

Albert Childress

From: Arlo Haskell <arlohaskell@gmail.com>
Sent: Wednesday, May 3, 2023 3:51 PM
To: Jimmy Weekley; Billy Wardlow; Samuel Kaufman; Clayton Lopez; Teri Johnston; Mary Lou Hoover; District IV
Cc: Ronald Ramsingh; Albert Childress; Steven P. McAlearney; Cheri Smith
Subject: [EXTERNAL] Pier B cruiseport / pending lease modification
Attachments: Nexus.pdf; Nexus (34).pdf

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Mayor and Commissioners:

The Florida Dept of Environmental Protection has posted formal notice of Pier B's request to modify its existing submerged lands lease and expand the cruiseport by approximately 25% in total area. See docs attached.

If approved, this expansion of the cruiseport would allow for significantly larger cruise ships than those which have been permitted to call at Key West in the past. We estimate maximum ship size could increase as much as 50% by gross tonnage.

As you know, the City's submerged lands lease at Mallory is immediately adjacent to and north of the lease area which Pier B is proposing to expand. Florida law provides for a minimum 25-foot setback inside riparian rights lines to protect the property rights of adjacent submerged lands leaseholders (18-21.004, F.A.C.). However, Pier B's proposed lease modification would grant blanket permission for Pier B's larger ships to operate inside the 25-foot setback area, which otherwise would require a formal waiver from the City. We believe that large cruise ship operations conducted within the setback area would impede the City's ability to seek other potential revenue-generating uses for Mallory, impede access to the Key West Aquarium, and negatively impact the visitor experience at Mallory.

We respectfully request that Commissioners direct City staff to (1) determine the City's property rights under FAC 18-21 regarding the 25-foot setback and the potential implications of Pier B's proposed lease modification with respect to these rights; (2) determine potential impacts of an expanded Pier B cruiseport on the City's current or future maritime activities and/or other revenue-generating activities at Mallory; and (3) determine potential impacts of an expanded Pier B cruiseport and larger cruise ships on the visitor experience at Mallory. Additionally, we ask that the Commission formally notify FL DEP of the City's opposition to the proposed lease modification at this time.

This matter is urgent. Florida DEP requests public comments in writing by May 19, and we believe the proposed lease modification may appear on the agenda for the Governor's Cabinet meeting on May 23. If approved by the Cabinet, the proposed lease modification would run for 25 years.

Thank you for your attention to this important matter, and as always for your service to our community.

Arlo Haskell
on behalf of
Committee for Safer, Cleaner Ships

From: [Mark Kincaid](#)
To: [Andreotta, Jason](#)
Cc: [Gambineri, Mara](#)
Subject: Request to Modify Existing Submerged Lands Lease 440020075
Date: Thursday, April 13, 2023 4:17:15 PM
Attachments: [440020075 Mod Request Letter Pier B 20230413.pdf](#)
[20447-PIER B SLL 2ND OPTION SIGNED 20220329.pdf](#)

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hi Jason,

Attached please find the letter requesting to modify the existing Submerged Lands Lease 440020075 and the signed and sealed specific purpose drawing.

Please let us know if you have any questions.

Respectfully,

Mark

Mark Kincaid
VP Engineering
Coastal Engineering Consultants, Inc.
28421 Bonita Crossings Blvd.
Bonita Springs, Florida 34135
239-260-3776

April 13, 2023

Jason Andreotta
Florida Department of Environmental Protection
Southeast District (WPB)
3301 Gun Club Road, MSC7210-1
West Palm Beach, Florida 33406

Via: Jason.Andreotta@Floridadep.gov

RE: Request to Modify Existing Submerged Lands Lease

Pier B Development Corp.
BOT Lease No. 440020075, Site No. 166412 / Project No. 401305
Parcel No. 00000200-000203, Monroe County – SLERC

Dear Jason:

Pier B Development Corp., a Florida corporation (Applicant/Lessee) hereby respectfully requests a modification to Sovereign Submerged Lands Lease No. 440020075. The proposed modification will increase the leased area by 58,720 square feet to a total area of 203,901 square feet in the same footprint as the existing area approved in the Temporary Use Agreement (TUA) dated July 1, 2022. Within the modified lease area, there are no modifications that would change the use of the leased area and no new structures are being proposed. A Submerged Lands Lease Specific Purpose Survey is attached depicting the requested lease amendment and provides a legal description of the proposed new lease area, matching that previously approved in the TUA.

