



# Florida Department of Environmental Protection

Southeast District Office  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401  
561-681-6600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

September 6, 2012

G Flash GP, Inc.  
c/o Ashton DePeyster III, President  
306 Worth Avenue, Suite 4  
Palm Beach, FL 33480  
Sent via e-mail: [306worth@gmail.com](mailto:306worth@gmail.com)

Dear Mr. DePeyster:

Enclosed is Environmental Resource Permit No. 56-0160635-006 issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the attached drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at 561/681-6646 or by email at [Benny.Luedike@dep.state.fl.us](mailto:Benny.Luedike@dep.state.fl.us).

Sincerely,

Benny Luedike  
Environmental Specialist III  
Submerged Lands & Environmental  
Resources Program



## Permit Review Checklist

(A summary of the required monitoring and reporting activities for your project)

### Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to Schedule Pre-construction Meeting	Prior to construction	_____
<input type="checkbox"/> Submit Pre-Construction Notice Form to DEP	48 Hrs. Before Construction	_____
<input type="checkbox"/> Temporary Erosion & Turbidity Control Structures in Place	Prior to construction	_____
<input type="checkbox"/> Obtain approval for upland site development	Prior to any in-water work	_____

### Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Permit with All Attachments Kept at the Work Site	Permit shall be available on-site for DEP inspector at all times	_____
<input type="checkbox"/> Permanent Erosion Control Structures in Place	Structures should be inspected daily	_____
<input type="checkbox"/> Turbidity Monitoring	As necessary, submitted weekly	_____
<input type="checkbox"/> Annual Status Report Submitted	Following June of each year until complete	_____
<input type="checkbox"/> Report Changes to Permitted Drawings / Plans / Activities	Contact DEP <b>before</b> any changes	_____
<input type="checkbox"/> Install FWC manatee education signs	30 days prior to slip occupancy	_____
<input type="checkbox"/> Install Navigational Aid Markers	30 days prior to slip occupancy	_____

### Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Transfer Form Submitted to DEP	Within 30 Days Sale of property (if property sold)	_____

*For the above criteria that require you to contact DEP - you should contact the FDEP- Environmental Resources Permitting Section, 1801 SE Hillmoor Drive, Suite C-204, Port St. Lucie, Florida 34952 Attention: Christina Macon, Phone: 772-380-1274, Email: Christina.Macon@dep.state.fl.us*

**PLEASE NOTE:**

**As the property owner/permittee, you are ultimately responsible for ensuring that the required conditions of your permit are complied with and timely reported to the Department. Please ensure that any designated contractors or agents acting on your behalf are familiar with these requirements.**



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**Permittee/Authorized Entity:**

G Flash GP, Inc.  
c/o Ashton DePeyster III, President  
306 Worth Avenue, Suite 4  
Palm Beach, FL 33480  
E-mail: [306worth@gmail.com](mailto:306worth@gmail.com)

**Project Name:**

G Flash GP, Inc. Marina

**Authorized Agent:**

Isiminger & Stubbs, Engineering, Inc.,  
c/o Matthew Butler, P.E.  
Phone: 561-881-0003; Email: [MButler@coastal-engineers.com](mailto:MButler@coastal-engineers.com)

**ERP Processor:**

Benny Luedike, 561-681-6646  
Email: [Benny.Luedike@dep.state.fl.us](mailto:Benny.Luedike@dep.state.fl.us)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization - Not Required**

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

**Permit No.:** 56-0160635-006

**Permit Issuance Date:** September 6, 2012

**Permit Construction Phase Expiration Date:** September 5, 2017

## Environmental Resource Permit

**Permittee:** G Flash GP, Inc.

**Permit No:** 56-0160635-006

**Project Name or Phase:** G Flash GP, Inc. Marina

### AUTHORIZATIONS

#### Project Description

The permittee is authorized to perform the following activities: (1) construct a 198-slip docking facility, whereas the total square footage of overwater structure shall be approximately 53,170 square feet, and whereas the docking facility shall be designed and operated in accordance with the attached permit sketches and specific conditions herein; (2) install a 492-linear foot wave attenuator extending from the eastern most dock; (3) install 654-linear feet of wave attenuator at the terminal ends of the fourth and seventh docks from the eastern property line; (4) install a 35-foot by 85-foot boat ramp located towards the western property line; and (5) install and maintain seven navigational aid markers.

The upland site is currently undeveloped and the shoreline from where the access docks extend is natural and contains rock rubble, various herbaceous species and exotic patches of exotic/nuisance species. The submerged bottom within the marina basin site consists of a variation of barren silty to sandy sediments and various densities of seagrasses, including manatee grass (*Syringodium filiforme*), shoal grass (*Halodule wrightii*), and Johnson's grass (*Halophila johnsonii*). The in-water structures have been designed to eliminate and reduce impacts to the observed marine resources based on field observations conducted by the Department on April 22, 2011. Therefore, adverse impacts to submerged resources are not anticipated with this project.

Ingress and Egress shall occur in accordance with the attached permit sketches, and the permittee shall be required to install navigational aid markers, so as to protect the shallow shoal located to the south of the proposed marina. All vessels utilizing the marina shall moor in designated slips, where there is a 1-foot minimum clearance between the bottom of the vessels motor and the submerged bottoms. Handrails shall be installed at all locations depicted on the attached permit sketches. All access walkways shall be designed with grated decking and elevated a minimum of 5-feet above mean high water line, as depicted on the attached permit sketches. All terminal platforms shall be designed with grated decking.

In order for the project to be not contrary to the public interest, the marina and boat ramp shall be open to the general public, whereas, at least 90% of the in-water slips shall be made available to general public. Prior to construction commencement of the approved

in-water structures, the permittee shall obtain authorization for any upland improvements from the Department.

