



### RFQ for Municipal Marina Permitting and Design

#### Addendum #1

1. **Question:** The RFQ states that the City desires a consultant to assist them in “completing the permitting and design process for the proposed 24-slip transient dock”, Docks C and D (future expansion) on the drawings. There is currently no marina. Can you share the name of the consultant who did the design and permitting for the other Docks A and B, and why the City is pursuing another consultant at this time? Is there anything that precludes the first consultant from responding to this solicitation?

**Answer:** Docks C and D have become the primary project in lieu of docks A and B. The City has submitted a grant application for funding the construction of Dock C. There have been no permitting or construction documents completed. Woods Consulting completed a feasibility study for the future Marina and the RFQ attachments were the result of that study. Woods Consulting does not have a continuing contract with the City, and as per our purchasing requirements, any project estimated above \$25,000 is considered a Capital Improvement Project requiring the formal proposal process. There is nothing that precludes the first consultant from responding to this solicitation.

2. Replace evaluation criteria on Page 4 with the following:

Experience with Design, Permitting, and Implementation of Similar Projects
Qualifications of Staff Members Assigned to This Project
Approach and Understanding of the City's Needs
Location of Firm and Staff Assigned to This project
Overall Ability to Execute Services
Met All Proposal Requirements In RFQ
Reference Report

3. Review the following attachments: Marina Feasibility Study

FEASIBILITY STUDY REPORT FOR  
THE POTENTIAL TO PERMIT  
MUNICIPAL DOCKS  
AT THE  
CITY OF ST. PETE BEACH  
COMMUNITY CENTER  
SITE

Prepared for:

The City of St. Pete Beach  
155 Corey Avenue  
St. Pete Beach, Florida 33706

Submitted by:

Woods Consulting  
1714 County Road 1, Suite 22  
Dunedin, FL 34698  
727-786-5747

April 8, 2011

# Woods Consulting

Environmental Permitting Marine Engineering Hydrogeology Land Planning

1714 County Road 1, Suite 22  
Dunedin, FL 34698

April 8, 2011

Michael Bonfield  
City of St. Pete Beach  
155 Corey Avenue  
St. Pete Beach, Florida 33706

Re: Feasibility Report for Proposed Municipal Docking Facility at the St. Pete Beach Community Center Located at 165 75<sup>th</sup> Avenue, Parcel Identification Number 36/31/15/77988/000/0010, Pinellas County, Florida

Dear Mr. Bonfield,

Woods Consulting has completed the Feasibility Study addressing the ability to permit a municipal docking facility at the St. Pete Beach Community Center located at 165 75<sup>th</sup> Avenue. As a result of this study it is our opinion that a docking facility with up to 70 slips can be permitted. See attached Exhibit A. The rules and design guidelines are detailed in this report.

The site is well suited for the permitting of a municipal docking facility as sufficient water depths are present, no navigational concerns are anticipated and, although few protected environmental resources are present at the site, they are located so that they do not adversely impact the ability to permit docks and wet slips.

To summarize the work completed during this study, Woods Consulting completed a state lands determination for ownership of submerged lands, completed depth and benthic surveys and applied local, state and federal dock rules to prepare a preliminary design that maximizes the number of boat slips that can be permitted at this site. Each task is discussed in detail in this report.

We must also note that the site is in an area for which the U.S. Fish & Wildlife Service (FWS) and the Army Corps of Engineers (ACOE) have placed a *de facto* moratorium on new dock permits. The moratorium is in place because FWS believes the annual number of Manatee deaths caused by water craft is abnormally. We understand the FWS, the Florida Fish and Wildlife Conservation Commission (FWC), as well as Pinellas County are working towards a resolution of this matter. This issue is discussed in more detail in this report.

Should the City decide to move forward to permit a municipal docking facility, it is our opinion the time frame to complete the permitting would be on the order of 16 to 20 months. A proposal addressing the permitting costs is attached as part of this report in Appendix A.

### Submerged Lands Ownership

A request for a formal determination of submerged lands ownership was submitted to the Department of Environmental Protection (FDEP), Division of State Lands. The FDEP has responded that the state holds the title to the submerged lands below the mean high water line at the subject site. A copy of the state lands determination is enclosed in Appendix B.

The state lands determination also located two utility easements that run parallel and just north/west of the Corey Causeway bridge. These utility easements fall within the project area and are discussed in more detail later in this report.

As the submerged lands are state owned, the state will require the City to obtain a submerged land lease for the entire docking facility including the docks themselves, the slip areas and the fairways between the docks. The State does not limit the size of the lease area for public facilities. Please note the lease is discussed in more detail later in this report.

### Field Investigations: Benthic and Bathymetry Studies

Woods Consulting performed a benthic study to determine if valuable submerged aquatic resources such as sea grass, sea whips, sponges, worm tubules, etc. are present at the site and, if present, to delineate the locations of the resources. A bathymetry determination was also performed to determine the depth of water referenced to mean low water (MLW). Benthic and Bathymetry findings are shown on Exhibit B in Appendix C.

The Benthic Study found only a few sporadic beds of Cuban shoal grass (*Halodule wrightii*) along the existing seawall. Oyster (*Crassostrea sp.*) debris with sporadic oyster clusters (10-30% viable) were observed attached to the existing seawall and rip rap rubble that was observed at the toe of the existing seawall. Few soft corals in the form of colorful sea whips (*Leptogorgia virgulata*) were also observed attached to rip rap rubble at the toe of the seawall.

As sea grass, colorful sea whips, and oysters are environmentally valuable resources, the preliminary design avoids adverse impacts to these protected resources.

The depth survey provides the depths at mean low water (MLW) in one-foot contours. The minimum depths for docking facilities are established by FDEP as they require a minimum of 3 feet depth at MLW for all slip areas, turning basins and the route of ingress/egress to the nearest channel. For larger vessels they require a minimum of 1 ft clearance between the marine bottom and the deepest draft of a vessel. The depths at this site range from 3 ft to 13 ft at mean low water providing more than adequate depth for the vessels expected to use the facility.

### Preliminary Docking Facility Design

Exhibit A provides shows the preliminary design. The layout provides four docks for mooring of up to 70 vessels for both transient and permanent mooring. This design avoids impacts to protected resources and does not pose navigation concerns.

A fixed boardwalk is shown along the seawall with floating docks labeled A through D. Ramps would extend from the fixed boardwalk to the floating structures. Docks A and B are designed for permanent mooring, i.e., slips that could be rented for short or long terms. Docks C and D are designed for transient mooring, i.e, temporary, side-tie mooring for short term visits. It may be the desire of the City to permit docks in two phases.

The slips at Docks A and B are a mix of 35 ft and 45 ft slips. Obviously smaller or larger vessels could moor in these slips so long as there is adequate width in the slip areas and the boats do not extend beyond the final approved lease boundary.

As the slips at Docks C and D are used in a side-tie manner, these slips can be used by vessels of various sizes so long as there is adequate depth for the vessel. The largest of the vessels will need to moor in the deeper areas at the ends of these docks.

This layout in our opinion meets the regulatory and design criteria of the reviewing agencies, being the City of St. Pete Beach, Pinellas County, the FDEP, the National Marine Fisheries, the U.S. Fish & Wildlife Service, the U.S. Army Corps of Engineers and the Florida Fish & Wildlife Conservation Commission.

Discussions of this layout in relation to permitting with each regulatory agency are presented below.

### City of St. Pete Beach

The City will review the proposed dock for compliance with their regulations which are consistent with the Pinellas County Water and Navigation Control Authority. Both the City and the County will use the length of waterfront to calculate side setbacks and other dimensional standards such as length and width.

Side setbacks for docking facilities are calculated as being 10% of the length of the property as measured at the waterfront. As the site has approximately 950 linear feet of shoreline (or waterfront width), a 10% setback line was placed approximately 95 feet from the north/west shared property line as extended into the water. Please refer to Exhibit A wherein the 10% set back line is shown. For the south portion of the project area two utility easements are present. A larger setback is being provided on this side of the property so as to not damage or infringe on the easement areas as these utilities will routinely need maintenance and/or repairs.

The maximum width for a docking facility is calculated as being 75% of the overall length of the property as measured at the waterfront. As the site has approximately 950 linear feet of shoreline, the maximum width allowed is 712.5 ft. As proposed, the overall width of all the docks including the waterfront boardwalk is 695 ft.

The maximum length for a docking facility is calculated as being 75% of the overall length of the property as measured at the waterfront. As the site has approximately 950 linear feet of shoreline, the maximum length is calculated as 712.5 ft. As proposed the maximum length of the two largest docks is only 254 ft because the length allowed is not merely a function of the length of waterfront. There are more restrictive criteria established for length to ensure safe navigation. Length limiting criteria established by the county, state and federal rules are addressed later in this report.

The City's dock code may impact this preliminary design depending on how the City chooses to interpret the code. Section 6.23(5) of the code states "*commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived administratively provided that signed statements of "no objection" from the affected property owners has been submitted*".

Pinellas County interprets this code and applies this setback only to those commercial docks abutting *single-family residential* properties. However, the City has, in the past, applied this setback to commercial docks abutting *multi-family residential* properties. As the northwestern adjacent abutting waterfront property is a multi-family residential property, the one-third side setback requirement, if applied, could significantly reduce the footprint of the facility without a waiver or letter of no objection from the adjacent property owner. The one-third setback requirement may be waived by the City Manager or designated representative provided signed statements of no objection from the affected property owners are submitted. An interpretation of this code will need to be addressed by the City for the attached preliminary design as a one-third setback equates to a 314 ft setback which essentially eliminates all of Dock A and more than one half of Dock B. If the City interprets this code consistent with how the County interprets it, then the one-third setback does not apply as the adjacent property is not a single-family lot.

