



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

November 4, 2021

Anthony Delprete  
6 Wildwood Road  
Saddle River, NJ 07458  
Sent via e-mail: [adel2407@gmail.com](mailto:adel2407@gmail.com)

Re: File No.: 50-041130-001-EE  
File Name: Delprete Dock and Boatlift

Dear Mr. Delprete:

On October 20, 2021, we received your request for verification of exemption to install a 296 sq. ft. marginal dock, one boatlift, and one dual jet-ski lift. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to 4326 Intracoastal Drive, Palm Beach (Section 04, Township 47 South, Range 43 East), in Palm Beach County (Latitude N 26°23'54.5271", Longitude W -80°4'10.7036").

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 authorization 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.

If you have any questions regarding this matter, please contact Kayla Reid at the letterhead address or at 561-681-6651, [Kayla.Reid@FloridaDEP.gov](mailto:Kayla.Reid@FloridaDEP.gov).

## 1. Regulatory Review – VERIFIED

[www.floridadep.gov](http://www.floridadep.gov)

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(b), 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 activity 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 - 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 the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

(<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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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.

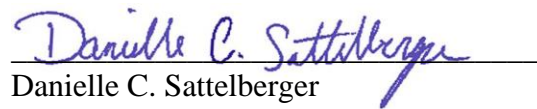
#### Judicial Review

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.

#### EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Danielle C. Sattelberger  
Environmental Manager  
Southeast District

Enclosures:

Attachment A: Specific Exemption Rule(s)  
Project drawings, 6 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:

FDEP – Danielle Sattelberger, Kayla Reid  
USACE, [nmfs.ser.statewideprogrammatic@noaa.gov](mailto:nmfs.ser.statewideprogrammatic@noaa.gov)  
USACE, [spgp@usace.army.mil](mailto:spgp@usace.army.mil)  
Kathy Cartier, Unlimited Permit Services Inc., [kathyc@unlimitedps.net](mailto:kathyc@unlimitedps.net)

Additional mailings:

Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto:mmitchell@pbcgov.org)

**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.

*Shonathuray Buie*

Clerk

November 4, 2021

Date

## **Attachment A**

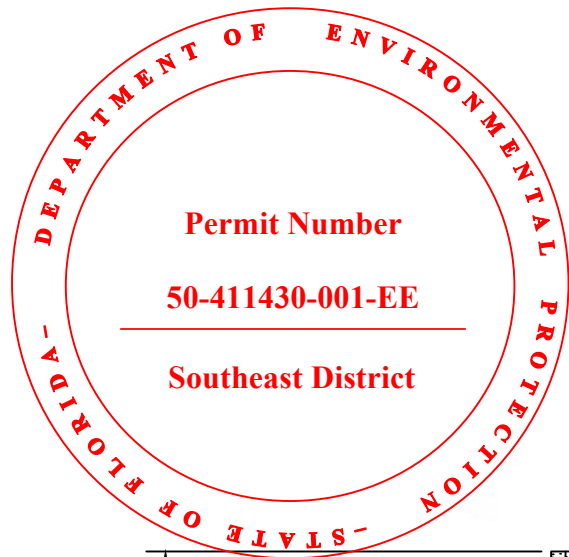
### **62-330.051 Exempt Activities.**

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.

