



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

In the Matter of an
Application for a Joint Coastal Permit, Variance and
Authorization to Use Sovereign Submerged Lands by:

APPLICANT:

City of Mexico Beach
Attn: Douglas Baber
201 Paradise Path
Mexico Beach, Florida, 32410
d.baber@mexicobeachgov.com

PROJECT INFORMATION:

Project Name: Mexico Beach Fishing Pier

File No. 0206187-004-JC

AGENT:

Baskerville-Donovan, Inc.
Attn: Dave Hemphill
449 West Main Street
Pensacola, Florida, 32502
Dkh.7@icloud.com

Bay County

CONSOLIDATED NOTICE OF INTENT TO ISSUE A JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection (Department) gives consolidated notice of its intent to take the following agency actions:

- (a) issue a joint coastal permit (draft copy attached), with a 5-year construction phase and a perpetual operational phase, under Chapter 161 which includes consideration of the provisions of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) for the activity described below; and
- (b) grant a lease modification (BOT No. 030033711) to use sovereign submerged lands for the seaward extent of the proposed public fishing pier, under Article X, Section 11 of the Florida Constitution, Chapters 253 and 258, F.S., Title 18, F.A.C., and the policies of the Board of Trustees, as described below.

www.floridadep.gov

Issuance of the joint coastal permit (JCP) would constitute a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. Issuance of the JCP would also constitute certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 United States Code (U.S.C.) 1341.

I. PROPOSED ACTIVITY

A. Project Description

The proposed project is to rebuild the Mexico Beach Fishing Pier, which was completely destroyed by Hurricane Michael in 2018. The new pier will be 840 feet long by 19 feet wide, with a 50-foot wide mid pier deck and a 60-foot wide Terminal 'T' deck. The proposed pier will have a deck elevation of +26 feet NGVD and will include a bait shop, a restroom, turtle friendly lighting, educational signage (e.g., turtle information boards), and fish cleaning stations. The proposed pier will be moved approximately 235 feet seaward and will be built "top down".

The activity includes consideration of the modification of the existing 25-year sovereign submerged lands lease (BOT No. 030033711) containing 23,402.81 square feet, more or less, for the proposed reconstruction of the fishing pier.

B. Project Location

The project site is located at R-Monument (R) 129 or the end of South 37th Street in Mexico Beach, Bay County, Section 22, Township 3 South, Range 12 West, Gulf of Mexico, Class III Waters.

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Chapter 161, which includes consideration of the provisions of Part IV of Chapter 373, F.S., and Chapters 62B-41, 62B-49 and 62-330, F.A.C. The activity is regulated under the JCP program, as indicated in Sections 161.055 and 373.427, F.S. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands, which are owned by the Board of Trustees of the Internal Improvement Trust Fund. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-330.075 and 62B-49.001, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department has the responsibility to review and take final action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. Background Information

The original Mexico Beach Fishing Pier was a wooden structure built in 1964. Over the years, the pier was extended by 90 feet and again by 266.4 feet. The Mexico Beach Fishing pier was recognized by the people of Mexico Beach as the central gathering place for recreational activities. However, it was completely destroyed by Hurricane Michael in 2018. The Applicant proposes to construct a replacement pier using the same layout/alignment but designed to current standards. The proposed pier will be a concrete structure, elevated above the 500 year storm surge (deck elevation of plus 26 NGVD), with blow out panels to lessen the loading on the structure, and a lifespan of over 50 years.

The beach at the location is accreting. When the pier was originally built in 1965, the terminal end was located in approximately 15 feet of water. In 2018, despite the two extensions, the terminal end was located in approximately 5 feet of water. To re-establish the original depth of 15 feet of water at the terminal end, the proposed design for the new pier moves the structure seaward by approximately 235 feet.

The proposed pier will be built “top down”, which means the crane and machinery used to set the pilings and deck will work from completed sections of the level pier deck, starting at the landward end of the pier. This eliminates the need for barges or trestles to construct the pier. These completed sections of the pier will provide support for the machinery to build the subsequent sections.

The proposed pier will have fish cleaning stations. To discourage birds from congregating on the pier, the waste from those stations will be deposited below the waterline through PVC pipes connected to the fish cleaning stations. To further reduce potential adverse impacts to the natural resources of the area, there will be informational signs along the pier outlining appropriate actions to take if marine turtles or shorebirds are caught or entangled in fishing line. Additionally, the proposed design utilizes wildlife friendly amber LED lighting.

