department of Natural Resources (FDNR) Marine Mammals Section, 100 Eighth Avenue, S.E., St. Petersburg, Florida 33701-5095, prior to the initiation of construction. Temporary construction signs will be removed by the permittee upon completion of construction. A construction sign criteria sheet is attached.
- j. Permanent manatee awareness signs shall be installed and maintained at docking and launching facilities. Prior to initiation of construction, the permittee will send a

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project site plan to the FDNR Marine Mammals Section (address above). FDNR personnel will specify permanent sign locations.

The signs shall be 3 ft. by 4 ft., 125 gauge 61TS aluminum, covered with white, engineer grade, reflecting sheeting; black, painted lettering; black, screened design; and orange, engineer grade, reflective tape border. The 3 ft. by 4 ft. "Caution Manatee Area" signs shall conform to the Florida Uniform Waterway Marking System in accordance with 327.40-1, Florida Statutes. The installation of the 3 ft. by 4 ft. signs shall be made in accordance with the FDNR specifications for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

Verification that signs have been installed at designated locations shall be provided to FDNR before the docking facility begins operation. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to FDNR. A permanent manatee awareness sign criteria sheet is attached.

- k. The permittee agrees that a permanent informational display shall be installed prior to mooring occupancy at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The number of information displays required will depend on the docking facility design. Information display locations will be specified by FDNR personnel when awareness sign location siting is done. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the "Manatee Hotline" number (1-800/DIAL-FMP). Other information which may aid in the conservation of the species may be obtained from the Florida Department of Natural Resources. Information displays remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to the Department of Natural Resources.

14. The permittee shall ensure that at least one sewage pump-out facility is available at the marina. This facility may be either a portable or fixed unit. In addition, a "porta-potty" dump

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station shall also be made available. Signs indicating the availability of these services shall be posted in a conspicuous location. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to maintain these sewage disposal services beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

15. The fuel spill contingency plan shall be attached to this permit as Attachment 2. Marina staff shall understand and be trained to implement the plan prior to using the fueling facilities. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to adhere to the provisions of the fuel spill contingency plan beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

16. Liveaboards shall be prohibited at the marina. A liveboard shall be defined as any individual spending 10 or more nights per month on a boat docked at the marina. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to prohibit liveaboards in this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

17. After the marina attains 25% occupancy, the permittee shall implement water quality monitoring outlined in Part IV of the Monitoring Required section of this permit. Monitoring shall continue for two years after the marina is 80% occupied. The permittee shall keep occupancy records and submit them with each data set. If a consistent trend of water quality violations is noted by the Department, the Department shall require the permittee to identify the cause of the violations and propose remedial action. The remedial action shall be implemented after receiving Departmental approval. The Department may require that remedial actions include limiting occupancy of the marina and removing slips. If the marina is not 80% occupied for 2 years prior to permit expiration or remedial actions require monitoring beyond permit expiration, the permittee shall continue monitoring for as long as it is determined to be necessary. Within 30 days of the execution of this permit, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for such an agreement is in Attachment 1A to this permit.

18. To reduce the cumulative impacts on manatees of an increased number of boats on the Manatee River, the Department of Natural Resources has specified that the number of power boats that may occupy the marina shall not exceed 40% of the total (160 slips).

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If DNR determines that in the future, Manatee County provides sufficient manatee protection measures (including speed zones in the area of the project) such that the limitation of 40% power boat slips is no longer needed, the permittee shall notify the Bureau of Wetland Resource Management of this determination and provide the Bureau of Wetland Resource Management with verification of this determination. Any change to this power boat occupancy condition shall require a minor modification of this permit. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to restrict powerboat usage of this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

19. Any development on the uplands adjacent to the basin under the ownership of the permittee on the date of issuance of this permit will require a stormwater permit. This permit does not authorize or approve the construction or operation of any stormwater treatment system. The Southwest Florida Water Management District (SWFWMD) will be the agency responsible for permitting of the stormwater treatment system. However, when stormwater management/drainage plans for upland development surrounding the marina basin on uplands under the ownership of the permittee on the date of issuance of this permit are complete, a copy of the stormwater plans and supporting calculations shall be submitted to the Bureau of Wetland Resource Management for review to provide assurance that untreated stormwater originating from uplands under the ownership of the permittee on the date of issuance of this permit will not be discharged into the basin. In addition, the permittee shall submit a copy of the stormwater application sent to the SFWMD and a copy of the final permit, if one is issued. Before construction commences, the permittee shall enter into a long-term agreement with the Department evidencing the obligation to comply with this condition after permit expiration. Draft language for such an agreement is in Attachment 1A to this permit.

20. Mitigation for permanent loss of 0.27 ac. of intertidal zone and 1.1 ac. of productive shallow bottom habitat resulting from channel excavation and filling 0.02 ac. of mangrove dominated ditch shall consist of the following:

- a. Creating 4.5 ac. of intertidal zone in the basin to be planted with Spartina alterniflora, as shown on Sheets 2, 10, 12 and 13 of 13.
- b. Planting red mangroves on 3 ft. centers in two staggered rows along 1000 linear feet (0.13 ac) of the bulkhead along the Manatee River, as shown on Sheets 2 and 8 of 13.

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- c. Creating 6 ac. of shallow bottom habitat in the basin from MLW to the -5ft. contour.

All mitigation planting shall be completed prior to completion of dock construction and prior to leasing of any slips. If vegetation monitoring indicates that mitigation sites are not becoming properly established, corrective measures such as installation of riprap break-waters shall be taken.

21. Salt marsh and mangrove creation shall be considered successful when the following conditions are met:

- a. Percent cover by non-nuisance, non-exotic wetland species shall be 80% or more. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, including a measure of percent cover by non-wetland species, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code Rule 17-301.400;
- b. Nuisance and exotic species, such as cattail and primrose willow, are limited to 10% or less of the total cover.
- c. Not less than 4.63 ac. of salt marsh and mangrove wetlands are determined to be jurisdictional pursuant to Section 403.817, F.S.
- d. The mitigation wetlands are constructed in accordance with the permit requirements.

22. The permittee recognizes that it has an obligation to continue monitoring the mitigation project and to correct any unsuccessful attempts beyond the expiration date of the permit. Within 45 days of the date this permit is executed, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for the long term agreement is in Attachment 1A to this permit.

23. Before beginning construction, the permittee shall submit an itemized cost estimate for mitigation activities pursuant to Rule 17-312.390, F.A.C. Activities to be itemized include, at a minimum, earthmoving, surveying, cost of plant material, cost of planting, consultant's fees and monitoring. If the cost estimate exceeds \$25,000, the permittee, shall submit proof of financial responsibility pursuant to Rule 17-312.390, F.A.C. equal to 110% of the estimated cost prior to beginning construction.

24. Prior to commencement of any work authorized by this permit, a Quality Assurance Project Plan (DER Form 17-160.900) detailing

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sampling and analysis methods to be used for water and sediment quality monitoring shall be submitted to the Bureau of Wetland Resource Management. The Bureau of Wetland Resource Management will forward the plan to the DER, Division of Technical Administrative Services, Quality Assurance Section for their review. The Quality Assurance Section must provide written approval of the plan before construction can begin. This approval shall be coordinated through the Bureau of Wetland Resource Management.

The laboratory performing the water and sediment chemistry analyses shall have an approved Quality Assurance plan on file with the Department. Prior to commencement of any work the permittee shall notify the Bureau of Wetland Resource Management of the laboratory which will perform the analyses so that the Bureau may contact the Quality Assurance Section to verify that the selected laboratory does have a quality assurance plan. Construction may not begin until such verification is received and the permittee is so notified. If the permittee changes laboratories, the verification process must be completed for the new laboratory. If an unauthorized laboratory collects any samples, those data may be eliminated from review and resampling required. Any changes in the Quality Assurance Project Plan must be approved by the Department prior to implementation.

All detection limits shall be at or below the level of the applicable state standard. If no state standard exists for the measured parameter, then the detection limit for that parameter shall be at or below that specified by the Department's "Deepwater Ports Maintenance Dredging and Disposal Manual", 1984 edition or later.

MONITORING REQUIRED:
Monitoring Required

I. Water quality monitoring prior to initial decanting of basin.
1. Physicochemical and Nutrients
Frequency: One time, during the summer (June, July, August), not more than 1 year prior to pumping water. Three field replicates shall be collected for each parameter at each sampling point, except for total and fecal coliform, dissolved oxygen (D.O.), pH and temperature. Frequency of sampling those parameters is described below.

Locations: Three stations as noted on Figure 1.

Parameter

Depth at each Location

Total Nitrogen (mg-N/l)

Near surface, mid-depth and 1 ft. above bottom

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Total-P (mg-P/l)	Near surface, mid-depth and 1 ft. above bottom
BOD (mg/l)	Near surface, mid-depth and 1 ft. above bottom
TSS (mg/l)	Near surface, mid-depth and 1 ft. above bottom
Fecal Coliform	At the surface, at least 10 times within a 30 day period
Dissolved oxygen (mg/l), pH and temperature	Near surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hr. period (a total of 4 profiles shall be submitted for each station)

2. Heavy Metals

Frequency: One time during summer (June, July, August), not more than one year prior to decanting water. Three field replicate samples shall be collected at each sample point. Detection limits shall be below state standards.

Location: Three stations as noted on Figure 1.

<u>Metals (ug/l)</u>	<u>Depth at each location</u>
Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom
Chromium	1 ft. above bottom
Mercury	1 ft. above bottom

3. Toxic Substances

Frequency: One time, during summer (June, July, August), not more than one year prior to pumping. Three field replicate samples shall be collected at each sampling point.

Location: Three stations as noted on Figure 1

<u>Parameters</u>	<u>Locations of Stations</u>
EPA methods 624/625	Near surface and 1 ft. above the bottom

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All data shall be compiled into a report to be submitted to the Bureau of Wetland Resource Management pursuant to Specific Condition 6b. The report shall include the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

II. Vegetation

The permittee shall furnish to the Bureau of Wetland Resource Management and the Southwest District Office annual statistical reports of vegetational sampling of the salt marsh and mangrove wetlands done by any mutually agreed upon method. Acceptable methods may be found in Daubenmire (1968), Oosting (1956), or Mueller-Dombois and Ellenberg (1974). Reports shall describe, when appropriate, percent cover of listed trees and herbaceous species. Data for listed nuisance or exotic species, as stated in Specific Condition No. 21, shall be tabulated separately from the remaining data. A listed species is one listed in Florida Administrative Code Rule 17-301.400. Data shall be taken during the summer growing season. Reports shall be submitted annually within four months of data acquisition until a determination of a successful herbaceous and mangrove creation has been made.

Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management detailing the progress of this

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mitigation program. The reports should include: photographs taken from the same permanent stations (some of which must be located in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and anticipated work for the following six months. The reports shall be submitted at six month intervals, with the first report due six months from start of mitigation construction, and may be combined with the status reports required by Specific Condition No. 4.

A monitoring plan describing sampling methods and report format, and map of sampling locations and photographic stations shall be submitted to the Department for approval prior to the first sampling event.

If the data indicate that the effort is not successful pursuant to Specific Condition No. 21 above, the applicant shall present methods and proposals to be reviewed and approved by the Department to ensure success of the effort.

The references cited above are the following:

Daubenmire, R. 1968. Plant Communities: A Textbook of Synecology. Harper & Row, New York. 300 pp.

Oosting, H. J. 1956. The Study of Plant Communities: An Introduction to Plant Ecology. W. H. Freeman, San Francisco. 440 pp.

Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and Methods of Vegetation Ecology. John Wiley, New York. 547 pp.

III. Turbidity

Type - NTU's

- A. Locations: Access channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of access channel
- B. Location: Flushing Channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of the flushing channel.

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- C. Location: Manatee River
Background: In the Manatee River 500 ft. upstream of the canal
Compliance: In the Manatee River, 150 ft. downcurrent of discharge from the canal, within any visible plume; mid-depth
Frequency: At 4 hr. intervals whenever the basin is being pumped out.

All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction and velocity.

If monitoring reveals apparent violations of the state water quality standard for turbidity, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department of Environmental Regulation, Southwest District office.

Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

IV. Long Term Water Quality Monitoring

Frequency: To be collected twice per year in February and August. Monitoring shall begin when the marina reaches 25% occupancy and shall continue as specified in Specific Condition 17. Three field replicates shall be collected for each parameter except fecal coliform, dissolved oxygen, pH and temperature. Sampling frequency for those parameters is described in the table below.

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If the D.O. profile (including temperature and pH) sampled in the marina during the first February of this monitoring program shows no stratification in the water column, then D.O., temperature and pH need only be collected at mid-depth in the marina during the February sampling events.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2, and apply to all parameters below except oil and grease and fecal coliform. The marina sampling stations for oil and grease and fecal coliform are described in more detail in the table below. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River.

1. Physicochemical parameters and nutrients.

<u>Parameter</u>	<u>Depth at each Location</u>
Total Nitrogen (mg-N/l)	Mid-depth
Total Phosphorous(mg-P/l)	Mid-depth
BOD (mg/l)	Near surface and 1 ft. above bottom
Fecal Coliform	River Stations: at surface, 10 times each month Marina Stations: at a total of 3 stations, with 1 station point within each of the 3 dock clusters shown as Areas 1, 2 and 3 on Sheet 2 of 13; each station shall be sampled 10 times each month; all samples shall be collected from the surface.
Dissolved Oxygen (mg/l), pH and temperature (C)	Surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hour period.
Oil and Grease (mg/l)	River Stations: at the surface.

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Marina : A total of 3 stations with 1 station within each of the 3 dock clusters; all samples shall be collected from the surface.

2. Heavy Metals in Water

Frequency: Sampling shall start when the marina becomes 25% occupied and shall continue as specified in Specific Condition 17. After the initial sampling event, which will be conducted when the marina is 25% full, sampling shall occur in February and August as specified in Specific Condition No. 17. Three field replicate samples shall be collected at each sample point.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Detection limits for metals shall be below the state standards.

<u>Metals (ug/l)</u>	<u>Depth at each location</u>
Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom

3. Heavy Metals in Sediment

Frequency: To be collected once per year starting after marina construction is complete and before slips are occupied and continuing for 2 years after the marina is 80% occupied. After the initial sampling is conducted, all subsequent sampling should be conducted in August.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 3. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Analytical methods to be used are shown in Attachment 3.

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<u>Metals (ppm,dry wt.)</u>	<u>Depth at each location</u>
Cadmium	Surficial sediment
Copper	Surficial sediment
Lead	Surficial sediment
Arsenic	Surficial sediment
Zinc	Surficial sediment
Aluminum	Surficial sediment

All monitoring data shall be submitted within 30 days of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 24

Recommended by Marlene K. Harn

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION



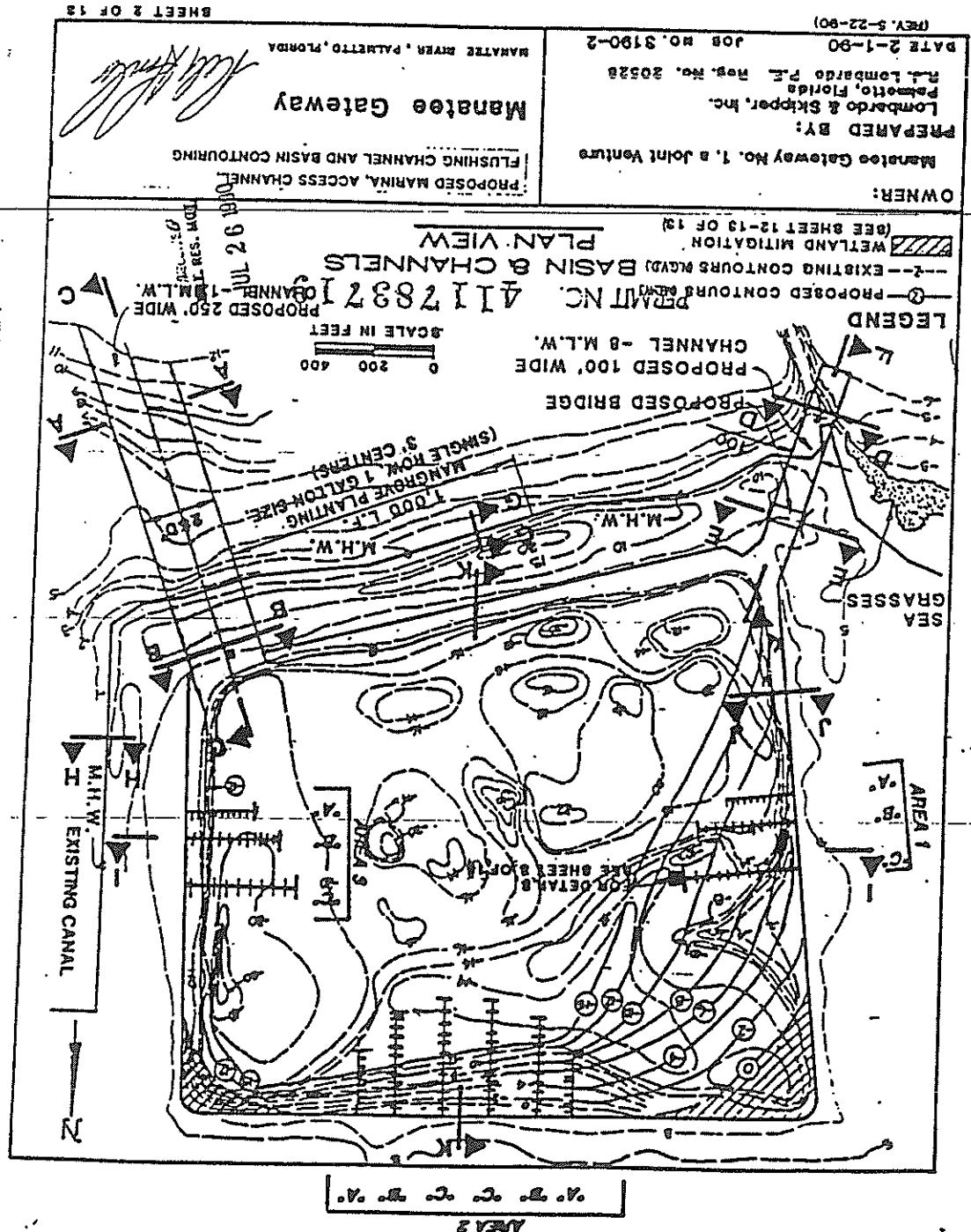
Carol M. Browner, Secretary

_____ pages attached.

FILING AND ACKNOWLEDGEMENT

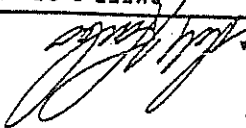
FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Sobrena Cannon 2-26-91
Clerk Date



OR 1378 PG 1592

SHEET 3 OF 13

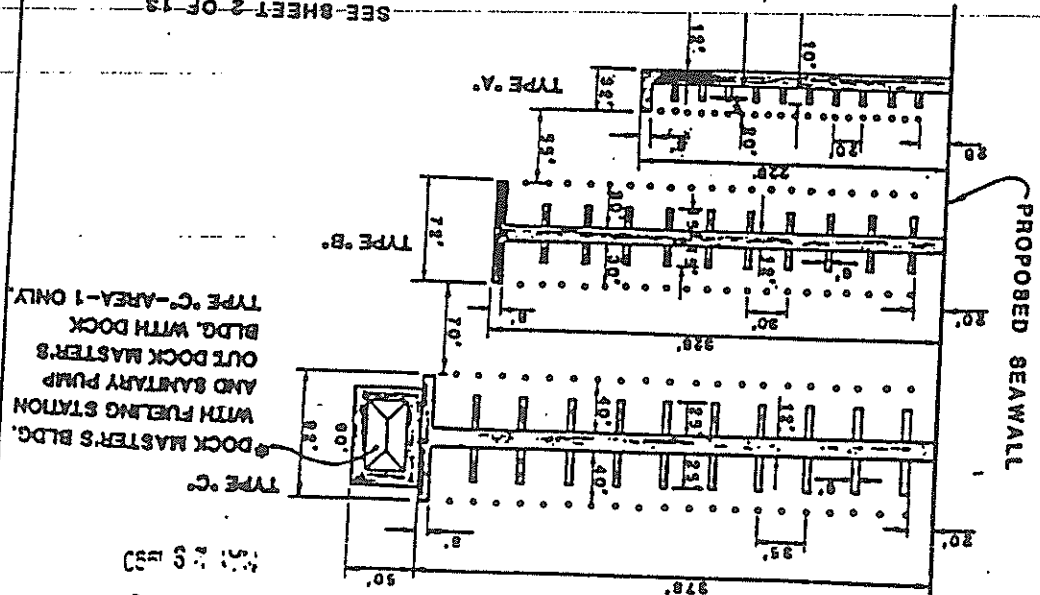
OWNER: Manatee Gateway No. 1, a Joint Venture PREPARED BY: Lombardo & Skipper, Inc. Palmelle, Florida R.L. Lombardo P.E. Reg. No. 20528 DATE 2-1-80 JOB NO. 3190-2 (REV. 5-22-80)		MANATEE RIVER, PALMETTO, FLORIDA Manatee Gateway PROPOSED MARINA ACCESS CHANNEL FLUSHING CHANNEL AND BASIN CONTOURING 
--	--	--

TYPICAL
 MARINA PLAN VIEW
 SCALE IN FEET
 0 50 100 200

PERMIT NO. 411783719

400 SLIPS TOTAL
 160-40' SLIPS 'C'
 160-30' SLIPS 'B'
 80-20' SLIPS 'A'

SEE SHEET 2 OF 13
 FOR MARINA LOCATION



REV. 10
 ECH. PCL. 1078
 10.1.1.9.100

OR 1378 PG 1593

OWNER: Manatee Gateway No. 1, a Joint Venture		DATE 2-1-90	JOB NO. 3190-2	(REV. 5-22-90) (REV. 1-17-91)
PREPARED BY: Lombardo & Skipper, Inc. Palm Beach, Florida R.J. Lombardo P.E. Reg. No. 20528		MANATEE RIVER, PALMETTO, FLORIDA		
PROPOSED MARINA ACCESS CHANNEL, FLUSHING CHANNEL AND BASIN CONTOURING		Manatee Gateway		

(NOTE: DOCKMASTER'S BUILDING IS ONLY ON DOCK TYPE "C" AREA 1)

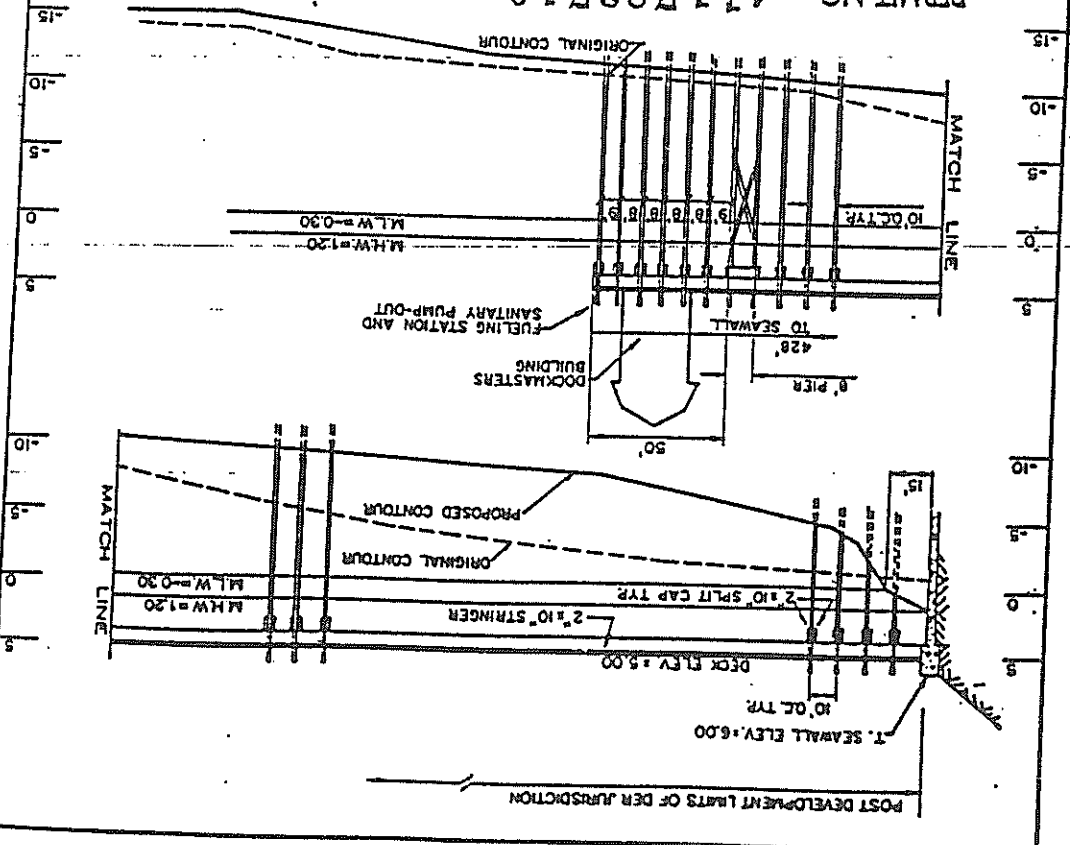
RECEIVED
JAN 25 1991
WET, RES. MGT.

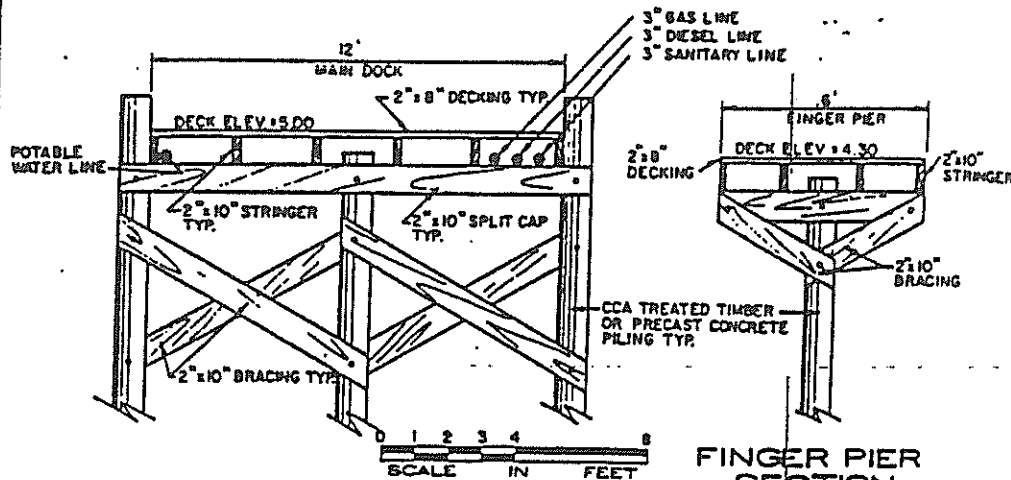
MAIN DOCK PROFILE

Elevations Based On N.G.V.D.
1929 Datum.

HORIZ. SCALE IN FEET
0 50 100

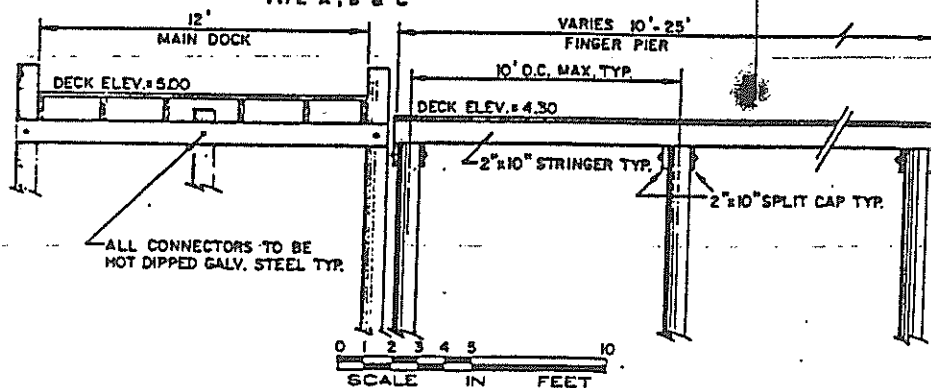
PERMIT NO. 411783719





MAIN DOCK SECTION
TYPE "A", "B" & "C"

FINGER PIER SECTION



FINGER PIER PROFILE

PERMIT NO. 411783719

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

(REV. 5-22-90)

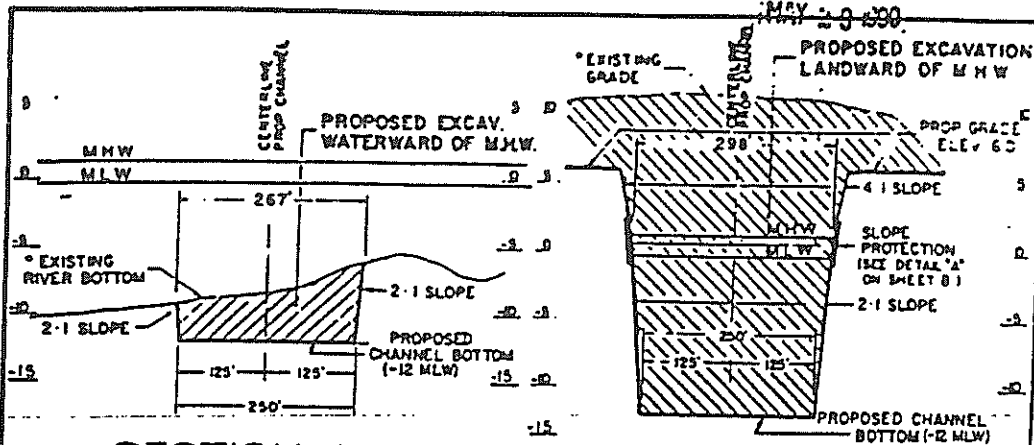
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

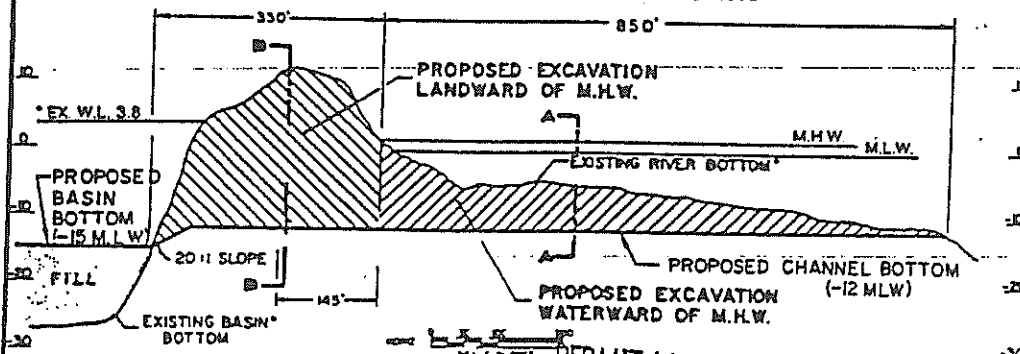
MANATEE RIVER, PALMETTO, FLORIDA

SHEET 5 OF 13

RECEIVED
MAY 20 1990
MAY 20 1990



NOTE: M.H.W. ELEV. 1.20, M.L.W. ELEV. -0.50.
BASIN WATER LEVEL AT ELEV. 3.8, AS ESTABLISHED BY SURVEY, APRIL 1982



PERMIT NO. 411783719

Elevations Based on MVD 1929 Datum
MEAN HIGH WATER ELEVATION 1.20 to 1.25 Based on map No. 227 Approved Dec 1 1921, by DED 22-004.

AS PER SURVEY BY CIVIL ENGINEERING CONSULTANTS, FEB 1982

OWNER:

Manatee Gateway No. 1, a Joint Venture

PROPOSED MARINA, ACCESS CHANNEL,

FLUSHING CHANNEL AND BASIN CONTOURING

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

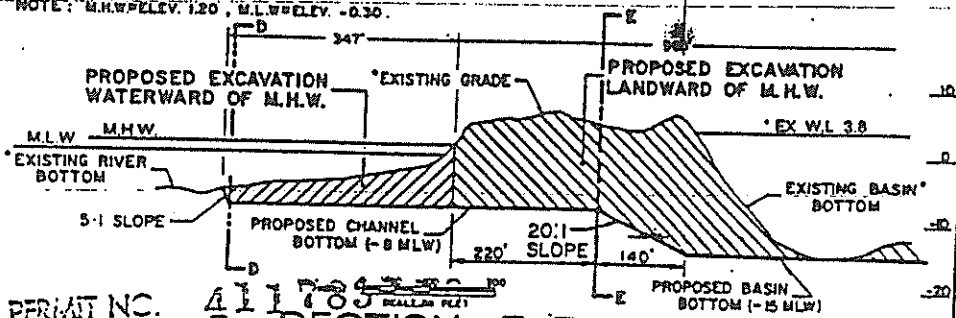
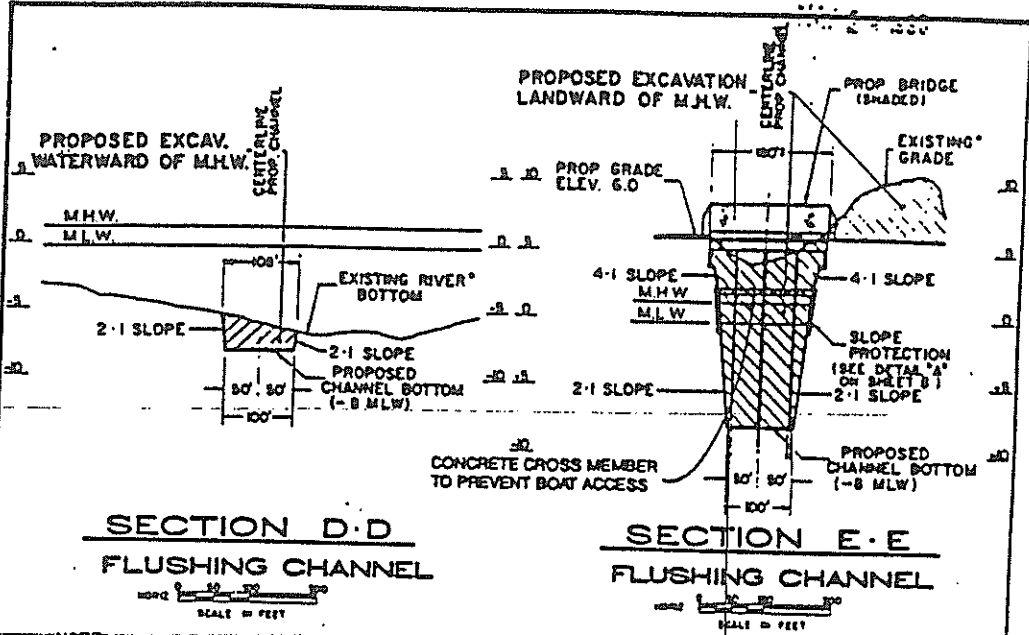
DATE 2-1-90.

JOB NO. 3190-2

(REV. 5-22-90)

SHEET 6 OF 13

RECEIVED
FEB 22 1992

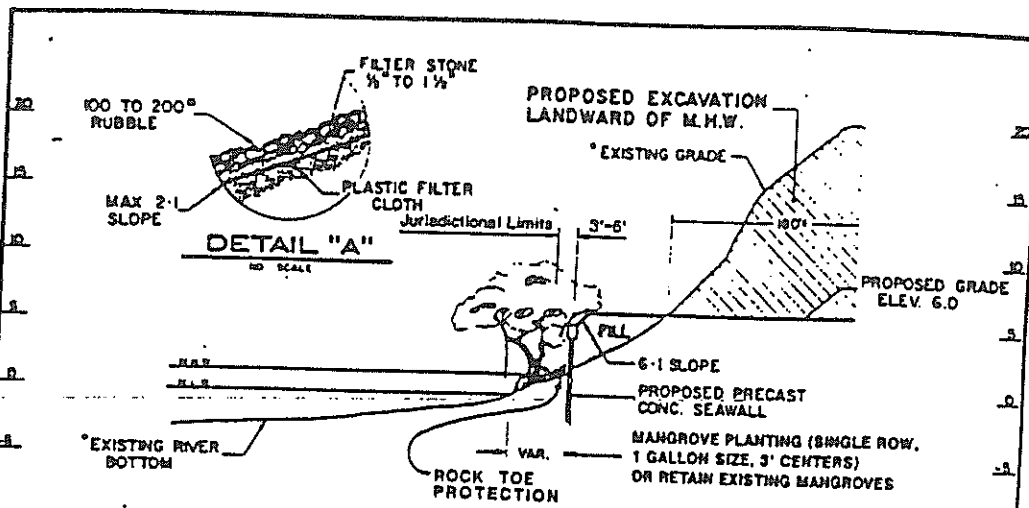


Elevations Based on NGVD 1929 Datum
MEAN HIGH WATER ELEVATION 1.20 to 1.23. Based on map No. 733 Approved Dec. 1, 1981, by DNR 53-006

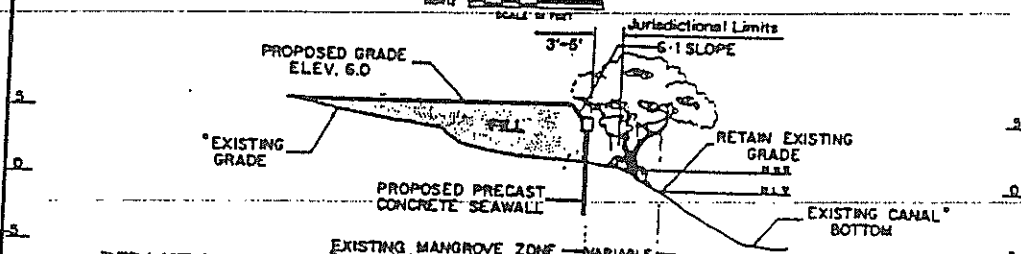
OWNER: Manatee Gateway No. 1, a Joint Venture		PROPOSED MARINA, ACCESS CHANNEL, FLUSHING-CHANNEL-AND-BASIN-CONTOURING	
PREPARED BY: Lombardo & Skipper, Inc. Palmetto, Florida R.J. Lombardo P.E. Reg. No. 20528		Manatee Gateway	
DATE 2-1-90 JOB NO. 3190-2		MANATEE RIVER, PALMETTO, FLORIDA	

(REV. 5-22-90)

SHEET 7 OF 13



SECTION G-G
TYP. SEAWALL ALONG RIVER
 NOTE: M.H.W. ELEV. 1.20
 M.L.W. ELEV. -0.30



PERMIT NO. **411783719**

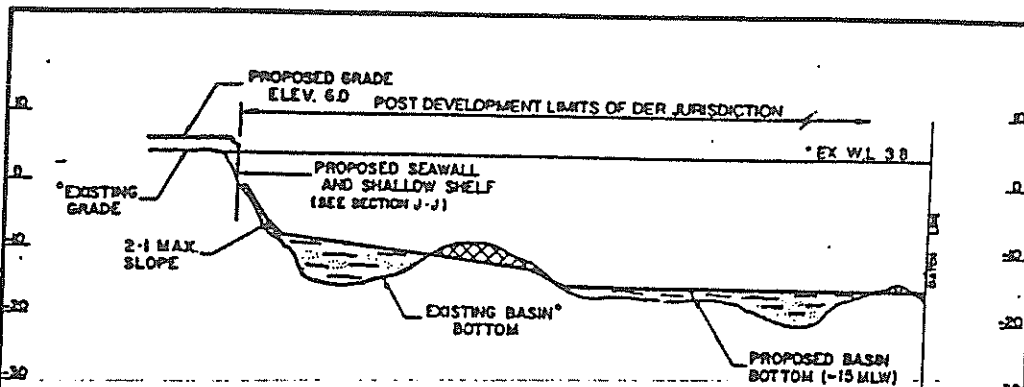
SECTION H-H
TYP. SEAWALL ALONG CANAL

Elevations Based on NGVD 1929 Datum
 MEAN HIGH WATER ELEVATION 1.20 to 1.23. Based on map No. 232 Approved Dec 1, 1961, by DWR 53-004

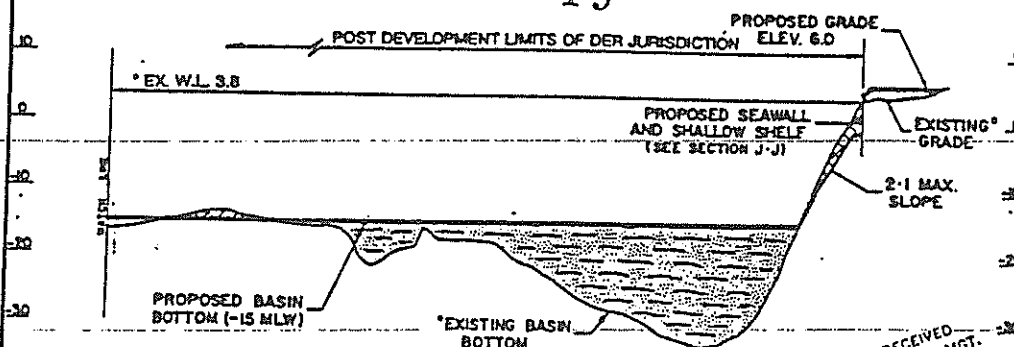
OWNER: Manatee Gateway No. 1, a Joint Venture PREPARED BY: Lombardo & Skipper, Inc. Palmetto, Florida R.J. Lombardo P.E. Reg. No. 20528 DATE 2-1-90 JOB NO. 3190-2		PROPOSED MARINA: ACCESS CHANNEL, FLUSHING CHANNEL AND BASIN CONTOURING Manatee Gateway MANATEE RIVER, PALMETTO, FLORIDA 
--	--	---

(REV. 5-22-90)

SHEET 8 OF 13



PERMIT NO. 411783719



- INDICATES EXCAVATION FOR BASIN CONTOURING
- INDICATES EXCAVATION LANDWARD OF M.H.W.
- INDICATES FILL LANDWARD OF M.H.W.
- INDICATES FILLING FOR BASIN CONTOURING

SECTION I-I
BASIN

SCALE IN FEET
0 50 100

NOTE:

WATER LEVEL IN BASIN WILL APPROXIMATE TIDAL ELEVATIONS WHEN BASIN IS CONNECTED TO THE MANATEE RIVER.
(M.H.W.=1.20, M.L.W.=0.30)

RECEIVED
WET. RES. MGT.
JAN 25 1991

Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23. Based on map No. 232. Approved Dec. 1 1981. by DHR 23-004.

*AS PER SURVEY BY: CIVIL ENGINEERING CONSULTANTS, FEB. 1982.

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

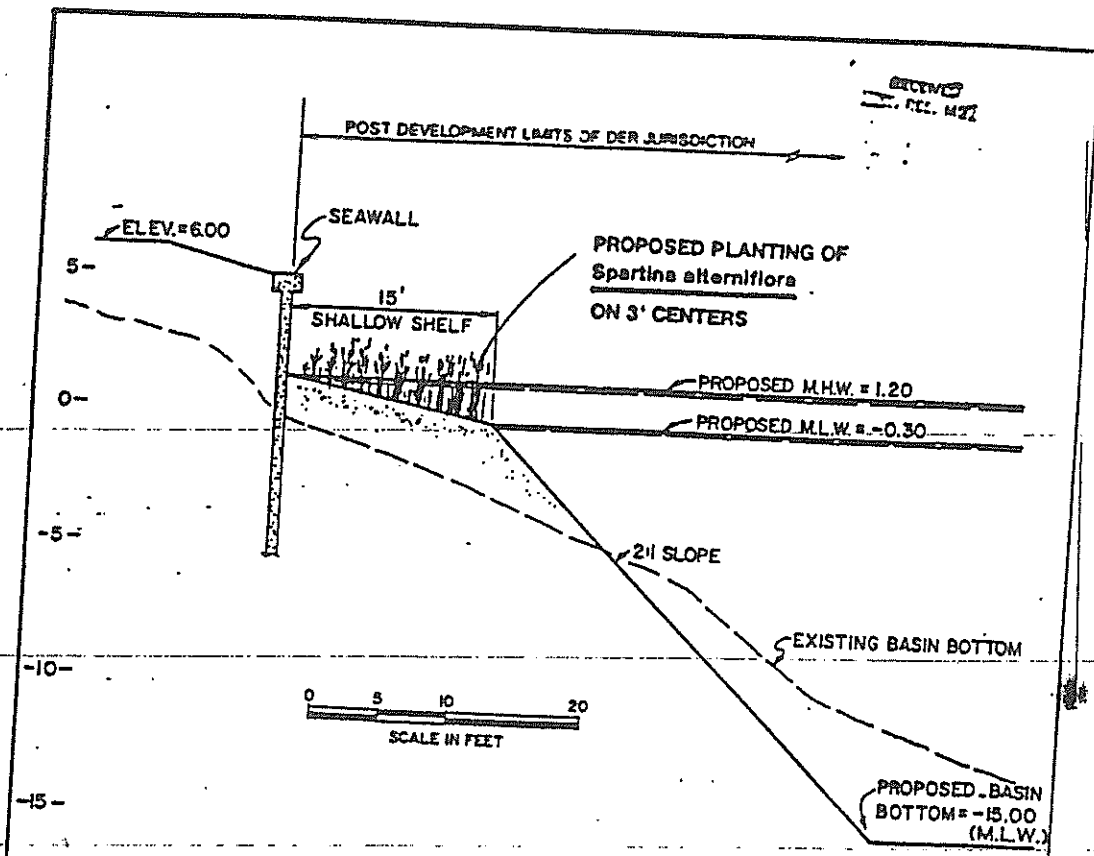
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

(REV. 5-22-90) (REV. 1-17-91)

SHEET 9 OF 13

RECEIVED
FEB. 1977



PERMIT NO. 411783719

SECTION J-J
SHALLOW SHELF

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

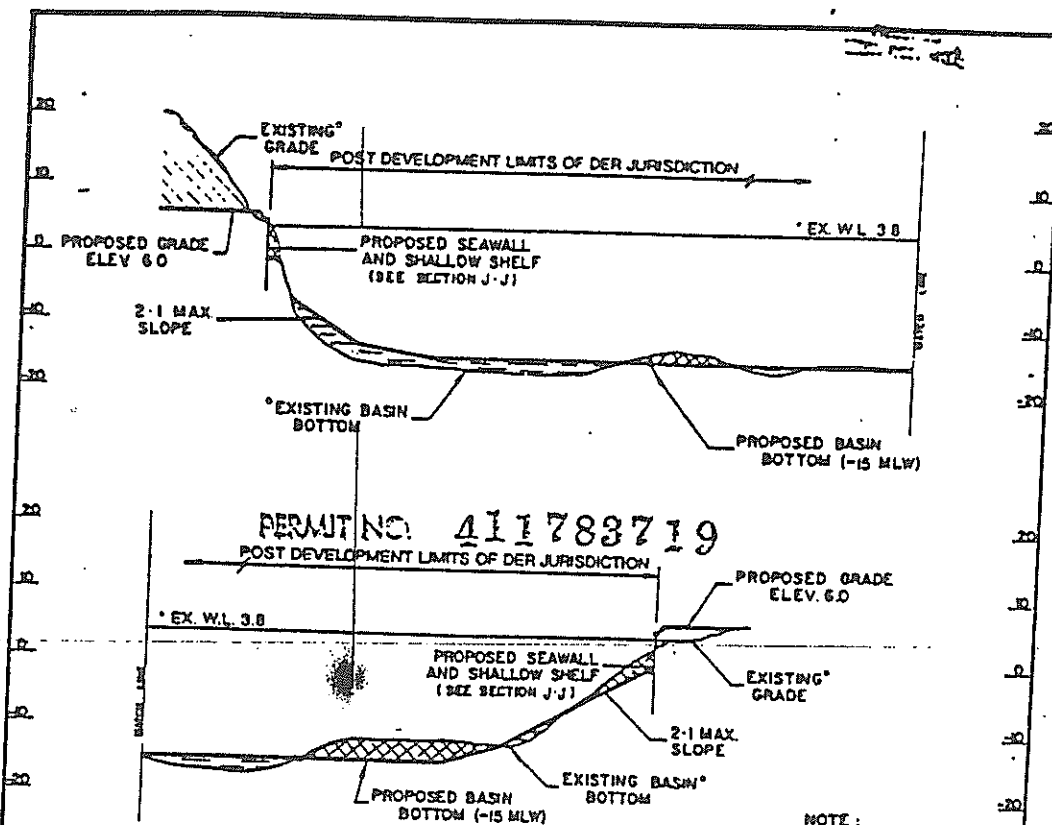
(REV. 5-22-90)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

SHEET 10 OF 13

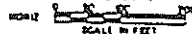


PERMIT NO. 411783719

- INDICATES EXCAVATION FOR BASIN CONTOURING
- INDICATES EXCAVATION LANDWARD OF M.H.W.
- INDICATES FILL LANDWARD OF M.H.W.
- INDICATES FILLING FOR BASIN CONTOURING

SECTION K-K

BASIN



NOTE:

WATER LEVEL IN BASIN WILL APPROXIMATE TIDAL ELEVATIONS WHEN BASIN IS CONNECTED TO THE MANATEE RIVER. (MHW=12.0, M.L.W.=-0.30)

* AS PER SURVEY BY: CIVIL ENGINEERING CONSULT. FEB 1982

Elevations Based on NGVD 1929 Datum
MEAN HIGH WATER ELEVATION 1.20 to 1.25. Based on map No. 222 Approved Dec 1 1981, by DOR 63-008

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

(REV. 5-22-90)

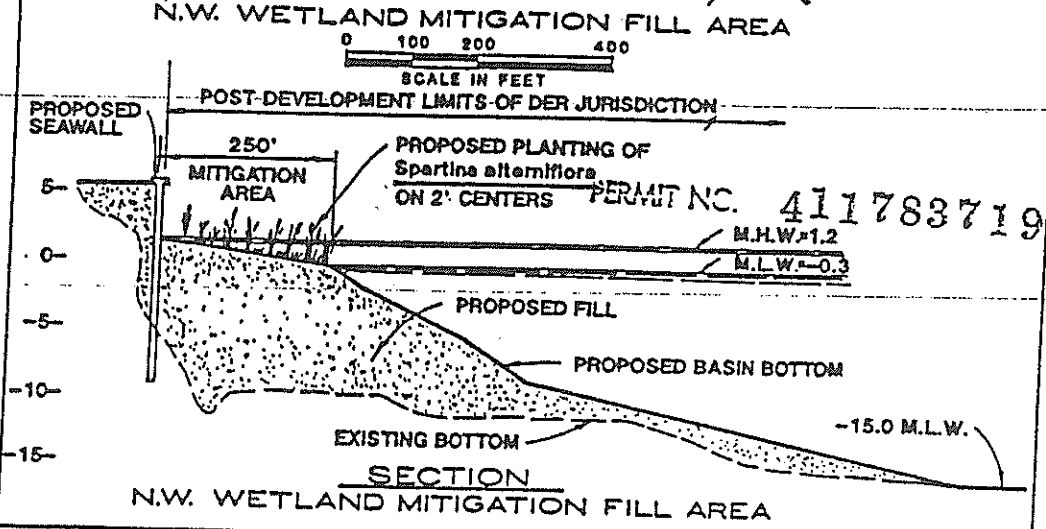
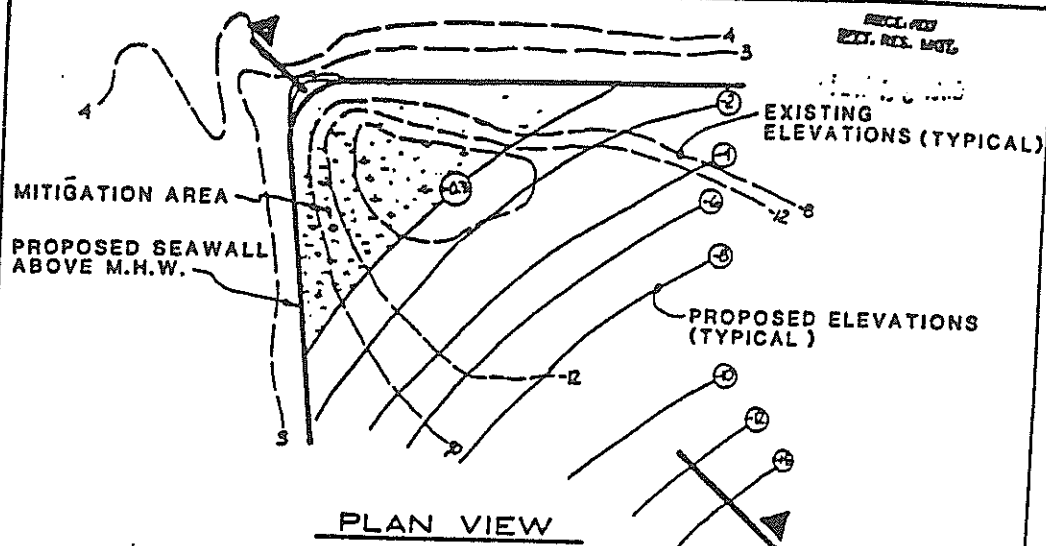
PROPOSED MARINA, ACCESS CHANNEL,

FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

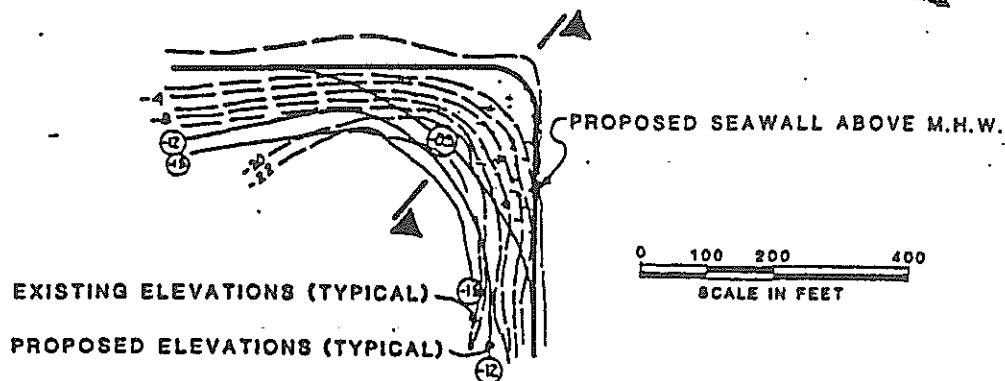
MANATEE RIVER, PALMETTO, FLORIDA

SHEET 11 OF 13

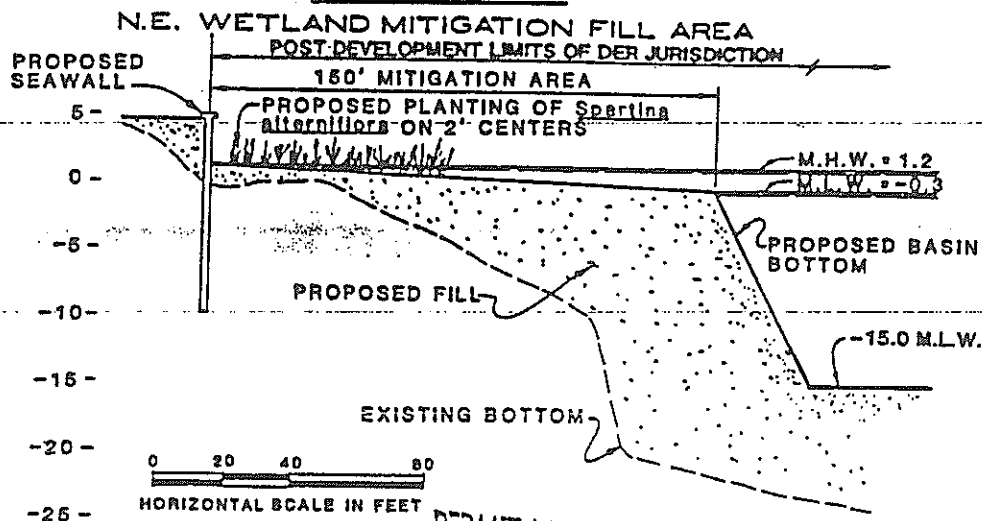


OWNER:		PROPOSED MARINA ACCESS CHANNEL FLUSHING CHANNEL AND BASIN CONTOURING	
Manatee Gateway No. 1, a Joint Venture		Manatee Gateway	
PREPARED BY: Lombardo & Skipper, Inc. Palmetto, Florida R.J. Lombardo P.E. Reg. No. 20528		MANATEE RIVER, PALMETTO, FLORIDA	
DATE 2-1-90	JOB NO. 3190-2		
(REV. 5-22-90)		SHEET 12 OF 13	

RECEIVED
CIV. REL. DIV.



PLAN VIEW



PERMIT NO. 411783719
SECTION
N.E. WETLAND MITIGATION FILL AREA

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

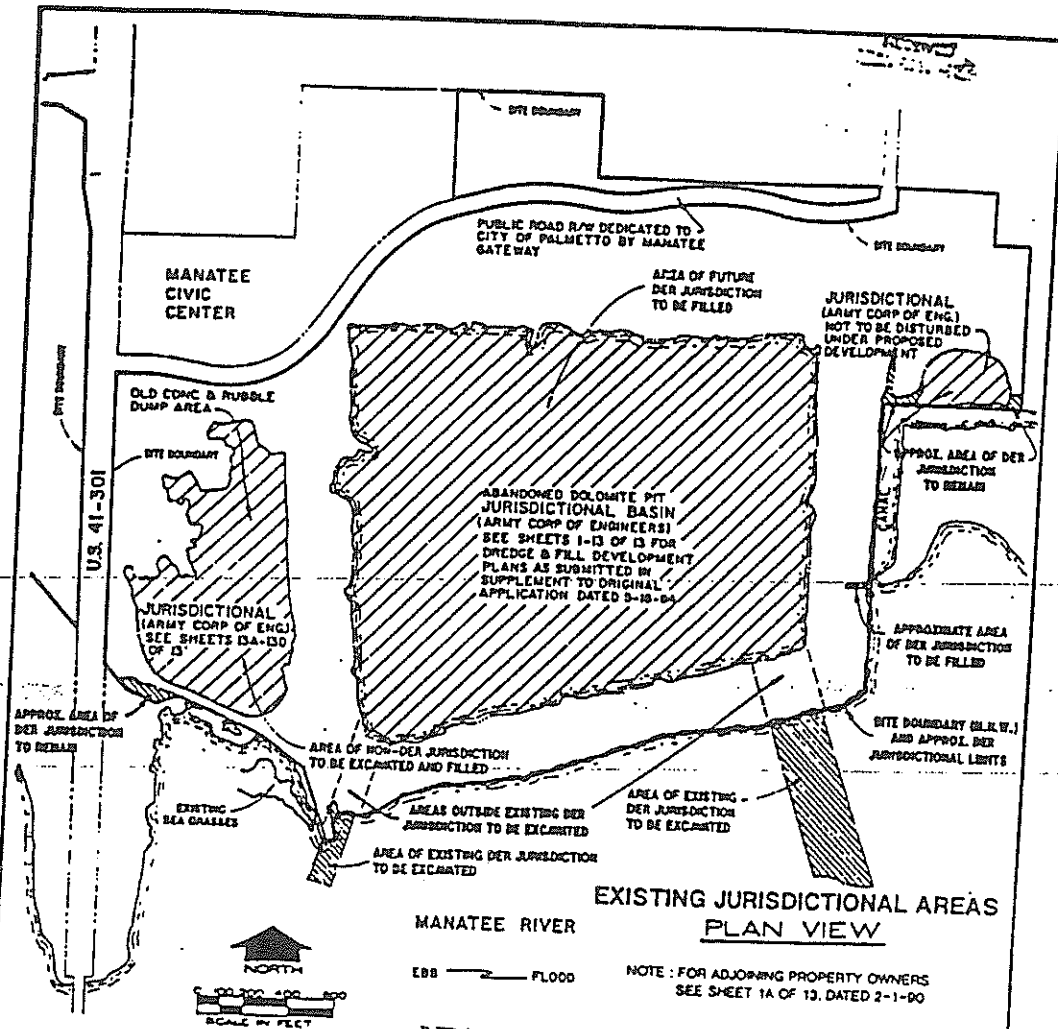
(REV. 5-22-90)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

SHEET 13 OF 13



EXISTING JURISDICTIONAL AREAS PLAN VIEW

PERMIT NO. 411783710

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528
DATE 2-1-90 (REV. 5-22-90) JOB NO. 3190-2

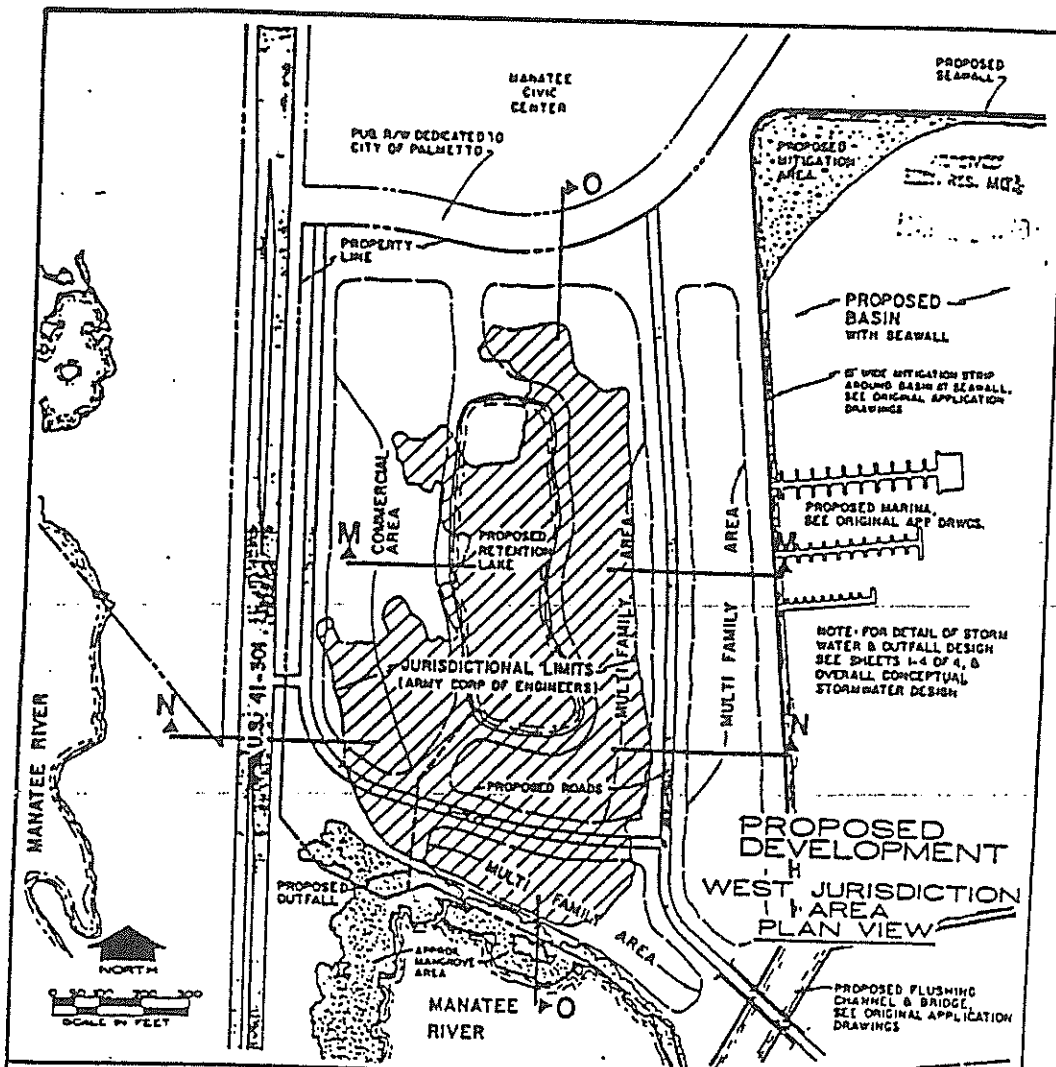
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

SHEET 13A OF 13



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo, P.E. Reg. No. 20520

DATE 2-1-90

JOB NO. 3190-2

(REV. 5-22-90)

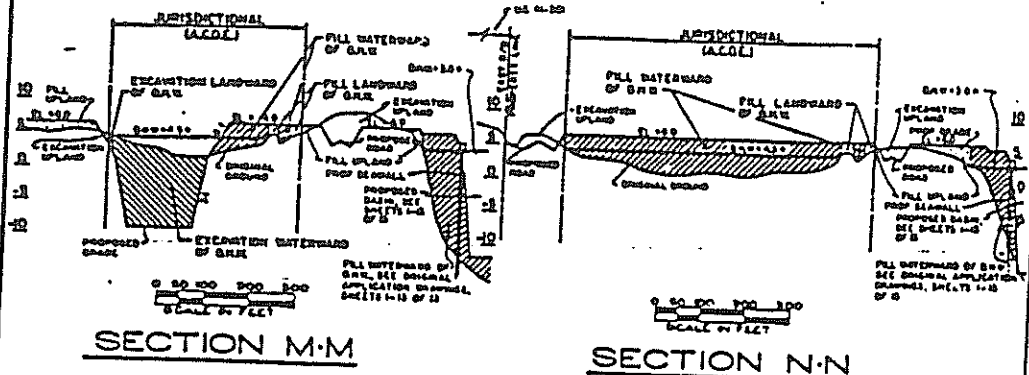
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

PERMIT NO. 4 11783710
Manatee Gateway

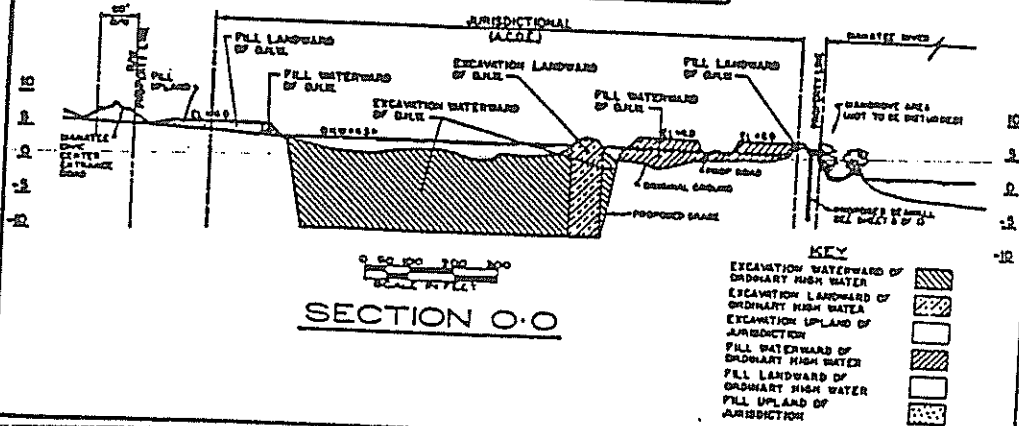
MANATEE RIVER, PALMETTO, FLORIDA

SHEET 13C OF 13

OR 1378 PG 1605



EXCAVATION & FILL QUANTITIES		
	AREA (Acres)	VOLUME (Cu Yds)
Excavation Waterward of DWH	0.13	32,310
Excavation Landward of DWH	0.13	3,480
Fill Waterward of DWH	0.13	133,320
Fill Landward of DWH	0.13	11,320
TOTAL	0.42	



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo, P.E. Reg. No. 20528

DATE: 2-1-90

JOB NO. 3190-2

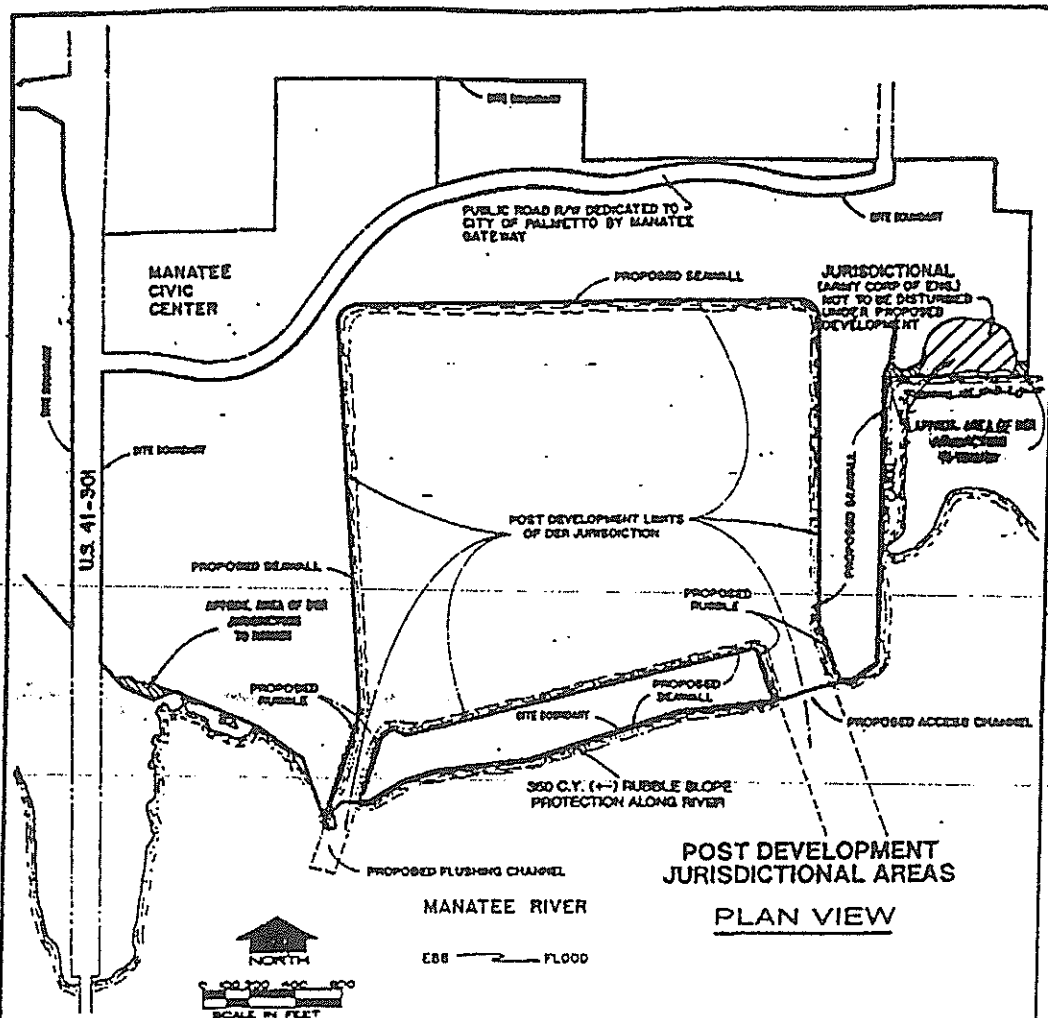
(REV. 5-22-90)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

SHEET 13D OF 13



POST DEVELOPMENT
JURISDICTIONAL AREAS
PLAN VIEW

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528
DATE 5-22-80 JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

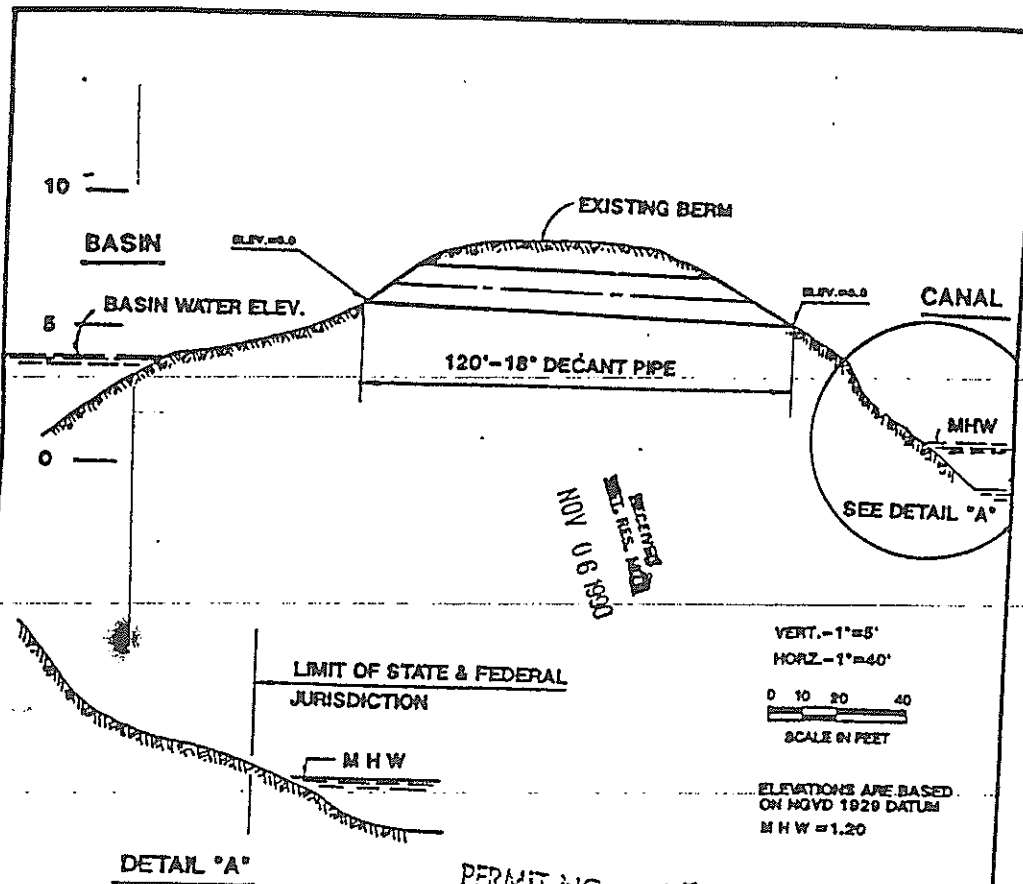
MANATEE RIVER, PALMETTO, FLORIDA

REV. 8/8/91

SHEET 13E OF 13

OR 1378 PG 1607

Attachment B
Page 51 of 61 Pages
Easement No. 00272(4130-41)



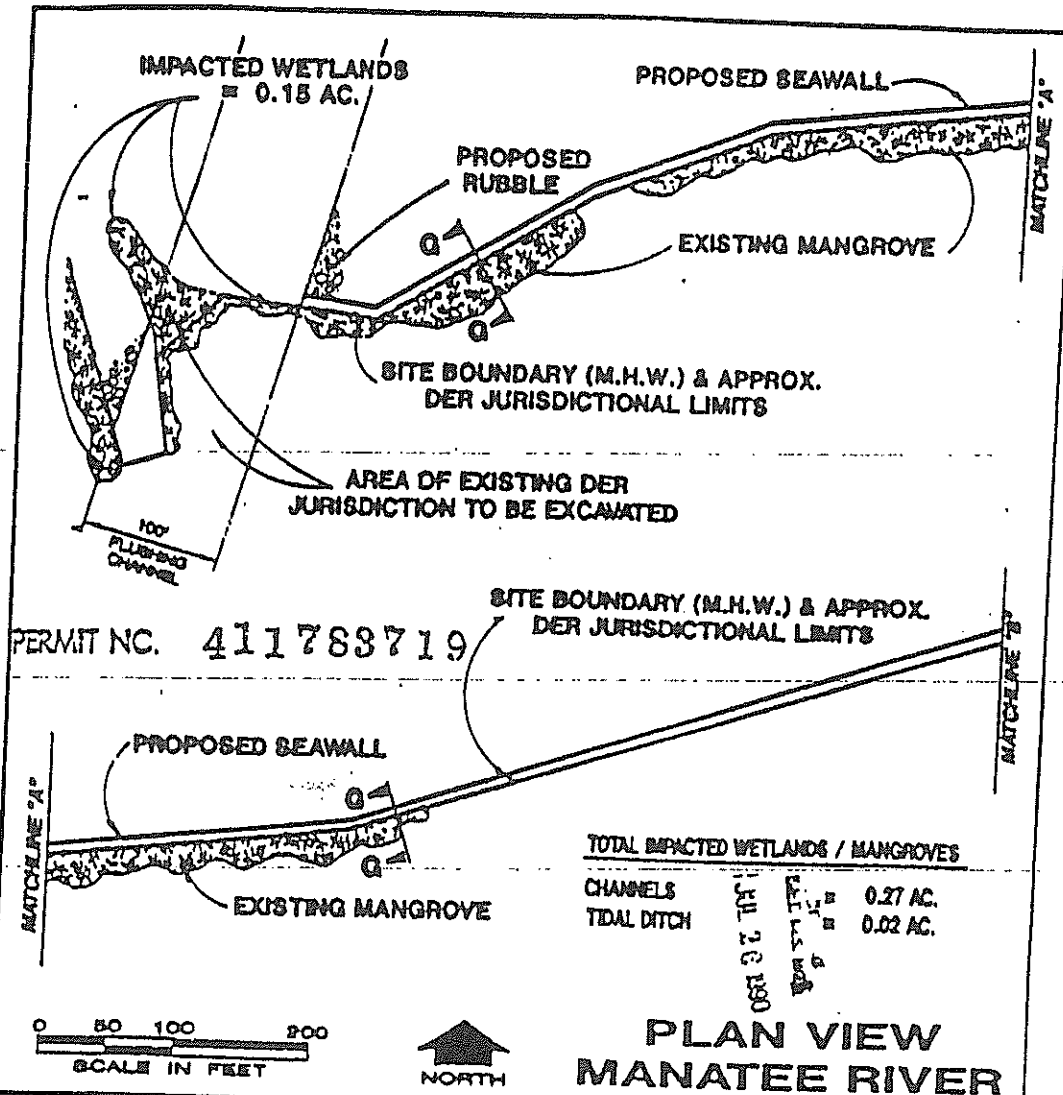
PERMIT NO. 411783719
 DETAIL OF
 DECANT PIPE PROFILE

OWNER:
 Manatee Gateway No. 1, a Joint Venture
PREPARED BY:
 Lombardo & Skipper, Inc.
 Palmetto, Florida
 R.J. Lombardo P.E. Reg. No. 20528
 DATE: 7-18-90

PROPOSED CONSTRUCTION SEQUENCE FOR
 ACCESS CHANNEL,
 FLUSHING CHANNEL and BASIN
 TO SERVE
MANATEE GATEWAY
 ON THE
 MANATEE RIVER
 CITY OF PALMETTO - MANATEE COUNTY, FLORIDA

REV. Nov. 5, 1990

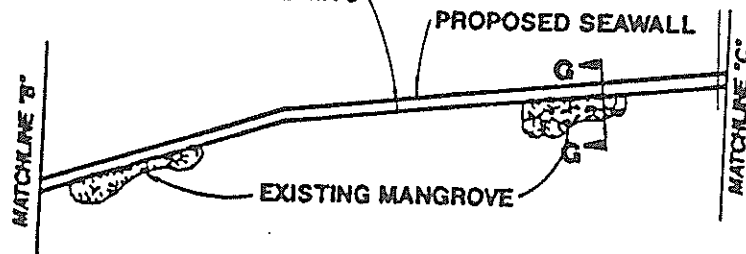
SHEET 13 OF 13



OWNER:	PROPOSED MARINA, ACCESS CHANNEL, FLUSHING CHANNEL AND BARRI CONTOURING
Manatee Gateway No. 1, a Joint Venture	
PREPARED BY:	Manatee Gateway
Lombardo & Stupper, Inc.	
Palmelle, Florida	
R.J. Lombardo P.E. Reg. No. 20528	
DATE: 7-18-80	JOB NO. 3180-2
	MANATEE RIVER, PALMETTO, FLORIDA

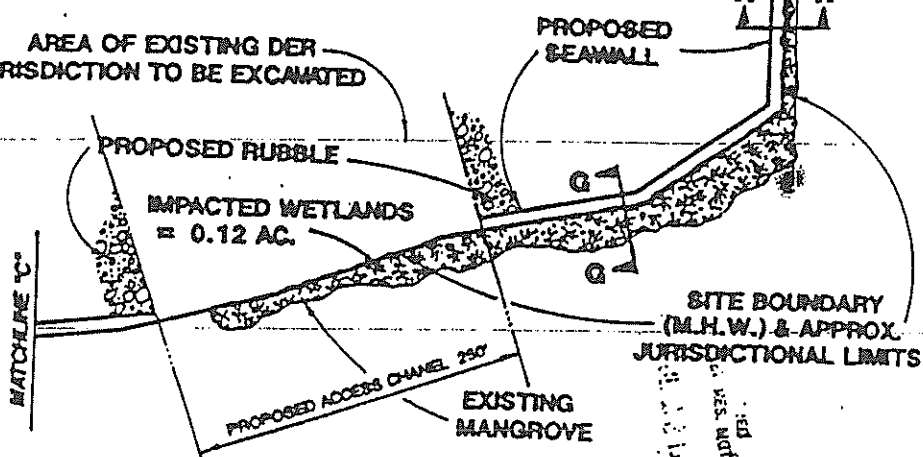
SHEET 120 OF 13

SITE BOUNDARY (M.H.W.) & APPROX.
DER JURISDICTIONAL LIMITS



PERMIT NO. 411783719

AREA OF EXISTING DER
JURISDICTION TO BE EXCAVATED



0 50 100 200
SCALE IN FEET.



PLAN VIEW MANATEE RIVER

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

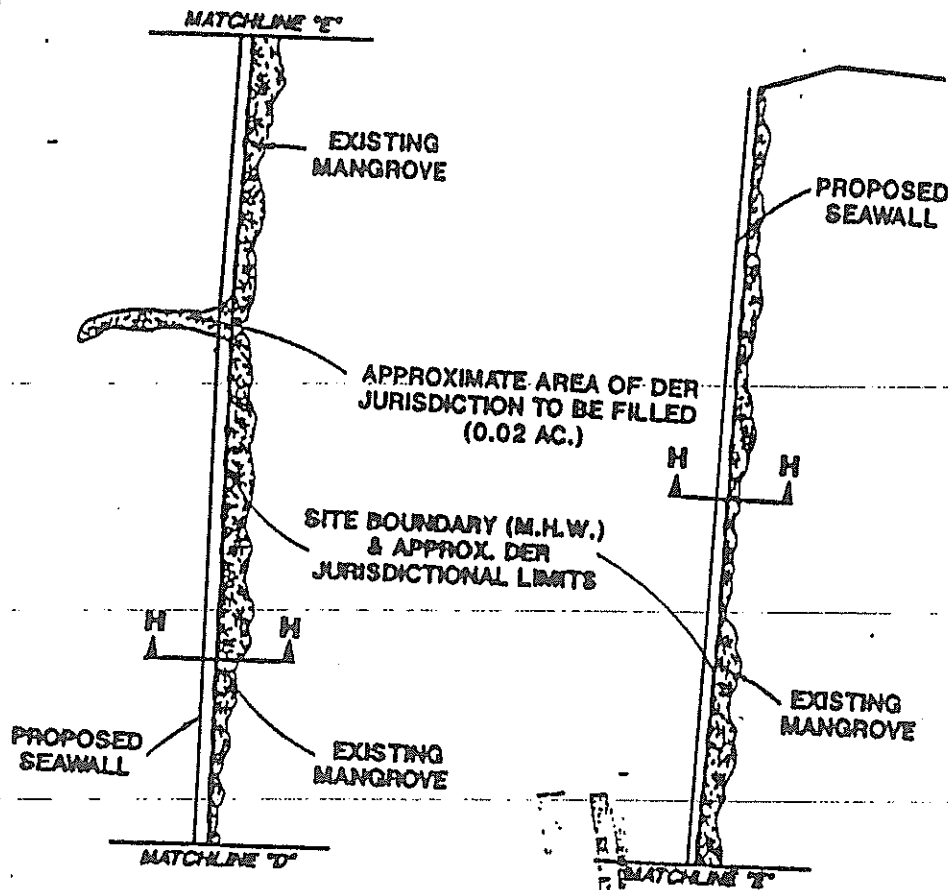
DATE: 7-18-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA



PERMIT NO. 411783719

0 50 100 200
SCALE IN FEET

NORTH

PLAN VIEW CANAL

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE: 7-18-80 JOB NO. 3180-2

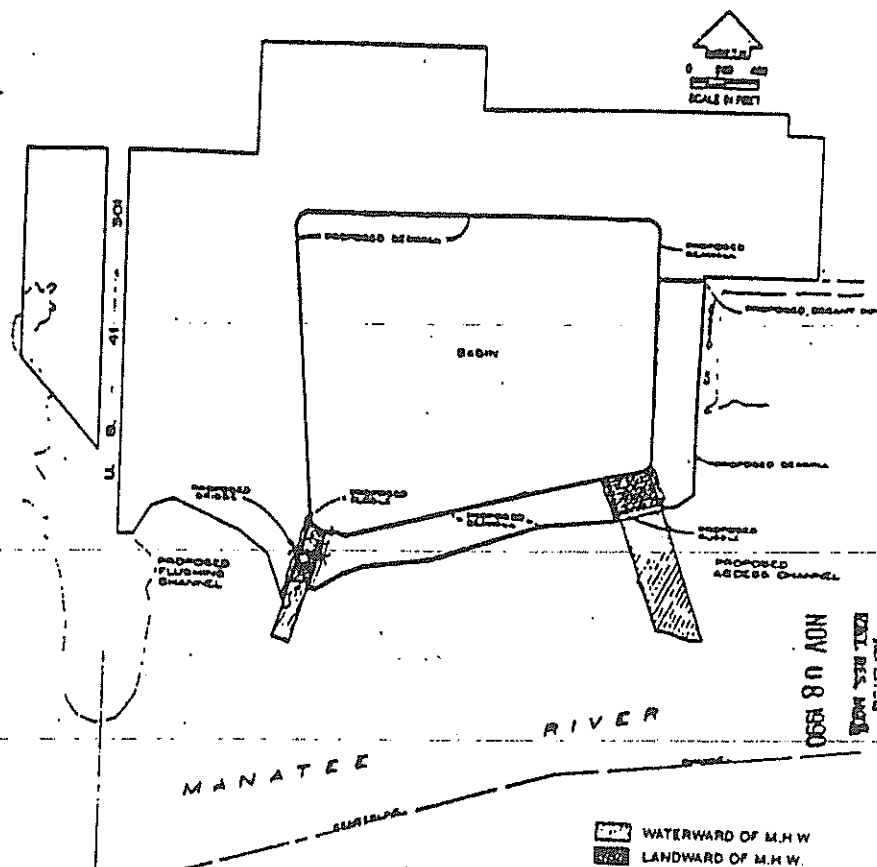
PROPOSED MARINA ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

SHEET 121 OF



NOV 08 1980
 EXH. REC. 1008

PERMIT NO. 411788719

EXHIBIT NO. 1

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
 Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 4-7-82 (REV. 5-22-80) JOB NO. 3190-2

REV. 8-12-80

REV. 11-7-80

PROPOSED CONSTRUCTION SEQUENCE FOR
 ACCESS CHANNEL,
 FLUSHING CHANNEL and BASIN
 TO SERVE

MANATEE GATEWAY

ON THE
MANATEE RIVER

CITY OF PALMETTO - MANATEE COUNTY, FLORIDA



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lorenson Chiles, Governor

Carol M. Brennan, Secretary

PERMITTEE:

Manatee Gateway No. 1
c/o Robert Lombardo, P.E.
Post Office Box 188
Palmetto, Florida 34220

Permit No. 411783719

Date of Issue: February 26, 1991
Expiration Date: February 26, 2001
County: Manatee
Project: Wetland Resource, 10
year

This permit is issued under the provisions of Chapter 403, Florida Statutes, Public Law 92-500, Title 17, and Rule 17-312, Florida Administrative Code. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

PROJECT DESCRIPTION:

To connect an 80 ac. borrow pit to the Manatee River to create a marina basin with up to 400 slips, by: placing 393,000 cu. yds. of fill to shallow the basin to -15 ft. MLW; constructing 7,000 linear ft. of vertical seawall around the inside of the basin (in addition, 4,500 ft. seawall will be constructed in uplands adjacent to the Manatee River); excavating 49,170 cu. yds. of material from the Manatee River (including 0.27 ac. of intertidal zone and 1.1 ac. of shallow bottom habitat) to create an access channel approximately 1,180 ft. long, 250 ft. wide with a depth of -12 ft MLW and a flushing channel approximately 800 ft. long, 100 ft. wide with a depth of -8 ft. MLW; placing a concrete barrier (bridge) in the flushing channel to prevent boat access; filling 0.02 ac. of mangrove-lined ditch; and mitigating for excavation in the Manatee River and ditch fill by creating 4.5 ac. of intertidal shelf in the basin and planting it with *Spartina alterniflora*, planting 1,000 linear ft. along the Manatee River with mangroves, and creating 6 ac. of shallow water habitat in the basin.

LOCATION:

Manatee Gateway, south of U.S. 301, east of U.S. 41/301, north of the Manatee River, City of Palmetto, Manatee County, Section 10, 13 and 24, Township 34 South, Range 17 East, Class III waters.

Revised  Paper

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as

required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems - when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.
- c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;

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- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

2. If historical or archaeological artifacts, such as Native American, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250.

3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation, Bureau of Wetland Resource Management in Tallahassee, and the Southwest District office in Tampa, in writing of this commencement.

4. Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management, Tallahassee, and the Southwest District office indicating the status of the project and shall include the following information:

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- a. Date permitted activity was begun; if work has not begun on-site, please so indicate.
- b. Brief description and extent of work (dredge, fill, construction, mitigation) completed since the previous report or since permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of work (dredge, fill, construction, mitigation) anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.

The status reports may be incorporated into the semi-annual narrative report of the mitigation monitoring. The first semi-annual report is due six months from the date of permit issuance.

5. All submissions to the Bureau of Wetland Resource Management required by this permit shall be copied to the Southwest District Office in Tampa.

6. Shallowing of the basin and its connection to the Manatee River shall occur in the sequence described below. A permit modification shall be required for any change to the sequence.

- a. Prior to connection of the basin to the Manatee River, the basin is required to be shallowed to -15 ft. MLW by placement of fill. Existing water in the basin shall be pumped from the basin into the adjacent canal. To accommodate hoses associated with the pumping equipment, a decant pipe shall be installed between the basin and the existing canal, as shown on Exhibit 1 and Sheet 13F of 13. Pump hoses shall be routed through this pipe. There shall be no uncontrolled discharge from the basin through the decant pipe. Fill may be placed in the basin prior to pumping provided no water is discharged from the basin.
- b. To provide assurance that water quality standards will not be violated during the initial pumping of water from the basin, water quality monitoring shall be required prior to pumping. Any subsequent pumping shall require a permit modification and may require additional monitoring.

The monitoring regime required prior to the initial pumping is detailed in Part I of the monitoring section of this permit. No fill shall be placed in the basin

after Part I water quality monitoring begins and prior to completion of the initial pumping. The Department shall review the monitoring data from the basin and river to evaluate potential water quality impacts of the initial pumping and determine appropriate measures to ensure that water quality standards in waters of the State adjacent to the basin will not be violated. The Department shall review the monitoring data within 60 days of receiving it and ask for additional information or make a determination within that time period. Protective measures may include but are not limited to additional monitoring in the basin and river and, regulation of pumping rate. Pumping shall not begin until such measures have been determined and the Department has approved the pumping in writing.

- c. Prior to pumping, the pump hose shall be routed through the decant pipe, down the berm, through the mangrove fringe and into the canal. The hose shall be secured along the berm and through the mangrove fringe. In securing the hose through the mangrove fringe, the mangrove trees shall not be damaged. In the canal, the hose shall be suspended on floats which are anchored to the bottom of the canal such that the jet remains just below the surface and is directed toward the Manatee River, along the long axis of the canal. This arrangement will minimize the potential for erosion. Prior to the start of pumping, the permittee shall arrange for a site inspection by personnel from the Southwest District office to confirm that the hose is aligned to minimize damage to the mangrove fringe and the potential for erosion during pumping. The permittee shall ensure that the district office personnel may direct realignment of the hose as necessary. The permittee shall obtain written confirmation from the district office personnel and Bureau of Wetland Resource Management that the requirements of this condition have been fulfilled prior to the start of pumping.
- d. Any fill material to be placed in the basin which is not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management, pursuant to the criteria outlined in Specific Condition No. 7 below, prior to its placement in the basin.
- e. Material excavated to construct the flushing and access channels shall be placed in the basin. Earthen plugs shall remain between the channels and the basin until

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the basin has been shallowed and recontoured. Prior to excavation of the flushing channel, the extent of the adjacent seagrass beds shall be monitored for the one year period prior to excavation and the appropriateness of the proposed flushing channel alignment confirmed pursuant to Specific Condition No. 9. The channel excavation shall occur no more than one year prior to completion of the recontouring and connection of the basin to the Manatee River.

- f. After sufficient fill has been placed within the basin, the basin shall be graded to the contours shown on Sheet 2 of 13, and seawalls in the basin, as shown on Sheet 9, 10 and 13E of 13, shall be constructed.
- g. After the basin recontouring has been approved by the Bureau of Wetland Resource Management pursuant to Specific Condition No. 10, the channel plugs shall be removed using motorized pans, bulldozers and draglines. Silt barriers shall be placed on the river side of the plugs to control turbidity and shall remain in place until the turbidity within the barriers is within 29 NTU's of the turbidity values in the Manatee River.
- h. Those portions of the access and flushing channels created via removal of the plugs shall be armored within 30 days as shown on Sheets 6 and 7 of 13.

7. Any fill material not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management prior to its placement in the basin. All fill material shall consist of clean fill, including, but not limited to, sand, natural rock or concrete rubble. The fill material shall not contain materials that will degrade or leach pollutants, such as metal or asphalt, nor contain significant quantities of organics. Gypsum is specifically prohibited from use as fill. In order to obtain approval of a fill source, the permittee shall submit a report to the Bureau of Wetland Resource Management identifying the source, type and grain size of material. Chemical analyses may also be required at the discretion of the Bureau of Wetland Resource Management. Within 30 days of receiving information the Bureau shall provide specific written approval for the use of proposed fill material or shall request additional information needed to evaluate the fill material.

8. The excavation of the access and flushing channels waterward of the approximate line of mean high water shall be by hydraulic dredge. Excavation of the channels shall begin at the waterward

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end and move landward. Turbidity shall be monitored during excavation as described in the monitoring section of this permit. Plugs at the northern terminus of the channels shall be left between the excavated channels and the basin until all activities associated with filling, contouring, piling installation and mitigation in the basin are complete.

9. The permittee shall monitor species composition, and areal coverage of the seagrass bed west of the flushing channel quarterly for the year prior to excavation of the channel. Within 30 days of each monitoring event the permittee shall submit to the Bureau of Wetland Resource Management monitoring reports, including maps, showing the limit of the seagrass bed and the flushing channel alignment. If the seagrass bed encroaches into the channel alignment, the permittee shall propose a new alignment, which is moved sufficiently eastward to provide a minimum buffer of 50 ft. between the eastern edge of the channel and the western limit of the grass bed. Realignment of the channel shall require a minor modification to this permit. The permittee shall submit a permit modification request, supported by revised drawings and hydrographic information, to the Bureau of Wetland Resource Management. Within 60 days of receiving the modification request the Bureau shall determine if the proposed channel realignment will have a significant negative impact on flushing or shall request additional information needed for an evaluation. If the new alignment does not have such an impact, the permit shall be modified to utilize the new alignment. If the proposed new alignment does have a significant negative effect on flushing, then the alignment authorized at the time of permit issuance shall be retained. However, the permit shall be modified to require that, prior to construction, the seagrasses in the permitted alignment and within 50 ft. to either side of the alignment be transplanted to a part of the seagrass bed beyond the influence of the construction activities.

10. Within 120 days of completion of filling and recontouring the basin, the permittee shall submit a certified bathymetric survey of the basin. The survey shall show 1 ft. contours based on a 50 ft. grid. The engineer of record shall certify that the basin and mitigation areas are contoured in accordance with the design shown on Sheet 2 of 13 and that the maximum depth in the basin is no greater than -15 ft. MLW. The plugs isolating the basin from the Manatee River shall not be removed until written approval regarding the adequacy of the survey has been received from the Bureau of Wetland Resource Management. The Bureau shall determine the adequacy of the survey within 30 days or request additional information needed to make the determination.

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11. All activities related to construction of bulkheads along the Manatee River shall occur entirely landward of DER jurisdiction. In areas where the mangrove fringe exists at the landward limit of DER jurisdiction, the waterward edge of trenches to be dug for bulkhead installation shall be at least 3 ft. landward of the mangrove dripline or rootline, whichever extends furthest landward, to ensure that damage to mangroves will be avoided. Prior to construction, the waterward edge of the trench shall be field staked and the permittee shall arrange a site inspection by Southwest District office personnel. Bulkhead construction shall not proceed until written approval from district office personnel is received. The district office shall provide written approval within 30 days of inspecting an appropriate alignment. The district personnel shall adjust the alignment as necessary to comply with this condition and shall copy the Bureau of Wetland Resource Management on all correspondence.

12. Riprap shall be placed waterward of the bulkhead along the Manatee River within 90 days of completion of bulkhead construction. Riprap shall be placed by hand and shall be placed in such a way as to avoid damage to mangroves. The riprap shall consist of boulders or clean concrete rubble with no reinforcing rods or similar protrusions.

13. a. The permittee agrees that the contractor will instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

b. The permittee agrees that all construction personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. The permittee agrees that all vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel

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provides less than a four foot clearance from the bottom and that vessels will follow routes of deep water whenever possible.

- e. The permittee shall ensure that all construction activities in open water will cease upon the sighting of a manatee(s) within 100 yards of the project area. Construction activities will not resume until the manatee(s) has departed the project area.
- f. The permittee agrees that any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-800/DIAL-FMP) and to the U.S. Fish and Wildlife Service, Jacksonville Field Office (904/791-2580).
- g. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period.
- h. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the Florida Department of Natural Resources (FDNR), Marine Mammals Section (100 Eighth Avenue S.E., St. Petersburg, Florida 33701-5095) and to the U.S. Fish and Wildlife Service (3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216).
- i. A minimum of two 3 ft. by 4 ft. temporary construction manatee signs ("Manatee Habitat-Idle Speed in construction areas") shall be installed prior to construction and maintained during construction at prominent locations within the construction area/facility. One construction sign will be located prominently adjacent to the construction permit(s). The other sign will be installed in a location prominently visible to water related construction crews. Photos of signs in place must be sent to the Florida Department of Natural Resources (FDNR) Marine Mammals Section, 100 Eighth Avenue, S.E., St. Petersburg, Florida 33701-5095, prior to the initiation of construction. Temporary construction signs will be removed by the permittee upon completion of construction. A construction sign criteria sheet is attached.
- j. Permanent manatee awareness signs shall be installed and maintained at docking and launching facilities. Prior to initiation of construction, the permittee will send a

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project site plan to the FDNR Marine Mammals Section (address above). FDNR personnel will specify permanent sign locations.

The signs shall be 3 ft. by 4 ft., 125 gauge 61TS aluminum, covered with white, engineer grade, reflecting sheeting; black, painted lettering; black, screened design; and orange, engineer grade, reflective tape border. The 3 ft. by 4 ft. "Caution Manatee Area" signs shall conform to the Florida Uniform Waterway Marking System in accordance with 327.40-1, Florida Statutes. The installation of the 3 ft. by 4 ft. signs shall be made in accordance with the FDNR specifications for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

Verification that signs have been installed at designated locations shall be provided to FDNR before the docking facility begins operation. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to FDNR. A permanent manatee awareness sign criteria sheet is attached.

- k. The permittee agrees that a permanent informational display shall be installed prior to mooring occupancy at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The number of information displays required will depend on the docking facility design. Information display locations will be specified by FDNR personnel when awareness sign location siting is done. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the "Manatee Hotline" number (1-800/DIAL-FMP). Other information which may aid in the conservation of the species may be obtained from the Florida Department of Natural Resources. Information displays remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to the Department of Natural Resources.

14. The permittee shall ensure that at least one sewage pump-out facility is available at the marina. This facility may be either a portable or fixed unit. In addition, a "porta-potty" dump

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station shall also be made available. Signs indicating the availability of these services shall be posted in a conspicuous location. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to maintain these sewage disposal services beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

15. The fuel spill contingency plan shall be attached to this permit as Attachment 2. Marina staff shall understand and be trained to implement the plan prior to using the fueling facilities. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to adhere to the provisions of the fuel spill contingency plan beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

16. Liveaboards shall be prohibited at the marina. A liveboard shall be defined as any individual spending 10 or more nights per month on a boat docked at the marina. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to prohibit liveaboards in this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

17. After the marina attains 25% occupancy, the permittee shall implement water quality monitoring outlined in Part IV of the Monitoring Required section of this permit. Monitoring shall continue for two years after the marina is 80% occupied. The permittee shall keep occupancy records and submit them with each data set. If a consistent trend of water quality violations is noted by the Department, the Department shall require the permittee to identify the cause of the violations and propose remedial action. The remedial action shall be implemented after receiving Departmental approval. The Department may require that remedial actions include limiting occupancy of the marina and removing slips. If the marina is not 80% occupied for 2 years prior to permit expiration or remedial actions require monitoring beyond permit expiration, the permittee shall continue monitoring for as long as it is determined to be necessary. Within 30 days of the execution of this permit, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for such an agreement is in Attachment 1A to this permit.

18. To reduce the cumulative impacts on manatees of an increased number of boats on the Manatee River, the Department of Natural Resources has specified that the number of power boats that may occupy the marina shall not exceed 40% of the total (160 slips).

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If DNR determines that in the future, Manatee County provides sufficient manatee protection measures (including speed zones in the area of the project) such that the limitation of 40% power boat slips is no longer needed, the permittee shall notify the Bureau of Wetland Resource Management of this determination and provide the Bureau of Wetland Resource Management with verification of this determination. Any change to this power boat occupancy condition shall require a minor modification of this permit. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to restrict powerboat usage of this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

19. Any development on the uplands adjacent to the basin under the ownership of the permittee on the date of issuance of this permit will require a stormwater permit. This permit does not authorize or approve the construction or operation of any stormwater treatment system. The Southwest Florida Water Management District (SWFWMD) will be the agency responsible for permitting of the stormwater treatment system. However, when stormwater management/drainage plans for upland development surrounding the marina basin on uplands under the ownership of the permittee on the date of issuance of this permit are complete, a copy of the stormwater plans and supporting calculations shall be submitted to the Bureau of Wetland Resource Management for review to provide assurance that untreated stormwater originating from uplands under the ownership of the permittee on the date of issuance of this permit will not be discharged into the basin. In addition, the permittee shall submit a copy of the stormwater application sent to the SWFWMD and a copy of the final permit, if one is issued. Before construction commences, the permittee shall enter into a long-term agreement with the Department evidencing the obligation to comply with this condition after permit expiration. Draft language for such an agreement is in Attachment 1A to this permit.

20. Mitigation or permanent loss of 0.27 ac. of intertidal zone and 1.1 ac. of productive shallow bottom habitat resulting from channel excavation and filling 0.02 ac. of mangrove dominated ditch shall consist of the following:

- a. Creating 4.5 ac. of intertidal zone in the basin to be planted with *Spartina alterniflora*, as shown on Sheets 2, 10, 12 and 13 of 13.
- b. Planting red mangroves on 3 ft. centers in two staggered rows along 1000 linear feet (0.13 ac) of the bulkhead along the Manatee River, as shown on Sheets 2 and 8 of 13.

UPLANDS PLAN

- C. Creating 6 ac. of shallow bottom habitat in the basin from MLW to the -5ft. contour.

All mitigation planting shall be completed prior to completion of dock construction and prior to leasing of any slips. If vegetation monitoring indicates that mitigation sites are not becoming properly established, corrective measures such as installation of riprap breakwaters shall be taken.

21. Salt marsh and mangrove creation shall be considered successful when the following conditions are met:

- a. Percent cover by non-nuisance, non-exotic wetland species shall be 80% or more. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, including a measure of percent cover by non-wetland species, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code Rule 17-301.400;
- b. Nuisance and exotic species, such as cattail and primrose willow, are limited to 10% or less of the total cover.
- c. Not less than 4.63 ac. of salt marsh and mangrove wetlands are determined to be jurisdictional pursuant to Section 403.817, F.S.
- d. The mitigation wetlands are constructed in accordance with the permit requirements.

22. The permittee recognizes that it has an obligation to continue monitoring the mitigation project and to correct any unsuccessful attempts beyond the expiration date of the permit. Within 45 days of the date this permit is executed, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for the long term agreement is in Attachment 1A to this permit.

23. Before beginning construction, the permittee shall submit an itemized cost estimate for mitigation activities pursuant to Rule 17-312.390, F.A.C. Activities to be itemized include, at a minimum, earthmoving, surveying, cost of plant material, cost of planting, consultant's fees and monitoring. If the cost estimate exceeds \$25,000, the permittee, shall submit proof of financial responsibility pursuant to Rule 17-312.390, F.A.C. equal to 110% of the estimated cost prior to beginning construction.

24. Prior to commencement of any work authorized by this permit, a Quality Assurance Project Plan (DER Form 17-160.900) detailing

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Sampling and analysis methods to be used for water and sediment quality monitoring shall be submitted to the Bureau of Wetland Resource Management. The Bureau of Wetland Resource Management will forward the plan to the DER, Division of Technical Administrative Services, Quality Assurance Section for their review. The Quality Assurance Section must provide written approval of the plan before construction can begin. This approval shall be coordinated through the Bureau of Wetland Resource Management.

