Hillsborough River Interlocal Planning Board
TAC Meeting
Tuesday, June 21, 2022, 1:30 pm
Meeting Location: Members-18th floor County Center / Public-Online

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
5. Approval of Previous Meeting Summary
   A. May 17, 2022*(p.3)
6. Presentations, Reports & Status Updates
   A. Minimum Flow Status, Sid Flannery
   B. 2022 River Stewardship Award Recommendation*(p.7)
7. Consistency Recommendation
   A. Port Tampa Bay Minor Work Permit No. 51694*(p.9)
   B. Port Tampa Bay Minor Work Permit No. 70468(R2)*(p.24)
   C. Port Tampa Bay Minor Work Permit No. 74889*(p.44)
8. Other Business

* Indicates Action Required  ★ Indicates backup material provided

Technical support during the meeting may be obtained by contacting Priya Nagaraj at (813) 310-9709 or Priyan@plancom.org.

The public is invited to join the meeting from your computer, tablet or smartphone, go to: https://attendee.gotowebinar.com/register/8162297560274521870

Offices and meeting rooms are closed to the public due to the COVID-19 pandemic. Members of the public may access this meeting and participate via the GoToMeeting link above.

Persons needing assistance reading or interpreting items in this document, free of charge, are encouraged to contact Joshua Barber, (813) 272-5940, or barber@plancom.org. Plan Hillsborough (the Planning Commission, the Hillsborough MPO and the Hillsborough River Board) cannot ensure accessibility for items produced by other agencies or organizations.
May 17, 2022
1:30 p.m.

Meeting Location:
Plan Hillsborough Room/Online

Technical Advisory Council Meeting
Meeting Summary

Present
Michael Gile, EPC*
Richard Formica, COT Citizen*
Rich Brown, HC Citizen*
Heather Maggio, COT**
Joe Gross, HC**
Alvaro Gabaldon, TPC
Absents
Cody Powell, Planning Commission*
Shawn College, TPC
Micah Minaberry, DEP

Gail Reese, TPC
Jackie Julien, Port Tampa Bay*
Stu Marvin, TT Citizen*
Amber Smith, SWFWMD*
Diego Guerra, TPC
Alana Todd, TBRPC*

*Denotes TAC Member or Alternates
**Denotes Staff Ex- Officio Members

1. Call to Order
   Chair Rich Brown called the meeting to order at 1:32 PM

2. Roll Call
   Members were sufficient to establish a quorum.

3. Pledge of Allegiance
   Chair Brown led in the Pledge of Allegiance.

4. Public Comment
   None

5. Approval of Previous Meeting Summary
   A. April 19, 2022
      Motioned by Stu Marvin and seconded by Jackie Julien, the previous meeting summary was approved unanimously.

6. Presentations, Reports & Status Updates
   A. Live Grow Thrive 2045: Tampa Comprehensive Plan Update (Alvaro Gabaldon, Planning Commission Staff)
      - Went over who the project team is and what they do. Partnering with the City of Tampa Planning Department.
      - Update to the City of Tampa’s Comprehensive Plan, currently in the first phase, updating the planned vision.
      - Review of what the Comprehensive Plan is, how it works, and what is in it.
Incorporating previous plans and outreach done by the City of Tampa, the Planning Commission Staff, and the TPO Staff. Have about 10,000 responses that the vision is preliminarily based on.

Current themes are Live Grow Thrive

Reviewed timeline

Asked that the committee go to the website and take the survey and share it with others they know.

Presentation: Live Grow Thrive 2045
Website: Live Grow Thrive 2045: Tampa Comprehensive Plan Update

Discussion

It was asked what type of comments were asked about the river. A highlight is that people are concerned about losing natural spaces in the midst of growth. It was noted that people don’t necessarily have an awareness of the extent of the river. It was asked if the River Master Plan was included. Believe that is separate. When working on the environmental and natural area section of this plan, it will be addressed. There was some discussion on the workshops that are going on. It was noted that the survey is being pushed out via Tampa homeowners associations. The survey accepts comments and feedback in addition to the survey questions. It was asked about the priority of outreach to low-income communities. The projections are based on historical growth and do not specifically note affordable housing. However, in the housing portion of the plan, affordable housing will be addressed, and more granular information will be evaluated. Lower-income groups are not being specifically targeted. It was noted that long-term residents are being “booted out” because of the significant growth. That should be a focus so that people can remain living in Tampa affordably. It was asked if New Tampa was being included. Yes, there are neighborhood associations that have been reached out to along with the university’s student planning organizations and professors. Each of the various sections of the plan will have its own outreach specific to those sections. This is the initial feedback to bring to the Tampa City Council to verify that the feedback received over the last couple of years is being heard accurately. Gentrification is definitely happening along the river. It was suggested that a good outreach strategy would be to partner with the utility bills with a paper insert or a digital attachment.

7. Consistency Recommendation

A. Port Tampa Bay Minor Work Permit No. 64737(R1)
   - Installation of approximately 102 linear feet of rip-rap and approximately 51 linear feet of replacement seawall; 1312 E. Park Circle, Tampa, FL 33604.

   There was a motion by Jackie Julien, seconded by Richard Formica for approval. Voice vote, motion passes unanimously.

B. Port Tampa Bay Minor Work Permit No. 72214
   - Install a new 227 square food wood dock; 8101 N River Shore Dr., Tampa, FL 33604
There is one concern. The dock is at the maximum of 25%, if there is no mooring. It is not understood why they are maxing out the length of the dock. Unless there is a reason, Jackie Julian does not support the length. If there is no justification, they should bring it back with the dock line. People should be building the docks for adequate depths for mooring. If there is no mooring, they should not be building out into the navigable waterway. It was stated that the next one on the river is the same size and has no mooring. It is consistent but may not be a good policy to set. It should be a question added as to why they are going out to the maximum length. The goal should be to build for the site and use. The maximum should not be the goal due to leaving the 50% for navigable waters. It was asked if there is a single source people can use for best practices. Not at this time. It may be best to educate contractors on the criteria; possibly talking to the applicant may be a good idea. If the applicant indicated mooring, the EPC would have had them pull the dock back, so the moored boat did not interfere with the waterway. Chair Brown noted that this opinion would be brought up at the River Board meeting.

Jackie Julian moved that this is found consistent, seconded by Stu Marvin. Voice vote, motion passes unanimously.

C. Port Tampa Bay Minor Work Permit No. 74311
   - Install roof over existing boat lift; 6010 River Terrace, Tampa, FL 33604

   It was asked if there was going to have a sun deck. Does not appear that way.

   Jackie Julian moved that this is found consistent, seconded by Richard Formica. Voice vote, motion passes unanimously.

D. Port Tampa Bay Minor Work Permit No. 74713
   - Construction of a replacement dock and a covered boat lift; 4214 N Riverside Dr., Tampa, FL 33603

   It was noted that the drawing looked like it was exceeding the dock line. Being proposed at 31’, there are several longer docks nearby. It falls within the maximum square footage allowable.