The old pier had a freestanding restroom. The proposed design includes a restroom and a control building on either side of the first level span of the proposed pier. These structures would now be located above the storm surge elevation of 17.1 feet and would be ADA accessible since they will utilize the ramp to the proposed pier for access.

Permitting History

On July 25, 2003, the Department issued Joint Coastal Permit No. **0206187-001-JC** to the City of Mexico Beach to extend the existing pier by 90 feet, while maintaining the existing width of 14 feet. This permit expired on July 25, 2008.

On March 5, 2009, the Department issued Joint Coastal Permit No. **0206187-002-JC**, to the City of Mexico Beach to authorize an additional extension of 266.4 feet, for a total pier length of 816.4 feet (the Phase II Extension). The top of the extended deck matched the existing pier at a height of +16 feet (NAVD) and a width of 14 feet. The permit also authorized the construction of a 14-foot by 60-foot “T” configuration at the end of the pier.

For additional background, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE*** for Permit No. 0206187-002-JC, dated February 5, 2009, available at the Departments website:

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=20.194.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=20.194.1]&[profile=Permitting_Authorization])

On December 23, 2010, the Department issued Permit No. **0206187-003-JN** to the City of Mexico Beach to change the twelve (12) bollard type lighting fixtures that were approved in the Phase II permit to a type of lighting fixture that the Permittee believes will be less susceptible to vandalism. The eight (8) existing light fixtures would also be changed to the same type. This permit expired on March 5, 2014.

B. Habitats

Hardbottom/Coral Reef/Submerged Aquatic Vegetation

There are no hardbottom, coral reef or submerged aquatic vegetation (SAV) communities within, or adjacent to the project site. Therefore, no impacts to any of these resources are anticipated from the project activities.

Beach

The beach, swash zone and surf zone of the project area is comprised of soft sandy bottom. The sandy substrate in the subtidal, intertidal and supratidal portions of the beach is an important habitat for invertebrates living on (epibenthos) or within (infauna) the sediment. This invertebrate community can include crabs, polychaetes, gastropods, and bivalves. Ghost crabs, mole crabs and coquina clams are common inhabitants. The infaunal organisms are important food items for shorebirds and fish.

Sand placement is not proposed for this project, however, some of the sediment within the project site will be disturbed when the new pilings are driven into the sand. The impact to beach

habitat and infauna will be relatively minor. Therefore, long-term adverse impacts are not expected to the infaunal community.

C. Protected Fish & Wildlife

Pursuant to the Environmental Resource Permit Applicant's Handbook, Volume I, 10.2.7(b), in evaluating whether the proposed activity will adversely impact the ecological value of uplands to aquatic or wetland dependent listed species that nest in upland, such as marine turtle and shorebirds, and to maintain consistency with the authority of the Florida Fish and Wildlife Conservation Commission (FWC) under Florida's Coastal Zone Management Program, the Department considered comments received from the FWC and the U.S. Fish and Wildlife Service (FWS). Pursuant to the Environmental Resource Permit Applicant's Handbook, Volume I, 10.3.1.5, *mitigation can include the implementation of management plans, or other measures*, such as the Terms and Conditions and the Reasonable and Prudent Measures from the FWS Biological Opinion, as well as the recommended conditions from the FWC. These requirements will be incorporated into the permit to provide reasonable assurance that the proposed activity will not adversely impact these upland habitat functions.

Turtles

The beaches in Bay County provide important nesting habitat for threatened loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) marine turtles. There will be no placement of sand on the beach, however the pier will be lit. An increase in artificial lighting due to construction activities or post construction (during regular operation of the pier), can increase the occurrence of disorientation or misorientation of both hatchling and nesting turtles. Artificial lighting on the pier may disrupt the ability of hatchlings to find the sea from their nest and tends to deter female marine turtles from nesting. Hatchlings on adjacent stretches of beach may crawl for great distances in the direction of the lighted pier. Hatchlings that enter the water near the pier may linger in the glow beneath the lighted structure, falling prey to fish that are also attracted to the light, rather than dispersing offshore. To reduce adverse impacts to marine turtles from artificial lights on the pier, the Applicant has agreed to install turtle-friendly lighting in accordance with the exterior lighting plan approved by FWC on June 16, 2022. To avoid marine turtle disorientation or misorientation from construction lighting, the Applicant has agreed to minimize temporary lighting of the construction area during nesting season.