The attached 2-page “2011 Standard Manatee Conditions for In-Water Work” (Exhibit A) shall be adhered to during all in-water work. Weighted floating turbidity curtains, extending to within 1-foot from the bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All waterbodies outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring. Construction shall be conducted by a shallow draft barge or from the uplands. The barge shall operate within waters of sufficient depth ( $\geq$  1-foot clearance) to preclude bottom scouring and prop dredging, and as necessary shall limit work to certain tidal ranges. All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands.

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

#### State-owned Submerged Lands Authorization

As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined the proposed activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, Florida Statutes.

#### Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

#### Coastal Zone Management

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

#### Water Quality Certification

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

#### Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities including but not limited to local governments and

homeowner's associations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

### **PROJECT LOCATION**

The activities authorized by this Permit are located in Indian River Lagoon, adjacent to 601 Seaway Drive, City of Fort Pierce, (Sections 2 and 3, Township 35, Range 40), Saint Lucie County (Latitude N 27° 27' 27.87", Longitude W 80° 18' 47.78").

### **PERMIT CONDITIONS**

The activities described herein 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 commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

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

### **SPECIFIC CONDITIONS - PROJECT DRAWINGS & FORMS**

(1) The attached project drawings (Sheets 1 through 8), the attached 1-page permit checklist; the attached 2-page "2011 Standard Manatee Conditions for In-Water Work" (Exhibit A); and DEP forms: 62-343.900(3), (4), (5), and (7) F.A.C., which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> are part of this permit. If the permittee does not have access to the Internet, then they or their contractor shall contact the Department at (561) 681-6646 to request the aforementioned forms and/or documents.

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative

of the Department. The permittee shall contact the Department in writing to schedule the conference at Florida Department of Environmental Protection, Submerged Lands & Environmental Resources Program, 1801 SE Hillmoor Drive, Suite C-204, Port St. Lucie, Florida 34952 Attention: Christina Macon, Phone: 772-380-1274, Email: [Christina.Macon@dep.state.fl.us](mailto:Christina.Macon@dep.state.fl.us).

(4) Prior to construction, the permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit.

(5) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within 1-foot of the bottom or staked silt fences shall be placed around in-water work areas. Additionally, staked erosion control devices shall be placed around the upland project area and staging area(s). All submerged resources, and surface waters outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

(6) Prior to construction commencement of the approved in-water structures, the permittee shall obtain authorization from the Department for any upland improvements, including but not limited to re-paving, re-grading, demolition, installation of any structures or impervious areas, and connecting sewage pump-out system to the municipal sewage system. The Department shall approve an upland site plan, including the surface water management system prior to commencement of any in-water work.

#### **SPECIFIC CONDITIONS - PUBLIC INTEREST**

(7) In order for the project to be not contrary to the public interest, the marina and boat ramp shall be open to the general public, whereas, at least 90% of the in-water slips shall be made available to general public.

#### **SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES**

(8) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

(9) During all phases of the permitted activities, all waterbodies outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, scouring and/or dewatering. The permittee shall be responsible for ensuring that sedimentation control devices and procedures are inspected and maintained daily. Once these conditions are met, the erosion control devices shall be removed within 14 days.

(10) All storage or stockpiling of tools or materials (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or construction vessels.

(11) All work shall be conducted from the uplands and from construction barges. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring, prop dredging, or damage to submerged resources.

#### **SPECIFIC CONDITIONS - MONITORING/REPORTING REQUIREMENTS**

(12) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department at 772-380-1274 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

(13) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(14) Turbidity Monitoring Reports. Turbidity monitoring reports shall only be required if a turbidity plume is observed outside the limits of the required turbidity control devices. Upon such occurrence, the permittee or permittee's contractor shall submit daily monitoring reports on a weekly basis containing the turbidity data gathered

to the Department at the address listed in Specific Condition No. 3. The reports shall contain the following information:

- a. permit number
- b. project name
- c. dates of sampling and analysis
- d. turbidity sampling results
- e. description of data collection methods
- f. a map indicating the sampling locations
- g. time of day profile was taken
- h. depth of waterbody
- i. weather conditions at times of sampling
- j. tidal stage and direction of flow
- k. wind direction and velocity
- l. water temperature

Furthermore, each monitoring report shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data.

#### **SPECIFIC CONDITIONS- OPERATIONAL DETAILS**

(15) The docking facility shall be used for mooring of recreational vessels without liveaboards. A liveaboard vessel shall be defined as a vessel docked at a facility that is inhabited by a person or persons for any 5 consecutive days or a total of 10 days within a 30-day period.

(16) Sewage pump-out devices shall be installed and maintained for the life of the facility at any two dock where vessels 40-feet in length or greater occur.

(17) Fish cleaning stations are not authorized by this permit. Overboard discharges of trash, human or animal waste, or fuel shall not occur at this facility.

(18) All chemically treated wooden pilings shall be wrapped with an impervious membrane one-foot above the mean high water line to one-foot below the substrate.

(19) A maximum of 198 wet slips shall be used for permanent mooring in the configuration as depicted in the attached permit sketches and all vessels shall be moored in slips where there is a 1-foot clearance between the bottom of the vessels motor and the submerged bottoms.

(20) The following activities are prohibited within waters of the State: (a) boat maintenance or repair activities that would typically require 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; (b) hull cleaning involving the scraping or jet washing of fouling organisms; (c) hull painting; (d) any discharges or release of oils or greases associated with engine and hydraulic repairs; or (e) any discharges or release of metal based bottom paints associated with hull scraping, cleaning, and painting. However, minor repairs and boat maintenance that will not cause or contribute to the release of water pollutants (these activities must be performed by the vessels owner or qualified marine mechanics) are authorized.