   Jackie Julian moved that this is found consistent, seconded by Richard Formica. Voice vote, motion passes unanimously.

8. Other Business
   
   A. 2022 River Stewardship Award Nomination, June 21, 2022. Chair Brown asked that the members start thinking about this now.

   B. Presentation on permitting. Ms. Julian came up with a quick sheet to make sure that the presentation is along the lines of what is being asked for. Requested feedback. The sheets will be emailed to Mr. Marvin.
C. Noted that this is the dry season but not the drought on the river. There is minimum flow at the dam, not quite there yet. The flow rate is not calculated. A number of citizen groups are working with the City of Tampa on consolidating that information and making it available. Would be good to see it on a dashboard. A general internet search starting with “swift mud” and then whatever they are looking for regarding this and it will likely come up with good results.

There are fewer ducks and it could be due to the increased coyote population in Seminole Heights and located as far west as Nebraska and Florida. With the Muscovy duck population dropping, there are more wood ducks. There have been dolphins up almost to the dam. Manatees are there now all year. Citizens are looking to designate that as a manatee zone. Temple Terrace, water hyacinth is in bloom and growing and multiplying fast. Limpit birds are more common, possibly due to the growing population of invasive african snails.

Two homeless men have been noticed along the river. They have been reported. There is also an increase in the homeless population downstream of the dam on the south side. A lot of the destruction and trash in the mangrove area is from the homeless encampments.

Tampa’s PURE project continues to be studied, what to do with wastewater coming out of the plant at the Port every day. The Sierra Club, Friends of the River, and the League of Women Voters are working on minimum flows. City staff continues to go back to the council for research and development. Not all priorities and goals are the same in the way of how we get to the environmental goals. Several possible plans have not gone over well. The final plans are still a few months away. Solutions are still being analyzed.

D. May is Wetlands Month and the EPC is doing wetland scavenger hunts from their website.

E. June 23rd at the Tampa River Center for the Resilient Ready Symposium.

F. The City of Tampa idle and slow speed markers should be issued within the next couple of weeks.

Next meeting is June 21, 2022.

Chair Brown adjourned the meeting at 2:59 PM.
Agenda Item 6. B. 2022 River Stewardship Award Recommendation

Attachments:
1. Past Award Recipients and Potential New Nominees
Hillsborough River Stewardship Award Recipients

2015 – Sid Flannery, SWFWMD (Retired)
2016 - Lee Hoffman, COT
2017 - Keep Tampa Bay Beautiful
2018 - Mayor Bob Buckhorn
2019 – Bob Luce
2020 – Joe Coone
2021 - South Seminole Heights HOA
2022 -

Potential Future Nominees:
1. Ecosphere Restoration Institute, Inc. (non profit) (Tom Ries)
2. Joel Brown, former SWFWMD staff
3. Scott Harris, see article regarding river clear ups.
4. USF group seeking protection of USF Forrest Preserve
Agenda Item 7. A. Port Tampa Bay Minor Work Permit No. 51694

Attachments:
1. Minor Work Permit Application
To: James Shawhan  
2904 North Shoreview Place  
Tampa, FL 33602  
(Via Email: wright5916@aol.com)

From: Jackie Julien, Supervisor of PTB Environmental Affairs  
Date: May 27, 2022  
Re: Letter of Authorization for James Shawhan – Re-Nourish Rip-Rap Revetment Along Approximately 92 LF of Shoreline Located at 2904 N. Shoreview Place, Tampa, FL on Hillsborough River; Folio # 181570-0512; STR 11-29S-18E

Staff of the Tampa Port Authority, d/b/a Port Tampa Bay (PTB), Environmental Department has received a rip-rap revetment re-nourishment request along approximately 92 linear feet of shoreline at the above referenced private single-family residential property, per Mr. Shawhan email dated April 27, 2022. The Environmental Protection Commission (EPC) of Hillsborough County Wetlands Division staff issued Minor Work Permit (MWP) No. 51694 on October 26, 2010 (Expired: November 30, 2011), per interlocal delegation, for construction of a dock and placement of 92 linear feet of rip-rap along the entire site’s shoreline with a footprint that was permitted at 6-foot wide by 3-feet in height to meet the 2:1 slope ratio criteria.

On May 18, 2022, PTB staff conducted a site visit with you and determined the rip-rap placement was completed as permitted by EPC and the dock has not been constructed and is not being pursued at this time as stated onsite. The installed permitted rip-rap was a small sized rock material which was observed to have eroded waterward approximately 21-feet from the shoreline into Hillsborough River. The Pursuant to the PTB Enabling Act, Chapter 95-488, the rip-rap revetment re-nourishment marine construction work, as described, is authorized by PTB subject to the following conditions:

1. PTB staff recommends using 1 – 3 foot diameter size rock material to limit future rock eroding into the River caused from apparent wave energy.

2. To avoid impacting two (2) areas of existing native vegetation, the riprap material shall be hand-placed around the vegetation (i.e. Spartina spp.) noted during the PTB site visit. One clump of native grasses is located in the center shoreline approximately 3.5-feet wide by 14-feet long and the smaller clump on the north section is approximately 2-feet wide by 8-feet long.

3. The property owner and/or authorized agent/contractor must reuse the existing rock that has eroded into the river to the greatest extent possible, for base material as appropriate.

4. All wetland vegetation must be preserved during all construction authorized.

5. The slope of the rip-rap revetment will not exceed one (1) vertical to two (2) horizontal.
6. Rip-rap shall consist of clean broken concrete or natural rock. Asphalt or other organic materials are prohibited.

7. Rip-rap shall be free of any exposed reinforcing rods or other similar protrusions.

8. Placement of the rip-rap relative to property lines shall be as depicted per EPC approved permit No. 51694 exhibits (see enclosed). All EPC MWP No. 51694 General and Specific Stipulations must be adhered to.

9. This permit does not authorize the rip-rap installation to cover or obstruct any existing storm water outfall pipes.

10. This permit does not authorize the placement of pilings or any other structures extraneous to the installation of the rip-rap revetment re-nourishment.

11. All efforts must be undertaken to prevent any erosion or turbid water from being discharged off-site, into wetlands and/or waters of the state. Turbidity curtains and any other erosion control device(s) necessary shall be utilized to prevent water quality violations. Turbidity curtains must remain in place until all sediments have settled out of the water column.

12. All in-water activities shall be limited to daylight hours only.

13. Any debris generated from this work must be properly disposed of and accomplished in a manner so that the discharge of turbid water offsite is prevented. All efforts must be undertaken to prevent any erosion or turbid water from being discharged off-site, into wetlands and/or waters of the state.

14. The proposed work shall be done so as to prevent interference with the riparian or property rights of the adjacent property owners. This authorization does not allow an invasion of the private property of other property owners or rights in the property of adjacent parcels.

