## Attachment D



### Florida Department of Environmental Protection

Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Noah Valenstein Secretary

South District
Post Office Box 2549
Fort Myers, Florida 33902-2549
SouthDistrict@floridadep.gov

**CORRECTED** 

7/31/2018

City of Naples c/o Stephanie Molloy; Natural Resource Manager 295 Riverside Circle Naples, Fl. 34102 smolloy@naplesgov.com

Permit Number: 0345034-002 EM

Modification of Permit Number 0345034-001 EI

Ms. Molloy:

Your request to modify the Permit No. 0345034-001 EI has been received and reviewed by Department staff.

The proposed permit modification is to:

Reconfigure the layout of a previously authorized oyster restoration reef and change material type from shell in bags to a combination of shell in bags, loose shell and limestone rock.

After review by staff, the proposed modification is not expected to adversely affect water quality and will not be contrary to the public interest.

Modifications to the permit are shown as follows: deletions are struck through (i.e. abe) and additions are underlined (i.e. abc).

The permittee is authorized to conduct oyster habitat restoration through the placement of: (1) bagged shell, loose shell and limestone rock as specified in the attached revised designs in approximately 4' x 4' pods having a maximum height of 5 feet, spaced at a minimum of 16 feet apart; (2) three 150' x 13' reef ball wave attenuation structures to be placed at Site 1; and (3) navigational warning signs and public educational signs at each site. The project will be located within Naples Bay, Class II Waters, Unclassified for Shellfish Harvesting and Rocky Creek, Class III Waters. Authorized activities are depicted on the attached exhibits.

4 project drawings have been added 3 project drawings have been voided



Permit No.: 0345034-002 EM

Page 2 of 4

Since the proposed modification(s) along with the above amended permit conditions and monitoring requirements are not expected to result in any adverse environmental impact and water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

This letter does not alter the permit other than as described above. This letter and referenced enclosures must be attached to the original permit. A copy of the original permit can be obtained here:

https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=23.398631. 1]&[profile=Permitting Authorization]

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.



Permit No.: 0345034-002 EM

Page 3 of 4

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

#### 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



Permit No.: 0345034-002 EM

Page 4 of 4

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.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Jon Guinn by telephone at (239) 344-5650 or by e-mail at <a href="mailto:Jonathan.Guinn@floridadep.gov">Jonathan.Guinn@floridadep.gov</a> When referring to this project, please reference the file number listed above.

Executed in Orlando, Florida

STATE OF FLORIDA DEPARTMENTOF ENVIRONMENTAL PROTECTION

Jon M. Iglehart

Director of District Management

South District

#### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and authorization to use sovereignty submerged lands, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil Collier County Property Appraiser, dstaruch@collierappraiser.com FWC, Imperiled Species Management Section, fwcconservationplanningservices@myfwc.com

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Jandra Moon
July 25, 2018

Clerk Date

#### **Enclosures:**

3 New Project drawings

13 Original Permit Drawings

# Attachments BALOSTER RESTORATION CONSTRUCTION DRAWINGS

CITY OF NAPLES, COLLIER COUNTY, FLORIDA

90% SUBMITTAL PERMIT APPLICATION **PURPOSES ONLY** NOT FOR CONSTRUCTION

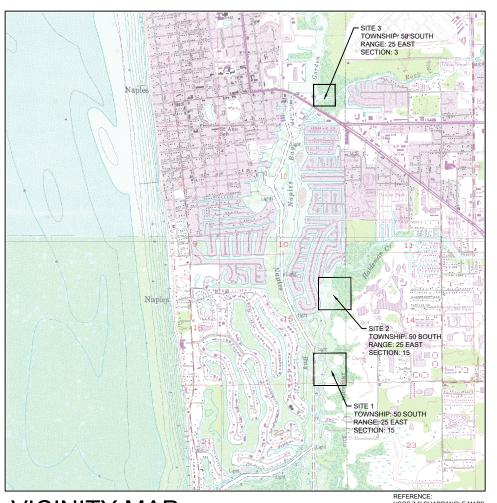






### DRAWING INDEX

- TITLE SHEET
- PROJECT NOTES
- PROJECT OVERVIEW & STAGING AREAS
- APPROXIMATE MUCK DEPTHS SITE 1
- C-5 APPROXIMATE MUCK DEPTHS SITE 2
- APPROXIMATE MUCK DEPTHS SITE 3
- C-7 SITE PLAN SITE 1
- SITE PLAN SITE 2
- C-9 SITE PLAN SITE 3
- C-10 REEFBALL TYPICAL DETAILS
- C-11 OYSTER BAG & MARINE MATTRESS DETAILS
- C-12 USCG SIGNAGE DETAILS
- C-13 EROSION & SEDIMENT CONTROL DETAILS

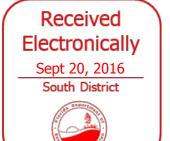


VICINITY MAP 1" = 2,000' (22x34) 1'' = 4.000' (11x17)

USGS 7.5' QUADRANGLE MAPS

Sunstifice 811 com

## **LOCATION MAP** N.T.S.







JACKSONVILLE, FLORIDA 32256 (904)-731-7040 1675 PALM BEACH LAKES SUITE 210 (561)-640-7310

ROJECT TITLE

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR REVIEW. 90% SUBMITTAL PERMIT APPLICATION **PURPOSES ONLY** NOT FOR NAPLES BAY CONSTRUCTION OYSTER RESTORATION CONSTRUCTION DRAWINGS

