



# FLORIDA DEPARTMENT OF Environmental Protection

South District  
PO Box 2549  
Fort Myers FL 33902-2549  
[SouthDistrict@FloridaDEP.gov](mailto:SouthDistrict@FloridaDEP.gov)

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

May 21, 2024

Acme Sanibel FL LLC dba Acme Marina - Boyce Campsen  
c/o Kat Massey  
101 16<sup>th</sup> Ave S, STE 5  
Saint Petersburg, FL 33701  
[kat@jfosterconsulting.com](mailto:kat@jfosterconsulting.com)

File No.:0293147-010 EE -011 EE, Lee County

Dear Acme Sanibel FL LLC dba Acme Marina - Boyce Campsen:

On May 15, 2024, we received your request for verification of exemption to perform the following activities:

Project #010 To maintenance dredge 2,259 cubic yards of sediment from a 27,853 square foot area to a depth of -5 mean low water, adjacent to 634 N Yachtsman Dr, Sanibel, FL 33957, Parcel ID No. 20 46 23 T2 01500 0420, in a(n) Canal, Class III Waters, Section 20, Township 46 South, Range 23 East, Lee County. The spoil material will be deposited in uplands at a certified landfill.

Project #011 To install 20 boat lifts in 20 existing boat slips at a commercial marina at 634 N Yachtsman Dr, Sanibel, FL 33957, Parcel ID No. 20 46 23 T2 01500 0420, in a(n) Canal, Class III Waters, Section 20, Township 46 South, Range 23 East, Lee County.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemptions, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your projects did not qualify for the **federal review portion** of this verification request. Specifically, the activity is not covered by the State Programmatic General Permit. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact us by telephone at (239) 344-5600 or by e-mail at [SouthDistrict@floridadep.gov](mailto:SouthDistrict@floridadep.gov).

### **1. Regulatory Review – VERIFIED**

Based on the information submitted, the Department has verified that the activity as proposed in Project 010 is exempt under Chapter 62-330.051(7)(a), Florida Administrative Code, and Section 403.813(1)(f) of the Florida Statutes from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

Based on the information submitted, the Department has verified that the activity as proposed in Project 010 is exempt under Chapter 62-330.051(5)(h), Florida Administrative Code from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

### **2. Proprietary Review - NOT REQUIRED**

The activities do not appear to be located on sovereign submerged lands, and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

### **3. Federal Review - SPGP NOT APPROVED**

Your proposed activities as outlined on your application and attached drawings do not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General

Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

### **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida

### STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Michael Baker  
Environmental Administrator  
South District

### **Enclosures:**

11 Project drawings  
62-330.051(7)(a)  
62-330.051(5)(h)

### **CERTIFICATE OF SERVICE**

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

U.S. Army Corps of Engineers, Fort Myers Office, [fdep.other@usace.army.mil](mailto:fdep.other@usace.army.mil)

### **FILING AND ACKNOWLEDGMENT**

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



Clerk

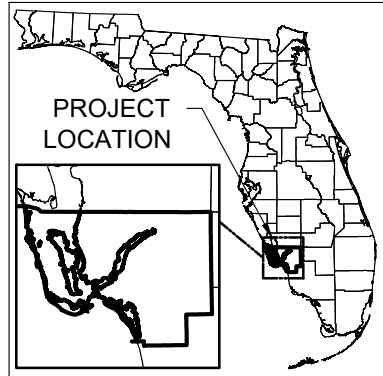
May 21, 2024  
Date





EXEMPT  
File Number:  
0293147-010 EE -011 EE

634 N YACHTSMAN DR  
DREDGE PERMIT PLANS  
SANIBEL, LEE COUNTY, FLORIDA  
TOWNSHIP: 46S, RANGE: 21E, SECTION 02



LEE COUNTY, FLORIDA



PROJECT LOCATION  
634 N YACHTSMAN DR, SANIBEL, FLORIDA 33957

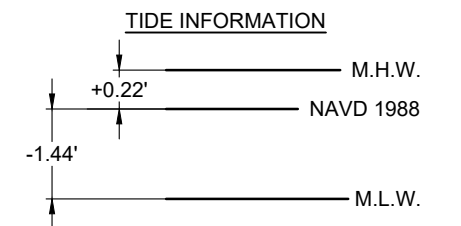
NOTES:

- COORDINATES SHOWN ARE IN FEET BASED ON THE NORTH AMERICAN DATUM OF 1983, WEST ZONE (NAD83)
- ELEVATIONS SHOWN ARE IN FEET BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
- THE VERTICAL DATUMS ESTABLISHED BY DEP FOR THIS AREA ARE: MEAN HIGH WATER ELEVATION & MEAN LOW WATER ELEVATION AS DETAILED IN THE TIDE INFORMATION CHART.
- NOTE: THESE PERMIT DRAWINGS SHALL NOT BE CONSIDERED VALID FOR CONSTRUCTION PURPOSES UNLESS SIGNED AND SEALED BY:

JOSEPH T. FOSTER. P.E.  
FL LIC# 79708

NOT VALID UNLESS SIGNED & SEALED

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RELATIONSHIP BETWEEN NAVD 1988,  
MEAN HIGH WATER, MEAN LOW WATER  
TIDAL DATUM (1983 - 2001 EPOCH)

NOTE:  
TIDE INFORMATION OBTAINED  
FROM TIDE STATION I.D.  
8725393, ST. JAMES CITY, PINE  
ISLAND FL



**FOSTER CONSULTING**  
FL PROFESSIONAL ENGINEER NO. 79708  
DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648  
FL CERTIFICATE OF AUTHORIZATION NO. 32050  
**WWW.JFOSTERCONSULTING.COM**  
P: (727) 821-1949  
2963 1ST AVE. S., ST. PETERSBURG, FL 33712

REVISION	DESCRIPTION	REVISION DATE
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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

COVER SHEET

DATE: <b>04/12/24</b>	FILE: <b>240XXX</b>	REV:
DRAWN BY: <b>BRT</b>	SHEET: <b>01 OF 11</b>	
CHECKED BY: <b>JTF</b>		
SCALE: <b>AS NOTED</b>		<b>01</b>



SPECIFICATIONS

1. TURBIDITY

- 1a. Turbidity will be minimized for both magnitude and duration to the maximum extent practicable.
- 1b. Turbidity at the outside edge of the project area shall not exceed federal and state water standards.
- 1c. Management practices and suitable technology are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and there is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.
- 1d. A turbidity curtain shall be used only during in-water work to minimize any potential impacts on natural resources.

2. DE-WATERING

- 2a. De-watering of dredged materials will take place on the construction barge.

3. OFFLOAD SITE

- 3a. Once materials are de-watered they will be hauled to a spoil site determined by the contractor in sealed trucks.

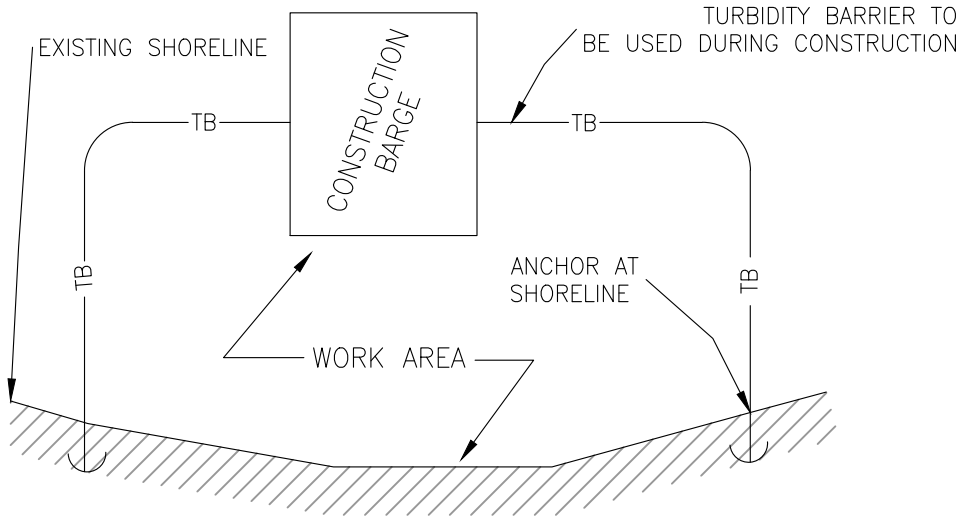
4. LOADING/UNLOADING

- 4a. Loading and unloading of equipment will take place on land at the western end of the project area.

5. The contractor shall provide access to the canal as requested and only at times when the water quality within the project area does not exceed water quality standards.

6. DREDGING METHODOLOGY

- 6b. Mechanical Dredging Methodology: Prior to dredging, a floating turbidity boom will be installed around the proposed dredge area. The boom will be secured to the shoreline on each side of the project and will maintain contact to the bottom at all times. The boom will be secured to the shoreline on each side of the project and will maintain contact to the bottom at all times. The boom shall be maintained throughout dredging activities. Two monitoring stations will be established to monitor turbidity containment. Water testing and reporting will be conducted as required per permit stipulations throughout the dredging activities. The turbidity boom shall be left in place until all suspended sediments have fallen out of the water column and the water within the area meets state water quality standards, at which point it will be removed. The dredge material will be loaded into a container on a barge using barge based excavator, and will be transported to the offloading site along the shoreline/parking lot for unloading. The offloading site will have staked silt fences and hay bales to prevent any sediment runoff during the offloading activities. The dredge material will be placed into sealed trucks using a land based excavator and will be transported to an off-site spoil site. The spoil disposal site will have staked silt fences and hay bales to prevent any sediment runoff. No discharge or return water will be allowed to reach wetlands or nearby water bodies. OR
- 6c. Hydaulic Dredging Methodology: Dredging may be performed using a hydraulic dredge pump. This hydraulic pump will then pump the slurry to sealed (watertight) containers that will be staged near the terminal end of the canal. The settling containers will be monitored continuously to ensure the capacity of the containers are not exceeded. The dredged sediments will be dewatered within the settling containers through gravity settling. A baffle system will be used to allow the water to spill over and then be piped back to the original dredge area. This process will be monitored to ensure dredged material and/or return water will not spill and enter stormwater drains. An alternative approach will be using a geotube within the container, the sediments will be filtered through the tube. The return water from the geotube would be piped back into the original dredge area. Hay bales are proposed at either end of the containers in series and surrounding any stormwater catch basin. The project area will be left clean and returned to previous conditions.