15. This authorization conveys no title to land or water, and does not alter in any way the legal riparian rights of the property owner. Issuance of this authorization does not constitute a binding determination of riparian boundaries, lines, or rights.

16. The applicant/property owner, in accepting this authorization, agrees to comply with the provisions and conditions herein and assumes all responsibilities and liability and agrees to hold Port Tampa Bay harmless from any and all claims of damage arising out of operations conducted pursuant to this authorization.

17. PTB shall not be responsible for any omissions or errors in information provided by owner, owner’s contractor or agent, or contained in the public records.

18. The Permittee, contractors or agents must comply with the following manatee, sea turtle, and smalltooth sawfish protection conditions during all marine construction authorized:
a. Ensure all conditions of Florida Fish and Wildlife Conservation Commission (FWC) Standard Manatee Conditions for In-Water Work, dated 2011, are followed during all phases of marine construction or vessel activity authorized by this permit. Contact the FDEP Southwest District Office in Tampa, Florida at 813-470-5700 or FWC at 772-562-3909 for additional information.

b. Ensure all conditions of National Marine Fisheries Service (NMFS) Sea Turtle and Smalltooth Sawfish Construction Conditions, dated March 23, 2006, are followed during all phases of construction authorized by this permit. Contact the NMFS Southeast Regional Office in St. Petersburg, Florida at 727-570-5301 for additional information.

If you have any questions or comments, please contact me at 813-905-5033 or jjulien@tampaport.com.

Cc: EPC Wetlands - hager@epchc.org; BryantC@epchc.org
City of Tampa Construction Svcs. – dave.jennings@tampagov.net
Hillsborough River TAC – colleges@plancom.org
ccooley@tampaport.com
File (LOA)

Enclosures
October 26, 2010

James Shawhan
2904 North Shoreview Place
Tampa, FL 33602

REFERENCE: ENVIRONMENTAL PROTECTION COMMISSION MINOR WORK PERMIT NO. 51694 FOR JAMES SHAWHAN

Dear Mr. Shawhan:

This minor work permit is issued pursuant to the Amended and Restated Interlocal Agreement between the Tampa Port Authority (TPA) and the Environmental Protection Commission of Hillsborough County (EPC) dated June 23, 2009. Please review this document and attachments carefully, paying particular attention to the stipulations and approved drawings. Be advised that the proposed activity may require a building permit from the City of Tampa. Please call (813) 274-3100 for further information on the permitting process. If the plans approved by this permit change as a result of the City of Tampa review, a revision to this permit will be required. This permit shall expire on the date indicated on the attached Permit card and shall be valid until it expires or such time as it is amended, replaced, or revoked in writing.

This permit authorizes the above named applicant, hereinafter referred to as the Permittee, to perform the described work on wetlands and other surface waters, on or adjacent to submerged lands under the regulatory jurisdiction of the TPA. This minor work permit addresses activities regulated under the TPA Submerged Lands Management Rules and EPC Wetland Rule Chapter 1-11, Rules of the EPC. This work shall be accomplished in accordance with the general and specific stipulations hereinafter defined.

Acceptance of this permit constitutes acceptance of all the attached stipulations and drawings. Compliance with all stipulations is necessary for the permit to be considered valid. Should you have objections to any of these stipulations, please see the attached Notice of Rights providing administrative appeal rights.

Sincerely,

Bob Stetler, Director
Wetlands Management Division
Environmental Protection Commission of Hillsborough County

Enclosures

cc: John Barrios, City of Tampa - Construction Services Department

ww.epchc.org
E-Mail: epchinfo@epchc.org
AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

Printed on recycled paper
PERMIT

PERMIT NUMBER: 51694

PERMITTEE: JAMES SHAWHAN
2904 NORTH SHOREVIEW PLACE
TAMPA, FL 33602

AGENT: M.D. Marine Construction
C/O Matt Brown
8763 Bay Ponte Drive
Tampa, FL 33615

PROJECT DESCRIPTION: CONSTRUCTION OF A NEW DOCK AND PLACEMENT OF APPROXIMATELY 92 LINEAR FEET OF RIP-RAP ALONG A MEANDERING SHORELINE PURSUANT TO PERMIT EXHIBITS AND STIPULATIONS

PROJECT LOCATION: 2904 NORTH SHOREVIEW PLACE, TAMPA / ON THE HILLSBOROUGH RIVER

DATE OF ISSUE: OCTOBER 26, 2010
EXPIRATION DATE: NOVEMBER 30, 2011

AUTHORIZED SIGNATURE: _________________________

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK

ww.epchc.org
E-Mail: epcinfo@epchc.org
AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
1. All work shall be accomplished so as to minimize the dispersion of silt and debris and the destruction of marine resources in public waters. All efforts must be undertaken to prevent any erosion or turbid water from being discharged off-site, into the wetlands and/or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5 Water Quality Rule. In Outstanding Florida Waters, discharges cannot exceed ambient levels. EPC approved methods of erosion and/or turbidity control are required. It is the owner/developer's responsibility to install and maintain EPC approved erosion and/or turbidity control barriers prior to the commencement of any site work. Once the site returns to pre-construction conditions, all erosion and turbidity control devices shall be removed.

2. If the approved permit drawings and the attached Specific Stipulations contradict each other, then the Specific Stipulations shall prevail.

3. The proposed work shall be done in accordance with the approved drawings attached hereto as Exhibits.

4. The Permittee shall notify the Environmental Protection Commission (EPC) when work under this permit is initiated and shall further notify the EPC when work under this permit has been completed.

5. The enclosed Permit Card must be conspicuously displayed at the project site once work on this project has been initiated and shall remain so displayed until the project has been completed. Within fifteen (15) days of completion of this project, the Permit Card must be returned to the EPC.

6. The EPC shall inspect the site to ensure compliance with these stipulations.

7. The proposed work shall be done so as to prevent interference with the riparian or property rights of the adjacent property owners. This permit authorizes no invasion of private property or rights in property.

8. 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 this permit and Chapter 1-11 or other applicable rules.

9. This approval applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the review process. This permit does not relieve the Permittee from the requirement of obtaining permits from the U.S. Army Corps of Engineers, the State of Florida, the Southwest Florida Water Management District, Hillsborough County, individual municipalities within Hillsborough County, and/or other applicable agencies, as required.

10. The Permittee, in accepting this permit, agree to comply with the provisions, conditions and stipulations herein and assumes all responsibilities and liability and agrees to hold the EPC and the Tampa Port Authority harmless from any and all claims of damage arising out of operations conducted pursuant to this permit.

11. The Permittee shall operate and maintain the authorized structure in such a manner so as to prevent the creation of any navigation hazards, unauthorized source of air or water pollution, hazard to public health and safety, or so as to unduly interfere with the public's use of the waterway.