Therefore, in accordance with Florida Statute 379.2431 (1) and 373.414(1)(a)2, FWC has included marine turtle protection conditions in the draft permit. The draft permit will require the Permittee to comply with the approved exterior lighting plan and will prohibit temporary lighting of the construction area from March 1 through October 31

Birds

The Department does not expect any significant adverse impacts to shorebird habitats covered under Part IV of Chapter 373, F.S. This project is not expected to interfere with shorebird nests or nesting areas as there will be no beach work in proximity to the documented potential nesting areas.

Manatees

Florida manatees (*Trichechus manatus latirostris*) are found throughout Florida in marine, brackish and freshwater habitats. They can be found along the beaches, throughout the lagoons and the in various natural and man-made waterways.

The proposed work is not expected to have an adverse impact on the manatee. As a protective measure, the draft permit will require that the FWC Standard Manatee Conditions for In-Water Work be followed during construction.

D. Other Criteria

Public Health, Safety, Welfare or the Property of Others

The proposed construction activities are not expected to adversely impact the health, safety or welfare of the public nor the property of others. The pier will provide ADA accessible access for those who are unable to easily navigate the beach environment.

Temporary hazards to public safety will exist during the construction phase of this project. However, the Applicant has provided reasonable assurance to the department that measures will be taken to reduce these hazards. Specifically, the Applicant has designated construction access and staging areas to minimize interaction with the public. The Department has also included specific conditions in the draft permit that restrict the storage of equipment and stockpiling of materials to these approved areas.

Navigation

The proposed project is not expected to adversely affect navigation or the flow of water nor cause erosion or shoaling.

Recreation

The proposed project is not expected to adversely affect the fishing or recreational value in the vicinity of the activity. The proposed project will replace the pier structure that was completely destroyed by Hurricane Michael in 2018. The previous pier was a keystone tourist

attraction that provided structure for fishing and other recreational activities, like sightseeing. The proposed project will therefore enhance public access to and use of the Gulf for fishing and sightseeing. Additionally, the proposed educational signage, fish cleaning stations and turtle friendly lighting will minimize potential impacts to fish and wildlife.

Historical and Archaeological Resources

According to the Department of State, Division of Historical Resources (DHR), no significant archeological or historic resources have been recorded in the project area. Furthermore, because of the nature of the project, it is unlikely that any historic properties will be affected. General Condition 10, included in the draft permit, establishes a protocol in the case of unexpected fortuitous finds.

E. Water Quality

There are no benthic communities within the vicinity of construction that would be adversely affected by slightly elevated turbidity levels. Typically, the amount of sediment that becomes suspended during pile installation and debris removal activities is minimal. However, in order to provide reasonable assurance that the State water quality standard for turbidity (29 NTUs above background) is met during construction, water quality monitoring will be conducted by measuring turbidity levels at the edge of the mixing zone. If the Applicant can document that turbidity levels remain well below the water quality standard for turbidity (29 NTUs above background) during the initial physical monitoring, visual monitoring could then be used to assure that State water quality standards continue to be met. Therefore, if measured turbidity levels do not exceed 29 NTUs above background for 14 consecutive days of monitoring, turbidity may be visually monitored (without collecting samples). Visual monitoring may continue unless an observed turbidity plume crosses the edge of the 150-meter mixing zone, at which point standard monitoring shall resume.

F. Coastal Engineering

Pursuant to Rule 62B-41.005 (3), Florida Administrative Code, the Department will determine whether to authorize coastal construction at any coastal location upon consideration of the facts or circumstances, including: (a) Adequate engineering data concerning the existing coastal system, including topography, bathymetry; wave and current data; coastal processes, conditions and morphological trends; (b) Design features of the proposed structures or activities; and (c) Such other specific information or calculations as are necessary for the evaluation of the application.

The Permittee has submitted sufficient engineering and design data and computations to show that the pier is adequately designed to withstand at a minimum the erosion, scour, and loads accompanying a storm event comparable to Hurricane Michael. The pier deck and rails

have been designed to be expendable pursuant to Department guidelines. The engineering and design data and computations include the following:

1. Design storm tide level and wave height computations.
2. Design wave load computations, including lateral wave forces.
3. Structural design computations using the design wave loads, wind loads, live and dead loads, including crane loads.
4. Design erosion and scour computations for profile changes due to Hurricane Michael.
5. Geotechnical and foundation analysis.
6. Pile bearing and uplift resistance and design of pile tip elevations showing connectivity to the storm tide, wave loads, and soil conditions.

