



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

In the matter of an Application for a Permit/Water Quality Certification and Authorization to Use Sovereign Submerged Lands by:

APPLICANT:

Apalachicola Trading Company, LLC
2812 Agnes Scott Drive
Panama City, Florida 32405

FILE No.: 0264697-005-EI/19

LEASE NOs.: 190340111 & 190026291

COUNTY: Franklin

PROJECT NAME: Boss Project

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND LEASE TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection (Department) gives notice of its intent to issue an Environmental Resource Permit (ERP) in accordance with Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the ERP constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act U.S.C. § 1341 and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456, unless expressly waived by the final permit.

The Department of Environmental Protection (Department) also gives notice of its intent to grant a lease to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Apalachicola Trading Company, LLC, applied on May 16, 2022 to the Department of Environmental Protection for a permit, water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to remove a deteriorated marina facility and construct a new 64 slip commercial marina facility with pump-out facilities and replace the existing seawall and boardwalk.

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The activity is located at Wharf Lots 13, 14, 15, and 16 on Water Street, Apalachicola, Florida 32320, within the Apalachicola River, Class III Outstanding Florida Waterbody, Prohibited Shellfish Harvesting Area, in Section 6, Township 9 South, Range 7 West in Franklin County.

The activity includes consideration of an application for a 10-year sovereignty, submerged land lease containing 92,120.88 square feet, more or less for a 64-slip commercial marina, which requires an annual lease fee in accordance with 18-21.011(1)(a), F.S.

II. AUTHORITY FOR REVIEW

The Department is authorized to grant this permit pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C. The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

Background

Apalachicola Trading Company, LLC is proposing to remove the remnants of an existing facility and construct a new 64 slip commercial docking facility.

An application (0264697-004-EI/19) with supporting documentation was received on May 12, 2021 for a 64 slip commercial docking facility. Commenting agencies were notified on May 17, 2021 with 30 days to provide comments. The commenting agencies included: the Florida Fish & Wildlife Conservation Commission (FWC), the Florida Department of State's Division of Historical Resources (DHR), the Florida Department of Agriculture and Consumer Services (DACS), and the Florida Department of Economic Opportunity (DEO).

A Request for Additional Information (RAI) was issued on June 11, 2021. A complete response to the RAI was not received and the application was withdrawn on March 25, 2022 to provide additional time to work on a complete response to the RAI. The current application (0264697-005-EI/19) and supporting documents was received on May 16, 2022 in the form of a RAI response and was sent to the same commenting agencies on May 18, 2022 with 30 days to provide comments. A RAI was sent to the applicant on June 16, 2022. A complete response to the RAI was received on May 16, 2023.

An initial site visit was performed by Northwest District Panama City Branch Office staff on May 27, 2021. An additional site visit was performed by Northwest District staff on May 11, 2023.

DACS submitted comments on May 20, 2021 for the 2021 application that stated in part, “The project, as proposed, would not require reclassification of the conditionally approved area beyond the existing prohibited area. An increase in the number of boats or boat slips would require additional evaluation to determine if the current prohibited area is adequate.” No comments were received on the resubmitted application. FDEP reached out to DACS on April 17, 2023 to verify if the previously submitted comments were still valid. DACS replied on the same day stating in part, “As long as the original permit hasn’t changed, we do not have to reclassify based on this construction, and the original permit comments are still valid and accurate.”

FWC submitted permit specific conditions for the 2021 application on December 28, 2021. FDEP reached out to FWC on June 15, 2022 to inform FWC that the project had been reapplied for and that there were no changes to the previously submitted plans. FWC replied on the same day stating in part, “No changes on our front need to be made.” Specific conditions are included in the permit.

DHR submitted a letter on June 10, 2021 for the 2021 application that stated in part, “It is in the opinion of this office that the proposed project is unlikely to affect eligible historic properties.” No comments were received for the 2022 application. A permit condition has been included regarding unexpected and inadvertent discoveries.

The Apalachicola Riverkeepers submitted comments to the Department pertaining to this application and a neighboring application on September 29, 2022. A response addressing those concerns was sent December 20, 2022.

A proprietary notice was drafted by the Department and mailed out by the consultant via certified mail with return-receipt cards addressed to the Department in accordance with 18-21.005(3), F.A.C. on March 7, 2023. Comments were received by the City of Apalachicola, Franklin County, and local businesses with concerns about navigation and the amount of time to submit comments. The Department informed stakeholders of the upcoming Notice of Intent (NOI) which would allow additional time for comments to be received and included interested parties on the NOI. Navigational concerns were addressed by correspondence with the United States Army Corps of Engineers for clarification on Federal Channel navigation and correspondence with the applicant and environmental consultant to provide distances from the proposed docks to the Federal Channels and associated aids to navigation.

Regulatory Basis of Issuance

Conditions for Issuance of Individual and Conceptual Approval Permits – Section 62-330.301, F.A.C., Section 10.1.1 - Applicant’s Handbook (AH) Volume I and Applicant’s Handbook (AH) Volume II.

- I. An applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands; *(Part III, A.H. Vol. II)*

- The project does not propose structures that are expected to adversely impact water quantity to receiving waters and adjacent lands. Per Section 1.1 of A.H. Vol. I, seawalls and docks are generally considered to cause no more than an incidental amount of stormwater runoff. The applicant stated that the upland improvement and stormwater system are not included in this application.

Will not cause adverse flooding to on-site or off-site property; *(Part III, A.H. Vol. II)*

- The project does not include any permanent placement of fill or construction of impervious surfaces and is not expected to cause flooding to on-site or off-site property. The applicant stated that the upland improvement and stormwater system are not included in this application.

Will not cause adverse impacts to existing surface water storage and conveyance capabilities; *(Part III, A.H. Vol. II)*

- The project does not include any permanent placement of fill or impervious surfaces and will not block existing conveyances. The applicant stated that the upland improvement and stormwater system are not included in this application.

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S. *(A.H. Vol. II for NFWFMD)*

- The project will not impact surface or ground water levels or surface water flows. The applicant stated that the upland improvement and stormwater system are not included in this application.

Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

- The project does not involve any impacts in proximity to a Work of the District.

Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

- The project drawings are signed by a Florida registered professional engineer. The drawings will serve as reasonable assurance that the docking facility, seawall, and boardwalk will function as proposed.

Will comply with any applicable special basin or geographic area criteria; *(NFWFMD-Sections 13.0- 13. of Vol. II, Including Appendix A)*

- The proposed project is not located within a special basin or special geographic area listed in Applicant's Handbook, Volume II.

Environmental Conditions for Issuance

II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –

- The proposed seawall is located landward of or within the footprint of the existing seawall.
- The original submittal proposed approximately 12,947 square feet of docking structure but was reduced to approximately 9,452 square feet in the final design.
- No slips are located over submerged aquatic vegetation (SAV). The original application included 4 slips over SAVs but the slips were relocated in the resubmittal.
- The dock is 5 feet above mean high water (MHW) and spacing between planks will be no less than ½” after shrinkage.
- Handrails will be placed along all areas where mooring is prohibited.
- Seagrass information signs will be installed at the landward end of each access pier.
- Pilings will be wrapped to prevent leaching.
- A fuel dock was shown in the original submittal but was removed in the resubmittal.

III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –

- The application and previous submittal were sent to FWC for comments. Permit specific conditions were received by FWC during the initial commenting period and were verified during the resubmittal. Specific conditions were included in the permit.

IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I –

- Water quantity impacts to wetlands and other surface waters are not expected. The applicant stated that the upland improvement and stormwater system are not included in this application and will be submitted separately. The spacing between planks will be no less than ½” after shrinkage.

V. Public Interest Test – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I –

Whether the activity will adversely affect public health, safety, or welfare or the property of others; (10.2.3.1 A.H. Vol. I)

- The applicant will have seagrass awareness signs at the landward most end of each of the three docks.
- The permit and lease will be conditioned to require lights at the waterward ends of each dock to aid in navigation.
- The Division of Agriculture and Consumer Services reviewed the application and provided a letter stating the project as proposed would not require reclassification of the conditionally approved area beyond the existing prohibited area.
- The applicant proposed that the pilings will be wrapped to a height of a minimum of 2’ above MHW or pilings will be constructed of a non-CCA leaching material.