12. Should the Permittee fail to comply with the stipulations of this permit or a situation arise wherein it would be contrary to the public interest, the EPC reserves the right to revoke this permit upon written notice to the Permittee.

13. This permit does not relieve the Permittee from the requirements of any applicable deed restrictions.
14. Construction materials, debris, or other trash will not be allowed to escape into the water, at anytime during or after construction. Such materials are to be disposed of in an approved manner, i.e., upland disposal facility, appropriate trash receptacles, etc.

15. It shall be the responsibility of the permittee to submit a renewal application request 30 days prior to the expiration date.

16. Any activity interfering with the integrity of a wetland, such as clearing, excavating, draining or filling, without the written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.

This Order is final unless the party timely files, pursuant to Chapter 1-2, Part IV, Rules of the EPC, a Notice of Appeal or files a Request for Extension of Time to file a Notice of Appeal for a formal hearing. Pursuant to Section 1-2.31(e), Rules of the EPC, failure to request an administrative hearing by filing a Notice of Appeal within 20 days after receipt of this Order shall constitute a waiver of one's right to have an appeal heard, and this unappealed Order shall automatically become a final and enforceable Order of the Commission.

Although not required by law, it is recommended that the permittee (or however you identify the applicant) publish at its own expense the following notice of this agency action in a newspaper of general circulation as identified in Section 1-2.051(4), Rules of the EPC in Hillsborough County, Florida so as to provide constructive notice to potentially aggrieved parties and to limit the time period for filing an administrative appeal. Failure to publish this notice may result in third parties being able to challenge this Agreement in the future. It is also recommended that no activity authorized by this permit occur until twenty days after publication of this notice or until twenty days after receipt by any party who requested in writing notice of this permit.

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
NOTICE OF MINOR WORKS PERMITS

The Environmental Protection Commission of Hillsborough County gives notice of agency action of issuance of a Minor Work permit to James Shawhan pursuant to Chapter 84-446, Laws of Florida, as amended and delegation agreement with the Tampa Port Authority dated June 23, 2009. The Minor Work permit addresses approval for impacts to wetlands or other surface water for the placement of approximately 90 linear feet of rip-rap material and construction of a new dock on the Hillsborough River at 2904 North Shoreview Place. The permit is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Environmental Protection Commission, 3629 Queen Palm Dr., Tampa, Florida 33619. Pursuant to Section 9, Chapter 84-446, Laws of Florida, and Rule 1-2.30, Rules of the EPC, any person whose interests protected by Chapter 84-446, Laws of Florida, are adversely affected by this action or are otherwise aggrieved by this action, has the right to appeal this agreement in accordance with Part IV of Rule 1-2, Rules of the EPC. Written notice of appeal must be received by the Chairperson of the EPC, at 601 East Kennedy Blvd., Tampa, Florida 33602, within 20 days of the date of this publication.

NOTICE OF RIGHTS

Pursuant to Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act), Rule 1-2.30, Rules of the Environmental Protection Commission of Hillsborough County (EPC), and the Amended and Restated Interlocal Agreement with the Tampa Port Authority dated June 23, 2009, any person whose interests are protected by Chapter 84-446, Laws of Florida and who is adversely affected or otherwise aggrieved by this action has the right to appeal this Executive Director's authorization. Written Notice of Appeal for a Section 9 Administrative Hearing must be received by the Chairperson of the EPC, at 601 East Kennedy Blvd., Tampa, Florida 33602, within twenty (20) days of receipt of this notice and pursuant to Section 1-2.30(c), Rules of the EPC, must include the following information:
(1) The name, address, and telephone number of the Appellant; the name, address, and telephone number of the Appellant’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Appellant will be aggrieved or how his or her interests will be adversely affected by the Executive Director’s decision;

(2) A statement of when and how the Appellant received notice of the agency decision;

(3) A statement of all disputed issues of material fact. If there are none, the Notice of Appeal must so indicate;

(4) The specific facts the Appellant contends warrant reversal or modification of the Executive Director’s proposed action;

(5) A statement of the specific laws or rules the Appellant contends require reversal or modification of the Executive Director’s proposed action; and

(6) A statement of the relief sought by the Appellant, stating precisely the action Appellant wishes the Commission to take with respect to the Executive Director’s proposed action or decision.

A copy of the Notice of Appeal for a Section 9 Administrative Hearing must also be sent to the EPC’s Legal Department, Environmental Protection Commission of Hillsborough County, 3629 Queen Palm Dr., Tampa, Florida 33619, facsimile (813) 627-2602, phone (813) 627-2600. Pursuant to Section 1-2.31, Rules of the EPC, you may request additional time to file a Notice of Appeal by filing a Request for Extension of Time to file a Notice of Appeal. The Request for Extension of Time must be sent to and received by the EPC Legal Department at the address above within twenty (20) days of receipt of this notice.

Upon receipt of a sufficient Notice of Appeal for a Section 9 Administrative Hearing an independent hearing officer will be assigned. The hearing officer will schedule the appeal hearing at the earliest reasonable date. Following an evidentiary hearing, the hearing officer will render his/her decision as a recommendation before the EPC board. Pursuant to Section 1-2.35, Rules of the EPC, the EPC board will take final agency action on the findings of fact and conclusions of law of the hearing officer. A written decision will be provided by the EPC board, which affirms, reverses or modifies the hearing officer’s decision. Should this final administrative decision still not be in your favor, you may seek review in accordance with Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, and the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961 by filing an appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Environmental Protection Commission, EPC Legal Department, 3629 Queen Palm Dr., Tampa, FL 33619, and filing a notice of appeal accompanied by the applicable filing fee with the Second District Court of Appeal within 30 days from the date of the final administrative decision becoming an order of the Commission.

Copies of EPC rules referenced in this Order may be examined at any EPC office, may be found on the internet site for the agency at http://www.epchc.org or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, FL 33619.

Revised 8/9/2010
1. This permit authorizes the following activities:
   a. The placement of rip-rap along approximately 92 linear feet of natural, meandering shoreline per EPC approved exhibit A-1, and;
   b. The construction of T-shaped dock with a 4 foot walkway, 26 foot in length per EPC approved exhibits A-1 and A-2.

2. The slope of the rip-rap revetment, in feet, will not exceed one (1) vertical to two (2) horizontal.

3. The rip-rap material shall consist entirely of clean concrete rubble or natural boulders eight (8) inches to three (3) feet in diameter. No reinforcing rods or other similar protrusions in concrete rubble shall be exposed and the rip-rap material shall be free of attached sediments.

4. The rip-rap material shall remain unconsolidated and follow the natural meandering contour of the shoreline.

5. Placement of the rip-rap relative to property lines shall be as depicted per EPC approved permit exhibits A-2 and A-3.

6. The rip-rap material must be underlain along the frontage and submerged lands with a filter fabric or other similar material to prevent erosion or undercutting of the rip-rap revetment.

