



Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar@bellsouth.net

Date: December 20, 2016

To: Karen Demaria, Urban Forestry Manager, City of Key West

From: Victoria Brisson, Agent, Ocean Walk Key West Owner, LLC

Re: Ocean Walk, 3900 S. Roosevelt Boulevard, Tree Removal Permit Application

As the authorized representative for Ocean Walk Key West Owner LLC, the owners of the property located at 3900 S. Roosevelt Boulevard, I am submitting the attached report for the Tree Permit application. It is our understanding that this application will be heard at the January 10, 2017 Tree Commission meeting, and we will be present to represent the project.

The Ocean Walk property is a large parcel with a developed apartment complex and supporting utilities and amenities. The owners are proposing two new apartment buildings within the existing developed complex footprint. The areas of development are within existing parking areas, roadways, stormwater retention areas or an existing building that will be removed.

In order to build the new buildings on the property without impacting the natural environment surrounding the developed area, impacts to trees regulated by the City of Key West will be required. We conducted a tree impact assessment on December 19, 2016, and identified all impacted trees to species, obtained DBH using a tree caliper gauge, and measured the clear height of wood of all palms using a Crain telescoping measuring rod. The Table 1 and 2 and Attachment 1 in this report summarizes potential tree impacts based on our assessment, and Figure 1 shows the location of proposed tree removals. The final tree demolition plan was prepared by Littlejohn Landscaping and is attached within the application.

As part of this memo, I am including the completed tree survey map and the tree data file in Excel format as well as a revision to the tree photo document. (Please note the tree photos were renumbered accordingly and not all trees were photographed due to the complexity and difficulty of some of the dense areas.) We appreciate the assistance the City of Key West has offered in support of this project, and look forward to working with you on this project. Please contact myself or the owner representative, Kurt Kenyon, if you have questions or require additional information. Thanks in advance for your assistance.

Table 1. Summary of impacts to trees by caliper inches.	
Tree Species	Cumulative Impacts by Caliper Inches
Autograph Tree	9.7
Blackbead	30
Blacktorch	1.8
Blolly	15
Green Buttonwood	465.9
Gumbo Limbo	4.8
Mahogany	110.3
Pigeon Plum	6.5
Poisonwood	10
Pongam Tree	89
Shortleaf Fig	4
Spanish Stopper	2
Verawood	12
TOTALS	761

Table 2. Summary of impacts to palms by quantity	
Alexander Palm	2
Bismarck Palm	4
Canary Island Date Palm	6
Christmas Palm	4
Coconut Palm	37
Pygmy Date Palm	1
TOTAL	54



Figure 1. Location of trees and palms impacted within new development area, see L0.01 for final demolition plan.

Attachment 1. Raw data on individual trees potentially impacted by the project.

Map ID	Latin Name	Common Name	DBH	Existing Condition	Impact
1	Clusia rosea	Autograph Tree	2.2	Good	Remove
2	Clusia rosea	Autograph Tree	2.2	Good	Remove
3	Clusia rosea	Autograph Tree	2.5	Good	Remove
4	Clusia rosea	Autograph Tree	2.8	Good	Remove
5	Pongamia pinnata	Pongam Tree	10	Good	Remove
6	Conocarpus erectus	Buttonwood	26.6	Good	Remove
7	Conocarpus erectus	Buttonwood	13.5	Good	Remove
8	Pithecellobium keyense	Blackbead	19	Good	Remove
9	Conocarpus erectus	Buttonwood	66.3	Good	Remove
10	Pongamia pinnata	Pongam Tree	12.1	Good	Remove
11	Pongamia pinnata	Pongam Tree	10.3	Good	Remove
12	Pongamia pinnata	Pongam Tree	19.4	Good	Remove
13	Pithecellobium keyense	Blackbead	0.2	Good	Remove
14	Erithalis fruticosa	Blacktorch	1.8	Fair	Remove
15	Pithecellobium keyense	Blackbead	0.8	Good	Remove
16	Conocarpus erectus	Buttonwood	38.6	Good	Remove
17	Guapira discolor	Blolly	1	Good	Remove
18	Eugenia foetida	Spanish Stopper	2	Good	Remove
19	Conocarpus erectus	Buttonwood	13.3	Good	Remove
20	Pithecellobium keyense	Blackbead	9	Good	Remove
21	Guapira discolor	Blolly	14	Good	Remove
22	Pongamia pinnata	Pongam Tree	3	Good	Remove
23	Ficus citrifolia	Shortleaf Fig	4	Good	Remove
24	Conocarpus erectus	Buttonwood	52	Good	Remove
25	Conocarpus erectus	Buttonwood	20	Poor	Remove
26	Bursera simaruba	Gumbo Limbo	4.8	Good	Remove
27	Metopium toxiferum	Poisonwood	5	Good	Remove
28	Pongamia pinnata	Pongam Tree	6	Good	Remove
29	Metopium toxiferum	Poisonwood	5	Good	Remove
30	Conocarpus erectus	Buttonwood	32.8	Good	Remove
31	Conocarpus erectus	Buttonwood	13	Good	Remove
32	Conocarpus erectus	Buttonwood	3.5	Good	Remove
33	Conocarpus erectus	Buttonwood	13.5	Good	Remove
34	Conocarpus erectus	Buttonwood	7	Good	Remove
35	Conocarpus erectus	Buttonwood	14.5	Good	Remove
36	Conocarpus erectus	Buttonwood	11.5	Good	Remove
37	Pithecellobium keyense	Blackbead	1	Good	Remove
38	Swietenia mahagoni	Mahogany	10.2	Poor	Remove
39	Swietenia mahagoni	Mahogany	12.6	Good	Remove
40	Swietenia mahagoni	Mahogany	14.9	Good	Remove
41	Swietenia mahagoni	Mahogany	13.6	Good	Remove

Map ID	Latin Name	Common Name	DBH	Existing Condition	Impact
42	Conocarpus erectus	Buttonwood	15.6	Good	Remove
43	Swietenia mahagoni	Mahogany	20.5	Poor	Remove
44	Swietenia mahagoni	Mahogany	11.6	Poor	Remove
45	Swietenia mahagoni	Mahogany	15.7	Fair	Remove
46	Swietenia mahagoni	Mahogany	11.2	Fair	Remove
47	Pongamia pinnata	Pongam Tree	28.2	Good	Remove
48	Conocarpus erectus	Buttonwood	71.5	Good	Remove
49	Conocarpus erectus	Buttonwood	52.7	Good	Remove
50	Bulnesia arborea	Verawood	5.5	Good	Remove
51	Bulnesia arborea	Verawood	6.5	Good	Remove
52	Coccoloba diversifolia	Pigeon Plum	6.5	Good	Remove

Raw data on individual palms impacted by the project.