Applicant/Lessee respectfully requests a determination by the Board of Trustees that the proposed modification which would extend the lease area into the 25-foot setback area at the northern lease area boundary is in the public interest as defined in the FAC for, *inter alia*, the following reasons:

- There are no known environmental costs of the proposed action.
- The expansion into the 25-foot setback area is a social benefit in that it would continue the safe navigation of cruise ships for the general public which have historically and successfully docked at Pier B for decades.
- Key West is one of the costliest hotel markets in the United States; cruise ship tourism affords the general public one of the most economical ways to visit this historic seaport.
- The economic benefits accruing to the public at large resulting from the proposed action far exceed any costs considering the large contribution made by the cruise ship industry to the economies of the State of Florida, Monroe County, the City of Key West, and the individual merchants providing goods and services to cruise ship passengers.

In addition, the extension of the Applicant/Lessee's lease into the northern 25-foot setback area is consistent with three other submerged lands leases which currently extend into the 25-foot setback areas on either side of the riparian line between the Pier B lease and the neighboring landowner to

COASTAL ENGINEERING CONSULTANTS, INC.

the north. These leases are Tannex Development, L.C. Lease No. 440002595 and City of Key West Lease Nos. 440769265 and 440030665. Berthing of ships within this 25-foot setback area (on both sides of the riparian line) is consistent with the historical use of the waterfront in this area and is in the public interest by contributing to safe navigation for the general public.

The Applicant/Lessee's prior two leases were granted for periods of 25 years and 10 years, respectively, under Rule 18-21.008(2), FAC. Applicant/Lessee respectfully requests that the modified lease include an extended term of 25 years as in the Applicant/Lessee's original lease because it is "necessary to satisfy unique operational constraints," as contemplated by Rule 18-21.008(2)(a)3., FAC. The unique operational constraints compelling a 25-year term include the development, operations and scheduling of cruise ships which berth at the Pier B facility. The availability of the berthing area is crucial in order to do long-term planning. There is significant long-term planning, maintenance and construction work required to keep a cruise port operational and safe for the general public which requires a substantial long-term financial commitment. Once modified, the requested extended term lease will supersede the TUA currently authorizing the same requested area for mooring of commercial cruise ships. This exact area has been successfully utilized for the prior nine months, without issue.

Please let us know if you have questions or need additional information.

Sincerely,



Mark Kincaid
VP of Engineering
Coastal Engineering Consultants, Inc.

cc: mara.gambineri@floridadep.gov

Attachment: Submerged Lands Lease Specific Purpose Survey

I:\2021\21285 Opal Key Marina - Key West\21285 Pier B Mod to SLL 20230313.docx

28421 Bonita Crossings Blvd., Bonita Springs, FL 34135
70726 Phone (239) 643-2324 • Fax (239) 643-1143
(225) 523-7403

1211 North Range Ave., Suite E, Denham Springs, LA
Phone

E-mail: info@cecifl.com

SERVING COASTAL COMMUNITIES SINCE 1977

SPECIFIC PURPOSE SURVEY SUBMERGED LAND LEASE AREA FOR CRUISEPORT 2A

LYING IN SECTION 6, TOWNSHIP 68 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA

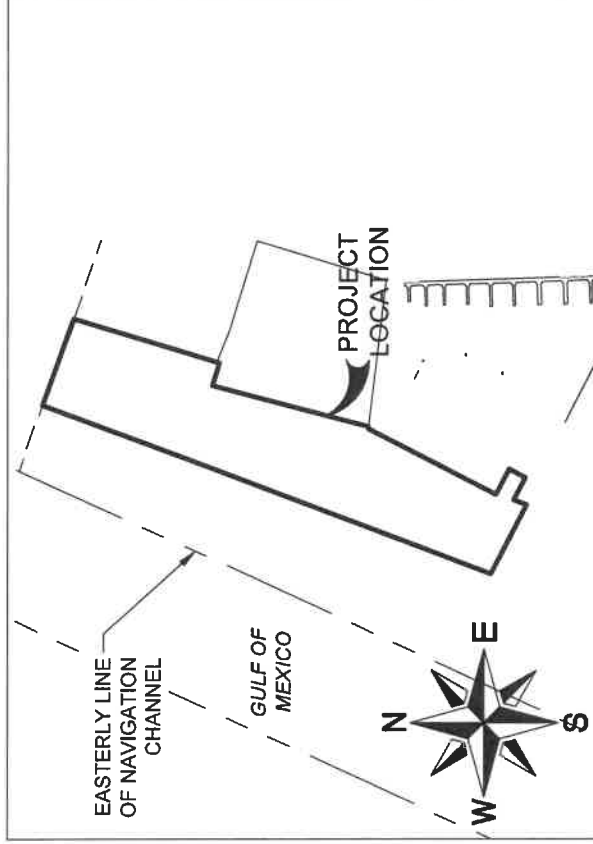
PREPARED FOR:

PIER B DEVELOPMENT CORP.

GENERAL NOTES

1. ● = FOUND 5/8" IRON PIN AND CAP STAMPED AS NOTED.
2. ▲ = FOUND PK NAIL AND TIN TAB
3. BEARINGS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, FLORIDA EAST ZONE.
4. ELEVATIONS SHOWN HEREON ARE RELATIVE TO N.A.V.D. 1988 (NORTH AMERICAN VERTICAL DATUM 1988)
5. COORDINATES SHOWN HEREON ARE IN U.S. SURVEY FEET AND RELATIVE TO NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, FLORIDA WEST ZONE.
6. THE SHORELINE CONDITION 1000 FEET NORTH AND SOUTH OF LEASE AREA CONSISTS 100% SEAWALL, BULKHEAD OR RIP RAP.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464



SHEET INDEX

1. COVER SHEET
2. SKETCH OF DESCRIPTION
3. BEARING / DISTANCE LINE TABLES
4. LEGAL DESCRIPTION

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS KEY WEST, FLORIDA
ARE BASED ON FLORIDA 872 4580

TIME PERIOD = JANUARY 1983 - DECEMBER 2001
TIDAL EPOCH = 1983 - 2001
CONTROL TIDE STATION = KEY WEST,
FLORIDA (872 4580)

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN
NAVD 1988.