7. This permit does not authorize the rip-rap installation to cover or obstruct any existing storm water outfall pipes.

8. The horizontal distance from the toe of the seawall must be no more than eight feet.

9. During the installation of the rip-rap material, a floating turbidity curtain shall be deployed waterward of the work site and attached from adjacent shoreline to adjacent shoreline. The turbidity curtain must remain in place until the work has ceased and any resultant construction-related turbidity has settled out.

10. All structures should be marked with reflectors, reflective tape or other materials necessary to make the extent of structures clearly visible to boaters.

11. Placement of the structure relative to property lines shall be as depicted per EPC approved permit exhibits A-2 and A-3.
12. There shall be no baithouses, storage shelters, gazebos, screen porches, sinks, fish cleaning facilities, living quarters or other non-water dependent structures.

13. Structures shall not be enclosed.

14. No roof or sundeck is permitted for this structure.

15. No davits are permitted for this structure.

16. This permit does not authorize the placement of pilings or any other structures extraneous to the dock.

17. The water depths in mooring areas shall be no less than four (4) feet at Mean Low Water (MLW).

18. No dredging, filling, clearing or scouring shall be allowed except for the settings of pilings for the walkway and terminal platform. If pilings are to be installed by jetting, then the water pump must be shut off when not in use to avoid unnecessary disturbance to the water body.

19. More stringent criteria than those detailed in this permit may be applicable as per deed restrictions. It is strongly encouraged that the Permittee contact representatives of their homeowners association for more information prior to initiation of any construction activities authorized by this permit.

20. The Permittee must comply with the following manatee protection construction conditions:

   a. Instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

   b. Advise all construction personnel that there are 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.

   c. Ensure all/siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
* Side View

* Rip Rap @ Top of Bank with Erosion Control Barrier Base

* Top of Bank

* Processed Rock & Rip Rap

* River Bottom

* 1/11 Borough River

* Scale: 1" = 10'0"
The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.
SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service’s Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at “no wake/idle” speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service’s Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006
O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc
Agenda Item 7. B. Port Tampa Bay Minor Work Permit No. 70468(R2)

Attachments:
1. Minor Work Permit Application
May 10, 2022

Thomas Filippello (Sent via email)
filippello@hotmail.com
1202 E. Clifton Street
Tampa, FL  33604

Permittee:  THOMAS FILIPPELLO
Permit Number:  70468(R2)
Type of Permit:  INTENT TO ISSUE MINOR WORK PERMIT FOR A DOCK AND TWO NON-COVERED BOAT LIFTS
Project Address:  6705 N. ADAH AVENUE, TAMPA, FL 33604
Issuance Date:  JUNE 4, 2022
Expiration Date:  JUNE 4, 2025

Dear Mr. Filippello:

This Intent to Issue the Minor Work Permit (Permit) for a dock and two non-covered boat lifts is issued to Thomas Filippello (Permittee) by the Environmental Protection Commission of Hillsborough County (EPC) on behalf of the Tampa Port Authority (TPA). The TPA delegated this regulatory authority to the EPC in 2009. Please review this document and attachments carefully, paying particular attention to the conditions and approved drawings. NO CONSTRUCTION ACTIVITY SHALL OCCUR in wetlands or other surface waters until June 4, 2022.

The EPC reserves the right to stop this Permit from becoming effective under any of the following circumstances: (1) if the EPC revokes the Permit pursuant to Section 1-2.052, Rules of the EPC; (2) if a “Notice of Appeal” or “Request for Extension of Time to File a Notice of Appeal” under Part IV of Section 1-2, Rules of the EPC (See NOTICE OF RIGHTS) is timely filed; or (3) if any applicable Federal governmental agency objects to verification that the activity qualifies for the United States Army Corp’s of Engineers’ State Programmatic General Permit. The Permittee shall be noticed in writing if any of these occur. No construction activity may occur until such time as the issue is resolved and the Permit becomes effective. It is possible in some circumstances for the Permit to be challenged after the initial construction date. Please contact the EPC Legal Department if you have any questions regarding this process.

This Permit authorizes the above named permittee, hereinafter referred to as the Permittee, to perform the described work on wetlands and/or other surface waters, on or adjacent to submerged lands under the regulatory or proprietary jurisdiction of the TPA. This Permit
addresses activities regulated under the TPA Submerged Lands Management Rules and EPC Wetland Rule Chapter 1-11, Rules of the EPC. This work shall be accomplished in accordance with the general and specific conditions contained in this Permit. This Permit shall expire on the date noted in this Permit and shall be valid until it expires or such time as it is amended, replaced, or revoked in writing.

Acceptance of this Permit constitutes acceptance of all the attached conditions and the project drawings. Compliance with all conditions is necessary for the Permit to be considered valid. Should you have objections to any of these conditions, please see the attached NOTICE OF RIGHTS detailing the appeal process.

Sincerely,

Sterlin K. Woodard, P.E. – Division Director
EPC Wetlands Division

Enclosures

ec: Ricco Palermo – rpalermo@hcso.tampa.fl.us
    Jose Sanchez – jsanchez@hcso.tampa.fl.us
    Robert Barron - spgp@usace.army.mil
    Stiles Byrne – stiles@1waterline.com
    City of Tampa - Construction Services Department
    Shawn College, Hillsborough River Board

cc: Mickey Howe
    City of Tampa Real Estate
PERMIT

PERMIT NUMBER: 70468(R2)

PERMITTEE: THOMAS FILIPPELLO
1202 E. CLIFTON STREET
TAMPA, FL 33604

AGENT: WATERLINE CONSTRUCTION
STILES BYRNE
4408 N. GRADY AVENUE
TAMPA, FL 33614

PROJECT DESCRIPTION: CONSTRUCTION OF A DOCK WITH TWO NON-COVERED BOAT LIFTS PURSUANT TO PERMIT EXHIBITS AND CONDITIONS

PROJECT LOCATION: 6705 N. ADAH AVENUE, TAMPA, FL 33604 / HILLSBOROUGH RIVER

DATE OF ISSUE: JUNE 4, 2022
EXPIRATION DATE: JUNE 4, 2025

THIS PERMIT CARD SHALL BE PROMINENTLY DISPLAYED AT THE WORKSITE. FOR QUESTIONS CALL THE WETLANDS DIVISION (813) 627-2600.
ENVIRONMENTAL PROTECTION COMMISSION
MINOR WORK PERMIT No. - 70468(R2)

SPECIFIC CONDITIONS

June 4, 2022

1. **Cancellation of MWP 70468(R1).** This permit revision supersedes and cancels MWP 70468(R1) issued on November 30, 2021 in its entirety, including stipulations and exhibits.

2. This Permit revision authorizes the construction of a dock with two non-covered boat lifts.

3. Be advised, if the proposed activity approved by this Permit is altered, a modification to this Permit with applicable application and fee may be required. Modifications include, but are not limited to, changes to the footprint of the proposed activity or adding structures such as: floating vessel platforms, floating docks, roofs, canopy covers, personal watercraft (PWC) lifts, etc. Modifications require review by EPC.