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats; (10.2.3.2, A.H. Vol. I; addressed in section II above)

- The application and previous submittal were sent to FWC for comments. Permit specific conditions were received by FWC during the initial commenting period and were verified during the resubmittal. Specific conditions were included in the permit.

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling; (10.2.3.3, A.H. Vol. I)

- The project drawings were signed and sealed by a Professional Engineer registered in the State of Florida.
- The applicant provided a letter from an engineer stating the project will not cause adverse hydrographic issues and will adequately flush.
- The drafts of the vessels are expected to be between 2.5 feet and 4 feet. The mean low water (MLW) depth in the slips ranges from 5 feet to around 18 feet.
- Handrails will be placed along all areas where mooring is prohibited.
- The permit and lease will be conditioned to require lights at the waterward ends of each dock to aid in navigation.
- The U.S. Army Corps of Engineers was consulted regarding the navigability from the Gulf Intracoastal Waterway (GIWW) Federal Channel to the Scipio Creek Federal Channel. It was stated that there is not an official connecting path so navigation between the channels is the same as any navigable water and the proposed marina is probably okay as long as it's 75 feet away from the edge of the GIWW channel and people have a way to go around it.
- The proposed dock is located a minimum of 345 feet from the Scipio Creek Federal Navigation Channel and a minimum of 273 feet from the GIWW Federal Channel.
- The proposed dock is located a minimum of 160 feet from a green can buoy with a yellow square, a green horizontal line, and a white letter "A" on top of a red base with a black horizontal line.
- Rule 68D-23, F.A.C. for Uniform Waterway Markers in Florida Waters regulates the placement of markers in, on, and over the waters of the State of Florida and states that all markers, including mooring buoys, placed or maintained in, on or over the waters of the state of the shores thereof must conform to the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.
- When proceeding in the Conventional Direction of Buoyage, as defined in 33 CFR Part 62.21(e), the port/left side of channels are marked with green markers and the starboard/right side of channels are marked with red markers per 33 CFR Part 62.25(b). In addition to the conventional signals, yellow squares indicate that aids to navigation should be passed keeping them on the port/left side of a vessel when traversing the Intracoastal Waterway along the Gulf Coast in a westerly direction in accordance with 33 CFR Part 62.49. This indicates that vessels should not navigate closer than 165 feet from the proposed marina structure when entering Scipio Creek.

Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity; (10.2.3.4, A.H. Vol. I)

- The project was sent to the Florida Fish and Wildlife Conservation Commission (FWC) for review. FWC provided specific conditions which are included in the permit.
- The applicant proposed that the pilings will be wrapped to a height of a minimum of 2' above MHW or pilings will be constructed of a non-CCA leaching material.
- The permit includes conditions stating that no overboard discharges are allowed.
- The applicant has agreed to provide a sewage pump-out which will be available to vessels utilizing the facility and available to the general public.
- Adverse effects to sport or commercial fisheries or marine productivity are not expected.

Whether the activity is temporary or permanent in nature; (10.2.3.5, A.H. Vol. I)

- The activity as proposed is permanent. In order to be “clearly in the public interest”, the applicant has agreed to provide all 64 permit slips available to the general public on a “first come, first serve” basis as defined in Rule 18-21.003, Florida Administrative Code, will provide sewage-pump outs to the public, and will install seagrass information signs at the landward end of each access pier.

Whether the activity will adversely affect or will enhance significant historical and archeological resources; (10.2.3.6, A.H. Vol. I)

- The Department of State’s Division of Historical Resources reviewed the application and determined that the project is unlikely to adversely affect eligible historic properties. A permit condition has been included regarding unexpected and inadvertent discoveries.

The current condition and relative value of functions being performed by areas affected by the proposed activity. (10.2.3.7, A.H. Vol. I)

- Seagrasses are located within the project area. Seagrass impacts have been avoided by placing the slips in areas void of seagrasses. Handrails are located along the access pier to prevent mooring outside of the slips. Seagrass information signs are present at the landward most end of each access pier.

VI. Water Quality – 10.2.4, A.H. Vol. I –

Short term water quality considerations (10.2.4.1, A.H. Vol. I)

- The applicant has proposed to use turbidity curtains around the construction area to prevent the spread of turbid waters to the surrounding areas.
- Specific conditions in the permit require employment of best management practices (BMPs) for erosion control and require all watercraft associated with the construction only to operate in waters of sufficient depth to preclude bottom scouring or prop dredging.
- The permit specific conditions require the seawall to be constructed prior to any backfill and that the fill material be clean.

Long term water quality considerations (10.2.4.2, A.H. Vol. I)

- Water Quality Standards will not be exceeded.
- The applicant provided a letter certifying that the proposed project does not have the potential to add pollutants to, or result in an adverse change to the waterbody.
- CCA treated pilings will be required to be wrapped with impermeable plastic or PVC sleeves below the submerged sediments and above the mean high water line.
- There will be at least 1-foot clearance between the deepest draft of any vessel and the top of submerged resources or submerged bottom.
- The overboard discharge of trash, human or animal waste, or fuel at the facility is prohibited.

VII. Secondary Impacts (10.2.7 A.H. Vol. I)

- The applicant has provided reasonable assurance that the project will not cause adverse secondary impacts to water resources.
- There are no listed species that need special protection at the site.
- FWC reviewed the application and provided specific conditions that are included in the permit.
- No wetlands, submerged or emergent vegetation will be adversely impacted.
- The facility is proposed to be constructed in areas with water depths sufficient to prevent prop-dredging or scour from vessels navigating in the area.
- There will be at least 1-foot clearance between the deepest draft of any vessel and the top of submerged resources or submerged bottom.

VIII. Cumulative Impacts (10.2.8 A.H. Vol. I)

- The project is located in an area of commercial development and an existing marina in disrepair is located at the project site.
- The applicant has provided reasonable assurance that the activity will not cause unacceptable cumulative impacts on wetlands or other surface waters.
- There are no proposed impacts to seagrasses or emergent vegetation.
- Future projects of similar scope are expected.

IX. Mitigation (10.3 A.H. Vol. I)

- The project adequately eliminated and reduced impacts to resources therefore mitigation is not required for the project.

Proprietary Basis of Issuance

The upland parcels associated with the marina are used as a restaurant in conjunction with marina operations. The project qualifies for a lease to use sovereign submerged lands pursuant to 18-21.005(1)(d)5., F.A.C. Two sovereign submerged lands leases are present at the project location (BOT Nos. 190340111 & 190026291) and will be combined into a single lease following permit issuance. The northern lease boundary is along the riparian rights line and a setback waiver was received from the affected property owner. Proprietary notices were sent to property owners within a 500 foot radius of the proposed lease area on March 7, 2023. Several comments were received and addressed by the Department.

B. Specific Regulatory Basis for Issuance

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. and will not degrade ambient water quality in Outstanding Florida Waters pursuant to Rule 62-4.242, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and/or specific conditions to the lease, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., associated rule(s) 18-21 XX 18-18, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest"
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Florida Department of Environmental Protection
Attn: Whitney Bretana
160 West Government Street, Suite 308
Pensacola, Florida 32502

The proof of publication shall be provided to the above address within 30 days of issuance of intended agency action, or within 21 days of the date of publication, whichever occurs sooner.

Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and lease to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) and lease, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

Permittee: Apalachicola Trading Company, LLC

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EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr

Northwest District Director

EMO:wb

Attachment(s):

Notice of Publication, 2 pages

Draft Permit No. 0264697-005-EI/19, 34 pages

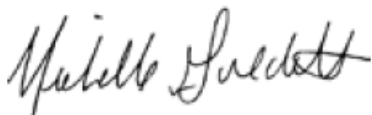
CERTIFICATE OF SERVICE

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

Russell Sullivan, FDEP, Russell.Sullivan@FloridaDEP.gov
Whitney Bretana, FDEP, Whitney.Bretana@FloridaDEP.gov
Kimberly Allen, FDEP, Kim.Allen@FloridaDEP.gov
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Thomas Shuler, mshuler@shulerlawfl.com

FILING AND ACKNOWLEDGMENT

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



Clerk

July 14, 2023

Date

NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit to Apalachicola Trading Company, LLC, 2812 Agnes Scott Drive, Panama City, Florida 32405 to construct a new 64 slip commercial marina.

The Department will issue the environmental resource permit and lease to use sovereign submerged lands, unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57, F.S. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

The application file is available online and can be accessed through the Department's Information Portal at: https://prodenv.dep.state.fl.us/DepNexus/public/electronic-documents/ERP_264697/facility!search. If you have any questions or are experiencing difficulty viewing the electronic application, please call Whitney Bretana at (850) 595-0658 or Whitney.Bretana@FloridaDEP.gov.

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

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

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

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

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

Mediation is not available in this proceeding.

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



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502-5794

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:
Apalachicola Trading Company, LLC
2812 Agnes Scott Drive
Panama City, Florida 32405
ZachFerrell98@gmail.com
Dan@ToucansMexicoBeachFL.com

The Boss Project

Authorized Agent:
Garlick Environmental Associates, Inc
c/o Dan Garlick
PO Box 385
Apalachicola, Florida 32329
Dan@GarlickEnv.com

**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

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

Franklin County
Permit No.: 0264697-005-EI/19
Lease File Nos.: 190340111 & 190026291

Permit Issuance Date: *DRAFT*
Permit Construction Phase Expiration Date: *DRAFT*

Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

**Permittee/Grantee: Apalachicola Trading Company, LLC
Permit No: 0264697-005-EI/19**

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at Wharf Lots 13, 14, 15, and 16 on Water Street, Apalachicola, Florida 32320, Parcel IDs 01-09S-08W-8330-0000-0160, 01-09S-08W-8330-0000-0150, and 01-09S-08W-8330-0000-0130, in Section 6, Township 9 South, Range 7 West in Franklin County, at 29°43'38.90" North Latitude, 84°58'54.52" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to renovate and expand an existing commercial docking facility and construct a new sixty-four (64) slip, commercial docking facility with a pump-out station and boardwalk. The proposed upland facilities are shown on the project drawings for reference but will be applied for separately. The new facility will consist of a new, approximately 425 linear foot, seawall along or landward of the existing seawall and three (3) docks. The southernmost dock shall include a 149.5 foot by 8 foot access pier, a 88 foot by 8 foot terminal platform, three (3) 35 foot by 4 foot catwalks, and three (3) 45 foot by 4 foot catwalks. The middle dock shall include a 181.2 foot by 8 foot access pier, a 77.9 foot by 8 foot terminal platform, four (4) 40 foot by 4 foot catwalks, and six (6) 30 foot by 4 foot catwalks. The northernmost dock shall include a 214.5 foot by 8 foot access pier, a 68 foot by 8 foot terminal platform, and ten (10) 30 foot by 4 foot catwalks. The project is located within the Apalachicola River, a Class III Outstanding Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the preemption of 92,120.88 square feet of sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

In order to satisfy public interest requirements, the permittee is required to provide a sewage pump-out to the general public, make all 64 slips available to the general public on a "first-come, first-served" basis, and install educational signs detailing the importance of seagrasses.

AUTHORIZATIONS

The Boss Project

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees under Section 253.002, F.S., the Department has determined that the activity qualifies for and requires a lease, as long as the

work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Consolidated Intent to Issue lease. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

Federal Authorization

Your proposed activity as outlined in your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit VI-R1. **SEPARATE permit(s) or authorization will be required** from the U.S. Army Corps of Engineers.

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

Coastal Zone Management

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

Water Quality Certification

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

Other Authorizations

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

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

PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**

- **The term limits of this authorization**

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

SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES

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

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

4. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain onsite at all times during the activities.
5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

6. If the approved permit drawings and/or narrative conflict with the specific conditions, then the specific conditions shall prevail.
7. This permit does not authorize the construction of upland activities including, but not limited to, stormwater management systems, impervious structures, buildings, and parking lots.

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

9. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.

10. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

11. Any damage to wetlands or the littoral zone outside of the authorized impact area as a result of construction shall be immediately reported to the Department at (850) 595-8300, and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30 day period.

12. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging.

13. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.

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

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

16. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.

17. Jetting of pilings within seagrass area shall be prohibited.

SPECIFIC CONDITIONS – DOCKING FACILITY

18. The following construction sequence shall be adhered to the piers and docking structures located over submerged aquatic vegetation:

- a) Structures shall be built progressively, commencing at the shoreline and continuing waterward.
- b) No more than three sets of pilings shall be installed at a time.
- c) The decking will then be installed on those pilings, and the finished decking will be used to transport the remaining tools and materials.
- d) No impacts shall occur outside the footprint of the permitted dock.

19. To protect benthic and wetland resources when present, the elevation of the fixed dock shall be a minimum of 5 feet above mean high water. If planks are used, there shall be a minimum of 1/2-inch spacing between deck planks.

20. “No Mooring” signs shall be installed adjacent to all non-mooring areas concurrently with dock construction.

21. Handrails shall be installed adjacent to all non-mooring areas along the dock concurrently with dock construction.

22. The permittee shall install and maintain reflective markers and lighted aids to navigation at the waterward corners of the facility. The reflective markers and lighted aids to navigation shall be maintained for the life of the facility.

23. Slips shall not be occupied by liveaboards.

SPECIFIC CONDITIONS – SEAWALL

24. The seawall shall be constructed no more than 18 inches waterward of the existing wall.

25. The seawall shall be fully constructed prior to the placement of any backfill material.

26. All material used as fill shall be clean sand/fill dirt/shell material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous waste, and deleterious materials.

SPECIFIC CONDITIONS – TURBIDITY (MONITORING/REPORTING)

27. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

28. Monitoring for turbidity shall be conducted at least twice per day during construction activities for the duration of the project. Sampling shall commence prior to, but not more than 24 hours before, initiation of construction activities.

29. Samples shall be collected from two locations: (1) outside of the turbidity curtain down current of construction activities in the center of any visible plume, and (2) a background sample from a location outside of the turbidity curtain and up current of the construction activities. These samples shall be collected at surface, mid-depth, and one-foot above bottom (or only at mid-depth in waters less than 4 feet deep) with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 30, the permittee shall cease all work pursuant to Specific Condition 30.

30. If at any time the turbidity levels outside of the turbidity curtain exceed ambient within the Outstanding Florida Waterbody, the permittee shall take the following measures:
- a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
 - b. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
 - c. Increase monitoring frequency to every 2 hours until turbidity levels are within ambient within the Outstanding Florida Waterbody.
 - d. Operations may not resume until turbidity levels fall below ambient within the Outstanding Florida Waterbody.

The violation(s) shall be immediately reported to the Department at (850)595-8300. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays or on weekends. A copy of the monitoring data sheets, which indicate violation(s) shall be forwarded immediately to the Department at Erin.Rasnake@FloridaDEP.gov.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.

31. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement. Reports shall include the permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 0264697-005-EI/19." The reports may be submitted by email to Erin.Rasnake@FloridaDEP.gov. Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.

SPECIFIC CONDITIONS – SEWAGE PUMP-OUT FACILITY

32. For public interest, the permittee will provide, and keep accessible, a portable sewage pump-out device to all vessels mooring at the facility. The permittee shall ensure marina personnel, who have been trained to operate the sewage pump-out device, are available to assist boaters in operating the device during standard business hours (at a minimum) for the life of the facility. The sewage pump-out device shall be in working order prior to any slip occupancy and be maintained in accordance with the requirements of this condition for the life of the facility.

33. Sewage pump-out facilities shall be installed at the facility prior to or simultaneously with completion of construction activities. The sewage pump-out facility shall be in working order prior to any slip occupancy and shall be maintained in accordance with the requirements of this condition for the life of the facility.