(21) Ingress and Egress shall occur in accordance with the attached permit sketches, and 30 days prior to slip occupancy, the permittee shall be required to install navigational aid markers, so as to protect the shallow shoal located to the south of the proposed marina.

(22) Handrails shall be installed at all locations depicted on the attached permit sketches. All access walkways shall be designed with grated decking and elevated a minimum of 5-feet above mean high water line, as depicted on the attached permit sketches. All terminal platforms shall be designed with grated decking.

#### **SPECIFIC CONDITIONS- PROTECTION OF MANATEES**

(23) During all in-water work, the permittee shall comply with the standard manatee protection construction conditions listed in the attached 2-page "Standard Manatee Conditions for In-Water Work, 2011".

(24) No later than 30 days after slip occupancy, the permittee shall develop and implement a manatee educational program. Educational materials must be made available to patrons at all times, and must be replaced if they become damaged or outdated, and must be maintained for the life of the facility. The on-site location and types of educational materials used must be acceptable to the Florida Fish and Wildlife Conservation Commission, which can be contacted at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com). The permittee shall provide documentation of the FWC approval of the educational plan to the permitting agency prior to its implementation and prior to slip occupancy.

#### **GENERAL CONDITIONS**

(25) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.

(26) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the

Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(27) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(28) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an "**Environmental Resource Permit Construction Commencement**" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

(29) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "**Annual Status Report Form**" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

(30) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "**Environmental Resource Permit As-Built Certification by a Registered Professional**" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the attached drawings is discovered during the certification process, the certification must be accompanied by a copy of the attached permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly

labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(31) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition 30 above, has submitted a **"Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase"** (Form No. 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

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

(33) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(34) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(35) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

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

(37) The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

(38) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

(39) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(40) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be

required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(41) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(42) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

(43) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

### **NOTICE OF RIGHTS**

This Permit is hereby final unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes (F.S.) as provided below. The procedures for petitioning for a hearing are set forth below.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

Under Rule 62-110.106(4), Florida Administrative Code (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. A timely request for extension of time shall toll the running of the

time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention 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.

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

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

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

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

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

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

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.


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

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

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

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jennifer K. Smith  
Program Administrator  
Submerged Lands & Environmental  
Resource Program

**Attachments:**

Permit checklist (1 page)

Permittee: G Flash GP, Inc. Marina

Permit No: 56-0160635-006

Page 13

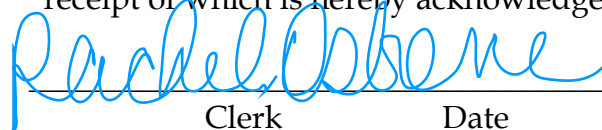
Project Drawings and Design Specifications (8 pages)  
Exhibit A – Standard Manatee Construction Conditions for In-water Work, 2011 (2 pages)  
Commencement notice /62-343.900(3)\*  
Annual status report/62-343.900(4)\*  
As-built certification/62-343.900(5)\*  
Transfer construction to operation phase/ 62-343.900(7)\*  
\*Can be downloaded at: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

**Copies furnished to:**

Christina Macon, FDEP-Compliance Section, [Christina.Macon@dep.state.fl.us](mailto:Christina.Macon@dep.state.fl.us)  
Kristen Sella, FFWCC- Bureau of Imperiled Species Management, [Kristen.Sella@myfwc.com](mailto:Kristen.Sella@myfwc.com)  
Samantha Rice, USACOE- Palm Beach Gardens, [Samantha.L.Rice@usace.army.mil](mailto:Samantha.L.Rice@usace.army.mil)  
Matthew Butler, P.E., Isiminger & Stubbs, Engineering, Inc., [MButler@coastal-engineers.com](mailto:MButler@coastal-engineers.com)  
Carol Mush, [CLMush@bellsouth.net](mailto:CLMush@bellsouth.net)  
Jeane Hearn, [BNJHearn@aol.com](mailto:BNJHearn@aol.com)  
DavidCarlin, City of Fort Pierce, [dcarlin@city-ftpierce.com](mailto:dcarlin@city-ftpierce.com)

**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.

 9/6/12  
Clerk Date

## 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 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](mailto: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 Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" 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. Questions concerning these signs can be sent to the email address listed above.

