



MAR 16 2012

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

North River Shores POA, Inc.
c/o Harold Halliburton, President
1689 River Trail
Stuart, FL 34994

Re: File No.: 43-0174298-007
File Name: North River Shores POA, Inc.

Dear Mr. Halliburton:

On February 16, 2012, we received your application for an exemption to maintenance dredge 749 yd³ of submerged lands in seven (7) areas found within Citidel Bay Canal, Half Mile Lake, and North Shore Harbor Canal, comprised of 27,005 ft² to a maximum depth of -5 feet below mean low water. The spoil material shall be placed temporarily at three fully-contained upland locations prior to final disposal as depicted in the attached Spoil Material Plan. All dredge activities shall take place within previously authorized locations per DEP file numbers 432686988 and 43-0174298-001 and within existing man made canals. Turbidity control devices (i.e. floating turbidity curtains and staked turbidity fences) shall be used to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging activities. Impacts to submerged resources and/or mangroves are not authorized with this application. The project is located in access channels within the boundaries of the North Fork St. Lucie River Aquatic Preserve, Outstanding Florida Waters, Class III Waters, Stuart (Sections 30 & 31, Township 37 South, Range 41 East), in Martin County (Latitude N 27° 13' 46", Longitude W 80° 16' 35").

Your application has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for work in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your project **may not** have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

1. Regulatory Review. -**VERIFIED**

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, Florida Administrative Code (F.A.C.), and in accordance with

operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

Based on the information you submitted, we have determined that your project to maintenance dredge 778 yd³ of submerged lands in seven (7) areas found within Citidel Bay Canal, Half Mile Lake, and North Shore Harbor Canal, comprised of 27,005 ft² to a maximum depth of -5 feet below mean low water is exempt from the need to obtain a DEP Environmental Resource Permit under Rule 40E-4.051(2)(a), F.A.C.

2. Proprietary Review. -GRANTED & NOT REQUIRED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereignty submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., Chapters 18-20, and 18-21, F.A.C., and Section 62-343.075, F.A.C.

The portions of your project located within the existing man made canals (Citidel Bay Canal, Half Mile Lake, and North Shore Harbor Canal) will not occur on sovereignty submerged land. Therefore, pursuant to Chapter 253.77, F.S., authorization from the Board of Trustees is not required.

The remaining portions of your project will occur on sovereignty submerged land and will require authorization from the Board of Trustees to use public property. As staff to the Board of Trustees, we have reviewed the proposed project and have determined that, as long as it is located within the described boundaries and is consistent with the attached general consent conditions, the project qualifies for a letter of consent to use sovereignty submerged lands. Therefore, pursuant to Chapter 253.77, Florida Statutes, you may consider this letter as authorization from the Board of Trustees to perform the project.

3. Federal Review (SPGP). -NOT GRANTED

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act*.

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is not consistent with the SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly at 561-472-3530.

result in a final determination that the proposed activity is not authorized under the exemption established under Rule 40E-4.051(2)(a), F.A.C.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment A) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.


If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Florida Department of Environmental Protection
Southeast District
Submerged Lands and Environmental Resources Program
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401

If you have any questions, please contact Kelly Egan at 561/681-6656 or by email at Kelly.Egan@dep.state.fl.us. When referring to your project, please use the FDEP file name and number listed above.

Sincerely,

 3/15/12
Jill King

Environmental Manager
Submerged Lands and Environmental Resources Program

GENERAL CONSENT CONDITIONS:

- (1) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (2) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (3) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (4) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (5) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (6) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (7) Structures or activities shall not create a navigational hazard.
- (8) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (9) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the project to maintenance dredge 749 yd³ of submerged lands in seven (7) areas found within Citidel Bay Canal, Half Mile Lake, and North Shore Harbor Canal, comprised of 27,005 ft² to a maximum depth of -5 feet below mean low water, located in access channels within the boundaries of the North Fork St. Lucie River Aquatic Preserve, Outstanding Florida Waters, Class III Waters, Stuart (Sections 30 & 31, Township 37 South, Range 41 East), in Martin County (Latitude N 27° 13' 46", Longitude W 80° 16' 35") has been determined to be exempt from requirements to obtain an environmental resource permit. The spoil material shall be placed temporarily at three fully-contained upland locations prior to final disposal as depicted in the attached Spoil Material Plan. All dredge activities shall take place within previously authorized locations per DEP file numbers 432686988 and 43-0174298-001 and within existing man made canals. Turbidity control devices (i.e. floating turbidity curtains and staked turbidity fences) shall be used to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging activities. Impacts to submerged resources and/or mangroves are not authorized with this application.