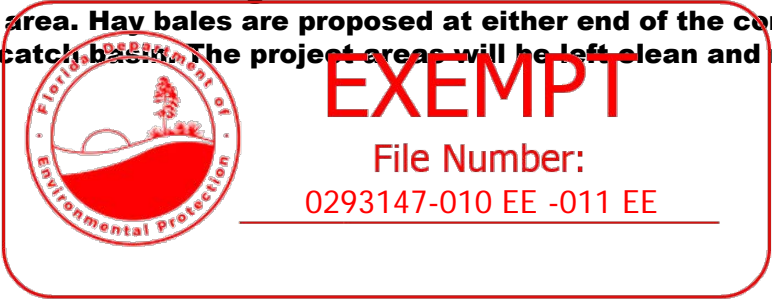
PLAN - ALONG SHORE  
DETAIL - TURBIDITY CONTROL BARRIER  
NOTE: TURBIDITY BARRIERS SHALL BE MANUFACTURED IN ACCORDANCE WITH FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS INDEX NO. 103, 2010 EDITION

TYP. TURBIDITY CURTAIN DETAIL



LOADING/UNLOADING AREA

NOT VALID UNLESS SIGNED & SEALED



FOSTER CONSULTING

FL PROFESSIONAL ENGINEER NO. 79708  
DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648  
FL CERTIFICATE OF AUTHORIZATION NO. 32050  
WWW.JFOSTERCONSULTING.COM  
P: (727) 821-1949  
2963 1ST AVE. S., ST. PETERSBURG, FL 33712

REVISION	DESCRIPTION	REVISION DATE
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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

GENERAL NOTES

DATE:	04/12/24	FILE:	240XXX	REV:
DRAWN BY:	BRT	SHEET:	02 OF 11	
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02





**EXEMPT**

File Number:  
0293147-010 EE -011 EE

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634 N YACHTSMAN DR  
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**SITE PLAN**

DATE:	04/12/24	FILE:	240XXX	REV:	
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**03**