**Exhibit A (2 pages)**

# 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**

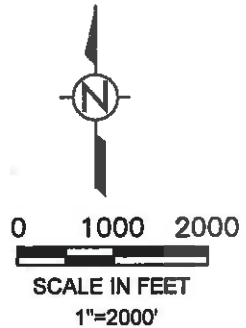
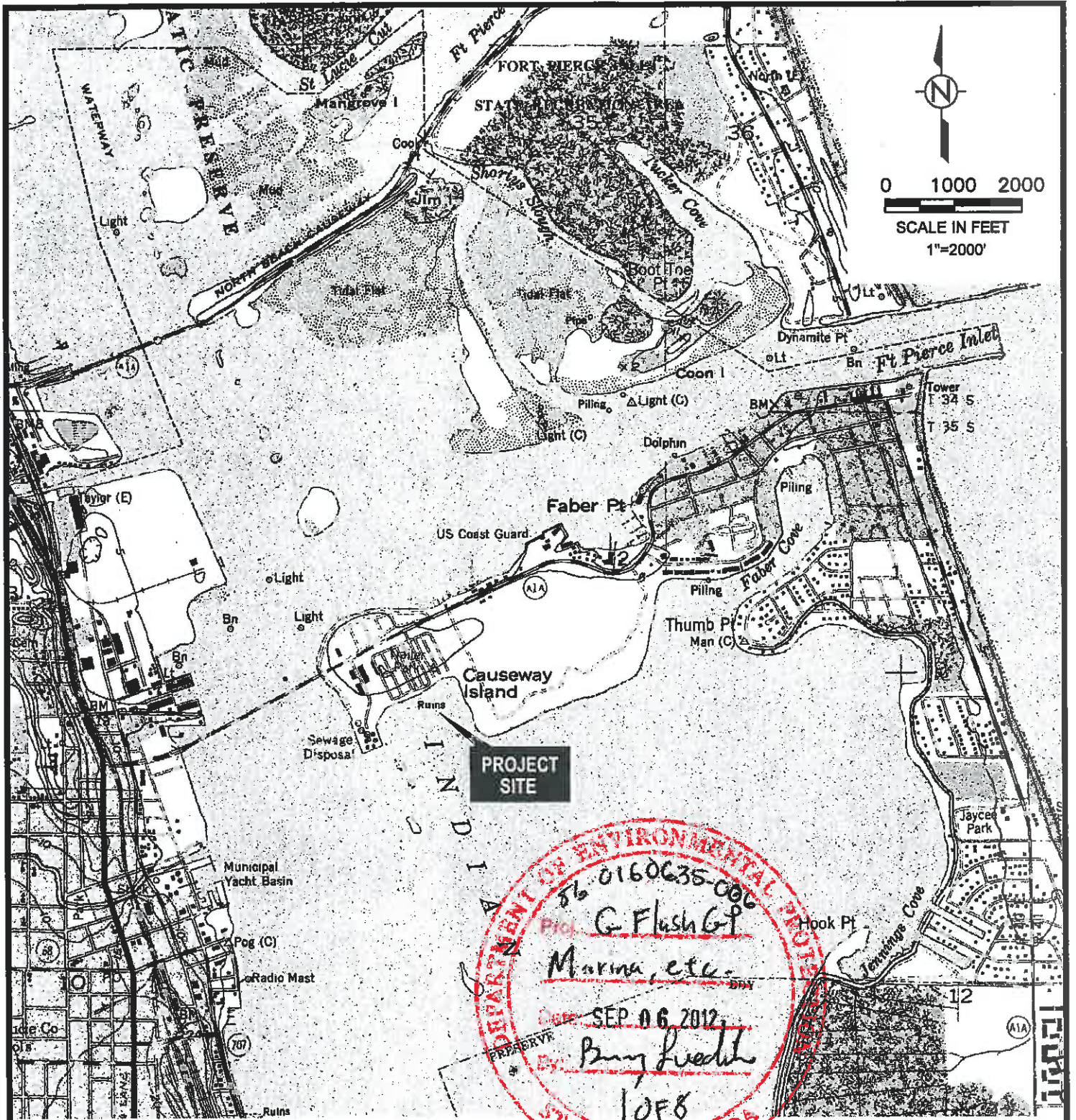
Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



TAKEN FROM U.S.G.S. FORT PIERCE, FLORIDA QUADRANGLE  
 SEC: 02 TWP: 35S RGE: 40E  
 LAT: 27° 27' 29" N  
 LONG: 080° 18' 47" W

**RECEIVED**  
 JUN 11 2012  
 FL DEP  
 WEST PALM BEACH

CHARLES C ISIMINGER, P.E.  
*cc*  
 JUN 07 2012  
 LICENSE NO. 39520

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 56 0160635-006  
 Prof. G. Flash GP  
 Marina, etc.  
 SEP 06 2012  
 Bryng Luedke  
 OF8  
 STATE OF FLORIDA

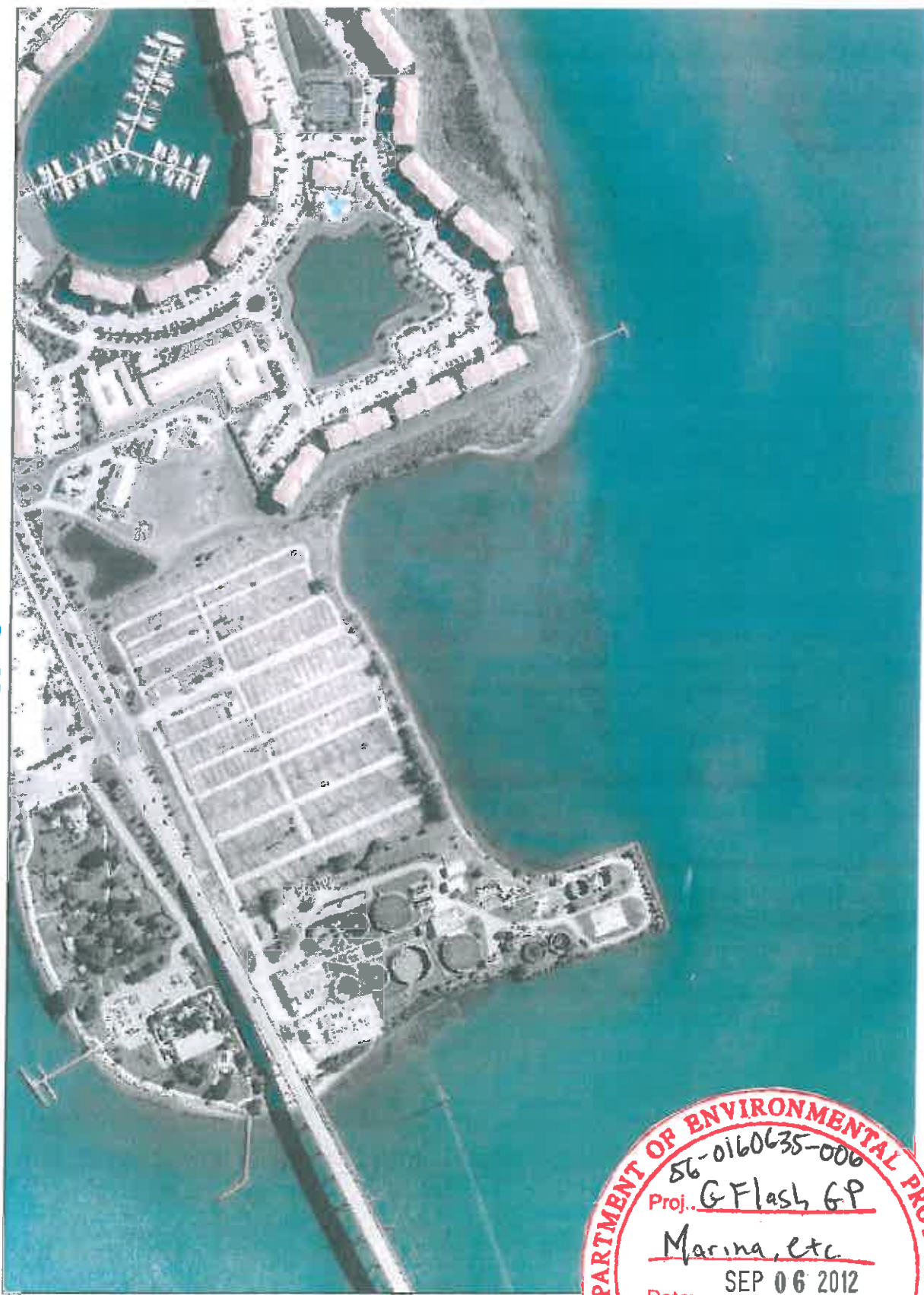
**ISIMINGER & STUBBS  
 ENGINEERING, INC.**  
 COASTAL • ENVIRONMENTAL • MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER : 8114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-891-0003