#### Pinellas County

The Pinellas County Environmental Management Department reviews commercial docks for environmental and navigation impacts and will issue a Commercial Dock Permit.

During their review process, the County's environmental staff will perform field investigations addressing both the shoreline and the submerged lands in order to confirm the benthic and bathymetry findings presented by Woods Consulting.

Their review for navigation impacts will focus primarily on the dock's projection into the waterway and the proximity of the docks to the navigation channel. The County limits the length of docks to no more than 25% the width the waterway, or a maximum of 300 ft whichever is more strict. The length limiting criteria for this site is the width of waterway and as proposed, the docks and tie poles do not project into the waterway farther than allowed. The County also does not allow dock structures to be located within 150 ft of the centerline of a navigation channel and as proposed, the docks and poles are farther than 150 ft from the centerline of the channel.

Currently, all Pinellas County commercial dock applications for docks exceeding 500 square feet in area require hearings for approval; an Administrative Hearing and a Board of County Commissioners (BOCC) hearing. However, new regulations were recently proposed to eliminate the need for these hearings when no variances are being requested and when no environmental or navigation impacts are anticipated. The BOCC will vote in late April on these proposed changes. It is likely that this project will not require public hearings for County approval.

As designed, the docks do not adversely impact environmental resources or impede navigation.

*Florida Department of Environmental Protection (FDEP)*

The project will require an Environmental Resource Permit be obtained from FDEP. FDEP will review the project for navigation and environmental concerns, construction materials, best management practices during construction, operation and maintenance of the facility and review the application for a submerged land lease.

As part of the review for environmental concerns the FDEP imposes a minimum depth requirement of 3 feet at mean low water (MLW). This ensures minimum clearance between the deepest draft of any vessel and the marine bottom to prevent prop-scarring or boats running aground. Additionally, they require any protected resources in the project area be avoided in the footprint of the dock or the mooring areas. As designed, the docks and slip areas meet the minimum depth requirements and protected grass beds are avoided.

As part of the review for navigation concerns, FDEP will not allow docks not extend into the waterway more than 25% the width of the waterway or 500 ft whichever is more strict. The 25% width of waterway projection is the more strict criteria at this site, therefore, the proposed docks do not exceed 25% the width of the waterway rule which is also consistent with the County's requirement.

For best management practices, the FDEP will address water quality, water flushing, construction materials, sanitary practices and general operations and maintenance of the facility. For water quality, the FDEP will require ambient water quality data and will also likely require a flushing analysis. These studies are used to determine if any pollutants currently exist at the site and the flushing rate if a pollutant were to be introduced into surface waters

during construction or use of the facility. Measures to protect water quality during construction include the use of turbidity curtains. Measures to protect water quality after construction include vinyl-wrapping of chemically-treated timber pilings, incorporation of a sewage pumpout plan if a pumpout system is proposed, a fuel spill emergency/contingency plan if fueling is proposed and an overall operations and maintenance plan for washing, repairs, sewage disposal, fuel clean up materials, etc., depending on the services the facility offers. Woods Consulting can assist with addressing all of these concerns as well as preparation of an operations and maintenance plan for the facility.

As the submerged lands at this location are state-owned, the State will require a submerged land lease for the area of submerged lands which the proposed docking facility will preempt from public use. The area requiring a submerged land lease is approximately 150,000 square feet. The annual base fee for the lease is estimated to be \$0.32 per square foot. For the initial lease, there will be a one time 25% lease fee in addition to the base fee. If the facility is a revenue generating facility, the State will require payment of 6% of the revenue generated directly from this facility. The facility may receive lease fee discounts in several ways. Facilities that are more than 90% open to the public with signs posted at the site stating this will receive a 30% discount. Facilities that are designated as Clean Marinas receive another 10% discount.

Government facilities can apply to the Board of Trustees for a waiver altogether for their lease fees as noted below taken from Chapter 18-21 of the Florida Administrative Code. *"A waiver from payment of annual lease fees for government, research, education or charitable entities that are either not-for-profit or non-profit shall be granted if the following conditions are met: (a.) Any revenues collected from the activity or use of sovereign submerged lands are used solely for the purposes of operation and maintenance of the structure; and (b.) The activity or use of sovereignty submerged lands is consistent with the public purposes of the applicant organization and is not an adjunct to a commercial endeavor"*.

FDEP requires that for any application that preempts more than 50,000 square feet of submerged lands from the public, or entails the construction of more than 50 wet slips, the application must go before the Governor and Cabinet, acting as the Board of Trustees of the Internal Improvement Trust Fund (TIFF), for their approval of the land lease. To gain the Boards approval, one must attend the Cabinet Aide's Meeting (held six days prior to the Board meeting) and then the formal Board Meeting.

It is possible to permit the construction of the docks in two phases as per the meeting held with FDEP staff. The process entails two separate sets of construction plans being provided with the permit application. Although the docks may be constructed during two separate phases, the FDEP will require the entire lease area be approved and lease fees be paid on even if future docks are not yet constructed.

U.S. Army Corps of Engineers (ACOE)

The ACOE will review the dock application for environmental and navigation concerns and will consult with other Federal agencies, those being the U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries (NMF) to ensure the dock will not negatively affect protected species such as manatees or fisheries. As previously addressed, the docking facility layout avoids impacts to the sea grass and soft corals present at the site. As the design avoids existing protected resources, it is believed that the NMF will not have any issues for their review leading to a favorable report on the project.

The FWS reviews the facility for any potential to cause harm to manatees. Their review and conclusions are typically very subjective and it is therefore difficult to predict whether or not they will express concerns in the Biological Opinion they will prepare for the Army Corps. If they have no issues with the site, the minimum they will require is that the Applicant follow the Construction Guidelines for Manatee Protection, which is a standard list of Best Management Practices (BMP) for in-water construction in waters that may have manatees present.

Please note a *de facto* permit moratorium is in effect by the Army Corps for all Pinellas County multi-family residential and commercial dock applications located in an area from Indian Shores south to Fort Desoto. This area is termed the impact area in the remainder of this report. Your project site is located in the moratorium area.

When an application package is submitted to the ACOE, and the project involves multi-family residential or commercial docks of 2 or more new slips, the ACOE is required to request formal consultation from the FWS as to the potential impact to the West Indian manatee. The FWS provides their opinion in a document termed a Biological Opinion (BO). The FWS has stated they will not issue any more positive BO's in the impact area until Pinellas County takes steps to address what they believe to be an unacceptably high manatee mortality rate in the area. Without having a positive BO, the ACOE must deny the dock permits without prejudice.

Resolution to the moratorium was presented to Pinellas County in 2008. The FWS proposed several new boating speed zones in the impact area. However, to date, the County has elected to not implement the new boating speed zones recommended by FWS. But rather, the County is focusing their efforts to coordinate with FWC on the upcoming results of the 5-year manatee review study. The County is assisting the FWC with data collection efforts. The FWC report is due later this year or early next year. It is unknown at this time how the results of the FWC manatee review will effect the moratorium. If the FWC determines the manatee population has improved or is stable, it could remove the moratorium altogether. If the FWC determines the manatee population in Pinellas County is unstable then they will make recommendations to the County to improve manatee policies. Those recommendations could range from adding more boating speed zones, adding more marine enforcement officers, or both, to creating and implementing a county-wide Manatee Protection Plan (MPP).

As regards the preliminary design, we understand from the FWS that they are not opposed to transient slips in the impact area because they do not view transient facilities as new

boating access sites. They believe transient boaters are already using the waterways and the facility becomes simply another stop for transient travels rather than their vessel's permanent parking spot. Permanent slips however are viewed as being new boating access points because having a location to moor a boat may be incentive for someone to go and purchase a boat. We believe this logic is flawed but if it results in transient facilities being approved by the FWS and the Corps we do not argue it. Assuming the FWS will grant a favorable review in the form of a Biological Opinion for the transient boat slips that means one half of the facility can be permitted for boat use immediately without waiting for the FWC study to conclude. A favorable BO for the permanent slips may not be forthcoming until the manatee issues are better defined through the FWC study.

We have attached some pertinent correspondences regarding the manatee moratorium in Appendix D. The original negative Biological Opinion from 2007 is enclosed. Also enclosed is a letter from FWS to Congressman Bill Young who's office who we worked with closely arguing the validity of the FWS decision to write the negative opinion in 2007. If you would like to speak with someone at the County, the person who has the most knowledge and who has been involved with this since the beginning is David Walker in the Environmental Management Department.

#### *Pre-Application Meetings with Regulatory Agency Personnel*

A telephone meeting was held with the Pinellas County Environmental Management Department and a pre-application meeting was held with the FDEP Tampa District Office. A scheduled meeting with the U.S. Fish and Wildlife Service was canceled by FWS.

At FDEP, several issues were discussed including navigation, environmental impacts, best management practices during construction, phasing of the project, the submerged land lease, the need for approval by the Governor's Cabinet acting as the Board of Trustees and the operations and maintenance of the facility after construction.

Based on the information presented, the FDEP concurred there not likely to be any navigation or environmental concerns. They also concurred that although the lease area prompts the need for the Governor's approval, the project is appealing and expected to receive a favorable review from Department staff. The FDEP suggests having the City adopt and incorporate rules and regulations as part of an operations and maintenance plan to be in effect for the life of the facility. They would also like to see the facility provide sewage pumpout to the boating public which would weigh heavily in your favor for the public interest component of permitting. The FDEP also agreed to review and permit the construction of the facility in phases.

The phone discussion with the County was related to navigation and environmental impacts and the proposed changes to the permitting requirements of the County. The County concurred the project did not appear to impose any navigation or environmental concerns which are their two main issues for review. Pinellas County will require an Emergency Hurricane Plan be prepared for the new facility. This plan should be made available to all vessel operators upon arrival.