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.

Mediation is not available.

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 rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. 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 prior to 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. Upon 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, the Department may also grant the requested extension of time.

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 right.

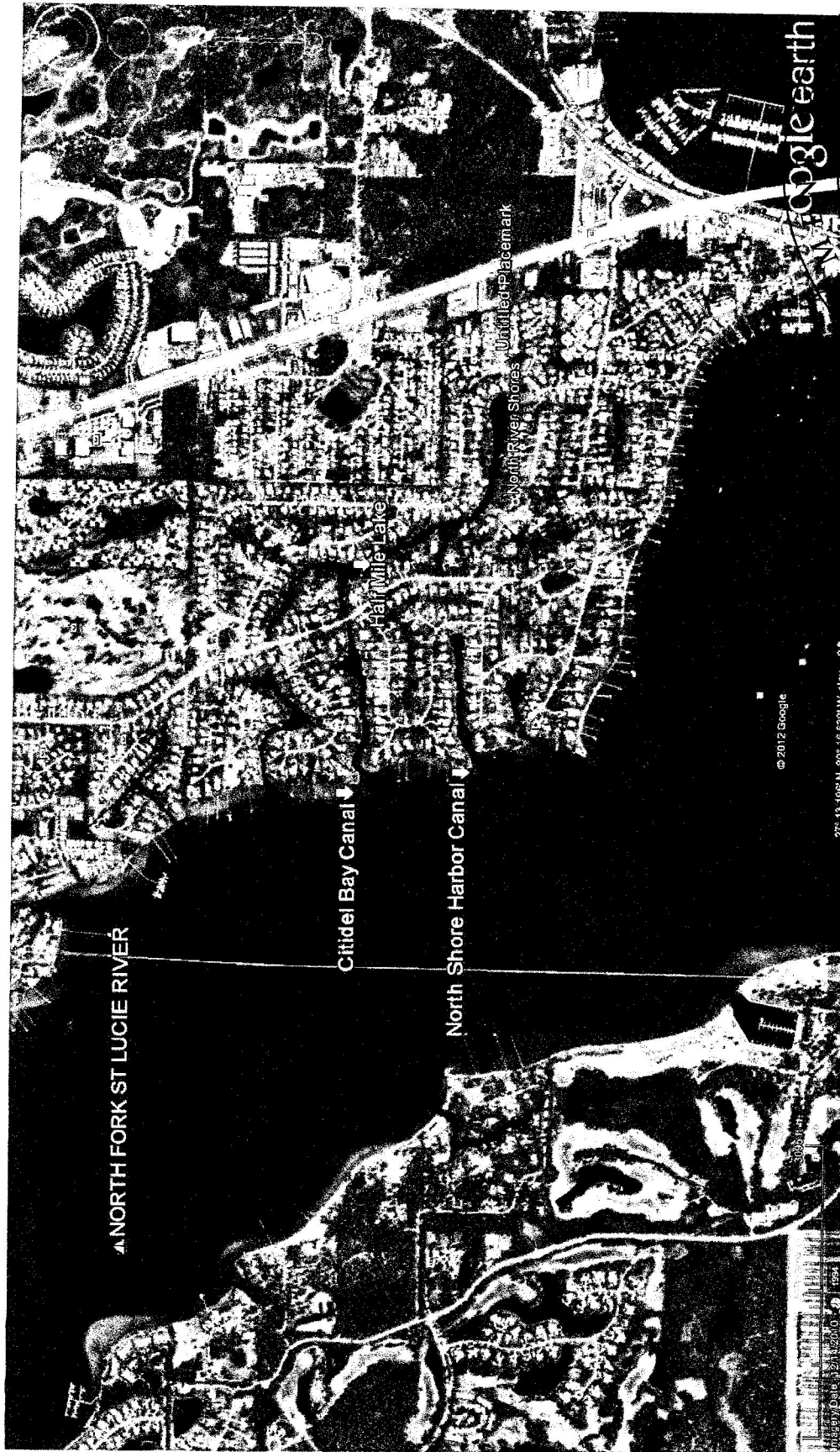
A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (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 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.