The laboratory performing the water and sediment chemistry analyses shall have an approved Quality Assurance plan on file with the Department. Prior to commencement of any work the permittee shall notify the Bureau of Wetland Resource Management of the laboratory which will perform the analyses so that the Bureau may contact the Quality Assurance Section to verify that the selected laboratory does have a quality assurance plan. Construction may not begin until such verification is received and the permittee is so notified. If the permittee changes laboratories, the verification process must be completed for the new laboratory. If an unauthorized laboratory collects any samples, those data may be eliminated from review and resampling required. Any changes in the Quality Assurance Project Plan must be approved by the Department prior to implementation.

All detection limits shall be at or below the level of the applicable state standard. If no state standard exists for the measured parameter, then the detection limit for that parameter shall be at or below that specified by the Department's "Deepwater Ports Maintenance Dredging and Disposal Manual", 1984 edition or later.

MONITORING REQUIRED:
Monitoring Required

1. Water quality monitoring prior to initial decanting of basin.
1. Physicochemical and Nutrients
Frequency: One time, during the summer (June, July, August), not more than 1 year prior to pumping water. Three field replicates shall be collected for each parameter at each sampling point, except for total and fecal coliform, dissolved oxygen (D.O.), pH and temperature. Frequency of sampling those parameters is described below.

Locations: Three stations as noted on Figure 1.

Parameter	Depth at each Location
Total Nitrogen (mg-N/l)	Near surface, mid-depth and 1 ft. above bottom

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Total-P (mg-P/l)	Near surface, mid-depth and 1 ft. above bottom
BOD (mg/l)	Near surface, mid-depth and 1 ft. above bottom
TSS (mg/l)	Near surface, mid-depth and 1 ft. above bottom
Fecal Coliform	At the surface, at least 10 times within a 30 day period
Dissolved oxygen (mg/l), pH and temperature	Near surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hr. period (a total of 4 profiles shall be submitted for each station)

2. Heavy Metals

Frequency: One time during summer (June, July, August), not more than one year prior to decanting water. Three field replicate samples shall be collected at each sample point. Detection limits shall be below state standards.

Location: Three stations as noted on Figure 1.

Metals (ug/l)

Depth at each location

Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom
Chromium	1 ft. above bottom
Mercury	1 ft. above bottom

3. Toxic Substances

Frequency: One time, during summer (June, July, August), not more than one year prior to pumping. Three field replicate samples shall be collected at each sampling point.

Location: Three stations as noted on Figure 1

Parameters

Locations of Stations

EPA methods 624/625

Near surface and 1 ft. above the bottom

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All data shall be compiled into a report to be submitted to the Bureau of Wetland Resource Management pursuant to Specific Condition 6b. The report shall include the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

II. Vegetation

The permittee shall furnish to the Bureau of Wetland Resource Management and the Southwest District Office annual statistical reports of vegetational sampling of the salt marsh and mangrove wetlands done by any mutually agreed upon method. Acceptable methods may be found in Daubenmire (1968), Oosting (1956), or Mueller-Dombois and Ellenberg (1974). Reports shall describe, when appropriate, percent cover of listed trees and herbaceous species. Data for listed nuisance or exotic species, as stated in Specific Condition No. 21, shall be tabulated separately from the remaining data. A listed species is one listed in Florida Administrative Code Rule 17-301.400. Data shall be taken during the summer growing season. Reports shall be submitted annually within four months of data acquisition until a determination of a successful herbaceous and mangrove creation has been made.

Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management detailing the progress of this

mitigation program. The reports should include: photographs taken from the same permanent stations (some of which must be located in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and anticipated work for the following six months. The reports shall be submitted at six month intervals, with the first report due six months from start of mitigation construction, and may be combined with the status reports required by Specific Condition No. 4.

A monitoring plan describing sampling methods and report format, and map of sampling locations and photographic stations shall be submitted to the Department for approval prior to the first sampling event.

If the data indicate that the effort is not successful pursuant to Specific Condition No. 21 above, the applicant shall present methods and proposals to be reviewed and approved by the Department to ensure success of the effort.

The references cited above are the following:

Daubenmire, R. 1968. Plant Communities: A Textbook of Synecology. Harper & Row, New York. 300 pp.

Oosting, H. J. 1956. The Study of Plant Communities: An Introduction to Plant Ecology. W. H. Freeman, San Francisco. 440 pp.

Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and Methods of Vegetation Ecology. John Wiley, New York. 547 pp.

III. Turbidity

Type - NTU's

- A. Locations: Access channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of access channel
- B. Location: Flushing Channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of the flushing channel.

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C. Location: Manatee River
Background: In the Manatee River 500 ft. upstream of the canal
Compliance: In the Manatee River, 150 ft. downcurrent of discharge from the canal, within any visible plume; mid-depth
Frequency: At 4 hr. intervals whenever the basin is being pumped out.

All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction and velocity.

If monitoring reveals apparent violations of the state water quality standard for turbidity, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department of Environmental Regulation, Southwest District office.

Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

IV. Long Term Water Quality Monitoring

Frequency: To be collected twice per year in February and August. Monitoring shall begin when the marina reaches 25% occupancy and shall continue as specified in Specific Condition 17. Three field replicates shall be collected for each parameter except fecal coliform, dissolved oxygen, pH and temperature. Sampling frequency for those parameters is described in the table below.

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If the D.O. profile (including temperature and pH) sampled in the marina during the first February of this monitoring program shows no stratification in the water column, then D.O., temperature and pH need only be collected at mid-depth in the marina during the February sampling events.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2, and apply to all parameters below except oil and grease and fecal coliform. The marina sampling stations for oil and grease and fecal coliform are described in more detail in the table below. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River.

1. Physicochemical parameters and nutrients.

Parameter	Depth at each Location
Total Nitrogen (mg-N/l)	Mid-depth
Total Phosphorous (mg-P/l)	Mid-depth
BOD (mg/l)	Near surface and 1 ft. above bottom
Fecal Coliform	River Stations: at surface, 10 times each month Marina Stations: at a total of 3 stations, with 1 station point within each of the 3 dock clusters shown as Areas 1, 2 and 3 on Sheet 2 of 13; each station shall be sampled 10 times each month; all samples shall be collected from the surface.
Dissolved Oxygen (mg/l), pH and temperature (C)	Surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hour period.
Oil and Grease (mg/l)	River Stations: at the surface.

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Marina : A total of 3 stations
with 1 station within each of
the 3 dock clusters; all
samples shall be collected
from the surface.

2. Heavy Metals in Water

Frequency: Sampling shall start when the marina becomes 25% occupied and shall continue as specified in Specific Condition 17. After the initial sampling event, which will be conducted when the marina is 25% full, sampling shall occur in February and August as specified in Specific Condition No. 17. Three field replicate samples shall be collected at each sample point.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Detection limits for metals shall be below the state standards.

Metals (ug/l)

Depth at each location

Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom

3. Heavy Metals in Sediment

Frequency: To be collected once per year starting after marina construction is complete and before slips are occupied and continuing for 2 years after the marina is 80% occupied. After the initial sampling is conducted, all subsequent sampling should be conducted in August.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 3. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Analytical methods to be used are shown in Attachment 3.

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Metals (ppm, dry wt.)

Depth at each location

Cadmium
Copper
Lead
Arsenic
Zinc
Aluminum

Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment

All monitoring data shall be submitted within 30 days of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

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Page: 24

Recommended by Marlene K. Harn

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION

Carol M. Browner
Carol M. Browner, Secretary

_____ pages attached.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Sabrina Cannon 2-26-91
Clerk Date

APPROVED
E.L. RIK. MGR.

ELEVATION REFERENCE DATUM NOTES

1. ALL EXISTING ELEVATIONS AND EXISTING CONTOUR LINES ARE REFERENCED TO N.G.V.D.
2. ALL PROPOSED DREDGING ELEVATIONS ARE REFERENCED TO MEAN LOW WATER.
3. ALL PROPOSED DOCK ELEVATIONS ARE REFERENCED TO N.G.V.D.
4. MEAN LOW WATER ELEVATION = -0.3 N.G.V.D.

PERMIT NC. 411783719

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 5-22-00

JOB NO. 3190-2

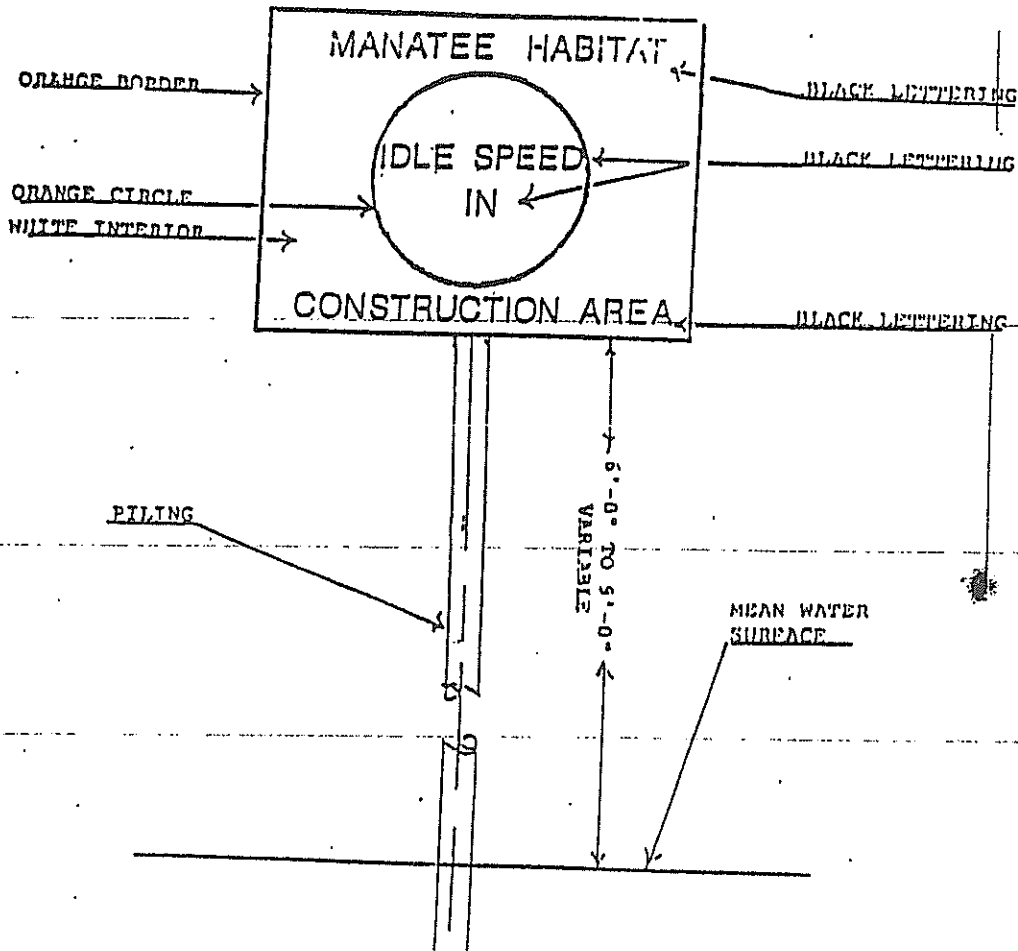
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]
SHEET 1B OF 13

CONSTRUCTION SIGN
(TEMPORARY)



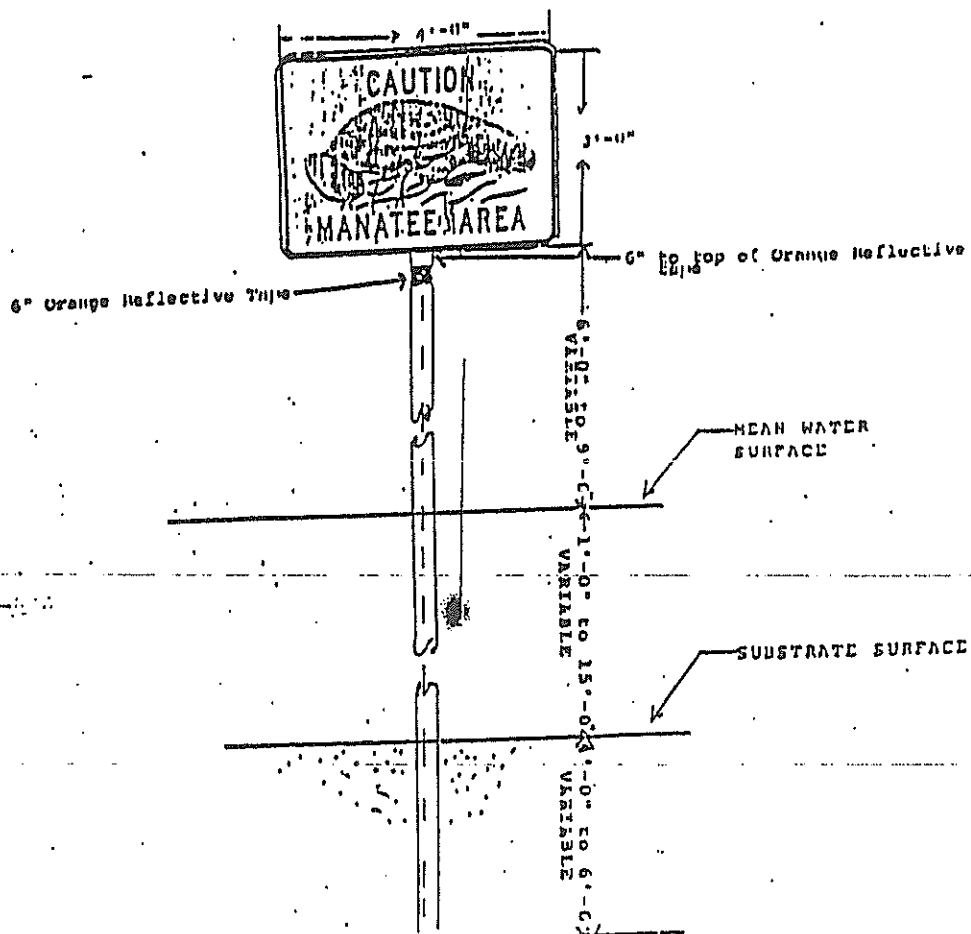
SPECIFICATIONS:

The signs shall be a minimum of 3' X 4", painted white; black 4" lettering; and orange, engineer grade, reflective circle and border.

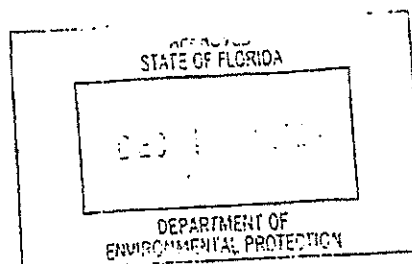
CONSTRUCTION SIGN
CRITERIA
NOT TO SCALE CMW

OR 1378 PG 1613

PERMANENT MANATEE AWARENESS SIGN



Permittee: Manatee Gateway No. 1
Permit No. 411783719
Page: 22



Marina : A total of 3 stations with 1 station within each of the 3 dock clusters; all samples shall be collected from the surface.

2. Heavy Metals in Water

Frequency: Sampling shall start when the marina becomes 25% occupied and shall continue as specified in Specific Condition 17. After the initial sampling event, which will be conducted when the marina is 25% full, sampling shall occur in February and August as specified in Specific Condition No. 17. Three field replicate samples shall be collected at each sample point.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Detection limits for metals shall be below the state standards.

Metals (ug/l)

Depth at each location

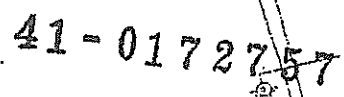
Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom

3. Heavy Metals in Sediment

Frequency: To be collected once per year starting after marina construction is complete and before slips are occupied and continuing for 2 years after the marina is 80% occupied. After the initial sampling is conducted, all subsequent sampling should be conducted in August.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 3. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Analytical methods to be used are shown in Attachment 3.

41-0172757



Peninsula	12	20 + 14 = 34
Island	20	28
Conto	47	34
		135

5 DOCK 772,
 400 731-2849 R.L. LAUG,
 07 04/07 PM 4:01

Florida Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Phone: 813-744-6100
S.C: 512-1042
Fax: 813-740-3906
S.C: 514-1799

Fax Cover Letter

10/31/01

DATE

To: Linda Svenson

Total Pages(including cover page): 3

Of: _____

Phone: _____

Fax: (727) 729-1421
(941)

From: Rose Poyner

Reference: Riviera Owners

Message: Please see attached plan view for Marina basin
sediment sampling locations. River sampling locations
shall be as described in on sheet page NO. 22 of
permit conditions. Item No. 3. (see Attached)

CONFIRMATION REQUESTED:

☐ YES

☐ NO

**IF CONFIRMATION IS REQUESTED, PLEASE INITIAL OR SIGN COVER LETTER AND
FAX BACK AS SOON AS POSSIBLE**



November 1, 2001

Mr. Bob Stetler
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

RE: Riviera Dunes Harbor

Dear Bob:

In follow up to our meeting today, we offer the following guarantees for satisfaction of permit condition construction:

- Alternative #1: Install an aeration system that will improve circulation and increase dissolved oxygen levels within the basin.
- Alternative #2: Fill low areas in basin with concrete rubble creating an artificial reef.
- Alternative #3: Fill low areas in basin with pre-approved fill dirt material.

We will research and prepare information regarding alternatives #1 and #2 within the next 7 days and submit it for your review and approval. The research package for alternative #1 will include a time line for implementation, equipment specifications, existing locations-permitting-monitoring information, equipment warranties, etc. Alternative #2 package will include sources of material and a time line for availability and placement. If either of these alternatives is acceptable to FDEP then we will implement them immediately.

If however, only alternative #3 is found to be acceptable, then we will guarantee that the fill dirt will be placed within 90 days.

Meanwhile, I would like to request a letter from FDEP allowing the use of the Harbor and the occupancy of boat slips.

Sincerely,

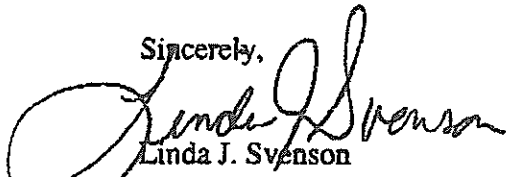
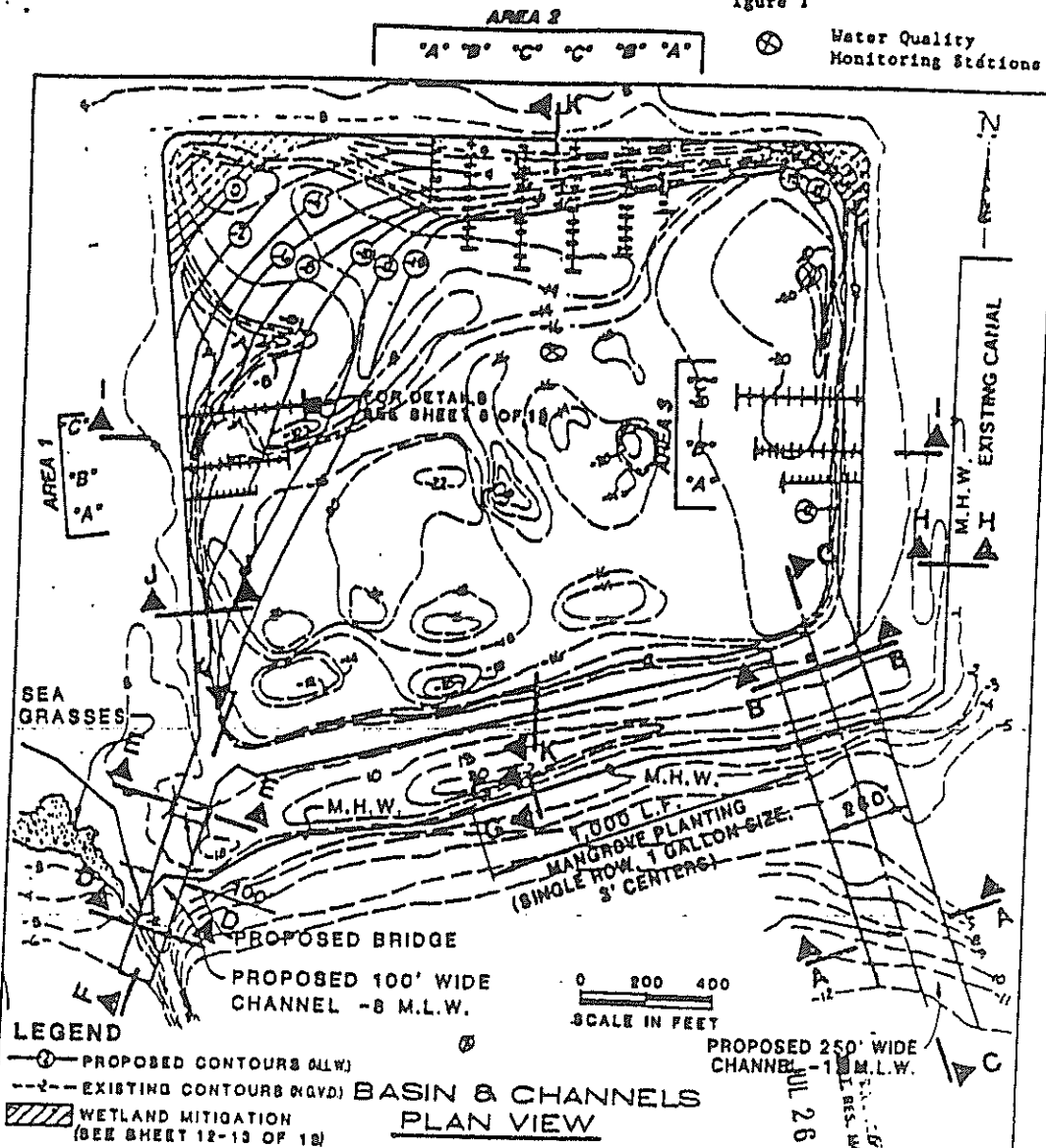

Linda J. Svenson
President

Figure 1



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

(REV. 5-22-90)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

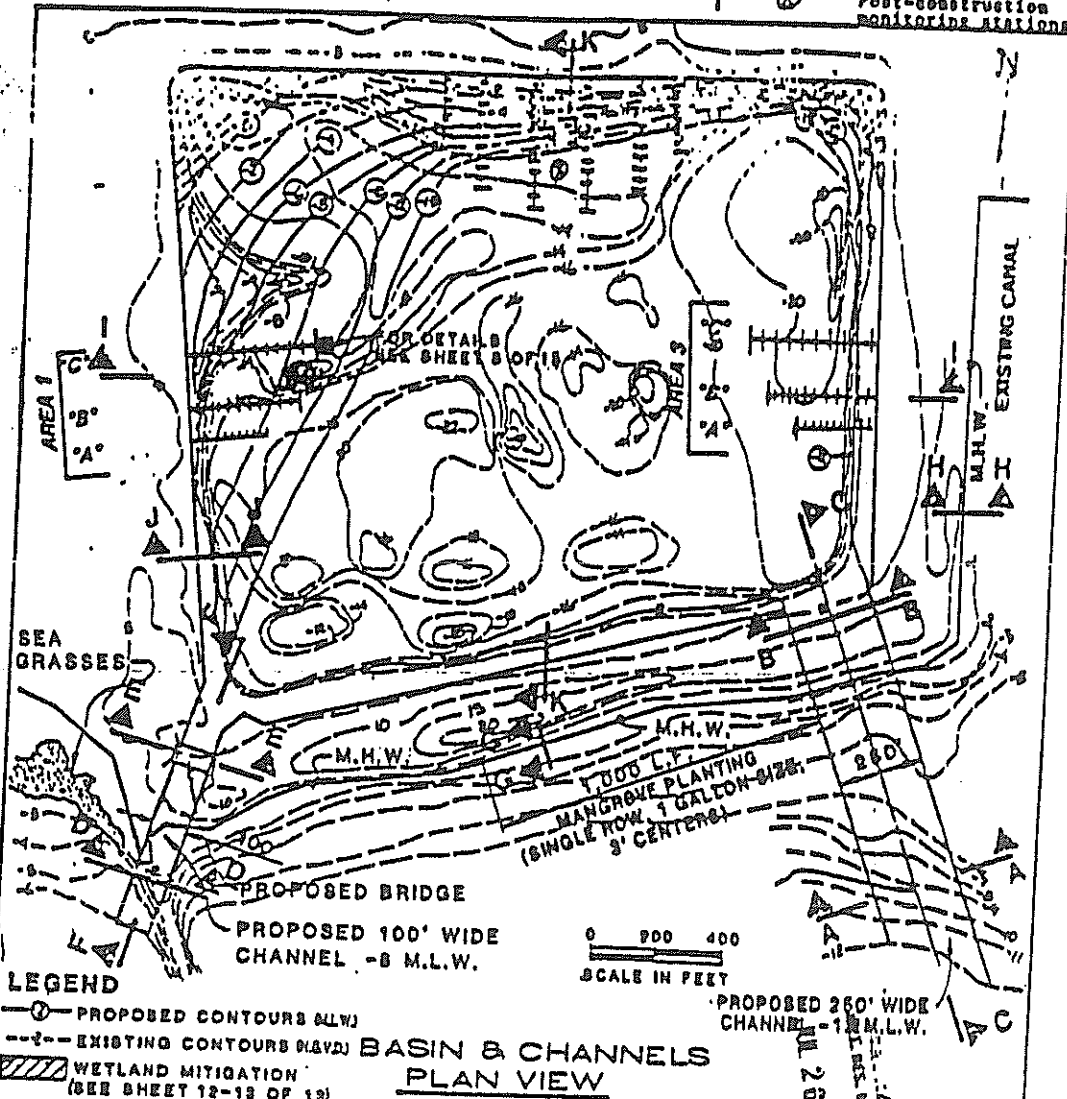
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

AREA 2

Figure 2

Post-construction
monitoring stations



LEGEND

- ① PROPOSED CONTOURS (M.L.W.)
- EXISTING CONTOURS (M.L.W.)
- WETLAND MITIGATION (SEE SHEET 12-13 OF 12)

**BASIN & CHANNELS
PLAN VIEW**

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. S190-2

(REV. 5-22-93)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

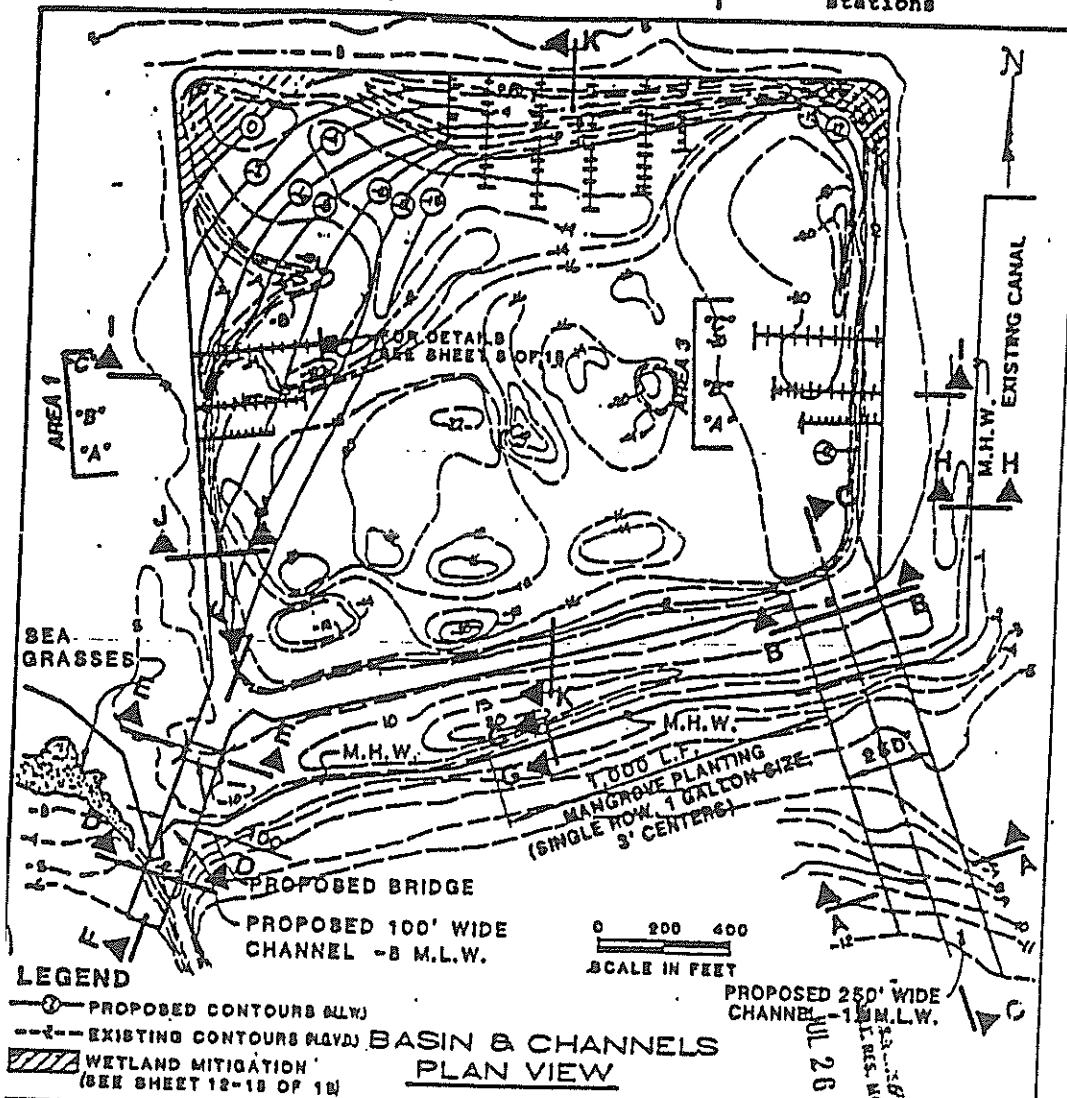
MANATEE RIVER, PALMETTO, FLORIDA

SHEET 2 OF 1A

AREA 2

'A' 'B' 'C' 'C' 'B' 'A'

Figure 3
Sediment sampling
stations



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
Rd. Lombardo P.L. Reg. No. 20528

DATE 2-1-00

JOB NO. 3190-2

(REV. 5-22-00)

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

Handwritten signature

SHEET 2 OF 13

FILED AND RECORDED
JUL 13 5 09 PM '02
CLERK
MANATEE COUNTY, FL.

RESORTS



590 Haben Boulevard
Palmetto, FL 34221
Phone: (941) 722 - 2690
Fax: (941) 729 - 9421

TO: Steve DATE: 11.3.00
COMPANY: Duncan Seawall FROM: ~~John~~ Linda
FAX NO: 957.4378 PAGES, (Including Cover): 3

MESSAGE:

IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION, CALL (941) 722-2690.

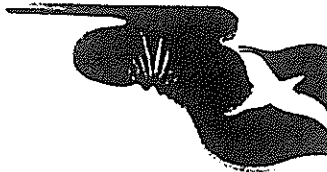
***** ACTIVITY REPORT *****

TRANSMISSION OK

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CONNECTION TEL	9574378
CONNECTION ID	
START TIME	11/03 10:08
USAGE TIME	01'12
PAGES	3
RESULT	OK

Riviera Dunes

R E S O R T S



104 Haben Boulevard
Palmetto, FL 34221
Phone: (941) 722 - 2690
Fax: (941) 729 - 9421

TO: Scott Riddle DATE: 10-11-01
COMPANY: FSC FROM: Linda
FAX NO: 792-1735 PAGES, (With Cover): 9

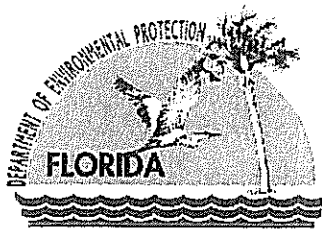
MESSAGE:

IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION, CALL (941) 722-2690.

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	2567
CONNECTION TEL	7921735
CONNECTION ID	
START TIME	10/11 15:49
USAGE TIME	03'39
PAGES	8
RESULT	OK



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

September 25, 2000

Riviera Dunes
c/o Linda Svenson
Riviera Dunes
590 Haben Blvd.
Palmetto, FL 34221

Dear Ms. Svenson:

File No. 4101783719

This is in response to your modification request which has been received and reviewed by the Department for the following revisions:

1. The originally authorized seawall within the interior marina basin shall be replaced with rip rap as indicated in modification submittals. Rip rap shall consist of natural limestone boulders ranging from 6" to 2' in average dimensions and be free of attached sediments. The slope shall be a minimum of 2 horizontal to 1 vertical.
2. A 10.25 acre segment of the basin (for construction of an Aquarange) shall be segregated from the marina basin via the construction and maintenance of a continuous berm.
3. The Mitigation plan shall be modified pursuant to the attached approved submittals in Attachment B. The modifications will result in an increase of emergent vegetated mitigation area from 4.5 to 6.38 acres. The mitigation monitoring and success criteria originally specified and required in permit conditions shall be implemented and adhered to. The originally required 6.0 acre of shallow water habitat shall be increased to 6.51 acres as indicated in attached submittals.
4. The layout of the proposed slips shall be as indicated in the Attachment F. The number of slips shall remain as authorized in the original permit-400 slips. The permittee shall submit a plan view which is signed and sealed by a Professional Engineer within 14 days of the signature date of this modification.
5. Private dock configurations shall be as indicated in Attachment F. A, B, D, D1, E, E1, F, F1 configurations are authorized. A maximum of one watercraft per dock shall be authorized. Handrails shall be required on structures identified in Exhibit A of Attachment F.

"More Protection, Less Process"

Printed on recycled paper.

6. A maximum of 400 slips (including both wet and dry storage) is authorized at the subject facility. In order to be released from restrictions requiring a 60:40 power to sail ratio, the permittee shall adhere to the provisions of Attachment H.

7. The permittee shall adhere to the recommendations/requirements of Attachment H as required by the Florida Fish and Wildlife Conservation Commission's Bureau of Protected Species Management for manatee protection.

8. The attached Conservation Easement (Attachment G) shall be executed and recorded within 14 days of the signature date of this modification and a copy submitted to the Department within 30 days of the signature date of this permit modification.

9. The marina basin previously authorized at -15' NGVD shall be modified to not exceed depths below 18.5' NGVD. The monitoring plan as specified in the original permit shall be implemented and adhered to with the following additions:

The long term water quality monitoring requirement identified in Part IV of the original permit conditions shall be implemented and adhered to. If water quality within the basin exhibits values which violate state standards, the permittee shall implement and adhere to the provisions of Specific Condition No. 17 of the original permit. A contingency plan to address remedial actions shall include those identified in Specific Condition No. 17 and may also include but not be limited to the excavation of basin sediments if they are determined to be the source of the water quality violations or the addition of clean fill. Upon notification by the Department that a contingency plan is required, the permittee shall submit such plan to the Department within 30 days of notification for review and approval or modification. The monitoring outlined in the original permit Specific Condition No. 17 shall be initiated immediately subsequent to the marina attaining 25% occupancy. Additionally, the water quality monitoring period shall be extended to 5 years subsequent to 80% occupancy of the marina.

10. The access channel dimensions shall be modified as reflected in the attached drawings.

11. Dredging of the access and flushing channels within areas consisting of rock/limestone shall be allowed to be dredged via mechanical dredging as indicated in the attached submittals. A total of 13,000 cubic yards of rock is to be dredged from the access channel and 4,000 cubic yards of rock from the flushing channel via mechanical dredging. All excavated material shall be disposed of within the marina basin. Excavation shall be performed utilizing methodologies indicated the attached submittals. A turbidity curtain shall effectively encompass the dredge barge and shall remain in place until all generated turbidity has subsided. All excavation shall be performed within the area encompassed by the turbidity curtains.

12. An additional turbidity monitoring station shall be added to Part III of the original permit with the following requirements:

Location: Manatee River

Background-Manatee River, 200 meters upcurrent from the dredge operation
Compliance-Manatee River, 100' downcurrent from the dredge barge and
within the central point of any visible plume at mid depth.

Frequency-3 hour intervals during dredging of rock from the river.

13. The permittee shall implement a boat exclusion area as indicated in Attachment B, Figure 4. The permittee shall obtain all necessary permits and authorizations prior to implementation of this zone, including the FDEP Division of Law Enforcement.

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the original **expiration date of February 26, 2001**, Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

RIGHTS OF AFFECTED PARTIES

This permit modification is hereby granted unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

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 of the Florida Statutes. The petition must contain the information set forth below and 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. Mediation may also be pursued as specified below.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit modification or even a denial of the modification request. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Mediation may also change the final disposition of the application. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 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) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

A petition that disputes the material facts on which the Department's action is based 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; and

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;

(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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

In addition to petitioning for an administrative hearing, any person who has previously filed a petition for an administrative hearing may pursue mediation. If a written mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) is filed with the Department within 10 days after the deadline for filing a petition for an administrative hearing, the time limitations imposed by sections 120.569 and 120.57 shall be tolled to allow mediation to proceed. The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the deadline noted above. Pursuing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

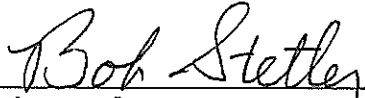
Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. As noted above, persons seeking to protect their substantial interests that would be affected by such a final decision modified through mediation must file their petitions within 21 days of receipt or publication of this notice as provided above, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. 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 the final order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Bob Stetler
Environmental Administrator
Environmental Resource Management

Copies furnished to:

DEP, Office of General Counsel
Mary Duncan, FFWCC
City of Palmetto
Thomas Ries, Scheda Ecological Associates
U.S. Army Corps of Engineers
Alex L. Azman, P.E.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit modification, including all copies, were mailed before the close of business on September 25, 2000, to the above listed persons.

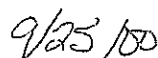
FILING AND ACKNOWLEDGMENT

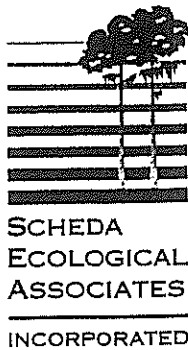
FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

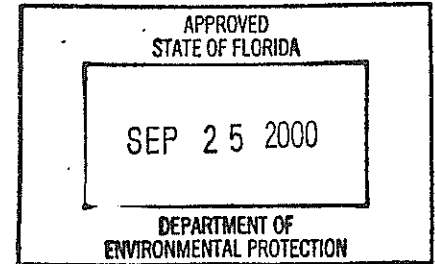


Date





July 26, 2000



Ms. Rose Poynor
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

RE: Riviera Dunes Permit Modification Request
Permit Number 411783719
Manatee County, Florida
SEA Project No. 238.5

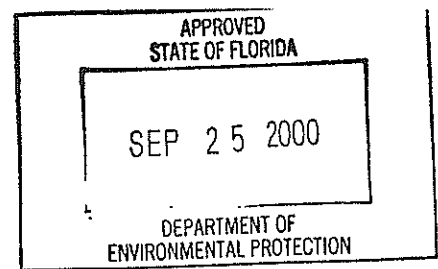
DEF.
SEP 25 2000
Southwest Florida Water Management District

Dear Rose:

This letter is written to request a minor permit modification for the above referenced permit number which was originally issued February 26, 1991. Per our meetings and discussions, this permit modification will provide additional wetland habitat and is more beneficial than the original permit.

The nature of this modification includes the following:

1. Omit the permitted seawall construction from the interior of the proposed boat basin and replace with rip-rap per discussions with the Surface Water Improvement and Management (SWIM) program of the Southwest Florida Water Management District (SWFWMD). This will provide exceptional structural habitat values to the interior of the basin.
2. Segregate a portion of the basin (NW corner) from the "Waters of the State" designation that the entire harbor will have once it is opened to the Manatee River. This 10.25-acre freshwater basin will be segregated from the basin by a landscaped berm and will provide freshwater habitat values. (Attachment A)
3. Adjust the location and increase the size of the required mitigation areas which are currently permitted to be located in the NW and NE corners of the basin. This will increase the emergent planted mitigation area from 4.5 acres to 6.38 acres. The applicant will still construct a portion of the mitigation in the NE corner (Attachment B, Figure 1) while locating the NW corner around the proposed freshwater basin (Attachment B, Figure 2). Both areas will be planted with smooth cordgrass (*Spartina alterniflora*) as per the original permit, however, we propose to increase the species diversity by also adding a 0.15-acre band of knot grass (*Paspalum vaginatum*) to the upper elevations of Mitigation Area A. This will provide

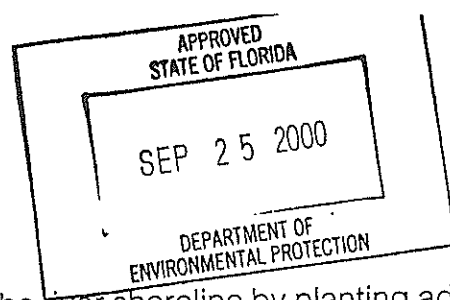


additional habitat values to the mitigation area. The proposed cross sections for both areas illustrate the planting elevations, which remain as stipulated in the existing permit (Attachment B, Figure 3).

4. The original permit allowed an overall bottom depth of 15 feet, which provides 40.6 million cubic feet of water at low tide. The hydraulic study concluded that the net volume flowing through the harbor each day is 94 million cubic feet, more than one complete exchange per day. (Attachment C)

A number of minor changes detailed in this modification request will provide additional wetland habitat and is overall more beneficial than the original permit. One of the changes proposed is the removal of the seawall from the interior of the harbor and replacing it with rip-rap for added habitat values. This change required additional fill within the basin which reduces the volume of water within the harbor. In addition, the placement of a berm to separate the freshwater basin from the harbor also required additional fill material and again reduces the overall basin capacity to hold water. We are proposing to lower the overall basin bottom elevation from 15 to 18.5 feet in depth. This change will provide almost the identical volume (39.9 million cubic feet vs. 40.6 million cubic feet) of water within the basin as was originally permitted and thus will provide similar flushing characteristics. Enclosed is a graphic (Attachment D) which depicts the proposed basin depths to accommodate the mitigation area, the rip-rap material, and the freshwater basin in the northwest corner of the harbor. In addition, please find enclosed a copy of the permit drawing which illustrates the basin depths originally permitted for comparisons. (Attachment E)

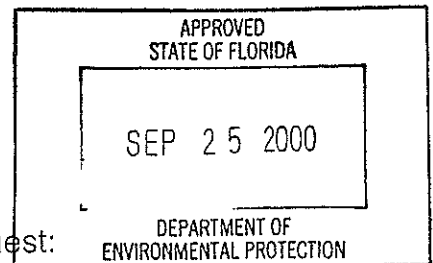
5. Provide 1.55 acres of mitigation by planting an area immediately adjacent to and west of the boat basin (Attachment B, Figure 4). This cove, which is state owned, currently has no emergent vegetation associated with the fringing mangrove community. This area has been investigated and mapped to ensure the survival of smooth cordgrass at the existing elevations. This planting would greatly enhance the habitat value of the area by providing diverse plant communities to the existing cove. Currently the cove has a small patch of shoal grass (*Halodule wrightii*) in the southwest corner. The remaining area is a large mud flat which transitions into the mangrove community. The planting would provide a marsh habitat between the existing mangroves and the open water area. Smooth cordgrass would be planted in the existing substrate (shallow mud flat) and monitored along with the mitigation areas within the harbor. In addition, the applicant will coordinate the placement of "Boat Exclusion Area" buoys in front of the marsh planting area to protect its integrity. We have already discussed this with Ms. Terra Alford (FDEP- Division of Law Enforcement) and will work with her to permit and install the buoys.



6. Enhance the mitigation area along the river shoreline by planting additional plant species and numbers to improve habitat values. The current permit specifies planting 1,000 linear feet (334 plants) of red mangroves (*Rhizophora mangle*) along the shoreline. We will plant the required mangrove trees, plus 1.04 acres of smooth cordgrass interspersed between the existing mangrove trees to further stabilize the shoreline, per discussions with SWIM staff. In addition, we recommend planting 0.76 acres of knot grass above the mangroves (Attachment B, Figure 5). This will restore the integrity of the entire shoreline, while providing additional wetland vegetation.
7. That the construction of the boat slips will be phased in two parts: the first phase will consist of a maximum of 200 slips for power boats. The second phase will be initiated in year three and will consist of another 200 slips for power boats, per our agreement with Mr. David Arnold (FDEP-Protected Species Management). This was agreed upon since the existing bridges across the Manatee River precludes access of most sail boats from entering the boat basin. A boat dock map with details and marina layout is included as Attachment F. In addition, a 10' conservation easement has been established to restrict the construction at additional docking facilities. (Attachment G) All of the other recommendations regarding manatee signage, channel markings, and speed zones will be adhered to per FDEP's letter. (Attachment H)
8. The required 6.0 acres of "shallow water habitat" (from MLW to -5.0 ft.) has been increased to 6.51 acres to provide additional areas for potential seagrass growth. This habitat is being provided around the entire boat basin with a portion concentrated adjacent to the NW corner mitigation area "Proposed Contours". (Attachment D)
9. Monitoring of the mitigation areas will be performed as required in the original permit. A time zero monitoring will occur immediately following the planting of mitigation areas, and quarterly reports will be submitted on a semi-annual basis thereafter. These reports will include photo documentation, as well as an overall site assessment and its progress toward the success criteria per original permit.

In summary, the proposed modification request will provide additional mitigation areas, increase species diversity, and remove the permitted seawall from the interior of the boat basin. The applicant has been working closely with FDEP staff and SWIM to provide the best possible mitigation plan for the area. Enclosed is a new post-project wetland map which illustrates the location and sizes of all the mitigation and preservation areas. (Attachment A)

Ms. Rose Poyner
July 26, 2000
Page 4 of 4



The following table summarizes the permit modification request:

Issue	Existing Permit	Permit Modification
Boat Basin Construction	Seawall within basin	Rip-rap within basin
Boat Basin Depth	-15 feet	-18.5 feet
Wetland Mitigation Plan:		
Emergent Planting	4.5 acres	6.38 acres
Mangrove Planting	1,000 linear feet	1,000 linear feet
Shallow Water Habitat	6.0 acres	6.51 acres
Total Number of Boat Slips	400 (60% sail;40% motor) No deed restrictions: 120 additional slips available	400 (100% motor) Conservation Easement & Deed Restrictions which prohibit additional docks

Please contact me if you have any questions or require additional information to facilitate your review and approval.

Sincerely,

Scheda Ecological Associates, Inc.

A handwritten signature in black ink, appearing to read "Thomas F. Ries".

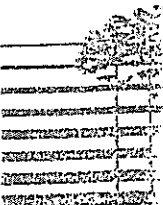
Thomas F. Ries

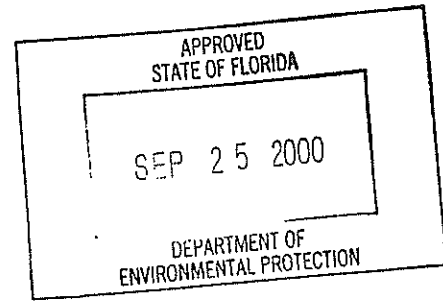
Vice President/Principal Scientist

Cc: Linda Svenson, Riviera Dunes (without attachments)

Attachments:

- A. Signed Post Construction Wetland Map
- B. Signed and Sealed Mitigation Details
- C. Basin Hydraulic Study by Mark Ross, Ph.D., P.E.
- D. Proposed Basin Contours
- E. Original Permitted Basin Bottom Depths
- F. Boat Dock Map with Details and Marina Layout
- G. 10' Conservation Easement Description and Illustration
- H. FDEP Manatee Impact Review letter

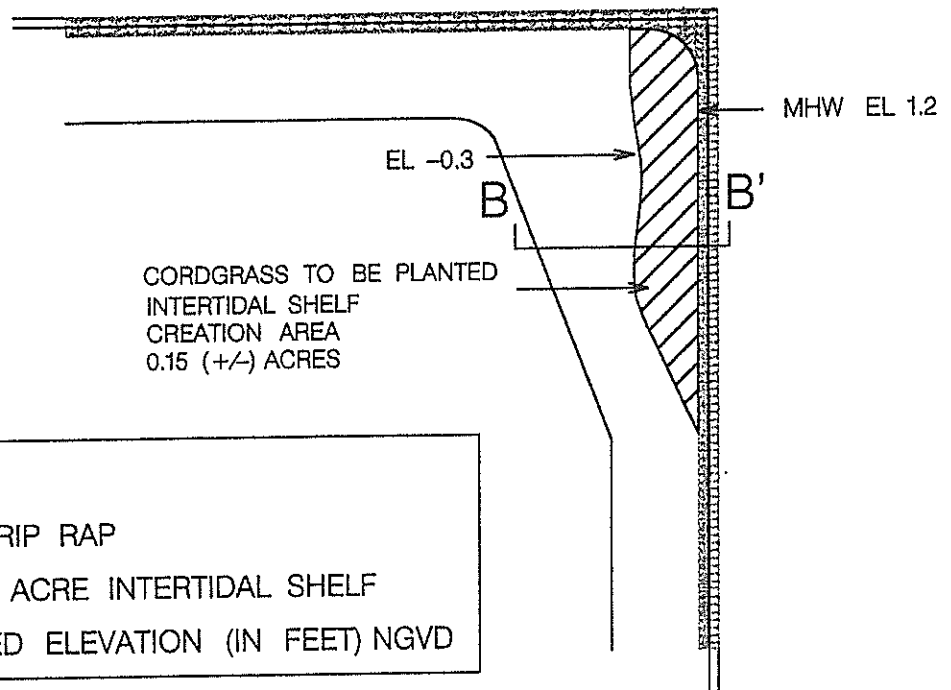
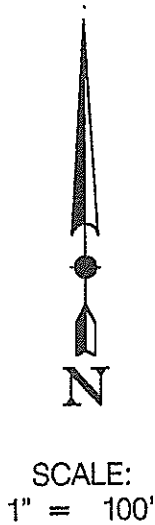




Attachment B
Signed and Sealed Mitigation Details

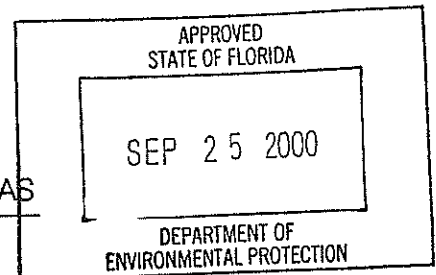
D.E.P.
JUL 23 2000
Southwest District Tampa

MITIGATION AREA B PLAN VIEW

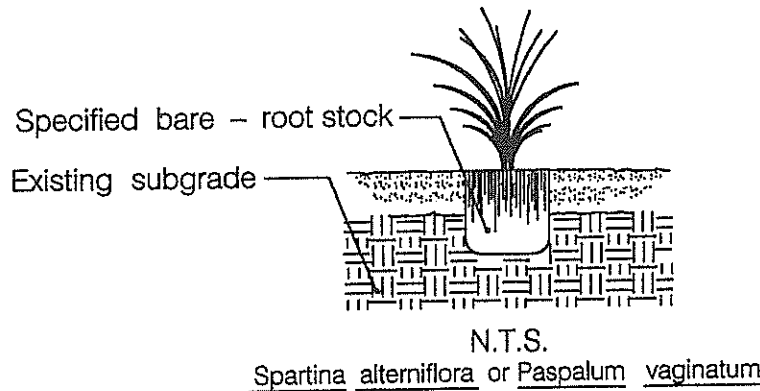


LEGEND

- RUBBLE RIP RAP
- 0.15 (+/-) ACRE INTERTIDAL SHELF
- EL 1.0 PROPOSED ELEVATION (IN FEET) NGVD



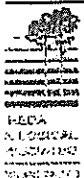
PLANTING DETAIL FOR MITIGATION AREAS



NOTES

1. CORDGRASS (Spartina alterniflora) TO BE PLANTED ON 3' CENTERS, FOR 0.15 (+/-) ACRE WILL REQUIRE 900 PLANTS.
2. ALL PLANTS SHALL BE BARE-ROOT STOCK OR BETTER.
3. ALL ELEVATIONS BASED ON 1929 NGVD DATUM.

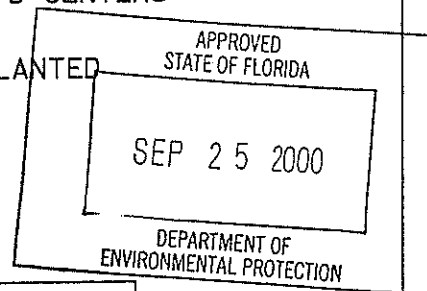
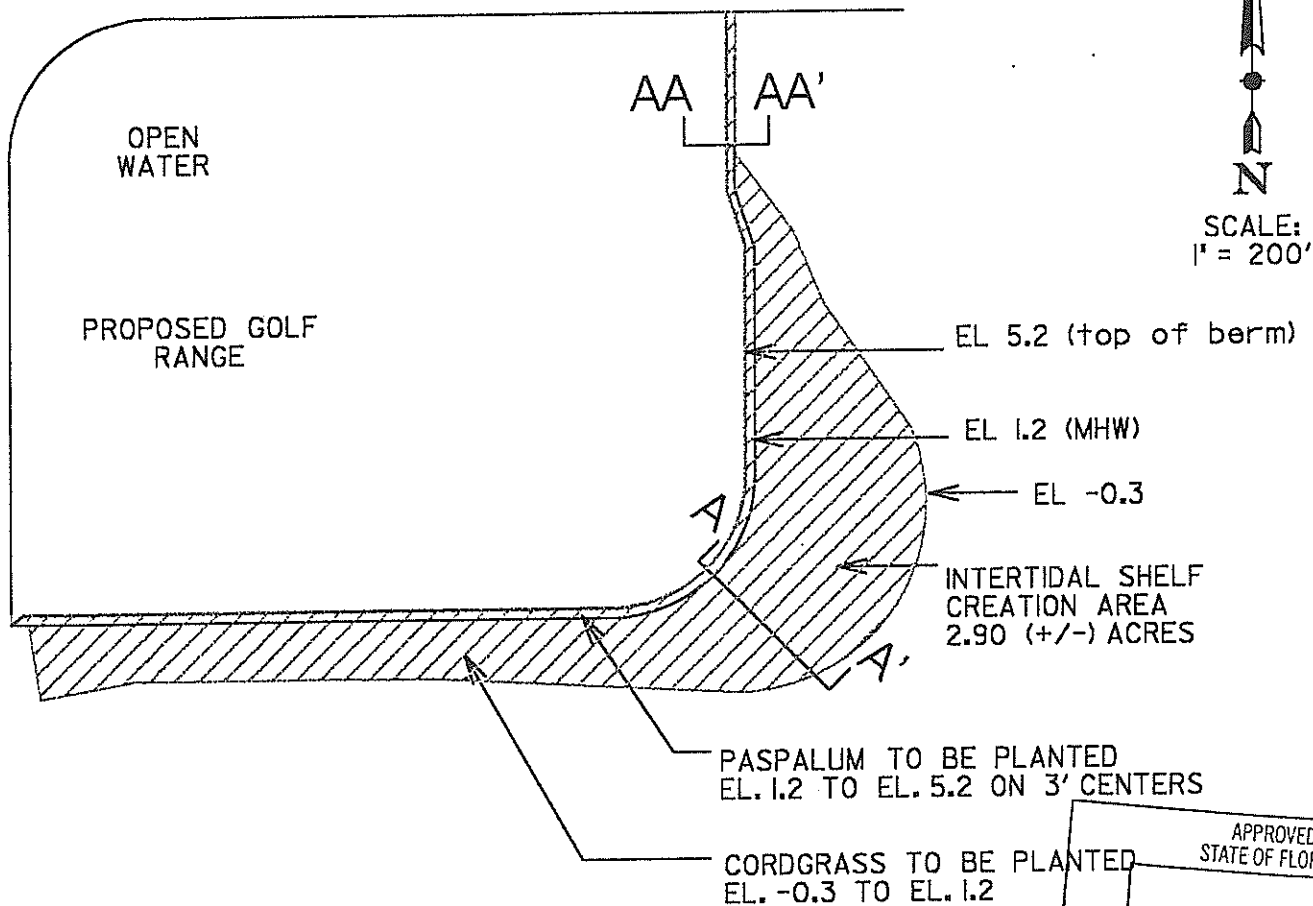
Alfred [Signature]
7/21/2000



PLANS PREPARED BY:
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

MITIGATION AREA B PLAN VIEW
PLANTING DETAIL FOR MITIGATION AREAS
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

FIGURE 1



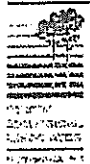
LEGEND

- 2.90 (+/-) TOTAL ACRES INTERTIDAL SHELF CREATION
- EL 1.0 PROPOSED ELEVATION (IN FEET) NGVD

NOTES

1. CORDGRASS (*Spartina alterniflora*) TO BE PLANTED ON 3' CENTERS, FOR 2.75 (+/-) ACRES WILL REQUIRE 12,000 PLANTS.
2. SEASHORE PASPALUM (*Paspalum vaginatum*) TO BE PLANTED ON 3' CENTERS, FOR 0.15 (+/-) ACRE WILL REQUIRE 900 PLANTS.
3. ALL PLANTS SHALL BE BARE-ROOT STOCK OR BETTER.
4. ALL ELEVATIONS BASED ON 1929 NGVD DATUM.

Mike L. Bazz
7/21/2000

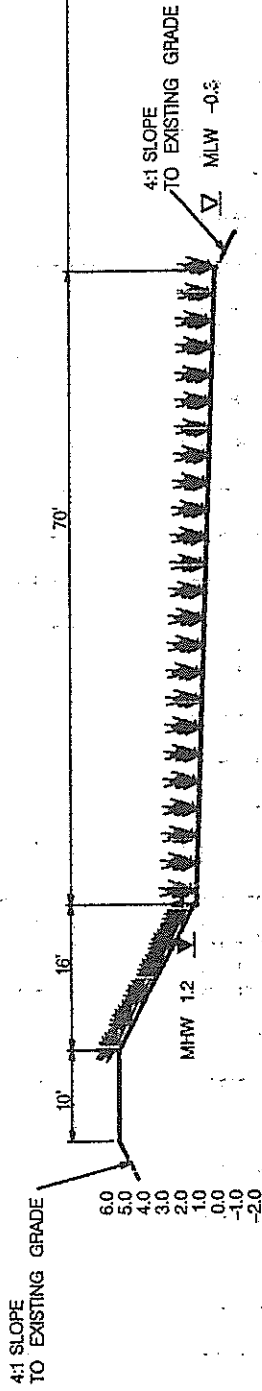


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TAMPA, FLORIDA 33617
(813) 971-3755

MITIGATION AREA A PLAN VIEW
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

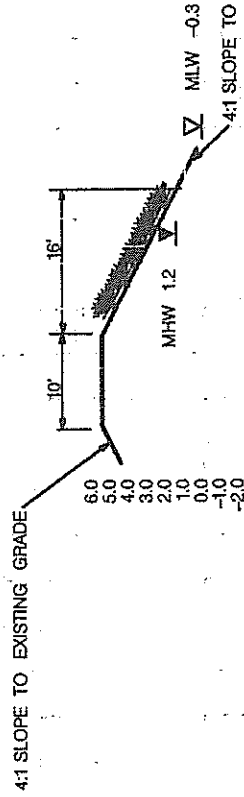
FIGURE 2

CROSS SECTION A-A'



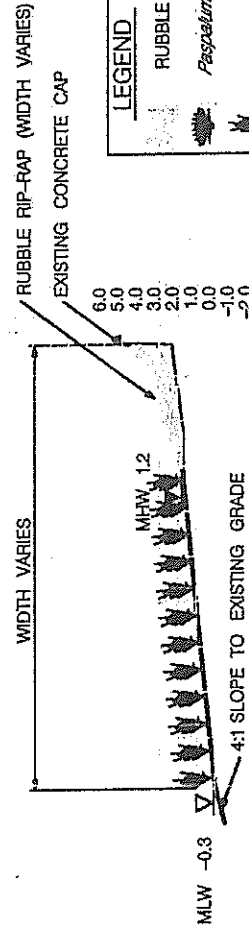
SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

CROSS SECTION AA-AA'



SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

CROSS SECTION B-B'



SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

LEGEND

RUBBLE RIP-RAP

Paspalum vaginatum - PLANTED ON 3' CENTERS

Spartina alterniflora - PLANTED ON 3' CENTERS

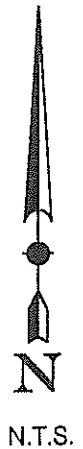
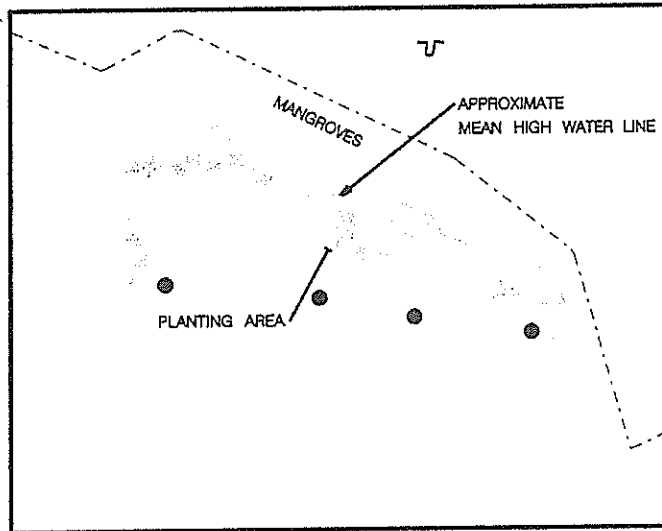
PLANS PREPARED BY:
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

CROSS SECTIONS

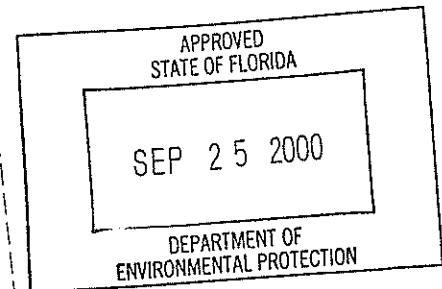
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

Alex V. Szabo
7/24/2000

US 41 - 301



MANATEE RIVER



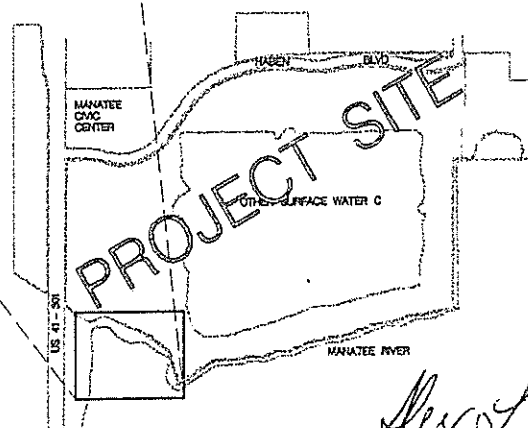
NOTE:
INFORMATION DEPICTED ON THIS SKETCH
REGARDING OFF SITE MITIGATION WAS
OBTAINED FROM "SPECIFIC PURPOSE SURVEY
PREPARED BY REDMAN CONSULTANTS, INC;
ORDER NO. 5-RD (MISC) 054.
REVISION DATED 07/11/2000

OFF SITE MITIGATION - 1.5 (+/-) ACRES

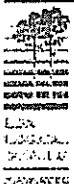
Spartina alterniflora PLANTED ON 3' CENTERS

DEPTH VARIES FROM 1.2 TO -0.3 FEET

● BOAT EXCLUSION AREA (BUOYS).



Alex L. Azan
7/21/2000

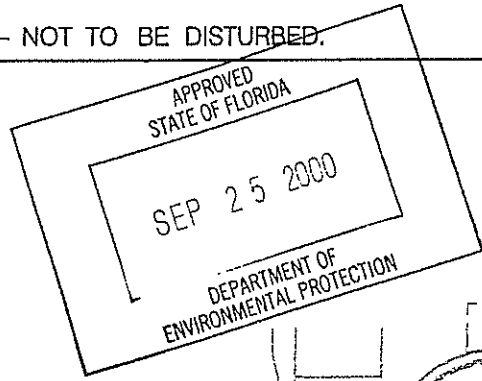
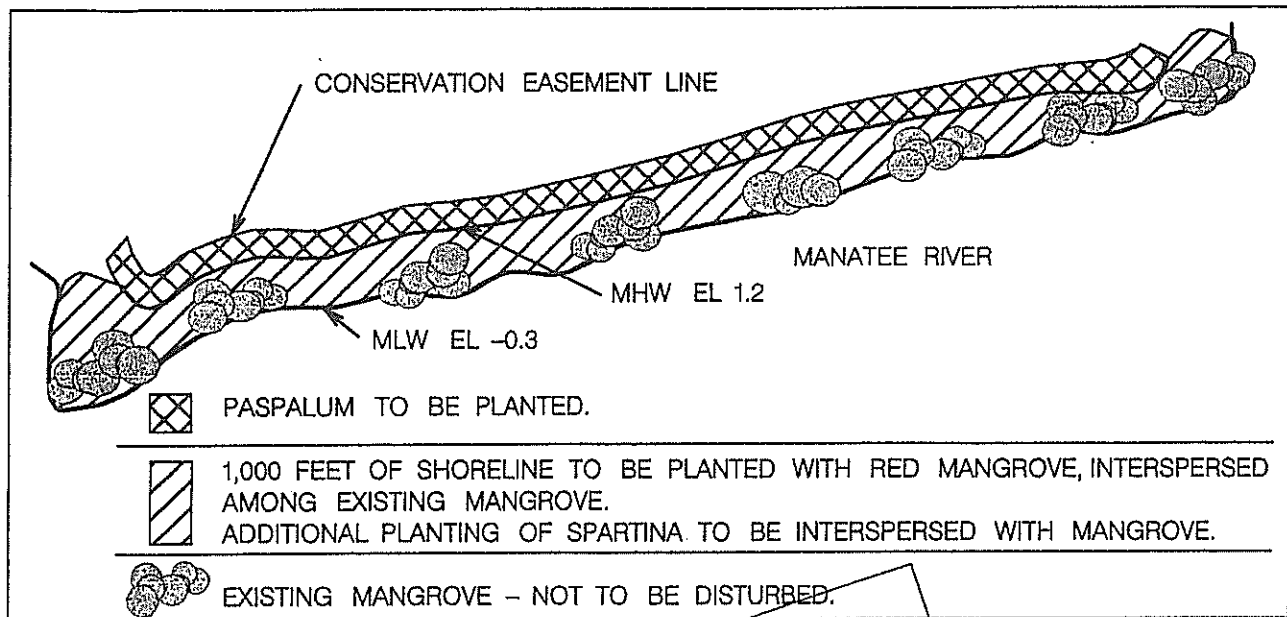


PLANS PREPARED BY:

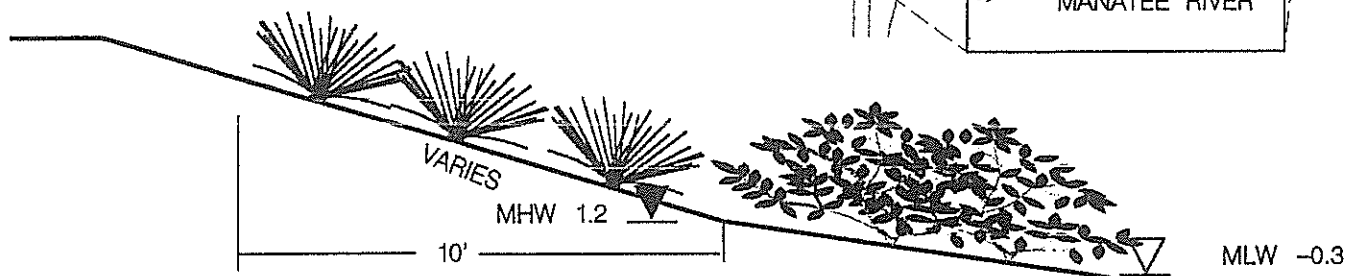
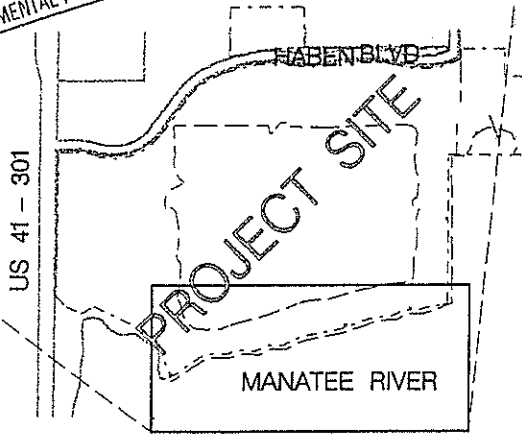
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

OFF SITE MITIGATION LOCATION MAP
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

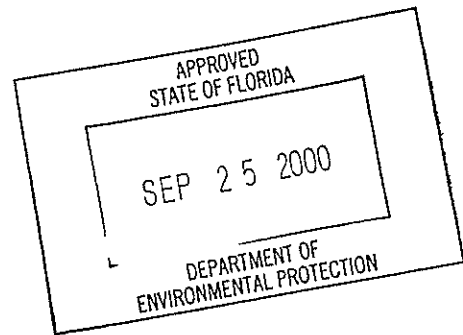
FIGURE 4



NOTE:
AREA ARE ESTIMATED FROM FIELD REVIEW
AND AERIAL DELINEATIONS BY SCHEDA
ECOLOGICAL ASSOCIATES, INC., 1999.

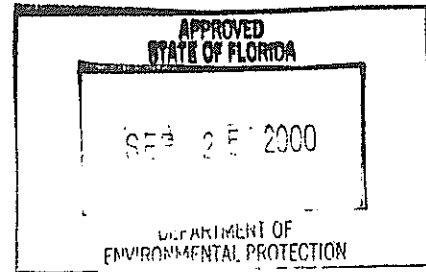


- | | | |
|--|--|---|
| | | <i>Paspalum vaginatum</i> - PLANTED ON 3' CENTERS - 0.76 (+/-) ACRES |
| | | <i>Spartina alterniflora</i> - PLANTED ON 3' CENTERS - 1.04 (+/-) ACRES |
| | | <i>Rhizophora mangle</i> - PLANTED ON 3' CENTERS |
- Alex L. Azan*
7/21/2002



PROPOSED
CHANNEL ROCK DREDGING
RIVIERA DUNES MARINA
Palmetto, Florida

Handwritten signature
7/27/2000



PREFACE

This report is provided to Ms. Rose Poynor at the Florida Department of Environmental Protection, Tampa office, in order to:

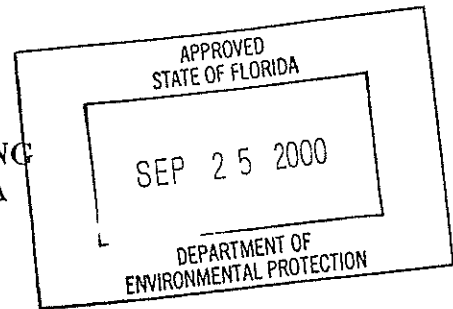
- a) Briefly summarize the proposed rock dredging procedures to be implemented for the formation of the navigational channel and the flushing channel
- b) Estimate the quantity of material to be removed due to the rock dredging operation, and provide the quantity of sand previously dredged. Please reference table below:

CHANNEL	Dredge Material	Volume (yd ³)
<i>Navigational</i>	Sand-mud-silt / rock	6,466 / 13,000
<i>Flushing</i>	Sand-silt-mud / rock	1,960 / 4,000
TOTALS	-----	8,426 / 17,000

The engineer's certification is based upon the following items (provided by the client):

- 1) Letter dated June 28, 2000 from Dr. Mark Ross, Ph. D., P.E., *Dredging Modifications to Navigation and Flushing Channels*
- 2) Letter dated May 22, 2000 from Dr. Mark Ross, Ph. D., P.E., *Findings from Storm Surge Modeling Study*
- 3) Signed and sealed survey and quantity of material previously dredged dated June 19, 2000, from B & C Surveying, L.B. No. 5714, Job No. 00-054, William R. Knight Jr. P.S.M. Certificate No. 4554
- 4) 3-D and 2-D surface drawings with related calculations dated June 27, 2000 reflecting amount of rock proposed to be dredged, from Global Positioning Services, Inc

**PROPOSED
CHANNEL ROCK DREDGING
RIVIERA DUNES MARINA
Palmetto, Florida**



July 26, 2000

Introduction

There are two areas where dredging is required for the Marina. One is the navigational channel on the southeast corner of the Marina and the flushing channel at the southwest corner of the Marina.

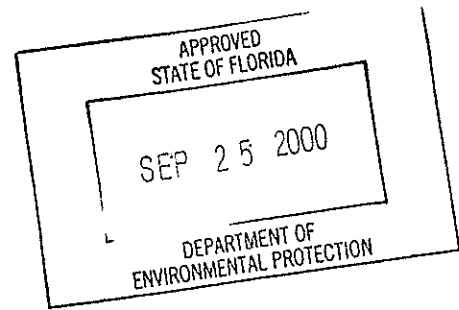
Hydrosystems Associates, Inc. performed a hydrological analysis, dated May 22, 2000, of the flushing mechanism for the Marina basin and a supplementary report, dated June 28, 2000, which deals with the design parameters for the channels (both of which are attached). The reports provide minimum cross sectional areas and projected velocities associated with the cross-sections within each channel. The proposed dredging will provide the required cross-sections for each channel with the adequate widths and depths to meet the navigational and flushing requirements.

Dredging Procedures

The bottom of the Marina is at an elevation of (-) 18.5 feet. An earthen plug of approximately 70 feet remains between the Manatee River and the dry Marina area. Once the Marina is refilled with water and the water levels equalize, then the earthen plug can be removed. Upon the basin reaching a water depth of six feet, the dredging mobilization can proceed.

The dredging equipment will be transported by truck and include a barge, backhoe and if required, a front-end loader. Using a crane, the barge will be placed in the Marina with the remaining equipment placed on the barge. Excavation will proceed from the inside of the basin, through the earthen plug and out into the river. Once the cut is open to the river, the excavation of the channels can then be completed.

The revised permit requires the bottom of the basin to be at (-) 18.5 feet elevation. There is a depression located at the northeast corner of the Marina basin, which must also be filled to the required elevation. As the barge is filled, it will maneuver over the depression, and the material removed from the barge will be deposited into the depression. This operation will continue until the channels are dug to design depth and cross-section.



Should the channel excavation not provide sufficient material to fill the depression, additional material will be obtained from other sources. The additional material will be stockpiled on the northeast shore of the Marina and loaded on to the barge or by other means placed in the depression. This procedure will continue until the depression is filled.

Geotechnical borings were done at each of the channels. The boring reports indicated hard rock with blow counts ranging from 20 to 60 blows per foot of penetration. In the event that the rock becomes unyielding during the dredging operation, the dredge contractor will bring in a crane with a punch on a second barge. The punch will then be used to fracture the rock so that it can be removed.

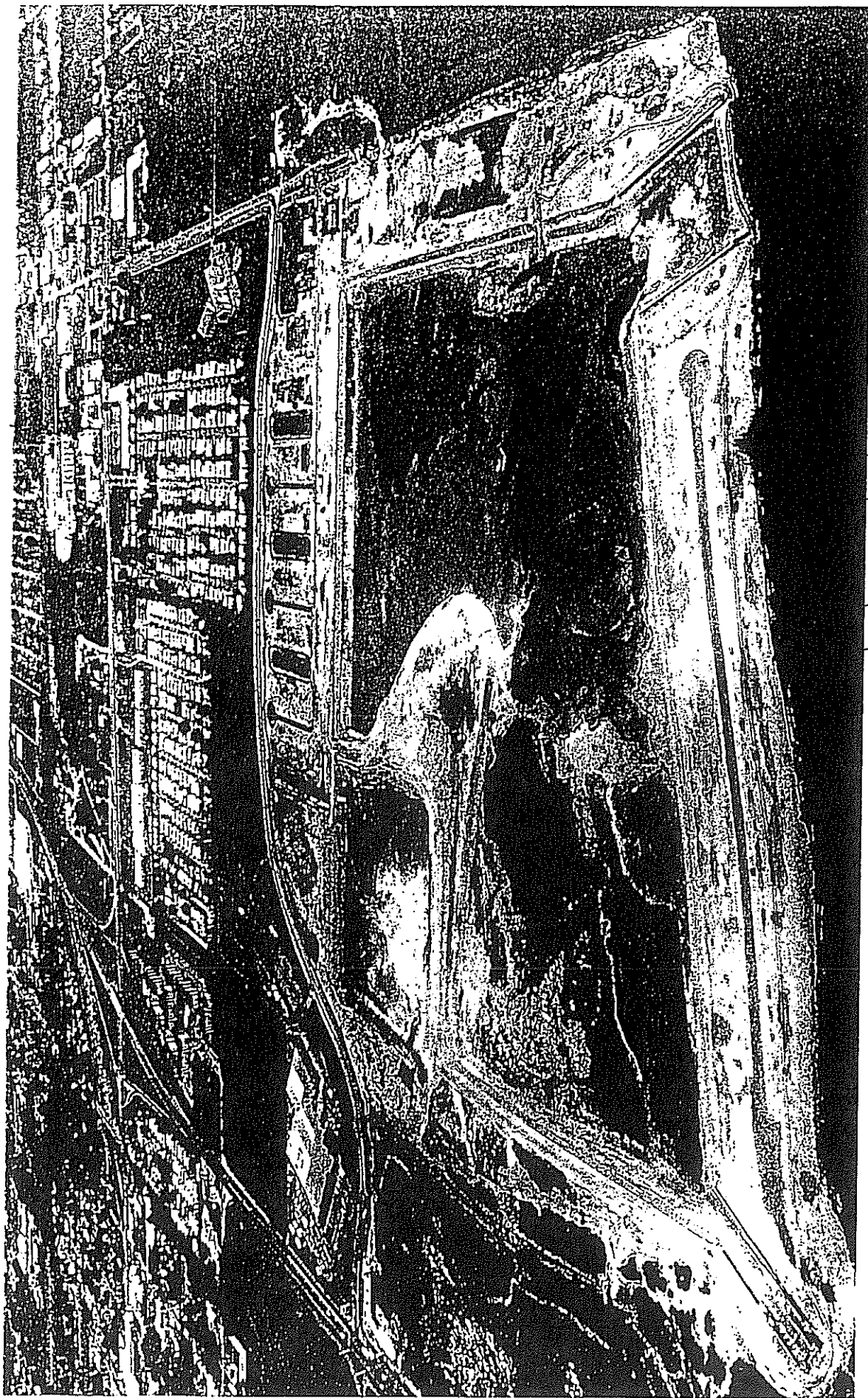
Channel Cross-section Design

Navigational Channel

The hydrological report requires that a cross-sectional area of 2,730 square feet be maintained at station (-) 0+50 (the throat of the channel). The required cross-section will be an average width of 182 feet at a depth of (-) 15.0 feet. The report states "Seaward of the throat, the channel maximum depth can and should be reduced to account for the lateral converging flow from the adjacent tidal flat. Progressing offshore, there is an effectively larger cross-section provided by increasing river depth". Once you are beyond the throat, the effective cross-sectional width is infinite. At station 0+00 (the shoreline), the design width is to be 250 feet at the top and 210 feet at the bottom at an elevation of (-) 12.0 feet. At station 2+00, to provide the required navigational depths, a 100 foot wide channel will be excavated to a depth of (-) 10.0 feet. At station 1+00, the transition area, the bottom width will be approximately 150 feet at an elevation of (-) 11.0 feet. The 100 foot wide navigational channel shall continue out into the river until it intersects with the (-) 10.0 foot contour, at about station 5+50. Based on these design sections, the amount of rock to be excavated is estimated at about 13,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required to excavate the channel. Also attached are plan view and three-dimensional views of the proposed navigational channel.

Flushing Channel

The hydrological report requires a cross-sectional area of 659 square feet. The design depth in the channel is (-) 8.0 feet. At station 0+00 (the mouth of the channel), the cross-section is 85 feet wide at a depth of (-) 8.0 feet. This cross-section will continue out into the river until it intersects with the (-) 8.0 foot contour, at about station 4+00. Based on these design sections, the amount of rock to be excavated is estimated at about 4,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required in order to excavate the channel. Also attached are plan view and three-dimensional views of the proposed flushing channel.



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Riviera Dunes

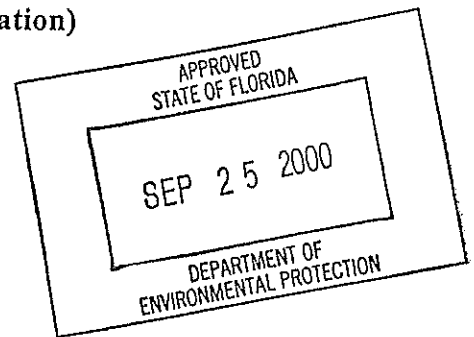
Navigational (East) Channel

Figure 6. 3-D Existing Navigational Channel Topography
(based upon owner provided survey information with vertical exaggeration)

Figure 7. Final Navigational Channel Dredge Area Estimate
(based upon owner provided final grading plan)

Figure 7.5 3-D Final Navigational Channel Topography
(based upon owner provided final grading plan)

Navigational Channel Sections for 100' Stations
(shows existing and final profiles for each station)



** This report was produced based upon owner provided survey data. It is for informational purposes only. This report is not intended as a survey.*

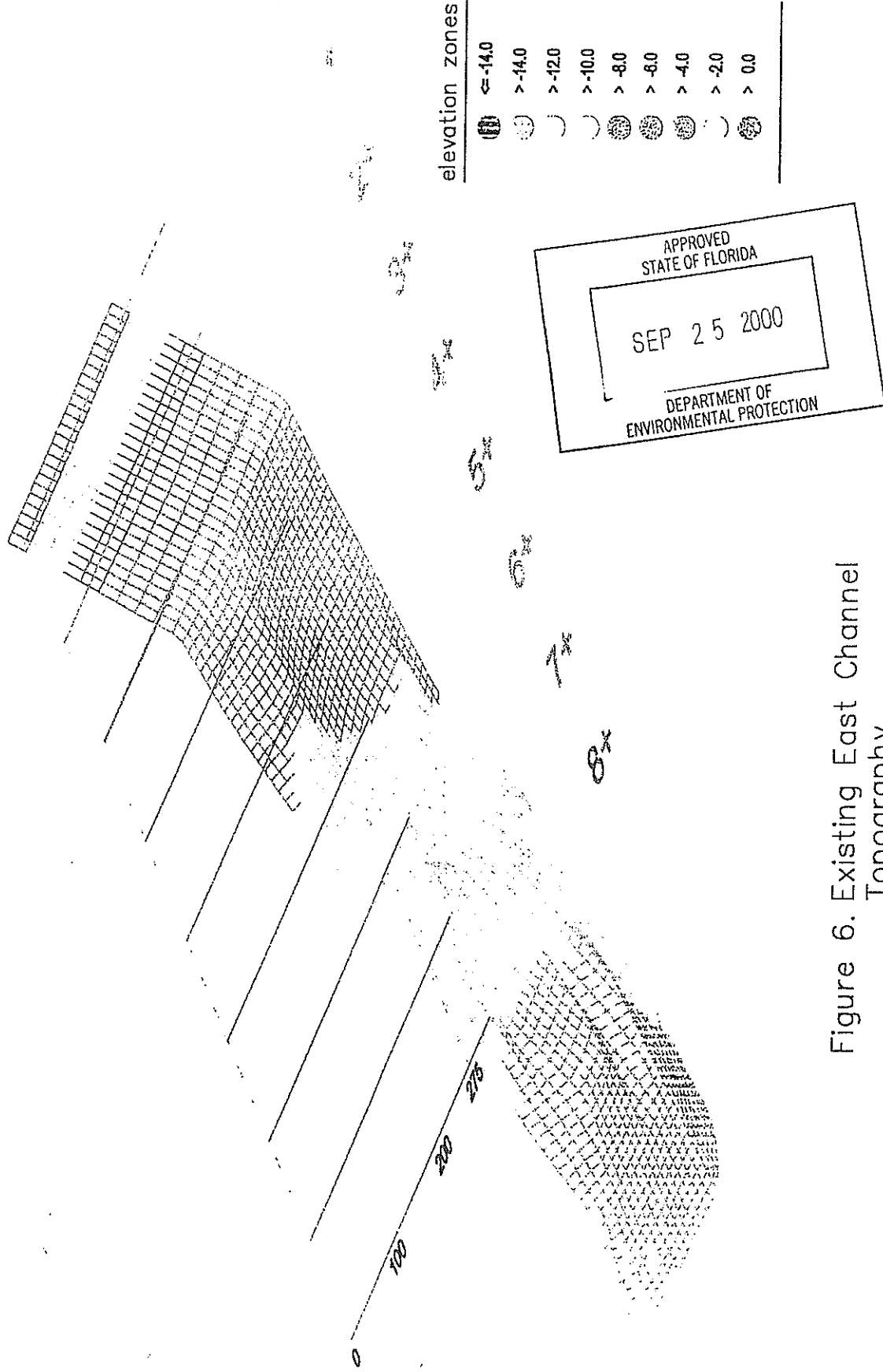
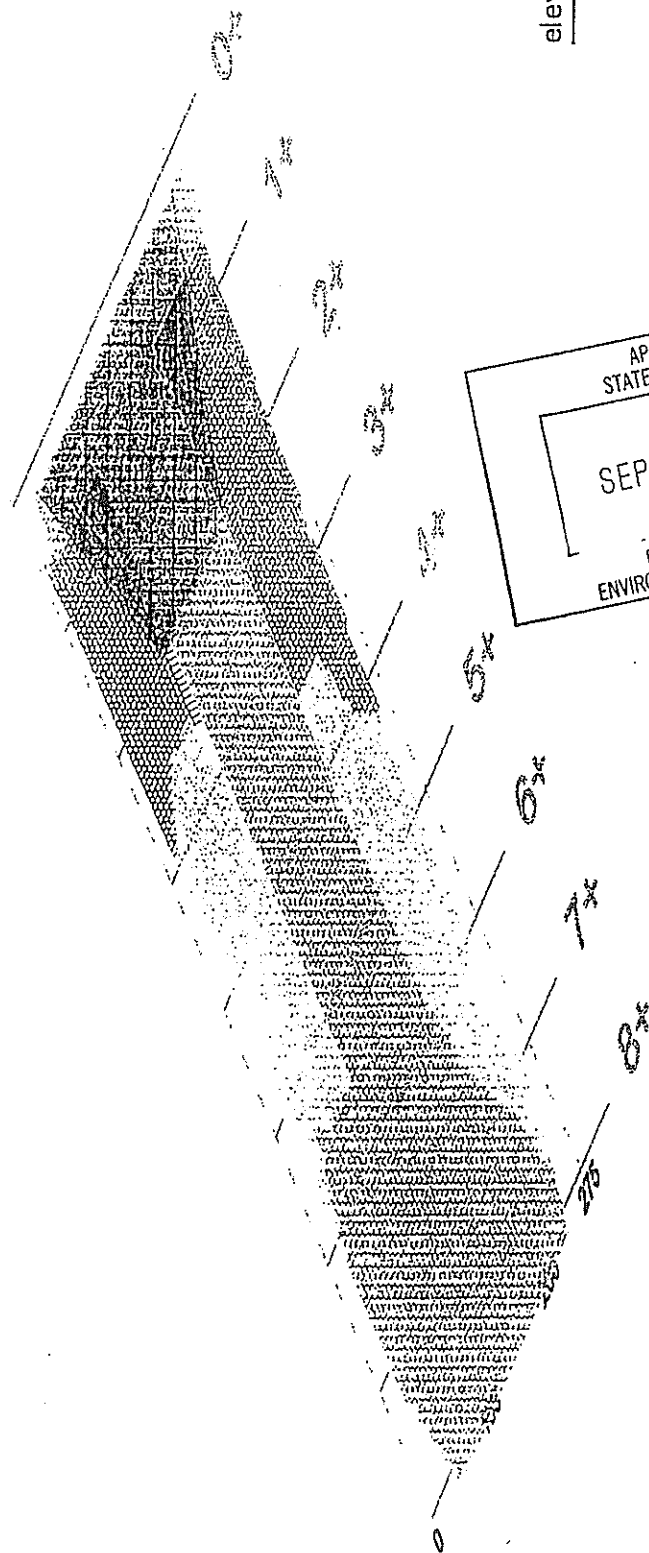


Figure 6. Existing East Channel Topography
(vertically exaggerated x 20)



elevation zones

	< -14.0
	> -14.0
	> -12.0
	> -10.0
	> -8.0
	> -6.0
	> -4.0
	> -2.0
	> 0.0

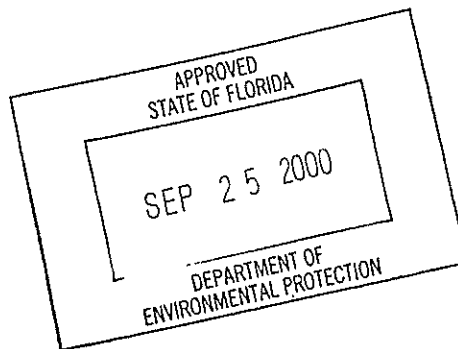
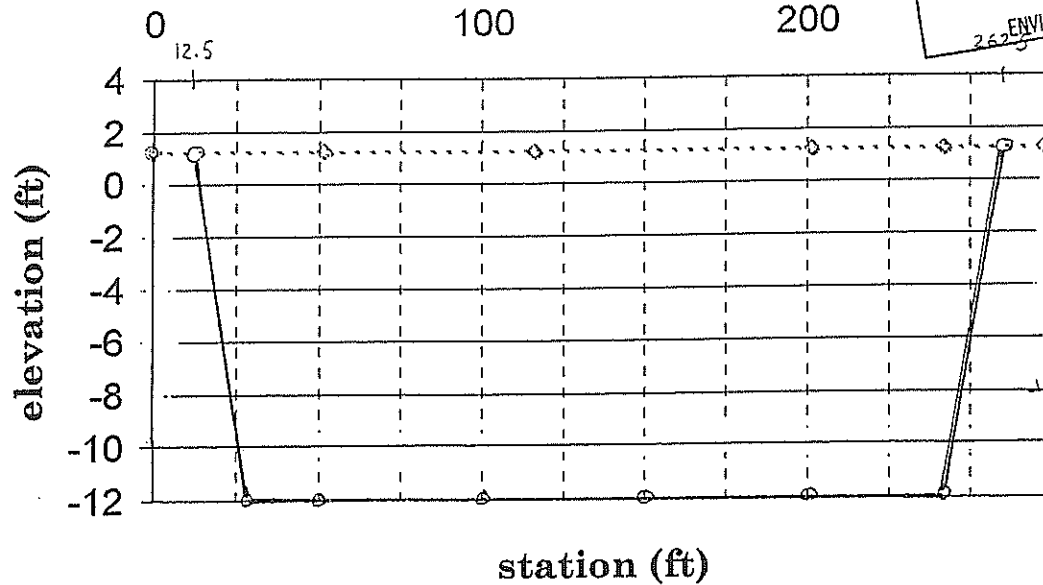


Figure 7.5 Final East Channel
Topography
(no exaggeration)

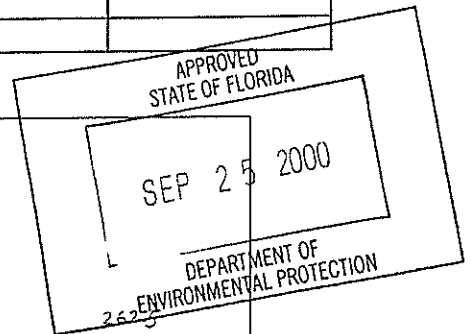
Section 0+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
64	d	800	0	1.2	0	1.2
65	d	800	51.96	1.2	12.5	1.2
66	d	800	116.55	1.2	32.5	-12
67	d	800	201.99	1.2	100	-12
68	d	800	242.61	1.2	150	-12
69	d	800	273.28	1.2	200	-12
70	d	800			242.5	-12
					262.5	1.2

Section 0 + 0



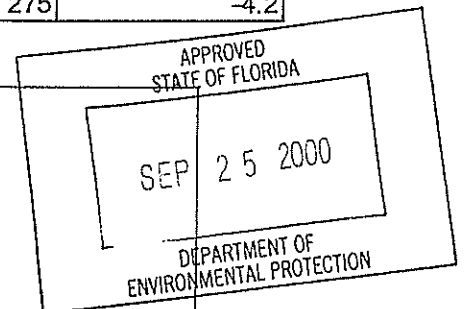
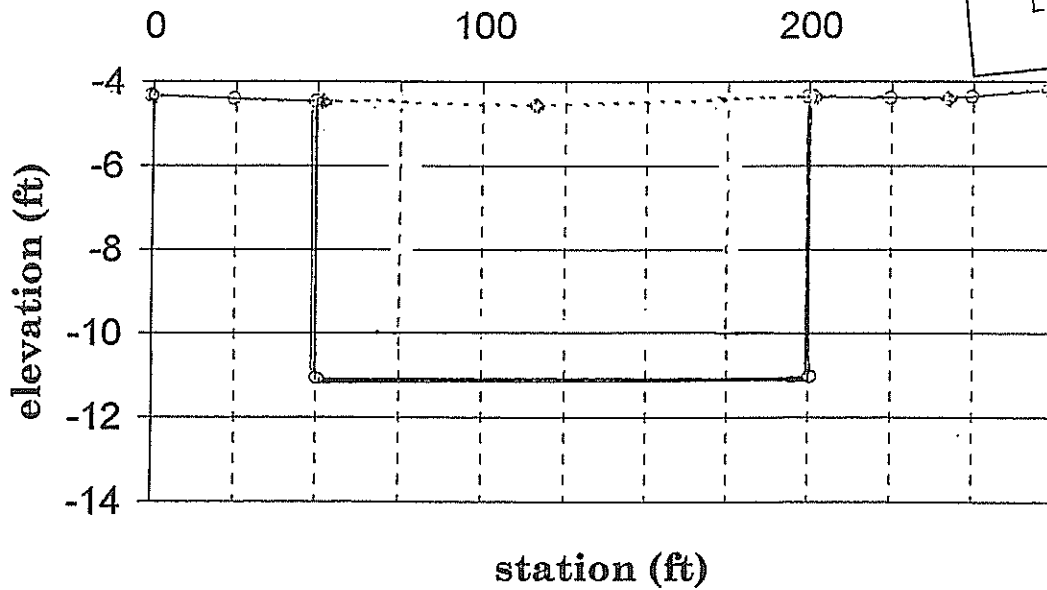
---◇--- existing —○— final



Section 1+0

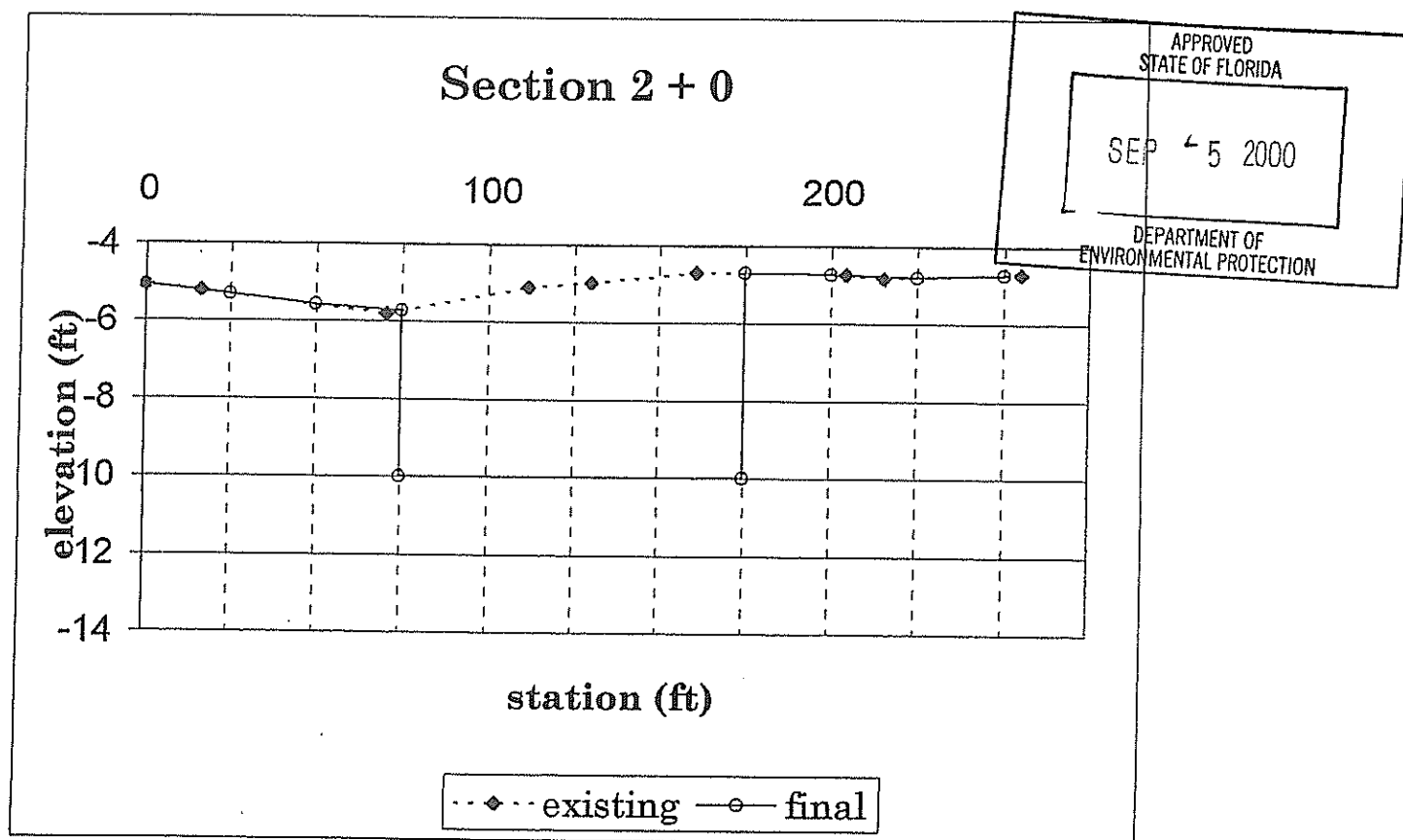
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
57	d	700	0	-4.34	0	-4.34
58	d	700	51.96	-4.49	25	-4.41
59	d	700	116.55	-4.57	50	-4.48
60	d	700	201.99	-4.37	50	-11.0
61	d	700	242.61	-4.42	200	-11.0
62	d	700	273.28	-4.2		
63	d	700	316.96	-4.13		
					200	-4.37
					225	-4.4
					250	-4.37
					275	-4.2

Section 1 + 0



Section 2+0

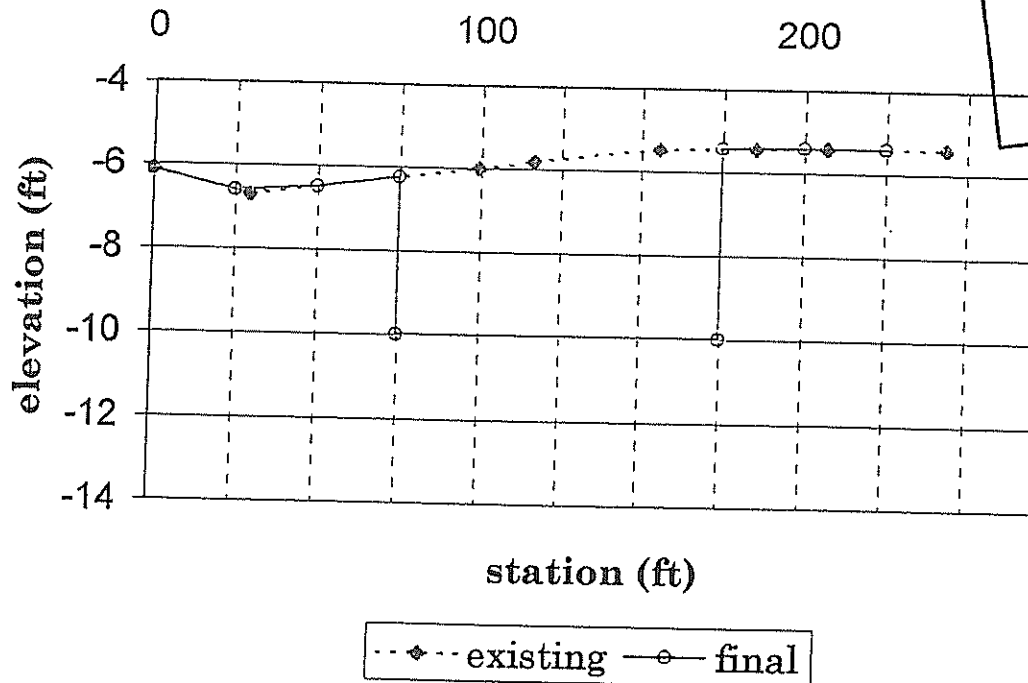
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
47	d	600	0	-5.07	0	-5.07
48	d	600	16.28	-5.21	25	-5.30
49	d	600	70.49	-5.8	50	-5.58
50	d	600	111.6	-5.1	75	-5.72
51	d	600	129.97	-4.97	75	-10.00
52	d	600	160.87	-4.69	175	-10.00
53	d	600	204.46	-4.73	175	-4.70
54	d	600	215.39	-4.82	200	-4.73
55	d	600	255	-4.72	225	-4.80
					250	-4.73



Section 3+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
39	d	500	0	-6.13	0	-6.13
40	d	500	29.63	-6.71	25	-6.62
41	d	500	99.39	-6	50	-6.50
42	d	500	116.65	-5.81	75	-6.25
43	d	500	155.45	-5.47	75	-10.00
44	d	500	185.15	-5.43	175	-10.00
45	d	500	206.91	-5.4	175	-5.44
46	d	500	243.41	-5.4	200	-5.41
					225	-5.40

Section 3 + 0

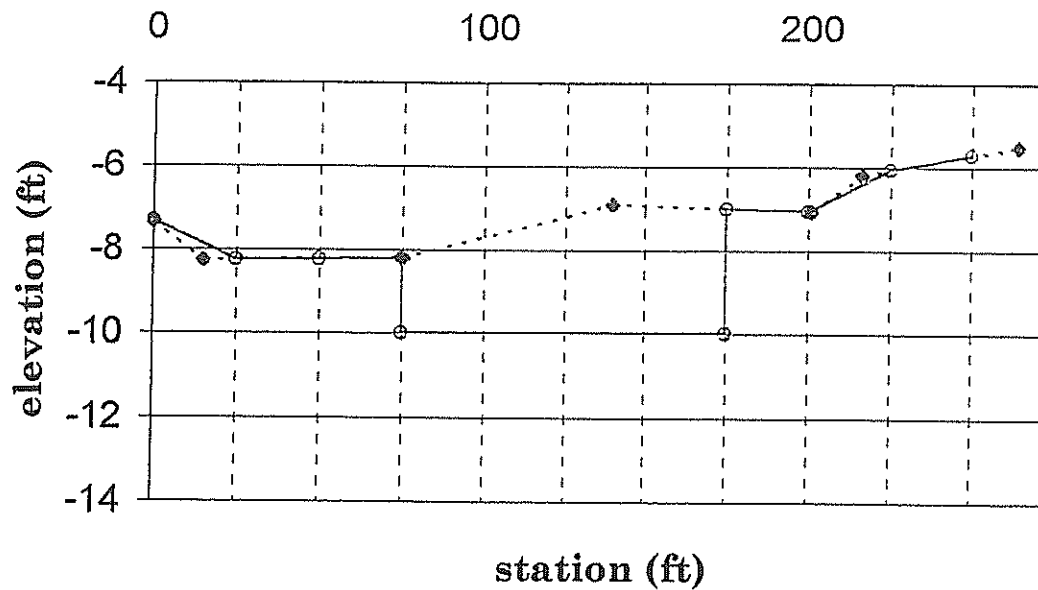


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Section 4+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
32	d	400	0	-7.33	0	-7.33
33	d	400	15.16	-8.26	25	-8.25
34	d	400	75.32	-8.21	50	-8.23
35	d	400	140.02	-6.91	75	-8.21
36	d	400	200.84	-7.08	75	-10.00
37	d	400	216.14	-6.2	175	-10.00
38	d	400	264.4	-5.52	175	-7.01
					200	-7.08
					225	-6.08
					250	-5.72