We had scheduled a meeting with FWS last month only to have it abruptly canceled because the St. Petersburg field officer was transferred to a new position. The nearest field officer and/or manager is in Jacksonville and has not responded to our requests for a meeting or telephone discussion. Although we believe it would have been beneficial to discuss the manatee situation in relation to this design, we believe the ability to permit the permanent wet slips is ultimately going to depend on the completion of the FWC study and the final recommendations made to Pinellas County. If the City decides to move forward with permitting a docking facility, it is highly recommended that a pre-application meeting be held with FWS either by phone or in person.

#### Permitting Schedule

We estimate the time from project initiation to obtaining all required permits to be approximately 16 to 20 months. This time frame is dependant on the Army Corp's consultation process with NMF and FWS for the Biological Opinion and the need for the meetings in Tallahassee to gain the Governor's approval for the FDEP permit and lease. The time frame to obtain the Pinellas County permit is short and is expected to be on the order of a few months once an application is submitted, assuming the need for hearings is eliminated when the Commission votes later this month.

#### Summary

To summarize the work completed during this study, we completed a state lands determination for ownership of submerged lands, completed depth and benthic surveys and applied the local, state and federal dock rules to prepare a preliminary design that maximizes the number of boat slips that can be permitted at this site.

As a result of this study it is our opinion that a docking facility with four docks and up to 70 slips can be permitted for both transient and permanent mooring. This design avoids impacts to protected resources and does not pose navigation concerns. As the submerged lands at this location are state-owned, the State will require a submerged land lease.

We appreciate the opportunity to provide our services in the form of this Feasibility Study. Should you wish to meet to discuss the contents of this report, or proceed to permitting please feel free to call me anytime. My email is [terriskapik@woodsconsulting.org](mailto:terriskapik@woodsconsulting.org).

My regards,



Terri Skapik  
President  
Woods Consulting

SCALE: 1 IN = 60 FT

# ST. PETE BEACH COMMUNITY



DOCK A  
23 PERMANENT SLIPS

DOCK B  
23 PERMANENT SLIPS

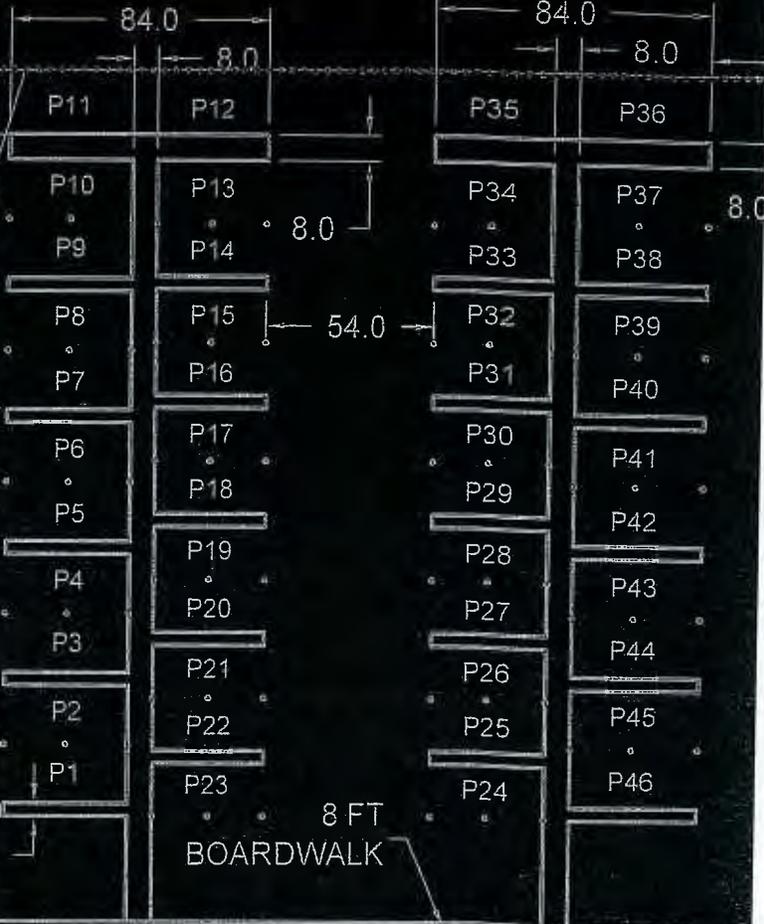
25% WIDTH OF WATERWAY LINE

PROPOSED  
LEASE  
BOUNDARY

10% CITY SETBACK W/ LONO

4.0 TYP

8 FT  
BOARDWALK



Fri, 08 Apr 2011 - 12:46pm F:\PROJECTS\St Pete Beach Community Center Docks (505-10)\CAD\SPBCC MASTER 02-24-11\SPBCC Master R2\SPBCC Master 02-24-11.DWG

## WOODS CONSULTING

1714 COUNTY ROAD 1, SUITE 22  
DUNEDIN, FL 34698  
PH. (727) 786-5747  
FAX (727) 786-7479

LAND LEASE AREA (SF)	145,300
TOTAL SQUARE FEET	21,010
WATERBODY WIDTH	VARIABLE
WATERFRONT WIDTH	± 950'
MHW	+0.45'
MLW	-1.28'
ELEVATIONS REFERENCE NAVD-1988	

## ST. PETE BEACH COMMUNITY CENTER



DOCK A: P1- P11 = 40 FT X 18 FT; P 12-P23 = 36 FT X 16 FT = 23 SLIPS (4,098 SF)  
 DOCK B: P24 - P35 = 36 FT X 16 FT; P36- P46 = 40 FT X 18 FT = 23 SLIPS (4,098 SF)  
 DOCK C: T1 - T12: 12 SLIPS SLIPS SIZES VARY (2,439 SF)  
 DOCK D: T13 - T24 : 12 SLIPS SLIPS SIZES VARY (2,401 SF)  
 BOARDWALK = 7,974 SF

APPENDIX A

PROPOSAL WITH  
ESTIMATED COSTS FOR PERMITTING  
A MUNICIPAL DOCKING  
FACILITY

# Woods Consulting

Environmental Permitting Marine Engineering Hydrogeology Land Planning

April 8, 2011

1714 County Road 1, Suite 22  
Dunedin, FL 34698

Michael Bonfield  
City of St. Pete Beach  
155 Corey Avenue  
St. Pete Beach, Florida 33706

Re: Proposal for Permitting a Municipal Docking Facility at the St. Pete Beach Community Center Located at 165 75<sup>th</sup> Avenue in St. Pete Beach, Pinellas County, Florida, Parcel Identification Number 36/31/15/77988/000/0010

Dear Mr. Bonfield,

Woods Consulting has prepared the following proposal to permit a municipal docking facility at the St. Pete Beach Community Center located at 165 75<sup>th</sup> Avenue in St. Pete Beach. These costs relate to the preliminary design provided with the Feasibility Study.

The proposed scope of services, together with budget estimates, are as follows:

Task 1: Prepare Engineering Signed and Sealed Permitting Plans

Once a design has been reviewed and approved by the City, a full set of permitting plans, signed and sealed by a Florida Registered Professional Engineer, will be prepared for submittal with the applications to the reviewing regulatory agencies. The reviewing agencies include the City of St. Pete Beach, Pinellas County, the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).

Budget Estimate of Woods Consulting Fees: \$2,250.00

Task 2: Assemble and Submit City of St. Pete Beach Conditional Use Application

This item addresses the preparation of the City of St. Pete Beach Conditional Use application including the Pinellas County commercial dock application. This task includes coordination with the City planning staff, responding to questions during the review of the application and attending one hearing.

Budget Estimate of Woods Consulting Fees: \$2,500.00

Task 3: Attend Public Hearings with Pinellas County

After the city approves the conditional use, the Pinellas County application can be submitted for review by the County Environmental Management Department. The County currently requires an application for docks larger than 500 sq ft to be addressed before two public hearings, the Administrative hearing and the formal Board of County Commissioners hearing. This task addresses Woods Consulting personnel preparing for and attending these hearings on your behalf.

Please note the Board of County Commissioners is voting on April 26<sup>th</sup> to eliminate the need for hearings when no variances are needed. Should the Board vote to eliminate the need for hearings, this task would be reduced to a budget estimate of only \$600.00.

Budget Estimate of Woods Consulting Fees: \$2,400.00

Task 4: Assemble and Submit FDEP Environmental Resource Permit Application

This item addresses the preparation and submittal of an Environmental Resource Permit (ERP) application to the FDEP. The FDEP application will be submitted concurrent with the conditional use application submittal to the City.

Budget Estimate of Woods Consulting Fees: \$2,750.00

Task 5: Assemble and Submit ACOE Department of Army Application

This item addresses the preparation and submittal of the Department of Army application to the ACOE. The ACOE application will be submitted concurrent with the permit application submittal to the City.

Budget Estimate of Woods Consulting Fees: \$1,500.00

Task 6: Defend Applications to Reviewing Agencies

This item addresses Woods Consulting responding to Requests for Additional Information (RAI's) from the reviewing agencies. As a minimum, questions will be received from FDEP, Florida Fish & Wildlife Conservation Commission (FWC), National Marine Fisheries (NMF), the U.S. Fish & Wildlife Service (FWS) and ACOE. Please note that each question set will require a line-by-line response by our office.

Please note it is difficult to estimate the cost of this work effort as it is not possible to define at this time the number of concerns that may be expressed by the various reviewing agencies.