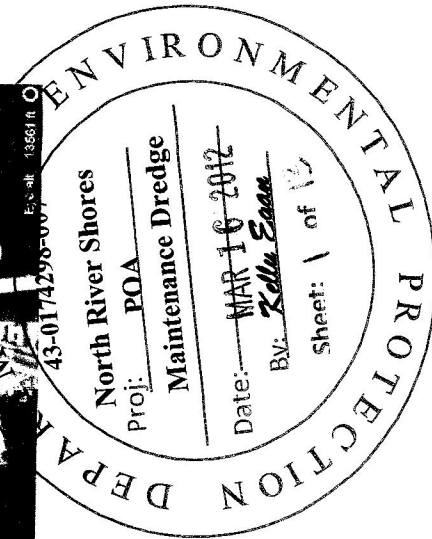
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

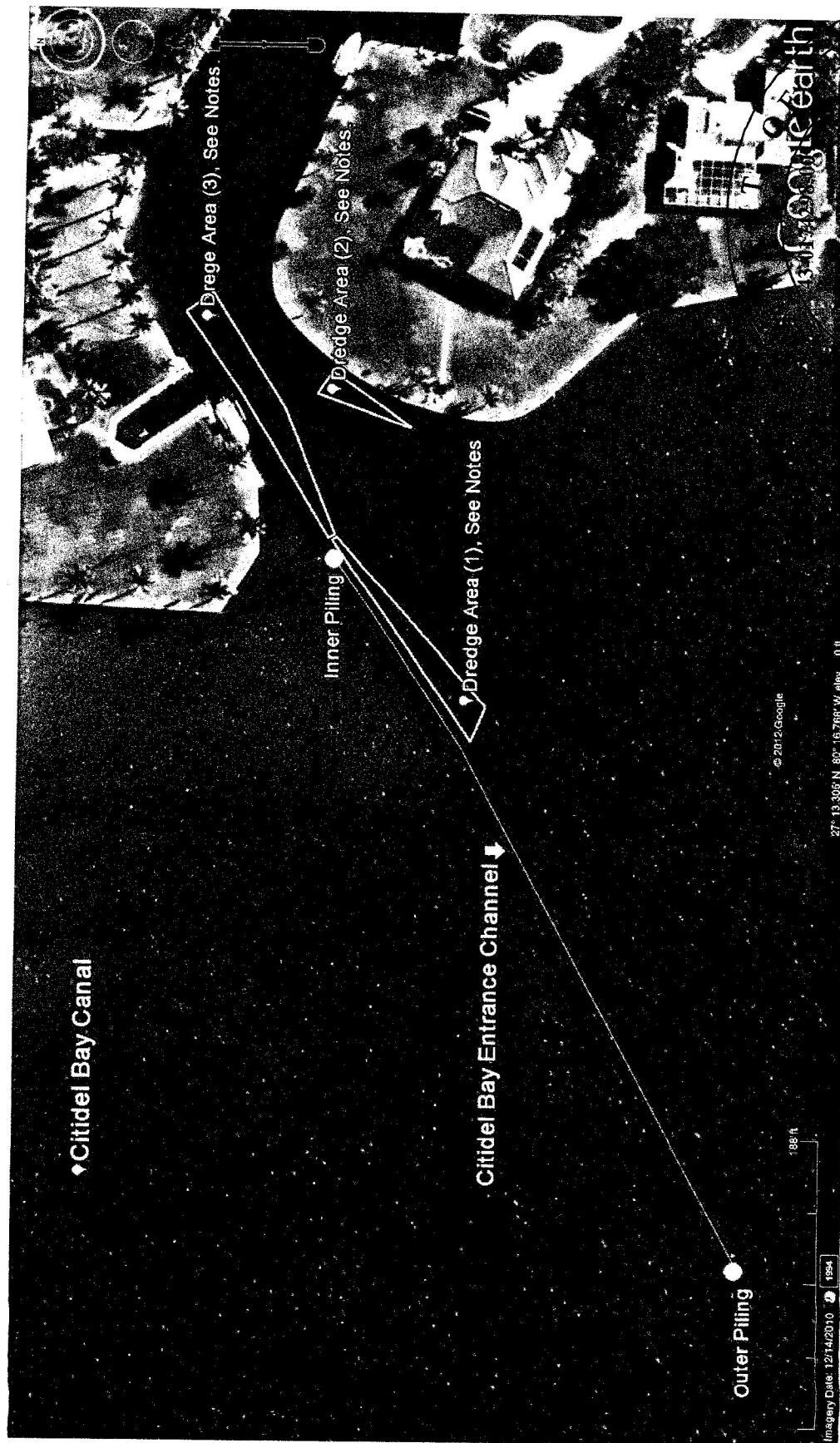
Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District office, 400 North Congress Avenue, West Palm Beach, Florida.