Section 4 + 0

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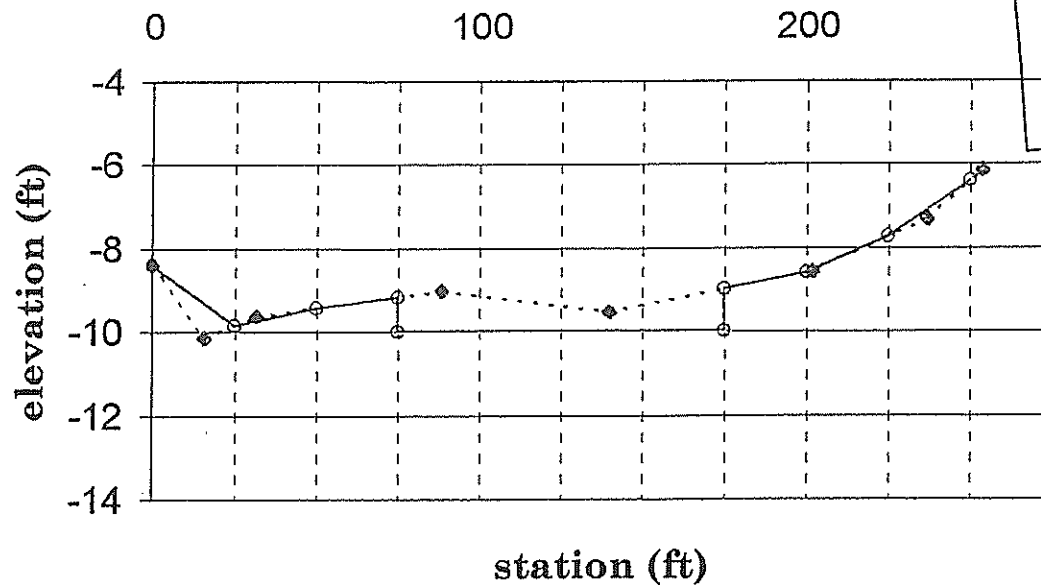
SEP 25 2000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Section 5+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
25	d	300	0	-8.41	0	-8.41
26	d	300	15.96	-10.15	25	-9.85
27	d	300	31.74	-9.63	50	-9.44
28	d	300	88.57	-9.03	75	-9.17
29	d	300	139.9	-9.54	75	-10.00
30	d	300	201.64	-8.58	175	-10.00
31	d	300	236.84	-7.32	175	-8.99
			253.79	-6.15	200	-8.61
					225	-7.74
					250	-6.41

Section 5 + 0

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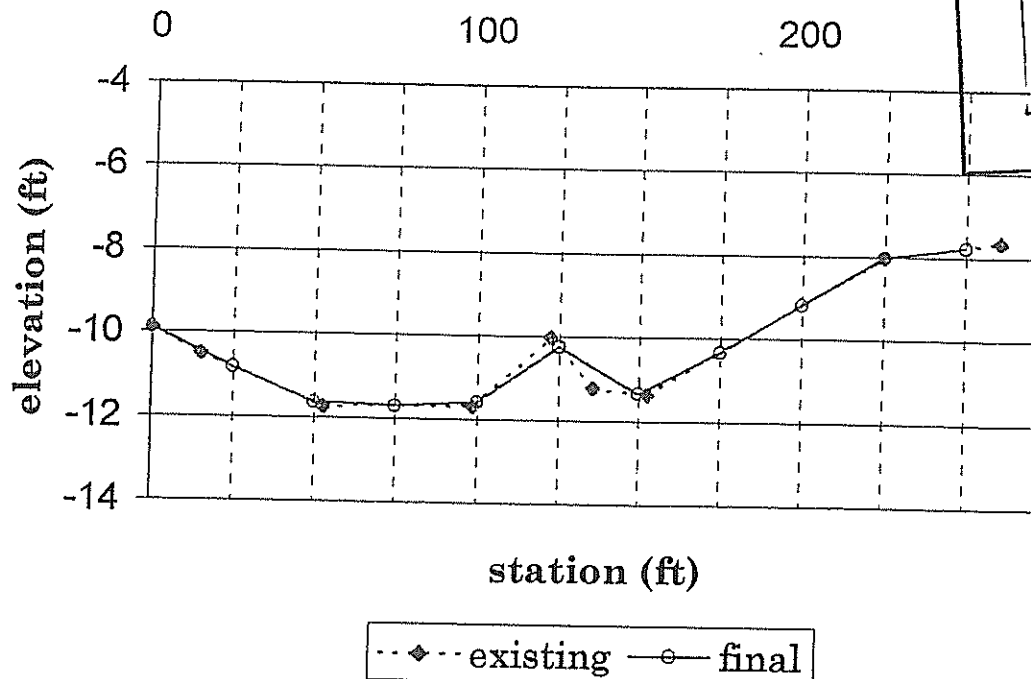
SEP 25 2000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Section 6+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
16	d	200	0	-9.9	0	-9.90
17	d	200	15.1	-10.5	25	-10.83
18	d	200	52.81	-11.74	50	-11.65
19	d	200	98.76	-11.69	75	-11.72
20	d	200	122.44	-10.03	100	-11.60
21	d	200	135.91	-11.22	125	-10.26
22	d	200	152.53	-11.38	150	-11.36
23	d	200	225.03	-8.04	175	-10.34
24	d	200	260.73	-7.67	200	-9.19
					225	-8.04
					250	-7.78

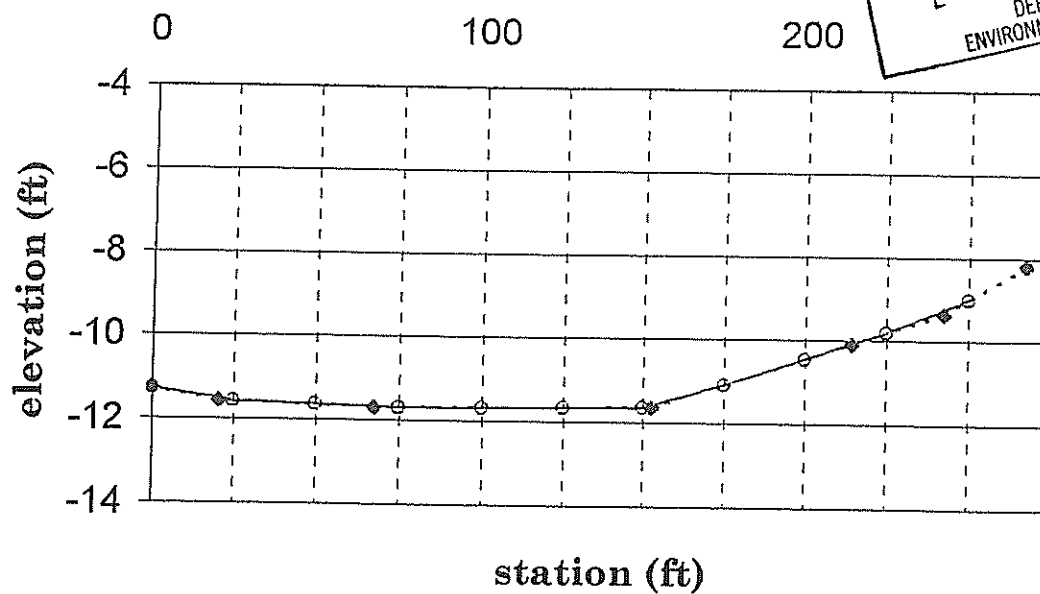
Section 6 + 0



Section 7+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
9	d	100	0	-11.29	0	-11.29
10	d	100	20.4	-11.57	25	-11.58
11	d	100	67.66	-11.71	50	-11.66
12	d	100	152.66	-11.67	75	-11.71
13	d	100	214.38	-10.11	100	-11.69
14	d	100	242.46	-9.38	125	-11.68
15	d	100	267.36	-8.21	150	-11.67
					175	-11.11
					200	-10.47
					225	-9.83
					250	-9.03

Section 7 + 0

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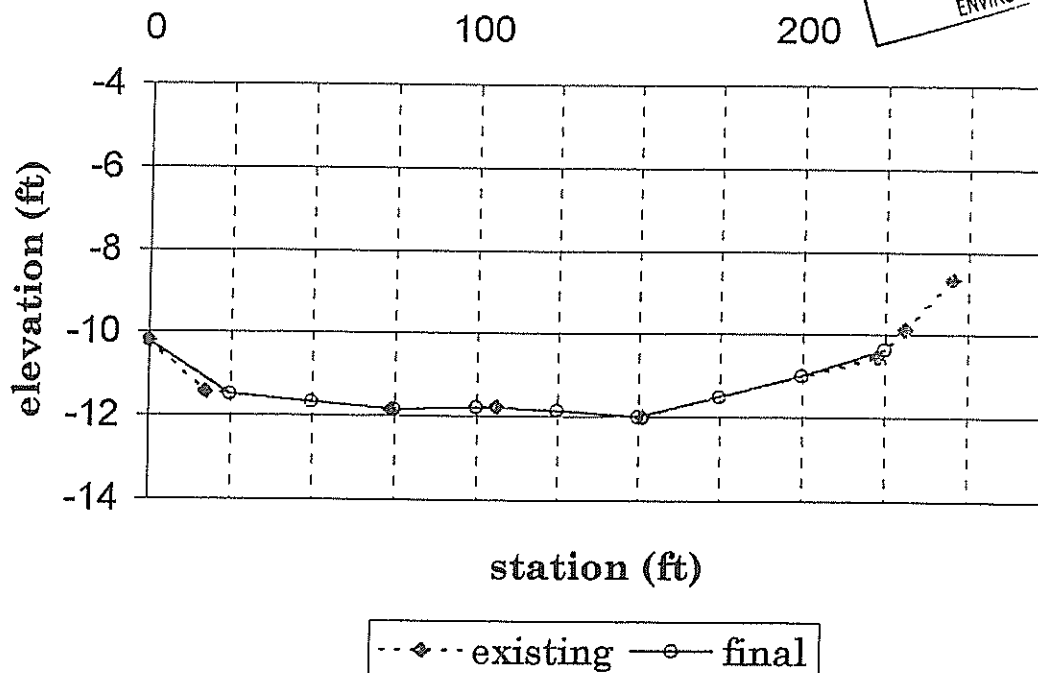
SEP 25 2000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Section 8+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
1	d	0	0	-10.23	0	-10.23
2	d	0	17.41	-11.44	25	-11.50
3	d	0	73.73	-11.86	50	-11.68
4	d	0	106.13	-11.78	75	-11.86
5	d	0	151.39	-12.02	100	-11.80
6	d	0	222.79	-10.56	125	-11.88
7	d	0	231.06	-9.89	150	-12.01
8	d	0	245.36	-8.68	175	-11.54
					200	-11.03
					225	-10.38

Section 8 + 0



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SEP 21 2000
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Riviera Dunes

Flushing (West) Channel

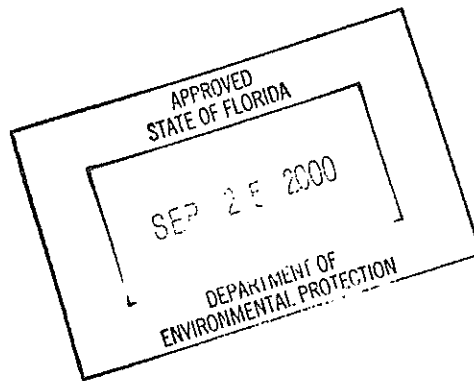
Figure 8. 3-D Existing Flushing Channel Topography
(based upon owner provided survey information with vertical exaggeration)

Figure 9. Final Flushing Channel Dredge Area Estimate
(based upon owner provided final grading plan)

Figure 10. 3-D Final Flushing Channel Topography
(based upon owner provided final grading plan)

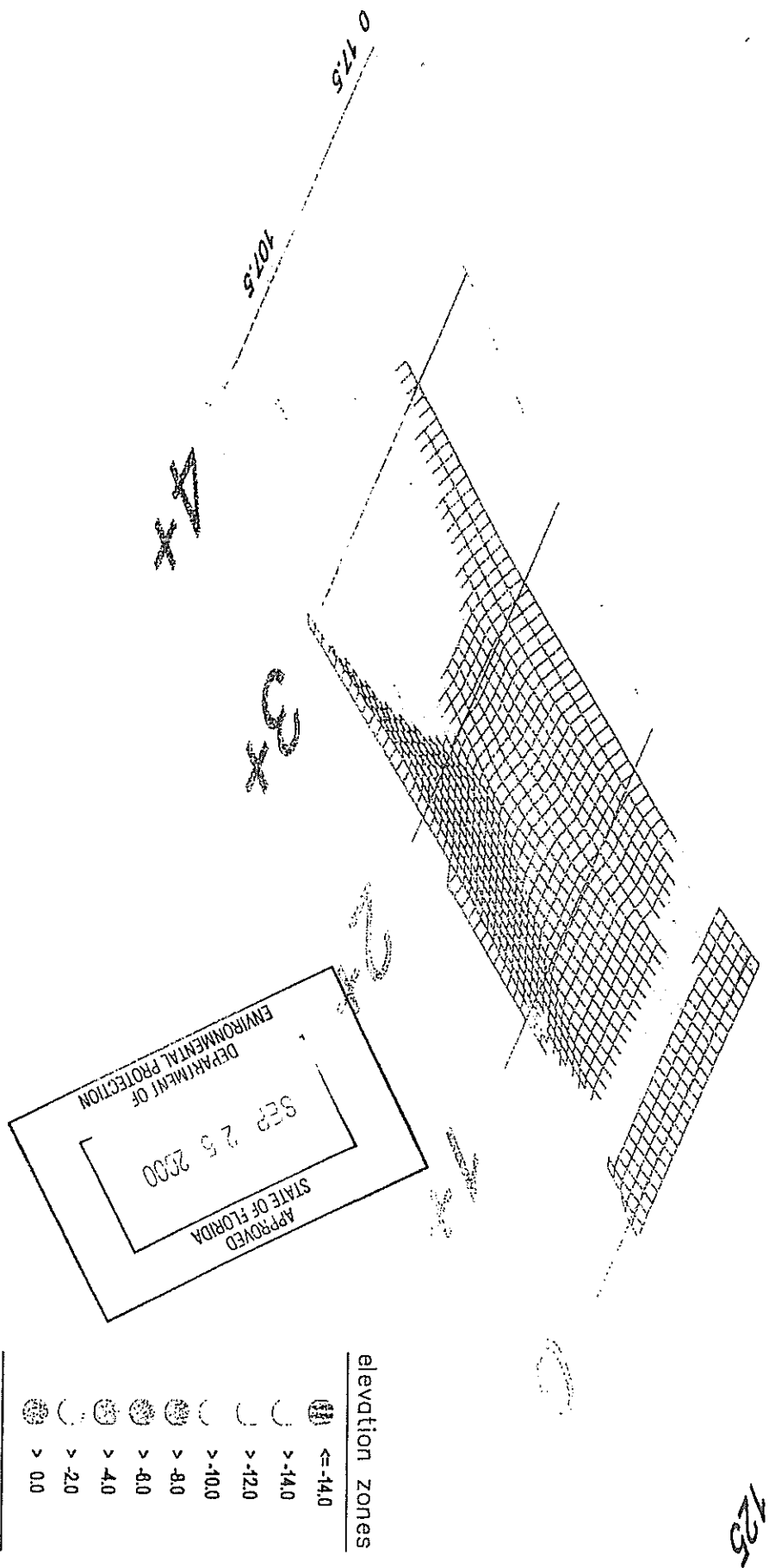
Flushing Channel Sections for 100' Stations

** No data was provided for the Section 1+0*
(shows existing and final profiles for each station)

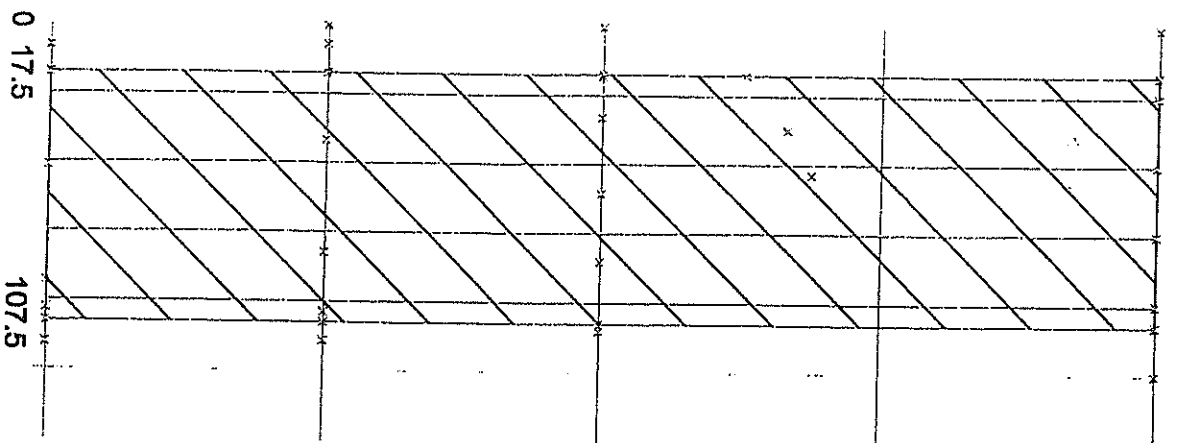


RIVIERA DUNES

Figure 8. Existing Channel Topography
(vertically exaggerated x 5)



~ dredge area = 0.83 acres



0+

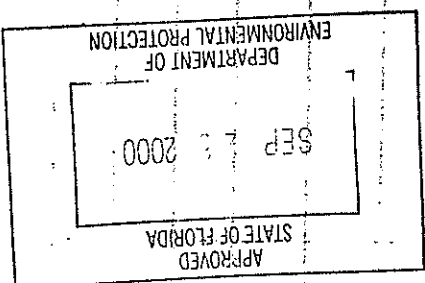
1+

2+

3+

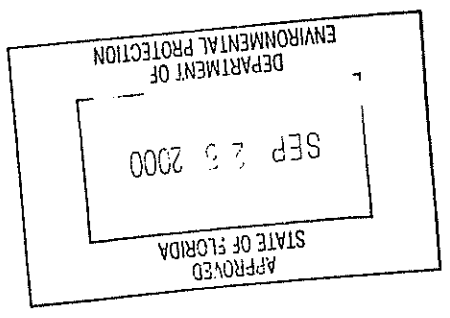
4+

Riviera Dunes	
West Channel	
mesh size : 5ft	
final elevation - 8 ft	
Dredge	
stat 17.5 - 107.5 (cu yds.)	
cut:	3851
fill:	0



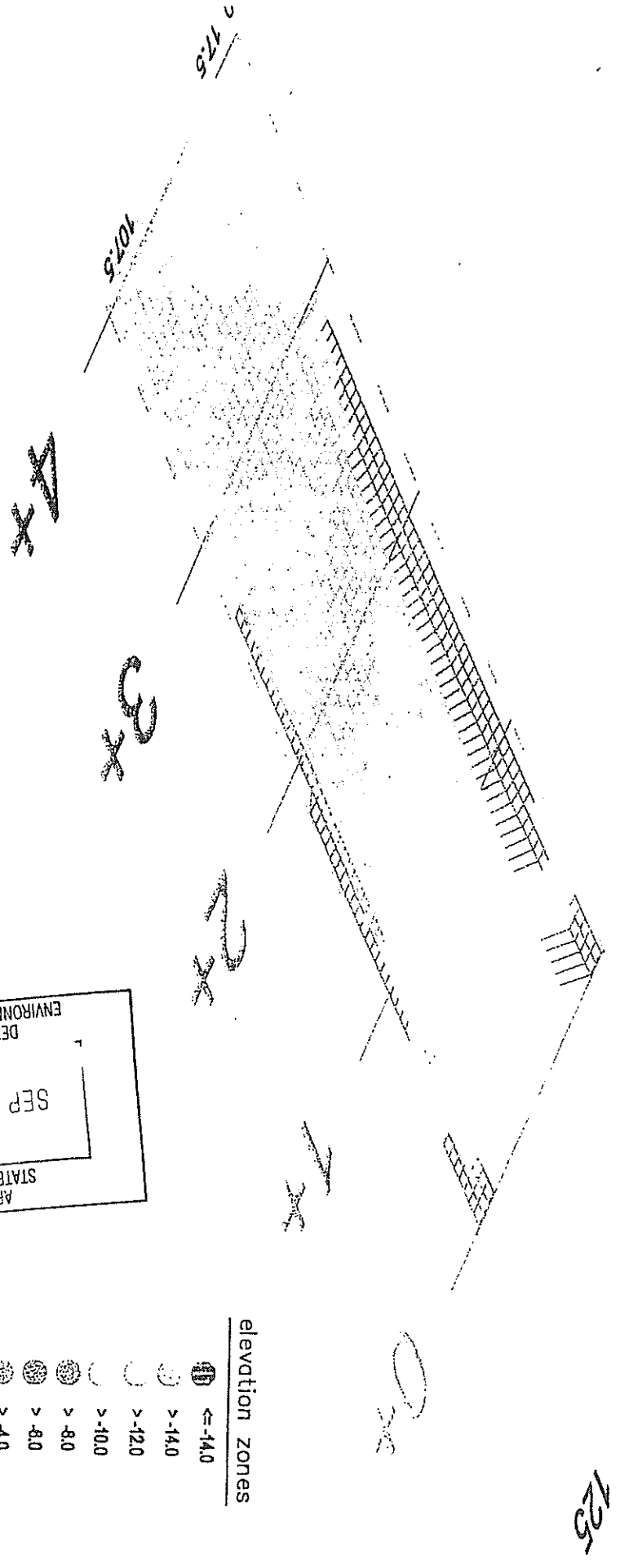
RIVIERA DUNES

Figure 10. Final West Channel
Topography



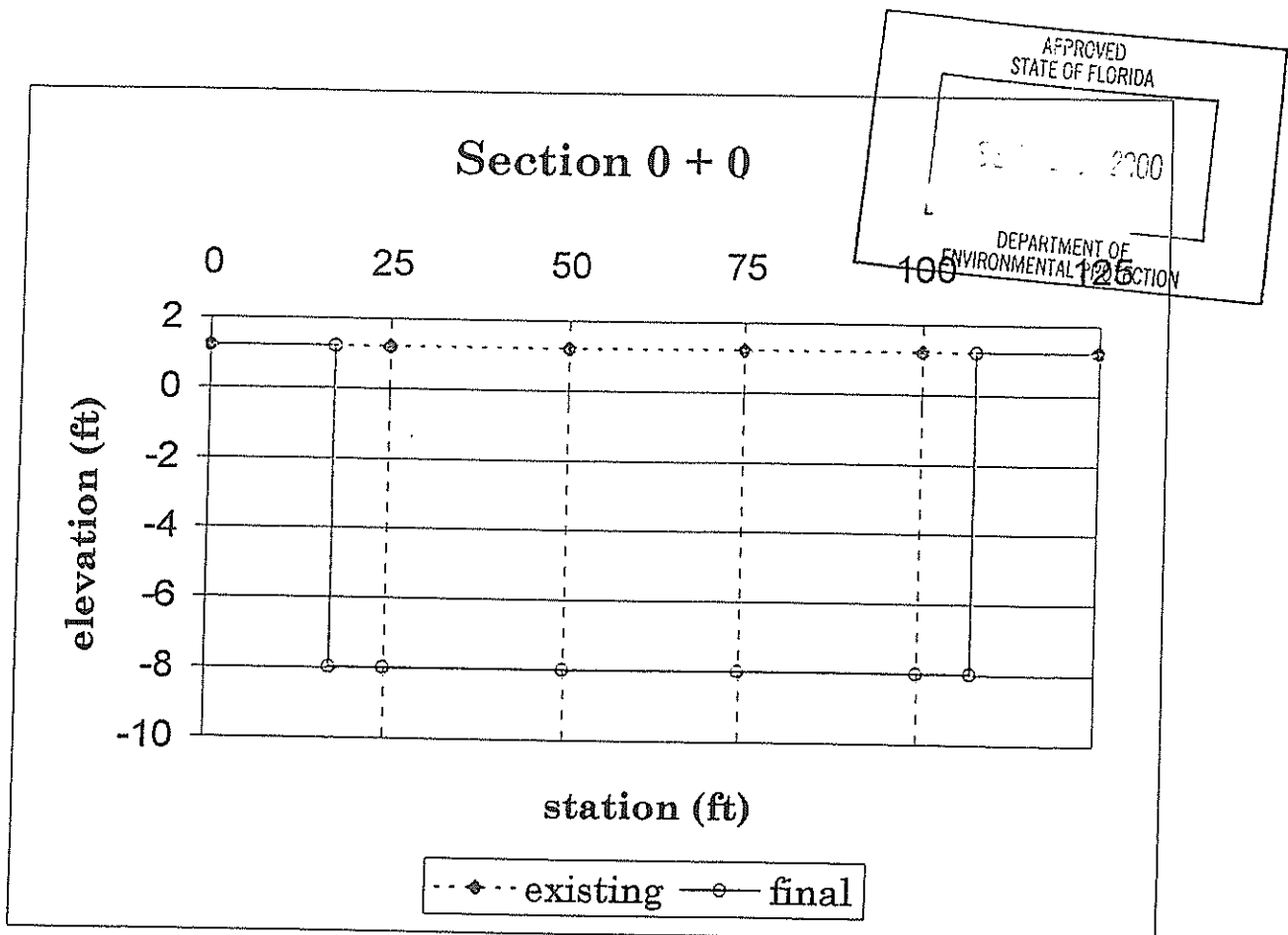
elevation zones

	≤ -14.0
	> -14.0
	> -12.0
	> -10.0
	> -8.0
	> -8.0
	> -4.0
	> -2.0
	> 0.0



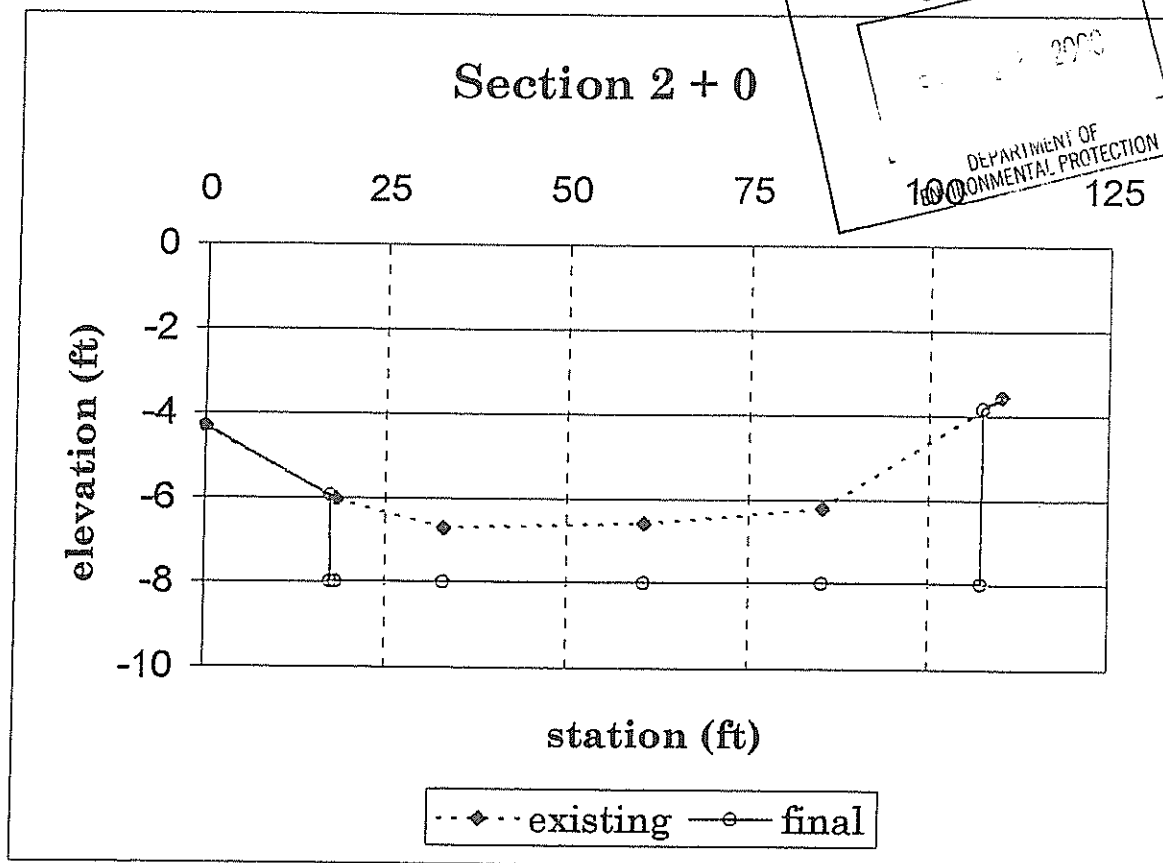
Section 0+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
23	d	400	0	1.2	0	1.2
24	d	400	25	1.2	17.4	1.2
25	d	400	50	1.2	17.5	-8
26	d	400	75	1.2	25	-8
27	d	400	100	1.2	50	-8
28	d	400	125	1.2	75	-8
					100	-8
					107.5	-8
					107.6	1.2
					125	1.2



Section 2+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
17	d	200	0	-4.32	0	-4.32
18	d	200	18.21	-6.03	17.4	-5.95
19	d	200	33.04	-6.71	17.5	-8
20	d	200	60.88	-6.59	18.21	-8
21	d	200	85.38	-6.21	33.04	-8
22	d	200	110.13	-3.57	60.88	-8
					85.38	-8
					107.5	-8
					107.6	-3.84
					110.13	-3.57



Section 3+0

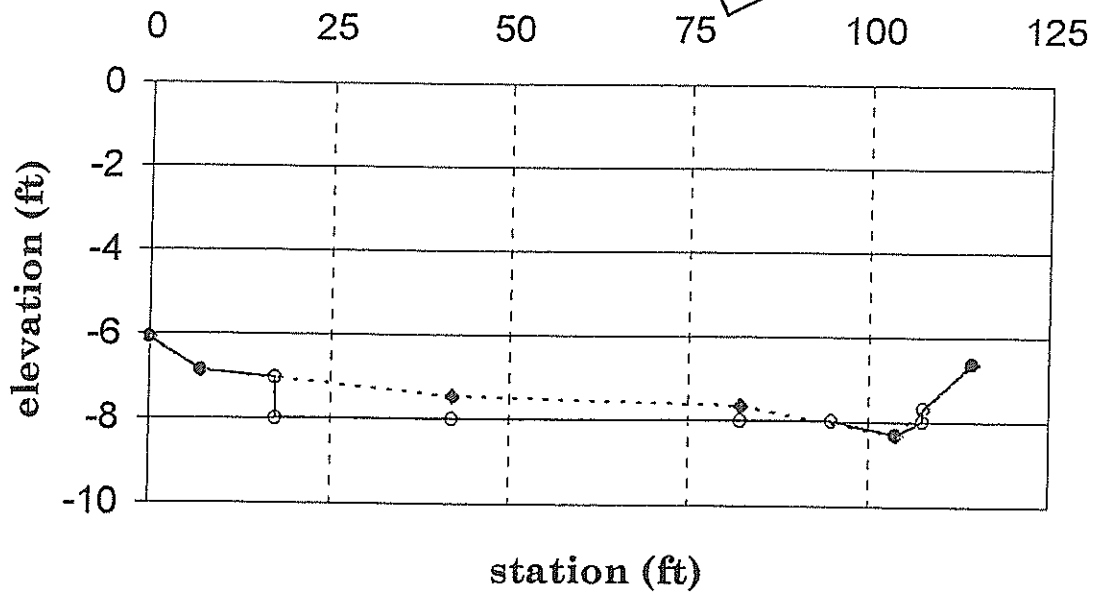
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
9	d	100	0	-6.09	0	-6.09
10	d	100	7.09	-6.87	7.09	-6.87
11	d	100	42.07	-7.46	17.4	-7.04
12	d	100	82.4	-7.64	17.5	-8
13	d	100	103.79	-8.33	42.07	-8
14	d	100	114.21	-6.64	82.4	-8
15	d				95	-8
16	d				103.79	-8.33
					107.5	-8
					107.6	-7.71
					114.21	-6.64

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SEP 28 2000

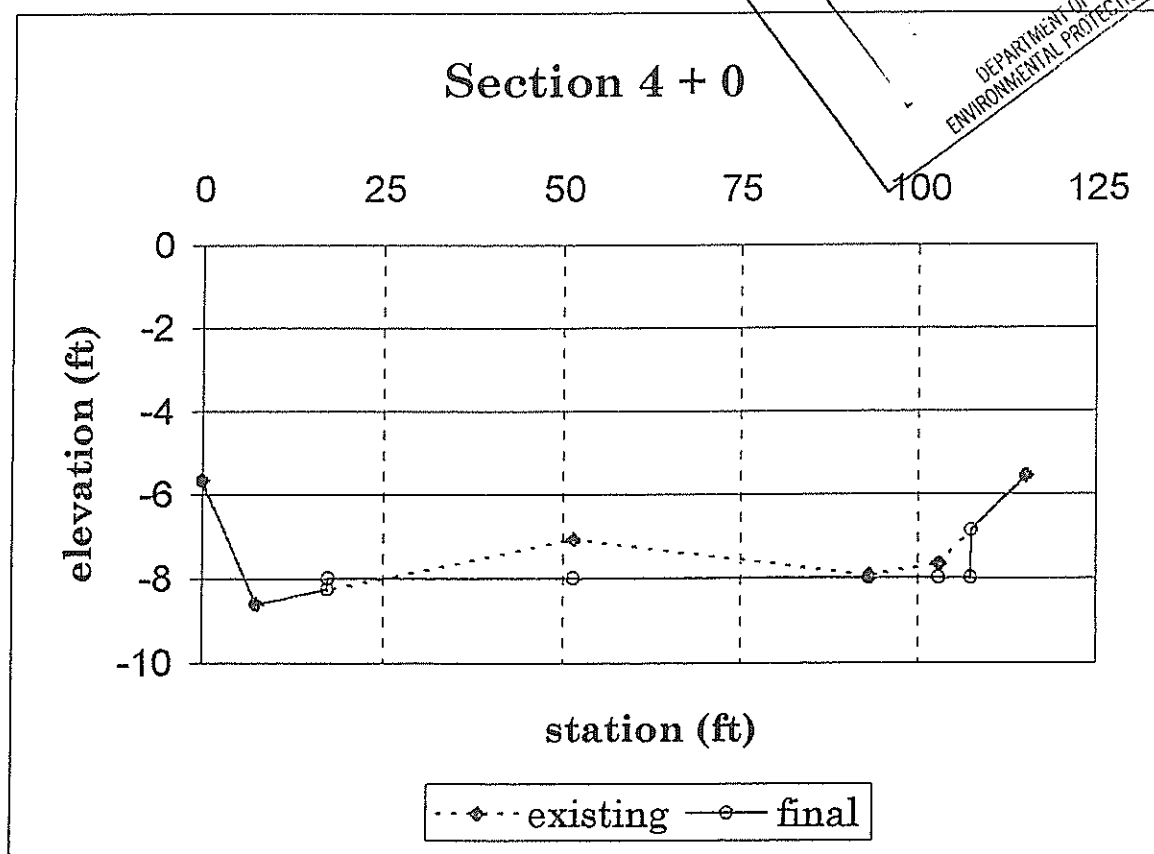
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

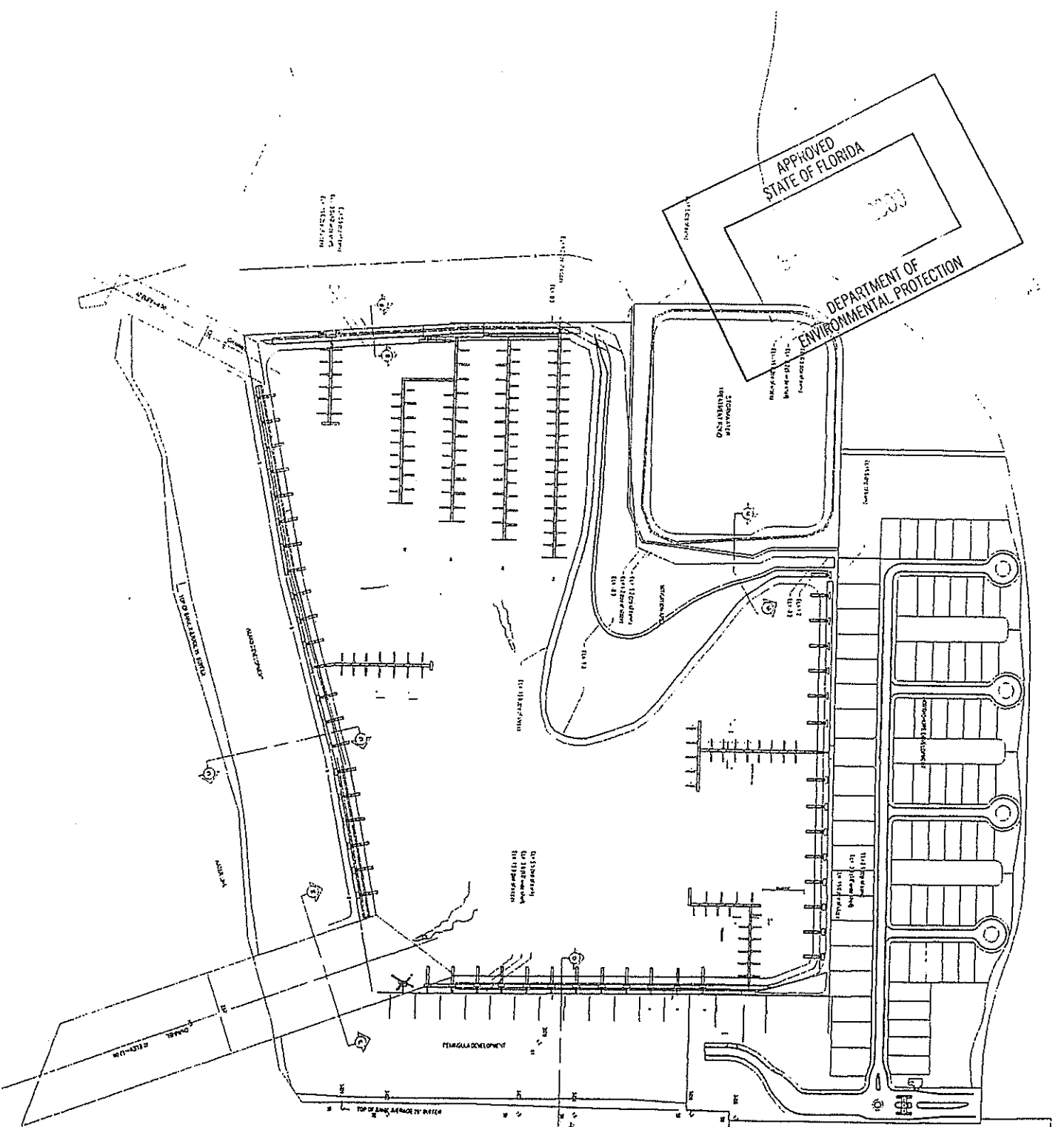
Section 3 + 0



Section 4+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
1	d	0	0	-5.68	0	-5.68
2	d	0	7.54	-8.62	7.54	-8.62
3	d	0	51.5	-7.08	17.4	-8.27
4	d	0	93.23	-7.94	17.5	-8
5	d	0	102.94	-7.67	51.5	-8
6	d	0	115.21	-5.58	93.23	-8
7	d				102.94	-8
8	d				107.5	-8
					107.6	-6.88
					115.21	-5.58

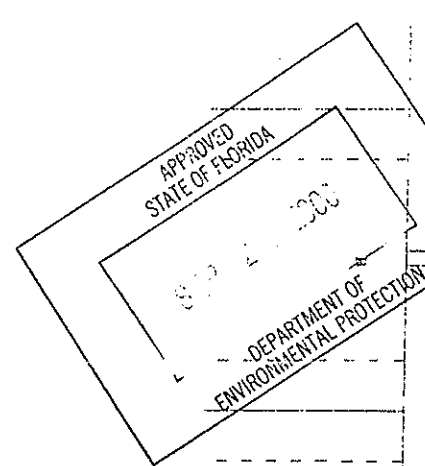




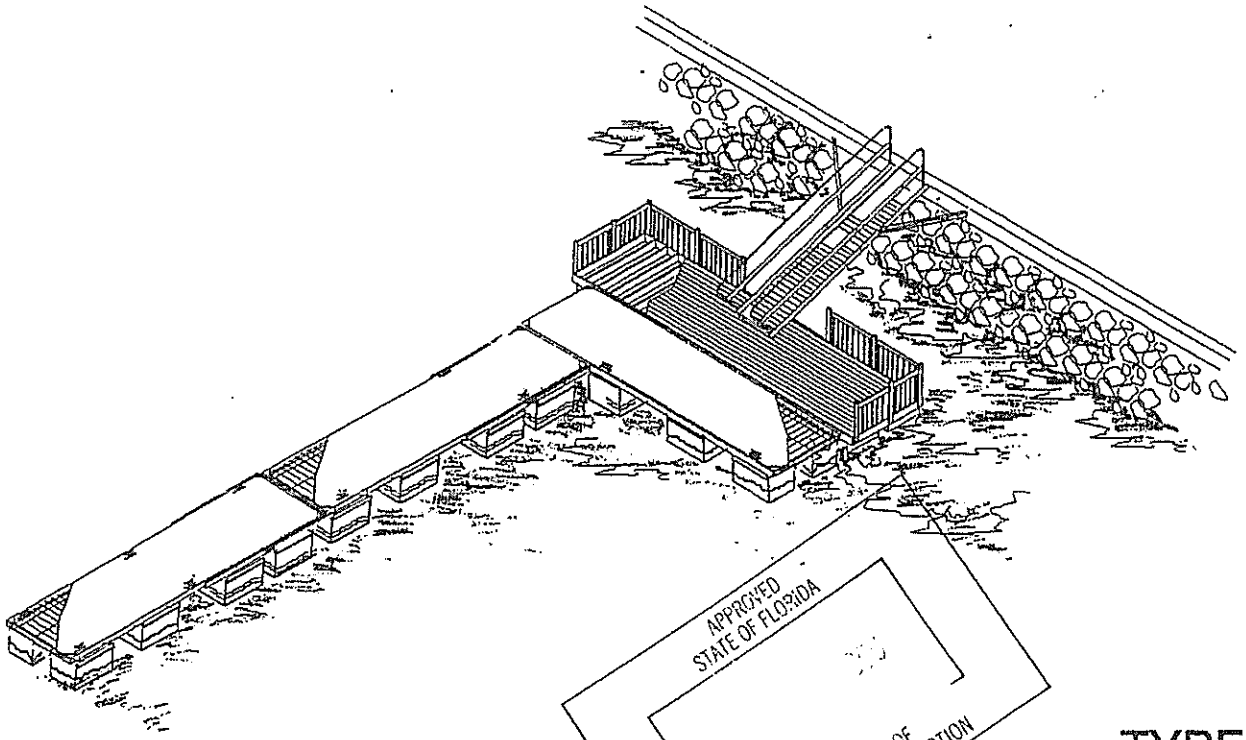
00000000
PROPERTY OF THE STATE OF FLORIDA
COUNTY OF ALACHUA

COND	47	133
LAND	20	28
PENINSULA	12	20 + 14 = 34
WATER	15	24 + 10 = 34
PRV.	15	
TOTAL	180	

Pr. 11/11/16
Pr. 11/11/16



PROPOSED PRIVATE TYPES



APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

TYPE A

DECK SIZE

30 FT X 10 FT

DOCK CONSTRUCTION

CONCRETE DECK FLOATING DOCK

DOCK AREA

585 SQ. FT

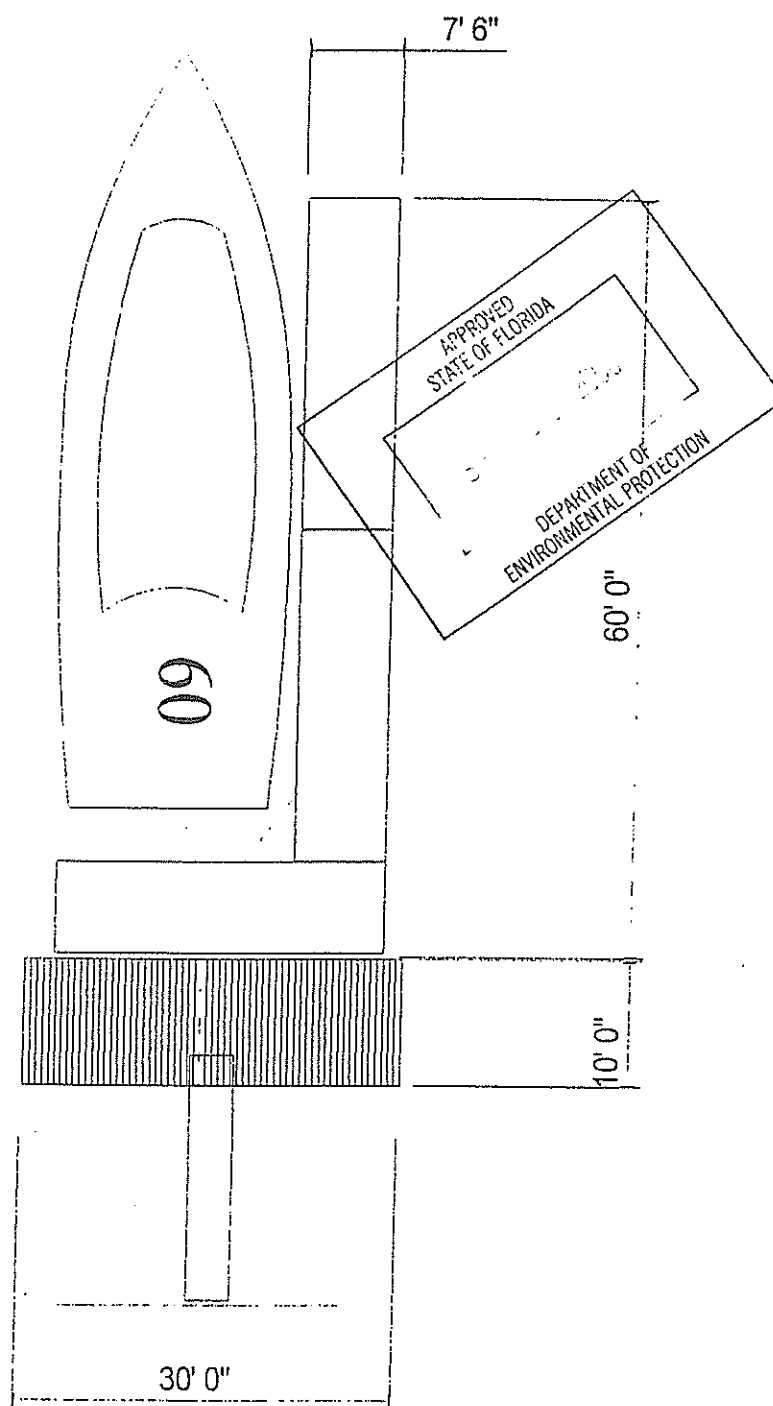
BOAT SIZE

UP TO 60 FT

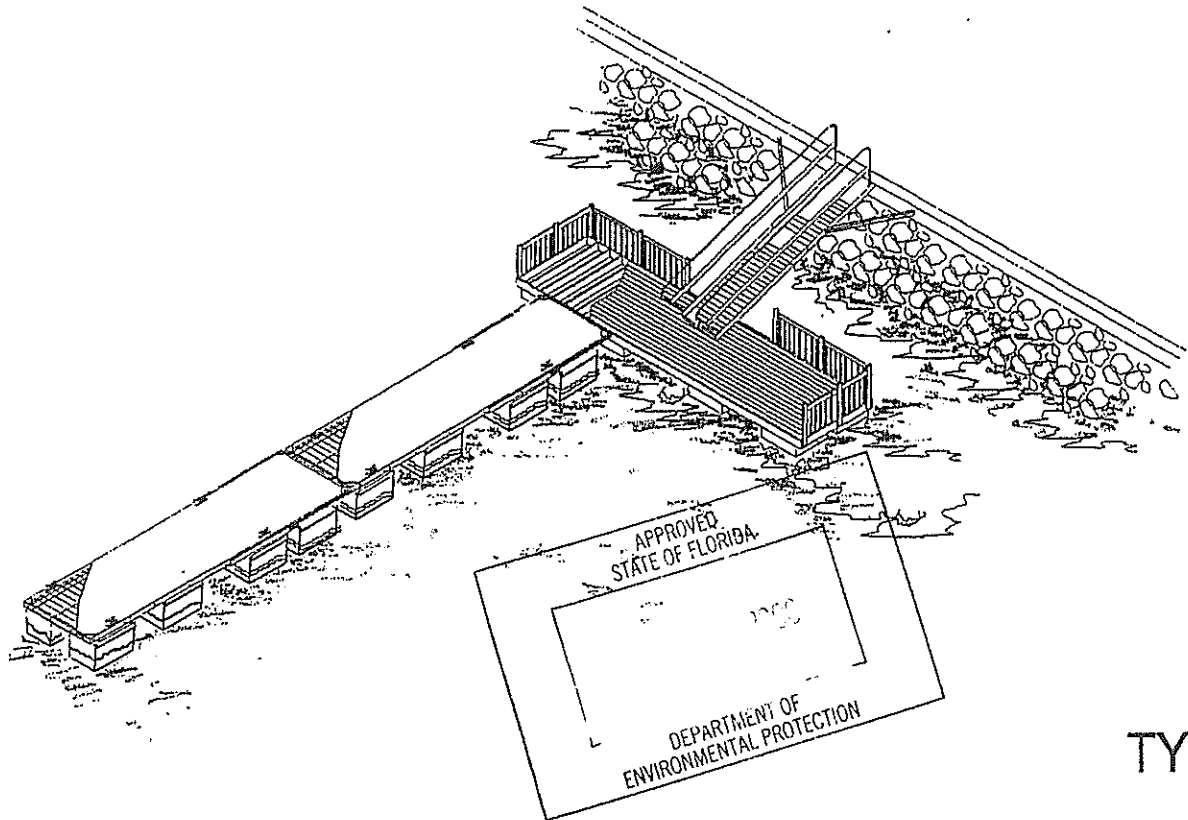
PRICE

\$

EXHIBIT _____



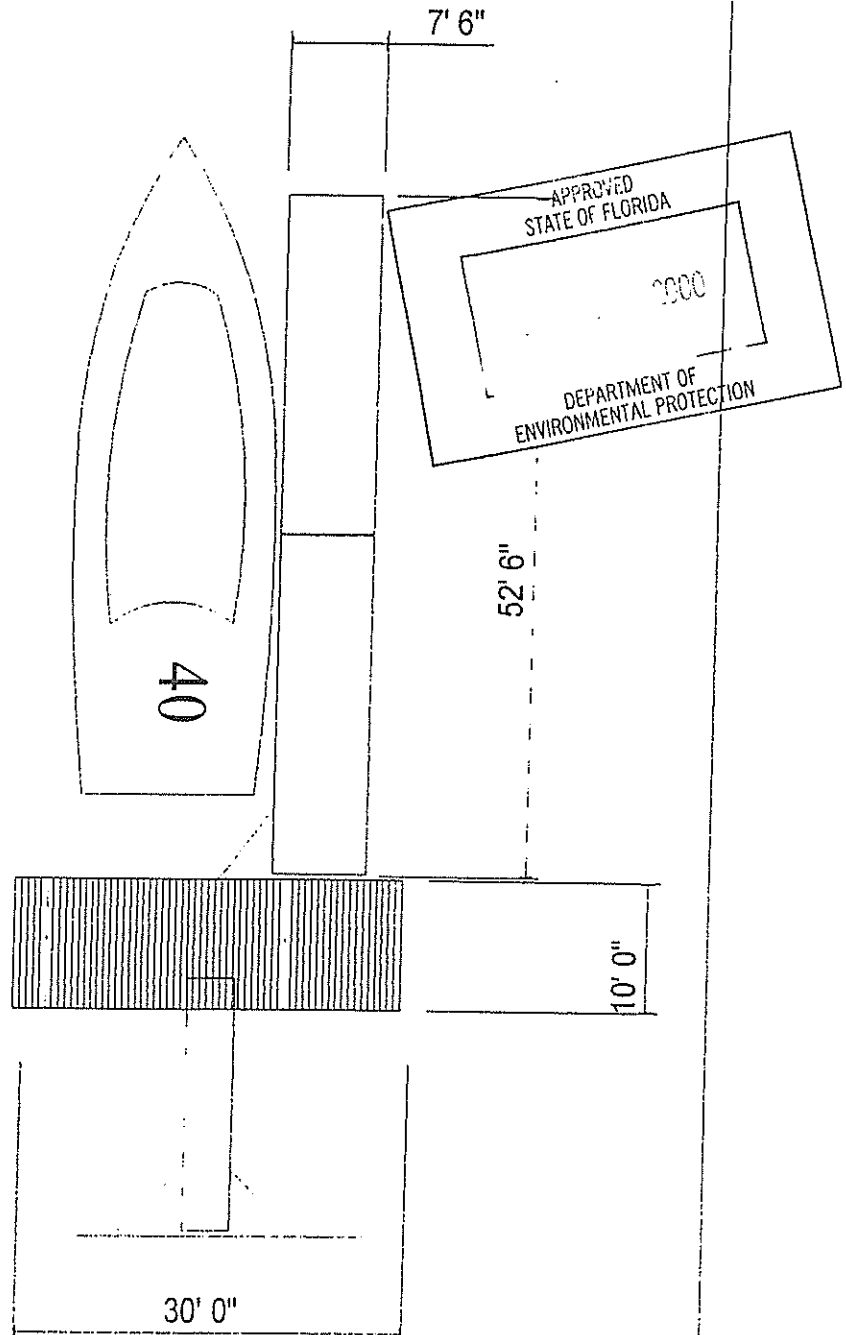
TYPE A



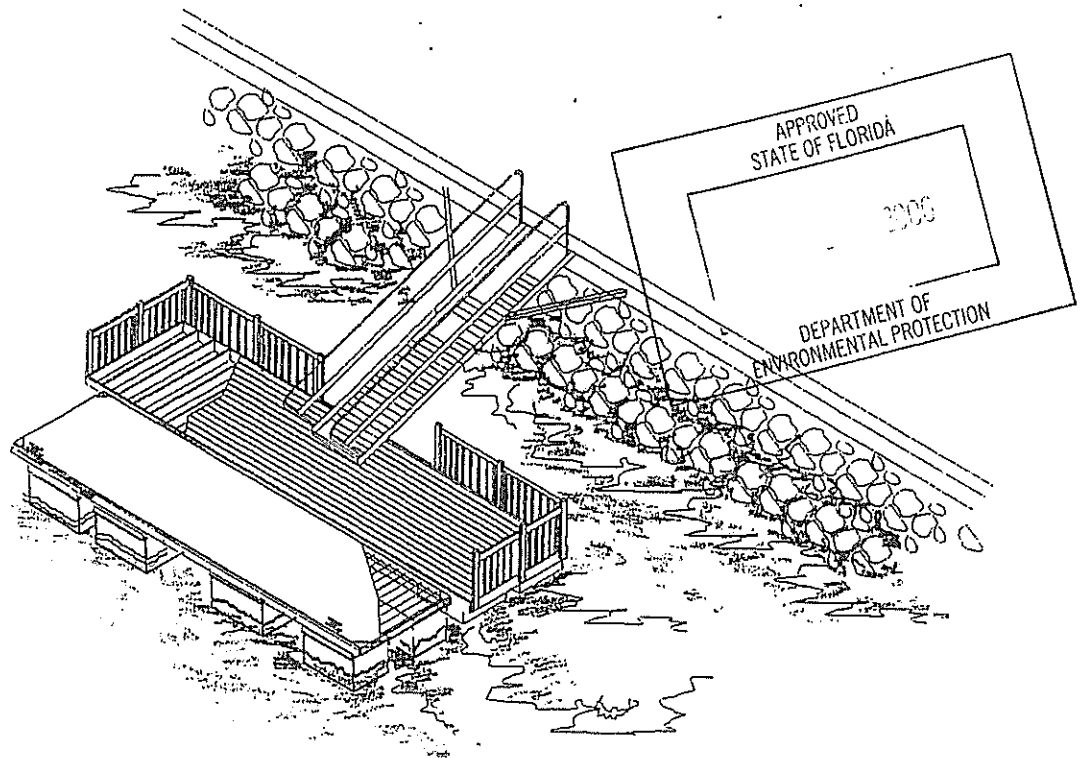
TYPE B

DECK SIZE	<i>30 FT X 10 FT</i>
DOCK CONSTRUCTION	<i>CONCRETE DECK FLOATING DOCK</i>
DOCK AREA	<i>390 SQ. FT</i>
BOAT SIZE	<i>UP TO 50 FT</i>
PRICE	\$ _____

EXHIBIT _____



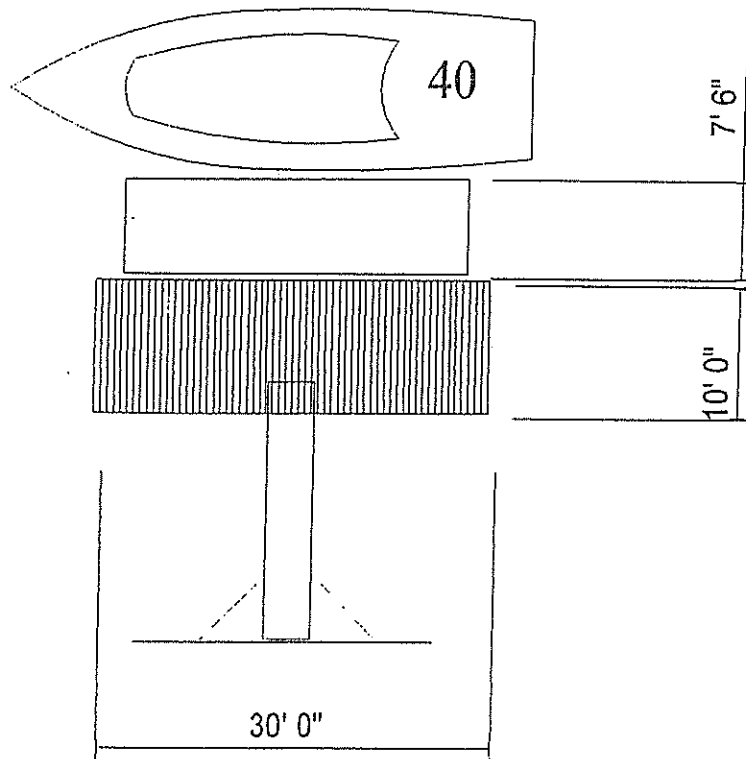
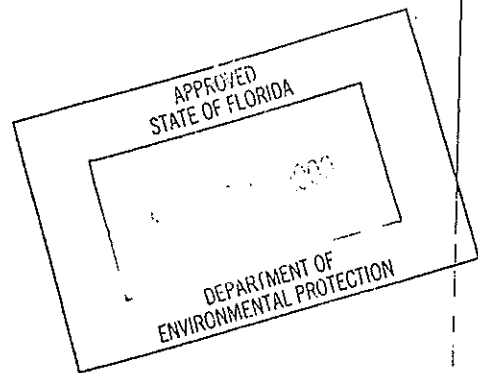
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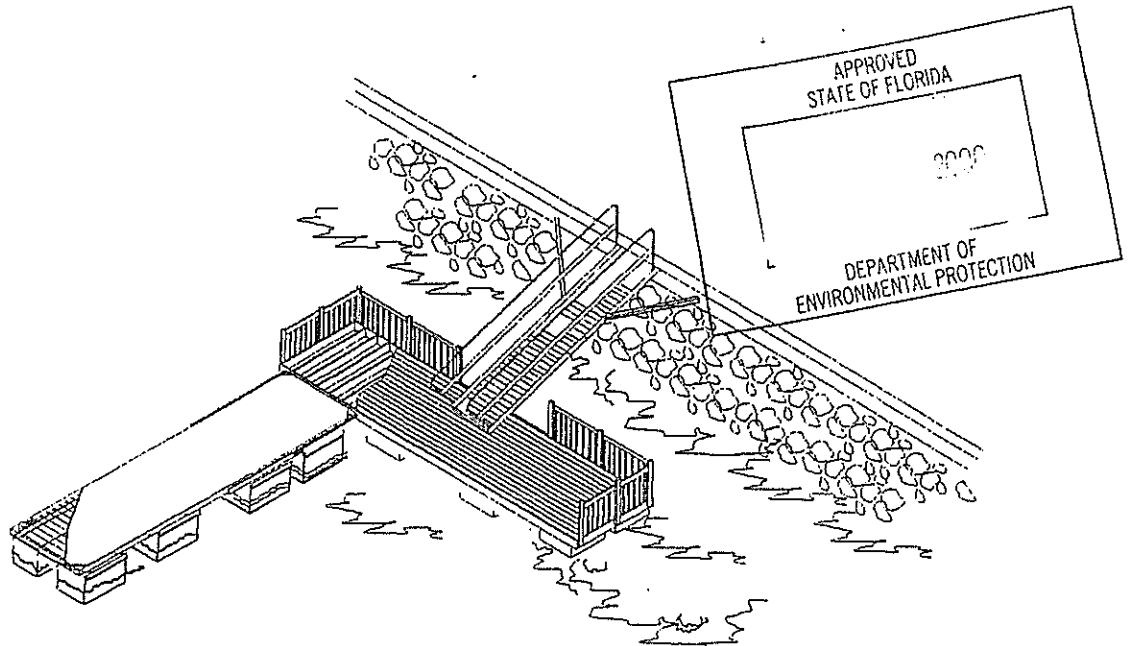
TYPE D

DECK SIZE	<i>30 FT X 10 FT</i>
DOCK CONSTRUCTION	<i>CONCRETE DECK FLOATING DOCK</i>
DOCK AREA	<i>195 SQ. FT</i>
BOAT SIZE	<i>UP TO 40 FT</i>
PRICE	\$ _____

EXHIBIT _____



TYPE D

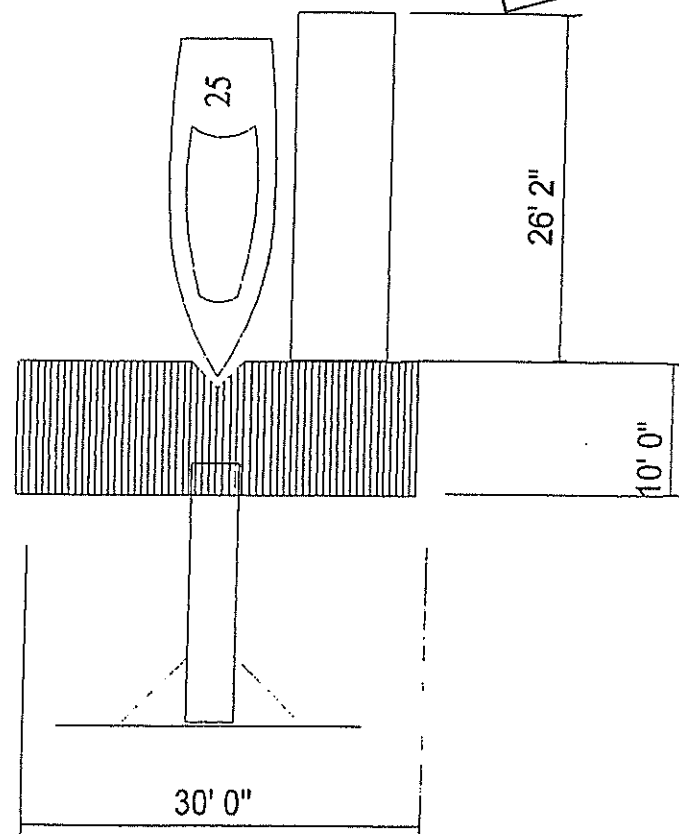
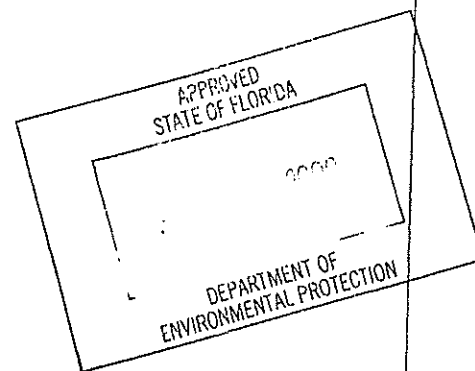


TYPE E

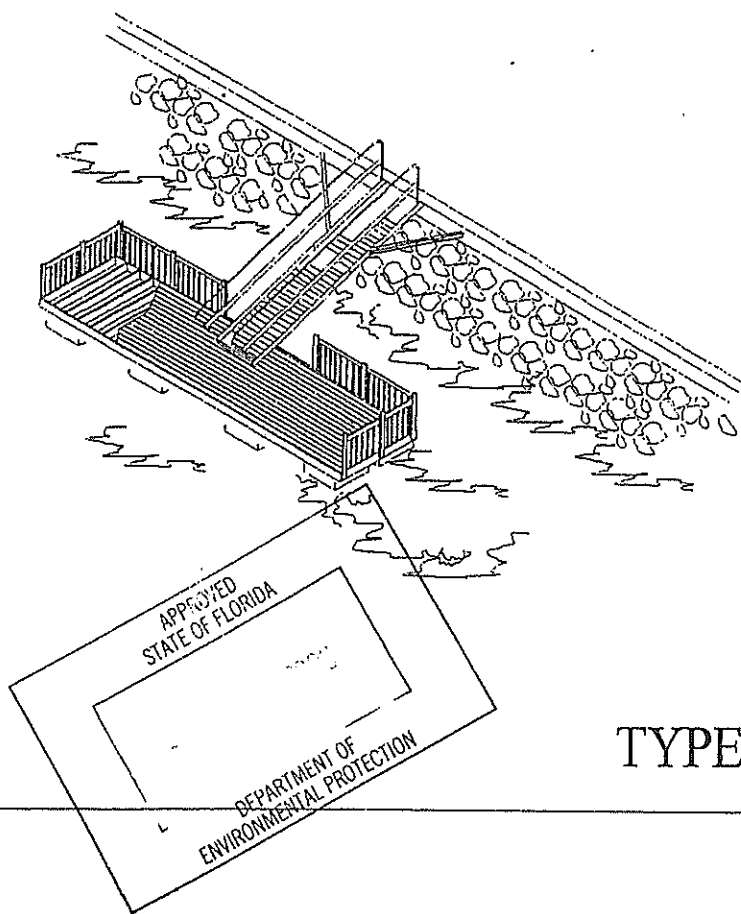
DECK SIZE	30 FT X 10 FT
DOCK CONSTRUCTION	CONCRETE DECK FLOATING DOCK
DOCK AREA	195 SQ. FT
BOAT SIZE	UP TO 30 FT

PRICE	\$ _____
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EXHIBIT _____



TYPE E



TYPE F

DECK SIZE

30 FT X 10 FT

DECK CONSTRUCTION

FLOATING TIMBER DECK

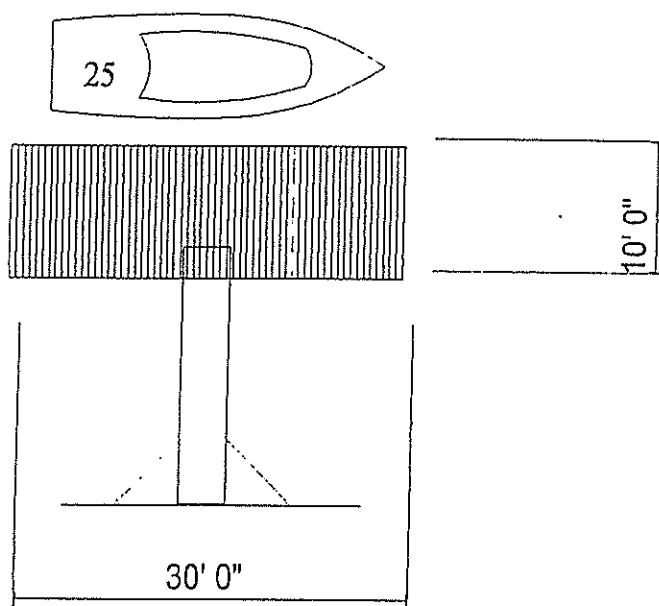
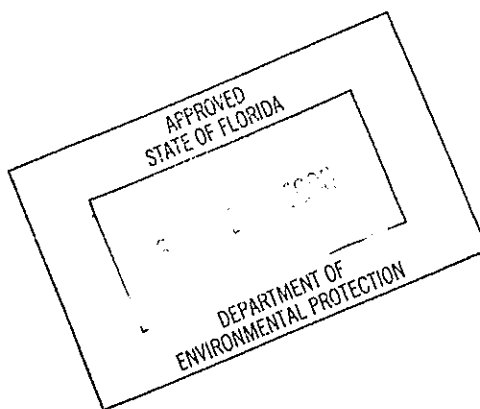
BOAT SIZE

UP TO 25 FT

PRICE

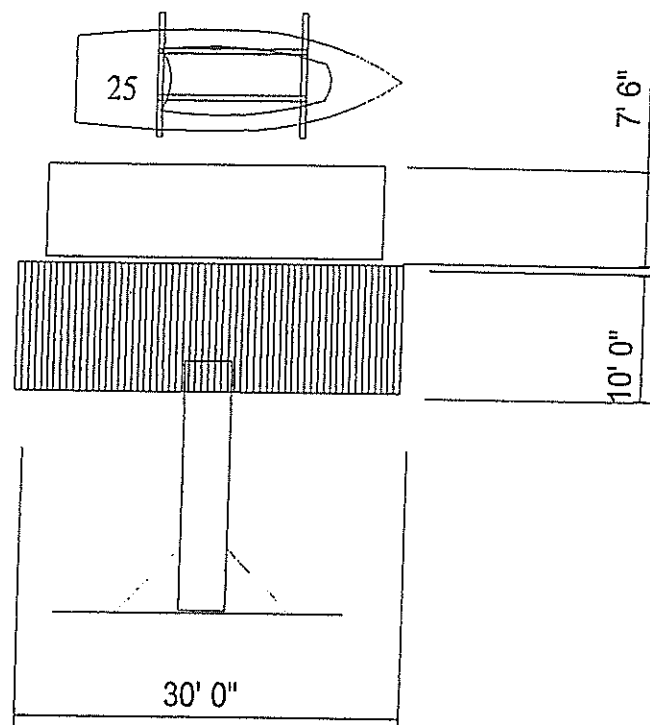
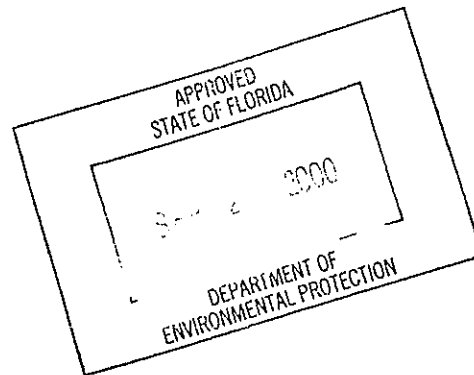
\$

EXHIBIT _____



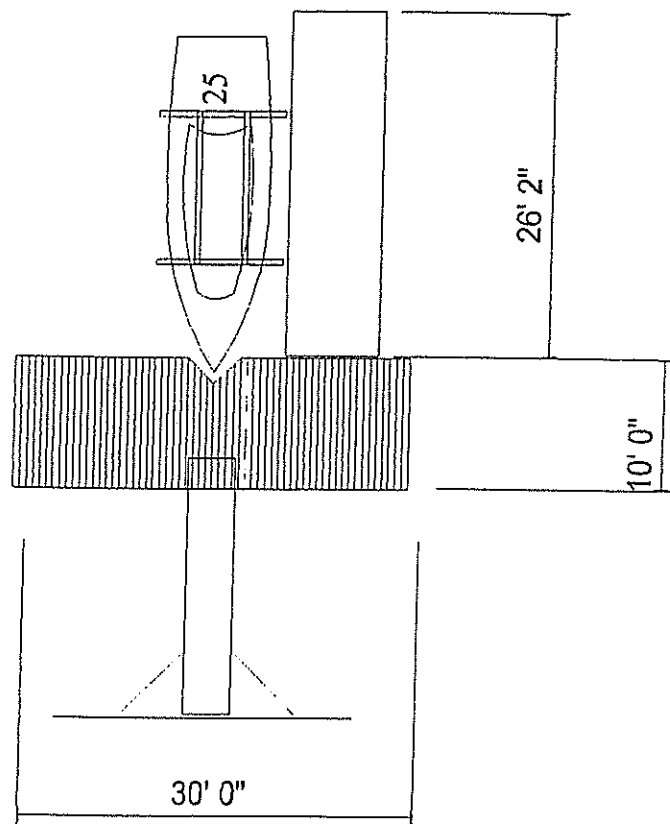
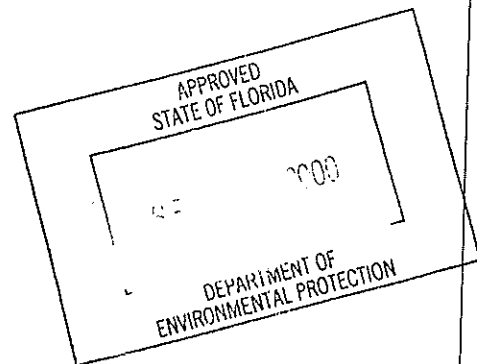
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EXHIBIT _____



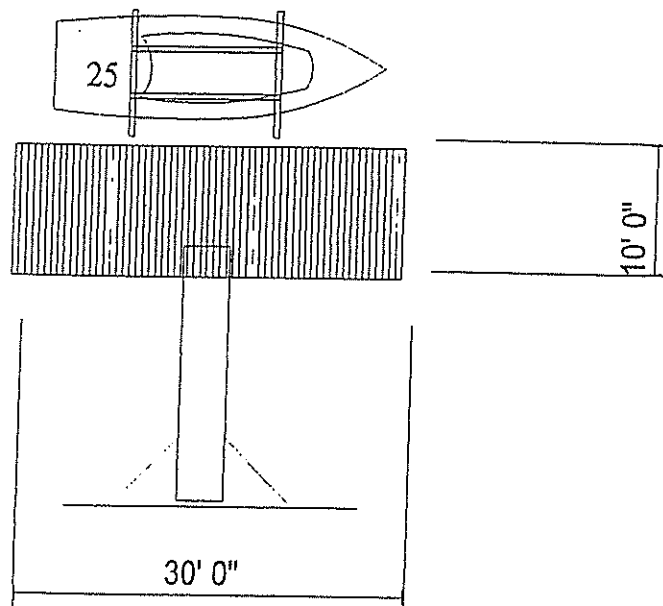
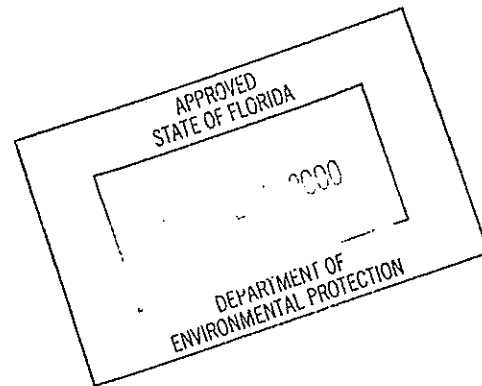
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EXHIBIT _____



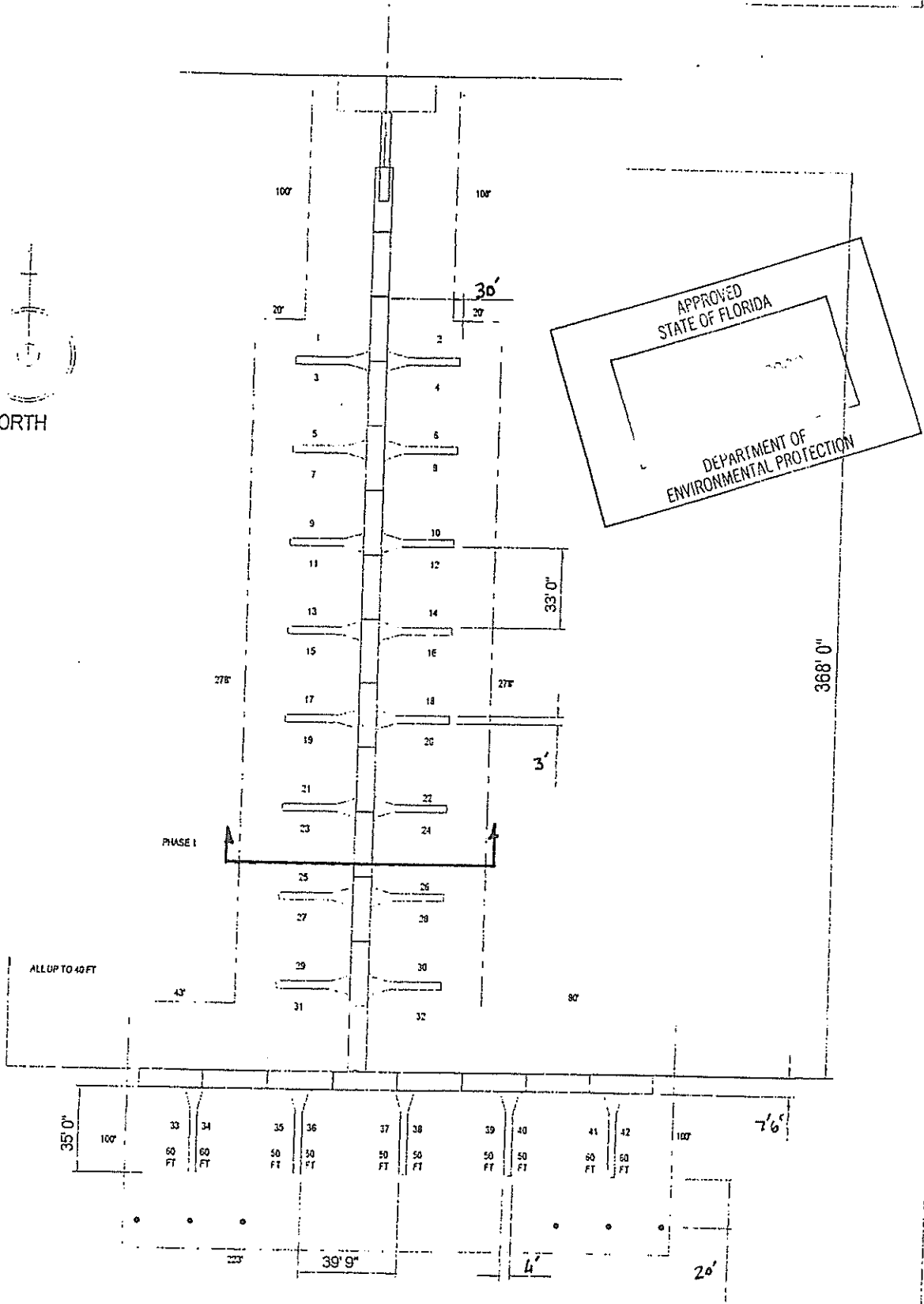
TYPE E-1

EXHIBIT _____



TYPE F-1

EXHIBIT



NORTH SHORE

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

EXHIBIT

NORTH

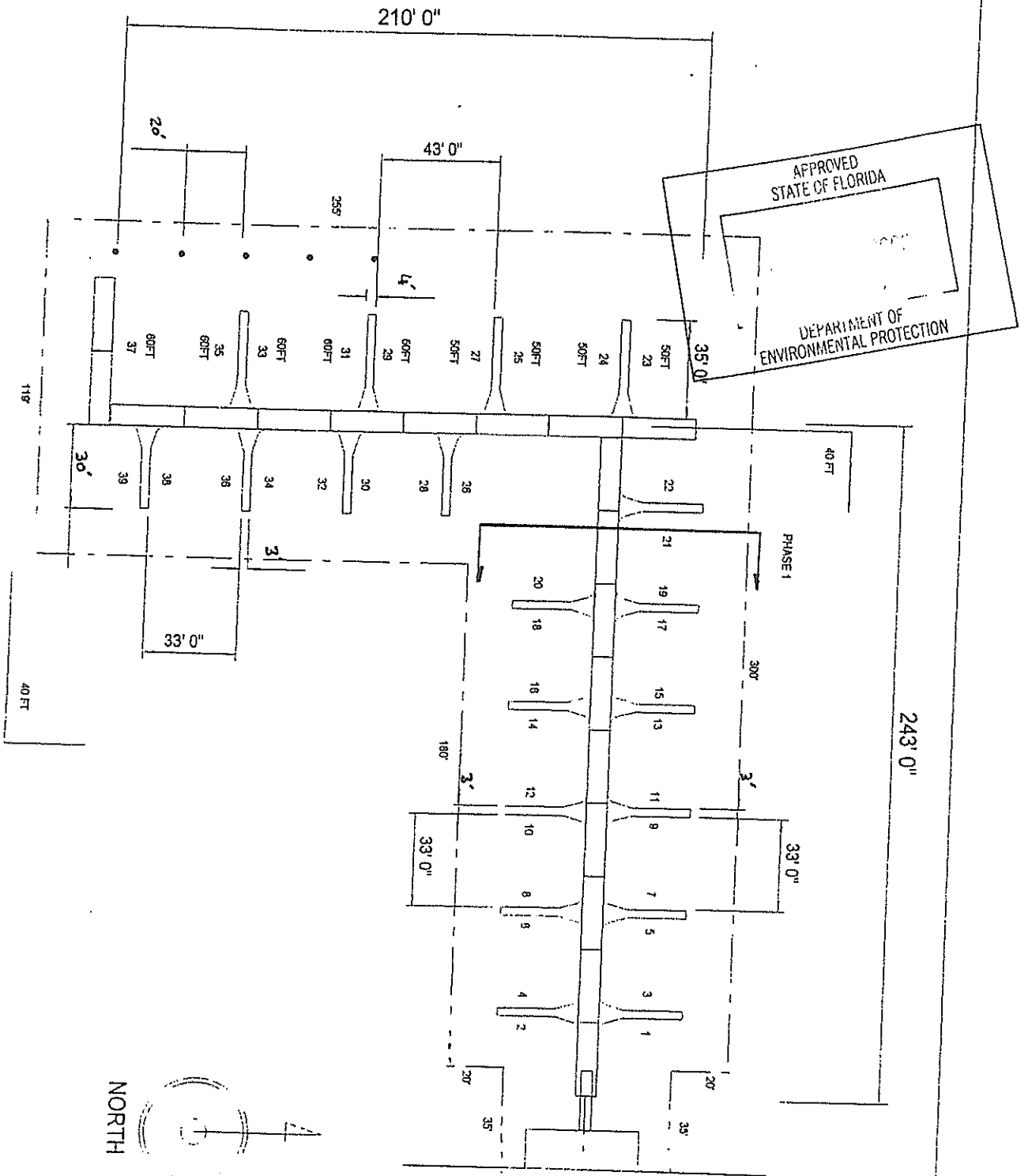
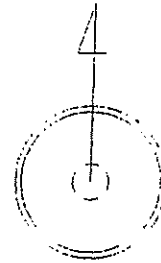
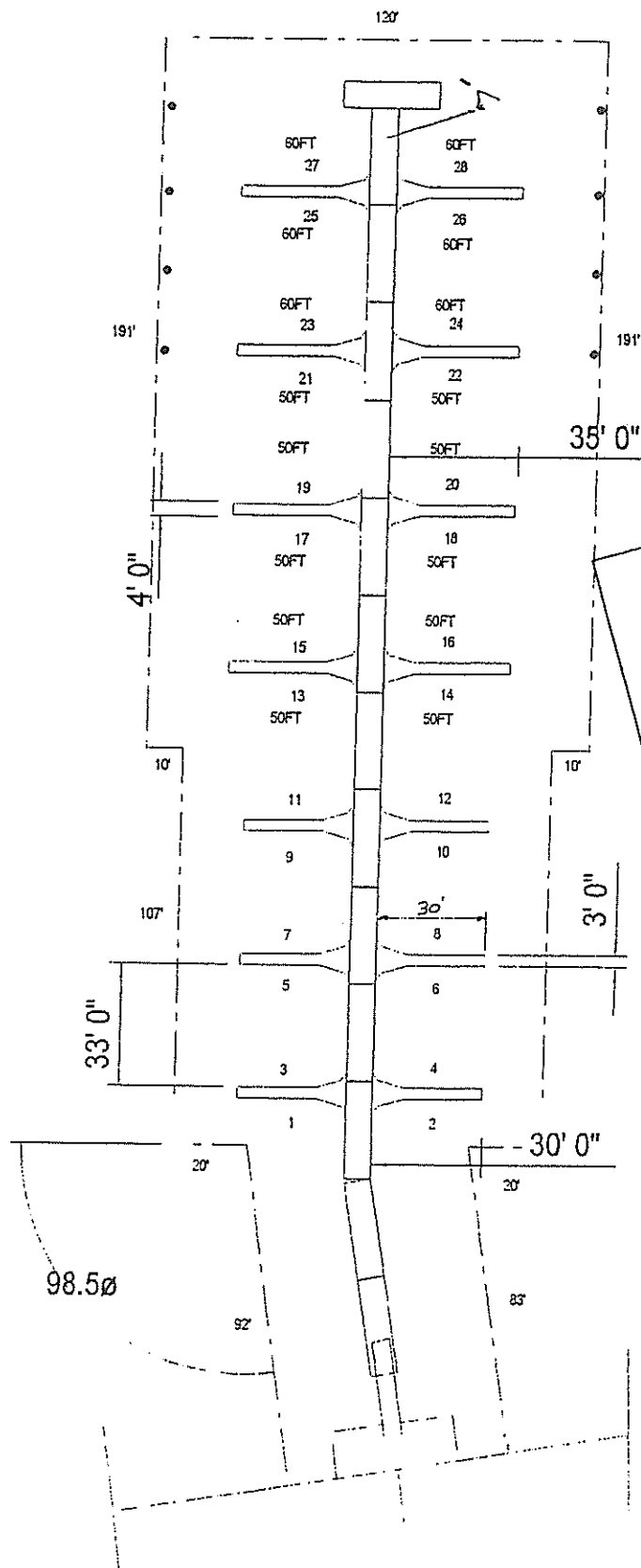
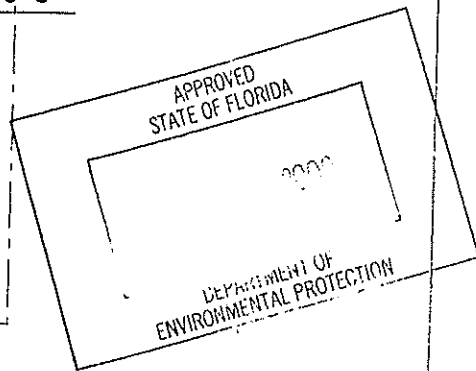


EXHIBIT ____

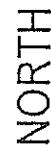


NORTH



ISLAND

EXHIBIT _____



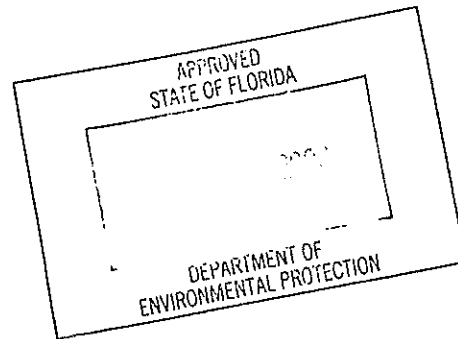
CC

APPROVED
STATE OF FLORIDA

70

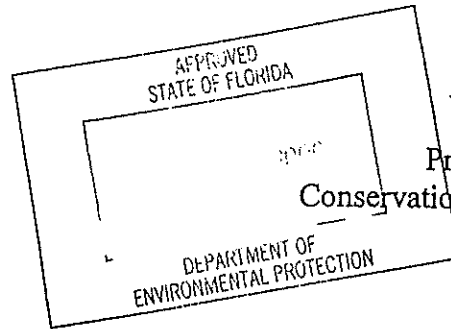
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

CONDO



Attachment G
10' Conservation Easement Description and Illustration

June 21, 2000



Project #S-RD(MISC)055
Conservation Easement Description

A 10.0 foot wide Conservation Easement lying Northerly or landward of and parallel and contiguous with the following described line, to wit:

Commence at the Northwest corner of Section 24, Township 34 South, Range 17 East and run S89°36'47"E, along the North line of said Section 24, for a distance of 593.03 feet to the intersection with the East right of way of State Road 55 (U.S. Highway 41- 301); thence S00°13'04"E, along the said East right of way, for a distance of 1268.14 feet to the intersection with the Southerly line of the lands of "WC Riviera Patners, L.C."; thence S40°44'44"E, along said Southerly line, for a distance of 143.01 feet; thence S64°58'29"E, continuing along said Southerly line, for a distance of 143.45 feet to the intersection with the Mean High Water Line of the "Manatee River", for the Point of Beginning of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of said "Manatee River" (as referenced by that certain Mean High Water Line survey, map number 232, dated November 8, 1981, and approved by the Department of Natural Resources on December 1, 1981): N70°12'17"E for a distance of 108.10 feet; thence S65°57'34"E for a distance of 421.16 feet; thence S51°10'58"E for a distance of 219.44 feet; thence S17°36'37"E for a distance of 170.83 feet to the Southwest corner of the Flushing Channel and the terminus of this portion of the herein described Conservation Easement, said point hereinafter referred to as Point "A".

Together with:

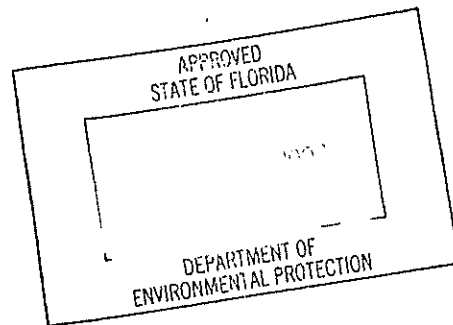
Commence at the above described Point "A" and run S74°14'05"E for a distance of 124.89 feet to the Southeast corner of said Flushing Channel, said Point being on the Mean High Water Line of the "Manatee River" and being the Point of Beginning of this portion of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of said "Manatee River", as previously referenced above: S82°42'58"E for a distance of 112.02 feet; thence N58°58'17"E for a distance of 184.69 feet; thence N70°09'39"E for a distance of 139.82 feet; thence N83°42'01"E for a distance of 407.29 feet; thence N72°11'22"E for a distance of 687.04 feet; thence N84°13'39"E for a distance of 388.35 feet; thence N72°10'50"E for a distance of 54.52 feet to the Southwest corner of the Access Channel, and the terminus of this portion of the herein described Conservation Easement, said point hereinafter referred to as Point "B".

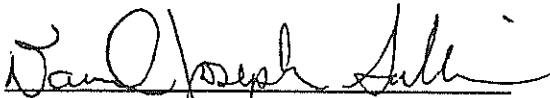
Together with:

Commence at the above described Point "B" and run N72°10'50"E for a distance of 193.75 feet; thence N78°54'27"E for a distance of 56.96 feet to the Southeast corner of said Access Channel, said point being on the Mean High Water Line of the "Manatee River" and being the Point of Beginning of this portion of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of Said "Manatee River," as previously referenced above: N78°54'27"E for a distance of 90.48 feet; thence N53°58'31"E, for a distance of 120.05 feet; thence N00°13'18"W for a distance of 505.69 feet; thence N01°51'12"E for a distance of 389.85 feet; thence N00°55'40"E for a distance of 394.00 feet; thence N74°33'12"E for a distance of 29.72 feet; thence N74°33'12"E for a distance of 28.65 feet; thence S85°30'25"E for a distance of 161.55 feet; thence N87°42'34"E for a distance of 296.00 feet; thence S81°35'34"E for a distance of 92.93 feet to a point on Said Mean High Water Line of Said "Manatee River", and the end of said Conservation Easement, being and lying in Sections 13 and 24, Township 34 South, Range 17 East, Manatees County, Florida.

Containing 1.1461 Acres, More or Less.

Prepared by Red Man Consultants, Inc.
308 East 7th Avenue
Tampa, FL 33602




Daniel Joseph Sullivan
Florida P.S.M. No. 5640

POINT OF COMMENCEMENT

THE NORTHWEST CORNER OF
SECTION 24, TOWNSHIP 34
SOUTH, RANGE 17 EAST

S89°36'47"E 593.03'

THE NORTH LINE
OF SECTION 24

200 0 200



Scale 1" = 200'

BASIS OF BEARING

BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S14°13'04"E



THE EAST RIGHT OF STATE ROAD 55
(U.S. HIGHWAY 41-301)

APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

THE SOUTHERLY LINE OF THE LANDS OF
"WC RIVIERA PARTNERS, L.C."

WC RIVIERA PARTNERS, L.C.

S40°44'44"E
143.01'

S64°58'29"E
143.45'

**POINT OF
BEGINNING**

INTERSECTION
WITH MEAN HIGH
WATER LINE

N70°12'17"E 108.10'

MEAN HIGH
WATER LINE

S65°57'34"E 421.16'

CONSERVATION
EASEMENT

S51°10'58"E
219.44'

S17°36'37"E 170.83'

POINT "A" TERMINUS

S74°14'05"E 124.89'

MANATEE RIVER

SUBMERGED LAND
PARCEL NO. 1

S63°22'15"E
137.00'

S26°37'45"W 276.65'

S26°37'45"W 357.03'

FLUSHING CHANNEL

S00°13'04"E 72.30'

MEAN HIGH
WATER LINE

**POINT OF
BEGINNING**

S82°42'58"E 112.02'

N58°58'17"E N70°09'39"E
184.69' 139.82'

S78°53'3"

THIS IS NOT A BOUNDARY SURV

PROJ. NO. YMCA97-	RED MAN CONSULTANTS, INC.	PREPARED FOR:	TITLE:	MSTR-CON.E
DRAWN BY: DJS	308 E. SEVENTH AVE., TAMPA, FLORIDA	HSA ENGINEERS	DESCRIPTION SKETCH OF	SHEET
CHECKED BY: RJC	PHONE (813) 223-8015	AND SCIENTISTS	CONSERVATION EASEMENT	3 OF 5
DATE: 06-21-00	FAX (813) 223-1397			

SEE SHEET 3 OF 5 FOR CONTINUATION



Scale 1" = 200'

BASIS OF BEARING

BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S14°13'04"E

ACCESS CHANNEL

S78°36'58"W 504.77'
N19°32'18"W 339.36'

S74°10'33"W 561.90'

WC RIVIERA PARTNERS, L.C.

S78°53'33"W 601.35'

S26°37'45"W 357.03'
S03°37'07"E 715.16'

N84°13'39"E 388.35'

N72°10'50"E 54.52'

POINT "B" TERMINUS

SUBMERGED LAND
PARCEL NO. 2

MEAN HIGH
WATER LINE
CONSERVATION
EASEMENT
10.0'

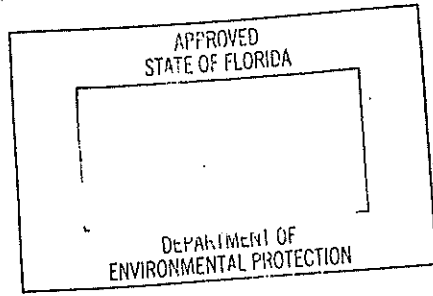
S00°13'04"E 72.30'

S82°42'58"E 112.02'
N70°09'39"E 139.82'
N83°42'01"E 407.29'

MANATEE RIVER

MEAN HIGH
WATER LINE

POINT OF
BEGINNING



SEE SHEET 5 OF 5 FOR CONTINUATION

THIS IS NOT A BOUNDARY SURVEY

TITLE:
DESCRIPTION SKETCH OF
CONSERVATION EASEMENT

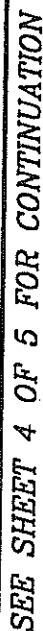
PREPARED FOR:
HSA ENGINEERS
AND SCIENTISTS

RED MAN CONSULTANTS, INC.
308 E. SEVENTH AVE., TAMPA, FLORIDA
PHONE (813) 228-8016

PROJ. NO. 1000000000
DRAWN BY: DJS
CHECKED BY: RJC

REVISIONS

DATE
BY



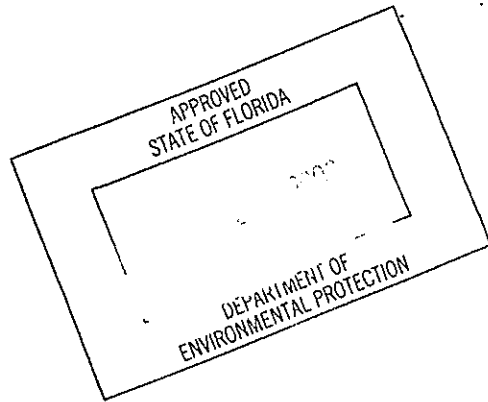
Scale 1" = 200'

BASIS OF BEARING

BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S14°13'04"E



PROJ. NO.	YMCA97-	RED MAN CONSULTANTS, INC. 308 E. SEVENTH AVE., TAMPA, FLORIDA PHONE (813) 229-8016 FAX (813) 223-1397	PREPARED FOR: HSA ENGINEERS AND SCIENTISTS	TITLE: DESCRIPTION SKETCH OF CONSERVATION EASEMENT	MSTR-CON.DW SHEET 5 of 5
DRAWN BY:	DJS				
CHECKED BY:	RJC				
DATE:	06-21-00				



Attachment H
FDEP Manatee Impact Review Letter



Jeb Bush
Governor

Department of Environmental Protection

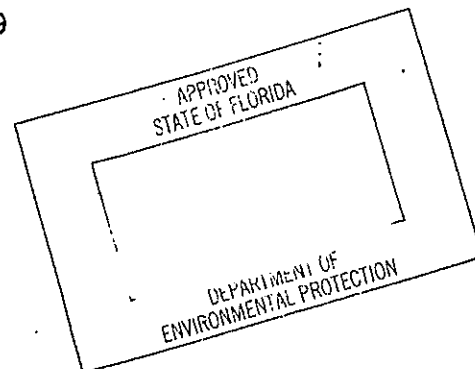
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

May 7, 1999

John M. Meyer
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702-2491

SUBJECT: Manatee Impact Review; DRI #236 -
Riviera Dunes, Sufficiency Response



Dear Mr. Meyer:

Our Bureau has received the Sufficiency Response for Riviera Dunes dated April 15, 1999. This project is located just west of S.R. 41 bridge and was a previous dolomite mine. A 400-slip marina was previously permitted under the name Manatee Gateway (File No. 411783719). Modifications to this permit are being proposed by the applicant to reflect changes with the project.

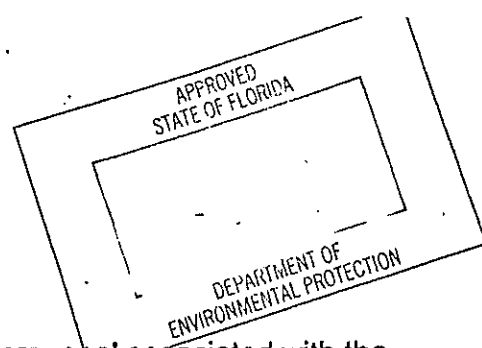
Manatees regularly frequent the Manatee River, including the upper portions of the River and a tributary, the Braden River. Of the 27 total manatee deaths that have occurred in the River between January 1974 and December 1998, 41% are perinatal, suggesting that this River is a preferred birthing area. Four watercraft deaths have occurred in the River, all of which have been recovered west of the I-75 bridge. The average number of manatees seen per aerial survey flight in the River is approximately 5 manatees. While aerial survey flight routes end at the I-75 bridge, a substantial number of manatees tagged with satellite transmitters have used the upper portions of the River.

As stated in the sufficiency response, we have met with the applicant to resolve the potential secondary and cumulative impacts to the endangered West Indian manatee. These agreed upon measures are reflected in the submitted response, although the details are expanded upon in our recommended conditions. The applicant has committed to having a boat speed zone established for public safety and manatee protection. We are advising them that this zone must be implemented by local ordinance in order to be enforceable. Details on the correct procedure for the establishment of local speed zones may be obtained from Tara Afford, with the Department's Florida Marine Patrol at Mail Station 630, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. Regulatory signs for speed zones must conform to permitting requirements by the Florida Marine Patrol. The "Caution: Manatee Area" awareness signs are strictly educational and are not regulatory.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

May 7, 1999
Page 2 of 4



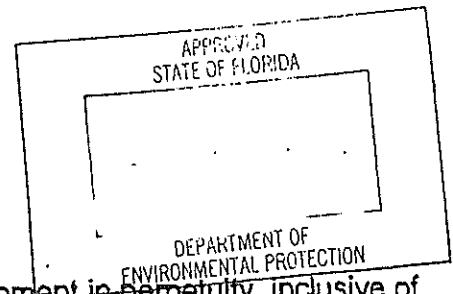
The applicant has also suggested that security personnel associated with the development will assist with the enforcement of speed zones. Enforcement of speed zones can only be performed by sworn law enforcement, not just security personnel hired by the marina. The applicant can, however, require a clause in their lease agreement with slip holders that results in revocation of the lease for violators of the speed zone.

A manatee educational program is also an important component of the applicant's suggestions to offset the expected impacts of the proposed project. This educational program should be coordinated with the Bureau and with the Tampa Bay Manatee Awareness Coalition. Additional details may be obtained from Nanette Holland at the Tampa Bay Estuarine Program at (727)-893-2765.

We recommend that any approvals associated with this DRI incorporate the following conservation measures for protection of endangered manatees:

1. The standard manatee construction conditions shall be followed for all in-water construction;
2. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management, and implemented before completion of project construction. Signs and kiosks should be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. Guidance in developing and approving this educational program should be obtained from the Bureau of Protected Species Management at the following address: 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399-3000 (telephone 850/922-4330);
3. The permittee shall provide bins for the disposal or recycling of monofilament line or other used fishing gear. The permittee shall also provide educational signs encouraging the use of these bins;
4. The permittee shall execute and record a conservation easement encumbering the waterward most ten feet of lessee's waterfront property along the Manatee River and the canal on the east portion of the property in a continuous, linear distance. The conservation easement shall run with the land, in perpetuity, and shall prohibit the construction of any docking facilities or other such water access development along the shoreline. The permittee shall record the easement prior to final approval of the project;

May 7, 1999
Page 3 of 4



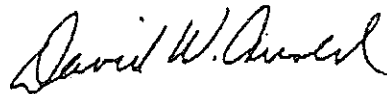
5. The total number of boat slips allowed in this development in perpetuity, inclusive of the basin, riverfront shoreline, canal shoreline and upland storage, shall not exceed 400. These slips include all commercial and residential boat storage;
6. The occupancy of the boat slips for the development shall be phased in two parts and shall be inclusive of all commercial and residential boat storage. The first phase shall consist of a maximum of 200 slips. The second phase of the project consists of the last 200 boat slips. Commencement of construction of the second phase shall be initiated two years after completion of the first phase.
7. A boating speed zone for all waters within the basin, canal and extending 500 feet from the shoreline (inclusive of the channel), along the boundary of the permitted project shall be established by local government ordinance before occupancy. Vessels shall be required to operate at slow speed, minimum wake in these waters or at idle speed, no wake.
8. The permittee shall be responsible for posting and maintaining the markers or buoys for the speed zone and channel in perpetuity;
9. The permittee shall assist in the enforcement of the speed zone, once established. The permittee shall hire and maintain an employee who will be responsible for issuing warnings to lessors who are violating the speed zone. This person will also be responsible for establishing and implementing a system which results in revocation of the lease for the slip/dock space if a slip/dry dock lessor is found violating the speed zone;
10. An access channel between the basin and the main channel of the Manatee River shall be clearly marked, with markers at a minimum of 300-ft distance apart, with additional markers installed to delineate the speed zone. An educational sign shall be installed and maintained at the entrance of the basin for boaters traveling to the Manatee River. This sign shall advise boaters to stay in the marked channel, avoid shallow areas and avoid seagrass beds;
11. An earthen berm shall be constructed around the proposed aqua-range to minimize the potential for manatee entrapment;
12. If the project includes any submerged or partially submerged pipes and/or culverts accessible to manatees during any tidal phase, larger than 18 inches in diameter but smaller than six feet in diameter, grating shall be installed to avoid manatee entrapment. Grating shall be designed with bars no more than six inches apart constructed across the mouth of the pipes or culverts.

May 7, 1999
Page 4 of 4

These measures are considered necessary in order for this project to not significantly affect the conservation of wildlife. Please notify this office of the results of this manatee impact review by copy of the draft and final development order, if issued. Please do not hesitate to call me at (850) 922-4330 if you have any questions.

Sincerely,

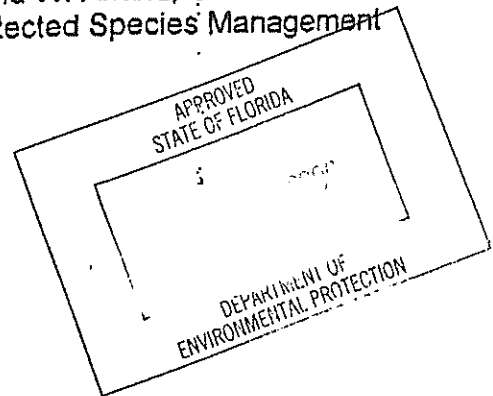
DIVISION OF MARINE RESOURCES



David W. Arnold, Chief
Protected Species Management

DWA/mpd

cc: Brian Pridgeon, USFWS-Tampa
Linda Syenson, Riviera Dunes
Rose Poynor, DEP-Tampa
Maria Pennington, DCA
Jessica Archer, BPSM



C:\DATA\DOC\MANATEE\Riviera Dunes comments to TBRPC.doc

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



LAN L. EGBERT, Ph.D., Executive Director
TOR J. HELLER, Assistant Executive Director

JAMES L. "JAMIE" ADAMS, JR.
Bushnell

DAVID K. MEEHAN
St. Petersburg

BARBARA C. BARSH
Jacksonville

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

QUINTON L. HEDGEPEETH, DDS
Miami

EDWIN P. ROBERTS, DC
Pensacola

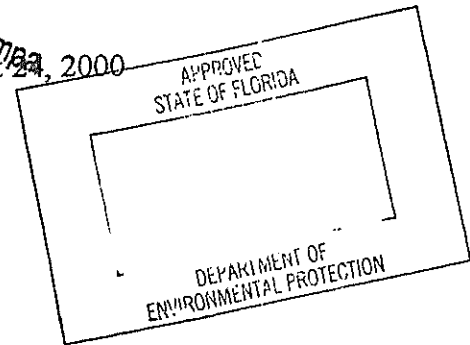
H.A. "HERKY" HUFFMAN
Deltona

JOHN D. ROOD
Jacksonville

D.E.P.
AUG 28 2000
Southwest District Tampa
August 24, 2000

BUREAU OF PROTECTED SPECIES MANAGEMENT
DAVID W. ARNOLD, CHIEF
(850)922-433
FAX (850)922-433

Ms. Rose Poynor
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619



Re: Permit Modification Request for
Riviera Dunes Resorts, Manatee River,
Manatee County

Dear Rose:

The Bureau of Protected Species Management in the Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed a request by the applicant to modify our manatee protection recommendations concerning the phasing of boat slips for this development.