**PROPOSED BOAT FACILITIES  
 INDIAN RIVER  
 601 SEAWAY DRIVE  
 CITY OF FT. PIERCE, ST. LUCIE COUNTY, FL  
 OWNER: FL TRUST, G FLASH GP, INC. (TR)**

DATE	01/11	DRAWN	MDB	CHKD	MBB	APPRVD	<i>cc</i>
DWG NO.	05111BB1					SHEET	
COMPUTER FILE NO.	05111BB					OF 5	

**1**

Saint Lucie County, Florida Office of the Property Appraiser  
Web Mapping Print







UPLAND  
COMMERCIAL  
PROPERTY

0 50 100  
SCALE IN FEET  
1"=100'

NOTE: OPTIONAL BOAT LIFTS NOT SHOWN

APPROX. MHWL

GRATED DECKING W/ MIN.  
43% OPEN SPACE (TYP.)

PROPOSED ACCESS  
DOCK (TYP.)

PROPOSED 2-LANE  
BOAT RAMP

APPROX. PROPERTY LINE

NO MOORING  
THIS SIDE

PROPOSED SHEET PILES  
DRIVEN TO RAMP OR  
SURROUNDING GRADE AS  
NEEDED

PROPOSED DOCK (TYP.)

SUNKEN  
VESSEL  
PROPOSED  
TO BE  
REMOVED

NOTE: TURBIDITY CURTAINS MUST  
ENCIRCLE ALL IN-WATER WORK  
DURING CONSTRUCTION

CHARLES C ISIMINGER, P.E.

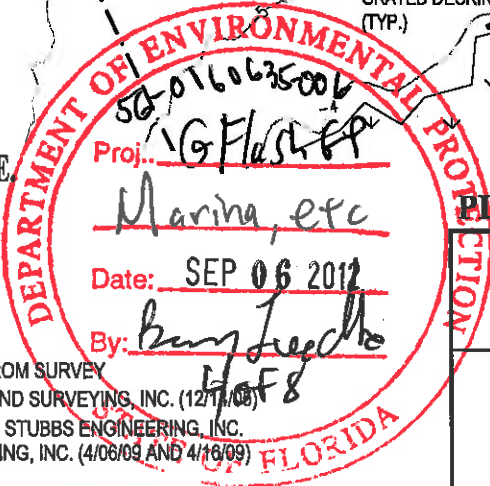
JUN 07 2012  
LICENSE NO. 39520

NOTES

- DATUM IS MLW. MLW = -0.36± NGVD FROM SURVEY
- BATHYMETRIC SURVEY BY LIDBERG LAND SURVEYING, INC. (12/1/08)
- SEAGRASS OBSERVED BY ISIMINGER & STUBBS ENGINEERING, INC. & LOCATED BY LIDBERG LAND SURVEYING, INC. (4/06/09 AND 4/16/09) & OBSERVED BY DEP STAFF (4/21/11)

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

REV 3 6/12 REVISED PER COE RAI



PLAN VIEW - WEST DETAIL

ISIMINGER & STUBBS  
ENGINEERING, INC.