MEAN HIGH WATER (MHW) = -0.24 FT NAVD
MEAN LOW WATER (MLW) = -1.52 FT NAVD

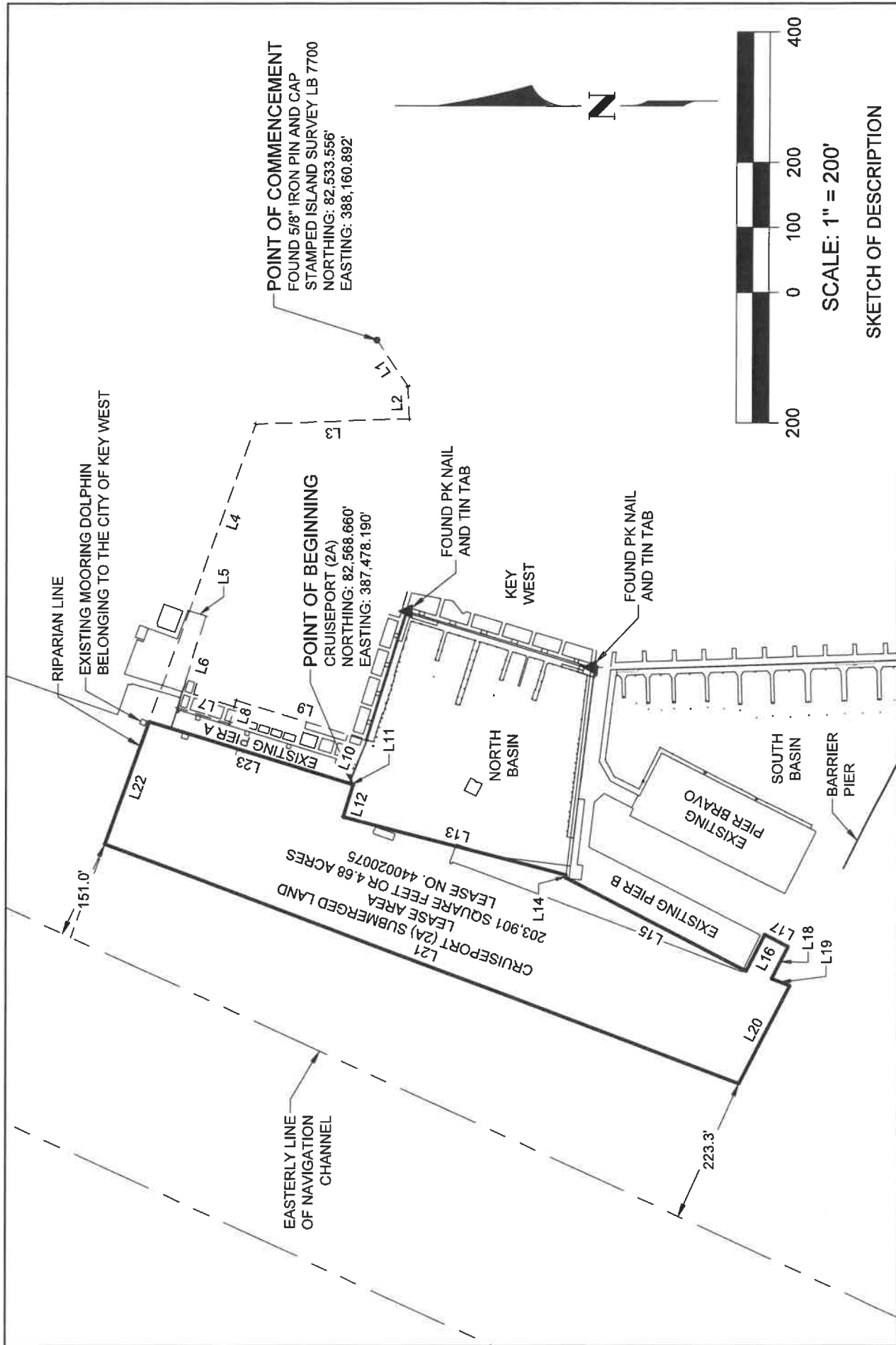
THIS FIELD SURVEY IS CERTIFIED TO
THE BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

THE MEAN HIGH WATER ELEVATION OF -0.24 FEET WAS
APPROVED BY THE BUREAU OF SURVEY AND MAPPING.

RICHARD J. EWING, V.P.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
DATE OF FIELD SURVEY: 12/22/20
DATE OF SIGNATURE:

COASTAL ENGINEERING CONSULTANTS, INC. 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239) 643-2324 FAX: (239) 643-1143 www.coastalengineering.com E-Mail: info@cecifl.com	CLIENT: PIER B DEVELOPMENT CORPORATION TITLE: SPECIFIC PURPOSE SURVEY OF A SUBMERGED LAND LEASE AREA LYING IN SECTION 6, TOWNSHIP 68 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA.	DATE: 2/11/2022 SCALE: N/A DRAWN: SDB CHECKED: RJE SEC. 6 TWP. 68S RNG. 25E ACAD NO. 20.447 REF. NO. 20.447-SLL EXISTING-20220214	NO. 20.447 DATE BY REVISION DESCRIPTION
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COASTAL ENGINEERING CONSULTANTS INC. A CECO GROUP COMPANY Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	CLIENT: PIER B DEVELOPMENT CORPORATION		DATE: 2/13/2022 SCALE: 1" = 200'	
	TITLE: SPECIFIC PURPOSE SURVEY OF A SUBMERGED LAND LEASE AREA LYING IN SECTION 6, TOWNSHIP 68 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA.		DRAWN: SDB F.B.	
	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464		CHECKED: RJE F.G.	
	PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com		SEC. 6 TYP. BSS RNG. 25E	
	SHEET 2 FILE NO. 20.447		ACAD NO. 20.447	
REVISION DESCRIPTION		NO.	DATE	BY
		20.447-SLL EXISTING-20220214	20.447	

