

Jeb Bush
Governor

Department of Environmental Protection

COPY

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

David B. Struhs
Secretary

January 23, 2001

CERTIFIED MAIL 7099 3400 0000 3133 9711
RETURN RECEIPT REQUESTED

City of Key West
c/o Annalise Mannix-Lachner
P.O. Box 1409
Key West, Florida 33041-1409

RE: Monroe County - ERP
Florida Keys Ecosystem Management Area
Permit File No. 442021579
1st Permit Modification No. 44-0155987-001
2nd Permit Modification No. 44-0170774-001

Dear Ms. Lachner:

We are in receipt of your request for modifications of the referenced permit. Permit #442021579 (copy enclosed) is changed as follows:

Expiration Date:

From: December 29, 2000

To: December 29, 2002

Project Description:

From: To construct a 149 slip mooring area by: driving 149 Manta Ray anchor units into the substrate and installing 5 marine signal lights to mark the boundaries of the mooring area. This project is issued in conjunction with Variance VE-44-683.

To: 1) To construct a 149 slip mooring area by: driving 149 Helical type anchor units into the substrate and installing 4 or 5 marine signal lights to mark the boundaries of the mooring area. This project is issued in conjunction with Variance VE-44-683.

2) Install an approximately 3,162 square foot floating dinghy dock along Barracuda Pier within Garrison Bight.

"More Protection, Less Process"

Printed on recycled paper.

Project Location:

From: The project site is located in the Key West Seaplane Basin, Florida Bay, City of Key West, Monroe County, Section 32, Township 67 South, Range 25 East, Class III Waters.

To: The project site is located in the Key West Seaplane Basin, Florida Bay, Class III Outstanding Florida Waters and Garrison Bight, Class III Water, City of Key West, Monroe County, Section 32, Township 67 South, Range 25 East.

Permit Drawings:

Add: Permit drawings titled, "Floating Dinghy Dock System", "Elevation: Dock System at Mean Low Water", "Plan View", and "Stormwater System Retrofit" DEP permit stamped #44-0170774-001.

Specific Conditions:

Add: 15. The permittee shall notify the Department at least forty-eight (48) hours prior to commencement of the activity authorized by this permit modification, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), Florida Administrative Code (F.A.C.)) indicating the actual start date and expected completion date. The construction notice shall be submitted to the Department's Marathon office at 2796 Overseas Highway, Suite 221, Marathon, FL 33050.

16. Turbidity curtains shall be utilized and properly maintained during the permitted construction and shall remain in place until any generated turbidity subsides.

17. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit modification, the permittee shall adhere to the following conditions:

a. The contractor instructs all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).

b. All construction personnel are advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

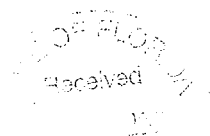
c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8 1/2" X 11") reading "Manatee Habitat/Idle Speed In Construction Area" will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading "Warning: Manatee Habitat" will be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8 1/2" X 11") reading "Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

d. Siltation barriers are properly secured so that manatees cannot become entangled, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

e. All vessels associated with the project operate at "idle speed/no wake" at all times while in the construction area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

f. If manatees are seen within 100 yards of the active daily construction/dredging operation all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.



g. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-800-DIAL-FMP) and to the Office of Protected Species Management (850) 922-4330.

h. The contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600. This report must be submitted annually or following the completion of the project if the contract period is less than a year.

18. The docking facility shall only be used for the mooring of dinghies associated with the Key West Mooring Field. For the purposes of this permit a dinghy is defined as a vessel with a maximum length of 8 feet, width of 5 feet and draft of 0.5 feet.

19. All vessels except those defined in specific condition No. 18 above are prohibited from mooring at the docking facility.

20. Live-aboard or live-aboard type vessels are prohibited from mooring at the docking facility.

21. The permittee shall install signage at both dock access ramps facing both land and water stating, "Mooring of Dinghies Associated with the City of Key West Mooring Field Only". The signage shall be installed prior to use of the facility.