Location Map





Proj: POA
 Date: MAR 16 2012
 By: Kelly Sean
 Sheet: 2 of 13

ENVIRONMENTAL PROTECTION

Citidel Bay Canal, Entrance and Mouth - Dredge Areas 1,2 & 3 (see following NOTES for details)



Proj: POA
 Maintenance Dredge
 Date: MAR 16 2012
 By: Kelly Egan
 Sheet: 3 of 13

ENVIRONMENTAL PROTECTION

Aerial Map of "Half Mile Lake" with Dredge Areas 4, 5 & 6 (See following detailed Plan Maps)



South Side "Half Mile Lake" - Dredge Area 4 (see following NOTES for details)

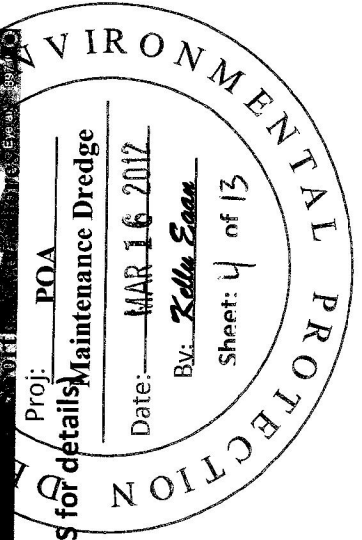
Proj: POA

Maintenance Dredge

Date: MAR 16 2012

By: Kelly Egan

Sheet: 4 of 13





North Side "Half Mile Lake" - Dredge Areas 5 & 6 (see following NOTES for details)