Map ID	Latin Name	Common Name	Clear Wood (ft)	Impact
P1	Cocos nucifera	Coconut Palm	16.1	Remove
P2	Cocos nucifera	Coconut Palm	4	Remove
P3	Cocos nucifera	Coconut Palm	6.2	Remove
P4	Cocos nucifera	Coconut Palm	3	Remove
P5	Phoenix canariensis	Canary Island Date Palm	9.1	Remove
P6	Cocos nucifera	Coconut Palm	2	Remove
P7	Cocos nucifera	Coconut Palm	2.5	Remove
P8	Cocos nucifera	Coconut Palm	6.7	Remove
P9	Phoenix roebelenii	Pygmy Date Palm	6.5	Remove
P10	Adonidia merrillii	Christmas Palm	11.8	Remove
P11	Adonidia merrillii	Christmas Palm	11.8	Remove
P12	Phoenix canariensis	Canary Island Date Palm	4	Remove
P13	Adonidia merrillii	Christmas Palm	11.1	Remove
P14	Adonidia merrillii	Christmas Palm	11.1	Remove
P15	Cocos nucifera	Coconut Palm	2	Remove
P16	Cocos nucifera	Coconut Palm	4	Remove
P17	Phoenix canariensis	Canary Island Date Palm	5	Remove
P18	Cocos nucifera	Coconut Palm	1	Remove
P19	Cocos nucifera	Coconut Palm	1	Remove
P20	Cocos nucifera	Coconut Palm	3	Remove
P21	Cocos nucifera	Coconut Palm	15.4	Remove
P22	Cocos nucifera	Coconut Palm	15.6	Remove
P23	Cocos nucifera	Coconut Palm	15.9	Remove
P24	Cocos nucifera	Coconut Palm	15.9	Remove
P25	Cocos nucifera	Coconut Palm	13.2	Remove
P26	Cocos nucifera	Coconut Palm	24.2	Remove
P28	Cocos nucifera	Coconut Palm	18.5	Remove
P29	Cocos nucifera	Coconut Palm	15.4	Remove

Map ID	Latin Name	Common Name	Clear Wood (ft)	Impact
P30	Cocos nucifera	Coconut Palm	17.1	Remove
P31	Cocos nucifera	Coconut Palm	25.3	Remove
P32	Cocos nucifera	Coconut Palm	21	Remove
P33	Cocos nucifera	Coconut Palm	17.9	Remove
P34	Cocos nucifera	Coconut Palm	15.11	Remove
P35	Cocos nucifera	Coconut Palm	16.1	Remove
P36	Cocos nucifera	Coconut Palm	20.11	Remove
P37	Cocos nucifera	Coconut Palm	23.3	Remove
P38	Cocos nucifera	Coconut Palm	20.6	Remove
P39	Cocos nucifera	Coconut Palm	18.7	Remove
P40	Cocos nucifera	Coconut Palm	15.4	Remove
P41	Cocos nucifera	Coconut Palm	18.1	Remove
P42	Cocos nucifera	Coconut Palm	19.2	Remove
P43	Bismarckia nobilis	Bismarck Palm	1	Remove
P44	Bismarckia nobilis	Bismarck Palm	1	Remove
P45	Bismarckia nobilis	Bismarck Palm	2	Remove
P46	Bismarckia nobilis	Bismarck Palm	2	Remove
P47	Phoenix canariensis	Canary Island Date Palm	5.7	Remove
P48	Cocos nucifera	Coconut Palm	18.7	Remove
P49	Cocos nucifera	Coconut Palm	20.9	Remove
P50	Cocos nucifera	Coconut Palm	18.1	Remove
P51	Cocos nucifera	Coconut Palm	18.1	Remain
P52	Ptychosperma elegans	Alexander Palm	19.11	Remove
P53	Phoenix canariensis	Canary Island Date Palm	9.1	Remove
P54	Phoenix canariensis	Canary Island Date Palm	10.8	Remove
P55	Cocos nucifera	Coconut Palm	17.6	Remain
P56	Phoenix canariensis	Canary Island Date Palm	4	Remain
P57	Cocos nucifera	Coconut Palm	17.2	Remain
P58	Ptychosperma elegans	Alexander Palm	19	Remove
P59	Ptychosperma elegans	Alexander Palm	15	Remain
P60	Ptychosperma elegans	Alexander Palm	15.5	Remain
P61	Bismarckia nobilis	Bismarck Palm	2	Remain
P62	Ptychosperma elegans	Alexander Palm	15	Remain
P63	Ptychosperma elegans	Alexander Palm	15	Remain
P64	Cocos nucifera	Coconut Palm	17.11	Remove

Tree 7 (previously tree 38): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: fair

DBH: 13.5 inches



Tree 8 (previously tree 36): Blackbead, *Pithecellobium keyense*

Observations: protected as per 110-253

Rating: Good

DBH: 19 inches



Tree 9 (previously tree 34): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 66.3 inches



Tree 12, 11, 10 (previously tree 15, 16, 17): Pongam *Pongamia pinnata*

Observations: Not protected as per 110-253

Rating: Good

DBH:total (19.4, 10.3, 12.1) 41.8 inches



Tree 21 (previously tree 26): Blolly, *Guapira discolor*

Observations: protected as per 110-253

Rating: Good

DBH: 14 inches



Tree 24 (previously tree 30): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good to fair (large multi co-dominant trunks)