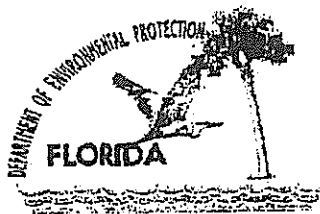
The applicant has offered to extend the proposed speed zones to include the area on the southern portion of the project along the shoreline of the Manatee River. A currently existing Manatee County ordinance appears to allow this designation. The applicant has proposed an alternate phasing schedule, however, in light of the extension of the proposed speed zone, existence of the ordinance, and current actions by Manatee County to begin development of a Manatee Protection Plan, we recommend removing the requirement for phasing of this project. Please do not hesitate to call me at (850) 922-4330 if you have any questions.

Sincerely,

Mary Duncan, Environmental Specialist
Bureau of Protected Species Management

/MPD
ENV 7-2/1/2

C:\DATA\DOCMANATEE\Riviera Dunes comments to Rose.doc



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

November 5, 2001

Riviera Dunes
c/o Linda Svenson
Riviera Dunes
590 Haben Blvd.
Palmetto, FL 34221

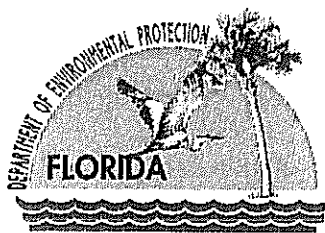
Re: File No. 41-01727573-001, Riviera Dunes

Dear Ms. Svenson:

This is in response to your letter of November 1, 2001. It is acknowledged that the bathymetric survey submitted indicates that basin depths within limited areas exceed the depth requirements of the above referenced permit. Your letter indicates that you will be pursuing several alternatives to address the depth requirement, including the placement of fill, rubble and an aeration system. If no other alternative is approved by the Department, fill will be required to be placed in the deep portions of the basin to achieve the required depths pursuant to the permit requirements. This contingency will require that approved fill must be placed by January 31, 2002. Please be advised that occupancy of the constructed slips may occur during the time that this problem is being addressed as long as the contingency deadline is adhered to. Please do not hesitate to contact Rose Poyner or myself if you have any questions regarding this matter.

Sincerely,

Bob Stetler
Environmental Administrator
Environmental Resource Management



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 25, 2001

Riviera Dunes
c/o Linda Svenson
Riviera Dunes
590 Haben Blvd.
Palmetto, FL 34221

File No. 41-1727573-004, Riviera Dunes

Your request to modify this permit has been received and reviewed by Department staff. The modifications are as follows:

1. Pilings may be installed at the locations indicated on the attached submittals for the purposes of constructing boat lifts and tie piles at the authorized docks. All pilings shall be wrapped with pvc to a point above the area of the pile in contact with the water. Pile wrap shall be effectively maintained so as to reduce leaching effects from pilings. If pilings are replaced, pvc wrap shall be installed on new pilings.
2. Three access points, a maximum of 10' wide each may be constructed through the existing 15 foot buffer adjacent to the western wall of the basin.

The above changes are not expected to adversely affect water quality and will not be contrary to the public interest provided the following permit conditions are amended/added to the permit as issued:

Since the proposed modification with the above permit conditions is not expected to result in any adverse environmental impact or water quality degradation the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the original expiration date, Specific or General Conditions, or monitoring requirements of the permit. This letter and accompanying drawings must be attached to the original permit.

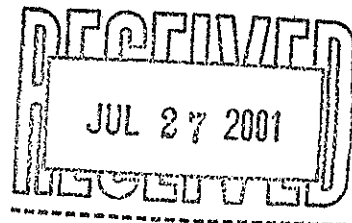
RIGHTS OF AFFECTED PARTIES

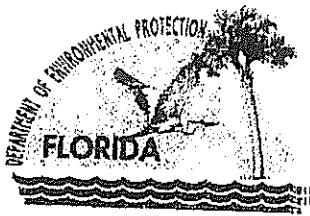
This permit is hereby granted unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

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 of the Florida Statutes. The petition must contain the information set forth below and 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.

"More Protection, Less Process"

Printed on recycled paper.





Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

February 1, 2002

Riviera Dunes
c/o Linda Svenson
Riviera Dunes
590 Haben Blvd.
Palmetto, FL 34221

Re: File No. 41-1727573 Riviera Dunes

Dear Ms. Svenson:

This is in response to the receipt of your letter and the marina basin bathymetric survey which was received on January 31, 2002. Pursuant to the information received by you, approximately 6,500 cubic yards of suitable fill material was deposited within the specified areas of the basin. Additionally, your correspondence and survey indicate that 23 concrete structures were deposited within the specified areas as additional fill to provide for structure/relief within the basin. Please be advised that these measures meet the intent of the requirements identified in the Department's letters of November 5 and December 21, 2001.

Please be advised that this does not relieve the permittee from the water quality and contingency requirements of the above referenced permit. Please do not hesitate to contact myself or Rose Poyner if you have any questions regarding this matter.

Sincerely,

Bob Stetler
Environmental Administrator
Environmental Resource Permitting

"Protect, Conserve and Enhance the State's Natural Resources"

Printed on recycled paper.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 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) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing as provided below within the appropriate time period shall constitute a waiver of those rights.

A petition that disputes the material facts on which the Department's action is based 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; and
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;

(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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Mediantion is not available

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. 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 the final order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mark Peterson
Environmental Manager
Environmental Resource Management

Copies furnished to:

U.S. Army Corp of Engineers

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies were mailed before the close of business on July 23, 2001, to the above listed persons.

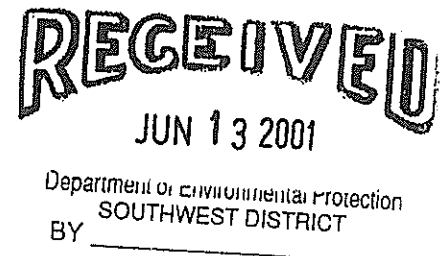
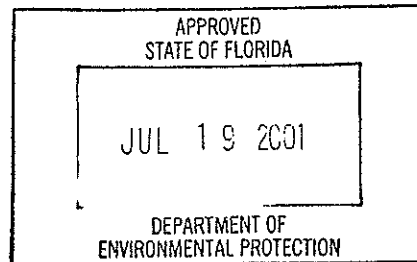
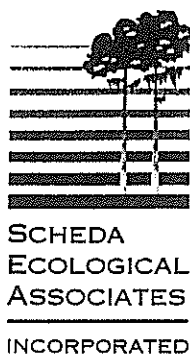
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

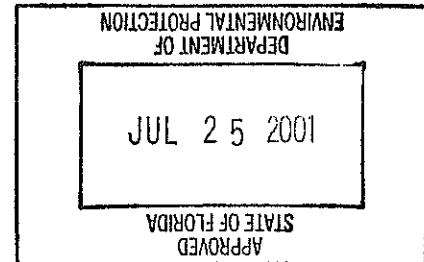
Date

Robinson 7/25/01



June 12, 2001

Ms. Rose Poynor
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619



RE: Riviera Dunes Permit Modification Request - Dock Pilings and Mangrove Trimming
Permit Number 41 01727573 - 001
Manatee County, Florida
SEA Project No. 238.5

Dear Rose:

This letter is written to request authorization of a letter modification to address the following items:

1. Request authorization for some of the docks to allow pilings to be installed to facilitate the use of boat lifts as an option for the boat owners. The detail of the placement of the required pilings is attached for your review.
2. Request three access points through the 15-foot buffer along the western wall of the harbor. These three points (attachment B) are necessary to allow access to the permitted dock configuration. A total of three 10-foot wide concrete paths are proposed out of the approximate 900-foot long western harbor wall buffer zone. As indicated on the plans, a vegetated zone is proposed along the length of the entire buffer zone; this area will be planted with native plant species.
3. Request authorization to perform mangrove trimming along the Manatee River (southern project boundary) and along the canal (western project boundary). This authorization would help control the unregulated and potentially detrimental trimming of mangroves which may result if every future homeowner along these water ways requests a permit to trim their mangroves. By allowing Riviera Dunes to trim the mangroves to the allowable levels, the activity will be performed by one entity and under this one permit request. This should allow the department more control and accountability to ensure that the trimming be performed under the current

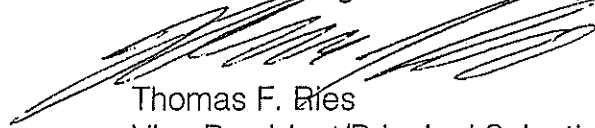
Ms. Rose Poynor
June 12, 2001
Page 2 of 2

State guidelines. In addition, if this request is granted, a stipulation can be added to the homeowners' association covenants restricting any further trimming of the mangroves by the home owners.

Please review this request and the attached documents, and call if you have any questions or require additional information to authorize this minor permit modification request.

Sincerely,

Scheda Ecological Associates, Inc.

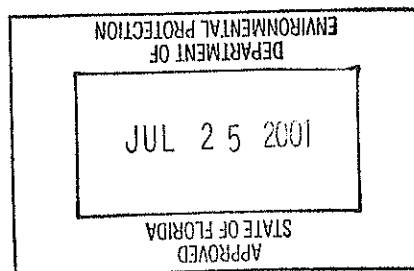
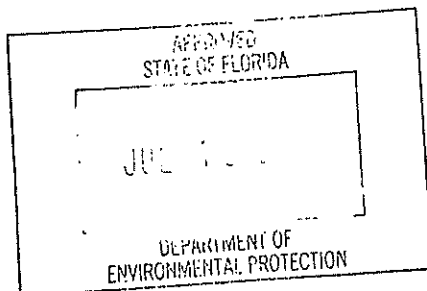


Thomas F. Ries

Vice President/Principal Scientist

Attachments: Attachment A - Dock Pilings Configurations
Attachment B - Western Harbor Wall Buffer Access Detail

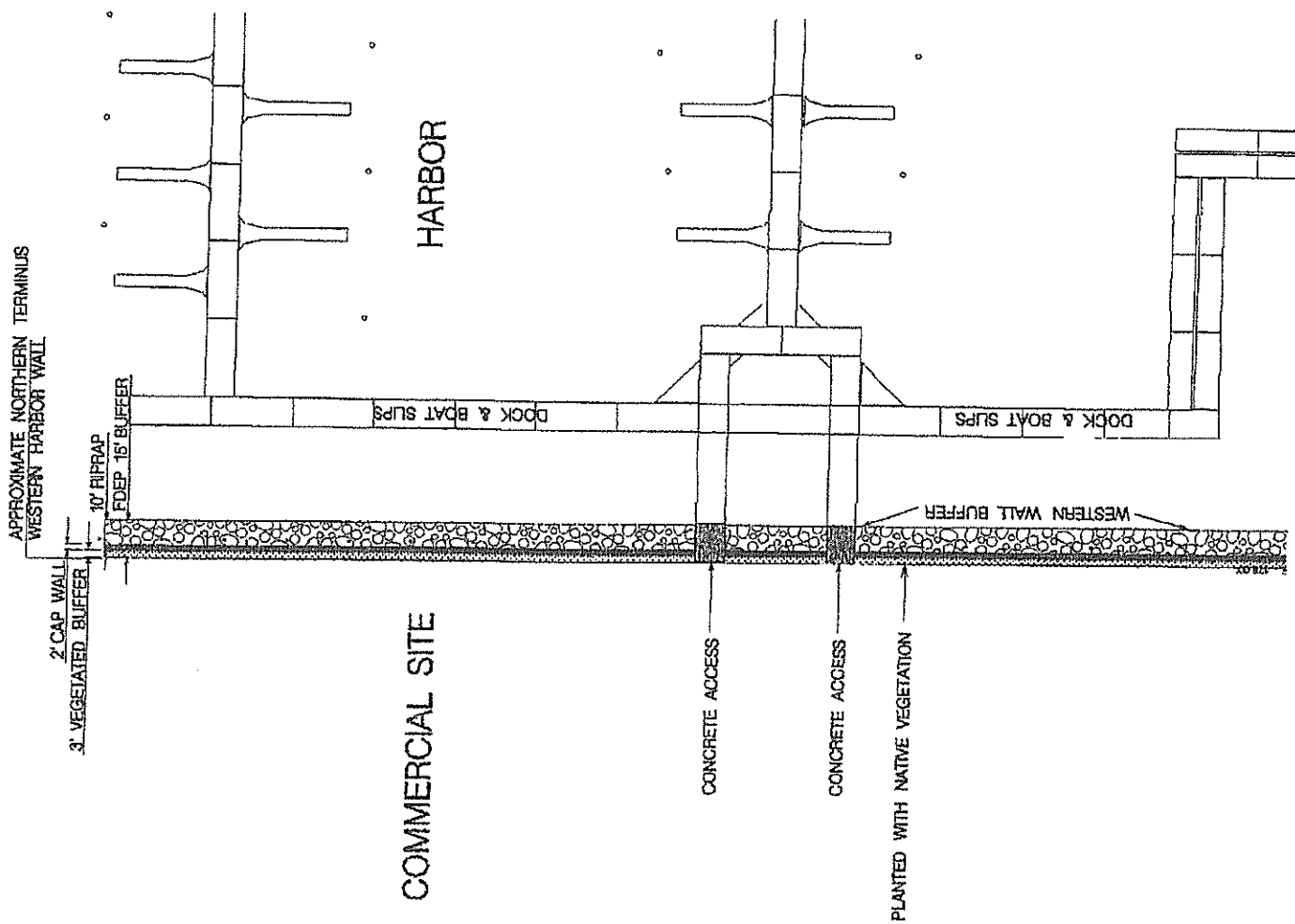
xc: Ms. Linda Svenson, Riviera Dunes

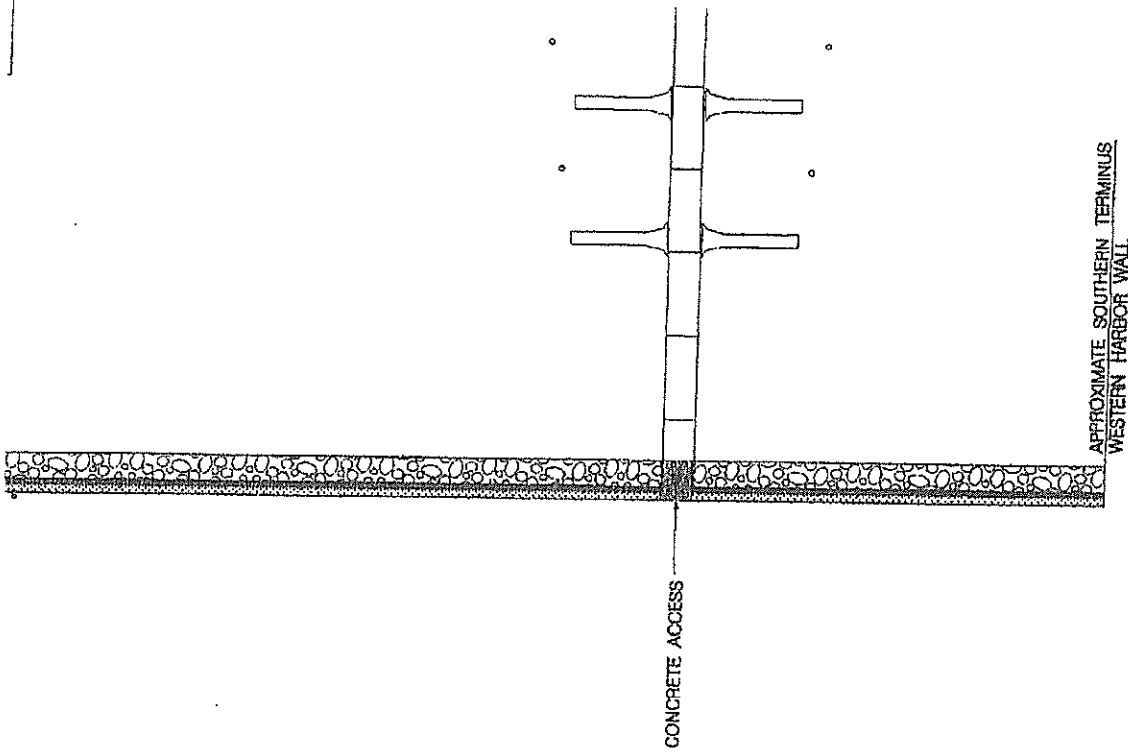




SCALE: 1" = 60'

Post-It® Fax Note 7671		Date 11/6	# of pages 2
To K. C. [unclear]	From T. R. [unclear]		
Co./Dept.	Co. [unclear]		
Phone #	Phone #		
Fax # 941-929-7421	Fax #		





WESTERN HARBOR WALL BUFFER ACCESS DETAIL
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

ATTACHMENT B

PREPARED BY:

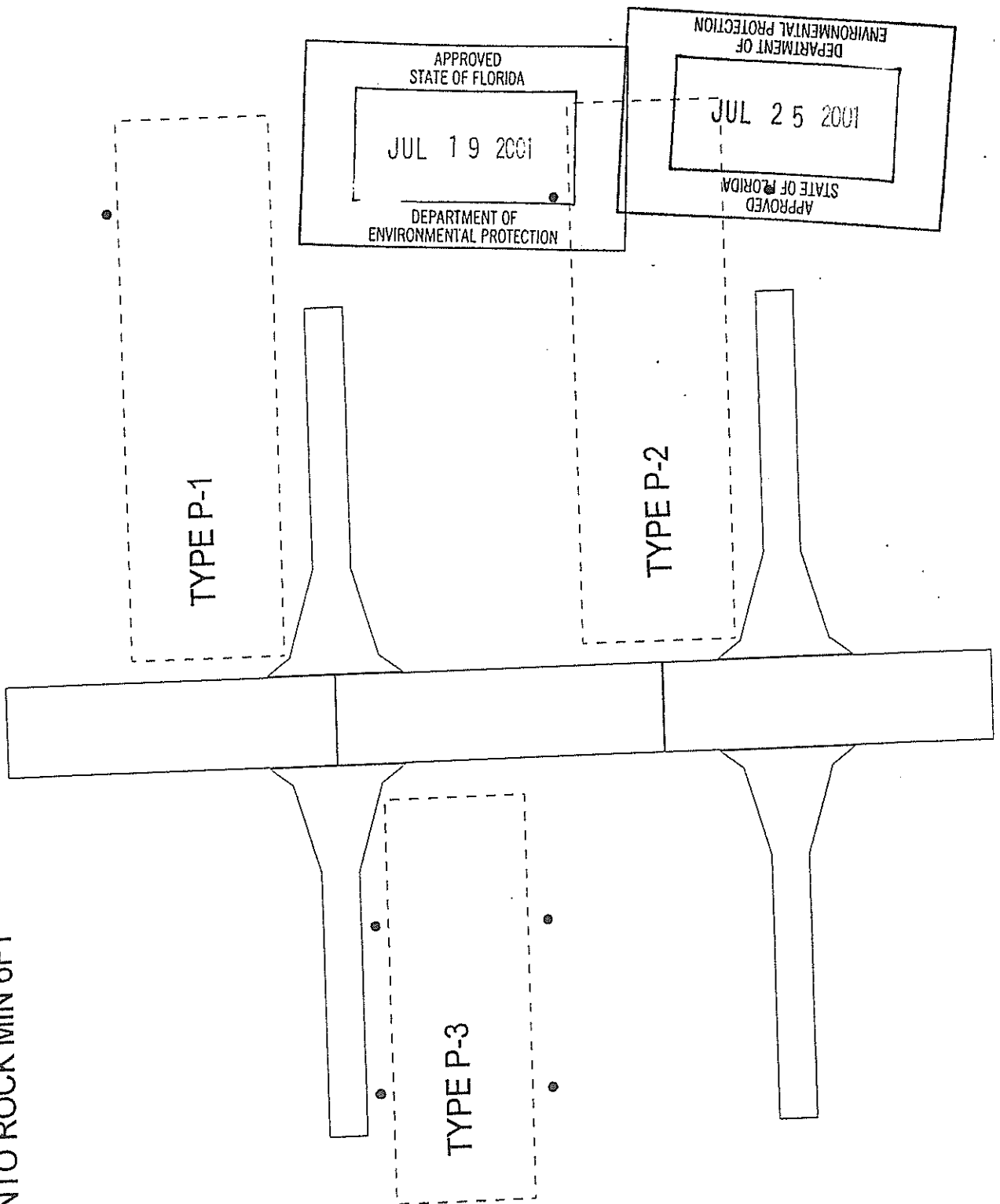
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

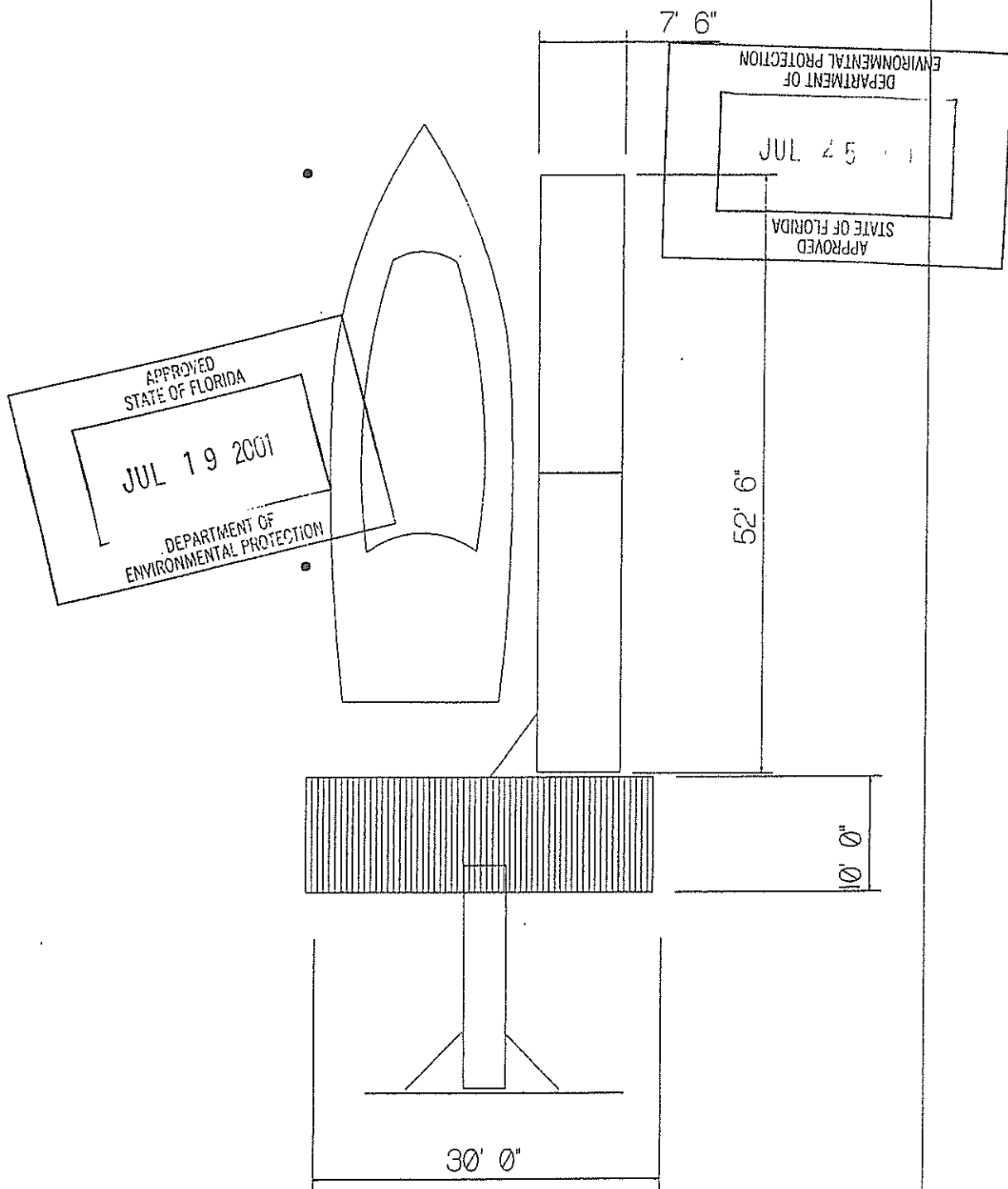
...|BUFFER WALL.dgn 06/13/01 03:00:00 PM

PILING:

8" OR 10" 2.5 CCA
PVC WRAPPED TO ABOVE WATER LINE
DRILLED INTO ROCK MIN 6FT

TYPICAL PILE LOCATION TYPES
COMMUNITY DOCKS



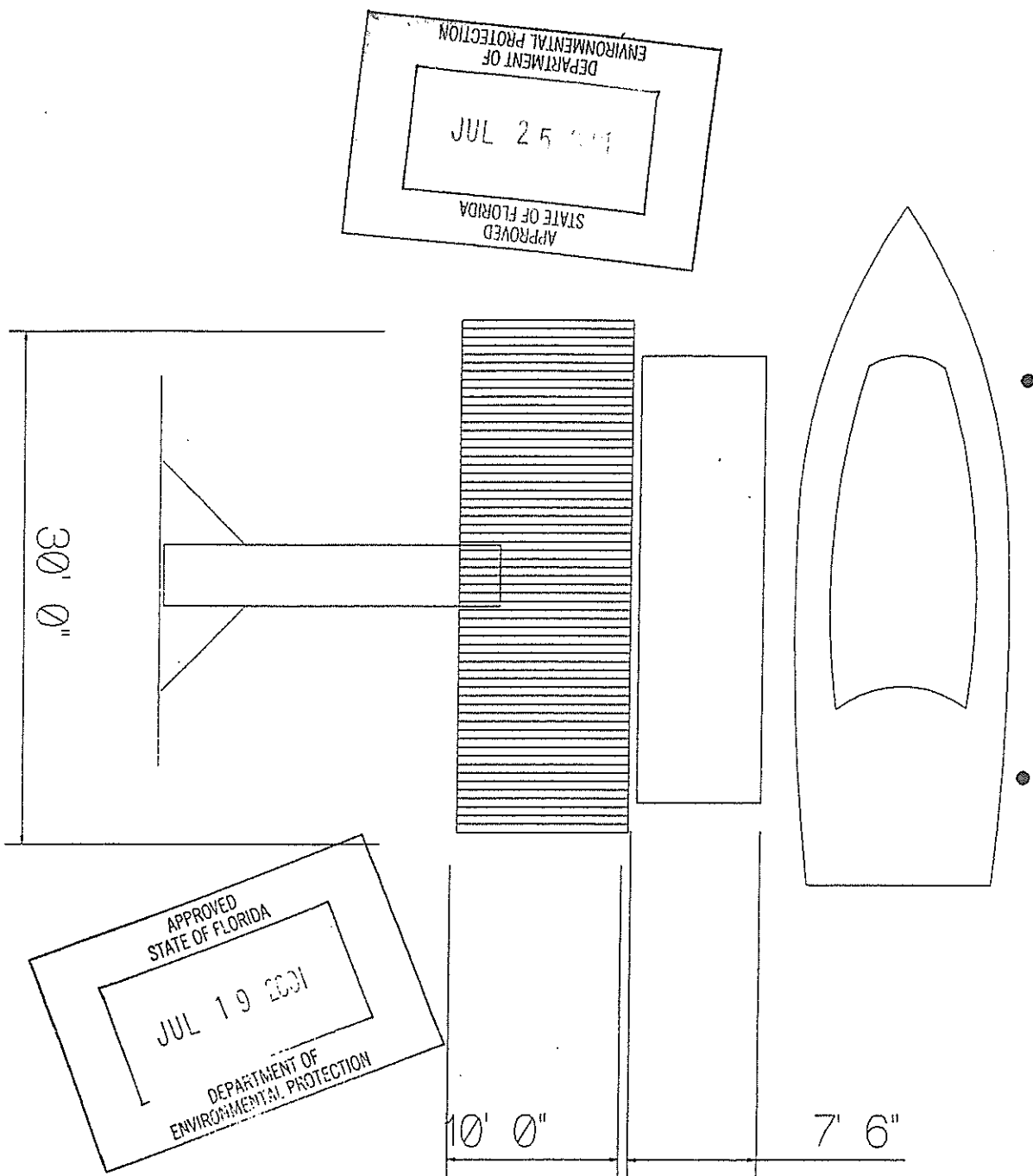


PILE LOCATION

TYPE B-2

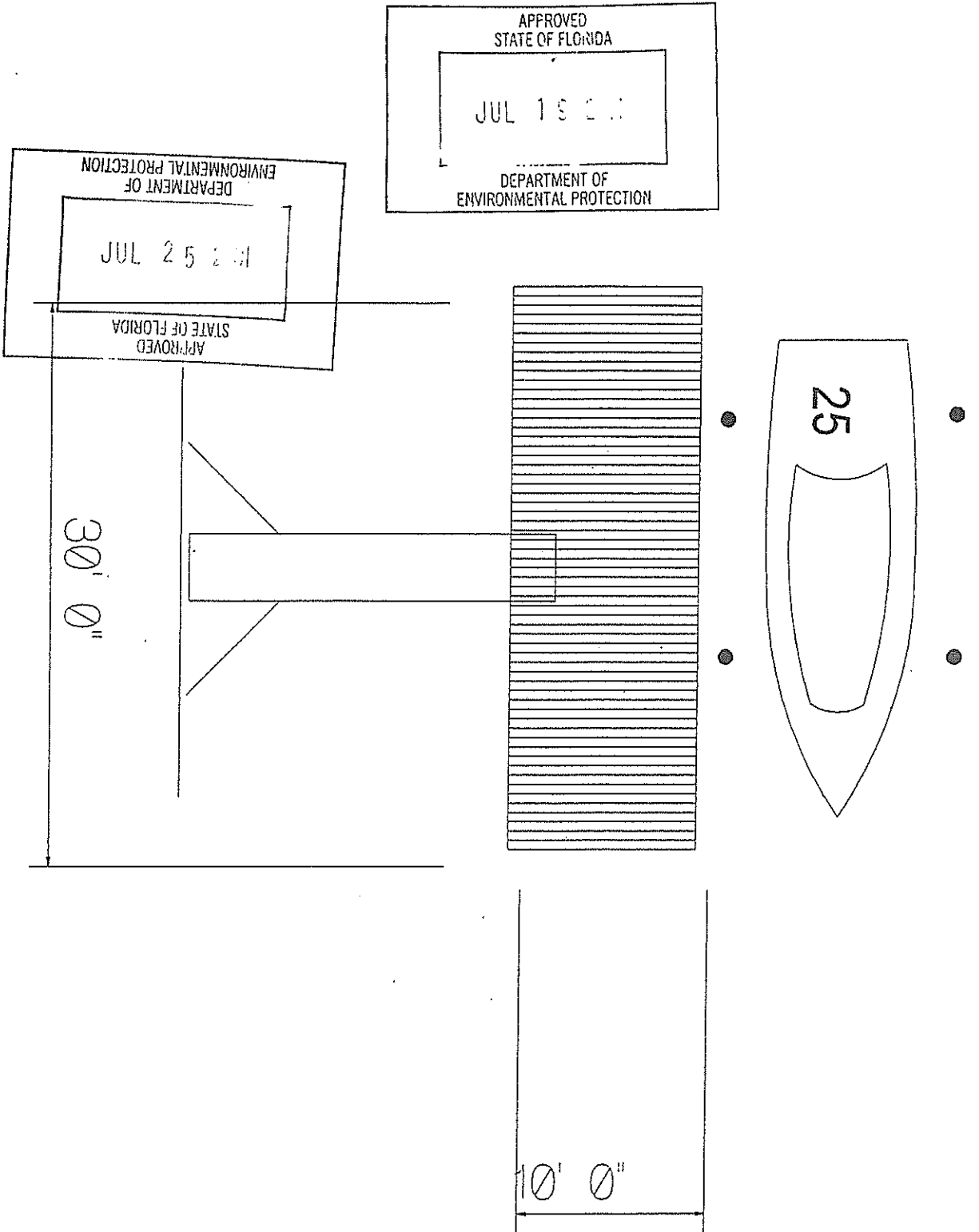
PILE LOCATION

TYPE D-2

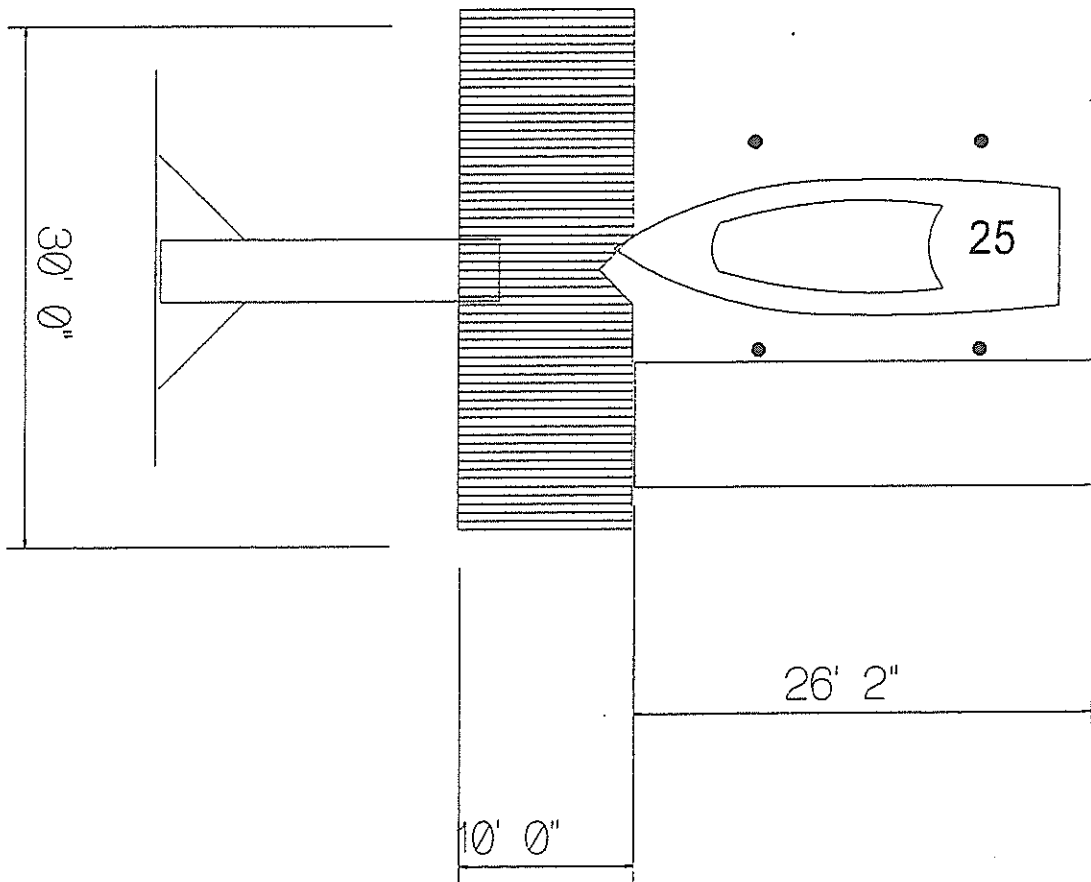


PILE LOCATION

TYPE F-1

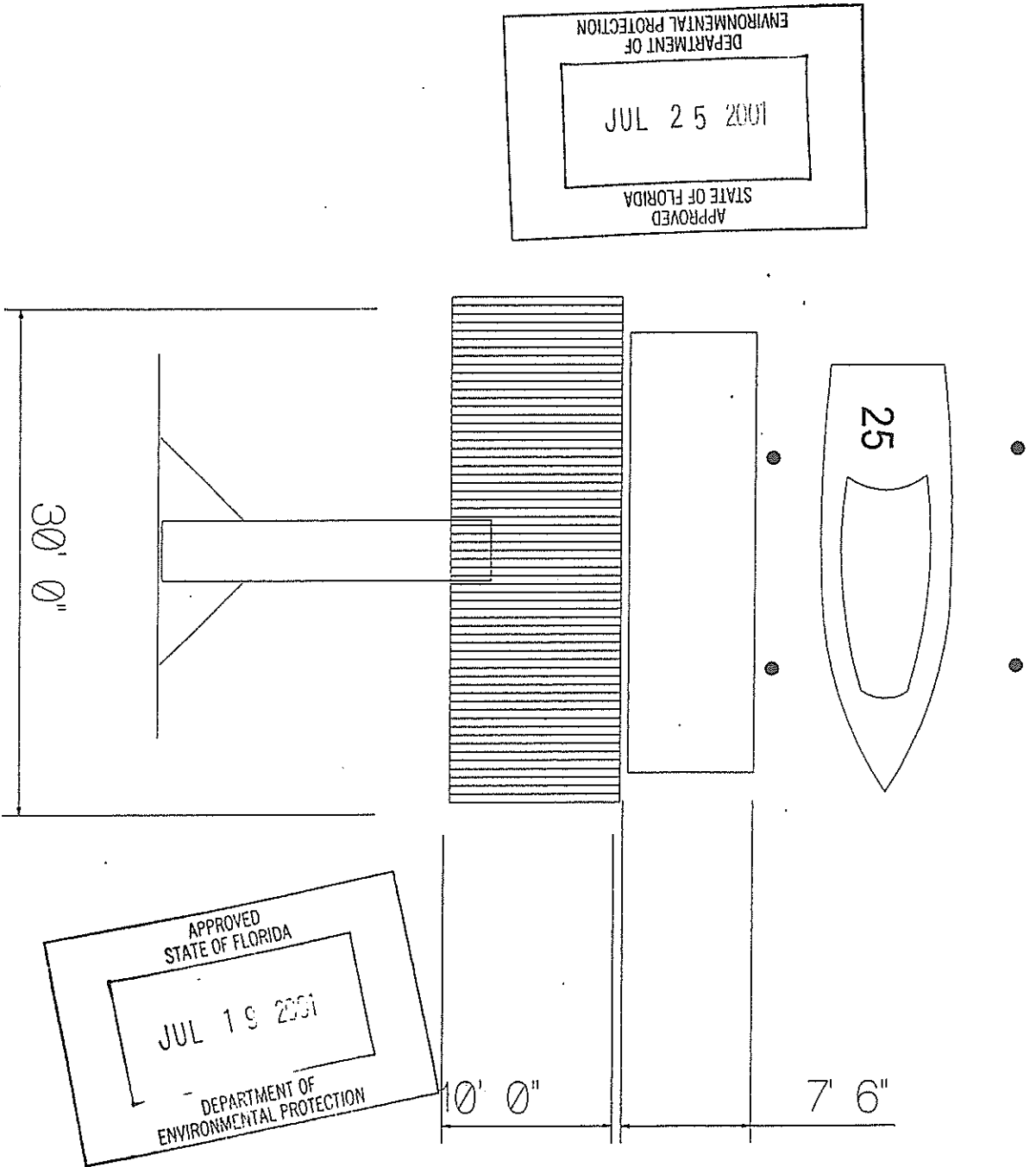


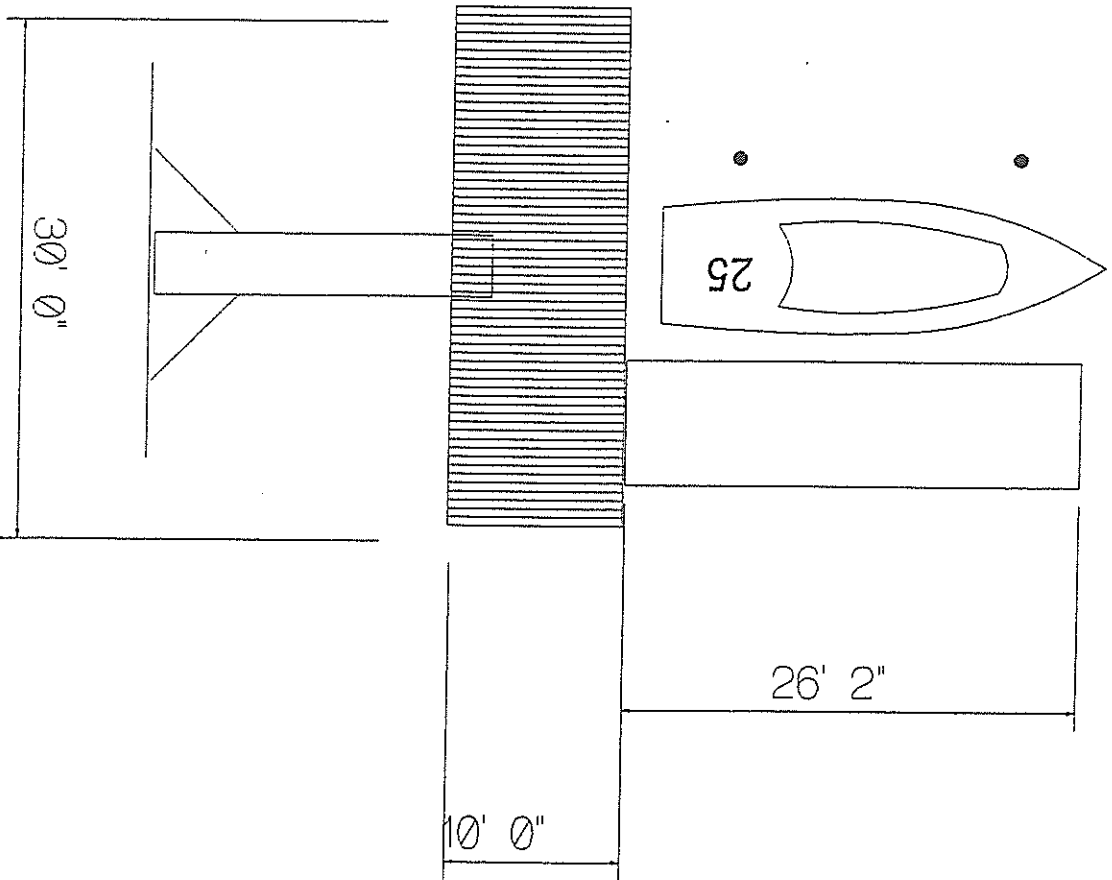
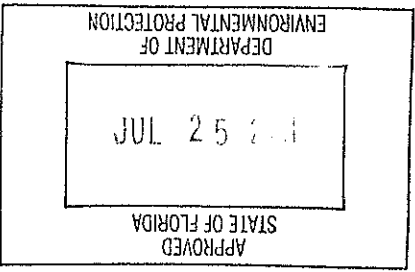
TYPE-E-1



PILE LOCATION

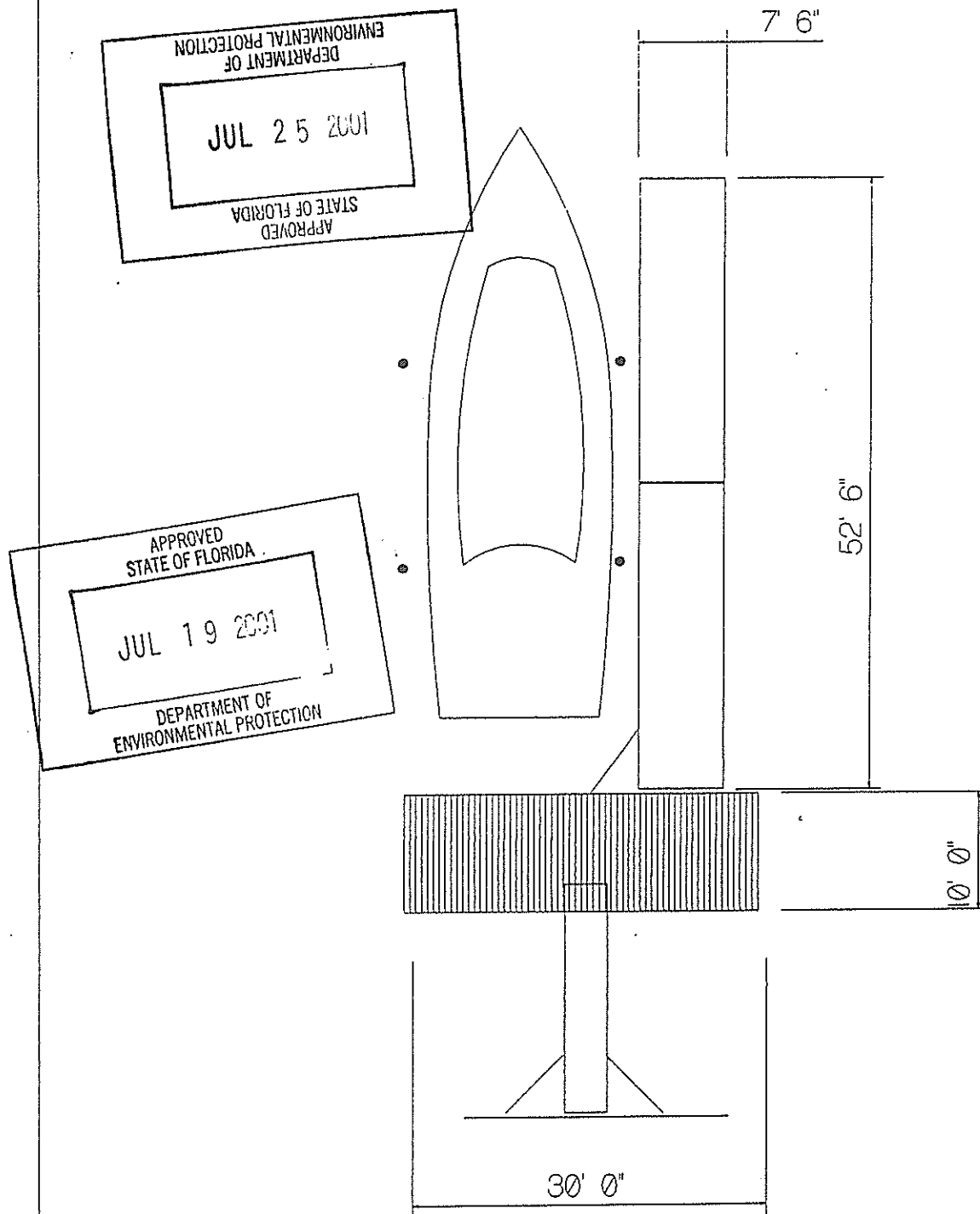
TYPE D-1





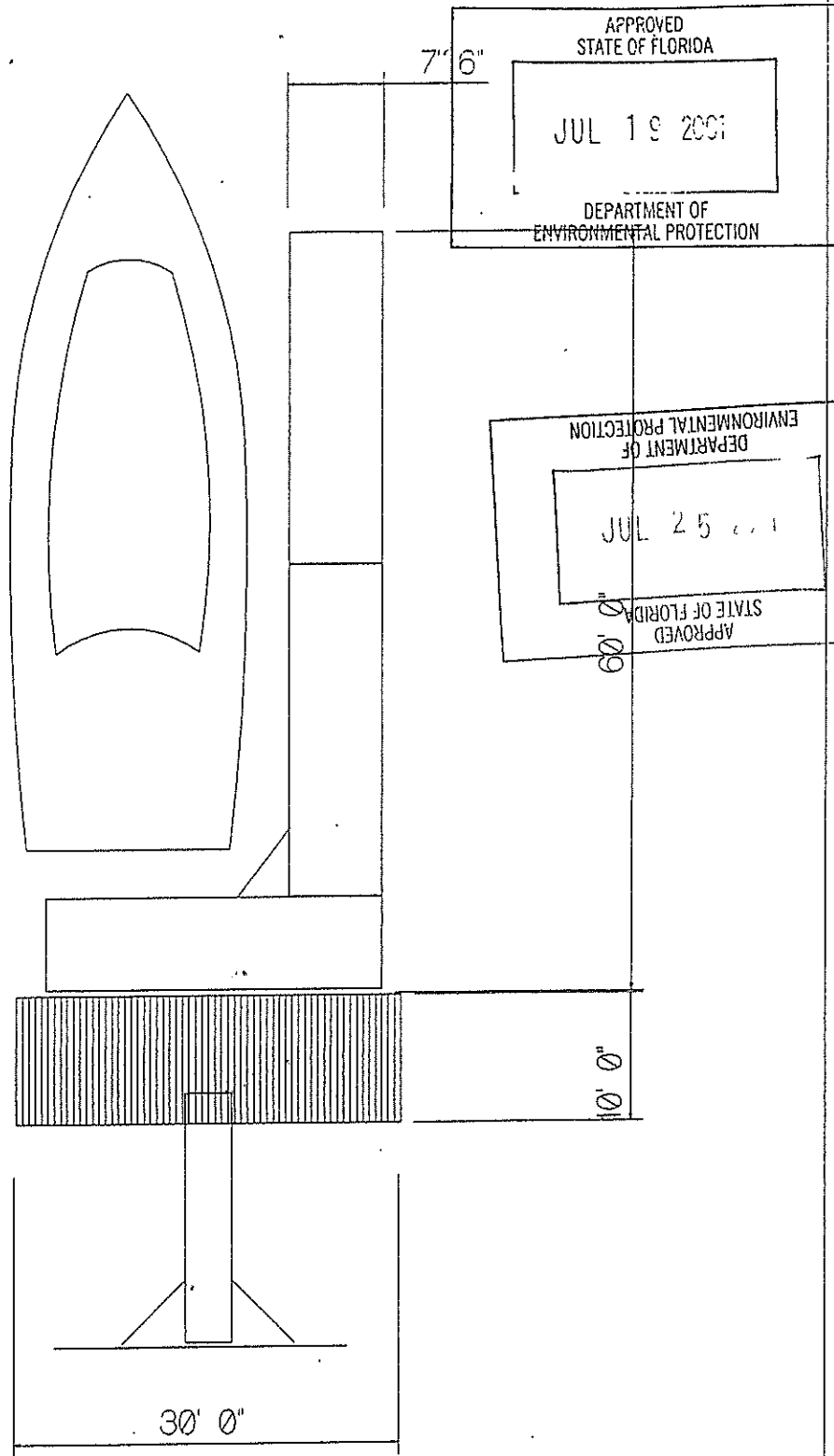
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TYPE E-2



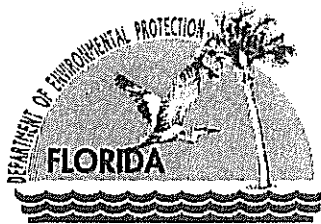
PILE LOCATION

TYPE B-1



PILE LOCATION

TYPE A-2



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Linda J. Svenson, W.C. Riviera Partners, L.C.
590 Haben Blvd.
Palmetto, FL 34221

Permit/Authorization Number:

41-01727573-001

Date of Issue: 12/18/00

AGENT:

Thomas F. Ries
Scheda Ecological Associates, Inc.
4013 East Fowler Ave.
Tampa, FL 33617

Expiration Date of Construction Phase:
12/18/05

Project: Commercial/Residential Marina

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

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

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

"More Protection, Less Process"

Printed on recycled paper.

Permittee: Linda J. Svenson
Permit No: 41-01727573-001
Page 2

This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 25 General Conditions and 57 Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

ACTIVITY DESCRIPTION:

The project consists of the construction of 279 slips at an existing marina facility under construction which has been previously authorized by the Department for a total build out of 400 slips.

ACTIVITY LOCATION:

The activity is located within a basin contiguous with the Manatee River, a Class III water, in Sections 13 & 24, Township 34 South, Range 17 East, adjacent to 590 Haben Blvd., Palmetto, Manatee County.

PROPRIETARY GENERAL CONSENT CONDITIONS

1. No activities other than those set forth in the permit are authorized. Any additional activities on state-owned sovereignty, submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.

2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances of illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of public health, safety and welfare. The premises are subject to an inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns, to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (3) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to

remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

GENERAL CONDITIONS:

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently

ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for

Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

21. 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 section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

1. The permittee shall notify the Department in writing at least 14 days prior to commencing the work authorized in this permit (see General Condition #11).

2. Submittals required herein shall be directed to:

Department of Environmental Protection
Environmental Administrator
Environmental Resource Management
Southwest District
3804 Coconut Palm Dr.
Tampa, FL 33619

hereafter referred to as "the Department". Submittals include, but are not limited to, record drawings, progress reports, mitigation monitoring reports and water quality monitoring reports.

Submittals shall include the permittee's name and permit number.

3. The permittee shall be aware of and operate under #1 through #25 of the attached General/Limiting Conditions for Environmental Standard General and Individual Permits". General/Limiting Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

4. This permit only authorizes the construction of the subject 279 slips indicated in application drawings. The conditions and requirements of the original permit and modifications (Attachment A) shall be implemented and adhered to. This shall include but not be limited to mitigation, monitoring, reporting and contingency requirements.
5. Full size drawings M128-001, M128-002, and M128-003 shall be made a part of this permit.
6. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
7. The permittee shall notify the Department in writing within 14 days of change in agents designated in the approved permit application.
8. If the approved permit, drawings and the Specific Conditions contradict each other, then the Specific Conditions shall prevail.
9. Progress reports for the project shall be submitted to the Department beginning January 1, 2001, and shall continue to be submitted on a quarterly basis until permitted construction of the permitted project and mitigation creation is completed. The cover page shall indicate the permit number, project name and the permittee name. Progress reports must be submitted to the Department if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the following quarter.

The report shall include the following information:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description and extent of the work (i.e., dredge, fill, monitoring, mitigation, management, maintenance) completed since the previous report or since the permit was issued. Show on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of the work (i.e. dredge, fill, monitoring, mitigation, management, maintenance) anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.
- d. The progress of the permitted mitigation program. The reports shall include; photographs taken from the permanent stations, some of which must be in the vegetation sampling areas, a description of problems encountered and solutions undertaken, and anticipated work for the next six months.
- e. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

10. The permittee is responsible for retaining a professional engineer registered in the State of Florida to certify the construction of the project is in compliance with the approved permit plans.
11. Drawings, record drawings, land surveys and as-built surveys required herein shall be certified by a Professional Engineer or Registered Land Surveyor, as appropriate, registered in the State of Florida.
12. The permittee shall submit two copies of signed, dated and sealed as-built drawings to the Department within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer.

The following information shall be verified on the as-built drawings:

<u>Plan View/Cross-Section</u>	<u>Page Number</u>
Plan View-Master Layout	M128-001

13. Storage or stockpiling of tools, materials (i.e., lumber, pilings, debris.) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit is not allowed. 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.
14. Wetland areas or water bodies which are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until dredging and filling is completed, disturbed areas are stabilized, and water quality standards are complied with. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.
15. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the facility.
16. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.
17. Boat repair facilities are not allowed.
18. Hull cleaning, painting or other external maintenance shall not be allowed at the permitted facility.
19. There shall be no mooring of any watercraft at locations other than the designated slip areas along the authorized structure at the subject property as indicated on the attached approved drawings.

20. Turbidity curtains shall be utilized during pile installation to localize any turbidity generated. Curtains shall remain in place until generated turbidity has subsided.
 21. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.
 22. No more than one watercraft shall be moored at each of the authorized residential slips.
 23. Fish cleaning stations on structures over the water are not allowed.
 24. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull cleaning, hull painting, and discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal based bottom paints associated with hull scraping, cleaning, and painting. Minor repairs and boat maintenance that will not cause or contribute to the release of water pollutants, and which are performed by owners or qualified marine mechanics, shall be allowed.
 25. Sewage pumpout services shall be provided at the marina facility. The permittee shall ensure marina personnel, who have been trained to operate the sewage pump-out facilities are available to assist boaters in operating the facilities during standard business hours (at a minimum) for the life of the facility.
 26. The slips shall not be occupied by liveaboards. A liveaboard is defined as a boat inhabited by a person or persons for any 4 nights within a 30-day period. Inclusion of liveaboard slips will require a modification to the permit. This condition shall supercede the definition of liveaboard indicated in the original permit Specific Condition No. 16.
 27. The executed conservation easement is attached to this permit. If the project for which this permit was obtained will not be accomplished for some reason, then pursuant to the provisions of Section 706.06(4), F.S., the conservation easement shall be released by the grantee. In order to receive the release, the permittee must show that the following conditions have been met:
 - a. The permit is no longer required or has expired, and
 - b. None of the authorized work has occurred.
- The permittee must waive, in writing, all rights under the permit in exchange for the release. The release will be effected as a part of the surrender. The release shall be provided in recordable form.
29. The approved Conservation Easement shall be recorded with the Clerk of Manatee County Court within 14 days of the issuance date of this permit.
 30. A certified copy of the recorded Conservation Easement shall be submitted to the Department within 30 days of the recorded date.

31. Permanent signs shall be placed at the landward edge of all Conservation Easement areas. Permanent signs shall consists of ¾-inch diameter aluminum posts, driven 30 inches into the ground and extending 3 feet above the ground with a highly visible aluminum sign (12 in by 12 in) bolted to the post. The sign should read:

WETLAND CONSERVATION AREA
LAND & DRAINAGE ALTERATION
ACTIVITIES PROHIBITED

and shall include the Department's local phone number to be called if information is needed regarding the easement restricted activities as listed in the Conservation Easement document. The permanent signs as described above shall be posted at 100 ft. intervals and in conspicuous locations throughout the Conservation Easement area(s). All signs shall be installed within 90 days of the signature date of this permit (or Consent Order).

32. Activities exempted pursuant to Chapters 403 and 373, F.S., and F.A.C. Rules 62-312 and 40D-4, are prohibited within the areas placed in Conservation Easement.

33. The permittee shall implement and adhere to the recommendations/requirements of Attachment B as required by the Florida Fish and Wildlife Conservation Commission's Bureau of Protected Species Management for manatee protection.

34. In order to provide protection to manatees during the operation of this facility, permanent manatee information and/or awareness sign(s) will be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The signs shall be installed prior to the facility opening and beginning operations, shall be replaced in the event the signs fade or become damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. The number, type and procedure for sign installation shall be in accordance with the attachment "Permanent Manatee Signs". This attachment, which includes addresses for sign suppliers, can be obtained from the Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 (phone 904/922-4330).

35. The permittee/grantee/lessee shall ensure that:

a. The lessee/grantee/contractor shall instruct personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. The lessee/grantee/contractor are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).

b. The lessee/grantee/contractor is advised of civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The lessee/grantee/contractor may be held responsible for any manatee harmed, harassed, or killed as a result of neglect or intentional activities related to construction/dredging.

- c. The prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees prior to commencement of construction. Signs are to be removed by the permittee upon completion of the construction project.
- d. A sign measuring at least 8 1/2" x 11" which reads "Caution: Manatee Habitat. Idle Speed is Required If Operating A Vessel In The Construction Area" will be placed at vessel control stations or in a prominent location visible to employees operating the vessels (example enclosed). A second sign (at least 8 1/2" x 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Comes Within 50 Feet of Operation" will be placed at dredge operator control stations and also be prominently located adjacent to the displayed issued construction permit (example enclosed).
- e. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. Signs are to be removed by the lessee/grantee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads "Caution: Manatee Area" will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (904-232-2580) for north Florida or in Vero Beach (407-562-3909) for south Florida.
- f. A sign measuring at least 3' x 4' which reads "Caution: Manatee Area" will be posted on shore in a location prominently visible to land based, water-related construction crews (can be obtained from the sign suppliers) if a vessel is not utilized for the work project. A second sign (at least 8 1/2" x 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Come Within 50 Feet of Operation" will be placed at all dredge operator control stations and also be located prominently adjacent to the displayed issued construction permit (example enclosed).
- g. The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees if they occur during the contract period. A report summarizing sightings and incidents shall be submitted to the Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 and to the U.S. Fish and Wildlife Service Office, 6620 South Point Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted annually or following the completion of the project if the contract period is less than a year. Contact the BPSM at (904)922-4330 if there are questions regarding these standard construction conditions.
- h. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from an essential habitat.

- i. Vessels associated with the project must operate at "no wake/idle speed" when in construction areas and when in waters where the draft of the vessel provides less than a four foot clearance from the bottom. Vessels shall follow routes of deepwater whenever possible.
- j. Appropriate precautions shall be implemented to ensure protection of the manatee if seen within 100 yards of the active daily construction/dredging operation or vessel movement. These precautions shall include the operation of moving equipment no closer than 50 feet of a manatee. Operation of equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition
- k. Collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367) and the U.S. Fish and Wildlife Service, Jacksonville Office (904)-352-2580 for North Florida and to the Vero Beach Field Office (407)-562-3909 for South Florida.

END OF SPECIFIC CONDITIONS

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Bob Stetler
Environmental Administrator
Environmental Resource Management

Copies furnished to:

DEP, Office of General Counsel
Mary Duncan, FFWCC
U.S. Army Corps of Engineers
Florida Marine Patrol
Department of Community Affairs
Doug Means, Manatee County

Permittee: Linda J. Svenson
Permit No: 41-01727573-001
Page 14

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on December 18, 2000 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

Date

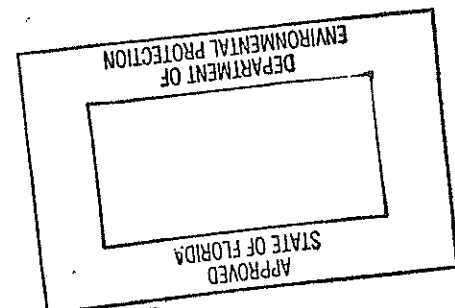
Robinson 12/18/00

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

41-0172757

JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT

RECEIVED
OCT 02 2000
SWFWMD DIST. 10
U.S. ARMY CORPS OF ENGINEERS





ENVIRONMENTAL RESOURCE
PERMIT APPLICATION

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

2379 BROAD STREET • BROOKSVILLE, FL 34609-6899
(904) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

RECEIVED
OCT 02 2000
SWFWMD

FOR AGENCY USE ONLY

ACOE Application # _____
Date Received _____
Proposed Project Latitude _____
Proposed Project Longitude _____

DEP/WMD Application # _____
Date Received _____
Fee Received \$ _____
Fee Receipt # _____

SECTION A

41-0172757

PART 1:

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters?

☒ yes ☐ no

Is this application being filed by or on behalf of an entity eligible for a fee reduction? ☐ yes ☒ no

PART 2:

A. Type of Environmental Resource Permit Requested (check at least one)

- ☐ Noticed General - include information requested in Section B.
☐ Standard General (single family dwelling)-include information requested in Sections C and D.
☒ Standard General (all other projects) - include information requested in Sections C and E.
☐ Standard General (minor systems) - include information requested in Sections C and H.
☐ Standard General (borrow pits) - include information requested in Sections C and I.
☐ Individual (single family dwelling) - include information requested in Sections C and D.
☐ Individual (all other projects) - include information requested in Sections C and E.
☐ Individual (borrow pits) - include information requested in Sections C and I.
☐ Conceptual - include information requested in Sections C and E.
☐ Mitigation Bank (construction) - include information requested in Section C and F.
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit listed above, check the appropriate box and submit the information requested by the applicable section.)
☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

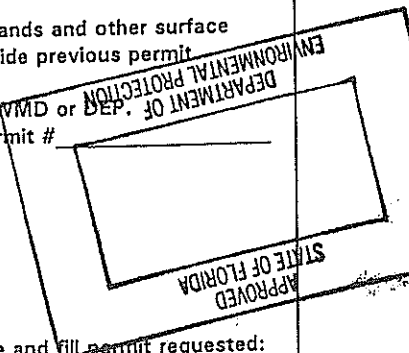
B. Type of activity for which you are applying (check at least one)

- ☒ Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters. (If reapplying for an expired, denied or withdrawn permit/ application, please provide previous permit # _____.)
☐ Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP. Provide previous permit # _____
☐ Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # _____ and check applicable modification type.
☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system
☐ Construction of additional phases of a system ☐ Removal of a system

C. Are you requesting authorization to use State Owned Submerged Lands. ☐ yes ☒ no
If yes, include the information requested in Section G.

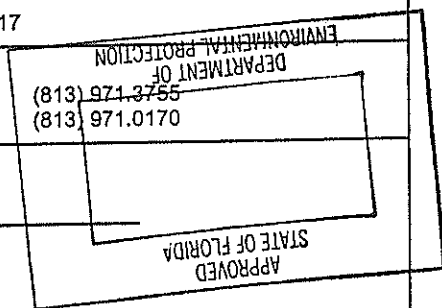
D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
☐ Individual ☐ Programmatic General ☐ General ☐ Nationwide ☒ Not Applicable

E. Are you claiming to qualify for an exemption? ☐ yes ☒ no
If yes, provide rule number if known _____.



41-0172757

PART 3: A. OWNER(S) OF LAND		B. APPLICANT (IF OTHER THAN OWNER)	
NAME Linda J. Svenson		NAME	
COMPANY AND TITLE W.C. Riviera Partners, L.C.		COMPANY AND TITLE	
ADDRESS 590 Haben Boulevard		ADDRESS	
CITY, STATE, ZIP Palmetto, FL. 34221		CITY, STATE, ZIP	
TELEPHONE (941)722.2690 FAX (941)729.9421		TELEPHONE () FAX ()	
C. AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)		D. CONSULTANT (IF DIFFERENT FROM AGENT)	
NAME		NAME Thomas F. Ries	
COMPANY AND TITLE		COMPANY AND TITLE Scheda Ecological Associates, Inc.	
ADDRESS		ADDRESS 4013 E. Fowler Ave.	
CITY, STATE, ZIP		CITY, STATE, ZIP Tampa, FL. 33617	
TELEPHONE () FAX ()		TELEPHONE (813) 971.3755 FAX (813) 971.0170	
PART 4: PROJECT INFORMATION A. Name of project, including phase if applicable: <u>Riviera Dunes Resorts Project</u> B. Is this application for part of a multi-phase project? ☐ yes ☒ no C. Total applicant-owned area contiguous to the project: <u>180</u> acres D. Total project area for which a permit is sought: <u>80</u> acres E. Total impervious area for which a permit is sought: <u>0</u> acres F. Total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters: <u>80</u> acres or <u> </u> square feet (<u> </u> hectares or <u> </u> square meters) G. Total number of new boat slips proposed: <u>300</u> * *400 currently approved, 100 anticipated to be constructed prior to expiration of the FDEP permit			



41-0172757

PART 5: PROJECT LOCATION (use additional sheets, if needed)

County(ies) Manatee

Section(s) 13 & 24 Township 34 S Range 17E

Section(s) _____ Township _____ Range _____

Land Grant name, if applicable N/A

Tax Parcel Identification Number _____

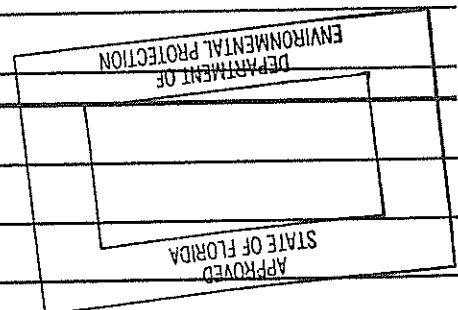
Street address, road, or other location 590 Haben Blvd

City, Zip Code, if applicable Palmetto, FL 34221

PART 6: DESCRIBE IN GENERAL TERMS THE PROPOSED PROJECT, SYSTEM, OR ACTIVITY.

Construction of 300 slips within the former dolomite pit. The applicant currently is authorized to construct 400 slips under DER 411783719 which has been modified to be composed of 100% power boat under 58-01476173-002. At this time, it is anticipated that only 100 slips can be constructed within the permit period (expiration date is 2-26-2001). Therefore, the applicant is requesting authorization to construct the balance of 300 slips (already approved under the current permit) to total 400 slips.

The applicant also has an active USACOE permit (90IPDB - 02057) which was recently modified to address the boat slip composition of 100% power boats and was extended for an additional year (till 1-16-2002).



41-0172757

PART 7:

- A.** If there have been any pre-application meetings for the proposed project, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

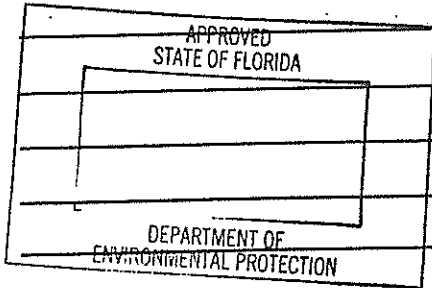
Date(s)	Location(s)	Names
9-11-00	FDEP Tpa office	Rose Poynor, Randy Cooper
		Linda Svenson, Thomas Ries, Alex Azman

- B.** Please identify by number any MSSW/WRM (dredge & fill)/ERP/ACOE permits or applications pending, issued or denied and any related enforcement actions at the proposed project site.

Agency	Date	Number/ Type	Action Taken
FDER	2-26-1991	411783719	Approved permit (active)
USACOE	1-16-1991	90IPDB-02057	Approved permit (active)
USACOE			
FDEP	9-25-2000	58-01476173-002	Approved permit (active)

- C.** Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant) and/or is located within a 500 foot radius of the project boundary (for proprietary authorizations, if any). Please provide a drawing identifying each owner and adjoining property lines. (Use additional sheets, if needed).

1. <u>Ohio Transfer Company</u>	2. <u>Manatee School Of Arts</u>
<u>2001 US Hwy 301</u>	<u>700 Haben Blvd.</u>
<u>Palmetto, FL. 34221</u>	<u>Palmetto, FL. 34221</u>

3. <u>Manatee Civic Center</u>	4. 
<u>1 Haben Blvd</u>	
<u>Palmetto, FL. 34221</u>	

5. _____	6. _____
_____	_____
_____	_____
_____	_____

41-0172757

PART 8:

- A. By signing this application form, I am applying, or I am applying on behalf of the owner or applicant, for the permit and/or proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true complete and accurate. I understand that knowingly making any false statement or representation in the application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001. I understand this is an application and not a permit and work prior to approval is a violation. I understand that this application and any permit or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the owner or applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity.

W.C. RIVIERA PARTNERS, LC

Typed/Printed Name of Owner, Applicant or Agent

Managing Member

Corporate Title, if applicable

Linda G. Svenson

Signature of Owner, Applicant or Agent

9/28/00

Date

B. AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above.

Typed/Printed Name of Owner or Applicant

Corporate Title, if applicable

Signature of Owner or Applicant

Date

C. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Southwest Florida Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor authorized work if a permit is granted.

W.C. RIVIERA PARTNERS, LC

Typed/Printed Name

APPROVED
STATE OF FLORIDA

Managing Member

Corporate Title, if applicable

Linda G. Svenson

Signature

9/28/00

Date

- D. I certify that the engineering features of this surface water management system have been designed by me or under my responsible charge and in my professional opinion conform with sound engineering principles and all applicable rules and specifications. I further agree that I or my engineering firm will furnish the applicant/permittee with a set of guidelines and schedules for maintenance and operation of the surface water management system.

By: _____
Signature of Engineer of Record

Name (please type) FL P.E. No.

• AFFIX SEAL •

Company Name

Date: _____

Company Address

Phone: _____

City, State, Zip

41-0172757
 TABLE
 DOCKING FACILITY SUMMARY

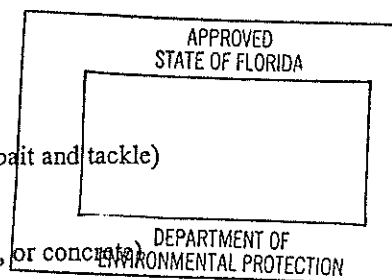
Type of Structure*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet)	Total square feet over water	Number of slips
Dock	New	123	26	8	Floating N/A	25,584	28
Dock	New	24	26	10	"	6,240	--
Finger Pier	New	14	25	3	"	1,050	10
"	New	60	30	4	"	7,200	94
"	New	61	35	4	"	8,540	96
"	New	15	40	4	"	2,400	4
Private	New	45	Varies*	Varies*	"	31,500	47
*Dock, Pier, Finger Pier, or other structure (please specify what type) **New, Replaced, Existing (unaltered), Removed, or Altered/Modified				TOTALS:	Existing		Proposed
				Number of Slips	121		279
				Square Feet over the water	17,576		82,514

Use of Structure:

Docking

Will the docking facility provide:

Live-aboard Slips? If yes, Number: No
 Fueling Facilities? If yes, Number Yes (4101783719)
 Sewage Pump-out Facilities? If yes, Number: Yes (4101783719)
 Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☐ Yes ☒ No



Type of Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings 14" concrete
 Decking Concrete (floating)
 Proposed Dock-Plank Spacing (if applicable) N/A

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring at the facility)
 20-60" up to 5' draft - 279 new slips (total 400 per 4101783719)

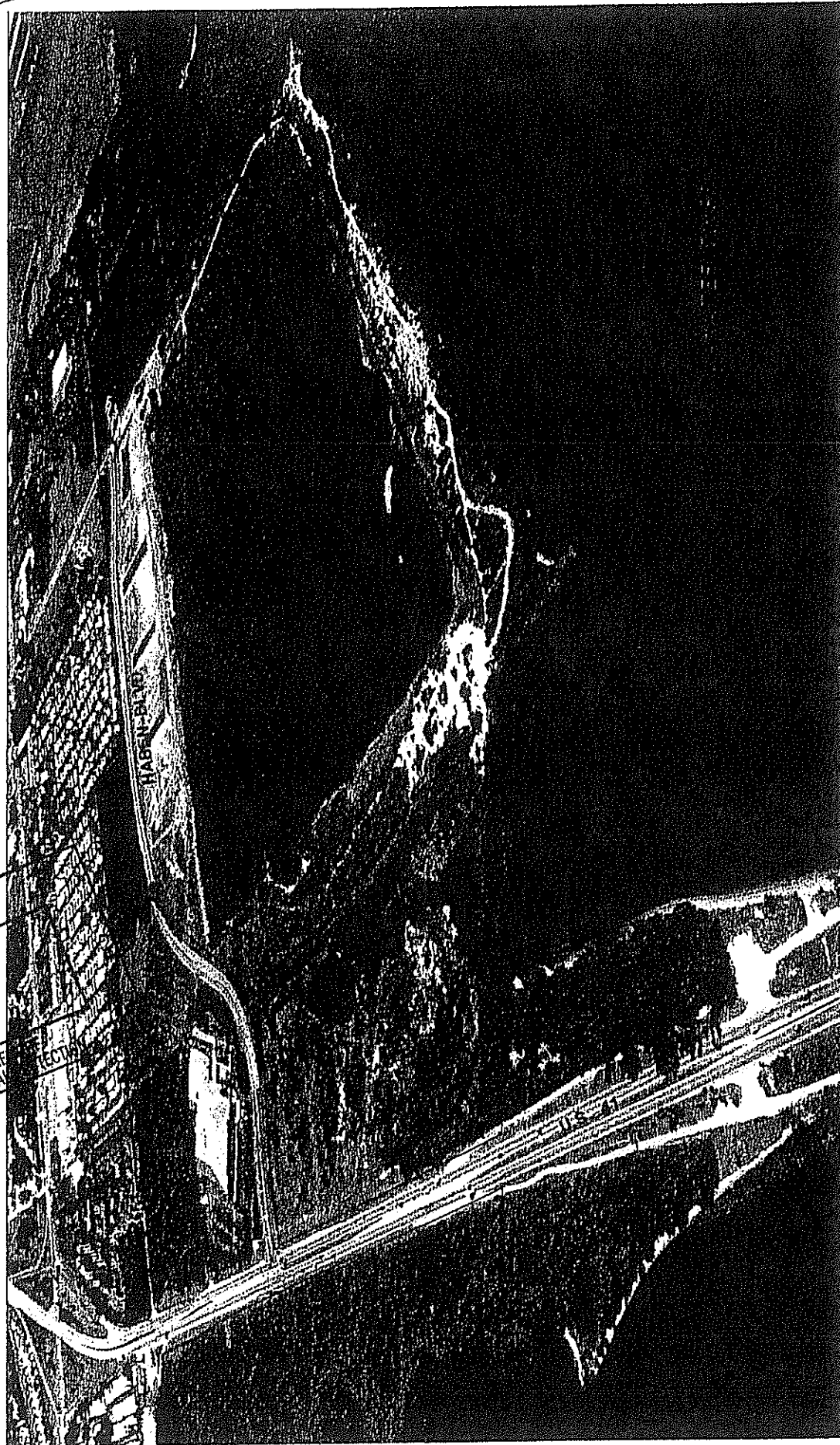
* Varies depending upon which dock style is chosen from the 6 types approved by FDEP (Average 700 ft²).

D.E.P.

OCT 27 2000

Southwest District Tampa

APPROVED
STATE OF FLORIDA
DEC 1998
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Date of Photograph: 8/24/98

George F. Young, Inc.



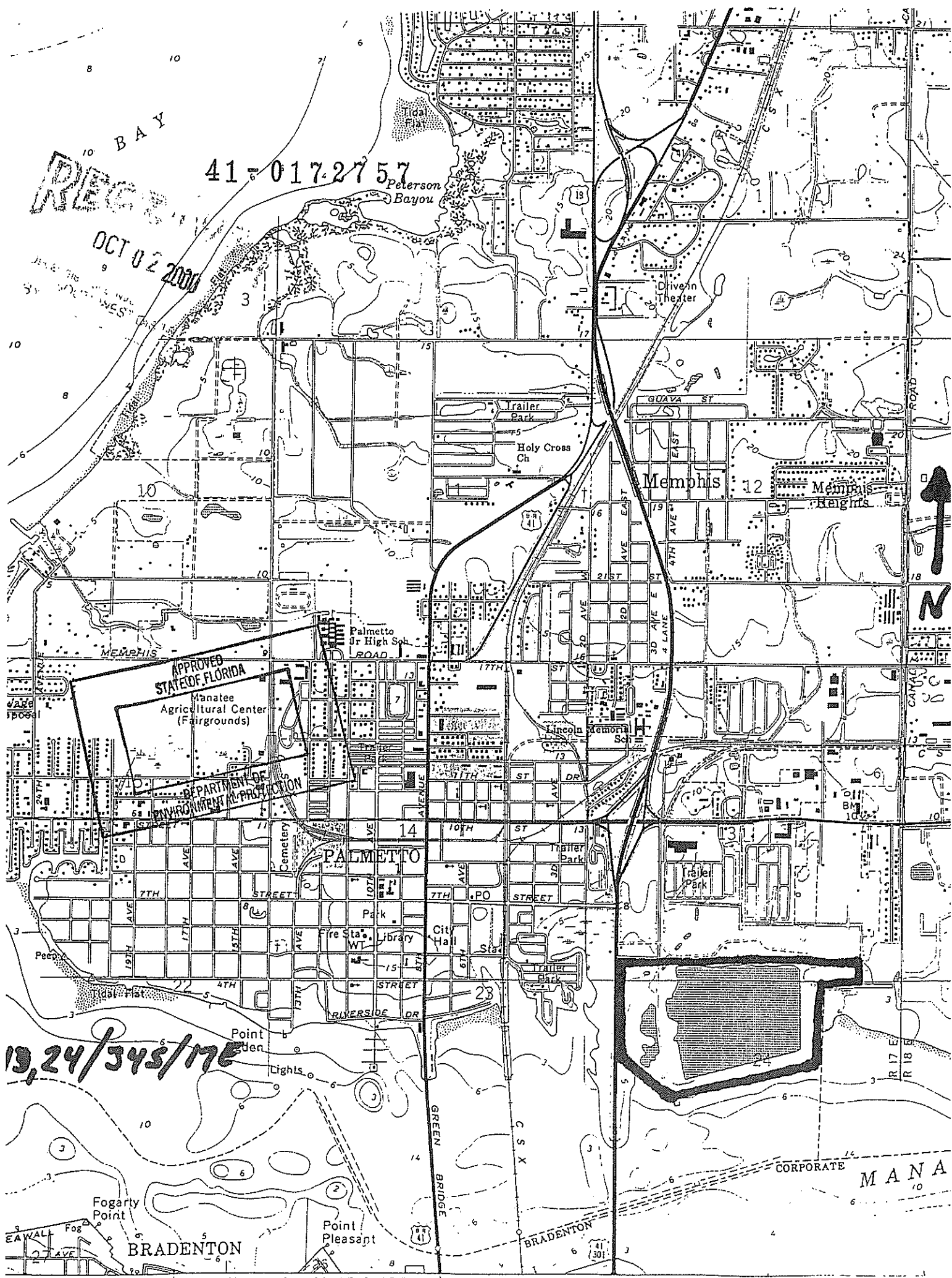
RIVIERA DUNES 41-0172757
CITY OF PALMETTO, FLORIDA
AERIAL MAP



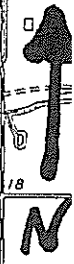
10 BAY
REC-2

41-0172757

OCT 02 2001



13, 24/345/17E



BRADENTON

CORPORATE MANANA



ENVIRONMENTAL RESOURCE
PERMIT APPLICATION

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

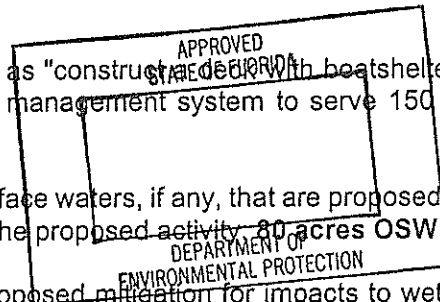
2379 BROAD STREET • BROOKSVILLE, FL 34609-6899
(904) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

SECTION C
ENVIRONMENTAL RESOURCE PERMIT NOTICE OF RECEIPT OF APPLICATION

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments. PLEASE SUBMIT ALL INFORMATION ON 8 1/2" BY 11" PAPER.

Project Name: Riviera Dunes Resorts Project **41-0172757**
County: Manatee
Owner: Riviera Dunes Resorts, Inc.
Applicant: Linda Svenson
Applicant Address: 590 Haben Boulevard Palmetto, FL 34221

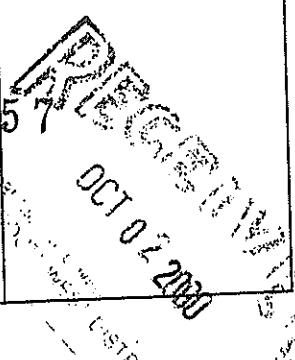
1. Indicate the project boundaries on a USGS quadrangle map, reduced or enlarged as necessary to legibly show the entire project. If not shown on the quadrangle map, provide a location map, that shows a north arrow, a graphic scale, Section(s), Township(s), and Range(s), and detail sufficient to allow a person unfamiliar with the site to find it. **Attached**
2. Provide the names of all wetland or other surface waters that would be dredged, filled, impounded, diverted, drained or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve: **N/A**
3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. The depiction must use a scale sufficient to show the location and type of works. **Attached**
4. Briefly describe the proposed project (such as "construct ~~staged with boatshelter~~", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development"): **Boat slip construction**
5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be disturbed, filled, excavated, or otherwise impacted by the proposed activity: **80 acres OSW (borrow pit)**
6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters: **N/A**



FOR AGENCY USE ONLY

Application Name: _____
Application Number: _____
Office where the application can be inspected: _____

NOTE TO NOTICE RECIPIENT: The information in this notice has been submitted by the applicant and has not been verified by the Southwest Florida Water Management District. It may be subject to change prior to final agency action.

	ENVIRONMENTAL RESOURCE PERMIT APPLICATION	41-0172757 
	SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT	
2379 BROAD STREET • BROOKSVILLE, FL 34609-6899 (904) 796-7211 OR FLORIDA WATS 1 (800) 423-1476		

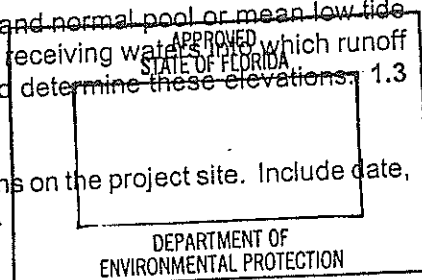
SECTION E

INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL (INCLUDING CONCEPTUAL) ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

The information requested below is for projects requiring either a standard general or individual environmental resource permit (ERP) not related to an individual, single family dwelling unit, duplex or quadruplex. Certain categories of information requested may not be applicable to all applications. In addition the level of detail required will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing more detail will reduce the need for additional information being requested at a later date. Please submit all information on paper no larger than 24" x 36".

A. Site Information

1. Provide a map(s) of the project area and vicinity delineating USDA/SCS soil types. **Attached**
2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial. **Attached**
3. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on-site wetland or surface water, including receiving water body which runoff will be discharged. Include date, datum, and method used to determine these elevations. **1.3 NGVD per existing permit**
4. Identify the wet season high water table at appropriate locations on the project site. Include date, datum, and method used to determine these elevations. **N/A**



B. Environmental Considerations

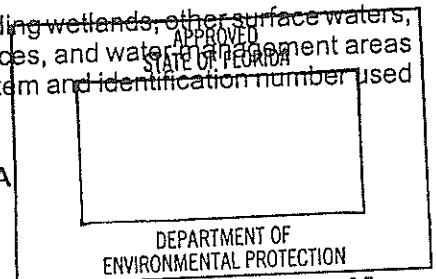
1. Provide results of any wildlife surveys that have been conducted on the site and any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission or the U.S. Fish and Wildlife Service (USF&W). **Surveys conducted 1997, attached**
2. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or remain undisturbed. **N/A**
3. Provide a narrative of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs. **N/A**
4. Describe how boundaries of wetlands or other surface waters were determined. If there has been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated informal determination, or a revalidated jurisdictional determination, provide the identifying number. **Attached**

5. Summarize impacts to wetlands and other surface waters:
- For all projects with wetlands or other surface waters on site, complete Table 1, 2 and 3, as applicable;
 - For docking facilities or other structures constructed over wetlands or other surface waters, complete Table 4;
 - For shoreline stabilization projects, complete Table 5.

C. Plans

Provide clear, detailed plans for the proposed system which include specifications, plan, cross-section and profile views of the proposed project. The plans must be signed and sealed by an appropriate registered professional as required by law. These plans should show or include the following, as applicable:

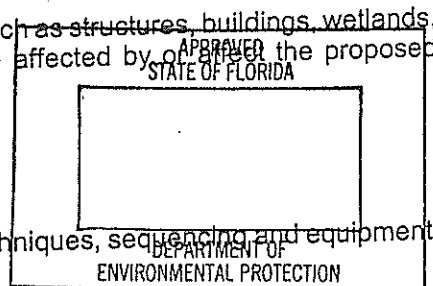
- Project and total land area boundaries, including distances and orientation from roads or other land marks. **N/A**
- Existing land use, land cover, and on-site natural communities, including wetlands, other surface waters, aquatic communities, and uplands (acreage and percentages). Use the USF&W Service's Classification of Wetlands and Deepwater Habitats of the United States for wetlands or other surface waters on the project site. Assign each wetland or other surface water a unique identification number which is consistent in all exhibits. **Borrow pit, FLUCCS 1632**
- Existing topography extending at least 100 feet off site and includes adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of mean high water (MHW) or seasonal high water, show water depths at mean low water (MLW) in tidal areas or normal pool in non-tidal areas. For docking facilities show the location, depths and access to the nearest navigational channel. **Attached**
- Floodplain boundary and approximate flooding elevations if the project is in the known floodplain of a stream or other water course. Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site. **N/A**
- Boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding wetland determination. **Attached**
- Proposed land use, land cover and natural communities, including wetlands, other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas (acreage and percentages). Use the same classification system and identification number used in C.2. above. **19 Marina**
- Proposed impacts to wetlands and other surface waters. **N/A**
- Locations of buffer zones abutting wetlands. **N/A**
- Pre and post-development drainage patterns and basin boundaries. Show the direction of flow, including any off-site runoff being routed through or around the system and connections between wetlands and other surface waters. **N/A**
- Location of all water management areas with details of size, side slopes and design water depths.
- Location and details of all water control structures, control elevations, any seasonal water level regulation schedules and the location and description of benchmarks (minimum of one benchmark per structure). **N/A**
- Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads and buildings. **Attached**
- Location, size and design capacity of the internal water management facilities. **N/A**



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14. Existing and proposed rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes. **N/A**
15. Receiving waters or surface water management systems into which runoff from the developed site will be discharged. **N/A**
16. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions. **Attached**
17. Location, grading, design water levels, and planting details of all mitigation areas. **N/A**
18. Site grading details, including perimeter grades. **N/A**
19. Temporary and permanent disposal sites for any excavated material. **N/A**
20. Details of the dewatering plan including: delineation of areas to be dewatered, location(s) of dewatering facilities and discharge. **N/A**
21. For marina facilities, location of any sewage pumpout facilities, fueling facilities, boat repair/maintenance facilities, and fish cleaning stations. **N/A**
22. Location and description of any existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by or adjacent to the proposed construction or development. **N/A**
23. Master development plan, for phased projects. **N/A**



Construction Schedule and Techniques

Provide a construction schedule and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

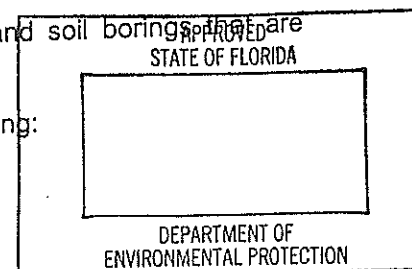
1. Method for installing any pilings, seawall slabs or riprap. **Attached**
2. Schedule of implementation of a temporary or permanent erosion and turbidity control measures. **N/A**
3. Method and type of material to be excavated for work in wetlands or other surface waters. **N/A**
4. Source and type of fill material to be used for work in wetlands and other surface waters. **N/A**
5. Dewatering plan including: duration of dewatering; the methods for containing the discharge, methods of isolating dewatering areas, and time dewatering structures will be in place. A Water Use permit may be required for dewatering. **N/A**
6. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge. **N/A**
7. Demolition plan for any existing structures to be removed. **N/A**
8. Provide the name and address of the person who will construct the proposed project. **On construction plans**
9. Identify the schedule and party responsible for completing construction monitoring, record drawings, and as-built certifications for the project. **On construction plans**

E. Drainage Information

1. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows: **N/A**

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- a. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
 - b. Seasonal high water table elevations including aerial extent and magnitude of any proposed water table drawdown;
 - c. Normal, wet season, and design storm elevations of receiving waters;
 - d. Design storms used including rainfall depth, duration, frequency, and distribution;
 - e. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
 - f. Stage-storage computations for any area such as a reservoir, close basin, detention, area, or channel, used in storage routing;
 - g. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
 - h. Flood routings through on-site conveyance and storage areas;
 - i. Water surface profiles in the primary drainage system for each required design storm event(s);
 - j. Runoff peak rates and volumes discharged from the system for each required design storm event(s);
 - k. Tail water history and justification (time and elevation);
 - l. Pump specifications and operating curves for range of possible operating conditions (if used in system).
2. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions. N/A
3. Provide the acreage and percentage of the total project, of the following:
- a. impervious surfaces, excluding wetlands;
 - b. pervious surfaces (green areas not including wetlands);
 - c. lakes, canals, retention areas, other open water areas;
 - d. wetlands.
4. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
- a. Hydraulic calculations for all proposed traversing works;
 - b. Backwater water surface profiles showing upstream impact of traversing works;
 - c. Location and volume of encroachment within regulated floodplain(s);
 - d. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.
5. Provide an analysis of the water quality treatment system including:
- a. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis;
 - b. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.
6. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.
- F. Operation and Maintenance and Legal Documentation**
1. Describe the overall maintenance and operation schedule for the proposed system.
 2. Identify the entity that will be responsible for operating and maintaining the system in perpetuity, if different than the permittee. Provide a draft document enumerating the enforceable affirmative obligations of the entity to properly operate and maintain the system for its expected life and document the entity's financial responsibility for long term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity,

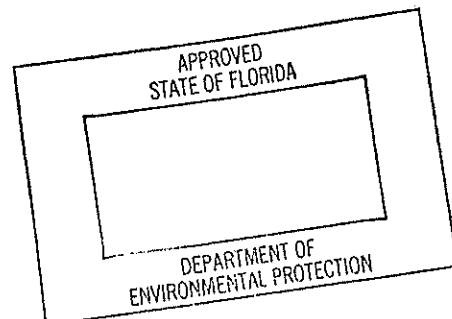


provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.N/A

3. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.N/A
4. Indicate how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.N/A
5. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled by the applicant, including the project site.
6. Provide a copy of the deed or other evidence of ownership, or in the case of an applicant, evidence of an easement or other documents evidencing authorization to perform the proposed work.

G. Water Use

1. Will the surface water system be used for water supply, including landscape irrigation, recreation, etc.?N/A
2. If a Water Use Permit has been issued for the project, state the permit number.N/A
3. If a Water Use Permit has not been issued for the project, indicate if a permit will be required and when the application will be submitted.N/A
4. Indicate how any existing wells located within the project site will be utilized or abandoned.N/A



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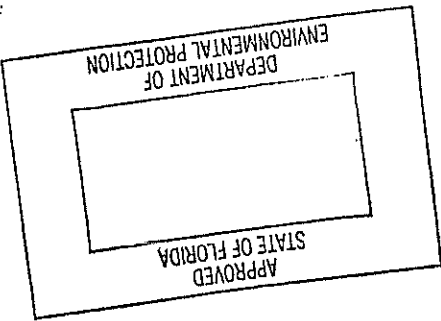
SUMMARY OF SHORELINE STABILIZATION

TABLE FIVE:

STABILIZATION	LINEAR FEET NEW	LINEAR FEET REPLACED	LINEAR FEET REMOVED	SLOPE		WIDTH AT THE TOE
				H:	V:	
VERTICAL SEAWALL:						
SEAWALL AND RIPRAP:						
RIPRAP:						
RIPRAP AND VEGETATION:						
OTHER TYPE:						

SIZE OF RIPRAP:

TYPE OF RIPRAP:



41-0172757

STRUCTURES	TYPE OF WORK *	LENGTH	WIDTH	HEIGHT	TOTAL AREA	PROPOSED SLIPS
FOR EACH DOCK OR PIER PLEASE COMPLETE:						
FOR EACH FINGER PIER PLEASE COMPLETE:						
FOR EACH OTHER WATER STRUCTURE PLEASE COMPLETE						
TOTAL:						

* Type of Work: N=new; R=replaced; O=other; RR=Removed; A=altered/modified

Primary use of proposed structures:

Will the docking facility provide:

liveaboard slips? If yes, provide number. None. N/A-N/A

fueling facilities? If yes, provide number:

sewage pumpout facilities? If yes, provide number:

Other supplies or Services? If yes, specify:

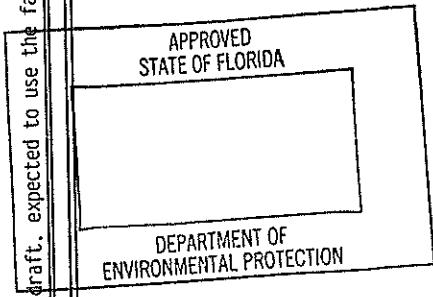
Type of materials for decking and pilings (e.g. CCA, pressure treated wood, plastic, concrete): Concrete

pilings:

deckings: Floating docks, concrete

Deck plank spacing:

Number of boats, grouped by length, type, and draft, expected to use the facility: 400 slips total, 300 under this permit, 8' draft



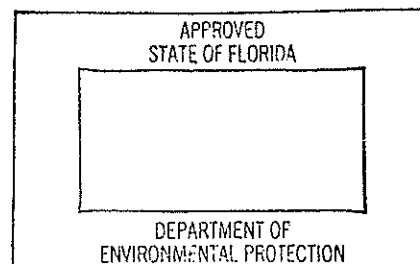
41-0172757

- B. Discuss what survey methods were used to determine the absence or presence of state or federally listed wildlife or plants. (Sampling methodology should be agreed to by the regional planning council and other reviewing agencies at preapplication conference stage.) State actual sampling times and dates, and discuss any factors that may have influenced the sampling effort. Show on Map G the location of all transects, trap grids, or other sampling stations used to determine the on-site status of state or federally listed wildlife and plant resources.

Surveys for state or federally listed species were conducted according to the Florida Game and Fresh Water Fish Commission (FGFWFC) Wildlife Methodology Guidelines. The sources reviewed included Matrix of Habitats and Distribution by County of Rare/Endangered Species in Florida (Florida Natural Areas Inventory, 1997), Florida's Endangered Species, Threatened Species and Species of Special Concern, Official Lists (FGFWFC, 1996 and 1997), the Atlas of Florida Vascular Plants (University of South Florida, 1996), the FDOT 'SPECIES' list for Manatee County (1995), and Florida Atlas of Breeding Sites for Herons and their Allies (FGFWFC, 1991).

Field reconnaissance for protected species included groundtruthing of aerial photography, meandering pedestrian transects, and visual and audio searches (refer to Technical Memorandum produced by Scheda Ecological Associates, Inc. (SEA), September 19, 1997). Meandering pedestrian transects were established in an east-west orientation across the study area and were located approximately 100 feet apart. The transect locations are illustrated on MAP G. The length of each transect was walked while visual searches were made along the transect and to a distance of 50 feet on either side (left or right). Any points masked by dense vegetation were examined by walking around the vegetation to examine the subject point. The meandering pedestrian transects, together with supplemental observations achieved approximately 90 percent coverage of the site. The transects were performed September 15, 1997 (morning). Supplemental observations were made during field wetland investigations conducted May 20, 1998 (morning and afternoon), June 1, 1998 (morning), and June 3, 1998 (morning).

During the field survey, all indications of wildlife in the study area were recorded and their location was noted with respect to the transect system. These indications typically included observation of actual protected species individuals or signs of their presence including tracks, calls (typically with avian fauna), scat, dens, burrows, feathers, scratchings, nests, plants and plant stage (flower, seed, etc.), or other evidence.



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- C. List all state or federally listed wildlife and plant resources that were observed on the site and show location on Map G. Given the plant communities on-site list any additional state or federally listed wildlife and plant resources expected to occur on the site and show the location of suitable habitat on Map G. Additionally, address any unique wildlife and plant resources, such as colonial bird nesting sites and migrating bird concentration areas. For species that are either observed or expected to utilize the site, discuss the known or expected location and population size on-site, existence (and extent, if known) of adjacent, contiguous habitat off-site, and any special habitat requirements of the species.

The only listed wildlife species observed were the snowy egret (*Egretta thula*), and brown pelican (*Pelecanus occidentalis*). Both species are designated by the FGFWFC as species of special concern, and are not federally listed. The snowy egret is widely distributed in freshwater and coastal wetlands, and feeds in shallow marshes, water impoundments, ditches, and temporarily flooded agricultural fields. Brown pelicans utilize a variety of coastal habitats. The snowy egret was observed foraging in the northwest portion of the site, and three brown pelicans flew over the site, on September 15, 1997. In addition, one osprey (*Pandion haliaetus*) was observed north of the mining pit. No osprey nests were observed. Because the state listing of the osprey as a species of concern applies in Monroe County only, this species does not present regulatory concerns for the project. In general, the wildlife observations yielded very common species such as cattle egret (*Bubulcus ibis*), anhinga (*Anhinga anhinga*), great blue heron (*Ardea herodias*), and raccoon tracks (*Procyon lotor*). These species are typical of disturbed areas such as the abandoned pit.

Potential involvement of state and federally listed plants was also investigated. Of 39 listed plant species known to occur in Manatee County (USF 1996, FDOT 1995), seven (7) species have a geographic range that includes the site and are adapted to one of the plant communities on the site. Two giant leather ferns (*Acrostichum danaeifolium*) were observed in Wetland A on May 20, 1998, and three such ferns were observed in Wetland B, during wetland investigations on June 1, 1998. The giant leather fern is state listed as commercially exploited, and not listed federally. Feasible options are to relocate the giant leather ferns on the site, or to obtain a permit for harvesting (impacting) them pursuant to Chapter 5B-40, Florida Administrative Code. Obtaining a permit from the Florida Department of Agriculture and Consumer Services (FDACS) to harvest commercially exploited plants is a simple procedure, for which written permission of the landowner is necessary. Two additional listed species potentially occurring on the site are the Florida golden aster (*Chrysopsis floridana*) state and federally listed as endangered, and Sanibel shrub verbena (*Lantana depressa* var. *sanibelensis*) state listed as endangered but not federally listed. These two species normally occupy xeric coastal dunes or scrub. Although small isolated sand dunes were noted within Upland Spoil Areas (743) on the site, these two plant species were not observed. Three additional listed species potentially occurring on site are wild cotton

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(*Gossypium hirsutum*) which is state listed as endangered, squarestem (*Melanthera nivea*) which is state listed as endangered, and shell mound prickly pear cactus (*Opuntia stricta*), which is state listed as threatened. The wild cotton and squarestem characteristically occur in coastal hammocks, and the cactus occurs on shell middens and sand dunes. Although similar systems (mesic oak hammock and a spoils mound) are located in the northeast portion of the site, none of these 3 plant species were observed. The hand fern (*Ophioglossum palmatum*) occurs almost exclusively in mesic shaded hammocks, growing as an epiphyte on cabbage palm trees. This fern is state listed as endangered. Cabbage palms are widely scattered on the site, and not clumped together in the shaded hammocks favorable to hand ferns. No hand ferns were observed.

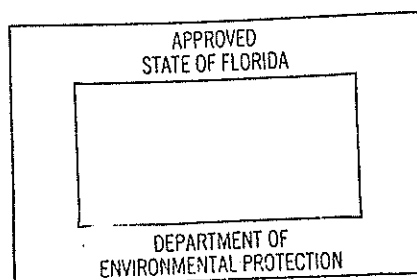
The nearest known colonial bird nesting site, Colony 615113, is located approximately four (4) miles southeast of the site, and will not be affected by the proposed project.

- D. Indicate what impact development of the site will pose to affected state or federally listed wildlife and plant resources.

The West Indian (or Florida) manatee (*Trichechus manatus*), state and federally listed as endangered, is known to occur in the Manatee River. In order to assure that manatees are not impacted as a result of developing the site, which is immediately adjacent to the Manatee River, the permittee has agreed to specific conditions in the USACOE and FDER permits, summarized under Item 12.E. Implementation of these conditions will prevent impacts to the manatee.

The only listed resources actually observed were the snowy egret, brown pelican, and giant leather fern. The project is unlikely to affect snowy egrets, given the presence of similar foraging habitat in the vicinity. The project is also unlikely to affect the brown pelican, considering that pelicans were observed only as a transient species (flying over the site), and not using habitat on the site. In order to avoid impacting giant leather ferns, every effort will be made to relocate them on site, prior to construction. The wetland mitigation areas to be created under the existing USACOE and FDER permits would serve as ideal recipient sites for the leather ferns. In the event of unavoidable impacts to the ferns, a permit from FDACS will be secured. Other protected species are unlikely to occur on the site due to previous disturbance of the vast majority of the site.

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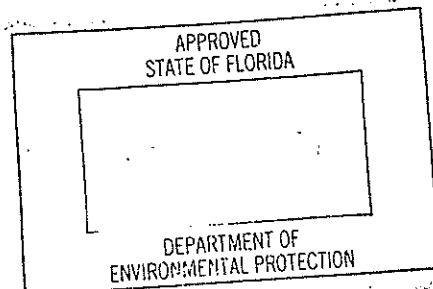
- E. Discuss what measures are proposed to be taken to mitigate impacts to state and federally listed wildlife and plant resources. If protection is to occur on-site, describe what legal instrument will be used to protect the site, and what management actions will be taken to maintain habitat value. If protection is proposed to occur off-site, identify the proposed amount and type of lands to be mitigated as well as whether mitigation would be through a regional mitigation bank, by acquisition of lands that adjoin existing public holdings, or by other means.

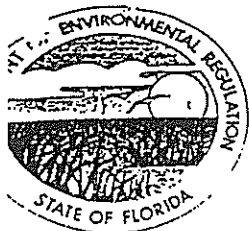
To avoid negatively impacting the West Indian (or Florida) manatee as a result of developing the site, the permittee agreed to implement the following specific conditions in the USACOE and FDER permits, enclosed. During the construction phase, the contractor will: instruct all construction personnel of manatee presence and the need to avoid collisions with manatees, advise them of the legal penalties protecting manatees, report any collision with a manatee on the manatee "hotline", keep a log of sightings, collisions, and/or injuries to manatees during the contract period, submit a summary report to the USACOE and U.S. Fish and Wildlife Service (USFWS) following project completion, and all vessels associated with project construction will operate at "no-wake" speeds. In the operational phase, a minimum of six (6) manatee awareness signs will be posted and a permanent educational display will be established.

The proposed wetland mitigation plan will benefit a variety of wetland-dependent species, including listed species. Wetland mitigation specified in Permit 90IPDB-02057, issued by the USACOE includes creation of 4.0 acres of shallow shelf wetlands planted with smooth cordgrass (*Spartina alterniflora*), 6.0 acres of shallow water habitat, 4.5 acres intertidal habitat, and planting red mangrove (*Rhizophora mangle*) seedlings along 1,000 linear feet of river shoreline (0.12 acre).