Budget Estimate of Woods Consulting Fees: \$4,500.00

Task 7: Perform Water Quality Testing

The FDEP typically requires water quality testing to demonstrate pre-construction water quality. It is the opinion of Woods Consulting that the FDEP will require a full protocol of water quality testing, including the requirement to perform a 24 hour dissolved oxygen (DO) study. The majority of the costs referenced below are incurred by the laboratory that we contract with. The remaining costs are incurred through our coordination with the laboratory and the preparation of the water quality report.

Budget Estimate of Laboratory Fees: \$9,000.00  
Budget Estimate of Woods Consulting Fees: \$1,500.00

Task 8: Perform Flushing Study

The FDEP typically requires a flushing study to demonstrate that the site adequately flushes in case of contamination. Sources of contamination include materials, construction methodology and use of the facility. Woods Consulting can often satisfy this requirement using an analytical approach, called the Tidal Prism Model. Velocity measurements taken over a full tidal cycle are obtained and used to supplement the Model.

Budget Estimate of Woods Consulting Fees: \$2,500.00

Task 9: Address Submerged Land Lease Requirements and Attend Meetings In Tallahassee

The State will require a submerged land lease for the docking facility. This task addresses the preparation and submittal of the submerged land lease application and all supporting documents for

review by FDEP. Woods Consulting will coordinate with a surveyor to have a submerged land lease survey prepared and will prepare and send the required certified lease notices to all property owners within 500 feet of the proposed lease area.

Please note that when the number of wet slips is more than 50 or the land lease area is greater than 50,000 square feet, the permit and lease application must go to the Governor and Cabinet (acting as the Board of Trustees of the Internal Improvement Trust Fund) for approval. This process entails two trips to Tallahassee, the first being to attend the Cabinet Aides meeting and the second to attend the Board meeting. This task includes our preparation and attendance at these two required meetings. Airline ticket costs are addressed at the end of this proposal under outside costs.

Budget Estimate of Woods Consulting Fees: \$5,350.00

Task 10: Address Public Interest Requirements for Leasing of State Lands

The FDEP requires that any Applicant, including municipalities, address the proprietary public interest test as set forth in Chapters 18-20 and -21, F.A.C. for any proposed in-water structures or activities. The test, when such structures are located in an Aquatic Preserve (AP), is that the project must be shown to be "*clearly in the public interest*". All of the waters of Pinellas County are AP unless the submerged lands are privately owned. Additionally the FDEP requires that regulatory public interest also be addressed. Generally, meeting the public interest test involves proposing steps such as habitat restoration, the installation of manatee information/education signs, the installation of seagrass information/educational signs, providing public facilities such as a pumpout station, providing mooring for a marine enforcement vessel, a donation to a public boat ramp fund, or a combination thereof. The cost of the actual public interest is addressed at the end of this proposal under outside costs.

Budget Estimate of Woods Consulting fees: \$1,500.00

Task 11: Prepare Construction Plans, Prepare Construction Bid Packages and Coordinate with Contractors During the Construction Bid Process

This item addresses Woods Consulting preparing the construction plans, preparing the construction bid package and coordinating with the contractors during the construction bidding process.

Budget Estimate of Woods Consulting Fees: \$1,500.00

Task 12: Final Certification

The FDEP and ACOE will require as-built drawings and an Engineer's Certification that the docking facility was constructed according to the permitted plans. This item addresses Woods Consulting performing the as built inspection, preparing the as-built plans and preparing the Transfer paperwork to effect the transfer of the permit from the construction phase to the operations phase. This transfer must be completed before vessels are allowed to utilize the new boat slips. This task also includes having the instrument signed and sealed by the Professional Engineer.

Budget estimate of Woods Consulting fees: \$1,750.00

Cost:

Work will be performed on a time and materials (T&M) basis as per the attached labor rates. The total estimated fees to Woods Consulting are provided in the attached worksheet, labeled Exhibit A. Outside costs are also estimated. Please note that the time and materials cost estimates are budget estimates

only as it is virtually impossible to predict what concerns the regulatory agencies may have with an application. We will endeavor to hold the costs to a minimum.

Please note there are situations that have the potential to increase the costs of permitting that are unknown at this time. They include: (1) manatee impacts will be evaluated by the Florida Fish and Wildlife Conservation Commission and the US Fish and Wildlife Service and may require additional consulting efforts to address any manatee impact concerns they may have with a project; (2) opposition from residents or other groups such as the Save the Manatee Club or Audubon Society can result in timely delays during the permit review process by the FDEP and the Corps; (3) variances that require additional preparation time and attendance; and (4) our attendance at City Commission meetings may be required although it is difficult to estimate how often such meetings will be required.

Work is invoiced every two weeks with payment due within 30 days of the date of invoice.

Please note the above cost estimates do not include the following "Outside Costs":

- Permit application fees to the FDEP, estimated at \$5,600.00 for the permit and \$581.00 for the lease. The ACOE fee will be \$100.00. The County will waive municipal permit fees;
- Postage for Noticing, estimated at \$900.00;
- Submerged Land Lease Survey, estimated at \$2,500.00;
- First and Annual Submerged Land Lease Fees: estimated to be 0.32 per sq ft (or 6% of revenue generated - whichever is greater). Lease area of 150,000 sf x 0.32 = \$48,000 - 40% discounts = \$28,800.00 and a one-time new lease fee of 25% due at signing (\$28,800.00 x 0.25 = \$7,200.00) or \$36,000.00 for first year \*Please note as indicated in the Feasibility Study Report, it is possible for municipalities to obtain a waiver from the requirement to pay lease fees;
- (2) airline tickets from Tampa to Tallahassee, estimated at \$450.00;
- The cost to notice the permit issuance in a newspaper, estimated at \$150.00;
- The cost of the required regulatory and proprietary public interest as addressed in Task 10 above. \*\*It is difficult to estimate the amount of money that will be spent on the public interest project. Generally the amount is decided by the FDEP Tallahassee office and is very subjective. We believe a pumpout station possibly funded by a government grant, some information/education signage and the installation of some reef domes may be sufficient for the public interest requirements. Based on these assumptions, we estimate the total amount of public interest based on the size and use of the facility to be approximately \$10,000.00;
- The cost to record the submerged land lease in the public records of Pinellas County, estimated at \$125.00; and
- Any studies not explicitly addressed in this proposal.

#### Schedule:

We estimate the time from project initiation to completion of the work to be 16 to 20 months. This time frame is heavily dependant on the ACOE consultation process as ACOE is required to coordinate all permit applications with NMF and FWS for their reviews on environmental and protected species impacts. The time frame to be placed on the Governor's agenda can also take additional time that is

Terms:

It should be noted that due to the uncertain and evolving regulatory climate that currently exists due to the Save The Manatee Club lawsuits against the Army Corps of Engineers and the US Fish & Wildlife Service, Woods Consulting can make no guarantee or warranty that any Permit can be obtained.

Please note that the task for Woods Consulting is to provide the plans and to properly permit the proposed activity. The meeting of either General Conditions or Specific Conditions that may be included in the permits is not in our scope; it is the owner's responsibility.

Bill Woods Consulting, Inc. dba Woods Consulting liability for client damages will not exceed the compensation received under this proposal. *Woods Consulting is not responsible for the duties and responsibilities that belong to the borrower(s), construction contractor(s), designer(s), testing laboratories, surveyor(s), or other parties associated with the Project not in the employ of Woods Consulting.*

Should you wish to retain Woods Consulting to perform the above described tasks, please so indicate by signing below and returning one copy for our files. Woods Consulting is prepared to initiate work immediately upon your acceptance of our proposal. This proposal is valid for a period of 60 days. We appreciate the opportunity to provide this proposal. Should you have any questions, please give me a call.

My regards,



Terri Skapik  
President  
Woods Consulting

Signed by: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**WOODS CONSULTING  
1714 COUNTY ROAD 1, SUITE 22  
DUNEDIN, FLORIDA 34698**

**(727) 786-5747**

**HOURLY RATES**

<b>Senior Consultant .....</b>	<b>\$175.00</b>
<b>Senior Hydrogeologist .....</b>	<b>\$160.00</b>
<b>Senior Scientist/Engineer .....</b>	<b>\$140.00</b>
<b>Scientist/Engineer/Senior Permitting Specialist .....</b>	<b>\$125.00</b>
<b>Permitting Specialist .....</b>	<b>\$105.00</b>
<b>Senior CAD Designer .....</b>	<b>\$125.00</b>
<b>CAD Technician .....</b>	<b>\$85.00</b>
<b>Field Technician .....</b>	<b>\$85.00</b>
<b>Clerical .....</b>	<b>\$45.00</b>

**EXHIBIT 1. ESTIMATED COSTS FOR PERMITTING**

**WOODS CONSULTING ESTIMATED COSTS**

Task 1:	Prepare Engineering Signed and Sealed Permitting Plans	\$2,250.00
Task 2:	Assemble and Submit City of St. Pete Beach Conditional Use Application	\$2,500.00
Task 3:	Attend Public Hearings with Pinellas County	\$2,400.00
Task 4:	Assemble and Submit FDEP Environmental Resource Permit Application	\$2,750.00
Task 5:	Defend Applications to Reviewing Agencies	\$1,500.00
Task 6:	Perform Water Quality Testing	\$4,500.00
Task 7:	Perform Flushing Study	\$10,500.00
Task 8:	Address Submerged Land Lease Requirements and Attend Meetings In Tallahassee	\$2,500.00
Task 9:	Address Public Interest Requirements for Leasing of State Lands	\$5,350.00
Task 10:	Prepare Construction Plans, Prepare Construction Bid Packages and Coordinate with Contractors During the Construction Bid Process	\$1,500.00
Task 11:	Final Certification	\$1,500.00
Task 12:		\$1,750.00

**TOTAL \$39,000.00**

**OUTSIDE ESTIMATED COSTS**

Permit application fees		\$6,281.00
Postage for Lease Notices		\$900.00
Submerged Land Lease Survey		\$2,500.00
Annual Submerged Land Lease Fees	(based on approx. 150,000 sq ft area)	\$28,800.00
One Time Initial Lease Fee		\$7,200.00
Airline tickets		\$450.00
Lease Notice in Newspaper		\$150.00
Regulatory and Proprietary Public Interest	(based on rental slips only)	\$10,000.00
Recording fees	(Submerged Land Lease must be recorded in official records)	\$125.00

\*may be waived - see Feasibility Study Report

**TOTAL \$56,406.00**

**TOTAL \$95,406.00**

APPENDIX B

FDEP STATE LANDS  
DETERMINATION FOR OWNERSHIP OF  
SUBMERGED LANDS



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

October 29, 2010

Terri Skapik  
Woods Consulting  
1714 County Road 1, Suite 22  
Dunedin, Florida 34698

RE: Parcel 36/31/15/77988/000/0010; 165 75<sup>th</sup> Ave

Dear Ms. Skapik:

This letter is in response to your recent inquiry requesting a determination of state owned lands in Section 36, Township 31 South, Range 15 East; Pinellas County.