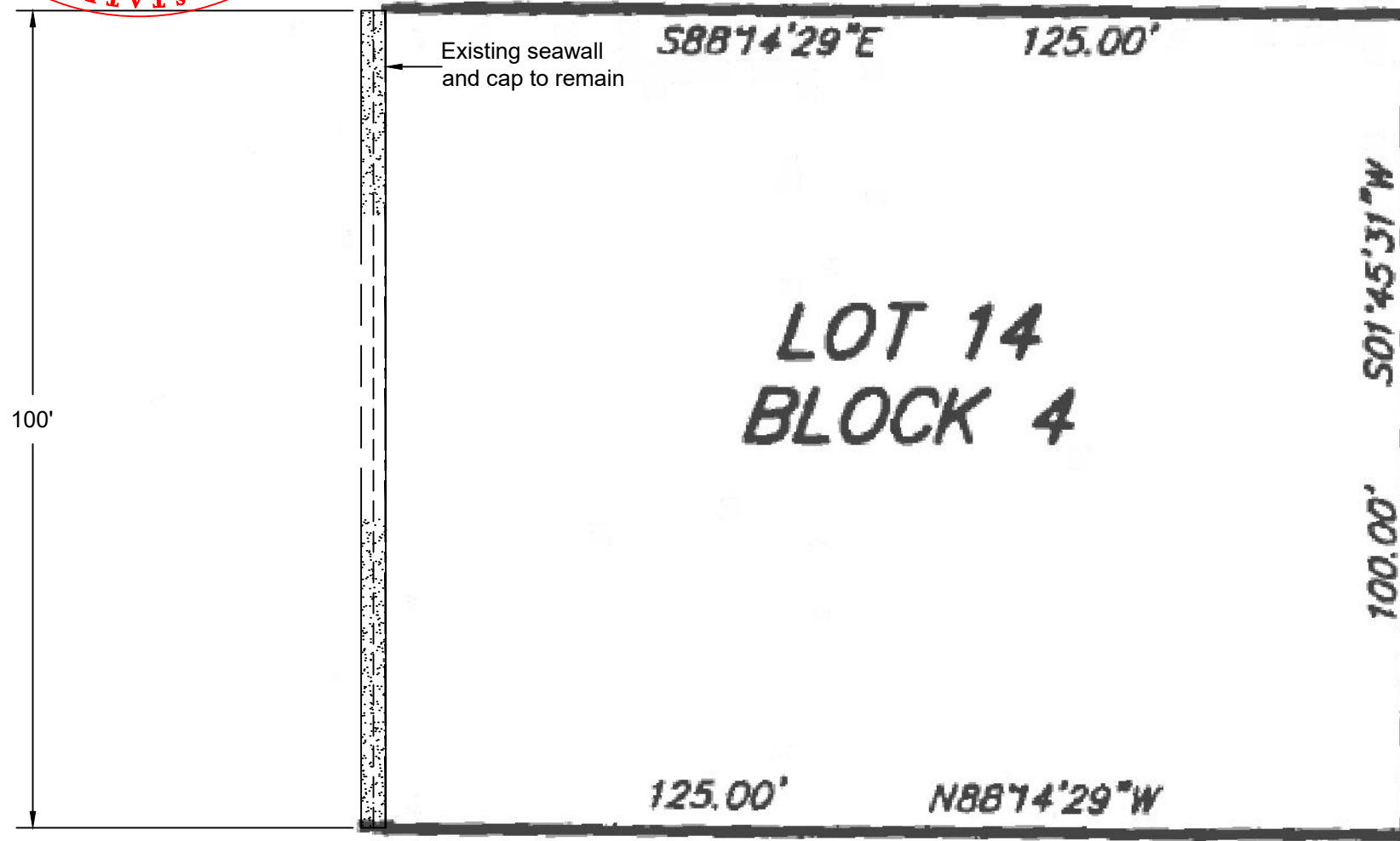
#### **(5) Dock, Pier, Boat Ramp and Other Boating-related Work –**

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.



INTRACOASTAL WATERWAY  
(125' CHANNEL \* 300'RW)

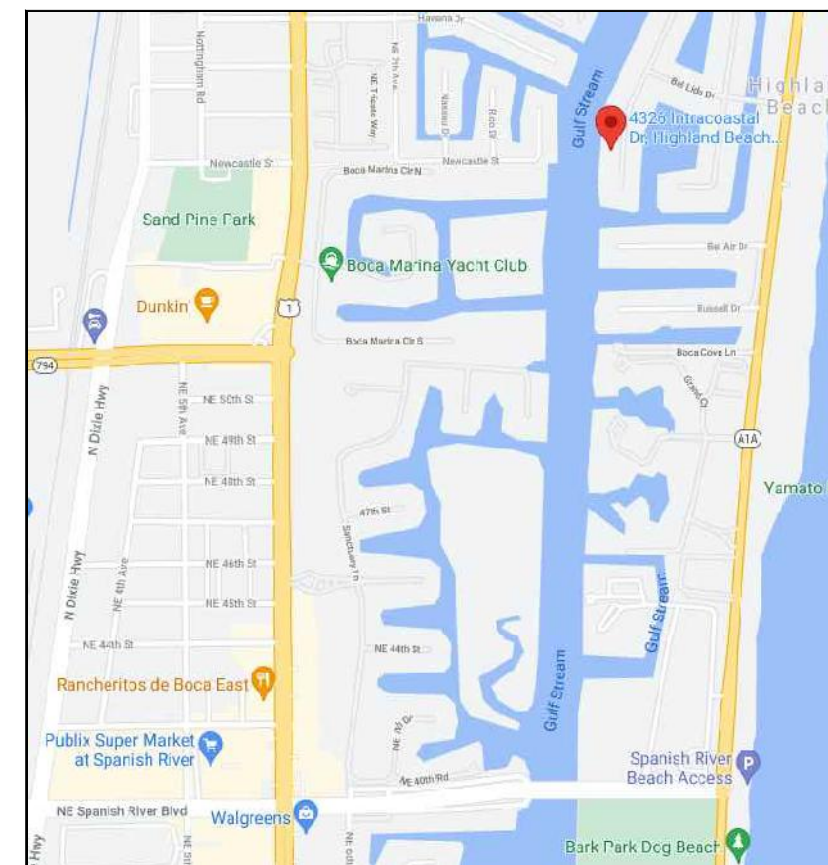


## Existing Site Plan

Scale: 1" = 20'

See attached survey supplied by owner for exact property information.

