



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

November 21, 2019

James Slack  
272 Vickers Dr.  
Decatur, GA 30030  
[jdavidslack@gmail.com](mailto:jdavidslack@gmail.com)

File No.: 0328803-002-EE/19, Franklin County

Dear Mr. Slack:

On November 15, 2019, we received your request for verification of exemption to perform the following activities:

To construct a finger pier and a covered boatlift onto an existing dock totaling 396 sq. ft. after construction within a man-made canal adjacent to Apalachicola Bay, Class II Florida Waters, Approved Shellfish Harvesting Area. The project is located at 363 Cook St., Eastpoint, Florida 32328, Parcel No. 2909S06731500760040, in Section 29, Township 09 South, Range 06 West in Franklin County; 29°39'19" North Latitude, 84°53'27" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (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 project did not qualify for the federal review portion of this verification request. **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.

## 1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activities as proposed are exempt, under Rule 62-330.051(5)(c), Florida Administrative Code (F.A.C.) 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 activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

## **3. Federal Review – SPGP Not Approved**

Your proposed activity as outlined on your application and attached drawings **does 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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### **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@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov). 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 may not apply to persons who have not received a clear point of entry.

### 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@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov), 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.

If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at [Jacob.Hullett@FloridaDEP.gov](mailto:Jacob.Hullett@FloridaDEP.gov)

### **EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jacob Hullett

Environmental Specialist

Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.051(5)(c), F.A.C. and 403.813(1)(i), F.S., 1 page
2. Project Drawings, 7 pages

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Mary Ann Wasmund, Agent, Garlick Environmental Associates, [maryann@garlickenv.com](mailto:maryann@garlickenv.com)

Dan Garlick, Agent, Garlick Environmental Associates, [dan@garlickenv.com](mailto:dan@garlickenv.com)

Franklin County, [rnalley@cityofapalachicola.com](mailto:rnalley@cityofapalachicola.com), [administrator@mycarrabelle.com](mailto:administrator@mycarrabelle.com),  
[cityclerk@mycarrabelle.com](mailto:cityclerk@mycarrabelle.com), [amyh@fairpoint.net](mailto:amyh@fairpoint.net), [michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

**FILING AND ACKNOWLEDGMENT**

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



Clerk

November 21, 2019

Date

### **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 –**

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with section 403.813(1)(i), F.S., and within residential canal systems legally in existence under chapter 403 or part IV of chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

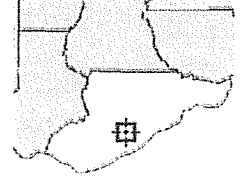
### **403.813 Permits issued at district centers; exceptions.—**

(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:

(i) The construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.



Overview



Legend

- Parcels
- Roads
- City Labels

Parcel ID 29-095-06W-7315-0076-0040  
 Sec/Twp/Rng 29-9S-6W  
 Property Address 363 COOK ST ST

Alternate ID 06W09S29731500760040  
 Class SINGLE FAM  
 Acreage n/a

Owner Address SLACK JAMES DAVID &  
 GROGAN ANDREE M  
 272 VICKERS DRIVE  
 DECATUR, GA 30030

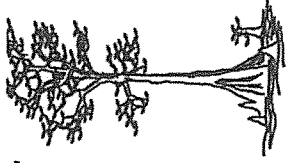
District 1  
 Brief Tax Description UNIT 5 BL 76 LOT 4  
 (Note: Not to be used on legal documents)

Date created: 11/14/2019  
 Last Data Uploaded: 11/14/2019 7:40:57 AM

Developed by Schneider  
 GEOSPATIAL







**PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.**

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656

garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: James Slack

JOB: 19-116

WATERBODY/CLASS: Manmade Canal

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: St George Island / Franklin County

OTHER:

LATITUDE: 29° 39' 19.90"