34. Signage (minimum of 2 feet by 3 feet) shall be installed at the facility informing slip occupants of the prohibition of dumping marine sewage, gray water, bilge water, or other materials into the water. The sign shall read:

“All Vessel Discharges, Including Gray Water and Discharges From Marine Sanitation Devices, Are Strictly Prohibited at This Facility. Slip Occupants Must Use the Provided Pump-outs and Shoreside Facilities”

35. Employees and users of the docking facility shall be trained in the proper use and maintenance of the sewage pump-out system.

SPECIFIC CONDITIONS – MANATEE

36. The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.

37. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

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

Requests for further information or review can be sent to ConservationPlanningServices@MyFWC.com.

39. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

40. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

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

42. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of any major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull painting, and any discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal-based bottom paints associated with hull scraping, cleaning, and painting.

43. In-the water hull scraping and any abrasive process is prohibited at the authorized facility. In-the-water soft cleaning with brushes, sponges, or towels is approved at the authorized facility. The use of detergents during soft cleaning is prohibited at the authorized facility.

44. There shall be no boat repair facilities on any structure that is over the water.

45. All vessels that moor, dock, or otherwise use the permitted docking facility shall be maintained in a fully operational condition.

46. Waterborne craft moored over sovereign submerged lands at the docking facility, on either a temporary or permanent basis, shall not extend beyond the limits of the sovereignty submerged land lease. The slip sizes shown on the attached permit drawings and on the survey to be attached to the sovereignty submerged land lease indicate a length over all (LOA) for the slips designated. The permittee shall take all measures necessary to ensure all boats moored over sovereign submerged lands at the docking facility are completely within the limits of the submerged land lease.

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

48. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water so as to preclude bottom scouring or prop dredging.

49. The slips shall not be occupied by liveaboards. A liveaboard is defined as a vessel docked at a facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within any thirty (30) day period.

50. The waterward corners of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.

51. The dock structures shall be inspected by the permittee at least once per year and shall be maintained in a functional condition for the life of the structures.

52. To protect benthic and wetland resources when present, the elevation of the fixed dock decking shall be maintained at a minimum of five (5) feet above mean high water for the life of the facility.

53. If the structures become abandoned, the permittee shall be responsible for submitting an application for a permit to remove the structure from sovereign submerged lands and shall be responsible for the subsequent removal of the structure.

54. All future replacement pilings for navigational aids, support of the docking structures, and for boat mooring shall be non-CCA-leaching (recycled plastic, concrete, greenheart, or wrapped with impermeable or PVC sleeves).

55. All future authorized replacement pilings for support of the docking structures within seagrasses shall be installed by vibrating, pounding, or hand-auguring them in place. Jetting of pilings within seagrass area shall be prohibited.

56. Mooring shall occur only at the locations identified on the enclosed drawings.

57. "No Mooring" signs on the dock adjacent to non-mooring areas shall be maintained for the life of the facility.

58. Handrails on the dock adjacent to non-mooring areas along the dock shall be maintained for the life of the facility.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in

accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

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

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru

12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
 9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
 10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
 11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
 12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
 13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
 14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native

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

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

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

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

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

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

NOTICE OF RIGHTS

FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of

Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

DRAFT

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Whitney Bretana at the letterhead address, at (850)595-0658, or at Whitney.Bretana@FloridaDEP.gov.

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elizabeth Mullins Orr
Northwest District Director

EMO:wb

Attachments:

Standard Manatee Construction Conditions 2011, 2 pages
Project Drawings and Design Specs., 4 pages
Facility Management Plan, 12 pages

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

Copies furnished to:

Elizabeth Orr, DEP, Elizabeth.Orr@FloridaDEP.gov
Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Russell Sullivan, DEP, Russell.Sullivan@FloridaDEP.gov
Blake Chapman, DEP, Blake.A.Chapman@FloridaDEP.gov
Whitney Bretana, DEP, Whitney.Bretana@FloridaDEP.gov
Savannah Cowen, DEP, Savannah.Cowen@FloridaDEP.gov
Mark Sumner, DEP, Mark.C.Sumner@FloridaDEP.gov
DEP, Office of General Counsel, agency_clerk@FloridaDEP.gov
FWC, Imperiled Species Management Section, ImperiledSpecies@MyFWC.com
Rachel Joffey, FWC, Rachel.Joffey@MyFWC.com
Tyler Turner, FWC, Tyler.Turner@MyFWC.com
Department of Community Affairs, Ray.Eubanks@deo.myflorida.com,
DCPPermits@deo.myflorida.com
Franklin County, TWade@CityofApalachicola.com, michael@franklincountyflorida.com
Mayor Brenda Ash, Bash@CityofApalachicola.com
Scott Davis, Scott@GarlickEnv.com
Drew Robertson, Drew@WhiteSandsInvestment.com
Sophia Fonseca, Sophia@WhiteSandsInvestment.com
Andrew Coates, Andy@WhiteSandsInvestments.com
Georgia Ackerman, Georgia@ApalachicolaRiverKeeper.org
Cameron Baxley, Cameron@ApalachicolaRiverKeeper.org

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on _____, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Clerk

Date

DRAFT

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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.

CAUTION: MANATEE HABITAT

All project vessels


IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

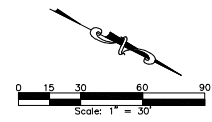
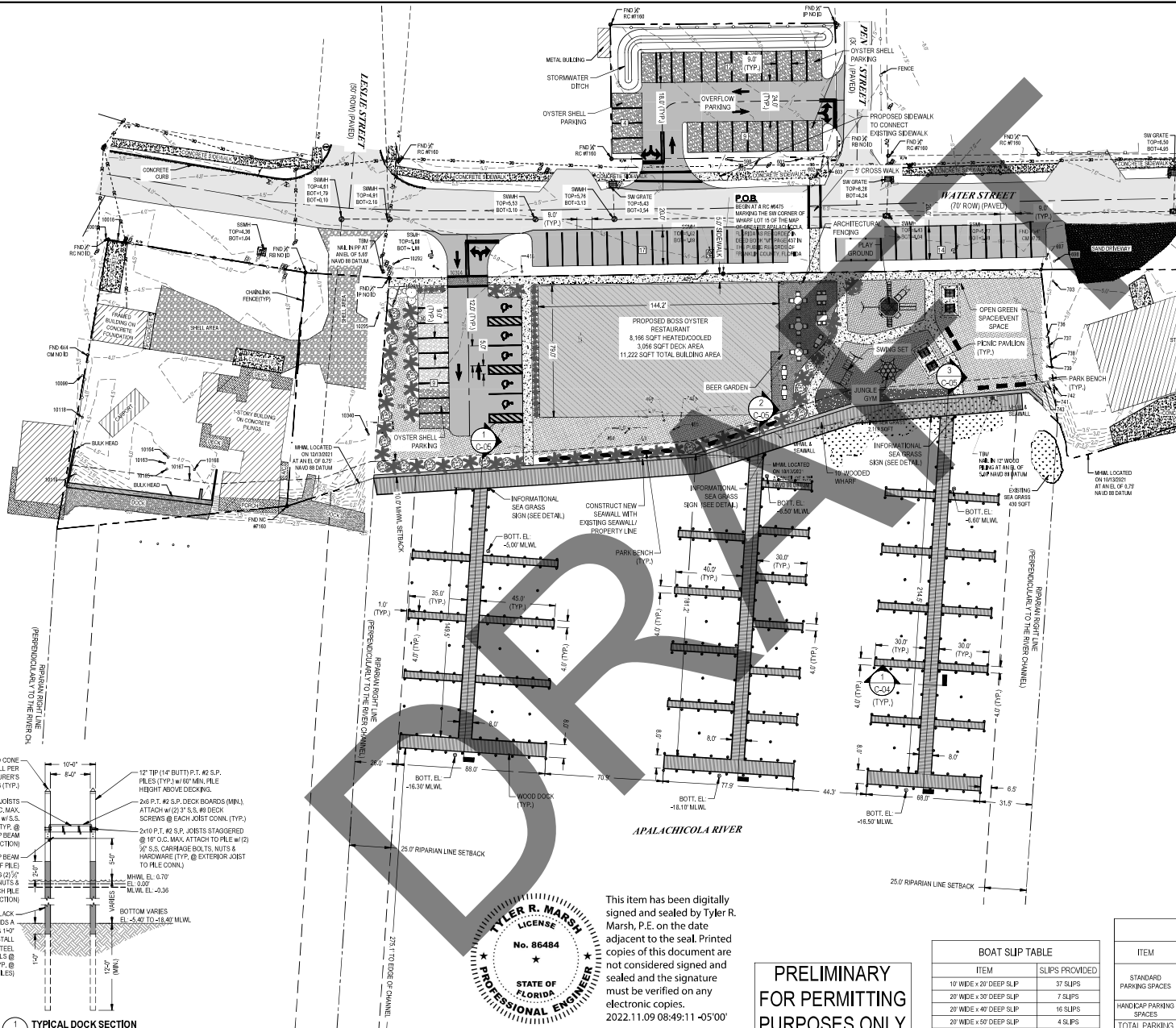
Report any collision with or injury to a manatee:

Wildlife Alert:
1-888-404-FWCC(3922)
cell *FWC or #FWC



DRAFT

DATE: 11/08/2022 5:48 PM, FILE LOCATION: C:\USERS\JGAMBECK\DESKTOP\PROJECTS\BOSS OYSTER\BOSS OYSTER_PLANSET.dwg



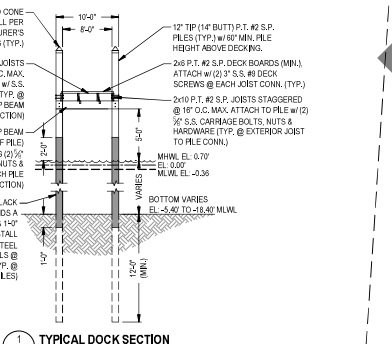
- NOTES:**
- SEE STORM WATER PLAN & DETAILS SHEET FOR SWMF DIMENSIONS.
 - FOR PAVEMENT MARKING REQUIREMENTS REFER TO FOOT STANDARD PLANS INDEX 71-001.
 - ALL STRIPING AND DIRECTIONAL ARROWS SHALL BE TORCH APPLIED THERMOPLASTIC.
 - SEE ARCHITECTURAL PLANS FOR BUILDING FLOOR PLAN, ELEVATIONS AND DETAILS.
 - SEE LANDSCAPE PLANS FOR LANDSCAPING DETAILS.
 - ALL ROOF STRUCTURE STORM WATER RUN OFF SHALL BE ROUTED TO THE STORM WATER MANAGEMENT FACILITY (SEE DETAIL).

OVERFLOW PARKING PARCEL		
ITEM	AREA (SQFT)	AREA (ACRE)
TOTAL SITE AREA	10,825.15 SQFT	0.25 ACRE
ASPHALT AREA	3,360.58 SQFT	0.08 ACRE
OYSTER SHELL PARKING AREA	4,650.00 SQFT	0.09 ACRE
TOTAL IMPERVIOUS AREA	3,360.58 SQFT	0.08 ACRE
IMPERVIOUS PERCENTAGE		31.04%
TOTAL ALLOWABLE IMPERVIOUS PERCENTAGE		50.00%
STORM WATER SWALE AREA	4,650.00 SQFT	0.09 ACRE

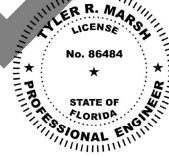
BOSS OYSTER SITE DATA TABLE		
ITEM	AREA (SQFT)	AREA (ACRE)
TOTAL SITE AREA	40,226.80 SQFT	0.92 ACRE
ASPHALT AREA	3,674.10 SQFT	0.08 ACRE
CONCRETE SIDEWALK	3,770.88 SQFT	0.09 ACRE
SEA WALL	818.63 SQFT	0.02 ACRE
BOSS OYSTER BUILDING AREA	8,196.00 SQFT	0.19 ACRE
BOSS OYSTER DECKING AREA	3,056.00 SQFT	0.07 ACRE
PICNIC PAVILION	483.47 SQFT	0.01 ACRE
OYSTER SHELL PARKING AREA	1,485.17 SQFT	0.03 ACRE
BRICK PAVER AREA	1,764.41 SQFT	0.04 ACRE
PLAY GROUND AREA	4,223.70 SQFT	0.10 ACRE
GREEN AREA	16,034.01 SQFT	0.37 ACRE
TOTAL IMPERVIOUS AREA	19,969.08 SQFT	0.46 ACRE
IMPERVIOUS PERCENTAGE		49.64%
TOTAL ALLOWABLE IMPERVIOUS PERCENTAGE		50.00%

DOCK/WHARF SITE DATA TABLE		
ITEM	AREA (SQFT)	AREA (ACRE)
BOSS OYSTER LOT DOCK/WHARF AREA	13,893.09 SQFT	0.31 ACRE
TOTAL EXISTING SEA GRASS AREA	2,458.42 SQFT	0.06 ACRE

SITE INFORMATION TABLE	
FRANKLIN COUNTY PARCEL ID, #s 01-095-08W-8330-0000-0130, 01-095-08W-8330-0000-0150 & 01-095-08W-8330-0000-0160	
LAND USE: RIVER FRONT (RF)	
FLOOD ZONE: VE 13 (FEMA FIRM PANEL 120703052F DATED FEBRUARY 5, 2014)	
ADJACENT LAND USES	
NORTH SIDE	RIVER FRONT (RF)
SOUTH SIDE	RIVER FRONT (RF)
EAST SIDE	N/A (APALACHICOLA RIVER)
WEST SIDE	N/A (WATER STREET)
PROPOSED BUILDING SETBACKS	
ALONG RIGHT-OF-WAY	0.0'
SIDES	5.0'
ALONG APALACHICOLA RIVER	10.0'
ALLOWABLE BUILDING HEIGHT	35.0'



This item has been digitally signed and sealed by Tyler R. Marsh, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
2022.11.09 08:49:11 -05'00'



PRELIMINARY FOR PERMITTING PURPOSES ONLY

BOAT SLIP TABLE	
ITEM	SLIPS PROVIDED
10' WIDE x 20' DEEP SLIP	37 SLIPS
20' WIDE x 30' DEEP SLIP	7 SLIPS
20' WIDE x 40' DEEP SLIP	16 SLIPS
20' WIDE x 50' DEEP SLIP	4 SLIPS
TOTAL BOAT SLIPS	64 SLIPS

RESTAURANT & MARINA PARKING TABLE		
ITEM	SPACES PROVIDED	SPACES REQUIRED
STANDARD PARKING SPACES	64 SPACES	150 SEAT RESTAURANT = 4 SEATS PER PARKING SPACE = 38 SPACES 26 RESTAURANT EMPLOYEES = 2 EMPLOYEES PER SPACE = 13 SPACES BOAT SLIP 1 SPACE PER SLIP (84 SLIPS) = 84 SPACES TOTAL = 115 SPACES
HANDICAP PARKING SPACES	5 SPACES	5 SPACES
TOTAL PARKING SPACES	69 SPACES	120 SPACES