Location Address	4326 INTRACOASTAL DR
Municipality	HIGHLAND BEACH
Parcel Control Number	24-43-47-04-02-004-0140
Subdivision	BEL LIDO IN
Official Records Book/Page	31844 / 1516
Sale Date	OCT-2020
Legal Description	BEL LIDO LT 14 BLK 4



Location Map

Sheet 1 of 6

PREPARED FOR:  
EAST COAST BOATLIFT, INC  
1040 NE 44 CT SUITE C  
OAKLAND PARK, FL 33334  
(954) 772-6810

Project:  
Proposed Dock  
Anthony Delprete  
4326 Intracoastal Drive  
Highland Beach, Florida 33487

MARK E. WEBER, P.E.  
LICENSE #53895 | CA 30702  
MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
WWW.MwEngineering.net

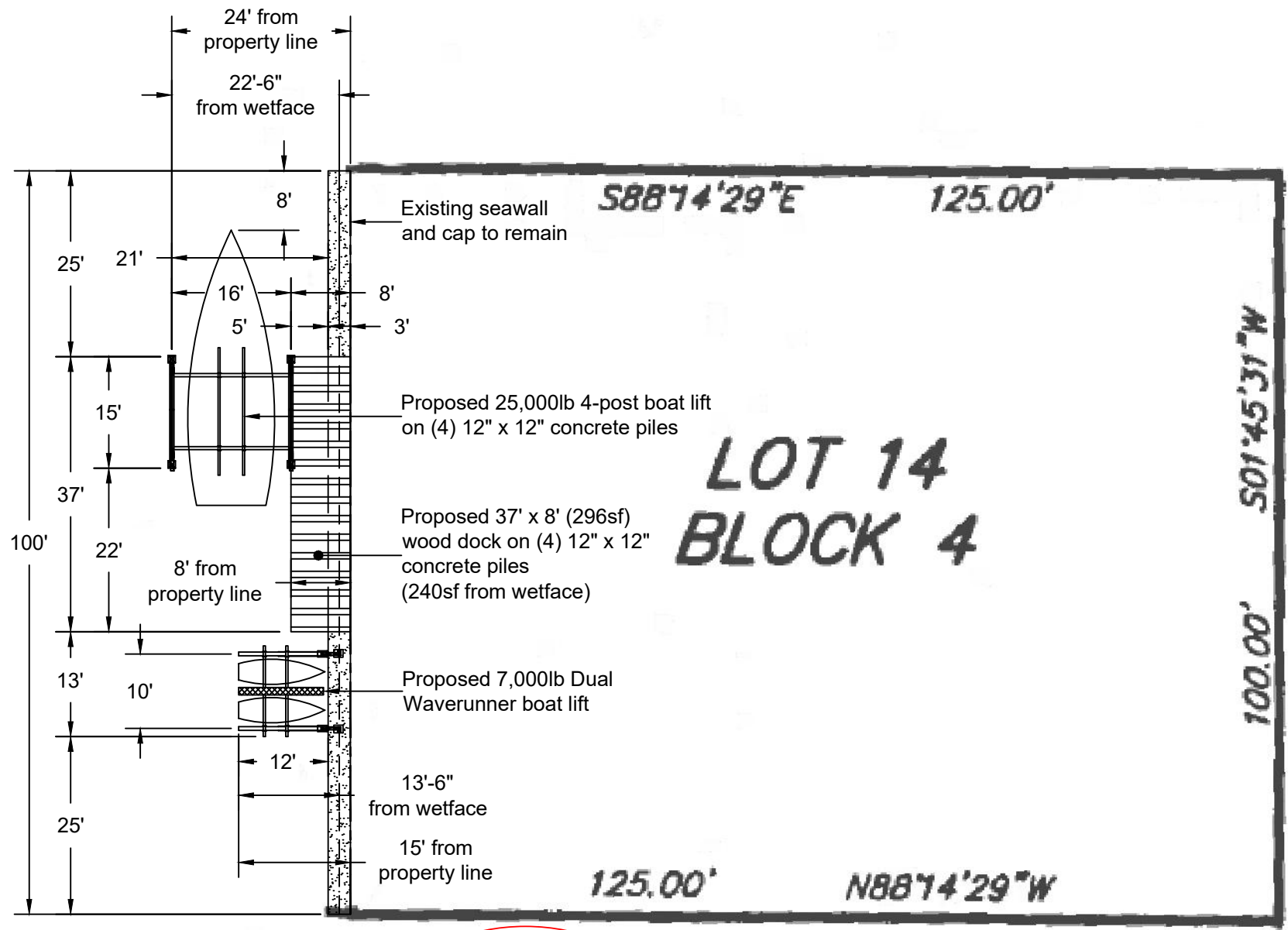




Provide 2 ladders, 1 at or near end of dock

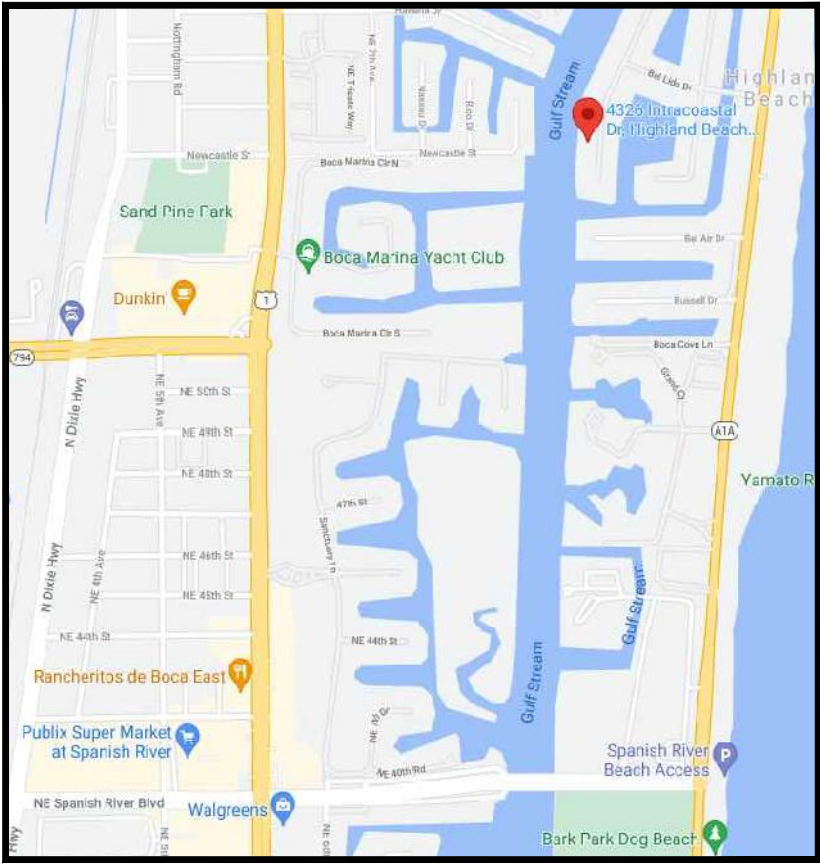
See attached survey supplied by owner for exact property information.

INTRACOASTAL WATERWAY  
(125' CHANNEL \* 300'RW)



Location Address  
Municipality  
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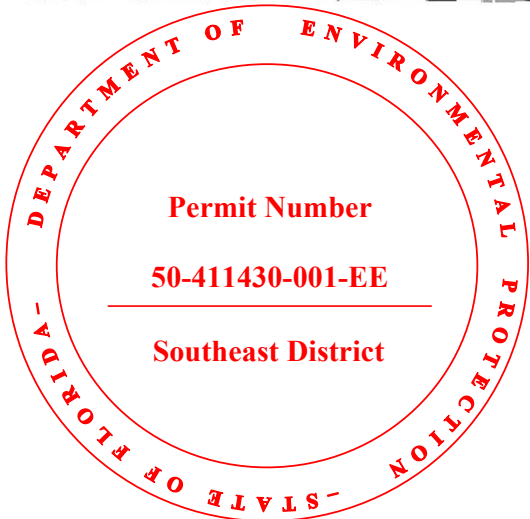
4326 INTRACOASTAL DR  
HIGHLAND BEACH  
24-43-47-04-02-004-0140  
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OCT-2020  
BEL LIDO LT 14 BLK 4



Location Map

Proposed Site Plan

Scale: 1" = 20'