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER: 8114  
P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-981-0003

PROPOSED BOAT FACILITIES

INDIAN RIVER  
601 SEAWAY DRIVE  
CITY OF FT. PIERCE, ST. LUCIE COUNTY, FL  
OWNER: FL TRUST, G FLASH GP, INC. (TR)

DATE 01/11 DRAWN MDB CHKD MDB APPRVD CC

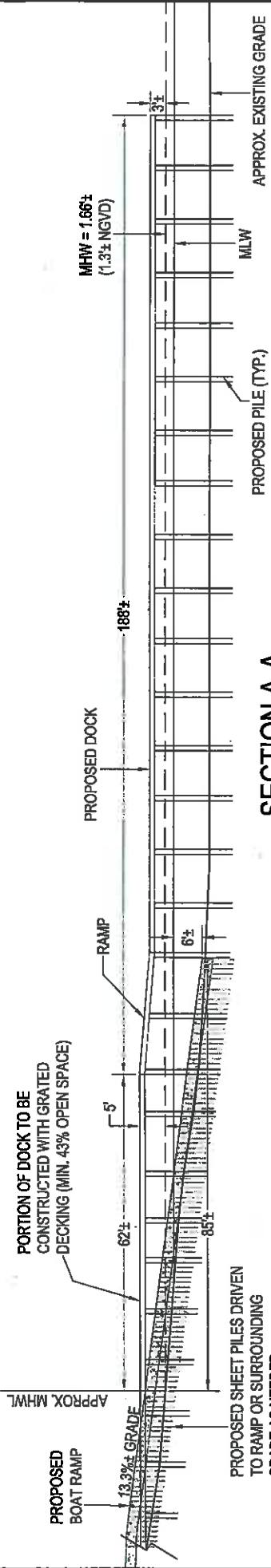
DWG NO. 05111BB3

SHEET 3

COMPUTER FILE NO. 05111BB3

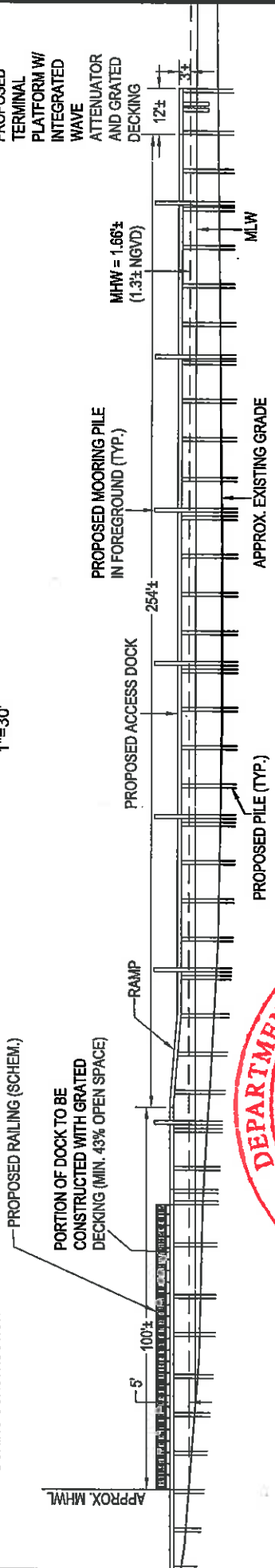
OF 5





**SECTION A-A**  
 0 15 30  
 SCALE IN FEET  
 1"=30'

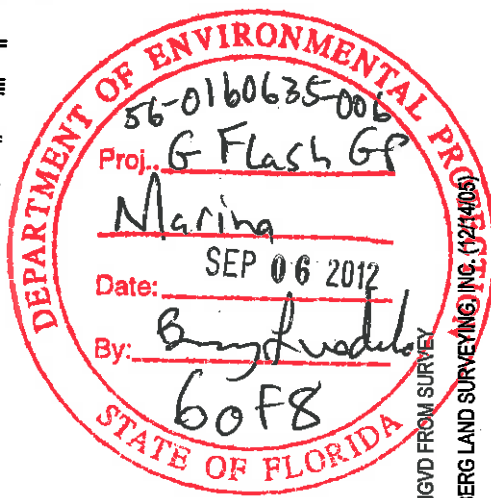
NOTE: TURBIDITY CURTAINS MUST ENIRCLE ALL IN-WATER WORK DURING CONSTRUCTION



**SECTION B-B**  
 0 20 40  
 SCALE IN FEET  
 1"=40'

PROPOSED TERMINAL PLATFORM W/ INTEGRATED WAVE ATTENUATOR AND GRATED DECKING

PROPOSED RAILING (SCHEM.)  
 PORTION OF DOCK TO BE CONSTRUCTED WITH GRATED DECKING (MIN. 43% OPEN SPACE)



**NOTES**

- DATUM IS MLW. MLW = -0.36± NGVD FROM SURVEY
- BATHYMETRIC SURVEY BY LIBBERG LAND SURVEYING INC. (124406)

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



**ISMINGER & STUBBS**  
 ENGINEERING, INC.  
 COASTAL • ENVIRONMENTAL • MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER: 8114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-984-0003

**PROPOSED BOAT FACILITIES**  
 INDIAN RIVER  
 601 SEAWAY DRIVE  
 CITY OF FT. PIERCE, ST. LUCIE COUNTY, FL  
 OWNER: FL TRUST, G FLASH GP, INC. (TR)

**CHARLES C ISMINGER, P.E.**

*cc*  
**JUN 07 2012**  
**LICENSE NO. 39520**

**SECTIONS**

DATE	03/11	DRAWN	MDB	CHKD	WNS	APPRVD	<i>cc</i>
DWG NO.	05111BB5						
COMPUTER FILE NO.	05111BB3						
SHEET	OF 5						

REV 3 6/12 REVISED PER COE RAI



UPLAND  
COMMERCIAL  
PROPERTY

0 50 100  
SCALE IN FEET  
1"=100'

