



La Entrada Del Mar Association, Inc.
Summary Letter Report
Regulatory Permitting Criteria for Repair
or
Repair/Reconfiguration of Existing 20 Slip Docking Facility
November 9, 2020

Site History

This multi-family docking facility has existed since circa 1973. The first located Sovereign Submerged Lands Lease (SLL) #560010408 was issued circa 1990; the SLL area was 10,547 s.f. for 21 slips. The next SLL that we were able to locate was renewed from 4/1/2006 – 4/1/2011; the SSL area remained 10,547 s.f. This SLL was updated in the fall of 2006 to add Slip 22 (for the Roberts family) on the west side of the docking facility. Slip 22 increased the SLL area 775 s.f. for a total SLL area of 11,322 s.f. When the SLL expired on 4/1/2011, it was not renewed until 3/5/2013. Prior to renewal of the SLL, a Florida Department of Environmental Protection (FDEP) site inspection found that vessels in Slips 16 through 21 (in the area of the viewing platform) were moored outside the SSL area and the FDEP required that the total SLL area be modified to include all pre-empted areas i.e. the area of the SSL from which traditional public uses will be excluded such as areas occupied by the docking structure, viewing platform and the area where vessels are moored. The Association revised the SLL exhibits to reflect the increased pre-empted areas which resulted in an increase of the square footage inside the slip areas and a reduction of the number of slips from 22 to 20. The current lease identifies the use of 12,394 s.f. of SSL and expires 4/1/2021. Attached are historical aerials of your docking facility.

Required Permits

A South Florida Water Management District (SFWMD) exemption can likely be issued for removal of the existing structure. This authorization for removal would be included within a SFWMD Major Modification Individual Permit. A modification to the Authorization to Use State-Owned Submerged Lands will also be required unless the docking facility is repaired or reconstructed in the exact footprint as what currently exists. The SFWMD application fee is estimated at \$3,300. Associated fees for the modified FDEP SLL will also be required but those fees cannot be calculated until the SFWMD approves the Individual Permit and the total square footage of the submerged lands is established through a recent survey.

The U.S. Army Corps of Engineers (IUSACE) will likely issue a Letter of Permission for removal of the existing structure and either replacement of the structure in the exact same configuration or reconfiguration of the structure. The USACE fee is \$100.

Required Resource Surveys for Permits

The SFWMD and USACE will require a submerged aquatic vegetation (SAV) survey of the project area whether the docking facility is repaired or replaced in the same configuration or a new reconfiguration. The agencies will only accept SAV surveys that are conducted from June 1 through September 30 of any given year. The SAV surveys are valid for one year. There are known seagrasses present near or within the project area. The presence of SAV will dictate the reconfigured docking facility design. For example, if elements of the dock structure are located over SAV the agencies will require that the structure be built 5' above mean high water with grated decking (at least 43% light transmission).

Maximum Pre-Empted Area Based on Shoreline Length

Sovereign Submerged State Lands Rule 18-21.004(4)(b)2 prescribes the cumulative preemption of no more than forty square feet of SSL for each linear foot (40:1 ratio) of the Owner's common riparian shoreline. With an estimated shoreline length of 311 feet, the maximum pre-empted submerged lands area for this site is 12,440 s.f. (311 X 40 = 12,440 s.f.). Currently, the existing docking structure contains 20 slips and an observation platform for a total pre-empted area of 12,394. This leaves 46 s.f. of SSL available for additional structure or mooring.

In order to receive regulatory authorization to exceed the 40:1 ratio (12,440 s.f.), it must be demonstrated that all of the following conditions are met:

- there are no more than 1 slip for each upland residential unit
- adequate water depths for vessels ingressing and egressing the docking facility
- the additional preempted area will not require any dredging or will substantially reduce dredging
- minimal to no impacts to resources
- may not adversely affected any endangered, threatened or of special concern species and,
- a net positive public benefit must be provided to offset the increase in preempted area such as allowing some slips to be open to the public on a first come first serve basis, creating a public boat ramp with adjacent upland parking, maintenance of navigational markers or new channel markers/signage, improving public access to existing public boat ramps; donating to the board privately-owned, formerly sovereign submerged lands or other lands that are on public acquisition lists or other similar public benefits that serve to maintain or increase public access to the water.

The removal of sunken derelict vessels in the vicinity of the project have been approved by the agencies as mitigation for SAV impacts.

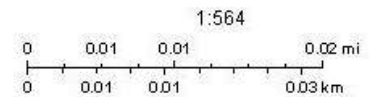
Potential Alternatives for Reconfiguration

SSL requires a 25' setback from the adjacent property unless a waiver is granted by the adjacent property owner for less. The existing mooring on the west side (Slip20) is setback 27.10' from the west adjacent property owner. The observation platform on the east side is setback 69.15' from the adjacent property owner.