DBH: 52 inches



Tree 26 (previously tree 28): Gumbo limbo, *Bursera simaruba*

Observations: protected as per 110-253

Rating: fair to poor

DBH: 4.8 inches



Tree 27 (previously tree 29): Poisonwood, *Metopium toxiferum*

Observations: protected as per 110-253

Rating: fair to poor

DBH: 5 inches



Tree 31, 32, 33, 34, 35, 36 (previously tree 21): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: Cluster of trees (13, 3.5, 13.5, 7, 14.5, 11.5) inches



Tree 38 (previously tree 10) : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Poor

DBH: 10.2 inches



Tree 39 (previously tree 8): Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 12.6 inches



Tree 40 (previously tree 9): Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 14.9 inches



Tree 41 (previously tree 6): Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 13.6 inches



Tree 42 (previously tree 5): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 15.6 inches



Tree 43 (previously tree 7): Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Poor

DBH: 20.5 inches



Tree 44 (previously tree 4): Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Poor

DBH: 11.6 inches



Tree 47 (previously tree 1): Pongam *Pongamia pinnata*

Observations: Not protected as per 110-253

Rating: Good

DBH: 28.2 inches



Tree 45 (previously tree 3) : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 15.7 inches



Tree 46 (previously tree 2) : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 11.2 inches



Tree 48 (previously tree 18): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 71.5 inches



Tree 49 (previously tree 19): Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 52.7 inches





Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar@bellsouth.net

Date: August 8, 2016
To: Trisha D. Stone, SFWMD
From: Philip A. Frank
Re: Ocean Walk Apartments, Pre-application Meeting Notes

Trish:

Thank you for talking the time to visit the Ocean Walk Apartments property in Key West on August 4, 2016. In attendance were myself and Victoria Brisson (Terramar), Kurt Kenyon (Owners Rep, Mast Capitol), and you and Damon Meyers representing SFWMD. We met on the site at approximately 2:00 pm and walked the proposed impact site, Drainage Basin A stormwater retention area, and other wetland and upland areas in the vicinity of the project site.

Items discussed during the pre-app include:

Item #1: The area referred to as Drainage Basin A on SFWMD Permit 44-00075-S (Application No. 06288-F) originally described as a “1.73-ac naturally vegetated tidally influenced detention area and a control structure to discharge via a tidal salt marsh into the Atlantic Ocean” was permitted as part of the original permit for Ocean Walk Apartments on January 12, 1989 was inspected. This area is ditched to facilitate drainage, and has a berm set at 2.0 NGVD along the back side to retain stormwater at the design level of < 2.0 NGVD. Drainage Basin A is a highly degraded wetland system with a significant overstory of Brazilian Pepper, and also native vegetation including mainly Black Mangrove and Buttonwood. There is minimal understory vegetation due to dense canopy.

The area described as Drainage Basin A, including the areas vegetated with dense hardwoods and also the sodded/un-vegetated surface water management system “swale areas” will not be claimed as jurisdictional wetlands. Any development in these areas will not be considered wetland impacts since this was a previously-permitted stormwater retention area.

Item #2: There are additional wetland areas outside the previously identified Drainage Basin A, including largely intact wetland systems to the southwest, east and north of the proposed project site. These wetlands are not proposed for impacts of any type.

As part of any future project applications for Ocean Walk, all wetlands outside of that area identified as Drainage Basin A on SFWMD Permit 44-00075-S will need to be accurately delineated, surveyed with legal description and sketch, placed under a SFWMD Standard Conservation Easement for perpetual preservation, and managed in their natural condition.

The two items above are the significant items discussed as part of the pre-application meeting, and are very helpful in developing a project and application package for SFWMD submittal. We appreciate your willingness to visit the property, meet with the Owners, and be consumed by mosquitoes. Thank you again.



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1241 Crane Boulevard
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MEMORANDUM

Date: June 8, 2016
To: Karen DeMaria
Urban Forestry Manager/Tree Commission
City of Key West
From: Philip A. Frank, Rowena P. Garcia
RE: Ocean Walk Apartments, Wetland Impact Summary

The owners of Ocean Walk Apartments are proposing an expansion that includes an additional building, parking and stormwater swales. The proposed expansion project will result in unavoidable impacts to disturbed uplands and disturbed wetlands. The purpose of this report is to document the type and extent of environmental impacts associated with the propose project.

On April 15-18, 2016, biologists assessed the type and extent of habitat on the property that would be potentially impacted by the proposed project. Wetlands were delineated using State of Florida wetland jurisdictional methodology and the consensus of two experienced wetland biologists (Philip Frank & Rowena Garcia) was used to delineate the extent of wetlands on the property. Habitat lines were flagged in the field for mapping and verification. Habitat lines were mapped using a Trimble GEO-XH mapping unit and transferred at ARCGIS for mapping output. Habitat areas were exported to the project designer and overlaid onto the site plan to calculate areas of impact (Figure 2).

Three primary habitat types were identified on the property and are summarized in Table 1 and Figure 1. Reference photographs of typical habitat conditions on the property are included in Attachment 1.

Table 1. Habitat types and descriptions on the Ocean Walk Apartments property.		
Habitat Type	Area (sf)	Description
Disturbed uplands	504,002	Developed areas including buildings, parking, and landscaped open space. Undeveloped upland areas created from historic filling vegetated with a combination of native and non-native vegetation. Native vegetation present included Jamaica Caper, Limber Caper, Green Buttonwood, Jamaica Dogwood, Saffron Plum, Poisonwood, Randia. Exotic vegetation includes Brazilian pepper, Seaside Mahoe, and Leadtree.
Disturbed wetlands	63,750	Disturbed wetlands established as a former stormwater retention area under the original SFWMD permit for the project. Disturbed wetlands with dense stands of invasive, exotic vegetation and with numerous fill mounds and berms and dredged ditches present. Vegetation includes areas of dense Brazilian pepper, with native species including Black mangrove and Green Buttonwood.
Un-disturbed wetlands	177,560	Tidal wetlands with a natural topography and intact native vegetation. Habitats include mangrove Swamp and areas of Salt Marsh Buttonwood Wetlands. Vegetation includes predominantly native species including Black and White mangrove, Green Buttonwood, and wetland grasses and forbs.