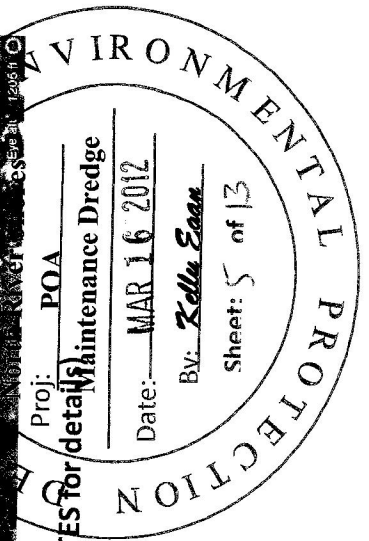
Proj: POA

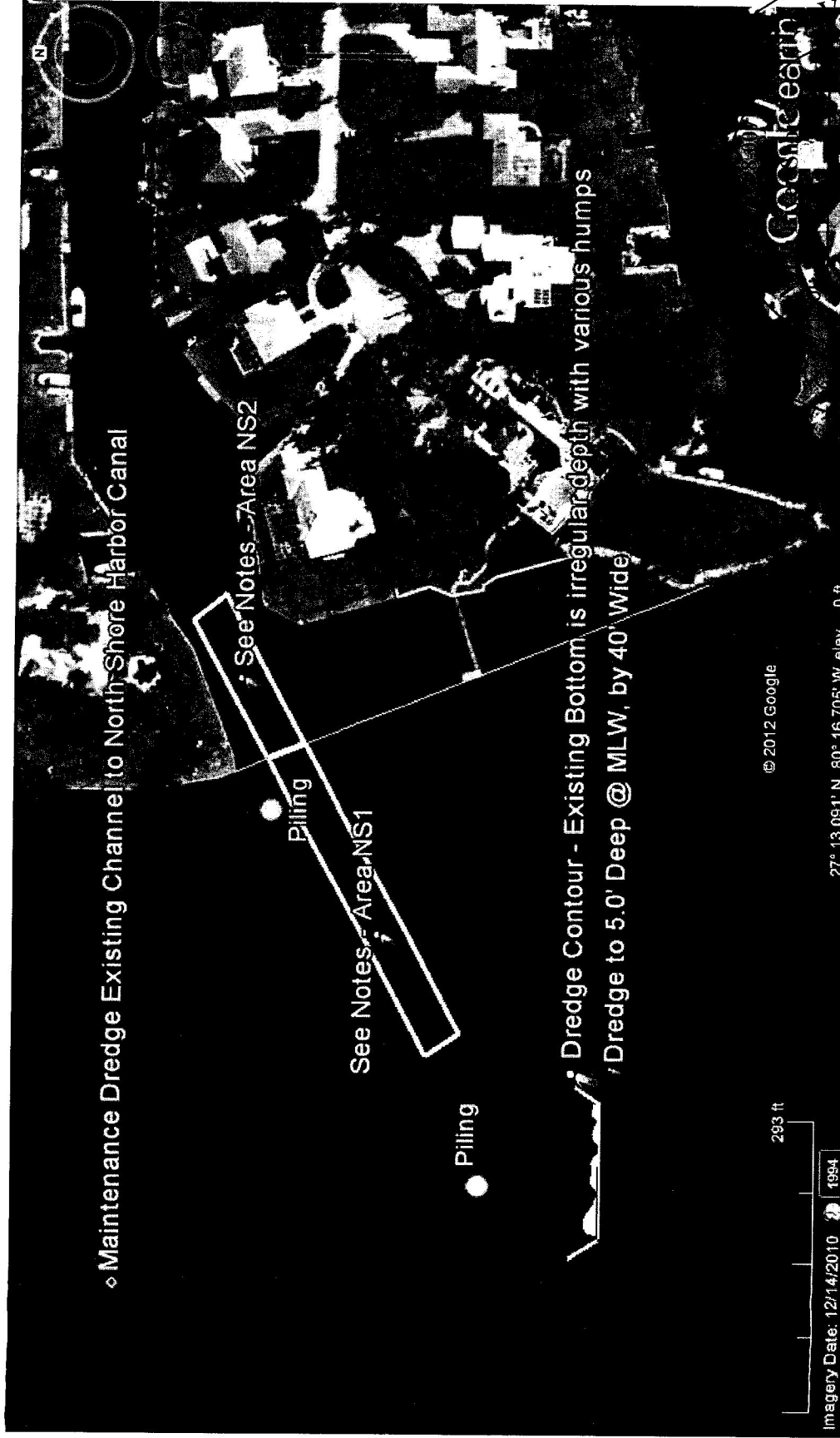
Maintenance Dredge

Date: MAR 16 2012

By: Kelly Egan

Sheet: 5 of 13



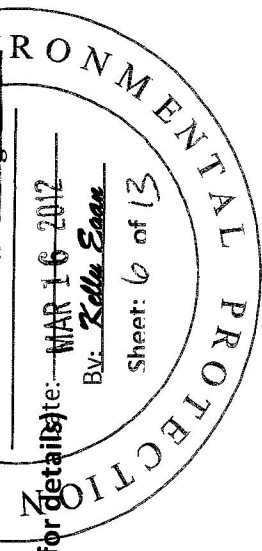


North Shore Harbor Canal - Dredge Area (See following "NOTES" for details)

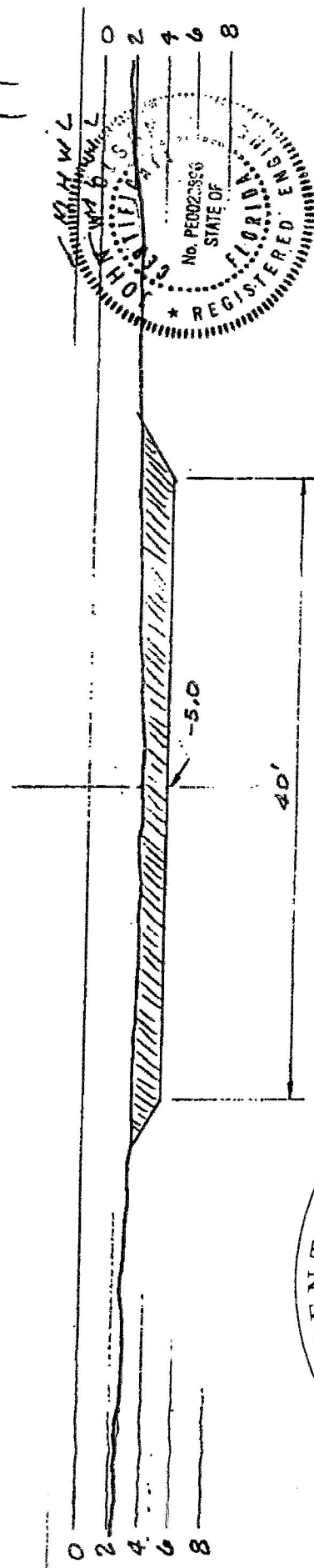
Date: MAR 16 2012

By: Kelly Egan

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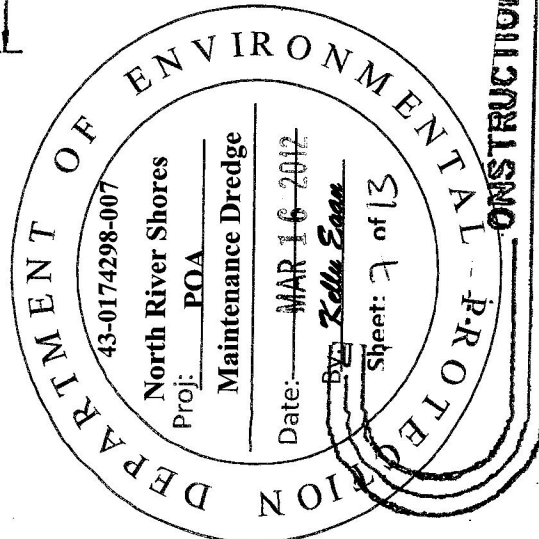