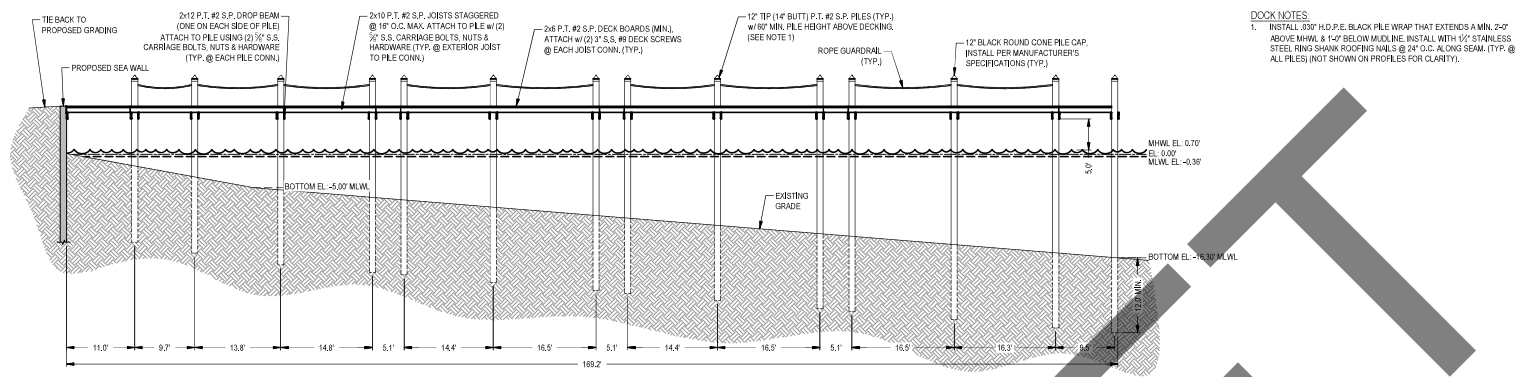


SEAL FLORIDA
PROFESSIONAL ENGINEER
TYLER MARSH, P.E.
LICENSE NUMBER B6484

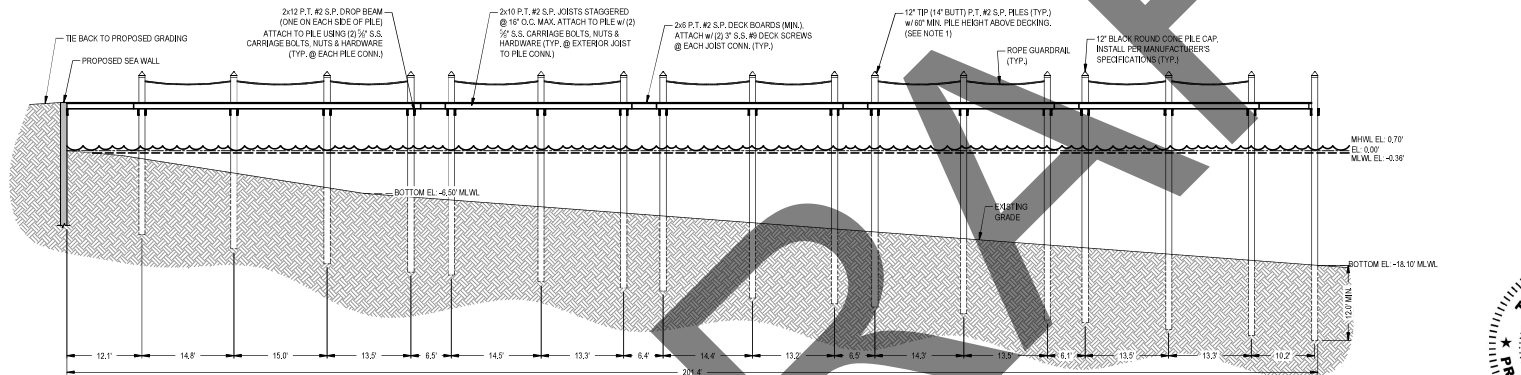
BOSS OYSTER SITE PLAN
BOSS OYSTER AND MARINA PARK
WATER STREET
APALACHICOLA, FRANKLIN COUNTY, FLORIDA

PROJECT NUMBER: 22-180-16	REVISIONS:
DESIGNED BY: JGAMBECK	CHECKED BY: JGAMBECK
DRAWN BY: JGAMBECK	DATE: 11-08-22
FOR WHITE SANDS INVESTMENT PARTNERS	SHEET NO. C-04
203 CAPE SAN BLAS RD. PORT ST. JOE, FL 32956	

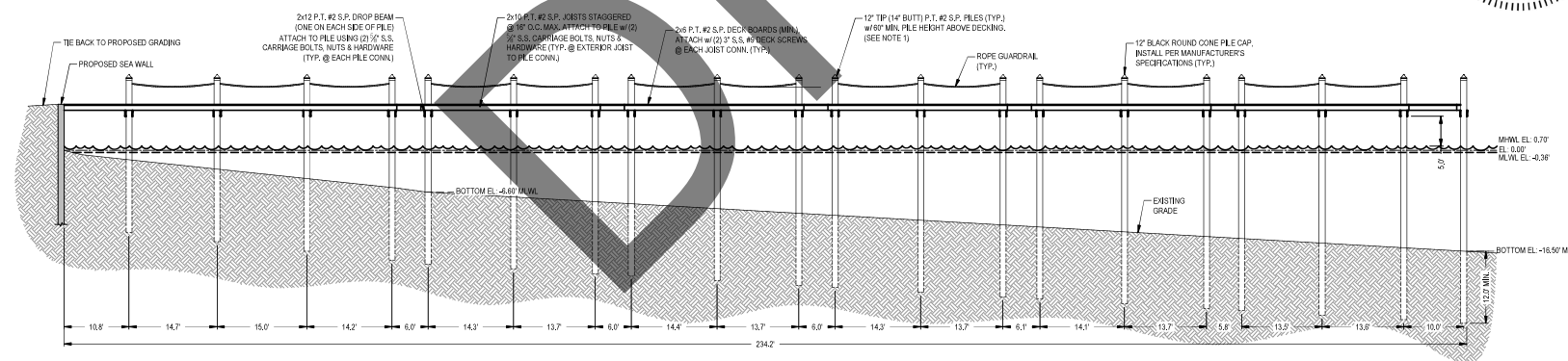
DATE: 11/09/2022 5:48 PM, FILE LOCATION: C:\USERS\BARNECK\DESKTOP\PROJECTS\BOSS OYSTER DOCK\DWG\SET\11-08-22\BOSSOYSTER_PLANSSET.DWG



1 DOCK PROFILE
C-05
1" = 10'

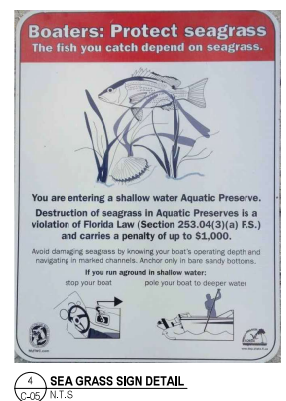


2 DOCK PROFILE
C-05
1" = 10'

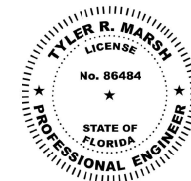


3 DOCK PROFILE
C-05
1" = 10'

DOCK NOTES:
1. INSTALL .030" H.D.P.E. BLACK PILE WRAP THAT EXTENDS A MIN. 2'-0" ABOVE MHW. & 1'-0" BELOW M.W.L. INSTALL WITH 1/2" STAINLESS STEEL RING SHANK ROOFING NAILS @ 24" O.C. ALONG SEAL (TYP. @ ALL PILES) (NOT SHOWN ON PROFILES FOR CLARITY).



SEA GRASS SIGN DETAIL
C-06
N.T.S.