Records on file within the Title and Land Records Section indicate that the state holds title to the lands below the mean high water line of Boca Ciega Bay at the subject site. Work at the site is subject to Easement Numbers 26561(3523-52) and 29038(4512-52).

Submerged Land Deed Numbers 17412 and 17950 appear to be within an approximate half mile radius of the site.

The conclusions stated herein are based on a review of records currently available within the Department of Environmental Protection as supplemented, in some cases, by information furnished by the requesting party. Additional records will be reviewed if provided.

Should you have any questions regarding this determination, please contact Donelle White, GOC I, at mail station 108 at the above address or call at (850) 245-2788.

Sincerely,

Rod A. Maddox,  
Professional Land Surveyor Manager  
Title and Land Records Section  
Division of State Lands  
Bureau of Survey and Mapping  
For Terry E. Wilkinson, Bureau Chief  
Attachment: Map  
RAM/dw

GEOLOGICAL SURV

SE  
10LE1

327

82°45'

328000m.E.

ST. PETER



3000m.N.

15

St Pete

A19A

36TH

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LAND EASEMENT

NO. 26561(3523-52)

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor, pursuant to action on December 18, 1984.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to Peoples Gas System, Incorporated, hereinafter referred to as the Grantee, an easement on, under and across the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section(s) 36,  
Township 31 South, Range 15 East, in Boca Ciega  
Bay, Pinellas County, more  
particularly described and shown on Attachment(s) A,  
dated November 16, 1984.

TO HAVE THE USE OF the hereinabove described premises for a period of 30 years from December 18, 1984, the effective date of this easement. The terms and conditions on which this easement is granted are as follows:

1. That the above described parcel of land shall be used solely for a subaqueous gas transmission main

and that the Grantee shall not engage in any activity except as described in the Florida Department of Environmental Regulation Permit No. 520882173 dated November 21, 1984, attached hereto as Attachment(s) B, and made a part hereof.

2. In the event the land herein described shall cease to be used for said purposes, then the easement hereby granted covering said land shall terminate without notice from the Grantor.

3. The consideration for this easement will be automatically based upon the rule establishing fees for utility easements. Once adopted, payment shall be remitted to the Grantor according to the rule. The established easement fee shall be assessed retroactively from the effective date of the subject rule.

4. The rights hereby conferred shall be subject to (a) any and all prior rights of the United States; and (b) any and all prior grants by the Grantor in and to submerged lands situated within the limits of the easement hereinabove described.

5. The Easement granted to the named Grantee shall not be transferred without prior consent of the Grantor.

6. The Grantee agrees that upon expiration of this easement, all permission granted upon the hereinabove described lands shall cease and terminate, the Grantee shall remove all structures and equipment occupying said lands and erected thereon at the Grantee's expense.

7. That no title to said land is conferred by this instrument.

8. That the Grantee herein will not damage said lands or unduly interfere with public or private rights therein.

9. That the Grantee herein shall save, protect, and hold harmless the State of Florida and the Grantor from all damages and claims arising out of the use of said easement by the Grantee or any of its agents, servants, employees, or contractors to the extent allowable by law.

10. The Grantee hereby agrees that the above-described parcel of land shall be subject to inspection by the Grantor or its designated agent at any reasonable time.

11. That the Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns, running with the land.

12. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor after notice in writing to the Grantee. Upon receipt of such notice the Grantee shall undertake to correct such noncompliance(s) or violations(s) for which the Grantor has given notice within thirty (30) days of receipt of the notice or the Grantor, at its option, shall be entitled to terminate this easement and, if terminated, all of the above described parcel of land shall revert to the Grantor.

13. The State Lands Administrator, Submerged Lands Section, Bureau of State Lands Management shall be the Contract Manager.

IN TESTIMONY WHEREOF, the legally designated agent of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, has hereunto subscribed his name and has caused the official seal of the Board to be hereunto affixed, in the City of Tallahassee, on this 19 day of

February, A.D., 1985.

(SEAL)  
Board of Trustees  
of the Internal  
Improvement Trust  
Fund of the State of  
Florida

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE STATE  
OF FLORIDA

By [Signature]  
DIRECTOR, DIVISION OF STATE LANDS  
AGENT FOR THE BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT TRUST  
FUND

APPROVED AS TO FORM AND LEGALITY

[Signature]  
DNR Attorney

[Signature]  
DNR Contract Manager

[Signature]  
DNR Contract Administrator

TO BE COMPLETED BY GRANTEE OR LAWFULLY DESIGNATED AGENT

Accepted this 29 day of JANUARY, 1985.

STATE OF FLORIDA  
COUNTY OF Pinellas

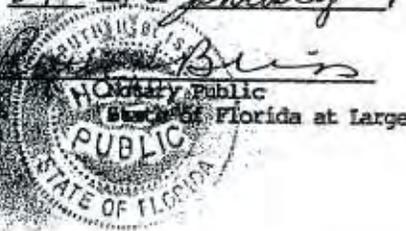
[Signature]  
Grantee

Before me personally appeared [Signature] to me well known and known to me to be the person who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 29 day of January, A.D., 1985.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. NOV. 5, 1988  
DORADO-THRU GENERAL-246-282



DRAWN \_\_\_\_\_  
CHECKED \_\_\_\_\_

SEC. 36 TWP. 31 S., R. 15 E.

Source of Description: Prepared by undersigned

**LEGAL DESCRIPTION**  
**20 FOOT GAS MAIN EASEMENT**

From the Northwest corner of Corey Bridgehead Subdivision, according to plat thereof recorded in Plat Book 32, Page 29, Public Records of Pinellas County, Florida, run N.89°48'27"W., along an extension of North boundary of said Corey Bridgehead Subdivision, to an intersection with a line 1000 feet, Southeasterly from and measured at right angles thereto the Southeasterly line of McAdoo Bridge, as described in traverse from Trustees of Internal Improvement Fund Deed No. 17412 (being Clerk's Instrument No. 183973;) said point of intersection also being the most Westerly corner of deed of land conveyed to Kent by Clerk's Instrument No. 876918, Pinellas County Records; thence run Southwesterly along said line 1000 feet, Southeasterly from and measured at right angles to the South line of McAdoo Bridge, 1257.02 feet; thence S.40°48'40"E., 1764.18 feet to the Northwest right of way line of Corey Causeway, (S.R. 690), a 100 foot right of way; thence along said right of way line and its Southerly extension by the following four (4) courses:

1. A Curve to the left, Radius 1959.86 feet, Arc 165.75 feet, Chord S.34°54'49"W., 165.71 feet;
2. S.57°30'27"E., 10.00 feet;
3. A Curve to the left, Radius 1949.86 feet, Arc 327.85 feet, Chord S.27°40'33"W., 327.45 feet;
4. S.22°51'32"W., 400.87 feet; to the Point of Beginning;

thence N.82°23'39"W., 110.55 feet; thence S.23°13'06"W., 903.90 feet to an intersection with an existing seawall; thence S.88°55'35"E., along said seawall 21.69 feet; thence N.23°13'06"E., 880.57 feet; thence S.82°23'39"E., 89.82 feet to the aforementioned Northwest right of way line of Corey Causeway; thence along said right of way line N.22°51'32"E., 20.73 feet to the Point of Beginning.

Containing 19931.45 square feet more or less of 0.46 acres more or less.

**SPECIFIC PURPOSE SURVEY FOR : People's Gas**

**SHEET 3 of 3**



**George F. Young, Inc.**

ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS

819 ARLINGTON AVE. N. • ST. PETERSBURG, FL 33701 • (813) 822-4317  
1301 U.S. 19 NORTH • PALM HARBOR, FL 33563 • (813) 785-6716  
8106 26TH ST. WEST • BRADENTON, FL 33507 • (813) 753-5029

ATTACHMENT(S)  A   
PAGE  3  OF  10  PAGES  
INSTRUMENT No.  26561(3523-52)

survey represented  
minimum requirements of  
Florida Administrative Code  
knowledge and belief.