LXX - LINE TABLE

LINE	BEARING	DISTANCE
L1	S55°59'14"W	85.77'
L2	S88°06'46"W	50.00'
L3	N1°56'59"W	235.87'
L4	N70°26'40"W	304.41'
L5	S16°55'28"W	26.34'
L6	N72°54'10"W	147.59'
L7	S17°07'10"W	83.65'
L8	S72°43'50"E	37.81'
L9	S17°07'10"W	210.00'

LXX - LINE TABLE

LINE	BEARING	DISTANCE
L10	S68°40'27"E	71.00'
L11	N17°07'10"E	5.29'
L12	N72°51'30"W	52.00'
L13	S14°41'55"W	351.76'
L14	N83°14'07"W	4.17'
L15	S27°13'10"W	313.12'
L16	S62°37'32"E	62.81'
L17	S27°45'56"W	40.21'
L18	N62°41'40"W	55.07'

LXX - LINE TABLE

LINE	BEARING	DISTANCE
L19	S20°43'37"W	29.95'
L20	N62°41'40"W	169.24'
L21	N20°42'26"E	1039.77'
L22	S70°26'38"E	199.55'
L23	S17°07'06"W	327.89'



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BONITA SPRINGS, FLORIDA 34135

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SURVEYING: LB 2464

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FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecfl.com

CLIENT:

PIER B DEVELOPMENT CORPORATION

TITLE:

**SPECIFIC PURPOSE SURVEY OF A SUBMERGED
LAND LEASE AREA LYING IN SECTION 6, TOWNSHIP 68
SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA.**

DATE:

2/13/2022

SCALE:

N/A

DRAWN:

SDB F.B.

CHECKED:

RJE P.G.

SEC.

6 TWP.

ACAD NO.

68S R/G.

25E

20.447

REF. NO.

20.447-SLL EXISTING-20220214

NO.