Measures proposed to mitigate impacts to the giant leather fern consist of relocation into the created wetlands on site, as described in Item 12.D.

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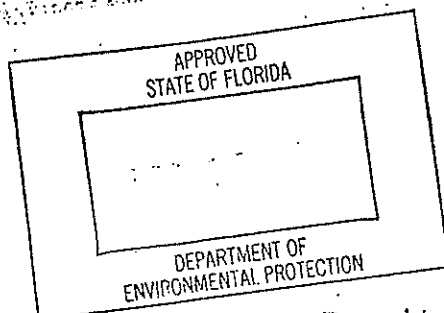


Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary



PERMITTEE:

Manatee Gateway No. 1
c/o Robert Lombardo, P.E.
Post Office Box 188
Palmetto, Florida 34220

Permit No. 411783719

Date of Issue: February 26, 1991

Expiration Date: February 26, 2001

County: Manatee

Project: Wetland Resource, 10
year

This permit is issued under the provisions of Chapter 403, Florida Statutes, Public Law 92-500, Title 17, and Rule 17-312, Florida Administrative Code. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

PROJECT DESCRIPTION:

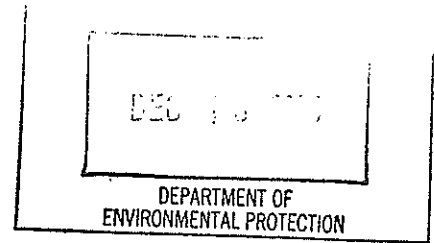
To connect an 80 ac. borrow pit to the Manatee River to create a marina basin with up to 400 slips, by: placing 393,000 cu. yds. of fill to shallow the basin to -15 ft. MLW; constructing 7,000 linear ft. of vertical seawall around the inside of the basin (in addition, 4,500 ft. seawall will be constructed in uplands adjacent to the Manatee River); excavating 49,170 cu. yds. of material from the Manatee River (including 0.27 ac. of intertidal zone and 1.1 ac. of shallow bottom habitat) to create an access channel approximately 1,180 ft. long, 250 ft. wide with a depth of -12 ft MLW and a flushing channel approximately 800 ft. long, 100 ft. wide with a depth of -8 ft. MLW; placing a concrete barrier (bridge) in the flushing channel to prevent boat access; filling 0.02 ac. of mangrove-lined ditch; and mitigating for excavation in the Manatee River and ditch fill by creating 4.5 ac. of intertidal shelf in the basin and planting it with Spartina alterniflora, planting 1,000 linear ft. along the Manatee River with mangroves, and creating 6 ac. of shallow water habitat in the basin.

LOCATION:

Manatee Gateway, south of U.S. 301, east of U.S. 41/301, north the Manatee River, City of Palmetto, Manatee County, Section 16 13 and 24, Township 34 South, Range 17 East, Class III waters.

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- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

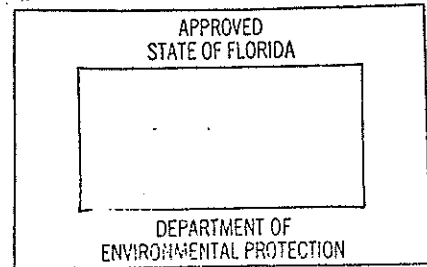
2. If historical or archaeological artifacts, such as Native American, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250.

3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation, Bureau of Wetland Resource Management in Tallahassee, and the Southwest District office in Tampa, in writing of this commencement.

4. Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management, Tallahassee, and the Southwest District office indicating the status of the project and shall include the following information:

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- a. Date permitted activity was begun; if work has not begun on-site, please so indicate.
- b. Brief description and extent of work (dredge, fill, construction, mitigation) completed since the previous report or since permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of work (dredge, fill, construction, mitigation) anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.

The status reports may be incorporated into the semi-annual narrative report of the mitigation monitoring. The first semi-annual report is due six months from the date of permit issuance.

5. All submissions to the Bureau of Wetland Resource Management required by this permit shall be copied to the Southwest District Office in Tampa.

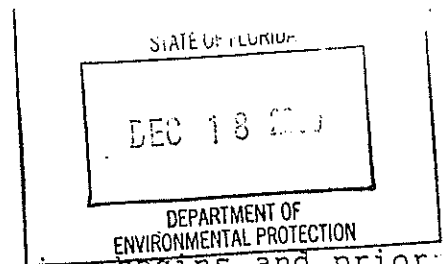
6. Shallowing of the basin and its connection to the Manatee River shall occur in the sequence described below. A permit modification shall be required for any change to the sequence.

- a. Prior to connection of the basin to the Manatee River, the basin is required to be shallowed to -15 ft. MLW by placement of fill. Existing water in the basin shall be pumped from the basin into the adjacent canal. To accommodate hoses associated with the pumping equipment, a decant pipe shall be installed between the basin and the existing canal, as shown on Exhibit 1 and Sheet 13F of 13. Pump hoses shall be routed through this pipe. There shall be no uncontrolled discharge from the basin through the decant pipe. Fill may be placed in the basin prior to pumping provided no water is discharged from the basin.
- b. To provide assurance that water quality standards will not be violated during the initial pumping of water from the basin, water quality monitoring shall be required prior to pumping. Any subsequent pumping shall require a permit modification and may require additional monitoring.

The monitoring regime required prior to the initial pumping is detailed in Part I of the monitoring section of this permit. No fill shall be placed in the basin

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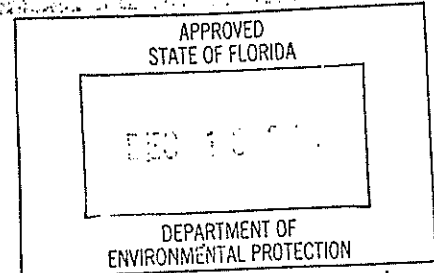


after Part I water quality monitoring begins and prior to completion of the initial pumping. The Department shall review the monitoring data from the basin and river to evaluate potential water quality impacts of the initial pumping and determine appropriate measures to ensure that water quality standards in waters of the State adjacent to the basin will not be violated. The Department shall review the monitoring data within 60 days of receiving it and ask for additional information or make a determination within that time period. Protective measures may include but are not limited to additional monitoring in the basin and river and, regulation of pumping rate. Pumping shall not begin until such measures have been determined and the Department has approved the pumping in writing.

- c. Prior to pumping, the pump hose shall be routed through the decant pipe, down the berm, through the mangrove fringe and into the canal. The hose shall be secured along the berm and through the mangrove fringe. In securing the hose through the mangrove fringe, the mangrove trees shall not be damaged. In the canal, the hose shall be suspended on floats which are anchored to the bottom of the canal such that the jet remains just below the surface and is directed toward the Manatee River, along the long axis of the canal. This arrangement will minimize the potential for erosion. Prior to the start of pumping, the permittee shall arrange for a site inspection by personnel from the Southwest District office to confirm that the hose is aligned to minimize damage to the mangrove fringe and the potential for erosion during pumping. The permittee shall ensure that the district office personnel may direct realignment of the hose as necessary. The permittee shall obtain written confirmation from the district office personnel and Bureau of Wetland Resource Management that the requirements of this condition have been fulfilled prior to the start of pumping.
- d. Any fill material to be placed in the basin which is not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management, pursuant to the criteria outlined in Specific Condition No. 7 below, prior to its placement in the basin.
- e. Material excavated to construct the flushing and access channels shall be placed in the basin. Earthen plugs shall remain between the channels and the basin until

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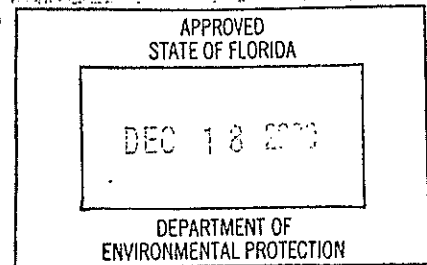
the basin has been shallowed and recontoured. Prior to excavation of the flushing channel, the extent of the adjacent seagrass beds shall be monitored for the one year period prior to excavation and the appropriateness of the proposed flushing channel alignment confirmed pursuant to Specific Condition No. 9. The channel excavation shall occur no more than one year prior to completion of the recontouring and connection of the basin to the Manatee River.

- f. After sufficient fill has been placed within the basin, the basin shall be graded to the contours shown on Sheet 2 of 13, and seawalls in the basin, as shown on Sheet 9, 10 and 13E of 13, shall be constructed.
- g. After the basin recontouring has been approved by the Bureau of Wetland Resource Management pursuant to Specific Condition No. 10, the channel plugs shall be removed using motorized pans, bulldozers and draglines. Silt barriers shall be placed on the river side of the plugs to control turbidity and shall remain in place until the turbidity within the barriers is within 29 NTU's of the turbidity values in the Manatee River.
- h. Those portions of the access and flushing channels created via removal of the plugs shall be armored within 30 days as shown on Sheets 6 and 7 of 13.

7. Any fill material not obtained from excavation of the entrance and flushing channels must be approved in writing by the Bureau of Wetland Resource Management prior to its placement in the basin. All fill material shall consist of clean fill, including, but not limited to, sand, natural rock or concrete rubble. The fill material shall not contain materials that will degrade or leach pollutants, such as metal or asphalt, nor contain significant quantities of organics. Gypsum is specifically prohibited from use as fill. In order to obtain approval of a fill source, the permittee shall submit a report to the Bureau of Wetland Resource Management identifying the source, type and grain size of material. Chemical analyses may also be required at the discretion of the Bureau of Wetland Resource Management. Within 30 days of receiving information the Bureau shall provide specific written approval for the use of proposed fill material or shall request additional information needed to evaluate the fill material.

8. The excavation of the access and flushing channels waterward of the approximate line of mean high water shall be by hydraulic dredge. Excavation of the channels shall begin at the waterward

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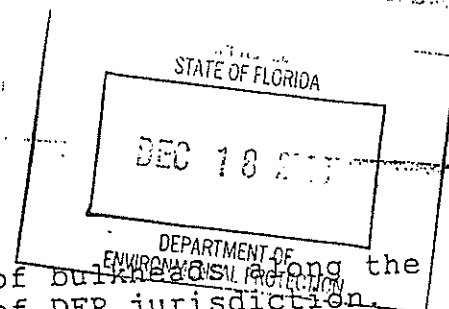
end and move landward. Turbidity shall be monitored during excavation as described in the monitoring section of this permit. Plugs at the northern terminus of the channels shall be left between the excavated channels and the basin until all activities associated with filling, contouring, piling installation and mitigation in the basin are complete.

9. The permittee shall monitor species composition, and areal coverage of the seagrass bed west of the flushing channel quarterly for the year prior to excavation of the channel. Within 30 days of each monitoring event the permittee shall submit to the Bureau of Wetland Resource Management monitoring reports, including maps, showing the limit of the seagrass bed and the flushing channel alignment. If the seagrass bed encroaches into the channel alignment, the permittee shall propose a new alignment, which is moved sufficiently eastward to provide a minimum buffer of 50 ft. between the eastern edge of the channel and the western limit of the grass bed. Realignment of the channel shall require a minor modification to this permit. The permittee shall submit a permit modification request, supported by revised drawings and hydrographic information, to the Bureau of Wetland Resource Management. Within 60 days of receiving the modification request the Bureau shall determine if the proposed channel realignment will have a significant negative impact on flushing or shall request additional information needed for an evaluation. If the new alignment does not have such an impact, the permit shall be modified to utilize the new alignment. If the proposed new alignment does have a significant negative effect on flushing, then the alignment authorized at the time of permit issuance shall be retained. However, the permit shall be modified to require that, prior to construction, the seagrasses in the permitted alignment and within 50 ft. to either side of the alignment be transplanted to a part of the seagrass bed beyond the influence of the construction activities.

10. Within 120 days of completion of filling and recontouring the basin, the permittee shall submit a certified bathymetric survey of the basin. The survey shall show 1 ft. contours based on a 50 ft. grid. The engineer of record shall certify that the basin and mitigation areas are contoured in accordance with the design shown on Sheet 2 of 13 and that the maximum depth in the basin is no greater than -15 ft. MLW. The plugs isolating the basin from the Manatee River shall not be removed until written approval regarding the adequacy of the survey has been received from the Bureau of Wetland Resource Management. The Bureau shall determine the adequacy of the survey within 30 days or request additional information needed to make the determination.

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11. All activities related to construction of bulkheads along the Manatee River shall occur entirely landward of DER jurisdiction. In areas where the mangrove fringe exists at the landward limit of DER jurisdiction, the waterward edge of trenches to be dug for bulkhead installation shall be at least 3 ft. landward of the mangrove dripline or rootline, whichever extends furthest landward, to ensure that damage to mangroves will be avoided. Prior to construction, the waterward edge of the trench shall be field staked and the permittee shall arrange a site inspection by Southwest District office personnel. Bulkhead construction shall not proceed until written approval from district office personnel is received. The district office shall provide written approval within 30 days of inspecting an appropriate alignment. The district personnel shall adjust the alignment as necessary to comply with this condition and shall copy the Bureau of Wetland Resource Management on all correspondence.

12. Riprap shall be placed waterward of the bulkhead along the Manatee River within 90 days of completion of bulkhead construction. Riprap shall be placed by hand and shall be placed in such a way as to avoid damage to mangroves. The riprap shall consist of boulders or clean concrete rubble with no reinforcing rods or similar protrusions.

13. a. The permittee agrees that the contractor will instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

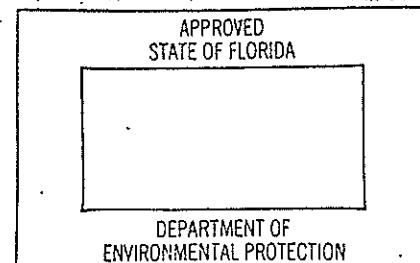
b. The permittee agrees that all construction personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The permittee and or contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. The permittee agrees that all vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel

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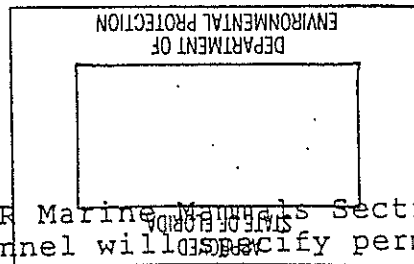


provides less than a four foot clearance from the bottom and that vessels will follow routes of deep water whenever possible.

- e. The permittee shall ensure that all construction activities in open water will cease upon the sighting of a manatee(s) within 100 yards of the project area. Construction activities will not resume until the manatee(s) has departed the project area.
- f. The permittee agrees that any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-800/DIAL-FMP) and to the U.S. Fish and Wildlife Service, Jacksonville Field Office (904/791-2580).
- g. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period.
- h. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the Florida Department of Natural Resources (FDNR), Marine Mammals Section (100 Eighth Avenue S.E., St. Petersburg, Florida 33701-5095) and to the U.S. Fish and Wildlife Service (3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216).
- i. A minimum of two 3 ft. by 4 ft. temporary construction manatee signs ("Manatee Habitat-Idle Speed in construction areas") shall be installed prior to construction and maintained during construction at prominent locations within the construction area/facility. One construction sign will be located prominently adjacent to the construction permit(s). The other sign will be installed in a location prominently visible to water related construction crews. Photos of signs in place must be sent to the Florida Department of Natural Resources (FDNR) Marine Mammals Section, 100 Eighth Avenue, S.E., St. Petersburg, Florida 33701-5095, prior to the initiation of construction. Temporary construction signs will be removed by the permittee upon completion of construction. A construction sign criteria sheet is attached.
- j. Permanent manatee awareness signs shall be installed and maintained at docking and launching facilities. Prior to initiation of construction, the permittee will send a

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project site plan to the FDNR Marine ~~Manatees~~ Section (address above). FDNR personnel will ~~also~~ specify permanent sign locations.

The signs shall be 3 ft. by 4 ft., 125 gauge 61TS aluminum, covered with white, engineer grade, reflecting sheeting; black, painted lettering; black, screened design; and orange, engineer grade, reflective tape border. The 3 ft. by 4 ft. "Caution Manatee Area" signs shall conform to the Florida Uniform Waterway Marking System in accordance with 327.40-1, Florida Statutes. The installation of the 3 ft. by 4 ft. signs shall be made in accordance with the FDNR specifications for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

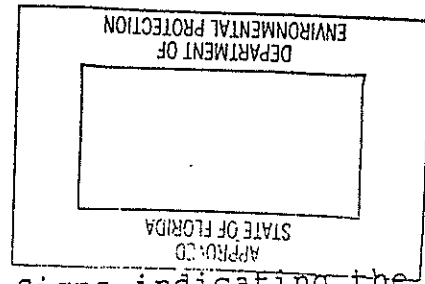
Verification that signs have been installed at designated locations shall be provided to FDNR before the docking facility begins operation. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to FDNR. A permanent manatee awareness sign criteria sheet is attached.

- k. The permittee agrees that a permanent informational display shall be installed prior to mooring occupancy at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The number of information displays required will depend on the docking facility design. Information display locations will be specified by FDNR personnel when awareness sign location siting is done. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the "Manatee Hotline" number (1-800/DIAL-FMP). Other information which may aid in the conservation of the species may be obtained from the Florida Department of Natural Resources. Information displays remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to the Department of Natural Resources.

14. The permittee shall ensure that at least one sewage pump-out facility is available at the marina. This facility may be either a portable or fixed unit. In addition, a "porta-potty" dump

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station shall also be made available. Signs indicating the availability of these services shall be posted in a conspicuous location. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to maintain these sewage disposal services beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

15. The fuel spill contingency plan shall be attached to this permit as Attachment 2. Marina staff shall understand and be trained to implement the plan prior to using the fueling facilities. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to adhere to the provisions of the fuel spill contingency plan beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

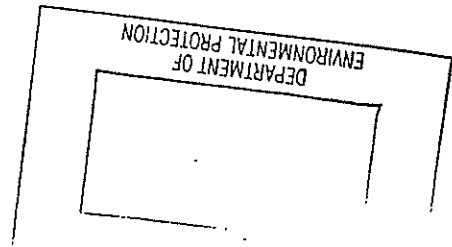
16. Liveaboards shall be prohibited at the marina. A liveboard shall be defined as any individual spending 10 or more nights per month on a boat docked at the marina. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to prohibit liveaboards in this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

17. After the marina attains 25% occupancy, the permittee shall implement water quality monitoring outlined in Part IV of the Monitoring Required section of this permit. Monitoring shall continue for two years after the marina is 80% occupied. The permittee shall keep occupancy records and submit them with each data set. If a consistent trend of water quality violations is noted by the Department, the Department shall require the permittee to identify the cause of the violations and propose remedial action. The remedial action shall be implemented after receiving Departmental approval. The Department may require that remedial actions include limiting occupancy of the marina and removing slips. If the marina is not 80% occupied for 2 years prior to permit expiration or remedial actions require monitoring beyond permit expiration, the permittee shall continue monitoring for as long as it is determined to be necessary. Within 30 days of the execution of this permit, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for such an agreement is in Attachment 1A to this permit.

18. To reduce the cumulative impacts on manatees of an increased number of boats on the Manatee River, the Department of Natural Resources has specified that the number of power boats that may occupy the marina shall not exceed 40% of the total (160 slips).

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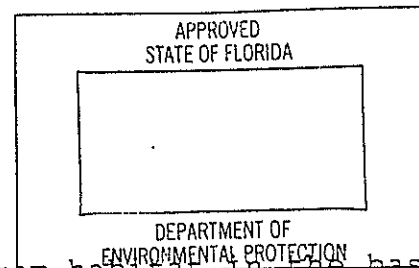
If DNR determines that in the future, Manatee County provides sufficient manatee protection measures (including speed zones in the area of the project) such that the limitation of 40% power boat slips is no longer needed, the permittee shall notify the Bureau of Wetland Resource Management of this determination and provide the Bureau of Wetland Resource Management with verification of this determination. Any change to this power boat occupancy condition shall require a minor modification of this permit. Within 30 days of permit issuance, the permittee shall enter into a long-term agreement with the Department to restrict powerboat usage of this marina beyond the expiration of this permit. Draft language for such an agreement is in Attachment 1 to this permit.

19. Any development on the uplands adjacent to the basin under the ownership of the permittee on the date of issuance of this permit will require a stormwater permit. This permit does not authorize or approve the construction or operation of any stormwater treatment system. The Southwest Florida Water Management District (SWFWMD) will be the agency responsible for permitting of the stormwater treatment system. However, when stormwater management/drainage plans for upland development surrounding the marina basin on uplands under the ownership of the permittee on the date of issuance of this permit are complete, a copy of the stormwater plans and supporting calculations shall be submitted to the Bureau of Wetland Resource Management for review to provide assurance that untreated stormwater originating from uplands under the ownership of the permittee on the date of issuance of this permit will not be discharged into the basin. In addition, the permittee shall submit a copy of the stormwater application sent to the SWFWMD and a copy of the final permit, if one is issued. Before construction commences, the permittee shall enter into a long-term agreement with the Department evidencing the obligation to comply with this condition after permit expiration. Draft language for such an agreement is in Attachment 1A to this permit.

20. Mitigation for permanent loss of 0.27 ac. of intertidal zone and 1.1 ac. of productive shallow bottom habitat resulting from channel excavation and filling 0.02 ac. of mangrove dominated ditch shall consist of the following:

- a. Creating 4.5 ac. of intertidal zone in the basin to be planted with Spartina alterniflora, as shown on Sheets 2, 10, 12 and 13 of 13.
- b. Planting red mangroves on 3 ft. centers in two staggered rows along 1000 linear feet (0.13 ac) of the bulkhead along the Manatee River, as shown on Sheets 2 and 8 of 13.

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- c. Creating 6 ac. of shallow bottom ~~habitat in the basin~~
from MLW to the -5ft. contour.

All mitigation planting shall be completed prior to completion of dock construction and prior to leasing of any slips. If vegetation monitoring indicates that mitigation sites are not becoming properly established, corrective measures such as installation of riprap break-waters shall be taken.

21. Salt marsh and mangrove creation shall be considered successful when the following conditions are met:

- a. Percent cover by non-nuisance, non-exotic wetland species shall be 80% or more. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, including a measure of percent cover by non-wetland species, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code Rule 17-301.400;
- b. Nuisance and exotic species, such as cattail and primrose willow, are limited to 10% or less of the total cover.
- c. Not less than 4.63 ac. of salt marsh and mangrove wetlands are determined to be jurisdictional pursuant to Section 403.817, F.S.
- d. The mitigation wetlands are constructed in accordance with the permit requirements.

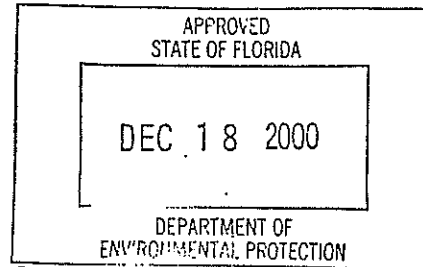
22. The permittee recognizes that it has an obligation to continue monitoring the mitigation project and to correct any unsuccessful attempts beyond the expiration date of the permit. Within 45 days of the date this permit is executed, the permittee shall provide the Department with a long term agreement evidencing this obligation. Draft language for the long term agreement is in Attachment 1A to this permit.

23. Before beginning construction, the permittee shall submit an itemized cost estimate for mitigation activities pursuant to Rule 17-312.390, F.A.C. Activities to be itemized include, at a minimum, earthmoving, surveying, cost of plant material, cost of planting, consultant's fees and monitoring. If the cost estimate exceeds \$25,000, the permittee, shall submit proof of financial responsibility pursuant to Rule 17-312.390, F.A.C. equal to 110% of the estimated cost prior to beginning construction.

24. Prior to commencement of any work authorized by this permit, a Quality Assurance Project Plan (DER Form 17-160.900) detailing

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sampling and analysis methods to be used for water and sediment quality monitoring shall be submitted to the Bureau of Wetland Resource Management. The Bureau of Wetland Resource Management will forward the plan to the DER, Division of Technical Administrative Services, Quality Assurance Section for their review. The Quality Assurance Section must provide written approval of the plan before construction can begin. This approval shall be coordinated through the Bureau of Wetland Resource Management.

The laboratory performing the water and sediment chemistry analyses shall have an approved Quality Assurance plan on file with the Department. Prior to commencement of any work the permittee shall notify the Bureau of Wetland Resource Management of the laboratory which will perform the analyses so that the Bureau may contact the Quality Assurance Section to verify that the selected laboratory does have a quality assurance plan. Construction may not begin until such verification is received and the permittee is so notified. If the permittee changes laboratories, the verification process must be completed for the new laboratory. If an unauthorized laboratory collects any samples, those data may be eliminated from review and resampling required. Any changes in the Quality Assurance Project Plan must be approved by the Department prior to implementation.

All detection limits shall be at or below the level of the applicable state standard. If no state standard exists for the measured parameter, then the detection limit for that parameter shall be at or below that specified by the Department's "Deepwater Ports Maintenance Dredging and Disposal Manual", 1984 edition or later.

MONITORING REQUIRED:

Monitoring Required

I. Water quality monitoring prior to initial decanting of basin.
1. Physicochemical and Nutrients
Frequency: One time, during the summer (June, July, August), not more than 1 year prior to pumping water. Three field replicates shall be collected for each parameter at each sampling point, except for total and fecal coliform, dissolved oxygen (D.O.), pH and temperature. Frequency of sampling those parameters is described below.

Locations: Three stations as noted on Figure 1.

Parameter

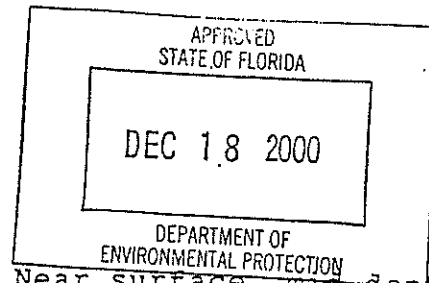
Depth at each Location

Total Nitrogen (mg-N/l)

Near surface, mid-depth and 1 ft. above bottom

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Total-P (mg-P/l)	Near surface, mid-depth and 1 ft. above bottom
BOD (mg/l)	Near surface, mid-depth and 1 ft. above bottom
TSS (mg/l)	Near surface, mid-depth and 1 ft. above bottom
Fecal Coliform	At the surface, at least 10 times within a 30 day period
Dissolved oxygen (mg/l), pH and temperature	Near surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hr. period (a total of 4 profiles shall be submitted for each station)

2. Heavy Metals

Frequency: One time during summer (June, July, August), not more than one year prior to decanting water. Three field replicate samples shall be collected at each sample point. Detection limits shall be below state standards.

Location: Three stations as noted on Figure 1.

<u>Metals (ug/l)</u>	<u>Depth at each location</u>
Cadmium	1 ft. above bottom
Copper	1 ft. above bottom
Lead	1 ft. above bottom
Arsenic	1 ft. above bottom
Zinc	1 ft. above bottom
Chromium	1 ft. above bottom
Mercury	1 ft. above bottom

3. Toxic Substances

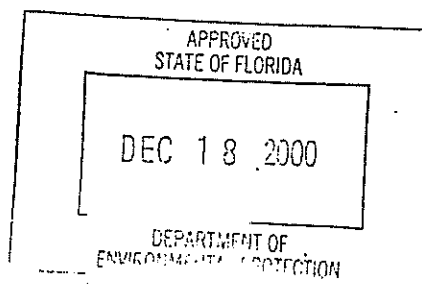
Frequency: One time, during summer (June, July, August), not more than one year prior to pumping. Three field replicate samples shall be collected at each sampling point.

Location: Three stations as noted on Figure 1

<u>Parameters</u>	<u>Locations of Stations</u>
EPA methods 624/625	Near surface and 1 ft. above the bottom

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All data shall be compiled into a report to be submitted to the Bureau of Wetland Resource Management pursuant to Specific Condition 6b. The report shall include the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

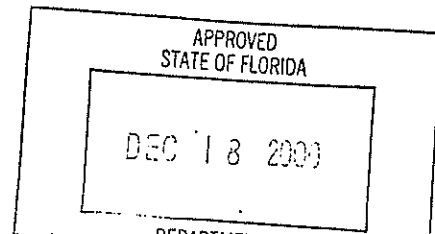
II. Vegetation

The permittee shall furnish to the Bureau of Wetland Resource Management and the Southwest District Office annual statistical reports of vegetational sampling of the salt marsh and mangrove wetlands done by any mutually agreed upon method. Acceptable methods may be found in Daubenmire (1968), Oosting (1956), or Mueller-Dombois and Ellenberg (1974). Reports shall describe, when appropriate, percent cover of listed trees and herbaceous species. Data for listed nuisance or exotic species, as stated in Specific Condition No. 21, shall be tabulated separately from the remaining data. A listed species is one listed in Florida Administrative Code Rule 17-301.400. Data shall be taken during the summer growing season. Reports shall be submitted annually within four months of data acquisition until a determination of a successful herbaceous and mangrove creation has been made.

Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management detailing the progress of this

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mitigation program. The reports should include photographs taken from the same permanent stations (some of which must be located in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and anticipated work for the following six months. The reports shall be submitted at six month intervals, with the first report due six months from start of mitigation construction, and may be combined with the status reports required by Specific Condition No. 4.

A monitoring plan describing sampling methods and report format, and map of sampling locations and photographic stations shall be submitted to the Department for approval prior to the first sampling event.

If the data indicate that the effort is not successful pursuant to Specific Condition No. 21 above, the applicant shall present methods and proposals to be reviewed and approved by the Department to ensure success of the effort.

The references cited above are the following:

Daubenmire, R. 1968. Plant Communities: A Textbook of Synecology. Harper & Row, New York. 300 pp.

Oosting, H. J. 1956. The Study of Plant Communities: An Introduction to Plant Ecology. W. H. Freeman, San Francisco. 440 pp.

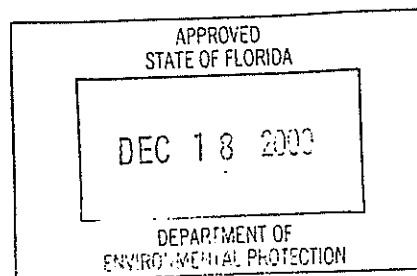
Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and Methods of Vegetation Ecology. John Wiley, New York. 547 pp.

III. Turbidity

Type - NTU's

- A. Locations: Access channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of access channel
- B. Location: Flushing Channel
Background: 300 ft. up-current from point of dredging, outside of any visible plume; mid-depth
Compliance: 150 ft. downcurrent from point of dredging and within any visible plume; mid-depth
Frequency: At 4 hour intervals during dredging of the flushing channel.

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- C. Location: Manatee River
Background: In the Manatee River 500 ft. upstream of the canal
Compliance: In the Manatee River, 150 ft. downcurrent of discharge from the canal, within any visible plume; mid-depth
Frequency: At 4 hr. intervals whenever the basin is being pumped out.

All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction and velocity.

If monitoring reveals apparent violations of the state water quality standard for turbidity, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department of Environmental Regulation, Southwest District office.

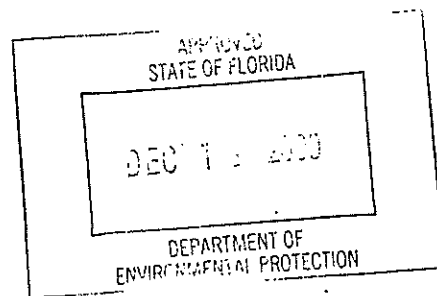
Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

IV. Long Term Water Quality Monitoring

Frequency: To be collected twice per year in February and August. Monitoring shall begin when the marina reaches 25% occupancy and shall continue as specified in Specific Condition 17. Three field replicates shall be collected for each parameter except fecal coliform, dissolved oxygen, pH and temperature. Sampling frequency for those parameters is described in the table below.

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If the D.O. profile (including temperature and pH) sampled in the marina during the first February of this monitoring program shows no stratification in the water column, then D.O., temperature and pH need only be collected at mid-depth in the marina during the February sampling events.

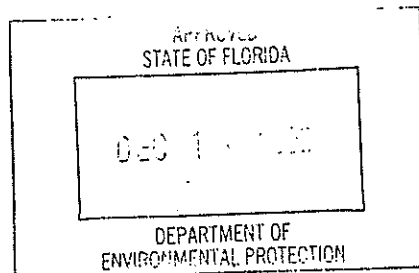
Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2, and apply to all parameters below except oil and grease and fecal coliform. The marina sampling stations for oil and grease and fecal coliform are described in more detail in the table below. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River.

1. Physicochemical parameters and nutrients.

<u>Parameter</u>	<u>Depth at each Location</u>
Total Nitrogen (mg-N/l)	Mid-depth
Total Phosphorous (mg-P/l)	Mid-depth
BOD (mg/l)	Near surface and 1 ft. above bottom
Fecal Coliform	River Stations: at surface, 10 times each month Marina Stations: at a total of 3 stations, with 1 station point within each of the 3 dock clusters shown as Areas 1, 2 and 3 on Sheet 2 of 13; each station shall be sampled 10 times each month; all samples shall be collected from the surface.
Dissolved Oxygen (mg/l), pH and temperature (C)	Surface, mid-depth and 1 ft. above bottom, at 6 hr. intervals during a 24 hour period.
Oil and Grease (mg/l)	River Stations: at the surface.

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Marina : A total of 3 stations with 1 station within each of the 3 dock clusters; all samples shall be collected from the surface.

2. Heavy Metals in Water

Frequency: Sampling shall start when the marina becomes 25% occupied and shall continue as specified in Specific Condition 17. After the initial sampling event, which will be conducted when the marina is 25% full, sampling shall occur in February and August as specified in Specific Condition No. 17. Three field replicate samples shall be collected at each sample point.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 2. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Detection limits for metals shall be below the state standards.

Metals (ug/l)

Depth at each location

Cadmium
Copper
Lead
Arsenic
Zinc

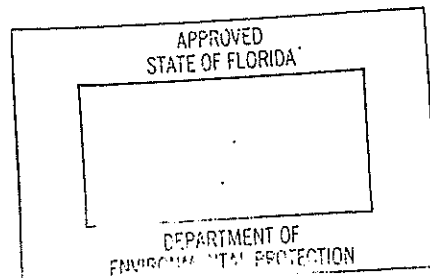
1 ft. above bottom
1 ft. above bottom
1 ft. above bottom
1 ft. above bottom
1 ft. above bottom

3. Heavy Metals in Sediment

Frequency: To be collected once per year starting after marina construction is complete and before slips are occupied and continuing for 2 years after the marina is 80% occupied. After the initial sampling is conducted, all subsequent sampling should be conducted in August.

Location: At two stations in the river and two stations in the marina. The marina stations are shown on Figure 3. In the river, sampling stations shall be located 500 ft. east of the access channel in the center of the Manatee River and 500 ft. west of the flushing channel in the center of the Manatee River. Analytical methods to be used are shown in Attachment 3.

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Metals (ppm, dry wt.)

Cadmium
Copper
Lead
Arsenic
Zinc
Aluminum

Depth at each location

Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment
Surficial sediment

All monitoring data shall be submitted within 30 days of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Data shall be presented in tabular form with a separate table provided for each type of data collected (i.e. metals in water, metals in sediment, physicochemical and nutrients). Values for each field replicate and the mean and standard deviation for each set of replicates from each location for each parameter shall be provided on each appropriate table. Results from diel surveys shall be presented with each station/depth location as a column heading and sample times as row headings.

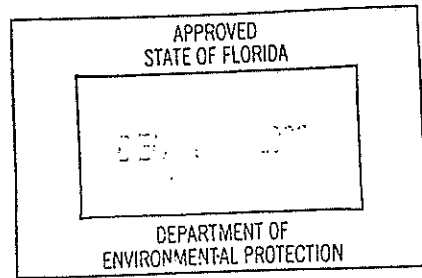
Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) salinity;
- (c) depth of water body;
- (d) depth of sample;
- (e) antecedent weather conditions; and
- (f) tidal stage and direction of flow; and

Monitoring reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and to the Department of Environmental Regulation, Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

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Recommended by Marlene K. Stern

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION

A handwritten signature in cursive script, reading "Carol M. Browner".

Carol M. Browner, Secretary

 pages attached.

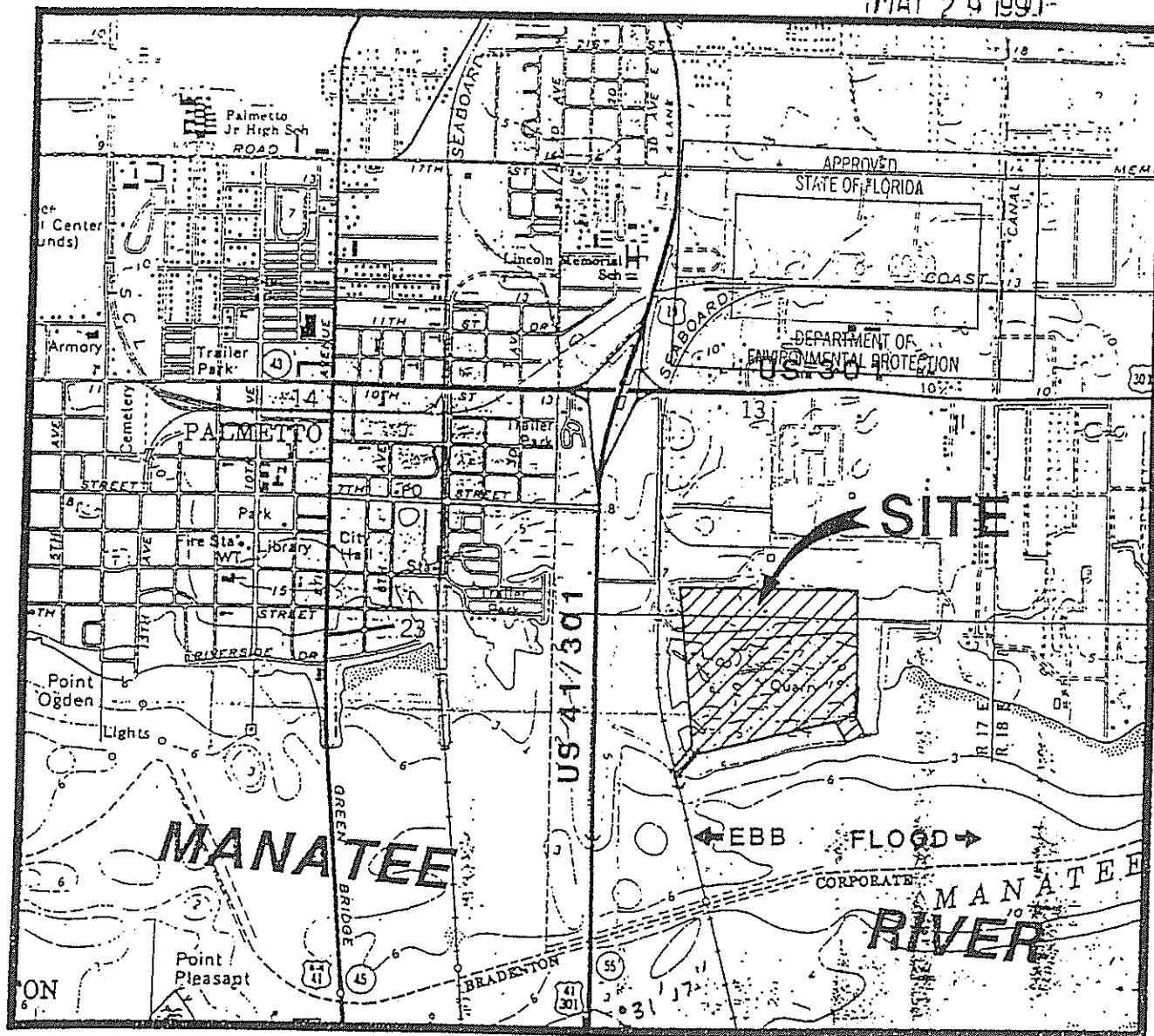
FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Sabrina Cannon 2-26-91
Clerk Date

41-0172757

MAY 29 1990



Reproduced from USGS Palmetto Quadrangle Topographic Map



Site Location approx. 27°30'40" Lat.
82°33'26" Long.



41-0172757 VICINITY MAP

WNER:

~~PERMIT NO.~~

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

TE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER , PALMETTO , FLORIDA

ADJACENT PROPERTY OWNERS

1. JOSEPHINE D. VENICE AND
BERTHA J. COVERT
506 5TH AVE. W.
PALMETTO, FL 34221-5237

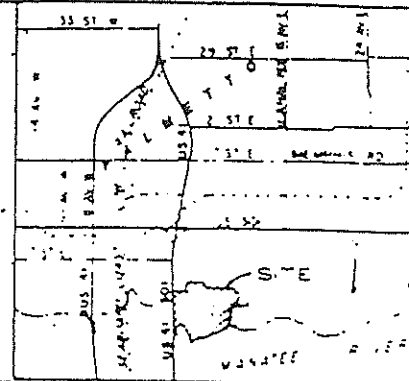
2. DR. DAVID J. KRULL
606 4TH AVE. W.
PALMETTO, FL 34221-5295

3. TRUSTEES OF PALMETTO
CHURCH OF GOD
P.O. BOX 326
PALMETTO, FL 34220-0326

4. BARBARA G. MUNT AND
MARTA PINTYE
5307 18TH AVE. E.
BRADENTON, FL 34203-4402

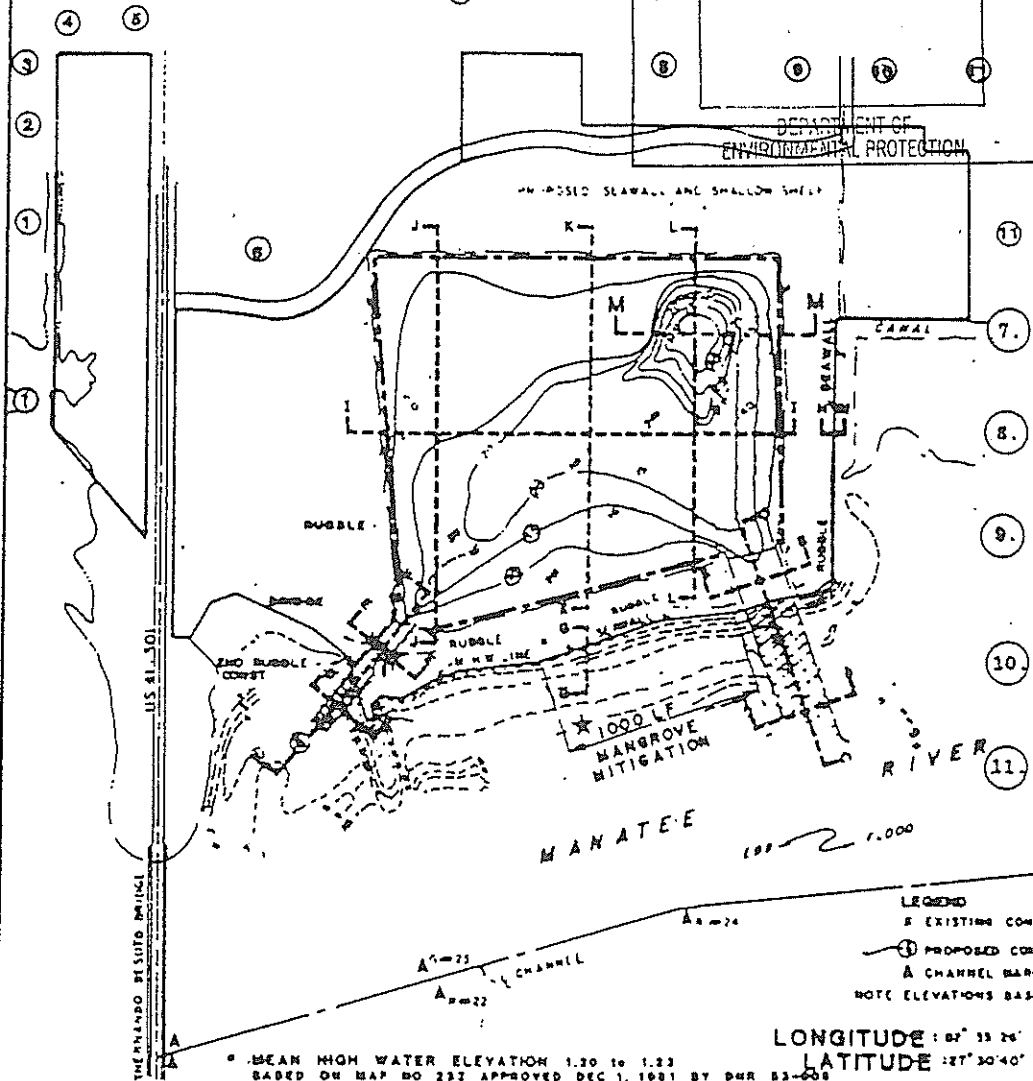
5. TEXACO REFIN AND
MARKETING, INC. STAR
ENTERPRISE
12700 NORTHBOROUGH DR.
SUITE 400
HOUSTON, TX 77067-2508

6. MANATEE CIVIC CENTER
ONE HADEN BLVD.
PALMETTO, FL 34221-4059



SCALE IN MILES
LOCATION MAP
FROM MANATEE CHAMBER OF COMMERCE
1979 STREET MAP

NOTE: THIS SHEET TO BE
USED FOR ADJACENT
PROPERTY OWNERS
ONLY.



7. PALM BAY MOBILE HOME PARK, LTD.
HIGHWAY 301
PALMETTO, FL 34221-5351

8. COLONIAL MOBIL MANOR, LTD.
900 9TH AVE. E.
PALMETTO, FL 34221-5316

9. COURTNEY, STELLA MATSON &
COURTNEY, LEVI MARION, JR. (R-S
RT. 2, BOX 6
PALMETTO, FL 34221-9802

10. DAKIN, SHERBURN F.
P.O. BOX 631
PALMETTO, FL 34220-0881

11. UTILITY POWER CORP.
P.O. BOX 180
BRADENTON, FL 34206-0180

LEGEND
— EXISTING CONTOUR — PROPOSED SEAWALL CONSTRUCTION IN BASIN
① PROPOSED CONTOUR
A CHANNEL MARKER
NOTE ELEVATIONS BASED ON M GVD 1929 DATUM

LONGITUDE: 82° 33' 26"
LATITUDE: 27° 30' 40"

SCALE
0 400 800
NORTH

APPLICATION BY:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, INC.
PALMETTO, FLORIDA

R. J. LOMBARDO PE - REG. NO. 20528

DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

41-0172757

MANATEE RIVER, PALMETTO, FLORIDA

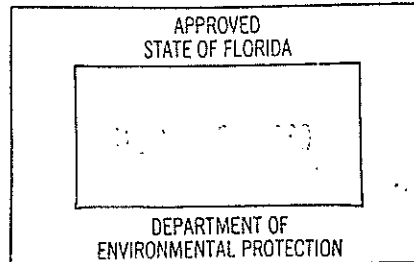
(REV. 5-22-90)

SHEET 1 A OF 13

PERMIT NO. 411783779

[Signature]

APPROVED
EST. RES. MGR.



ELEVATION REFERENCE DATUM NOTES

1. ALL EXISTING ELEVATIONS AND EXISTING CONTOUR LINES ARE REFERENCED TO N.G.V.D.
2. ALL PROPOSED DREDGING ELEVATIONS ARE REFERENCED TO MEAN LOW WATER.
3. ALL PROPOSED DOCK ELEVATIONS ARE REFERENCED TO N.G.V.D.
4. MEAN LOW WATER ELEVATION = -0.3 N.G.V.D.

PERMIT NC. 411783719

41-0172757

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 5-22-90 JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

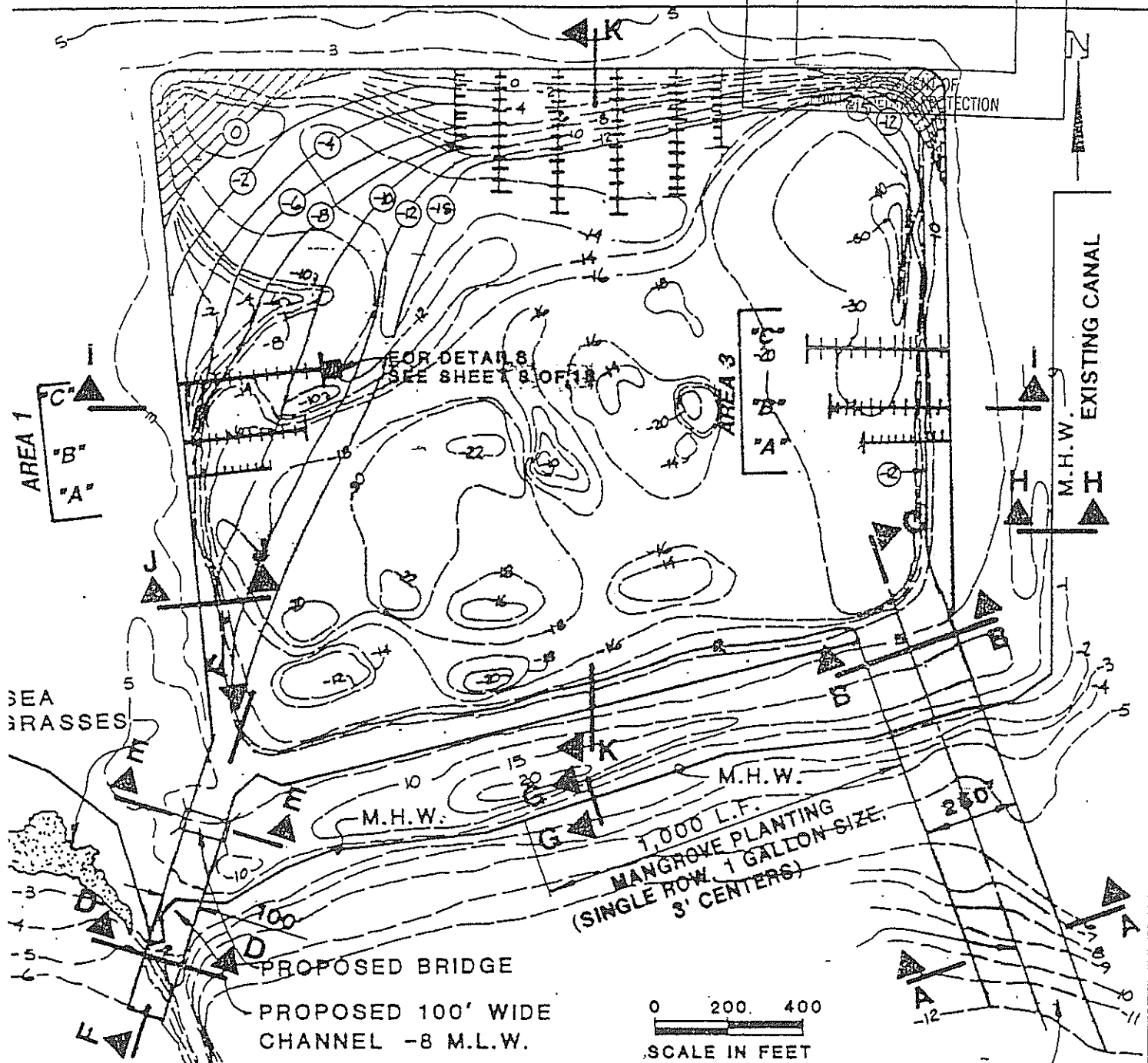
A large, stylized handwritten signature in black ink, likely belonging to R.J. Lombardo, the P.E. mentioned in the "PREPARED BY" section.

41-0172757

AREA 2

APPROVED
STATE OF FLORIDA

"A" "B" "C" "C" "B" "A"



LEGEND

- ② PROPOSED CONTOURS (M.L.W.)
- 2-- EXISTING CONTOURS (M.G.V.D.)
- WETLAND MITIGATION (SEE SHEET 12-13 OF 13)

PERMIT NO. 4117837
BASIN & CHANNELS
PLAN VIEW

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

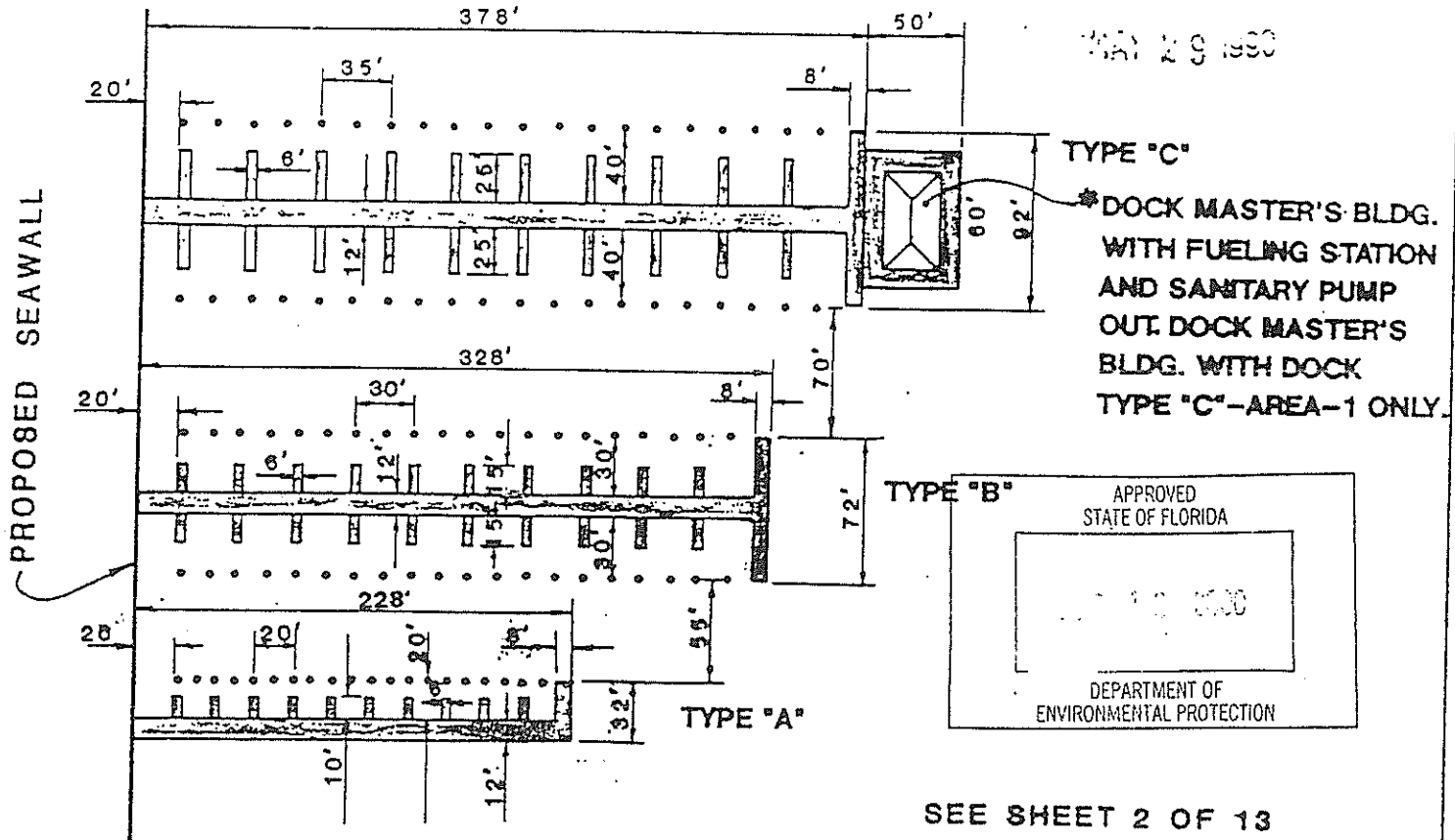
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

R. J. Lombardo

RECEIVED
MET. RES. MGT.

MAY 29 1990



SEE SHEET 2 OF 13
FOR MARINA LOCATION

80-20' SLIPS "A"
160-30' SLIPS "B"
160-40' SLIPS "C" *
400 SLIPS TOTAL

41-0172757

PERMIT NO. 411783719

TYPICAL MARINA PLAN VIEW



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:
Lombardo & Skipper, Inc.

Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

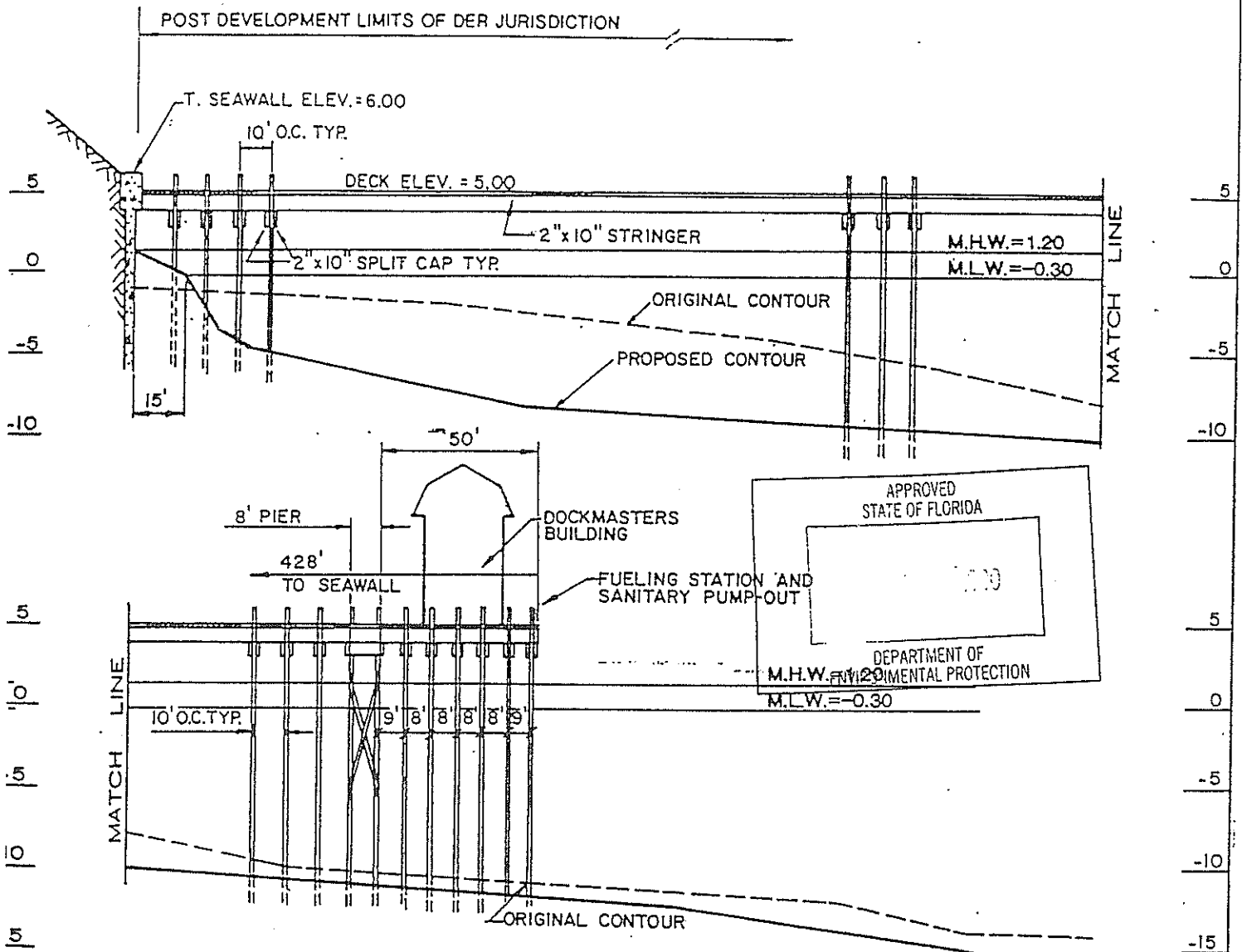
JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

41-0172757



PERMIT NC. 411783719



Elevations Based On N.G.V.D.
1929 Datum.

MAIN DOCK PROFILE

(NOTE: DOCKMASTER'S BUILDING IS ONLY ON DOCK TYPE "C" AREA 1)

RECEIVED
WET. RES. MGT.

JAN 25 1991

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

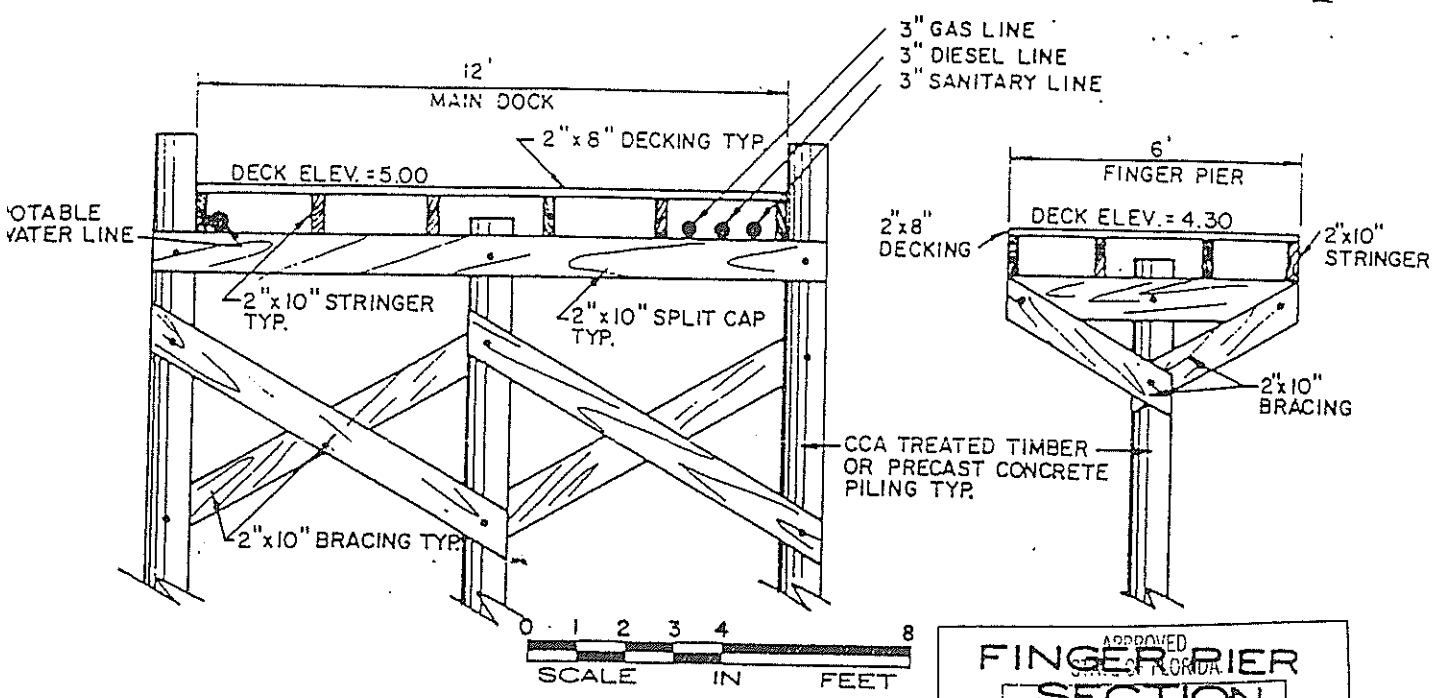
R.J. Lombardo P.E. Reg. No. 20528

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

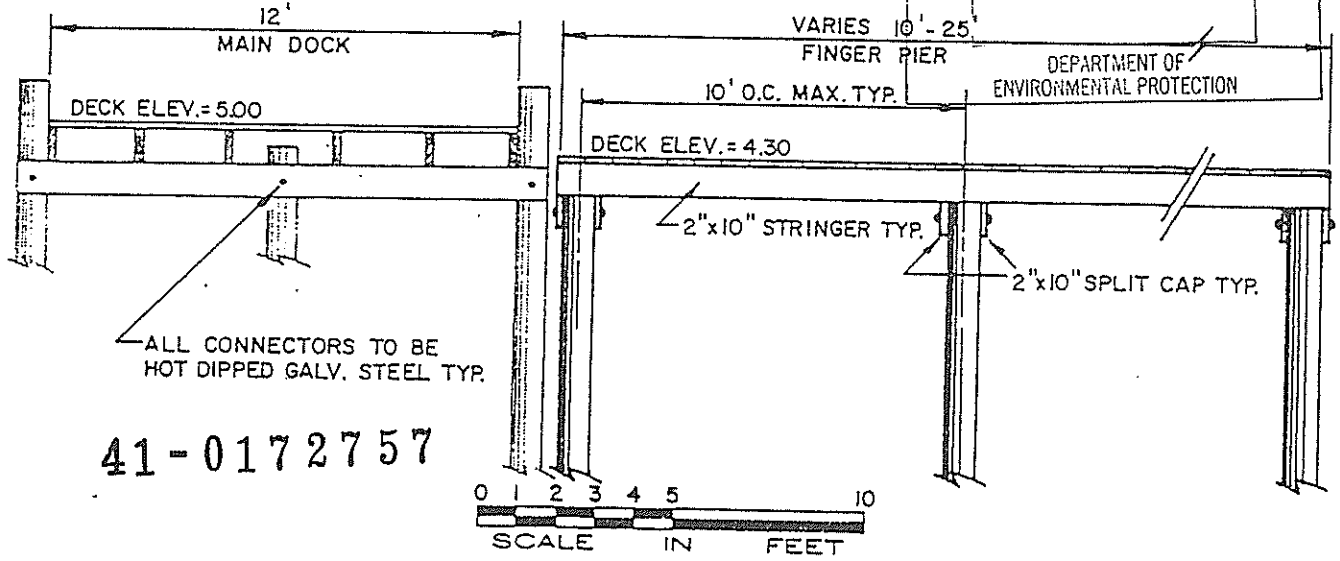
MANATEE RIVER, PALMETTO, FLORIDA

RECEIVED
MAY 19 1990
RES. M206



MAIN DOCK SECTION
TYPE "A", "B" & "C"

APPROVED
STATE OF FLORIDA
FINGER PIER SECTION
DEPT. OF ENVIRONMENTAL PROTECTION



FINGER PIER PROFILE

41-0172757

PERMIT NO. 411783719

OWNER:
Manatee Gateway No. 1, a Joint Venture
PREPARED BY:
Lombardo & Skipper, Inc.
Palmetto, Florida
J. Lombardo P.E. Reg. No. 20528
DATE 2-1-90 JOB NO. 3190-2
(REV. 5-22-90)

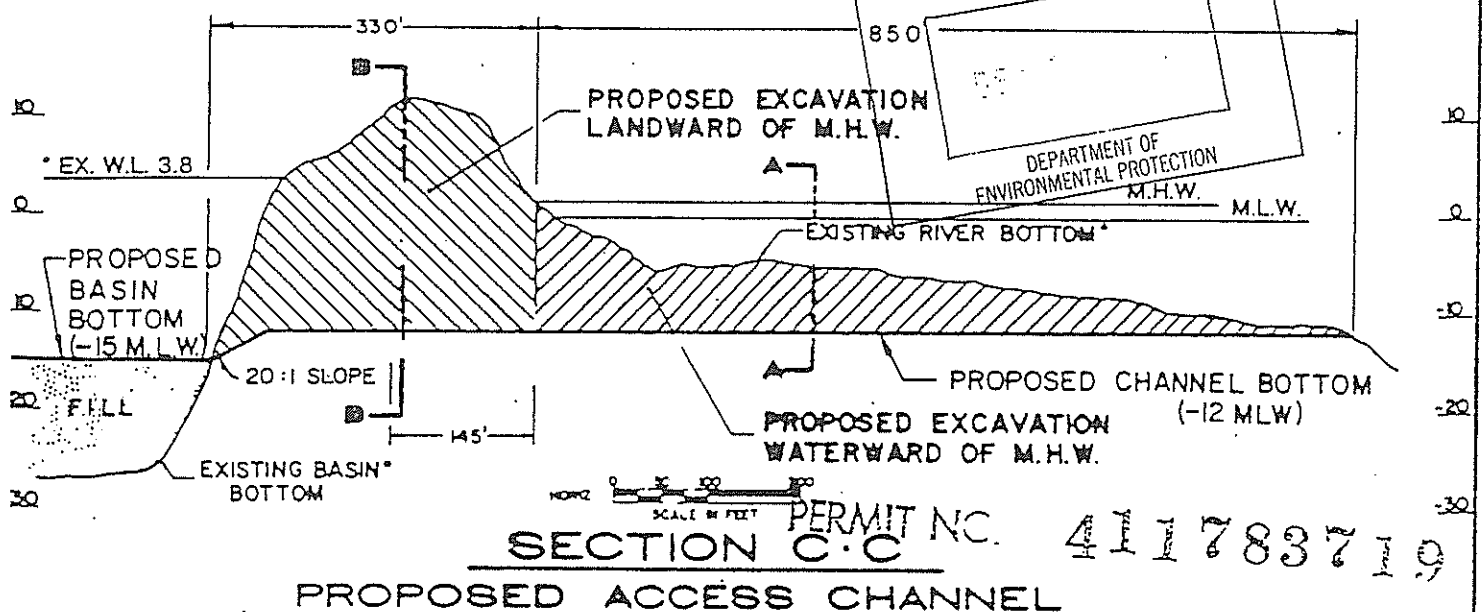
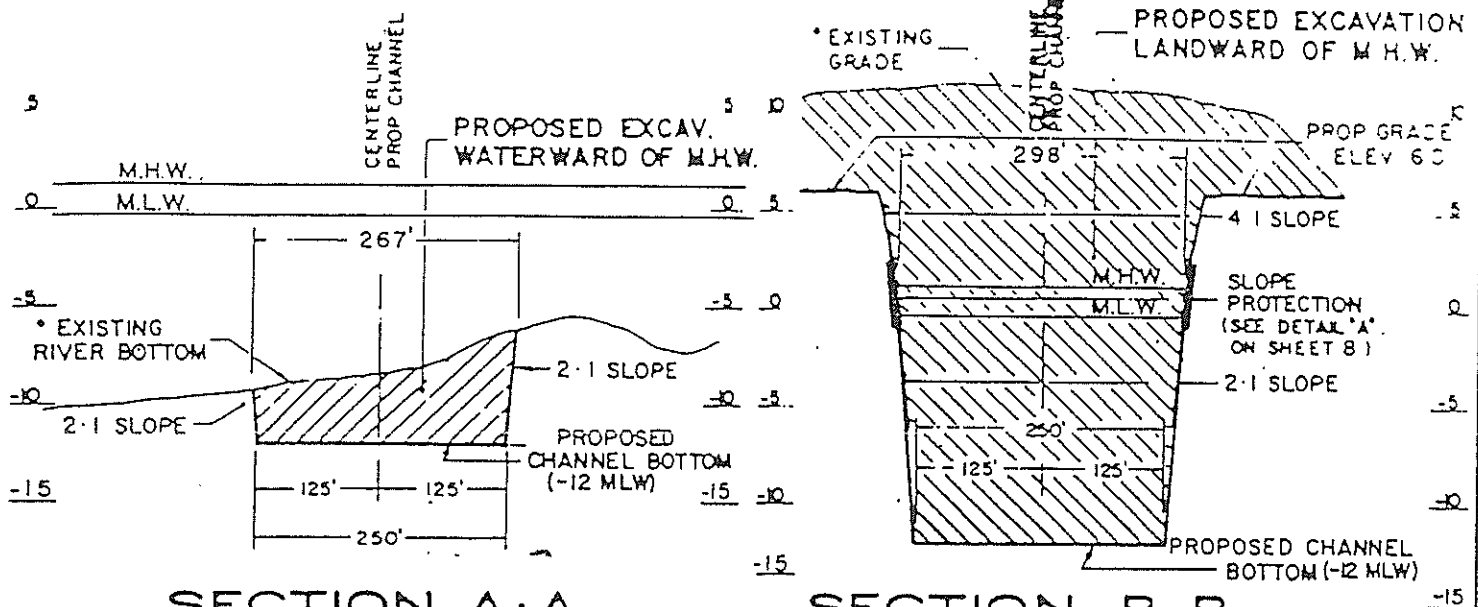
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING
Manatee Gateway
MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

41-0172757

RECEIVED
MET. RES. 1001

MAY 23 1990



AS PER SURVEY BY: CIVIL ENGINEERING CONSULTANTS, FEB 1982

Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23, Based on map No. 232 Approved Dec. 1, 1981, by DNR 83-004

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90.

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,

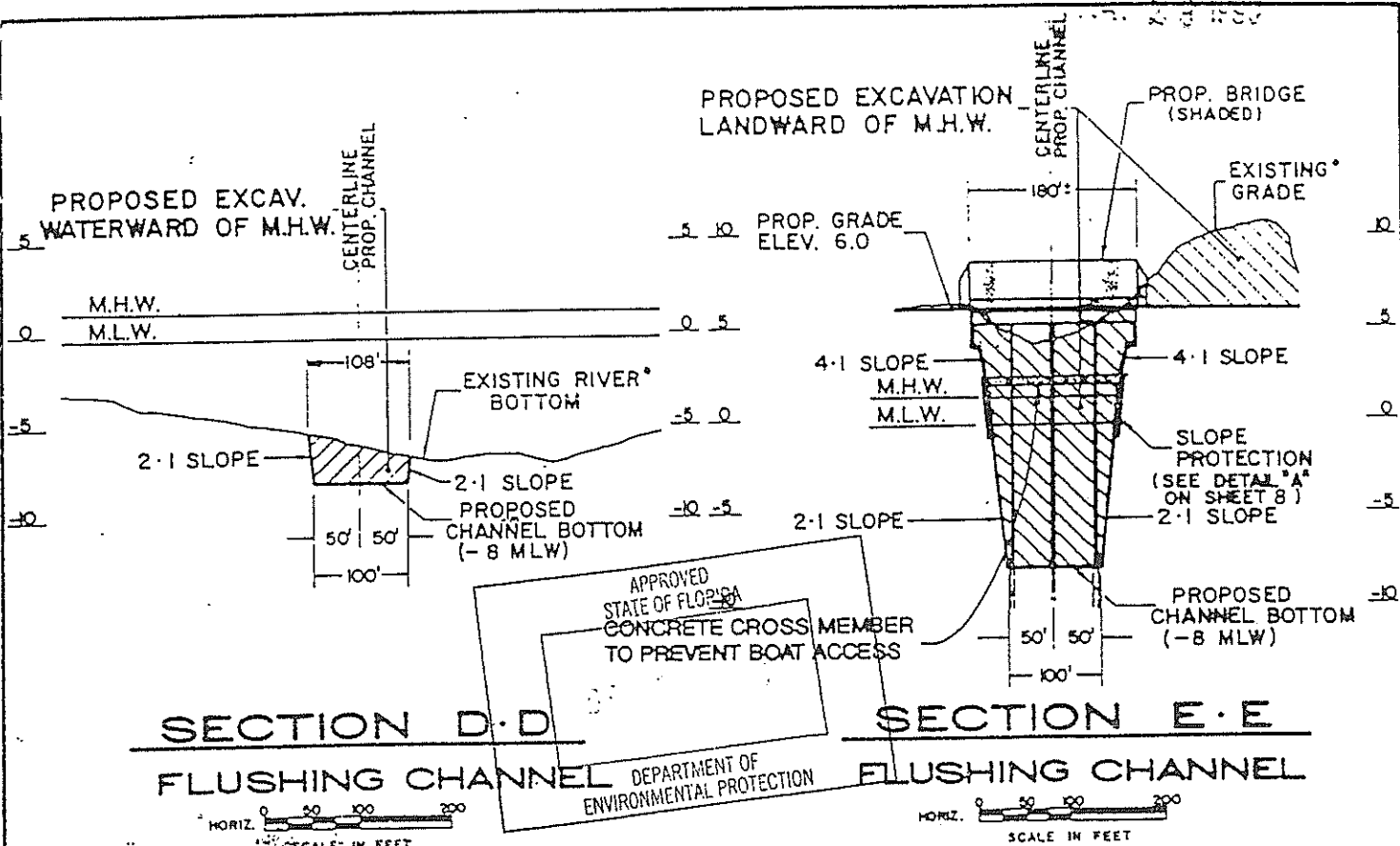
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

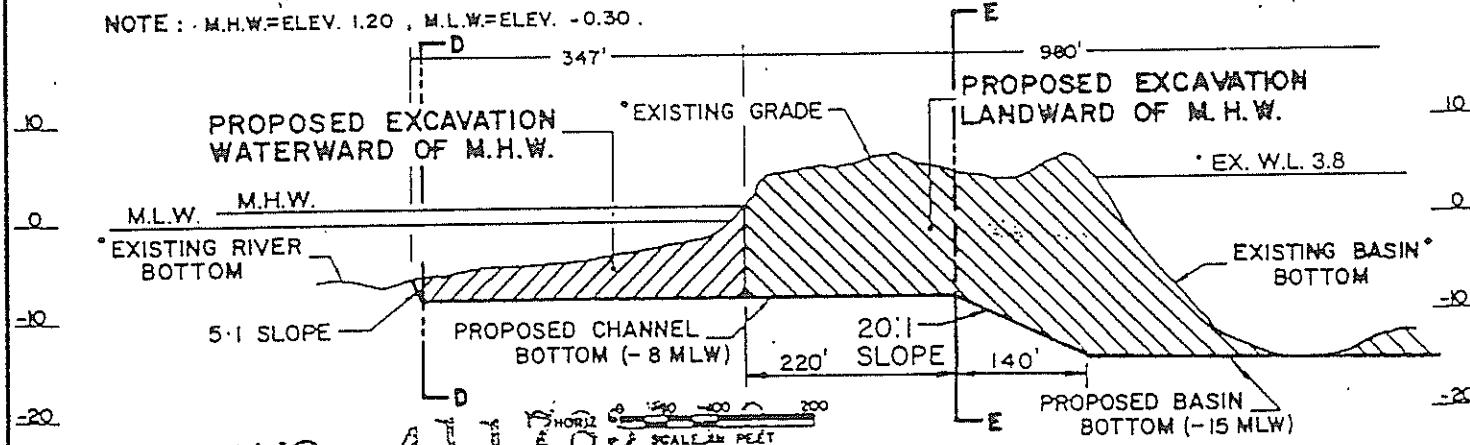
MANATEE RIVER, PALMETTO, FLORIDA

41-0172757

RECEIVED
SET. RES. MO.



NOTE: M.H.W.=ELEV. 1.20, M.L.W.=ELEV. -0.30.



PERMIT NO. 41180

SECTION F-F
PROPOSED FLUSHING CHANNEL

AS PER SURVEY BY: CIVIL ENGINEERING CONSULTANTS, FEB. 1982.

Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23. Based on map No. 232. Approved Dec. 1, 1981, by DNR 53-006.

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

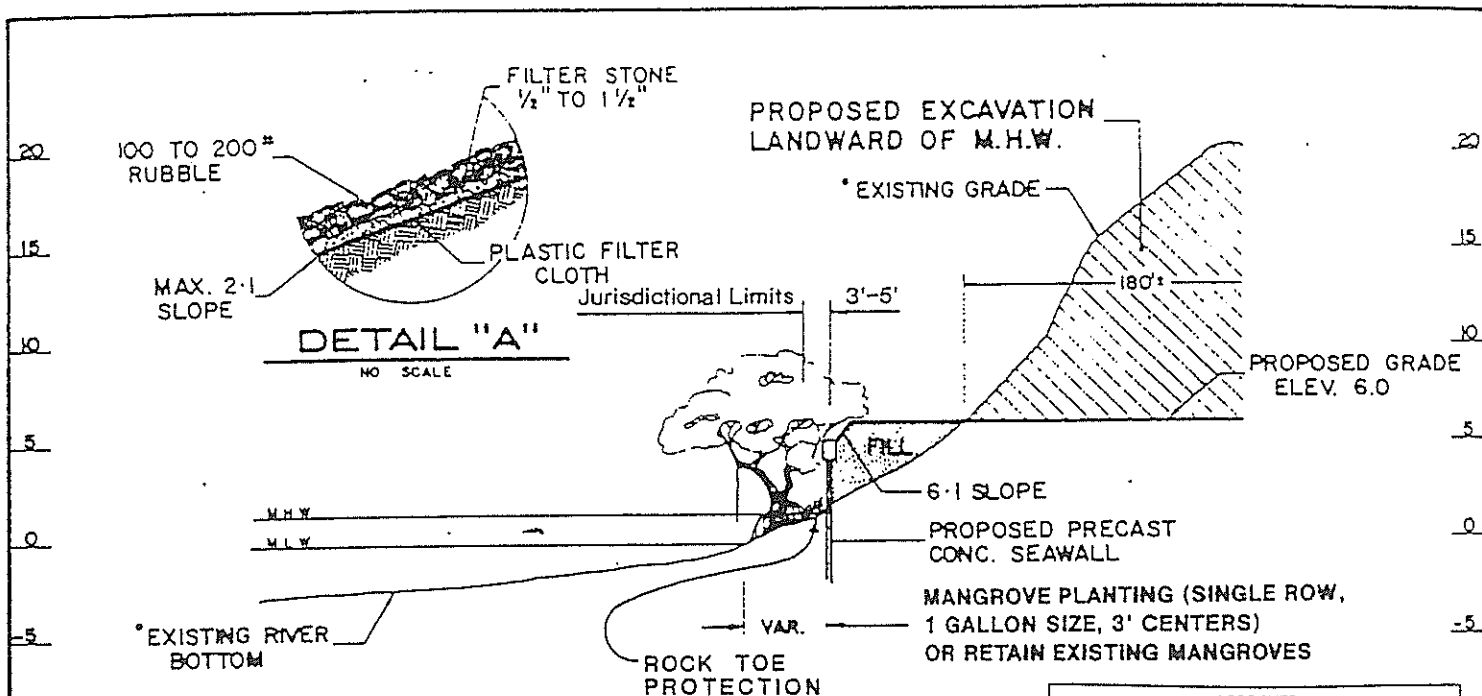
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

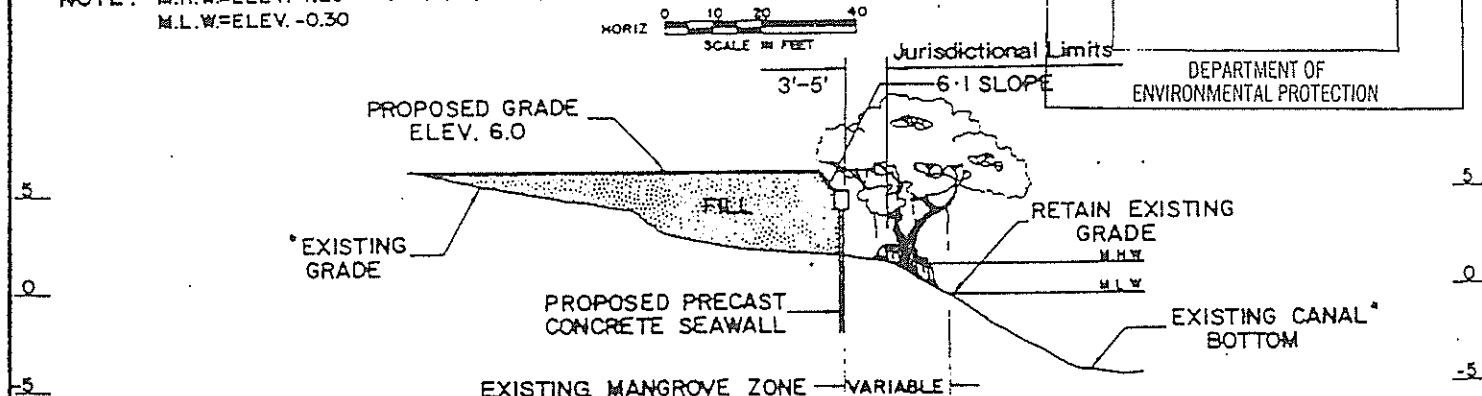
SHEET 3 OF 13

41-011207



NOTE: M.H.W.=ELEV. 1.20
M.L.W.=ELEV. -0.30

SECTION G-G TYP. SEAWALL ALONG RIVER



PERMIT NC. 411783719

SECTION H-H TYP. SEAWALL ALONG CANAL



Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23, Based on map No. 232, Approved Dec. 1, 1981, by DMR 53-006.

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

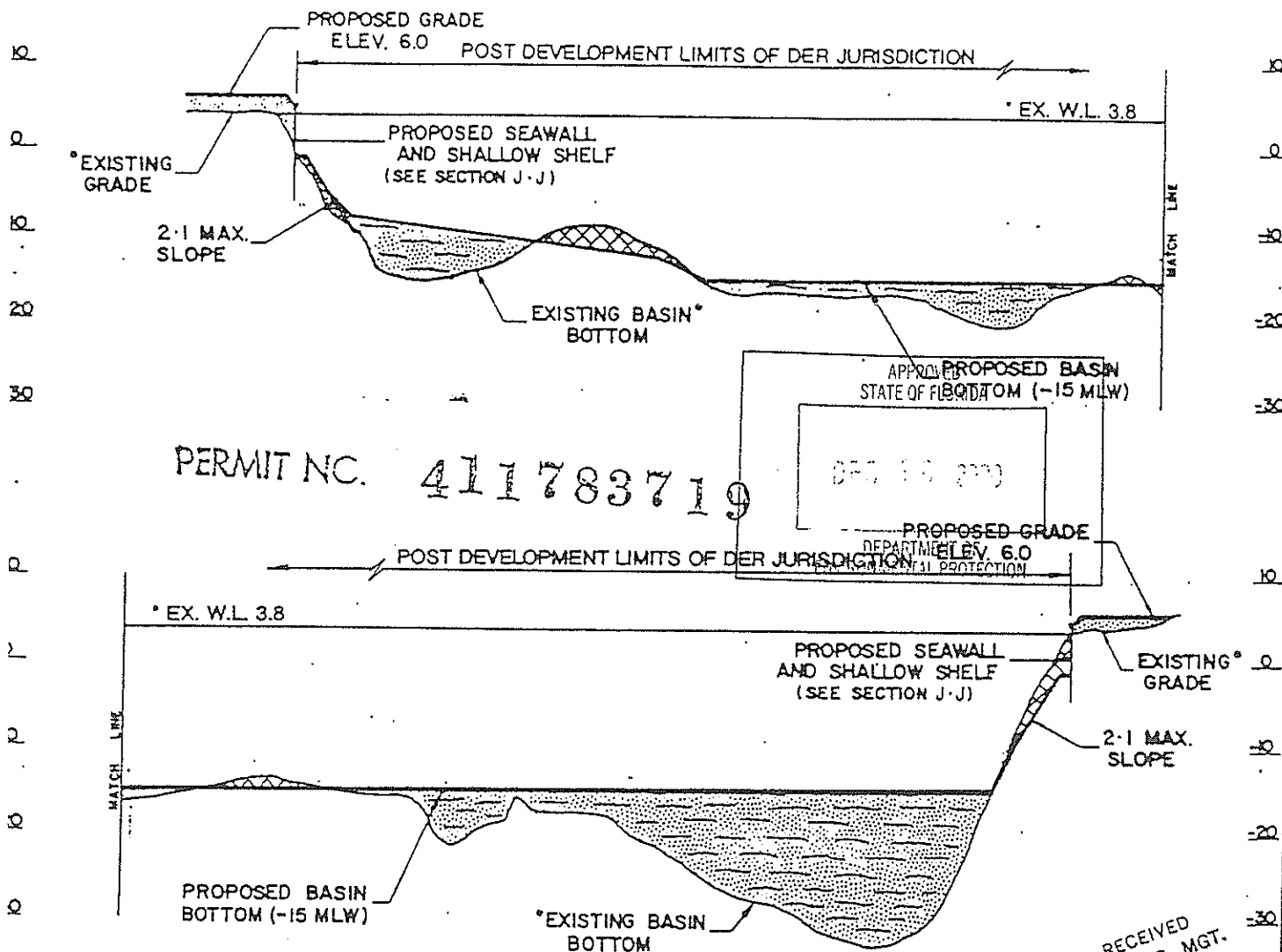
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

PER SURVEY BY:
CIVIL ENGINEERING CONST.
FEB 1982.

[Signature]

41-0172757



-  INDICATES EXCAVATION FOR BASIN CONTOURING
-  INDICATES EXCAVATION LANDWARD OF M.H.W.
-  INDICATES FILL LANDWARD OF M.H.W.
-  INDICATES FILLING FOR BASIN CONTOURING

SECTION I-I BASIN

HORIZ 0 50 100 200
SCALE IN FEET

NOTE:

WATER LEVEL IN BASIN WILL APPROXIMATE TIDAL ELEVATIONS WHEN BASIN IS CONNECTED TO THE MANATEE RIVER.
(M.H.W.=1.20, M.L.W.=-0.30)

RECEIVED
WET. RES. MGT.

JAN 25 1991

Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23. Based on map No. 232. Approved Dec. 1, 1981, by DNR 53-006.

*AS PER SURVEY BY: CIVIL ENGINEERING CONSULTANTS, FEB. 1982.

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

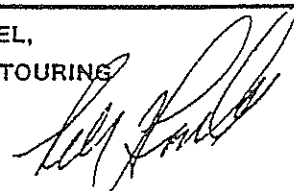
DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

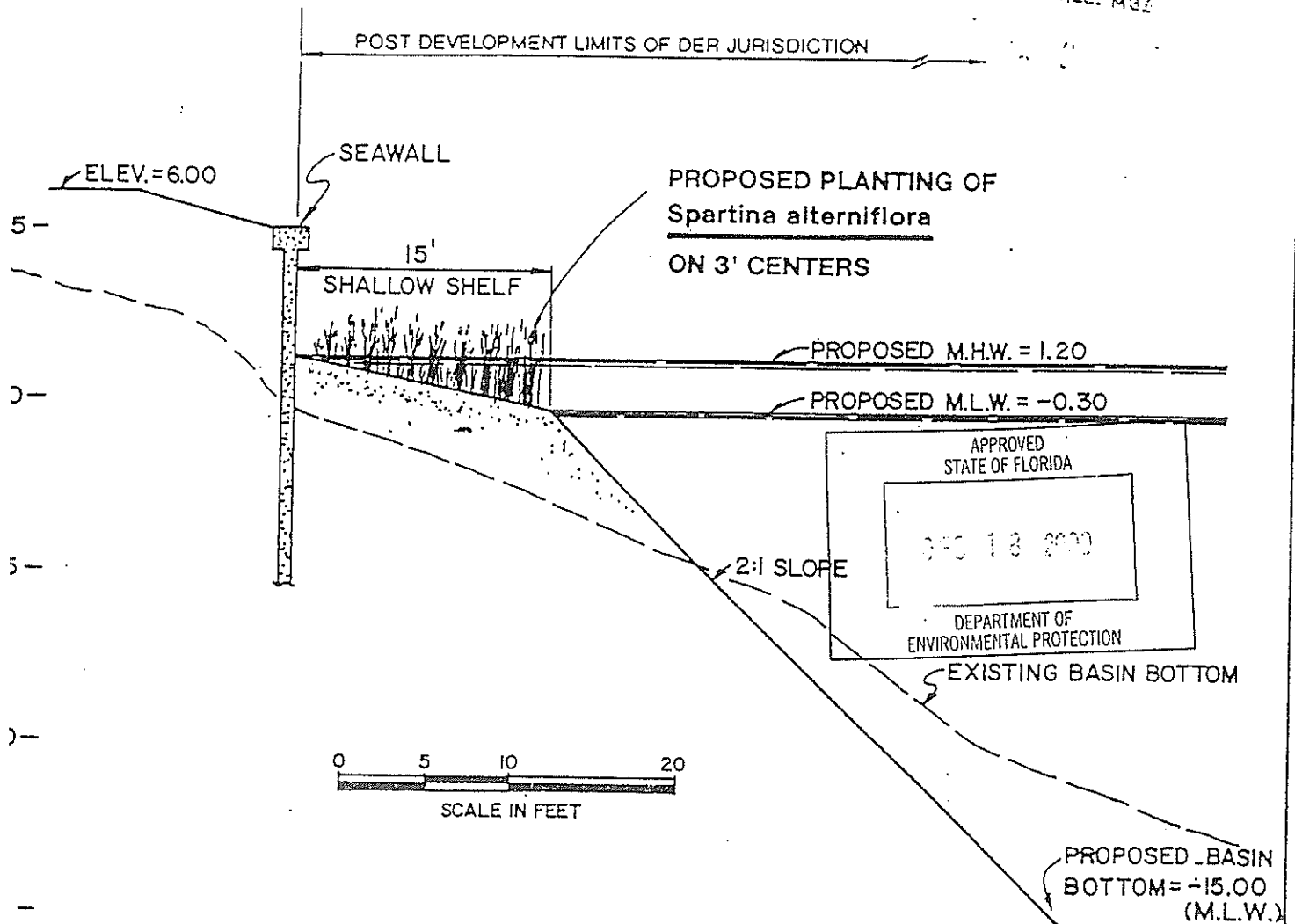
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA



41-0172757

RECEIVED
MAN. RES. MGT



PERMIT NO. 411783719

SECTION J-J
SHALLOW SHELF

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

J. Lombardo P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2.

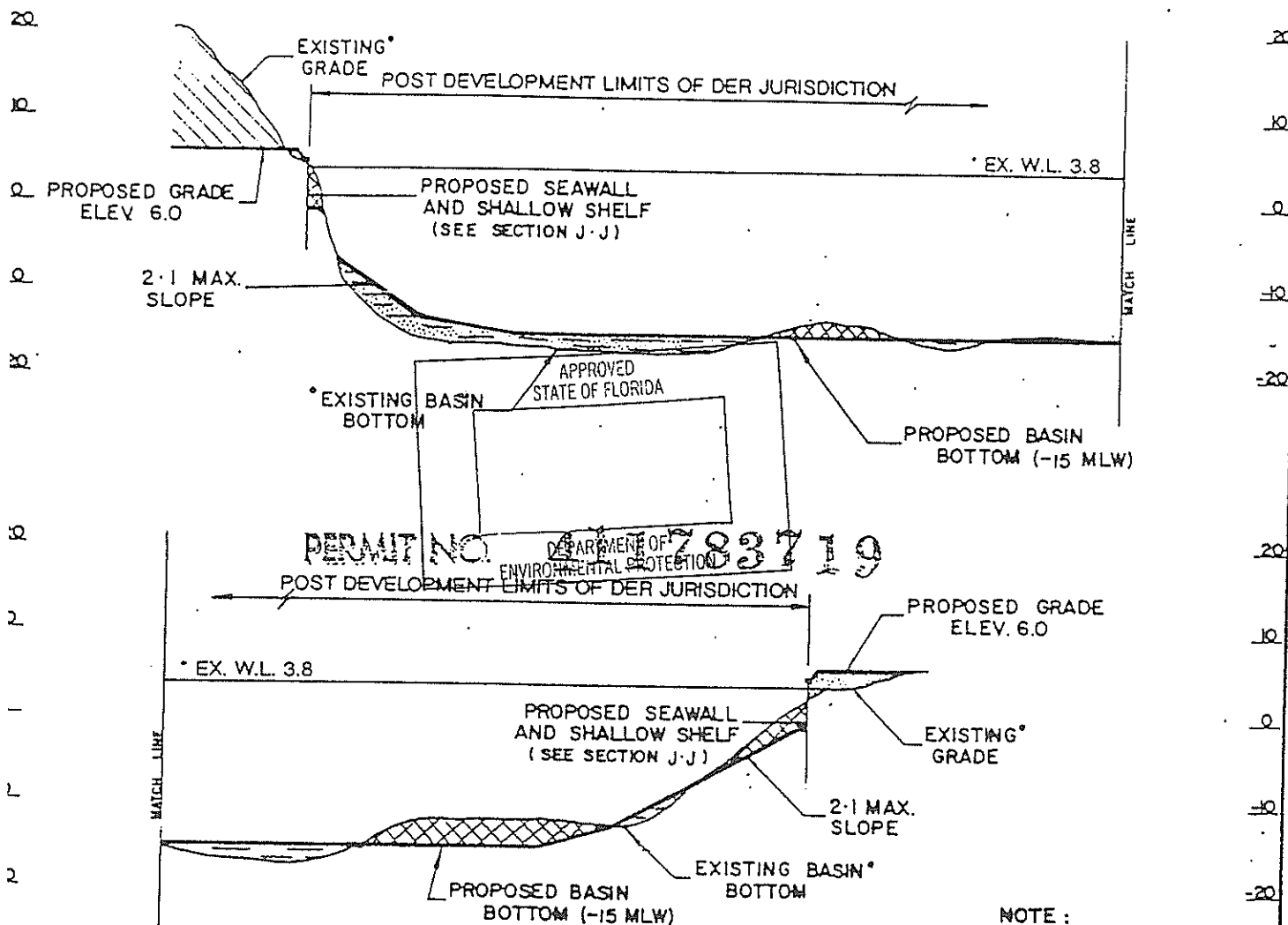
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

41-0172757



-  INDICATES EXCAVATION FOR BASIN CONTOURING
-  INDICATES EXCAVATION LANDWARD OF M.H.W.
-  INDICATES FILL LANDWARD OF M.H.W.
-  INDICATES FILLING FOR BASIN CONTOURING

SECTION K-K

BASIN



NOTE:

WATER LEVEL IN BASIN WILL APPROXIMATE TIDAL ELEVATIONS WHEN BASIN IS CONNECTED TO THE MANATEE RIVER.
(M.H.W. = 1.20, M.L.W. = -0.30)

* AS PER SURVEY BY:
CIVIL ENGINEERING CONSLT.
FEB. 1982.

Elevations Based on NGVD 1929 Datum

MEAN HIGH WATER ELEVATION 1.20 to 1.23, Based on map No. 232, Approved Dec. 1, 1981, by DMR 53-006.