11/16/84  
*John Stearns*  
Florida Surveyor's Reg. No.  9502   
SURVEY NOT VALID UNLESS SIGNED AND  
EMBOSSSED WITH SEAL

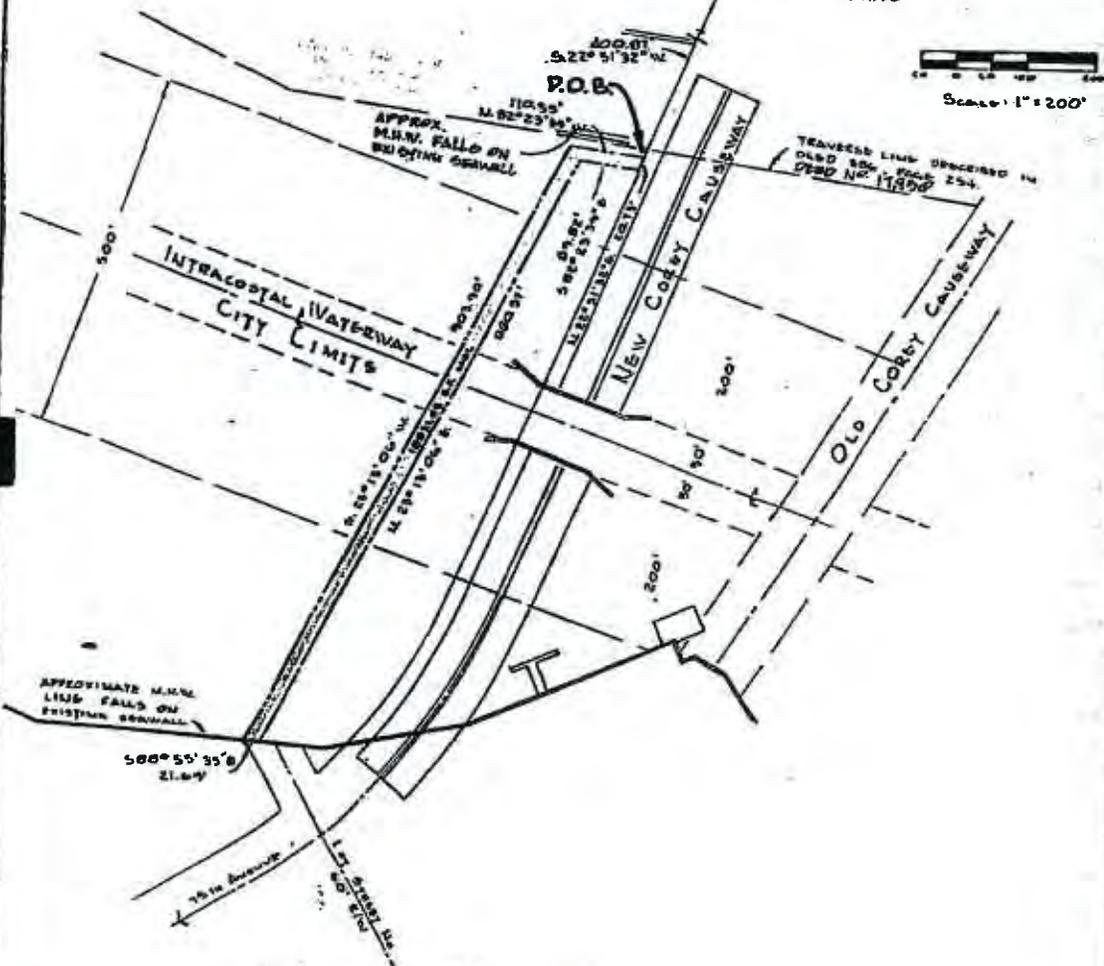
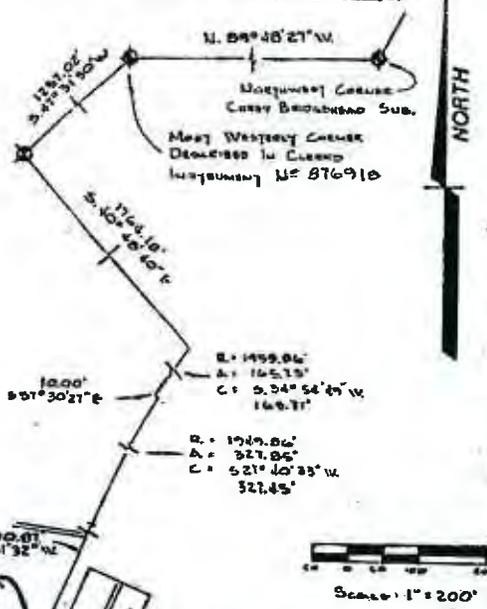
he property and also those who purchase, mortgage or guarantee

DRAWN \_\_\_\_\_  
 CHECKED \_\_\_\_\_

SEC. 36 TWP. 31 S., R. 15 E.

NOTES:

1. BASIS OF BEARINGS: PINELLAS COUNTY GRID COORDINATE SYSTEM
2. THE APPROXIMATE NGVD ELEVATION FOR MHW IS 1.1.
3. THE NGVD ELEVATION FOR THE TOP OF THE NORTHERLY SEAWALL IS 4.38  
 THE NGVD ELEVATION FOR THE TOP OF THE SOUTHERLY SEAWALL IS 3.88
4. BENCHMARK: PINELLAS COUNTY #669, BLIND B, ELEVATION = 9.917



SPECIFIC PURPOSE SURVEY FOR: People's Gas

SHEET 2 of 3



**George F. Young, Inc.**

ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS

- 819 ARLINGTON AVE. N. • ST. PETERSBURG, FL 33701 • (813) 822-4317
- 1301 U.S. 19 NORTH • PALM HARBOR, FL 33563 • (813) 705-6716
- 6106 26TH ST. WEST • BRADENTON, FL 33507 • (813) 753-5629

ATTACHMENT(S) A  
 SHEET 4 OF 10 PAGES  
 DOCUMENT No. 26561(3523-52)

This survey represented minimum requirements of Florida Administrative Code knowledge and belief.

*11/16/81*  
*John Stearns*  
 Florida Surveyor's Reg'n. No. 3507  
 SURVEY NOT VALID UNLESS SIGNED AND EMBOSSED WITH SEAL

This property and also those who purchase, mortgage or guarantee

WP

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

**SOUTHWEST DISTRICT**

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-8544



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

DR. RICHARD D. GARRITY  
DISTRICT MANAGER

**PERMITTEE:**

Peoples Gas System, Inc.  
1201 Third Avenue South  
St. Petersburg, FL 33705

**PERMIT/CERTIFICATION**

Permit No.: 520882173  
Date of Issue: NOV 21 1984  
Expiration Date: 12/30/87  
County: Pinellas  
Project: Gas Main

This permit is issued under the provisions of Chapter 253 & 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

To install by dredging a 6" submarine gas main 1300' long and 3 feet below existing bottom requiring 1300 cubic yards of excavation and back filling as indicated in the permit submittals and attachments in and adjacent to Boca Ciega Bay, a natural man altered, Class III water body, Pinellas County Aquatic Preserve, Outstanding Florida Water, Section 30, Township 31S, Range 15E, near St. Pete Beach Causeway, Pinellas County.

RECEIVED  
DEC 04 1984  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
SOUTHWEST DISTRICT

DER Form 17-1.201(5) Page 1 of 6.

*Protecting Florida and Your Quality of Life*

ATTACHMENT(S)   B    
PAGE   5   OF  10  PAGES  
EASEMENT No. 26561(3523-52)

PERMITTEE:  
Peoples Gas System, Inc.

Permit No.: 520882173  
Expiration Date: 12/30/87

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate the enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

DER Form 17-1.201(5) Page 2 of 6.

ATTACHMENT(S) \_\_\_\_\_  
PAGE 6 OF 10 PAGES  
PERMIT No. 26561(3523)

PERMITTEE:  
Peoples Gas System, Inc.

Permit No.: 520882173  
Expiration Date: 12/30/87

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as maybe required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of;

a. Having access to and copying any records that must be kept under the conditions of the permit;

b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

(a) a description of and cause of non-compliance; and

(b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

DER Form 17-1.201(5) Page 3 of 6.

ATTACHMENT(S)   B    
PAGE   7   OF   10   PAGES  
EASEMENT No.   26561(35)   2)

PERMITTEE:  
Peoples Gas System, Inc.

Permit No.: 520882173  
Expiration Date: 12/30/87

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Section 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- Determination of Best Available Control Technology (BACT)
- Determination of Prevention of Significant Deterioration (PSD)
- Certification of Compliance with State Water Quality Standards (Section 401. PL 92-500)
- Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

DER Form 17-1.201(5) Page 4 of 6.

PERMITTEE:  
Peoples Gas System, Inc.

Permit No.: 520882173  
Expiration Date: 12/30/87

14. (con't)

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

**SPECIFIC CONDITIONS:**

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." If such work is done without consent, a fine for each offense in an amount of up to \$10,000 may be imposed.

DER Form 17-1.201(5) Page 5 of 6.

ATTACHMENT(S)   B    
PAGE   9   OF   10   PAGES  
EASEMENT No.   26561(3523)

PERMITTEE:  
Peoples Gas System, Inc.