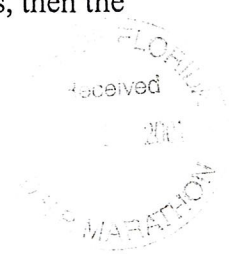
22. No fueling facilities shall be allowed at the docking facility.

23. The docking facility includes a maximum of 75 dinghy slips.

24. This permit modification does not authorize the construction or installation of barge mounted restrooms or showers.

25. As mitigation the permittee shall implement the stormwater system retrofit of the parking area along Barracuda Pier as shown on the permit drawing titled, "Stormwater System Retrofit". The permittee shall use the systems identified on the enclosed vendor catalog sheets or similar systems. The stormwater retrofit shall be completed with 1 year of the date of issue of this permit modification.

26. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.



John
Olinzock
Engineer
Port Operations

27. Within thirty (30) days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The Statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations note. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

This letter (notice) must be attached to your permit and becomes a part of that permit. All general and specific conditions of the permit and monitoring requirements shall remain unchanged.

A copy of your request for a modification has been sent to the US Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. For further information, you should contact the Miami office of the USACOE.

This modification is hereby granted unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

This permit modification is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.



Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.



A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

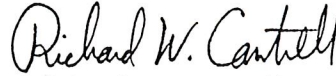
Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit modification constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the



appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

Sincerely,



Richard W. Cantrell
Director of
District Management

RWC/eb
enclosures

4 drawings attached

20 pages attached

cc: United States Army Corps of Engineers, Miami
Monroe County Property Appraiser
DCA Marathon
file, DEP-Marathon
DEP Bureau of Public Land Administration-
(BOT #442021579, MA-44-113)

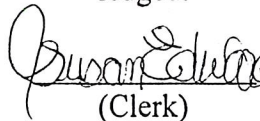
CERTIFICATE OF SERVICE

This is to certify that this MODIFICATION OF CONDITIONS and all copies were mailed before the close of business on January 23, 2001 to the listed persons.