John W. Olson
J. P. [unclear]



RECEIVED
 JOHN W. OLSON, P.E.
 5021 S.E. INKWOOD WAY
 HOBE SOUND, FL 33455
 AUG 30 2000
 Dept. of Environ. Protection
 Port St. Lucie

REVISED



3558 S.E. DIXIE HWY., STUART, FL 34997
 (407) 286-5181

PROJECT: BOAT CHANNEL EXCAVATION WITHIN RIVER	
SITE: NORTH SHORE HARBOR SITE #2	
OWNER: NORTH RIVER SHORES PROPERTY OWNERS ASSOC.	
SCALE: 1" = 10'	APPROVED BY
DATE	DRAWN BY MM
REVISER	
PERMIT: FEDERAL, STATE, LOCAL	
SECTION A-A	
DRAWING NUMBER 6 of 15	

NOTES: Citadel Bay Canal - Entrance Channel & Mouth

Dredge Area 1 – Just outside the canal mouth on the North side of our entrance channel (see Plan Drawing)

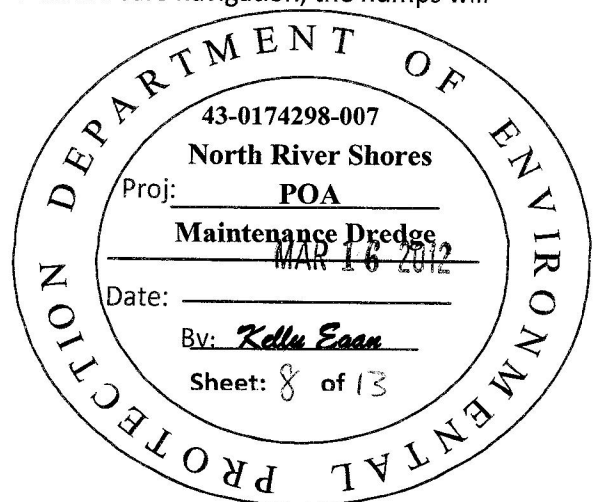
- Dredging will stay within the restrictions of the attached prior permit.
- The North Side of the Channel has drifted south, causing a hazard to navigation (see Plan Drawing).
- Existing depth = about 3' MLW at the North side of the canal to 5' in the Canal.
- An average of 1.5' will be removed.
- Length = 160'
- Width = 20' wide tapering to 4' wide near the Canal (see Plan Drawing).
- Maintenance Dredging will be to a Depth of 5' MLW.
- Approx. Area = 1920 sq. ft.
- Approx. 150 cu.yds. will be removed.

Dredge Area 2 – Just inside the canal, on the South side, along a new seawall (see Plan Drawing)

- Dredging will stay within the restrictions of the attached prior permit.
- A shoal extends approx. 25' into the canal from the seawall (see Plan Drawing).
- Length = 65'.
- A triangular area (see Plan Drawing) will be removed.
- Width = 20' at the northerly end, tapering to 0' at the point of the triangle.
- Existing depth = approx. 2' near the seawall, dropping to 5' deep approx. 25' from the seawall.
- An average of 2' will be removed.
- Maintenance Dredging will be to a depth of 5' MLW.
- Approx. Area = 650 sq. ft.
- Approx. 48 cu. yds. will be Maintenance Dredged.

Dredge Area 3 – Just inside the canal on the North side (see Plan Drawing)

- Dredging will stay within the restrictions of the attached prior permit.
- This area has an irregular bottom with humps. In order to assure safe navigation, the humps will be removed.
- Length = 175'.
- Width = from 20' to 4'.
- Maintenance Dredging will be to a depth of 5' MLW.
- This is an irregular shaped Area of approx. 2660 sq. ft.
- Approx. 45 cu. yds. will be removed.