NOTE: OPTIONAL BOAT LIFTS NOT SHOWN

APPROX. MHWL

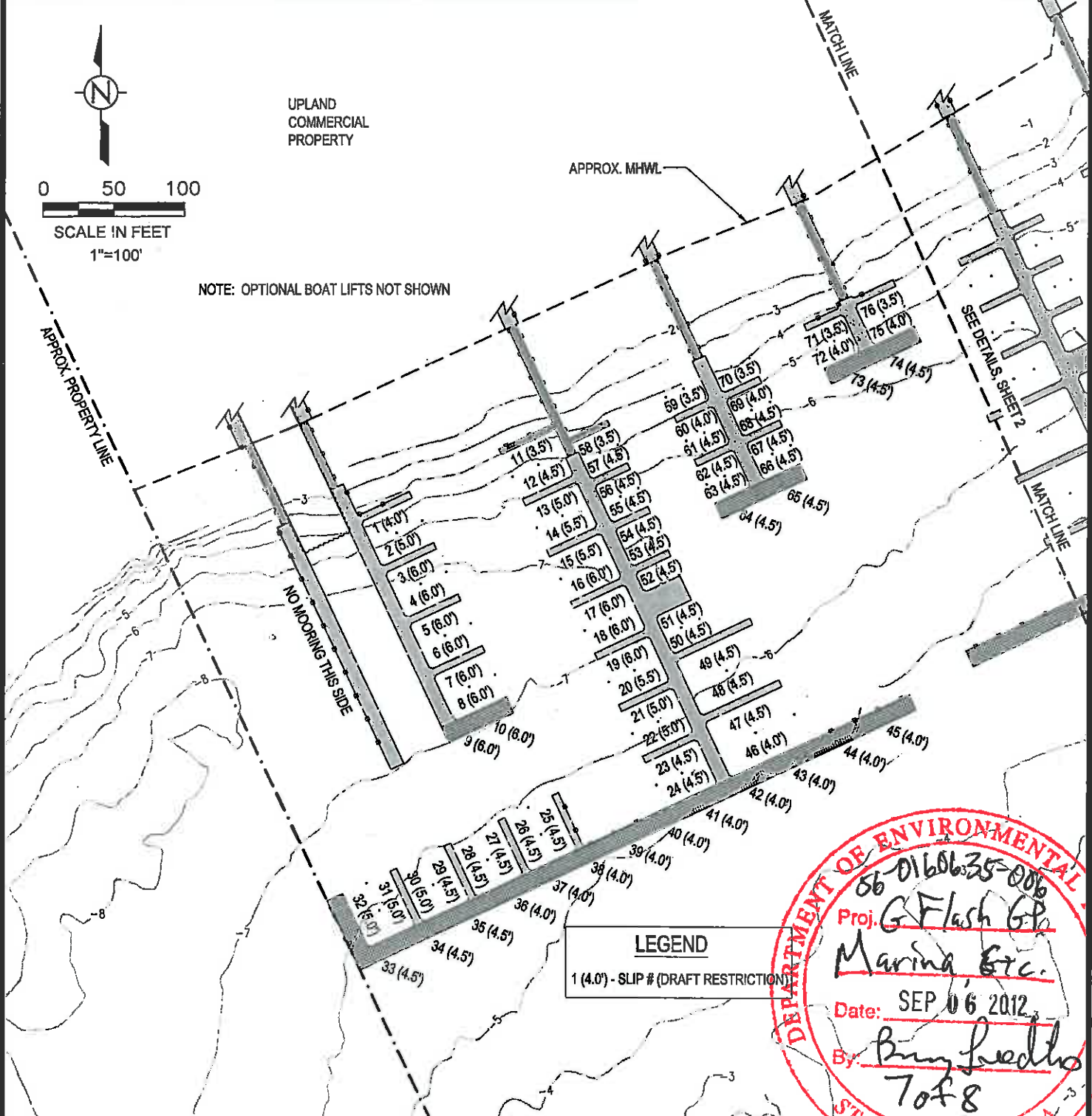
APPROX. PROPERTY LINE

NO MOORING THIS SIDE

SEE DETAILS SHEET 2

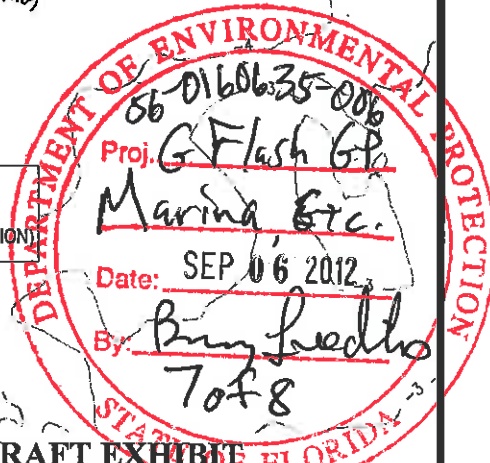
MATCHLINE

MATCHLINE



**LEGEND**

1 (4.0) - SLIP # (DRAFT RESTRICTION)



CHARLES C ISIMINGER, P.E.

*cc*  
JUN 07 2012  
LICENSE NO. 39520

RECEIVED

JUN 11 2012

FL DEP  
WEST PALM BEACH

**VESSEL DRAFT EXHIBIT  
PLAN VIEW - WEST DETAIL**

**ISIMINGER & STUBBS  
ENGINEERING, INC.**  
COASTAL • ENVIRONMENTAL • MARINE  
CERTIFICATE OF AUTHORIZATION NUMBER: 8114  
P.O. BOX 14702 • NORTH PALM BEACH, FL. 33408 • 661-881-0003

PROPOSED BOAT FACILITIES  
INDIAN RIVER  
601 SEAWAY DRIVE  
CITY OF FT. PIERCE, ST. LUCIE COUNTY, FL  
OWNER: FL TRUST, G FLASH GP, INC. (TR)

**NOTES**

- 1. DATUM IS MLW. MLW = -0.36± NGVD FROM SURVEY
- 2. BATHYMETRIC SURVEY BY LIDBERG LAND SURVEYING, INC. (12/14/05)

