



Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

August 29, 2017

City of Ft. Pierce
c/o John "Jack" Andrews, City Engineer
P.O Box 1480
Email: jandrews@city-ftpierce.com

Re: File Name: Citrus Ave Kayak Park
File No.: 56-0351250-003-EM
Modification of File No.: 56-0351250-002-EI

Dear Mr. Andrews:

Your request to modify this permit has been received and reviewed by Department staff. The modifications include a permit language correction and Federal Authorization changes.

PROJECT LOCATION

The project is located within the Indian River, Class III Waters, adjacent to a vacant lot (Parcel ID 2410-808-0008-000-1), Ft. Pierce (Section 10, Township 35 South, Range 40 East), in St. Lucie County (Latitude N 27° 26' 39.89", Longitude W 80° 19' 18.64").

The above modifications are not expected to adversely affect water quality provided the following **PROJECT SITE DESCRIPTION** is amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

PROJECT SITE DESCRIPTION

There are 300 ft² of ~~isolated~~ remnant mangrove ~~wetland~~ impacts proposed for the construction of the surface water management system. Pursuant to Section 10.2.2.1 of the Applicant's Handbook, Volume I, mitigation is not required for regulated activities in isolated wetlands less than one half acre in size, unless, the wetland is used by threatened and endangered species, the wetland is located in an area of critical state concern, or the wetland is connected by standing water or flowing surface water at seasonal high water level to one or more wetlands. The Department has determined that the criteria of this section has been meet, therefore, mitigation was not required for these impacts.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V, and a separate

permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 26, 2021. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP V with all terms and conditions and the General Conditions may be found at http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general_permits/SPGP/SPGPV-Permit%20Instrument-Complete.pdf?ver=2016-07-27-071925-250.

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.

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

This letter of approval does not alter the original expiration date of July 7, 2022, and does not change the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter and attached site report must be attached to the original permit.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 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), F.S., 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), F.S., 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 failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

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

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Monica Sovacool
Environmental Manager
Southeast District

Permittee: Citrus Ave Kayak Park
File No.: 56-0351250-003-EM
Modification of File No.: 56-0351250-002-EI
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CERTIFICATE OF SERVICE

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

FDEP –Monica Sovacool, Cindy Lott, Indar Jagnarine
Schulke, Bittle & Stoddard, LLC Jodah Bittle, jbittle@sbsengineers.com
Dana Small, DLS Environmental Services, Inc., Danna@DLSenvironmentalservices.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

August 29, 2017
Date

Enclosures:
site report,9 pages