4. **The enclosed Permit Card shall be conspicuously displayed at the project site once work on this project has been initiated and shall remain so displayed until the project has been completed.** Within fifteen (15) days of completion of this project, EPC is to be notified via email wetlandscompliance@epchc.org.

**DOCK CONSTRUCTION SPECIFIC CONDITIONS**

5. The structure shall be constructed as depicted per EPC approved Permit exhibits A-1(R2) and A-2(R2).

6. The structure shall be placed within the property limits as depicted per EPC approved Permit exhibits A-1(R2) and A-2(R2).

7. The 41-foot length of this structure, as depicted in the EPC approved Permit exhibits A-1(R2) and A-2(R2) of this permit, is the maximum distance that can be authorized under current TPA Submerged Lands Management Rules and may not be extended in the future.

8. The proposed docking facility shall be used to moor no more than two vessels and shall not create a navigational hazard.

9. No roof or sundeck is permitted for this structure under this Permit.

10. The water depths in mooring areas shall be no less than two (2) feet at Mean Low Water (MLW).

11. No dredging, filling, clearing or scouring shall be allowed except for the settings of pilings for the structure. If pilings are to be installed by jetting, then the water pump must be shut off when not in use to avoid unnecessary disturbance to the water body.

12. All structures shall be marked with reflectors, reflective tape or other materials necessary to make the extent of structures clearly visible to boaters in accordance with the requirements of the United States Coast Guard and the Florida Fish & Wildlife Conservation Commission.

13. Structures shall not be enclosed.

14. This Permit does not authorize the placement of pilings or any other structures extraneous to the dock and boatlift system.

15. This Permit does not authorize the construction of baithouses, storage shelters, gazebos, screen porches, fish cleaning facilities, living quarters or other non-water dependent structures.
16. No davits are permitted for this structure.
17. The structure shall be constructed a minimum of 1-foot vertical elevation above the Mean High Water (MHW) elevation.
18. In the vicinity of mooring, watercraft associated with the construction of the permitted structure shall operate within the waters of sufficient depth to preclude bottom scouring/prop dredging.
19. All wetland vegetation must be preserved during all construction authorized under this Permit.

U.S. ARMY CORPS OF ENGINEERS SPGP DETERMINATION

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found at https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book.

U.S. ARMY CORPS OF ENGINEERS SPGP SPECIAL CONDITIONS

Note: JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577.

The SPGP V1-R1 instrument and all attachments may be found online through the Sourcebook, or at https://www.saj.usace.army.mil/SPGP/

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V1-R1.

**Special Conditions for all Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP VI-R1 instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.

2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).

3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).

4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86):
   a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.

c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).

d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).

5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).

6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

a. All projects must be sited and designed to avoid or minimize impacts to mangroves.

b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
(1) Removal to install up to a 4-ft-wide walkway for a dock.

(2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

(3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

(a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Notifications to the Corps. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” form (Attachment 8).

b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.

c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI-R1 does not automatically guarantee Federal authorization.

12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

13. Failure to comply with all conditions of the SPGP VI-R1 constitutes a violation of the Federal authorization.

14. The SPGP VI-R1 will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI-R1 will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI-R1 will be evaluated by the Corps.

15. If the SPGP VI-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP VI-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. Chickies must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

2. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
   a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
   b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
   c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

3. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
   a. The width of the piling-supported structure is limited to a maximum of 4 feet.
   b. Mangrove clearing is restricted to the width of the piling-supported structure.
c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

4. Regarding SAV, the design and construction of a Project must comply with the following:
   a. A pile supported structure

      (1) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

      (a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

         (i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

         (ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

         (iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall.

      (b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

         (i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

         (ii) Boatlifts may be installed within existing boat slips without completion of a
SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall.

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

b. A pile supported structure

(1) that is within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson’s seagrass critical habitat will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boat lifts are allowed.

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boat lifts are allowed.

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

c. A pile supported structure located within Johnson’s seagrass critical habitat will be constructed to the following standards:

(1) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/
Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(2) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

(a) A dock replacement in the same footprint, no design restrictions are required.

(b) A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(3) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

5. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

6. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

The signs required to be posted by area are stated below:

https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs
All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

7. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

1. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.
2. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

8. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/ (Reference: JAXBO PDC A2.8.).

9. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

10. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

11. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

12. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

a. ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of
loggerhead sea turtle critical habitat.
b. No other pile-supported structures are allowed in nearshore reproductive habitat.
**PERMIT REVISION**

$100 Review Fee, construction has not begun

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<tr>
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<th>thomas</th>
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<tbody>
<tr>
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<td>filippello</td>
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<tr>
<td>Mailing Address</td>
<td>1202 E Clifton street</td>
</tr>
<tr>
<td>City</td>
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</tr>
<tr>
<td>State</td>
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</tr>
<tr>
<td>Zip Code</td>
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<tr>
<td>Owner Telephone Number(s)</td>
<td>813-690-5555</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:tfilippello@hotmail.com">tfilippello@hotmail.com</a></td>
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<tr>
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<th>Yes</th>
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<tbody>
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<td>Stiles</td>
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<tr>
<td>Agent Last Name</td>
<td>Byrne</td>
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<tr>
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<td>Street Address</td>
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<td>Telephone Number(s)</td>
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<tr>
<td>Email Address</td>
<td><a href="mailto:stiles@waterline.com">stiles@waterline.com</a></td>
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<tr>
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</tr>
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<tr>
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<tr>
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<td><strong>Name of Water Body / Waterway at Proposed Project</strong></td>
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<td><strong>Proposed:</strong></td>
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<tr>
<td><strong>Owner</strong></td>
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<tr>
<td><strong>2nd Permit Number</strong></td>
<td>70468(R1)</td>
</tr>
<tr>
<td><strong>2nd Date</strong></td>
<td>11/30/2021</td>
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<tr>
<td><strong>Check to confirm that your project is not located in critical habitat for smalltooth sawfish or gulf sturgeon, as applicable.</strong></td>
<td>Confirmed</td>
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<tr>
<td><strong>Check to confirm that if your project is located in waters accessible to manatees, the project shall not affect or will not directly or indirectly likely adversely affect manatees, as applicable.</strong></td>
<td>Confirmed</td>
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<tr>
<td><strong>A. Structures</strong></td>
<td>New Work</td>
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<tr>
<td><strong>1) Dock, Observation Deck, Pier, or Elevated Boardwalk (check applicable boxes)</strong></td>
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<td>Enter any additional remarks for the project.</td>
<td>Revision on permit just adding 5’ more on both walkways</td>
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<td>Public Interest Comment Box:</td>
<td>This project will not adversely affect the above conditions. It is also located in the most suitable spot</td>
</tr>
<tr>
<td>1st Adjacent Property Owner Name(s)</td>
<td>Mickey Howie</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>7015 E adamo</td>
</tr>
<tr>
<td>City</td>
<td>Tampa</td>
</tr>
<tr>
<td>State</td>
<td>Fl</td>
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<tr>
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<tr>
<td>2nd Adjacent Owner</td>
<td>City of Tampa Municipal</td>
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<td>Company (if applicable)</td>
<td>City of Tampa</td>
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<td>Mailing Address</td>
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<tr>
<td>City</td>
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<td>State</td>
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</tr>
<tr>
<td>Zip Code</td>
<td>33604</td>
</tr>
</tbody>
</table>

**OWNER / APPLICANT ACKNOWLEDGEMENT**

I am an agent filling out the application on behalf of the owner.