Expected Effects on Coastal System

Pursuant to Rule 62B-41.005(2), F.A.C., coastal construction authorized by the Department shall have a net positive benefit to the coastal system resulting from the project's effects, as demonstrated by the Applicant, taking into the account the considerations and requirements of Section 161.041, F.S. The Applicant has provided adequate engineering data concerning the coastal system and design features of the proposed project that demonstrates the pier's pile foundation has been designed to not obstruct longshore sediment transport and the pier is not expected to have a significant adverse impact on the shoreline or coastal processes. The pier may be expected to have a net positive benefit to the coastal system through the long term creation of a salient feature along the adjacent shoreline that should increase the stability of the beach in its vicinity.

G. Sovereign Submerged Lands

Pursuant to Rule 18-21.004(3)(a), F.A.C., the proposed project is not expected to unreasonably infringe upon the traditional, common law riparian rights, as defined in Section 253.141, F.S., of upland property owners adjacent to sovereignty submerged lands.

The presence and operation of this pier structure on sovereign submerged lands is currently authorized under a 25-year Board of Trustees (BOT) State Lands Lease No. 030033711, which was executed in 2009. The proposed pier will be moved 235 feet seaward and will therefore preempt additional sovereign submerged lands that extend outside the bounds of the current sovereign submerged lands lease. Interestingly, because of the accretional nature of the beach, the leased area will also commence further seaward, and thus, a lease modification to change the location of the preempted area while decreasing the preempted area from 32,097 square feet to roughly 23,402.81 square feet will be required. Since this proposal is to modify the existing lease and the modification reduces the actual acreage of lands preempted by the existing lease, pursuant to 253.115(5), F.S, public noticing was not required.

Construction of the new pier will not alter the current management of the sovereign submerged lands in the area, which, pursuant to Rule 18-21.004(2)(a), F.A.C., is primarily for the maintenance of essentially natural conditions, propagation of fish and wildlife, and traditional recreation. The project is not expected to impact benthic communities or generate a significant amount of turbidity, so it will not interfere with the propagation of fish and wildlife. The Florida Department of State's Division of Historical Resources evaluated this project and determined that no cultural resources will be affected by this project. The Florida Fish and Wildlife Commission (FWC) evaluated the project and proposed specific conditions to further minimize the potential impact on fish and wildlife during project construction and operation. Additionally, access to the pier will be free to the public as it was before the storm. As explained below, and pursuant to Section 18-21.004(1)(a), F.A.C., the Department has determined that the proposed activity is not contrary to the public interest.

Pursuant to Section 18-21.004(1)(g), F.A.C., *activities on sovereignty lands shall only be limited to water dependent activities and minimal secondary non-water dependent uses pursuant to section 253.03(15), F.S. the activity meets the open-air dining area criteria below or the Board of Trustees determines that it is in the public interest to allow an exception as determined by a case by case evaluation.* The proposed pier includes two 'minimal secondary non-water dependent uses': the bait shop and the restroom.

After thorough consideration of the factors above, the Department has determined that the project is expected to meet the Sovereign Submerged Lands criteria in Section 18-21.004, F.A.C., and that pursuant to 18-21.001, F.A.C., Sovereign Submerged Lands will be protected so that the public may continue to enjoy traditional uses.

H. Monitoring

Water Quality Monitoring

Physical water quality monitoring for turbidity will be conducted during construction to ensure that water quality standards are being met. If after 14 consecutive days of physical turbidity monitoring compliance turbidity levels remain well below the water quality standard for turbidity (29 NTUs above background), then visual monitoring will then be used to assure that State water quality standards continue to be met. The turbidity monitoring contractor for the physical sampling of water will be independent of both the design contractor and the construction contractor.

I. Public Interest

Regulatory

As discussed in the sections above, the Department has considered the effects of this project according to the public interest criteria that are specified in Section 373.414(1), F.S., and

the Environmental Resource Permit Applicant's Handbook, Volume I, 10.2.3. The following is brief summary of that evaluation for each of the public interest criteria:

- The proposed activity is not expected to adversely affect public health, safety, welfare or the property of others;
- The draft permit will require measures to protect manatees, marine turtles and other protected species. Therefore, the proposed activity is not expected to adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- The proposed activity is not expected to adversely affect navigation. Additionally, the proposed pile-supported pier will not affect the flow of water nor the movement of sand so it is not anticipated to cause harmful erosion or shoaling;
- The proposed activity is expected to enhance public access to and use of the waterway for recreational fishing or recreational values nor adversely impact marine productivity in the vicinity of the activity;
- The proposed pier is a permanent structure with an expected lifespan of over 50 years;
- The proposed activity is not expected to adversely affect significant historical and archaeological resources under the provisions of s. 267.061; and
- The current condition and relative value of functions being performed by areas to be impacted by the proposed activity is not expected to be adversely impacted.