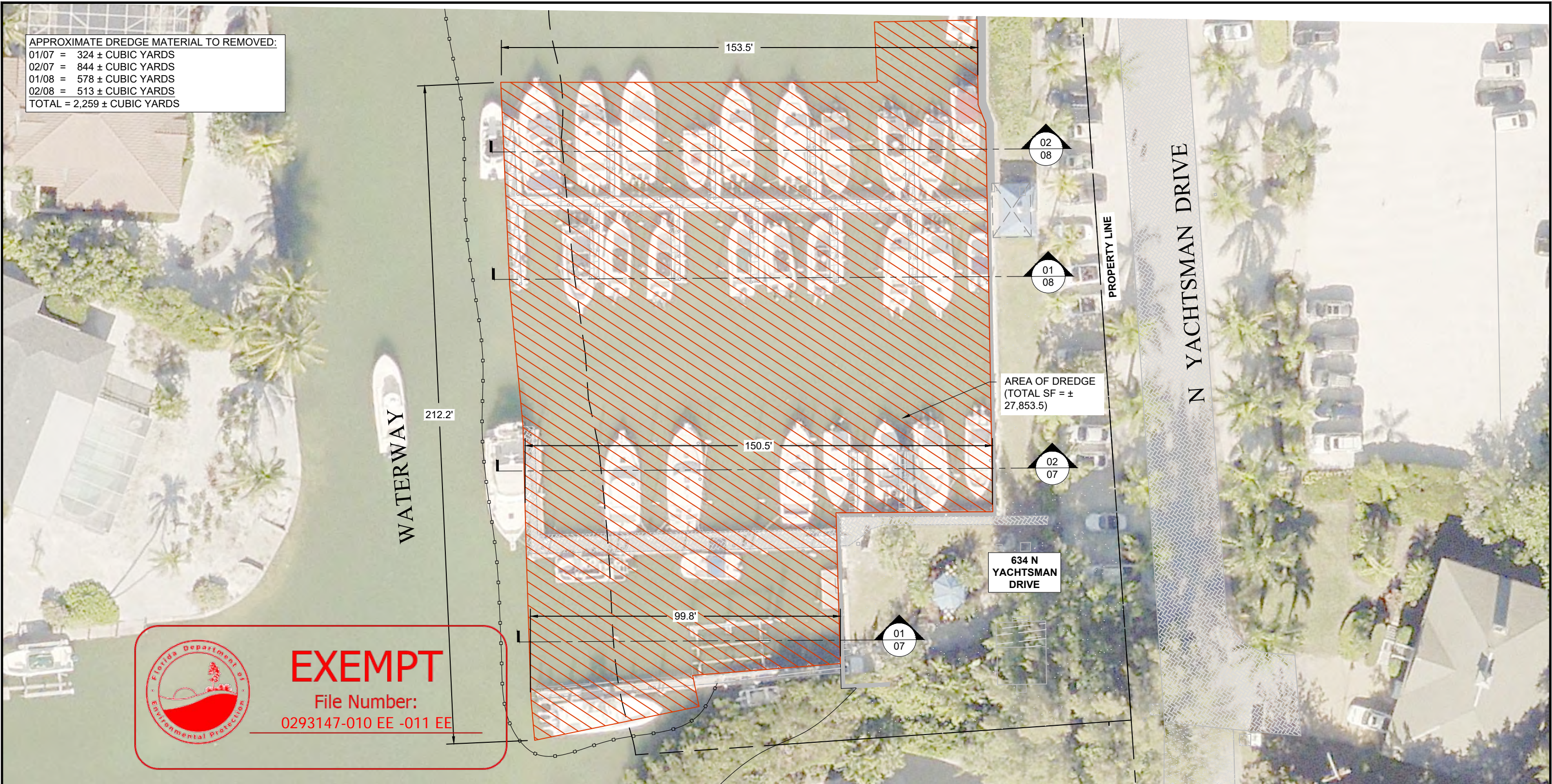


**AERIAL SITE PLAN**

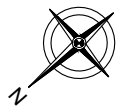
SCALE: 1" = 50'-0"




APPROXIMATE DREDGE MATERIAL TO REMOVED:  
01/07 = 324 ± CUBIC YARDS  
02/07 = 844 ± CUBIC YARDS  
01/08 = 578 ± CUBIC YARDS  
02/08 = 513 ± CUBIC YARDS  
TOTAL = 2,259 ± CUBIC YARDS



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**DREDGE PLAN 01**  
SCALE: 1" = 30'-0"

	<b>FOSTER CONSULTING</b>	REVISION	DESCRIPTION	REVISION DATE	634 N YACHTSMAN DR SANIBEL, FLORIDA	DATE: <b>04/12/24</b>	FILE: <b>240XXX</b>	REV:
	FL PROFESSIONAL ENGINEER NO. 79708 DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648	△				DRAWN BY: <b>BRT</b>	SHEET: <b>04 OF 11</b>	
	FL CERTIFICATE OF AUTHORIZATION NO. 32050 <b>WWW.JFOSTERCONSULTING.COM</b> P: (727) 821-1949 2963 1ST AVE. S., ST. PETERSBURG, FL 33712	△			DREDGE PLAN 01	CHECKED BY: <b>JTF</b>	<b>04</b>	
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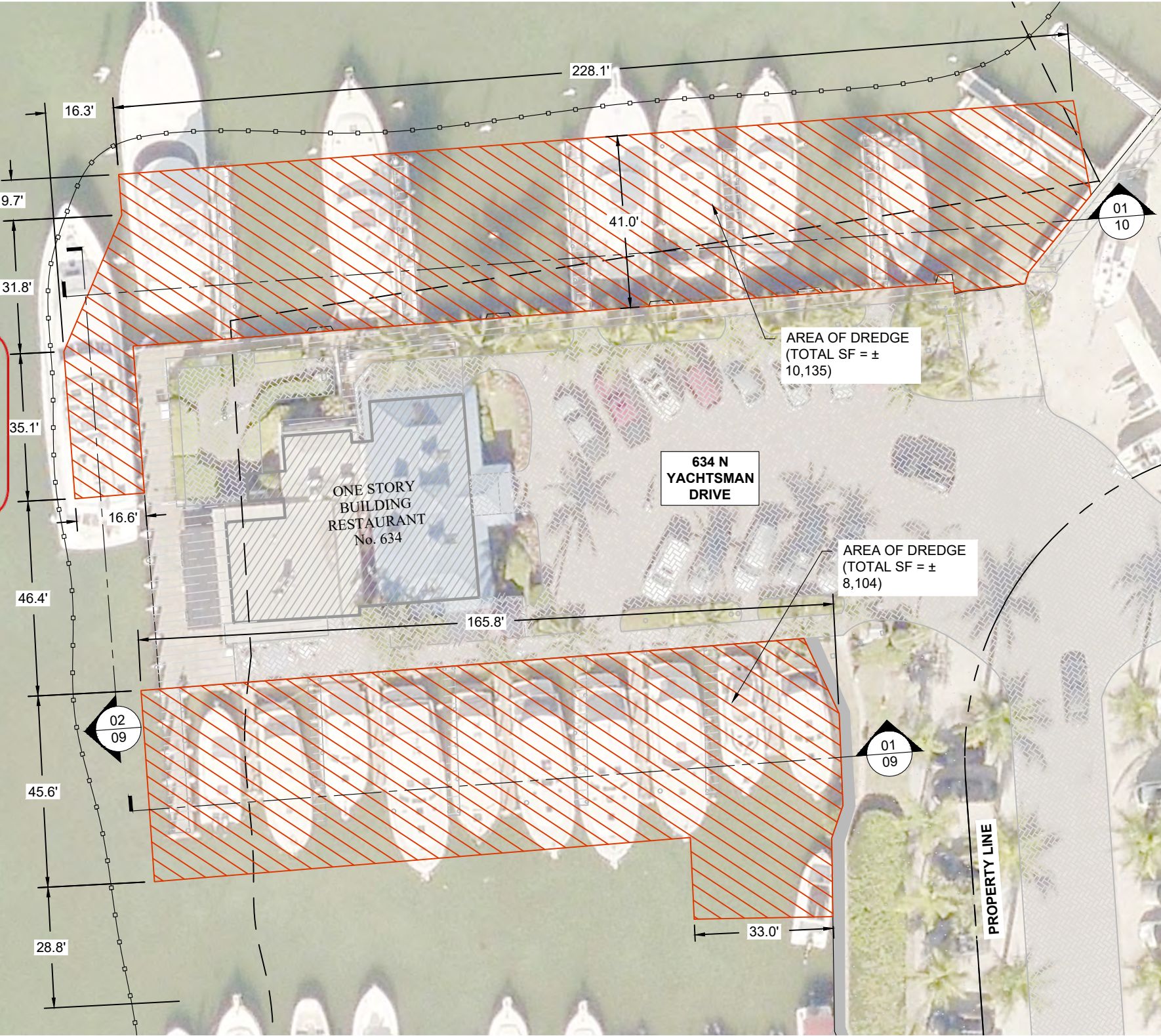
APPROXIMATE DREDGE MATERIAL TO REMOVED:  
01/09 = 414.8 ± CUBIC YARDS  
02/09 = 19 ± CUBIC YARDS  
01/10 = 982.5 ± CUBIC YARDS  
TOTAL = 1,416.3 ± CUBIC YARDS