LIFFORD L. TRUITT P.E. # 21194

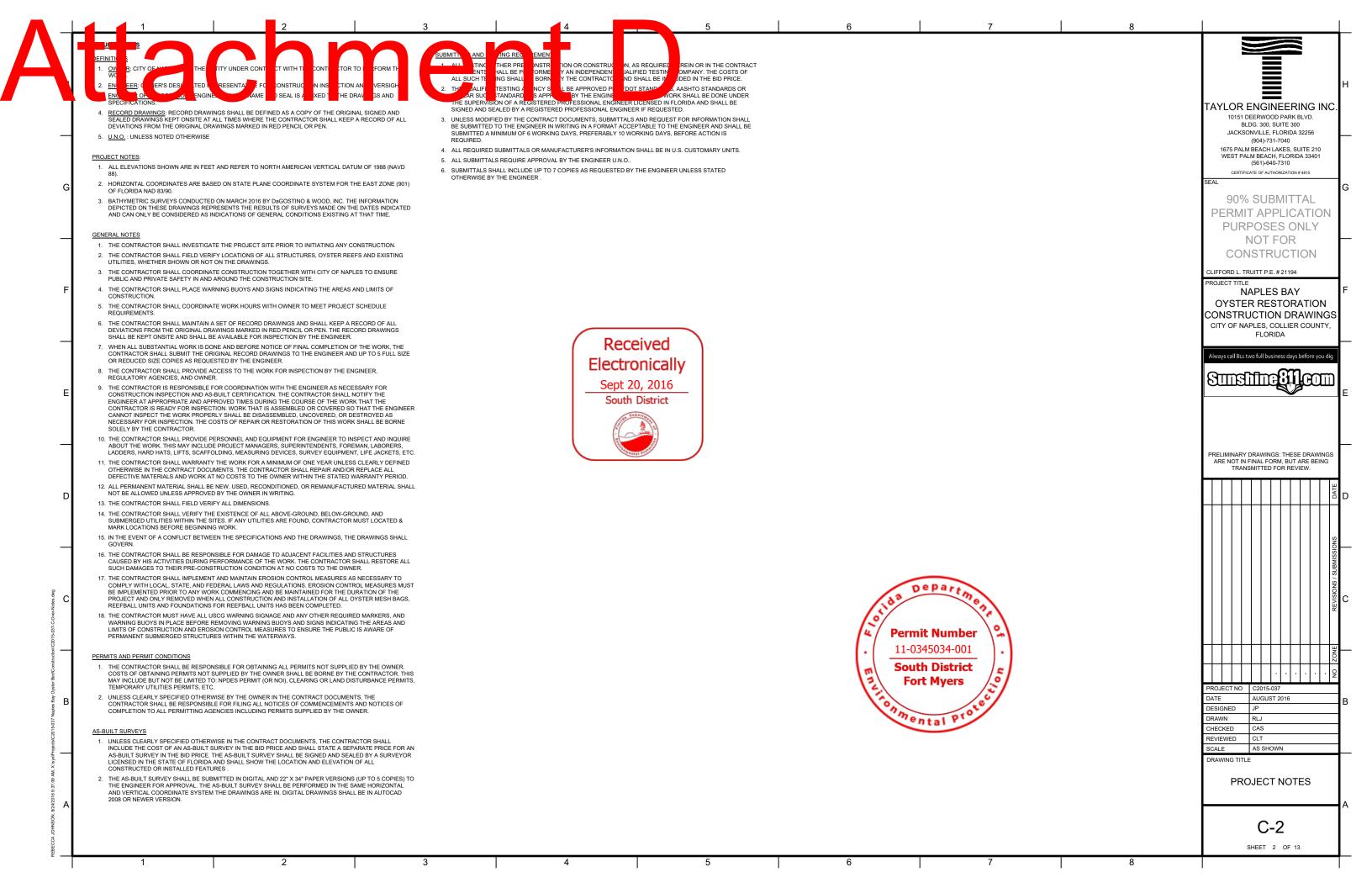
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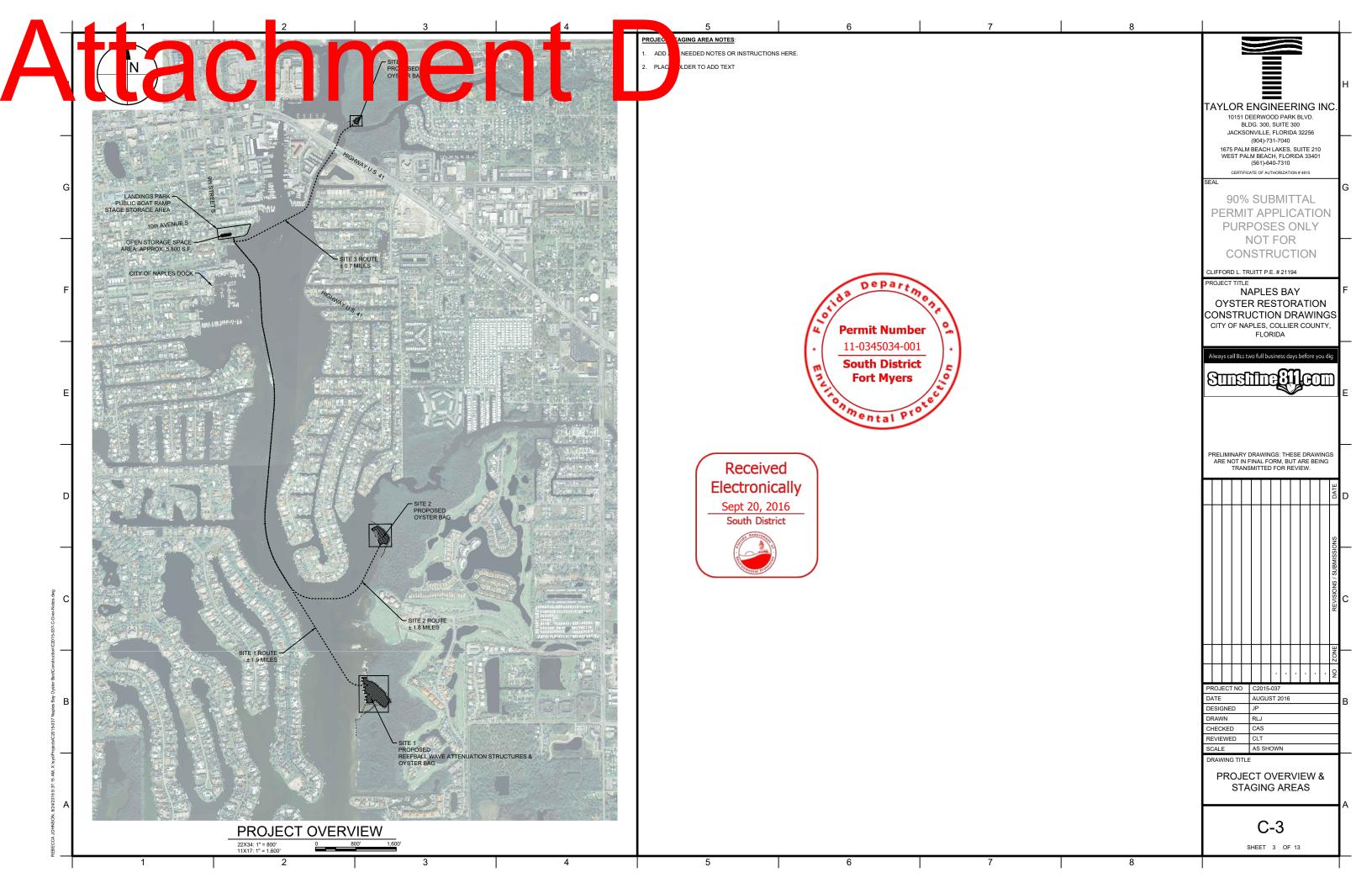
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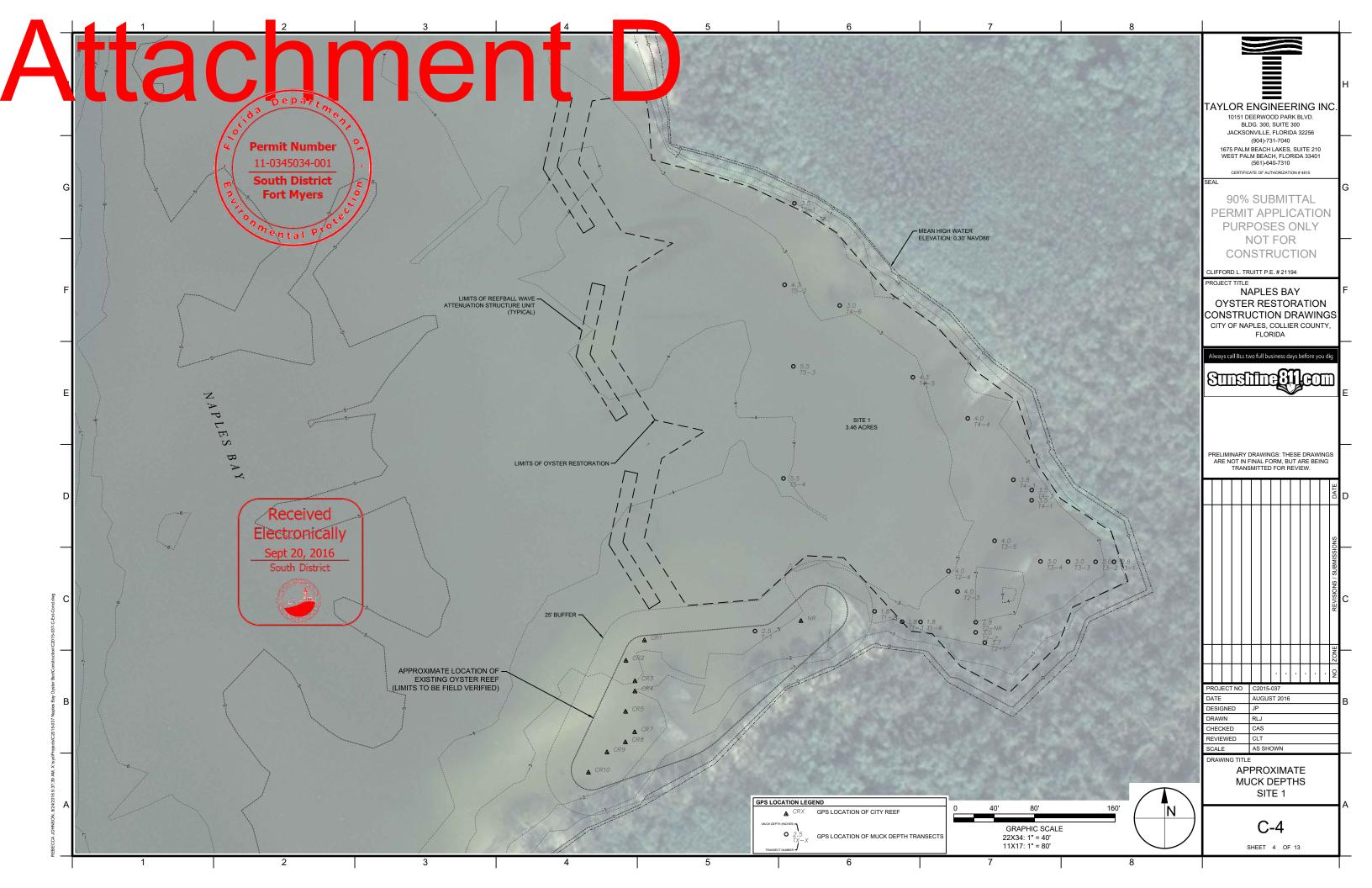