Please download, complete and sign the Owner's Authorization Form. Then upload the signed authorization document here:

- EPC_Signature_Page_8.pdf (156 KB)
- 70468R1_MWP_Intent-SPGP.pdf (504 KB)

**Project Drawings uploads: (Site Plan, Plan Review, Profile)**

- Flippello.pdf (531 KB)

This email was sent to Hager@epchc.org as a result of a form being completed. [Click here](#) to report unwanted email.
Agenda Item 7. C. Port Tampa Bay Minor Work Permit No. 74889

Attachments:
1. Minor Work Permit Application
June 10, 2022

First Investment Group of Tampa (Sent via email)
c/o Jorge Consuegra, MGR
tinvest.tb@gmail.com
5208 E. Longboat Boulevard
Tampa, FL 33615

Dear Jorge Consuegra:

This Intent to Issue the Minor Work Permit (Permit) for construction of a dock and a non-covered boatlift is issued to First Investment Group of Tampa (Permittee) by the Environmental Protection Commission of Hillsborough County (EPC) on behalf of the Tampa Port Authority (TPA). The TPA delegated this regulatory authority to the EPC in 2009. Please review this document and attachments carefully, paying particular attention to the conditions and approved drawings. NO CONSTRUCTION ACTIVITY SHALL OCCUR in wetlands or other surface waters until July 5, 2022.

The EPC reserves the right to stop this Permit from becoming effective under any of the following circumstances: (1) if the EPC revokes the Permit pursuant to Section 1-2.052, Rules of the EPC; (2) if a “Notice of Appeal” or “Request for Extension of Time to File a Notice of Appeal” under Part IV of Section 1-2, Rules of the EPC (See NOTICE OF RIGHTS) is timely filed; or (3) if any applicable Federal governmental agency objects to verification that the activity qualifies for the United States Army Corp’s of Engineers’ State Programmatic General Permit. The Permittee shall be noticed in writing if any of these occur. No construction activity may occur until such time as the issue is resolved and the Permit becomes effective. It is possible in some circumstances for the Permit to be challenged after the initial construction date. Please contact the EPC Legal Department if you have any questions regarding this process.

This Permit authorizes the above named permittee, hereinafter referred to as the Permittee, to perform the described work on wetlands and/or other surface waters, on or adjacent to...
submerged lands under the regulatory or proprietary jurisdiction of the TPA. This Permit addresses activities regulated under the TPA Submerged Lands Management Rules and EPC Wetland Rule Chapter 1-11, Rules of the EPC. This work shall be accomplished in accordance with the general and specific conditions contained in this Permit. This Permit shall expire on the date noted in this Permit and shall be valid until it expires or such time as it is amended, replaced, or revoked in writing.

Acceptance of this Permit constitutes acceptance of all the attached conditions and the project drawings. Compliance with all conditions is necessary for the Permit to be considered valid. Should you have objections to any of these conditions, please see the attached NOTICE OF RIGHTS detailing the appeal process.

Sincerely,

Sterlin K. Woodard, P.E. – Division Director
EPC Wetlands Division

mpg/abdo/mhs

Enclosures
ec: Ricco Palermo – rpalermo@hcso.tampa.fl.us
Jose Sanchez – jsanchez@hcso.tampa.fl.us
Robert Barron - spgp@usace.army.mil
Anchor Marine & Boat Lift Co. – whatsupdocktampa@gmail.com
City of Tampa - Construction Services Department

cc: Ernest and Gina Garcia
Diocese of St. Petersburg
PERMIT

PERMIT NUMBER: 74889

PERMITTEE: FIRST INVESTMENT GROUP OF TAMPA
5208 E. LONGBOAT BOULEVARD
TAMPA, FL 33615

AGENT: ANCHOR MARINE & BOAT LIFT CO.
JIMMY GRES
4323 W. BAY TO BAY BOULEVARD
TAMPA, FL 33629

PROJECT DESCRIPTION: CONSTRUCTION OF A DOCK AND A NON-COVERED BOATLIFT PURSUANT TO PERMIT EXHIBITS AND CONDITIONS

PROJECT LOCATION: 1508 W. PARK LANE, TAMPA, FL 33603/HILLSBOROUGH RIVER

DATE OF ISSUE: JULY 5, 2022
EXPIRATION DATE: JULY 5, 2025

THIS PERMIT CARD SHALL BE PROMINENTLY DISPLAYED AT THE WORKSITE. FOR QUESTIONS CALL THE WETLANDS DIVISION (813) 627-2600.
1. This Permit authorizes the construction of a dock and a non-covered boatlift.

2. Be advised, if the proposed activity approved by this Permit is altered, a modification to this Permit with applicable application and fee may be required. Modifications include, but are not limited to, changes to the footprint of the proposed activity or adding structures such as: floating vessel platforms, floating docks, roofs, canopy covers, personal watercraft (PWC) lifts, etc. Modifications require review by EPC.

3. The enclosed Permit Card shall be conspicuously displayed at the project site once work on this project has been initiated and shall remain so displayed until the project has been completed. Within fifteen (15) days of completion of this project, EPC is to be notified via email wetlandscompliance@epchc.org.

DOCK CONSTRUCTION SPECIFIC CONDITIONS

4. The structure shall be constructed as depicted per EPC approved Permit exhibits A-1, A-2, and A-3.

5. The structure shall be placed within the property limits as depicted per EPC approved Permit exhibits A-1 and A-2.

6. The proposed docking facility shall be used to moor no more than two vessels and shall not create a navigational hazard.

7. Removal of the existing dock must be accomplished in a manner so that all debris is properly disposed of and the release of turbid water offsite is prevented. **Removal of the existing dock must occur prior to construction of the new dock.**

8. No roof or sundeck is permitted for this structure under this Permit.

9. Be advised the configuration of the proposed marginal structure may limit the ability to add a boat lift or clear a swim access area.

10. Be advised, under current TPA Submerged Lands Management Rules the ability to add a roof or sundeck may limited in the future.

11. The water depths in mooring areas shall be no less than two (2) feet at Mean Low Water (MLW).

12. No dredging, filling, clearing or scouring shall be allowed except for the settings of pilings for the structure. If pilings are to be installed by jetting, then the water pump must be shut off when not in use to avoid unnecessary disturbance to the water body.