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WATERWAY

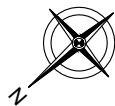


AREA OF DREDGE  
(TOTAL SF = ±  
10,135)

AREA OF DREDGE  
(TOTAL SF = ±  
8,104)

N YACHTSMAN DRIVE

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**DREDGE PLAN 02**  
SCALE: 1" = 30'-0"



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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

**DREDGE PLAN 02**

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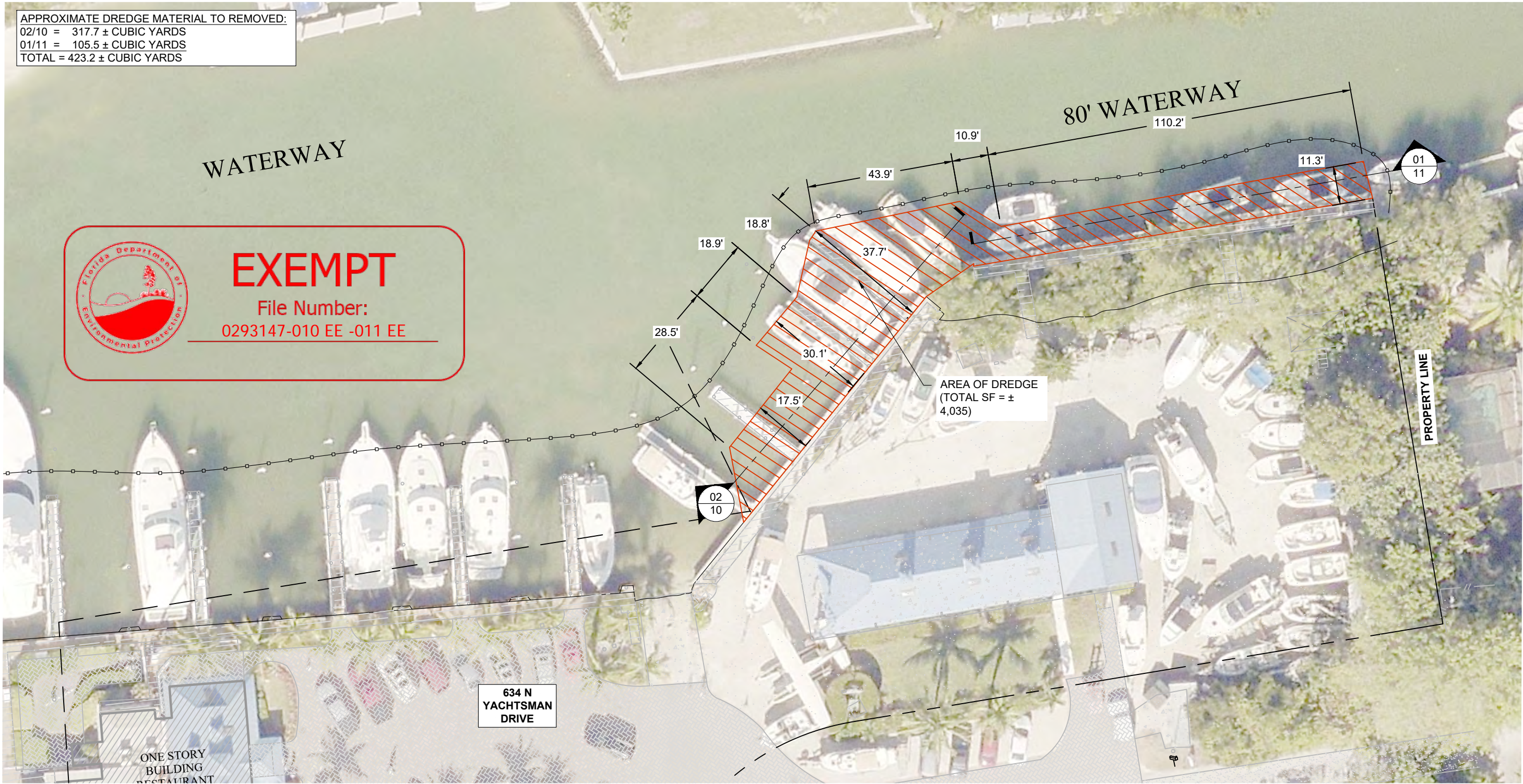