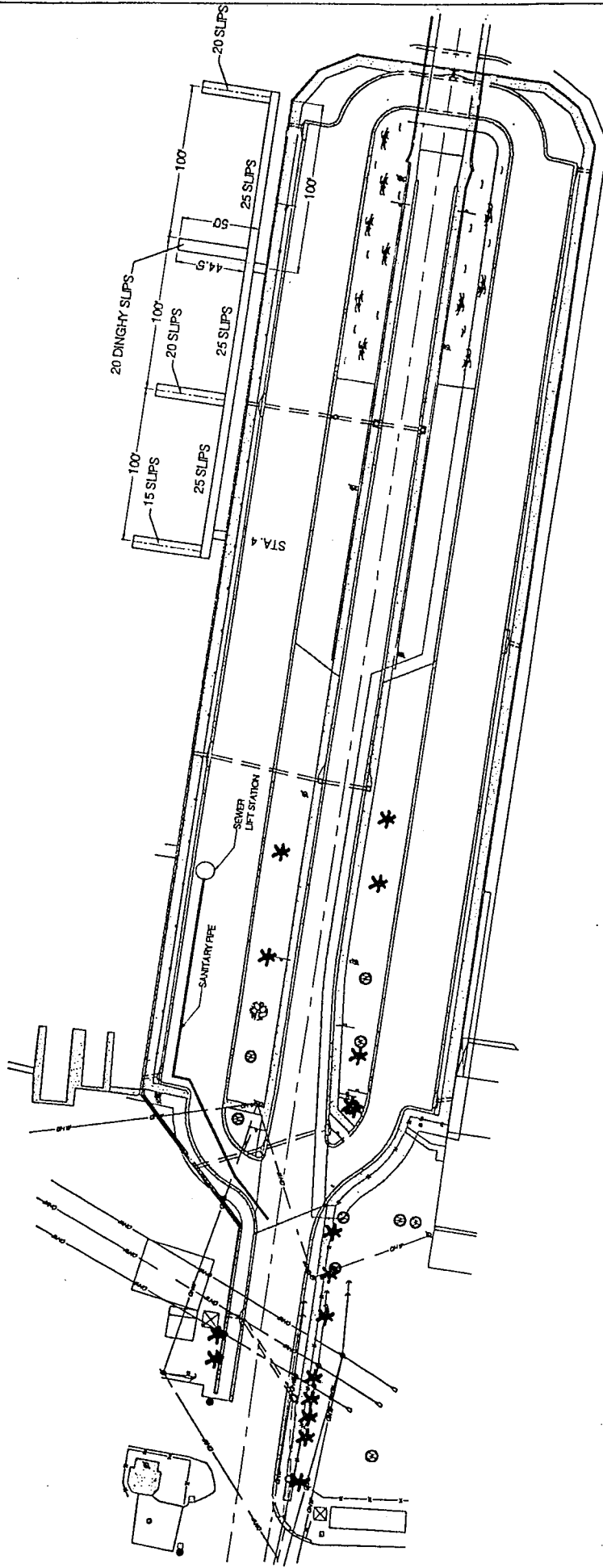
Clerk Stamp

FILING AND ACKNOWLEDGMENT

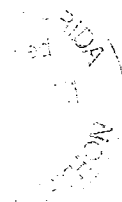
FILED, on this date,
pursuant to §120.52(9),
F.S., with the designated
Department Clerk, receipt
of which is hereby acknow-
ledged.

 01-23-01
(Clerk) (Date)





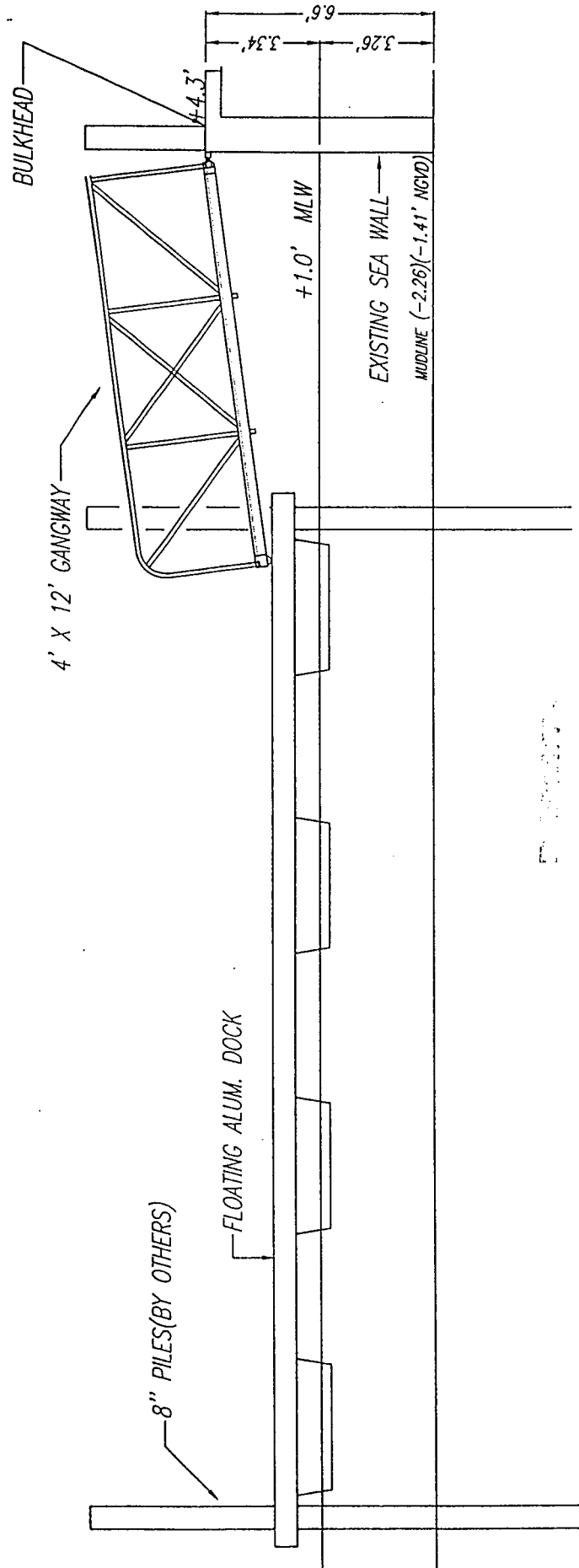
FLOATING DINGHY DOCK SYSTEM
1"=100'