Project Impacts

The proposed expansion project will result in un-avoidable impacts to disturbed wetlands and disturbed uplands (Table 2).

Table 2. Impacts to wetland habitat types at the Ocean Walk Apartments property.	
Habitat Type	Impacts
Disturbed wetlands	13,013 sf
Un-disturbed wetlands	No impacts.

The impacts to disturbed wetlands occur in the least sensitive portion of the disturbed wetland area, adjacent to an existing parking area and on the periphery of the main disturbed wetland area. This area was previously authorized by the South Florida Water Management District (SFWMD) Permit 44-00075-S (December 1988) as a stormwater retention area (Attachment 1).

The wetlands in this area are heavily degraded by dense Brazilian pepper which dominates the canopy in many areas. In addition to the dense Brazilian pepper, native species including Black Mangrove and Green Buttonwood are present in the canopy. Numerous fill mounds, fill berms and dredged ditches are present throughout the disturbed wetlands, remnants of the Stormwater retention area.

To obtain regulatory approval for impacts to these disturbed wetlands, permits from the South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (USACE) will be required. Typically these permits require that the un-impacted disturbed and un-disturbed wetland areas remaining on the property be restored through removal of fill material and invasive exotic vegetation, maintained as a preservation area, and placed under a Conservation Easement.

Therefore, considering the extent of degradation to the disturbed wetlands on the property that currently exists, and the anticipated regulatory requirements for on-site restoration and management, it is likely that there will be a net environmental improvement to the property as a result of project development and permitting.

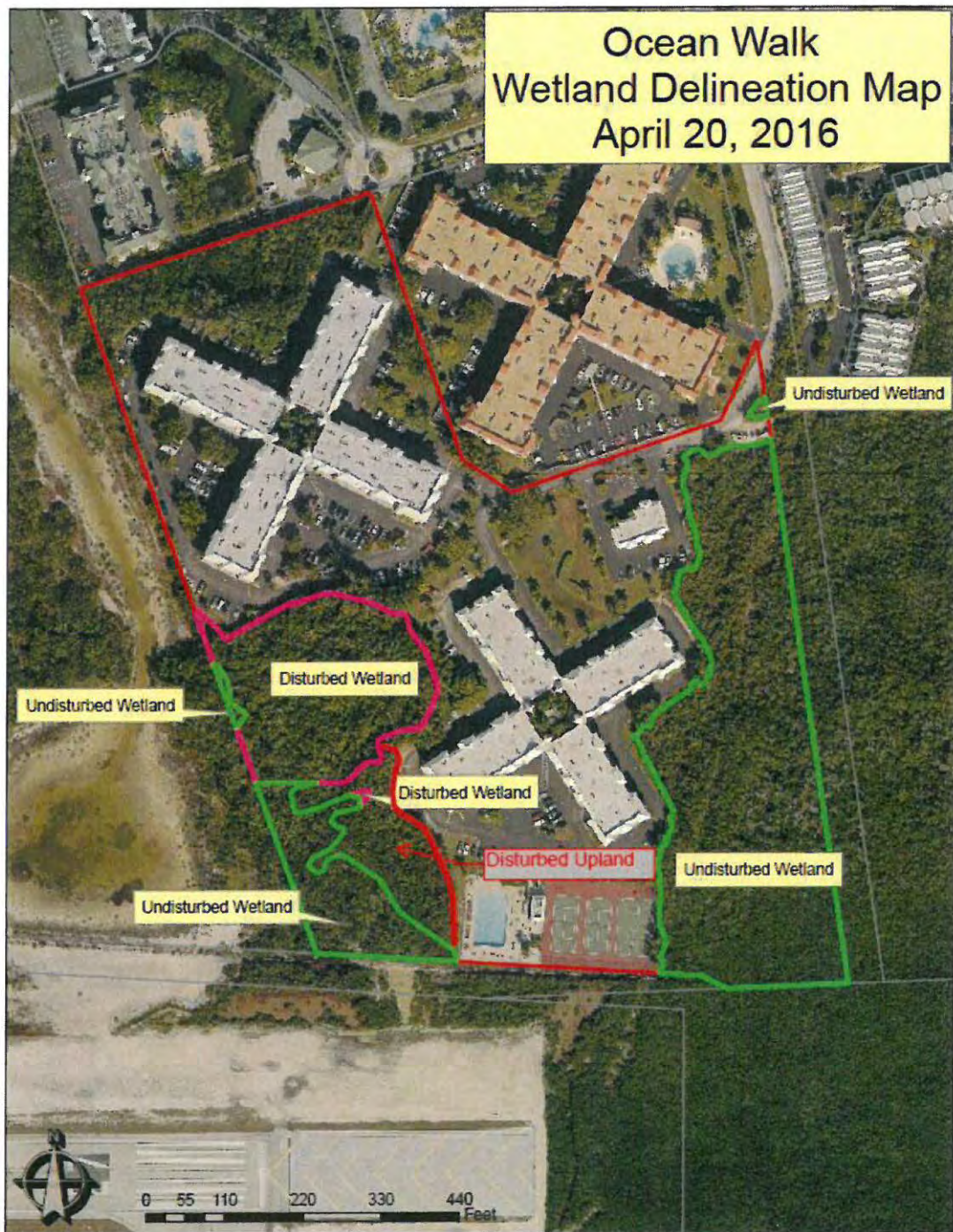


Figure 1. Habitat areas on the Ocean Walk Apartments property.



Figure 2. Proposed site plan with habitat impacts shown and area of impacts calculated.

Attachment 1 – Site Reference Photos – April 2016



Photo of typical conditions in the disturbed wetland area. Vegetation is dominated by large, dense stands of Brazilian pepper, with native trees interspersed.



Photo of typical conditions in the disturbed wetland area. Vegetation is dominated by large, dense stands of Brazilian pepper, with native trees interspersed.