APPROXIMATE DREDGE MATERIAL TO REMOVED:  
02/10 = 317.7 ± CUBIC YARDS  
01/11 = 105.5 ± CUBIC YARDS  
TOTAL = 423.2 ± CUBIC YARDS

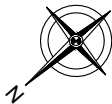


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DREDGE PLAN 03  
SCALE: 1" = 30'-0"

	<b>FOSTER CONSULTING</b>	REVISION	DESCRIPTION	REVISION DATE	634 N YACHTSMAN DR SANIBEL, FLORIDA	DATE: <b>04/12/24</b>	FILE: <b>240XXX</b>	REV:
	FL PROFESSIONAL ENGINEER NO. 79708 DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648	△				DRAWN BY: <b>BRT</b>	SHEET: <b>06 OF 11</b>	
	FL CERTIFICATE OF AUTHORIZATION NO. 32050 <b>WWW.JFOSTERCONSULTING.COM</b> P: (727) 821-1949 2963 1ST AVE. S., ST. PETERSBURG, FL 33712	△			DREDGE PLAN 03	CHECKED BY: <b>JTF</b>	<b>06</b>	
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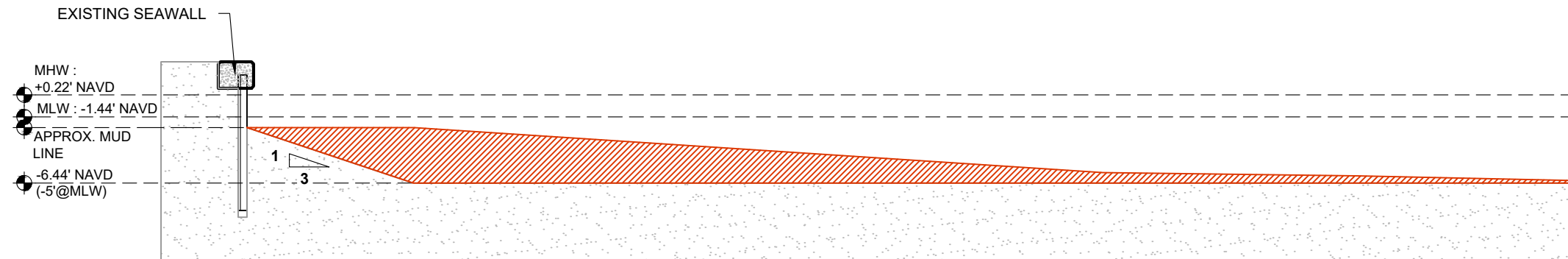




EXEMPT

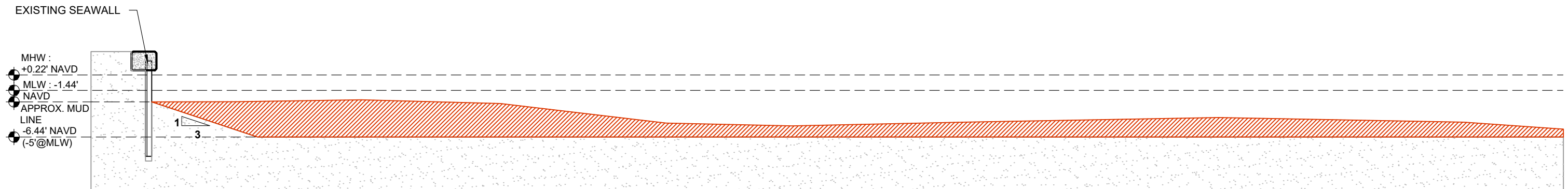
File Number:  
0293147-010 EE -011 EE

SECTION 01  
175± SF  
50' LF (A.O.I.)  
±324 CUBIC YARDS



1 DREDGE SECTION

SECTION 02  
321± SF  
71' LF (A.O.I.)  
±844 CUBIC YARDS



2 DREDGE SECTION

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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