This item has been digitally signed and sealed by Tyler R. Marsh, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
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PRELIMINARY FOR PERMITTING PURPOSES ONLY

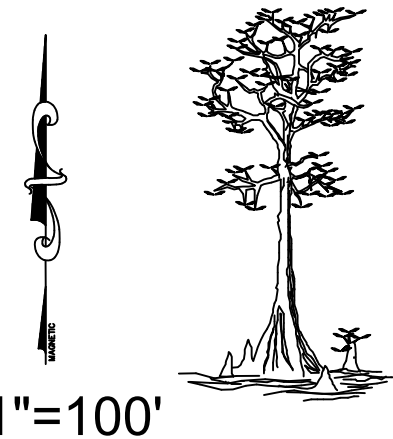


SEAL FLORIDA
PROFESSIONAL ENGINEER
TYLER MARSH, P.E.
LICENSE NUMBER B6484

BOSS OYSTER SITE DOCK PROFILES

BOSS OYSTER AND MARINA PARK
WATER STREET
APLACHICOLA, FRANKLIN COUNTY, FLORIDA

REVISIONS:	PROJECT NUMBER: 22-180-16
DESIGNED BY: []	QUERIED BY: []
CHECKED BY: []	DATE: []
FOR: WHITE SANDS INVESTMENT PARTNERS	ITEM: []
PO BOX 143, BOSS OYSTER MARINA	BY: []
PORT ST. JOE, FL 32456	DATE: []
	SHEET NO. []
	C-05

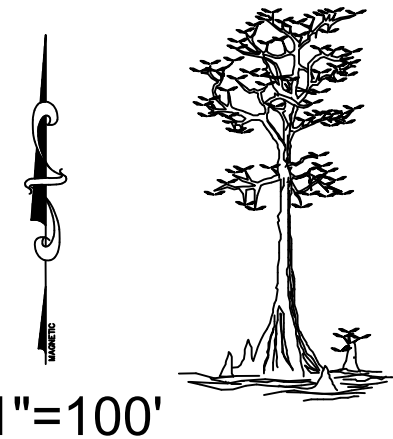
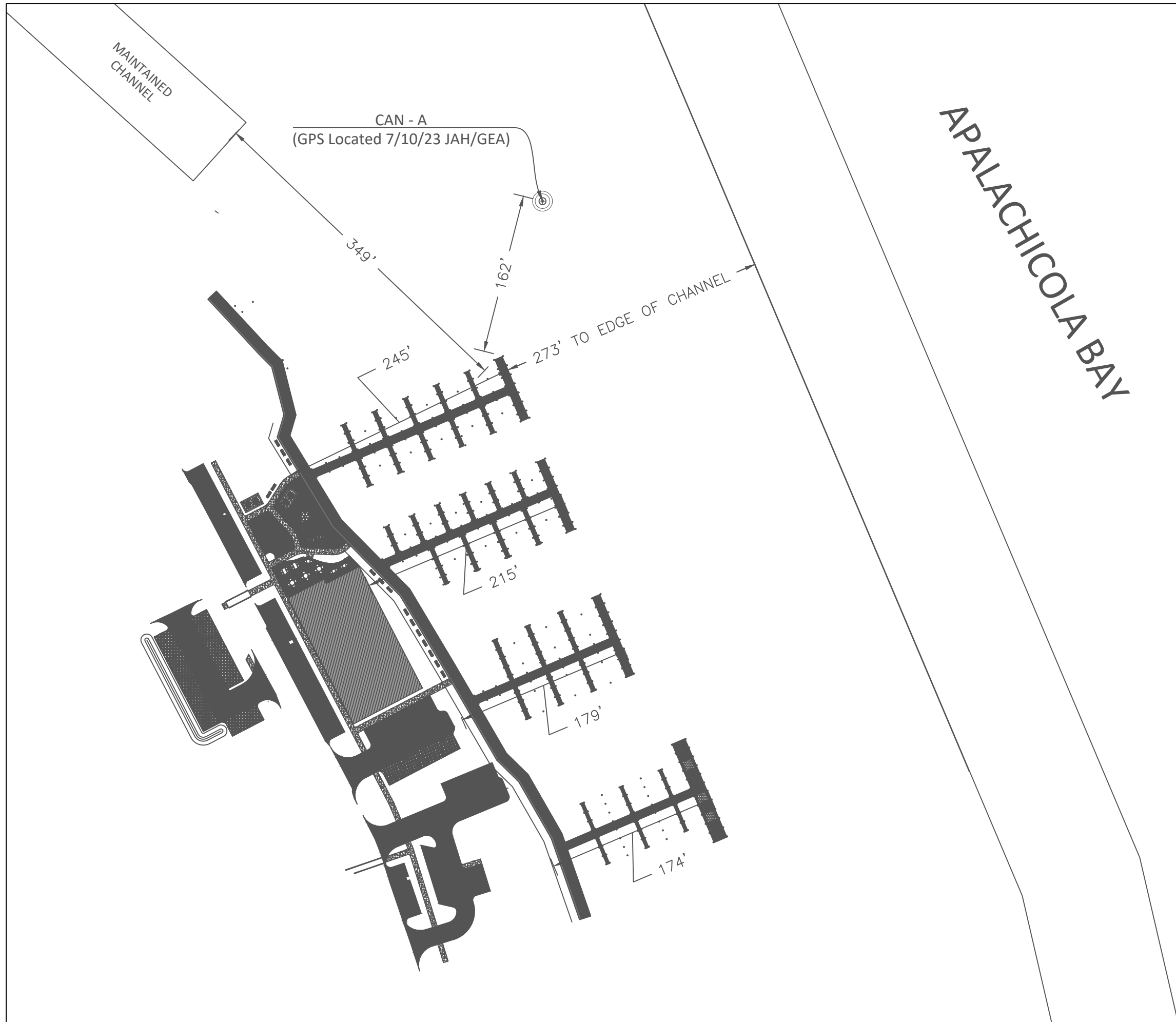


1"=100'

BOSS OYSTER AND MARINA PARK
 WATER STREET
 CARRABELLE, FRANKLIN COUNTY FLORIDA

GARLICK ENVIRONMENTAL ASSOC. INC.
 POST OFFICE BOX 385 APALACHICOLA,
 FLORIDA 32329-0385
 OFFICE 850-653-8899
 EMAIL: garlick@garlickenv.com

SCALE: 1" = 100'	DATE: JULY 12, 2023	DRAWING NO.:	SHEET NO.:
		21-031	1/2



1"=100'

BOSS OYSTER AND MARINA PARK
 WATER STREET
 CARRABELLE, FRANKLIN COUNTY FLORIDA

GARLICK ENVIRONMENTAL ASSOC. INC.
 POST OFFICE BOX 385 APALACHICOLA,
 FLORIDA 32329-0385
 OFFICE 850-653-8899
 EMAIL: garlick@garlickenv.com

SCALE 1" = 100'	DATE JULY 12, 2023	DRAWING NO.: 21-031	SHEET NO.: 1/2
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TABLE OF CONTENTS

- I. Introduction and plan content.
- II. Emergency response action plan:
 - A. Notification procedures.
 - B. Facility's spill mitigation procedures.
 - C. Facility's response activities.
 - D. Sensitive areas.
 - E. Disposal plan.
- III. Hazard evaluation.
- IV. Spill scenarios.
- V. Training and Drills:
 - A. Training procedures.
 - B. Drill procedures.
- VI. Plan review and update procedures.
- VII. Appendices:
 - A. Facility-specific information.
 - B. List of contacts.
 - C. Equipment lists and records.
 - D. Communications plan.
 - E. Site-specific safety and health plan.
 - F. List of acronyms and definitions.

I. INTRODUCTION AND PLAN CONTENTS

A. Facility Information:

Apalachicola Trading Company
City of Apalachicola
Franklin County

Facility Telephone Number: (850) xx

Monitor VHF Channel 16

B. Facility Location:

Latitude: 29° 43' 35.31"

Longitude: 84° 58' 52.19"

Located at Water Street.

C. Procedures for contacting the facility's owner or operators on the 24 hour basis.

Telephone on dock has emergency call procedures:

Operations Manager: (850) 653-

Dockmaster: (850) 653-

Owner/Operator: (850) 653-

1. TERMINAL FACILITY DESCRIPTION

The property fronting on Water Street will include the marina office and dock superintendent. The facility's spill prevention equipment will also be stored here for emergency use.

A.

FACILITY NAME. Apalachicola Trading Company

PHYSICAL LOCATION

STREET ADDRESS 130 Water Street

TELEPHONE NUMBERS to be determined

RADIO FREQUENCIES Monitor Channel 16

TERMINAL FACILITY SIZE the upland support of 1.5 acres while the slip number is 64

POLLUTANT STORAGE CAPACITIES

The spill contingency equipment will consist of spill booms and clean up materials

HOUR OF OPERATION

The marina facility will be open and available seven days a week and monitored 24 hours a day

POLLUTANTS HANDLED

Sewage Waste. Wastewater will be transferred from vessels at the location noted on the attached plan. The waste will be pumped from the vessel by sealed pipes to the city's sewer system location along Water Street.