Photo of typical conditions in the disturbed wetland area. Fill mounds and berms such as these are common throughout the disturbed wetland area, the result of historic ditching activities.



Photo of typical conditions in the disturbed wetland area. Fill mounds and berms such as these are common throughout the disturbed wetland area, the result of historic ditching activities.



Photo of undisturbed mangrove wetlands located on and adjacent to the property.



Photo of undisturbed wetlands located on the interior of the property.



Photo of disturbed uplands on the property.



Photo of disturbed uplands on the property.



South Florida Water Management District

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (407) 686-8800
Florida WATS Line 1-800-432-2045

File
John R. Wodraska, Executive Director
Tilford C. Crael, Deputy Executive Director

IN REPLY REFER TO:

CERTIFIED MAIL NO. P 899 698 999
RETURN RECEIPT REQUESTED
RESOURCE CONTROL DEPARTMENT

December 30, 1988

Ocean Walk, Limited Partnership
800 Atlantic Blvd., # 432
Key West, FL 33040

Dear Sir or Madam:

Subject: Addendum to Application No. 06288-F, Ocean Walk,
City of Key West, Monroe County, S3,34/T67,68S/R25E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 12, 1989.

Should you object to the staff recommendation, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 30th. day of December 1988, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,

Vern Kaiser
Administrative Supervisor

Nancy H. Roen
Chairman - Plantation

James F. Garner
Vice Chairman - Ft. Myers

Nathaniel P. Reed
Hobe Sound

Oscar M. Corbin, Jr.
Ft. Myers

J.D. York
Palm City

Doran A. Jason
Key Biscayne

Arsenio Milian
Miami

Fritz Stein
Belle Glade

Mike Stout
Windermere



FORM 0300
Rev 12 87

South Florida Water Management District NOTICE OF RIGHTS

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than NA. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than NA. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

40E-1.521 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate the presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History — New 9-3-81.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

DRAFT
Subject to Governing
Board Approval

Application Number 06288-F

Ocean Walk

City of Key West, Monroe County, S3,34/T67,68S/R25E

Addendum to Staff Report Dated (12-22-88)

Due to poor reproduction of Exhibit Number 2 of the above mentioned staff report, the corrected Exhibit (attached) will be inserted in the file.

APPLICATION REVIEWER:

SUPERVISOR/CHECKER:

TECHNICAL: J. Needle

A. Waterhouse

WATER QUALITY: J. Needle

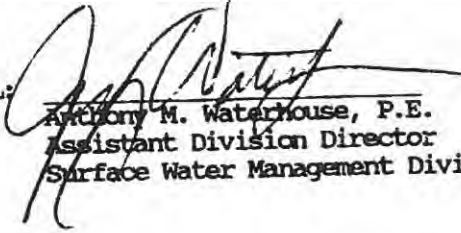
S. Anderson

ENVIRONMENTAL: S. Bradow

C. Padera

APPROVED:

DIVISION APPROVAL:


Anthony M. Waterhouse, P.E.
Assistant Division Director
Surface Water Management Division

DATE: 12/29/88

DRAFT
Subject to Governing
Board Approval

Oceanwalk
Apartmentz
Charles Bird
#20402 7/14/01
NOT FOR CONSTRUCTION

A black and white photograph of a document, likely a newspaper clipping. The document features a large, bold, and partially obscured word, possibly "BRIEF", at the top right. Below this, there are several lines of text, some of which are cut off or obscured by a dark, irregular shape on the right side. The text is arranged in a structured format, possibly a table or a list of items.



EXHIBIT 2

STAFF REPORT DISTRIBUTION LIST

PROJECT Ocean Walk

APPLICATION NUMBER 06288-F

INTERNAL DISTRIBUTION

X Reviewer: J. Needle
S. Bradow

X B. Colavacchio

X M. Cruz

C. de Rojas

K. Dickson

C. Drew

X M. Johnson

X V. Katilius

X S. Lamb

J. Mang

X C. McCray

P. Millar

J. Morgan

X C. Pedera

X P. Rhoads

H. Schloss

X J. Shaw

M. Slayton

X D. Slyfield

W. Stimmel

X D. Unsell

P. Walker

X T. Waterhouse

J. Wodraska

X E. Yaun

Ft. Myers

X Inspection

Kissimmee

X Office of Counsel

X Permit File

GOVERNING BOARD MEMBERS

Mr. Oscar M. Corbin

Mr. James F. Garner

Mr. Doran A. Jason

Mr. Arsenio Milian

Mr. Nathaniel P. Reed

Ms. Nancy H. Roen

Mr. Fritz Stein

Mr. Mike Stout

Mr. J.D. York

EXTERNAL DISTRIBUTION

X Applicant:

Ocean Walk Associates, Limited Partnership

X Applicant's Consultant:

Post, Buckley, Schuh and Jernigan

X Engineer, County of:

Monroe

Engineer, City of:

X Key West

Local Drainage District:

DEPT. OF ENVIRONMENTAL REGULATION

X Ft. Myers

Orlando

Port St. Lucie

Tallahassee

West Palm Beach

BUILDING AND ZONING

Boca Raton

Boynton Beach

Royal Palm Beach

Tequesta

West Palm Beach

COUNTY

Broward

-Director, Water Mgmt. Div.

-BCEQCB

Collier

-Agricultural Agent

Dade

-DERM

Lee

-Long Range Planning

-Mosquito Control

-E.P.S.

Martin

-Attorney

-Board of County Commissioners

-Community Development Director

Palm Beach

-Building Dept.

-School Bld., Plant Planning

Polk

-Water Resources Dept.

OTHER

Fred Vidzes, Big Cypress Basin

Kissimmee River Coordinating Council

X Joan Borel

Friends of Florida

Rt. 4, Box 89

Summerland Key, FL 33042

EXHIBIT 4



South Florida Water Management District

John R. Wodraska, Executive Director
Tilford C. Greel, Deputy Executive Director

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (407) 686-8800
Florida WATS Line 1-800-432-2045

IN REPLY REFER TO:

CERTIFIED MAIL NO. P 899 698 991
RETURN RECEIPT REQUESTED
RESOURCE CONTROL DEPARTMENT

December 27, 1988

Ocean Walk Associates, Limited Partnership
800 Atlantic Blvd., #432
Key West, FL 33040

Dear Sir or Madam:

Subject: Application No. 06288-F, Ocean Walk,
Monroe County, S3,34/T67,68S/R25E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 12, 1989.