The existing observation platform is not proposed to be relocated or repaired; there is significant fish habitat beneath the platform and the Association wants to preserve this habitat; agency staff would concur. One alternative to consider in order to reach greater depths and increase navigability is simply moving the existing accessway 30' ± waterward and reconnect the remaining dock back to the platform with slips on each side like what currently exists (Option 1). Other alternatives are shown as Options 2 and 3. These options and other options may be permitted based on criteria outlined above. Keeping within the 40:1 ratio for the SSL will be the biggest hurdle when looking at repair/reconfiguration options. One option to help with the 40:1 ratio may be to reduce the 12.5' wide accessway when looking at conceptual designs for the repair/reconfiguration. We recommend that you retain a professional engineer to provide concepts for consideration using CADD and the latest available survey.



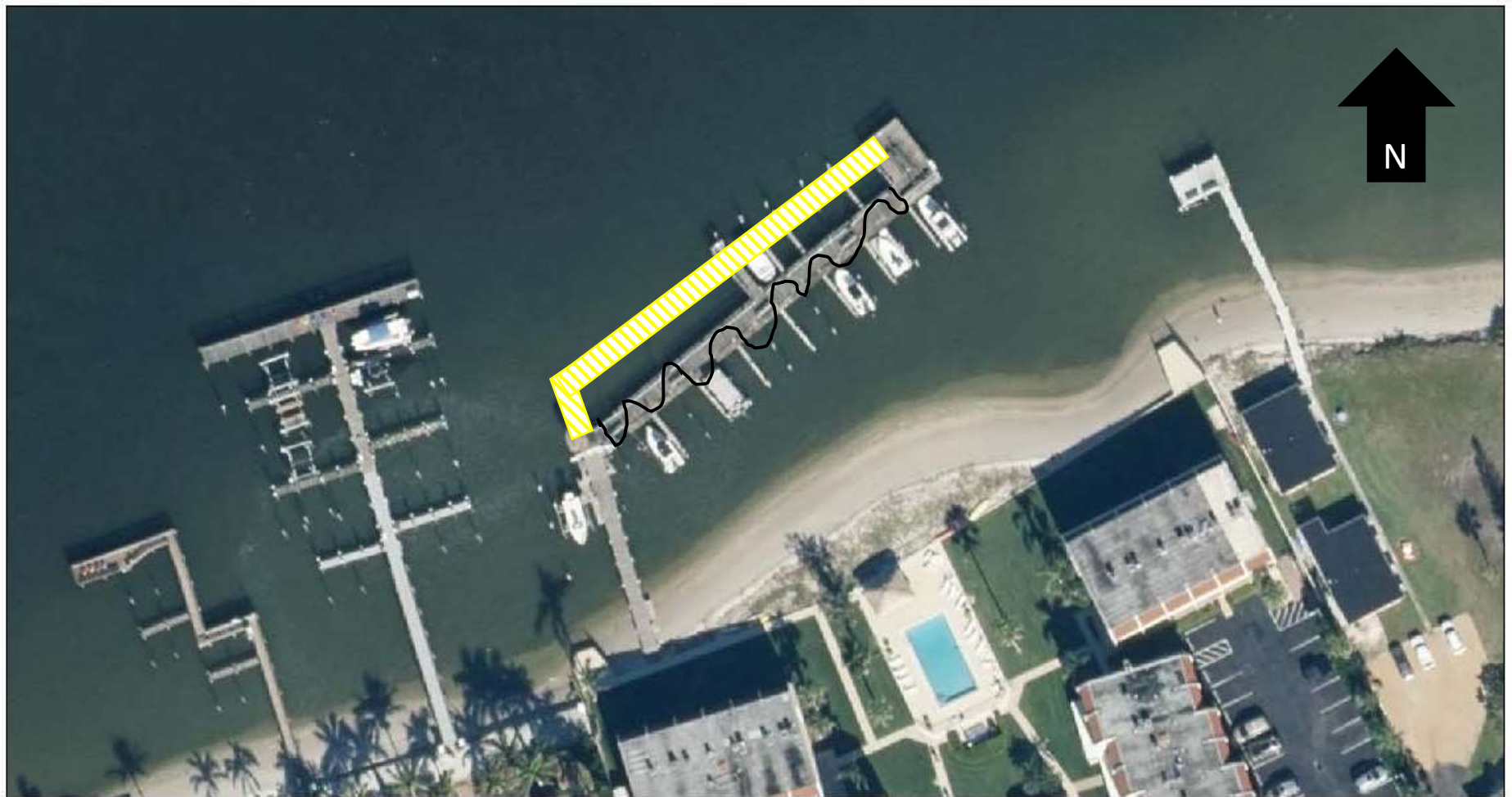
Existing Configuration



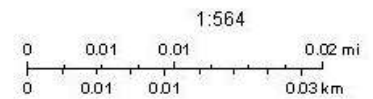
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Concept Option 1