PERMIT PLAN ONLY
NOT FOR CONSTRUCTION
NOV 1 2000
D.E.P. Marathon

44 017 001

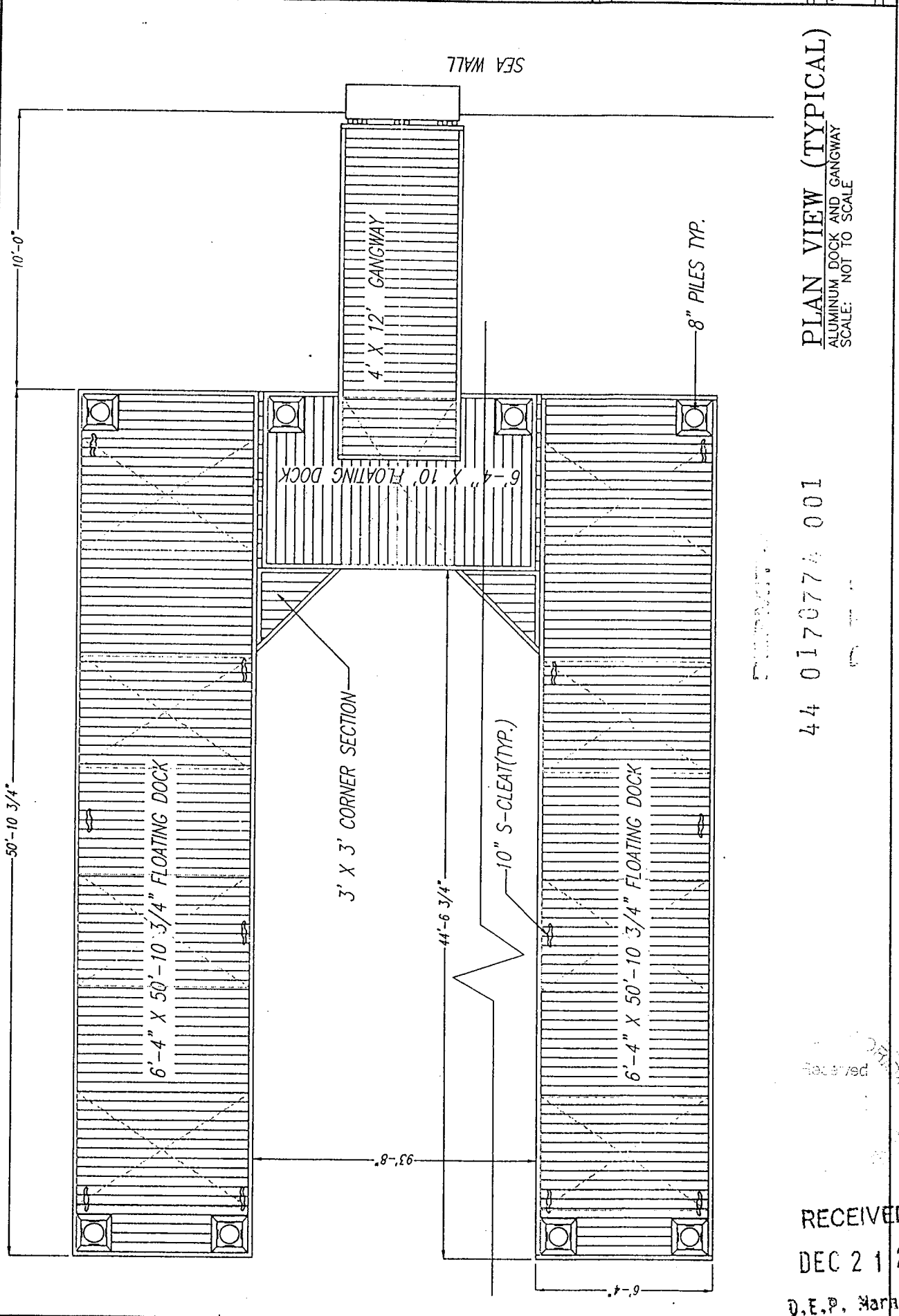
		BARRACUDA PIER	
DESIGNER	J. BRUSH	PROJECT No.	03-2024
DATE	D. JUSTIN	DATE	4-2005
SCALE	1" = 100'	DATE	8-18-00
		DINGHY DOCKS	
		1 OF 2	