NOTES: Half Mile Lake

Half Mile Lake is on the other side of the Bridge from Citadel Bay Canal (see Aerial Maps) and is technically part of Citadel Bay Canal

Dredge Area 4 – At Storm Drain Pipes (see Plan Drawing)

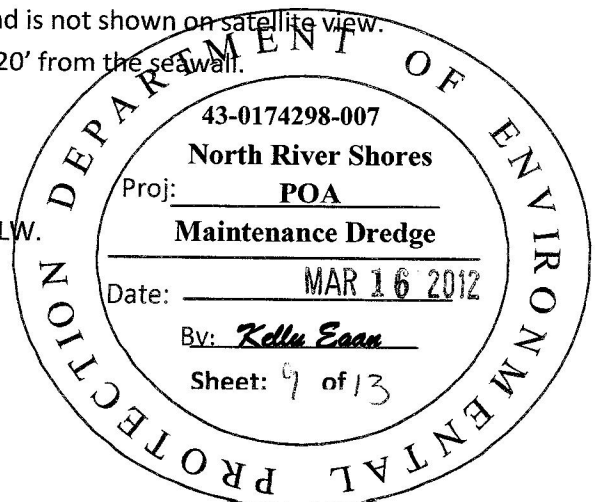
- This area has filled in with dirt coming from the storm drain. The dredge area is in a “U” shape. The center of the “U” does not need dredged (see Plan Drawing) and is located at the drainage pipes; it extends into the canal for about 20’. The shallow parts of the “U” extend into the canal about 40’ (more than ½ way across the canal).
- Existing depth = 2.5’ near the seawall, tapering to 5’.
- Width near the seawall is approx. 30’, not including the center deep area.
- Length = 40’.
- Average Width = 25’.
- Average depth of material to be dredged is about 1.75’.
- Maintenance dredging will be to a depth of 5’ MLW.
- Approx. Area = 900 sq. ft.
- Approx. 64 cu. yds. will be removed.

Dredge Area 5 – At the little creek on the edge of Lake Park (see Plan Drawing)

- This area has filled in due to a stream entering the canal at this point.
- Existing depth = about +0.5’ near shore, tapering to 5’.
- The average depth of material to be dredged is 4’.
- Length = 15’.
- Average Width = 5’.
- Maintenance Dredging will be to a depth of 5’ below MLW.
- Approx Area = 75 sq. ft.
- Approx. 11 cu. yds. will be removed.

Dredge Area 6 – At the North corner of the “T” on the Lake side of the bridge (see Plan Drawing)

- A new seawall was recently installed at this property and is not shown on satellite view.
- Existing depth is from +0.5 at the seawall to 5’ deep at 20’ from the seawall.
- An average of 2’ will be dredged.
- Length = 80’.
- Average Width = 10’
- Maintenance Dredging will be to a depth of 5’ below MLW.
- Approx Area = 800 sq. ft.
- Approx. 60 cu. yds. will be removed.



NOTES: North Shore Harbor Canal

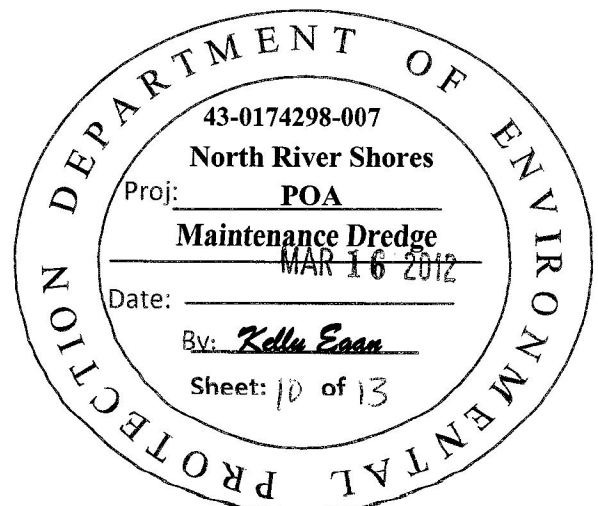
This canal will be dredged, starting inside the mouth, and extending into the entrance channel (see Plan Drawing).

Dredge Area NS1 – This area is just outside the mouth of North Shore harbor Canal

- Dredging will stay within the restrictions of the attached prior permit.
- Dredge Length = 333'
- Dredge Width = 40'
- Average depth to be removed = 0.5'
- Maintenance Dredging will be to a depth of 5' below MLW.
- Area = 13,320 sq. ft.
- Approx. 247 cu. yds. will be removed.

Dredge Area NS2 – This area is just inside the mouth of North Shore Harbor Canal

- Dredging will stay within the restrictions of the attached prior permit.
- Dredge Length = 167'
- Dredge Width = 40'
- Average depth to be removed = 0.5'
- Maintenance Dredging will be to a depth of 5' below MLW.
- Area = 6,680 sq. ft.
- Approx. 124 cu. yds. will be removed.



2/16/2012

Spoil Material

The dredged spoil material will be offloaded onto three empty lots:

"Spoil Site 1" lot is in North Shore Harbor Canal (see following Plan Drawing).