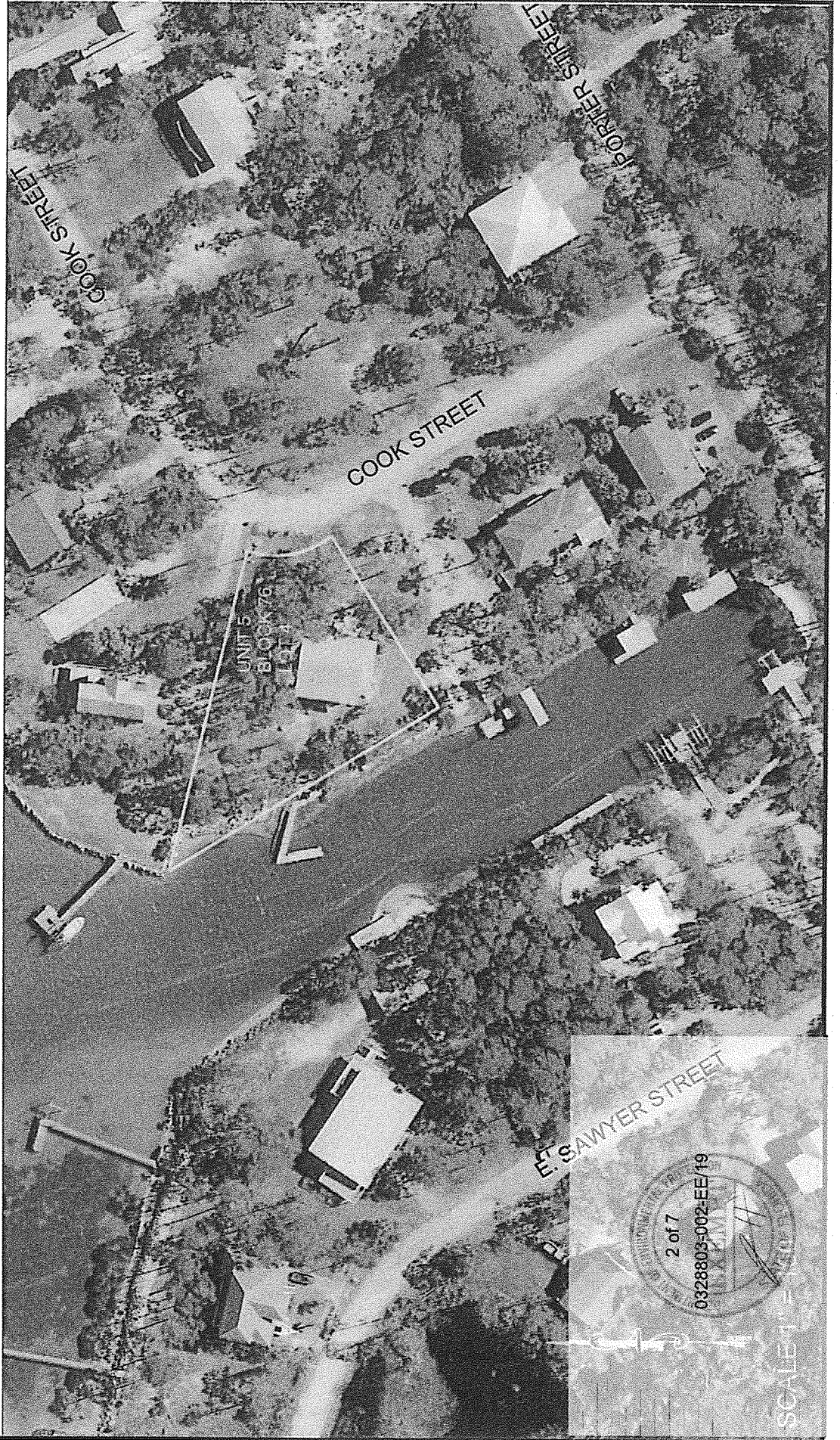
DATE: November 13, 2019

LONGITUDE: 84° 53' 29.27"