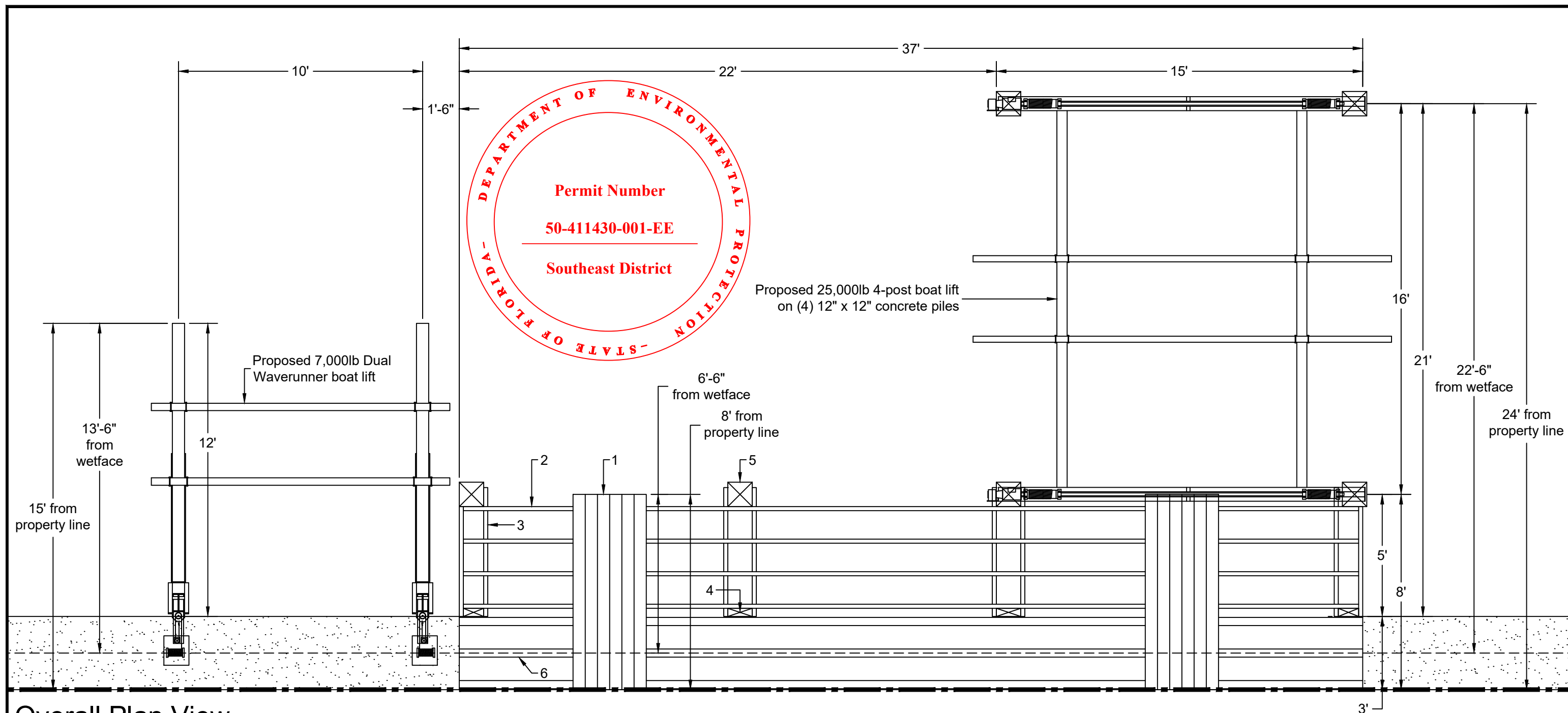
Sheet 2 of 6

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## Overall Plan View

Scale 1/4" = 1'-0"

1. 1x6 wood HDPE decking with 2  $\frac{3}{4}$ " captor s.s. deck screws (2) per stringer
2. 2x8 stringers @ 16" max spacing with (2) 16d toe nails into substringers
3. 2x8 substringers with (2)  $\frac{1}{2}$ "  $\varnothing$  s.s. lag bolts @ piles and drop hangers, minimum embedment = 4"
4. 4x12 drop hanger with (2)  $\frac{1}{2}$ "  $\varnothing$  s.s. wedge anchors into existing seawall cap, minimum embedment = 4"
5. New 12" x 12" concrete piles
6. 2x4 sleepers with  $\frac{1}{2}$ "  $\varnothing$  wedge anchors @ 36" on center into existing seawall cap, minimum embedment = 4"