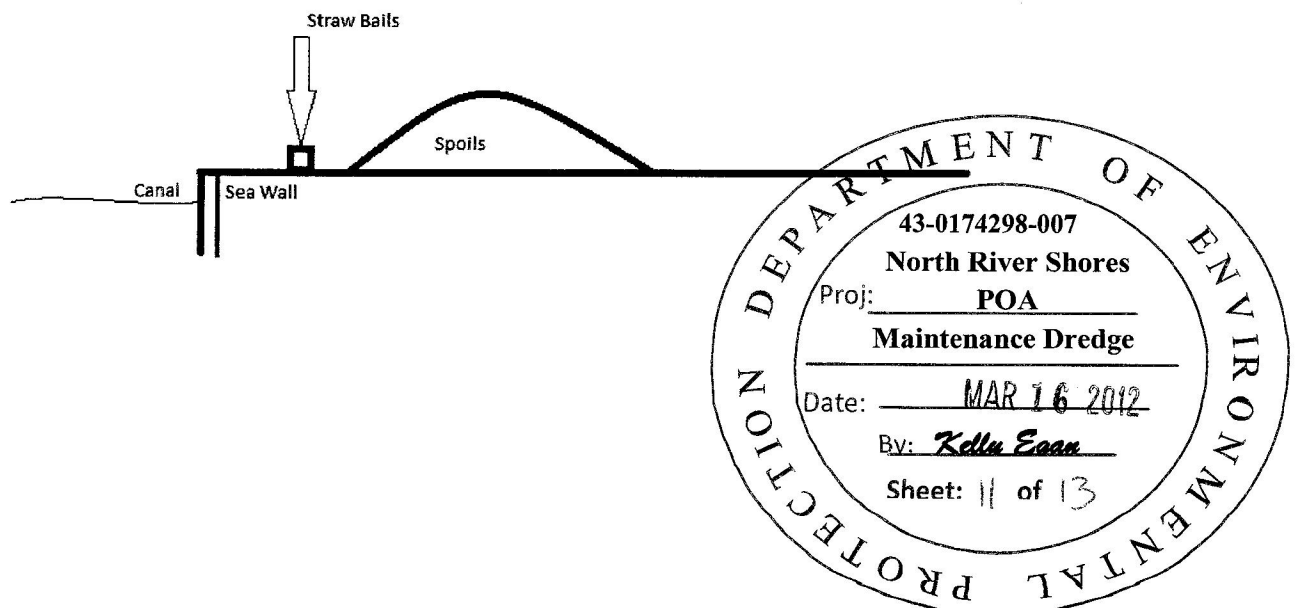
"Spoil Site 2" lot is in Citadel Bay Harbor Canal. (see following Plan Drawing).

"Spoil Site 3" is a park owned by North River Shores POA (located at Dredge Area 5).

- Each lot will have the required Filter Fence.

The material will be left on these lots for a short period of time to dry. Then, a portion of the material will be spread on each lot to be used as fill; a portion of the material will be trucked and spread on the parks owned by North River Shores POA; and if there is any remaining material, it will be trucked and spread on an empty lot within North River Shores, on Fork Road.

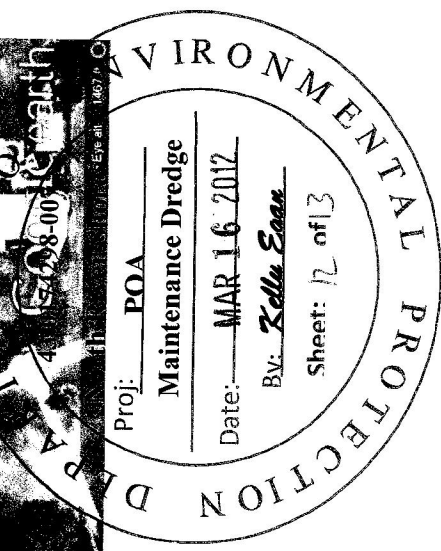
Cross Section of Spoil Areas

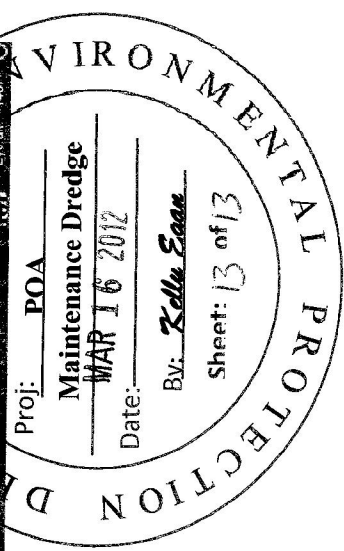




Spoil Site 1 – on North Shore Harbor Canal

Proj: POA
 Maintenance Dredge
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Spoil Site 2 - on Citidel Bay Canal