After weighing the effects of the project for each of these criteria, and based on reasonable assurance provide by the Applicant, the Department has determined that the proposed activity is not contrary to the public interest.

Proprietary

The proposed project will enhance public access to, and use of, the Gulf for fishing and sightseeing at no charge. The concrete structure will provide greater storm protection for the pier and the increased width will improve functionality for fishermen and pedestrians; including the disabled who are unable to easily negotiate the beach environment. The Applicant has agreed to install turtle-friendly lighting and educational signage in order to reduce any potential impacts to marine turtles. The previous pier was a tourist and recreational attraction that drew customers to local businesses. The long-term presence of that pier demonstrated that its reconstruction is in the public interest.

As described above and pursuant to Rule 18-21.003(51), F.A.C., the demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of this activity would exceed all demonstrable environmental, social and economic costs of the proposed action. Therefore, the Department has determined that this project will meet the Public Interest criteria established in Rule 18-21.003(51), F.A.C.

J. Specific Regulatory Basis for Issuance

The Applicant has provided affirmative reasonable assurance that the construction of the activity will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder. The Department has considered the direct, secondary and cumulative impacts of the project, as well as the general and specific conditions to the attached draft permit, in making this determination. Specifically, construction of the activity will not result in violations of water quality standard, pursuant to Section 373.414(1), F.S., and set forth in Chapters 62-4 and 62-302, F.A.C. The Applicant also has demonstrated that the construction of the activity is not contrary to the public interest, pursuant to Paragraph 373.414(1), F.S.

The Applicant has also provided adequate engineering data to evaluate the design features of the project and any potential effects to the coastal system. Pursuant to Chapter 161, F.S., the Department finds that the proposed activities:

- will not result in any significant adverse impacts to the sandy beaches of the state;
- are not expected to adversely impact nesting marine turtles, their hatchlings or their habitat;
- will not interfere, except during construction, with the use by the public of any area of the beach seaward of mean high water, and
- are appropriately designed in accordance with Rule 62B-41, F.A.C.

K. Specific Proprietary Basis for Issuance

The Applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands. That includes the requirements of Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the policies of the Board of Trustees. Therefore, the Applicant has provided reasonable assurance that the proposed activity would:

- not be contrary to the public interest;
- maintain essentially natural conditions;
- not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- 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
Office of Resilience and Coastal Protection
Beaches, Inlets, and Ports Program
2600 Blair Stone Road, M.S. 3544
Tallahassee, Florida 32399
Email: BIPP@dep.state.fl.us

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 and submerged lands.

V. 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 Rules 28-106.201 and 28-106.301, 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, 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.

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.

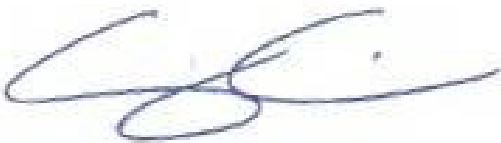
Judicial Review

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.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory Garis
Program Administrator
Beaches, Inlets and Ports Program
Office of Resilience and Coastal Protection

Attachment(s):

1. Draft Final Order
2. Lighting Plan (approved on June 16, 2022)
3. Permit Drawings (9 Pages, December 2021)

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:

cc: Sean Green, RCP	Michelle Pasawicz, FWC
Ivana KennyCarmola, RCP	Rachael Anderson, FWC
Robert Brantly, RCP	Rachel Joffey, FWC
Ralph Clark, RCP	Nick Vitale, FWC
Sarah Lindeman, RCP	ImperiledSpecies@myfwc.com
Shamim Murshid, RCP	fwcconservationplanningservices@myfwc.com
Jonathan Brucker, RCP	marineturtle@myfwc.com
Guy Weeks, RCP	conservationplanningservices@myfwc.com
Jonathan Dillard, DEP	bipp@dep.state.fl.us
Scott Robinson, DEP	jcpcompliance@dep.state.fl.us

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.

<i>Indiya Walker</i>	<u>09/07/2022</u>
Clerk	Date