TYPES OF TRANSFERS

The only waste transfer will be the sewage component.

1. B.

The north terminal dock will be the location of the pump out
The housing facility will be a building which contains fuel spill
services including Emergency Boom Equipment, Sewage Pumpout
Facility.

2. ORGANIZATION

Owner	to be determined	850-xxxx
Terminal Manager		850-xxxx
Second in command		850-xxxx
Third in command		850-xxxx

3. A.

NOTIFICATION

1. CALL IN CASE OF EMERGENCY

<u>NAME</u>		<u>PHONE NUMBERS</u>
Owner	Ginger Woodruff	xxxxxxx
Terminal Manager		850-
Second in command		850-
Third in command		850-
U.S. Coast Guard (24 hours) 424-8802		1-800-
Florida Marine Patrol (24 hours, in state) 1-800-342-5367		
Dept. of Environmental Protection 1-850-		
City of Apalachicola Police Dept.		911
Franklin County Sheriff's Dept.		911
Apalachicola Fire dept.		911

3. B.

The responsibility falls on the individual who is in charge of the transfer taking place at the time of the spill. Refer to paragraph 2 on, the following page.

4. RESPONSE TO A DISCHARGE

A. The spill containment package consists of the following:

250 ft. of 4" x 6" boom

1 bale of sorbents (200 pads, 18" x 18" x 1/16")

1 sorbent blanket (30' x 150')

The spill containment equipment is stored near the fuel dock in the main office.

4. B.

Procedures for deployment of Containment Boom within One Hour of Discovery

1. Response Team Members

- , Operations Manager
- Supervise deployment of boom
- _____, Dockmaster
- Deployment of boom

Part-time Employees

2. Initial Containment Response

- a. Team members determine source of spill. Control source by closing valves to stop fuel, cutting electrical power to pumps, or otherwise terminate source of discharge.
- b. Operations manager or Dockmaster will direct deployment of boom from main office.
- c. Boat with outboard motor will be launched to tow boom.
- d. Boom (250 ft.) will be taken from main office and deployed

across the mouth of the marina to contain spill.

- e. Additional boom of 200 ft. will be picked up at J.V. Gander distributors at 319 Water Street if needed.
- f. Small spills will be cleaned up with sorbent blankets and pads.
- g. Sorbent material and product to be put in empty 55 gallon drums for disposal.

3. Secondary Containment Response

- a. Phone to clean up contractor for additional clean-up. See page ___ for contract information

4.

C: CLEAN UP CONTRACTORS

- _____ 1. Southern Waste Services
1619 Moylan Road
Panama City Beach, FL 32407
1-800-852-8878 or 1-850-234-3174
- 2. J.V. Gander Distributors (B.P. fuel dock)
319 Water Street
Apalachicola, FL 32320
1-850-653-8889
- 3. Department of Environmental Protection
Apalachicola Estuarine Research Reserve
260 7th Street
Apalachicola, FL 32320
1-850-653-8063
150 ft. containment boom
2 boats
a minimum of 2 trained personnel in spill containment

II. EMERGENCY RESPONSE ACTION PLAN

A. Notification Procedures

- 1. Call in case of emergency:

<u>Name</u>	<u>Phone Number</u>
Apalachicola Trading company Owner	850-
TO BE DETERMINED Operations Manager	850-
TO BE DETERMINED Dockmaster	850-
U.S. Coast Guard	850-234-2475
Fish and Wildlife Commission	911
Apalchicola Police Department	911
Franklin County Sheriff Department	911
Franklin County Fire Department	911
Southern Waste Services, Inc.	850-234-8428
State of Florida Warning Point	850-488-1320

C: Facility's Response Activities
Personnel, Training, and Spill Prevention Procedures

1. Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent discharges of oil and applicable pollution control laws, rules and regulations.
2. Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.
3. Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning component, and recently developed precautionary measures.

The Qualified Individual's Responsibilities and Authority

Response Team:

TO BE DETERMINED, Operations Manager, qualified individual
TO BE DETERMINED, Dockmaster, Designated Alternate
Vance Millender, Owner

The response team is available on a 24 hour basis.
The team will check cause and stop source of problem, clear and secure the area as required.

The qualified individual will activate and contact the oil removal organization, act as liaison with predesignated federal on-scene coordinator and oil spill removal organization.

The facility organizational structure will be used to manage the response actions as follows:

- a. Command and Control: **TO BE DETERMINED**, Operations Manager
- b. Public Information: **TO BE DETERMINED**, Dockmaster
- c. Safety: **TO BE DETERMINED**, Dockmaster
- d. Liaison with Government Agencies:
TO BE DETERMINED, Operations Manager
- e. Spill Operations: **TO BE DETERMINED**, Operations Manager
- f. Planning: **TO BE DETERMINED**, Operations Manager
- g. Logistics Support: **TO BE DETERMINED**, Dockmaster
- h. Finance: **TO BE DETERMINED**, Dockmaster

The oil spill removal organization under contract to Southern Water Services, Inc., 1619 Myrtle Road, Miami City, Florida 33107

D. Sensitive Areas

Protection of the environment should be instituted as promptly as possible after determining the seriousness of the spill and the areas likely to be affected. Such protection activities might include - but not be limited to booming off certain critical areas, such as water intakes, marinas, critical port areas, beaches, and wildlife

sanctuaries.

The Critical Locations:

1. Apalachicola River
2. Apalachicola Bay
3. East Bay

Quality, Type, Location and Access Time for Containment Equipment

1. The spill containment package consists of the following:
 - 250 feet of 4 x 6 boom
 - 1 bale of sorbents (200 pads, 18" x 18" x 3/16")
 - 1 sorbent blanket (36" x 150')
2. The containment package is stored in the main office
3. The containment package can be accessed in less than one minute from the fueling location on the dock and can be deployed in 3 to 5 minutes by two personnel.

E. Disposal Plan:

Removal of the pollutant must proceed as rapidly as circumstances permit since containment measures may not fully contain the spill or the containment package may fail.

1. Recovery and Disposal
 - a. Spill recover equipment consist of 250 feet of 4" by 6" boom, one bale of sorbents (200 pads, 18" X 18" x 3/16"), and one sorbent blanket (36" X 150')
 - b. Location for deployment of this equipment would be around fuel dock at the facility, or across the mouth of the canal.
 - c. The recovered pollutants would be stored in empty 55 gallon drums on hand at the facility.
 - d. Disposal Facilities
 1. Albany Waste Oil Service (912) 336-0420

- 2. Safe-Way Waste Oil Service (912) 336-7488
- 3. Steel Field Landfill (850) 764-6129

VI. APPENDICES

a. Facility Specific Information:

Facility Telephone Number: (850) Monitor VHF Channel 16

(Gulf) Intercoastal Water - 257 Feet

Latitude 29° 43' 35.31"

Longitude: 84° 58' 52.19"

Terminal Facility Size:

Storage Capacity:

Dock Size:

Hours of Operation: Seven Days a Week and 24 Hours a Day

Pollutants handled: Wastewater and Fuel Spill Prevention

Types of Transfers: Waste water from vessels

Physical Description of the Facility

B. List of Contacts:

Information on 24 hour contact of key individuals and organizations:

<u>Name:</u>	<u>Phone Number:</u>
Owner	850-
Operations Manager	850-653-
Dock Master	850-653-
U.S. Coast Guard	850-234-2475 (Panama City, FL)

Marine Patrol	911
Apalachicola Police Department	911
Franklin County Sheriff Department	911
Franklin County Fire Department	911
SWS Environmental Services (24 Hr. Emergency Response)	1-850-234-8428 1-877-742-4215
State of Florida Warning Point (Emergency Only)	1-850-413-9911
Only)	1-800-320-0519 (Emergency 1-850-413-9900 (NonEmergency)