44 017077A 001

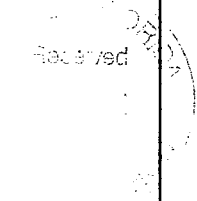
ELEVATION: DOCK SYSTEM AT MEAN LOW WATER
 SCALE: 1/4" = 1'-0"

RECEIVED
 DEC 21 2000
 D.E.P. Marathor

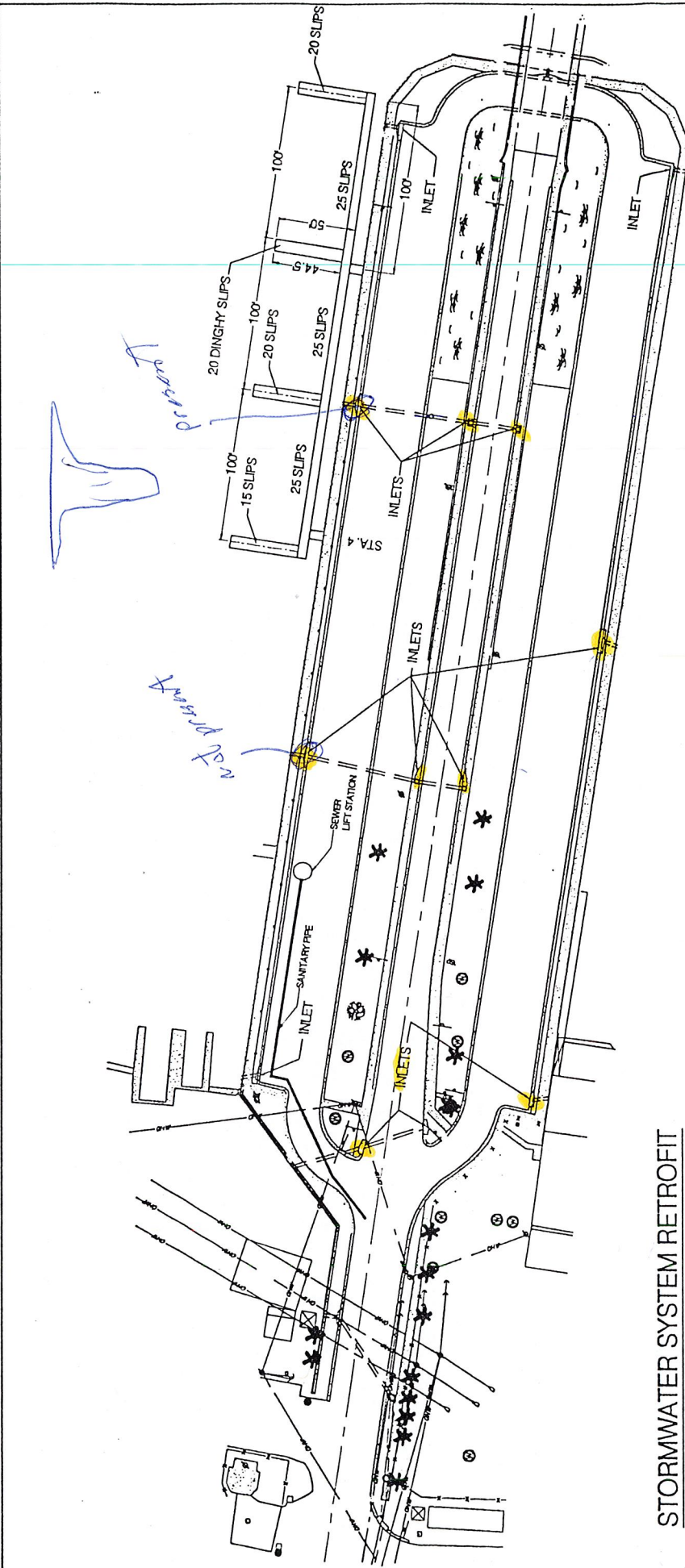


PLAN VIEW (TYPICAL)
 ALUMINUM DOCK AND GANGWAY
 SCALE: NOT TO SCALE

44 017077 001



RECEIVED
 DEC 21 2000
 D.E.P. Marathon



STORMWATER SYSTEM RETROFIT

1. INSTALL OIL & SEDIMENT REMOVAL DRAIN GUARDS @ INLETS IN BARRACUDA PIER PARKING LOT.
2. INSTALL TRASH & DEBRIS WIRE SCREENS OVER INLETS.
3. SEE VENDOR CATALOG SHEETS.

FLOATING DINGHY DOCK SYSTEM
1" = 100'

PERMIT PLAN ONLY
NOT FOR CONSTRUCTION

DEC 1 2000

44 017077A 001



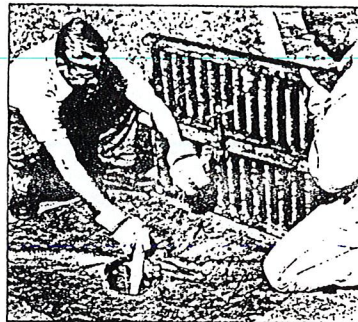
City of
Key West
Engineering Services
1000 Government Center
Key West, FL 33000