DATE

BY

REVISION DESCRIPTION

SHEET 3
FILE NO. 20.447

CRUISEPORT (2A)
PROPOSED SUBMERGED LAND LEASE AREA
LEASE NO. 440020075
LEGAL DESCRIPTION

A PARCEL OF SUBMERGED LAND IN THE WATERS OF GULF OF MEXICO, WESTERLY OF THE CITY OF KEY WEST, LYING BETWEEN THE WESTERLY PROLONGATION OF WHITEHEAD STREET AND EATON STREET AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF WHITEHEAD STREET AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF GREENE STREET; AS SHOWN ON THE UNRECORDED "MAP OF THE TOWN OF KEY WEST TOGETHER WITH THE ISLAND AS SURVEYED AND DELINEATED FEBRUARY 1829 BY W.A. WHITEHEAD" SAID POINT MARKED BY AN ALUMINUM DISK STAMPED NO. 928; THENCE RUN ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF GREENE STREET S 55°59'14" W FOR A DISTANCE OF 85.77 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF FRONT STREET; THENCE S 88°06'46" W FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FRONT STREET; THENCE ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT OF WAY LINE OF FRONT STREET, N 01°56'59" W FOR A DISTANCE OF 235.87 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF WHITEHEAD STREET; THENCE ALONG SAID THE SOUTHERLY RIGHT OF WAY LINE N 70°26'40" W FOR A DISTANCE OF 304.41 FEET TO A POINT ON THE SEAWARD FACE OF A BULKHEAD; (LOCATIONS OF ALL FACE OF BULKHEAD, FACE OF PIERS, FACE OF SEAWALL CAPS, AS SURVEYED BY TASK ENGINEERS, INC. AND SHOWN ON DRAWING 3012B; DATED FEBRUARY 1987; THENCE CONTINUE ALONG SAID BULKHEAD THE FOLLOWING FIVE (5) COURSES: 1). S 16°55'28" W FOR A DISTANCE OF 26.34 FEET; 2). N 72°54'10" W FOR A DISTANCE OF 147.59 FEET; 3). S 17°07'10" W FOR A DISTANCE OF 83.65 FEET; 4). S 72°43'50" E FOR A DISTANCE OF 37.81 FEET; 5). S 17°07'10" W FOR A DISTANCE OF 210.00 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY FACE OF PIER "A"; THENCE ALONG SAID FACE OF PIER "A", N 68°40'27" W FOR A DISTANCE OF 71.00 FEET TO THE SOUTHWEST CORNER OF PIER "A"; THENCE ALONG THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY FACE OF PIER "A", S 17°07'10" W FOR A DISTANCE OF 5.29 FEET TO THE POINT OF BEGINNING; THENCE N 72°51'30" W FOR A DISTANCE OF 52.00 FEET; THENCE S 14°41'55" W FOR A DISTANCE OF 351.76 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 5.00 FEET, AS MEASURED AT RIGHT ANGLES, WATERWARD OF AND NORTHWESTERLY OF THE ACCESS PIER; THENCE ALONG SAID LINE N 83°14'07" W FOR A DISTANCE OF 4.17 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 5.00 FEET, AS MEASURED AT RIGHT ANGLES, WATERWARD OF, PARALLEL WITH, AND NORTHWESTERLY OF PIER "B"; THENCE ALONG SAID LINE S 27°13'10" W FOR A DISTANCE OF 313.12 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 5.00 FEET, AS MEASURED AT RIGHT ANGLES, WATERWARD OF, PARALLEL WITH, AND SOUTHWESTERLY OF THE OUTERMOST FACE OF PIER "B";

CRUISEPORT (2A)
PROPOSED SUBMERGED LAND LEASE AREA
LEASE NO. 440020075
LEGAL DESCRIPTION (CONT.)

THENCE ALONG SAID LINE S 62°37'32" E FOR A DISTANCE OF 62.81 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY PROLONGATION OF A LINE LYING 5.00 FEET, AS MEASURED AT RIGHT ANGLES, WATERWARD OF, AND PARALLEL WITH THE OUTERMOST SOUTHEASTERLY FACE OF PIER "B"; THENCE ALONG SAID PROLONGATION S 27°45'56" W FOR A DISTANCE OF 40.21; THENCE N 62°41'40" W FOR A DISTANCE OF 55.07 FEET; THENCE S 20°43'37" W FOR A DISTANCE OF 29.95 FEET; THENCE N 62°41'40" W FOR A DISTANCE OF 169.24 FEET; THENCE N20°42'26"E FOR A DISTANCE OF 1,039.77 FEET; THENCE S70°26'38"E FOR A DISTANCE OF 199.55 FEET; THENCE S17°07'06"W FOR A DISTANCE OF 327.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES 203,901 SQUARE FEET OR 4.68 ACRES OF SUBMERGED LAND.

 COASTAL ENGINEERING CONSULTANTS INC. A CEGI GROUP COMPANY Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING, CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@cecfi.com	CLIENT: PIER B DEVELOPMENT CORPORATION	DATE: 2/13/2022	SCALE: N/A	DATE: 20.447	BY: 20.447	REVISION DESCRIPTION
	TITLE: SPECIFIC PURPOSE SURVEY OF A SUBMERGED LAND LEASE AREA LYING IN SECTION 6, TOWNSHIP 68 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA.	DRAWN: SDB F.B.	CHECKED: RJE PG.	SEC. 6 TWP.	ING. 88S	25E	
SHEET 4 FILE NO. 20.447							