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

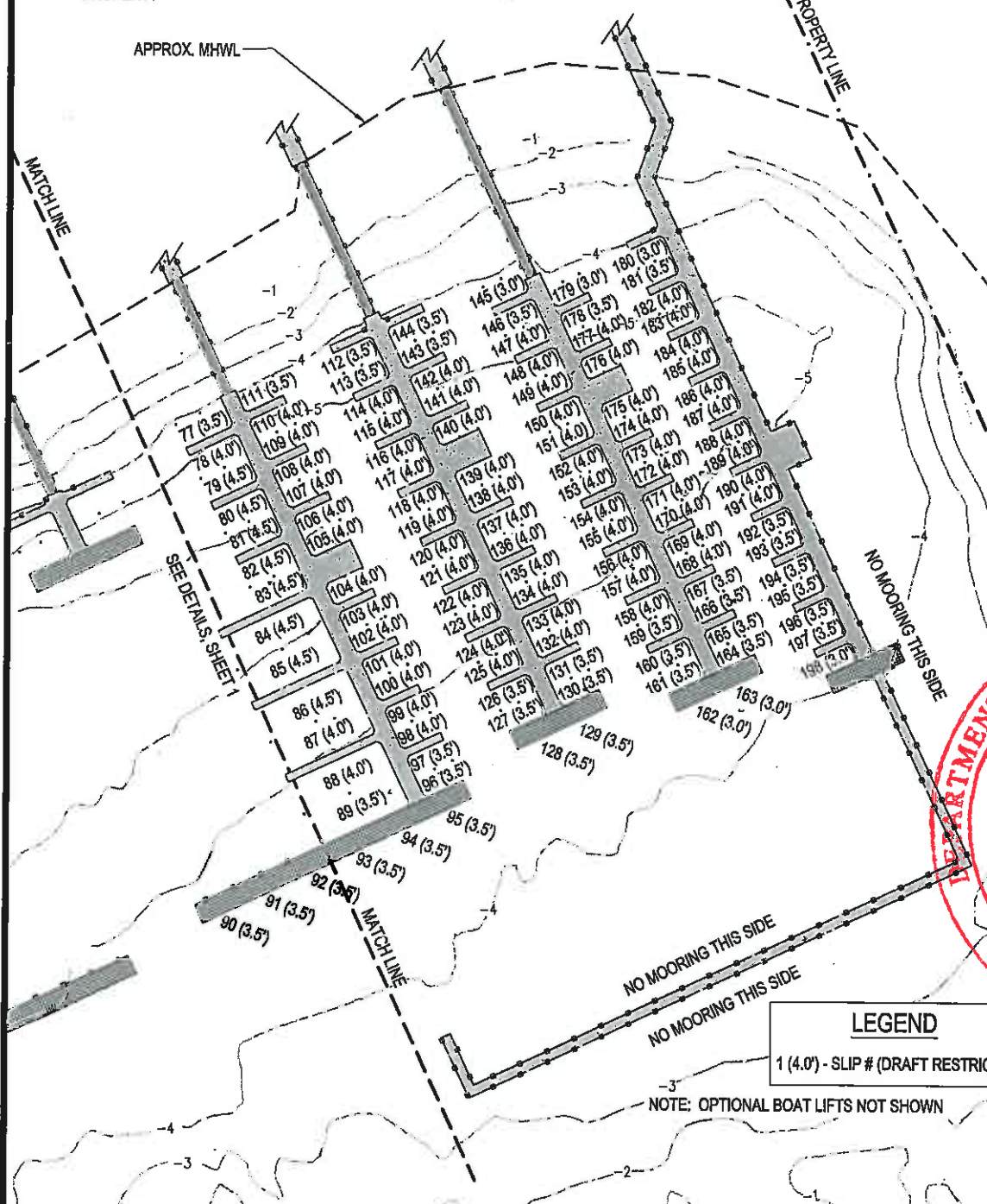
REV 2 8/12 REVISED PER COE RAI

DATE	01/11	DRAWN	MDB	CHKD	MDB	APPRVD	<i>[Signature]</i>	
DWG NO.	05111DD1						SHEET	1
COMPUTER FILE NO.	05111DDR2						OF	2

UPLAND  
COMMERCIAL  
PROPERTY



0 50 100  
SCALE IN FEET  
1"=100'



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 56-0160635-000  
 Prof. G. Flash GP  
 Marina, etc  
 Date: SEP 06 2012  
 By: *[Signature]*  
 8 of 8  
**STATE OF FLORIDA**

**CHARLES C ISIMINGER, P.E.**

*cc*

**JUN 07 2012  
LICENSE NO. 39520**

**VESSEL DRAFT EXHIBIT  
PLAN VIEW - EAST DETAIL**

**ISIMINGER & STUBBS  
ENGINEERING, INC.**  
 COASTAL • ENVIRONMENTAL • MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER : 8114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-981-0803

**PROPOSED BOAT FACILITIES  
INDIAN RIVER  
601 SEAWAY DRIVE  
CITY OF FT. PIERCE, ST. LUCIE COUNTY, FL  
OWNER: FL TRUST, G FLASH GP, INC. (TR)**

DATE	01/11	DRAWN	MDB	CHKD	MDB	APPRVD	<i>cc</i>
DWG NO.	05111DD1			SHEET		2	
COMPUTER FILE NO.	05111DDr2			OF		2	

**NOTES**

- DATUM IS MLW. MLW = -0.36± NGVD FROM SURVEY
- BATHYMETRIC SURVEY BY LIDBERG LAND SURVEYING, INC. (12/14/05)

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

REV	2	6/12	REVISED PER COE RAI
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