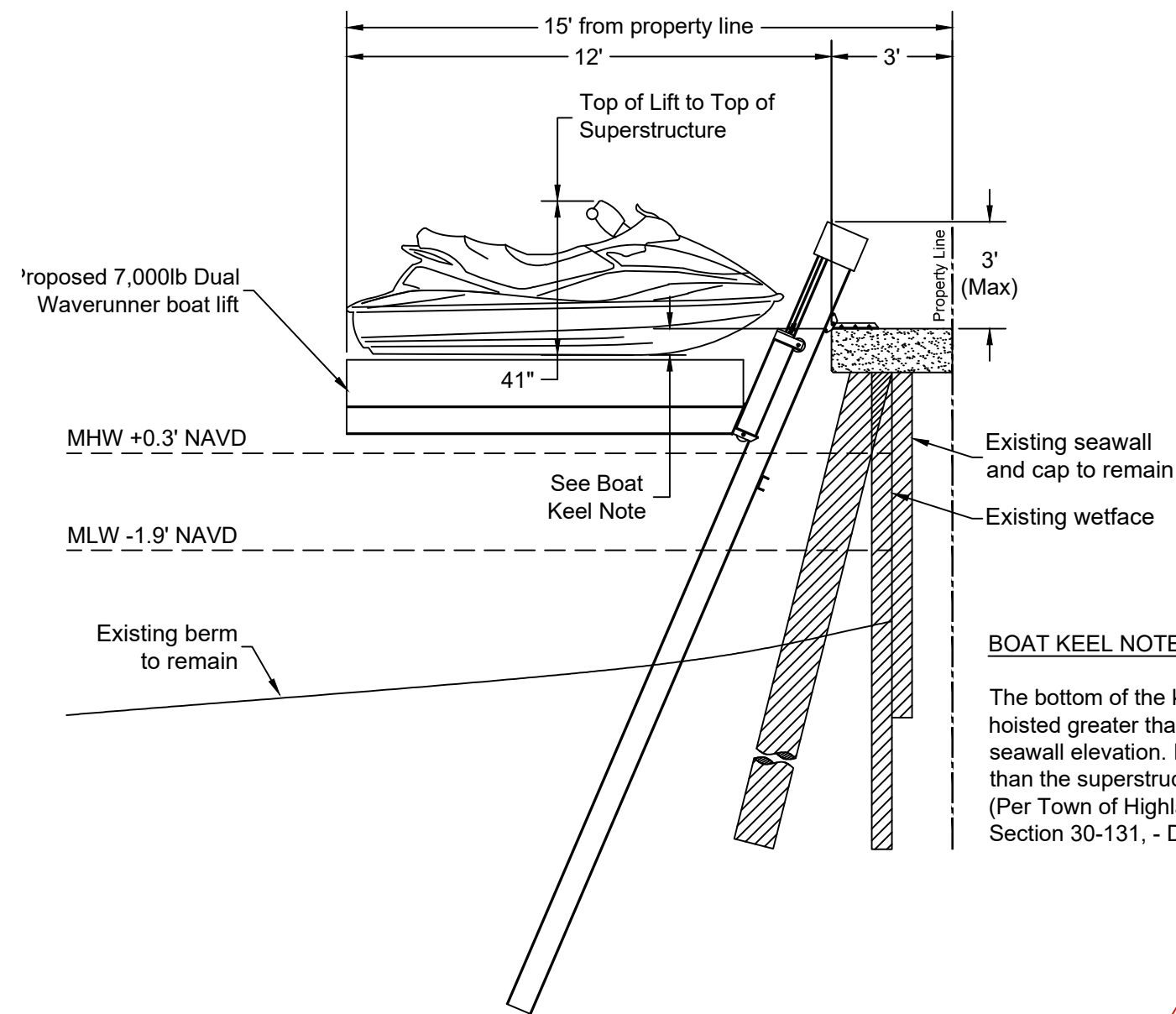
Sheet 3 of 6

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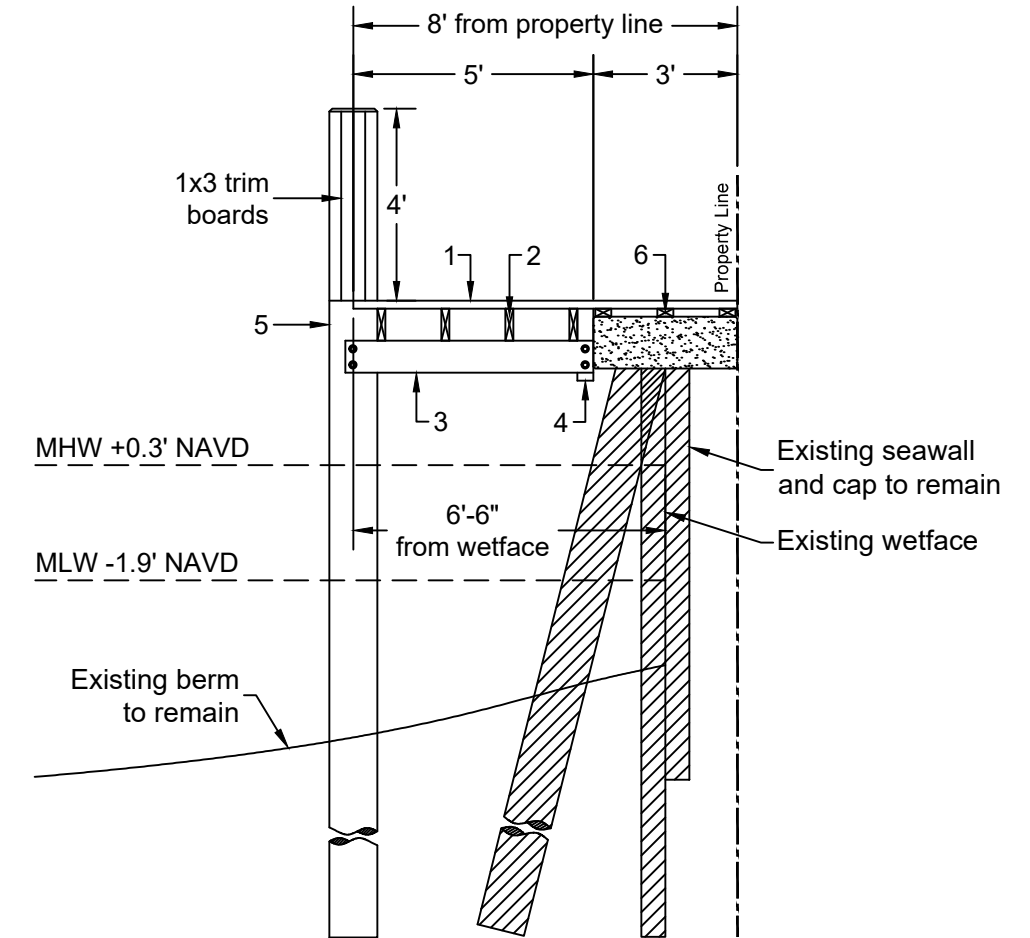
## Dual Waverunner Boat Lift Section