DREDGE SECTIONS

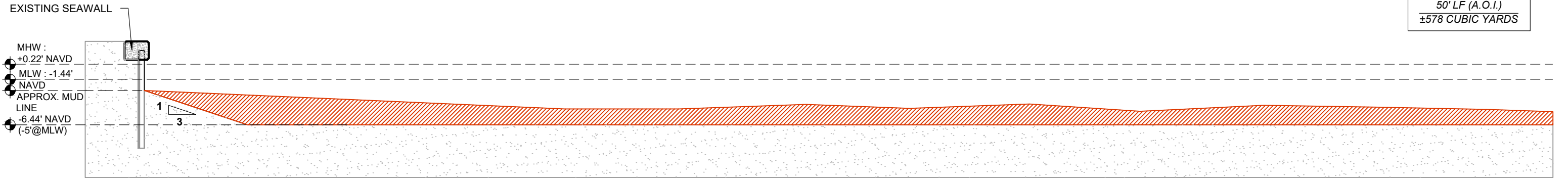
DATE: 04/12/24	FILE: 240XXX	REV:
DRAWN BY: BRT	SHEET: 07 OF 11	
CHECKED BY: JTF		
SCALE: AS NOTED		07



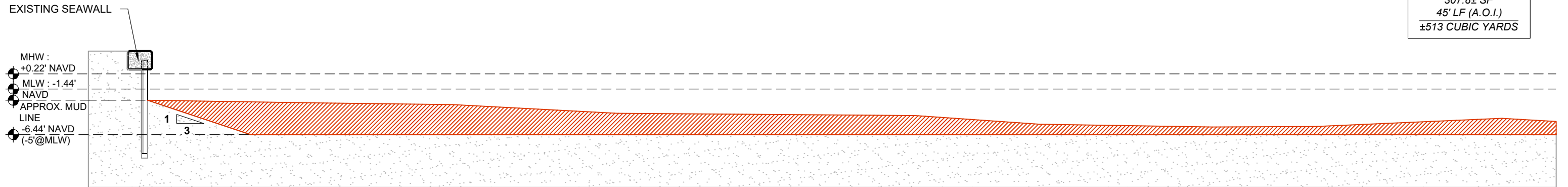


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1 DREDGE SECTION



2 DREDGE SECTION

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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

DREDGE SECTIONS

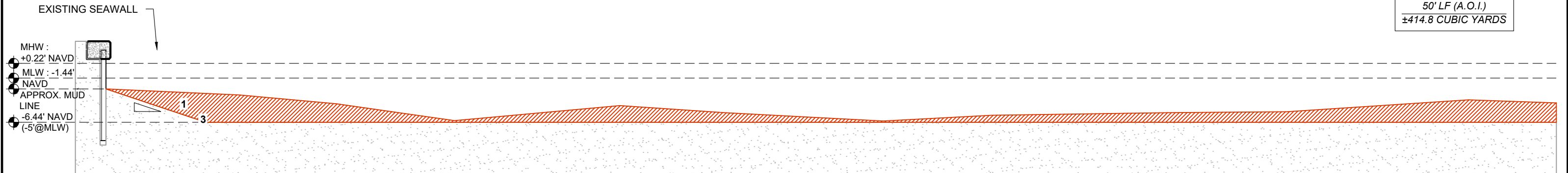
DATE: 04/12/24	FILE: 240XXX	REV:
DRAWN BY: BRT	SHEET: 08 OF 11	
CHECKED BY: JTF		
SCALE: AS NOTED		08



EXEMPT

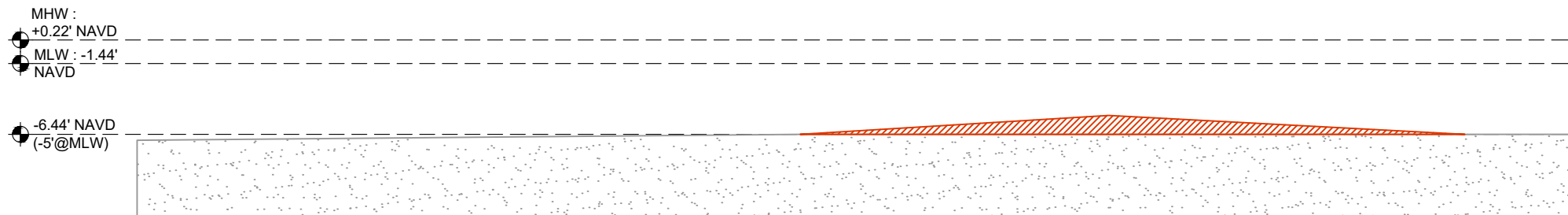
File Number:  
0293147-010 EE -011 EE

SECTION 01  
224± SF  
50' LF (A.O.I.)  
±414.8 CUBIC YARDS



1 DREDGE SECTION

SECTION 02  
31± SF  
16.5' LF (A.O.I.)  
±19 CUBIC YARDS



2 DREDGE SECTION

NOT VALID UNLESS SIGNED & SEALED



**FOSTER CONSULTING**  
FL PROFESSIONAL ENGINEER NO. 79708  
DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648  
FL CERTIFICATE OF AUTHORIZATION NO. 32050  
**WWW.JFOSTERCONSULTING.COM**  
P: (727) 821-1949  
2963 1ST AVE. S., ST. PETERSBURG, FL 33712