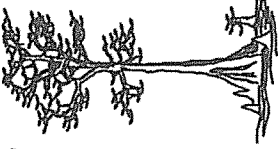
SHEET: 1/4

SECTION: 29 TOWNSHIP: 9 South

RNG: 6 West







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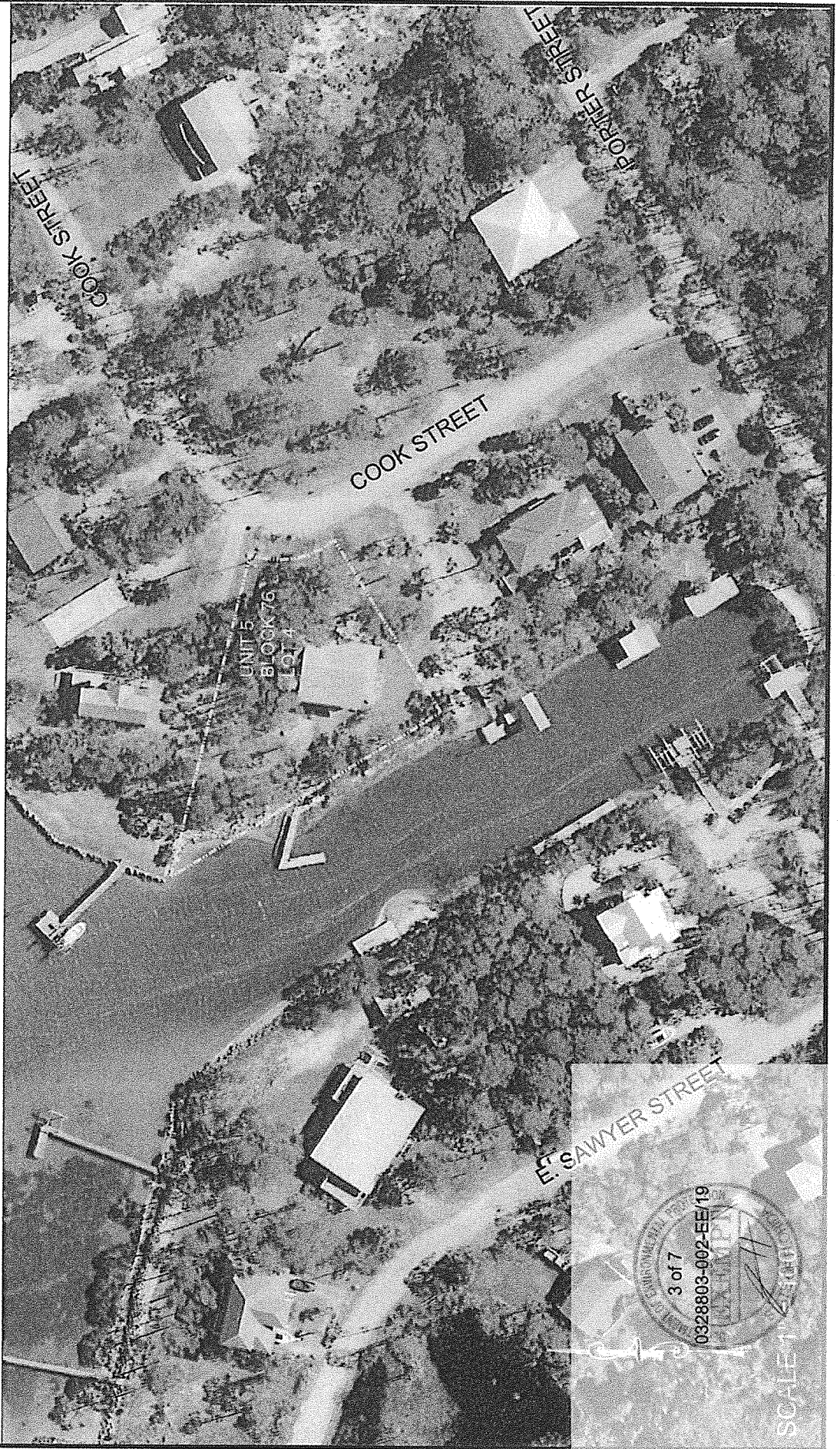
DEP:

COE:

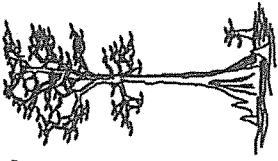
OTHER:

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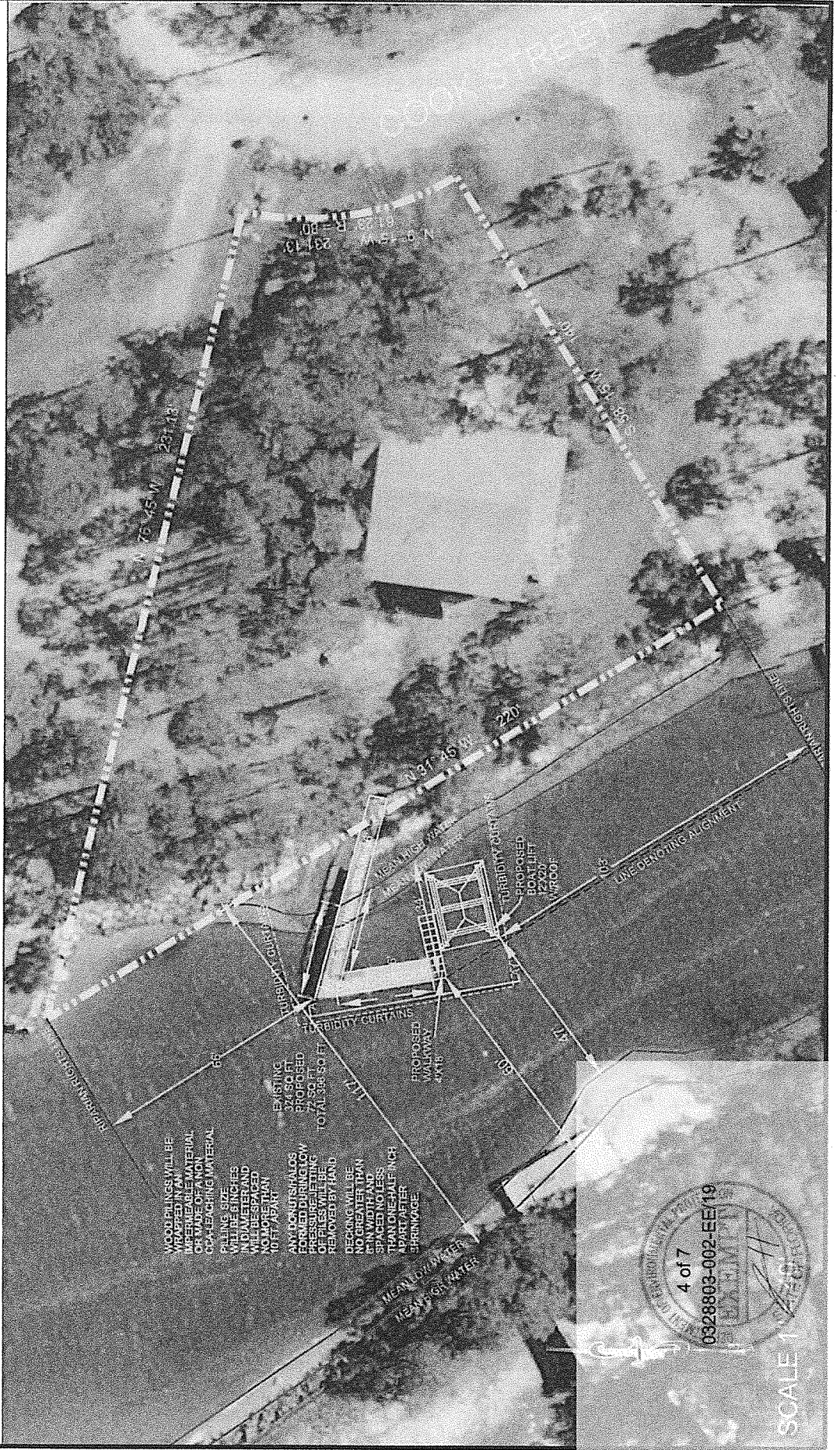
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**OTHER:** Rev. 11-18-19  
**DATE:** November 13, 2019  
**SHEET:** 2/4

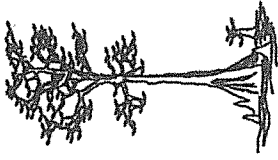
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SCALE 1"=100'