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

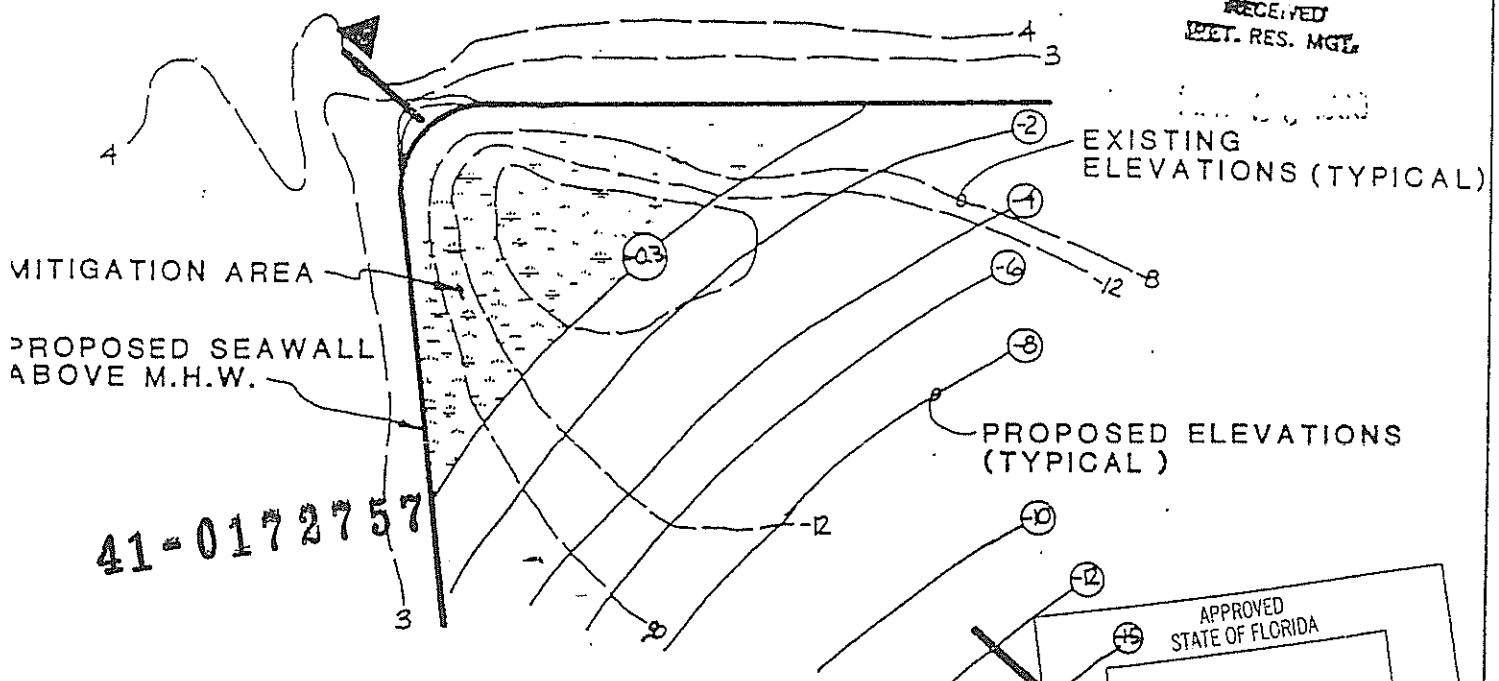
DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

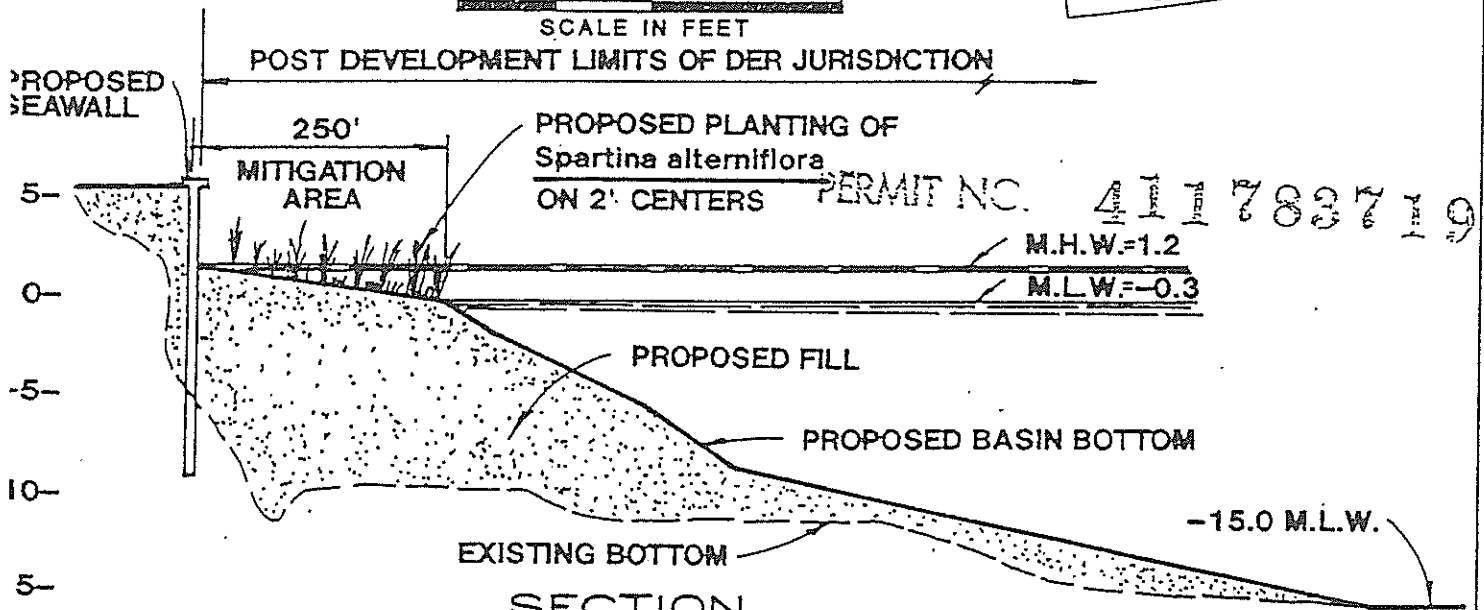
MANATEE RIVER, PALMETTO, FLORIDA



PLAN VIEW

N.W. WETLAND MITIGATION FILL AREA

0 100 200 400
SCALE IN FEET



SECTION

N.W. WETLAND MITIGATION FILL AREA

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

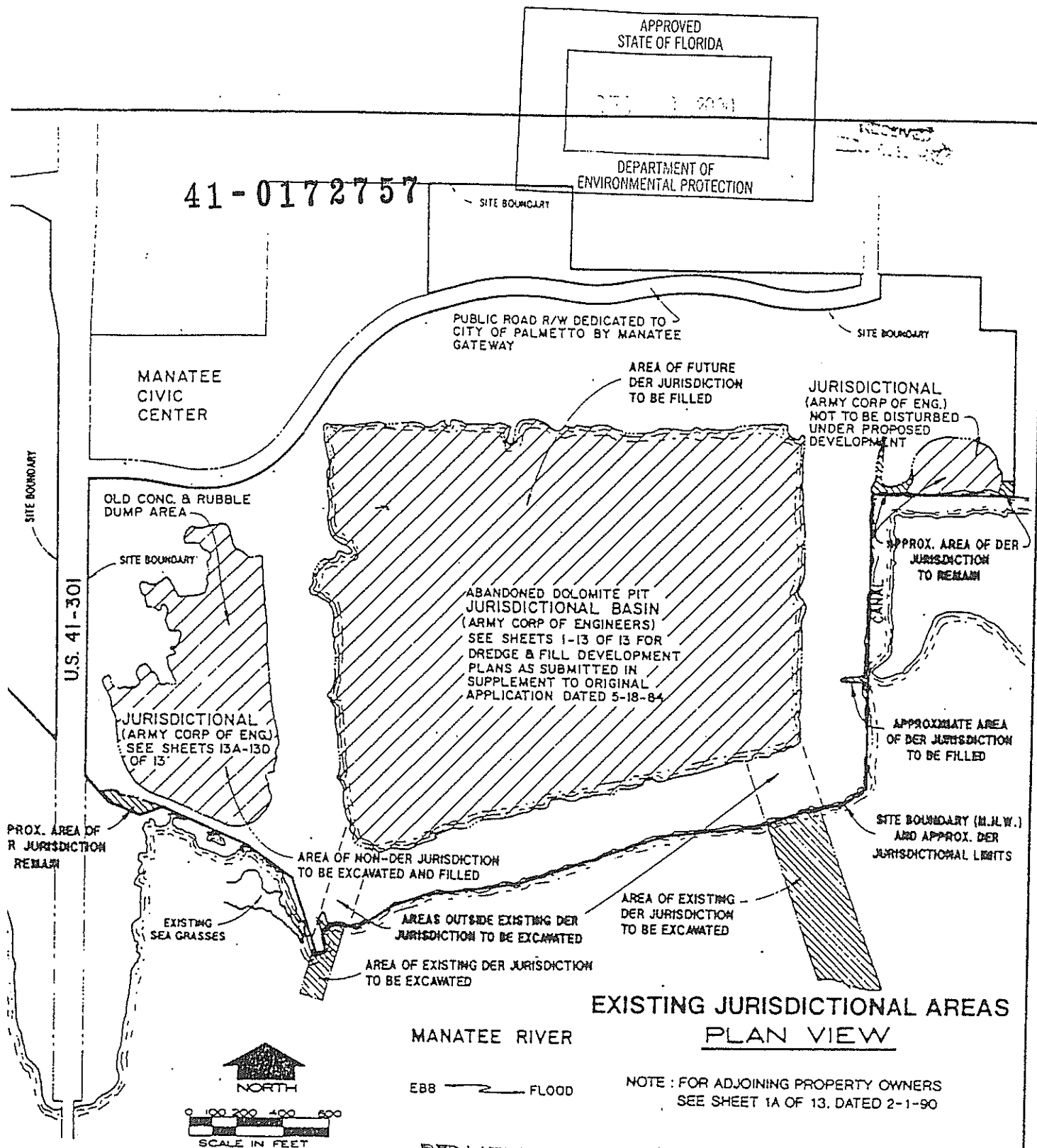
DATE 2-1-90

JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528
DATE 2-1-90 (REV. 5-22-90) JOB NO. 3190-2

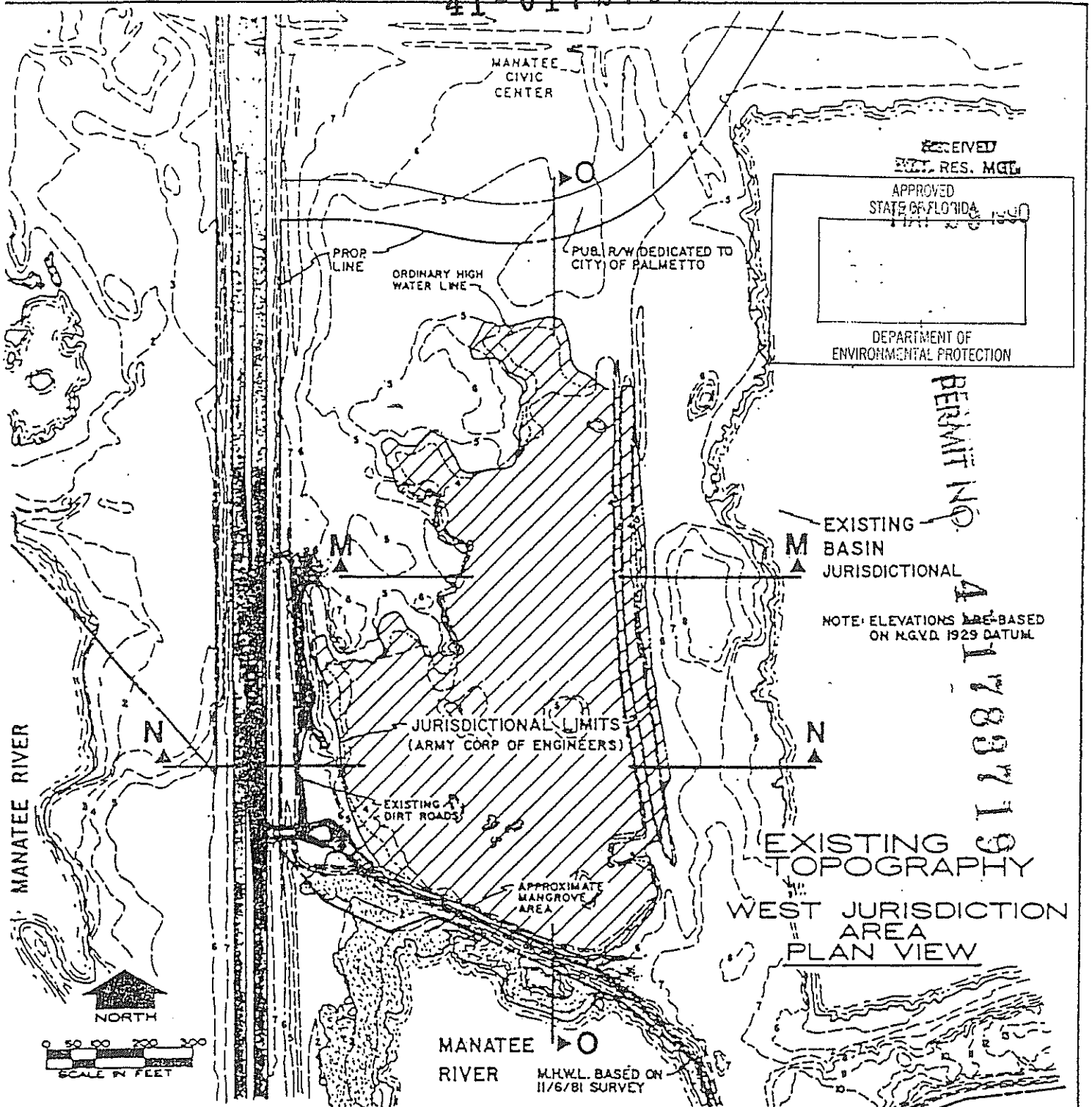
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

41-0172757



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo, P.E. Reg. No. 20528

DATE 2-1-90

JOB NO. 3190-2

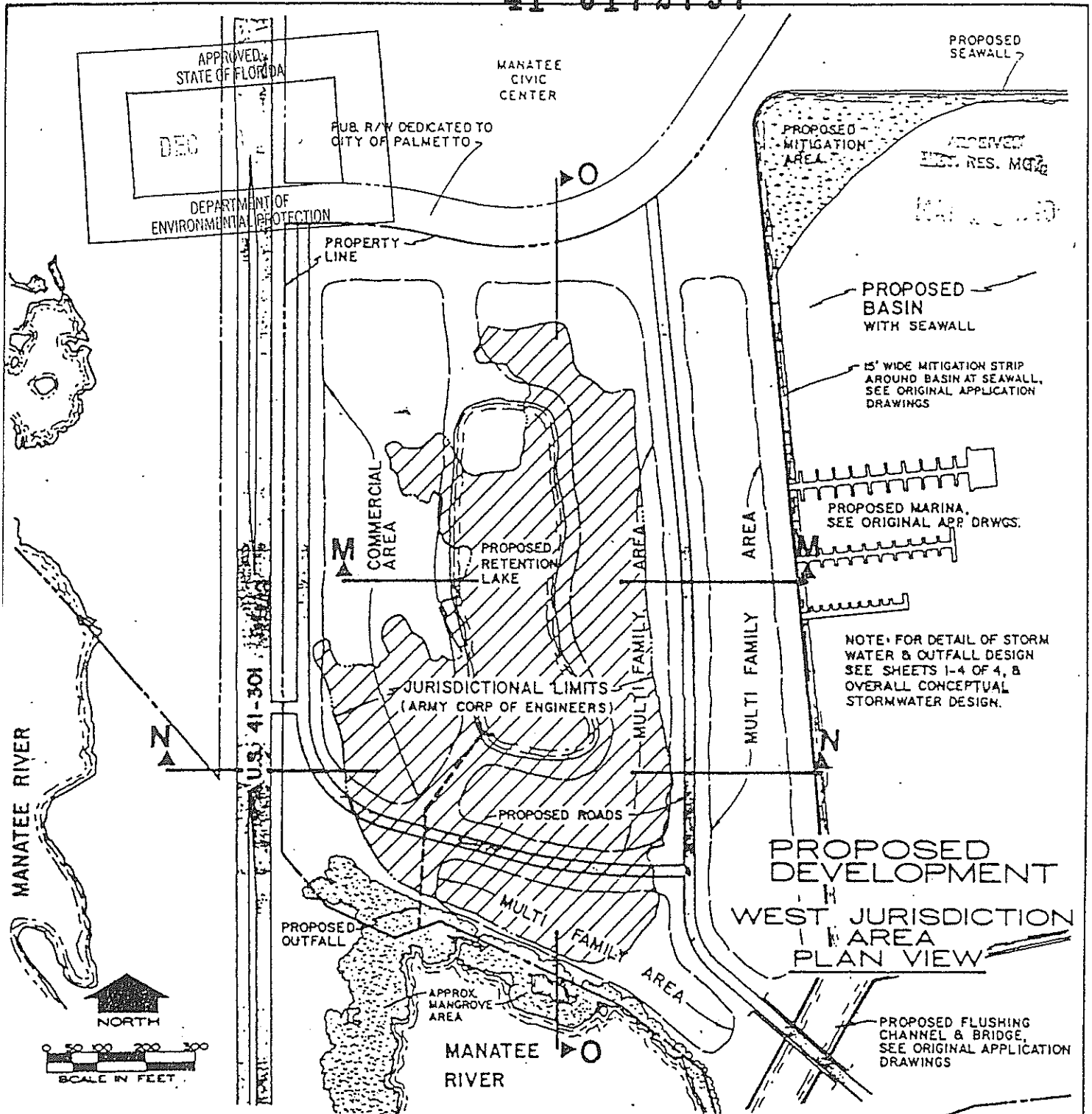
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

41-0172757



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

PERMIT NC.

Lombardo & Skipper, Inc.

Palmetto, Florida

R.J. Lombardo, P.E. Reg. No. 20528

DATE 2-1-90

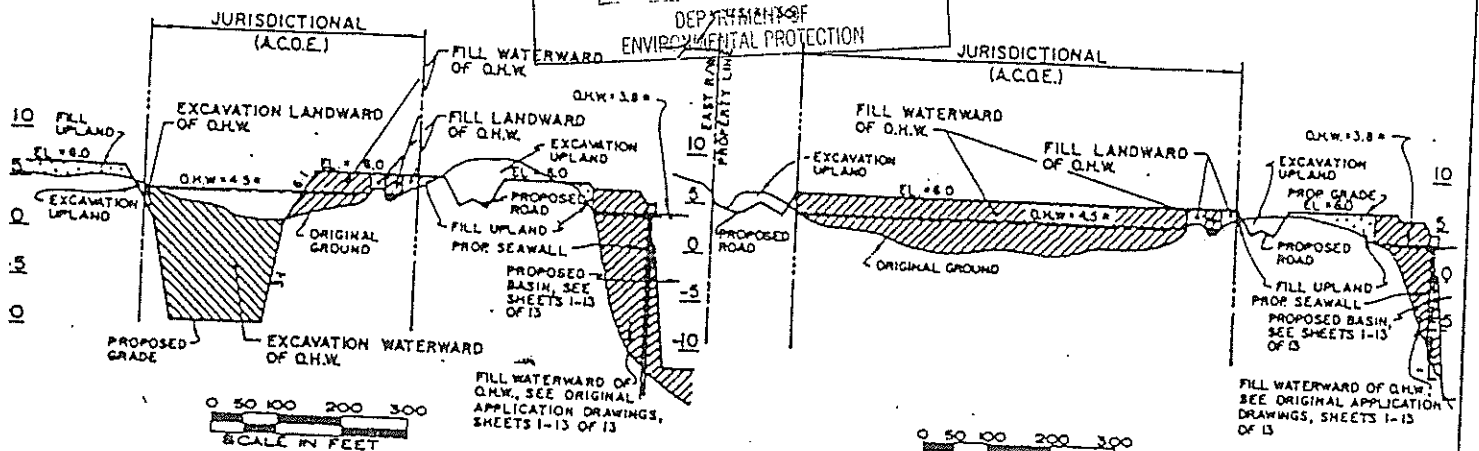
JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

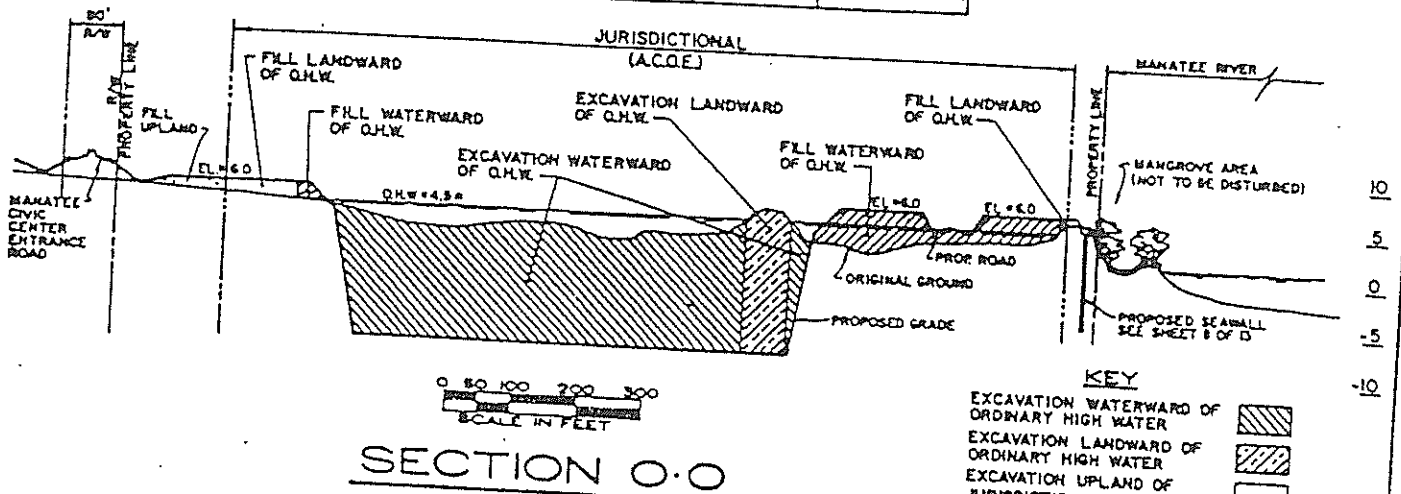
411783710
Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

41-0172757

APPROVED
STATE OF FLORIDADEPARTMENT OF
ENVIRONMENTAL PROTECTION

EXCAVATION & FILL QUANTITIES		
	AREA (Acres)	VOLUME (Cu Yds)
Excavation Waterward of O.H.W.	3.20	59,420
Excavation Landward of O.H.W.	0.15	3,480
Fill Waterward of O.H.W.	8.65	139,490
Fill Landward of O.H.W.	2.05	11,590
TOTAL	14.05	



KEY

- EXCAVATION WATERWARD OF ORDINARY HIGH WATER
- EXCAVATION LANDWARD OF ORDINARY HIGH WATER
- EXCAVATION UPLAND OF JURISDICTION
- FILL WATERWARD OF ORDINARY HIGH WATER
- FILL LANDWARD OF ORDINARY HIGH WATER
- FILL UPLAND OF JURISDICTION

NER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

J. Lombardo, P.E. Reg. No. 20528

E 2-1-90

JOB NO. 3190-2

(REV. 5-22-90)

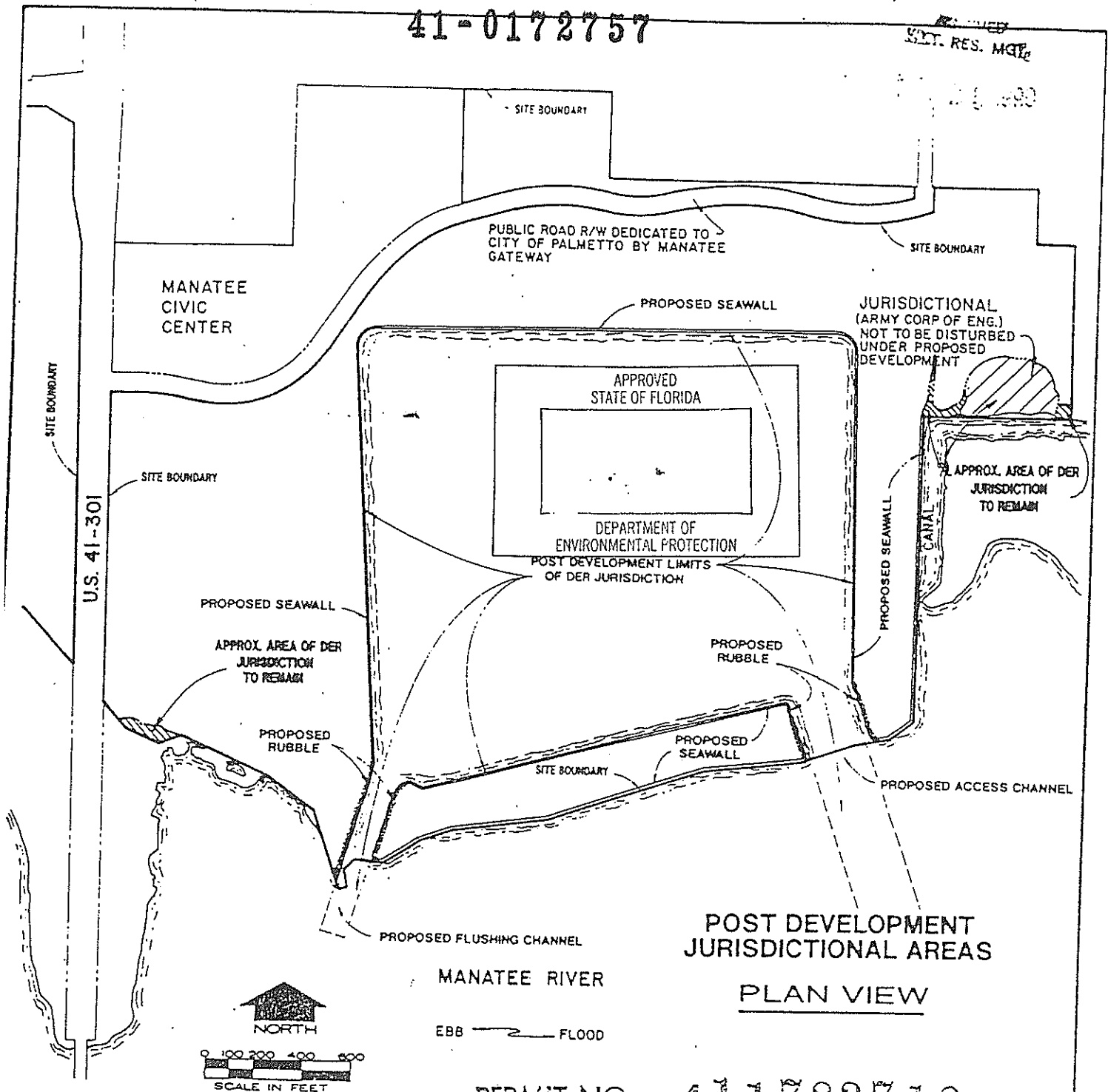
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

41-0172757

REVISED
SIT. RES. MGT.



POST DEVELOPMENT
JURISDICTIONAL AREAS
PLAN VIEW

PERMIT.NC. 411783719

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 5-22-90

JOB NO. 3190-2

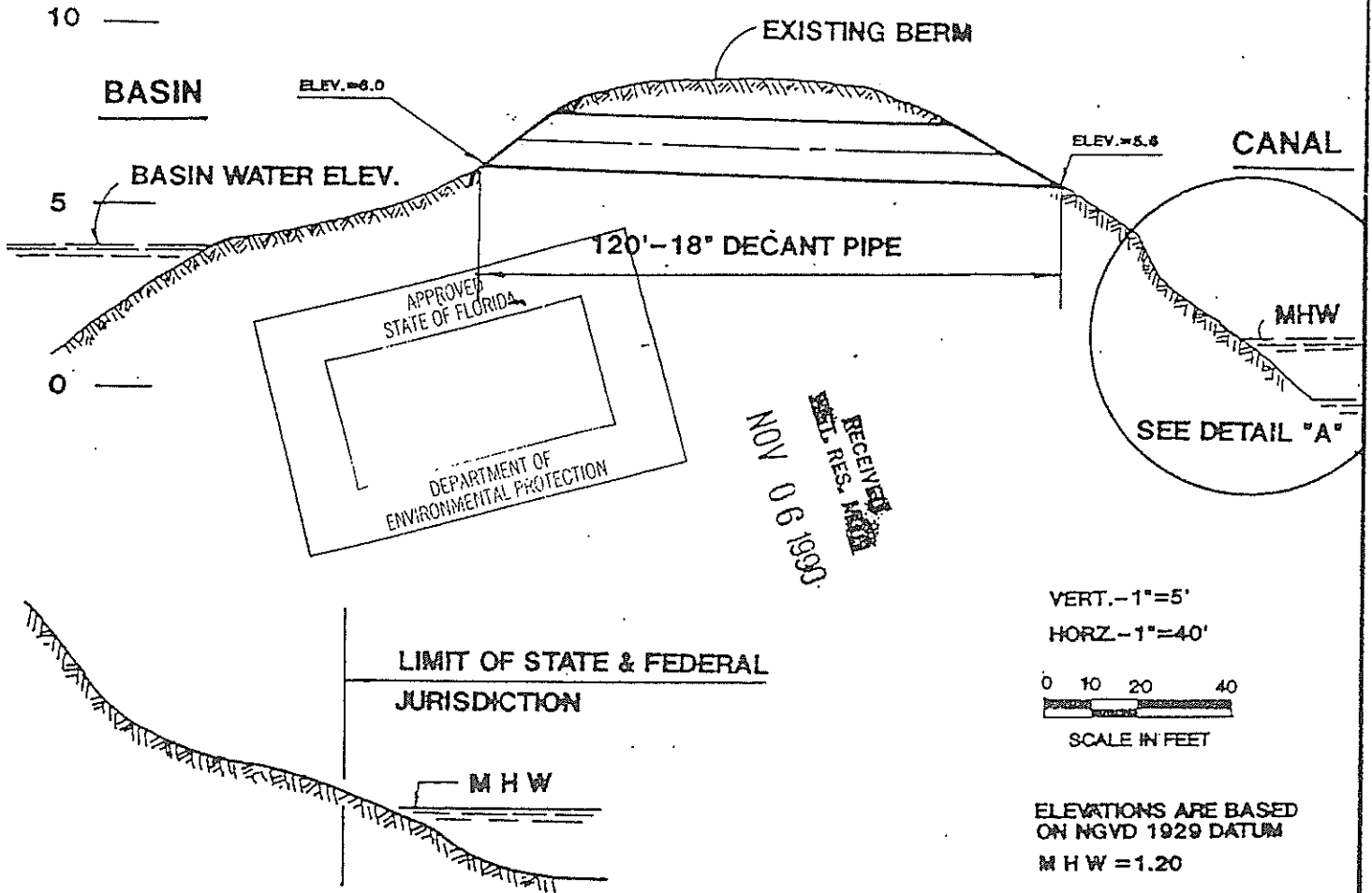
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

41-0172757



DETAIL "A"

PERMIT NO. 411783719
DETAIL OF
DECANT PIPE PROFILE

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE: 7-18-90

JOB NO. 3190-2

PROPOSED CONSTRUCTION SEQUENCE FOR
ACCESS CHANNEL,
FLUSHING CHANNEL and BASIN
TO SERVE

MANATEE GATEWAY

ON THE

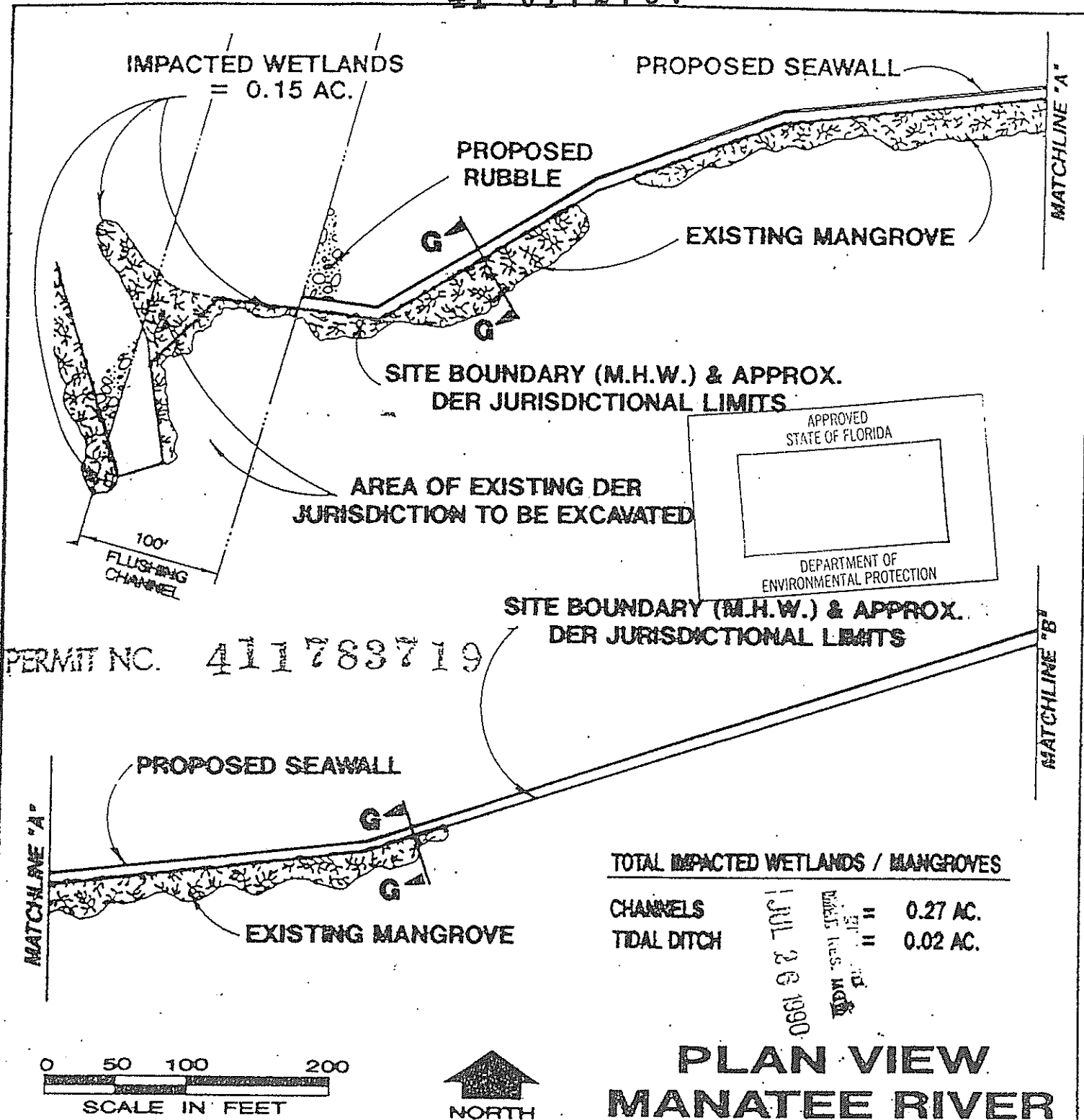
MANATEE RIVER

CITY OF PALMETTO • MANATEE COUNTY, FLORIDA

REV. Nov. 5, 1990

SHEET 13F OF 13

41-0172757



OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20328

DATE: 7-18-90

JOB NO. 9100-9

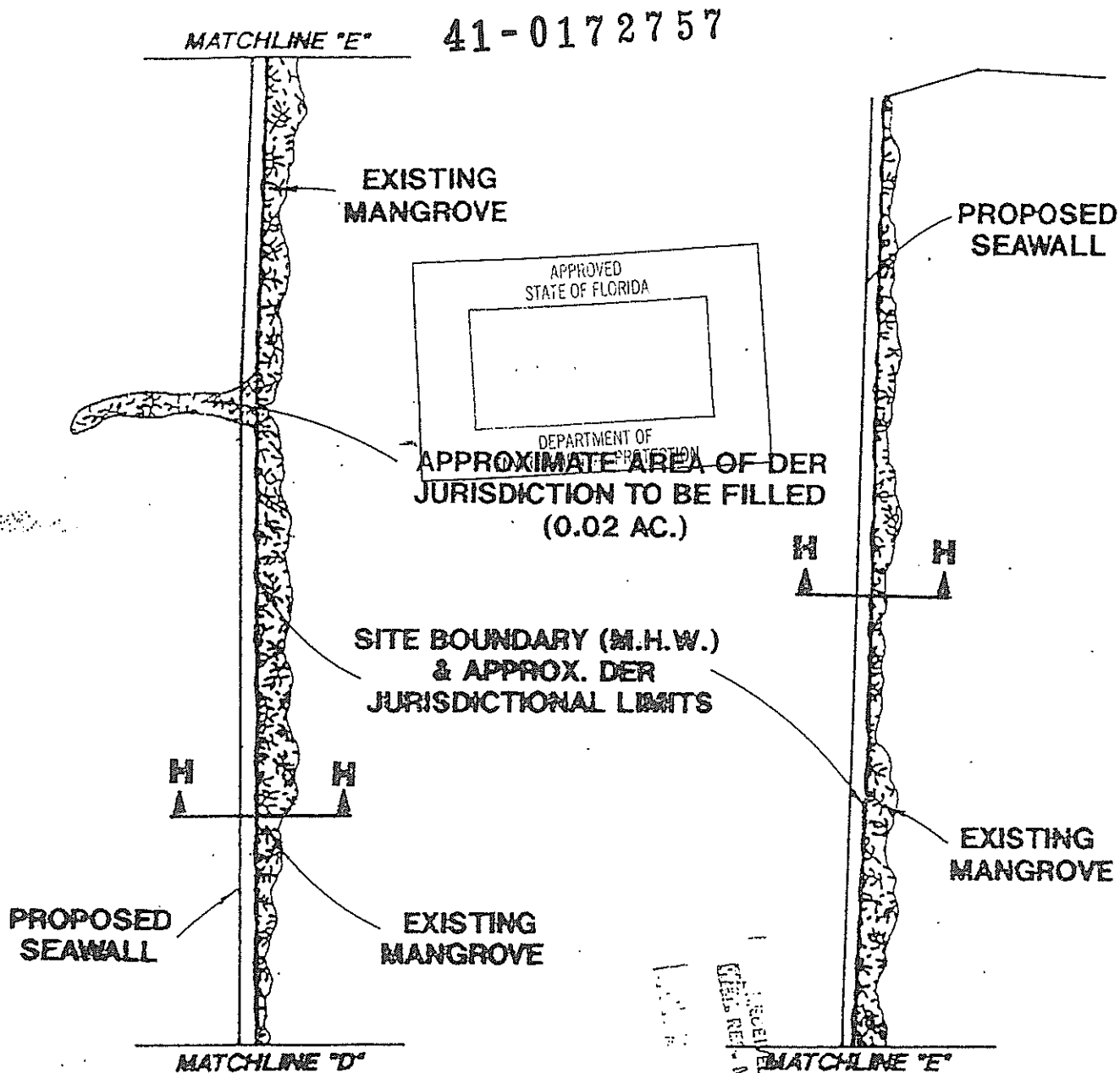
PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

[Signature]

MAKATEE RIVER, PALMETTO, FLORIDA



PERMIT NC. 411783719

0 50 100 200
SCALE IN FEET



**PLAN VIEW
CANAL**

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
Palmetto, Florida
R.J. Lombardo P.E. Reg. No. 20528

DATE: 7-18-00

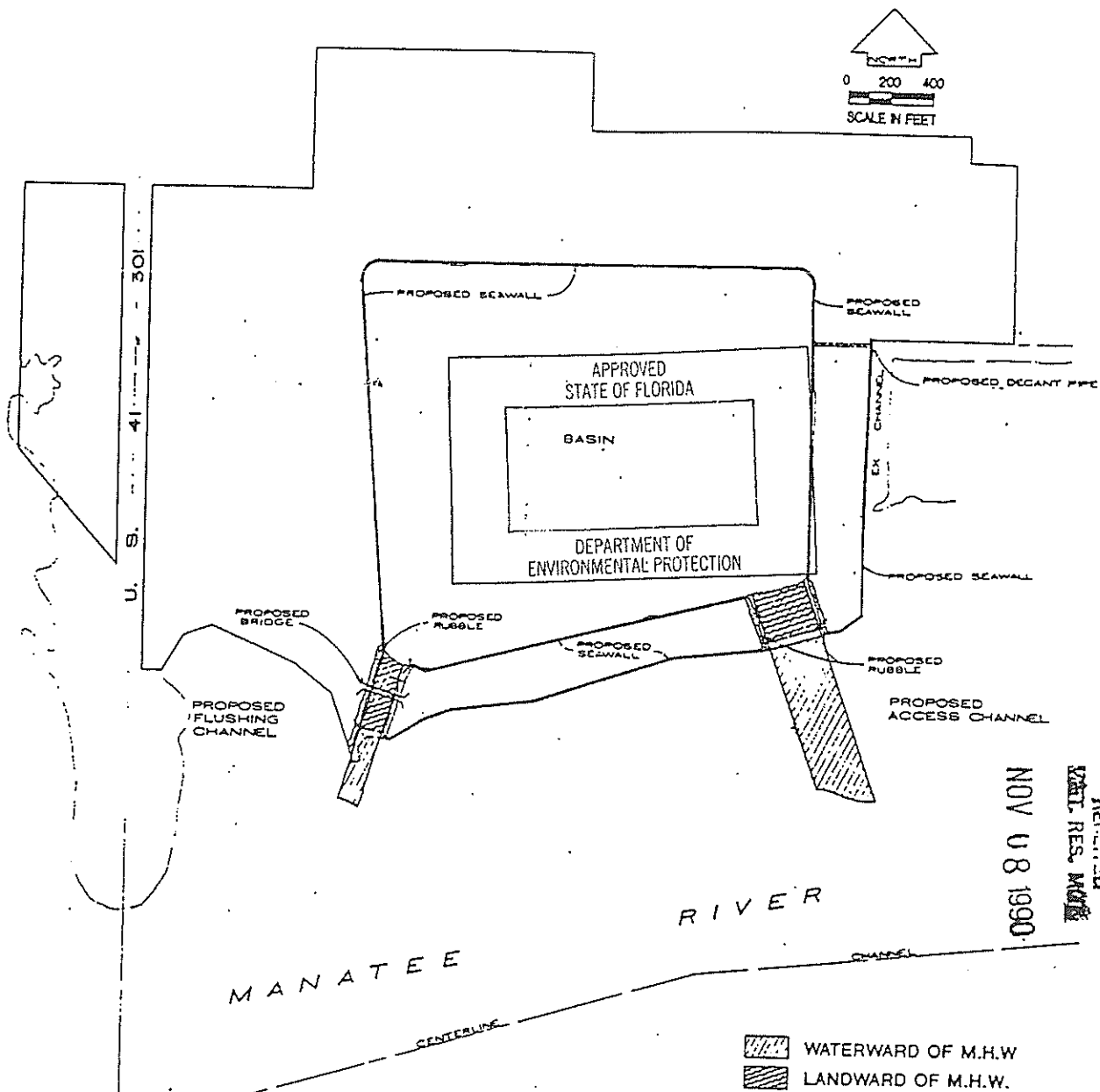
JOB NO. 3190-2

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

41-0172757



NOV 08 1990
 RECD
 NAT. RES. MGR.

PERMIT NO. 411783719

EXHIBIT NO. 1

OWNER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.
 Palmetto, Florida

R.J. Lombardo P.E. Reg. No. 20528

DATE 4-7-82 (REV. 5-22-90) JOB NO. 3190-2

REV. 5-22-90

PROPOSED CONSTRUCTION SEQUENCE FOR
 ACCESS CHANNEL,
 FLUSHING CHANNEL and BASIN
 TO SERVE

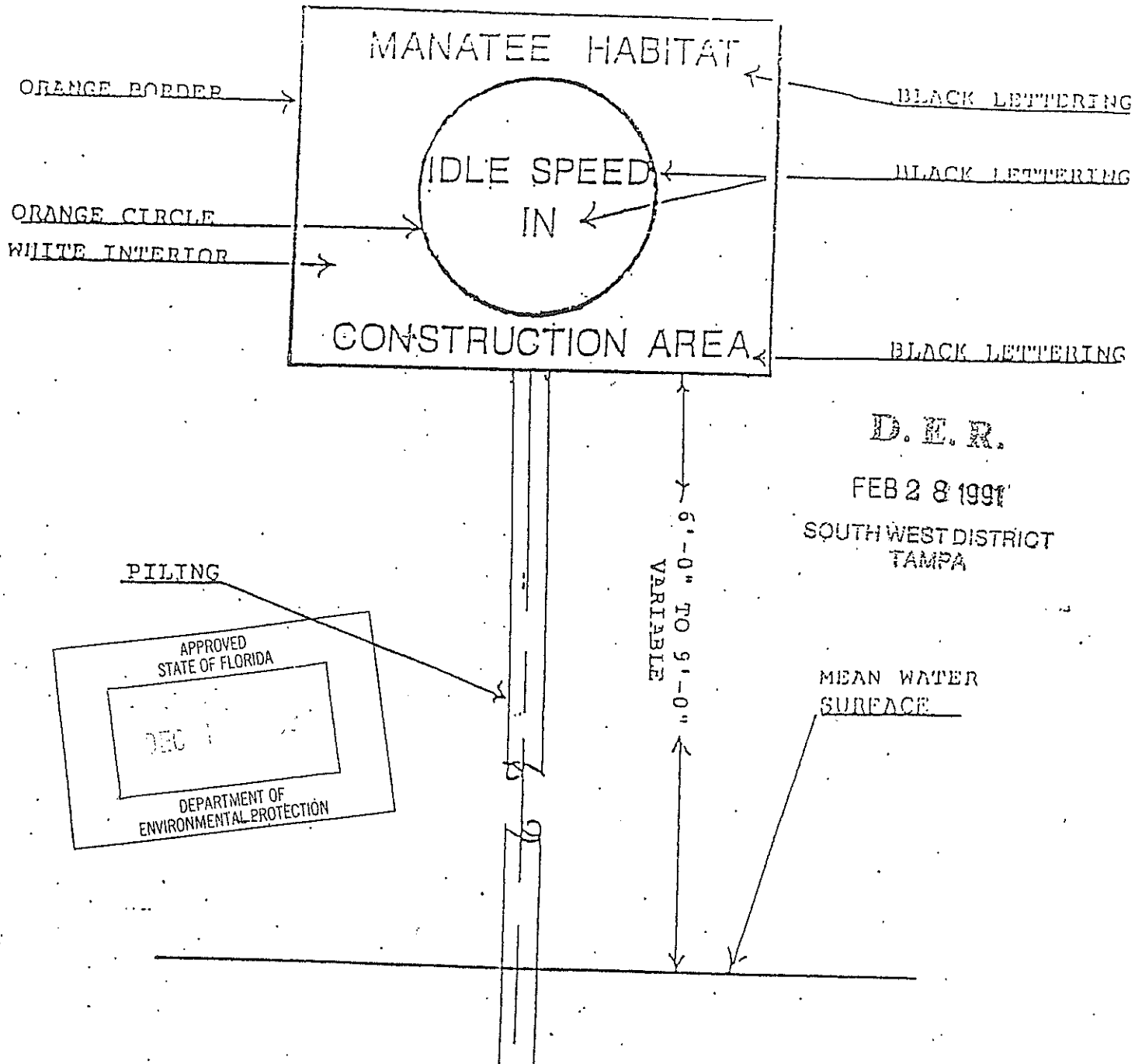
MANATEE GATEWAY

ON THE
MANATEE RIVER

CITY OF PALMETTO • MANATEE COUNTY, FLORIDA

CONSTRUCTION SIGN
(TEMPORARY)

41-0172757



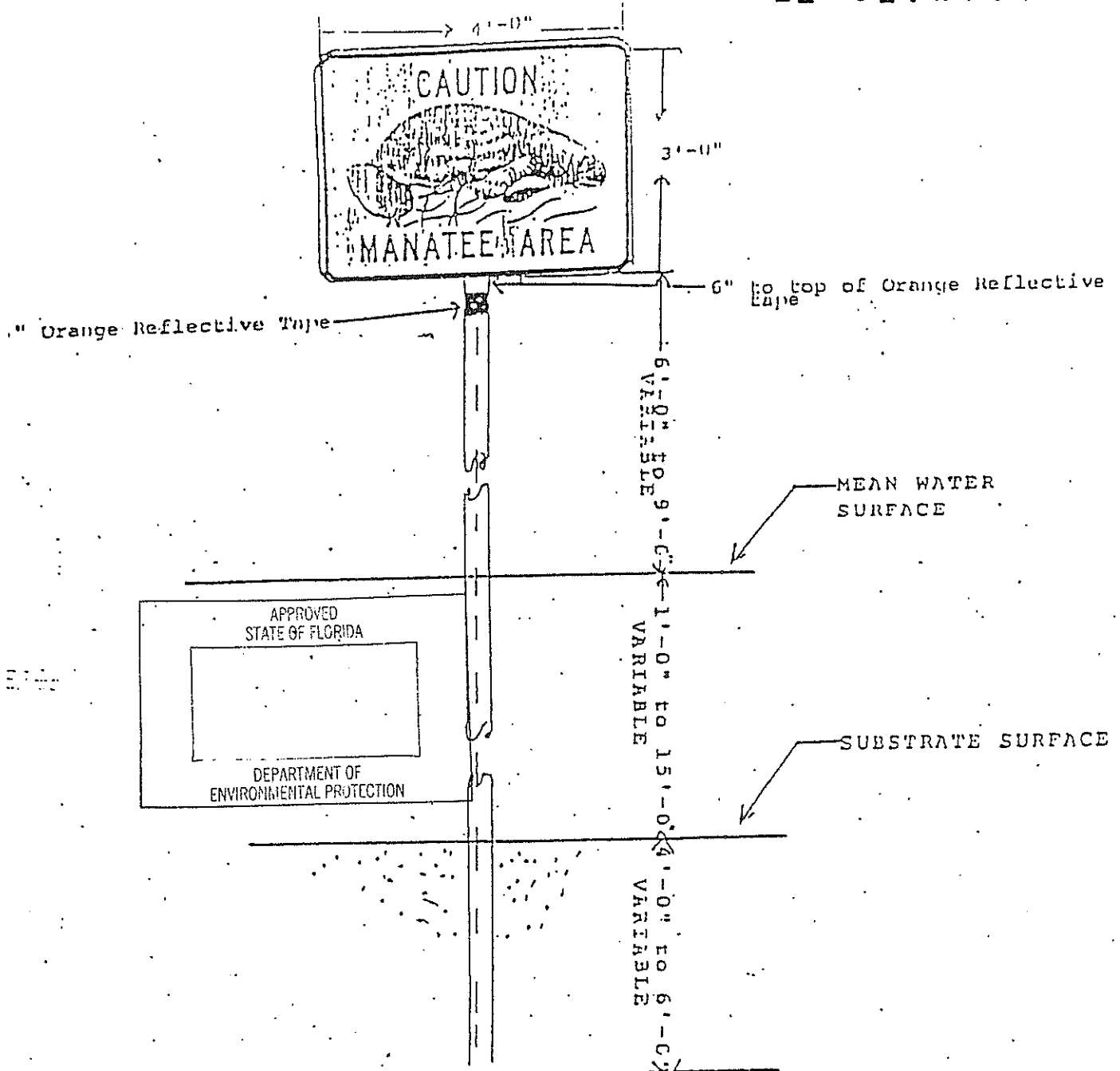
SPECIFICATIONS:

The signs shall be a minimum of 3' X 4", painted white; black 4" lettering; and orange, engineer grade, reflective circle and border.

CONSTRUCTION SIGN

PERMANENT MANATEE AWARENESS SIGN

41-0172757



APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

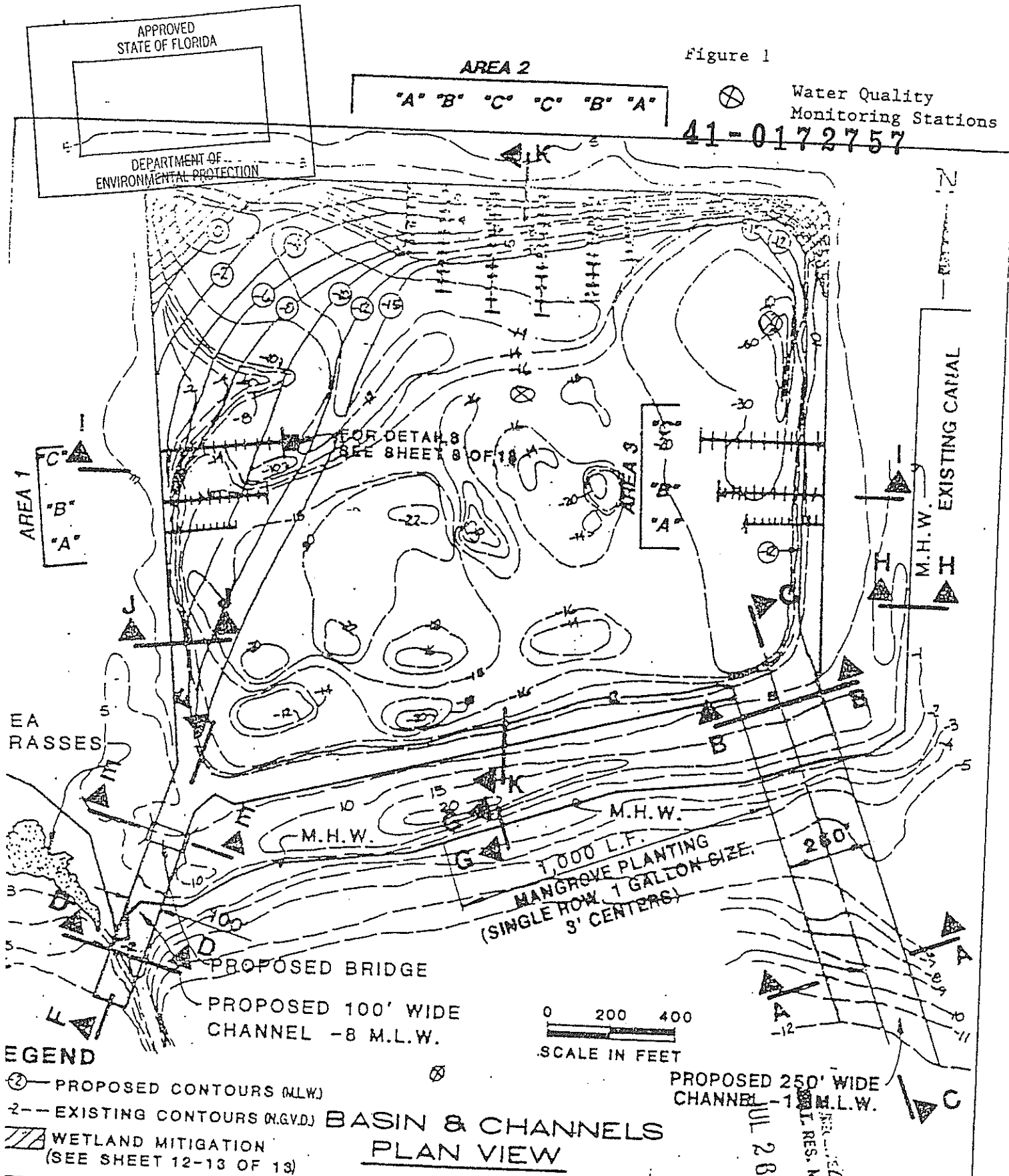
AREA 2

"A" "B" "C" "C" "B" "A"

Figure 1

Water Quality
Monitoring Stations

41-0172757



NER:

Manatee Gateway No. 1, a Joint Venture

PREPARED BY:

Lombardo & Skipper, Inc.

Palmetto, Florida

J. Lombardo P.E. Reg. No. 20528

DATE 2-1-80

PROPOSED MARINA, ACCESS CHANNEL,
FLUSHING CHANNEL AND BASIN CONTOURING

Manatee Gateway

MANATEE RIVER, PALMETTO, FLORIDA

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JAMES L. "JAMIE" ADAMS, JR.
Bushnell

BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

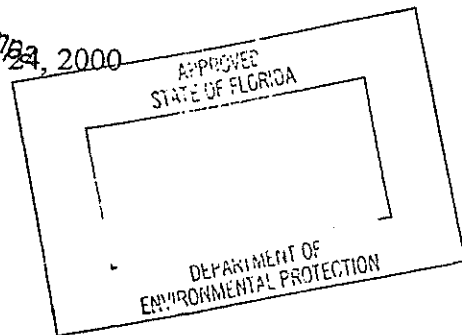
JOHN D. ROOD
Jacksonville

N L. EGBERT, Ph.D., Executive Director
OR J. HELLER, Assistant Executive Director

BUREAU OF PROTECTED SPECIES MANAGEMENT
DAVID W. ARNOLD, CHIEF
(850)922-4330
FAX (850)922-4338

D.E.P.
AUG 28 2000
Southwest District Tampa
August 24, 2000

Ms. Rose Poynor
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

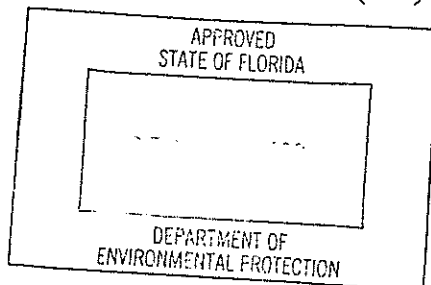


Re: Permit Modification Request for
Riviera Dunes Resorts, Manatee River,
Manatee County

Dear Rose:

The Bureau of Protected Species Management in the Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed a request by the applicant to modify our manatee protection recommendations concerning the phasing of boat slips for this development.

The applicant has offered to extend the proposed speed zones to include the area on the southern portion of the project along the shoreline of the Manatee River. A currently existing Manatee County ordinance appears to allow this designation. The applicant has proposed an alternate phasing schedule, however, in light of the extension of the proposed speed zone, existence of the ordinance, and current actions by Manatee County to begin development of a Manatee Protection Plan, we recommend removing the requirement for phasing of this project. Please do not hesitate to call me at (850) 922-4330 if you have any questions.



Sincerely,

Mary Duncan

Mary Duncan, Environmental Specialist
Bureau of Protected Species Management

/MPD
ENV 7-2/1/2
41-0172757

C:\DATA\DOC\MANATEE\Riviera Dunes comments to Rose.doc



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

May 7, 1999

John M. Meyer
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702-2491

SUBJECT: Manatee Impact Review; DRI #236 -
Riviera Dunes, Sufficiency Response

Dear Mr. Meyer:

Our Bureau has received the Sufficiency Response for Riviera Dunes dated April 15, 1999. This project is located just west of S.R. 41 bridge and was a previous dolomite mine. A 400-slip marina was previously permitted under the name Manatee Gateway (File No. 411783719). Modifications to this permit are being proposed by the applicant to reflect changes with the project.

Manatees regularly frequent the Manatee River, including the upper portions of the River and a tributary, the Braden River. Of the 27 total manatee deaths that have occurred in the River between January 1974 and December 1998, 41% are perinatal, suggesting that this River is a preferred birthing area. Four watercraft deaths have occurred in the River, all of which have been recovered west of the I-75 bridge. The average number of manatees seen per aerial survey flight in the River is approximately 5 manatees. While aerial survey flight routes end at the I-75 bridge, a substantial number of manatees tagged with satellite transmitters have used the upper portions of the River.

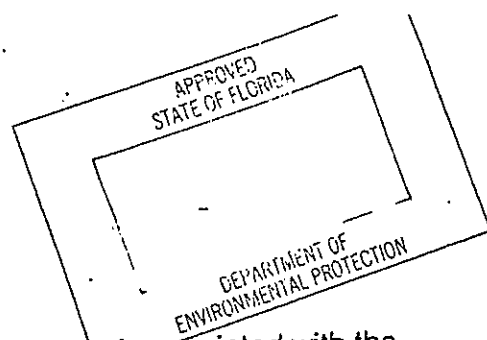
As stated in the sufficiency response, we have met with the applicant to resolve the potential secondary and cumulative impacts to the endangered West Indian manatee. These agreed upon measures are reflected in the submitted response, although the details are expanded upon in our recommended conditions. The applicant has committed to having a boat speed zone established for public safety and manatee protection. We are advising them that this zone must be implemented by local ordinance in order to be enforceable. Details on the correct procedure for the establishment of local speed zones may be obtained from Tara Alford, with the Department's Florida Marine Patrol at Mail Station 630, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. Regulatory signs for speed zones must conform to permitting requirements by the Florida Marine Patrol. The "Caution: Manatee Area" awareness signs are strictly educational and are not regulatory.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

ATTACHMENT B

May 7, 1999
Page 2 of 4

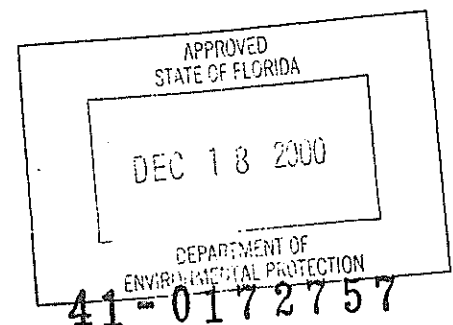


The applicant has also suggested that security personnel associated with the development will assist with the enforcement of speed zones. Enforcement of speed zones can only be performed by sworn law enforcement, not just security personnel hired by the marina. The applicant can, however, require a clause in their lease agreement with slip holders that results in revocation of the lease for violators of the speed zone.

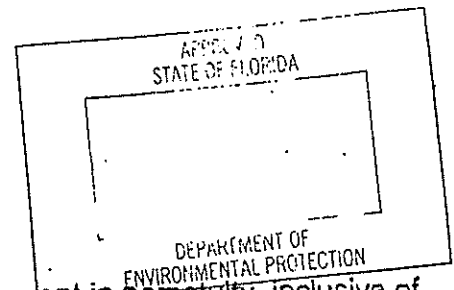
A manatee educational program is also an important component of the applicant's suggestions to offset the expected impacts of the proposed project. This educational program should be coordinated with the Bureau and with the Tampa Bay Manatee Awareness Coalition. Additional details may be obtained from Nanette Holland at the Tampa Bay Estuarine Program at (727)-893-2765.

We recommend that any approvals associated with this DRI incorporate the following conservation measures for protection of endangered manatees:

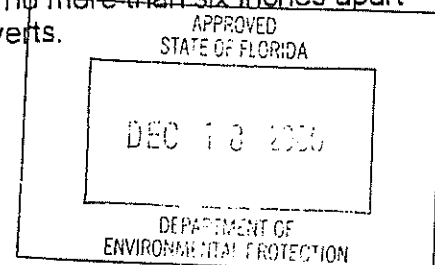
1. The standard manatee construction conditions shall be followed for all in-water construction;
2. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management, and implemented before completion of project construction. Signs and kiosks should be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. Guidance in developing and approving this educational program should be obtained from the Bureau of Protected Species Management at the following address: 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399-3000 (telephone 850/922-4330);
3. The permittee shall provide bins for the disposal or recycling of monofilament line or other used fishing gear. The permittee shall also provide educational signs encouraging the use of these bins;
4. The permittee shall execute and record a conservation easement encumbering the waterward most ten feet of lessee's waterfront property along the Manatee River and the canal on the east portion of the property in a continuous, linear distance. The conservation easement shall run with the land, in perpetuity, and shall prohibit the construction of any docking facilities or other such water access development along the shoreline. The permittee shall record the easement prior to final approval of the project;



May 7, 1999
Page 3 of 4



5. The total number of boat slips allowed in this development in perpetuity, inclusive of the basin, riverfront shoreline, canal shoreline and upland storage, shall not exceed 400. These slips include all commercial and residential boat storage;
6. The occupancy of the boat slips for the development shall be phased in two parts and shall be inclusive of all commercial and residential boat storage. The first phase shall consist of a maximum of 200 slips. The second phase of the project consists of the last 200 boat slips. Commencement of construction of the second phase shall be initiated two years after completion of the first phase.
7. A boating speed zone for all waters within the basin, canal and extending 500 feet from the shoreline (inclusive of the channel), along the boundary of the permitted project shall be established by local government ordinance before occupancy. Vessels shall be required to operate at slow speed, minimum wake in these waters or at idle speed, no wake.
8. The permittee shall be responsible for posting and maintaining the markers or buoys for the speed zone and channel in perpetuity;
9. The permittee shall assist in the enforcement of the speed zone, once established. The permittee shall hire and maintain an employee who will be responsible for issuing warnings to lessors who are violating the speed zone. This person will also be responsible for establishing and implementing a system which results in revocation of the lease for the slip/dock space if a slip/dry dock lessor is found violating the speed zone;
10. An access channel between the basin and the main channel of the Manatee River shall be clearly marked, with markers at a minimum of 300-ft distance apart, with additional markers installed to delineate the speed zone. An educational sign shall be installed and maintained at the entrance of the basin for boaters traveling to the Manatee River. This sign shall advise boaters to stay in the marked channel, avoid shallow areas and avoid seagrass beds;
11. An earthen berm shall be constructed around the proposed aqua-range to minimize the potential for manatee entrapment;
12. If the project includes any submerged or partially submerged pipes and/or culverts accessible to manatees during any tidal phase, larger than 18 inches in diameter but smaller than six feet in diameter, grating shall be installed to avoid manatee entrapment. Grating shall be designed with bars no more than six inches apart constructed across the mouth of the pipes or culverts.



41-0172757

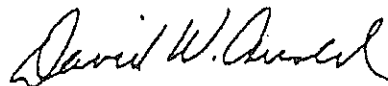
SEE
8/24/00
BPSM
LETTER

May 7, 1999
Page 4 of 4

These measures are considered necessary in order for this project to not significantly affect the conservation of wildlife. Please notify this office of the results of this manatee impact review by copy of the draft and final development order, if issued. Please do not hesitate to call me at (850) 922-4330 if you have any questions.

Sincerely,

DIVISION OF MARINE RESOURCES

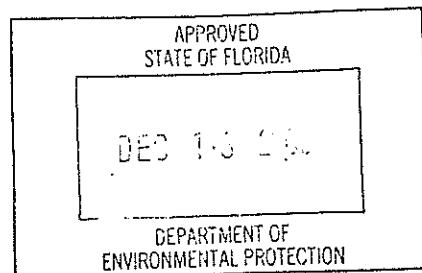
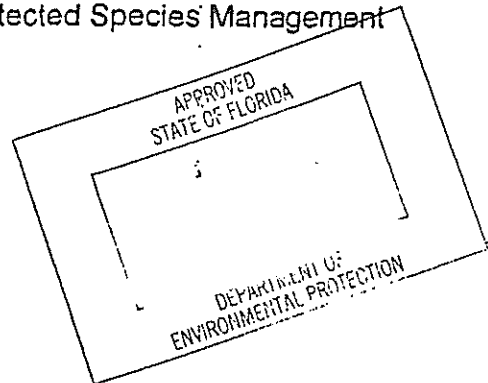


David W. Arnold, Chief
Protected Species Management

DWA/mpd

cc: Brian Pridgeon, USFWS-Tampa
Linda Svenson, Riviera Dunes
Rose Poynor, DEP-Tampa
Maria Pennington, DCA
Jessica Archer, BPSM

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41-0172757

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JAMES L. "JAMIE" ADAMS, JR.
Bushnell

BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

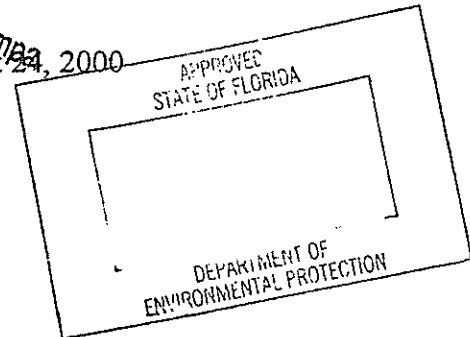
JOHN D. ROOD
Jacksonville

LLAN L. EGBERT, Ph.D., Executive Director
ICTOR J. HELLER, Assistant Executive Director

D.E.P.
AUG 28 2000
Southwest District Tampa
August 24, 2000

BUREAU OF PROTECTED SPECIES MANAGEMENT
DAVID W. ARNOLD, CHIEF
(850)922-43
FAX (850)922-43

Ms. Rose Poynor
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

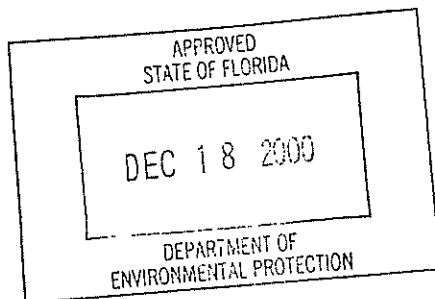


Re: Permit Modification Request for
Riviera Dunes Resorts, Manatee River,
Manatee County

Dear Rose:

The Bureau of Protected Species Management in the Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed a request by the applicant to modify our manatee protection recommendations concerning the phasing of boat slips for this development.

The applicant has offered to extend the proposed speed zones to include the area on the southern portion of the project along the shoreline of the Manatee River. A currently existing Manatee County ordinance appears to allow this designation. The applicant has proposed an alternate phasing schedule, however, in light of the extension of the proposed speed zone, existence of the ordinance, and current actions by Manatee County to begin development of a Manatee Protection Plan, we recommend removing the requirement for phasing of this project. Please do not hesitate to call me at (850) 922-4330 if you have any questions.



Sincerely,

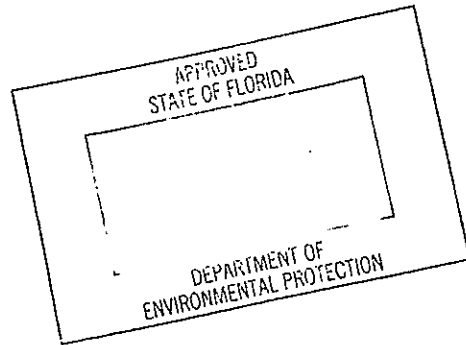
41-0172757

Mary Duncan

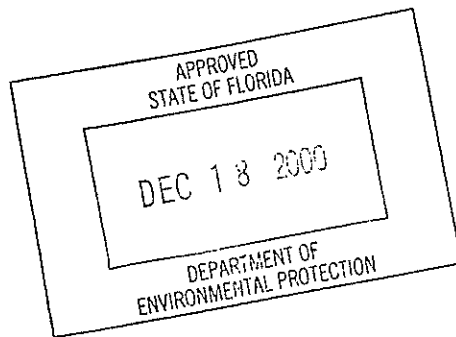
Mary Duncan, Environmental Specialist
Bureau of Protected Species Management

/MPD
ENV 7-2/1/2

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Attachment G
10' Conservation Easement Description and Illustration



41-0172757

NOV. 30. 2000 3:47PM

GRIMES, GOEBEL ET AL

NO. 3164 P. 1

Prepared by and return to:

Caleb J. Grimes

Grimes Goebel Grimes Hawkins
& Gladfelter, P.A.1023 Manatee Avenue West
Bradenton, Florida 34205

BK 1651 PG 5972 MKT # 1404518 1 of 6

GRANT OF CONSERVATION EASEMENT

~~1999~~ ²⁰⁰⁰ THIS GRANT OF CONSERVATION EASEMENT is given this 6 day of October 1999 by W.C. Riviera Partners, L.C., a Florida limited liability company ("Grantor") to the State of Florida, Board of Trustees of the Internal Improvement Trust Fund ("Grantee").

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Manatee County, Florida, hereinafter referred to as the "Property" more specifically described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the Grantor desires to amend its permit relative to rights to construct certain docks together with a channel in sovereignty submerged lands riparian to the Property and the amendment of such permit is contingent upon consent by the Grantee; and

WHEREAS, the Grantor, in consideration of the consent of the Grantee, is agreeable to and desirous of granting and securing the enforcement of a perpetual conservation easement as defined in Section 704.06, Florida Statutes, over the property.

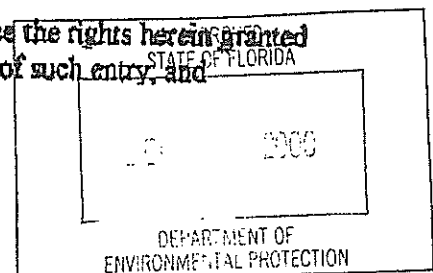
NOW THEREFORE, in consideration of the issuance of said consent to amend said permit, Grantor hereby grants, creates, and establishes a perpetual conservation easement upon the Property described in Exhibit A, which shall run with the land and be binding upon the Grantor, its heirs, successors and assigns, and remain in full force and effect forever.

41-0172757

The scope, nature, and character of this conservation easement shall be as follows:

1. It is the purpose of the conservation easement to ensure that no structures for water dependent activities shall be constructed, placed or maintained on the Property or the adjacent submerged lands other than facilities specifically set forth in the permit. The term "water dependent activities" shall mean those activities which can only be constructed on, in, over, or adjacent to water areas because the activity requires direct access to the water body or sovereignty lands for transportation, recreation, energy production or transmission, or source of water, and where the use of the water or sovereignty lands is an integral part of the activity. To carry out this purpose the following rights are conveyed to Grantee by this easement:

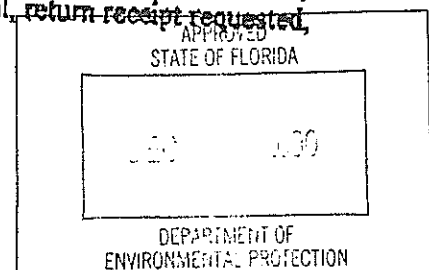
(a) To enter upon the Property at reasonable times to enforce the rights herein granted upon prior notice to Grantor, its heirs, successors or assigns at the time of such entry, and



BK-151 PG 5973 2 of 8

- (b) To enjoin any activity on or use of the Property that is inconsistent with the purpose of this conservation easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.
2. Grantor reserves to itself, its heirs, successors or assigns all rights as owner of the Property including the right to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this conservation easement.
3. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.
4. Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the Property and does hereby indemnify and hold Grantee harmless therefrom.
5. Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property.
6. Grantor intends that any cost incurred by Grantee in enforcing, judicially or otherwise, the terms and restrictions of this conservation easement against Grantor, its heirs, successors, personal representatives or assigns, including, without limitation, costs of suit, attorneys' fees and any costs of restoration necessitated by the violation of the terms of this conservation easement by Grantor, its heirs, successors, personal representatives or assigns, be borne by and recoverable against Grantor, its heirs, successors, personal representatives or assigns.
7. Grantor intends that enforcement of the terms and provisions of the conservation easement shall be at the discretion of Grantee and that any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, its heirs, successors, personal representatives or assigns shall not be deemed or construed to be a waiver of Grantee's rights hereunder in the event of a subsequent breach.
8. Grantee agrees that it will hold this conservation easement exclusively for conservation purposes and that it will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws and committed to holding this conservation easement exclusively for conservation purposes.
9. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.
10. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

41-0172757



EX-101 Pg 37/4 3 of 8

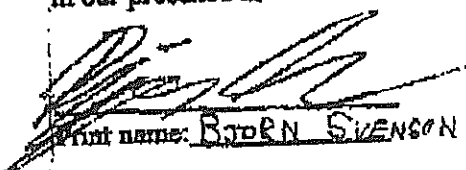
11. Grantor agrees that the terms, conditions, restrictions and purposes of this conservation easement will be included in any subsequent deed or other legal instrument by which the Grantor divests itself of any interest in the Property.

12. This conservation easement may be amended, altered, released or revoked only by written agreement between the parties hereto.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed by this conservation easement shall be binding not only upon Grantor but also on its agents, personal representatives, heirs, assigns and all other successors to it in interest and shall continue as a servitude running in perpetuity with the Property.

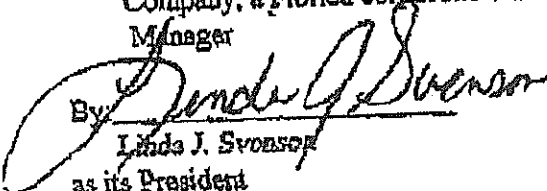
IN WITNESS WHEREOF Grantor has executed this instrument on the day and year first above written.

Signed, Sealed and Delivered
in our presence as witnessed:


Print name: BJORN SVENSON


Print name: MIRANDA MACK

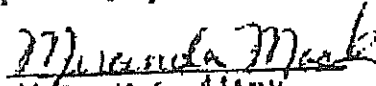
W.C. Riviera Partners, L.C., a
Florida limited liability company
By: Riviera Dunes Resorts Management
Company, a Florida corporation as its
Manager


By: Linda J. Svenson
as its President

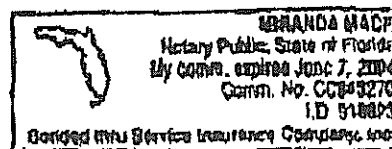
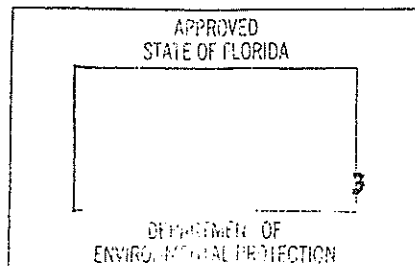
STATE OF FLORIDA
COUNTY OF MANATEE

~~2000~~ The foregoing instrument was acknowledged before me this 6th day of October, 1999, by Linda J. Svenson, the President of Riviera Dunes Resorts Management Company, a Florida corporation as the manager of W.C. Riviera Partners, L.C., a Florida limited liability company, on behalf of the limited liability company, who is personally known to me or has produced as identification.

My Commission Expires: June 7, 2004
Commission number: CC443270


MIRANDA MACK
(print name)
Notary Public

UNLESS OTHERWISE, conservation easement to state Sept 14, 2000



41-0172757

NOV. 30. 2000 3:48PM

GRIMES, GOEBEL ET AL.

NO. 3:64 P. 4

June 21, 2000

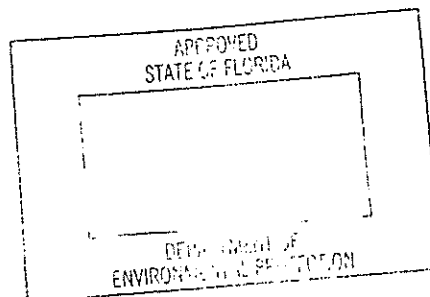
Project #S-RD(MISC)055
Conservation Easement Description

A 10.0 foot wide Conservation Easement lying Northerly or landward of and parallel and contiguous with the following described line, to wit:

Commence at the Northwest corner of Section 24, Township 34 South, Range 17 East and run S89°36'47"E, along the North line of said Section 24, for a distance of 593.03 feet to the intersection with the East right of way of State Road 55 (U.S. Highway 41-301); thence S00°13'04"E, along the said East right of way, for a distance of 1268.14 feet to the intersection with the Southerly line of the lands of "WC Riviera Partners, L.C."; thence S40°44'44"E, along said Southerly line, for a distance of 143.01 feet; thence S64°58'29"E, continuing along said Southerly line, for a distance of 143.45 feet to the intersection with the Mean High Water Line of the "Manatee River", for the Point of Beginning of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of said "Manatee River" (as referenced by that certain Mean High Water Line survey, map number 232, dated November 8, 1981, and approved by the Department of Natural Resources on December 1, 1981): N70°12'17"E for a distance of 108.10 feet; thence S65°57'34"E for a distance of 421.16 feet; thence S31°10'58"E for a distance of 219.44 feet; thence S17°36'37"E for a distance of 170.83 feet to the Southwest corner of the Flushing Channel and the terminus of this portion of the herein described Conservation Easement, said point hereinafter referred to as Point "A".

Together with:

Commence at the above described Point "A" and run S74°14'05"E for a distance of 124.89 feet to the Southeast corner of said Flushing Channel, said Point being on the Mean High Water Line of the "Manatee River" and being the Point of Beginning of this portion of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of said "Manatee River", as previously referenced above: S82°42'58"E for a distance of 112.02 feet; thence N58°58'17"E for a distance of 184.69 feet; thence N70°09'39"E for a distance of 139.82 feet; thence N83°42'01"E for a distance of 407.29 feet; thence N72°11'22"E for a distance of 687.04 feet; thence N84°13'39"E for a distance of 388.35 feet; thence N72°10'50"E for a distance of 54.52 feet to the Southwest corner of the Access Channel, and the terminus of this portion of the herein described Conservation Easement, said point hereinafter referred to as Point "B".



41-0172757

Sheet 1 of 5

BK 1651 PG 5975 4 of 8

NOV. 30. 2000 3:49PM

GRIMES, GOEBEL ET AL,

NO. 3164 P. 5

06

B31 PG 37/10 5 of 8

Together with:

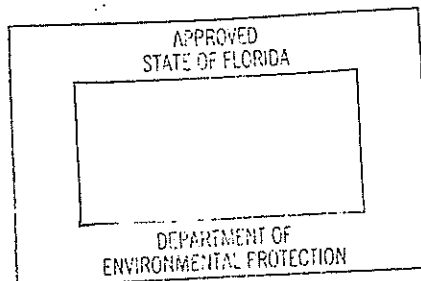
Commence at the above described Point "B" and run N72°10'50"E for a distance of 193.75 feet; thence N78°54'27"E for a distance of 56.96 feet to the Southeast corner of said Access Channel, said point being on the Mean High Water Line of the "Manatee River" and being the Point of Beginning of this portion of the herein described Conservation Easement; thence run the following courses and distances along the Mean High Water Line of Said "Manatee River," as previously referenced above: N78°54'27"E for a distance of 90.48 feet; thence N33°58'31"E, for a distance of 120.05 feet; thence N00°13'18"W for a distance of 505.69 feet; thence N01°51'12"E for a distance of 389.85 feet; thence N00°55'40"E for a distance of 394.00 feet; thence N74°33'12"E for a distance of 29.72 feet; thence N74°33'12"E for a distance of 28.65 feet; thence S85°30'25"E for a distance of 161.55 feet; thence N87°42'34"E for a distance of 296.00 feet; thence S81°35'34"E for a distance of 92.93 feet to a point on Said Mean High Water Line of Said "Manatee River", and the end of said Conservation Easement, being and lying in Sections 13 and 24, Township 34 South, Range 17 East, Manatees County, Florida.

Containing 1.1461 Acres, More or Less.

Prepared by Red Man Consultants, Inc.
308 East 7th Avenue
Tampa, FL 33602


Daniel Joseph Sullivan
Florida P.S.M. No. 5640

41-0172757



NOV. 30. 2000 3:49PM

GRIMES, GOEBEL ET AL

NO. 3164 P. 6

POINT OF COMMENCEMENTTHE NORTHWEST CORNER OF
SECTION 24, TOWNSHIP 34
SOUTH, RANGE 17 EAST

S80°58'47"E 542.03'

THE NORTH LINE
OF SECTION 24

S00°13'54"E 1288.14'



Scale 1" = 200'

BASIS OF BEARING
BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S14°19'04"E

THE EAST RIGHT OF STATE ROAD 66
(U.S. HIGHWAY 41-201)THE SOUTHERLY LINE OF THE LANDS OF
"VC RIVIERA PARTNERS, L.C."

VC RIVIERA PARTNERS, L.C.

41-0172757

**POINT OF
BEGINNING**INTERSECTION
WITH MEAN HIGH
WATER LINEMEAN HIGH
WATER LINEAPPROVED
STATE OF FLORIDADEPARTMENT OF
ENVIRONMENTAL PROTECTION

MANATEE RIVER

POINT "A" TERMINUSSUBMERGED LAND
PARCEL NO. 1CONSERVATION
EASEMENT

FLUSHING CHANNEL

**POINT OF
BEGINNING**

FIG. NO.	DEPT.	RED MAN CONSULTANTS, INC.	PREPARED FOR	TITLE	DATE-CORRECTED
001	001	200 E. SEVENTH AVE., TAMPA, FLORIDA	HSA ENGINEERS	DESCRIPTION SKETCH OF	SHEET
CHECKED BY:	ALG	PHONE (813) 222-2015			

THIS IS NOT A BOUNDARY SURVEY

SEE SHEET 4 OF 5 FOR CONTINUATION

NOV. 30. 2000 3:50PM

GRIMES, GOEBEL ET AL

NO. 3164 P. 7

REVISIONS	DATE	BY	DESCRIPTION
1	12/18/00	GR	INITIAL DRAFT
2	12/18/00	GR	REVISED DRAFT
3	12/18/00	GR	FINAL DRAFT
4	12/18/00	GR	FINAL DRAFT

RED MAP CONSULTANTS, INC.
1000 N. W. 10th Ave., Suite 1000
Fort Lauderdale, FL 33304
Tel: (954) 561-1500

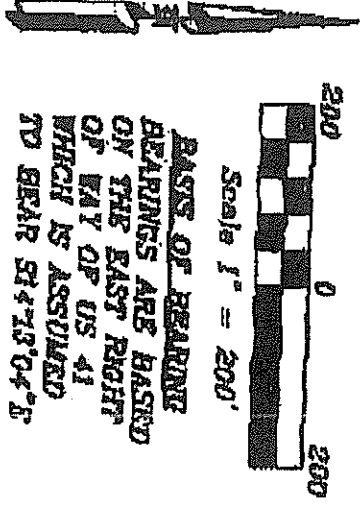
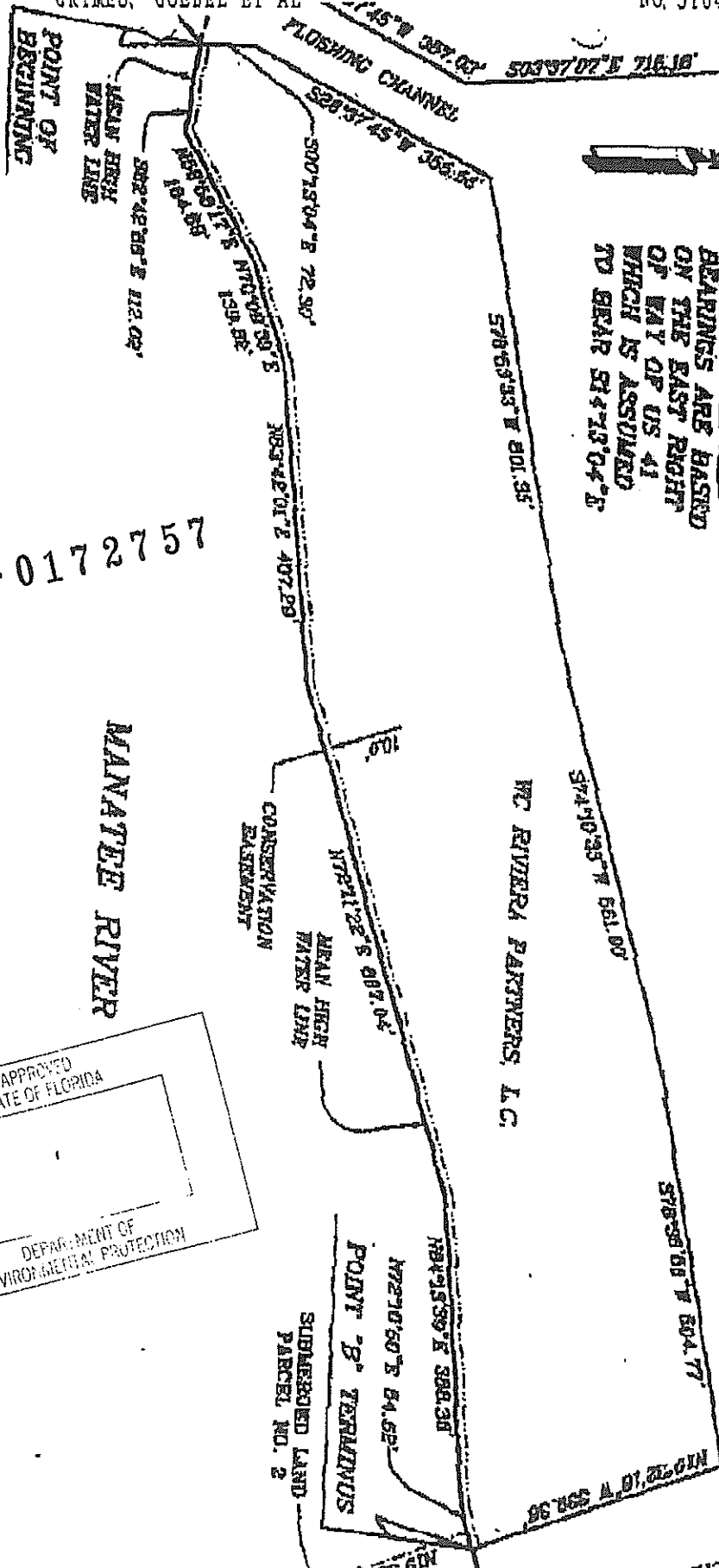
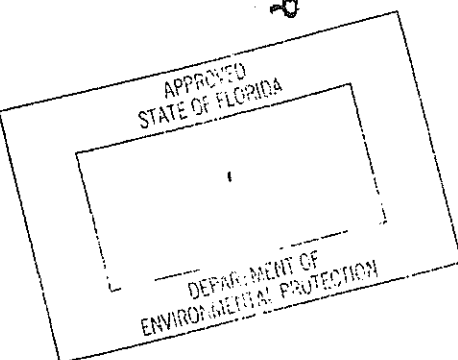
FOR
HSA ENGINEERS
AND SCIENTISTS

THIS IS NOT A BOUNDARY SURVEY
DESCRIPTION SKETCH OF
CONSERVATION EASEMENT

SHEET
4 of 5

41-0172757

MANATEE RIVER



BASES OF BEARING
BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S74°13'04\"/>

MANATEE RIVER

MC RIVERA PARTNERS, L.C.

ACCESS CHAN.

NOV. 30, 2000 3:50PM GRIMES, GORBEL ET AL

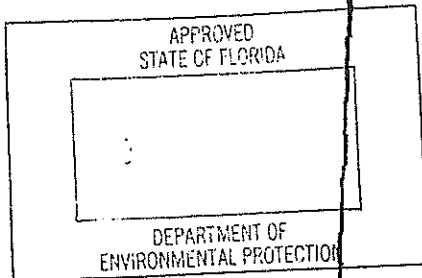
NO. 3164 P. 8



Scale 1" = 200'

BASES OF BEARING
BEARINGS ARE BASED
ON THE EAST RIGHT
OF WAY OF US 41
WHICH IS ASSUMED
TO BEAR S14°13'04"E

41-017275



PC RIVIERA PARTNERS, L.C.

MANATEE RIVER

CONSERVATION EASEMENT

MEAN HIGH WATER LINE

POINT OF BEGINNING

SUBMERGED LAND
PARCEL NO. 2

FILED AND RECORDED 10/10/00 9:16:27 AM 8 of 8
 R.B. ROBE CLERK OF CIRCUIT COURT WHITE COUNTY FL.

PROJ. NO.	19417299421	RED MAN CONSULTANTS, INC.	PREPARED FOR	THIS IS NOT A BOUNDARY SURVEY	
DRAWN BY	0.5	300 E. SEVENTH AVE., TAMPA, FLORIDA	HSA ENGINEERS	TITLE	DATA-CORDED
				DESCRIPTION SKETCH OF	SHEET

MITIGATION AREA B PLAN VIEW



41-0172757

SCALE:
1" = 100'

EL -0.3

MHW EL 1.2

CORDGRASS TO BE PLANTED
INTERTIDAL SHELF
CREATION AREA
0.15 (+/-) ACRES

LEGEND



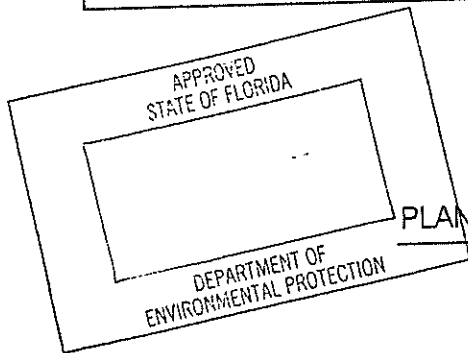
RUBBLE RIP RAP



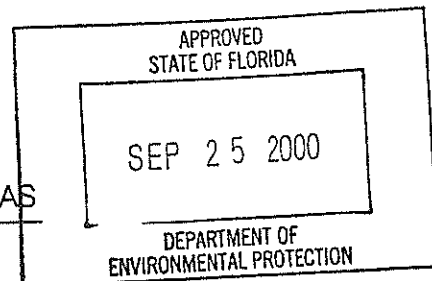
0.15 (+/-) ACRE INTERTIDAL SHELF

EL 1.0

PROPOSED ELEVATION (IN FEET) NGVD

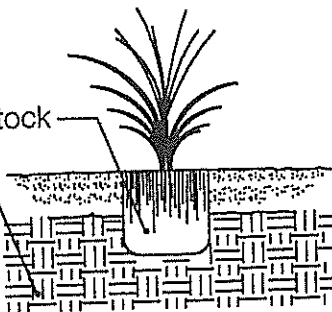


PLANTING DETAIL FOR MITIGATION AREAS



Specified bare - root stock

Existing subgrade



N.T.S.

Spartina alterniflora or *Paspalum vaginatum*

NOTES

1. CORDGRASS (*Spartina alterniflora*) TO BE PLANTED ON 3' CENTERS, FOR 0.15 (+/-) ACRE WILL REQUIRE 900 PLANTS.
2. ALL PLANTS SHALL BE BARE-ROOT STOCK OR BETTER.
3. ALL ELEVATIONS BASED ON 1929 NGVD DATUM.

Alfred Azar
7/21/2000

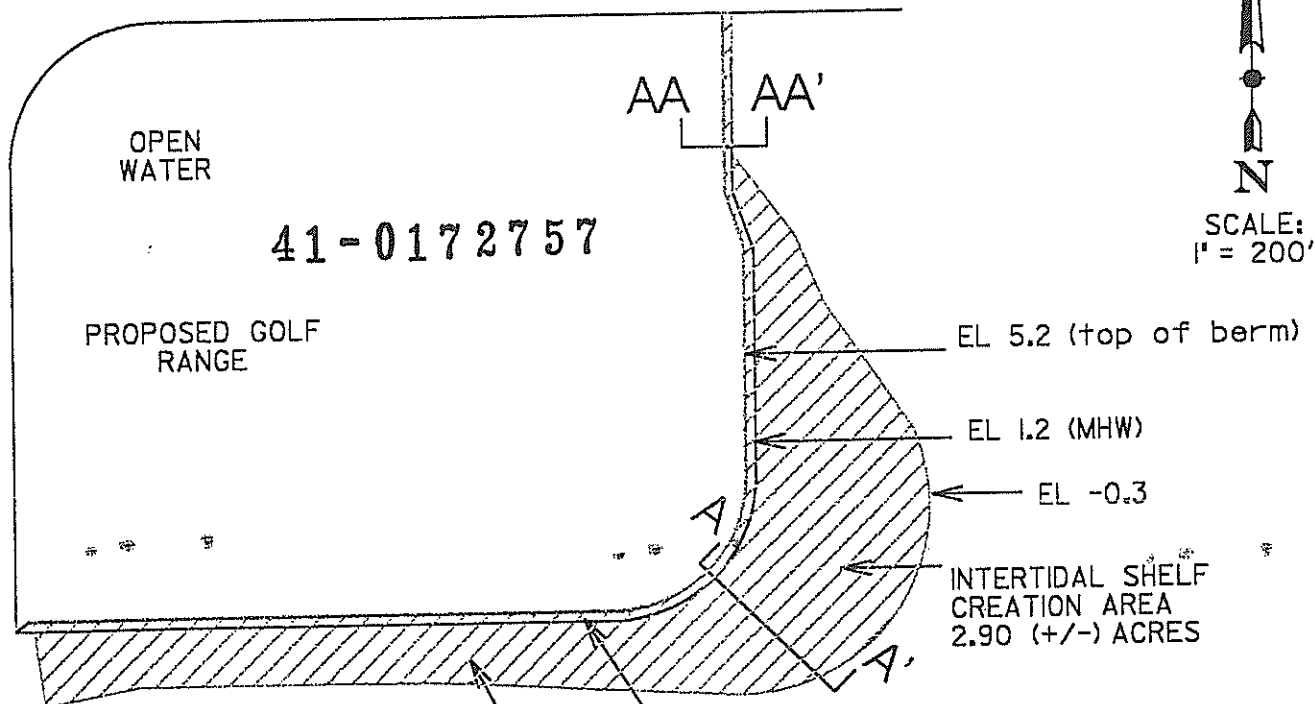


PLANS PREPARED BY:

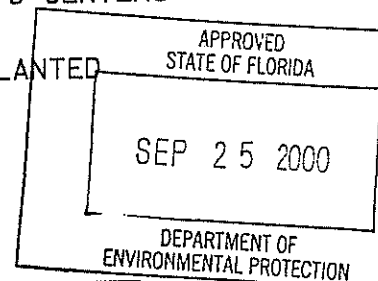
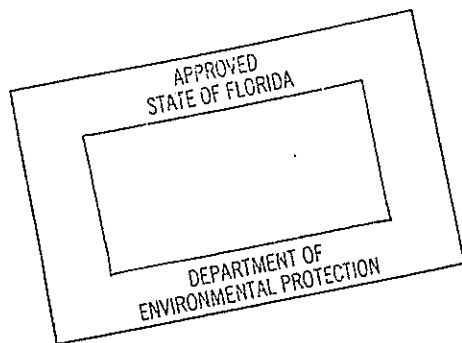
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

MITIGATION AREA B PLAN VIEW
PLANTING DETAIL FOR MITIGATION AREAS
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

FIGURE 1



SCALE:
1" = 200'



LEGEND



2.90 (+/-) TOTAL ACRES INTERTIDAL SHELF CREATION

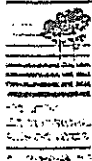
EL 1.0

PROPOSED ELEVATION (IN FEET) NGVD

NOTES

1. CORDGRASS (*Spartina alterniflora*) TO BE PLANTED ON 3' CENTERS, FOR 2.75 (+/-) ACRES WILL REQUIRE 12,000 PLANTS.
2. SEASHORE PASPALUM (*Paspalum vaginatum*) TO BE PLANTED ON 3' CENTERS, FOR 0.15 (+/-) ACRE WILL REQUIRE 900 PLANTS.
3. ALL PLANTS SHALL BE BARE-ROOT STOCK OR BETTER.
4. ALL ELEVATIONS BASED ON 1929 NGVD DATUM.

Nick P. Azar
7/21/2000



PLANS PREPARED BY:

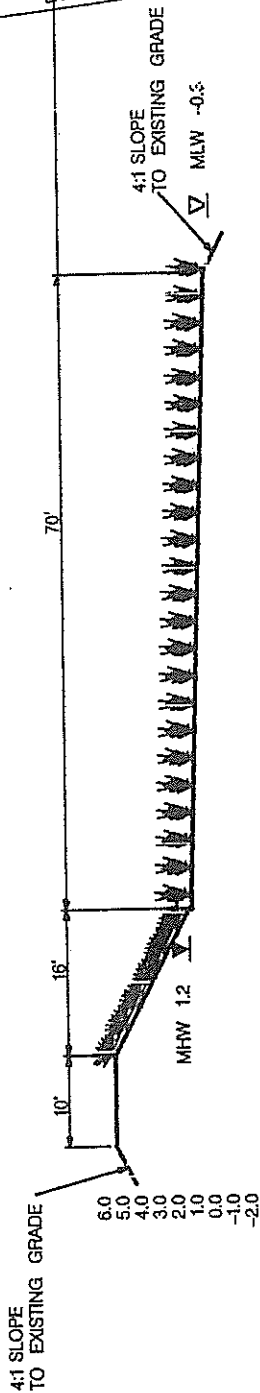
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

MITIGATION AREA A PLAN VIEW

RIVIERA DUNES
MANATEE COUNTY, FLORIDA

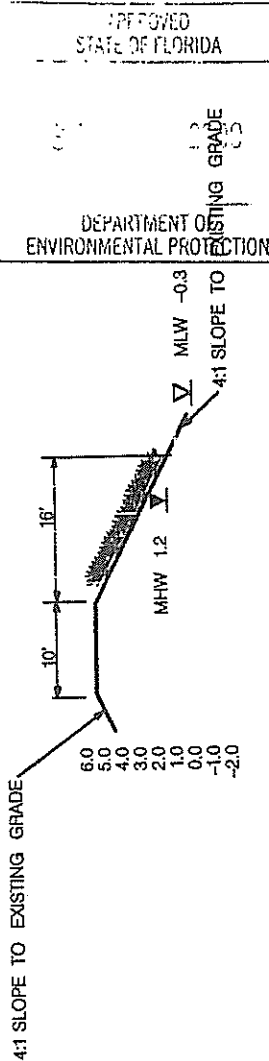
FIGURE 2

CROSS SECTION A-A'



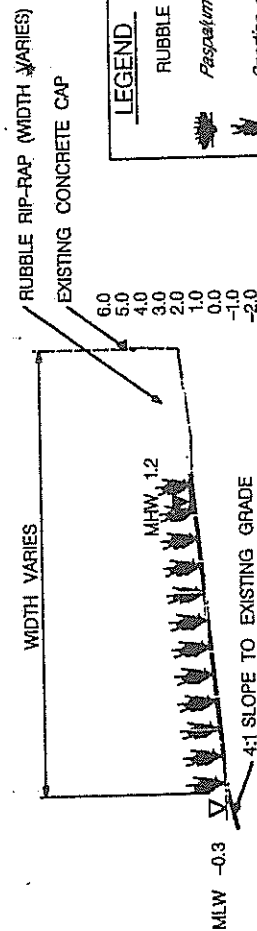
SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

CROSS SECTION AA-AA'



SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

CROSS SECTION B-B'



SCALE:
VERT. 1" = 10'
HORIZ. 1" = 20'

LEGEND

- RUBBLE RIP-RAP
- Paspalum vaginatum* - PLANTED ON 3' CENTERS
- Spartina alterniflora* - PLANTED ON 3' CENTERS

PLANS PREPARED BY:
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

CROSS SECTIONS
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

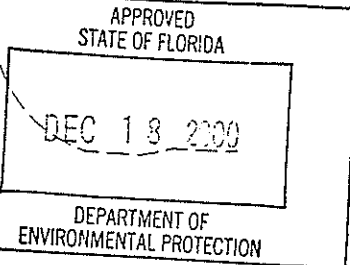
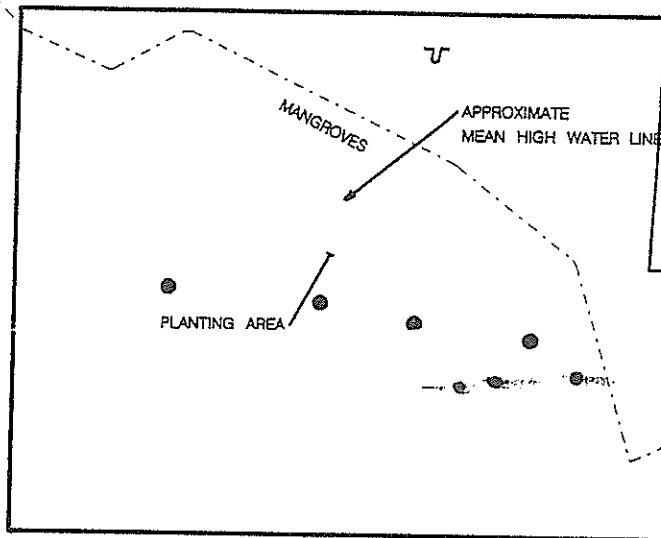
Alex V. Schar
7/24/2000

FIGURE 3

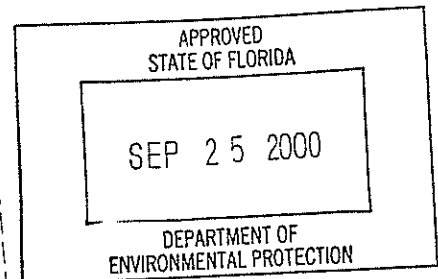
41-0172757

41-0172757

US 41 - 301

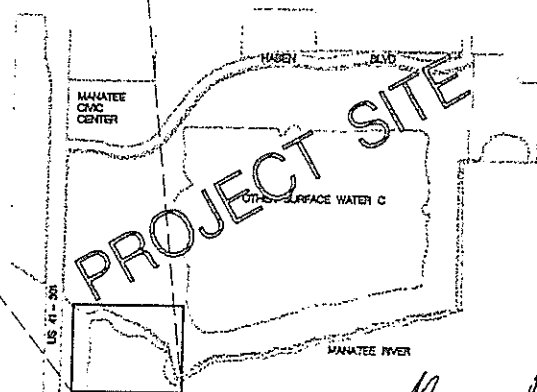


MANATEE RIVER



NOTE:
INFORMATION DEPICTED ON THIS SKETCH
REGARDING OFF SITE MITIGATION WAS
OBTAINED FROM "SPECIFIC PURPOSE SURVEY
PREPARED BY REDMAN CONSULTANTS, INC;
ORDER NO. 5-RD (MISC) 054.
REVISION DATED 07/11/2000

OFF SITE MITIGATION - 1.5 (+/-) ACRES
Spartina alterniflora PLANTED ON 3' CENTERS
DEPTH VARIES FROM 1.2 TO -0.3 FEET
● BOAT EXCLUSION AREA (BUOYS)



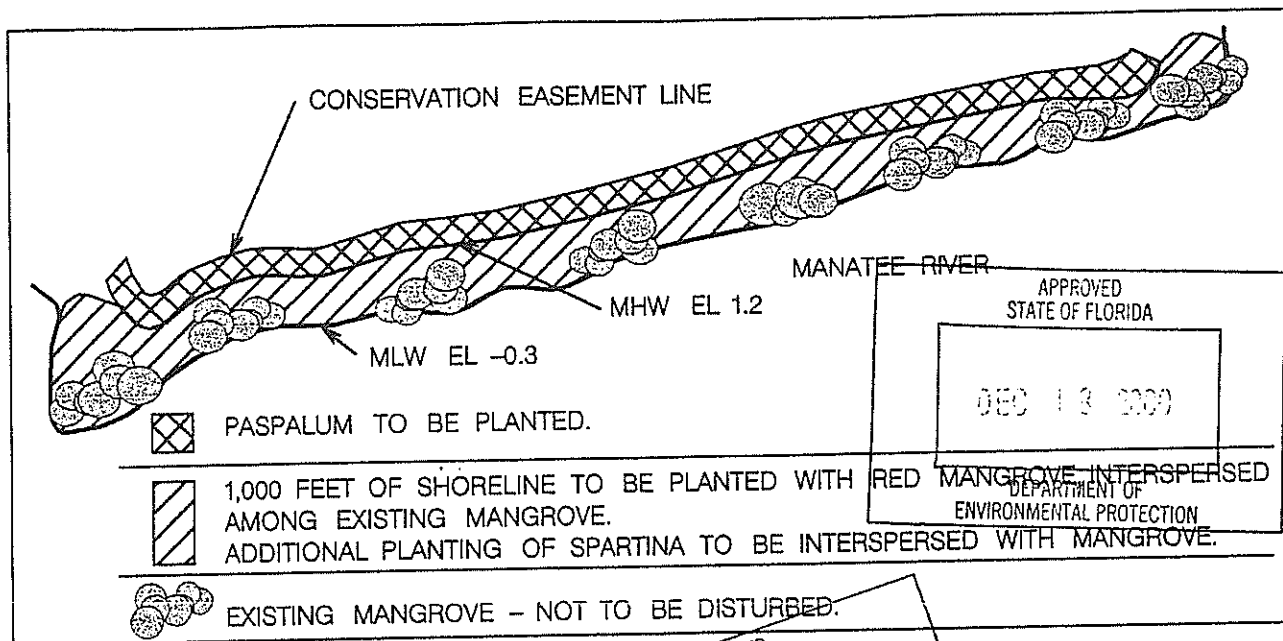
Alex J. Szan
7/21/2000

PLANS PREPARED BY:

SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

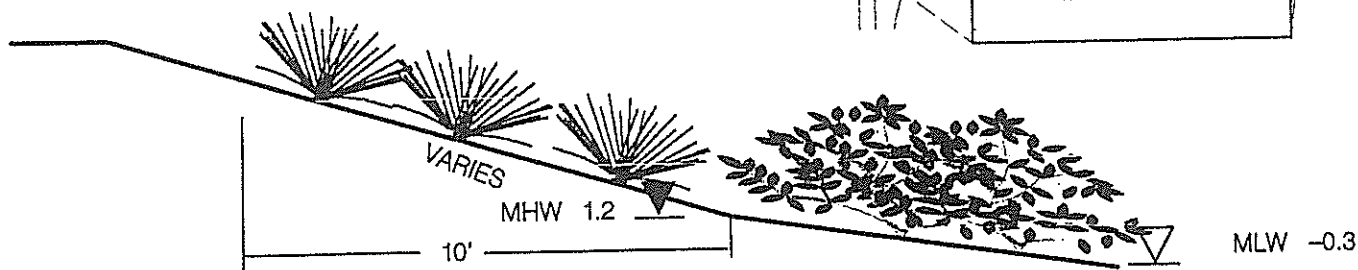
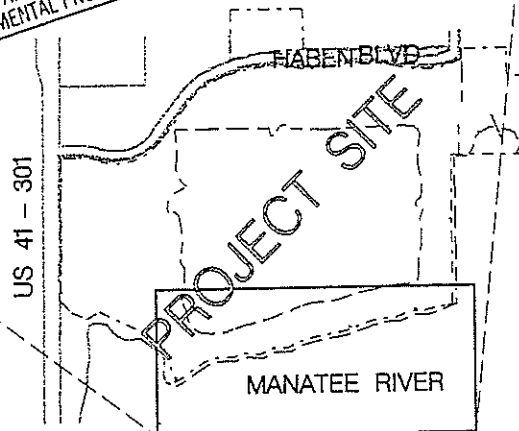
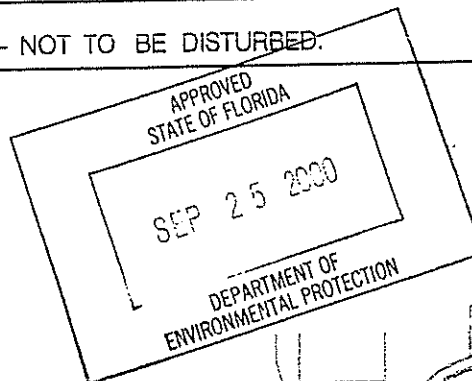
OFF SITE MITIGATION LOCATION MAP
RIVIERA DUNES
MANATEE COUNTY, FLORIDA

FIGURE 4



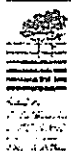
41-0172757

NOTE:
AREA ARE ESTIMATED FROM FIELD REVIEW
AND AERIAL DELINEATIONS BY SCHEDA
ECOLOGICAL ASSOCIATES, INC., 1999.