Should you object to the staff recommendation, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 27th day of December 1988, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,


Vern Kaiser
Administrative Supervisor

James R. Baker
Vice Chairman - Ft. Myers

James F. Garner
Vice Chairman - Ft. Myers



FORM 0300
Rev 12 87

South Florida Water Management District NOTICE OF RIGHTS

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than January 10, 1989. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than January 10, 1989. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

40E-1.521 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate the presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History — New 9-3-81.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

DRAFT
Subject to Governing
Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:
February 9, 1989

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO.: 06288-F

PROJECT NAME: Ocean Walk

APPLICANTS NAME AND ADDRESS: Ocean Walk Associates, Limited Partnership
800 Atlantic Blvd, #432
Key West, FL 33040

OWNER: Ocean Walk Associates, Limited Partnership

DEVELOPER: Ocean Walk Associates, Limited Partnership

ENGINEER: Post, Buckley, Schuh and Jernigan

LOCATION: Monroe County S3,34/T67,68S/R25E

SECTION 3.34, TOWNSHIP 67.68 SOUTH, RANGE 25 EAST

PROJECT AREA 16.08 ACRES DRAINAGE AREA 10.15* ACRES
* Approximately six acres of salt marsh will be left undisturbed.

ABSTRACT:

On June 28, 1988, an application for construction of a 16.08 acre project was submitted. The parcel which is located in Monroe County has been scheduled for development since the early 1970's. Prior to submittal of this application, site activities had prompted FDER and the Corps of Engineers enforcement action which resulted in a 1982 Court Order. Based on the U.S. District Court Order which allowed filling of wetlands above the compromise Mean High Water Line, staff recommendation is for approval.

BACKGROUND:

Early in the 1970's, the owner(s) of the parcel in question and adjacent land to the north began construction of a perimeter dike around approximately 52 acres of land and submerged bottoms. Upon passage of the Randall Act in 1973, the Florida Department of Pollution Control began enforcement action to halt the work. In an attempt to resolve the enforcement action an application for a water quality certification permit (predecessor to the dredge and fill permit) was submitted. The application for a marina and fill project was subsequently denied. This denial was upheld in an administrative hearing.

Enforcement action was again initiated by the state which was then joined by the Army Corps of Engineers. These efforts culminated in a January, 1982 court decision which gave the property owner the right to fill all wetlands above Mean High Water. Some restoration of tidal wetlands was required under the court order. The owner did not exercise the right to fill wetlands between 1982 and the present time.

In 1986 the applicant requested a legal opinion from the District with respect to the impact of the Federal Court Order on the District's regulatory jurisdiction over the subject site. The Office of Counsel reviewed the January 15, 1982 Order issued by U.S. District Judge Sidney M. Aronovitz which stated that " . . . the United States of America and the State of Florida are enjoined from requiring perspective permitting of the property . . . south of the compromise mean high water line. The defendants shall be free to fill and develop such property subject to compliance with all applicable City of Key West requirements and all applicable rules and regulations setting the placement, location, height, density and method or manner of fill; and, condition further, that... defendants . . . caused partial restoration of the area below the compromise mean high waterline as ordered herein. "

In December of 1986, staff responded by letter stating an opinion that the judges' decision was binding on the District in regard to filling of the wetlands above the compromise mean high water line, but did not eliminate the need to secure a surface water management permit.

FACILITIES:

PROPOSED: Construction and Operation of a surface water management system is requested for a 16.08 acre residential project consisting of 296 affordable housing units. Runoff will be directed through inlets and culverts to a 1.73 acre naturally vegetated tidally influenced detention area. Discharge will be directed through a control structure consisting of 1-2.5 foot wide weir with a crest at elevation 2.5 feet NGVD and 2-3 inch diameter bleeders with invert at elevation 1.9 feet NGVD to a tidal salt marsh which has culvert connections to the Atlantic Ocean.

EVALUATION:

WATER QUALITY

- A. ADVERSE IMPACTS EXPECTED: NO
- B. BEST MANAGEMENT PRACTICES UTILIZED: Water quality detention volume will be provided within an existing salt marsh. One half inch of detention is being provided in this area to satisfy the pretreatment required for parcels discharging to "Outstanding Florida Waters".
- C. REQUIRED DETENTION 1.1 AC-FT
DETENTION METHOD Detention Within Salt Marsh
DETENTION PROVIDED 1.1 AC-FT

WATER QUANTITY

Discharge quantities for this project have been limited to pre-development rates. The proposed design of the project incorporates equalizing culverts so as not to impede tidal circulation of the areas currently receiving surface tidal sheet flow.

ENVIRONMENTAL

The subject parcel is almost entirely a wetland within the limits of Outstanding Florida Waters. Some areas within the wetland have been adversely impacted by historic activities at the site and a small isolated upland does exist, but the majority of the area is dominated by functional wetlands. Inundation of the site by tidal action and rainfall appear to be a regular event, evidenced by the low elevation, the lack of exotic vegetation and the presence of algal mats. Secondary productivity appears to be high and typical of the upper wetland zones in the Keys. A salt marsh area of 1.7 acres, has been preserved in the final plan and is intended as an on-site detention area.

LAND USE

PRESENT ZONING Multi-family, ALLOWED DENSITY 18.4 DU/A
Residential
PROPOSED USE Multi-Family, PROPOSED DENSITY 18.4 DU/A
Residential

COMPATIBLE: YES

POTABLE WATER Florida Keys Aqueduct Authority

WASTEWATER TREATMENT: City of Key West

APPLICABLE LAND AREA

	<u>Project</u>	<u>Phase Construction</u>
Total	<u>16.08</u> acres;	<u>10.15</u> acres
Water Management	<u>1.73</u> acres;	<u>1.73</u> acres
Impervious	<u>7.53</u> acres;	<u>7.53</u> acres
Dwelling	<u>296</u> units;	<u>296</u> units
Commercial/Industrial	<u>N/A</u> sq ft;	<u>N/A</u> sq ft

Location: Northeast of Key West International Airport's main runway.