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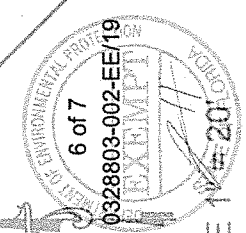
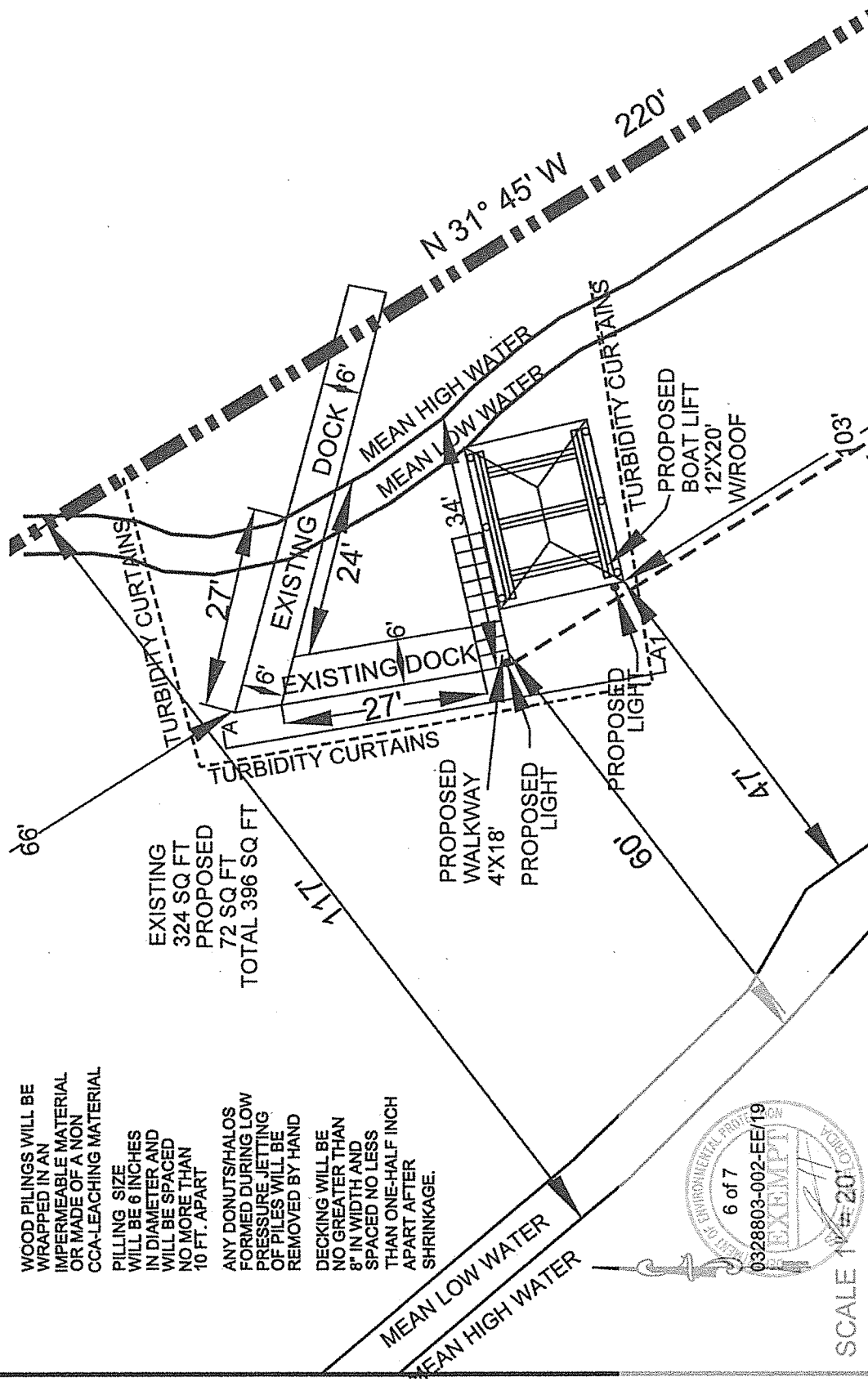
SHEET: 3/4

WOOD PILING WILL BE WRAPPED IN AN IMPERMEABLE MATERIAL OR MADE OF A NON CCA-LEACHING MATERIAL

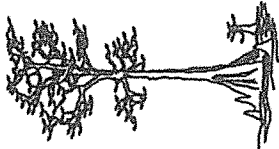
PILING SIZE WILL BE 6 INCHES IN DIAMETER AND WILL BE SPACED NO MORE THAN 10 FT. APART

ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND

DECKING WILL BE NO GREATER THAN 8" IN WIDTH AND SPACED NO LESS THAN ONE-HALF INCH APART AFTER SHRINKAGE.



SCALE 1" = 20'



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OTHER: Rev. 11-18-19

DATE: November 13, 2019

SHEET: 4A/4

CROSS SECTION B-B  
PROPOSED WALKWAY &  
PROPOSED COVERED  
BOATLIFT  
NOT TO SCALE