Scale 1/4"= 1'-0"

- 1x6 wood HDPE decking with 2  $\frac{3}{4}$ " captor s.s. deck screws (2) per stringer
- 2x8 stringers @ 16" max spacing with (2) 16d toe nails into substringers
- 2x8 substringers with (2)  $\frac{1}{2}$ "Ø s.s. lag bolts @ piles and drop hangers, minimum embedment = 4"
- 4x12 drop hanger with (2)  $\frac{1}{2}$ "Ø s.s. wedge anchors into existing seawall cap, minimum embedment = 4"
- New 12" x 12" concrete piles
- 2x4 sleepers with  $\frac{1}{2}$ "Ø wedge anchors @ 36" on center into existing seawall cap, minimum embedment = 4"

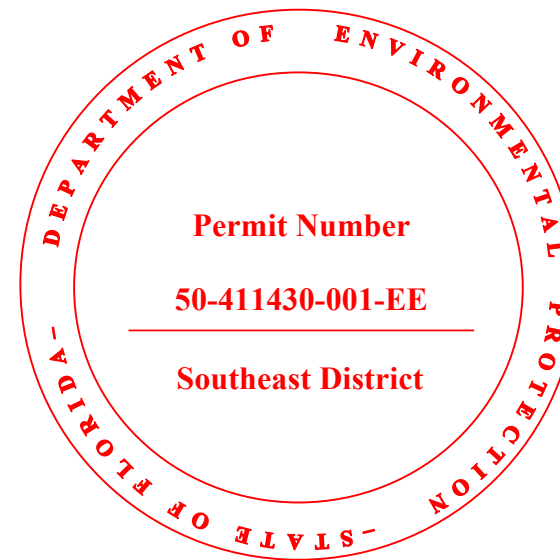
### BOAT KEEL NOTE:

The bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In NO case shall the lift be higher than the superstructure of the boat when lifted.  
(Per Town of Highland Beach Code Ordinances, Section 30-131, - Definition of Terms)



## Dock Section

Scale 1/4"= 1'-0"