City: Key West

County: Monroe

Special District: N/A

SFVMD Basin: Atlantic Ocean

Operation Entity: Ocean Walk Associates

Staff recommendation is for approval.

APPLICATION REVIEWER:

SUPERVISOR/CHECKER:

TECHNICAL: J. Needle

A. Waterhouse

WATER QUALITY: J. Needle

S. Anderson

ENVIRONMENTAL: S. Bradow

C. Padera

MAJOR ISSUES: Preservation of Salt Marshes

Subject to the following 12 Standard Limiting and 12 Special Conditions (for conceptual approvals only, these conditions as a minimum will apply to subsequent construction permitting).

DIVISION APPROVAL:


Anthony M. Waterhouse, P.E.
Assistant Division Director
Surface Water Management Division

DATE: 12/22/88

DRAFT
Subject to Governing
Board Approval

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 10.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 3.0 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-2.5 FEET WIDE BROAD CRESTED WEIR WITH THE CREST AT ELEVATION 2.5 FEET NGVD AND 2-3 INCH DIAMETER PVC BLEEDER PIPES WITH INVERTS AT ELEVATION 1.9 FEET NGVD.

RECEIVING WATER: TIDALLY INFLUENCED SALT MARSH

CONTROL ELEVATION: 1.9 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY, EROSION, OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF OCEAN WALK ASSOCIATES.

THE PERMITTEE SHALL PROVIDE TO THIS DISTRICT DOCUMENTATION OF APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

8. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
9. THE STORMWATER DETENTION BASIN SHALL BE LEFT IN ITS NATURAL VEGETATED STATE. NO ALTERATIONS TO VEGETATION OR TOPOGRAPHY ARE ALLOWED UNLESS APPROVED IN ADVANCE BY THE DISTRICT. ACTIVITIES PROHIBITED WITHIN THE DETENTION BASIN INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

10. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
11. PRIOR TO CONSTRUCTION OF THE ACCESS ROAD FOR THIS PROJECT, REVIEW AND APPROVAL FROM DISTRICT STAFF IS REQUIRED.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF FUTURE PHASES, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.

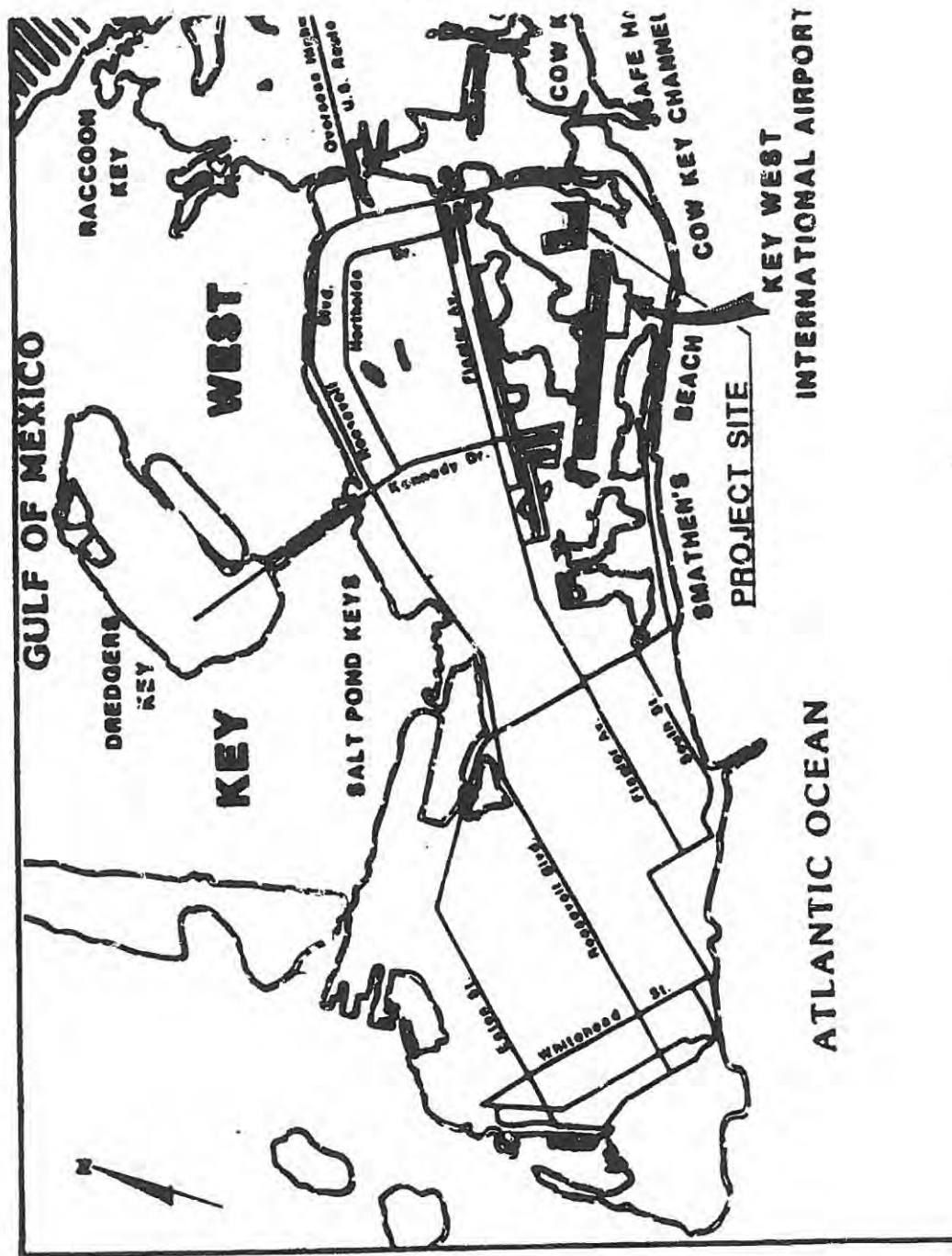
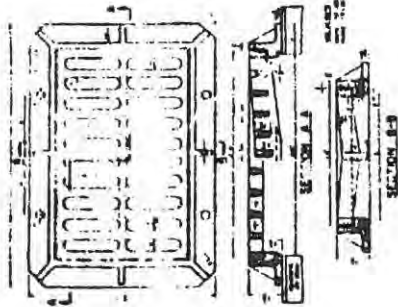