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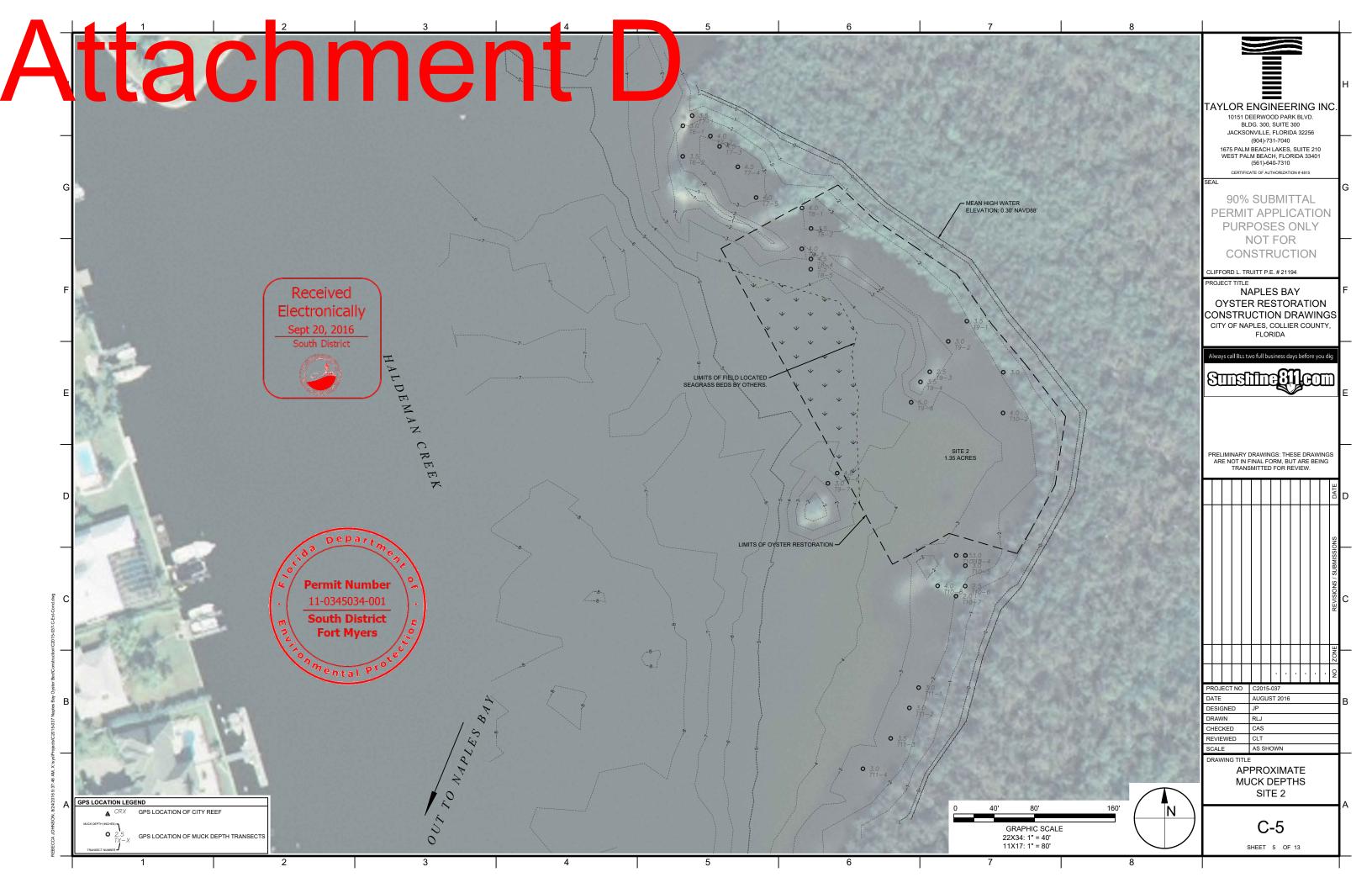
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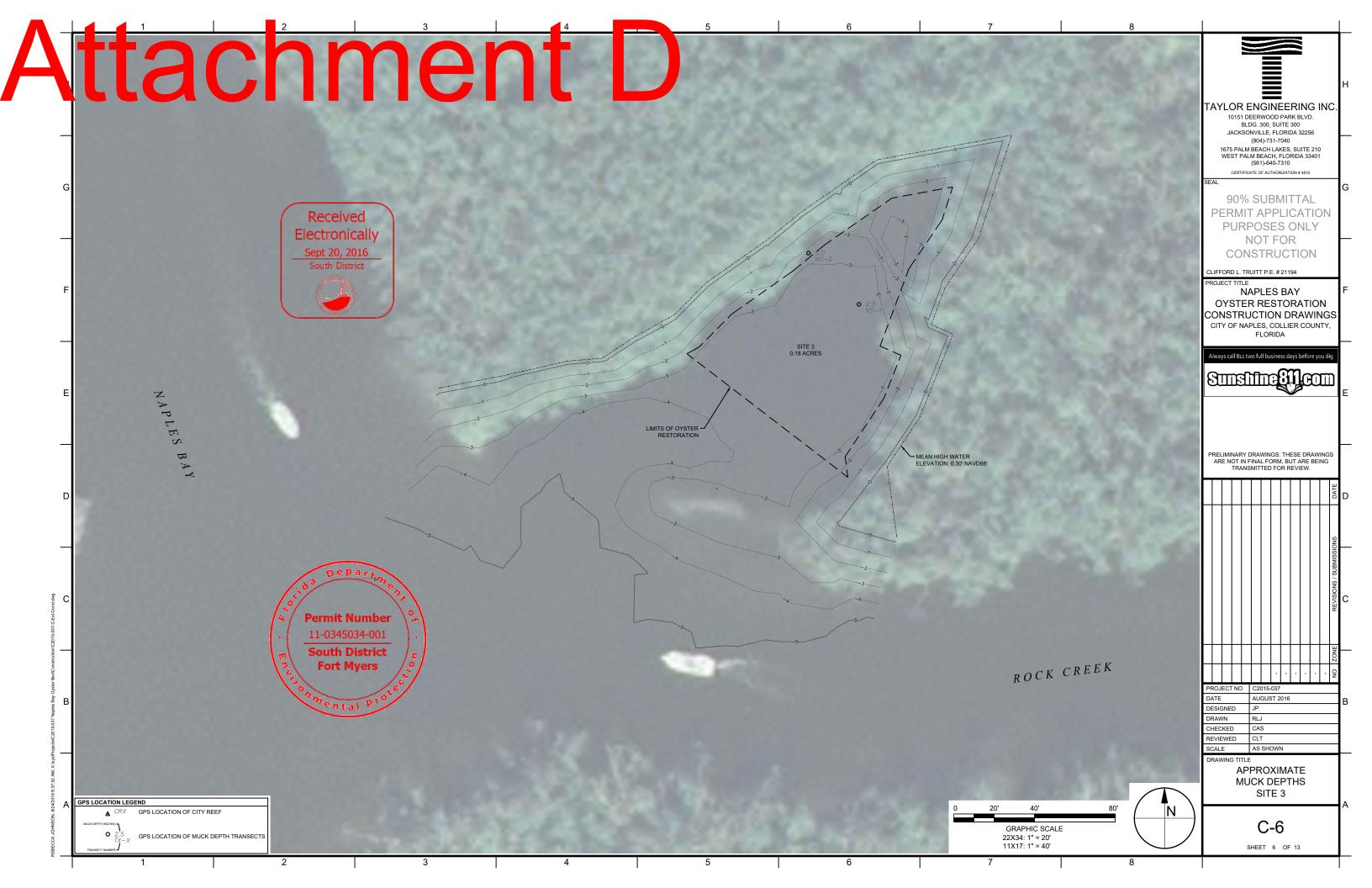
CITY OF NAPLES COLLIER COUNTY FLORIDA