- | | | | |
|---|---|------------------------------|--|
|  |  | <i>Paspalum vaginatum</i> | - PLANTED ON 3' CENTERS - 0.76 (+/-) ACRES |
|  | | <i>Spartina alterniflora</i> | - PLANTED ON 3' CENTERS - 1.04 (+/-) ACRES |
| |  | <i>Rhizophora mangle</i> | - PLANTED ON 3' CENTERS |

Alex L. Szan
7/21/2002



PLANS PREPARED BY:

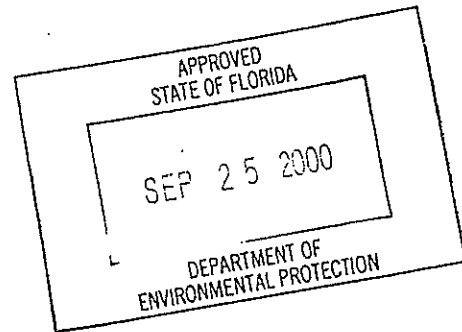
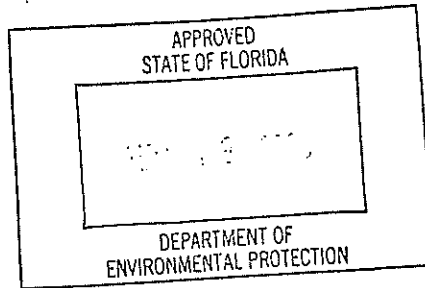
SCHEDA ECOLOGICAL ASSOCIATES, INC.
4013 EAST FOWLER AVENUE
TAMPA, FLORIDA 33617
(813) 971-3755

PROPOSED SHORELINE MITIGATION PLAN

RIVIERA DUNES

MANTEE COUNTY, FLORIDA

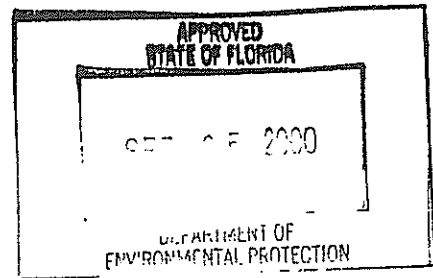
FIGURE 5



41-0172757

PROPOSED
CHANNEL ROCK DREDGING
RIVIERA DUNES MARINA
Palmetto, Florida

Handwritten signature
7/27/2000



PREFACE

This report is provided to Ms. Rose Poynor at the Florida Department of Environmental Protection, Tampa office, in order to:

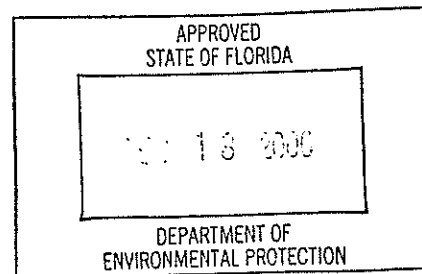
- a) Briefly summarize the proposed rock dredging procedures to be implemented for the formation of the navigational channel and the flushing channel
- b) Estimate the quantity of material to be removed due to the rock dredging operation, and provide the quantity of sand previously dredged. Please reference table below:

CHANNEL	Dredge Material	Volume (yd ³)
<i>Navigational</i>	Sand-mud-silt / rock	6,466 / 13,000
<i>Flushing</i>	Sand-silt-mud / rock	1,960 / 4,000
TOTALS	-----	8,426 / 17,000

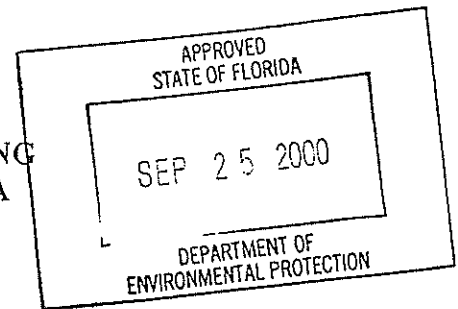
41-0172757

The engineer's certification is based upon the following items (provided by the client):

- 1) Letter dated June 28, 2000 from Dr. Mark Ross, Ph. D., P.E., *Dredging Modifications to Navigation and Flushing Channels*
- 2) Letter dated May 22, 2000 from Dr. Mark Ross, Ph. D., P.E., *Findings from Storm Surge Modeling Study*
- 3) Signed and sealed survey and quantity of material previously dredged dated June 19, 2000, from B & C Surveying, L.B. No. 5714, Job No. 00-054, William R. Knight Jr. P.S.M. Certificate No. 4554
- 4) 3-D and 2-D surface drawings with related calculations dated June 27, 2000 reflecting amount of rock proposed to be dredged, from Global Positioning Services, Inc



PROPOSED
CHANNEL ROCK DREDGING
RIVIERA DUNES MARINA
Palmetto, Florida



July 26, 2000

Introduction

There are two areas where dredging is required for the Marina. One is the navigational channel on the southeast corner of the Marina and the flushing channel at the southwest corner of the Marina.

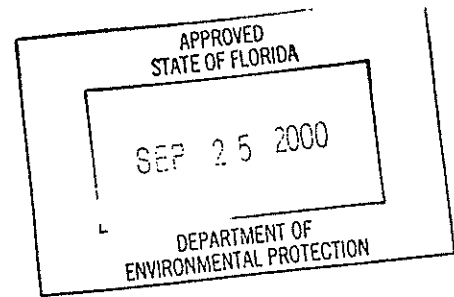
Hydrosystems Associates, Inc. performed a hydrological analysis, dated May 22, 2000, of the flushing mechanism for the Marina basin and a supplementary report, dated June 28, 2000, which deals with the design parameters for the channels (both of which are attached). The reports provide minimum cross sectional areas and projected velocities associated with the cross-sections within each channel. The proposed dredging will provide the required cross-sections for each channel with the adequate widths and depths to meet the navigational and flushing requirements.

Dredging Procedures

The bottom of the Marina is at an elevation of (-) 18.5 feet. An earthen plug of approximately 70 feet remains between the Manatee River and the dry Marina area. Once the Marina is refilled with water and the water levels equalize, then the earthen plug can be removed. Upon the basin reaching a water depth of six feet, the dredging mobilization can proceed.

The dredging equipment will be transported by truck and include a barge, backhoe and if required, a front-end loader. Using a crane, the barge will be placed in the Marina with the remaining equipment placed on the barge. Excavation will proceed from the inside of the basin, through the earthen plug and out into the river. Once the cut is open to the river, the excavation of the channels can then be completed.

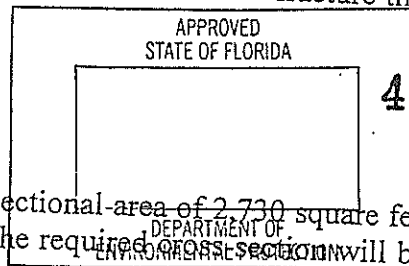
The revised permit requires the bottom of the basin to be at (-) 18.5 feet elevation. There is a depression located at the northeast corner of the Marina basin, which must also be filled to the required elevation. As the barge is filled, it will maneuver over the depression, and the material removed from the barge will be deposited into the depression. This operation will continue until the channels are dug to design depth and cross-section.



Should the channel excavation not provide sufficient material to fill the depression, additional material will be obtained from other sources. The additional material will be stockpiled on the northeast shore of the Marina and loaded on to the barge or by other means placed in the depression. This procedure will continue until the depression is filled.

Geotechnical borings were done at each of the channels. The boring reports indicated hard rock with blow counts ranging from 20 to 60 blows per foot of penetration. In the event that the rock becomes unyielding during the dredging operation, the dredge contractor will bring in a crane with a punch on a second barge. The punch will then be used to fracture the rock so that it can be removed.

Channel Cross-section Design



41-0172757

Navigational Channel

The hydrological report requires that a cross-sectional area of 2,730 square feet be maintained at station (-) 0+50 (the throat of the channel). The required cross-section will be an average width of 182 feet at a depth of (-) 15.0 feet. The report states "Seaward of the throat, the channel maximum depth can and should be reduced to account for the lateral converging flow from the adjacent tidal flat. Progressing offshore, there is an effectively larger cross-section provided by increasing river depth". Once you are beyond the throat, the effective cross-sectional width is infinite. At station 0+00 (the shoreline), the design width is to be 250 feet at the top and 210 feet at the bottom at an elevation of (-) 12.0 feet. At station 2+00, to provide the required navigational depths, a 100 foot wide channel will be excavated to a depth of (-) 10.0 feet. At station 1+00, the transition area, the bottom width will be approximately 150 feet at an elevation of (-) 11.0 feet. The 100 foot wide navigational channel shall continue out into the river until it intersects with the (-) 10.0 foot contour, at about station 5+50. Based on these design sections, the amount of rock to be excavated is estimated at about 13,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required to excavate the channel. Also attached are plan view and three-dimensional views of the proposed navigational channel.

Flushing Channel

The hydrological report requires a cross-sectional area of 659 square feet. The design depth in the channel is (-) 8.0 feet. At station 0+00 (the mouth of the channel), the cross-section is 85 feet wide at a depth of (-) 8.0 feet. This cross-section will continue out into the river until it intersects with the (-) 8.0 foot contour, at about station 4+00. Based on these design sections, the amount of rock to be excavated is estimated at about 4,000 cubic yards. The attached calculations, at 100 foot intervals, estimates the volume of rock removal required in order to excavate the channel. Also attached are plan view and three-dimensional views of the proposed flushing channel.

Riviera Dunes

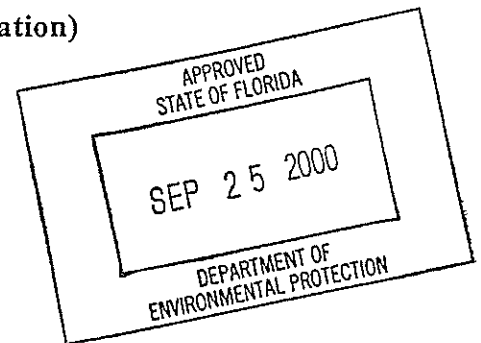
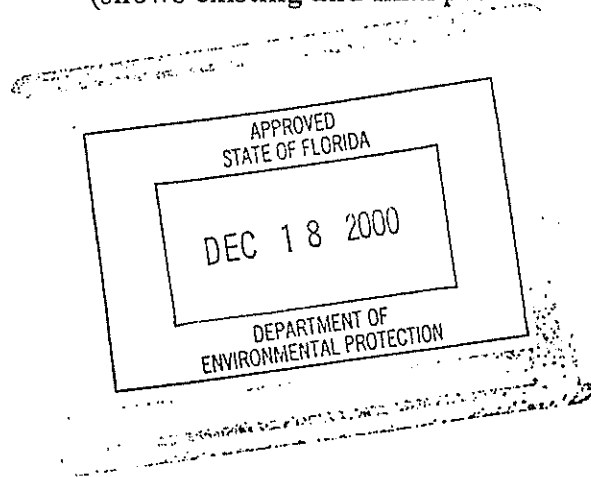
Navigational (East) Channel

Figure 6. 3-D Existing Navigational Channel Topography
(based upon owner provided survey information with vertical exaggeration)

Figure 7. Final Navigational Channel Dredge Area Estimate
(based upon owner provided final grading plan)

Figure 7.5 3-D Final Navigational Channel Topography
(based upon owner provided final grading plan) 41-0172757

Navigational Channel Sections for 100' Stations
(shows existing and final profiles for each station)



** This report was produced based upon owner provided survey data. It is for informational purposes only. This report is not intended as a survey.*

APPROVED
STATE OF FLORIDA

DEC 18 2000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

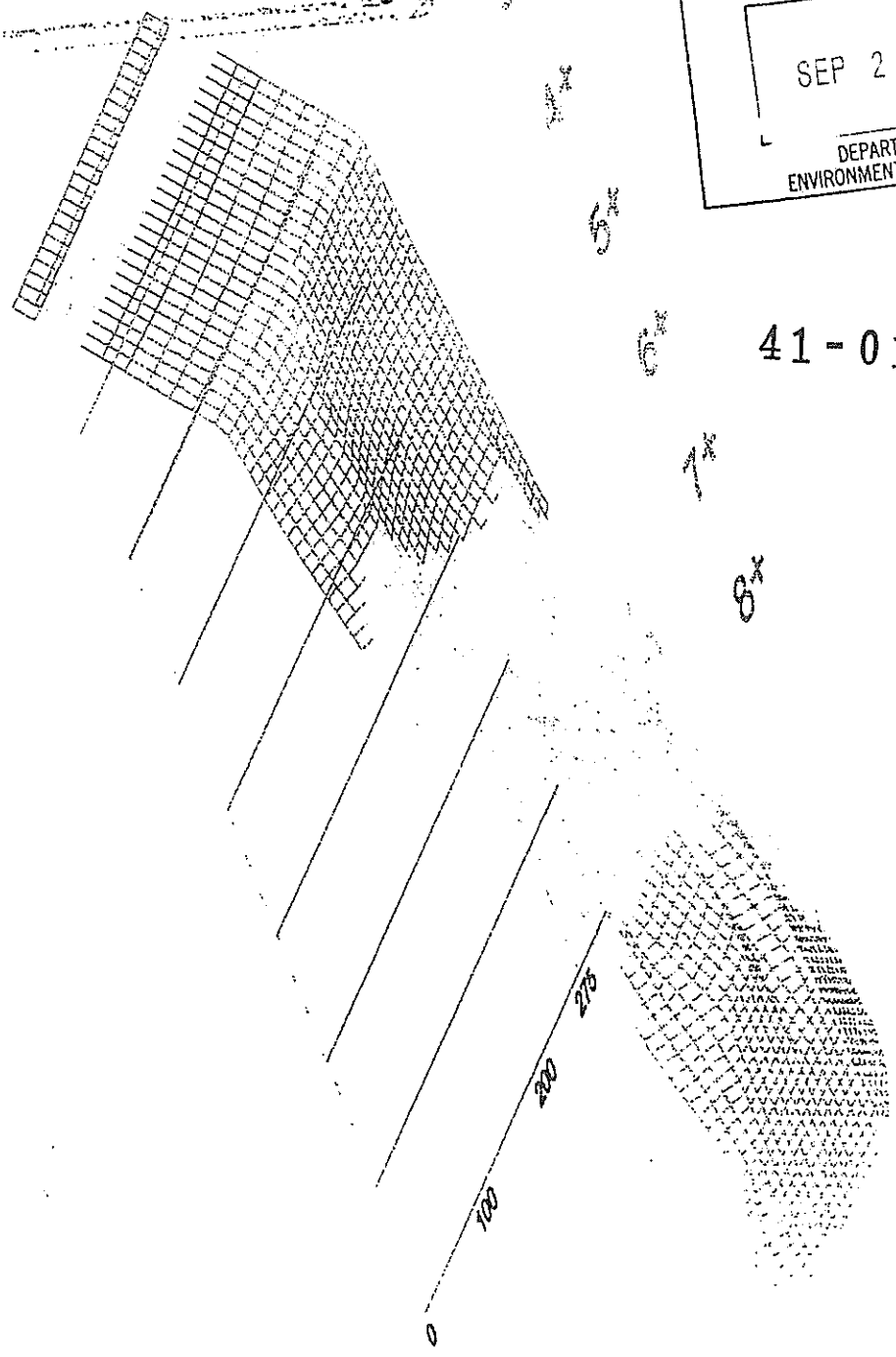
elevation zones

≤ -14.0	> -14.0	> -12.0	> -10.0	> -8.0	> -6.0	> -4.0	> -2.0	> 0.0
(diagonal lines)	(dots)	(cross-hatch)	(horizontal lines)	(vertical lines)	(wavy lines)	(stippled)	(solid black)	(white)

APPROVED
STATE OF FLORIDA

SEP 25 2000

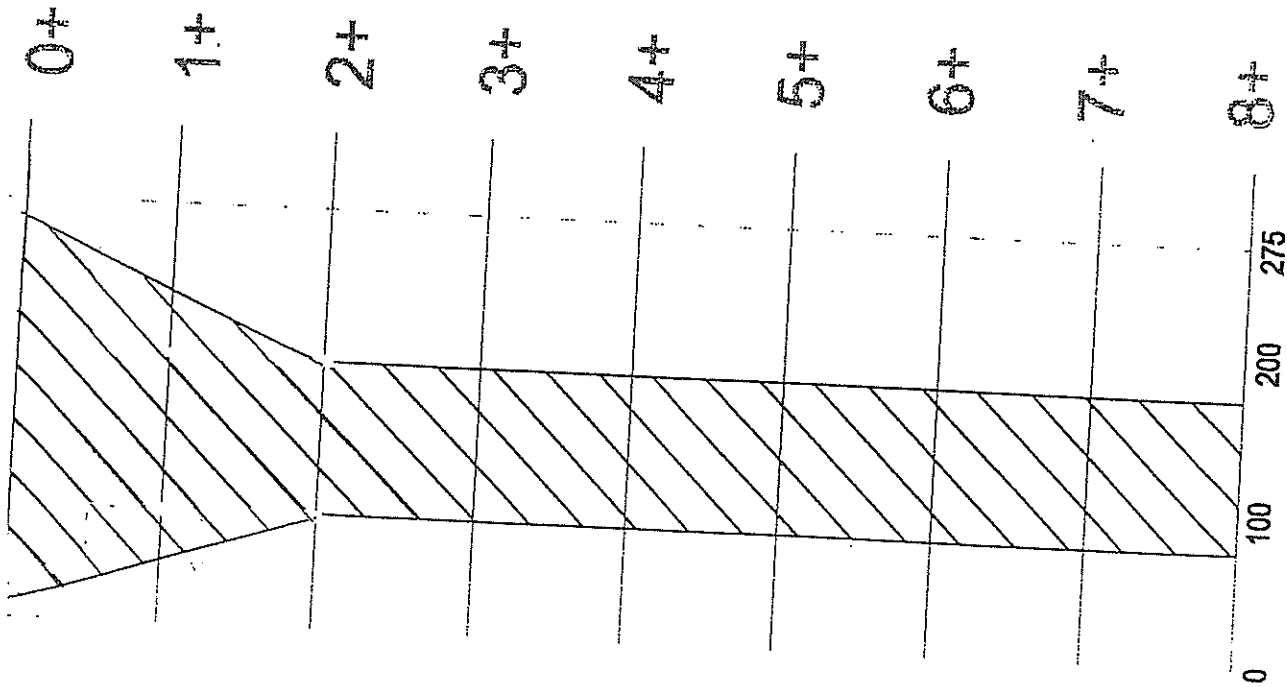
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



41-0172757

Figure 6. Existing East Channel
Topography
(vertically exaggerated x 20)

RIVIERA DUNES



Riviera Dunes

Channel Approximations

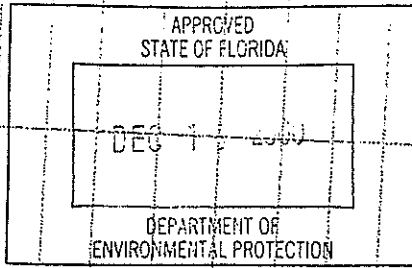
mesh size : 10 ft

final elevation: -10 ft

**Dredge
stat 75-175
(cu. yds.)**

cut: 14098

fill: 1255



41-017275

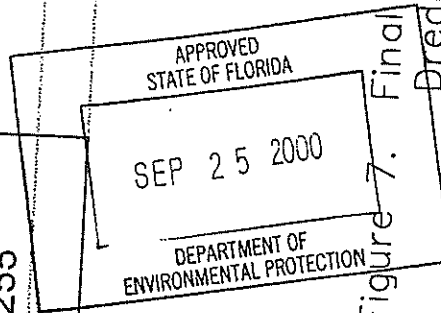
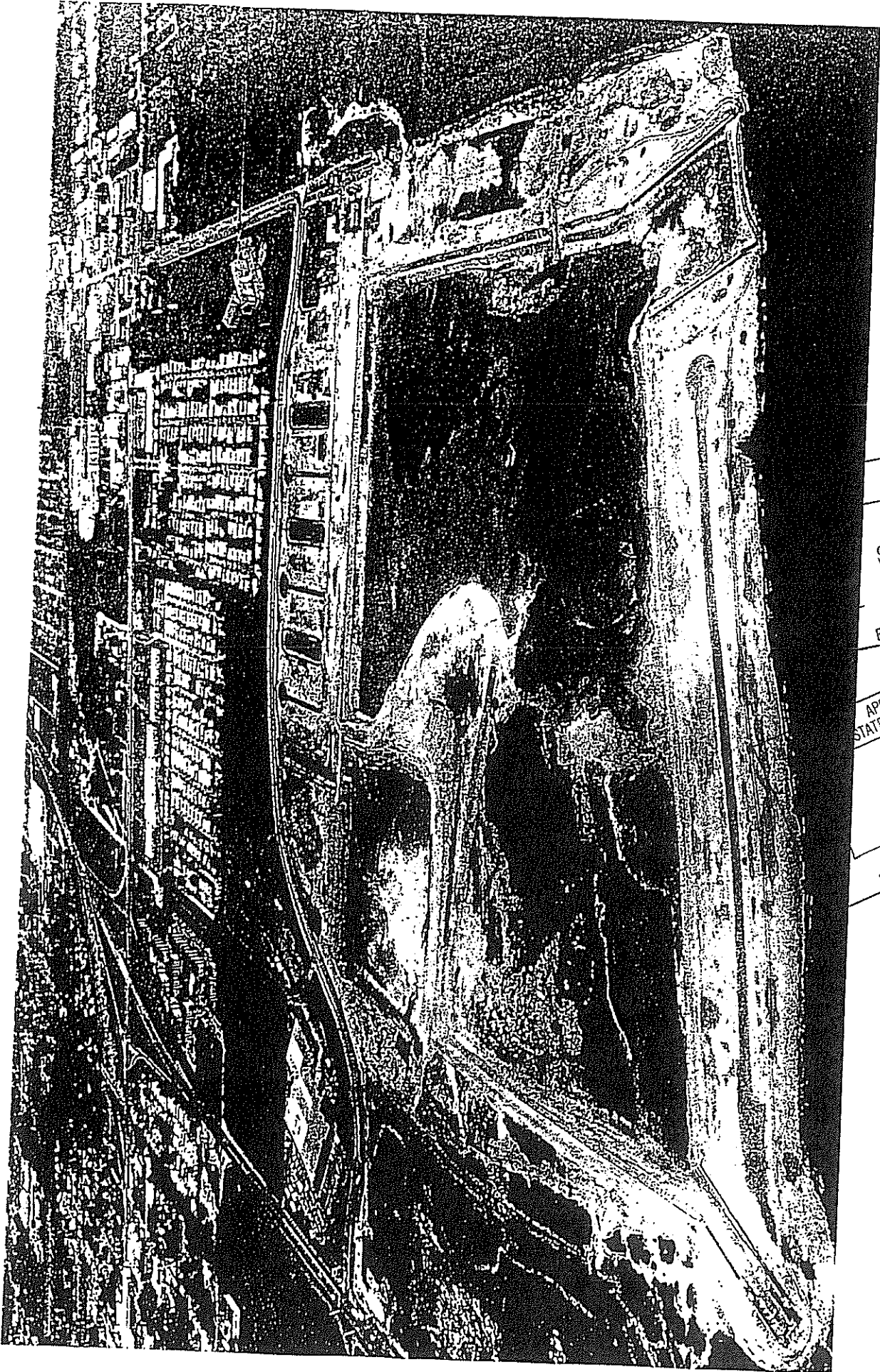


Figure 7. Final East Channel
Dredge Area Estimate

RIVIERA DUNES



41-0172757

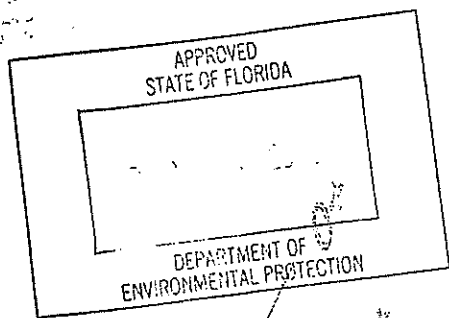
APPROVED
STATE OF FLORIDA

SEP 25 2000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION



elevation zones

≤ -14.0	●
> -14.0	●
> -12.0	●
> -10.0	●
> -8.0	●
> -6.0	●
> -4.0	●
> -2.0	●
> 0.0	●

41-017275

6/26/00

East Channel Estimates

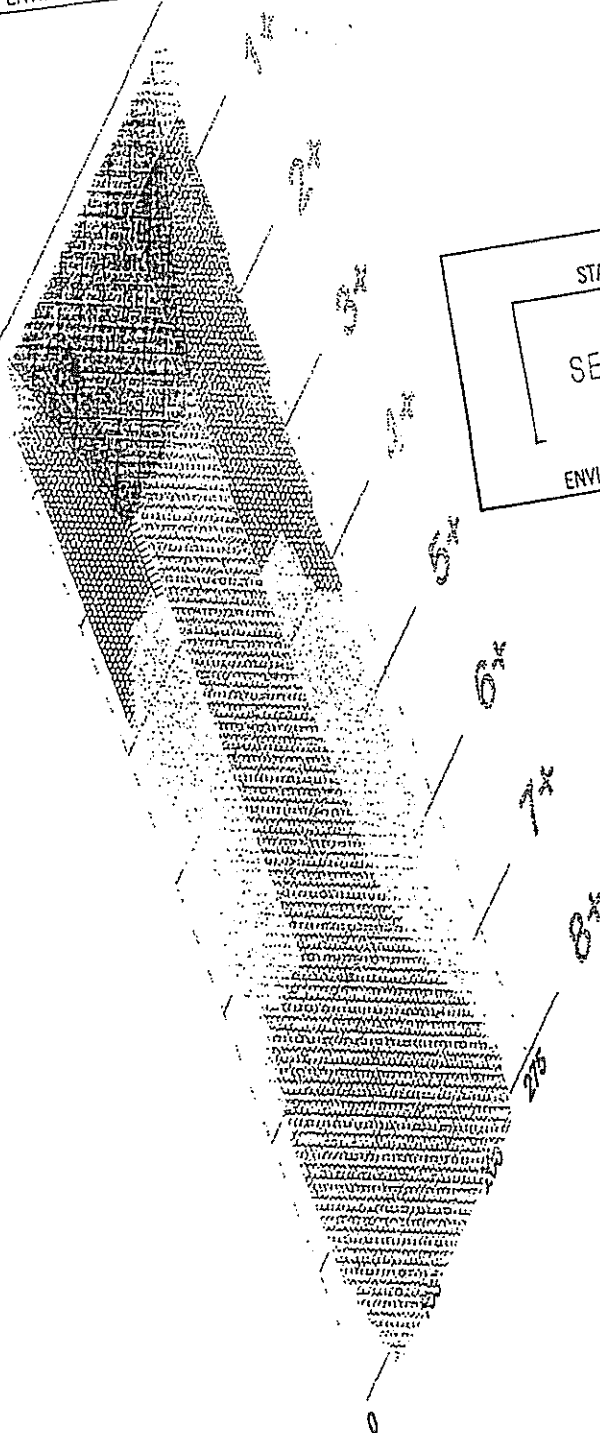


Figure 7.5 Final East Channel
Topography
(no exaggeration)

RIVIERA DUNES

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JAMES L. "JAMIE" ADAMS, JR.
Bushnell

BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

JOHN D. ROOD
Jacksonville

N. L. EGBERT, Ph.D., Executive Director
OR J. HELLER, Assistant Executive Director

D.E.P.

NOV 22 2000

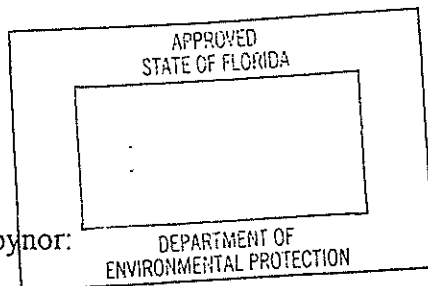
Southwest District Tampa

November 17, 2000

BUREAU OF PROTECTED SPECIES MANAGEMENT
DAVID W. ARNOLD, CHIEF
(850)922-4330
FAX (850)922-4338

Ms. Rose Poynor
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

41-0172757



Dear Ms. Poynor:

Re: Manatee Impact Review; Riviera Dunes
Resorts Project; File No. 41-01727573-002;
Manatee River, Manatee County

The Bureau of Protected Species Management in the Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed this application, and provides the following comments. A copy of this letter will be sent to the U.S. Army Corps of Engineers, Jacksonville District, in compliance with the Fish and Wildlife Coordination Act.

The Bureau reviewed the Application for Development Approval (ADA) and provided comments on this Development of Regional Impact in May 1999. Recommendations in our letter to the Tampa Bay Regional Planning Council were also incorporated as conditions to the Department of Environmental Protection's permit and subsequent modifications (File No. 411783719, 58-01476173-002). Our comments concerning the phasing of powerboats were revised in a letter to the Department on August 24, 2000. The existing permit will be expiring February 2001. The submitted application is identical in scope and is being submitted in order to complete construction of the project.

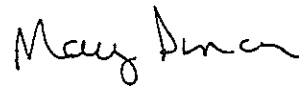
We recommend incorporating the manatee conservation conditions discussed in previous correspondence into any authorizations issued by the Department. These conservation measures are still pertinent, and are expected to allow the project to satisfy the requirements of 373.414(1)(a) 2, Florida Statutes.

Please notify this office of the results of this manatee impact review by copy of the Intent to Issue or Deny, and the final agency action. Please do not hesitate to call me at (850)

Ms. Rose Poynor
November 17, 2000
Page 2

922-4330 if you have any questions.

Sincerely,



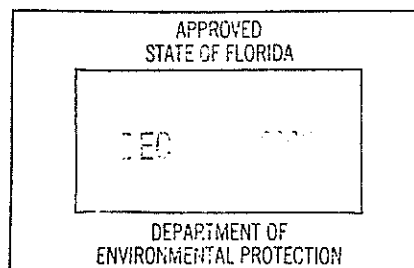
Mary Duncan, Environmental Specialist
Bureau of Protected Species Management
Office of Environmental Services

/MPD
ENV 7-2

41-0172757

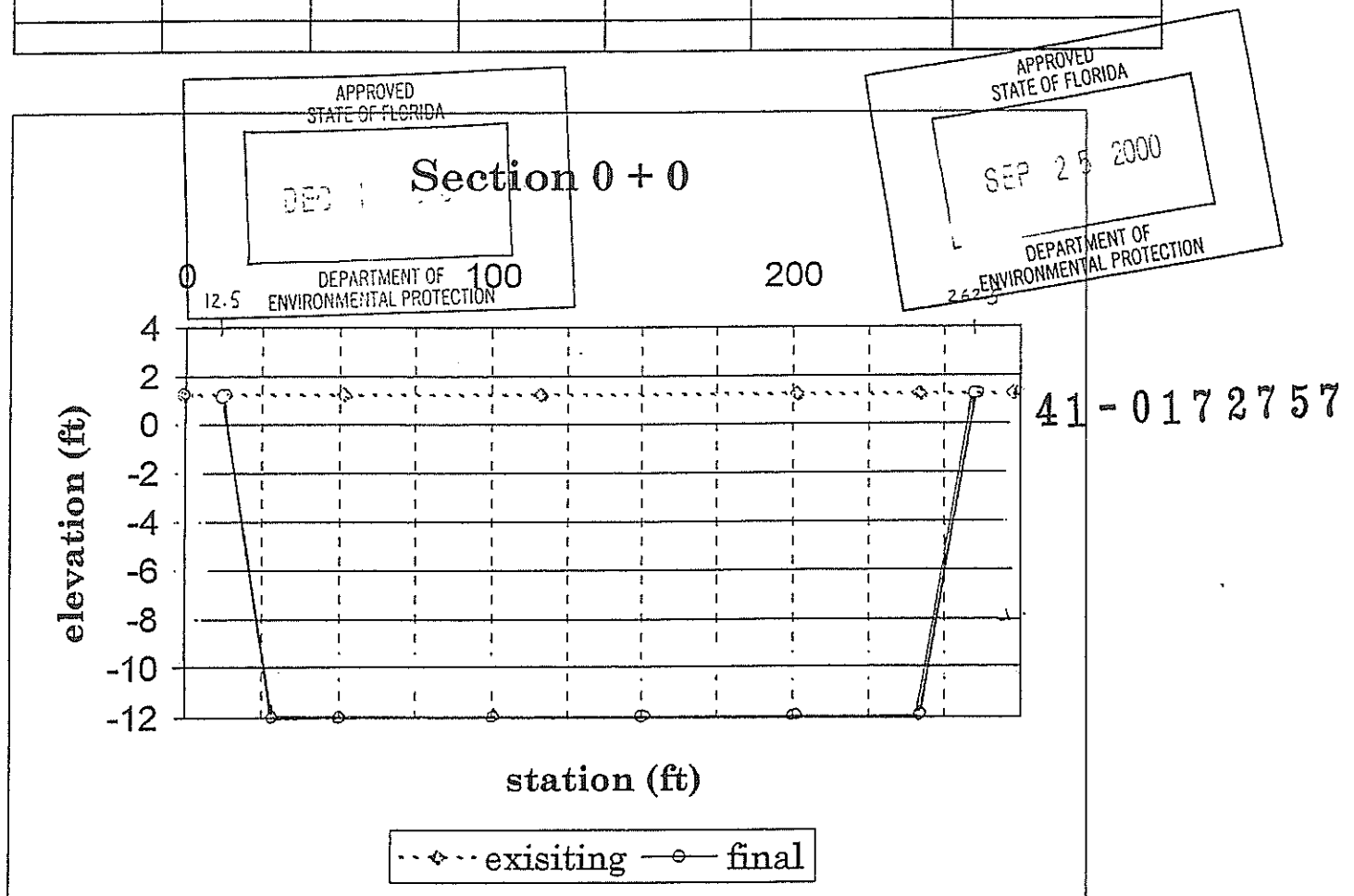
cc: Colonel James G. May, U.S. Army Corps of Engineers, Jacksonville
Linda J. Svenson, W.C. Riviera Partners, L.C.

C:\DATA\DOC\MANATEE\riviera dunes2.doc



Section 0+0

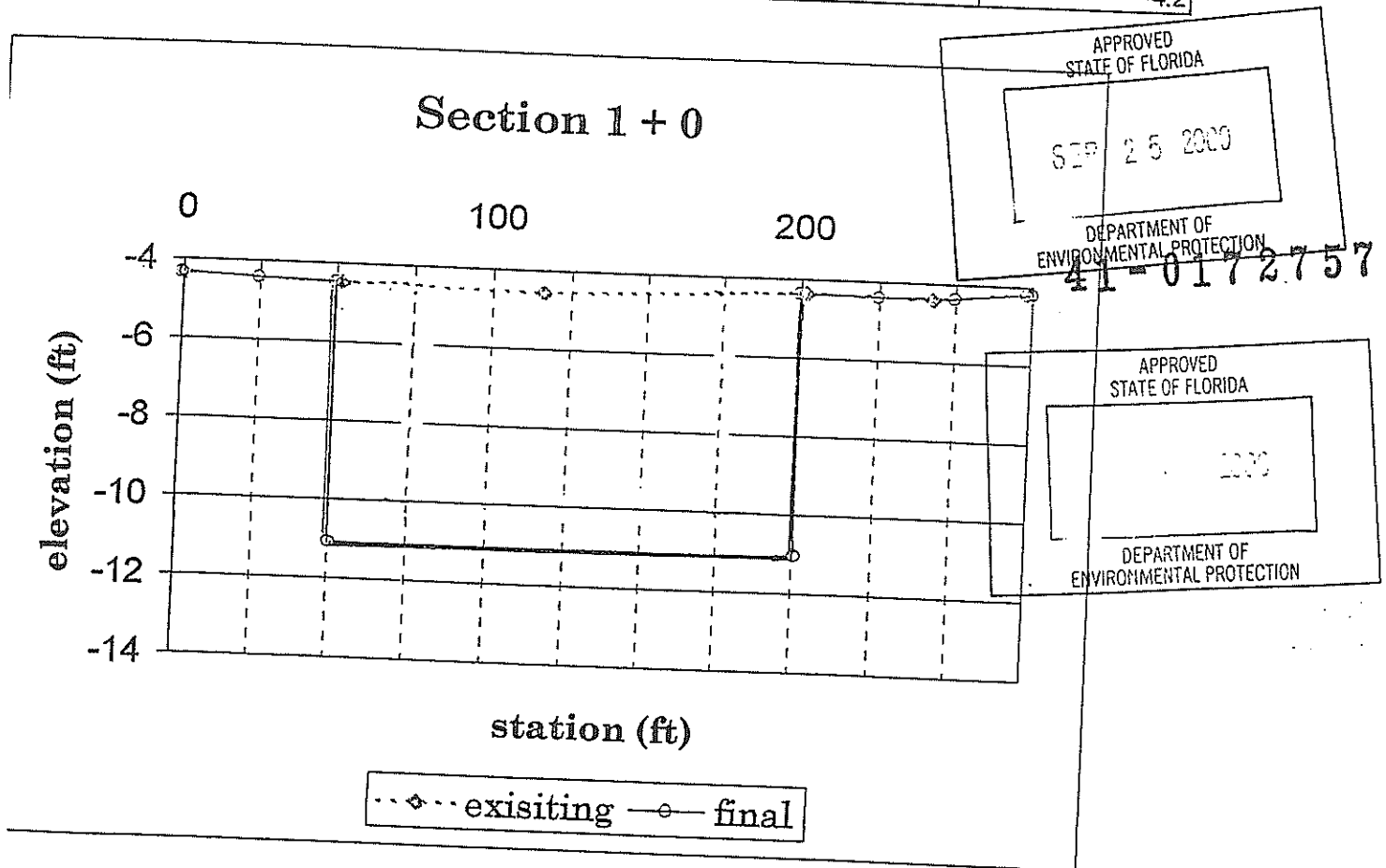
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
64	d	800	0	1.2	0	1.2
65	d	800	51.96	1.2	12.5	1.2
66	d	800	116.55	1.2	32.5	-12
67	d	800	201.99	1.2	100	-12
68	d	800	242.61	1.2	150	-12
69	d	800	273.28	1.2	200	-12
70	d	800			242.5	-12
					262.5	1.2



Section 1+0

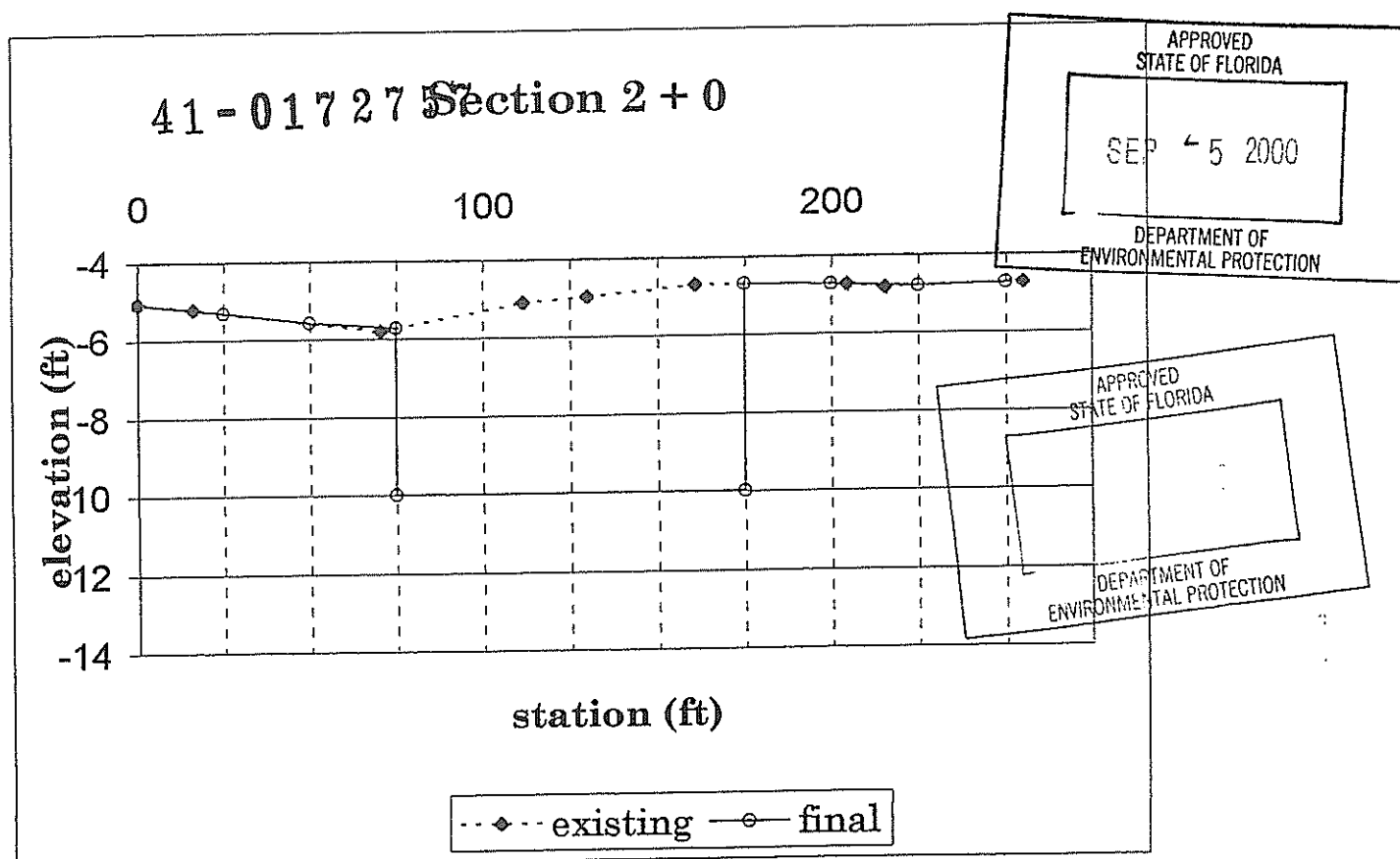
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
57	d	700	0	-4.34	0	-4.34
58	d	700	51.96	-4.49	25	-4.41
59	d	700	116.55	-4.57	50	-4.48
60	d	700	201.99	-4.37	50	-11.0
61	d	700	242.61	-4.42	200	-11.0
62	d	700	273.28	-4.2		
63	d	700	316.96	-4.13		
					200	-4.37
					225	-4.4
					250	-4.37
					275	-4.2

Section 1 + 0



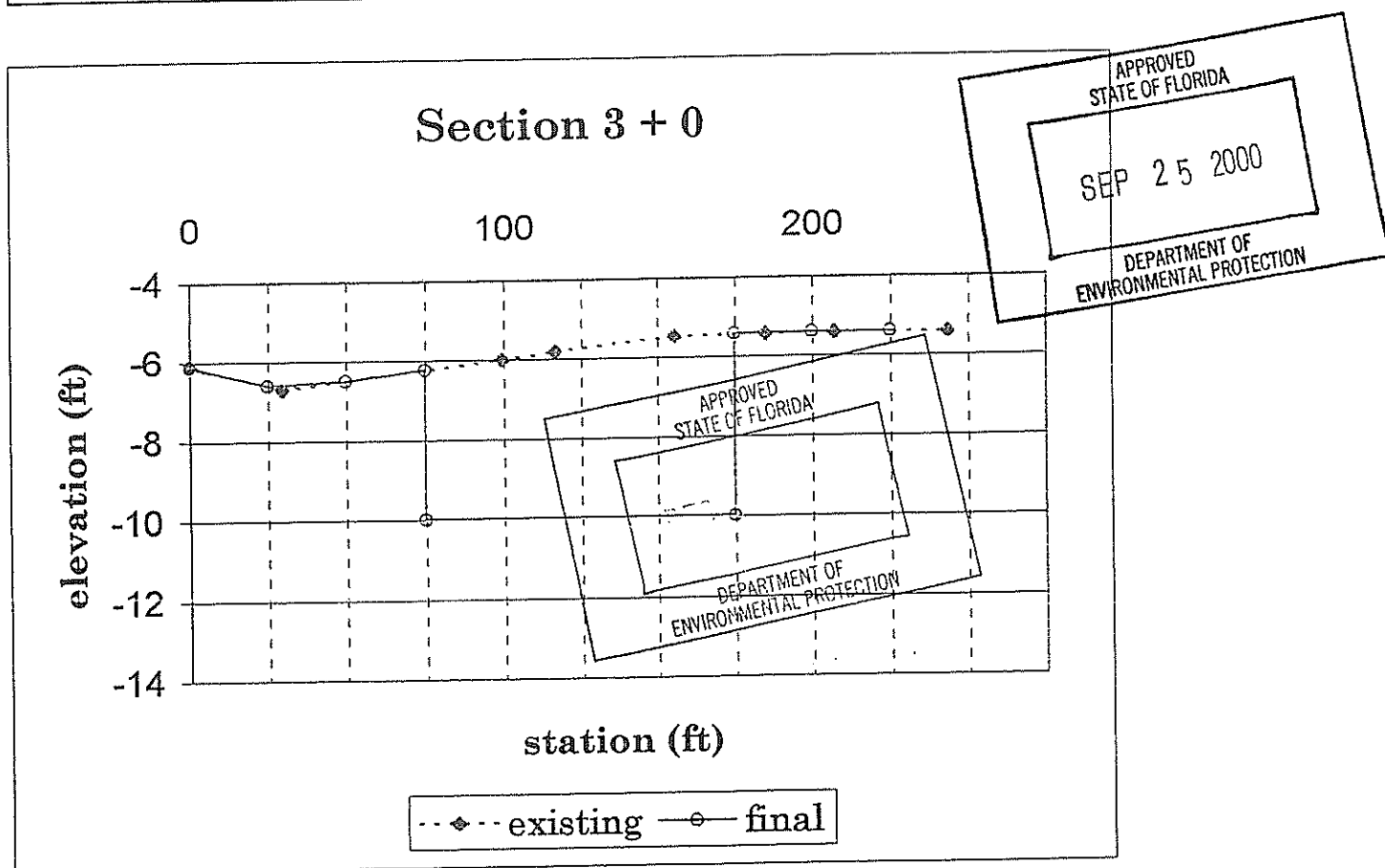
Section 2+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
47	d	600	0	-5.07	0	-5.07
48	d	600	16.28	-5.21	25	-5.30
49	d	600	70.49	-5.8	50	-5.58
50	d	600	111.6	-5.1	75	-5.72
51	d	600	129.97	-4.97	75	-10.00
52	d	600	160.87	-4.69	175	-10.00
53	d	600	204.46	-4.73	175	-4.70
54	d	600	215.39	-4.82	200	-4.73
55	d	600	255	-4.72	225	-4.80
					250	-4.73



Section 3+0

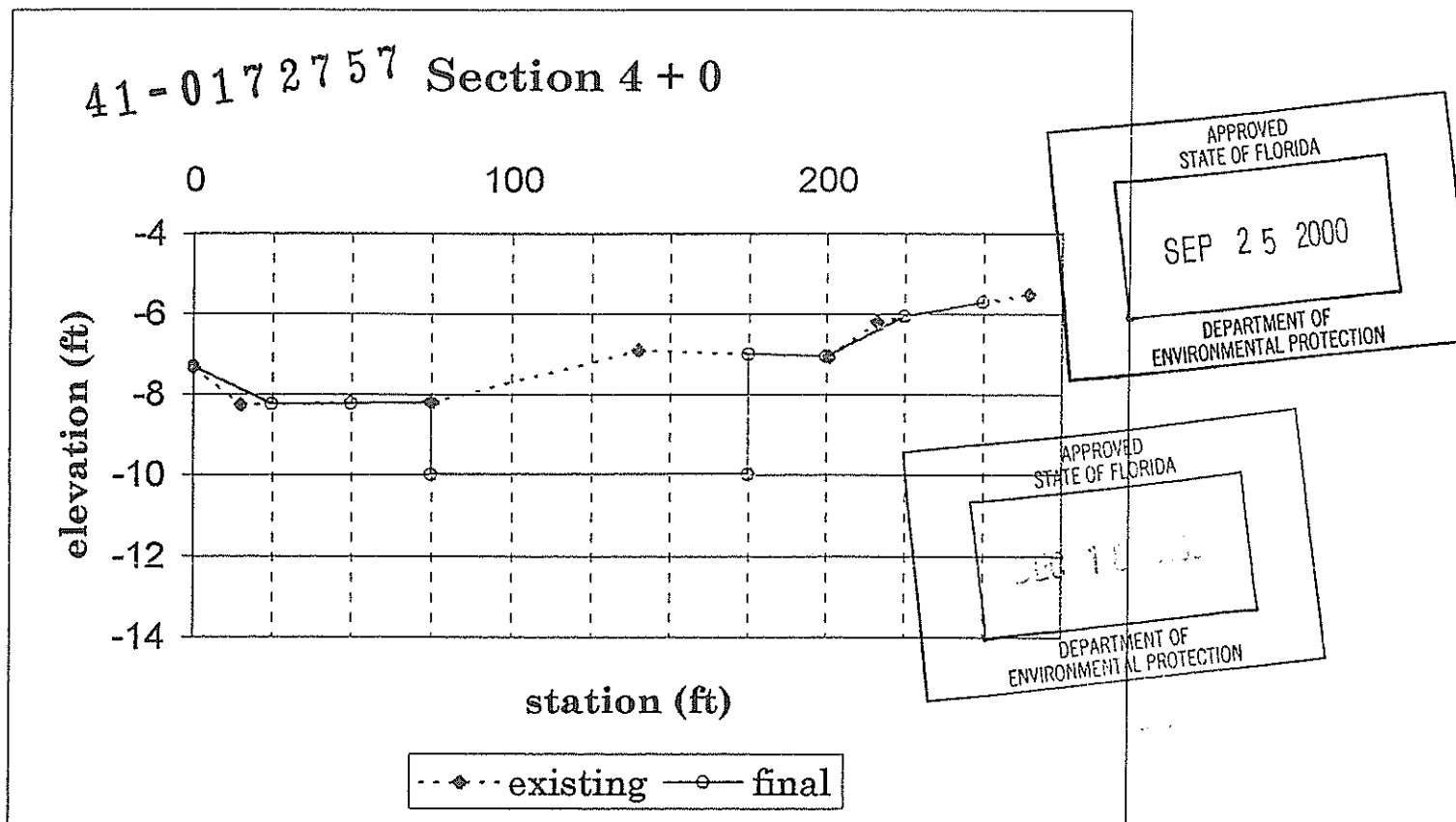
pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
39	d	500	0	-6.13	0	-6.13
40	d	500	29.63	-6.71	25	-6.62
41	d	500	99.39	-6	50	-6.50
42	d	500	116.65	-5.81	75	-6.25
43	d	500	155.45	-5.47	75	-10.00
44	d	500	185.15	-5.43	175	-10.00
45	d	500	206.91	-5.4	175	-5.44
46	d	500	243.41	-5.4	200	-5.41
					225	-5.40



41-0172757

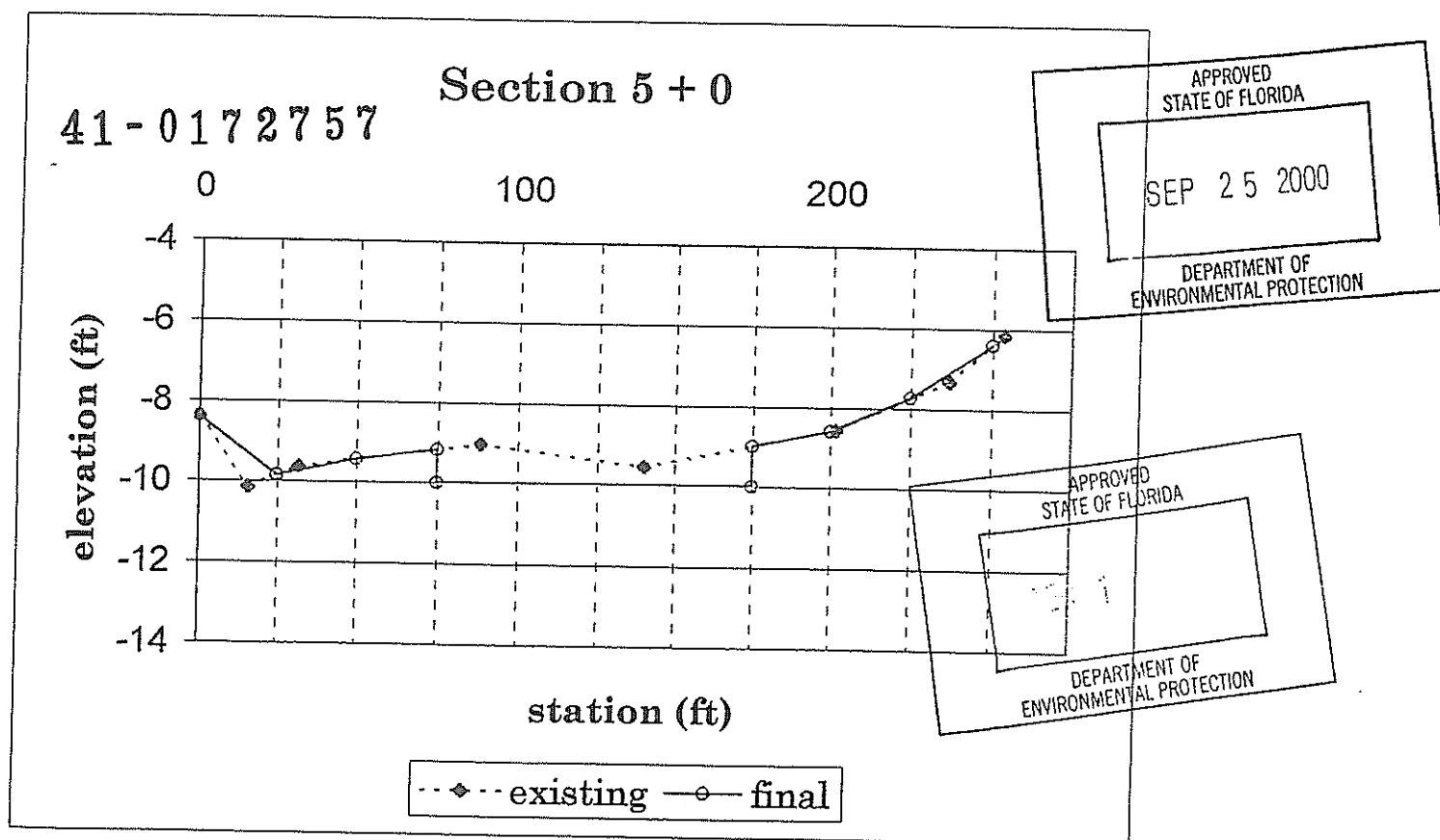
Section 4+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
32	d	400	0	-7.33	0	-7.33
33	d	400	15.16	-8.26	25	-8.25
34	d	400	75.32	-8.21	50	-8.23
35	d	400	140.02	-6.91	75	-8.21
36	d	400	200.84	-7.08	75	-10.00
37	d	400	216.14	-6.2	175	-10.00
38	d	400	264.4	-5.52	175	-7.01
					200	-7.08
					225	-6.08
					250	-5.72



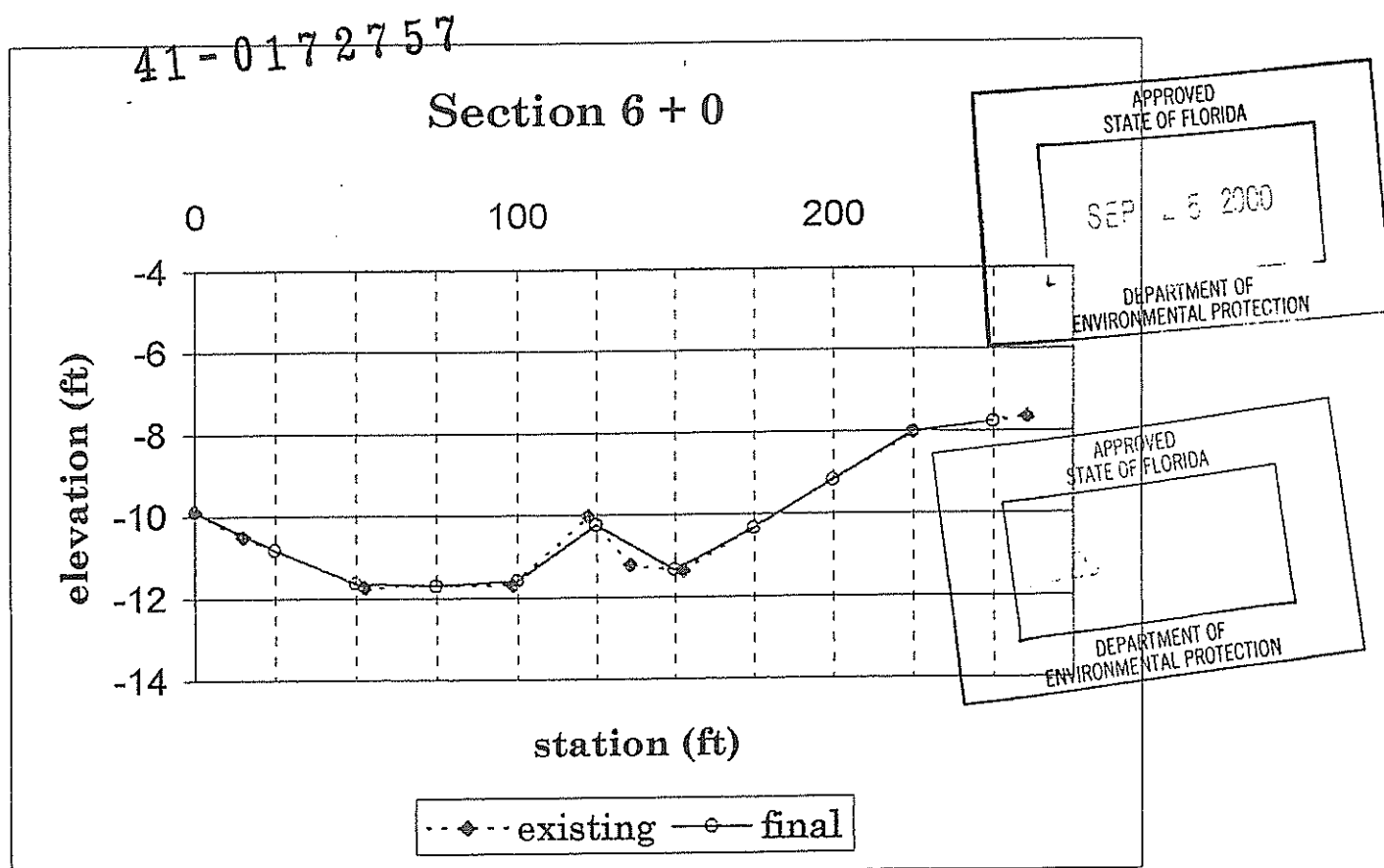
Section 5+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
25	d	300	0	-8.41	0	-8.41
26	d	300	15.96	-10.15	25	-9.85
27	d	300	31.74	-9.63	50	-9.44
28	d	300	88.57	-9.03	75	-9.17
29	d	300	139.9	-9.54	75	-10.00
30	d	300	201.64	-8.58	175	-10.00
31	d	300	236.84	-7.32	175	-8.99
			253.79	-6.15	200	-8.61
					225	-7.74
					250	-6.41



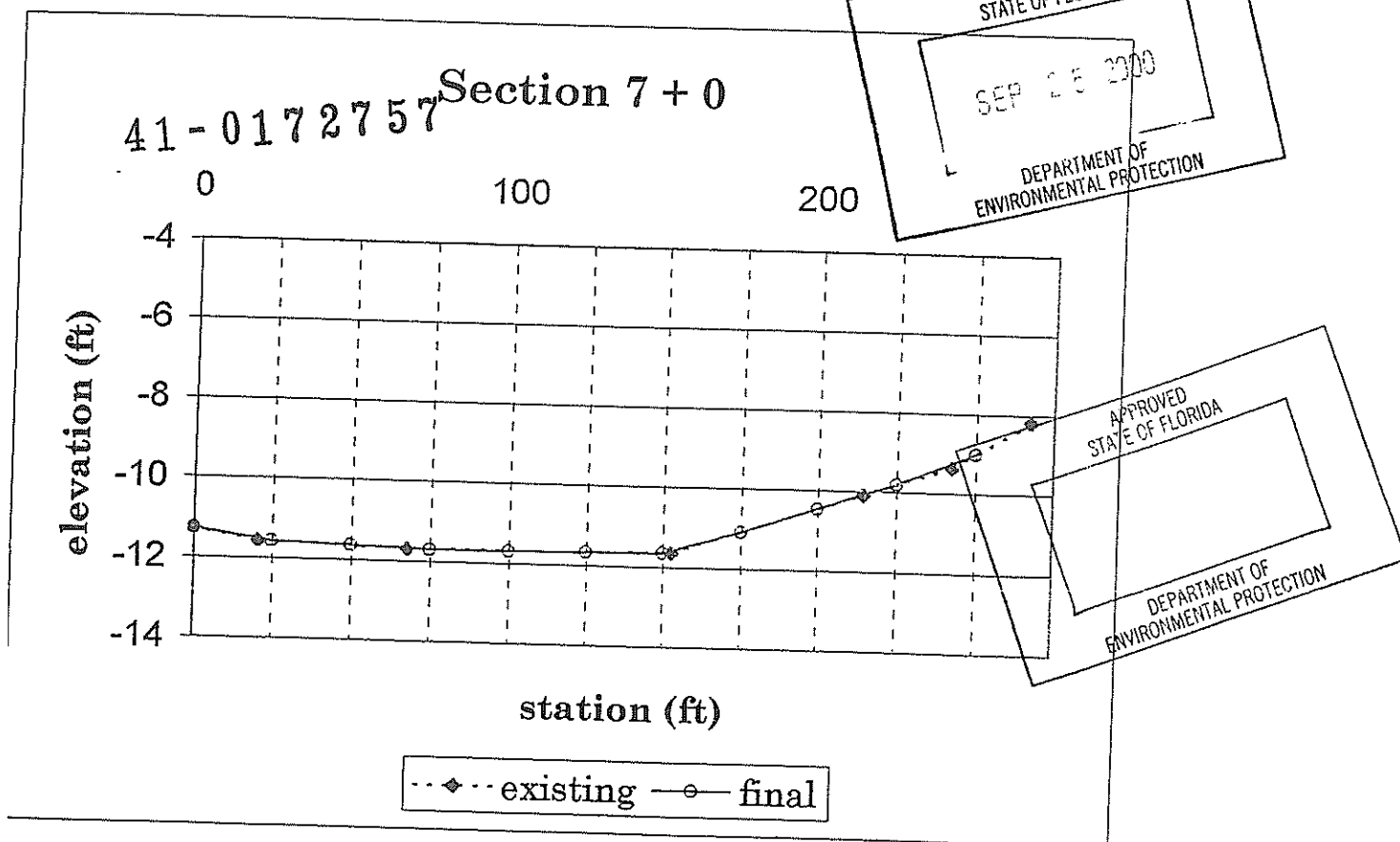
Section 6+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
16	d	200	0	-9.9	0	-9.90
17	d	200	15.1	-10.5	25	-10.83
18	d	200	52.81	-11.74	50	-11.65
19	d	200	98.76	-11.69	75	-11.72
20	d	200	122.44	-10.03	100	-11.60
21	d	200	135.91	-11.22	125	-10.26
22	d	200	152.53	-11.38	150	-11.36
23	d	200	225.03	-8.04	175	-10.34
24	d	200	260.73	-7.67	200	-9.19
					225	-8.04
					250	-7.78



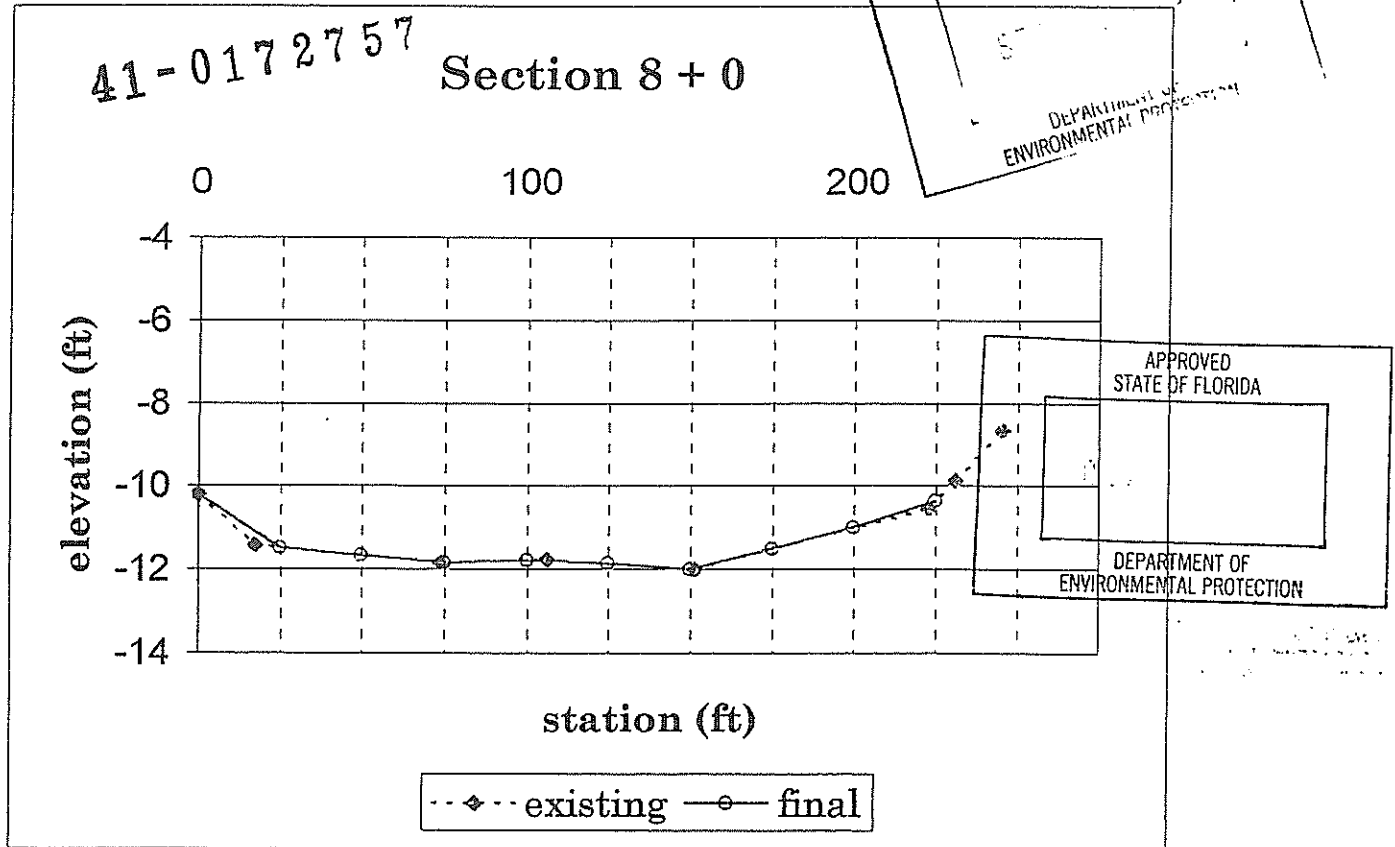
Section 7+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
9	d	100	0	-11.29	0	-11.29
10	d	100	20.4	-11.57	25	-11.58
11	d	100	67.66	-11.71	50	-11.66
12	d	100	152.66	-11.67	75	-11.71
13	d	100	214.38	-10.11	100	-11.69
14	d	100	242.46	-9.38	125	-11.68
15	d	100	267.36	-8.21	150	-11.67
					175	-11.11
					200	-10.47
					225	-9.83
					250	-9.03



Section 8+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
1	d	0	0	-10.23	0	-10.23
2	d	0	17.41	-11.44	25	-11.50
3	d	0	73.73	-11.86	50	-11.68
4	d	0	106.13	-11.78	75	-11.86
5	d	0	151.39	-12.02	100	-11.80
6	d	0	222.79	-10.56	125	-11.88
7	d	0	231.06	-9.89	150	-12.01
8	d	0	245.36	-8.68	175	-11.54
					200	-11.03
					225	-10.38



Riviera Dunes

Flushing (West) Channel

Figure 8. 3-D Existing Flushing Channel Topography
(based upon owner provided survey information with vertical exaggeration)

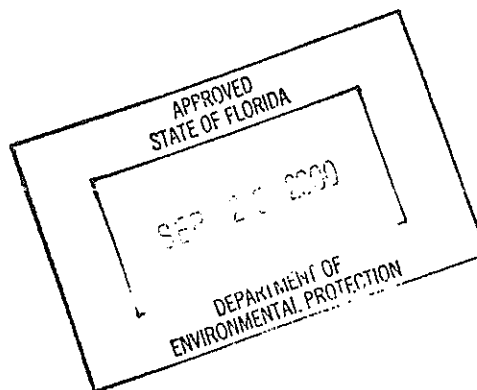
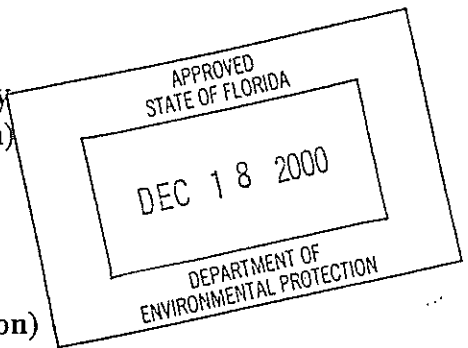
Figure 9. Final Flushing Channel Dredge Area Estimate
(based upon owner provided final grading plan)

Figure 10. 3-D Final Flushing Channel Topography
(based upon owner provided final grading plan)

Flushing Channel Sections for 100' Stations

** No data was provided for the Section 1+0*
(shows existing and final profiles for each station)

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125

elevation zones

	≤ -14.0
	> -14.0
	> -12.0
	> -10.0
	> -8.0
	> -6.0
	> -4.0
	> -2.0
	> 0.0

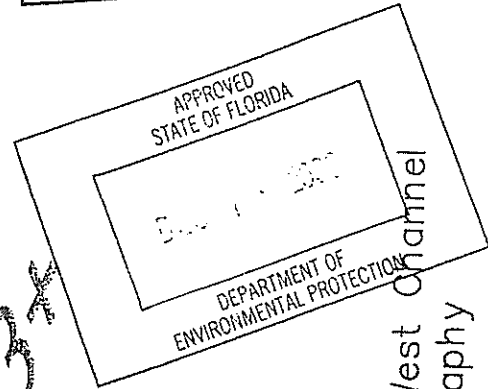
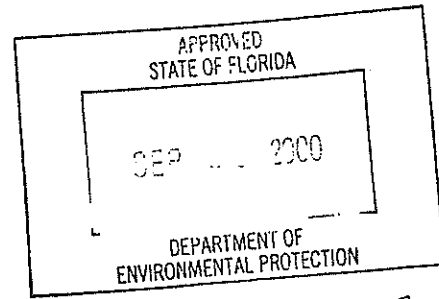


Figure 10. Final West Channel Topography

6/26/00

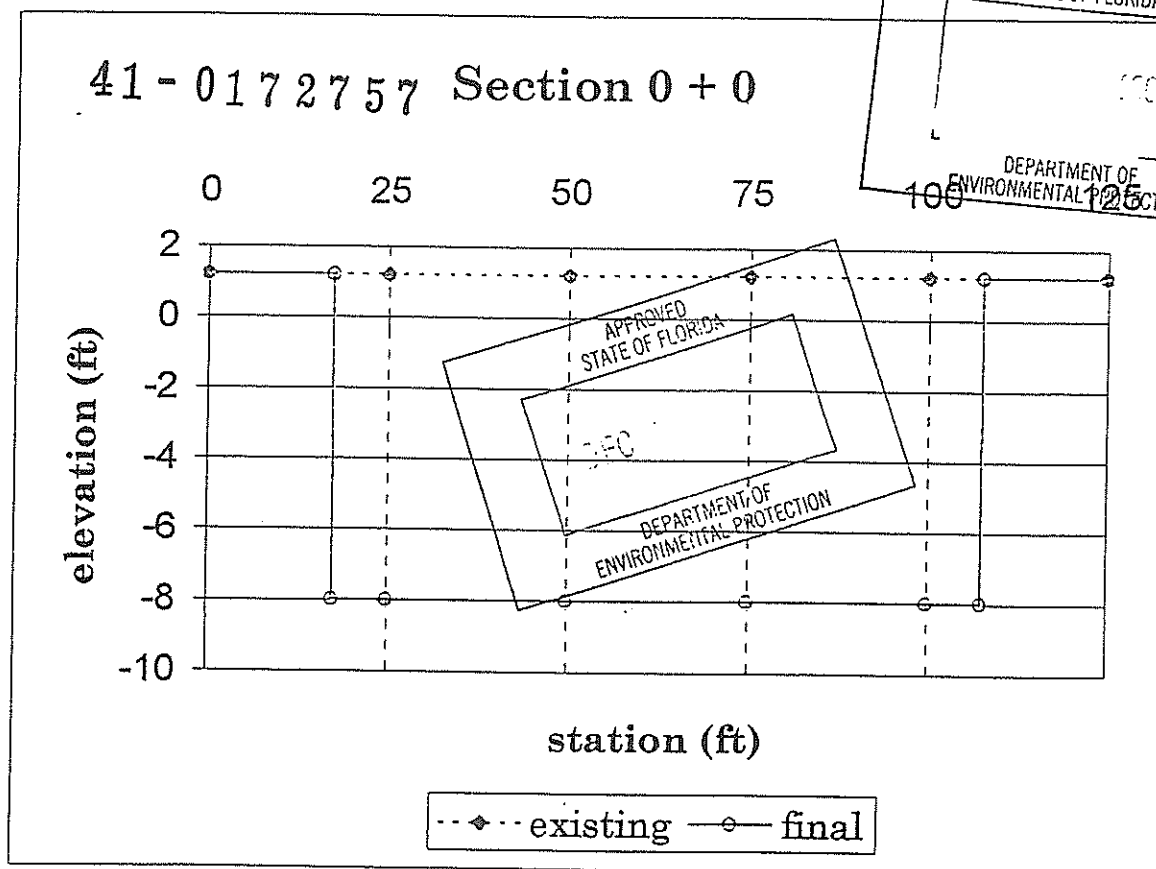
West Channel Estimate

● RIVIERA DUNES ●

Sinc

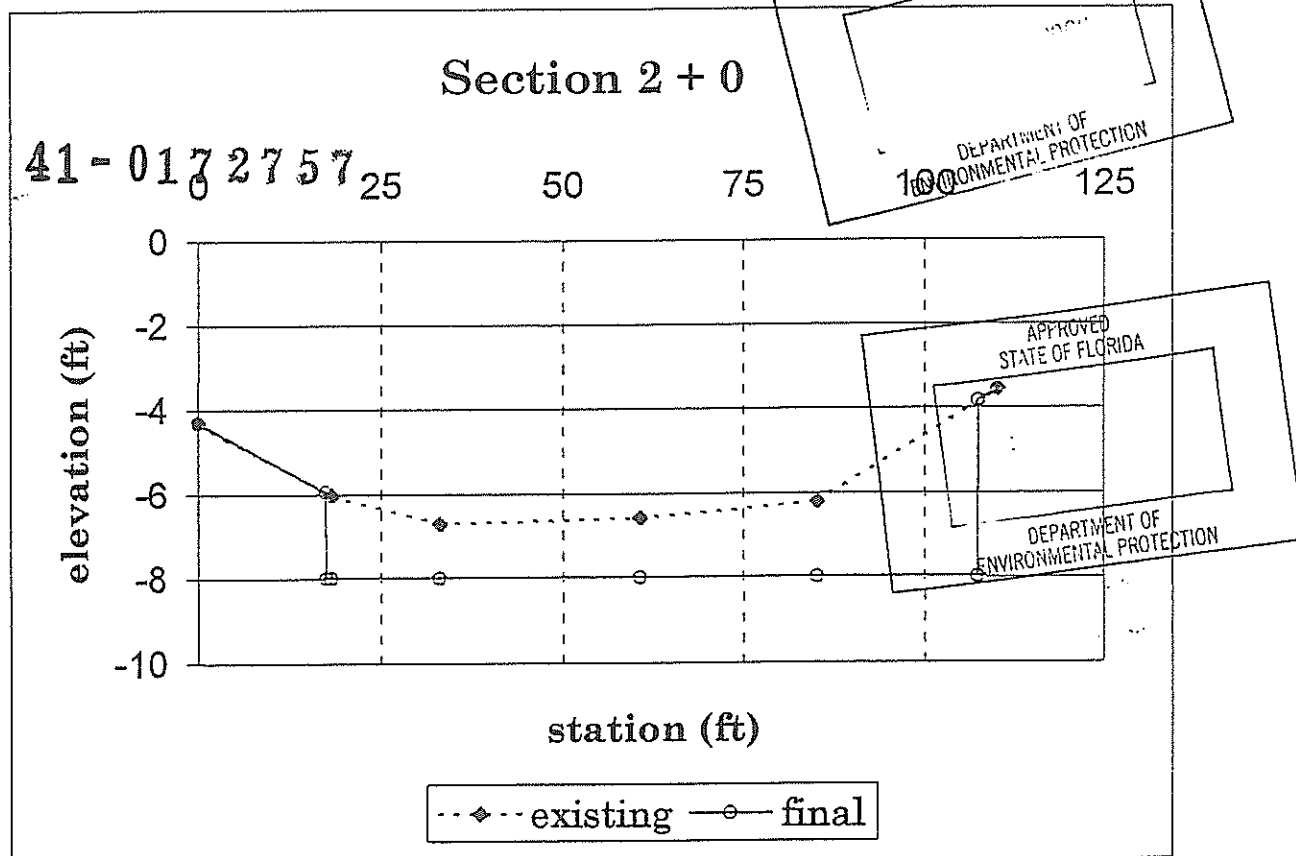
Section 0+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
23	d	400	0	1.2	0	1.2
24	d	400	25	1.2	17.4	1.2
25	d	400	50	1.2	17.5	-8
26	d	400	75	1.2	25	-8
27	d	400	100	1.2	50	-8
28	d	400	125	1.2	75	-8
					100	-8
					107.5	-8
					107.6	1.2
					125	1.2



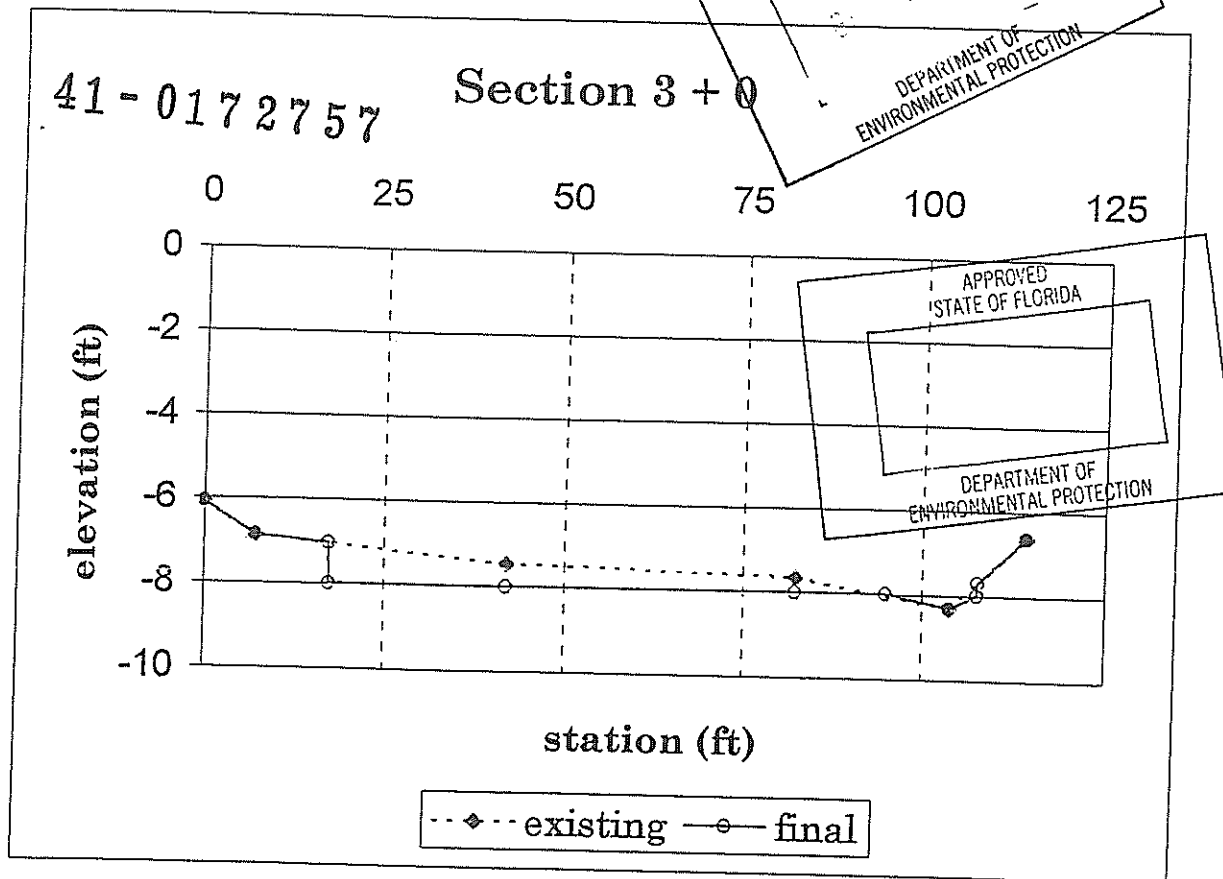
Section 2+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
17	d	200	0	-4.32	0	-4.32
18	d	200	18.21	-6.03	17.4	-5.95
19	d	200	33.04	-6.71	17.5	-8
20	d	200	60.88	-6.59	18.21	-8
21	d	200	85.38	-6.21	33.04	-8
22	d	200	110.13	-3.57	60.88	-8
					85.38	-8
					107.5	-8
					107.6	-3.84
					110.13	-3.57



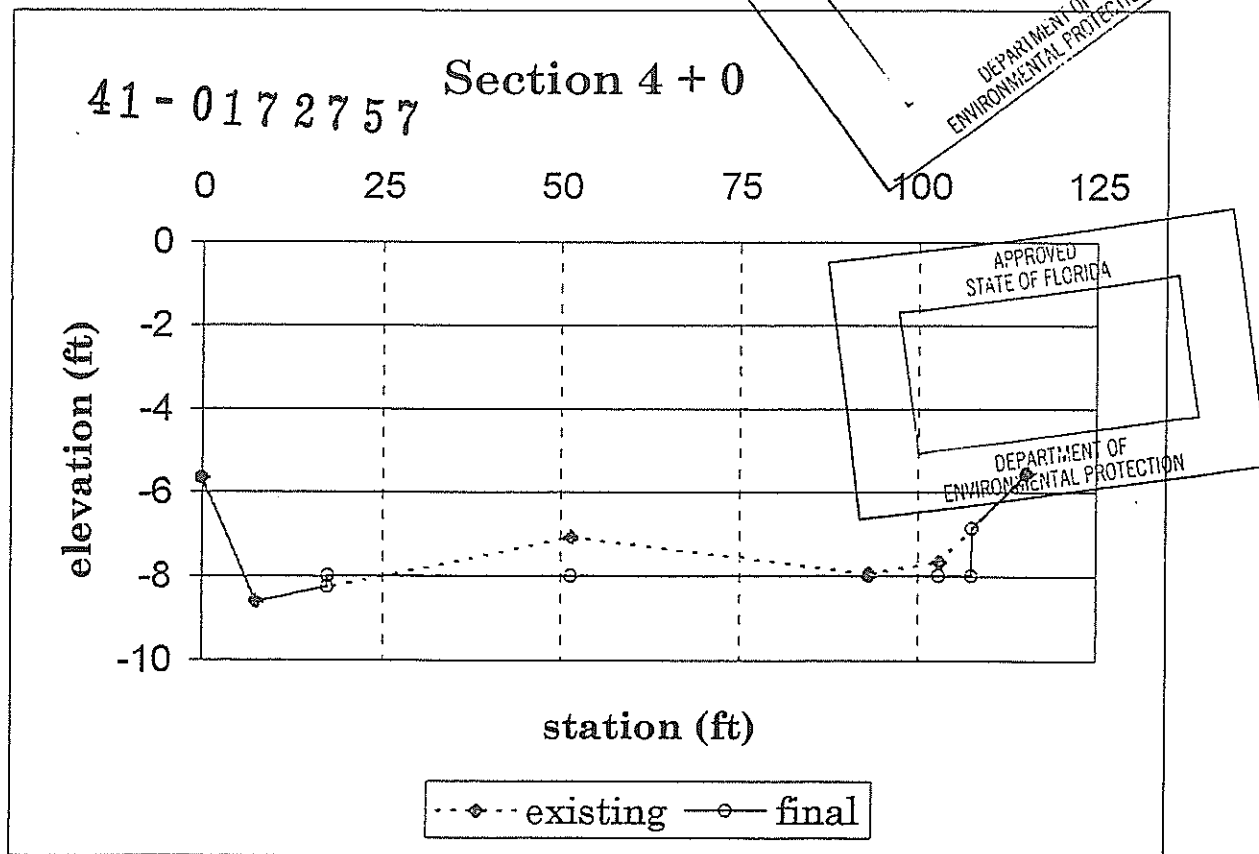
Section 3+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
9	d	100	0	-6.09	0	-6.09
10	d	100	7.09	-6.87	7.09	-6.87
11	d	100	42.07	-7.46	17.4	-7.04
12	d	100	82.4	-7.64	17.5	-8
13	d	100	103.79	-8.33	42.07	-8
14	d	100	114.21	-6.64	82.4	-8
15	d				95	-8
16	d				103.79	-8.33
					107.5	-8
					107.6	-7.71
					114.21	-6.64



Section 4+0

pt #	desc.	X1	Existing Stations	Existing Depths	Final Stations	Final Depths
1	d	0	0	-5.68	0	-5.68
2	d	0	7.54	-8.62	7.54	-8.62
3	d	0	51.5	-7.08	17.4	-8.27
4	d	0	93.23	-7.94	17.5	-8
5	d	0	102.94	-7.67	51.5	-8
6	d	0	115.21	-5.58	93.23	-8
7	d				102.94	-8
8	d				107.5	-8
					107.6	-6.88
					115.21	-5.58



PROPOSED PRIVATE P&T TYPES

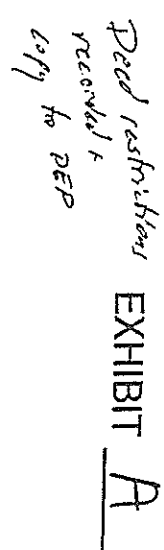
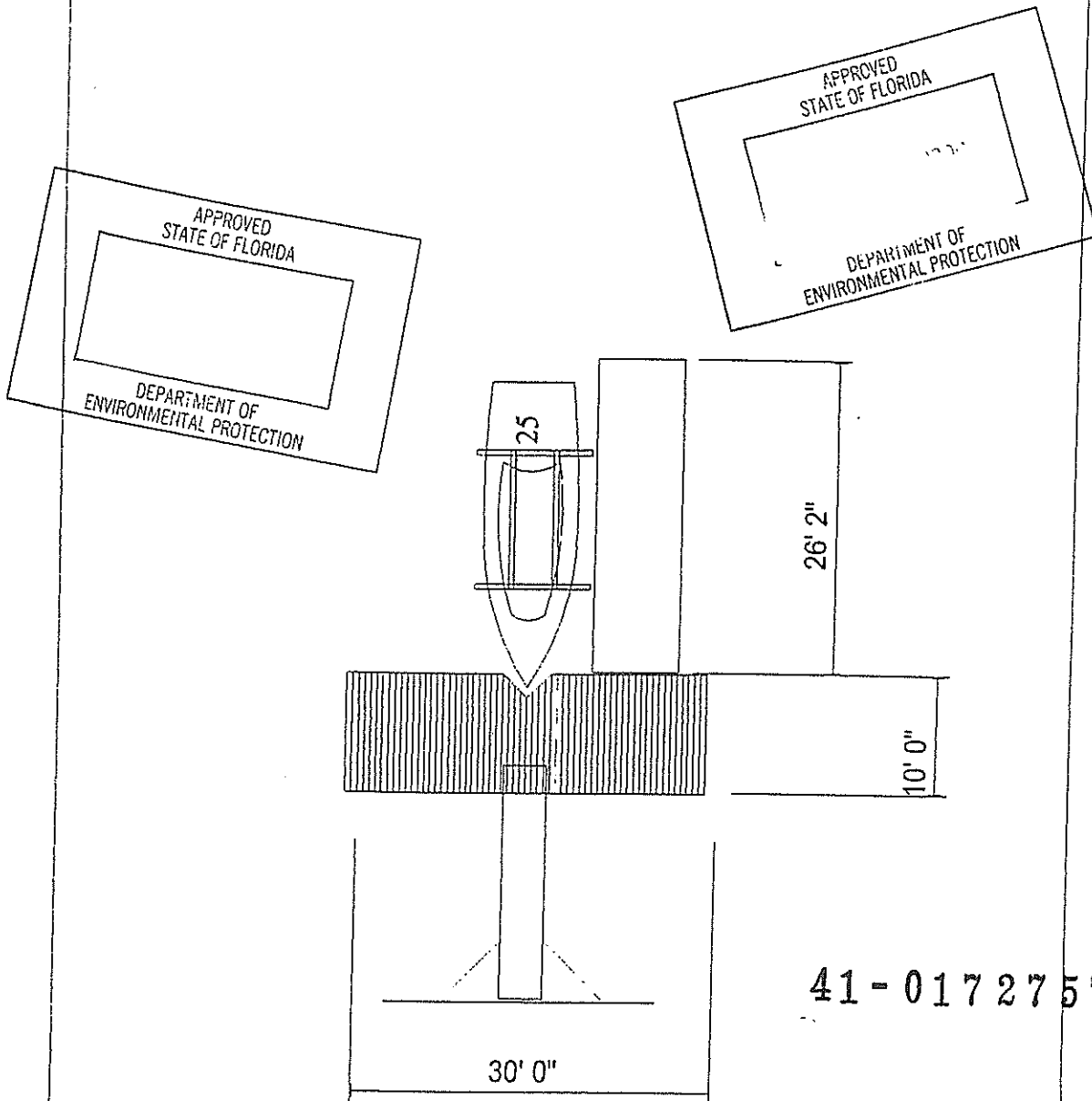
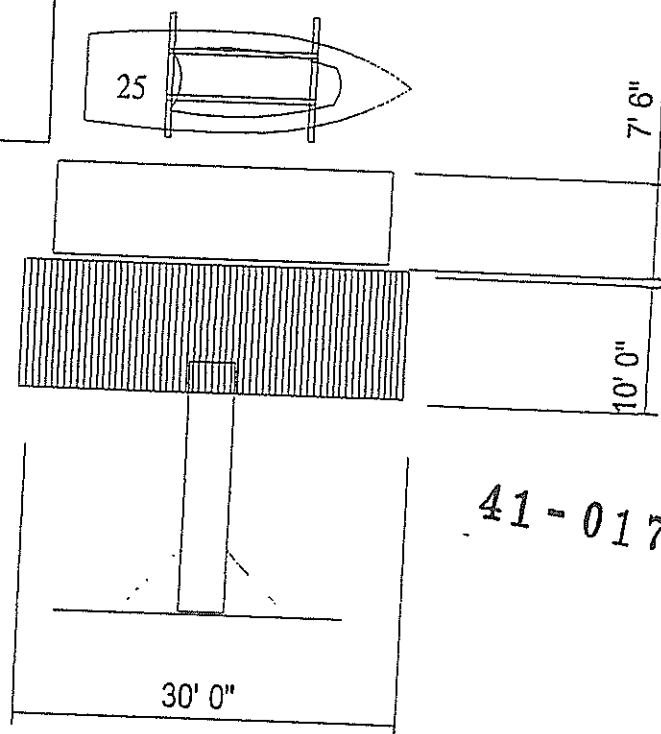
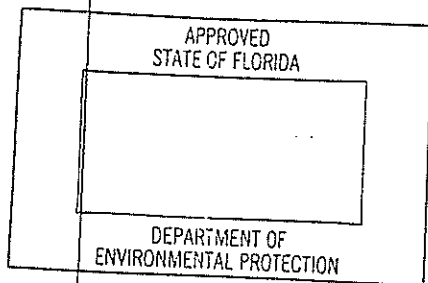
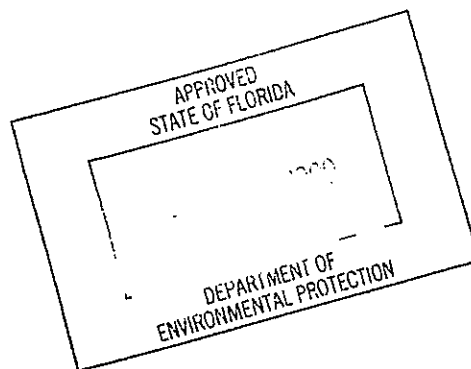


EXHIBIT _____



TYPE E-1

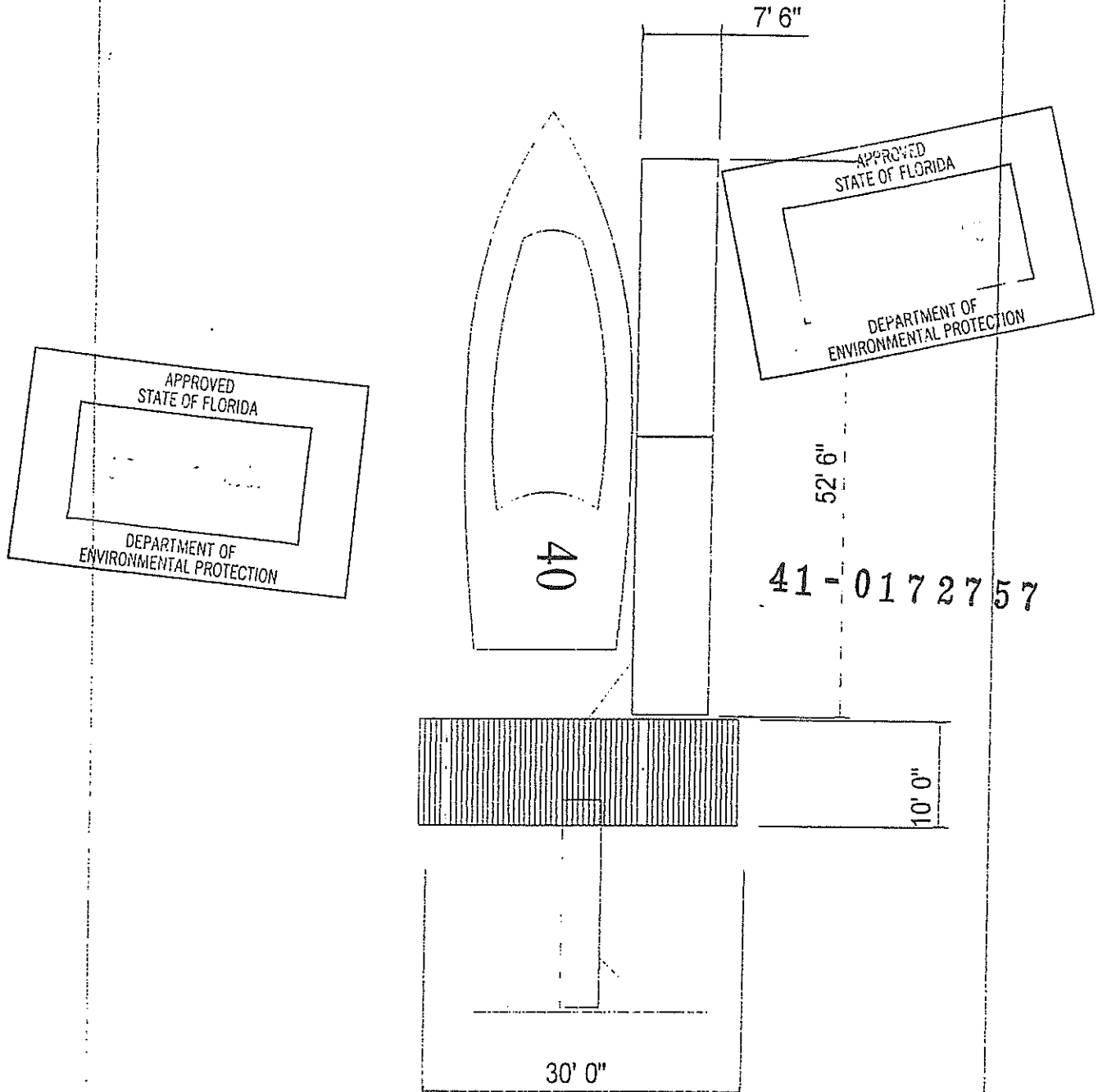
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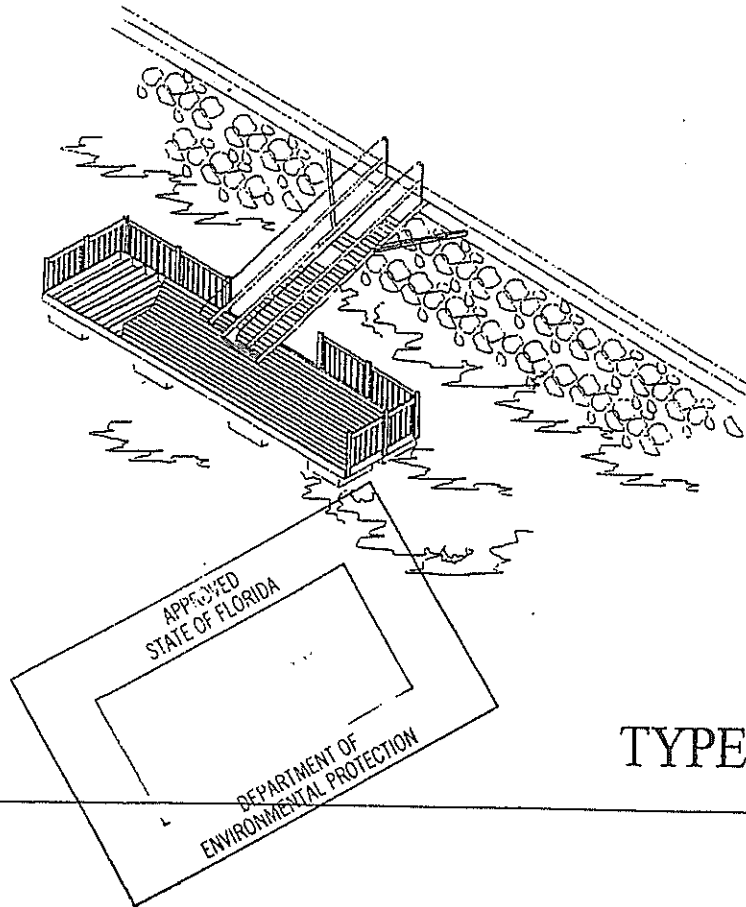
41-0172757

TYPE D-1

EXHIBIT _____



TYPE B



TYPE F

41-0172757

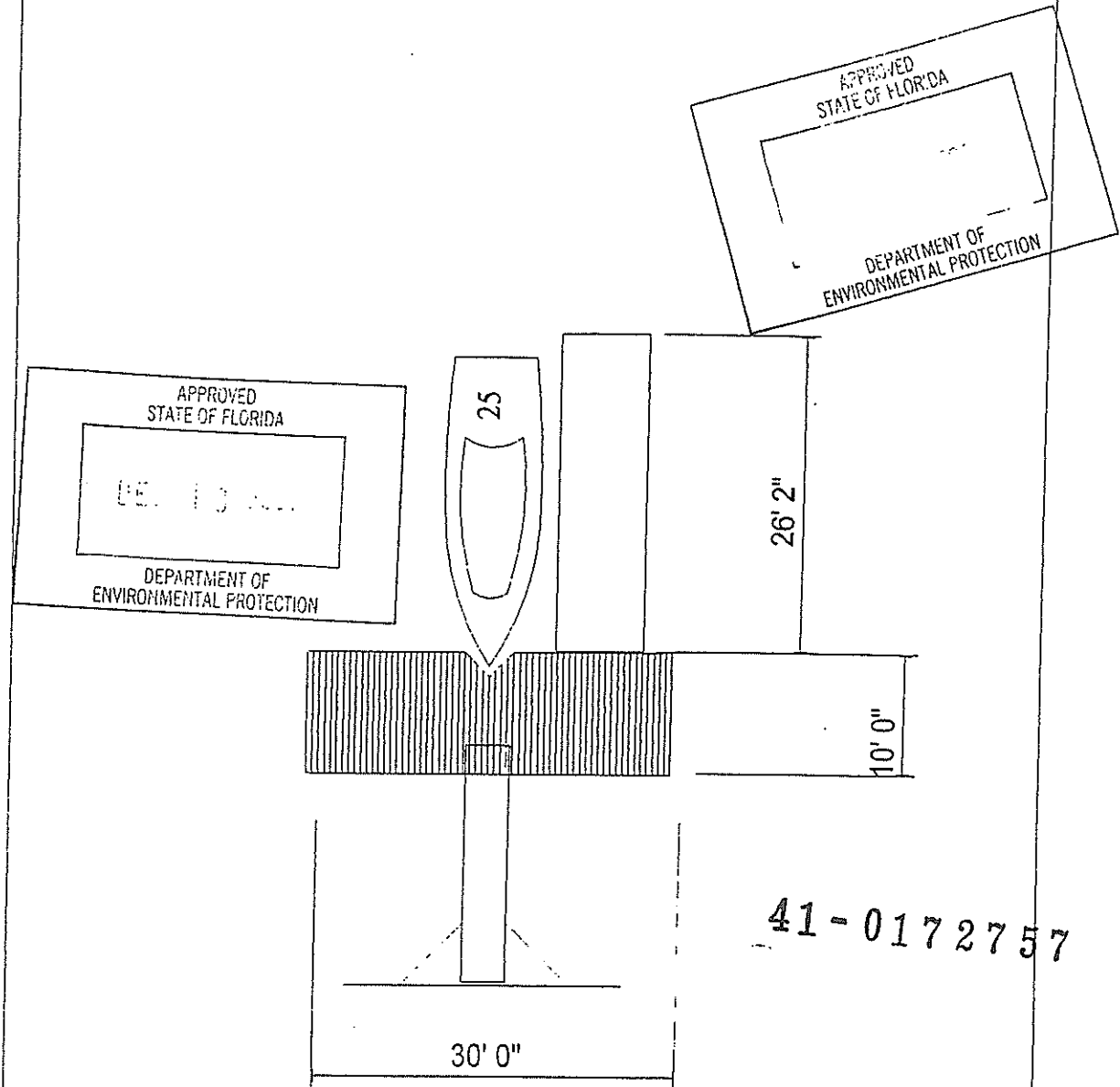
DECK SIZE 30 FT X 10 FT

DECK CONSTRUCTION FLOATING TIMBER DECK

BOAT SIZE UP TO 25 FT

PRICE \$

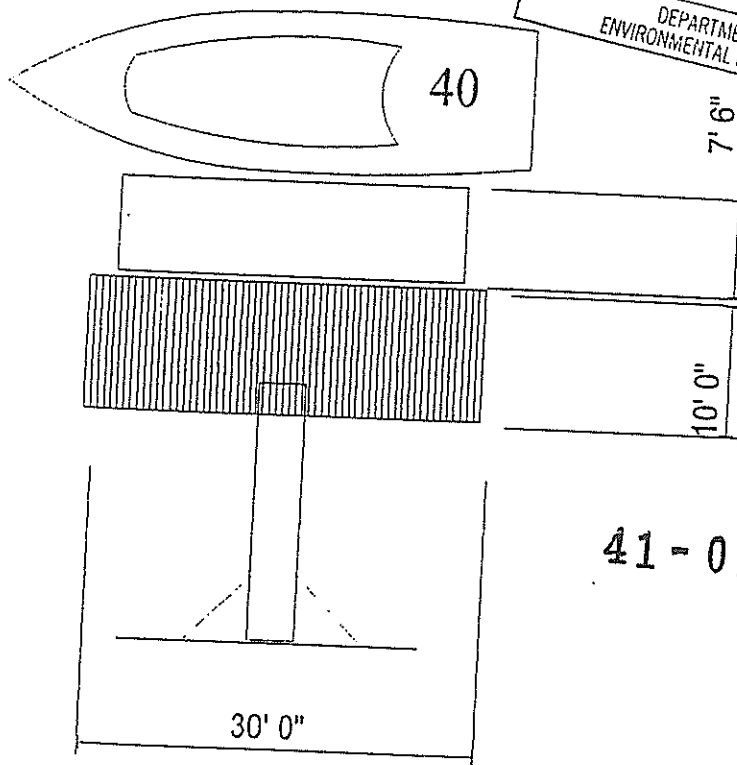
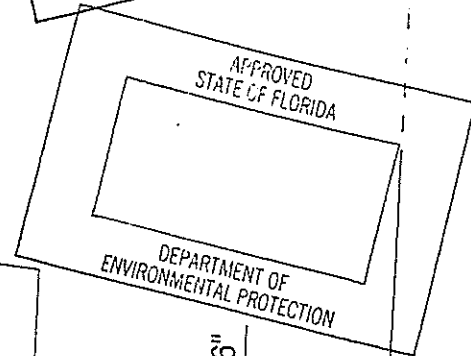
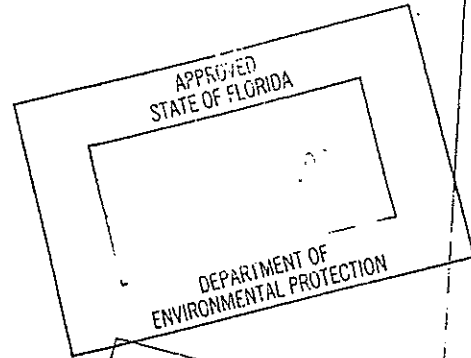
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41-0172757