REVISION	DESCRIPTION	REVISION DATE
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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

DREDGE SECTIONS

DATE: 04/12/24	FILE: 240XXX	REV:
DRAWN BY: BRT	SHEET: 09 OF 11	
CHECKED BY: JTF		
SCALE: AS NOTED		09

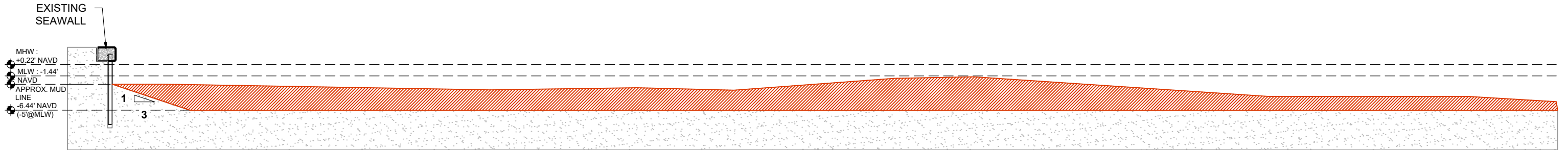




EXEMPT

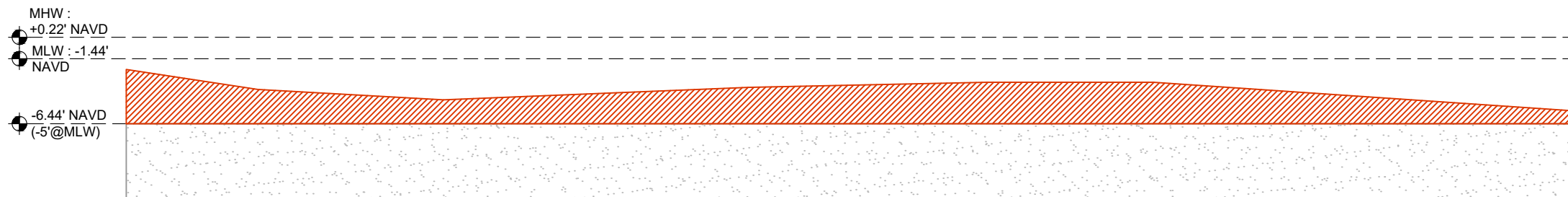
File Number:  
0293147-010 EE -011 EE

SECTION 01  
647± SF  
41' LF (A.O.I.)  
±982.5 CUBIC YARDS



1 DREDGE SECTION

SECTION 02  
285± SF  
30.1' LF (A.O.I.)  
±317.7 CUBIC YARDS



2 DREDGE SECTION

NOT VALID UNLESS SIGNED & SEALED



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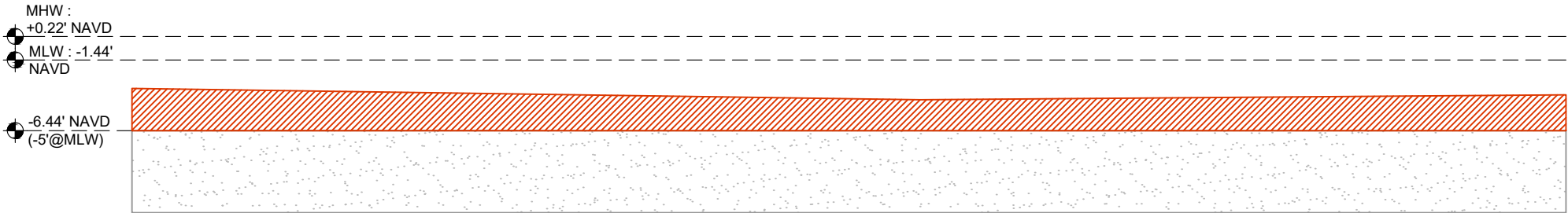
REVISION	DESCRIPTION	REVISION DATE
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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

**DREDGE SECTIONS**

DATE: <b>04/12/24</b>	FILE: <b>240XXX</b>	REV:
DRAWN BY: <b>BRT</b>	SHEET: <b>10 OF 11</b>	
CHECKED BY: <b>JTF</b>		
SCALE: <b>AS NOTED</b>		<b>10</b>

SECTION 01  
252± SF  
11.3' LF (A.O.I.)  
±105.5 CUBIC YARDS



1 DREDGE SECTION

NOT VALID UNLESS SIGNED & SEALED



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REVISION	DESCRIPTION	REVISION DATE
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634 N YACHTSMAN DR  
SANIBEL, FLORIDA

DREDGE SECTIONS

DATE: <b>04/12/24</b>	FILE: <b>240XXX</b>	REV:
DRAWN BY: <b>BRT</b>	SHEET: <b>11 OF 11</b>	
CHECKED BY: <b>JTF</b>	<b>11</b>	
SCALE: <b>AS NOTED</b>		



**62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

#### **62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(7) Maintenance and Restoration –

(a) Maintenance dredging under section 403.813(1)(f), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.*

#### **403.813 Permits issued at district centers; exceptions.—**

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. [379.2431](#)(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.