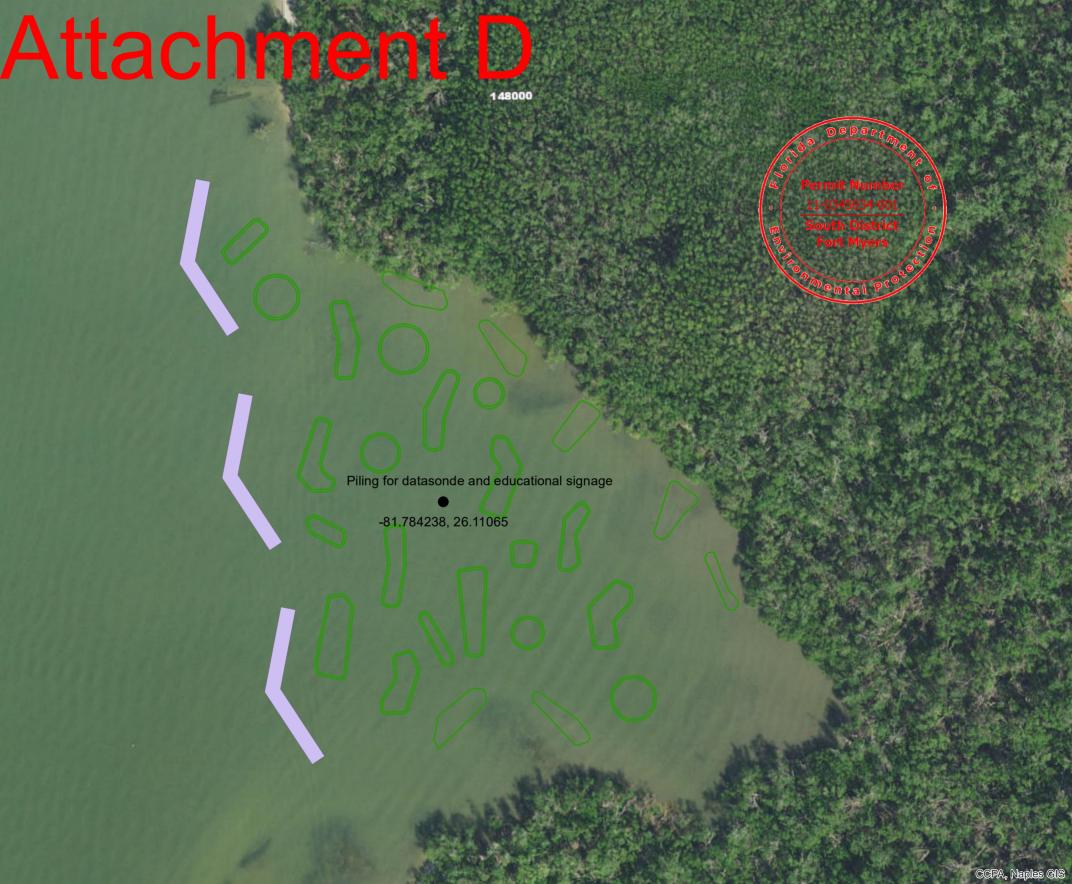


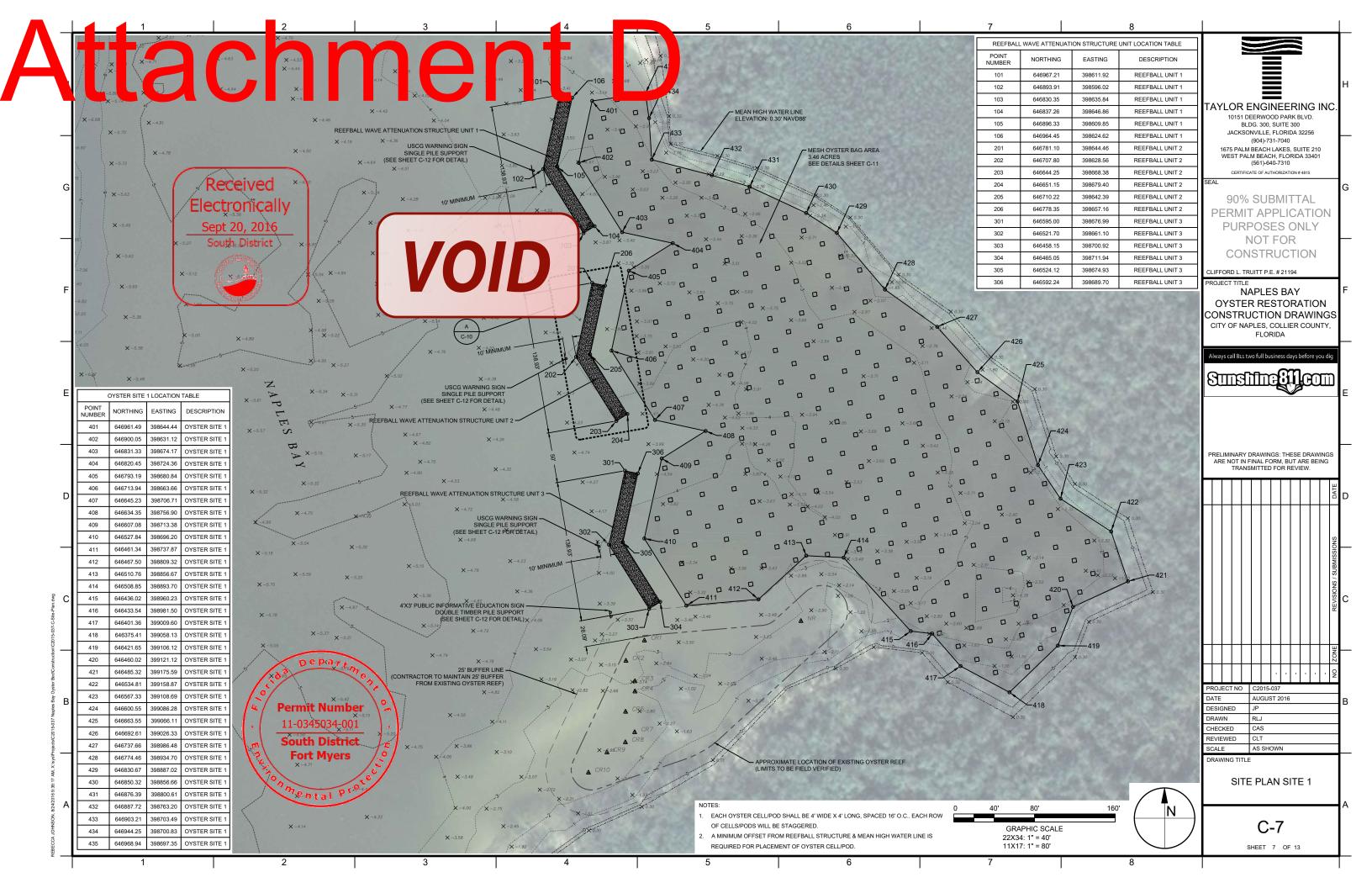


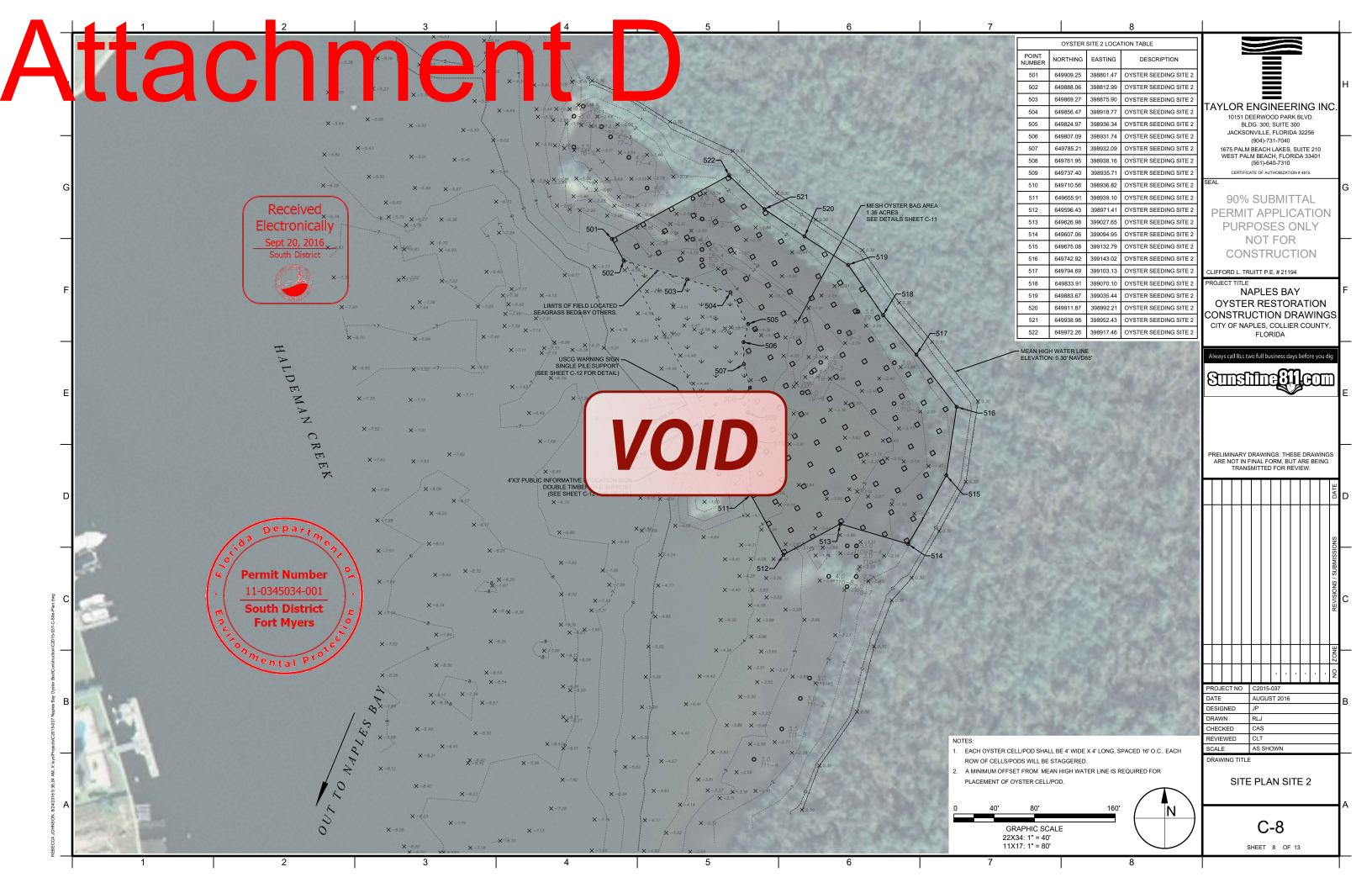


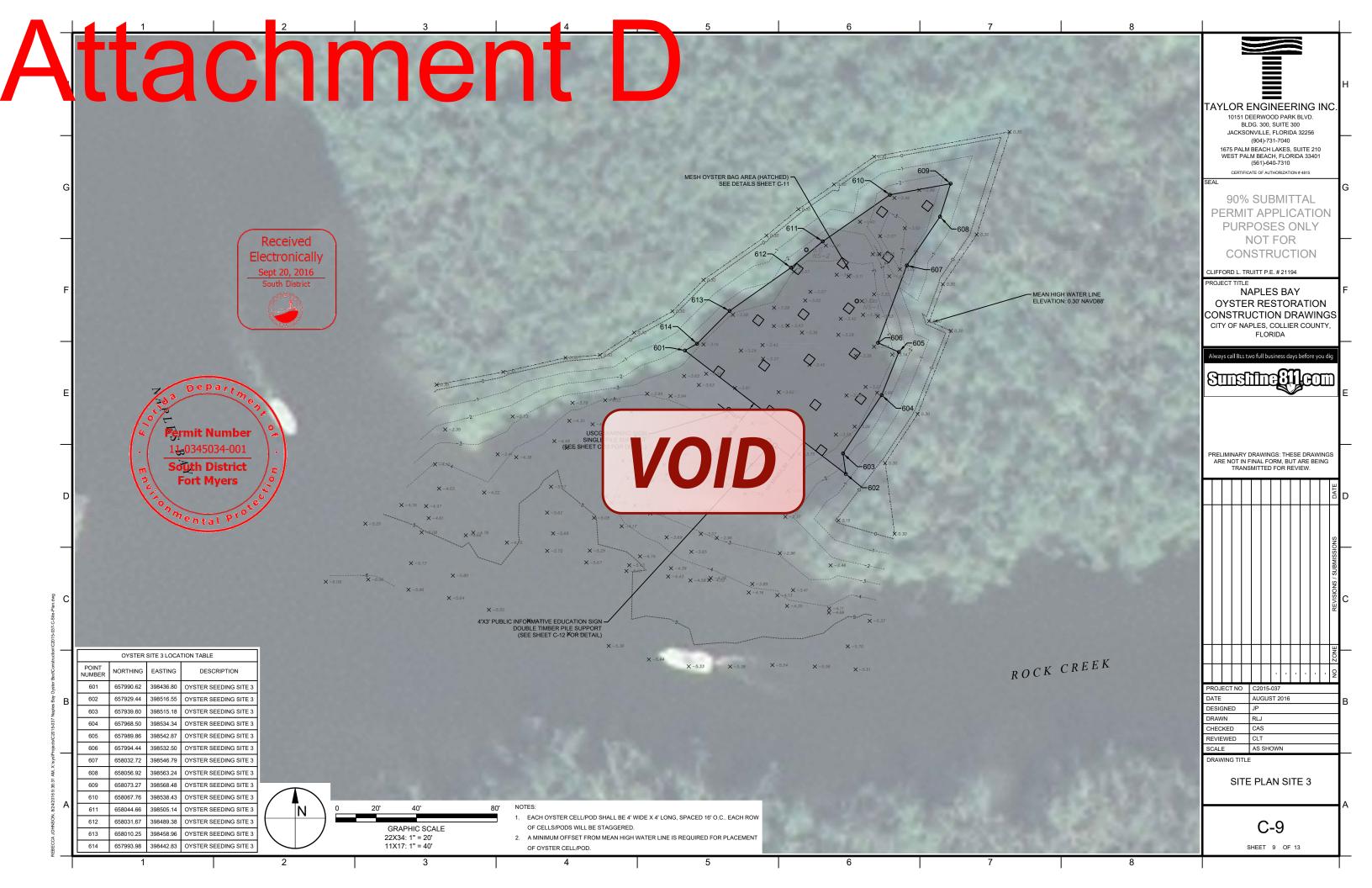


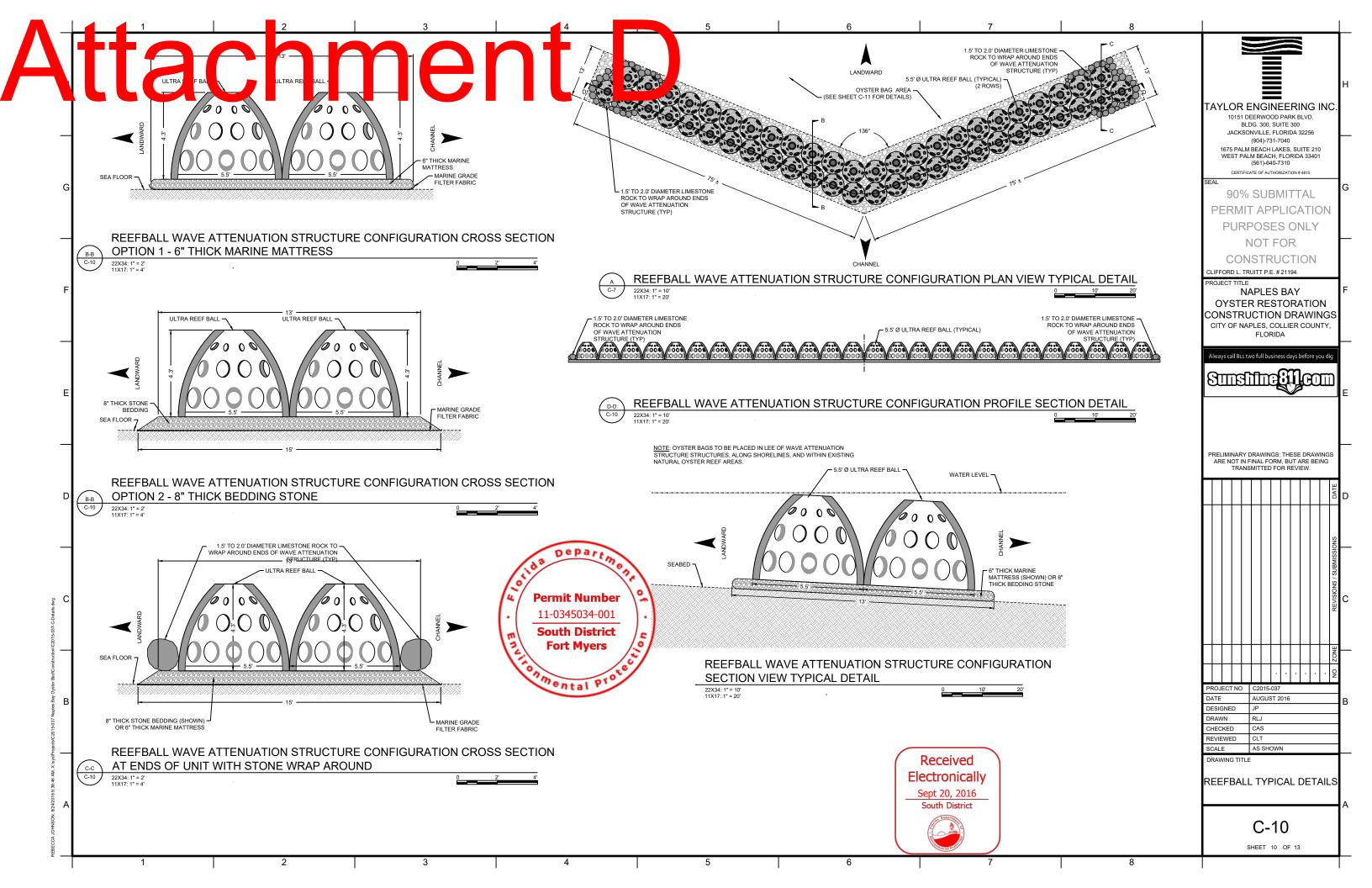


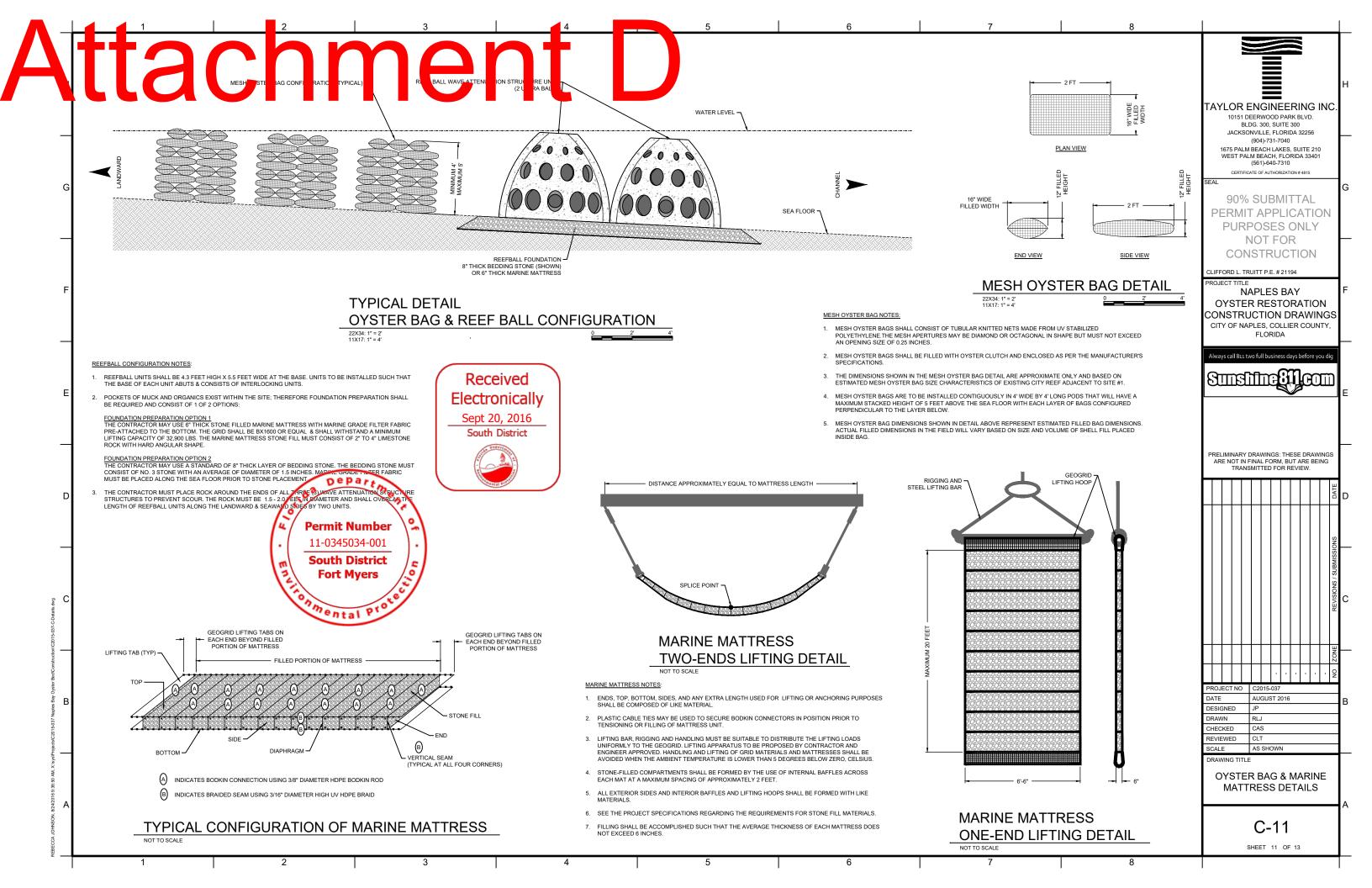


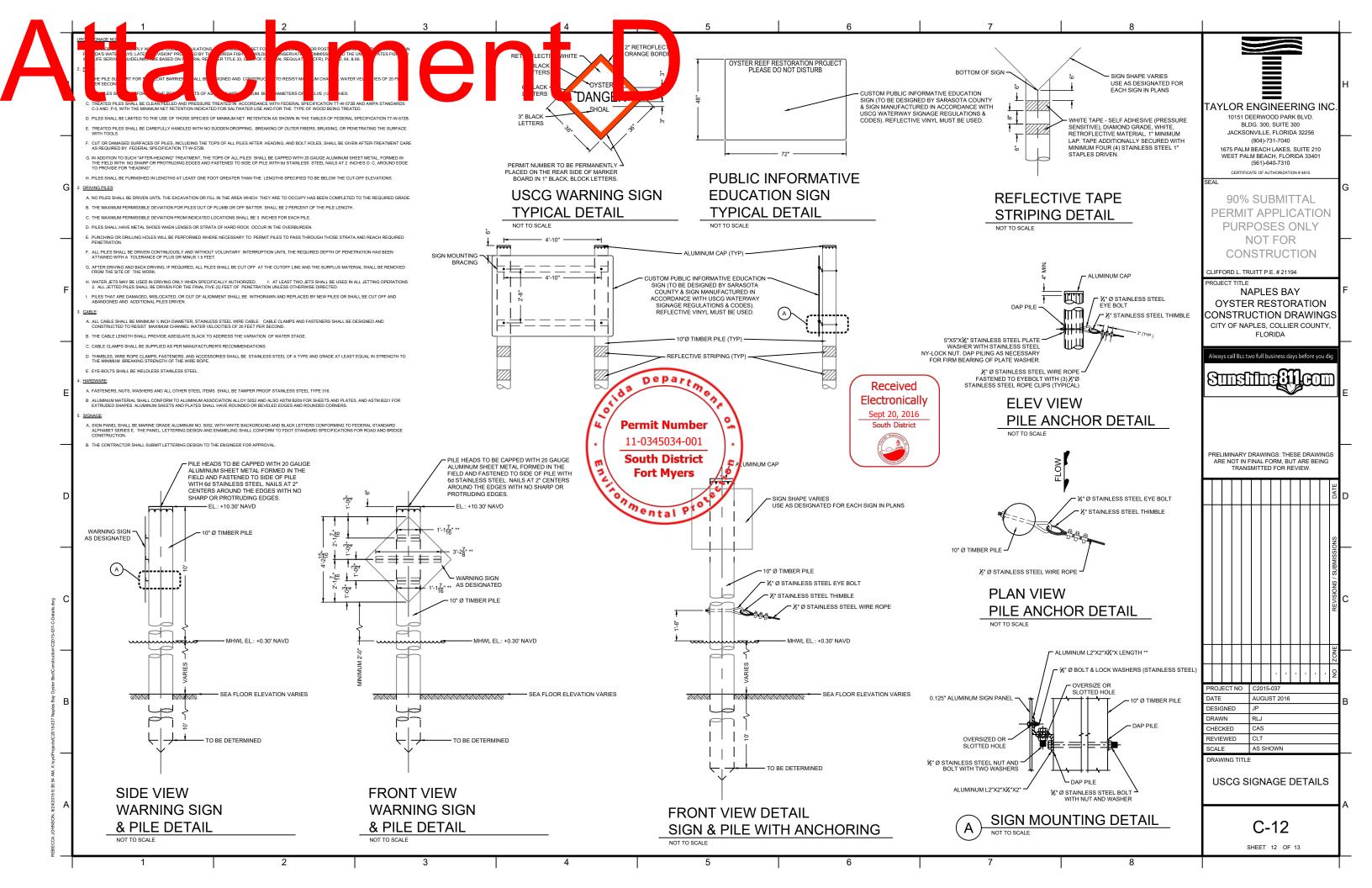


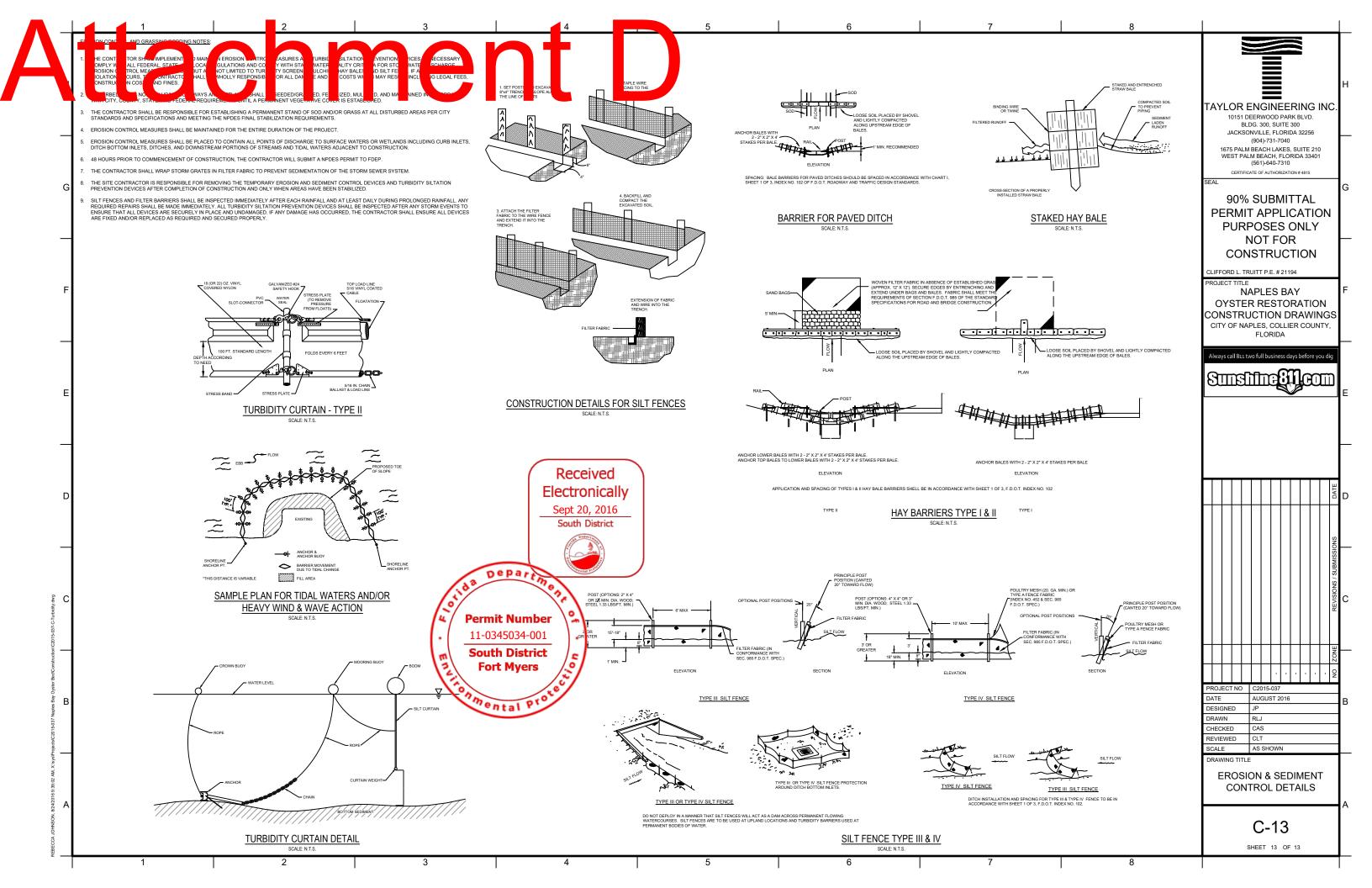


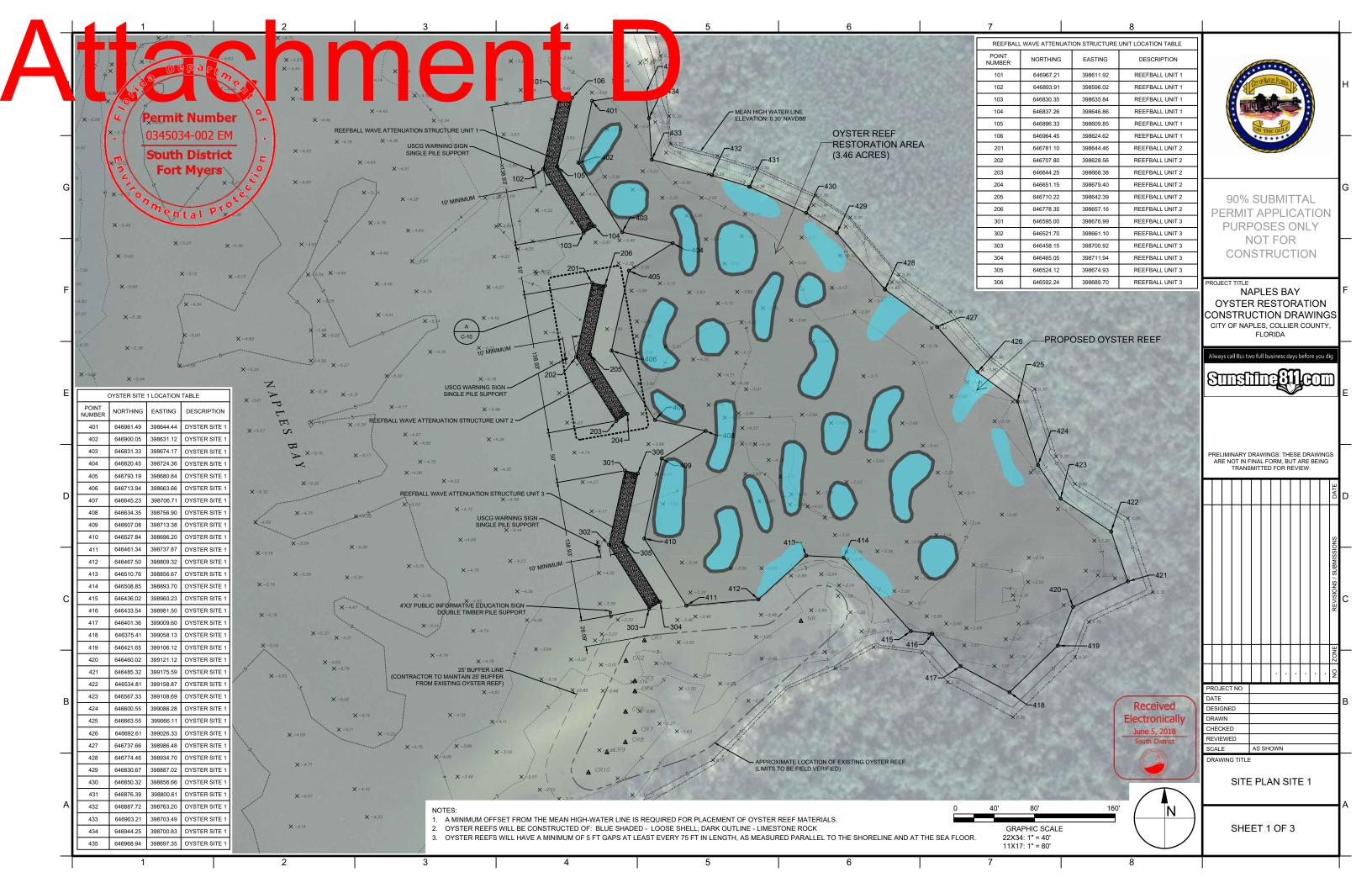


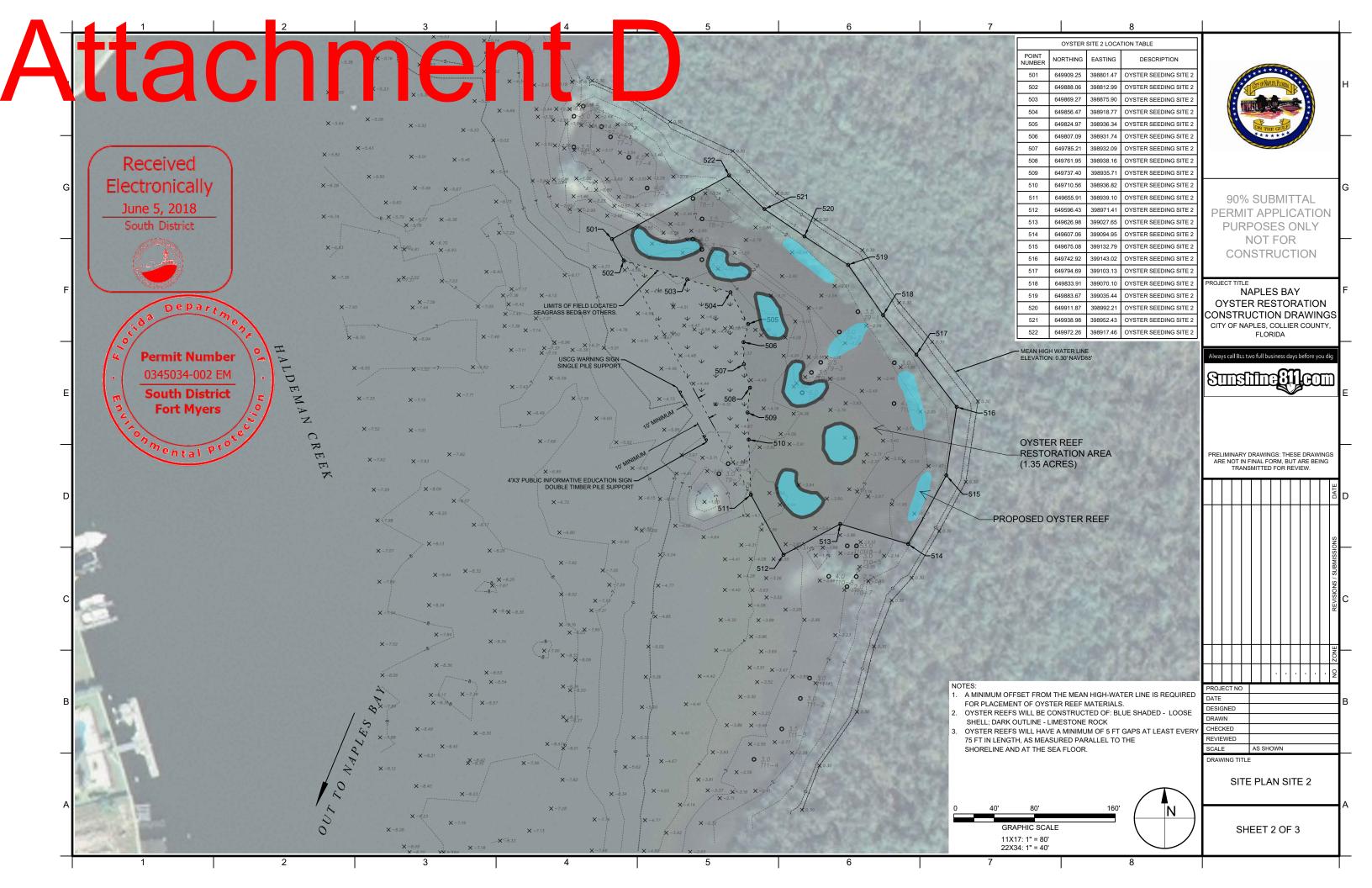


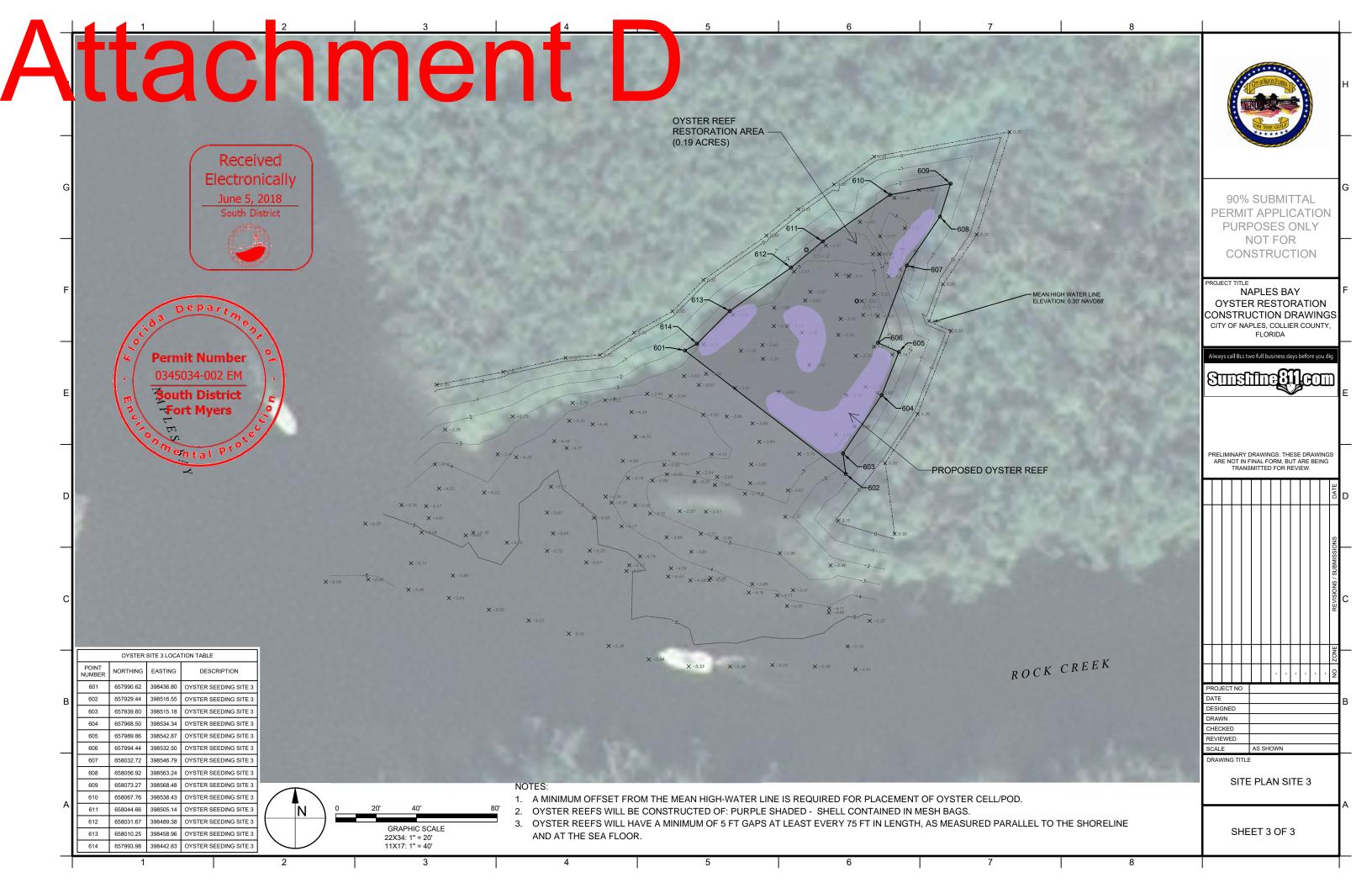












## Attachment D



# FLORIDA DEPARTMENT OF Environmental Protection

South District PO Box 2549 Fort