EXHIBIT 1



OCEAN WALK - PHASE I



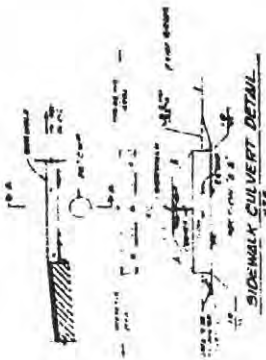
FRAME AND GRATE
S-11



MANHOLE COVER (USF 310)



PRECAST CONCRETE SLAB
FOR METAL CATCH BASIN
S-12



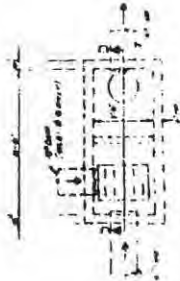
SIDEWALK CULVERT DETAIL
S-13



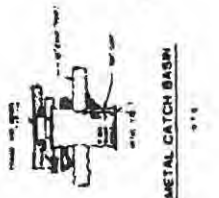
PARKING PAVEMENT MARKING DETAIL
S-14



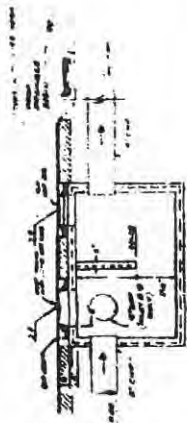
SECTION B-8
S-15



PLAN
S-16



METAL CATCH BASIN
S-17



SECTION B-9
S-18



HAND-CAPPED SYMBOL DETAIL
S-19



TYPICAL PARKING SECTION A-A
S-20

EXHIBIT 3

STAFF REPORT DISTRIBUTION LIST

PROJECT Ocean Walk

APPLICATION NUMBER 06288-F

INTERNAL DISTRIBUTION

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Mr. Mike Stout

Mr. J.D. York

EXTERNAL DISTRIBUTION

X Applicant:

Ocean Walk Associates, Limited Partnership

X Applicant's Consultant:

Post, Buckley, Schuh and Jernigan

X Engineer, County of:

Monroe

Engineer, City of:

X Key West

Local Drainage District:

DEPT. OF ENVIRONMENTAL REGULATION

X Ft. Myers

Orlando

Port St. Lucie

Tallahassee

West Palm Beach

BUILDING AND ZONING

Boca Raton

Boynton Beach

Royal Palm Beach

Tequesta

West Palm Beach

COUNTY

Broward

-Director, Water Mgmt. Div.

-BCEQCB

Collier

-Agricultural Agent

Dade

-DERM

Lee

-Long Range Planning

-Mosquito Control

-E.P.S.

Martin

-Attorney

-Board of County Commissioners

-Community Development Director

Palm Beach

-Building Dept.

-School Bld., Plant Planning

Polk

-Water Resources Dept.

OTHER

Fred Vidzes, Big Cypress Basin

Kissimmee River Coordinating Council

X Joan Borel

Friends of Florida

Rt. 4, Box 89

Summerland Key, FL 33042

EXHIBIT 4

South Florida
Water Management District

SURFACE WATER MANAGEMENT PERMIT NO. 44-00075-8

(NOT ASSIGNABLE)

DATE ISSUED: January 12, 1989

AUTHORIZING: **CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM
SERVING 16.08 ACRES OF RESIDENTIAL LANDS DISCHARGING INTO
A TIDALLY INFLUENCED SALT MARSH.**

LOCATED IN: MONROE COUNTY, SECTION 3, 34 TWP. 67, 68 RGE. 25

ISSUED TO: **Ocean Walk Associates, LTD. Partnership
(Ocean Walk)
800 Atlantic Blvd., #432
Key West, FL 33040**

This Permit is issued pursuant to Application for Permit No. 06288-F dated June 24, 19 88. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, or use of any work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, as addressed by the staff report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SEE SHEETS 2, 3 OF 4 - 12 SPECIAL CONDITION.
SEE SHEET 4 OF 4 - 12 LIMITING CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

ON Original signed by:
BY Vern Kalser

DEPUTY CLERK

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

Original Signed
By by Thomas E. Huser
Assistant Secretary

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 10.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 3.0 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-2.5 FEET WIDE BROAD CRESTED WEIR WITH THE CREST AT
ELEVATION 2.5 FEET NGVD AND 2-3 INCH DIAMETER PVC
BLEEDER PIPES WITH INVERTS AT ELEVATION 1.9 FEET NGVD.

RECEIVING WATER: TIDALLY INFLUENCED SALT MARSH

CONTROL ELEVATION: 1.9 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY, EROSION, OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF OCEAN WALK ASSOCIATES.

THE PERMITTEE SHALL PROVIDE TO THIS DISTRICT DOCUMENTATION OF APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

8. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.

9. THE STORMWATER DETENTION BASIN SHALL BE LEFT IN ITS NATURAL VEGETATED STATE. NO ALTERATIONS TO VEGETATION OR TOPOGRAPHY ARE ALLOWED UNLESS APPROVED IN ADVANCE BY THE DISTRICT. ACTIVITIES PROHIBITED WITHIN THE DETENTION BASIN INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

10. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
11. PRIOR TO CONSTRUCTION OF THE ACCESS ROAD FOR THIS PROJECT, REVIEW AND APPROVAL FROM DISTRICT STAFF IS REQUIRED.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF FUTURE PHASES, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION, THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.