13. All structures shall be marked with reflectors, reflective tape or other materials necessary to make the extent of structures clearly visible to boaters in accordance with the requirements of the United States Coast Guard and the Florida Fish & Wildlife Conservation Commission.

14. Structures shall not be enclosed.

15. This Permit does not authorize the placement of pilings or any other structures extraneous to the dock and boatlift system.
16. This Permit does not authorize the construction of baithouses, storage shelters, gazebos, screen porches, fish cleaning facilities, living quarters or other non-water dependent structures.

17. No davits are permitted for this structure.

18. The structure shall be constructed a minimum of 1-foot vertical elevation above the Mean High Water (MHW) elevation.

19. In the vicinity of mooring, watercraft associated with the construction of the permitted structure shall operate within the waters of sufficient depth to preclude bottom scouring/prop dredging.

20. All wetland vegetation, including but not limited to mangroves, must be preserved during all construction authorized under this Permit. No mangrove removal is allowed. Further, no impacts to existing submerged aquatic vegetation, coral communities or oyster beds shall occur under this Permit.

U.S. ARMY CORPS OF ENGINEERS SPGP DETERMINATION

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 57, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found at https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book.
U.S. ARMY CORPS OF ENGINEERS SPGP SPECIAL CONDITIONS

Note: JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577.

The SPGP V1-R1 instrument and all attachments may be found online through the Sourcebook, or at https://www.saj.usace.army.mil/SPGP/

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V1-R1.

Special Conditions for all Projects
1. Authorization, design and construction must adhere to the terms of the SPGP VI-R1 instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.

2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).

3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).

4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86):
   a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
   b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
   c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
   d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).

5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).

6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.
   a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to:
pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

a. All projects must be sited and designed to avoid or minimize impacts to mangroves.

b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:

   (1) Removal to install up to a 4-ft-wide walkway for a dock.

   (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

   (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

      (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

      (b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove,
relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Notifications to the Corps. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” form (Attachment 8).

b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.

c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI-R1 does not automatically guarantee Federal authorization.

12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

13. Failure to comply with all conditions of the SPGP VI-R1 constitutes a violation of the Federal authorization.

14. The SPGP VI-R1 will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI-R1 will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI-R1 will be evaluated by the Corps.

15. If the SPGP VI-R1 expires, is revoked, or is terminated prior to completion of the authorized
work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP VI-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

2. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
   a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
   b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
   c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

3. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
   a. The width of the piling-supported structure is limited to a maximum of 4 feet.
   b. Mangrove clearing is restricted to the width of the piling-supported structure.
   c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

4. Regarding SAV, the design and construction of a Project must comply with the following:
   a. A pile supported structure

   (I) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

   (a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

   (i) If the pile supported structure is currently serviceable, repair and
replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

b. A pile supported structure

(1) that is within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson’s seagrass critical habitat will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of
(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

c. A pile supported structure located within Johnson’s seagrass critical habitat will be constructed to the following standards:

(1) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(2) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

(a) A dock replacement in the same footprint, no design restrictions are required.

(b) A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(3) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s
“Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

5. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

6. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

   a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

   https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

   The signs required to be posted by area are stated below:

   https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

   (1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

   (2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

   (3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

7. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

   a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

      (1) Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.
(2) Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

8. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/ (Reference: JAXBO PDC A2.8.).

9. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

10. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

11. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

12. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):
   a. ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
   b. No other pile-supported structures are allowed in nearshore reproductive habitat.
Anchor Marine & Boatlift Co
(813) 902-0600

Jorge Consuegra
1508 W Park Ln
Tampa FL 33603
Anchor Marine & Boatlift Co
(813) 902-0600

Jorge Consuegra
1508 W park Ln
Tampa FL 33603

PROFILE
<table>
<thead>
<tr>
<th>Item #211</th>
<th>Construction of new dock 4x20 walkway with a 20x20 platform by the and with a 16k lift on the left side and a 3x40 walkway on the left side of boatlift</th>
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<tr>
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<td>Jorge</td>
</tr>
<tr>
<td>Owner Last Name</td>
<td>Consuegra</td>
</tr>
<tr>
<td>Company Name &amp; Title (if applicable)</td>
<td>First Investment Group of Tampa</td>
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<tr>
<td>Mailing Address</td>
<td>5208 Longboat Blvd</td>
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</tr>
<tr>
<td>State</td>
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</tr>
<tr>
<td>Zip Code</td>
<td>33615</td>
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<tr>
<td>Owner Telephone Number(s)</td>
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<tr>
<td>Email Address</td>
<td><a href="mailto:1invest.tb@gmail.com">1invest.tb@gmail.com</a></td>
</tr>
<tr>
<td>Are you using an agent?</td>
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</tr>
<tr>
<td>Agent First Name</td>
<td>Jimmy</td>
</tr>
<tr>
<td>Agent Last Name</td>
<td>Gres</td>
</tr>
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<td>Company Name (if applicable)</td>
<td>ANCHOR MARINE&amp; BOAT LIFT.CO</td>
</tr>
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<td>Street Address</td>
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</tr>
<tr>
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</tr>
<tr>
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<tr>
<td>Email Address</td>
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</tr>
<tr>
<td>Site Street Address</td>
<td>1508 W Park Ln</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Tampa</td>
</tr>
<tr>
<td>------------------</td>
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<td><strong>Name of Water Body / Waterway at Proposed Project</strong></td>
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<td>Private Single-Dwelling</td>
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<tr>
<td><strong>Owner</strong></td>
<td>Port Tampa Bay</td>
</tr>
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Check to confirm that your project is not located in critical habitat for smalltooth sawfish or gulf sturgeon, as applicable.  
**Confirmed**

Check to confirm that if your project is located in waters accessible to manatees, the project shall not affect or will not directly or indirectly likely adversely affect manatees, as applicable.  
**Confirmed**

**A. Structures**  
New Work  

1) Dock, Observation Deck, Pier, or Elevated Boardwalk (check applicable boxes)  
**Dock**

**Item #232**

Length of Shoreline (in linear feet)  
(if applicable)  
152

**Number of Proposed Docks**  
(if applicable)  
1
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<td>Width of Structure (in feet)</td>
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<tr>
<td>To Be Completed By:</td>
<td>05/31/2022</td>
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<td>Public Interest Comment Box:</td>
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<tr>
<td>1st Adjacent Property Owner Name(s)</td>
<td>Garcia Ernest</td>
<td></td>
</tr>
<tr>
<td>Mailing Address</td>
<td>1506 W Park Ln</td>
<td></td>
</tr>
<tr>
<td>City</td>
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<td>33603</td>
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<tr>
<td>2nd Adjacent Owner</td>
<td>Diocese of st Petersburg</td>
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<tr>
<td>Mailing Address</td>
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<tr>
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