TITLE BARRACUDA PIER	
DESIGNER J. BRUSH	PROJECT No.
CHECKER D. ALSTIN	DATE
DATE 6-18-00	SCALE 1" = 100'
DINGHY DOCKS	

Unique PopUp Capacity Indicator* Automatically Signals When It's Time To Install A New Ultra-DrainGuard



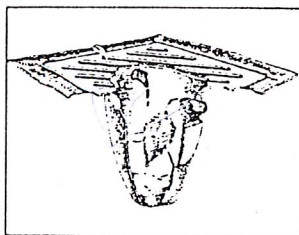
Heavy duty magnet securely attaches the reusable Indicator to the bottom of the grate.



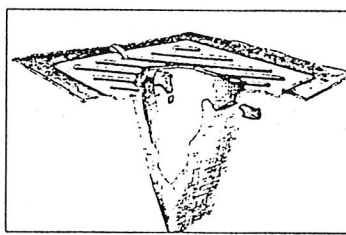
A tether is attached to a release hook which disengages when the DrainGuard has reached its capacity.



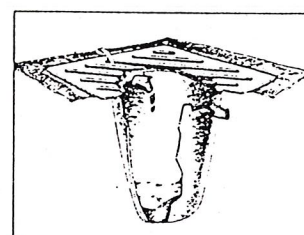
The bright red end cap "pops up" through the grate to visually alert maintenance personnel that the DrainGuard needs to be emptied or replaced. The spring-loaded device can be driven over even in the "popped up" position.