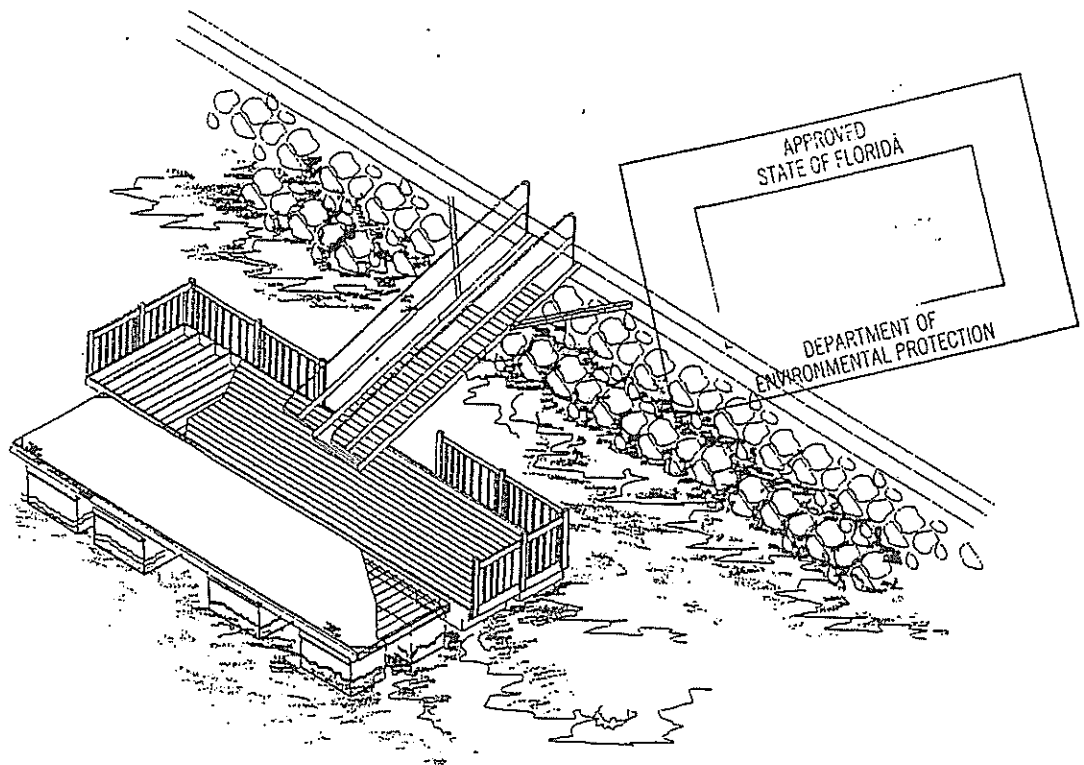
TYPE E

EXHIBIT _____

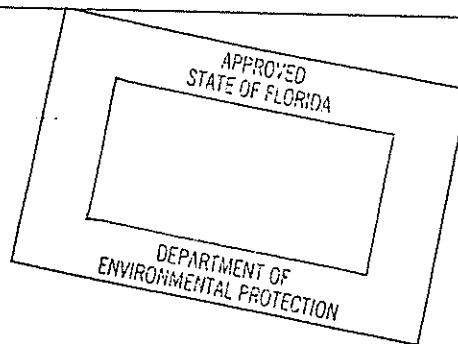


41-0172757

TYPE D



TYPE D



41-0172757

DECK SIZE

30 FT X 10 FT

DOCK CONSTRUCTION

CONCRETE DECK FLOATING DOCK

DOCK AREA

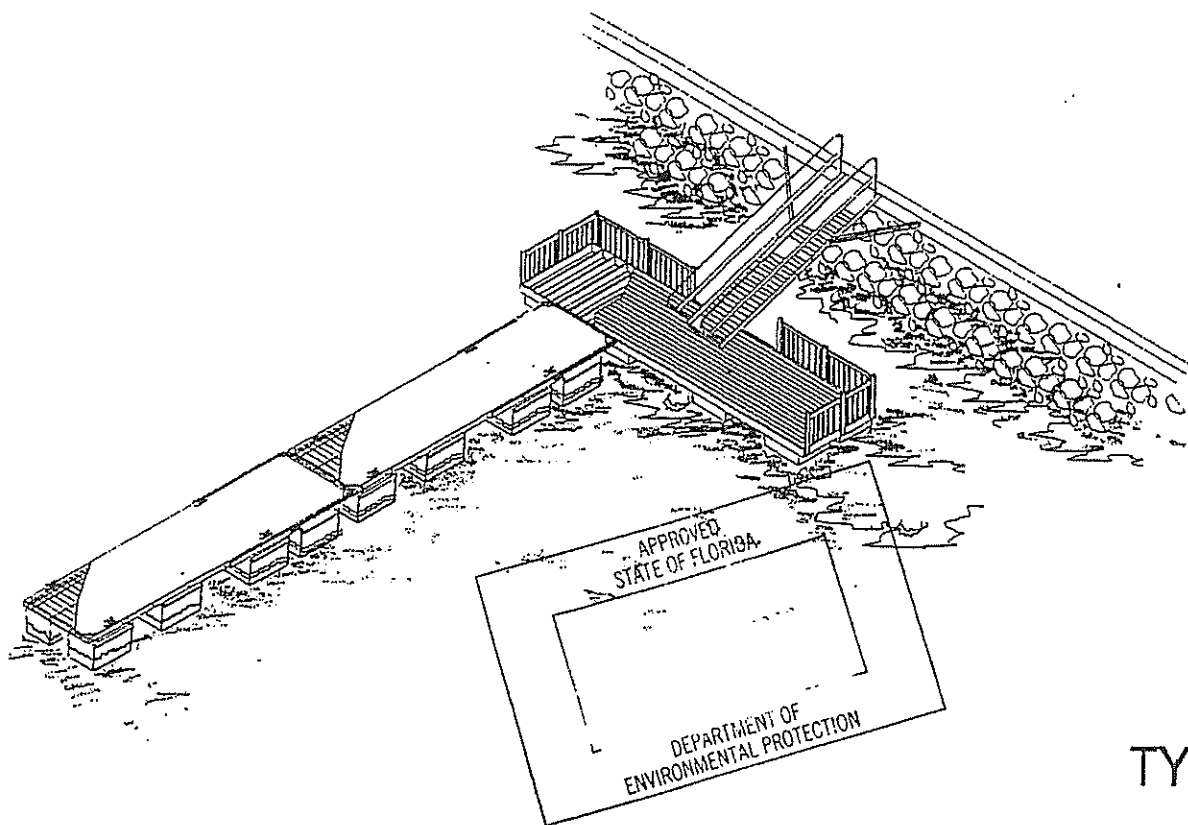
195 SQ. FT

BOAT SIZE

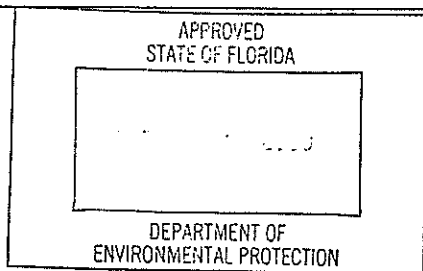
UP TO 40 FT

PRICE

\$



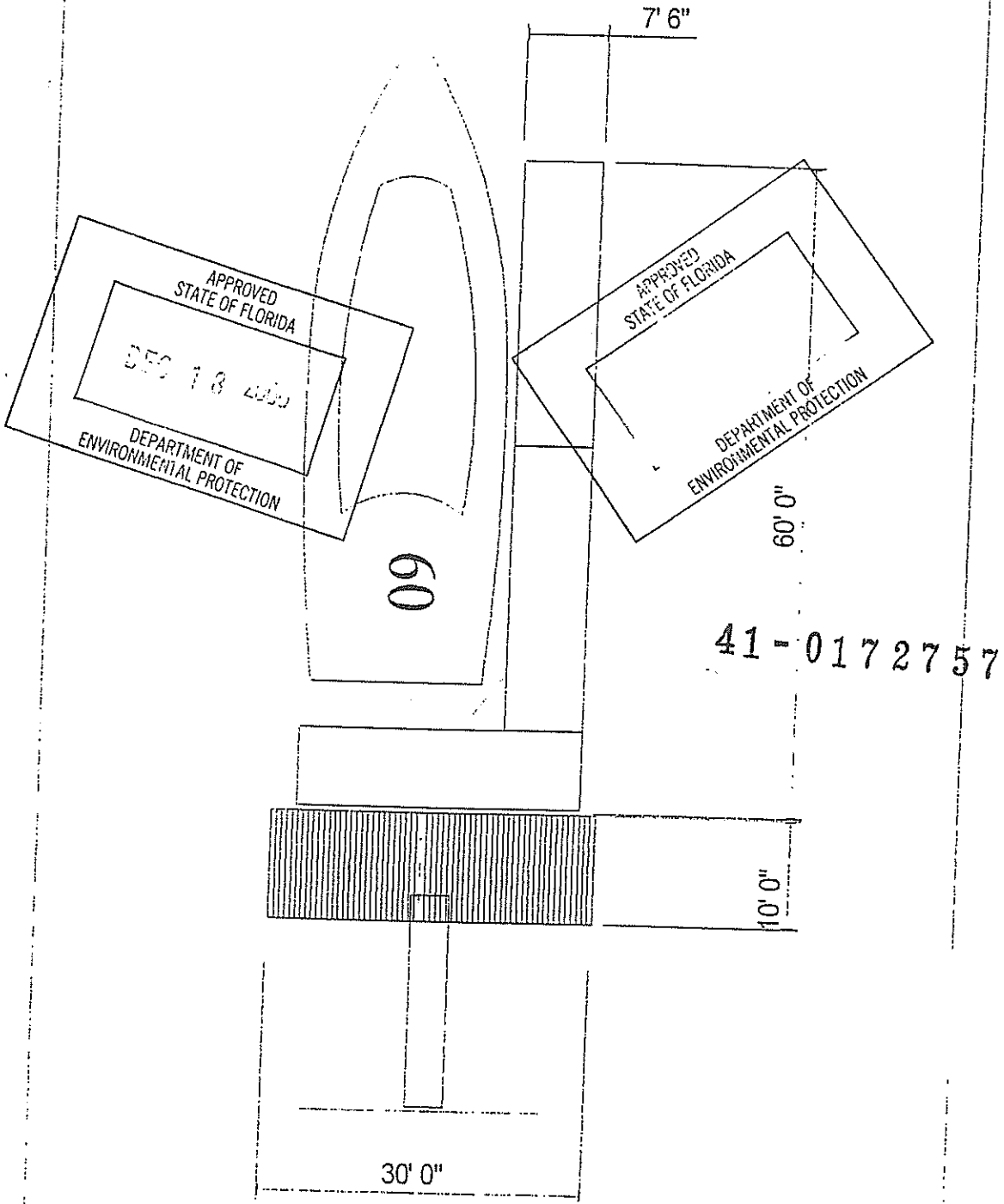
TYPE B



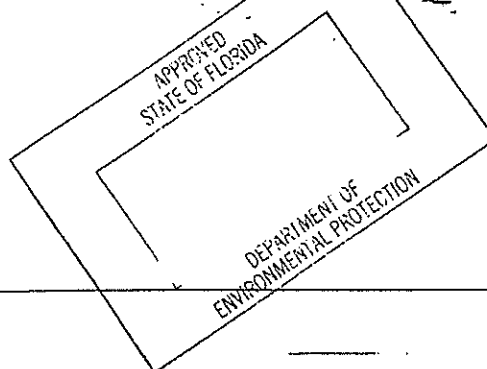
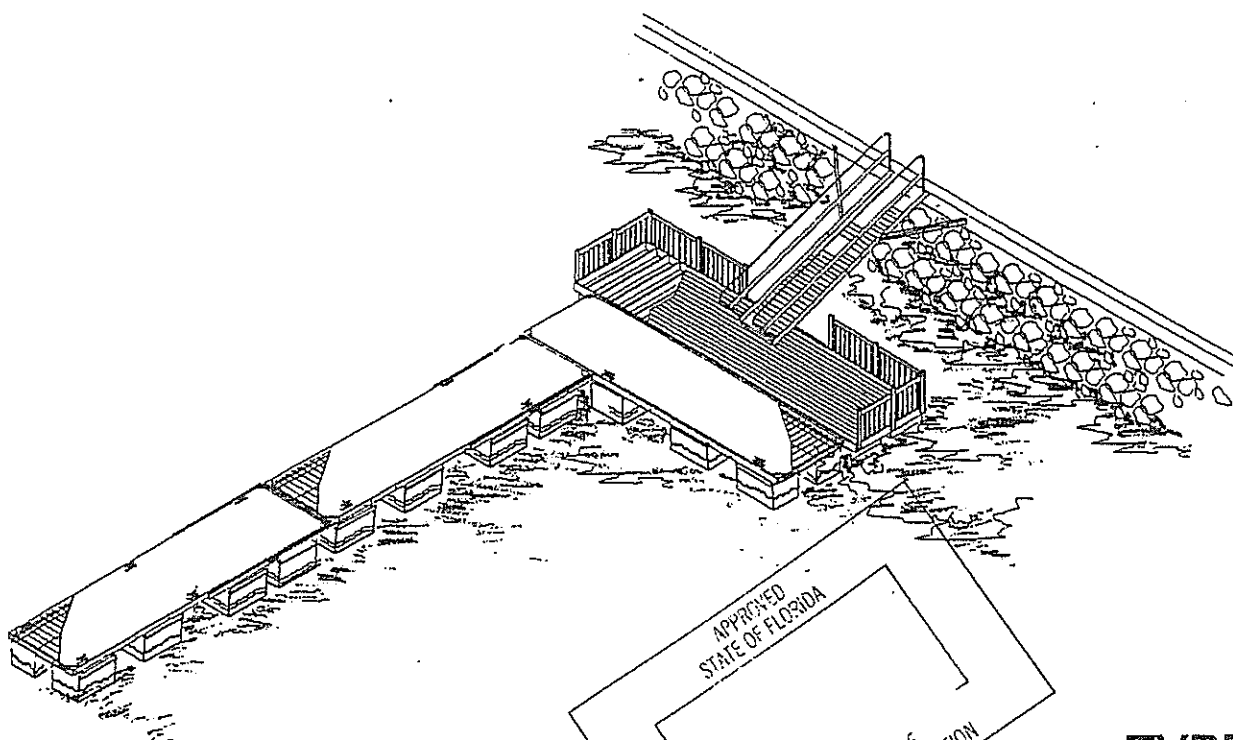
41-0172757

DECK SIZE	30 FT X 10 FT
DOCK CONSTRUCTION	CONCRETE DECK FLOATING DOCK
DOCK AREA	390 SQ. FT
BOAT SIZE	UP TO 50 FT
PRICE	\$ _____

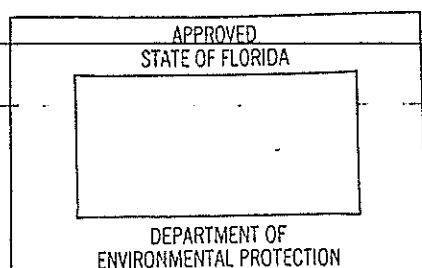
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TYPE A



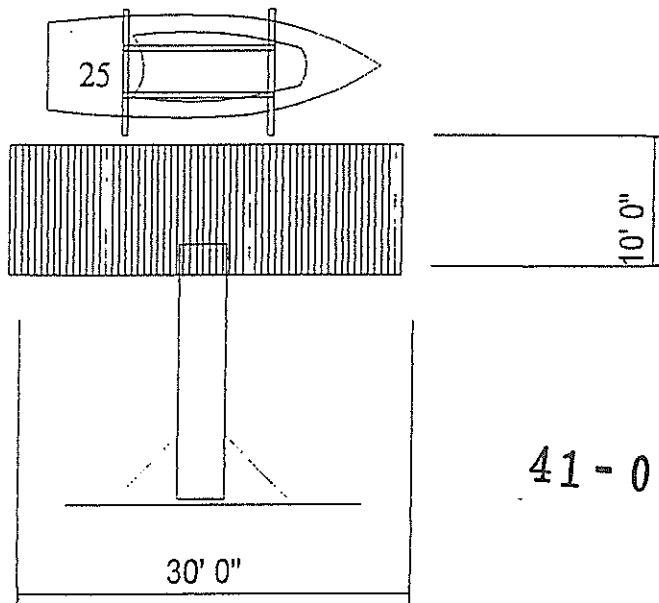
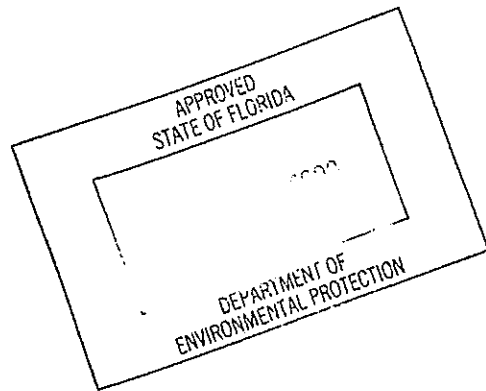
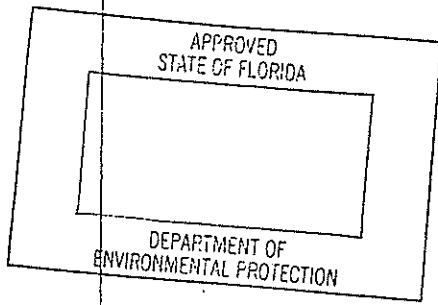
TYPE A



41-0172757

DECK SIZE	30 FT X 10 FT
DOCK CONSTRUCTION	CONCRETE DECK FLOATING DOCK
DOCK AREA	585 SQ. FT
BOAT SIZE	UP TO 60 FT
PRICE	\$ _____

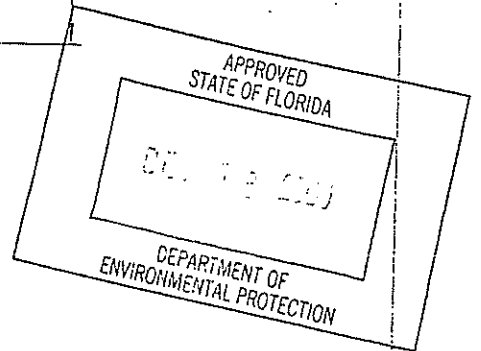
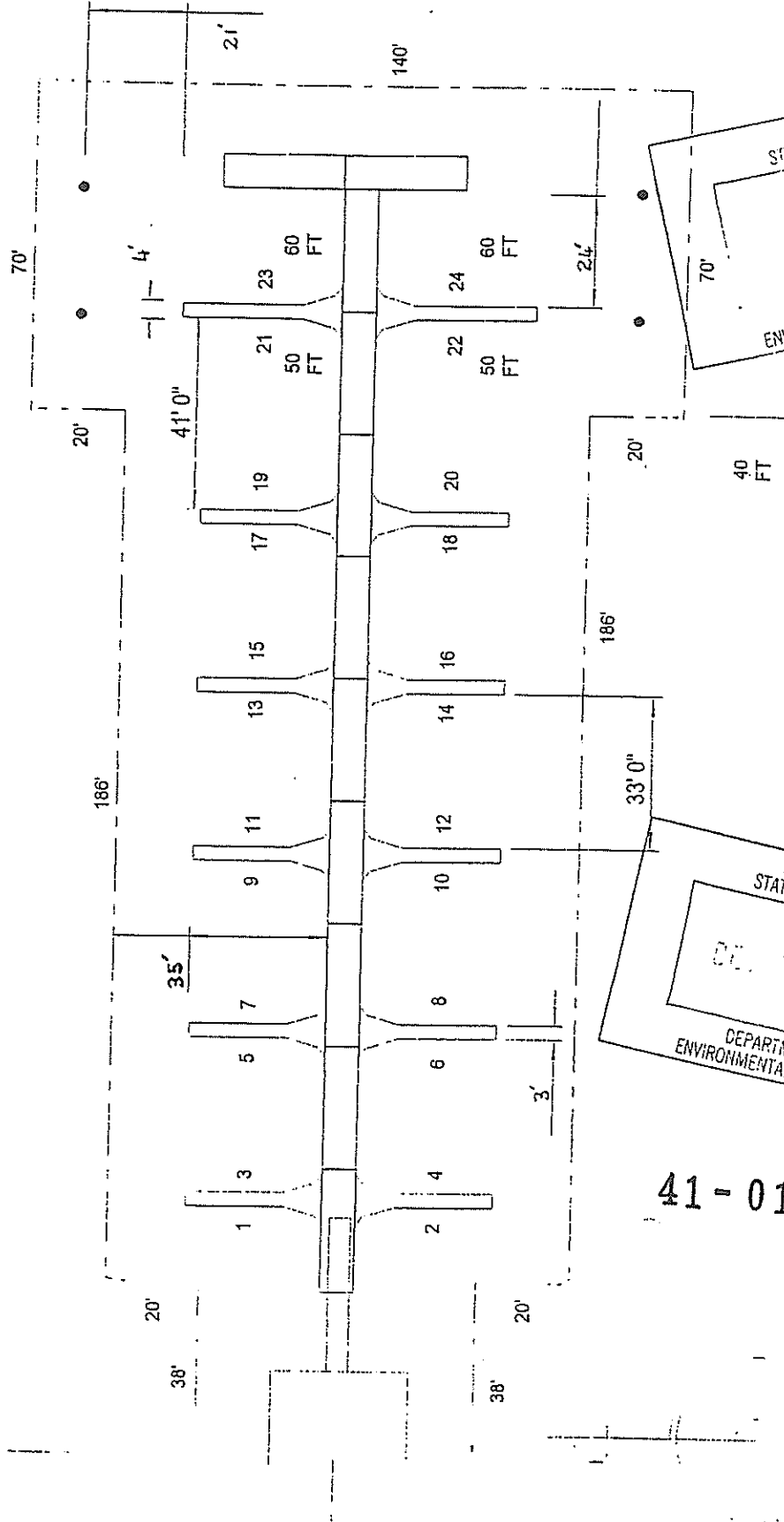
EXHIBIT _____



41-0172757

TYPE F-1

EXHIBIT



41-0172757

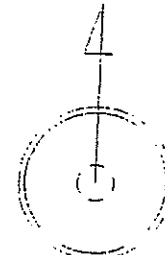
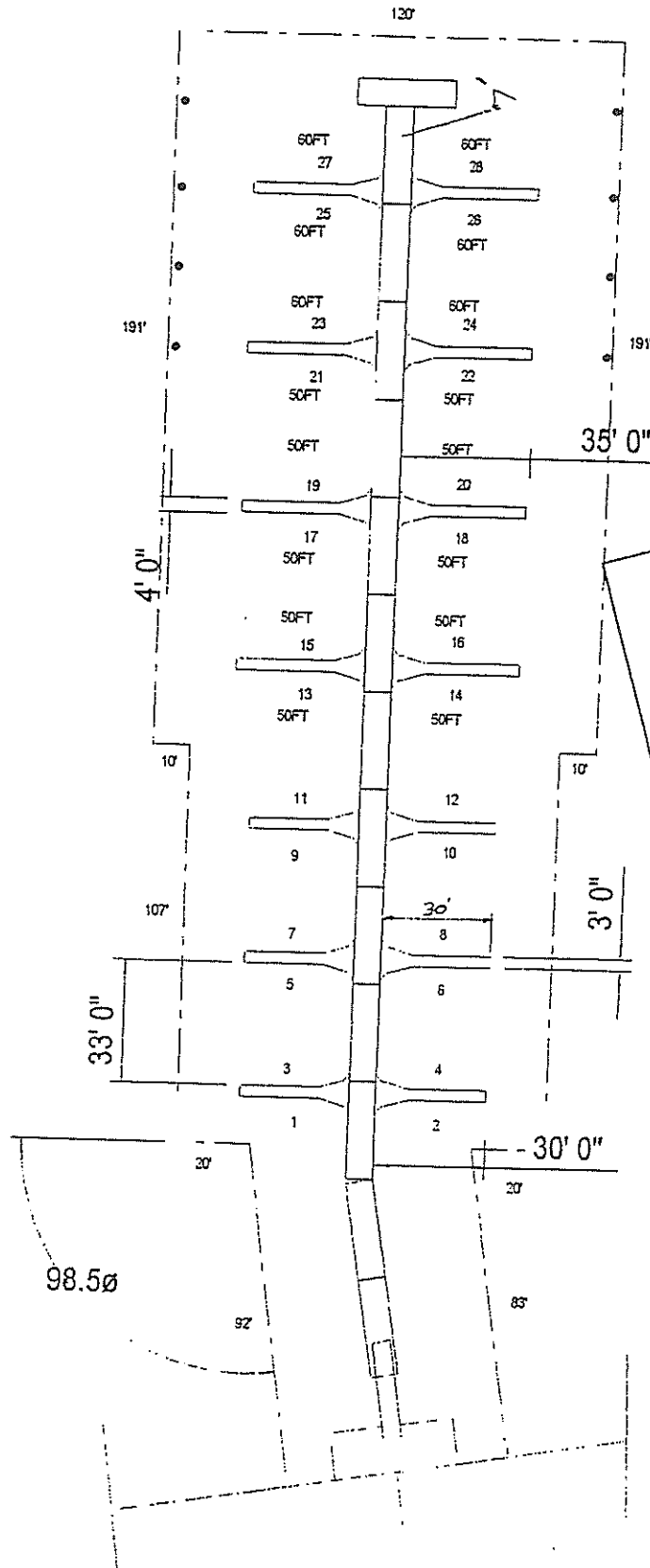
NORTH

CONDO

APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

EXHIBIT _____



NORTH

APPROVED
STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPROVED
STATE OF FLORIDA

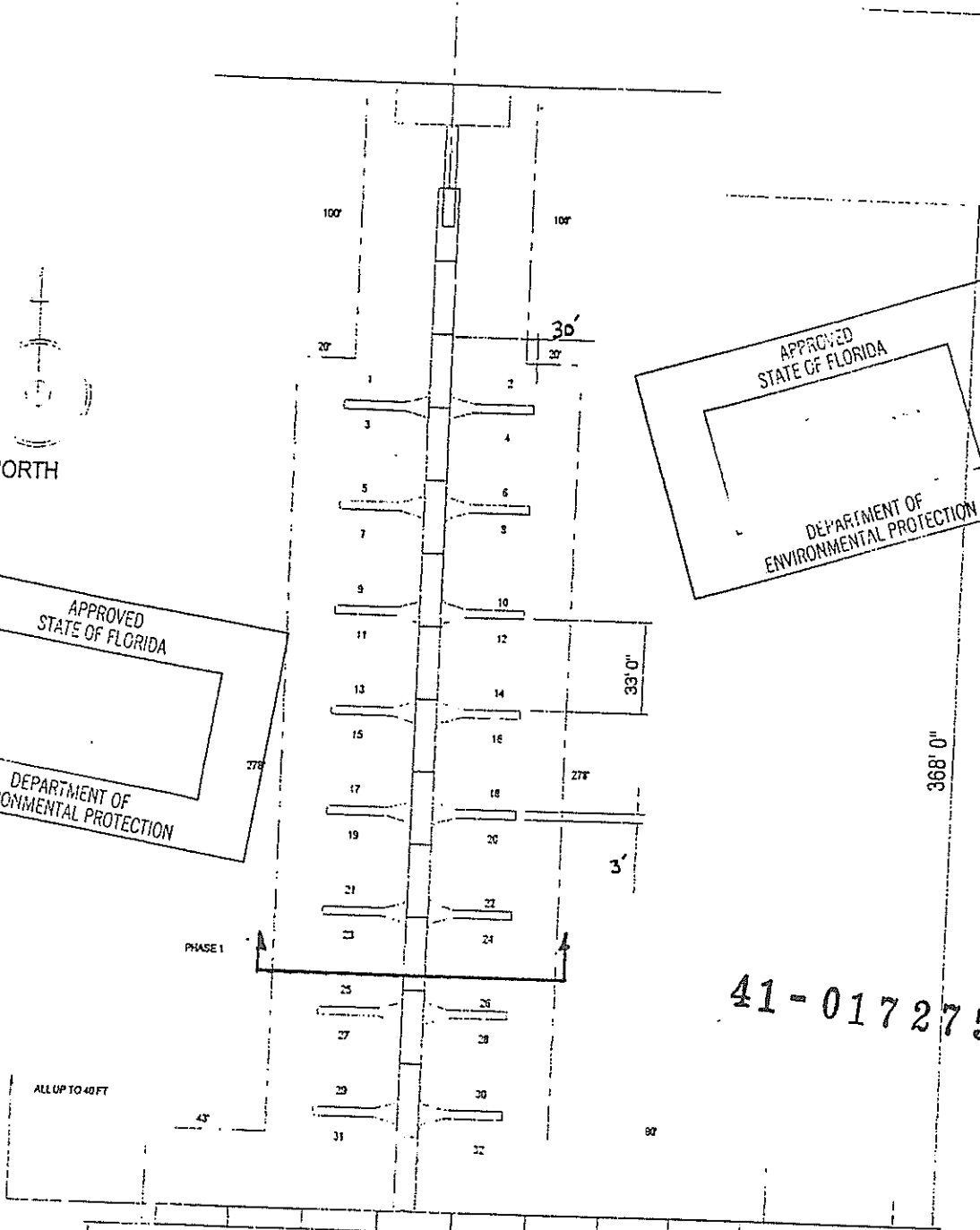
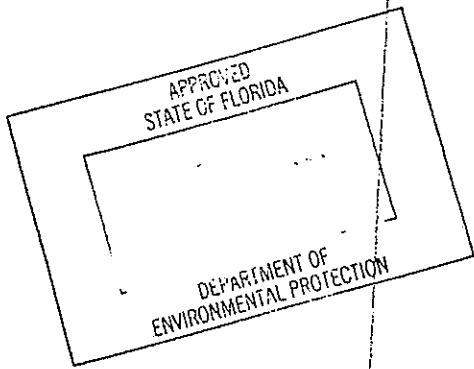
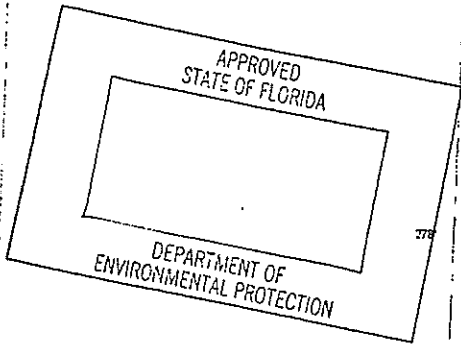
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DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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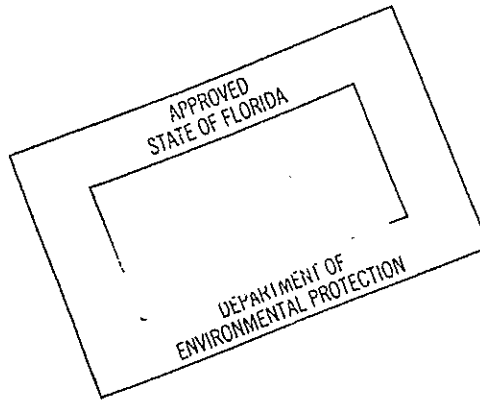
ISLAND

EXHIBIT

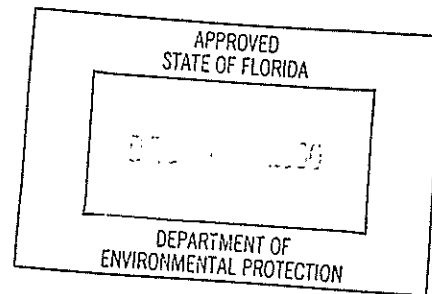


41-0172757

NORTH SHORE



Attachment H
FDEP Manatee Impact Review Letter



41-0172757



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

May 7, 1999

John M. Meyer
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702-2491

SUBJECT: Manatee Impact Review, DRI #236 -
Riviera Dunes, Sufficiency Response

Dear Mr. Meyer:

Our Bureau has received the Sufficiency Response for Riviera Dunes dated April 15, 1999. This project is located just west of S.R. 41 bridge and was a previous dolomite mine. A 400-slip marina was previously permitted under the name Manatee Gateway (File No. 411783719). Modifications to this permit are being proposed by the applicant to reflect changes with the project.

Manatees regularly frequent the Manatee River, including the upper portions of the River and a tributary, the Braden River. Of the 27 total manatee deaths that have occurred in the River between January 1974 and December 1998, 41% are perinatal, suggesting that this River is a preferred birthing area. Four watercraft deaths have occurred in the River, all of which have been recovered west of the I-75 bridge. The average number of manatees seen per aerial survey flight in the River is approximately 5 manatees. While aerial survey flight routes end at the I-75 bridge, a substantial number of manatees tagged with satellite transmitters have used the upper portions of the River.

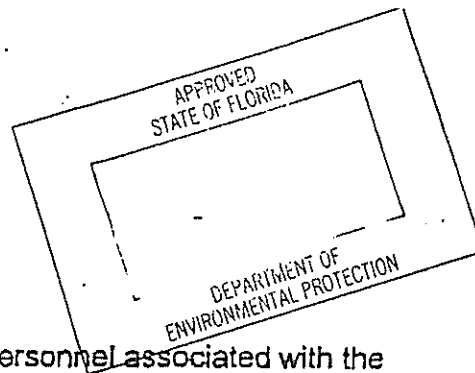
As stated in the sufficiency response, we have met with the applicant to resolve the potential secondary and cumulative impacts to the endangered West Indian manatee. These agreed upon measures are reflected in the submitted response, although the details are expanded upon in our recommended conditions. The applicant has committed to having a boat speed zone established for public safety and manatee protection. We are advising them that this zone must be implemented by local ordinance in order to be enforceable. Details on the correct procedure for the establishment of local speed zones may be obtained from Tara Alford, with the Department's Florida Marine Patrol at Mail Station 630, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. Regulatory signs for speed zones must conform to permitting requirements by the Florida Marine Patrol. The "Caution: Manatee Area" awareness signs are strictly educational and are not regulatory.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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May 7, 1999
Page 2 of 4



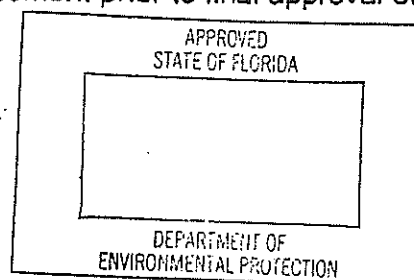
The applicant has also suggested that security personnel associated with the development will assist with the enforcement of speed zones. Enforcement of speed zones can only be performed by sworn law enforcement, not just security personnel hired by the marina. The applicant can, however, require a clause in their lease agreement with slip holders that results in revocation of the lease for violators of the speed zone.

A manatee educational program is also an important component of the applicant's suggestions to offset the expected impacts of the proposed project. This educational program should be coordinated with the Bureau and with the Tampa Bay Manatee Awareness Coalition. Additional details may be obtained from Nanette Holland at the Tampa Bay Estuarine Program at (727)-893-2765.

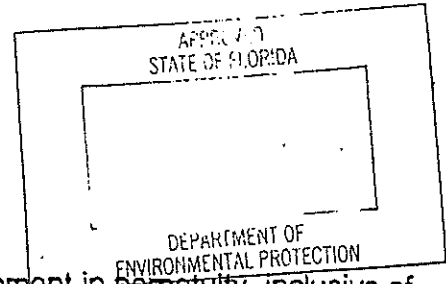
We recommend that any approvals associated with this DRI incorporate the following conservation measures for protection of endangered manatees:

1. The standard manatee construction conditions shall be followed for all in-water construction;
2. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management, and implemented before completion of project construction. Signs and kiosks should be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. Guidance in developing and approving this educational program should be obtained from the Bureau of Protected Species Management at the following address: 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399-3000 (telephone 850/922-4330);
3. The permittee shall provide bins for the disposal or recycling of monofilament line or other used fishing gear. The permittee shall also provide educational signs encouraging the use of these bins;
4. The permittee shall execute and record a conservation easement encumbering the waterward most ten feet of lessee's waterfront property along the Manatee River and the canal on the east portion of the property in a continuous, linear distance. The conservation easement shall run with the land, in perpetuity, and shall prohibit the construction of any docking facilities or other such water access development along the shoreline. The permittee shall record the easement prior to final approval of the project;

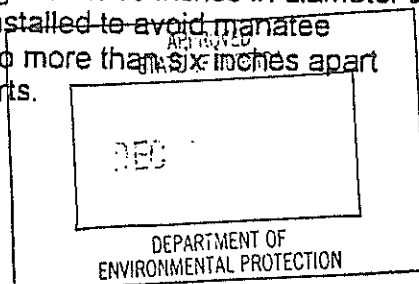
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Page 3 of 4



5. The total number of boat slips allowed in this development in perpetuity, inclusive of the basin, riverfront shoreline, canal shoreline and upland storage, shall not exceed 400. These slips include all commercial and residential boat storage;
6. The occupancy of the boat slips for the development shall be phased in two parts and shall be inclusive of all commercial and residential boat storage. The first phase shall consist of a maximum of 200 slips. The second phase of the project consists of the last 200 boat slips. Commencement of construction of the second phase shall be initiated two years after completion of the first phase.
7. A boating speed zone for all waters within the basin, canal and extending 500 feet from the shoreline (inclusive of the channel), along the boundary of the permitted project shall be established by local government ordinance before occupancy. Vessels shall be required to operate at slow speed, minimum wake in these waters or at idle speed, no wake.
8. The permittee shall be responsible for posting and maintaining the markers or buoys for the speed zone and channel in perpetuity;
9. The permittee shall assist in the enforcement of the speed zone, once established. The permittee shall hire and maintain an employee who will be responsible for issuing warnings to lessors who are violating the speed zone. This person will also be responsible for establishing and implementing a system which results in revocation of the lease for the slip/dock space if a slip/dry dock lessor is found violating the speed zone;
10. An access channel between the basin and the main channel of the Manatee River shall be clearly marked, with markers at a minimum of 300-ft distance apart, with additional markers installed to delineate the speed zone. An educational sign shall be installed and maintained at the entrance of the basin for boaters traveling to the Manatee River. This sign shall advise boaters to stay in the marked channel, avoid shallow areas and avoid seagrass beds;
11. An earthen berm shall be constructed around the proposed aqua-range to minimize the potential for manatee entrapment;
12. If the project includes any submerged or partially submerged pipes and/or culverts accessible to manatees during any tidal phase, larger than 18 inches in diameter but smaller than six feet in diameter, grating shall be installed to avoid manatee entrapment. Grating shall be designed with bars no more than six inches apart constructed across the mouth of the pipes or culverts.



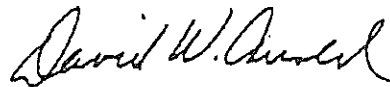
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May 7, 1999
Page 4 of 4

These measures are considered necessary in order for this project to not significantly affect the conservation of wildlife. Please notify this office of the results of this manatee impact review by copy of the draft and final development order, if issued. Please do not hesitate to call me at (850) 922-4330 if you have any questions.

Sincerely,

DIVISION OF MARINE RESOURCES

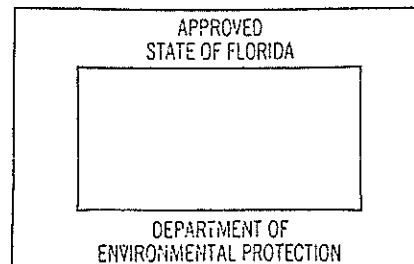
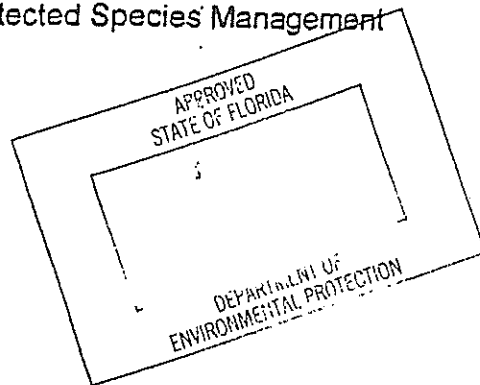


David W. Arnold, Chief
Protected Species Management

DWA/mpd

cc: Brian Pridgeon, USFWS-Tampa
Linda Svenson, Riviera Dunes
Rose Poynor, DEP-Tampa
Maria Pennington, DCA
Jessica Archer, BPSM

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MANATEE RIVER, PALMETTO, FLORIDA



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

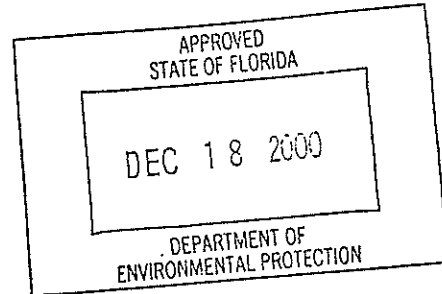
David B. Struhs
Secretary

41-0172757

September 25, 2000

Riviera Dunes
c/o Linda Svenson
Riviera Dunes
590 Haben Blvd.
Palmetto, FL 34221

Dear Ms. Svenson:



File No. 58-01476173-002

This is in response to your modification request which has been received and reviewed by the Department for the following revisions:

1. The originally authorized seawall within the interior marina basin shall be replaced with rip rap as indicated in modification submittals. Rip rap shall consist of natural limestone boulders ranging from 6" to 2' in average dimensions and be free of attached sediments. The slope shall be a minimum of 2 horizontal to 1 vertical.
2. A 10.25 acre segment of the basin (for construction of an Aquarange) shall be segregated from the marina basin via the construction and maintenance of a continuous berm.
3. The Mitigation plan shall be modified pursuant to the attached approved submittals in Attachment B. The modifications will result in an increase of emergent vegetated mitigation area from 4.5 to 6.38 acres. The mitigation monitoring and success criteria originally specified and required in permit conditions shall be implemented and adhered to. The originally required 6.0 acre of shallow water habitat shall be increased to 6.51 acres as indicated in attached submittals.
4. The layout of the proposed slips shall be as indicated in the Attachment F. The number of slips shall remain as authorized in the original permit-400 slips. The permittee shall submit a plan view which is signed and sealed by a Professional Engineer within 14 days of the signature date of this modification.
5. Private dock configurations shall be as indicated in Attachment F. A, B, D, D1, E, E1, F, F1 configurations are authorized. A maximum of one watercraft per dock shall be authorized. Handrails shall be required on structures identified in Exhibit A of Attachment F.

ATTACHMENT A

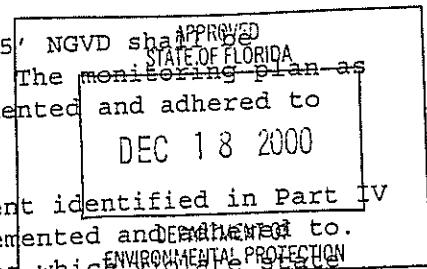
"More Protection, Less Process"

6. A maximum of 400 slips (including both wet and dry storage) is authorized at the subject facility. In order to be released from restrictions requiring a 60:40 power to sail ratio, the permittee shall adhere to the provisions of Attachment H.

7. The permittee shall adhere to the recommendations/requirements of Attachment H as required by the Florida Fish and Wildlife Conservation Commission's Bureau of Protected Species Management for manatee protection.

8. The attached Conservation Easement (Attachment G) shall be executed and recorded within 14 days of the signature date of this modification and a copy submitted to the Department within 30 days of the signature date of this permit modification.

9. The marina basin previously authorized at -15' NGVD shall be modified to not exceed depths below 18.5' NGVD. The monitoring plan as specified in the original permit shall be implemented and adhered to with the following additions:



The long term water quality monitoring requirement identified in Part IV of the original permit conditions shall be implemented and adhered to. If water quality within the basin exhibits values which violate state standards, the permittee shall implement and adhere to the provisions of Specific Condition No. 17 of the original permit. A contingency plan to address remedial actions shall include those identified in Specific Condition No. 17 and may also include but not be limited to the excavation of basin sediments if they are determined to be the source of the water quality violations or the addition of clean fill. Upon notification by the Department that a contingency plan is required, the permittee shall submit such plan to the Department within 30 days of notification for review and approval or modification. The monitoring outlined in the original permit Specific Condition No. 17 shall be initiated immediately subsequent to the marina attaining 25% occupancy. Additionally, the water quality monitoring period shall be extended to 5 years subsequent to 80% occupancy of the marina.

10. The access channel dimensions shall be modified as reflected in the attached drawings.

11. Dredging of the access and flushing channels within areas consisting of rock/limestone shall be allowed to be dredged via mechanical dredging as indicated in the attached submittals. A total of 13,000 cubic yards of rock is to be dredged from the access channel and 4,000 cubic yards of rock from the flushing channel via mechanical dredging. All excavated material shall be disposed of within the marina basin. Excavation shall be performed utilizing methodologies indicated the attached submittals. A turbidity curtain shall effectively encompass the dredge barge and shall remain in place until all generated turbidity has subsided. All excavation shall be performed within the area encompassed by the turbidity curtains.

12. An additional turbidity monitoring station shall be added to Part III of the original permit with the following requirements:

Location: Manatee River
Background-Manatee River, 200 meters upcurrent from the dredge operation
Compliance-Manatee River, 100' downcurrent from the dredge barge and
within the central point of any visible plume at mid depth.
Frequency-3 hour intervals during dredging of rock from the river.

13. The permittee shall implement a boat exclusion area as indicated in Attachment B, Figure 4. The permittee shall obtain all necessary permits and authorizations prior to implementation of this zone, including the FDEP Division of Law Enforcement.

41-0172757

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the original expiration date of February 26, 2001, Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

RIGHTS OF AFFECTED PARTIES

This permit modification is hereby granted unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

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 of the Florida Statutes. The petition must contain the information set forth below and 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. Mediation may also be pursued as specified below.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit modification or even a denial of the modification request. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Mediation may also change the final disposition of the application. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

41-0172757

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceedings. Intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 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) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

A petition that disputes the material facts on which the Department's action is based 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;

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(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; and

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;

(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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

In addition to petitioning for an administrative hearing, any person who has previously filed a petition for an administrative hearing may pursue mediation. If a written mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) is filed with the Department within 10 days after the deadline for filing a petition for an administrative hearing, the time limitations imposed by sections 120.569 and 120.57 shall be tolled to allow mediation to proceed. The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the deadline noted above. Pursuing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. As noted above, persons seeking to protect their substantial interests that would be affected by such a final decision modified through mediation must file their petitions within 21 days of receipt or publication of this notice as provided above, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

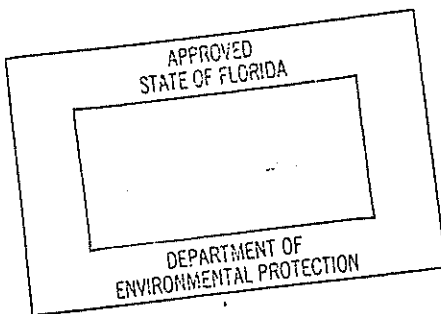
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This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. 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 the final order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Bob Stetler
Environmental Administrator
Environmental Resource Management



Copies furnished to:

DEP, Office of General Counsel
Mary Duncan, FFWCC
City of Palmetto
Thomas Ries, Scheda Ecological Associates
U.S. Army Corps of Engineers
Alex L. Azman, P.E.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit modification, including all copies, were mailed before the close of business on September 25, 2000, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk



Date

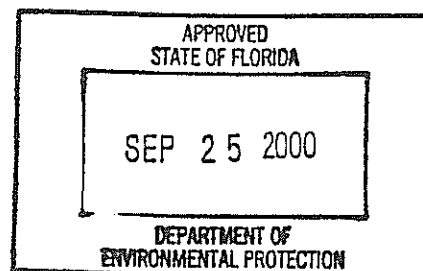
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SCHEDA
ECOLOGICAL
ASSOCIATES
INCORPORATED

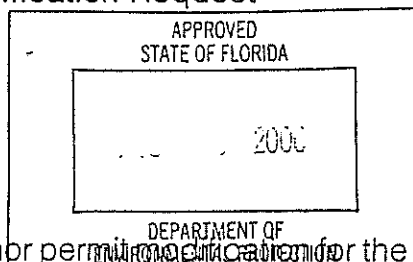
41-0172757

July 26, 2000



Ms. Rose Poynor
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

RE: Riviera Dunes Permit Modification Request
Permit Number 411783719
Manatee County, Florida
SEA Project No. 238.5



Dear Rose:

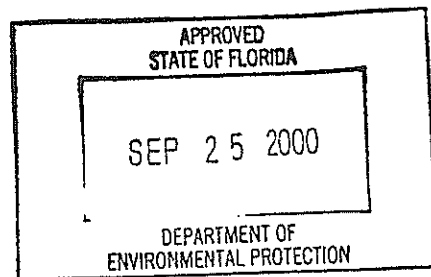
This letter is written to request a minor permit modification for the above referenced permit number which was originally issued February 26, 1991. Per our meetings and discussions, this permit modification will provide additional wetland habitat and is more beneficial than the original permit.

The nature of this modification includes the following:

1. Omit the permitted seawall construction from the interior of the proposed boat basin and replace with rip-rap per discussions with the Surface Water Improvement and Management (SWIM) program of the Southwest Florida Water Management District (SWFWMD). This will provide exceptional structural habitat values to the interior of the basin.
2. Segregate a portion of the basin (NW corner) from the "Waters of the State" designation that the entire harbor will have once it is opened to the Manatee River. This 10.25-acre freshwater basin will be segregated from the basin by a landscaped berm and will provide freshwater habitat values. (Attachment A)
3. Adjust the location and increase the size of the required mitigation areas which are currently permitted to be located in the NW and NE corners of the basin. This will increase the emergent planted mitigation area from 4.5 acres to 6.38 acres. The applicant will still construct a portion of the mitigation in the NE corner (Attachment B, Figure 1) while locating the NW corner around the proposed freshwater basin (Attachment B, Figure 2). Both areas will be planted with smooth cordgrass (*Spartina alterniflora*) as per the original permit, however, we propose to increase the species diversity by also adding a 0.15-acre band of knot grass (*Paspalum vaginatum*) to the upper elevations of Mitigation Area A. This will provide

Ms. Rose Poyner
July 26, 2000
Page 2 of 4

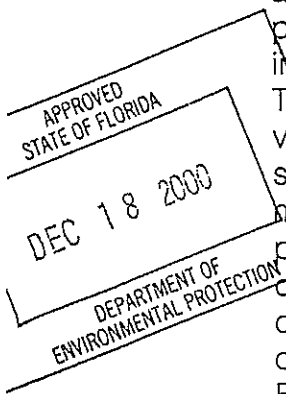
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additional habitat values to the mitigation area. The proposed cross sections for both areas illustrate the planting elevations, which remain as stipulated in the existing permit (Attachment B, Figure 3).

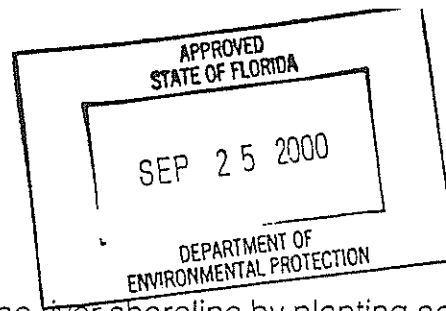
4. The original permit allowed an overall bottom depth of 15 feet, which provides 40.6 million cubic feet of water at low tide. The hydraulic study concluded that the net volume flowing through the harbor each day is 94 million cubic feet, more than one complete exchange per day. (Attachment C)

A number of minor changes detailed in this modification request will provide additional wetland habitat and is overall more beneficial than the original permit. One of the changes proposed is the removal of the seawall from the interior of the harbor and replacing it with rip-rap for added habitat values. This change required additional fill within the basin which reduces the volume of water within the harbor. In addition, the placement of a berm to separate the freshwater basin from the harbor also required additional fill material and again reduces the overall basin capacity to hold water. We are proposing to lower the overall basin bottom elevation from 15 to 18.5 feet in depth. This change will provide almost the identical volume (39.9 million cubic feet vs. 40.6 million cubic feet) of water within the basin as was originally permitted and thus will provide similar flushing characteristics. Enclosed is a graphic (Attachment D) which depicts the proposed basin depths to accommodate the mitigation area, the rip-rap material, and the freshwater basin in the northwest corner of the harbor. In addition, please find enclosed a copy of the permit drawing which illustrates the basin depths originally permitted for comparisons. (Attachment E)

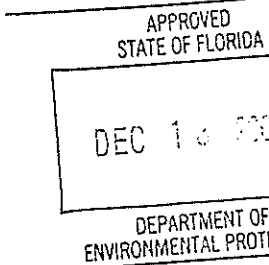


5. Provide 1.55 acres of mitigation by planting an area immediately adjacent to and west of the boat basin (Attachment B, Figure 4). This cove, which is state owned, currently has no emergent vegetation associated with the fringing mangrove community. This area has been investigated and mapped to ensure the survival of smooth cordgrass at the existing elevations. This planting would greatly enhance the habitat value of the area by providing diverse plant communities to the existing cove. Currently the cove has a small patch of shoal grass (*Halodule wrightii*) in the southwest corner. The remaining area is a large mud flat which transitions into the mangrove community. The planting would provide a marsh habitat between the existing mangroves and the open water area. Smooth cordgrass would be planted in the existing substrate (shallow mud flat) and monitored along with the mitigation areas within the harbor. In addition, the applicant will coordinate the placement of "Boat Exclusion Area" buoys in front of the marsh planting area to protect its integrity. We have already discussed this with Ms. Terra Alford (FDEP- Division of Law Enforcement) and will work with her to permit and install the buoys.

41-0172757



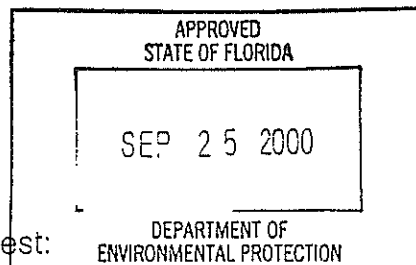
6. Enhance the mitigation area along the river shoreline by planting additional plant species and numbers to improve habitat values. The current permit specifies planting 1,000 linear feet (334 plants) of red mangroves (*Rhizophora mangle*) along the shoreline. We will plant the required mangrove trees, plus 1.04 acres of smooth cordgrass interspersed between the existing mangrove trees to further stabilize the shoreline, per discussions with SWIM staff. In addition, we recommend planting 0.76 acres of knot grass above the mangroves (Attachment B, Figure 5). This will restore the integrity of the entire shoreline, while providing additional wetland vegetation.
7. That the construction of the boat slips will be phased in two parts: the first phase will consists of a maximum of 200 slips for power boats. The second phase will be initiated in year three and will consist of another 200 slips for power boats, per our agreement with Mr. David Arnold (FDEP-Protected Species Management). This was agreed upon since the existing bridges across the Manatee River precludes access of most sail boats from entering the boat basin. A boat dock map with details and marina layout is included as Attachment F. In addition, a 10' conservation easement has been established to restrict the construction at additional docking facilities. (Attachment G) All of the other recommendations regarding manatee signage, channel markings, and speed zones will be adhered to per FDEP's letter. (Attachment H)
8. The required 6.0 acres of "shallow water habitat" (from MLW to -5.0 ft.) has been increased to 6.51 acres to provide additional areas for potential seagrass growth. This habitat is being provided around the entire boat basin with a portion concentrated adjacent to the NW corner mitigation area "Proposed Contours". (Attachment D)
9. Monitoring of the mitigation areas will be performed as required in the original permit. A time zero monitoring will occur immediately following the planting of mitigation areas, and quarterly reports will be submitted on a semi-annual basis thereafter. These reports will include photo documentation, as well as an overall site assessment and its progress toward the success criteria per original permit.



In summary, the proposed modification request will provide additional mitigation areas, increase species diversity, and remove the permitted seawall from the interior of the boat basin. The applicant has been working closely with FDEP staff and SWIM to provide the best possible mitigation plan for the area. Enclosed is a new post-project wetland map which illustrates the location and sizes of all the mitigation and preservation areas. (Attachment A)

Ms. Rose Poyner
July 26, 2000
Page 4 of 4

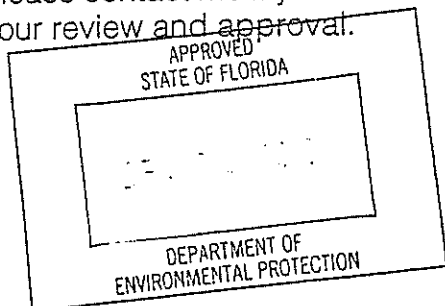
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The following table summarizes the permit modification request:

Issue	Existing Permit	Permit Modification
Boat Basin Construction	Seawall within basin	Rip-rap within basin
Boat Basin Depth	-15 feet	-18.5 feet
Wetland Mitigation Plan:		
Emergent Planting	4.5 acres	6.38 acres
Mangrove Planting	1,000 linear feet	1,000 linear feet
Shallow Water Habitat	6.0 acres	6.51 acres
Total Number of Boat Slips	400 (60% sail:40% motor) No deed restrictions: 120 additional slips available	400 (100% motor) Conservation Easement & Deed Restrictions which prohibit additional docks

Please contact me if you have any questions or require additional information to facilitate your review and approval.



Sincerely,

Scheda Ecological Associates, Inc.

A handwritten signature in black ink, appearing to read "Thomas F. Ries".

Thomas F. Ries

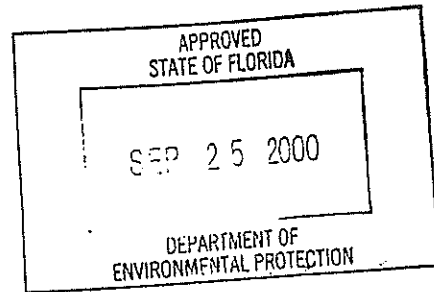
Vice President/Principal Scientist

Cc: Linda Svenson, Riviera Dunes (without attachments)

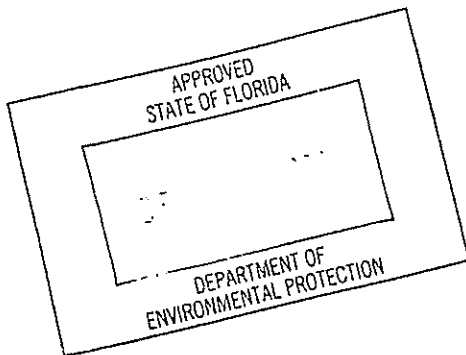
Attachments:

- A. Signed Post Construction Wetland Map
- B. Signed and Sealed Mitigation Details
- C. Basin Hydraulic Study by Mark Ross, Ph.D., P.E.
- D. Proposed Basin Contours
- E. Original Permitted Basin Bottom Depths
- F. Boat Dock Map with Details and Marina Layout
- G. 10' Conservation Easement Description and Illustration
- H. FDEP Manatee Impact Review letter

41-0172757



Attachment B
Signed and Sealed Mitigation Details



D.E.P.

SEP 25 2000

APPROVED

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

300
Boats
extension
ERP

JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT





ENVIRONMENTAL RESOURCE
PERMIT APPLICATION

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

2379 BROAD STREET • BROOKSVILLE, FL 34609-6899
(904) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

FOR AGENCY USE ONLY

ACOE Application # _____ DEP/WMD Application # _____
Date Received _____ Date Received _____
Proposed Project Latitude _____ Fee Received \$ _____
Proposed Project Longitude _____ Fee Receipt # _____

SECTION A

PART 1:

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters?

☒ yes ☐ no

Is this application being filed by or on behalf of an entity eligible for a fee reduction? ☐ yes ☒ no

PART 2:

A. Type of Environmental Resource Permit Requested (check at least one)

- ☐ Noticed General - include information requested in Section B.
☐ Standard General (single family dwelling)-include information requested in Sections C and D.
☒ Standard General (all other projects) - include information requested in Sections C and E.
☐ Standard General (minor systems) - include information requested in Sections C and H.
☐ Standard General (borrow pits) - include information requested in Sections C and I.
☐ Individual (single family dwelling) - include information requested in Sections C and D.
☐ Individual (all other projects) - include information requested in Sections C and E.
☐ Individual (borrow pits) - include information requested in Sections C and I.
☐ Conceptual - include information requested in Sections C and E.
☐ Mitigation Bank (construction) - include information requested in Section C and F.
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit listed above, check the appropriate box and submit the information requested by the applicable section.)
☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

B. Type of activity for which you are applying (check at least one)

- ☒ Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters. (If reapplying for an expired, denied or withdrawn permit/ application, please provide previous permit # _____.)
☐ Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP.
☐ Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # _____ and check applicable modification type.
☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system
☐ Construction of additional phases of a system ☐ Removal of a system

C. Are you requesting authorization to use State Owned Submerged Lands. ☐ yes ☒ no
If yes, include the information requested in Section G.

D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
☐ Individual ☐ Programmatic General ☐ General ☐ Nationwide ☒ Not Applicable

E. Are you claiming to qualify for an exemption? ☐ yes ☒ no
If yes, provide rule number if known _____.

PART 3:			
A. OWNER(S) OF LAND		B. APPLICANT (IF OTHER THAN OWNER)	
NAME Linda J. Svenson		NAME	
COMPANY AND TITLE W.C. Riviera Partners, L.C.		COMPANY AND TITLE	
ADDRESS 590 Haben Boulevard		ADDRESS	
CITY, STATE, ZIP Palmetto, FL. 34221		CITY, STATE, ZIP	
TELEPHONE (941)722.2690 FAX (941)729.9421		TELEPHONE () FAX ()	
C. AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)		D. CONSULTANT (IF DIFFERENT FROM AGENT)	
NAME		NAME Thomas F. Ries	
COMPANY AND TITLE		COMPANY AND TITLE Scheda Ecological Associates, Inc.	
ADDRESS		ADDRESS 4013 E. Fowler Ave.	
CITY, STATE, ZIP		CITY, STATE, ZIP Tampa, FL. 33617	
TELEPHONE () FAX ()		TELEPHONE (813) 971.3755 FAX (813) 971.0170	
PART 4: PROJECT INFORMATION			
A. Name of project, including phase if applicable: <u>Riviera Dunes Resorts Project</u>			
B. Is this application for part of a multi-phase project? ☐ yes ☒ no			
C. Total applicant-owned area contiguous to the project: <u>180</u> acres			
D. Total project area for which a permit is sought: <u>80</u> acres			
E. Total impervious area for which a permit is sought: <u>0</u> acres			
F. Total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters: <u>80</u> acres or _____ square feet (_____ hectares or _____ square meters)			
G. Total number of new boat slips proposed: <u>300</u> * _____ *400 currently approved, 100 anticipated to be constructed prior to expiration of the FDEP permit			

PART 5: PROJECT LOCATION (use additional sheets, if needed)County(ies) ManateeSection(s) 13 & 24 Township 34 S Range 17E

Section(s) _____ Township _____ Range _____

Land Grant name, if applicable N/A

Tax Parcel Identification Number _____

Street address, road, or other location 590 Haven BlvdCity, Zip Code, if applicable Palmetto, FL 34221**PART 6: DESCRIBE IN GENERAL TERMS THE PROPOSED PROJECT, SYSTEM, OR ACTIVITY.**

Construction of 300 slips within the former dolomite pit. The applicant currently is authorized to construct 400 slips under DER 411783719 which has been modified to be composed of 100% power boat under 58-01476173-002. At this time, it is anticipated that only 100 slips can be constructed within the permit period (expiration date is 2-26-2001). Therefore, the applicant is requesting authorization to construct the balance of 300 slips (already approved under the current permit) to total 400 slips.

The applicant also has an active USACOE permit (90IPDB - 02057) which was recently modified to address the boat slip composition of 100% power boats and was extended for an additional year (till 1-16-2002).

PART 7:

- A. If there have been any pre-application meetings for the proposed project, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

Date(s)	Location(s)	Names
9-11-00	FDEP Tpa office	Rose Poynor, Randy Cooper
		Linda Svenson, Thomas Ries, Alex Azman

- B. Please identify by number any MSSW/WRM (dredge & fill)/ERP/ACOE permits or applications pending, issued or denied and any related enforcement actions at the proposed project site.

Agency	Date	Number/ Type	Action Taken
FDER	2-26-1991	411783719	Approved permit (active)
USACOE	1-16-1991	90IPDB-02057	Approved permit (active)
USACOE			
FDEP	9-25-2000	58-01476173-002	Approved permit (active)

- C. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant) and/or is located within a 500 foot radius of the project boundary (for proprietary authorizations, if any). Please provide a drawing identifying each owner and adjoining property lines. (Use additional sheets, if needed).

- | | | | |
|----|------------------------------|----|-------------------------------|
| 1. | <u>Ohio Transfer Company</u> | 2. | <u>Manatee School Of Arts</u> |
| | <u>2001 US Hwy 301</u> | | <u>700 Haben Blvd.</u> |
| | <u>Palmetto, FL. 34221</u> | | <u>Palmetto, FL. 34221</u> |
| | | | |
| 3. | <u>Manatee Civic Center</u> | 4. | |
| | <u>1 Haben Blvd</u> | | |
| | <u>Palmetto, FL. 34221</u> | | |
| | | | |
| 5. | | 6. | |
| | | | |
| | | | |
| | | | |

PART 8:

- A. By signing this application form, I am applying, or I am applying on behalf of the owner or applicant, for the permit and/or proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true complete and accurate. I understand that knowingly making any false statement or representation in the application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001. I understand this is an application and not a permit and work prior to approval is a violation. I understand that this application and any permit or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the owner or applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity.

W.C. RIVIERA PARTNERS, LC

Typed/Printed Name of Owner, Applicant or Agent

Managing Member

Corporate Title, if applicable

Signature of Owner, Applicant or Agent

Date

B. AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above.

Typed/Printed Name of Owner or Applicant

Corporate Title, if applicable

Signature of Owner or Applicant

Date

C. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Southwest Florida Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor authorized work if a permit is granted.

W.C. RIVIERA PARTNERS, LC

Typed/Printed Name

Managing Member

Corporate Title, if applicable

Signature

Date

- D. I certify that the engineering features of this surface water management system have been designed by me or under my responsible charge and in my professional opinion conform with sound engineering principles and all applicable rules and specifications. I further agree that I or my engineering firm will furnish the applicant/permittee with a set of guidelines and schedules for maintenance and operation of the surface water management system.

By:

Signature of Engineer of Record

Name (please type)

FL P.E. No.

• AFFIX SEAL •

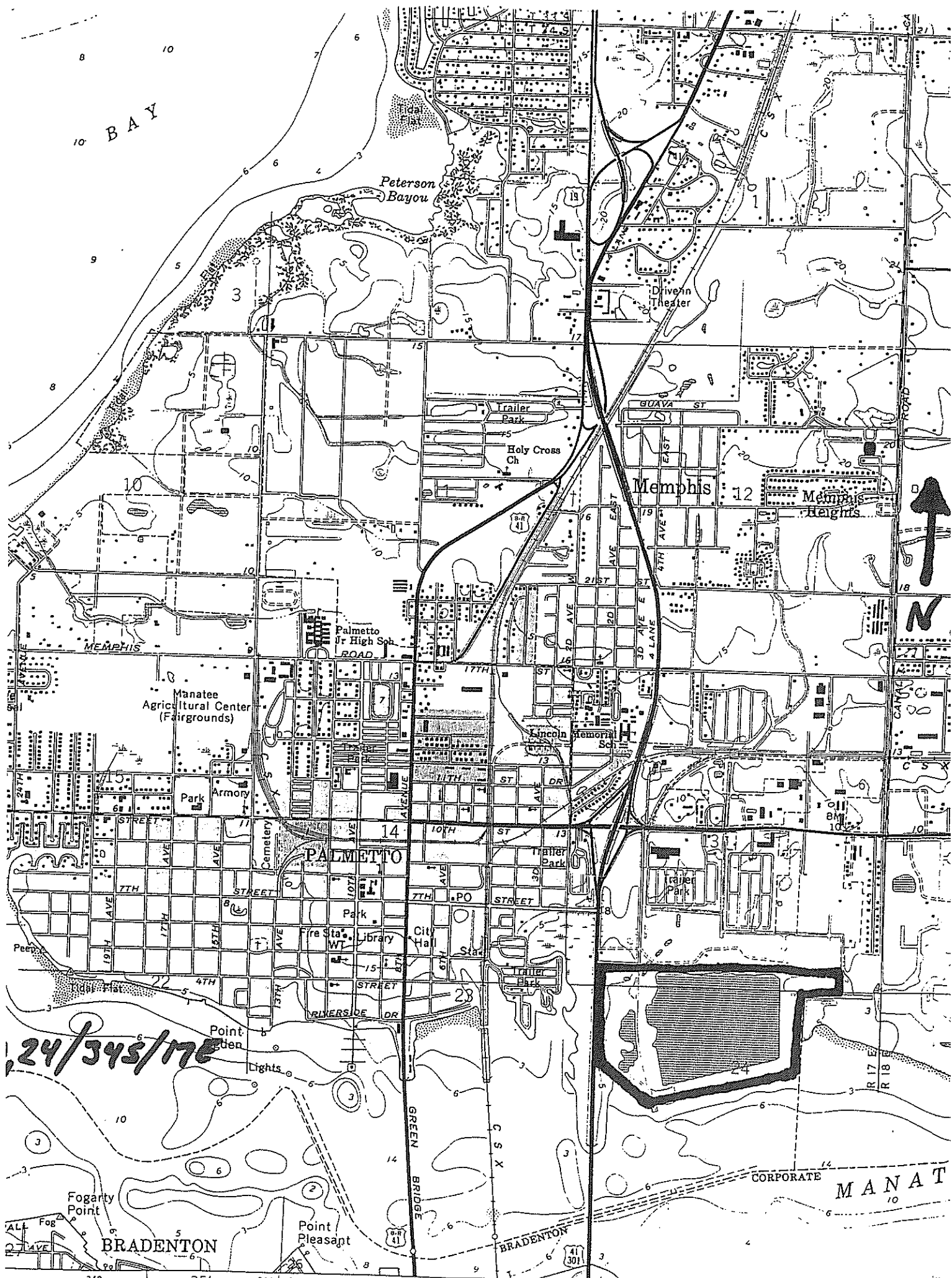
Company Name

Date:

Company Address

Phone:

City, State, Zip



10 BAY

Peterson Bayou

Memphis

Memphis Heights

PALMETTO

Manatee Agricultural Center (Fairgrounds)

Park

Armory

Cemetery

Palmetto Jr High Sch

Lincoln Memorial Sch

Fire Sta

Library

City Hall

Point Pleasant

Fogarty Point

BRADENTON

CORPORATE MANAT

GREEN BRIDGE

BRADENTON

24/345/17E



	ENVIRONMENTAL RESOURCE PERMIT APPLICATION <i><u>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</u></i> 2379 BROAD STREET • BROOKSVILLE, FL 34609-6899 (904) 796-7211 OR FLORIDA WATS 1 (800) 423-1476	
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SECTION E

INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL (INCLUDING CONCEPTUAL) ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

The information requested below is for projects requiring either a standard general or individual environmental resource permit (ERP) not related to an individual, single family dwelling unit, duplex or quadruplex. Certain categories of information requested may not be applicable to all applications. In addition the level of detail required will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing more detail will reduce the need for additional information being requested at a later date. Please submit all information on paper no larger than 24" x 36".

A. Site Information

1. Provide a map(s) of the project area and vicinity delineating USDA/SCS soil types. **Attached**
2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial. **Attached**
3. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on-site wetland or surface water, including receiving waters into which runoff will be discharged. Include date, datum, and method used to determine these elevations. **1.3 NGVD per existing permit**
4. Identify the wet season high water table at appropriate locations on the project site. Include date, datum, and method used to determine these elevations. **N/A**

B. Environmental Considerations

1. Provide results of any wildlife surveys that have been conducted on the site and any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission or the U.S. Fish and Wildlife Service (USF&W). **Surveys conducted 1997, attached**
2. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or remain undisturbed. **N/A**
3. Provide a narrative of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs. **N/A**
4. Describe how boundaries of wetlands or other surface waters were determined. If there has been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated informal determination, or a revalidated jurisdictional determination, provide the identifying number. **Attached**

5. Summarize impacts to wetlands and other surface waters:
 - a. For all projects with wetlands or other surface waters on site, complete Table 1, 2 and 3, as applicable;
 - b. For docking facilities or other structures constructed over wetlands or other surface waters, complete Table 4;
 - c. For shoreline stabilization projects, complete Table 5.

C. Plans

Provide clear, detailed plans for the proposed system which include specifications, plan, cross-section and profile views of the proposed project. The plans must be signed and sealed by an appropriate registered professional as required by law. These plans should show or include the following, as applicable:

1. Project and total land area boundaries, including distances and orientation from roads or other land marks. **N/A**
2. Existing land use, land cover, and on-site natural communities, including wetlands, other surface waters, aquatic communities, and uplands (acreage and percentages). Use the USF&W Service's Classification of Wetlands and Deepwater Habitats of the United States for wetlands or other surface waters on the project site. Assign each wetland or other surface water a unique identification number which is consistent in all exhibits. **Borrow pit, FLUCCS 1632**
3. Existing topography extending at least 100 feet off site and includes adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of mean high water (MHW) or seasonal high water, show water depths at mean low water (MLW) in tidal areas or normal pool in non-tidal areas. For docking facilities show the location, depths and access to the nearest navigational channel. **Attached**
4. Floodplain boundary and approximate flooding elevations if the project is in the known floodplain of a stream or other water course. Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site. **N/A**
5. Boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding wetland determination. **Attached**
6. Proposed land use, land cover and natural communities, including wetlands, other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas (acreage and percentages). Use the same classification system and identification number used in C.2. above. **19 Marina**
7. Proposed impacts to wetlands and other surface waters. **N/A**
8. Locations of buffer zones abutting wetlands. **N/A**
9. Pre and post-development drainage patterns and basin boundaries. Show the direction of flow, including any off-site runoff being routed through or around the system and connections between wetlands and other surface waters. **N/A**
10. Location of all water management areas with details of size, side slopes and design water depths.
11. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules and the location and description of benchmarks (minimum of one benchmark per structure). **N/A**
12. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads and buildings. **Attached**
13. Location, size and design capacity of the internal water management facilities. **N/A**

14. Existing and proposed rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes. **N/A**
15. Receiving waters or surface water management systems into which runoff from the developed site will be discharged. **N/A**
16. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions. **Attached**
17. Location, grading, design water levels, and planting details of all mitigation areas. **N/A**
18. Site grading details, including perimeter grades. **N/A**
19. Temporary and permanent disposal sites for any excavated material. **N/A**
20. Details of the dewatering plan including: delineation of areas to be dewatered, location(s) of dewatering facilities and discharge. **N/A**
21. For marina facilities, location of any sewage pumpout facilities, fueling facilities, boat repair/maintenance facilities, and fish cleaning stations. **N/A**
22. Location and description of any existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by or affect the proposed construction or development. **N/A**
23. Master development plan, for phased projects. **N/A**

D. Construction Schedule and Techniques

Provide a construction schedule and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

1. Method for installing any pilings, seawall slabs or riprap. **Attached**
2. Schedule of implementation of a temporary or permanent erosion and turbidity control measures. **N/A**
3. Method and type of material to be excavated for work in wetlands or other surface waters. **N/A**
4. Source and type of fill material to be used for work in wetlands and other surface waters. **N/A**
5. Dewatering plan including: duration of dewatering; the methods for containing the discharge, methods of isolating dewatering areas, and time dewatering structures will be in place. A Water Use permit may be required for dewatering. **N/A**
6. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge. **N/A**
7. Demolition plan for any existing structures to be removed. **N/A**
8. Provide the name and address of the person who will construct the proposed project. **On construction plans**
9. Identify the schedule and party responsible for completing construction monitoring, record drawings, and as-built certifications for the project. **On construction plans**

E. Drainage Information

1. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows: **N/A**

- a. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
 - b. Seasonal high water table elevations including aerial extent and magnitude of any proposed water table drawdown;
 - c. Normal, wet season, and design storm elevations of receiving waters;
 - d. Design storms used including rainfall depth, duration, frequency, and distribution;
 - e. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
 - f. Stage-storage computations for any area such as a reservoir, close basin, detention, area, or channel, used in storage routing;
 - g. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
 - h. Flood routings through on-site conveyance and storage areas;
 - i. Water surface profiles in the primary drainage system for each required design storm event(s);
 - j. Runoff peak rates and volumes discharged from the system for each required design storm event(s);
 - k. Tail water history and justification (time and elevation);
 - l. Pump specifications and operating curves for range of possible operating conditions (if used in system).
2. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions. **N/A**
 3. Provide the acreage and percentage of the total project, of the following:
 - a. impervious surfaces, excluding wetlands;
 - b. pervious surfaces (green areas not including wetlands);
 - c. lakes, canals, retention areas, other open water areas;
 - d. wetlands.
 4. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
 - a. Hydraulic calculations for all proposed traversing works;
 - b. Backwater water surface profiles showing upstream impact of traversing works;
 - c. Location and volume of encroachment within regulated floodplain(s);
 - d. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.
 5. Provide an analysis of the water quality treatment system including:
 - a. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis;
 - b. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.
 6. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.

F. Operation and Maintenance and Legal Documentation

1. Describe the overall maintenance and operation schedule for the proposed system.
2. Identify the entity that will be responsible for operating and maintaining the system in perpetuity, if different than the permittee. Provide a draft document enumerating the enforceable affirmative obligations of the entity to properly operate and maintain the system for its expected life and document the entity's financial responsibility for long term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity,

provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.N/A

3. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.N/A
4. Indicate how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.N/A
5. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled by the applicant, including the project site.
6. Provide a copy of the deed or other evidence of ownership, or in the case of an applicant, evidence of an easement or other documents evidencing authorization to perform the proposed work.

G. Water Use

1. Will the surface water system be used for water supply, including landscape irrigation, recreation, etc.?N/A
2. If a Water Use Permit has been issued for the project, state the permit number.N/A
3. If a Water Use Permit has not been issued for the project, indicate if a permit will be required and when the application will be submitted.N/A
4. Indicate how any existing wells located within the project site will be utilized or abandoned.N/A

TABLE ONE:

PROJECT WETLAND AND OTHER SURFACE WATER SUMMARY

WL & SW ID	WL & SW TYPE	WL & SW SIZE	WL & SW NOT IMPACTED	TEMPORARY WL & SW IMPACTS			PERMANENT WL & SW IMPACTS			MITIGATION AREA ID
				WL & SW TYPE	IMPACT SIZE	IMPACT TYPE	WL & SW TYPE	IMPACT SIZE	IMPACT TYPE	
Wetland D	SW	80 acres		SW	~10 acres	Temp floatin g docks	0 acres			
PROJECT TOTALS:		80 acres			~10 acres					

Comments:

Note:

WL=Wetland SW=Other Surface Water ID=Identification number, letter, etc.

Wetland Type: from an established wetland classification system

Impact Type: D=dredge; F=fill; H=change hydrology; S=shading; C=clearing; O=other

Multiple entries per cell not allowed, except in the "Mitigation ID" column. If more than one impact is proposed in a given area, indicate the final impact.

TABLE FIVE:

SUMMARY OF SHORELINE STABILIZATION

STABILIZATION	LINEAR FEET NEW	LINEAR FEET REPLACED	LINEAR FEET REMOVED	SLOPE H: V:		WIDTH AT THE TOE
VERTICAL SEAWALL:						
SEAWALL AND RIPRAP:						
RIPRAP:						
RIPRAP AND VEGETATION:						
OTHER TYPE:						

SIZE OF RIPRAP:

TYPE OF RIPRAP:

e*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet)	Total square feet over water	Number of slips
	New	123	26	8	Floating N/A	25,584	28
	New	24	26	10	"	6,240	--
	New	14	25	3	"	1,050	10
	New	60	30	4	"	7,200	94
	New	61	35	4	"	8,540	96
	New	15	40	4	"	2,400	4
	New	45	Varies*	Varies*	"	31,500	.47
					TOTALS:	Existing	Proposed
					Number of Slips	121	279
					Square Feet over the water	17,576	82,514

*er, Finger Pier, or other structure (please specify what replaced, Existing (unaltered), Removed, or Modified

Live-aboard Slips? If yes, Number: No
 Fueling Facilities? If yes, Number Yes (4101783719)
 Sewage Pump-out Facilities? If yes, Number: Yes (4101783719)
 Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☐ Yes ☒ No

☐ Yes ☒ No

☒ Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings 14" concrete
Decking Concrete (floating)
Proposed Dock-Plank Spacing (if applicable) N/A

Proposed Dock-Plank Spacing (if applicable) _____

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring Facility 20-60' up to 5' draft - 279 new slips (total 400 per 4101783719)

Varies depending upon which dock style is chosen from the 6 types approved by FDEP (Average 700 ft²).



**SCHEDA
ECOLOGICAL
ASSOCIATES
INCORPORATED**

FAX

Scheda Ecological Associates, Inc.

4013 E. Fowler Ave.

Tampa, FL 33617

(813) 971-3755

(813) 971-0170 FAX

tries @scheda.com

To:	Ms. Linda Svenson & Bjorn
Fax Number:	941.729.9421
Date:	October 30, 2000
Number of Pages (including this page):	2

Per our conversation attached is a copy of Table 4 from FDEP's ERP application. This was submitted along with Q-Dock's revised drawing. Rose indicated that she would review and deem the application complete this week. She then will notify Tallahassee to put this out on public notice. I requested that the public notice state that the 279 slips are already permitted under an existing permit. She was going to try and have the public notice be specific as possible to avoid un-necessary concerns.

Please review and call with any questions or comments.

Thomas

From the desk of:

Thomas F. Ries
Vice President/Principal Scientist
tries@scheda.com

STRUCTURES	TYPE OF WORK *	LENGTH	WIDTH	HEIGHT	TOTAL AREA	PROPOSED SLIPS	EXISTING SLIPS
FOR EACH DOCK OR PIER PLEASE COMPLETE:							
FOR EACH FINGER PIER PLEASE COMPLETE:							
FOR EACH OTHER WATER STRUCTURE PLEASE COMPLETE							
TOTAL:							

* Type of Work: N=new; R=replaced; O=other; RR=Removed; A=altered/modified

Primary use of proposed structures: :

Will the docking facility provide:

liveboard slips? If yes, provide number: None: N/A, N/A

fueling facilities? If yes, provide number:

sewage pumpout facilities? If yes, provide number:

Other supplies or Services? If yes, specify:

Type of materials for decking and pilings (e.g. CCA, pressure-treated wood, plastic, concrete): concrete

pilings:

deckings: Floating docks, concrete

Deck plank spacing:

Number of boats, grouped by length, type, and draft, expected to use the facility: 400 slips total, 300 under this permit, 8' draft

- B. Discuss what survey methods were used to determine the absence or presence of state or federally listed wildlife or plants. (Sampling methodology should be agreed to by the regional planning council and other reviewing agencies at preapplication conference stage.) State actual sampling times and dates, and discuss any factors that may have influenced the sampling effort. Show on Map G the location of all transects, trap grids, or other sampling stations used to determine the on-site status of state or federally listed wildlife and plant resources.

Surveys for state or federally listed species were conducted according to the Florida Game and Fresh Water Fish Commission (FGFWFC) Wildlife Methodology Guidelines. The sources reviewed included Matrix of Habitats and Distribution by County of Rare/Endangered Species in Florida (Florida Natural Areas Inventory, 1997), Florida's Endangered Species, Threatened Species and Species of Special Concern, Official Lists (FGFWFC, 1996 and 1997), the Atlas of Florida Vascular Plants (University of South Florida, 1996), the FDOT 'SPECIES' list for Manatee County (1995), and Florida Atlas of Breeding Sites for Herons and their Allies (FGFWFC, 1991).

Field reconnaissance for protected species included groundtruthing of aerial photography, meandering pedestrian transects, and visual and audio searches (refer to Technical Memorandum produced by Scheda Ecological Associates, Inc. (SEA), September 19, 1997). Meandering pedestrian transects were established in an east-west orientation across the study area and were located approximately 100 feet apart. The transect locations are illustrated on MAP G. The length of each transect was walked while visual searches were made along the transect and to a distance of 50 feet on either side (left or right). Any points masked by dense vegetation were examined by walking around the vegetation to examine the subject point. The meandering pedestrian transects, together with supplemental observations achieved approximately 90 percent coverage of the site. The transects were performed September 15, 1997 (morning). Supplemental observations were made during field wetland investigations conducted May 20, 1998 (morning and afternoon), June 1, 1998 (morning), and June 3, 1998 (morning).

During the field survey, all indications of wildlife in the study area were recorded and their location was noted with respect to the transect system. These indications typically included observation of actual protected species individuals or signs of their presence including tracks, calls (typically with avian fauna), scat, dens, burrows, feathers, scratchings, nests, plants and plant stage (flower, seed, etc.), or other evidence.

- C. List all state or federally listed wildlife and plant resources that were observed on the site and show location on Map G. Given the plant communities on-site list any additional state or federally listed wildlife and plant resources expected to occur on the site and show the location of suitable habitat on Map G. Additionally, address any unique wildlife and plant resources, such as colonial bird nesting sites and migrating bird concentration areas. For species that are either observed or expected to utilize the site, discuss the known or expected location and population size on-site, existence (and extent, if known) of adjacent, contiguous habitat off-site, and any special habitat requirements of the species.

The only listed wildlife species observed were the snowy egret (*Egretta thula*), and brown pelican (*Pelecanus occidentalis*). Both species are designated by the FGFWFC as species of special concern, and are not federally listed. The snowy egret is widely distributed in freshwater and coastal wetlands, and feeds in shallow marshes, water impoundments, ditches, and temporarily flooded agricultural fields. Brown pelicans utilize a variety of coastal habitats. The snowy egret was observed foraging in the northwest portion of the site, and three brown pelicans flew over the site, on September 15, 1997. In addition, one osprey (*Pandion haliaetus*) was observed north of the mining pit. No osprey nests were observed. Because the state listing of the osprey as a species of concern applies in Monroe County only, this species does not present regulatory concerns for the project. In general, the wildlife observations yielded very common species such as cattle egret (*Bubulcus ibis*), anhinga (*Anhinga anhinga*), great blue heron (*Ardea herodias*), and raccoon tracks (*Procyon lotor*). These species are typical of disturbed areas such as the abandoned pit.

Potential involvement of state and federally listed plants was also investigated. Of 39 listed plant species known to occur in Manatee County (USF 1996, FDOT 1995), seven (7) species have a geographic range that includes the site and are adapted to one of the plant communities on the site. Two giant leather ferns (*Acrostichum danaeifolium*) were observed in Wetland A on May 20, 1998, and three such ferns were observed in Wetland B, during wetland investigations on June 1, 1998. The giant leather fern is state listed as commercially exploited, and not listed federally. Feasible options are to relocate the giant leather ferns on the site, or to obtain a permit for harvesting (impacting) them pursuant to Chapter 5B-40, Florida Administrative Code. Obtaining a permit from the Florida Department of Agriculture and Consumer Services (FDACS) to harvest commercially exploited plants is a simple procedure, for which written permission of the landowner is necessary. Two additional listed species potentially occurring on the site are the Florida golden aster (*Chrysopsis floridana*) state and federally listed as endangered, and Sanibel shrub verbena (*Lantana depressa* var. *sanibelensis*) state listed as endangered but not federally listed. These two species normally occupy xeric coastal dunes or scrub. Although small isolated sand dunes were noted within upland Spoil Areas (743) on the site, these two plant species were not observed. Three additional listed species potentially occurring on site are wild cotton

(*Gossypium hirsutum*) which is state listed as endangered, squarestem (*Melanthera nivea*) which is state listed as endangered, and shell mound prickly pear cactus (*Opuntia stricta*), which is state listed as threatened. The wild cotton and squarestem characteristically occur in coastal hammocks, and the cactus occurs on shell middens and sand dunes. Although similar systems (mesic oak hammock and a spoils mound) are located in the northeast portion of the site, none of these 3 plant species were observed. The hand fern (*Ophioglossum palmatum*) occurs almost exclusively in mesic shaded hammocks, growing as an epiphyte on cabbage palm trees. This fern is state listed as endangered. Cabbage palms are widely scattered on the site, and not clumped together in the shaded hammocks favorable to hand ferns. No hand ferns were observed.

The nearest known colonial bird nesting site, Colony 615113, is located approximately four (4) miles southeast of the site, and will not be affected by the proposed project.

- D. Indicate what impact development of the site will pose to affected state or federally listed wildlife and plant resources.

The West Indian (or Florida) manatee (*Trichechus manatus*), state and federally listed as endangered, is known to occur in the Manatee River. In order to assure that manatees are not impacted as a result of developing the site, which is immediately adjacent to the Manatee River, the permittee has agreed to specific conditions in the USACOE and FDER permits, summarized under Item 12.E. Implementation of these conditions will prevent impacts to the manatee.

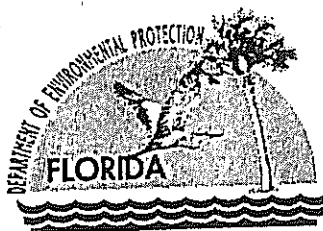
The only listed resources actually observed were the snowy egret, brown pelican, and giant leather fern. The project is unlikely to affect snowy egrets, given the presence of similar foraging habitat in the vicinity. The project is also unlikely to affect the brown pelican, considering that pelicans were observed only as a transient species (flying over the site), and not using habitat on the site. In order to avoid impacting giant leather ferns, every effort will be made to relocate them on site, prior to construction. The wetland mitigation areas to be created under the existing USACOE and FDER permits would serve as ideal recipient sites for the leather ferns. In the event of unavoidable impacts to the ferns, a permit from FDACS will be secured. Other protected species are unlikely to occur on the site due to previous disturbance of the vast majority of the site.

- E. Discuss what measures are proposed to be taken to mitigate impacts to state and federally listed wildlife and plant resources. If protection is to occur on-site, describe what legal instrument will be used to protect the site, and what management actions will be taken to maintain habitat value. If protection is proposed to occur off-site, identify the proposed amount and type of lands to be mitigated as well as whether mitigation would be through a regional mitigation bank, by acquisition of lands that adjoin existing public holdings, or by other means.

To avoid negatively impacting the West Indian (or Florida) manatee as a result of developing the site, the permittee agreed to implement the following specific conditions in the USACOE and FDER permits, enclosed. During the construction phase, the contractor will: instruct all construction personnel of manatee presence and the need to avoid collisions with manatees, advise them of the legal penalties protecting manatees, report any collision with a manatee on the manatee "hotline", keep a log of sightings, collisions, and/or injuries to manatees during the contract period, submit a summary report to the USACOE and U.S. Fish and Wildlife Service (USFWS) following project completion, and all vessels associated with project construction will operate at "no-wake" speeds. In the operational phase, a minimum of six (6) manatee awareness signs will be posted and a permanent educational display will be established.

The proposed wetland mitigation plan will benefit a variety of wetland-dependent species, including listed species. Wetland mitigation specified in Permit 90IPDB-02057, issued by the USACOE includes creation of 4.0 acres of shallow shelf wetlands planted with smooth cordgrass (*Spartina alterniflora*), 6.0 acres of shallow water habitat, 4.5 acres intertidal habitat, and planting red mangrove (*Rhizophora mangle*) seedlings along 1,000 linear feet of river shoreline (0.12 acre).

Measures proposed to mitigate impacts to the giant leather fern consist of relocation into the created wetlands on site, as described in Item 12.D.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES NOTICE OF INTENT TO ISSUE

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA

In the Matter of an
Application for Permit/Water Quality Certification:

Linda J. Svenson
W.C. Riviera Partners, L.C.
590 Haben Blvd.
Palmetto, FL 34221

FILE NO: 41-01727573-001

AGENT:
Thomas F. Ries
COUNTY: Manatee
Scheda Ecological Associates, Inc.
4013 E. Fowler Ave.
Tampa, FL 33617

NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT

The Department of Environmental Protection gives notice of its intent to:

Issue an environmental resource permit under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) (copy of draft permit attached). Issuance of the environmental resource permit also constitutes certification of compliance with state water quality standards pursuant to section 404 of the Clean Water Act, 33 U.S.C. 1344;

Grant a consent to use sovereign, submerged lands, pursuant to Chapter 253.77, Florida Statutes

Where applicable (such as activities in coastal counties), issuance of the environmental resource permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Linda J. Svenson, W.C. Riviera Partners, L.C., applied on September 28, 2000 to the Department of Environmental Protection for a permit/water quality certification to construct 279 slips at a marina facility.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

The activity is located in a man made basin contiguous with the Manatee River, a Class III Waterbody in Sections 13 & 24, Township 34, Ranges 17 East in Manatee County.

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Part IV of Chapter 373, F.S., and Chapters 62-330, 62-341 and 62-343, F.A.C. The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

The activity also requires a proprietary authorization, as a portion of the project is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-343.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department has the responsibility to review and take final action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

A previous permit was granted by the Department on February 26, 1991 for the construction of a 400 slip marina at the subject site. The permit also authorized the reconfiguration of the existing basin and the connection of the subject basin to the river via an access and flushing channel. The project is currently under construction. Dock construction is not expected to be completed prior to the expiration date of the current permit (February 26, 2001). This authorization will allow for the continued construction of the docks for the duration of the construction phase of this permit. This permit will also re-authorize the revised mitigation requirements of the original permit which include the installation of buoys within a shallow corner of the river to preclude bottom damage by watercraft and the planting of wetland vegetation on state owned bottoms. The project has been reviewed by the Florida Fish & Wildlife Conservation Commission's Bureau of Protected Species Management and their comments are incorporated into the draft permit.

B. Specific Regulatory Basis for Issuance

Through the above and based on the general/limiting and specific conditions to the permit, the applicant has provided affirmative reasonable assurance that the construction and operation of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance or Additional Conditions for Issuance of an environmental resource permit, pursuant to Part IV of Chapter 373, F.S., Chapters 62-330, and Sections 40D-4.301 and 40D-4.302, F.A.C.. The construction and operation of the activity will not result in violations of the water quality standards set forth in Chapters 62-3, 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. and will not degrade ambient water quality in Outstanding Florida Waters pursuant to Rule 62-4.242, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary, and cumulative impacts, is not contrary to the public interest, pursuant to paragraph 373.414(1)(a), F.S.

In addition, the Department has determined, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general/limiting and specific conditions to the public easement, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253 and 258, F.S., associated rule(s) 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest"
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

In addition, the project is consistent with the goals and objectives of the "Conceptual State Lands Management Plan" adopted by the Board of Trustees on March 17, 1981.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Section 373.413(4), F.S., and paragraph 62-343.090(2)(k), F.A.C., you (the applicant) are required to publish at your own expense the enclosed notice of this Consolidated Notice of Intent to Issue. The notice is required to be published one time within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Department of Environmental Protection
Environmental Resource Management
3804 Coconut Palm Drive
Tampa, FL 33619

The proof of publication shall be provided to the above address within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit.

V. RIGHTS OF AFFECTED PARTIES

Under this intent to issue, the permit and consent to use sovereign submerged lands is(are) hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit and consent to use will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a

petition for an administrative hearing or request for an extension of time have expired and until the permit and consent to use has been executed and delivered.

Mediation is not available.

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 of the Florida Statutes. The petition must contain the information set forth below and 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.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), 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) of the Florida Statutes must be filed within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, 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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. XX[[add the next sentences only for chapter 373 (including 62-312 and 62-25) permits]] The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. 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 the order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Bob Stetler
Environmental Administrator
Environmental Resource Management

Copies furnished to:

DEP, Office of General Counsel
Mary Duncan, FFWCC
U.S. Army Corps of Engineers
Florida Marine Patrol
Department of Community Affairs
Doug Means, Manatee County

W.C. Riviera Partners, L.C.
Permit Application No. 41-01727573-001
Page No.6

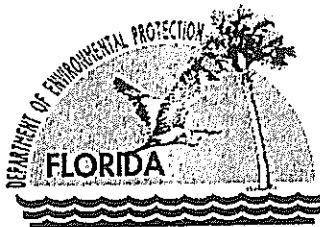
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this CONSOLIDATED INTENT TO ISSUE and all copies were mailed before the close of business on 11/30/00, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date with the designated Department Clerk, pursuant to 120.52(11),
Florida Statutes, receipt of which is hereby acknowledged.

Robinson



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

DRAFT
ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Linda J. Svenson, W.C. Riviera Partners, L.C.
590 Haben Blvd.
Palmetto, FL 34221

AGENT:

Thomas F. Ries
Scheda Ecological Associates, Inc.
4013 East Fowler Ave.
Tampa, FL 33617

Permit/Authorization Number:

41-01727573-001

Date of Issue: XXXX

Expiration Date of Construction Phase:
XXXX

Project: Commercial/Residential Marina

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

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

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Permittee: Linda J. Svenson
Permit No: 41-01727573-001
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This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 25 General Conditions and 57 Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

ACTIVITY DESCRIPTION:

The project consists of the construction of 279 slips at an existing marina facility under construction which has been previously authorized by the Department for a total build out of 400 slips.

ACTIVITY LOCATION:

The activity is located within a basin contiguous with the Manatee River, a Class III water, in Sections 13 & 24, Township 34 South, Range 17 East, adjacent to 590 Haben Blvd., Palmetto, Manatee County.

PROPRIETARY GENERAL CONSENT CONDITIONS

1. No activities other than those set forth in the permit are authorized. Any additional activities on state-owned sovereignty, submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.

2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances of illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of public health, safety and welfare. The premises are subject to an inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns, to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (3) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to

remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

GENERAL CONDITIONS:

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1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently

ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

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10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for

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Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

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21. 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 section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

1. The permittee shall notify the Department in writing at least 14 days prior to commencing the work authorized in this permit (see General Condition #11).
2. Submittals required herein shall be directed to:

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Department of Environmental Protection
Environmental Administrator
Environmental Resource Management
Southwest District
3804 Coconut Palm Dr.
Tampa, FL 33619

hereafter referred to as "the Department". Submittals include, but are not limited to, record drawings, progress reports, mitigation monitoring reports and water quality monitoring reports.

Submittals shall include the permittee's name and permit number.

3. The permittee shall be aware of and operate under #1 through #25 of the attached General/Limiting Conditions for Environmental Standard General and Individual Permits". General/Limiting Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

4. This permit only authorizes the construction of the subject 279 slips indicated in application drawings. The conditions and requirements of the original permit and modifications (Attachment A) shall be implemented and adhered to. This shall include but not be limited to mitigation, monitoring, reporting and contingency requirements.
5. Full size drawings M128-001, M128-002, and M128-003 shall be made a part of this permit.
6. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
7. The permittee shall notify the Department in writing within 14 days of change in agents designated in the approved permit application.
8. If the approved permit, drawings and the Specific Conditions contradict each other, then the Specific Conditions shall prevail.
9. Progress reports for the project shall be submitted to the Department beginning January 1, 2001, and shall continue to be submitted on a quarterly basis until permitted construction of the permitted project and mitigation creation is completed. The cover page shall indicate the permit number, project name and the permittee name. Progress reports must be submitted to the Department if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the following quarter.

The report shall include the following information:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description and extent of the work (i.e., dredge, fill, monitoring, mitigation, management, maintenance) completed since the previous report or since the permit was issued. Show on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of the work (i.e., dredge, fill, monitoring, mitigation, management, maintenance) anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.
- d. The progress of the permitted mitigation program. The reports shall include; photographs taken from the permanent stations, some of which must be in the vegetation sampling areas, a description of problems encountered and solutions undertaken, and anticipated work for the next six months.
- e. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

10. The permittee is responsible for retaining a professional engineer registered in the State of Florida to certify the construction of the project is in compliance with the approved permit plans.

11. Drawings, record drawings, land surveys and as-built surveys required herein shall be certified by a Professional Engineer or Registered Land Surveyor, as appropriate, registered in the State of Florida.

12. The permittee shall submit two copies of signed, dated and sealed as-built drawings to the Department within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer.

The following information shall be verified on the as-built drawings:

<u>Plan View/Cross-Section</u>	<u>Page Number</u>
Plan View-Master Layout	M128-001

13. Storage or stockpiling of tools, materials (i.e., lumber, pilings, debris.) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit is not allowed. 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.

14. Wetland areas or water bodies which are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until dredging and filling is completed, disturbed areas are stabilized, and water quality standards are complied with. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

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

16. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.

17. Boat repair facilities are not allowed.

18. Hull cleaning, painting or other external maintenance shall not be allowed at the permitted facility.

19. There shall be no mooring of any watercraft at locations other than the designated slip areas along the authorized structure at the subject property as indicated on the attached approved drawings.

20. Turbidity curtains shall be utilized during pile installation to localize any turbidity generated. Curtains shall remain in place until generated turbidity has subsided.
21. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.
22. No more than one watercraft shall be moored at each of the authorized residential slips.
23. Fish cleaning stations on structures over the water are not allowed.
24. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull cleaning, hull painting, and discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal based bottom paints associated with hull scraping, cleaning, and painting. Minor repairs and boat maintenance that will not cause or contribute to the release of water pollutants, and which are performed by owners or qualified marine mechanics, shall be allowed.
25. Sewage pumpout services shall be provided at the marina facility. The permittee shall ensure marina personnel, who have been trained to operate the sewage pump-out facilities are available to assist boaters in operating the facilities during standard business hours (at a minimum) for the life of the facility.
26. The slips shall not be occupied by liveaboards. A liveaboard is defined as a boat inhabited by a person or persons for any 4 nights within a 30-day period. Inclusion of liveaboard slips will require a modification to the permit. This condition shall supercede the definition of liveaboard indicated in the original permit Specific Condition No. 16.
27. The executed conservation easement is attached to this permit. If the project for which this permit was obtained will not be accomplished for some reason, then pursuant to the provisions of Section 706.06(4), F.S., the conservation easement shall be released by the grantee. In order to receive the release, the permittee must show that the following conditions have been met:
- a. The permit is no longer required or has expired, and
 - b. None of the authorized work has occurred.
- The permittee must waive, in writing, all rights under the permit in exchange for the release. The release will be effected as a part of the surrender. The release shall be provided in recordable form.
29. The approved Conservation Easement shall be recorded with the Clerk of Manatee County Court within 14 days of the issuance date of this permit.
30. A certified copy of the recorded Conservation Easement shall be submitted to the Department within 30 days of the recorded date.

31. Permanent signs shall be placed at the landward edge of all Conservation Easement areas. Permanent signs shall consists of 3/4-inch diameter aluminum posts, driven 30 inches into the ground and extending 3 feet above the ground with a highly visible aluminum sign (12 in by 12 in) bolted to the post. The sign should read:

WETLAND CONSERVATION AREA
LAND & DRAINAGE ALTERATION
· ACTIVITIES PROHIBITED

and shall include the Department's local phone number to be called if information is needed regarding the easement restricted activities as listed in the Conservation Easement document. The permanent signs as described above shall be posted at 100 ft. intervals and in conspicuous locations throughout the Conservation Easement area(s). All signs shall be installed within 90 days of the signature date of this permit (or Consent Order).

32. Activities exempted pursuant to Chapters 403 and 373, F.S., and F.A.C. Rules 62-312 and 40D-4, are prohibited within the areas placed in Conservation Easement.

33. The permittee shall implement and adhere to the recommendations/requirements of Attachment B as required by the Florida Fish and Wildlife Conservation Commission's Bureau of Protected Species Management for manatee protection.

34. In order to provide protection to manatees during the operation of this facility, permanent manatee information and/or awareness sign(s) will be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The signs shall be installed prior to the facility opening and beginning operations, shall be replaced in the event the signs fade or become damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. The number, type and procedure for sign installation shall be in accordance with the attachment "Permanent Manatee Signs". This attachment, which includes addresses for sign suppliers, can be obtained from the Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 (phone 904/922-4330).

34. The permittee/grantee/lessee shall ensure that:

In order to provide protection to manatees during the operation of this facility, a permanent manatee awareness sign will be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The sign should be installed prior to the facility opening and beginning operations, should be replaced in the event the signs fade or become damaged, and should be maintained for the life of the facility in a manner acceptable to the Department. The procedure for sign installation should be in accordance with the attachment "Permanent Manatee Signs". This attachment, which includes addresses for sign suppliers, can be obtained from the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission,, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

35. The permittee/grantee/lessee shall ensure that:

- a. The lessee/grantee/contractor shall instruct personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. The lessee/grantee/contractor are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).
- b. The lessee/grantee/contractor is advised of civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The lessee/grantee/contractor may be held responsible for any manatee harmed, harassed, or killed as a result of neglect or intentional activities related to construction/dredging.
- c. The prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees prior to commencement of construction. Signs are to be removed by the permittee upon completion of the construction project.
- d. A sign measuring at least 8 1/2" x 11" which reads "Caution: Manatee Habitat. Idle Speed is Required If Operating A Vessel In The Construction Area" will be placed at vessel control stations or in a prominent location visible to employees operating the vessels (example enclosed). A second sign (at least 8 1/2" x 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Comes Within 50 Feet of Operation" will be placed at dredge operator control stations and also be prominently located adjacent to the displayed issued construction permit (example enclosed).
- e. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. Signs are to be removed by the lessee/grantee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads "Caution: Manatee Area" will be posted in a location prominently visible to water-related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (904-232-2580) for north Florida or in Vero Beach (407-562-3909) for south Florida.
- f. A sign measuring at least 3' x 4' which reads "Caution: Manatee Area" will be posted on shore in a location prominently visible to land based, water-related construction crews (can be obtained from the sign suppliers) if a vessel is not utilized for the work project. A second sign (at least 8 1/2" x 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Come Within 50 Feet of Operation" will be placed at all dredge operator control stations and also be located prominently adjacent to the displayed issued construction permit (example enclosed).

g. The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees if they occur during the contract period. A report summarizing sightings and incidents shall be submitted to the Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 and to the U.S. Fish and Wildlife Service Office, 6620 South Point Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted annually or following the completion of the project if the contract period is less than a year. Contact the BPSM at (904)922-4330 if there are questions regarding these standard construction conditions.

h. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from an essential habitat.

i. Vessels associated with the project must operate at "no wake/idle speed" when in construction areas and when in waters where the draft of the vessel provides less than a four foot clearance from the bottom. Vessels shall follow routes of deepwater whenever possible.

j. Appropriate precautions shall be implemented to ensure protection of the manatee if seen within 100 yards of the active daily construction/dredging operation or vessel movement. These precautions shall include the operation of moving equipment no closer than 50 feet of a manatee. Operation of equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition

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k. Collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367) and the U.S. Fish and Wildlife Service, Jacksonville Office (904)-352-2580 for North Florida and to the Vero Beach Field Office (407)-562-3909 for South Florida.

END OF SPECIFIC CONDITIONS

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Bob Stetler
Environmental Administrator
Environmental Resource Management

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Copies furnished to:

DEP, Office of General Counsel
Mary Duncan, FFWCC
U.S. Army Corps of Engineers
Florida Marine Patrol
Department of Community Affairs
Doug Means, Manatee County

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on XXX, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

Date