Myers FL 33902-2549 SouthDistrict@FloridaDEP.gov Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Shawn Hamilton Secretary

September 17, 2021

City of Naples Natural Resources c/o Katie Laakkonen 295 Riverside Cir Naples, FL 34102 klaakkonen@naplesgov.com

File No.: 345034-003 EM, Collier County Permit Number: 345034-001/002 EM

Dear Applicant:

Your request to modify the Permit No. 345034-002 EM has been received and reviewed by Department staff.

The expiration date of the construction of the permit has been changed as follows:

From: October 23, 2021

To: October 23, 2026

All dates contained in the terms and conditions of the permit pertaining to deadlines, such as for commencing or completing construction, completing any mitigation, and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date. You are advised that s. 252.363, F.S., requires that, "If the permit or other authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted."

In accordance with s. 252.363, F.S., the permitted activity will continue to be governed by the rules in effect at the time the permit was issued. However, any future request to modify the permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modification.

#### This extension does not:

1. Alter any other terms or conditions of the permit.

# Attachment D

File No: 345034-003 EM

Page 2 of 2

- 2. Affect the expiration date of any associated state-owned submerged lands lease or easement that was executed for the activities authorized in the permit. It also does not change any terms or conditions contained in the lease or easement, such as deadlines for submittal of any required lease fees.
- 3. Affect the water quality certification determination under Section 401, Public Law 92-500, 33 U.S.C. Section 1341 made as part of the permit.
- 4. Affect the coastal zone consistency concurrence determination made under Florida's Coastal Zone Management Program in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D originally contained in the permit.
- 5. Affect the expiration date of any state, federal, or local permit, license, or authorization related to this permit, specifically including any federal permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

Sincerely,

Jon M. Iglehart

Director of District Management

South District

cc: USACOE, Fort Myers