Permit No.: 520882173  
Expiration Date: 12/30/87

SPECIFIC CONDITIONS (con't):

2. Turbidity will be controlled by silt screen as needed during construction.

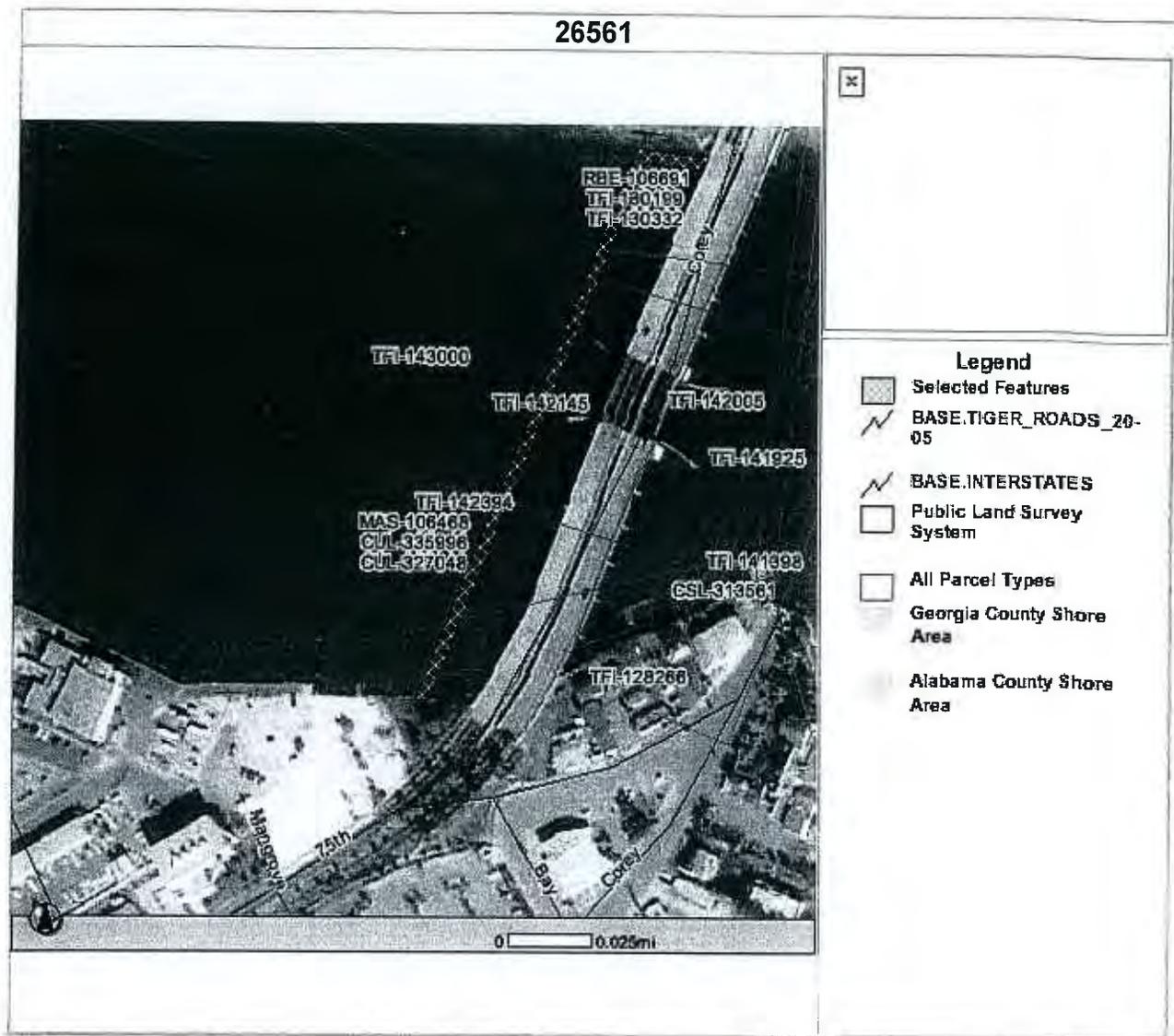
Issued this 21 day of Nov  
1987.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
Richard D. Garrity, Ph.D.  
District Manager

DER Form 17-1.201(5) Page 6 of 6.

ATTACHMENT(S) B  
PAGE 10 OF 10 PAGES  
PERMIT No. 26561(3523-52)





8. The Grantee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

9. Grantee waives venue as to any litigation arising from matters relating to this easement and any such litigation between Grantor and Grantee shall be initiated and maintained only in Leon County, Florida.

10. This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

11. The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All costs, including attorneys' fees, incurred by the Grantor to enforce the provisions of this easement shall be paid by the Grantee. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of St. Petersburg Beach  
7701 Boca Ciega Drive  
St. Petersburg Beach, Florida 33706

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

12. The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

13. Renewal of this easement is at the sole option of the Grantor. Such renewal shall be subject to the terms, conditions and provisions of current management standards and applicable laws, rules and regulations in effect at that time. In the event that Grantee is in full compliance with the terms of this easement, the Grantee shall be allowed a 30-day grace period after expiration of this easement to apply in writing for a renewal. If the Grantee fails to apply for a renewal within the grace period, or in the event the Grantor does not grant a renewal, the Grantee shall vacate the premises and remove all structures and equipment occupying and erected thereon at its expense.

14. If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in Item 11 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

15. No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

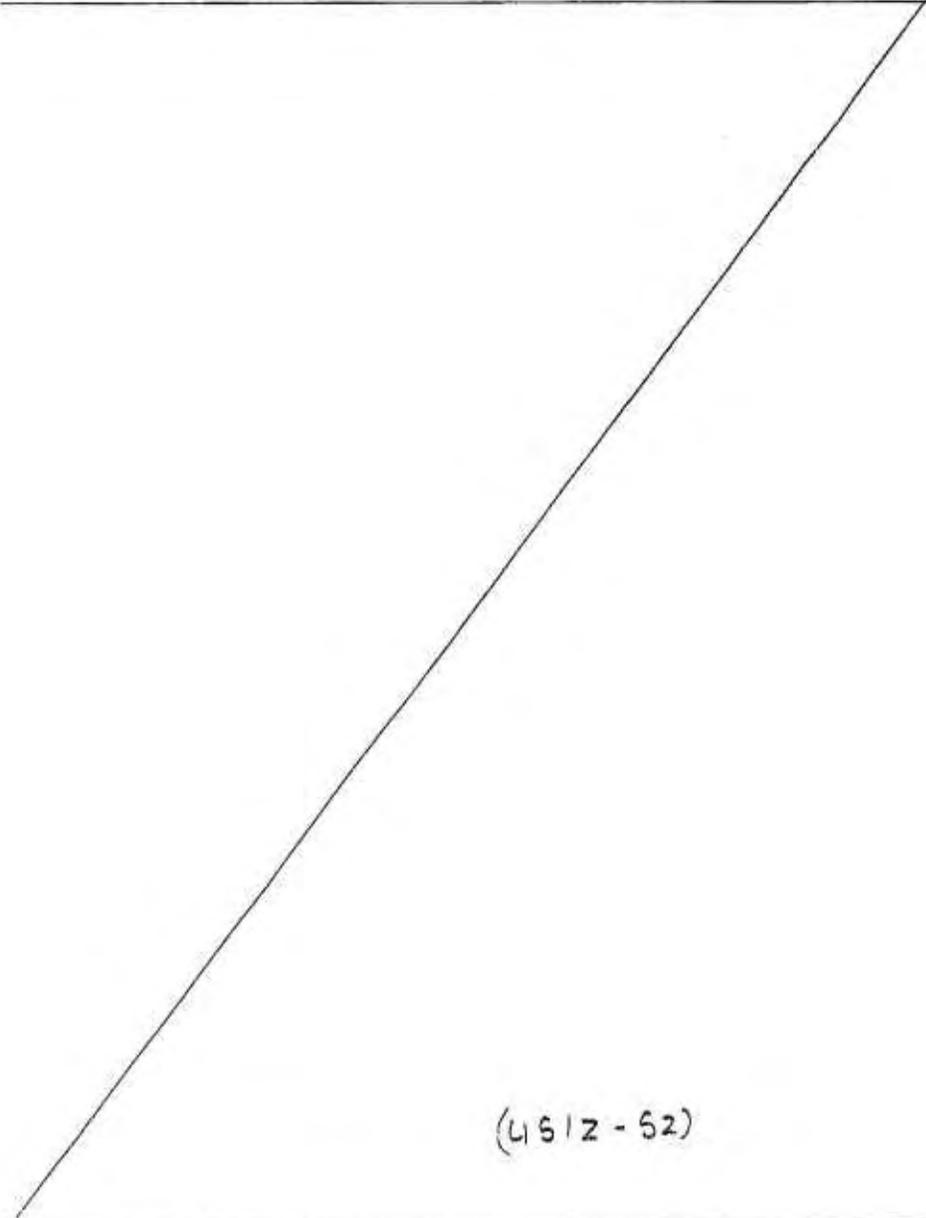
16. The Grantee, at its own expense, shall record this easement and any subsequent approved renewal and/or modified easements in the official records of the county within which the easement site is located within fourteen (14) days after receipt of a fully executed copy of this easement, and shall provide the Grantor with a copy of the recorded easement indicating the book and page at which the easement is recorded.

(4512-52)

17. This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

18. Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (COE) permit if it is required by the COE. Any modifications to the construction and/or activities authorized herein that may be required by the COE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

19. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs should have to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this agreement.



(4512 - 52)

WITNESSES:

Latania Peoples  
Original Signature

Latania Peoples  
Typed/Printed Name of Witness

Keith Crabb  
Original Signature

Keith Crabb  
Typed/Printed Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE STATE  
OF FLORIDA

Daniel T. Crabb (SEAL)  
BY Daniel T. Crabb, Bureau Chief

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~, Bureau of  
Land Management Services,  
Division of State Lands, Agent  
for the Board of Trustees of the  
Internal Improvement Trust Fund

"GRANTOR"

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 27 day of June, 1995, by ~~XXXXXXXXXXXXXXXXXXXX~~, who is personally known to me. Daniel T. Crabb, Bureau Chief

APPROVED AS TO FORM AND LEGALITY:

Sam H. Horan 6/26/95  
DEP Attorney

Leigh O'Shields  
Notary Public, State of Florida



Printed, Typed or Stamped Name  
My Commission Expires:  
Commission/Serial No. \_\_\_\_\_

WITNESSES:

Lori Bonati  
Original Signature

Lori Bonati  
Typed/Printed Name of Witness

Charlotte Hardy  
Original Signature

Charlotte Hardy  
Typed/Printed Name of Witness

City of St. Petersburg Beach (SEAL)  
Grantee

BY Michael J. Horan  
Original Signature of Executing Authority

Michael J. Horan  
Typed/Printed Name of Executing Authority

Mayor  
Title of Executing Authority

"GRANTEE"

STATE OF Florida  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 17th day of April, 1995, by Michael J. Horan as Mayor, for and on behalf of City of St. Petersburg Beach. He/she is personally known to me or who has produced \_\_\_\_\_, as identification.