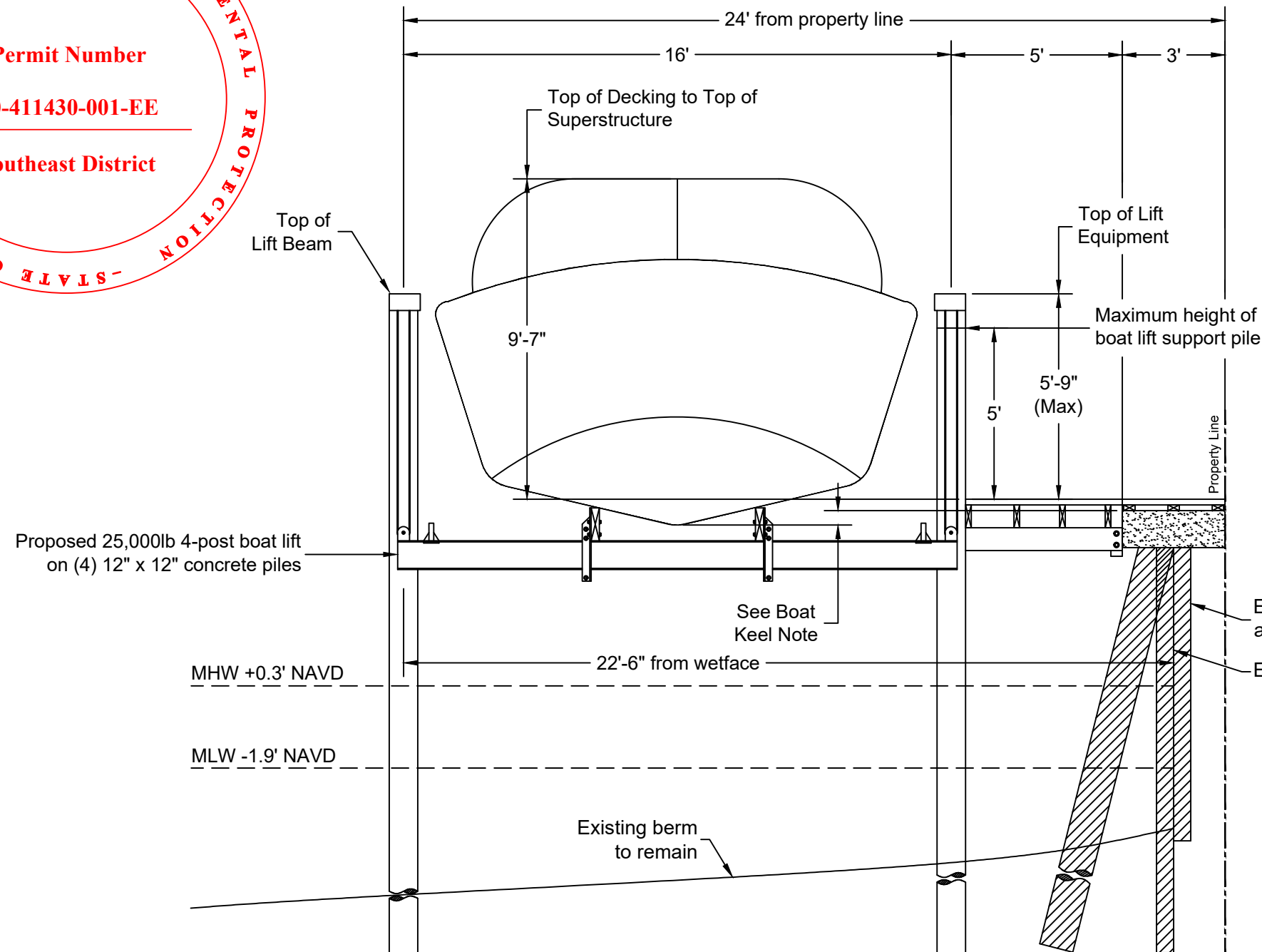
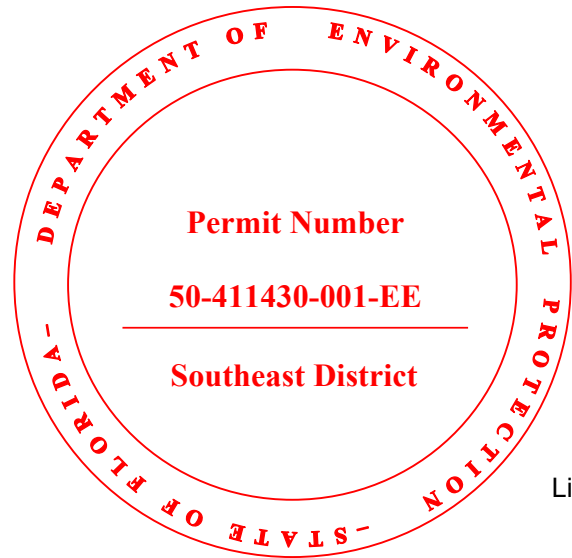
Sheet 4 of 6

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**4-post Boat Lift Section**

Scale 1/4"= 1'-0"

Sheet 5 of 6

PREPARED FOR:

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1040 NE 44 CT SUITE C  
OAKLAND PARK, FL 33334  
(954) 772-6810

Project:  
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GENERAL NOTES:

- Construction to follow the Florida Building Code 7th Edition (2020) and amendments as applicable and all Local, State and Federal Laws.
- Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
- Do not scale drawings for dimensions.
- Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
- All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
- All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
- All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
- Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
- Licensed Contractor to verify location of existing utilities prior to commencing work.
- The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
- Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
- Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

- Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
- Piles shall be driven to required capacity (min. 10 tons) a minimum of 8' into berm or refusal.
- Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
- Piles shall be driven with a variation of not more than  $\frac{1}{4}$  inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
- Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

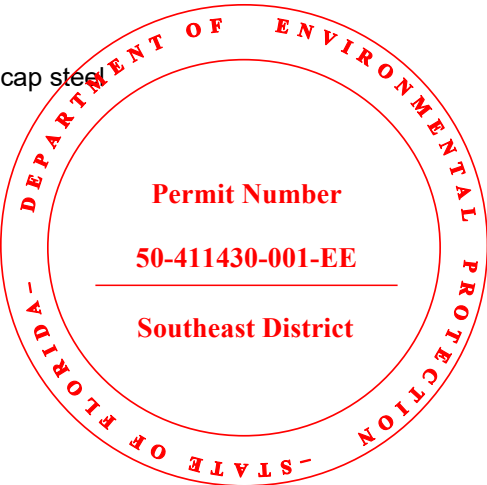
- Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
- Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
- Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
- Concrete cover shall be 3" unless otherwise noted on the approved drawings.
- Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
- Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
- Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

- Concrete piles shall attain 6000 psi compressive strength in 28 days.
- Concrete piles shall be reinforced with four -  $\frac{7}{16}$ "Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
- Concrete piles shall be 12"x12" square, minimum length of 20'.
- Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 8"x12" hook bars 6" into pile.

WOOD DOCK NOTES:

- All materials to be pressure treated pine unless otherwise noted.
- All frame work materials to be Southern Pine Grade #1
- All Decking materials to be grade #1 unless otherwise noted.
- All hardware to be Stainless Steel or Galvanized unless otherwise noted.



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