The Oil and Sediment Model contains a replaceable oil absorbent pillow that removes oil and grease from water flow as it passes through the DrainGuard. Choose the non-leaching Rubber Particulate Pillow or the highly absorbent Polypropylene Pillow.



The Trash and Debris Model is designed specifically to catch larger items such as cigarette butts, candy wrappers and paper goods.



The Sediment Only Model removes dirt, sand and other sediment from stormwater. Ideal for construction site sediment control.

44 017077A 001

*Note: The PopUp Capacity Indicator is not designed for use with the Trash and Debris Model.

U.S. Patent No. 5,372,714; 5,575,925

	Oil and Sediment Model	Sediment Only Model	Trash and Debris Model
Part #:	9225 (Rubber Particulate Pillow) 9222 (Polypropylene Pillow)	9226	9227
Fabric Weight:	8.0 oz / yd ²	8.0 oz / yd ²	Not Applicable
Thickness:	145 mil.	145 mil.	Not Applicable
Water Flow Rate:	120 gpm / ft ²	120 gpm / ft ²	Not Applicable
Permeability:	.5 cm / sec	.5 cm / sec	Not Applicable
Dimensions:	48" L x 36" W x 18" H	48" L x 36" W x 18" H	48" L x 36" W x 18" H
Weight:	2 lbs.	1 lb.	1 lb.
Options:	Replacement Rubber Particulate Pillow (case of 10) Part #9233 Replacement Polypropylene Pillow (case of 10) Part #9223	None	None
Accessories:	PopUp Capacity Indicator (Part #9236), Grate Lifting Hook (Part #9235)		

* The total water flow rate through the insert in new condition is in excess of 500 gpm. The overflow rate is approximately 250 gpm.

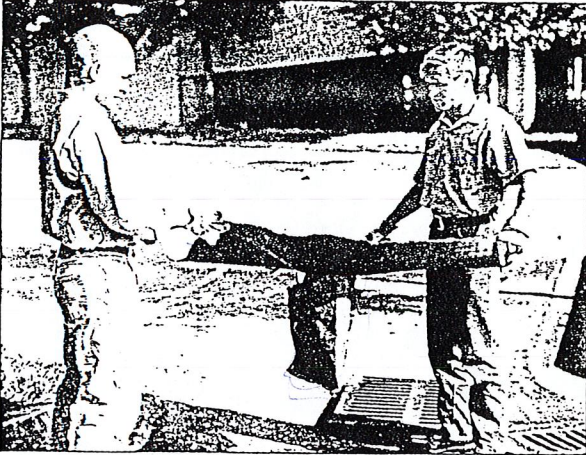
RECEIVED

DEC 21 2000

R.E.P. Marathor

Keep Sediment And Other Pollutants From Entering The Water System With Ultra-DrainGuard Catch Basin Inserts

Stormwater pollution has become a major concern both locally and on a national level. Ultra-DrainGuards remove waste from stormwater *before* it can become a problem in the water system.



Installation is easily accomplished in just a few minutes.

Available in Three Models:

- Oil and Sediment Model - Part #9225
- Sediment Only Model - Part #9226
- Trash and Debris Model - Part #9227

44 0170774 001



Step 1 - Remove grate.



Step 2 - Insert DrainGuard. Hold in place temporarily with tape.



Step 3 - Replace grate. Trim excess material if desired.

Designed For Practical Use In:

- Industrial Facilities - keep oil and other contaminants from entering storm drains.
- Construction Sites - tubular design captures eroded soil and wind-blown debris.
- Parking Lots, "Drive-Up" Retail Facilities - polypropylene geotextiles collect oil, fuel and other contaminants that drip from cars.

RECEIVED

DEC 21 2000

D. E. P. Narathor