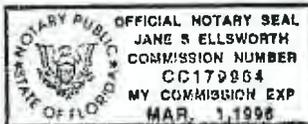
My Commission Expires:  
March 1, 1996

Jane S. Ellsworth  
Notary Public, State of Florida

JANE S. ELLSWORTH

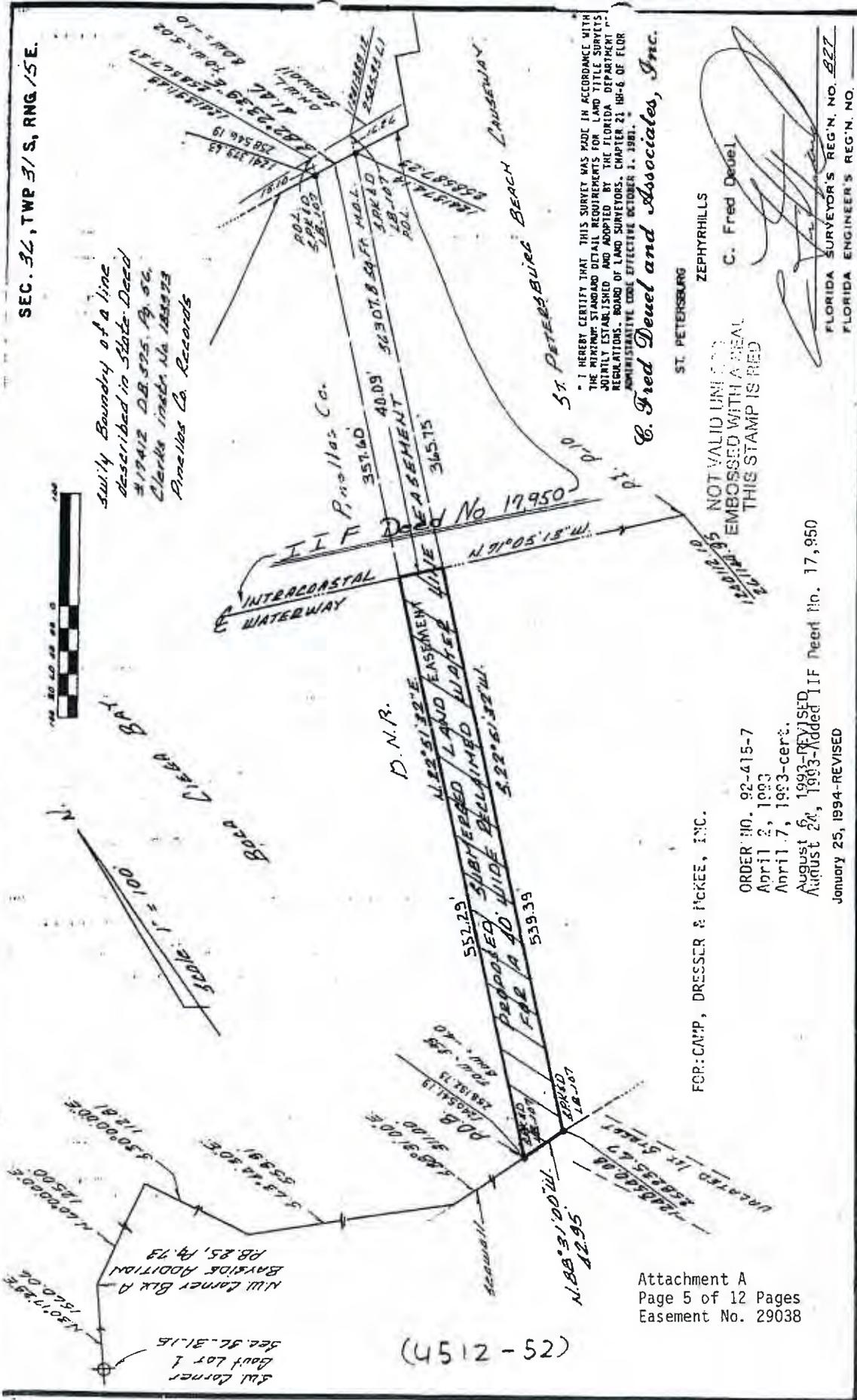
Commission/Serial No. CC 179964

Printed, Typed or Stamped Name



SEC. 32, TWP 31 S, RNG 15 E.

*Swily Boundary of a line described in State Deed #17412 DB 575, Pg. 56, Clarke made in 18573 Pinellas Co. Records*



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MEASUREMENT AND DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS AS ADOPTED BY THE FLORIDA DEPARTMENT OF REVENUE, BOARD OF LAND SURVEYORS, CHAPTER 21 188-6 OF FLORIDA ADMINISTRATIVE CODE EFFECTIVE OCTOBER 1, 1981.

**C. Fred Deuel and Associates, Inc.**

ST. PETERSBURG  
ZEPHYRHILLS

C. Fred Deuel

NOT VALID UNLESS EMBOSSED WITH A REAL THIS STAMP IS RIED

FLORIDA SURVEYOR'S REG'N. NO. 827  
FLORIDA ENGINEER'S REG'N. NO.

Drawn by: *[Signature]*

ORDER NO. 92-415-7  
April 2, 1993  
April 7, 1993-cert.  
August 6, 1993-REVISED  
August 24, 1993-Added IIF Deed No. 17,950  
January 25, 1994-REVISED

FOR: CAMP, DRESSER & MCKEE, INC.

Attachment A  
Page 5 of 12 Pages  
Easement No. 29038

(25-215)

A SPECIFIC PURPOSE SURVEY: DNR SUBMERGED LAND LEASE FOR A 40 FOOT WIDE RECLAIMED WATER LINE EASEMENT:

From the Southwest corner of Government Lot 1, in Section 36, Township 31 South, Range 15 East, Pinellas County, Florida, as shown on the PLAT OF BAYSIDE ADDITION, as recorded in Plat Book 25, Page 73, Public Records of Pinellas County, Florida, run N.30°17'29"E., 1560.06 feet to the Northwest corner of Block A, PLAT OF BAYSIDE ADDITION, as recorded in Plat Book 25, Page 73, Public Records of Pinellas County, Florida; thence along the Northernly boundary of Block A by the following four courses: N.60°00'00"E., 125.00 feet; thence S.30°00'00"E., 112.81 feet; thence S.63°44'30"E., 559.91 feet; thence S.88°31'00"E., 311.00 feet to the Point of Beginning of a 40 foot easement, said Point of Beginning being on the seawall adjacent to Boca Ciega Bay; thence N.22°51'32"E., 552.29 feet to the centerline of Intracoastal Waterway; thence S.71°05'13"E., 40.09 feet; thence S.22°51'32"W., 539.39 feet to the seawall; thence N.88°31'00"W., 42.95 feet to the Point of Beginning.

Containing 21,833.60 square feet, more or less.

NOTES:

1. ELEVATIONS ARE REFERENCED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929.  
BENCHMARK: SRD 202 (PINELLAS COUNTY #664), ELEVATION: 11.720 FEET
2. LEGAL DESCRIPTION PREPARED BY THE UNDERSIGNED.
3. ADJACENT SUBDIVISIONS HERE TIED TO THE STATE PLANE COORDINATES AND SHOWN WHERE APPLICABLE.
4. CORNERS ARE SET.

(4512-52)

Attachment A  
Page 6 of 12 Pages  
Easement No. 29038

C. FRED DEUEL & ASSOCIATES, INC.  
1620 1st Avenue North  
St. Petersburg, FL 33713  
(813) 822-4151

PROJECT NAME: RECLAIMED WATERLINE  
OWNER'S NAME: CITY OF ST. PETERSBURG  
BEACH  
SECTION 36, TOWNSHIP 31 S., RANGE 15 E.  
PINELLAS COUNTY, FLORIDA



Department of  
Environmental Protection

PINELLAS COUNTY FLA.  
OFF. REC. BK 9043 PG 798

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

March 28, 1995

City of St. Petersburg Beach      File No. 522300403  
Attn: Dana Tallman, P.E.  
Camp, Dresser & McKee, Inc.  
19345 US 19 North, Ste. 300  
Clearwater, FL 34624

Dear Mr. Tallman:

This is to acknowledge receipt of your application, File No. 522300403, on April 14, 1993, for a permit to perform directional drilling for the installation of a 20" reclaimed water main crossing Boca Ciega Bay, west of the Corey Causeway, Section 36, Township 31S, Range 15E, in Pinellas County. (This letter supersedes our letter to you dated May 13, 1993, modified to show corrected Section, Township, and Range)

At this time no permit is required by this department for your project. Any modifications in your plans should be submitted for review, as changes might result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) which might be required. The construction project described above, and as shown on all application material, does not require a dredge and fill permit from DEP since none of the proposed activity is within waters of the state as described in Chapters 403 & 373, Florida Statutes and Rule 62-312.030, Florida Administrative Code.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Section 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within fourteen days of receipt of this intent. Petitions filed by other persons must be filed within fourteen days of publication of the public notice or within fourteen days of their receipt of this intent, whichever first occurs. (The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

#738 P82

MAR-29-95 WED 13:26 ID:DSL W. CENTRAL DIST. TEL NO:813 744-6171

(4512-52)

Attachment B  
Page 7 of 12 Pages  
Easement No. 29038