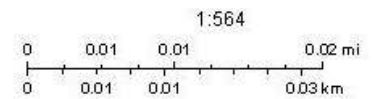
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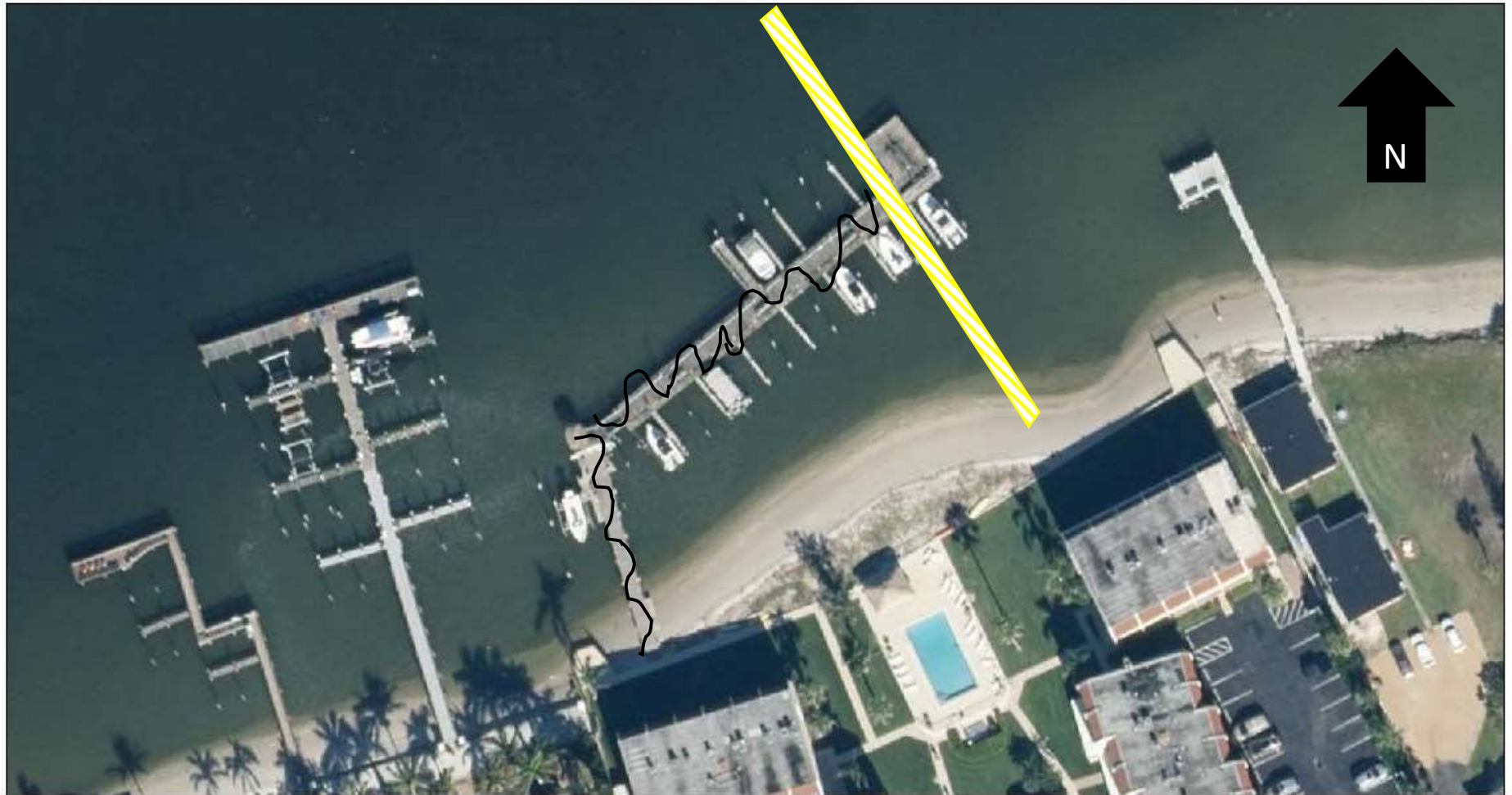
Concept Option 2



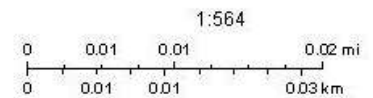
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